



FAIRFAX COUNTY

BOARD OF ZONING APPEALS

PUBLIC HEARING DATE: May 15, 2024
TIME: 9:00 AM

V I R G I N I A

May 1, 2024

STAFF REPORT

APPEAL APPLICATION ZAPL-2023-DR-00021

DRANESVILLE DISTRICT

APPELLANT: Lilly Parker, Trustee of the Lilly Parker Revocable Living Trust

PROPERTY LOCATION: 7309 Dulany Drive
McLean, VA 22101

TAX MAP REF: 30-1 ((2)) 11

ZONING DISTRICT: R-1

SITE AREA: Approximately 2.1 acres

NATURE OF APPEAL: Appeal of a Notice of Violation that riprap was installed in a channel preventing adequate drainage and causing water to pond on a neighboring property, in violation of Zoning Ordinance provisions.

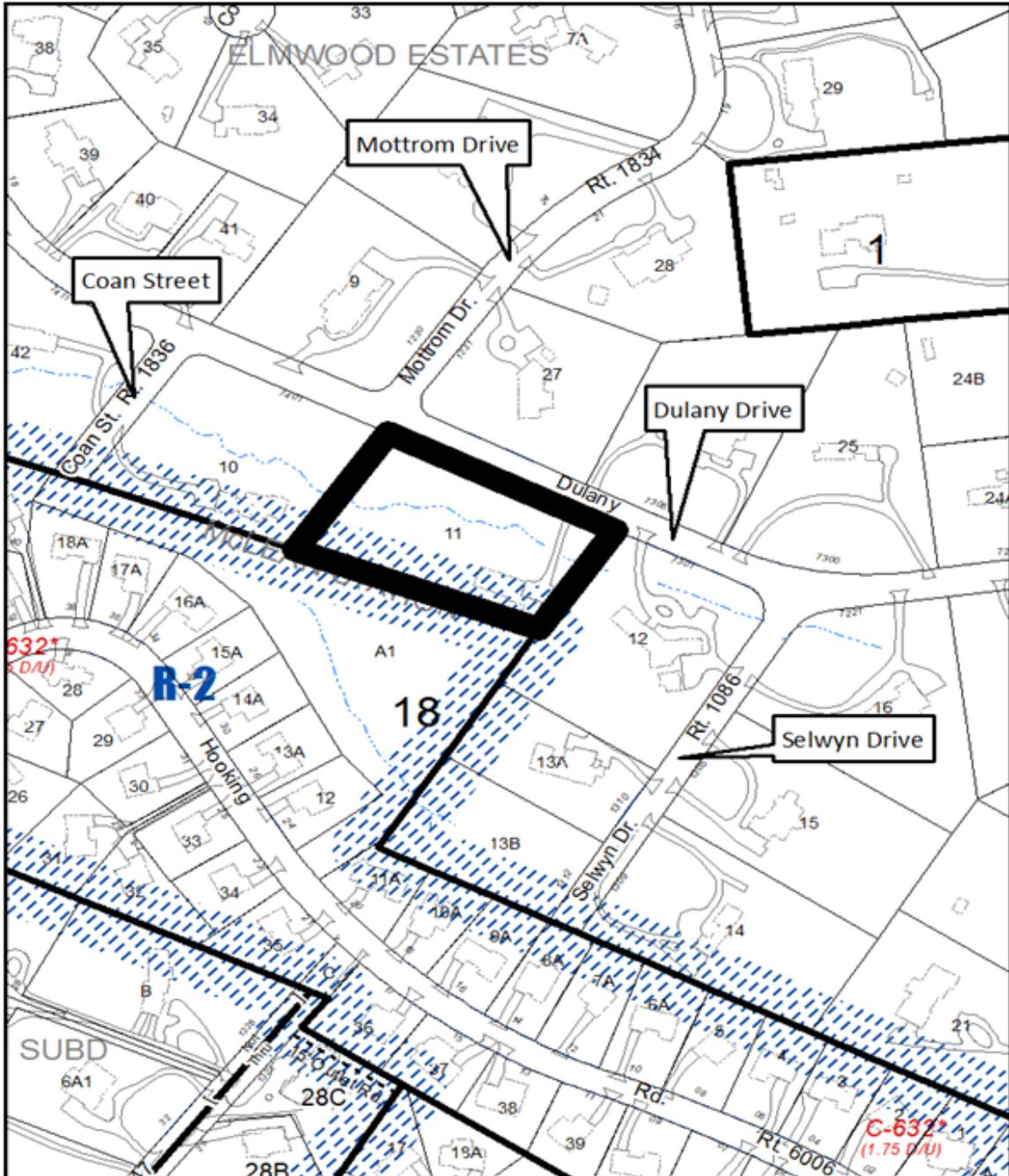
AG



American with Disabilities Act (ADA): For special accommodations, call 703-324-1334 (TTY 711 Virginia Relay Center) 48 hours in advance of the meeting to make the necessary arrangements.

APPEAL APPLICATION

ZAPL-2023-DR-00021 LILLY PARKER, TRUSTEE OF THE LILLY PARKER REVOCABLE LIVING TRUST. ZAPL-2023-DR-00021. An appeal of a Notice of Violation that riprap was installed in a channel preventing adequate drainage and causing water to pond on a neighboring property, in violation of Zoning Ordinance provisions. Located at 7309 Dulany Drive, McLean, VA 22101. Approx. 2.1 acres of land zoned R-1, Dranesville District, Tax Map # 30-1 ((2)) 11.



DESCRIPTION OF APPEAL

- Appellant:** Lilly Parker, Trustee of the Lilly Parker Revocable Living Trust
- Issue:** Appeal of a Notice of Violation that riprap was installed in a channel preventing adequate drainage and causing water to pond on a neighboring property (7301 Dulany Drive), in violation of Zoning Ordinance provisions.
- Property Description:** The subject property is located at 7309 Dulany Drive (the “Property”), Tax Map # 30-1 ((2)) 11, located approximately 300 feet west of the intersection of Dulany Drive and Selwyn Drive, and southeast of Mottrom Drive. The approximately 2.1-acre property is zoned to the R-1 District. The property is currently developed with a single family detached dwelling that was built in 1955. A copy of the zoning map sheet showing the Property is on the previous page.
- Appellant’s Position:** The Appellants’ application and basis for appeal are set forth in Attachment 1.

ZONING ORDINANCE PROVISION

The Zoning Ordinance provision germane to this appeal is listed below. A hyperlink to this provision can be found in the footnotes.

- Subsection 5104.3.A – Drainage, Floodplains, Wetlands and Resource Protection Areas¹

BACKGROUND

- Building Permit No. 12258 was issued on July 18, 1955, to build a new single-family detached dwelling on the Property.
- Robert M. and Yon Suk Parker (Lilly Parker), purchased the Property on July 7, 1969, pursuant to a deed of sale, found in Deed Book 3195, Page 615. A copy of the deed is enclosed in Attachment 2.
- On March 23, 2005, staff from the Department of Public Works and Environmental Services (DPWES) met with Ms. Parker in response to her complaint regarding increased runoff and a new stormwater outfall pipe installed on her neighbor’s property at 7301 Dulany Drive. At that time staff explained that the new stormwater feature was designed to slow water before it reaches the drainage channel on her property. Ms. Parker was advised that upgrades to the drainage channel on her property would require submittal of a plan to the County. A copy of the complaint log associated with this meeting is enclosed as Attachment 3.

¹ <https://online.encodeplus.com/regs/fairfaxcounty-va/doc-viewer.aspx?tocid=001.006.005>

- Property ownership transferred to Lilly Parker, Trustee of Lilly Parker Revocable Living Trust, on September 28, 2007, via a deed found record in Deed Book 19606, Page 119. A copy of the deed is enclosed in Attachment 4.
- A storm drainage easement was granted to Fairfax County, across the neighboring property located at 7301 Dulany Drive, on May 4, 2012, via a deed of easement found in Deed Book 22392, Page 1112. This easement extends the width of that neighboring property, from Selwyn Drive to the Appellant's northeastern side property line. A copy of this deed of easement is enclosed as Attachment 5.
- On October 7, 2022, the Maintenance and Stormwater Management Division (MSMD) of the Department of Public Works and Environmental Services received a complaint stating that riprap had been added in a drainage channel on the subject Property causing water to pond on a neighboring property (7301 Dulany Drive). An inspection was conducted by MSMD on October 12, 2022, and riprap was observed within the drainage channel located on the Property.
- On November 1, 2022, MSMD sent a certified letter to Ms. Parker, explaining that the riprap placed within a drainage channel on her property was impeding stormwater flow and causing water to backup (ponding) onto a neighboring property (7301 Dulany Drive). This letter requested that Ms. Parker alter, lower, or remove the riprap on her property in order to allow for positive drainage, resulting in compliance with the Zoning Ordinance. A copy of this letter is enclosed in Attachment 6.
- On January 6, 2023, MSMD conducted a follow up inspection of the Property, which was after a rain event. It was determined that the grade of the drainage channel had been elevated with the addition of the riprap, resulting in, blockage, ponding within the storm drainage water drainage easement, and inadequate drainage which is a violation of subsection 5104.3.A of the Zoning Ordinance. Photographs showing ponding of water on the neighboring property (7301 Dulany Drive) are enclosed in Attachment 7. As a result, on January 17, 2023, MSMD issued a memorandum to the Department of Code Compliance (DCC), requesting a Notice of Violation (NOV) be issued to the Property. A copy of this memorandum is enclosed in Attachment 8.
- A NOV was issued to Ms. Parker on February 8, 2023, for a violation of subsection 5104.3.A of the Zoning Ordinance. This NOV directs the appellant to remove the riprap obstructing the drainage channel to restore natural flow of surface water through the area. A copy of this NOV is enclosed in Attachment 9.
- On February 8, 2023, the Appellant, by counsel, appealed the NOV. Acceptance of this appeal application was delayed until August 22, 2023, to allow County staff time to discuss solutions for the violation and give the Appellant time to submit additional supporting documents. On September 29, 2023, a new NOV was issued by DCC to rescind and reissue the February 8, 2023, NOV. This was in response to the Virginia State Supreme Court rendering the 2021 Fairfax County Zoning Ordinance void ab initio on March 23, 2023. A copy of this NOV is enclosed in Attachment 10.

- On October 23, 2023, Parker, by counsel, appealed the NOV issued on September 29, 2023. Per request by her counsel, the acceptance of this appeal application was delayed to allow the appellant time to reach a compliance agreement with the County.
- On December 6, 2023, a meeting was held at the Property to discuss methods of compliance. Staff from DCC, DPD, MSMD, and the Office of the County Attorney were present at this meeting.
- On December 29, 2023, a proposal for the County to remedy the subject violation, using County personnel and resources, was offered at no cost to Parker. This proposal included the lowering of riprap on the property line and adding new riprap within the storm drainage easement in order alleviate ponding and promote positive flow of storm water. A copy of this proposal is enclosed as Attachment 11. Parker was given a deadline of March 11, 2023, to accept this offer.
- The application for appeal was accepted on January 22, 2024, and is scheduled for public hearing before the BZA on May 15, 2024.
- On February 27, 2024, Parker's counsel declined the County's offer, via email, to remedy the subject violation using County personnel and resources, and at no cost to Parker.

SUMMARY OF THE APPELLANTS' POSITION

Parker contends that the riprap located on her Property was installed in its present location approximately 20 years ago, and that the ponding issues occurring on the neighboring property (7301 Dulany Drive) were created by the neighboring property owners rather than herself. Parker states that an investigator, presumably County staff, instructed the neighbor to construct a stormwater pond to address surface water issues, but that the creation of this pond did not address the downhill flow of water. Parker further asserts that the removal of riprap on the Property is not necessary because the riprap is not causing the ponding noted in the NOV. Parker engaged a licensed soil engineer from the firm Soil and Structural Consulting. Parker states that her engineer's opinion is that removal of riprap and the construction of a stormwater pond on the property located at 7301 Dulany Drive was not necessary. Parker has also informed County staff, that she is concerned that allowing water to enter the drainage channel on her property will cause flooding and erosion issues.

ZONING ADMINISTRATOR'S POSITION

For the reasons detailed below, and in the NOV, the Zoning Administrator determined that the riprap located on the Property has changed the course and elevation of a drainage channel, in a manner that obstructs the natural flow of water.

The singular issue of this appeal is whether the Appellant has violated subsection 5104.3.A of the Zoning Ordinance, which is stated below:

No building may be erected and no change may be made to the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or change the drainage of the land without providing adequate drainage related to the changes made, as determined by the Director in accordance with the provisions of the Public Facilities Manual. That finding must account for land development that may take place in the vicinity under the provisions of this Ordinance.

Infill Lot Grading Plan #3786-INF-001-1, entitled “Lot 12, Section 2, Elmwood Estates” was issued on February 6, 2004, for the construction of a new single family detached dwelling unit located at 7301 Dulany Drive (the neighboring property). A copy of this plan is enclosed in Attachment 13. This plan shows that the outfall, or bottom (invert out) of the stormwater drainage pipe, on the neighboring property was proposed at an elevation of 298 feet, and the drainage channel positioned along the Parker’s northeastern property line was located at an elevation of 296 feet. This stormwater pipe was installed and designed to allow for stormwater runoff to exit the pipe and gradually flow downhill into the natural drainage channel located on the Property. On May 4, 2012, the County obtained a stormwater drainage easement across the property located at 7301 Dulany Drive. This easement ends at Parker’s northeastern property line.

In response to this appeal application, MSMD contracted Rinker Design Associates to perform a topographic survey of the stormwater easement located at 7301 Dulany Drive. That survey (Attachment 14) states that the invert out of the driveway culvert has an elevation of 297.36 feet, while the drainage channel at the property line currently has an elevation of 298.82 feet. Parker’s installation of riprap along her property line has increased the elevation of the drainage channel by 1.46 feet above the invert out of the driveway culvert. This survey along with the photographs taken during MSMD’s January 6, 2023, inspection, clearly show that changes have been made to the elevation of a drainage channel in a manner that obstructs, interferes with, and changes the drainage of the land without providing adequate drainage related to the changes made.

RESPONSE TO APPELLANT’S POSITION

In her appeal statement, Parker admits to installing the subject riprap approximately twenty years ago:

“Ms. Parker knows that the riprap, which was installed almost twenty years ago, and which was approved at the time by the County is not the cause of water problems on the uphill neighbor’s property.”

Changes made to the course, width, or elevation of a drainage channel have been prohibited by the Zoning Ordinance since 1978. Prior to the adoption of the 2023 Zoning Ordinance, this provision was located in Par. 1 of Sect. 2-602 of the 1978 Zoning Ordinance. Therefore, the subject riprap installed around 2005 was done in violation of the Zoning Ordinance. Additionally, no documentation can be found, nor has any documentation been provided by the Appellant, which substantiates their claim that the installation of the riprap was approved by the County.

Lastly, Parker claims that changes made on the property located at 7301 Dulany Drive, were directed by a County investigator and are the cause of her neighbor’s stormwater related problems. Contrary to this belief, the stormwater drainage channel located at 7301 Dulany Drive, is intended to slow water before it reaches the draining channel located on the Property. This fact was conveyed to Parker by County staff originally on March 25, 2005, and has continually been conveyed since such time. Further, since 2012, MSMD has managed the stormwater drainage feature and easement located at 7301 Dulany Drive to the best of their ability to direct stormwater runoff and mitigate flooding. Ms. Parker’s obstruction of this drainage channel, through the installation of the riprap, undermines the intended design of this stormwater feature and easement to direct stormwater runoff into a natural drainage channel.

CONCLUSION

In conclusion, the Zoning Administrator correctly determined that riprap located on Parker's property has changed the course and elevation of a drainage channel, in a manner that obstructs the natural flow of water. The presence of this riprap in a drainage channel, on the Property, is in violation of the Zoning Ordinance. For these reasons, staff recommends that the BZA uphold the Zoning Administrator's determination dated September 29, 2023.

ATTACHMENTS

1. Appeal Application and Basis for Appeal
2. Copy of Deed Book 3195, Page 615
3. March 25, 2005, DPWES Complaint Log
4. Copy of Deed Book 19606, Page 119
5. Copy of Deed Book 22392, Page 1112, Deed of Easement
6. November 1, 2022, Letter to Ms. Parker from MSMD
7. January 6, 2023, Inspection Photos
8. January 17, 2023, Memorandum to the Department of Code Compliance
9. February 8, 2023, Notice of Violation
10. September 29, 2023, Notice of Violation
11. December 29, 2023, Remedial Proposal from County to Ms. Parker
12. February 27, 2024, Emails from Appellant's Council
13. Infill Lot Grading Plan #3786-INF-001-1
14. April 11, 2024, Topographical Survey of a Portion of 7301 Dulany Drive

LAW OFFICES OF
Friedlander & Friedlander, P.C.
(FOUNDED IN 1925)

Mark P. Friedlander, Sr. (1903-1978)
Mark P. Friedlander, Jr.
Jerome P. Friedlander, II

1364 Beverly Road, Suite 201
McLean, VA 22101-3645

Phone: 703-893-9600
Fax: 703-893-9650

Email: jpfriedlander@friedlanderpc.com

Members of the Virginia Bar & D.C. BAR

www.Friedlanderlaw.net

October 20, 2023

Zoning Administrator
The Board of Zoning Appeals
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, VA 22035

Re: NOTICE OF APPEAL
Pursuant to Va. Code §15.2-2311
Tax Map Ref: 0301020011
Zoning District R-1
Investigation # ZINV-2023-00056
Complaint# DCCCOMP-2023-00358
Zoning Violation 5104.3A under Zoning Ordinance 8106.3.A(1)

Dear Zoning Administrator:

This office represents Lilly Parker, Trustee of the Lilly Parker Revocable Living Trust, the owner of 7309 Dulany Drive, McLean, VA.

The previous Notice of Violation for this same complaint, was previously appealed timely and at the direction of Senior Planner, Austin Gastrell, the complaint is being reissued and it is that reissued notice that is being appealed. I am advised that the appeal fee previously paid will be applied to this current appeal.

The reissued Notice of Violation dated 9/29/2023 that is being appealed is attached hereto and complains that the riprap installed in the middle of the channel, some 20 years ago, has created a violation of subsection 5104.3.A of the Fairfax County Zoning Ordinance.

The basis for this appeal by the owner, through her attorney and agent, is that the riprap involved has been at its present location for approximately two decades and the problem that the investigator was addressing was caused by Ms. Parker's uphill neighbor at 7301 Dulany Drive and not by her.

The investigator caused the uphill neighbor to construct a pond to deal with surface water but that pond did not address the flow downhill and the investigator is now citing Ms. Parker to remove the riprap that exists on her property because of the ponding that the investigator directed be done by the uphill neighbor.

Ms. Parker has engaged a licensed soils engineer, Kenneth Fraine of Soil & Structural Consulting, 1889 Preston White Dr. #104, Reston, VA 20191. Mr. Fraine has advised that the

pond that was constructed was not necessary and that the removal of the riprap is not necessary. There are simpler solutions that will disturb less land, but the investigator refused to listen to alternative solutions and refused to recognize that Ms. Parker has not violated the ordinance.

Mr. Fraine opines that Ms. Parker has not violated any ordinance and she is being accused of an installation that was made approximately 20 years ago which did not cause this problem.

Ordinance 5104.3.A reads as follows:

“No building may be erected and no change may be made to the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or change the drainage of the land without providing adequate drainage related to the changes made, as determined by the Director in accordance with the provisions of the Public Facilities Manual. That finding must account for land development that may take place in the vicinity under the provisions of this Ordinance.”

Mr. Fraine opines and Ms. Parker knows that the riprap which was installed almost twenty years ago and which was approved at that time by the county is not the cause of water problems on the uphill neighbor’s property.

Ms. Parker has not *“made any change to the existing contours of any land...”* and is therefore not in violation of this ordinance.

Lilly Parker, Trustee

A handwritten signature in blue ink, appearing to be 'Lilly Parker', with a stylized flourish extending to the right.

By Jerome P. Friedlander, II, her attorney and agent



County of Fairfax, Virginia

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

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: 09/29/2023
METHOD OF SERVICE: Office of the Sheriff
LEGAL NOTICE ISSUED TO: Lilly Parker Revocable Living Trust
c/o Lilly Parker, Trustee
ADDRESS: 7309 Dulany Dr
McLean, VA 22101
LOCATION OF VIOLATION: 7309 Dulany Dr
McLean, VA 22101
TAX MAP REF: 0301020011
ZONING DISTRICT: R-1
INVESTIGATION #: ZINV-2023-00056 **COMPLAINT #:** DCCCOMP-2023-00358
ISSUING INVESTIGATOR: Matthew Stenger, 703-324-8248

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE § 8106.3.A(1):

Zoning Violation	First Offense	Each Subsequent Offense
5104.3.A	\$200.00	\$500.00
TOTAL:	\$200.00	\$500.00

Dear Responsible Party:

This Notice of Violation cites the identical Zoning Ordinance violations contained in the previously issued Notice of Violation dated February 8, 2023. The provisions of the Zoning Ordinance adopted on May 9, 2023, that pertain to drainage are substantively identical to those contained in the 1978 Zoning Ordinance. The only difference is that, based on how the 1978 Zoning Ordinance was structured, the violations fell under different subsections (1978 Zoning Ordinance § 02-602.1). The violations cited in this Notice of Violation are also identical to violations under the version of the Zoning Ordinance that was in effect when the February 8, 2023 NOV was issued.

A memorandum provided to the Department of Code Compliance by the Fairfax County Department of Public Works and Environmental Services, Maintenance and Stormwater Management Division, dated September 25, 2023 revealed the above referenced property is in violation of the following violation(s) of the Fairfax County Zoning ordinance

§ 5104.3.A Drainage:

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia, 22035-5508
Phone: 703 324-1300 Fax: 703 653-9459 TTY: 711
www.fairfaxcounty.gov/code

According to the memorandum provided by the Fairfax County Department of Public Works and Environmental Services, Maintenance and Stormwater Division dated September 25, 2023, the property at 7309 Dulany Drive, has installed riprap in a channel, preventing adequate drainage and causing water to pond on a neighboring property.

The riprap installed in the middle of the channel has created a violation of subsection 5104.3.A of the Fairfax County Zoning Ordinance which states:

No building may be erected and no change may be made to the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or change the drainage of the land without providing adequate drainage related to the changes made, as determined by the Director [of Land Development Services] in accordance with the provisions of the Public Facilities Manual. That finding must account for land development that may take place in the vicinity under the provisions of this Ordinance.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing, on a permanent basis, the riprap obstruction within the channel located on this property and restoring the natural flow of surface water through this area

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning Ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §8106.3.A(1). The Zoning Administrator may also seek to enjoin this violation.

Civil penalties entered by the General District Court must be paid to the Office of the County Attorney. Investigators may not accept any payments, including those associated with fines and fees.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with §15.2-2311 of the Code of Virginia and Zoning Ordinance §8100.10. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Fairfax County Zoning Ordinance §§ 8100-8102. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

Zoning Administration Division

Lilly Parker Revocable Living Trust
c/o Lilly Parker, Trustee
09/29/2023
ZINV-2023-00056
Page 3

12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703)324-1314

Information and forms can also be obtained at <https://www.fairfaxcounty.gov/planning-development/board-zoning-appeals/appeals-process>

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at 703-324-8248. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

Matthew Stenger
Code Compliance Investigator
703-324-8248
Matthew.Stenger@fairfaxcounty.gov

20186

DEED BOOK 3195 PAGE 615

This Deed, made this 7th day of July, 1969 by and between Douglas W. Goodall and Mary E. Goodall, his wife,

grantor(s) and

Robert M. Parker, Jr. and Yon Suk Parker, his wife,

grantee(s).

Witnesseth: That for and in consideration of the sum of ten dollars and other valuable considerations, the grantor(s) do(es) hereby grant, bargain, sell and convey unto the grantee(s) as joint tenants with the full common law right of survivorship, in fee simple and with general warranty of title, the following described land with its improvements in the County of Fairfax, Virginia:

Lot Eleven (11), Section Two (2), ELMWOOD ESTATES, as the same appears duly dedicated, platted and recorded among the land records of Fairfax County in Deed Book 815 at page 264. For derivation of title see Deed Book 2352, page 498.

Aug. 1, 1969. Ret. to: Forman & Cherwek

Subject to restrictive covenants, easements and rights of way of record.

Subject to the following deed(s) of trust in the original amount(s) of \$31,750.00 of record; the balances of which the grantee(s) agree(s) to assume and to pay as part of the consideration hereof

The grantor(s) covenant(s) the usual following warranties unto the grantee(s): "Right to convey; free from encumbrances, except aforementioned; quiet possession; further assurances."

Witness the following signature(s) and seal(s):

Douglas W. Goodall (SEAL)
Mary E. Goodall (SEAL)

STATE OF VIRGINIA

CITY

OF

ALEXANDRIA

, to-wit:

I, the undersigned, a notary public for the State and City of ALEXANDRIA aforesaid, do hereby certify that Douglas W. Goodall and Mary E. Goodall, his wife, whose name(s) (is) (are)

signed to the foregoing deed dated July 7, 1969 have acknowledged the same before me in my City of ALEXANDRIA aforesaid.

Given under my hand and notarial seal this 7th day of July, 1969 My commission expires on the 17th day of July, 1971.

Impress seal here:

State Tax \$ 81.00
County Tax \$ 27.00
Add'l. Tax \$ 26.50

Edward Forman notary public

In the Clerk's Office of the Circuit Court of Fairfax County, Virginia JUL 16 1969 at 10:53 AM. This instrument was received and, with the certificate annexed, admitted to record

Teste:

W. Markton Jenkins Clerk

COMPLAINT LOG

COMPLAINT # **05-0396**

Last Edit Date: 4/2/2005

Complaint Year: **05**

Received

Date: **03/18/05** Tax Map: **030.1 ((02))() 0011 -** TAX MAP LOOKUP
 Time: **12:59** Last Name: **PARKER** First: **LILLY** Mr/Ms: **MS**
 By: **PVB** Street #: **7309** Name: **DULANY DR**

Response

Subdivision: **ELMWOOD ESTS SEC 2**
 Date: **03/18/05** BOS District: **DRANESVILLE**
 Time: **12:59** Home Phone: **(703) 356-3302** Work Phone: **(703) 893-5298** Ext:

COMPLAINT

YARD FLOODING

Agency Program

CITRESP

- Erosion
- House Flooding
- Road Flooding
- Yard Flooding
- Other Type

Correspondence Received? **Y**

Complaint from BOS? **N**
 BOS Member:
 BOS Contact:
 Phone:

County Rights

RESPONS

REFERRED

Referred To: **OSDS**

Work Order Type: **N/A** WO #: Control #: Date: SWM ID#:

Investigated By: **V. BROWN** Close Date: **03/23/05**

Watershed: Consider for Storm Drainage Project Affected by Upstream Development

Additional Information:

See complaint for further details

05-0396

MEETING SET FOR 03/23/05 AT 11:00 AM. H/O IS CONCERNED WITH OUTFALL AREA OF NEW PIPE. SAYS THEY'RE CHANGED IT AND IT'S CAUSING STANDING WATER. SHE'S ALSO ALLEGING THAT MORE RUN-OFF IS BEING GENERATED CAUSING FLOODING DURING HEAVY RAIN EVENTS THAN SHE HAD BEFORE, AND THAT SHE NOW HAS HOLES IN HER D/W PIPE FROM THIS INCREASED RUN-OFF. THERE'S A LARGE DRAINAGE AREA THAT HAS ALWAYS DRAINED THROUGH THIS PROPERTY BEING RE-DEVELOPED AND INTO HER PROPERTY, SO THE AMOUNT OF STORMWATER HAS BARELY INCREASED ONLY BECAUSE WHEN THEY TORE DOWN THE OLD HOUSE TO BUILD THE NEW ONE A LOT OF TREES WERE CLEARED. WE EXPLAINED TO HER THAT BY THEM PUTTING IN A PIPE SYSTEM ACROSS THE EXISTING RAVINE FOR A DRIVEWAY CROSSING IT'S ACTING AS SWM POND AND ACTUALLY SLOWS THE WATER DOWN BEFORE ENTERING HER PROPERTY. MRS. PARKER WANTS TO REWORK THE OUTFALL AREA AND REPLACE HER D/W PIPE. TOLD HER SHE NEEDS TO HAVE HER ENGINEER DO THE DESIGN & SUBMIT A PLAN TO THE COUNTY. THIS MATTER IS STRICKLY TO BE HANDLED BY EFID AS THIS IS NEW CONSTRUCTION. PLANS & LETTERS AS IN PDD FILES.

Fairfax County Circuit Court, CPAN Cover Sheet v2.0

Page 1 of 1

Fairfax County Circuit Court CPAN Cover Sheet v2.0

Instruments

DEED

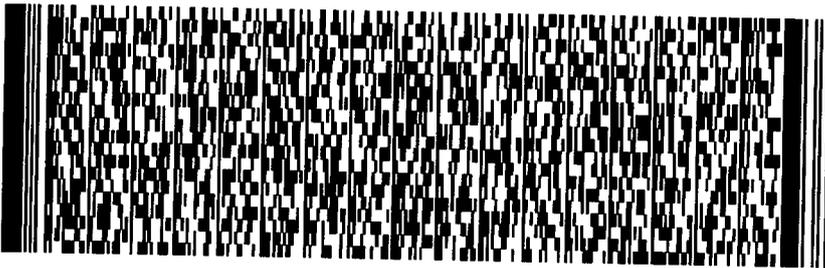
Grantor(s)

PARKER, LILLY_I_N

Grantee(s)

PARKER, LILLY_I_T

Consideration	0	Consideration %	100
Tax Exemption	811	Amount Not Taxed	
DEM Number		Tax Map Number	030-1- -02- -0011-
Original Book	815	Original Page	264
Title Company	No Title Comp. / Prepared by Atty		Title Case
Property Descr.	ELMWOOD ESTATES, LOT ELEVEN (11) SECTION TWO (2)		
Certified	No	Copies	0
		Page Range	



THIS DEED is made this 28 day of September, 2007, by and between **LILLY PARKER**, a/k/a Yon Suk Parker, GRANTOR; and, **LILLY PARKER, Trustee** of the Lilly Parker Revocable Living Trust, GRANTEE.

WITNESSETH:

WHEREAS Lilly Parker, Trustee, is the Trustee under the Lilly parker Revocable Living Trust which is a revocable living trust created by Lilly Parker, by trust declaration dated August 30, 2000 for the benefit of the Grantor herein/Trustmaker; and

WHEREAS Robert M. Parker, Jr. passed away on June ^{L.P.} 6, 2002, leaving Lilly Parker, as the sole surviving owner of this property; and

WHEREAS The beneficiary under the trust is the same person as the grantor herein;

That for and in consideration of the gift from Grantor to Grantee, the GRANTOR does hereby grant and convey with GENERAL WARRANTY OF TITLE, unto the GRANTEE, all of that certain lot or parcel of land situate, lying and being in Fairfax County, Virginia, and being more particularly described as follows:

Lot Eleven (11) Section Two (2), ELMWOOD ESTATES, as the same appears duly dedicated, platted and recorded in Deed Book 815 at Page 264 among the land records of Fairfax County, Virginia.

AND BEING the same property conveyed by Deed dated July 7, 1969 from Douglas W. Goodall and Mary E. Goodwall, a/k/a Mary E. Goodall, his wife, Grantors, to Robert M. Parker, Jr. and Lilly Parker, a/k/a Yon Suk Parker, his wife, recorded in Deed Book 3195 at Page 615 among the land records of Fairfax County, Virginia.

Full power and authority is hereby granted to the Trustee and her successors to protect and conserve the Property; to sell, contract to sell and grant options to purchase the Property and any right, title or interest therein on any terms; to exchange the Property or any part thereof for any other real or personal property upon any terms; to convey the Property by deed or other conveyance to any grantee, with or without consideration; to mortgage, execute a deed of trust on, pledge or otherwise encumber the Property or an part thereof; to lease, contract to lease, grant options to lease and renew, extend, amend and otherwise modify leases on the Property or any part thereof from time to time, for any period of time, for any rental and upon any other terms and conditions; and to release, convey or assign any other right, title or interest whatsoever in the Property or any part thereof.

Transfer Exempt: § 58.1-811(A)(12)
Transfer to Revocable Trust

Tax Map Ref: 030-1-02-0011

Mrs. Lilly Parker
7309 Dulany Drive
McLean, VA 22101

PLEASE RETURN TO:

Jerome P. Friedlander, II, Esq.
1364 Beverly Road, Suite 201
McLean, VA 22101

No party dealing with the Trustee in relation to the Property in any manner whatsoever, and (without limiting the foregoing) no party to whom the Property or any part thereof or any interest therein shall be conveyed, contracted to be sold, leased or mortgaged by the Trustee, shall be obliged; (a) to see to the application of any purchase money, rent or money borrowed or otherwise advanced on the Property; (b) to see that the terms of the trust have been complied with; (c) to inquire into the authority, necessity or expediency of any act of Trustee; or (d) be privileged to inquire into any of the terms of the Trust Agreement creating said Trust.

Every deed, mortgage, lease or other instrument executed by the Trustee in favor of every person claiming any right, title or interest thereunder shall be deemed to represent that: (a) that at the time of the delivery thereof the said trust was in full force and effect; (b) that such instrument was executed in accordance with the trust, terms and conditions thereof and of the said Trust Agreement and is binding upon all beneficiaries thereunder; (c) that the Trustee was duly authorized and empowered to execute and deliver every such instrument; and (d) if a conveyance has been made to a successor or successors in trust, that such successor or successors have been properly appointed and are fully vested with all the title, estate, rights, powers, duties and obligations of her predecessor in trust.

The Trustee shall have no individual liability or obligation whatsoever arising from Trustee's ownership as Trustee of the legal title to the Property, or with respect to any act done or contract entered into or indebtedness incurred by said Trustee in dealing with said Property, or in otherwise acting as Trustee, except only so far as said Property and any trust funds in the actual possession of the Trustee shall be applicable to the payment and discharge thereof.

The Trustee named herein is acquiring title as Trustee only, and not in her personal name. No right, title or interest of the Trustee in the Property shall be subject to any claims against the Trustee in her individual or personal name, whether such claim may be by marriage, dower, curtesy, blood relationship or inheritance.

The interest of every beneficiary under the Trust Agreement and of all persons claiming under any of them shall be only in the earnings, avails and proceeds arising from the rental, sale or other disposition of the Property. Such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any right, title or interest, legal or equitable, in or to the Property, as such, but only in the earnings, avails and proceeds thereof as provided in the Trust Agreement.

The beneficiary of this Trust shall have the power to appoint a successor Trustee or Trustees

at any time, without notice. This right may be exercised multiple times without limitation.

This conveyance is made subject to any restrictions, conditions, rights of way and easements of record.

This Deed was prepared without the benefit of title examination. No warranty or guaranty of any kind whatsoever is made by its preparer as to state of its title.

WITNESS the following signature and seal:

Lilly Parker [SEAL]
Lilly Parker

Lilly Parker [SEAL]
Lilly Parker, Trustee who joins herein to acknowledge Trustee's agreement to the terms and conditions contained herein.

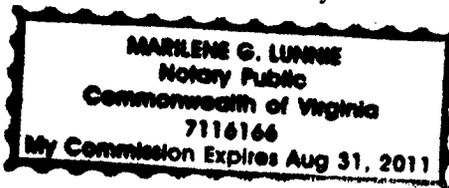
STATE OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

I, Marilene G. Lunnie, a Notary Public in and for the County aforesaid, State of Virginia, do hereby certify that Lilly Parker and Lilly Parker, Trustee whose name is signed to the foregoing Deed dated September 28, 2007, being duly authorized to execute this Deed, personally appeared before me in my said County and acknowledged the same.

GIVEN Under my hand this 28 day of September, 2007.

Marilene G. Lunnie
Notary Public

My Commission Expires: 8-31-11



VB Cover Sheet Version 2.0

Page 1 of 1

Fairfax Land Records Cover Sheet - 15351-001 ESMT 1

Instrument(s)

EASEMENT, SUBORDINATION

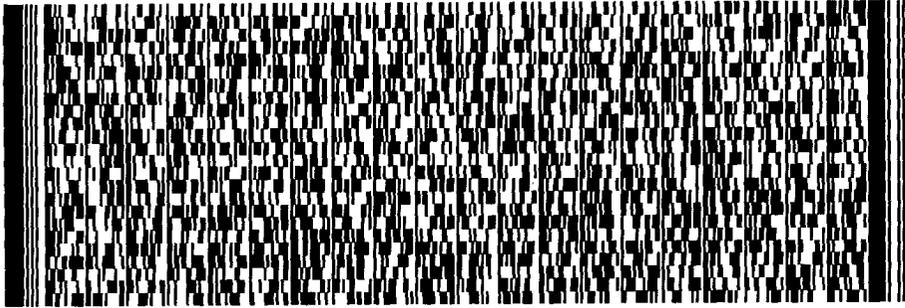
Grantor(s)

SUBACH, BRIAN R_I_T; SUBACH, TIFFANY N_I_T; BRIAN R SUBACH TRUST_I_N; ...

Grantee(s)

BOARD OF SUPERVISORS_I_N

Consideration		Consideration %	100
Tax Exemption	None	Amount Not Taxed	
DEM Number	3786-EP-01-_-01	Tax Map Number	030-1- -02- -0012- _Y
Original Book		Original Page	
Title Company	O'HARA LAW FIRM, PLC	Title Case	15351-001
Property Descr.	ELMWOOD ESTATES, SEC 2, LOT 12		
Certified	NO	Copies	0
		Page Range	



6/18/2012

DEED OF EASEMENT

THIS DEED OF EASEMENT is made as of May 4, 2012 by and between BRIAN R. SUBACH and TIFFANY N. SUBACH, Trustees of THE BRIAN R. SUBACH TRUST dated September 21, 2010, as it may be amended from time to time, and TIFFANY N. SUBACH and BRIAN R. SUBACH, Trustees of THE TIFFANY N. SUBACH TRUST dated September 21, 2010, as it may be amended from time to time, their successors and assigns (the "**Owners**"), Grantors; the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a body corporate and politic, its successors and assigns (the "**County**"), Grantee; VIRGINIA COMMERCE BANK, its successors and assigns (the "**Beneficiary**"), Grantor; and RICHARD B. ANDERSON, TRUSTEE (the "**Trustee**"), Grantor.

RECITALS:

A. The Owners are the owners of Lot 12, ELMWOOD ESTATES, Section Two (the "**Property**"), as the same is duly subdivided, platted and recorded in Deed Book 815 at Page 264 among the Fairfax County, Virginia land records (the "**Land Records**") and shown on the plat entitled "Plat Showing Storm Drain Easements on Lot 12 ELMWOOD ESTATES Section 2" (12-509) (the "**Plat**"), dated April 17, 2012 and prepared by Charles P. Johnson & Associates, Inc. which is attached hereto and incorporated herein by reference, having acquired the Property by deed recorded in Deed Book 22152 at Page 1730 among the Land Records.

B. It is the desire and intent of the Owners, with the consent and approval of the Trustee and the Beneficiary, to grant and convey unto the County the storm drain easements in the locations shown on the Plat.

C. The Property is subject to the lien of the deed of trust recorded in Deed Book 21184 at Page 494 among the Land Records (the "**Deed of Trust**"), which conveyed the Property to the Trustee to hold in trust for the benefit of the Beneficiary.

D. The Trustee, Beneficiary and Owner desire and intend that the Trustee subordinate the lien of the Deed of Trust to the easements created herein.

STORM DRAINAGE EASEMENTS

NOW, THEREFORE, for and in consideration of the premises and other valuable consideration, the receipt and sufficiency of which are acknowledged, the Owners, with the consent and approval of the Trustee and the Beneficiary, grant and convey unto the County storm drainage easements for the purpose of constructing, operating,

Prepared by and Return to:
O'HARA LAW FIRM, PLC
131 E. Broad Street, Suite 208
Falls Church, VA 22046

BOX 161

Tax Map No.: 030-1-02-0012

maintaining, adding to or altering present or future storm drainage facilities, sewers and appurtenances for the collection of storm drainage and its transmission through and across the Property, said Property and easements being more particularly described on the Plat and subject to the following conditions:

1. All storm drainage and appurtenant facilities which are installed in the easements shall be and remain the property of the County.
2. The County and its agents shall have full and free use of said easements for the purposes named, and shall have all rights and privileges reasonably necessary to the enjoyment and exercise of the easements, including the right of reasonable access to and from the easements and right to use adjoining land where necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual surveying, construction, reconstruction or maintenance, and further, this right shall not be construed to allow the County to erect any building or structure of a permanent nature on such adjoining land.
3. The County and its agents shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions or facilities in or near the easements being conveyed, deemed by it to interfere with the proper and efficient construction, operation and maintenance of said drainage facilities; provided, however, that the County, at its own expense, shall restore as nearly as possible, the premises to their original condition, such restoration to include the backfilling of trenches, the replacement of shrubbery and the seeding or sodding of lawns or pasture areas, but not the replacement of structures, trees or other obstructions.
4. The Owners reserve the right to make any use of the easements herein granted which may not be inconsistent with the rights herein conveyed, or interfere with the use of the easements by the County for the purposes named, provided, however, that no use shall be made of the easements which shall interfere with the natural drainage.

The Owners agree that the agreements and covenants stated in this Deed are not covenants personal to the Owners but are covenants running with the land which are and shall be binding upon the Owners, their heirs, personal representatives, successors and assigns.

SUBORDINATION

THIS DEED FURTHER WITNESSETH, that for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Trustee, authorized to act by the Beneficiary as evidenced by its

signature hereto, consents to and subordinates the lien of the Deed of Trust to the easements conveyed herein.

It is expressly understood that this subordination shall not affect the lien of the Deed of Trust upon the other land conveyed by the Deed of Trust and not subject to such easements, and the Deed of Trust shall remain in full force and effect as to all land conveyed thereby, but subject to said easements.

THIS DEED OF EASEMENT is made in accordance with the statutes made and provided in such cases, with the approval of the proper authorities of Fairfax County, Virginia, as shown by the signatures on this Deed and on the Plat, and is with the free consent and in accordance with the desires of the owners, proprietor and trustees, if any, of the land embraced within the bounds of the Property.

[SIGNATURE PAGES FOLLOW]

WITNESS the following signatures and seals:

THE BRIAN R. SUBACH TRUST DATED
SEPTEMBER 21, 2010

[Signature] (SEAL)
Brian R. Subach, Trustee

[Signature] (SEAL)
Tiffany N. Subach, Trustee

THE TIFFANY N. SUBACH TRUST DATED
SEPTEMBER 21, 2010

[Signature] (SEAL)
Tiffany N. Subach, Trustee

[Signature] (SEAL)
Brian R. Subach, Trustee

COMMONWEALTH OF VIRGINIA,
COUNTY OF Fairfax, to wit;

The foregoing instrument was acknowledged and sworn to before me this 4 day of MAY, 2012 by Brian R. Subach, Trustee under the Brian R. Subach Trust dated September 21, 2010, and Trustee under the Tiffany N. Subach Trust dated September 21, 2010.

[Signature]
Notary Public

My commission expires: 11/30/16
Notary Registration No.: 7515489

COMMONWEALTH OF VIRGINIA,
COUNTY OF Fairfax, to wit;

The foregoing instrument was acknowledged and sworn to before me this 4 day of MAY, 2012 by Tiffany N. Subach, Trustee under the Tiffany N. Subach Trust dated September 21, 2010, and Trustee under the Brian R. Subach Trust dated September 21, 2010.

[Signature]
Notary Public

My commission expires: 11/30/16
Notary Registration No.: 7515489

VIRGINIA COMMERCE BANK

By: B.L.H. VICEPRESIDENT (SEAL)
Name: Barry L. Huitema
Title: Vice President

COMMONWEALTH OF VIRGINIA,
COUNTY OF Fairfax, to-wit:

The foregoing instrument was acknowledged and sworn before me this 14th day
of May, 2012 by Barry Huitema as Vice President
of Virginia Commerce Bank.

Kateena Maria Rodriguez
Notary Public

My commission expires: 11-30-2013
Notary Registration No.: 7299607



RICHARD B. ANDERSON, TRUSTEE

(SEAL)

COMMONWEALTH OF VIRGINIA,
COUNTY OF Arlington, to-wit:

The foregoing instrument was acknowledged and sworn to before me this 10th day
of May, 2012 by Richard B. Anderson, Trustee

Notary Public

My commission expires: 5-31-2013
Notary Registration No.: 7254405



EXECUTED AND APPROVED on behalf of the Board of Supervisors of Fairfax County, Virginia, by the authority granted by the said Board.

APPROVED AS TO FORM: Director, Department of Public Works & Environmental Services

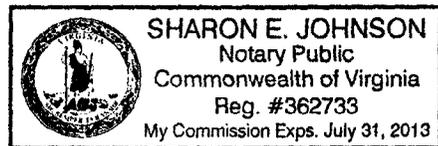
[Signature] Assistant County Attorney By: [Signature] (SEAL) Branch Manager, Customer and Technical Support Center, LDS

COMMONWEALTH OF VIRGINIA, COUNTY OF FAIRFAX, to-wit:

The foregoing instrument was acknowledged and sworn to before me this 22 day of JUNE, 2012 by KENNETH WILLIAMS, Branch Manager, Customer and Technical Support Center, Land Development Services, Department of Public Works & Environmental Services.

[Signature]
Notary Public

My commission expires: July 31, 2013
Notary Registration No.: 362733



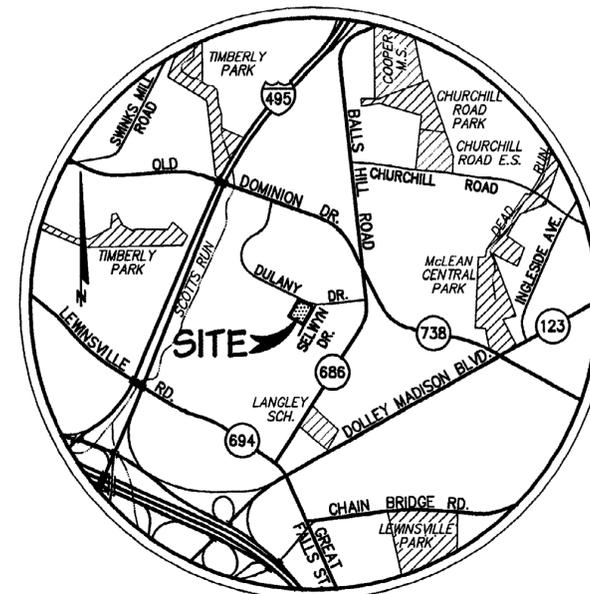
Sto\15351-001\Esm1 (03/29/12)

TM# 30-1 ((18)) A1
MC LEAN STATION, HOA
 D.B. 4828 PG. 554
 ZONE: R-2C
 USE: OPEN SPACE

TM# 30-1 ((02)) 11
LILLY PARKER, TR.
 D.B. 19606 PG. 119
 ZONE: R-1
 USE: SINGLE FAMILY DWELLING

TM# 30-1 ((02)) 13A
SIXTO AQUINO
LINDESAY G.H. AQUINO
 D.B. 5101 PG. 80
 ZONE: R-1
 USE: SINGLE FAMILY DWELLING

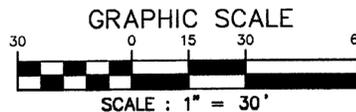
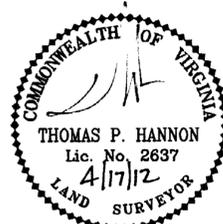
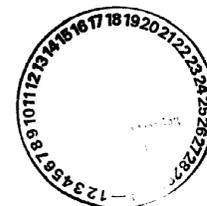
LOT 12
 95,500 SQ. FT. OR 2.19238 AC.



VICINITY MAP
 SCALE: 1" = 2000'

APPROVED
COUNTY OF FAIRFAX
 LAND DEVELOPMENT SERVICES
 ENVIRONMENTAL AND SITE REVIEW DIVISION

BY: *[Signature]*
 DATE: 6-7-12



NOTES:

- 1.) THE SUBJECT PROPERTY SHOWN HEREON IS IDENTIFIED ON FAIRFAX COUNTY TAX MAP NO: 30-1 ((02)) 12 AND IS ZONED R-1.
- 2.) THE SUBJECT PROPERTY SHOWN HEREON IS ALL OF THE PROPERTY ACQUIRED BY TIFFANY N. SUBACH, TRUSTEE AND BRIAN R. SUBACH, TRUSTEE BY DEED RECORDED IN DEED BOOK 22152 AT PAGE 1730 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
- 3.) BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A FILED RUN BOUNDARY SURVEY PREPARED BY CHARLES P. JOHNSON AND ASSOCIATES.
- 4.) NO TITLE REPORT PROVIDED.
- 5.) STORM DRAIN EASEMENTS SHOWN HEREON ARE HEREBY GRANTED.

CURVE TABLE						
CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CH. BEARING
C1	97°01'24"	50.00'	84.67'	56.54'	74.91'	S11°06'24"E

* 6/19/12

1-100-22-001-3780-22-0878
 MSB/TBA / S.M.C. 11/11
 Acad. Draw. No. 12509.DWG/02-03101.DWG/02-03101/472-710301/472-710301/472-710301/472-710301



County of Fairfax, Virginia

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

November 1, 2022

Lilly Parker
PO Box 9161
McLean, VA 22102

Reference: Zoning Ordinance 5104 – Drainage Concern

Dear Sir/Madam:

Maintenance & Stormwater Management Division (MSMD) was notified about a drainage concern occurring at the property boundary between 7301-7309 Dulany Drive. Per the attached photos, it appears that a large pile of riprap has been placed at the property boundary in the channel flow line. This impediment has caused water to back up on your neighbor's property, 7301 Dulany Drive, which causes a large amount of standing water and mosquito concerns in the summertime. Although drainage easements can occupy some standing water, the Zoning Ordinance (see attached) does not allow downstream properties to block or impede stormwater flow.

If you could please contact me, I would like to discuss in person to provide recommendations or if you could lower the rip rap or spread it out within the channel to provide positive drainage which would put the channel back into compliance. Please feel free to contact me either at 703-877-2819 or Emily.Street@fairfaxcounty.gov.

Sincerely,

Emily Street, Engineer Technician III
Maintenance & Stormwater Management Division

Attach: As Stated







County of Fairfax, Virginia

MEMORANDUM

DATE: January 17, 2023

TO: Jack Weyant, Director
Department of Code Compliance

FROM: Chad Crawford, Director
Maintenance and Stormwater Management, Department of Public Works and
Environmental Management

SUBJECT: 7309 Dulany Drive – Drainage Violation

Complainant Information:

Complainant: [REDACTED]

Address: [REDACTED]

Email: [REDACTED]

Location of Violation: 7309 Dulany Drive

Property Owner Name: Lilly Parker



Nature of Complaint: Downstream property owner has piled riprap in the middle of the channel that causes water to pond on the complainant's property.

Inspection Results: Maintenance & Stormwater Management Division (MSMD) received a drainage inquiry for a concern between 7301-7309 Dulany Drive. During my inspection on October 12, 2022, I observed the riprap near the property boundary and how it was causing a pool to form on the complainant's property. A certified letter was sent to Ms. Parker on November 1, 2022, which she then contacted me November 8, 2022, explaining her disputes with the complainant. Ms. Parker informed me that she is already in a court dispute regarding land trespassing with the complainant; however, in discussions with my supervisor, this is not related to the drainage ordinance and if there is a violation then it should be resolved. **I requested to meet with Ms. Parker on her property to explain what she needs to resolve but she would not agree to meet with me.**

I contacted the complainant and requested that their side of the property should be cleaned to ensure that natural debris is not the cause of the ponding water. I also requested the pending survey information so to know the results of where the riprap lies on which property. I stopped by again on January 6, 2023 and took additional photos of the area that was cleaned up by the complainant and showing the riprap being on Ms. Parker's property. The riprap has elevated the grade so that the runoff would have to build up several inches to pass on to Ms. Parker's property. After a rain event, the remaining stormwater ponds on the complainant's property.

Date of Inspection: 10/12/2022 & 1/6/2023

Inspectors: Emily Street

The above referenced property is currently permitted for land disturbing activities.

- This complaint is hereby forwarded to LDPO for coordination with SDID for inspection, enforcement (if required), and follow-up contact with the complainant.

Land disturbing activity on the above referenced property violates a County easement and adversely affects County owned and maintained facilities.

- MSMD will coordinate this issues directly with the County Attorney's Office.

Land disturbing activity on the above referenced property violates the Fairfax County Zoning Ordinance/Code of Fairfax County.

- Par. 1C of Sec. 5104 of the Erosion and Sedimentation Control Ordinance, activity on the subject property appears to have occurred without an approved conservation/grading plan. It is requested that LDPOB perform an investigation and pursue any necessary enforcement action.

- Par. 3A of Sect. 5104 of the Zoning Ordinance, adequate drainage has not been provided. It is requested that the DCC issue a Notice of Violation. Please note the referring entity shall be a designated Subject Matter Expert.

- Par. 3B of Sec. 5104 of the Zoning Ordinance, activity in the floodplain appears to have occurred without approval. It is requested that DCC perform an investigation and pursue any necessary enforcement action.



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

**NOTICE OF VIOLATION
Fairfax County Zoning Ordinance**

DATE OF ISSUANCE: 2/8/2023

METHOD OF SERVICE: Office of the Sheriff

LEGAL NOTICE ISSUED TO: Lilly Parker Revocable Living Trust
c/o Lilly Parker, Trustee

ADDRESS: 7309 Dulany Dr
McLean, VA 22101

LOCATION OF VIOLATION: 7309 Dulany Dr
McLean, VA 22101

TAX MAP REF: 0301020011

ZONING DISTRICT: R-1

INVESTIGATION #: ZINV-2023-00056 **COMPLAINT #:** DCCCOMP-2023-00358

ISSUING INVESTIGATOR: Matthew Stenger, 703-324-8248

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE § 8106.3.A(1):

Zoning Violation	First Offense	Each Subsequent Offense
5104.3.A	\$200.00	\$500.00
TOTAL:	\$200.00	\$500.00

Dear Responsible Party:

A memorandum provided to the Department of Code Compliance by the Fairfax County Department of Public Works and Environmental Services, Maintenance and Stormwater Management Division, dated January 17, 2023 revealed the above referenced property is in violation of the following violation(s) of the Fairfax County Zoning ordinance

§ 5104.3.A Drainage:

According to the memorandum provided by the Fairfax County Department of Public Works and Environmental Services, Maintenance and Stormwater Division dated January 17, 2023, the property at 7309 Dulany Drive, has installed riprap in a channel, preventing adequate drainage and causing water to pond on a neighboring property.

The riprap installed in the middle of the channel has created a violation of subsection 5104.3.A of the Fairfax County Zoning Ordinance which states:

No building may be erected and no change may be made to the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or change the drainage of the land without providing adequate drainage related to the changes made, as determined by the Director [of Land Development Services] in accordance with the provisions of the Public Facilities Manual. That finding must account for land development that may take place in the vicinity under the provisions of this Ordinance.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing, on a permanent basis, the riprap obstruction within the channel located on this property and restoring the natural flow of surface water through this area

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning Ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §8106.3.A(1). The Zoning Administrator may also seek to enjoin this violation.

Civil penalties entered by the General District Court must be paid to the Office of the County Attorney. Investigators may not accept any payments, including those associated with fines and fees.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with §15.2-2311 of the Code of Virginia and Zoning Ordinance §8100.10. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Fairfax County Zoning Ordinance §§ 8100-8102. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

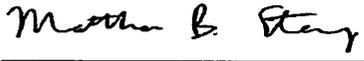
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703)324-1314

Information and forms can also be obtained at <https://www.fairfaxcounty.gov/planning-development/board-zoning-appeals/appeals-process>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at 703-324-8248. For any other questions, contact our main office at (703)324-1300.

Lilly Parker Revocable Living Trust
c/o Lilly Parker, Trustee
2/8/2023
ZINV-2023-00056
Page 3

LEGAL NOTICE ISSUED BY:



Signature

Matthew Stenger
Code Compliance Investigator
703-324-8248
Matthew.Stenger@fairfaxcounty.gov

<input type="checkbox"/> PERSONAL SERVICE	
<input checked="" type="checkbox"/> Being unable to make personal service a copy was delivered in the following manner: <input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport. <input type="checkbox"/> Delivered to family members (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of receipt, and relation of recipient to party named above.	
<input checked="" type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (other authorized receipt not found). <input type="checkbox"/> Served on a Secretary of the Commonwealth. <input type="checkbox"/> Not found.	
MDS F. Guevarra OIRM SERVING OFFICER	
2/8/23 Stacey A. Kincaid, Sheriff for Fairfax County, VA	
Date	

<input type="checkbox"/> PERSONAL SERVICE	
<input type="checkbox"/> Being unable to make personal service a copy was delivered in the following manner: <input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport. <input type="checkbox"/> Delivered to family members (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of receipt, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (other authorized receipt not found). <input type="checkbox"/> Served on a Secretary of the Commonwealth. <input type="checkbox"/> Not found.	
SERVING OFFICER for	
Date	

<input type="checkbox"/> PERSONAL SERVICE	
<input type="checkbox"/> Being unable to make personal service a copy was delivered in the following manner: <input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport. <input type="checkbox"/> Delivered to family members (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of receipt, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (other authorized receipt not found). <input type="checkbox"/> Served on a Secretary of the Commonwealth. <input type="checkbox"/> Not found.	
SERVING OFFICER for	
Date	

<input type="checkbox"/> PERSONAL SERVICE	
<input type="checkbox"/> Being unable to make personal service a copy was delivered in the following manner: <input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport. <input type="checkbox"/> Delivered to family members (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of receipt, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (other authorized receipt not found). <input type="checkbox"/> Served on a Secretary of the Commonwealth. <input type="checkbox"/> Not found.	
SERVING OFFICER for	
Date	



NOTICE OF VIOLATION
Fairfax County Zoning Ordinance

DATE OF ISSUANCE: 09/29/2023

METHOD OF SERVICE: Office of the Sheriff

LEGAL NOTICE ISSUED TO: Lilly Parker Revocable Living Trust
c/o Lilly Parker, Trustee

ADDRESS: 7309 Dulany Dr
McLean, VA 22101

LOCATION OF VIOLATION: 7309 Dulany Dr
McLean, VA 22101

TAX MAP REF: 0301020011

ZONING DISTRICT: R-1

INVESTIGATION #: ZINV-2023-00056 **COMPLAINT #:** DCCCOMP-2023-00358

ISSUING INVESTIGATOR: Matthew Stenger, 703-324-8248

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE § 8106.3.A(1):

Zoning Violation	First Offense	Each Subsequent Offense
5104.3.A	\$200.00	\$500.00
TOTAL:	\$200.00	\$500.00

Dear Responsible Party:

This Notice of Violation cites the identical Zoning Ordinance violations contained in the previously issued Notice of Violation dated February 8, 2023. The provisions of the Zoning Ordinance adopted on May 9, 2023, that pertain to drainage are substantively identical to those contained in the 1978 Zoning Ordinance. The only difference is that, based on how the 1978 Zoning Ordinance was structured, the violations fell under different subsections (1978 Zoning Ordinance § 02-602.1). The violations cited in this Notice of Violation are also identical to violations under the version of the Zoning Ordinance that was in effect when the February 8, 2023 NOV was issued.

A memorandum provided to the Department of Code Compliance by the Fairfax County Department of Public Works and Environmental Services, Maintenance and Stormwater Management Division, dated September 25, 2023 revealed the above referenced property is in violation of the following violation(s) of the Fairfax County Zoning ordinance

§ 5104.3.A Drainage:

According to the memorandum provided by the Fairfax County Department of Public Works and Environmental Services, Maintenance and Stormwater Division dated September 25, 2023, the property at 7309 Dulany Drive, has installed riprap in a channel, preventing adequate drainage and causing water to pond on a neighboring property.

The riprap installed in the middle of the channel has created a violation of subsection 5104.3.A of the Fairfax County Zoning Ordinance which states:

No building may be erected and no change may be made to the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or change the drainage of the land without providing adequate drainage related to the changes made, as determined by the Director [of Land Development Services] in accordance with the provisions of the Public Facilities Manual. That finding must account for land development that may take place in the vicinity under the provisions of this Ordinance.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing, on a permanent basis, the riprap obstruction within the channel located on this property and restoring the natural flow of surface water through this area

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning Ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §8106.3.A(1). The Zoning Administrator may also seek to enjoin this violation.

Civil penalties entered by the General District Court must be paid to the Office of the County Attorney. Investigators may not accept any payments, including those associated with fines and fees.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with §15.2-2311 of the Code of Virginia and Zoning Ordinance §8100.10. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Fairfax County Zoning Ordinance §§ 8100-8102. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

Zoning Administration Division

Lilly Parker Revocable Living Trust
c/o Lilly Parker, Trustee
09/29/2023
ZINV-2023-00056
Page 3

12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703)324-1314

Information and forms can also be obtained at <https://www.fairfaxcounty.gov/planning-development/board-zoning-appeals/appeals-process>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at 703-324-8248. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

Matthew Stenger
Code Compliance Investigator
703-324-8248
Matthew.Stenger@fairfaxcounty.gov

<input type="checkbox"/> PERSONAL SERVICE
<input checked="" type="checkbox"/> Being unable to make personal service a copy was delivered in the following manner:
<input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
<input type="checkbox"/> Delivered to family members (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of receipt, and relation of recipient to party named above.
<input checked="" type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (other authorized receipt not found).
<input type="checkbox"/> Served on a Secretary of the Commonwealth.
<input type="checkbox"/> Not found.
MDS F. Guevara 0184
SERVING OFFICER
9/29/23 Stacey A. Kincaid, Sheriff for Fairfax County, VA
Date

<input type="checkbox"/> PERSONAL SERVICE
<input type="checkbox"/> Being unable to make personal service a copy was delivered in the following manner:
<input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
<input type="checkbox"/> Delivered to family members (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of receipt, and relation of recipient to party named above.
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (other authorized receipt not found).
<input type="checkbox"/> Served on a Secretary of the Commonwealth.
<input type="checkbox"/> Not found.
SERVING OFFICER
for
Date

<input type="checkbox"/> PERSONAL SERVICE
<input type="checkbox"/> Being unable to make personal service a copy was delivered in the following manner:
<input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
<input type="checkbox"/> Delivered to family members (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of receipt, and relation of recipient to party named above.
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (other authorized receipt not found).
<input type="checkbox"/> Served on a Secretary of the Commonwealth.
<input type="checkbox"/> Not found.
SERVING OFFICER
for
Date

<input type="checkbox"/> PERSONAL SERVICE
<input type="checkbox"/> Being unable to make personal service a copy was delivered in the following manner:
<input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
<input type="checkbox"/> Delivered to family members (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of receipt, and relation of recipient to party named above.
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (other authorized receipt not found).
<input type="checkbox"/> Served on a Secretary of the Commonwealth.
<input type="checkbox"/> Not found.
SERVING OFFICER
for
Date

Gastrell, Austin

Subject: RE: 7309 Dulaney Drive

From: Emerick, Paul
Sent: Friday, December 29, 2023 9:58 AM
To: jfriedlander@friedlanderpc.com
Subject: 7309 Dulaney Drive

Jerry:

Attached is a rough sketch of what DPWES could do to ameliorate the ponding and promote positive flow across the Parker channel. Let me know if there are any questions or feedback. Thanks and Happy New Year.

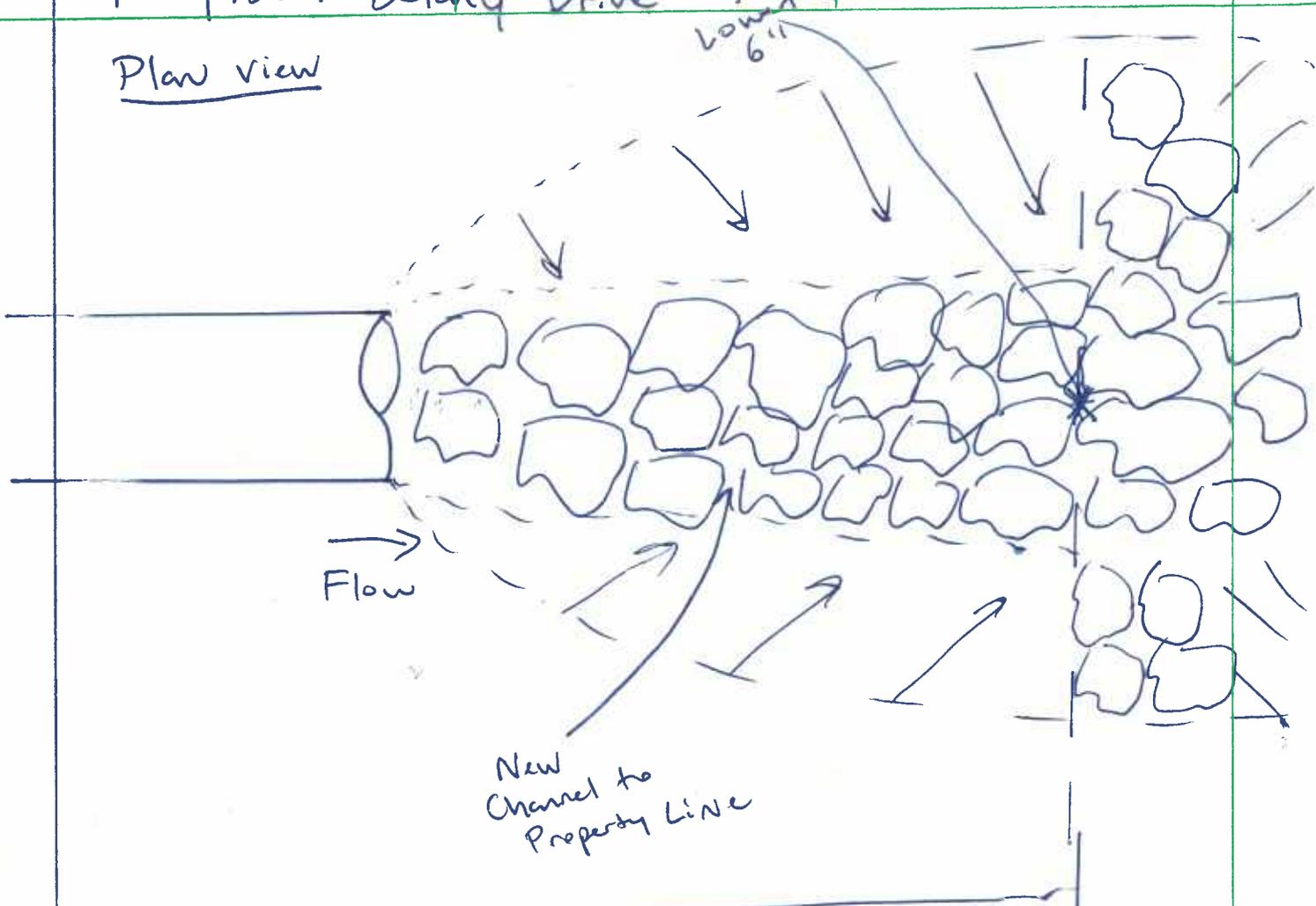
Paul

Paul Emerick
Senior Assistant County Attorney
12000 Government Center Parkway
Fairfax, Virginia 22035
(703) 324-2421
Paul.Emerick@fairfaxcounty.gov

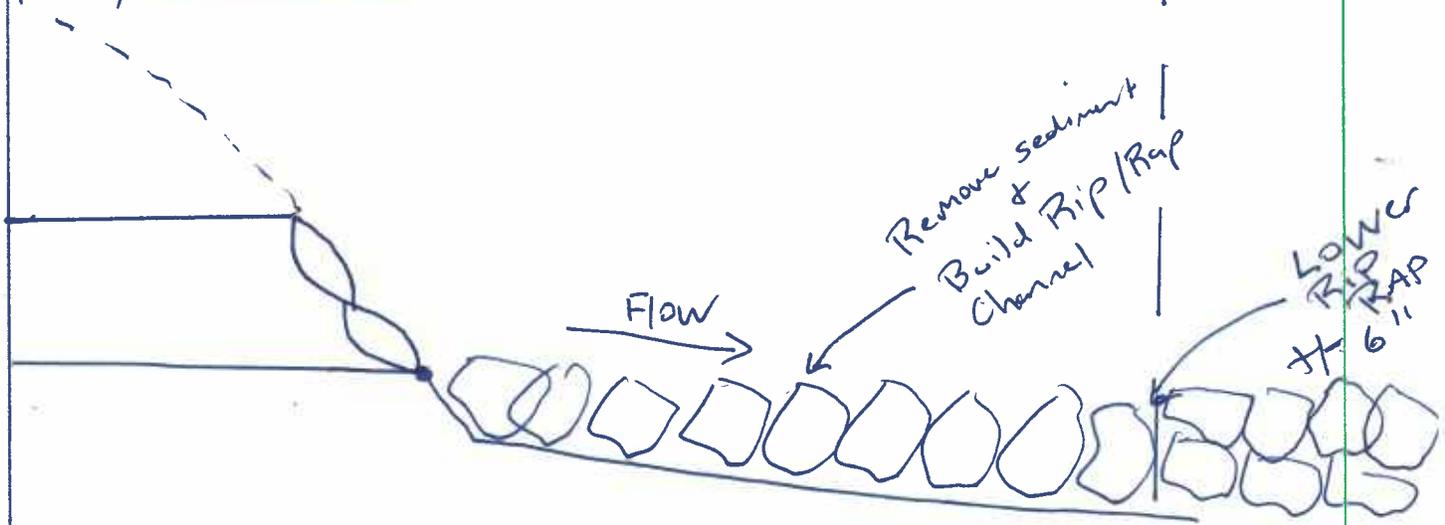
THIS COMMUNICATION CONTAINS CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATIONS AND IS NOT TO BE RELEASED TO THE PUBLIC. THIS COMMUNICATION IS EXEMPT FROM THE DISCLOSURE PROVISIONS OF THE VIRGINIA FREEDOM OF INFORMATION ACT. VA. CODE ANN. § 2.2-3705.1(2)(Supp. 2016).

7301/7309 Delany Drive Proposed Solution

Plan view



Top of Driveway Profile View



Lower Rip Rap @ Property Line
 6 +/- inches to just below culvert
 invert. Remove sediment / Build channel
 to tie Rip/Rap / culvert together.

Gastrell, Austin

From: Jerome Friedlander <jpfriedlander@friedlanderpc.com>
Sent: Tuesday, February 27, 2024 9:32 AM
To: Gastrell, Austin
Cc: Meritt, Jack K.; Emerick, Paul
Subject: Re: Appeal Application ZAPL-2023-DR-00021, 7309 Dulany Drive

My client has made her feelings clear about this. Your proposal does not solve her problems flowing from her neighbors and will burden her property in a way she does not like. I have yet to be shown what liability my client has to make these adjustments to the rip rap on her property since she has not made any changes to it in decades.

This claim is made in bad faith as far as my client is concerned.

My soil's man will testify that she has done nothing wrong and has no liability.

My client is not afraid of a public hearing on this. As Paul Emerick has seen for himself, she is articulate and angry that the county has told her uphill neighbors that channeling their runoff and gutter waters onto her property was okay; it is not okay, it is an actionable continuing tort. We will be engaging in litigation with these neighbors soon as our own self-defense efforts are completed to have the neighbor pay this wrongful channeling.

Once that channeling is corrected, that water will be flowing into the pond that abuts the area of the rip rap that you wish my client to lower. Such an infusion will affect what you will need to do to do, I'm sure. Especially given the fact that the yard on the uphill neighbor's property that previously existed to assist with defending against that runoff is not there anymore nor is the berm that they removed to channel their water at my client's property.

On Mon, Feb 26, 2024 at 2:34 PM Gastrell, Austin <Austin.Gastrell@fairfaxcounty.gov> wrote:

Good Afternoon,

This email is in regards to your Appeal Application [ZAPL-2023-DR-00021](#), for the property located at 7309 Dulany Drive. The purpose of this email is to inquire about your client's intent or progress related to the County's proposal to remedy certain storm water related issues. As I understand a proposal was sent to you from our County Attorney's office outlining the proposed work. When we last spoke on February 8th, you indicated that your client was still reviewing the proposal. As mentioned during our February 8th call, the proposal sent to you is valid until March 11, 2024. If an agreement is not reach and work is not scheduled by March 11, 2024, our office intends to take this matter to the public hearing scheduled for May 15, 2024, at 9:00am. Please feel free to contact me if you have any questions.

Austin Gastrell

Senior Planner, Ordinance Administration Section

Department of Planning and Development

Direct: (703) 324-1331

Office: (703) 324-1314



--

**PLEASE NOTE THAT WE HAVE MOVED
FROM SUITE 201 TO SUITE 101
ALL OTHER CONTACT INFORMATION REMAINS THE SAME.**

Jerome P. Friedlander, II, Esq.
Friedlander & Friedlander PC
1364 Beverly Road, Suite 101
McLean, VA 22101-3645
Tel 703-893-9600
Fax 703-893-9650

EROSION AND SEDIMENT CONTROL NARRATIVE
PROJECT DESCRIPTION: The proposed project is that of construction of a single family house on Lot 12, Section 2, Elmwood Estates, McLean. Lot 12 is 95,494 sq ft in area. The project will disturb approximately 6,500 sq ft of the lot with an impervious area of 13,850 sq ft.
EXISTING SITE CONDITIONS: The subdivision lot is developed and partially wooded. The existing dwelling is to be demolished. The lot drains as sheet flow from the southern property corner, around the house and into the existing drainage swale. This drainage will not adversely impact downstream properties. This site is not within the newly enacted RPA limits.
ADJACENT PROPERTIES: Adjacent lots are developed and have established drainage characteristics that will not be adversely effected by the proposed single family home construction. The proposed grading on this site will not require offsite disturbance.
OFFSITE AREAS: No offsite areas will be required to be disturbed with the construction of this lot.
SPECIAL CRITICAL AREAS: No areas on this site will be considered critical areas. Special care to control siltation and erosion will be done due to the impact of construction within the site.

EROSION AND SEDIMENT CONTROL MEASURES:
This plan will be in accordance with the Fairfax County Code, the Fairfax County Public Facilities Manual, the Virginia Erosion and Sediment Control Handbook, the Minimum State Standards, and the Virginia Department of Transportation Construction Standards. The developer will have on site at all times; the approved plan, copy of the Fairfax County Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook.

- STRUCTURAL PRACTICES**
- CONSTRUCTION ENTRANCE: SPEC. 3.02.** The entrance shall be 75' (or maximum length possible up to 75'). Entrance uses 6" depth surge stone, or substitute typical driveway sub-base stone with filter fabric underliner per Chapter 104-1-8, 48.
 - SUPER SILT FENCE: SPEC. Fairfax County Public Facilities Plate #11-11.** Super silt fence barriers will be installed down slope of areas with critical environmental concern, such as Resource Protection Areas, when a condition of Chesapeake Bay waiver approval.
 - TREE PROTECTION: SPEC. 3.38.** A fence barrier is to be placed around the trees and vegetated areas which will not be disturbed to protect the trees and other vegetation from construction equipment and soil compaction.

- VEGETATIVE PRACTICES**
- TEMPORARY SEEDING: SPEC. 3.31.** All denuded areas which will be left dormant for extended periods of time shall be seeded with fast germinating temporary vegetation immediately following grading. The seed mixture shall be in accordance with specs based on the time of year.
 - TOPSOILING: SPEC. 3.30.** Topsoil or stockpile to be stripped from areas to be graded and stockpiled for later use. The stockpile location shall be out of the area of construction within an area not requiring additional clearing. The final area prior to movement shall be approved on the plan and/or by the site inspector. Stockpiles shall be stabilized with temporary vegetation.

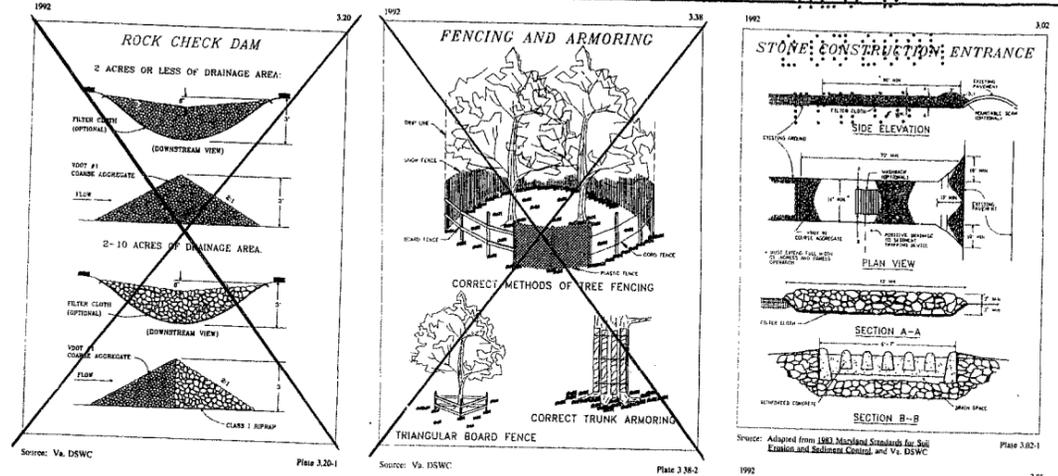
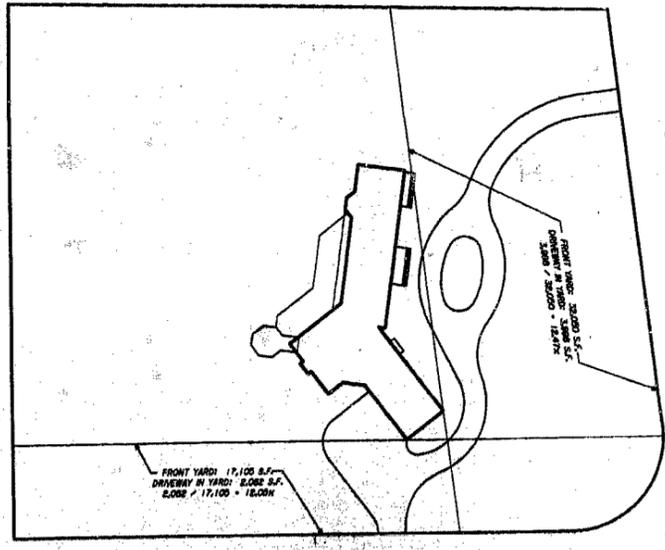
- MANAGEMENT STRATEGIES**
- EROSION AND SEDIMENT CONTROL NOTES**
- No disturbed area will be denuded for more than 14 calendar days unless otherwise authorized by the director or his agent.
 - All erosion and sediment control measures shall be placed prior to or as the first step in grading.
- EROSION AND SEDIMENTATION CONTROL SEQUENCE:**
- Prior to site meeting with the inspector, the developer shall have the clearing and grading limits flagged per the approved plan with continuous white survey tape.
 - Prior to construction, a meeting with the site inspector will review the site and plan with the established limits of clearing and construction marked.
 - Rough grade the driveway entrance and install construction entrance as shown. mud and debris shall be washed from all construction vehicles and equipment before leaving the site.
 - Install erosion and sediment controls as shown on the grading plan.
 - Once the controls are in place, clearing and grading of the site can begin per the plan.
 - Temporary seeding and mulching are to be applied to disturbed areas after initial clearing disturbance. Temporary cover by seeding and mulch should be provided on areas which will be exposed for a period greater than 14 days before permanent stabilization can be achieved.
 - All fills are to be left with a lip and silt fence at the toe of the slope at the end of each day, soil that is to be stockpiled on-site is to be seeded and mulched with temporary vegetation and the perimeter surrounded with a silt fence immediately after grading.
 - After construction operations have ended and all disturbed areas have been stabilized, mechanical sediment controls shall be removed and the ground permanently stabilized with vegetation upon the approval of the inspector.

PERMANENT STABILIZATION
All areas disturbed by construction shall be stabilized with permanent seeding immediately following final grading; seeding shall be done with Kentucky 31 Tall Fescue according to Standard and Spec. 3.32, Permanent Seeding, of the Virginia Erosion and Sediment Control Handbook. Erosion control blankets will be installed over fill slopes which have been brought to final grade and have been seeded to protect the slopes from fill and gully erosion and to allow seed to germinate properly. Mulch (straw or fiber) will be used on relatively flat areas. In all seeding operations, seed, fertilizer and lime will be applied prior to mulching.

STORMWATER MANAGEMENT
Calculation of runoff before and after development indicates that the increase in net runoff is within the standards of the code. Consequently, it is our opinion that this project will not have an adverse effect on downstream properties.

MAINTENANCE PROGRAM
All erosion and sediment controls shall be monitored daily by the site superintendent. Erosion and sediment control measures shall be inspected immediately after each rainfall. If there are sediment basins they will be cleaned out when the level of sediment buildup reaches the cleanout point indicated on the riser pipe. If there are sediment traps they will be checked regularly for sediment cleanout. If there are gravel outlets they will be checked regularly for sediment buildup which will prevent drainage. If the gravel is clogged by sediment, it shall be removed and cleaned or replaced. The silt fence barrier will be checked regularly for undermining or deterioration of the fabric. Sediment shall be removed when the level of sediment deposition reaches half way to the top of the barrier. The seeded areas will be checked regularly to ensure that a good stand is maintained. Areas should be fertilized and re-seeded as needed. The developer grants the right of entry onto this property to the designated governmental personnel for the purpose of inspecting and monitoring for compliance with the code of Virginia Erosion and Sediment Control Law (Title 10, Chapter 5, Article 4). Any damaged control measure is to be repaired by the close of the day. No control measure is to be removed or altered unless approved by the site inspector, all sediment trapping devices shall be cleaned out at 50% trap capacity and the sediment shall be disposed of by spreading on the site or hauling away if not suitable for fill. This also complies with Chapter 104 of the County Code (section 11 of the PFM).

ADEQUATE OUTFALL NARRATIVE
The house construction on Lot 12 is in accordance with the drainage established with the existing subdivision. The construction of this house will not create any new concentrated outfall. The subdivisions natural drainage divides have been honored. The runoff of this site sheet flows east across the southern property line, through the property, and into an intermittent adequately sized drainage swale which is not included in the newly created RPA limits. This drainage will not and does not adversely effect downstream properties, is non-erotic and therefore, it is our opinion that this plan and the construction of the house has an adequate outfall in accordance with the Code.



PROJECT NAME: LOT 12 SEC 2 ELMWOOD ESTATES PROJECT NUMBER: _____
TAX MAP: 30-1-(2)-12 EVALUATOR: REID DATE: _____

A. Percentage of Denuded Area to Total Site Area		F. Distance Between the Site Outfall and any Downstream, Wet Pond, Wetland, Parkland or other Land Deemed Environmentally Sensitive by the Director.	
> 60%	[X] 5	< 2,500-feet	[X] 3
31 to 60%	[] 3	2,500 to 5,000-feet	[] 3
10 to 30%	[] 1	> 5,000-feet	[] 0

If the denuded area is greater than 10 acres, the project is initially rated a high priority.

B. Watercourse Crossing		G. Critical Slopes Within 50-feet of Adjacent Property	
Yes	[X] 3	Are there any slopes of 0 to 7% greater than or equal to 300-feet in length; or	[X] 3
No	[] 0	Are there any slopes of 7 to 15% greater than or equal to 150-feet in length; or	[] 0
If yes, project is initially rated a high priority.		Are there any slopes greater than 15% and greater than or equal to 75-feet in length	[] 0

If Yes to any of the above [X] 3
Not Applicable if critical slope is > 50-feet from adjacent property [] 0

C. Distance of Denuded Area to Downstream Adjacent Property		H. Soil Erodibility (Based on K Factor)	
< 50-feet	[X] 3	High (= or > 0.37)	[X] 3
50 to 150-feet	[] 3	Medium (0.24 to 0.36)	[] 3
> 150-feet	[] 0	Low (< 0.24)	[] 1

* Vegetation in Resource Protection Areas are not to be included as vegetative buffers for this application.

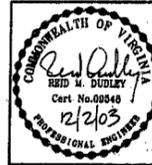
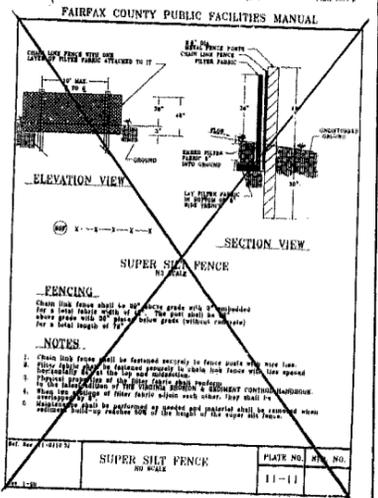
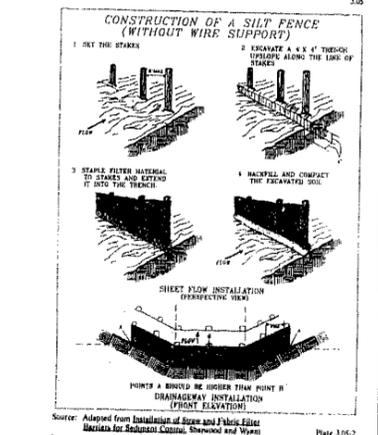
OVERALL RATING
If > 22
If > 14 and < or = to 22
If < or = to 14

PRIORITY (Mark with an "X")
High [X]
Medium
Low

TOTAL OVERALL RATING: 27

PROJECT PRIORITY LEVEL: HIGH

DATE: _____



SCALE: N/A
DATE: 12-01-2003
BY: RMD/SKF
REVISIONS:

EROSION AND SEDIMENT CONTROL DETAILS
LOT 12 - SECTION 2
ELMWOOD ESTATES
DRANESVILLE DISTRICT, FAIRFAX COUNTY, VIRGINIA

RUNYON, DUDLEY, ASSOCIATES, INC.
ENGINEERING - SURVEYING - PLANNING
10850 MAIN STREET SUITE #301
FAIRFAX, VIRGINIA 22030
PHONE: (703) 591-4808 FAX: (703) 591-3982

SHEET 2 OF 2
F-2009 GP

Notes:

- The land boundary information shown on this drawing was compiled from existing land records and does not represent a boundary survey. Bearing lines shown in parenthesis are plot bearings and are not necessarily project bearings.
- This survey was prepared without the benefit of a Title Report. Therefore, all encumbrances on the property may not be shown.
- This site survey was completed under the direct and responsible charge of Rinker Design Associates, P.C. from an actual ground survey made under my supervision; that the imagery and other data was obtained on April 8, 2024, and that this digital geospatial data, including metadata, meets minimum accuracy standards unless otherwise noted.
- No subsurface utility designation was performed for this survey.
- Contour Interval: 1 foot

Map # 0301 18 A1
McLean Station Homes Association
Deed Book 4828 Page 554

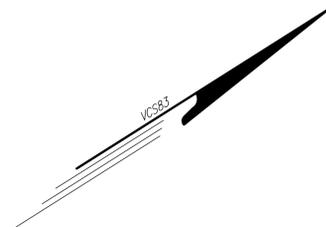
Map # 0301 02 0011
Lilly Parker, Trustee
Deed Book 19606 Page 119

Survey Control			
Horizontal Control: VCS 1983 - North Zone			
Vertical Datum: NGVD29			
Point	Northing	Easting	Elevation
1	7027730.133	11853219.333	313.82
2	7027987.166	11853267.297	308.81
			GPS-MON NS
			GPS-MON NS

LEGEND

- Ex. Overhead Electric
- Ex. Edge Of Pavement
- Ex. Corrugated Plastic Pipe
- Ex. Iron Pipe Found
- Ex. Open Pipe Found
- Ex. Pinch Pipe Found
- Ex. Mail Box
- Ex. Power Pole

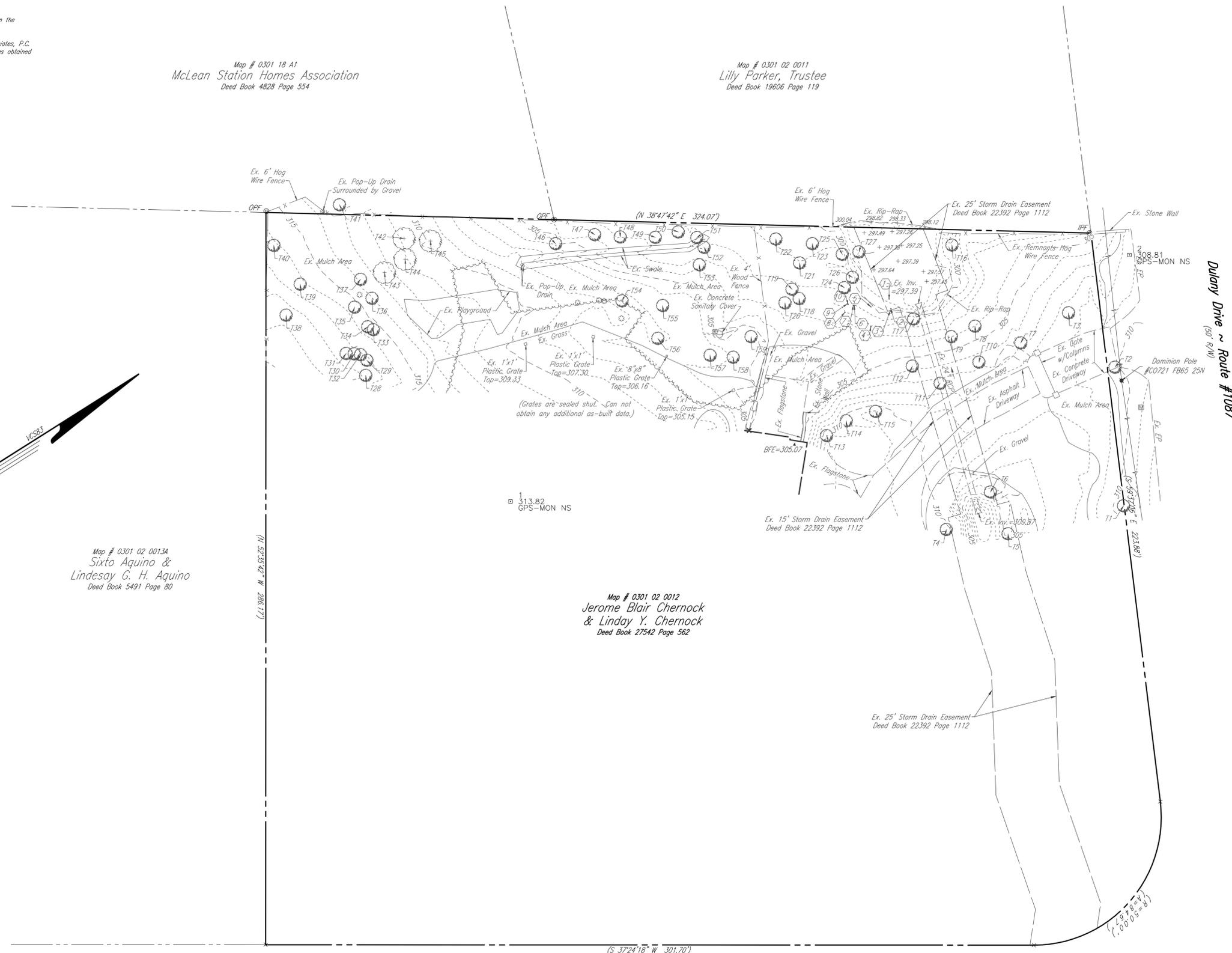
- Ex. Storm
- Ex. 4" CPP
Ex. Inv. Out=298.66
 - Ex. 4" CPP
Ex. Inv. Out=299.55
 - Ex. 4" CPP
Ex. Inv. Out=299.63
 - Ex. 4" CPP
Ex. Inv. Out=302.08
 - Ex. 4" CPP
Ex. Inv. Out=300.30
 - Ex. 4" PVC
Ex. Inv. Out=301.09
 - Ex. 4" PVC
Ex. Inv. Out=301.34
 - Ex. 4" CPP
Ex. Inv. Out=302.04
 - Ex. 4" CPP
Ex. Inv. Out=301.37
 - Ex. 4" CPP
Ex. Inv. Out=301.38



Map # 0301 02 00134
Sixto Aquino &
Lindesay G. H. Aquino
Deed Book 5491 Page 80

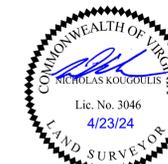
Map # 0301 02 0012
Jerome Blair Chernock
& Linday Y. Chernock
Deed Book 27542 Page 562

Tree Table	
Elevation	Description
T1	24" Holly
T2	18" Holly
T3	18" Holly
T4	12" Deciduous
T5	10" Deciduous
T6	6" Deciduous
T7	30" Deciduous
T8	10" Cedar
T9	8" Cedar
T10	24" Deciduous
T11	30" Deciduous
T12	10" Cedar
T13	12" Holly
T14	12" Holly
T15	12" Holly
T16	36" Oak
T17	48" Oak
T18	8" Deciduous
T19	15" Deciduous
T20	28" Deciduous
T21	4" Deciduous
T22	8" Cedar
T23	10" Cedar
T24	27" Oak
T25	18" Oak
T26	6" Deciduous
T27	12" Deciduous
T28	30" Deciduous
T29	4" Deciduous
T30	20" Deciduous
T31	9" Deciduous
T32	13" Stump
T33	33" Deciduous
T34	9" Deciduous
T35	22" Deciduous
T36	10" Deciduous
T37	31" Deciduous
T38	27" Deciduous
T39	5" Deciduous
T40	15" Deciduous
T41	64" Stump
T42	4" Deciduous
T43	4" Deciduous
T44	2" Deciduous
T45	4" Deciduous
T46	20" Deciduous
T47	24" Deciduous
T48	9" Cedar
T49	12" Cedar
T50	14" Cedar
T51	16" Cedar
T52	6" Deciduous
T53	20" Stump
T54	8" Stump
T55	10" Cedar
T56	8" Deciduous
T57	15" Cedar
T58	15" Cedar
T59	15" Cedar



Dulany Drive ~ Route #1087
(50' R/W)

Selwyn Drive ~ Route #1086
(50' R/W)



Topographic Survey
on a portion of
7301 Dulany Drive
Fairfax County, Virginia
Date: April 11, 2024
Scale: 1" = 20'

