APPLICATION ACCEPTED: October 2, 2013
PLANNING COMMISSION: January 9, 2014

County of Fairfax, Virginia

December 23, 2013

STAFF REPORT

APPLICATION FDPA B-715-03

MOUNT VERNON DISTRICT

APPLICANT:	Joan Weber
PRESENT ZONING:	PDH-5 (Planned Development Housing: Five Dwelling Units per Acre (du/ac))
PARCELS:	102-3 ((23)) 115A
SITE AREA:	2,047 square feet (0.05 acres)
PLAN MAP:	Residential; 5-8 du/ac
PROPOSAL:	To amend FDP B-715, previously approved for residential development, offices, and senior housing, to permit an addition to an existing dwelling 11.5 feet from the rear lot line

STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA B-715-03, subject to the proposed development conditions contained in Appendix 1.

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.

Nick Rogers, AICP

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/

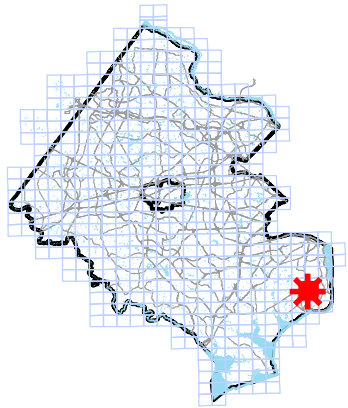
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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.

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 -B -715-03

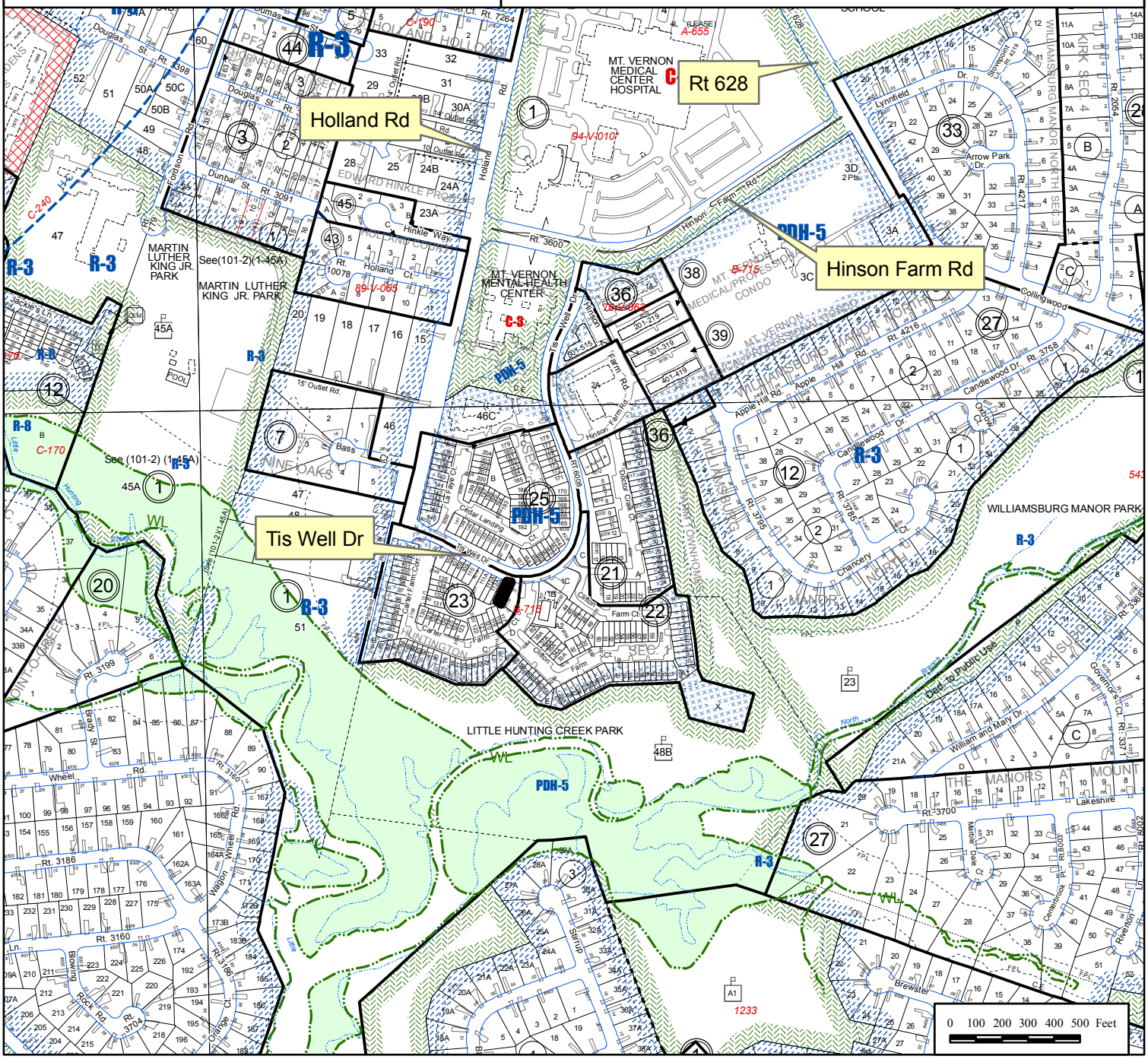


Applicant: JOAN WEBER
Accepted: 10/02/2013
Proposed: AMEND FDP B-715 PREVIOUSLY APPROVED FOR RESIDENTIAL TO PERMIT SITE MODIFICATIONS

Area: 2047 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect:
Located: 8203 TIS WELL DRIVE, ALEXANDRIA, VA 22306

Zoning: PDH- 5
Overlay Dist:
Map Ref Num: 102-3- /23/ /0115A



COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

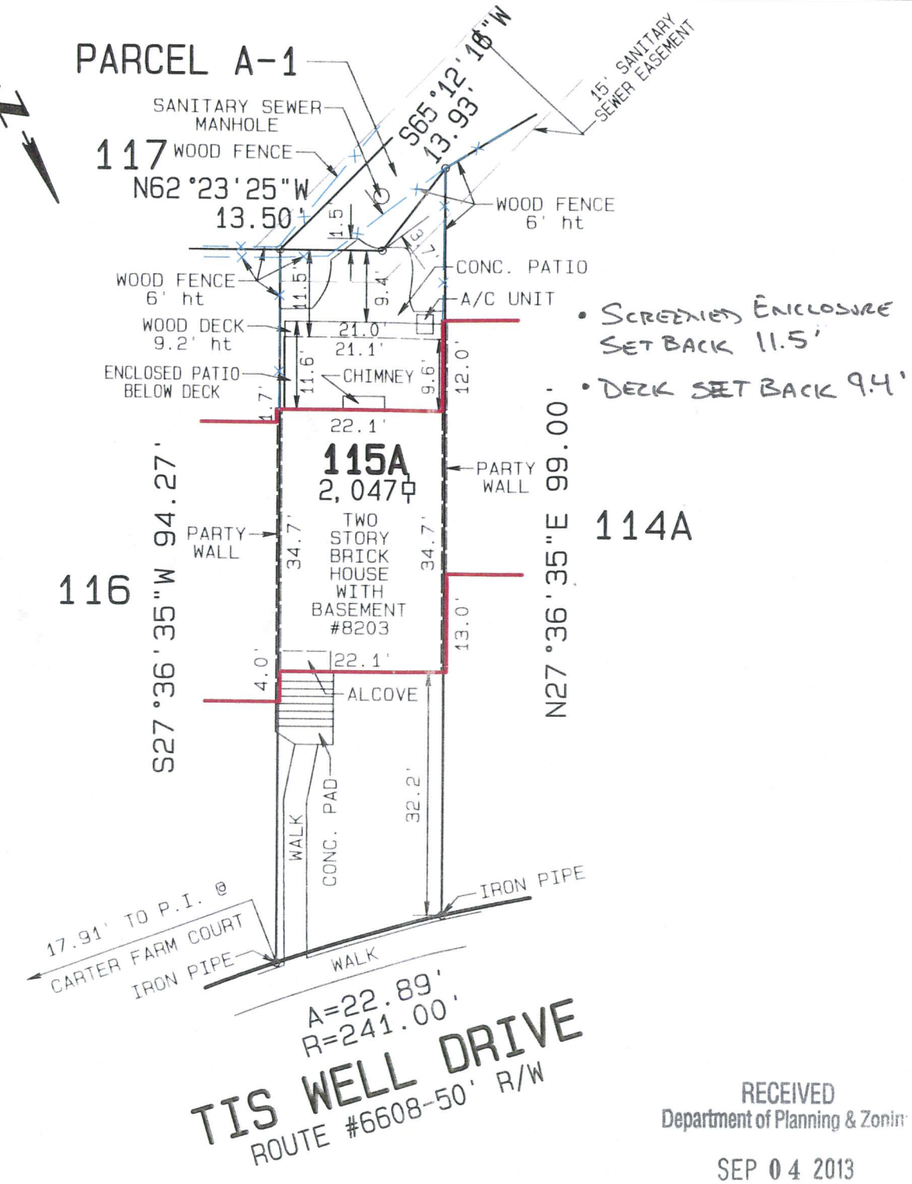
NOTES:

1. TAX MAP 102-3-23-0115A
2. PROPERTY SHOWN HEREON IS ZONED: PDH-5 (Residential 5 DU/AC)
3. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
4. THE PROPERTY SHOWN HERE IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0405E EFFECTIVE DATE, SEPTEMBER 17, 2010.
5. THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
6. THE PROPERTY IS NOT LOCATED IN A FLOODPLAIN NOR AN RPA (RESOURCE PROTECTION AREA).
7. FLOOR AREA:
   - EXISTING GROSS FLOOR AREA HOUSE 1,540 SQ. FT.
   - EXISTING GROSS FLOOR AREA WOOD DECK 243 SQ. FT.
   - TOTAL FLOOR AREA 1,783 SQ. FT.
   - EXISTING FLOOR AREA RATIO: 0.87
8. REAR YARD:
   - REAR YARD AREA: 505 SQ. FT.
   - REAR YARD COVERAGE: 375 SQ. FT. OR 74%

COMMONWEALTH OF VIRGINIA
07/18/2013
LARRY N. SCARTZ
Lic. No. 1000-B
LAND SURVEYOR

HEIGHT TABLE

HEIGHT OF HOUSE:	29.0'
HEIGHT OF DECK:	9.2' (11.6' x 21.0')
HEIGHT OF ENCLOSED PATIO:	8.2' — (9.6' x 21.1')



• SCREENED ENCLOSURE SET BACK 11.5'
• DECK SET BACK 9.4'

RECEIVED
Department of Planning & Zoning
SEP 04 2013
Zoning Evaluation Division

CASE NAME: WEBER

NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.

SCARTZ SURVEYS
LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
WOODBRIDGE, VIRGINIA
LOCAL (703) 494-4181
FAX (703) 494-3330
LARRY.SCARTZ@SCARTZ.COM

SPECIAL PERMIT PLAT
LOT 115A, SECTION 2

HUNTINGTON AT MT. VERNON

MOUNT VRNON MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=20' DATE: JULY 18, 2013

TAX MAP# 102-3-23-0115A JOB# 2013-0279 DSE

DESCRIPTION OF THE APPLICATION

The applicant, Joan Weber, has requested the approval of a Final Development Plan Amendment (FDPA) to permit an enclosure below her deck to remain located 11.5 feet from the rear lot line. According to the Zoning Ordinance's definition of a deck, decks with enclosures are deemed to be additions to the primary structure and must meet the minimum yard requirements for the zoning district in which located.

The approved Development Plan for rezoning (RZ) B-715 does not include typical lot setbacks or other flexibility for residential property owners. Absent such information minimum yard requirements are determined using the guidance provided in the Planned Development District Design Standards found in Par. 1 of Sect. 16-102 of the Zoning Ordinance. This standard allows for the substitution of bulk regulations from the conventional zoning district which most closely characterizes the particular type of development under consideration. For this subject property, the Zoning Permit Review Branch (ZPRB) has determined that the convention zone most closely characterized with PDH-5 is R-8: Residential. Properties zoned R-8 require a rear yard setback of not less than 20 feet.

The applicant is seeking an FDPA in response to a Corrective Work Order followed by a Notice of Violation issued by the Department of Code Compliance (DCC). DCC issued these in response to a community complaint about the construction of an unpermitted deck. After researching the issue, DCC staff found that the deck enclosure described above was performed without the required permits and inspections for such work. The applicant was instructed to remove the work done without a permit, or to seek retroactive approval for all applicable trade permits for the enclosure.

Although the applicant applied for a building permit in response to the Corrective Work Order, the building permit could not be approved because the enclosure constitutes an extension into a required rear yard, which is not permitted by the Zoning Ordinance or the property's approved Development Plan.

To allow the enclosure to remain, the applicant has applied for an amendment to the Development Plan approved for RZ B-715. An amended Development Plan that displays the enclosure extending into the required rear yard would allow the applicant to obtain an approved building permit and clear the outstanding Notice of Violation.

A reduced copy of the FDPA is included at the beginning of this staff report. A copy of the applicant's affidavit and statement of justification is included as Appendices 2 and 3, respectively.

LOCATION AND CHARACTER

The subject property is located at 8203 Tis Well Drive in the First River Farms townhouse neighborhood. Tis Well Drive can be accessed at the end of Holland Road. The property is approximately one-third of a mile south of INOVA Mount Vernon Hospital.

The townhouse is an interior unit with adjacent townhouses sharing party walls to the east and west (Figure 1). The rear yard is adjacent to private open space owned by the First River Farms Homeowners Association (HOA). The subject property fronts on a narrow piece of the HOA open space, putting the rear yard in close proximity to the rear yards of the townhouses at 2712, 2714, and 2716 Carter Farm Court.

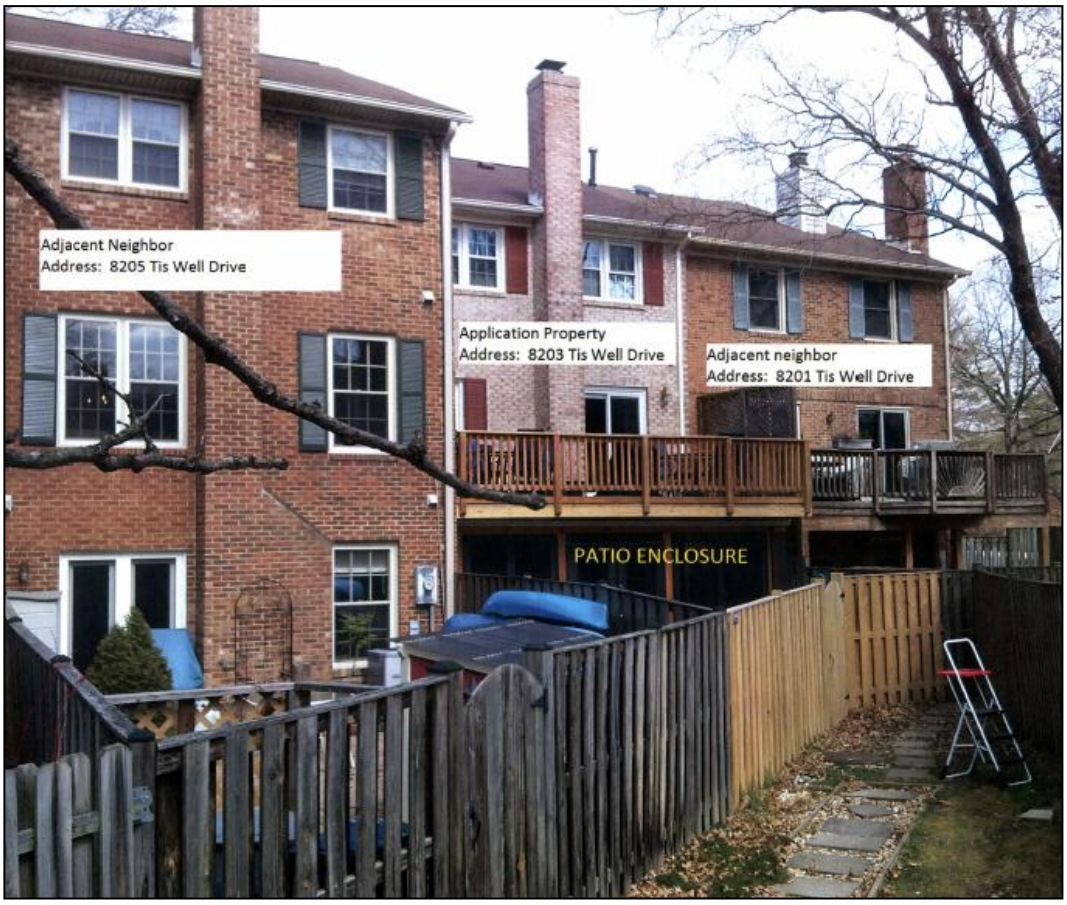


Figure 1: The rear view of the subject property, located at the center of these three townhouses, which shows the applicant's deck and enclosure in relation to the neighboring properties *(Source: Applicant Submission)*

The applicant's townhouse was constructed in 1979. The townhouse is two stories and approximately 1,540 square feet. The wooden deck attached to the rear façade is approximately 243 square feet, and the enclosed space below the deck contains approximately 203 square feet. The enclosed space consists of a seating area, outdoor shower, and a hot tub.

Figure 2: A view of the enclosure from within the rear yard *(Source: Applicant Submission)*

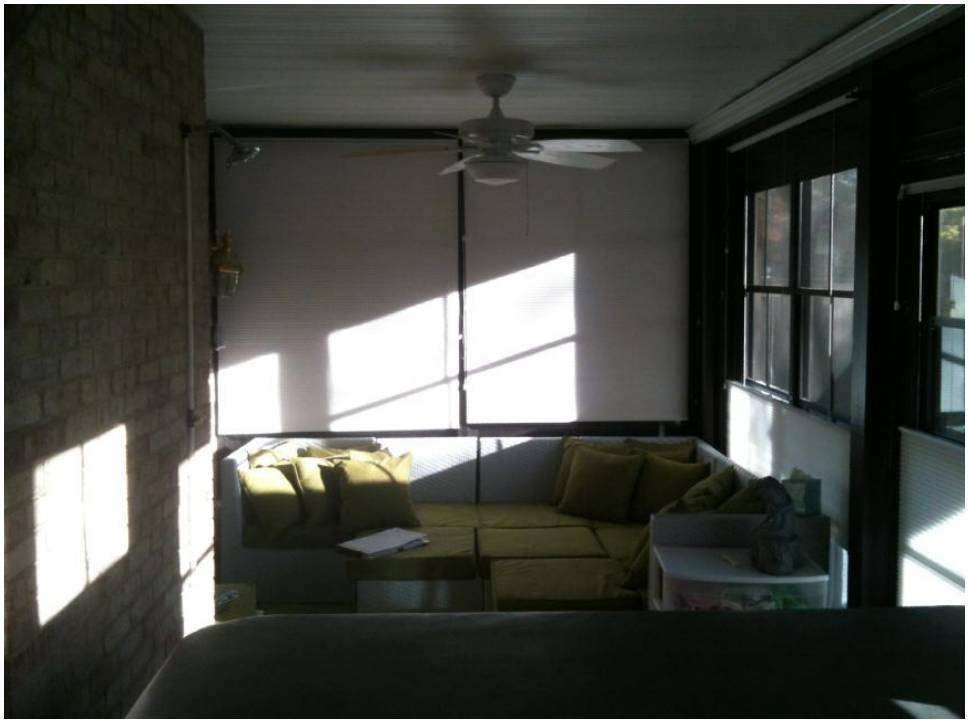


Figure 3: This image is taken from behind the hot tub, seen in the foreground, to show the inside of the enclosure *(Source – DPZ Site Visit, 11/1/2013)*

BACKGROUND

Development History

The Board of Supervisors approved RZ B-715 on February 5, 1973. This action rezoned 73.73 acres at the end of Holland Road from R-12 to PDH-5. The Development Plan adopted in conjunction with the rezoning displayed a layout consisting of 318 garden apartments and 98 mid-rise apartments for a total of 416 dwelling units. A portion of these units were devoted to elderly housing. In addition, the Development Plan included areas for a nursing home and a four-story, 60,000 square foot medical office building with commercial retail space. The retail space was to be used solely for medical support uses.

The original rezoning's Development Plan was amended on February 23, 1976 with the adoption of DP-113 by the Board. The amended Development Plan reorganized the acreage with 183 townhouses and 40 garden apartments. The 130 mid-rise apartments intended for elderly residents were relocated to a different portion of the site and limited to four stories in height. No changes to the commercial portion of the site were made. This amendment reduced the total number of dwelling units to 353.

Later that year, the Development Plan was amended to modify the medical office complex and nursing home. Instead of a four-story medical office building, the medical offices were shown as five two-story commercial townhouse rows. FDPA B-715 was approved by the Board of Supervisors on August 2, 1976.

The Development Plan was again amended with FDPA B-715-02 on February 27, 1978. This amendment removed all of the 40 remaining garden apartments and increased the number of townhouses from 183 to 209. The pool and bathhouse were relocated from the southwestern corner of the development to a more centralized location. One of the previously approved tot lots near Doctor Craik Court was also removed from the Development Plan. A reduced copy of FDPA B-715-02 is enclosed as Appendix 4.

Initial Construction of Deck

According to Fairfax County records, a building permit was issued for an elevated deck at 8203 Tis Well Drive in 1981. The deck served the first floor of the house. However, no records were found that could verify whether the deck was inspected and/or passed the requisite inspections for safety and stability. The applicant noted to staff that the deck was present at the time she purchased the property.

Recent Improvements to the Property

According to the applicant, new railings were installed on the deck in either 2010 or 2011. New boards were also installed to replace older boards in the deck's flooring. The applicant followed up this work in July of 2012 with a new board-on-board fence to enclose the rear yard. The applicant's FDPA shows this fence not on the rear property line, but

within the HOA common area and offset from the property line approximately four feet at its greatest distance. After the new fence was installed, the applicant had masonry pavers installed to cover the entirety of the rear yard. The applicant indicated that the rear yard was completely impervious prior to the pavers' installation. In September of 2012, the applicant had a hot tub placed below the deck just outside of the basement entrance.

Soon thereafter, the applicant moved forward with plans to enclose the area underneath the deck to provide additional privacy for her and her family in their use of the hot tub. To construct the enclosure, the applicant was required to obtain the approval of the First River Farms HOA design committee. In pursuing this approval, the applicant was required to notify the adjacent owners of the proposed enclosure. According to the applicant, the adjacent neighbors were notified on September 24, 2012, and the HOA's design committee approved the enclosure request on October 10, 2012.

After the HOA committee approval, the applicant moved forward with finalizing a contract with a contractor to enclose the area beneath the existing deck. The contract was executed in December of 2012, and the enclosure was completed in early 2013 according to the applicant.

Response from the Department of Code Compliance

The Department of Code Compliance received a complaint on February 28, 2013, concerning an unpermitted residential deck. DCC conducted a site inspection on March 5th to investigate the complaint. The results of the investigation were enumerated in a Corrective Work Order issued to the applicant on March 6, 2013. DCC notes in the Corrective Work Order that a screened porch had been built under the existing deck, and that the hot tub and an outdoor shower had been installed without the issuance of the required permits, inspections, or approvals.

Per the 2009 Virginia Uniform Statewide Building Code, the applicant was directed to apply for and obtain the required permits, inspections and approvals for the identified improvements or to demolish the work that had been done. The applicant followed up the Corrective Work Order with a building permit application to the Department of Public Works and Environmental Services (DPWES) on March 11, 2013.

The Zoning Permit Review Branch of the Department of Planning and Zoning reviewed the building permit for compliance with the applicable Zoning Ordinance provisions. The applicant failed the zoning review because the enclosure was required to be 20 feet from the rear property line. This minimum rear yard setback was calculated by converting the property's PDH-5 zoning for setback purposes to the R-8 district. This conversion is necessary for determining the setback distances for the townhouses originally approved with RZ B-715 because no typical lot layout showing required setbacks was included on the Development Plan that accompanied the rezoning.

DCC issued the applicant a Notice of Violation on September 5, 2013 for failing to resolve the previously issued Corrective Work Order. The applicant followed up with a Special Permit application to allow the enclosure to remain. Specifically, the applicant's request was for a reduction of the minimum rear yard setback from 20 feet to 11.5 feet from the rear yard lot line. Staff in the Zoning Evaluation Division (ZED) reviewed the request and determined that since the subject property was zoned PDH-5 and had an approved Development Plan, the appropriate application type would be an amendment to the FDP rather than a Special Permit. Accordingly, the applicant filed a request to amend the original Development Plan to allow the enclosure to remain 11.5 feet from the rear yard property boundary.

DESCRIPTION OF THE FINAL DEVELOPMENT PLAN AMENDMENT

The applicant's FDPA depicts the subject property, primary structure, deck, enclosure, and rear yard layout (Figure 4). The subject property is a narrow 2,047 square feet lot improved with a 1,540 square foot townhouse. The rear property line is set back from the townhouse approximately 21 feet, and 11.5 feet from the enclosure.

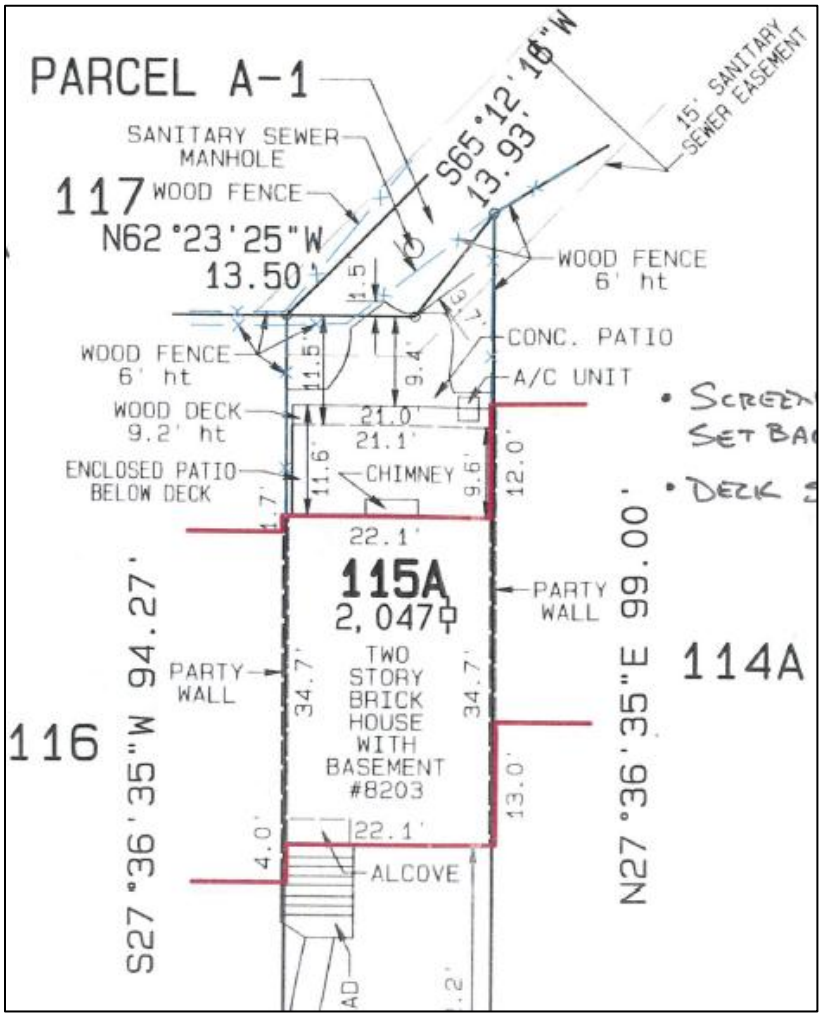


Figure 2: The applicant's FDPA, showing the townhouse in relation to the rear yard improvements and the HOA property beyond the rear yard *(Source: Scartz Surveys, 7/18/2013)*

The applicant's deck is 21 feet wide and extends 11.6 feet from the rear of the townhouse. The deck is approximately 243.6 square feet. This deck sits 9.2 feet above the finished grade at the rear of the property. Below the deck, the FDPA shows an approximately 203 square foot enclosure. The enclosure is slightly wider than the deck at 21.1 feet wide, and it extends 9.6 feet from the townhouse's rear façade.

The enclosure is 11.5 feet from the rear property line. The FDPA displays the location of the board-on-board fence in relation to the rear property line, the HOA common area, and a 15-foot wide sanitary sewer easement. A portion of the fence is within the HOA common area as well as the sanitary sewer easement.

ZONING ORDINANCE PROVISIONS (Appendix 5)

The FDPA must comply with the Zoning Ordinance provisions found in Article 6 for Planned Development Housing districts. In addition, the FDPA must meet the General Standards and Design Standards for all Planned Development districts listed in Article 16.

Conformance with Planned Development Housing District Standards

The applicant's enclosure is ancillary to the primary residential use of the property. Residential uses are permitted within PDH Districts. The enclosure does not conflict with the lot size, bulk standards, maximum density, or open space regulations in the PDH-5 zone adopted with RZ B-715, as similar provisions were evaluated at the time of the rezoning request. Based on the scope of the applicant's request, staff considers the FDPA to be in conformance with the applicable PDH standards.

General Standards for all Planned Development

The General Standards require that FDPA requests meet the applicable provisions of the Comprehensive Plan, and must meet the purpose and intent of the originally approved PDH district. The FDPA must efficiently utilize the available land, be sensitive to environmental features, and be located in an area with adequate public facilities. Moreover, the FDPA should ensure that coordinated linkages with the development and connections to major external facilities are established. Since the applicant's request is for a modification of the rear yard setback shown on the original Development Plan, these provisions are not affected by the request. The Development Plan would continue to meet these standards with this FDPA.

The General Standards also require all development with a PDH district to be designed such that substantial injury would not be presented 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. To ensure that such impacts would not occur to the adjacent parcels, the

applicant needs to apply for and obtain valid, issued permits for all applicable trades from DPWES. At a minimum, the applicant will be required to obtain building, electrical, and plumbing permits for the improvements associated with the enclosure.

Since the enclosure is subject to an outstanding Notice of Violation, the applicant should request these permits within 30 days of the Planning Commission's action on this item if approved. Once these permits are valid and issued, the applicant should secure inspections for the work that has been performed to ensure that the work conforms to the Virginia Uniform Statewide Building Code and any other applicable provisions. The applicant should be afforded enough time to make modifications to the enclosure or deck should inspections reveal that the work does not meet the required codes. Staff has included development conditions in Appendix 1 that would require permits to be requested within 30 days of the FDPA's approval and to require all inspections to be passed within six months of the approval.

Design Standards for all Planned Development

The Design Standards require FDPA requests to meet the open space, parking, and other similar regulations set forth in the Zoning Ordinance. All streets and driveways are required by these Standards to conform to County ordinances and regulations that govern them. Trails and sidewalks need to be coordinated to connect to important, nearby features in the community such as public facilities and mass transit. Since the applicant's FDPA would not revise these design elements of the original Development Plan, these provisions are not affected by the request.

As previously discussed, the Design Standards require the bulk regulations for a PDH district at peripheral boundaries to conform to the provisions of that conventional district which most closely characterizes the particular type of development under consideration. For a PDH-5 District, the conventional district most closely characterized by this type of development would be R-8. Although the R-8 minimum rear yard setback would be 20 feet, an FDPA would allow a setback reduction beyond what was prescribed in the Development Plan, if one had been prescribed, or the converted district's bulk regulations if it would conform to the other applicable Zoning Ordinance standards.

In this case, the enclosure would encroach less than 50% into the 20-foot setback. The enclosure does not extend beyond the rear façade of the next offset townhouse, 8205 Tis Well Drive, nor does it extend into the rear yard beyond the existing deck. Given the enclosure's relationship to the remaining rear yard's square footage and the adjacent properties, staff considers the FDPA in conformance with these standards.

CONCLUSIONS

The applicant's FDPA would allow for the retroactive approval of a rear enclosure of the area below the existing deck. The enclosure would not create adverse impacts for the surrounding townhouses, and would meet the Planned District Development provisions as well as the General and Design Standards in Article 16. With the proposed development conditions that would assure staff that the improvements were constructed and inspected properly, and that inspections would be done in a timely fashion, staff is supportive of the applicant's FDPA request.

STAFF RECOMMENDATION

Staff recommends approval of FDPA B-715-03, 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 Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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 this application.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Applicant's Statement of Justification
4. FDPA B-715-02
5. Applicable Zoning Ordinance Provisions

Appendix 1

PROPOSED DEVELOPMENT CONDITIONS

FDPA B-715-03

December 23, 2013

If it is the intent of the Planning Commission to approve FDPA B-715-03 to permit an addition to the existing dwelling to remain 11.5 feet from the rear lot line at 8203 Tis Well Drive, Tax Map 102-3 ((23)) 115A, pursuant to Sect. 16-402 of the Fairfax County Zoning Ordinance, the staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. This Final Development Plan Amendment (FDPA) is subject to the provisions of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this FDPA shall be in substantial conformance with the approved FDPA Plat entitled "Special Permit Plat | Lot 115A, Section 2 | Huntington at Mt. Vernon" prepared by Scartz Surveys, which is dated July 18, 2013 and these conditions. Minor modifications to the approved FDPA may be permitted pursuant to Par. 4 of Sect. 16.403 of the Zoning Ordinance.

2. Within 30 days of the Planning Commission's approval of the FDPA, the applicant shall submit permit applications for all applicable trades. These permits may include, but may not limited to, building, electrical, plumbing, and mechanical permits.

3. Within six months of the Planning Commission's approval of the FDPA, the applicant shall have obtained final inspections and approvals for all applicable permits.

4. Should the applicant be required to move the rear yard fence out of the adjacent HOA common area and onto the subject property, the applicant shall not be required to obtain an FDPA to move the fence.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

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 responsible for obtaining the required Non-Residential Use Permit through established procedures, and this FDPA shall not be valid until this has been accomplished.

Appendix 2

REZONING AFFIDAVIT

DATE: December 3, 2013
(enter date affidavit is notarized)

I, Joan Weber, do hereby state that I am an
(enter name of applicant or authorized agent)

122943a

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

in Application No.(s): FDPA-B-715-03
(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.)

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)
Joan Weber	8203 Tiswell Drive Alexandria, VA. 22306	Applicant / Title Owner
Edward R. Hall	21034 Courtland Village Drive Leesburg, VA. 20175	Agent
Builders Fence Co, Inc.	44330 Mercure Circle Suite 140 Sterling, VA 20166	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: December 3, 2013
(enter date affidavit is notarized)

122943a

for Application No. (s): FDPA-B-715-03
(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)
Builders Fence Co., Inc. 44330 Mercure Circle, Suite 140
Sterling, VA. 20166

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)
David H. Swisher
Edward R. Hall

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

(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: December 3, 2013
(enter date affidavit is notarized)

122943a

for Application No. (s): FDPA-B-715-03
(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**)

None

(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: December 3, 2013
(enter date affidavit is notarized)

1229439

for Application No. (s): FDPA-B-715-03
(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:

[X] 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: December 3, 2013
(enter date affidavit is notarized)

122943a

for Application No. (s): FDPA-B-715-03
(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: Joan Weber

(check one) [✓] Applicant [ ] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 3 day of December 20 13, in the State/Comm. of Virginia, County/City of Fairfax.

Sarah Lee
Notary Public

My commission expires: May 31 2017

SARAH LEE
NOTARY PUBLIC 7553269
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MAY 31, 2017

Appendix 3

Statement of Justification

Description of the Project

We installed a patio enclosure to be used as a three season room underneath an existing second story deck and were unaware that a building permit is required for this type of enclosure. Once notified of the violation we retroactively applied for the building permit at which time we were made aware of the 20' yard requirement from the rear property line for any area enclosed beneath the footprint of an existing deck. Our objective with the special permit is to reduce the current yard requirement from 20' to 8'6" which will bring the patio enclosure into cpmpliance allowing it to reamain as constructed.

No hazardous or toxic substances or storage tanks are in existence and are not proposed by this permit application.

The following special permit justification questions do not apply to this request since this a single family home:

- Types of operation(s).
- Hours of operation,
- Estimated number of patrons,
- Proposed number of employees,
- Estimated traffic impact, vicinity or general area to be served by the use.

RECEIVED
Department of Planning & Zoning

MAR 29 2013

Zoning Evaluation Division

"I hereby proffer that the deve[illegible]ment of the subject property of this application sh[illegible] be in strict accordance with the conditions set forth in this submission, unless an amendment thereto is mutually agreed upon by the Board of Supervisors and the undersigned."

BRIARY ASSOCIATES

By: Huntington Properties, Inc.
General Partner

By: Anthony C. Koones
President

Appendix 4

SPACE TABULATION

ITEM	ACREAGE	NOTES
Total tract	7[illegible].5150	(See attached plats)
Dedicated streets	3.[illegible]309	
Total open space required (refer to Sec. 30-2.2.2. Col. 9. p. 476.44 in Fairfax Co. Code- 5.705 sq. ft. x 362.58 du's.)	47.49	
Total open space provided	51.80	Includes 11.3017 acres to be retained by Harrelson family. Use to be restricted by covenant to 3 single family residences, boarding stables, riding academy or equine center.
Developed open space required (Refer to Sec. 30-2.2.2. Col. 9. p. 476.44 - 780 sq. ft. x 362.58 du's.)	6.49	
Developed open space provided	7.23	
Total residential units	385 dwelling units	46 Townhouses (Parcel 8) 209 Townhouses 130 Elderly housing 385
Total residential density	5.31 dwelling units per acre	

BONUS COMPUTATION

1. Section 30-2.2.2. Column 3. paragraph 1. p. 476.41 Fairfax County Code states : Additional density is permitted when open space is provided in excess of the base requirement according to the following formula :

Open space provided - open space required x 0.4 = density percentage increase permitted.
OPEN SPACE REQUIRED

$\frac{51.80 \text{ Ac.} - 47.49 \text{ Ac.}}{47.49 \text{ Ac.}} \times 0.4 =$ density percentage increase permitted.

9.076 x 0.4 = 3.63 density increase
0.0363 x 362.58 d.u.= 13.16 d.u. bonus

2. Paragraph 2 of the same section permits additional density when developed open space is provided in excess of the base requirement according to the following formula:

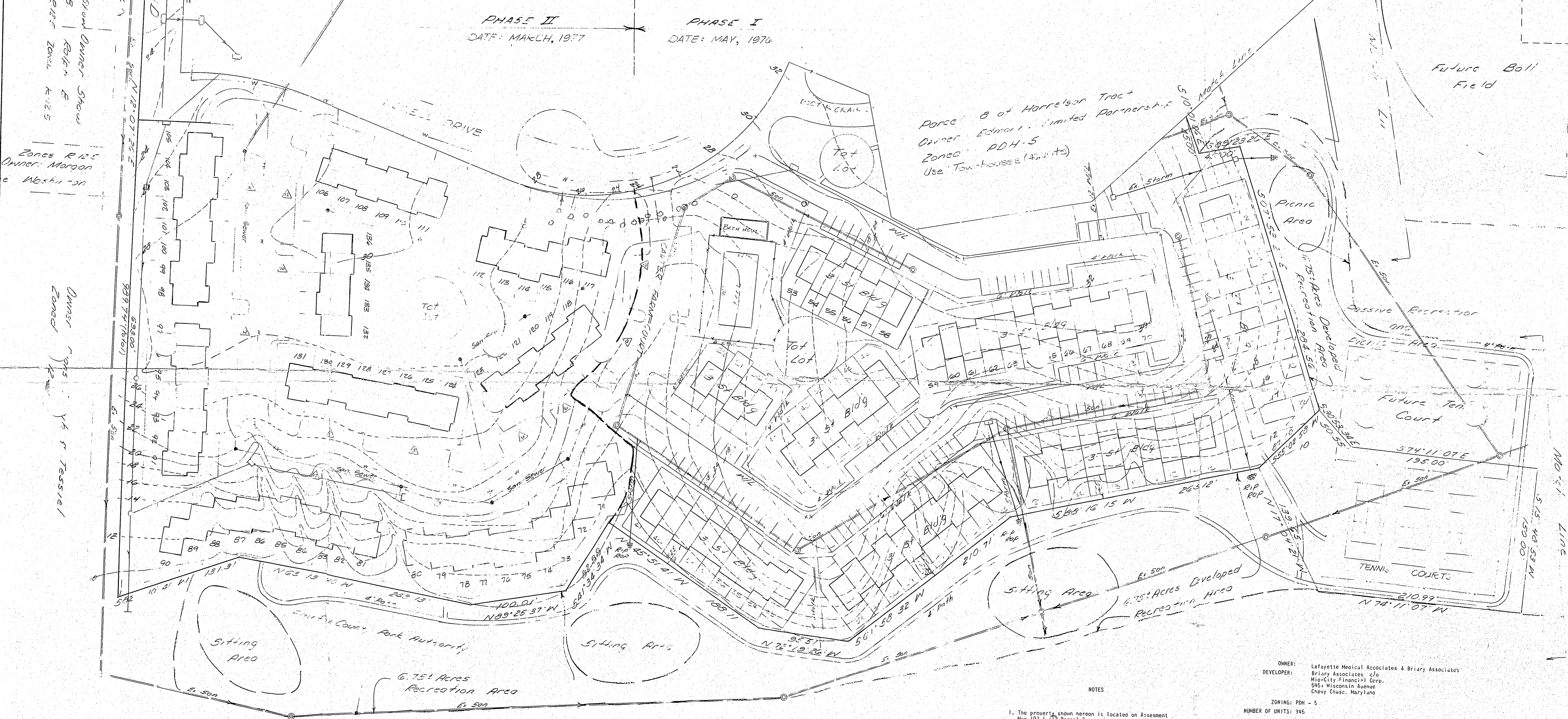
Developed open space provided - Developed open space required x 0.6 =density percent increase permitted.
Developed open space required

$\frac{7.23 \text{ Ac.} - 6.49 \text{ Ac.}}{6.49} \times 0.6 = 0.068413$ density increase

362.58 x 0.068413 = 24.80 d.u. bonus

3. Summary

Bonus from item 1	13.16 d.u.'s
Bonus from item 2	24.8[illegible] d.u.'s
Total density bonus	3[illegible].96 d.u.'s
PDH-5 allowable density	362.58 d.u.'s
Total density	40[illegible].54 d.u.'s



NOTES

1. The property shown hereon is located on Assesment Map 102-1-(1) Parcel 3.
2. Sewage disposal and water supply are to be obtained through public utilities.
3. Solid refuse is to be picked up be a commercial hauler at least twice a week and disposed at the existing sanitary landfill site.

OWNER: Lafayette Medical Accociates & Briary Associates
DEVELOPER: Briary Associates c/o
Mid-City Financial Corp.
545+ Wisconsin Avenue
Chevy Chase, Maryland

ZONING: PDH - 5
NUMBER OF UNITS: 345
PARKING SPACES REQUIRED: 424
PARKING SPACES PROVIDED: 551

PARKING SPACE COMPUTATIONS : Townhouse = 229 : $1\frac{1}{2}$ = 343.5
Multi-family dwellings = 40 : 1.[illegible] = 50
Elderly housing: 122 : [illegible] = 30.5
Total : 424

[illegible] COUNTY
[illegible].C.P.-PLAN IMPLEMENTATION BRANCH
5TH FLOOR - MASSEY BUILDING
DATE RECEIVED 1-4-78 FOR ~~PDH~~ DP AMEND. FOR PDH-5
CASE NO. DPA- B-715 SUBMISSION NO. 1

ALL CONSTRUCTION SHALL CONFORM TO COUNTY STANDARDS AND SPECIFICATIONS.

PROPOSED CONTOURS
EXISTING CONTOURS
PROPOSED EDGE OF CLEARING & GRADING
PROPOSED STORM SEWER
EXISTING STORM SEWER
PROPOSED SANITARY SEWER
EXISTING SANITARY SEWER
PROPOSED WATER LINE
EXISTING WATER LINE

REVISION	DATE	REVISION	DATE	REVISION	DATE
PHASE II	12/6/77				

FIELD BOOKS
HARD COPIES

SPRINGFIELD ASSOCIATES, INC.
PLANNERS • ENGINEERS • SURVEYORS
5700 HANOVER AVE., SPRINGFIELD, VIRGINIA
PHONE 451-3100

DESIGN BY | DATE
SCALE 1"=50'
DEVELOPMENT PLAN
JOB NO. Vol. 1052 WO 7292
SHEET 1 OF 2 SHEETS

Appendix 5

ARTICLE 16

DEVELOPMENT PLANS

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

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. The In order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, PRC Districts 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. In the PTC District, such provisions shall only have general applicability and only at the periphery of the Tysons Corner Urban Center, as designated in the adopted comprehensive plan.

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.