



County of Fairfax, Virginia

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

July 10, 2013

Inda Stagg
Walsh, Colucci, Lubeley, Emrich &
Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2012-MV-019

Dear Ms. Stagg:

At a regular meeting of the Board of Supervisors held on July 9, 2013, the Board approved Special Exception Application SE 2012-MV-019 in the name of Seyed M. Falsafi. The subject property is located at 835 Herbert Springs Rd, on approximately 3.12 acres of land, zoned R-2 in the Mount Vernon District [Tax Map 102-4 ((1)) 77B]. The Board's action permits uses in a floodplain, pursuant to Sections 2-904 and 9-606 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions. Notwithstanding the structures and uses indicated on the Special Exception Plat, the applicant may disturb land, demolish existing structures, and/or construct improvements outside of the 100-year floodplain and Resource Protection Area (RPA) without submitting a Special Exception Amendment application as long as the applicant complies with all applicable local, state and federal ordinances. However, the applicant may not allow any new structures to extend into the RPA without submitting and obtaining the approval of a Special Exception Amendment.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

3. Notwithstanding the provisions listed in Condition 2 and 4, the applicant may demolish the existing single family home on the site, which extends into the RPA, without submitting or obtaining the approval of a Special Exception Amendment. Such demolition shall be subject to the approval of a Water Quality Impact Assessment (WQIA) per Chapter 118 of the Fairfax County Code along with all required permits from the Department of Public Works and Environmental Services (DPWES).
4. This Special Exception is subject to the provisions of Article 17, Site Plans as may be determined by DPWES. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception | Parcel 77-B | On The Property of Seyed M. Falsafi" prepared by R.C. Fields & Associates, Inc., which is dated May 24, 2012 and revised through April 15, 2013, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. Prior to the approval of a grading plan, site plan, or minor site plan, a Hold Harmless agreement shall be executed with the County for any adverse effects resulting from the location of the site within a floodplain area.
6. Within 30 days of this Special Exception's approval, the applicant shall submit a Water Quality Impact Assessment to DPWES. The applicant shall obtain WQIA approval prior to grading plan, site plan, or minor site plan approval. Notwithstanding the landscaping shown on the Special Exception Plat, the location and species of the proposed plantings shall be subject to the review and approval of the Urban Forest Management Division (UFMD). Landscaping in the RPA shall be installed within 90 days of the WQIA approval unless the UFMD determines a later planting date is necessary to ensure the health of the landscaping.
7. Prior to grading plan, site plan, or minor site plan approval, the applicant shall demonstrate to UFMD that all landscaping shall be planted within a sufficiently stable slope. The applicant shall incorporate stabilization measures to support the long-term maturity of any new landscaping, subject to the review and approval of UFMD.
8. Concurrent with the first submission of any grading plan, site plan, or minor site plan, the applicant shall submit an additional copy of the plan to the Fairfax County FEMA Floodplain Administrator (Stormwater Planning Division) to determine whether the base flood elevation in any Special Flood Hazard Area (SFHA) depicted on the County's Flood Insurance Rate Map (FIRM) would be altered as a result of any new construction, substantial improvements, or other development shown on the plan, including fill. If the County FEMA Floodplain Administrator determines that the base flood elevation would be altered, the applicant shall submit technical or scientific data to FEMA for a Letter of Map

Revision. If the projected increase in the base flood elevation is greater than one foot, the applicant shall also obtain approval of a Conditional Letter of Map Revision from the Federal Insurance Administrator prior to the approval of any construction. If the applicant is required to submit either a Letter of Map Revision and/or Conditional Letter of Map Revision as outlined above, the applicant shall submit a copy of the approval letter from FEMA to DPZ.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of an approval for a grading plan, site plan, or minor site plan concurrent with a Water Quality Impact assessment. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Gerry Hyland, Mount Vernon District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



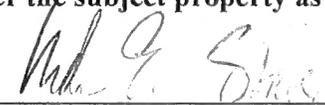
COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SE 2012-MV-019
 (Staff will assign)

RECEIVED
 Department of Planning & Zoning

AUG 08 2012

APPLICATION FOR A SPECIAL EXCEPTION
 (PLEASE TYPE or PRINT IN BLACK INK) Zoning Evaluation Division

APPLICANT	NAME Seyed M. Falsafi
	MAILING ADDRESS C/O Walsh Colucci Lubeley Emrich & Walsh PC 2200 Clarendon Boulevard; Suite 1300 Arlington, VA 22201-3359
	PHONE HOME () WORK ()
	PHONE MOBILE ()
PROPERTY INFORMATION	PROPERTY ADDRESS 835 Herbert Springs Road; Alexandria, VA 22308
	TAX MAP NO. 102-4 ((1)) 77B SIZE (ACRES/SQ FT) 3.12 Acres
	ZONING DISTRICT R-2 MAGISTERIAL DISTRICT Mt Vernon
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION 9-606
	PROPOSED USE Uses in a Floodplain
AGENT/CONTACT INFORMATION	NAME Inda E. Stagg
	MAILING ADDRESS c/o Walsh Colucci Lubeley Emrich & Walsh PC 2200 Clarendon Boulevard; Suite 1300 Arlington, VA 22201-3359 email = istagg@arl.thelandlawyers.com
	PHONE HOME () WORK (703) 528-4700 x5423
	PHONE MOBILE ()
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant --or- <input checked="" type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Inda E. Stagg, Agent</p> <p align="right">  _____ SIGNATURE OF APPLICANT/AGENT </p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT</p>	

DO NOT WRITE IN THIS SPACE

Date Application accepted: 11/16/12

Virginia Ruffner

Application Fee Paid: \$ 16,375.00

SE 2012-0187

11/16/12
LWS

SE 2012-MV-019

Zoning Application Closeout Summary Report

Printed: 7/19/2013

General Information

APPLICANT: SEYED M. FALSAFI
DECISION DATE: 07/09/2013
CRD: NO
HEARING BODY: BOS
ACTION: APPROVE
STAFF COORDINATOR: NICHOLAS ROGERS
SUPERVISOR DISTRICT: MOUNT VERNON

DECISION SUMMARY:

ON JULY 9, 2013, THE BOARD OF SUPERVISORS APPROVED SE 2012-MV-019 ON A MOTION BY SUPERVISOR GERALD W. HYLAND, SUBJECT TO CONDITIONS DATED JULY 9, 2013. THE MOTION CARRIED BY A RECORDED VOTE OF EIGHT, WITH SUPERVISORS FOUST AND SMYTH VOTING NAY.

APPLICATION DESCRIPTION:

USES IN A FLOODPLAIN

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				R-2	3.12 ACRES

Tax Map Numbers

1024 ((01)) ()0077 B

Approved Land Uses

Zoning District: R-2

LAND USE	DU'S	RES LAND AREA	ADU'S	WDU'S	GFA	FAR	NRES LAND AREA
FLOODPLAIN	1	3.12 ACRES					
TOTALS	1						

Approved Development ConditionsDEVELOPMENT CONDITION STATEMENT DATE: 07-16-2013

<u>DEVELOPMENT CONDITION</u>	<u>DUE</u>	<u>TRIG.#</u>	<u>TRIG EVENT</u>	<u>CONTRIB</u>	<u>EXPIR DTE</u>
APPROVED FOR LOCATION/STRUCTURE/USES ETC ON PLATS	01-01-0001	0	N/A	0	01-01-0001
OTHER - GENERAL	01-01-0001	0	N/A	0	01-01-0001
WATER QUALITY	01-01-0001	0	N/A	0	01-01-0001
FLOODPLAIN HOLD HARMLESS	01-01-0001	0	N/A	0	01-01-0001
FLOODPLAIN - OTHER	01-01-0001	0	N/A	0	01-01-0001
GRANTED WITHOUT TERM	01-01-0001	0	N/A	0	01-01-0001
GRADING PLAN REQUIRED	01-01-0001	0	N/A	0	01-01-0001
MINOR MODIFICATIONS	01-01-0001	0	N/A	0	01-01-0001
CONDITION - DEVELOPMENT PLAN	01-01-0001	0	N/A	0	01-01-0001

7/19/2013