



# County of Fairfax, Virginia

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

August 12, 2010

William E. Junda, PE, Senior Associate  
William H. Gordon Associates, Inc.  
4501 Daly Drive, Suite 200  
Chantilly, VA 20151

Re: Interpretation for RZ/FDP 2000-MV-019, Laurel Highlands, Tax Map Parcels 107-1 ((1)) 30-32, 34-39; and 107-4 ((1)) 6: Sidewalk

Dear Mr. Junda:

This is in response to your letter dated April 22, 2010, requesting an interpretation of the proffers and Conceptual Development Plan (CDP) accepted by the Board of Supervisors and the Final Development Plan (FDP) approved by the Planning Commission in conjunction with the approval of RZ/FDP 2000-MV-019. As I understand it, your question is whether the addition of a sidewalk not shown on the approved CDP/FDP to provide pedestrian access to the front of houses located on Lots 193, 196, 197, 202, 206, and 207 would be in substantial conformance with the proffers and the CDP/FDP. This determination is based on your letter; the proffers, the CDP/FDP, and a copy of Sheets 6A and 6B of the subdivision plan. Copies of your letter and relevant exhibits are attached.

As I understand it, Laurel Highlands Section One has been completed. During bond release it was determined that the lead walk that was constructed in front of the above-referenced lots located along the northern side of the development was not shown on the CDP/FDP. You point out that lead walks were not shown for any of the lots on the CDP/FDP, but were shown on the typicals on Sheet 6 of the CDP/FDP/. You state that the sidewalk extension provides only access from the main sidewalk along Laurel Crest Drive to the individual dwellings and does not provide a connection to other parts of the development. You note that Option B of "Typical Details for Lots Along North Property Line" contained on Sheet 6 of 8 shows a lead sidewalk nearly identical to that which was built to provide access to the above-referenced units.

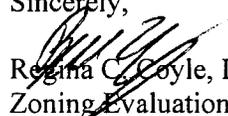
Staff has consulted Urban Forest Management (UFM) and been advised that, subject to proper location of the street trees along the sidewalk, the sidewalk does not preclude planting all required landscaping.

As such it is my determination that the addition of a sidewalk as discussed above is in substantial conformance with the proffers and CDP/FDP, subject to UFM approval of the final location of all required landscaping, including street trees.

William E. Junda  
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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 Mary Ann Godfrey at (703) 324-1290.

Sincerely,

  
Regina C. Coyle, Director  
Zoning Evaluation Division, DPZ

*RCC/MAG/H:\Proffer Interpretations P\Laurel Highlands (RZ,FDP 2000-MV-019) sidewalk.doc*

Attachments: A/S

cc: Gerald Hyland, Supervisor, Mount Vernon District  
Earl Flanagan, Planning Commissioner, Mount Vernon District  
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ  
Kenneth Williams, Office of 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, DPZ  
File: RZ/FDP 2000-MV-019, PI 1005 045, Imaging, Reading File



William H. Gordon Associates, Inc.  
4501 Daly Drive, Suite 200  
Chantilly, VA 20151  
703-263-1900 Phone  
703-263-0766 Fax

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April 22, 2010

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

RECEIVED  
Department of Planning & Zoning  
MAY 05 2010  
Zoning Evaluation Division

**RE: Substantial Conformance Determination for Laurel Highlands Section One  
Fairfax County Plan: # 001485-SDV-001-J-1  
WHGA Number: 2834-0201**

Dear Regina:

I write on behalf of Laurel Highlands, LLC to request your confirmation that Laurel Highlands Section One located in the Mount Vernon District and identified on the Fairfax County Tax Map as Tax Map 107-2((1)) Lots 30-32 and 34-39; Tax Map 107-4((1)) Lot 6, is in substantial conformance with the approved Conceptual Development Plan/Final Development Plan entitled Washington Homes at Silverbrook #RZ 2000-MV-019. The developer is currently performing bond release activities for Laurel Highlands Section One. During the bond release inspections, it was noted that a shared lead walk to provide pedestrian access to the front of houses located on Lots 193, 196, 197, 201, 202, 206, and 207 was constructed, but not shown on the approved site plan. The developer was asked to prepare and submit a Site Plan Revision and private easement plat. During review of the Site Plan Revision, it was noted that the lead walk had not been shown on the approved CDP/FDP, and that a formal zoning interpretation would be required to allow approval of the Site Plan Revision and ultimately release of the performance bond. The proposed site plan sheets 6A and 6B and the approved CDP/FDP have been attached for your reference. The following is provided as justification:

**I. The site has been constructed pursuant to the approved FDP**

The Laurel Highlands Section One project, including lot and roadway layout, has been constructed and completed pursuant with the approved CDP/FDP and approved Site Plan. The extension of the proposed sidewalk acts as a lead walk to provide individual private access to the front entrance of each house. Lead walks of any kind were not shown on the CDP/FDP. The proposed sidewalk extension does not provide general pedestrian connectivity with any other area within the community, and was constructed solely for the use of these homeowners in the function of a lead walk from the main sidewalk along Laurel Crest Drive.

The CDP/FDP included "Typical Details For Lots Along North Property Line" on Sheet 17F. Option "B" proposes a shared lead walk along the north property line nearly identical to the lead walk that was constructed.

Note #11 on the approved CDP/FDP states that "Sidewalks/walkways internal to the project shall be provided as generally shown on the plan."

Additionally, Note #8 on the approved CDP/FDP states that "Minor modifications to all features shown on the CDP/FDP may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in Paragraph 4 of Section 16-403 of the Zoning Ordinance. Additional building features such as, but not limited to, decks, stoops, covered entries, patios, balconies, bay windows, and chimneys are not shown on the CDP/FDP and may be provided in accordance with the provisions set forth in Paragraph 4 of Section 16-403 of the Zoning Ordinance. Additional site features such as gazebos, trellises, entrance signs, flagpoles, fences, and walls not shown on the CDP/FDP may be provided."

Zoning Ordinance Section 16-403.4 notes that minor modifications are permitted in response to issues of layout and design as long as they in no event permit any of the exclusions listed in 16-403.4.A(1-5).

These notes, typical details, and references indicate that there is flexibility to include minor modifications to the approved CDP/FDP and that the minor sidewalk modification is in accordance with Section 16-403 of the Zoning Ordinance. The lead walk was provided in response to the specific architectural layout and design of the houses on Lots 193, 196, 197, 201, 202, 206, and 207 which resulted in those units facing opposite the alleyway access rather than facing the rear of the houses directly to the south.

## **II. The proposed sidewalk was constructed to provide access to the houses**

The proposed sidewalk extension across the front of Lots 193, 196, 197, 201, 202, 206, and 207 has been constructed to provide pedestrian access to the front of those houses. These lots do not front on an internal subdivision street, and therefore do not have typical sidewalk frontage adjacent to a street with typical lead walks to each unit. These houses are served from the rear via shared driveways. All garages, driveways, and vehicular access are located in the rear of these houses. As such, adequate pedestrian and guest access is not provided to the front doors of these houses. The constructed sidewalk provides a shared lead walk for pedestrian access from Laurel Crest Drive.

## **III. All required/proposed landscaping has been installed, per the approved FDP**

The proposed sidewalk extension across the front of Lots 193, 196, 197, 201, 202, 206, and 207 does not preclude the installation of all required landscaping. All of the required landscaping shown on the approved site plan and CDP/FDP has been installed and/or relocated within the same area to maintain required spacing, to allow for the installation of this sidewalk.

## **IV. Conclusion**

We respectfully request your office's confirmation that the constructed sidewalk, as shown on the attached Site Plan, is in substantial conformance with the approved CDP/FDP. We appreciate your time and attention to this matter. We would be happy to provide you with any additional information that may be helpful to respond to this request.

Best regards,

A handwritten signature in black ink, appearing to read 'W. Junda', with a long horizontal stroke extending to the right.

William E. Junda, P.E., Senior Associate  
Project Director

Enclosure

cc: Mark Angelus, K.Hovnanian Homes  
Joe McClellan, William H. Gordon Associates, Inc.