



# County of Fairfax, Virginia

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

**DATE:** July 11, 2017

**TO:** Ahmed I. Rayyan, Director  
Design, Development and Construction Division  
Department of Housing and Community Development

**FROM:**  Jennifer E. Josiah, Senior Assistant to the Zoning Administrator, Ordinance Administration Branch  
Department of Planning and Zoning

**SUBJECT:** Determination of Necessary Land Use Approvals  
Tax Map Ref: 81-2 ((1)) 17B and 17C and 81-4 ((1)) 32, 33 and 34  
Zoning District(s): R-8 ~~and R-3 (Lot 17B)~~

Lot 17B is no Longer required. Not Owned by the County. Currently is not part of the project.

Pursuant to your May 25, 2017 memorandum to Leslie B. Johnson, Zoning Administrator, you have inquired as to what land use approvals will be required to allow for the development of the referenced property to create ~~120~~ units for affordable independent senior living ~~and 30 units for victims of domestic violence (DV)~~. The units will be located in five (5) two- to three-story buildings containing 30 units each. A project to develop the property has been included in the FY 2018-2022 Capital Improvement Program (CIP).

No Longer required. All units up to 150 will be Affordable independent senior living

The parcels proposed for this project are zoned R-8, ~~with the exception of Lot 17B, which is zoned R-3~~. Rezoning RZ 85-L-006 was approved by the Board of Supervisors on August 4, 1986 to rezone parcels 81-2 ((1)) 17, 17A, 18 and 81-4 ((1)) 32, 33 and 34 from R-3 to R-8 on approximately 8.83 acres. The Generalized Development Plan prepared by Christopher Consultants, Ltd, dated revised May 16, 1986, approved as part of this rezoning shows the development of 70 single family attached dwellings.

Lot 17B is no Longer required. Not Owned by the County. Currently is not part of the project.

The comprehensive plan map shows the entire site to be developed at a density of 5 to 8 dwelling units per acre. However, the Land Use Recommendations for the RH2 Bush Hill Community Planning Sector in the Area IV, Rose Hill Planning District, amended through March 14, 2017 states, "On the east side of South Van Dorn Street, north of Bent Willow Drive, are a series of publicly-owned parcels which were acquired to construct transportation improvements. Any unused portions of these properties should be retained as landscaped open space." The area plan recommendations supersede the plan map, therefore a plan amendment is required to develop the property.

Department of Planning and Zoning  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1314 FAX 703-803-6372  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

Ahmed Rayyan

July 11, 2017

Page 2

The parcels proposed for the subject project contain a total of 6.2704 acres. The maximum Floor Area Ratio (FAR) for all other uses in the R-8 District is 0.55. The proposed structure for victims of domestic violence is a congregate living facility and, pursuant to Sect. 3-804 of the Zoning Ordinance, requires a Special Exception (SE) from the Board of Supervisors. The proposed congregate living facility would be required to meet the FAR requirements of the R-8 District and would be considered a separate use from the proposed independent living facility. Pursuant to Sect. 3-804 of the Zoning Ordinance, the proposed independent living facility would also require an SE and would need to meet the density requirements set forth in the comprehensive plan. In addition to the Special Exceptions, the entire development would require a Proffered Condition Amendment (PCA) to RZ 85-L-006 and a Final Development Plan (FDP), all of which can be filed concurrently. ~~For consistency and ease of application of the zoning regulations, Lot 17B can be included in the amended rezoning application.~~

Lot 17B is no Longer required. Not Owned by the County. Currently is not part of the project.

I trust this adequately addresses your inquiry. Should you require additional information, please do not hesitate to contact me at 703-324-1314.

cc: Jeffrey C. McKay, Supervisor, Lee District  
Fred R. Selden, Director Department of Planning and Zoning (DPZ)  
Leslie B. Johnson, Zoning Administrator, DPZ  
Diane Johnson-Quinn, Zoning Permit Review Branch, DPZ  
Donna Pesto, Ordinance Administration Branch, DPZ  
Chris Caperton, Project Coordinator, Planning Division, DPZ  
Hossein Malayeri, Deputy Director, Department of Housing and Community Development  
Anthony D. McIvor, Trustee, and Leah S. McIvor, 8080 Cinnabar Dr., La Mesa, CA 91941  
(property owners for Lot 17B)



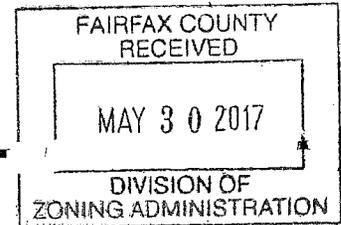
# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 25, 2017

**TO:** Leslie B. Johnson, Zoning Administrator  
Department of Planning and Zoning

**FROM:** Ahmed I. Rayyan, Director  
Design, Development, and Construction Division  
Department of Housing and Community



**SUBJECT:** BOS' Properties, Tax Map 81-2 ((01)) 0017C&B and 81-4 ((01)) 0032 thru 0034

Request:

Please provide a determination as to what land use approvals (such as comp plan amendment, 2232, or PCA) will be required to allow for the development of the subject property to create 120 units for affordable independent seniors living and 30 units for victims of domestic violence (DV).

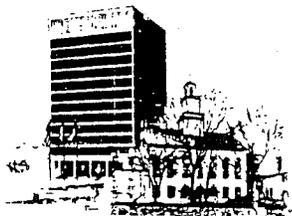
Background:

The subject property is located at the intersection of South Van Dorn Street and Oakwood Road. It is currently undeveloped. See attached map. The property is zoned R-8. The Department of Housing and Community Development (HCD) proposes to develop the property and create 150 residential units, including 120 units will be affordable housing for low-income seniors and 30 units will be for DV. We envision the development to include five two- to three-story building containing 30 units each.

A project to develop the property has been included in the FY 2018-2022 Capital Improvement Program (CIP). The proposed project has the support of the Lee District Supervisor and County Executive. The proposed use is permitted as special exception within the R-8 zoning. See Zoning Ordinance § 3-804 (F & I).

Please let me know if any additional information is needed. As always, thank you for your support.

cc: Cynthia Bailey, Deputy County Attorney  
cc: Hossein Malayeri, Deputy Director, Department of Housing and Community Development



COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030



August 26, 1986

Mr. Robert A. Lawrence  
Hazel, Beckhorn and Hanes  
Post Office Box 547  
Fairfax, Virginia 22030

Re: Rezoning Application  
Number RZ 85-L-006

Dear Mr. Lawrence:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on August 4, 1986, granting, as proffered, Rezoning Application RZ 85-L-006 in the name of William H. Lauer, Trustee, to rezone certain property in the Lee District from the R-3 District to the R-8 District on subject parcels 81-2 ((1)) 17, 17A, 18 and 81-4 ((1))32, 33, and 34 consisting of approximately 8.83 acres.

Very truly yours,

Ethel Wilcox Register, CMC  
Clerk to the Board of Supervisors

EWR:lc

cc: Lurty C. Houff Jr.  
Real Estate Division  
Gilbert R. Knowlton, Deputy  
Zoning Administrator  
Barbara A. Byron, Director  
Zoning Evaluation Division  
Fred R. Beales, Supervisor  
Base Property Mapping/Overlay

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 4th day of August, 1986, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NO. RZ 85-L-006

WHEREAS, William H. Lauer, Trustee, filed in the proper form, an application requesting the zoning of a certain parcel of land hereinafter described, from the R-3 District to the R-8 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

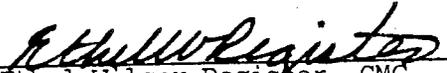
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Lee District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the R-8 District, and said property is subject to the use regulations of said R-8 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 4th day of August, 1986.

  
Ethel Wilcox Register, CMC  
Clerk to the Board of Supervisors

July 14, 1986

P R O F F E R S

REZONING 85-L-006

Pursuant to Section 15.1-491(a) of the 1950 Code of Virginia, as amended, the undersigned proffer the following conditions provided the property is rezoned to the R-8 category:

1. The development of the property shall be in substantial accordance with the Generalized Development Plan prepared by Christopher Consultants, Ltd., revised May 16, 1986.
2. A 4-foot wide concrete type IV trail/sidewalk shall be provided along the frontage of the subject property.
3. In order to achieve a maximum interior noise level of 45 dBA Ldn in all units located within 400 feet of centerline of South Van Dorn Street, and further, to shield outdoor activities of residents of units within this noise attenuation area, the developer shall construct the proposed dwelling units utilizing the following measures to mitigate the impact of highway noise.
  - a. Four (4) inch brick walls, or walls composed of aluminum siding, sheathing, studding, fiberglass insulation, and wallboard; or other construction materials and techniques known to have physical properties or characteristics suitable to achieve a sound transmission classification (STC) of 39 for exterior walls.

- b. Windows will be either double-glazed or fitted with storm windows, and storm doors will be provided.
  - c. In order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation measures such as acoustical (architecturally solid, no gaps) fencing, walls, earthen berms, or combinations thereof, shall be provided for patio areas unshielded by topography, or built structures.
4. The property will be developed so as to implement the limits of clearing and grading for major treed areas on the site as shown on the Generalized Development Plan, subject to public utility lines and stormwater management areas, as approved by the County. The applicant, at the time of final construction plan submission and approval for the development of this property, will get County Arborist approval to minimize the extent of the clearing of additional trees on the property.
  5. The subdivision record plat for the subject property shall not be recorded among the land records, prior to August 4, 1987.
  6. In the event that the Brookland Estates-Bush Hill Civic Association decides that a walkway would be desirable within the public easement area (Bibb Street) extending from Piedmont Drive to the subject property, the developer shall provide a walkway within this area connecting to the sidewalk system of the subject property so as to provide pedestrian access from Piedmont Street to

Van Dorn Street. Provision for this walkway is contingent upon the applicant receiving written notice prior to July 1, 1986, from said civic association of its decision that said walkway should be constructed.

7. The alignment of the storm sewer line within the public easement area between the subject property and Piedmont Street (Bibb Street) shall be designed to favor mature trees for retention to the extent reasonably possible.
8. A 25-foot undisturbed buffer area shall be provided along the eastern boundary of the subject property. Vegetation within said 25-foot buffer area shall not be removed or disturbed, except for that portion of the buffer area that will contain the storm sewer connection to Piedmont Drive; said portion is immediately adjacent to the offsite public easement area (Bibb Street). However, supplemental plantings will be provided within said buffer area as required by the County Arborist. Prior to any clearing or grading on the subject property, the developer shall schedule a meeting on-site with the County Arborist and designated representatives of the Brookland Estates-Bush Hill Civic Association to demarcate the undisturbed buffer area, and to identify locations for supplemental plantings. Said meeting shall take place at a mutually acceptable time.
9. No construction equipment shall access the site from Piedmont Drive, except for equipment pertaining solely

to construction of the storm sewer line in the public easement area (Bibb Street) between Piedmont Drive and the subject property.

10. No lighting will be permitted on the tennis court.

11. The developer shall post no illegal signs.

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

SELLERS:

LYNCH LIMITED PARTNERSHIP

By:   
Attorney-in-Fact

LUTHER B. BARDEN

By:   
Attorney-in-Fact

BETTY J. LYTLE

By:   
Attorney-in-Fact

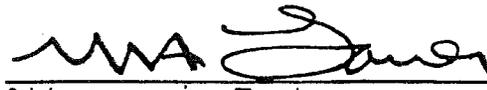
LEONARD G. SMITH

By:   
Attorney-in-Fact

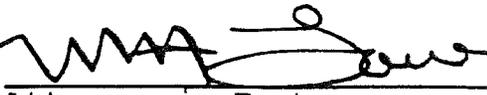
HELEN M. JONES

By:   
Attorney-in-Fact

EVA L. ORANGE

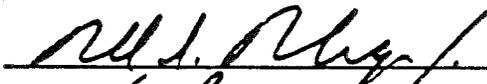
By:   
Attorney-in-Fact

JAMES I. ORANGE

By:   
Attorney-in-Fact

CONTRACT PURCHASER:

THE MILTON COMPANY

By:   
Vice President

  
William H. Lauer, Trustee