



APPLICATION ACCEPTED: May 21, 2010  
BOARD OF ZONING APPEALS: July 28, 2010  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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July 21, 2010

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-DR-038

### DRANESVILLE DISTRICT

**APPLICANT:** Richard Bottomley

**OWNERS:** Richard A. Bottomley and  
Susan G. Bottomley

**SUBDIVISION:** Riverbend Knolls

**STREET ADDRESS:** 148 River Park Lane

**TAX MAP REFERENCE:** 4-3 ((9)) 19

**LOT SIZE:** 2.0 acres

**ZONING DISTRICT:** RE

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an accessory structure (detached garage) 12.0 feet from a side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2010-DR-038 for the accessory structure (detached garage) subject to the proposed 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, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

*Shelby Johnson*

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

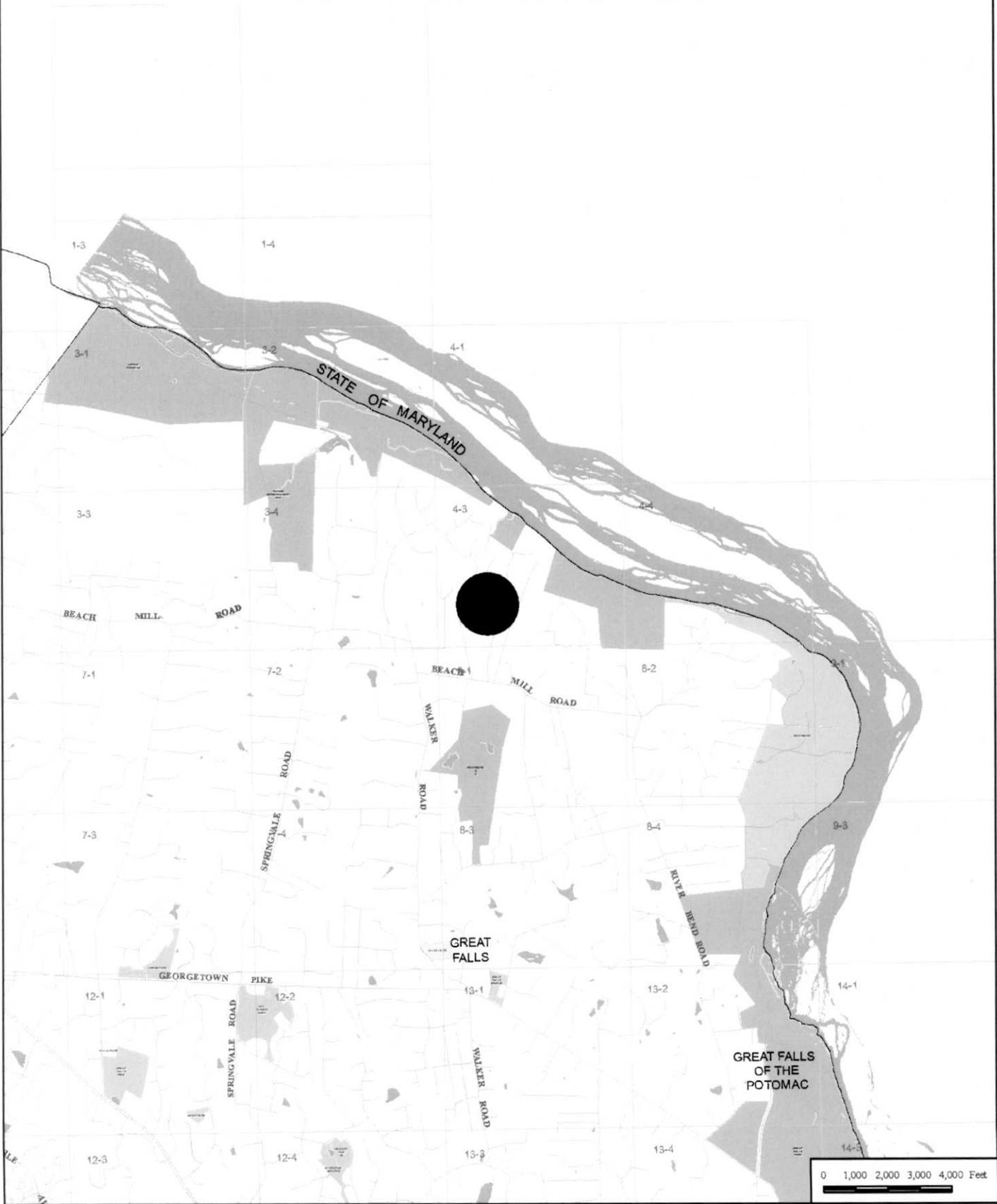
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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

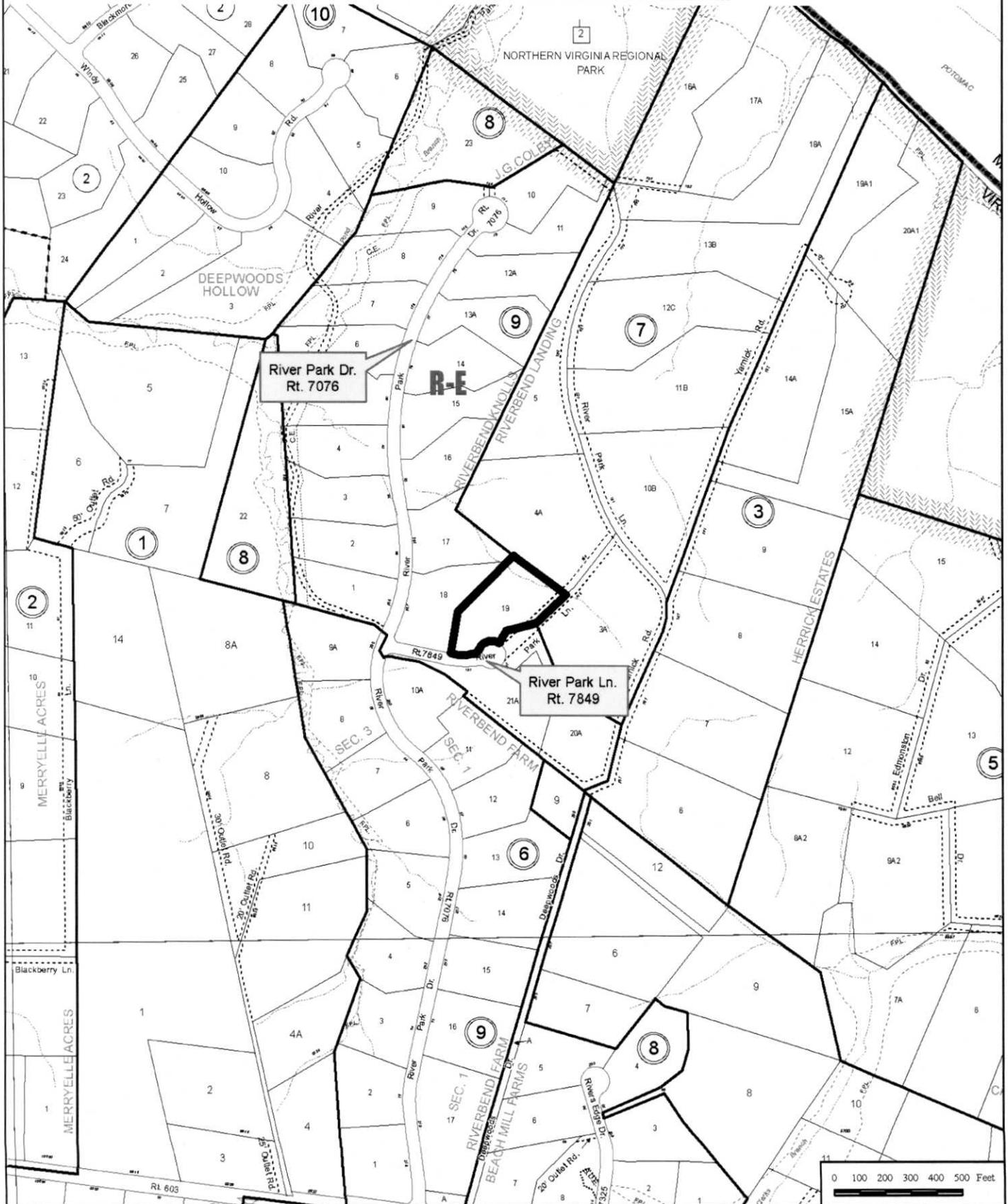


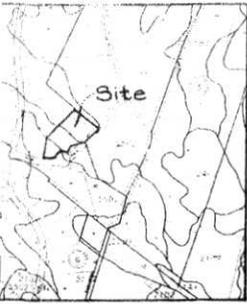
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2010-DR-038**  
RICHARD BOTTOMLEY



**Special Permit**  
**SP 2010-DR-038**  
**RICHARD BOTTOMLEY**





Site Location Map



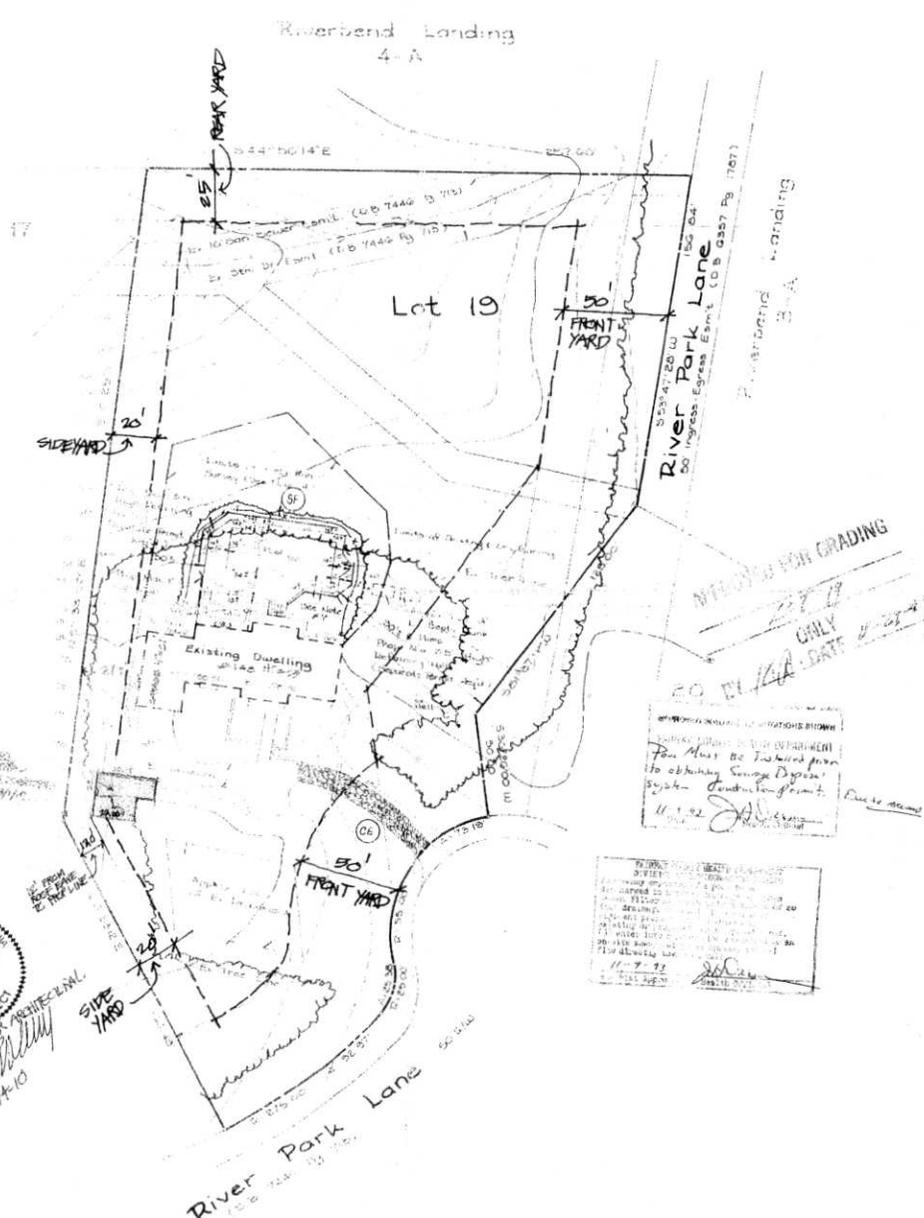
Site Drainage Map

Soils Table:

SOIL NAME	DRAINAGE	FOUNDATION SUPPORT	SLOPE STABILITY	QUALITY	EDUCATIONAL	PROTECTIVE
SOIL NAME	DRAINAGE	FOUNDATION SUPPORT	SLOPE STABILITY	QUALITY	EDUCATIONAL	PROTECTIVE
SOIL NAME	DRAINAGE	FOUNDATION SUPPORT	SLOPE STABILITY	QUALITY	EDUCATIONAL	PROTECTIVE
SOIL NAME	DRAINAGE	FOUNDATION SUPPORT	SLOPE STABILITY	QUALITY	EDUCATIONAL	PROTECTIVE



APPROVED FOR ARCHITECT  
 5/14/10



Handwritten note: "You must be involved from the beginning..."

Professional seal of the engineer, dated 11-7-97.

- GENERAL NOTES:**
- THE PROPERTY DEPICTED ON THIS PLAN IS SHOWN ON FAIRFAX COUNTY AERIAL PHOTOGRAPHY FOR 1991 AND IS ZONED R-1 AND CONTAINS 2.00 ACRES.
  - BOUNDARY DIMENSIONS: FRONT 20', SIDE 20', REAR 20'.
  - FOUNDATIONS DEPICTED ON THIS PLAN WERE TAKEN FROM A HOUSE FOUNDATION STUDY PREPARED BY ANNEKE E. JONES DATED JULY 21, 2004.
  - CONCRETE FOUNDATION WALLS ARE SHOWN ON THE PLAN. THE FOUNDATION IS TO BE CONSTRUCTED BY RICHIELE LAND SURVEYING INC. (RICHIELE) UNDER THE SUPERVISION OF SITE ENGINEER AND INTERFERED BY NEIGHBORHOOD UTILITIES CONTROL EXTERNAL TO RICHIELE.
  - NO TELL MEASUREMENTS.
  - GRADE: EXISTING GRADE AND PROPOSED GRADE ARE SHOWN ON THE PLAN. THE PROPOSED GRADE IS TO BE CONSTRUCTED BY RICHIELE LAND SURVEYING INC. (RICHIELE) UNDER THE SUPERVISION OF SITE ENGINEER AND INTERFERED BY NEIGHBORHOOD UTILITIES CONTROL EXTERNAL TO RICHIELE.
  - THE AREA BETWEEN THE EXISTING DWELLING AND PROPOSED GRADING IS TO BE GRADED BY A GRADER IN THE FIELD. THE PROPOSED GRADE IS TO BE CONSTRUCTED BY RICHIELE LAND SURVEYING INC. (RICHIELE) UNDER THE SUPERVISION OF SITE ENGINEER AND INTERFERED BY NEIGHBORHOOD UTILITIES CONTROL EXTERNAL TO RICHIELE.
  - EXISTING UTILITIES: EXISTING UTILITIES ARE SHOWN ON THE PLAN. THE PROPOSED UTILITIES ARE TO BE CONSTRUCTED BY RICHIELE LAND SURVEYING INC. (RICHIELE) UNDER THE SUPERVISION OF SITE ENGINEER AND INTERFERED BY NEIGHBORHOOD UTILITIES CONTROL EXTERNAL TO RICHIELE.
  - EXISTING SEWER AND WATER SUPPLY LINES: EXISTING SEWER AND WATER SUPPLY LINES ARE SHOWN ON THE PLAN. THE PROPOSED SEWER AND WATER SUPPLY LINES ARE TO BE CONSTRUCTED BY RICHIELE LAND SURVEYING INC. (RICHIELE) UNDER THE SUPERVISION OF SITE ENGINEER AND INTERFERED BY NEIGHBORHOOD UTILITIES CONTROL EXTERNAL TO RICHIELE.
- EROSION AND SEDIMENT CONTROL NOTES:**
- ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE PLACED AS THE FIRST STEP OF CONSTRUCTION AND CONFORM TO THE STANDARD AND CERTIFICATION CODES IN THE 1992 FAIRFAX COUNTY HANDBOOK UNDER THE 1992 FAIRFAX COUNTY EROSION AND SEDIMENT CONTROL REGULATIONS.
  - ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE INSPECTED BY THE SITE SUPERVISOR AND MAINTAINED DAILY. ANY DAMAGED DEVICES SHALL BE REPLACED BY THE OWNER OF THE PROPERTY. ANY DEVICES THAT ARE NOT MAINTAINED SHALL BE REMOVED.
  - ALL DISTURBED AREAS SHALL BE REVEGETATED AND MULCHED TO PREVENT EROSION AND SEDIMENTATION. ALL DISTURBED AREAS SHALL BE REVEGETATED WITHIN 90 DAYS AFTER THE DATE OF COMPLETION OF CONSTRUCTION.
  - ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE MAINTAINED AND REPAIRED AS NECESSARY TO PREVENT OVERFLOW OF THE STRUCTURE.
- TREE COVER REQUIREMENTS:**
- EXISTING TREE COVER: 100% SHALL BE MAINTAINED.
- NEW TREE COVER: 100% SHALL BE MAINTAINED.

NO.	TITLE	KEY	SYMBOL
3.02	TEMPORARY STONE CONSTRUCTION ENTRANCE	CE	
3.05	SILT FENCE	SF	

APPROVED: [Signature] 11-29-08

# SPECIAL PERMIT PLAT

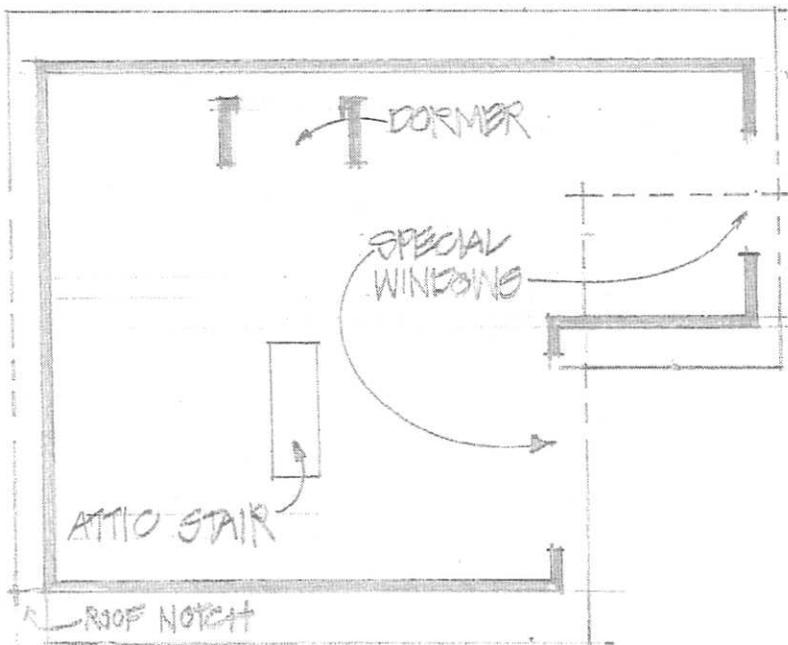
7503-SD-01-19-2

**DELTA CONSULTANTS, INC.**  
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
 1100 W. MARKET STREET, SUITE 100, FALLS CHURCH, VA 22046  
 (703) 441-1100  
 www.deltaconsultants.com

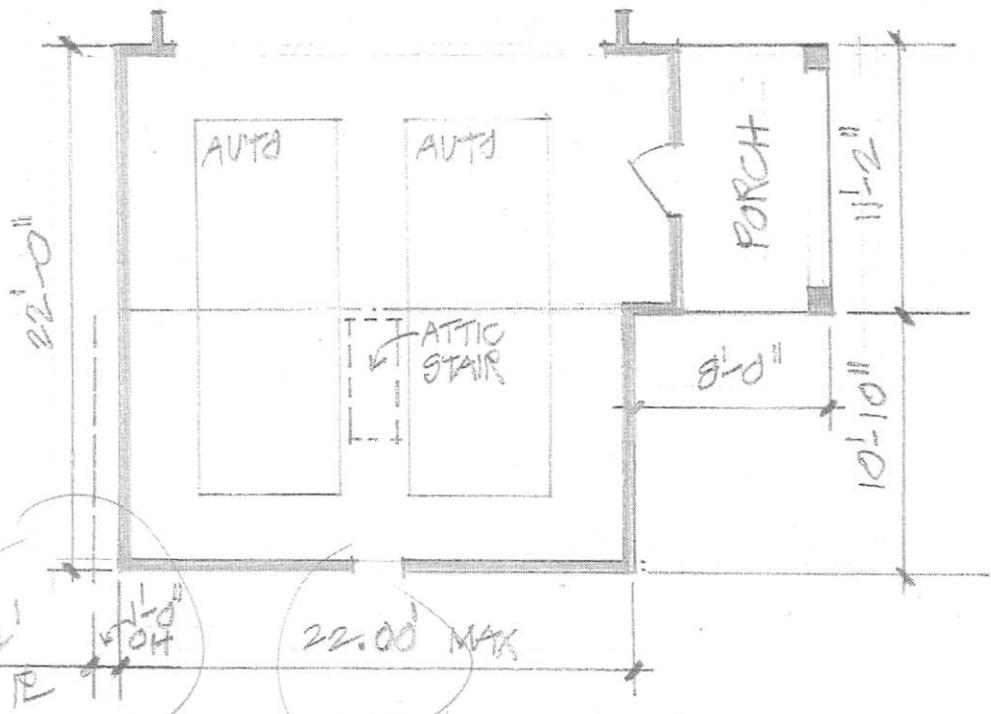
**REVISED GRADING PLAN**  
**LOT 19**  
**RIVERBEND KNOLLS**  
 FAIRFAX COUNTY, VIRGINIA

APPROVED BY: [Signature]  
 DESIGN: [Signature]  
 SCALE: 1"=200'  
 JOB NO.:  
 DATE: 11/29/08  
 SHEET: 1 of 1





ATTIC

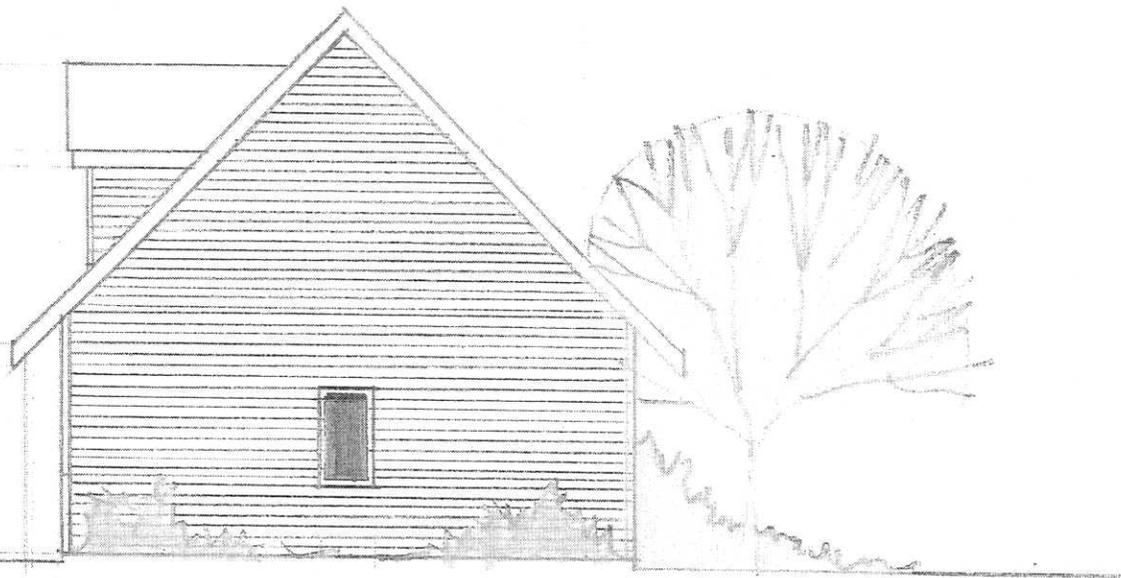


12' TO R  
11'-0" HOH  
22.00 MAX  
FIRST FLOOR (509.33 SF)  
SCALE 1" = 3'-0"

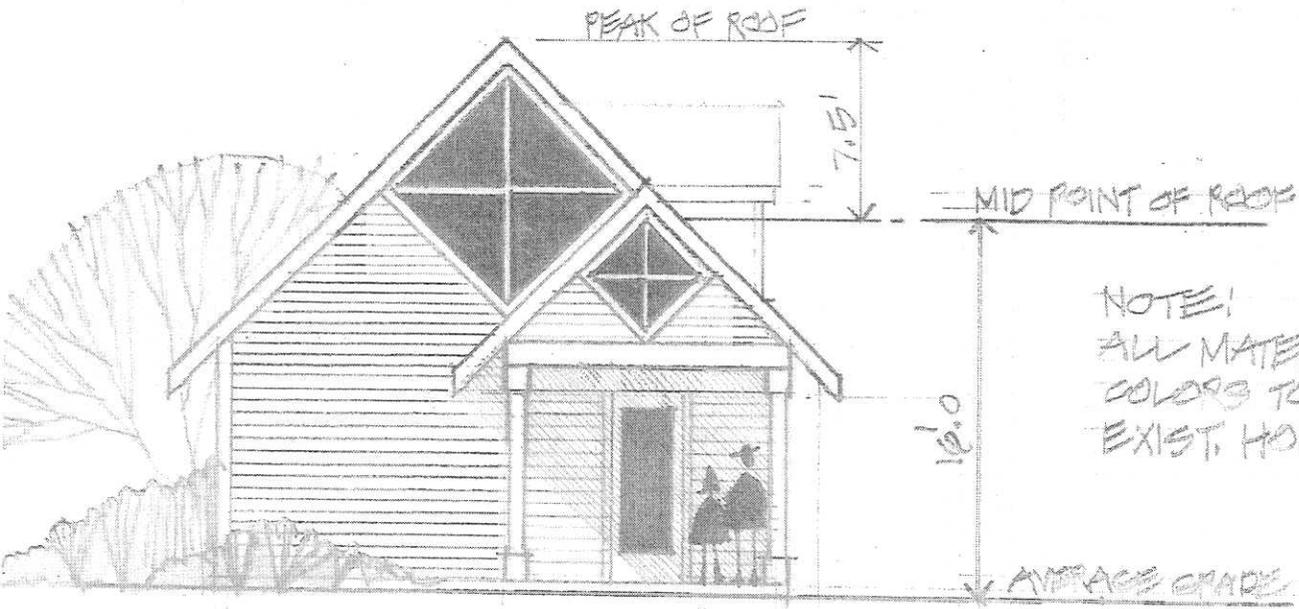


**Floor Plans • Bottomley Garage Addition**  
 148 River Park Lane  
 Great Falls, VA 22066  
 Robert Wilson Mobley, AIA  
 Sustainable Architecture  
 758A Walker Road, PO Box 717, Great Falls, VA 22066  
 Office 703 759 1927  
 rwmiaia1@verizon.net

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 5/14/10



VIEW FACING SIDE PROP LINE (NW)  
 SCALE APPROX 1" = 8'-0"



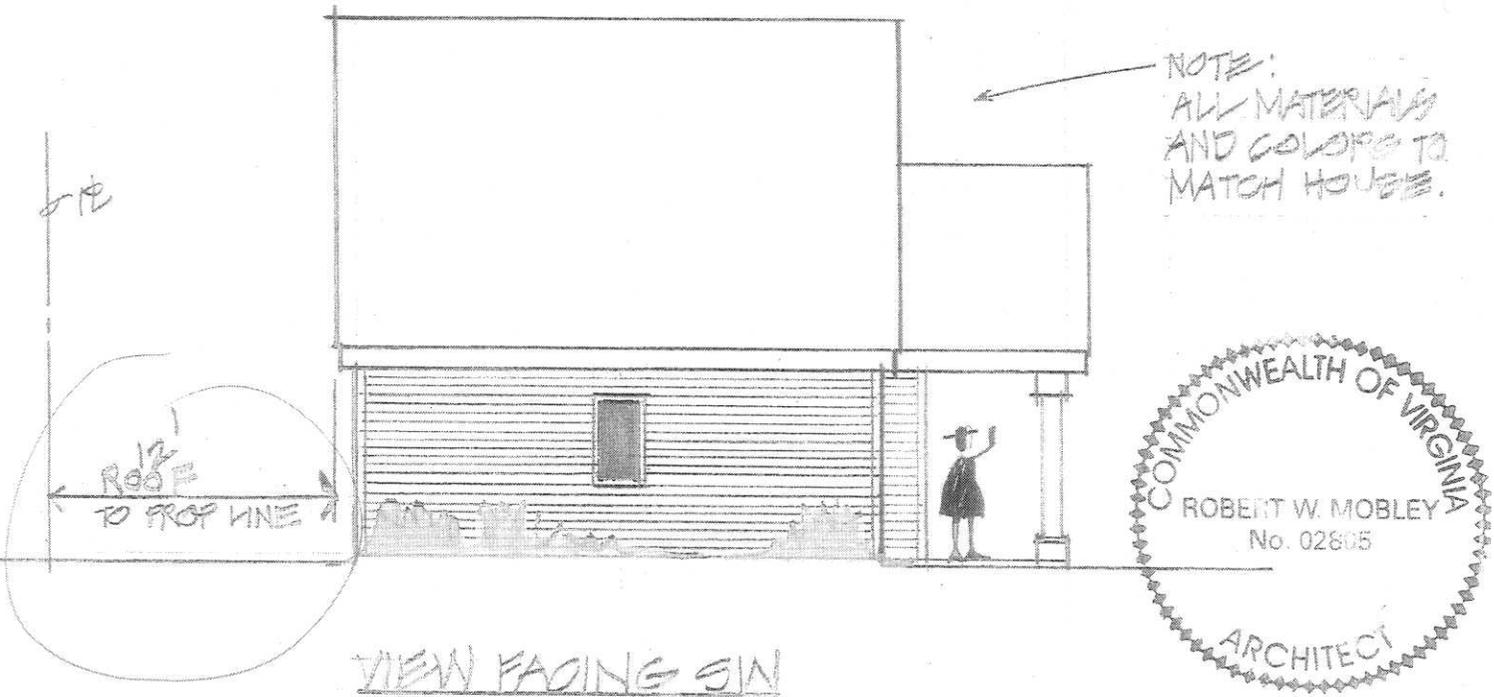
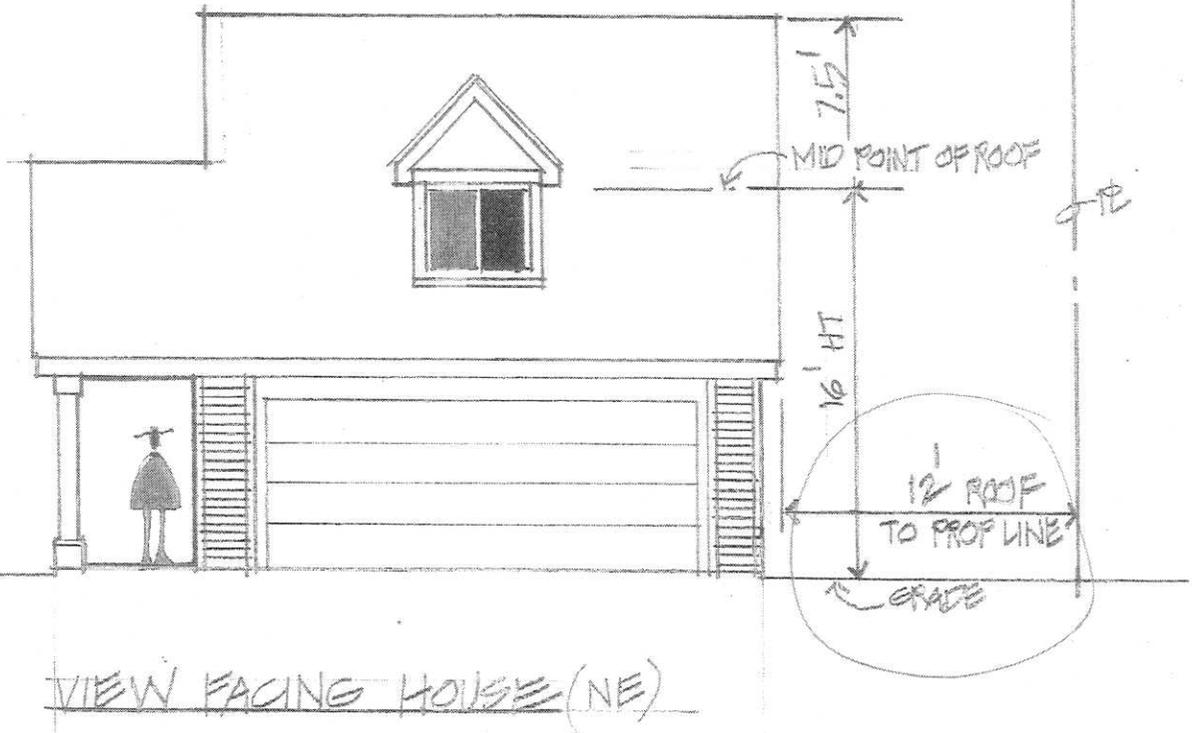
NOTE!  
 ALL MATERIALS AND  
 COLORS TO MATCH  
 EXIST. HOUSE

VIEW FACING STREET (SE)  
 APPROX 1" = 8'-0"

**Elevations • Bottomley Garage Addition**

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 rwmiaia1@verizon.net

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01 Lot Line-Driveway



02 From Front Walk



03 Lot line from Street at SW Corner facing N



04 Lot line from SW Corner facing E



05 Lot line from SE Corner facing W



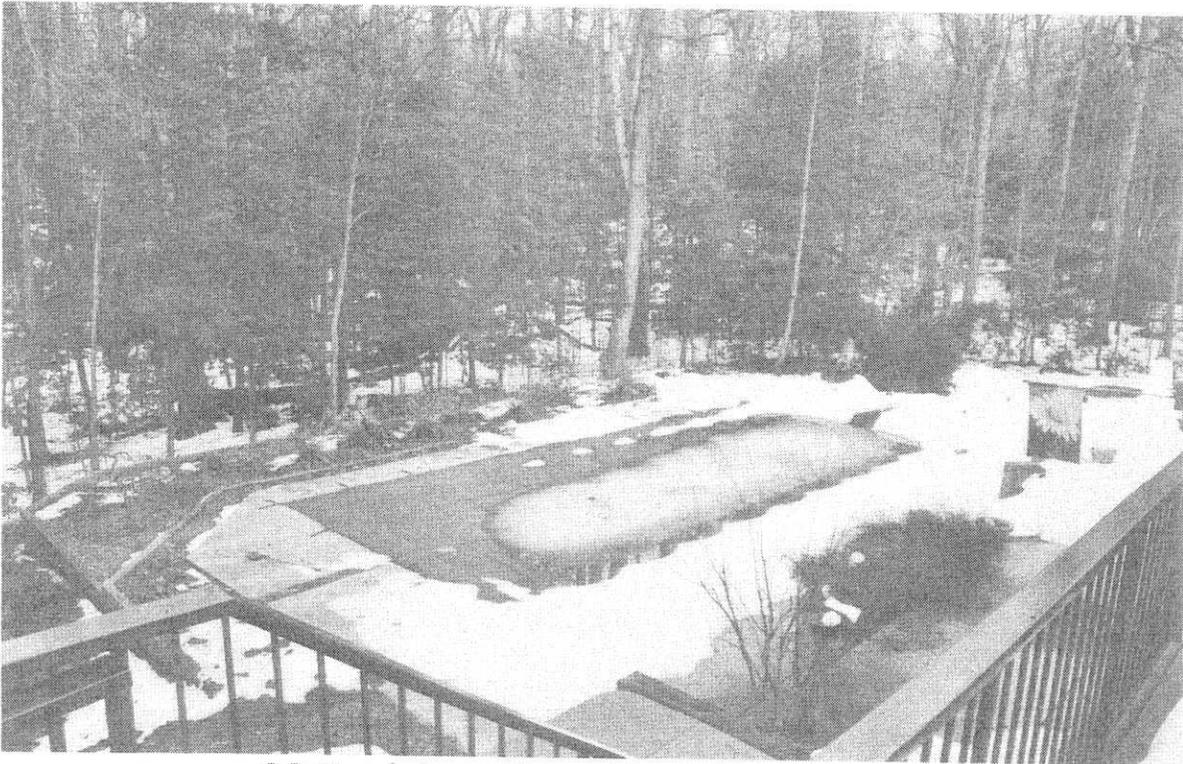
06 Lot line from SE Corner facing N



07 House Right Side from Driveway



08 House Right Side from SE Woods



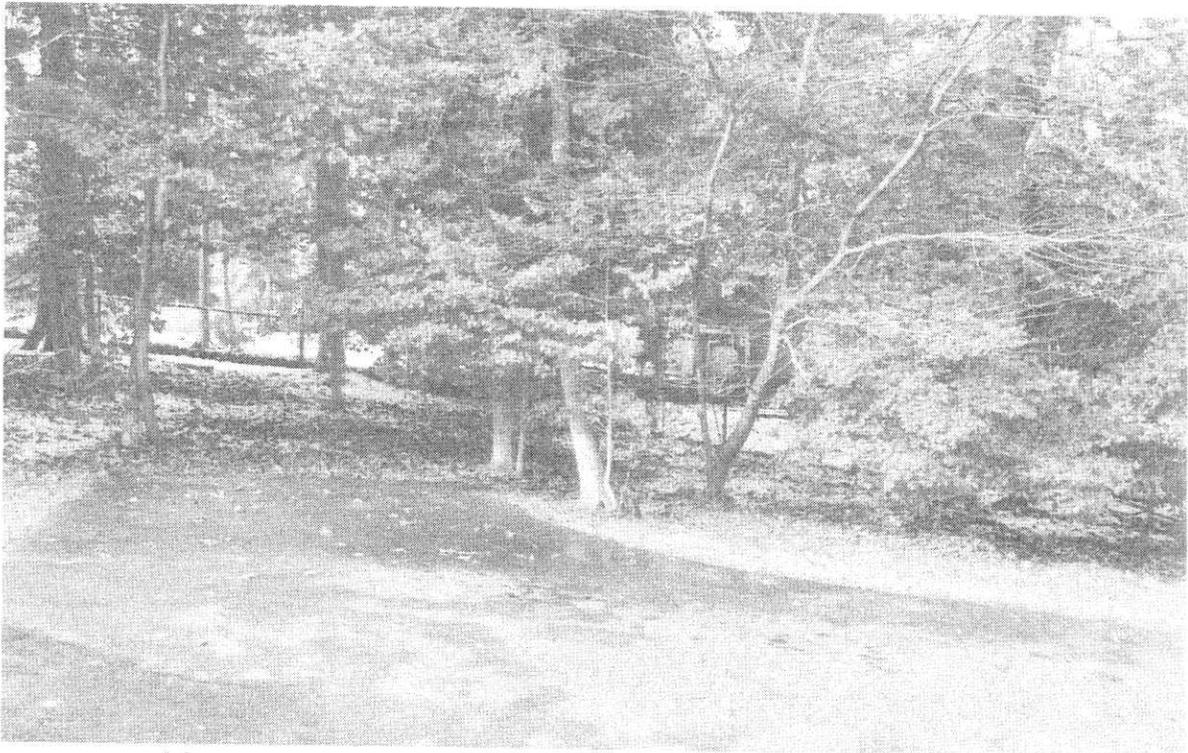
09 Pool Area From Deck Facing East



10 Pool At Grade Level Facing SE



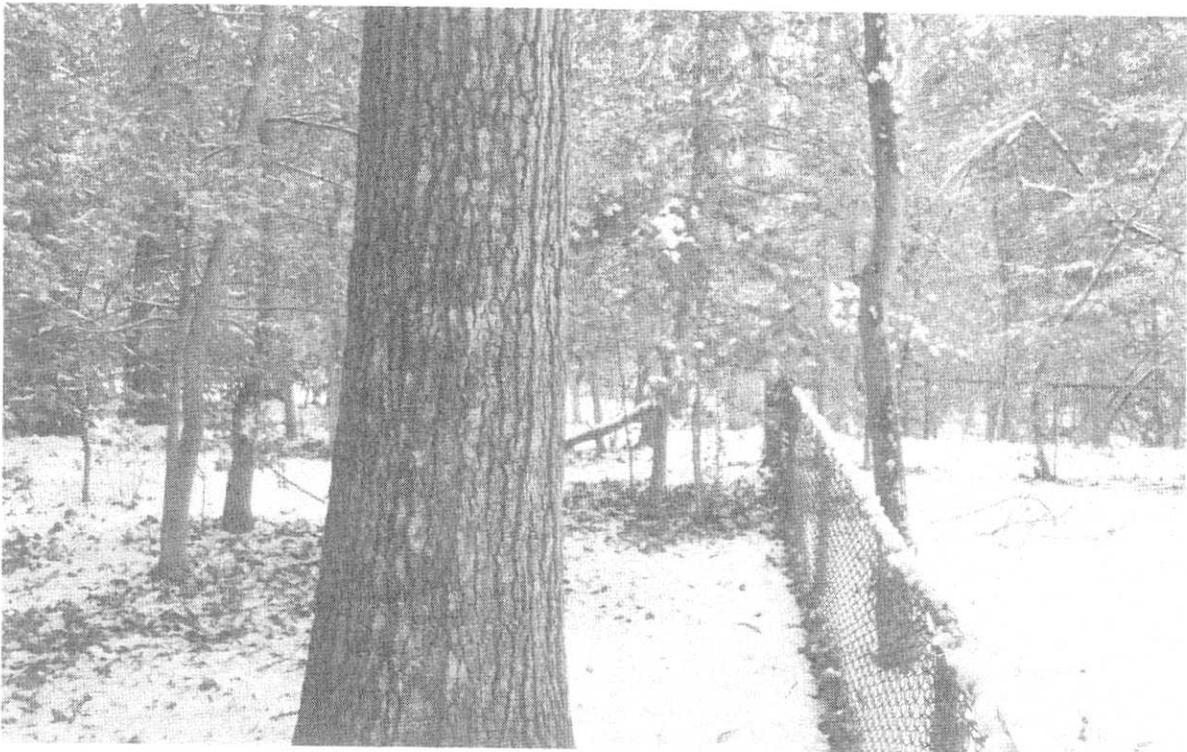
11 House Rear From N Woods



12 Proposed location view from current Garage



13 Lot Line Facing SW Toward Proposed Site



14 Lot line at Variance facing S



15 Lot line at Variance facing NNE



16 Facing Neighbor at Proposed Site

## DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of an accessory structure shown as a two-car detached garage, to be located 12.0 feet from the western side lot line. The detached garage is proposed to measure approximately 509.33 square feet in area and 23.5 feet in height. The applicant also proposes to expand the existing driveway by 476 square feet in area to accommodate the new garage.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Detached Garage	Side (West)	20.0 feet*	12.0 feet	8.0 feet	40.0%

\*Minimum yard requirement per Section 3-E07

## EXISTING SITE DESCRIPTION

The 2.0-acre lot is currently zoned to the R-E Zoning District and is developed with a two-story, vinyl siding, single-family detached dwelling located on the southwest portion of the lot. The existing dwelling is constructed with an attached garage which combined with the house consists of approximately 6,600 square feet of gross floor area. The height of the existing dwelling is 23 feet. The application site slopes to the northeast and contains one recorded sanitary sewer easement and two recorded storm drainage easements in this location. A septic drain field is located along the southern end of the property adjacent to the front yard to the south and the western side yard. The site is accessed from an asphalt-paved driveway that extends north from River Park Lane and terminates at the attached two-car garage along the northern lot line. The property contains mature vegetation consisting of large shade and deciduous trees, shrubs and ground cover located primarily along the perimeter of the property. The area surrounding the site of the proposed garage is the more densely wooded side of the property.

## CHARACTER OF THE AREA

	Zoning	Use
North	RE	Single Family Detached Dwellings
East	RE	Single Family Detached Dwellings
South	RE	Single Family Detached Dwellings
West	RE	Single Family Detached Dwellings

## BACKGROUND

County tax records indicate that the dwelling was constructed in 1994. Several building permits have been obtained for various improvements to the site including permits for an in-ground pool, septic system and a retaining wall.

The Board of Zoning Appeals (BZA) has not heard any similar special permit and variance applications in the vicinity of the application parcel.

## ANALYSIS

**Special Permit Plat** (Copy at front of staff report)

**Title of SP Plat:** Revised Grading Plan (Special Permit Plat)

**Prepared By:** Delta Consultants, Inc dated November 4, 1993, revised by Robert W. Mobley, Architect, through May 14, 2010

### Proposal:

The applicant is requesting special permit approval to permit the construction of a two-story, two-car detached garage measuring approximately 509.33 square feet in area and 23.5 feet in height to be located 12.0 feet from the western side lot line. The applicant also proposes to expand the existing driveway by 476 square feet in area to accommodate the new garage. The accessory structure is proposed to accommodate two vehicles on the main level and provide attic space for storage on the second level. The structure will be constructed of beige vinyl siding with white trim to match the exterior finishes of the existing dwelling.

## ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 5:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

**Sect. 8-006 General Special Permit Standards**

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standard 3.

*General Standard 3* requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *By observation of the neighborhood through submitted photographs, staff believes that the detached garage will not adversely affect the use or development of neighboring properties. The minimum required side yard is 20 feet. The proposed addition is to be located 12.0 feet from the western side lot line. Staff believes that the proposed structure will be located in the most logical location on the property as it utilizes, in part, the existing driveway and to avoid encroachment into the sewer and storm drainage easements which are located in the rear yard. Therefore, this standard has been met.*

**Sect. 8-922 Provisions for Reduction of Certain Yard Requirements**

The special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11, and 12 relate to submission requirements and were satisfied at the time of submission. Standard 4 relates to additions to an existing principal structure, Standard 5 relates to an existing accessory structure which do not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 6, 7, 8 and 9.

*Standard 6* states the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The proposed accessory structure will be 23.5 feet in height to the peak of the roof which will be consistent with the existing roof line of the dwelling. The addition is clearly subordinate in bulk and scale to the principal dwelling and proposed building materials are to match the existing façade of the dwelling. Staff believes the proposed addition will not be out of character with existing on-site development.*

*Standard 7* states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. *The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. There are several trees located in the area of the proposed garage and expanded driveway that will be removed to accommodate these improvements. The condition of these trees ranges from good to dead. Staff has proposed a development condition to require a tree preservation area at the limits of clearing and grading adjacent to the construction area to insure that healthy trees within the preservation area will be protected from construction activities. In addition, the applicant will be required to install tree protection fencing at the edge of the building envelope to preserve the remaining on-site and off-site trees. With the implementation*

*of this development condition, staff believes that the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. The Department of Public Works and Environmental Services (DPWES) has confirmed that there are no Resource Protection Areas (RPA) or floodplains located on the property. Additionally, DPWES has determined that the disturbance necessary to construct the proposed addition will be less than 2,500 square feet; therefore no infill grading plan or stormwater management/BMP measures will be required. Staff believes that the application meets this provision of the Ordinance.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The proposed scale of the garage is consistent with the existing dwelling and is proposed in a logical location southwest of the existing dwelling where the existing driveway, in part, provides access to the proposed structure. The lot is oddly shaped and the site is severely limited by topography and existing recorded sanitary sewer and storm drainage easements in the northeast section of the lot and the septic field in the southeast section of the lot. The proposed location appears to be the most appropriate location for the proposed structure. Staff believes that this standard has been met.*

## **CONCLUSION**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of SP 2010-DR-038 for the accessory structure (detached garage) subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/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 Zoning Appeals.

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

## **APPENDICES**

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Urban Forest Management Analysis
5. Applicable Zoning Ordinance Provisions

## PROPOSED DEVELOPMENT CONDITIONS

### SP 2010-DR-038

July 21, 2010

If it is the intent of the Board of Zoning Appeals to approve SP 2010-DR-038 located at Tax Map 4-3 ((9)) 19 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

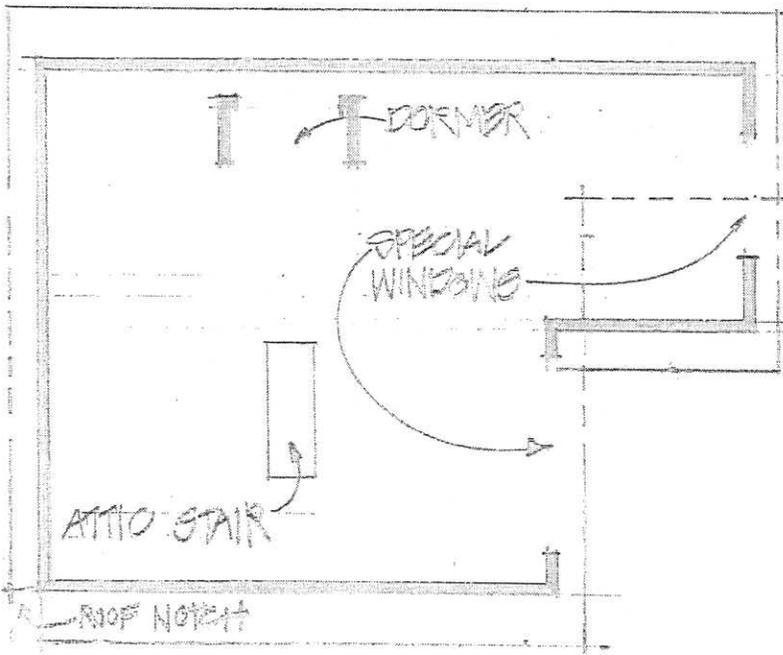
1. This special permit is approved for the location and size (approximately 509.33 square feet) of the accessory structure (detached garage), as shown on the plat prepared by Delta Consultants, Inc dated November 4, 1993, revised by Robert W. Mobley, Architect, through May 14, 2010, submitted with this application and is not transferable to other land.
2. Building permits for the accessory structure (detached garage) shall be obtained prior to construction.
3. Prior to commencement of and during the entire construction process, tree protective fencing shall be installed between the proposed garage location and the limits of clearing and grading at the southern and western property boundary. Tree protection fencing in the form of 14-gauge welded wire fence mounted on steel posts shall be installed at the limits of clearing and grading. The applicant shall monitor the site to ensure that inappropriate activity such as the storage of construction equipment does not occur within the tree save areas.
4. A minimum of five (5) shrubs, a minimum of 18 inches in height at time of planting, shall be planted along the southern foundation of the detached garage.
5. The accessory structure (detached garage) shall be consistent with the architectural renderings included as Attachment 1 to these conditions.

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

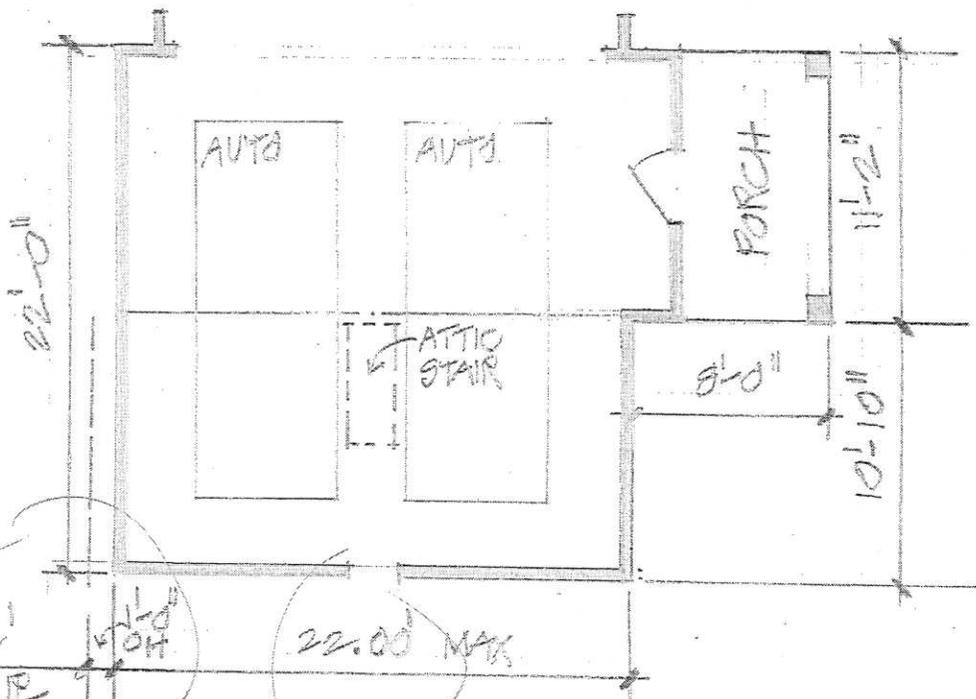
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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

time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.





ATTIC



FIRST FLOOR (509.39 SF)  
SCALE 1" = 8'-0"



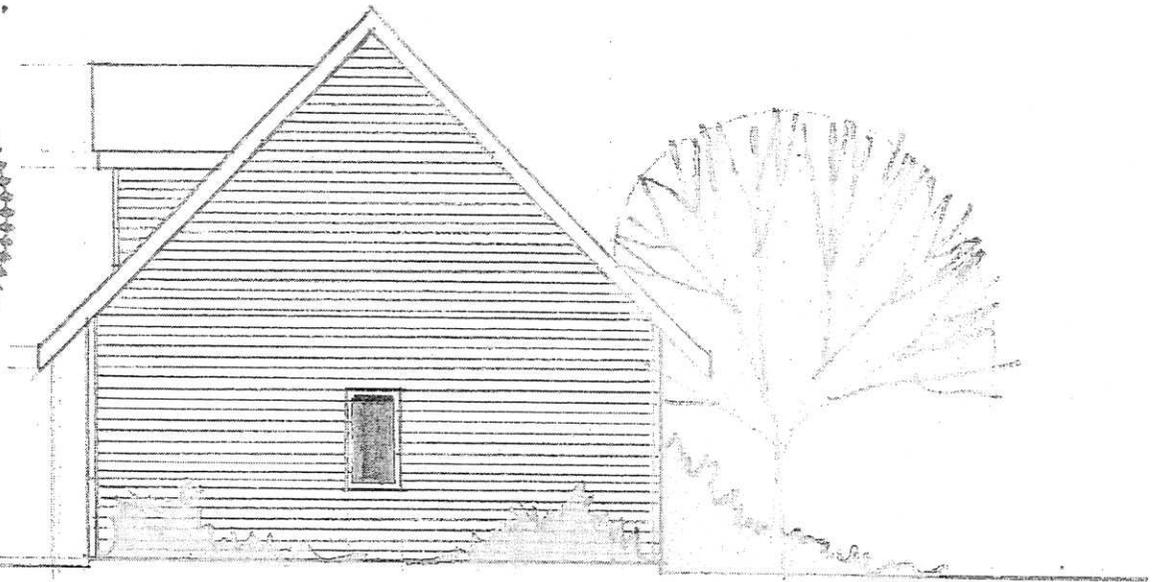
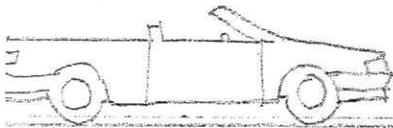
**Floor Plans • Bottomley Garage Addition**

148 River Park Lane  
Great Falls, VA 22066  
Robert Wilson Mobley, AIA  
Sustainable Architecture

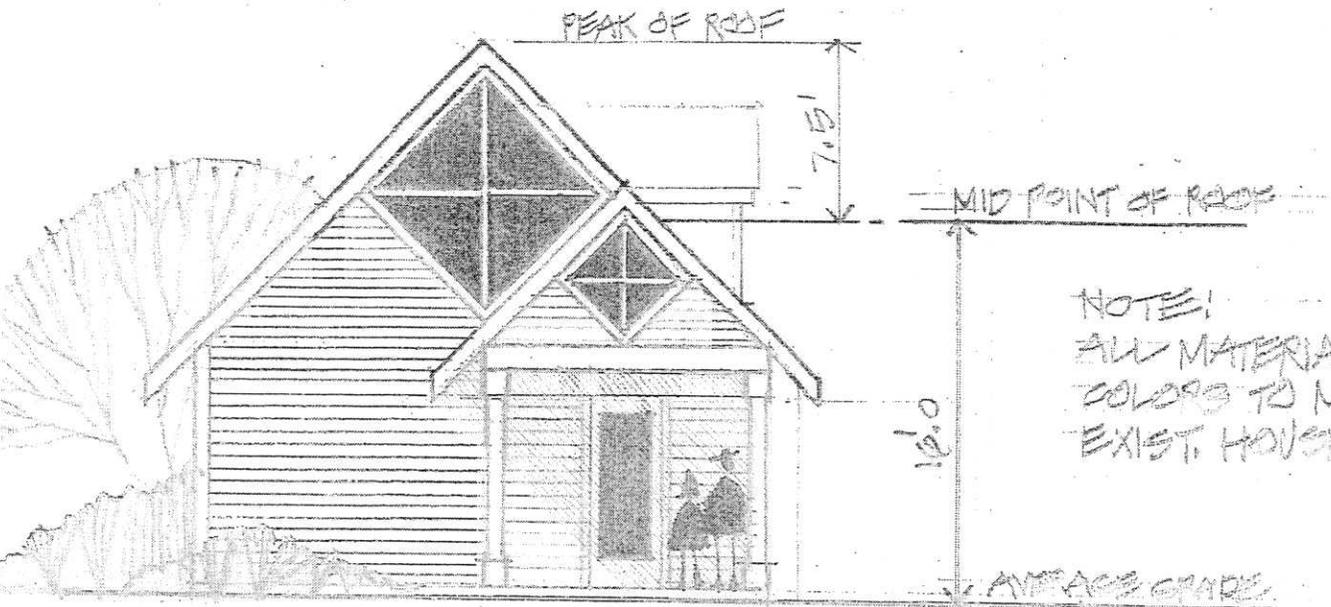
758A Walker Road, PO Box 717, Great Falls, VA 22066  
Office 703 759 1927  
rwmaia1@verizon.net

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5/14/10

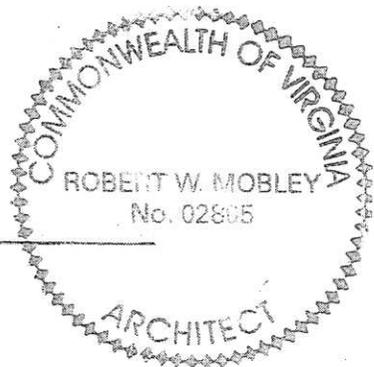
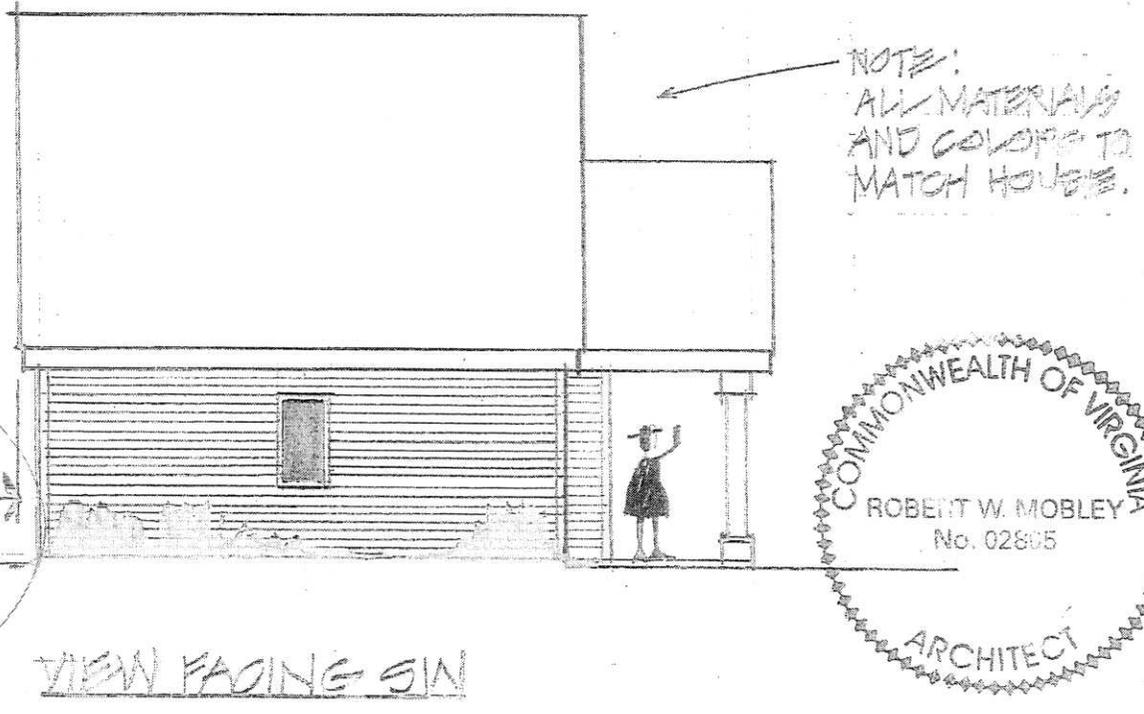
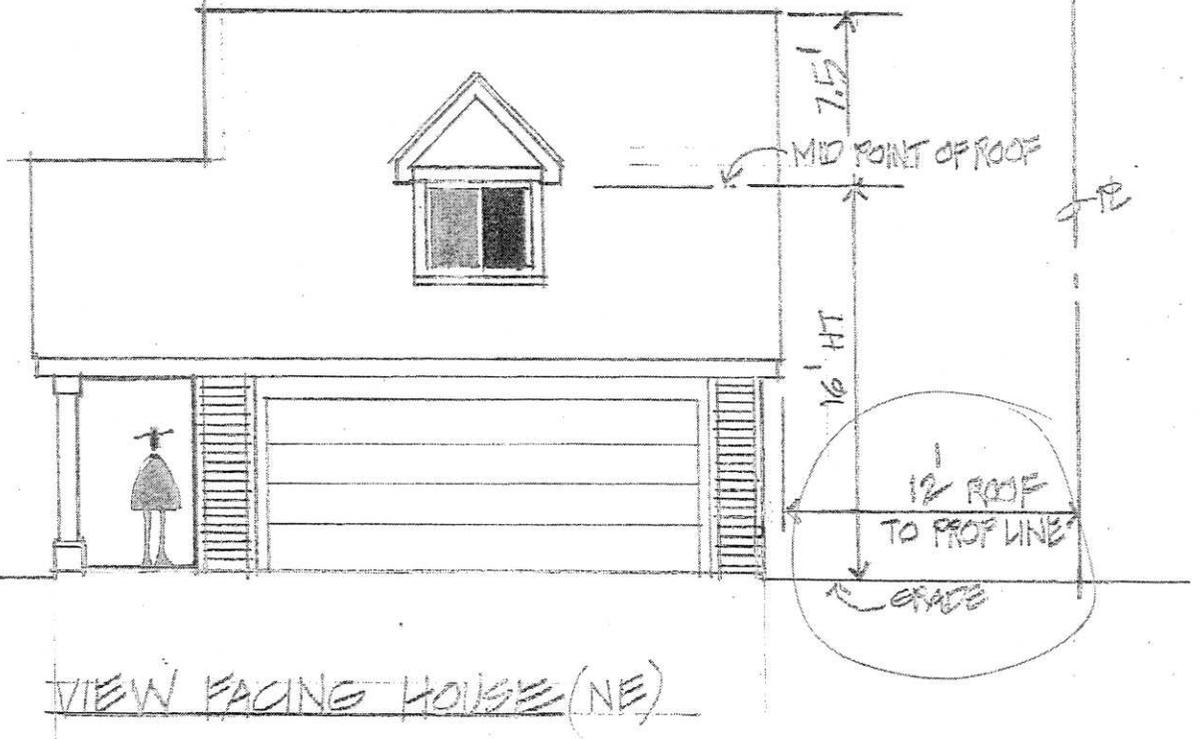


VIEW FACING SIDE PROP LINE (NW)  
SCALE APPROX 1" = 8'-0"



VIEW FACING STREET (SE)  
APPROX 1" = 8'-0"

**Elevations • Bottomley Garage Addition**  
148 River Park Lane  
Great Falls, VA 22066  
Robert Wilson Mobley, AIA  
Sustainable Architecture  
758A Walker Road, PO Box 717, Great Falls, VA 22066  
Office 703 759 1927 [rwmaia1@verizon.net](mailto:rwmaia1@verizon.net)  
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**Elevations • Bottomley Garage Addition**  
 148 River Park Lane  
 Great Falls, VA 22066  
 Robert Wilson Mobley, AIA  
 Sustainable Architecture  
 758A Walker Road, PO Box 717, Great Falls, VA 22066  
 Office 703 759 1927  
 © 4/14/10

rwmaia1@verizon.net

4 OF 4

Application No.(s): SP 2010-DR-038  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: DECEMBER 7, 2009  
 (enter date affidavit is notarized)

I, RICHARD BOTTOMLEY, 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

107634

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
RICHARD A. AND SUSAN G. BOTTOMLEY	148 RIVER PARK LANE GREAT FALLS, VA 22066	APPLICANT + JOINT OWNERS

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

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

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

Application No.(s): SP 2010-DR-038  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: DECEMBER 7, 2009  
(enter date affidavit is notarized)

107634

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: N/A

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

**CORPORATION INFORMATION**

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

**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)

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

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

Application No.(s): SP 2010-DR-038  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: DECEMBER 7, 2009  
(enter date affidavit is notarized)

107634

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

N/A

**PARTNERSHIP INFORMATION**

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

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

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

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

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

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DATE: DECEMBER 7, 2009  
(enter date affidavit is notarized)

107634

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

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

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

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

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

NONE

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

Application No.(s): SP 2010-DR-038  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: DECEMBER 7, 2009  
(enter date affidavit is notarized)

107634

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

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

NONE

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

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

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

**WITNESS the following signature:**

(check one)  Applicant Richard A. Bottomley [ ] Applicant's Authorized Agent

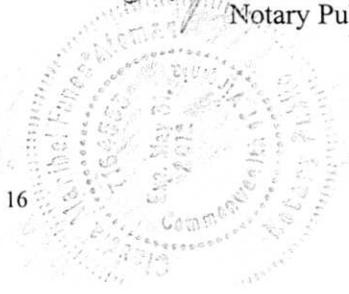
RICHARD A. BOTTOMLEY  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 07<sup>th</sup> day of December 2009, in the State/Comm. of Arlington, County/City of VA

[Signature]  
Notary Public

My commission expires: 05/31/2012

Claudia Maribel Funes Aleman  
Notary Public  
Commonwealth of Virginia  
My Commission Expires 5-31-2012



MAY 19 2010

Zoning Evaluation Division

March 1, 2010  
Revised with Attachment A May 17, 2010

Proposed Garage for Richard and Susan Bottomley  
148 River Park Lane  
Great Falls, VA 22066

**Statement of Justification**

**Existing Conditions**  
(SEE SPECIAL PERMIT PLAT)

Site: A two-acre wooded site located in the Dranesville District at 148 River Park Lane. The site slopes to the northeast where there exists two recorded storm drainage easements and one recorded sanitary sewer easement.

House Location: The existing residence, constructed in 1994, was designed and built on the southwest portion of the lot, uphill and opposite the sewer and drainage easements. The residence shares the southwest part of the lot with the existing septic drain field, the entrance drive way and an existing wooded area that partially screens the house from River Park Lane.

Existing Residence and Garage: The existing residence was constructed with a moderate size two car garage at the end of the house opposite the street and near the side property line. This two car garage has proven to be inadequate for the Owner's requirements, too small for this four bedroom house and a deficiency in today's real estate market.

**Design Goals**

The Owner would like to construct a moderate size garage for two additional cars near the existing garage. This would concentrate all the cars away from the street view and near the existing mud room and kitchen. (SEE ARCHITECTURAL DRAWING 1 OF 3)

**Design Restrictions**

The proposed location of the new garage is both convenient for the Owners and has minimum impact of the view from the street. This location however is restricted by part of the septic drain field and the side yard setback.

As a first option, the Owners located the proposed garage to meet the Fairfax County side yard setback but this location encroached 6.6' upon the 10' setback from the septic field as required by the Health Department. (SEE SITE PLAN TWO)

After the stakeout and filed meeting with the Health Department the Owners were informed that it would be necessary to re-locate half of their septic field. This would require moving approximately 15-20 mature hardwood and holly trees. This tree removal would erase much of the existing wooded screening between the street and the house. (SEE SITE PLAN TWO)

### **Alternate Locations**

The Owners investigated other possible locations for the new garage including the opposite end of the house and at the rear of the house. (SEE SPECIAL PERMIT PLAT)

The opposite end of the house posed four challenges:

1. This end is most near the street and would be very visible.
2. This is the bedroom end of the house and does not offer a convenient entry.
3. This end of the house is encumbered by underground utilities including electric, phone, TV cable and sewer pressure line.
4. There is severe slope at this end of the house.

The rear of the house has two major challenges:

1. It is one level below the main entry level causing a difficult entry.
2. The rear yard contains a swimming pool, finished landscaping with stone landscaping walls, a buried septic tank, a buried pumping tank and the recorded drainage easements mentioned above.

### **Conclusion**

(Revised 5/17/10 from Original Submission)

Returning to the original proposed location the Owners hereby apply for a Special Permit to locate their new two car garage between the existing septic field and the side property line - requiring a reduction in the side yard building restriction line from 20 feet to 12 feet. This would require removing 3 trees over 6" diameter - two 8 inch hollies and a 12 inch beech - and will leave the dense wooded screen between the septic field and the street intact. (SEE SITE PLAN TWO and ARCHITECTURAL DRAWING 1 OF 3)

SEE ATTACHMENT A DATED MAY 17, 2010, which addresses specific deficiencies listed in the April 27, 2010 letter from Virginia H. Ruffner, Planner III, Application Acceptance Section, ZED, DPZ.

**ATTACHMENT A TO STATEMENT OF JUSTIFICATION**  
**Dated May 17,2010**

Proposed Garage Project for Richard and Susan Bottomley  
148 River Park Lane  
Great Falls, VA 22066

Additional information is described below relating to specific deficiencies listed in the SP 2010 – 0023 Checklist Report as issued April 27, 2010.

**In response to Item 5.00**, the Statement of Justification to which this Attachment applies describes the proposed use. Other pertinent data now being provided in responses to deficiencies noted for Items 5.07 and 5.09, are as detailed below.

**In response to Item 5.07**, the building façade will match the existing house, consisting of beige vinyl siding with white trim. Black asphalt shingles will be used for the roof. The structure will be wood framed with a concrete floor. Andersen casement windows will be used as shown on the Architectural Drawings and doors will be consistent with the existing structure, but have not yet been specified.

**In response to Item 5.09**, the Special Permit Application has been revised to request that the garage, including eaves, will be 12 feet (changed from the previously requested 13 feet) from the lot line, a variance from the normal 20 feet setback. Additionally, certain plat exceptions were requested in the “Request for Certain Plat Requirement Variances SP 2010-0023” as filed on April 26, 2010.

**In response to Item 7.00**, the plats are now signed and dated by the architect for changes he has made to the originals. Also one 8 ½” X 14” reduction of the Special Permit Plat is being provided.

**In response to Item 930.00 and 930.01**, the Architectural Drawings, as revised May 14, 2010, show the existing structure as 6600 square feet on page 1 of 4. No change is being made to the existing structure. The proposed Garage is 509.33 square feet as shown on page 2 of 4. The garage is subordinate to the existing structure in all respects.

**In response to Item 930.02**, the Owners believe the proposed Garage will be in character with the existing on-site development as described in the Architectural Drawings and this Statement of Justification.

**In response to Item 930.03**, the Owners believe the proposed Garage will be harmonious with the surrounding off-site uses and structures of this residential neighborhood. Significant expense and effort has been incurred and the design has been compromised to preserve trees and minimize the variance being requested.

**In response to Item 930.04**, the Owners believe the proposed Garage will not adversely impact issues such as noise, light air, erosion and stormwater runoff. There is no outdoor lighting

proposed, the only noise will be on the side facing the existing structure when the garage door opens and as shown on Site Plan Two and the construction area contains no more than a two feet slope which will generally be maintained.

**In response to Item 930.05**, the Owners believe the proposed Garage design and layout, as shown in the Architectural Drawings, the Special Permit Plat, Site Plan Two and described in this Statement of Justification optimize the constraints placed on the project. Significant expense and design compromise have been made to accommodate zoning regulations and existing vegetation. The Owners would be pleased to answer questions, meet with or discuss their considerations in more detail with any interested party.

**In response to Item 930.10**, the Special Permit Plat has been revised and is being resubmitted to now show the dimensions of the eaves and change the variance request to 12 feet from the lot line from the previously requested 13 feet. The Plat has been signed and sealed by the Architect for the changes he has made to the original plat. The Request for Certain Plat Requirements and Variances SP 2010-0023 submitted April 26, 2010 is still applicable for remaining plat requirements.

**In response to Item 930.11**, the Special Permit Plat has been revised and is being resubmitted to now show the dimensions of the eaves and change the variance request to 12 feet from the lot line from the previously requested 13 feet. The angle of bulk plane is not applicable to this residential project.

**In response to Item 930.14**, the location of the well and approximate septic area are shown on the Special Permit Plat. As described previously in the Statement of Justification, the exact location of the septic field was staked during a field visit by the Health Department and its location is shown on the Architectural Drawings, page 1 of 4.

**In response to Item 930.15**, the gross floor area of the existing structure is 6600 square feet as shown on the revised Architectural Drawings page 1 of 4, the proposed structure has a 509.33 square foot area as shown on Architectural Drawings page 2 of 4, for a ratio of new to old floor space of .077.

**In response to Item 930.15 and 930.16**, the Site Plan One plat shows the 10' sanitary and sewer easements as well as a storm drainage easement on the property. There are no major utility easements or any others with a width greater than 25'.

**In response to Item 930.17**, there is no existing or proposed landscaping and screening other than ornamental bushes near the proposed or existing structures.

**In response to Item 930.18**, the lot is not in a designated flood plain or any of the other designations listed in this section.

**In response to Item 930.19**, the Special Permit Plat was revised and is being resubmitted to include, among other things, the Architect's signature and seal for changes he has made.



# County of Fairfax, Virginia

## MEMORANDUM

June 14, 2010

**TO:** Shelby Johnson, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Craig Herwig, Urban Forester III   
Forest Conservation Branch, DPWES

**SUBJECT:** Riverbend Knolls Lot 19 (148 River Park Lane), SP 2010-DR-038

**RE:** Request for assistance dated June 9, 2010

This review is based on the Special Permit application SP 2010-DR-038 and the special permit plat (revised grading plan) showing the proposed detached garage addition on "lot 19 Riverbend Knolls" (148 River Park Lane) stamped as "Received, Department of Planning and Zoning, May 19, 2010. A site visit was conducted on June 10, 2010.

**Site Description:** This site is developed with a two story brick dwelling attached garage and associated asphalt driveway. There is an existing swimming pool and associated decks and patio at the rear of the house. The location of the proposed detached garage is located at the southwest portion of the property, partially within an existing stand of primarily native trees. The overstory trees within this stand include American holly, oak and black cherry, which range in condition from good to dead. The larger oaks within the proposed footprint of the garage appear to be dead or in fair to poor condition. The black cherry and holly trees appear to be in good condition. The understory consists of smaller American holly and pawpaw, most of which appear to be in good condition.

- 1. Comment:** It is unclear if the shaded area indicating the location of the proposed detached garage includes the limits of clearing and grading necessary to construct the structure.

**Recommendation:** The limits of clearing and grading should be clearly shown so it is understood how much area will be disturbed and where trees are proposed for preservation and removal.

- 2. Comment:** The wooded area surrounding the proposed detached garage should be considered a priority for preservation.

**Recommendation:** A tree preservation area should be provided at the limits of clearing and grading adjacent to the proposed detached garage to insure the trees within

Riverbend Knolls, Lot 19

SP-1020-DR-038

June 14, 2010

Page 2 of 2

the preservation area will be protected during the clearing and construction of the garage. Tree protection fence in the form of 14-gauge welded wire fence mounted on steel posts should be installed at the limits of clearing and grading prior to any clearing or construction activities.

Please feel free to contact me at 703-324-1770 if you have any questions or concerns about this review.

CSH/

UFMID #: 150661

cc: RA File  
DPZ File

### **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit 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 group or use, the BZA 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 BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

### **8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

### **8-922 Provisions for Reduction of Certain Yard Requirements**

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and

shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent

property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.

9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.

- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.