



County of Fairfax, Virginia

March 24, 2009

STAFF REPORT

VARIANCE APPLICATION NO. VC 2009-MV-001

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS: David W. Dively
Jessica M. Dively

STREET ADDRESS: 8215 Riverside Road

TAX MAP REFERENCE: 102-3 ((1)) 17C

LOT SIZE: 38,623 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 18-401

VARIANCE PROPOSAL: To permit a lot width of 41.83 feet.

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

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

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



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).

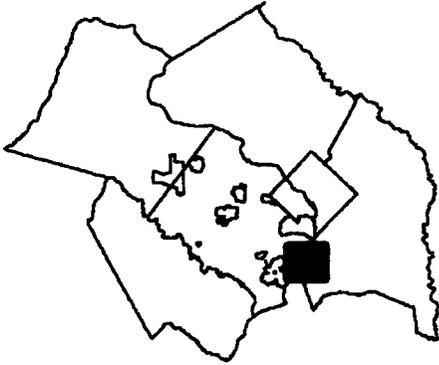
O:\dhedri\Variance\3-31 VC 2009-MV-001 Dively\VC 2009-MV-001 Dively staff report.doc

Deborah Hedrick

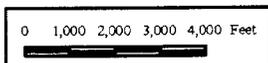
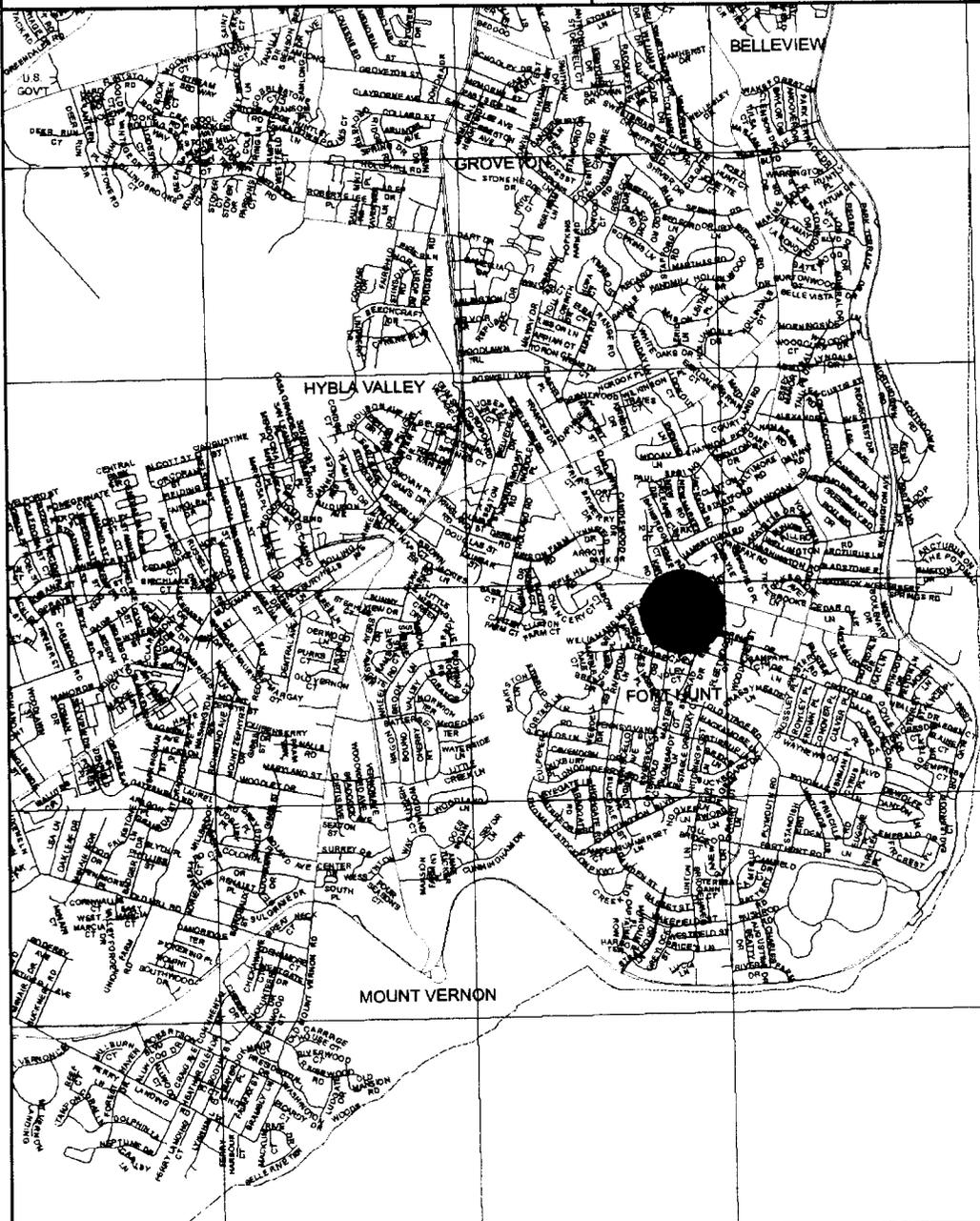
Variance Application

VC 2009-MV-001

Applicant: DAVID W. AND JESSICA M. DIVELY
 Accepted: 01/09/2009
 Proposed: TO PERMIT LOT WIDTH OF 41.83 FEET
 Area: 38,623 SF OF LAND; DISTRICT - MOUNT VERNON



Zoning Dist Sect: 18-0401 03-0306
 Paragraph: 1 4A
 Located: 8215 RIVERSIDE ROAD
 Zoning: R- 3
 Overlay Dist:
 Map Ref Num: 102-3- /01/ /0017C

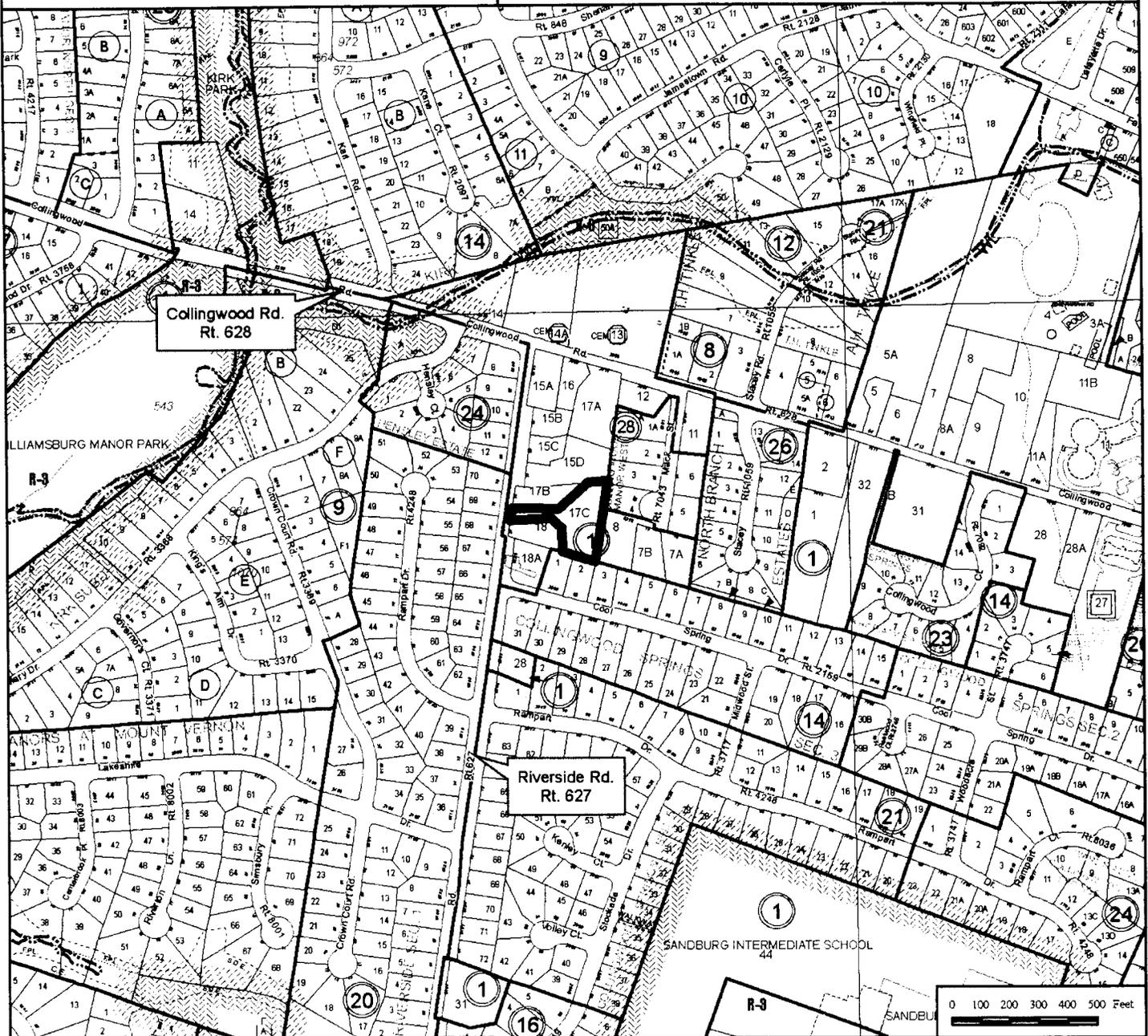


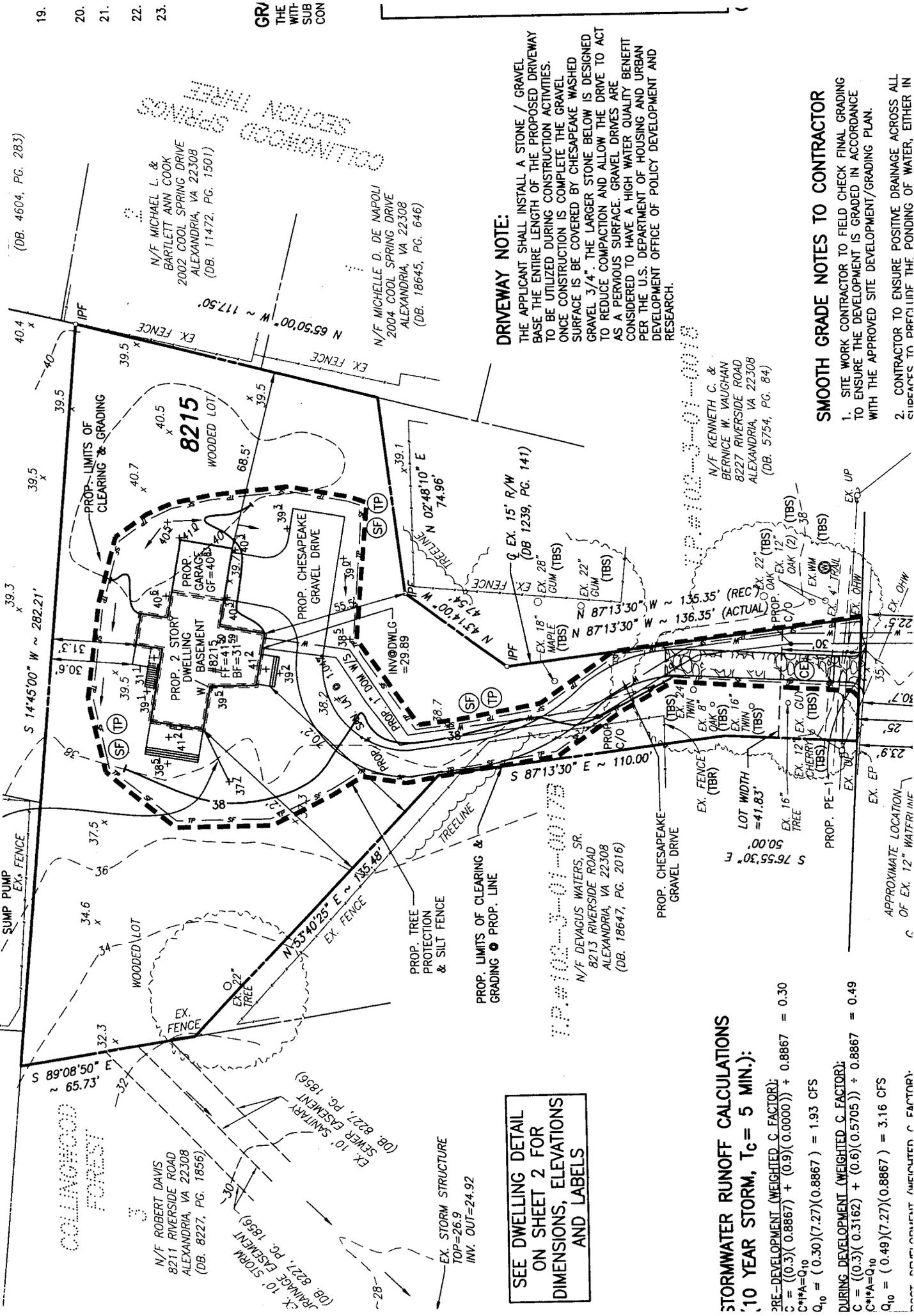
Variance Application

VC 2009-MV-001

Applicant: DAVID W. AND JESSICA M. DIVELY
Accepted: 01/09/2009
Proposed: TO PERMIT LOT WIDTH OF 41.83 FEET
Area: 38,623 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 18-0401 03-0306
Paragraph: 1 4A
Located: 8215 RIVERSIDE ROAD
Zoning: R-3
Overlay Dist:
Map Ref Num: 102-3- /01/ /0017C





DRIVEWAY NOTE:

THE APPLICANT SHALL INSTALL A STONE / GRAVEL BASE THE ENTIRE LENGTH OF THE PROPOSED DRIVEWAY TO BE UTILIZED DURING CONSTRUCTION ACTIVITIES. ONCE CONSTRUCTION IS COMPLETE THE GRAVEL SURFACE IS TO BE COVERED BY CHESAPEAKE WASHED GRAVEL 3/4". THE LARGER STONE BELOW THE DRIVE TO ACT TO REDUCE COMPACTION AND ALLOW THE DRIVE TO ACT AS A PERVIOUS SURFACE. GRAVEL DRIVES ARE CONSIDERED TO HAVE A HIGH WATER QUALITY BENEFIT PER THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF POLICY DEVELOPMENT AND RESEARCH.

SMOOTH GRADE NOTES TO CONTRACTOR

1. SITE WORK CONTRACTOR TO FIELD CHECK FINAL GRADING TO ENSURE THE DEVELOPMENT IS GRADED IN ACCORDANCE WITH THE APPROVED SITE DEVELOPMENT/GRADING PLAN.
2. CONTRACTOR TO ENSURE POSITIVE DRAINAGE ACROSS ALL SLOPES TO PREVENT THE PONDING OF WATER, EITHER IN

STORMWATER RUNOFF CALCULATIONS

10 YEAR STORM, $T_c = 5$ MIN.:

$$C = \frac{0.3}{(0.3)(0.8867) + (0.9)(0.0000)} + 0.8867 = 0.30$$

$$Q_{10} = (0.30)(7.27)(0.8867) = 1.93 \text{ CFS}$$

DURING DEVELOPMENT (WEIGHTED C FACTOR):

$$C = \frac{0.3}{(0.3)(0.3162) + (0.6)(0.5705)} + 0.8867 = 0.49$$

$$Q_{10} = (0.49)(7.27)(0.8867) = 3.16 \text{ CFS}$$

SEE DWELLING DETAIL ON SHEET 2 FOR DIMENSIONS, ELEVATIONS AND LABELS

EX. STORM STRUCTURE
TOP=26.9
INV. OUT=24.92

N/F ROBERT DAVIS
8211 RIVERSIDE ROAD
ALEXANDRIA, VA 22308
(DB. 8227, PG. 1856)

N/F DEVAGUS WATERS, SR.
8213 RIVERSIDE ROAD
ALEXANDRIA, VA 22308
(DB. 18647, PG. 2016)

N/F KENNETH C. &
BERNICE W. VAUGHAN
8227 RIVERSIDE ROAD
ALEXANDRIA, VA 22308
(DB. 5754, PG. 84)

N/F MICHAEL L. &
BARTLETT ANN COOK
2002 COOL SPRING DRIVE
ALEXANDRIA, VA 22308
(DB. 11472, PG. 1501)

N/F MICHELLE D. DE NAPOLI
2004 COOL SPRING DRIVE
ALEXANDRIA, VA 22308
(DB. 18645, PG. 646)

(DB. 4604, PG. 283)

SUMP PUMP EX. FENCE

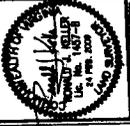
COLLAGEWOOD FOREST

EX. 10' STORM DRAINAGE EASEMENT (DB. 8227, PG. 1856)
EX. 10' SANITARY SEWER EASEMENT (DB. 8227, PG. 1856)

P.P.#102-3-01-0018

P.P.#102-3-01-00175

APPROXIMATE LOCATION OF EX. 12" WATERLINE



NOTICE TO CONTRACTOR:
 THE CONTRACTOR SHALL COMPLY WITH ALL CITY, STATE AND FEDERAL REGULATIONS AND ORDINANCES APPLICABLE TO THE PROJECT AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING AND TREES. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES AND WALLS. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING AND TREES. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES AND WALLS.

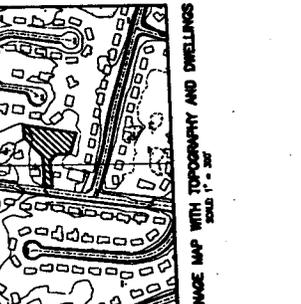
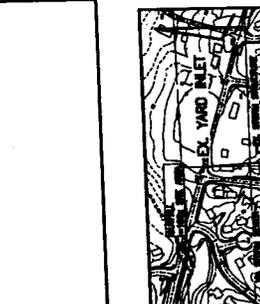
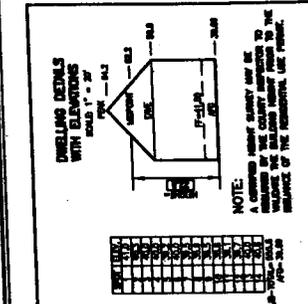
| NO. | DESCRIPTION | DATE | BY |
|-----|------------------------------|----------|-------------|
| 1 | PRELIMINARY PLAN | 08/22/08 | J. W. BROWN |
| 2 | VARIANCE PLAT & GRADING PLAN | 08/22/08 | J. W. BROWN |

GENERAL NOTES:
 1. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 3. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS.
 4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS.
 5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING AND TREES.
 6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES AND WALLS.

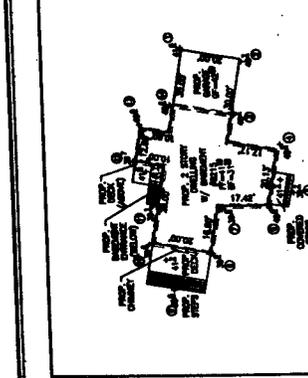
EXISTING VEGETATION MAP INFORMATION:

| VEGETATION TYPE | SPACING | CONDITION | REMARKS |
|-----------------|-----------|-----------|---------|
| WOOD | 10' x 10' | GOOD | |
| SHRUBS | 5' x 5' | GOOD | |
| GRASS | 1' x 1' | GOOD | |

NOTE: REFER TO PLAN FOR THE SIZE AND LOCATION OF EACH VEGETATION TYPE.



OUTFALL INFORMATION:
 THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING AND TREES. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES AND WALLS.



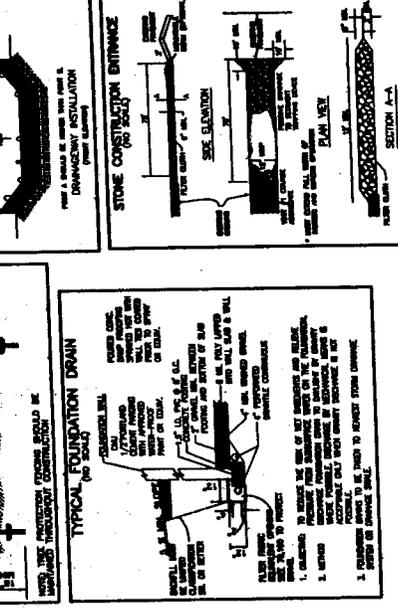
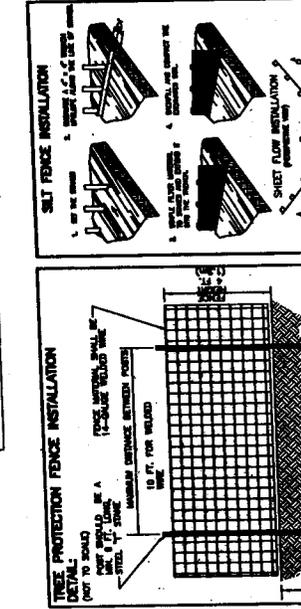
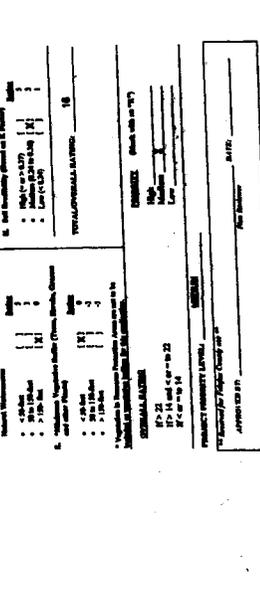
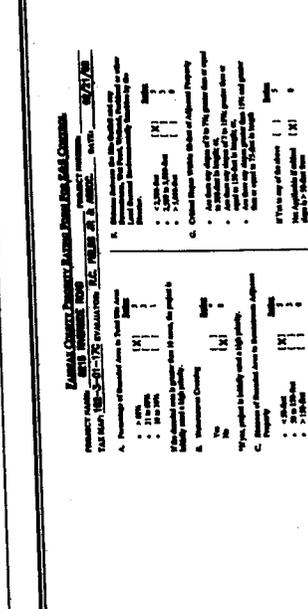
| NO. | DESCRIPTION | DATE | BY |
|-----|------------------------------|----------|-------------|
| 1 | PRELIMINARY PLAN | 08/22/08 | J. W. BROWN |
| 2 | VARIANCE PLAT & GRADING PLAN | 08/22/08 | J. W. BROWN |

GENERAL NOTES:
 1. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 3. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS.
 4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS.
 5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING AND TREES.
 6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES AND WALLS.

EXISTING VEGETATION MAP INFORMATION:

| VEGETATION TYPE | SPACING | CONDITION | REMARKS |
|-----------------|-----------|-----------|---------|
| WOOD | 10' x 10' | GOOD | |
| SHRUBS | 5' x 5' | GOOD | |
| GRASS | 1' x 1' | GOOD | |

NOTE: REFER TO PLAN FOR THE SIZE AND LOCATION OF EACH VEGETATION TYPE.



GENERAL NOTES:
 1. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 3. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS.
 4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS.
 5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING AND TREES.
 6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES AND WALLS.

EXISTING VEGETATION MAP INFORMATION:

| VEGETATION TYPE | SPACING | CONDITION | REMARKS |
|-----------------|-----------|-----------|---------|
| WOOD | 10' x 10' | GOOD | |
| SHRUBS | 5' x 5' | GOOD | |
| GRASS | 1' x 1' | GOOD | |

NOTE: REFER TO PLAN FOR THE SIZE AND LOCATION OF EACH VEGETATION TYPE.

OUTFALL INFORMATION:
 THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING AND TREES. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES AND WALLS.

GENERAL NOTES:
 1. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 3. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS.
 4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS.
 5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING AND TREES.
 6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES AND WALLS.

VC 2009-MV-001 - TM 102-3 ((1)) 17C



0 45 90 180 Feet



DEED NORTH
(DB. 2723, PG. 673)

40

IPF

TAX PARCEL 17C

10

12

13

9

11

8

7

TREELINE

IPF

PHOTO DETAIL

4

6

5

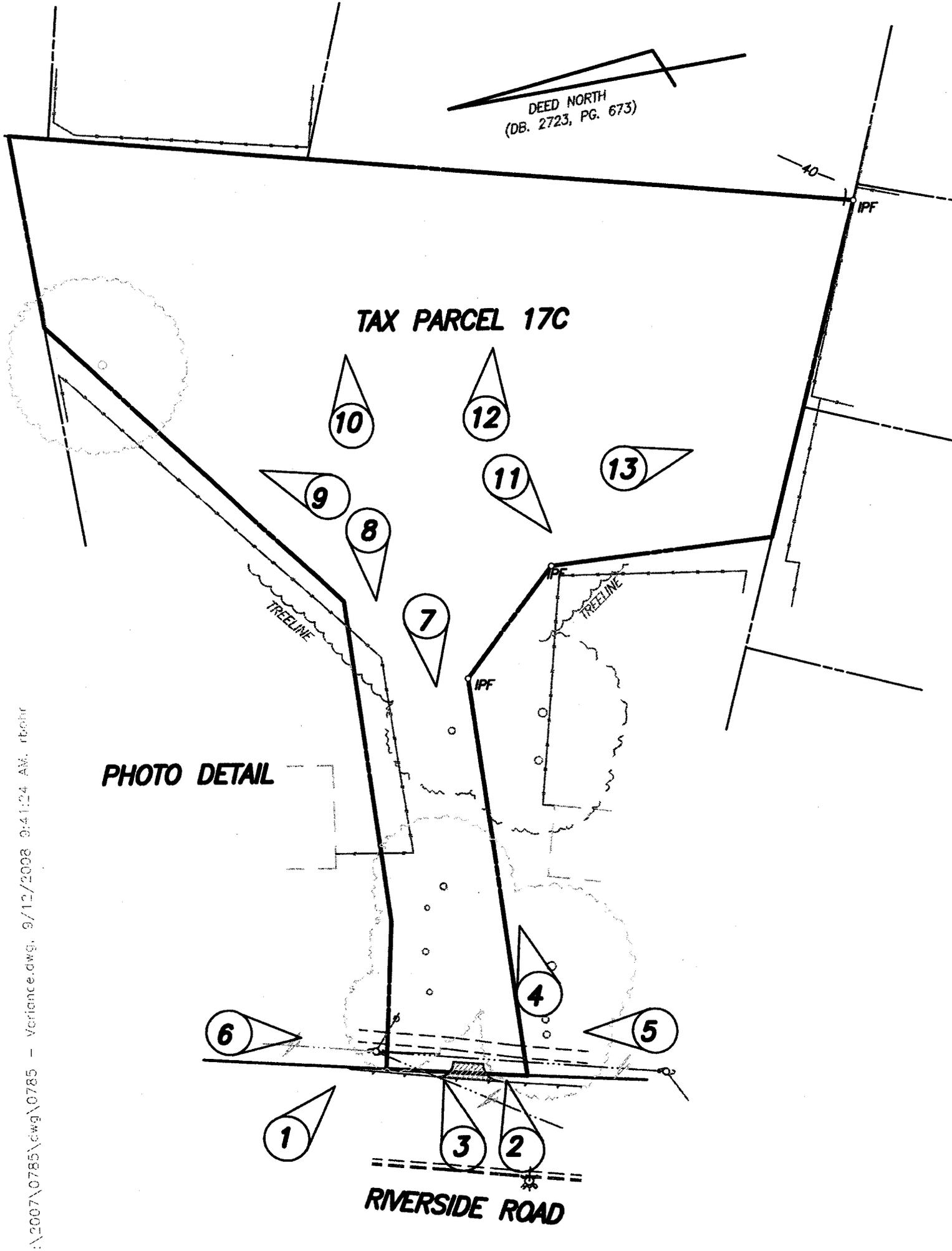
1

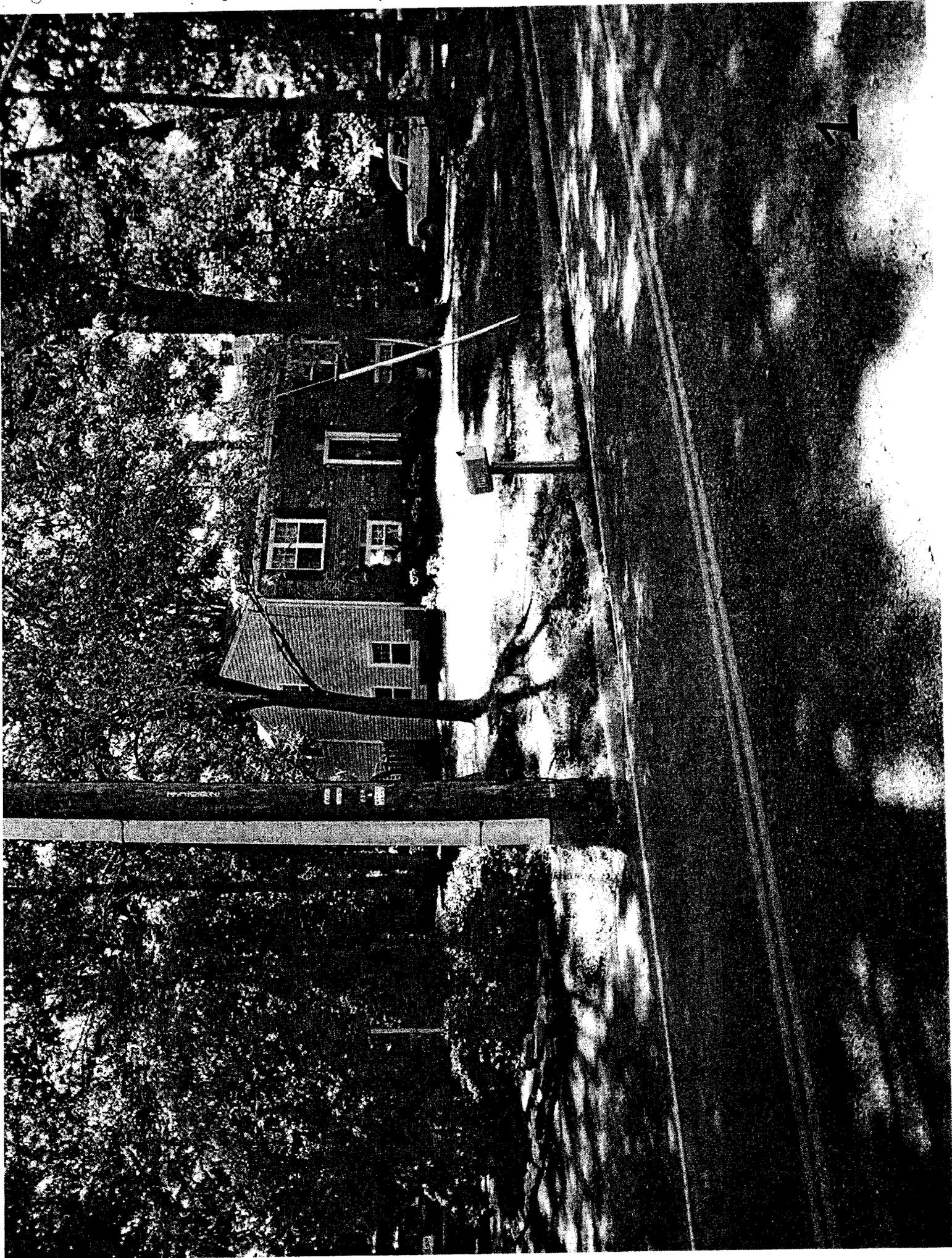
3

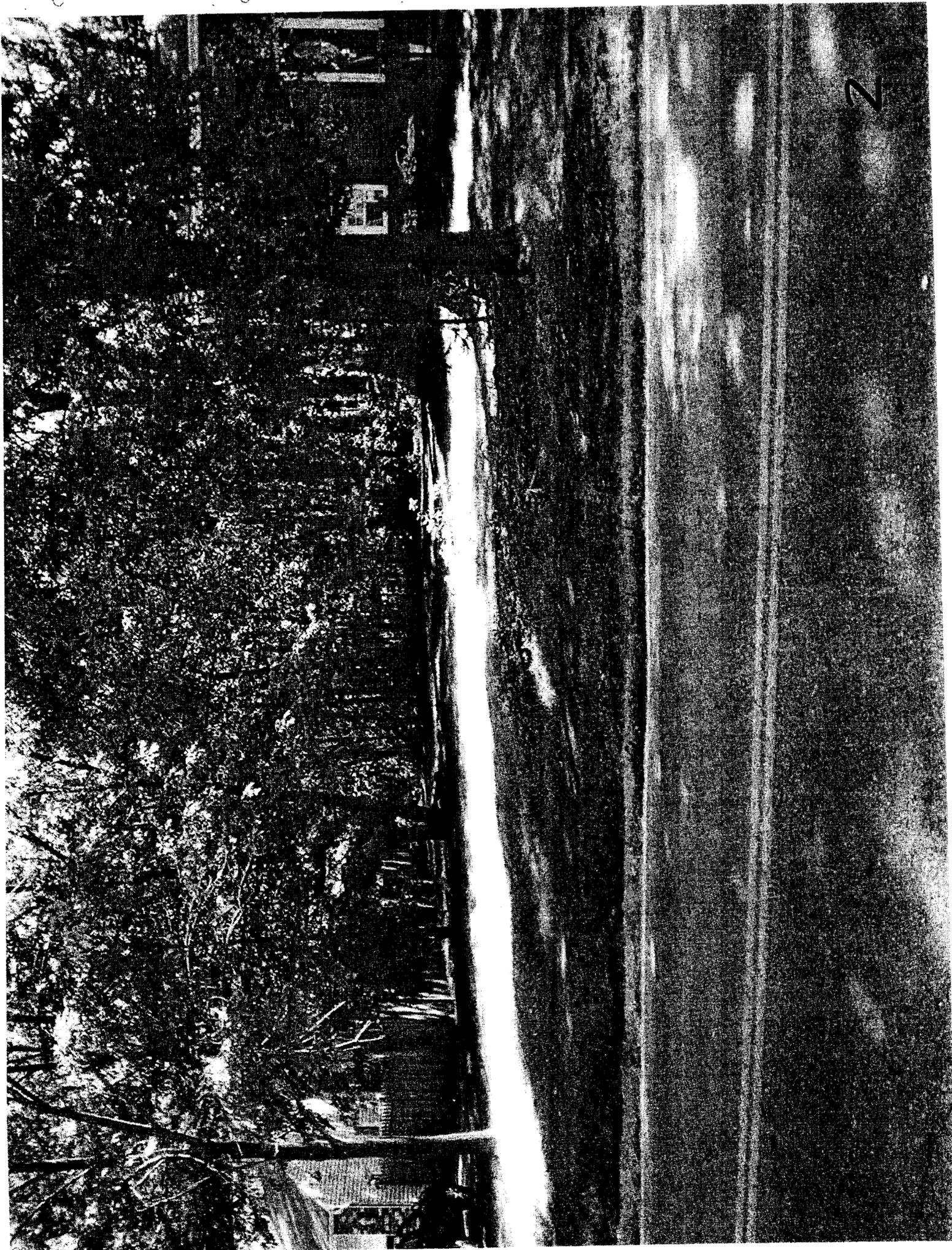
2

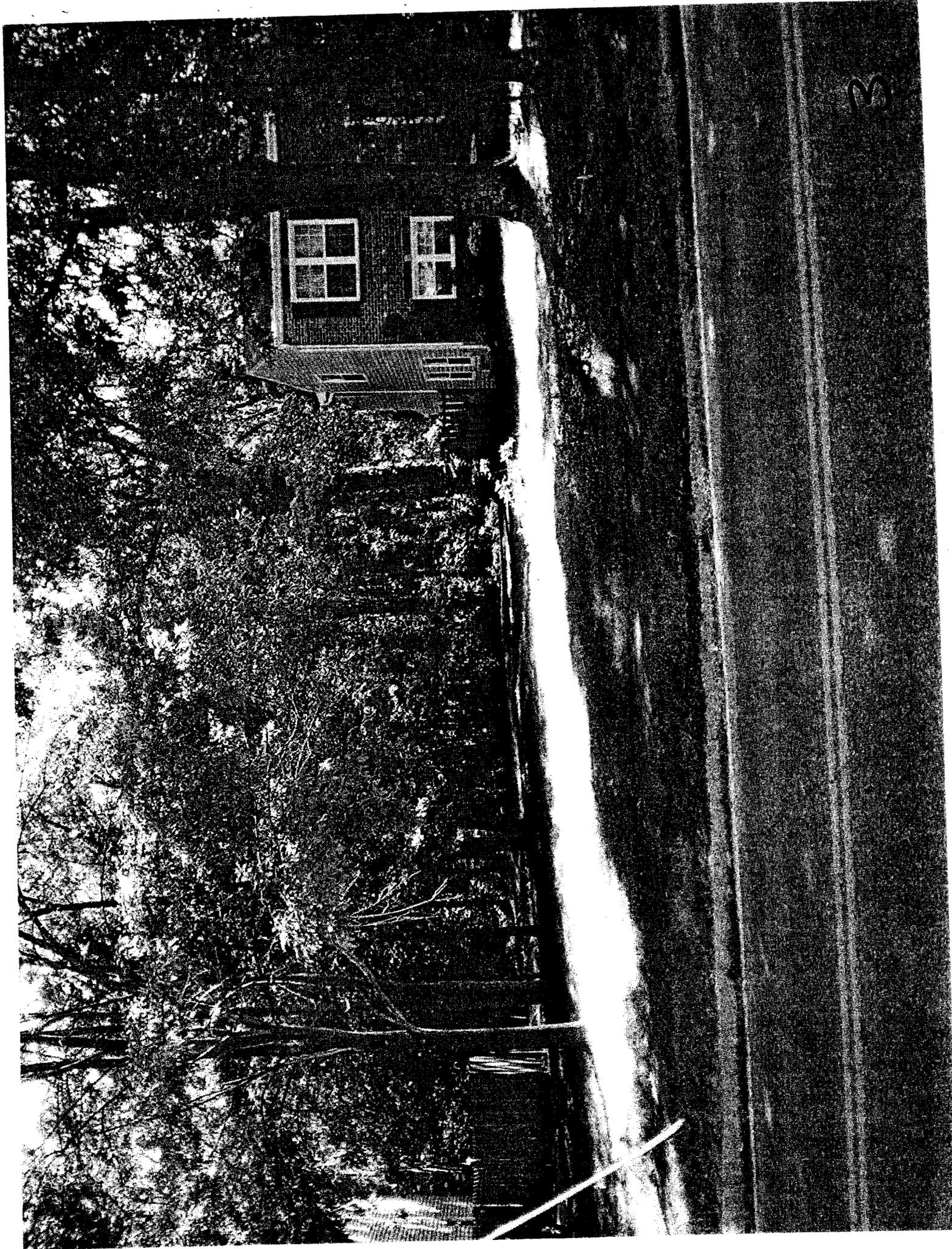
RIVERSIDE ROAD

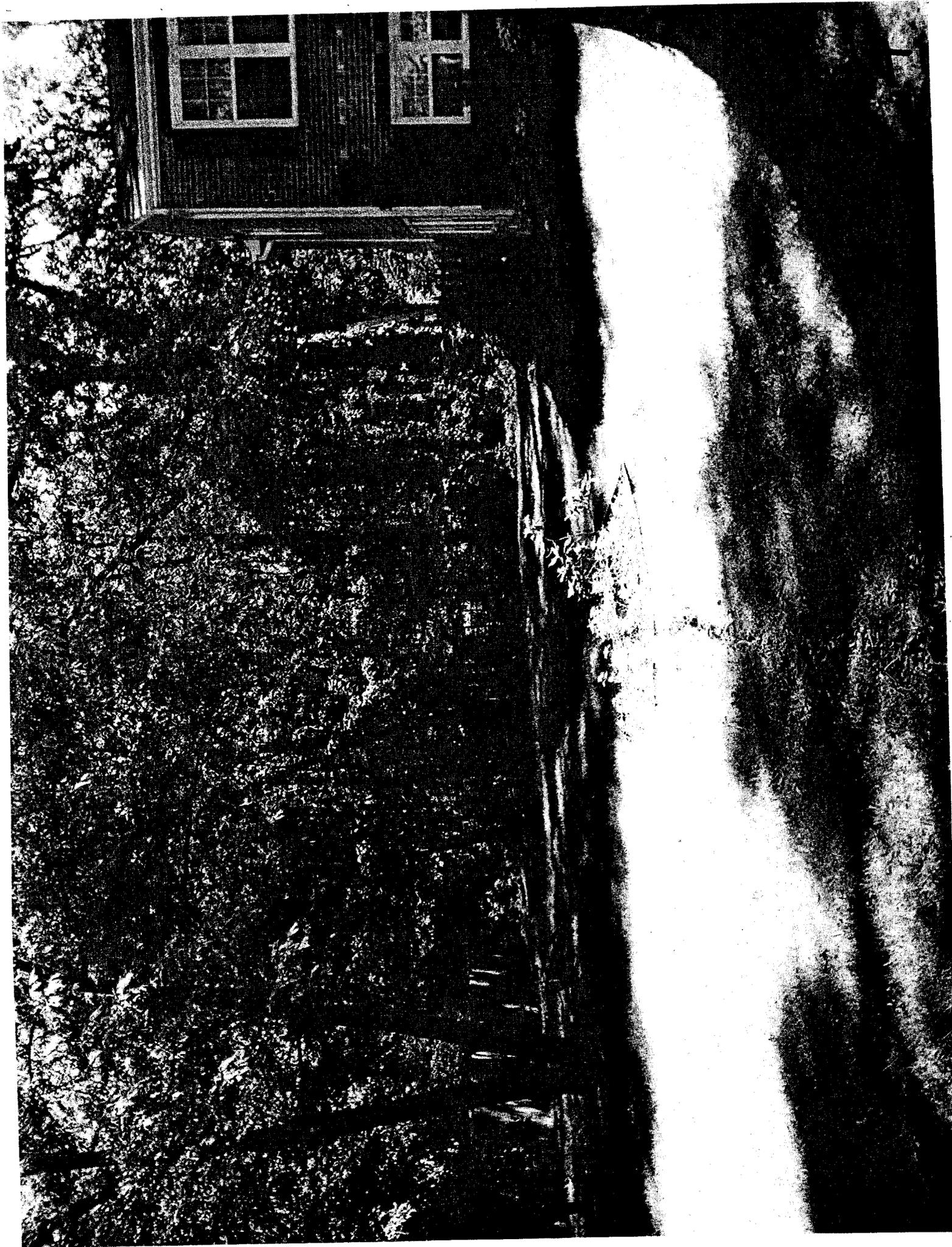
J:\2007\0785\swg\0785 - Variance.dwg, 9/12/2008 9:41:24 AM, rbohr



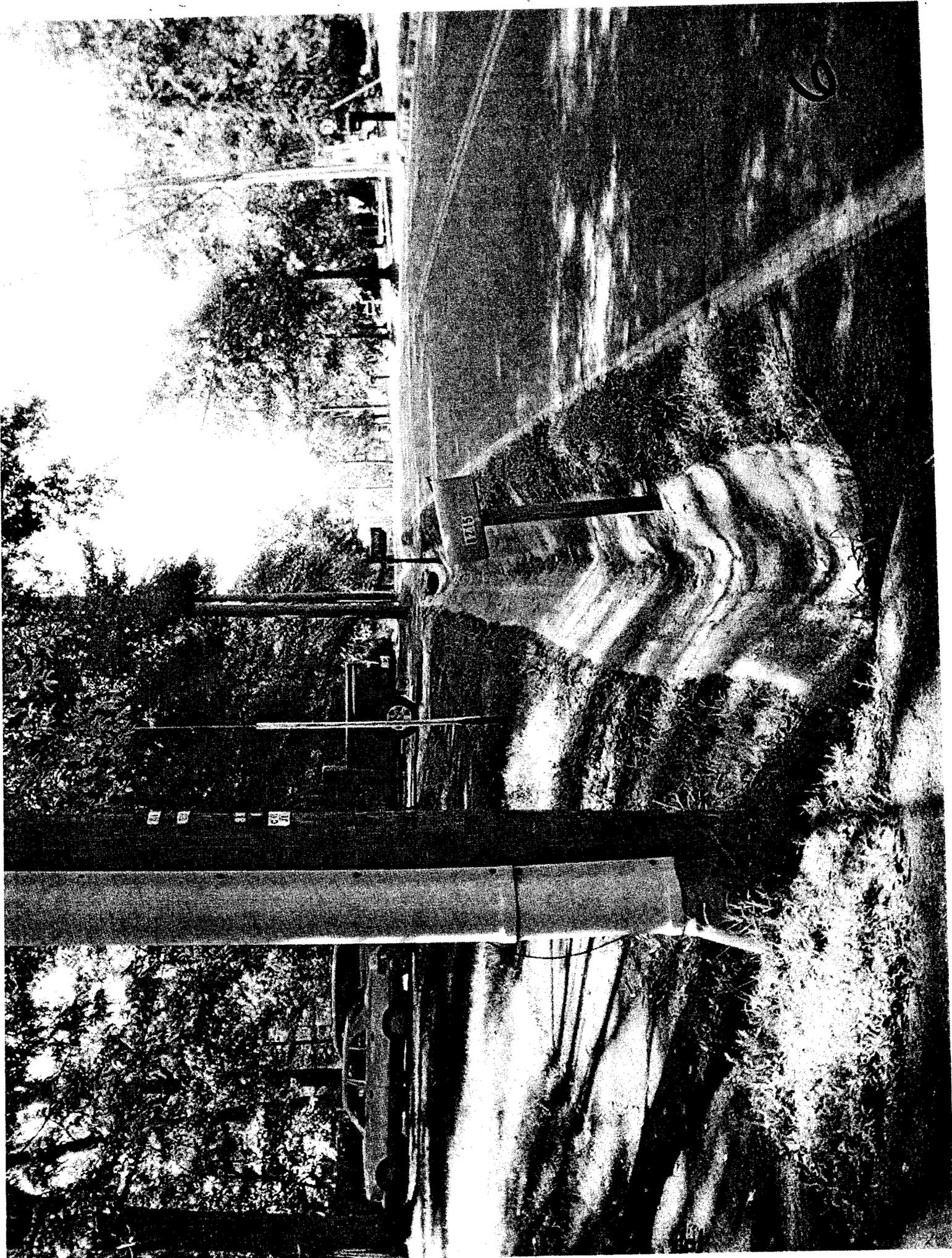


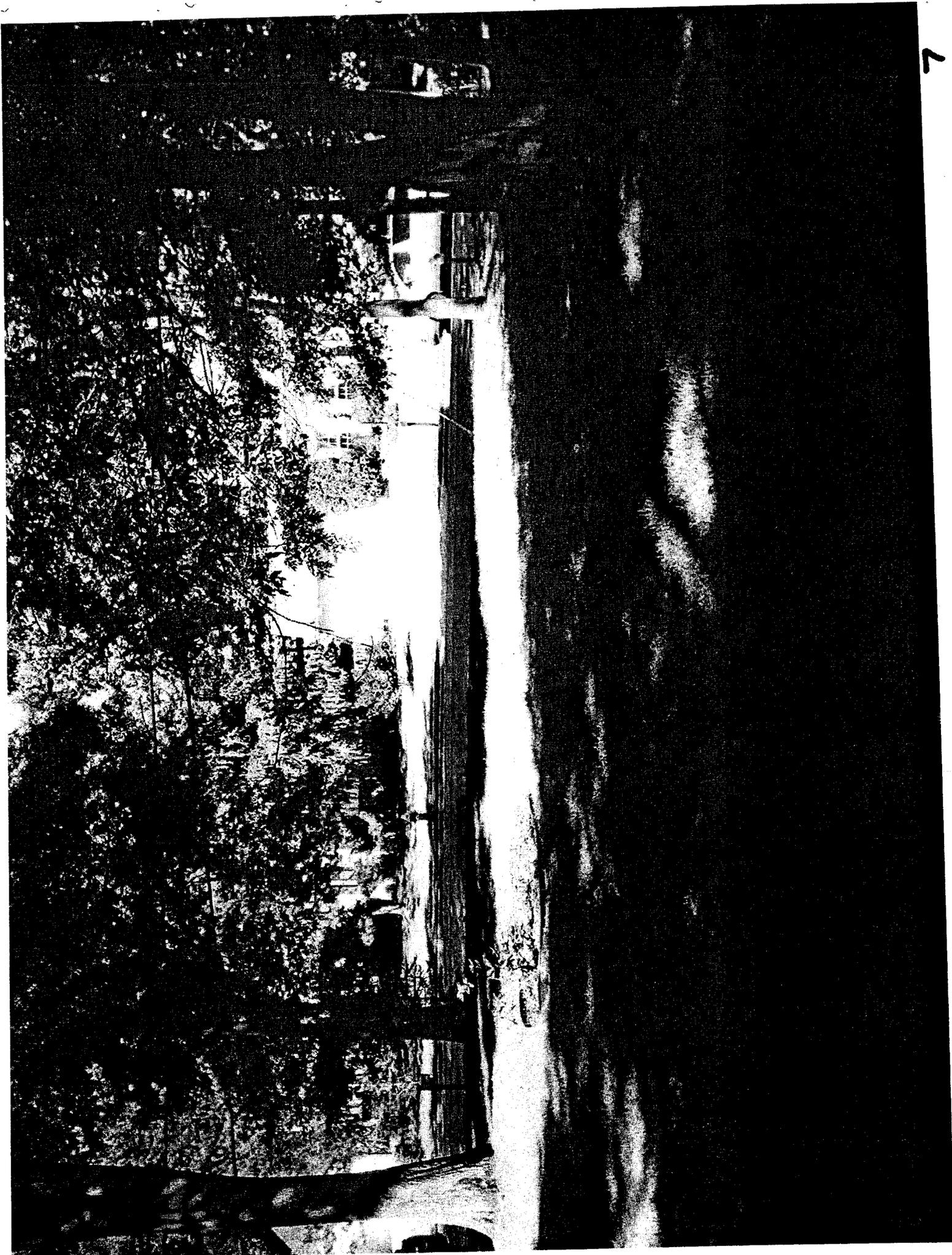






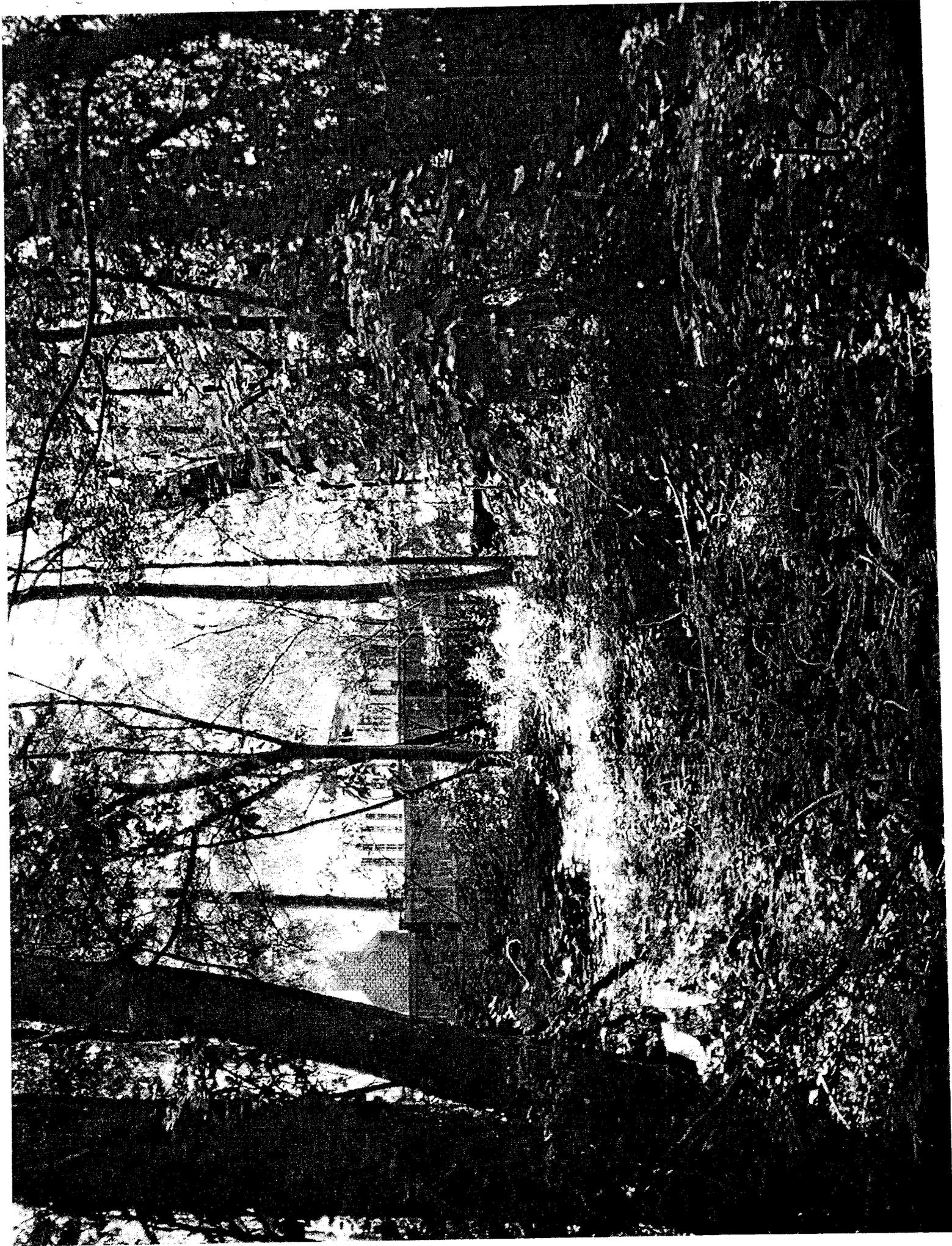


















DESCRIPTION OF THE APPLICATION

The applicants are seeking approval of a variance to permit a minimum lot width of 41.83 feet where 80 feet is required for an interior lot width in this Zoning District.

CHARACTER OF THE AREA

| | Zoning | Use |
|--------------|--------|----------------------------------|
| North | R-3 | Single Family Detached Dwellings |
| South | R-3 | Single Family Detached Dwellings |
| East | R-3 | Single Family Detached Dwellings |
| West | R-3 | Single Family Detached Dwellings |

The dwellings on Lot 17B and Lot 18, the lots most affected by the lot width variance request, are located approximately 13 feet and 16 feet respectively from the pipestem driveway of the subject property.

DESCRIPTION OF PROPERTY

The subject lot is a currently vacant pipestem lot with trees covering much of the site. The proposed entrance to the property will be on Riverside Road. The topography of the lot is flat with many mature trees and underbrush.

BACKGROUND

Records indicate that the subject 38,623 square foot lot was created as "Parcel 3" on January 17, 1966 (Deed Book 2723, Page 673) when it was ordered by partition of "the devisees of James Mundell, deceased". According to the applicants' statement of justification, after the death of James Mundell, the parent parcel was willed to several individuals. The beneficiaries of the Will and the Testator of the Last Will and Testament of James Mundell had the property divided "into agreeable portions consistent with the interpretations of the parties of said Will". The parent tract was subsequently divided into four (4) parcels. The three (3) other parcels created at Deed Book 2723, Page 673, have all subsequently had single family homes built upon each lot. The subject parcel has been listed as a "buildable lot" from the time it was created, until the recent non-conformance was discovered.

At the time of the lot's creation, it was in the R-12.5 Zoning District. The R-12.5 Zoning District in effect at the time of the lot's creation required that lots not in a subdivision have a minimum lot area of 12,500 square feet and a minimum lot width of 80 feet. The current R-3 Zoning District requires a minimum lot area of 10,500 square feet and a minimum lot width of 80 feet. The subject parcel exceeds the minimum required lot area of both the original zoning and the current zoning requirements; however, it did not meet the lot width requirement in effect at the time it was created.

A Buildable Lot Determination letter was issued by the Department of Public Works and Environmental Services (DPWES) and reviewed by the Zoning Administration Division which states that since the parcel did not meet the minimum lot width requirement at the time it was created, and does not meet the current lot width requirement, the parcel is deemed not a buildable lot from a zoning perspective.

ANALYSIS OF VARIANCE APPLICATION

- **Title of VC Plat:** Variance Plat & Grading Plan on the property located at 8215 Riverside Road
- **Prepared By:** RC Fields, Jr. & Associates, dated August 22, 2008, as revised through February 24, 2009

Proposal:

The applicants, David and Jessica Dively, are the owners of Lot 17C, which is 38,623 square feet in size, zoned R-3 and is currently vacant. The applicants are seeking approval of a variance to permit a minimum lot width of 41.83 feet. The required lot width for an interior lot in the R-3 District is 80 feet. Thus, the applicants are requesting a variance of 38.17 feet to the minimum lot width requirement. The applicants propose to construct an approximately 4,300 square foot single family detached dwelling toward the rear of the vacant lot. The driveway will meander through the narrow portion of the pipestem so as to save as much vegetation as possible.

ENVIRONMENTAL ANALYSIS (Appendix 4)

The applicants have worked diligently with staff to address concerns regarding issues with the original application submission. Originally, the applicants had proposed a much larger area of clearing and grading. With revisions to the plat, as shown at the front of the staff report, the reduction of the limits of clearing and grading resulted in a total reduction of disturbed area from 24,850 square feet to approximately 18,236 square feet.

An issue was also discussed with the applicant regarding the particular design of the proposed driveway with regard to the “curve” and the amount of impervious surface area on the lot. The applicant responded by stating that they propose to use a pervious “river rock” for the driveway which meanders into the property, to protect trees as well as assist in blocking the view of the dwelling from the street.

A final issue of concern from staff was the amount of tree cover to be retained on the site. The applicants propose to retain approximately 65% of the existing tree cover, which staff believes will help soften the appearance of the approximately 200 foot long driveway leading to the dwelling. The applicant proposes to provide all necessary vegetation with existing on site vegetation, as opposed to replanting. The applicant has addressed all of staff’s concerns.

Transportation Analysis (Appendix 5)

No transportation issues have been identified in conjunction with this application.

Stormwater Management Analysis (Appendix 6)

No stormwater issues have been identified in conjunction with this application.

ZONING ORDINANCE REQUIREMENTS (See Appendix 7)

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

CONCLUSION

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

APPENDICES

1. Proposed Development Conditions
2. Applicants’ Affidavit
3. Applicants’ Statement of Justification with Attachments
4. Environmental Analysis
5. Transportation Analysis
6. Stormwater Analysis
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**VC 2009-MV-001****March 24, 2009**

If it is the intent of the Board of Zoning Appeals to approve VC 2009-MV-001 located at Tax Map 102-3 ((1)) 17C to permit a minimum lot width of 41.83 feet pursuant to Section 18-401 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This variance is approved for the minimum lot width of 41.83 feet, as shown on the plat prepared by RC Fields, Jr. & Associates, dated August 22, 2008, as revised through February 24, 2009, submitted with this application and is not transferable to other land. All development shall be in conformance with this plat as qualified by these development conditions. These conditions shall be recorded by the applicants among the land records of Fairfax County. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning (DPZ) and the Department of Public Works and Environmental Services (DPWES) prior to the approval of any permits and grading plans for this lot.
2. All prospective purchasers of the property shall be notified in writing prior to sale of the property that these conditions have been recorded in the land records of Fairfax County and must be implemented prior to the approval of the grading plan for this lot.
3. The applicant shall install a stone/gravel base the entire length of the proposed driveway to be utilized during construction activities. Once construction is complete, the gravel surface is to be covered by Chesapeake Washed Gravel and shall be maintained in good condition.
4. Replacement of the existing structure, and/or construction of additions or accessory structures that conform with the applicable Zoning Ordinance provisions and these development conditions, as determined by the Zoning Administrator, may be permitted without an amendment to this variance.
5. Placement of fences should avoid forested areas; however, they may be constructed within the tree save areas as long as good horticultural practices are observed and there is minimal disturbance to the vegetation.

This approval, contingent upon the above-noted conditions, shall not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval unless the lot has been recorded in the land records. The Board of Zoning Appeals may grant additional time to record the lot if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 30, 2008
 (enter date affidavit is notarized)

I, Roger K. Bohr, 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 1018836

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

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

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|--|---|--|
| David W. Dively & Jessica M. Dively | 8903 Stratford Lane Alexandria, Va. 22308 | Owner / Applicant |
| R.C. Fields, Jr. & Assoc. P.C. | 730 S. Washington St. Alexandria, VA 22314 | Agent / Surveyor |
| R.C. Fields, Jr. | 730 S. Washington St. Alexandria, VA 22314 | Agent |
| Roger K. Bohr | 730 S. Washington St. Alexandria, VA 22314 | Agent |
| Paul A. Wilder | 730 S. Washington St. Alexandria, Va. 22314 | Agent |

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 30, 2008
(enter date affidavit is notarized)

1018836

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

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
R.C. Fields, Jr., & Associates, P.C.
730 S. Washington Street
Alexandria, VA 22314

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
Robert C. Fields, Jr.

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 30, 2008
(enter date affidavit is notarized)

1018836

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 30, 2008
(enter date affidavit is notarized)

1018836

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

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

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

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

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

None

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 30, 2008
(enter date affidavit is notarized)

1018834

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

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

None

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

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

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

WITNESS the following signature:



(check one)

[] Applicant

[x] Applicant's Authorized Agent

Roger K. Bohr - Agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30th day of October 2008, in the State/Comm. of Virginia, County/City of Alexandria

Elizabeth Tanahashi
Notary Public #303953

My commission expires: 8/31/09



SEP 23 2008

August 26, 2008

Zoning Evaluation Division

Fairfax County Board of Zoning Appeals
12055 Government Center Parkway
Suite #801
Fairfax, VA. 22035

VARIANCE STATEMENT of JUSTIFICATION
TM# 102-3-01-0017C
#8215 Riverside Road
"Parcel 3, Near Hunters Station"

I, David W. Dively, owner of the above mentioned property, am requesting a Variance of the minimum lot width requirement of the R-3 Zoning District. I wish to allow for the construction of a single family detached residential dwelling, on an existing lot located in the Mount Vernon District of Fairfax County. The subject property was acquired in good faith on September 7, 2007 from the Estate of Rosa Mundell who had owned the property since 1970. The property is zoned R-3 and has a total lot area of 38,623 sq.ft. (or 0.8867 acres). The lot is currently vacant. The subject parcel is served by public sewer and water.

The property was created as "Parcel 3" by a court ordered partition of "the devisees of James Mundell, deceased" recorded at deed book 2723, page 673 on January 17, 1966 (per clerk of court stamp) in the land records of Fairfax County, Virginia. After the death of James Mundell the parent parcel was willed to several individuals (Will book 88, page 204). The beneficiaries of the will and the Testator of the Last Will and Testament of James Mundell had the property divided "into agreeable portions consistent with the interpretations of the parties of said Will". The parent tract was divided into four (4) parcels. The three other parcels created at deed book 2723, page 673 have all subsequently had single family homes built upon each lot. The subject parcel has been listed as a "buildable" lot within the tax assessments from the time it was created until the recent non-conformance was discovered. It has since been changed to "non-buildable-other" under the site description in the real estate assessments.

At the time of the lot's creation it was in the R-12.5 Zoning District. The R-12.5 Zoning District in effect at the time of the lot's creation required that lots not in a subdivision shall have a minimum lot area of 12,500 sq. ft. and a minimum lot width of 80 feet (measured at the front setback line). The current R-3 Zoning District requires a minimum lot area of 10,500 square feet and a minimum lot width of 80 feet (measured at the front setback line). The subject parcel exceeds the minimum required lot area of both the original zoning district and the current zoning requirements. The subject parcel did not meet the minimum lot width requirements in effect at the time it was created by the court ordered partition of the land.

This variance request is not based on conditions or circumstances that are self-created or self-imposed. The court ordered partition of the land created the extraordinary condition of the subject parcel. The condition of the subject parcel, being created with a non-conforming lot width by a will partition, is not so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance. In as much that lot meets all other applicable requirements of the R-3 Zoning district exclusive of the minimum lot width and the parcel has been taxed as a buildable lot since it's creation a strict application of the Zoning Ordinance would produce undue hardship upon me by deeming the property unbuildable. As this is an extraordinary circumstance this undue hardship is not shared by other properties in the same Zoning District and vicinity. A strict application of the Zoning Ordinance will effectively prohibit and unreasonably restrict all reasonable use, that being the future construction of a single-family dwelling, of the subject parcel. The authorization of this variance will not be of substantial detriment to the adjacent properties as the subject parcel has

existing in it's present form since 1966 and the lot is oversized for it's current zoning. The character of the R-3 Zoning District will not be changed by granting this variance as the lot predates the R-3 zoning designation and the parcel meets the requirements of the R-3 Zoning District with the exception of the minimum lot width requirement. The requested variance will be in harmony with the intended spirit and purposes of the Zoning Ordinance and will not be contrary to the public interest.

I thank you in advance for your consideration of this Special Exception and will gladly answer any additional questions you may have.

Sincerely,



David W. Dively (Owner)

9/16/08

Date

1053

BOOK 272; PAGE 673

PARTITION DEED BY THE DEVISEES OF JAMES
MUNDELL, DECEASED

THIS DEED, made this 1st day of November, 1965, by and between SARAH MUNDELL, single, party of the first part, ROSA NEWMAN LITTLE, formerly ROSA NEWMAN, and JAMES LITTLE, her husband, parties of the second part, WILBERT MUNDELL and MARGARET MUNDELL, his wife, parties of the third part, and SENOLIA WILLIAMS, also known as SENORA WILLIAMS, and THOMAS WILLIAMS, her husband, parties of the fourth part.

WITNESSETH:

That Whereas, Sarah Mundell, single, Rosa Newman Little (formerly Rosa Newman), Wilbert Mundell, and Senolia Williams, (a/k/a Senora Williams), parties to this Deed, are the named Beneficiaries in the Last Will and Testament of James Mundell, which was probated among the land records of Fairfax County, Virginia, in Will Book 88, Page 204, and consisting of the residue of a tract of land originally acquired by James Mundell by Deed recorded in Deed Book C, No. 9, Page 141, of the land records of Fairfax County, Virginia, and

WHEREAS, the said parties have had the property surveyed and divided into agreeable portions consistent with the interpretation of the parties of said Will and the intentions of the Testator by the office of Cross and Ghent, Certified Land Surveyors on May 15th, 1965, the remainder of said tract containing 3.020 acres.

NOW, THEREFORE, to the end and intent that a perfect partition may be had and made by and between the said parties of the said lot, piece, or parcel of land, they, the said Sarah Mundell, Rosa Newman Little (formerly Rose Newman), Wilbert Mundell, and Senolia Williams (a/k/a Senora Williams), by their own mutual consent and agreement, have and do hereby make partition of the same in manner following:

Jan. 28, 1966-Ret. to:
J. Randolph F. Davis, atty.

J. RANDOLPH F. DAVIS
ATTORNEY AT LAW
ALEXANDRIA, VIRGINIA

The said parties of the second, third and fourth parts in consideration of the sum of Ten Dollars (\$10.00) and the further consideration of the provisions contained in this Deed, cash in hand paid by the said party of the first part, and the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey, with Special Warranty of title, unto the said party of the first part, to her sole and separate equitable estate, use and disposal, all of that lot or parcel of land, with the improvements and appurtenances to the same belonging, located in the County of Fairfax, Virginia, and being more particularly described by survey of Cross & Ghent, dated May 15th, 1965, as follows, to-wit:-

PARCEL 2

BEGINNING at the corner of Williams in the southerly line of Snowden Road (Rt. #628) and running thence with the line of said road S 62° 58' 30" E 141.34 feet to the line of Worthy; thence with the line of Worthy in part and Mack in part S 14° 45' W 271.57 feet; thence through the Mundell Tract with the line of Parcel 5 N 65° 57' W 158.04 feet to a corner of Williams; thence with lines of Williams N 20° 00' 05" E 171.35 feet, N 41° 45' 10" E 66.76 feet and N 18° 43' 30" W 53.89 feet to the point of beginning containing 0.880 acres of land.

TO HAVE AND TO HOLD the said property unto SARAH MUNDELL, single, the said party of the first part, as her sole and separate equitable estate, free from any liability whatsoever, and from debts of and claims against the husband of the said party of the first part, and free from any curtesy rights or inchoate curtesy rights of the said husband or any future husband of the said party of the first part, with full and complete authority in and to the said party of the first part to alien, convey, encumber and otherwise deal with and dispose of the same, without necessity of joinder by or with her husband.

The said parties of the first, third, fourth parts, and James Little, husband of Rosa Newman Little, in consideration of the sum of Ten Dollars (\$10.00) and the further consideration of the provisions contained in this Deed, cash in hand paid by the

J. RANDOLPH F. DAVIS
ATTORNEY AT LAW
ALEXANDRIA, VIRGINIA

said Rosa Newman Little (formerly Rosa Newman), and the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey, with Special Warranty of title, unto the said ROSA NEWMAN LITTLE, to her sole and separate equitable estate, use and disposal, all of that lot or parcel of land, with the improvements and appurtenances to the same belonging, located in the County of Fairfax, Virginia, and being more particularly described by survey of Cross & Ghent, C. L.S. dated May 15th, 1965, as follows, to-wit:-

PARCEL 3

BEGINNING at a corner of Small in the line of Davis Const. Co. and running thence with the line of said company N 65° 50' W 117.50 feet to a corner of Little; thence with the lines of Little N 2° 48' 10" E 74.96 feet, N 43° 14' W 47.54 feet and N 87° 13' 30" W 135.35 feet to a point in the easterly line of idverside Road (Rt. #627); thence with the line of said road N 13° 04' 30" E 47.30 feet; thence through the Mundell tract and with the lines of Parcel 6 S 76° 55' 30" E 50 feet, S 87° 13' 30" E 110 feet and N 53° 40' 25" E 135.48 feet and, continuing with the line of Parcel 5, S 89° 08' 50" E 65.73 feet to the line of Mack; thence with the line of Mack in part and Small in part S 14° 45' W. 282.21 feet to the point of beginning containing 0.880 acres of land.

TO HAVE AND TO HOLD the said property unto ROSA NEWMAN -one of- LITTLE, /the said parties of the second part, as her sole and separate equitable estate, use and disposal, free from any liability whatsoever, and from debts of and claims against the husband of the said Rosa Newman Little, and free from any curtesy rights or inchoate curtesy rights of the said husband or any future husband of the said Rosa Newman Little, with full and complete authority in and to the said Rosa Newman Little to alien, convey, encumber and otherwise deal with and dispose of the same, without necessity of joinder by or with her husband.

The said parties of the first, second, fourth parts, and Margaret Mundell, in consideration of the sum of Ten Dollars (\$10.00) and the further consideration of the provisions contained in this Deed, cash in hand paid by the said Wilbert Mundell, and

J. RANDOLPH F. DAVIS
ATTORNEY AT LAW
ALEXANDRIA, VIRGINIA

the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey, with Special Warranty of title, unto the said WILBERT MUNDELL, all of that lot or parcel of land, with the improvements and appurtenances to the same belonging, located in the County of Fairfax, Virginia, and being more particularly described by survey of Cross & Ghent, C. L. S., dated May 15th, 1965, as follows, to-wit:-

PARCEL 6

BEGINNING at a point in the line of Riverside Road (Route 627) at a corner of Parcel 3, said point bearing N 13° 04' 30" E 47.30 feet from a corner of Little, and running thence with the line of said road N 13° 04' 30" E 80 feet; thence through the Mundell Tract and with the lines of Parcel 5 S 76° 55' 30" E 50 feet and S 89° 08' 50" E 200.95 feet; thence continuing through the Mundell tract with the lines of Parcel 3 S 53° 40' 25" W 135.48 feet, N 87° 13' 30" W 110 feet and N 76° 55' 30" W 50 feet to the point of beginning containing 0.380 acres of land.

The said parties of the first, second, third parts, and Thomas Williams, husband of Senolia Williams, in consideration of the sum of Ten Dollars (\$10.00) and the further consideration of the provisions contained in this Deed, cash in hand paid by the said Senolia Williams, a/k/a Senora Williams, and the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey, with Special Warranty of title, unto the said SENOLIA WILLIAMS, to her sole and separate equitable estate, use and disposal, all of that lot or parcel of land, with the improvements and appurtenances to the same belonging, located in the County of Fairfax, Virginia, and being more particularly described by survey of Cross & Ghent, C. L. S., dated May 15th, 1965, as follows, to-wit:-

PARCEL 5

BEGINNING at a corner of Wright in the easterly line of Riverside Road (Rt. #627) and running thence with the lines of Wright S 89° 03' 30" E 106.09 feet and N 12° 41' 35" E 117.07 feet to a corner of Williams; thence with the line of Williams S 80° 12' 40" E 53.37 feet; thence through the Mundell tract and with the line of Parcel 2 S 65° 57' E 158.04 feet to a point in the line of

J. RANDOLPH F. DAVIS
ATTORNEY AT LAW
ALEXANDRIA, VIRGINIA

Mack; thence with the line of Mack S 14° 45' W 106.22 feet; thence through the Mundell tract and with the lines of Parcels 3 and 6 N 89° 08' 50" W 265.68 feet and N 76° 55' 30" W 50 feet to the easterly line of the aforementioned Riverside Road; thence with the line of said road N 13° 04' 30" E 86.91 feet to the point of beginning and containing 0.880 acres of land.

TO HAVE AND TO HOLD the said property unto SENOLIA WILLIAMS, one of the parties of the fourth part, as her sole and separate equitable estate, free from any liability whatsoever, and from debts of and claims against the husband of the said Senolia Williams, and free from any curtesy rights or inchoate curtesy rights of the said husband or any future husband of the said Senolia Williams, with full and complete authority in and to the said Senolia Williams to alien, convey, encumber and otherwise deal with and dispose of the same, without necessity of joinder by or with her husband.

WITNESS the following signatures and seals.

Sarah Mundell (SEAL)
SARAH MUNDELL

Rosa Newman Little (SEAL)
ROSA NEWMAN LITTLE

Rosa Newman (SEAL)
ROSA NEWMAN

James Little (SEAL)
JAMES LITTLE

Wilbert Mundell (SEAL)
WILBERT MUNDELL

Margaret Mundell (SEAL)
MARGARET MUNDELL

Senolia Williams (SEAL)
SENOLIA WILLIAMS

Senora Williams (SEAL)
SENORA WILLIAMS

Thomas Williams (SEAL)
THOMAS WILLIAMS

J. RANDOLPH F. DAVIS
ATTORNEY AT LAW
ALEXANDRIA, VIRGINIA

STATE OF VIRGINIA: to-wit:
CITY OF ALEXANDRIA:

I, the undersigned Notary Public in and for the State and City aforesaid, do hereby certify that SARAH MUNDELL, single, whose name is signed to the foregoing Deed, bearing date on the 1st day of November, 1965, has acknowledged the same before me in my State and City aforesaid.

GIVEN under my hand this 7th day of December, 1965.

My commission expires: June 30th, 1967.

Rosaline Benjamin Vincent
Notary Public

STATE OF VIRGINIA: to-wit:
CITY OF ALEXANDRIA:

I, the undersigned Notary Public in and for the State and City aforesaid, do hereby certify that ROSA NEWMAN LITTLE, formerly Rose Newman, and JAMES LITTLE, her husband, whose names are signed to the foregoing Deed, bearing date on the 1st day of November, 1965, have acknowledged the same before me in my State and City aforesaid.

GIVEN under my hand this 7th day of December, 1965.

My commission expires: 25 Feb 67.

Rosaline Benjamin Vincent
Notary Public

STATE OF VIRGINIA: to-wit:
CITY OF ALEXANDRIA:

I, the undersigned Notary Public in and for the State and City aforesaid, do hereby certify that WILBERT MUNDELL and MARGARET MUNDELL, his wife, whose names are signed to the foregoing Deed, bearing date on the 1st day of November, 1965, have acknowledged the same before me in my State and City aforesaid.

GIVEN under my hand this 7th day of December, 1965.

My commission expires: June 30th, 1967.

Rosaline Benjamin Vincent
Notary Public.

J. RANDOLPH F. DAVIS
ATTORNEY AT LAW
ALEXANDRIA, VIRGINIA

STATE OF VIRGINIA: to-wit:
CITY OF ALEXANDRIA:

I, the undersigned Notary Public in and for the State and City aforesaid, do hereby certify that SENOLIA WILLIAMS, also known as Senora Williams, and THOMAS WILLIAMS, her husband, whose names are signed to the foregoing Deed, bearing date on the 1st day of November, 1965, have acknowledged the same before me in my State and City aforesaid.

GIVEN under my hand this 1st day of November, 1965.

My commission expires: June 30, 1967.
Gerardine Pungas Vincent
Notary Public.

In the Clerk's Office of the Circuit Court of Fairfax County, Virginia JAN 17 1966 at 2:22 PM.
This instrument was received and, with the certificate annexed, admitted to record

Teste: Thomas C. Chapman, Jr. Clerk

J. RANDOLPH F. DAVIS
ATTORNEY AT LAW
ALEXANDRIA, VIRGINIA

5/1/08

Special Projects and Applications Acceptance Branch
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Minimum Lot Width
8215 Riverside Rd.

To whom it may concern:

I currently have a complete set of architectural drawings and site plans in for review with the county to construct a new single-family house for my family at 8215 Riverside Rd. Alexandria, VA 22308. During site review I was notified that I needed a Buildable Lot Validation Request due to the fact that there was not an existing house on the lot.

Prior to purchasing the lot I contacted the County and was told that the lot was listed as buildable, and I also verified this with the tax map and County website. In addition, I had the engineer check to see if there were any possible issues. The current site plans on file with county includes the Fairfax County Lot Certificate as required.

Per the attached letter from Mr. Charlie P. Fitzhugh the lot is not in compliance due to the lot width of 47 feet, which does not meet the minimum lot width of 80 feet. This portion of the lot represents the pipestem and is approximately 160 feet in length. I would like to apply for a Special Exception to waive the minimum lot width per the direction of Mr. Fitzhugh and his department.

Respectfully,



David Dively
2700 Central Avenue
Alexandria, VA 22302
(703) 675-5464

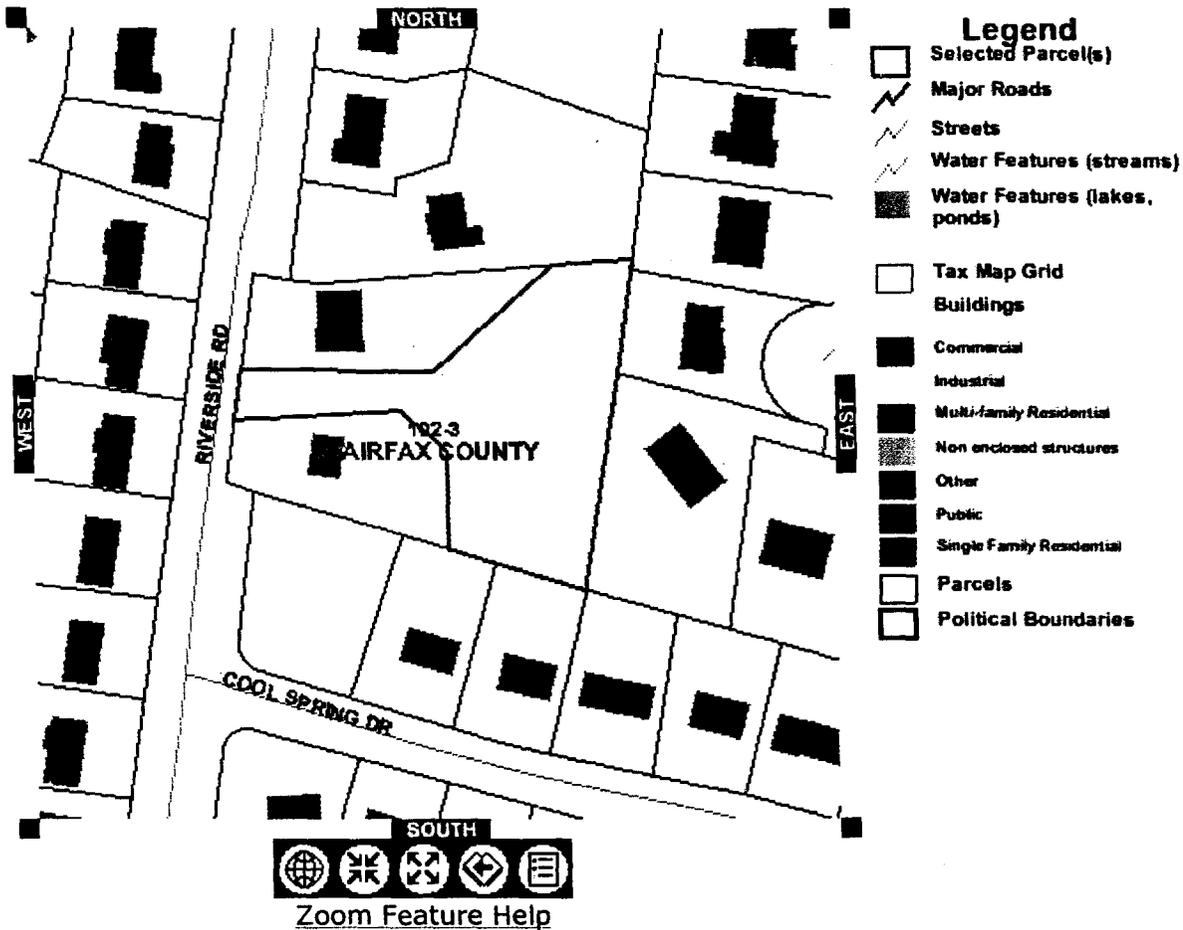


LDSnet Application

you are here: [homepage](#) > [construction and land use](#) > [land development system](#)

LDSnet Overview--[005002-LV -001-1]

Thursday, May 01, 2008



Map Types: Buildings

Tax Map#(s)

| Grid No | Quad No | Double Circle No | Single Circle No | Lot No | Lot Suffix | Partial Indicator |
|---------|---------|------------------|------------------|--------|------------|-------------------|
| 102 | 3 | 01 | | 0017 | C | NO |

Property Addresses



Main Property Search

Address Map Number

- ▶ Profile
- Sales
- Values
- Residential
- Commercial
- Map
- Structure Size

MAP #: 1023 01 0017C
DIVELY DAVID W

8215 RIVERSIDE RD

Owner

Name
Mailing Address
Book
Page

DIVELY DAVID W,
2700 CENTRAL AV ALEXANDRIA VA 22302
19555
1377

Retu



Additional Owners

DIVELY JESSICA M



Parcel

Property Location
Map #
Tax District
District Name
Land Use Code
Land Area (acreage)
Land Area (SQFT)
Zoning Description
Utilities

8215 RIVERSIDE RD
1023 01 0017C
60100
MT VERNON DIST. #1
Vacant Land
.88
R-3(Residential 3 DU/AC)
WATER AVAILABLE
SEWER AVAILABLE
GAS NOT AVAILABLE

County Historic Overlay District

NO
For further information about Historic Overlay Districts,
Click here

Street/Road
Site Description

PAVED
BUILDABLE-AVERAGE LOT

Legal Description

Legal Description

NEAR HUNTERS STATION
PCL 3

Last Refresh Date

Data last refreshed: 01-MAY-08

General Information

Need Help?

For questions and requests for information about the Real Estate site, call 703-222-8234 or
CLICK HERE

Disclaimer

Under Virginia State law these records are public information. Display of this information on the Internet is specifically authorized by Va. Code 58.1-3122.2 (1998). See the Virginia State Code to read the pertinent enabling statute.

If you believe any data provided is inaccurate or if you have any comments about this site, we would like to hear from you. Owner names will be withheld from the Internet record upon request. Comments or requests may be made via e-mail to the Real Estate Division at Real

Charlie



County of Fairfax, Virginia

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

Buildable Lot Determination

0 5 0 0 2 - L V - 0 0 1 - 1

Property Tax Map Number: 102-3-01-0017C
 Property Address: 8215 Riverside Road
 Applicant's Name: David Dively
 Applicant's Address: 2700 Central Avenue
 Applicant's Phone Number: (703) 675-5464
 Current Zoning: R-3
 Magisterial District: Mount Vernon
 Subdivision Name: N/A

The Department of Public Works and Environmental Services have reviewed the subject lot for compliance with the Fairfax County Subdivision Ordinance. Based on a search of the pertinent deed information associated with this lot, it appears that the subject lot was created and recorded on January 17, 1966 in Deed Book 2723 Page 673. From a subdivision perspective, this action is described as one of the following:

- _____
Initial/Date Recordation of a metes and bounds description or plat prior to September 1, 1947.
- _____
Initial/Date Recordation of a deed and plat in compliance with the Subdivision Ordinance in effect at the time.
- TSN/04-04-08
Initial/Date Recordation of a metes and bounds description or plat after September 1, 1947 and at least on March 25, 2003, or thereafter the subject lot has been included on the Fairfax County Real Property Identification Map as a separate lot and has been taxed as a separate lot.

The Zoning Administration Division, Department of Planning and Zoning (DPZ) have reviewed the subject lot for compliance with the applicable requirements of the Fairfax County Zoning Ordinance. The subject lot is currently zoned R-3 which district requires a minimum lot area of 10,500 square feet and a minimum lot width of 80 feet. The subject lot has a lot area of 38,333 square feet and a lot width of 47 feet.

- The subject lot meets the current Zoning Ordinance requirements for lot area and lot width.

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

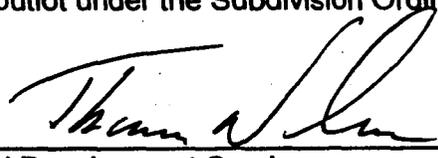


- The subject lot does not meet the current Zoning Ordinance requirements for lot area and/or lot width. However, the grandfathering provision of Sect. 2-405 of the Zoning Ordinance is applicable based on DPZ research that indicates that the lot met the applicable Zoning Ordinance requirements, with regard to lot area and lot width, when created/recorded or such creation/recordation predated the first Zoning Ordinance (March 1, 1941).
- The subject lot does not meet the current Zoning Ordinance requirements for lot area and/or lot width and did not meet such requirements at the time it was created. However, the grandfathering provision of Section 2-405 of the Zoning Ordinance is applicable based on DPZ research that indicates that the lot contained a principal structure on March 9, 2004, that was occupied or had been occupied at any time between March 9, 1999 and March 9, 2004, or is under construction pursuant to a building permit and that a Non-Residential Use Permit will be issued within 12 months after March 9, 2004.
- The subject lot does not meet the current Zoning Ordinance requirements and did not meet the applicable lot area and/or lot width requirements when the lot was created or any time thereafter. A separate letter from the DPZ, explaining this noncompliance will be subsequently issued.

Reviewing Authority: Charlie Fitzhugh 4-30-08
 Zoning Administration Division Date
 Department of Planning and Zoning

Based on the foregoing the following is applicable to the subject lot:

- The subject lot is considered a valid lot under the Subdivision Ordinance and a building permit may be issued for the development of a use permitted by right, by special permit or by special exception on the lot, provided all County and applicable Zoning Ordinance regulations, including minimum yard requirements, are met.
- The subject lot is an outlot under the Subdivision Ordinance and does not constitute a buildable lot.

Approving Authority:  5-02-08
 Land Development Services Date
 Department of Public Works and Environmental Services

cc: Janet E. Coldsmith, Director, Real Estate Division, DTA
 Robert A. Farrimond, GIS and Mapping Services Branch, DIT
 Leslie Johnson, Deputy Zoning Administrator, Ordinance Administration Branch, DPZ
 Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch, DPZ
 Ken Williams, Chief, Plan and Document Control, ESRD, DPWES

Buildable Lot Determination

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 0 | 5 | 0 | 0 | 2 | - | L | V | - | 0 | 0 | 1 | - | 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|



County of Fairfax, Virginia

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

Via U.S. Mail and Facsimile 703-739-8995

April 30, 2008

Constructive, Inc.
Mr. David Dively
2101A Mt. Vernon Avenue
Alexandria, VA 22301

RE: Buildable Lot Determination 05002-LV-001-1
8215 Riverside Road
Near Hunters Station, Parcel 3
Tax Map #: 102-3 ((1)) 17C
Zoning District: R-3

Dear Mr. Dively:

This is a follow-up letter to Buildable Lot Determination 05002-LV-001-1, issued by the Department of Public Works and Environmental Services (DPWES), and explains the zoning noncompliance issue relating to the parcel referenced above.

The referenced property consists of one parcel currently zoned R-3 Residential District, Three Dwelling Units/Acre. The parcel has a lot area of 38,333 square feet and a lot width of 47.30 feet. The R-3 District has a minimum lot area requirement of 10,500 square feet and a minimum lot width requirement of 80 feet for an interior lot. As such, the parcel does not meet the minimum lot width requirements for an interior lot in the R-3 District.

In order for a lot to be buildable from a zoning perspective, a lot must either meet the current Zoning Ordinance requirements or be in accordance with Sect. 2-405 of the Zoning Ordinance and among other items, must either have been recorded prior to the effective date of the first Zoning Ordinance on March 1, 1941 or have met the zoning regulations in effect when the lot was recorded and not have been subsequently rezoned or subdivided at the request of the owner or the owner's agent. In addition, under Par. 1 of Sect. 18-603 of the Zoning Ordinance, in order to be issued building permits for the construction of a dwelling, a lot must also be in compliance with the applicable subdivision regulations.

The subdivision regulations are administered by DPWES and that office has determined that Parcel 3 was created in its current size by a metes and bounds description or plat and recorded in Deed Book 2723, Page 673 on January 17, 1966. At the time the property was created, it was zoned R-12.5 District, which required a minimum lot area of 12,500 square feet for lots not

Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Constructive, Inc.
Mr. David Dively
April 30, 2008
Page 2

located in a subdivision. In addition, the R-12.5 District had a minimum lot width requirement of 80 feet. Therefore, since Parcel 3 did not meet the minimum lot width regulation in effect at the time of recordation, and the referenced parcel does not meet the current lot width requirements, Parcel 3 is not a buildable lot from a zoning perspective.

I trust this correspondence adequately responds to your request. Questions regarding subdivision issues and buildable lot determination should be directed to DPWES at 703-324-1720. If you have any additional questions, please feel free to contact me at 703-324-1314.

Sincerely,



Charles P. Fitzhugh
Assistant to the Zoning Administrator

Cc: Gerald W. Hyland, Supervisor, Mt. Vernon District
Eileen M. McLane, Zoning Administrator
Janet E. Coldsmith, Director, Real Estate Division,
Department of Tax Administration
Lorrie Kirst, Deputy Zoning Administrator,
for Ordinance Administration Branch
Diane E. Johnson-Quinn, Deputy Zoning Administrator,
for Zoning Permit Review Branch

February 4, 2009

FEB 5 2009

Responses to staff concerns (VC 2009-MV-001)

**SPECIAL PERMIT &
VARIANCE BRANCH**

Debbie,

Here is some information to hopefully clear up staff concerns. A little bit of history on this lot is in order. The information concerning the creation of the lot is included on sheet 1 of the plan, but there is further information that is helpful. Our office submitted a Grading Plan to Fairfax County Site Review that was recommended for approval by the Site Reviewer (Denis Hannan). When it went to the desk of Gurshuran Sidhu to be signed he is the one who brought up the lot width issue. Up to that point all items pointed to this being a legal buildable lot and the Grading Plan we submitted met all the development requirements for Site Review. The lot width variance we are seeking is merely to legitimize a lot that was created by a will partition recorded at DB 2723, Pg. 673. Below I will address the staff concerns individually:

1. Proposed Limits of Clearing and Grading issues: can the limits be "tightened up", brought in so as not to disturb so many trees?

The site is completely and densely wooded. The clearing limits are designed to allow the movement of construction vehicles and provide areas for materials and soils stockpiling if needed. The applicant does not only wish to build the proposed dwelling but he also wishes to have a usable yard. The grading, clearing limits and tree removal areas are the same as shown on the Grading Plan that was recommended for approval by Site Review.

2. Staff is concerned if existing outfall is adequate?

Sheet 2 of the plan that was provided to staff outlines the adequate outfall. This adequate outfall narrative and analysis are identical to the narrative and outfall analysis approved by Site Review. The outfall is adequate as stated in the narrative and staff can be assured that this was verified by Site Review. The outfall from this site is contained within storm sewer easements or the public right-of-way and has been analyzed to a point where the total drainage area exceeds 100 times the site area as required.

3. Water Quality measures - if over 18% of disturbed area - this needs to be provided - noted that vegetative swales might work in this area.

Your statement is incorrect. If a lot has more than 18% of "impervious area" it must provide water quality controls. This plan as approved by Site Review and presented to staff has an impervious coverage of 15.63% which means it does not have to provide water quality controls. The total impervious area after construction is included on sheet 1 of the plan under general note #15. The total impervious area of 0.1386 acres divided by the lot area of 0.8867 acres is equivalent to 15.63% ($0.1386 / 0.8867 = 0.1563$).

4. Upon potentially reducing the amount of clearing - would need a tree inventory - would need to involve Urban Forestry.

The tree clearing as shown is identical to that that was shown on the Grading Plan recommended for approval by Site Review. This Grading Plan associated with this project is grandfathered under the old tree cover requirements provided it is approved prior to COB July 1, 2009. Being as the only issue Site Review had with the project was the lot width variance we see no reason why that deadline cannot be met and the tree cover will be sufficient. If in any case this project is not approved prior to COB July 1, 2009 then of course the new tree cover requirements will need to be met as part of the Grading Plan process. The plan submitted to your staff does not provide for any site disturbance or tree removal. In any case we would still need to meet the county requirements. Furthermore if we are required to meet the new tree cover standards there is nothing in the new standards that prohibits such clearing. The main portion emphasis the new tree cover standards is to meet at least 30% of the tree cover requirements by maintaining existing vegetation and to provide 25% tree cover in the R-3 Zone. Our project as proposed provides 100% of post development tree cover from existing vegetation and 44.2% of total coverage. This well exceeds the requirements.

5. Staff is concerned that too many trees are being removed - need a better idea of what is proposed to be removed and saved.

As shown on the plan provided the tree cover after construction is more than double the amount required for this site. It is true that a large number of trees is being removed but a large number of trees is also being preserved.

6. Why is the driveway proposed as it is (such a drastic curve)? What trees are too be saved in this area?

The driveway is curved to present the house in a favorable view upon entering the site and as per the owners request. This driveway design is identical to the plan previously recommended for approval by site review. The trees within the curve will be selected in the field for survival and desirability. Since the trees in this area are not need to meet the tree cover requirements the selection can be made in the field..

7. Does the driveway turnaround need to be so large?

The house is set nearly 200 feet from the road. The roadway in front of the dwelling does not have a parking lane (see photos provided previously). The large turnaround area is to be used for guest parking and vehicle maneuverability without driving on the lawn areas. The area may seem large but the site is still under the 18% impervious area threshold.

8. Have alternative designs been considered?

Certainly alternatives had been considered but this plan as presented to the county not only met all or the requirements and desires of the owner but meets the requirements of the County for a single lot Grading Plan.

I hope these detailed explanations clear up any staff issues. Please contact me if you or the staff have any additional comments or questions. Thank you for your help on this project.

Roger K. Bohr
Project Designer
R.C. Fields Jr. & Assoc. P.C.
730 S. Washington Street
Alexandria Va. 22314
ph. 703-549-6422
fax 703-549-6452



County of Fairfax, Virginia

MEMORANDUM

DATE: March 9, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Environmental Assessment: VC 2009-MV-001
Dively

RECEIVED
DEPARTMENT OF PLANNING
AND ZONING

MAR 9 2009

SPECIAL PERMIT &
VARIANCE BRANCH

This memorandum, prepared by Dawn Dhavale, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. Plan citations are followed by a discussion of concerns including a description of potential impacts that may result from the proposed development as depicted on the variance plat and grading plan dated August 22, 2008 as revised through February 24, 2009. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, on pages 7 through 16, the Plan states:

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

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development

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/



and redevelopment projects may have on the County's streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation.
- Where feasible, convey drainage from impervious areas into pervious areas. . . .
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements. . . .
- Where feasible and appropriate, encourage the use of pervious parking surfaces in low-use parking areas. . . .

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

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

ENVIRONMENTAL ANALYSIS:

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

Tree Cover/Limits of Clearing and Grading

Issue: On the plan dated August 22, 2008, the applicant previously had shown a substantially larger area of tree removal, with a large area to be cleared and graded. The applicant also did not have clear information as to specific trees to be selectively saved in the driveway construction area.

Resolution: The revised plans show a much tighter area of clearing and grading, the note indicating trees will be selectively saved by the driveway has been removed, and the area of tree save has been increased. However, staff recommend that the applicant meet with DPWES Urban Forestry Management on the site to determine which, if any, of the trees along the entire length of the driveway area, both on-site and off-site, can be saved and will survive construction. If the trees cannot be saved, staff strongly recommend supplemental plantings along the driveway to replace the trees that are being removed and those that will not survive during construction. These supplemental tree plantings should be native, non-invasive species.

Stormwater/Impervious Surface

Issue: There is a large area of driveway and turnaround which contributes to the impervious surface on the lot. Also, staff had some initial concerns regarding the adequacy of the stormwater outfall.

Resolution: The adequacy of the outfall has been addressed on the plans. Staff encourage coordination with DPWES to ensure that the outfall is approved as adequate during their review. Although the applicant has provided information regarding the percentage of impervious surface on the lot being below the trigger for water quality controls, staff recommend the applicant to reduce the amount of impervious surface, particularly the driveway turnaround area. The applicant has indicated that the driveway and turnaround area will be constructed with a stone and gravel base during construction, and will be finished with Chesapeake washed gravel after construction is completed. The intent is for the applicant to provide a pervious drive and turnaround area.

COUNTYWIDE TRAILS PLAN

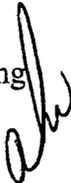
The Countywide Trails Plan map depicts a minor trail immediately adjacent or on the subject property. The trail currently exists and was built and is maintained by Fairfax County.

PGN:DMD

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

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

FILE: 3-6 (VC 2009-MV-001)

SUBJECT: Transportation Impact

REFERENCE: VC 2009-MV-001; David W. and Jessica M. Dively
Land Identification Map: 102-3((1))17C

DATE: February 4, 2009

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this department dated August 22, 2008.

The proposed application, to permit a lot width of 41.83 feet, would not create any significant additional impacts on the surrounding public street system. Therefore, this department would not object to the approval of the subject application.

AKR/crt

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



County of Fairfax, Virginia

MEMORANDUM

FEB 26 2009

DATE:

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

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

SUBJECT: Variance Application VC 2009-MV-001, Dively Property, Plat Dated February 10, 2009, LDS Project #5002-ZONA-001-2, Tax Map #102-3-01-0017C, Mount Vernon District

We have reviewed the subject application and offer the following comments:

Chesapeake Bay Preservation Ordinance

There is no Resource Protection Area on the property.

Floodplain

There is no floodplain on the property.

Stormwater Management

We have no comments related to stormwater management.

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

QK/dah

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



18-404 Required Standards for Variances

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

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

18-405 Conditions

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