



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division
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Fairfax, Virginia 22035-5509

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V I R G I N I A

November 23, 1999

Erika L. Byrd
McGuire Woods Battle & Boothe LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-3915

Re: Interpretation for Lewinsville Retirement Residence, SP 148: Covered Walkway, 1515
Great Falls Street

Dear Ms. Byrd:

This is in response to your letter of October 4, 1999, requesting an interpretation of the development conditions imposed by the Board of Supervisors in conjunction with the approval of Special Permit SP 148. As I understand it, the question is whether the proposed addition of an enclosed walkway is in substantial conformance with the development conditions and the Special Permit (SP) Plat. This determination is based on the section of the undated plan attached to your letter of October 4, 1999, entitled "Alternative #1, Scale 1:600." Copies of the above-referenced letter and a reduction of the plan are attached for reference. According to your letter, you are proposing the addition of an enclosed walkway between the existing Lewinsville structure and a proposed new building on the adjacent property. The amount of enclosed walkway proposed on the subject site is approximately 60 feet long and up to 10 feet in width.

It is my determination that the proposed addition of an enclosed walkway is in substantial conformance with the development conditions and the SP Plat since the end result is less than the 55,407 square feet of building coverage (18.51%) shown on the SP Plat. 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 Peter Braham.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division

cc: Stuart Mendelsohn, Supervisor, Dranesville District
Judith W. Downer, Planning Commissioner, Dranesville District
Jane W. Gwinn, Zoning Administrator
Michelle Brickner, Director, Office of Site Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Bonds and Agreements Branch, Office of Site Development Services DPWES
Files: SP 148, KZ/FDP 1998-DR-049, SPI 9910 043, PI 9910 125

**MCGUIREWOODS
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RECEIVED
DEPARTMENT OF PLANNING AND ZONING
OCT 8 1999

ZONING EVALUATION DIVISION

October 4, 1999

VIA FACSIMILE AND HAND DELIVERY:

Ms. Barbara Byron
Office of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway
Suite 800
Fairfax, Virginia 22042

Re: Zoning Interpretation Request for Special Permit #148 ("SP #148") and RZ/FDP 1998-DR-049 (the "RZ/FDP") as they affect the Lewinsville Retirement Residence, 1515 Great Falls Street (the "Lewinsville") located in McLean, Virginia.

Dear Ms. Byron,

On behalf of our client, the Lewinsville, I am submitting this zoning interpretation request for the proposed expansion of the Lewinsville facility, on property located adjacent to the current Lewinsville property governed by SP #148. The purpose of this zoning interpretation request is to receive written approval that the pending proposed expansion of the Lewinsville is in substantial conformance with the approvals listed above.

I. Introduction

As you are aware, the Lewinsville facility, located among the Fairfax County tax assessment records as Tax Map No. 30-3((1))62 and pt. 61 and 30-1((1)) 34, 35 and 36, is governed by the approval of SP #148. The special use permit resolution of the Board of Supervisors for SP #148 is attached as Exhibit A.

Ms. Barbara Byron
October 8, 1999
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The proposed expansion is located on Tax Map No. 30-1((1))37, and is included in the recently approved RZ/FDP for the neighboring Evans Farm property. The proposed Lewinsville expansion is shown on the RZ/FDP plans prepared by Huntley, Nyce & Associates, dated July 23, 1998 revised through May 3, 1999 (the "Plans"). The proposed expansion is depicted as Alternative 1 shown on sheet 3 of 7 of the Plans (the "Expansion"), attached as Exhibit B. The architect for the Lewinsville has prepared a schematic rendering of the proposed Expansion which is attached as Exhibit C. We believe that the proposed Expansion as depicted on Exhibit C is in substantial conformance with both the RZ/FDP and SP #148.

II. Conformity of the Proposed Expansion with SP #148

The proposed Expansion as depicted on Exhibit C is in general conformance with approved SP #148. The attached Board of Supervisors approved documents which govern this special permit do not include restrictions which would prohibit the expansion of the Lewinsville as requested. The only way in which the existing Lewinsville facility is affected by the proposed Expansion is with the addition of the enclosed walkway that connects the existing Lewinsville structure with the proposed new building. The enclosed walkway located on the existing site would be approximately 60 feet long and between 6 and 10 feet wide. This addition is a very minor modification to the existing plan for SP #148. It is the type of de minimis change that, we believe, justifies your approval of the administrative processing of the proposed Expansion, and should not warrant a formal amendment to the existing approval for SP #148.

III. Conformity of the Proposed Expansion with the RZ/FDP

The proposed Expansion as depicted on Exhibit C is in substantial conformance with the RZ/FDP. The proposed building footprint and dimensions are in substantial conformance with the building as shown on the Plans. The Plans include a note which addresses slight modifications to proposals similar to this, in note 4, on sheet 2 of the Plans which reads as follows:

"4) APPLICANT MAY REVISE THE WIDTH OR DEPTH OF LOTS AND UNITS WITHOUT REQUIRING APPROVAL OF AN AMENDED CDP/FDP, PROVIDED THAT SUCH CHANGES ARE IN SUBSTANTIAL CONFORMANCE WITH THE CDP/FDP AND DO NOT INCREASE THE NUMBER OF UNITS OR DECREASE THE AMOUNT OF OPEN SPACE BELOW THE MINIMUM REQUIRED."

The proposal shown on Exhibit C would not increase the number of units permitted or decrease the minimum amount of open space on the Plans. The proposed Expansion would locate its required seventeen parking spaces in the highlighted areas shown on Exhibit C (the location of parking spaces was not included in the Plans simply because the Plans do not incorporate that level of detail).

Ms. Barbara Byron

October 8, 1999

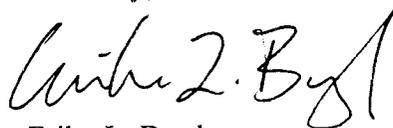
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IV. Conclusion

The proposed Expansion has only minor effects on the approved SP #148 and RZ/FDP. As such, these requested modifications should be approved by interpretation as being in substantial conformance with the existing approvals. The Expansion might then be permitted to continue towards construction via the administrative site plan process. The Expansion would add eighteen much needed elderly housing units to the McLean community that also serve to fulfill the Affordable Dwelling Unit requirement for the RZ/FDP approval. The addition of these units would be a great benefit to the community which is underserved by this type of housing. It is our hope, on behalf of the Lewinsville, that you will approve this administrative interpretation request, since it is our goal to submit engineered site plans concurrently with the plans to be submitted for the remaining portion of the Evans Farm RZ/FDP.

For the foregoing reasons, the Lewinsville respectfully requests your formal determination that the proposed Expansion depicted in Exhibit C attached hereto is in substantial conformance with SP #148 and the RZ/FDP. I thank you for your time and attention to this matter. Please call me directly if you have any questions or if you require additional information.

Sincerely,



Erika L. Byrd

Enclosures

cc: The Honorable Stuart Mendelsohn, Supervisor, Dranesville District
Ms. Judith Downer, Planning Commissioner
Mr. Geoff Harris, Administrative Aide to Supervisor Mendelson
Mr. Peter Braham, Office of Planning and Zoning
Mr. William Chenault, the Lewinsville Retirement Residence
Minerva Andrews, Esquire, MWB&B
Michael J. Giguere, Esquire, MWB&B

SALEWINS\INTERPRE.LTR

Exhibit A

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on Monday, July 19, 1976, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Application No. SP-148 by Lewinsville Retirement Residence, Inc. under Sec. 30-7.2.5.1.4 (d) of the Fairfax County Zoning Ordinance to permit multi-family housing and general care for the elderly on property located at the easterly corner of Dolley Madison Blvd. and Great Falls Street, Tax Map 30-3 ((1)) 62 and pt. 61 and 30-1 ((1)) 34, 35 and 36, has been properly filed in accordance with all applicable requirements; and,

WHEREAS, proper notice has been given to the public by advertisement in a local newspaper, posting of the property and letters to contiguous and nearby property owners, and a public hearing by the Board of Supervisors has been held on July 19, 1976; and,

WHEREAS, the Board of Supervisors has made the following findings of fact:

1. That the applicant is contract purchaser/lessee of the subject property;
2. That the present zoning is R-12.5 and RT-10.
3. That the area of the lot is 6.873 acres.
4. That site plan approval is required.
5. That the property is not in an area defined for Pro Rata Shares for off-site drainage facilities.
6. That this application adequately and satisfactorily takes into account the needs of elderly persons for transportation, shopping, health, recreational and other similar such facilities.
7. That the proposed development will not affect adversely the health or safety of persons residing or working in the neighborhood, and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

AND, WHEREAS, the Board of Supervisors has reached the following conclusion of law:

1. That the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Sec. 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the requested Special Use Permit be and the same is hereby granted with the following limitations:

1. This permit is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit is granted for the buildings and uses indicated on plats submitted with the application, only.
3. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to the date of expiration.
4. Landscaping, screening, fencing and/or plantings shall be as approved by the Director of Environmental Management.
5. This granting does not constitute exemption from the various requirements of the County. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Use Permit shall not be valid until this has been complied with.

Exhibit B

ALTERNATIVE # 1

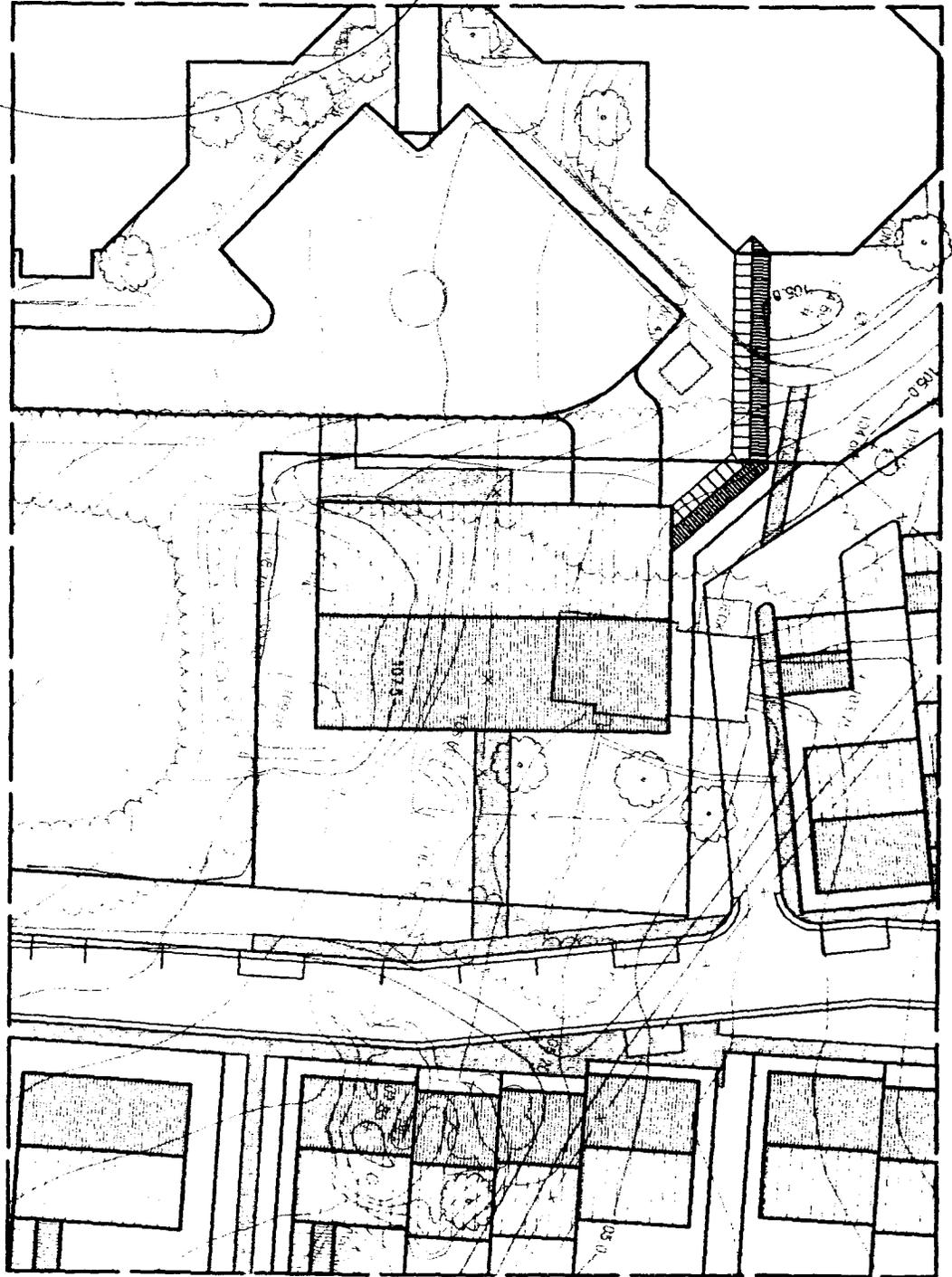
IV E

END

SPECIAL PAVING AREA

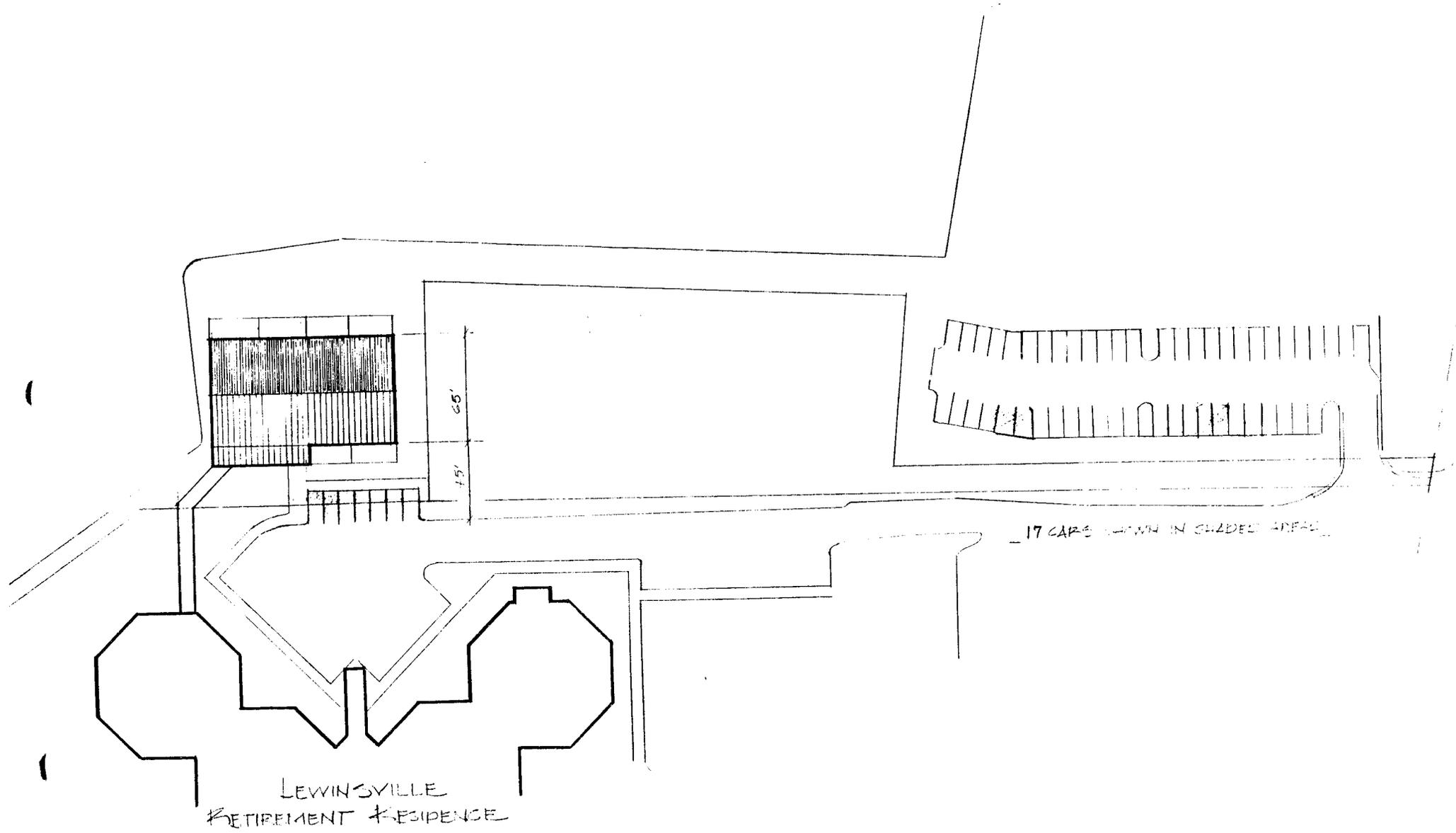
DRIVEWAYS

WALKWAYS



Scale 1 : 600

Exhibit C



LEWINSVILLE
RETIREMENT RESIDENCE

17 CARS SHOWN IN SHADED AREA