



APPLICATION FILED: September 7, 2006
PLANNING COMMISSION: October 4, 2007
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

September 20, 2007

STAFF REPORT

APPLICATION SE 2006-MA-021

MASON DISTRICT

APPLICANT: Thakorlal Mistry et ux & Babubhai S. Mistry et ux

ZONING: R-3

PARCEL(S): 61-2 ((4)) 14

ACREAGE: 10,009 sq/ft

PLAN MAP: Residential; 2-3 du/ac

SE CATEGORY: Category 6; Uses in a Floodplain

PROPOSAL: To permit fill in a floodplain to permit a partially constructed single-family detached home to be finished and remain on a residential lot within a 100 year floodplain.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2006-MA-021, 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 proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\jpapp0\SE\SE 2006-MA-021, Hallran Road\Final Materials\FINAL - SE 2006-MA-021, 3211 Hallran Rd - Cover and Report.doc

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

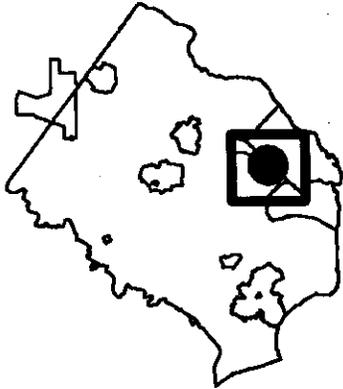
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



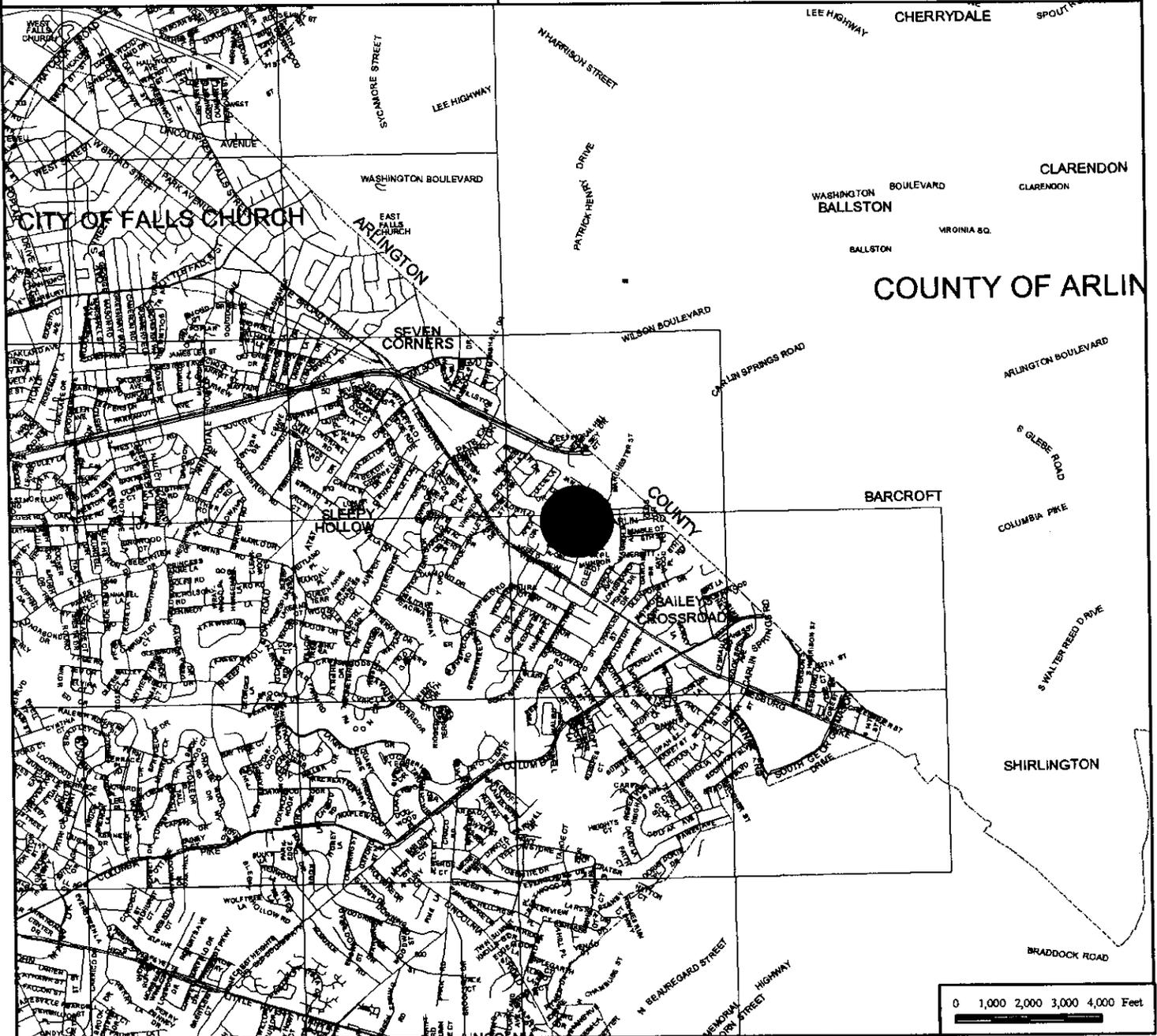
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

SE 2006-MA-021



Applicant: THAKORLAL MISTRY ET UX & BABUBHAI S. MISTRY ET UX
Accepted: 09/07/2006
Proposed: USES IN A FLOODPLAIN
Area: 10,009 SF OF LAND; DISTRICT - MASON
Zoning Dist Sect: 02-0904
Art 9 Group and Use: 6-2
Located: 3211 HALLRAN ROAD
Zoning: R- 3
Plan Area: 1,
Overlay Dist:
Map Ref Num: 061-2- /04/ /0014



NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 61-2-04-0014 AND IS PRESENTLY ZONED R-3.
2. FAIRFAX COUNTY SANITARY SEWER VERTICAL DATUM.
3. 1' CONTOUR INTERVAL.
4. HALLRAN, SECTION ONE SUBDIVISION PLAT RECORDED IN D.B. 885, PG. 232 ON JULY 11, 1951.

NO.	DESCRIPTION	DATE	BY	REVISIONS
1	Original Survey	08/28/51	W. H. HALLRAN	Original Survey
2	As Shown	08/28/51	W. H. HALLRAN	As Shown
3	As Shown	08/28/51	W. H. HALLRAN	As Shown
4	As Shown	08/28/51	W. H. HALLRAN	As Shown
5	As Shown	08/28/51	W. H. HALLRAN	As Shown
6	As Shown	08/28/51	W. H. HALLRAN	As Shown
7	As Shown	08/28/51	W. H. HALLRAN	As Shown
8	As Shown	08/28/51	W. H. HALLRAN	As Shown
9	As Shown	08/28/51	W. H. HALLRAN	As Shown
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15	As Shown	08/28/51	W. H. HALLRAN	As Shown
16	As Shown	08/28/51	W. H. HALLRAN	As Shown
17	As Shown	08/28/51	W. H. HALLRAN	As Shown
18	As Shown	08/28/51	W. H. HALLRAN	As Shown
19	As Shown	08/28/51	W. H. HALLRAN	As Shown
20	As Shown	08/28/51	W. H. HALLRAN	As Shown

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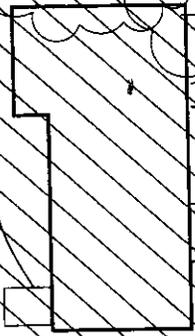
COVER TYPE 2 F.J. HALL SUBDIVISION

S 31°08'00" W 102.07'

IPF 259

SHED

COVER TYPE 1



HALLWOODS PARCEL "A"

SAN. M.H.
TOP=254.97
IN=250.07

HALLRAN ROAD
(50' WIDE)

TOPO HARDCOPY
LOT 14
SECTION 1
HALLRAN

MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA
APRIL 17, 2006

1"=10'

EXISTING VEGETATION MAP

3211 HALLRAN ROAD
FAIRFAX COUNTY, VIRGINIA

Zimar & Associates, Inc.
18105 Residency Road, Suite 207
Manassas, Virginia 20110
Tel: (703) 331-3731 Fax: (703) 331-1359

SCALE 1"=10'
DATE 4-30-06
DRAWN BY: MSK

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

DESCRIPTION OF THE APPLICATION

The applicant, Thakorlal Mistry et ux & Babubhai S. Mistry et ux, is requesting approval to allow a single-family detached home with a two-car garage and driveway to be completed and remain on a residential lot within the 100 year floodplain and Resource Protection Area (RPA). The Zoning Ordinance requires approval of a Special Exception (SE 2006-MA-021) for all uses in floodplains. (As the foundation of the original home was used as the foundation of the now partially finished home, and less than 2,500 sq/ft of land was disturbed within the RPA during the construction that has already taken place, the applicant is not required to obtain an RPA Exception for the site.) The property consists of 10,009 sq/ft, and the footprint of the proposed residential structure is approximately 1,556 square feet.

Use in a Floodplain is a Category 6 Special Exception Use, and is subject to the provisions of the Zoning Ordinance General Standards of Sect. 9-006 for Special Exception Uses (Appendix 6) and provisions for Uses in a Floodplain, Sect. 2-904, among others.

LOCATION AND CHARACTER

Site Description:

The property is located at 3211 Hallran Road, in the Hallran Subdivision, Section One, Lot 14. The property was originally developed in the early 1950s, prior to the adoption of many of the policies and regulations currently governing floodplains, including the Chesapeake Bay Preservation Ordinance.

The site is located in an established residential neighborhood with single-family lots oriented along both sides of Hallran Road which terminates at the applicants northern property line. Existing single-family detached structures are adjacent to the lot on the south and west, and vacant parcels are adjacent to the north and east. The adjacent vacant properties are heavily wooded with mature trees, shrubs and dense vegetation, and are located entirely within the 100-year floodplain and partially within the RPA.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Vacant (Floodplain, RPA)	R-3	Residential; 2-3 du/ac
South	Single Family Detached	R-3	Residential; 2-3 du/ac
East	Vacant (Floodplain, RPA)	R-3	Residential; 2-3 du/ac
West	Single Family Detached	R-3	Residential; 2-3 du/ac

BACKGROUND

Site History:

- July 11, 1951, the Hallran subdivision was recorded in Deed Book 885, pg. 232.
- 1953, the original single family dwelling was constructed as a single story structure, with a crawl space below.
- November 2003, the applicant purchased the subject property.
- February 23, 2005, a building permit was issued to Clifton Contracting to build a second story addition over an existing one-story single family detached dwelling at this address. As a condition for the issuance of this permit, a Fairfax County letter (dated January 31, 2005) advised the owners of this property that, although the proposed construction of the addition to this house qualified as a permitted use under the Floodplain Regulations of the Fairfax County Zoning Ordinance, certain conditions applied. These conditions included: (1) the estimated cost of the addition and enclosed garage must be less than 50% of the market value of the existing structure, (2) the lowest part of the addition, including any new or replacement electrical and mechanical equipment, must be at or above the 100 year flood level, and (3) a "hold harmless" agreement acknowledging these conditions must be executed and recorded in the County's land records. The prescribed "hold harmless" agreement was executed on February 10, 2005.
- On March 10, 2005, the applicants and property owners (Thakorlal Mistry) amended the issued building permit to remove the contractor from the permit, making the owners the permit holder. On July 14, 2005, a County inspector determined that the work being performed at this address varied significantly from the County approved scope. Specifically, the first floor of the existing structure had been demolished, and the existing crawl space had been enlarged to create a "habitable" basement. The County inspector told the permit holder that new construction plans and a revised building permit reflecting the actual scope of work would be required.
- March 20, 2006, the owners applied for a new building permit, at which time the existing permit was revoked. The replacement permit has not been issued, however, because the owners have not obtained the requisite Special Exception for construction in a floodplain. Until this SE is approved, construction of this "new house on existing foundation" cannot legally continue.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Baileys Planning District; Area I
Planning Sector:	Glen Forest Community Planning Sector (B2)
Plan Map:	Residential; 2-3 du/ac
Plan Text:	

There is no site-specific Plan text which pertains to the application property. On page 69 of the 2007 edition of the Area I Plan, under the heading "RECOMMENDATIONS, Land Use," the Plan states:

"The Glen Forest sector, outside the Seven Corners and Baileys Crossroads Community Business Centers, is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity and in accordance with the guidance provided by the Policy Plan in Land Use Objectives 8 and 14."

ANALYSIS

Special Exception Plat (Copy at front of staff report)

Title of SE Plat:	Hallran, Section 1, Lot 14
Prepared By:	GJB Engineering, Inc.
Original and Revision Dates:	Created on July 2006, and revised through July 11, 2007

SE Plat consists of four sheets.

Sheet 1 contains the soil evaluation and map, Chesapeake Bay Preservation Ordinance (CBPO) statement, existing utility note, general notes, water quality narrative, BMP facility design calculations, Zoning Ordinance requirements, impervious area calculations, tree cover calculations, 10 year peak Q computations, and the site layout showing the RPA and floodplain in reference to the dwelling. Also included on this sheet are the pertinent elevations such as crawl space and first habitable finished floor.

Sheet 2 contains the flood plain study, stormwater management narrative, adequate outfall narrative, and a copy of the conditions that were part of the original building permit issuance.

Sheet 3 contains the existing vegetation map.

Sheet 4 contains the Water Quality Impact Assessment landscaping Plan.

The application property is situated at the northern terminus of Hallran Road with its only point of access onto Hallran Road being located in the southwest corner of the property. At this access point there is a fourteen (14) foot wide asphalt driveway which leads to what was originally a carport which has since been enclosed to create a two car garage under the original building permit. To the north of the garage is the main two-story dwelling which sits where the original single-story dwelling was located. The 100 year flood plain limit runs from approximately the mid-point of the property's frontage toward the northwest corner of the dwelling. The limits continue through the northeast corner of the dwelling and across the back of the house toward the southern property line. Nearly the entire site sits within the RPA. The front and back yards are largely lawn with some landscaping. Along the side yards there is mature tree cover which is to remain. Additional vegetation is proposed to be planted along the northern property boundary to restore what disturbance has taken place within the RPA already.

Environmental Analysis (Appendix 4)

Issue:

Staff's primary environmental concern has always been the extent to which the proposed development impacts the Resource Protection Area (RPA) and Environmental Quality Corridor (EQC). The site is located within a portion of the RPA and EQC for a portion of the Long Branch stream valley. While much of the property was already developed, the home improvements which were approved by building permit from the County were ultimately expanded far beyond the limits of that permit and resulted in impacts to the RPA and EQC. Staff has worked with the applicants to arrive at a reasonable compromise regarding the ultimate extent of improvements to the structure which could be considered consistent with County policies and regulatory building standards. Ultimately it was staff's determination that the occupiable space within the dwelling should be limited to areas a minimum of eighteen inches above the 100-year floodplain elevation.

Resolution:

The applicants have agreed to development conditions which will result in the effective elimination of the basement area of the existing dwelling in order to be consistent with the restrictions governing the development of dwellings within any portion of the 100-year floodplain. The applicants have also agreed to provide additional plantings within and immediately adjacent to the 100-year floodplain as a means of improving the buffer in this area. Any final determination regarding the consistency of the proposed development with the Chesapeake Bay Preservation Ordinance will be made by staff in the Department of Public Works and Environmental Services prior to the issuance of the Residential Use Permit (RUP) for the dwelling.

Transportation Analysis (Appendix 5)

The proposed application would not create any significant additional impacts on the surrounding public street system.

ZONING ORDINANCE PROVISIONS

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sq. ft.	10,009 sq. ft.
Lot Width	80 feet	102 feet
Maximum Building Height	35 feet	35 feet
Front Yard	30 feet	32.7 feet
Side Yard	12 feet	19 feet
Rear Yard	25 feet	25.4 feet

Other Zoning Ordinance Requirements (Appendix 6):

Standards for all Category 2 Uses (Sect. 9-204)

Standard 1 states that all uses shall comply with the lot size requirements of the zoning district in which located. The application site is smaller than that required in the R-3 District by the Zoning Ordinance. The application property was originally part of the Hallran subdivision that was recorded in 1951. This is prior to the adoption of the current Zoning Ordinance; therefore, this standard is not applicable.

Standard 2 states that all buildings and structures, except below-ground facilities, shall comply with the bulk regulations of the Zoning Ordinance for the district in which it is located. The building meets all of the bulk regulations for the R-3 District in accordance with the Zoning Ordinance. Therefore, this standard has been satisfied.

Standard 3 states that no land or building in any district other than the I-5 or I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility. The application site is residential in nature, and is not proposed to include any of the uses mentioned above. Therefore, this standard is not applicable.

Standard 4 states that the site shall be conclusively established so that the proposed location of the special exception use shall be necessary for the rendering of efficient utility service to consumers within the immediate area of the location.

This application does not impede or prohibit the use of any utilities by adjacent properties. Therefore, this standard is not applicable.

Standard 5 states that before establishment of any uses, including modifications or alterations to existing uses, building plans for the use shall be subject to the provisions of Article 17 of the Zoning Ordinance, Site Plans. Since the building needs only a final closing inspection for the interior walls, a site plan would normally not be needed at this point. Do to the unique circumstances of this site, and the need to add fill in the crawlspace area to meet the outside grade, an updated building plan will need to be submitted prior to any building permit being issued. A development condition has been proposed to address this standard. Therefore, this standard has been satisfied.

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. The applicant is proposing to finish construction of the single-family detached dwelling in a RPA and floodplain. The environmental goals of the Plan, to minimize the impacts of development within these areas, have been addressed with the proposed development conditions. Therefore, this standard has been 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 use has been established on the site since 1953 and is adjacent to existing residential structures. The setbacks and grades on the property are equivalent to the adjacent residential dwellings and properties. The floodplain standards have also been satisfied as discussed later in this report. Therefore, this standard has been satisfied.

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. As the property is an existing lot with single family residence, there are no additional traffic impacts. 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 and CBPO. As required by the proposed development conditions, revegetation shall

take place as shown on the WQIA Landscape Plan. Therefore, this standard has been satisfied.

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. This standard is not applicable.

General Standard 7 stipulates that adequate drainage, utilities, parking and loading shall be provided to serve the site. Adequate utilities are currently available and in place. The existing structure is a single-family residential dwelling, which includes a two-car garage and a driveway with the adequate dimensions to comply with the required parking for two vehicles.

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.

Permitted Reduction in Lot Size requirements for Certain Existing Lots (Sect. 2-405)

This standard states that if a lot was recorded prior to March 1, 1941, or if a lot was recorded prior to the effective date of this Ordinance, and said lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot, either as a single lot or in combination with other such lots pursuant to a Building Permit, may be used for any use permitted in the zoning district in which located under this Ordinance even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Ordinance can be satisfied. The property was originally developed in 1953. The site met the Zoning Ordinance requirements for lot size at that time. With the adoption of the 1978 Zoning Ordinance, the minimum district size was enlarged, and therefore the property no longer met the requirements. (The property is approximately 491 sq/ft smaller than required by the current ordinance.) Since this property was developed prior to the current Zoning Ordinance no waiver is required.

Permitted Extensions Into Minimum Required Yards (Sect. 2-412)

Standard 1.a states that cornices, canopies, awnings, eaves or other such similar features, all of which are at least ten (10) feet above finished ground level, may extend three (3) feet into any minimum required yard but not closer than two (2) feet

to any lot line. During the construction that had taken place prior to the revocation of the applicant's building permit, the existing crawlspace access from the backyard

was enclosed per the approved building permit at the time. The overhang of the enclosure extends into the fifteen (15) foot side yard by approximately one (1) foot.

Since the overhang does not intrude more than the permitted three (3) feet, the overhang may remain in accordance with the approved SE Plat.

Yard Regulations for Lots Having Area in Floodplain (2-415)

This standard states that, except as provided for in Sect. 412 above, no dwelling or portion thereof shall be located closer than fifteen (15) feet in horizontal distance to the edge of a floodplain, except the Director may approve the location of additions closer than fifteen (15) feet to the edge of a floodplain for single family detached and attached dwellings constructed prior to August 14, 1978. Since the original footprint of the dwelling that was constructed in 1953 has not changed, this standard has been satisfied, and the structure may remain in place.

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 has been satisfied with DPWES review and finding of no off-site impacts and with adoption of the proposed 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 18 inches or greater above the water-surface elevation of the 100-year flood level calculated in accordance with the provisions of the Public Facilities Manual (PFM). Staff has proposed a development condition stating that as shown on the SE Plat, the lowest elevation of the lowest floor will comply with the required calculation per the PFM. Therefore, this standard will be satisfied with adoption of the development conditions.

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 (Limitation on the Removal and Addition of Soil), 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 Long Branch, a tributary of the Four Mile Run Watershed, as recommended and required by DPWES. Therefore, this standard has been satisfied.

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, 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. The limits of clearing and grading have been 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, this standard has been satisfied.

Standard 6 states that there shall be no storage of herbicides, pesticides, or toxic or hazardous substances in a floodplain, as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq. 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 current two-story dwelling was built within the existing building footprint, and did so with minimal disturbance within the RPA. Due to the amount of floodplain and RPA on the site there were no other viable options to expand the house. The applicant is not proposing any further disturbance within the RPA, and therefore, this standard will be satisfied with the approval of the proposed development conditions.

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. No proposed alterations proposed to the site will prohibit any of the improvements laid out above. Therefore, this standard has been stratified.

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.

Standard 10 states that notwithstanding the minimum yard requirements specified by Sect. 415 for Yard Regulations for Lots, dwellings and additions proposed for location in a floodplain may be permitted subject to the provisions of this section and Chapter 118 of The Code, which is the Chesapeake Bay Preservation Ordinance. A development condition has been proposed that address this standard. 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. Section 118-6-7, Loss of Buildable Area in a Resource Protection Area, states the provision requiring review and approval of an RPA Encroachment Exception for residential development on the site. A development condition has been proposed stating that the applicant will submitted a request for an RPA Encroachment Exception for any future development proposals on the site. Therefore, this standard has been satisfied.

Standard 12 states that when as-built floor elevations are required by federal regulations or the VUSBC for any structure, such elevations shall be submitted to the County on a standard Federal Emergency Management Agency Elevation Certificate prior to approval of the final inspection. 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 dwelling shall be submitted in accordance with the VUSBC 2000 on a standard FEMA Elevation certificate prior to approval of the framing inspection; therefore, this standard has been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes SE 2006-MA-021 is in harmony with the Comprehensive Plan and is in conformance with the applicable Zoning Ordinance provisions with the adoption of the proposed development conditions.

Recommendation

Staff recommends approval of SE 2006-MA-021 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 proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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.

APPENDICES

1. Proposed Development Conditions SE 2006-MA-021
2. Affidavit
3. Statement of Justification
4. Environmental Analysis
5. Transportation Analysis
6. Zoning Ordinance Provisions
7. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SE 2006-MA-021

September 20, 2007

If it is the intent of the Board of Supervisors to approve SE 2006-MA-021 located at 3211 Hallran Road (Tax Map 61-2 ((4)) 14) for use in the floodplain pursuant to Sect. 2-904 of the Fairfax County Zoning Ordinance, the 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 Special Exception Plat entitled "Hallran, Section 1, Lot 14," consisting of four sheets, prepared by GJB Engineers, Inc and dated July 2006, and revised through July 11, 2007 with these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Prior to approval of a grading plan, a Hold Harmless agreement in a form satisfactory to the County Attorney 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.
5. As shown on the SE plat, the lowest floor elevation of the dwelling shall exceed 18 inches above the 100-year flood level. In addition, all mechanical, electrical and utility equipment shall be 18 inches above the water-surface elevation of the 100-year flood level. There shall be no basement or cellar permitted with any future development on the site.
6. As-built floor elevations for the residence shall be submitted to DPWES in accordance with the Virginia Uniform Statewide Building Code (VUSBC 2000) on a standard FEMA Elevation Certificate prior to approval of the framing inspection.

APPENDIX 1

7. Super-silt fence shall be provided along the limits of clearing and/or grading within the RPA for the duration of the land disturbing activity and until the disturbed area is completely stabilized as determined by DPWES. Any additional encroachment into, or disturbance of, the RPA shall be considered a violation of the Chesapeake Bay Preservation Ordinance and shall be subject to the penalties of that Ordinance.
8. The RPA restoration area and buffer establishment area identified on the WQIA Landscape Plan shall be replanted prior to the issuance of a Residential Use Permit. The restoration and buffer establishment shall be consistent with the WQIA Landscape Plan as determined by DPWES and shall be a minimum of 1,488 sq. ft. and shall consist of over-story trees, under-story trees, shrubs and ground covers within a bed that does not contain mulch. Trees shall be a minimum of 2 to 2.5 inches in caliper at the time of planting. Plant material shall be randomly spaced to achieve a relatively even spacing throughout the buffer, in conformance with the Public Facilities Manual 12-0702.1B(3). All plants shall be native species to the degree practical and adaptable to site conditions as determined by UFM.
9. A grading plan for the fill within the crawlspace to meet the exterior grade shall be prepared in accordance with Chapter 104, the Erosion and Sediment Control Ordinance, and shall be submitted for approval by DPWES. Plan shall be implemented as required by DPWES
10. 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, and shall indicate the address of the certifying professional and it shall cover all structural, electrical, mechanical, plumbing, water and sanitary facilities connected with the use.
11. Stormwater drainage shall be directed to Long Branch through the use of pipes, swales, or other methods, 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.
12. 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 and shall be recorded in the deed for the property.
13. 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.

APPENDIX 1

14. Prior to any future development on the site within the RPA, the applicant shall submit a request for an RPA Encroachment Exception.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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 Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, twelve (12) 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.

SPECIAL EXCEPTION AFFIDAVITDATE: 12-5-06
(enter date affidavit is notarized)I, PATRICK M. KESSLER, do hereby state that I am an
(enter name of applicant or authorized agent)(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

92577a

in Application No.(s): SE 2006-MA-021
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
THAKORLAL MISTRY	9000 CHELTENHAM DRIVE BRANDYWINE, MARYLAND 20613	APPLICANT/TITLE OWNER
JYOTSNA MISTRY	9000 CHELTENHAM DRIVE BRANDYWINE, MARYLAND 20613	APPLICANT/TITLE OWNER
BABUBHAI S. MISTRY	9000 CHELTENHAM DRIVE BRANDYWINE, MARYLAND 20613	APPLICANT/TITLE OWNER
SYNAYNA B. MISTRY	9000 CHELTENHAM DRIVE BRANDYWINE, MARYLAND 20613	APPLICANT/TITLE OWNER
GJB ENGINEERING, INC.	11781 LEE JACKSON MEMORIAL HIGHWAY, SUITE 190, FAIRFAX, VIRGINIA 22033	CIVIL ENGINEER/AGENT
GREGORY J. BUDNIK, P.E.	11781 LEE JACKSON MEMORIAL HIGHWAY, SUITE 190, FAIRFAX, VIRGINIA 22033	CIVIL ENGINEER/AGENT
PATRICK M. KESSLER	11781 LEE JACKSON MEMORIAL HIGHWAY, SUITE 190, FAIRFAX, VIRGINIA 22033	CIVIL ENGINEER/AUTHORIZED AGENT

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: 12/5/06
(enter date affidavit is notarized)

92577a

for Application No. (s): SE 7006-MA-021
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

GJB ENGINEERING, INC.
11781 LEE JACKSON MEMORIAL HIGHWAY, SUITE 190
FAIRFAX, VIRGINIA 22033

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

GREGORY J. BUDNIK, P.E. (SOLE)

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 12/5/06
(enter date affidavit is notarized)

92577a

for Application No. (s): SE 2006-MA-021
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 12/5/06
(enter date affidavit is notarized)

92577a

for Application No. (s): SE 2006-MA-021
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SE 2006-MA-021
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: 12/5/06
(enter date affidavit is notarized)

925779

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

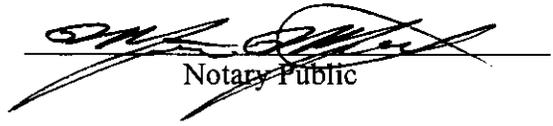
(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:
(check one) Applicant Applicant's Authorized Agent

PATRICK M. KESSLER-APPLICANT'S AUTHORIZED AGENT
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 5th day of December 2006, in the State/Comm. of Virginia, County/City of Fairfax.


Notary Public

My commission expires: 07-31-07

AUG 07 2006

Zoning Evaluation Division

SPECIAL EXCEPTION
STATEMENT OF JUSTIFICATION

Applicant: Thakorlal Mistry et ux and Babubhai S. Mistry et ux
Authorized Agent: Patrick M. Kessler, GJB Engineering, Inc.

August 3, 2006

As required under Item #6 of the Special Exception submission requirements per Article 9 of the Fairfax County Zoning Ordinance, please find the summarized Statement of Justification provided below:

- A. *Type of operation:* Residential Single-Family Detached Dwelling
- B. *Hours of operation:* Not Applicable
- C. *Estimated number of patrons, etc.:* Not Applicable
- D. *Proposed number of employees, etc.:* Not Applicable
- E. *Estimated traffic impact of proposed use, maximum trip generation and distribution of trips:* Per VDOT and PFM estimation methods, 10 vehicle trips per day are estimated for this single-family detached dwelling. Since this application is for a replacement of the original dwelling, owned by the applicant, no impact to the existing road network is anticipated. The 10 vehicle trips are distributed evenly throughout the day.
- F. *Vicinity served by use:* Not Applicable
- G. *Description of building facade and architecture of proposed house addition:* Existing one (1)-story brick and frame single-family house was originally built in 1953. The proposed two (2)-story house addition is a traditional colonial architecture; common to single family homes in this subdivision and area. The current dwelling is sided with a combination of brick and vinyl sidings, again common to homes in this area. Refer to the approved architectural plans, attached to this application, previously filed by applicant with Fairfax County DPW&ES Building Inspections for further details.
- H. *A listing of hazardous or toxic substances, etc.:* None
- I. *A statement regarding conformance to applicable codes, etc.:* See Below

Background and Project History:

The subject residential single family detached lot as described herein is part of Section 1, Hallran Subdivision and is located in Mason District. The original single-family dwelling was built in 1953 as described in the records of the Fairfax County Department of Tax Administration (Tax Assessment Map No. 061-2-((04))-0014) and is currently zoned R-3. The lower portion of the project site along the northeast property line is located next to an existing concrete-lined channel conveying Long Branch. This section of Long Branch abutting the subject lot has been verified to be a major 100-year Floodplain and a drainage tributary of the Four Mile Run watershed. Since Long Branch is a perennial stream channel, the majority of the lot is encumbered by Resource Protection Area (RPA) as defined by the Chesapeake Bay Preservation Ordinance.

The owner/applicant purchased the subject property, Lot 14 in November 2003. In March 2005, Mr. Thakorlal Mistry submitted the appropriate building permit applications and Floodplain Determination to add a second story to the existing original one (1)-story house and update the dwelling's facade. The original one (1) story house was built over a crawl space that was to remain and no expansion of the single-family dwelling's footprint was proposed. Although, the original carport was to be enclosed to form a two-car garage, typical for these neighborhood homes. As mentioned, the appropriate building permits and Fairfax



GJB Engineering, Inc.

County DPW&ES Floodplain Determination approval letters were issued and obtained by Mr. Thakorlal Mistry permitting the property owner to perform less than 2,500 square feet of land disturbance in a floodplain and Resource Protection Area (RPA). The County approvals were issued for the stated home additions and improvements subject to the Floodplain Determination approval conditions that the estimated construction cost of the proposed house improvement and addition project be less than 50 percent of the market value of the existing single family dwelling as determined by the Department of Tax Administration in accordance with Fairfax County Zoning Ordinance, Section 2-903.8A.

During the course of the construction activities, the contractor discovered that the original first story exterior walls could not adequately support the desired and permitted second story addition and, unaware of the Floodplain Determination Approval Condition indicated above, proceeded to dismantle the first story exterior walls down to the existing foundation walls. It appeared to the contractor that the existing house foundation walls were in sufficient condition to support the proposed two-story structure, therefore no modifications, improvements or changes were completed to the existing house foundation. Once the existing first floor deck was removed by the contractor, the owner saw the opportunity to convert the existing crawl space under the original first floor to a more useable space by increasing the height of the proposed first floor and instructed the contractor to increase the height of the first floor by approximately 2 to 3 feet. The owner was unaware that the existing crawl space elevation was below the existing 100-year floodplain of Long Branch when deciding to create a more useable space for he and his family. Currently, the expanded crawl space area remains unfinished although with an increased ceiling height. As specified by Zoning Ordinance Section 2-905, the lowest floor of any proposed dwelling shall be eighteen (18) inches or greater above the 100-year water surface elevation. The current first floor of the completed dwelling is higher than 18 inches above the 100-year water surface elevation as depicted on the attached Special Exception Plat. Again, unaware of the Floodplain Determination Approval Condition to not exceed 50% of the house current value, the contractor continued with the home construction to rebuild the first floor exterior walls, construct the proposed second story addition per the approved architectural plans and proceeded to complete the construction for the owner. During this time, the owner and contractor continued with house reconstruction project, assuming that they would just add the first floor reconstruction work and increased floor height to the current and issued Building Permit application. However, just prior to being in a position to apply for an Occupancy Permit, the owner went to the County to get a Building Permit Issued for the expanded scope of work mentioned above and was informed that he and his contractor have exceeded the 50% improvement value limit as Conditioned in the Floodplain Determination and are required to correct this by pursuing this Special Exception process.

In addition to the aforementioned and due to the expanded scope of the house construction, the contractor consequently disturbed areas around the outside perimeter of the existing dwelling footprint exceeding 2,500 square feet as shown on the attached Special Exception Plat. By exceeding 2,500 square feet of land disturbance for a development project that would comply with the requirements of County Code Chapter 104, the owner and its contractor has performed land disturbance within a Resource Protection Area (RPA) and must now comply with the criteria set forth under Chesapeake Bay Preservation Ordinance, Section 118-3-2. As a result of this land disturbance in excess of 2,500 square feet, the owner is required to prepare and has submitted concurrently a RPA Encroachment Exception with this Special Exception application. The RPA Encroachment Exception proposes to restore the disturbed areas within the RPA along with proposing mitigation plantings to retard runoff, prevent erosion, and filter non-point source pollutant runoff from the proposed development.

A pre-existing condition of this lot is that the existing 1953 constructed dwelling is located within 15 feet of a major 100-year floodplain and as specified in Zoning Ordinance Section 2-415, no dwelling shall be located closer than fifteen (15) feet in horizontal distance to the edge of a floodplain. Consequently and as indicated in ZO Section 2-415, we hereby request the Director's approval to maintain the existing and unchanged dwelling location closer than 15 feet as depicted on the attached Special Exception Plat.



At the back left corner extending from the current and completed dwelling is an 8-foot tall access way to the expanded area beneath the first floor. As shown in the attached photographs, this covered and secure access way has a roof that extends/overhangs into the minimum rear yard by approximately 1-foot. Since this access way with the roof overhang was recently constructed with the current house improvements, the roof overhang is less than 10 feet in height and does not extend more than 3 feet into the minimum required yard, we have submitted a request with The Zoning Evaluation Branch for a Construction Error Variance under Zoning Ordinance Section 2-412.1.A.

The improved and updated single-family detached dwelling, its size, height, type of construction, proposed use and location is in general harmony with the adopted Comprehensive Plan and is compatible with the existing and/or planned development in the general area of the site. In addition, the house construction project was constructed in conformance to the provisions of all applicable Ordinances, Regulations, adopted Standards and any applicable conditions related thereto. Further, that any waiver, exception and/or variance sought by the applicant from such Ordinances, Regulations, Standards, and Conditions as such shall be specifically noted with the justification for any such Waiver, Exception, Modification and/or Variance.

Statement of Ownership (Special Exception Submission Requirement, Item #8)

The property subject to this Special Exception application is owned by Thakorlal Mistry et ux and Babubhai S. Mistry et ux. Said owners are the applicant for this Special Exception application and intend to occupy and live at the property once the Residential Use/Occupancy Permit is issued by the County.

Other Requested Considerations

Since this current house is extremely close to completion, ready for final inspections and occupancy by the owner/applicant, we respectfully request any assistance by County Staff, local Land Use Committees and the Board of Supervisors to expedite the Special Exception and permitting process and allow Concurrent Processing of various associated applications along with considering any options that the owner/applicant have to pursue an Out-of-Turn application.





County of Fairfax, Virginia

MEMORANDUM

DATE: August 6, 2007

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PNN*
Environment and Development Review Branch, DPZ

SUBJECT: ENVIRONMENTAL ADDENDUM for: SE 2006-MA-021
Mistry

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the final development plan and special exception plat dated September 7, 2006, as amended through July 31, 2007. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, on page 4 through 7, the Plan states:

“The core of Fairfax County’s Environmental Quality Corridor (EQC) system is its stream valleys. Streams provide habitat for aquatic species and are an integral component of stream valley habitat systems. Streams also serve to replenish water sources that may ultimately provide drinking water and are places of natural beauty, that provide recreational and aesthetic opportunities, contributing to the quality of life in Fairfax County. Much of the County’s parkland consists of stream valley parks, and much of the County’s existing and planned trail system is located near streams. Land use and development activities have the potential to degrade the ecological quality of streams through the direct transport of pathogens and pollutants, as well as through hydrologic changes that can alter the character of flow in streams, resulting in alterations to stream morphology (e.g., stream bank erosion). The protection and restoration of the ecological quality of streams is important to the conservation

Department of Planning and Zoning

Planning Division

12055 Government Center Parkway, Suite 730

Fairfax, Virginia 22035-5509

Phone 703-324-1380

Fax 703-324-3056

www.fairfaxcounty.gov/dpz/

of ecological resources in Fairfax County. Therefore, efforts to minimize adverse impacts of land use and development on the County's streams should be pursued. . . .

Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County. . . .

Policy d. Preserve the integrity and the scenic and recreational value of stream valley EQCs when locating and designing storm water detention and BMP facilities. In general, such facilities should not be provided within stream valley EQCs unless they are designed to provide regional benefit or unless the EQCs have been significantly degraded. When facilities within the EQC are appropriate, encourage the construction of facilities that minimize clearing and grading, such as embankment-only ponds, or facilities that are otherwise designed to maximize pollutant removal while protecting, enhancing, and/or restoring the ecological integrity of the EQC. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.

Proposals that include the use or storage of hazardous materials should provide adequate containment facilities, monitoring, and spill prevention strategies to protect surface and groundwater resources consistent with State regulations. Site investigations and remedial actions, as appropriate, should be pursued to ensure that site contamination on or near properties subject to development proposals will not present unacceptable health or environmental risks.

Programs to improve water quality in the Potomac River/Estuary, and Chesapeake Bay will continue to have significant impacts on planning and development in Fairfax County. There is abundant evidence that water quality and the marine environment in the Bay are deteriorating, and that this deterioration is the result of land use activities throughout the watershed.

In order to protect the Chesapeake Bay and other waters of Virginia from degradation resulting from runoff pollution, the Commonwealth has enacted regulations requiring localities within Tidewater Virginia (including Fairfax County) to designate "Chesapeake Bay Preservation Areas", within which land uses are either restricted or water quality measures must be provided. Fairfax County has adopted a Chesapeake Bay Preservation Ordinance pursuant to these regulations.

The more restrictive type of Chesapeake Bay Preservation Area is known as the "Resource Protection Area (RPA)." With a few exceptions (e.g. water wells, recreation, infrastructure improvements, "water dependent" activities, and redevelopment), new development is prohibited in these areas. In Fairfax County, RPAs include the following features:

- water bodies with perennial flow;
- tidal wetlands;
- tidal shores;
- nontidal wetlands contiguous with and connected by surface flow to tidal wetlands or water bodies with perennial flow;
- a buffer area not less than 100 feet in width around the above features; and
- as part of the buffer area, any land within a major floodplain.

The other, less sensitive category of land in the Preservation Areas is called the "Resource Management Area (RMA)." Development is permitted in RMAs as long as it meets water quality goals and performance criteria for these areas. These goals and criteria include stormwater management standards, maintenance requirements and reserve capacity for on-site sewage disposal facilities, erosion and sediment control requirements, demonstration of attainment of wetlands permits, and conservation plans for agricultural activities. In Fairfax County, RMAs include any area that is not designated as an RPA.

Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance, as applied to Chesapeake Bay Preservation Areas adopted by the Board of Supervisors"

In the Fairfax County Comprehensive Plan, Policy Plan, 2003 Edition, Environment section as amended through November 15, 2004, on page 11-13, the Plan states:

“Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.

Policy a: For ecological resource conservation, identify, protect and restore an Environmental Quality Corridor system (EQC). Lands may be included within the EQC system if they can achieve any of the following purposes:

- **Habitat Quality:** The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest.
- **"Connectedness":** This segment of open space could become a part of a corridor to facilitate the movement of wildlife.
- **Aesthetics:** This land could become part of a green belt separating land uses, providing passive recreational opportunities to people.

- Pollution Reduction Capabilities: Preservation of this land would result in significant reductions to nonpoint source water pollution, and/or, micro climate control, and/or reductions in noise.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements:

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit habitat quality, connectedness, aesthetics, or pollution reduction as described above. In addition, some intrusions that serve a public purpose such as unavoidable public infrastructure easements and rights of way are appropriate. Such intrusions should be minimized and occur perpendicular to the corridor's alignment, if practical.”

In the Fairfax County Comprehensive Plan, Policy Plan, 2003 Edition, Environment section as amended through November 15, 2004, on page 14, the Plan states:

“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the county's remaining natural amenities.

Water Quality

Issue:

The primary environmental concern has always been the extent to which the proposed development impacts the Resource Protection Area (RPA) and Environmental Quality Corridor (EQC). The site is located within a portion of the RPA and EQC for a portion of the Long Branch stream valley. While much of the property was already developed, the home improvements which were approved by permit from the County ultimately expanded beyond the limits of that permit and resulted in impacts to the RPA and EQC. Staff has worked with the applicants to arrive at a reasonable compromise regarding the ultimate extent of improvements to the structure which could be considered consistent with County policies and regulatory standards. Ultimately it was staff's determination that the occupiable space within the dwelling be limited to areas at a minimum of eighteen inches above the 100-year floodplain elevation.

Resolution:

The applicants have agreed to development conditions which will result in the effective elimination of the basement area of the dwelling in order to be consistent with restriction regarding the development of dwellings within any portion of the 100-year floodplain. The applicants have also agreed to provide additional plantings within and immediately adjacent to the 100-year floodplain as a means of improving the buffer in this area. Any final determination regarding the consistency of the proposed development with the Chesapeake Bay Preservation Ordinance will be made by staff in the Department of Public Works and Environmental Services.

PGN:JRB



County of Fairfax, Virginia

MEMORANDUM

OCT 18 2006

DATE:

TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Chief Stormwater Engineer 
Site Review West, Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application, SE 2006-MA-021, Hallran, Section 1, Lot 4,
LDS Project #24728-ZONA-001-1, Tax Map #061-2-04-0014 (Property),
Cameron Run Watershed, Mason District

We have reviewed the subject submission and offer the following comments related to stormwater management (SWM):

Chesapeake Bay Preservation Ordinance

Almost the entire site is in a Resource Protection Area.

Floodplain

There is a regulated floodplain over the major portion of the Property.

Downstream Drainage Complaints

There are no downstream drainage complaints on file.

Site Outfall

The proposed dwelling would not exacerbate the existing downstream drainage outfall.

SWM

The applicant claims that there would be no net increase in post-development impervious area. He may use an abbreviated stormwater detention waiver procedure. Water quality control measures (Best Management Practices) were not required as long as the dwelling is reconstructed in the same location and creates no more impervious area than existed with the prior structure.

Barbara A. Byron, Director
LDS Project #24728-ZONA-001-1
Page 2

The proposed dwelling is deemed as new construction for compliance with the Flood plain Regulations, because the estimated cost of the additions has exceeded more than 50% of the market value of the original dwelling. This entails meeting the Use Limitations under ZO Section 2-905, i-e. The lowest floor of the proposed dwelling shall be (18) inches or greater above the 100-year water surface elevation. In addition, any mechanical, electrical and utility equipment in the accessory structure must also be elevated to the floor elevation.

The location of the dwelling or portions thereof is not permitted closer than (15) feet in horizontal distance to the edge of the floodplain. A request to waive this requirement must comply with the ZO Section 2-415.

If further assistance is desired, please contact me at 703-324-1720.

QK/mw

cc: Steve Aitcheson, Director, Stormwater Planning Division, DPWES
Assad Ayoubi, Director, Site Review West, ESRD, DPWES
Zoning Application File



County of Fairfax, Virginia

MEMORANDUM

DATE: October 10, 2006

TO: Barbara Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief 
Site Analysis Section
Department of Transportation

FILE: 3 -6 (SE 2006-MA-021)

SUBJECT: Transportation Impact

REFERENCE: SE 2006-MA-021; Thakorlal Mistry ET UX & Babubhai S. Mistry ET UX
Land Identification Map: 61-2 ((4)) 14

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this department dated August 31, 2006.

The proposed application would not create any significant additional impacts on the surrounding public street system. Therefore, this department would not object to the approval of the subject application.

AKR/lj

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-204 Standards for all Category 2 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 2 special exception uses shall satisfy the following standards:

1. All uses shall comply with the lot size requirements of the zoning district in which located.
2. All buildings and structures, except below-ground facilities, shall comply with the bulk regulations of the zoning district in which located.
3. No land or building in any district other than the I-5 or I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility.
4. It shall be conclusively established that the proposed location of the special exception use shall be necessary for the rendering of efficient utility service to consumers within the immediate area of the location.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-606 Provisions for Uses in a Floodplain

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.

2-405 Permitted Reduction in Lot Size Requirements for Certain Existing Lots

1. If a lot was recorded prior to March 1, 1941, or if a lot was recorded prior to the effective date of this Ordinance, and said lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot, either as a single lot or in combination with other such lots pursuant to a Building Permit, may be used for any use permitted in the zoning district in which located under this Ordinance even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Ordinance can be satisfied. This provision shall not apply to any such lot which, subsequent to the effective date of this Ordinance, is rezoned at the request of the owner or his agent or is subdivided by the owner or his agent, except for:

A. A subdivision resulting from a voluntary dedication by the owner or a condemnation or acquisition of a portion thereof for public purposes by any governmental agency; or

B. A subdivision for a minor adjustment of lot lines, which may be permitted by the Director in accordance with Chapter 101 of The Code and the following:

(1) Such subdivision shall only be to consolidate land area of contiguous lots, or to rearrange lot lines in order to reallocate land area between contiguous lots such that the reconfigured lots contain either the same lot area as existed prior to the adjustment of the lot lines or a greater area than existed prior to the adjustment of the lot lines which results in a reduced number of lots; and

(2) There shall be no additional lots or outlots created, no increase in the maximum density and the resultant lot lines shall not create any new or aggravate any existing noncompliance with regard to minimum lot area, lot width, shape factor or minimum yard requirements.

2. A lot that did not meet the requirements of the Zoning Ordinance in effect at the time of recordation may be used for any use permitted in the zoning district in which located under this Ordinance, even though such lot does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided that:

A. The lot is described or depicted in a metes and bounds description or on a subdivision plat not approved by the County, which description or plat was recorded among the land records of Fairfax County prior to March 25, 2003; and

B. The lot described in the metes and bounds description or on the unapproved plat was identified as a separate lot on the Fairfax County Real Property Identification Map and was taxed as a separate parcel on or before March 25, 2003; and

C. The lot contained a principal structure on March 9, 2004 that was:

(1) Occupied or had been occupied at any time within five (5) years prior to March 9, 2004; or

(2) Under construction pursuant to a Building Permit and a Residential or Non-Residential Use Permit is issued within twelve (12) months after March 9, 2004 and

D. Except for the minimum district size, lot area, lot width and shape factor requirements of the district, all other regulations of this Ordinance shall be satisfied, including but not limited to the bulk and permitted use regulations of the zoning district in which located.

2-412 Permitted Extensions Into Minimum Required Yards

The features set forth in the following paragraphs may extend into minimum required yards as specified.

For lots in the PDH, PDC, PRC and PRM Districts, the minimum required yard shall be deemed to be one-half of the distance of the yard that has been established by the location of the principal structure on a lot. In other districts where minimum yard requirements are determined by a specified distance between buildings, the lot lines shall be established by a line located between the buildings drawn at the mid-point and perpendicular to the shortest line between them.

1. The following shall apply to any structure:
 - A. Cornices, canopies, awnings, eaves or other such similar features, all of which are at least ten (10) feet above finished ground level, may extend three (3) feet into any minimum required yard but not closer than two (2) feet to any lot line. This provision shall not apply to permanent canopies over gasoline pump islands which have supports located on the pump islands, provided that such canopies may extend into minimum required yards but shall not extend into any required transitional screening areas nor overhang travel lanes, service drives or sidewalks.
 - B. Sills, leaders, belt courses and other similar ornamental features may extend twelve (12) inches into any minimum required yard.
 - C. Open fire balconies, fire escapes, fire towers, uncovered stairs and stoops, air conditioners and heat pumps, none of which are more than ten (10) feet in width, may extend five (5) feet into any minimum required yard, but not closer than five (5) feet to any lot line.
 - D. Bay windows, oriels, and chimneys, none of which are more than ten (10) feet in width, may extend three (3) feet into any minimum required yard, but not closer than five (5) feet to any lot line.
 - E. Carports may extend five (5) feet into any minimum required side yard, but not closer than five (5) feet to any side lot line.

F. An accessibility improvement may extend into any minimum required yard.

2. The following shall apply to any deck attached to a single family detached dwelling:

A. Any open deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:

- (1) Front yard: 6 feet, but not closer than 14 feet to a front lot line and not closer than 5 feet to any side lot line
- (2) Side yard: 5 feet, but not closer than 5 feet to any side lot line
- (3) Rear yard: 20 feet, but not closer than 5 feet to any side or rear lot line

B. Any open deck with any part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:

- (1) Front yard: No extension
- (2) Side yard: No extension
- (3) Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line

C. Any roofed deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:

- (1) Front yard: No extension
- (2) Side yard: No extension
- (3) Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line

3. The following shall apply to any deck attached to a single family attached dwelling:

A. Any open deck with no part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:

- (1) Front yard: No extension
- (2) Side yard: 5 feet, but not closer than 5 feet to any side lot line.
- (3) Rear yard: To the rear lot line and from side lot line to side lot line, except on lots with a minimum required side yard, not closer than 5 feet to that side lot line

B. Any open deck with any part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:

- (1) Front yard: No extension
- (2) Side yard: No extension
- (3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot line. Notwithstanding the above, on lots with rear yards of 17 feet or less, a deck with a depth of 12 feet may be permitted, but not closer than 2 feet to the rear lot line, if such lot line abuts open space or an utility easement, not less than 10 feet in width. In addition, on lots with a minimum required side yard, not closer to that side lot line than a distance equal to such minimum required yard.

C. Any roofed deck with no part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:

- (1) Front yard: No extension
- (2) Side yard: No extension
- (3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot line, and on lots with a minimum required side yard, not closer to that side lot line than a distance equal to such minimum required yard

4. The following shall apply to any deck attached to a multiple family dwelling, commercial, industrial or institutional structure:
 - A. Any open or roofed deck, not more than ten (10) feet in width and with no part of its floor higher than three (3) feet above finished ground level, may extend six (6) feet into any minimum required yard.
 - B. Any open or roofed deck, not more than ten (10) feet in width with any part of its floor higher than three (3) feet above finished ground level, may extend three (3) feet into any minimum required yard.
5. The BZA may approve a special permit to modify the provisions of this Section, but only in accordance with the provisions of Sect. 8-922.

2-415 Yard Regulations for Lots Having Area in Floodplain

Except as provided for in Sect. 412 above, no dwelling or portion thereof shall be located closer than fifteen (15) feet in horizontal distance to the edge of a floodplain, except the Director may approve:

1. The location of dwellings closer than fifteen (15) feet to a permanent water surface of any appropriately designed impoundment; or
2. The location of additions closer than fifteen (15) feet to the edge of a floodplain for single family detached and attached dwellings constructed prior to August 14, 1978. Any decision of the Director shall be based on consideration of at least all of the following factors:
 - A. Type and location of proposed structure
 - B. Nature and extent of any proposed grading or fill
 - C. Impact of proposal on the floodplain on properties upstream and downstream
 - D. Potential of proposal to cause or increase flooding or to jeopardize human life
 - E. Impact of the proposed use on the natural environment and on water quality

For the purpose of this Ordinance, the fifteen (15) feet horizontal distance shall be deemed a minimum required yard. If a dwelling or portion thereof is proposed for location in a floodplain, however, such shall be regulated by the provisions set forth in Part 9 below.

2-905 Use Limitations

All permitted uses and all special exception uses in a floodplain shall be subject to the following provisions:

1. Except as may be permitted by Par. 6 and 7 of Sect. 903 above, 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.
2. Except as may be permitted by Par. 8 of Sect. 903 above, 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 calculated in accordance with the provisions of the Public Facilities Manual.
3. All uses shall be subject to the provisions of Par. 1 of Sect. 602 above.
4. No structure or substantial improvement to any existing structure shall be allowed unless adequate floodproofing as defined in the Public Facilities Manual is provided.
5. To the extent possible, stable vegetation shall be protected and maintained in the floodplain.
6. 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.
7. For uses other than those enumerated in Par. 2 and 3 of Sect. 903 above, the applicant shall demonstrate to the satisfaction of the approving authority the extent to which:
 - A. There are no other feasible options available to achieve the proposed use; and
 - B. The proposal is the least disruptive option to the floodplain; and
 - C. The proposal meets the environmental goals and objectives of the adopted comprehensive plan for the subject property.
8. 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.

9. Nothing herein shall be deemed to preclude public uses and public improvements performed by or at the direction of the County.
10. Notwithstanding the minimum yard requirements specified by Sect. 415 above, dwellings and additions thereto proposed for location in a floodplain may be permitted subject to the provisions of this Part and Chapter 118 of The Code.
11. All uses and activities shall be subject to the provisions of Chapter 118 of The Code.
12. 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.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may be function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		