



County of Fairfax, Virginia

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

April 1, 2008

Michael E. MacNair
4609 Dolphin Lane
Alexandria, Virginia 22309

Re: Special Exception Amendment Application SEA 88-V-006

Dear Mr. MacNair:

At a regular meeting of the Board of Supervisors held on March 31, 2008, the Board approved Special Exception Amendment Application SEA 88-V-006 in the name of Michael MacNair. The subject property is located at 4609 Dolphin Lane on approximately 22,266 square feet of land zoned R-2 in the Mount Vernon District [Tax Map 110-3 ((4)) (H) 11]. The Board's action amends Special Exception Application SE 88-V-006, previously approved for single family dwelling in a floodplain to permit uses in a floodplain and associated modifications to site design pursuant to Section 2-904 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions. Previously approved conditions, or those with minor revisions, are marked with an asterisk (*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
- * 2. This Special Exception Amendment is granted only for the purpose(s), structures(s) and/or use(s) indicated on the Special Exception Amendment Plat, approved with this application, as qualified by these development conditions.
- * 3. This Special Exception Amendment is subject to the provisions of building and occupancy permits. Any plan submitted pursuant to the Special Exception shall be in substantial conformance with the approved Special Exception Amendment Plat and these conditions.
4. A copy of this Special Exception Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this special exception amendment shall be in substantial conformance with the approved Special Exception Amendment (SEA) Plat entitled "4609 Dolphin Deck Plan", prepared by Widewater Consulting, Inc., dated July 23, 2007, as revised through December 19, 2007. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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5. * The applicant/owner shall execute a Hold Harmless Agreement with the County for all adverse effects which may arise as a result of the construction of the addition to the dwelling within the floodplain. This agreement shall be recorded among the County land records prior to issuance of an occupancy permit for the proposed structure.
6. The applicant shall execute a revised Hold-Harmless Agreement prior to approval of the building permit for the deck, in accordance with PFM 6-0705.4.
- * 7. The lowest elevation of the existing dwelling shall be eighteen (18) inches above the 100 year floodplain elevation, as determined by the Department of Public Works and Environmental Services (DPWES).
- * 8. The applicant shall submit a plan showing the limits of clearing and grading that is approved by the Urban Forest Management (UFM) Division, DPWES.
- * 9. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances in a floodplain.
- * 10. A tree preservation plan shall be submitted to preserve as many trees as possible within the 100 year floodplain, as determined by the County Arborist.
- * 11. Should any activity be proposed channelward of the mean high water line along Dogue Creek, a permit shall be required from the Fairfax County Wetlands Board.
- * 12. Sediment control measures shall be taken to achieve sediment trapping efficiencies of eight (80) percent, to prevent siltation of Dogue Creek, subject to approval of the Department of Public Works and Environmental Services (DPWES).
13. To the extent possible, stable vegetation shall be protected and maintained in the floodplain, in accordance with Zoning Ordinance 2-905.5.
14. All floodproofing proposed, including structural, electrical, mechanical, plumbing, water and sanitary facilities connected with the use, shall be certified that it complies with all County, State and Federal requirements, in accordance with Zoning Ordinance 2-904.2.C(2).
15. Any mechanical, electrical and utility equipment in the structure shall be set at or above the water-surface elevation of the 100-year flood level.

16. The building permit application and grading plan (if required), shall indicate that any new construction, substantial improvement, or other development, including fill, when combined with all other existing, anticipated and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream.
17. No site plan or any other plans or permits for the decks shall be approved unless DPWES approves a waiver to permit minor additions, per CBPO Sect. 118-5-5(a), to encroach into the RPA and a Water Quality Impact Assessment (WQIA). If the administrative waiver and WQIA are not approved, then a Special Exception Amendment (SEA), and/or an exception of the Resource Protection Area (WRPA) under CBPO 118-6, may be required.
18. No portion of the deck or associated stairwell shall encroach upon or cantilever over the site's sanitary sewer easement.

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 is 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 as evidenced by the issuance of a new Non-Residential Use Permit. The Board of Supervisors may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms