



# County of Fairfax, Virginia

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

September 26, 2008

Tom Dausch  
4356 Patriot Park Ct.  
Fairfax, VA 22030

Re: Interpretation for RZ 2001-BR-022, Tax Map Number 57-4 ((1)) 1A, 1, 3 and 7;  
Fairfax Gateway: Noise Attenuation Barriers

Dear Mr. Dausch:

This is in response to your letter of January 28, 2008, and a supplemental letter from Mark Halfhill dated April 11, 2008, requesting information on the proffers accepted by the Board of Supervisors in conjunction with the approval of Rezoning RZ 2001-BR-022. As I understand it, you are seeking background information on the requirement for several existing noise walls installed in the community. This determination is based on your letter, the proffers dated November 22, 2002, the Conceptual Development Plan approved by the Board of Supervisors and the Final Development Plan approved by the Planning Commission. Copies of your letter with the relevant documents are attached.

On December 9, 2002, the Board of Supervisors approved RZ 2001-BR-022 subject to the proffers dated November 22, 2002. Proffer #6 states:

*A. Prior to final site plan approval, the Applicant shall provide a noise analysis based on final site grades and future traffic volumes on Route 123 to DPWES for review and approval. The noise analysis shall identify which unit/lots are exposed to noise levels above DNL 65 dBA.*

*B. For privacy yards exposed to noise levels above DNL 65 dBA, solid wood privacy fences, or solid wall/fence configurations that are solid from the ground up, with no gaps or openings, as determined necessary, shall be utilized as a sound attenuation measure.*

The CDP/FDP (on Sheet 2) depicts the location of noise walls adjacent to the rear yards on Lots 47, 33 and 31, adjacent to Chain Bridge Road/Route 123. Sheet 5 includes an illustration labeled "Fence Detail For Rear Yards Near Chain Bridge Rd. Impacted By Noise," which depicts the plan view, elevation, materials, section details and dimensions of the required noise walls, and further the notes the height of the walls as "to be determined." The locations of the noise walls were established based on evaluation of the noise contours shown on the CDP/FDP and were proffered, subject to submittal and approval of a noise analysis. Pursuant to approval of the site plan, the refined acoustical analysis (prepared by Polysonics Corp., November 19, 2002) was submitted and approved based on the final site grades and future traffic volumes, and thus established the height of the noise walls at 8 feet and included a plan view of the construction details. The noise walls were constructed on the three locations shown on the CDP/FDP and as required by the noise analysis for the properties identified with rear yards impacted by traffic noise on Chain Bridge Road/Route 123.

**Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service**

**Department of Planning and Zoning**  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
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Mr. Dausch  
Page 2

According to your letter, the noise walls were installed after occupation of the townhouse units by the owners. You have also indicated that the noise walls as constructed do not match the architectural standards and aesthetics of the residential development and that the community believes the visual presence of the noise walls affects the successful marketing to potential buyers of residential properties in the community.

The subject noise walls are a requirement of the proffers executed with the rezoning for the Fairfax Gateway development. If the community wishes to upgrade the noise barriers to their own architectural standards, such a request may be submitted to this office for consideration. Any revised design must maintain specifications for acoustical mitigation. If the community wishes to submit a revised acoustical analysis prepared by a professional noise consultant to verify that exterior noise levels above DNL 65 dBA do not exist on those lots without the noise mitigation barriers, they may also submit any such analysis to this office for consideration. 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 contact Carrie Lee at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director  
Zoning Evaluation Division, DPZ

RCC/O:\clee01\ActionAssignments\Interpretations\PI\Fairfax Gateway\_noise barriers.doc

Attachments: A/S

cc: Sharon Bulova, Supervisor, Braddock District  
Suzanne F. Harsel, Planning Commissioner, Braddock District  
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ  
Ken Williams, Chief, Plan and Document Control, Land Development Services, DPWES  
Angela Rodeheaver, Section Chief for Site Analysis, DOT  
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES  
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ  
Mark Halfhill, SCS Management, P. O. Box 221350, Chantilly, VA 20153  
File: RZ 2001-BR-022, PI 0804 035, Imaging, Reading

January 28, 2008

RECEIVED JAN 31 2007 *gaw*

Barbara A. Byron  
Director, Zoning Evaluation Division  
County of Fairfax, Virginia  
Department of Planning & Zoning  
12055 Government Center Parkway  
Suite 801  
Fairfax, VA 22035-5505

RECEIVED  
Department of Planning & Zoning

FEB 07 2008

Zoning Evaluation Division

RE: Fairfax Gateway (Case # RZ 2001-BR-022)

Dear Ms. Byron:

I am writing on behalf of the Fairfax Gateway Homeowners Association in reference to the Noise Attenuation Barriers that were erected in our community. These barriers were erected long after most of our owners had moved in. We had no knowledge that they were planned and, in fact, it is possible that the presence of the barriers could have changed buyers minds about living in Fairfax Gateway. Since they were installed, we have heard nothing but vehement complaints about them from members of our community.

While we have been informed that the barriers were installed because they were required in the original planning documents, we cannot understand why they are needed. We can find no one, including neighbors most affected by the barriers, who believes that they provide any difference in the sound that enters our community than if they were not there. Equally important to the community is the fact that the barriers do not match the architectural standards and aesthetics of the rest of the community. They are viewed as eyesores.

The Fairfax Gateway HOA, and the homeowners whose properties are most directly affected by the barriers, would like to appeal the County's requirement for these barriers in our community. Please advise if this letter is sufficient to initiate an appeal process or if more needs to be done to generate an appeal. We would like to understand the County's perspective on how these barriers are actually benefit the total townhouse community. We have already spoken with Mr. William Grieve, who very politely explained the situation to us, but who could offer no relief. We invite the appropriate County official(s), with authority to decide and act, to meet with our Board to explain the purported purpose of the barriers and how their placement and composition was determined.

We look forward to your early response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Dausch', with a long horizontal flourish extending to the right.

Tom Dausch  
President  
Fairfax Gateway HOA

Cc: William Grieve, Senior Engineering Inspector  
Supervisor Sharon Bulova, Braddock District  
Stephen & Kimberly Sanker – 4396 Patriot Park Court  
Timothy Justice – 4399 Patriot Park Court  
Bryan & Michelle Burnett – 10599 Mason Park Court  
Mark, Halfhill, SCS Management

# Fairfax Gateway

## Homeowners Association

RECEIVED  
Department of Planning & Zoning

APR 15 2008

Zoning Evaluation Division

April 11, 2008

Regina Coyle  
Director, Zoning Evaluation Division  
County of Fairfax, Virginia  
Department of Planning and Zoning  
12055 Government Center Parkway  
Suite 801  
Fairfax, VA 22035-5505

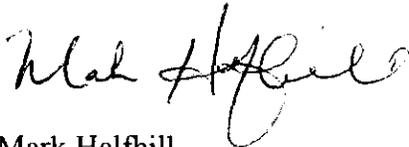
RE: Fairfax Gateway (Case # RZ 2001-BR-022)

Dear Ms. Coyle,

Per my conversation with Ms. Carrie Lee on Thursday April 10<sup>th</sup>, below is Mr. Tom Dausch's contact information. Also, enclosed is a copy of the letter sent on January 28<sup>th</sup> from Mr. Dausch.

Mr. Thomas Dausch  
4356 Patriot Park Ct  
Fairfax, VA 22030  
703-862-4185

Sincerely,



Mark Halfhill  
Asst. Community Manager, SCS

c/o Select Community Services  
PO Box 221350 • Chantilly Virginia 20153  
(703) 631-2003 • (703) 631-5380 Facsimile  
[www.scs-management.com](http://www.scs-management.com)

January 28, 2008

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Director, Zoning Evaluation Division  
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