



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

June 26, 2006

Gerald Butchko, President  
Shadow Lawn Homeowners' Association  
Shadow Lawn Court  
Annandale, VA 22003

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

Dear Mr. Butchko:

This is in response to your letters of April 24, 2006, and May 26, 2006, to me and Mike Zakkak regarding 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 Lot 11 can be resubdivided beyond the creation of a new Lot 12, which was the subject of a determination issued by me on January 10, 2005. Copies of your letters with relevant exhibits are attached.

On October 22, 1984, the Board of Supervisors approved RZ 84-A-022, subject to proffered development conditions, which rezoned 4.93 acres from the R-1 District to the PDH-3 District to permit the development of fourteen (14) lots at a density of 2.84 du/acre. Although the combined Conceptual/Final Development Plan (CDP/FDP) showed a total of fourteen (14) lots, only eleven (11) lots were developed. Lot 11 was the largest lot within the subdivision, at 1.57 acres, even though it was shown on the development plan as 1.37 acres. A letter dated February 12, 1986, to David F. Counts from Richard D. Faubion, in his capacity as the then duly authorized agent of the Zoning Administrator, (copy attached) determined that the development of eleven (11) lots at a density of 2.2 dwelling units per acre (du/acre), was in substantial conformance with the development plan and that no proffered condition amendment or development plan amendment was necessary in order for the subdivision plat to be approved.

In response to a request from Jack and Carolyn Olson Blevins, on January 10, 2005, I determined that the re-subdivision of Lot 11 to create a new Lot 12 of approximately 16,300 square feet would be in substantial conformance with the proffers and development plan, subject to conformance with the submitted lot layout and access, additional landscaping, tree preservation, and architectural compatibility between the proposed dwelling and existing dwellings in the subdivision. Final approval of a record plat for the creation of the two lots cannot occur until the Department of Public Works and Environmental Services (DPWES) determines that all County requirements have been satisfied. I understand that Mr. Zakkak will respond to your issues regarding the subdivision of the property.

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924

Mr. Gerald Butchko  
Page 2

As I understand it, the primary question posed in your letter is whether two additional lots beyond the 12 will be developed. First, it needs to be stated that I have not received any such request from the Blevins or any other party. If such a request were to be received, the exact circumstances would have to be reviewed; however, it should be pointed out that the excess square footage that existed in Lot 11 at the time of the previous interpretation request would be used by the creation of Lot 12. That, in combination with the fact that the subdivision was originally developed with larger lots than approved, appears to have resulted in the circumstance where no square footage is available for any additional lots under the current zoning approval. Thus, it would appear that a proposal to add another lot would require legislative approval of an amendment to the proffers and development plan by the Board of Supervisors. This is true even if, as you have indicated, Lot 11 is not part of the HOA, since it is still part of the proffered development and subject to the proffers, including the proffered development plan.

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

BAI\MAG\O:\mgodfr\Proffer Interpretations PI\Shadow Lawn (RZ 84-A-022) HOA.doc

Attachments: A/S

cc: Sharon Bulova, Supervisor, Braddock District  
Suzanne Harsel, Planning Commissioner, Braddock District  
Leslie Johnson, Senior Deputy Zoning Administrator, DPZ  
Michelle Brickner, Director, Office of Site Development Services, DPWES  
Mike Zakkak, Land Development Services, DPWES  
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES  
Stephen K. Fox, 10511 Judicial Drive, Suite 112, Fairfax, VA, 22030  
Jack Blevins and Carolyn Olson Blevins, 8705 Little River Turnpike, Annandale, VA 22003  
File: RZ-84-A-022, PI 0605 058, Imaging, Reading File

Shadow Lawn Homeowners Association  
Shadow Lawn Court  
Annandale, VA 22003

May 26, 2006

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

RECEIVED  
Department of Planning & Zoning  
MAY 31 2006  
Zoning Evaluation Division

and

Mike Zakkak, Chief State Review Engineer  
Zoning Evaluation Division  
County of Fairfax, Department of Planning and Zoning  
12055 Government Center Parkway, Suite 535  
Fairfax, VA 22035

**Re: RZ/FDP 84-A-022, Shadow Lawn Re-Subdivision of Lot 11**  
**Subject: Lot 11 and subsequent new lots annexation into the Shadow Lawn Homeowners Association**

Dear Ms. Byron and Mr. Zakkak:

The Shadow Lawn Homeowners Association (SLHA) and its members understand from various discussions with county officials and written communications from the Department of Planning and Zoning, that the interpretation of development plans, requested by Jack and Carolyn Blevins, was found to be in substantial conformance with Rezoning RZ 84-A-022, provided the Blevins (Lot 11) and any subsequent lots are annexed to the SLHA. Your attention is directed to Assad Ayoubi's letter of February 15, 2006 to our attorney Jeffery Rosenfeld stating "moreover, the letter of interpretation issued by the department of planning and zoning dated January 10, 2005 considers the homeowners after the re-subdivision of Lot 11 as members of the Shadow Lawn Homeowners Association as well as this subdivision ....." (copy enclosed).

Based on discussions with Jack Blevins today, May 25, he is of the opinion that they (Lot 11 and any subsequent lots) need not join the HOA until after the re-subdivision is approved by the county without a legal binding commitment.

We are concerned that if the re-subdivision is approved before the Blevins are annexed into the HOA, they may find a reason to opt out and the SLHA will have no recourse with the county.

We therefore are asking that the County does not go forward with the approval of the re-subdivision without written proof from the Blevins that they will join the HOA.

As a reminder the Blevin's Lot 11 is not currently in the HOA. They have the use and benefits of Shadow Lawn Court, a privately owned street, but not the burden. The Declaration of Covenants, Conditions and Restrictions created by the SLHA are for only Lots 1-10, excluding Lot 11.

The Blevins have been very forthright in expressing their "intent" to join the Homeowners Association, beginning with a letter to each of the members on December 10, 2004 (copy attached), and one again on February 1, 2006 (copy attached). They have also offered to make a one-time payment for past dues for each of the lots and their use of the private street.

On April 25, 2006, we presented in person to Jack Blevins an Agreement of Annexation and Amendment Shadow Lawn Homeowners Association (copy attached), which would legally include Lot 11 and subsequent lots into the SLHA. In addition, we provided a standard disclosure package including the Declaration of Covenants, Deed of Dedication, Certificate of Incorporation, Financial Report for most recent year, and minutes from the last annual meeting. We asked for a response by May 8, 2006. Mr. Blevins then came back and asked for copies of each of the meeting minutes since the Association was first established in 1987. Within a week of this request, copies were provided for each year, with the exception of 1 year which could not be located, and the requested response date was extended to May 22 to allow the Blevins more time to adequately review each document. The Blevins have not at any time called to our attention any objection or problems with the language or wording of the agreement of Annexation and Amendment.

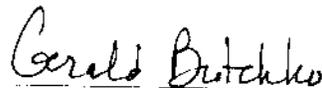
After repeated phone calls to the Blevins, we finally had the opportunity to speak with Mr. Blevins yesterday and this is when we learned that he did not believe a response to our Annexation and Amendment was necessary until after the re-subdivision was approved. As it is our understanding that approval of the re-subdivision is imminent, we wanted to make you aware of this immediately and as stated previously, ask that the approval is not granted, without written commitment that they will join the SLHA by the executing the attached agreement of Annexation and Amendment.

Our real concern is that even with a commitment to join the SLHA there will be argument and disagreement on the terms of this document. We would request that the process be simultaneous; meaning that the approval coincide with the execution of the Agreement of Annexation and Amendment.

In addition, the Blevins have always agreed to reimburse the HOA for prior HOA dues as evidenced in the Blevin's letter dated February 1, 2006. We have provided the Blevin's with an amount of \$2,963, which has never been disputed by them. Therefore, in accordance with the Blevin's commitment for reimbursing the Association for having the use and benefit of Shadow Lawn Court, the Common Area, and other expenses of the HOA, we would request that this would be a further condition of the re-subdivision approval.

In as much as this communication is being sent by e-mail, we will be delivering to you by mid-next week the original of this letter along with referenced enclosures. Please feel free to call me if you have any questions.

Sincerely,



Gerald Butchko, President

703-819-2025

cc: Florence Naeve  
Mary Ann Godfrey  
Jack and Carolyn Blevins

enc: Blevin's letter dated December 10, 2004  
Blevin's letter dated February 1, 2006  
Assad Ayoubi's letter dated February 15, 2006  
Annexation and Amendment Shadow Lawn Homeowners Association

Shadow Lawn Homeowners Association

Shadow Lawn Court  
Annandale, VA 22003

RECEIVED  
Department of Planning & Zoning

APR 25 2006

Zoning Evaluation Division

April 24, 2005

VIA Hand Delivery

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

**Re: Interpretation for RZ/FDP 84-A-022, Shadow Lawn Subdivision: Re-Subdivision of Lot 11 (Tax Map Parcel 59-3 (22)) 1-11**  
**Issue: Ability to Re-Subdivide Lot 11 beyond one(1) additional lot**

Dear Ms. Byron:

I am the President of the Shadow Lawn Homeowners Association and am requesting an interpretation of the ability or right of the fee owner of Lot 11 to re-subdivide Lot 11, beyond the planned re-subdivision of Lot 11 creating a new Lot 12, for the additional Lots 13 and 14.

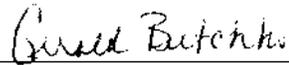
It is our understanding from Florence Naive, Chief of Staff for Supervisor Bulova, that an earlier interpretation had been issued by Mary Ann Godfrey advising that due to the density of creating Lot 11, the right was lost to re-subdivide any more lots than just one more. Further, your letter to the Blevins of January 10, 2005, copy attached, appears to suggest that a re-subdivision of Lot 11, will be a matter of right, but that a new Lot 13 could never be created, suggesting the same for a new Lot 14.

The reason for requesting this interpretation as to the ability or right to re-subdivide Lot 11 into one or two additional lots beyond the new Lot 12 is that Mr. Jack Blevins has raised this likelihood with us, as we are attempting to resolve the issues raised in our attorney, Jeffrey Rosenfeld's letter to you of January 30, 2006 (copy attached). It is extremely important for the Homeowners Association to know if there will be a Lot 13 and 14 having the use and benefit of Shadow Lawn Court, with or without being members of the Homeowners Association, and with our without the ability for the Shadow Lawn Homeowners Association to provide assessments for the maintenance and improvements of Shadow Lawn Court.

Barbara Byron  
Director, Zoning Evaluation Division  
County of Fairfax, Department of Planning and Zoning  
April 24, 2006  
Page 2

Please feel free to call me if there is any additional information I may furnish to you.

Sincerely,



---

Gerald Butchko, President  
703-819-2025

cc: Florence Naive  
Jack and Carolyn Blevins  
enc: Jeffrey Rosenfeld's letter dated January 30, 2006

LAW OFFICES

JEFFREY ROSENFELD & ASSOCIATES, PLC.

10521 JUDICIAL DRIVE  
SUITE 105  
FAIRFAX, VIRGINIA 22030

TELEPHONE  
(703) 591-2125  
FACSIMILE  
(703) 385-3038

JEFFREY ROSENFELD  
JEFF@JEFFREYROSENFELDLAW.COM

January 27, 2006

**VIA HAND DELIVERY**

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

and

Mike Zakkak, Chief State Review Engineer  
Zoning Evaluation Division  
County of Fairfax, Department of Planning and Zoning  
12055 Government Center Parkway, Suite 535  
Fairfax, VA 22035

**Re: RZ/FDP 84-A-22, Shadow Lawn  
Re-Subdivision of Lot 11  
Tax Map Parcel 59.3(22) 1-11A**

**Subject: (1) Objection to Re-Subdivision  
(2) Objection to Seven Waivers - Belvins Property**

Dear Ms. Bryon:

I have the pleasure of representing the Shadow Lawn Homeowners Association ("Association"). This communication has been authorized by the Association with the unanimous consent of all ten lot owners.

It is the Association's understanding that the owners of Lot 11 of the Shadow Lawn Subdivision is seeking the re-subdivision of Lot 11; and has submitted to the Fairfax County Department of Public Works and Environmental Services Land Development Services a waiver of the minimum requirements contained in Section 101-2-2 of the Subdivision Ordinances of Fairfax County per Land Development Consultants, Inc.'s letter of December 27, 2005. Attached is a copy of their letter sent to each of the ten homeowners of the Association.

Barbara Byron, Director  
Mike Zakkak, Chief State Review Engineer  
January 27, 2005  
Page 2

The Association and all of its homeowners object to the re-subdivision of Lot 11 to the extent that the newly created lot would provide access to Shadow Lawn Court ground upon the following inequalities and facts.

What does not appear to have been clearly disclosed or possibly understood is that Shadow Lawn Court is a private street, privately owned and privately maintained by the Association, although dedicated for public use in the Deed of Dedication and Re-subdivision, Deed of Easement and Deed of Conveyance recorded in Deed Book 6831 at Page 378 (enclosed). The Declaration of Covenants, Condition and Restrictions created by the Shadow Lawn Homeowners Association for only Lot 1-10(enclosed), excluding Lot 11.

The Belvins' Lot 11 is not in the Association. They have the use and benefit of Shadow Lawn Court, but not the burden. Lot 11 is not subject to the maintenance, repair, improvement or snow removal of Shadow Lawn Court. Lot 11 can not be assessed by the Association for annual assessments, dues or capital assessments. Nor is Lot 11 subject to any of the Restrictive Covenants of the Association.

Shadow Lawn Court has actively been overtaxed and burdened by Lot 11's usage. To allow the re-subdivision to create still another lot having the use and benefit of Shadow Lawn Court without any liability or responsibility would create an excessive burden on the Association and is inequitable and unjust. It should be noted that if the re-subdivision of Lot 11 is allowed prohibiting the usage of Shadow Lawn Court, access would still be available at Little River Turnpike.

I am further of the opinion that there is no lawful right for the creation of an additional lot from Lot 11 to impress itself upon Shadow Lawn Court for its use and benefit; being contrary to the intent of the simultaneous creation of the subdivision and homeowners association.

Of equal importance is the Association's concern and objections to the waivers sought which effect environmental issues, increased traffic flow, wear and tear on Shadow Lawn Court which is over twenty years old, property values, safety for children and vehicle movement and the overall aesthetics and community of the neighborhood.

Attached is Shadow Lawn Court Homeowners Association's Response to Waiver Request from Land Development Consultants, Inc. Prepared by the Association's President and homeowners for your review and consideration.

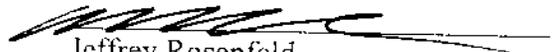
May I further call to your attention that the reason the Association did not take action in response to your letter to Mr. and Mrs. Jack Belvins of January 10, 2005, in response to their letter seeking approval to subdivide their lot, was occasioned by ongoing discussions with St. Mathews Church at 8617 Little River Turnpike to acquire the newly created lot. These activities are more fully

Barbara Byron, Director  
Mike Zakkak, Chief State Review Engineer  
January 27, 2005  
Page 3

set out in the attached letter to Sharon Bulova, Supervisor, from Jerry Butchko, President of Shadow Lawn Homeowners Association.

The request is made to not approve the re-subdivision of Lot 11 with access to Shadow Lawn Court and not to approve the waivers being sought. If necessary, the Association further requests deferral of any action until such time as revised waivers may be resolved by meeting with the Association, the owner of Lot 11 and with the appropriate members of the Department of Planning and Zoning.

Sincerely,



Jeffrey Rosenfeld

JR/erb

- enc:
1. Land Development Consultants, Inc.'s letter of December 27, 2005
  2. Deed of Dedication and Resubdivision, Deed of Easement and Deed of Conveyance
  3. The Declaration of Covenants, Condition and Restrictions
  4. Shadow Lawn Court Homeowners Association's response to waiver request
  5. Shadow Lawn Court Homeowners Association's letter to Sharon Bulova, Supervisor

cc: Gerald Butchko, President, Shadow Lawn Court Homeowners Association (**Via Hand Delivery**)  
Sharon Bulova, Supervisor, Braddock District (**Via Hand Delivery**)  
Suzanne Harsel, Planning Commissioner, Braddock District (**Via Hand Delivery**)  
John C. Manganello, President, Land Development Consultants, Inc. (**Via Hand Delivery**)  
John and Carolyn Belvins (**Via Hand Delivery**)



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

FEB 15 2006

Mr. Jeffrey Rosenfeld  
Jeffrey Rosenfeld & Associates, PLC.  
10521 Judicial Drive, Suite 105  
Fairfax, Virginia 22030

Subject: RZ/FDP 84-A-22, Shadow Lawn Resubdivision of Lot 11, Tax Map #059-3-22-0011, Braddock District

Reference: Your Letter Dated January 27, 2006, to Mike Zakkak

Dear Mr. Rosenfeld:

In response to the referenced letter pertaining to the resubdivision of Lot 11, please note that Lot 11 was part of Rezoning Case RZ/FDP 84-A-22 approved on October 22, 1984, with the Shadow Lawn subdivision. Moreover, the letter of interpretation issued by the Department of Planning and Zoning, dated January 10, 2005, considers the homeowners after the resubdivision of Lot 11 as members of the Shadow Lawn Homeowners Association as well as this subdivision is in substantial conformance with the intent of RZ/FDP 84-A-022, provided more trees are planted and the proposed dwelling for construction is compatible with those constructed in the rest of the development.

Whenever any subdivision of land is proposed, the applicant must comply with the minimum requirements stated under Section 101-2-2 of *The Code of the County of Fairfax County, Virginia* (County Code). These requirements must be provided on site unless waived through the waiver review process administered by the Environmental and Site Review Division. Currently, seven waivers for this subdivision are submitted for review, once processed, approval or denial letters for each waiver will be sent to the applicant for further action.

The County administers the County Code and is unable to comply with your request to deny the approval of the subdivision and waivers. The Shadow Lawn Homeowners Association Agreement was made for the benefits of the landowners in this subdivision and the County is not party to this agreement.

Department of Public Works and Environmental Services  
Land Development Services, Environmental and Site Review Division  
12055 Government Center Parkway, Suite 535  
Fairfax, Virginia 22035-5503  
Phone 703-324-1720 • TTY 703 324-1877 • FAX 703-324-8359



**AGREEMENT OF ANNEXATION AND AMENDMENT**  
**SHADOW LAWN HOMEOWNERS ASSOCIATION**

This Agreement of Annexation and Amendment made this \_\_\_ day of \_\_\_\_\_, 2006 by and between Jack S. BLEVINS and Carolyn M. BLEVINS, hereinafter referred to as "Homeowner" and Shadow Lawn Homeowners Association, a Virginia non-stock corporation hereinafter referred to as "HOA."

**RECITALS**

1. WHEREAS Shadow Lawn Subdivision was created and duly dedicated, platted and recorded on May 22, 1986 in Deed Book 6381 at Page 378 among the land records of Fairfax County, Virginia consisting of Lots One (1) through Eleven (11) by Deed of Dedication and Resubdivision, Deed of Easement and Deed of Conveyance dated May 16, 1986.
2. WHEREAS by Declaration of Covenants, Conditions and Restrictions dated May 16, 1986 recorded among the land records of Fairfax County, Virginia on May 22, 1986 in Deed Book 6381 at Page 399, Lots One (1) though Ten (10) inclusive of Shadow Lawn Subdivision became members of Shadow Lawn Homeowners Association as defined therein, to the exclusion of Lot Eleven (11).
3. WHEREAS, Homeowner is the fee title owner of Lot Eleven (11) of Shadow Lawn Subdivision by Deed of Gift dated July 24, 1986, recorded among the land records of Fairfax County, Virginia in Deed Book 6453 at Page 873, recorded August 7, 1986.
4. WHEREAS it is the desire of the parties for Homeowner to become a member of the HOA and for Lot Eleven (11) to be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, conditions, charges and liens as to the Covenants, Conditions and Restrictions and shall run with the real property and be binding on all parties having any right, title

or interest in the described property or any part thereof, and any resubdivision thereof, their successors and assigns, and shall inure to the benefit of each owner thereof.

5. WHEREAS, said Deed of Dedication and Resubdivision and Deed of Conveyance dedicated to public use of the streets and thoroughfares shown on the plat attached thereto dated April, 1986, prepared by Urban Engineering and Associates, Inc., specifically identifying Shadow Lawn Court.

6. WHEREAS, the Homeowners Association desires to amend said Declaration of Covenants, Conditions and Restrictions, ARTICLE I - DEFINITIONS Section 2 "Properties" to include Lot Eleven (11), and to clarify and provide in ARTICLE V - COVENANT FOR MAINTENANCE ASSESSMENTS, Section 2 - "Purpose of Assessments" for the improvements and maintenance of Shadow Lawn Court; and to provide in Section 4 - "Special Assessment for Capital Improvements" to be inclusive of Shadow Lawn Court.

7. WHEREAS, this Agreement has had the assent of at least ninety percent (90%) of the Lot Owners as required in said Declaration of Covenants, Conditions and Restrictions.

NOW THEREFORE, for and in consideration of the covenants contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree to the following and take such acts as stated:

1. The Recitals stated above are hereby incorporated by reference as fully set forth herein.
2. Lot Eleven (11) of Shadow Lawn Subdivision shall be, effective upon the execution of this document, a Member of the HOA as provided for in said Declaration of Covenants, Conditions and Restrictions and shall have a mutual non-exclusive right, privilege and easements of engagement on equal terms in common with all other owners of Lots in said subdivisions, in and

to the use of common areas, and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, conditions, charges and liens as to the Covenants, Conditions and Restrictions and shall run with the real property and be binding on all parties having any right, title or interest in the described property or any part thereof, and any resubdivision thereof, their successors and assigns, and shall inure to the benefit of each owner thereof.

3. ARTICLE I - DEFINITIONS, Section 2, is hereby amended as follows: "Properties" shall mean and refer to Lots 1 through 11 and any resubdivisions thereof, and Parcel "A," Shadow Lawn Subdivision, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

4. ARTICLE V - COVENANTS FOR MAINTENANCE ASSESSMENTS, Section 2 "Purpose of Assessments" is hereby amended as follows:

"The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the residents in the Properties and in particular for the payment of taxes and improvements and maintenance of services and facilities devoted to this purpose and related to the use and enjoyment of the Common area and streets and therefore, specifically Shadow Lawn Court."

5. ARTICLE V - COVENANTS FOR MAINTENANCE ASSESSMENTS, Section 4 "Special Assessments for Capital Improvements" is hereby amended as follows:

"In addition to the annual assessments authorized above, the Association may levy in any assessment year, a special assessment applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction (including costs of engineering, planning, organizing

and developing), or reconstruction, repair or replacement of a capital improvement upon the Common Area, including streets and thoroughfares, specifically Shadow Lawn Court, including the fixtures and personal property related thereto, provided that any such assessment shall have the assent of two thirds (2/3) of the votes of each class of members who are voting in person or by proxy, at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting setting forth the purpose of the meeting.

WITNESS the following signatures and seals.

\_\_\_\_\_  
**Jack C. Blevins**

\_\_\_\_\_  
**Carolyn M. Blevins**

Commonwealth of Virginia  
County of Fairfax, to-wit:

The foregoing was subscribed, sworn to and acknowledged before me the undersigned notary public, by **JACK C. BLEVINS AND CAROLYN M. BLEVINS** this \_\_ \_\_ day of April, 2006.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

Shadow Lawn Homeowners Association

By: \_\_\_\_\_  
**Gerald Butchko, President**

Commonwealth of Virginia  
County of Fairfax, to-wit:

The foregoing was subscribed, sworn to and acknowledged before me the undersigned notary public, by **GERALD BUTCHKO, President of Shadow Lawn Homeowners Association**, this \_\_\_\_ day of April, 2006.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



# 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 Butchco, President, Shadow Lawn HOA  
File: RZ-84-A-022, PI 0409 127, Imaging, Reading File

*Jack Blevins & Carolyn Olson Blevins*

12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

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.

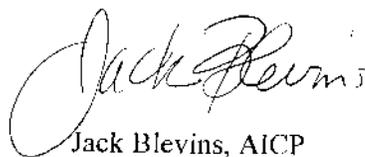
On October 22, 1984 the Board of Supervisors approved rezoning application RZ-84A-022 for our family's property to PDH-3. Both the Conceptual Development Plan (CDP) that was approved with the rezoning application and the Final Development Plan (FDP) illustrated 14 lots, justified by certain public benefit 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,

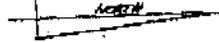
  
Jack Blevins, AICP



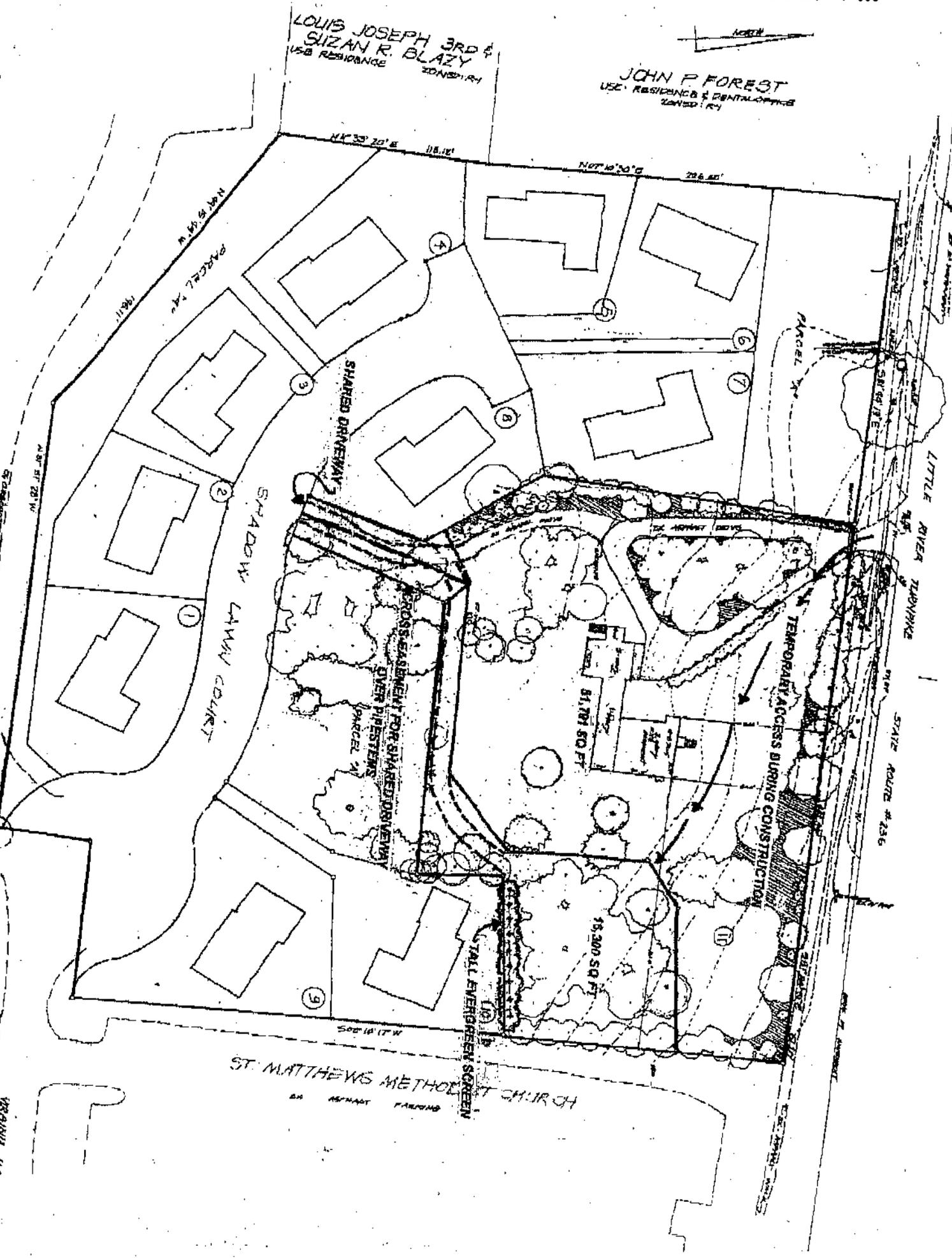
Carolyn Olson Blevins, R.I.A.

LOUIS JOSEPH 3RD &  
SUZAN R. BLAZY  
USE: RESIDENCE  
ZONING: R-1

JOHN P FOREST  
USE: RESIDENCE & RENTAL OFFICE  
ZONING: R-1



SCHOOL BOARD OF MARYLAND COUNTY  
WAKEFIELD FOREST ELEMENTARY SCHOOL



ST. MATTHEWS METHODIST CHURCH  
OR REFRACT PARKING

VIRGINIA AVENUE

LITTLE RIVER TURNPIKE

STATE ROUTE # 236

SHADOW LAWN COURT

SHARED DRIVEWAY

TEMPORARY ACCESS DURING CONSTRUCTION

TALL EVERGREEN SCREEN

51,791 SQ. FT.

15,200 SQ. FT.

PROVISION FOR SHARED DRIVEWAY  
OVER PIPESTEPS

PARCEL 4A

PARCEL 4B

PARCEL 4C

PARCEL 4D

PARCEL 4E

PARCEL 4F

PARCEL 4G

PARCEL 4H

PARCEL 4I

PARCEL 4J

PARCEL 4K

PARCEL 4L

PARCEL 4M

PARCEL 4N

PARCEL 4O

PARCEL 4P

PARCEL 4Q

PARCEL 4R

PARCEL 4S

PARCEL 4T

PARCEL 4U

PARCEL 4V

PARCEL 4W

PARCEL 4X

PARCEL 4Y

PARCEL 4Z

PARCEL 4AA

PARCEL 4AB

PARCEL 4AC

PARCEL 4AD

PARCEL 4AE

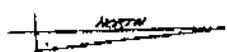
PARCEL 4AF

PARCEL 4AG

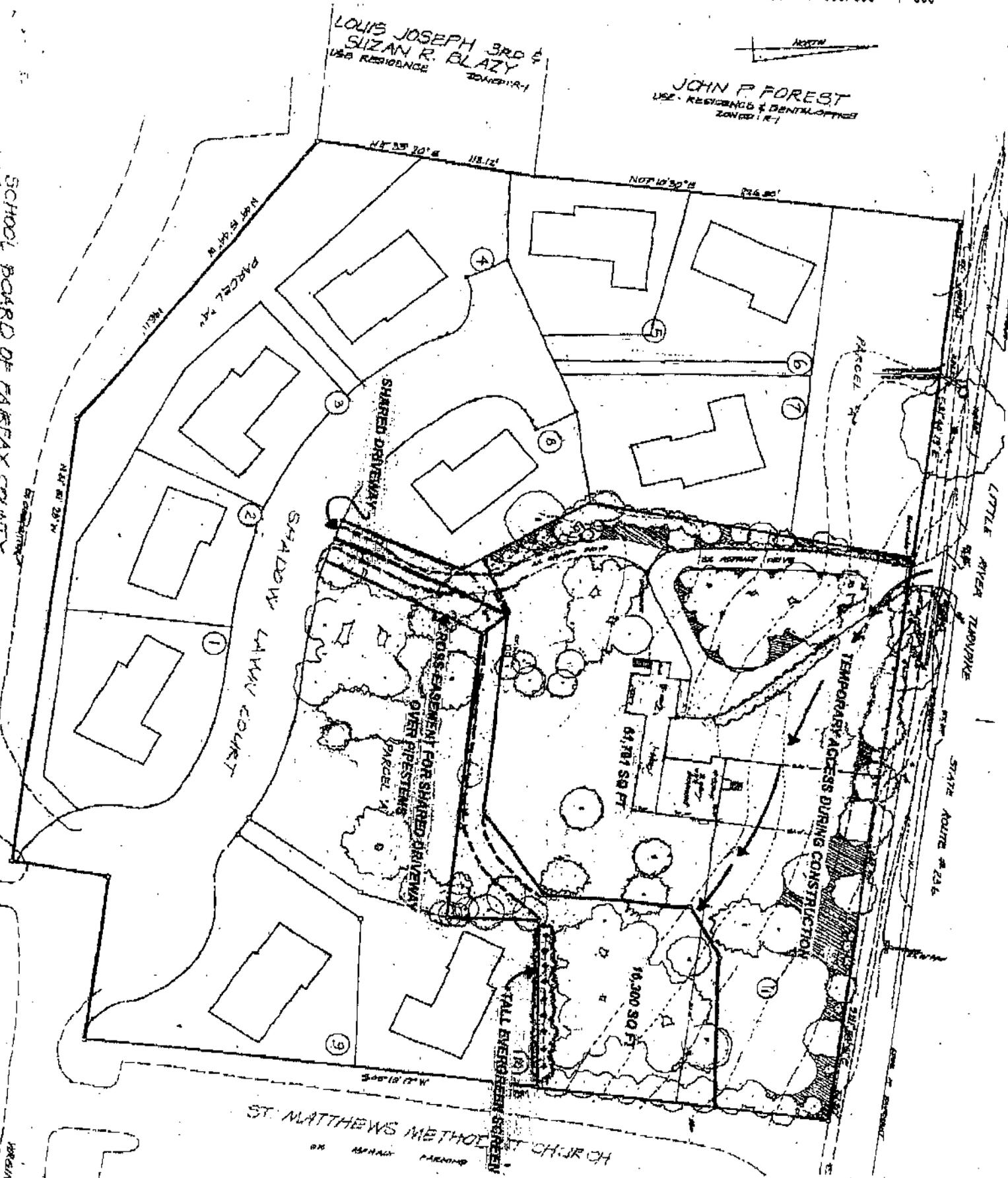
PARCEL 4AH

LOUIS JOSEPH 3RD &  
SUZAN R. BLAZY  
USE - RESIDENCE  
ZONING R-1

JOHN P FOREST  
USE - RESIDENCE & DENTAL OFFICE  
ZONING R-1



SCHOOL BOARD OF FAIRFAX COUNTY  
WAKEFIELD FOREST ELEMENTARY SCHOOL



ST. MATTHEWS METHODIST CHURCH  
OR MHAH PARKING

# SHADOW LAWN COURT

## PROPOSED CDP COMPLIANCE

*Jack & Carolyn Blevins*  
3705 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

*Jack and Carolyn Blevins*

8705 Little River Turnpike, Annandale, Virginia 22003  
(703) 978-4688

December 9, 2004

Annandale, Virginia 22003

Dear :

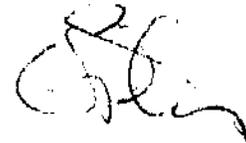
It is difficult for us to believe that it has been over twenty years since we began development of the Shadow Lawn subdivision. Looking around us, we are proud to see that Shadow Lawn is still looking and functioning as a top rate neighborhood. As many of the holiday decorations go into place, it is 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 Grenwls  
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 Debbl Brantz  
8735 Shadow Lawn Court  
Annandale, VA 22003**

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

**Minhua Wang and Mall 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 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.  
Carl O. Olson, Jr., Owner

Delia B. Olson  
Delia B. Olson, Owner

Carolyn Olson Blevins  
Carolyn Olson Blevins, Beneficiary

Jack Blevins  
Jack Blevins, Beneficiary

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

LITTLE RIVER

TURNPIKE

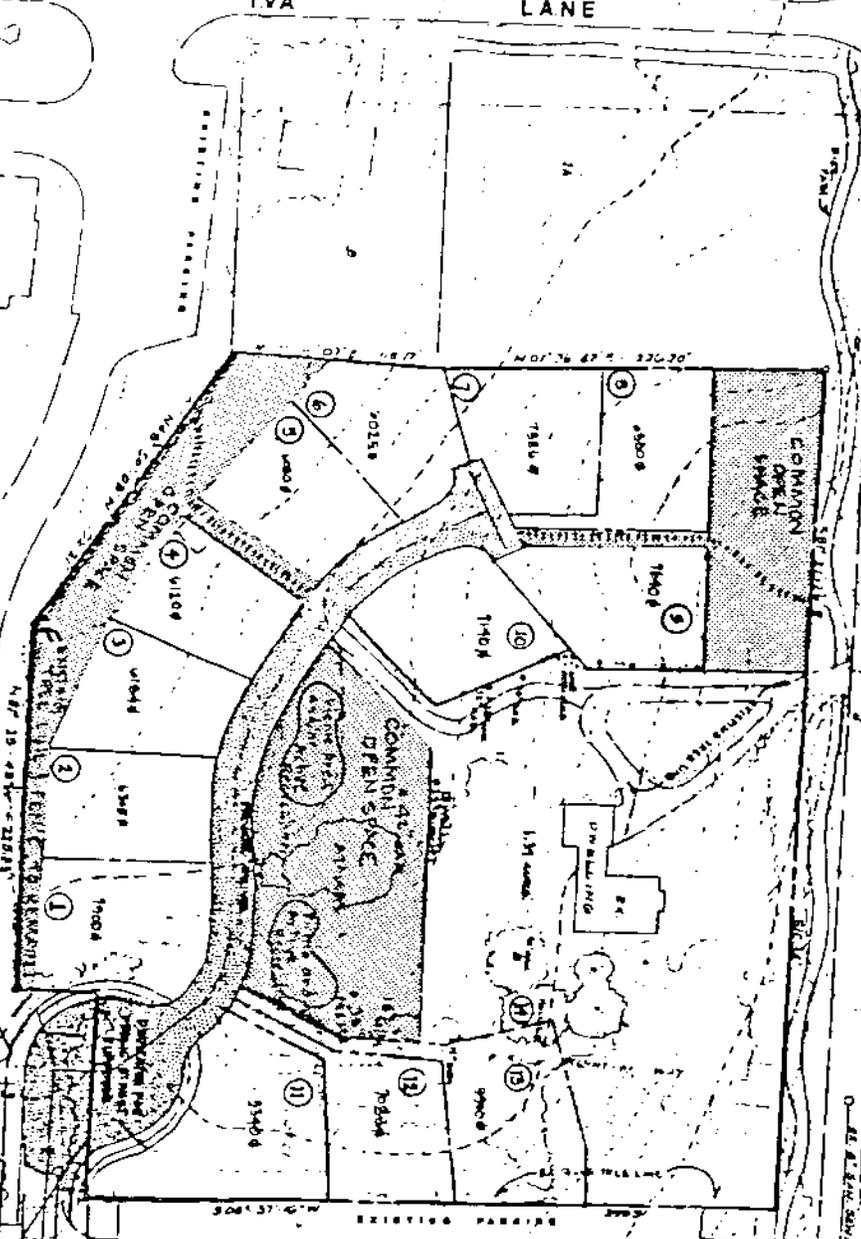
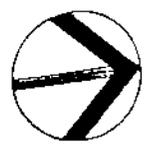
PROSPERITY AVENUE

ROUTE

236

IVA LANE

VIRGINIA AVENUE



PLAN # 3



COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030



February 12, 1986.

Mr. David F. Counts  
Tipco Homes, Inc.  
11490 Commerce Park Drive, Suite 330  
Reston, Virginia 22091

Re: RZ 83-A-067, Waverlee Woods  
✓ RZ 84-A-022/FDP 84-A-022, Shadow Lawn

Mr. Counts:

I am writing in response to your January 28, 1986 letter requesting evaluation of compliance with the development conditions proffered in conjunction with RZ 83-A-067 and RZ/FDP 84-A-022.

It is my understanding that you are seeking the flexibility to design the Waverlee Woods and Lawn subdivisions with lesser numbers of lots and homes than shown on the proffered site plans (i.e., 28 lots versus 26 on Waverlee Woods and 14 lots versus 11 on Shadow Lawn).

The proffered conditions against which the Waverlee Woods site plan must be weighed for compliance are those enclosed, dated March 23, 1984. This enclosure constitutes the document accepted by the Board of Supervisors in approving rezoning application RZ 83-A-067. As you requested, an evaluation of whether the site plan revisions you have provided showing fewer houses on larger lots is in substantial accord with the generalized development plan (GDP) and proffers approved follows.

The Proffered Condition Regulations of Section 18-204 of the Fairfax County Zoning Ordinance require that upon approval, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformance with all proffered conditions and no development shall be approved by any County official in the absence of said substantial conformance. Ref. Paragraph 4 of Section 18-204/Proffered Condition Regulations. For the purposes of Section 18-204 of the Zoning Ordinance, substantial conformance means that conformance leaves a reasonable margin for adjustment due to final engineering data but conforms to the

David F. Counts  
February 12, 1986  
Page Two

general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant. Ref. Paragraph 5, Section 18-204.

Proffers approved in accordance with RZ 83-A-067 reflect the commitment made to the GDP (revised March 8, 1984) for residential development but with a density less than 28 lots/2.28 dwelling units per acre. The revision submitted would yield 26 lots with an effective density of 2.11 dwelling units per acre.

The remainder of the Proffers relating to dedication of land to the Fairfax County Park Authority, establishment of limits of clearing, landscaping, and termination of Wavell Road in a cul-de-sac with no other road connections are provided for in the revised development plan and conform with the general nature and layout of the development.

Because approval for Shadow Lawn was subject to a Final Development Plan (FDP), Paragraph 10 of Section 16-402 relating to Procedures for Final Development Plan Approval in P Districts would govern the revisions.

Once a final development plan has been approved, and there is cause for amendment of the same, that paragraph allows the Zoning Administrator to determine whether the amendment will result in a final development plan which is still in accordance with the approved conceptual development plan. If so, then the amendment is processed according to the final development plan criteria of Section 16-402 of the Zoning Ordinance; if not, then an amendment to the conceptual development plan is required as a new submission, except that there is no requirement to file an application for rezoning unless the proposed amendment would so dictate. Ref. Par. 11 of Section 16-401.

A review of the revised Conceptual Development Plan for Shadow Lawn reveals that the configuration and commitments made via proffers on the FDP would still be in substantial accord with the CDP, except that 11 instead of 14 lots would result and the density would drop from 2.8 to 2.2 dwelling units per acre. I do not consider a Conceptual Development Plan Amendment or Proffered Condition Amendment necessary for you to proceed with final development plan preparation and review of the revised site plan for Shadowlawn.

David F. Counts  
February 12, 1986  
Page Three

Because the revisions proposed for Waverlee Woods and Shadowlawn would not violate any applicable ordinances, regulations, or adopted standards, amendment of the development plans with applications for new, respective proffered condition amendments and/or development plan amendments is not required. This interpretation is made in my role as the duly authorized agent of the Zoning Administrator. Should you have any questions or if further information is required, please do not hesitate to contact me or Robert Davis at your convenience.

Sincerely,



Richard D. Faubion, Director  
Zoning Evaluation Division  
Office of Comprehensive Planning

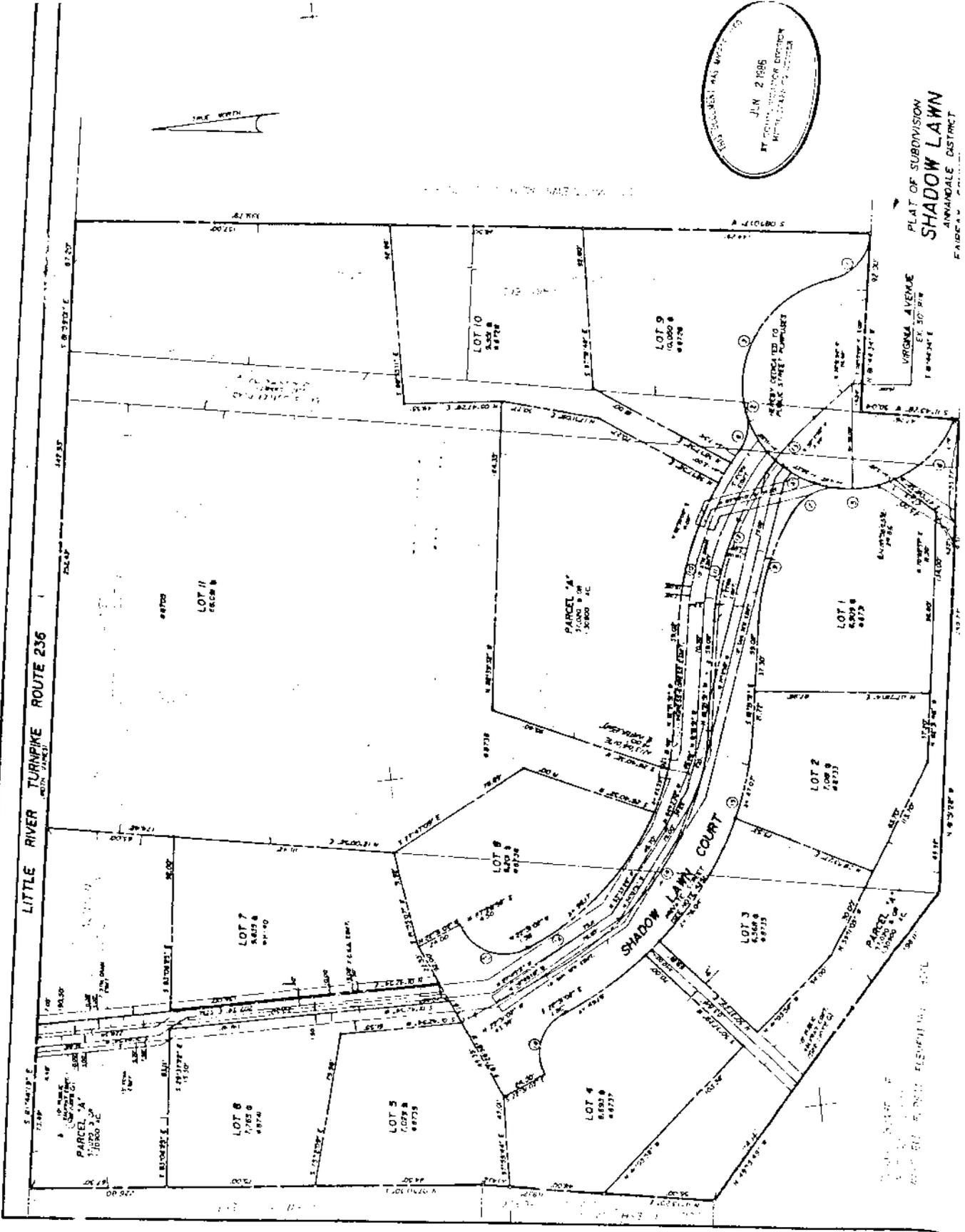
RDF/rld

Enclosures/ a/s

cc: Supervisor Moore, Annandale District  
Jane W. Gwinn, Zoning Administrator  
Irving Birmingham, Director, Site Review Branch, DEM  
File: SE 84-D-003

JUN 2 1986  
PLANNING AND ZONING DEPARTMENT  
ANNANDALE DISTRICT

PLAT OF SUBDIVISION  
**SHADOW LAWN**  
ANNANDALE DISTRICT



LITTLE RIVER TURNPIKE ROUTE 236

VIRGINIA AVENUE  
EX. 30.00

SHADOW LAWN COURT

