



County of Fairfax, Virginia

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

February 1, 2010

Kenneth W. Wire
McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215

Re: Interpretation for PCA 79-C-089 and SEA 2000-Y-017; Artee and Associates, LLC:
Outdoor Grill Facilities

Dear Mr. Wire:

This is in response to your letters dated December 4, 2009, and January 22, 2010 (attached), requesting an interpretation of the proffers and Generalized Development Plan (GDP) accepted by the Board of Supervisors in conjunction with the approval of Proffered Condition Amendment PCA 79-C-089 and of the Special Exception Amendment (SEA) Plat and development conditions approved with SEA 2000-Y-017. As I understand it, the question is whether the addition of outdoor grills at the Staybridge Suites Chantilly – Dulles Airport Hotel would be in substantial conformance with the proffers, GDP, SEA Plat and development conditions. This determination is based on your letters, a telephone conversation on January 5, 2010, and the photographs submitted.

As I understand it, two (2) outdoor grills are located on an outdoor paved patio area adjacent to the enclosed swimming pool. In addition, the outdoor grills are attached to countertops for serving and seating purposes. According to your letters, the outdoor grills are available for use by the hotel's extended stay guests, and are accessory to the hotel use. Additionally, your letters note that the outdoor grills are not associated with a restaurant use.

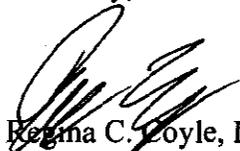
In a letter dated November 17, 2009, a previous determination was made that the conversion of the existing swimming pool to meeting space would be in substantial conformance with the proffers, GDP, SEA Plat and development conditions, provided the southern building façade is not altered and the parking requirements for the proposed use is met as determined by DPWES.

It is my determination that the outdoor grills are in substantial conformance with the proffers, GDP, SEA Plat and development conditions, provided they are available for use by hotel patrons only. Please note that a building permit is required for the outdoor grills.

With respect to the zoning violation issued for the subject property relating to a building permit for the enclosed pool, staff has been informed by the Department of Public Works and Environmental Services (DPWES), that the enclosed pool was shown on original Building Plan no. Q-01-02768, and was built and inspected along with the original hotel. The hotel received final inspection on November 9, 2004.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you should have any questions regarding this interpretation, please feel free to contact Christopher M. DeManche at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division

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Attachments: A/S

cc: Michael Frey, Supervisor, Sully District
John Litzenberger, Planning Commissioner, Sully District
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken 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 Management Branch, ZED, DPZ
File: SEA 2000-Y-017, PCA 79-C-089, SEI 0912 048, PI 0912 127, Imaging, Reading File

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RECEIVED
Department of Planning & Zoning

DEC 07 2009

Zoning Evaluation Division

Land Use and Environmental
kwire@mcguirewoods.com

December 4, 2009

VIA FEDERAL EXPRESS

Regina C. Coyle
Director of the Zoning Evaluation Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505

Re: Artee and Associates, LLC
Dulles Business Park - Tax Map No. 34-4-((12)-C8
SEA 00-Y-017 and PCA 79-C-089
Substantial Conformance Request

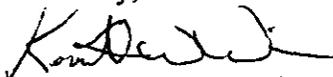
Dear Ms. Coyle:

This firm represents Artee and Associates, LLC the owner and developer of the above-referenced property. We received the attached notice of violation for the property regarding the pool enclosure and certain cooking equipment installed on the property. See Notice, attached as Exhibit "A". Since receiving the notice of violation, we have confirmed that the pool enclosure was shown on the Special Exception and was approved under a different building permit than the one cited by the zoning inspector.

We have attached photographs of existing grills and serving counters which are installed on the property as Exhibit "B". We are requesting your determination that the grills and serving counters are in substantial conformance with the approved SEA and PCA in that they are accessory structures clearly subordinate to the approved hotel use and are less than 500 square feet of gross floor area as is required by Sections 9-004(4)(A)(7) and 18-204(5)(A)(7). These accessory structures are located in an area which is entirely paved, constitute no additional gross floor area, and do not conflict with any proffered or development approval condition. These accessory structures are consistent with other accessory type objects which accompany hotel uses and are appropriately located on an approved patio area immediately adjacent to the hotel.

Please let me know if you have any questions regarding our request or if we can provide any additional information regarding the existing equipment.

Sincerely,



Kenneth W. Wire

December 4, 2009

Page 2

Enclosures

cc: Charles P. Fitzhugh, Fairfax Zoning Inspector (via email)
Heeren Patel, Axar Hotels (via email)
Gregory A. Riegle, Esquire, McGuire Woods LLP (via email)

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January 22, 2010

Regina C. Coyle
Director of the Zoning Evaluation Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505

Re: REVISED
Artee and Associates, LLC
Dulles Business Park - Tax Map No. 34-4-((12)-C8
SEA 00-Y-017 and PCA 79-C-089
Substantial Conformance Request

Dear Ms. Coyle:

This firm represents Artee and Associates, LLC the owner and developer of the above-referenced property. We received the attached notice of violation for the property regarding the pool enclosure and certain cooking equipment installed on the property. See Notice, attached as Exhibit "A". Since receiving the notice of violation, we have confirmed that the pool enclosure was shown on the Special Exception and was approved under a different building permit than the one cited by the zoning inspector.

We have attached photographs of existing grills and serving counters which are installed on the property as Exhibit "B". We are requesting your determination that the grills and serving counters are in substantial conformance with the approved SEA and PCA in that they are accessory structures clearly subordinate to the approved hotel use and are less than 500 square feet of gross floor area as is required by Sections 9-004(4)(A)(7) and 18-204(5)(A)(7). These accessory structures are located in an area which is entirely paved, constitute no additional gross floor area, and do not conflict with any proffered or development approval condition. These accessory structures are consistent with other accessory type objects which accompany hotel uses and are appropriately located on an approved patio area immediately adjacent to the hotel.

Pursuant to our recent conversations, the following are answers to questions you raised regarding this request. You asked for the dimensions of the serving counters and grills and how these areas are being used. The serving counters, including the grills, are each 11' 8.5" in length, 3' 5" in width, and 3' 7" in height. The hotel caters to extended stay guests and each room includes a small kitchenette. The grills are available for use by the hotel's extended stay guests during periods of appropriate weather. The grills are accessory to the hotel use and are no

January 22, 2010

Page 2

different from the stoves, microwaves, and toasters that are already included in each room for guests to prepare food.

You also asked us to confirm that the hotel is operating under the "Staybridge" name. The hotel currently operates as the Staybridge Suites Chantilly - Dulles Airport Hotel. Further, you indicated that a restaurant use was not approved with the hotel. This is correct. As discussed above, the grills and serving counters are used by the hotel's guests and are not associated with a restaurant. Finally, you asked for the building permit number for the pool. Our records indicate that this is permit number 01227B0530.

Please let me know if you have any questions regarding our request or if we can provide any additional information regarding the existing equipment.

Sincerely,



Kenneth W. Wire

Enclosures

cc: Charles P. Fitzhugh, Fairfax Zoning Inspector (via email)
Heeren Patel, Axar Hotels (via email)
Gregory A. Riegler, Esquire, McGuireWoods LLP (via email)

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