



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

(703) 324-1290

Fax (703) 324-3924

V I R G I N I A

December 12, 2003

Felix Tancoco
46837 North Brook Way
Sterling, Virginia 20164

Re: Interpretation for VC 99-P-101, Felix S. Tancoco, Rocio O. Tancoco,
Georgina P. Tancoco and Christopher P. James, Tax Map 37-4 ((1)) 17:
Utility Connection

Dear Mr. Tancoco:

This is in response to your letter of October 30, 2003 (copy attached), requesting an interpretation of the approved variance plat and development conditions imposed by the Board of Zoning Appeals in conjunction with the approval of VC 99-P-101. As I understand it, you are requesting relief from a development condition imposed with the approval of your variance application. The development condition from which you seek relief is number five, which reads:

“All utilities required to serve the home on proposed lot 17B shall be installed with a connection to Hunter Mill Road and not Marbury Road.”

As I understand it, you are currently in the process of constructing on lot 17B. You state in your letter that you have been advised by you project designer that a more practical way of servicing the Virginia Power connection to Lot 17B would be through Marbury Road which already has the existing facilities available. You are therefore proposing connecting to electricity via Marbury Road as opposed to Hunter Mill Road.

It is my understanding from reviewing the variance records and the public testimony heard at the public hearing for this variance application that the above-referenced development condition was proposed by your attorney in an effort to assuage neighbors' concerns regarding easements running along Marbury Road. As your proposal is directly contrary to the development condition as represented at the public hearing, it is my determination that the deletion of condition number five would not be in conformance with the approved variance development conditions. As such, a variance amendment would be required to remove the development condition. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator.

Mr. Felix S. Tantoco
Page 2

If you have any questions regarding this interpretation, please feel free to contact Mavis Stanfield at (703) 324-1280.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division

BAB:/mstanf/Interpretations/Tantoco, VCI 0311 005.doc

Attachment: A/S

cc: Board of Zoning Appeals
Daryl Varney, Chief, Zoning Permit Review Branch
Michelle Brickner, Director, Office of Site Development Services, DPWES
File: VC 99-P-101; VCI 0311 005; Imaging

46837 North Brook Way
Sterling, Va. 20164
October 30, 2003

Barbara A. Byron
Director
Zoning Evaluation Division, DPZ
12055 Government Center Parkway
Suite 801
Fairfax, Va. 22035-5509

Dear Ms. Byron:

This letter is a follow up of my conversation with the Planner of the Day (Lisa) this Thursday afternoon requesting advice on our predicament concerning the limitation on our variance approval.

As you are aware, we started this project to build our retirement home three years ago and we are still slowly working on it. At this stage, the site plan is ready for pick up and the building permit is also ready for approval with minor requirements.

However, we feel that we should first resolve the issue of limitation No. 5 which stipulates that "all utilities required to serve the home on proposed lot No. 17B shall be installed with a connection to Hunter Mill Road and not Marbury Road."

Our last correspondence with you regarding limitation No. 4 on the same variance was already resolved. We followed your recommendation by revising the architectural plan to conform with the 2,500 sq. ft. area and detaching the garage.

Soon after the architectural plan was done, we contacted Virginia Power and a survey and studies were done by the Project Designer (see Attachment No. 2). He recommended a more practical way of servicing the connection through Marbury Road which already has the existing facilities to service our proposed project and will not do any work until the issue is resolved.

To conform with this variance is impractical and unworkable for us due to the big expense so we held up the project.

A few months ago I inquired about the status of my application and was informed that there is an expiration date after which we would have to start again from scratch. We would, therefore, like to request for a fair and early resolution to this problem.

RECEIVED
Department of Planning & Zoning

NOV 03 2003

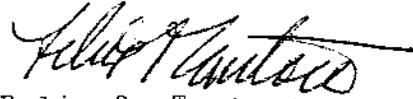
Zoning Evaluation Division

We cannot afford the additional expense for the service connection which can be done for less as recommended by Virginia Power.

We feel that there will be no adverse impact on the neighbors, the environment, or community and will help us tremendously in our quest to build our retirement home.

Thank you for your assistance and consideration on this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Felix S. Tantoco', with a long horizontal flourish extending to the right.

Felix S. Tantoco

P.S. Contact phones: Home - 703 404-4435; Cell - 571 217-3772.

Attachments 1-4

FELIX S. TANTOCO, ROCIO O. TANTOCO, GEORGINA P. TANTOCO AND CHRISTOPHER P. JAMES, VC 99-P-101 Page 2

6. That:
- A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

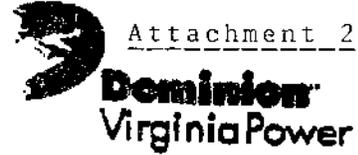
THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is APPROVED with the following limitations:

- ✓ 1. This variance is approved for the subdivision of lot 17 as shown on the plat prepared by Land Design Consultants (John L. Marshall, Land Surveyor) dated June 1999. All development shall be in conformance with this plat as qualified by these development conditions. These conditions shall be recorded among the land records of Fairfax County for each of these lots.
- ✓ 2. Right-of-way measuring fifty six (56) feet from the centerline of Hunter Mill Road shall be dedicated to the Board of Supervisors, in fee simple, at the time of subdivision plat approval or upon demand, whichever occurs first. All ancillary easements along the frontage of the site shall be conveyed to the Board of Supervisors at the time of dedication.
- ✓ 3. The application site shall meet all tree cover requirements, as determined by the Urban Forester. Any existing trees designated by the Urban Forester, or their agent, to be preserved, shall be protected from damage by construction activity, as prescribed by and to the satisfaction of the Urban Forester.
- ✓ 4. The home constructed on lot 17B shall be a maximum of 2,500 square feet. The home shall have a maximum of three (3) bedrooms and not exceed one story.
- ? 5. All utilities required to serve the home on proposed lot 17B shall be installed with a connection to Hunter Mill Road and not Marbury Road.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval* unless the subdivision has been recorded among the land records of Fairfax County. The Board of Zoning Appeals may grant additional time to record the subdivision if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Dominion Virginia Power
 11133 Main Street, Fairfax, VA 22030



June 3, 2002

Mr. Felix S. Tantoco
 46847 North Brook Way
 Sterling, VA 20164

Post-It® Fax Note	7871	Date	7/7/02	Page	1
To	FELIX TANTOCO	From	FRANK BERNDSEN		
Cc./Dest.		Co.	VA POWER		
Phone #	703 404-4435	Phone #	703 938-2581		
Fax #	703 404-4435	Fax #	703-938-2585		

Re: Service Installation
 10408 Marbury Rd. Oakton, VA 22124
 Work Request #43-5044100

Dear Mr. Tantoco,

The preliminary estimate has been completed to install electrical service to the above location. This estimated cost brings the service in from Hunter Mill Road as specified by the Variance Resolution that became final on March 8, 2000. The initial cost is estimated to be at least \$21,912.00.

Dominion Virginia Power has adequate facilities within 400' of the proposed site, but due to wording of the variance, Dominion will need to install new facilities. This additional expense will need to be covered by the customer. The estimated cost will be valid for 60 days from the date of this letter. Any revised charge will be based on updated cost estimates, and the policies of the Company, which are in effect at that time.

Final design and engineering for this project will not be started until you return this letter to Dominion Virginia Power with a signature that you understand that these expenses will be covered by the customer. Or, if changed, a copy of an amended variance that will allow Dominion to use existing equipment and facilities. The above cost has been estimated in good faith; however, should unforeseen circumstances or Applicant change orders change the magnitude of the project, Dominion Virginia Power reserves the right to stop construction and/or amend the service cost. For such project changes, additional construction charges, not to exceed \$500 for residential customers or \$1000 for non-residential customers, will be billed to Applicant upon completion of the work. Additional construction charges in excess of the aforementioned amounts will require prior authorization from the Applicant. Dominion Virginia Power may require payment of such additional construction charges prior to the completion of the service.

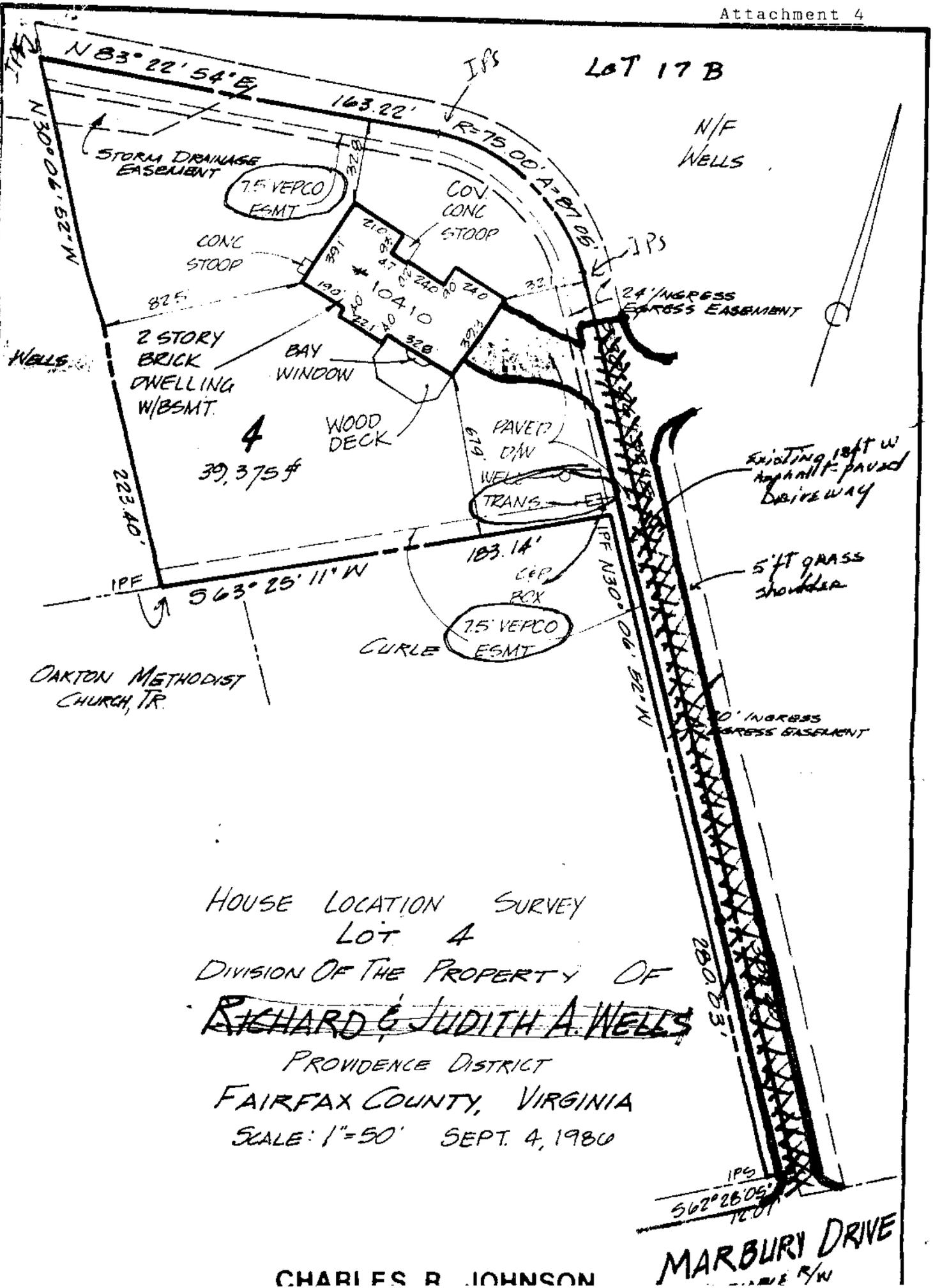
If you have any questions, please contact me at (703) 934-2541

Sincerely,

Frank E. Berndsen
 Project Designer
 Fairfax Construction Services

I request that Dominion Virginia Power continue with engineering to provide electrical service to 10408 Marbury Rd. Oakton, VA from Hunter Mill Rd.

Signed: _____ Name Printed _____
 Date: _____



HOUSE LOCATION SURVEY
 LOT 4
 DIVISION OF THE PROPERTY OF
~~RICHARD & JUDITH A. WELLS~~
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1"=50' SEPT. 4, 1980

CHARLES R. JOHNSON

MARBURY DRIVE
 100'