

SPECIAL PERMIT / SPECIAL PERMIT AMENDMENT

Application Information



ZONING EVALUATION DIVISION
Fairfax County
Department of Planning and Development
12055 Government Center Parkway,
Suite 801
Fairfax, VA 22035
703-324-1290

<https://www.fairfaxcounty.gov/planning-development>

July 2019



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days Advance notice. For additional information on ADA call 703-324-1334 or TTY 771 (Virginia Relay Center).

Table of Contents

Page

Special Permit Application Information	1
Zoning Ordinance General Standards for a Special Permit	3
Processing of a Special Permit Application	4
Synopsis of the Submission Requirements for a Special Permit Application	7
Fee Schedule for Special Permit Applications	9
Special Permit/Special Permit Amendment Application Form	11
Special Permit Plat Submission Requirements (unless specific provisions apply, as noted below in some instances)	12
Minimum Stormwater Information for a Special Permit	15
<i>This checklist, as made part of the Plat submission, is required for applications which propose land disturbance in excess of 2,500 square feet</i>	
Plat Submission Requirements for Home Child Care Facilities (8-305)	16
Plat Submission Requirements for Reduction to the Minimum Yard Requirements Based on Error in Building Location (8-914)	17
Plat Submission Requirements for Modification to the Limitations on the Keeping of Animals (8-917)	18
Plat Submission Requirements for Accessory Dwelling Units (8-918)	19
Plat Submission Requirements for Reduction of Certain Yard Requirements (8-922)	20
Plat Submission Requirements for Provisions for Increase in Fence and/or Wall Height in Any Front Yard (8-923)	21
Plat Submission Requirements for Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage (8-926)	22
Par. 3 of Sect. 10-103 Use Limitations	23
Special Permit Statement of Justification Requirements	26
Additional Standards for Home Child Care Facilities (8-305)	27
Provisions for Approval of Reduction to the Minimum Yard Requirements	
Based on Error in Building Location (8-914).....	29
Provisions for Modification to the Limitations on the Keeping of Animals (8-917)	30
Additional Standards for Accessory Dwelling Units (8-918)	31
Provisions for Reduction of Certain Yard Requirements (8-922)	33
Provisions for Increase in Fence and/or Wall Height in Any Front Yard (8-923)	35
Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage (8-926)	36
Affidavit Form for a Special Permit Application	37
Archaeological Survey Data Form (if applicable)	47
Traffic Impact Analysis Form (if applicable)	49
Va. Code § 57-15 Statute (if applicable)	52
Consent form / agent authorization (if applicable)	53

SPECIAL PERMIT / SPECIAL PERMIT AMENDMENT APPLICATION INFORMATION

This publication contains information on how to process a special permit application in Fairfax County. It includes instructions and suggestions, a detailed list of submission requirements, an application form, an affidavit form, and a fee schedule. Additional copies of this publication are available from the Zoning Evaluation Division, Department of Planning and Development, or from the County's web site at <https://www.fairfaxcounty.gov/planning-development/zoning/application-review>. The materials in this publication are also applicable to applications to amend previously approved special permits.

SPECIAL PERMIT: Section 8-001 of the Zoning Ordinance states that there are certain uses which by their nature or design can have an undue impact upon, or be incompatible with, other uses of land. In addition, there are times when standards and regulations specified for certain uses allowed within a given zoning district should be allowed to be modified, within limitations, in the interest of sound development. These uses, described as special permit uses in the Zoning Ordinance, may be allowed to locate within designated zoning districts under the controls, limitations and regulations of a special permit approved by the Board of Zoning Appeals (BZA).

The BZA may approve a special permit under the provisions of Article 8 of the Zoning Ordinance when it concludes that the proposed use complies with all specified standards, including the standards that such use will be in harmony with the Comprehensive Plan and will be compatible with existing and/or planned development in the area. In addition, in approving a special permit, the BZA may impose conditions and restrictions to ensure that the standards will be met. Where such cannot be accomplished, or when it is determined that the use is not in accordance with all applicable standards of the Zoning Ordinance, the BZA will deny the special permit.

In order to request consideration of a special permit by the BZA, an application must be filed with the County by the owners, lessee, or contract purchasers of the land, or their designated agents. A special permit must comply with specific submission requirements, including the provision of a fee and an affidavit, as set forth in the Zoning Ordinance.

BOARD OF ZONING APPEALS: The BZA is comprised of Fairfax County citizens who are appointed by the Circuit Court. There are 7 members, with each member serving in an at-large capacity for a term of 5 years. The Board of Zoning Appeals has the authority, among other powers, to approve special permits. The powers of the BZA are defined by the Fairfax County Zoning Ordinance in Article 19-200 and the State enabling legislation in 15.2-2309 of the Code of Virginia.

The BZA may approve, deny, or approve-in-part, a special permit application. The BZA may approve a special permit only upon a finding that the request meets all of the General Standards and additional standards for a Special Permit as outlined in Article 8 of the Zoning Ordinance and any other relevant Zoning Ordinance provisions. See General Standards found on page 3 of this publication. In addition, please refer to the specific Provisions that must also be addressed if filing for a particular Special Permit application, found on pages 26 through 36 of this publication.

SUBMISSION REQUIREMENTS: A synopsis of the submission requirements for an application for a special permit, pursuant to Section 8-011 of the Fairfax County Zoning Ordinance, is presented on page 7 of this package in a checklist format to provide a convenient way to ensure that all required items of the application package are submitted in order for the application materials to be thoroughly reviewed in conformance with the Zoning Ordinance submission requirements. In general, the submission requirements include an application form, a plat (as required and outlined in the Zoning Ordinance) of the property showing existing and proposed uses, a zoning section sheet (zoning map), photographs of the property, an affidavit disclosing ownership and other interest in the property, a

written statement of justification describing the proposed use as it relates to the specific Zoning Ordinance criteria, owner concurrence in the application, any applicable overlay district information, and a fee.

Special permits must also meet the specific group standards and any additional standards as provided in the Zoning Ordinance. Demonstration of compliance with these group and additional standards may generate additional submission requirements for certain special permit uses.

A copy of these standards and provisions are presented starting on page 26 of this package.

The group standards and/or additional standards for a particular use are found in Article 8 of the Zoning Ordinance. You may also contact the Zoning Evaluation Division, Department of Planning and Development, at 703-324-1290 or consult the County's website at <https://www.fairfaxcounty.gov/planning-development> for additional information.

WHERE TO SUBMIT: Special permit application packages may be submitted by mail or in person to:

Fairfax County Zoning Evaluation Division
Department of Planning and Development
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

ASSISTANCE: For information on the application process, clarification of these instructions, or to set up a pre-submission meeting to discuss a potential submission, please call the Zoning Evaluation Division at 703-324-1290 if you wish to set up an appointment.

HELPFUL HINTS: The following "Helpful Hints" are provided to assist in the filing of a special permit application:

- Each application is considered a "package" which must include all required elements when submitted. Applications will not be reviewed for acceptance until a complete package is submitted.
- Each applicant should designate a "single point of contact" that will be responsible for the application. This may be the applicant, agent, attorney, engineer, property owner, or other member of the application team.
- The application package should be reviewed for correctness and completeness prior to submission and to ensure that all parts are coordinated.
- Submitted special permit plats should be folded (not rolled) so that they fit into an overall application package.
- All information, including any supplemental information which may be submitted, should be clearly marked to reference the specific application.

ZONING ORDINANCE GENERAL STANDARDS FOR A SPECIAL PERMIT

A Statement of Justification should be provided for all special permit uses which must satisfy the following general standards pursuant to Section 8-006 of the Zoning Ordinance in order for the Board of Zoning Appeals to approve the application.

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the Board of Zoning Appeals shall require landscaping and screening in accordance with the provisions of Article 13, Landscaping and Screening, in the Zoning Ordinance.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12, Signs, in the Zoning Ordinance; however, the Board of Zoning Appeals may impose more strict requirements for a given use than those set forth in this Ordinance.

In addition to the general standards outlined above, some types of special permits also have specific standards which must be met. Please refer to the most commonly filed Special Permit requests attached. These specific standards can also be found in Article 8 of the Zoning Ordinance, which is available on the County's web site at <https://www.fairfaxcounty.gov/planning-development/zoning-ordinance>, or refer to the attached.

PROCESSING OF A SPECIAL PERMIT APPLICATION

STEP 1 - SUBMISSION OF THE APPLICATION: A complete special permit application package, containing all of the required items, must be submitted by mail or in person to the Zoning Evaluation Division (ZED) in the Department of Planning and Development (DPD). The office is open Monday through Friday from 8:00 a.m. to 4:30 p.m.

STEP 2 - APPLICATION ACCEPTANCE: An application will be reviewed for acceptance only when a complete application package that contains all required submission items is submitted. The Applications Acceptance Section of the Zoning Evaluation Division will review all complete application packages in the order in which they are received. If deficiencies are found, a letter will be sent to the applicant or authorized agent regarding deficiencies that must be corrected. The special permit application will be accepted when all Zoning Ordinance submission requirements are met, including payment of the applicable fee. Once the special permit application has been accepted, a letter will be sent to the applicant/agent verifying such acceptance. If you have any questions about your application prior to filing or acceptance, please call 703-324-1290, TTY 711.

STEP 3 – SPECIAL PERMIT/VARIANCE BRANCH: After a Special Permit application is accepted, it is forwarded to the Special Permit/Variance Branch of the Zoning Evaluation Division for processing. At that time, a public hearing before the Board of Zoning Appeals (BZA) will be scheduled and a staff coordinator will be assigned to the application. A letter will be sent to the applicant/agent confirming this information. By State law, the public hearing date must be held within 90 days after the application is accepted, unless a deferral is requested by the applicant. If you have any questions about your application once it has been accepted, please call 703-324-1280, TTY 711.

STEP 4 – STAFF REVIEW PROCESS: Upon acceptance of a special permit application, the application will be reviewed by staff for compliance with the Comprehensive Plan and the Zoning Ordinance and for its impacts on land use, transportation, environmental resources, public facilities and other factors. The review process is managed by a staff coordinator within the Zoning Evaluation Division who is the primary point of contact for the application. The staff coordinator will transmit requests for additional information needed to review the application, provide staff comments/issues on the request, facilitate the resolution of any issues which may be identified, and respond to question/inquiries about the application. A written staff report will be prepared documenting the analysis of each application, and presenting a recommendation to the BZA. The staff report is published one week before the public hearing, at which time it is mailed to the applicant/agent, delivered to the BZA, and made available to the public. The staff report is available on-line the week prior to the public hearing at <http://ldsnet.fairfaxcounty.gov/ldsnet/>

STEP 5 - NOTIFICATION: Between 30 and 40 days prior to BZA public hearing, a package will be sent to the applicant/agent, by certified mail, outlining the procedures for notifying surrounding property owners of the public hearing on the special permit request. Providing notification is a State and County legal requirement. The applicant/agent **must follow the directions contained in the notice package** including sending the specified written notice to a minimum of 10 different property owners abutting, across the street from, and/or in the immediate vicinity of the property.

A public hearing cannot be conducted unless the notification process is completed correctly and within the mandated timeframe. Failure to adhere to the procedures contained in the notification package will jeopardize the scheduled public hearing date. If you have questions regarding the legal notification, please call 703-324-1280, TTY 711.

Between 21 and 14 days prior to the public hearing, County staff will advertise the public hearing in a local newspaper. A minimum of 15 days prior to the public hearing, County staff will also place one or more yellow sign boards on the application property notifying the public of the public hearing. The sign boards must not be moved or removed from the property. After the public hearing, the sign boards will be removed by County staff.

STEP 6 - PUBLIC HEARING: BZA public hearings are open to the public and are held on most Wednesday mornings beginning at 9:00 a.m. in the Board Auditorium in the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA. The BZA agenda can be found on the County's web site at <https://www.fairfaxcounty.gov/planning-development/board-zoning-appeals/weekly-agendas>. If you have any questions regarding the public hearing, please call 703-324-1280, TTY 711.

To learn more about the public hearing process, applicants may want to view a meeting prior to their hearing date.

Televised Meetings: Fairfax County Cable Channel 16 broadcasts all BZA meeting live. For program listings, check the viewing guide at <https://www.fairfaxcounty.gov/cableconsumer/channel-16/fairfax-county-government-television/> or call 703-324-5930, TTY 711.

Telephone Access: To listen by telephone while the public hearings are underway, call 703-324-7700, TTY 711.

Public Access: For special accommodations or alternative information formats, call 703-324-3151, TTY 711.

Conduct of Public Hearings: Typically public hearings are conducted as follows:

- The Chairman of the BZA will call an application to be heard.
- The applicant/agent is required to be present at the public hearing and will be asked to come to the podium to state his/her name and address and to reaffirm the affidavit, all under oath.
- Staff will describe the location of the property and the request, and present other pertinent information.
- The applicant/agent will present the justification for the special permit request(s), including how the application meets the Zoning Ordinance standards for the Special Permit, as outlined in a Statement of Justification.
- The BZA will open the public hearing for testimony in support of, or in opposition to, the request. Anyone wanting to speak at the public hearing may do so or may submit written testimony to the Clerk to the BZA.

Although not mandatory, as a courtesy and to ensure the accuracy of the record, those who wish to speak on a particular case are requested to sign up on the speaker's list prior to the day of the meeting by contacting the Clerk to the BZA at 703-324-1280, TTY 711, or via <https://www.fairfaxcounty.gov/planning-development/board-zoning-appeals/speaker-signup>.

Speakers will not be called upon by name, but should make their presence known when the Chairman asks for speakers in support of, or in opposition to, the specific application.

- At any time during the public hearing, a member of the BZA may ask questions of the applicant/agent, staff or a speaker.
- The BZA makes its determination based on whether it finds that the application meets **all of the Zoning Ordinance Required Standards for a Special Permit** as found on Page 3 of this publication, as well as other relevant Zoning Ordinance provisions as found on pages 26 through 36. The BZA may impose conditions on a special permit, as it deems necessary.
- The BZA will close the public hearing and may make a motion to approve the application, deny it, or approve it in-part; continue the hearing to another date if it needs additional information; or, defer decision to a later date.

STEP 7 - LETTER OF DECISION: The Clerk to the BZA will mail a letter containing the final decision of the BZA and a copy of the adopted Resolution to the applicant/agent after the final decision date. If the BZA denies a special permit request, a new special permit application cannot be filed on the same property for one year, unless a waiver of the one-year wait period is granted by the BZA.

STEP 8 – IMPLEMENTATION: A special permit normally has conditions which must be met prior to final establishment of the use, as well as other plats/plans such as site plans and occupancy permits which must be submitted and approved. Whenever a special permit is approved by the BZA, the activity authorized must be established or any construction authorized must commence and be diligently prosecuted within such time as the BZA specified in the approval, or, if no such time is specified, then, within thirty (30) months from the final approval date of the special permit. If the use has not been established or construction has not commenced within the time period approved, the special permit automatically expires, without notification by the County, pursuant to Paragraph 1 of Section 8-015 of the Zoning Ordinance, unless additional time is approved by the BZA.

The BZA may grant additional time beyond the originally established time period to implement a special permit. Should additional time be necessary, a letter requesting additional time must be filed with the Zoning Administrator prior to the date of expiration of the special permit. The additional time request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation as to why additional time is required. The procedure to request additional time is contained in Paragraph 2 of Section 8-015 of the Zoning Ordinance or if you have any questions, please call 703-324-1280, TTY 711.

Note: The approval of a special permit does not interfere with, abrogate or annul any easement covenants, or other agreements between parties, as they may apply to the property subject to this application.

**SYNOPSIS OF SUBMISSION REQUIREMENTS
FOR A SPECIAL PERMIT APPLICATION**

A special permit application must meet all of the submission requirements specified in the Zoning Ordinance in order to be accepted for processing. A synopsis of the requirements is presented below. Complete application packages containing all 10 items must be submitted before the application will be reviewed for compliance with the submission requirements by the Applications Acceptance Section of the Zoning Evaluation Division (ZED), Department of Planning and Development (DPD). If the application does not meet the submission requirements, a checklist letter outlining the deficiencies will be sent to the applicant or designated agent. The application will not be accepted and scheduled for a public hearing until all deficiencies have been resolved. When an application meets all the submission requirements, it will be accepted and scheduled for a public hearing and the applicant/agent will be so notified.

To assist in ensuring that you have submitted a complete application, please check the box provided for each item included in your application.

REQUIREMENT	SUBMITTED
<p>1. One (1) original signed copy of the Special Permit Application Form, as provided by Fairfax County, completed and signed by the applicant or authorized agent. The applicant or authorized agent may use the form found on page 11 of this Application Package or on the County web site at https://www.fairfaxcounty.gov/planning-development/zoning/application-review. In order to fill out the application form, the Department of Tax Administration records at http://icare.fairfaxcounty.gov/ffxcare/Main/Home.aspx may be used to search by property address to find the tax map number, subdivision name, Magisterial District and zoning district. The land area of the application property must match that shown on the special permit plat.</p>	
<p>2. Twenty-three (23)** Special Permit Plats that are prepared and sealed by a professional land surveyor, engineer, architect or landscape architect licensed in the State of Virginia. See the detailed Requirements for Special Permit Plats found on pages 12 through 25 of this package.**Please ensure to refer to the specific Ordinance section for the specific Plat requirements. <u>All applications must be accompanied by this requirement.</u></p>	
<p>3. One (1) copy of the current Official Zoning Map Fairfax County, showing the subject property and an area of at least a 500 foot radius around the property. If more than one (1) Zoning Map sheet is required to cover the area, such sheets shall be combined to create a single readable map. The boundaries of the subject property must be outlined in red. The official Zoning Map Fairfax County may be obtained on the web at https://www.fairfaxcounty.gov/gisapps/DMV/Default.aspx by selecting Zoning Map and the appropriate map grid (e.g., 045-2).</p>	

* *Reminder: Transportation Impact Analysis (TIA) checklist is required for Special Permit and Special Permit Amendments and must be submitted with the application package. A copy of the TIA checklist is included in this package on pages 44-46.*
NOTE: Most single lot residential applications (fence, reduction in minimum and/or certain yards, accessory dwelling unit, keeping of animals, etc.) WILL NOT require a TIA determination.

REQUIREMENT	SUBMITTED
4. Photographs, color, printed and labeled , of the application property and abutting properties showing existing structures, terrain and vegetation as viewed from all lot lines and street lines of the application property. The photographs shall be clearly dated and labeled as to the location and direction from which the photographs were taken. The use of digital photography is preferred in which case a disk containing those digital photographs <i>shall also be provided</i> . <u>Note: flash drives are not permitted.</u>	
5. A written statement of justification describing the proposed use and other pertinent data which complies with Section 8-011 and the additional Provisions as may also be required under Article 8, contained on pages 26-36 of this package.	
6. A notarized affidavit (single sided) completed and signed by the applicant or the applicant’s authorized agent. At a minimum, the first 5 pages must be completed and notarized on page 5. If the applicant’s authorized agent completes the application or affidavit on the applicant’s behalf, a certified (notarized) statement (pages 53-55) from the applicant must be submitted authorizing the agent to complete the affidavit on the applicant’s behalf. The affidavit must be updated if there are any changes in the information up to the time of the public hearings. All affidavits are reviewed by the Office of the County Attorney for completeness and accuracy. A copy of the affidavit form is presented on pages 37 through 46 and is available on the web at https://www.fairfaxcounty.gov/planning-development/zoning/affidavit-forms . For questions regarding the affidavit, please contact the Office of the County Attorney at 703-324-2421, TTY 711. <i>Prior to each public hearing on the application, the applicant or authorized agent is required to reaffirm the affidavit verbally.</i>	
7. A notarized statement which confirms the ownership from <u>all</u> owners of the subject property and the nature of the applicant’s interest in the property. If the applicant is not the owner of the property, evidence must be submitted showing that the applicant will have the right to use the property as proposed. If there are multiple owners, all owners must provide consent. For a condominium, the provisions of Sect. 2-518 shall be applicable. (Owner Consent standard form attached – pages 53-55.)	
8. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District. A copy of the Archaeological Survey Data Form is included in the package on pages 47 and 48.	
9. A check written to the County of Fairfax in the amount shown on the fee schedule contained on pages 9-10 of this package. Checks returned due to insufficient funds are subject to a \$50 fee (Fairfax County Code, §1-1-17; Va. Code § 15.2-106).	
10. Please refer to page 52 regarding Va. Code § 57-15 which references “Proceeding by trustees or members for similar purposes, exception for certain transfers.” If applicable, please provide this documentation.	

* **Reminder:** *One of the detailed submission requirements for special permit plats relates to stormwater management facilities. Any waivers for stormwater management to permit underground detention facilities in residential areas or for Resource Protection Area (RPA) exceptions should also be submitted concurrently with special permit applications. Waiver requests or RPA exceptions are to be submitted to Land Development Services at the Customer and Technical Support Center, located on the 2nd floor of the Herrity Building, 12055 Government Center Parkway. If you have any questions, please call 703-324-1730.*

EFFECTIVE APRIL 24, 2013
FEE SCHEDULE FOR SPECIAL PERMIT APPLICATIONS
All Fees shall be made payable to the County of Fairfax

<u>Application for a Special Permit</u>		<u>Filing Fee</u>
Group 1	Extraction and Excavation Uses	\$16,375
Group 2	Interment Uses	\$16,375
Group 3	Institutional Uses	
	Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school which has an enrollment of 100 or more students daily	\$11,025
	Home child care facilities	\$435
	All other uses	\$1,100
Group 4	Community Uses	\$4,085
Group 5	Commercial Recreation Uses	\$16,375
Group 6	Riding and Boarding Stables	\$8,180
	All other uses	\$16,375
Group 7	Older Structures	\$16,375
Group 8	Temporary Uses	
	Temporary portable storage containers approved by the Zoning Administrator	\$0
	All other uses approved by the Zoning Administrator	\$205
	Temporary portable storage containers approved by the BZA	\$0
	All other uses approved by the BZA	\$16,375
Group 9	Uses Requiring Special Regulation	
	Open air produce stands	\$1,810
	Accessory dwelling unit	\$435
	Modification to the limitation on the keeping of animals	\$435
	Increase in fence and/or wall height in any front yard on a single family dwelling lot	\$435
	Increase in fence and/or wall height in any front yard on all other uses	\$2,500
	Modification to minimum yard requirements for certain R-C Lots	\$185
	Reduction in Minimum Yard Requirements Based on an Error in Building Location	\$910
	Reduction of Certain Yard Requirements on a single family dwelling lot	\$910
	Modification of minimum yard requirements for certain existing structures and uses;	\$910
	Certain additions to an existing single family detached dwelling when the existing dwelling extends into a minimum required yard by more than fifty (50) percent and/or is closer than five (5) feet to a lot line	\$910

Noise barriers on a single residential lot	\$910
Modification of grade single family detached dwelling	\$910
Increase in the percentage of minimum required rear yard coverage for single family detached dwellings	\$910
Reduction of certain yard requirements on all other uses	\$8,180

All other uses	\$16,375
----------------	----------

Amendment to a pending application for a special permit	1/10 of prevailing
Application for an extension of time for a special permit pursuant to Section 8-012	1/8 prevailing fee
Amendment to a previously approved and currently valid special permit limited to change in permittee	\$500 or 1/2 of prevailing fee whichever is less
Application to amend a previously approved and currently valid special permit with no new construction	1/2 of prevailing fee
Application to amend a previously approved and currently valid special permit with new construction	prevailing fee for new application

Notes:

Additional fees may be required for certain special permit uses to pay for the cost of regular inspections to determine compliance with performance standards. Such fees shall be established at the time the special permit application is approved.

When one application is filed by one applicant for two (2) or more special permit uses on the same lot, only one filing fee shall be required. Such fee shall be the highest of the fee required for the individual uses. This shall also apply to an application for two (2) or more special exceptions or two (2) or more variances or a combination of two (2) or more special permits and/or variances filed by one applicant on the same lot.

The fee for an amendment to a pending application for a special permit is only applicable when the amendment request results in a substantial revision as determined by the Zoning Administrator.

If an application is withdrawn by the applicant, no fee or part thereof shall be refunded. If an application is administratively withdrawn by the Zoning Administrator, because it was determined that the application was accepted in error, there shall be a full refund of the filing fee.



COUNTY OF FAIRFAX
Department of Planning and Development
Zoning Evaluation Division

APPLICATION No: _____

(Staff will assign)

12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 703-324-1290, TTY 711

<https://www.fairfaxcounty.gov/planning-development/zoning/application-packages>

APPLICATION FOR A SPECIAL PERMIT / SPECIAL PERMIT AMENDMENT

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	APPLICANT NAME		
	BUSINESS NAME (if applicable) (e.g., d/b/a; aka; LLC; trading as, etc.)		
	MAILING ADDRESS		
	PHONE HOME ()	WORK ()	
	PHONE MOBILE ()	EMAIL:	
PROPERTY INFORMATION	PROPERTY ADDRESS		
	TAX MAP NO.	SIZE (ACRES/SQ FT)	
	ZONING DISTRICT	MAGISTERIAL DISTRICT	
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:		
SPECIAL PERMIT REQUEST INFORMATION	ZONING ORDINANCE SECTION		
	PROPOSED USE		
AGENT/CONTACT INFORMATION	NAME		
	MAILING ADDRESS		
	PHONE NUMBER	HOME	WORK
	PHONE NUMBER	MOBILE	
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input type="checkbox"/> Agent/Contact		
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p>			
_____ TYPE/PRINT NAME OF APPLICANT/AGENT		_____ SIGNATURE OF APPLICANT/AGENT	

DO NOT WRITE IN THIS SPACE

Date Application accepted: _____ Application Fee Paid: \$ _____

GENERAL SPECIAL PERMIT PLAT SUBMISSION REQUIREMENTS

Note: a Special Permit Plat, prepared as stated below, is required for most applications. Please refer to the next several pages for specific plat requirements for specific application types.

Twenty-three (23) copies of a plat and supporting graphics, including any resubmissions, drawn to designated scale of not less than one inch equals fifty feet (1" = 50'), certified by a professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale not less than 1" = 100' may be used. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plat shall contain the following information:

- A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
- B. Total area of the property and of each zoning district in square feet or acres.
- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- D. Location, dimensions and maximum height in feet, including penthouses, of all existing and proposed structures, and if known, the location, dimensions and lighting of all signs, and the construction date(s) of all existing structures and an indication whether they will be retained or demolished.
- E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, transitional screening yards, and the distances from all existing and proposed structures to lot lines.
- F. Public right(s)-of-way, indicating names, route numbers and width, any required and/or proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.
- G. Proposed means of ingress and egress to the property from a public street(s).
- H. Location of existing and proposed parking spaces, indicating minimum distance from the nearest property line(s), and a schedule showing the number of parking spaces provided and the number required by the provisions of Article 11 of the Zoning Ordinance.
- I. Location of well and/or septic field, or indication that the property is served by public water and/or sewer. Where applicable, a statement from the Health Department that available facilities are adequate for the proposed use.
- J. * Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams and approximate water surface elevation for design storms, if applicable.

In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff will be conveyed.

When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:

- (1) A graphic depicting:
 - (a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.
 - (b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.
 - (c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.
 - (d) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.
 - (e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.
 - (f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.
- (2) A preliminary stormwater management narrative setting forth the following:
 - (a) Description of how the detention and best management practice requirements will be met.
 - (b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.
 - (c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.
 - (d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

*** A Stormwater Management checklist form is included as page 15 for your convenience.**

- K. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential, and the maximum density of dwelling units, if applicable.

- L. Existing topography with a maximum contour interval of two (2) feet and a statement indicating whether it is air survey or field run.
- M. A plan showing limits of clearing, existing vegetation, and proposed landscaping and screening in accordance with the provisions of Article 13, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.
- N. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
- O. Where applicable, seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, outside lighting, and loudspeakers.
- P. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- Q. Location of all trails required by the adopted comprehensive plan.
- R. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.
- T. Seal and signature of professional person certifying the plat.

**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 Sections:

- | | |
|--|--|
| Special Permits (Sect. 8-011 2J & 2L) | Special Exceptions (Sect. 9-011 2J & 2L) |
| Cluster Subdivision (Sect. 9-615 1G & 1N) | Commercial Revitalization Districts (Sect. 9-622 2A (12) & (14)) |
| Development Plans PRC District (Sect. 16-302 3 & 4L) | PRC Plan (Sect. 16-303 1E & 1 O) |
| FDP P Districts (Sect. 16-502 1A (6) & (17)) | Amendments (Sect. 18-202 10F & 10I) |

- 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(s) _____.
If infiltration is proposed the soils should be tested for suitability prior to submission of the development plan and results of the infiltration test provided as part of the description of the facility.

- 3. Provide:

Facility Name/ Type & No. (E.g. drypond, infiltration trench, underground vault, etc)	On-site area served (acres)	Off-site area served (acres)	Drainage area (acres)	Footprint area (sf)	Storage volume (cf)	If pond, dam height (ft.)
Totals:						

- 4. Onsite drainage channels, outfalls and pipe systems are shown on Sheet(s) _____. Pond inlet and outlet pipe systems are shown on Sheet(s) _____.
- 5. Maintenance access (road) to stormwater management facility(ies) are shown on Sheet(s) _____.
Type of maintenance access road surface noted on the plat is _____ (asphalt, geoblock, gravel, etc.)
- 6. Landscaping and tree preservation in and near the stormwater management facility is shown on Sheet(s) _____.
- 7. Stormwater management and BMP narratives including Virginia Runoff Reduction Spreadsheet and descriptions of how detention and best management practices requirements will be met are provided on Sheet(s) _____.
- 8. A description of 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(s) _____. If the outfall is proposed to be improved off-site it should be specifically noted.
- 9. A detailed description and analysis of how the channel protection requirements and flood protection requirements of each numbered outfall will be satisfied per Stormwater Management Ordinance and Public Facilities Manual are provided on Sheet(s) _____.
- 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 Sheet(s) _____.
- 11. A submission waiver is required for _____.
- 12. Stormwater management is not required because _____.

For Special Permit applications pertaining to

8-305 – Additional Standards for Home Child Care Facilities, the following Plat requirements must be satisfied:

4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by-fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and, in addition to the 15 copies, one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
 - E. Seal and signature of the licensed professional certifying the plat.

For Special Permit applications pertaining to

8-914 – Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location, the following Plat requirements must be satisfied:

Notwithstanding Par. 2 of Sect. 011 above, all applications must be accompanied by ten (10) copies of a plat and such plat must be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat must be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat must be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat must contain the following information:

- A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
- B. Total area of the property and of each zoning district in square feet or acres.
- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
- E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
- F. Means of ingress and egress to the property from a public street(s).
- G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
- H. If applicable, the location of well and/or septic field.
- I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. Seal and signature of professional person certifying the plat.
- L. A calculation showing the percentage of the minimum required rear yard that is covered with any accessory use and structure, in accordance with Par. 3 of Sect. 10-103.

For Special Permit applications pertaining to

8-917 – Provisions for Modifications to the Limitations on the Keeping of Animals, the following Plat requirements must be satisfied:

Notwithstanding the requirements set forth in Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat, which may be prepared by the applicant and shall contain the following information:

- A. The dimensions of the lot or parcel, the boundary lines thereof, and the area of land contained therein.
- B. The dimensions, height and distance to all lot lines of any existing or proposed building, structure or addition where such animals are to be kept.
- C. The delineation of any Resource Protection Area and Resource Management Area.
- D. The signature and certification number, if applicable, of the person preparing the plat.

For Special Permit applications pertaining to

8-918 – Additional Standards for Accessory Dwelling Units, the following Plat requirements must be satisfied:

13. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and, in addition to the 15 copies, one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls and, if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and/or proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. The location of a well and/or septic field, or indication that the property is served by public water and/or sewer.
 - H. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - I. Seal and signature of the licensed professional person certifying the plat.

For Special Permit applications pertaining to

8-922 – Provisions for Reduction of Certain Yard Requirements, the following Plat requirements must be satisfied:

Notwithstanding Par. 2 of Sect. 011 above, all applications must be accompanied by fifteen (15) copies of a plat and such plat must be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat must be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat must be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat must contain the following information:

- A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
- B. Total area of the property and of each zoning district in square feet or acres.
- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
- F. Means of ingress and egress to the property from a public street(s).
- G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
- H. If applicable, the location of a well and/or septic field.
- I. Existing and proposed gross floor area and floor area ratio.
- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. The location, type and height of any existing and proposed landscaping and screening.
- L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
- M. Seal and signature of professional person certifying the plat.
- N. A calculation showing the percentage of the minimum required rear yard that is covered with any accessory use and structure, in accordance with Par. 3 of Sect. 10-103.

For Special Permit applications pertaining to

8-923 – Provisions for Increase in Fence and/or Wall Height in Any Front Yard, the following Plat requirements must be satisfied:

Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

- A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
- B. Total area of the property and of each zoning district in square feet or acres.
- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
- F. Means of ingress and egress to the property from a public street(s).
- G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
- H. If applicable, the location of a well and/or septic field.
- I. If applicable, existing gross floor area and floor area ratio.
- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. The location, type and height of any existing and proposed landscaping and screening.
- L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
- M. Seal and signature of professional person certifying the plat.

8-926 – Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage, the following Plat requirements must be satisfied:

The BZA may approve a special permit to allow an increase in the percentage of coverage of the minimum required rear yard on a lot developed with a single family detached dwelling, subject to the following:

Notwithstanding Par. 2 of Sect. 011 above, all applications must be accompanied by fifteen (15) copies of a plat, and such plat must be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat must be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat must be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat must contain the following information:

- A. Boundaries of the entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
- B. Total area of the property and of each zoning district in square feet or acres.
- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- D. The location, dimension and height of the principal dwelling, including any extension; and the location, dimension and height of any existing or proposed accessory structure or use. For decks, the height of the finished floor above finished ground level, and for eaves, the height of the eave from finished ground level.
- E. All required minimum yards to include front, side and rear; a graphic depiction of the angle of bulk plane, if applicable; and the distance from each existing or proposed structure to lot lines.
- F. A calculation showing the percentage of the minimum required rear yard that is covered with existing and/or proposed accessory uses and structures, in accordance with Par. 3 of Sect. 10-103.
- G. Means of ingress and egress to the property from a public street(s).
- H. If applicable, the location of a well and/or septic field.
- I. Location of any existing utility easement having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- J. The location, type and height of any existing and proposed landscaping and screening.
- K. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County; the delineation of any Resource Protection Area or Resource Management Area; the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan; and, if applicable, the distance of any existing or proposed structure from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
- L. Seal and signature of professional person certifying the plat.

Par. 3 of Sect. 10-103, Use Limitations, as follows:

3. The following limitations on coverage of the minimum required rear yard apply to any lot developed with a single family detached dwelling:
 - A. All accessory structures and uses may cumulatively cover no more than:
 - (1) 30 percent of the minimum required rear yard on any lot located in an R District; or
 - (2) 50 percent of the minimum required rear yard on any lot located in a P District and containing more than 5,000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition, or 75 percent of the minimum required rear yard for lots containing no more than 5,000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition.
 - B. The minimum required rear yard coverage includes the following:
 - (1) Any fully or partially roofed freestanding accessory structure, such as a garage, shed, gazebo, and other similar structure, including any horizontal projection. (Reference Plate 1 of Illustration 6 in Appendix 2);
 - (2) Any other freestanding accessory structure, including any children's play equipment, sports court, pool and associated decking, and any other similar structure measured around the perimeter of the outermost horizontal extensions of the equipment, structure, or surface (Reference Plate 2 of Illustration 6 in Appendix 2);
 - (3) Any horizontal projection from the principal dwelling that touches the ground, such as a chimney, stair, stoop, HVAC equipment, patio, deck and other similar projection. However, any horizontal projection from the principal dwelling which does not touch the ground (other than the support posts for a deck), including an eave, bay window, open deck, or other similar projection is not included in the minimum required rear yard coverage (Reference Plate 3 of Illustration 6 in Appendix 2);
 - (4) Any driveway, parking space, walkway and sidewalk greater than 5 feet in width, regardless of the surface or edging material used.
 - C. Any portion of the principal dwelling that receives approval to encroach into the minimum required rear yard is not included in the minimum required rear yard calculation (Reference Plate 4 of Illustration 6 in Appendix 2).
 - D. For the purposes of this provision, for any single family detached lot in a P District that is not subject to a proffered condition establishing minimum rear yards, the required minimum rear yard will be governed by the regulations of that conventional residential zoning district which most closely characterizes the given development.
 - E. An increase in the percentage of minimum rear yard coverage may be permitted in accordance with the provisions of Part 9 of Article 8 for lots located in an R District. For lots located in a P District, an increase in the percentage of minimum rear yard coverage may be permitted with approval of an amendment to the development plan if subject to proffered yards or by Special Permit in accordance with Part 9 of Article 8 if not subject to proffered yards.

Appendix 2, Illustrations, to add the following Illustration 6, Plates 1-4, as follows:

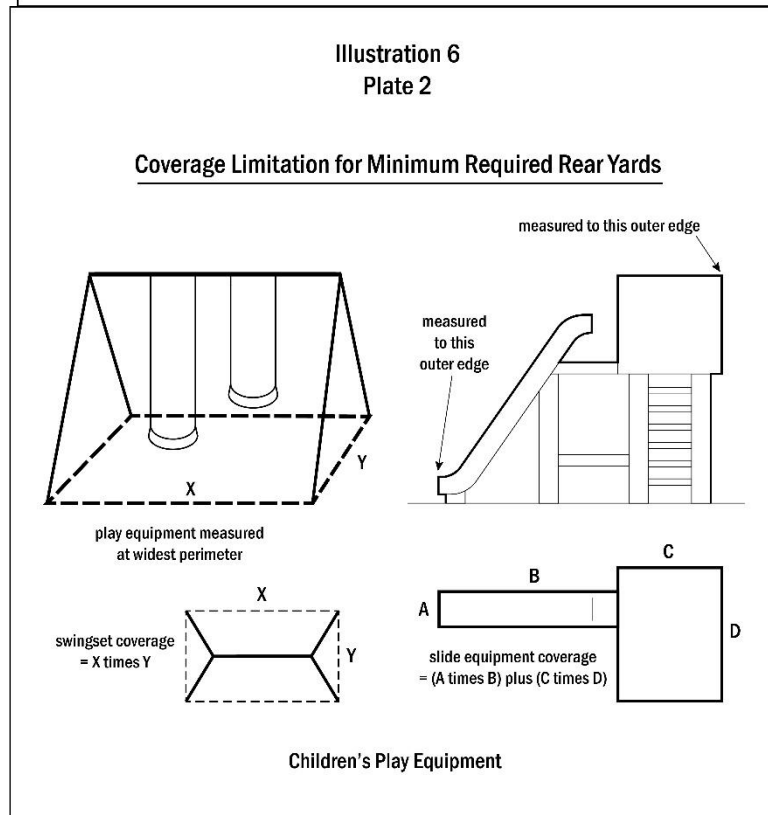
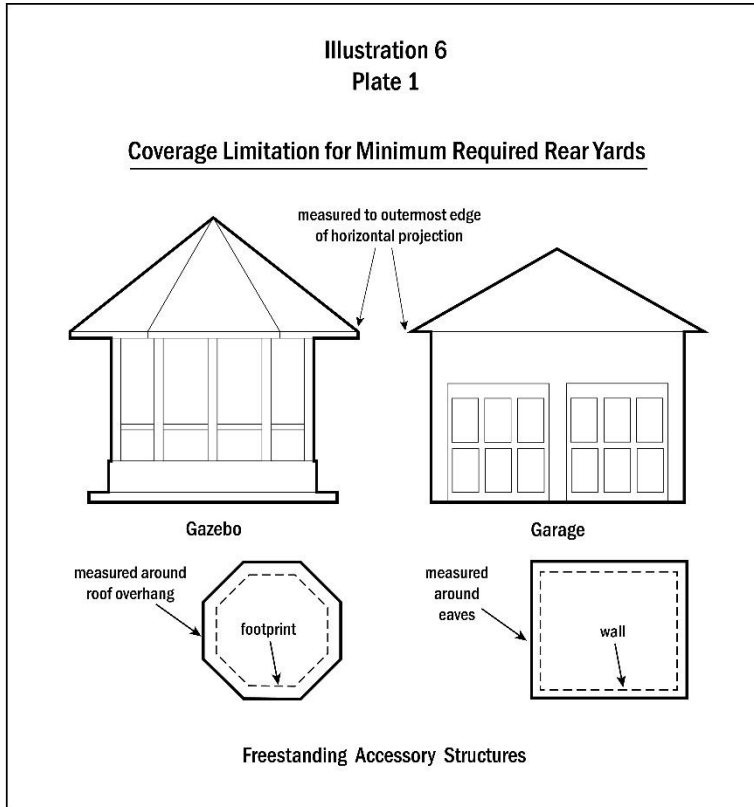


Illustration 6
Plate 3

Coverage Limitation for Minimum Required Rear Yards

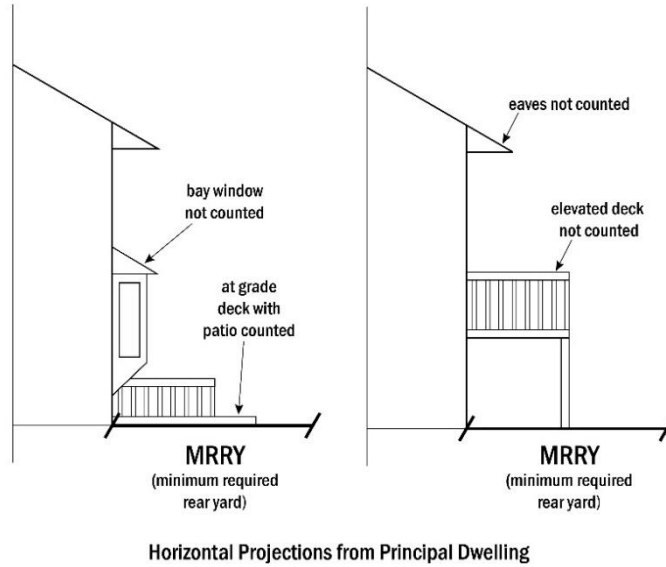
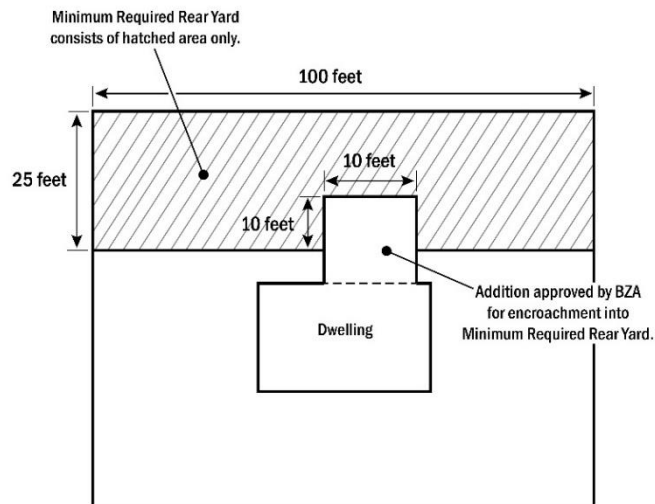


Illustration 6
Plate 4

Coverage Limitation for Minimum Required Rear Yards



Minimum Required Rear Yard area = (25 times 100) minus (10 times 10) = 2500 sf minus 100 sf = 2400 sf

Minimum Required Rear Yard with Previously Approved Encroachment Excluded

PLEASE NOTE

All special permit/special permit amendment applications must address the minimum General Submission requirements in a statement of justification noted below, even if the response is “not applicable”.

Additional justifications are included in the following pages which must be addressed for the specific application type requested

GENERAL SUBMISSION REQUIREMENTS 8-011

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:

- A. Type of operation(s).
- B. Hours of operation.
- C. Estimated number of patrons/clients/patients/pupils/etc.
- D. Proposed number of employees/attendants/teachers/etc.
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.
- F. Vicinity or general area to be served by the use.
- G. Description of building facade and architecture of proposed new building or additions.
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

ADDITIONAL SUBMISSION REQUIREMENTS
SPECIAL PERMIT STATEMENT OF JUSTIFICATION

8-305 – Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use and/or allow an expansion of the permitted hours of attendance of any such nonresident person beyond the hours permitted under Par. 6D of Sect. 10-103. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.

(#4 pertains to the Plat requirements and is omitted from this section intentionally)

5. All applications shall be accompanied by a dimensioned floor plan identifying all rooms and/or facilities to be used in conjunction with the home child care facility, including gross floor area, and points of ingress and egress from the dwelling. In addition, and notwithstanding Par. 4 of Sect. 011 above, the dimensioned floor plan shall also be accompanied by corresponding digital photographs of those rooms and/or facilities used in conjunction with the home child care facility. The photographs shall be clearly dated and labeled as to their subject matter.
6. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

Additionally, in order for the Board of Zoning Appeals to assess the proposed home child care against the Zoning Ordinance's standards for home child care facilities, in addition to the floor plan required above, all Home Child Care Facility applications must provide a written signed statement of justification which addresses the following:

- A. Hours of operation (*for example – 7:00 AM to 6:00 PM, Monday through Friday*).
- B. Estimated number of children and largest number present at any one time, excluding the provider's own children.
- C. Proposed number of employees/attendants/teachers/etc. Indicate whether the employees work part-time or full-time (if part-time, please include their hours).

- D. Estimated drop-off and pick-up schedule and largest number of drop-offs and pick-ups at any one time (*for example, three children arrive at 7:15 AM while one child arrives at 8:00 AM*).
- E. Describe the general area or neighborhood which will be served by your child care (*do they live in your neighborhood, or come from outside areas?*).
- F. Describe how parents get to the child care (do they drive, walk or take a bus?) and where they may park (if they drive).
- G. Describe the dwelling and how the use will operate within the dwelling, including square footage dedicated to the home child care facility. Include a floor plan to show what areas of the dwelling will be used for the child care.
- H. Describe the outdoor play areas in order to supplement the information provided on the plat. If outdoor play areas are not located on the property, provide information about where the outdoor play will be provided and how the children will get to those playgrounds.
- I. If your neighborhood has a homeowners' association and you have received approval from them for your use, please include a copy of that approval.

8-914 – Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, or
 - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
 - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction or modification under the provisions of this Section, the BZA shall allow only a reduction or modification necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction or modification for a particular building or structure in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-917 – Provisions for Modifications to the Limitations on the Keeping of Animals

The BZA may approve a special permit to allow the keeping of animals that are not commonly accepted pets, to allow the keeping of animals in numbers greater and/or on lots smaller than permitted by Sect. 2-512, or to allow modifications to the location regulations of Par. 9 of Sect. 10-104, but only in accordance with the following:

1. In reviewing an application, the BZA shall consider the kinds and numbers of animals proposed to be kept, the characteristics thereof, the proposed management techniques, and the location that such animals will be kept on the lot. The BZA may impose such conditions, to include screening and minimum yards, as may be necessary to ensure that there will be no adverse impact on adjacent property and no emission of noise and/or odor detrimental to other property in the area.
2. Such modification may be approved if it is established that the resultant use will be harmonious and compatible with the adjacent area.

8-918 – Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any external entrances for the accessory dwelling unit shall be located on the side or rear of the structure, unless an alternative location is approved by the BZA.
On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.
3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
 - A. One of the dwelling units shall be owner occupied.
 - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
 - (1) Any person fifty-five (55) years of age or over and/or
 - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
- (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
 - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
 - A. Uninterrupted access to one (1) entrance; and
 - B. Accessibility and usability of one (1) toilet room.
 7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.
 8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
 9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
 10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
 11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
 12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.

(#13 pertains to the Plat requirements and is omitted from this section intentionally)

14. All applications shall be accompanied by a dimensioned floor plan depicting the internal layout and gross floor area of both the principal and accessory dwelling unit, with the use of each room and points of ingress and egress to the dwellings clearly labeled. The gross floor area calculation shall include the limitation set forth in Par. 3 above. In addition, and notwithstanding Par. 4 of Sect. 011 above, the dimensioned floor plan shall also be accompanied by corresponding digital photographs, which shall be clearly dated and labeled as to their subject matter.

8-922 – Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.

5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

(#11 pertains to the Plat requirements and is omitted from this section intentionally)

12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.

(include elevations to address this standard)

8-923 – Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.

(#7 pertains to the Plat requirements and is omitted from this section intentionally)

8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.

8-926 – Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage

The BZA may approve a special permit to allow an increase in the percentage of coverage of the minimum required rear yard on a lot developed with a single family detached dwelling, subject to the following:

1. This approval will allow no more than 60 percent of the minimum required rear yard to be covered by any accessory structure and use.
2. All accessory structures and uses located on the property must be clearly subordinate in purpose, scale, use, and intent to the principal dwelling.
3. The BZA determines that the existing or proposed accessory structures and uses on the property are harmonious with the surrounding off-site uses and structures in terms of the location, height, bulk, and scale of the surrounding structures, topography, existing vegetation, and the preservation of trees.
4. The BZA determines that the existing or proposed accessory structures and uses on the property will not adversely impact the use or enjoyment of any adjacent property.
5. The BZA determines that the proposed increase in the minimum rear yard coverage is appropriate to accommodate the existing or proposed accessory structures and uses on the lot. Specific factors to be considered include, but are not limited to, the location of the dwelling on the lot; the shape of the lot and its yards; the layout of existing or proposed accessory structures and uses; the availability of alternate locations for the existing or proposed accessory structures and uses outside of the minimum required rear yard; the characteristics of the site, including the presence of steep slopes, floodplains, or Resource Protection Areas; the preservation of existing vegetation and significant trees; the location of a well and/or septic field; the location of easements; and the preservation of historic resources.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to, limitations on the maximum sizes or specific locations of existing or proposed accessory structures and uses, and landscaping or screening requirements.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

I, _____, do hereby state that I am an
(enter name of applicant or authorized agent)

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

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

=====

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

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

NAME	ADDRESS	RELATIONSHIP(S)
(enter first name, middle initial, and last name)	(enter number, street, city, state, and zip code)	(enter applicable relationships listed in BOLD above)

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a “Special Permit/Variance Attachment to Par. 1(a)” form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

=====

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

(check if applicable) There is more corporation information and Par. 1(b) is continued on a “Special Permit/Variance Attachment 1(b)” form.

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

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

=====

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

PARTNERSHIP INFORMATION

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

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

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

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a “Special Permit/Variance Attachment to Par. 1(c)” form.

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

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

=====

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

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

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

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

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

(check if applicable) There are more interests to be listed and Par. 2 is continued on a “Special Permit/Variance Attachment to Par. 2” form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

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

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

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

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a “Special Permit/Variance Attachment to Par. 3” form.

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

=====

WITNESS the following signature:

(check one) Applicant Applicant’s Authorized Agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this _____ day of _____ 20____, in the State/Comm. of _____, County/City of _____.

Notary Public

My commission expires: _____

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(a)

DATE: _____
(enter date affidavit is notarized)

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
--	---	--

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a “Special Permit/Variance Attachment to Par. 1(a)” form.

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(b)

DATE: _____

(enter date affidavit is notarized)

=====

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

=====

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

=====

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

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(c)

DATE: _____
(enter date affidavit is notarized)

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

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

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

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
“Special Permit/Variance Attachment to Par. 1(c)” form.

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

Page _____ of _____

Special Permit/Variance Attachment to Par. 2

DATE: _____

(enter date affidavit is notarized)

(check if applicable)

There are more financial interests in the subject land to be listed and Par. 2 is continued further on a “Special Permit/Variance Attachment to Par. 2” form.

Special Permit/Variance Attachment to Par. 3

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a “Special Permit/Variance Attachment to Par. 3” form.

Archaeological Survey Data Form – Part B

If the Cultural Resource Management and Protection Section of the Fairfax County Park Authority determines that a Survey is required and a report of the survey results must be submitted prior to submission of any rezoning, development plan, special exception, special permit or variance application that involves 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District, then a copy of the Executive Summary contained in the report must be printed in the space below (attach additional sheets if necessary). (See Par. 6L of Sect. 7-210 of the Zoning Ordinance.)

EXECUTIVE SUMMARY:

I certify that the above Executive Summary is a true copy of the Executive Summary contained in the Report dated _____ submitted to the Cultural Resource Section.

Type/Print Name of Applicant

Signature of Applicant/Agent and Date

FOR OFFICIAL COUNTY USE ONLY

Date of Report submitted to the Park Authority _____

Report submitted and meets submission requirements. Staff recommendation forthcoming: _____

**PLEASE CONTACT WILLIAM CAPERS AT THE FAIRFAX COUNTY DEPARTMENT OF
TRANSPORTATION VIA EMAIL @ william.capers@fairfaxcounty.gov WITH A WRITTEN REQUEST
TO DETERMINE IF THIS APPLIES.
PLEASE PROVIDE THAT EMAIL ALONG WITH YOUR SUBMISSION.**

**State Checklist for Rezoning Applications
(24 VAC 30-155-40)**

Project Name: _____

Applicant Name: _____

Tax Map Parcel Reference: _____

Please check which apply:

- My rezoning application does not meet the thresholds according to 24 VAC 30-155-40. Please sign at the bottom of this sheet.
- My rezoning application meets the thresholds according to 24 VAC 30-155-40. Please complete checklist below to indicate the required material is included in your application package and sign at the bottom of this sheet. Please also complete the TIA Review Form.
- A COVER SHEET** containing:
 - Contact Information** for the
 - Locality,
 - Developer (or owner), if applicable;
 - Site Information**
 - Rezoning location,
 - Highways adjacent to the site,
 - Parcel number or numbers;
 - Proposal Summary** with the
 - Development's name,
 - Size (acreage),
 - Proposed zoning, and
 - Proposed types of land uses, including maximum number of lots or _____ maximum business square feet;
 - A Statement** regarding the proposal's compliance with the Comprehensive Plan.
- A TRAFFIC IMPACT ANALYSIS** in accordance with 24 VAC-30-155-60 **and a completed TIA Review Form (attached)**
- A CONCEPT PLAN** of the proposed development.
- ANY PROFFERED CONDITIONS** submitted by the applicant.
- FEES** (submitted directly to VDOT after acceptance of application)
 - For the initial or second review** of a rezoning proposal, a single fee for both reviews will be determined by the number of vehicle trips generated per peak hour of the generator, as follows:
 - 100 or less vehicles per peak hour - \$500
 - More than 100 vehicles per peak hour - \$1,000
 - For a third or subsequent submission** of a rezoning proposal that is requested by VDOT on the basis of the failure of the applicant to address deficiencies previously identified by VDOT, the fee is equal to the initial fee paid.

Applicant Signature: _____ Date: _____

Chapter 870 TIA Review Form

Use this form to capture data about TIA Review to be entered into LandTrack

Submission Details	<i>Enter your values below</i>
Project Name	
Submission #	
Locality Project ID	
District	
Jurisdiction	
Locality Contact	
TIA Preparer	
Scope Meeting Held?	
Location	
Route(s)	
Site Details	
<i>Submission Type(s):</i>	
Comprehensive Plan TIA Review:	
Zoning TIA Review?	
Site Plan TIA Review?	
Subdivision TIA Review?	
870 Review?	
Number of Units	
Square Feet of Units	
VPH (increase)	
VPD (increase)	
ITE Codes	
Acreage	
Parcel ID	
<i>Facility Type (pick one)</i>	
	<input type="checkbox"/> Commercial – Banks / Drug Store <input type="checkbox"/> Commercial – Cinema <input type="checkbox"/> Commercial – Fast Food Restaurant <input type="checkbox"/> Commercial – Grocery Store <input type="checkbox"/> Commercial – Health / Fitness Center <input type="checkbox"/> Commercial – Industrial <input type="checkbox"/> Commercial – Mixed Type <input type="checkbox"/> Commercial – Office <input type="checkbox"/> Commercial – Other <input type="checkbox"/> Commercial – Shopping Center <input type="checkbox"/> Commercial – Superstore <input type="checkbox"/> Commercial – Gas Station <input type="checkbox"/> Commercial – Sit Down Restaurant <input type="checkbox"/> Mixed Use – Commercial / Residential <input type="checkbox"/> Residential – Mixed Type <input type="checkbox"/> Residential – Multi Family <input type="checkbox"/> Residential – Single Family <input type="checkbox"/> Residential – Town House <input type="checkbox"/> Local Policy Change

Checks should be made payable to the "Treasurer of Virginia". A copy of this form, completed by the applicant and stamped by Fairfax County should accompany the check.

Chapter 870 TIA Review Form – Instructions

This spreadsheet can be used to capture details on the 870 reviews to facilitate data entry in LandTrack once that system goes live next month. Below you will find field-by-field instructions on how to complete this form.

Submission Details	Instructions for each field
Project Name	Enter the name of the project – usually on the TIA Cover.
Submission #	Is this the first submission for this project? 2 nd ? 3 rd ?
Locality Project ID	A tracking # created by the locality
District	Enter the VDOT District where the project is located.
Jurisdiction	Enter the Jurisdiction for the project.
Locality Contact	Who is the primary point of contact with the locality?
TIA Preparer	Who prepared the TIA? Can be the developer or engineering firm.
Scope Meeting Held?	Indicate whether or not a scope meeting has been held.
Location	
Route(s)	List the routes involved with this project.
Site Details	
<i>Submission Type(s):</i>	
Comprehensive Plan TIA Review?	Select yes or no if the review is this type.
Zoning TIA Review?	Select yes or no if the review is this type.
Site Plan TIA Review?	Select yes or no if the review is this type.
Subdivision TIA Review?	Select yes or no if the review is this type.
870 Review?	Does this TIA qualify as a 870 review?
Number of Units	How many units are involved in the development?
Square Feet of Units	What is the square footage of the development?
VPH (increase)	What increase is expected in VPH?
VDP (increase)	What increase is expected in VPD?
ITE Codes	Indicate the ITE Codes involved.
Acreage	What is the acreage of the development?
Parcel ID	What is the locality's parcel ID for the project?
Facility Type	Select the facility type for the TIA.

§ 57-15. Proceedings by trustees or members for similar purposes, exception for certain transfers.

A. The trustees of such a church diocese, congregation, or church or religious denomination, or society or branch or division thereof, in whom is vested the legal title to such land held for any of the purposes mentioned in § [57-7.1](#), may file their petition in the circuit court of the county or the city wherein the land, or the greater part thereof held by them as trustees, lies, or before the judge of such court in vacation, asking leave to sell, encumber, extend encumbrances, improve, make a gift of, or exchange the land, or a part thereof, or to settle boundaries between adjoining property by agreement. Upon evidence being produced before the court that it is the wish of the congregation, or church or religious denomination or society, or branch or division thereof, or the constituted authorities thereof having jurisdiction in the premises, or of the governing body of any church diocese, to sell, exchange, encumber, extend encumbrances, make a gift of, or improve the property or settle boundaries by agreement, the court shall make such order as may be proper, providing for the sale of such land, or a part thereof, or that the same may be exchanged, encumbered, improved, or given as a gift, or that encumbrances thereon be extended, and in case of sale for the proper investment of the proceeds or for the settlement of such boundaries by agreement.

When any such religious congregation has become extinct or has ceased to occupy such property as a place of worship, so that it may be regarded as abandoned property, the petition may be filed either by the surviving trustee or trustees, should there be any, or by any one or more members of such congregation, should there be any, or by the religious body which by the laws of the church or denomination to which the congregation belongs has the charge or custody of the property, or in which it may be vested by the laws of such church or denomination. The court shall either (i) make a decree for the sale of the property or the settlement of boundaries between adjoining properties by agreement, and the disposition of the proceeds in accordance with the laws of the denomination and the printed acts of the church or denomination issued by its authority, embodied in book or pamphlet form, shall be taken and regarded as the law and acts of such denomination or religious body or (ii) at the request of the surviving trustees and after notice in accordance with law to all necessary parties, make such order as may be proper providing for the gift of such property to any willing local, state or federal entity or to a willing private, nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, provided the court finds that (a) the property includes a historic building or landmark so designated by the Commonwealth and (b) the purpose of such gift is historical preservation of the property.

The court may make such order as to the costs in all these proceedings as may seem proper.

B. As an alternative to proceeding under subsection A, (i) the trustees of a church or religious body that incorporate may transfer the title to the real and personal property of the church or religious body held by them to the incorporated church or religious body; and (ii) the trustees of a church or religious body that do not incorporate under subdivision (i) hereof may transfer title to the real and personal property of the church or religious body held by them to a corporation created pursuant to § [57-16.1](#) without, in either instance, obtaining court permission if the transfer is authorized in accordance with the church's or religious body's polity. If no petition seeking to set such a transfer aside is filed within one year of the recordation of the trustees' deed transferring title to the real estate, or the date of the transfer of any personal property, it shall be conclusively presumed that the transfer was made in accordance with the church's or religious body's polity insofar as a good faith purchaser or lender is concerned.

C. No transfer made pursuant to subsection A or B shall operate as a transfer for purposes of a provision contained in any note or deed of trust that purports to accelerate an indebtedness upon a transfer of title. Any such transfers of real estate shall be entitled to the exemptions set forth in § [58.1-811](#).

D. Any transfer of real or personal property made pursuant to subsection B, and any similar transfer made pursuant to subsection A after April 23, 2002, shall be deemed to assign to the incorporated church or religious body, or the corporation created pursuant to § [57-16.1](#), as the case may be, the beneficial interest in every policy of insurance of every kind, type, and description, relating to the property transferred, contemporaneously with the transfer, and the transferee shall have all of the rights and obligations of the transferor relating thereto.

(Code 1919, § 46; 1924, p. 535; 1938, p. 179; 1962, c. 516; 1974, c. 138; 1983, c. 542; 1993, c. 370; 1998, c. [258](#); 2005, c. [772](#).)

OWNER CONSENT / AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, _____, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize _____, to act as agent(s) in the furtherance of an application for a special permit on my/our property located at: _____
Tax Map No. _____.

Thank you in advance for your cooperation.

APPLICANT/TITLE OWNER

Date: _____ By: _____

COMMONWEALTH/STATE OF: _____
CITY/COUNTY OF: _____, TO WIT:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____.
(Signor)

Notary Public (Signature)
Notary Registration No. _____
My Commission Expires: _____

AFFIX NOTARY SEAL/STAMP

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

Owner Consent / Agent Authorization Statement

Page 2 of 2

CO-TITLE OWNER

Date: _____ By: _____

COMMONWEALTH/STATE OF: _____

CITY/COUNTY OF: _____, TO WIT:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____.

(Signor)

Notary Public (Signature)
Notary Registration No. _____
My Commission Expires: _____

AFFIX NOTARY SEAL/STAMP

OWNER CONSENT STATEMENT

To Whom It May Concern:

I, _____, the undersigned title owner of the property identified below, do hereby authorize _____, to apply for a Special Permit/Special Permit Amendment on my/our property located at:

Tax Map No. _____.

Thank you in advance for your cooperation.

TITLE OWNER

Date: _____

By: _____
(signor)

COMMONWEALTH/STATE OF: _____

CITY/COUNTY OF: _____, TO WIT:

The foregoing instrument was acknowledged before me this _____ day of _____,

20____, by _____.
(Signor)

Notary Public (Signature)

Notary Registration No. _____

My Commission Expires: _____

AFFIX NOTARY SEAL/STAMP