



County of Fairfax, Virginia

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

August 15, 2011

John L. McBride, Esquire
Odin Feldman Pittleman PC
9302 Lee Highway, Suite 1100
Fairfax, VA 22031-1214

Re: Proffer Interpretation for RZ 2005-SP-012; Tax Map 55-2 ((3)) R-3
Ethel's Pond: Architectural Elevations

Dear Mr. McBride:

This is in response to your letter dated June 6, 2011, requesting an interpretation of the proffers and Generalized Development Plan (GDP) accepted by the Board of Supervisors in conjunction with the approval of Rezoning 2005-SP-012. As I understand it, the question is whether the proposed building elevations for the approved single-family dwellings are in substantial conformance with the proffers and GDP. This determination is based on your letter and exhibits, which include a copy of the proffers, photos of built dwellings, the proposed elevations and photos of dwellings in adjacent subdivisions. Copies of your letter and the exhibits are attached for reference.

On November 21, 2005, the Board of Supervisors approved RZ 2005-SP-012, subject to the proffers dated November 9, 2005. Proffer #1.4 states: *"Architectural Theme. In order to ensure a consistent theme and character throughout the Property, Applicant shall utilize a combination of building materials and architectural design features for all building facades (front, side and rear) which are consistent with the facades shown on Exhibit A hereto; and, Applicant shall incorporate common landscaping features, walkways, signage, lighting and other common design elements. Applicant shall show compliance with this proffer at or prior to final subdivision plan approval by submission of architectural elevations to the DPWES. Applicant shall adopt restrictive covenants applicable to all lots within the Property with the objective to create a coordinated image for the Property."*

On June 8, 2007, a prior determination was made that the then submitted building elevations were in substantial conformance with the proffers and GDP. Your letter states that due to the housing recession, the builder did not have contract purchasers for all seven lots at the time of final subdivision approval. Subsequently, only two of the seven elevations obtained DPWES approval, as depicted in Exhibit 2. Since that time, the five remaining homes have been designed and the selections of facades and architectural elements have been made, as proposed with this interpretation and depicted with the elevations in Exhibit 3. The remaining five lots are currently in subdivision plan review.

Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/



The proposed elevations (Exhibit 3) illustrate six available unit types depicting traditional architecture with gables, pitched roofs, options for exterior entry features, porch styles, ornamental treatments above entrance doors and options for traditional and bay window styles. In our phone conversation of July 19, 2011, you confirmed the use of brick and stone as exterior materials for the front elevations. You request that the home buyers be allowed the flexibility to select architectural treatments from among the elevations to substitute styles of porches, entrance ways and window treatments, according to their preference. You state that the proposed elevations are compatible with the surrounding existing single-family homes (Exhibit 4) and ensure a consistent theme and character within the subdivision, as proffered.

The submitted proposed elevations of the single-family dwellings contain traditional architectural features and are consistent in design, character and materials with the elevations included in the GDP. Therefore, it is my determination that the proposed elevations and the interchange of architectural treatments from among the proposed elevations are in substantial conformance with the proffers and the GDP. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please contact Carrie Lee at (703) 324-1290.

Sincerely,



Barbara C. Berlin, AICP, Director
Zoning Evaluation Division, DPZ

BCB/CDL/N:\Interpretations\RZ\Ethels Pond_elevations2.doc

Attachments: A/S

cc: Pat Herrity, Supervisor, Springfield District
Peter F. Murphy, Planning Commissioner, Springfield District
Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review, ZAD, DPZ
Ken Williams, Chief, Plan and Document Control, Land Development Services, DPWES
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Kevin J. Guinaw, Chief, Special Projects/Applications Management, ZED, DPZ
File: RZ 2005-SP-012, PI 11 06 063, Imaging, Reading File

**Odin
Feldman
Pittleman PC**

John L. McBride, Esquire
John.mcbride@ofplaw.com
Direct: 703-218-2133

June 6, 2011

RECEIVED
Department of Planning & Zoning
JUN 07 2011
Zoning Evaluation Division

Kevin Guinaw
Fairfax County Planning & Zoning
12055 Government Center Pkwy
Suite 807
Fairfax, VA 22035

Re: Proffer Determination Request – RZ 20005-SP-012 (Ethel's Pond)

Dear Kevin,

This letter shall serve to request that you render a proffer determination, which concludes that certain enclosed architectural elevations/design elements satisfy Proffer 1.4 of the proffers, accepted by the Board of County Supervisors on November 21, 2005 in the referenced rezoning to the R-2 zoning district. I enclose a processing fee check in the amount of \$500.00.

I attach the adopted proffers as Exhibit 1. Proffer 1.4 requires DPWES review of proposed building façades and building materials in order to ensure a consistent theme and character throughout the property and compatibility with common design elements in the surrounding community. Pictures of some of the surrounding homes are included as "Exhibit A" to the proffers. The surrounding homes are the benchmark for compatibility. This 5.05 acre rezoning was an infill rezoning, which was surrounded by existing single-family homes. This proffer was made in order to assure compatibility with the surrounding homes.

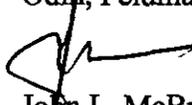
Due to the housing recession, the builder did not have contract purchasers at the time of final subdivision approval; therefore, all seven house elevations and design elements were not yet selected by the time for plan approval. Selections were made and DPWES architectural elevation approval was obtained for only two of the seven homes. Exhibit 2 contains photos of these two homes. Selections of façades and design elements have now been made for the remaining five homes. Exhibit 3 contains elevations and design elements of the proposed homes. It is requested that your determination allow flexibility in substitution of porches, entrance ways and window treatments among the different elevations. This flexibility is necessary because these items will be subject to each future purchaser's preference.

Exhibit 4 contains additional pictures of existing houses in the surrounding neighborhood, as well as additional views of the homes shown in "Exhibit A" to the proffers. I enclose a tax map showing the rezoned property in pink, and the homes shown in the pictures in yellow.

Thank you for your courtesies in this regard.

Sincerely,

Odin, Feldman & Pittleman, P.C.



John L. McBride

JLM/bdp
Enclosures
cc: Jeffrey Goldberg

#1415397v1 Guinaw ltr 6-6-11 51587/00001

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 21st day of November, 2005, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 2005-SP-012

WHEREAS, Jeffrey A. Goldberg, Manager of Bo-Bud Residential, LLC filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District and Water Supply Protection Overlay District to the R-2 District (Cluster) and Water Supply Protection Overlay District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

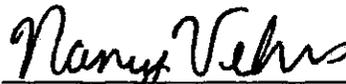
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Springfield District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the R-2 District (Cluster) and Water Supply Protection Overlay District, and said property is subject to the use regulations of said R-2 District (Cluster) and Water Supply Protection Overlay District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 21st day of November, 2005.



Nancy Velts

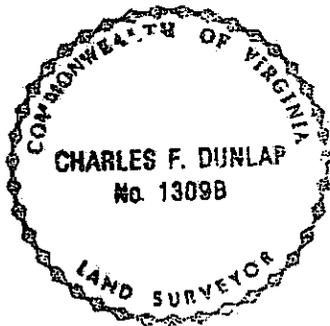
Clerk to the Board of Supervisors

WALTER L. PHILLIPS, INCORPORATED

Founded 1945

Description of the Property of Bo-Bud Residential, LLC, Tax Map Number 055-2-03-0000-R-3, Springfield District, Fairfax County, Virginia, Deed Book 16,713, Page 2194

"Beginning at a point in the south side of Westbrook Drive, Route 1258, said point being the northeasterly corner to Marshall Farms, Section 1, Parcel N-1; thence with the south side of Westbrook Drive, Route 1258, S 78°51'43"E, 394.79 feet to a point; thence 39.27 feet along the arc of a curve to the right having a radius of 25.00 feet, tangent distance of 25.00 and a chord bearing and distance of S 33°51'43"E, 35.36 feet to a point in the west side of Lincoln Drive, a dedicated public right of way recorded in Deed Book 1256, page 120; thence with the west side of Lincoln Drive, S 11°08'17"W, 499.55 feet to a point; thence departing the west side of Lincoln Drive and running with the north side of Tregaron, Lots 36A and 35A, N 78°51'43"W, 419.79 feet to a point; thence with the east sides of Tregaron, Lot 37, Holland Property, Lot 1, and Marshall Farms, Section 1, Parcel N-1, N 11°08'17"E, 524.55 feet to the point of beginning, containing 220,061 square feet or 5.0519 acres, more or less."




Charles F. Dunlap
Licensed Land Surveyor 1309B
February 21, 2005
Revised March 25, 2005

(04-041/FS-15)

RECEIVED
Department of Planning & Zoning

MAR 25 2005

Zoning Evaluation Division

207 Park Avenue
Falls Church, Virginia 22046
Telephone: (703) 532-6163
Facsimile: (703) 533-1301

50

YEARS OF PROFESSIONAL SERVICE

CIVIL ENGINEERS
LAND SURVEYORS
PLANNERS
LANDSCAPE ARCHITECTS

**DRAFT
PROFFER STATEMENT
ETHEL'S POND
RZ 2005-SP-012
June 30, 2005
September 13, 2005
October 14, 2005
October 24, 2005
October 26, 2005
November 9, 2005**

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Board of Supervisors approval of rezoning application RZ 2005-SP-012, as proposed, for rezoning from the R-1 and WSPOD Districts to the R-2 (Cluster) and WSPOD Districts, Bo-Bud Residential, LLC (the "Applicant"), for itself and its successors and assigns, hereby proffers that development of Tax Map Parcel 55-2((3))-000R-3 (the "Property"), containing approximately 5.0519 acres, shall be in accordance with the following proffered conditions. In the event the above-referenced rezoning is not granted as applied for by the Applicant, then these proffers shall be deemed withdrawn and shall be null and void.

The term "Applicant" as referenced herein shall include within its meaning all successors and assigns of the Applicant. The term "Generalized Development Plan" or "GDP" as referenced herein shall include the plan entitled Generalized Development Plan Ethel's Pond, dated 2/21/05, as last revised October 26, 2005 and containing five sheets.

1. DEVELOPMENT AND USE

1.1 Substantial Conformity to GDP. Subject to provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed in substantial conformance with the Generalized Development Plan as further modified by these proffered conditions. There shall be no common or shared driveways on the Property. Applicant may revise the house and driveway footprints shown for lots 3, 5, 6 and 7 at final plan and building permit approvals provided that the limits of clearing shown on the GDP shall not be diminished.

1.2 Minor Modifications to Design. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, the Applicant may make minor adjustments which may be required as a result of final engineering to modify the layout, if such changes are in substantial conformance with the GDP and these proffers, and if the changes do not increase the total number of units, decrease the minimum amount of open space, or decrease the effectiveness of landscaping along the Property lines or in common open space areas.

1.3 Maximum Density. A maximum of seven (7) single family detached dwelling units shall be permitted on the Property.

1.4 Architectural Theme. In order to insure a consistent theme and character throughout the Property, Applicant shall utilize a combination of building materials and architectural design features for all building facades (front, side and rear) which are

consistent with the facades shown on Exhibit A hereto; and, Applicant shall incorporate common landscaping features, walkways, signage, lighting and other common design elements. Applicant shall show compliance with this proffer at or prior to final subdivision plan approval by submission of architectural elevations to the DPWES. Applicant shall adopt restrictive covenants applicable to all lots within the Property with the objective to create a coordinated image for the Property.

2. TRANSPORTATION

2.1 Fairfax Center Area Roadway Contribution. The Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the "Procedural Guidelines" adopted by the Board of Supervisors of Fairfax County (the "Board") on November 22, 1982, as amended, subject to a credit for all creditable expenses (as determined by the Fairfax County Office of Transportation and the Fairfax County Department of Public Works and Environmental Services).

2.2 Right-of-Way Dedication. All right-of-way dedicated in conjunction with these proffers and as depicted on the GDP shall be conveyed to the Board in fee simple upon demand by the County or at the time of recordation of the final subdivision plat, whichever occurs first.

2.3 Westbrook Drive Improvements. The Applicant shall dedicate and convey in fee simple to the Board right-of-way up to twenty-eight and one-half (28.5) feet from the presently existing centerline along the Westbrook Drive frontage of the Property as depicted on the GDP. In addition, the Applicant shall (i) construct a one-half section of frontage improvements along the Property's Westbrook Drive frontage as shown on the GDP, and (ii) construct road frontage improvements along the frontage of tax map parcel 55-2((3))-00N-1 ("Parcel N1"). Notwithstanding the edge of pavement transition shown on the GDP, said Parcel N1 road frontage improvements shall include curb and gutter (no sidewalk), with curb face set at up to nineteen (19) feet from the presently existing centerline in order to match existing Westbrook Drive frontage improvements to the west of Parcel N1. Applicant shall not be responsible for actual construction of said frontage improvements for Parcel N1 unless all necessary right-of-way and ancillary easements are available.

3. ENVIRONMENT/OPEN SPACE

3.1 Limits of Clearing. The Applicant shall conform to the limits of clearing and grading shown on the GDP, subject to installation of sidewalks, trails, storm drainage facilities and utility lines, as necessary and as approved by DPWES. These sidewalks, trails, storm drainage facilities and utilities shall be installed in the least disruptive manner practicable, as determined by the County Urban Forester, considering reasonable engineering and construction cost constraints. A replanting plan shall be developed and implemented, as approved by the County Urban Forester, for any areas located within the limits of clearing and grading that must be disturbed due to the installation of sidewalks, utility lines, trails and storm drainage facilities.

3.2 Open Space Areas. All common open space depicted on the GDP shall be conveyed to a private homeowners' association ("HOA") at the time of recordation of the final subdivision plat. All common open space areas and any amenities therein shall be owned and maintained by said private HOA.

3.3 Open Space Improvements. At the time of recordation of the subdivision plat, the Applicant shall convey Outlots A and B, as generally depicted on the GDP, to a HOA for use as a common open space. All common open space areas will be maintained by the HOA. The Applicant shall provide a four (4) foot wide natural surface trail, benches and sitting areas, for use by both HOA members and residents of the surrounding community, within the common open space area located on the Property, as generally depicted on sheet 3 of the GDP. A public trail or access easement shall be established on the subdivision plat for the Property to allow such use by the surrounding community.

3.4 Landscaping, Fencing and Other Design Amenities. Subject to approval by the County Urban Forester, landscaping shall be provided as generally shown on the GDP. Street trees indicated on the GDP shall have a minimum caliper of 3 to 3 ½ inches. The entrance feature, street lighting, split rail wood fencing, wooden board on board privacy fencing, benches and sitting areas shall all be provided as generally shown on sheet 3 of the GDP.

3.5 Stormwater Management. The Applicant shall conform to the waiver of on-site stormwater management requirements issued by DPWES, by utilizing Regional Stormwater Management Pond R-17 ("Pond R-17") for stormwater management and BMP purposes, which will allow the existing wet pond to be restored and remain solely as a community amenity. In the event Pond R-17 is not yet constructed by the County at the time the Property is initially developed, Applicant shall retrofit the wet pond as an interim on-site stormwater management and BMP facility until such time as Pond R-17 is constructed, subject to approval by DPWES. The applicant shall take all reasonable measures to restore the pond as a scenic community amenity, such as aeration and goose proof landscaping.

3.6 Tree Protection. The Applicant shall submit a tree preservation plan and a landscaping plan as part of the final subdivision plan submission, which provide for the identification of individual tree save areas in which existing trees shall be protected to the greatest extent possible during construction activities. These trees shall be protected with fencing that shall be placed prior to grading and clearing activities. Prior to commencement of any clearing or grading on the Property, the Applicant shall confirm to County staff that tree protection fencing has been properly installed to protect these trees. On or before the preconstruction conference, the Applicant shall offer to walk the limits of clearing and grading with the County Urban Forester to determine whether adjustments are required to increase the survivability of said trees shown on the landscaping plan.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the GDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation

activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets and shall consist of four foot high, orange plastic fence attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 6 feet apart.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, Urban Forest Management, DPWES and the District Supervisor shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by Urban Forest Management, DPWES.

The Applicant shall retain a professional with experience in plant appraisal, such as a certified arborist or landscape architect, to determine the replacement value of all healthy trees greater than 14 inches in diameter shown to be saved on said tree preservation plan (the "Designated Trees"). These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the subdivision plan. The replacement value shall take into consideration the age, condition and size of the trees and shall be determined according to the methods contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by Urban Forest Management, DPWES.

At the time of subdivision plan approval, the Applicant shall post a cash bond or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the Designated Trees that die or are dying due to normal construction activities permitted on the approved plan. The terms of the letter of credit shall be subject to approval by the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the Designated Trees.

If, at the time of final bond release, trees are found to be dead or dying because of construction activity, despite adherence to approved construction activities by Urban Forest Management, DPWES, the cash bond or letter of credit shall be used as necessary to plant similar size and species, or species appropriate to the site, in consultation with Urban Forest Management, DPWES, and the developer's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement.

3.7 Heritage Resources. Prior to any land disturbing activities on the Property, Applicant

shall conduct a Phase I archaeological study of the Property, and provide the results of such studies to the Cultural Resource Management & Protection Section of the Fairfax County Park Authority ("CRMP"). If deemed necessary by CRMP, the Applicant shall conduct a Phase II and/or Phase III archaeological study on only those areas of the Application Property identified for further study by the Phase I study. These studies shall be conducted by a qualified archaeological professional approved by CRMP, and shall be reviewed and approved by CRMP. These studies shall be completed prior to subdivision plat recordation.

4. PARKS AND RECREATION CONTRIBUTION

The Applicant shall provide a cash contribution of \$6,360 to the Fairfax County Park Authority to be used for maintenance, acquisition, or development of park and/or public recreational facilities serving residents of the Springfield district and this development. This one-time cash contribution shall be made prior to recordation of the record plat.

5. ENERGY CONSERVATION

All homes constructed on the Property shall meet the thermal standards of the Virginia Power Energy Saver Program for energy efficient homes or its equivalent, as determined by DPWES, for either electric or gas energy systems.

6. HOUSING TRUST FUND CONTRIBUTION

Prior to recordation of the final record plat, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half (1/2) percent of the projected base sales price of each unit to assist Fairfax County's low and moderate income housing goals. The projected sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development.

7. CONSTRUCTION ACTIVITY LIMITATIONS

7.1 Construction Traffic. No construction traffic shall be parked on Westbrook Drive. No motorized heavy construction equipment shall be transported to or from the Property between the hours of 6:45 a.m. and 8:15 a.m. and the hours of 2:00 p.m. and 3:30 p.m. on days when Fairfax County public schools are open to students.

7.2 Blasting. In the event blasting is necessary on the Property, before any blasting occurs, the Applicant shall ensure that the Fairfax County Fire Marshal has reviewed the blasting plans and that the construction contractor will follow all safety recommendations made by the Fire Marshal; including, without limitation, the use of blasting mats if such are recommended. In addition, the applicant or its successors shall:

- (i) Provide an independent qualified consultant (approved by DPWES) to perform a pre-blast survey of any wells within 250 feet of the blast site any residential building

located within 150 feet of the blast site. Written confirmation that this has been done will be given to Fairfax County prior to any blasting on the Property.

- (ii) Require its consultant to request access to houses, buildings, swimming pools or wells that are located within said ranges and, if permitted by their owner, to determine the preblast conditions of these structures. All owners of structures entitled to pre-blast inspections shall be provided with adequate notice of the scheduling of the pre-blast survey, as well as the name, address, and phone number of the blasting contractor's insurance carrier.
- (iii) The consultant shall be required to place seismographic instruments prior to blasting to monitor the shock waves. Seismographic monitoring shall be provided to the County agencies upon their request.
- (iv) Residences within 150 feet of the blast site shall be notified ten days prior to blasting, no blasting shall occur until such notice has been given.
- (v) Upon receipt of a claim of actual damage resulting from said blasting, the consultant shall respond within 5 days by meeting at the site of the alleged damage to confer with the property owner. Any claims determined by the inspector to have been damaged as a result of blasting on the Property shall be expeditiously resolved. The blasting subcontractor or Applicant shall maintain liability insurance to cover the cost of repairing any damages to the structures that are directly attributed to the blasting activity for a period of one year after the blasting ceases.
- (vi) The consultant shall be required to provide an analysis of the potential for gas migration from the site to the Fire Marshall for review and approval prior to blasting. Any appropriate mitigation or notification required by the Fire Marshal shall be implemented.

8. PUBLIC SCHOOLS

Applicant shall contribute the sum of \$7,500 to the DPWES for transfer to the Fairfax County School Board to be utilized for school capital improvements or capacity enhancements within the school pyramid then serving the Property. Said contribution shall be made prior to recordation of the final subdivision plat.

9. MISCELLANEOUS

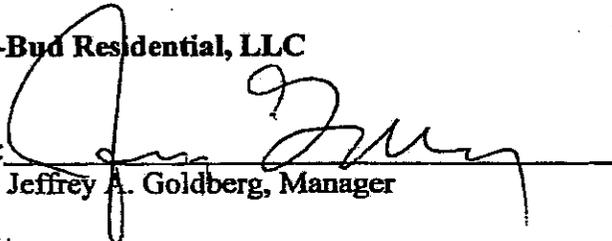
9.1 Density Credit. All intensity of use attributable to land areas dedicated and conveyed to the Board pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the Property.

9.2 Demolition. All existing buildings and structures shall be demolished and disposed of in accordance with all federal, state and Fairfax County requirements.

9.3 Pond Maintenance Disclosure. Applicant shall disclose to all potential purchasers before sales contracts are finalized the fact that (i) the homeowners association established for the seven lot subdivision will be solely responsible for the ownership, maintenance and repair of the pond amenity located on the Property; and (ii) an HOA Maintenance Fund in the amount of not less than \$5,000 shall be maintained each year to ensure future maintenance of the pond. Applicant shall provide a one-time contribution of \$5,000 to the HOA to establish said Maintenance Fund prior to bond release.

9.4 Popsicle Signs. No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by chapter 7 of the Title 33.1 or Chapter 8 of Title 46.2 of the code of Virginia, shall be placed on or offsite to assist in the initial sale of homes on the Application Property. Furthermore, the agents and employees involved in the marketing and sale of the residential units on the Application Property shall be directed to adhere to this proffer.

Bo-Bud Residential, LLC

By: 

Jeffrey A. Goldberg, Manager



Exhibit A

ETHEL'S POND
RZ-2005-SP-012

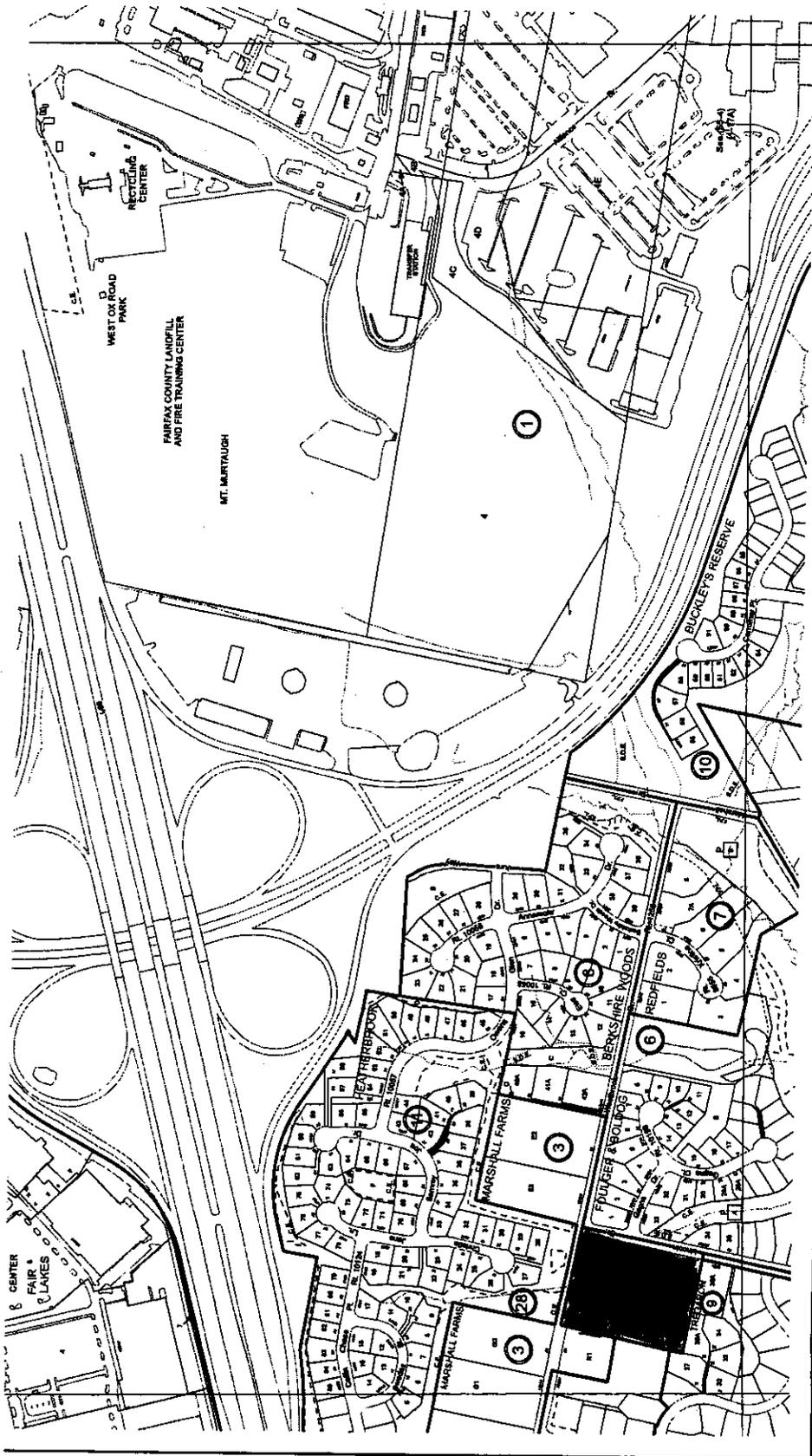


Same as
Exhibit 4



Exhibit A
page 3 of 4

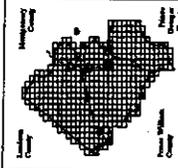




SCALE: 1" = 100'

LEGEND

Property Lines
Easements
Rights of Way
Water Features
Other Features



45-3	45-4	46-3
55-1		56-1
55-3	55-4	56-3

CADASTRAL MAP

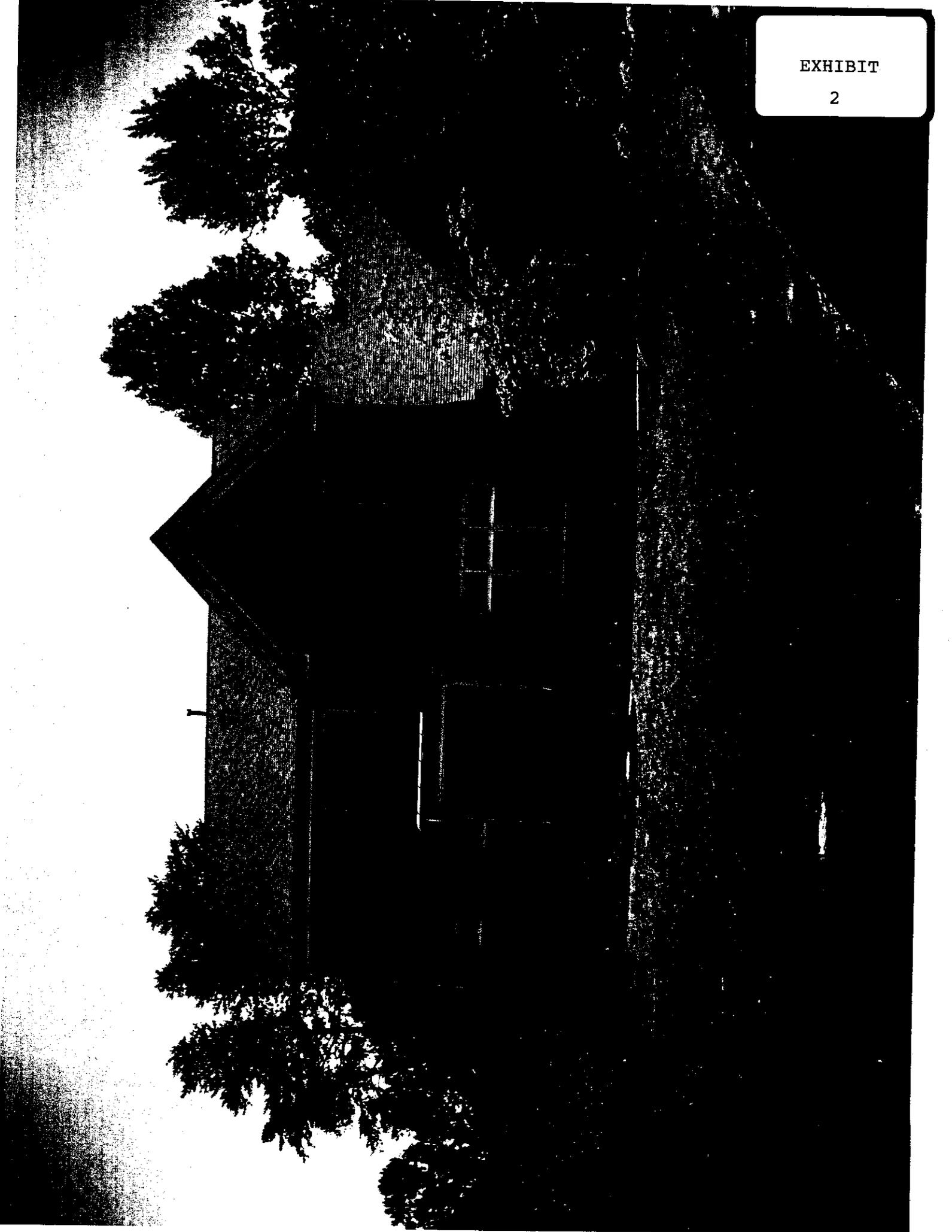
55-2

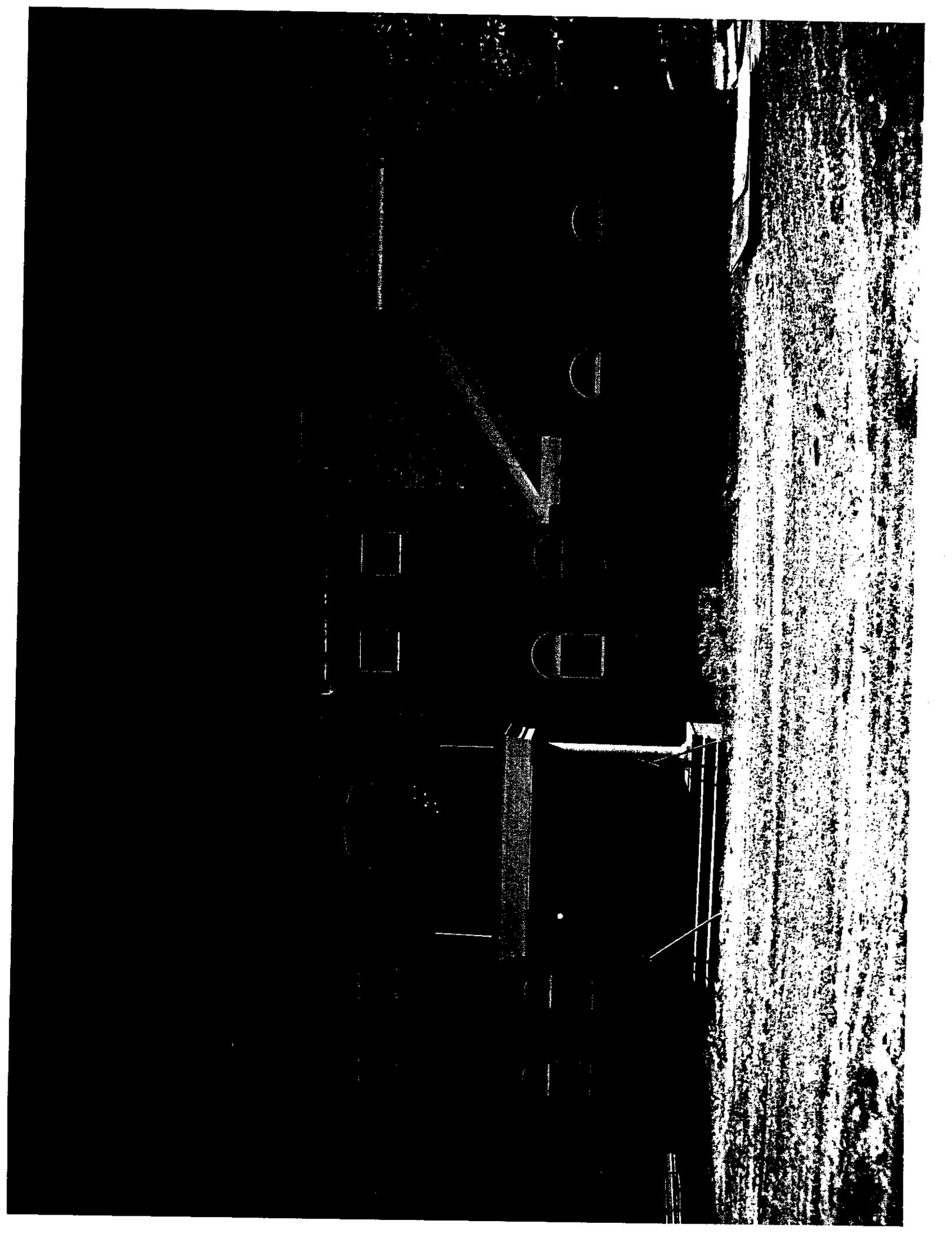
Revised to: 02-14-2011

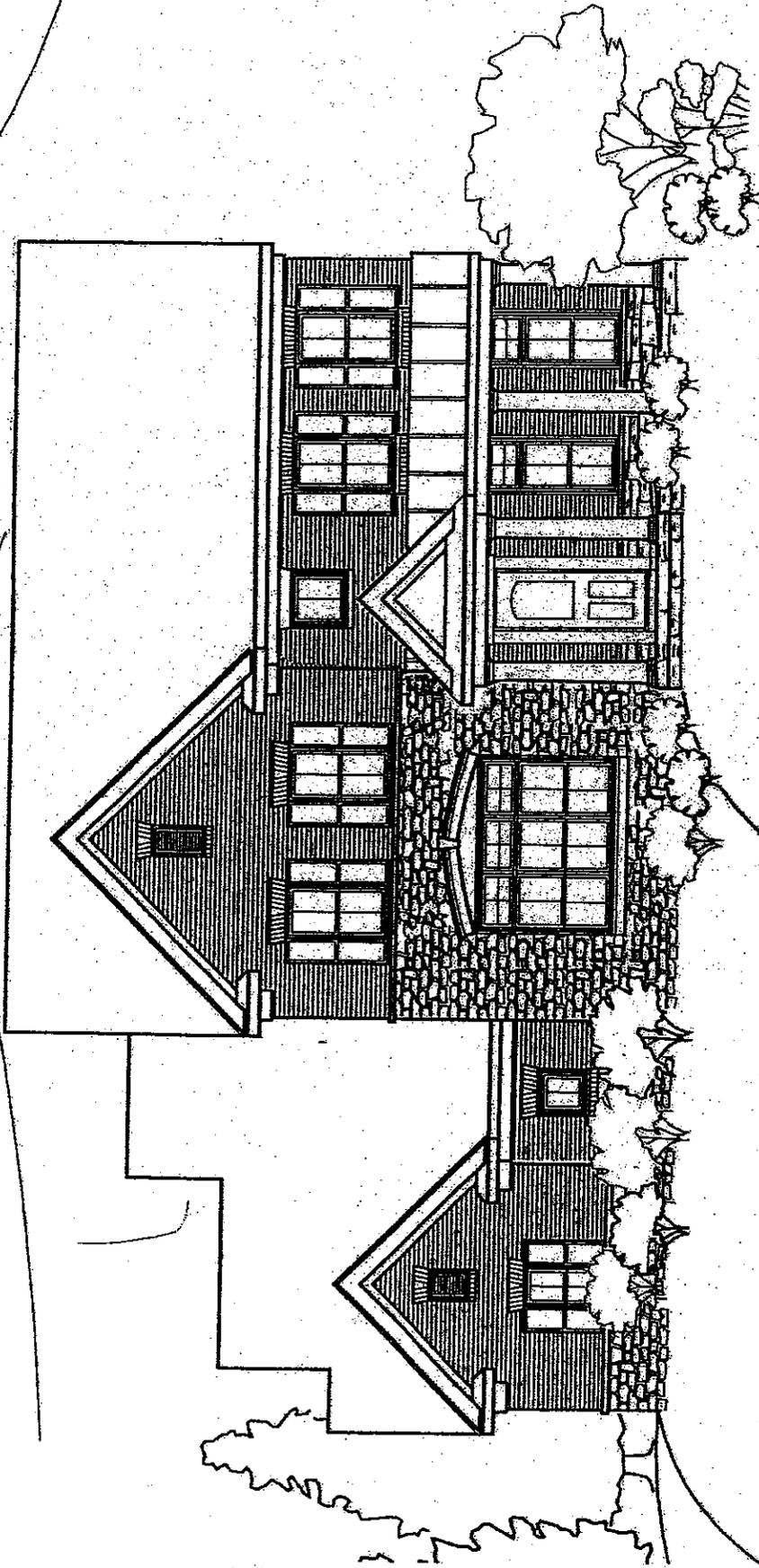
Prepared by:
 OFFICE OF THE COUNTY ENGINEER
 1000 COMMONWEALTH AVENUE
 FAYETTEVILLE, VA 22031
 FAX: (703) 526-7899

EXHIBIT

2

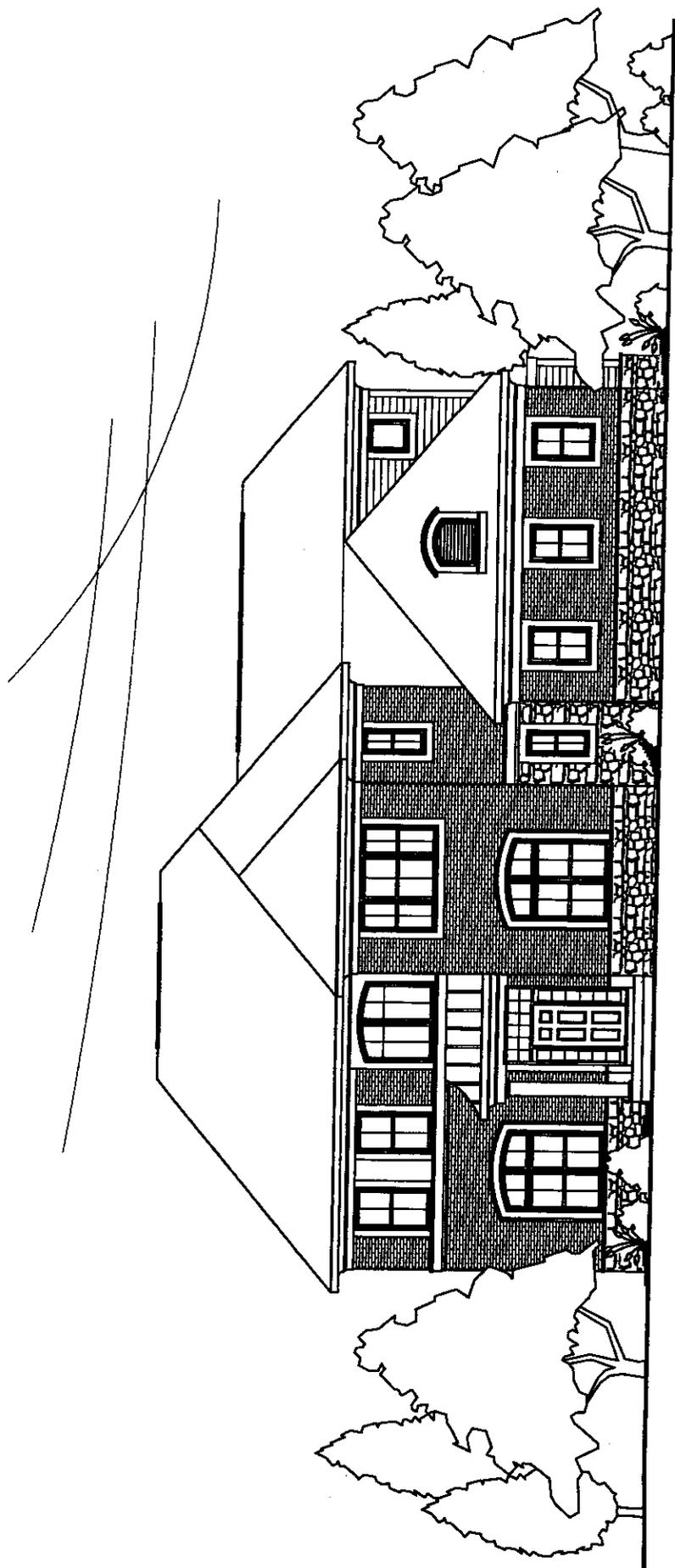






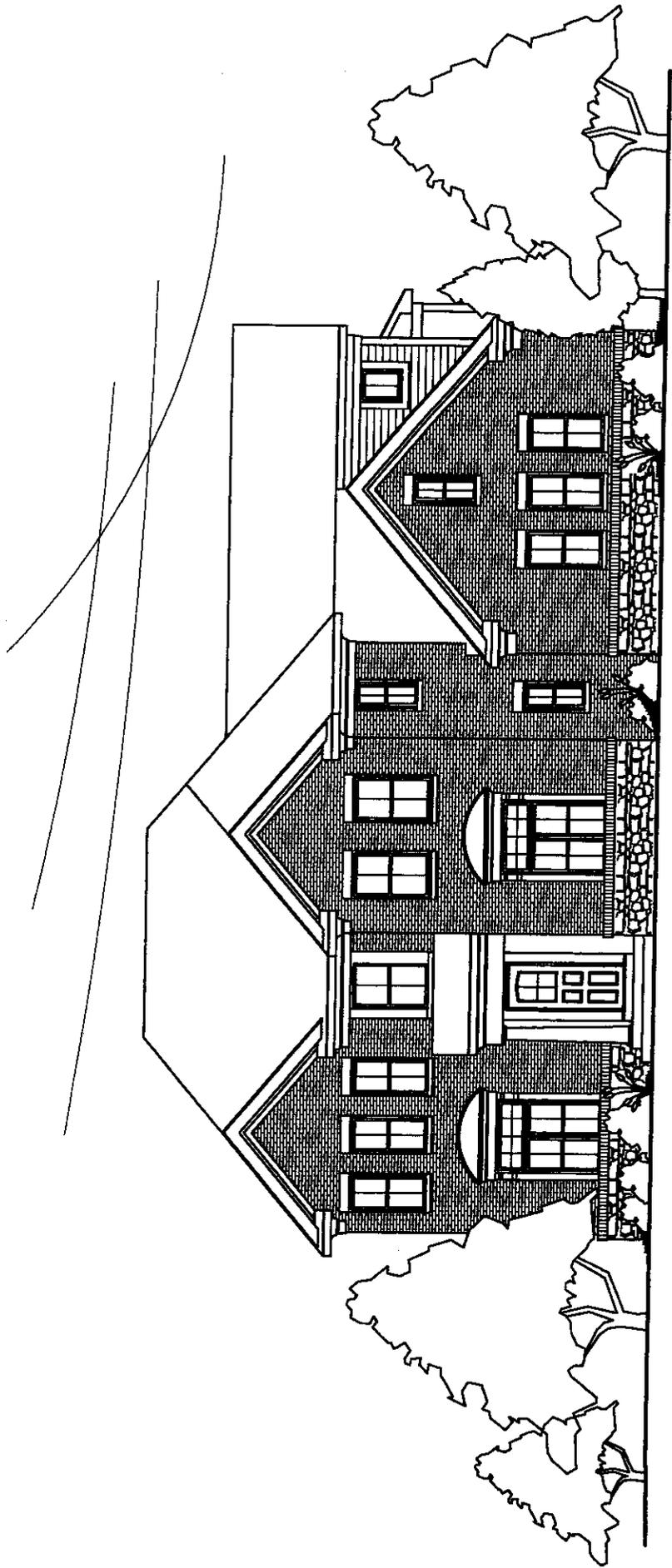
● Ethel's Pond 'B' - Eley sid

4-24-2011

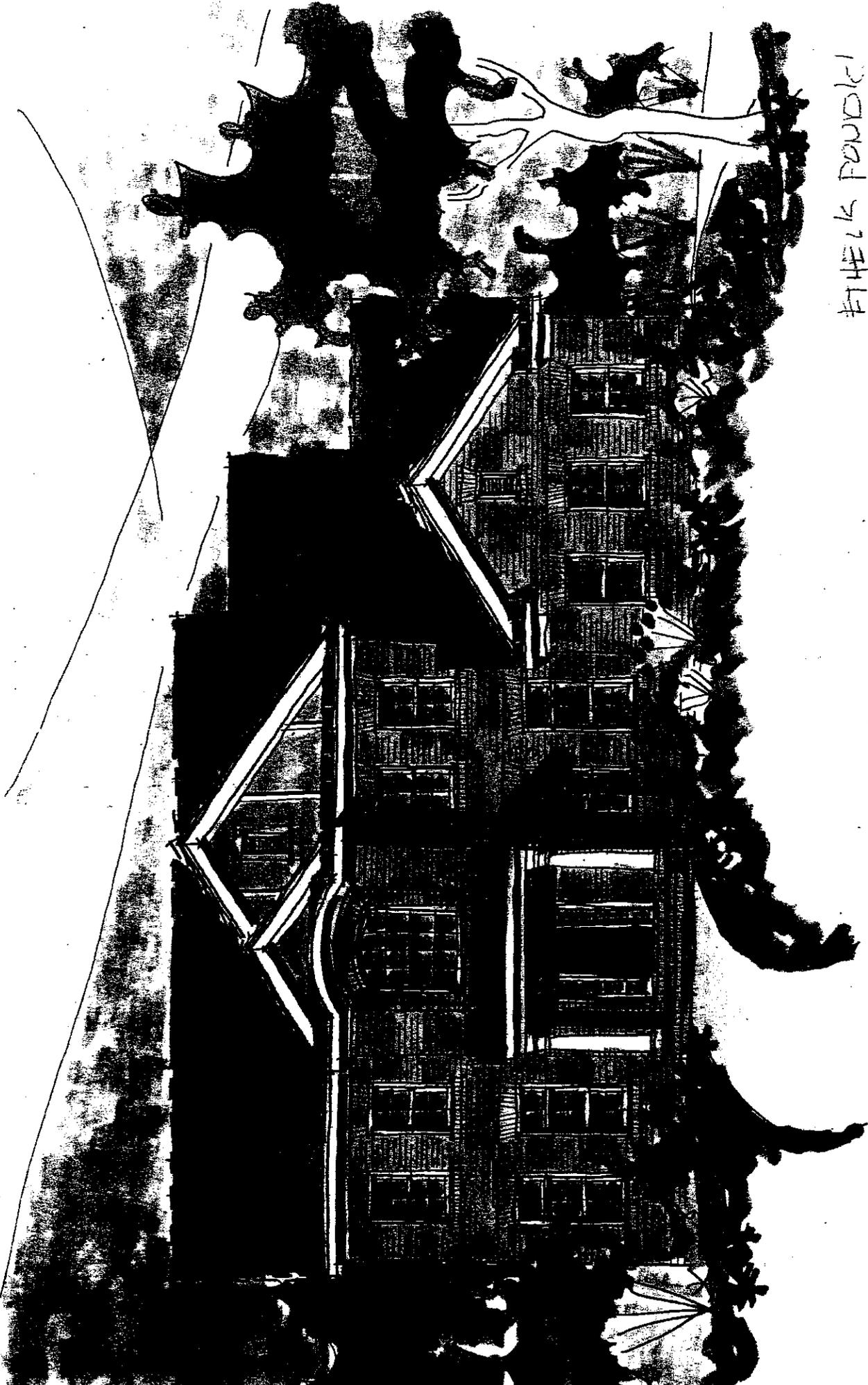


ELEVATION 'A'

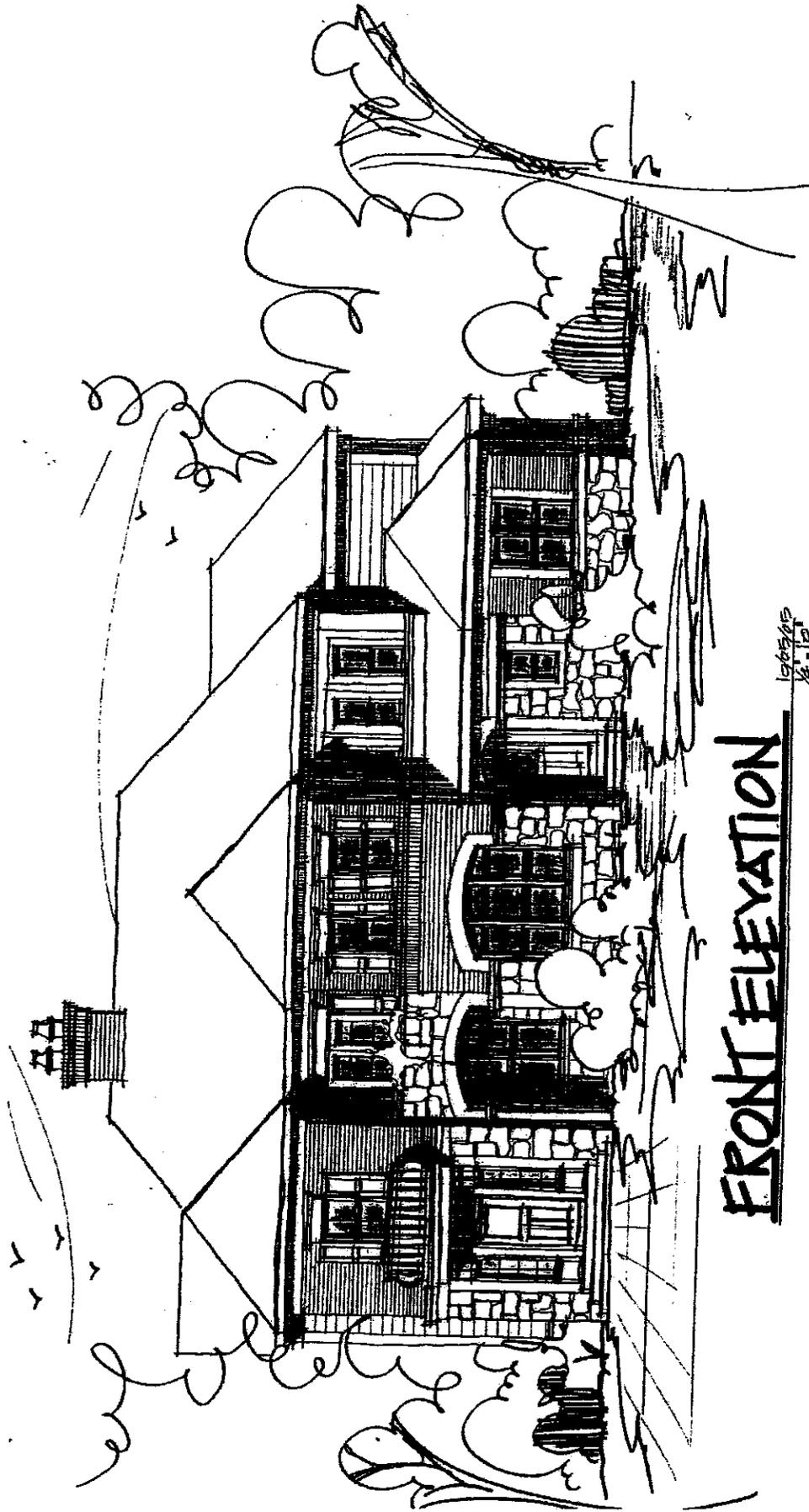




ELEVATION 'B'



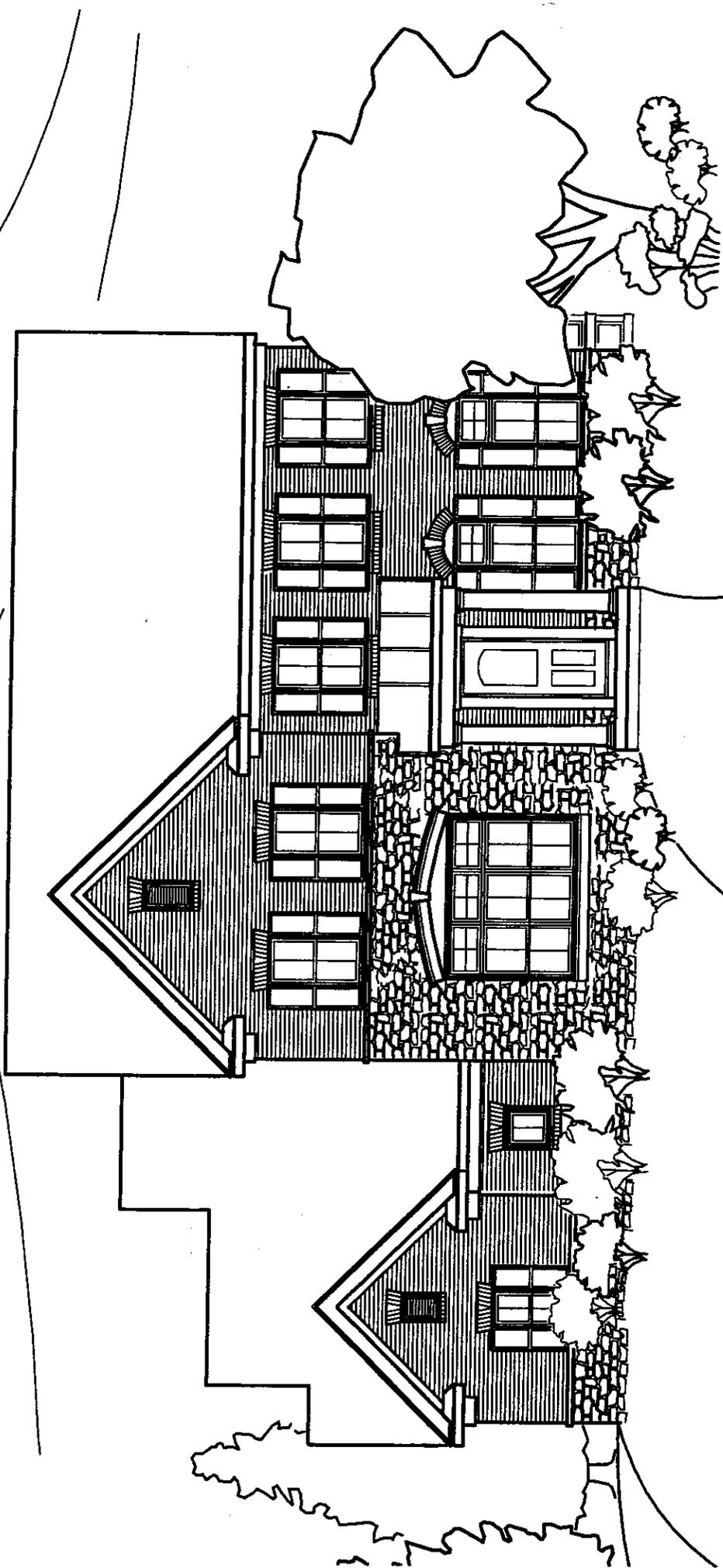
#THELKS PONDOKI
FECAJY
12-16 10



FRONT ELEVATION

10/23/15
1/4 - 1/2"

BO-BUD CONSTR. & ETHEL'S POND



Ethel's Pond "B" / Elev # 1c
2-22-10 w/ SIDING & BRICK



EXHIBIT

4

