



FAIRFAX COUNTY

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OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151
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August 28, 2002

Lynne J. Strobel, Esquire
Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201-3359

RE: Special Exception Application
Number SE 2002-DR-005

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on August 5, 2002, the Board approved Special Exception Application Number SE 2002-DR-005 in the name of John Milton Colton Hand, II, Alexandra H. Mateer and Victoria B. Hand, located at 1340, 1342, and 1344 Ballantre Lane, Tax Map 31-1 ((2)) 1A, 7A and 24A, to allow establishment of an R-1 cluster subdivision pursuant to Sections 3-105 and 9-615 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Chapter 101 of the County Code, Subdivision Provisions. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled **Special Exception Plat, Ballantrae Hill and prepared by Tri-Tek Engineering which is dated December 12, 2001 and revised through July 15, 2002** and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

4. Stormwater management and best management practices shall be provided as required by DPWES. Measures shall include the designation of a conservation easement on Outlots A, B, and C as described in Condition # 8. In addition, if required, infiltration trenches, rain gardens, or other environmentally sensitive means may be located on the individual lots subject to a maintenance agreement acceptable to DPWES. A written disclosure outlining the existence and maintenance responsibilities for the rain garden, in accordance with maintenance standards set forth in Exhibit A, or other facility approved by DPWES shall be placed in the contracts of sale and in the deed for each lot and recorded in the land records of Fairfax County in a form approved by the County Attorney

5. The applicant shall strictly conform to the limits of clearing and grading as shown on the Special Exception Plat, subject to the installation of the sanitary sewer line as determined DPWES. The sewer line shall be located in the least disruptive manner necessary as determined by the Urban Forester. A replanting plan shall be developed and implemented, subject to approval by the Urban Forester, for any areas outside the sewer easement that must be disturbed. This replanting plan shall also be inclusive of the area of EQC adjacent to the existing tennis court which is located within the limits of clearing and grading. The applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forestry Division representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time, and the applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees.

6. A tree preservation plan shall be submitted as part of the first and all subsequent submissions of subdivision construction plans and grading plans. Development may occur in phases and a grading plan shall be submitted for each lot as development occurs. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division.

10. Should an entry feature be provided, the character, materials, and landscaping shall be consistent with the entry structure at Langley Place. Existing quality vegetation, if any, shall be incorporated into the proposed entry feature design to the greatest extent possible. A photograph of the Langley Place entry feature shall be submitted with the building permit for the proposed entry feature to demonstrate its consistency with the Langley Place entry feature.
11. Notwithstanding any notes on the Special Exception Plat, the homes constructed on the property shall comply with the setback requirements for R-1 Cluster development.

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.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the subdivision has been recorded in the land records of Fairfax County, or unless additional time is approved by the Board of Supervisors. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- **Waived the requirement for one acre of open space with a width greater than 50 feet be provided outside of the floodplain.**
- **Directed that the Department of Public Works and Environmental Services waive the street light requirement for the subdivision entrance on Ballantrae Lane.**

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/ns

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all individual trees designated to be preserved as depicted on the Special Exception Plat as well as those trees 12 inches or greater in diameter located within 10 feet on either side of the limits of clearing and grading. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the Plan.

7. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing consisting of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 6 feet apart shall be erected at the drip line of the specific trees designated on the Special Exception Plat to be preserved, or closer as approved by the Urban Forestry Division in accordance with appropriate precautions as outlined in the tree preservation plan. In addition, super silt fence shall be installed along the limits of clearing and grading to protect the EQC area from disturbance.

All tree protection fencing shall be installed 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. Three days prior to the commencement of any clearing, grading, or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

8. Outlots A, B, and C along the southwestern portion of the subject property totaling approximately 120,500 square feet and the portion of the EQC located within Lots 2, 3 and 4 and located outside the limits of clearing and grading shall be preserved in perpetuity as undisturbed open space which prohibits the removal of trees, except those which are dead, diseased or dying and which prohibits structures and fences from being located within it. The outlots and portions of the private lots described above shall be subject to a conservation easement, which shall run to the benefit of the County and/or a private, non-profit land conservation organization, acceptable to the County, in a form approved by the County Attorney and shall be recorded in the land records of Fairfax County.
9. Supplemental evergreen plantings shall be provided to screen the adjacent residential property to the northeast, in the locations as generally shown on the Special Exception Plat to supplement the existing trees.

SE 2002-DR-005
August 28, 2002

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Attachment

**cc: Chairman Katherine K. Hanley
Supervisor Mendelsohn, Dranesville District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Enforcement Branch
John Crouch, Deputy, Zoning Enforcement Branch, ZPRB
Audrey Clark, Director, BPRD, DPWES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Department of Transportation
Michelle A. Brickner, Director, Site Development Services, DPWES
DPWES – Bonds & Agreements
Department of Highways, VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner**

RECEIVED
Department of Planning & Zoning

AUG 30 2002

Zoning Evaluation Division

PROPOSED DEVELOPMENT CONDITIONS
As recommended by the Planning Commission

SE 2002-DR-005

July 25, 2002

If it is the intent of the Board of Supervisors to approve SE 2002-DR-005, located at 1340, 1342, and 1344 Ballantrae Lane (Tax Map 31-1 ((2)) 1A, 7A, and 24A) to allow establishment of an R-1 cluster subdivision pursuant to Sect. 3-105 and 9-615 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Chapter 101 of the County Code, Subdivision Provisions. Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception (SE) plat **entitled Special Exception Plat, Ballantrae Hill and prepared by Tri-Tek Engineering which is dated December 12, 2001 and revised through July 15, 2002** and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Stormwater management and best management practices shall be provided as required by DPWES. Measures shall include the designation of a conservation easement on Outlots A, B, and C as described in Condition # 8. In addition, if required, infiltration trenches, rain gardens, or other environmentally sensitive means may be located on the individual lots subject to a maintenance agreement acceptable to DPWES. A written disclosure outlining the existence and maintenance responsibilities for the rain garden, in accordance with maintenance standards set forth in Exhibit A, or other facility approved by DPWES shall be placed in the contracts of sale and in the deed for each lot and recorded in the land records of Fairfax County in a form approved by the County Attorney
5. The applicant shall strictly conform to the limits of clearing and grading as shown on the SE Plat, subject to the installation of the sanitary sewer line as determined DPWES. The sewer line shall be located in the least disruptive manner necessary as determined by the Urban Forester. A replanting plan shall be developed and implemented, subject to approval by the Urban Forester, for any areas outside the sewer easement that must be disturbed. This replanting plan

shall also be inclusive of the area of EQC adjacent to the existing tennis court which is located within the limits of clearing and grading. The applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forestry Division representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time, and the applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees.

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The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all individual trees designated to be preserved as depicted on the SE Plat as well as those trees 12 inches or greater in diameter located within 10 feet on either side of the limits of clearing and grading. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the Plan.

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9. Supplemental evergreen plantings shall be provided to screen the adjacent residential property to the northeast, in the locations as generally shown on the SE Plat to supplement the existing trees.
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11. Notwithstanding any notes on the SE Plat, the homes constructed on the property shall comply with the setback requirements for R-1 Cluster development.

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

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.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the subdivision has been recorded in the land records of Fairfax County, or unless additional time is approved by the Board of Supervisors. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written

request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

ATTACHMENT A

Specifications for Maintenance of Rain Gardens

Description	Method	Frequency	Time of the year
SOIL			
Inspect and Repair Erosion	Visual	Monthly	Monthly
ORGANIC LAYER			
Remulch any void areas	By hand	Whenever needed	Whenever needed
Remove previous mulch layer before applying new layer (optional)	By hand	Once every two to three years	Spring
Any additional mulch added (optional)	By hand	Once a year	Spring
PLANTS			
Removal and replacement of all dead and diseased vegetation considered beyond treatment	See planting specifications	Twice a year	3/15 to 4/30 and 10/1 to 11/30
Treat all diseased trees and shrubs	Mechanical or by hand	N/A	Varies, depends on insect or disease infestation
Watering of plant material shall take place at the end of each day for fourteen consecutive days after planting has been completed	By hand	Immediately after completion of project	N/A
Replace stakes after one year.	By hand	Once a year	Only remove stakes In the spring
Replace any deficient stakes or wires	By hand	N/A	Whenever needed
Check for accumulated sediments	Visual	Monthly	Monthly