



# County of Fairfax, Virginia

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

May 8, 2008

Robert C. Mereness, Director  
Civil Engineering  
CAD-CON Consulting Incorporated  
10706 Vandor Lane  
Manassas, VA 20109

Re: Interpretation for RZ 2004-SP-002, Morrisons Way Village (Sam & Song Chung),  
Tax Map 56-2 ((3)) 14, 15: Rear Yard Reductions

Dear Mr. Mereness:

This is in response to your letter of April 6, 2008, requesting an interpretation of the proffers and Generalized Development Plan (GDP) accepted by the Board of Supervisors in conjunction with the approval of RZ 2004-SP-002. As I understand it, the question is whether a reduction of the rear yard setbacks for the five (5) units located in Building B from 20 feet to 14 feet would be in substantial conformance with the proffers and the GDP. This determination is based on your letter with the attached exhibit entitled "Morrisons Way Village" prepared by CAD-CON Consulting, Incorporated, dated March 26, 2008; a copy of the GDP; a copy of Sheet C-4 of the site plan; and the proffers. Copies of your letter and relevant exhibits are attached.

Rezoning RZ 2004-SP-002 was approved by the Board of Supervisors on September 12, 2005, subject to proffers, to permit the development of nine (9) single-family attached dwelling units and a waiver of minimum district size. The subject property contains 1.03 acres. The proffered GDP shows the site developed with two sticks of attached units running north to south. The GDP shows the site consisting of two lots, with Lot 14 on the west and Lot 15 on the east. Your letter labels the building on Lot 14 as Building A and that on Lot 15 as Building B. This request pertains only to Building B.

You state that Building B is currently under construction. The units measure 36 feet x 21 feet. You propose that the units be increased to 42 feet x 21 feet by adding 6 feet to the unit lengths and reducing the rear yard setback from 20 feet to 14 feet. You further state that a minimum required 200 square foot privacy yard will be provided for each unit and that there will be no decrease in open space. You contend that the proposed modification is "minor" in nature and is still in harmony with the approved GDP and reference Proffer #1.b, which states that minor modifications to the GDP may be permitted, pursuant to Par. 5 of Sect. 18-204.

Par. 5 of Sect. 18-204 permits certain minor modifications to be made to approved development plans where it is determined by the Zoning Administrator that such are in substantial conformance with the proffered GDP. However, Proffer 1B accepted pursuant to the approval of RZ 2004-SP-002 clearly exempts from modifications the circumstance proposed by this request where the distance

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  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



Robert C. Mereness

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between the units and the edge of the property is decreased. The proposed decrease in the rear yard setbacks results in a reduction from approximately 30 feet to approximately 24 feet between the rear of the units and property line, a 20% reduction. Such a reduction would result in a change in bulk and mass that could adversely impact the relationship of the development to adjacent property.

As such, it is my determination that the reduction in rear yard setbacks for the units in Building B would not be in substantial conformance with the proffers and GDP. 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,



Regina E. Coyle, Director  
Zoning Evaluation Division, DPZ

N:\Proffer Interpretations PI\MorrisonWay (RZ 2004-SP-002) rear yard reductions.doc

Attachments: A/S

cc: Pat Herrity, Supervisor, Springfield District  
Peter Murphy, Planning Commissioner, Springfield District  
Diane Johnson-Quinn, Senior Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ  
Kenneth Williams, Plan Control, Land Development Services, DPWES  
Angela Rodeheaver, Section Chief for Site Analysis, DOT  
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES  
Kevin Guinaw, Chief, Special Projects/Applications Acceptance Branch, ZED, DPZ  
File: RZ 2004-SP-002, PI 0804 034, Reading, Imaging



# CAD-CON Consulting Incorporated

Mechanical, Electrical, Plumbing, Structural and Civil  
Consulting Engineers

10706 VANDOR LANE  
MANASSAS, VIRGINIA 20109  
703-392-5141 Phone  
703-392-0507 Fax

April 6, 2008

Mr. Kevin Guinaw, Chief  
Special Projects/ Applications Management Branch  
Zoning Evaluation Division  
12055 Governmental Parkway, 8<sup>th</sup> Floor  
Fairfax, Virginia 22035 - 5503

**RECEIVED**  
Department of Planning & Zoning

**APR 08 2008**

**Zoning Evaluation Division**

**Re: Morrisons Way Village  
(Formerly Lee Highway Townhouses)  
RZ 2004-SP-002  
Site Plan #024562-SP-01-4  
CCCI Project No. 361.0041**

**Subject: Interpretation**

Dear Kevin:

On behalf of our client, S & J Real Property Ventures, LLC, we are requesting an "Interpretation" for the above referenced approved re-zoning application for modifications to the proposed townhouse units (Building B) that back up to the K-Mart side of the site.

The following information is provided for your consideration:

1. Re-Zoning Application and GDP (**RZ 2004-SP-002**) was submitted by this firm and approved by Board of Supervisors on September 12, 2005. Copy of the approved GDP is attached for your information.
2. Site Plan #024562-SP-01-4 approved by Site Development Services on October 11, 2007 and is currently under construction. Copy of the approved Site Plan sheet is attached for your information.

Under Approved Proffer #1.b)

*"Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted where it is determined by the Zoning Administrator that such are in substantial conformance with the proffered GDP. Such modifications shall include only the locations of utilities, minor adjustments to property lines, and the general location of units on the lots, provided that the total open space is not decreased from that shown on the plan, number of parking spaces are not reduced, and that the distance between the units and the edge of the property is not decreased."*

Proposed Building B approved on the GDP, currently under construction, overall dimensions were 36' x 21' and it is requested that these units be increased in size to 42' x 21' – the same width but 6 feet longer than what is shown on the approved GDP.

As indicated on our attached "Interpretation Plat" we have reduced the rear yard setback from 20 feet to 14 feet, maintained a minimum of 200 square feet of back yard as required by residential design standards and the zoning ordinance. This change will make these units more in the same size and shape as the Building A units at 43' x 24'. The back yards will be slightly reduced, but still maintain greater than 200 square feet of back yard. The reduced areas of each backyard have been shown on the Interpretation Plan.

As to approved Proffer #1.b) – there will no decrease in the Open Space provided on the plan – provided Open Space = 13,526 SF or 30% of the site, nor will there be any decrease in the 10 foot setback from the K-Mart property line to the rear of the proposed property lines – Building B.

Attached are copies of the Architectural Floor Plan and modified elevations of the Building B unit and you will note that there are really no changes to what was approved on the GDP, other than length of the unit and a reduced yard setback and backyard area.

It is our opinion that the above modification is "minor" in nature and still is in harmony with the approved GDP.

We have enclosed a copy of the approved GDP and approved proffers, an Interpretation Plat showing the modifications to the Building B unit size and copies of the Architectural layout and elevations for your review and comment. We are requesting a favorable response to our request and please feel free to call if you have any questions or need additional information.

Sincerely,  
**Cad-Con Consulting, Inc.**

A handwritten signature in black ink, appearing to read "Robert C. Mereness". The signature is fluid and cursive, with the first name being the most prominent.

Robert C. Mereness  
Director, Civil Engineering

Enclosures

CC: Sam Chung S&J Real Property Ventures Inc.

File: \\projects\361\0041\Interprettr040608.ltr