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

January 10, 2005

Jack Blevins & Carolyn Olson Blevins
8705 Little River Turnpike
Annandale, VA 22003

Re: Interpretation for RZ/FDP 84-A-022, Shadow Lawn: Re-subdivision of Lot 11
(Tax Map Parcel 59-3 ((22)) 1-11, A

Dear Mr. & Ms. Blevins:

This is in response to your letters of March 15, 2004 and December 1, 2004, and supplemental information submitted on December 3, 2004, requesting an interpretation of the proffers and Conceptual Development Plan (CDP) accepted by the Board of Supervisors in conjunction with approval of Rezoning RZ 84-A-022 and the development conditions and Final Development Plan approved by the Planning Commission with FDP 84-A-022. As I understand it, your question is whether the re-subdivision of Lot 11 in order to create a new Lot 12 would be in substantial conformance with the proffers and development conditions for the above- referenced applications. This determination is based on your letters and the two (2) page exhibit entitled "Shadow Lawn Court Proposed CDP Compliance" which was faxed to this office on December 3, 2004, the proffers and approved development plan, and the subdivision plat. Copies of your letters with exhibits, the proffers and reductions of the development plan and subdivision plat are attached for reference.

According to your letter and the attached exhibits, although the combined Conceptual/Final Development Plan (CDP/FDP) showed a total of fourteen (14) lots, only eleven (11) lots were developed. Lot 11 is the largest lot and is developed with your residence. A letter to David F. Counts from Richard D. Faubion, dated February 12, 1986, which is contained in the County files and is attached, indicates that the development of eleven (11) lots was reviewed by the Zoning Evaluation Division of the Office of Comprehensive Planning and it was determined that, except for reducing the density from 2.8 to 2.2 dwelling units per acre (du/acre), the development was in substantial conformance with the development plan and that no proffered condition amendment or development plan amendment was necessary.

According to your letter, Lot 11 was approved to be 1.37 acres but it is actually 1.57 acres because the subdivision was developed with fewer lots. Excluding your lot, lot sizes in the existing development range from 6,500 square feet to 10,050 square feet. As I understand it, you are proposing to create a new Lot 12 of approximately 16,300 square feet to be located in the same general location as the approved, but never developed, Lot 13 and north of existing Lot 10. Access to Lot 12 is proposed via a twelve (12) foot wide pipestem driveway from Shadow Lawn Court which would partially share the driveway which currently provides access to Lot 11. I understand that, in response to staff concerns about tree save and impacts on existing Lot 11, you have now included a triangular shaped wooded area within lot 12 and have shifted the driveway westward. Your proposed plan also shows the addition of ten (10) tall evergreen trees along the southern property line of proposed Lot 12 to screen it from Lot 10. You are proposing that all construction vehicles access the site from an existing driveway on Route 236 and you have stated that the dwelling to be constructed on Lot 12 will be compatible in size and design with those in the rest of the development.

I understand that you have notified all of the property owners within the existing Shadow Lawn subdivision of the proposal to sub-divide your lot and have provided a copy of the letter to Supervisor Sharon Bulova's office as well as to this office. A copy of your letter to the neighborhood residents is also attached.

It is my determination that development of the proposed Lot 12 would be in substantial conformance with RZ/FDP 84-A-022 provided that, at a minimum, ten (10) tall evergreen trees (6 feet or greater in height at the time of planting) are planted as depicted on your submitted plan, that tree preservation is provided as depicted, and that the dwelling to be constructed on Lot 12 is compatible in size and design with those constructed in the rest of the development. Please note that the subject property is also governed by proffers relating to noise attenuation and tree preservation.

This determination has 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 Mary Ann Godfrey at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

BAB/MAG/O:\mgodfr\Proffer Interpretations PI Blevins (Shadow Lane)(RZ-84-A-022)interp.doc

Attachments: A/S

cc: Sharon Bulova, Supervisor, Braddock District
Suzanne Harsel, Planning Commissioner, Braddock District
Leslie Johnson, Deputy Zoning Administrator, DPZ
Michelle Brickner, Director, Office of Site Development Services, DPWES
Audrey Clark, Director, Building Plan Review and Permits Division
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Gerald Butcheo, President, Shadow Lawn HOA
File: RZ-84-A-022, PI 0409 127, Imaging, Reading File

Jack Blevins & Carolyn Olson Blevins

RECEIVED
Department of Planning & Zoning
DEC 07 2004
Zoning Evaluation Division

December 1, 2004

Barbara Byron
Director, Zoning Evaluation Division
County of Fairfax, Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Dear Ms. Byron,

We are the owners of Lot 11, Shadow Lawn and parties to the original zoning and subdivision actions that created the Shadow Lawn subdivision. Shadow Lawn currently comprises 11 lots, 10 of which are between 6,568 and 10,050 square feet in size. We are now asking for approval to further subdivide our 68,091 square-foot Lot 11 to create one additional lot of approximately 16,300 square feet while keeping the existing dwelling on a new lot of approximately 51,791. The smaller lot would include 10,500 square feet for the home, 1,000 square feet for screening, and 4,800 square feet for a pipe stem.

On October 22, 1984 the Board of Supervisors approved rezoning application RZ-84A-022 for our family's property to PDH-3. Both the Conceptual Development Plan (CDP) that was approved with the rezoning application and the Final Development Plan (FDP) illustrated 14 lots, justified by certain public benefit features identified with the development proposal. During the processing of the subsequent subdivision plans we chose to sell only 11 lots to a developer at that time while providing the public benefit features associated with the full 14 lots. We now would like to subdivide our 68,091 square-foot Lot 11 to create two lots, one for our existing house and one new lot for a total of 12 lots where 11 exist today.

The subdivision of Lot 11 would include subdivision of the existing 24-foot wide pipe stem to provide two 12-foot pipe stems with cross-easements for a shared driveway to provide access to both lots from Shadow Lawn Court. The pipe stem for the new lot would continue across the south side of the existing lot 11 adjacent to the homeowners' open space parcel. This would assure that the subdivision and the house construction would not disturb the land or trees in the open space or the other 10 existing lots. In addition, we would provide a tall evergreen screen on the new lot alongside the north line of lot 10 to assure privacy for the rear yards of both lot 10 and the new lot. We would provide temporary access across our front (north) yard to the new lot during construction to avoid the use of Shadow Lawn Court.

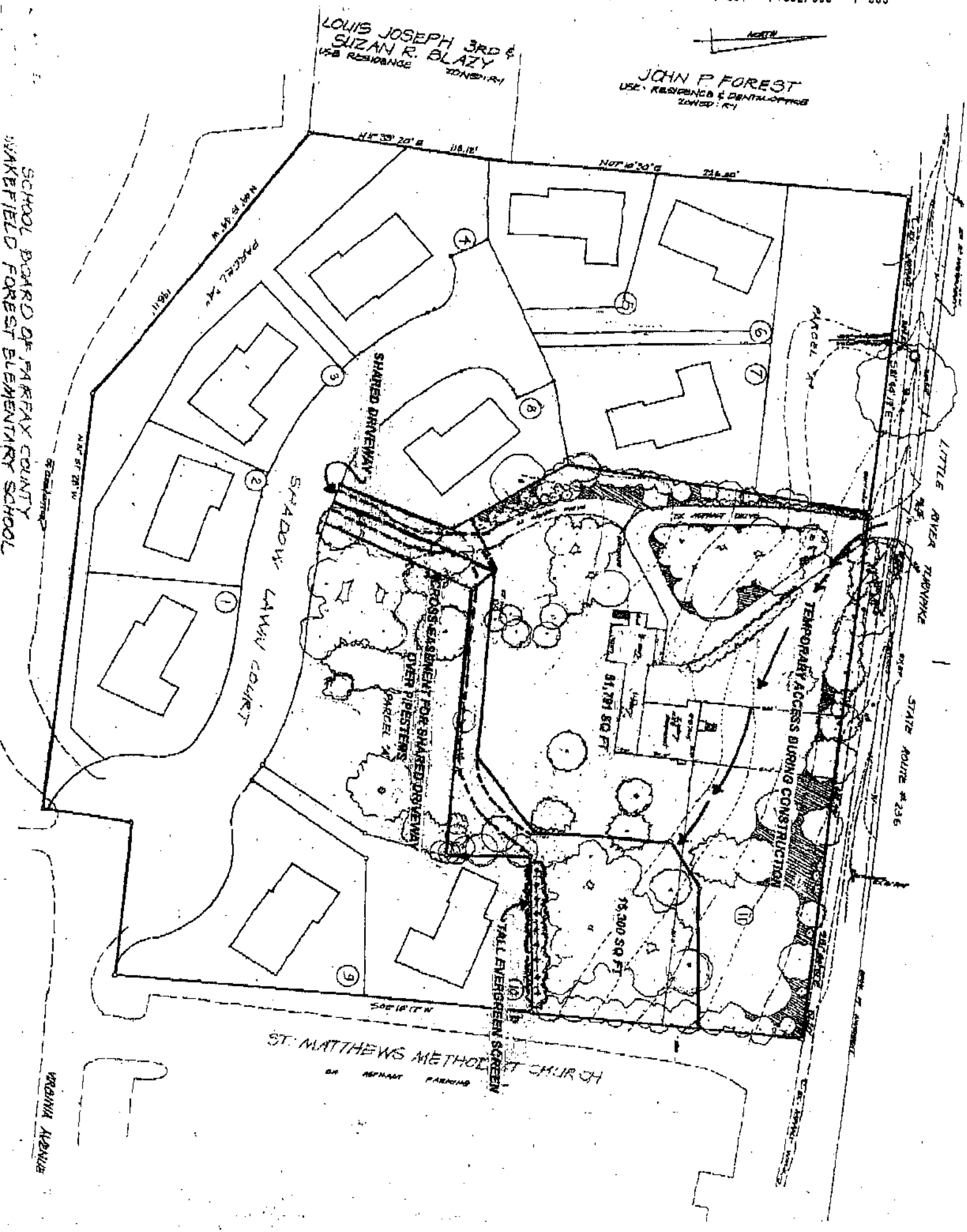
We believe that subdividing our Lot 11 in this way would result in a development that is in substantial accord with the CDP. Our proposal of the additional lot would actually make the developed subdivision in closer compliance with the CDP by providing for the home that shows on the CDP near the northwest corner of the site.

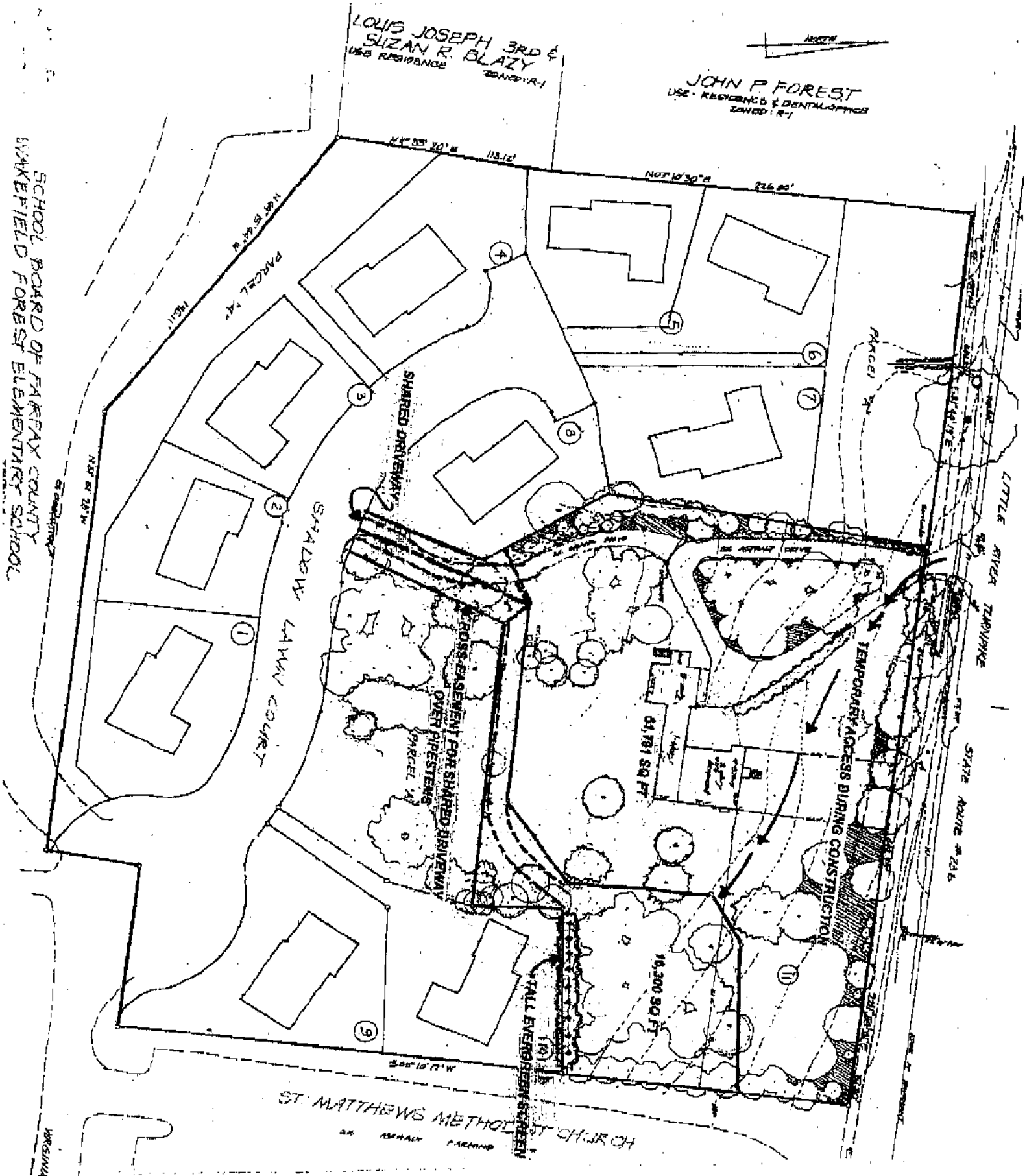
Please let us know if you need additional information concerning this request. You may contact Jack during office hours at (703) 385-7930 or Carolyn at (703) 978-4688 or (703) 589-5004. We thank you for your attention to this request.

Sincerely,

Jack Blevins, AICP

Carolyn Olson Blevins, RLA


LOUIS JOSEPH 3RD & SUZAN R. BLAZY
USE RESIDENCE ZONED: R-1
JOHN P. FOREST
USE: RESIDENCE & DENTAL OFFICE
ZONED: R-1
NORTH
SCHOOL BOARD OF FAIRFAX COUNTY
WAKEFIELD FOREST ELEMENTARY SCHOOL
PARCEL "A"
SHADOW LAWN COURT
SHARED DRIVEWAY
CROSS-EASEMENT FOR SHARED DRIVEWAY OVER PIPESTEMS
PARCEL "A"
TEMPORARY ACCESS BURING CONSTRUCTION
51,791 SQ FT
15,300 SQ FT
TALL EVERGREEN SCREEN
LITTLE RIVER TURNPIKE
STATE ROUTE #236
ST. MATTHEWS METHODIST CHURCH
ON ASPHALT PARKING
VIRGINIA AVENUE



SHADOW LAWN COURT

PROPOSED CDP COMPLIANCE

Jack & Carolyn Blevins
8705 Little River Turnpike, Annandale Virginia 22003
(703) 978-4688

December 12, 2004

Supervisor Sharon Bulova
9002 Burke Lake Road
Fairfax, VA 22015

Dear Supervisor Bulova:

As you may know, we are planning to subdivide our 1.57 acre Lot (#11) in the Shadow Lawn Subdivision next Spring in compliance with the Conceptual Design Plan from the PDH-3 zoning approved in 1984. We recently learned that your office prefers that we notify our neighbors as early as possible regarding our intent to subdivide.

Last Friday, December 10, 2004, we mailed letters to our neighbors notifying them of our plans and delivered copies of the letters to your office along with a copy of the proposed plan. Since that time we have spoken with the resident-owners of three of the ten other homes in the Shadow Lawn Subdivision. Each of them has agreed to work with us when we file our subdivision application next Spring. We are committed to working with each of them to optimize the fit of the new lot with the existing neighborhood. Over the next few days we will be contacting the remaining seven owners and the one renter, as well as a representative of the Board of Trustees of St. Matthews United Methodist Church next door to us.

We expect to be meeting with our neighbors, both individually and as a group, throughout the processes of creating the lot and building the new home to assure that the new home offers the best possible influence on the neighborhood. We would also be happy to meet with you and discuss the plans if you so wish. You may contact us at the address and phone number above.

We would like to thank you for your service to the County and your concern for neighborhoods over the years. We look forward to working with you, and we will certainly keep you informed of our plans and the timing of ultimate construction.

Sincerely,

Jack and Carolyn Blevins

8705 Little River Turnpike, Annandale, Virginia 22003
(703) 978-4088

December 9, 2004

Annandale, Virginia 22003

Dear :

It is difficult for us to believe that it has been over twenty years since we began development of the Shadow Lawn subdivision. Looking around us, we are proud to see that Shadow Lawn is still looking and functioning as a top rate neighborhood. As many of the holiday decorations go into place, it is looking better than ever before.

As you may know, the zoning of Shadow Lawn approved by the Fairfax County Board of Supervisors in 1984 called for 14 lots, even though we only subdivided 11 (counting our own) at that time. We are writing you to let you know that we will be subdividing our lot next year to create one additional lot in accordance with the Conceptual Development Plan approved in 1984. Although construction would not likely begin until sometime in 2006, we want you to be aware of what is going on. We expect to file the subdivision plans in March or April of 2005 for anticipated approval next summer. Before filing the subdivision plans, we would like to know about any existing concerns that we may be able to address through the planning and design of the new one-lot addition to the subdivision. We have already heard that some have suggested that our lot should be part of the homeowners' association. We would be happy to make our lot and the new lot part of SLHA if that is the desire of the group.

In accordance with the original zoning, the twelfth lot will be located between the Grenwis property and Little River Turnpike. We will provide access across our property and our driveway, which will be shared using both a "pipestem" and an access easement. We will plant a heavy row of tall evergreen trees to screen between the Grenwis property and the new home. We will not remove any shade trees anywhere except immediately around the new home. We will require that all construction traffic access the new home via our driveway off Little River Turnpike so that none of it will disturb the neighborhood or damage the paving on Shadow Lawn Court. In addition, we welcome any suggestions to further protect the neighborhood.

After much consideration, we have concluded that we will stay on at Shadow Lawn. Carolyn grew up here; Jack has lived here for 30 years; and Alaina and Christina will always be attached to the place. We plan to use some of the proceeds from the ultimate sale of the lot to improve the property. We would be more than happy to meet with you individually and as a group. We also welcome any suggestions you may have about what we can do to our property to improve the neighborhood.

Sincerely,

Jack and Carolyn Blevins

LIST OF SHADOW LAWN HOMEOWNERS

Patrick and Kathryn Frakes
8726 Shadow Lawn Court
Annandale, VA 22003

Bob and Linda Grenwis
8728 Shadow Lawn Court
Annandale, VA 22003

Young Chan and Sun Ro
8731 Shadow Lawn Court
Annandale, VA 22003

Bob and Cory Elder
8733 Shadow Lawn Court
Annandale, VA 22003

Art and Debbi Brantz
8735 Shadow Lawn Court
Annandale, VA 22003

Gerald Butcho and Laura Boteler
8737 Shadow Lawn Court
Annandale, VA 22003

Minhua Wang and Mali Liu
8739 Shadow Lawn Court
Annandale, VA 22003

Dorbhala and Vasantha Sarma
(8741 Shadow Lawn Court
Annandale, VA 22003)
910 Falls Bridge Road
Great Falls, VA 22066

Resident
8741 Shadow Lawn Court
Annandale, VA 22003

Tony and Beverly German
8740 Shadow Lawn Court
Annandale, VA 22003

John Fulton and Jean Zug
8738 Shadow Lawn Court
Annandale, VA 22003

St. Matthews United Methodist Church
8617 Little River Turnpike
Annandale, VA 22003

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

October 31, 1984

Mr. David F. Counts
410 Pine Street
Vienna, Virginia 22180

Re: Rezoning Application
Number RZ 84-A-022

Dear Mr. Counts:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 22, 1984, granting, as proffered, Rezoning Application RZ 84-A-022 in the name of David F. Counts, to rezone certain property in the Annandale District from the R-1 District to the PDH-3 District on subject parcels 59-3 ((9)) 1 and 2 and 59-3 ((10)) 20 and 21 consisting of approximately 4.93 acres.

The Board of Supervisors approved the Conceptual Development Plan Number Three, subject to the Development Conditions.

In addition, the Board of Supervisors waived the service drive requirement along Little River Turnpike.

Very truly yours,

Ethel W. Register

Ethel Wilcox Register, CMC
Clerk to the Board of Supervisors

EWR:mg

cc: Samuel A. Patteson, Jr.
Supervisor of Assessments
Gilbert R. Knowlton, Deputy
Zoning Administrator
Richard D. Faubion, Acting Division Director
Zoning Evaluation Division
Fred R. Beales, Supervisor
Base Property Mapping/Overlay
Ted Austell, III
Executive Assistant to the County Executive

Conditions Precident to Rezoning
RZ 84-A-022
FDP 84-A-022

As applicant in the above referenced rezoning case I accept the following conditions on the development of the land if the property is rezoned to the PDH-3 category.

1. The property shall be developed in accordance with the Conceptual/ Final Development Plan that is ultimately approved by the Board of Supervisors. The uses shall be residential as shown on the plan.

2. The existing house shown on future lot 14 shall be retained and an alternate access shall be provided through the new subdivision.

3. The houses will be constructed so that they meet Fairfax County requirements for noise attenuation measures to be provided for houses within a noise impact zone with levels between 65 dBA and 70 dBA Ldn.

4. Active recreational facilities shall be provided within the common open space in accordance with the PDH District requirements.

5. When the final construction plans are being engineered, every effort will be made to preserve trees on the site. The clearing limits will be clearly marked on the subdivision plan.

David F. Counts 10/5/84
David F. Counts,
Applicant

In addition, the owners, beneficiaries and applicant agree to the following condition:

There shall be no commercial or office use of the property (future lot 14) other than the existing home occupation architecture and planning office as it is now allowed under Part 9, Section 8-909 of the Fairfax County Zoning Ordinance. The undersigned owners further proffer that they will covenant to this effect with all future owners of Lots 1 through 13.

signed

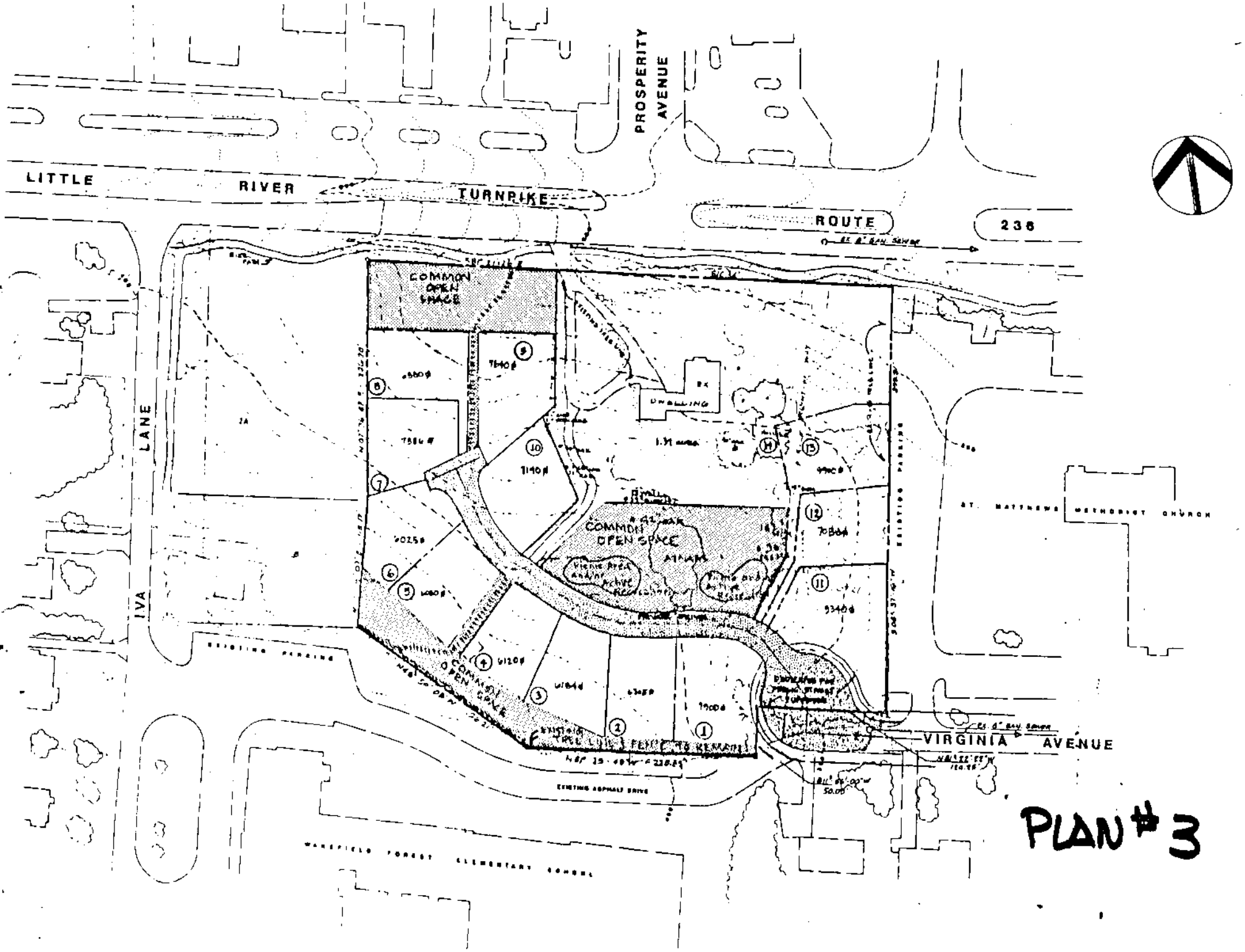
Carl O. Olson, Jr., Owner

Delia B. Olson, Owner

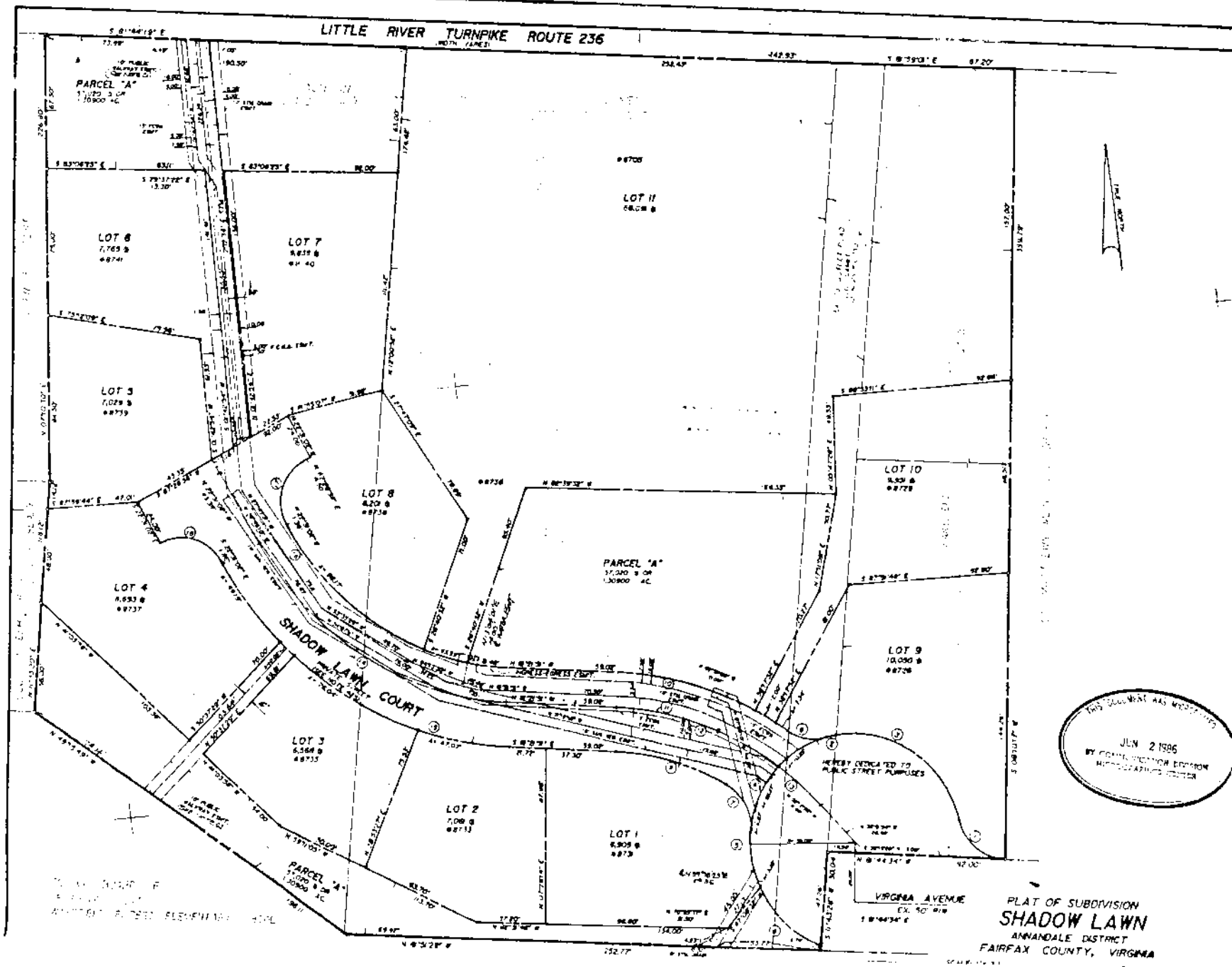
Carolyn Olson Blevins, Beneficiary

Jack Blevins, Beneficiary

David F. Counts 10/5/84
David Counts, Applicant & Builder


LITTLE RIVER TURNPIKE
PROSPERITY AVENUE
ROUTE 236
IVA LANE
VIRGINIA AVENUE
COMMON OPEN SPACE
COMMON OPEN SPACE
COMMON OPEN SPACE
EXISTING DWELLING
ST. MATTHEWS METHODIST CHURCH
EXISTING PARKING
EXISTING ASPHALT DRIVE
WAKEFIELD FOREST ELEMENTARY SCHOOL

PLAN # 3


LITTLE RIVER TURNPIKE ROUTE 236
PARCEL "A"
LOT 6
LOT 7
LOT 11
LOT 5
LOT 8
LOT 10
PARCEL "A"
LOT 4
SHADOW LAWN COURT
LOT 9
LOT 3
LOT 2
LOT 1
PARCEL "A"
VIRGINIA AVENUE
EX. 50' R/W
PLAT OF SUBDIVISION
SHADOW LAWN
ANNANDALE DISTRICT
FAIRFAX COUNTY, VIRGINIA
JUN 2 1986