



CITY OF FAIRFAX, VIRGINIA

APPLICATION PACKAGE SPECIAL EXCEPTION, SPECIAL USE AND VARIANCE

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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 PERMITCommunity Development and Design Division
Jason Sutphin, Chief
jason.sutphin@fairfaxva.gov
703-385-7930

SPECIAL EXCEPTION, VARIANCE..... Zoning Division
Joseph Eisenberg, Zoning Administrator
joseph.eisenberg@fairfaxva.gov
703-385-7820

APPLICATION FEE SCHEDULE

Development and Zoning Fees Adopted FY 2023-2024

313328	Special Use Permits		
	Individual Single Family Residential Property	600.00	+ 210.00 ea. additional
	Other	5,125.00	+ 500.00 ea. additional
	Renewal/Conditional Amend. (Other)	1,125.00	
	Renewal (Individual Single Family Residential Property)	495.00	
	Newspaper re-advertisement	405.00	Or actual cost if greater
	Property Owner re-notification	290.00	
	Posted Notice (sign) Re-posting	75.00	Per sign
313328	Special Exceptions		
	Individual Single Family Residential Property	600.00	+60.00 ea. additional
	Other	5,125.00	+1,050.00 ea. additional
	Signs	3,225.00	+105.00 ea. additional
	Newspaper Re-advertisement	405.00	Or actual cost if greater
	Property Owner re-notification	290.00	
	Posted Notice (sign) Re-posting	75.00	Per sign
313329	Variances		
	Individual Single Family Residential Property	600.00	
	Other	5,125.00	
	Administrative Appeals	1,050.00	
	Affordable Dwelling Unit Modifications	5,125.00	each
	Administrative Adjustment (Other)	575.00	+site plan fees if applicable
	Administrative Adjustment (Individual Single Family Residential Property)	40.00	+site plan fees if applicable
	Alternative Compliance	575.00	+site plan fees if applicable
	Newspaper re-advertisement	405.00	Or actual cost if greater
	Property Owner Re-notification	290.00	
	Posted Notice (sign) Re-posting	75.00	Per sign



Application #: _____
Receipt #: _____

LAND USE APPLICATION
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- 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 _____



Application #: _____
Receipt #: _____

LAND USE APPLICATION

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5. BUSINESS DETAILS – For commercial uses only, excluding home occupations

Note: This information is collected in order to issue a Commercial Use and Occupancy Permit after a Special Use Permit approval for a commercial use. If you do not have the following information at this time, note that it will be required prior to issuance of the Commercial Use and Occupancy Permit. Applicants with an approved Special Use Permit for a Major Home Occupation need only fill out number 1 below.

Name of Business (as advertised): _____

Name of Business (if incorporated): _____

Name of Business Owner: _____

Business Phone Number: _____ Business Email: _____

Total square footage used by the business: _____ SF Business website: _____

Is this Business (check one):

- A New Business in the City
- An Existing City Business – **New Owner Only** (If Federal ID changing please provide evidence)
- An Existing City Business – **Name Change Only** (Provide State Corp. Commission or Trade Name Registration)
- An Existing City Business that is **expanding** within the City
- An Existing City Business that is **relocating** within the City

Business Use (check one):

- | | | |
|--|--|---|
| <input type="checkbox"/> Convenience Store | <input type="checkbox"/> Vehicle repair | <input type="checkbox"/> Office, general |
| <input type="checkbox"/> Retail, general | <input type="checkbox"/> Vehicle sales and leasing | <input type="checkbox"/> Office, medical Manufacturing, General |
| <input type="checkbox"/> Daycare Center | <input type="checkbox"/> Vehicle service | <input type="checkbox"/> Research & Development |
| <input type="checkbox"/> Grocery store | <input type="checkbox"/> Vehicle repair | <input type="checkbox"/> Tobacco & smoke shops |
| <input type="checkbox"/> Schools, technical, trade, business | <input type="checkbox"/> Medical Care Facility | |
| <input type="checkbox"/> Indoor recreation | <input type="checkbox"/> Service, General | |
| <input type="checkbox"/> Restaurant or food service | <input type="checkbox"/> Service, personal | |
| <input type="checkbox"/> Other: _____ | | |

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

Current status of business license and fees

Treasurer: _____

Commissioner of Revenue: _____



10455 Armstrong Street #207A Fairfax, VA 22030
Phone: 703-385-7820

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
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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



**AFFIDAVIT
CITY OF FAIRFAX**
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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:

_____/_____
Public Registration # Notary



SPECIAL EXCEPTION REQUEST INSTRUCTIONS

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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 3-4
- Applicant authorization form - pg 5 (Owner or Owner's representative)
- Agent authorization form – pg 6 (Attorneys, Real estate brokers, Architects, Engineers, Planners, Surveyors)
- Affidavit form – pg 7-8
- Filing fee in check or money order. For multiple applications, provide itemized filing fee payments (see fee schedule on page 2 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



SPECIAL EXCEPTION REQUEST INSTRUCTIONS

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- 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

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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 3-4
- Applicant authorization form – pg 5
- Agent authorization form – pg 6
- Affidavit – pg 7-8
- Filing fee in check or money order. For multiple applications, provide itemized filing fee payments (see fee schedule on page 2 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 5 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



SPECIAL USE REQUEST INSTRUCTIONS

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- ◆ Building area for each proposed use
- ◆ Parking (required/provided) (If proposed site is within a shopping complex parking required/provided for all uses within the complex should be provided in a table format)
- ◆ Building setbacks (required/provided)

- Applications for Day care homes, in addition, must include the following:
 - ◆ **Photos** of the existing daycare operation
 - ◆ Proof of City of Fairfax **Business License**
 - ◆ Copy of a permit from **Fairfax County's Office for Children** for up to 4 kids

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 5 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

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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.



VARIANCE REQUEST INSTRUCTIONS

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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 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).