FAIRFAX
COUNTY

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

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

V I R G I N I A

July 15, 2004

Gregory A. Riegle
McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-4215

Re: Interpretation for SE 2001-D-022, Sugarland Hill Apartments, Housing for the Elderly
Tax Map 6-3 ((1)) 11: Building Layout and Fence Height

Dear Mr. Riegle:

This is in response to your letter of March 31, 2004, and subsequent revised letters dated June 3, 2004, June 29, 2004, and a corrected March 31, 2004, letter received by fax on July 7, 2004, requesting an interpretation of the Special Exception (SE) Plat and the development conditions approved by the Board of Supervisors in conjunction with SE 2001-D-022. As I understand it, the question is whether a modification to the approved building layout and an increase in fence height would be in substantial conformance with the SE Plat and development conditions. This determination is based on the plan attached to your letter of June 29, 2004, entitled "Site Plan Sugarland Hill Apartments, Housing for the Elderly," which is dated November 6, 2002, as revised June 29, 2004, and prepared by Wiles Mensch Corporation. Copies of the letters and a reduction of the plan are attached for reference.

As I understand it you are proposing to increase the approved building setback by 2.1 feet on the south side (from 119.9 feet to 122.0 feet) and reduce the building setback by 6.8 feet on the northwest side (from 161.5 feet to 154.7 feet). The building width is proposed to increase by 4 feet; the building length would be increased by 0.8 feet. These changes are the result of final building design. No change in the approved number and type of units is proposed. You have stated that the final site plan indicates an increase in open space from 61.9% to 68% and no changes to buffering, parking or access to the site are proposed.

You also propose to increase the height of the fence to be located along the southern property line from six (6) feet to seven (7) feet to provide a transition to the 8 foot fence located on the Loudoun County portion of your site. Part of this project is located in Loudoun County.

It is my determination that the proposed increase in fence height from 6 feet to 7 feet along the southern property line and minor modifications to the building footprint and setbacks would be in substantial conformance with the SE Plat and the development conditions. This determination has been coordinated with the Zoning Administration Division and has 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 Kul Sandhu at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division

BAB\KS\Suharland Hill Apartments.doc

Attachment: A/S

cc: Joan M. DuBois, Supervisor, Dranesville District
Nancy Hopkins, Planning Commissioner, Dranesville District
Leslie B. Johnson, Deputy Zoning Administrator, Permits Review Branch, DPZ
Michelle Brickner, Director, Office of Site Development Services, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: SE 2001-D-022; SEI 0404 019, Imaging, Reading File

McGUIREWOODS

No. of Pages (including fax cover sheet): 05 Date: Wednesday, July 07, 2004 8:03:18 AM

If all pages are not received, please call the Fax Operator indicated below.

TO: Kul Sandhu

OFFICE/COMPANY/FIRM: FAIRFAX COUNTY

PHONE NUMBER: FAX NUMBER: 1-703-324-3924

FROM: Gregory A. Riegle OFFICE: Tysons Corner

FAX OPERATOR: (703)712-5000 FAX NUMBER: 1-703-712-5218

SENDER'S DIRECT DIAL PHONE NUMBER: 1-703-712-5360

REMARKS:

Kul, per your voice mail, the corrected letter is attached. A blackline showing changes is also included.

This Fax is intended for the recipient indicated above. It may be confidential or protected from disclosure by the attorney-client privilege or work-product doctrine. If you have received this Fax in error, please mail it to: McGuireWoods LLP, 1750 Tysons Boulevard, Suite 1800, McLean, VA 22102. We will reimburse you for your postage. Thank you.

McGuireWoods LLP
1750 Tysons Boulevard
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Phone: 703 712.5000
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Gregory A. Riegle
Direct: 703.712.5360

McGUIREWOODS

griegle@mcguirewoods.com
Direct Fax: 703 712 5218

March 31, 2004

Barbara Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway
Fairfax, VA 22035

Re: Interpretation of Development Conditions Imposed in the Approval of Special Exception SE 2001-D-022

Dear Barbara

The above described Special Exception was approved by the Board of Supervisors on September 9, 2002. Following approval of the special exception, the owner filed the necessary site plan, (SP 1703-SP-01-2) which plan has been reviewed, approved and sent to the Bonds and Agreements Branch. Prior to releasing the property owner's permits for actual construction, Staff of the Department of Public Works and Environmental Services (DPWES) have requested confirmation that the configuration of the building and the associated property setbacks are in substantial conformance with the governing Special Exception. DPWES has also requested confirmation that a seven (7') foot barrier located along the southwestern property line, outside the minimum front yard, is also in substantial conformance with the Special Exception.

For ease of reference, I attach an excerpt from the site plan showing the building dimensions and fence as described on the approved plan. Also attached for reference is the Special Exception Plat. In general, the building described on the site plan is in substantial conformance with what was described on the Special Exception Plat, does not fundamentally change the relationship to adjacent property or reduce the effectiveness of any landscaping or open space. The number of units is unchanged from that described in connection with the Special Exception.

The fence in question is governed by Condition 21 of the Special Exception, this condition stipulated that "...prior to the issuance of a non-RUP, a barrier of (6' tall wood fence) shall be installed along the southern boundary of the site adjacent to Tax Map 6-3-((1))-11A." As shown on the site plan, the portion of the property located in Loudoun County has an eight (8') foot fence along the same property line. The proposed seven (7') foot high fence is more consistent with the approved height in Loudoun County and

in the Applicant's judgment will facilitate a more effective barrier. To our knowledge, the proposed seven foot high barrier in areas outside the minimum front yard does not violate any provision of the Zoning Ordinance.

At your earliest convenience, please confirm that the minor modifications described herein are in substantial conformance with the Special Exception. On receipt, if you have any questions or require any additional information, please don't hesitate to give me a call.

Sincerely yours,

Gregory A. Riegle

GAR/ppl

cc: Thomas Frank
Jeff Abravesh

\\REA\209084 1

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RECEIVED
Department of Planning & Zoning
JUN 29 2004
Zoning Evaluation Division

June 29, 2004

VIA HAND DELLIVERY

Kul Sandhu
Department of Planning & Zoning
Suite 800
12055 Government Center Parkway
Fairfax, VA 22035

Re: Pending Interpretation for Sugarland Hill Apartments Housing for the Elderly

Dear Kul:

It was a pleasure speaking with you this morning on the above referenced topic. As you might imagine, over the course of the interpretation process the site plan and final building design have continued to evolve. Attached is the most recent building configuration for the property as prepared by the project architects and engineers. Please note that the width of the building is approximately two (2') feet greater than that shown on the previous exhibit (now 73.2 feet). Consistent with all previous assumptions, the density of the project has not increased and remains at 80 units total, inclusive of five (5) affordable dwelling units. Similarly, the amount of open space remains in excess of that shown on the approved Special Exception Plan. The most current site design reflects slightly more than 68% total open space. This remains in excess of the 61.9% referenced on the approved Special Exception Plan.

On receipt, if there are any questions, please feel free to give me a call.

Sincerely yours,

Gregory A. Riegle

GAR/ppl

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RECEIVED
Department of Planning & Zoning

APR 0 5 2004

Zoning Evaluation Division

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Direct Fax: 703.712.5278

March 31, 2004

Barbara Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway
Fairfax, VA 22035

Re: Interpretation of Development Conditions Imposed in the Approval of Special Exception SE 2001-D-022

Dear Barbara:

The above described Special Exception was approved by the Board of Supervisors on September 9, 2002. Following approval of the special exception, the owner filed the necessary site plan, (SP 1703-SP-01-2) which plan has been reviewed, approved and sent to the Bonds and Agreements Branch. Prior to releasing the property owner's permits for actual construction, Staff of the Department of Public Works and Environmental Services (DPWES) have requested confirmation that the configuration of the building and the associated property setbacks are in substantial conformance with the governing Special Exception. DPWES has also requested confirmation that a seven (7') foot barrier located along the southwestern property line is also in substantial conformance with the Special Exception.

For ease of reference, I attach an excerpt from the site plan showing the building dimensions and fence as described on the approved plan. Also attached for reference is the Special Exception Plat. In general, the building described on the site plan is generally equal to or in some instances slightly further from the northern property line then was described on the Special Exception Plat. The number of units is unchanged from that described in connection with the Special Exception.

The fence in question is governed by Condition 21 of the Special Exception, this condition stipulated that "...prior to the issuance of a non-RUP, a barrier of (6' tall wood fence) shall be installed along the southern boundary of the site adjacent to Tax Map 6-3-((1))-11A." As shown on the site plan, the portion of the property located in Loudoun County has an eight (8') foot fence along the same property line. The proposed seven (7') foot high fence is more consistent with the approved height in Loudoun County and in the Applicant's judgment will facilitate a more effective barrier. To our knowledge, the

proposed seven foot high barrier does not violate any provision of the Zoning Ordinance.

At your earliest convenience, please confirm that the minor modifications described herein are in substantial conformance with the Special Exception. On receipt, if you have any questions or require any additional information, please don't hesitate to give me a call.

Sincerely yours,

Gregory A. Riegle

GAR/ppl

cc: Thomas Frank
Jeff Abravesh

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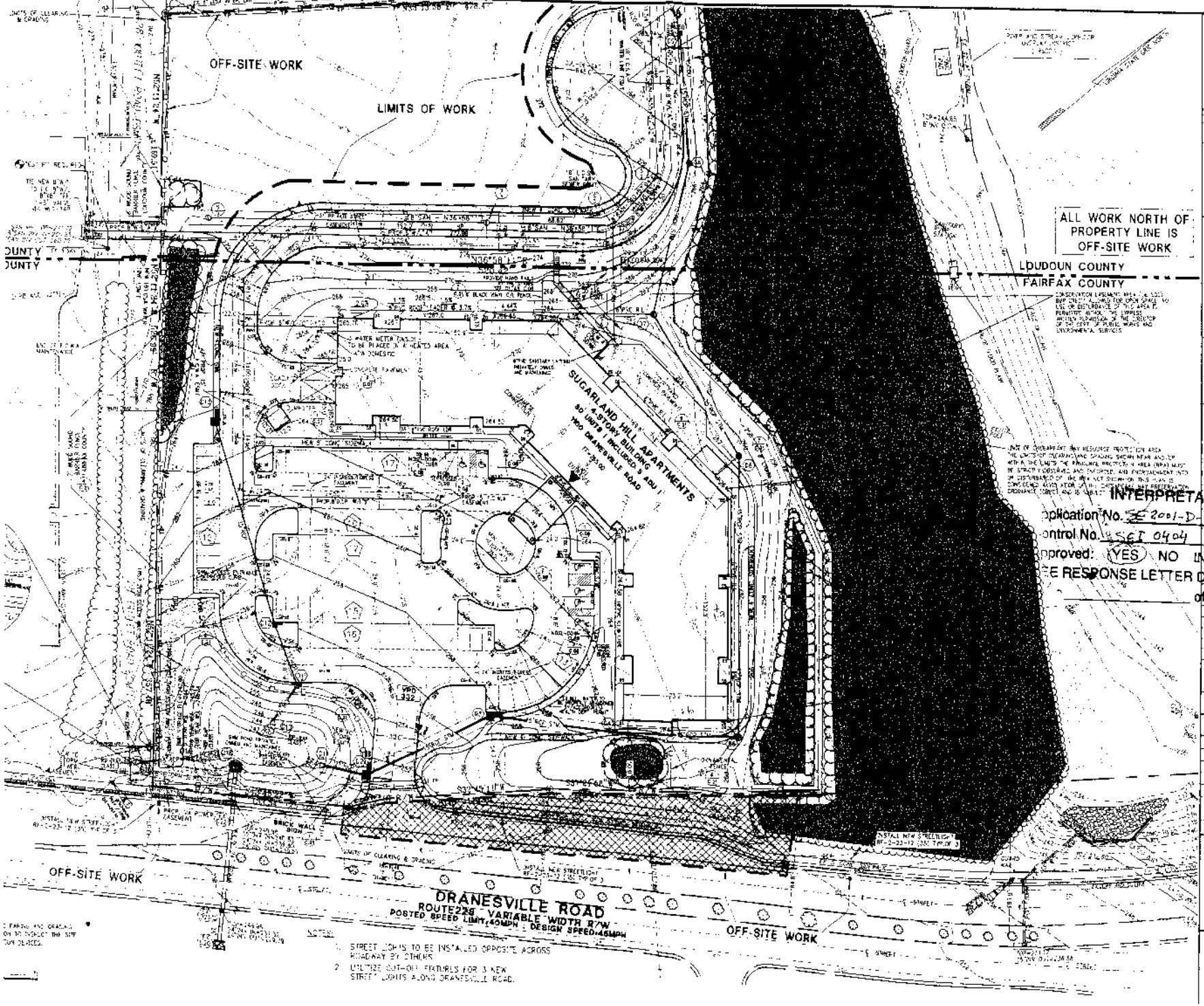

SUGARLAND HILL APPARTMENTS

HOUSING FOR THE ELDERLY

1100 DRANESVILLE ROAD
HERNDON, 20170
DRANESVILLE DISTRICT
FAIRFAX COUNTY VIRGINIA
TAX MAP 6-3 ((1)) 1

Civil Engineer:
WILES MENSCH CORPORATION
Planning Engineering Surveying Landscape Architecture
11950 SUNRISE VALLEY DRIVE Voice (703) 391-7600
SUITE 200 Fax (703) 234-0525
RESTON, VIRGINIA 20190 http://wilesmensch.com

Architects:
EDG ARCHITECTS
2 BETHESDA METRO CENTER
BETHESDA, MD 20814
301-054-0058 (Tele.)
301 907-7640 (Fax)

INTERPRETATION PLAN
Application No. SE 2001-D-002 Staff KS
Control No. SEI 0404 019
Approved: YES NO IN PART (circle one)
SEE RESPONSE LETTER DATED 7/15/04
of

No.	DESCRIPTION	REVIEW BY	APPROVAL	DATE

REVISION APPROVED BY DIVISION OF DESIGN REVIEW

Issued.

Sheet Title
SITE PLAN
FAIRFAX CO.

Scale 1"=30'-0" Date 11/06/02

Job No. 085-2

Sheet No. C.05