



APPLICATION ACCEPTED: March 24, 2008
PLANNING COMMISSION: December 2, 2009
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

November 18, 2009

STAFF REPORT

APPLICATION SE 2008-HM-010

HUNTER MILL DISTRICT

APPLICANT: George B. and Carolyn L.E. Sagatov

PRESENT ZONING: R-E

PARCEL: 027-4 ((1)) 14C1

ACREAGE: 4.54 acres

DENSITY: 0.5 du/acre

PLAN MAP: Residential; 0.2 -0.5 du/ac

PROPOSAL: To permit a waiver of the minimum lot width requirement in order to subdivide a 4.54 acre lot into two lots, with lot widths of 2 ft. and 232.03 ft.

STAFF RECOMMENDATION:

Staff recommends denial of SE 2008-HM-010; however, if it is the intent of the Board of Supervisors to approve SE 2008-HM-010, staff recommends that the approval be subject to the draft development conditions contained in Appendix 1.

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.

Kelli Goddard-Sobers

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/



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 80, Fairfax, Virginia 22035-5505, (703) 324-1290.

O:\kgodda\SE\Sagatov\cover updated 11-10-2009.doc



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).

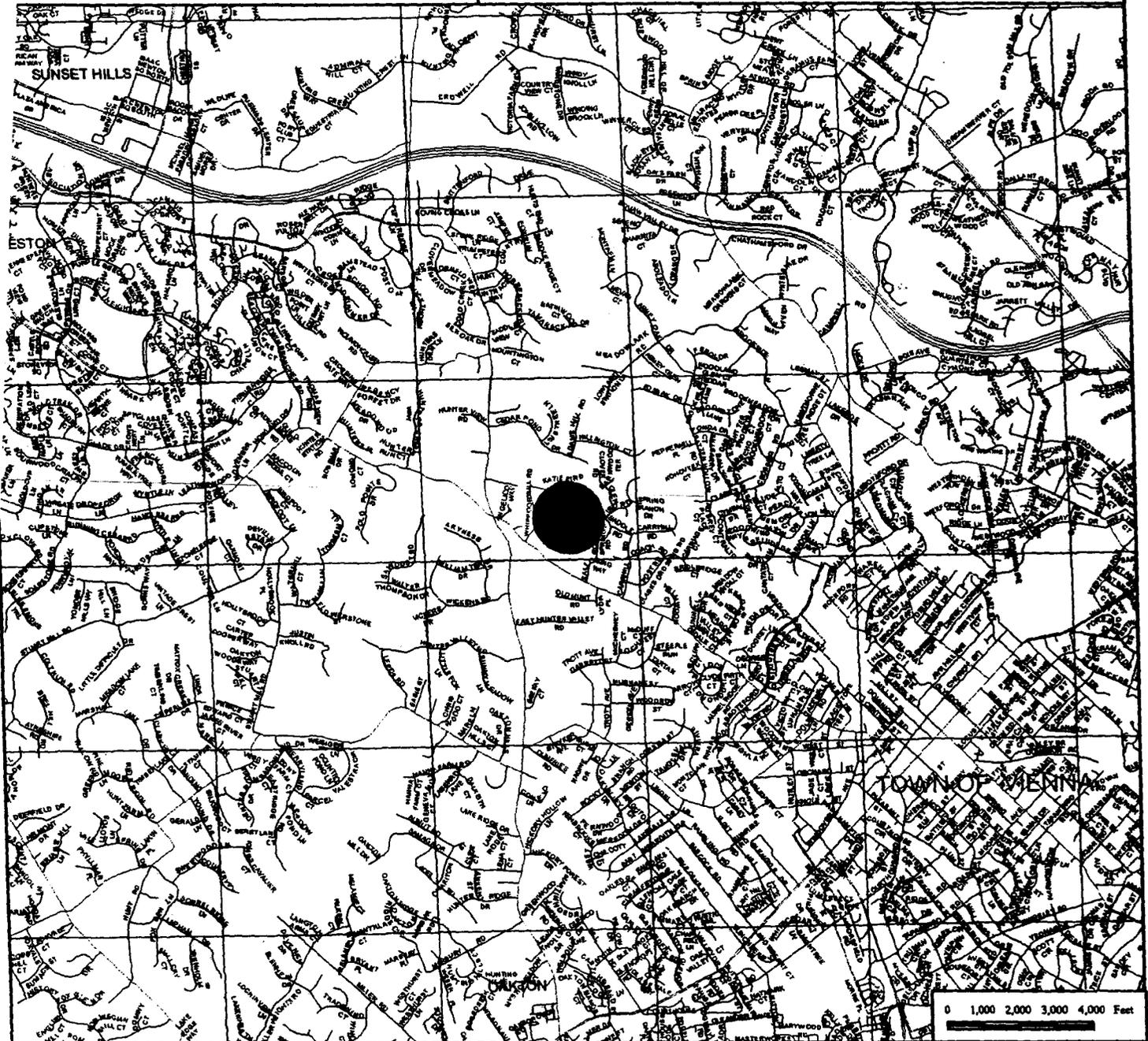
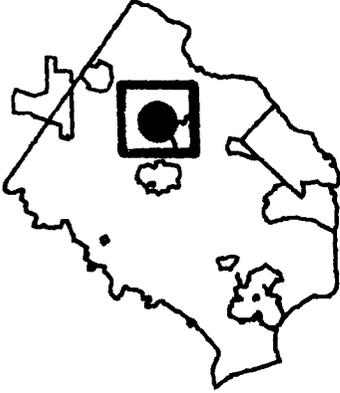
Special Exception

SE 2008-HM-010

Applicant: GEORGE B. AND CAROLYN L.E. SAGATOV
Accepted: 03/24/2008
Proposed: WAIVER OF THE MINIMUM LOT WIDTH REQUIREMENTS

Area: 4.54 AC OF LAND; DISTRICT - HUNTER MILL

Zoning Dist Sect: 09-0610
Art 9 Group and Use: 6-6
Located: 10120 WENDOVER DRIVE
Zoning: R- E
Plan Area: 2,
Overlay Dist:
Map Ref Num: 027-4 /01/ /0014C1



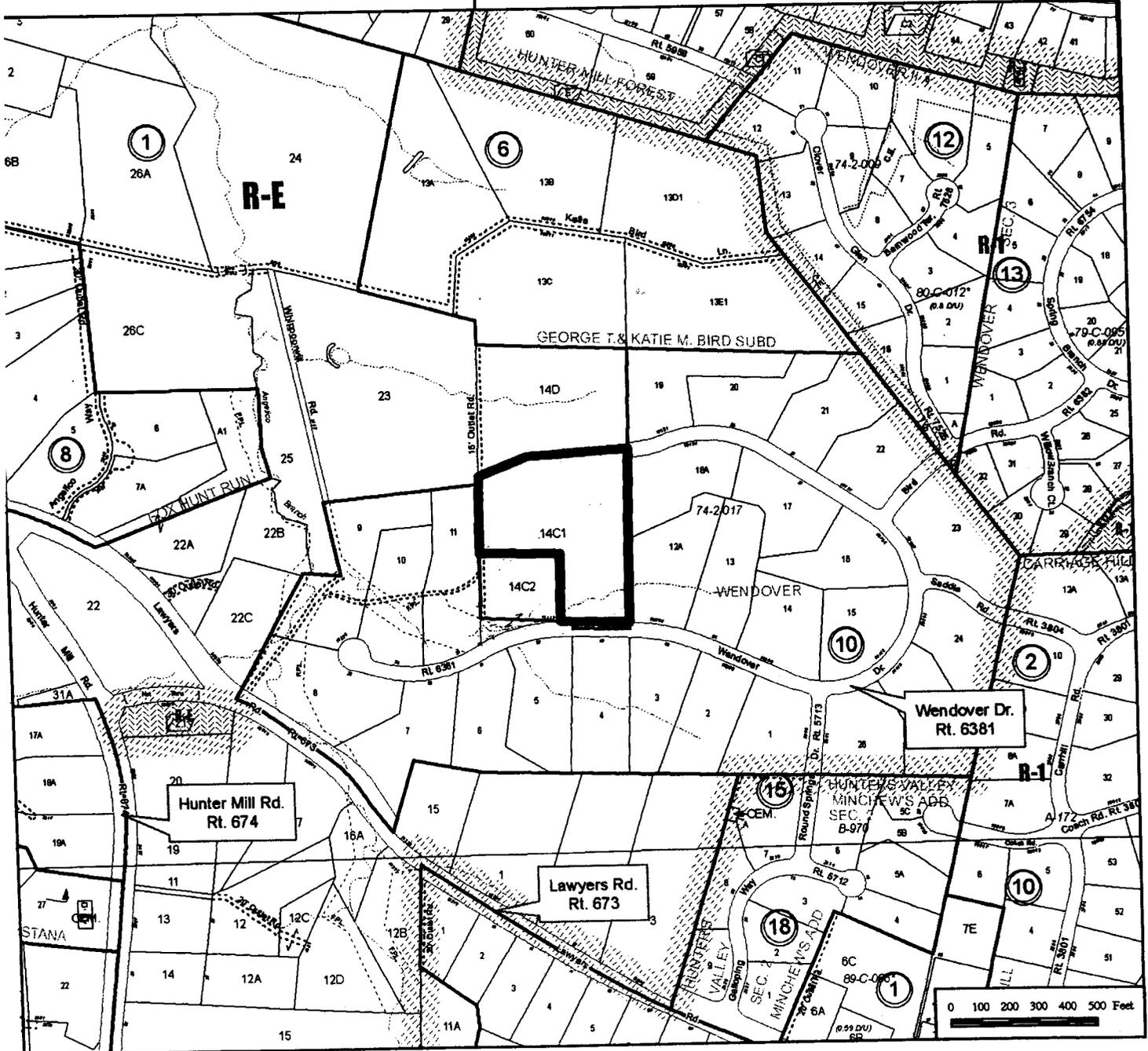
Special Exception

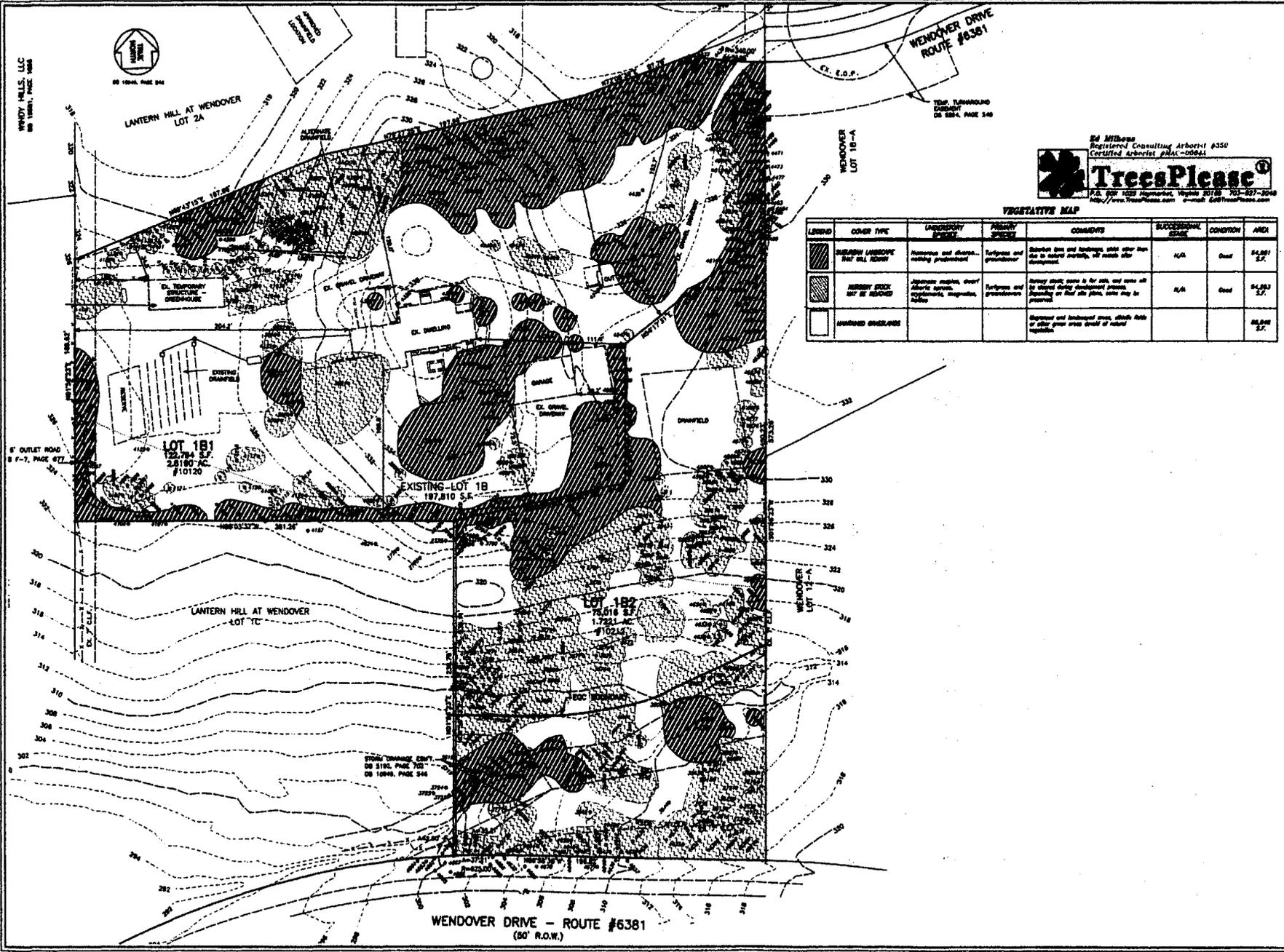
SE 2008-HM-010

Applicant: GEORGE B. AND CAROLYN L.E. SAGATOV
Accepted: 03/24/2008
Accepted: WAIVER OF THE MINIMUM LOT WIDTH REQUIREMENTS

Area: 4.54 AC OF LAND; DISTRICT - HUNTER MILL

Zoning Dist Sect: 09-0610
Art 9 Group and Use: 6-6
Located: 10120 WENDOVER DRIVE
Zoning: R- E
Plan Area: 2,
Overlay Dist:
Map Ref Num: 027-4- /01/ /0014C1





VEGETATIVE MAP

LEGEND	COVER TYPE	LANDSCAPE PRIORITY	PRIORITY SPECIES	COMMENTS	SUCCESSIONAL STAGE	CONDITION	AREA
	RESIDUAL LANDSCAPE NOT TO BE REMOVED	Historical and dramatic, existing plant material	Scruboak and "prairie" trees	Retain this and landscape, while other trees due to natural mortality, are removed after transplant.	N/A	Good	64,861 S.F.
	REMOVAL STOCK NOT TO BE REMOVED	Historical material, trees' shade canopy, ecological, integration, value	Scruboak and "prairie" trees	Remove stock trees to the south, and retain all to extend along development front. Remaining in this site plan, some may be preserved.	N/A	Good	64,862 S.F.
	UNIMPROVED OVERGROWTH			Remove and landscape areas, shade trees or other green areas should be retained.			66,000 S.F.

RUNYON, DUDLEY, ASSOCIATES, INC.
 ENGINEERING - SURVEYING - PLANNING
 1400 AMY STREET - SUITE 201
 FARMERSBURG, VIRGINIA 22039
 PHONE: 703-991-4800 FAX: 703-991-2802

SPECIAL EXCEPTION PLAT
VEGETATIVE MAP AND EXISTING CONDITIONS
LOT 18
LANTERN HILL AT WENDOVER
 HUNTER MILL DISTRICT
 FAIRFAX COUNTY, VIRGINIA

SHEET 8 OF 8

SE 2006-EM-010

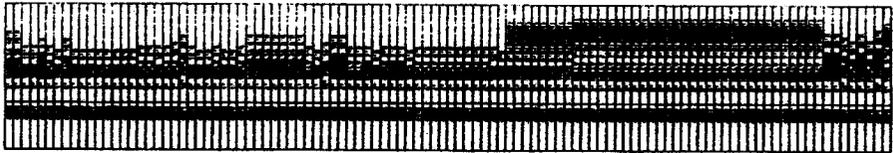
PLANNING - SURVEYING - ENGINEERING
RUNYON, DUDLEY, ASSOCIATES, INC.
10-7-2000

10-7-2000

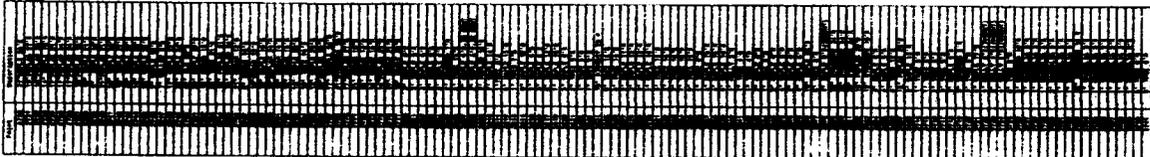
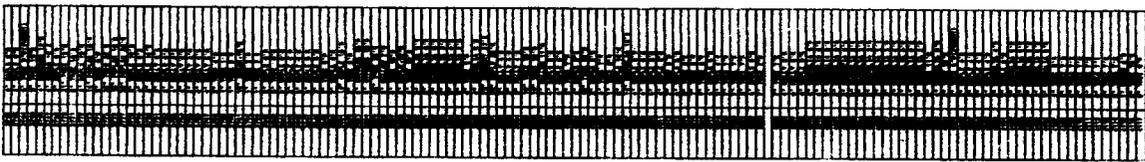
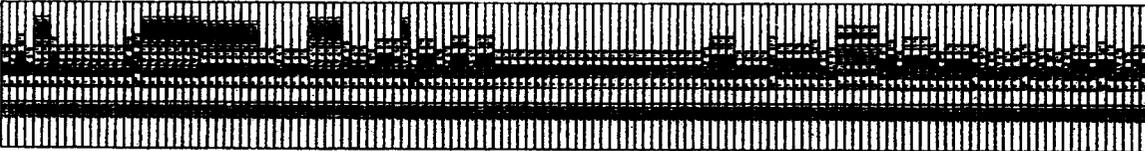
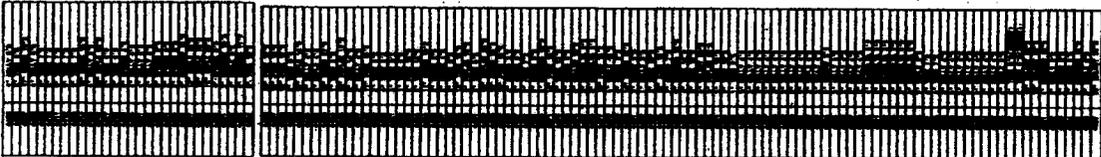
SPECIAL EXCEPTION PLAN
TRAIL LIST
LOT 18
LANTRN HILL AT WENDOVER
FARMAX COUNTY, VIRGINIA



RECORD & RETURN TO:
COUNTY CLERK
FARMAX COUNTY, VIRGINIA
100 N. MAIN ST.
FARMAX, VA 22431
PHONE: (540) 333-1234
FAX: (540) 333-1235



REAR VIEW - N. CORNER





LANTERN HILL AT WENDOVER

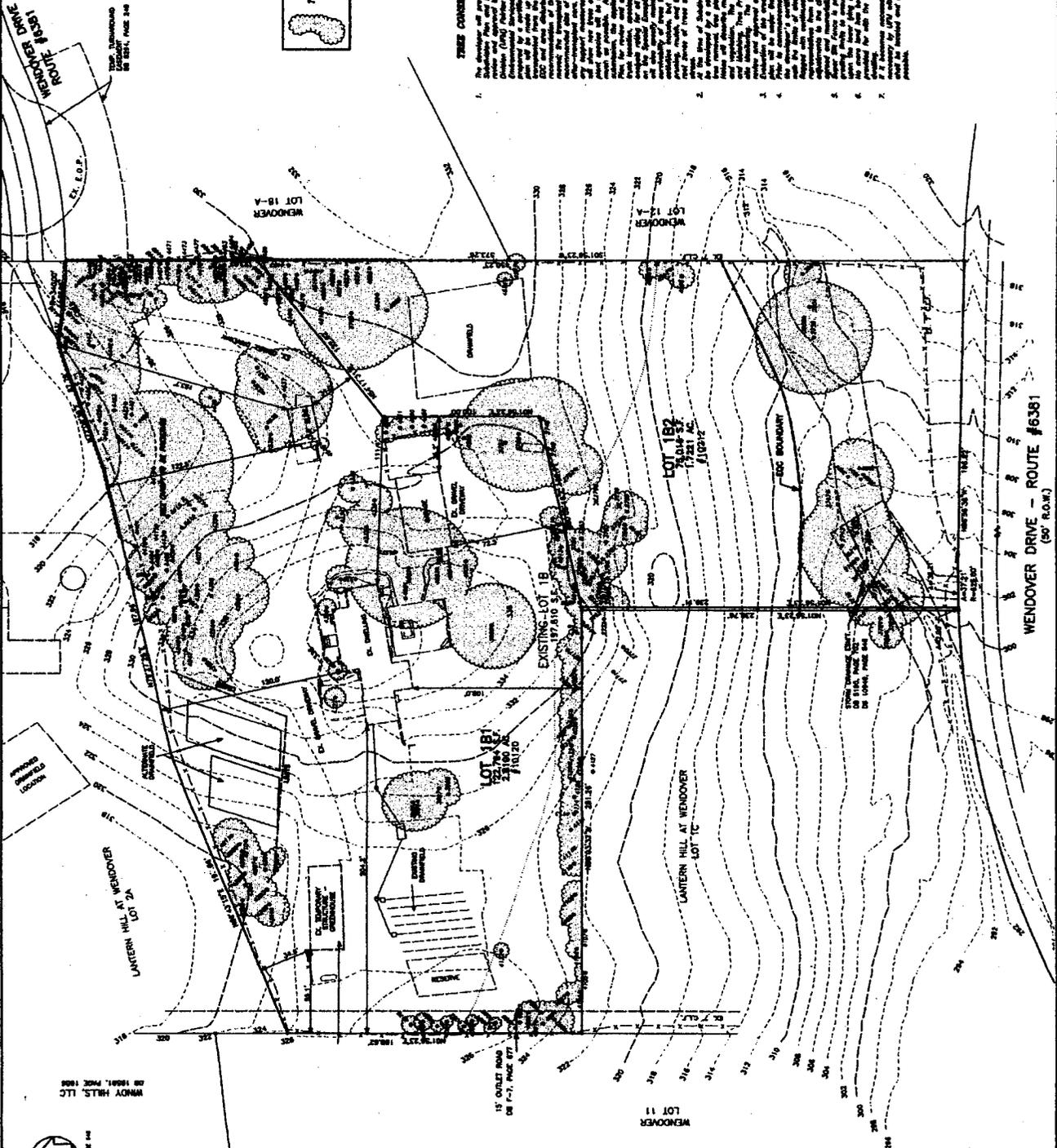
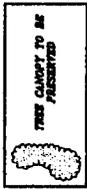
LOT 1B
TREES CONSERVATION PLAN
SPECIAL EXCEPTION PLAN

RUNYON, DUDLEY, ASSOCIATES, INC.
ENGINEERING - SURVEYING - PLANNING
10000 WOODHOLLOW STREET - SUITE 201
FARMINGTON HILLS, MICHIGAN 48334
PHONE: 248-851-8000 FAX: 248-851-8002

PERSONS

TREES CONSERVATION PLAN NOTES

The property shown on this plan is located in the City of Farmington Hills, Michigan, and is subject to the provisions of the Michigan Tree Preservation Act, MCL 207.101 through 207.106, and the Farmington Hills Ordinance, Ordinance No. 1000, which are hereby incorporated by reference into this plan. The purpose of this plan is to provide for the conservation of trees on the property shown on this plan, and to provide for the special exception to the provisions of the Michigan Tree Preservation Act, MCL 207.101 through 207.106, and the Farmington Hills Ordinance, Ordinance No. 1000, which are hereby incorporated by reference into this plan. The purpose of this plan is to provide for the conservation of trees on the property shown on this plan, and to provide for the special exception to the provisions of the Michigan Tree Preservation Act, MCL 207.101 through 207.106, and the Farmington Hills Ordinance, Ordinance No. 1000, which are hereby incorporated by reference into this plan.



WHOLE NORTH
AS SHOWN ON THIS PLAN

WHOLE HILLS, LLC
ON 10/01/11, PAGE 100

ALTA ENGINEERING
 1000 MAIN STREET - SUITE 301
 FARMINGTON, VERMONT 05475
 PHONE: 781-991-4000 FAX: 781-991-3000

DATE: 07/15/08
 DRAWN BY: M. BROWN
 CHECKED BY: M. BROWN
 SCALE: AS SHOWN
 SHEET 5 OF 6

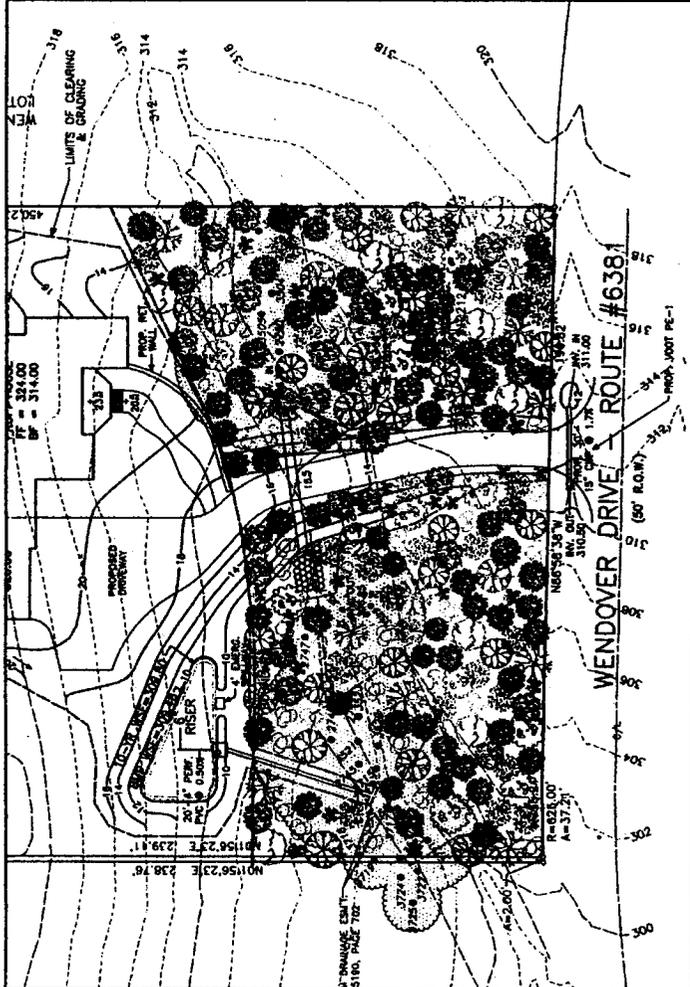
LANTERN HILL AT WENDOVER
 LOT 1B
 EDC RESTORATION PLAN AND NOTES
 BUNTER HILL DISTRICT
 FAIRFAX COUNTY, VIRGINIA

SPECIAL EXCEPTION PLAN
 EDC RESTORATION PLAN AND NOTES
 RUNYON, DUDLEY, ASSOCIATES, INC.
 ENGINEERING - SURVEYING - PLANNING
 10000 MAIN STREET - SUITE 301
 FARMINGTON, VERMONT 05475
 PHONE: 781-991-4000 FAX: 781-991-3000

TREE LEGEND

	OVERSTORY TREES QTY. = 62
	UNDERSTORY TREES QTY. = 12
	SHRUBS QTY. = 600

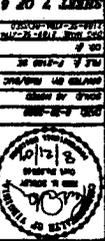
- Native Plant List for Substitution**
- Trees**
 American Elm (Ulmus americana)
 White Oak (Quercus alba)
 Red Oak (Quercus rubra)
 Black Oak (Quercus nigra)
 White Pine (Pinus strobus)
 Shortleaf Pine (Pinus strobus)
 Loblolly Shortleaf Pine (Pinus strobus)
 Virginia Pine (Pinus virginiana)
 White Pine (Pinus strobus)
 Shortleaf Pine (Pinus strobus)
 Loblolly Shortleaf Pine (Pinus strobus)
 Virginia Pine (Pinus virginiana)
 White Pine (Pinus strobus)
 Shortleaf Pine (Pinus strobus)
 Loblolly Shortleaf Pine (Pinus strobus)
 Virginia Pine (Pinus virginiana)
- Shrubs**
 American Holly (Ilex opaca)
 Red Twig Dogwood (Cornus sericea)
 Spicebush (Lindera spicata)
 Blackberry (Rubus sp.)
 Elderberry (Sambucus racemosa)
 Spicebush (Lindera spicata)
 Blackberry (Rubus sp.)
 Elderberry (Sambucus racemosa)
 Spicebush (Lindera spicata)
 Blackberry (Rubus sp.)
 Elderberry (Sambucus racemosa)
 Spicebush (Lindera spicata)
- Grasses**
 Bluegrass (Poa annua)
 Fescue (Festuca sp.)
 Ryegrass (Lolium sp.)
 Bermuda Grass (Cynodon dactylon)
 St. Augustine Grass (Stenotaphrum secundatum)
 Zoysia Grass (Zoysia tenuifolia)
 Bahama Grass (Paspalum conjugatum)
 Carpet Grass (Axonopus compressus)
 St. Augustine Grass (Stenotaphrum secundatum)
 Zoysia Grass (Zoysia tenuifolia)
 Bahama Grass (Paspalum conjugatum)
 Carpet Grass (Axonopus compressus)



EDC AREA RESTORATION PLAN NOTES

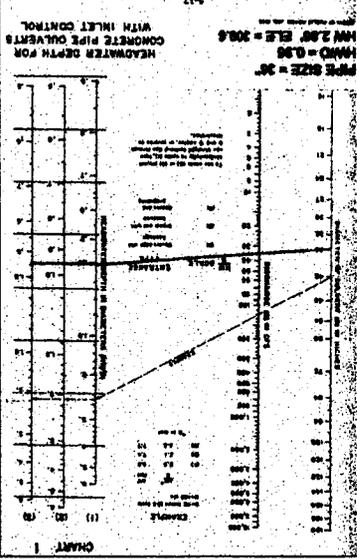
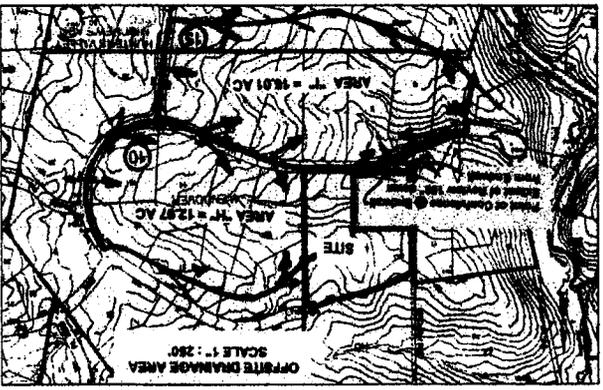
- The area within the limits of the EDC, including the driveway on either side of the driveway, will be restored and replanted according to the criteria of the CDP and generally 100% shrubs and groundcover. The density of shrubs and groundcover shall be 100 trees per acre, including trees, 200 per acre, and shrubs, 1000 per acre. The density of the EDC shall be 100 trees per acre, including trees, 200 per acre, and shrubs, 1000 per acre. The density of the EDC shall be 100 trees per acre, including trees, 200 per acre, and shrubs, 1000 per acre. The density of the EDC shall be 100 trees per acre, including trees, 200 per acre, and shrubs, 1000 per acre.
- All restoration trees planted in the EDC, up to 18" high and above all have a 4" minimum trunk diameter at 4.5' height. All restoration trees shall be planted in the EDC. The density of the EDC shall be 100 trees per acre, including trees, 200 per acre, and shrubs, 1000 per acre.
- Plant material shall be supplied and installed by the contractor. The contractor shall be responsible for the maintenance and care of the plants during the restoration period. The contractor shall be responsible for the maintenance and care of the plants during the restoration period.

SEE 2004-BH-010

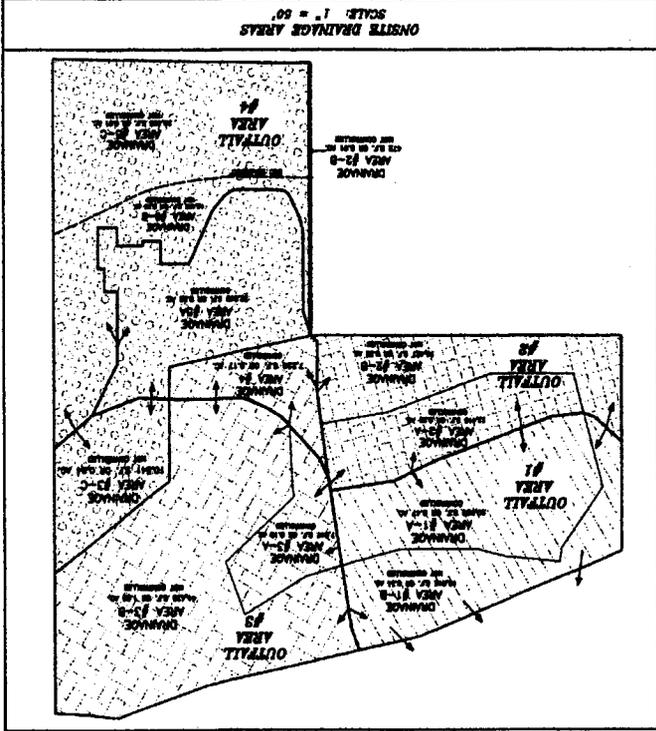


SPECIAL EXCEPTION PLAN
ONSITE/OFFSITE DRAINAGE DIVIDES
LOT 1B
LANTERN HILL AT WENDOVER
 HUNTER HILL SUBDIVISION
 PARCEL COUNTY, VIRGINIA

RANSON, DUDLEY, ASSOCIATES, INC.
 ENGINEERING - SURVEYING - PLANNING
 1600 AMY STREET - SUITE 201
 FARMINGTON, VIRGINIA 22603
 PHONE: 703-991-4888 FAX: 703-991-9822



NO.	DESCRIPTION	AMOUNT	TOTAL
1	CONCRETE PIPE	12.00	12.00
2	CONCRETE MANHOLE	2.00	14.00
3	CONCRETE INLET	1.00	15.00
4	CONCRETE WALKWAY	1.00	16.00
5	CONCRETE CURB	1.00	17.00
6	CONCRETE SIDEWALK	1.00	18.00
7	CONCRETE DRIVEWAY	1.00	19.00
8	CONCRETE DRIVEWAY	1.00	20.00
9	CONCRETE DRIVEWAY	1.00	21.00
10	CONCRETE DRIVEWAY	1.00	22.00
11	CONCRETE DRIVEWAY	1.00	23.00
12	CONCRETE DRIVEWAY	1.00	24.00
13	CONCRETE DRIVEWAY	1.00	25.00
14	CONCRETE DRIVEWAY	1.00	26.00
15	CONCRETE DRIVEWAY	1.00	27.00
16	CONCRETE DRIVEWAY	1.00	28.00
17	CONCRETE DRIVEWAY	1.00	29.00
18	CONCRETE DRIVEWAY	1.00	30.00
19	CONCRETE DRIVEWAY	1.00	31.00
20	CONCRETE DRIVEWAY	1.00	32.00
21	CONCRETE DRIVEWAY	1.00	33.00
22	CONCRETE DRIVEWAY	1.00	34.00
23	CONCRETE DRIVEWAY	1.00	35.00
24	CONCRETE DRIVEWAY	1.00	36.00
25	CONCRETE DRIVEWAY	1.00	37.00
26	CONCRETE DRIVEWAY	1.00	38.00
27	CONCRETE DRIVEWAY	1.00	39.00
28	CONCRETE DRIVEWAY	1.00	40.00
29	CONCRETE DRIVEWAY	1.00	41.00
30	CONCRETE DRIVEWAY	1.00	42.00
31	CONCRETE DRIVEWAY	1.00	43.00
32	CONCRETE DRIVEWAY	1.00	44.00
33	CONCRETE DRIVEWAY	1.00	45.00
34	CONCRETE DRIVEWAY	1.00	46.00
35	CONCRETE DRIVEWAY	1.00	47.00
36	CONCRETE DRIVEWAY	1.00	48.00
37	CONCRETE DRIVEWAY	1.00	49.00
38	CONCRETE DRIVEWAY	1.00	50.00
39	CONCRETE DRIVEWAY	1.00	51.00
40	CONCRETE DRIVEWAY	1.00	52.00
41	CONCRETE DRIVEWAY	1.00	53.00
42	CONCRETE DRIVEWAY	1.00	54.00
43	CONCRETE DRIVEWAY	1.00	55.00
44	CONCRETE DRIVEWAY	1.00	56.00
45	CONCRETE DRIVEWAY	1.00	57.00
46	CONCRETE DRIVEWAY	1.00	58.00
47	CONCRETE DRIVEWAY	1.00	59.00
48	CONCRETE DRIVEWAY	1.00	60.00
49	CONCRETE DRIVEWAY	1.00	61.00
50	CONCRETE DRIVEWAY	1.00	62.00
51	CONCRETE DRIVEWAY	1.00	63.00
52	CONCRETE DRIVEWAY	1.00	64.00
53	CONCRETE DRIVEWAY	1.00	65.00
54	CONCRETE DRIVEWAY	1.00	66.00
55	CONCRETE DRIVEWAY	1.00	67.00
56	CONCRETE DRIVEWAY	1.00	68.00
57	CONCRETE DRIVEWAY	1.00	69.00
58	CONCRETE DRIVEWAY	1.00	70.00
59	CONCRETE DRIVEWAY	1.00	71.00
60	CONCRETE DRIVEWAY	1.00	72.00
61	CONCRETE DRIVEWAY	1.00	73.00
62	CONCRETE DRIVEWAY	1.00	74.00
63	CONCRETE DRIVEWAY	1.00	75.00
64	CONCRETE DRIVEWAY	1.00	76.00
65	CONCRETE DRIVEWAY	1.00	77.00
66	CONCRETE DRIVEWAY	1.00	78.00
67	CONCRETE DRIVEWAY	1.00	79.00
68	CONCRETE DRIVEWAY	1.00	80.00
69	CONCRETE DRIVEWAY	1.00	81.00
70	CONCRETE DRIVEWAY	1.00	82.00
71	CONCRETE DRIVEWAY	1.00	83.00
72	CONCRETE DRIVEWAY	1.00	84.00
73	CONCRETE DRIVEWAY	1.00	85.00
74	CONCRETE DRIVEWAY	1.00	86.00
75	CONCRETE DRIVEWAY	1.00	87.00
76	CONCRETE DRIVEWAY	1.00	88.00
77	CONCRETE DRIVEWAY	1.00	89.00
78	CONCRETE DRIVEWAY	1.00	90.00
79	CONCRETE DRIVEWAY	1.00	91.00
80	CONCRETE DRIVEWAY	1.00	92.00
81	CONCRETE DRIVEWAY	1.00	93.00
82	CONCRETE DRIVEWAY	1.00	94.00
83	CONCRETE DRIVEWAY	1.00	95.00
84	CONCRETE DRIVEWAY	1.00	96.00
85	CONCRETE DRIVEWAY	1.00	97.00
86	CONCRETE DRIVEWAY	1.00	98.00
87	CONCRETE DRIVEWAY	1.00	99.00
88	CONCRETE DRIVEWAY	1.00	100.00

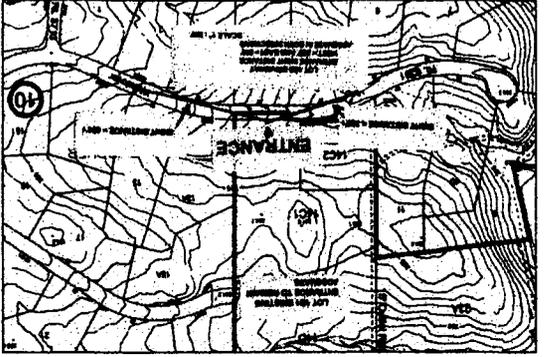


CONTRACT NO. 100-000000
 PROJECT NO. 100-000000
 SHEET NO. 100-000000

POST DEVELOPMENT SPECIAL INSPECTION REPORT

POST DEVELOPMENT SPECIAL INSPECTION REPORT

1A	CONCRETE DRIVEWAY	1.00	1.00
1B	CONCRETE DRIVEWAY	1.00	2.00
1C	CONCRETE DRIVEWAY	1.00	3.00
1D	CONCRETE DRIVEWAY	1.00	4.00
1E	CONCRETE DRIVEWAY	1.00	5.00
2A	CONCRETE DRIVEWAY	1.00	6.00
2B	CONCRETE DRIVEWAY	1.00	7.00
2C	CONCRETE DRIVEWAY	1.00	8.00
2D	CONCRETE DRIVEWAY	1.00	9.00
2E	CONCRETE DRIVEWAY	1.00	10.00
3A	CONCRETE DRIVEWAY	1.00	11.00
3B	CONCRETE DRIVEWAY	1.00	12.00
3C	CONCRETE DRIVEWAY	1.00	13.00
3D	CONCRETE DRIVEWAY	1.00	14.00
3E	CONCRETE DRIVEWAY	1.00	15.00
4A	CONCRETE DRIVEWAY	1.00	16.00
4B	CONCRETE DRIVEWAY	1.00	17.00
4C	CONCRETE DRIVEWAY	1.00	18.00
4D	CONCRETE DRIVEWAY	1.00	19.00
4E	CONCRETE DRIVEWAY	1.00	20.00
5A	CONCRETE DRIVEWAY	1.00	21.00
5B	CONCRETE DRIVEWAY	1.00	22.00
5C	CONCRETE DRIVEWAY	1.00	23.00
5D	CONCRETE DRIVEWAY	1.00	24.00
5E	CONCRETE DRIVEWAY	1.00	25.00



SHEET 2 OF 2

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

DESCRIPTION OF THE APPLICATION

The applicants, George B. and Carolyn L. E. Sagatov, seek a Category 6 Special Exception (SE) to permit a waiver of the R-E Residential District minimum lot width requirement in order to subdivide a 4.54 acre lot into two lots, with lot widths of 2 feet (Lot 1B1) and 232.03 feet (Lot 1B2). The R-E District requires that the lot width for an interior lot be a minimum of 200 feet. The applicants' request would represent a reduction of 198 feet from the minimum requirement for one of the proposed lots (Lot 1B1). The existing single-family detached dwelling on the north side of the property would remain on proposed Lot 1B1 and a new single-family detached dwelling would be constructed on the southeast side on proposed Lot 1B2. The resulting density would be 0.44 dwelling units per acre (du/ac) for the application site (Lot 1B1 and Lot 1B2). The resulting density for the Lantern Hill subdivision would be 0.29 du/ac.

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

LOCATION AND CHARACTER

Site Description:

The 4.54 acre subject property, addressed as 10120 Wendover Drive, is located to the north of the southerly portion of Wendover Drive in the Lantern Hill subdivision which is surrounded by the Wendover subdivision. The property is also located to the west of the terminus of the northerly portion of Wendover Drive. The site's existing single-family detached dwelling was constructed in 1940. The site also contains several outbuildings, including a detached garage to the southwest of the dwelling, a one-story building to the east and three greenhouses to the west of the property. A curved gravel driveway provides access to the garage, the dwelling, and the greenhouses from the terminus of the northerly portion of Wendover Drive.

In addition to living on the site, the applicants also operate a plant nursery, propagating plants on the site. On February 13, 2002, the Zoning Administrator determined this nursery was an agricultural use because the site of the nursery (which included both Parcels 14C1 and 14C2) was greater than 5 acres (see Appendix 3). Agriculture is permitted by-right in the R-E District.

Parcels 14C1 and 14C2 (Area of Plant Nursery Operation)

The aerial photo above depicts the applicant's existing greenhouse, which is used for the plant propagation, in the northwest corner of the site. Originally, there were three greenhouses in this area; two have been removed from the site. The overall area is covered with approximately 9,000 square feet of gravel. The remainder of the property is primarily landscaped with various non-native plant species as part of the applicants' nursery operation and to the southeast, there are two small areas containing some hardwood trees.

Finally, there is an unnamed tributary to Angelico Branch which diverges from the main stream and crosses the southern portion of the property in an east-west direction. There is an Environmental Quality Corridor (EQC) associated with this stream.

Surrounding Area Description:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Single-family detached dwellings (Lantern Hill at Wendover)	R-E	Residential; 0.2–0.5 du/acre
South	Single-family detached dwellings (Wendover)	R-E	Residential; 0.2-0.5 du/acre
East	Single-family detached dwellings (Wendover)	R-E	Residential; 0.2-0.5 du/acre
West	Single-family detached dwellings (Wendover)	R-E	Residential; 0.2-0.5 du/acre

BACKGROUND

Originally, the applicant owned 11.23 acres of land which was comprised of Parcels 14C1, 14C2 and 14D. Subsequently, the applicant subdivided his property twice. The first subdivision (Lantern Hill at Wendover) took place on January 31, 1997 (Deed Book 9921, Page 1028). The property was subdivided into two lots (Lot 1 and Lot 2). Lot 2 was sold to the current owners, Jeffrey and Shelley Hilber. On December 9, 1996, the applicant acquired Outlot A, Wendover (Deed Book 9875, Page 1805). On April 1, 1998 a boundary line adjustment was made between Lot 1 and Lot 2 and henceforth Lot 1 and Lot 2 became known as Lot 1A and Lot 2A (Deed Book 10359, Page 1999). On June 2, 1999, the applicant subdivided Lot1A and Outlot A into Lot 1B and Lot 1C. Subsequently, Lot 1B, 1C and Lot 2A became known as Lots 14C1, 14C2 and 14D.

Records indicate that the existing single-family detached dwelling on Parcel 14C1 (the subject site) was constructed in 1940. The subject site is located within the Lantern Hill at Wendover subdivision which was created on February 7, 1997, with a density of 0.18 du/ac. If this Special Exception application is approved and Lot 14C1 is subdivided into two lots, the resulting density for the Lantern Hill at Wendover subdivision will be 0.29 du/ac.

On February 13, 2002, the Zoning Administrator issued an interpretation letter in response to a letter from the applicants dated January 25, 2002 (see Appendix 3), requesting information regarding a proposed agricultural use for the growing of nursery stock and associated wholesale sales on the applicants' parcels located at Tax Map 27-4 ((1)) 14C1 and 14C2. In the inquiry letter, the applicants stated that the plant nursery operation would consist of three (3) activities: the planting of a rotation crop of approximately five hundred (500)

trees; the planting of shrubs and trees salvaged from demolitions and purchased from other growers; and the installation of a 30' x 60' propagation greenhouse. The Zoning Administrator determined that the proposed use was permissible on the subject site (which consisted of Parcels 14C1 and 14C2) as a by-right agricultural use, as the entire site totaled 6.26 acres and was located in an R-E District. The minimum acreage required to operate a plant nursery operation is five (5) acres. The Zoning Administrator further noted that an agricultural use does not permit the operation of landscaping contracting services and also that the retail sale of agricultural products is prohibited except as provided for by Sect. 10-102. (Par 28 of Sect. 10-102 provides for a wayside stand for the sale of agricultural products grown on the properties subject to certain limitations).

No other rezoning, special exceptions, special permits or variance applications have been filed on this parcel.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 4)

Plan Area: Area II, Vienna Planning District
Planning Sector: V4 Piney Branch Community Planning Sector
Plan Map: Residential; 0.2-0.5 du/ac

There is no site specific Plan text for this site. In the Fairfax County Comprehensive Plan, 2007 Edition, Area II, Vienna Planning District, V4 Piney Branch Community Planning Sector, as amended through August 6, 2007, Pages 73-75, the Plan states:

The sector is primarily comprised of single-family detached dwellings with densities ranging from .5 dwelling unit per acre to 2-3 dwelling units per acre. The lower densities are found closer to Difficult Run and Hunter Mill Road. The northern portion of the Piney Branch sector contains large tracts of vacant land along with some scattered low density single-family residential development.

3b. The area between Lawyers Road and the W&OD Railroad Regional Park northwest of the Carriage Hill subdivision is planned for residential use at .2-.5 dwelling unit per acre as shown on the Plan map.

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

Title of SE Plat: Special Exception Plat for Minimum Lot Width Lot 1B, Lantern Hill at Wendover
Prepared By: Runyon, Dudley, Associates, Inc.
Original and Revision Dates: December 21, 2007 as revised through October 7, 2009

Description of SE Plat:

The SE Plat consists of eight (8) sheets which contain the following information:

SE Plat: Special Exception Plat for Minimum Lot Width, Lot 1B, Lantern Hill at Wendover	
Sheet #	Description of Sheet
1 of 8	Graphic Showing Proposed and Existing Development, General Notes, Area Tabulations, Sheet Index, Arrow, Legend
2 of 8	Existing Vegetation Map, Vegetative Map Table
3 of 8	Tree Inventory List
4 of 8	Tree Conservation Plan and Notes
5 of 8	EQC Restoration Plan and Notes, Tree Legend, Native Plant List for Selection
6 of 8	SWM/BMP Computations and Details
7 of 8	On-Site/Off-Site Drainage Divides
8 of 8	Adequate Outfall Narrative and Maps

The SE Plat includes the following features:

Site Layout: The applicant is proposing to subdivide Parcel 14C1 (which totals 4.54 acres) into two lots (Lot 1B1 and Lot 1B2). Lot 1B1 would encompass the northern half of the site (2.82 acres), and would contain the existing house and structures (including a greenhouse and two other existing buildings, whose use is not identified on the plat). Lot 1B1's lot width would be 2 feet, as measured from the southern portion of Wendover Drive. It should be noted that although the existing house has its driveway access from the northerly portion of Wendover Drive, the lot has no frontage along this portion of the road (driveway access is provided via an easement). Lot 1B2 would encompass the southern half of the site, totaling 1.72 acres, and its lot width would be 232.03 feet as measured from the southerly portion of Wendover Drive.

On proposed Lot 1B1, the SE Plat depicts the existing single-family dwelling, the detached garage to the southwest of the dwelling, a one-story building to the east, and three greenhouses to the west above the location indicated for the alternate drainfield on the SE Plat. On proposed Lot 1B2, the plat depicts a proposed new single-family detached dwelling with attached three car garage, driveway, a 40' by 20' pool with surrounding deck, bioretention filter and area designated for the primary and reserve drainfield. No elevations of the proposed dwelling have been provided.

Access & Parking: The SE Plat shows the existing detached garage and the curved driveway which provides access to the garage, the dwelling, and the three (3) greenhouses from the northern section of Wendover Drive on proposed Lot 1B1. As

noted above, despite having its driveway access from the northerly section of Wendover Drive, this subject site does not have any frontage on this section of the road. Access to Lot 1B2 would be from the southerly portion of Wendover Drive. The SE Plat depicts a 12 foot-wide driveway which crosses over the EQC associated with the headwaters of Angelico Branch. At the front of the detached garage, the driveway would widen significantly to accommodate the proposed three-car garage and a turnaround area.

Stream, Trees, Landscaping and Restoration of the EQC: As stated in the site description, the headwaters of Angelico Branch run across the southerly portion of the site. As such, the lower half of proposed Lot 1B2 has been determined to be an Environmental Quality Corridor (EQC) by staff. Site visits reveal that this area has been disturbed due to the plant nursery activities that are taking place on the site. Specifically, existing vegetation has been removed and plants are routinely planted adjacent to the stream and then removed as part of the agricultural use occurring on the site. The applicant proposes to restore and revegetate the EQC on Lot 1B2 with a mixture of overstory and understory trees, shrubs and groundcover. Some existing vegetation will be preserved and nursery stock from elsewhere on the site will be relocated to the EQC

The SE Plat shows three areas where the applicant is proposing to provide supplemental landscaping, located to the north, southwest and southeast sides of the designated drainfield area on proposed Lot 1B2. The applicant proposes to preserve existing vegetation along the property line between proposed Lot 1B1 and Lot 1B2, as well as along the east side of the proposed dwelling and within two areas on either side of the proposed driveway in the EQC on Lot 1B2. Existing vegetation is also shown to be preserved throughout proposed Lot 1B1.

Trails and Sidewalks: The Countywide Trails Plan has no requirement for a trail or sidewalk along this section of Wendover Drive. No trail or sidewalk is being proposed along the Wendover Drive right-of-way.

Stormwater Management/Best Management Practices: There are no existing stormwater management (SWM) and/or best management practices (BMP) facilities on-site. In order to meet both stormwater detention and BMP water quality requirements, the SE Plat depicts three infiltration trenches to be installed on proposed Lot 1B1 and a bioretention filter with a pipe extending into the existing storm drainage easement on proposed Lot 1B2.

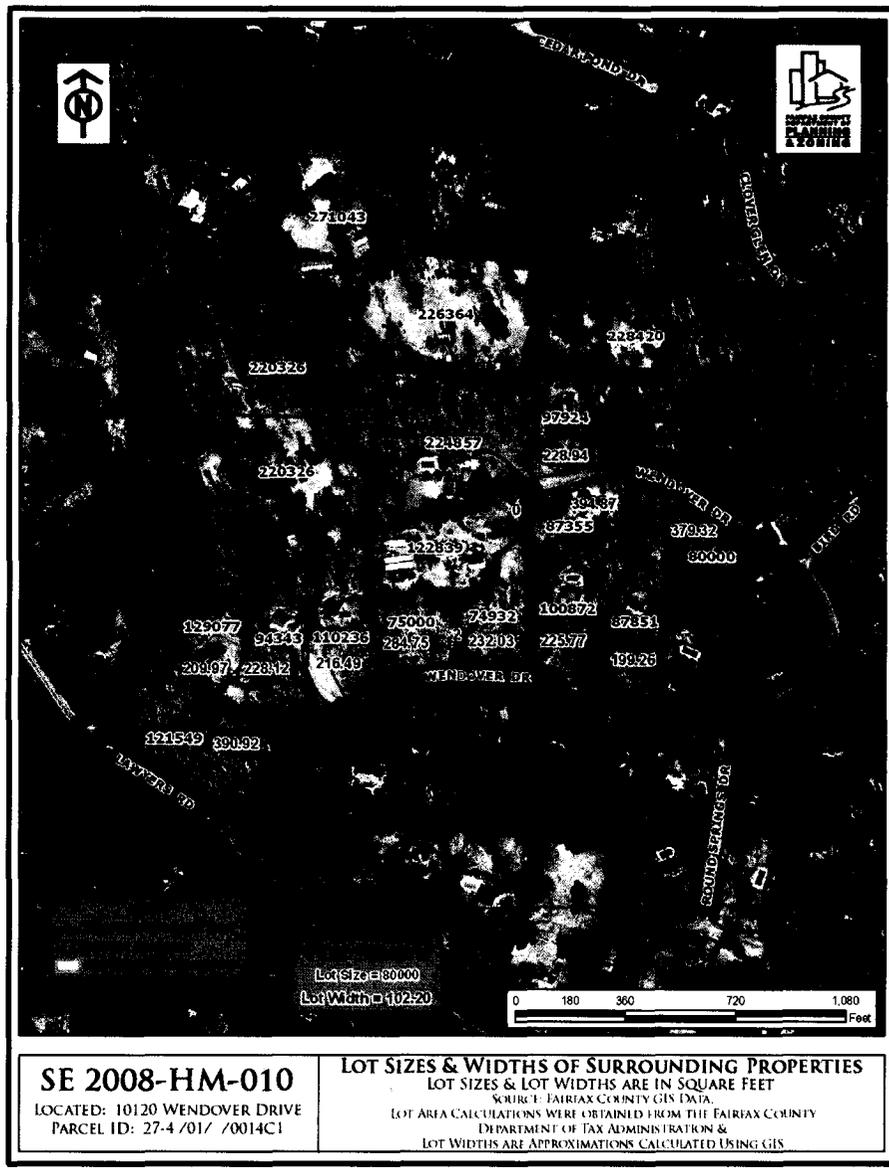
Utilities: The existing and proposed dwellings on the subject property will be served by public water and private sewer. The sanitary sewer for the existing dwelling (Lot 1B1) is shown to be provided in an existing drainfield located near the western boundary line of this lot. A 100% reserve area is also shown to the west of this drainfield. The alternate drain field and 100% reserve area are shown to be located near the northern boundary line on proposed Lot 1B1. During a site visit on April 24, 2008, it was observed that the primary drainfield and reserve area along the western property line were both covered with gravel and two metal frame greenhouses were erected above them. The applicants have stated that they have removed these two greenhouses and the gravel which covered the drainfield and reserve area. The location of both the primary and the reserve drainfield for the proposed dwelling is shown to be located along the eastern boundary line of proposed Lot 1B2.

ANALYSIS

Land Use Analysis

The subject 4.54 acre property is located within the V4 Piney Branch Community Planning Sector. The Comprehensive Plan Map shows the site as planned for residential use at a density of .2-.5 dwelling unit per acre. The applicants are requesting a waiver of the minimum lot width requirement in order to subdivide the 4.54 acre lot (Parcel 14C1) into two lots (Lot 1B1 and Lot 1B2), with lot sizes of 2.82 acres and 1.72 acres and lot widths of 2 feet and 232.03 feet respectively. The lot sizes of the surrounding properties range from 1.72 acres to 5 acres (1 acre is equivalent to 43,560 square feet). The lot sizes in the image below are in square feet.

Overview Map

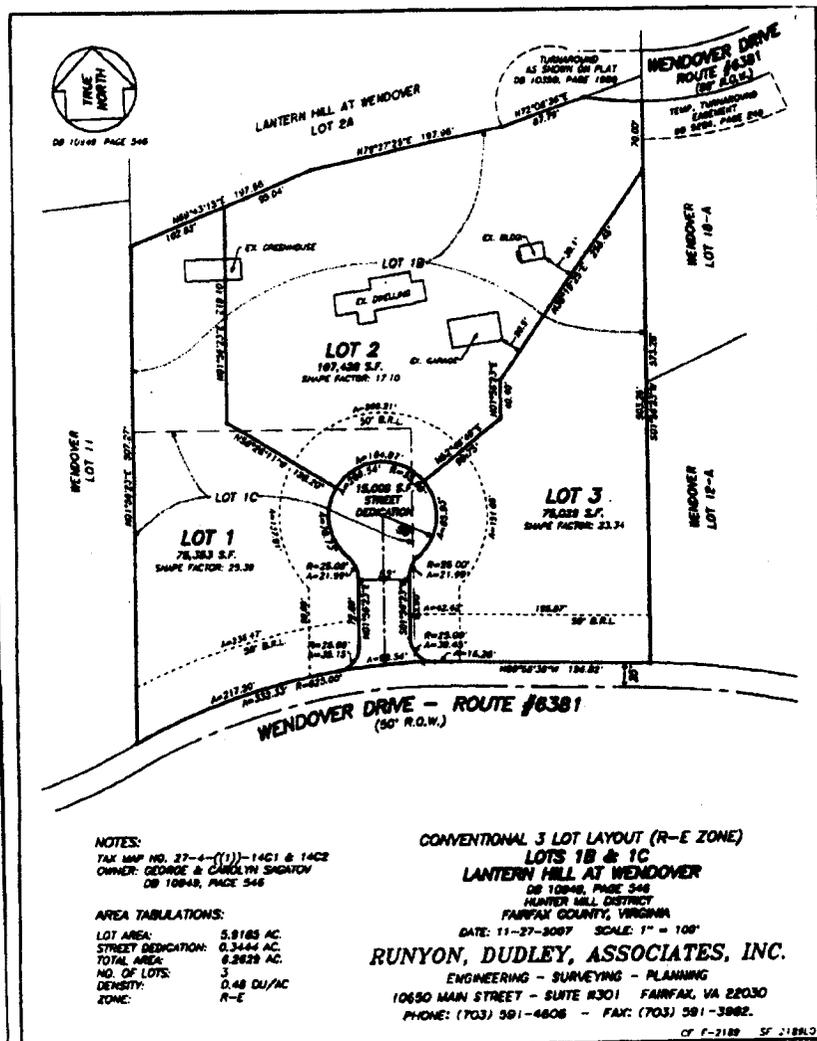


The existing one and a half story single-family detached dwelling on the site would remain on proposed Lot 1B1 and a new single-family detached dwelling would be constructed on the southeast side on proposed Lot 1B2. The resulting density of the proposed subdivision would be 0.44 dwelling units per acre (du/ac), which staff believes is in harmony with the Comprehensive Plan.

The applicants also own the adjacent lot to the west (Parcel 14C2); however, this parcel is not included in this SE application. The applicants have noted that they could subdivide their property by-right, as shown in the following exhibit. The exhibit includes both Parcels 14C1 and 14C2, with a public street (cul-de-sac) accessing off of the southerly portion of Wendover Drive and crossing over the EQC. In their statement of justification, the applicants declare:

Rather than go the by-right subdivision route, Applicants would greatly prefer a lot layout that would be more in keeping with the character of their lovely, heavily wooded, large lot neighborhood. Their preference would be to leave Parcel 14C2 as it is and to subdivide Parcel 14C1 into two lots as shown on the special exception plat.

Subdivision Exhibit



The applicants then conclude that the proposed special exception would “*result in less impervious surface than the by-right subdivision...*”

Under the current SE proposal, Parcel 14C2 is not included. Even though the applicants suggest that they plan to keep Parcel 14C2 vacant, without this parcel being subject to the special exception, there is no way to control whether and how it might be developed in the future. For that reason, staff cannot say that approval of this special exception will result in less impervious surface than the applicant's by-right proposal. Staff has strongly recommended that the applicant include Parcel 14C2 as part of this special exception application so that any impervious surface that results from the development of Parcel 14C2 could be minimized. Furthermore, in staff's opinion, the inclusion of Parcel 14C2 in this application could limit the number of crossings of the EQC through the use of a shared driveway. As proposed now, there is the potential to have two crossings of the EQC should Parcel 14C2 develop in the future.

Environmental Analysis (See Appendix 6)

Issue: Environmental Quality Corridor

The 4.54 acre subject property is located in the Difficult Run Watershed and the County's Chesapeake Bay Watershed. The Angelico Branch stream valley which is part of the Difficult Run Watershed and associated Resource Protection Area (RPA) traverses in a north-south direction east of the subject property. An unnamed tributary to Angelico Branch diverges from the main stream and crosses a portion of proposed Lot 1B2 in an east-west direction. The Policy Plan was recently amended to add explicit guidance on the protection and restoration of headwater streams and associated buffer areas. The stream channel and headwater area which cuts across proposed Lot 1B2 falls into this category and for that reason, is considered Environmental Quality Corridor (EQC). The area of the EQC includes the southern portion of proposed Lot 1B2 (approximately half of the proposed lot).

A site visit to the subject property on April 24, 2008, revealed that this EQC has been disturbed by plant propagation nursery activities. Specifically, much of the tree canopy and the natural vegetation around the stream channel had been removed due to the plant nursery propagation operation occurring immediately adjacent to the stream channel. Staff also believes that the nursery operation has caused erosion on the banks of the stream and has caused degradation of water quality because of sedimentation entering the stream during rain events. Staff advised the applicants to restore the EQC and they have agreed to such.

There are two areas shown where the proposed limits of clearing and grading line overlap the EQC boundary line to accommodate the southeastern corner of the proposed dwelling and the bioretention filter. The SE Plat indicates that the applicant is proposing extensive grading in the EQC to accommodate a driveway

and turnaround area which leads from the southern portion of Wendover Drive to a three car garage attached to a proposed single-family detached dwelling. The SE Plat also shows a proposed pipe extending from the proposed bioretention filter to the existing storm drainage easement into the EQC.

Staff recommended that the applicant reduce the proposed extent of clearing and grading for proposed Lot 1B2 so that it would not encroach into the EQC. Staff thought that this goal could be achieved by shifting the development in a northwesterly direction in order to move it further away from the EQC. Staff also recommended that rather than create a separate new driveway for Lot 1B2, that the applicants extend the existing driveway on proposed Lot 1B1 to provide access to proposed Lot 1B2. In staff's opinion, a shared driveway would prevent further disturbance of the EQC to accommodate the driveway and the construction of a culvert pipe underneath it to convey stormwater runoff into the storm drainage system.

Resolution:

The applicants have stated that they are in the process of removing the plant nursery operation from the EQC and that the area will be restored with some native plant species and some of the nursery stock. However, the applicants have not agreed to reduce the size of the proposed structures on proposed Lot 1B2. Furthermore, they object to shifting the proposed development in a northwesterly direction because of the impact it might have upon the designated tree save area along the property line between proposed Lot 1B1 and Lot 1B2. With regard to the shared driveway, the applicants have stated that an existing agreement with the adjacent property owners of Parcel 14D prevents them from extending the existing driveway which serves the existing house on proposed Lot 1B1 to provide access to more than one lot (Deed Book 10359, Page 2001).

Staff believes that the proposed development can be improved to either prevent or greatly reduce the impacts on the EQC. However, as currently proposed, the proposed special exception would have significant impacts on the existing EQC. For that reason, staff cannot find that this special exception will result in a development that preserves existing vegetation, topography and/or other environmental features.

Issue: Landscaping and Tree Preservation/Restoration

As noted earlier in this report, staff believes that the applicants' ongoing plant propagation operation has lead to the degradation of the existing EQC. Staff recommended that the applicants remove the plant nursery operation from the headwater stream segment of Angelico Branch and restore the disturbed stream banks with native trees, shrubs and groundcover. Staff also recommended that the applicants develop a stream bank restoration and landscape plan with the assistance of the Urban Forestry Management Division of the Department of Public Works and Environmental Services (DPWES) and the Northern Virginia Soil and Water Conservation District to restore the buffer function of the affected stream segment.

Resolution:

The SE Plat has been revised to include a Tree Conservation Plan and an EQC Restoration Plan. Fairfax County Urban Forestry staff was consulted to help develop the restoration plan. The proposed landscaping to restore the EQC will consist of a mixture of overstory and understory trees, shrubs and groundcover. Some existing vegetation will be preserved and nursery stock from elsewhere on the site will be relocated to the EQC area. Unfortunately, however, this restoration will be counterbalanced by the proposed crossing and clearing and grading.

Countywide Trails Plan

The Countywide Trails Plan requires no trails on the site. The applicants have proposed no trail or sidewalks with this development.

Urban Forest Management Analysis (See Appendix 7)**Issue: Use of Plant Material**

As noted earlier in the report, the applicants are operating a plant nursery on the property. During the April 24, 2008 site visit, one of the applicants discussed the clearing he had done in the Environmental Quality Corridor (EQC) to create space to plant his ornamental trees and shrubs. Plant material existing on the site includes, but is not limited to, numerous specimens of burkwood viburnum, azaleas, rhododendron, Japanese stewartia, Japanese cryptomeria, Japanese maples, American and English boxwood, and southern magnolias. While some of these species are not native, Urban Forestry Management Division (UFMD) believes that the potential for them to become invasive seems very small given that these particular non-native species have been used in this area for many years without a problem. Furthermore, UFMD found the quality of the propagated plant material to be very high and felt that some of these valuable specimens could be used to landscape the two lots proposed for the subdivision.

As such, UFMD recommended that the applicant commit to use plant material from the plant nursery to landscape proposed lots, and agree to restrict the use of non-native species to areas outside of the EQC.

Resolution:

A commitment has now been made by the applicants to use plant material from the on-site nursery to landscape these proposed lots. Therefore, this issue has been resolved.

Issue: Tree Preservation

Clearing and nursery operations appear to have impacted a few of the existing trees on the edges of wooded areas. At the April 24, 2008 site visit, one of the applicants noted that he would try to save two of the more prominent trees on the site, (a 24-inch diameter sycamore and a 36-diameter red maple) with the development of the property. However, staff believes that clearing for the proposed new dwelling, other associated structures and required septic fields will result in much additional clearing.

As such, staff recommended that the applicant amend the SE Plat to clearly identify individual trees and groups of trees proposed for preservation, and to provide information regarding their species, size, condition, and any maintenance activities that will be performed to increase their chances of survival, given the anticipated impacts from proposed construction. It should be noted that Paragraph 2 of Section 9-610 states that the applicant should "demonstrate that the waiver results in a development that preserves existing vegetation."

Resolution:

The SE Plat has been revised to include a Tree Conservation Plan. However, staff believes that some of the tree save areas in which the limits of clearing and grading are shown to run through will adversely impact the trees and affect their ability to survive. Without resolution to this issue, staff cannot find that this special exception for a lot width waiver will "result in a development which preserves existing vegetation."

Issue: Existing Vegetation Map

In its review, UFM noted that the originally submitted existing vegetation map included several errors, including depicting "developed land area" in portions of the site where there was clearly naturally occurring tree cover. In addition to correcting these errors, UFM recommended that the applicant categorize the trees and shrubs which are associated with the nursery operation separately from the developed land area. Staff advised the applicant to provide an existing vegetation map (EVM) in accordance with the Public Facilities Manual (PFM) which more accurately depicts the tree cover on the subject parcels and distinguishes between naturally occurring tree cover and vegetation associated with the nursery operation.

Resolution:

The applicants have now provided a revised existing vegetation map which more accurately depicts the tree cover. It now shows the naturally occurring vegetation which will be preserved, and the plant nursery stock which includes plants to be cleared during the proposed site's development, plants for sale and some which will remain as part of the site's proposed landscaping. Therefore, this issue is resolved.

Transportation Analysis (See Appendix 8)**Issue: Wendover Drive**

The northerly portion of Wendover Drive, which is a public road, ends in a temporary cul-de-sac. Previously, Fairfax County Department of Transportation (FCDOT) and Virginia Department of Transportation (VDOT) determined that the applicants should either extend Wendover Drive through the site or terminate the road with a permanent cul-de-sac in order to provide access for neighboring properties within the subdivision and to help provide access for public services. Staff noted that if the applicants were to provide the permanent cul-de-sac, there would be no need for this SE application as the minimum required lot width for Lot 1B1 could be provided.

Resolution:

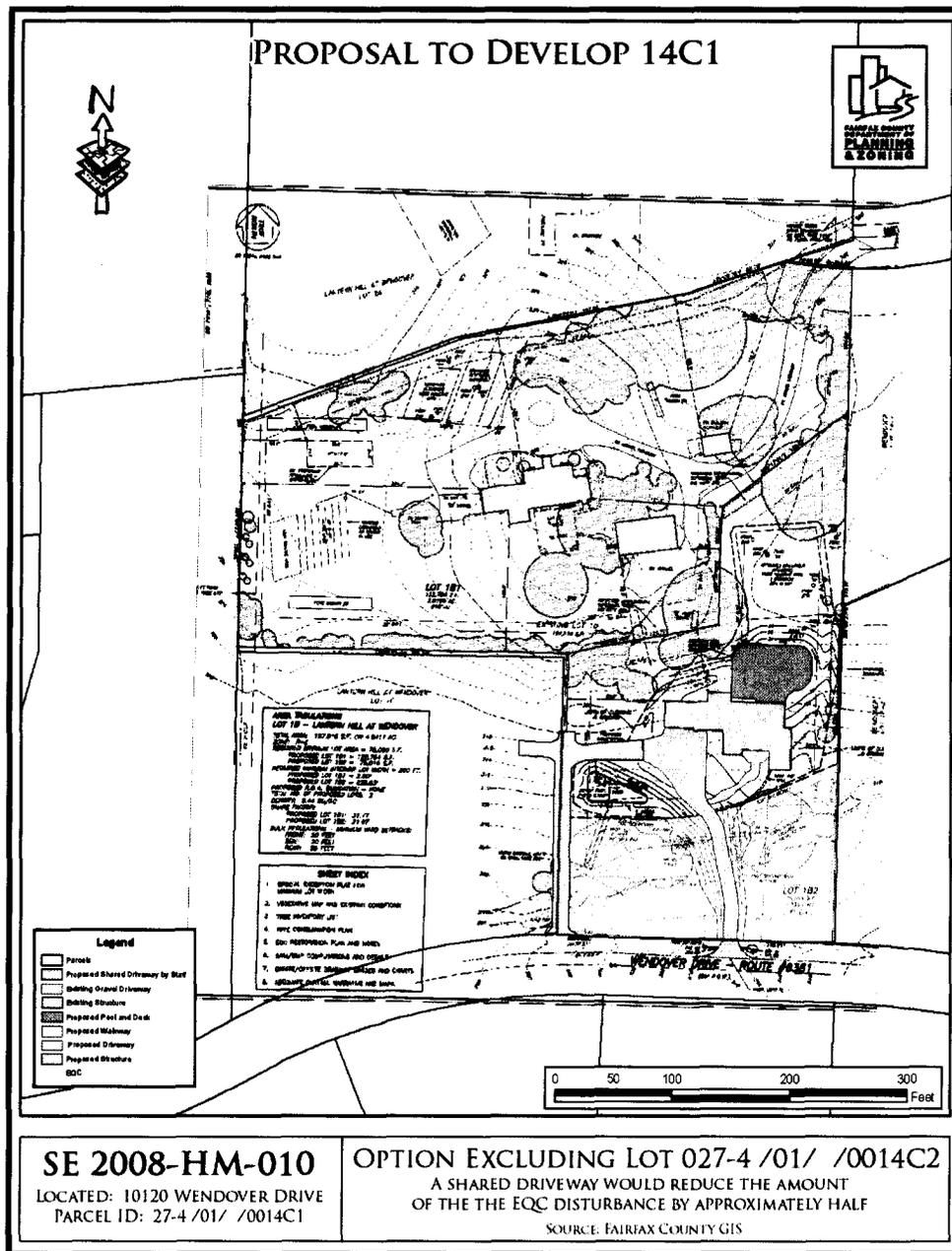
The applicants noted that they could not construct a permanent cul-de-sac or extend Wendover Drive because it would require land from the abutting property to the north, Parcel 14D. Staff would note that with the grading plan approved on April 16, 1997 with the first subdivision of the applicants' property, for construction of the single-family detached dwelling on Parcel 14D, the plan showed land reserved for the construction of a permanent cul-de-sac. However, on April 1, 1998, a boundary line adjustment was made and the reserved land was conveyed to the owner of Parcel 14D. As a result, the land area reserved for construction of a cul-de-sac was no longer under the applicant's control. Subsequently, the Virginia Department of Transportation (VDOT) decided that the cul-de-sac issue does not need to be addressed at this time.

Issue: Site Access

The originally submitted application did not depict how access to Lot 1B2 would occur. Staff recommended that the applicants should show exactly how/where the driveway access would be located, especially given that the majority of the frontage along Wendover Drive of the proposed Lot 1B2 is EQC.

Resolution:

The SE Plat now depicts a 12-foot wide driveway accessing the site from the southerly portion of Wendover Drive cutting across the EQC on proposed Lot 1B2. Extensive grading is shown in the EQC to accommodate the construction of the driveway and the large turnaround area at the driveway's end in front of the proposed three-car garage. Staff finds the proposed grading to be excessive. While the applicants have indicated that it is not possible to utilize the existing driveway for Lot 1B1 for Lot 1B2 (as discussed earlier in this report), staff does believe that the applicant could reduce the amount of clearing and grading needed for this driveway and three-car garage. Furthermore, staff believes that the applicant should provide a driveway which can also be utilized by Parcel 14C2 (which is owned by the applicants but not included in this application) so that if Parcel 14C2 develops in the future, there is only one crossing of the EQC.



Stormwater Management Analysis (See Appendix 9)

There are no regulated floodplains or Resource Protection Areas (RPA) located upon the subject property. However, as stated earlier in this report, there is EQC located in the southern portion of proposed Lot 1B2.

Issue: Stormwater Management

With the original submission, the applicants stated that a waiver of stormwater detention requirements would be requested. It was also noted on the original submission that BMP water quality requirements would be met on the individual lots

with the use of low impact development (LID) practices. It should be noted that Paragraph 2 of Section 9-610 states that the applicant should “demonstrate that the waiver results in a development that...maintains or improves SWM systems.”

Resolution:

The applicant has withdrawn the requested stormwater detention waiver. The applicant now proposes to use LID practices to address both the stormwater detention issues and BMPs. Subsequently, the SE Plat was revised to show three infiltration trenches on proposed Lot 1B1 and a bioretention filter with a pipe extending into the existing storm drainage easement on proposed Lot 1B2.

Staff has advised the applicants that a bioretention basin could be used instead of the proposed bioretention filter, so as not to encroach into the EQC. A note has now been added to the SE Plat which states that an infiltration trench will be built instead of the bioretention filter if results from the soil tests show that the stormwater management requirements can be met through the use of soil infiltration. Additionally, staff advised the applicants that infiltration trench #1 appeared to be too close to an approved alternate drainfield and infiltration trench # 2 appeared to be too close to the existing drainfield and a reserve drainfield. The applicants have agreed to move the infiltration trenches further back from the affected drainfields.

It was also noted by staff that the revised plats include land use credits in the BMP calculations which is not allowed on lots with single-family detached dwellings. As a result, it appears that a partial BMP waiver will be required as the BMP calculations are not being met sufficiently.

ZONING ORDINANCE PROVISIONS (See Appendix 10)

Bulk Standards (R-E Zoning)			
Standard	Required	Proposed Lot 1B1	Proposed Lot 1B2
Min. Lot Area	75,000 sq. ft.	122,736 sq. ft.	75,074 sq. ft.
Lot Width	200 ft.	2 ft.	232.03ft.
Building Height	35 ft.	24.2 ft.	Not provided
Front Yard	50 ft.	153.7 ft. (one story building at front of site)	146.3 ft.
Side Yard	20 ft.	111.4 ft.	40 ft.
Rear Yard	25 ft.	108 ft	25 ft.
Density	0.5 du/ac	0.44 du/ac	
Open Space	n/a	n/a	n/a
Parking Spaces	2 spaces per unit	2 spaces	3 spaces

OTHER ZONING ORDINANCE REQUIREMENTS:**Special Exception Requirements (See Appendix 10)****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 lot width requirement for an R 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 satisfied.

Paragraph 2 states that the applicants 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. With regard to the preservation of existing vegetation, the applicants have made a commitment to preserve some of the existing vegetation on-site and to restore portions of the on-site EQC, which was directly damaged by the applicants' own plant nursery operation. However, the applicants continue to propose extensive clearing and grading in the EQC to accommodate the proposed development (including a 5-bedroom dwelling with a three car garage, a driveway which cuts across the EQC, a culvert pipe to be located in the EQC, a pool with a large deck, a bioretention filter with a pipe that extends into the storm drainage easement which is also located in the EQC). As such, staff cannot find that the waiver will result in a development which preserves existing environmental features.

Additionally, staff finds that it cannot be determined if the proposed development truly provides for reduced impervious surface. As discussed in the Land Use Analysis, the applicants have argued that the proposed lot width waiver would result in less impervious surface in that it would allow the applicant to construct a second single-family detached dwelling without the construction of a cul-de-sac. However, the current SE proposal does not even include Parcel 14C2; therefore, there is no way to control whether and how it might be developed in the future. For that reason, staff cannot say that approval of this special exception will result in less impervious surface than the applicant's by-right proposal. Staff continues to strongly recommend that the applicant include Parcel 14C2 as part of this special exception application so that any impervious surface that results from the development of Parcel 14C2 could be minimized. Furthermore, in staff's opinion, the inclusion of Parcel 14C2 in this SE application could limit the number of crossings of the EQC through the use of a shared driveway, which would minimize the impact on the EQC.

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. At present, a temporary cul-de-sac is located at the end of the northerly portion of Wendover Drive. This cul-de-sac, which provides access to both the subject site (Parcel 14C1) and the abutting property to the north (Parcel 14D), is enabled by the use of two temporary turnaround easements located at Tax Maps 27-4 ((10)) 18A and 27-4 ((10)) 19. This temporary cul-de-sac was constructed with the understanding that Wendover Drive would either be extended to the west or a permanent cul-de-sac would be built at some time in the future. Fairfax County Department of Transportation (FCDOT) and the Virginia Department of Transportation (VDOT) have stated that the applicants should either extend Wendover Drive across Lot 1B1's frontage or build a permanent cul-de-sac. The extension of Wendover Drive and/or cul-de-sac is necessary to help provide access for neighboring properties within the subdivision and access for public services. Furthermore, if the applicants were to provide the permanent cul-de-sac or extension of Wendover Drive, the minimum required lot width for Lot 1B1 could be provided and no SE would be needed. Therefore, it is staff's opinion that this standard has not been met.

Paragraph 4 states that such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied. As noted, the application does not satisfy all applicable Zoning Ordinance provisions other than the R-E District minimum lot width requirement. The applicants have not provided information regarding the proposed height of the house on Lot 1B2. Without this information, staff cannot say if this can satisfy the remaining Zoning Ordinance provisions. As such, this standard has not been met.

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 on the subject site would be 0.44 dwelling units per acre. Staff believes that the proposed density is in harmony with the character of the surrounding neighborhood, which is zoned R-E and planned for 0.2 to 0.5 du/ac and composed of single-family detached dwellings. The resulting density for the Lantern Hill subdivision would be 0.14 which also meets the density requirement. 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. As noted in the report, the application meets the R-E District density requirement and all applicable Zoning Ordinance provisions other than the minimum lot width requirement. However, the height of the proposed dwelling has not been provided; therefore, staff cannot determine if 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. It cannot be fully determined if the proposed use will be harmonious with the neighboring properties since the height of the proposed dwelling has not been given. In addition, as stated above, if the SE application is approved, the temporary cul-de-sac at the end of the northerly section of Wendover Drive would remain, and the neighboring property owners, who provided the turnaround easements on a temporary basis, would potentially have a permanent cul-de-sac on their properties. There has been no indication if these neighboring property owners will agree to this temporary cul-de-sac being made permanent.

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. Staff does not believe that the proposed use will have any major impact on the existing and anticipated pedestrian and vehicular traffic in the neighborhood. However, if the lot width waiver is approved to facilitate the subdivision of the applicants' property, it would be unlikely that the permanent cul-de-sac for the northerly portion of Wendover Drive will ever be constructed.

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. The Zoning Ordinance does not require screening and barriers between single-family detached dwellings. Therefore, staff finds 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. It is noted on the SE Plat that the existing and proposed use would be served by public water and private sewer. The SE Plat depicts the existing and alternate drainfields for proposed Lot 1B1 and Lot 1B2. The Plat also shows the proposed stormwater management and BMP facilities and parking. This standard has 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

As previously discussed, this application is a request for a Category 6 Special Exception to permit a waiver of minimum lot width requirement in order to subdivide a 4.54 acre lot zoned R-E, into two lots, with lot widths of 2 feet and 232.03 feet. The applicants propose to keep the subject property's existing one and a half story single-family detached dwelling on proposed Lot 1B1 and to develop a new single-family detached dwelling of undetermined height upon Lot 1B2. In staff's opinion, the applicants have failed to demonstrate that the waiver will result in a development that preserves existing vegetation, topography, and/or other environmental features because of the extensive clearing and grading which would take place in the EQC to accommodate the proposed development. Furthermore, staff cannot conclude that the proposed waiver will result in reduced impervious surface, since one of the lots that would be necessary for developing the subject site by-right (Parcel 14C2) has not been included within the special exception. Without the inclusion of Parcel 14C2 in this special exception, there is no way to control whether and how it might be developed in the future. There will be significant disturbance to the EQC. Staff believes that the minimum lot width of 200 feet could be satisfied for proposed Lot 1B1 with the provision of the permanent cul-de-sac at the northern end of Wendover Drive. Therefore, staff cannot support the requested application.

Staff Recommendations

Staff recommends denial of SE 2008-HM-010. However, if it is the intent of the Board of Supervisors to approve SE 2008-HM-010, staff recommends that the approval be subject to the draft 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 applicants/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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. Interpretation and Inquiry Letters
5. Comprehensive Plan Citations

APPENDICES (Continued)

6. Environmental Analysis
7. Urban Forest Management Analysis
8. Transportation Analysis
9. Stormwater Management/Best Management Practices Analysis
10. Zoning Ordinance Provisions
11. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SE 2008-HM-010

November 18, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-HM-010, located at 10120 Wendover Drive [Tax Map27-4 ((1)) 14C1], to permit a waiver of the minimum lot width requirement, pursuant to Sect. 9-610 of the Fairfax County Zoning Ordinance, 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.
3. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat (SE Plat) entitled "Special Exception Plat for Minimum Lot Width Lot 1B, Lantern Hill at Wendover" prepared by Runyon, Dudley, Associates, Inc., which is dated December 21, 2007, and revised through October 7, 2009, and these conditions.
4. The Environmental Quality Corridor ("EQC") shall be as delineated on the SE Plat and, except as qualified herein, shall remain as undisturbed open space. In the EQC area, except as otherwise provided herein, there shall be no clearing of any vegetation, except for dead or dying trees or shrubs; and there shall be no structures, except for the driveway crossing and the outfall pipe from the bio-retention basin, as depicted on the SE Plat. Any additional disturbance areas which are determined by the Department of Public Works and Environmental Services (DPWES) to be necessary shall be minimized to the maximum extent feasible and shall be re-vegetated with indigenous species, subject to the approval of the Urban Forester.
5. Stormwater Management (SWM) or Best Management Practices (BMP) measures may be provided as bioretention basin and infiltration trenches as shown on the SE Plat, as determined by DPWES, and shall be privately maintained. If a modification of the Public Facilities Manual (PFM) to permit the proposed SWM/BMP facilities 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.
6. Prior to record plat approval, the necessary residential covenants shall be established governing the maintenance of the bioretention facilities and infiltration trenches on the proposed lots as shown on the SE Plat. Residential covenants shall be recorded which disclose to the existing and all subsequent property owners the maintenance obligations of the bioretention facilities and infiltration trenches.

7. The maximum height for the proposed new single-family dwelling shall be 35 feet.
8. The existing plant nursery operation on site shall discontinue once the subdivision plan has been approved by DPWES and the subdivision plat has been recorded.
9. Trees and shrubs grown on the site shall be used as listed on the approved SE Plat. A transplanting plan shall be provided as part of the first and all subsequent submissions of the subdivision plan for review and approval by the Urban Forest Management Division (UFM), DPWES and shall implement the plan as approved and as field verified by UFM. The plan shall be prepared by a certified arborist or landscape architect with experience in the preparation of tree transplanting plans. Depending upon site constraints, the plan shall address one or all of the following items, as determined in writing by UFM.
 - the species and sizes to be transplanted;
 - the existing locations of the trees;
 - any proposed interim and the ultimate planting locations of the plant material;
 - the proposed time of year when the plant material will be moved;
 - the transplant methods to be used, including tree spade size if applicable;
 - details regarding on-site storage of plant material until transplanting can be completed;
 - details regarding after-transplant care, including mulching and watering, and, if necessary, support measures such as guying or staking.
 - details regarding equipment to be used to transport plant materials, and (if the transplantation area in which the trees will be located is in a preservation area) the routing of such equipment.
10. The subdivision plan shall conform to the limits of clearing and grading shown on the SE Plat, as determined by Urban Forest Management Division (UFM), of Fairfax County Department of Public Works and Environmental Services (DPWES). Minor modifications may be permitted by UFM to the extent that these do not change the designations of individual trees, or result in significant physical impacts to the areas designated to be left undisturbed.

At the time of subdivision plan submission, a Tree Designation Plan shall be submitted for review and approval by the Urban Forest Management Division that identifies the trunk location, species, size, crown spread and condition analysis rating for all individual and groups of trees shown on the GDP to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from existing grade at the base of the tree or as otherwise allowed in the 9th edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 of the approved limits of clearing and grading. The Tree Designation Plan shall also specify maintenance activities to increase the survivability of trees to be preserved, given the anticipated impacts from proposed construction. Such maintenance activities include, but are not limited to root pruning, crown pruning, mulching, and treatments designed to enhance the root zones of trees and their ability to recover and avoid stress.

11. Trees to be preserved: The necessary steps and actions shall be taken to ensure the long-term survival, and continuing structural integrity and health of trees designated on the Tree Designation Plan to be preserved. If any of these trees is found to be dead, dying, diseased, or hazardous (as determined by UFM, at or prior to, the final release of the project bond) and that such was not the result of unapproved construction practices, the applicant shall provide for restoration and remuneration by:

- providing for the removal of the above ground portions of trees.
- restoring understory plants and/or soil conditions damaged during tree removal activities (as determined by UFM).
- restoring the associated loss in canopy coverage in accordance with the tree cover guidance found in the Public Facilities Manual.
- paying a sum equal to the monetary value of that tree or trees identified in the approved Tree Preservation Plan into the Hunter Mill District's Tree Preservation and Planting Fund for use by the County within the Hunter Mill Magisterial District on or off the subject property as determined by UFM after consultation with the District Supervisor.
- In addition, the County may use other legal remedies at its disposal related to non-compliance, including, but not limited to the fact that a Special Exception Amendment may be required if any proposed remedies are not in substantial conformance with the development conditions, as determined by the Zoning Administrator.

If wrongful or negligent acts on the part of the applicant or the applicant's agents caused in whole or in part, these trees to be found to be dead, dying, diseased, or hazardous, as determined by UFM at, or prior to, the final release of the project bond, in addition to the removal and restoration requirements identified above, the applicant shall provide remuneration by paying a sum equal to the monetary value of that tree or trees as identified in the approved Tree Designation Plan into the Hunter Mill District's Tree Preservation and Planting Fund for use by the within the Hunter Mill Magisterial District on or off the subject property as determined by UFM after consultation with the District Supervisor. In addition, the County may use other legal remedies at its disposal related to non-compliance, including, but not limited to the fact that a Special Exception Amendment be required if any proposed remedies are not in substantial conformance with the development conditions, as determined by the Zoning Administrator.

12. Trees to be removed: Trees specified on the Tree Designation Plan to be removed shall be removed during initial clearing and grading activities in a manner approved by the Urban Forest Management Division. Trees to be removed that are located in the area protected by limits of clearing and grading shall be removed by hand with a chain saw and felled into the cleared area. No heavy equipment shall operate from a position within the area protected by limits of clearing and grading. Any work within the protected area shall be performed only under the direct supervision of the Project Arborist.

13. 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 pre-construction meeting. Prior to commencement of any land disturbing activities, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a representative from the Urban Forest Management Division (UFM), Fairfax County Department of Public Works and Environmental Services ("DPWES") to determine where adjustments to the clearing limits can be made to increase the size of the area to be left undisturbed, and to increase the survivability of trees to be conserved or preserved that occur along the edge of the limits of clearing and grading, and/or identify hazardous trees that need to be removed. Any adjustments agreed to by the applicant and UFM shall be agreed upon and memorialized in writing by both the applicant and UFM before any such adjustments are implemented, and such adjustments shall be implemented. Trees to be removed shall be tagged in the field. Trees that are identified in writing by an authorized representative of UFM as dead or dying may be removed as part of the clearing operation. Any tree that is so identified shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory 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 the adjacent trees and associated understory vegetation and soil conditions.

14. Areas to be Left Undisturbed and Adherence to Limits of Clearing and Grading: The subdivision plan shall clearly identify the limits of clearing and grading as shown on the Special Exception Plat. As part of the subdivision plan, management practices shall be provided for the protection of understory plant materials, leaf litter and soil conditions found in areas to be left undisturbed, subject to the approval of the Urban Forest Management Division. 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 shall be restored, leaf litter and soil conditions to the satisfaction of UFM if these are found to be damaged, removed or altered in manner not allowed in writing by the Urban Forest Management Division.

If it becomes necessary to install utilities determined necessary by DPWES within areas to be left undisturbed, they shall be located and installed in the least disruptive manner possible as determined by UFM in coordination with the Environmental and Site Review Division, DPWES. In addition, the applicant shall develop and implement a replanting plan 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 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 UFM. 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 UFM.

15. Root Pruning and Mulching: (1) The roots of trees to be preserved that may be damaged during clearing, demolition, grade changes, utility installation and/or the installation of retaining walls shall be pruned; (2) mulch to a minimum depth of 3 inches within the areas to be left undisturbed where soil conditions are poor, lacking leaf litter or prone to soil erosion. The areas that will be root pruned and mulched shall be clearly identified on the Tree Designation Plan. All treatments for such trees and vegetation shall be clearly specified, labeled, and detailed on the erosion and sediment control sheets and demolition plan, if required, sheets of the subdivision plan submission. The details for these treatments shall be included in the Tree Designation Plan and shall be subject to the review and approved of UFM.

All root pruning and mulching work shall be performed in a manner that protects adjacent trees and vegetation that are required to be preserved and may include, but not be limited to, the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading and/or demolition of structures.
- Root pruning shall not sever or significantly damage structural or compression roots in a manner that may compromise the structural integrity of trees or the ability of the root system to provide anchorage for the above ground portions of the trees.
- Root pruning trench shall be back filled within 24 hours
- Root pruning shall be conducted with the on-site supervision of a certified arborist.
- Tree protection fencing shall be installed immediately after root pruning, and shall be positioned just outside the trench within the disturbed area.
- 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
- Mulch shall consist of (specify mulch type) wood chips, shredded hardwood and/or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.
- UFM, DPWES shall be informed in writing when all root pruning and tree protection fence installation is complete.

16. **Tree Protection Fencing and Signage:** All individual trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage as set forth below. Tree protection fencing shall be four-foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart; or super silt fence as may be approved by UFM 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. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading, and shall be shown on the demolition and phase I and II erosion and sediment control sheets.

All tree protection fencing shall be installed prior to Phase II clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation that is required to be preserved. At least three days prior to the commencement of any clearing, grading, or demolition activities and prior to the installation of tree protection fencing, UFM and the District Supervisor shall be notified in writing and given the opportunity to inspect the site to assure that all individual trees to be preserved and all areas to be left undisturbed have been correctly delineated. UFM shall provide written notice to the applicant as to whether or not the areas have been delineated correctly. If it is determined by UFM that the areas are not delineated correctly, no grading or construction activities shall occur on the subject property until the delineation is corrected and field verified by UFM.

Signs that identify and help protect all areas to be left undisturbed shall be erected. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the 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 left undisturbed.

17. **Site Monitoring:** At all times during root pruning operations or trenching for the installation of super silt fence to function as tree protection fencing; and during any clearing or removal of trees, vegetation, or structures, or transplanting of trees or vegetation on the site, or other similar activities within or adjacent to areas of trees to be preserved, a representative of the applicant who is a certified arborist or landscape architect shall be present to monitor the process and ensure that the activities are conducted in accordance with the development conditions and as approved by UFM. In addition, the services of a certified arborist or landscape architect shall be retained by the applicant to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation requirements and UFM approvals. The monitoring schedule shall be described and detailed in the Tree Designation Plan and shall be reviewed and approved by UFM.

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

Pursuant to Sect. 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 24, 2008
 (enter date affidavit is notarized)

I, Sarah E. Hall, 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

99575

in Application No.(s): SE 2008-HM-010
 (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)
George B. and Carolyn L.E. Sagatov	10120 Wendover Drive Vienna, VA 22181	Applicants/Title Owner
Blankingship & Keith, P.C. Sarah E. Hall, Esq. Jeremy B. Root, Esq.	4020 University Drive, Suite 300 Fairfax, VA 22030	Attorneys Attorney/Agent Attorney/Agent
Runyan Dudley, Associates, Inc. Reid Dudley	10650 Main Street, Suite 301 Fairfax, VA 22030	Engineers Engineer/Agent

(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 AFFIDAVIT

DATE: January 24, 2008
(enter date affidavit is notarized)

99575

for Application No. (s): SE 2008-HM-010
(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) Blankingship & Keith, P.C.
4020 University Drive, Suite 300
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 SHAREHOLDERS: (enter first name, middle initial and last name)

A. Hugo Blankingship, Jr.	David J. Gogal	William L. Carey
John A.C. Keith	Elizabeth Chichester Morrogh	Mary McGowan
William H. Casterline, Jr.	Robert J. Stoney	
Sarah Elizabeth Hall	Wm. Quinton Robinson	
Paul B. Terpak	John F. Cafferky	
Peter Everett	William B. Porter	
David Rust Clarke	Gifford R. Hampshire	

(check if applicable) 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 Attachment to Par. 1(b)

DATE: January 24, 2008
(enter date affidavit is notarized)

99575

for Application No. (s): _____
(enter County-assigned application number (s))

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

Runyan Dudley, Associates, Inc.
10650 Main St., Ste. 301
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)

Reid Dudley

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 24, 2008
(enter date affidavit is notarized)

99575

for Application No. (s): SE 2008 HM 010
(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)

(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 24, 2008
(enter date affidavit is notarized)

for Application No. (s): SE 2008-HM-110
(enter County-assigned application number(s))

99575

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.

Application No.(s): SE 2008-HM-010
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: January 24, 2008
(enter date affidavit is notarized)

99575

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.)

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 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) Sarah E. Hall
[] Applicant [x] Applicant's Authorized Agent

Sarah E. Hall Attorney/Agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 24th day of January 2008, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 2/28/2011



Teresa A. Fletcher
Notary Public
My registration number is: 27 2503

STATEMENT OF JUSTIFICATION

RECEIVED
Department of Planning & Zoning
APR 09 2009

Applicants George and Carolyn Sagatov own two contiguous properties in the Wendover area north of Lawyers Road, just west of the Town of Vienna. The properties are TM 27-4 ((1)) 14C1 ("Parcel 14C1"), the property on which they live, and TM 27-4 ((1)) 14C2 ("Parcel 14C2"), an undeveloped property. The areas of these properties are 4.54 acres and 1.72 acres (75,000 square feet), respectively. Each lot is in full conformance with the requirements of the RE District in which they lie. Applicants could, by right, subdivide their property into three lots, each in conformance with all of the RE requirements. Attached as an exhibit is a plat showing the by right subdivision. As illustrated on the plat, by right subdivision would require constructing a new 52 foot wide public road into the property. It would terminate in a cul-de-sac with a radius of 55 feet.

Rather than go the by right subdivision route, Applicants would greatly prefer a lot layout that would be more in keeping with the character of their lovely, heavily wooded, large lot neighborhood. Their preference would be to leave Parcel 14C2 as it is and to subdivide Parcel 14C1 into two lots as shown on the special exception plat. These two lots would conform to all of the requirements of the R-E district save one -- the larger lot, Lot 1B1 on the special exception plat, would have a lot width of 2 feet rather than the required 200 feet. While the house on that lot would continue to have its sole access from the northern portion of Wendover Drive, it has been determined by Fairfax County that the width of Lot 1B1 could not be measured from that terminus of Wendover Drive. Consequently, Applicants seek a special exception under Section 9-610 of the Zoning Ordinance to modify the lot width requirement for Lot 1B1 as measured from the southern portion of Wendover Drive.

The proposed special exception meets all of the requirements of Section 9-610 and all of the requirements applicable to all special exceptions. With regard to the Section 9-610 requirements:

1. The width of Parcel 14C1, the property to be subdivided, is 234.02 feet, in full compliance with the 200 foot lot width minimum.
2. The requested waiver of the lot width requirement is essential to preserve existing vegetation. As noted above, without the waiver, it would be necessary to construct a public street and cul-de-sac which would result in the loss of a significant wooded area. With the waiver, no public road and cul-de-sac will be necessary. The house on Lot 1B1 will continue to be accessed by the existing driveway to the northern branch of Wendover Drive, and Lot 1B2 will be accessed directly to the southern branch of Wendover Drive. (Parcel 14C2 will also access directly to the southern branch of Wendover Drive.) Although the driveway into Lot 1B2 will cross the EQC, it has been sited to preserve as many trees as possible, and its 10 foot width will be dramatically less than the

width of the public road and cul-de-sac which the by right subdivision would entail. In addition to preserving landscaping, the proposed subdivision would result in less impervious surface than the by right subdivision and would improve water quality through the location of biofilters on each lot.

3. The development of the property as shown on the special exception plat will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways. In fact, the modification of the minimum lot width requirement would permit the property to be subdivided in a way more in keeping with the surrounding neighborhood than if Applicants' property were subdivided by right into three lots. The effect on area roadways will be negligible, and this effect would be the same whether the property were subdivided by right or as shown on the special exception plat since the resulting number of lots in either case would be three.
4. All of the provisions of the Zoning Ordinance other than the minimum lot width requirement applicable to Lot 1B1 will be satisfied.

The application also conforms to the general standards for special exceptions set out in Section 9-006. The proposed subdivision will be in harmony with the Comprehensive Plan. The Plan emphasizes the rural character of the western third of the Vienna Planning District and the need for tree preservation in this area. The proposed subdivision will maintain that character and, as noted above, existing vegetation, and Applicants will restore the EQC, thus further enhancing the rural character of the area. The Piney Branch Community Planning Sector (V4) recommends residential use at .2-.5 dwelling units per acre for the area between Lawyers Road and the W&OD Railroad Regional Park northwest of the Carriage Hill subdivision. With its proposed .44 dwelling units per acre, the subdivision shown on the special exception plat is consistent with this recommendation. As noted above, unlike the by right subdivision option, the proposed layout will be harmonious with and will not adversely affect the use or development of neighboring properties. The pedestrian and vehicular traffic associated with the subdivision as proposed will not be hazardous or conflict with existing traffic in the neighborhood. The ITE estimates of daily trips generated by a single family detached dwelling of the type which would be located on the property is ten (10) trips per day. The proposed subdivision of Parcel 14C1 would result in one additional lot and thus approximately ten (10) additional vehicular trips per day. Because the waiver of the minimum lot width requirement would result in no more residential lots than could be achieved with a by right subdivision of Applicants' property, the traffic impact of the layout shown on the special exception plat would be identical to that of the by right three lot subdivision.

The house to be constructed on Lot 1B2 will be consistent in scale and quality of those in the vicinity.

To the best of Applicants' knowledge, there are no hazardous or toxic substances or hazardous wastes on the property.

With the exception of the lot width of proposed Lot 1B1, the lot layout shown on the special exception plat will conform to all applicable ordinances, regulations, adopted standards, and applicable conditions. Applicant will request a waiver for the stormwater detention requirement.

U:\Land Use & Development\SEH\SAGATOV, George & Carolyn\Statement Of Justification 4-2-09.Doc



FAIRFAX COUNTY

DEPARTMENT OF PLANNING

APPENDIX 4

Zoning

Zoning Permit Review Branch

12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508

V I R G I N I A

(703) 324-1359

Fax (703) 324-2301

February 13, 2002

Mr. George B. Sagatov
10120 Wendover Drive
Vienna, Virginia 22181

RE: 10120 Wendover Drive
Tax Map Ref: 27-4 ((1)) 14C1, 14C2
Zoning District: R-E

Dear Mr. Sagatov:

This is in response to your letter dated January 25, 2002 in which you requested information regarding a proposed agricultural use for the growing of nursery stock and associated wholesale sales on the above-referenced properties.

As stated in your letter, the referenced properties will be used to grow a rotation crop of approximately 500 trees, to render care and maintenance to salvaged plants, to erect a greenhouse of 30' x 60' in size for the propagation of containerized shrubs, and to establish an area of approximately 10,000 square feet for the outdoor growth of such shrubs. The proposed use will operate as a wholesale operation selling the plants that have been grown and/or maintained on the premises. Based on this information, it is my determination that this is an agricultural use. The Zoning Ordinance defines agriculture as follows:

AGRICULTURE: The use of a tract of land not less than five (5) acres in size for (a) the tilling of the soil; (b) the growing of crops, nursery stock, or plant growth of any kind, including forestry; (c) pasturage; (d) horticulture; (e) dairying; (f) floriculture; or (g) the raising of poultry and livestock; and (h) the wholesale sales of any of the foregoing products.

The term 'agriculture' shall not include the following uses: (a) the maintenance and operation of plant nurseries; (b) the feeding of garbage to animals; (c) the raising of fur-bearing animals as a principal use; (d) the operation or maintenance of a commercial stockyard or feed yard; (e) the retail sales of agricultural products except in accordance with the provisions of Sect. 10-102; or (f) the operation of landscape contracting services. However, the definition of

Mr. George B. Sagatov
February 13, 2002
Page 2

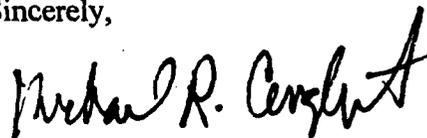
agriculture shall not be deemed to preclude: (a) the keeping of livestock on parcels of two (2) acres or more in size as permitted by Sect. 2-512; or (b) gardening, as permitted as an accessory use in Sect. 10-102.

The above-referenced properties are zoned R-E. The R-E District permits an agricultural use by right on a tract of land not less than 5 acres and also permits the wholesale sales of products grown on the site. Therefore, the use as proposed would be permitted as an agricultural use on the above-referenced properties. Please note that an agriculture use does not permit the operation of landscaping contracting services. Only machinery and equipment which used in connection with the on-site agriculture use can be stored and/or operated on the properties. Additionally, the retail sale of agricultural products is prohibited, except as provided for by Sect. 10-102. Par. 28 of Sect. 10-102 provides for a wayside stand for the sale of agricultural products grown on the properties subject to certain limitations. I have enclosed a copy of Par. 28 for your use.

The construction of the proposed greenhouse, and any other structures, may require the issuance of a Building Permit. For questions pertaining to the Building Permit process, please contact the Permits Application Center of the Department of Public Works and Environmental Services at (703) 222-0801.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Michael R. Congleton
Deputy Zoning Administrator for
Zoning Permit Review Branch

MRC/jwc/gsm

Attachments: A/S

cc: Catherine M. Hudgins, Supervisor
Hunter Mill District
Jane W. Gwinn
Zoning Administrator

January 25, 2002

George B. Sagatov
10120 Wendover Drive
Vienna, VA 22181

Michael R. Congleton
Deputy Zoning Administrator
County of Fairfax
Department of Planning and Zoning
12055 Government Center Pkwy.
Suite 250
Fairfax, VA 22035

Dear Mr. Congleton:

I am writing to you to clarify the zoning ordinance and required permits, licenses, etc. regarding an agricultural nursery at my house. The address is 10120 Wendover Drive, Vienna. We own a total of over 6 acres in 2 parcels contiguously.

The nursery shall operate as a wholesale operation selling plants growing on the premises, i.e. not "re-wholesale". Most sales will be done off-premises, however our interpretation of the zoning code is that sales may be on the premises.

The nursery shall consist of three operations for diversity.

- 1.) Plant a rotation crop of approximately five hundred (500) trees. These are planted both in the ground and in containers in the ground. This is a 5-year (+/-) crop i.e.: start trees 7' tall, harvest 16' - 20' tall.
- 2.) Plant shrubs and trees salvaged from demolitions and purchased from other growers. These are "nursed" to health and/or size with undefined timelines. They are not "balled and burlaped above grade" as a "re-wholesaler" would have. These also provide cuttings for propagation i.e. "mother plants". We occasionally sell "mother plants" also.
- 3.) Install propagation "greenhouse". This is a tubular construction, poly covered, "Quonset hut" type structure. Gravel floor, no foundation. This gets uncovered for long periods of time as plants "harden off". Size is 30' x 60', and meets all setback requirements. I don't see it as "impervious". This produces 3000 to 5000 containerized shrubs annually. These grow on premises (in the open) for 2-3 years as a rotating stock, then are wholesaled off premises. I interpret that they may be sold on premises if so desired. The containers occupy a 10,000 square foot area covered with ground fabric (weed barrier) which is not impervious.

My interpretation also is that no business licenses or other permits are required until such time that sales actually begin i.e. this is a "hobby garden" until a sale is made. Also, the nursery requires no "special permit" or variance as long as it "grows product", not re-wholesales product. There are no employees other than family members living on the premises. We do have a lawn maintenance contractor (typical in our neighborhood) who may get involved in mulching and weeding, but no different than other neighbors.

I appreciate your review and response. I may be reached at 703-906-6100.

Very truly yours,



George B. Sagatov

V4 PINEY BRANCH COMMUNITY PLANNING SECTOR

CHARACTER

The Piney Branch Community Planning Sector is located west of the Town of Vienna and is bounded by the Dulles Airport Access Road to the north, Trap Road, Clarks Crossing Road, the W&OD Railroad Regional Park, and the Vienna Town boundary to the east. Chain Bridge Road (Route 123) borders the sector to the south, while the Difficult Run Stream Valley and Hunter Mill Road border the sector to the west.

Piney Branch Planning Sector is the largest sector in the Vienna Planning District. The sector is primarily comprised of single-family detached dwellings with densities ranging from .5 dwelling unit per acre to 2-3 dwelling units per acre. The lower densities are found closer to Difficult Run and Hunter Mill Road.

The northern portion of the Piney Branch sector contains large tracts of vacant land along with some scattered low density single-family residential development.

CONCEPT FOR FUTURE DEVELOPMENT

The Concept for Future Development identifies the areas of the Piney Branch Planning Sector as Suburban Neighborhoods and Low Density Residential Areas.

RECOMMENDATIONS

Land Use

The Piney Branch sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods 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.

Figure 31 indicates the geographic location of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

1. To prevent strip commercial development along Route 123 south from the Town of Vienna and to define strictly commercial activity areas:
 - a. All future commercial uses and activity in this sector should be limited to the existing Oakton shopping center site and the adjacent land already zoned for commercial use.
 - b. The commercial area of Oakton located in the Piney Branch sector should be encouraged to continue to develop under a village concept and no further commercial rezoning in the area should be considered.

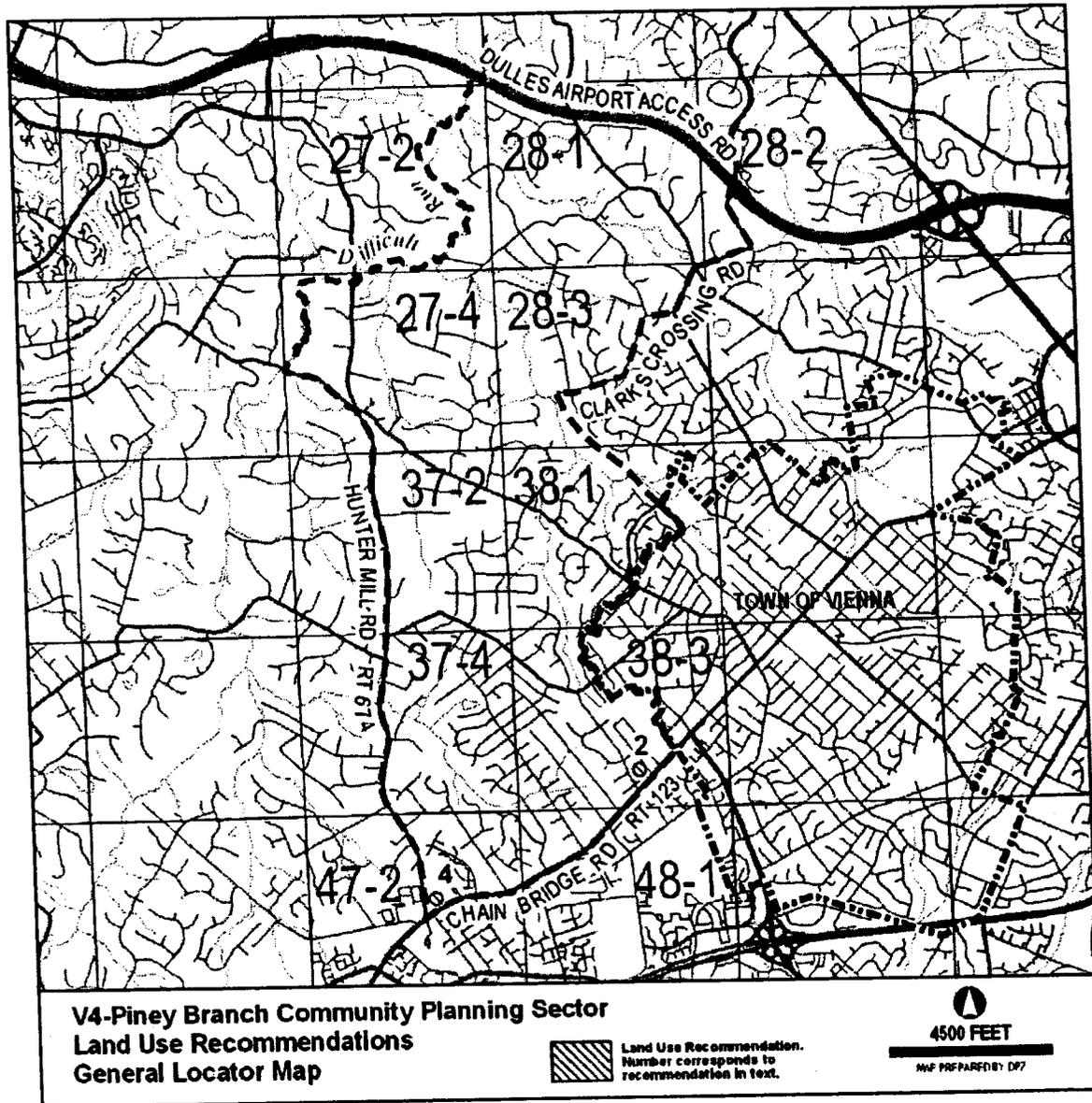


FIGURE 31

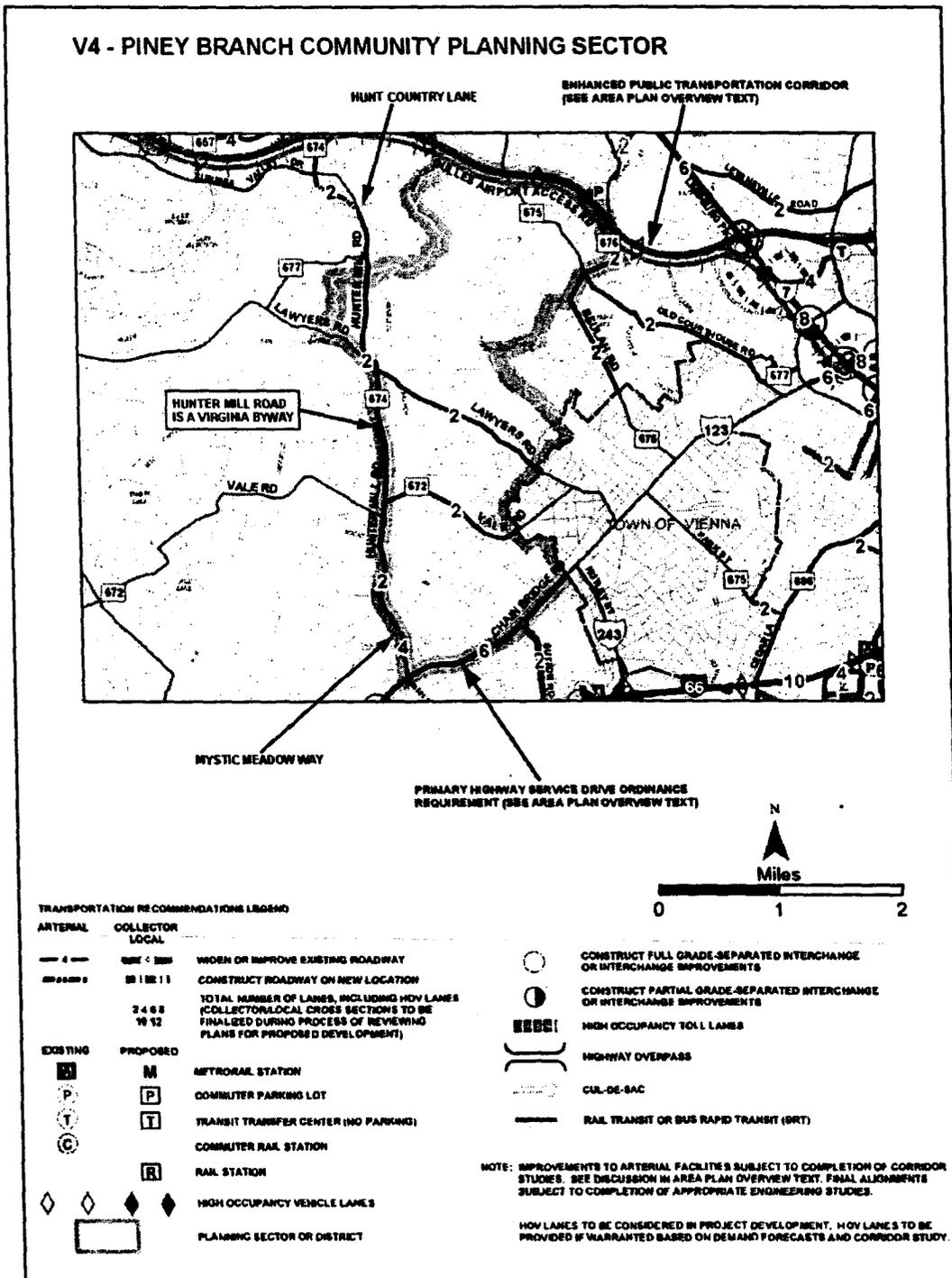
- c. No additional strip commercial uses of any type should be allowed along Route 123 in this sector. [Not shown]
2. To protect existing stable neighborhoods through transitional residential uses along sections of Route 123, the two parcels, east of Flint Hill Road and west of Glengyle Drive, fronting on the northwest side of Route 123 are planned for residential use at 5-8 dwelling units per acre.
3. To preserve the rural large lot and open space character of the northern part of this sector as well as to protect the critical environmental area adjacent to Difficult Run, Angelico Creek and Piney Branch:
 - a. The area northeast of the W&OD Railroad Regional Park and northwest of a line made by Clarks Crossing, Beulah Road and Trap Road is planned for residential use at .5-1 dwelling unit per acre as shown on the Plan map.
 - b. The area between Lawyers Road and the W&OD Railroad Regional Park northwest of the Carriage Hill subdivision is planned for residential use at .2-.5 dwelling unit per acre as shown on the Plan map.
 - c. The area north of Kemper Park, east of Hunter Mill Road, south of Lawyers Hill Road (south of Hunters Valley), and west of the school site is planned for .5-1 dwelling unit per acre, including all of Parcels 37-2((8))1 and 5.
 - d. The County should seek open space easements to preserve the rural large-lot open space character of this part of the sector. [Not shown]
4. Development and road improvements should be planned so that the over 200-year old oak tree on the east side of Hunter Mill Road north of Route 123 is preserved, unless the appropriate County authorities determine that, in light of the health and physical condition of the tree, preservation would endanger public safety or would otherwise be undesirable.

Transportation

Transportation recommendations for this sector are shown on Figure 32. In some instances, site-specific transportation recommendations are included in the land use recommendations section. The figures show access orientation, circulation plans, interchange impact areas and generalized locations of proposed transit facilities. The recommendations contained in the Area Plan text and maps, the Policy Plan and Transportation Plan map, policies and requirements in the Public Facilities Manual, the Zoning Ordinance, and other standards will be utilized in the evaluation of development proposals.

Heritage Resources

Several known and potentially significant heritage resources occur in this sector. Large open space areas and older neighborhoods exist in this sector. Development of these areas, including parkland, should be preceded by heritage resources surveys and appropriate preservation of significant heritage resources.



TRANSPORTATION RECOMMENDATIONS **FIGURE 32**

Parks and Recreation

Park and recreation recommendations for this sector are shown on Figure 33. The column "Park Classification" includes existing park facilities. The "Recommendations" column includes entries for both existing and proposed facilities. Prior to developing parkland, the Fairfax County Park Authority initiates a master planning process to determine the appropriate facilities and design for that park. This process involves extensive citizen review and participation. If an existing park is listed but no recommendation appears on that line, it means the park has been developed in accordance with its master plan.

Trails

Trails planned for this sector are delineated on Figure 34 and on the 1":4,000' Countywide Trails Plan Map which is referenced as Figure 2 in the Transportation element of the Policy Plan and is available at the Maps and Publications Sales Desk. Trails in this sector are an integral part of the overall County system. While some of the segments have already been constructed, the Countywide Trails Plan Map portrays the ultimate system for the sector and the County at large. In addition, the map specifies a classification for each segment, which represents the desired ultimate function and surface type of the trail. Specific construction requirements are detailed in the Public Facilities Manual.

FIGURE 33
PARKS AND RECREATION RECOMMENDATIONS
SECTOR V4

PARK CLASSIFICATION	RECOMMENDATIONS
NEIGHBORHOOD PARKS:	
Lawyers Road	
Fox Hunters	<p>Initiate a master planning process and develop in accordance with the approved plan.</p> <p>Additional neighborhood Park facilities are not recommended in the Low Density Residential Area.</p> <p>Additional neighborhood Park facilities in Suburban Neighborhoods should be provided in conjunction with new larger infill development.</p>
COMMUNITY PARKS:	
Ashlawn Kemper	<p>Develop in accordance with approved master plan.</p> <p>Consider acquiring the school site on Lawyers Road if it becomes available for development of active recreation facilities.</p>
DISTRICT PARKS:	
Clarks Crossng	<p>Complete development of Clarks Crossing Park in accordance with the master plan.</p> <p>This sector also lies within the service area of Nottoway and Oak Marr Parks.</p>
COUNTYWIDE PARKS:	
Difficult Run Stream Valley	<p>Preserve and protect sensitive ecological resources, and provide continuity of public use trails through dedication of land and/or open space easements to FCPA.</p> <p>Encourage donation of historic preservation easements on selected historic properties.</p>
REGIONAL PARKS:	
W&OD Trail Meadowlark	<p>Develop in accordance with the master plans. Develop a bicycle/pedestrian trail linking these two regional parks.</p>

**TRAILS PLAN MAP FOR THIS SECTOR
UNDER CONSTRUCTION**

**SEE THE 1" = 4000' SCALE
COUNTYWIDE TRAILS PLAN MAP**



County of Fairfax, Virginia

MEMORANDUM

September 18, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Environmental Assessment Addendum: SE 2008-HM-010
George and Carolyn Sagatov

This addendum to our original environmental assessment dated June 25, 2008, prepared by Mary Ann Welton, is based on staff review of the revised special exception plat, dated August 20, 2009. This application was originally accepted on March 24, 2008. The applicant is seeking a waiver of the minimum lot width in the R-E Zoning District in order to subdivide the existing lot, parcel 14C1, into two parcels, proposed as Lots 1B1 and 1B2. The proposed approximately 2.82-acre Lot 1B1 would retain an existing single-family detached dwelling and other uses. The approximately proposed 1.72-acre Lot 1B2 would be developed with a new house, driveway, pool, and other related uses.

As noted in the original environmental assessment, an environmental quality corridor (EQC) associated with the headwater area of Angelico Branch stream valley is located within the southern portion of proposed Lot 1B2. This EQC is delineated on the revised special exception plat. The original environmental assessment raise concerns about encroachments in the EQC. This issue remains outstanding. The revised special exception plat for Lot 1B2 depicts significant land disturbance within the EQC related to the development of a single-family home including an approximately 12 foot wide by 110 foot long driveway with wider limits (as much as 35 feet beyond the width of the driveway) of clearing and grading into the EQC. The proposed stormwater facility, a bioretention filter, is also proposed to outfall into the EQC. The Policy Plan provides explicit guidance which seeks protection and restoration of EQCs including those associated with headwater streams and related buffer areas. Therefore, no land disturbance or encroachment into this EQC should occur. This application as currently proposed conflicts with Comprehensive Plan guidance which seeks preservation of the EQC.

PGN: M AW

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/





County of Fairfax, Virginia

MEMORANDUM

June 25, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Environmental Assessment: SE 2008-HM-010
George and Carolyn Sagatov

This memorandum, prepared by Mary Ann Welton, AICP, 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 and subdivision of land as depicted on the Special Exception (SE) Plat dated January 17, 2008. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are in harmony 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:

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on pages 7-9, 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 a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques. . . .

- 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. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements. . . .
- Where feasible and appropriate, encourage the use of pervious parking surfaces in low-use parking areas.
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements. . . .

Policy l. In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality Corridors. To the extent feasible in consideration of overall site design, stormwater management needs and opportunities, and other Comprehensive Plan guidance, establish boundaries of these buffer areas consistent with the guidelines for designation of the stream valley component of the EQC system as set forth in Objective 9 of this section of the *Policy Plan*. Where applicable, pursue commitments to restoration of degraded stream channels and riparian buffer areas. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on page 10, the Plan states:

“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on pages 14-15, the Plan states:

Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.

Policy a: For ecological resource conservation, identify, protect and restore an Environmental Quality Corridor system (EQC). (See Figure 4.) Lands may be included within the EQC system if they can achieve any of the following purposes:

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest.
- "Connectedness": This segment of open space could become a part of a corridor to facilitate the movement of wildlife.
- Aesthetics: This land could become part of a green belt separating land uses, providing passive recreational opportunities to people.
- Pollution Reduction Capabilities: Preservation of this land would result in significant reductions to nonpoint source water pollution, and/or, micro climate control, and/or reductions in noise.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements (See Figure 4):

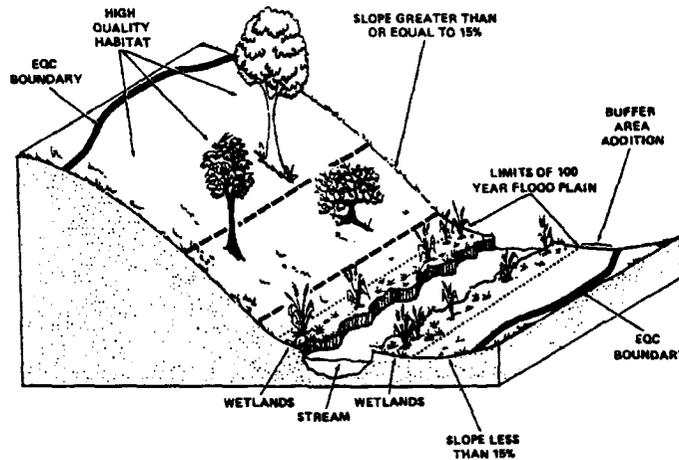


FIGURE 4

A TYPICAL ENVIRONMENTAL QUALITY CORRIDOR

Source: Fairfax County Office of Comprehensive Planning

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit habitat quality, connectedness, aesthetics, or pollution reduction as described above. In addition, some intrusions that serve a public purpose such as unavoidable public infrastructure easements and rights of way are appropriate. Such intrusions should be minimized and occur perpendicular to the corridor's alignment, if practical.

Preservation should be achieved through dedication to the Fairfax County Park Authority, if such dedication is in the public interest. Otherwise, EQC land should remain in private ownership in

separate undeveloped lots with appropriate commitments for preservation. The use of protective easements as a means of preservation should be considered.

When preservation of EQC land is achieved through the development process it is appropriate to transfer some of the density that would otherwise have been permitted on the EQC land to the non-EQC portion of the property to provide an incentive for the preservation of the EQC and to achieve the other objectives of the Plan. The amount of density transferred should not create an effective density of development that is out of character with the density normally anticipated from the land use recommendations of the Plan. For example, town homes should not normally be built adjacent to an EQC in an area planned for two to three dwelling units per acre. Likewise, an increase in the effective density on the non EQC portion of a site should not be so intense as to threaten the viability of the habitat or pollution reduction capabilities that have been preserved on the EQC portion of the site.

- Policy b. To provide an incentive for the preservation of EQCs while protecting the integrity of the EQC system, allow a transfer of some of the density from the EQC portion of developing sites to the less sensitive areas of these sites. The increase in effective density on the non-EQC portion of a site should be no more than an amount which is directly proportional to the percentage of the site that is preserved. Overall site yield will decrease as site constraints increase. Maximum density should be determined according to a simple mathematical expression based upon the ratio of EQC land to total land. This policy is in addition to other plan policies which impact density and does not supersede other land use compatibility policies.”

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

“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.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.”

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. 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.

The applicant is requesting a waiver of the minimum lot width in the R-E Zoning District. The plat shows a subdivision of the existing parent parcel which results in two parcels, Lot 1B1 (2.82 acres) and Lot 1B2 (1.72 acres). Lot 1B1 is developed with a house, garage and greenhouses. The special exception plat does not depict any development on Lot 1B2.

Environmental Quality Corridor (EQC): The 4.54 acre subject property is located in the Difficult Run Watershed and the County's Chesapeake Bay Watershed. Angelico Branch stream valley and Resource Protection Area (RPA) traverses in a north-south direction west of the subject property. An unnamed tributary to Angelico Branch diverges from the main stream and crosses a portion of Lot 1B2 in an east-west direction. This stream channel and headwater area, which is EQC but not RPA, cuts across Lot 1B2. The area of the EQC includes the southern portion (which contains approximately one-half of the total lot area) of proposed Lot 1B2. The northern boundary of the EQC is approximately 125 feet (from the most western point) to 165 feet (from the most eastern point) from the centerline of Wendover Drive. The Policy Plan was recently amended to add explicit guidance on the protection and restoration of headwater streams and associated buffer areas. Therefore, there should not be any land disturbance or encroachment into this EQC. However, a staff site visit to the subject property on April 24, 2008, revealed that the EQC has been disturbed by the applicant's plant propagation nursery. Much of the tree canopy and the natural vegetation around the stream channel have been removed due to the plant nursery propagation operation which is occurring immediately adjacent to the stream channel. The eroding stream banks have caused water quality degradation from sedimentation entering the stream during rain events.

The special exception plat does not depict the layout of any proposed development on Lot 1B2. Without this information, staff has reservations that a house, garage, driveway and other permitted uses in the R-E Zoning District could be constructed and developed in a manner that does not impact the EQC. The applicant should revise the plat to depict the EQC boundary and location (outside of the EQC) of the following:

- Limits of clearing and grading*;
- Footprint of the house, garage and driveway;
- Approved drainfield and 100% reserve drainfield;
- Low impact development measures; and
- Stormwater detention facility in the event that a waiver is not granted for water quantity control requirements; and
- Any other proposed use(s).

* The limits of clearing and grading should be no closer than 15 feet from the EQC boundary.

Landscaping and Tree Preservation/Restoration: In addition, the applicant should remove the plant operation from the headwater stream segment and restore the disturbed stream banks with native trees, shrubs and groundcover. The applicant should develop a stream bank restoration and landscape plan developed with the assistance of the Urban Forestry Management Branch of the Department of Public Works and Environmental Services and the Northern Virginia Soil and Water Conservation District in order to restore the buffer function of the affected stream segment.

Without demonstration from the applicant that Lot 1B2 can be developed outside the EQC and without a commitment from the applicant to restore the headwater stream segment on site, staff does not support the approval of this special exception application.

Septic System Drainfields: Proposed locations for septic system drainfields are subject to the review and approval by the Health Department. The Health Department requires an area for a primary drainfield as well as an area for 100% reserve drainfield to serve as a back-up in the event that the primary drainfield fails. The special exception plat depicts an area on Lot 1B2, as an "Approved Drainfield." The applicant should clarify that the location of the approved drainfield on Lot 1B2 is sufficient in area to accommodate both the primary drainfield and reserve drainfield as approved by the Health Department. If not, the applicant should depict the location of another area for the reserve drainfield on the special exception plat that has been approved by the Health Department.

Stormwater Management/Best Management Practices (SWM/BMP). With the development of Lot 1B2, there will be stormwater runoff from impervious surfaces. The applicant proposes to address water quality control requirements through the use of low impact development measures. The applicant should specify and depict the location of the low impact development measures on the special exception plat. The applicant should also specify and depict the location of the stormwater detention facility in the event that a waiver for such a facility is not granted. Any SWM/BMP facility or waiver of SWM/BMP requirement will be subject to review and approval by the Department of Public Works and Environmental Services.

COUNTYWIDE TRAILS MAP:

The Countywide Trails Plan does not depict any trails adjacent to the subject property.

PGN: MAW



County of Fairfax, Virginia

MEMORANDUM

September 17, 2009

TO: Kelli-Mae Goddard-Sobers, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Hugh Whitehead, Urban Forester II *HW*
Forest Conservation Branch, DPWES

SUBJECT: Lantern Hill at Wendover Lot 1B, SE 2008-HM-010

I have reviewed the above referenced Special Exception application, stamped as received by the Zoning Evaluation Division on August 24, 2009. The following comments and recommendations are based on this review and site visits conducted during review of earlier submissions for this site.

1. **Comment:** The EQC restoration plan and notes do not specify the size of trees to be planted for restoration of the EQC. The graphic seems to indicate caliper size trees, and the Chesapeake Bay Ordinance referred to in the notes specifies seedlings. The quantities of trees specified seem to indicate that seedlings are proposed.

Recommendations: Require clarification regarding the proposed sizes at the time of planting of trees to be used for EQC restoration. If seedlings are proposed, provide the height and age of seedlings.

2. **Comment:** It is unclear how proposed planting for EQC restoration will be done to minimize impacts to existing trees to be preserved in the EQC. The plan shows dense planting throughout the root zone of existing trees in the EQC.

Recommendation: Require a note stating that trees planted for EQC restoration shall be field located in such a way that survival of existing trees to be preserved and will not be jeopardized, and planted trees have a reasonable chance for long term survival.

If there are any questions, please contact me at (703)324-1770.

HCW/
UFMID #: 136100

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

April 29, 2009

TO: Kelli-Mae Goddard-Sobers, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Hugh Whitehead, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Forest Conservation Branch comments and recommendations

RE: Lantern Hill at Wendover Lot 1B (10120 Wendover Drive), SE 2008-HM-010

I have reviewed the above referenced Special Exception Plat, stamped as received by the Zoning Evaluation Division on April 9, 2009. The following comments and recommendations are based on this review and a site visit conducted on April 23, 2008.

1. **Comment:** It was apparent at our site visit that Mr. Sagatov is operating a nursery on the property, and he discussed the clearing he has done in the EQC to create space to plant his ornamental trees and shrubs. Plant material existing on the site include, but is not limited to, numerous specimens of burkwood viburnum, azaleas, rhododendron, Japanese stewartia, Japanese cryptomeria, Japanese maples, American and English boxwood, and southern magnolias. Some of these species are not native, but the potential for them to become invasive seems very small as they have been used in the county for many years without a problem. The quality of the material is very high. Some of these valuable specimens could be used to landscape lots proposed for the subdivision.

Recommendation: Obtain a commitment from the applicant to use plant material from the nursery to landscape proposed lots. This material is of higher quality than average nursery stock. Portions of the EQC were cleared to grow this material; it seems reasonable to replace some portion of the lost tree cover with this stock. Obtain a list of nursery stock grown on site to be used to landscape the proposed Lot 1B1 and to restore portions of the EQC disturbed/graded during construction of the entrance drive for Lot 1B1.

Require the following development conditions:

“The applicant shall use trees and shrubs grown on the site and listed with the approved GDP. The applicant shall provide a transplanting plan as part of the first and all subsequent submissions of the subdivision plan for review and approval by the Urban Forest Management Division (UFM), Fairfax County Department of Public Works and Environmental Services



("DPWES") and shall implement the plan as approved and as field verified by UFM. The plan shall be prepared by a certified arborist or landscape architect with experience in the preparation of tree transplanting plans. Depending upon site constraints, the plan shall address one or all of the following items, as determined in writing by UFM.

- the species and sizes to be transplanted;
 - the existing locations of the trees;
 - any proposed interim and the ultimate planting locations of the plant material;
 - the proposed time of year when the plant material will be moved;
 - the transplant methods to be used, including tree spade size if applicable;
 - details regarding on-site storage of plant material until transplanting can be completed;
 - details regarding after-transplant care, including mulching and watering, and, if necessary, support measures such as guying or staking.
 - details regarding equipment to be used to transport plant materials, and (if the transplantation area in which the trees will be located is in a preservation area) the routing of such equipment."
2. **Comment:** Limits of clearing and grading are shown as a post-construction tree line in the proposed Special Exception Plat. Clearing and nursery operations appear to have impacted existing trees on the edges of wooded areas, primarily on proposed Lot 1B1. Clearing on proposed Lot 1B2 for the dwelling, driveway, and the required septic field would result in additional tree loss.

Recommendation: Require that the proposed GDP show the existing tree line and a separate symbol for limits of clearing and grading. Clearly identify individual trees and groups of trees proposed for preservation.

Obtain the following development conditions language:

"The subdivision plan shall conform to the limits of clearing and grading shown on the GDP, as determined by Urban Forest Management Division (UFM), of Fairfax County Department of Public Works and Environmental Services (DPWES). Minor modifications may be permitted by UFM to the extent that these do not change the designations of individual trees, or result in significant physical impacts to the areas designated to be left undisturbed.

At the time of subdivision plan submission, the applicant shall submit a Tree Designation Plan for review and approval by the Urban Forest Management Division that identifies the trunk location, species, size, crown spread and condition analysis rating for all individual and groups of trees shown on the GDP to be preserved, as well as all on and off-site trees, living or dead



with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from existing grade at the base of the tree or as otherwise allowed in the 9th edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 of the approved limits of clearing and grading. The Tree Designation Plan shall also specify maintenance activities to increase the survivability of trees to be preserved, given the anticipated impacts from proposed construction. Such maintenance activities include, but are not limited to root pruning, crown pruning, mulching, and treatments designed to enhance the root zones of trees and their ability to recover and avoid stress.

Trees to be preserved: The applicant shall take necessary steps and actions to ensure the long-term survival, and continuing structural integrity and health of trees designated on the Tree Designation Plan to be preserved. If any of these trees is found to be dead, dying, diseased, or hazardous (as determined by UFM, at or prior to, the final release of the project bond) and that such was not the result of unapproved construction practices, the applicant shall provide for restoration and remuneration by:

1. providing for the removal of the above ground portions of trees.
2. restoring understory plants and/or soil conditions damaged during tree removal activities (as determined by UFM).
3. restoring the associated loss in canopy coverage in accordance with the tree cover guidance found in the Public Facilities Manual.
4. paying a sum equal to the monetary value of that tree or trees identified in the approved Tree Preservation Plan into the Hunter Mill District's Tree Preservation and Planting Fund for use by the County within the Hunter Mill Magisterial District on or off the subject property as determined by UFM after consultation with the District Supervisor.
5. In addition, the County may use other legal remedies at its disposal related to non-compliance, including, but not limited to the fact that a Special Exception Amendment may be required if any proposed remedies are not in substantial conformance with the development conditions, as determined by the Zoning Administrator.

If wrongful or negligent acts on the part of the applicant or the applicant's agents caused in whole or in part, these trees to be found to be dead, dying, diseased, or hazardous, as determined by UFM at, or prior to, the final release of the project bond, in addition to the removal and restoration requirements identified above, the applicant shall provide remuneration by paying a sum equal to the monetary value of that tree or trees as identified in the approved Tree Designation Plan into the Hunter Mill District's Tree Preservation and Planting Fund for use by the within the Hunter Mill Magisterial District on or off the subject property as determined by UFM after consultation with the District Supervisor. In addition, the County may use other legal remedies at its disposal related to non-compliance, including, but not limited to the fact



that a Special Exception Amendment be required if any proposed remedies are not in substantial conformance with the development conditions, as determined by the Zoning Administrator.

Trees to be removed: The applicant shall remove the trees specified on the Tree Designation Plan to be removed during initial clearing and grading activities in a manner approved by the Urban Forest Management Division. Trees to be removed that are located in the area protected by limits of clearing and grading shall be removed by hand with a chain saw and felled into the cleared area. No heavy equipment shall operate from a position within the area protected by limits of clearing and grading. Any work within the protected area shall be performed only under the direct supervision of the Project Arborist.

Tree Preservation Walk-Through: The applicant shall retain the services of a certified arborist or landscape architect and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Prior to commencement of any land disturbing activities, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a representative from the Urban Forest Management Division (UFM), Fairfax County Department of Public Works and Environmental Services ("DPWES") to determine where adjustments to the clearing limits can be made to increase the size of the area to be left undisturbed, and to increase the survivability of trees to be conserved or preserved that occur along the edge of the limits of clearing and grading, and/or identify hazardous trees that need to be removed. Any adjustments agreed to by the applicant and UFM shall be agreed upon and memorialized in writing by both the applicant and UFM before any such adjustments are implemented, and such adjustments shall be implemented. Trees to be removed shall be tagged in the field. Trees that are identified in writing by an authorized representative of UFM as dead or dying may be removed as part of the clearing operation. Any tree that is so identified shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory 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 the adjacent trees and associated understory vegetation and soil conditions.

Areas to be Left Undisturbed and Adherence to Limits of Clearing and Grading: shown on the Special Exception Plat shall be strictly adhered to. The subdivision plan shall clearly identify the limits of clearing and grading as shown on the Special Exception Plat.

As part of the subdivision plan, the applicant shall provide management practices for the protection of understory plant materials, leaf litter and soil conditions found in areas to be left undisturbed, subject to the approval of the Urban Forest Management Division. The applicant shall actively monitor the site 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. The applicant shall restore understory plant materials, leaf litter and soil conditions to the satisfaction of UFM if these are found to be damaged, removed or altered in manner not allowed in writing by the Urban Forest Management Division.

If it becomes necessary to install utilities determined necessary by DPWES within areas to be left undisturbed, they shall be located and installed in the least disruptive manner possible as determined by UFM in coordination with the Environmental and Site Review Division, DPWES. In addition, the applicant shall develop and implement a replanting plan 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 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 UFM. 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 UFM.

Root Pruning and Mulching: The applicant shall (1) root prune the roots of trees to be preserved that may be damaged during clearing, demolition, grade changes, utility installation and/or the installation of retaining walls; (2) mulch to a minimum depth of 3 inches within the areas to be left undisturbed where soil conditions are poor, lacking leaf litter or prone to soil erosion. The areas that will be root pruned and mulched shall be clearly identified on the Tree Designation Plan. All treatments for such trees and vegetation shall be clearly specified, labeled, and detailed on the erosion and sediment control sheets and demolition plan, if required, sheets of the subdivision plan submission. The details for these treatments shall be included in the Tree Designation Plan and shall be subject to the review and approved of UFM.

All root pruning and mulching work shall be performed in a manner that protects adjacent trees and vegetation that are required to be preserved and may include, but not be limited to, the following:



- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading and/or demolition of structures.
- Root pruning shall not sever or significantly damage structural or compression roots in a manner that may compromise the structural integrity of trees or the ability of the root system to provide anchorage for the above ground portions of the trees.
- Root pruning trench shall be back filled within 24 hours
- Root pruning shall be conducted with the on-site supervision of a certified arborist.
- Tree protection fencing shall be installed immediately after root pruning, and shall be positioned just outside the trench within the disturbed area.
- 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
- Mulch shall consist of (specify mulch type) wood chips, shredded hardwood and/or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.
- UFM, DPWES shall be informed in writing when all root pruning and tree protection fence installation is complete.

Tree Protection Fencing and Signage: All individual trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage as set forth below. Tree protection fencing shall be four-foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart; or super silt fence as may be approved by UFM 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. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading, and shall be shown on the demolition and phase I and II erosion and sediment control sheets.

All tree protection fencing shall be installed prior to Phase II clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation that is required to be preserved. At least three days prior to the commencement of any clearing, grading, or demolition activities and prior to the installation of tree protection fencing, UFM and the District Supervisor shall be notified in writing and given the opportunity to inspect the site to assure that all individual trees to be preserved and all areas to be left undisturbed have been correctly delineated. UFM shall provide written notice to the applicant as to whether or not the areas have been delineated correctly. If it is determined by UFM that the areas are not



delineated correctly, no grading or construction activities shall occur on the subject property until the delineation is corrected and field verified by UFM.

The applicant shall provide signs that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the 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 left undisturbed.

Site Monitoring: At all times during root pruning operations or trenching for the installation of super silt fence to function as tree protection fencing; and during any clearing or removal of trees, vegetation, or structures, or transplanting of trees or vegetation on the site, or other similar activities within or adjacent to areas of trees to be preserved, a representative of the applicant who is a certified arborist or landscape architect shall be present to monitor the process and ensure that the activities are conducted in accordance with the development conditions and as approved by UFM. In addition, the Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation requirements and UFM approvals. The monitoring schedule shall be described and detailed in the Tree Designation Plan and shall be reviewed and approved by UFM.

- 3. Comment:** No existing tree line is indicated anywhere on the proposed SE plat. The existing vegetative map indicates only developed land and agricultural land when there is clearly naturally occurring tree cover over portions of the property. In addition, trees and shrubs exist on the property associated with the nursery operation. These should be categorized separately from the developed land area and agricultural land as much of the nursery operation exists within natural forest areas. There appear to be four separate cover types including developed land, agricultural land, upland forest, and maintained grass lands.

Recommendation: Provide an existing vegetation map that more accurately depicts the tree cover on the subject parcels. Distinguish between naturally occurring tree cover and vegetation associated with the nursery operation. See PFM 12-0405 and Table 12.2 for information on preparation of existing vegetation maps.

- 4. Comment:** The status of Lot 1C, Tax Map: 27-4-((01))-14C2, is unclear. The second paragraph of the statement of justification expresses the Applicants' preference to leave Parcel 14C2 as it is. Then, in #2 on the same page, also states that "Parcel 14C2 will also access



Lantern Hill at Wendover Lot 1B
SE 2008-HM-010
April 28, 2009
Page 8 of 8

directly to the southern branch of Wendover Drive.” Is it the intent of the Applicant to build on Parcel 14C2?

Recommendation: Require the Applicant to include Parcel 14C2 in this Special Exception application and clarify the status and intended use of this parcel. If the intent is “to leave it as is,” designate Parcel 14C2 as a conservation easement. Condition the development of proposed Lot 1B2 on putting Lot 14C2 into a conservation easement.

If you have any questions, you may contact me at 703-324-1770.

HCW/
UFMID #: 136100

cc: RA File
DPZ File





County of Fairfax, Virginia

MEMORANDUM

DATE: February 3, 2009

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

FROM: Angela Kadar Rodeheaver, Chief *AKR by CAA*
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 2008-HM-010)

SUBJECT: Transportation Impact, Adendum

REFERENCE: SE 2008-HM-010; George B. & Carolyn L. E. Sagatov
Traffic Zone: 1613
Land Identification Map: 27-4 ((1)) 14C1

Transmitted herewith as requested are additional comments from the Department of Transportation with respect to the referenced application. These comments are based on a preliminary plat made available to this office dated January 7, 2009. The applicant wishes to subdivide a 4.54 acre parcel into two lots, with one lot requiring a waiver of the minimum lot width requirement. The proposed new lot 1B2 would access Wendover Drive while the house on lot 1B1 would continue to access by the existing driveway to the north end of Wendover Drive.

- The northern property line delineated on the plat is different from the County's tax map and the parcel immediately west of proposed lot 1B2 per the County's tax map is 14C2, not 1C as shown on the plat. The applicant's plat and the County's tax map need to match and these errors must be resolved before the application goes forward to a public hearing.
- VDOT and DPW&ES will not address the cul-de-sac in the temporary easement at this time.
- The subdivision shape factor is not a DOT decision.
- Since the majority of the frontage along Wendover Drive of the proposed lot 1B2 is EQC, the applicant should show exactly how /where the driveway access would be located.

AKR/LAH/lah

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

Fairfax County Department of Transportation
12055 Government Center Parkway, Suite 1034
Fairfax, VA 22035-5500
Phone: (703) 324-1100 TTY: (703) 324-1102
Fax: (703) 324 1450
www.fairfaxcounty.gov/fcdot





County of Fairfax, Virginia

MEMORANDUM

DATE: October 6, 2009

TO: Kelli Goddard-Sobers, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Beth Forbes, Stormwater Engineer *BF*
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application #SE 2008-HM-010, Sagatov Property,
Special Exception Plat dated August 20, 2009, LDS Project #5350-
ZONAV-001-B-1, Tax Map #27-4-01-0014-C1, Hunter Mill District

We have reviewed the subject application and offer the following comments related to stormwater management.

Chesapeake Bay Preservation Ordinance

There is no Resource Protection Area on the site.

Water quality controls must be provided, or waived, for both lots (PFM 6-0401.2A). Infiltration trenches and a bioretention facility are shown on the plat. Water Quality Management Areas are not eligible for BMP credit; they can only be used in conjunction with a BMP waiver or modification. The area of the existing storm drainage easement within the Environmental Quality Corridor cannot be used for BMP credit.

A PFM modification is required to locate a infiltration trenches on a single-family lot (PFM 6-1307.2A). Bioretention facilities located on single-family lots can be approved by the director for subdivisions with fewer than 3 lots.

The location of the maintenance access to the bioretention facility and infiltration trenches must be shown on the plat (ZO 101-2-3(c)(5)).

Floodplain

There is no floodplain on the site.

Stormwater Management

Stormwater detention must be provided, or waived, for each lot (PFM 6-0301.3). The bioretention facility on lot 1B2 should be designed as a bioretention basin in order to provide detention on that lot.

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 505
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



Kelli Goddard-Sobers, Staff Coordinator
Special Exception Application #SE 2008-HM-010, Sagatov Property
Page 2 of 2

The driveway for Lot 1B2 will likely require a drainage study (ZO 101-2-3(c)(7)). This study is mentioned in Note #22.

Infiltration Trench #1 seems to be located too close to an approved alternate drainage field (Chapter 68, Table 4.2). Infiltration Trench #2 seems to be located too close to the existing drainage field and a reserve drainage field.

Site Outfall

An adequate outfall statement has been provided. At the subdivision plan submission, it will be necessary to provide calculations and a narrative description demonstrating adequate outfall meeting the PFM requirements (PFM 6-0203 & 6-0204).

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

BF/

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Lynn Jones, Sr. Environmental Health Specialist, Health Department
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Zoning Application Files

RESIDENTIAL DISTRICT REGULATIONS

PART E 3-E00 R-E RESIDENTIAL ESTATE DISTRICT**3-E01 Purpose and Intent**

The R-E District is 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.

3-E02 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Agriculture, as defined in Article 20.
3. Dwellings, single family detached.
4. Privately-owned dwellings for seasonal occupancy, not designed or used for permanent occupancy, such as summer homes and cottages, hunting and fishing lodges and cabins.
5. Public uses.

3-E03 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 6 - Outdoor Recreational Uses.
6. Group 7 - Older Structures.
7. 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
 - 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

FAIRFAX COUNTY ZONING ORDINANCE

- 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
 - H. Temporary portable storage containers
8. Group 9 - Uses Requiring Special Regulation, limited to:
- A. Barbershops or beauty parlors as a home occupation
 - B. Home professional offices
 - C. Sawmilling of timber
 - D. Veterinary hospitals
 - E. Accessory dwelling units

3-E04

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. Congregate living facilities

RESIDENTIAL DISTRICT REGULATIONS

- F. Cultural centers, museums and similar facilities
 - G. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
 - H. Independent living facilities
 - I. Medical care facilities
 - J. Private clubs and public benefit associations
 - K. Private schools of general education
 - L. Private schools of special education
 - M. Quasi-public parks, playgrounds, athletic fields and related facilities
4. Category 4 - Transportation Facilities.
5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:
- A. Baseball hitting and archery ranges, outdoor
 - B. Bed and breakfasts
 - C. Commercial off-street parking in Metro Station areas as a temporary use
 - D. Establishments for scientific research and development
 - E. Funeral chapels
 - F. Golf courses, country clubs
 - G. Golf driving ranges
 - H. Kennels, animal shelters
 - I. Marinas, docks and boating facilities, commercial
 - J. Miniature golf courses ancillary to golf driving ranges
 - K. Offices
 - L. Plant nurseries
 - M. Veterinary hospitals, but only ancillary to kennels
6. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors’ Approval:

FAIRFAX COUNTY ZONING ORDINANCE

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-E05 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. 9-615.

3-E06 Lot Size Requirements

1. Minimum district size for cluster subdivisions: 20 acres
2. Average lot area: No Requirement
3. Minimum lot area
 - A. Conventional subdivision lot: 75,000 sq. ft.
 - B. Cluster subdivision lot: 52,000 sq. ft.
4. Minimum lot width
 - A. Conventional subdivision lot:
 - (1) Interior lot - 200 feet
 - (2) Corner lot - 225 feet
 - B. Cluster subdivision lot:
 - (1) Interior lot - No Requirement
 - (2) Corner lot - 175 feet

3-E07 Bulk Regulations

1. Maximum building height
 - A. Single family dwellings: 35 feet
 - B. All other structures: 60 feet
2. Minimum yard requirements

RESIDENTIAL DISTRICT REGULATIONS

A. Single family dwellings

(1) Conventional subdivision lot

- (a) Front yard: 50 feet
- (b) Side yard: 20 feet
- (c) Rear yard: 25 feet

(2) Cluster subdivision lot

- (a) Front yard: 30 feet
- (b) Side yard: 15 feet, but a total minimum of 40 feet
- (c) Rear yard: 25 feet

B. All other structures

- (1) Front yard: Controlled by a 55° angle of bulk plane, but not less than 50 feet
- (2) Side yard: Controlled by a 45° angle of bulk plane, but not less than 20 feet
- (3) Rear yard: Controlled by a 45° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio:

- A. 0.15 for uses other than residential or public
- B. 0.20 for public uses

3-E08 Maximum Density

- 1. Conventional subdivisions: One (1) dwelling unit per two (2) acres, or 0.5 dwelling unit per acre.
- 2. Cluster subdivisions: 0.55 dwelling unit per acre for cluster subdivisions approved by special exception, and 0.50 dwelling unit per acre for cluster subdivisions that are the result of a proffered rezoning from a district that allows a permitted maximum density of less than one (1) dwelling unit per two (2) acres.

3-E09 Open Space

In subdivisions approved for cluster development, 30% of the gross area shall be open space.

FAIRFAX COUNTY ZONING ORDINANCE

3-E10

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.

General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. 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 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.
4. 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.
5. 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.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. 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.
8. 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.

28. Wayside stands, but subject to the following limitations:
- A. Shall be permitted only in the R-A through R-4 Districts, on a lot containing at least two (2) acres.
 - B. Structures shall not exceed 400 square feet in gross floor area.
 - C. Shall be permitted only during crop-growing season, and such structures shall be removed except during such season.
 - D. Shall be for the expressed purpose of sale of agricultural products grown on the same property, or the sale of products of approved home occupations conducted on the same property. For the purpose of this Ordinance, plants which are balled, burlapped and bedded shall not be considered as growing on the same property.
 - E. Shall not be subject to the location requirements set forth in Sect. 104 below, but shall be located a minimum distance of twenty-five (25) feet from any lot line.
 - F. Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.
 - G. Notwithstanding the provisions of Article 12, a wayside stand may have one (1) building-mounted sign, mounted flush against the stand, which does not exceed ten (10) square feet in area.

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 the public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, on 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.

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 zoning 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 form 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-way or 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 and the 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. 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

AF	Agricultural & Forestal District	PDH	Planned Development Housing
AU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
MP	Best Management Practices	RC	Residential-Conservation
OS	Board of Supervisors	RE	Residential Estate
ZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CB	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
DUI/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		