



# County of Fairfax, Virginia

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

February 6, 2009

Lynne J. Strobel  
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.  
2200 Clarendon Blvd., Thirteenth Floor  
Arlington, VA 22201-3359

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

Dear Ms. Strobel:

This is in response to your letter of January 8, 2009, 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 relocation and re-design of an ingress-egress easement in order to remove it from within Lot 4A would be in substantial conformance with the proffers and the GDP. This determination is based on your letter, a sketch of the proposed easement location, and a copy of a Memorandum dated January 8, 2009, signed by Gary Buckley in the Fire Marshall's office. 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. On October 7, 2008, the applicant requested approval of an interpretation to permit second and third floor bump-outs into the minimum yards, a firewall encroachment under the decks, and a covered staircase that encroached into the side yard of Lot 4. Subsequently, on October 14, 2008, a determination was made by Regina Coyle, Director, ZED that the bump-outs and covered stairway were in substantial conformance with the approved GDP, subject to a lot line adjustment to remove the covered stairway from a required yard. As I understand it, the lot line adjustment for the covered stairway on Lot 4 has resulted in the designation of Lot 4 as Lot 4A and has also resulted in an encroachment of a portion of an existing ingress-egress easement, or turnaround, into Lot 4A. You have proposed to re-orient the turnaround area to remove the encroachment. The turnaround will be constructed in the same general location but at a slight angle from the original position. You have submitted correspondence that indicates the Fire Marshall would consider the proposed location acceptable, subject to a fire lane plan revision and field inspection.

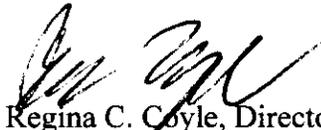
As such, it is my determination that the modification to the design of the turnaround described above would be in substantial conformance with the proffers and GDP, subject to Fire Marshall and DPWES approval.

Lynne J. Strobel  
Page Two

You have also asked for confirmation that the dimensions of the playground are 20 feet by 15 feet. As I understand it, a drafting error occurred that resulted in a dimension of 40 feet by 30 feet being shown on an inset to the GDP. The size of the playground has not changed. It is my determination that the dimensions of the playground are 20 feet by 15 feet.

These determinations have 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

O:\mgodfr\Proffer Interpretations PI\MorrisonWay (RZ 2004-SP-002) ingress-egress easement.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  
Jack Weyant, 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



Lynne J. Strobel  
(703) 528-4700 Ext. 5418  
[lstrobel@arl.thelandlawyers.com](mailto:lstrobel@arl.thelandlawyers.com)

**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

January 8, 2009

RECEIVED  
Department of Planning & Zoning

JAN 09 2009

Zoning Evaluation Division

**Via E-mail and Scheduled Express**

Regina C. Coyle, Director  
Fairfax County Department of Planning & Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

Re: RZ 2004-SP-002  
Applicants: Sam H. Chung and Song H. Chung  
Fairfax County Tax Map Reference: 56-2 ((30)) 1-9, inclusive (the "Subject Property")

Dear Ms. Coyle:

Please accept this letter as a request for a minor modification in accordance with Section 18-204, Paragraph 5 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

The Subject Property was rezoned from the R-1 and C-8 Districts to the R-12 District by the Board of Supervisors at its hearing held on September 12, 2005. The rezoning permits development of the Subject Property with nine (9) single-family attached dwelling units, and was approved subject to proffers dated August 25, 2005. The proffers require development of the Subject Property in accordance with a generalized development plan prepared by CAD-CON Consulting, Inc., revised as of August 25, 2005 (the "GDP"). Further, the proffers allow for minor modifications of the GDP when determined to be in substantial conformance with the proffered GDP. As a result of final layout and design, the Applicants are requesting a minor modification to the GDP.

Since the rezoning approval, the Applicants have diligently pursued approval of a site plan (referenced as 024562-SP-01-4) with the Department of Public Works and Environmental Services (DPWES). The site plan was approved on October 11, 2007, and subsequently architectural plans were submitted to and approved by DPWES. The nine (9) townhomes, as shown on the GDP, the site plan and the architectural plans, have been constructed. A previous issue arose regarding architectural features that were included on the approved architectural plans, but not shown on the GDP or site plan. This issue was resolved as the architectural features were determined to be in

substantial conformance with the GDP and the proffers. One of the architectural features that was reviewed and approved in conjunction with the interpretation request is a covered staircase on the end townhome units. The covered staircase resulted in setback issues that have been resolved with the submission of a lot line adjustment that has been processed by DPWES. The lot line adjustment resulted in the designation of Lot 4 as Lot 4A. A new issue has arisen regarding the location of an existing ingress/egress easement on Lot 4A. It was suggested that the easement be relocated outside of the adjusted property line for Lot 4A. In order to accomplish this objective, the engineer proposes to change the angle of the emergency vehicle turnaround and relocate the ingress/egress easement. I have attached an exhibit prepared by CAD-CON Consulting that illustrates the relocated turnaround. It is my understanding that this exhibit has been reviewed by Gary Buckley of the Fairfax County Fire Marshal's Office and the proposed turnaround design is acceptable. I have attached a copy of a memorandum signed by Mr. Buckley acknowledging his approval. Further, the proposal is in conformance with the design criteria of the Public Facilities Manual.

The above-described modification may be permitted in accordance with requirements of the Ordinance as the modification does not result in the following:

- *A change in the amount of land area or permit a more intensive use from that approved pursuant to the proffered conditions.* The land area of the Subject Property remains the same and the same number of residential dwelling units are proposed as approved in accordance with the R-12 zoning. The proposal is to address the location of an ingress/egress easement as a result of final engineering and design. The proposal does not permit a more intensive use from that approved pursuant to the proffered conditions.
- *An increased parking requirement.* As the number of residential dwelling units remains the same; there is no increase to the parking requirement.
- *Permit uses other than those approved pursuant to the proffered conditions.* The proffers permit residential development and this use is not modified.
- *Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space.* The buffering and landscaping as proposed with the rezoning will remain unchanged. The actual percentage of open space will slightly increase with the modification as proposed.
- *Changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property.* The bulk of the townhomes remains the same, as well as their location and orientation. The change proposed by the Applicants is to allow for the relocation of an ingress/egress easement and the resultant modification to the emergency

January 8, 2009

Page 3

vehicle turnaround adjacent to the residential lots. The proposed modification does not impact the relationship of the development to adjacent property.

- *An increase in the amount of clearing and/or grading for a stormwater management facility.* There are no proposed changes or impacts to stormwater management.
- *The addition of any building or additions to buildings except for minor additions.* The proposed modification will not affect any of the constructed buildings.

I would appreciate your confirmation that the above-described modification is in substantial conformance with the GDP and the proffers. In addition, I would appreciate confirmation that the dimensions of the playground are 20 feet by 15 feet. Unfortunately, a drafting error resulted in a dimension shown of 40 feet by 30 feet on an inset to the GDP. The size of the playground has not changed, and the correct dimensions should be confirmed.

I would appreciate your review of this matter as expeditiously as possible. The Applicants have purchasers who cannot move in to their homes until this issue is resolved, so it is imperative that this issue be resolved as soon as possible. Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Lynne J. Strobel

LJS/kae

Attachments

cc: Eileen McLane (w/attachments)  
Diane Johnson-Quinn (w/attachments)  
Kevin Guinaw (w/attachments)  
Sam Chung  
Robert Mereness  
Martin D. Walsh



# CAD-CON Consulting Incorporated

Mechanical, Electrical, Plumbing, Structural and Civil  
Consulting Engineers

## MEMORANDUM

January 8, 2009

TO: Gary Buckley Fire Marshal's Office

FROM: Bob Mereness CAD-CON Consulting Inc.

REFERENCE: **Morrisons Way Village**  
**Site Plan #024562-SP-001-4**  
**CCCI #361.0043**

SUBJECT: **Modification to the Fire Lane & turn around area**

Gary, as a result of some setback issues with the covered stairs to Lot 4, we have had to adjust in order to provide a 10 foot setback. With this property line adjustment, and to not have the new over the existing sidewalk & recorded ingress/egress easement, we need to modify the fire lane around as indicated on the attached sketch - Scheme B - Scale 1"=40'.

Please note, this project is under construction and based on a conversation with Marlene, construction has already been inspected and approved and some of the units have been occupied.

We are submitting a formal request for an "interpretation" to Zoning Evaluation Division for this subject, and a "Revision" to the approved Site Plan shortly.

We would like to get your input and concurrence that the proposed change would be approvable.

Your immediate attention to this matter would be most appreciated and please call if you have need additional information. You can reach me at (703) 392-6141 x117.

Thanks

Bob Mereness

Enclosure  
File: \\c:\projects\04\_10043\FireLane010609.mxd

- Plans Reviewed By Fire Marshal:
- Plans are:
- Approved
  - Approved as noted
  - Not approved, correct and resubmit

Date: 1-8-09  
 By: Gary Buckley

**Revised FIRE LANE IS Acceptable Subject  
 To FIRE LANE PLAN Revision AND  
 FIELD inspection.**

