



# CITY OF FAIRFAX, VIRGINIA

## APPLICATION PACKAGE SPECIAL EXCEPTION, SPECIAL USE AND VARIANCE

*The City of Fairfax is committed to the letter and spirit of the Americans with Disabilities Act. To request a reasonable accommodation for any type of disability, please call 703-385-7930, (TTY 711)*

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The specific application requirements for Special Use, Special Exception and Variance requests are provided separately, and must be provided in addition to this application.

# APPLICATION PACKAGE SPECIAL EXCEPTION, SPECIAL USE, AND VARIANCE



**CITY OF FAIRFAX**  
**Department of Community Development and Planning**  
10455 Armstrong Street, Annex Room 207,  
Fairfax, VA 22030

## TO THE APPLICANT:

To assist you in completing your land use request, application and affidavit forms and explanatory materials are attached for your use. Please follow the instructions carefully, as no application will be processed until all required materials are submitted to the Zoning Office (Room 207A, City Hall).

Once a fully completed application package is received by the Zoning Office, the request will be evaluated and a staff report with a recommendation prepared. The report will be forwarded to the appropriate review body (City Council, Planning Commission, or Board of Zoning Appeals) for the required public hearing. The entire process, from application submittal to final action, takes approximately three to six months. Some applications will be processed in a shorter period of time, some longer, depending on the complexity of the application.

If you have any questions pertaining to the application process or zoning requirements in the City, please contact the Department of Community Development and Planning as follows:

**SPECIAL USE PERMIT..... Community Development and Design Division**  
**Jason Sutphin, Chief**  
[jason.sutphin@fairfaxva.gov](mailto:jason.sutphin@fairfaxva.gov)  
703-385-7930

**SPECIAL EXCEPTION, VARIANCE..... Zoning Division**  
**Michelle Coleman, Zoning Administrator**  
[michelle.coleman@fairfaxva.gov](mailto:michelle.coleman@fairfaxva.gov)

**Lisa Fiebelman, Deputy Zoning Administrator**  
[lisa.fiebelman@fairfaxva.gov](mailto:lisa.fiebelman@fairfaxva.gov)  
703-385-7820



Application #: \_\_\_\_\_  
Receipt #: \_\_\_\_\_

**LAND USE APPLICATION**

- NON REFUNDABLE FEE -

Special Use    Special Exception    Variance    Amendment    Renewal

**1. PROPERTY LOCATION INFORMATION**

Property Address \_\_\_\_\_ Tax Map # \_\_\_\_\_

Project Name \_\_\_\_\_ Project Description \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.  APPLICANT or  AUTHORIZED AGENT INFORMATION (check as appropriate)**

Applicant Name \_\_\_\_\_ (circle one): Corporation / Gen Partnership / Ltd Partnership / Sole Proprietorship / Individual

Applicant Address \_\_\_\_\_

Phone (o) \_\_\_\_\_ (c) \_\_\_\_\_ Email \_\_\_\_\_

Applicant or Authorized Agent Signature \_\_\_\_\_

Relationship to project (circle one): Property owner / Contract purchaser / Lessee / Agent

**3. APPLICANT CERTIFICATION STATEMENT Section 110-6.2.3**

I certify that I have read and understand my application to comply with Zoning Ordinance Section 6.2.3 which states that an application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with the applicable requirements of this chapter; that the burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant; that each application is unique and, therefore, more or less information may be required according to the needs of the particular case; that staff has the flexibility to specify submission requirements for each application and to waive requirements as appropriate; and that the applicant shall rely on the review official as to whether more or less information should be submitted.

Applicant or Authorized Agent Signature (**REQUIRED**) \_\_\_\_\_ Date \_\_\_\_\_

**4. ENGINEER, ARCHITECT, SURVEYOR or LANDSCAPE ARCHITECT (Same as Applicant )**

Licensed Professional's Name \_\_\_\_\_

Licensed Professional's Address \_\_\_\_\_

Phone (o) \_\_\_\_\_ (c) \_\_\_\_\_ Email \_\_\_\_\_

**\*\*\*OFFICE USE ONLY\*\*\***

Current status of business license and fees

Treasurer: \_\_\_\_\_

Commissioner of Revenue: \_\_\_\_\_



Application #: \_\_\_\_\_  
Receipt #: \_\_\_\_\_

APPLICANT AUTHORIZATION LETTER  
(Signed by property owner/s)

To Whom IT May Concern:

I/We, \_\_\_\_\_, the undersigned title owner(s) of the property identified below do hereby authorize \_\_\_\_\_ of \_\_\_\_\_, to act on my/our behalf in the furtherance of an application for a \_\_\_\_\_ on my/our property located at: \_\_\_\_\_

Tax Map No: \_\_\_\_\_

Thank you in advance for your cooperation.

Date: \_\_\_\_\_ By: \_\_\_\_\_

COMMONWEALTH/STATE OF: \_\_\_\_\_

CITY/COUNTY: \_\_\_\_\_, TO WIT:

The forgoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_.

20\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public (Signature)

AFFIX NOTARY SEAL/STAMP

Notary Registration No: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE TITLE OWNER, FILL OUT MULTIPLE APPLICATIONS.



Application #: \_\_\_\_\_  
Receipt #: \_\_\_\_\_

AGENT AUTHORIZATION LETTER  
(Signed by applicant)

To Whom IT May Concern:

I/We, \_\_\_\_\_, the undersigned authorized applicant(s) of the property

identified below do hereby authorize \_\_\_\_\_

of \_\_\_\_\_, to act as my/our agent(s) in the furtherance of an

application for a \_\_\_\_\_ on my/our

property located at: \_\_\_\_\_

Tax Map No: \_\_\_\_\_

Thank you in advance for your cooperation.

Date: \_\_\_\_\_ By: \_\_\_\_\_

COMMONWEALTH/STATE OF: \_\_\_\_\_

CITY/COUNTY: \_\_\_\_\_, TO WIT:

The forgoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_.

20\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public (Signature)

AFFIX NOTARY SEAL/STAMP

Notary Registration No: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

ALL AUTHORIZED APPLICANTS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE AUTHORIZED APPLICANT, FILL OUT MULTIPLE APPLICATIONS.

**AFFIDAVIT  
CITY OF FAIRFAX**

I, \_\_\_\_\_, by \_\_\_\_\_ do hereby make oath or affirmation that  
(Name of applicant or agent)

I am an applicant in Application Number \_\_\_\_\_ and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

Name	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

Corporation Name: \_\_\_\_\_

Name	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

Partnership Name: \_\_\_\_\_

Name	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. That neither the Mayor nor any member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. That within five (5) years prior to the filing of this application, neither the Mayor nor any member of the City Council, Mayor, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WITNESS the following signature: \_\_\_\_\_  
Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in the State of \_\_\_\_\_

My commission expires:

\_\_\_\_\_/\_\_\_\_\_  
Notary Public                          Registration #



## POSTED NOTICE INSTRUCTIONS

**Instructions to the Applicant or Agent** – these instructions are provided by the City so that you (applicant/agent) will know how to obtain and install on the application property the required ‘Posted Notice’ that invites the public to give testimony during a hearing by the appropriate decision-making body considering your request for use, development or redevelopment of the subject property.

Pursuant to Section 6.2.5.B.3 the City is required to provide the public notice sign to post on the subject property. You will need to follow these instructions that are provided to ensure that the requirements of the Code of the Commonwealth of Virginia and the requirements of the Code of the City of Fairfax are met.

### **Applicability**

Rezoning, Special Exception, Special Use Permit, Variance, and Appeal Cases

### **Responsibility**

The applicant/agent will:

1. Visit the Department of Community Development and Planning, 10455 Armstrong Street, Room 207, Fairfax, VA on the pre-arranged date for sign pick-up to pay for the pre-ordered signs.
2. Pay for and obtain the “Posted Notice” package that will be provided by the assigned case manager/staff planner.
3. Review the location map that identifies where signs will need to be placed on the subject property.
4. Review and sign the affidavit that gives the dates when the signs must be visible on the subject property.
5. Place the sign(s) on the subject property as directed by City staff.
6. Contact the Zoning Office by email with photo documentation to confirm the property is ready for inspection.
7. Periodically inspect the property to ensure the sign(s) are secure and visible up to and including on the date of public hearing as given on the sign(s).
8. Remove the sign(s) from the property as instructed by staff following the advertised hearing date.



**AFFIDAVIT FOR POSTED NOTICE (SIGN)**

I, \_\_\_\_\_ hereby affirm that I have received, read, understand and  
Applicant/Agent Name  
agree to abide by the ‘Posted Notice Instructions to the Applicant’ and location map depicting sign  
placement given to me on \_\_\_\_\_ as required by City Code, Chapter 110, Article  
6.2.5.B.3. Date

The subject property will be posted visibly and securely with **insert # of signs here** signs, from **Friday, insert posting date to Wednesday, insert date after hearing date**, including the date of the public hearing as given on the sign(s).

Notices will not be placed on trees, utility poles, or traffic control signs or elsewhere in the public right-of-way. All posted notices will be removed no later than **insert date no more than 10 days after hearing**.

A photo confirmation of the “Posted Notice” (sign) placement will be provided to the Zoning Office on date of placement.

\_\_\_\_\_  
Applicant/Agent Signature

\_\_\_\_\_  
Date

**APPLICANT/AGENT MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED**

The above affidavit was subscribed and confirmed by oath or affirmation before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the State of Virginia.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Registration No.

**\*\*\*OFFICE USE ONLY\*\*\***

**Receipt #** \_\_\_\_\_

**Date Paid** \_\_\_\_\_

**Fee Paid** \_\_\_\_\_

**Associated Case #** \_\_\_\_\_

**Staff Initials** \_\_\_\_\_

## APPLICATION FEE SCHEDULE

**Development and Zoning Fees Adopted FY 18-19, Effective July 1, 2018**

<b>Account #</b>	<b>Name</b>	<b>Fee</b>	<b>Other Fees</b>
<b>313328</b>	<b>Special Use Permit</b>		
	<b>Individual Single Family Residential Property</b>	<b>600.00</b>	<b>+ 210.00 ea. additional</b>
	<b>Other</b>	<b>5,125.00</b>	<b>+ 500.00 ea. additional</b>
	<b>Renewal/Conditional Amend.</b>	<b>1,125.00</b>	
	<b>Renewal (Individual Single Family Residential)</b>	<b>495.00</b>	
<b>313328</b>	<b>Special Exceptions</b>		
	<b>Individual Single Family Residential Property</b>	<b>600.00</b>	<b>+60.00 ea. additional</b>
	<b>Other</b>	<b>5,125.00</b>	<b>+1,050.00 ea. additional</b>
	<b>Signs</b>	<b>3,225.00</b>	<b>+105.00 ea. additional</b>
<b>313329</b>	<b>Variances</b>		
	<b>Individual Single Family Residential Property</b>	<b>600.00</b>	
	<b>Other</b>	<b>5,125.00</b>	



## SPECIAL EXCEPTION REQUEST INSTRUCTIONS

Page 1 of 2

Applicants submitting requests to the Board of Zoning Appeals (or City Council, if applicable) for relief from any of the following will only be eligible to submit after attending the **required pre-application meeting** with the Chief of the Zoning Administration Division (or Chief of the Community Development Division if City Council consideration is applicable):

- Specific use standards (City Code Section 110-3.5),
- Dimensional standards for residential and nonresidential uses (City Code Section 110-3.6),
- Standards of the overlay districts (City Code Section 110-3.7),
- Site development standard contained in City Code Chapter 110, Article 4)

Upon submission of a complete application package the Zoning Office will notify the applicant by mail of a hearing date.

Some Special Exception requests may require additional information relevant to the standard for which relief is being requested. Please review the use or development standards that are applicable to your Special Exception request and discuss these standards and other relevant review criteria (City Code Section 110-6.17.7) with staff during the pre-application meeting.

All Special Exception applications must include the following:

- Completed application form - pg 2
- Applicant authorization form - pg 3
- Agent authorization form – pg 4
- Affidavit form – pg 5
- Filing fee in check or money order. For multiple applications, provide itemized filing fee payments (see fee schedule on page 9 of application package).
- Statement of Support (reference Special Exception Review Criteria, Section 110-6.17.7 of Zoning Ordinance)

The information listed below may be required to complete the application package. The applicability of these items and the content of a complete submission package including the number of copies of plans/drawings will be determined on a case-by-case basis and explained during the **required pre-application meeting**:

- Copies of drawings indicated below:
  - ◆ Floor Layout plans
  - ◆ Building elevations
- Site layout plan including the following information in tabular form or depicted:
  - ◆ Tax map number of property
  - ◆ Gross area of property

- ◆ Floodplain area and RPA delineation where applicable
- ◆ Building area for each proposed use
- ◆ Parking (required/provided)
- ◆ Building setbacks (required/provided)

If a copy of the most recently approved site plan is required, please include an 8 ½” x 11”- sized copy.

- Applications for Special Exception to any of the specific use standards (Section 110-3.5) must also include a **Business Operations Plan** that describes in detail how the business operates and its compliance with the relevant City Code requirements.
- Applications for Special Exception that involve property development or redevelopment must also include a certified plat of property bearing a certification date within 6 months of date of filing the application.  
PLAT MUST BE SIGNED BY PROPERTY OWNER(S).



## SPECIAL USE REQUEST INSTRUCTIONS

Page 1 of 2

Applicants submitting requests to City Council for any of the Special Uses found in the Principal Uses table (City Code Section 110-3.3.1.B) and in the Accessory Uses table (City Code Section 110-3.5.5.C) will only be eligible to submit after attending the **required pre-application meeting** with the Chief of the Community Development Division. Upon submission of a complete application package the Zoning Office will notify the applicant of a hearing date.

Some Special Use requests may require additional information relevant to the operation characteristics of the specific use. City Code Section 110-3.5 contains the Specific Use Standards for all residential and commercial uses. Please review the standards that are applicable to your Special Use request and discuss these standards and other relevant review criteria (City Code Section 110-6.7.7) with staff during the pre-application meeting.

All Special Use applications must include the following:

- Completed application – pg 2
- Applicant authorization form – pg 3
- Agent authorization form – pg 4
- Affidavit – pg 5
- Filing fee in check or money order. For multiple applications, provide itemized filing fee payments (see fee schedule on page 9 of application package).
- Statement of Support (reference Special Use Review Criteria, Section 110-6.7.7 of Zoning Ordinance) and Business Plan (where applicable) that describes the detailed business operations and its compliance with relevant City Code requirements.

The information listed below may be required to complete the application package. The applicability of these items and the content of a complete submission package will be determined on a case-by-case basis and explained during the **required pre-application meeting**.

Applications for Special Use that are NOT for property development or redevelopment must include up to 20 copies of the following:

- Copies of drawings indicated below:
  - ◆ Floor Layout plans
  - ◆ Building elevations
- Site layout plan including gross area of property with the following information in tabular form:
  - ◆ Tax map number of property
  - ◆ Gross area of property
  - ◆ Floodplain area and RPA delineation where applicable

- ◆ Building area for each proposed use
- ◆ Parking (required/provided)
- ◆ Building setbacks (required/provided)

If a copy of the most recently approved site plan is required, please include an 8 ½” x 11”- sized copy.

Applications for Special Use that are for property development or redevelopment must include at least 20 copies of the following:

- Certified plat of property bearing a certification date within 6 months of date of filing the application. **PLAT MUST BE SIGNED BY PROPERTY OWNER(S).**
  - ◆ Floor plans, building elevations, and/or site plans as determined by the Zoning Administrator. If a large-sized site plan is submitted, please include an 8 ½” x 11” copy of the plan in addition to the original. **ALL PLANS MUST BE SIGNED BY PROPERTY OWNER(S).**
  - ◆ Tax map number of property
  - ◆ Gross area of property
  - ◆ Floodplain area and RPA delineation where applicable
  - ◆ Building area for each proposed use
  - ◆ Parking (required/provided)
  - ◆ FAR or other density measures
  - ◆ Building setbacks (required/provided)



## VARIANCE REQUEST INSTRUCTIONS

Page 1 of 2

Applicants submitting Variance requests to the Board of Zoning Appeals (or City Council, if applicable) for relief from the terms of Chapter 110 will only be eligible to submit after attending the **required pre-application meeting** with the Chief of the Zoning Administration Division (or Chief of the Community Development Division if City Council consideration is applicable). Upon submission of a complete application package the Zoning Office will notify the applicant by mail of a hearing date.

### APPLICABILITY

- A. Variances shall be reviewed in accordance with the provisions of City Code Section 110-6.18.
- B. The board of zoning appeals may authorize, upon appeal or original application, such variance from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done.
- C. When a property owner can show that his property was acquired in good faith and where:
  - 1. By reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter or the ordinance from which this chapter is derived; or
  - 2. By reason of exceptional topographic conditions or other extraordinary situation or condition of the property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the chapter would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the chapter.
- D. Alternatively, and in conjunction with other development reviews as part of the same application, the city council may serve as the board of zoning appeals and approve variances.

Some Variance requests may require additional information relevant to the standard for which relief is being requested. Please review the use or development standards that are applicable to your Variance request and discuss these standards and other relevant review criteria (City Code Section 110-6.17.7) with staff during the pre-application meeting.

All Variance applications must include the following:

- Completed application form - pg 2
- Applicant authorization form - pg 3
- Agent authorization form – pg 4
- Affidavit form – pg 5
- Filing fee in check or money order. For multiple applications, provide

Department of Community Development and Planning  
City of Fairfax



itemized filing fee payments (see fee schedule on page 9 of application package).

- Statement of Support (reference Special Exception Review Criteria, Section 110-6.17.7 of Zoning Ordinance)

The information listed below may be required to complete the application package. The applicability of these items and the content of a complete submission package including the number of copies of plans/drawings will be determined on a case-by-case basis and explained during the **required pre-application meeting**:

- Copies of drawings indicated below:
  - ◆ Floor Layout plans
  - ◆ Building elevations
- Site layout plan including the following information in tabular form or depicted:
  - ◆ Tax map number of property
  - ◆ Gross area of property
  - ◆ Floodplain area and RPA delineation where applicable
  - ◆ Building area for each proposed use
  - ◆ Parking (required/provided)
  - ◆ Building setbacks (required/provided)

If a copy of the most recently approved site plan is required, please include an 8 ½" x 11"- sized copy.

- Applications for Variance relief from any of the specific use standards (Section 110-3.5) must also include a **Business Operations Plan** that describes in detail how the business operates and its compliance with the relevant City Code requirements.
- Applications for Variance relief that involve property development or redevelopment must also include a certified plat of property bearing a certification date within 6 months of date of filing the application.  
PLAT MUST BE SIGNED BY PROPERTY OWNER(S).