



FAIRFAX COUNTY

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**OFFICE OF THE CLERK
BOARD OF SUPERVISORS**

12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm
Email: clerktothebos@fairfaxcounty.gov

January 6, 2006

Mr. Mark G. Jenkins
2071 Chain Bridge Road, Suite 400
Vienna, Virginia 22182

RE: Rezoning Application Number RZ 2005-SU-007
(AMENDED – to include correct GDP attachment)

Dear Mr. Jenkins:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on Monday, December 5, 2005, granting Rezoning Application Number RZ 2005-SU-007 in the name of Carl Bernstein, Trustee and Horacio Magalhaes, Trustees, to rezone certain property in the Sully District from the R-1 and WS Districts to the R-8 and WS Districts, to permit the development of ten single family attached dwelling units, located on the east side of O'Day Drive approximately 1,000 feet north of its intersection with Lee Highway, Tax Map 54-3 ((2)) 47, subject to the proffers dated November 30, 2005, consisting of approximately 1.75 acres.

The Board also:

- Waived the minimum district size requirement.
- Modified the transitional screening and barrier requirements along a portion of the southern property boundary.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/det/ns

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on the 5th day of December, 2005, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 2005-SU-007**

WHEREAS, Carl Bernstein, Trustee and Horacio Magalhaes, Trustees filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 and WS Districts to the R-8 and WS Districts, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

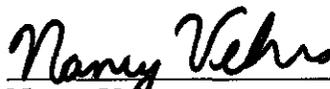
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Sully District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the R-8 and WS Districts, and said property is subject to the use regulations of said R-8 and WS Districts, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 5th day of December, 2005.



Nancy Veirs

Clerk to the Board of Supervisors



January 7, 2005
Metes and Bounds Description
of the property of

Lot 47

Center Heights

Deed Book 437, Page 256
Fairfax County Tax Map # 54-3 ((1)) Parcel 47
Sully District
Fairfax County, Virginia

Beginning at a point in the easterly right of way line of O'Day Drive, Route # 969, variable width, said point being in the southerly line of Parcel "D1A", Woodgate Manor, deed book 7649, page 918 extended; thence running with a portion of O'Day Drive and continuing with Parcel "D1A" and Parcel "F1", Woodgate Manor, deed book 7358, page 724, South 77°44'01" East, 515.05 feet, passing through an iron pipe found at 5.26 feet, to a point, an iron pipe found in the westerly line of Parcel "N", Section 17, Newgate, deed book 6371, page 1760; thence departing Parcel "D1A" and running with Parcel "N", South 09°35'13" West, 136.08 feet to a point, said point being the northeasterly corner of Section 1, Barros Circle (North), deed book 5669, page 1613; thence departing Parcel "N" and running with Barros Circle, North 80°45'47" West, 276.40 feet, passing through an iron pipe found at 9.41 feet, to a point, an iron pipe found; thence continuing with Barros Circle and Lot 13, Section 2, Barros Circle (North), deed book 5669, page 1613, and a portion of the aforementioned O'Day Drive, North 77°50'47" West, 245.10 feet, passing through an iron pipe found at 125.03 feet and 240.10 feet, to a point; thence continuing with the westerly right of way line of O'Day Drive, North 12°09'13" East, 151.02 feet to the point of beginning, containing 76,081 square feet or 1.7466 acres of land, more or less.

Given under my hand this 7th day of January, 2005.


Daniel K. Andrews, L.S. #2612

RECEIVED
Department of Planning & Zoning
FEB 11 2005
Zoning Evaluation Division