



APPLICATION ACCEPTED: September 18, 2007
PLANNING COMMISSION: February 26, 2009
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

February 11, 2009

STAFF REPORT

SPECIAL EXCEPTION APPLICATION SE 2007-DR-025

DRANESVILLE DISTRICT

APPLICANT: Mr. Mostafa and Dr. Lily Nadimi

ZONING: R-E

PARCEL(S): 20-3 ((2)) 002

ACREAGE: 5.00 acres

DENSITY: 0.4 du/acre

PLAN MAP: Residential; 0.3-0.5 du/ac

SE CATEGORY: Category 6, Waiver of the minimum lot width requirement.

PROPOSAL: To permit a waiver of the minimum lot width requirement in order to construct a single family detached dwelling on a lot having a width of 50 feet.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2007-DR-025 subject to the proposed development conditions contained in Appendix 1 of the staff report

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

Suzanne Lin

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/



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

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

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

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



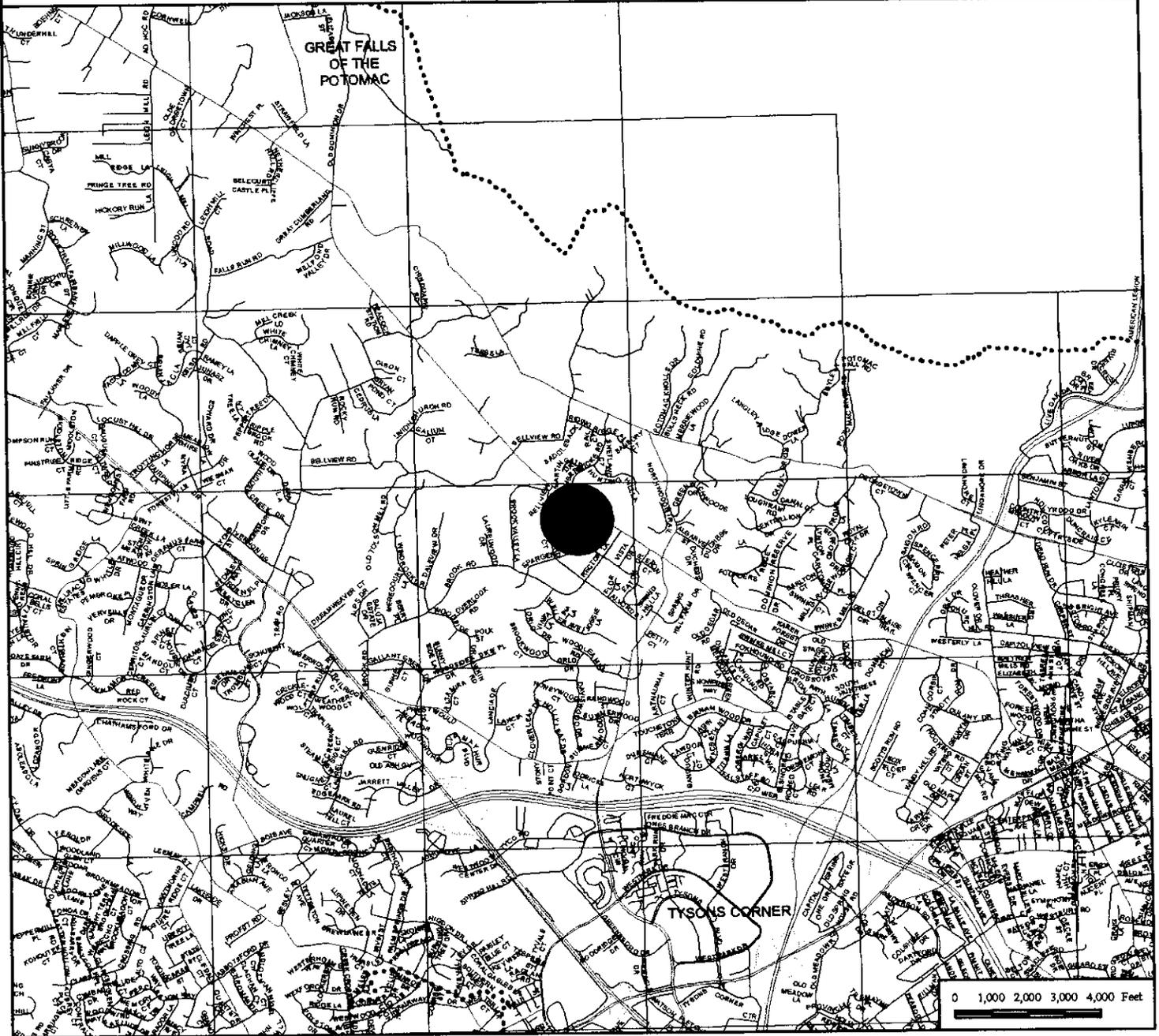
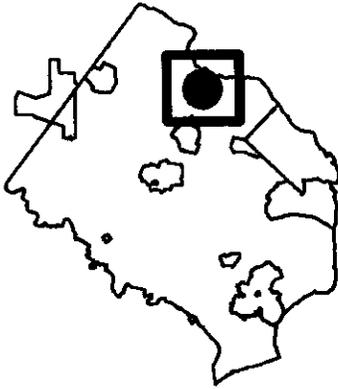
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

SE 2007-DR-025

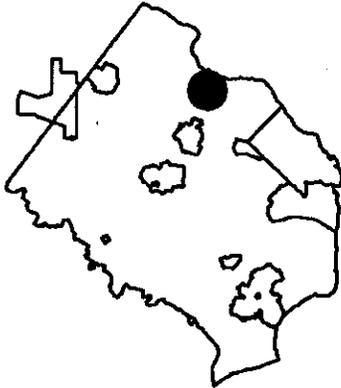
Applicant: MR. MOSTAFA AND DR. LILY NADIMI
Accepted: 09/17/2007
Proposed: WAIVER OF MINIMUM LOT WIDTH REQUIREMENT

Area: 5 AC OF LAND; DISTRICT - DRANESVILLE
Zoning Dist Sect: 09-0610
Art 9 Group and Use: 6-06
Located: 8325 OLD DOMINION DRIVE
Zoning: R- E
Plan Area: 2,
Overlay Dist:
Map Ref Num: 020-3- /02/ /0002



Special Exception

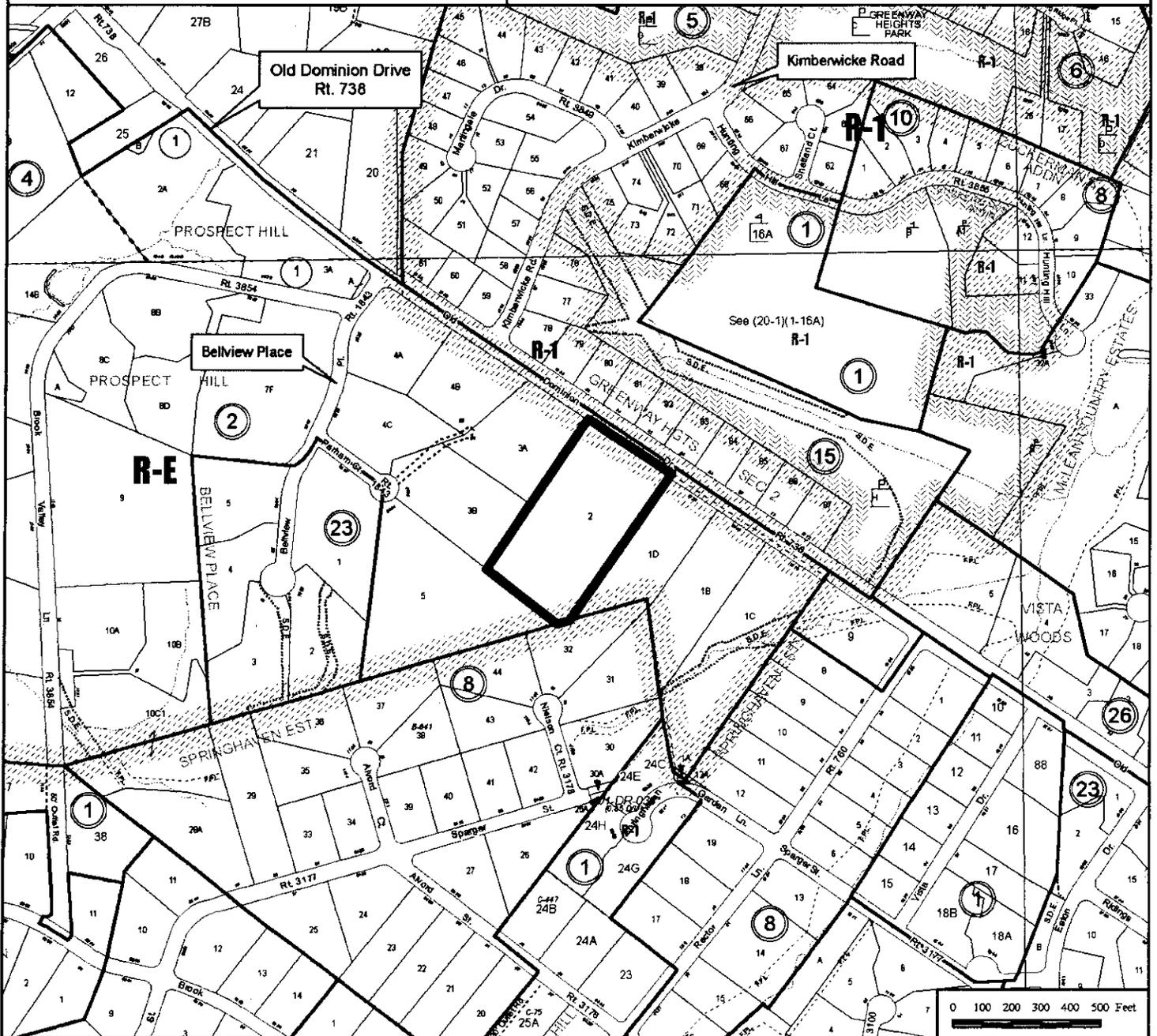
SE 2007-DR-025



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Accepted:
Proposed:

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LAND DESIGNS
CONSULTANTS

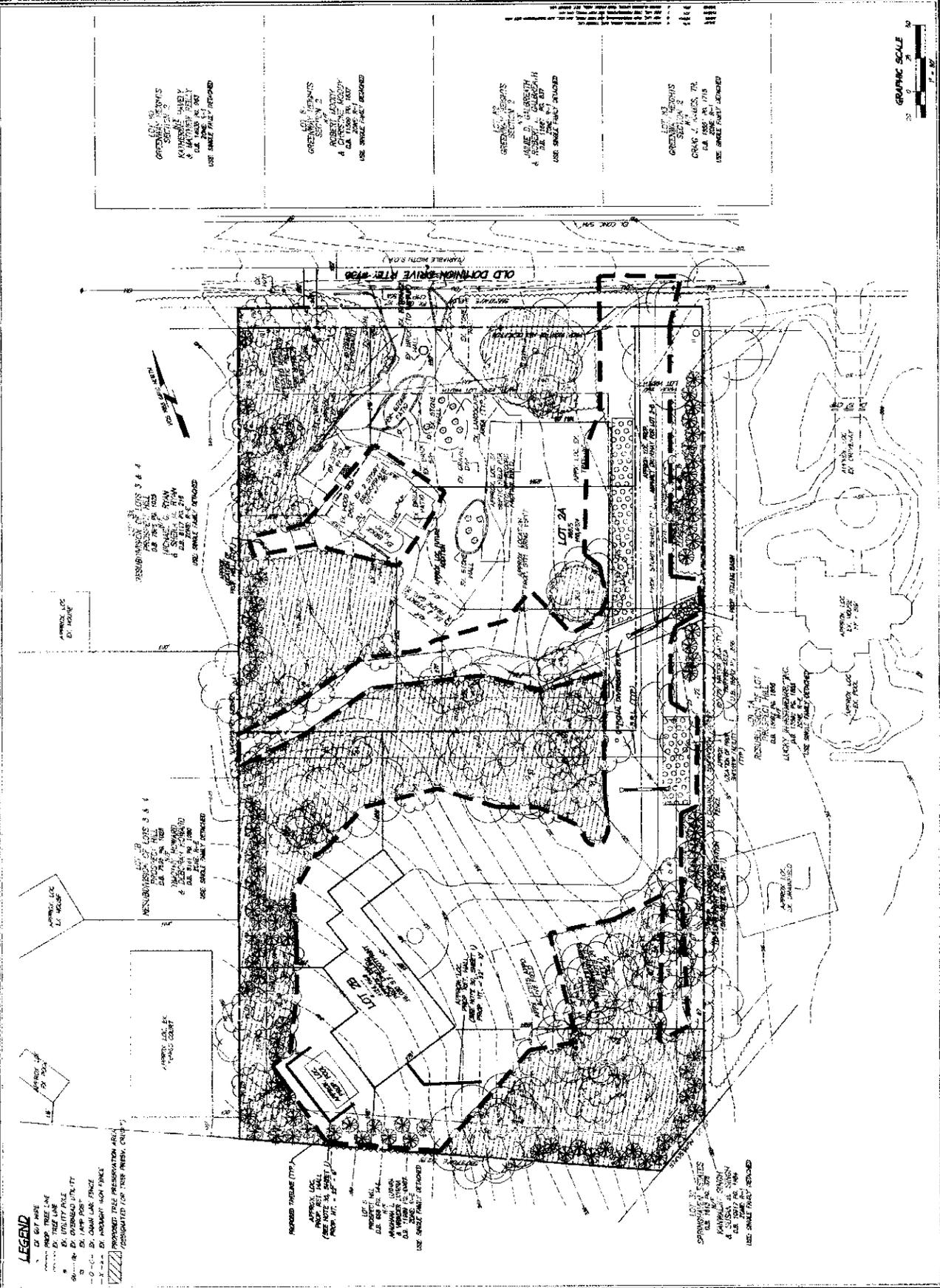
SPECIAL EXCEPTION
PLAT

8325 OLD
DOMINION DRIVE

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAT	11/15/07	...
2
3
4
5
6
7
8
9
10



SHEET 2 of 4
DATE: 11/15/07
PROJECT: 8325 OLD DOMINION DRIVE
SCALE: 1" = 30'



GRAPHIC SCALE
30
15
0
15
30
1" = 30'

LEGEND
 - - - - - EX. EXIST. DRIVE
 - - - - - EX. EXIST. SIDEWALK
 - - - - - EX. EXIST. UTILITY
 - - - - - EX. EXIST. FENCE
 - - - - - EX. EXIST. CONCRETE
 - - - - - EX. EXIST. ASPHALT
 - - - - - EX. EXIST. GRAVEL
 - - - - - EX. EXIST. SAND
 - - - - - EX. EXIST. DIRT
 - - - - - EX. EXIST. ROCK
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 - - - - - EX. EXIST. GYPSUM

APPROVED LOC. BY INSURANCE
 APPROVED LOC. BY HOME
 APPROVED LOC. BY WAREHOUSE

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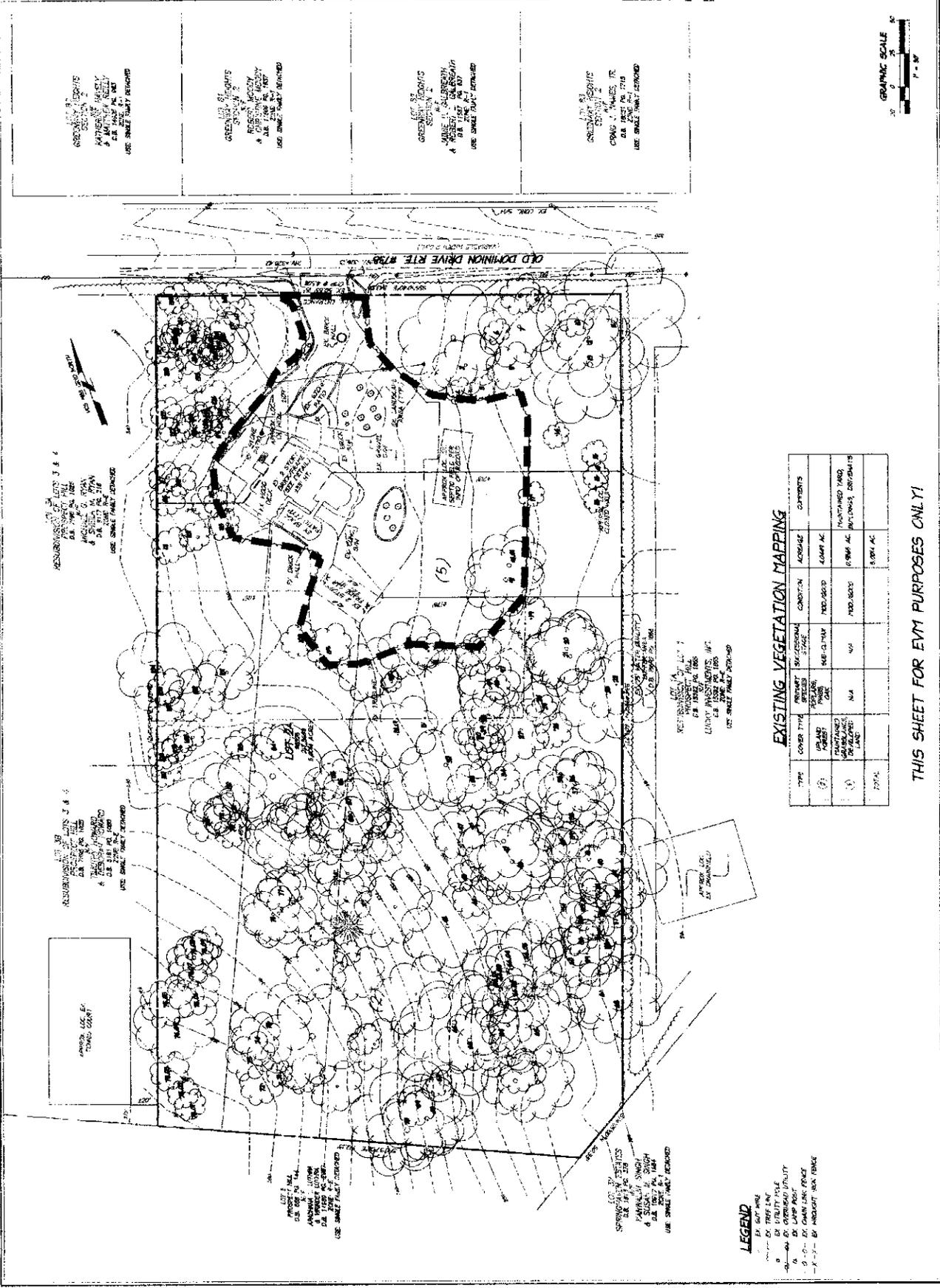
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NO.	DESCRIPTION	DATE
1	EXISTING VEGETATION/CONDITIONS MAP	08/11/2007
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	



EXISTING VEGETATION MAPPING

TYPE	COVER TYPE	VEGETATION	CONDITION	ACRES	COMMENTS
1	UPPER FOREST	RED-OAK	RED-OAK	4.00	MAINTAINED LAND
2	DOWNER FOREST	N/A	RED-OAK	0.00	MAINTAINED LAND
3	OPEN	N/A	MAINTAINED LAND	0.00	MAINTAINED LAND
4	OPEN	N/A	MAINTAINED LAND	0.00	MAINTAINED LAND

THIS SHEET FOR EVM PURPOSES ONLY!

LEGEND

- EX. BOUNDARY
- EX. TREE LINE
- EX. UTILITY POLE
- EX. CHAINLINE

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

DESCRIPTION OF THE APPLICATION

This application is a request for a Category 6 Special Exception to permit a waiver of the minimum lot width requirement in order to subdivide a 5.0 acre lot zoned R-E, into two lots, with proposed lot widths of 292 feet for Lot 2A and 50 feet for Lot 2B. As the required lot width for an interior lot in an R-E zone is 200 feet, this request represents a lot width reduction of 150 feet for proposed Lot 2B. There is an existing 1 ½ story single-family detached dwelling on the site located closest to Old Dominion Drive and this dwelling would remain on proposed Lot 2A. A new single-family detached dwelling would be constructed on proposed Lot 2B. The area of Lot 2A would be 2.04 acres and the area for Lot 2B would be 2.85 acres. The resulting density would be 0.4 du/acre. These proposed lots would remain a part of the Prospect Hills subdivision, and the resulting density for the entire subdivision would increase from the existing .35 du/ac to .36 du/ac.

The applicant's affidavit and statement of justification can be found in Appendices 2-3, respectively.

LOCATION AND CHARACTER

Site Description:

The 5.0 acre subject property, located at 8325 Old Dominion Drive, is zoned R-E and is located on the south side of Old Dominion Drive. On the southern side of Old Dominion, the property is almost exclusively surrounded by the R-E zoned properties within the Prospect Hill Subdivision (although a corner of the parcel is adjacent to the R-1 zoned Springhaven Estates). The properties directly across Old Dominion Drive are also zoned R-1.

The existing single-family detached dwelling on the subject parcel was constructed in 1961. The existing site also contains a detached garage south of the existing dwelling. An existing gravel driveway provides access to the dwelling and detached garage from Old Dominion Drive. These two structures and driveway will remain under this proposal, although the applicant has indicated that they may wish to enlarge the existing structure at some point in the future. The applicant has indicated by a note on the cover sheet that they reserve the right to alter the existing structure so long as the tree preservation areas are kept as shown on the SE Plat. These structures are surrounded by various landscaping implements such as patios and stone walls. The topography is generally highest at the rear of the property, with a slight valley cutting diagonally across the center of the site. The lowest topography is at the southeastern boundary.

The area to the east of the existing dwelling is primarily a grass yard with some yellow poplar trees near the northeastern property boundary that are in fair to poor condition. The area between the existing dwelling and the northern property boundary along Old Dominion Drive is primarily wooded with mature yellow poplar and black walnut trees, as well as landscape and screening trees such as Leyland cypress.

The southern and western portions of the site are undeveloped and heavily wooded with a mix of yellow poplar, red maple and other upland hardwoods. The trees in these forested areas are generally healthy, with some dead and/or dying trees located throughout, which is to be expected in a mature forest setting.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North (across Old Dominion Drive)	Residential, Single Family Detached Dwellings (Greenway Heights Sec 2)	R-1	Residential; .2-.5 du/ac
South	Residential; Single Family Detached Dwellings (Springhaven Estates & Prospect Hill)	R-1, R-E	Residential; .2-.5 du/ac
East	Residential; Single Family Detached Dwellings (Prospect Hill)	R-E	Residential; .2-.5 du/ac
West	Residential; Single Family Detached Dwellings (Prospect Hill)	R-E	Residential; .2-.5 du/ac

BACKGROUND

Site History:

The site is located within the Prospect Hill subdivision, which has been in existence since the 1950s. Records indicate that the existing single family detached dwelling was built in 1961

In January 1997, the Board of Zoning Appeals denied a variance (VC 1996-D-129) to permit subdivision of this property with reduced lot width. The Variance Plat is attached at Appendix 8 to this report.

COMPREHENSIVE PLAN PROVISIONS

- Plan Area:** Area II, McLean Planning District
- Planning Sector:** M6-Spring Hill Community Planning Sector
- Plan Map:** Residential; .2-.5 du/ac

In the Fairfax County Comprehensive Plan, 2007 Edition, Area II, Mclean Planning District, M-6 Spring Hill Planning Sector, as amended through July 11, 2005, starting at page 121, the Plan states that:

The Spring Hill sector is largely developed as stable residential neighborhoods. Infill development in this sector should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

Low density residential development should be continued in this sector. Large-lot (2 acres) or estate (5 acres or more) development in the western portions of the sector and extending into the Upper Potomac Planning District is partly in the Difficult Run headwaters and is recommended as a means of achieving the low density development sought in the Difficult Run Environmental Quality Corridor. This area is bordered on the south and east by the Woodside, Woodhaven, Springhaven Estates, and Greenway Heights subdivisions, and the site of the former Hazelton Laboratories, Inc. (Tax Map 19-4((1))16 and 16A).

Special Exception (SE) Plat (Copy at front of staff report)

Title of SE Plat: 8325 Old Dominion Drive
Prepared By: Land Design Consultants
Original and Revision Dates: June 2007 as revised through February 5, 2009.

Plat Description:

8325 Old Dominion Drive	
Sheet #	Description of Sheet
1 of 5	Cover Sheet, Vicinity Map, Soil Map, Drainage Area Map, Tabulations, Shape Factor Calculations, Tree Cover Calculations, Stormwater Management Information, Narrative and Checklist. Sheet Index and Notes
2 of 5	Site Layout, Proposed Landscaping
3 of 5	Existing Conditions & Existing Conditions Map
4 of 5	Outfall Narrative & Drainage Area Map
4A (5) of 5	Tree Notes

The SE Plat consists of the following features:

Site Layout: The SE Plat depicts that the existing lot would be subdivided into two (2) lots. Lot 2A would be 88,692 square feet (SF) in area, while Lot 2B would be 124,156 SF. Proposed Lot 2A would contain the existing single-family detached dwelling and detached garage which are set back 95 feet from the dedicated right-of way associated with Old Dominion Drive. Lot 2A would have a minimum lot width of 292 feet. Proposed Lot 2B would have a lot width of 50 feet and would be a "flag" lot, with a shape factor of 29, which is permitted by the Zoning Ordinance. The driveway, or "pole" of the "flag", would extend along the southern property boundary, to the south of proposed Lot 2A. Proposed Lot 2B would contain a proposed single family dwelling with attached garage located near the rear corner of the proposed lot. The drainfield would be located south of the proposed structure. The SE Plat depicts an 8,000 SF footprint in which the proposed dwelling could be constructed.

Existing Trees and Landscaping: The SE Plat also depicts the locations of the existing vegetation and what is proposed to be preserved under this proposal. The front half of the existing parcel is already largely cleared, with landscaping associated with the existing single family home. However, the rear half of the property is currently a mature forest environment. The plat shows that after development, approximately 86,500 SF of tree save area would be provided on Lots 2A and 2B.

In addition, the SE Plat proposes additional tree plantings in portions around the eastern, western and southern perimeters of the site, (with the exception being along the frontage of Old Dominion Drive). Sheet 4A provides specific tree notes, detailing not only the tree preservation activities, but also a tree inventory of the larger trees on this site.

Access: The SE Plat indicates that ingress/egress to the subject site will be provided via two driveways from Old Dominion Drive. Access to the existing house is from Old Dominion Drive via an existing driveway at the approximate center of the existing lot. Access to the proposed dwelling will be provided by a new proposed asphalt driveway, located in the easternmost portion of the site.

Parking: The SE Plat depicts the existing detached garage for the existing dwelling and proposed attached garage for the proposed new single family dwelling, providing at least 2 parking spaces for each lot.

Stormwater Management/Best Management Practices: As stated in the general notes, the application proposes to meet SWM/BMP requirements through the provision of infiltration trenches. Each lot will contain one of these facilities, both to be located near the properties' respective southern property lines. As noted in the stormwater management narrative, the trenches have been sized to provide water quality and quantity controls for the subject property as well as portions of two upstream properties.

Right of Way Dedication: The SE Plat shows a proposed 15-foot wide right-of-way dedication along the Old Dominion Drive frontage, creating a width of 45 feet from centerline as requested by Fairfax County Department of Transportation (FCDOT).

Utilities: The existing and proposed dwellings will be served by private well and septic systems. The proposal includes new septic fields on both lots. For Lot 2A, the drainfield is shown to be located in the northwest corner of the site. On Lot 2B, the drainfield is shown south of the proposed new dwelling. The drainfields were approved by the Virginia Department of Health (VDH) on June 26, 2008. Reserve drainfields, required as an alternative should the primary fields fail, are also depicted.

ANALYSIS

Land Use Analysis (Appendix 4)

Density

The subject 5.0 acre property is located within the Spring Hill Community Planning Sector. The Comprehensive Plan map shows this site as a residential use at a density of .2 - .5 du/ac. The applicant is requesting a waiver of the minimum lot width requirement in order to subdivide the 5.0 acre lot into two lots. The existing 1 ½ story single-family detached dwelling would remain on proposed Lot 2A and a new single-family detached dwelling would be constructed on proposed Lot 2B. The resulting density for these two parcels would be .4 du/acre. The proposed use and density is consistent with the recommendations of the Plan.

In terms of this proposal's impact on its respective subdivision, when originally subdivided, Prospect Hills Subdivision had 17 lots on 92.344 acres for a density of .18 du/acre. Currently, it contains 32 lots for a density of .35 du/acre. The addition of another lot would increase density to .36 du/acre which is still below the .5 du/acre maximum allowed in the R-E zone. Therefore, the proposed application would not adversely impact the density of the Prospect Hills subdivision.

Lot Size and General Layout

In evaluating the potential land use impacts of this request, staff specifically analyzed both the size and widths of lots in the area surrounding the subject site. While the surrounding area consists entirely of single family detached dwellings, there is some variety in the lot sizes and lot widths in the vicinity of the subject property.

Environmental Analysis And Urban Forest Management Analysis

(See Appendices 4 & 5)

Issue: Preservation of Existing Vegetation During and Post Construction

One of the applicant's justifications for approval of the requested SE is the commitment of this applicant to preserve trees and existing vegetation onsite. The SE Plat delineates a total of 86,500 SF of tree save areas on the proposed lots (41% of the site). The applicant proposes the largest tree preservation area in the middle of the site, between the two residential structures associated with this proposal. The applicant further proposes tree save to the west of the existing dwelling and to the east of the proposed dwelling at the rear of the site. Finally, the applicant has proposed to save a smaller area to the south of the existing house.

Staff was concerned that large areas of the site would be cleared in order to build the proposed dwelling and its associated drainfields on proposed Lot 2B. Specifically, the applicant had noted that the reserve drainfields could be possibly "cleared" even though the applicant had stated that every attempt would be made to preserve the trees in those reserve areas and that those areas would not be cleared unless necessary for use if the primary drainfield fails. In addition, the reserve drainfield on Lot 2A appeared to be in the middle of a tree preservation area, raising questions about how well those trees could be preserved should that drainfield be required.

Finally, because the proposed tree preservation areas were not concentrated, but rather interspersed with areas to be cleared and graded, staff expressed concern about how well the preservation areas could be protected.

Resolution:

The applicant worked with staff to look at alternative layouts for proposed Lot 2B. After reviewing these alternative layouts, staff now believes that given the configuration of the lot, the proposed dwelling may be in the most logical location to accommodate the size of home, the drainfields and the stormwater management plan. In order to address staff's concerns about tree protection measures, the applicant worked closely with the Urban Forest Management Division. Staff finds that the proposed tree preservation efforts will safeguard the proposed tree preservation areas and these commitments are reflected in the staff-proposed development conditions. Furthermore, the applicant has revised the tree preservation calculations so that the applicant is not claiming credit for trees within the preservation areas that are unlikely to survive given the level of proposed development. Thus, while staff would continue to encourage the applicant to reduce the size of the proposed house footprint on Lot 2B in order to provide additional tree preservation, staff believes that the proposed tree save areas satisfy the SE standards.

Transportation Analysis (See Appendix 6)

There are no outstanding transportation issues associated with this SE application. The applicant has proposed to dedicate a 15-foot wide strip of right-of-way along the

frontage of the site as requested by the Virginia Department of Transportation (VDOT) and the Fairfax County Department of Transportation (FCDOT).

It should be noted that there are built features in and around the existing driveway including driveway curbing, and a stone wall. The proposed development conditions will require their removal from the area to be dedicated at the time of subdivision plan review and approval.

Stormwater Management Analysis (See Appendix 7)

In their memorandum attached to this report, the Department of Public Works and Environmental Services (DPWES) notes that there have been on-site complaints related to yard flooding on this site. The applicant has indicated that they have complained several times about properties to the north draining runoff of various types onto the back yard of the applicant's lot. In an effort to resolve these complaints, the applicant has attempted to provide water quality and quantity controls for the subject property as well as for portions of the upstream properties.

Specifically, the applicant has indicated that two infiltration trenches will be installed to provide the quantity and quality controls for stormwater on this site. The applicant states that the on-site infiltration will be designed to provide stormwater detention for 1-, 2-and 10-year storm events not only for the subject subdivision, but also for a portion of the offsite upstream properties to reduce the volume leaving the subject site. In addition, the applicant will regrade the existing eroded swale through this property to improve the velocity.

Staff further notes that a PFM modification must be approved prior to site plan approval to use the Raintank as a stormwater management facility (PFM Section 6-0402.4). In addition, a Public Facilities Manual (PFM) Modification request pursuant to Section 6-0303-9 of the PFM will be required to be approved by the DPWES prior to final subdivision approval to locate stormwater management facilities on individual residential lots. It should be noted that these facilities must be privately maintained.

The use of low impact development (LID) techniques, such as infiltration trenches, as deemed appropriate, is encouraged in the Comprehensive Plan guidance. Staff has determined that the applicant has adequately sized and designed the trenches and, based on the provided information, that there is a reasonable expectation that the on- and off-site stormwater management will be controlled through these measures. Therefore, staff finds that the proposed application will improve the stormwater management system in the immediate area.

(Staff notes that the applicant has been made aware of any required waivers need at the time of subdivision or site plan. If DPWES does not approve these waivers, or if the installation of the SWM/BMP facilities per the PFM is not in substantial conformance with the SE Plat, the applicant will be required to apply for a Special Exception Amendment (SEA) to provide the required facilities. The final determination of any water quantity and water quality waivers and/or facilities will be made by DPWES during subdivision plan review.)

ZONING ORDINANCE PROVISIONS (Appendix 8)

Bulk Standards (R-E Zoning)			
Standard	Required	Proposed Lot 2A	Proposed Lot 2B
Min. Lot Area	75,000 sq. ft.	88,692 sq. ft.	124,156 sq. ft.
Lot Width	200 ft.	292 ft	50 ft
Building Height	35 ft.	35 ft.	Max 35 ft.
Front Yard	50 ft.	95 ft.	66 ft.
Side Yard	20 ft.	64 ft.	61 ft.
Rear Yard	20 ft.	132 ft.	45 ft.
Tree Cover	20%	47% for entire site	
Density	One (1) dwelling unit per two (2) acres, or 0.5 dwelling unit per acre.	Resultant Prospect Hills subdivision density at .36 du/ac, density of subdivided lot 2 is at .4 du/ac	
Open Space	n/a	n/a	n/a
Parking Spaces	2 spaces per unit	2 spaces	2 spaces

As specifically noted in Note 26 on Sheet 1, the applicant requests the right to modify the existing home provided that: (1) the limits of clearing and grading do not decrease; (2) tree preservation is not impacted; and (3) appropriate permits are obtained. Staff proposes a development condition which would permit for expansion of the existing house without a special exception amendment so long as the limits of clearing and grading and tree preservation areas, as depicted on the SE Plat, are maintained.

Other Zoning Ordinance Requirements:

Special Exception Requirements (Appendix 9)

Provisions for Waiving Minimum Lot Size Requirements (Sect. 9-610)

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an R District, except for all cluster subdivisions, the minimum lot area and/or lot width requirements for a C district or the minimum district size requirement for the C-9 District, and the minimum district size, lot area and/or lot width requirements for an I district, but only in accordance with the following:

Paragraph 1 states that such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance. The subject property has not been reduced in width or area since the effective date of the Zoning Ordinance; therefore this standard has been met.

Paragraph 2 states that the applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.

The applicant seeks to satisfy this requirement by preserving existing vegetation, and improving or maintaining the stormwater management systems in the area.

- As noted above, the parcel has several areas of existing vegetation and under this proposal, tree save areas totally about 41% of the site will be provided. The applicant has agreed to a number of development conditions to preserve and protect the on-site and off-site trees, including tree preservation fencing/plan/walk-through requirements, as well as tree bonding, site monitoring, tight limits of clearing and grading, and root pruning and mulching provisions to ensure that the trees survive construction. A proposed development condition also addresses issues relating to loss of trees should the reserve drainfields ever be needed on the proposed properties.
- As discussed above, the applicant will provide two infiltration trenches which will be designed to accommodate runoff greater than the minimum requirements for the property and this proposed development. The applicant will also regrade the central part of the site in order to control upstream offsite runoff as well as reduce the rate and volume of downstream runoff. Staff has determined that the concept is acceptable and as designed, will address SWM issues in this area.

With regard to the preservation of topography, the only changes in topography will occur with the regrading of the trench in the center of the site to direct stormwater to the proposed infiltration trenches. As such, staff feels that the general topography will be maintained to the extent possible.

With regard to historic resources, it does not appear that any development occurred on this site prior to the development of the subdivision in the 1950s. As such, the potential for historic era cultural resources on this site is low. Other than the existing trees, the application property also does not appear to contain any other particularly substantial environmental features worth preserving.

In summary, staff has concluded that this standard has been met by the proposed tree preservation efforts and the design of the stormwater management facilities.

Paragraph 3 states that it shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways. The proposed application would not create any significant additional impacts on the surrounding public street system. As noted, the addition of one (1) single family detached dwelling will not create a significant impact on the traffic on the public street system. As previously discussed, the SE Plat shows a proposed a 15-foot wide ROW dedication along the frontage of Old Dominion Drive, providing 45 feet of ROW from the centerline. Staff has also proposed a development condition providing for the removal of features that are now located within the proposed ROW. Therefore, staff finds that with the adoption of the proposed development conditions, this standard will be satisfied.

Paragraph 4 states that such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied. As discussed previously, the application satisfies all applicable Zoning Ordinance provisions other than the lot width requirement.

General Standards (Sect. 9-006)

Paragraph 1 requires that the proposed use be in harmony with the Comprehensive Plan. As described in the Land Use Analysis section, the resulting density of the proposed development of the subject site would be 0.4 du/acre. Staff believes that the proposed density of 0.4 du/ac is in harmony with the Comprehensive Plan and the character of the surrounding neighborhood. In addition, as discussed, staff believes that the layout of the new proposed lots will be compatible in bulk, orientation and scale to the surrounding homes in the vicinity. Therefore, this standard has been met.

Paragraph 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The R-E District was established to promote agricultural uses and low density residential uses; to allow other selected uses which are compatible with the open and rural character of the district; and otherwise to implement the stated purpose and intent of this Ordinance. As noted earlier, this application provides for a density which satisfies the R-E District density requirement and is harmonious with the surrounding developments. Specifically, the Prospect Hills subdivision will remain in conformance with the density requirements even with the addition of this lot. It also meets the applicable Zoning Ordinance provisions (with the exception of the minimum lot width requirement). Therefore this standard has been met.

Paragraph 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. It further states that the location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

The applicant is proposing the development of one (1) additional single-family detached dwelling within the R-E District, which is consistent and harmonious with the neighboring properties. Staff believes that proposal will not adversely affect the use or development of neighboring properties due to the area's existing development pattern and the buffers offered by existing and supplemental landscaping. First, the adjacent properties to the west, south and east are zoned either R-E or R-1 and the properties to the north across Old Dominion Drive are zoned R-1. The proposal here seeks to maintain the current low density residential character associated with R-E zoning, typical of the area.

Second, lots sizes in the area vary from the smaller lots, across Old Dominion Drive to the larger lots, varying from approximately 1.72 acres to 2.2 acres, with *lot widths* typically ranging from the required 200 feet to the south along Old Dominion Drive, to much longer widths on the properties to the north along Old Dominion Drive. As shown on the preceding map and as discussed in the Land Use Analysis, the lot sizes and widths on the other side of Old Dominion Drive are narrower, with lot widths of approximately 150 feet.

The proposed layout of these two lots will also mimic the property development pattern of the adjacent lots to the north with two homes visible from the right of way along Old Dominion Drive. To the west of the subject site, nearby lots are roughly half the size of the lot under consideration here. Across Old Dominion Drive, in the Greenway Heights Sec 2 subdivision, zoned R-1, the lots sizes are uniformly 23,570 SF in area with widths of 150 feet, which is the minimum width required by the Zoning Ordinance. While the applicant will have a lot with a width of 50 feet, the proposal will present a similar pattern to the existing development in the area.



Figure 2 Approximate locations of proposed dwelling and property lines. For actual dimensions, please see SE Plat.

There are no screening or barrier requirements required by the Zoning Ordinance for this proposal, as all abutting properties are developed with single-family detached dwellings. The applicant has, however, provided additional tree plantings around the property boundaries to supplement the tree preservation areas in order to provide screening for the abutting residences. The existing dwelling is approximately 35 feet in height and the maximum height proposed for all dwellings on the subject site is 35 feet which in accordance with the Zoning Ordinance provisions for the R-E District.

As such, staff believes the proposed application will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. Therefore, this standard has been met.

Paragraph 4 states that 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. The Fairfax County Department of Transportation (FCDOT) has not found any particular conflict related to access proposed with the new driveway entrance on Old Dominion Drive. Also, in staff's

opinion, the proposed application, which will result in the addition of one (1) single family dwelling in the neighborhood, would not create any significant additional impacts on the surrounding public street system. As previously discussed, the SE Plat shows a proposed 15-foot wide right-of-way (ROW) dedication along Old Dominion Drive which would extend width of the ROW as measured from the centerline from 30 to 45 feet. Therefore, staff finds that this standard has been satisfied.

Paragraph 5 states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. There are no screening requirements associated with the application, as all of the abutting properties and properties across the street are developed with single-family detached dwellings. Nevertheless, as noted above, the applicant will be providing additional landscaping to screen the proposed dwelling from the existing residences. The tree cover requirement in the R-1 District is 20%. The Urban Forest Management review of the application has determined that the tree cover requirement for each proposed lot is being exceeded with this application. With the tree preservation and supplemental plantings, the total tree cover provided is 47%. Therefore, this standard has been met.

Paragraph 6 states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. This standard is not applicable, as there is no requirement for open space in the R-E District for conventional subdivisions.

Paragraph 7 states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Two off-street parking spaces are provided for each of the single-family detached dwellings shown on the SE Plat. Loading spaces are not required for this type of residential development. As previously noted, the well and drainfield locations have been approved by the Virginia Department of Health.

As discussed earlier, the applicant intends to provide drainage improvements in excess of what would be required to control the stormwater generated from this development in order to resolved existing flooding issues on the site. The use of two infiltration trenches would generally be determined to be sufficient, with the caveat that should the SWM techniques need to be changed at subdivision plan, a SEA will be needed. Therefore, while the utility, parking, loading and other necessary facilities has been provided, staff cannot determine at this time that the necessary drainage from this site has been accounted for. Therefore, this standard has not been met.

Paragraph 8 states that 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. This standard is not applicable as there are no signs proposed with this application.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The application is a request for a Category 6 Special Exception to permit a waiver of the minimum lot width requirement in order to subdivide a 5 acre lot zoned R-E into 2 lots with one lot having a width of 50 feet and the other having a width of 292 feet (200 feet is required). The applicant proposes to retain the existing dwelling and construct a new single family detached dwelling at the rear of the existing property. The resulting density would be .4 du/ac (2 dwellings on 5 acres), which is in harmony with the land use recommendations of the Comprehensive Plan. Staff believes that the application is in harmony with the land use recommendations of the Comprehensive Plan and is in conformance with the applicable Zoning Ordinance provisions.

Recommendation

Staff recommends approval of SE 2007-DR-025 subject to the proposed development conditions contained in Appendix 1 of the staff report.

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Environmental Analysis
5. Urban Forest Management Analysis
6. Transportation Analysis
7. Stormwater Management Analysis
8. Variance Plat
9. Applicable Zoning Ordinance Provisions
10. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SE 2007 DR-025

February 11, 2009

If it is the intent of the Board of Supervisors to approve SE 2007-DR-025 located at 8325 Old Dominion Drive (Tax Map 20-3 ((2)) 002) to permit a waiver of the minimum lot width requirement, pursuant to Sect. 9-610 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled 8325 Old Dominion Drive, prepared by Land Design Consultants and dated June 2007 as revised through February 5, 2009, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Fire Protection. At the time of subdivision plan submission, compliance shall requirements of the Public Facilities Manual (PFM) regarding Fire Regulations as they apply to the subject property shall be demonstrated.
5. Tree Preservation. A Tree Preservation Plan shall be submitted as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forestry Management Division (UFMD), Fairfax County Department of Public Works and Environmental Services (DPWES). The Tree Preservation Plan shall consist of tree survey that includes the location, species, size, crown spread, and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the Special Exception Plat for the subject

property. The Tree Preservation Plan shall provide for the permanent preservation of all of the trees in those areas shown for tree preservation on the Special Exception Plat and shall include any additional areas in which trees can be preserved as a result of final engineering. The conditions analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved (such as crown pruning, root pruning, mulching, fertilization, and others as necessary) shall be included in the plan.

Concurrently with the submission of the Tree Preservation Plan, a schedule shall also be submitted that sets forth a proposed monetary value for each of the trees surveyed that is to be preserved in accordance with the Special Exception Plat, as well as any additional areas in which trees can be preserved as a result of final engineering. The monetary values for each of the trees to be preserved shall be determined using the Trunk Formula Method contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture and shall be subject to review and approval by UFMD. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placement ratings. The Site Rating Component shall be equal to at least 80 percent. The combined total of monetary values identified in the approved Tree Preservation Plan for trees designated to be preserved shall serve as a baseline sum for determining the amount of the Tree Bond. In addition, the monetary values identified in the approved Tree Preservation Plan for trees to be preserved shall serve as the baseline amount for determining the amounts to be paid to the County in the event that the Applicant, his personal representatives, heirs, successors or assigns violate any of the special exception development conditions; provided, however, that the baseline amounts shall be subject to increase to reflect inflation (to be calculated using the Consumer Price Index) and tree growth as applicable.

6. Root Pruning and Mulching. Root pruning and mulching shall be performed as needed to comply with the tree preservation requirements of these conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include but not be limited to the following:
 - a. Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches;

- b. Root pruning shall take place prior to any clearing and grading, road building, or demolition of structures, as confirmed by Fairfax County environmental inspectors;
- c. Root pruning shall be conducted with the supervision of a certified arborist;
- d. Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of 3 inches within designated areas without the use of motorized equipment;
- e. Mulch shall consist of shredded hardwood; hay or straw mulch shall not be used within tree preservation areas, and
- f. An UFM, DPWES, representative shall be informed in writing when all root pruning and tree protection fence installation is complete.

7. Tree Preservation Walk-Through. The services of a certified arborist or landscape architect shall be retained and the limits of clearing and grading shall be marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees identified as dead or dying that have the potential to affect human safety may be removed as part of the clearing operation if approved by UFMD. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated under story vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated under story vegetation and soil conditions.
8. Limits of Clearing and Grading. The limits of clearing and grading shall be strictly adhered to as shown on the Special Exception Plat, subject to allowances specified on the SE Plat and in these conditions. The Site Plan shall clearly identify these areas as shown on the Special Exception plat.
9. Management Practices. As part of the subdivision plan, management practices shall be identified and provided by the applicant for the protection of understory plan materials, leaf litter and soil conditions found in areas to be left undisturbed, subject to the approval of the UFMD.

10. Tree Protection Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing using 4-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, or super silt fence as determined by UFMD to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading as shown on the demolition, and phase I and II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including demolition of any existing structures or road building. The installation of all tree protection fencing shall be performed under the onsite supervision of a certified arborist and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. No grading or construction activities shall occur until the fencing is installed correctly, as certified by UFMD, DPWES.

Signs shall be provided that identify and help protect all areas to be left undisturbed. These signs will in English and Spanish prohibit entry to these protected areas. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading and attached to tree protection fencing. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to be left undisturbed.

11. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a certified arborist shall be present to monitor the process and ensure that the activities are conducted in conformance with these conditions and as approved by the UFMD. The services of a certified arborist or landscape architect shall be retained to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall include once weekly inspections during phase I activities and once monthly inspections during phase II activities. This schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD, DPWES.

42. Tree Bond. A letter of credit, or a cash contribution equal to one-half (50%) of the total monetary value of the trees designated to be preserved as identified above shall be placed with the County. The Tree Bond letter of credit shall be prepared in a manner acceptable to the County Attorney naming the County as beneficiary to ensure the preservation, conservation, replacement, removal, and/or treatment of the trees identified in the Tree Preservation Plan, and to ensure the undisturbed areas identified on the approved SE. The cash or Tree Bond shall be held by the County as a cash reserve that can be used by the County to ensure the preservation, conservation, replacement, removal, and/or treatment of the trees identified in the Tree Preservation Plan and as approved on the subdivision plan, and for work relating to the protection and management of undisturbed areas identified on the approved SE. If the Applicant fails to complete any work identified in the approved subdivision plan, then the County may use cash or money from the Tree Bond to accomplish the required work. If the County must use all or part of the cash or Tree Bond to accomplish the outstanding work, then the Applicant will replenish the cash or Tree Bond to its full amount. If the Applicant fails to replenish the cash or Tree Bond to its full amount, then the cash or Tree Bond may be used by the County to replenish the Tree Preservation Deposit to its full amount. The cash/Tree Bond may be used by the County as described in the Tree Preservation condition, above. Any cash of funds remaining in the Tree Bond shall be released along with the project's final bond release if approved in writing by UFMD, DPWES.

13. Site Protection. As part of the subdivision plan, management practices shall be provided for the protection of under story plant materials, leaf litter and soil conditions found in areas to be left undisturbed, subject to the approval of UFMD. The site shall be actively monitored by the applicant to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. Understory plant materials, leaf litter and soil conditions shall be restored to the satisfaction of UFMD if these are found to be damaged, removed or altered in a manner not allowed in writing by the UFMD. If it becomes necessary to install utilities determined to be necessary by DPWES within areas to be left undisturbed, they shall be located and installed in the least disruptive manner possible as determined by UFMD in coordination with the Environmental and Site Review Division, DPWES. In addition, a replanting plan shall be developed and implemented for the portions of protected areas disturbed for utility installation taking into account planting restrictions imposed by utility easement agreements. Any work occurring in or adjacent to the areas to be left undisturbed, such as root pruning, installation of tree protection fencing and silt control devices, removal of trash or plant debris, or extraction of fallen trees designated to be removed shall be performed in a manner that minimizes damage to any tree, shrub, herbaceous, or vine plant species that grows in the lower

canopy environment; and minimizes impacts to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation, all as approved by UFMD. The use of power equipment in these areas shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger motorized equipment such as, but not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by UFMD.

14. Stormwater Management (SWM) and Best Management Practices (BMP). SWM/BMP measures may be provided in infiltration trenches as shown on the SE Plat as determined by DPWES. These trenches shall be privately maintained. If a modification of the PFM to permit the proposed SWM/BMP practices as shown on the SE Plat is not granted by DPWES and SWM/BMP facilities in substantial conformance with the SE Plat cannot be provided, then a Special Exception Amendment (SEA) shall be filed to provide water quantity and quality control measures in accordance with the PFM as determined by DPWES. Prior to record plat approval, residential covenants shall be recorded in the County Land Records which disclosed to the existing and all subsequent property owners the maintenance obligations of the infiltration trenches.
15. Adequate Outfall. Adequate outfall shall be demonstrated in accordance with the PFM, as determined by DPWES, at the time of subdivision plan review.
16. Removal of Features from ROW. Features currently built in the area to be dedicated for the Right-of-Way (ROW), e.g. stone wall, driveway curbing, etc. shall be removed to outside of the ROW. here appears to be built features in and around the existing driveway (e.g. stone wall, driveway curbing, etc).
17. Additional Tree Preservation. In addition to the tree preservation areas shown on the Special Exception Plat, the following trees as designated on the Special Exception Plat shall be preserved: Trees 68-70 and Trees 75.04-75.09.
18. Structures. No structure shall be placed within sixty feet of the boundary between Tax Map 20-3 ((2)) 3B and proposed Lot 2B as delineated on the Special Exception Plat.
19. Garages. Garages shall be designed to accommodate two (2) vehicles. A covenant shall be recorded in the land records of Fairfax County which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (i.e., the parking of vehicles). This covenant shall be recorded among the land records of

Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall inure to the benefit of Fairfax County. Initial purchasers shall be advised of the use restriction prior to entering into a contract of sale.

20. Energy Star. All proposed dwellings shall be required to qualify for the Energy Star Qualified Homes designation.

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: January 3, 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

97458a

in Application No.(s): SE 2007-DR-025
 (enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Mostafa Nadimi Lily K. Sharifzadeh-Nadimi	8325 Old Dominion Drive, McLean, VA 22102	Applicant/Title Owner TM 20-3((2)) 2 Applicant/Title Owner TM 20-3((2)) 2
Land Design Consultants, Inc. Matthew T. Marshall Kelly M. Atkinson	9401 Centreville Road, #300, Manassas, VA 20110	Agents for Applicant/ Planners, Engineers, Surveyors
Jane Kelsey & Associates, Inc./ Jane Kelsey	4041 Autumn Court, Fairfax, VA 22030	Agent for Applicant/ Planner

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

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

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

Special Exception Attachment to Par. 1(b)

DATE: January 3, 2008
(enter date affidavit is notarized)

97458a

for Application No. (s): SE 2007-DR-025
(enter County-assigned application number (s))

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

Jane Kelsey & Associates, Inc.
4041 Autumn Court
Fairfax, VA 22030

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)

Jane Kelsey

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

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)

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: January 3, 2008
(enter date affidavit is notarized)

97458a

for Application No. (s): SE 2007-DR-025
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code) Land Design Consultants, Inc.
9401 Centreville Road, Suite 300
Manassas, VA 20110

DESCRIPTION OF CORPORATION: (check one statement)

- [x] 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
Matthew T. Marshall

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: January 3, 2008
(enter date affidavit is notarized)

97458a

for Application No. (s): SE 2007-DR-025
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
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 Exception Affidavit Attachment to Par. 1(c)" form.

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: January 3, 2008
(enter date affidavit is notarized)

97458a

for Application No. (s): SE 2007-DR-025
(enter County-assigned application number(s))

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

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

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: January 3, 2008
(enter date affidavit is notarized)

97458a

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

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

Jane Kelsey & Associates, Inc. and Commissioner Hart have a business relationship; however, the business relationship is not related to any party to this application.

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

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

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

WITNESS the following signature:

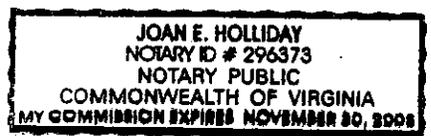
(check one) [] Applicant [X] Applicant's Authorized Agent

Kelly M. Atkinson, Planner
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 3rd day of January 20 08, in the State/Comm. of Virginia, County/City of Manassas

Joan E. Holliday
Notary Public

My commission expires: November 30, 2008





July 27, 2007
December 21, 2007 (Revised)

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

RECEIVED
Department of Planning & Zoning
DEC 21 2007
Zoning Evaluation Division

Re: Statement of Justification
8325 Old Dominion Drive, SE 2007-DR-025
Fairfax County Tax Map #20-3 ((2)) Parcel 2
Currently Zoned RE, Approximately 5.0014 Acres
LDC Project # 07065-1-0

Dear Ms. Coyle:

Land Design Consultants, Inc. (LDC) is working with the property owners, Mr. Joe Nadimi and Dr. Lily Nadimi ("Applicants"), to process this Special Exception on the above referenced property. The Applicants are requesting a Special Exception in accordance with Section 9-610 of the Zoning Ordinance to modify the minimum lot width requirement for one of the proposed lots. If this Special Exception is approved, the Applicants will pursue the subdivision of the subject property.

The subject property is located at 8325 Old Dominion Drive and on Tax Map 20-3 ((2)) Parcel 2 in the Prospect Hills Subdivision. The following serves as the statement of justification for this Special Exception:

1. Type of Operation

The subject property is currently occupied with a single-family residence. A house and detached garage exist and are served by an existing driveway from Old Dominion Drive. Pending approval of the Special Exception, the subject property will be subdivided and used for two single-family detached dwellings. All existing structures and the current entrance will be preserved as depicted on the plat. Only one new house and driveway are proposed for future use by the Applicant's family, in accordance with cultural practices. The Applicant's current house does not meet the needs of this family and the Applicant is requesting permission to build one additional house via a Special Exception. If this Special Exception is not approved, the Applicant will develop the subject property under the current Zoning requirements with a new, larger house to accommodate the needs of the family.

2. Hours of Operation

The Special Exception is requested to permit two single-family detached houses. No commercial uses are proposed. Therefore the hours of operation is not applicable.

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

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

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

Re: Statement of Justification
8325 Old Dominion Drive
Fairfax County Tax Map #20-3 ((2)) Parcel 2
Currently Zoned RE, Approximately 5.0014 Acres
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4. Proposed Number of Employees/Attendants/Teachers/Etc.

Again, the proposed use is single-family detached. 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. The current trip generation is ten vehicles per day per the guidelines established by the Institute of Transportation Engineers. By granting this Special Exception, the subject property may contain a maximum of two single-family detached houses. This will increase the trips per day from ten to twenty. This increase in trip generation will have no impact on the transportation infrastructure and will not warrant any transportation improvements. Please note that the proposed subdivision is compatible with surrounding land use patterns and the Applicant has not received any comments from the Virginia Department of Transportation of Fairfax County requesting road improvements or a shared driveway.

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

The proposed single-family detached uses 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 proposed house on the subject property will be consistent with the surrounding architecture. Elevations of the proposed house are not yet available, but will be made available to Staff as soon as they are available.

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 proposed use will conform to the provision of all applicable ordinances, regulations, adopted standards and any applicable conditions, except for those waivers and Special Exception requested as part of this application.

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.

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

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The Comprehensive Plan recommends development of the subject property at a density of one dwelling unit per two to five acres (0.5 to 0.2). The proposed Special Exception to permit the subdivision into two residential lots is in accordance with the Comprehensive Plan recommendations for this area and will result in a density of 0.4 dwelling units per acre.

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 proposed subdivision will be compatible with the surrounding land uses and neighborhood in terms of lot size and use. The subject property is located in the Prospect Hills Subdivision where eight of the original seventeen lots have been re-subdivided into lots ranging in size from 1.7 acres to 4.5 acres. The Applicants proposed lot sizes of 1.9 to 2.9 Acres are similar to surrounding properties.

In regards to the lot configuration, Proposed Lot 2B is not a pipestem driveway and touches Old Dominion Drive by more than a driveway. The proposed lot configuration is similar to other lots along Old Dominion Drive. Specifically, lots located on Tax Map 20-1 ((2)) 49A, 49B, 55B, 55D, and 56B-J. At the request of Staff, the Applicant revised the layout to provide a more regular lot shape, which increased the extent of the necessary lot width exception.

The proposed tree preservation and plantings around the periphery will provide additional benefits to the surrounding parcels including the retention of runoff as well as screening from the additional house. Please note that the Applicant has filed drainage complaints on adjacent properties due to the illegal drainage of runoff from a pool on adjacent Parcel 3A onto the subject property as well as runoff from construction on adjacent Parcel 1D. The proposed vegetation and infiltration trench may alleviate some of these issues and provide a benefit to the surrounding properties.

Further, the proposed houses will be served by adequate utilities including septic fields and wells. Again, the Applicant will be providing onsite Stormwater Management/Best Management Practices via infiltration trenches. One trench will be provided on each lot. This will provide control for the existing and proposed lots and a water quality benefit to a property where none currently exists. Adequate access to Old Dominion Drive will be provided via two individual driveways, one of which currently exists. No access will be provided through the adjacent neighborhood. Again, the proposed subdivision is in accordance with the density guidelines established by 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 Exception and subsequent subdivision will not have an adverse affect on the surrounding properties. As previously mentioned, the surrounding properties have also been recently subdivided and the Applicants are proposing a similar subdivision, in terms of lot size. Due to the re-subdivision of the surrounding properties, additional houses, tennis courts, and

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

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pools have been located in close proximity to the subject property. The addition of another house to the subject property will match the character of the surrounding neighborhood.

Again, the Applicant's cultural practices dictate children living in close proximity to their parents. The Applicant's current house is no longer able to suit the needs of the family. Therefore, the Applicant is proposing this Special Exception in order to construct an additional house on the subject property for their children. The existing house will remain and cannot be removed without obtaining a Special Exception Amendment. If the Applicant is unable to secure approval of the Special Exception, the Applicant will remove the existing house and construct a much larger house on the subject property in accordance with the current Zoning requirements. However, this would be a disadvantage to the County as this would not allow for a Conditioned Plan regarding tree preservation, landscaping, screening, right-of-way dedication, limits of clearing and grading, and monetary contributions.

Finally, the subject property is governed by covenants that prohibit re-subdivision without written consent of three-fourths of the then owners of the lots. The Applicant has the written consent of three-fourths of the property owners; therefore these property owners understand what is being proposed and are not opposed to the idea of re-subdivision. Other than the request for the Special Exception to permit a reduction in required lot width for one lot, the proposed subdivision will be in accordance with the Zoning Ordinance, the Public Facilities Manual, and the Comprehensive Plan.

- 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. Again, the Applicants are requesting this Special Exception in order to subdivide their property to add one additional house and driveway. This small increase in traffic will not have a detrimental effect on the surrounding properties, which have also been recently subdivided. The trips generated from the proposed subdivision will be directed to Old Dominion Drive and not through the adjacent neighborhood.

- 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, south and west by single-family detached uses. The subject property is bordered to the east by Old Dominion Drive. The existing/proposed use is single-family detached. Therefore, landscaping and screening are not required in accordance with Article 13. However, the Applicant has shown an approximate limit of clearing and grading and will preserve existing vegetation along the periphery to the greatest extent feasible. The preservation of existing mature vegetation will provide screening where none is required. The Applicant will meet the twenty percent tree cover requirement via the preservation of existing vegetation and addition of new vegetation, which will also provide some screening.

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

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July 27, 2007

December 21, 2007 (Revised)

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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-E, which does not have a minimum open space requirement. The approximate limits of clearing and grading are shown on the attached plat and will be strictly adhered to upon development of the subject property. The Applicants will be preserving existing vegetation along the periphery to the greatest extent feasible.

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.

An existing septic field and well serve the existing house on the subject property. This existing field will be abandoned in accordance with County requirements due to saturation issues. A new active and reserve field will be provided per current County requirements for the existing house. The proposed house will also be served by a septic field and well in accordance with County requirements. The locations of the septic fields are approximate and are subject to final approval from Fairfax County and Health Department. The Applicant is currently working with the Health Department to obtain approval of the septic fields. However, the limits of clearing and grading will not be reduced as a result of septic field approval. In accordance with Article 11, two parking spaces are required per house. The existing house will meet parking requirements via the existing garage and the proposed house will meet parking requirements via a new garage. No loading spaces are required for single-family detached 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:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.

The subject property was created in 1948 as part of the Prospect Hills Subdivision. The subject property is currently zoned R-E and requires a minimum lot width of 200' and a minimum lot area of 75,000 square feet, in accordance with the current Zoning Ordinance, effective August 14, 1978. The subject property currently contains approximately 342' of lot width along Old Dominion Drive and approximately 5.0014 acres. Therefore, the subject property has not been reduced to a lot width or area less than that required by the Ordinance.

2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.

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

Re: Statement of Justification
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LDC Project # 07065-1-0

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The proposed waiver of minimum lot width requirements for one of the proposed residential lots will result in development that minimizes disturbance to existing vegetation and topography, while providing for an additional building lot. The clearing of vegetation on site will be sufficient to provide access to the proposed house and a new septic field for the existing house. As a condition of approval, the Applicant will strictly adhere to the proposed limits of clearing and grading. As you can see, existing vegetation along the periphery will be maintained and preserved to the greatest extent feasible. Please note that all existing structures will remain and one new house and driveway will be added to the property. In regards to lot sizes, the Applicants are providing lot sizes greater than the minimum required. The proposed lot sizes are consistent with adjacent lots that have also been re-subdivided. Again, the Applicant will be providing onsite Stormwater Management/Best Management Practices. This, in conjunction with the preservation of existing vegetation along the periphery, will provide a water quality benefit to the subject and surrounding properties. Finally, LDC is not aware of any historic resources on the subject property.

- 3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.**

The subject property is currently accessed from Old Dominion Drive. According to the Comprehensive Plan and Countywide Transportation Plan, Old Dominion Drive is planned to be widened to two lanes. As a condition of approval of this Special Exception and subdivision approval, the Applicants will dedicate right-of-way approximately 45' from centerline in accordance with the Comprehensive Plan. This dedication will occur at the time of recordation. This application is proposing the addition of one house to the subject property via a subdivision of the property. This minor increase in vehicle trips will have no impact on the adjacent roadways. In addition, the subdivision of this property is consistent with adjacent properties, which have also been recently subdivided.

- 4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.**

All applicable ordinance and requirements will be met with this application other than those waivers and modifications requested with this Special Exception.

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.

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

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July 27, 2007

December 21, 2007 (Revised)

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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: Mr. and Dr. Nadimi, Property Owners
Matt Marshall, L.S., AICP, Land Design Consultants, Inc.
File



JUL 30 2008

Zoning Evaluation Division

TO: Suzanne Lin, Planner II
FROM: Kelly M. Atkinson, A.I.C.P. 
DATE: July 29, 2008
RE: 8325 Old Dominion Drive, SE 2007-DR-025
LDC Project #07065-1-0

Per your request, please find attached ten copies and one reduction of the revised Special Exception Plan for 8325 Old Dominion Drive. The revisions to the plan include the following:

- The septic field locations were approved by the Fairfax County Health Department on June 26, 2008. The plan has been updated to reflect the approved locations and the correct location of the existing septic field on the property, which will continue to be used by proposed Lot 2A.
- The limits of clearing and grading have been revised based on preliminary engineering. The limits of clearing and grading have been reduced substantially and allow for additional areas of tree preservation beyond those previously proposed.
- The design of the infiltration trenches has been revised to accommodate runoff greater than the minimum requirements for the subject property. Information regarding the field infiltration rates will be provided to the Department of Public Works and Environmental Services per their request dated May 25, 2008. The proposed trenches now control upstream, offsite runoff, which accounts for approximately twenty-five percent of the total amount of controlled impervious area. These upstream areas do not have water quality or quantity controls. This additional control will reduce the rate and volume of downstream runoff. Further, the Applicant is proposing to re-grade the existing, eroding swale bisecting the subject property. This erosion was the catalyst for the drainage complaints filed by the Applicant with the County. This grading will reduce the velocity below an erosive rate and provide stabilization. Finally, a storm drain easement is proposed to encumber this channel to provide an adequate outfall for the offsite runoff onto the subject property.
- Approximately 8,000 square feet of additional tree preservation has been proposed, which brings the total amount of tree cover via preservation and planting to approximately 30% of the total area of the property.
- The Applicant is proposing preservation of approximately 10% more of the trees identified in the Tree Inventory via the revised limits of clearing and grading.
- The Applicant is willing to condition the use of Energy Star appliances.
- The Applicant is willing to commit to the use of pervious pavers on the high side of the proposed driveway adjacent to the proposed house in order to reduce impervious area, subject to final engineering.
- The Applicant is willing to commit to a Tree Preservation Easement along the periphery of the subject property. This easement would allow for the planting of additional vegetation by hand and no disturbance would be permitted except for necessary utility construction, as required by Fairfax County, planting of grass or additional vegetation by hand in order to enhance the aesthetics of this area, or for the removal of diseased, dead, dying, or hazardous trees and the selective maintenance to remove noxious and poisonous weeds, as determined by Urban Forest Management (UFM). The Applicant is willing to finalize the language for this easement via a Development Condition upon consultation with UFM.

TO: Suzanne Lin, Planner II
FROM: Kelly M. Atkinson, A.I.C.P.
RE: 8325 Old Dominion Drive, SE 2007-DR-025
LDC Project #07065-1-0

July 28, 2008

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We believe this revised application provides numerous benefits to the surrounding community in contrast to a by right subdivision including increased tree preservation, reduced limits of clearing and grading, elimination and resolution of existing drainage complaints' and most importantly water quantity and quality control for offsite areas, which is above and beyond the requirements of Fairfax County. Further the Applicant is willing to provide swale stabilization and an adequate outfall for upstream runoff currently discharging onto their property without an easement. Based on conversations with the surrounding community, the control of offsite runoff migrating downstream appears to be the biggest concern and we believe the Applicant has gone above and beyond to address this issue as well as others. We believe this subdivision is a better alternative to a by right subdivision into two lots served by a public street terminating with a cul-de-sac. This allows the Applicant to meet their needs and desire to save as many trees as possible and resolve the outstanding drainage concerns with minimal impact to the adjacent property owners. If you have any questions about this information, please do not hesitate to contact me at (703) 257-5600.

Cc: Joe and Lilly Nadimi, Property Owners
Joe Gibson, Supervisor Foust's Office
Mark Zetts, Chairman, Planning and Zoning Committee, Mclean Citizens Association
Matt Marshall, L.S., A.I.C.P., Land Design Consultants, Inc.
File



County of Fairfax, Virginia

MEMORANDUM

DATE: January 16, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

APPENDIX 4

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

SUBJECT: Environmental Assessment Addendum: SE 2007-DR-25
Nadimi

This addendum to the environmental memorandum, prepared by Dawn Dhavale, discusses the changes made to the proposed development as depicted on the revised special exception plat dated June 2007 as revised through January 2, 2009.

ENVIRONMENTAL ANALYSIS:

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

Stormwater Issues

Issue: Stormwater control is a critical issue to this case. There have been site complaints related to yard flooding, some of which have been caused by off-site sources. The applicant has discussed mitigating for on-site as well as a portion of off-site stormwater. Previously, the plans did not adequately discuss the mitigation measure to be used.

Resolution: The applicant has provided pre- and post-development calculations for stormwater flow, as well as a written explanation of the methods and structures that will be used to detain and treat the stormwater on-site. Infiltration calculation information has also been provided. The plans also detail how the off-site stormwater will be controlled. Staff feel that the information provided gives a reasonable expectation that the on and off-site stormwater that has been an issue in the past will be successfully controlled through these measures.

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/

Tree Cover

Issue: The construction of the proposed house, septic field, pool, driveway and yard will occur on an area that is entirely covered with trees. The previous plans have indicated differing levels of tree save. The owners of the properties adjoining the area to be constructed are concerned about loss of screening between the properties.

Resolution: The applicant has previously coordinated with Urban Forestry Management to determine the appropriate course of action, and to determine which trees are possible to save given the limits of clearing and grading. The limits of clearing and grading have been tightened with the latest plans, and the amount of area of tree save has been increased. The applicant has also provided a detailed tree preservation activity narrative. Staff feel that the issues raised have been adequately addressed with the latest plans. The activity narrative mentions a tree preservation plan and substantial coordination with Urban Forestry Management. Staff encourage continued coordination during the construction process.

PGN:DMD



County of Fairfax, Virginia

MEMORANDUM

February 6, 2009

APPENDIX 5

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division, DPZ

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

SUBJECT: 8325 Old Dominion Drive, SE 2007-DR-025

This review is based upon a resubmission of the Application for a Special Exception for the Nadimi Property received by the Urban Forest Management Division on February 6, 2009. All previous comments from the memo dated May 8, 2008 still apply.

Comment: The Applicant appears to have adequately addressed the previously discussed tree preservation concerns and the tree preservation areas shown on the plat appear to be reasonable in size and configuration. Tree cover credit does not appear to be taken for trees in the reserve septic fields or in areas where it is unlikely that trees will survive construction impacts. The only concern is that it is unclear whether the entire area needed for construction of the reserve septic field has been taken out of the tree cover calculations. It is possible that in the event these reserve fields are needed, some of the trees given tree cover credit outside of the actual area for the septic field would need to be removed or could be damaged.

Recommendation: Staff may wish to ask the Applicant to expand the areas dedicated for the reserve septic fields to cover the entire area that would be needed for construction if space for construction of the fields as shown on the plat is not adequate.

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

HAF/
UFMID #: 130701

cc: RA File
DPZ File

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





County of Fairfax, Virginia

MEMORANDUM

October 24, 2008

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division, DPZ

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

SUBJECT: 8325 Old Dominion Drive, SE 2007-DR-025

This review is based upon a resubmission of the Application for a Special Exception for the Nadimi Property received by the Urban Forest Management Division on October 23, 2008. All previous comments from the memo dated May 8, 2008 still apply. Additional comments generated from this resubmission follow:

- 1. Comment:** The Special Exception Plat no longer shows the individually surveyed trees that are shown on the Existing Vegetation Map. This information was provided on the previous Special Exception Plats and allows UFMD to assess the potential impact to trees near the limits of clearing and grading. Since this information is not provided, it is unclear whether trees along the revised limits of clearing and grading will be impacted by construction.

Recommendation: The Applicant should show the individually surveyed trees on the Special Exception Plat.

- 2. Comment:** The Applicant appears to be proposing approximately 6400 square feet of additional tree cover compared to the previous submittal dated July 30, 2008; however, the revised tree inventory does not appear to be consistent with the proposed tree preservation areas shown on the Special Exception Plat or the individually surveyed trees shown on the Existing Vegetation Map. Additional trees have been surveyed along the limits of clearing and grading adjacent to the Howard lot, but these trees are not numbered or shown on the tree inventory and their condition has not been assessed. In addition, some trees are shown to be saved on the Existing Vegetation Map and the tree inventory (for example, trees #2, 3, 4, 18, 49, 50, 57, 62), but they are not in areas designated for preservation on the SE Plat. It is unclear whether some of them are within or extremely close to the revised clearing limits and therefore not good candidates for preservation. It is also unclear whether certain trees, which are shown to be removed on the tree inventory, can now be preserved due to the revisions to the limits of clearing and grading. It appears that some of these are shown to be preserved on the SE Plat.

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



Recommendation: If the Applicant intends to provide a tree preservation plan at this time, the information provided should be accurate and consistent on all sheets. In addition, a Certified Arborist should reassess all trees 10" and greater in diameter within 25 feet of the proposed limits of clearing and grading since there have been so many revisions. It is unclear whether trees affected by the revisions to the limits of clearing and grading have been reevaluated by a Certified Arborist since the initial tree inventory.

3. **Comment:** The Applicant has revised the tree save area in the southeast portion of the lot. It is unclear why some trees in this area are no longer proposed for preservation even though they are still located outside the limits of clearing and grading (for example, trees #67-69).

Recommendation: All vegetated areas that are located outside the limits of clearing and grading should be considered tree preservation areas and labeled as such on all appropriate sheets.

4. **Comment:** There appears to be vegetation along the Howard property line that is located outside the limits of clearing and grading, but is not designated as a tree preservation area. The same appears to be true in the northeast portion of the site along the proposed driveway.

Recommendation: All vegetated areas that are located outside the limits of clearing and grading should be considered tree preservation areas and labeled as such on all appropriate sheets.

5. **Comment:** In the southeast portion of the site, there is a note that states "Proposed vegetation to supplement existing;" however, the existing vegetation in this area is not designated for preservation on the SE plat, although it appears to be on the Existing Vegetation Map and in the tree inventory. It is unclear whether trees in this area that were previously proposed for preservation can still be preserved given their proximity to the revised limits of clearing and grading.

Recommendation: All vegetated areas that are located outside the limits of clearing and grading should be considered tree preservation areas and labeled as such on all appropriate sheets. In addition, a Certified Arborist should reevaluate all trees 10" in diameter and greater in this area to determine their survivability based on the revised limits of clearing and grading as discussed in comment #2 above. UFMD does not recommend preservation of trees within 25 feet of the limits of clearing and grading that have limited survivability due to their condition and/or their proximity to the limits of clearing and grading. If the Applicant wishes to preserve trees that are damaged or



8325 Old Dominion Drive
SE 2007-DR-025
October 24, 2008
Page 3 of 3

unlikely to survive and are within 25 feet of the limits of clearing and grading, details should be provided explaining the current condition of the trees and specific tree preservation measures for each tree should be provided detailing how these trees will be preserved.

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

HAF/
UFMID #: 130701

cc: RA File
DPZ File

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





County of Fairfax, Virginia

MEMORANDUM

DATE: January 18, 2008

TO: Lou Ann Hutchins
Site Analysis Section

FROM: Charlie Strunk
Bicycle Program Coordinator

SUBJECT: SE 2007 –DR-025

CC: Sheng-Jieh Leu, County Trails Planner
Angela Rodeheaver, Chief, Site Analysis Section
Suzanne Lin, DPZ Staff Coordinator
Ellen Gallagher, Capital Projects and Operations Division

Per your request, I have reviewed the above referenced plan as it relates to bicycle requirements. My comments follow:

The Countywide Trails Plan, as adopted by the Board of Supervisors, dated June 17, 2002 includes a major paved trail (on the opposite side of Old Dominion Drive) and on-road bicycle lanes on this segment of Old Dominion Drive (Route 738). Old Dominion Drive is currently designed to rural standards with open ditches. On a facility of this type, paved shoulders can accommodate bicyclists if designed properly.

Based on the applicant's dedication of right of way 45 feet from centerline and limited roadway frontage, I can support the waiver to not construct frontage improvements. However, when examining the special exception plat dated June 2007, there appears to be built features in and around the existing driveway (e.g. stone wall, driveway curbing, etc). Therefore, the approval of this special exception should be conditioned upon the removal of these amenities to outside of the roadway right of way.

Additionally, you should check the current VDOT entrance criteria for minimum widths and entry radii. The proposed driveway entrance as shown to the subdivided lot 2B looks vary narrow.

Should you have any questions, please contact me.

Lou Ann Hutchins

January 18, 2008

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County of Fairfax, Virginia

MEMORANDUM

DATE: November 7, 2008

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

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

FILE: 3-5 (SE 2007-DR-025)

SUBJECT: Transportation Impact

REFERENCE: SE 2007-DR-025; Mr. Mostafa & Dr. Lily Nadimi
Traffic Zone: 1544
Land Identification Map: 20-3 ((2)) 2

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated December 21, 2007, and revised through September 22, 2008. The applicant proposes to subdivide one lot into two lots and requires a special exception to modify the minimum lot width requirement for the proposed lots.

This department has no transportation issues with this application.

AKR/LAH/lah

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



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

November 16, 2007

Ms. Regina Coyle
Director of Zoning Evaluation
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: Mr. Mostafa and Dr. Lily Nadimi
8325 Old Dominion Drive
SE 2007-DR-025
Tax Map: 20-3((2))2

Dear Ms. Coyle:

We have reviewed the referenced plan as requested and offer the following comment:

- Complete geometric and drainage review will be performed at the time of the final plan submittal.

If you have any questions, please call me at (703) 383-2059.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter K. Gerner".

Peter K. Gerner, P.E.
Transportation Engineer

cc: Ms. Angela Rodeheaver



MEMORANDUM

DATE: February 10, 2009

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM:  Jeremiah Stonefield, Chief
Stormwater and Geotechnical Section
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application, SE 2007-DR-025, 8325 Old Dominion Drive,
Special Exception Plat dated February 5, 2009 (Plat), Tax Map # 020-3-02-
0002 (Property), Dranesville District

We have reviewed the referenced submission and offer the following comments related to stormwater management:

Chesapeake Bay Preservation Ordinance (CBPO)

There are no Resource Protection Areas designated on the Property. A 40% phosphorus removal efficiency will be required for the proposed subdivision. The applicant has proposed two Raintank trenches on two lots to provide best management practice (BMP) and stormwater detention. He states that a Public Facilities Manual (PFM) modification request will be submitted in accordance with PFM Section 6-0402.4 prior to the subdivision approval for Raintanks. The applicant will also request another PFM modification to locate BMP facilities on individual lots in accordance with the justifications of PFM Section 6-1307.2A. The requests would be favorably considered by DPWES, subject to conditions, after Board action of the SE Application.

Floodplain

There are no regulated floodplains designated on the Property.

Drainage Complaints

There are complaints on file related to yard flooding on this property. To mitigate the complaints the applicant has proposed to regrade the existing drainage way that passes through the property. This improvement will control velocity and the applicant proposes dedication a storm drainage easement on the waterway in conjunction with submission of the subdivision plan.



Stormwater Detention

The applicant has indicated that two Raintanks will be installed to provide detention for the 2-, and 10-year storm events to meet the adequate outfall requirements by soil infiltration. The grading on lots must direct runoff to the facilities to capture and control the increased runoff. The applicant has submitted preliminary water quantity computations to justify the proposed SWM provisions.

Site Outfall

The applicant has proposed to satisfy adequate outfall requirements in accordance with provisions of PFM 6-0202.6A. The applicant has proposed to size the on-site infiltration facilities such that there is no concentrated stormwater runoff leaving a development site during the 2 and 10-year rainfall events. He states that portions of uncontrolled runoff from the off-site, up-slope properties will be detained by the Raintanks. A diversion berm may be constructed to divert flow, as necessary, to provide additional control. The proposed driveway culvert will be constructed and an elevation such that stormwater will flow in the pipe only during storm events in excess of the 10-year storm. The proposed culvert must be constructed, and to County standards, since the driveway will cross the proposed Storm Drain Easement.

Please contact Qayyum Khan, at 703-324-1720 if you have any questions or require further assistance.

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Qayyum Khan, Stormwater and Geotechnical Section, ESRD, DPWES
Zoning Application File (6333-ZONA-001-8)



MEMORANDUM

October 28, 2008

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Senior Stormwater Engineer
Stormwater and Geotechnical Section
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application, SE 2007-DR-025, 8325 Old Dominion Drive,
Special Exception Plat dated September 22, 2008 (Plat), Tax Map # 020-3-02-
0002 (Property), Dranesville District

We have reviewed the referenced submission and offer the following comments related to stormwater management:

Chesapeake Bay Preservation Ordinance (CBPO)

There are no Resource Protection Areas designated on the Property. The applicant is required to incorporate best management practices (BMPs) into the subdivision plan which achieve a 40% phosphorus removal efficiency, as the proposed subdivision is considered development' under the CBPO. The applicant has proposed two Raintank trenches on the two lots to provide best management practice (BMP) and stormwater detention. A PFM modification must be approved prior to site plan approval to use the Raintank as a stormwater management facility. (PFM Section 6-0402.4) If the infiltration test procedure or results do not meet the County standards, a significant revision to the design will be necessary and a Special Exception Amendment may be required. The applicant will be required to obtain a Public Facilities Manual (PFM) modification from the Director of the Department of Public Works and Environmental Services to locate BMP facilities on individual lots prior to final subdivision plan approval. See PFM Section 6-1307.2.

Floodplain

There are no regulated floodplains designated on the Property.

Downstream Drainage Complaints

There are on-site complaints on file related to yard flooding on this Property.

Stormwater Detention

The applicant has indicated that two Raintank facilities will be installed to provide the required detention and to meet adequate outfall requirements. The lots grading should direct runoff to the facilities, to capture and control the increased runoff generated.



Suzanne Lin, Staff Coordinator
SE 2007-DR-025
Page 2 of 2

Site Outfall

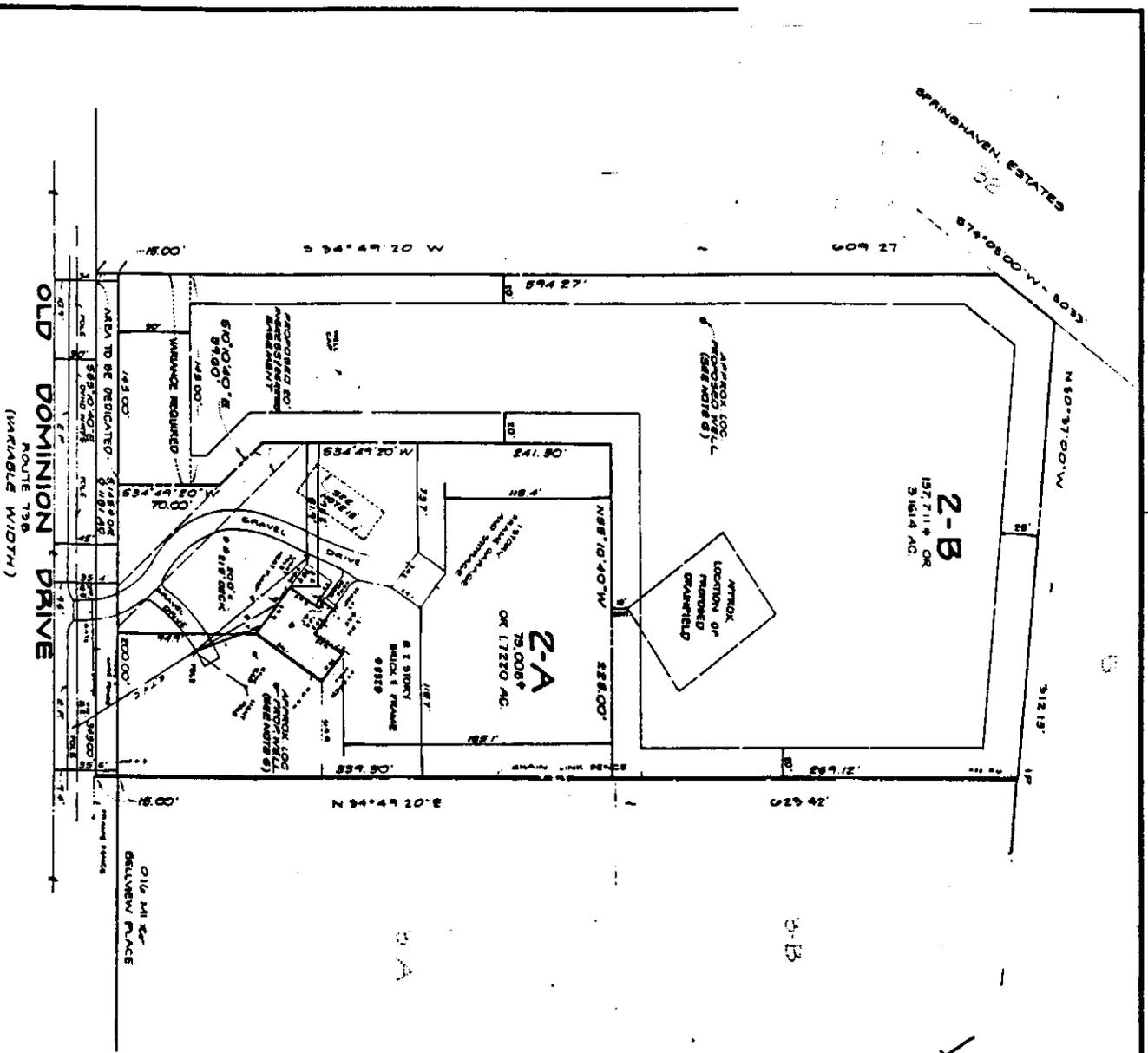
The applicant states that the on-site infiltration will be designed to provide stormwater detention for 1-, 2- and 10-year storm events not only for the subject subdivision, but also for a portion of the offsite upstream properties to reduce the volume leaving the subject site. In addition, the applicant will regrade the existing eroded swale through this property to improve the velocity. The applicant must provide outfall cross-sections, expected flows and velocities resulting from a developed site at the site plan submission. The applicant has submitted preliminary water quantity and quality calculations to justify the proposed SWM provisions. These will be subject to detail review when the site plans are submitted.

The proposed driveway culvert must discharge into an adequate defined channel, PFM 6-0203.4C(1). Level spreaders are temporary erosion and sediment control devices that are not intended for permanent applications.

Please contact me at 703-324-1720 if you have any questions or require further clarification.

QK/mw

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Jeremiah Stonefield, Chief, Stormwater and Geotechnical Section, ESRD, DPWES
Zoning Application File (6333-ZONA-001-4)



2-B
137,711 ± SQ. FT.
3.1614 AC.

2-A
75,000 ± SQ. FT.
1.7220 AC.

NOTES

1. TAX MAP: 20-1-002.2
2. ZONE: R-B
3. TOTAL AREA: 217,641 SQUARE FEET OR 5.0014 ACRES
4. HEIGHTS:
 - 1 STORY FRAME GARAGE: 9' 6 FEET
 - DWELLING: 16.5 FEET
 - DECK: 6' 6 FEET
 - FRAME AND WIRE FENCE: 6.5 FEET
 - CHAIN LINK FENCE: 6.5 FEET
 - FRAME FENCE: 6.5 FEET
5. MINIMUM YARDS:
 - FRONT: 26 FEET
 - SIDE: 26 FEET
 - REAR: 26 FEET
6. THIS PROPERTY IS SERVED BY PRIVATE SEPTIC AND WELL WATER SUPPLY. LOCATIONS OF PROPOSED WELLS ARE APPROXIMATE AND SUBJECT TO HEALTH DEPARTMENT APPROVAL.
7. THERE ARE NO GRAVESITES OR SUBAL. OROUNDS VISIBLE ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. MINIMUM LOT AREA PROVIDED: 75,000 SQUARE FEET.
10. DENSITY PROVIDED: 8.4 D.U./AC.
11. MODIFICATION OF NORTH ORIENTATION IS HEREBY REQUESTED.
12. THERE IS NO RESOURCE PROTECTION AREA AFFECTING THIS PROPERTY.
13. APPROXIMATE LOCATION OF DRAINFIELD, BASED ON HEALTH DEPARTMENT RECORDS. EXACT LOCATION TO BE FIELD LOCATED AT TIME OF SUPERVISION REVIEW.

VARIANCE REQUESTED	
A VARIANCE FOR MINIMUM LOT WIDTH IS HEREBY REQUESTED FOR LOT 2-B.	
REQUIRED	PROVIDED
200.00	143.00
	VARIANCE REQ.
	57.00

PLAT
SHOWING THE IMPROVEMENTS ON
PROSPECT HILL
FAIRFAX COUNTY,
VIRGINIA
SCALE: 1" = 50'
JUNE 17, 1946
SEPT. 4, 1978 (AMENDED FOR
VARIANCE PURPOSES)
REVISED: SEPT. 25, 1978

ALL SUBJECT TO RESTRICTIONS OF THIS REPORT NOT WITHSTANDING.

REMITTANCE TO: **CONSULTANTS & ENGINEERS**

LOCATED AT: **1177 B**

DATE: **MAY 1978**

ALABAMA SURVEYING, INC.
604 SOUTH BRIDGE AVENUE
MONTGOMERY, ALABAMA 36102
TEL: 205-261-1111

RESIDENTIAL DISTRICT REGULATIONS

PART 2 3-200 R-2 RESIDENTIAL DISTRICT, TWO DWELLING UNITS/ACRE**3-201 Purpose and Intent**

The R-2 District is established to provide for single family detached dwellings at a density not to exceed two (2) dwelling units per acre; to provide for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre; to allow other selected uses which are compatible with the low density residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-202 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Affordable dwelling unit developments.
3. Dwellings, single family detached.
4. Public uses.

3-203 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses.
2. Group 3 - Institutional Uses.
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:
 - A. Commercial swimming pools, tennis courts and similar courts
5. Group 7 - Older Structures, limited to:
 - A. Antique shops
 - B. Art and craft galleries
 - C. Rooming houses
 - D. Summer theatres
6. Group 8 - Temporary Uses, limited to:
 - A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

FAIRFAX COUNTY ZONING ORDINANCE

- B. Construction material yards accessory to a construction project
 - C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project
 - D. Subdivision and apartment sales and rental offices
 - E. Temporary dwellings or mobile homes
 - F. Temporary farmers' markets
 - G. Temporary mobile and land based telecommunications testing facility
7. Group 9 - Uses Requiring Special Regulation, limited to:
- A. Barbershops or beauty parlors as a home occupation
 - B. Home professional offices
 - C. Accessory dwelling units

3-204

Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

- 1. Category 1 - Light Public Utility Uses.
- 2. Category 2 - Heavy Public Utility Uses, limited to:
 - A. Electrical generating plants and facilities
 - B. Landfills
 - C. Water purification facilities
- 3. Category 3 - Quasi-Public Uses, limited to:
 - A. Alternate uses of public facilities
 - B. Child care centers and nursery schools
 - C. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
 - D. Colleges, universities
 - E. Conference centers and retreat houses, operated by a religious or nonprofit organization

FAIRFAX COUNTY ZONING ORDINANCE

3-205

Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.
2. All uses shall comply with the performance standards set forth in Article 14.
3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 2-421.

3-206

Lot Size Requirements

1. Minimum district size for cluster subdivisions: 2 acres
2. Average lot area
 - A. Conventional subdivision lot: 18,000 sq. ft.
 - B. Cluster subdivision lot: No Requirement
3. Minimum lot area
 - A. Conventional subdivision lot: 15,000 sq. ft.
 - B. Cluster subdivision lot: 13,000 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 15,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to an R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 13,000 square feet.
4. Minimum lot width
 - A. Conventional subdivision lot:
 - (1) Interior lot - 100 feet
 - (2) Corner lot - 125 feet
 - B. Except as qualified below, cluster subdivision lot:
 - (1) Interior lot - No Requirement
 - (2) Corner lot - 100 feet

FAIRFAX COUNTY ZONING ORDINANCE

3. Maximum floor area ratio:
 - A. 0.20 for uses other than residential or public
 - B. 0.25 for public uses

3-208 Maximum Density

Two (2) dwelling units per acre

3-209 Open Space

In subdivisions approved for cluster development, 25% of the gross area shall be open space

3-210 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family detached dwelling units, either in a conventional subdivision or cluster subdivision. Cluster subdivisions shall be subject to the approval of the Director in accordance with Sect. 2-421. In addition, single family attached dwelling units are permitted, provided that no more than thirty-five (35) percent of the total number of dwelling units allowed within the development shall be single family attached dwelling units. The following regulations shall apply to dwelling units in affordable dwelling unit developments:

1. Minimum lot area
 - A. Single family detached conventional subdivision lot: 12,000 sq. ft.
 - B. Single family detached cluster subdivision lot: 10,400 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 12,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to an R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 10,400 square feet.
 - C. Single family attached: No Requirement
2. Minimum lot width
 - A. Single family detached conventional subdivision lot:
 - (1) Interior lot - 80 feet

FAIRFAX COUNTY ZONING ORDINANCE

- (2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet
 - (3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet
5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.
6. All other structures shall be subject to the lot size requirements and bulk regulations of Sections 206 and 207 above.
7. Single family attached dwelling units shall be located so to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
8. The maximum density shall be two and four-tenths (2.4) dwelling units per acre.
9. Open space
 - A. In conventional subdivisions containing both single family detached and attached dwelling units, open space in an amount equivalent to 200 square feet per single family attached dwelling unit shall be provided and such open space shall be located adjacent to the single family attached dwelling units.
 - B. In cluster subdivisions with single family detached dwelling units, 22% of the gross area shall be open space. When such developments also contain single family attached dwelling units, within such 22% open space, 200 square feet of open space per single family attached dwelling unit shall be provided adjacent to the single family attached dwelling units.

3-211

Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect. 2-401. The shape factor limitations may be modified by the Board in accordance with the provisions of Sect. 9-626.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.
5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

9-610 Provisions for Waiving Minimum Lot Size Requirements

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an R District, except for all cluster subdivisions, the minimum lot area and/or lot width requirements for a C district or the minimum district size requirement for the C-9 District, and the minimum district size, lot area and/or lot width requirements for an I district, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.
3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.
4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Abbreviations Commonly Used in Staff Reports

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