



FAIRFAX COUNTY

APPLICATION FILED: January 7, 2000
PLANNING COMMISSION: June 1, 2000
BOARD OF SUPERVISORS: not scheduled

V I R G I N I A

May 31, 2000

STAFF REPORT ADDENDUM I

APPLICATION RZ 2000-DR-002

DRANESVILLE DISTRICT

APPLICANT:	Janet L. and Lois H. Beall
PRESENT ZONING:	R-1
REQUESTED ZONING:	R-3
PARCEL(S):	31-3 ((1)) 142
ACREAGE:	1.91 acres
DENSITY:	2.62 du/ac
PLAN MAP:	Residential; 2-3 du/ac
PROPOSAL:	Conventional subdivision of five (5) single family detached lots

STAFF RECOMMENDATIONS:

Staff recommends approval of application RZ 2000-DR-002 subject to the execution of proffers consistent with those in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional

REZONING APPLICATION

RZ 2000-DR-002

RZ 00-D-002
Filed 01/07/00

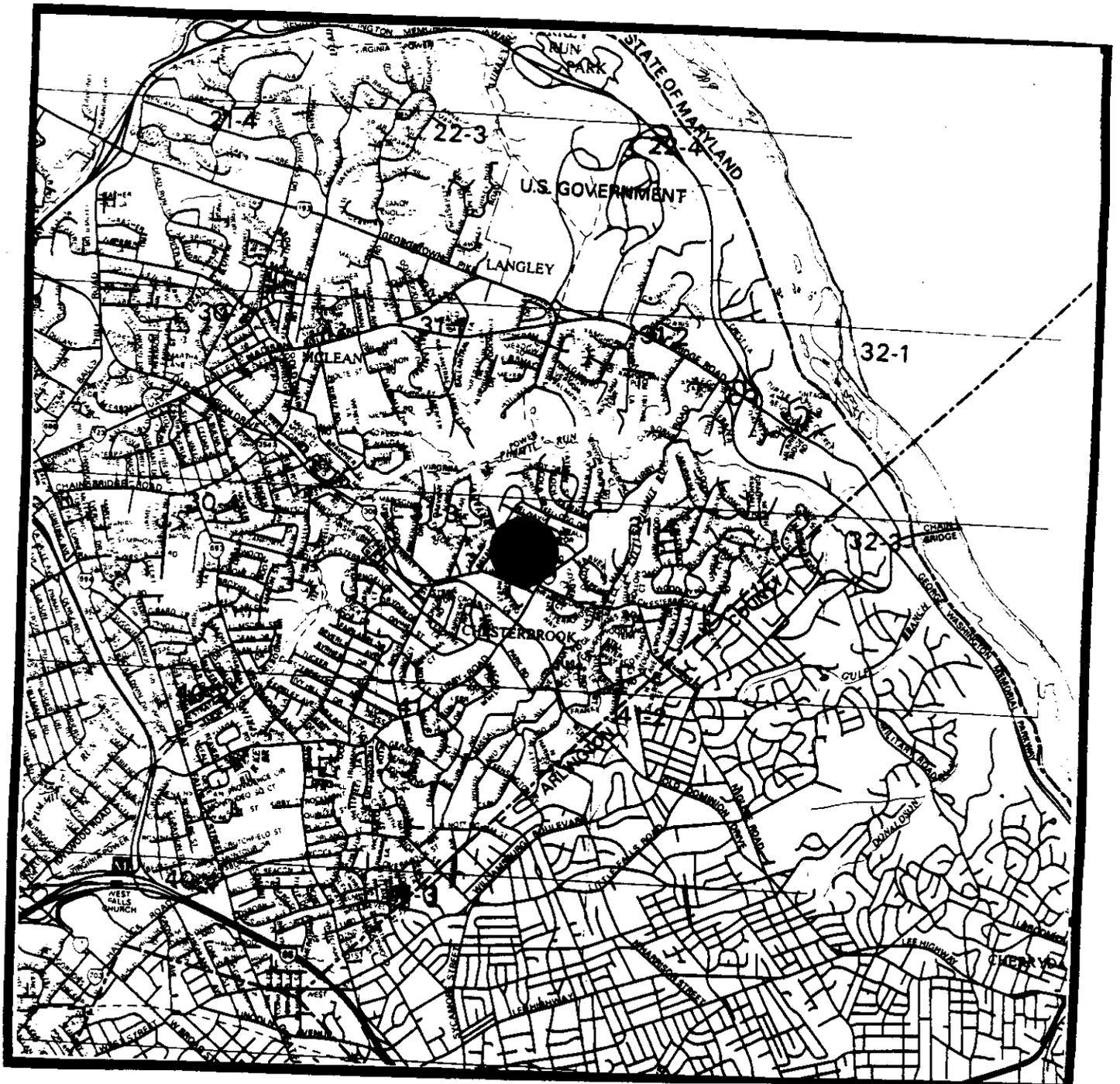
Janet L. and Lois H. Beall

To Rezone: 1.91 Acres of Land; District - Dranesville
Proposed: Rezone from R-1 District to R-3 District
To Permit Residential Development
Located: W. Side of Kirby Rd. Opposite Its
Intersection with Chesterbrook Rd.

Zoning: R-1
To: R-3

Overlay District(s):
031-3 ((01))/ /0142-

Map Ref



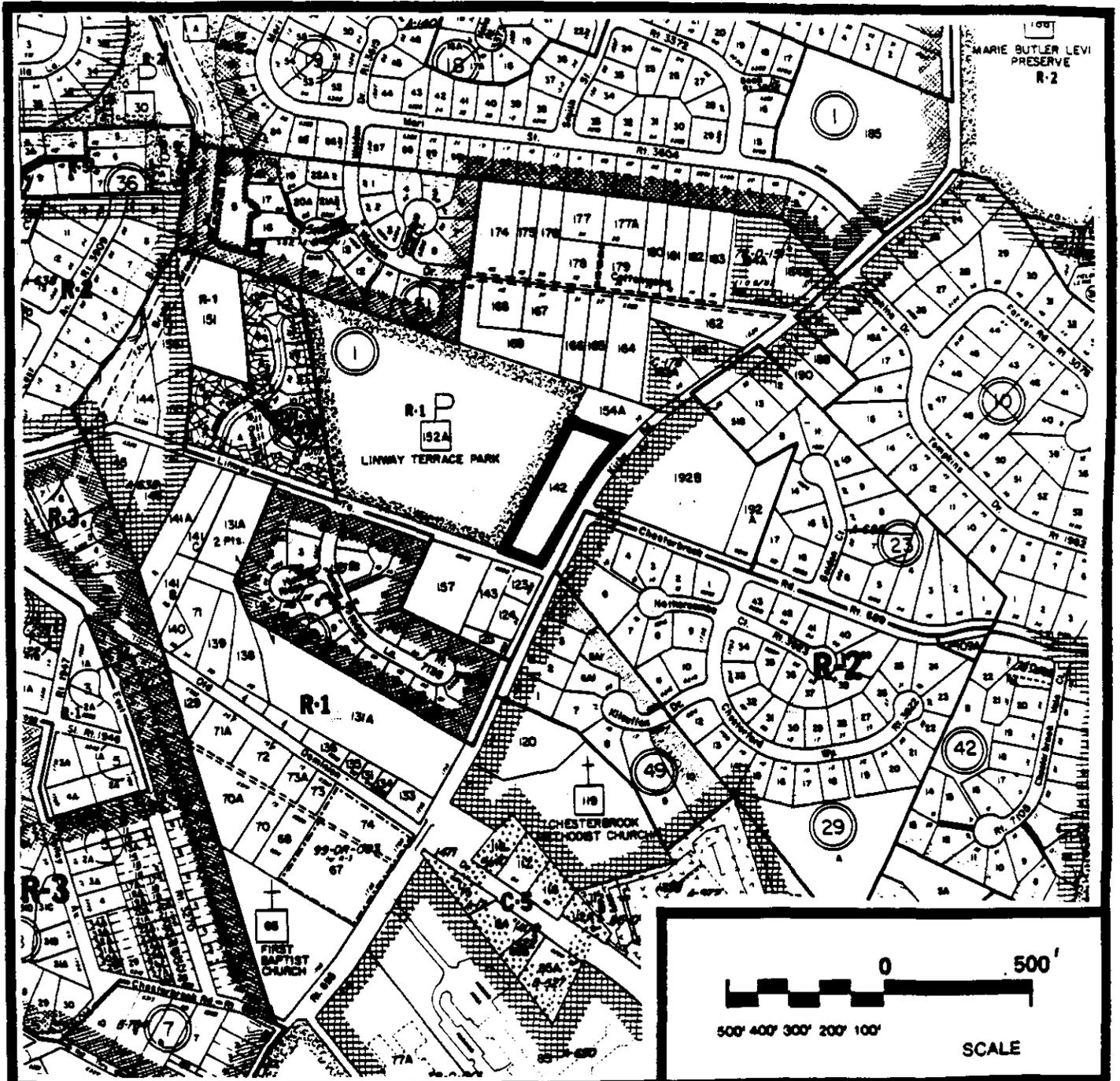
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RZ 2000-DR-002

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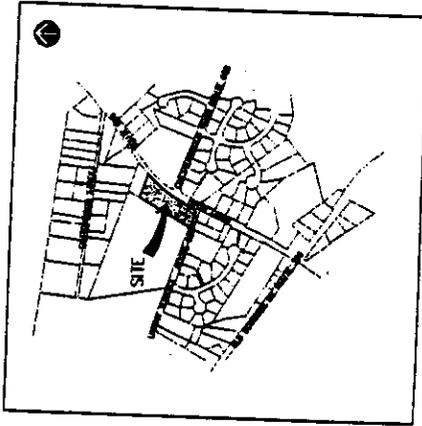
Map Ref



GENERALIZED DEVELOPMENT PLAN BEALL PROPERTY KIRBY ROAD

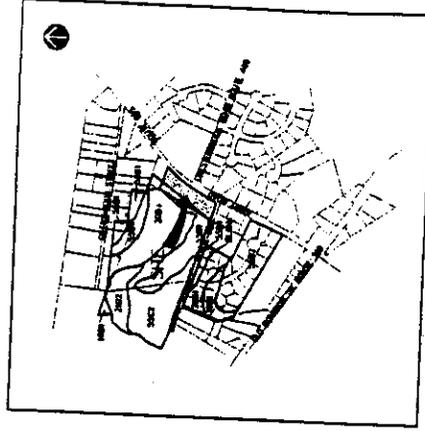
RZ-2000-DR-002

PROPERTY OF
JANET L. AND LOIS H. BEALL
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA



VICINITY MAP
SCALE 1"=500'

- SHEET INDEX**
1. COVER SHEET
 2. GENERALIZED DEVELOPMENT PLAN
 3. EXISTING VEGETATION MAP



SOILS MAP
SCALE 1"=300'

SOILS DATA

SOIL NO.	SOIL NAME	SUBSURFACE DRAINAGE	FOUNDATION SUPPORT	SLOPE STABILITY	EROSION POTENTIAL
28	MEADOWVILLE	MARGINAL	FAIR	GOOD	MODERATE
35	GLENELG	GOOD	GOOD	GOOD	SEVERE



VIA RESUBMIT:
COMMENTS:
DATE RECEIVED:
DATE SUBMITTED:
SCALE: AS SHOWN
PROJECT/FILE NO.:
SHEET NO.: 1 OF 3

BEALL PROPERTY
KIRBY ROAD
DEED BOOK 9835 PAGE 1314
FAIRFAX COUNTY, VIRGINIA

CC SHEET

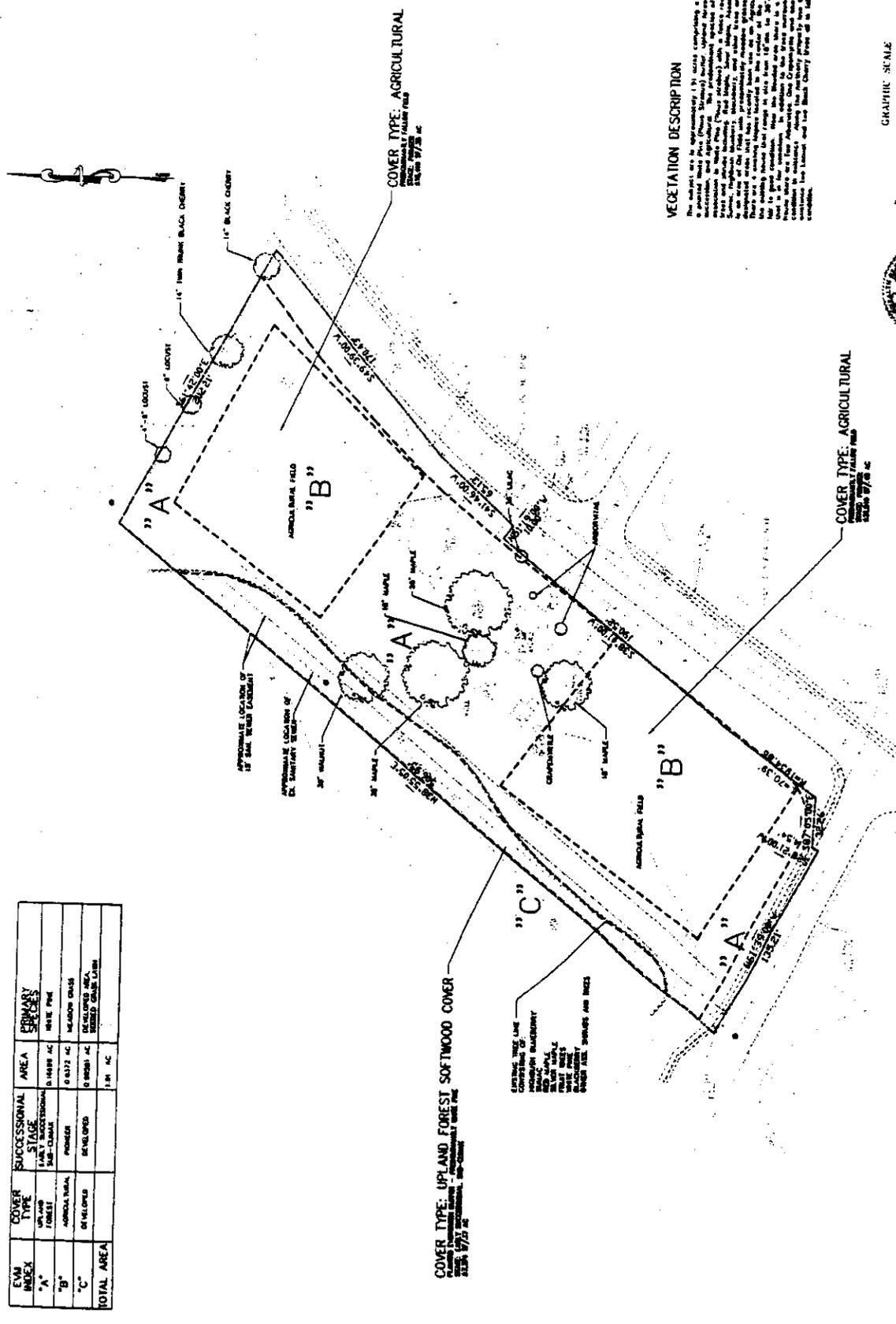




BEALL PROPERTY
KIRBY ROAD
FAIRFAX COUNTY, VIRGINIA

EXISTING MAP
VEGETATION

VMA REVISION:
COUNTY: FAIRFAX
DATE: 11/12/82
SCALE: 1" = 200'
PROJECT: VEGETATION
SHEET: 3 OF 5



VEGETATION DESCRIPTION
The subject site is approximately 1.5N acres comprising a combination of upland forest and agricultural fields. The upland forest is primarily a softwood cover consisting of loblolly shortleaf pine, slash pine, and longleaf pine. The agricultural fields are primarily corn and soybean crops. The site is bounded by Kirby Road to the north and west, and by the Beall Property to the east and south. The map shows the distribution of these vegetation types and the locations of various landmarks and features.



EVA INDEX	COVER TYPE	SUCCESSIONAL STAGE	AREA	PRIMARY SPECIES
"A"	UPLAND FOREST	EARLY SUCCESSIONAL (PINE-DOMINANT)	0.14000 AC	WHITE PINE
"B"	AGRICULTURAL	PROPOSED	0.83772 AC	SOYBEAN CROPS
"C"	DEVELOPED	DEVELOPED	0.00000 AC	RESIDENTIAL DEVELOPMENT
TOTAL AREA			0.97772 AC	

COVER TYPE: UPLAND FOREST SOFTWOOD COVER
SPECIES: Loblolly Shortleaf Pine, Slash Pine, Longleaf Pine

COVER TYPE: AGRICULTURAL
SPECIES: Corn, Soybean

COVER TYPE: AGRICULTURAL
SPECIES: Corn, Soybean

BACKGROUND

RZ 2000-DR-002 requests approval of a rezoning from the R-1 to the R-3 District for the development of five single-family detached dwelling units. The proposed layout, shown on the Generalized Development Plan (GDP) dated October 13, 1999, as revised through May 15, 2000, shows access to the proposed five houses via a single, shared driveway. This driveway is located in an easement on the west side of the property, behind the houses, and accesses Linway Terrace.

The staff report dated May 17, 2000, stated that the proposed access was most like a pipestem driveway, and therefore created a required front yard of 25 feet from the edge of the pavement of the driveway on the western side of the proposed houses. Proffer commitments were therefore provided that notice would be provided to potential purchasers of the restrictions on accessory uses and structures in this front yard.

Further review of the situation, and review of the definition of an alley (see Appendix 2), has led staff to conclude that the proposed access is more similar to a public alley than a pipestem driveway.

ANALYSIS

Because the proposed access has been determined to be most similar to an alley, the layout shown on the GDP does not create a required front yard along the western boundaries of the proposed lots. Therefore, the applicant has revised the proffers, eliminating the notification requirement. The revised proffers, now dated May 30, 2000, are found in Appendix 1.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the proposed development is in conformance with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Recommendation

Staff recommends approval of application RZ 2000-DR-002, subject to the execution of proffers consistent with those in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Zoning Ordinance Excerpts: definitions of "ALLEY" and "YARD, FRONT"

DRAFT PROFFERS

JANET L. BEALL

LOIS H. BEALL

RZ 2000-DR-002

May 30, 2000

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950 as amended, Janet L. Beall and Lois H. Beall, (hereinafter referred to as the "Applicants") for the owners, themselves, successors and assigns in RZ 2000-DR-002, filed for property identified as Tax Map 31-3 ((1)) 142, (hereinafter referred to as to the "Application Property"), proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the R-3 District in conjunction with a Generalized Development Plan (GDP) for residential development.

1. **GENERALIZED DEVELOPMENT PLAN -**

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP, consisting of three sheets prepared by VIKA, Incorporated, dated September 24, 1999 and revised through May 15, 2000.
- b. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicants reserve the right to make minor adjustments to the internal lot lines of the proposed subdivision at time of subdivision plat submission based on final house locations and building footprints provided such changes are in accordance with the GDP. The Applicants shall have the flexibility to modify the layout shown on the GDP without requiring approval of an amended GDP provided such changes are in substantial conformance with the GDP as determined by the Zoning Administrator, agents or assigns, and neither increase the total number of lots nor decrease the following: open space, parking, tree preservation, and distances to peripheral lot lines. Such changes may include, but not be limited to, revising lot lines, building footprints, and access. No modifications shall be permitted, however, that would allow direct access to Kirby Road.
- ~~c. Contract purchasers shall be notified in writing prior to entering into a contract of sale that the twenty-five (25) feet from the edge of pavement of the access road on the rear of each lot is considered a front yard in accordance with Zoning Ordinance regulations. Future improvements within this area shall be required to comply with Zoning Ordinance restrictions. Should a homeowners association be established for the proposed development, the homeowners association documents shall include notification of this restriction. In the alternative,~~

~~notification of this restriction shall be recorded among the Fairfax County land records concurrent with subdivision plat approval. Applicants may implement subsequent amendments to the Zoning Ordinance which modify these restrictions without the necessity of a proffered condition amendment.~~

2. TRANSPORTATION -

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicants shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of forty-five (45) feet from the centerline along the frontage of Kirby Road, which is inclusive of all necessary easements, as shown on the GDP. Dedication shall be made at time of recordation of the final subdivision plat or upon demand from either Fairfax County or VDOT, whichever shall first occur.
- b. Subject to VDOT and DPWES approval, the Applicants shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of twenty-three (23) feet from the centerline along the frontage of Linway Terrace as shown on the GDP. Dedication shall be made at time of recordation of the final subdivision plat or upon demand from either Fairfax County or VDOT, whichever shall first occur.
- c. Subject to VDOT and DPWES approval, the Applicants shall construct frontage improvements to Linway Terrace measuring thirteen (13) feet within the dedicated right-of-way, as shown on the GDP.
- d. Applicants shall construct a five (5) foot concrete sidewalk along the Application Property's Linway Terrace frontage. Sidewalk width shall transition from an existing three (3) foot sidewalk as shown on the GDP.
- e. Applicants shall construct a five (5) foot concrete sidewalk along the Application Property's Kirby Road frontage within the dedicated right-of-way. Applicants reserve the right to construct the sidewalk of alternative materials such as brick or decorative concrete pavers. Such determination shall be made by the Applicants at time of subdivision plat approval, subject to the review and approval of VDOT and DPWES.
- f. All of the improvements described herein shall be constructed concurrent with development of the Application Property.
- g. Applicants reserve density as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all dedications described herein

Proffers

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or as may be reasonably required by Fairfax County or VDOT at time of subdivision plat approval.

3. LANDSCAPING AND OPEN SPACE -

Applicants shall provide landscaping on the Application Property as shown on the GDP. Trees proposed to be planted on the Application Property shall be 3 to 3½ inches in caliper as shown on the GDP.

4. STORMWATER MANAGEMENT -

a. The Applicants shall provide stormwater management (SWM) in the location as generally shown on the GDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless waived or modified by DPWES. In the event that on-site stormwater management is waived by DPWES, the Applicants shall incorporate this area into the area of proposed Lot 5. Removal of the SWM pond shown on the GDP and its incorporation into proposed Lot 5 shall not require the approval of a proffered condition amendment or an amendment to the GDP.

b. If a SWM pond is required on the Application Property, landscaping shall be provided around the perimeter of the SWM pond to the greatest extent feasible as reviewed and approved by DPWES in accordance with its current standards and regulations. Applicants shall utilize grasses, shrubs and trees to screen the SWM pond.

5. AFFORDABLE HOUSING -

At the time of final subdivision plat approval, the Applicants shall contribute to the Fairfax County Housing Trust Fund the sum equal to one percent (1%) of the projected sales price of the house to be built on each approved lot to assist Fairfax County's low and moderate income housing goals. The projected sales price shall be determined by the Applicants in consultation with the staff of the Fairfax County Department of Housing and Community Development (HCD) and DPWES.

6. MISCELLANEOUS -

a. These proffers shall bind and inure to the benefit of the Applicants and his or her successors and assigns.

Proffers

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- b. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.
- c. Applicants reserve the right to install a decorative fence, not to exceed four (4) feet in height, along the Application Property's Kirby Road frontage and along the western property line adjacent to Linway Terrace Park. Such determination shall be made by the Applicants at time of subdivision plat approval, subject to the review and approval of VDOT and DPWES.
- d. The front of each home shown on the GDP shall face Kirby Road. Garages shall not face Kirby Road and shall be located as conceptually identified on the GDP.
- e. The facades of the homes shall be generally consistent with each other in terms of character, color and quality of treatment. The front and sides of each home shall be constructed of the same building materials. Applicants shall provide consistent treatment of the homes in terms of design features such as windows, shutters and roof lines.
- f. The Applicants shall remove the existing two story frame house identified on the GDP only during the months of November through March so as to avoid disturbance of bats that may occupy the structure. Representatives of the Wildlife Rescue League, or similar organization, shall be provided written notice a minimum of thirty (30) days in advance of the date that the structure will be removed. Applicants shall allow said representatives to be present on the Application Property to remove any bats as appropriate. Said representatives may be required to sign waivers of liability for their presence as may be necessary.
- g. The Applicants shall contribute five (5) bat houses, or a monetary equivalent for their purchase, to the Fairfax County Park Authority for installation in Linway Terrace Park. The Applicants shall not be responsible for installation, future maintenance, or liability of the bat houses. Said contribution shall be made at time of subdivision plat approval.
- h. Applicants shall photograph the interior and exterior of the existing two story frame house identified on the GDP prior to its removal. Photographs shall include any interesting or significant features of the house and its setting. In addition, Applicants shall prepare a written statement describing the house, its construction, its occupants, significant events held on the premises, and any other information available based on personal knowledge. Said photographs and written statement shall be provided to the Fairfax County Park Authority at time of subdivision plat approval together with a house location plat of the existing

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improvements. The Fairfax County Park Authority shall be provided written notice a minimum of thirty (30) days prior to the date that the house will be removed. Upon notification, Applicants shall allow representatives of the Fairfax County Park Authority access to the house during that thirty (30) day period prior to its removal. Said representatives may be required to sign waivers of liability for his or her presence as may be necessary. This proffer shall not interfere with the Applicants' proposed construction schedule.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

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APPLICANTS/OWNERS:

Tax Map 31-3 ((1)) 142

Janet L. Beall

Lois H. Beall

20-300 DEFINITIONS

ALLEY: A narrow strip of land intended for vehicular traffic which has a minimum width of twenty (20) feet, and is designed to give access to the side or rear of properties whose principal frontage is on another road.

- YARD, FRONT: A yard extending across the full width of a lot and lying between the front lot line and the principal building.

On a corner lot, the two (2) yards lying between the principal building and the intersecting streets shall both be deemed to be front yards.

On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same, except as qualified in Sect. 2-413 for residential lots having reverse frontage, and except in those instances where one (1) of the public streets is an alley.

On a pipestem lot or a lot abutting a pipestem driveway, any yard contiguous to the pipestem driveway shall be deemed a front yard and shall be subject to the provisions of Sect. 2-416.