

**CLIFTON TOWN PLANNING COMMISSION**

**TUESDAY, JULY 27, 2021, 7:30 PM**

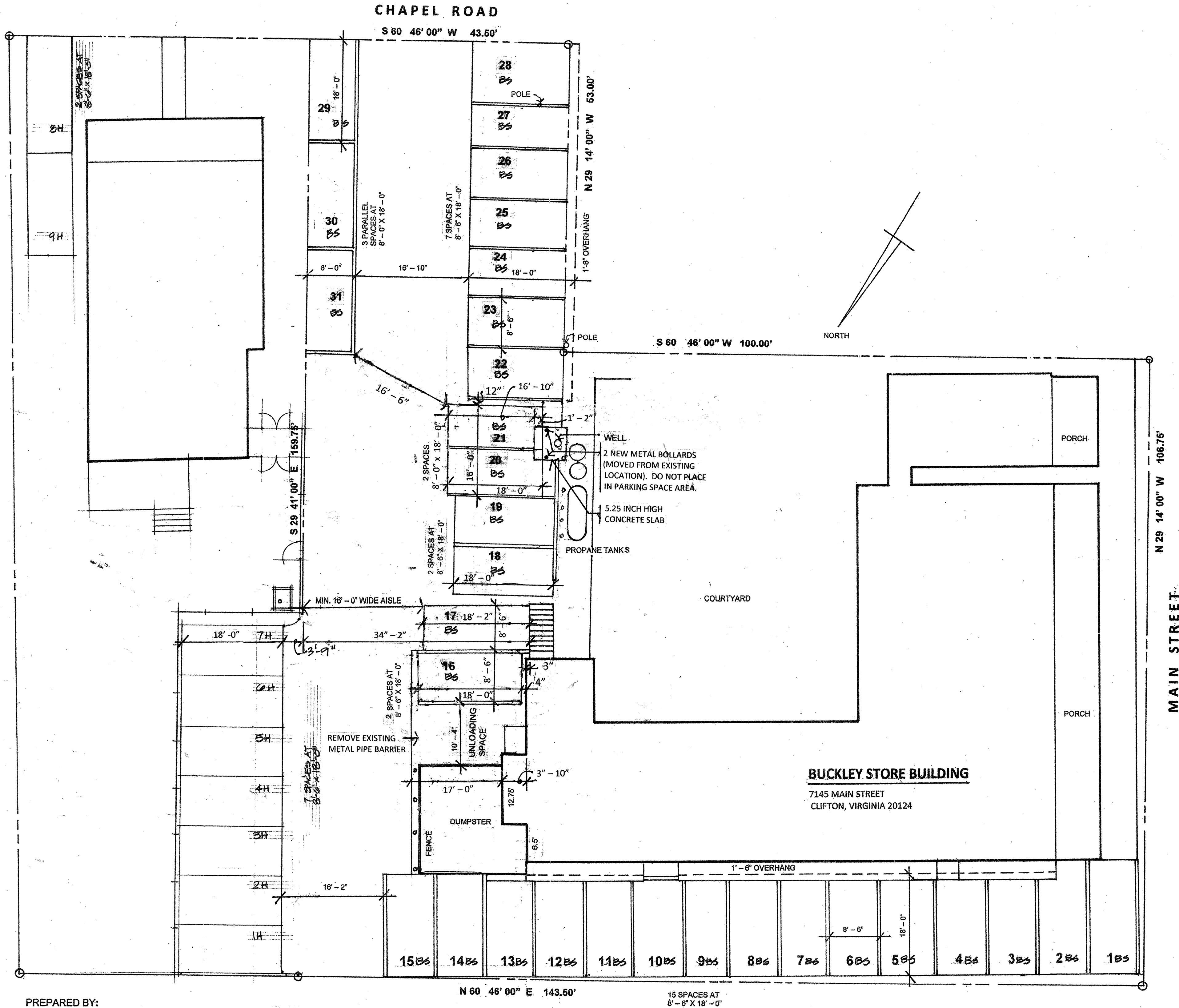
**REGULAR MEETING ACACIA LODGE 7135 MAIN STREET, CLIFTON**

**Present:** Kathy Kalinowski, Chair; Terry Winkowski; Michelle Stein; Susan Yantis; Jennifer Heilmann

**Absent:** Patrick Pline; Mac Arnold

**Order of Business**

1. Commercial Use Permit Application for Approval of Parking at 7145 Main Street:  
See attached Parking Plat as revised.  
A new parking plat was submitted by the owner, Sheldon Hofferma, and designed by architect, Nicholas Dffenbaugh, as revised June 30, 2021. This plat outlines the changes to be made in the parking area for 7145 Main Street. Those changes include, among others shown on the plan, the removal of the metal bar presently blocking access to the loading space; moving the bollards from spaces 20 and 21 in order to have the spaces be the required length without intruding on the aisle width; marking the loading space with cross hatch and NO PARKING; marking the area across from spaces 18-21 with cross hatch and NO PARKING; and any necessary restriping of the lot and moving the bumpers in order to obtain the necessary space size as shown on the plan. The changes need to be made by August 31, 2021 and a new revised parking plan showing all the changes set forth above needs to be submitted prior to review of any use permit applications with respect to 7145 Main Street. The Planning Commission voted unanimously to recommend the parking plan for approval with the changes and requirements as set forth above.
2. Commercial Use Permit Application for Suites 205 and 207 located at 12644 Chapel Road.  
A use permit application was submitted by Michelle Ward for a therapy business located at the above address, using a total of 425 square feet, with hours of 9AM to 9PM Monday through Friday. The Planning Commission voted unanimously to recommend approval of the use permit at the location and times set forth with the allocation of 2 parking spaces to this business.



PREPARED BY:  
 NICHOLAS DIFFENBAUGH ARCHITECT, PC  
 703-622-9076

FOR:  
 GOLDEN PHOENIX, LP  
 AUGUST 9, 2011  
 REVISED 2.25.13  
 BY: THE LEXINGTON GROUP, LLC

REVISED 6-30-2020  
 BY: NICHOLAS DIFFENBAUGH ARCHITECT, PC

REVISED JUNE 30, 2021  
 BY: NICHOLAS DIFFENBAUGH ARCHITECT

**PARKING LAYOUT PLAN**  
 7145 MAIN STREET  
 CLIFTON, VIRGINIA 20124

LOT LINE COORDINATES  
 AND DIMENSIONS TAKEN  
 FROM PREVIOUS PARKING  
 LAYOUT PLANS

## Fairfax County Land Records Cover Sheet

**Instruments**

EASEMENT

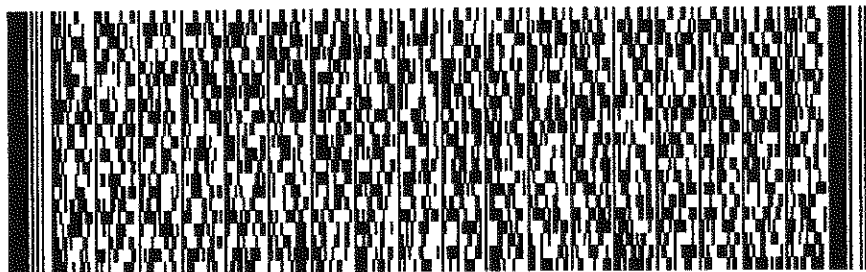
**Grantor(s)**

GOLDEN PHOENIX LIMITED PARTNERSHIP\_F\_N , HEILMANN, MICHAEL\_I\_N , HEILMANN, JENNIFER\_I\_N

**Grantee(s)**

GOLDEN PHOENIX LIMITED PARTNERSHIP\_F\_N , HEILMANN, MICHAEL\_I\_N , HEILMANN, JENNIFER\_I\_N

Consideration		Consideration %	100
Tax Exemption		Amount Not Taxed	
DEM Number		Tax Map Number	
Original Book		Original Page	
Title Company		Title Case	
Property Descr.			
Certified	No	Copies	0
		Page Range	



Print Cover Sheet

Prepared by: Sheldon C. Hofferman  
Return to: P.O. B. 350, Fairfax Station VA 22039-0350

### EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made this 31st day of July, 2013 by and between Golden Phoenix Limited Partnership ("GPLP"), a Virginia limited partnership, and Michael and Jennifer Heilmann ("the Heilmanns"):

#### WITNESSETH:

WHEREAS, GPLP is the owner of that certain property known as 7145 Main Street, Clifton (Fairfax County), Virginia containing 17,624 feet (hereinafter the "GPLP property"), and

WHEREAS, the Heilmanns are the owner of that certain property known as 12704 Chapel Road, Clifton (Fairfax County), Virginia containing 7,923 square feet (hereinafter the "Heilmann property") adjoining the aforesaid GPLP property immediately to its west, and

WHEREAS, the parties hereto desire to grant to each other certain easements for parking and ingress and egress as more particularly set forth hereinafter.

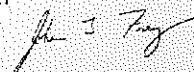
NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) paid each to the other and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. GPLP hereby grants and conveys to the Heilmanns a fifteen (15) foot wide non-exclusive easement running from Chapel Road across the GPLP property to the northwestern property line of the Heilmann property, as shown on the plat prepared by Nicholas Diffenbaugh Architect, PC dated August 9, 2011 and revised by The Lexington Group, LLC on March 11, 2013 and entitled "Parking Layout Plan", which is attached hereto and made a part hereof. This easement is to provide ingress and egress to parking spaces numbered 1H through 7H, inclusive, as shown on said plat, which parking spaces are to be located to the rear of the present building located on the Heilmann Property. Said easement shall run for the benefit of the Heilmanns, their successors and assigns, and their tenants, invitees, and guests. Said easement is to be used only for automobile traffic and not by commercial trucks. The cost of maintenance of said easement shall be borne fifty per cent (50%) each by GPLP and the Heilmanns.

Grantor: GOLDEN PHOENIX L  
Date/Time: 08/05/2013 14:54:03  
Book/Page: 23318/1822  
Recorded in FAIRFAX CIRCUIT COURT

Grantee: GOLDEN PHOENIX L  
Instrument: 2013035493.001  
# of Pages: 4

TESTE: JOHN T. FREY



2. For the purposes of parking allocation, as pertains to use permits and other similar permits to be granted now or in the future by the government of the Town of Clifton, Virginia, three of the aforementioned parking spaces (1H, 2H, and 3H) shall be credited to GPLP. Said spaces are to be used only for parking of automobiles and not for commercial trucks and not for storage of dumpsters, immobile vehicles and/or other equipment or structures. Said easement shall run for the benefit of GPLP, its successors and assigns, and their tenants, invitees, and guests. The cost of the maintenance of said easement shall be borne entirely by the Heilmanns.
  
3. This easement Agreement shall be recorded among the land records of Fairfax County, Virginia and shall be perpetual unless terminated by written agreement of the owners of the respective properties, provided, however, that it shall be null and void in its entirety in the event that its terms are not recognized or honored by the aforesaid government of the Town of Clifton, Virginia.
  
4. Upon recordation of this Easement Agreement, the Easement Agreement dated April 30, 1989 by and between GPLP and Custom Construction Company of Virginia, Inc., predecessor in interest to the Heilmanns, concerning the mutual granting of certain easements to each other, is hereby rescinded, superceded, cancelled, and nullified in its entirety.

Witness the following signatures and seals:

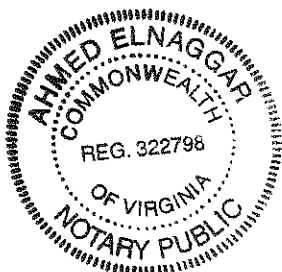
GOLDEN PHOENIX LIMITED PARTNERSHIP,

A Virginia limited partnership

By: Sheldon C. Hofferman

Sheldon C. Hofferman, General Partner

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of July, 2013  
Ahmed ElNaggar a Virginia  
 Notary Public in and for Fairfax county.  
 My Commission expires 1/31 2014.

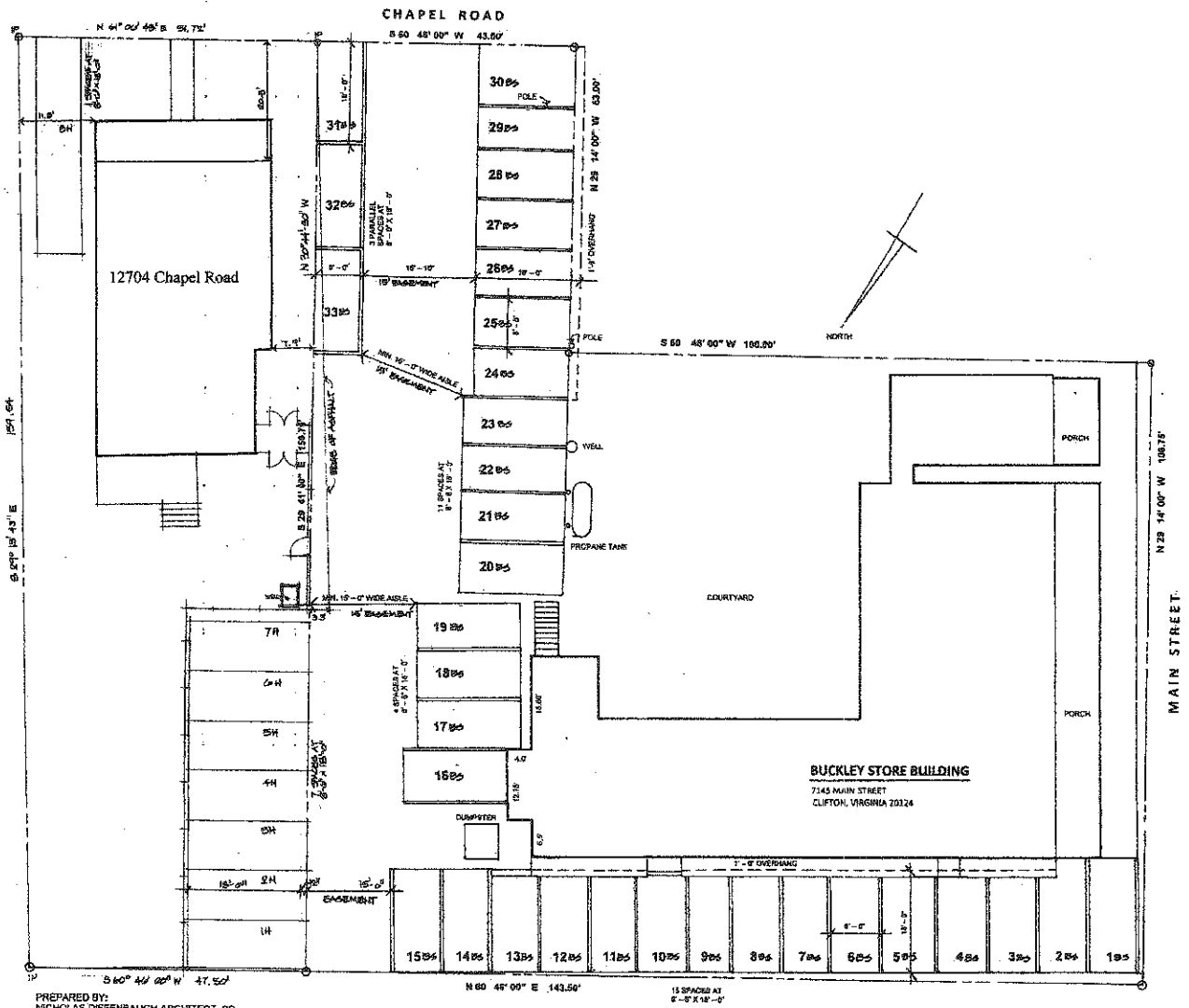


Michael Heilmann

Michael J. Heilmann

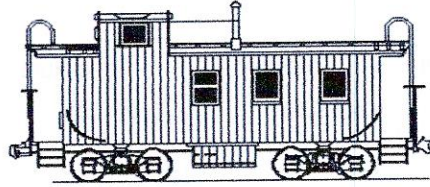
Jennifer Heilmann

Jennifer Heilmann



PREPARED BY:  
 NICHOLAS DIFFENBAUGH ARCHITECT, PC  
 703-250-0229  
 FOR:  
 GOLDEN PHOENIX, LP  
 AUGUST 9, 2011  
 REVISED 2.05.13 TRK. 3-11-13  
 BY: THE LINDSEY GROUP, LLC

**PARKING LAYOUT PLAN**  
 7145 MAIN STREET  
 CLIFTON, VIRGINIA 20124  
 LOT LINE COORDINATES  
 AND DIMENSIONAL TOLERANCES  
 FROM PREVIOUS PARKING  
 LAYOUT PLANS



**TOWN OF CLIFTON, VIRGINIA**

**Use Permit Application**

<b>Property Address:</b> 12644 Chapel Road, Suite 205 & 207 Clifton VA 20124		<b>Date: [Month / Year]</b> June 2021		
<b>1. Type of Permit:</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential	<input type="checkbox"/> Home Business (Code 9-19.c1)
	<input type="checkbox"/> Preliminary Site Plans Attached	<input checked="" type="checkbox"/> Office <input type="checkbox"/> Retail		
	<input type="checkbox"/> Special Use	<input type="checkbox"/> Subdivision (Code Chapter 10)	<input type="checkbox"/> Boundary Line Adjustment/Lot Consolidation (Code 10-57 to Code 10-59)	<input type="checkbox"/> Public Use
	<input type="checkbox"/> Restaurant			
	<input type="checkbox"/> Bed & Breakfast			
	<input type="checkbox"/> Multi-Family			
<b>2. Name of Applicant:</b> Michelle Ward <b>Mailing Address:</b> 12644 Chapel Road, Suite 205 Clifton VA 20124				
<b>Phone:</b> (703) 200-8205 <b>Email Address:</b> mrwcta@icloud.com				
<b>3. Name of Property Owner (if different):</b> NCH Partners II, LLC 365 Herndon Parkway, Suite 106 <b>Mailing Address:</b> Herndon VA 20170				
<b>4. Name of Business / Organization:</b> Clifton Therapy				
<b>5. Owner of Business / Organization:</b> Michelle Ward				
<b>6. Tax Map Number:</b> 23 A				
<b>7. Attach a plat or plan drawn to scale showing the proposed construction, certified by an engineer, surveyor, architect, authorized to practice as such by VA, together with a surveyed plat of the property indicating all building and structure setbacks and height.</b> <input type="checkbox"/> Plat Attached				



<b>8. Attach Floor Plan to Scale (non-residential &amp; home business):</b>		<input checked="" type="checkbox"/> Floor Plan Attached		
<b>9. Zoning District of Premises:</b>	<input type="checkbox"/> Residential (Code 9-19)	<input checked="" type="checkbox"/> Commercial (Code 9-21)	<input type="checkbox"/> Agricultural (Code 9-20)	<input type="checkbox"/> Industrial (Code 9-22)
	<input type="checkbox"/> Church, Park, Community Building			
	<input type="checkbox"/> Community Open Space & Recreation (COSR) (Code 9-23A)		<input type="checkbox"/> Low Impact Commercial (Code 9-23B)	
<b>10. Describe Purpose of Application:</b>				
New business application.				
<b>10. If Commercial, Home Business, Agricultural or Industrial:</b>				
<b>11. Describe Operation:</b>				
Therapy. One suite for sessions (205), one suite for office (207).				
<b>11.a. If Non-Residential - Office Use:</b> <u>425</u> SF or Retail/Restaurant Use: _____ SF				
<b>11.b. Days &amp; Hours of Operation (include special events):</b> <u>M-F, 9AM-9PM</u>				
<b>11.c. Number of Employees on Site at any One Time:</b> <u>1</u>				
<b>11.d. Number of Seats (Restaurant/Church): Total:</b> <u>0</u> . If applicable, provide number of seats located Inside: _____ and; Outside: _____				
<b>11.e. Gross Floor Area (GFA) of Building or /Premises:</b> <u>14,616</u> SF (Code 9-13) Net Gross Floor Area if more than one use in building: <u>14,616</u> SF If applicable, GFA devoted to carry-out service within restaurant: <u>N/A</u> SF				
<b>11.f. Number of Off-street Parking Spaces Required:</b> <u>0</u> (Code 9-13)				
<b>11.g. Number of Off-street Parking Spaces Provided* (attach parking plan to scale with dimensions identifying existing and proposed parking spaces):</b> <u>2</u>				
<b>11.h. Gross Floor Area of Dwelling (Home Business Only):</b> <u>N/A</u> SF				
<b>12. Application Fee Enclosed:</b>				
(Fee schedule in Filing Instructions) \$ <u>250.00</u>				

\*PLEASE INCLUDE A PARKING TABULATION FORM FOR BUILDINGS THAT HAVE MORE THAN ONE USER IN THE BUILDING.



Is the applicant or owner a member of a homeowners association (HOA)?  Yes  No If yes, please obtain the approval of the HOA prior to submission of the application.

HOA REPRESENTATIVE (NAME/SIGNATURE) \_\_\_\_\_ DATE OF HOA APPROVAL: \_\_\_\_\_

The undersigned hereby applies for a Use Permit pursuant to Article 2, Section 9-10 of the Zoning Ordinance of the Code of Town of Clifton, Virginia.

APPLICANT'S SIGNATURE: *Murphy*

DATE: 6/10/2021

PROPERTY OWNER SIGNATURE: *Tina Picciano*

DATE: 6/4/2021

**FOR TOWN USE ONLY**

RECEIPT DATE: \_\_\_\_\_

DATE APPLICATION ACCEPTED: \_\_\_\_\_

APPLICATION FEE PAID: \$ \_\_\_\_\_

APPROVED  DISAPPROVED

PLANNING COMMISSION: \_\_\_\_\_  
SIGNATURE

PRINT

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED  DISAPPROVED

TOWN COUNCIL: \_\_\_\_\_  
SIGNATURE

PRINT

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

is the applicant owner a member of a homeowners association (HOA)? Yes - No If yes, please check the amount of  
the HOA fees to be included in the application.

HOA REPRESENTATIVE (NAME/SIGNATURE)

DATE OF HOA APPROVAL

The undersigned hereby applies for a Use Permit pursuant to Article 2, Section 9-18 of the Zoning Ordinance of the Code of  
Town of Loudoun, Virginia.

APPLICANT'S SIGNATURE

DATE

PROPERTY OWNER SIGNATURE

DATE

FOR TOWN USE ONLY

RECEIPT DATE

DATE APPLICATION ACCEPTED

APPLICATION FEE PAID \$

APPROVED  DISAPPROVED

PLANNING COMMISSION

SIGNATURE

PRINT

CONDITIONS

APPROVED  DISAPPROVED

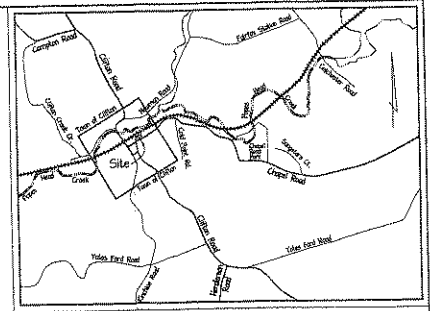
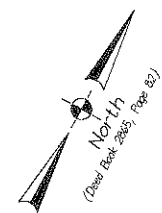
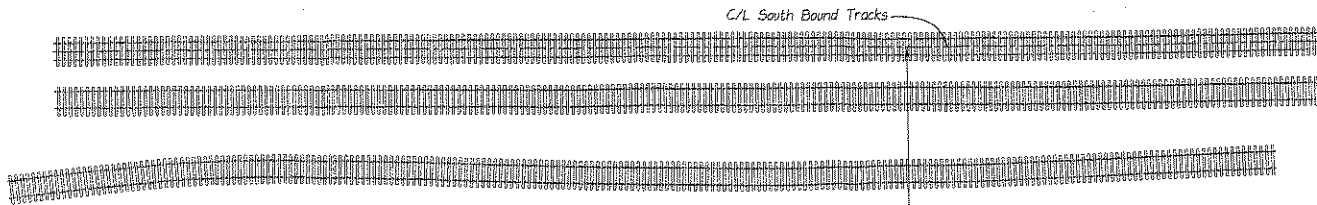
TOWN COUNCIL

SIGNATURE

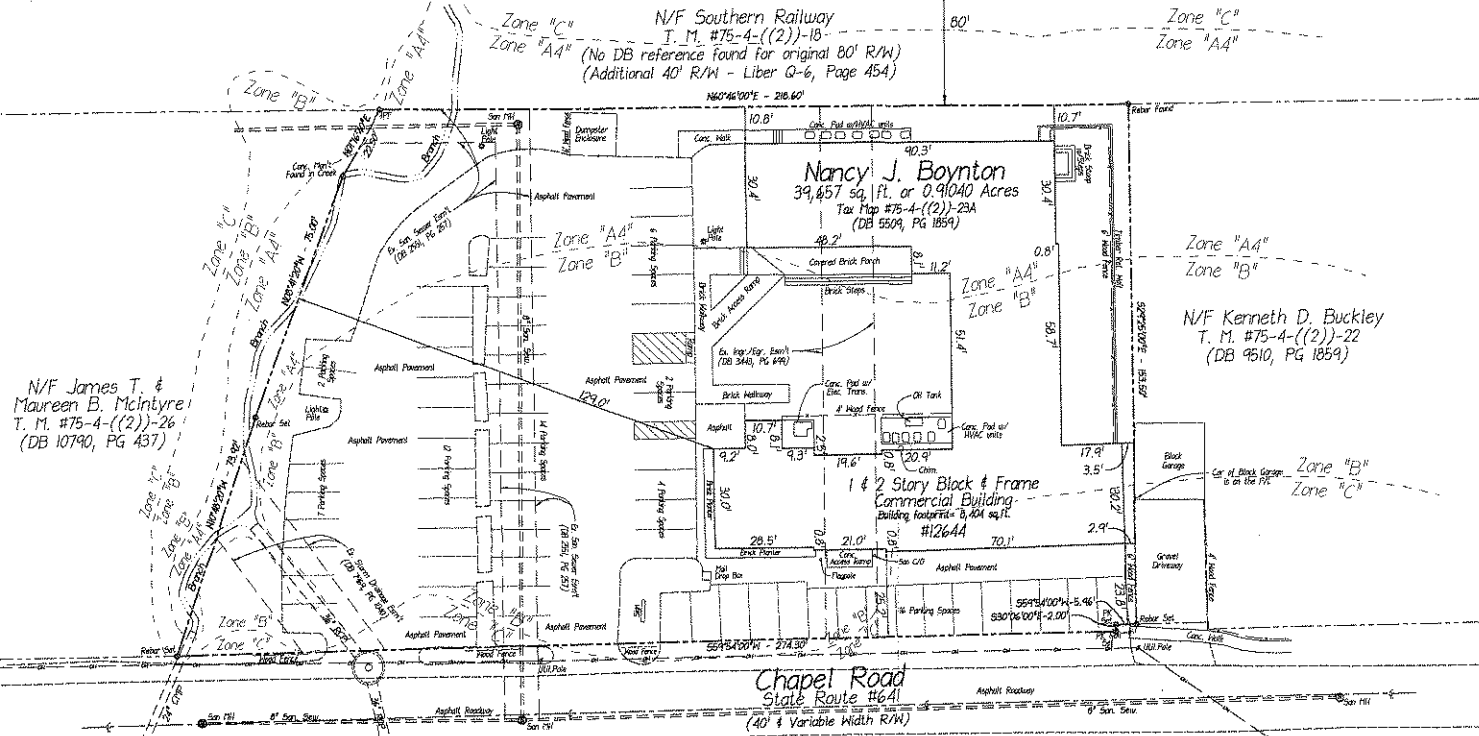
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CONDITIONS





Vicinity Map Scale: 1" = 2500'



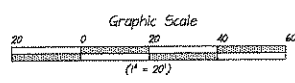
- 1) The property delineated herein is located on Fairfax County Tax Assessment Map #75-4-((2))-23A, and is zoned CD (Town of Clifton - Commercial Zone).
- 2) Current owner as recorded in Fairfax County Deed Book 5509, Page 1859, Nancy J. Boynton, 8134 Poplar Grove Drive, Warrenton, Virginia 20187
- 3) Title report from Commonwealth Land Title Insurance Company was provided and used for this survey. Effective date of commitment, August 30, 2006. Commitment #06-001670/RG 10 916 338.
- 4) Existing 10' sanitary sewer easement, as shown on plat attached to a deed recorded in Deed Book 2665, Page 82 as referenced in the above-mentioned title report has not been shown because no record was found that a second sanitary sewer easement was ever granted; furthermore, there are no facilities that occupy this second easement.
- 5) 15' Ingress/Egress Easement recorded in Deed Book 3443, Page 699 has been shown even though it is not referenced in the title report. No record was found that would extinguish this easement.
- 6) No easement or encumbrance has been shown for the "Notice of Order Judgement Affecting Interest in Real Estate" recorded in Deed Book 17544, Page 1620. The easement or encumbrance, if any, is unlocatable.
- 7) Improvements shown are based upon a current field survey by this firm.
- 8) Portions of the property delineated herein fall in Zone "A4", Zone "B" and Zone "C" based upon FEMA-FIA Flood Insurance Rate Map #5101046, dated May 2, 1977. Zone "A4" indicates areas of 100-year flood with base flood elevations and flood hazard factors determined. Zone "B" indicates an area between the limits of the 100-year flood and the 500-year flood. Areas of 100-year shallow flooding where depths are less than 1 foot. Zone "C" indicates areas outside of the 500-year flood.
- 9) No visible evidence exists that any portion of the site is used as a solid waste dump, sump or as a sanitary landfill.
- 10) No visible evidence exists that there are graves or burial sites on the property.

**Surveyor's Certificate**

This is to certify that this map or plat and the survey on which it was based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by ALTA, ACSM and NSPS in 1999 and includes items #1, #2, #3, #4, #7, #8, #9, #10, #11A, #13 and #16 of "Table A" thereof. Pursuant to the accuracy standards as adopted by ALTA, ACSM and NSPS and in effect on the date of this certification, the undersigned further certifies that the survey measurements were made in accordance with the minimum angle and distance closure requirements for survey measurements which control land boundaries for ALTA/ACSM Land Title Surveys.

*Thomas W. Kendall*  
 Thomas W. Kendall, LS #171  
 Date: 10/16/06

28  
 12  
 7  
 47 parking spaces  
 250 70' x 10'  
 217  
 210  
 9 40  
 9 4  
 16 540



Plat Showing  
 ALTA/ACSM Land Title Survey  
 Property of:  
**Nancy J. Boynton**  
 Tax Map Parcel #75-4-((2))-23A  
 (Deed Book 5509, Page 1859)  
 Town of Clifton, Virginia  
 October 23, 2006 -- Scale: 1" = 20'

**Kendall Consulting, Inc.**  
 Land Surveying & Land Planning  
 P. O. Box 1569 - Fairfax, Virginia 22038  
 Ph: (703) 591-1157 Fax: (703) 591-1518

## Town of Clifton

### Commercial Parking Tabulation

Property Name: Clifton House

Address: 12644 Chapel Road

Date: 03/10/2021

Building Total Gross Floor Area: 11897

SUITE #	TENANT NAME	NET FLOOR AREA	USE (Restaurant/Office/ Retail/Other Commercial Use)	Max. # EMPLOYEES (Retail/Restaurant only)	NUMBER OF CUSTOMER SEATS (Restaurant only)	PARKING SPACES Approved	DATE OF USE PERMIT (or Council approval)
A & B	Motier	936	Retail/Restaurant	4	14	11	3/3/2020
C & D	Vacant	856					
E	U.S. Post Office	540	Retail	3	N/A	5	2/5/1992
F	Vacant	762					
108, 109, 110, 111, 113	Market Financial	968	Office	N/A	N/A	5	6/2/2020
107, 214	Coppermine Realty	1148	Office	N/A	N/A	5	9/4/2018
112	Anthony Reid	200	Office	N/A	N/A	1	7/5/2016
114	The Hair Garage, LLC	593	Retail	N/A	N/A	4	7/7/2020
115	GoldensHill Papercrafts	1,536	Retail	1	N/A	7	6/3/2014
200, 202	Wheelhouse Yoga	885	Retail	2	N/A	5	9/4/2018
204, 206, 208	AG Chem/Waterworks	592	Office	N/A	N/A	3	7/5/2016
209, 211	Kohlmark Flach Architects	392	Office	N/A	0	2	10/2/2018
212	America, Inc.	1,075	Office	N/A	0	5	3/1/2016
205, 207	WY Leadership,	425	Office	N/A	N/A	2	5/6/2020
	<b>Total based on Town records/Use Permits</b>					<b>54</b>	

Total Parking Spaces Required:

**54**

Total Parking Spaces Provided:

**63**

**Town of Clifton**

**Commercial Parking Tabulation**

**Property Name: Clifton House**

**Address: 12644 Chapel Road**

**Date: 7/14/2021**

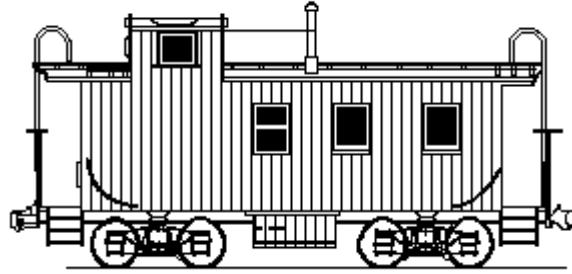
**Building Total Gross Floor Area: 14,616**

SUITE #	TENANT NAME	NET FLOOR AREA	USE (Restaurant/Office/ Retail/Other Commercial Use)	Max. # EMPLOYEES (Retail/Restaurant only)	NUMBER OF CUSTOMER SEATS (Restaurant only)	PARKING SPACES Approved	DATE OF USE PERMIT (or Council approval)
A & B	Motier	936	Retail/Restaurant	4	14	11	3/3/2020
<b>C &amp; D</b>	<b>VACANT</b>	856					
E	U.S. Post Office	540	Retail	3	N/A	5	2/5/1992
F	Virginia Mercantile	762	Retail	N/A	N/A	4	3/2/2021
107, 108, 109, 111, & 112	Market Financial	976	Office	N/A	N/A	5	1/5/2021
214	Coppermine Realty	956	Office	N/A	N/A	5	1/5/2021
113, 210	Anthony Reid	400	Office	N/A	N/A	2	10/6/2020
114	The Hair Garage, LLC	593	Retail	N/A	N/A	4	7/7/2020
115	GoldensHill Papercrafts	1,536	Retail	1	N/A	7	6/3/2014
200/202	Wheelhouse Pilates	885	Retail	2	N/A	5	1/5/2021
<b>203</b>	<b>VACANT</b>	773					
204, 206, 208	AG Chem/Waterworks	592	Office	N/A	N/A	3	7/5/2016
209, 211	Kohlmark Flach Architects	400	Office	N/A	0	2	10/2/2018
212	America, Inc.	1,075	Office	N/A	0	5	3/1/2016
110	Counseling for Creative	192	Office	N/A	N/A	1	6/2/2020
205, 207		425	Office	N/A	N/A		
	<b>Total allocated parking based on Town approved</b>	<b>11897</b>				<b>59</b>	

**Total Parking Spaces Provided at 12644 Chapel Rd:**

**63**





**CLIFTON TOWN PLANNING COMMISSION  
TUESDAY, JULY 27, 2021, 7:30 PM  
ACACIA LODGE  
7135 MAIN STREET  
CLIFTON, VA 20124**

Order of Business:

1. Commercial Use Permit Application:
  - a. 12644 Chapel Road, Suites 205 & 207
2. Proposed Parking Plan Revision:
  - a. 7145 Main Street (Buckley Building)
3. New Business:
  - a. Ordinance Revisions for Dumpsters and Loading – Discussion.
4. Approve June 29, 2021 Regular Meeting Minutes.
5. Adjournment.