County of Fairfax, Virginia

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

April 6, 2009

Ned Malik
MLS Now Realty
620 Herndon Pkwy; Suite 200
Herndon, VA 20170

Re: Interpretation for RZ 2008-DR-006; Tax Map 6-4 ((12)) 8;
Seneca Gate: cemetery fence

Dear Mr. Malik:

This is in response to your email of November 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 2008-DR-006. As I understand it, the question is whether the substitution of a wooden fence for the "4' metal fence" shown around the existing cemetery on the GDP would be in substantial conformance with the proffers and GDP. This determination is based on your email and submitted fence illustration. Copies of the email and relevant documents are attached for reference.

On October 20, 2008, the Board of Supervisors approved RZ 2008-DR-006, to rezone the subject property from the R-1 and C-8 Districts to the R-1 District for subdivision into two residential lots, subject to proffers. The approved GDP showed an existing cemetery to remain on proposed Lot 8B, with a "4' metal fence" provided around the cemetery. Additionally, proffer # 13D accepted with the application stated: *"The Applicant shall construct a four foot tall black aluminum decorative fence around the boundaries of the cemetery as depicted on the GDP."*

You propose to provide a four foot tall wooden fence around the cemetery, similar to what will be provided around the rear yards of the houses.

It is my determination that the proposed wooden fence would not be in substantial conformance with the proffers and the GDP for RZ 2008-DR-006. 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 Tracy Strunk at (703) 324-1290.

Sincerely,

Regina C. Coyle, Director
Zoning Evaluation Division

RCC/TDS/N:\Interpretations\2009\seneca gate fence\seneca gate cemetery fence.doc

Attachments: A/S

cc: John W. Foust, Supervisor, Dranesville District
Jay Donahue, Planning Commissioner, Dranesville 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
File: RZ 2008-DR-006, PI 0811 124, Imaging, Reading File

Palencia, Mercedes

From: Coyle, Regina
Sent: Thursday, November 06, 2008 1:33 PM
To: Guinaw, Kevin
Cc: Palencia, Mercedes
Subject: FW: Seneca Gate
Attachments: 2401-01-GDP.pdf; fence1.jpg; Proffer 093008.doc

Please log-in etc

From: Ned Malik [mailto:ned.malik@VISIONONLINE.COM]
Sent: Wednesday, November 05, 2008 4:23 PM
To: Coyle, Regina
Cc: Strunk, Tracy; nedmalik@yahoo.com
Subject: FW: Seneca Gate

Dear Ms. Coyle:

I was referred by Ms. Strunk to contact you regarding interpertation of a proffer we have (copy attached) that calls for a construction of a 4' metal fence around the cemetary on our property (very small of the our land).

We are instead proposing construction of a 4' wood fence along the cemetary easement on our property. See attached picture. This fence will be constructed out of #1 grade cedar, pressure-treated lumber or redwood. We will also stain it to match rest of the fence around the property.

In addition, we will of course build a gate with lock and provide access to the cemetery from Seneca Rd.

We feel that a wood fence would blend much better with the rest of the fence we are constructing on the property and around the neighborhood.

I would appreciate your consideration and a favorable response.

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Best Regards,
Ned Malik, JD/MBA
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PROFFERS:
RZ 2008-DR-006

their recorded covenants and restrictions. In the event the Seneca Place HOA votes not to annex the 2 lots, the Applicant shall form a new homeowners association for the 2 lots and subject the lots to the covenants of maintenance as outlined herein.

CEMETERY AND OTHER DESIGN DETAILS

13. A. The cemetery located within proposed Lot 8B shall remain as a cemetery in perpetuity.

B. The cemetery shall be maintained in perpetuity by the Homeowner's Association (HOA) which governs the lot. In the event there is no HOA established, the owner of Lot 8B will have the responsibility to maintain the cemetery and shall be advised in writing of this responsibility prior to purchase of the lot.

C. The cemetery access easement recorded in Deed Book 9685 at Page 769 shall not be vacated.

D. The Applicant shall construct a four foot tall black aluminum decorative fence around the boundaries of the cemetery as depicted on the GDP.

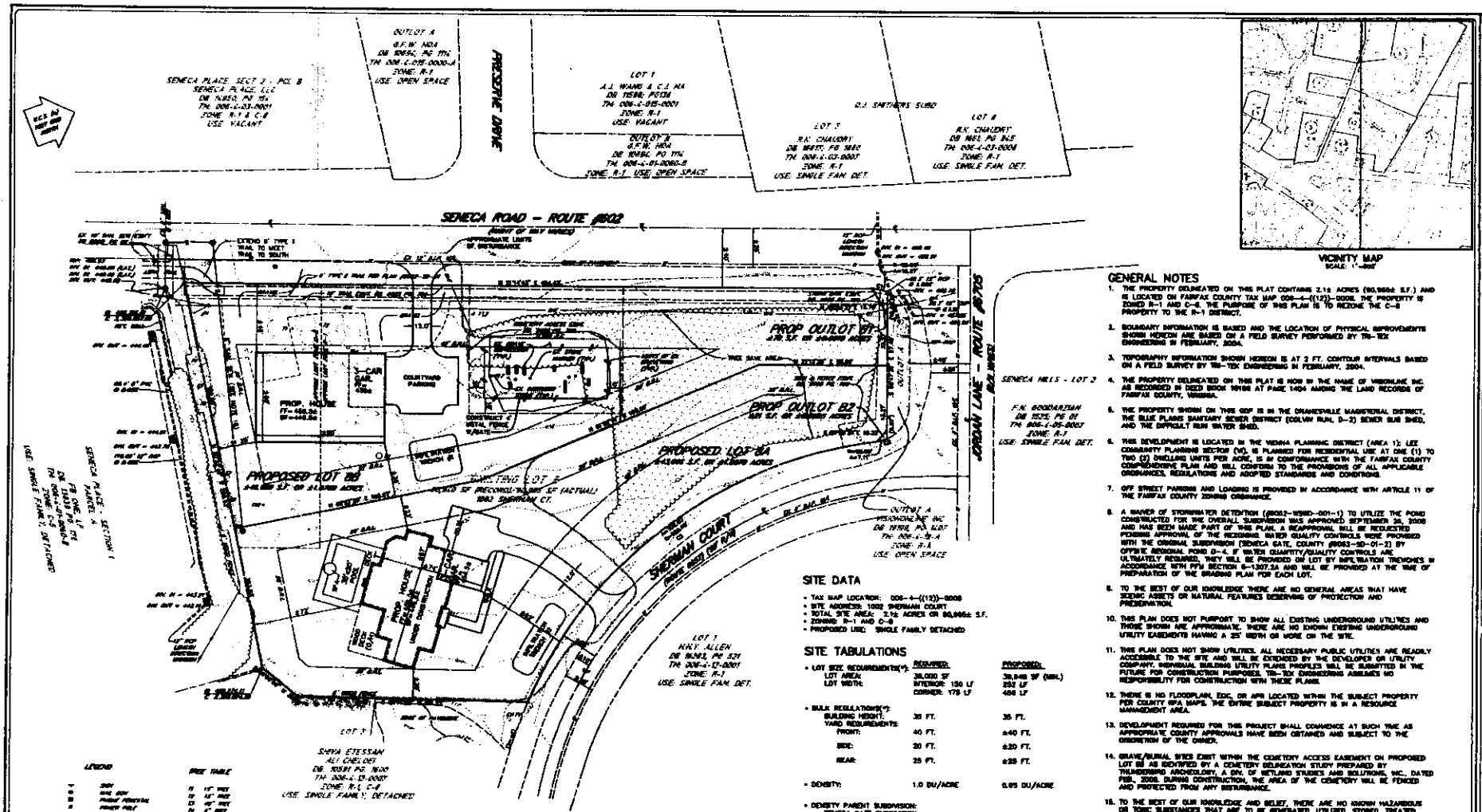
E. At the time of building permit plan approval for Lot 8B the Applicant shall contribute sufficient funds, not to exceed $1740 to erect a historic marker in a location with the cemetery as determined by the Fairfax County History Commission. A copy of the cemetery report shall be sent to the History Commission with the contribution notifying the Commission of satisfaction of this proffer.

F. All prospective purchasers of both lots and the Homeowners Association shall be notified in writing of the cemetery responsibilities outlined in paragraphs 12.A. through D. and the Lot 8B garage and driveway design commitments, and the conveyance of the outlots. Such notification shall be recorded among the land records of Fairfax County to notify future purchasers of such responsibilities.

G. The garage on lot 8B shall not face Seneca Road and shall be oriented as shown on the GDP.

HOUSING TRUST FUND

14. At the time of the building permit approval for the house on Lot 8B, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one half of one percent



VICINITY MAP
SCALE: 1"=2000'

GENERAL NOTES

1. THE PROPERTY DELINEATED ON THIS PLAT CONTAINS 2.12 ACRES (92,968± S.F.) AND IS LOCATED ON FAIRFAX COUNTY TAX MAP 008-4-((12))-0008. THE PROPERTY IS ZONED R-1 AND C-8. THE PURPOSE OF THIS PLAN IS TO REZONE THE C-8 PROPERTY TO THE R-1 DISTRICT.
2. BOUNDARY INFORMATION IS BASED AND THE LOCATION OF PHYSICAL IMPROVEMENTS SHOWN HEREON ARE BASED ON A FIELD SURVEY PERFORMED BY TRI-TEK ENGINEERING IN FEBRUARY, 2004.
3. TOPOGRAPHY INFORMATION SHOWN HEREON IS AT 2 FT. CONTOUR INTERVALS BASED ON A FIELD SURVEY BY TRI-TEK ENGINEERING IN FEBRUARY, 2004.
4. THE PROPERTY DELINEATED ON THIS PLAT IS NOW IN THE NAME OF VIRGINLINE INC. AS RECORDED IN DEED BOOK 10168 AT PAGE 1404 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
5. THE PROPERTY SHOWN ON THIS SDP IS IN THE DRANESVILLE MAGISTERIAL DISTRICT, THE BLUE PLAINS SANITARY SEWER DISTRICT (COLVIN RUN, D-2) SEWER SUB SHED, AND THE DIFFICULT RUN WATER SHED.
6. THIS DEVELOPMENT IS LOCATED IN THE VIENNA PLANNING DISTRICT (AREA 1); LEE COMMUNITY PLANNING SECTOR (V4), IS PLANNED FOR RESIDENTIAL USE AT ONE (1) TO TWO (2) DWELLING UNITS PER ACRE, IS IN CONFORMANCE WITH THE FAIRFAX COUNTY COMPREHENSIVE PLAN AND WILL CONFORM TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS AND CONDITIONS.
7. OFF STREET PARKING AND LOADING IS PROVIDED IN ACCORDANCE WITH ARTICLE 11 OF THE FAIRFAX COUNTY ZONING ORDINANCE.
8. A WAIVER OF STORMWATER DETENTION (#8062-WSWD-001-1) TO UTILIZE THE POND CONSTRUCTED FOR THE OVERALL SUBDIVISION WAS APPROVED SEPTEMBER 26, 2006 AND HAS BEEN MADE PART OF THIS PLAN. A REAPPROVAL WILL BE REQUESTED PENDING APPROVAL OF THE REZONING. WATER QUALITY CONTROLS WERE PROVIDED WITH THE ORIGINAL SUBDIVISION (SENECA GATE, COUNTY #8062-SD-01-2) BY OFFSITE REGIONAL POND D-4. IF WATER QUANTITY/QUALITY CONTROLS ARE ULTIMATELY REQUIRED, THEY WILL BE PROVIDED ON LOT BY INFILTRATION TRENCHES IN ACCORDANCE WITH PFM SECTION 6-1307.3A AND WILL BE PROVIDED AT THE TIME OF PREPARATION OF THE GRADING PLAN FOR EACH LOT.
9. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO GENERAL AREAS THAT HAVE SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION AND PRESERVATION.
10. THIS PLAN DOES NOT PURPORT TO SHOW ALL EXISTING UNDERGROUND UTILITIES AND THOSE SHOWN ARE APPROXIMATE. THERE ARE NO KNOWN EXISTING UNDERGROUND UTILITY EASEMENTS HAVING A 25' WIDTH OR MORE ON THE SITE.
11. THIS PLAN DOES NOT SHOW UTILITIES. ALL NECESSARY PUBLIC UTILITIES ARE READILY ACCESSIBLE TO THE SITE AND WILL BE EXTENDED BY THE DEVELOPER OR UTILITY COMPANY. INDIVIDUAL BUILDING UTILITY PLANS PROFILES WILL BE SUBMITTED IN THE FUTURE FOR CONSTRUCTION PURPOSES. TRI-TEK ENGINEERING ASSUMES NO RESPONSIBILITY FOR CONSTRUCTION WITH THESE PLANS.
12. THERE IS NO FLOODPLAIN, EDC, OR APR LOCATED WITHIN THE SUBJECT PROPERTY PER COUNTY RPA MAPS. THE ENTIRE SUBJECT PROPERTY IS IN A RESOURCE MANAGEMENT AREA.
13. DEVELOPMENT REQUIRED FOR THIS PROJECT SHALL COMMENCE AT SUCH TIME AS APPROPRIATE COUNTY APPROVALS HAVE BEEN OBTAINED AND SUBJECT TO THE DISCRETION OF THE OWNER.
14. GRAVE/BURIAL SITES EXIST WITHIN THE CEMETERY ACCESS EASEMENT ON PROPOSED LOT 8B AS IDENTIFIED BY A CEMETERY DELINEATION STUDY PREPARED BY THUNDERBIRD ARCHEOLOGY, A DIV. OF WETLAND STUDIES AND SOLUTIONS, INC., DATED FEB., 2006. DURING CONSTRUCTION, THE AREA OF THE CEMETERY WILL BE FENCED AND PROTECTED FROM ANY DISTURBANCE.
15. TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES THAT ARE TO BE GENERATED, UTILIZED, STORED, TREATED AND/OR DISPOSED OF ON THIS SITE.
16. THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION SHALL BE DEVELOPED IN ACCORDANCE WITH THIS PLAT PREPARED BY TRI-TEK ENGINEERING, INC. PROVIDED THAT MINOR MODIFICATIONS SHALL BE PERMITTED PURSUANT TO THE PROVISIONS OF SEC. 6.004. MODIFICATIONS WILL BE DETERMINED AS PART OF THE FINAL ENGINEERING AND SITE PLAN REVIEW BY THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES).
17. ANY AND ALL OFF-SITE GRADING, E.O.W., PARKING, ACCESS & UTILITY CROSSING SHALL BE ALLOWED WITH PERMISSION OF ADJACENT OWNERS AS LONG AS NO OFF-SITE TREES ARE IMPACTED.
18. THE PROPOSED HOUSE UNDER CONSTRUCTION ON LOT 8A IS CURRENTLY SERVED BY A SANITARY SEWER LATERAL. AS SUCH, THE SANITARY SEWER MAIN CONSTRUCTION MAY NOT BE REQUIRED AND SHALL BE DETERMINED BY DPWES AT THE TIME OF SUBDIVISION.

SITE DATA

- TAX MAP LOCATION: 008-4-((12))-0008
- SITE ADDRESS: 1002 SHERMAN COURT
- TOTAL SITE AREA: 2.12 ACRES OR 92,968± S.F.
- ZONING: R-1 AND C-8
- PROPOSED USE: SINGLE FAMILY DETACHED

SITE TABULATIONS

	REQUIRED:	PROPOSED:
• LOT SIZE REQUIREMENTS(*):		
LOT AREA:	36,000 SF	38,948 SF (MIN.)
LOT WIDTH:	INTERIOR: 150 LF	252 LF
	CORNER: 175 LF	464 LF
• BULK REGULATIONS(*):		
BUILDING HEIGHT:	35 FT.	35 FT.
YARD REQUIREMENTS:		
FRONT:	40 FT.	±40 FT.
SIDE:	20 FT.	±20 FT.
REAR:	25 FT.	±25 FT.
• DENSITY:	1.0 DU/ACRE	0.95 DU/ACRE

• DENSITY PARENT SUBDIVISION:
SENECA GATE SUBDIVISION:
AREA: 8.86 ACRES
LOTS: 8
DENSITY: 0.91 DU/AC
PROPOSED SUBDIVISION:
AREA PARENT TRACT: 8.86 ACRES
APPLICATION PROPERTY: 2.08 ACRES
8.86 AC – 2.08 AC/7 LOTS = 0.90 DU/AC
2.08 AC/2 LOTS = 0.96 DU/AC

• PARKING SCHEDULE:
REQUIRED: 2.0 SPACES PER LOT
PROVIDED: 2.0 SPACES PER LOT

• SHAPE FACTOR ($\frac{\text{PERIMETER}^2}{\text{AREA}}$ < 36):
LOT 8A: PERIMETER = 26.95, OR 27
LOT 8B: PERIMETER = 26.82, OR 27

• TREE COVER REQUIREMENTS:
GROSS SITE AREA = 92,968 SF
TREE COVER REQUIRED (20%) = 18,193 SF
EXISTING TREES TO BE PRESERVED = 18,326 SF
EXISTING TREE COVER CREDIT (X 1.25) = 22,883 SF
TREE COVER REQUIREMENTS MET. NO ADDITIONAL PLANTING REQUIRED.

DENOTES TREES USED TO CAGULATE TREE COVER CREDIT

SHEET INDEX

1) GENERALIZED DEVELOPMENT PLAN
2) OFFSITE DRAINAGE ANALYSIS
3) STORMWATER MANAGEMENT
4) EXISTING VEGETATION MAP

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LICENSED PROFESSIONAL ENGINEER
NO. 022025
COMMONWEALTH OF VIRGINIA

LOT 8 SENECA GATE

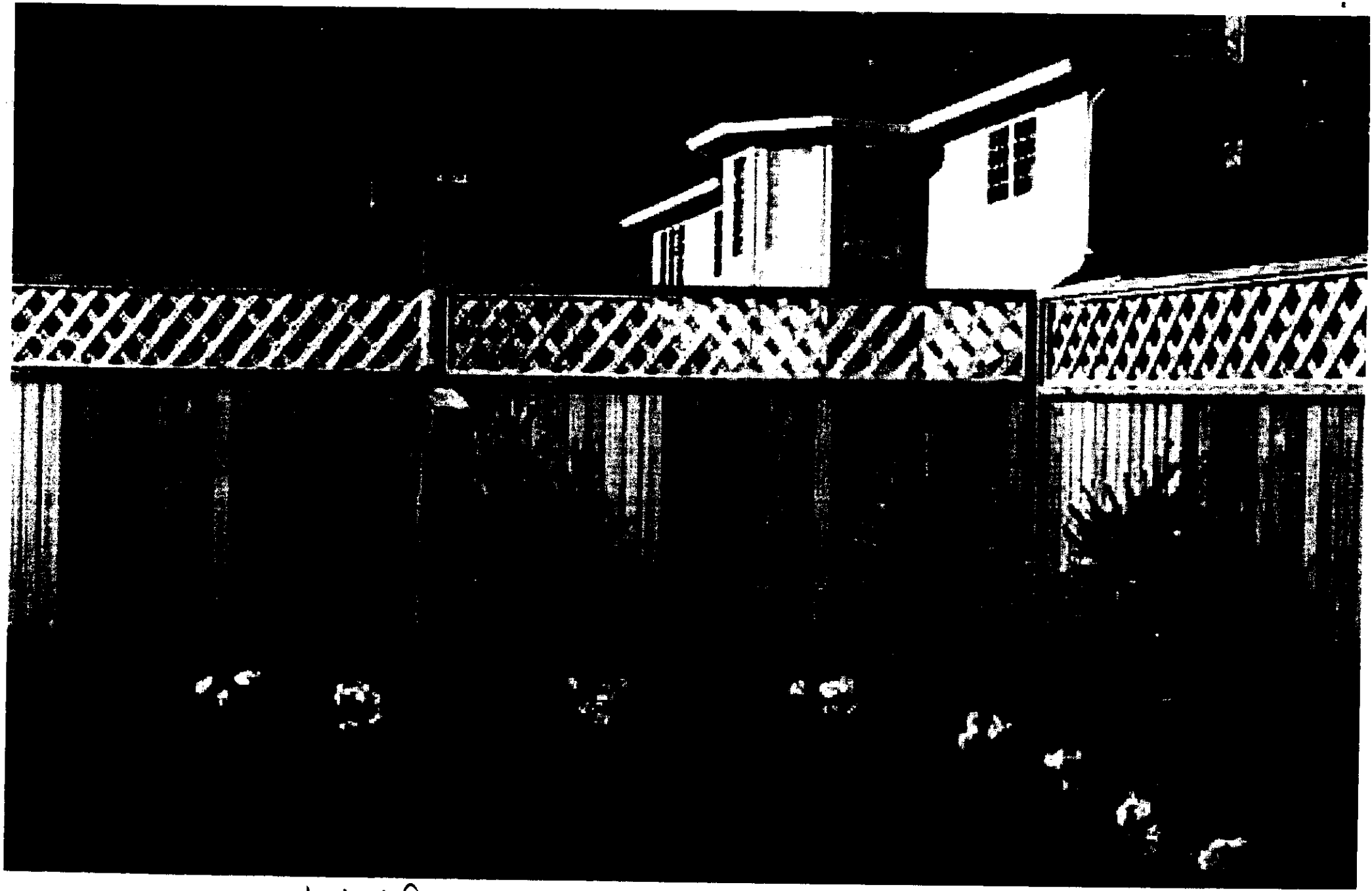
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

GENERALIZED DEVELOPMENT PLAN

DATE	REVISION
04.12.05	PER COUNTY COMMENTS
05.17.05	PER COUNTY COMMENTS
06.11.05	PER COUNTY COMMENTS

PN: 398 SCALE: 1"=30'
PE: -- DATE: 12.19.07
CD: -A- SHEET 1 OF 4

P-2401



typical fence proposed – NOT APPROVED