



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
BOARD OF SUPERVISORS
FAIRFAX, VIRGINIA 22035



SULLY PLANTATION

MICHAEL R. FREY
SULLY DISTRICT
SUPERVISOR

4900 STONECROFT BLVD.
CHANTILLY, VIRGINIA 20151

TELEPHONE 703/814-7100
FAX 703/814-7110
EMAIL: sully@fairfaxcounty.gov
www.fairfaxcounty.gov

August 1, 2012

RE: APPEAL APPLICATION A 2012-SU-006
BRIAR OAKS EXXON 12306 LEE JACKSON MEMORIAL HIGHWAY
BOARD OF ZONING APPEALS PUBLIC HEARING SEPTEMBER 12, 2012 9:00 AM

Dear Constituent:

Attached please find a copy of appeal application materials submitted on behalf of the Briar Oaks Exxon on Lee Jackson Memorial Highway. The application was submitted to appeal a notice of violation citing the operator for storing and renting trucks on the property. I thought you might be interested in reviewing the application materials. The Board of Zoning Appeals will hold a public hearing on this issue on **September 12th at 9:00 AM.**

I hope you find this information helpful. Please contact my office, or the applicant's agent, if you have any questions.

Sincerely,

Michael Frey
Supervisor, Sully District



County of Fairfax, Virginia

MEMORANDUM

DATE: May 4, 2012

TO: John F. Ribble, III, Chairman
Members, Board of Zoning Appeals

FROM: Mavis E. Stanfield *MES*
Deputy Zoning Administrator for Appeals

SUBJECT: Appeal Application A 2012-SU-006
AHZ of Chantilly, Inc. t/a Briar Oaks Exxon
12306 Lee Jackson Memorial Highway, Fairfax, VA 22033
Lee Jackson Highway CH BK 90 415
Tax Map Reference: 46-3 ((1)) 14A

Attached for your information is a copy of appeal application A 2012-SU-006, which was recently filed and accepted. The appeal has been scheduled for public hearing on September 12, 2012, at 9:00 a.m.

MES/sjg

Attachment: A/S

cc: Michael R. Frey, Supervisor, Sully District
John L. Litzenberger, Jr., Planning Commissioner, Sully District
Fred Selden, Director, Department of Planning and Zoning
Eileen M. McLane, Zoning Administrator
Leslie Johnson, Senior Deputy Zoning Administrator
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch
Michael R. Congleton, Senior Deputy Zoning Administrator for Zoning Enforcement/
Property Maintenance, DCC
Karen McClellan, Operations Manager, DCC
Lincoln Bise, Code Compliance Investigator, DCC
Kathleen Knoth, Clerk, Board of Zoning Appeals

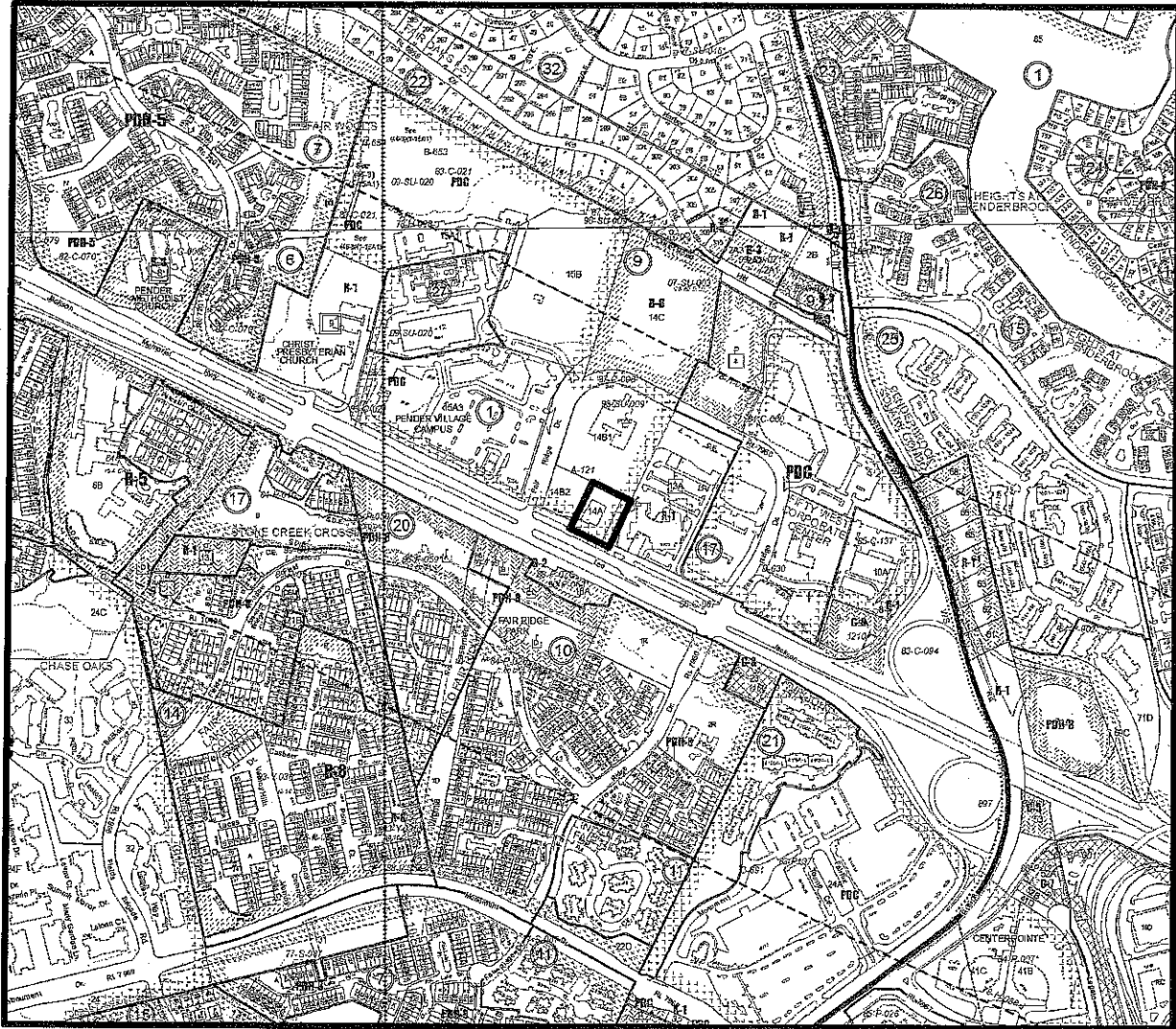
Department of Planning and Zoning
Zoning Administration Division

12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505

Phone 703-324-1374 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/



Appeal A 2012-SU-006 AHZ of Chantilly Inc. t/a Briar Oaks Exxon

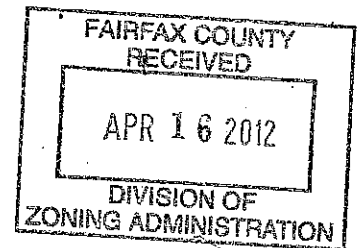


0 245 490 980 1,470 1,960 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR APPEAL

Please type or
Print in Black Ink



APPLICATION NO. A2012-SU-006
(Assigned by Staff)

NAME OF APPELLANT: AHZ OF CHANTILLY INC. t/a BRIAR OAKS EXXON

NATURE OF THE APPEAL:

Appeal of Notice of Violation dated March 16, 2012 (received March 23, 2012) to Burke Petroleum Realty LLC citing the use of renting and storing rental trucks in a PDC District allowing a Service Station and No other accessory use.

DATE OF ORDER, REQUIREMENT, DECISION, DETERMINATION OR NOTICE OF VIOLATION WHICH IS SUBJECT TO THE APPEAL March 16, 2012

HOW IS THE APPELLANT AN AGGRIEVED PERSON?:

Lessee/Operator of the Service Station

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

POSTAL ADDRESS OF PROPERTY: 12306 Lee Jackson Memorial Highway

TAX MAP DESCRIPTION: TM 46-3 (C1) 14A

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

Keith C. Martin, Agent
Type or Print Name of Appellant or Agent

Signature of Appellant or Agent

TRAMONTE YEONAS ROBERTS & MARTIN PLLC 8221 Old Courthouse Rd VIENNA, VA 22182
Address

703 7344800

Telephone No.

Home

Work

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

DO NOT WRITE IN THIS SPACE

Subdivision Name: Lee Jackson Highway CH BK 90 415

Total Area (Acres/Square Feet): 1.003 acres

Present Zoning: PDC

Supervisor District: Sully

Date application received: 4/16/12

Application Fee Paid: \$ 600.00

Date application accepted: 5/4/12

TRAMONTE, YEONAS, ROBERTS & MARTIN PLLC
ATTORNEYS AND COUNSELLORS AT LAW

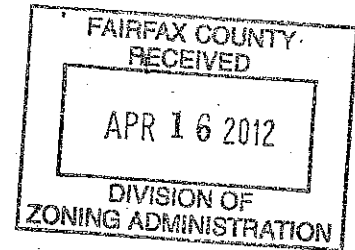
8221 OLD COURTHOUSE ROAD, SUITE 300

VIENNA, VIRGINIA 22182

TELEPHONE: 703-734-4800

FACSIMILE: 703-442-9532

April 16, 2012



Zoning Administrator of Fairfax County
12055 Government Center Pkwy., 8th Floor
Fairfax, VA 22035

Clerk to the Board of Zoning Appeals
12055 Government Center Pkwy., Suite 801
Fairfax, VA 22035

Re: Appeal of Notice of Violation dated March 16, 2012

Dear Zoning Administrator and Clerk:

Pursuant to Section 18-304 of the Zoning Ordinance, please accept the following appeal of the Notice of violation dated March 16, 2012. Attached are the following submission materials in triplicate:

- \$600.00 filing fee
- Completed Application for Appeal
- The Notice of Violation
- Applicant's ground for Appeal
- Specification for how Applicant is aggrieved reason

The Applicant is the operator/lessee of Briar Oaks Exxon, the service station in question. The violation cites the use of Truck Rental Establishment as a non-permitted use in the PDC and not ancillary to the permitted use of service station. The Applicant submits that he has established the vehicle rental use as ancillary to the permitted service station for over a two year period without complaint or citation. In the event this appeal is unsuccessful, the Applicant intends to file for rezoning the property to the C-8 District with a Special Exception for Truck Rental Establishment.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be "Keith C. Martin". The signature is fluid and cursive, written over the typed name.

Keith C. Martin

Cc: Hersham Radwan



County of Fairfax, Virginia

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: March 16, 2012

CERTIFIED MAIL #: 7011 1570 0001 6632 8945

CASE #: 201104066 **SR#:** 73217

SERVE: Burke Petroleum Realty LLC
c/o CT Corporation Systems Registered Agent
4701 Cox Road Suite 301
Glen Allen Virginia 23060-6802

LOCATION OF VIOLATION 12306 Lee Jackson Memorial Highway
Lee Jackson Highway ChB k 90 415
Fairfax, Virginia 22033-2810
Tax Map Ref: 46-3 ((1) 0014A
Zoning District: PDC-C

Please forward this notice to your client:

An inspection of the above referenced property on March 14, 2012 revealed that your client has expanded its use by adding a separate use for renting and storing budget rental trucks. The above listed address is currently zoned PDC-C (planned development commercial district). The current Non- Residential Use Permit on file with the Zoning Evaluation Division dated March 29, 2000 allows a Service Station and no other accessory use on this property. A truck rental establishment is defined in Part 3 of the Article 20 of the Fairfax County Zoning Ordinance in part as:

TRUCK RENTAL ESTABLISHMENT: Building and premises for the rental and ancillary minor servicing of truck, utility trailers and related items generally used by persons to move their personal and household belongings. Such trucks and trailers shall be limited to those vehicles which have only two (2) axles, which have a maximum box length of seventeen (17) feet, are no more than twelve (12) feet in height and which do not require a commercial driver's license to operate.

This use on this property is not a permitted use in the PDC-C District. Therefore, you are in violation Par. 5 of the Sect. 2-302 of the Zoning Ordinance that states:

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

4-4

[OWNERNAME]

[TODAYDATE]

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§ 2-302 (5) Use not permitted:

No use shall be allowed in any district which is not permitted by regulations for the district.

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by the following:

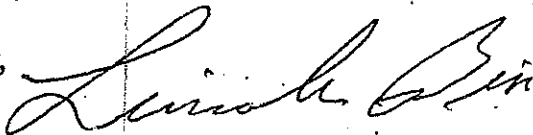
- Discontinuing the budget truck rental business on this property, to include the removal of all related supplies, materials, and equipment associated with this business.

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

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

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1324 or (703)324-1300.

Sincerely,



Lincoln Bise
Code Compliance Investigator

RAM: BOB
BURKE

3-26-12

2-4



**Service of Process
Transmittal**

03/22/2012

CT Log Number 520193009



TO: Kerry Anne McClannahan
Capitol Petroleum Group, LLC
6820-B Commercial Drive
Springfield, VA 22151

RE: Process Served in Virginia

FOR: Burke Petroleum Realty, LLC (Domestic State: DE)

12306 Lee Jackson Memorial Hwy

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	County of Fairfax, Virginia vs. Burke Petroleum Realty LLC <i>Name discrepancy noted.</i>
DOCUMENT(S) SERVED:	Notice
COURT/AGENCY:	County of Fairfax, Virginia, VA Case # 201104066
NATURE OF ACTION:	Code Violation / Code Enforcement - Alleges of violation of county code Par. 5 of the Sect. 2-302(5) - Use not permitted
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Glen Allen, VA
DATE AND HOUR OF SERVICE:	By Certified Mail on 03/22/2012 postmarked on 03/20/2012
JURISDICTION SERVED:	Virginia
APPEARANCE OR ANSWER DUE:	Within 15 days of the date of this notice
ATTORNEY(S) / SENDER(S):	County of Fairfax Department of Code Compliance 12055 Government Center Parkway Suite 1016 Fairfax, VA 22035-5508 703-324-1300
ACTION ITEMS:	SOP Papers with Transmittal, via Fed Ex Standard Overnight 798201514695 Image SOP Email Notification, Kerry Anne McClannahan kam@capitolpetro.com
SIGNED:	C T Corporation System
PER:	Tinika Baylor
ADDRESS:	4701 Cox Road Suite 301 Glen Allen, VA 23060
TELEPHONE:	804-217-7255

Received from Capitol
12:30 PM
03/29/12

1600