



County of Fairfax, Virginia

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

June 30, 2006

Theodore D. Britt, P.E.
TRI-TEK Engineering, 690 Center Street, Suite 300
Herndon, VA 20170-5018

Re: Interpretation for Variance VC 99-D-169, Colton Property
Tax Map 20-2 ((1)) 45: Subdivision of Lot 1

Dear Mr. Britt:

This is in response to your letter of April 27, 2006, requesting an interpretation of the Variance (VC) Plat and the development conditions approved by the Board of Zoning Appeals in conjunction with VC 99-D-169. As I understand it, the question is whether subdivision of Lot 1 to create an additional lot would be in substantial conformance with the VC Plat and the development conditions. This determination is based on your letter and plan entitled, "Resubdivision Study, Lot 1 and 2, Colton property," prepared by TRI-TEK Engineering, which is dated April 27, 2006. Copies of the letter and a reduction of the plan are attached for reference.

As I understand it, you are proposing to subdivide Lot 1 which was subject of a variance for the front and side yard setbacks. The Board of Zoning Appeals granted the variance to permit steps on an existing dwelling to remain 1.08 feet from the front lot line, the dwelling to remain 8.17 feet from the front lot line, an accessory structure to remain 16.8 feet from the front lot line and 12.07 feet from the side lot line, and another accessory structure to remain 14.9 feet from the side lot line on 6.97 acres of land zoned R-1. The approved variance plat showed the subdivision of the property into two lots; Lot 1 for the existing house and a second lot for the construction of a new house. Your proposal to further subdivide Lot 1 into Lot 1A and Lot 1B would result in three lots on the property which is not consistent with the variance approval.

It is my determination that the proposed subdivision of lot 1 into two lots resulting in a total of three lots on the property that was the subject of the variance would not be in substantial conformance with the VC Plat and the development conditions. In order to subdivide Lot 1 to create three lots on the property, approval of a variance amendment by the Board of Zoning Appeals would be required. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this matter, please feel free to contact Kul Sandhu at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division

BAB\O:\ksandh\INTERPRE\ Colton Property, Subdivision of Lot

cc: Joan M. DuBois, Supervisor, Dranesville District
Board of Zoning Appeals
Leslie B. Johnson, Deputy Zoning Administrator for Zoning Permits Review Branch, DPZ
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
File: VC 99-169, VCI 0605 006, Imaging, Reading File



RECEIVED
Department of Planning & Zoning

MAY 04 2006

Zoning Evaluation Division

April 27, 2006

County of Fairfax
Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 807
Fairfax, VA 22035-5502

Attn: Barbara Byron
Director

Re: Colton Property
Tax Map #20-2-((1))-45A & 45B

Dear Ms. Byron,

On behalf of our client, Kent and Kathryn Colton who are owners of the above referenced property, this letter is to request an interpretation regarding a further subdivision of the referenced property and its compliance with a prior Variance, VC 99-D-169, that was granted by the Board of Zoning Appeals in 2000.

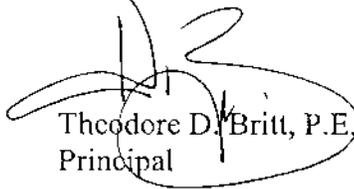
By way of background, the Colton's have owned the subject property since 1982 and live in the existing house that was built on the property approximately 100 years ago. Other structures on the property were built over a period of time and predated the first Zoning and Subdivision Ordinance of Fairfax County. In the late 1990's, the Colton's began to investigate the feasibility of subdividing their 6.97 acre property to create at least one (1) additional lot that they could build a new home for themselves and retain the existing home on the balance of the property to either convey to a family member or ultimately sell. Given the location of the existing structures and given the subdivision requirements which required significant dedication to the right-of-way of Spring Hill Road, the existing home and the existing garage to the south upon subdivision would have to be demolished unless a Variance was obtained. It was important to the Colton's to retain these existing structures for historic and sentimental value and as such they elected to seek a Variance that would permit the structures to remain. The Board of Zoning Appeals took action to approve the variance at their June 13, 2000 meeting with a final approval date of June 21, 2000. A copy of the Clerk of the Board's letter and resolution is enclosed for your review. Following approval of the Variance, the Colton's did move forward and obtain subdivision approval to subdivide the subject property into two (2) lots and they are currently in the process of constructing a new home for themselves on the parcel created.

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Given the Colton's current circumstance, their desire at this point in time is to further subdivide the property to create one (1) additional lot. Enclosed please find a Concept Plan that depicts the contemplated subdivision. It continues to be the desire of the Colton's to save the existing structures on the property as part of the subdivision. The proposed subdivision lines do not affect the Variance previously granted and do not create any new non-conformities which would necessitate the need for additional Variances. The approved resolution and approved limitations are specific to the dwelling, dwelling steps and the two (2) accessory structures and are not specific to the contemplated subdivision. As such, we believe that further subdivision of the property does not affect the prior Variance granted and believe the Variance continues to permit the existing structures to remain under the proposed contemplated subdivision.

Given the above, we respectfully request your favorably determination and would be happy to provide any additional information that you require to assist in your review. Further, myself and the Coltons would like the opportunity to meet with staff either at the County or on the property to further describe and review our request.

Very Truly Yours,



Theodore D. Britt, P.E.
Principal

cc: Kent & Kathryn Colton
Enclosures

TDB/ms/1618

LOT 1A
69,423 SF
ALT-1

LOT 1B
61,609 SF
ALT-1

LOT 2A
139,718 SF
ALT-1

EX. 1-STORY ACCESSORY
FRAME STANDING STRUCTURE
F.C. 4/1/66
HT. 23'00" (12.5')

EX. DRAINFIELD

APPROVED
DRAINFIELD
LOCATIONS

EX. SEPTIC TANK

DWELLING
TO REMAIN

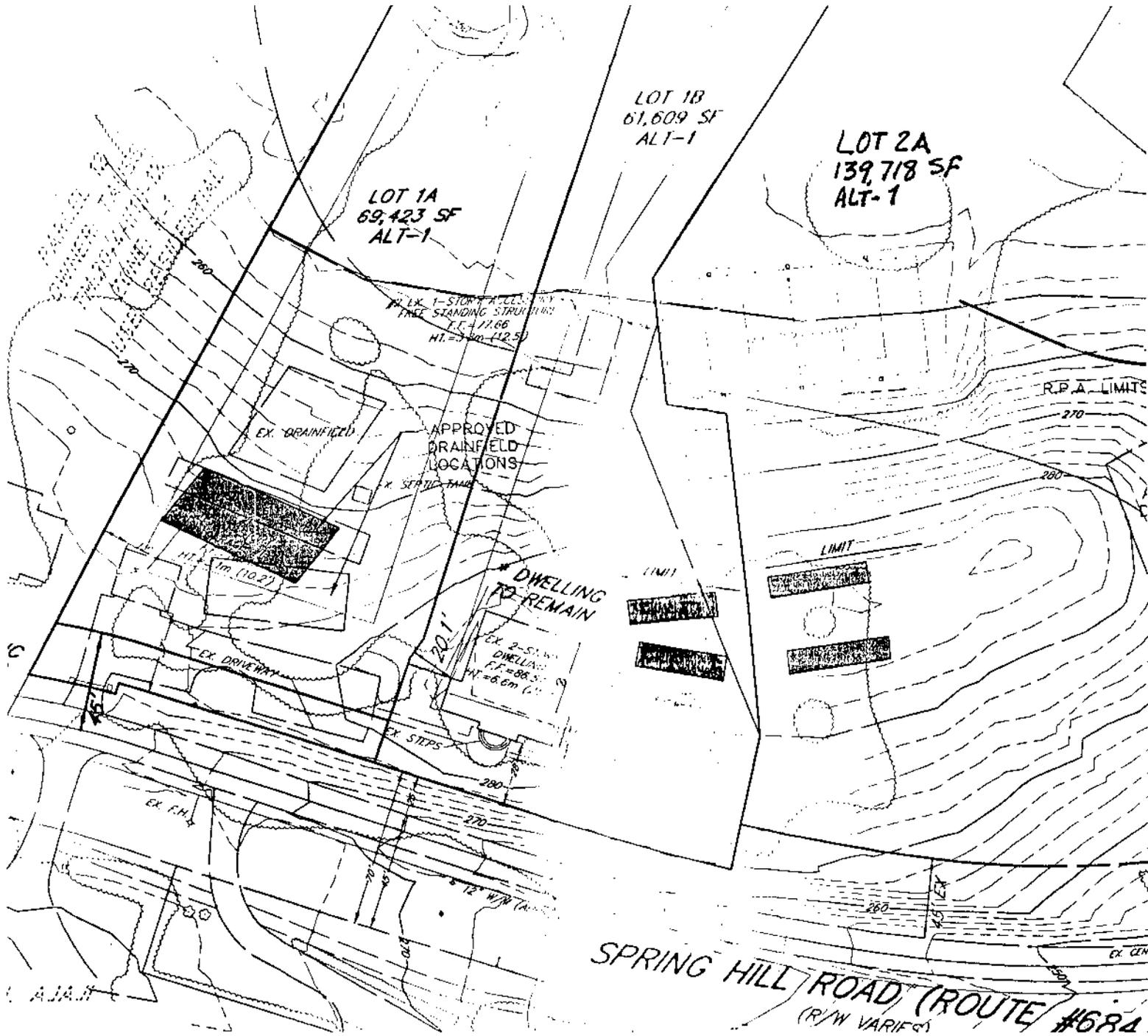
EX. 2-STORY
DWELLING
F.C. 8/88 S.F.
HT. 26'00" (7.9')

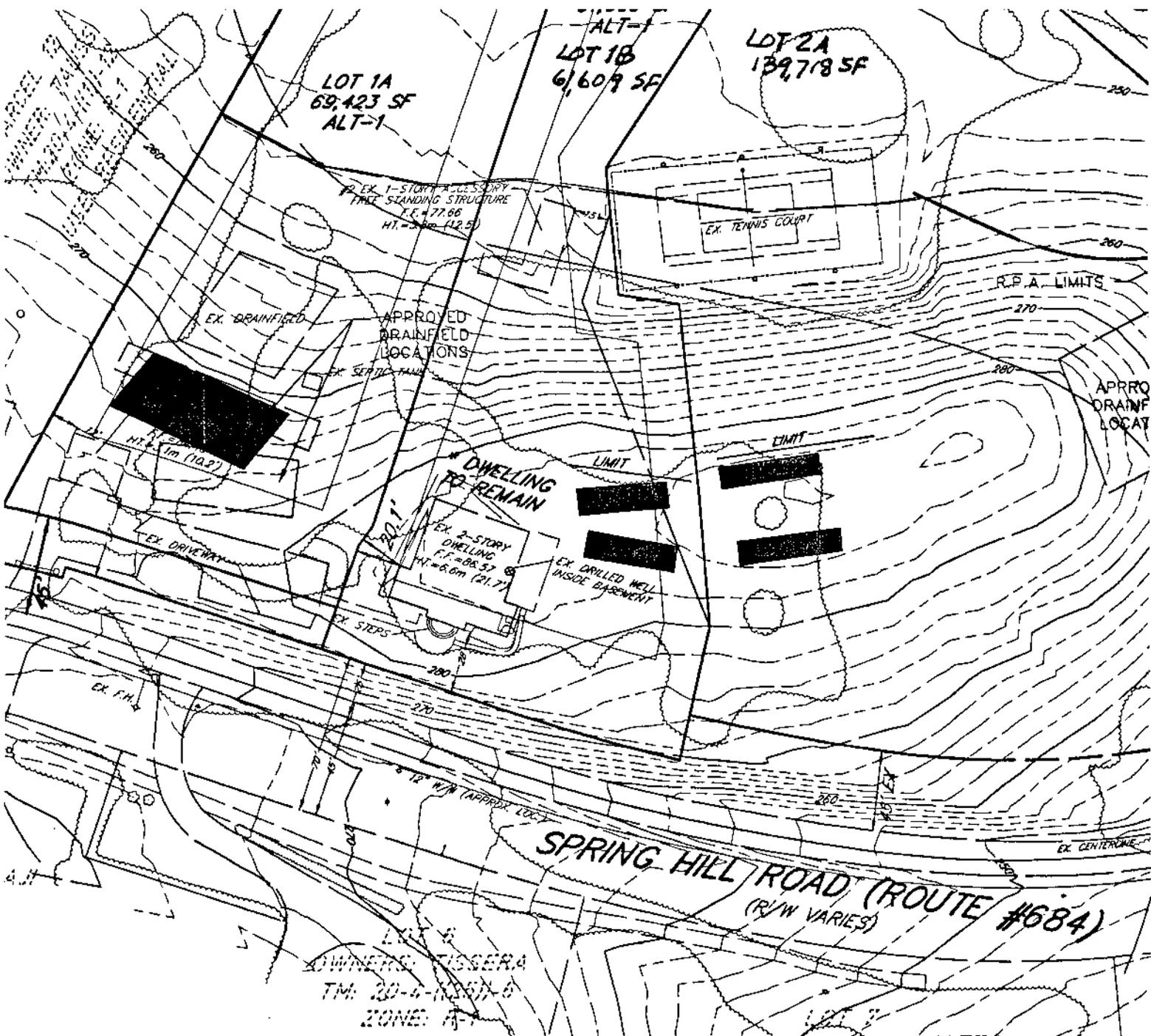
R.P.A. LIMITS

LIMIT

LIMIT

SPRING HILL ROAD (ROUTE #684)
(R/W VARIES)





OWNERS: FISHERA
 TM: 20-4-10517-0
 ZONE: R-1