



APPLICATION ACCEPTED: May 22, 2008
BOARD OF ZONING APPEALS: July 29, 2008
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 22, 2008

STAFF REPORT

VARIANCE AMENDMENT APPLICATION NO. VCA 2003-DR-018

DRANESVILLE DISTRICT

APPLICANT/OWNER: Paramvir S. Soni
SUBDIVISION: Hastings Crest
STREET ADDRESS: 10208 Colvin Run Road
TAX MAP REFERENCE: 12-4 ((1)) 33A
LOT SIZE: 41,129 square feet
ZONING DISTRICT: R-1
ZONING ORDINANCE PROVISIONS: 18-401

VARIANCE AMENDMENT PROPOSAL: To amend VC 2003-DR-018 to permit modification of development conditions.

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

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

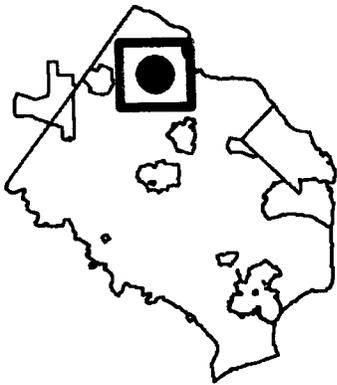
O:\dhedri\Variance\7-29 VCA 2003-DR-018 Soni\VCA 2003-DR-018 Soni staff report.doc Deborah Hedrick



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).

Variance Amendment

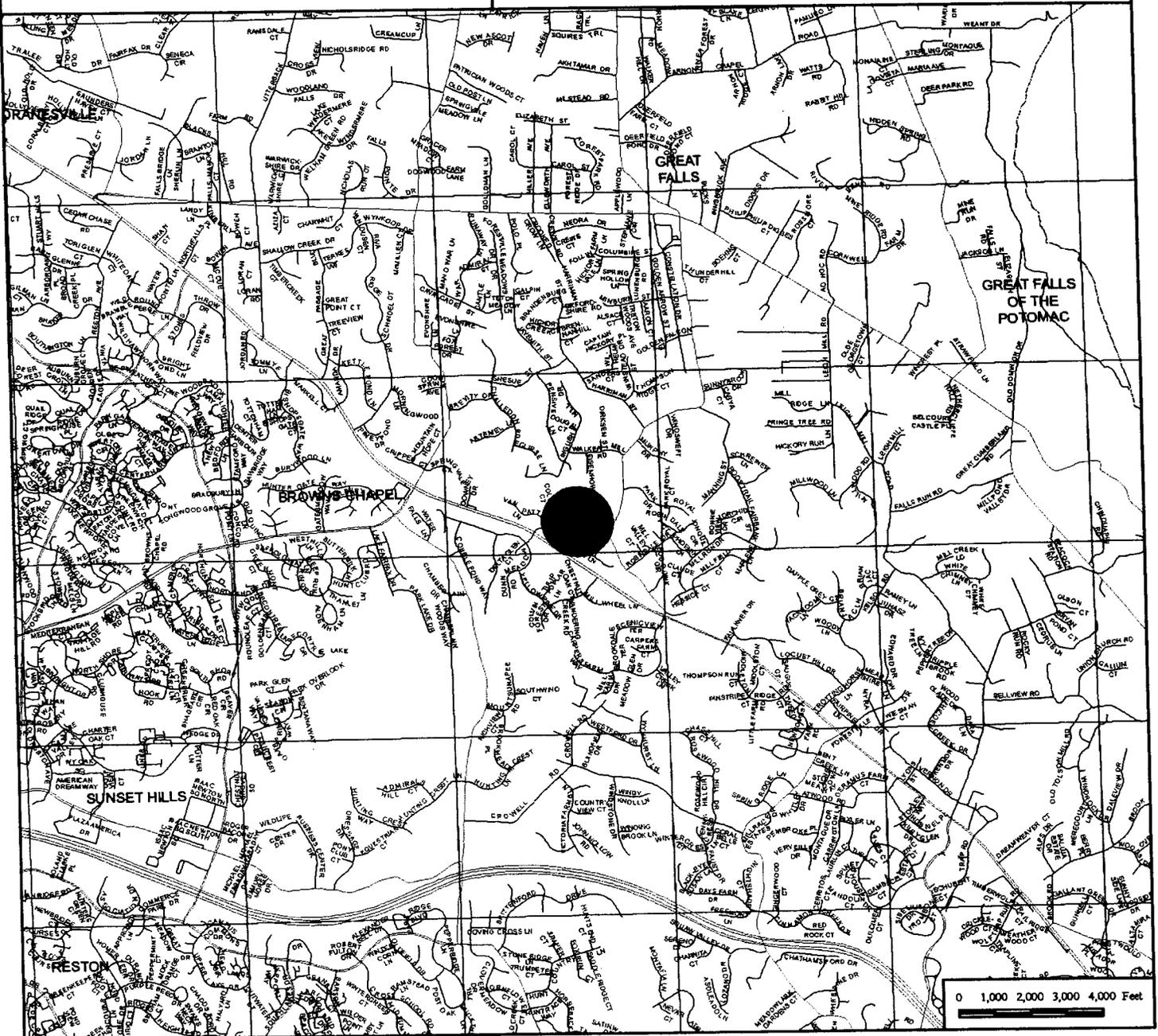
VCA 2003-DR-018



Applicant: PARAMVIR S. SONI
Accepted: 05/22/2008
Proposed: TO AMEND VC 2003-DR-018 TO PERMIT MODIFICATION OF DEVELOPMENT CONDITIONS

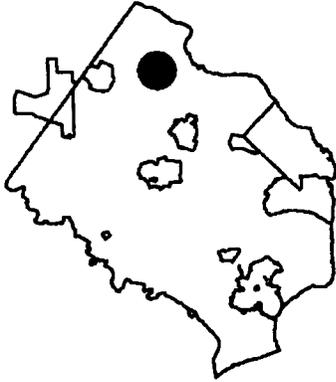
Area: 41,129 SF OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 18-0401 03-0107
Paragraph: 1 A1
Located: 10208 COLVIN RUN ROAD
Zoning: R-1
Overlay Dist:
Map Ref Num: 012-4 /01/ /0033A



Variance Amendment

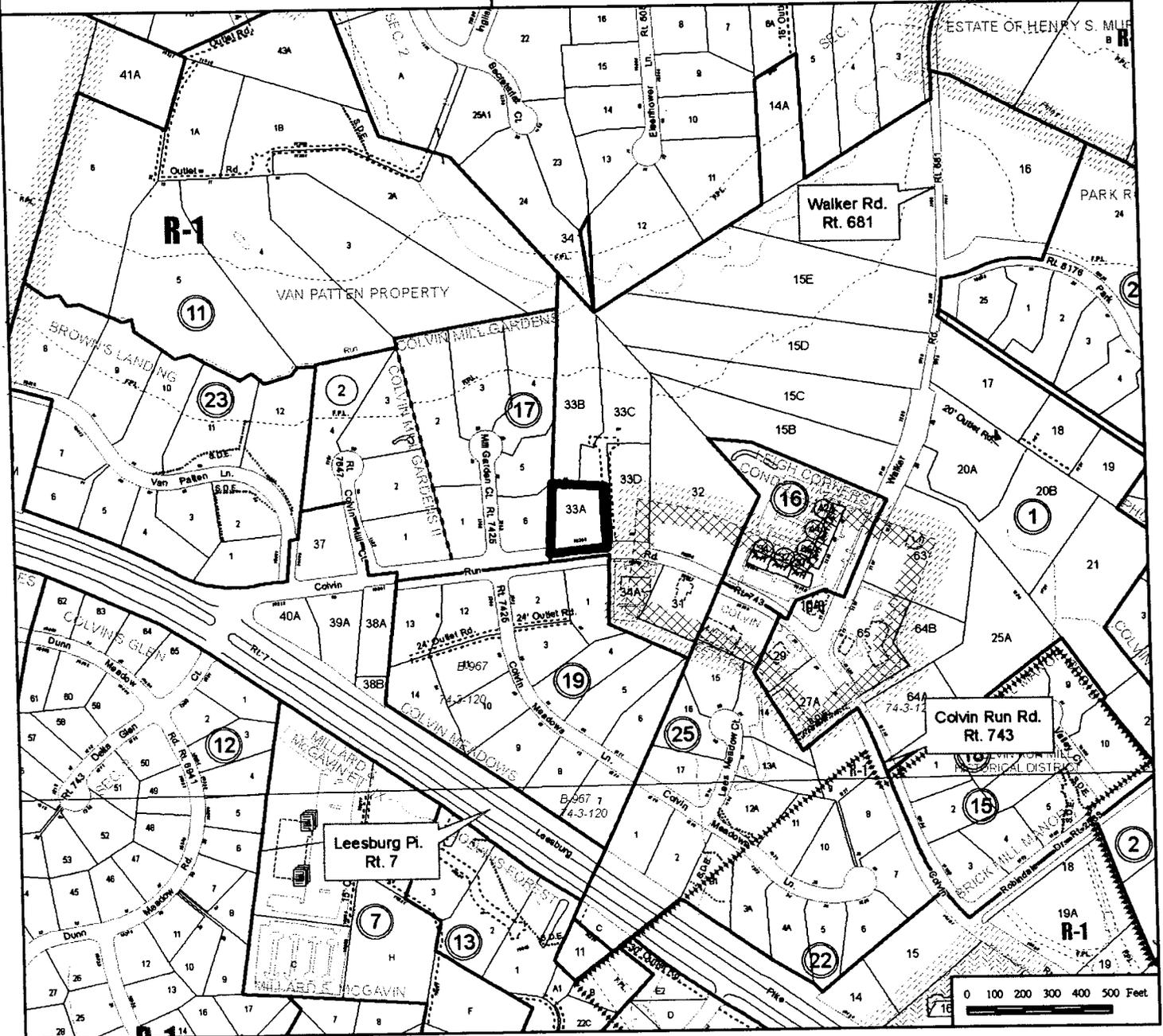
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Zoning Evaluation Division

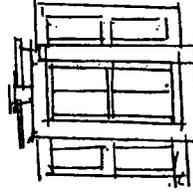
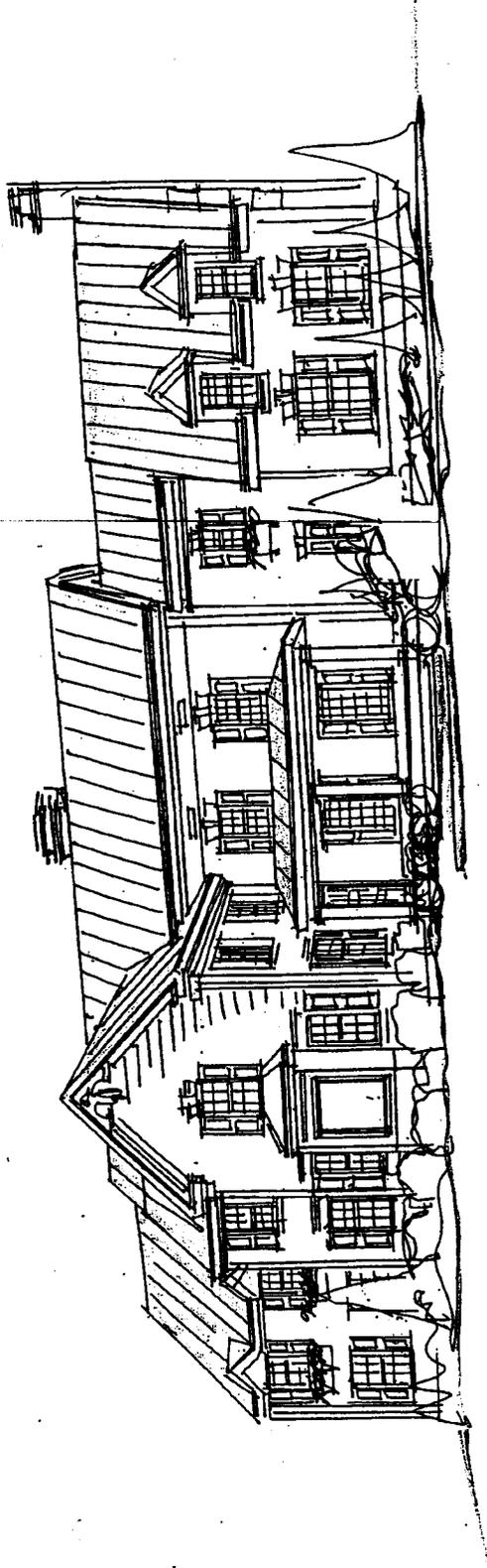
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Zoning Evaluation Division

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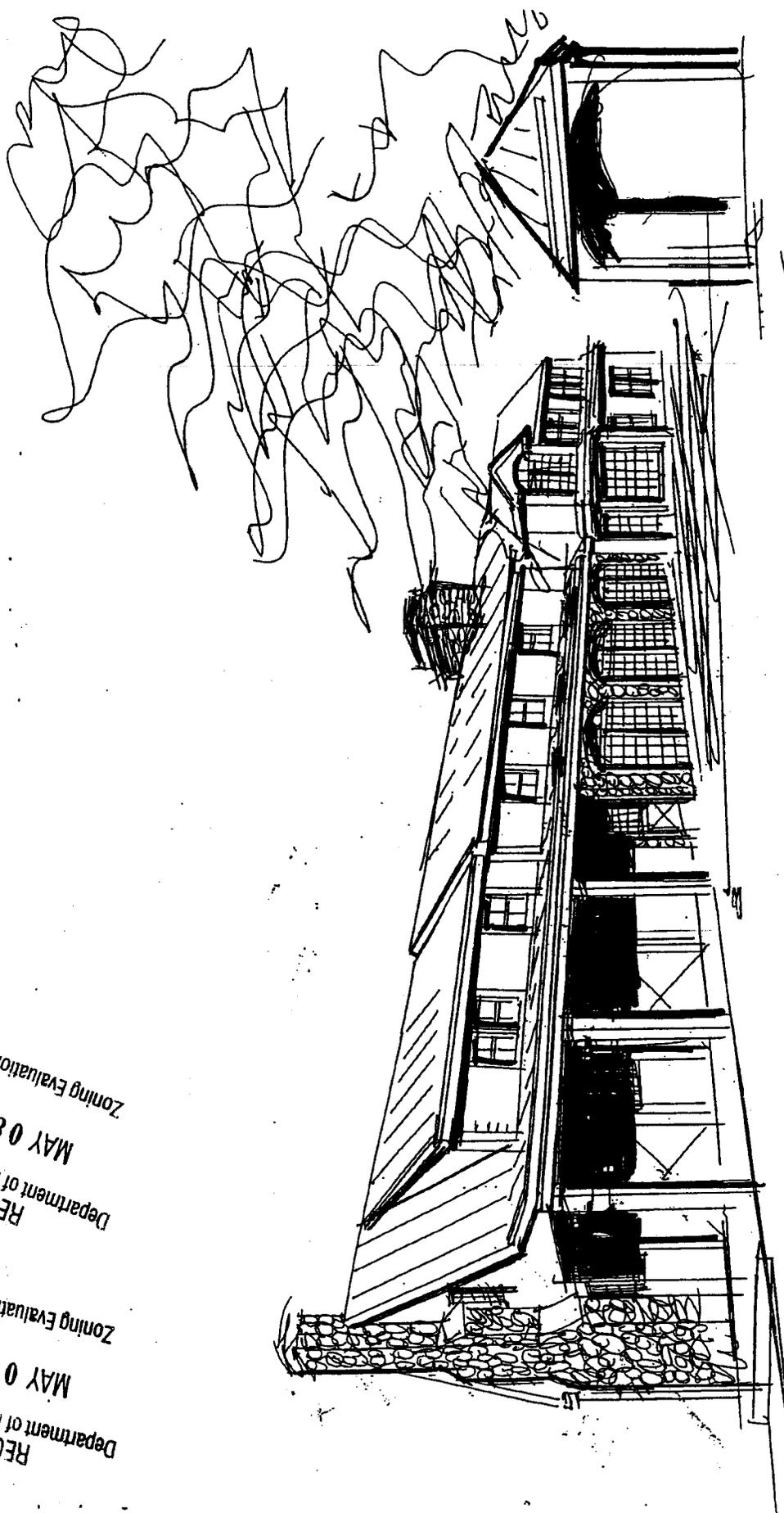
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WINDOW
SECTION

SCHEME C I

"HISTORIC CORNER"



REAR ELEVATION

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Zoning Evaluation Division

10208 Colvin Run Road

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FEB 26 2008

Zoning Evaluation Division



Photo 1: View of Front of House Looking North from Colvin Run Road. This Portion of House to be Retained.



Photo 2: View of House Looking West from Pipestem Driveway.



Photo 3: View of Eastern-Property Line-Looking North from Colvin Run Road.



Photo 4: View of Eastern Portion of House Looking North from Colvin Run Road.

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Zoning Evaluation Division



Photo 5: View of Front of House Looking Northwest from Colvin Run Road.

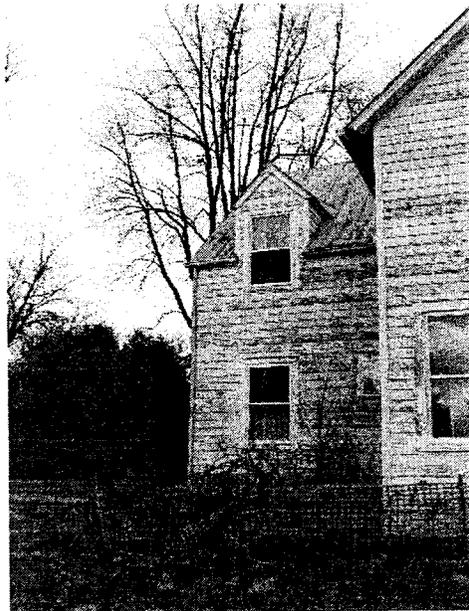


Photo 6: View of Western Portion of House Looking North from Colvin Run Road.



Photo 7: View of Western Side of House Looking East.



Photo 8: View of Rear of House Looking South.

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FEB 26 2008

Zoning Ordinance Division



Photo 9: View of Rear of House Looking Southwest from Eastern Property Line.



Photo 10: View of Eastern Side of House Looking West from Pipestem Driveway.

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FEB 26 2008
Zoning Evaluation Division

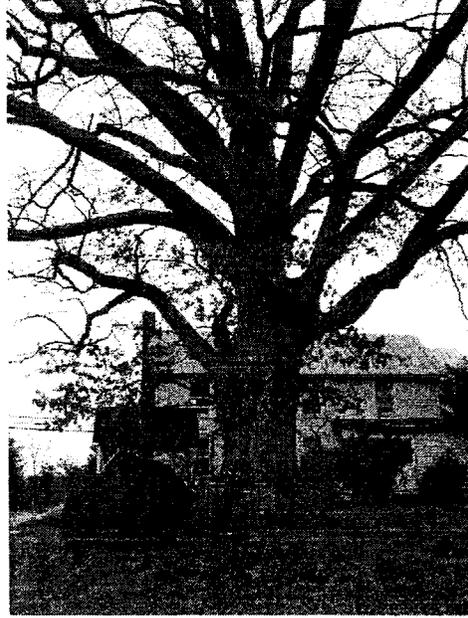


Photo 11: View of Existing 65" Oak in Rear Yard.

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FEB 26 2008
Zoning Evaluation

DESCRIPTION OF THE APPLICATION

The applicant is requesting a variance amendment to modify the development conditions approved in conjunction with VC 2003-DR-018 to remove development condition number 7. The variance was approved to permit subdivision of one lot into four lots with proposed Lots 2 and 3 having a lot width of 10.0 feet and proposed Lot 4 having a lot width of 12.62 feet and to permit an existing dwelling to remain 18.5 feet from the front lot line. The applicant is requesting an amendment to remove a development condition that requires the existing dwelling to remain. The applicant proposes to demolish a portion of the existing dwelling and replace it with a large addition.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1	Single family detached dwellings
South	R-1	Single family detached dwellings
East	R-1	Single family detached dwellings
West	R-1	Single family detached dwellings

BACKGROUND

On April 22, 2003, the Board of Zoning Appeals (BZA) approved application VC 2003-DR-018 to permit subdivision of one lot into four lots and to permit an existing dwelling to remain 18.5 feet from the front lot line of Lot 1. A copy of the Resolution and plat approved in conjunction with this variance is attached as Appendix 4.

At that time, a development condition was imposed on the applicant, Colvin Run LLC, which stated that the existing house on proposed Lot 1 would be retained. Since that time, the dwelling has suffered severe weather and water damage and has been determined to be uninhabitable.

Records indicated the dwelling was originally constructed in 1900 with a remodel of the property in 1942.

Records indicate there were no other variances for properties in the vicinity of the application site heard by the BZA.

Proposed Use:

The applicant is requesting an amendment to remove a development condition in the original variance which was required to address the concerns of the community that the structure was historical and needed to be preserved. The condition requires that the existing house be retained, though it did allow construction of a breezeway and garage.

Following approval of the variance, the original 6 acre lot was subdivided with the existing house retained on Lot 33A containing 41,129 square feet. Unfortunately, the owner of the property at that time did not maintain the existing structure and it has now been deemed uninhabitable. The applicant is proposing to retain a portion of the house including the entire front wall facade of the existing structure, to remain at its closest point 18.5 feet from the front lot line, as was approved with the original variance application. Approximately 950 square feet of the existing structure will remain. The applicant proposes to demolish approximately 1,750 square feet, and replace it with a proposed new addition of approximately 4,500 square feet.

Land Use Analysis (Appendix 5)

Linda Blank, the Historic Preservation Planner within the Department of Planning and Zoning, has outlined in her attached memorandum the history of this property since 2003 and the involvement of the Architectural Review Board (ARB) as required by Development Condition 7 in VC 2003-DR-018.

The intent of the original development condition is no longer applicable due to the change in circumstances. The removal of 65% of the existing dwelling and the addition of 4,500 square feet of new construction, supported by the local community, alters the character of the existing dwelling. The current proposal, as acknowledged by the ARB at its September 13 and December 13 2007 workshop sessions, is a design issue and not a historic preservation issue. The retention of a historic structure in situ and the construction of breezeway and garage additions compatible with the existing dwelling is no longer the matter before the ARB.

On Page 2 of 5 of the memo, there is a list of recommendations made by the ARB, including the recommendation that the current proposed development including grading, site improvements, and the location of the driveway access be evaluated by the Urban Forestry Division to ensure retention, protection and preservation of the existing 65" oak tree.

Transportation Analysis (Appendix 6)**Issue:**

The Department of Transportation has requested that the applicant provide a 15 foot public street easement along the Colvin Run Road frontage for any future improvements along Colvin Run Road. The existing trail may remain within this easement.

Resolution:

A development condition has been included which requires the provision of this easement.

Trails Analysis (Appendix 7)**Issue:**

In accordance with the Countywide Trails Plan and the Public Facilities Manual, a 6 foot wide, Type II (stone dust) trail within a 10 foot trail easement or within the VDOT right-of-way should be provided.

Resolution:

A development condition has been included to address this issue.

Urban Forestry Analysis (Appendix 8)

In a memorandum from the Forest Conservation Branch, dated June 18, 2008, several concerns were noted as addressed below.

Issue:

There is 65 inch diameter specimen white oak tree located to the rear of the existing house. This tree is in good condition and should be considered a priority for preservation. The applicant has proposed this tree for preservation in the narrative; however, specific tree preservation activities are not recommended. The stone foundation outbuilding that is located approximately 13 to 15 feet from the trunk of this tree does not appear to be shown on the plan and it is unclear whether it is to be removed. The existing well is shown to be removed and this is also located well within the critical root zone of the tree. It is unclear how this well will be removed in a manner that will not significantly impact the tree. The portion of the existing house to be removed is also located well within the critical root zone of this tree and it is unclear how this will be accomplished in a manner that will not significantly impact the tree.

Recommendation: A tree save area encompassing the critical root zone should be provided to protect this tree from construction activities. The applicant should accurately detail construction activities proposed within the critical root zone of this tree; including removal of the well, portions of the existing house and the stone foundation outbuilding (if applicable) and should demonstrate the manner in which these activities will be carried out in a way that minimizes impacts to the tree. The Urban Forest Management Division (UFMD) recommends the applicant hire a certified arborist to evaluate this tree and propose and implement certain tree preservation activities; such as tree protection fence, root pruning, crown pruning and/or root protection matting.

A development condition has been carried over from the previous approval regarding the preservation of this tree and other noteworthy vegetation on the site.

Stormwater Management Analysis (Appendix 9)

Issue

In a memorandum from Stormwater Management, it has been noted that if more than 2,500 square feet of land disturbance, or the post development percent of impervious service is greater than 18%, water quality control best management practices (BMPs) are to be incorporated on the site as well as the adequacy of outfall on site.

Also noted in the memorandum, if the proposed addition disturbs more than 2,500 square feet, the applicant is required to show adequacy of outfall. The checklist of *Minimum Stormwater Information for Rezoning, Special Exception, and Special Permit and Development Plan Applications* is required with the plat.

Resolution:

As noted on the special permit plat, there is an approximate location for a stormwater management/BMP on site to address this concern. The checklist referred to is only required for the types of applications noted; therefore, variance applications do not require this type of information.

Note: In discussion with the applicant regarding these issues, the applicant has responded in a letter attached as Appendix 10 which addresses all issues and concerns from reviewing agencies.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on above.

This variance application must satisfy all of the nine (9) enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance which would afford relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 11.

CONCLUSION:

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Resolution and approved Plat
5. Environmental Analysis
6. Transportation Analysis
7. Trails Analysis
8. Urban Forest Analysis
9. Stormwater Management Analysis
10. Applicant's Comment Response Letter dated July 8, 2008
11. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**VCA 2003-DR-018****July 22, 2008**

If it is the intent of the Board of Zoning Appeals to approve VCA 2003-DR-018 located at Tax Map 12-4 ((1)) 33A to amend VC 2003-DR-018 pursuant to Section 18-401 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from the previous special permit are marked with an asterisk (*). Minor edits have been made to these conditions to conform to current terminology and have been underlined.

1. This variance is approved for a variance to ~~the minimum lot width and for an existing dwelling to remain 18.5 feet from the front lot line,~~ as shown on the plat prepared by Charles E. Powell, dated March 14, 2002, as revised through April 11, 2003 Land Design Consultants, dated April, 2008 as revised through July 7, 2008. All development shall be in conformance with this plat as qualified by these development conditions. ~~These conditions shall be recorded among the land records of Fairfax County for each of these lots.~~
2. Within 30 days of the final approval of this variance request, and prior to any land disturbing activity on site, the applicant shall employ an arborist to prepare a condition analysis for the 65 inch white oak tree. Tree preservation recommendations for this tree provided by the arborist shall be implemented immediately to ensure that the oak tree is adequately protected before, during and after construction, as determined in conjunction with the Urban Forestry Division Forest Conservation Branch, DPWES.*
3. Prior to any land disturbing activity, both a grading plan and a tree preservation plan showing the improvements on ~~proposed Lots 33A 1, 2, 3 and 4~~ shall be submitted to the Department of Public Works and Environmental Services (DPWES), including the Urban Forestry Division Forest Conservation Branch, DPWES, for review and approval. The plans shall depict preservation of the 65 inch white oak tree located on proposed Lot 4 33A and other trees located in the floodplain and in the southern portion of the site, where mature trees on site, are located, as determined feasible by the Urban Forester, and the limits of clearing and grading which protect the trees. Prior to any land disturbing activities for construction, if deemed necessary by the Urban Forestry Division, a pre-construction conference shall be held on site between DPWES the Forest

Conservation Branch, DPWES, and representatives of the applicant to include the construction site superintendent responsible for on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation and the erosion and sedimentation control plan to be implemented during construction. All utilities located outside the limits of clearing and grading shall be located and installed in a manner which is the least disruptive to the natural vegetation as possible.

All trees and tree save areas shown to be preserved on the tree preservation plan shall be protected by tree protection fence placed at the drip line. Tree protection fencing consisting of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart shall be erected at the limits of clearing and grading.

The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of tree protection fence shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the projects certified arborist shall verify in writing that the tree protection fence has been properly installed. Such tree fencing shall be installed around the 65 inch white oak tree immediately upon approval of the variance application.

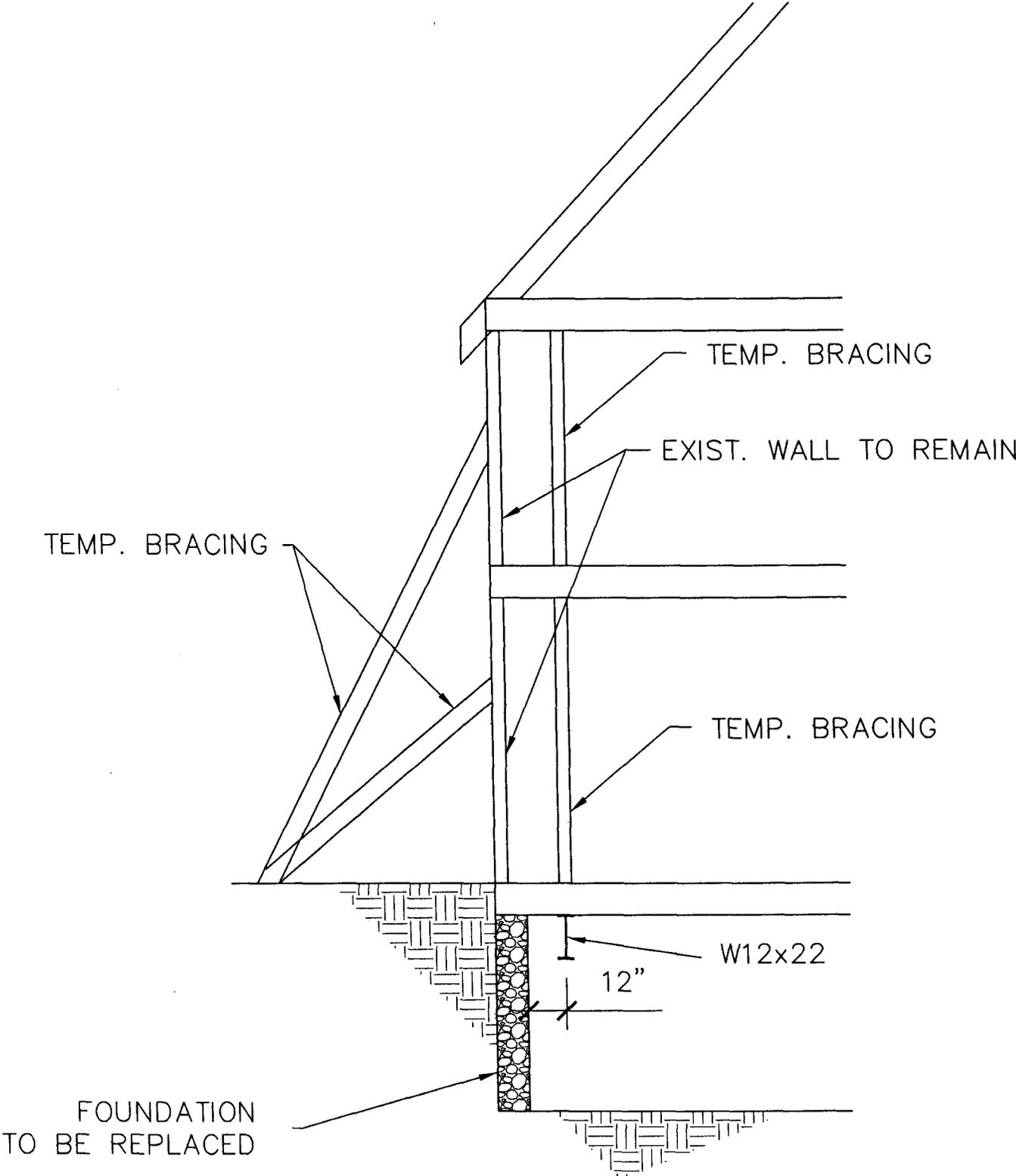
4. Stormwater Management (SWM) and Best Management Practices (BMPs) shall be provided in accordance with the requirements of the Public Facilities Manual and the Chesapeake Bay Preservation Ordinance as determined by the Department of Public Works and Environmental Services (DPWES). ~~A written disclosure shall be made to contact purchasers prior to entering into a contract of sale and shall be placed in the purchase contract and in the deed for each lot and recorded among the land records of Fairfax County which:~~
 - ~~• Notifies the landowner of the existence and maintenance responsibility for rain gardens if located on the lots; and,~~
 - ~~• Sets forth maintenance standards for the rain gardens as outlined in Attachment A.~~

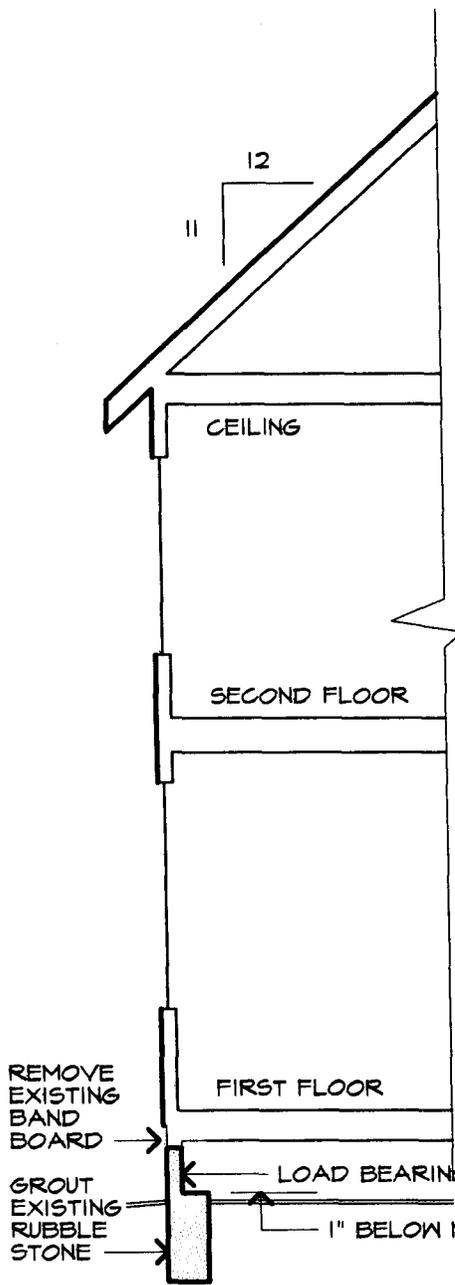
- ~~5. Areas located within the floodplain, as shown on the variance plat, shall be placed within a restrictive easement, in a form approved by the County Attorney, recorded among the Fairfax County land records to the benefit of the Northern Virginia Conservation. The easement shall restrict the removal of any trees that are not dead, dying or diseased, and the installation of any structures other than privacy fences. A written disclosure shall be made to contract purchasers prior to entering into a contract of sale and shall be placed in the purchase contract and in the deed for each lot and recorded among the land records of Fairfax County.~~
- ~~6. Prior to any land disturbing activities, the applicant shall contact the Fairfax County Park Authority County Archeologist and shall grant the County Archeologist permission to enter the subject property to perform a Phase 1 archeological survey, a Phase 2 assessment and/or a Phase 3 data recovery of any potentially significant features discovered during Phase 1.~~
- ~~7. The existing house on proposed Lot 1 shall be retained as shown on the variance plat. The proposed addition and breezeway attachment to the dwelling shall be reviewed and approved by the Fairfax County Architectural Review Board prior to commencement of construction.~~
- ~~8. The portion of Proposed Lot 4 zoned C-8 shall only be used for residential uses as permitted in the Zoning Ordinance.~~
- ~~9. A written disclosure shall be made to contact purchasers prior to entering into a contract of sale and shall be placed in the purchase contract and in the deed for each lot and recorded among the land records of Fairfax County which discloses the location and maintenance requirements of the drainfields for each lot.~~
- ~~10. The applicant shall grant an ingress/egress easement for the benefit of proposed Lots 1, 2, 3, and 4 over the common driveway shown on the variance plat. Said easement shall be the subject of a private maintenance agreement among the property owners of the proposed Lots to be recorded in the land records in a form approved by the County Attorney at the time of subdivision plat approval for the Application Property. Purchasers shall execute a disclosure memorandum at time of contract acknowledging the ingress/egress easement.~~
5. The final location of the proposed garage on Lot 1 shall be determined in consultation with the Urban Forester to ensure the preservation of the 65 inch oak, but shall not be closer than 25 feet from the eastern lot line.*

6. The applicant shall provide a 15 foot public street easement along the Colvin Run Road frontage. The trail may remain within this easement.
7. A 6 foot wide, Type II (stone dust) trail within a 10 foot trail easement or within the VDOT right-of-way shall be provided.
8. The addition shall be constructed in substantial conformance as per the renderings contained in Attachment 1. The entire front wall of the existing structure shall be retained to maintain the facade of the original structure as outlined in Attachment 1.

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 Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time 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 permit. 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.





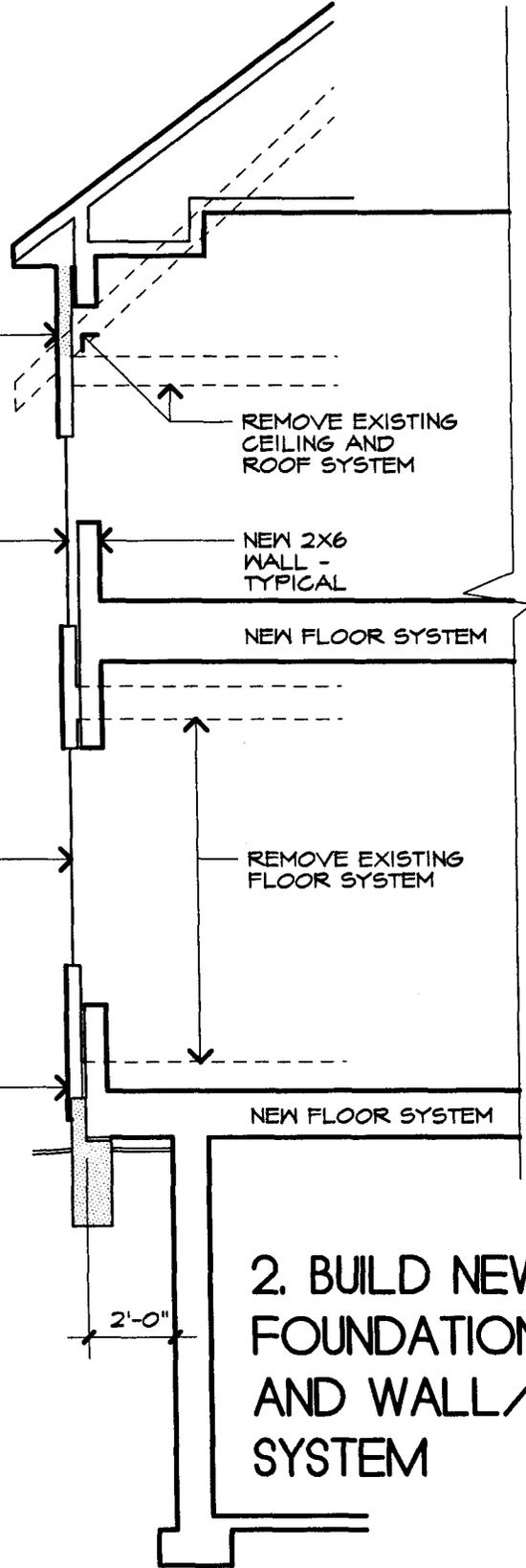
1. REPAIR AND REINFORCE EXISTING CRAWL SPACE FOUNDATION

ADD NEW SECTION OF WALL WITH NEW SIDING TO MATCH EXISTING

REPLACE WINDOW AND MOVE TO NEW LOCATION

REPLACE EXISTING WINDOW (ENERGY REQUIREMENT)

REPLACE BAND BOARD



2. BUILD NEW FOUNDATION AND WALL/FLOOR SYSTEM

Zoning Evaluation Division

MAY 02 2008

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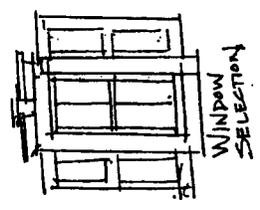
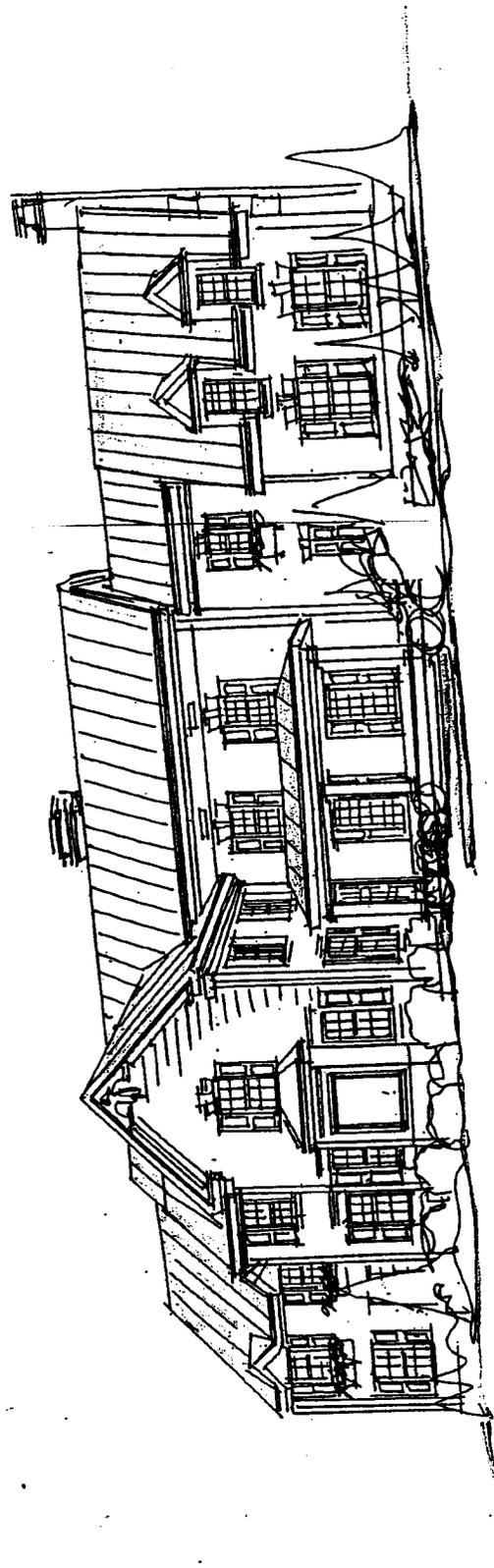
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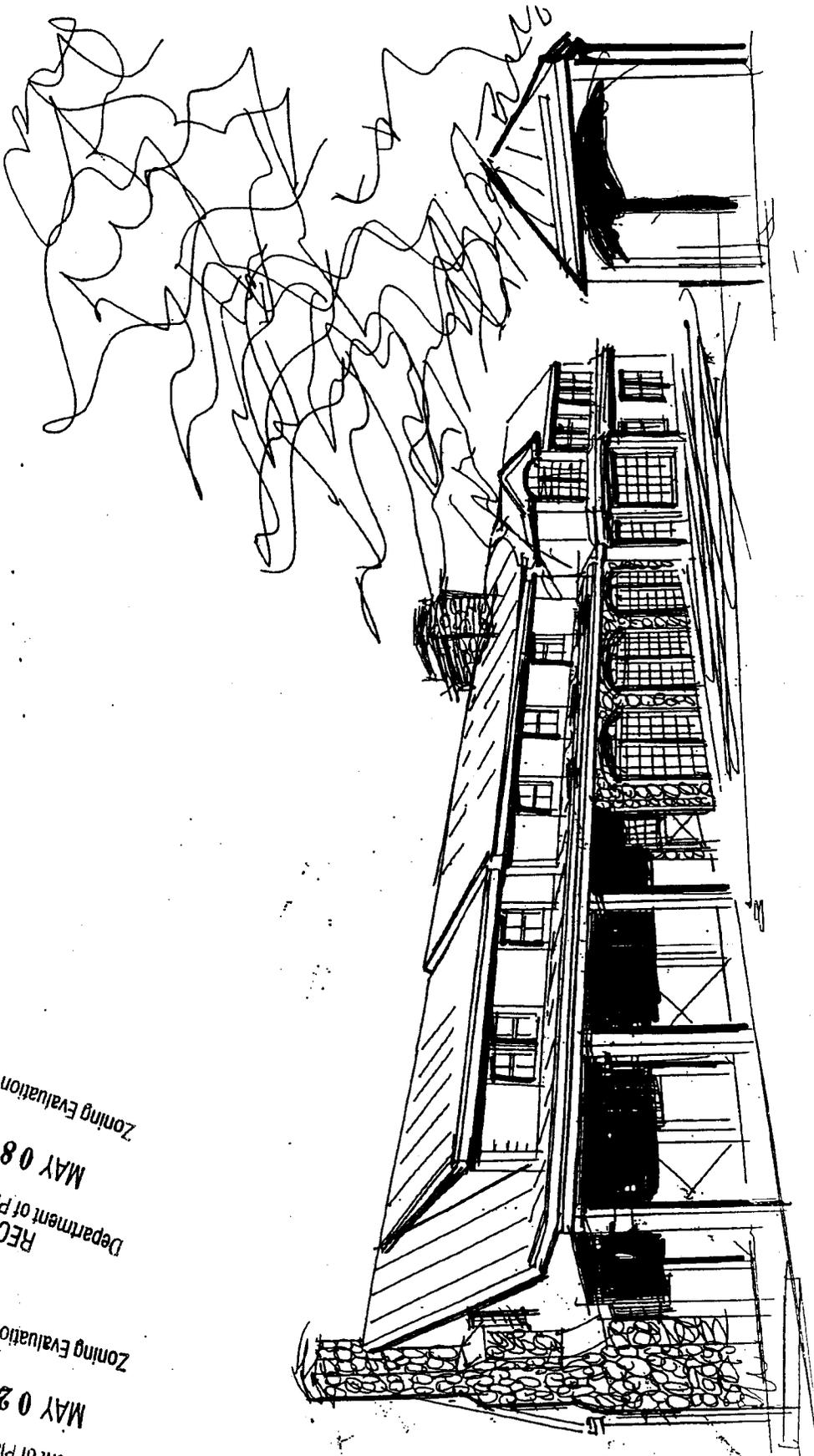
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MAY 08 2008
Zoning Evaluation Division

Application No.(s): SP 2008-DR-053
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 20, 2008
 (enter date affidavit is notarized)

I, Kelly M. Atkinson, 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 99999a

and that, to the best of my knowledge and belief, the following 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 must 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)
Paramvir S. Soni	1608 Chathams Ford Place Vienna, VA 22182	Applicant/Title Owner Tax Map 12-4 ((1)) 33A
Land Design Consultants, Inc. Kelly M. Atkinson Matthew T. Marshall	9401 Centreville Road, #300 Manassas, VA 20110	Agent for Applicant/Planners, Engineers Agent for Applicant Agent for Applicant
Dean Designs, LLC Nathaniel C. Margenau	1953 Gallows Road, #140 Vienna, VA 22182	Agent for Applicant Agent for Applicant
Cobalt Design Group Peter Hotz, AIA	1612 Washington Plaza North, #203 Reston, VA 20190	Agent for Applicant Agent for Applicant

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance 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).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 20, 2008
(enter date affidavit is notarized)

99999a

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, number, street, city, state, and zip code)

Land Design Consultants, Inc.
9401 Centreville Road
Suite 300
Manassas, VA 20110

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)

John L. Marshall, L.S.
Matthew T. Marshall, L.S., A.I.C.P

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance 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.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

Special Permit/Variance Attachment to Par. 1(b)

DATE: May 20, 2008
(enter date affidavit is notarized)

99999a

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

Dean Designs, LLC
1953 Gallows Road, Suite 140
Vienna, VA 22182

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

Nathaniel C. Margenau

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

Cobalt Design Group
1612 Washington Plaza North, Suite 203
Reston, VA 20190

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

Peter Hotz

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 20, 2008
(enter date affidavit is notarized)

99999a

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, number, street, city, state, and zip code)
None

(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 Permit/Variance 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.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 20, 2008
(enter date affidavit is notarized)

99999a

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 Zoning Appeals, 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 Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 20, 2008
(enter date affidavit is notarized)

99999a

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 Zoning Appeals, 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 Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 20, 2008
(enter date affidavit is notarized)

99999a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, 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 Permit/Variance 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)

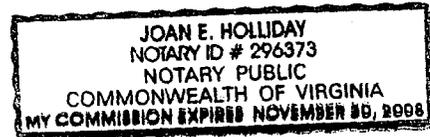
Kelly M. Atkinson
 Applicant Applicant's Authorized Agent

Kelly M. Atkinson, A.I.C.P., Agent for Applicant
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20 day of May, 2008, in the State/Comm. of Virginia, County/City of Prince William.

Joan Holliday
Notary Public

My commission expires: 11/30/08



Peter Hotz, AIA
Architect

Cobalt Design Group

1612 Washington Plaza North
Reston, VA 20190

June 26, 2008

Kelly M. Atkinson, A.I.C.P.
Senior Project Planner
Land Design Consultants, Inc.
9401 Centerville Road, Suite 300
Manassas, VA 20110

Re: 10208 Colvin Run Road, Great Falls, VA 22066

Dear Kelly:

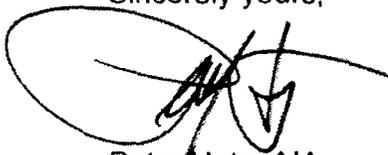
I have attached a letter from Steve Goughnour, my structural engineer, relative to the feasibility of retaining the east wall on the front of the subject house.

I have also attached a drawing that Steve did to show one method of bracing the existing structure while the new foundation is being constructed. And I have attached a drawing that I did to show a two-step process of repairing the existing crawl-space foundation and then installing a new basement foundation inside the existing foundation.

Either of these methods would result in the existing wall being retained, albeit modified in height and with new window openings for the new windows and their new locations. The height of the existing wall would be increased by about 2 feet and the existing German siding would be duplicated where the wall was enlarged.

It is probable, once the final floor heights are established (starting with the new garage slab and its height relative to the existing grade and the large oak tree to be preserved), that the portions of the existing house that are to be retained, will be raised a minimum of 8" to a maximum of 20" to accommodate the new portions of the house that will be added to the retained portions. This will not change the appearance of the exterior of the house except that it might increase the amount of foundation wall that is exposed above the final grade, depending on the height of the final grade. Due to the condition of the existing rubble stone foundation, all portions of the house to be retained will require some strengthening and stabilization of the existing foundation. Increasing the height of the foundation wall can be accomplished concurrent with the stabilization and structural improvement of the existing foundation.

Sincerely yours,



Peter Hotz, AIA
Architect

GOUGHNOUR

ENGINEERING, PC

June 26, 2008

Mr. Peter Hotz
Cobalt Design Group, Inc.
1612 Washington Plaza
Reston, VA 20194

Re: Colvin Run House
10208 Colvin Run Road
Great Falls, VA
08113

Dear Mr. Hotz:

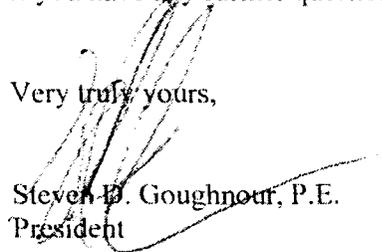
The following are our comments regarding the referenced house:

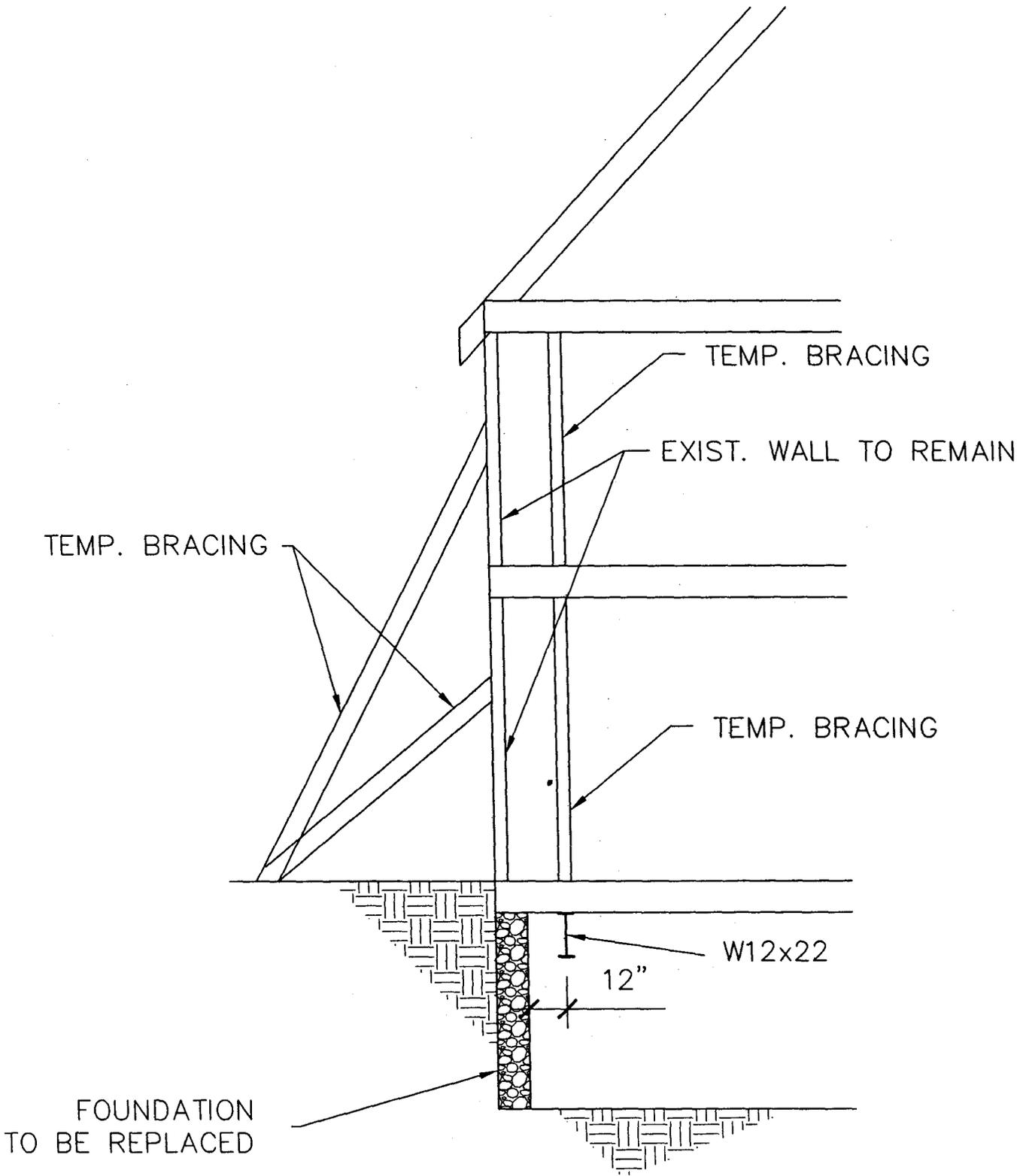
As we understand, the eastern section of the front wall of the existing house needs to be preserved. This is possible though due to the advanced state of deterioration of the existing foundations, all the front walls require that the foundations be repaired and underpinned or replaced. This can be accomplished by either repairing the foundation prior to demolition of the existing house or by supporting the existing wall and replacing the foundation in conjunction with the demolition of the house.

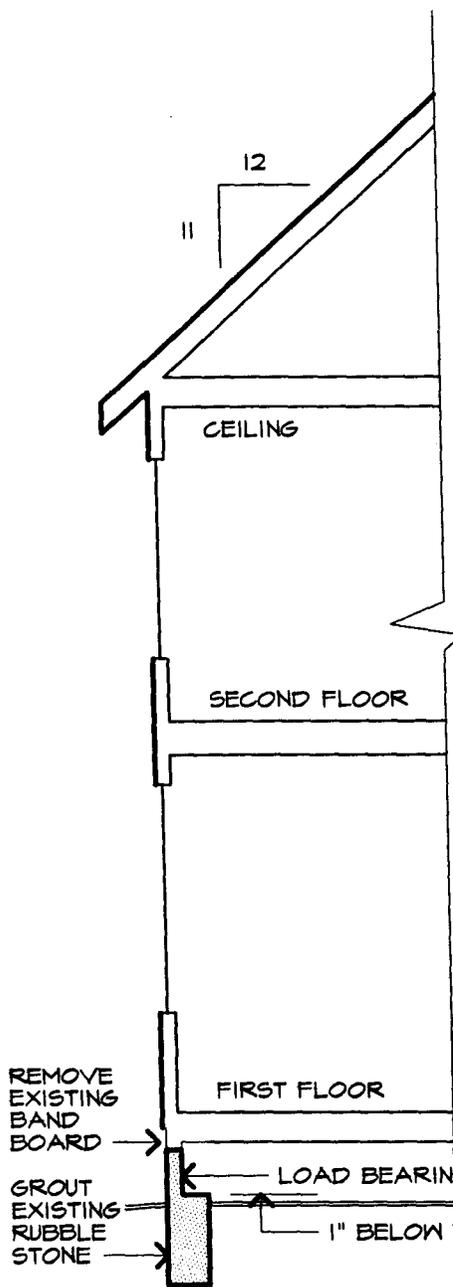
For the first method, the existing foundation would be repaired in place, prior to demolition, a new foundation wall would then be constructed inside of the existing foundation that would support both gravity and lateral loads. The existing exterior wall would then be braced and the existing house would be demolished. For the second method, the first and second floor and the roof would be shored, possibly by installing a beam under the first floor and shoring up to the roof. The wall would then be braced. After the bracing and shoring is in place, the entire foundation may be removed and reconstructed. Then the existing house may be demolished.

If you have any further questions regarding this matter, please feel free to contact us.

Very truly yours,


Steven D. Goughnour, P.E.
President





1. REPAIR AND REINFORCE EXISTING CRAWL SPACE FOUNDATION

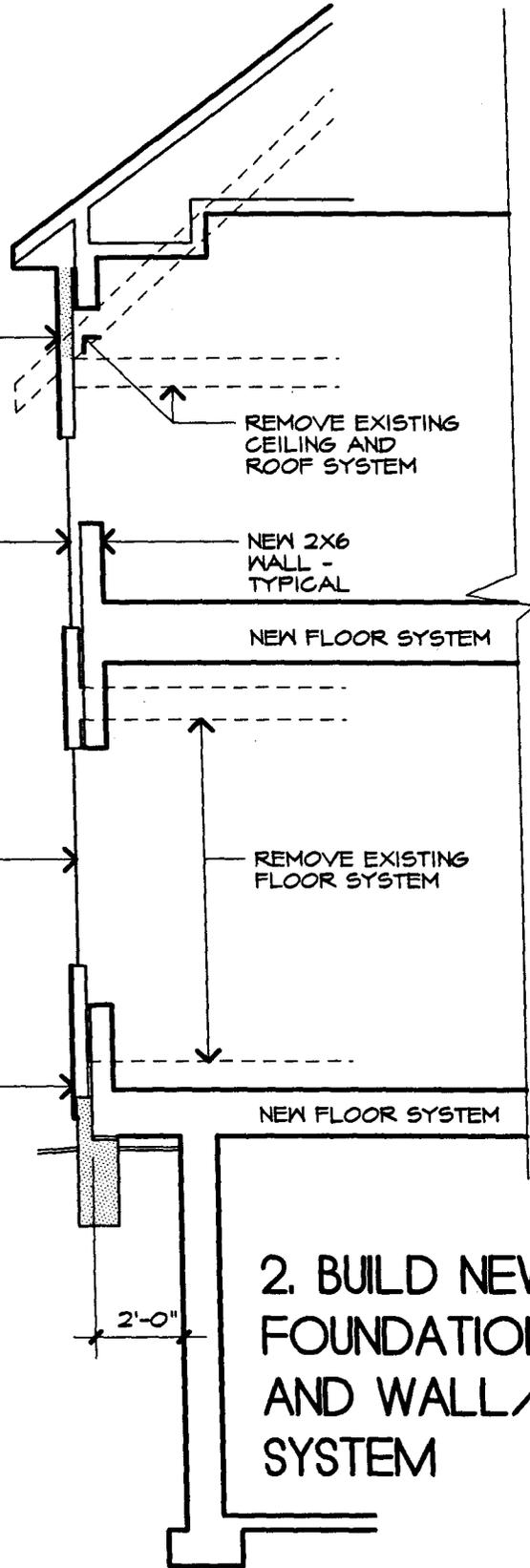
ADD NEW SECTION OF WALL WITH NEW SIDING TO MATCH EXISTING

REPLACE WINDOW AND MOVE TO NEW LOCATION

REPLACE EXISTING WINDOW (ENERGY REQUIREMENT)

REPLACE BAND BOARD

LOAD BEARING BRICK OR BLOCK
1" BELOW NEW FLOOR JOISTS



REMOVE EXISTING CEILING AND ROOF SYSTEM

NEW 2X6 WALL - TYPICAL

NEW FLOOR SYSTEM

REMOVE EXISTING FLOOR SYSTEM

NEW FLOOR SYSTEM

2. BUILD NEW FOUNDATION AND WALL/FLOOR SYSTEM

2'-0"



May 1, 2008

Mrs. Regina Coyle, Director
 Department of Planning and Zoning
 Fairfax County
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035

Re: Hastings Crest, Lot 1
 10208 Colvin Run Road
 VC 2003-DR-018
 Fairfax County Tax Map 12-4 ((1)) Parcel 33A, Zoned R-1
 LDC Project #02088-5-1

Dear Ms. Coyle:

Land Design Consultants, Inc. (LDC) is working with our client ("Applicant") to process this Special Permit on the above referenced property. The Applicant is requesting a Special Permit in accordance with Section 8-922 of the Zoning Ordinance to permit a reduction in the minimum front yard to allow a portion of a new house to exist 36' from the front lot line. This Special Permit applies to the front yard only.

The subject property is located in the Hastings Crest Subdivision and is subject to a previous variance (VC 2003-DR-018). This variance permitted subdivision of one lot into four lots with proposed Lots 2 and 3 having a lot width of 10.0 feet and proposed Lot 4 having a lot width of 12.62 feet (Amended to 77.4 feet) and permit dwelling (on Lot 1) to remain 18.5 feet from front lot line. Copies of the approved variance plat and development conditions are attached for your reference. In conjunction with this Special Permit, a Variance Amendment has been filed on the subject property in order to remove Development Condition #7. The owner is respectfully requesting the aforementioned Development Condition be removed due to water damage resulting from burst water pipes that has made a portion of the rear of the house uninhabitable. If the Variance Amendment is approved, the Applicant will be retaining a portion of the front of the existing house, currently existing 18.5' from the front lot line, and will be removing a portion of the rear of the existing house that has been damaged. This portion of the existing house to be removed currently exists 36' from the front lot line. Upon removal of a portion of the rear of the house, the Applicant will be constructing a new house in its place. This new construction will be attached to the existing house and will be located 36' from the front lot line, similar to the existing house location. This is the subject of this Special Permit. Please see Special Permit Plat for location of proposed encroachment. Finally, please see the Variance Justification for additional background on this property.

1. Type of Operation

The subject property is currently occupied with a single-family residence and will continue to be used for this purpose. No commercial use is associated with this use; therefore, this is not applicable.

2. Hours of Operation

Again, the existing and proposed use of the property is for a single family residential use with no commercial aspect. Therefore, the hours of operation are not applicable.

RECEIVED
 Department of Planning & Zoning

MAY 08 2008

Zoning Evaluation Division

RECEIVED
 Department of Planning & Zoning

MAY 02 2008

Zoning Evaluation Division

Mrs. Regina Coyle, Director
Department of Planning and Zoning
Fairfax County

Re: Hastings Crest, Lot 1
10208 Colvin Run Road
VC 2003-DR-018
Fairfax County Tax Map 12-4 ((1)) Parcel 33A, Zoned R-1
LDC Project #02088-5-1

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3. Estimated Number of Patrons/Clients/Patients/Pupils/Etc.

Again, the proposed use is single-family residential. No commercial uses are proposed. Therefore, this section is not applicable.

4. Proposed Number of Employees/Attendants/Teachers/Etc.

Again, the proposed use is single-family residential. No commercial uses are proposed. Therefore, this section is not applicable.

5. Estimation of Traffic Impact of the Proposed Use, Including the Maximum Expected Trip Generation and the Distribution of Such Trips by Mode and Time of Day.

The subject property currently contains one single-family detached house and will continue to be used for a single-family detached dwelling. This Special Permit is to allow removal of an uninhabitable portion of an existing house and reconstruction of the house in the same location. This new portion of the house will exist 36' from the front line, which is similar to the location of the portion of the house to be removed. The current and proposed trip generation is ten vehicles per day per the guidelines established by the Institute of Transportation Engineers. Therefore, there is no impact to the existing traffic network proposed with this application.

6. Vicinity or General Area to be Served by the Use

The existing and proposed single-family detached use will serve only the subject property. There is no commercial aspect to this use.

7. Description of Building Façade and Architecture of Proposed New Building or Additions

The Applicant has been working with an architect experienced in preservation and has developed elevations which compliment the portion of the house to be retained, while allowing for an addition suitable to today's family. A copy of the proposed elevations has been included for your reference and has been tentatively approved by the Architectural Review Board. Please note that the portion of house to be removed has been deemed to not be historically significant and may be removed.

8. A Listing of All Hazardous or Toxic Substances

To the best of our knowledge, the subject property does not contain any hazardous or toxic substances. Please see Note 18, Sheet 1.

9. A Statement of How the Proposed Use Conforms to the Provision of All Applicable Ordinances, Regulations, Adopted Standards and Any Applicable Conditions

The subject property and existing/proposed use will conform to the provision of all applicable ordinances, regulations, adopted standards and any applicable conditions, except for that Special Permit requested with this application and the Variance previously approved.

Mrs. Regina Coyle, Director
Department of Planning and Zoning
Fairfax County

Re: Hastings Crest, Lot 1
10208 Colvin Run Road
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In addition to the items listed above, the application proposes to meet the following general standards:

10. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

The Comprehensive Plan recommends development of the subject property at a density of one dwelling unit per five to two acres. The proposed Special Permit will not change the existing density as no additional dwelling units or subdivision are proposed. Therefore, this application is in harmony with the comprehensive plan.

11. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

The general purpose and intent of the Zoning Ordinance is to protect the "health, safety, and general welfare of the public and to implement the adopted comprehensive plan for the orderly and controlled development of the County." The Zoning Ordinance provides standards and regulations to protect adjacent property owners from the actions of their neighbors. The existing house on the subject property is currently in poor condition, partially uninhabitable and is unable to be renovated until this Special Permit and concurrent Variance Amendment are approved. As stated, the portion of the existing house to be removed exists 36' from the front lot line. The new house will be constructed in the same location as the existing house and will also exist 36' from the front lot line. This is necessary in order to connect the new house to the portion of the existing house to be retained. Therefore, the Applicant will not be exaggerating the existing condition nor cause any visual impact to the adjacent property owners. Therefore, the granting of this Special Permit will not cause any detrimental impact to adjacent property owners and is in harmony with the general purpose and intent of the Zoning Ordinance.

12. 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 proposed Special Permit will not have an adverse impact on the surrounding properties as no exaggeration of the existing condition is proposed. The Applicant is simply replacing the house in the same location as the existing house. In addition, this Special Permit and concurrent Variance Amendment will allow the Applicant to renovate a severely deteriorating house that cannot be renovated at this time due to the damage and current Development Conditions.

13. 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.

Pedestrian and vehicular traffic associated with the proposed use will not be hazardous or in conflict with the existing and anticipated traffic. The existing and proposed use is single-family residential. No increase in traffic is expected as a result of this Special Permit as no increase in density is proposed.

Mrs. Regina Coyle, Director
Department of Planning and Zoning
Fairfax County

Re: Hastings Crest, Lot 1
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LDC Project #02088-5-1

May 1, 2008
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- 14. 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.**

The subject property is surrounded to the north, east and west by R-1 zoned property used for single-family residential purposes. Colvin Run Road, a public right-of-way, borders the subject property to the south. Due to the adjacent single-family residential uses and right-of-way, no screening is required per Article 13.

- 15. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.**

The subject property is zoned R-1, which does not have a minimum open space requirement. The subject property will meet the County's 20% tree cover requirement, which will be demonstrated on a grading plan for the new construction. The Applicant will preserve the existing 65" Oak tree located on the rear of the property.

- 16. 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.**

The existing/proposed house will be served by public water and a septic field. The Applicant is currently completing septic testing to verify the adequacy of the previously approved field. This field may need some modifications and the Applicant will work with the Health Department to provide the required septic field and reserve area, if required. In regards to Stormwater Management/Best Management Practices (SWM/BMP) requirements, the subject property is located in the Hastings Crest Subdivision. As part of the approved Subdivision Plan (1903-SD-0101), a Public Facilities Modification (#026059) was approved to permit an individual SWM/BMP facility on each lot. The proposed location of this facility is shown on the Special Permit Plat and is designed to detain and treat runoff generated from the subject property. Therefore, Land Design Consultants, Inc. (LDC) does not anticipate any adverse impact to downstream property owners. Finally, parking for the house will be provided for in the proposed garage. No loading spaces are required for residential uses.

- 17. 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.**

No signs are proposed as part of this application.

The subject property will also meet the following specific standards for Section 8-922:

- 1. Only the following yard requirements shall be subject to such special permit: Minimum required yards as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat, or variance plat.**

Mrs. Regina Coyle, Director
Department of Planning and Zoning
Fairfax County

Re: Hastings Crest, Lot 1
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VC 2003-DR-018
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The yard subject to this request is the front yard, which requires a setback of 40' per the R-1 requirements. As previously stated, the approved variance allowed the existing house to remain 18.5' from the front lot line. Though not referenced, the existing house was also permitted to exist 36' from the front lot line. As part of this Special Permit, a portion of the existing house will remain and continue to exist 18.5' from the front lot line in accordance with the previously approved variance. However, because the Applicant is removing the portion of the house currently located 36' from the front lot line and replacing it with a new structure to also be located 36' from the front lot line, a Special Permit is required and is hereby submitted.

- 2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.**

No accessory structures are proposed with this application.

- 3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.**

The purpose and intent of the Zoning Ordinance is to protect the "health, safety, and general welfare of the public and to implement the adopted comprehensive plan for the orderly and controlled development of the County." The Zoning Ordinance provides standards and regulations to protect adjacent property owners from the actions of their neighbors. The existing structure on the subject property was originally built and established in 1900 prior to the establishment of zoning districts. The subject property did not meet zoning requirements upon the establishment of zoning in Fairfax County in 1941. However, the Applicant has received a previous variance for the existing use and is filing this Special Permit in accordance with County requirements. Upon approval of this Special Permit, the Applicant will meet all applicable requirements. Since the Applicant will not be exaggerating an existing non-conforming condition, Land Design Consultants, Inc. (LDC) does not believe the granting of this modification will cause any detrimental impact to adjacent property owners and is in harmony with the general purpose and intent of the Zoning Ordinance.

- 4. The resulting gross floor area of an addition to an existing principal structure may be up to 150% of the total gross floor area of the principal structure that existed at the time of the first expansion request.**

The existing house on the subject property contains approximately 2,700 square feet. The Applicant is proposing to remove approximately 1,750 square feet or 65% of the existing house. While this is more than 50% of the existing area of the house, this portion has been severely damaged and is currently uninhabitable. If the uninhabitable portion is removed, the remaining portion of the house will be restricted to approximately 950 square feet, which does not contain a kitchen or bathroom. The Applicant will be adding an additional approximately 4,500 square feet as part of the addition for a total of approximately 5,500 square feet, which is similar to the size of surrounding houses.

Mrs. Regina Coyle, Director
Department of Planning and Zoning
Fairfax County

Re: Hastings Crest, Lot 1
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- 5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.**

No accessory structures are proposed with this application.

- 6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk, and scale of the existing structures on the lot.**

According to County records, the portion of the existing house to be retained was constructed in 1900, while the portion of the existing house to be removed was constructed in 1942. As previously stated, the later portion of the house has been deemed not to be historically significant. The proposed two-story addition will be connected to the existing two-story house and will be compatible in terms of scale, materials, and architecture to the existing house and will meet all applicable requirements. The intent is to preserve the existing character of the house to the greatest extent feasible and the Applicant believes this has been accomplished by evidence of the approval of the elevations by the Architectural Review Board. While the addition will be slightly larger than the portion of the house to be removed, it still meets all applicable Zoning requirements, except for the modification requested herein. Please see the attached elevations for a conceptual picture of the proposed house.

- 7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.**

Again, the existing house was constructed in 1900 and 1942. The remaining three houses in the Hastings Crest Subdivision were built between 2006 and 2007 and range in size from 4,600 square feet to 5,400 square feet. Upon completion, the house on the subject property will contain approximately 5,500 square feet. The new addition will preserve the character of the existing house while allowing an addition comparable to the surrounding houses. Due to the historic nature of the existing house, the style of the house will be different than the surrounding houses, which were recently built. However, the character will resemble what currently exists. Similar to the surrounding houses, the Applicant will meet all applicable height and setback requirements, except for the modification requested as part of this Special Permit. Finally, the Applicant will meet all applicable tree cover requirements as part of the development of the subject property and will also be preserving the existing 65" Oak tree.

- 8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.**

As stated, the granting of this Special Permit will not exaggerate an existing condition with respect to the front yard. While the addition is slightly larger than the addition shown on the approved Variance Plat, it is in conformance with the applicable side and rear yard requirements. This Special Permit only applies to the front yard and the reduction is not in excess of what currently exists. The proposed house will also meet all applicable height requirements; therefore,

Mrs. Regina Coyle, Director
Department of Planning and Zoning
Fairfax County

Re: Hastings Crest, Lot 1
10208 Colvin Run Road
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LDC Project #02088-5-1

May 1, 2008
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the placement and height of the house will not impact adjacent property owners. Finally, the Applicant will provide an area onsite to detain and treat runoff and will install appropriate erosion and sediment controls during construction. The combination of these items will minimize adverse impact to adjacent properties.

9. **The BZA shall determine that the proposed reduction represent the minimum amount of reduction necessary to accommodate the proposed structure on the lot.**

As part of this application, the Applicant is respectfully requesting a 10% reduction in the minimum required front yard. This reduction will allow construction of a new house onto a portion of the existing house to be retained. The portion of the existing house to be removed currently encroaches 10% into the required minimum yard and the proposed house will not exaggerate this existing condition. Due to the location of the portion of the existing house to be retained, the Applicant is not able to accommodate the minimum front yard setback; therefore, this encroachment is the minimum necessary due to existing conditions.

In your review of this application, I believe that you will find it meets the spirit and criteria of the County's Comprehensive Plan, Zoning Ordinance and compliments the existing community.

I look forward to meeting with your staff to further discuss this application.

Very truly yours,

Land Design Consultants, Inc.



Kelly M. Atkinson, AICP
Senior Project Planner

Cc: Param Soni, Property Owner
Casey Margenau, Dean Designs, LLC
Peter Hotz, AIA, Cobalt Design Group
Matt Marshall, L.S., Land Design Consultants, Inc.
File



April 8, 2008

Ms. Virginia Ruffner, Planner III
Department of Planning and Zoning
Fairfax County
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Variance Amendment Application – Paramvir S. Soni
VCA 2008-0064
Fairfax County Tax Map #12-4 ((1)) Parcel 33A
Currently Zoned R-1, Approximately 41,129 square feet
LDC Project # 02088-5-1

Dear Ms. Ruffner,

Land Design Consultants, Inc. is in receipt of your comments dated March 24, 2008 and received March 28, 2008 and has revised the above referenced application as follows:

- 1. **Comment: Please provide original signed application.**

Response: Agreed. The original application form and three copies have been provided.

- 2. **Comment: Applicant must also file Special Permit for proposed addition.**

Response: Agreed. The Special Permit Plat and Application Materials have been submitted concurrently with this re-submission.

- 3. **Comment: Please provide for portion of existing dwelling to remain.**

Response: Agreed. The dimensions of the portion of the existing house to remain have been added to the Variance Plat Amendment Plat. A dimension from the portion of the existing house to remain to the eastern property line (+/- 83') has also been provided.

- 4. **Comment: Please revise and resubmit signed, dated and sealed plats and reduction.**

Response: Agreed. A revised copy of the Variance Plat Amendment Plat and reduction are included with this resubmission. This plat has been sealed, dated and signed.

- 5. **Comment: Please provide statement (in accordance with Item 7.01).**

Response: Noted. Please see the affidavit previously submitted and dated February 19, 2008. This statement was acknowledged on the affidavit. Another copy of the affidavit is included for your reference, which highlights no member of the BZA or Planning Commission or his household has any interest in this land.

Included with this comment response letter are the following:

- One copy of the revised Variance Plat Amendment Plat and one reduction
- Original and three copies of the Application Form

RECEIVED
Department of Planning & Zoning

MAY 08 2008

Zoning Evaluation Division

Zoning Evaluation Division

MAY 02 2008

RECEIVED
Department of Planning & Zoning

Ms. Virginia Ruffner, Planner III
Department of Planning and Zoning
Fairfax County

Re: Variance Amendment Application – Paramvir S. Soni
VCA 2008-0064
Fairfax County Tax Map #12-4 ((1)) Parcel 33A
Currently Zoned R-1, Approximately 41,129 square feet
LDC Project # 02088-5-1

April 8, 2008
Page 2 of 2

- February 19, 2008 Affidavit
- Special Permit Plat and Application Materials

I trust this information adequately addresses Staff's comments and we look forward to the acceptance of this application by Staff. If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

Land Design Consultants, Inc.



Kelly M. Atkinson, AICP
Senior Project Planner

Cc: Param Soni, Property Owner
Casey Margenau, Dean Designs, LLC
Peter Hotz, AIA, Cobalt Design Group
Matt Marshall, L.S., Land Design Consultants, Inc.
File



February 26, 2008

Mrs. Regina Coyle
 Zoning Evaluation Division
 Department of Planning and Zoning
 12055 Government Center Parkway, Suite 800
 Fairfax, Virginia 22035

RECEIVED
 Department of Planning & Zoning
 FEB 26 2008
 Zoning Evaluation Division

Re: Hastings Crest, Lot 1
 10208 Colvin Run Road
 VC 2003-DR-018
 Fairfax County Tax Map 12-4 ((1)) Parcel 33A, Zoned R-1
 LDC Project #02088-5-1

Dear Mrs. Coyle:

Land Design Consultants, Inc. (LDC) represents the property owner, Param Soni, in the filing of an amendment to an approved variance (VC 2003-DR-018) on Fairfax County Tax Map 12-4 ((1)) Parcel 33A in the Hastings Crest subdivision. This variance permitted subdivision of one lot into four lots with proposed Lots 2 and 3 having a lot width of 10.0 feet and proposed Lot 4 having a lot width of 12.62 feet (Amended to 77.4 feet) and permit dwelling (on Lot 1) to remain 18.5 feet from front lot line. Copies of the approved variance plat and development conditions are attached for your reference.

This variance amendment has been filed to remove Development Condition #7, which was approved by the Fairfax County Board of Zoning Appeals on April 22, 2003. All other variance conditions and approvals will remain in effect. Development Condition #7 reads:

"#7. The existing house on proposed Lot 1 shall be retained as shown on the variance plat. The proposed addition and breezeway attachment to the dwelling shall be reviewed and approved by the Fairfax County Architectural Review Board prior to commencement of construction."

The owner respectfully requests the aforementioned Development Condition be removed due to water damage resulting from burst water pipes that has made a portion of the house uninhabitable. In May of 2005, the owner purchased the subject property from Bison Building Company ("Bison"), which has since filed for bankruptcy. Prior to settlement, the electricity in the house was turned off and the utilities were left connected without notice to the future owner. As a result, the water pipes in the house burst causing significant damage to rear of the house. At the time of the water damage, Bison met with the County to review the possibility of demolishing the house in its entirety and replacing it with a new house. According to LDC's understanding, members of the Great Falls Citizens Association and Great Falls Heritage, Inc. reviewed the damage in the house and determined that the severely damaged portion of the house (the rear) was not historically significant. This portion of the house appeared to be constructed in the 1950's. This group determined that the older section of the house, closest to Colvin Run Road, was not damaged and should be preserved. It was recommended that Bison meet with an architect experienced in historic properties to develop a design, which preserved the character of the older section while providing a habitable space amenable to today's family. Bison did not pursue this recommendation nor tell the owner they could not demolish the house. At the time of settlement, Bison conveyed the ability to construct a new

Mrs. Regina Coyle, Director
Fairfax County Department of Planning and Zoning
Re: Hastings Crest, Lot 1
10208 Colvin Run Road
VC 2003-DR-018
Fairfax County Tax Map 12-4 ((1)) Parcel 33A, Zoned R-1
LDC Project #02088-5-1

February 26, 2008

Page 2 of 5

house and the owner had a contract with Bison to construct an entirely new house on the subject property within a specified time period due to the damage. Subsequent to settlement, the owner discovered that the subject property was subject to Development Condition #7 which precluded the removal of the existing house. This Development Condition was not disclosed prior to settlement. As a result, the client purchased a piece of property under false pretenses.

After the lengthy timeframe involved with resolving legal issues with Bison regarding the contract, the owner has been reviewing options for the use of the existing house in light of the water damage and existing constraints. The owner has hired an experienced architect, met with the Great Falls Citizen Association, Great Falls Heritage, Inc. and Architectural Review Board to prepare a plan to reconstruct the damaged portion of the house to provide a habitable living area while preserving the undamaged portion of the house. Again, the rear of the house will be reconstructed in the same location as the existing house being removed; therefore the addition will not be located any closer to Colvin Run Road than the existing house. In order to proceed with this re-construction, Development Condition #7 must be removed from the approved variance conditions. All other approved conditions shall remain in effect.

The following shall outline our justifications for this variance amendment:

1. *The subject property was acquired in good faith.*

The owner acquired the property on May 12, 2005 from Bison Building Company. Again, this house was sold with the understanding that a new house could be constructed on the subject property. The owner was unaware of the Development Conditions precluding removal of the house and the County's determination that the house could not be removed in its entirety due to the damage. However the Applicant has diligently worked with the adjacent citizens and Architectural Review Board to develop a solution, which preserves a portion of the existing house while removing that portion that is uninhabitable.

2. *That the subject property has at least one of the following characteristics: an extraordinary situation or condition of the subject property.*

The subject property has experienced an extraordinary situation as a result of the water damage and Development Condition precluding removal of the existing house. While the previous owner was unwilling to work with citizens and the County to preserve some portion of the house, the current owner has been open to this process. The Architectural Review Board has approved the architectural plans and the Great Falls Citizen Association has expressed support for this proposal. By removing this Development Condition, the Applicant will be able to use the property in the manner in which it was intended – as a residential dwelling unit for his family. At this time only a small portion of the house, without a kitchen or bathroom, is the only usable area of the house. By allowing this condition to remain, all reasonable use of the property is eliminated.

3. *That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably*

Mrs. Regina Coyle, Director
Fairfax County Department of Planning and Zoning
Re: Hastings Crest, Lot 1
10208 Colvin Run Road
VC 2003-DR-018
Fairfax County Tax Map 12-4 ((1)) Parcel 33A, Zoned R-1
LDC Project #02088-5-1
February 26, 2008
Page 3 of 5

practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.

The situation is not of a recurring nature and LDC and the owner were unable to foresee this situation. Similarly, the Board of Zoning Appeals also could not foresee this situation and provide an alternative in case the house needed to be removed due to damage. This specific Development Condition does not govern the remaining existing houses in this subdivision. Therefore, this situation is not of a recurring nature. However the owner has worked closely with the County and citizens to minimize the extent of the demolition.

4. *That the strict application of this Ordinance would produce undue hardship.*

The strict application of this Ordinance produces an undue hardship on the owner who purchased this property with the understanding that a new house could be constructed. Due to the Development Condition, the existing house cannot be removed and will remain uninhabitable due to the contamination and destruction that has been experienced as a result of the water damage. The only portion of the house that is currently habitable is an approximately 500 square foot area at the front that does not contain any bathrooms or a kitchen.

Since learning of the Development Condition and the County's position that a new house cannot be approved, the owner has allowed the house to be inspected by the County and adjacent citizens to determine what portion of the house should be preserved in light of the extenuating circumstances. The owner has taken that information and developed architectural plans that preserve the recommended area of the house while also accommodating an addition. Please note that no portion of this house considered for removal is considered historic.

The owner of the property was not responsible for the damage to the house; however he has worked closely to develop a plan that addresses the County's concerns and requests and provides a modern addition to serve the needs of this family.

5. *That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.*

The remaining lots within this subdivision contain new dwellings that were constructed in accordance with the approved variance. Development Condition #7 did not restrict these lots, as they did not previously contain houses. Therefore the adjacent properties do not share the hardship encountered by the subject property.

6. *That strict application of the Zoning Ordinance would effectively prohibit or unreasonable restrict all reasonable use of the subject property.*

Strict application of the Ordinance will unreasonably restrict the use of the property. Without the ability to remove the damaged portion of the existing house and reconstruct a portion of the house in its place, use of the property will be restricted to an approximately 500 square foot area of the house that has not been damaged. Please note this portion of the house does not contain the bathroom or kitchen,

Mrs. Regina Coyle, Director
Fairfax County Department of Planning and Zoning
Re: Hastings Crest, Lot 1
10208 Colvin Run Road
VC 2003-DR-018
Fairfax County Tax Map 12-4 ((1)) Parcel 33A, Zoned R-1
LDC Project #02088-5-1

February 26, 2008

Page 4 of 5

therefore this portion of the house would need to be retrofitted to include those items in order to be considered a dwelling.

7. *That the authorization of the variance will not be of substantial detriment to the adjacent property.*

The approval of this variance amendment will not be a substantial detriment to any adjoining properties. The Applicant has reviewed the proposed reconstruction with the Great Falls Citizen Association as well as the Architectural Review Board and these groups approve the proposed design. The reconstructed portion of the house will be located no closer to the existing property lines than that previously approved for the existing house, except for in the area along the western property line. However the house meets all applicable Zoning Ordinance requirements along the western property line, therefore it will have no adverse impact on adjacent property owners.

8. *That the granting of the variance will not change the character of the zoning district.*

The character of the zoning district will not be changed. All other performance standards will be met by this proposal. The Applicant is simply requesting an amendment to remove a Development Condition, which is currently precluding removal of an uninhabitable structure. The proposed re-construction will not exaggerate the current non-conforming condition.

9. *That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.*

The granting of this variance amendment will be in harmony with the intended spirit and purpose of the Ordinance. Part of the spirit and intent of the Ordinance is to promote the creation of suitable housing and safe and sanitary dwelling units. The existing house has experienced significant damage both structurally and aesthetically from the burst pipes. This has fostered the growth of mold, which is an unsanitary condition. This portion of the existing house is uninhabitable and the Development Condition restricts the future use of any portion of this house. Since purchasing this house, the owner has diligently worked with the County and citizens to provide a design, which accommodates the needs of those involved and preserves a portion of the house. We believe the issues associated with the subject property are unique and do not establish a precedent, which is in conflict with the spirit of the Ordinance.

The owner has also submitted a concurrent interpretation request to verify whether the proposed reconstruction is in accordance with the approved variance plat and to confirm a Special Permit is not required in order to allow the reconstructed portion of the house to be located 36' from the front property line. Again, the existing house is located 36' from the front property line. A copy of this interpretation request is attached for your reference.

Mrs. Regina Coyle, Director
Fairfax County Department of Planning and Zoning
Re: Hastings Crest, Lot 1
10208 Colvin Run Road
VC 2003-DR-018
Fairfax County Tax Map 12-4 ((1)) Parcel 33A, Zoned R-1
LDC Project #02088-5-1

February 26, 2008

Page 5 of 5

Please accept this as the statement of justification for this application. Thank you for your prompt attention to this matter and please contact me with any questions.

Very truly yours,

Land Design Consultants, Inc.



Kelly M. Atkinson, A.I.C.P.
Senior Project Planner

Enclosures

Cc: Param Soni, Property Owner
Casey Margenau, Dean Designs, LLC
Peter Hotz, AIA, Cobalt Design Group
Matt Marshall, L.S., Land Design Consultants, Inc.
File

FYI



February 25, 2008

Ms. Eileen McLane, Zoning Administrator
 Zoning Administration Division
 Department of Planning and Zoning
 12055 Government Center Parkway, Suite 807
 Fairfax, Virginia 22035

RECEIVED
 Department of Planning & Zoning
 FEB 26 2008
 Zoning Evaluation Division

Re: Hastings Crest, Lot 1 – Interpretation Request
 10208 Colvin Run Road
 VC 2003-DR-018
 Fairfax County Tax Map 12-4 ((1)) Parcel 33A, Zoned R-1
 LDC Project #02088-5-1

Dear Ms. McLane:

On April 22, 2003, the Fairfax County Board of Zoning Appeals approved variance VC 2003-DR-018 to permit subdivision of one lot into four lots with proposed Lots 2 and 3 having a lot width of 10.0 feet and proposed Lot 4 having a lot width of 12.62 feet (Amended to 77.4 feet) and permit dwelling (on Lot 1) to remain 18.5 feet from front lot line. Copies of the approved variance plat and development conditions are attached for your reference. A subdivision plan (1903-SD-01-2) was subsequently approved for this subdivision in accordance with the approved variance plat and a record plat recorded in Deed Book 16831, at Page 759.

As part of the approved variance, a number of development conditions were approved including,

“#7. The existing house on proposed Lot 1 shall be retained as shown on the variance plat. The proposed addition and breezeway attachment to the dwelling shall be reviewed and approved by the Fairfax County Architectural Review Board prior to commencement of construction.”

Recently a portion of the rear of the existing house on Lot 1 experienced significant water damage due to burst water pipes. The owner of Lot 1 is now requesting permission to retain the front portion of the existing house and re-construct the rear of the house as shown on the attached Variance Plat Amendment. However per the above referenced Development Condition no portion of the existing house can be removed. Concurrent with this interpretation request, the owner will be submitting a request to amend the previously approved variance in order to eliminate this Development Condition due to the uncontrollable situation on site and to permit reconstruction of a portion of the house currently uninhabitable.

In addition to preserving the existing house on the previously approved variance plat, a breezeway and building addition were shown as additions to the existing house. While the existing house needed a variance to allow it to remain closer than 40' to the front yard, as shown, these additions complied with the minimum yard requirements. At this time, the Owner is proposing to reconstruct a portion of the house over the damaged portion of the existing house. This portion of the new house will be located within the minimum front yard but no closer to the front yard than previously approved on the variance. In addition, the Owner proposes to increase the width of the house, similar in width to the previously approved breezeway and building addition. This portion of the house will meet applicable yard requirements.

Ms. Eileen McLane, Zoning Administrator

Zoning Administration Division

Department of Planning and Zoning

Re: Hastings Crest, Lot 1

10208 Colvin Run Road

VC 2003-DR-018

Fairfax County Tax Map 12-4 ((1)) Parcel 33A, Zoned R-1

LDC Project #02088-5-1

February 25, 2008

Page 2 of 3

Therefore, this interpretation request is to determine whether the proposed house reconstruction and addition is in substantial conformance with the approved variance plat provided the Board of Zoning Appeals approves the concurrent variance plat amendment to remove Development Condition #7. Please find below a brief history of this project and additional justification.

In May of 2005, the owner purchased the subject property from Bison Building Company ("Bison"), which has since filed for bankruptcy. Prior to settlement, the electricity in the house was turned off and the utilities were left connected without notice to the future owner. As a result, the water pipes in the house burst causing significant damage to rear of the house. At that time of the water damage, Bison met with the County to review the possibility of demolishing the house in its entirety and replacing it with a new house. According to LDC's understanding, members of the Great Falls Citizens Association and Great Falls Heritage, Inc. reviewed the damage in the house and determined that the severely damaged portion of the house (the rear) was not historically significant. This portion of the house appeared to be constructed in the 1950's. This group determined that the older section of the house, closest to Colvin Run Road, was not damaged and should be preserved. It was recommended that Bison meet with an architect experienced in historic properties to develop a design, which preserved the character of the older section while providing a habitable space amenable to today's family. Bison did not pursue this recommendation nor tell the owner they could not demolish the house. At the time of settlement, Bison conveyed the ability to construct a new house and the owner had a contract with Bison to construct an entirely new house on the subject property within a specified time period due to the damage. Subsequent to settlement, the owner discovered that the subject property was subject to Development Condition #7 which precluded the removal of the existing house. This Development Condition was not disclosed prior to settlement. As a result, the client purchased a piece of property under false pretenses.

Since the lengthy timeframe involved with resolving legal issues with Bison, the Owner has been reviewing options for the use of the existing house in light of the water damage and existing constraints. The Owner has hired an experienced architect, met with the Great Falls Citizen Association, Great Falls Heritage, Inc. and Architectural Review Board to reconstruct the damaged portion of the house to provide a habitable living area while preserving a portion of the existing house. Again, the rear of the house will be constructed in the same location as the existing house being removed; therefore the addition will not be located any closer to Colvin Run Road than the existing house.

The intent of the original variance was to allow the existing house to remain approximately 18.5 from the front lot line. In addition, it preserved the existing house while allowing the addition of a breezeway and addition that met all applicable performance standards. As part of this interpretation request and the concurrent Variance Amendment, the front of the existing house will continue to be preserved and will remain approximately 18.5 from the front lot line, therefore we believe this continues to be in substantial conformance with the approved variance. In addition, a dimension has been added to the approved variance plat showing that the southeast corner of the portion of the existing house to be removed is located approximately 36' from Colvin Run Road. The proposed house will continue to be located approximately 36' from Colvin Run Road in this area, therefore it will also be in substantial conformance with the approved variance plat. Finally, the proposed addition will meet all applicable performance standards similar to the addition shown on the approved variance plat, which is in substantial conformance with the approved variance plat.

Ms. Eileen McLane, Zoning Administrator
Zoning Administration Division
Department of Planning and Zoning
Re: Hastings Crest, Lot 1
10208 Colvin Run Road
VC 2003-DR-018
Fairfax County Tax Map 12-4 ((1)) Parcel 33A, Zoned R-1
LDC Project #02088-5-1

February 25, 2008

Page 3 of 3

LDC believes the proposed reconstruction and preservation is in substantial conformance with the approved variance plat. The approved variance plat did not consider a situation where the existing house would become badly damaged to the point of needing demolished. However, the owner has worked with the surrounding citizens association and Architectural Review Board to create a reconstruction that preserves the integrity of the portion of the house to be retained and does not exaggerate an already nonconforming condition. While the southeastern portion of the proposed house will not meet the minimum front yard setback of 40', this was an existing condition that will not be exaggerated with this proposal. Please note that the owner has had a structural engineer review the damaged portion of the house and has determined that this portion of the house has been seriously compromised by water infiltration and erosion. As a result of the structural issue, the Owner cannot create a false wall in order to meet the front yard setback in this small area in order to rectify the situation and bring it into conformance with the front yard requirements.

Therefore, LDC is requesting confirmation from your office that the proposed house can be reconstructed on site in the area shown on the Variance Plat Amendment and that the proposed reconstruction can be located approximately 36' from the front yard similar to the location of the existing house, which was previously approved, without the need for an additional special permit. The owner has been dealing with this issue for some time and has developed an alternative, which is amenable to the citizens and Architectural Review Board and wishes to proceed as quickly as possible. Again, the owner does understand a variance amendment is required, at a minimum, to remove Development Condition #7. This has been submitted concurrently with this interpretation request.

Finally, LDC is also requesting confirmation that the existing house can continue to remain 18.5 from the front property line without any additional special permit approvals. This modification to the front yard requirements was previously approved with the variance and no changes are being proposed to this portion of the house. Therefore, LDC believes this continues to be in conformance with the approved variance plat but is requesting confirmation that no additional approvals will be required.

I have included a copy of the approved variance plat, approved Development Conditions, and Variance Plat Amendment. Due to the complexity of this case, I would request a meeting with your office once you have had a chance to review the request and prior to making any decisions. We look forward to your expeditious review of this request.

Very truly yours,

Land Design Consultants, Inc.



Kelly M. Atkinson, A.I.C.P.
Senior Project Planner

Enclosures

Cc: Param Soni, Property Owner
Casey Margenau, Dean Designs, LLC
Peter Hotz, AIA, Cobalt Design Group
Matt Marshall, L.S., Land Design Consultants, Inc.
File



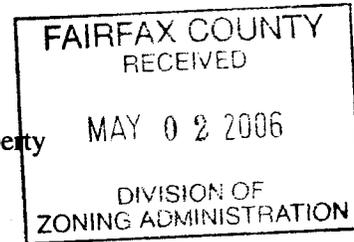
County of Fairfax, Virginia

*File on sheet
file*

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

May 1, 2006

Robert E. Beach, Chairman
Fairfax County History Commission
Fairfax City Regional Library, Virginia Room
3915 Chain Bridge Road
Fairfax, VA 22030



Re: Interpretation for Variance VC-2003-DR-018, Hastings Crest Property
Tax Map 12-4 ((1)) 33: Existing Structure

Dear Mr. Beach:

This is in response to your letter of March 10, 2006, requesting an interpretation of the Variance (VC) Plat and the development conditions approved by the Board of Zoning Appeals in conjunction with VC 2003-DR-018. As I understand it, you have asked for clarification of Development Condition 7 regarding retention of the existing house on Lot 1. Specifically, you ask whether the Development Condition requires that the house be retained in its original condition at the time of variance approval. This determination is based on your letter and untitled plan, copies of which are attached for reference.

You have stated that the existing historic house on the property has been left unattended and has been allowed to deteriorate. Development Condition 7 states: "The existing house on proposed Lot 1 shall be retained as shown on the variance plat. The proposed addition and breezeway attachment to the dwelling shall be reviewed and approved by the Fairfax County Architectural Review Board prior to commencement of construction."

It is my determination the language of Development Condition 7 requires retention of the house, or that it not be removed; it does not talk about preserving the house in a certain condition. However, it should be noted that, pursuant to the Development Condition, the existing house cannot be replaced with a new house. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this matter, please feel free to contact Kul Sandhu at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division

BA\NO:\ksandh\INTERPRE\History Commission, Existing Structure

cc: Joan M. DuBois, Supervisor, Dranesville District
Board of Zoning Appeals
Leslie B. Johnson, Deputy Zoning Administrator for Zoning Permits Review Branch, DPZ
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
Paramvir S. Soni 1608 Chathams Ford Place, Vienna, VA 22182
File: V-22-79, VCI 0601 009, Imaging, Reading File

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

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Fairfax County History Commission

Fairfax City Regional Library
Virginia Room
3915 Chain Bridge Road
Fairfax, Virginia 22030
Tel. 703-293-6383

March 10, 2006

Ms. Barbara Byron, Director
Zoning Evaluation Division
Department of Planning & Zoning
12055 Government Center Parkway, 8th Floor
Fairfax, Virginia 22035

**RE: History Commission
Request for Interpretation
Variance Application No. VC 2003-DR-018
10208 Colvin Run Road**

Dear Ms. Byron:

The Fairfax County History Commission is seeking an interpretation of the term "retained," stated in Appendix 1, item number seven on page two of the Proposed Development Conditions VC 2003-DR-018 dated April 15, 2003. Item number seven reads as follows:

"The existing house on proposed lot 1 shall be retained as shown on the variance plat. The proposed addition and breezeway attachment to the dwelling shall be reviewed and approved by the Fairfax County Architectural Review Board prior to the commencement of construction."

It is our understanding; the current Owner has begun to develop the property. The existing house has been left unattended and has been allowed to deteriorate. Water pipes were not monitored and froze, causing internal damage to the dwelling. Portions of the foundation have been impacted by water run-off and are currently being compromised; the Owner has undertaken no action or necessary intervention to reverse deterioration. Doors and windows have been left open; portions of the dwelling have been vandalized and other conditions, not addressed by the Owner, are actively contributing to the slow deterioration of this dwelling and will lead to the inevitable loss of the this precious historic structure. Therefore, the Fairfax County History Commission values your answer to the following question.

Was it the intention of the staff to require the Owner to retain the house in its original condition at the time of variance approval in an effort to preserve the historic structure?

We look forward to receiving your answer and thank you for your kind attention to our request.

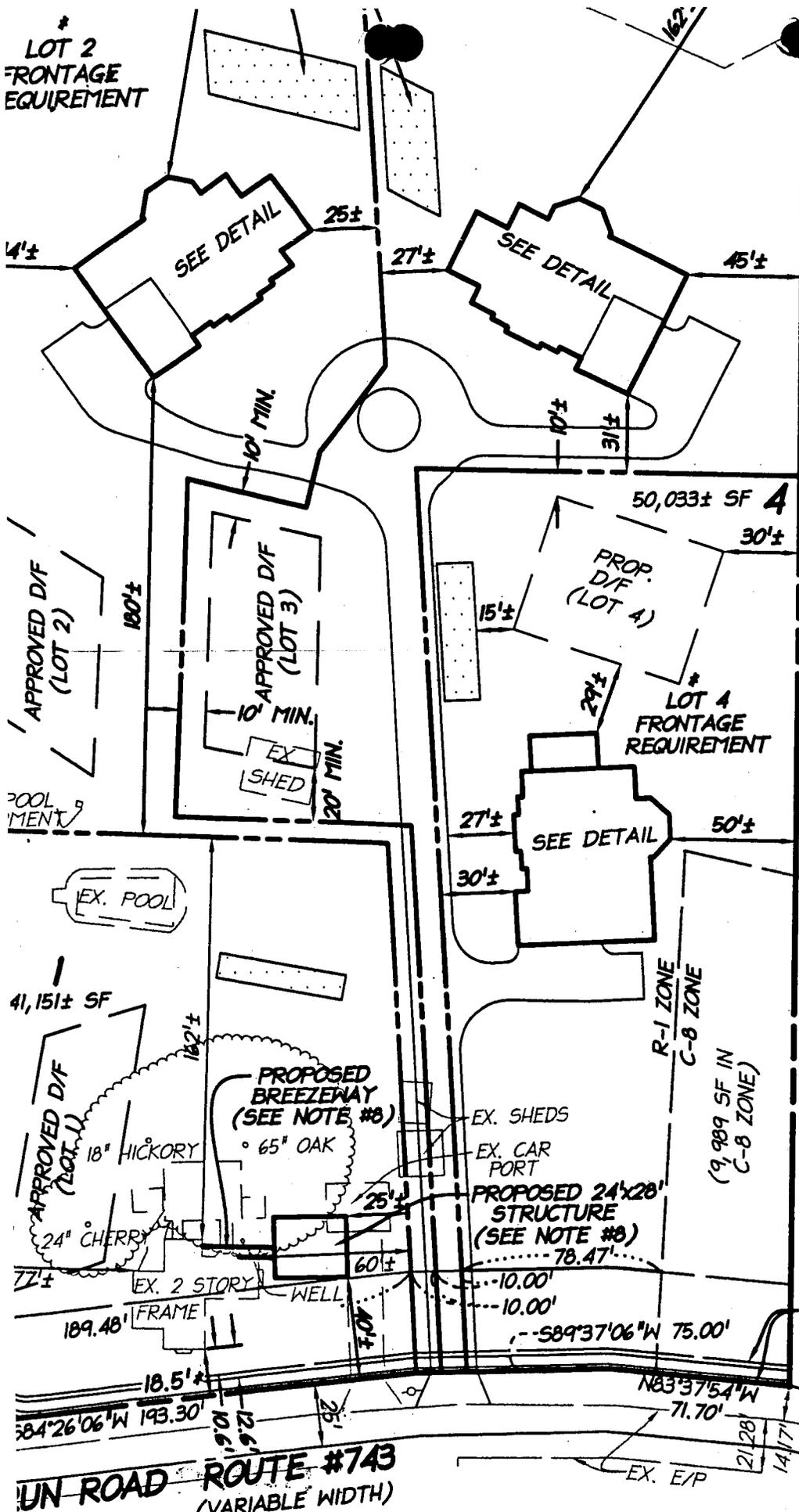
Sincerely,

Robert E. Beach, AIA, Chair
Fairfax County History Commission

Cc: Supervisor Joan DuBois
John DiGiulian, BZA Chairman

LOT 2 FRONTAGE EQUIPMENT

D.B. 5944 PG. USE : S
 ZONE : R-1



NOTES

1. THE ASS.
2. THE 1353'
3. TITL COM.
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 WEST ESTATES LLC
 D.B. 13084 PG. 1244
 ZONE : R-1/C-8 USE :

UN ROAD ROUTE #743 (VARIABLE WIDTH)

May 8, 2008

RECEIVED
Department of Planning & Zoning
MAY 13 2008
Zoning Evaluation Division

Mrs. Regina Coyle
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

Re: Hastings Crest, Lot 1
Fairfax County Tax Map 12-4 ((1)) Parcel 33A, Zoned R-1

Dear Mrs. Coyle:

Paramvir Soni, the Applicant/Title Owner of the property located in Fairfax County and identified by Tax Map Number 12-4 ((1)) Parcel 33A hereby authorize Land Design Consultants, Inc., Kelly M. Atkinson and Matthew T. Marshall, L.S., to apply and/or place application for a Special Permit and Variance Amendment for the above referenced property. I hereby also authorize Land Design Consultants, Inc., Kelly M. Atkinson and Matthew T. Marshall, L.S. to act as Agent for Paramvir Soni in filing an application for the referenced Special Permit and Variance Amendment application.



Paramvir Soni

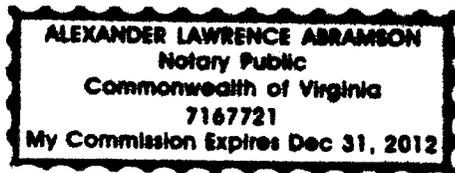
State of Virginia
County of Fairfax

The foregoing instrument was acknowledged before me this 9TH day of MAY, 2008 by
PARAMVIR SONI



Notary Public

My commission expires:



COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

COLVIN RUN, L.L.C., VC 2003-DR-018 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit subdivision of one lot into four lots with proposed Lots 2 and 3 having a lot width of 10.0 ft. and proposed Lot 4 having a lot width of 12.62 ft.(AMENDED TO 77.4 FEET) and permit dwelling to remain 18.5 ft. from front lot line. Located at 10208 Colvin Run Rd. on approx. 6.0 ac. of land zoned R-1 and C-8. Dranesville District.Tax Map 12-4 ((1)) 33. (Admin moved from 4/8/03) Mr. Pammel moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on April 22, 2003; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The applicant has met the criteria for the granting of a variance.
3. The lot has an unusual shape.
4. The variance meets the criteria that it is compatible with the Comprehensive Plan.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.

7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This variance is approved for a variance to the minimum lot width and for an existing dwelling to remain 18.5 feet from the front lot line, as shown on the plat prepared by Charles E. Powell, dated March 14, 2002, as revised through April 11, 2003. All development shall be in conformance with this plat as qualified by these development conditions. These conditions shall be recorded among the land records of Fairfax County for each of these lots.
2. Within 30 days of the final approval of this variance request, and prior to any land disturbing activity on site, the applicant shall employ an arborist to prepare a condition analysis for the 65 inch white oak tree. Tree preservation recommendations for this tree provided by the arborist shall be implemented immediately to ensure that the oak tree is adequately protected before, during and after construction, as determined in conjunction with the Urban Forestry Division.
3. Prior to any land disturbing activity, both a grading plan and a tree preservation plan showing the improvements on proposed Lots 1, 2, 3 and 4 shall be submitted to the Department of Public Works and Environmental Services (DPWES), including the Urban Forestry Division, for review and approval. The plans shall depict preservation of the 65 inch white oak tree located on proposed Lot 1, trees located in the floodplain and in the southern portion of the site, where mature trees are located, as determined feasible by the Urban Forester, and the limits of clearing and grading which protect the trees. Prior to any land disturbing activities for construction, if deemed necessary by the Urban Forestry Division, a pre-construction conference shall be held on site between DPWES and representatives of the applicant to include the construction site superintendent responsible for on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation and the erosion and sedimentation control plan to be implemented during construction. All utilities located outside the limits of clearing and grading shall be located and installed in a manner which is the least disruptive to the natural vegetation as possible.

All trees and tree save areas shown to be preserved on the tree preservation plan shall be protected by tree protection fence placed at the drip line. Tree protection fencing consisting of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven

18 inches into the ground and placed no further than 10 feet apart shall be erected at the limits of clearing and grading.

The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of tree protection fence shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the projects certified arborist shall verify in writing that the tree protection fence has been properly installed. Such tree fencing shall be installed around the 65 inch white oak tree immediately upon approval of the variance application.

4. Stormwater Management (SWM) and Best Management Practices (BMPs) shall be provided in accordance with the requirements of the Public Facilities Manual and the Chesapeake Bay Preservation Ordinance as determined by the Department of Public Works and Environmental Services (DPWES). A written disclosure shall be made to contact purchasers prior to entering into a contract of sale and shall be placed in the purchase contract and in the deed for each lot and recorded among the land records of Fairfax County which:
 - Notifies the landowner of the existence and maintenance responsibility for rain gardens if located on the lots; and,
 - Sets forth maintenance standards for the rain gardens as outlined in Attachment A.
5. Areas located within the floodplain, as shown on the variance plat, shall be placed within a restrictive easement, in a form approved by the County Attorney, recorded among the Fairfax County land records to the benefit of the Northern Virginia Conservation. The easement shall restrict the removal of any trees that are not dead, dying or diseased, and the installation of any structures other than privacy fences. A written disclosure shall be made to contract purchasers prior to entering into a contract of sale and shall be placed in the purchase contract and in the deed for each lot and recorded among the land records of Fairfax County.
6. Prior to any land disturbing activities, the applicant shall contact the Fairfax County Park Authority County Archeologist and shall grant the County Archeologist permission to enter the subject property to perform a Phase 1 archeological survey, a Phase 2 assessment and/or a Phase 3 data recovery of any potentially significant features discovered during Phase 1.
7. The existing house on proposed Lot 1 shall be retained as shown on the variance plat. The proposed addition and breezeway attachment to the dwelling shall be reviewed and approved by the Fairfax County Architectural Review Board prior to commencement of construction.
8. The portion of Proposed Lot 4 zoned C-8 shall only be used for residential uses as permitted in the Zoning Ordinance.

9. A written disclosure shall be made to contact purchasers prior to entering into a contract of sale and shall be placed in the purchase contract and in the deed for each lot and recorded among the land records of Fairfax County which discloses the location and maintenance requirements of the drainfields for each lot.
10. The applicant shall grant an ingress/egress easement for the benefit of proposed Lots 1, 2, 3, and 4 over the common driveway shown on the variance plat. Said easement shall be the subject of a private maintenance agreement among the property owners of the proposed Lots to be recorded in the land records in a form approved by the County Attorney at the time of subdivision plat approval for the Application Property. Purchasers shall execute a disclosure memorandum at time of contract acknowledging the ingress/egress easement.
11. The final location of the proposed garage on Lot 1 shall be determined in consultation with the Urban Forester to ensure the preservation of the 65 inch oak, but shall not be closer than 25 feet from the eastern lot line.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval* unless the subdivision has been recorded among the land records of Fairfax County. The Board of Zoning Appeals may grant additional time to record the subdivision if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. 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.

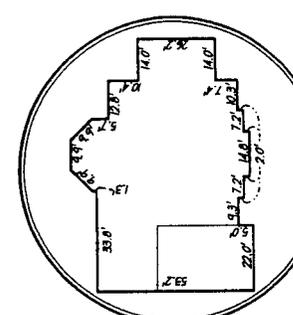
Mr. Hammack seconded the motion which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on April 30, 2003. This date shall be deemed to be the final approval date of this variance.

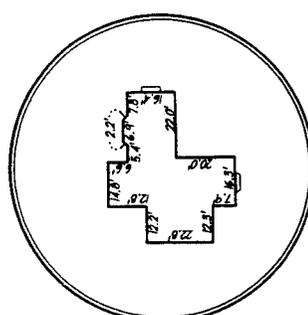
A Copy Teste:



Alison Capo, Deputy Clerk
Board of Zoning Appeals



PROPOSED HOUSE DETAIL
 1" = 30'



EXISTING HOUSE DETAIL
 1" = 30'

MINIMUM YARD REQUIREMENTS FOR R-1 ZONING
 FRONT - 40'
 SIDE - 20'
 REAR - 25'
 MINIMUM LOT WIDTH (INTERIOR LOT) 160'

VARIANCE REQUESTED
 LOT 1 - TO PERMIT EXISTING HOUSE TO REMAIN 18.5' FRONT COLVIN RUN ROAD
 LOT 2 - TO PERMIT LOT WITH 10' OF LOT WIDTH
 LOT 3 - TO PERMIT LOT WITH 10' OF LOT WIDTH
 LOT 4 - TO PERMIT LOT WITH 70.47' OF LOT WIDTH

DENSITY TABULATION

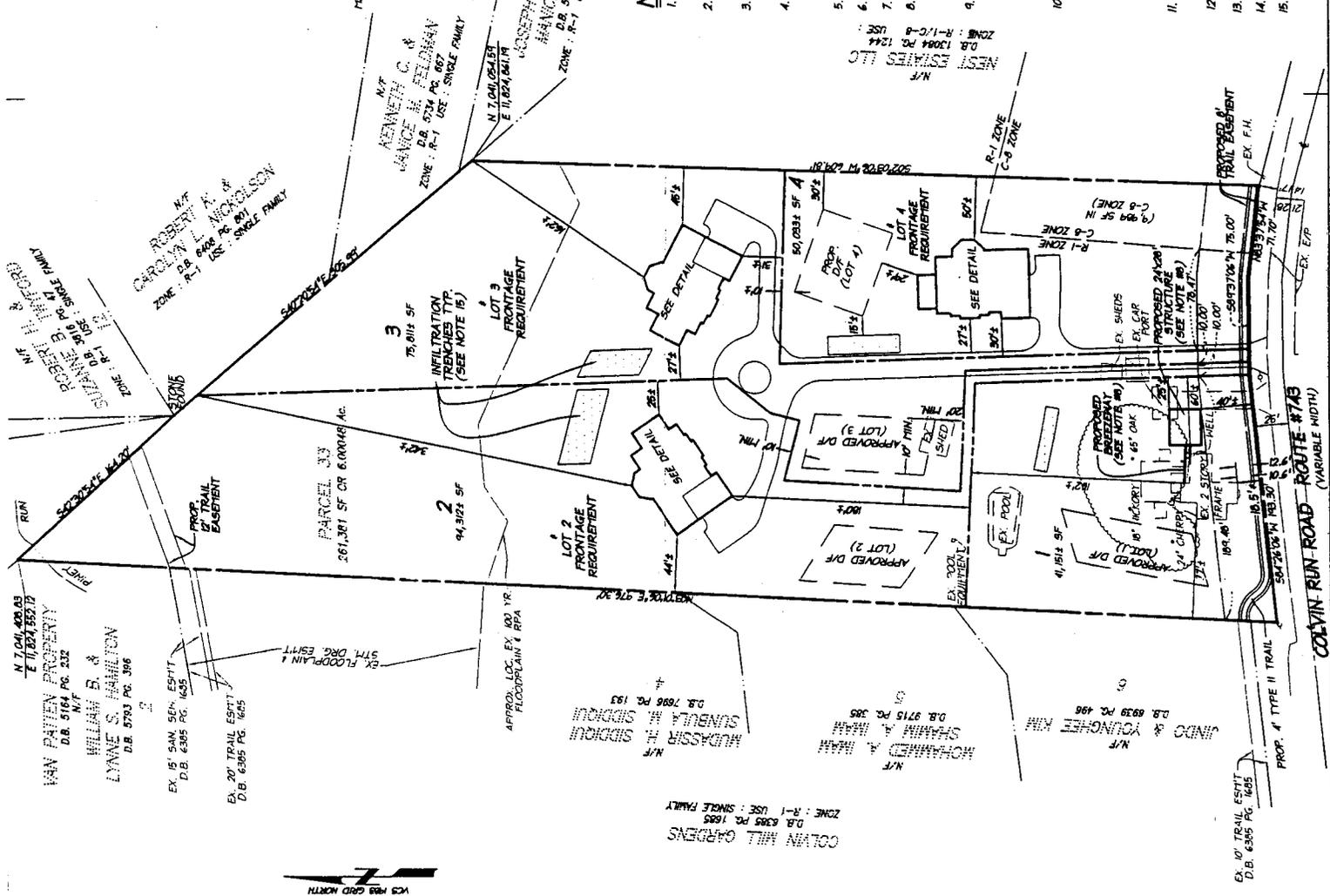
TOTAL PROPERTY AREA	241,361 SF (6.00046 AC.)
PORTION ZONED R-1	201,340 SF (5.77117 AC.)
PORTION ZONED C-8	9,994 SF (0.22881 AC.)
PORTION OF PROPERTY WITHIN C-8 ZONE	9,994 SF
MAY NOT BE USED FOR DENSITY CALCULATION FOR R-1	
DENSITY: 4 UNITS/6.77117 AC. = 0.70 DU/AC.	

PORTION OF LOT 4 WITHIN C-8 ZONE MAY NOT BE USED TO MEET MINIMUM LOT REQUIREMENTS.
 LOT 4 TOTAL AREA = 50,083 SF
 AREA WITHIN C-8 ZONE = 9,994 SF
 LOT AREA INSIDE R-1 ZONE = 40,044 SF

NOTES

- THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON FAIRFAX COUNTY ASSESSMENT MAP No. 12-4 (11) PARCEL 39 AND IS CURRENTLY ZONED R-1. THE OWNER IS COLVIN RUN ROAD, L.L.C. BY DEED RECORDED IN DEED BOOK 1959 AT PAGE 539 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
- TITLE REPORT FURNISHED BY CORTONHEALTH LAND TITLE INSURANCE COMPANY, COMMITMENT No. 48420, DATED JULY 14, 2002.
- BOUNDARY SHOWN HEREON WAS TAKEN FROM A FIELD RUN SURVEY PREPARED BY RAYMOND, DUDLEY ASSOCIATES, INC., DATED APRIL 18, 1996 AND FIELD VERIFIED BY LAND DESIGN CONSULTANTS.
- THE PROPERTY SHALL BE SERVED BY PUBLIC WATER AND PRIVATE SEPTIC SYSTEMS.
- THERE ARE NO EXISTING UTILITY EASEMENTS 25' WIDE OR GREATER.
- THE MAXIMUM BUILDING HEIGHT OF THE PROPOSED STRUCTURES ON LOT 2, 3 & 4.
- THE MAXIMUM BUILDING HEIGHT OF THE EXISTING STRUCTURE IS 26' ±. THE MAXIMUM BUILDING HEIGHT OF THE PROPOSED 24'x28' STRUCTURE IS 26' ±, AND THE MAXIMUM BUILDING HEIGHT OF THE PROPOSED BREEZEWAY IS 20' ±.
- ALL PROPOSED DEVELOPMENT SHALL CONFORM TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS OF FAIRFAX COUNTY AND VDOT EXCEPT AS MAY BE REQUESTED HEREIN. THE APPLICANT RESERVES THE RIGHT TO APPLY FOR AN FUTURE MAJOR AND/OR MODIFICATION AT THE TIME OF THE FUTURE PLAN SUBMISSION TO DPM & ES.
- THE HOUSE FOOTPRINT SHOWN HEREON IS APPROXIMATE AND SUBJECT TO CHANGE. THE APPLICANT RESERVES THE RIGHT TO ADJUST ARCHITECTURAL FEATURES, HOUSE FOOTPRINTS OR MAKE MINOR LOT LINE ADJUSTMENTS BASED UPON FINAL DRAINFIELD APPROVAL SO LONG AS THE MINIMUM R-1 ZONING DISTRICT TARDOS STATED HEREON ARE MAINTAINED, AND THE ZONING ORDINANCE PROVISIONS ARE UPHOLD. NO FURTHER ENCROACHMENT IS PERMITTED ON LOT 1 WITHIN THE 40' FRONT YARD.
- THE FLOODPLAIN SHOWN HEREON WAS TAKEN FROM A SURVEY PREPARED BY RUMON, DUDLEY ASSOCIATES, INC., DATED APRIL 18, 1996.
- RESOURCE PROTECTION AREA IS DELINEATED ON THIS PLAT AS (RPA).
- LAND DESIGN CONSULTANTS IS NOT AWARE OF ANY BURIAL SITES.
- THE EXISTING SHEDS AND CARPORTS WILL BE REMOVED.
- THE PROPOSED INFILTRATION TRENCHES ARE SUBJECT TO CHANGE IN SIZE AND LOCATION UPON FINAL ENGINEERING.

Application No. VC 2003-DR-018
APPROVED VARIANCE PLAT
 SEE DEVELOPMENT CONDITIONS
 Date of final RZA approval: 4/30/03
 Staff Coordinator: Mr. Hoyle
 Sheet: 1 of 1
 RECEIVED
 Department of Planning & Zoning
 APR 11 2003
 Zoning Evaluation Division



VAN PATTEN PROPERTY
 D.B. 5164 PG. 232
 N/F
WILLIAM B. & LYANNE S. HAMILTON
 D.B. 5793 PG. 366

EX. 15' SAN. SEW. ESM'T.
 D.B. 6305 PG. 1655

EX. 20' TRAIL ESM'T.
 D.B. 6305 PG. 1655

PARCEL 33
 261,381 SF OR 6.00046 AC.
 APPROX. LOC. EX. 60 YR. FLOODPLAIN & RPA

LOT 3
 78,015 SF
 INFILTRATION TRENCHES TYP. (SEE NOTE 15)

LOT 2
 44,925 SF

LOT 1
 78,015 SF

MOHAMMED A. HAN
 SHAMIM A. HAN
 D.B. 9715 PG. 365

SUNDELA H. SHIDQUI
 HUDSAR H. SHIDQUI
 D.B. 7696 PG. 183

INDO & YOUNGHEE KIM
 D.B. 6939 PG. 496

NESTOR GARDENS LLC
 D.B. 12004 PG. 1244
 ZONE: R-1-C-8 USE





County of Fairfax, Virginia

MEMORANDUM

DATE: 25 June 2008

TO: Debra Hedrick, ZED Coordinator
Pamela Nee, Branch Chief, Development Review

FROM: Linda Cornish Blank, Historic Preservation Planner *ACT*

SUBJECT: VCA 2003-DR-018 10208 Colvin Run Road, tax map 12-4((1)) 33A

Background:

2003: The residence located at 10208 Colvin Run Road, tax map 12-4 ((1)) 33 was the subject of Variance Application No. VC 2003-DR-018. The variance proposal was to permit subdivision of one lot into four lots and to permit the existing dwelling to remain 18.5' from the front lot line.

At the time of the 2003 variance application, the residence was reported to be of historic significance to the local community as acknowledged by Great Falls Heritage, Inc. and two of the members of the Fairfax County History Commission from the Dranesville District. These Commission members supported the variance request so that the existing residence could be retained and preserved at its current location.

Three new houses were to be built on a "pipe stem" in a cluster development. This layout and density was not in-keeping with Comprehensive Plan. Staff did not object to the variance application because it provided for protecting the existing historic structure as well as a 65" oak tree. The staff report for the 2003 variance application indicated that Colvin Run, LLC, the applicant, agreed to a development condition which required preservation of the existing house and review and approval by the Architectural Review Board (ARB) prior to building permit issuance for the proposed breezeway and garage additions to the existing dwelling.

2007: The property owner met with the ARB in workshop sessions at its September 13 and December 13 meetings. (Attachment 1, excerpt ARB minutes) The proposal discussed with the ARB was to retain the two-story Ell section of the existing dwelling adjacent to Colvin Run Road, demolish the Ell at the sides and rear, and construct a three-level residence to join the north wall of the Ell section to be retained with the new construction setback from Colvin Run Road.

At its September 13 meeting, the ARB discussed: 1) the importance of retaining the Colvin Run Road streetscape; 2) considering if the new addition will differ from the old exterior or if it will have a more seamless transition; 3) the extent of the existing dwelling to be retained; 4) the historic significance of the house to the community; 5) the significance and retention of the existing 65" oak tree; 6) that this is a design issue and not a historic preservation issue per se; 7) the suggestion that an engineering analysis be submitted in regards to the structural integrity of the existing foundation; and 8) the suggestion that a preservation architect be consulted and then a second workshop held with the ARB.

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
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www.fairfaxcounty.gov/dpz/



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DEPARTMENT OF
PLANNING
& ZONING

At its December 13 meeting, the ARB discussed: 1) the fact that the local community supported the proposal presented by the property owner; 2) that the proposal is a design issue and not a historic preservation issue; 3) that the design concept was acceptable due to the situation that the previous owner had placed the current owner in; 4) the significance and retention of the existing 65" oak tree; and 5) the importance of retaining the Colvin Run Road streetscape and support for extending over the building restriction line.

At both meetings, the proposal was discussed in workshop sessions only and was never formally before the ARB for action.¹

Heritage Resource Comment:

1. The property is located within the Colvin Run National Register-eligible Historic District. The eligible district includes the entire 1.2 mile length of Colvin Run Road and all properties fronting on the road. Colvin Run Road was designated a Virginia Byway in 1999.
2. At its September 13 and December 13, 2007 workshops sessions, the ARB acknowledged the importance of retaining the Colvin Run Road streetscape and the significance and retention of the existing 65" oak tree.
3. The intent of the 2003 development condition requiring approval by the Architectural Review Board (ARB) prior to building permit issuance for the proposed breezeway and garage additions to the existing dwelling was to protect the integrity of the historic structure. At that time, the residence was reported to be of historic significance to the local community.
4. The intent of the original development condition is no longer applicable due to the change in circumstances. The removal of 65% of the existing dwelling and the addition of 4,500 square feet of new construction, supported by the local community, alters the character of the existing dwelling. The current proposal, as acknowledged by the ARB at its September 13 and December 13 2007 workshop sessions, is a design issue and not a historic preservation issue. The retention of a historic structure in situ and the construction of breezeway and garage additions compatible with the existing dwelling is no longer the matter before the ARB.
5. In staff discussion with the ARB chairman, both concur that due to the change in circumstances, the public benefit to be derived from ARB review has been impacted; the need for ARB review may no longer be as imperative.

Heritage Resource recommendation:

1. Remove development condition #7 as requested by the applicant.
2. No further ARB review and approval be required for the current proposal.
3. The importance of retaining the Colvin Run Road streetscape as acknowledged by the ARB at its September 13 and December 13, 2007 workshop sessions be taken into consideration by the Board of Zoning Appeals so as to protect the integrity of the Colvin Run National Register-eligible Historic District.
4. The current proposed development including grading, site improvements, and the location of the driveway access be evaluated by the Urban Forestry Division to ensure retention, protection and preservation of the existing 65" oak tree.

¹ The applicant indicated in April 8, 2008 and February 26, 2008 letters submitted to ZED that elevations had either been tentatively approved or approved by the ARB. This is inaccurate. (See Attachment 1, excerpt ARB minutes.)

The following is an excerpt from the:

APPROVED MINUTES

September 13, 2007

THE FAIRFAX COUNTY ARCHITECTURAL REVIEW BOARD

Members Present:

John Boland, *Vice Chairman*
Mark Searle, *Treasurer*
Richard Bierce, AIA
Pamela Cressey, PhD, RPA
Peter Juanpere, AIA
Mark Lewis, ASLA
Bob Mobley, AIA
Elise Murray, *Ex-Officio*
Susan Notkins, AIA

Members Excused:

John A. Burns, FAIA, *Chairman*
Joy Ortiz, AIA

Members Absent:

Staff Present:

Linda Blank,
*Fairfax Department of
Planning & Zoning*
Beth Iannetta, Recording
Secretary

Mr. Boland opened the September 2007 meeting of the ARB at 6:30 p.m. in Room 4/5 at the Government Center. Mr. Lewis read the Statement of Purpose.

WORKSHOP SESSION:

• **The proposed construction** of a residential unit at 10208 Colvin Run Road located within the Colvin Run eligible National Register Historic District. The proposed two-story dwelling would measure approximately 24' wide X 100' long. The front Ell of the existing house would be retained and the remaining portion of the house demolished and/or encapsulated within the new construction. VC 2003-DR-018 development condition 7 requires: "The proposed addition and breezeway attachment to the dwelling shall be reviewed and approved by the Fairfax County Architectural Review Board. . ."

- Messers Soni and Margenau presented background information on the property including when the Sonis purchased the property and their meetings with the community. Staff had given members a copy of support for the proposal from the Land Use and Zoning Committee of the Great Falls Citizens Association.
- Ms. Notkins explained that she had met with Messers Soni and Margenau, DPZ staff and Supervisor DuBois staff on the proposal.
- Mr. Mobley recognized the applicant's challenge in trying to make something good out a bad situation. He asked the applicant to carefully consider if the new addition will differ from the old exterior or if it will have a more seamless transition.
- Mr. Bierce suggested that background documentation as to the historic significance of the house is needed. At this point, he believes that as much of the house as possible should be saved because it has been identified by some in the community as historic.
- Mr. Mobley said that he believes that what needs to be retained is the view from the street and that this is a design issue and not a historic preservation issue per say.
- Ms. Notkins agreed that the streetscape is what is important and commented that the design might meet the criteria to rebuild the wall at the old location, however more

documentation must be submitted in regards to the history of the site. She suggested an engineering analysis be submitted in regards to the structural integrity of the existing foundation. She also suggested that a preservation architect be consulted and then a second workshop held with the ARB.

- Dr. Cressey appreciated the applicant's patience in a difficult situation.

The following is an excerpt from the:

APPROVED MINUTES

December 13, 2007

THE FAIRFAX COUNTY ARCHITECTURAL REVIEW BOARD

Members Present:

John A. Burns, FAIA, *Chairman*
Mark Searle, *Treasurer*
Peter Juanpere, AIA
Robert Mobley, AIA
Elise Murray, *Ex-Officio*
Susan Notkins, AIA
Joy Ortiz, AIA
Joseph Plumpe, RLA, ASLA

Members Excused:

Richard Bierce, AIA
John Boland, *Vice Chairman*
Pamela Cressey, PhD, RPA

Members Absent:

Staff Present:

Linda Blank,
*Fairfax Department of
Planning & Zoning*
Beth Iannetta, Recording
Secretary

Mr. Burns opened the December 2007 meeting of the ARB at 6:34 p.m. in Room 4/5 at the Government Center. Mr. Searle read the Statement of Purpose.

Motion to Approve: Ms. Notkins made a motion for the ARB to approve the December 2007 Agenda. The motion, seconded by Mr. Juanpere, was approved.

WORKSHOP ITEM:

- **The proposed construction** of a residence at **10208 Colvin Run Road** located within the Colvin Run eligible National Register Historic District. The property is not within a local historic overlay district nor is it listed on the Fairfax County Inventory of Historic Sites. The proposal is to retain the two-story Ell section of the existing dwelling adjacent to Colvin Run Road, remove the Ell at the sides and rear, and construct a three-level residence to join the north wall of the Ell section to be retained with the new construction setback from Colvin Run Road. ARB review is required by Variance Application No. VC 2003-DR-018, development condition #7 which reads: "The proposed addition and breezeway attachment to the dwelling shall be reviewed and approved by the Fairfax County Architectural Review Board. . ." The current proposal requires the Board of Zoning Appeals to approve an amendment to or deletion of the development condition. The ARB discussed the proposal in a workshop session at its September 13, 2007 meeting. Mr. Soni, property owner, Mr. Peter Hotz, architect, and Mr. Margenau, realtor, represented the proposal.

- Ms. Blank reviewed the information and background material she submitted in a memo to ARB members dated December 7, 2007 (see Attachment A).
- Mr. Peter Hatz, AIA, was hired by the property owner, Mr. Soni, in order to develop potential design plans with the approved variance limitations of preserving the front section of the existing structure. He distributed photographs of the existing structure, including close-ups of the structural supports. The house is a 19th century vernacular farmhouse with countless additions over the years. He questioned the historic significance of the house, noted that it was not well built and questioned why the house should be retained. The proposed structure would extend over the 40-foot Building Restriction Line (BRL) along the front of the property as the required preservation portion of the existing house lies entirely on the other side of the BRL. Mr. Hatz also proposed to regrade the site about 2 feet in order raise the foundation and have the house sit at an appropriate level. Mr. Hatz, who clarified to his client that he was not a preservation architect, recommended that given the extensive construction, structural and design problems there was no sensible justification to keep the partial structure. Removing the majority of the house and only keeping a small fraction of the front loses the architectural integrity entirely.
- Mr. Mobley believes that if the community wants to keep the front nub of the house and whack off the back of it, then the project is not a preservation problem and the ARB has only to discuss the design details. If the ARB were to apply the Secretary of Interior's Standard, then the proposal would not get approved. The Standards state that additions should be of their time period and they should be compatible but different in order to delineate between new and old elements. This proposal violates those fundamental rules. Only saving a piece of the house is not preservation nor is it preserving the texture of the roadway. Mr. Mobley was willing to accept the design concept even if it violates the Standards because of the context of situation the property owners was put in by the previous owner.
- Mr. Juanpere agreed with Mr. Mobley that this situation is not a historical problem but an inherited design problem. Without the variance restrictions, he would recommend demolition of the entire structure.
- Ms. Murray understands the property owner has been stuck with this problem. However she would recommend that the applicant start with the Secretary's Standards and work backwards. She doesn't have a problem with regarding the site in order to make the overall grades work with a new addition. She suggested more details be submitted regarding that issue. Also she would suggest leaving the clapboard on the old structure to help delineate it from the new materials.
- Mr. Plumpe commented on overall site and grading issues. He assumed the applicant would ask for a waiver on the 8-foot trail requirement given the fact that the front piece of the house would remain so close to the roadway. He also discussed the potential impact of driveway development on the 65" Oak tree which is to be retained per the variance approval.
- Mr. Burns agreed with the fact that the Secretary's Standards are not applicable and this proposal is not a preservation project. In regards to the issues at hand he was not opposed to regrading the site and/or moving the older structure vertically approximately 18-24 inches. While the BZA might not approve it, he did not object to construction within the building restriction limits. Preserving the siding might distinguish between old and new materials, however he was split over the issue. Unfortunately the core issues need to be reviewed by the BZA before the ARB can move forward with formal action of the item.



County of Fairfax, Virginia

MEMORANDUM

DATE: July 2, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver *AKR*
Site Analysis Section
Department of Transportation

FILE: 3-6 (SP 2008-DR-053)

SUBJECT: Transportation Impact

REFERENCE: VCA 2003-DR-018 Paramvir S. Soni
Traffic Zone: 1628
Land Identification Map: 12-4 ((1)) 33A

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated April 2008. The applicant proposes to amend previously approved variance VC 2003-DR-018 to permit the deletion of development condition 7 which required the existing house on Lot 1 to be retained as shown on the variance plat. The applicant proposes to remove all but 950 square feet of the existing house and construct a 4,500 square foot addition to be located 36 feet from the front lot line.

The applicant should provide a 15 foot public street easement along the Colvin Run Road frontage. The trail may remain within this easement.

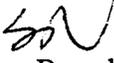
AKR/LAH/lah

cc: Michelle Brickner, Director, Office of Site Development Services, DPW&ES

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Sheng-Jieh Leu 
Facilities Planning Branch, DPZ

FILE: 08.36.110 (ZTRAILS)

SUBJECT: Trail Requirements*

REFERENCE: VCA 2008-DR-0064
Applicant: Paramvir S. Soni
Tax Map: 12-4-001-33A

DATE: June 17, 2008

In accordance with the Countywide Trails Plan and the Public Facilities Manual, the trail type(s) specified below should be provided in the following location(s):

- Colvin Run Road – a 6 feet wide, Type II (stone dust) trail within a 10-foot trail easement or within the VDOT right-of-way. The special permit plat shows an existing 8 feet wide trail easement along the Colvin Run Road frontage.

In addition to the above recommended trails**, the following suggested features are intended to enhance inter-and/or intra-parcel non-motorized circulation and access:

The design engineer is responsible for ensuring that trail design and construction includes adequate provision for user safety. Inclusion of adequate safety measures shall be considered in the County's trail review and approval process.

SJL

cc: Pam Nee, Environment and Development Review Branch, PD, DPZ

* The Fairfax County Park Authority and other County agencies may have additional requirements or comments. These Trail Plan requirements in no way limit or exclude this plat from the requirements of the County Sidewalk Policy and the School Sidewalk Program, which should be fully implemented as it applies to this subdivision in locations not already accounted for by Trails Plan requirements.

** These trails are eligible for County maintenance. Please contact the Maintenance and Stormwater Management Division of the Department of Public Works & Environmental Services (703-934-2860) for details.



County of Fairfax, Virginia

MEMORANDUM

June 18, 2008

TO: Debbie Hedrick, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Heather Finch, Urban Forester II HAF
Forest Conservation Branch, DPWES

SUBJECT: 10208 Colvin Run Road, SP 2008-DR-053

RECEIVED
DEPARTMENT OF PLANNING
AND ZONING

JUN 20 2008

SPECIAL PERMIT &
VARIANCE BRANCH

This review is based on the Special Permit application SP 2008-DR-053 stamped "Received Department of Planning and Zoning, May 2, 2008 and May 8, 2008," the Variance amendment application VCA 2003-DR-018 stamped "Received Department of Planning and Zoning, May 2, 2008 and May 8, 2008," and the Special Permit plat for 10208 Colvin Run Road stamped "Received Department of Planning and Zoning, May 2, 2008 and May 8, 2008." A site review was conducted on June 11, 2008.

Site Description: This site is developed with a single family two story dwelling with associated well and stone foundation outbuilding. Some work appears to have been done on this site since the time the plat was drawn. The existing carport shown on the plat is no longer present and there is a gravel construction entrance and washrack located in the southeast corner of the lot that currently serves as a driveway.

Existing vegetation on the site consists of a 65 inch diameter specimen white oak, an 18 inch diameter black walnut, a 20 inch diameter black cherry, an 8 inch diameter eastern redcedar and an 8 inch diameter dogwood located to the rear of the existing house. Existing vegetation, some of which may be off-site or jointly owned, along the western property boundary consists of eastern white pine, spruce, maple, black cherry and black walnut.

- 1. Comment:** There is 65 inch diameter specimen white oak tree located to the rear of the existing house. This tree is in good condition and should be considered a priority for preservation. The Applicant has proposed this tree for preservation in the narrative; however, specific tree preservation activities are not recommended. The stone foundation outbuilding that is located approximately 13-15 feet from the trunk of this tree does not appear to be shown on the plan and it is unclear whether it is to be removed. The existing well is shown to be removed and this is also located well within the critical root zone of the tree. It is unclear how this well will be removed in a manner that will not significantly impact the tree. The portion of the existing house to

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



be removed is also located well within the critical root zone of this tree and it is unclear how this will be accomplished in a manner that will not significantly impact the tree.

Recommendation: A tree save area encompassing the critical root zone should be provided to protect this tree from construction activities. The Applicant should accurately detail construction activities proposed within the critical root zone of this tree; including removal of the well, portions of the existing house and the stone foundation outbuilding (if applicable) and should demonstrate the manner in which these activities will be carried out in a way that minimizes impacts to the tree. The Urban Forest Management Division (UFMD) recommends the Applicant hire a certified arborist to evaluate this tree and propose and implement certain tree preservation activities; such as tree protection fence, root pruning, crown pruning and/or root protection matting.

- 2. Comment:** There is an 18 inch diameter walnut and a 20 inch diameter black cherry located near the northwest corner of the existing house. These trees appear to be in fair condition. It is unclear whether these are proposed for removal or preservation. The black cherry appears to be within the area of the approved drainfield.

Recommendation: The Applicant should indicate whether trees are to be preserved or to be removed. If the walnut and/or cherry are proposed for preservation, the Applicant should demonstrate the manner in which construction activities will be carried out in a way that minimizes impacts to the trees. UFMD recommends the Applicant hire a certified arborist to evaluate these trees and propose and implement certain tree preservation activities; such as tree protection fence, root pruning, crown pruning and/or root protection matting. Note that a minimum horizontal distance of 10 feet between the proposed septic field and any tree is required (PFM 12-0603.1C(4)(a)).

- 3. Comment:** There is an 8 inch diameter eastern red cedar and an 8 inch diameter dogwood located near the northwest corner of the existing house. These trees appear to be in good condition and should be considered for preservation if possible. These trees are not indicated on the plan and it is unclear whether they are located within required clearing area for the approved drainfield.

Recommendation: The Applicant should accurately locate these trees on the plat and indicate whether they are to be preserved or to be removed. If the cedar and/or dogwood are proposed for preservation, the Applicant should demonstrate the manner in which construction activities will be carried out in a way that minimizes impacts to the trees. UMD recommends the Applicant hire a certified arborist to evaluate these trees and propose and implement certain tree preservation activities; such as tree protection fence, root pruning, crown pruning and/or root protection matting. Note that a minimum horizontal distance of 10 feet between the proposed septic field and any tree is required (PFM 12-0603.1C(4)(a)).



4. **Comment:** There are several trees along the western property boundary as described in the site description above. Many of these trees may be off-site or jointly owned.

Recommendation: A tree save area should be provided to protect these trees from construction activities. The Applicant shall be responsible for any damage to off-site or jointly-owned trees.

5. **Comment:** The proposed limits of clearing and grading (LCG) are unclear.

Recommendation: The proposed LCG should be clearly shown on the plat to include the areas necessary for demolition of the existing house, construction of the new house, demolition of the pool, construction entrance, demolition of the well, installation of the approved drainfield and all other construction activities.

6. **Comment:** The 5,100 square feet of existing tree cover to be preserved is unclear.

Recommendation: The Applicant should shade and label all areas of existing vegetation being claimed for tree cover, and indicate the amount of tree cover credit claimed for each area. Off-site or jointly-owned trees whose canopies overhang the property cannot be claimed as tree cover (PFM 12-0702.1A(4)).

Please contact me at 703-324-1770 if you have any questions or concerns.

HAF/
UFMID #: 137467

cc: RA File
DPZ File





County of Fairfax, Virginia

MEMORANDUM

JUN 26 2008

DATE:

TO: Debbie Hedrick, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Elfatih Salim, Engineer III *ES*
Stormwater and Geotechnical Section
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Permit Application SP 2008-DR-053; Paramvir Soni; Special Permit Plan dated April 2008 (plat), LDS Project #001903-ZONA-001-1; Tax Map Reference #012-4-01-0033-A (Site), Sully District

We have reviewed the referenced submission and offer the following comments:

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) is designated on this Site.

If the applicant is disturbing more than 2,500 square feet and the post development percent imperviousness is 18% or more, water quality control best management practices (BMPs) are required to be incorporated into the plat which would achieve a 40% phosphorus removal efficiency, as the proposed site improvements are considered to be 'development' under the CBPO.

Floodplain

There is no regulated floodplain on the Site.

Downstream Drainage Complaints

There are no downstream drainage complaints on file.

Stormwater Detention

Stormwater detention is not required with infill developments.

Site Outfall

If the proposed addition disturbs more than 2,500-sf, the applicant is required to show adequacy of outfall. The checklist of *Minimum Stormwater Information for Rezoning, Special Exception, And Special Permit and Development Plan Applications* is required with the plat.

Please contact me at 4-1720 if you have any questions or require further clarification.

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Zoning Application File

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 703-324-1877 • FAX 703-324-8359





July 8, 2007

RECEIVED
Department of Planning & Zoning

JUL 08 2008

Zoning Evaluation Division

Debbie Hedrick, Staff Coordinator
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

Re: Hastings Crest, Lot 1
Comment Response Letter
SP 2008-DR-053, VCA 2008-DR-064
LDC Project #02088-5-1

Dear Ms. Hedrick:

The comments from the review of this plan have been addressed as follows. Please note that the Special Permit application has been withdrawn as it has been determined that the Special Permit is no longer necessary due to changes in the building design.

Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

1. Comment: The Applicant should provide a 15 foot public street easement along the Colvin Run Road frontage. The trail may remain within this easement.

Response: The subject property was subdivided as part of the Hastings Crest Subdivision Plan (1903-SD-001-1) and a record plat creating the subject property was recorded in Deed Book 16831, Page 759. As part of the approval of the subdivision plan, additional right-of-way dedication from the current Lot 1 was not required, as the existing house to remain on this lot currently exists 18.7 feet from the property line. This portion of the house is proposed to remain with this application. As part of the subdivision plan, a street dedication waiver was also approved (#025628). An additional 15' easement for public street purposes will place the house 3.7 feet from this easement should this easement ever be used for public street purposes. Therefore, the Applicant does not believe this easement is in the best interest of the Applicant or the County for safety reasons or in accordance with the previously approved subdivision plan and waiver. Please note this subdivision is still on bond with the County.

Elfatih Salim, Stormwater Engineer
Environmental and Site Review Division East
Department of Public Works and Environmental Services

Chesapeake Bay Preservation Ordinance

1. Comment: There are no Resource Protection Areas on the property.

Debbie Hedrick, Staff Coordinator
Fairfax County Department of Planning & Zoning
Re: Hastings Crest, Lot 1
Comment Response Letter
SP 2008-DR-053, VCA 2008-DR-064
LDC Project #02088-5-1

July 8, 2008
Page 2 of 5

Response: Agreed. See note 12 of the Variance Amendment Plat. The Applicant proposes more than 18% impervious area upon development of the site with the proposed use and will provide an infiltration trench on the subject property to address the increase in impervious area. The approximate location of this trench is shown on the plat. Please note this infiltration trench is also a requirement of the Hastings Crest Subdivision Plan.

Floodplain

1. Comment: There are no regulated floodplains on the property.

Response: Agreed. See note 17.

Downstream Drainage Complaints

1. Comment: There is no record of drainage complaints on file.

Response: Noted.

SWM

1. Comment: Stormwater detention is not required with infill developments.

Response: Noted; however this property is part of a bonded subdivision, which required the provision of an infiltration trench on the subject property as a condition of approval of the subdivision plan. The proposed infiltration trench will provide water quantity and quality control for the subject property.

Site Outfall

1. Comment: If the proposed addition disturbs more than 2,500 square feet, the applicant is required to show adequacy of outfall. The checklist of *Minimum Stormwater Information for Rezoning, Special Exception, and Special permit and Development Plan Applications* is required with the plat.

Response: Agreed. An adequate outfall narrative was provided with the aforementioned subdivision plan and will also be provided with the bonded grading plan for the proposed addition. Please note that the Special Permit application has been withdrawn, therefore the checklist is no longer required.

Sheng-Jieh Leu Facilities Planning Branch

1. Comment: Colvin Run Road – a 6 feet wide, Type II (stone dust) trail within a 10-foot trail easement or within the VDOT right-of-way. The special permit plat shows an existing 8 feet wide trail easement along the Colvin Run Road frontage.

Response: As part of the aforementioned subdivision plan, a 8-foot easement and 4 foot wide Type II (stone dust) trail was required to be provided along Colvin Run Road per Trail Waiver #024930. This is a bonded improvement that must be provided

Debbie Hedrick, Staff Coordinator
Fairfax County Department of Planning & Zoning
Re: Hastings Crest, Lot 1
Comment Response Letter
SP 2008-DR-053, VCA 2008-DR-064
LDC Project #02088-5-1

July 8, 2008
Page 3 of 5

by the developer of the Hastings Crest subdivision prior to bond release. The developer is a separate individual from the owner of Lot 1 and the Applicant. Therefore, this trail will be installed prior to the bond release for this project. Please note the 8-foot easement was recorded with the aforementioned record plat. No further easement or trail should be required at this time as this was addressed with the previous subdivision plan and waiver.

Heather Finch, Urban Forester II
Forest Conservation Branch, DPWES

1. Comment: There is a 65 inch diameter specimen white oak tree located to the rear of the existing house. This tree is in good condition and should be considered a priority for preservation. The Applicant has proposed this tree for preservation in the narrative; however, specific tree preservation activities are not recommended. The stone foundation outbuilding that is located approximately 13-15 feet from the trunk of this tree does not appear to be shown on the plan and it is unclear whether it is to be removed. The existing well is shown to be removed and this is also located well within the critical root zone of the tree. It is unclear how this well will be removed in a manner that will not significantly impact the tree. The portion of the existing house to be removed is also located well within the critical root zone of this tree and it is unclear how this will be accomplished in a manner that will not significantly impact the tree.

Recommendation:

A tree save area encompassing the critical root zone should be provided to protect this tree from construction activities. The Applicant should accurately detail construction activities proposed within the critical root zone of this tree; including removal of the well, portions of the existing house and the stone foundation outbuilding (if applicable) and should demonstrate the manner in which these activities will be carried out in a way that minimizes impacts to the tree. The Urban Forest Management Division (UFMD) recommends the Applicant hire a certified arborist to evaluate this tree and propose and implement certain tree preservation activities such as tree protection fencing, root pruning, crown pruning and/or root protection matting.

Response: Noted. The Applicant will provide tree preservation measures for this tree in conjunction with the bonded infill lot grading plan.

2. Comment: There is an 18 inch diameter walnut and a 20 inch diameter black cherry located near the northwest corner of the existing house. These trees appear to be in fair condition. It is unclear whether these are proposed for removal or preservation. The black cherry appears to be within the area of the approved drainfield.

Recommendation:

The Applicant should indicate whether these trees are to be preserved or to be removed. If the walnut and/or cherry are proposed for preservation, the Applicant should demonstrate the manner in which construction activities will be carried out in a way that minimizes the impacts to the trees. UFMD recommends the Applicant hire a certified arborist to evaluate these trees and propose and implement certain tree preservation activities such as tree protection fencing, root pruning, crown pruning

Debbie Hedrick, Staff Coordinator
Fairfax County Department of Planning & Zoning
Re: Hastings Crest, Lot 1
Comment Response Letter
SP 2008-DR-053, VCA 2008-DR-064
LDC Project #02088-5-1

July 8, 2008
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and/or root protection matting. Note that a minimum horizontal distance of 10 feet between the proposed septic field and any tree is required (PFM 12-0603.1C(4)(a)).

Response: These trees are within the approved drainfield area or within 10 feet of the approved drainfield area and are therefore not proposed to be retained.

3. Comment: There is an 8 inch diameter eastern red cedar and an 8 inch diameter dogwood located near the northwest corner of the existing house. These trees appear to be in good condition and should be considered for preservation if possible. These trees are not indicated on the plan and it is unclear whether they are located within required clearing area for the approved drainfield.

Recommendation:

The Applicant should accurately locate these trees on the plat and indicate whether they are to be preserved or to be removed. If the cedar and/or dogwood are proposed for preservation, the Applicant should demonstrate the manner in which construction activities will be carried out in a way that minimizes the impacts to the trees. UFMD recommends the Applicant hire a certified arborist to evaluate these trees and propose and implement certain tree preservation activities such as tree protection fencing, root pruning, crown pruning and/or root protection matting. Note that a minimum horizontal distance of 10 feet between the proposed septic field and any tree is required (PFM 12-0603.1C(4)(a)).

Response: These trees are within the approved drainfield area or within 10 feet of the approved drainfield area and are therefore not proposed to be retained.

4. Comment: There are several trees along the western property boundary as described in the site description above. Many of these trees may be off site or jointly owned.

Recommendation:

A tree save area should be provided to protect these trees from construction activities. The Applicant shall be responsible for any damage to off site or jointly owned trees.

Response: The Applicant has provided proposed limits of clearing and grading and areas outside the limits of clearing and grading will be protected with silt fence to prevent unauthorized construction activities within these areas.

5. Comment: The proposed limits of clearing and grading are unclear.

Recommendation:

The proposed LCG should be clearly shown on the plat to include the areas necessary for demolition of the existing house, construction of the new house, demolition of the pool, construction entrance, demolition of the well, installation of the approved drainfield and all other construction activities.

Response: Agreed and provided.

Debbie Hedrick, Staff Coordinator
Fairfax County Department of Planning & Zoning
Re: Hastings Crest, Lot 1
Comment Response Letter
SP 2008-DR-053, VCA 2008-DR-064
LDC Project #02088-5-1

July 8, 2008

Page 5 of 5

6. Comment: The 5,100 square feet of existing tree cover to be preserved is unclear.

Recommendation:

The Applicant should shade and label all areas of existing vegetation being claimed for tree cover, and indicate the amount of tree cover credit claimed for each area. Off site of jointly owned trees whose canopies overhang the property cannot be claimed as tree cover.

Response: Agreed. The Applicant will be taking some credit for preservation of the 65" oak tree and the remaining tree cover will be met via the planting of new trees. The Applicant will meet the County's 20% tree cover requirement upon approval of a grading plan for the proposed development. A detailed landscape plan will be provided at that time clearing identifying the areas of preservation and additional plantings. The landscaping shown at this time is for illustrative purposes.

If you have any questions, feel free to call me at 703-257-5600.

Sincerely,



Kelly M. Atkinson, AICP
Senior Project Planner

Cc: Paramvir Soni, Owner and Applicant
Casey Margenau, Dean Design, LLC
Peter Hotz, AIA
Steve Massie, Palamar Group, LLC
Matt Marshall, AICP, L.S., Land Design Consultants, Inc.
File

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.