FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

(703) 324-1290 TTY 711 (Virginia Relay Center) Fax (703) 324-3924

V I R G I N I A

May 10, 2004

Martin D. Walsh
Walsh, Colucci, Lubeley, Emerich & Terpak, P.C.
2200 Clarendon Blvd.
Thirteenth Floor
Arlington, Va. 22201-3359

Re: Proffer Interpretation for RZ 2001-SU-044, Sully Manor: rear yards for single family attached units

Dear Mr. Walsh:

This is in response to your letter of April 15, 2004, (attached) and our subsequent meeting on April 23, 2004, requesting an interpretation of the proffers and the Conceptual/Final Development Plan (CDP/FDP) accepted by the Board of Supervisors in conjunction with the approval of RZ 2001-SU-044. As I understand it, the question is whether a reduction of either 2' or 4' in the rear yard of the single family attached units would be in substantial conformance with the proffers and the CDP/FDP. This determination is based on the plan attached to your letter, entitled "Site Plan – Sully Manor Section 1" (Sheets 5 and 6) prepared by Christopher Consultants and dated February 2003. Copies of your letter and a sample portion of the submitted interpretation plan are attached for reference.

The proffered CDP/FDP shows a typical layout for the single family attached units that indicates minimum rear yard dimensions of 22' and 24' for units that would have 20' and 18' front yards, respectively, in order to allow for driveways and staggered 2' architectural jogs in the individual units. The typical also shows a 40' long unit which would, in combination with the yards, equate to a lot which would be 82' in length.

You indicate in your letter that lot lengths were intended to be 80' and a site plan has been submitted and approved by DPWES that includes a majority of lots at that length. You opine that there is a conflict on the CDP/FDP between the typical layout shown on Sheet 1 and Sheet 4 which shows lots that, while not specifically dimensioned, scale to 80' in length.

It is my determination that the typical minimum yard dimensions shown on the proffered CDP/FDP for the single family attached units would govern. Further, it is my determination that the reduction of 2' in the rear of the single family attached units such that the minimum required rear yards would be 20' and 22' (depending upon the staggered front setbacks) would be in substantial conformance with the proffers and the CDP/FDP. It is my determination that a 4' reduction in the minimum required rear yard for the single family attached units would not be in substantial conformance with the proffers and the CDP/FDP. These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding this interpretation, please feel free to contact Kevin Guinaw at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

BAB/KG/Interps:Sully Manor
Attachments: A/S

cc: Michael R. Frey, Supervisor, Sully District
Ronald W. Koch, Planning Commissioner, Sully District
William E. Shoup, Zoning Administrator
Michelle Brickner, Director, Office of Site Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: RZ 2001-SU-044, Imaging, Reading File

WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

April 15, 2004

RECEIVED
Department of Planning & Zoning
APR 16 2004
Zoning Evaluation Division

Ms. Barbara Byron
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

RE: Sully Manor – Section 1
Request for Letter of Interpretation (RZ 2001-SU-044)
Project #005002.05

Dear Ms. Byron:

Please accept this letter as a supplement to an interpretation request submitted on March 3, 2004. Some background will be restated to avoid the need to refer back to the original letter.

The rezoning application for the above referenced site was approved by the Fairfax County Board of Supervisors at a hearing held April 29, 2002. The application rezoned approximately 26.61 acres from the R-1 District to the PDH-8 District permitting a maximum of 177 dwelling units (83 single family detached and 94 single family attached). The public improvement plan is approved and under construction. The single family detached section is approved and under construction. The townhouse section is approved, and in bonding and ready to go to construction. No building permits have been issued yet.

Much discussion and time was spent on refining the minimum yard requirements for the single family detached lots during the entitlement process. Less attention was focused on minimum yards for the single family attached lots. The resulting typical detail for the town homes calls for minimum front yards of 18' and 20' to allow for full depth driveways and 2' architectural building jogs. Side yards are noted as 4' minimum and the rear lots are noted to have the 200 square foot minimum privacy yard. The detail also provides dimensions of 22' and 24' to the principal structure from the rear property line. The intent of the "space" between the shaded 200 square foot minimum privacy yard and the unit was to allow for proposed options and as additional privacy yard area.

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LOUDOUN OFFICE 703 737 3633 | MANASSAS OFFICE 703 330 7400 | PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

Relative to the specific issue at hand, the approved CDP/FDP has some conflicting information. The conflict appears on the cover sheet and focuses on the typical town home lot layout described above (copy included for reference). The detail is entitled: "typical lot layout: single-family attached" not drawn to scale and so noted. When you add the 22' rear dimension to the 40' house footprint and a 20' front yard, the lot would need to be 82' deep. All of the town home lots on the CDP/FDP site plan sheet (sheet 4) were designed at and scale to 80' (with an exact dimension in the computer as 80.8' to allow room to provide brick fronts as required by proffers). In addition, the units shown on the CDP/FDP all scale and were intended to be 42' in depth. Hence we have a conflict between the typical section on the plan cover sheet and the layout on the plan sheet.

The builder is planning on providing a product that has proved popular in this area and very compatible with the local neighborhoods and meets the needs of the typical town home purchaser. The minimum length of that unit is 40'. The most popular option on these types of units is the 2' extension on the overall length making the total unit depth 42' in conformance with the unit shown on the approved CDP/FDP. This extension is anticipated to be requested on approximately 90% of the units sold (of the 81 townhomes on this project, 50 have already been sold). In the event a purchaser selects all possible options, a rear yard dimension of 18' and 20' will exist.

The rear yards on the site plan in bonding are 18' and 20'. The yard was not an issue during site plan review and approved. The rear yard provides much more than the required 200 S.F. minimum privacy yard. The privacy yard provided with the largest optional extension (shortest rear yard scenario) measures 396 square feet which far exceeds the minimum privacy yard of 200 square feet.

The above-described interpretation does not change any of the other features associated with the proposed residential development. Since there are no modifications proposed to the locations of any dwelling units, there are no proposed increases in use or intensity, no changes in parking requirements, no changes to open space, bulk or massing that would adversely affect the adjacent properties and no proposed additions; we respectfully request these modifications may be the subject of an administrative approval in accordance Section 16-403 of the Ordinance.

In closing, we never intended the dimension on the sketch to be viewed as a minimum rear yard and are hopeful that given the inconsistencies within the approved CDP/FDP that this interpretation will be favorably viewed. I am enclosing a copy of the CDP/FDP and the proffers for your convenient reference as well as a detail showing the actual unit footprint on the town home lots which conforms to the approved site plan. I would appreciate your review and approval of this request as an interpretation of the proffer conditions and the CDP/FDP.

If you have any questions regarding this request or require additional information please do not hesitate to contact me.

Very truly yours,

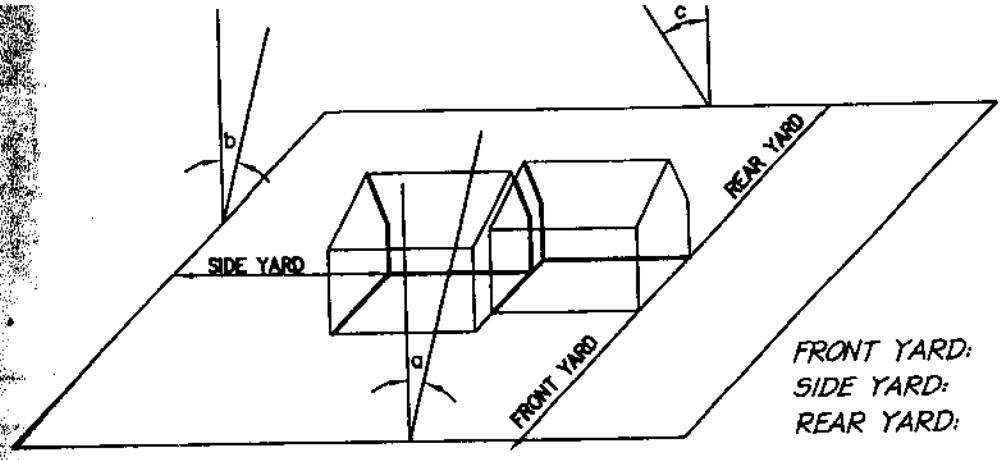
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.

Martin D. Walsh

J:\ENGLE\859.6 - Ratcliffe\4.15.04Barbara Byron.mdw.doc
Enclosure

cc: John Maestri, Engle Homes
Bob Burgess, Embassy Development
John Levtov, Christopher Consultants
Kevin Guinaw, Fairfax County

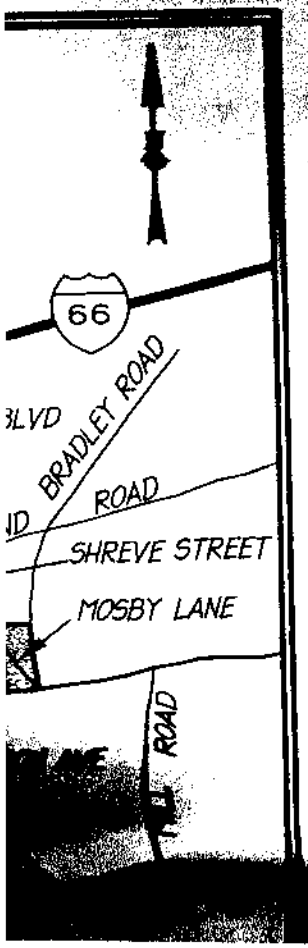
FRONT YARD
SIDE YARD
REAR YARD

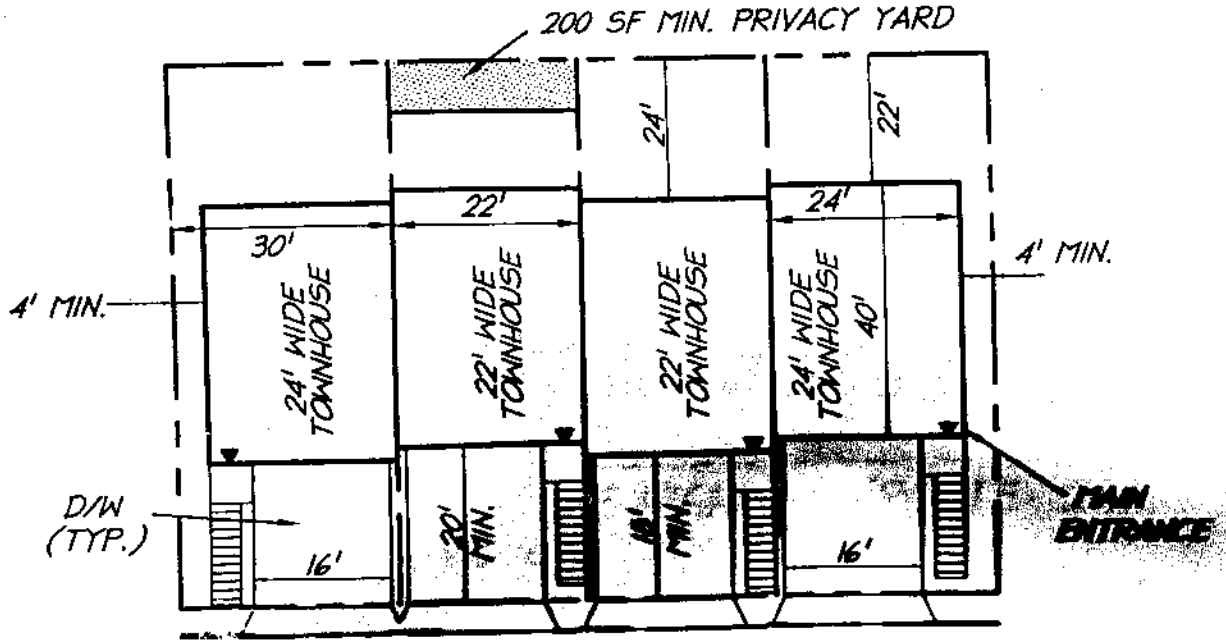


FRONT YARD: 15'
SIDE YARD: 15'
REAR YARD: 30'

ANGLE OF BULK PLANE DETAIL FOR SINGLE-FAMILY ATTACHED

(PERIPHERAL BOUNDARIES ONLY)





TYPICAL LOT LAYOUT: SINGLE-FAMILY ATTACHED

SCALE: N.T.S.

... CHIMNEY MAY ENCROACH MINIMUM

FAIRFA

ZONIN

AREA TABL

EXISTING L

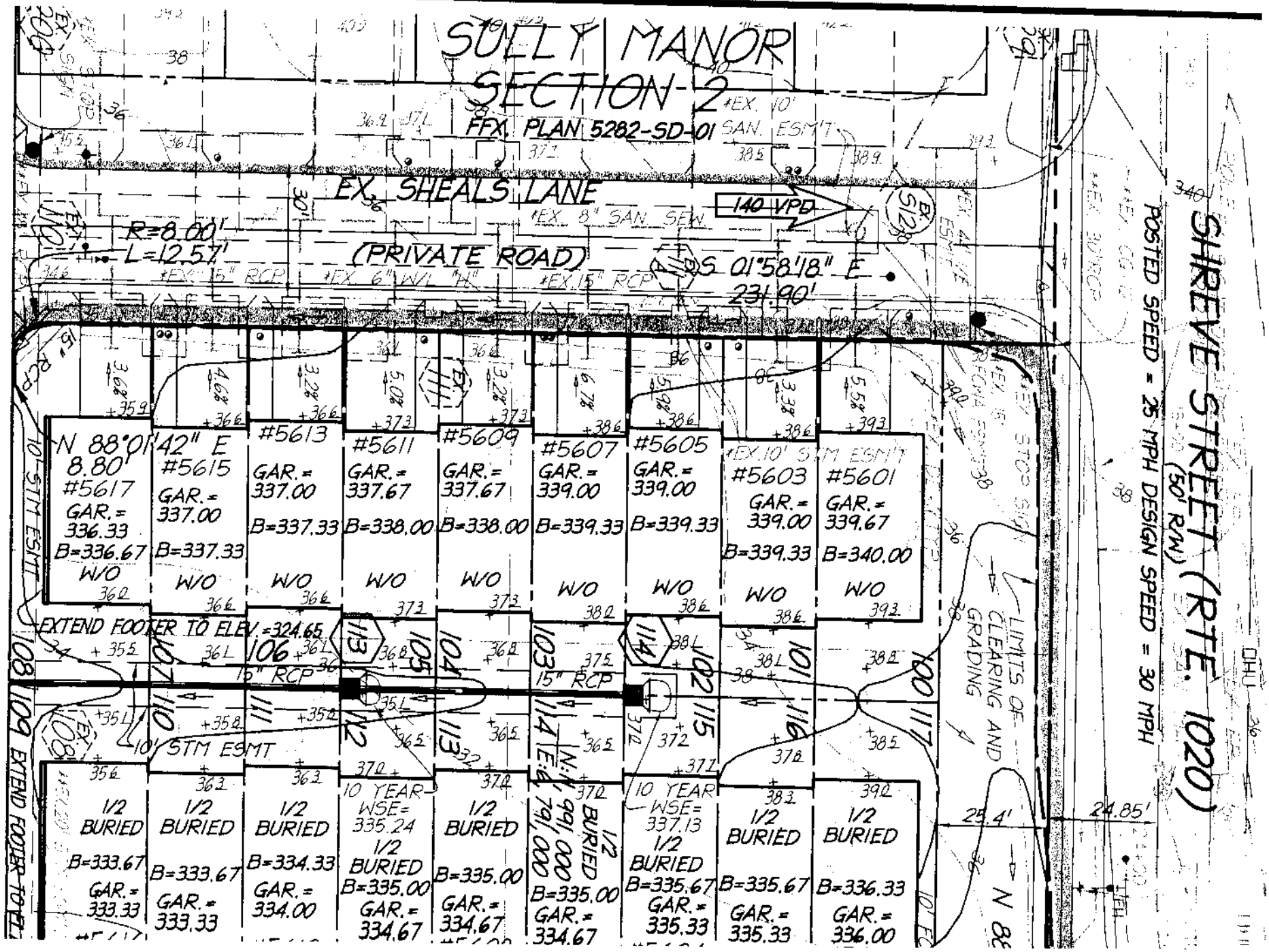
TAX MAP 5
TAX MAP 5
TAX MAP 5
TAX MAP 5
TAX MAP 5
TAX MAP 5
TAX MAP 5

SUB-TOTA

VACATION
MOSBY ST
JOHNSON
NEWGATE
BRADLEY

TOTAL AR
(GROSS SI

EXISTING
PROPOSED


SULLY MANOR
SECTION-2
FFX. PLAN 5282-SD-01
EX. SHEALS LANE
(PRIVATE ROAD)
140 VPD
R=8.00'
L=12.57'
S 01°58'18" E
231.90'
SHREVE STREET (RTE. 1020)
(50' R/W)
POSTED SPEED = 25 MPH DESIGN SPEED = 30 MPH
N 88°01'42" E
8.80'
#5617
GAR.=
336.33
B=336.67
W/O
#5615
GAR.=
337.00
B=337.33
W/O
#5613
GAR.=
337.00
B=337.33
W/O
#5611
GAR.=
337.67
B=338.00
W/O
#5609
GAR.=
337.67
B=338.00
W/O
#5607
GAR.=
339.00
B=339.33
W/O
#5605
GAR.=
339.00
B=339.33
W/O
#5603
GAR.=
339.00
B=339.33
W/O
#5601
GAR.=
339.67
B=340.00
W/O
EXTEND FOOTER TO ELEV.=324.65
15" RCP
10' STM ESMT
1/2
BURIED
B=333.67
GAR.=
333.33
B=333.67
GAR.=
333.33
B=334.33
GAR.=
334.00
10 YEAR
WSE=
335.24
B=335.00
GAR.=
334.67
B=335.00
GAR.=
334.67
B=335.00
GAR.=
334.67
10 YEAR
WSE=
337.13
B=335.67
GAR.=
335.33
B=335.67
GAR.=
335.33
B=336.33
GAR.=
336.00
LIMITS OF CLEARING AND GRADING
25.4'
24.85'
N 88

WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

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APR 16 2004
Zoning Evaluation Division

April 15, 2004

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