



APPLICATION ACCEPTED: November 16, 2011
PLANNING COMMISSION: February 23, 2012

County of Fairfax, Virginia

February 9, 2012

STAFF REPORT

APPLICATION FDPA 2003-LE-025-02

LEE DISTRICT

APPLICANT: Egon F. Hawrylak

ZONING: PDH-5

PARCEL(S): 81-4 ((48)) 38

ACREAGE: 3,975 square feet (SF)

PLAN MAP: Residential; 2-3 du/ac

PROPOSAL: Amend FDP 2003-LE-025 previously approved for residential development on 18.26 acres to permit a reduction of certain yard requirements on a single-family attached dwelling lot for construction of a screened porch 5.4 feet from the front property line.

STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 2003-LE-025-02, subject to the proposed development conditions in Appendix 1 of the staff report.

Kelli Goddard-Sobers

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



It should be noted that it is not the intent of the staff to recommend that the Planning Commission, 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 Planning Commission.

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.

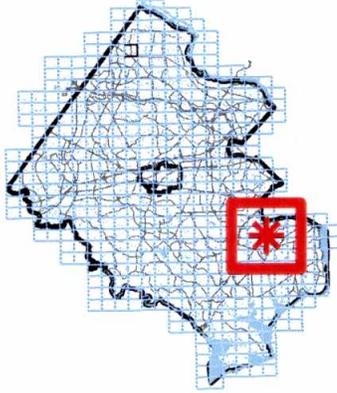
O:\kgodda\FDPA\Egon Hawrylak\Staff Report\cover.doc



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Final Development Plan Amendment

FDPA 2003-LE-025-02



Applicant:
Accepted:
Proposed:

EGON F. HAWRYLAK
11/16/2011
AMEND FDP 2003-LE-025 PREVIOUSLY
APPROVED FOR RESIDENTIAL DEVELOPMENT
TO PERMIT A REDUCTION OF CERTAIN YARD
REQUIREMENTS ON A SINGLE FAMILY LOT

Area:

3975 SF OF LAND; DISTRICT - LEE
ZIP - 22315

Located:

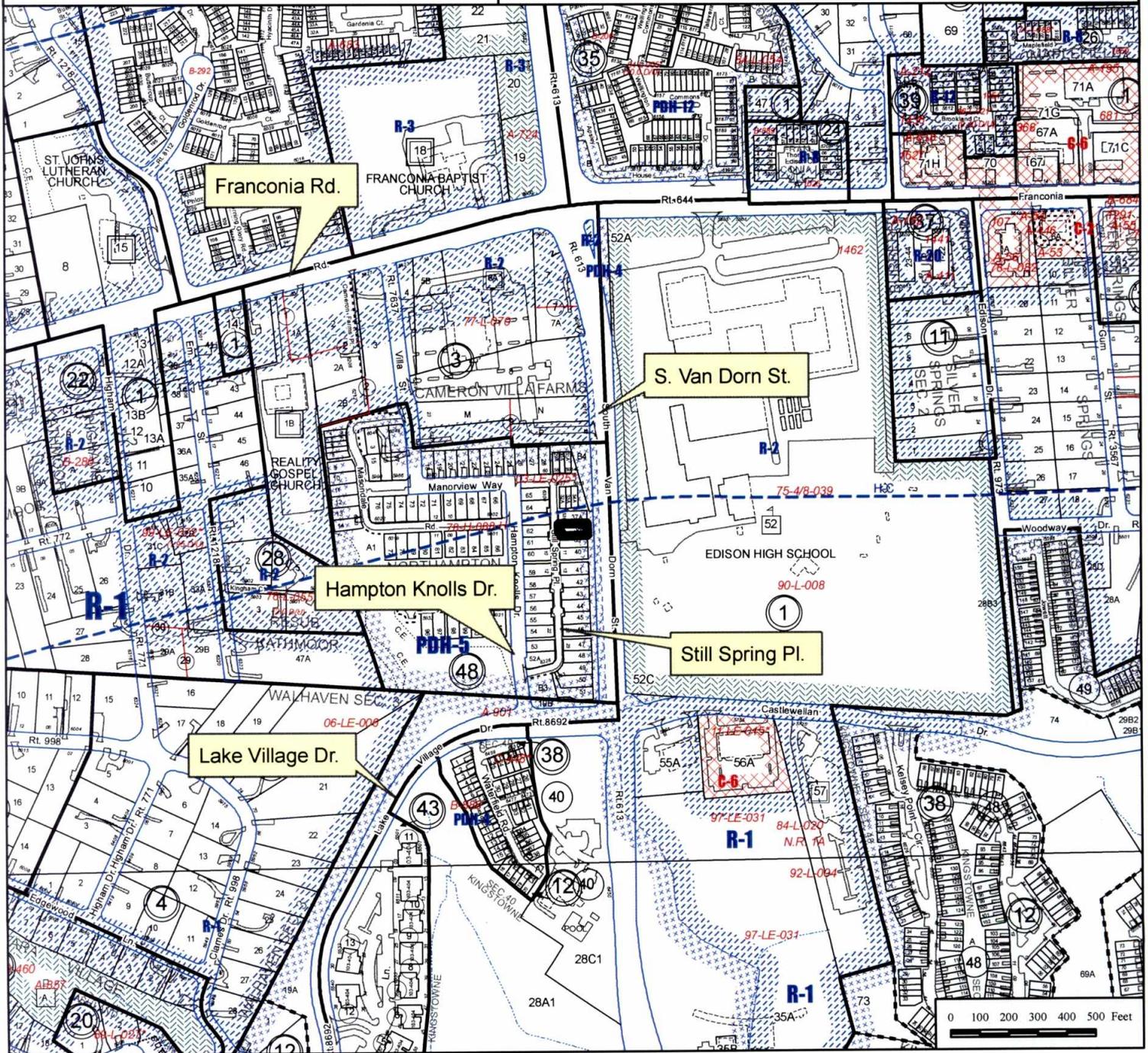
6307 STILL SPRING PLACE

Zoning:

PDH- 5

Map Ref Num:

081-4- /48/ /0038



NOTES

1. THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP NUMBER 81-4((48))38. THE SITE IS CURRENTLY ZONED PDH-5.
2. THE PROPERTY HEREON IS CURRENTLY IN THE OWNERSHIP OF EGON F. HAMRYLAK IN DEED BOOK 19588 AT PAGE 62 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
3. ALL EASEMENTS SHOWN HEREON ARE RECORDED IN DEED BOOK 18133 AT PAGE 2148, UNLESS OTHERWISE NOTED.
4. BOUNDARY INFORMATION TAKEN FROM A FIELD RUN SURVEY PREPARED BY CHARLES P. JOHNSON & ASSOCIATES.
5. THERE ARE NO 100-YEAR FLOODPLAINS ON-SITE. NO FLOODPLAIN OR DRAINAGE STUDIES ARE REQUIRED FOR THIS PROJECT.
6. THERE ARE NO RESOURCE PROTECTION AREAS (RPAa) OR ENVIRONMENTAL QUALITY CORRIDORS (EQCs) ON THIS SITE. A WATER QUALITY IMPACT ASSESSMENT WILL NOT BE REQUIRED.
7. TO THE BEST OF OUR KNOWLEDGE, THE SITE HAS NO SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION AND PRESERVATION.
8. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN GRAVES, OBJECTS, OR STRUCTURES MARKING A PLACE OF BURIAL.
9. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF 25 FEET OR GREATER, NOR ANY MAJOR UNDERGROUND UTILITY EASEMENTS LOCATED WITHIN THE SITE.
10. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 116.4, 302.4, AND 355; ALL HAZARDOUS WASTE AS SET FORTH IN COMMONWEALTH OF VIRGINIA/DEPARTMENT OF WASTE MANAGEMENT VR 672-10-1 - VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS; AND/OR PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 280; TO BE GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED OF ON-SITE AND THE SIZE AND CONTENTS OF ANY EXISTING OR PROPOSED STORAGE TANKS OR CONTAINERS.
11. IN ACCORDANCE WITH THE ADOPTED COMPREHENSIVE PLAN, THE PROPOSED DEVELOPMENT WILL CONFORM TO ALL APPLICABLE ORDINANCES, REGULATIONS, AND ADOPTED STANDARDS.
12. EXISTING PUBLIC IMPROVEMENTS :
 - WATER SERVICE IS BEING PROVIDED BY AN EXISTING 8" MAIN LOCATED IN STILL SPRING PLACE
 - SANITARY SERVICE IS BEING PROVIDED BY AN EXISTING 8" MAIN LOCATED IN STILL SPRING PLACE

VIRGINIA STATE GRID NORTH (NAD83)

SOUTH VAN DORN STREET - RTE. #613

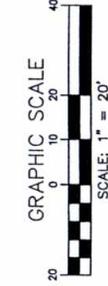


SCALE : 1" = 20'

EXISTING TREES & PROPOSED TREE PLAN

VIRGINIA STATE GRID NORTH (NAD83)

SOUTH VAN DORN STREET - RTE. #613



SCALE : 1" = 20'
DATE : NOVEMBER 7, 2011

CONCEPTUAL / FINAL
DEVELOPMENT PLAN AMENDMENT

NORTHAMPTON

LOT 38

LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA



EX. DWELLING
ELEV. OF ROOF MID-PT. = 273.46' ±
AVE. GRADE AROUND HOUSE = 12.1' ±
HEIGHT TO MID-PT. = 31.91' ±

LOT 39

WILLIAM J. & LYNN A. KELLEY
(D.B. 19728, PG. 1568)
ZONE : PDH-5 USE : DUPLEX

PROP. 1 STORY SCREENED PORCH
HGT. TO PROP. PEAK = 15.3' ±
HGT. TO PROP. EAVE = 12.1' ±
HEIGHT TO MID-PT. = 13.7' ±

MOHAMMED A. MUSTAG SHAIKH
(D.B. 18507, PG. 4337)
ZONE : PDH-9 USE : DUPLEX

N01°53'23"W 14.00'
S88°06'37"W 6.00'

STILL SPRING PLACE
(PRIVATE STREET)

PARCEL "B"

CPJ Charles P. Johnson & Associates, Inc.
PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS
3904 POND DRIVE SUITE 210 FAIRFAX, VIRGINIA 22030 (703)494-7885
FA070370-6056

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

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, Egon Hawrylak, requests to amend the Final Development Plan (FDP) associated with RZ 2003-LE-025 for a 3,975 square-foot portion of the total 18.26 acre site. Pursuant to RZ 2003-LE-025, an 18.26 acre site was rezoned from the R-1 District and HC Overlay District to the PDH-5 District and HC Overlay District to permit the development of 102 dwelling units, including 30 single-family attached dwelling units, 61 single-family detached dwelling units, and 11 affordable dwelling units, at an overall density of 5.59 dwelling units per acre (du/ac).

The applicant has filed the subject application on Lot 38, a 3,975 square foot lot located within the single family attached portion of the 18.26-acre development to permit a reduction to the minimum front yard requirement to permit the addition of a 14 foot x 16 foot screened-in porch onto the existing single-family attached dwelling, sited 5.4 feet from the front property line.

LOCATION AND CHARACTER

The subject property is located on the east side of Still Spring Place in the Northampton subdivision, located west of South Van Dorn Street and north of its intersection with Lake Village Drive. The subject property is a single 3,975 SF lot zoned PDH-5 developed with a single-family attached dwelling. The property is fairly flat and has a small tree in the front yard area, where the addition is proposed to be constructed. The subject property is surrounded by the following uses:

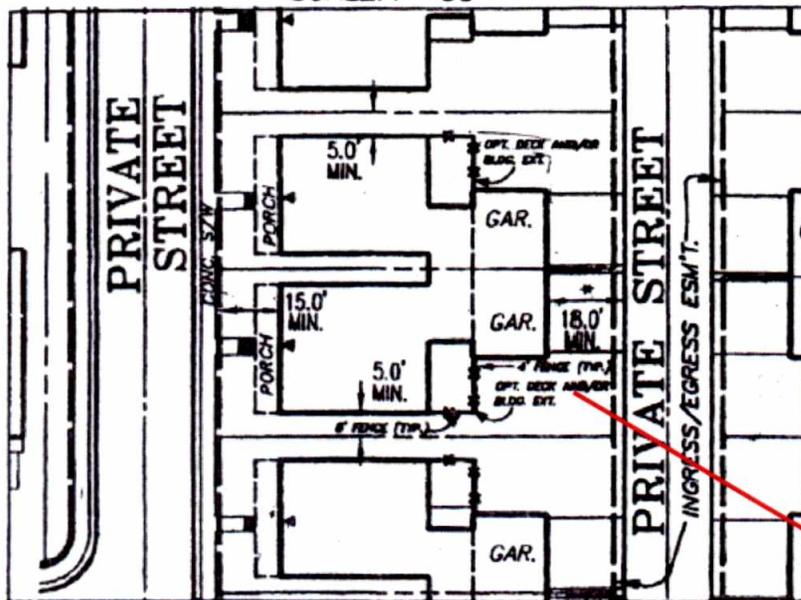
SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Single-family Attached (Northampton)	PDH-5	Residential, 2-3 du/ac
South	Single-family Attached (Northampton)	PDH-5	Residential, 2-3 du/ac
East	Institution [Edison High School across South Van Dorn St.]	PDH-5	Public Facilities, Gov't & Institutional
West	Single-family Attached (Northampton)	PDH-5	Residential, 2-3 du/ac

BACKGROUND

On October 27, 2003, the Board of Supervisors approved RZ/FDP 2003-LE-025 which rezoned 18.26 acres of land from the R-1 District and HC Overlay District to the PDH-5 District and HC Overlay District, subject to proffers dated October 22, 2003 and development conditions dated October 21, 2003. The following exhibit depicts the approved lot typical contained on the CDP/FDP for the single-family attached dwellings.

SINGLE-FAMILY DUPLEX UNIT:

SCALE: 1" = 50'



OPT. DECK AND/OR BLDG. EXT.

NOTE: DECKS, PORCHES, BAY WINDOWS, FIREPLACES AND HVAC UNITS MAY ENCR OACH INTO SPECIFIED SETBACKS (LISTED ABOVE) AND PERIMETER SETBACKS AS SHOWN ON CDP/FDP LAYOUT SHEETS.

* DRIVEWAYS FOR ALL DUPLEX AND DETACHED UNITS SHALL BE 20 FEET IN LENGTH FROM THE INSIDE OF ANY SIDEWALK OR FACE OF CURB, PROVIDED THE SAME CAN BE ACCOMPLISHED IN SUBSTANTIAL CONFORMANCE WITH THIS CDP/FDP. MINOR MODIFICATIONS TO THE CONFIGURATION OF THE DEVELOPMENT ON THIS CDP/FDP, THE LOT TYPICALS, AND THE OPEN SPACE CALCULATIONS MY BE MADE AS NEEDED TO ACCOMMODATE ANY ADDITIONAL DRIVEWAY LENGTH.

On July 15, 2010, the Planning Commission approved FDPA 2003-LE-025 to permit a reduction to the minimum rear yard requirement on a single-family lot to permit the construction of an open deck and a screened-in porch 5.7 feet from the rear lot line.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

Plan Area: IV
Planning District: Rose Hill
Planning Sector: RH-4 Lehigh

Plan Map: Residential; 2-3 du/ac

Plan Text:

In the Fairfax County Comprehensive Plan, 2007 Edition; Area IV, Rose Hill Planning District, as amended through March 9, 2010, RH-4 Lehigh Community Planning Sector, beginning on Page 66; the Plan states in relevant part:

- 37. The approximately 34-acre area fronting on the south side of Franconia Road from South Van Dorn Street west to the existing institutional use and extending south along the western edge of the lettered parcels to the northern boundary of Kingstowne is planned for 2-3 dwelling units per acre. As an option, residential development at 4-5 dwelling units per acre or a mix of institutional uses at up to .35 FAR and residential use at a density of 4-5 dwelling units per acre may be considered*

ANALYSIS

The applicant has submitted an FDPA to permit the construction of a screened-in porch. The approved FDP, established the front yard requirements for single family attached dwellings in this PDH-5 District development at seventeen (17) feet, and shows an area on each lot where an open deck and/or a building extension can be added at the front of the dwelling without encroaching into the minimum required front yard. The applicant proposes to construct a 14 foot by 16 foot screened-in porch addition that extends beyond the area depicted on the approved FDP. The applicant has stated that he would like to have the use of a screened-in porch to provide protection from insects while outside.

Conceptual/Final Development Plan Amendment (CDPA/FDPA)
(Copy at front of staff report)

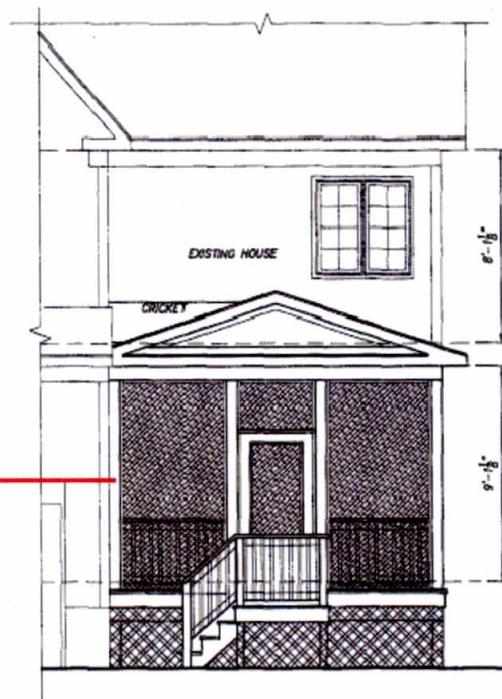
Title of CDP/FDP: Northampton Lot 13
Prepared By: CPJ Associates
Dates: November 7, 2011 as revised through January 25, 2012

As stated above, the applicant is seeking approval of an 11.6 feet reduction of certain yard requirements to permit the construction of a screened-in porch 5.4 feet from the front lot line. Specifically, the applicant is proposing to construct a 14' x 16' screened-in porch with steps at the front of the single-family attached dwelling.

Land Use and Environmental Analysis

The application only pertains to a single 3,975 square-foot lot (Lot #38) within the 18.26 acre Northampton subdivision, previously approved under RZ 2003-LE-025. As noted above, the applicant seeks to amend the previously approved CDP/FDP to permit a reduction of the front yard requirement to 5.4 feet.

Staff has determined that the proposed structure would be in character with the existing dwelling in terms of location, height, bulk, and scale of the dwelling. The screened-in porch is proposed at the front of the dwelling in the general vicinity for decks and building extensions depicted on the approved lot typical. The applicant provided architectural renderings which show that the roof of the screened-in porch would be slightly higher than the first level of the house as it would be constructed with a sloped roof versus a flat roof. The screened-in porch would be approximately one-third the width of the dwelling and the screened-in porch's exterior wall would be set back at approximately the same distance as the dwelling's exterior wall from the southern side property line. The steps leading to the proposed screened-in porch are shown at the front of the structure encroaching into the minimum required front yard. The proposed structure would be visible from the adjacent properties to the side and at the front of the site as it faces an internal street. The building materials for the proposed structure would be consistent with those of the dwelling so that the structure would appear as a natural extension of the house.



FRONT ELEVATION

There are no floodplains, resource protection areas, wells, or septic fields in the area the applicant is proposing to construct the addition. The proposed addition would be set back approximately one and a half feet from the utility easement that is located across a portion of the front yard. The construction of the addition would require an existing Bradford Pear tree to be removed. The applicant is proposing to replace the tree with a two inch caliper Sargent Cherry tree which is proposed to be planted in the southwestern corner of the site outside of the utility easement. No environmental issues were raised for this application. Therefore staff finds that the proposed screened-in porch would not have any adverse impacts on the adjacent neighbors with regard to noise, light, air, safety, erosion, and stormwater runoff.

Urban Forest Management Analysis (Appendix 6)

Landscaping

Urban Forestry Management Division (UFMD) staff noted that the existing two-inch caliper Bradford Pear caliper tree located in the southwestern corner of the lot that appears to have been required as part of the landscaping and tree cover requirements for the Northampton site plan proffered under RZ/FDP 2003-LE-025. UFMD staff recommended that if the removal of this tree is required to construct the proposed addition, then the tree should be replaced with a 2-inch caliper Category III deciduous to maintain the 150 square feet of tree cover approved with the site plan. The location of the existing tree and the replacement tree need to be shown on the CDPA/FDPA. According to Section 12 in the Public Facilities Manual, the minimum planting width for a tree is eight feet. Additionally, the approved site plan shows the required landscaping located outside the 15-foot wide utility easement that runs along the front property line of the properties fronting the internal street.

Resolution:

The applicant has revised the CDPA/FDPA to show the location of both the existing Bradford Pear tree and a two-inch caliper Cherry Sargent replacement tree. The applicant is proposing to plant the replacement tree in the southwestern corner of the site outside of the 15-foot wide utility easement. UFMD staff has reviewed the revised plan and stated that the issue has been adequately addressed. Therefore, staff finds this issue has been resolved.

Transportation Analysis (Appendix 7)

The Fairfax County Department of Transportation has reviewed the subject application and no transportation issues have been raised.

ZONING ORDINANCE PROVISIONS

P-District Standards

The subject site, which is zoned PDH-5 and HC, must comply with the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations, and Article 16, Development Plans.

Article 6

The property is currently zoned PDH-5 and continues to meet the PDH District regulations set forth in Part 1 of Article 6, Planned Development Districts, of the Zoning Ordinance. The applicant is applying for approval to permit a reduction in the front yard requirement to permit the construction of a screened-in porch 5.4 feet from the front lot line. Section 6-108 of the Zoning Ordinance states *that the maximum building height, minimum yard requirements and maximum floor area ratio shall be controlled by the standards set forth in Part 1 of Article 16*. The applicant seeks to modify the FDP for this particular lot in order to construct a screened-in porch at the front of the single-family attached dwelling located on this lot to reduce the front yard requirement by 11.6 feet.

Article 16

Sect. 16-101 General Standards

Sect. 16-101 contains six general standards that must be met by a rezoning or development plan amendment for a planned development.

General Standard 1 states that the planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.

The character of the proposal conforms to the adopted comprehensive plan and does not propose to increase the density permitted by the comprehensive plan.

General Standard 2 states that the planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.

The proposal maintains the purpose and intent of the planned development district with implementation of the proposed development conditions.

General Standard 3 states that the planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.

The screened-in porch is proposed to be located in the general vicinity depicted on the approved lot typical for decks and building extensions. There will be less of an encroachment into the front yard if no steps are located in the front yard. No grading will be required to construct the deck and the existing tree to be removed to enable construction of the screened-in porch would be replaced with a two-inch caliper tree.

General Standard 4 states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.

The current proposal does not injure the use or value of adjacent properties. There are no undeveloped properties surrounding this property.

General Standard 5 states that the planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.

The planned development is located where public facilities are accessible and adequate for the use.

General Standard 6 states that the planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

The existing development provides coordinated linkages and connections at a scale appropriate to the development.

Staff found that the general standards were satisfied with the original rezoning of the site to the PDH-5 District. The front yard setback modification to permit the screened-in porch would not affect the fulfillment of these standards.

Section 16-102 Design Standards

Design Standard 1 states that in order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.

At the time of rezoning, staff determined that the most similar conventional zoning district to the governing PDH-5 District is the R-5 District. The proposed addition is internal to the planned development in the front yard of the subject lot. It does not modify the bulk regulations, landscaping or screening along the peripheral boundaries of the planned development.

The proposed encroachment for the screened-in porch is 5.4 feet from the front property line. The Typical Lot/Unit Detail exhibit for *Single-Family Duplex Unit Type* shows an option for the addition of a deck or a building extension at the front of the single-family attached dwelling set back farther than the garage. The applicant's proposed screened-in porch would be set back at almost the same distance as the garage from the front property line. However, the steps leading to the screened-in porch are shown extending past the front wall of the garage, encroaching into the minimum required front yard. Staff believes the steps could be reconfigured so that they do not encroach into the minimum required front yard, thus increasing the distance from the front property line from 5.4 feet to 8.4 feet. A portion of the floor area currently allocated for the screened-in porch could be used for the steps so that they do not extend past the front wall of the garage. Staff believes that if the steps are relocated so that they do not encroach into the minimum required yard, this design standard would be met.

Design Standard 2 states that other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.

Staff believes that this standard is not applicable to the present application.

Design Standard 3 states that streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

Staff believes that this standard has been satisfied under the previous application RZ/FDP 2003-LE-025.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

It is staff's opinion that the proposed application is in conformance with the Comprehensive Plan and with the applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends that the Planning Commission approve FDPA 2003-LE-025-02 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 Planning Commission, 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 Planning Commission.

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

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Previously Approved Combined CDP/FDP, development conditions and proffers
5. Typical Lot/Unit Detail for Single-Family Attached Dwellings
6. Urban Forest Management Analysis
7. Transportation Analysis
8. Comprehensive Plan Text
9. Zoning Ordinance Provisions
10. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

FDPA 2003-LE-025-02

February 9, 2012

If it is the intent of the Planning Commission to approve Final Development Plan Amendment, FDPA 2003-LE-025-02 to permit a reduction to certain yard requirements on a single-family lot located at Tax Map 81-4 ((48)) 38, then staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions. These development conditions shall be in addition to all previously approved development conditions applicable to the site.

1. Development of the Property shall be in substantial conformance with the FDPA consisting of one sheet, prepared by CPJ Associates dated November 7, 2011 and sealed by the Engineer on January 25, 2012.
2. A 2-inch caliper Category III deciduous tree shall be planted within a minimum planting width of eight feet in the front yard outside of the 15-foot wide utility easement to replace the existing 2-inch caliper tree to be removed for construction of the screened porch. The replacement tree shall be planted prior to final inspection.
3. The building materials for the screened-in porch shall be similar to the building materials used for the existing dwelling.
4. Low shrubs or hedges shall be planted around the foundation of the enclosed porch, as determined by UFM, DPWES.

REZONING AFFIDAVIT

DATE: 15 December 2011
(enter date affidavit is notarized)

I, Egon F. Hawrylak, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [x] applicant
[] applicant's authorized agent listed in Par. 1(a) below 114239

in Application No.(s): FDPA 2003-LE-025-02
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

(NOTE: All relationships to the application listed above in BOLD print 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.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Rows include Egon F. Hawrylak (Applicant/Title Owner), MidAtlantic Contracting, Inc. of Virginia (Agent), and David A. Corbin (Agent).

(check if applicable) [] There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning 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).

REZONING AFFIDAVIT

DATE: 15 December 2011
(enter date affidavit is notarized)

114239

for Application No. (s): FDPA 2003-LE-025-02
(enter County-assigned application number(s))

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

(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)
MidAtlantic Contracting Inc. of Virginia
909 Highams Court
Woodbridge, VA 22191

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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)
Erick T. Fletcher

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)
Erick T. Fletcher, President

(check if applicable) [] There is more corporation information and Par. 1(b) is continued on a "Rezoning 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.

REZONING AFFIDAVIT

DATE: 15 December 2011
(enter date affidavit is notarized)

114239

for Application No. (s): FDPA 2003-LE-025-02
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, 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 "Rezoning 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.

REZONING AFFIDAVIT

DATE: 15 December 2011
(enter date affidavit is notarized)

114239

for Application No. (s): FDPA 2003-LE-025-02
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

REZONING AFFIDAVIT

DATE: 15 December 2011
(enter date affidavit is notarized)

114239

for Application No. (s): FDPA 2003-LE-025-02
(enter County-assigned application number(s))

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

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

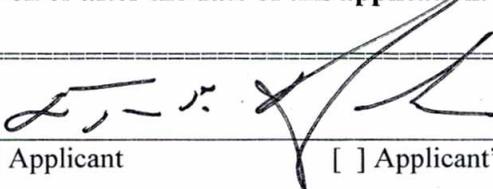
NONE

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

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning 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

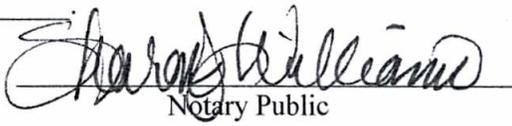
Applicant's Authorized Agent

EGON F. HAWRYLAK

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

Subscribed and sworn to before me this 15th day of December 2011, in the State/Comm. of Maryland

SHARON JEANINE WILLIAMS
Notary Public-Maryland
Howard County
My Commission Expires
July 16, 2015


Notary Public

My commission expires: _____

Statement of Justification (addition)
In the Case of FDPA for Egon Hawrylak
Northampton Lot 38
6/30/11

Q) Will the structure be clearly subordinate in purpose, scale, use, and intent to the principal structure on the site:

A) Yes. The structure will be subordinate in purpose, scale, use and intent to the principal structure on the site.

The screened porch and deck will be used exclusively by my son and I for occasional outdoor leisure activities in seasonal periods. Its clear benefit is the avoidance o insects while enjoying the fresh air. The home is a colonial style with two stories above grade. The roof of the screened porch will be only slightly higher than the first level in that it is being constructed with a reverse gable versus a flat roof. The width of the screened porch is approximately half the width of our home and the size of the deck is consistent with our neighbors. The elevation of the existing dwelling at mid-point is 273.46+/- . The average grade around the house is 12.1+/- . The height to the mid point of the existing structure is 31.91' +/- . The proposed 1 story screened porch will have a propose peak of 15.3+/- . The height to the proposed eave would be 12.1+/- . The proposed height to the mid point is 13.7+/- . The house proposed screened porch will be 9.0' from the curb. The proposed staircase will be 5.4' from the curb. 8.4

Q) Will the structure 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?

A) Yes. The structure 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.

Yes, the location of the deck and screened porch is exclusively to the rear of the home consistent will all others in the neighborhood and with the initial builder option design. The height of the perimeter walls will allow for and 8' ceiling and the height of the ridge will provide for standard asphalt shingle slope requirements. The materials will be consistent with the original house to make it look as though it was original at the time of construction and to make it blend in properly. The screened-in porch will be constructed with matching trim and shingles such that it looks like a natural extension of the house. We will use a conservative roof line and gutter system to match the character of the house.

Q) Will the proposed structure be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of the surrounding structures, topography, existing vegetation and the preservation of significant trees?

A) Yes. The proposed structure will be 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.

The deck and screened porch construction and footprint will not remove any bushes or established trees. The screened porch will be much smaller in scale than the house on its northeast side so no sunlight will be blocked.

Q) Will the structure adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff?

A) No. The proposed structure will not adversely impact the use and /or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff.

The screened porch will be attached to the house and will not block neighbor's vistas, sunlight or safety in any way. The deck and porch will not encroach into the utility easement. There is no change to the grading whatsoever due to the construction of the deck and set of the screened porch.

Q) Is the proposed reduction of the yard 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 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: location of a well and /or septic field; location of easements; and/or preservation of historic resources.

A) Yes. The proposed reduction of the yard is the minimum amount of reduction necessary to accommodate the proposed structure on the lot. We have taken into account the specific factors of 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 preservation of historic resources.

The proposed reduction of the yard is based on the need to build a deck and screened in porch of usable size. There are no alternate locations or orientations on the lot. There are no steep slopes, floodplains or RPAs, wells or septic fields on the lot. There are no trees or bushes in the footprint of the proposed deck and screened in porch.

Additionally, the proposed structure will not disturb any trees on other parts of our lot or adjacent lots to include access to sunlight and moisture. Finally, the proposed structure will meet the setback regulations from the storm drain on the lot and will not affect preservation of historic resources.



FAIRFAX COUNTY

OFFICE OF THE CLERK BOARD OF SUPERVISORS

12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm
Email: clerktothebos@fairfaxcounty.gov

December 3, 2003

Gregory A. Riegle, Esquire
McGuire, Woods, LLC
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102-4215

RE: Rezoning Application Number RZ 2003-LE-025
(Concurrent with PCA C-448-29)

Dear Mr. Riegle:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 27, 2003, granting Rezoning Application Number RZ 2003-LE-025 in the name of Christopher Management, Incorporated to rezone certain property in the Lee District from the R-1 District and Highway Corridor Overlay District to the PDH-5 District and Highway Corridor Overlay District, located on the west side of South Van Dorn Street, east and west sides of Villa Street, Tax Map 81-4 ((3)) A, A1, B-H, J, K, R, S, 2C, 10A, 10B, 11, 12, 12A, 12B, 12C and a portion of Villa Street public right-of-way to be vacated and/or abandoned, subject to the proffers dated October 22, 2003, consisting of approximately 18.26 acres. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Villa Street to proceed under Section 15.2-2272 (2) of the Code of Virginia).

The Board also approved the Conceptual Development Plan was approved subject to the proffers dated October 22, 2003; the Planning Commission having previously approved Final Development Plan FDP 2003-LE-025, on October 23, 2003, subject to the Board's approval of RZ 2003-LE-025.

The Board also:

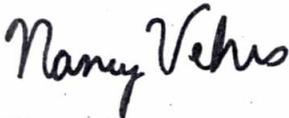
- **Modified the transitional screening yard and barrier requirements along the northern boundary and adjacent to the affordable dwelling units in the northwestern corner of the property that is shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA).**

RZ 2003-LE-025
December 3, 2003

- 2 -

- **Modification as to limitation of the length of a private street.**
- **Modified the Public Facilities Manual requirements with regard to the radius and width of public streets as shown on the CDPA/FDPA.**

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley
Supervisor Kauffman, Lee District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Enforcement Branch
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPWES
Kenny King, Proffer Administrator, Plans & Document Control, OSDS, DPWES
Department of Highways - VDOT
Land Acq. & Planning Div., Park Authority
District Planning Commissioner
James Patteson, Director, Facilities Mgmt. Div., DPWES
Barbara J. Lippa, Executive Director, Planning Commission
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

PROFFERED CONDITIONS
"Villa Street" Rezoning

RZ/FDP 2003-LE-025
October 22, 2003

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 81-4-((3))-A, A1, B, C, D, E, F, G, H, J, K, R, S, 2C, 10A, 10B, 11, 12, 12A, 12B, 12C, a portion of public right-of-way for Villa Street (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the PDH-5 Zoning District is granted. In the event said application request is denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The proffered conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the proffers and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), containing nine (9) sheets prepared by Urban Engineering & Associates, Inc., dated February, 2003 and revised through October 20, 2003.

Notwithstanding the above, it shall be understood that the Applicant has the right to request a Final Development Plan Amendment (FDPA) for elements other than CDP elements for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance. For the purpose of this Proffer, CDP elements shall include the overall number and type of units and the general location and orientation of streets, open space and tree save areas.

2. Lot Yield and Orientation of Units. The development shall consist of a maximum of 102 single family residential units (inclusive of the required ADUs which shall be developed as single family attached units). The specific unit footprints shown on the CDP/FDP are subject to minor modifications provided that any such changes shall not change the identified unit type and shall further conform to the "Typical Lot/Units Details" shown on the CDP/FDP and/or the requirements of these proffers.

3. Establishment of HOA. Prior to record plat approval, the Applicant shall demonstrate that the Property will be governed by a homeowners association (HOA) and subject to a Declaration of Covenants, Conditions and Restrictions consistent with the requirements of Article 2 of the Zoning Ordinance. In fulfillment of this requirement, the Property may be incorporated into an existing homeowners association to potentially include that operated by the Kingstowne Residential Owners Corporation ("KROC") or a "sub-association" organized in accordance with the governing documents of the same. In the alternative, a single independent HOA shall be established for the entire property. For the purposes of these proffers, a sub-association of KROC or an independently established association shall be known as "the HOA" and any associated Declaration of Covenants and related documents shall be known as "the HOA Documents."

4. Dedication to HOA. In conjunction with the appropriate site/subdivision review processes, private streets, sidewalks/trails, and common areas and amenities not otherwise conveyed or dedicated to the County and/or VDOT (i.e. right-of-way shown as to be dedicated for public streets or future road widening) shall be dedicated to the HOA and maintained by the same.

5. Public Access Easement. A public access easement in a form approved by the County Attorney shall be placed on the private streets, sidewalks, and trails within the approved development. The requirements of this proffer shall be disclosed in the HOA documents.

6. Garage Conversion. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the homeowners' association (HOA) and the Board of Supervisors. This restriction shall also be disclosed in the HOA documents. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.

7. South Van Dorn Street Trail. The trail located parallel to South Van Dorn Street shall be maintained by the HOA. A public access easement shall be placed over this trail in a form approved by the County Attorney. Prospective purchasers of lots abutting this trail shall be notified of its existence, the associated public access easement and maintenance obligation prior to entering into a Contract of Sale. These requirements shall also be placed in the HOA documents.

8. Pavement Section. All private streets shall be constructed pursuant to PFM pavement section standards as to the thickness appropriate for public subdivision streets based on level of vehicular traffic consistent with the development shown on the CDP/FDP. The HOA documents shall include provisions for monthly/annual assessments for private street maintenance. All prospective purchasers shall be advised of the existence of private streets, the associated public access easement and all other associated maintenance obligations required by these Proffers prior to entering into a contract of sale.

9. Right of Way Vacation. Notwithstanding the submission for processing of any applications, plans or plats in furtherance of the development of the Application Property, the Applicant acknowledges that no such application, plan or plat shall be approved by Fairfax County until or unless the vacation of right-of-way proposed as part of the Application Property is approved by the Board of Supervisors. In the event that such vacation is not approved by the Board of Supervisors, or in the event that Board's approval is overturned by a court of competent jurisdiction, any development of the Application property under the PDH-5 District shall require a proffered condition amendment and the Applicant acknowledges that such amendment may result in a loss of density. The Applicant hereby waives any right to claim or assert a taking or any other cause of action that otherwise may have arisen out of a Board decision to deny in whole or in part the right-of-way vacation.

10. Length of Driveways. All driveways serving the approved residential units shall be a minimum of 18 feet in length from the inside of the sidewalk, or face of curb for rear load units, to the edge of the entrance to the garage. Driveway lengths shall

further be subject to the notes regarding the same contained within the Typical Lot Unit Detail, on Sheet 2 of the CDP/FDP. Driveways for Duplex and Detached units shall be of a width that can accommodate two (2) cars.

11. Signs. No temporary signs (including “popsicle” paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site, by the Applicant or at the Applicant’s direction to assist in the initial sale of homes on the Subject Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale of residential units on the Subject Property to adhere to this proffer.

12. School Contributions. Prior to approval of the first site/subdivision plat for the approved development, the Applicant shall provide documentation to DPWES that the Applicant has donated the sum of \$3,225 per market rate dwelling unit, for each new dwelling unit approved on the final site/subdivision plan to the Board of Supervisors for capital improvements to schools, serving the application property.

13. Energy Conservation. All homes on the Property shall meet the thermal guidelines of the CABO Model Energy Program, or its equivalent as determined by DPWES for either gas or electric energy systems, as may be applicable.

14. Community Coordination. A copy of the first submission of any site/subdivision plan and any subsequent revisions shall be sent to the President of the Kingstowne Residential Owners Corporation for review and written comment.

II. RECREATION

1. Construction of Facilities. Prior to site/subdivision plan approval, the Applicant shall demonstrate that the value of any proposed recreational amenities have a value equivalent to \$955.00 per unit as required by Article 6 of the Zoning Ordinance. Within the "active recreation" areas identified on the CDP/FDP, the Applicant reserves the right to install active or passive recreational facilities, to include but not be limited to tot lots, tennis courts, multi-purpose courts, fitness courses, gazebos, playgrounds and similar facilities, provided that the installation of such facilities shall conform to the requirements of these proffers and to the provisions of Article 6 of the Zoning Ordinance. In the event it is demonstrated that the proposed on-site facilities do not have sufficient value, the Applicant shall contribute the balance of the \$955 per unit contribution to the Fairfax County Park Authority for off-site recreational purposes.

III. ENVIRONMENTAL

1. Archeological. Prior to land disturbing activity, the Applicant shall conduct a Phase I archeological survey conducted in substantial conformance with methodology approved by County Archeological Services. As part of the required Phase I survey, the Applicant's archeologist shall use reasonable efforts to interview and obtain documentary evidence from any landowners that have resided on the application for more than 50 years. On completion, all such studies shall be forwarded to County Archeological Services. If warranted by the initial Phase I survey, as determined by the County Archeologist, subsequent Phase II and/or Phase III evaluation and recovery shall occur, with the scope of work of such potential Phase II and Phase III analyses being subject to review and approval by County Archeological Services.

2. Stormwater Management. Stormwater management and BMP measures shall be provided in accordance with the PFM, as determined by DPWES. It is the Applicant's intention to fulfill all or a portion of such requirements using an off-site facility located at Tax Map 91-2-((1))-28A1 and commonly known as "Kingstowne Lake." Prior to site/subdivision plan approval, the Applicant shall demonstrate, to the satisfaction of DPWES, the existence of the easements and rights necessary to direct run-off into such off-site facility. The Applicant shall further be responsible for any improvements/restoration to the drainage ways serving Kingstowne Lake, as determined necessary by DPWES to ensure proper transmission of run-off into the lake. In the event it is determined by DPWES that the off-site facility does not have sufficient capacity to fulfill the applicable quantity or BMP requirements, the Applicant shall install an alternative facility, subject to the approval of DPWES. Such alternative may be administratively approved if in substantial conformance with the CDP/FDP as determined by DPZ, or may necessitate a PCA, which may result in a loss of density.

3. Stream Restoration. In an effort to properly manage the volume and velocity of water traveling through the stream, generally located near the western boundary, and enhance the overall environmental quality of the stream corridor, prior to and concurrent with the site/subdivision plan review process, the Applicant shall coordinate with the Stormwater Planning Division and the Urban Forestry Division of DPWES to identify and implement means to protect and/or restore the stream that generally forms a portion of the southwest boundary of the site. Means to accomplish these objectives may include, but shall not be limited to: (a) alterations to the stream course, (b) bio-remediation as determined feasible by the Applicant and DPWES; (c)

alterations to the stream bed or bank using natural materials to better manage the velocity of water; (d) re-vegetation of the area adjacent to the stream with native species.

4. Erosion/Sedimentation. The functioning and integrity of all erosion and sedimentation controls (e & s controls) required by DPWES shall be inspected the next day following each storm event during the period of construction on site. If the e & s controls have been damaged or breached, the e & s controls shall be repaired within two days of the storm event.

5. Low Impact Development Techniques. In order to protect the existing stream from small, frequent rain events, and in consultation with the Stormwater Planning Division, prior to the submission of a site/subdivision plan, the Applicant shall incorporate some or all of the following low impact development approaches subject to approval by DPWES:

- The elimination of curbing along portions of the internal streets;
- The use of bio-retention facilities and/or rain garden(s), as needed;
- Directing roof drains and downspouts to vegetated areas to the extent practical;
- The incorporation of grassed swales in locations determined feasible by DPWES.

To the extent any of the items described above impose additional private maintenance obligations on the HOA, the same shall be disclosed in the HOA documents and in writing to prospective purchasers prior to entering into a contract of sale.

6. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping shown on sheet 7 of the CDP/FDP. If, during the process of

site/subdivision plan review, any new landscaping shown on the CDP/FDP cannot be installed in order to locate utility lines, trails, etc., as determined necessary by the Urban Forestry Division, then an area of additional landscaping consisting of trees and/or plant material of a type and size generally consistent with that displaced, shall be substituted at an alternate location on the Property, subject to approval by the Urban Forestry Division. Native species shall be used in connection with all new landscaping. Any areas of the EQC delineated on the CDP/FDP that are not protected by the limits of clearing shall be re-vegetated to the extent determined feasible by the Urban Forestry Division following any restoration of the stream. Such vegetation shall be reflected on the landscape plans required by these Proffers.

7. Limits of Clearing. Notwithstanding any notation to the contrary on the CDP/FDP, the limits of clearing and grading as shown on the CDP/FDP and required pursuant to these proffers, shall be strictly adhered to and be considered maximum limits. Such limits shall not preclude the stream restoration measures required by Proffer III-3. Other than such stream restoration measures, there shall be no clearing and grading or placement of utilities in the portions of the southwest corner of the property protected by the limits of clearing and grading.

8. Tree Preservation. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site/subdivision plan submissions. Preservation plans shall be prepared by a professional with experience in the preparation of tree preservation plans such as a certified arborist or landscape architect for the review and approval of the Urban Forestry Division.

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 twelve (12) inches in diameter and greater that are within ten (10) feet that are to be protected on either side of the limits of clearing and grading as shown on the CDP/FDP. The condition analysis rating 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.

9. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting or any demolition of units. Before or during the pre-construction meeting or any demolition activities, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forestry Division representative and invite a representative of the Lee District Land Use Advisory Committee to the same, to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading and/or provide additional areas for re-vegetation at the Property boundary or adjacent to preserved open space areas. To the extent areas for additional landscaping/re-vegetation are identified, they shall be landscaped with native species of a size and type consistent with that shown on the approved landscape plan. Trees not likely to survive construction due to their species and/or proximity of disturbance will also be identified at this time and the

Applicant shall also be given the option of removing them as part of the clearing operation. Any tree designated for removal at the edge of the limits of clearing and grading or within tree preservation area shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees.

10. Tree Protection Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing consisting of four foot high, 14 gauge welded wire attached to six foot steel post driven 18 inches into the ground and placed no further than ten feet apart shall be erected at the limits of clearing and grading as shown on the demolition and phase 1 and 2 erosion and sediment control sheets for the tree save and protection areas generally delineated on the CDP/FDP. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures within or adjacent to tree save areas. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed.

11. Tree Transplanting. The Applicant shall provide a transplanting plan as part of the Rough Grading Plan required in connection with the demolition of units and the prior to first and all subsequent site or subdivision plan submissions. The tree preservation plan shall identify the shrubs and trees that are appropriate for transplanting

within the area of the application property that is not protected by limits of clearing and grading as determined by the Urban Forestry Branch. Such plan shall be approved by the Urban Forestry Division before any demolition activity. The plan shall be prepared by a professional with experience in the preparation of tree transplanting plans such as a certified arborist or landscape architect. The plan shall generally address the following items:

- The species and sizes to be transplanted
- The existing location of the trees
- The final location of the trees
- The proposed time of the year when the trees will be moved
- The transplant methods to be used
- Details regarding after transplant care, including mulching, watering and if necessary, support measures such as cabling or staking.

12. Demolition of Existing Structures. The demolition of existing features and structures shall be conducted in a manner that minimizes the impact on individual trees and groups of trees that are shown to be preserved on the CDP/FDP, as determined by the Urban Forestry Division. Methods to preserve existing trees may include, but are not limited to, the use of supersilt fencing, root pruning, mulching, wire-welded tree protection fence, and other similar means. The rough grading plan associated with the approval of the required demolition permits shall be prepared in compliance with the tree preservation and transplanting requirements of these proffers.

13. Exterior Noise Attenuation. Concurrent with the site/subdivision review and approval process, the Applicant shall demonstrate, through a noise study approved

by DPWES, in coordination with the Environmental and Design Review Branch, and DPWES, that exterior noise levels for rear privacy yards (herein defined for rear load units, as those areas located adjacent to the garage and behind the principal dwelling and identified as "Opt. Deck" on the Lot Typical, contained within the CDP/FDP) are 65 dBA or below. Should mitigation be needed to bring the noise levels to 65 dBA or below, additional acoustical fencing having a maximum height of six (6) feet as measured from grade shall be installed on the periphery of the rear privacy yard as generally shown on the Lot Typical.. Any acoustical fencing required by these proffers shall be architecturally solid from the ground up with no gaps or openings, except as may be needed for gates or drainage. Any units requiring mitigation shall be identified on the site/subdivision plan.

14. Interior Noise. In order to mitigate interior noise to 45dBA, each dwelling shall have the following acoustical attributes: (1) exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39; (2) doors (excluding garage doors) and windows shall have an STC rating of at least 28. If glazing (excluding garage doors) constitutes more than 20% of any facade, then such windows shall have the same STC rating as the facade; and (3) materials to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission. The Applicant reserves the right to pursue less restrictive methods if the refined acoustical analysis noted in Proffer Number 13 above demonstrates to the satisfaction of DPWES that less restrictive means are appropriate to mitigate interior noise to 45 dBA or lower. Any units requiring mitigation shall be identified on the site/subdivision plan.

15. Conservation Easement. Subject to approval by the Office of the County Attorney, those areas protected by the limits of clearing shall be placed in a Conservation Easement in a form approved by the County Attorney. Such easement shall run to the benefit of the County or an organization approved by the County Attorney that is authorized to hold or benefit from such easement under the Code of Virginia. The Conservation Easement may be recorded subsequent to the stream restoration and related requirements of this Section III.

IV. ARCHITECTURE/DESIGN

1. Architecture. The architecture and design of the approved units shall be in substantial conformance with the architectural renderings attached to the CDP/FDP as Sheets 8 and 9, or of generally comparable quality, as determined by DPWES. For the purpose of this proffer, substantial conformance shall mean retaining the general facade design and retaining the front porches, if any, identified on the CDP/FDP. The ADU units shall be designed with an architecture that offers a type and proportion of materials that is consistent with that used in the market rate units. All market rate units shall incorporate stone, brick, or similar material on a portion of the façade. At the time the building plans for the ADUs are submitted, the applicant shall provide DPWES with illustrations and materials listing of the market rate housing for comparison. If the Property is ultimately governed by the KROC, the architecture shall further be subject to requirements of the so-called "New Construction Panel" of the KROC Architecture Review Committee and related architectural controls.

2. Design of Street Furniture. The benches, sitting areas and light standards generally described on the CDP/FDP shall be of a consistent and unified design throughout the community as shown on the CDP/FDP.

3. Street lighting. Street light fixtures installed along the private streets shall incorporate lighting elements that are a full cut off type design.

4. Retaining Walls. Retaining walls shall be covered with a brick, stone and/or decorative masonry veneer. The retaining walls may be terraced and if so, the area between each terrace shall be landscaped. Handrails and/or guardrails at the top of the retaining walls shall be provided as required by DPWES. Retaining wall sizes and locations may be subject to change upon final engineering. Individual retaining walls shall not exceed a height of fifteen (15) feet. The Applicant agrees that a geotechnical engineer shall be present during the construction/installation of the retaining walls and shall monitor such construction/installation for compliance with approved specifications and shall prepare a certification of compliance to be submitted to DPWES.

V. TRANSPORTATION

1. Dedication of Right-of-Way – South Van Dorn Street. Right-of-way up to 40 feet from the centerline of South Van Dorn Street, as generally shown on the CDP/FDP shall be dedicated and conveyed in fee simple to the Board of Supervisors upon demand by Fairfax County or VDOT or at the time of site plan/subdivision plan approval, whichever first occurs. Until such time as the dedicated right-of-way is needed for road improvements, the dedication area shall be maintained in a manner consistent with all other common open space located within the development. Notice of the

dedication and maintenance obligations shall be contained in the Homeowners' Association documents.

2. Construction of Right Turn Lane. As part of the site/subdivision plan approval process, the Applicant shall commit to install a right turn lane from southbound South Van Dorn Street to Lake Village Drive. The design and configuration of this turn lane shall be subject to review and approval by VDOT and DPWES and shall be installed prior to the first Residential Use Permit.

3. Traffic Calming Measures on Proposed Public Street. In connection with the site/subdivision review and approval process, the Applicant shall, in good faith, diligently pursue approval from VDOT to install the optional traffic calming measures generally shown on the CDP/FDP ("traffic tables", "speed humps", and decorative paving), or similar measures that may be acceptable to VDOT. The final election to install any such traffic calming measures shall be at the discretion of the Lee District Supervisor. Any such features shall be designed to standards required by VDOT. Should VDOT or the Lee District Supervisor not approve any or all of the proposed traffic calming measures, the same shall no longer be a requirement of this proffer.

4. Concurrent with the site/subdivision review process, the Applicant shall coordinate and conduct a meeting with representatives of VDOT, County DOT, the KROC and the office of the Lee District Supervisor for the purpose of evaluating the need for any other reasonable improvements to Lake Village Drive and/or the intersection of the public street serving the application property and Lake Village Drive that can be made in connection with the development of the property to ensure/improve efficiency in the operation of Lake Village Drive and its intersection (s).

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These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

Contract Purchaser:

Tax Map # 81-4-((3))-A, A1, B, C, D,
E, F, G, H, J, K, R, S, 2C, 10A, 10B,
11, 12, 12A,
12B, 12C

CHRISTOPHER MANAGEMENT, INC.

By: 

Name: _____

E. JOHN REGAN JR

Title: _____

EXECUTIVE VICE PRESIDENT

Title Owners – Tax Map 81-4-((3))-A

HEIRS OF OLIVIA L. TRUITT

Ronald G. Truitt

Wanda Jean Sturgill

Ricky A. Truitt

Ricky A. Truitt

Sharyn D. Payne

Title Owners - Tax Map 81-4-((3))-A

HEIRS OF OLIVIA L. TRUITT

Ronald G. Truitt

Wanda Jean Sturgill

Ricky A. Truitt


Sharyn D. Payne

~~Robert E. Truitt~~ Robert E. Truitt

~~XXXXXXXXXXXXXXXXXXXX Brenda L. Johnson~~
Brenda Johnson

~~XXXXXXXXXXXX~~ Audrey L. Johnson
Audrey Johnson

Title Owners – Tax Map 81-4-((3))-A

HEIRS OF OLIVIA L. TRUITT

Ronald G. Truitt

Wanda Jean Sturgill

Ricky A. Truitt

Sharyn D. Payne

~~XXXXXXXXXX~~ Robert E. Truitt


Brenda Johnson

~~XXXXXXXXXX~~ Audrey L. Johnson

Title Owners – Tax Map 81-4-((3))-A

HEIRS OF OLIVIA L. TRUITT

Ronald G. Truitt

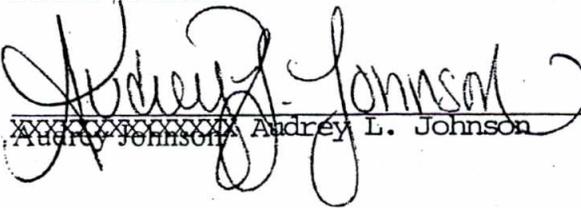
Wanda Jean Sturgill

Ricky A. Truitt

Sharyn D. Payne

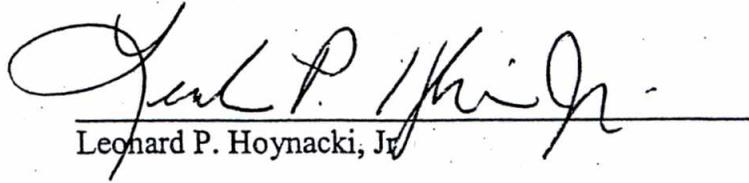
~~Robert E. Truitt~~ Robert E. Truitt

~~Brenda Johnson~~ ~~Brenda L. Johnson~~ Brenda Johnson



~~Audrey Johnson~~ Audrey L. Johnson

Title Owner Tax Map 81-4-((3))-A1

A handwritten signature in cursive script, appearing to read "Leonard P. Hoynacki, Jr.", is written over a horizontal line. The signature is fluid and somewhat stylized, with a large initial 'L' and 'H'.

Leonard P. Hoynacki, Jr

Title Owner Tax Map 81-4-((3))-B

Harold Thomas Royall

*James W. Royall by Allen Kase, his
attorney in fact*
James W. Royall

PROPOSED DEVELOPMENT CONDITIONS

October 21, 2003

FDP 2003-LE-025

If it is the intent of the Planning Commission to approve Final Development Plan FDP 2003-LE-025 for residential development on property located at Tax Maps 81-4 ((3)), A, A1, B, C, D, E, F, G, H, J, K, R, S, 2C, 10A, 10B, 11, 12, 12A, 12B, 12C and a portion of Villa Street, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Prior to subdivision/site plan approval, architectural drawings of the proposed affordable dwelling units (Lots 7 through 11 and Lots 97 through 102) shall be submitted to the Planning Commission for their review and approval to determine whether the proposed architecture for those units meets the provisions of the draft proffers.

CONCEPTUAL DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
(CDP/FDP)

OVERBROOK

Lee District
Fairfax County, Virginia

- FEBRUARY, 2003
- MARCH 31, 2003
- APRIL 22, 2003
- JULY 29, 2003
- AUGUST 22, 2003
- SEPTEMBER 22, 2003
- OCTOBER 2, 2003
- OCTOBER 7, 2003
- OCTOBER 14, 2003
- OCTOBER 20, 2003

DRAWING LIST

SHEET #	TITLE
1	COVER SHEET
2	NOTES
3	CDP/FDP LAYOUT
4	REZONING PLAT
5	EXISTING VEGETATION MAP
6	LANDSCAPE PLAN
7	LANDSCAPE DETAILS
8-9	ARCHITECTURAL ELEVATIONS

ATTORNEY:

McGuireWoods LLP
1706 LITTLE ROCK BOULEVARD
SUITE 200
MCLEAN, VIRGINIA 22102
(703) 712-5000

CIVIL ENGINEER:

UHA
URBAN ENGINEERING & ASSOC., INC.
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS
1716 LITTLE RIVER TURNPIKE
ANNANDALE, VIRGINIA 22003 (703) 642-8000

PREPARED FOR:

CHRISTOPHER MANAGEMENT INC.
11100 MAIN STREET
SUITE 300
FAIRFAX, VIRGINIA 22030
(703) 382-1900



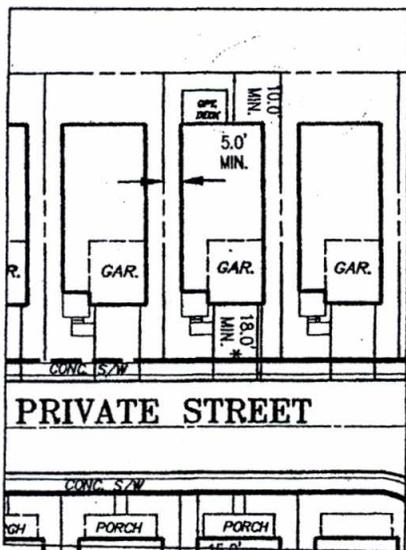
R2: 2003-1E-025

TYPICAL LOT/UNIT DETAILS

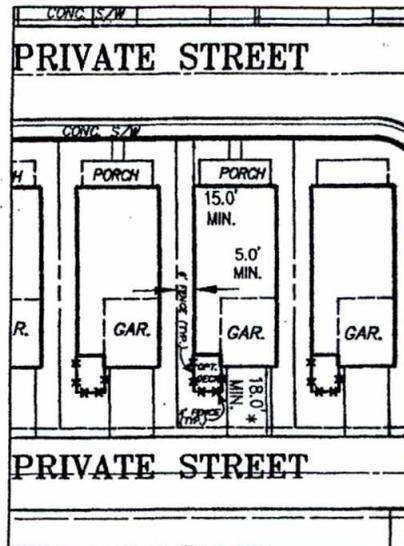
SINGLE-FAMILY DETACHED:

SCALE: 1"=50'

UNIT TYPE A:
FRONT LOAD GARAGE

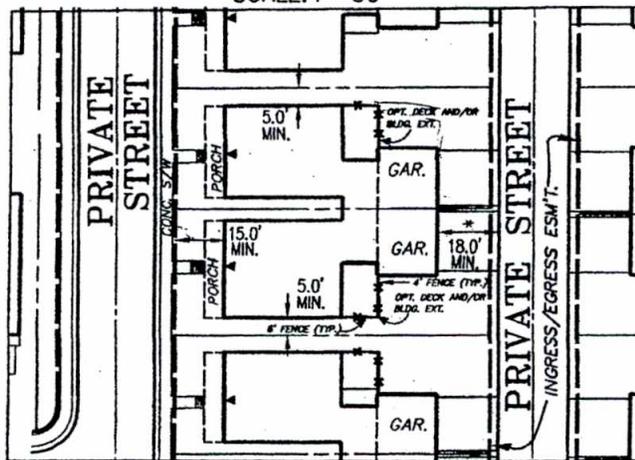


UNIT TYPE B:
REAR LOAD GARAGE



SINGLE-FAMILY DUPLEX UNIT:

SCALE: 1"=50'



NOTE: DECKS, PORCHES, BAY WINDOWS, FIREPLACES AND HVAC UNITS MAY ENCR OACH INTO SPECIFIED SETBACKS (LISTED ABOVE) AND PERIMETER SETBACKS AS SHOWN ON CDP/FDP LAYOUT SHEETS.

NO. NO CONVERSION OF GARAGES

IMPORTANT PROFFERS TO REVIEW



County of Fairfax, Virginia

MEMORANDUM

January 26, 2012

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

FROM: Todd Nelson, Urban Forester II 
Forest Conservation Branch, DPWES

SUBJECT: Northampton, Lot 38; FDPA 2003-LE-025-02

RE: Request for assistance dated January 26, 2012

I have reviewed the Conceptual/Final Development Plan Amendment application FDPA 2003-LE-025-02 and the plat for "Northampton, Lot 38" stamped "Received, Department of Planning and Zoning, January 25, 2012." Urban Forest Management Division (UFMD) comments and recommendations on the CDP/FDP " stamped "Received, Department of Planning and Zoning, November 14, 2011" have been adequately addressed and there are no additional UFMD comments or recommendations on this application.

Please contact me at 703-324-1770 should you have any questions.

TLN/
UFMID #: 166460

cc: RA File
DPZ File





County of Fairfax, Virginia

MEMORANDUM

December 30, 2011

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

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES 

SUBJECT: Northampton, Lot 38; FDPA 2003-LE-025-02

RE: Request for assistance dated December 9, 2011

This review is based on the Conceptual/Final Development Plan Amendment application FDPA 2003-LE-025-02 and the plat for "Northampton, Lot 38" stamped "Received, Department of Planning and Zoning, November 14, 2011." A site visit was conducted on December 29, 2011.

- 1. Comment:** There is an existing 2-inch caliper landscape tree located at the southeast corner of the lot that appears to have been planted as part of the landscaping and tree cover requirements for the Northampton site plan, County plan number 000623-SP-002. This landscape tree appears to be located in the area of the proposed 1-story screened porch addition and may need to be removed to accommodate construction of the proposed addition, resulting in the loss of the 150 sq. ft. of canopy claimed for this tree.

Recommendation: The location of the existing landscape tree should be clearly shown and identified on the FDPA. If construction of the proposed addition will result in the removal of this tree, this tree should be replaced with a 2-inch caliper Category III deciduous tree to replace the 150 sq. ft. of tree cover claimed for this tree on County plan number 000623-SP-002. The proposed location of this replacement tree should also be clearly shown and identified on the FDPA.

Please contact me at 703-324-1770 should you have any questions.

TLN/
UFMID #: 166460

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes





County of Fairfax, Virginia

MEMORANDUM

DATE: December 30, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief *MAK GR*
Site Analysis Section *AKR*
Department of Transportation

SUBJECT: Transportation Impact

REFERENCE: **FDPA 2003-LE-025-02**; Egon F. Hawrylak
Land Identification Map: 81-4((48))0038

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on the informational packet made available to this department on December 15, 2011.

The proposed application for reduction of certain yard requirements to allow construction of a screened porch and deck would not create any significant additional impacts on the surrounding public street system. Therefore, this department would not object to the approval of the subject application.

AKR/mdd

Rest of Sector

Much of the rest of the sector is substantially developed in stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity and in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14. The densities planned and approved for Kingstowne and Manchester Lakes are, in many cases, greater than those planned for the residential areas surrounding these developments. These two large developments were approved after extended study and careful consideration of their size and characteristics including the amenities and public improvements provided. Other areas adjacent to or near these developments are planned for lower densities.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

Figure 29 indicates the geographic location of land use recommendations for the remainder of this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

32. No additional commercial development along Franconia Road is planned or recommended. Development on existing commercial land should provide extensive screening and buffering and be of a compatible scale in order to protect adjacent stable residential neighborhoods. [Not shown]
33. Parcel 81-4((12))1 in the southeastern quadrant of the intersection of Franconia Road and Gum Street is planned for transitional low-rise office use up to .35 FAR with a substantial landscaped, open space buffer provided adjacent to the existing residential community to the south.
34. Residential uses should be maintained on the parcels east of Thomas Edison High School with development at 2-3 dwelling units per acre.
35. The parcel fronting on Franconia Road between Edison Drive and Gum Street (Tax Map 81-4((4))A) is planned for office use up to .35 FAR. A maximum building height of 40 feet is recommended, and consolidation or coordination with the commercially-zoned parcel to the east to reduce access points on Franconia Road and ensure quality design should be provided.
36. Parcels fronting on the south side of Franconia Road from Franconia Elementary School to east of Em Street, including Parcel 81-4((1))14, are planned for 1-2 dwelling units per acre.
37. The approximately 34-acre area fronting on the south side of Franconia Road from South Van Dorn Street west to the existing institutional use and extending south along the western edge of the lettered parcels to the northern boundary of Kingstowne is planned for 2-3 dwelling units per acre. As an option, residential development at 4-5 dwelling units per acre or a mix of institutional uses at up to .35 FAR and residential use at a density of 4-5 dwelling units per acre may be considered if the following conditions are met:
 - Substantial consolidation of all parcels within Tax Map 81-4((3)) must be achieved;

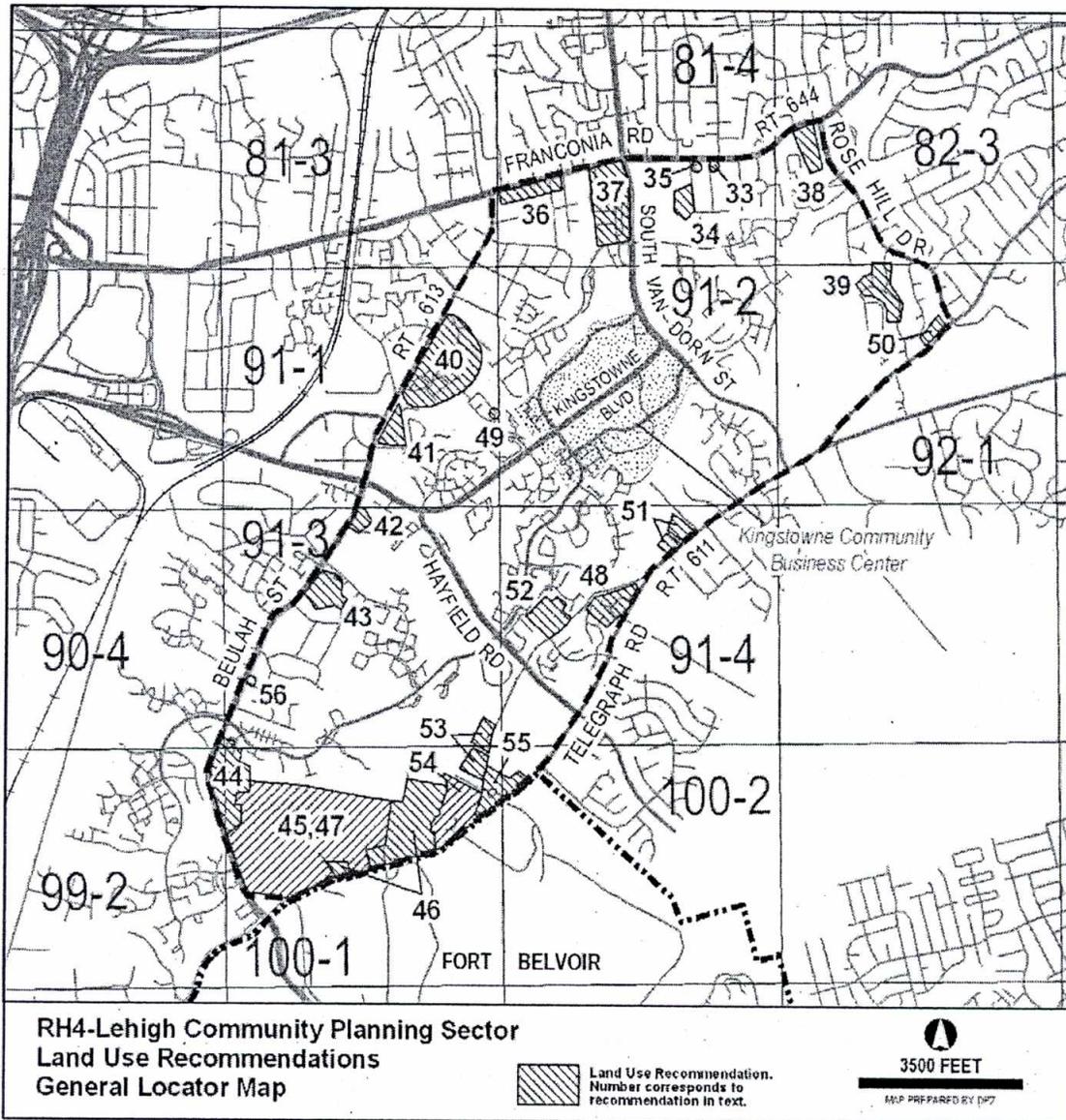


FIGURE 29

- If the option for a mix of institutional and residential uses is exercised, it would be preferable to locate the institutional use on the northern portion of the site adjacent to the Franconia Road frontage, with the residential use arranged to form a transition to the lower density residential development;
- The wooded slopes and stream valleys of the Dogue Creek headwaters are preserved;
- Provision for planned transportation improvements, including the applicable portions of a new interchange at Franconia Road and South Van Dorn Street, so that the site's access points and adjacent highways operate at an acceptable level of service. Access should be only from Villa Street and South Van Dorn Street with right turns only at Franconia Road and Villa Street. An extension of Villa Street to Lake Village Drive may be preferable in order to address access needs, provided that environmental issues can be adequately addressed at the time of a rezoning application;
- Provision of effective transitions and a substantial buffer along all boundaries with lower density residential development;
- Provision of appropriate internal circulation, both pedestrian and vehicular; and
- Provision of an adequate setback from adjacent highways.

Residential use at a density of 5.5 dwelling units per acre for parcels 81-4((3)) 2C, A1, A-H, J-M, R, S, 10A, 10B, 11, 12, 12A, 12B, and 12C may be appropriate if the following conditions are met in addition to those listed previously:

- Dwellings are of a single family detached unit type;
 - Innovative storm water management practices are explored and employed to the extent possible;
 - Provision of an area for active recreation within the development is made.
38. The site of the Rose Hill shopping center is planned for continued retail use up to .30 FAR. Although larger in gross floor area than some other neighborhood centers, it functions as a neighborhood shopping center and is constrained by surrounding development. Future improvements to the shopping center should incorporate adequate pedestrian connections to the surrounding neighborhoods and effective screening and buffering to the adjacent residential areas.
39. The vacant parcels within the subdivision west of Rose Hill Drive, along Split Rock Road, Raven Place and Wayside Place, are planned for residential use at 2-3 dwelling units per acre to be compatible with the surrounding community. Development of these parcels may be severely constrained due to steep slopes and slippage-prone soils. The density of development of property in this area may be reduced by the extent of marine clay soils and other environmental constraints.

**ARTICLE 6
PLANNED DEVELOPMENT DISTRICT REGULATIONS
PART 1 6-100 PDH PLANNED DEVELOPMENT HOUSING DISTRICT**

6-101 Purpose and Intent

The PDH District is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. The district regulations are designed to insure ample provision and efficient use of open space; to promote high standards in the layout, design and construction of residential development; to promote balanced developments of mixed housing types; to encourage the provision of dwellings within the means of families of low and moderate income; and otherwise to implement the stated purpose and intent of this Ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

6-107 Lot Size Requirements

1. Minimum district size: Land shall be classified in the PDH District only on a parcel of two (2) acres or larger and only when the purpose and intent and all of the standards and requirements of the PDH District can be satisfied.
2. Minimum lot area: No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a development plan.
3. Minimum lot width: No requirement for each use or building.

6-109 Maximum Density

1. For purposes of computing density, the PDH District is divided into subdistricts in which the residential density is limited as set forth below, except that the maximum density limitations may be increased in accordance with the requirements for affordable dwelling units set forth in Part 8 of Article 2 and shall be exclusive of the bonus market rate units and/or bonus floor area, any of which is associated with the provision of workforce dwelling units, as applicable.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.
2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dba: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dba value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area; information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DUI/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		