



APPLICATION ACCEPTED: June 14, 2013
BOARD OF ZONING APPEALS: November 6, 2013*
* Moved at the applicant's request
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 30, 2013

STAFF REPORT

VARIANCE APPLICATION NO. VC 2013-PR-009

PROVIDENCE DISTRICT

APPLICANT/OWNER: Mindy Hoang (Ngo)
SUBDIVISION: Off Shreve Road
STREET ADDRESS: 2734 Oldewood Drive, Falls Church, 22043
TAX MAP REFERENCE: 49-2 ((1)) 59
LOT SIZE: 21,780 square feet
ZONING DISTRICT: R-3
ZONING ORDINANCE PROVISIONS: 18-401
VARIANCE PROPOSAL: To permit construction of dwelling 20.0 ft. from front lot line.

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

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

O:\rhomer\Vairances\Hoang (Ngo) Variance\Hoang Staff Report.doc

Rebecca Horner

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

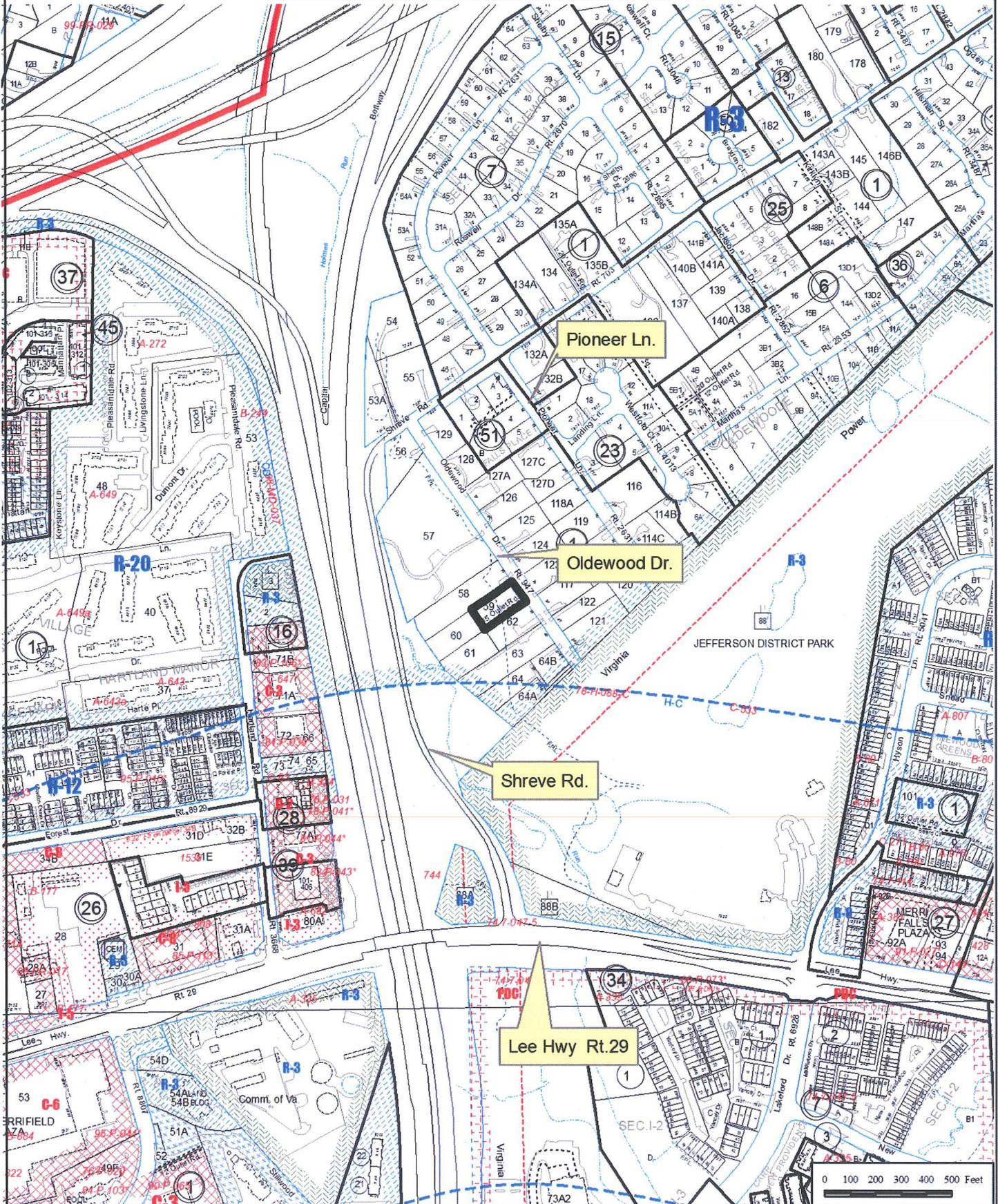


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Variance Application

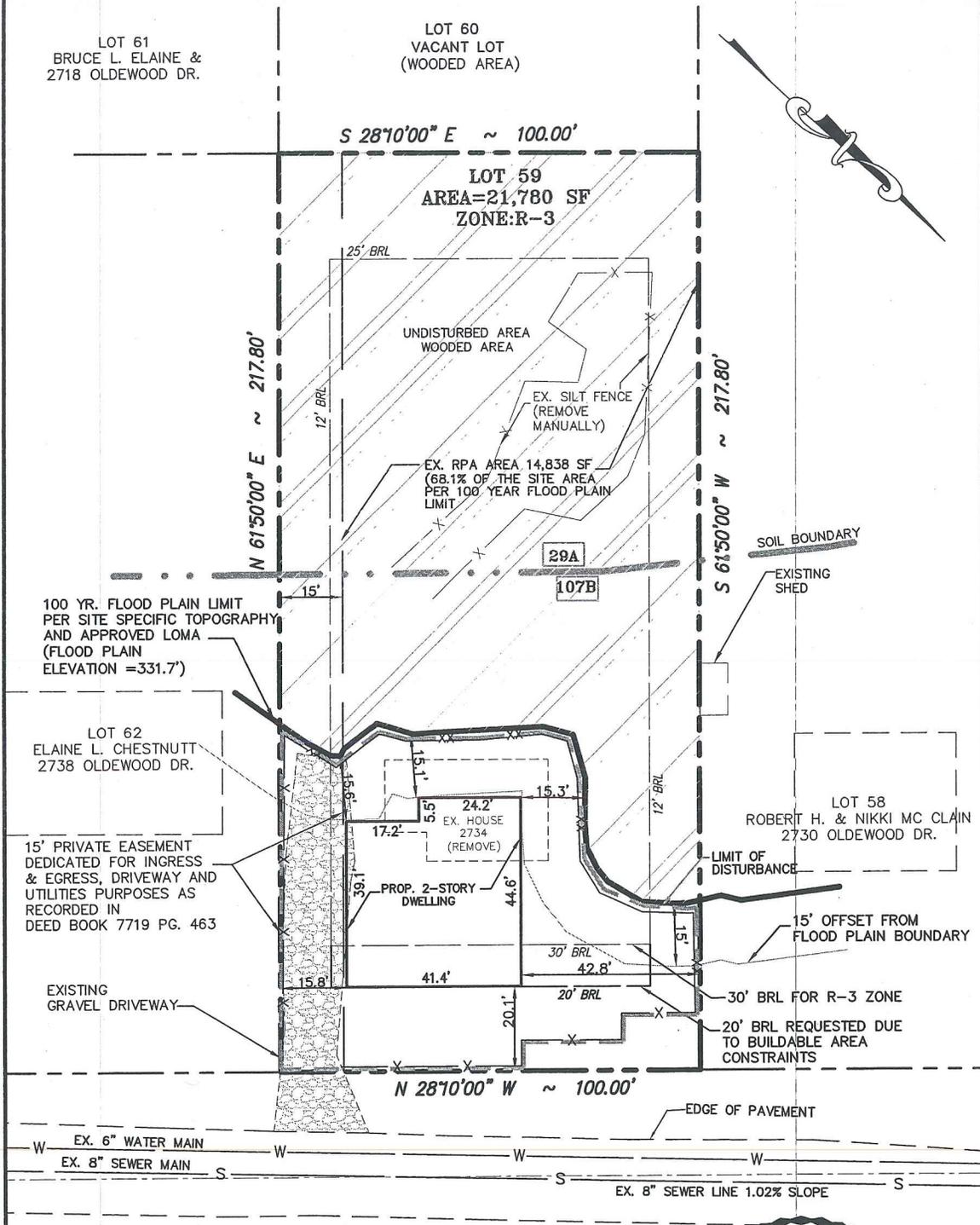
VC 2013-PR-009

Mindy Hoang (NGO)



LOT 61
BRUCE L. ELAINE &
2718 OLDEWOOD DR.

LOT 60
VACANT LOT
(WOODED AREA)



NOTE:

1. FRONT YARD SETBACK FOR R-3 ZONE=30'
2. REQUESTED FRONT YARD SETBACK DUE TO BUILDABLE AREA CONSTRAINTS=20'
3. THE COUNTY RECORDED TAX MAP # 49-2-((1))-59

VARIANCE PLAT

FOR
LOT 59, SEC 1
OFF SHRIEVE ROAD
2734 OLDEWOOD DRIVE
PROVIDENCE DISTRICT #1
FALLS CHURCH, VIRGINIA, 22043

SCALE: 1"=30', DATE: AUGUST 13, 2013

RECEIVED
Department of Planning & Zoning
AUG 14 2013
Zoning Evaluation Division



PREPARED BY

GeoEnv Engineers

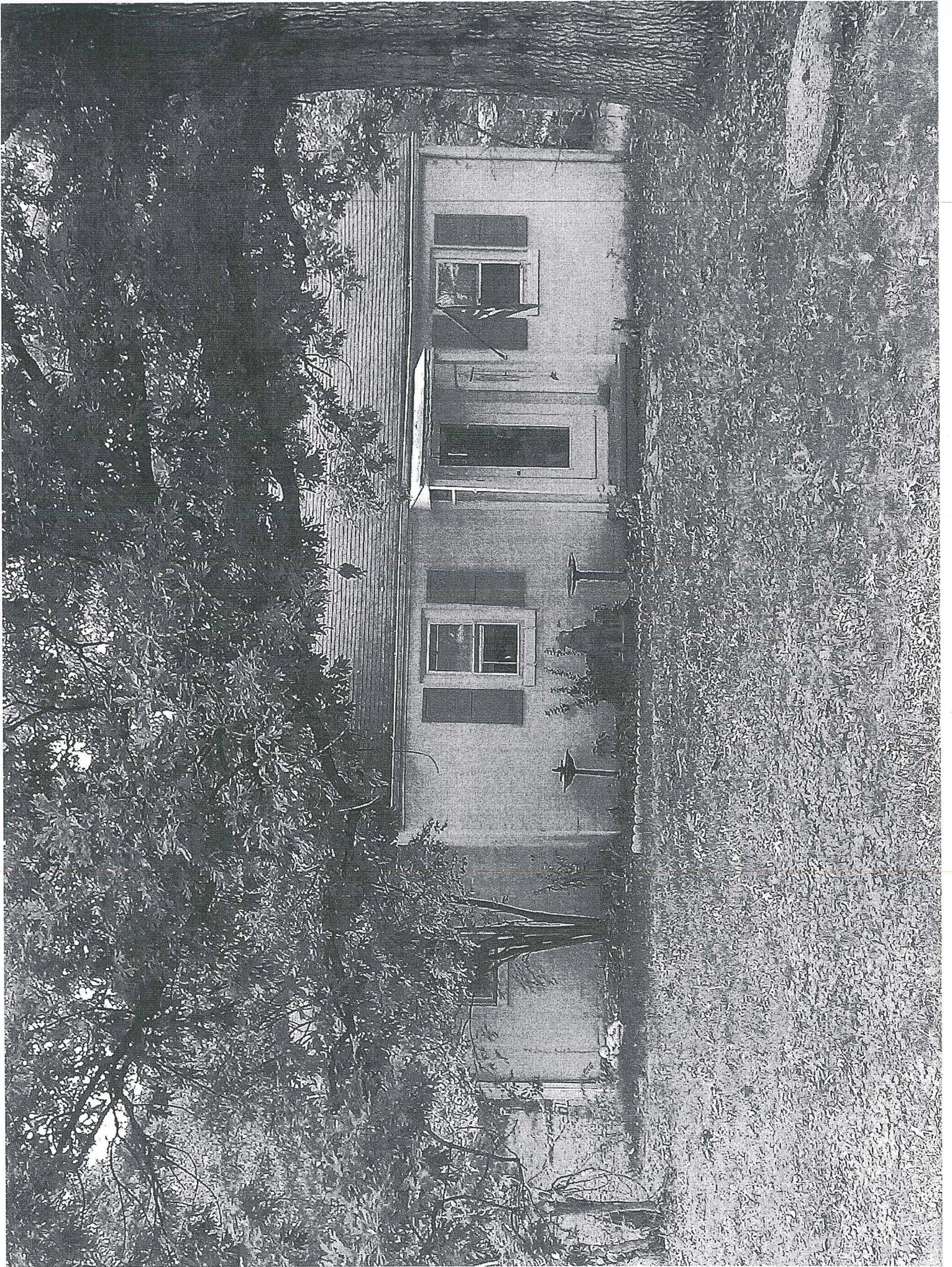
Civil, Environmental & Geotechnical Engineering

10875 Main Street, Suite 213

Fairfax, VA 22030

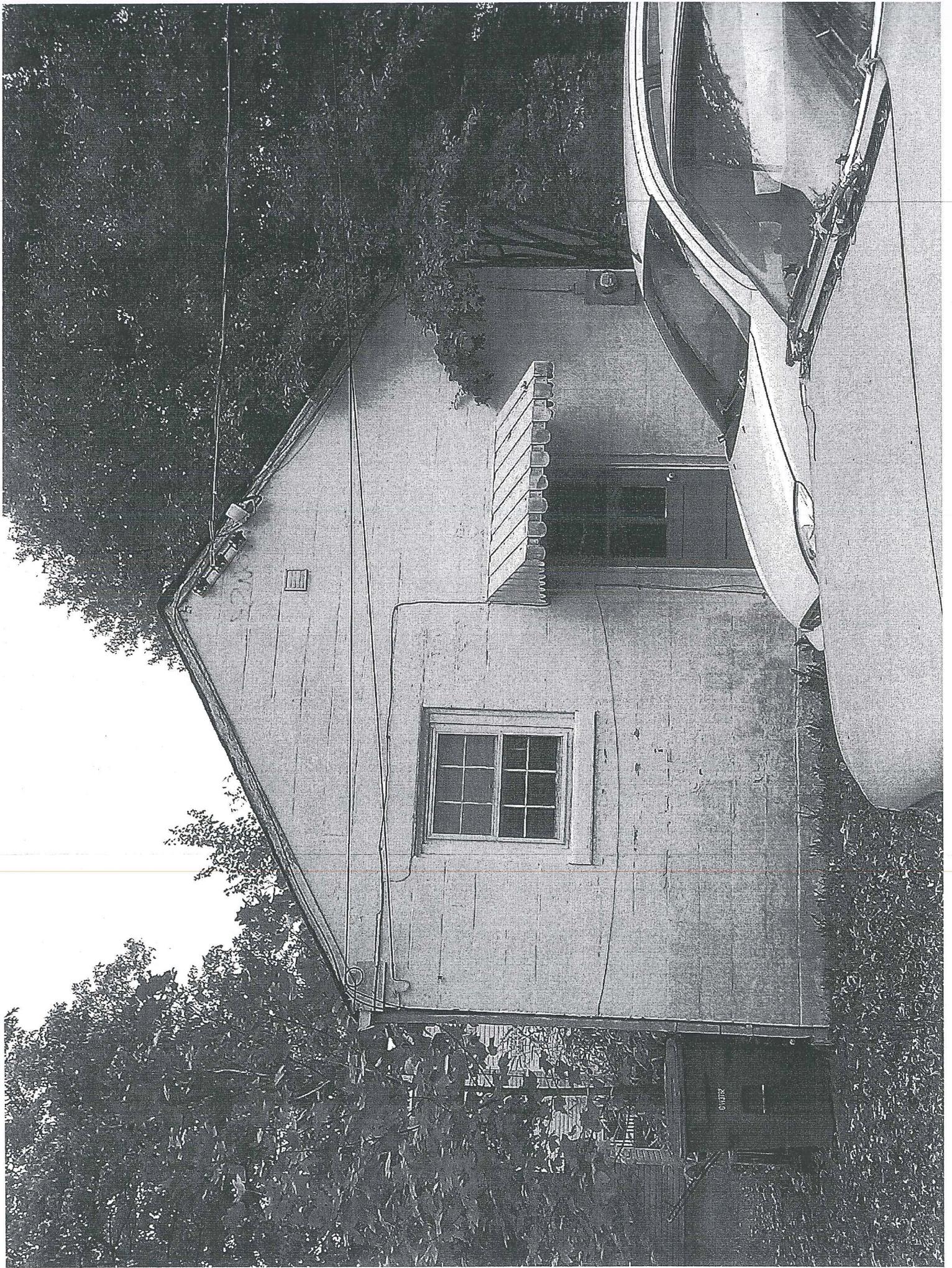
Phone: 703.591.7170

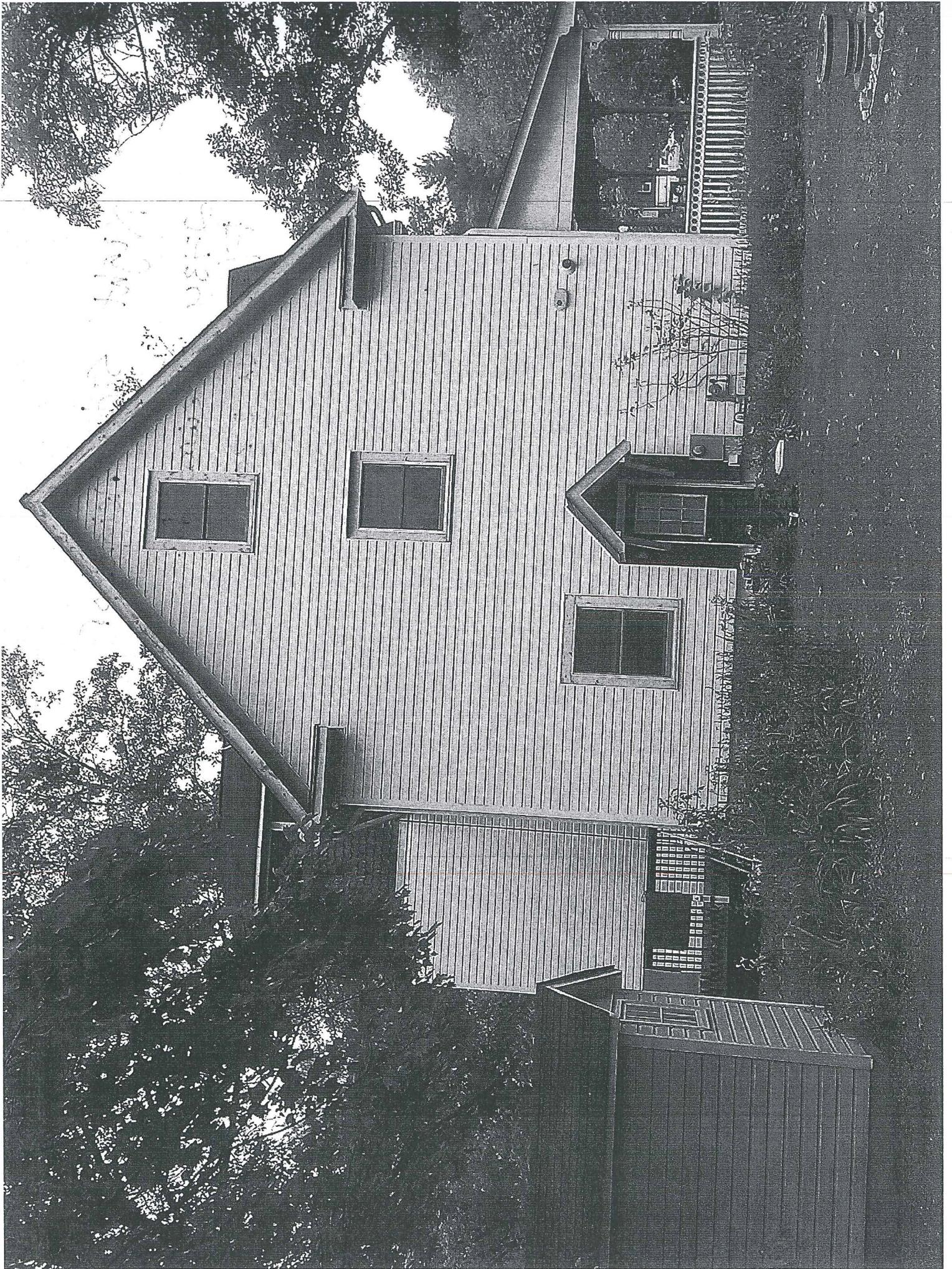
Fax: 703.591.7074

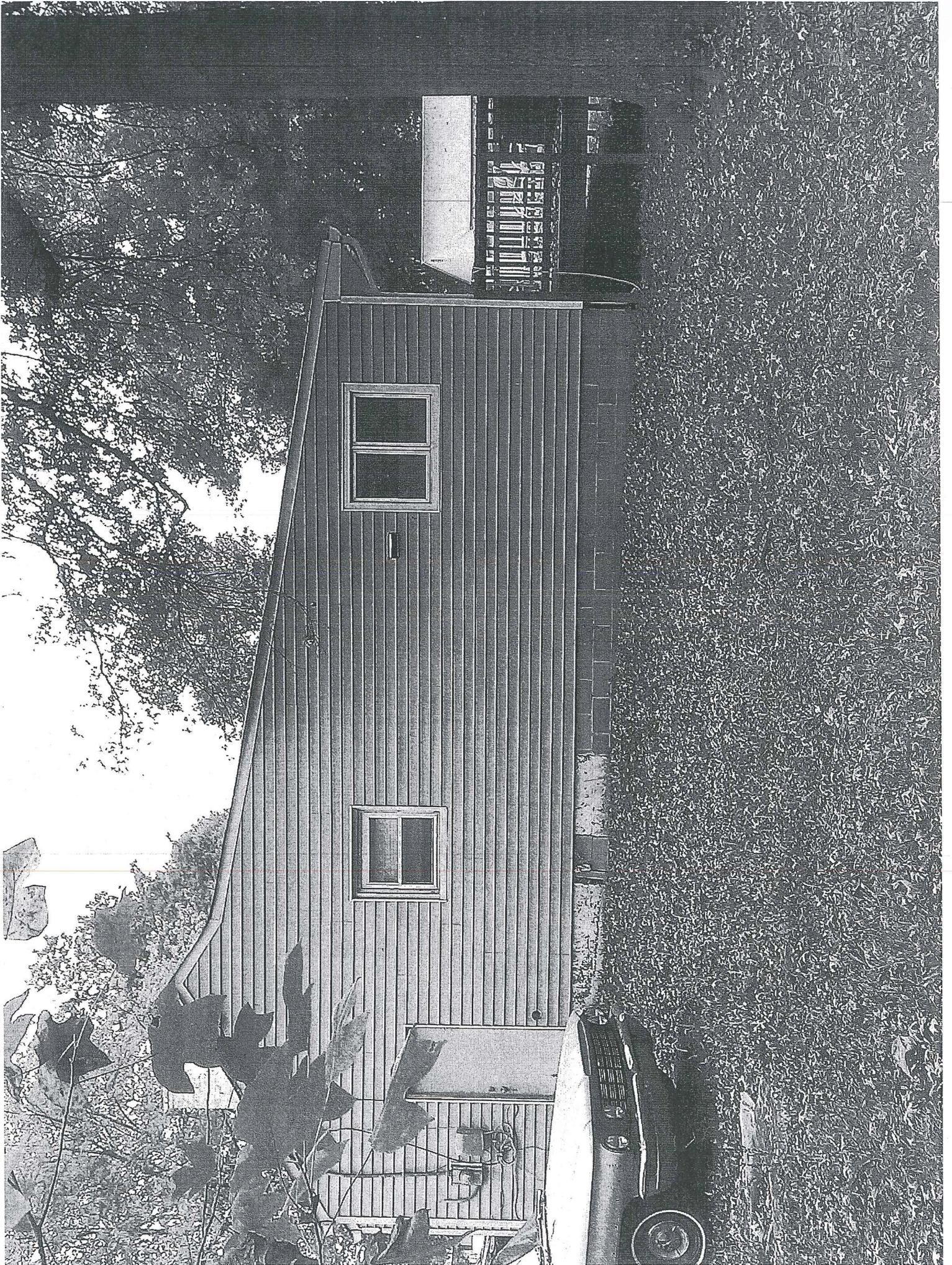


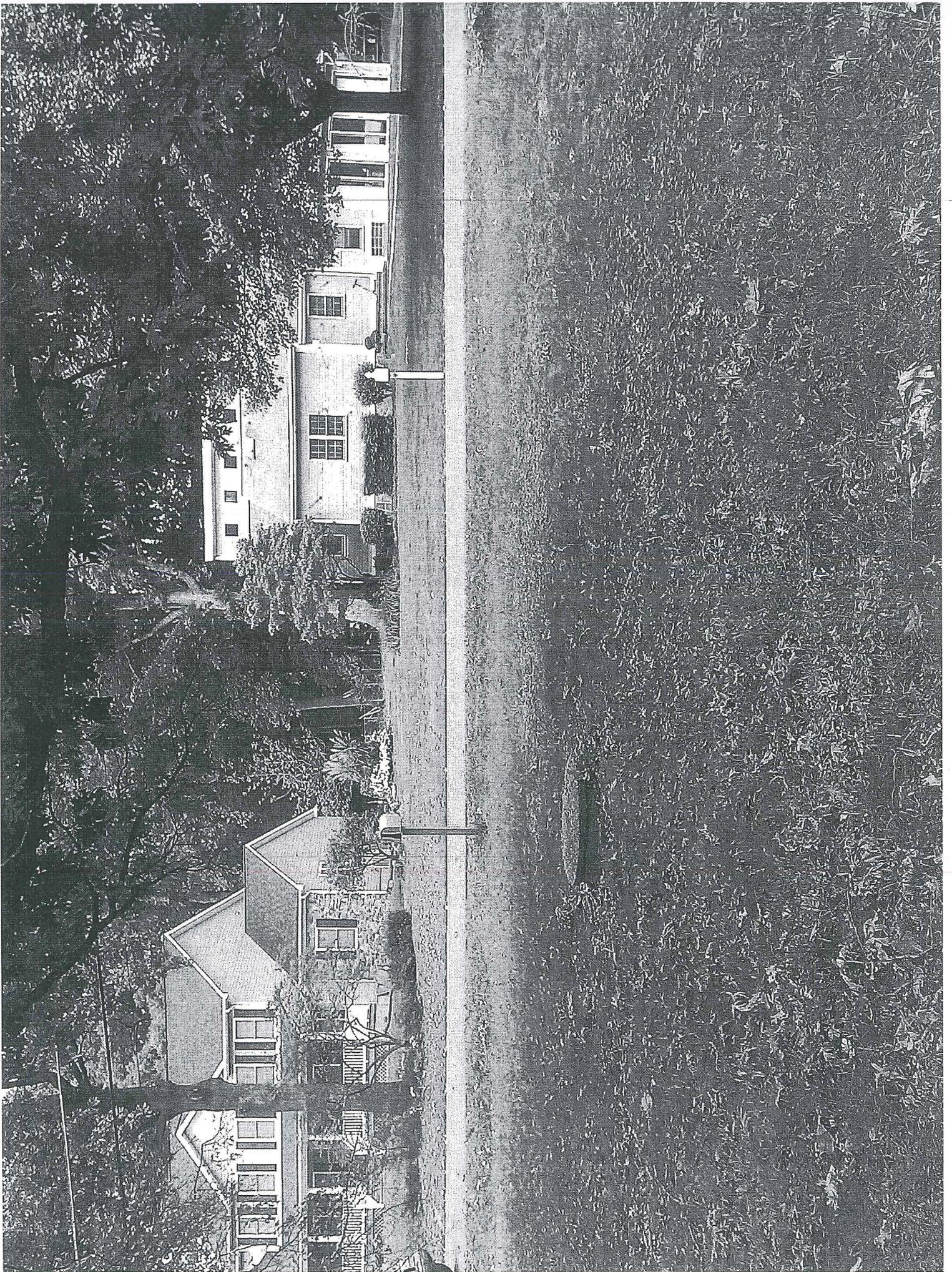




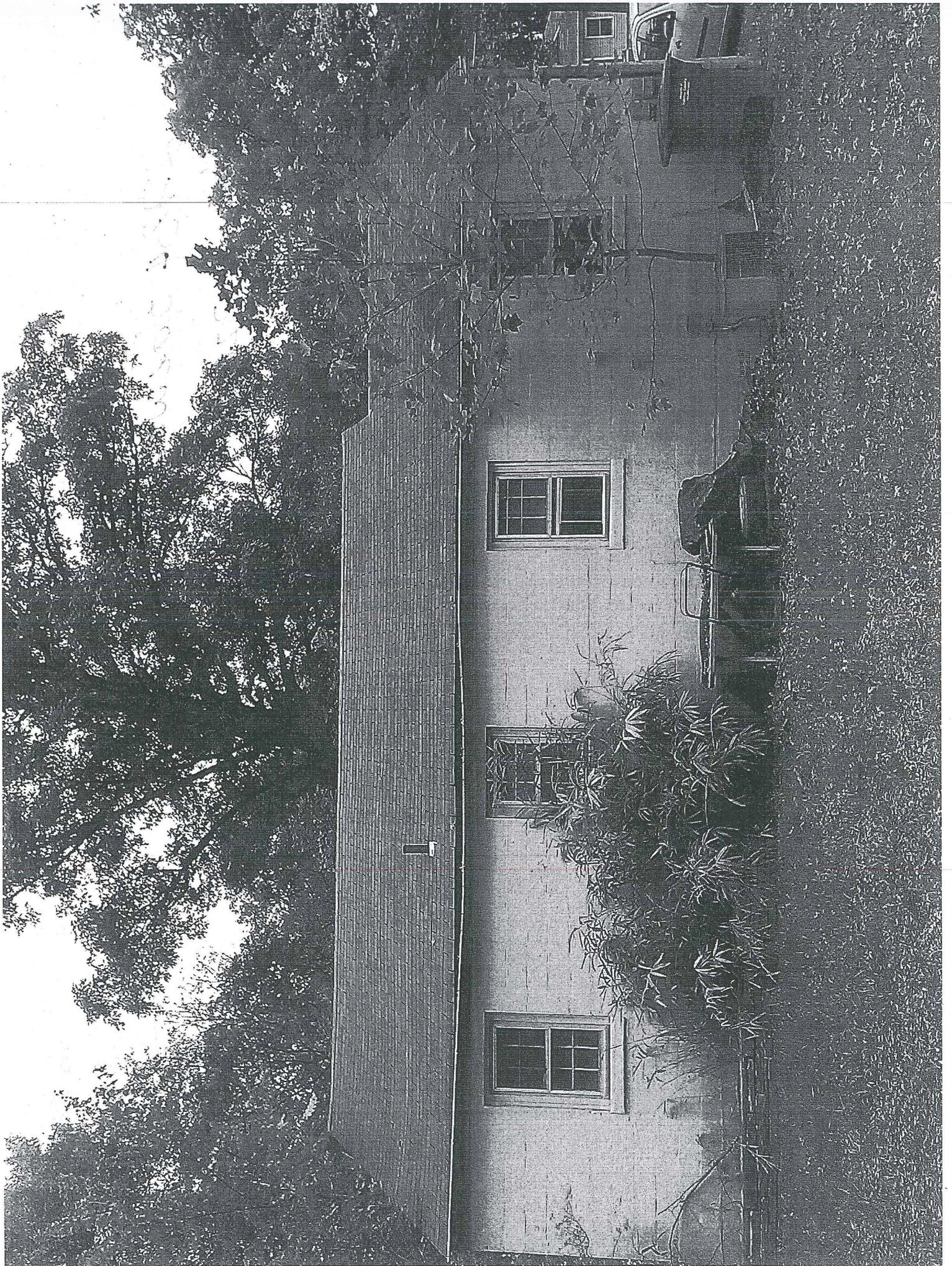














DESCRIPTION OF THE APPLICATION

The applicant requests a variance to permit construction of a new dwelling 20.0 ft. from the front lot line. A minimum front yard of 30 feet is required in the R-3 District; therefore a reduction of ten feet is requested. The applicant proposes to remove the existing dwelling and construct a new two-story dwelling. The applicant is proposing to reduce the front yard setback to 20 feet in order to provide the required 15 foot separation from the flood plain elevation.

County flood plain regulations require a 15 foot horizontal separation between structures and a flood plain and an 18-inch vertical separation from the lowest floor level of a dwelling. The applicant indicates that due to these regulations, the building envelope is too small and requests a variance to reduce the front yard setback based on these constraints

No architectural elevations have been provided of the proposed dwelling.

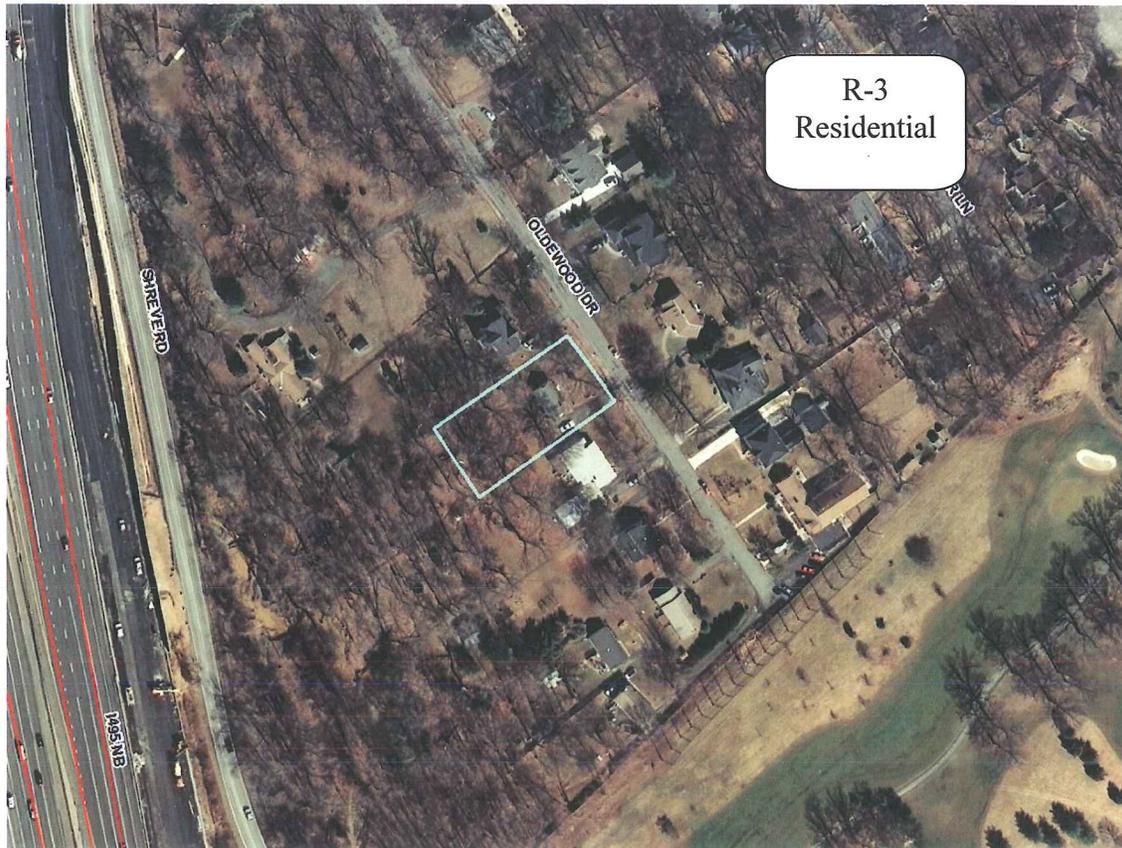
A copy of the variance plat, titled "Variance Plat for Lot 59, Sec 1, Off Shrieve Road" prepared by GeoEnv Engineers, dated August 13, 2013, as revised through August 14, 2013, is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is developed with an existing 866 square foot single-family detached dwelling. The existing gravel driveway is southeast of the dwelling and takes access to Oldewood Drive. A 15 foot wide private ingress/egress easement is located along the southeastern side lot line to access Lot 60 to the southwest.

The southwestern portion of the site is wooded and undisturbed. Floodplain and Resource Protection Area (RPA) encumbers 2/3 of the lot. Surrounding properties are developed with single family detached dwellings and I-495 is located to the west.

The picture on the following page illustrates the application property and the surrounding area. Construction of the dwellings in the area range from the 1940's through the 2000's.



BACKGROUND

According to tax records, the existing dwelling was constructed in 1947. The applicant purchased the property in 2002.

In 2012, the applicant filed a request for a special exception (SE 2012-PR-014), for provisions for use in a floodplain, to allow construction of a new dwelling. Staff indicated that they would not support the request. The applicant then requested to convert the SE into a variance.

In November 2012, the applicant received a Letter of Map Amendment (LOMA) to change the floodplain line as it relates to the lot. This established the floodplain elevation as 331.7 and removed the existing structure from the floodplain. A copy of the LOMA is included as Appendix 4.

No similar case history exists in the area.

URBAN FOREST MANAGEMENT ANALYSIS

Issue

The proposed limits of clearing and grading provide for minimal tree preservation outside of the floodplain. Several large trees including an existing 27-inch diameter red oak in the southwestern corner of the existing gravel driveway, and a 22-inch diameter white oak located at the northern corner of the property are not shown or identified to be preserved. These trees may even be slightly off-site or co-owned by an adjacent property owner.

The proposed limits of clearing and grading should be revised at both the southwestern corner of the existing gravel driveway and the northern portion of the site to adequately preserve the existing red and white oak trees. Since the applicant has not revised the plat to include an Existing Vegetation Map (EVM) or show tree preservation, a development condition is included to address this issue.

Issue

The 'Undisturbed Area/Wooded Area' depicted on the variance plat contains plant species that can be considered undesirable including, but not limited to wild grape, greenbriar, and poison ivy. This undesirable vegetation could endanger the long-term ecological functionality, health, and regenerative capacity of the existing trees in this area.

An "undesirable vegetation management plan" should be provided detailing how the undesirable plant species will be removed and managed from the 'Undisturbed Area/Wooded Area', without damaging existing trees. Development condition language related to invasive and undesirable vegetation management is included to address this issue.

Issue

There appears to be an opportunity to provide landscaping to soften the appearance of and/or screen the proposed 2-story dwelling from adjacent properties, however, no landscape plan has been included with the application.

A landscape plan should be submitted that shows a variety of native and desirable tree species, of various sizes, to screen the proposed 2-story dwelling from adjacent properties. All trees proposed to be planted should be identified as Category I, II, III, or IV deciduous trees and/or Category I, II, III, or IV evergreen trees. In addition, minimum planting areas for proposed trees should be provided in accordance with PFM 12-0601.1B. A development condition is included to address this issue.

Issue

Limits of disturbance are shown on the variance plat as relates to the flood plain. However, given the nature of tree cover on and adjacent to this site, and the limited distance between the proposed dwelling and the floodplain, there is concern about maintaining the limits of disturbance. Several development conditions have been included to ensure effective tree preservation within the floodplain.

STORMWATER ANALYSIS

There is a 1993 designated Resource Protection Area (RPA) on this site. A site specific RPA boundary certification will be required prior to approval of an infill lot grading plan if this variance is approved. The 100-year floodplain boundary itself will be the RPA boundary for this subject lot and the proposed house is shown outside the RPA. If the proposed impervious area is equal to or more than 18% of the site and the net increase in impervious area is less than or equal to 20% of existing impervious area, water quality control will be required unless waived by the Director. Since no water quality control measure is shown on the variance plat, if needed it will have to be provided outside any areas shown to be preserved.

There are County and FEMA regulated floodplains on the property. A Letter of Map Amendment (LOMA) was approved by FEMA on November 13, 2012, to remove the existing structure from the FEMA flood plain. Based on the information provided by the Stormwater Planning Division, the Base Flood Elevation is 331.7 feet. The proposed house is located 15.1 feet at the closest location from the 100-year flood plain boundary which meets the minimum 15 feet required per Sect. 2-415 of the Zoning Ordinance. The lowest part (i.e., the bottom of the floor joists or top of a concrete slab on grade) must be eighteen (18) inches or greater above the water-surface elevation of the 100-year flood level calculated in accordance with the provisions of the Public Facilities Manual. (ZO 2-905-2). Hence the bottom of the floor joists or top of a concrete slab on grade for the proposed new dwelling for the subject property must be at least 333.3 feet or above.

An outfall narrative has not been provided, however it appears that the proposed dwelling can be designed to sheet flow at the rear of the property towards the RPA and floodplain.

ZONING ORDINANCE REQUIREMENTS (See Appendix 7)

- Sect. 18-401 Required Standards for Variances

Summary of Zoning Ordinance Provisions

This variance application must satisfy all of the nine (9) enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance, which would afford relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 4.

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Variance Development Conditions
2. Applicant's Affidavits
3. Applicant's Statements of Justification
4. Letter of Map Amendment approved by FEMA
5. Urban Forest Management Comments
6. Storm Water Management Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**VC 2013-PR-009****October 30, 2013**

1. This variance is approved for the maximum size and location within the building envelope of the dwelling, as shown on the plat prepared by GeoEnv Engineers, dated August 13, 2013, as revised through August 14, 2013 and signed by Ibrahim A. Chehab, Professional Engineer as submitted with this application and is not transferable to other land.
2. All applicable building permits and final inspections shall be obtained for the single-family detached dwelling.
3. The infill lot grading plan or any plan required by the Department of Public Works and Environmental Services (DPWES) shall include a tree preservation plan which depicts proposed limits of clearing and grading at both the southwestern corner of the existing gravel driveway and the northern corner of the property to preserve the existing 27-inch diameter red oak tree and the 22-inch diameter white oak tree. The tree preservation plan shall be reviewed and approved by the Urban Forest Management Division (UFMD), DPWES.
4. An undesirable vegetation management plan shall be provided at the time of infill lot grading plan (or other plan) that provides for the management and treatment of invasive and undesirable plants, growing in the 'Undisturbed Area/Wooded Area'. This plan shall be reviewed and approved by UFMD. The management plan shall:
 - a. Identify targeted undesirable and invasive plant species to be suppressed and managed.
 - b. Identify targeted area of undesirable and invasive plant management plan, which shall be clearly identified on the landscape or tree preservation plan.
 - c. Incorporate recommended government and industry method(s) of management, i.e. hand removal, mechanical equipment, chemical control, other. Identify potential impacts of recommended method(s) on surrounding trees and vegetation not targeted for suppression/management and identify how these trees and vegetation will be protected (for example, if mechanical equipment is proposed in save area, what will be the impacts to trees identified for preservation and how will these impacts be reduced).
 - d. Identify how targeted species will be disposed.

- e. Require that if chemical control is recommended, treatments shall be performed by or under direct supervision of a Virginia Certified Pesticide Applicator or Registered Technician and under the general supervision of Project Arborist).
 - f. Provide information regarding timing of treatments, (hand removal, mechanical equipment or chemical treatments) when will treatments begin and end during a season and proposed frequency of treatments per season.
 - g. Identify potential areas of reforestation and provide recommendations.
 - h. Provide for monthly monitoring reports to UFMD and SDID staff until Bond release or release of Conservation Deposit or prior to release if targeted plant(s) appear to be eliminated based on documentation provided by Project Arborist and an inspection by UFMD staff.
5. A landscape plan shall be submitted at the time of plan review and shall be subject to the review and approval of UFMD, which shows a variety of native and desirable tree species, of various sizes, to be planted on the site. All trees proposed to be planted shall be identified as Category I, II, III, or IV deciduous trees and/or Category I, II, III, or IV evergreen trees. In addition, minimum planting areas for proposed trees shall be provided in accordance with PFM 12-0601.1B.
6. The limits of clearing and grading shall be no greater than shown on the variance plat as modified by Condition 3 and for the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the variance plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
7. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the

demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.”

8. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called “Trunk Formula Method” contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the “Bonded Trees”) that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

9. A site specific RPA boundary certification per Letter to Industry #08-12 shall be provided at the time of plan review.

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

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. 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.

Application No.(s): VC 2013-PR-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 5 2013
(enter date affidavit is notarized)

I, MINDY THUY HOANG / Mindy T. Ngo ^{Also known as Record as} do hereby state that I am an
(enter name of applicant or authorized agent)

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

121137

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
<u>MINDY T. HOANG /</u> <i>Also known as record as</i> <u>Mindy T. Ngo</u>	<u>2734 Oldewood Dr.</u> <u>Palls Church Va</u> <u>22043</u>	<u>Self / Applicant /</u> <u>title owner</u>

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

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

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

Application No.(s): VC 2013-PR-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 5, 2013
(enter date affidavit is notarized)

12137

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:

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

CORPORATION INFORMATION.

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

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

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

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

Application No.(s): VC 2013-PR-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 05, 2013
(enter date affidavit is notarized)

121137

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 "Special Permit/Variance Attachment to Par. 1(c)" form.

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

Application No.(s): VC 2013-PR-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 5, 2013
(enter date affidavit is notarized)

121137

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

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

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

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

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

None

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

Application No.(s): VC 2013-PR-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 05, 2013
(enter date affidavit is notarized)

121137

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

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

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

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

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

WITNESS the following signature:

(check one) Applicant *Mindy T. Hoang* [] Applicant's Authorized Agent

Mindy T. Hoang / Mindy T. Ngo
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 05 day of June 2013, in the State/Comm. of Fairfax, County/City of Annandale.

[Signature]
Notary Public

My commission expires: Feb 29, 2016

02/29/2016

Mindy Hoang

RECEIVED
Department of Planning & Zoning
2734 Old... Drive, Falls Church VA 22043
571 214 6172
hoangtmindy@gmail.com
AUG 14 2013

Zoning Evaluation Division

7/21/2013

Dear Sir/Madam:

I am requesting a variance from the front yard setback requirements. The subject lot is identified as Lot 59, Section 1 Off Shreve Road, Dranesville District, Falls Church, Virginia. The subject lot is zoned R-3 and contains a total of 21,780 square feet of land. The lot is currently improved by a single-family residential dwelling that will be removed and replaced. A plat showing the site plan is attached. As per the attached plan, the lot is constrained by the existing 100-year flood plain which is severely limiting the area available for construction. Also, due to the constraints imposed by the Public Facility Manual (PFM), the new dwelling must be located a minimum of 15 feet from the 100-year flood plain limit, and all living areas must be located at least 18 inches (1.5 feet) above the established 100-year flood plain elevation. Based on the vertical restrictions imposed by the flood plain, the new dwelling must be constructed with no basement level which further reduces the proposed living areas. We also have an Easement clause, therefore we now have more restrictions that added much more narrowness of our lot/land.

I have been working with the county personnel for over a year trying to get an approval based on all the constraints and restriction imposed by different departments to construct a single family dwelling to accommodate my growing family. Back in March 2012, I had submit a Special Exception Permit, and after review and correcting submission requirements, I was told by July of 2012 that the SE-2012-0045 was not going to be approved.

Under the disappointment, I was then being guided by the county personnel to apply for a Letter Of Map Amendments (LOMA) with FEMA to remove the current structure out of the flood zone based on the structure being above the Base Flood elevation (BFE). By November 2012 my application was approved by FEMA and I was granted a Removal of the structure into an unshaded area marked by and X.

I was advised to have a meeting with DPWES to seek new guidance into the process of how to proceed into the applications for a site plan or finding out what the next step would be, and to find out how much of the 21,780 square feet of land I was able to use for the constructions. It was then that I had spoken with personnel from Storm Water Management and The County Engineer and we had concluded that of the 21,780 square feet of land, the usable land that we could use is approximately twelve percent (12%).

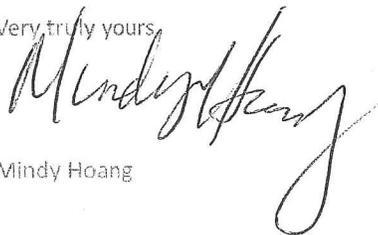
While all this was happening, I consulted with the Planner of the day in zoning to seek new guidance and assistance with how to elevate my hardship and seek more ways for approval of more land usage. That's when I was advised to apply for a Variance Applications.

Due to all the constraints imposed by the existing 100-year flood plain limits, Easement Clause, and the R-3 Zoned, the only and available option is to extend the structure and construct a reasonable size single-family dwelling into the front. Therefore, I am requesting a variance to extend the dwelling 10 feet into the front yard building restriction line. This extension is less than 50 percent of the front yard zoning setback of 30 feet for the R-3 zone. We believe that this requested setback variance is reasonable and will afford me and my family with a reasonable area of living spaces, based on the following:

1. The lot has already been developed and currently occupied by an old single-family residential dwelling that I wish to demolish and replace with a new dwelling, as shown.
2. The proposed variance will not negatively impact adjacent properties.
3. The total square footage of the proposed dwelling, including the proposed variance, will not exceed 3,200 square feet on two (2) levels.
4. The new dwelling will be consistent with the size and height of adjacent dwelling.

Your review and approval of this request is greatly appreciated. You may contact me at 571.214.6172 at any time to discuss this request. We look forward to hearing from you.

Very truly yours,



Mindy Hoang

ZONING ORDINANCE SECTION 18-404 STATEMENT OF JUSTIFICATIONS

1. The property was purchased in good faith and properly recorded in Deed Book: 13694, @ Page: 1613.
2. The conditions at the site fall under characteristics F of this Standard. The property has an extraordinary situation or condition resulting from the presence of the 100-year flood plain limits and setback and Easement clause covering more than 85% of the lot area. The requested front yard setback variance is the minimum relief required in order to construct a single family dwelling compatible in size with other dwellings and current construction standards.
3. As per the attached cover letter, the conditions at the site are specific to this property (very constraint buildable area of the lot) and will not result in the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. As stated in the cover letter, I have explored the options that I have available and was denied all request, so the only options that I have left is to seek this Variance application. I am seeking in the Variance because due to the presence of the 100-year flood limit and the presence of a 15-ft wide ingress/egress easement, the available land that is usable for constructions is considered too small to construct the reasonable size dwelling for a growing family. The site specific condition would produce an undue hardship if the requested variance is not granted.
5. Based on our review of the other properties in the area, the conditions at the site are specific to this property and only one other adjacent property (Lot 58) seems to shares the same conditions. However, Lot 58 is already improved and working on more improvements by an existing dwelling my not require the same variance.
6. Yes, the application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, and granting of the variance will alleviate a clearly demonstrable hardship imposed by the loss of buildable area due to the presence of a 100-year flood plain limits. Granting of this variance would not grant a special privilege or convenience, since that all other standing codes and requirements will be enforced.
7. Yes, the authorization of the requested variance would not negatively impacts the remaining properties.
8. This is a one-time request specific to this property, and we do not believe that granting of this variance would change the character of standing zoning district.

9. This requested variance is for a hardship conditions imposed by the mapped 100-year flood plain limits. I believe that granting of this variance is in harmony with intended spirit and purposes of this ordinance and will not be contrary to the public interest.



April 27, 2013

ZONING ADMINISTRATION
FAIRFAX COUNTY DEPARTMENT OF PLANNING & ZONING
12055 GOVERNMENT CENTER PARKWAY, SUITE 809
FAIRFAX, VA 22035

**RE: LETTER OF JUSTIFICATION
VARIANCE REQUEST FOR FRONT YARD SETBACK
LOOT 59, SECTION 1, OFF SHREVE ROAD
2734 OLDEWOOD DRIVE
FALLS CHURCH, VIRGINIA 22043
TAX MAP NO. 49-2-((1))-59**

Dear Sir/Madam:

On behalf of our clients, Mr. & Mrs. NGO, the current owner of the referenced property, **GeoEnv Engineers & Consultants, LLC** (GEE) is requesting a variance from the front yard setback requirements. The subject lot is identified as Lot 59, Section 1 Off Shreve Road, Dranesville District, Falls Church, Virginia. The subject lot is zoned R-3 and contains a total of 21,780 square feet of land. The lot is currently improved by a single-family residential dwelling that will be removed and replaced. A plat showing the site plan is attached. As per the attached plan, the lot is constrained by the existing 100-year flood plain which is severely limiting the area available for construction. Also, due to the constraints imposed by the Public Facility Manual (PFM), the new dwelling must be located a minimum of 15 feet from the 100-year flood plain limit, and all living areas must be located at least 18 inches (1.5 feet) above the established 100-year flood plain elevation. Based on the vertical restrictions imposed by the flood plain, the new dwelling must be constructed with no basement level which further reduces the proposed living areas.

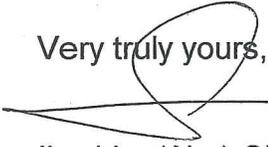
Due to the constraints imposed by the existing 100-year flood plain limits, the only area available to extend the structure and construct a reasonable size single-family dwelling is in the front. Therefore, we are requesting a variance to extent the dwelling 10 feet into the front yard building restriction line. This extension is less than 50 percent of the front yard zoning setback of 30 feet for the R-3 zone. We believe that this requested setback variance is reasonable and will afford the owner with a reasonable area of living spaces, based on the followings:

1. The lot has already been developed and currently occupied by an old single-family residential dwelling that the owners wish to demolish and replace with a new dwelling, as shown.
2. The proposed variance will not negatively impact adjacent properties.
3. The total square footage of the proposed dwelling, including the proposed variance, will not exceed 3,200 square feet on two (2) levels.

VARIANCE REQUEST FOR FRONT YARD SETBACK
LOOT 59, SECTION 1, OFF SHREVE ROAD
2734 OLDEWOOD DRIVE
FALLS CHURCH, VIRGINIA 22043
TAX MAP No. 49-2-((1))-59

4. The new dwelling will be consistent with the size and height of adjacent dwelling. Your anticipated early review and approval of this request is greatly appreciated. You may contact me at 703.593.8090 (cell) at anytime to discuss this request. We look forward to hearing from you.

Very truly yours,


Ibrahim (Abe) Chehab
Principal Engineer



Attachment: Site Plan Showing improvements and proposed setback line

Statement of Justification - Section 18-404 of the Zoning Ordinance

Standard #1: The subject property was acquired in Good Faith.

Response: Yes. The property was purchased in good faith and properly recorded in Deed Book:13694, @ Page:1613

Standard #2: The subject has at least one of the Characteristics (2A thru G of 18-404)

Response: The conditions at the site falls under characteristics F of this Standard. The property has an extraordinary situation or condition resulting from the presence of the 100-year flood plain limits and setback covering more than 75% of the lot area. The requested front yard setback variance is the minimum relief required in order to single family dwelling compatible in size with other dwellings and current construction standards.

Standard #3: The Conditions at the site is not of a general or recurring

Response: As per the attached cover letter, the conditions at the site are specific to this property (very constraint buildable area of the lot) and will not result in the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.

Standard #4: That the Strict application of this Ordinance would produce undue hardship.

Response: Due to the presence of the 100-year flood limit and the presence of a 15-ft wide ingress/egress and utility easement, the available building is considered too small to construct the reasonable size dwelling. The site specific condition would produce an undue hardship if the requested variance is not granted.

Standard #5: That the undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.

Response: Based on our review of the other properties in the area, the conditions at the site is specific to this property and only one other adjacent property (Lot 58) seems to shares the same conditions. However, Lot 58 is already improved by an existing dwelling my not require the same variance.

Standard #6: *A. That the application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or
B. Granting of a variance will alleviate*

Response: Yes. The application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, and granting of the variance will alleviate a clearly demonstrable hardship imposed by the loss of buildable area due to the presence of a 100-year flood plain limits. Granting of this variance would not grant a special privilege or convenience sought by the client, since that all other standing codes and requirements will be enforced

Standard #7: *That authorization of the variance will not be of substantial detriment to adjacent properties.*

Response: Yes. The authorization of the requested variance would not negatively impact the remaining properties.

Standard #8: *That the character of the zoning district will not be changed by the granting of the variance.*

Response: This is a one-time request specific to this property, and we do not believe that granting of this variance would change the character of standing zoning district.

Standard #9: *That the variance will be in harmony with the intended spirit and purpose of this ordinance and will not be contrary to the public interest.*

Response: This requested variance is for a hardship conditions imposed by the mapped 100-year flood plain limits. We believe that granting of this variance is in harmony with the intended spirit and purposes of this ordinance and will not be contrary to the public interest.



Federal Emergency Management Agency

Washington, D.C. 20472

APPENDIX 4

November 13, 2012

MS. MINDY HOANG
2734 OLDEWOOD DRIVE
FALLS CHURCH, VA 22043

CASE NO.: 13-03-0107A
COMMUNITY: FAIRFAX COUNTY, VIRGINIA
(UNINCORPORATED AREAS)
COMMUNITY NO.: 515525

DEAR MS. HOANG:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 847 South Pickett Street, Alexandria, VA 22304-4605.

Sincerely,


Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region

*map
Community Map Repository
C. B. [unclear]*



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	FAIRFAX COUNTY, VIRGINIA (Unincorporated Areas)	Part of Lot 6, Block A, Oldewood, as described in the Deed of Gift, recorded in Book 13694, Pages 1613 through 1615, in the Office of the Clerk of the Circuit Court, Fairfax County, Virginia (TP: 049-2-01-00-0059)
	COMMUNITY NO.: 515525	
AFFECTED MAP PANEL	NUMBER: 51059C6165E	
	DATE: 9/17/2010	

FLOODING SOURCE: HOLMES RUN	APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 38.879, -77.219 SOURCE OF LAT & LONG: GOOGLE EARTH PRO DATUM: NAD 83
-----------------------------	--

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
6	A	Oldewood	2734 Oldewood Drive	Structure	X (unshaded)	-	-	-

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORCTIONS REMAIN IN THE SFHA
STUDY UNDERWAY

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 847 South Pickett Street, Alexandria, VA 22304-4605.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

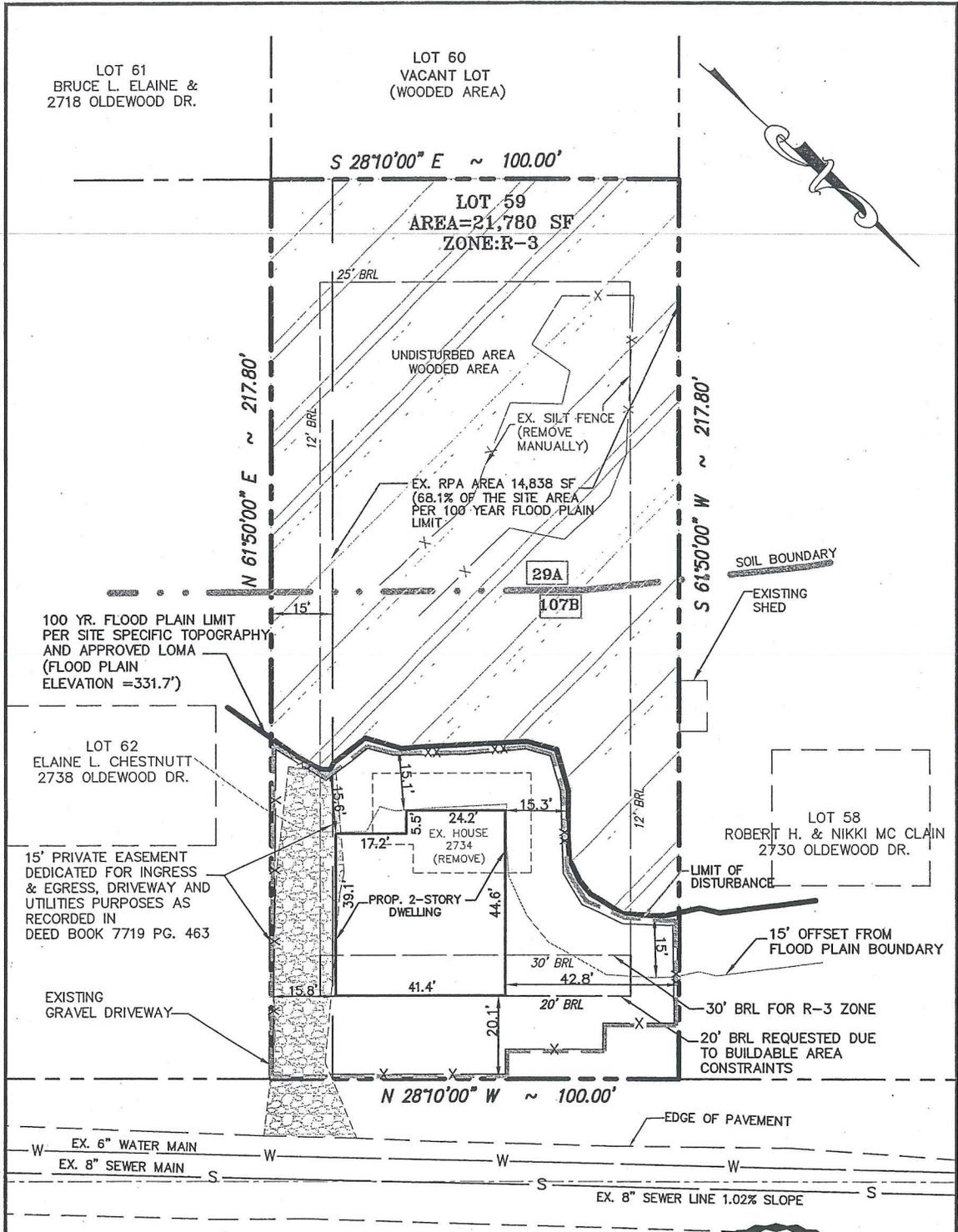
Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

STUDY UNDERWAY (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

This determination is based on the flood data presently available. However, the Federal Emergency Management Agency is currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. When the new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 847 South Pickett Street, Alexandria, VA 22304-4605.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration



NOTE:

1. FRONT YARD SETBACK FOR R-3 ZONE=30'
2. REQUESTED FRONT YARD SETBACK DUE TO BUILDABLE AREA CONSTRAINTS=20'
3. THE COUNTY RECORDED TAX MAP # 49-2-((1))-59



VARIANCE PLAT

FOR
 LOT 59, SEC 1
 OFF SHRIEVE ROAD
 2734 OLDEWOOD DRIVE
 PROVIDENCE DISTRICT #1
 FALLS CHURCH, VIRGINIA, 22043

SCALE: 1"=30', DATE: AUGUST 13, 2013

RECEIVED
 Department of Planning & Zoning
 AUG 14 2013
 Zoning Evaluation Division

PREPARED BY

GeoEnv Engineers

Civil, Environmental & Geotechnical Engineering
 10875 Main Street, Suite 213
 Fairfax, VA 22030
 Phone: 703.591.7170
 Fax: 703.591.7074



County of Fairfax, Virginia

MEMORANDUM

August 20, 2013

TO: Rebecca Horner, Staff Coordinator
Zoning Evaluation Division, DPZ

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

SUBJECT: 2734 Oldewood Drive-Ngo Residence Section 1, Lot 59; VC 2013-PR-009

RE: Request for assistance dated August 15, 2013

This review is based upon Variance application (VC) 2013-PR-009 and the Variance Plat for "Lot 59, Sec 1, Off Shreve Road, 2734 Oldewood Drive" stamped "Received, Department of Planning and Zoning, August 14, 2013."

- 1. Comment:** The proposed limits of clearing and grading at the southwestern corner of the existing gravel driveway will provide minimal preservation for the existing off-site 27 in. dia. red oak tree, which is not shown or identified on this VC, located at 2738 Oldewood Drive.

Recommendation: The proposed limits of clearing and grading at southwestern corner of the existing gravel driveway should be revised to provide a tree save area large enough to adequately preserve the existing 27 in. dia. red oak tree located off-site at 2738 Oldewood Drive.

- 2. Comment:** There is an existing 22-inch diameter white oak tree located at the northern corner of the property that may be co-owned or offsite. The proposed limits of clearing and grading at the northern portion of the site appear to be excessive and there appears to be an opportunity to save this tree. This tree appears to be good condition and should be considered for preservation.

Recommendation: A tree save area should be provided at the northern corner of the property to save this tree. The proposed limits of clearing and grading should be revised to preserve at least 65% of the tree's critical root system to adequately protect this tree from construction activities.

- 3. Comment:** The 'Undisturbed Area/Wooded Area' contains plant species that can be considered undesirable including, but not limited to, the following: wild grape, greenbriar,

Department of Public Works and Environmental 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



and poison ivy. This undesirable vegetation could endanger the long-term ecological functionality, health, and regenerative capacity of the existing trees in this area.

Recommendation: An undesirable vegetation management plan should be provided detailing how the undesirable plant species will be removed and managed from the 'Undisturbed Area/Wooded Area', without damaging existing trees, to promote the long-term ecological functionality, health, and regenerative capacity of the early successional forest community. Development condition language related to invasive and undesirable vegetation management should be obtained similar to the following:

"An undesirable vegetation management plan shall be developed that provides for the management and treatment of invasive and undesirable plants, growing in the 'Undisturbed Area/Wooded Area', that are likely to endanger the long-term ecological functionality, health, and regenerative capacity of the early successional forest communities, for review and approval by the Urban Forest Management Division. The management plan shall incorporate the following information:

- Identify targeted undesirable and invasive plant species to be suppressed and managed.
- Identify targeted area of undesirable and invasive plant management plan, which shall be clearly identified on the landscape or tree preservation plan.
- Recommended government and industry method(s) of management, i.e. hand removal, mechanical equipment, chemical control, other. Identify potential impacts of recommended method(s) on surrounding trees and vegetation not targeted for suppression/management and identify how these trees and vegetation will be protected (for example, if mechanical equipment is proposed in save area, what will be the impacts to trees identified for preservation and how will these impacts be reduced).
- Identify how targeted species will be disposed.
- If chemical control is recommended, treatments shall be performed by or under direct supervision of a Virginia Certified Pesticide Applicator or Registered Technician and under the general supervision of Project Arborist).
- Provide information regarding timing of treatments, (hand removal, mechanical equipment or chemical treatments) when will treatments begin and end during a season and proposed frequency of treatments per season.
- Identify potential areas of reforestation and provide recommendation
- Monthly monitoring reports provided to UFMD and SDID staff.
- Duration of management program; until Bond release or release of Conservation Deposit or prior to release if targeted plant(s) appear to be eliminated based on documentation provided by Project Arborist and an inspection by UFMD staff."

4. **Comment:** There appears to be an opportunity to provide landscaping to screen the proposed 2-story dwelling from adjacent properties.

Recommendation: A landscape plan should be submitted that shows a variety of native and desirable tree species, of various sizes, to screen the proposed 2-story dwelling from

adjacent properties. All trees proposed to be planted should be identified as Category I, II, III, or IV deciduous trees and/or Category I, II, III, or IV evergreen trees. In addition, minimum planting areas for proposed trees should be provided in accordance with PFM 12-0601.1B

5. **Comment:** Given the nature of tree cover on and adjacent to this site, and depending upon the ultimate development configuration provided, several development conditions will be instrumental in assuring adequate tree preservation and protection throughout the development process.

Recommendation: Recommend the following development condition language to ensure effective tree preservation within the RPA and floodplain:

Tree Preservation: "The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees located within the tree save area living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) and 25 feet outside of the proposed limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the VC and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan."

Limits of Clearing and Grading. "The Applicant shall conform strictly to the limits of clearing and grading as shown on the VC, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the VC, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities."

Tree Preservation Fencing: "All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES."

Tree Appraisal: "The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective site plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined

based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.”

Root Pruning. “The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.”

Site Monitoring. “During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.”

TLN/
UFMDID #: 182801

cc: DPZ File



County of Fairfax, Virginia

MEMORANDUM

DATE: September 23, 2013

TO: Rebecca Horner, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Durga Kharel P.E., Chief
Central Branch
Site Development and Inspections Division
Department of Public Works and Environmental Services

SUBJECT: Variance Application # VC 2013-PR-009, 2734 Oldewood Drive Plat dated August 14, 2013, LDS Project #25341-ZONA-002-1, Tax Map #049-2-01-0059, Providence District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is a 1993 designated Resource Protection Area (RPA) on this site. A site specific RPA boundary certification per Letter to Industry # 08-12 shall be required in future infill lot grading plan if this variance is approved. 100-year floodplain boundary itself will be the RPA boundary for this subject lot and proposed house is shown outside the RPA on the plat dated August 14, 2013. Water quality controls are not required if the total impervious area is less than 18% or is waived by the Director per PFM 6-0401.2E. If the impervious area is equal to or more than 18% of the site and the net increase in impervious area is less than or equal to 20% of existing impervious area, the water quality control shall be provided per PFM 6-401.2B under redevelopment unless waived by the Director.



Floodplain

There are County and FEMA regulated floodplains on the property. A Letter of Map Amendment (LOMA) with case # 13-03-0107A was approved by FEMA on November 13, 2012 to remove the existing structure from the FEMA flood plain. Based on the information provided by the Stormwater Planning Division, the Base Flood Elevation is 331.7 feet, referenced to NGVD 1929 vertical datum. The proposed house is located 15.1 feet at the closest location from the 100-year flood plain boundary which meets the minimum 15 feet required per ZO 2-415. The lowest part (i.e., the bottom of the floor joists or top of a concrete slab on grade) shall be eighteen (18) inches or greater above the water-surface elevation of the 100-year flood level calculated in accordance with the provisions of the Public Facilities Manual. (ZO 2-905-2). Hence the bottom of the floor joists or top of a concrete slab on grade for the proposed new dwelling for the subject property shall be at least 333.3 feet or above, referenced to NGVD 1929 vertical datum.

Downstream Drainage Complaints

There are no downstream drainage complaints on file for this property.

Stormwater Detention

Onsite stormwater detention is not required for infill lot grading plans unless there is an adequate outfall problem.

Site Outfall

An outfall narrative has not been provided, however it appears that the proposed dwelling can be designed to sheet flow at the rear of the property towards the RPA and floodplain.

These comments are based on the 2011 version of the Public Facilities Manual (PFM). A new stormwater ordinance and updates to the PFM's stormwater requirements are being developed as a result of changes to state code (see 4VAC50-60 adopted May 24, 2011). The site plan for this application may be required to conform to the updated PFM and the new ordinance.

Please contact me at 703-324-1720 if you require additional information.

DK/

cc: Don Demetrius, Chief, Watershed Projects Evaluation Branch, SPD, DPWES
Fred Rose, Chief, Watershed Planning & Assessment Branch, SPD, DPWES
Hani Fawaz, Senior Engineer III, Central Branch, SDID, DPWES

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.