



County of Fairfax, Virginia

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

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Department of Planning & Zoning

AUG 05 2015

Zoning Evaluation Division

June 24, 2015

Lloyd A. Ntuk
Land Engineering, PLC
11350 Random Hills Road
Fairfax, VA 22030

Re: Special Exception Application SE 2014-DR-033

Dear Mr. Ntuk:

At a regular meeting of the Board of Supervisors held on June 23, 2015, the Board approved Special Exception Application SE 2014-DR-033 in the name of Krishna R. Murthy. The subject property is located at 8512 Lewinsville Road, on approximately 25,564 square feet of land, zoned R-1, in the Dranesville District [Tax Map 29-1 ((1)) 25]. The Board's action permits uses in a floodplain, pursuant to Sections of 9-606 and 2-904 the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception 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 Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Odricks Corner Lot 25, 29-1-((1))-0025, Property of Krishna Ramachandra Murthy, Dranesville District, Fairfax County, Virginia", prepared by Land Engineering, PLC, dated March 19, 2015, 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.

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4. Disclosure of potential flood hazards due to the location of the site within the 100 year floodplain shall be made in writing to any potential home buyers prior to the execution of a sales contract.
5. The amount of fill permitted on the subject site shall not exceed 123 cubic yards.
6. Prior to the submission of a grading plan, the applicant shall obtain a written determination from the US Army Corps of Engineers as to whether any action is required by the applicant to ensure compliance with § 404 of the Clean Water act. Any required actions shall be completed prior to grading the site. If any necessary permissions are not granted or the required actions are not completed, this Special Exception shall be null and void.
7. Concurrent with the first submission of any grading plan, site plan, or minor site plan, the applicant shall submit an additional copy of the plan to the Fairfax County Federal Emergency Management Agency (FEMA) Floodplain Administrator (Stormwater Planning Division) to determine whether the base flood elevation in any Special Flood Hazard Area (SFHA) depicted on the County's Flood Insurance Rate Map (FIRM) would be altered as a result of the new construction shown on the plan, including fill. If the County FEMA Floodplain Administrator determines that the base flood elevation would be altered, the applicant shall submit technical or scientific data to FEMA for a Letter of Map Revision. If the projected increase in the base flood elevation is greater than one foot, the applicant shall also obtain approval of a Conditional Letter of Map Revision from the Federal Insurance Administrator prior to the approval of any construction. If the applicant is required to submit either a Letter of Map Revision and/or Conditional Letter of Map Revision as outlined above, the applicant shall submit a copy of the approval letter from FEMA to the Department of Planning and Zoning (DPZ).
8. Prior to the approval of a grading plan, site plan, or minor site plan, a Hold Harmless agreement shall be executed with Fairfax County for any adverse effects resulting from the location of the site within a floodplain area.
9. If requested by DPWES, a geotechnical report shall be submitted to DPWES prior to grading plan approval. Plans shall be implemented as required by DPWES.
10. Prior to approval of a grading plan, it shall be demonstrated to DPWES that the proposed disturbance, when combined with all other existing, anticipated, and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream.
11. Prior to any additional land disturbing activity, it shall be demonstrated to DPWES that all necessary federal, state, and county approvals have been obtained.

12. Erosion and sediment control measures shall be installed at all stages of construction, as determined by DPWES. A "super silt fence" shall be installed along the lower clearing and grading limits for the site. If deemed necessary by DPWES, controls shall be designed to achieve greater erosion and sediment control than that achieved by the minimum design standards set forth in the Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook.
13. Prior to approval of the framing inspection, a certified as-built floor elevation shall be submitted on a FEMA Certificate to be filed with the Residential Inspections Division, DPWES, in accordance with minimum federal requirements and the Virginia Uniform Statewide Building Code in effect at the time the building permit is issued. In addition, at the time of the framing inspection, it shall be demonstrated to DPWES that the elevation of the lowest part of the lowest floor of the dwelling proposed on the property shall be at least 18 inches above the base flood elevation, in accordance with Par. 2 of Sect. 2-905 of the Zoning Ordinance, and the inspection record shall include a signed or initialed statement of concurrence by the inspector.
14. All mechanical, electrical, and utility equipment shall be located at or above the flood level.
15. The crawl space shall not be converted to a finished basement or any living space.
16. The dwelling shall be limited to a height of 35 feet as measured from the existing grade, as defined by the Zoning Ordinance.
17. Stormwater drainage shall be directed to ditches through the use of pipes, swales, or other devices, as determined by DPWES. All fill areas shall be stabilized, graded, or have drains installed such that rainfall during 2-year and 10 year storm events will not flow over the filled area onto adjacent properties, as determined by DPWES. The following landscaping procedures shall be followed to assure adequate tree preservation.
18. The following landscaping procedures shall be followed to assure adequate tree preservation.
 - A. Tree Preservation. The applicant shall submit a Tree Preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a Certified Arborist or Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division (UFMD), DPWES.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater within 25 feet within the

undisturbed area and 10 feet of the limits of clearing and grading in the disturbed area shown on the SE Plat. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE Plat, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

- B. **Limits of Clearing and Grading.** The Applicant shall conform strictly to the limits of clearing and grading as shown on the Special Exception Plat, subject to allowances specified in these development 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 Special Exception 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.
- C. **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 foot high, 14 gauge welded wire attached to six foot steel posts driven 18 inches into the ground and placed no further than 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 SE Plat, 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 direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three 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.

- D. **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 submitted plan. 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.”
- E. **Site Monitoring.** During any clearing or tree/vegetation/structure removal on the subject property, a representative of the applicant shall be present to monitor the process and ensure that the activities are conducted per these conditions. The applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work adjacent to any vegetation to be preserved and tree preservation efforts in order to ensure conformance with all tree preservation conditions. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan and reviewed and approved by the UFMD, DPWES.
- F. **Landscaping Plans.** Site plans submitted for the development shall include a landscape plan as generally shown on the SE Plat. Tree species and planting sites are set forth on the SE Plat, subject to revision as may be approved by the UFMD, DPWES.

Prior to installation of plants to meet requirements of the approved landscape plan, the contractor/developer shall coordinate a pre-installation meeting on site with the landscape contractor and a representative of the UFMD. Any proposed changes to the location of planting, size of trees/shrubs, and any proposed plant substitutions for species specified on the approved plan shall be reviewed at this time and must be approved prior to planting. The installation of plants not specified on the approved plan, and not previously approved by UFMD may require submission of a revision to the landscape plan or removal and replacement with approved material, prior to bond release. UFMD shall be contacted (703-324-1770) a minimum of three days prior to the meeting on site.

19. The limits of clearing and grading shown on the SE Plat shall be strictly observed and enforced. Any encroachment into, and/or disturbance of, the Resource Protection Area (RPA) not shown on the approved SE Plat will be considered a violation of the Chesapeake Bay Preservation Ordinance (CBPO) and is subject to the penalties of the CBPO Article 9.
20. Any replanting or maintenance of landscaping shown on the approved grading plan shall be in accordance with the Chesapeake Bay Preservation Ordinance (Chapter 118 of the Fairfax County Code).
21. Prior to site plan review, five feet along the property's Lewinsville Road frontage shall be dedicated for the construction of a future bike lane.
22. Prior to site plan review, it shall be demonstrated that the new driveway access onto Lewinsville Road meets VDOT sight distance requirements.
23. The dwelling unit shall be constructed to achieve one of the following:
 - a) Qualification in accordance with ENERGY STAR® (VERSION 3.0) Qualified Homes path for energy performance, as demonstrated through documentation submitted to the Environment and Development review Branch of the Department of Planning and Zoning ("DPZ") and from a home energy rater certified through the Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the Residential Use Permit for the dwelling; or
 - b) Certification in accordance with the National Green Building Standard (NGCS) using the ENERGY STAR® (version 3.0) Qualified Homes path for energy performance, as demonstrated through documentation submitted to the Environment and Development review Branch of the DPZ and from a home energy rater certified through the Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for the dwelling; or
 - c) Certification in accordance with the Earth Craft House Program, as demonstrated through documentation provided to DPWES and DPZ prior to the issuance of the RUP for the dwelling.
24. Prior to the approval of a grading plan, site plan, or minor site plan, the Health Department shall be contacted and the site's existing well shall be properly authorized for irrigation purposes or shall be properly abandoned under a permit issued from the Health Department.
25. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., within the floodplain.

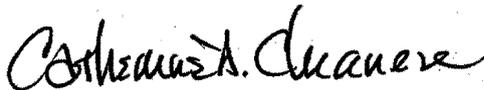
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be themselves responsible for obtaining the required Residential Use Permit through established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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of an approval for a grading plan, site plan, or minor site plan. 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:

- Approved Resource Protection Area Encroachment Exception #6100-WRPA-005-2 and Water Quality Impact Assessment #6100-WQ-003-2, subject to the proposed development conditions contained in Attachment A of Appendix 4 of the staff report dated April 1, 2015.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor John Foust, Dranesville District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Michael Davis, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation