



County of Fairfax, Virginia

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

August 27, 2010

Ms. Lori Greenlief
McGuire Woods
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-4215

Re: Interpretation for RZ/FDP 2006-HM-020, Winchester Homes, Inc.,
Tax Map 35-2 ((24)) 0025: Setback of Lot 25

Dear Ms. Greenlief:

This is in response to the letter from Thomas Hannan of May 25, 2010, your letter of July 21, 2010, and e-mail of August 6, 2010, (attached) requesting an interpretation of proffers, Conceptual Development Plan (CDP) and the Final Development Plan (FDP) approved by the Board of Supervisors and Planning Commission, respectively, in conjunction with the above referenced applications. As I understand it, the question is whether the front setback for Lot 25 is in substantial conformance with the proffers and the CDP/FDP. This determination is based on your letter with attached exhibits including: Attachment 1, the approved CDP/FDP, Attachment 2 consisting of three plans entitled: "The Reserve at Stone Hill – Subdivision Plan" prepared by Lolederman, Soltesz Associates, Inc. and dated through January 10, 2007; "The Reserve at Stone Hill – Dimensional & Fire Lane Plan" and "The Reserve at Stone Hill – Grading Plan" both prepared by Lolederman, Soltesz Associates, Inc. and dated June 19, 2007, and revised through June 19, 2007; Attachment 3 entitled "The Reserve at Stone Hill – Lot Grading Plan" prepared by Charles P. Johnson & Associates, Inc., dated March 5, 2010; Attachment 4, a photo of the front of the existing home on lot 25; and Attachment 5 entitled "House Location Survey - The Reserve at Stone Hill - Lot 25" prepared by Charles P. Johnson & Associates, Inc. and sealed July 6, 2010 and AutoCAD "As Built Plan" by Charles P. Johnson & Associates, Inc. and dated August 5, 2010.

RZ 2006-HM-020 was approved by the Board of Supervisors on July 9, 2007, subject to proffers, to rezone 19.97 acres from the R-1 Zoning District to the PDH-2 District to allow the development of 36 single family homes at a density of 1.8 a dwelling unit per acre. Sheet 2 of the approved CDP/FDP shows the typical lot/unit details and yards. A minimum front yard setback of 15 feet and a minimum interior side yard setback of 10 feet are shown. Proffer 39 states the following:

Corner Lots. For corner lots, both front yards shall be a minimum of fifteen (15) feet.

Ms. Lori Greenlief
Page 2

You have indicated that the grading plan prepared by Lolederman, Soltesz Associates in 2007 showed building restriction lines for Lot 25 as perpendicular, using a 90 degree angle for the front yards of the corner lot. As such, they failed to reflect the setbacks required by the radius of the adjacent roadway. The grading plan was approved by the County and the house and porch were constructed in accordance with the approved plans. As shown on the submitted "House Location Survey," the final construction of the covered front porch extends into the front yard of Lot 25 by a maximum of 2.1 feet. The submitted plan shows the extension of stairs 3.9 feet into the required front yard. However, given that the width of the stairs is 8.9 feet, the stairs would be permitted to extend into the minimum front yard, pursuant to Section 2-412 of the Zoning Ordinance, up to 5 feet.

It is my determination that the setbacks of the covered front porch and stairs are in substantial conformance with the proffers and the CDP/FDP, provided the porch remains as shown on the submitted photo, which is open on three sides.

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 Lisa Feibelman at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division

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Attachments: A/S

cc: Catherine M. Hudgins, Supervisors, Hunter Mill District
Frank de la Fe, Planning Commissioner, Hunter Mill District
Michael Congleton, Senior Deputy Zoning Administrator, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Chief, Plan and Document Control, Land Development Services, DPWES
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: RZ 2006-HM-020, PI 1005 049, Imaging, Reading File

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McGUIREWOODS

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July 21, 2010

RECEIVED
Department of Planning & Zoning

JUL 21 2010

Zoning Evaluation Division

Regina Coyle
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

RE: Clarification of May 25, 2010 Request for Interpretation Regarding Winchester Homes, Inc.

Dear Ms. Coyle:

The purpose of this letter is to clarify and restate a request for interpretation initially presented to you in a letter from Thomas Hannon, Charles P. Johnson & Associates, Inc. dated May 25, 2010.

The subject of this request is Lot 25 in The Reserve at Stone Hill subdivision. This property, and other acreage totaling approximately 20 acres, was rezoned PDH-2 in 2007 pursuant to RZ 2006-HM-020. The approved proffers and CDP/FDP are attached as Attachment 1 for your reference. Subsequent to this approval, a subdivision plan and a grading plan were approved by the County. Pertinent sheets from these two approvals are attached for your reference as Attachments 2 and 3, respectively. As you will note on these plans, the building restriction line (BRL) for Lot 25 was approved as a 90 degree angle for this corner lot. The house was subsequently staked and constructed per the approved Lot Grading Plan. The covered front porch has also been constructed. Please note that the uncovered stairs are permitted to extend into the minimum yard as shown pursuant to Par. 1(C) of Sect. 2-412. The approved CDP/FDP also contains a note on Sheet 2 of 9 that indicates that uncovered stairs may encroach into specified setbacks. Attachment 4 is a picture of the constructed home. The home is now under contract with settlement scheduled in less than two months.

Subsequent to the construction of the home, it was realized that the minimum front yard setback is a curved line running parallel to the front lot line rather than the 90 degree angle shown and approved on the subdivision plan and the lot grading plan.

Pursuant to Paragraph 5 of Sect. 18-204 of the Zoning Ordinance, I am requesting that it be determined that the minor modification to the house location as shown on the attached house location survey for Lot 25, Attachment 5, is in substantial conformance with the CDP/FDP and proffers associated with RZ 2006-HN-020. This minor modification meets the definition of Substantial Conformance in that the modification does not materially alter the character of the approved development, it is consistent with the approved proffers specific to yards as the same were depicted on multiple County approvals, and it is in accordance with the requirements of the Zoning Ordinance. The house was constructed in accordance with the yards approved on the subdivision plan and lot grading plan, both of which are theoretically approved in substantial conformance with the approved rezoning documents. Par. 5 does allow for minor modifications to the proffered conditions when such are in response to issues such as layout and design. The layout and design of the dwelling on this lot was based on the approved subdivision and lot grading plans.

Thank you for considering this additional information and please feel free to call me if you have any questions regarding this request.

Best Regards,



Lori Greenlief

Attachments:

1. Proffers and CDP/FDP, RZ 2006-HM-020
2. Pertinent sheets of approved Subdivision Plan
3. Pertinent sheets of approved Lot Grading Plan
4. Picture of Constructed House
5. Current House Location Survey

cc: Greg Ruff, Winchester Homes, Inc. (w/o attachments)



Charles P. Johnson & Associates, Inc.

Planners Engineers Landscape Architects Surveyors Environmental Services

3959 Pender Drive, Suite 210 • Fairfax, VA 22030 • 703-385-7555 • Fax: 703-273-8595

May 25, 2010

Fairfax County
Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning
MAY 25 2010
Zoning Evaluation Division

Attn: Ms. Regina Coyle, Director
Zoning Evaluation Division

Re: Interpretation re: Minimum Front Yard for Corner Lot 25
RZ 2006-HM-020
Applicant: Winchester Homes, Inc.
Fairfax County Tax Map Reference: 35-2 ((24)) 25

Dear Ms. Coyle:

I am writing to request an interpretation in accordance with Paragraph 5 of Article 18-204 of the Fairfax County Zoning Ordinance. Specifically, I am requesting an interpretation to allow a small portion of a proposed covered porch to extend within the minimum 15' front yard for Lot 25 at The Reserve at Stone Hill (24565-SD-001-2), a copy of which is attached. The above-referenced rezoning was approved by the Board of Supervisors on July 9, 2007 and a copy of the approved CDP/FDP and proffers are attached for reference.

This site is zoned PDH-2. The CDP/FDP shows a 15' minimum front yard requirement on the typical lot layout detail. However, the approved CDP/FDP only shows the typical lot /unit detail for interior lots but does not address a corner lot, which is the subject of this request.

The approved Subdivision Plan shows the minimum front yard (labeled as 15' BRL) to be a line running parallel with the edge of the private streets respectively (highlighted on the attached plan sheet). However, this Subdivision Plan did not take into account the curve at the street intersection. The approved Lot Grading Plan (copy attached) subsequently indicated the same minimum front yard configuration. The house was staked in the field per the approved Lot Grading Plan.

Thus, the as-built survey (House Location Survey attached) shows that an extremely small portion of the right front corner of the proposed covered porch extending into the minimum required front yard by approximately 1.5 feet.

Ms. Regina Coyle, Director
Zoning Evaluation Division
RZ 2006-HM-020

Applicant: Winchester Homes, Inc.
Fairfax County Tax Map Reference: 35-2 ((24)) 25
May 25, 2010
Page 2 of 2

We believe that the requested interpretation to allow a portion of the covered porch to extend within the minimum front yard meets the requirements for "substantial conformance" based upon the following:

- The requirements of Paragraph 5 of Article 18-204 are satisfied and Note # 15 on Sheet 2 of the CDP/FDP allowed for minor modifications in accordance with Paragraph 5 of Article 18-204 of the Zoning Ordinance.
- The intent of the minimum front yard as shown on the approved CDP/FDP and Subdivision Plan was used to establish the typical corner lot.
- The CDP/FDP did not address set backs for corner lots.
- Only an extremely small portion of the right front corner of the proposed covered porch extends into the minimum front yard by 1.5 feet.
- The requested interpretation is in accordance with the Zoning Ordinance.
- There are no impacts on offsite properties, open space and no additional clearing or grading was required.

For your reference I have included a full size copy of the approved CDP/FDP, proffers, approved Subdivision Plan, the approved Lot Grading Plan, and a copy of the House Location Survey.

If you have any questions or need any additional information, please let me know.

Thank you for your cooperation.

Sincerely,



Thomas P. Hannon, L. S.

TPH/cjm



ATTACHMENT 4

