



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

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

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V I R G I N I A

September 13, 2004

Inda E. Stagg, Land Use Coordinator
Walsh, Colucci, Lubeley, Enrich & Terpak, P. C.
2200 Clarendon Boulevard, Thirteenth Floor
Arlington, VA 22201-3359

Re: RZ/FDP 2002-MV-040, Spring Hill Seniors, Porticos on Villa End Units

Dear Ms. Stagg:

This is in response to your letter of August 3, 2004, and the follow-up letter of August 26, 2004, requesting an interpretation of the proffered combined Conceptual/Final Development Plan accepted by the Board of Supervisors in conjunction with the approval of RZ 2002-MV-040. As I understand it, the question is whether porticos that are five feet deep and twelve feet long may be included on the six end Villa units or single family attached dwelling units. This interpretation is based on the plan attached to your letter of August 26, 2004, prepared by Studio39, which is entitled Villas (Single Family Attached): Side Entry Porch and dated August 19, 2004. A copy of the above-referenced letters and the submitted plan are attached to this letter.

By Zoning Ordinance definition, a portico is considered a roofed deck. Par. 3C of Sect. 2-412 states that roofed decks are not permitted to extend into a front yard or a side yard of a single family attached dwelling unit. The illustration on Sheet 3 of the proffered CDP/FDP dimensions a ten foot setback from the private street. This setback is also referenced in the table entitled "Minimum Yards and Setbacks" on Sheet 3. The illustration includes a three foot by six foot unidentified feature on the long side of the unit on the end of the stick; however, the proposed portico is to be five feet by twelve feet. It is my determination that the proposed porticos are not in substantial conformance with the proffered CDP/FDP. If a portico or roofed deck this large is desired approval of a proffered condition amendment and Final Development Plan amendment must be approved so that the portico is a feature shown on the proffered CDP/FDP or otherwise addressed by the proffers.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator.



**WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC**

Inda E. Stagg
Land Use Coordinator
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RECEIVED
Department of Planning & Zoning

AUG 05 2004

August 3, 2004

Zoning Evaluation Division

Via Facsimile & U.S. Mail

Peter Braham
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, #801
Fairfax, Virginia 22035

**RE: Request for Interpretation
RZ 2002-MV-040 (the "Application")
Addition of Portico to Villa Ends**

Dear Peter:

Pulte Home Corporation is, as you know, in a process with the Architectural Review Board and the South County Federation in order to provide approved facades on the single and attached "villa" dwelling units within the Spring Hill Senior Campus. There has been much give and take throughout the process between these entities, and Pulte finds that they need to provide "interest" to the ends of the villa units. By this, I mean the six (6) ends of the groupings of villa units that either face a private street or abut the Laurel Hill Greenway. This interpretation request does not address facades of the villa units that face each other. Specifically, Pulte is requesting the addition of Porticos to these ends, which would measure approximately five (5) foot deep by sixteen (16) feet long. These would be covered structures supported by columns, but would not be enclosed structures. I have reviewed the proffers accepted pursuant to RZ 2002-MV-040 and can find no specific restrictions to such extensions into the yards. Further, I can find no specific reference addressing extensions on the CDP/FDP.

Sheet 3 of 6 entitled, "Conceptual-Final Development Plan" provides a graphic for both the single family detached and the villa units. The graphic for the villa units indicates a ten (10) foot yard beside each unit. The tabulation on this same sheet notes a minimum yard and setback of ten (10) feet for a corner/side unit. As stated earlier, our request is to permit a portico within this yard, in some instances. Section 2-412, of the Ordinance, Permitted Extensions Into Minimum Required Yards, indicates that, in the PDH District, the minimum required yards shall be deemed to be one-half of the distance of the yard that has been established by the location of the principal structure

on a lot. In this instance, the principal structure is located ten (10) feet from the property line. Paragraph 1a of Section 2-412 states that cornices, canopies, awnings, eaves of other such similar features, all of which are at least ten (10) feet above finished ground level, may extend three (3) feet into any minimum required yard, but not closer than two (2) feet to any lot line." In this case, we are requesting to extend five (5) feet from the primary structure, which we believe is permitted by these provisions.

You may also recall that the addition of porches was desired in this development. The proffers state that a minimum of 40% of the units shall contain porches. As currently designed, approximately 60% of the development contains porches. No porches are currently designated for the villa units, as the interior units contain courtyards. However, the end units, particularly, those facing a street, have no such amenity, and we believe that the addition to these porticos would be in conformance with the approved proffers and zoning ordinance provisions, as well as in keeping with the intent of the approval.

Therefore we request a determination that porticos, which are no more than five (5) feet deep and sixteen (16) feet long, be permitted on the six (6) villa units that are at the end of their groupings, as stated in the initial paragraph.

If you have any questions regarding this request, please do not hesitate to call. As always, we appreciate your consideration of these matters.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.



Inda E. Stagg
Land Use Coordinator

IES/cs

Attachments

cc: Stan Settle Erin Lawrence
Andy Miller Joseph Plumpe
Allegro Parker Loren Helgason
Bruni Peters Michael Gick
Christopher Ryan Sara O'Hara
David Graham Martin D. Walsh
David Griffiths



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WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

August 26, 2004

RECEIVED
Department of Planning & Zoning
AUG 27 2004
Zoning Evaluation Division

Via Overnight Delivery

Peter Braham
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, #801
Fairfax, Virginia 22035

**Re: Additional Materials for Interpretation
RZ 2002-MV-040 (the "Application")
Addition of Portico to Villa Ends—Exhibits**

Dear Peter:

In an interpretation request dated August 3, 2004, I requested, on behalf of Pulte Home Corporation, that porticos be permitted on six (6) end units of the "villas" that either face the private street or abut the Laurel Hill Greenway. Pursuant to review of this interpretation request, you asked that I provide you with exhibits. These exhibits have been prepared and are being provided to you for your use. The first exhibit is a site plan layout of the development, with the six (6) villa ends (marked in red) that would have porticos, if approved. The second exhibit contains a floor plan view of the villa units, with the portico depicted adjacent to a street, and which also show the front and side elevations depicting the proposed portico.

I believe that these exhibits fulfill your request for graphic depictions of the porticos. If you require any further information to process the interpretation request, please do not hesitate to call.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.

Inda E. Stagg
Land Use Coordinator

Attachments

cc: David Griffiths, Stan Settle, Andy Miller, Erin Lawrence, David Graham, Allegro Parker, Bruni Peters, Christopher Ryan, Joseph Plumpe, Loren Helgason, Michael Gick, Sara O'Hara, Martin D. Walsh