



FAIRFAX COUNTY

SEA APPLICATION FILED: June 29, 2005
PLANNING COMMISSION: November 9, 2005
BOARD OF SUPERVISORS: November 21, 2005
TIME: 3:30 P.M.

V I R G I N I A

November 3, 2005

STAFF REPORT

SEA 78-V-115

In Association with application VC 2005-MV-006

MOUNT VERNON DISTRICT

APPLICANT: John B. LoGrande

ZONING: R-3

PARCEL(S): 93-2 ((8)) (38) 30-32

ACREAGE: 10,500 square feet

PLAN MAP: Residential; 2-3 du/ac

SE CATEGORY: Category 6, 2-904

SEA PROPOSAL: To amend SE 78-V-115 previously approved to permit a residential dwelling within a floodplain to modify development conditions to permit the existing dwelling to remain less than 18 inches above the 100-year floodplain and within 15 feet of the floodplain, and the construction of an accessory structure within 15 feet of the existing dwelling.

STAFF RECOMMENDATION:

Staff recommends approval for SEA 78-V-115 subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



FAIRFAX COUNTY

VC APPLICATION FILED: June 29, 2005
BOARD OF ZONING APPEALS: November 15, 2005
TIME: 9:00 AM

V I R G I N I A

November 3, 2005

STAFF REPORT VC 2005-MV-006

In association with application SEA 78-V-115

MOUNT VERNON DISTRICT

APPLICANT: John B. LoGrande

SUBDIVISION: New Alexandria

STREET ADDRESS: 1212 "I" Street

ZONING DISTRICT: R-3

TAX MAP REFERENCE: 93-2 ((8)) (38) 30-32

LOT SIZE: 10,500 square feet

ZONING ORDINANCE PROVISIONS: 18-401, 2-415

VC PROPOSAL: To permit an existing dwelling to remain less than 18 inches above the 100-year flood plain level.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Special Exception Request

The property owners, John B. LoGrande and Magdalena LoGrande, are requesting approval of an amendment to a Special Exception previously approved to permit a dwelling in a floodplain in order to amend the development conditions to legalize the construction of the existing dwelling and to permit construction of a detached garage within 15 feet of the residential structure within a 100-year floodplain. Uses in a Floodplain are a Category 6 Special Exception Use, and are subject to the provisions of the Zoning Ordinance General Standards of Sect. 9-006, and provisions for Uses in a Floodplain, Section 9-606, among others.

The applicant requests deletion of Development Condition 6 approved in conjunction with SE 115-V-78, which states: "Clean yard fill will be used to raise the ground level on which the house is built so that the lowest level of the floor is at least 18 inches above the water level of the 100 year flood plain." The dwelling was constructed by a previous owner in 1980 less than the required 18 inches above the 100-year floodplain.

The applicant also requests deleting Development Condition 7 approved in conjunction with SE 115-V-78, which states: "Yard fill will be sufficient to create a minimum 15 foot buffer around the house between the house and the 100 year flood plain." Development Condition 7 requires that a minimum 15 foot buffer be provided around the house with yard fill to ground elevation 10 feet. The existing ground surrounding the dwelling is below 10 feet. In addition, the proposed garage floor is less than 10 feet and would be located within this 15 foot buffer.

Variance Request:

The applicant is also requesting approval of a variance of the use limitation of Par. 2 of Section 2-905 of the Zoning Ordinance to permit the dwelling to remain less than 18 inches above the 100-year floodplain water level. Because this is a requirement found in the Zoning Ordinance, approval of a variance of this Zoning Ordinance provision is necessary, even if Condition 6 is deleted from the SEA. Without approval of a variance, the existing house must be raised up, or demolished and rebuilt to meet the Zoning Ordinance requirement.

Copies of the most relevant Zoning Ordinance provisions are attached as Appendix 11. A reduction of the SE/VC Plat depicting the location of the residence and proposed additions is included at the front of this report.

LOCATION AND CHARACTER

The property is located at 1212 "I" Street, at the intersection with 10th Street to the east. 11th Street is a designated alley located directly west of the property. The property is accessed via a semi-circular driveway onto 11th Street. For the purpose of determining minimum yards, both "I" Street and 10th Street are deemed front yards.

Surrounding Properties

Direction	Use	Zoning	Plan
North	Single-Family Detached Residential	R-3	Residential; 2-3 du/ac
South	Multifamily Housing	R-20	Residential; up to 20 du/ac
East	Single-Family Detached Residential	R-3	Residential; 2-3 du/ac
West	Single-Family Detached Residential	R-3	Residential; 2-3 du/ac

BACKGROUND

Records indicate that the existing single family dwelling was originally constructed in 1980 pursuant to the approval of SE 115-V-78 with conditions which allowed the construction of a home within a floodplain. The existing house is shaded on page 3 (A11) of the SEA Plat.

Two development conditions from SE 115-V-78 are relevant to the applicant's current SEA application to legalize the existing house and to permit the construction of an accessory structure (garage). Development Condition 6 stipulates that clean yard fill be used to raise the ground level on which the house is built so that the elevation of the lowest level of the lowest floor is at least 18 inches above the 100-year flood plain level. Development Condition 7 requires yard fill be sufficient to create a minimum 15 foot buffer around the house to ground elevation 10 feet (the 100-year floodplain water level). These two development conditions were not complied with during construction. The error went unnoticed for 25 years until the applicant, John B. LoGrande, submitted

building permits for a new garage and associated site work in late October 2004. In order to meet Condition 6, the applicant would have to raise the dwelling, or rebuild it to the correct elevation. In lieu of one of these options, the Special Exception could be amended to delete the condition; however, the applicant was advised that the only way to permit the house to remain lower than 18 inches would be to obtain approval of a variance to the Zoning Ordinance provision also. Because the proposed garage is located in a floodplain, an amendment to SE 78-V-115 is required for the garage.

The subject property is located within the RPA. The proposed construction is considered redevelopment, which is an allowed use, in the RPA. Therefore, this construction is permitted without an RPA Exception, as per Chesapeake Preservation Ordinance (CBPO) Section 118-2-1(b), but subject to the performance criteria of the CBPO, including but not limited to, approval of a Water Quality Impact Assessment and a Best Management Practices Waiver.

A copy of the conditions and plat approved in conjunction with SE 78-V-115 is included in Appendix 5.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Mount Vernon Planning District; Area IV

Planning Sector: Wellington Planning Sector (MV4)

Plan Map: Residential; 2-3 du/ac

Plan Text:

On Page 123 of the 2003 Edition of the Fairfax County Comprehensive Plan, as amended through 9-29-2003, the Plan states:

“The Wellington Community Planning Sector contains stable neighborhoods. Infill development in this sector should be of a compatible use, type, and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.”

There is no site-specific Plan text.

ANALYSIS

Combined Special Exception (SE) and Variance (VC) Plat (Copy at front of staff report)

Title of Plat: The LoGrande Residence, 1212 I Street,
Alexandria, Virginia 22307 – Construction
Documents Permit Package

Prepared By: Sanchez Palmer Architects, PC

Original and Revision Dates: August 3, 2004, revised through
August 6, 2004

Plat Description:

The SE/VC Plat consists of six sheets, which is an architectural site plan, containing the plan of the property with the existing house and proposed accessory structure. The plat shows the surveyed boundaries of the property, the location of the right-of-way for "I" Street and the alley (11th Street) to the west of the property, and also illustrates the dwelling and garage footprints and architecture, as well as the location of the proposed driveway, and paved walkway.

Request:

The application property consists of a 10,500 square foot parcel in the "New Alexandria" section of the county. The existing dwelling is a two-story brick structure, 3,000 square feet in size with a patio. The proposed garage consists of an enclosed parking area, storage space and an attic above, also for storage. The garage is proposed to contain 726 square feet and to be located on the west side of the property. The front yard setbacks of the dwelling are 30 feet to "I" Street and approximately 38 feet to 10th Street. The proposed garage is set back 8 feet from 11th Street, which is a designated alley. Both structures meet Zoning Ordinance setback requirements as designated in Sect. 3-307.

The applicant proposes to amend the Special Exception to delete Development Condition 6 in order to reflect the fact that the existing dwelling was constructed less than 18 inches above the 100-year floodplain elevation.

Additionally, a variance to the use limitation noted in Par. 2 of Sect. 2-905 of the Zoning Ordinance which requires the lowest elevation of the lowest floor of a proposed dwelling to be a minimum of 18 inches above the flood elevation must be obtained in order to allow the top of the floor of the existing structure (10 feet, 11 inches) to remain 7 inches below the Zoning Ordinance requirement of elevation 11 feet, 6 inches.

The applicant requests an amendment to the Special Exception to delete Development Condition 7 to allow the garage structure, with a ground elevation less than the 100-year floodplain water level, to be located within 15 feet of the existing dwelling. Condition 7 reflects the requirements of Sect. 2-415 of the Zoning Ordinance. This section of the Ordinance can be modified by the Board of Supervisors. Sect. 2-415 stipulates that a 15 foot perimeter around a dwelling must be at the 100-year floodplain water level elevation (10 feet). A major portion of the proposed garage falls within this 15 foot perimeter. The ground

elevation around the proposed garage ranges from 6 feet, 3 inches to 8 feet, 3 inches. Therefore, the ground elevations within the 15 foot perimeter of the dwelling would be between 3 feet, 9 inches and 1 foot, 9 inches below the ground elevation of 10 feet (the 100-year floodplain water level).

The lowest floor of the proposed garage is to be elevated at 8.0 feet as shown on the Plat, which is below the 100-year flood level. It is not a Zoning Ordinance requirement for an accessory structure to be elevated 18 inches above the 100-year flood level because it is not living space, as designated in Sect. 2-903 of the Zoning Ordinance.

The proposed garage height is approximately 19 feet. All size, height, elevation, and yard requirements meet Zoning Ordinance requirements for an accessory structure on an R-3 lot.

The property is also located within a Special Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA). The existing floor elevation of the house does meet the minimum FEMA and VUSBC requirement.

Comprehensive Plan and Land Use Analysis

The Comprehensive Plan does not include any site-specific text for this property. The property is planned for residential use with a density range of between 2 and 3 dwelling units per acre, and as such, the request is in conformance with the Land Use guidance of the Plan.

Environmental Analysis (See Appendix 6)

The Environmental Analysis Memorandum is dated October 14, 2005, and contains citations from the Environmental Section of the Policy Plan of the Comprehensive Plan.

Issue: Garage size

The subject property is located within the 100-year floodplain for the Potomac River. This area is also a Resource Protection Area (RPA), as defined by the Chesapeake Bay Preservation Ordinance. The property is developed with a single-family detached dwelling in an area that has been developed for many years, predating a number of regulatory and policy standards including the current Environmental Quality Corridor (EQC) policy contained in the Comprehensive Plan. Staff recognizes that the site's natural environment has largely been disturbed.

The proposed two-car garage does not represent an overall increase in impervious surface area for the subject property. The impervious area added by the proposed garage and paved walkway will be offset by the removal,

scarification, and replanting of a large section of driveway south of the proposed garage, totaling a net reduction of 70 square feet. This impervious area calculation is demonstrated within Appendix 10.

While not explicitly noted in the drawings which were submitted with the application, it appears that other elements of the proposed garage may be used for general storage or other purposes. The proposed garage appears to be fairly substantial in size covering approximately one-third the same area of the lot as the existing home. Staff is concerned that the 726 square foot proposed garage represents a larger accessory structure in the floodplain than may be necessary.

Resolution:

The Environmental Section of the Policy Plan recommends that intrusion into environmentally-sensitive areas should be as minimal as possible. Staff requested that the applicant reduce the size of the proposed structure, possibly by deleting first floor storage area or deleting one of the parking spaces. The applicant has not reduced the garage size. However, staff has proposed a development condition to limit the garage size to 691 square feet. This square footage can accommodate two vehicles on the first level and still allow storage in the attic.

**Department of Public Works and Environmental Services (DPWES)
Analysis (See Appendix 7)**

The DPWES analysis memorandum is dated October 20, 2005.

Issue: Garage location and orientation

Sect. 2-415 of the Zoning Ordinance requires yard fill to be sufficient to create a minimum 15 foot buffer of yard fill at elevation 10 feet between a dwelling and the 100-year floodplain water level (10 feet). This requirement is reflected in Development Condition 7 of the previously approved SE. The Elevation Certificate (Appendix 9), provided with this application, indicates that the existing elevation surrounding the dwelling does not meet this development condition. According to the Elevation Certificate, the lowest adjacent grade is 8.3 feet (8 feet, 4 inches). Additional fill would have to be brought to the site to fill the area surrounding the dwelling to comply with the condition to bring the surrounding area up to 10 feet within a 15 foot perimeter. In addition, the applicant has proposed to construct the garage at a distance less than 15 feet from the house. In order to construct the proposed garage at the elevation and in the location indicated would require deletion or modification of Development Condition 7.

Staff believes that since the proposed garage has not yet been constructed, it should be built in a manner to provide a 10 foot ground elevation within 15 feet of the dwelling. If this were done, the garage could remain less than 15 feet from the existing dwelling because it would be above the 100-year floodplain water

level (10 feet). Staff requested that the applicant bring in additional fill to raise the ground surrounding the dwelling and modify the garage elevation so as to address the issue.

Resolution:

The applicant has not submitted a revised plat displaying the ground elevation at an increased elevation of 10 feet. Development Conditions #7 and #19 have been proposed which address this issue.

Issue: Existing structure flood elevation

As discussed previously, the existing structure was not constructed at an elevation at least 18 inches above the 100-year floodplain elevation as stipulated in the previously approved development conditions and the Zoning Ordinance. In order to provide equivalent protection from flooding as would raising the house to meet the standard, the applicant should construct a floodwall, berm, levee or its equivalent around the perimeter of the existing dwelling, with the top of the flood protection structure set at least 18 inches above the 100-year flood elevation. The flood protection structure should provide the same level of freeboard above the flood elevation that would be afforded the dwelling had it been constructed to the Development Condition and Zoning Ordinance Use Limitation.

Resolution:

The applicant has not proposed a floodwall, berm or levee; however Development Condition 6 has been included to address this issue.

Issue: Chesapeake Bay Preservation Ordinance (CBPO)

Since the proposed project will not result in a net increase in impervious surfaces and no further encroachment into the RPA, the proposed garage is considered redevelopment and is an allowed use. A Water Quality Impact Assessment and Best Management Practices Waiver will be required prior to the construction of the garage to ensure the resulting development is in substantial conformance with the CBPO.

Resolution:

A Water Quality Impact Assessment and Best Management Practices Waiver must be obtained prior to the construction of the garage to ensure the resulting development is in substantial conformance with the CBPO. Development Condition #24 has been proposed to address this issue.

Issue: Floodplain

There is a regulated floodplain on the site; as such, the plat must include the distance from the existing and proposed structures to the 100-year floodplain boundary at the nearest point, as required in the Zoning Ordinance under Sect. 2-904.

Resolution:

The applicant has not provided a certified plat with the distance from the existing and proposed structures to the 100-year floodplain boundary at the nearest point. Development Condition 23 has been added to require information regarding the distance from the existing and proposed structures' distance to the 100-year floodplain boundary before approval of a building permit for the construction on the garage.

Issue: VUSBC requirements

VUSBC requirements apply for construction of garages in the floodplain, including openings in the walls (size based on area of enclosed space) to allow flood water to pass through to prevent unbalanced hydrostatic pressures on the walls (the garage door is not sufficient to balance the pressure) with the spaces being unfinished. The uses for detached accessory structures below the base flood elevation are strictly limited to parking or storage.

Resolution:

Staff has provided Development Condition #17 which limits the use of the structure to parking or storage only, and Development Condition #11 which requires that all construction shall be in conformance with VUSBC requirements.

Transportation Analysis (See Appendix 8)

The Transportation Analysis Memorandum is dated August 9, 2005. There are no transportation issues associated with this request.

ZONING ORDINANCE PROVISIONS (See Appendix 11)

Standard	Required	Provided
Bulk Standards (R-3)		
Lot Size	10,500 sq. ft. min.	10,500 sq. ft.

Standard	Required	Provided
Lot Width	80 ft. min.	140 ft.
Building Height	35 ft. max.	approximately 21 ft.
Front Yard	30 ft. min.	56 ft.
Side Yard	12 ft. min.	72 ft.
Rear Yard	12 ft. min.	16 ft.

OTHER ZONING ORDINANCE REQUIREMENTS:

Special Exception Requirements (See Appendix 11)

➤ General Special Exception Standards (Sect. 9-006)

General Standard 1 states that the proposed use shall be in harmony with the adopted Comprehensive Plan. The Comprehensive Plan calls for residential development at 2-3 du/ac for this property, which is currently developed with a single family dwelling. The applicant is proposing construction of an accessory structure in an RPA and floodplain. The environmental goals of the Plan which include minimization of floor plans and RPA preservation can only be achieved with the construction of a smaller garage structure of the minimum size necessary to allow a two car garage. With approval of the proposed development conditions, that limits garage size to 691 square feet, this standard will be satisfied.

General Standard 2 states that the proposed use shall be in harmony with the purpose and intent of the applicable Zoning District regulations. This application is in harmony with the purpose and intent of the R-3 District, which permits single-family detached residential development. Therefore, this standard has been satisfied.

General Standard 3 states that the proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties. The garage will comprise additional construction on the site and will be visible from I and 11th Streets. The architecture is in keeping with surrounding development, however, with the adoption of the proposed development conditions, the size of the garage will be reduced to 691 square feet to mitigate any adverse impact. Staff believes that the proposed accessory

structure satisfies this standard only with the adoption of the development conditions.

General Standard 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood. An accessory structure is being proposed on residential property, and as such, pedestrian and vehicular traffic would not be adversely affected. Therefore, this standard has been satisfied.

General Standard 5 states that the Board shall require landscaping and screening in accordance with Article 13. Transitional screening and barriers are not required for this use. Tree cover will be required in accordance with the Zoning Ordinance.

General Standard 6 states that open space shall be provided in accordance with that specified for the subject zoning district. In the R-3 District, there is no open space requirement for conventional residential development, therefore this standard is not applicable.

General Standard 7 stipulates that adequate drainage, utilities and parking and loading shall be provided to serve the site. Adequate utilities are currently available and in place. The proposed accessory structure is for a two-car garage with additional storage space. This structure would provide adequate parking. A two-car garage with a smaller footprint could accomplish this same goal by providing storage in the attic. Therefore, with the adoption of proposed development conditions, this standard has been satisfied.

General Standard 8 states that signs shall be governed by Article 12, but that the Board may impose stricter requirements than those provided in the Ordinance. This standard is not applicable.

➤ **Category 6 Standards, Provisions for Uses in a Floodplain (Sect. 9-606)**

This standard states that the Board may approve a special exception for the establishment of a use in a floodplain in accordance with the provisions of Part 9 of Article 2 (See Appendix 8 and below for these provisions).

➤ **Floodplain Regulations- Use Limitations (Sect. 2-905)**

Standard 1 states that except as may be permitted by Par. 6 and 7 of Sect. 903, any new construction, substantial improvements, or other development, including fill, when combined with all other existing, anticipated and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, calculated in accordance with the provisions of the Public Facilities Manual. Staff has proposed a development condition which states that, prior to approval of a building permit, it must be demonstrated to

DPWES that the proposed construction, including fill, when combined with all other existing, anticipated, and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream. Therefore this standard will be satisfied with adoption of the development conditions.

Standard 2 states that except as may be permitted by Par. 8 of Sect. 903, the lowest elevation of the lowest floor of any proposed dwelling shall be eighteen (18) inches or greater above the water-surface elevation of the 100-year flood level (which is 10 feet NGVD '29) calculated in accordance with the provisions of the Public Facilities Manual (PFM). This standard must be varied by the Board of Zoning Appeals in order for the existing house to remain.

Standard 3 states that all uses shall be subject to the provisions of Par. 1 of Sect. 602, which states that, notwithstanding the provisions of Sect. 601, no building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or change the drainage of such land, taking into account land development that may take place in the vicinity under the provisions of this Ordinance, without providing adequate drainage in connection therewith as determined by the Director in accordance with the provisions of the Public Facilities Manual. Should the application be approved, staff has proposed a development condition which states that stormwater drainage shall be directed to ditches through the use of pipes, swales, or other devices, as determined by DPWES, and all fill areas shall be stabilized, graded, or have drains installed such that normal rainfall will not flow over the filled area onto adjacent properties, as determined by DPWES. Therefore, this standard has been satisfied. Similarly, there is a net decrease in impervious surface proposed for the site.

Standard 4 states that no structure or substantial improvement to any existing structure shall be allowed unless adequate floodproofing as defined in the Public Facilities Manual is provided. Staff has proposed a development condition which states that all construction shall be in conformance with Section 3107.0 Flood-Resistant Construction of the Virginia Uniform Statewide Building Code (VUSBC 2000), and that a statement certifying all floodproofing proposed shall be provided with the Building Permit application. Therefore, this standard has been satisfied with the adoption of the proposed development conditions.

Standard 5 states that to the extent possible, stable vegetation shall be protected and maintained in the floodplain. There are no limits of clearing and grading indicated on the SE Plat. A development condition is proposed which states that trees and other indigenous vegetation shall be preserved on the site during the construction process to the maximum extent feasible, as determined by the Urban Forest Management Branch of DPWES. Therefore, staff believes this standard has been satisfied.

Standard 6 states that there shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., in a floodplain. A development condition to this effect has been proposed, therefore this standard has been satisfied with the adoption of the proposed development conditions.

Standard 7 states that for uses other than those enumerated in Par. 2 and 3 of Sect. 903, the applicant shall demonstrate to the satisfaction of the approving authority the extent to which: there are no other feasible options available to achieve the proposed use; the proposal is the least disruptive option to the floodplain; and the proposal meets the environmental goals and objectives of the adopted Comprehensive Plan for the subject property. The applicant's proposal slightly reduces the impervious surface of the site. However, staff feels that the large garage represents an unnecessary intensification to the floodplain. As detailed in the proposed development conditions, staff recommends a smaller garage to lessen the intensification of the site, and for it to be situated at the water floodplain level (10 feet) within 15 feet of the dwelling. With these alterations staff believes that the application meets the environmental goals, standards, and objectives of the Comprehensive Plan.

Standard 8 states that nothing herein shall be deemed to prohibit the refurbishing, refinishing, repair, reconstruction or other such improvements of the structure for an existing use provided such improvements are done in conformance with the Virginia Uniform Statewide Building Code and Article 15 of this Ordinance. This standard is not applicable.

Standard 9 states that nothing herein shall be deemed to preclude public uses and public improvements performed by or at the direction of the County. This standard is not applicable.

Standard 10 states that dwellings and additions thereto proposed for location in a floodplain may be permitted subject to the provisions of Sect. 3-307 and Chapter 118 of The Code. The proposed construction will create no more impervious area. Separate applications for a Water Quality Impact Assessment, Best Management Practices Waiver, and a waiver of the water quality control requirements are required. Therefore, this standard has been satisfied.

Standard 11 states that all uses and activities shall be subject to the provisions of Chapter 118 of The Code. As stated above, a separate Water Quality Impact Assessment, Best Management Practices Waiver, and a waiver of the water quality control requirements are required since the project qualifies as redevelopment. Therefore, this standard has been satisfied.

Standard 12 states that when as-built floor elevations are required by federal regulations or the Virginia Uniform Statewide Building Code for any structure, such elevations shall be submitted to the County on a standard Federal Emergency Management Agency (FEMA) Elevation Certificate prior to approval

of the final inspection. If a non-residential building is being floodproofed, then a FEMA Floodproofing Certificate shall be completed in addition to the Elevation Certificate. In the case of special exception uses, the Elevation Certificate shall show compliance with the approved special exception elevations. Staff has proposed a development condition which states that as-built floor elevations for the garage shall be submitted in accordance with the Virginia Uniform Statewide Building Code (VUSBC 2000) on a standard FEMA Elevation Certificate prior to approval of the framing inspection, therefore this standard has been satisfied.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject Special Exception application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions only with the adoption of the proposed development conditions.

Staff Recommendations

Staff recommends approval of SEA 78-V-115, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board of Supervisors and Board of Zoning Appeals, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors or the Board of Zoning Appeals.

If the Board of Zoning Appeals determines that the variance can be justified, it must then decide the minimum variance which would afford relief as set forth in Sect. 18-405. If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 2 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Development Conditions, SEA 78-V-115
2. Proposed Development Conditions, VC 2005-MV-006
- 3a. Special Exception Affidavit
- 3b. Variance Affidavit
4. Statement of Justification
5. Approved Development Conditions and Plat, SE-115-V-78
6. Environmental Analysis
7. Department of Public Works and Environmental Services (DPWES) Analysis
8. Transportation Analysis
9. Elevation Certificate
10. Impervious Surface Calculation
11. Applicable Zoning Ordinance Provisions
12. Glossary of Terms

DEVELOPMENT CONDITIONS

SEA 78-V-115

January 9, 2006

If it is the intent of the Board of Supervisors to approve SEA 78-V-115 located at 1212 I Street Tax Map 93-2 ((8)) (38) 30-32 to amend SE 78-V-115 previously approved for a residential structure in a floodplain to permit construction of an accessory structure and deletion of development conditions pursuant to Sect. 2-904 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception plat entitled **The LoGrande Residence, 1212 I Street, Alexandria, Virginia 22307 – Construction Documents Permit Package**, and dated August 3, 2004 revised through August 6, 2004. In addition, the proposed dwelling shall be in substantial conformance with the elevation drawings provided to staff, except where further noted in these conditions.
4. A Hold Harmless agreement shall be executed with the County for all adverse effects which may arise as a result of the location of the site within a floodplain area, prior to approval of a building permit.
5. The dwelling shall not exceed a maximum building height of 35 feet, as measured by the Zoning Ordinance regulations.
6. The elevation of the lowest floor of the dwelling shall be 10.9 feet, National Geodetic Vertical Datum of 1929 (NGVD '29), or greater, which is above the 100-year floodplain water level and is also the elevation of the current floor.
7. All trees and other indigenous vegetation shall be preserved and maintained on the site during the construction process to the maximum extent feasible, as determined by Urban Forest Management.
8. No more land shall be disturbed than is necessary to provide for the construction of the garage, as determined by DPWES.

9. The US Army Corps of Engineers shall be consulted in writing prior to the submission of a grading plan to determine whether or not any action is required to ensure compliance with § 404 of the Clean Water Act. Any required actions shall be completed prior to grading the site.
10. As-built floor elevations for the residence shall be submitted in accordance with Section 3107.12.1 of the Virginia Uniform Statewide Building Code (VUSBC 2000) on a standard FEMA Elevation Certificate prior to approval of the framing inspection.
11. All construction shall be in conformance with the Flood-Resistant Construction Standards of the Virginia Uniform Statewide Building Code (VUSBC 2000). A statement certifying all floodproofing proposed, and indicating its compliance with all County, State, and Federal requirements, shall be provided with the Building Permit application. This certification shall be signed, sealed, indicate the address of the certifying professional and cover all structural, electrical, mechanical, plumbing, water and sanitary facilities connected with the use.
12. Stormwater drainage shall be directed to ditches through the use of pipes, swales, or other devices, as determined by DPWES. All fill areas shall be stabilized, graded, or have drains installed such that normal rainfall will not flow over the filled area onto adjacent properties, as determined by DPWES.
13. Prior to approval of a building permit, it shall be demonstrated to DPWES that the proposed construction, including fill, when combined with all other existing, anticipated, and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream.
14. Disclosure of potential flood hazards due to the location of the site within the 100-year floodplain shall be made in writing to any potential home buyers prior to establishment of a sales contract.
15. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., below the flood level.
16. The size of the garage shall not exceed 726 square feet of gross floor area.
17. Any mechanical, electrical and utility equipment in the detached accessory structure shall be set at or above the water-surface elevation of the 100-year flood level.
18. No fewer than 70 square feet of impervious surface shall be scarified and replanted on the subject property during construction.
19. Information referencing the distance from the existing and proposed structures' to the 100-year floodplain boundary shall be provided to DPWES prior to approval of the building permit for the construction of the garage.

20. A Water Quality Impact Assessment and Best Management Practices Waiver shall be obtained by the applicant prior to approval of the building permit for the construction of the garage.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

PROPOSED DEVELOPMENT CONDITIONS

VC 2005-MV-006

November 3, 2005

If it is the intent of the Board of Zoning Appeals to approve VC 2005-MV-006 located at 1212 I Street (Tax Map 93-2 ((8)) (38) 30-32 to permit existing dwelling to remain less than eighteen inches above the 100 year flood plain level, pursuant to Sect. 2-904 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Variance is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Variance is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Variance Plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this Variance shall be in substantial conformance with the approved Special Exception plat entitled *The LoGrande Residence, 1212 I Street, Alexandria, Virginia 22307 – Construction Documents Permit Package*.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Residential Use Permit through established procedures, and this Variance shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established. The Board of Zoning Appeals may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.