FAIRFAX COUNTY

BOARD OF ZONING APPEALS

PUBLIC HEARING DATE: September 20, 2017
TIME: 9:00 a. m.

V I R G I N I A

September 13, 2017

STAFF REPORT

APPEAL APPLICATION A 2012-LE-017

LEE DISTRICT

APPELLANTS:	Hajimohammad Revocable Trust, Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee
LOCATION:	5630 South Van Dorn Street
TAX MAP REF:	81-2 ((3)) 8A
ZONING DISTRICT:	C-6
SITE AREA:	32,210 square feet
NATURE OF APPEAL:	Appeal of a determination that the appellants are allowing a vehicle sale, rental and ancillary service establishment to operate on property in the C-6 District without Special Exception approval or a valid Non-Residential Use Permit, in violation of Zoning Ordinance Provisions.

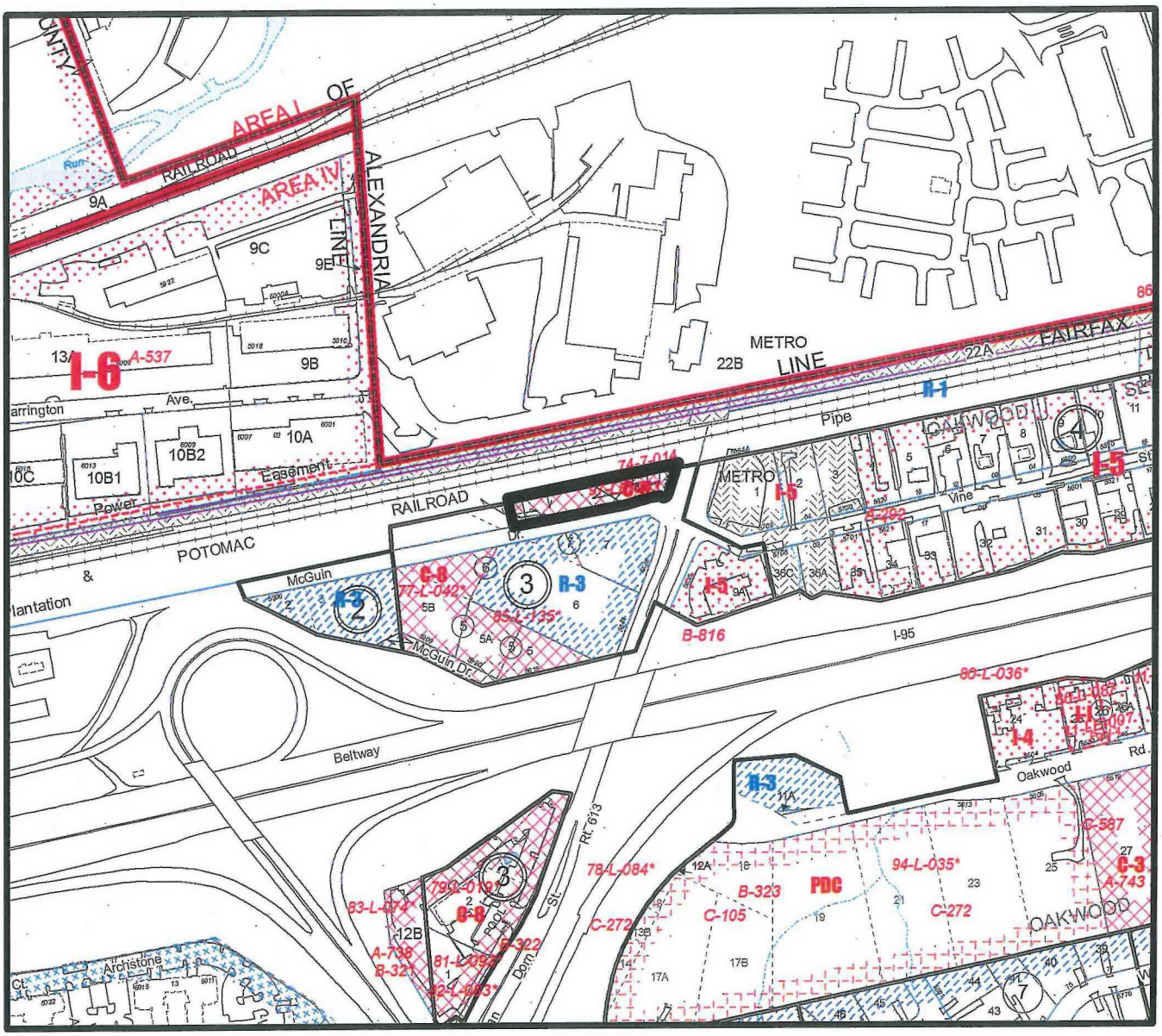
CSB

For information, contact the Zoning Administration Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 807, Fairfax, Virginia 22035-5505, 703-324-1314.

American with Disabilities Act (ADA): For special accommodations, call 703-324-1334 (TTY 711 Virginia Relay Center) seven days in advance of the meeting to make the necessary arrangements.

APPEAL APPLICATION

A 2012-LE-017 **HAJIMOHAMMAD REVOCABLE TRUST, MOHAMMAD HAJIMOHAMMAD, TRUSTEE AND FLORA HAJIMOHAMMAD, TRUSTEE, A 2012-LE-017**
Appl. under sect(s). 18-301 of the Zoning Ordinance. Appeal of a determination that the appellants are allowing a vehicle sale, rental and ancillary service establishment to operate on property in the C-6 District without Special Exception approval or a valid Non-Residential Use Permit, in violation of Zoning Ordinance provisions. Located at 5630 South Van Dorn St., Alexandria, 22310, on approx. 32,210 sq. ft. of land zoned C-6. Lee District. Tax Map 81-2 ((3)) 8A.



DESCRIPTION OF APPEAL

Appellants:

Hajimohammad Revocable Trust,
Mohammad Hajimohammad, Trustee and
Flora Hajimohammad, Trustee

Issue:

Appeal of a determination that the appellants are allowing a vehicle sale, rental and ancillary service establishment to operate on property in the C-6 District without Special Exception approval or a valid Non-Residential Use Permit, in violation of Zoning Ordinance Provisions.

Property Description:

The property that is the subject of this appeal is located at 5630 South Van Dorn Street in Alexandria, in the northwest corner of the intersection of South Van Dorn Street and McGuin Drive, north of Interstate 95. The subject property is bounded by the CSX Railroad tracks to the north, vacant residentially zoned land to the west and to the south across McGuin Drive, and an industrially zoned storage yard across South Van Dorn Street to the east.

The property is zoned C-6, Community Retail Commercial District, and consists of approximately 32,210 square feet developed with a vehicle sale, rental and ancillary service establishment. A copy of the zoning map sheet showing the subject property is provided on the previous page.

Appellants' Position:

The appellant's application and basis for appeal are set forth in Attachment 1.

ZONING ORDINANCE PROVISIONS

The provisions of the Zoning Ordinance which are germane to this appeal are listed below. The complete text of these provisions is enclosed as Attachment 2.

- Par. 1 of Sect. 2-304, Special Exception Uses, Interpretation of District Regulations
- Par. 4U of Sect. Sect. 4-604, Special Exception Uses, C-6 Community Retail Commercial District
- Sect. 18-701, Permit Required for Occupancy or Use, Residential and Non-Residential Use Permits

PROPERTY HISTORY AND BACKGROUND

- On April 12, 1976, Rezoning RZ 74-4-014 was approved by the Board of Supervisors, which rezoned the subject property from the R-12.5 District to the C-D (Commercial Designed Shopping Center) District.

- On August 14, 1978, the property was rezoned to the C-6 District, in conjunction with the adoption of the current Zoning Ordinance.

- On November 6, 1978, Special Exception SE 86-L-078 was approved by the Board of Supervisors for a vehicle sales, rental and ancillary service establishment subject to development conditions, including a five year term limit. This term limit was imposed due to Comprehensive Plan recommendations at the time recommending a hotel use, requiring substantial parcel consolidation to achieve.

- On May 30, 1979, a Site Plan Exception WV#4664 was approved to permit the issuance of necessary permits to erect a structure for use as retail sales of used cars for a period of two years without site plan approval.

- On December 17, 1981, a Non-Residential Use Permit (Non-RUP) was issued to "Affordable Cars" for an office and used car lot.

- On September 14, 1987, Special Exception SE 87-L-002 was approved by the Board of Supervisors on an 11,330 square-foot portion of the subject property to permit the continuation of vehicle sale, rental, and ancillary service establishment, as the previously approved SE for the use had expired. The development conditions approved with this SE limited the use to three years from the date of the issuance of the Non-RUP, with the option for a maximum of two one-year extensions. ***It was noted at that time that interchange improvements were being considered and preliminary design indicated that all or most of the site may be needed for right-of-way. It was determined that temporary approval of the SE would resolve the issue.*** A copy of the approved development conditions is included as Attachment 4.

- Subsequent to the approval of SE 87-L-002, the building was expanded, with no evidence of permits for that expansion having been located.

- On September 16, 1987, a Non-Rup was issued to Select Auto Imports, Inc. for Retail Sales / Used Cars. ***This Non-RUP was later determined to be issued in error and, therefore, was null and void because the conditions of the Special Exception had not been met.***

- On December 26, 1990, a letter was issued stating that SE 87-L-002 had expired because the use was never established. The applicants had failed to meet a number of development conditions and did not obtain a valid Non-RUP. This letter determined that continued operation of the use was a violation and required that the violation be cleared within 30 days of receipt of the letter. A copy of this letter is included as Attachment 5.

- On June 12, 1991, Special Exception application SE 91-L-024 was accepted by the Department of Planning and Zoning to request a vehicle sale, rental, and ancillary service establishment. On March 23, 1992, this application was deferred indefinitely and was not diligently pursued. On March 13, 1997, this application was dismissed.

- The subject property was conveyed to Mohammad Hajimohammad by a quitclaim deed recorded in the Fairfax County land records at Deed Book 9497, Page 0406 on August 31, 1995, and a quitclaim deed recorded in the Fairfax County land records at Deed Book 10020, Page 0065 on April 21, 1997. The subject property was subsequently conveyed to Mohammad Hajimohammad and Flora Hajimohammad, Trustees of the Hajimohammad Revocable Trust by a deed of gift recorded in the Fairfax County land records at Deed Book 13134, Page 1813 on July 23, 2002. Copies of the deeds are provided as Attachment 3.

- On November 27, 1996, a Notice of Violation was issued to the property owners, stating that the previously approved SE was not valid because the use was never legally established. The property owners were instructed to discontinue the use or diligently pursue the approval of an SE and obtain a Non-RUP. A copy of this NOV is included as Attachment 6. ***It should be noted that this NOV was not appealed.***

- On October 27, 1997, Special Exception application SE 97-L-066 and Rezoning application RZ 97-LE-053 were accepted for processing. The SE request was to permit a vehicle sale, rental, and ancillary service establishment and the rezoning request included a portion of an adjacent property and requested to rezone from the R-1 and C-6 Districts to the C-6 District. A portion of Parcel 7, which is located to the south of the subject property, was included in this application. These applications were deferred numerous times by the applicants and were eventually dismissed on February 25, 2011.

- On June 14, 2012, the property owners were issued a Notice of Violation for not having a valid special exception and Non-RUP. The violation notice also included the presence of a banner sign that does not comply with the Zoning Ordinance. A copy of this Notice of Violation is contained in Appellants' application and basis for appeal in Attachment 1.

- The referenced appeal was received on July 13, 2012, accepted on July 26, 2012, and was originally scheduled for public hearing before the Board of Zoning Appeals on October 3, 2012. Subsequently, based on taking steps to come into compliance, the public hearing was administratively moved at the appellants' request on October 3, 2012, November 28, 2012, February 6, 2013, April 24, 2013, October 23, 2013, June 4, 2014, October 8, 2014, and April 29, 2015. The public hearing was then deferred by the BZA at the appellants' request from July 29, 2015 to December 9, 2015, to June 8, 2016, to November 2, 2016, to May 3, 2017, and to September 20, 2017.

- On May 13, 2014, the Board of Supervisors approved SE 2013-LE-014, to permit the vehicle sale, rental, and ancillary service establishment, a waiver of the minimum lot size and width, and a waiver of the open space requirement. A copy of the approved development conditions is included as Attachment 7.

- On April 16, 2014, in conjunction with SE 2013-LE-014, the Board of Zoning Appeals approved Special Permit SP 2013-LE-062, to permit approval of the location of the existing building to remain based on an error in building location. A copy of the resolution with approved development conditions and a copy of the SE/SP Plat is included as Attachment 8.

- Site Plan #1292-SP-002-1 was filed with the Department of Public Works and Environmental Services (DPWES) on June 30, 2015, and was disapproved on September 8, 2015.

- On August 30, 2016, a letter of interpretation was issued from the Zoning Evaluation Division to the appellant's representative to permit a modification in the building design and footprint, in order to permit removal of a portion of the building which encroached on the adjacent property to the north, while also satisfying accessibility improvement requirements and adjustments to the parking and loading spaces. A copy of this interpretation is included as Attachment 9.

- On February 14, 2017, the Board of Supervisors granted 12 months of additional time to commence construction for 2013-LE-014. On September 7, 2017, the appellant was informed that in accordance with the amendment of Sect. 15.2-2209.1 of the Code of Virginia, the appellant has until July 1, 2020 to establish the Special Exception. Copies of these letters are included as Attachment 10.

ZONING ADMINISTRATOR'S POSITION

This is an appeal of a determination that the appellants are allowing a vehicle sale, rental and ancillary service establishment to operate on property located in the C-6 District without previously having valid Special Exception approval, which has since been obtained, and without having a valid Non-RUP for the use. The existing vehicle, sale, rental, and ancillary service establishment in question is "Select Auto Imports", which has been operating at this location since as early as 1987 without a valid Non-RUP. As evident from the property history, special exception approvals to permit the use had previously been granted on a temporary basis as early as 1978, however, none of the previously granted special exceptions were properly established. With the Board of Supervisors' approval of SE 2013-LE-014 on May 13, 2014, the issue of obtaining special exception approval for the use has been resolved, pending the establishment of the use prior to expiration of the SE prior to July 1, 2020, as well as compliance with the approved development conditions.

However, in order to obtain a Non-RUP and bring the property into compliance, additional steps are required including compliance with the approved development conditions and approval of a site plan for the property. Subsequent to obtaining the SE and SP approvals, the appellant had presented to staff evidence of slow but incremental progress toward obtaining site plan approval, which had provided adequate justification for the repeated administrative moves and support of repeated deferral requests of the public hearing for the appeal. The initial site plan submission was disapproved in 2015, and the appellant has since been working toward addressing multiple issues raised with that review.

With the most recent request to defer the appeal public hearing, however, which was granted by the BZA on May 3, 2017, the appellant's representative did not provide evidence of any additional progress in achieving compliance. Rather, she indicated that there were issues that had become insurmountable without significant additional expense to the appellant. The appellant therefore requested time to make a decision on whether to incur the additional expense to bring this property into compliance, in light of the fact that the location may be temporary due to pending road improvements, or whether to relocate the business to another property. At the May 3, 2017 BZA hearing when requesting the deferral, the appellant's representative had indicated that the deferral to September 20, 2017, which was granted, would enable the appellant to make such a decision, at which time they would either continue pursuit of compliance on this property, or withdraw the appeal and relocate to another property.

On August 31, 2017, staff received another appeal deferral request, which was forwarded to the BZA members. This letter does not indicate that any additional progress has been made toward compliance, nor that a decision has been made on the status of the appeal at this location. Staff does not support this request for additional time, because an extensive amount of time has already been afforded to the appellant to resolve the issues present on the property. The attempts to resolve the violations on the property have been ongoing for five (5) years in conjunction with the appeal of this Notice of Violation, and the issue of needing a valid Non-RUP has been present on the property since 1987.

The appellant has obtained special exception approval for the vehicle sales, rental, and ancillary establishment, but the determination by the Zoning Administrator at the time of the issuance of the NOV that a special exception was required was correct, pursuant to Par. 1 of Sect. 2-304, Special Exception Uses, Interpretation of District Regulations, and Par. 4U of Sect. Sect. 4-604, Special Exception Uses, C-6 Community Retail Commercial District, which indicate that a special exception is required for the use in the C-6 District. Further, obtaining a Non-RUP for the use is required and has not been completed in the approximately three (3) years since the special exception was approved. Further progress toward this end has not been demonstrated by the appellant since May 3, 2017 when an additional deferral of the appeal public hearing was granted. Therefore, staff respectfully requests that the BZA uphold the determination of the Zoning Administrator as set forth in the Notice of Violation dated June 14, 2012.

ATTACHMENTS:

1. Appellants' application and basis for appeal (includes copy of NOV)
2. Zoning Ordinance provisions
3. Copies of Deeds
4. Approved development conditions for Special Exception SE 87-L-002
5. Letter from Zoning Administrator dated December 26, 1990, indicating expiration of SE 87-L-002
6. Notice of Violation dated November 27, 1996
7. Approved development conditions for SE 2013-LE-014
8. Approved development conditions for SP 2013-LE-062
9. Letter of Interpretation for SE 2013-LE-014 and SP 2013-LE-062 from Zoning Evaluation Division dated August 30, 2016
10. Letters granting additional time for establishment of SE 2013-LE-014

ATTACHMENT 1

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR APPEAL

Please type or Print in Black Ink

FAIRFAX COUNTY RECEIVED
JUL 13 2012
DIVISION OF ZONING ADMINISTRATION

APPLICATION NO. A 2012-LE-017
(Assigned by Staff)

NAME OF APPELLANT: Hajimohammad Revocable Trust, Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee

NATURE OF THE APPEAL:

Appeal of Notice of Violation dated June 14, 2012 stating that SE 87-L-002 has expired, and that the current vehicle sale, rental and ancillary service establishment is operating without the required approvals and occupancy permit. As detailed in the attached statement, the Appellants contend that certain previously filed applications remain pending thereby allowing the existing use to continue its operation.

DATE OF ORDER, REQUIREMENT, DECISION, DETERMINATION OR NOTICE OF VIOLATION WHICH IS SUBJECT TO THE APPEAL June 14, 2012

HOW IS THE APPELLANT AN AGGRIEVED PERSON?:

The Appellants are the owners of the property that is the subject of the Notice of Violation and operate the existing business thereon. Therefore the Appellants are aggrieved persons.

IF APPEAL RELATES TO A SPECIFIC PROPERTY, PROVIDE THE FOLLOWING INFORMATION:

POSTAL ADDRESS OF PROPERTY: 5630 South Van Dorn Street, Alexandria, VA 22310

TAX MAP DESCRIPTION: 81-2 ((3)) 8A

The undersigned (has) or has not (circle one) the authority to allow and (does) or does not (circle one) authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

Lynne J. Strobel, Agent — Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
Type or Print Name of Appellant or Agent

Lynne J. Strobel
Signature of Appellant or Agent

2200 Clarendon Boulevard, Suite 1300, Arlington, Virginia 22201
Address

703-528-4700
Telephone No. Home Work

Please provide name and phone number of contact person if different from above.

DO NOT WRITE IN THIS SPACE

Subdivision Name: Oakwood Pt. Lt 8 and PCL 13134-1824 1830
Total Area (Acres/Square Feet): 32,210 sq. ft.
Present Zoning: C-Ce
Supervisor District: Lee
Date application received: 7/13/12 Application Fee Paid: $ 6000 00
Date application accepted: 7/24/12

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@arl.thelandlawyers.com

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

July 13, 2012

Via Hand Delivery

Eileen McLane, Zoning Administrator
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035

Kathleen Knoth, Clerk
Board of Zoning Appeals
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Appeal of Notice of Violation dated June 14, 2012
5360 South Van Dorn Street, Alexandria, Virginia
Tax Map Reference: 81-2 ((3)) 8A
Appellants: Hajimohammad Revocable Trust, Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee

Dear Ms. McLane and Ms. Knoth:

A Fairfax County Notice of Violation, dated June 14, 2012 (the "Notice of Violation"), a copy of which is attached, was issued regarding the operation of a vehicle sale, rental and ancillary service establishment without having a valid special exception and required non-residential use permit (Non-RUP) on property identified among the Fairfax County tax assessment records as 81-2 ((3)) 8A (the "Subject Property"). Please accept this statement and attached application as grounds for an appeal in accordance with Fairfax County Zoning Ordinance Section 18-304 and applicable state code requirements including Section 15.2-2311 of the Code of Virginia. This appeal, once accepted, should either be scheduled for a public hearing before the Fairfax County Board of Zoning Appeals, or deferred based on further investigation of pending applications as described herein.

The Appellants are the owners of the Subject Property and operate a business thereon. The Appellants, therefore, are aggrieved parties to the issued Notice of Violation. The Appellants have acted in good faith in the operation of their existing business, known as Select Auto Imports, Inc., on the Subject Property. Upon acquisition of the Subject Property, the

Appellants requested and received from Fairfax County a Non-RUP prior to commencement of business operations. The Non-RUP was issued to Select Auto Imports, Inc. on September 16, 1987 and states that the allowable purpose of the Non-RUP is for retail sales and used cars. A copy of the Non-RUP is attached.

Upon acquisition of the Subject Property, the Appellants understood that a special exception had been previously approved by the Board of Supervisors on September 14, 1987 that allowed for the operation of their business. This understanding was confirmed by the issuance of a Non-RUP. One of the conditions of the special exception approval states that the special exception will remain valid for three (3) years from the date of issuance of a Non-RUP with two (2) maximum one (1) year extensions that could be granted by the Zoning Administrator. This means that the special exception would expire no later than 1992. Upon learning that a new special exception was required to maintain their existing business, the Appellants retained the services of William C. Thomas of the law firm of Fagelson, Schonberger, Payne & Deichmeister, P.C. to file any necessary applications. Subsequently, Mr. Thomas submitted both rezoning and special exception applications to the Fairfax County Department of Planning and Zoning. The Appellants understood that during the pendency of these applications, the existing business could continue to operate. The applications were accepted and assigned the following numbers: RZ 1997-LE-053 and SE 97-L-066.

I understand that during the process of RZ 1997-LE-053 and SE 97-L-066, a number of issues were raised in conjunction with the development. The primary concern was the unknown alignment of a future interchange at the Capital Beltway and Van Dorn Street. The Virginia Department of Transportation (VDOT) and Public Facilities did not have finalized plans for the interchange and the amount of right-of-way needed was in question. As a result of the undefined improvement plans, the pending applications were precluded from moving forward.

The Appellants are aware of two (2) letters sent to the Zoning Evaluation Division requesting that the pending applications continue to be deferred while outstanding issues were resolved. Attached is a letter dated March 1, 2007 issued by Barbara Byron, Director of the Zoning Evaluation Division, to Mr. Thomas. Ms. Byron's letter confirms that, in response to Mr. Thomas' request, the applications would not be dismissed. An additional request not to dismiss the pending applications was sent to Regina Coyle, Director of the Zoning Evaluation Division, on October 11, 2007 by Mr. Thomas. A copy is attached. Mr. Thomas continued to cite unresolved issues with VDOT and Public Works and requested that the applications remain on deferral. With the submission of this request, the Appellants understood that the pending applications would remain pending. The Appellants never received any notification from Fairfax County that the pending applications were dismissed. As such, the filing of the Notice of Violation is premature as the Appellants have not been able to exhaust their legislative and administrative remedies in seeking a special exception approval and subsequent issuance of a Non-RUP. Without appropriate notice to the Appellants, it is the Appellants' position that an opportunity was not provided to bring the pending applications to conclusion at such time as the VDOT and Public Works issues were resolved. Therefore, the Notice of Violation should be dismissed.

The Notice of Violation also cites a banner sign that was located on the Subject Property in violation of the Fairfax County Zoning Ordinance. Please be advised that the sign has been removed from the Subject Property. It is my understanding that a follow up inspection was made by Fairfax County and this issue has been resolved. Therefore, the sign is no longer appropriate to be included in the Notice of Violation.

The Appellants are in a unique circumstance in that they were operating under the impression that rezoning and special exception applications remained pending that would resolve the issuances cited in the Notice of Violation. Further, the Appellants understood that the existing use of the Subject Property could be continued during the pendency of the submitted applications. The Appellants have made a substantial investment in improvements on the Subject Property and desire to continue to pursue the pending applications to conclusion. Therefore, the Notice of Violation, as issued by John Comiskey, is unfounded and unjust. The Appellants will continue to diligently pursue the pending applications. In the interim, if the Notice of Violation is not dismissed, the scheduling of this appeal of the Notice of Violation before the Board of Zoning Appeals should be deferred. The deferral should continue until all administrative remedies are exhausted.

Should you have any questions regarding the above, or require additional information, please do not hesitate to contact me. I would appreciate your acceptance of this appeal at your earliest convenience. I reserve the right to enter additional materials into the record both prior to and during the public hearing. It is my hope that the actual scheduling of a hearing may be deferred pending further investigation of the pending applications. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

Lynne J. Strobel

LJS/kae
Attachments
cc: Mike Hajimohammad (w/attachments.)
Martin D. Walsh

{A0525665.DOCX / 1 Ltr to McLane/Knoth 007719 000002}

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION

DATE OF ISSUANCE: June 14, 2012

SHERIFF'S LETTER

CASE #: 201203568 **SR#:** 83744

SERVE: Hajimohammad Revocable Trust
Hajimohammad Mohammad, Trustee
Hajimohammad Flora, Trustee
792 Stephanie Circle
Great Falls, Virginia 22066

LOCATION OF VIOLATION 5630 South Van Dorn Street
Alexandria, Virginia 22310-1021
Tax Map #: 81-2 ((3)) 8A
Zoning District: C-6

Dear Property Owners:

An inspection of the above referenced property on May 16, 2012 and June 07, 2012 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-304 (1) SPECIAL EXCEPTION

This investigation determined that Select Auto Imports, Incorporated currently occupies the above referenced location as a vehicle sale, rental and ancillary service establishment.

A review of County records has revealed that Select Auto Imports, Incorporated was issued Non-Residential Use Permit (Non-RUP) #: A-1928-87 on September 16th, 1987 for use of the listed property as a vehicle sale, rental and ancillary service establishment in a C-6 District. A vehicle sale, rental and ancillary service establishment is defined in Article 20 of the Fairfax County Zoning Ordinance as:

> Buildings and premises for the sale, rental and ancillary service of vehicles in operating condition such as:

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

1. Automobiles, motorcycles, and pick-up trucks;

2. Vans, but not including any vehicle designed primarily for the transportation of ten (10) or more passengers;

3. Boats such as outboard motor boats, canoes, Sunfishes and other similar-sized boats.

For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENTS, TRUCK RENTAL ESTABLISHMENTS or VEHICLE TRANSPORTATION SERVICE ESTABLISHMENTS; however, specialized vehicles such as motor homes, campers and boat trailers with a length of no greater than seventeen (17) feet may be sold, rented and serviced as an ancillary use.

It is further noted that this Non-RUP was issued in conjunction with Special Exception #: SE 87-L-002. At a regular meeting of the Board of Supervisors (BOS) held on September 14th 1987, the BOS approved Special Exception Number SE 87-L-002, in the name of Peter Antzoulatos, located at Tax Map 81-2 ((3)) 8 for use as a vehicle sale, rental and ancillary service establishment pursuant to Section 4-604 of the Fairfax Zoning Ordinance, by requiring conformance with the following development conditions:

4. This Special Exception shall remain valid for three years from the date of issuance of a Non-Residential Use Permit. A maximum of two extensions beyond that time may be granted by the Zoning Administrator for one (1) year time increments only.

Therefore, it has been determined that Special Exception SE 87-L-002 has expired. The continued use of the property listed above as a vehicle sale, rental and ancillary service establishment requires a special exception approval from the BOS. Therefore, you are in violation of Par. 1 of Sect. 2-304 of the Zoning Ordinance That states:

No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

- Discontinue use of the above referenced property as a vehicle sale, rental and ancillary service establishment, or;

- Applying for and gaining approval of a Special Exception from the Board of Supervisors.

§ 18-701 Non-Residential Use Permit:

It has been determined that Select Auto Imports, Incorporated is occupying the above-referenced property without having obtained the required Non-Residential Use Permit (Non-RUP). Therefore, you are in violation of Sect. 18-701 of the Fairfax County Zoning Ordinance which states:

> No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by either vacating the premises or obtaining the required Non-RUP within thirty (30) days of the date of this Notice.

Specific instructions and requirements relative to this permit can be obtained by contacting the Zoning Permit Review Branch, 12055 Government Center Parkway, Fairfax, Virginia, telephone 703-222-1082, between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday.

§ 12-104 (5) Banner Sign
§ 2-302 (9) Sign Not Permitted

The inspections revealed that you have installed or have allowed the installation of a banner sign on the above referenced property. This sign advertises a Certified Mercedes Spring Sales Event. Any sign erected on a lot or building for the purpose of identification or for advertising a use conducted therein or thereon shall be an accessory use to the principal use. A sign is defined in Article 20 of the Fairfax County Zoning Ordinance in part, as:

> Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or similar character which:
>
> - Is used to announce, direct attention to, identify, advertise or otherwise make anything known; and

- Is visible from the public right –of-way or from adjoining property.

Banner signs are prohibited in any zoning district and in any area of the County. This prohibition is detailed in Par. 5 of Sect. 12-104 of the Zoning Ordinance which specifies, in part, that:

> The following signs are prohibited in any zoning district and in any area of the County. Where applicable, these prohibitions shall apply to those signs permitted by the provisions of Sect. 103 above.
>
> 5. Any sign of which all or any part is in motion by any means, including fluttering, rotating or set in motion by movement of the atmosphere. This prohibition shall not apply to the hands of a clock, a weather vane, flags as provided for in Par. 2E of Sect. 103 above, or those temporary signs approved by the Zoning Administrator as provided for in Par. 3G of Sect. 103 above.

Therefore the display of this banner sign is a violation of Par. 9 of Sect. 2-302 which requires that:

> No sign shall hereafter be erected, built or displayed and no existing sign shall be moved, remodeled, altered or enlarged unless such sign complies, or will thereafter comply, with the provisions of Article 12.

You are hereby directed to clear this violation within 24 hours after receipt of this Notice. Compliance can be accomplished by:

- Removing, on a permanent basis, the banner sign from the property.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a $600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1993 or (703)324-1300.

Sincerely,

John Comiskey
Code Compliance Investigator

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
Office of Comprehensive Planning
Zoning Administration Division

NON-RESIDENTIAL USE PERMIT

THIS PERMIT SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES IN THE ESTABLISHMENT

1-1928-87

ssion is hereby granted to Select Auto Imports Inc. to use 340 square feet
r area on the 1st floor of the building located at: 5630 South Van Dorn Street
nown as Tax Map 81-2, Section 03, Block 00, Lot 08,
vision World Import Auto which property is located in the C-6 Zoning District, for
llowing purpose: Retail Sales/Used Cars.
Non-Residential Use Permit is issued subject to the following limitations and conditions: N/A

COUNTY OF FAIRFAX
1742
VIRGINIA

Group of Building
e of Construction
ephone Number

Issued this 16th day of September, 19 87

Zoning Administrator

By: BM

is permit does not take the place of any license or other permit required by law. Any change in the use, occupancy or proprietorship, or any
argement or expansion of the premises for which this permit is issued shall require the application and approval of a new Non-Residential
Permit.

FAIRFAX COUNTY
VIRGINIA

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

(703) 324-1290 Fax (703) 324-3924

March 01, 2004

William C Thomas
Fagelson, Schonberger, et al
11320 Random Hills Road, Suite 325
Fairfax, VA 22030

FAIRFAX COUNTY
MAR 2 2004
DIVISION OF
ZONING ADMINISTRATION

Re: RZ 1997-LE-053

Dear Mr. Thomas:

This is in response to your letter of February 26, 2004, regarding RZ 1997-LE-053. Your letter states that it is the property owner's/Applicant's intent to continue this application on indefinite deferral until VDOT and Public Works resolve their issues. Accordingly, the application will not be dismissed at this time. However, it should be noted that failure to prosecute these applications will be cause to initiate dismissal proceedings in the future.

In order to reactivate the application, a separate request to do so should be submitted to this office along with any additional information or plans which may be necessary to prosecute the application. Please note that any additional information submitted must conform with applicable submission requirements and that the review of the application will be based on the ordinances, regulations, policies, and procedures in effect at that time. Additionally, a revised affidavit will be required. The application will be reactivated upon request and upon determination that the materials necessary to review the application have been submitted and accepted. A new public hearing will not be scheduled until that time.

If you have any questions about reactivating the application, please contact either Kris Abrahamson or Leslie Johnson at (703) 324-1290. If you have any questions regarding submission requirements, please contact Kevin Guinaw at the same telephone number.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division

cc: Dana Kauffman, Supervisor, Lee District
Rodney Lusk, Planning Commissioner, Lee District
Barbara Lippa, Executive Director, PC
Daryl Varney, Deputy Zoning Administrator, ZAD/DPZ
Vanessa Sye, Mapping, Div. of Communications
File: RZ 1997-LE-053

FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, P.C.
ATTORNEYS AND COUNSELLORS AT LAW
11320 RANDOM HILLS ROAD, SUITE 325
FAIRFAX, VIRGINIA 22030

BERNARD M. FAGELSON*
EUGENE SCHONBERGER++
ROBERT A. PAYNE
ROBERT L. DEICHMEISTER+
JOHN L. FAGELSON
WILLIAM C. THOMAS, JR.

++RETIRED

(703) 385-8282
FACSIMILE (703) 385-8761
e-mail fspd@fspd.com

MAILING ADDRESS:
P.O. BOX 3321
OAKTON, VIRGINIA 22124-3321

ALEXANDRIA OFFICE:
1775 JAMIESON AVENUE
SUITE 200
ALEXANDRIA, VIRGINIA 22314
(703) 548-8100

HERBERT S. BILLOWITZ (1910-1987)
VICTOR G. TRAPASSO (1935-1989)

*SENIOR COUNSEL
+ALSO ADMITTED IN D.C.

11 October 2007

Eileen McLane, Zoning Administrator
through
Regina Coyle, Director
Department of Planning and Zoning/ZED
County of Fairfax
12055 Government Center Parkway
Fairfax, Virginia 22035

ATTN: Alicia Caperton, DPZ/ZED

RE: RZ 1997-LE-053
SE 97-L-066

Dear Ms. McLane and Ms. Coyle:

On behalf of the applicant in the captioned matters, it is requested that these applications not be dismissed and that they be continued on indefinite deferral. VDOT (e.g. Van Dorn Street/Beltway alignment) and Public Works issues continue to need to be resolved before moving forward and it is our intention to reactivate the applications as soon afterward as practical.

Thank you for your kind consideration of and attention to this matter. Please call with any questions or concerns.

Respectfully submitted,

FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, PC.

William C. (Tom) Thomas, Jr.

cc: Mike Haji, President
Select Auto Imports, Inc.

ZONING ORDINANCE PROVISIONS

2-304 Special Exception Uses, Interpretation of District Regulations

1. No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been approved by the Board and the use has been established in accordance with the provisions of Article 9.

4-604 Special Exception Uses, C-6 Community Retail Commercial District

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   U. Vehicle sale, rental and ancillary service establishments

18-701 Permit Required for Occupancy or Use, Residential and Non-Residential Use Permits

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

ATTACHMENT 3

95 111521 AUG 31 12:38

BK 9497 0406

Consideration: $155,000.00
Tax Map Ref No. 090-4-01-0024
Box 124

Return to: Sullivan & Tumlinson, P.C.
6462 Little River Tpk, Ste E
Alexandria, VA 22312

This instrument prepared by
or under the direction of:

William C. Basney, Esq.
Senior Counsel
CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202

1995-00120-BDJ
JA43\KC0522P1.95P

THIS QUITCLAIM DEED, made this 28th day of August, 1995, between CSX TRANSPORTATION INC., a Virginia and Delaware corporation, whose mailing address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "Grantor," and MOHAMMAD HAJIMOHAMMAD, whose mailing address is 5630 Van Dorn Street, Alexandria, Virginia 22310, hereinafter called "Grantee", WITNESSETH:

(Wherever used herein, the terms "Grantor" and "Grantee" may be construed in the singular or plural as the context may require or admit, and for purposes of exceptions, reservations and/or covenants, shall include the heirs, legal representatives and assigns of individuals or the successors and assigns of corporations.)

THAT Grantor, for and in consideration of the sum of ONE HUNDRED FIFTY-FIVE THOUSAND AND NO/100 DOLLARS ($155,000.00), to it in hand paid by Grantee, the receipt of which is hereby acknowledged, does hereby RELEASE, REMISE and forever QUITCLAIM unto Grantee, his heirs, legal representatives and assigns, all right, title and interest of Grantor, if any, in and to that certain tract or parcel of land situate, lying and being in the County of Fairfax, Commonwealth of Virginia, hereinafter designated "the Premises," more particularly described in Exhibit A, attached hereto and incorporated herein, and containing 0.4319 of an acre, more or less.

SUBJECT TO the non-exclusive rights to use a part of the Premises (Rail Corridor Segment) by MCI Telecommunications Corporation ("MCI"), its successors and assigns, whose principal office is 1133 19th Street, N.W., Washington, D.C. 20036, under Right-of-Way Occupancy Agreement(s), dated as of August 8, 1990, evidencing the terms of that Operating Agreement between MCI and Grantor ("CSXT"), dated as of December 22, 1982, as amended, for the installation, construction, maintenance, operation, use, replacement, relocation, renewal and removal, of a fiber optic telecommunications cable and data transmission system for MCI and Grantor ("the Fiber Optic Facilities") in, on, upon, over, under, across or along the Premises (Rail Corridor Segment), with all attendant equipment or facilities (both underground and surface), together with the right to attach the same to existing bridges or poles on the Premises, for a term running through December 22, 2007, with right of MCI to extend thereafter for

BK 9497 0407

successive terms of twenty (20) years, twenty-five (25) years, twenty (20) years, and twenty (20) years, and thereafter for so long as MCI continues to utilize the Fiber Optic Facilities in or on the Premises, all as more particularly set forth in the appropriate Right-of-Way Occupancy Agreement(s) and said Operating Agreement.

FURTHER SUBJECT TO the non-exclusive rights to use a part of the Premises (Rail Corridor Segment) by Williams Telecommunications Group-East, Inc. ("WTG"), its successors and assigns, whose principal office is 600 East Jefferson Street, Rockville, Maryland 20852, under Right-of-Way Occupancy Agreement(s), dated as of March 18, 1988, evidencing the terms of that Operating Agreement between WTG and Grantor ("CSXT"), dated as of March 7, 1985, as amended, for the installation, construction, maintenance, operation, use, replacement, relocation, renewal and removal, of a fiber optic telecommunications cable and data transmission system for WTG and Grantor ("the Fiber Optic Facilities") in, on, upon, over, under, across or along the Premises (Rail Corridor Segment), with all attendant equipment or facilities (both underground and surface), together with the right to attach the same to existing bridges or poles on the Premises, for a term running through March 31, 2018, with right of WTG to extend thereafter for so long as WTG continues to utilize the Fiber Optic Facilities in or on the Premises, all as more particularly set forth in the appropriate Right-of-Way Occupancy Agreement(s) and said Operating Agreement.

TO HAVE AND TO HOLD the Premises, and all the estate, right, title, lien, interest and claim whatsoever of Grantor therein, either in law or equity, and all improvements thereon and appurtenances thereto, unto the proper use, benefit and enjoyment of Grantee, Grantee's heirs and assigns or successors and assigns, forever.

Grantee, by the acceptance hereof, hereby covenants and agrees with Grantor that Grantor shall not be required to erect or maintain any fences, railings or guard rails along any boundary lines between the Premises and the adjacent land(s) of Grantor or of any other company affiliated with Grantor; or be liable for or required to pay any part of the cost or expense of erecting or maintaining such fences, railings or guard rails, or any part thereof; or be liable for any damage, loss or injury that may result by reason of the non-existence or the condition of any fences, railings or guard rails. Grantee assumes all liability and responsibility respecting fences, railings or guard rails, or the absence thereof.

Grantee, by acceptance of this deed, hereby covenants that it, its successors, heirs, legal representatives or assigns, shall maintain the existing drainage on the Premises in such a manner as to not impair adjacent railroad operating property drainage and to not redirect or increase the quantity or velocity of surface water runoff or any streams into said Grantor's drainage system or upon the railroad operating property or other lands and facilities of Grantor. If said Premises or existing drainage are modified or improved, Grantee agrees to construct and maintain, in accordance with all applicable statutes,

BK 9497 0408

ordinances, building and subdivision codes, covenants and restrictions, an adequate drainage system from the Premises to the nearest public or non-Grantor owned drainage or storm sewer system, in order to prevent the discharge of roof, surface, stream and other drainage waters upon said railroad operating property or upon other adjacent lands and facilities of Grantor.

Said covenant(s) shall run with title to the Premises conveyed, and bind upon Grantee, Grantee's heirs, legal representatives and assigns, or corporate successors and assigns, and anyone claiming title to or holding Premises through Grantee.

Grantee acknowledges that Grantee has been the Lessee or Licensee of the Premises from Grantor since December 1, 1992, and as such Lessee or Licensee is totally familiar with the current and past use(s) of the Premises and the physical and environmental condition thereof. Having such familiarity, Grantee accepts the Premises in its "as is" condition, as of this conveyance. Grantee further expressly assumes all obligations, liability and responsibility for physical and/or environmental condition of the Premises up to and including the date of this conveyance, and agrees to defend, protect, indemnify and hold Grantor harmless from any and all loss, damages, suits, penalties, costs, liability, and/or expenses (including, but not limited to reasonable investigative and/or legal expenses, remediation and/or removal costs), arising out of any claim(s), present, past or future, for (a) loss or damage to any property, including the Premises, (b) injuries to or death of any person(s), (c) contamination of or adverse effects upon the environment (air, ground or water), or (d) any violation of statutes, ordinances, orders, rules, or regulations of any governmental entity or agency, caused by or resulting from presence or existence of any hazardous material, hazardous substance, or hazardous waste in, on or under the Premises. These provisions shall run with title to the Premises conveyed to subsequent grantees and shall be covenants binding upon the heirs or personal representatives and assigns, or successors and assigns, of Grantee. Grantee further acknowledges that the condition of the Premises has been considered as part of the consideration for this conveyance.

IN WITNESS WHEREOF, CSX TRANSPORTATION INC., pursuant to due corporate authority, has caused its name to be signed hereto by its officers hereunto duly authorized and its corporate seal, duly attested, to be hereunto affixed.

Signed, sealed and delivered
in the presence of:

Betty D. Jones
Betty D. Jones

Robert L. Thealton
Robert L. Thealton

CSX TRANSPORTATION INC.:

By Patricia J. Aftoora
Vice President Patricia J. Aftoora

Attest (SEAL)
Assistant Secretary R. L. KEY, JR.

BK 9497 0409

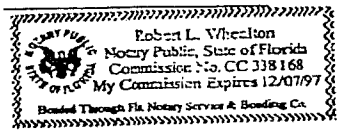
STATE OF FLORIDA)
) SS.
COUNTY OF DUVAL)

I, Robert L. Whealton, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County came ~~Patricia J. Affeora~~, (✓) to me known, and/or ( ) proven by satisfactory current evidence to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did make oath, acknowledge and say that: She resides in Jacksonville, Duval County, Florida; he is Vice President, of CSX Transportation Inc. , the corporation described in and which executed said instrument; she is fully informed of the contents of the instrument; she knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; she signed her name thereto for said corporation pursuant to Board authority; and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 28th day of August, 1995.

My commission expires on:

Robert L Whealton (SEAL)
Notary Public
Print Name:



BK 9497 0418

EXHIBIT A

Description or property at: Fairfax County, Virginia
To: Mohammad Hajimohammad
CSXT Deed File No.: 1995-00120-JLS

All that certain land situate in the County of Fairfax, Virginia, more fully described as follows:
BEGINNING at a point in the west line of Van Dorn Street (State Route 613) having Virginia State Plane Coordinates of Northing = 414885.20 and Easting = 2388983.05; thence with the west line of Van Dorn Street, South 13º 55' 04" West 11.03 ft. to a corner of lands now or formerly of Hajimohammad (D.B. 7603, Pg. 1323); thence with the Hajimohammad lands the following two (2) courses:

1- South 78º 58' 16" West 232.31 ft., and
2- South 64º 37' 18" East 100.56 ft. to a point in the northerly line of McGuin Drive; thence with the northerly line of McGuin Drive the following three (3) courses:
1- South 79º 00' 38" West 42.68 ft.,
2- South 67º 42' 02" West 25.50 ft., and
3- South 79º 00' 38" West 200.05 ft. to a point; thence North 10º 59' 21" West 74.50 ft. to a point 50 ft. south of and perpendicular to the centerline of Grantor's southerly railroad track; thence North 78º 58' 16" East parallel with and distant 50 ft. south of the railroad track, 423.71 ft. to the POINT OF BEGINNING; Containing 0.4319 of an acre, more or less, according to a survey and plat thereof by Ed Hayward, Registered Land Surveyor, dated July 7, 1994, (certified July 25, 1995), incorporated herein by reference.

BEING a portion of the property acquired by Grantor from the Richmond, Fredricksburg and Potomac Railway Company by deed dated November 17, 1992, recorded among the Public Land Records of Fairfax County, Virginia in Deed Book 8359, Page 1091.

with plat attached

AUG 31 95

RECORDED FAIRFAX CO VA
TESTE: John T. Frey
CLERK

Page 1 of 1

Fairfax Circuit Court - Court Public Access Network - Land Records

AREA TABULATIONS

TOTAL AREA: 18,815 S.F. OR 0.4319 Ac. +/-
AREA OF LOTS: 18,815 S.F. OR 0.4319 Ac. +/-
NUMBER OF LOTS: 1
ZONE R-1

BK 9497 0411

CE

U.S. TRANSPO
KNOWLEDGE, INFORMATION
LAND TITLE SURVEY OF
PURSUANT TO THE INTEN
INFORMATION, COURSES A
LINES OF ACTUAL POSSES
TYPE OF BUILDINGS AND
AND APPLICABLE SET-BAC
ENCROACHMENTS AFFECTI

THIS SURVEY IS
FOR LAND TITLE SURVEY
AND AMERICAN CONGRESS

Ed M Hayward

ED M. HAYWARD
REGISTERED LAND SURVE
VIRGINIA LICENSE NO. 001

Drafting R.J.F.	DATE	REVISIONS	
Check G.A.P.			
Design			
Check			

KCI TECHNOLOGIES
ENGINEERS AND PLANNERS
10 NORTH PARK DRIVE
HUNT VALLEY, MARYLAND 21030
(410) 316-7100

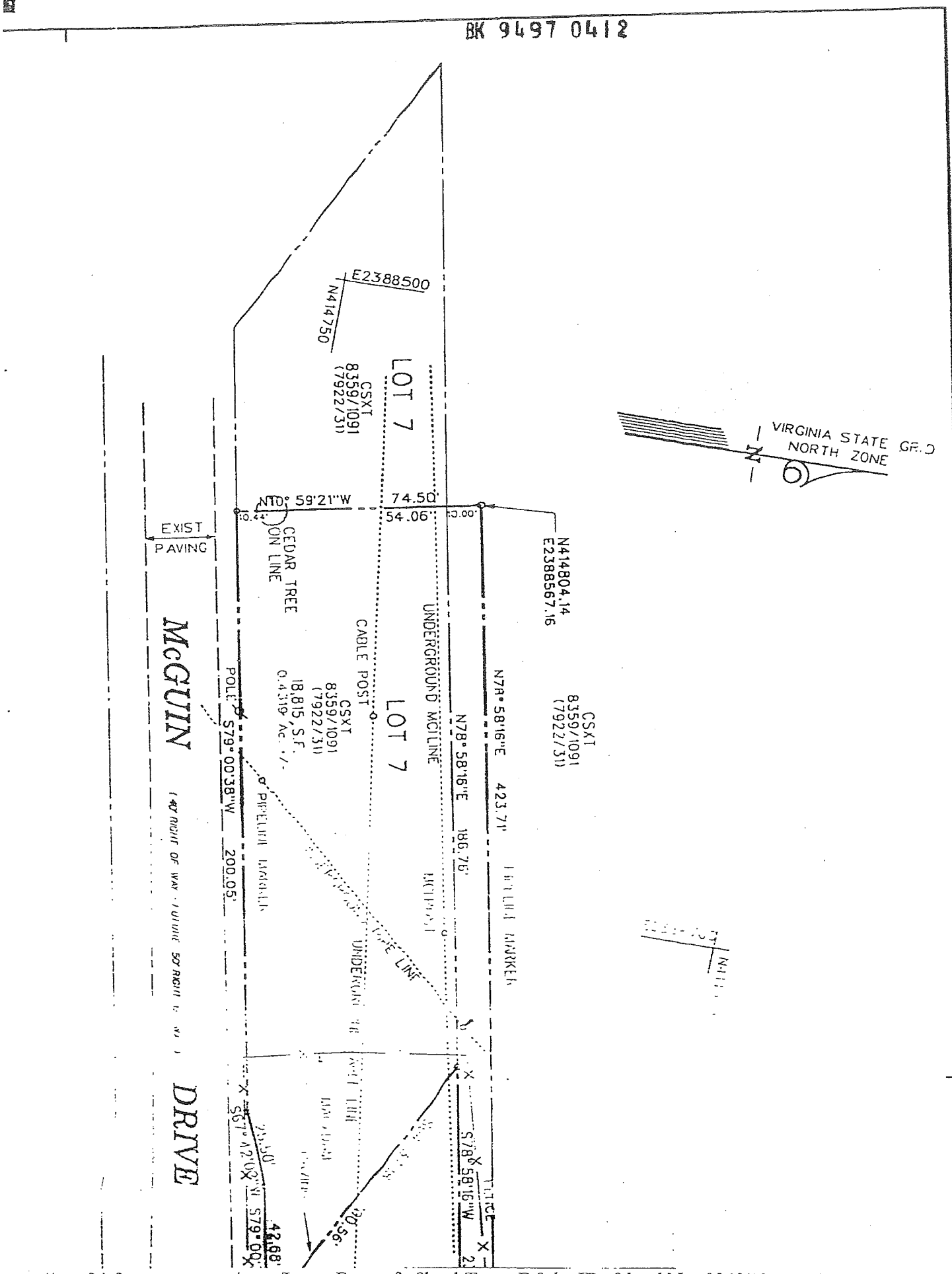
ALTA/AC

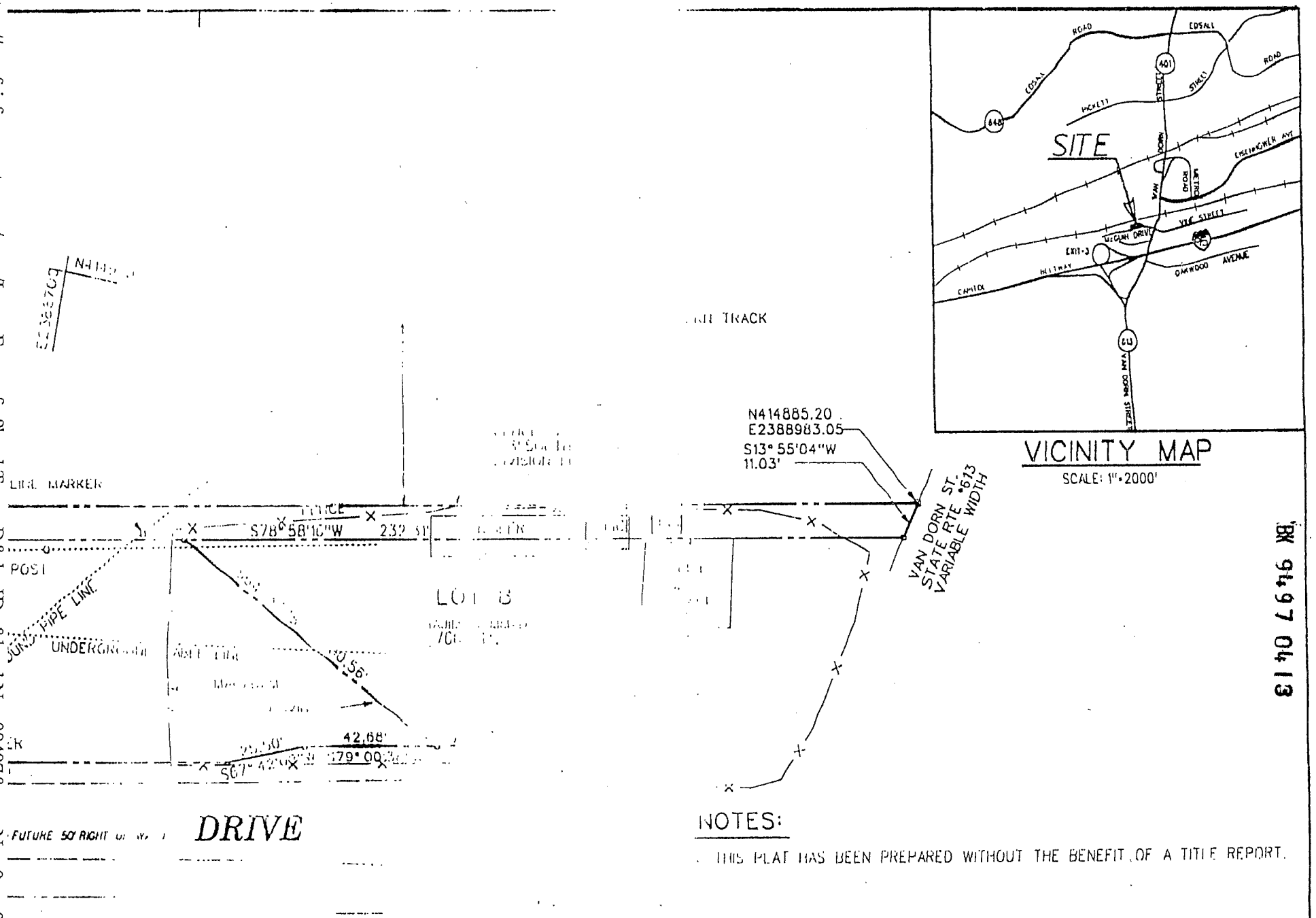
LOT 7
PLAT

FAIRI

https://ccr.fairfaxcounty.gov/cpan/ImageForm.cfm?bookType=D&docID=&bookNo=09497&pageNo=0... 9/12/2017

BK 9497 0412


E2388500
N414750
LOT 7
CSXT
8359/1091
(7922/31)
VIRGINIA STATE GRID
NORTH ZONE
N10° 59'21"W
74.50'
54.06'
EXIST
PAVING
CEDAR TREE
ON LINE
N414804.14
E2388567.16
CSXT
8359/1091
(7922/31)
UNDERGROUND MCI LINE
CABLE POST
LOT 7
N78° 58'16"E 186.75'
N78° 58'16"E 423.71'
CSXT
8359/1091
(7922/31)
18,815 S.F.
0.4319 AC. +/-
POLE
S79° 00'38"W 200.05'
McGUIN
DRIVE
S78° 58'16"W


VICINITY MAP
SCALE: 1"=2000'
SITE
EDSALL ROAD
PICKETT STREET
VAN DORN STREET
EISENHOWER AVE
VINE STREET
McGUIN DRIVE
EXIT-3
BELTWAY
CAPITOL
OAKWOOD AVENUE
VAN DORN STREET
N414885.20
E2388983.05
S13° 55'04"W
11.03'
VAN DORN ST.
STATE RTE #613
VARIABLE WIDTH
LINE MARKER
POST
S78° 58'16"W
232.31'
LOT 8
UNDERGROUND
42.68'
S79° 00'
DRIVE
FUTURE 50' RIGHT
NOTES:
THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

BK 9497 0413

https://ccr.fairfaxcounty.gov/cpan/ImageForm.cfm?bookType=D&docID=&bookNo=09497&pageNo=0... 9/12/2017

Fairfax Circuit Court - Court Public Access Network - Land Records

BK 9497 0414

ORIGINAL NOT CLEAR

CERTIFICATION [illegible] SURVEYS

[illegible] TRANSPORTATION [illegible] THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THAT THE [illegible] PREPARED BY ME ENTITLED "ALTA/ACSM LAND TITLE SURVEY OF LOT 7 OAKWOOD" [illegible] WAS ACTUALLY MADE UPON THE GROUND PURSUANT TO THE INTENT OF THE RECORDED [illegible] OF RECORD AND THAT IT AND THE INFORMATION, COURSES AND DISTANCES SHOWN [illegible] CORRECT; THAT THE TITLE LINES AND LINES OF ACTUAL POSSESSION ARE THE SAME [illegible] SHOWN; THAT THE SIZE, LOCATION AND TYPE OF BUILDINGS AND IMPROVEMENTS ARE AS [illegible] ALL ARE WITHIN THE BOUNDARY LINES AND APPLICABLE SET-BACK LINES OF THE PROP[illegible] PLACED AS SHOWN; THAT THERE ARE NO VISIBLE ENCROACHMENTS AFFECTING THIS PROPERTY EX[illegible]

THIS SURVEY IS MADE IN ACCORDANCE [illegible] 1994 STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS" JOINTLY ESTABLISHED [illegible] ADOPTED BY AMERICAN LAND TITLE ASSOCIATION AND AMERICAN CONGRESS ON SURVEYING AND [illegible]

Ed McHayward

ED M. HAYWARD
REGISTERED LAND SURVEYOR
VIRGINIA LICENSE NO. 001909

July 25, 1995
DATE

COMMONWEALTH OF VIRGINIA
ED M. HAYWARD
No. 001909
LAND SURVEYOR

ALTA/ACSM LAND TITLE SURVEY
A PORTION OF
LOT 7 OAKWOOD
PLAT BOOK [illegible] PAGE [illegible]
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SHEET	DATE	JOB NUMBER
1 OF 1	07-07-94	01-90118
	SCALE 1" = 30'	

FF VA-1 FILE: M:\ 0199909.SUR\CSX\VDORNCRT.DGN

97 071365 JUN -9 P 2:10

Consideration: $30,000.00

1996-00508-KPC:jls

This instrument prepared by
or under the direction of:

William C Basney

William C. Basney, Esq.
Senior Counsel
CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202

THIS QUITCLAIM DEED, made this 21st day of April, 1997 between CSX TRANSPORTATION, INC., a Virginia corporation, whose mailing address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "Grantor", and MOHAMMAD HAJIMOHAMMAD AND FLORA HAJIMOHAMMAD, husband and wife, whose mailing address is 5630 Van Dorn Street, Alexandria, Virginia 22310, hereinafter called "Grantee", WITNESSETH:

(Wherever used herein, the terms "Grantor" and "Grantee" may be construed in the singular or plural as the context may require or admit, and for purposes of exceptions, reservations and/or covenants, shall include the heirs, legal representatives and assigns of individuals or the successors and assigns of corporations.)

THAT Grantor, for and in consideration of the sum of THIRTY THOUSAND AND NO/100 DOLLARS ($30,000.00), to it in hand paid by Grantee, the receipt of which is hereby acknowledged, does hereby RELEASE, REMISE and forever QUITCLAIM unto Grantee, husband and wife, as tenants by the entireties with full rights of survivorship as at Common Law and not as tenants in common, all right, title and interest of Grantor, if any, in and to that certain tract or parcel of land situate, lying and being at County of Fairfax, Commonwealth of Virginia, hereinafter designated "the Premises," more particularly described in Exhibit A, attached hereto and incorporated herein, and containing 2,934 square feet, more or less.

SUBJECT TO the non-exclusive rights to use a part of the Premises (Rail Corridor Segment) by MCI Telecommunications Corporation ("MCI"), its successors and assigns, whose principal office is 1133 19th Street, N.W., Washington, D. C. 20036, under Right-of-Way Occupancy Agreement(s), dated as of August 8, 1990, evidencing the terms of that Operating Agreement between MCI and Grantor ("CSXT"), dated as of December 22, 1982, as amended, for the installation, construction, maintenance, operation, use, replacement, relocation, renewal and removal, of a fiber optic telecommunications cable and data transmission system for MCI and Grantor ("the Fiber Optic Facilities") in, on, upon, over, under, across or along the Premises (Rail Corridor Segment), with all attendant equipment or facilities (both underground and surface), together with the right to attach the same to existing bridges or poles on the Premises, for a term running through December 22, 2007, with right of MCI to extend thereafter for successive terms of twenty (20) years, twenty-five (25) years, twenty (20) years, and twenty (20)

Tax Map Ref No.

Grantees Address: 792 Stephanie Circle
Great Falls, VA 22066

BK10020 0065

years, and thereafter for so long as MCI continues to utilize the Fiber Optic Facilities in or on the Premises, all as more particularly set forth in the appropriate Right- of-Way Occupancy Agreement(s) and said Operating Agreement.

FURTHER SUBJECT TO the Exclusive rights to use a part of the Premises (Rail Corridor Segment) by WILLIAMS TELECOMMUNICATIONS GROUP-EAST, INC. ("WTG"), its successors and assigns, whose principal office is 600 East Jefferson Street, Rockville, Maryland 20852 , P. O. Box 21348, Tulsa, Oklahoma 74121, under Right-of-Way Occupancy Agreement(s), dated as of April 3, 1989, evidencing the terms of that Operating Agreement between WTG and Grantor ("CSXT"), dated as of March 7, 1985, as for the installation, construction, maintenance, operation, use, replacement, relocation, renewal and removal, of a fiber optic telecommunications cable and data transmission system for WTG ("the Fiber Optic Facilities") in, on, upon, over, under, across or along the Premises (Rail Corridor Segment), with all attendant equipment or facilities (both underground and surface), together with the right to attach the same to existing bridges or poles on the Premises, for a term to extend and run through renewal term(s) expiring on September 18, 2068.

TO HAVE AND TO HOLD the Premises, and all the estate, right, title, lien, interest and claim whatsoever of Grantor therein, either in law or equity, and all improvements thereon and appurtenances thereto, unto the proper use, benefit and enjoyment of Grantee, Grantee's heirs and assigns or successors and assigns, forever.

Grantee, by the acceptance hereof, hereby covenants and agrees with Grantor that Grantor shall not be required to erect or maintain any fences, railings or guard rails along any boundary lines between the Premises and the adjacent lands of Grantor or of any other company affiliated with Grantor; or be liable for or required to pay any part of the cost or expense of erecting or maintaining such fences, railings or guard rails or any part thereof; or be liable for any damage, loss or injury that may result by reason of the non-existence or the condition of any fences, railings or guard rails. Grantee assumes all liability and responsibility respecting fences, railings or guard rails, or the absence thereof.

Grantee, by acceptance of this deed, hereby covenants that it, its successors, heirs, legal representatives or assigns shall maintain the existing drainage on the Premises in such a manner as not to impair adjacent railroad operating property drainage and not to redirect or increase the quantity or velocity of surface water runoff or any streams into Grantor's drainage system or upon the railroad operating property or other lands and facilities of Grantor. If the Premises or existing drainage are modified or improved, Grantee agrees to construct and maintain, in accordance with all applicable statutes, ordinances, building and subdivision codes, covenants and restrictions, an adequate drainage system from the Premises to the nearest public or non-Grantor owned drainage or storm sewer system, in order to prevent the discharge of roof, surface, stream and other drainage waters upon railroad operating property or other adjacent lands and facilities of Grantor.

As the adjacent land owner, Grantee is familiar with the current and past use(s) of the Premises and the physical and environmental condition thereof. Having such familiarity and knowledge, and having the opportunity to perform environmental inspection and testing of the Premises, Grantee accepts the Premises in "as is" condition as of the date the Closing. Grantee expressly assumes all obligation, liability and responsibility for physical and\or environmental condition of the Premises, prior to and including the date of conveyance, and agrees to defend, protect, indemnify and hold Grantor harmless from any and all loss, damages, suits, penalties, costs, liability, and/or expenses (including, but not limited to reasonable investigative and/or legal expenses) arising out of any claim(s), present, past or future, for loss or damage to any property, including the Premises, injuries to or death of any person(s), contamination of or adverse effects upon the environment (air, ground or water), or any violation of statues, ordinances, orders, rules, or regulations of any governmental entity or agency, caused by or resulting from presence or existence of any hazardous material, hazardous substance, or hazardous waste in, or under the Premises. Grantee acknowledges that the provisions of this covenant are deemed to be additional consideration to Grantor and the condition of the Premises has been considered as part of the purchase price.

Said covenant(s) shall run with title to the Premises conveyed, and bind upon Grantee, Grantee's heirs, legal representatives and assigns, or corporate successors and assigns, and anyone claiming title to or holding Premises through Grantee.

IN WITNESS WHEREOF, CSX TRANSPORTATION, INC., pursuant to due corporate authority, has caused its name to be signed hereto by its officers hereunto duly authorized and its corporate seal, duly attested, to be hereunto affixed.

Signed, sealed and delivered
in the presence of:

Karen P. Carter

Karen P. Carter

Robert L. Whealton

Robert L. Whealton

CSX TRANSPORTATION, INC.:

By: John L. Coleman
Print Name: JOHN L. COLEMAN
Print Title: ASSISTANT VICE PRESIDENT

Attest Patricia J. Aftoorn (SEAL)
Secretary
Print Name: Patricia J. Aftoorn

S:\PEN\VA51\VA510\510-0007\1996-508\QCCSXT.DOC

STATE OF FLORIDA)
) SS.
COUNTY OF DUVAL)

I, Robert L. Whealton, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County came JOHN L. COLEMAN, (✓) to me known, and/or ( ) proven by satisfactory current evidence to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did make oath, acknowledge and say that: he resides in Jacksonville, Duval County, Florida; he is ASSISTANT VICE PRESIDENT, of CSX Transportation, Inc., the corporation described in and which executed said instrument; he is fully informed of the contents of the instrument; he knows the seal of said corporation; the seal affixed to said instrument is such seal· it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to Board authority; and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 21st day of April, 1997.

My commission expires on:

Robert L. Whealton (SEAL)
Notary Public
Print Name: Robert L. Whealton
Notary Public, State of Florida
Commission No. CC 338168
My Commission Expires 12/07/97
Bonded Through Fla. Notary Service & Bonding Co.

Return to: Sullivan & Tumlinson, P.C.
6462 Little River Turnpike, Suite E
Alexandria, VA 22312

\\CIAX2000FS\RPI\PIN\VA51\VA51\510-0007\1996-50\QCCSXT.DOC

EXHIBIT A

Description of property at: Fairfax, State of Virginia
To: MOHAMMAD HAJIMAHAMMAD AND FLORA HAJIMOHAMMAD
CSXT Deed File No.: 1996-00508

Beginning at the northwesterly corner of the tract of land conveyed by CSX Transportation, Inc. to Mohammad Hajimohammad in deed book 9497 at page 406; thence running with the line common to Hajimohammad S 05°16'29" E 69.83 feet to a point on the northerly right-of-way line of McGuin Drive, 50 foot right-of-way; thence running with the northerly right-of-way line of McGuin Drive S 84°43'31" W 42.00 feet to a point; thence running through the property of CSX Transportation, Inc. N 05°16'29" W 69.90 feet to a point and N 84°49'51" E 42.00 feet to the point of beginning, containing 2,934 square feet.

BEING a portion of the property acquired by Richmond, Fredricksburg and Potomac Railroad Company, a predecessor of Grantor, from Mathilda Jackson, by deed dated 4/10/1946, recorded among the Public Land Records of Fairfax County, Virginia, in Book 486, Page 535.

By Deed dated October 10, 1991, the Richmond, Fredericksburg and Potomac Railway Company purchased property in Virginia from Richmond, Fredericksburg and Potomac Railroad Company and RF&P Properties, Inc. By deed dated November 17, 1992, the real property was conveyed by the Richmond, Fredericksburg and Potomac Railway Company to CSX Transportation, Inc.

with plat attached

JUN -9 97

RECORDED FAIRFAX CO VA
TESTE: [signature] CLERK

BK10020 0070

NOTES

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 81-2-003-8A AND IS ZONED C-6 AND R-1

2 AREA TABULATION:

AREA WITHIN C-6 ZONE:	10,718 SQ. FT. OR 0.2460 AC
AREA WITHIN R-1 ZONE:	20,733 SQ. FT. OR 0.4760 AC.
TOTAL SITE AREA:	31,451 SQ. FT. OR 0.7220 AC.

3. HEIGHTS:

FRAME BLDG. "A":	12.7 FEET
FRAME BLDG. "B":	10.3 FEET
FRAME BLDG. "C":	12.8 FEET
FRAME SHED:	9.4 FEET
OPEN PORCH:	10.5 FEET
LIGHT POLES:	16.5 FEET
CONC. PILLARS:	9 0 FEET
SIGN "A":	22.0 FEET
SIGN "B":	6.3 FEET
FRAME RET. WALL:	3.4 FEET
STONE WALL:	3.3 FEET
FRAME WALL:	7.8 FEET*
CONC. WALL:	1.6 FEET
CHAIN LINK FENCE:	7.0 FEET*
WROUGHT IRON FENCE.	7.0 FEET*

*UNLESS OTHERWISE NOTED

4. CONSTRUCTION DATES OF EXISTING STRUCTURES ARE UNKNOWN. ALL STRUCTURES ARE TO BE RETAINED.

5. MINIMUM YARD REQUIREMENTS FOR C-6 ZONE:
   - A. FRONT: CONTROLLED BY A 45° ANGLE OF BULK PLANE, BUT NOT LESS THAN 40 FEET
   - B. SIDE. NO REQUIREMENT
   - C. REAR. 20 FEET

6. MINIMUM YARD REQUIREMENTS FOR R-1 ZONE:
   - A. FRONT: CONTROLLED BY A 50° ANGLE OF BULK PLANE, BUT NOT LESS THAN 40 FEET
   - B. SIDE: CONTROLLED BY A 45° ANGLE OF BULK PLANE, BUT NOT LESS THAN 20 FEET
   - C. REAR: CONTROLLED BY A 45° ANGLE OF BULK PLANE, BUT NOT LESS THAN 25 FEET

7 PARKING TABULATION
   - A EXISTING USE: VEHICLE SALES ESTABLISHMENT
   - B PARKING REQUIRED: ONE (1) SPACE PER 2,500 SQUARE FEET OF OPEN SALES AREA, PLUS ONE (1) SPACE PER EMPLOYEE
   - C. OPEN SALES AREA = 18,200 SQUARE FEET
   - D NUMBER OF EMPLOYEES = 8
   - E PARKING REQUIRED FOR OPEN SALES AREA = 18,200 SQUARE FEET/2,500 SQUARE FEET = 7 3 = 8 SPACES
   - F PARKING REQUIRED FOR EMPLOYEES = 8 SPACES
   - G TOTAL PARKING REQUIRED = 16 SPACES
   - H TOTAL PARKING PROVIDED = 16 SPACES

8. LOADING SPACES REQUIRED AND PROVIDED = ONE

9. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER

10 THERE ARE NO STORMWATER MANAGEMENT FACILITIES PROPOSED FOR THIS SITE

11. GROSS FLOOR AREA OF BUILDINGS = 1,480 SQUARE FEET

12 FLOOR AREA RATIO = 0 05

13 TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS AND IS BASED ON AN AIR SURVEY.

14. THERE ARE NO LIMITS OF CLEARING ASSOCIATED WITH THIS PLAN, AS NO NEW CONSTRUCTION IS PROPOSED ALL EXISTING VEGETATION IS TO BE PRESERVED THERE IS NO TRANSITIONAL SCREENING OR BARRIERS PROPOSED WITH THIS PLAN.

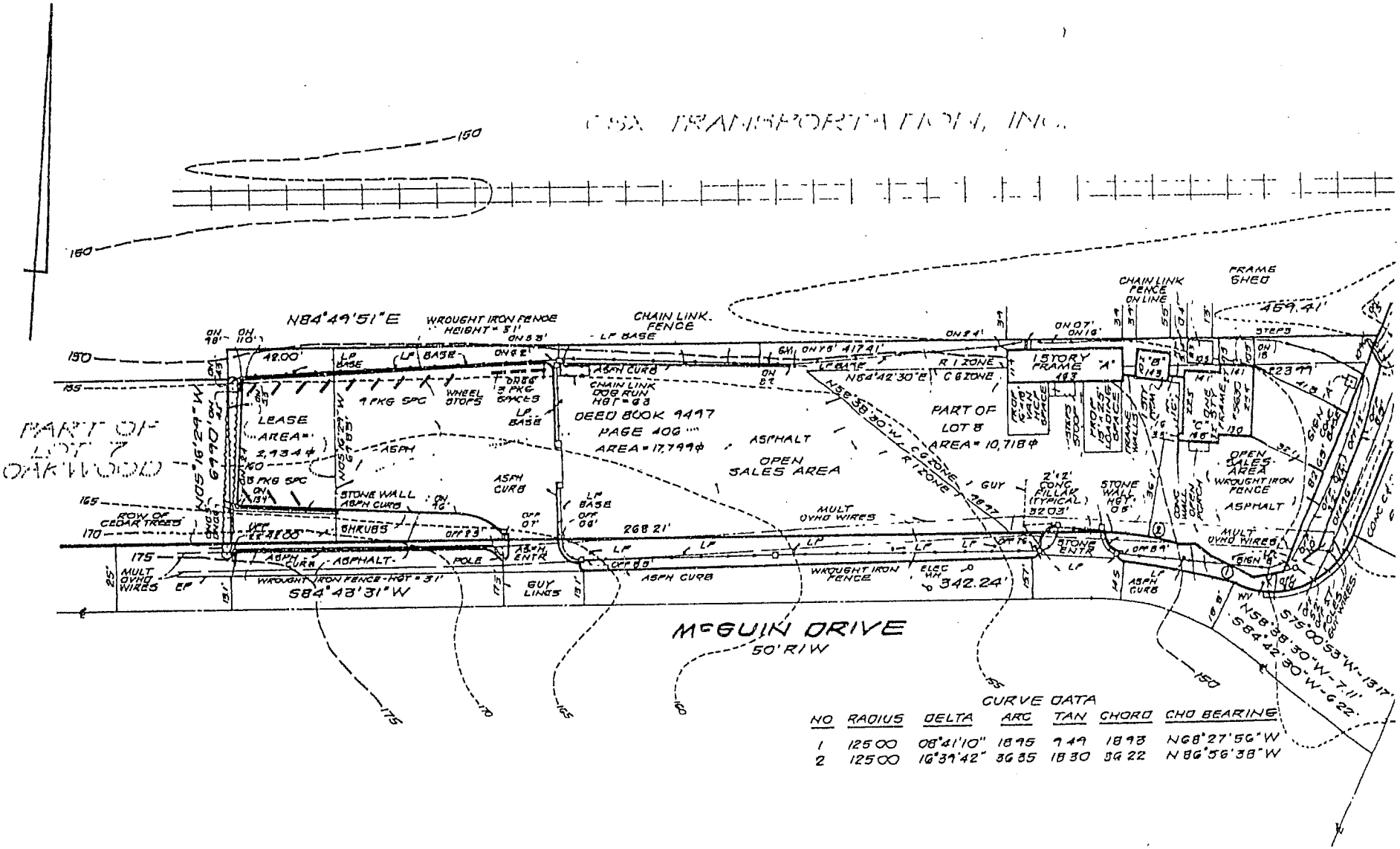
15. THERE ARE NO FLOODPLAINS, RESOURCE PROTECTION AREAS OR ENVIRONMENTAL QUALITY CORRIDORS LOCATED ON THIS PROPERTY.

16 AS PER THE ADOPTED COMPREHENSIVE PLAN, THERE IS A TRAIL SHOWN FOR THE EASTERLY SIDE OF SOUTH VAN DORN STREET

17. THERE ARE NO GRAVESITES OR BURIAL GROUNDS VISIBLE ON THIS PROPERTY.

18. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED

BK10020 0071



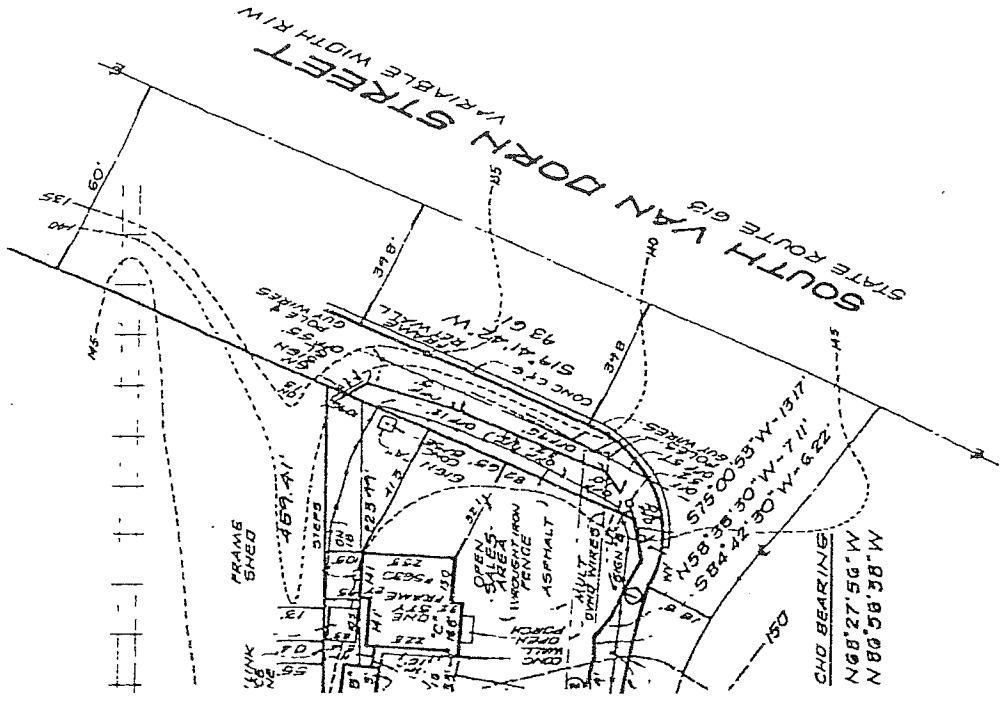
NOTES

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 81-2-003-8A AND IS ZONED C-6 AND R-1

2. AREA TABULATION:

AREA WITHIN C-6 ZONE:	10,718 SQ. FT. OR 0.2460 AC.
AREA WITHIN R-1 ZONE:	20,733 SQ. FT. OR 0.4760 AC.
TOTAL SITE AREA:	31,451 SQ. FT. OR 0.7220 AC.

7. PARKING TABULATION
   A. EXISTING USE: VEHICLE SALES ESTABLISHMENT
   B. PARKING REQUIRED: ONE (1) SPACE PER 2,500 SQUARE FEET OF OPEN SALES AREA, PLUS ONE (1) SPACE PER EMPLOYEE
   C. OPEN SALES AREA = 18,200 SQUARE FEET
   D. NUMBER OF EMPLOYEES = 8
   E. PARKING REQUIRED FOR OPEN SALES AREA =


SOUTH VAN DORN STREET
STATE ROUTE 613
VARIABLE WIDTH R/W
S19°41'42"W
93.61'
S75°00'53"W-13.17'
N58°35'30"W-7.11'
S84°42'30"W-6.22'
CHD BEARING
N68°27'56"W
N80°58'38"W
FRAME SHED
OPEN SALES AREA
WROUGHT IRON FENCE
ASPHALT
MULT DWND WIRES
CONC CT'G
GUY WIRES
60'
150

ET
E

SED

BLE

AN, AS
ION IS
ARRIERS

OR
ERTY.

HIS

ESS

PLAT

SHOWING THE IMPROVEMENTS
ON THE PROPERTY LOCATED AT

5630 S. VAN DORN STREET

LEE DISTRICT

FAIRFAX COUNTY, VIRGINIA

SCALE: 1"= 30' NOVEMBER 13, 1996

PLAT SUBJECT TO RESTRICTIONS OF RECORD

TITLE REPORT NOT FURNISHED

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN THERE ARE NO VISIBLE ENCROACHMENTS

Kenneth W. White

KENNETH W. WHITE L.S.

COMMONWEALTH OF VIRGINIA
KENNETH W. WHITE
LICENSE NO. 1277
LAND SURVEYOR

CASE NAME:

HAJIMOHAMMAD

ALEXANDRIA SURVEYS, INC.
6343 SOUTH KINGS HIGHWAY
ALEXANDRIA, VIRGINIA 22306
703-660-6615
FAX 703-768-7784

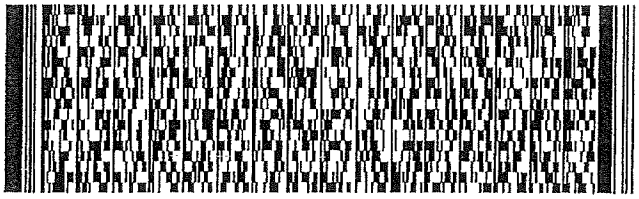
BK 10020 0073

10 115-9

Fairfax County Land Records
Cover Sheet - HAJIMOHAMMAD

Instrument(s)
DEED OF GIFT
Grantor(s)
HAJIMOHAMMAD, MOHAMMAD _I_N
Grantee(s)
None

Consideration	10.00		Consideration %	100	
Tax Exemption	None		Amount Not Taxed		
DEM Number			Tax Map Number		
Original Book			Original Page		
Title Company				Title Case	
Property Descr.					
Certified	No	Copies	0	Page Range	



Print Next Page

DEED OF GIFT TO TRUSTEE OF A REVOCABLE TRUST FOR THEIR BENEFIT

THIS DEED, made and entered into this 3rd day of May, 2002, by and between MOHAMMAD HAJIMOHAMMAD AND FLORA HAJIMOHAMMAD, husband and wife [Grantors], parties of the first part, and MOHAMMAD HAJIMOHAMMAD AND FLORA HAJIMOHAMMAD, solely in their capacity as the Trustees of the HAJIMOHAMMAD REVOCABLE Trust Dated the 3rd day of May, 2002, party of the second part [Grantees];

WITNESSETH:

That for and in consideration of the sum for Ten Dollars ($10.00) in cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the parties of the first part hereto do hereby bargain, grant, sell and convey all of their right, title and interest with SPECIAL WARRANTY of title unto the party of the second part, it being intended that fee simple title shall vest in the party of the second part solely as Trustee of the HAJIMOHAMMAD Revocable Trust dated the 3rd day of May, 2002.

Full power and authority is hereby granted to the Trustee and its successors (I) to protect and conserve the real estate; (ii) to sell, contract to sell and grant options to purchase the real estate or any part thereof and any right, title or interest therein on any terms; (iii) to exchange the real estate or any part thereof for any other real or personal property on any terms; (iv) to convey the real estate or any part thereof by deed of other conveyance to any grantee, with or without

Grantee Address: 792 Stephanie Circle
Great Falls, VA 22066

Exempt from taxation pursuant to Section 58.1-811(12)

BECKER, HADEED, KELLOGG & BERRY, P.C.
ATTORNEYS AT LAW
5501 Backlick Road
Suite 220
Springfield, Virginia
22151
(703) 256-1300
Fax (703) 256-3467

consideration; (v) to mortgage, pledge or otherwise encumber the real estate or any part thereof; (vi) to lease, contract to lease, grant options to lease and renew, extend, amend and otherwise modify leases of the real estate of any part thereof from time to time, for any rental and upon any other terms and conditions and for any period (whether or not extending beyond the term of the Trust) and (vii) to release, convey or assign any other right, title or interest of the Trustee whatsoever in and to the real estate or any part thereof.

No party dealing with the Trustee in relation to the real estate in any manner whatsoever and (without limiting the foregoing) no party to whom the real estate or any part thereof or any interest therein shall be conveyed, contracted to be sold, leased or mortgaged by the Trustee shall be (I) obligated to see to the application of any purchase money, rent or money borrowed or otherwise advanced on the interest of the Trustee in the real estate; (ii) required to see that the terms of the Trust Agreement have been complied with; (iii) obligated to inquire into the authority, necessity or expediency of any act of the Trustee; or (iv) privileged to inquire into any of the terms of the Trust Agreement.

Every deed, mortgage, lease or other instrument executed by the Trustee in relation to the real estate shall be conclusive evidence in favor of every person claiming any right, title or interest thereunder: (I) that at the time of the delivery of such instrument the Trust Agreement was in full force and effect; (ii) that such instrument was duly executed in accordance with the terms and conditions of the

Trust Agreement and is binding upon all Trustee thereunder; (iii) that the Trustee was duly authorized and empowered to execute and deliver every such instrument; and (iv) that any successor Trustee has been properly appointed and is fully vested with all the title, estate, rights, powers, duties and obligations of his predecessor in the Trust.

The Trustee shall have no individual liability or obligation whatsoever arising from their ownership, as Trustee, of legal title to the real estate, or with respect to any act done or contract entered into or indebtedness incurred by them in dealing with the real estate, or in otherwise acting as Trustee hereunder.

The interest of every Trustee hereunder and under the Trust Agreement, and of all persons claiming under any of them, shall be only in the earnings, income and proceeds arising from the rental, sale or other disposition of the real estate. Such interest is hereby declared to be personal property, and no Trustee hereunder and under the Trust Agreement shall have any right, title or interest, legal or equitable, in or to the real estate, as such, but only in the earnings, income, and proceeds thereof as provided in the Trust Agreement. All that certain lot or parcel of land situate, lying and being in the County of Fairfax, Commonwealth of Virginia and being more particularly described as:

> BEGINNING at the northwesterly corner of the tract of land conveyed by CSX Transportation, Inc. to Mohammad Hajimohammad in deed book 9497 at page 406; thence running with the line common to Hajimohammad S 05°16'29" E 69.83 feet to a point on the northerly right-of-way line of McGuin Drive, 50 foot right-of-way; thence running with the northerly right-of-way line of McGuin Drive S 84°43'31" W 42.00 feet

to a point; thence running through the property of CSX Transportation, Inc. N 05°16'29" W 69.90 feet to a point and N 84°49'51" E 42.00 feet to the point of beginning, containing 2,934 square feet.

By Deed dated October 10, 1991, the Richmond, Fredericksburg and Potomac Railway Company purchased property in Virginia from Richmond, Fredericksburg and Potomac Railroad Company and RF&P Properties, Inc. By deed dated November 17, 1992, the real property was conveyed by the Richmond, Fredericksburg and Potomac Railway Company to CSX Transportation, Inc.

AND BEING the same property conveyed to the parties of the first part by virtue of a deed recorded in Deed Book 10020 at Page 0069, among the land records of Fairfax County, Virginia.

The property is to be held by the party of the second part, solely in its capacity as Trustee of the HAJIMOHAMMAD REVOCABLE Trust dated the 3rd day of May, 2002, with full power to sell, encumber, and convey to include successor Trustees.

This conveyance is made subject to all Deeds of Trust, liens, restrictions, rights-of-way, covenants and conditions contained in the deeds form in the chain of title to this property.

The said party of the first part covenants that they have full power to sell, encumber, or convey said property, that they have done no act to encumber the same, except as aforesaid; that the said party of the second part shall have quiet possession of the said land, free from all encumbrances except as aforesaid; and that they, the said party of the first part, will execute such further assurances of title thereto as may be requisite and necessary.

WITNESS the following signatures and seals:

(SEAL)
MOHAMMAD HAJIMOHAMMAD

WITNESS:

WITNESS:

(SEAL)
FLORA HAJIMOHAMMAD

WITNESS:

WITNESS:

STATE OF ____
CITY/COUNTY OF ____, to-wit:

I, Karen J. Scalzi, a Notary Public in and for the State and City aforesaid, do hereby certify that MOHAMMAD HAJIMOHAMMAD and FLORA HAJIMOHAMMAD whose names are signed to the foregoing writing, bearing date on the 2nd day of May, 2002, did personally appear before me and acknowledge the same in the jurisdiction aforesaid.

Given under my hand this 2nd day of May, 2002.

Notary Public

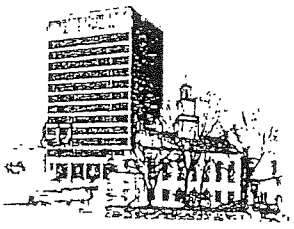
My commission expires: My Commission Expires November 30, 2004

This instrument prepared under the supervision of:

Mark E. Kellogg, Esq. (VA Bar 22757)
BECKER, HADEED, KELLOGG & BERRY
5501 Backlick Road #220
Springfield, VA 22151

07/23/2002
RECORDED FAIRFAX CO VA
TESTE:
CLERK

ATTACHMENT 4



COMMONWEALTH OF VIRGINIA

COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

September 18, 1987

FAIRFAX COUNTY
RECEIVED
OCT 12 1987
DIVISION OF
ZONING ADMINISTRATION

Mr. Thomas P. Dugan, Esquire
4010 University Drive
Fairfax, Virginia 22030

Re: Special Exception
Number SE 87-L-002

Dear Mr. Dugan:

At a regular meeting of the Board of Supervisors held on September 14, 1987, the Board approved Special Exception Number SE 87-L-002, in the name of Peter Antzoulatos, located at Tax Map 81-2 ((3)) 8 for use as a vehicle sales, rental and ancillary service establishment pursuant to Section 4-604 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.

3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat and these conditions.

4. This Special Exception shall remain valid for three years from the date of issuance of a Non-Residential Use Permit. A maximum of two extensions beyond that time may be granted by the Zoning Administrator for one (1) year time increments only.

5. There shall be no more than two (2) employees per shift.

6. Hours of operation shall not exceed 9:00 A.M. to 8:00 P.M. on weekdays and 10:00 A.M. to 4:30 P.M. on Saturdays.

7. Full curb requirements under Section 9-518 of the Zoning Ordinance shall be provided along both road frontages of this site to be installed within one year.

8. Fencing shall remain in good repair and trash and miscellaneous articles will be picked up to maintain an orderly, aesthetically pleasing appearance.

9. Landscaping shall be provided along the Vine Street side of the site within a 10-foot strip of land subject to the approval of the County Arborist.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Under Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, eighteen (18) months after the approval date of the Special Exception unless the activity authorized has been established, or unless construction has commenced, and is diligently pursued, or unless additional time is approved by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of the approval of this Special Exception. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator prior to the expiration date.

The Board also modified the transitional screening and barrier requirements and waived the minimum lot area and lot width requirements.

If you have any questions concerning this Special Exception, please give me a call.

Very truly yours,

Ethel W. Register

Ethel W. Register, CMC, Agency Director
Office of the Clerk to the Board

EWR/ns
cc: Joseph T. Hix
Real Estate Division, Assessments
Gilbert R. Knowlton, Deputy
Zoning Administrator
Donald D. Smith
Permit, Plan Review Branch
Seldon H. Garnet, Chief
Inspection Services Division
Building Plan Review Branch
Barbara A. Byron, Director
Zoning Evaluation Division

ATTACHMENT 5

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

OFFICE OF COMPREHENSIVE PLANNING
ZONING ADMINISTRATION DIVISION
4050 Legato Road, Suite 800
Fairfax, Virginia 22033
246-1374

December 26, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
P 281 725 302

William C. Thomas, Jr.
Fagelson, Coates & Davenport
401 Wythe Street
Alexandria, Virginia 22314

RE: SE 87-L-002
5630 South Van Dorn Street
Tax Map Ref: 81-2((3))8
Zoning District: C-6

Dear Mr. Thomas:

This is in response to your letter of December 11, 1990 and previous letters from Mr. Thomas P. Dugan regarding the status of the above-referenced special exception.

Special Exception SE 87-L-002 was approved by the Board of Supervisors on September 14, 1987 to allow the continuation of a vehicle sale, rental and ancilliary service establishment on the above-referenced property. It is noted that this special exception was to legalize an existing operation which had been operating without the required special exception approval since 1984. This approval was subject to compliance with nine conditions and contained the standard limitation that, in accordance with Sect. 9-015 of the Zoning Ordinance, the special exception approval would expire without notice eighteen months after the approval date unless the activity authorized had been established, or construction had commenced and had been diligently pursued, or additional time was requested from the Zoning Administrator prior to the expiration date, which in this instance was March 14, 1989.

A review of the development conditions and our files indicates that this special exception has not been validly established under Sect. 9-015 and therefore has expired. Condition No. 3 required the submission and approval of a site plan and our files indicate that no such plan has been submitted or approved by the County. Condition No. 9 required the installation of landscaping along Vine Street subject to the approval of the County Arborist and no such approval has been given, absent submission and approval of a site plan. In addition, Condition No. 7 required the installation of full curbs along both road frontages within one year of the special exception approval. To date, this condition has also not been met.

The special exception approval also required the issuance of a Non-Residential Use Permit (Non-RUP) and Condition No. 4 provided that the special exception would remain valid for three years from the date of issuance of the Non-RUP, with the Zoning Administrator empowered to grant two one year extensions. On September 16, 1987, my office issued a Non-RUP to Select Auto Imports Inc. as a change of ownership and trade name. It is apparent to me that staff was not aware of the granting of SE 87-L-002 two days earlier by the Board of Supervisors and it is noted that the letter from the Clerk to the Board indicating the Board's approval is dated September 18, 1987, subsequent to the issuance of the Non-RUP. It is my position that this Non-RUP was therefore issued in error as the conditions of the special exception had not been met. Consequently, based on Sect. 18-114 of the Zoning Ordinance, copy attached, this Non-RUP was approved in violation of the Zoning Ordinance and is therefore null and void.

I am aware that Mr. Dugan's letter of May 25, 1990 enclosed a copy of a February 1, 1989 letter from Mr. Antzoulatos which requested an extension to comply with the condition for installation of curbing. As noted above, this requirement was set forth in Condition No. 7 and there is no authority in the special exception conditions or the Zoning Ordinance for the Zoning Administrator to extend this type of a time limitation set forth in a condition of a special exception. Such a request required approval by the Board of Supervisors of an amendment to the special exception. Mr. Antzoulatos' letter also references the eighteen month time limitation, but it does not appear that his letter was intended to be a request for additional time under Sect. 9-015 of the Ordinance. Even if that was the intent of the letter, our records do not reflect ever receiving this letter until it was provided with Mr. Dugan's May 25, 1990 letter, which was after the March 14, 1989 expiration date of the special exception. As you are aware, under Sect. 9-015, such a request must be filed with the Zoning Adminstrator prior to the expiration date.

Therefore, based upon the above, it is my determination that SE 87-L-002 has expired and the continued operation of a vehicle sale, rental and ancillary service establishment on this property is a violation of Par. 1 of Sect. 2-304, which reads as follows:

> No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

This violation must be cleared, within thirty (30) days of receipt of this letter, by either ceasing the use of a vehicle sale, rental and ancillary service establishment or by filing an application for a special exception for this use. Failure to comply with this notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Should you have any questions or need elaboration, please do not hesitate to contact me.

Sincerely,

Jane W. Gwinn
Zoning Administrator

JWG/jwg

Attachment: A/S

cc: Joseph Alexander, Supervisor
Lee District
Carl L. Sell, Jr., Planning Commissioner
Lee District
Barbara A. Byron, Director
Zoning Evaluation Division
Melinda M. Artman, Deputy Zoning Administrator for
for Permit, Plan Review Branch
Carl I. Sivertsen, Deputy Zoning Administrator for
Zoning Enforcement Branch
Thomas P. Dugan, Esquire
Peter Antzoulatos, By Certified Mail

ATTACHMENT 6

FAIRFAX COUNTY
VIRGINIA

OFFICE OF COMPREHENSIVE PLANNING
Zoning Administration Division
Zoning Enforcement Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508

(703) 324-1300 Fax (703) 324-3924

November 27, 1996

Mohammad and Flora Hajimohammad
792 Stephanie Court
Great Falls, VA 22066

Certified Mail
Return Receipt Requested
Receipt #: P 395 729 106

Re: 5630 South Van Dorn Street
Oakwood, PT Lot 8, and PCL
Tax Map Ref: 81-2 ((3)) 8A
Zoning District: C-6

Dear Mr. and Mrs. Hajimohammad:

By the enclosed letter dated December 26, 1990, your attorney, William E. Thomas, Jr., was advised that Special Exception SE-87-L-002 had expired and the Non-Residential Use Permit (Non-RUP) issued on September 16, 1987, was null and void.

A zoning inspection of the above-referenced property on November 15, 1996, at 1:45 p.m., revealed that Select Auto Imports continues to operate a vehicle sale, rental and ancillary service establishment on this property. A review of Fairfax County Land Development's records associated with this property revealed that an application for Special Exception SE-91-L-024 was accepted on June 12, 1991. However, at Mr. Thomas' request, it was deferred indefinitely on March 23, 1992. Since you continue to use the property as a vehicle sale, rental and ancillary service establishment and have failed to diligently pursue the approval of SE-91-L-024, you are in violation of Par.1 of Sect. 2-304 of the Fairfax County Zoning Ordinance which states:

> No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

Additionally, you continue to use the property without benefit of a valid Non-RUP. Therefore, you are in violation of Sect. 18-701 of the Fairfax County Zoning Ordinance which states:

> No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in

use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

You are hereby directed to clear this violation within sixty (60) days of receipt of this notice. Compliance can be accomplished by:

- Ceasing the use of the property as a vehicle sale, rental, and ancillary service establishment; or
- Diligently pursuing the approval of Special Exception SE-91-L-024; and
- Obtaining a Non-RUP for the vehicle sale, rental, and ancillary service establishment.

The Non-RUP can only be obtained following the approval of Special Exception by the Board of Supervisors and implementation of all required development conditions.

You may have the right to appeal this notice of zoning violation within thirty (30) days of the date of this letter in accordance with Sec. 15.1-496.1 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a $210.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Failure to comply with this notice may result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Should you have any questions regarding this notice or need additional information, please do not hesitate to contact me at 324-1331 or 324-1300.

Sincerely,

Roy V. Biedler

Roy V. Biedler
Senior Zoning Inspector

RVB/cas

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

May 14, 2014

Lynne J. Strobel
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Blvd., 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2013-LE-014

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on May 13, 2014, the Board approved Special Exception Application SE 2013-LE-014 in the name of Mohammad Hajimohammad, Trustee, And Flora Hajimohammad, Trustee, of the Hajimohammad Revocable Trust. The subject property is located 5630 South Van Dorn Street, on 31,451 square feet, zoned C-6 in the Lee District [Tax Map 81-2 ((3)) 8A]. The Board's action permits a vehicle sales, rental and ancillary service establishment, waiver of minimum lot size and lot width and waiver of open space requirement, pursuant to Section 4-604, 9-518, 9-610 and 9-612 of the Fairfax County Zoning, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. A copy of the Special Exception conditions and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

3. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

4. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "Select Auto Imports," consisting of five sheets, prepared by Tri-Tek Engineering, dated March 19, 2013, as revised through February 25, 2014, and these conditions. Minor modifications to the approved special exception may be permitted as determined by the Zoning Administrator.

5. This Special Exception shall remain valid for five years from the date of issuance of a Non-RUP. Extensions beyond that time may be granted by the Zoning Administrator for two-year increments only if the continuation of the use would not interfere with the Van Dorn Street and Capital Beltway transportation improvements. Any request for such extension shall be submitted by the applicants to the Zoning Administrator in writing.

6. Within 120 days of approval of the Special Exception and prior to the issuance of a Non-RUP, the applicants shall demonstrate through the submission of an approved Virginia Department of Transportation (VDOT) permit to the Fairfax County Department of Transportation (FCDOT) that they have obtained written permission from VDOT to allow the private features within the right-of-way to remain, such as aluminum fencing, columns, stone walls, and gates. A one-time extension of 60 days beyond the 120 days may be granted by the Zoning Administrator if the applicants can demonstrate they have diligently pursued such permission from VDOT. If any or all private features in the right-of-way are not permitted by VDOT, the applicants shall remove these features outside the right-of-way or relocate them on the property as generally shown in Attachment A of these conditions, provided this relocation does not interfere with sight distance. The applicants shall complete removal or relocation within six months of denial of a permit by VDOT. If the applicants remove or relocate the private objects in a manner that is not in substantial conformance with the SE/SP Plat or Attachment A, a Special Exception Amendment and/or a Special Permit Application will be required, as determined by the Zoning Administrator.

7. The applicants shall provide wheel stops for the vehicle storage and display area on the application property along McGuin Drive as generally shown on the SE/SP Plat for the purpose of ensuring that no portion of any vehicle for sale is located or overhanging within the right-of-way. The final location of the wheel stops shall be determined by VDOT and the Department of Public Works and Environmental Services (DPWES) at the time of site plan. The final location of the wheel stops shall allow for adequate circulation on the site, as determined by DPWES at the time of site plan. If the applicants must reconfigure this parking area in a manner that is not in substantial conformance with the SE/SP Plat in order to provide for such adequate circulation, a Special Exception Amendment and/or a Special Permit Amendment will be required, as determined by the Zoning Administrator.

8. Within 90 days of approval of the Special Exception, the applicants shall remove any signs prohibited by the Zoning Ordinance and any signs that have been installed without permit approval. The applicants shall obtain permits for all signs located on

the subject property. The applicants may install up to one building-mounted sign and one freestanding sign in accordance with Article 12 of the Zoning Ordinance prior to the issuance of a Non-RUP.

9. All freestanding signs shall be located in conformance with Section 2-505 of the Zoning Ordinance and shall not conflict with vehicle sight distance.

10. Prior to the issuance of a Non-RUP and if requested by VDOT at the time of site plan, the applicants shall install signs along the McGuin Drive frontage to ensure that vehicles are not parked in this area.

11. Prior to site plan approval, the applicants shall demonstrate that any existing or proposed fences and columns do not interfere with sight distance, as determined by VDOT.

12. The area devoted to vehicle storage and display shall be limited to that area so designated on the SE/SP Plat. Such areas shall not be used for the storage or display of vehicles that are not in operating condition. No parking shall be permitted within the adjacent right-of-way.

13. The applicants shall extend the existing curb and gutter from the intersection of South Van Dorn Street and McGuin Drive to the easternmost entrance along McGuin Drive. The applicants shall upgrade the existing rolled asphalt curb from the easternmost entrance along McGuin Drive to the western property line to meet the standards of the Public Facilities Manual (PFM), as determined by DPWES at the time of site plan.

14. Prior to site plan approval, the applicants shall provide a detailed comparison of existing versus proposed impervious area tabulation/map. The existing impervious area shall be established based on Special Exception SE 87-L-002, which was approved on September 14, 1997. Based on this, stormwater detention requirements and Best Management Practices shall be met pursuant to the Public Facilities Manual, unless waived by DPWES.

15. The applicants shall submit a site plan within 120 days of approval of this application. The applicants shall obtain site plan approval within eight months of the approval of this application. Extensions of up to 90 days may be granted by the Zoning Administrator if the applicants can demonstrate they have diligently pursued site plan approval.

16. All applicable permits and final inspections shall be obtained for the existing building within 120 days of site plan approval.

17. Within 120 days of site plan approval and prior to the issuance of a Non-RUP, the applicants shall remove the portion of the building that encroaches onto the adjacent property to the north.

18. The applicants shall obtain the necessary approvals from the adjacent property owner to the north (Tax map 90-4 ((1)) 24) prior to the removal of the portion of the structure that encroaches onto that property.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, eighteen (18) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted for one of the proposed buildings. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- Modified the minimum lot size and lot width requirements in accordance with Sect. 9-610 of the Zoning Ordinance to permit a 31,451 square foot lot with a width of 82 feet

- Modified the open space requirements in accordance with Sect. 9-612 of the Zoning Ordinance to allow 13.4% open space

- Modified the transitional screening requirements to the south and west and the barrier requirements to the south pursuant to Sect. 13-305 of the Zoning Ordinance in favor of that shown on the SE/SP Plat

- Modified the peripheral parking lot landscaping requirements along the eastern boundary of the property in accordance with Sect. 13-203 of the Zoning Ordinance in favor of that shown on the SE/SP Plat

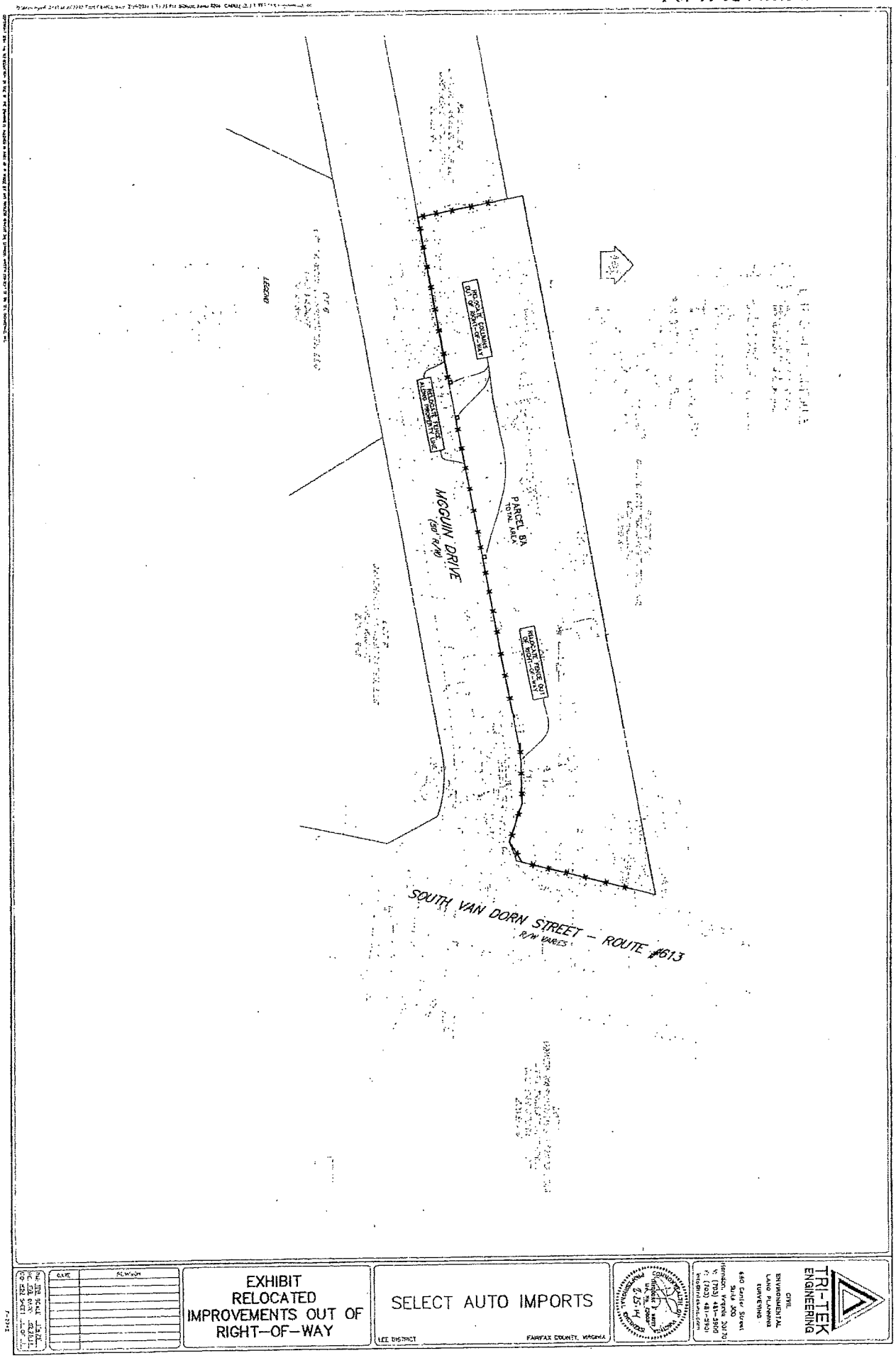
- Increased the height of the fence, walls, gates, and gate posts to that shown on the SE/SP Plat in accordance with Par. 3.H of Sect. 10-104 of the Zoning Ordinance.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Jeffrey McKay, Lee District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

ATTACHMENT A



DATE	REVISION

EXHIBIT
RELOCATED
IMPROVEMENTS OUT OF
RIGHT-OF-WAY

SELECT AUTO IMPORTS

LEE DISTRICT FAIRFAX COUNTY, VIRGINIA

TRI-TEK ENGINEERING
CIVIL
ENVIRONMENTAL
LAND PLANNING
SURVEYING
440 Center Street
Suite 300
Herndon, Virginia 20170
V: (703) 481-3900
F: (703) 481-3901
info@tri-tek.com

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MOHAMMAD HAJIMOHAMMAD, TRUSTEE AND FLORA HAJIMOHAMMAD, TRUSTEE OF THE HAJIMOHAMMAD REVOCABLE TRUST, SP 2013-LE-062 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction of certain yard requirements due to error in building location to permit existing building to remain 29.5 ft. and 33 ft. from the front lot lines. Located at 5630 South Van Dorn St., Alexandria, 22310, on approx. 31,451 sq. ft. of land zoned C-6. Lee District. Tax Map 81-2 ((3)) 8A. (In association with SE 2013-LE-014.) (Admin. moved from 2/26/14.) (Admin. moved from 3/19/14 at appl. req.) Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on April 16, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. It is very thin justification, based on a representation that a contractor was employed to enlarge the existing building.
3. The applicants satisfy the standard that requires that the non-compliance was done in good faith and through no fault of the property owner.
4. The Board finds that under Sect. B, the applicants satisfy the specific standards set forth under that section.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

A. That the error exceeds ten (10) percent of the measurement involved;

B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;

C. Such reduction will not impair the purpose and intent of this Ordinance;

D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;

E. It will not create an unsafe condition with respect to both other property and public streets;

F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and

G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. This special permit is approved for the location of the building as shown on the plat prepared by Tri-Tek Engineering, dated March 19, 2013, as revised through February 25, 2014 as submitted with this application and is not transferable to other land.

2. All applicable permits and final inspections shall be obtained for the existing building within 120 days of site plan approval. The applicants shall submit a site plan within 120 days of approval of SE 2013-LE-014. The applicants shall obtain site plan approval within eight months of the approval of SE 2013-LE-014. Extensions of up to 90 days may be granted by the Zoning Administrator if the applicants can demonstrate they have diligently pursued site plan approval. In the event that SE 2013-LE-014 is not approved, this special permit shall be null and void.

3. Within 120 days of site plan approval, the applicants shall remove the portion of the building that encroaches onto the adjacent property to the north zoned R-1. The applicants shall submit a site plan within 120 days of approval of SE 2013-LE-014. The applicants shall obtain site plan approval within eight months of the approval of SE 2013-LE-014. Extensions of up to 90 days may be granted by the Zoning Administrator if the applicants can demonstrate they have diligently pursued site plan approval. In the event that SE 2013-LE-014 is not approved, this special permit shall be null and void.

4. The applicants shall obtain the necessary approvals from the adjacent property owner to the north (Tax map 90-4 ((1)) 24) prior to the removal of the portion of the structure that encroaches onto that property.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Smith seconded the motion, which carried by a vote of 5-1. Mr. Byers voted against the motion. Mr. Beard recused himself from the hearing.

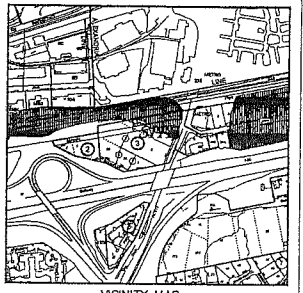
A Copy Teste:

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals

SPECIAL EXCEPTION AND SPECIAL PERMIT PLAT

SELECT AUTO IMPORTS

JULY 10, 2013
REV. FEBRUARY 25, 2014



VICINITY MAP
SCALE: 1"=500'

PROJECT TEAM

OWNER/APPLICANT

MOHAMMAD & FLORA
HAJIMOHAMMAD, TR.
5630 S. VAN DORN STREET
ALEXANDRIA, VA. 22350
PHONE: (703) 928-5500

LAND USE ATTORNEY

WALSH, COLUCCI, EMRICH,
LUBELEY AND WALSH
ATTN. LYNNE STROBEL
2200 CLARENDON BOULEVARD
13TH FLOOR
ARLINGTON, VA. 22201
PHONE: (703) 528-4700
FAX: (703) 525-3197

CIVIL ENGINEER

TRI-TEK ENGINEERING, INC.
ATTN. TED BRITT
690 CENTER STREET
SUITE 300
HERNDON, VA. 20170
PHONE: (703) 481-5900
FAX: (703) 481-5901

SHEET INDEX

1) COVER SHEET
2) NOTES & DETAILS
3) SPECIAL EXCEPTION AND SPECIAL PERMIT PLAT
4) STORMWATER MANAGEMENT
5) BMP COMPUTATIONS AND DETAILS

Application No. SP 2013-LE-062
John F. Ribble III
5-1 (Beyer) (Board Motion)
Chairman, Board of Zoning Appeals

RECEIVED
Department of Planning & Zoning
FEB 25 2014
Zoning Evaluation Division

TRI-TEK ENGINEERING
CIVIL
ENVIRONMENTAL
LAND PLANNING
SURVEYING
690 Center Street
Suite 300
Herndon, Virginia 20170
V: (703) 481-5900
F: (703) 481-5901
info@tritekinc.com

COMMONWEALTH OF VIRGINIA
TRIDUORE D. BRITT
Lic. No. 23803
2-25-14
PROFESSIONAL ENGINEER

SELECT AUTO IMPORTS
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

COVER SHEET

DATE	REVISION
08.18.13	PER COUNTY COMMENTS.
07.10.13	PER COUNTY COMMENTS.
11.06.13	PER COUNTY COMMENTS.
12.12.13	PER COUNTY COMMENTS.
01.09.14	PER COUNTY COMMENTS.
02.25.14	PER COUNTY COMMENTS.

PM: TDB SCALE: NONE
PE: TDB DATE: 03.19.13
CO: MSD SHEET 1 OF 5

F-2742

COPYRIGHT 2014. NO REPRODUCTION OR USE OF THE DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PROCESS WITHOUT THE EXPRESS WRITTEN CONSENT OF TRI-TEK ENGINEERING, INC.

O:\drawings\F-2742\plots\2742-02-SEP-N&D.dwg, 2/24/2014 4:04:32 PM, SOlson, Xerox 6204 - CADD.pc3, 1:1, TRI-TEK Engineering, Inc.

GENERAL NOTES

1. THE PROPERTY DELINEATED ON THIS PLAT CONTAINS 0.7220± ACRES (31,451± S.F.) AND IS LOCATED ON FAIRFAX COUNTY TAX MAP 81-2-03-0008A. THE PROPERTY IS ZONED C-6 AND IS CURRENTLY USED AS MOTOR VEHICLE SALES.
2. THIS SPECIAL EXCEPTION REQUEST IS SUBMITTED FOR CATEGORY 5 – COMMERCIAL AND INDUSTRIAL USE OF SPECIAL IMPACT – VEHICLE SALES AND A CATEGORY 6 FOR A WAIVER OF MINIMUM LOT SIZE REQUIREMENTS.
3. THIS SPECIAL PERMIT IS TO REQUEST A REDUCTION IN THE FRONT YARD REQUIREMENTS BASED ON AN ERROR IN BUILDING LOCATION IN ACCORDANCE WITH SECTION 8-914 OF THE FAIRFAX COUNTY ZONING ORDINANCE.
4. BOUNDARY INFORMATION IS BASED ON A FIELD RUN SURVEY BY TRI-TEK ENGINEERING (JANUARY, 2013). NO TITLE REPORT FURNISHED.
5. TOPOGRAPHY INFORMATION SHOWN HEREON IS AT 2 FT. CONTOUR INTERVALS BASED ON A FIELD SURVEY BY TRI-TEK ENGINEERING (JANUARY, 2013).
6. THE PROPERTY DELINEATED ON THIS PLAT IS NOW IN THE NAME OF MOHAMMAD & FLORA HAJMOHAMMAD, TR. AS RECORDED IN DEED BOOK 13134 AT PAGE 1812 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
7. THE SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.
8. OFF STREET PARKING AND LOADING IS PROVIDED IN ACCORDANCE WITH ARTICLE 11 OF THE FAIRFAX COUNTY ZONING ORDINANCE.
9. THIS PLAN IS COMPATIBLE WITH THE ADOPTED COMPREHENSIVE PLAN OF FAIRFAX COUNTY AND ADJACENT DEVELOPMENT. THERE ARE NO TRAILS INDICATED ON THE TRAILS PLAN ALONG SOUTH VAN DORN STREET OR MCGUIN DRIVE.
10. TO THE BEST OF OUR KNOWLEDGE, THE PROPOSED USE DOES NOT ADVERSELY AFFECT ADJACENT OR NEIGHBORING PROPERTIES.
11. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO GENERAL AREAS THAT HAVE SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION AND PRESERVATION.
12. THIS SITE DOES NOT HAVE AREA SUBJECT TO 100 YEAR FLOODING OR EQC CRITERIA AND NO RPA EXISTS ON THE PROPERTY.
13. PRIOR CONSTRUCTION ADDED IMPERVIOUS AREA TO THE SITE IN THE LATE 1980'S. STORMWATER MANAGEMENT AND WATER QUALITY CONTROL WAIVERS WILL BE REQUESTED AT THE SITE PLAN STAGE.
14. ESTABLISHMENT OF THIS USE WILL OCCUR AT SUCH TIME AS APPROPRIATE COUNTY APPROVALS HAVE BEEN OBTAINED AND SUBJECT TO THE DISCRETION OF THE OWNER.
15. TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THERE IS NO EVIDENCE OF ANY GRAVE, OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL.
16. TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES THAT ARE TO BE GENERATED, UTILIZED, STORED, TREATED AND/OR DISPOSED OF ON THIS SITE OTHER THAN THOSE CONSISTENT WITH THE USE OF THE PROPERTY.
17. ANY NEW OR EXISTING SIGNAGE TO REMAIN AND NEW OUTDOOR LIGHTING FIXTURES ONSITE SHALL BE PROVIDED/PERMITTED IN ACCORDANCE WITH APPLICABLE STANDARDS SET FORTH BY THE COUNTY OF FAIRFAX.
18. THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION SHALL BE DEVELOPED IN ACCORDANCE WITH THIS PLAT PREPARED BY TRI-TEK ENGINEERING, INC. PROVIDED THAT MINOR MODIFICATIONS SHALL BE PERMITTED PURSUANT TO THE PROVISIONS OF SEC. 9.004. MODIFICATIONS WILL BE DETERMINED AS PART OF THE FINAL ENGINEERING AND SITE PLAN REVIEW BY THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES).
19. SITE ACCESS WILL BE FROM MCGUIN DRIVE.
20. THE EXISTING BUILDING ON THE SITE IS TO BE RETAINED AND WAS CONSTRUCTED AND ADDED ON TO BETWEEN 1980 AND 1993.
21. THERE ARE NO EXISTING UTILITY EASEMENTS IN EXCESS OF TWENTY FIVE (25) FT. WIDE AND NO MAJOR UNDERGROUND UTILITY LOCATED ON THE PROPERTY.
22. THERE ARE NO WATERS AND/OR WETLANDS REGULATED UNDER SECTION 404 OF THE CLEAN WATER ACT IDENTIFIED ON THE PROPERTY BASED ON A SITE VISIT BY THIS FIRM AND THE CONDITIONS OF THE SITE AS IT EXISTS TODAY.
23. THERE EXISTS A SIGN, FENCING AND COLUMNS THAT HAVE BEEN CONSTRUCTED IN THE ADJOINING RIGHT-OF-WAY. APPLICANT SHALL SEEK PERMISSION FROM VDOT TO ALLOW THOSE IMPROVEMENTS TO REMAIN OR REMOVE/RELOCATE IN ACCORDANCE WITH APPLICABLE ORDINANCE REQUIREMENTS.

SITE DATA

- TAX MAP LOCATION: 81-2-03-0008A
- SITE ADDRESS: 5630 S. VAN DORN ST.
- TOTAL SITE AREA: ±0.7220 ACRES OR ±31,451 S.F.
- ZONING: C-6
- USE: MOTOR VEHICLE SALES
- EXISTING BUILDING AREA: ±2,430 S.F.
- PROPOSED BUILDING AREA: ±2,430 S.F.

SITE TABULATIONS

	REQUIRED:	PROPOSED:
• LOT SIZE REQUIREMENTS(*):		
LOT AREA:	40,000 SF	31,451 SF
LOT WIDTH:	200 LF	82± LF
• BULK REGULATIONS(*):		
BUILDING HEIGHT:	40 FT.	17 FT.
YARD REQUIREMENTS:		
FRONT:	CONTROLLED BY A 45° ANGLE OF BULK PLANE, BUT NOT LESS THAN 40 FT.	30.5± FT.
SIDE:	NONE	0 FT.
REAR:	20 FT.	287.3± FT.
F.A.R.:	0.40	0.08
OPEN SPACE:	15% OR 4,812 SF	4,213 S.F. OR 13.4%

• PARKING SCHEDULE:

REQUIRED: 1 SPACE/500 SF OF ENCLOSED SALES FLOOR AREA (1,000 SF) = 2
1 SPACE/2,500 SF OF OPEN SALES LOT AREA (0 SF) = 0
2 SPACES PER SERVICE BAY (0 SERVICE BAYS) = 0
1 SPACE PER EMPLOYEE (15 EMPLOYEES) = 15
TOTAL = 17

PROVIDED: 19 SPACES
63 (7.5'x15') VEHICLE DISPLAY/STORAGE SPACES

LOADING SPACE:
REQUIRED: 1 SPACE
PROVIDED: 1 SPACE

MODIFICATIONS/WAIVERS:

THE SITE CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS OF FAIRFAX COUNTY, EXCEPT THE FOLLOWING:

1. WAIVE THE MINIMUM LOT SIZE AND LOT WIDTH REQUIREMENTS FOR THE LOT IN ACCORDANCE WITH SECTION 9.610 TO THAT WHICH CURRENTLY EXISTS.
2. WAIVE THE REQUIREMENT FOR TRANSITIONAL SCREENING ALONG THE SOUTHERN AND WESTERN BOUNDARIES OF THE SITE IN ACCORDANCE WITH 13-305.2.
3. WAIVE THE REQUIREMENT TO PROVIDE A BARRIER ALONG THE SOUTHERN BOUNDARY BASED ON THE BARRIER BEING PERMITTED TO REMAIN WITHIN THE ADJACENT R.O.W. IN ACCORDANCE WITH SECTION 13-305.2.
4. MODIFY THE REQUIREMENT FOR PERIPHERAL PARKING LOT LANDSCAPING ALONG THE EASTERN BOUNDARY TO THAT SHOWN IN ACCORDANCE WITH SECTION 13-203.3.
5. WAIVE THE OPEN SPACE TO THAT WHICH CURRENTLY EXISTS AS DEPICTED BY THE PLAN IN CONFORMANCE WITH SECTION 9-612.
6. PERMIT AN INCREASE IN THE HEIGHT OF THE WALLS, GATES AND GATE POSTS TO THOSE WHICH EXIST AS SHOWN BY THE PLAN IN ACCORDANCE WITH SECTION 10-104.3H.

PERIPHERAL PARKING LOT LANDSCAPING:

PERIPHERAL PARKING LOT LANDSCAPING IS REQUIRED ALONG THE NORTHERN AND EASTERN BOUNDARY ADJACENT TO THE PARKING LOT.

NORTH BOUNDARY:

REQUIRED: 285 FT. X 1 TREE/50 FT. = 5.7 OR 6 TREES
PROVIDED: 6 TREES

EAST BOUNDARY:

REQUIRED: 75 FT. X 1 TREE/40 FT. - 1.9 OR 2 TREES
PROVIDED: 0 TREES

INTERIOR PARKING LOT LANDSCAPING CALCULATIONS:

AREA TO BE COUNTED = 23,875 S.F.
INT. LANDSCAPING REQUIRED (5%) = 1,194 S.F.
TOTAL SHADE TREE CANOPY PROVIDED.
(5 TREES @ 250 S.F. EACH) = 1,250 S.F.

TOTAL AREA REQUIRED = 1,194 S.F.
TOTAL ARE PROVIDED = 1,250 S.F.

TRANSITIONAL SCREENING:

REQUIRED: SCREENING YARD 3 – ALONG SOUTHERN AND WESTERN BOUNDARIES 50 FT. WIDTH AND PLANTED WITH:

1. A MIXTURE OF LARGE AND MEDIUM EVERGREEN TREES AND LARGE DECIDUOUS TREES THAT ACHIEVES A MINIMUM TEN (10) YEAR TREE CANOPY OF SEVENTY-FIVE (75) PERCENT OR GREATER;
2. A MIXTURE OF TREES CONSISTING OF AT LEAST SEVENTY (70) PERCENT EVERGREEN TREES, AND CONSISTING OF NO MORE THAN THIRTY-FIVE (35) PERCENT OF ANY SINGLE SPECIES OF EVERGREEN OR DECIDUOUS TREE; AND
3. A MIXTURE OF PREDOMINATELY MEDIUM EVERGREEN SHRUBS AT A RATE OF THREE (3) SHRUBS FOR EVERY TEN (10) LINEAR FEET FOR THE LENGTH OF THE TRANSITION YARD AREA. THE SHRUBS SHALL GENERALLY BE LOCATED AWAY FROM THE BARRIER AND STAGGERED ALONG THE OUTER BOUNDARY OF THE TRANSITION YARD.

PROVIDED: A MODIFICATION IS REQUESTED TO ALLOW THE IMPROVEMENTS SHOWN PER THE PLAN.

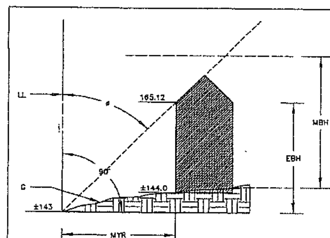
BOUNDARY	TRANSITIONAL SCREENING YARD AREA	LARGE/MEDIUM EVERGREENS/DECIDUOUS (75% CANOPY)		MEDIUM EVERGREEN SHRUBS (3 SHRUBS/10 LF)	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
SOUTHERN	20,800 S.F.	15,600 S.F.	1,250 S.F.	125	40 (25 OFFSITE)
WESTERN	1,000 S.F.	750 S.F.	500 S.F.	6	0

BARRIERS:

BARRIERS IDENTIFIED AS EITHER AN E, F OR G BARRIER ARE REQUIRED TO BE PROVIDED ALONG SOUTHERN AND WESTERN BOUNDARIES OF THE SITE.

WESTERN BOUNDARY – A BARRIER CONSISTING OF A 6 FT. CHAIN LINK FENCE CURRENTLY EXISTS YET WAS INSTALLED JUST WEST OF THE PROPERTY LINE. THE FENCE WILL BE RELOCATED TO PROVIDE THE REQUIRED BARRIER.

SOUTHERN BOUNDARY – A 6 FT. ALUMINUM FENCE EXISTS ALONG THE SITE FRONTAGE YET IS INSTALLED WITHIN THE R.O.W. OUTSIDE OF THE PROPERTY BOUNDARY. A WAIVER OF THE REQUIREMENT TO PROVIDE THE BARRIER IS REQUESTED IN ACCORDANCE WITH SECTION 13-305.2 BASED ON THE BARRIER BEING ALLOWED TO BE RETAINED WITHIN THE R.O.W. AS IT CURRENTLY EXISTS. IF THE BARRIER IS REQUIRED TO BE REMOVED FROM THE R.O.W., IT WILL BE INSTALLED ON THE SOUTHERN PROPERTY LINE.



φ : ANGLE OF BULK PLANE = 45° FRONT
LL : LOT LINE
MYR : MINIMUM YARD REQUIREMENT = 40' FRONT, NONE, 20' REAR
EBH : EFFECTIVE BUILDING HEIGHT =
MBH : MAXIMUM BUILDING HEIGHT =
G : GRADE (FINISHED) = ± (AVG.)

MYR = EBH tan φ

$EBH = \frac{MYR}{\tan \phi}$

	ANGLE PROVIDED	SETBACK PROVIDED	EFFECTIVE BLDG. HT.
FRONT	50°	30.5'±	22.12'
SIDE	N/A	0'±	N/A
REAR	N/A	287.3'±	N/A

USE: MOTOR VEHICLE SALES
CURRENT ZONING: C-6

ANGLE OF BULK PLANE
(NOT TO SCALE)

Tree Preservation Target Calculations and Statement		
A	Pre-development area of existing tree canopy (from Existing Vegetation Map) =	0
B	Percentage of gross site area covered by existing tree canopy =	0.00%
C	Percentage of the 10-year tree canopy required for site (see Table 12.4) =	10%
D	Percentage of the 10-year tree canopy requirement that should be met through tree preservation = (C-6)	0.00%
E	Proposed percentage of canopy requirement that will be met through tree preservation =	100%
F	Has the Tree Preservation Target minimum been met?	YES
G	If No for line F, then a request to deviate from the Tree Preservation Target shall be provided on the plan that states one or more of the justifications listed in § 12-0508.3 along with a narrative that provides a site-specific explanation of why the Tre	
H	If step G requires a narrative, it shall be prepared in accordance with § 12-0508.4 & included in the plan set. Provide sheet number where narrative is located.	

Step	10-year Tree Canopy Calculation Worksheet	Totals	Reference
A. Tree Preservation Target and Statement			
A1	Place the Tree Preservation Target Calculations and statement here preceding the 10-year tree canopy calculations	SEE ABOVE	See § 12-0508.2 for list of required elements and worksheet
B. Tree Canopy Requirement			
B1	Identify gross site area (SF) =	31,451	§ 12-0511.1A
B2	Subtract area dedicated to parks & road frontage		§ 12-0511.1B
B3	Subtract area of exemptions =		§ 12-0511.1C(1) through § 12-0511.1C(8)
B4	Adjusted gross site area (B1-B2) =	31,451	
B5	Identify site's zoning and/or use =	C-6	
B6	Percentage of 10-year tree canopy required =	10	12-510.1 and Table 12.4
B7	Area of 10-year tree canopy required (B4 x B6) =	3,145	
B8	Modification of 10-year Tree Canopy Requirements requested?		Yes or No
B9	If B8 is yes, then list plan sheet where modification request is located		List Sheet Number
C. Tree Preservation			
C1	Tree Preservation Target Area =	0	
C2	Total canopy area meeting standards of § 12-0200 =	0	
C3	C2 x 1.25 =	0	§ 12-0510.3B
C4	Total canopy area provided by unique or valuable forest or woodland communities =	0	
C5	C4 x 1.5 =	0	§ 12-0510.3B(1)
C6	Total of canopy area provided by "Heritage," "Memorial," "Specimen," or "Street," trees =	0	
C7	C6 x 1.5 to 3.0 =	0	§ 12-0510.3B(2)
C8	Canopy area of trees within Resource Protection Areas and 100-year floodplains =	0	
C9	C8 x 1.0 =	0	§ 12-0510.3C(1)
C-10	Total of C3, C5, C7 and C9=	0	If area of C10 is less than B7 remainder of requirement must be met through tree planting - go to D
D. Tree Planting			
D1	Area of canopy to be met through tree planting (B7-C10) =	3,145	
D2	Area of canopy planted for air quality benefits =	0	
D3	x 1.5 =	0	§ 12-0510.4B(1)
D4	Area of canopy planted for energy conservation =	0	
D5	x 1.5 =	0	§ 12-0510.4B(2)
D6	Area of canopy planted for water quality benefits =	0	
D7	x 1.25 =	0	§ 12-0510.4B(3)
D8	Area of canopy planted for wildlife benefits =	0	
D9	x 1.5 =	0	§ 12-0510.4B(4)
D10	Area of canopy provide by native trees =	0	
D11	x 1.5 =	0	§ 12-0510.4B(5)
D12	Area of canopy provided by improved cultivars and varieties =	0	
D13	x 1.25 =	0	§ 12-051[illegible].4B(6)
D14	Area of canopy provided through tree seedlings =	0	§ 12-051[illegible].4C(1)
	x 1.0 =	0	
D15	Area of canopy provided through native shrubs or woody seed mix =	0	§ 12-051[illegible].4C(1)(a)
	x 1.0 =	0	§ 12-051[illegible](1)(a)
D16	Percentage of D14 represented by D15 =	0	Must not [illegible] 33% of D14
D17	Area of canopy provide by non-native trees =	0	
D18	Total of canopy area provided through tree planting =	6,200	
D19	Is an offsite planting relief requested?	NO	Yes or No
D20	Tree Bank or Tree Fund?		§ 12-0512
D21	Canopy area requested to be provided through offsite Banking or Tree Fund		
D22	Amount to be deposited into the Tree Preservation and Planting Fund		
E. Total of 10-year Tree Canopy Provided			
E1	Total of canopy area provided through tree preservation (C10) =	0	
E2	Total of canopy area provided through tree planting (D18) =	6,200	
E3	Total of canopy area provided through offsite mechanism (D21) =	0	
E4	Total of 10-year Tree Canopy Provided = (E1+E2+E3)	6,200	Total of E1 through E3. Area should meet or exceed area in B7.

Application No. SP 2013-LE-062
County of Fairfax, Board of Zoning Appeals

TRI-TEK ENGINEERING
CIVIL
ENVIRONMENTAL
LAND PLANNING
SURVEYING
690 Center Street
Suite 300
Herndon, Virginia 20170
V: (703) 481-5900
F: (703) 481-5901
info@tritekinc.com

COMMONWEALTH OF VIRGINIA
THEODORE D. BRITT
Lic. No. 23806
2-25-14
PROFESSIONAL ENGINEER

SELECT AUTO IMPORTS
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

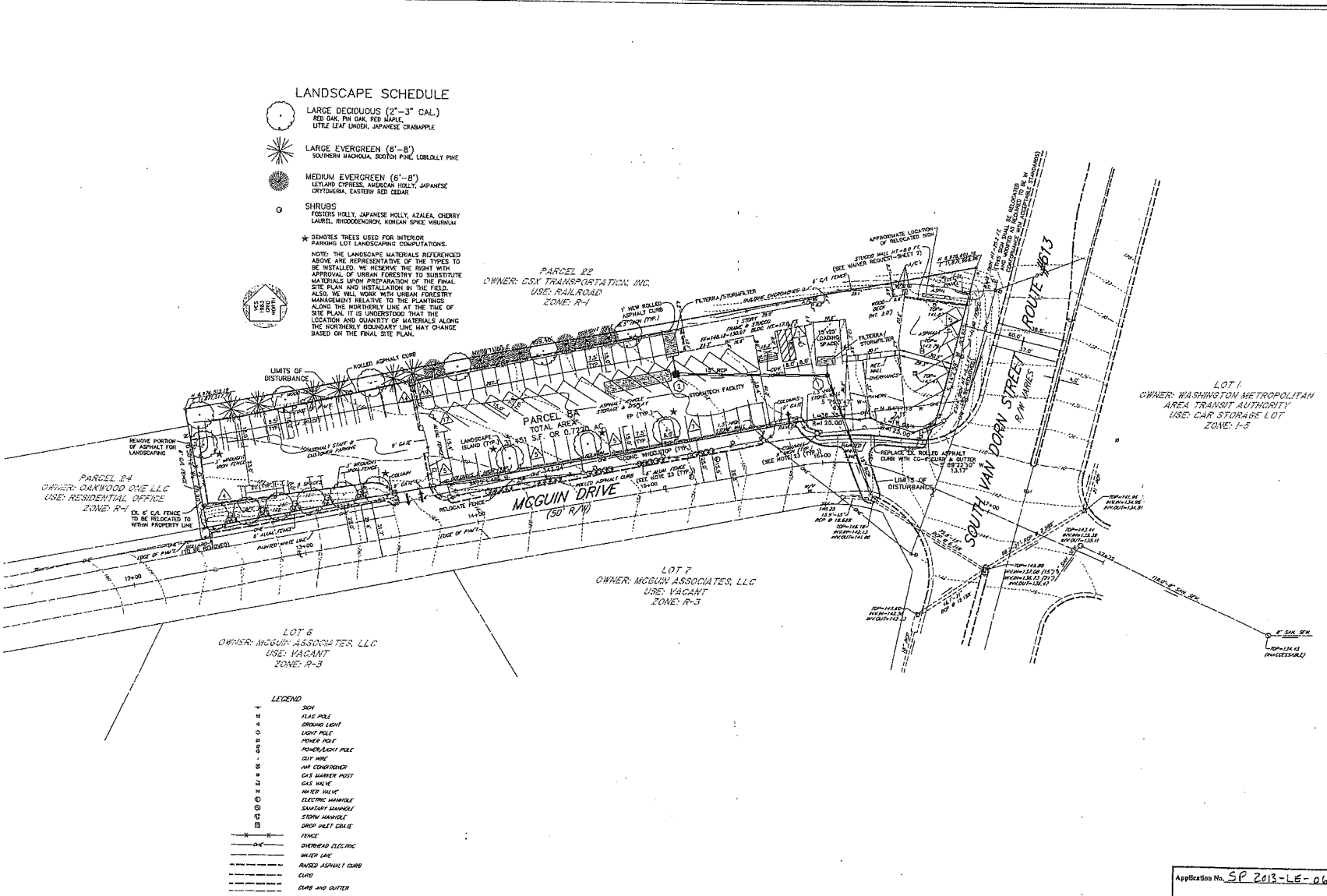
NOTES & DETAILS

DATE	REVISION
06.18.13	PER COUNTY COMMENTS.
07.10.13	PER COUNTY COMMENTS.
11.06.13	PER COUNTY COMMENTS.
12.12.13	PER COUNTY COMMENTS.
01.09.14	PER COUNTY COMMENTS.
02.25.14	PER COUNTY COMMENTS.

PM: TDB SCALE: NONE
PE: TDB DATE: 03.19.13
CO: MSO SHEET 2 OF 5

F-2742

COPYRIGHT 2004, NO REPRODUCTION OR USE OF THIS DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PROCESS WITHOUT THE EXPRESS WRITTEN CONSENT OF TRI-TEK ENGINEERING, INC.



Application No. SP 2013-LE-062

Chairman, Board of Zoning Appeals

TRI-TEK ENGINEERING

CIVIL
ENVIRONMENTAL
LAND PLANNING
SURVEYING

690 Center Street
Suite 300
Herndon, Virginia 20170
V: (703) 481-5900
F: (703) 481-5901
info@tritekinc.com

COMMONWEALTH OF VIRGINIA
THEODORE D. BRITT
Lic. No. 29805
2-25-14
PROFESSIONAL ENGINEER

SELECT AUTO IMPORTS

LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

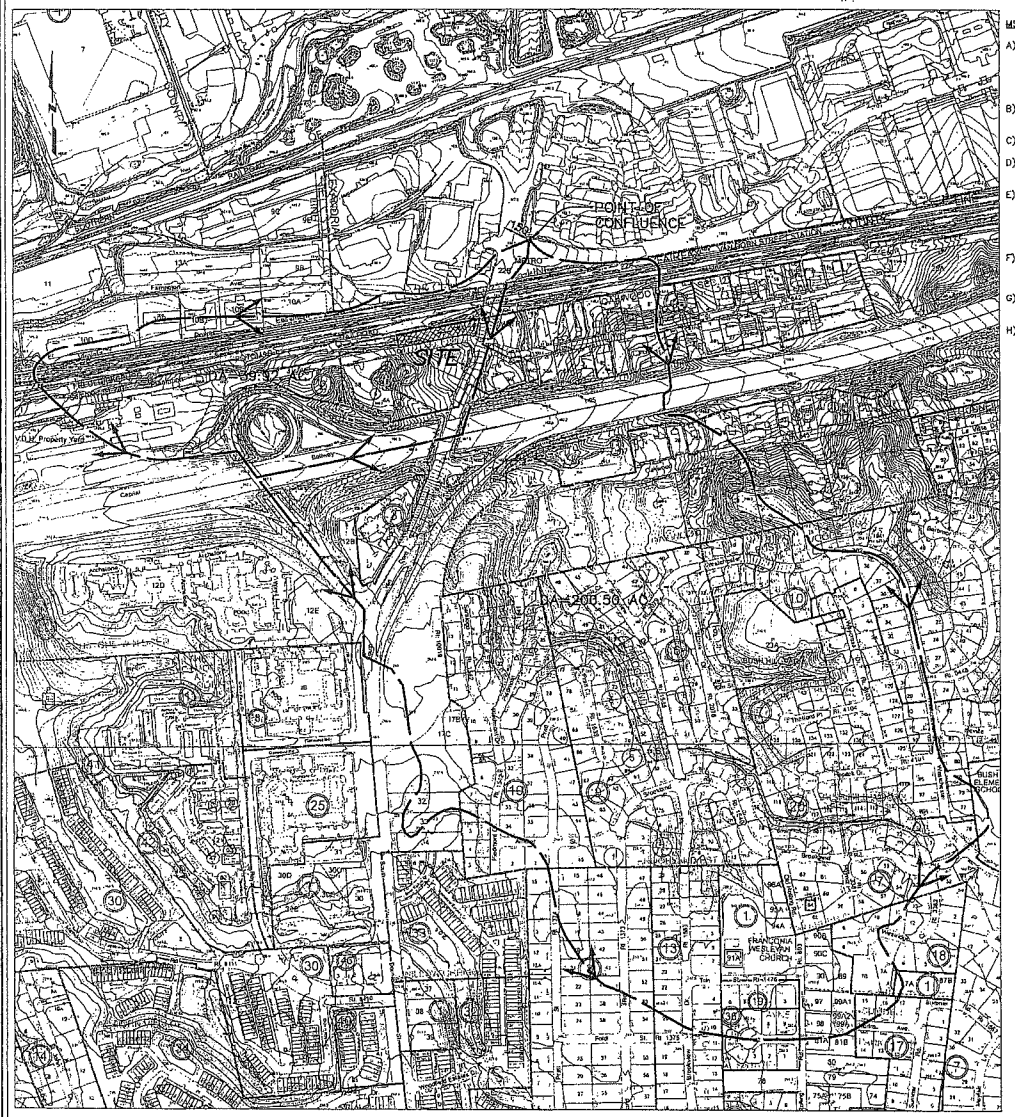
SPECIAL EXCEPTION AND SPECIAL PERMIT PLAT

DATE	REVISION
08.18.13	PER COUNTY COMMENTS.
07.10.13	PER COUNTY COMMENTS.
11.08.13	PER COUNTY COMMENTS.
12.12.13	PER COUNTY COMMENTS.
01.09.14	PER COUNTY COMMENTS.
02.25.14	PER COUNTY COMMENTS.

PM: TDB SCALE: 1"=25'
PE: TDB DATE: 03.19.13
CO: MSO SHEET 3 OF 3

F-2742

COPYRIGHT 2004. NO REPRODUCTION OR USE OF THE DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PROCESS WITHOUT THE EXPRESS WRITTEN CONSENT OF TRI-TEK ENGINEERING, INC.



OFFSITE DRAINAGE AREA MAP
SCALE: 1" = 300'

MS-19 NARRATIVE

A) ANALYSIS SHALL BE MADE TO A POINT AT LEAST 150 FEET DOWNSTREAM OF THE POINT WHERE THE RECEIVING PIPE OR CHANNEL IS JOINED BY ANOTHER THAT HAS A DRAINAGE AREA THAT IS AT LEAST 60X OF THE SIZE OF THE FIRST DRAINAGE AREA AT THE POINT OF CONFLUENCE.
—POINT OF CONFLUENCE PROVIDED ON THIS SHEET.

B) NATURAL CHANNEL SHALL BE ANALYZED USING TWO YEAR STORM FOR OVERTOPPING AND EROSIVE VELOCITY.
—SITE OUTFALL TO PIPE OUTFALL.

C) PROVIDE A DETAILED SITE SPECIFIC OUTFALL NARRATIVE.
—OUTFALL NARRATIVE PROVIDED ON THIS SHEET.

D) PROVIDE OUTFALL LOCATION MAP(S) AND ALL DETAILED OUTFALL ANALYSIS COMPUTATIONS.
—SEE THIS SHEET FOR OUTFALL MAP

E) AT LEAST 3 TO 5 CROSS SECTIONS, SELECTED AT CRITICAL LOCATIONS SHALL BE USED TO VERIFY THE ADEQUACY OF OUTFALL. CROSS SECTION MUST BE BASED ON FIELD SURVEY DATA OR 2 FT CONTOUR INTERVALS.
—THE OUTFALL IS INTO PIPE SYSTEM AT POINT WHERE SITE CONTRIBUTION IS LESS THAN 1%.

F) CROSS SECTIONS MUST HAVE SAME VERTICAL AND HORIZONTAL SCALE TO GIVE CLEAR PICTURE OF BED & BANKS.
—NOT APPLICABLE — PIPE OUTFALL.

G) OUTFALL VELOCITIES SHALL BE COMPARED WITH EROSIVE VELOCITIES OF EXISTING CHANNEL.
—NOT APPLICABLE — PIPE OUTFALL.

H) THE USE OF 1-YR EXTENDED DETENTION IS RECOMMENDED TO REMEDY EXISTING DOWNSTREAM CHANNEL EROSION PROBLEMS.
—DETENTION METHOD IS NOTED. NO DETENTION ANTICIPATED AT THIS TIME.

MINIMUM STORMWATER INFORMATION FOR REZONING, SPECIAL EXCEPTION, SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS

The following information is required to be shown or provided in all zoning applications, or a waiver request of the submission requirement with justification shall be attached. Note: Waivers will be acted upon separately. Failure to adequately address the required submission information may result in a delay in processing this application.

This information is required under the following Zoning Ordinance paragraphs:

Special Permits (9-011 2J & 2L)	Special Exceptions (9-011 2J & 2L)
Cluster Subdivision (9-615 1G & 1N)	Commercial Revitalization Districts (9-622 2A (12) & (14))
Development Plans PRC District (16-302 3 & 4L)	PRC Plan (16-303 1E & 1O)
FDP P Districts (except PRC) (16-502 1F & 1Q)	Amendments (16-202 10F & 10I)

[X] 1. Plat is at a minimum scale of 1"=50' (unless it is depicted on one sheet with a minimum scale of 1"=100').

[ ] 2. A graphic depicting the stormwater management facility(ies) and limits of clearing and grading accommodate the stormwater management facility(ies), storm drainage pipe systems and outlet protection, pond spillways, access roads, site outfalls, energy dissipation devices, and stream stabilization measures as shown on Sheet N/A.

[ ] 3. Provide:

Facility Name/ Type & No.	On-site area served (acres)	Off-site area served (acres)	Drainage area (acres)	Footprint area (sf)	Storage Volume (cf)	If pond, dam height (ft)
N/A (eg. dry pond, wet pond, underground vault, etc.)						
Totals						

[X] 4. Onsite drainage channels, outfalls and pipe systems are shown on Sheet 3 & 4.
Pond inlet and outlet pipe systems are shown on Sheet N/A.

[ ] 5. Maintenance access (road) to stormwater management facility(ies) are shown on Sheet N/A.
Type of maintenance access road surface noted on the plat is N/A (asphalt, geotextile, gravel, etc).

[ ] 6. Landscaping and tree preservation shown in and near the stormwater management facility is shown on Sheet N/A.

[X] 7. A 'stormwater management narrative' which contains a description of how detention and best management practices requirements will be met is provided on Sheet 4.

[X] 8. A description of the existing conditions of each numbered site outfall extended downstream from the site to a point which is at least 100 times the site area or which has a drainage area of at least one square mile (640 acres) is provided on Sheet 4.

[X] 9. A description of how the outfall requirements, including contributing drainage areas of the Public Facilities Manual will be satisfied is provided on Sheet 4.

[X] 10. Existing topography with maximum contour intervals of two (2) feet and a note as to whether it is an air survey or field run is provided on Sheets 2 & 3.

[X] 11. A submission waiver is requested for STORMWATER DETENTION AND BMP CONTROLS.

[X] 12. Stormwater management is not required because PROPOSED TO BE WAIVED.

STORM DRAINAGE/OUTFALL NARRATIVE:

SITE STORMWATER RUNOFF FROM THE PROPERTY EITHER SHEET FLOWS AND OR DISCHARGES FROM THE SITE VIA SMALL PRIVATE INLET/PIPE CONVEYANCES TO THE NORTH TO THE RAILROAD RIGHT-OF-WAY. ONCE IN THE RIGHT-OF-WAY, THE RUNOFF FLOWS IN AN EASTERLY DIRECTION TO THE SOUTH VAN DORN RIGHT-OF-WAY WHERE IT IS COLLECTED BY A CLOSED SYSTEM AND CONVEYED UNDER SOUTH VAN DORN WHERE IT JOINS ANOTHER OUTFALL PIPE JUST SOUTH OF EISENHOWER AVENUE. THIS IS THE POINT OF CONFLUENCE AS DEFINED BY PFM SECTION 6-0203.2B. THEN IN A NORTHERLY DIRECTION INTO THE CITY OF ALEXANDRIA TO ULTIMATELY OUTFALL ON THE EASTERLY SIDE OF SOUTH VAN DORN STREET AT THE RAMP FOR ACCESS TO EISENHOWER AVENUE. RUNOFF CONTINUES ON THE SOUTHERLY SIDE OF THE NORFOLK SOUTHERN RAILROAD RIGHT-OF-WAY TO ULTIMATELY CROSS AND DISCHARGE INTO THE BED AND BANKS OF BACKLICK RUN.

STORMWATER MANAGEMENT NARRATIVE:

CALCULATIONS OF THE PRE- AND POST-DEVELOPMENT SITE RESULT IN A NET INCREASE IN RUNOFF DUE TO THIS DEVELOPMENT (SEE COMPUTATIONS THIS SHEET). IMPROVEMENTS WERE MADE TO THE SITE IN THE EARLY 90'S. RUNOFF CALCULATIONS ARE BASED ON THE IMPROVEMENTS SHOWN BY THE PRIOR SPECIAL EXCEPTION PLAT (SE 87-L-002) AND THE BALANCE OF THE SITE BEING PARTIALLY GRAVEL/UNDEVELOPED PER REPRESENTATIONS OF THE OWNER, AS INDICATED BY THE COMPUTATIONS AND SET FORTH BY THE PLAN. ADDITIONAL IMPERVIOUS AREAS EXIST BASED ON THE CURRENT IMPROVEMENTS. STORMWATER MANAGEMENT WAIVERS WILL BE REQUESTED AT THE SITE PLAN STAGE DUE TO THE MINIMAL INCREASE IN RUNOFF.

IN THE EVENT A WAIVER IS NOT APPROVED, A STORMTECH UNDERGROUND DETENTION SYSTEM WILL BE PROVIDED TO MEET SWM REQUIREMENTS.

AS SUCH, IT IS OUR OPINION THAT SWM/BMP OUTFALL REQUIREMENTS FOR THIS SITE WILL BE MET AND THE OUTFALL IS ADEQUATE.

BMP NARRATIVE:

THE PROPOSED DEVELOPMENT WILL INCREASE IMPERVIOUS AREAS ON THE SITE. THE SITE HAS BEEN DEVELOPED OVER THE YEARS TO REFLECT THE CURRENT EXISTING CONDITIONS. NO NEW IMPERVIOUS AREAS OR DEVELOPMENT OF LAND IS ANTICIPATED TO ESTABLISH THE USE, YET BMP CONTROLS ARE REQUIRED TO ADDRESS THE SITE IMPROVEMENTS CONSTRUCTED. CURRENTLY THE SITE IS 88% IMPERVIOUS. A WAIVER OF THE REQUIREMENT TO PROVIDE BMP CONTROLS WILL BE REQUESTED AT THE SITE PLAN STAGE.

IN THE EVENT A WAIVER IS NOT APPROVED FOR THIS SITE, BMP REQUIREMENTS WILL BE MET BY A COMBINATION OF FILTERRA AND STORMFILTER STRUCTURES.

AS SUCH, IT IS OUR OPINION THAT SWM/BMP OUTFALL REQUIREMENTS FOR THIS SITE WILL BE MET.

IMPERVIOUS AREA TABULATION

	EXISTING PER SE 87-L-002 PLAT	EXISTING PER JAN. 2013 SURVEY	PROPOSED
BUILDINGS & OVERHANGS	324 SF	2,575 SF	2,575 SF
ASPHALT PAVEMENT/CURB	6,863 SF	23,637 SF	23,224 SF
STONE PAVERS	0 SF	1,159 SF	1,159 SF
WALLS/COLUMNS/AC UNITS	0 SF	121 SF	121 SF
DECK/STEPS	35 SF	67 SF	67 SF
GRAVEL	10,775 SF	0 SF	0 SF
TOTAL	17,997 SF	27,559 SF	27,146 SF

STORMWATER MANAGEMENT COMPUTATIONS:

PREDEVELOPMENT RUNOFF: Q=CIA
C = ((0.41*0.9)+(0.31*0.3))/0.72 = 0.64

$Q_{2\ YR,\ 2\ HR}$	0.64 x 5.45 IN/HR x 0.72 AC =	2.51 CFS
$Q_{10\ YR,\ 2\ HR}$	0.64 x 7.27 IN/HR x 0.72 AC =	3.35 CFS
$V_{2\ YR,\ 2\ HR}$	0.64 x 2"/12" x 0.72 AC =	0.0768 AC-FT

POST-DEVELOPMENT RUNOFF: Q=CIA
C = ((0.82*0.9)+(0.10*0.3))/0.72 = 0.82

$Q_{2\ YR,\ 2\ HR}$	0.82 x 5.45 IN/HR x 0.72 AC =	3.22 CFS
$Q_{10\ YR,\ 2\ HR}$	0.82 x 7.27 IN/HR x 0.72 AC =	4.29 CFS
$V_{2\ YR,\ 2\ HR}$	0.82 x 2"/12" x 0.72 AC =	0.0984 AC-FT

INCREASE DUE TO DEVELOPMENT:

$Q_{2\ YR,\ 2\ HR}$	3.22 CFS - 2.51 CFS =	0.71 CFS
$Q_{10\ YR,\ 2\ HR}$	4.29 CFS - 3.35 CFS =	0.94 CFS
$V_{2\ YR,\ 2\ HR}$	0.0984 AC-FT - 0.0768 AC-FT =	0.0216 AC-FT

NOTE:

THE ABOVE RUNOFF CALCULATIONS ARE BASE ON THE IMPERVIOUS AREA AS SHOWN BY SE 87-L-002 AND THE BALANCE OF THE SITE BEING PARTIALLY GRAVEL/UNDEVELOPED AS REPRESENTED BY THE OWNER.

Application No. SP 2013-LE-062

Chairman, Board of Zoning Appeals

TRI-TEK ENGINEERING
CIVIL
ENVIRONMENTAL
LAND PLANNING
SURVEYING
8911 Center Street
Suite 300
Herndon, Virginia 20170
V: (703) 481-5900
F: (703) 481-5901
info@tritekinc.com

COMMONWEALTH OF VIRGINIA
THEODORE D. BIRTS
Lic. No. 23805
PROFESSIONAL ENGINEER
7-25-14

SELECT AUTO IMPORTS

FAIRFAX COUNTY, VIRGINIA
LEE DISTRICT

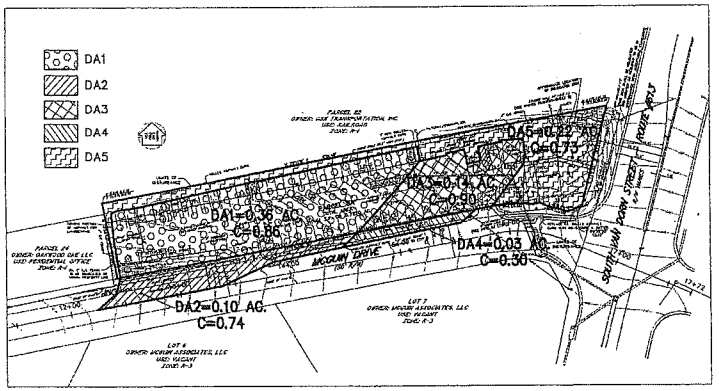
STORMWATER MANAGEMENT

REVISION	DATE
PER COUNTY COMMENTS	06.18.13
PER COUNTY COMMENTS	07.10.13
PER COUNTY COMMENTS	11.06.13
PER COUNTY COMMENTS	12.12.13
PER COUNTY COMMENTS	03.19.14
PER COUNTY COMMENTS	05.23.14
	07.25.14

PM: TDB SCALE: 1"=300'
PE: TDB DATE: 03.19.13
CK: MSG SHEET 4 OF 5

F-2742

COPYRIGHT 2014. NO REPRODUCTION OR USE OF THE DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PROCESS WITHOUT THE EXPRESS WRITTEN CONSENT OF TRI-TEK ENGINEERING, INC.



BMP AREA MAP
SCALE: 1" = 50'

BMP COMPUTATIONS

(A) Area of the site: (a) 0.72 acres

(B) Subarea Designation (1)	"C" (2)		Acres (3)		Product (4)
DA1: ONSITE CONTROLLED	0.86	X	0.36	=	0.31
DA2: OFFSITE CONTROLLED	0.74	X	0.10	=	–
DA3: ONSITE CONTROLLED	0.90	X	0.14	=	0.13
DA4: OFFSITE CONTROLLED	0.56	X	0.03	=	–
DA5: ONSITE UNCONTROLLED	0.73	X	0.22	=	0.16
		X		=	
		X		=	
		X		=	
		X		=	
			(b) Total =		0.60
(C) Weighted average "C" factor			(b) / (a) = (c)		0.83

Part 3: Compute the Total Phosphorus Removal for the Site

Subarea Designation (1)	BMP Type (2)	Removal Eff. (%) (3)		Area Ratio (4)		"C" Factor Ratio (5)		Product (6)
DA1	FILTERRA	55	X	0.36/0.72	X	0.86/0.82	=	28.84
DA2	FILTERRA	55	X	2(0.10/0.72)	X	0.74/0.82	=	1.38
DA3	STORM-FILTER	50	X	0.14/0.72	X	0.90/0.82	=	10.67
DA2	STORM-FILTER	50	X	2(0.03/0.72)	X	0.35/0.82	=	0.15
			X		X		=	
			X		X		=	
						(a) Total =		41.04 %

Part 4: Determine Compliance with Phosphorus Removal Requirement

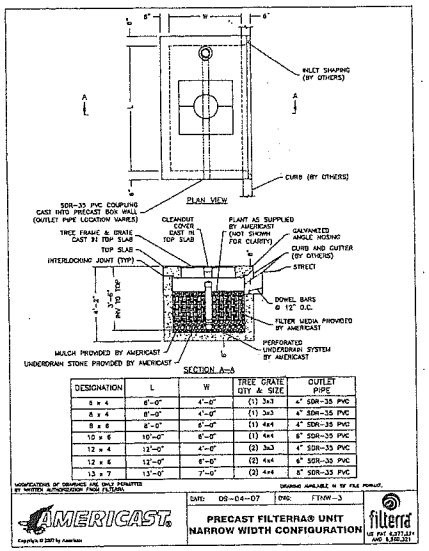
(A) Select Requirement: (a) 40%

- Water Supply Overlay District (Occoquan Watershed) = 50% (Fairfax County and Prince William County)
- Chesapeake Bay Preservation Area (New Development) = 40% (Fairfax County) 50% (Prince William County)
- Chesapeake Bay Preservation Area (Redevelopment) = (1-0.5 x ("P pre"/"P post")) x 100 = 40%

(B) If Line 3(a) 41.04 ≥ Line 4(a) 40 then Phosphorus removal requirement is satisfied.
THEREFORE, BMP REQUIREMENTS FOR THIS SITE HAVE BEEN MET.

STORMWATER MANAGEMENT & BEST MANAGEMENT PRACTICES NOTE:

1. ALL BMP AND SWM FACILITIES TO BE PRIVATELY MAINTAINED.
2. IN THE EVENT THAT ONSITE CONDITIONS/CONSTRAINTS DO NOT PERMIT THE USE OF THE PROVIDED FACILITIES, THE OWNER RESERVES THE RIGHT TO SUPPLEMENT ALTERNATIVE SWM/BMP FACILITIES TO ADDRESS ONSITE REQUIREMENTS.
3. IN THE EVENT THE OWNER CAN RECEIVE APPROVAL TO DISTURB/DISCHARGE ONTO THE ADJACENT PROPERTY (PARCEL 22), SWM/BMP IMPROVEMENT MAY BE RECONFIGURED.



DESIGNATION	L	W	TREE GRATE QTY & SIZE	OUTLET PIPE
8 x 4	8'-0"	4'-0"	(1) 3x3	4" SDR-35 PVC
8 x 4	8'-0"	4'-0"	(1) 3x3	6" SDR-35 PVC
8 x 8	8'-0"	8'-0"	(1) 4x4	4" SDR-35 PVC
10 x 8	10'-0"	8'-0"	(1) 4x4	6" SDR-35 PVC
12 x 4	12'-0"	4'-0"	(2) 3x3	4" SDR-35 PVC
12 x 8	12'-0"	8'-0"	(2) 4x4	6" SDR-35 PVC
13 x 7	13'-0"	7'-0"	(2) 4x4	8" SDR-35 PVC

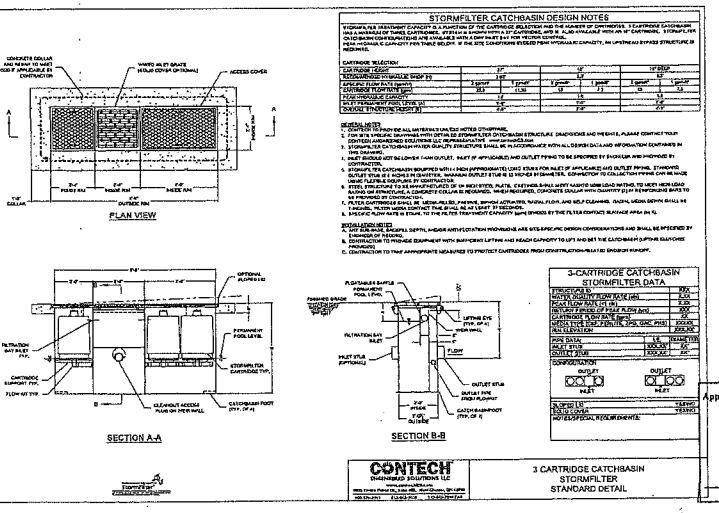
MODIFICATIONS OR DRAWINGS ARE ONLY PERMITTED BY WRITTEN AUTHORIZATION FROM FILTERRA. DRAWING AVAILABLE in .tif FILE FORMAT.

AMERICAST. Copyright © 2007 by Americast

DATE: 09-04-07 DWG: FTNW-3

PRECAST FILTERRA® UNIT NARROW WIDTH CONFIGURATION

filterra® US PAT. 6,277,624 AND 6,890,201



STORMFILTER CATCHBASIN DESIGN NOTES

STORMFILTER TREATMENT CAPACITY IS A FUNCTION OF THE CARTRIDGE SELECTION AND THE NUMBER OF CARTRIDGES. A 3 CARTRIDGE CATCHBASIN HAS A MINIMUM OF THREE CARTRIDGES, SYSTEM IS SHOWN WITH A 27" CARTRIDGES, AND IS ALSO AVAILABLE WITH 18" CARTRIDGES. STORMFILTER CATCHBASIN CONFIGURATIONS ARE AVAILABLE WITH A DRY INLET BAY FOR VELOCITY CONTROL.

PEAK HYDRAULIC CAPACITY FOR THESE HEIGHTS. IF THE SITE CONDITIONS EXCEED PEAK HYDRAULIC CAPACITY, AN UPSTREAM BYPASS STRUCTURE IS REQUIRED.

CARTRIDGE SELECTION	27"		18"		18" SHORT	
CARTRIDGE HEIGHT	27"		18"		9.5"	
RECOMMENDED HYDRAULIC HEAD (H)	2.3 psi/5.3'	1.7 psi/4'	1.3 psi/3'	1 psi/2.3'	1 psi/2.3'	1 psi/2.3'
CATCHBASIN FLOW RATE (cfs)	0.6	0.5	0.38	0.3	0.2	0.2
CARTRIDGE FLOW RATE (gpm)	25.5	21.25	17	13	8.5	8.5
MAXIMUM HYDRAULIC CAPACITY	1.8		1.5		1.1	
INLET PERMANENT POOL LEVEL (A)	2'-6"		2'-0"		2'-0"	
OUTLET STRUCTURE HEIGHT (B)	3'-6"		3'-0"		3'-0"	

GENERAL NOTES

1. CONTRACTOR TO FIELD VERIFY ALL MATERIALS UNLESS NOTED OTHERWISE.
2. FOR SITE SPECIFIC DRAWINGS WITH DETAILED STORMFILTER CATCHBASIN STRUCTURE DIMENSIONS AND WEIGHTS, PLEASE CONTACT YOUR CONTECH ENGINEERED SOLUTIONS LLC REPRESENTATIVE OR WWW.CONTECHES.COM.
3. STORMFILTER CATCHBASIN SHALL BE HIGH QUALITY STRUCTURES THAT SHALL BE MANUFACTURED IN ACCORDANCE WITH ALL DESIGN DATA AND INFORMATION CONTAINED IN THIS DRAWING.
4. INLET SHOULD NOT BE LOWER THAN OUTLET, INVERT OF APPLICABLE) AND OUTLET PIPING TO BE SPECIFIED BY ENGINEER AND PROVIDED BY CONTRACTOR.
5. STORMFILTER CATCHBASIN EQUIPPED WITH (-) INCH (APPROXIMATE) LONG STUBS FOR INLET (IF APPLICABLE) AND OUTLET PIPING. STANDARD OUTLET STUB IS 12 INCH DIAMETER, CONTRACTOR TO FIELD VERIFY OUTLET STUB IS SIZED IN DIAMETER. CONTRACTOR TO COLLECT THIS PIPING CAN BE MADE USING FLEXIBLE COUPLERS BY CONTRACTOR.
6. STEEL STRUCTURE TO BE MANUFACTURED OF 10 GAUGE STEEL PLATE. CATCHBASIN WALLS MUST BE HS20 LOAD RATED, TO MEET HS20 LOAD RATING ON STRUCTURE, A CONCRETE COLLAR IS REQUIRED. WHERE REQUIRED, CONCRETE COLLAR WITH QUANTITY OF #4 REINFORCING BARS TO BE PROVIDED BY CONTRACTOR.
7. ALL WELDS TO BE CONTINUOUS, UNLESS NOTED, PASSIVE, SPRING ACTIVATED, NATURAL FLOW, AND SELF CLEANING. PASSIVE MEDIA GROWTH SHALL BE INSTALLED. FILTER MEDIA CONTACT TIME 40 MIN. NO LESS THAN 27 SECONDS.
8. SPECIFIC FLOW RATE IS EQUAL TO THE FILTER TREATMENT CAPACITY (cfm) DIVIDED BY THE FILTER CONTACT SURFACE AREA (sq ft).

INSTALLATION NOTES

A. CONTRACTOR TO VERIFY DISCRETE DEPTH, ANCHOR ANTI-FLOTATION PROVISIONS ARE SITE-SPECIFIC DESIGN CONSIDERATIONS AND SHALL BE SPECIFIED BY ENGINEER OF RECORD.
B. CONTRACTOR TO PROVIDE EQUIPMENT WITH SUFFICIENT LIFTING AND REACH CAPACITY TO LIFT AND SET THE CATCHBASIN (UPPER CHAMBER PROVIDED).
C. CONTRACTOR TO TAKE APPROPRIATE MEASURES TO PROTECT CARTRIDGES FROM CONSTRUCTION-RELATED EROSION RUNOFF.

3-CARTRIDGE CATCHBASIN STORMFILTER DATA

STRUCTURE ID	XXX
WATER QUALITY FLOW RATE (cfs)	X.XX
PEAK FLOW RATE (cfs)	X.XX
BYPASS FLOW (IF PEAK FLOW EXC)	XXX
CARTRIDGE FLOW RATE (gpm)	17
MEDIA TYPE (CSF, PERLITE, CPZ, GAC, PHS)	XXX.XX
RIM ELEVATION	XXX.XX
PIPE DATA:	I.E. (DIAMETER)
INLET STUB	XXX.XX (")
OUTLET STUB	XXX.XX (")
CONFIGURATION	OUTLET / INLET
PLAN NO.	YEARS
BOLT COVER	YEARS
ANTI-BUOYANCY REQUIREMENTS	

CONTECH ENGINEERED SOLUTIONS LLC

3 CARTRIDGE CATCHBASIN STORMFILTER STANDARD DETAIL

Application No. SP 2013-LE-062

Chairman, Board of Zoning Appeals

TRI-TEK ENGINEERING

CIVIL
ENVIRONMENTAL
LAND PLANNING
SURVEYING

690 Center Street
Suite 300
Herndon, Virginia 20170
V: (703) 481-5900
F: (703) 481-5901
info@tritekinc.com

COMMONWEALTH OF VIRGINIA — THEODORE D. SMITH, Lic. No. 23609 — 7-25-14 — PROFESSIONAL ENGINEER

SELECT AUTO IMPORTS

FAIRFAX COUNTY, VIRGINIA

LEE DISTRICT

BMP COMPUTATIONS AND DETAILS

DATE	REVISION
06.16.13	PER COUNTY COMMENTS.
07.16.13	PER COUNTY COMMENTS.
11.22.13	PER COUNTY COMMENTS.
01.03.14	PER COUNTY COMMENTS.
01.08.14	PER COUNTY COMMENTS.
02.25.14	PER COUNTY COMMENTS.

PM: TDB SCALE: 1"=50'
PE: TDB DATE: 03.19.13
CO: MSO SHEET 9 OF 9

F-2742

Copyright © 2012 by TRI-TEK Engineering, Inc.
COPYRIGHT 2011 ALL RIGHTS RESERVED. NO REPRODUCTION OR USE OF THE DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PROCESS WITHOUT THE EXPRESS WRITTEN CONSENT OF TRI-TEK ENGINEERING, INC.

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

August 30, 2016

Lynne J. Strobel
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201-3359

Re: Interpretation for SE 2013-LE-014 and SP 2013-LE-062, Tax Map 81-2 ((3)) 8A: Select Auto Imports, Building Addition and Site Layout

Dear Ms. Strobel:

This is in response to your letter of July 18, 2016, as revised through August 11, 2016, and additional documents submitted through August 29, 2016, requesting an interpretation of the development conditions and SE Plat approved by the Board of Supervisors on May 13, 2014, in conjunction with the Special Exception SE 2013-LE-014, and the development conditions and the SP Plat approved by the Board of Zoning Appeals (BZA) on April 16, 2014, in conjunction with the Special Permit SP 2013-LE-062. As I understand it, the question is whether the proposed modifications to the building design and footprint would be in substantial conformance with the governing development conditions and the SE/SP Plat. This determination is based upon your letter and Interpretation Exhibit, entitled "Exhibit for Determination, Special Exception and Special Permit Plat, Select Auto Imports" prepared by Tri-Tek Engineering dated June 17, 2016, revised through August 29, 2016. Copies of your letter and Interpretation Exhibit are attached for reference.

The approximately 0.72 acre subject property is zoned to the C-6 District. It is governed by SE 2013-LE-014, approved by the Board of Supervisors on May 13, 2014, to permit a vehicle sales, rental and ancillary service establishment; a waiver of minimum lot size and lot width; and a waiver of open space requirements, subject to development conditions and the SE Plat. It is also governed by SP 2013-LE-062, approved by the BZA on April 16, 2014 to, permit reduction of certain yard requirements due to error in building location to permit the existing building to remain 29.5 feet and 33 feet from the front lot lines, subject to development conditions and the SP Plat.

As I understand it, you are asking if the proposed modifications to the design and footprint of the existing building and site layout would be in substantial conformance with the governing development conditions and the SE/SP Plat. You are proposing the removal of a rear portion of the existing building to address an encroachment into the adjacent property to the north. Development Condition # 17 of the approved SE requires that "Within 120 days of site plan approval and prior to the issuance of a Non-RUP, the applicants remove the portion of the

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

building that encroaches on to the adjacent property to the north." You are also proposing a building addition to the front of the building, as shown in the Exhibit. Your letter indicates that your proposed addition is necessary to accommodate installation of handicap accessible bathrooms, and attain compliance with the ADA requirements. Moreover, you state that the proposed building addition will result in the need for a minor adjustment to the adjacent loading space and parking, as shown on the Exhibit, to accommodate the handicap parking space and associated ADA ramp.

Your letter indicates that the proposed modifications result in an additional 121 square feet, which would be less than 5 percent of the 2,430 square feet approved gross floor area shown on the SE/SP Plat. You are not proposing any changes to the amount of land area or a more intensive use; indicate that the changes will not result in increased parking requirements; and no modifications to the approved open space, transitional screening or buffering. You specified that the proposed modifications will not reduce the effectiveness of the approved transitional screening, buffering or landscaping. You further indicate that the proposed changes will not result in an increase in the impervious surface on the property, since the building addition is proposed to be located on an existing impervious surface. Lastly, you are not proposing any changes in the existing height of the structure. You have submitted an affidavit attesting that you have sent notifications to affected adjacent property owners, as required by the Fairfax County Zoning Ordinance, for the administrative approval of a minor building addition.

It is my determination that the proposed changes to the building design and the loading space, as shown in the Exhibit, are in substantial conformance with the development conditions and the SE/SP Plat, subject to approval by Department of Public Works and Environmental Services (DPWES). The necessary approvals must be obtained from the adjacent property owner to the north, prior to the removal of the portion of the structure that encroaches onto that property, as required by the approved development conditions associated with the SE.

This determination has been made in my capacity as duly authorized agent of the Zoning Administrator, and addresses only the issue discussed herein. If you have any questions regarding this interpretation, please feel free to contact Leila Mosadegh at (703) 324-1290.

Sincerely,

Barbara C. Berlin

Barbara C. Berlin, AICP, Director
Zoning Evaluation Division, DPZ

BCB/LM/N:\Action Items\PI, SEI, SPI\SEI 16 067 021, Select Auto Imports, Building Design\Determination LTR 12546.Docx

Attachments: A/S

Cc: Jeffrey C. McKay, Supervisor, Lee District
James T. Migliaccio, Planning Commissioner, Lee District
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Manager, Site and Technical Services, LDS, DPWES
Paul M. Shirey, Acting Director, Site Development and Inspections Division, LDS
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Suzanne L. Wright, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: SE 2013-LE-014, SP 2013-LE-062, SEI 16 07 021, Reading File, Imaging

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@thelandlawyers.com

WALSH COLUCCI
LUBELEY & WALSH PC

Revised
August 11, 2016

Via Hand Delivery

Barbara C. Berlin, Director
Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Request for Approval of Minor Modification
SE 2013-LE-014 and SP 2013-LE-062
Fairfax County Tax Map Reference: 81-2 ((3)) 8A (the "Subject Property")
Applicants: Hajimohammad Revocable Trust, Mohammad Hajimohammad, Trustee and Flora Hajimohammad Trustee

Dear Ms. Berlin:

Please accept this letter as a request for a minor modification, which includes a building addition, to a previously approved special exception in accordance with Paragraph 4.A. of Section 9-004 and a previously approved special permit in accordance with Paragraph 4.A. of Section 8-004 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

The Applicants received approval of SE 2013-LE-014, which was granted by the Board of Supervisors on May 13, 2014, to allow operation of a vehicle sales establishment. An associated special permit, referenced as SP 2013-LE-062, was approved by the Board of Zoning Appeals on April 16, 2014. Each approval was granted subject to development conditions. Development condition 4 associated with the special exception requires that any plan submitted pursuant to the special exception be in conformance with the approved special exception plat entitled "Select Auto Imports" consisting of five (5) sheets, prepared by Tri-Tek Engineering dated March 19, 2013, as revised through February 25, 2014 (the "SE Plat"). Development condition 1 associated with the special permit states that the approval is for the location of the building as shown on the SE Plat.

Since the approval of the special exception and special permit applications, the Applicants have been diligently pursuing approval of a site plan, which has taken a considerable amount of time. Concurrent with processing the site plan, the Applicants began working with an architect to design improvements that are required to the existing building located on the Subject Property to achieve compliance with all building code requirements. To clarify the required improvements, a meeting was held earlier this year with various representatives of the Building

and Inspections Division of DPWES. As a result of the meeting, the architect modified the existing building design and footprint to address improvements required for ADA compliance. These modifications, which are necessary to accommodate the installation of handicap accessible bathrooms, have resulted in a building addition and the necessity for this interpretation request.

I have enclosed an exhibit entitled "Exhibit for Determination Special Exception and Special Permit Plat" prepared by Tri-Tek Engineering dated June 17, 2016 (the "Exhibit"). As illustrated on the Exhibit, the proposed building addition will be located in front of the existing building. In addition, as shown on the Exhibit, a small portion of the existing building at the rear will be removed as it encroaches onto the adjacent property. These minor modifications result in an additional 121 square feet of gross floor area. As the approved square footage shown on the SE Plat is less than 5,000 square feet, additional square footage is limited to up to five percent (5%) of the approved gross floor area or 500 square feet, whichever is less in accordance with paragraph 4.A.(7)(a) of Sections 8-004 and 9-004 of the Zoning Ordinance. The building addition results in a minor adjustment to parking to accommodate the handicap parking space and associated ADA ramp, as well as the loading space. The Applicant is not proposing any changes to the use of the building or the Subject Property as approved by special exception and special permit.

The building addition described herein is necessary to achieve compliance with ADA requirements. These changes do not include the following:

- *A change in the amount of land area or more intensive use.*

  The Applicants are not changing the amount of land area or permitting a more intensive use on the Subject Property than permitted by current approvals and the Zoning Ordinance.

- *An increased parking requirement.*

  The proposed building addition is too small to generate any additional parking requirement. Minor adjustments have been made to the parking to accommodate the handicap and loading spaces.

- *Uses other than those approved pursuant to the special exception and or special permit.*

  The current approvals permit the operation of a vehicle sales establishment on the Subject Property, and this use is not changing.

- *A reduction in the effectiveness of approved transitional screening, buffering, landscaping or open space.*

  The Applicants do not propose any modifications to the open space, transitional screening, or buffering from that which was previously shown and approved with

the special exception and special permit. The building addition is located on existing impervious surface. The building addition is centrally located on the interior of the Subject Property adjacent to an existing building. As a result, there are no impacts on screening, buffering or landscaping.

- *Changes in bulk, mass, orientation or locations which adversely impact the relationship of a development to adjacent property.*

  There are no changes in the bulk, mass, or orientation of the existing building with the proposed addition which will adversely impact the relationship of the improvements to adjacent properties. The Subject Property is adjacent to a railroad and two (2) roadways. The building addition is centrally located on the interior of the Subject Property adjacent to an existing building. As such, there are no adverse impacts on adjacent properties.

- *An increase in the amount of clearing and/or grading for a stormwater management facility.*

  The Applicants are presently processing a site plan with DPWES. The site plan includes the provision of stormwater management and the building addition will be included in the calculations for stormwater management. No clearing or grading is necessary to improve or require a stormwater management facility.

- *The addition of any building or additions to buildings other than those permitted by the Zoning Ordinance.*

  The Applicant requests a minor building addition in accordance with paragraph 4.A.(7)(a) of Sections 8-004 and 9-004 of the Zoning Ordinance. The approved square footage is increased by five percent (5%) and is necessary to achieve compliance with ADA requirements.

The Applicants' proposal is a minor modification to a previously approved special exception and special permit. The overall use and operation of the Subject Property will not be modified with an increase of 121 square feet of gross floor area. In addition, there are no changes to parking, tree canopy, height or any other elements that would adversely impact the surrounding community.

In accordance with the requirements of the Zoning Ordinance, I have enclosed a check in the amount of $520.00 payable to Fairfax County that represents the filing fee for interpretation requests. I have also enclosed two (2) copies of this request with the enclosure, including an 8 ½ x 11 inch reduction pursuant to your policy. Notification of the interpretation request will be provided to all abutting and adjacent property owners in accordance with the requirements of paragraph 4.C. of Sections 8-004 and 9-004 of the Zoning Ordinance.

Should you have any questions regarding this letter, or require additional information, please do not hesitate to contact me. As always, I appreciate your assistance.

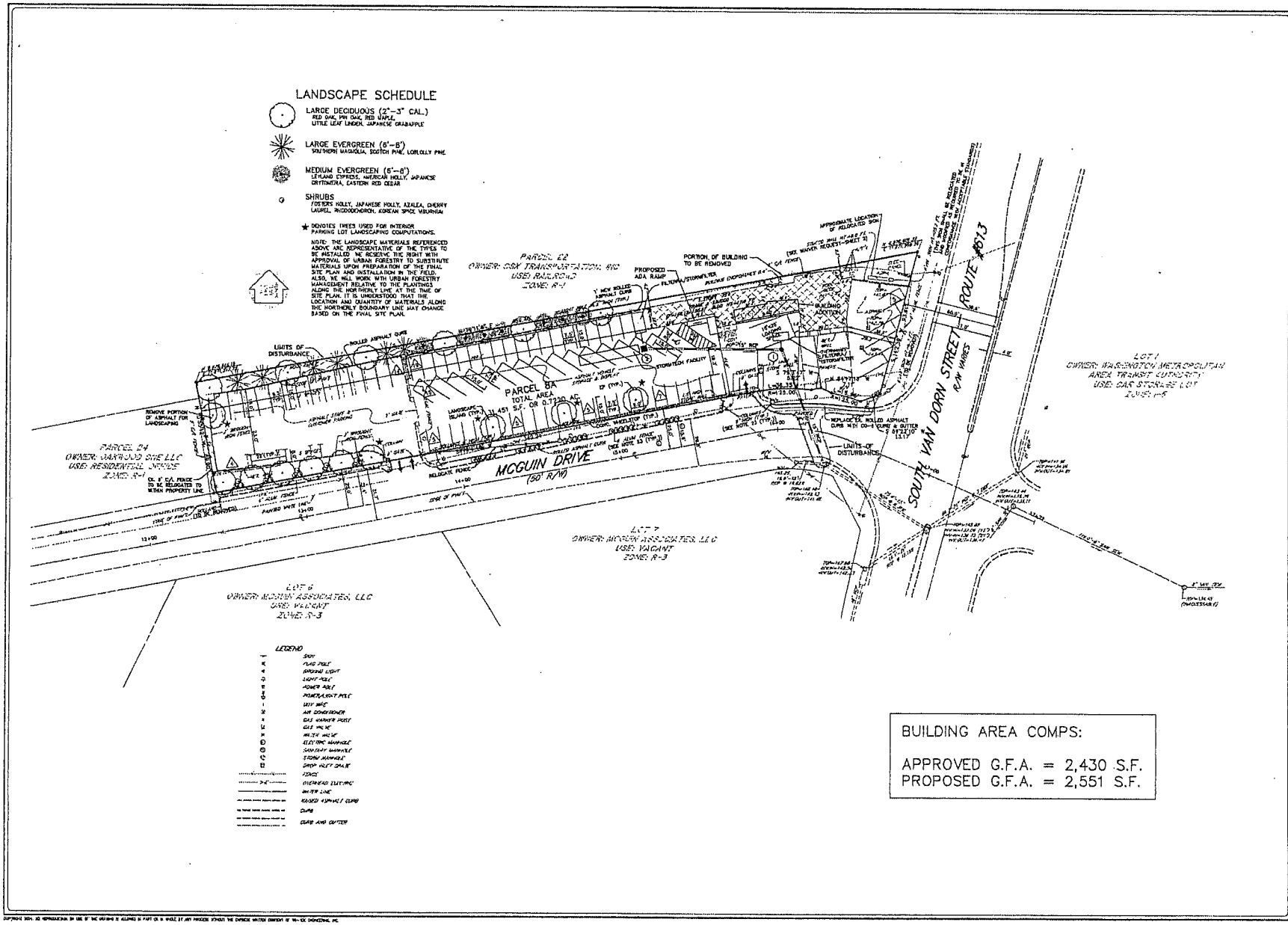
Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

Lynne J. Strobel

LJS/kae
Enclosures
cc: Cathy Belgin
Mike Haji
Ted Britt
John Cooney

{A0721988.DOCX / 1 Revised Berlin Ltr re: Request for Approval of Minor Modifications 007719 000002}



BUILDING AREA COMPS:

APPROVED G.F.A. = 2,430 S.F.
PROPOSED G.F.A. = 2,551 S.F.

TRI-TEK ENGINEERING

CIVIL
ENVIRONMENTAL
LAND PLANNING
SURVEYING

590 Center Street
Suite 300
Herndon, Virginia 20170
V: (703) 481-5900
F: (703) 481-5901
info@tritekinc.com

COMMONWEALTH OF VIRGINIA
THEODORE D. BRITT
Lic. No. 23803
PROFESSIONAL ENGINEER

SELECT AUTO IMPORTS

LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

EXHIBIT FOR DETERMINATION
SPECIAL EXCEPTION
AND SPECIAL PERMIT
PLAT

DATE	REVISION
08.29.16	PER COUNTY COMMENTS

PM: TDB SCALE: 1"=25'
PE: TDB DATE: 06.17.16
CO: MSC SHEET 1 OF 1

F-2742

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

September 7, 2017

Lynne Strobel
Walsh, Colucci
2200 Clarendon Boulevard, #1300
Arlington, VA 22201

Re: Special Exception SE 2013-LE-014 – Mohammad Hajimohammad, Trustee, Flora Hajimohammad, Trustee of the Hajimohammad Revocable Trust
5630 South Van Dorn Street
Tax Map Ref: #81-2 ((3)) 8A
Zoning District: C-6

Dear Ms. Strobel:

A review of the above-referenced special exception indicates that the Board of Supervisors (BOS) adopted SE 2013-LE-014 to permit a vehicle sales, rental and ancillary service establishment. In accordance with Sect. 9-015 of the Zoning Ordinance, the above-referenced special exception was to expire, without notice, eighteen (18) months after the date of approval unless construction has commenced and been diligently prosecuted. On February 14, 2017, the BOS approved your request for additional time to commence construction with a new expiration date of November 13, 2017.

Please be advised that the 2017 Virginia General Assembly adopted House Bill 1697 which amended § 15.2-2209.1 of the *Code of Virginia* to read, in pertinent part, the following:

> [F]or any valid special exception, special use permit, or conditional use permit outstanding as of January 1, 2017, and related to new residential or commercial development, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project with a certain time, shall be extended until July 1, 2020.

Given that SE 2013-LE-014 was valid and outstanding on January 1, 2017 and relates to new commercial development, § 15.2-2209.1 is applicable. As such, the applicant has until July 1, 2020 in which to commence construction or establish the special exception on the property. Therefore, at this time, no additional action is required by the BOS.

Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508
Phone 703-324-1359 FAX 703-324-2301
www.fairfaxcounty.gov/dpz/

If you have any questions, please feel free to contact me or Winnie Williams at 703-324-1359.

Sincerely,

Winnie Williams
Planning Technician III
Zoning Permit Review Branch

cc: Jeffrey C. McKay, Supervisor Lee District
Leslie Johnson, Zoning Administrator
Tracy Strunk, Director, Zoning Evaluation Division

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

SCANNED

February 15, 2017

RECEIVED
Department of Planning & Zoning

JUN 06 2017

Zoning Evaluation Division

Lynne Strobel
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

RE: Special Exception Application SE 2013-LE-014

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on February 14, 2017, the Board approved 12 months of additional time to commence construction for Special Exception Amendment Application SE 2013-LE-014, in the name of Mohammad Hajimohammad, Trustee, and Flora Hajimohammad, Trustee, of the Hajimohammad Revocable Trust, until November 13, 2017, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Jeffrey McKay, Lee District
Howard Goodie, Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Michael Davis, Section Chief, Transportation Planning Division
Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways - VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Jill Cooper, Executive Director, Planning Commission
Suzanne Wright, Chief, Special Projects Applications/Management Branch, ZED, DPZ

Office of Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 711
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

Board Agenda Item
February 14, 2017

ADMINISTRATIVE - 9

Additional Time to Commence Construction for Special Exception SE 2013-LE-014, Hajimohammad Revocable Trust (Lee District)

ISSUE:
Board consideration of additional time to commence construction for SE 2013-LE-014, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:
The County Executive recommends that the Board approve twelve (12) months additional time for SE 2013-LE-014 to November 13, 2017.

TIMING:
Routine.

BACKGROUND:
Under Sect. 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless the Board approves additional time. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On May 13, 2014, the Board of Supervisors approved SE 2013-LE-014, subject to development conditions. The application was filed in the name of Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee of the Hajimohammad Revocable Trust, for the purpose of permitting a vehicle sales, rental and ancillary service establishment within the C-6 zoning district for property located at 5630 South Van Dorn Street, Tax Map 81-2 ((3)) 8A (see Locator Map in Attachment 1). SE 2013-LE-014 was submitted in response to the issuance of a Notice of Violation for the operation of the vehicle sales establishment without a valid special exception. The vehicle sales, rental and ancillary service establishment, a Category 5 Commercial and Industrial Use of Special Impact, is permitted pursuant to Section 4-604(4)(u) and is subject to the additional standards found in Section 9-518 of the Zoning Ordinance. SE 2013-LE-014 was approved with a condition that the use be established or construction

commenced and diligently prosecuted within eighteen (18) months of the approval date unless the Board grants additional time. The development conditions for SE 2013-LE-014 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On October 30, 2015, the Department of Planning and Zoning (DPZ) received a letter dated October 27, 2015, from Lynne J. Strobel, agent for the Applicant, requesting twelve (12) months of additional time. The letter indicated that the applicant had been working to obtain site plan approval, which required a second submission. The letter also indicated that since additional items needed to be resolved prior to the second submission of the site plan, including finalizing the building footprint and pursuing other approvals, additional time is needed. On February 16, 2016, the Board approved twelve (12) months of additional time to commence construction for SE 2013-LE-014, until November 13, 2016.

On November 1, 2016, the Department of Planning and Zoning (DPZ) received a new letter dated October 31, 2016, from Ms. Strobel, requesting another twelve (12) months of additional time (see Attachment 3). The approved Special Exception will not expire pending the Board's action on the request for additional time.

The vehicle sales, rental and ancillary service establishment is currently in operation and doing business as Select Auto Imports. The development conditions require the submission of a site plan, and the issuance of all applicable permits, as a means to bring the property into compliance. A site plan was submitted to the Department of Public Works and Environmental Services (DPWES), and review comments were subsequently transmitted to the Applicant. In order to respond to the comments and finalize the building design it was necessary to add a small addition to ensure ADA compliance. On July 18, 2016, an interpretation request was submitted to DPZ to allow for the additional gross floor area needed for the addition, and a positive response to the interpretation was issued on August 30, 2016. Ms. Strobel states that the applicants have since then been diligently working on resolving a number of issues and responding to comments. Ms. Strobel states that the resolution of the issues has required a significant time and financial investment, which was unanticipated at the time the special exception was approved. Therefore, the request for twelve (12) months of additional time is intended to allow for the resubmission and approval of the site plan, the posting of bonds, obtaining building permits, and ultimately the issuance of a non-residential use permit (Non-RUP).

Staff would also note the property subject to SE 2013-LE-014 is ultimately intended to accommodate improvements to the South Van Dorn Street/Capital Beltway interchange. These intersection improvements are noted within the Fairfax County Comprehensive Plan. To facilitate these improvements, Development Condition # 5 stipulates the Special Exception shall remain valid for five years from the date of issuance of a Non-RUP.

Extensions in increments of two years may be approved by the Zoning Administrator if such does not interfere with noted transportation improvements. This new request for twelve (12) months of additional time would further delay the implementation of Development Condition # 5 by one year. However, at this time, according to the Fairfax County Department of Transportation (FCDOT), the noted transportation improvements have continued to be unfunded and there is no timeframe identified for funding. As such, FCDOT indicates that the status of this road improvement would not preclude the granting of the requested additional time.

Staff has reviewed Special Exception SE 2013-LE-014 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a vehicle sales, rental and ancillary service establishment within the C-6 zoning district. Further, staff knows of no other changes in land use circumstances that would affect compliance of SE 2013-LE-014 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SE 2013-LE-014 are still appropriate and remain in full force and effect. Staff believes that approval of the request for twelve (12) months of additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:
None

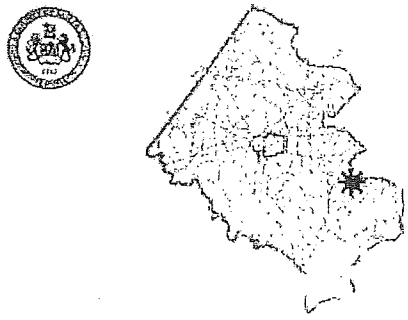
ENCLOSED DOCUMENTS:
Attachment 1: Locator Map
Attachment 2: Letter dated May 14, 2014, to Lynne J. Strobel
Attachment 3: Letter dated October 31, 2016, to Leslie B. Johnson

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ
Suzanne L. Wright, Chief, Special Projects/Applications/Management Branch, ZED, DPZ
Denise James, Chief, Environment and Development Review Branch, Planning Division, DPZ
Leila Mosadegh, Staff Coordinator, ZED, DPZ

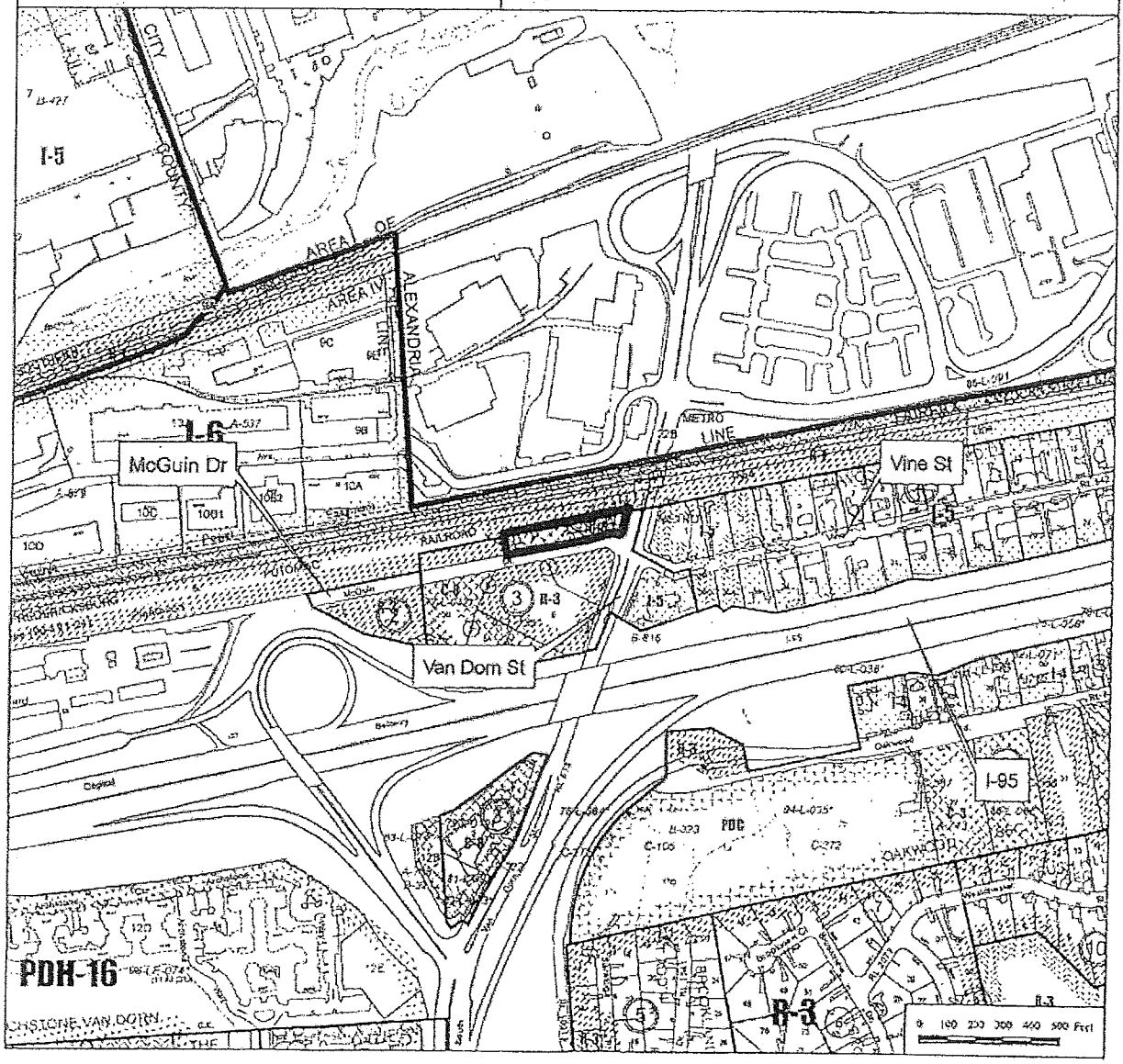
ATTACHMENT 1

Special Exception

SE 2013-LE-014



Applicant:	MOHAMMAD HAJIMOHAM ... FLORA HAJIMOHAMMAD, TRUSTEE OF THE HAJIMOHAMMAD REVOCABLE TR
Accepted:	08/28/2013
Proposed:	VEHICLE SALES, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT, WAIVER OF THE MINIMUM LOT SIZE, LOT WIDTH AND OPEN SPACE REQUIREMENTS
Area:	31451 SF OF LAND; DISTRICT - LEE
Zoning Dist Sect:	09-061009-061204-0604
Art 9 Group and Use:	6-06 6-09 5-25
Located:	5630 SOUTH VAN DORN STREET, ALEXANDRIA, VA 22310
Zoning:	C- 6
Plan Area:	4,
Map Ref Num:	081-2- /03/ /0008A



Street

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

September 9, 2016

Lynne Strobel
Walsh, Colucci
2200 Clarendon Boulevard, #1300
Arlington, VA 22201

Re: Special Exception 2013-LE-014 – Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee of the Hajimohammad Revocable Trust
5630 South Van Dorn Street
Tax Map Ref: 81-2 ((3)) 8A
Zoning District: C-6

Dear Mr. Hajimohammad:

A review of the above-referenced special exception finds no evidence that a building permit has been issued for the vehicle use approved as part of SE 2013-LE-014. In accordance with Sect. 9-015 of the Zoning Ordinance, the above-referenced special exception shall expire, without notice, eighteen (18) months after the date of approval unless construction has commenced and been diligently prosecuted. On February 16, 2016, the Board of Supervisors (Board) approved your request for additional time to commence construction with a new expiration date of November 13, 2016. The special exception is due to expire, without notice, on this date. The Board may grant additional time to commence construction if a written request is filed with the Zoning Administrator prior to the expiration date of November 13, 2016.

Should you need additional time to establish the use, you should submit a written request to the Zoning Administrator, Leslie B. Johnson, prior to the expiration date. This request must specify the amount of additional time requested and why additional time is required.

If you have any questions, please feel free to contact me at 703-324-1359.

Sincerely,

Winnie Williams
Planning Technician
Zoning Permit Review Branch

cc: Jeffrey McKay, Supervisor Lee District
Leslie B. Johnson, Zoning Administrator
Barbara C. Berlin, Director, Zoning Evaluation Division
N:\ZAD\WILLIAMS\SESPVCWARNLTRS\SE 2013-LE-014 09-2015.docx

Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508
Phone 703-324-1359 FAX 703-324-2301
www.fairfaxcounty.gov/dpz/