



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: March 27, 2015

TO: Mike Van Atta Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal
Office of the County Attorney

SUBJECT: **Revised Affidavit**
Application No.: SE 2014-DR-052
Applicant: Trinity Land LLC
PC Hearing Date: 3/12/15
BOS Hearing Date: 4/7/15

REF.: 126644

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this **revised affidavit** dated 3/26/15, which bears my initials and is numbered **126644b**, when you prepare the **Supplemental Board** package.

Thank you for your cooperation.

Attachment

cc: (w/attach) Domenic Scavuzzo, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 26, 2015
(enter date affidavit is notarized)

I, David I. Schneider, Esq., Applicant's Authorized Agent, do hereby state that I am an
(enter name of applicant or authorized agent)

126644b

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): SE 2014-DR-052
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Trinity Land LLC Agent: Woodroof G. FitzHugh	1152 Riva Ridge Drive, Great Falls, VA 22066	Applicant/Title Owner Tax Map Nos. 0063 01 0033 0063 01 0033A
Paciulli, Simmons & Associates, Ltd. Agent: Ann O. Germain	3975 Fair Ridge Drive, Suite 300 South, Fairfax, Virginia 22033	Engineer/Agent
Holland & Knight LLP Agents: Stuart Mendelsohn Michelle A. Rosati David I. Schneider	1600 Tysons Blvd, Suite 700, Tysons Corner VA 22102	Attorneys/Agent for Title Owner

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 26, 2015
(enter date affidavit is notarized)

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for Application No. (s): SE 2014-DR-052
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)
Trinity Land LLC
1152 Riva Ridge Drive
Great Falls, VA 22066

DESCRIPTION OF CORPORATION: (check one statement)

- [X] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

- Woodroof G. FitzHugh
Joan A. FitzHugh
Kary G. FitzHugh
Philip W. FitzHugh
Mayo M. FitzHugh

(check if applicable) [X] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: March 26, 2015
(enter date affidavit is notarized)

126644b

for Application No. (s): SE 2014-DR-052
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Paciulli, Simmons & Associates, Ltd.
3975 Fair Ridge Drive, Suite 300 South
Fairfax, Va, 22033

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Joseph G. Paciulli
Peter J. Rigby, Jr.
Ann O. Germain
Samuel J. Williams

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 26, 2015
(enter date affidavit is notarized)

1266446

for Application No. (s): SE 2014-DR-052
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
Tysons Corner, Virginia 22102

(check if applicable) [X] The above-listed partnership has no limited partners

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

- Michael Abel, Stephen Ball, Aaron P. Bradford
Alfred B. Adams, III, Deborah E. Barnard, Robert Bradner
Barbara A. Adams, Jacob K. Baron, Frederick Braid
Glenn Adams, Bernard Barton, Christopher C. Brockman
Martin J. Alexander, Leigh-Alexandra Basha, Jonetta L. Brooks
David B. Ailswang, Daniel K. Bean, John L. Brownlee
Rod Anderson, Neal N. Beaton, Harold Bucholtz
Norman B. Antin, Meredith Beers, William H. Burchette
Mark I. Aronson, Rodney H. Bell, William P. Byrne
Shenan R. Atcitty, David S. Black, Lynn K. Cadwalader
Joel M. Athey, Stacy D. Blank, Lynn E. Calkins
Adam August, William R. Bloom, Christopher L. Camarra
Chester E. Bacheller, Noel Robert Boeke, Brett D. Carroll
James L. Baker, Sanford L. Bohrer, Kelly-Ann Cartwright
Philip Baker-Shenk, Susan Jennifer Booth, Jose A. Casal
Gregory Baldwin, Jeffrey F. Booth, Antonio Casares Carrillo
Anderson L. Baldy, Christopher Boyett, J. Michael Cavanaugh

(check if applicable) [X] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Information added since the printing of the 2/17/15 Staff Report.

Special Exception Attachment to Par. 1(c)DATE: March 26, 2015
(enter date affidavit is notarized)

126644b

for Application No. (s): SE2014-DR-052
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
Tysons Corner, Virginia 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

James C. Chadwick	Irwin J. Fayne	Jerome W. Hoffman
Michael Chapman	Walter T. Featherly	John M. Hogan
Doug Clapp	William K. Fendrick	James Hohenstein
Jeffrey P. Cleven	Vincent J. Foley	Brian K. Hole
Jerald S. Cohn	M. Matthew Fontane	Marilyn J. Holifield
Brian J. Colandro	Anthony S. Freedman	William J. Honan
Ivan Colao	Michael J. Frevola	Dennis Horn
David S. Cole	Peter Friedman	Joseph Hornyak
Charles L. Coleman, III	Robert Friedman	Stephen J. Humes
Christopher H. Collins	Michael M. Gaba	Richard Hutchison
Timothy J. Conner	George D. Gabel, Jr.	Paul M. James
Peter M. Connolly	Andrew R. Gelman	Kenneth Jenero
Louis T.M. Conti	Suzanne E. Gilbert	Adolfo E. Jimenez
J. Raul Cosio	Steven L. Gillman	Charles S. Johnson, III
Kevin E. Coventon	Norman M. Glasgow, Jr.	Jenny L. Johnson
Richard A. Crowley	Rich Gold	Scott J. Johnson
Maria T. Currier	Joseph G. Goldstein	David A. Jones
Lawrence Curtin	Enrique Gomez-Pinzon	Robert W. Jones
Jesus E. Cuza	Alex Gonzalez	David S. Kahn
Christopher G. Cwalina	Steven Gordon	Robert J. Kaler
John D. Dadakis	William F. Gould	Samuel P. Kastner
Laurie Webb Daniel	Frederick J. Grady	Gordon P. Katz
Harry S. Dannenberg	Robert J. Grammig	Bonni Kaufman
Douglas F. Darbut	George J. Gregores	Kerry S. Kehoe
Jim Davis	Joseph Guay	Francis Keldermans
Vivian C. de las Cuevas-Diaz	Jeffrey D. Haas	Christopher G. Kelly
Kristin A. DeKuiper	Richard B. Hadlow	Paul J. Kiernan
William B. deMeza	John F. Halula	Paul F. Kilmer
Harry R. Detwiler	Lawrence J. Hamilton, II	Eric W. Kimball
Josias Dewey	Theodore E. Hanselman	Bradford Kimbro
Edward Diaz	Peter P. Hargitai	Ronald J. Klein
Gregory J. Digel	Nancy L. Hengen	Thomas John Kinasz
R. David Donoghue	Alberto M. Hernandez	Tammy Knight
Phillip L. Durham	Jennifer Hernandez	Chris Kolos
Martin Durkin	Jorge L. Hernandez-Toraño	Edward Koren
Richard O. Duvall	Mitchell E. Herr	Daniel L. Kraus
Richard D. Eckhard	Anthony J. Herrera	Joshua Krumholz
Brandon H. Elledge	Sara Christina Heskett	Michael P. KupperSmith
Steven M. Elrod	Edward R. Hickey	Robert Labate
James M. Ervin	Robert S. Highsmith, Jr.	Elizabeth Lake
Philip Tucker Evans	Richard J. Hindlian	

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)DATE: March 26, 2015
(enter date affidavit is notarized)

126644b

for Application No. (s): SE2014-DR-052
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
Tysons Corner, Virginia 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Edward W. Lam	Mark C. Michalowski	James E.L. Seay
Alejandro Landa Thierry	Nicholas G. Milano	• Eugene F. Segrest
William R. Lane, Jr.	Jeffrey Mittleman	Lawrence Sellers
Paul Lannon	John J. Monaghan	Jeffrey R. Seul
Ruth L. Lansner	Amanda Monchamp	• Mark Shapiro
Philip S. Lapatin	Anita M. Mosner	• Stephen Shapiro
Brian G. Leary	Christopher J. Murdoch	Sean C. Sheely
Tiffani G. Lee	• William Mutryn	• William B. Sherman
Marie Lefere	Christopher Myers	Gerry Sikorski
Kathryn Hazeem Lehman	Charles Naftalin	David C. Silver
Ralph T. Lepore, III	• La Fonte Nesbitt	• David R. Singleton
Jerome L. Levine	Michael Brill Newman	Jose Sirven
Shari Levitan	• Scott B. Newman	• Patrick W. Skelton
Bruce Loring	Tracy A. Nichols	David Scott Sloan
Fred J. Lotterhos, III	Kathleen Nilles	• Daniel I. Small
Kenneth K. Lowenstein	• Matthew E. Norton	• James D. Smeallie
Leisa Smith Lundy	Kathryn W. Oberto	• Colin J. Smith
Dominic C. MacKenzie	Ronald Oleynik	• Colin P. Smith
Scott R. MacLeod	John P. O'Neill	Lee S. Smith
• Robert C. MacKichan	Boris Otto	• Robert H. Smith
Ieuan Mahony	Kevin Packman	• Stephen W. Snively
James L. Main	George Pearce	• Steven Sonberg
J. Allen Maines	• Frederick D. Page	• Rodolfo Sorondo, Jr.
Michael Mannix	David L. Perry	M.J. Spelliscy
Michael R. Manthei	William Piel	• M. James Spitzer, Jr.
Jonathan S. Marcus	Tamsen Plume	• Michael Starr, Jr.
Marisa Marinelli	James Harold Power	• Richard B. Stephens
Elias Matsakis	John F. Pritchard	• Andrew W. Stephenson
• D. Bruce May, Jr.	• Roberto R. Pupo	Jeffrey Blake Stern
James Mayer	Wayne Quin	• Fred S. Stovall
Juan J. Mayol, Jr.	Richard Redmond	Charles L. Stutts
• Tom McAleavey	Christopher J. Reynolds	Michelle White Suarez
Louise McAlpin	Frederick Rohn	Ben Subin
C. Grant McCorkhill	Bruce S. Ross	• Nicholas William Targ
James E. McDermott	• Christine Ryan	Kenji Tatsugi
• Brian A. McDowell	Stuart M. Saft	Lee Phillip Teichner
Miriam McKendall	Alban Salaman	• Albert F. Tellechea
• Gregory R. Meeder	• Shannon Hartsfield Salimone	• Jovi Tenev
• George Mencio	John J. Sarchio	Marisa C. Terrenzi
Stuart Mendelsohn	Tara A. Scanlon	• Vivian Lee Thoreen
• Judith M. Mercier	• Janis Boyarsky Schiff	• Charles Welch Tiedemann

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: March 26, 2015
(enter date affidavit is notarized)

1266446

for Application No. (s): SE2014-DR-052
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
Tysons Corner, Virginia 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

- Charles D. Tobin
- Lisa Tofil
- John M. Toriello
- Allison E. Turnbull
- Melissa S. Turra
- Guillermo Uribe Lara
- Matthew Vafidis
- Steven B. Varick
- Joseph H. Varner
- H. Barry Vasios
- Woodrow W. Vaughan
- Kenneth M. Vesledahl
- Edward W. Vogel
- Mark A. von Bergen
- Robert W. Vyverberg
- Karen Walker
- Scott C. Wallace
- Robert Allan Warram
- Eric Wechselblatt
- Mel S. Weinberger
- Alan M. Weiss
- Charles A. Weiss
- Michael J. Werner
- George Wheeler
- Joseph B. Whitebread
- David Whitestone
- Keith M. Wiener
- Richard Williams
- James Wing
- Richard R. Winter
- Thomas R. Woodrow
- Douglas A. Wright
- Steven Wright
- Barbara M. Yadley
- Richard M. Yanofsky
- Leighton D. Yates, Jr.
- Jose V. Zapata
- Don Zarin
- Michael J. Zdeb
- Hongjun Zhang, PH.D
- Larry Zanger

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 26, 2015
(enter date affidavit is notarized)

126644b

for Application No. (s): SE 2014-DR-052
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SE 2014-DR-052
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

126644b

DATE: March 26, 2015
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

Gerry Sikorski, Esq., of Holland & Knight made a contribution of \$500.00 to John Foust on May 20, 2014

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature: [Signature]
(check one) Applicant Applicant's Authorized Agent

David I. Schneider, Esq., Applicant's Authorized Agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 26 day of March 20 15, in the State/Comm. of Virginia, County/City of Fairfax

[Signature]
Notary Public

My commission expires: 2/28/2017

KAREN ANNE SNEED
NOTARY PUBLIC
REG. # 185390
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEBRUARY 28, 2017