County of Fairfax, Virginia

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

January 29, 2008

Patrick M. Kessler
11781 Lee Jackson Memorial Highway, Suite 190
Fairfax, Virginia 22033

Re: Special Exception Application SE 2006-MA-021

Dear Mr. Kessler:

At a regular meeting of the Board of Supervisors held on January 28, 2008, the Board approved Special Exception Application SE 2006-MA-021 in the name of Thakorlal Mistry et ux & Babubhai S. Mistry et ux. The subject property is located at 3211 Hallran Road on approximately 10,009 square feet of land zoned R-3 in the Mason District [Tax Map 61-2 ((4)) 14]. The Board's action permits uses in a floodplain and a waiver of the minimum district size pursuant to Sections 2-904 and 9-610 of the Fairfax County Zoning Ordinance, 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, except for features and appurtenances related to the sump pump and foundation drainage for the subject dwelling, shall be 18 inches above the water-surface elevation of the 100-year flood level. There shall be no basement or cellar permitted on the site.

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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

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 beyond those land disturbance limits previously performed and delineated on the SE Plat 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 planted 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. 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 DWPES. 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 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.

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

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.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms