



County of Fairfax, Virginia

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

June 23, 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: Building Footprint

Dear Mr. Mereness:

This is in response to your letter of June 9, 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 the proposed change in the building footprint at the rear of the five (5) units located in Building B would be in substantial conformance with the proffers and the GDP. This determination is based on your letter with the attached exhibit that has been highlighted to show the proposed modification to the rear facade. 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 rows of attached units running north to south. The GDP shows the site consisting of two lots, with Lot 14 (Building A) on the west and Lot 15 (Building B) on the east. The building footprints depicted on the GDP show each of the nine (9) units designed with a two (2) foot bumped out area on the rear facade, and a staggering of the facade of each unit, which provides articulation along those facades. This request pertains only to Building B, which is being developed with five (5) units.

This is the second request for interpretation that was made for this building. A determination was issued on May 8, 2008, which found that your proposal to reduce the rear yard setbacks of Building B in order to increase interior unit size was not in substantial conformance with the proffers or the GDP. In that instance, the letter noted that Proffer 1B specifically stated that modifications which included reductions in the distance between the units and the edge of the

property were not permitted. It also noted that such a reduction would result in a change in bulk and mass that could impact the adjacent property.

The typical lot layout for Building B shown on the GDP shows a 20 foot rear yard setback between the bumped out area and the property line and a 22 foot rear yard setback measured from the main rear façade of the units. The proffered elevations contained on Sheet A-1 of the GDP clearly show articulation of the rear facade with the bumped out areas. This building design was made part of the zoning approval and is consistent with the way Building A was constructed. Your proposal to eliminate the bumped out areas at the rear of Building B in order to increase the interior space would result in a long flat wall along the entire rear of Building B. Based on the typical lot layout shown on the GDP, the proffered elevations, and the fact that Building A has been built as shown on the GDP, the proposed change would be out of character with the approved zoning.

It is my determination that the change in building footprint to eliminate the bumped out areas at the rear of 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 C. Coyle, Director
Zoning Evaluation Division, DPZ

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Attachments: A/S

cc: Pat Herry, 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
Assad Ayoubi, Director, Environmental and Facilities Inspection Division, DPWES
Audrey Clark, Director, Building Plan Review, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Acceptance Branch, ZED, DPZ
File: RZ 2004-SP-002, PI 0806 059, Reading, Imaging



CAD-CON Consulting Incorporated

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June 9, 2008

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Department of Planning & Zoning

JUN 10 2008

Zoning Evaluation Division

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

**Re: Morrisons Way Village
(Formerly Lee Highway Townhouses)
RZ 2004-SP-002
Site Plan #024562-SP-01-4
CCC 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' – with a 2 foot jog in the unit type and it is requested that these units be squared off to eliminate the 2 foot jog in the building unit. The overall dimension will be the same in size and no closer to the property line shown on the approved GDP.

As indicated on our attached "Sketch" there will be No Reduction in the rear yard setback from the original 20 feet shown on the approved GDP. The backyard will still maintain a minimum of 200 square feet of back yard as required by residential design standards and the zoning ordinance. The decks shown on the attached sketch will be no closer to the property line and reduced by 2 feet in length to accommodate the squaring off of the unit.

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.

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

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-Cop Consulting, Inc.

A handwritten signature in black ink, appearing to read "Robert C. Mereness", written over a faint, illegible typed name.

Robert C. Mereness
Director, Civil Engineering

Enclosures

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

File: \\projects\361\0041\rev\Interpret\tr060908.ltr

