County of Fairfax, Virginia

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

November 29, 2006

Michael J. O'Hara, Jr., Project Manager/Associate
christopher consultants
9900 Main Street, Fourth Floor
Fairfax, Virginia 22031-3907

Re: RZ 2001-BR-022, Fairfax Gateway, Rear Yards, Proffer Interpretation PI 0609 139

Dear Mr. O'Hara:

This is in response to your letter of September 6, 2006, requesting an interpretation of the proffered Conceptual/Final Development Plan (CDP/FDP) accepted by the Board of Supervisors in conjunction with the approval of RZ 2001-BR-022. As I understand it, the question is whether the rear yards shown on the site plan are in substantial conformance with the rear yards shown on the CDP/FDP, including the "Unit Detail, Fairfax County" on Sheet 4 of the CDP/FDP. This interpretation is based on the plan attached to your letter, prepared by christopher consultants, which is entitled "Setback Exhibit" and dated July 27, 2006. Also attached to your letter is a chart dated March 5, 2006, that identifies the rear yard dimension for each of the lots located in Fairfax County that is included on the approved site plan. A copy of the above referenced letter and the referenced plan are attached to this letter.

The CDP/FDP contains an illustration of a typical single family attached dwelling lot, which includes yard dimensions and landscaping. The CDP/FDP also includes setbacks between the proposed dwelling units and the property line for the rezoning application. It is my understanding that all of the dwelling units meet the setback from the rezoning application property line shown on the CDP/FDP. I have reviewed the rear yards shown on the approved site plan and as summarized by the chart attached to your letter. It is my determination that the rear yards shown on Site Plan 1847-SP-01-2 are in substantial conformance with the proffered CDP/FDP for RZ 2001-BR-022. This determination has been made in my capacity as Senior Deputy Zoning Administrator.

Department of Planning and Zoning
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1374 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/

If you have any questions regarding this interpretation, please feel free to contact Peter Braham at (703) 324-1290.

Sincerely,

Leslie B. Johnson
Senior Deputy Zoning Administrator
Zoning Administration Division, DPZ

LBJ/PB N:\WPDOCS\ACTION\FAIRFAX GATEWAY YARDS.DOC

cc: Sharon Bulova, Supervisor, Braddock District
Susanne Harsell, Planning Commissioner, Braddock District
Barbara A. Byron, Director, Zoning Evaluation Division, DPZ
Dianne Johnson-Quinn, Deputy Zoning Administrator, Plans and Permits Branch, ZAD
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: RZ/FDP 2001-BR-022, PI 0609-139, Imaging

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September 6, 2006

Ms. Barbara Byron
Director of Zoning Evaluation Division
Fairfax County
Department of Planning & Zoning
12055 Government Center Parkway
Fairfax, Virginia 22035-5507

RE: Fairfax Gateway
Request for Letter of Interpretation (RZ 2001-BR-022)
Project #003105.00

Dear Ms. Byron:

The Fairfax County Board of Supervisors at a hearing held December 9, 2002 approved the rezoning application for the above referenced site. The application rezoned approximately 4.58 acres from the R-1 district to the PDH-12 district permitting a maximum of 47 single family attached dwelling units (37 in Fairfax County and 10 in the City of Fairfax). This letter is inquiring only about the units within Fairfax County and more specifically only the rear setback dimensions of lots 11-35 as requested by the Fairfax County site reviewer. The site plan (1847-SP-01) is approved and nearing completion. All building permits have been issued as well as most of the RUPs. Many of the units have either been transferred and/or occupied at this time.

Relative to the specific issue at hand, the approved CDP/FDP has some conflicting information. The conflict appears on sheet 41 (as attached from the approved site plan) and on the site plan (sheet 39). The detail is entitled: "Unit Detail Fairfax County" drawn at a 20 scale and so noted. When you add the 15' rear dimension to the 51' house footprint (including 8' sunroom) and an 18' front yard, the lot would need to be 84' deep. On the site plan the lots scale only 82' in depth with rear setbacks of 12' and 14'. The unit detail is on sheet 3. The approved final site plans used the same lot geometry and unit sizes (see sheet 10), which also scale as a 12' and 14' rear setback. Hence we have a conflict between the typical section and the layout on the site plan sheet. There are also a few atypical lots as shown on the approved CDP/FDP which when scaled have significantly less rear yards (a minimum of 5' on lot 16) due to the angled rear lot line. All of the rear yards as constructed (please see attached "Setback Exhibit" by christopher consultants, dated 7/27/06) are similar in feel to the approved CDP/FDP and final site plans. The 13'+/- and 15'+/- can vary up to 1.9' less than those dimensions. However, when taken from the scaled dimensions on the approved CDP/FDP and final site plans they vary by less than 1'. Please see attached spreadsheet for a lot-by-lot comparison of the rear setback from the approved CDP/FDP and the as-built conditions. All of the rear yards do meet the minimum requirement of a 200 SF minimum privacy yard as well as the height and bulk plane of the overall site boundary (see attached exhibits).

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The builder is providing a product that has proved popular in this area and very compatible in character with the local neighborhoods and meets the needs of the typical townhome purchaser. The owner is currently selling the remainder of the built units and is seeking RUPs for the last three sticks of townhomes (lots 24-35) in the immediate future.

The above described interpretation does not change any of the other features associated with the proposed residential development. Since there are no modifications proposed to the locations of any dwelling units, there are no proposed increases in use or intensity, no changes in parking requirements, no changes to open space, bulk or massing that would adversely affect the adjacent properties and no proposed additions; we respectfully request these modifications may be the subject of an administrative approval in accordance Section 16-403 of the ordinance.

In closing, we never intended the dimension on the sketch to be viewed as a minimum rear yard and are hopeful that given the inconsistencies within the approved CDP/FDP that this interpretation will be favorably viewed. I am enclosing a copy of the approved site plan which includes both the CDP/FDP (sheets 38-44) and the proffers (sheets 7, 7A, 8) for your convenient reference and as-built conditions showing the actual unit footprints which is in the spirit of the approved CDP/FDP and site plan. I would appreciate your review and approval of this request as an interpretation of the CDP/FDP. If you have any questions regarding this request or require additional information please do not hesitate to contact me.

Very truly yours,

Michael J. O'Hara, Jr.
Project Manager/Associate
LEED Accredited Professional

MJO/as

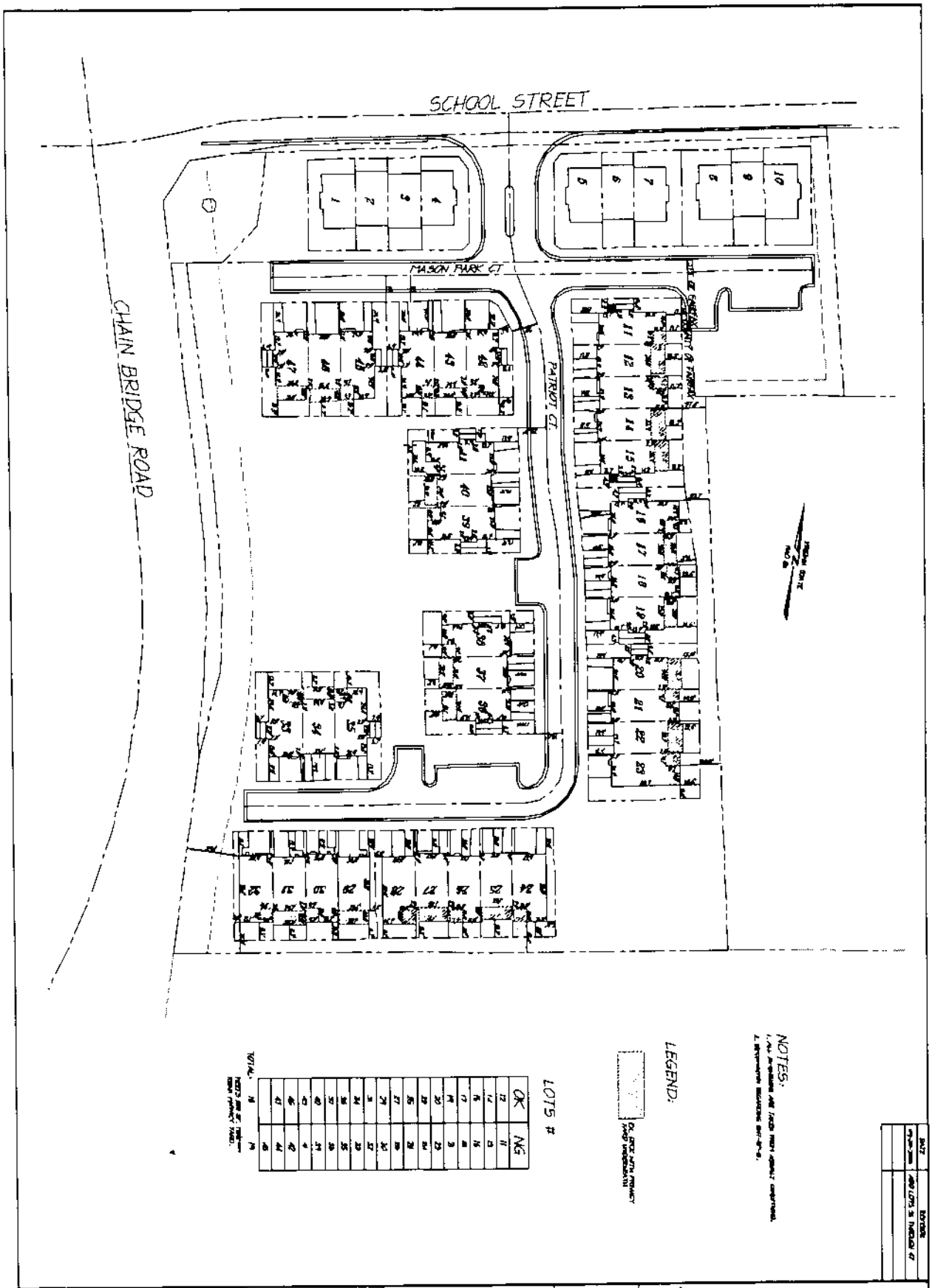
Enclosure

FAIRFAX GATEWAY

Lot	Rear Setback (feet)	CDP/FDP (feet)	Difference (feet)	Acceptable	Notes
11	11.1	13	-1.9		Sunroom
12	23.2	15	8.2	yes	
13	11.2	13	-1.8		Sunroom
14	23.2	15	8.2	yes	
15	21.2	13	8.2	yes	
16	5.3	13	-7.7		Sunroom
17	22.5	15	7.5	yes	
18	12.6	13	-0.4		Sunroom
19	24.6	15	9.6	yes	
20	12.5	13	-0.5		Deck
21	14.6	15	-0.4		Sunroom & Deck
22	12.4	13	-0.6		Deck
23	14.6	15	-0.4		Sunroom & Deck
24	11.3	13	-1.7		Sunroom & Deck
25	13.2	15	-1.8		Deck
26	11.2	13	-1.8		Sunroom & Deck
27	13.2	15	-1.8		Deck
28	11.1	13	-1.9		Sunroom & Deck
29	21.6	13	8.6	yes	
30	13.6	15	-1.4		Sunroom
31	21.6	13	8.6	yes	
32	13.6	15	-1.4		Sunroom
33	13.7	15	-1.3		Sunroom
34	21.8	13	8.8	yes	
35	13.8	15	-1.2		Sunroom

Note: Some of the unit jogs have been reversed so the approved dimension from the CDP/FDP unit detail is from the similar condition.

9/5/2006
MJO



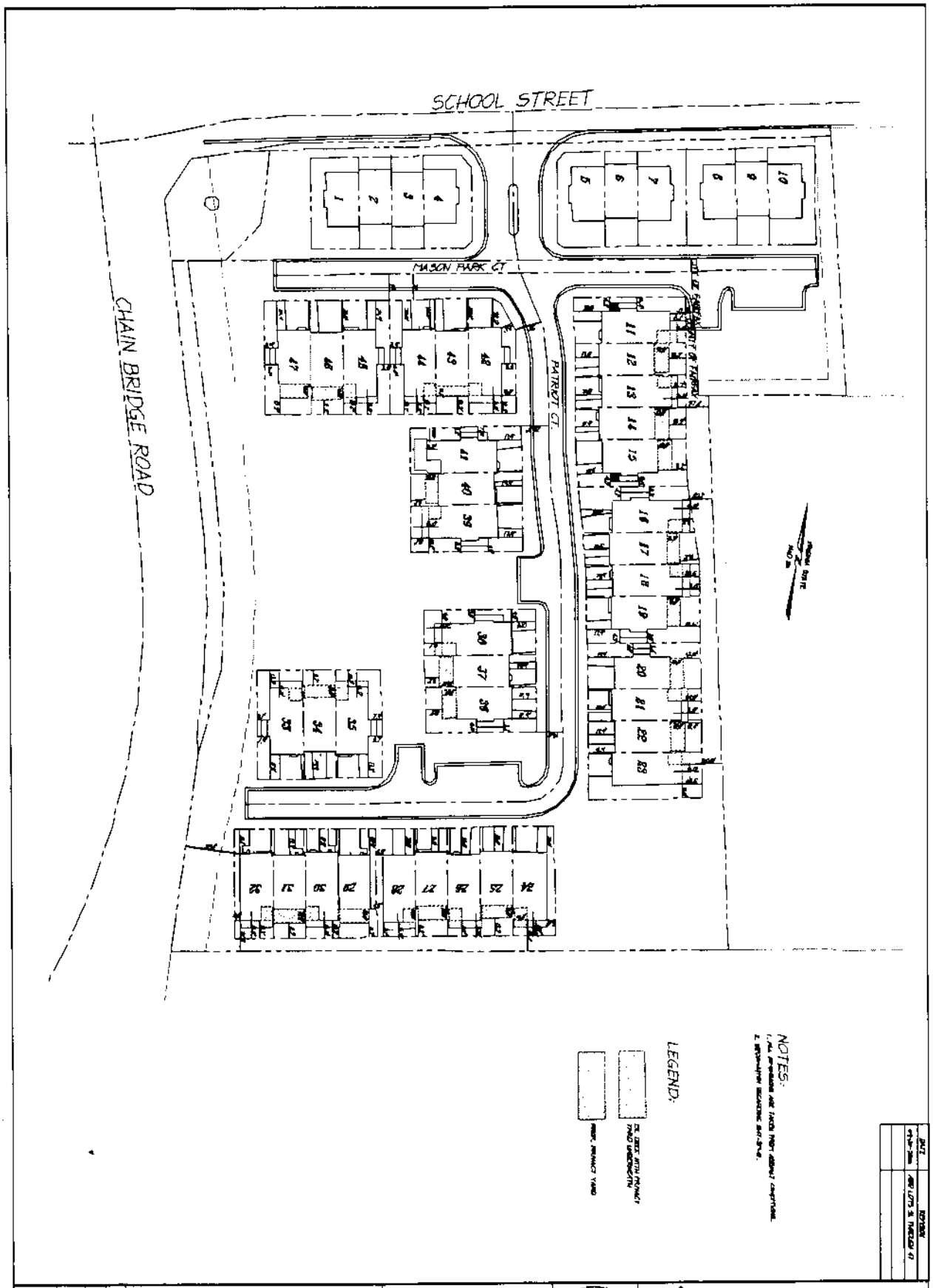
FAIRFAX GATEWAY

BRADDOCK DISTRICT FAIRFAX COUNTY, VIRGINIA

SETBACK EXHIBIT

christopher consultants

1 of 2



FAIRFAX GATEWAY

BRADDOCK DISTRICT FAIRFAX COUNTY, VIRGINIA

PROPOSED PRIVACY YARD

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