



# 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

OCT 21 2015

Zoning Evaluation Division

October 7, 2015

Dean Packard  
Packard + Associates, LLC  
16220 Frederick Road, #300  
Gaithersburg, MD 20877

Re: Special Exception Application SE 2015-BR-011

Dear Mr. Packard:

At a regular meeting of the Board of Supervisors held on October 6, 2015, the Board approved Special Exception Application SE 2015-BR-011 in the name of Jaye S. Bawa. The subject property is located at 5210 Dunleigh Drive, on approximately 1.71 acres of land, zoned R-2 in the Braddock District [Tax Map 69-4 ((14)) 45]. The Board's action permits a waiver of the minimum lot width requirements, pursuant to Section 9-610 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the special exception (SE) plat entitled "Proposed Lots 125 Thru 127, Dunleigh," prepared by Packard and Associates, LLC, dated August 18, 2015, consisting of 6 sheets, 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. Building footprint areas may be shifted and/or modified within the Building Restriction Lines, provided that building footprint areas are not substantially increased; the limits of clearing and grading are strictly observed; and the critical root zones, as defined by the Urban Forest Management Division (UFMD) for trees to be preserved, are avoided.
5. Accessory uses may be established on the lots in accordance with the provisions of Article 10 of the Zoning Ordinance.
6. The construction of chimneys, patios, bay windows, eaves, and HVAC units shall be in compliance with Article 2 of the Zoning Ordinance.
7. Decks shown on the SE plat may be enclosed and shifted within the rear yards and within the Building Restriction Lines. In addition, open decks may be constructed within the rear yards and within the Building Restriction Lines.
8. Parking must be adequate to accommodate the parking of two cars adjacent to each garage/carport in each private driveway without obstructing the shared portion of the driveway.
9. Any conversion of garages that will preclude the parking of vehicles within the garages shall be prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the Board of Supervisors. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale. The driveway provided for each unit shall be a minimum of seventeen (17) feet in width and twenty (20) feet in length from the garage door to the shared driveway. Garages shall be designed to accommodate a minimum of two (2) vehicles.
10. Landscape plantings shall be in general conformance with the SE plat. Alternative locations may be selected, subject to the review and approval of UFMD, provided that a minimum of four (4) trees are planted along the Dunleigh Drive frontage. All landscaping provided shall be native to the Middle Atlantic region, to the extent feasible, and shall be non-invasive, as determined by UFMD.
11. The Applicant shall provide a Tree Conservation Plan with the first and any subsequent submissions of the Subdivision Plan. The Tree Conservation Plan shall consist of the following elements:
  - a. The location and type of tree protection devices to be provided, as well as information, specifications, and graphical details relating to the timing, installation, and maintenance of tree protection fencing.

October 7, 2015

- b. A tree preservation narrative to describe specific practices used to preserve existing trees. Such practices may include, but are not limited to, crown pruning, mulching, and root pruning.
  - c. All site engineering and layout information matching information provided in the associated special exception plat as required by PFM 12-0501.1A.
12. Soils in which impervious surfaces were removed shall be restored and remediated to support plant growth to the satisfaction of UFMD to include the incorporation of adequate organic materials and the creation of adequate void spaces for air and water. Remediation of these soils shall include the removal of all paving and gravel sub-base materials, the aeration of the soils to a depth of 12 inches through tilling or air excavation, and the incorporation of at least 12 inches of high quality topsoil mixed with organic matter into the remaining soils, with the exception of within critical root zones, which are to be preserved, in order to minimize impacts to roots.
13. Driveway pavement shall be removed by hand under the direct supervision of a Certified Arborist or Registered Consulting Arborist within the critical root zones of existing vegetation to be preserved. The critical root zones shall be covered with a one-inch to two-inch layer of organic compost and then mulched immediately after removing asphalt and watered in so that any exposed roots are not allowed to dry out, or protected using another method, as reviewed and approved by UFMD.
14. An ingress-egress easement shall be recorded prior to Subdivision Plan approval across the portion of the driveway for Lot 126 that accommodates access to Lot 125 and Lot 127. Parking shall also be prohibited within this area.
15. The driveway entrance shall be designed per the VDOT Low Volume Commercial Entrance standard. Minor modifications to the driveway width and curvature may be permitted in accordance with Par. 4 of Sect. 9-004 of the Zoning Ordinance without the need for a Special Exception Amendment.
16. New dwelling units shall be constructed to achieve one of the following:
  - a. Certification in accordance with the EarthCraft House Program as demonstrated through documentation provided to DPWES and the Environment and Development Review Branch of DPZ prior to the issuance of a RUP for each dwelling; or
  - b. Certification in accordance with the 2012 National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to DPWES and the Environment and Development Review Branch of DPZ from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for the dwelling unit.

October 7, 2015

17. The location of utility lines may be adjusted during the subdivision review process in order to consolidate lines and minimize disturbance within the public right-of-way without the need for a Special Exception Amendment, provided that the limits of clearing and grading are strictly observed and the critical root zones for trees to be preserved, as defined by UFMD, are avoided.
18. All lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
19. The architectural design of the proposed dwellings shall be compatible with the surrounding development using compatible materials and colors.
20. The Applicant shall request that this property be incorporated into the Dunleigh Homeowners' Association (HOA), so that the Subject Property can be governed by the bylaws and covenants of the Dunleigh HOA, including, without limitation, the provisions of pro rata maintenance contributions for the common facilities of the Dunleigh HOA and the architectural review of dwellings to ensure that the dwellings on the Subject Property are compatible with the existing dwellings in Dunleigh. In the event that the Applicant's application for incorporation into the Dunleigh HOA is not accepted, the Applicant shall have no further obligation under this condition.
21. Exterior building construction shall occur only Monday through Friday in accordance with Fairfax County regulations, with the exception of foundation work, which may also occur on Saturdays. The allowable days of construction as specified in this condition shall be listed within any contract with contractors associated with construction on the site.
22. Any construction vehicles or construction worker vehicles shall park along the curb within the public right-of-way or on the Applicant's property so as to minimize disruption to the flow of traffic on Dunleigh Drive.

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 himself shall be responsible for obtaining the required Residential Use Permits 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 the use has been established or construction has commenced and been diligently prosecuted. 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

SE 2015-BR-011

October 7, 2015

specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Sincerely,



Catherine A. Chianese  
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova  
Supervisor John Cook, Braddock 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, PCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
Jill Cooper, Executive Director, Planning Commission  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation