



County of Fairfax, Virginia

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

June 7, 2011

Mr. Michael R. Albright
Christopher Consultants
9900 Main Street (fourth floor)
Fairfax, VA 22031-3907

Re: Interpretation for RZ 2001-BR-022; Fairfax Gateway;
Tax Map 57-4 ((2)) 13, 16, 23, 24, 32, and 47: Peripheral Setbacks

Dear Mr. Albright:

This is in response to your letter of January 4, 2010, additional information received February 25, 2010 (attached), and subsequent conversations with staff on May 11, May 13, and May 25, 2011, requesting an interpretation of the proffers and the Conceptual/Final Development Plan (CDP/FDP) accepted by the Board of Supervisors in conjunction with the approval of RZ 2001-BR-022. As I understand it, the question is whether revised peripheral setbacks adjacent to six lots would be in substantial conformance with the proffers and the CDP/FDP. This determination is based upon your letters, the submitted aerial photograph of the property, and the plan entitled "Fairfax Gateway - CDP/FDP" prepared by Christopher Consultants, dated April 2002, which depicts the change in peripheral setbacks shown on the CDP/FDP and the as-built conditions. Copies of the above referenced letter, the aerial photograph and the referenced plan are attached to this letter.

On December 9, 2002, Rezoning RZ 2001-BR-022 was approved by the Board of Supervisors, subject to proffers, to permit the development of 37 single-family attached dwelling units on the 4.58 acre property in Fairfax County and 10 single-family attached dwelling units on the 1.29 acre property in the City of Fairfax. The proffered CDP/FDP shows the site developed with 13 sticks of townhouses with between three and five attached units running north to south and east to west. The CDP/FDP (sheet 2) depicts the location of the townhouses and the distance of the townhouses to the peripheral lot lines. Sheet 4 shows the unit details, in Fairfax County, for the attached dwelling unit showing +/- 13 to 15 feet from the attached dwelling unit to the property line.

Proffer 1. C. states in part:

"... The Applicant shall have the flexibility to modify the layouts shown on the FDP without requiring approval of an amended FDP provided such changes are in substantial conformance with the FDP as determined by the Zoning Administrator and do not increase the total number of dwelling units; decrease the setback from the peripheries; or reduce open space or landscaping."

Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/



In a previous determination, made by the Zoning Administrator, on November 29, 2006 (attached), modifications to the rear yard setbacks on Lots 11 through 35, as shown on Site Plan 1847-SP-01-2, were deemed to be in substantial conformance with the proffered CDP/FDP for RZ 2001-BR-022. These modifications could have affected peripheral setbacks shown on the proffered CDP/FDP unless additional common open space was provided between the lot lines and the peripheral boundaries.

In your letter you indicate that minor changes to the peripheral setbacks for Lots 13, 16, 23, 24, 32 and 47 have occurred. While your request treats the peripheral setbacks separately, the proposed changes to several of the peripheral setbacks include and, in some cases, compensate for the modifications to the rear yards previously approved. The proposed changes and the previous modifications are summarized in the table below.

Previous Modification of Rear Yard Setback				Proposed Modification Peripheral Setback			Net Difference
Lot	Modified Setback	CDP/ FDP	Difference (Linear Ft.)	Proposed Setback	CDP/ FDP	Difference (Linear Ft.)	(Linear Ft.)
13	11.2	13	- 1.8	27.4	30	- 2.6	- 0.8
16	5.3	13	- 7.7	22.1	24	- 1.9	5.8
23 east	14.6	15	- 0.4	30.0	28	+ 2.0	1.6
23 south	-	-	-	124.4	125	- 0.6	- 0.6
24 east	-	-	-	133.5	134	- 0.5	- 0.5
24 south	11.3	13	- 1.7	22.5	22	+ 0.5	2.2
32 south	13.6	15	- 1.4	22.9	21	+ 1.9	3.5
32 west	-	-	-	39.4	40	- 0.6	- 0.6
47	-	-	-	66.3	65	+ 1.3	+ 1.3

The proposed changes in the peripheral setbacks are as follows. Lot 13, which you have indicated would have a peripheral setback of 27.4 feet, or a decrease of 2.6 feet, actually would reflect an additional decrease of only 0.8 feet when the previous reduction in the rear yard is taken into account. The change in the peripheral setback for Lot 16 was reflected in the previous modification of the rear yard, and therefore, although reduced by 1.9 feet, would have no additional impact and offsets a large portion of the approved reduction in the rear yard. Lot 23 (on the east side) would have an increase of two feet in the peripheral setback which offsets the slight reduction in the rear yard and provides a net increase of 1.6 feet. The peripheral setback on Lot 23 (on the south) would be decreased by 0.6 feet. The peripheral setback on Lot 24 (on the east) would be decreased of 0.5 feet. Lot 24 (on the south) would have an increase of 0.5 feet in the peripheral setback, which offsets the reduction in the rear yard previously approved. Lot 32 (on

Michael R. Albright
Page 3

the south) would have an increase of 1.9 feet in the peripheral setback, which offsets the reduction of the rear yard previously approved. The peripheral setbacks on Lot 32 (on the west) would have a decrease of 0.6 feet and on Lot 47 an increase of 1.3 feet, respectively.

It is my determination that the revised peripheral setbacks, as shown on your submitted exhibit, are in substantial conformance with the proffers and the CDP/FDP. 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,

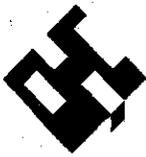


Barbara C. Berlin, AICP, Director
Zoning Evaluation Division, DPZ

O:\BCB\lfeibe\Interpretations\Rezoning - RZ\Fairfax Gateway June 2011 rear yards.doc

Attachments: A/S

cc: John C. Cook, Supervisor, Braddock District
Suzanne F. Harsel, Planning Commissioner, Braddock District
Diane Johnson-Quinn, Senior Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Kenneth Williams, Plan Control, Land Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Acceptance Branch, ZED, DPZ
File: RZ 2001-BR-022, PI 1001 004, Reading, Imaging



January 4, 2010

Ms. Regina C. Coyle
 Director of Zoning Evaluation Division
 Fairfax County
 Department of Planning & Zoning
 12055 Government Center Parkway
 Fairfax, Virginia 22035-5507

RECEIVED
 Department of Planning & Zoning
 JAN 07 2010
 Zoning Evaluation Division

RE: Fairfax Gateway
 Request for Letter of Interpretation (RZ 2001-BR-022)
 Project #003104.00

Dear Ms. Coyle:

The Fairfax County Board of Supervisors at a hearing held December 9, 2002 approved the rezoning application for the above referenced site. The application rezoned approximately 4.58 acres from the R-1 district to the PDH-12 district permitting a maximum of 47 single family attached dwelling units (37 in Fairfax County and 10 in the City of Fairfax). This letter is for the purpose of interpreting the perimeter setback dimensions around the site for the units located in Fairfax County. The site plan (1847-SP-01) is approved. All building permits and RUPs have been issued. All units are occupied at this time.

The perimeter setback of the site is in general conformance with the approved CDP/FDP with some minor differences. The perimeter setbacks for lots 23 (east), 24 (south), 32 (south), and 47 are more than the dimensioned perimeter setback as shown in the approved CDP/FDP. The perimeter setbacks for lots 23 (south), 24 (east), and 32 (west) are less than the approved by less than 5%. The perimeter setbacks for lots 13 and 16 are less than the approved by less than 10%. Please see table below for a lot-by-lot comparison of the perimeter setback from the approved CDP/FDP and the as-built conditions.

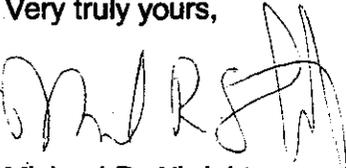
LOT	PERIMETER SETBACK		DIFF. (feet)	% DIFF.
	AS-BUILT	CDP/FDP		
	(feet)	(feet)		
13	27.4	30	(2.6)	-8.67%
16	22.1	24	(1.9)	-7.92%
23 (east)	30.0	28	2.0	-
23 (south)	124.4	125	(0.6)	-0.50%
24 (east)	133.5	134	(0.5)	-0.37%
24 (south)	22.5	22	0.5	-
32 (south)	22.9	21	1.9	-
32 (west)	39.4	40	(0.6)	-1.50%
47	66.3	65	1.3	

Ms. Regina Coyle
January 4, 2010
Page 2

The above described interpretation does not change any of the other features associated with the proposed residential development. Since there are no modifications proposed to the locations of any dwelling units, there are no proposed increases in use or intensity, no changes in parking requirements, no changes to open space, bulk or massing that would adversely affect the adjacent properties and no proposed additions; we respectfully request these modifications may be the subject of an administrative approval in accordance Section 16-403 of the ordinance.

I am enclosing a copy of the approved CDP/FDP site plan with as-built dimensions added in a box. I would appreciate your review and approval of this request as an interpretation of the CDP/FDP. If you have any questions regarding this request or require additional information please do not hesitate to contact me.

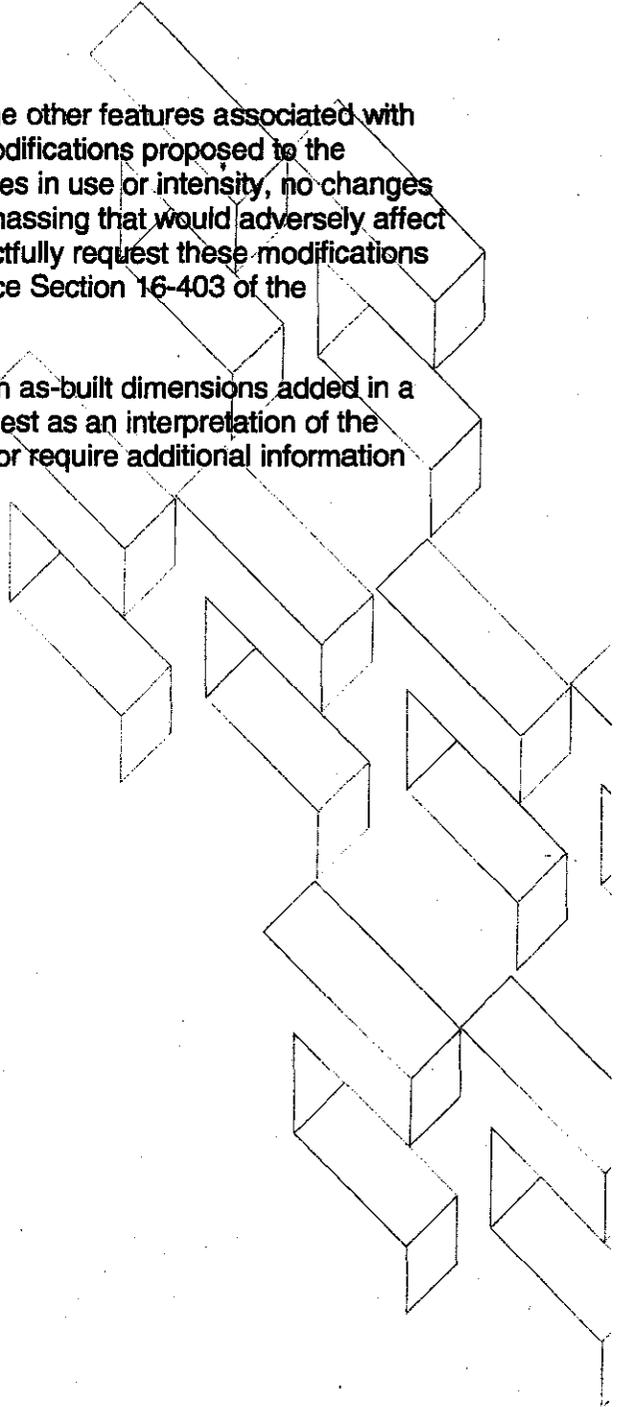
Very truly yours,



Michael R. Albright
Senior Project Manager

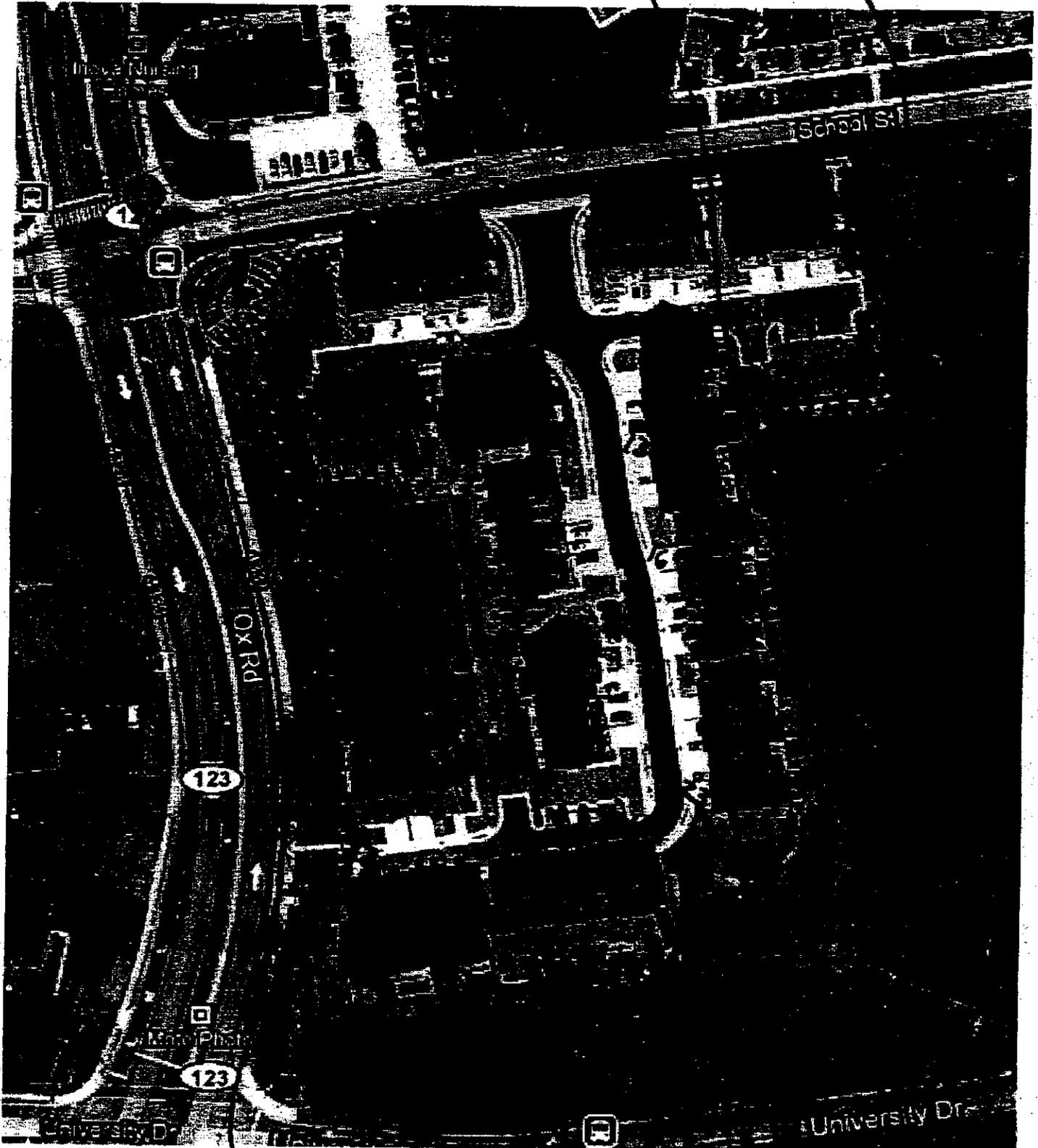
MRA/ms

Enclosure



lot 13

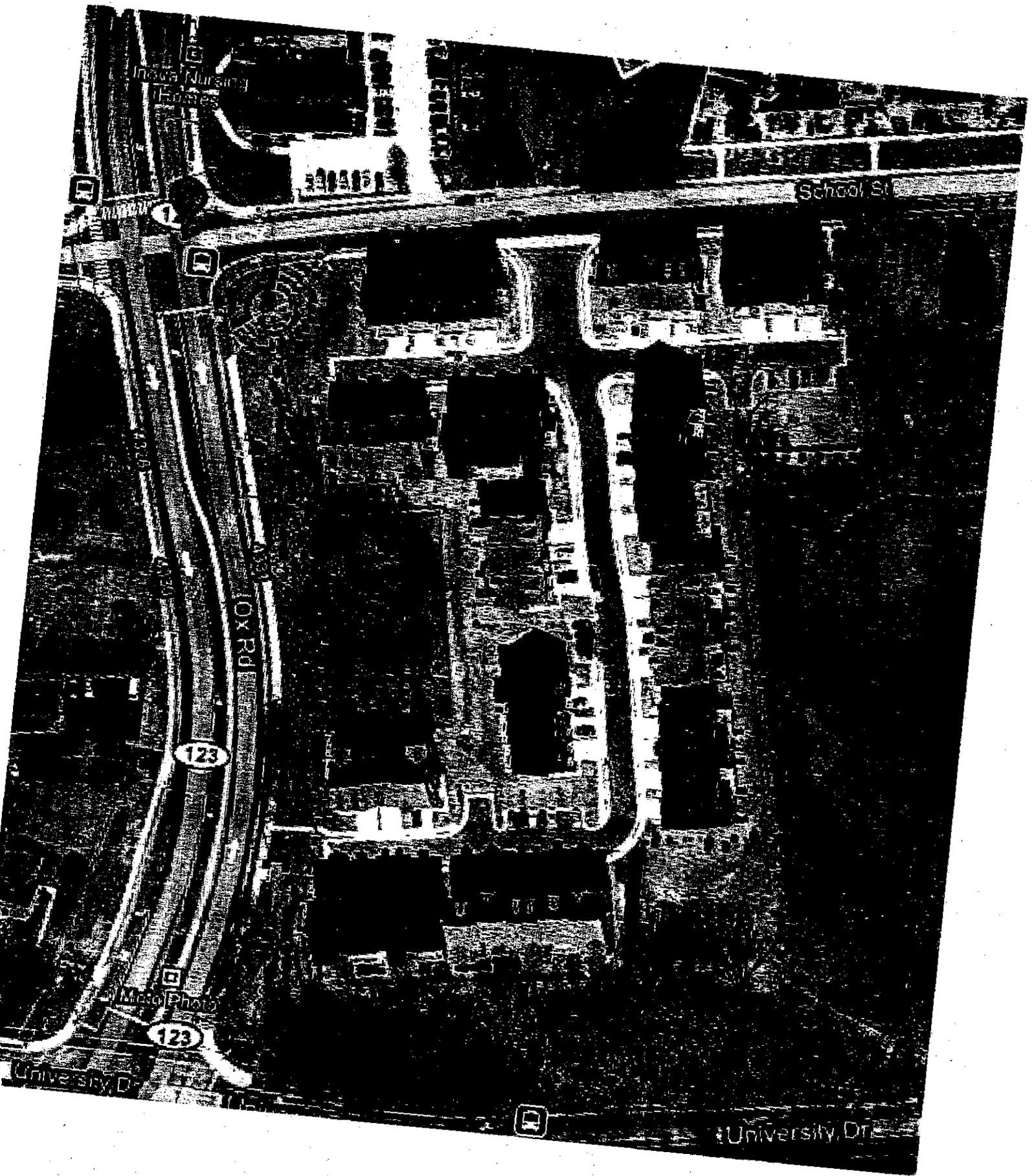
lot 16

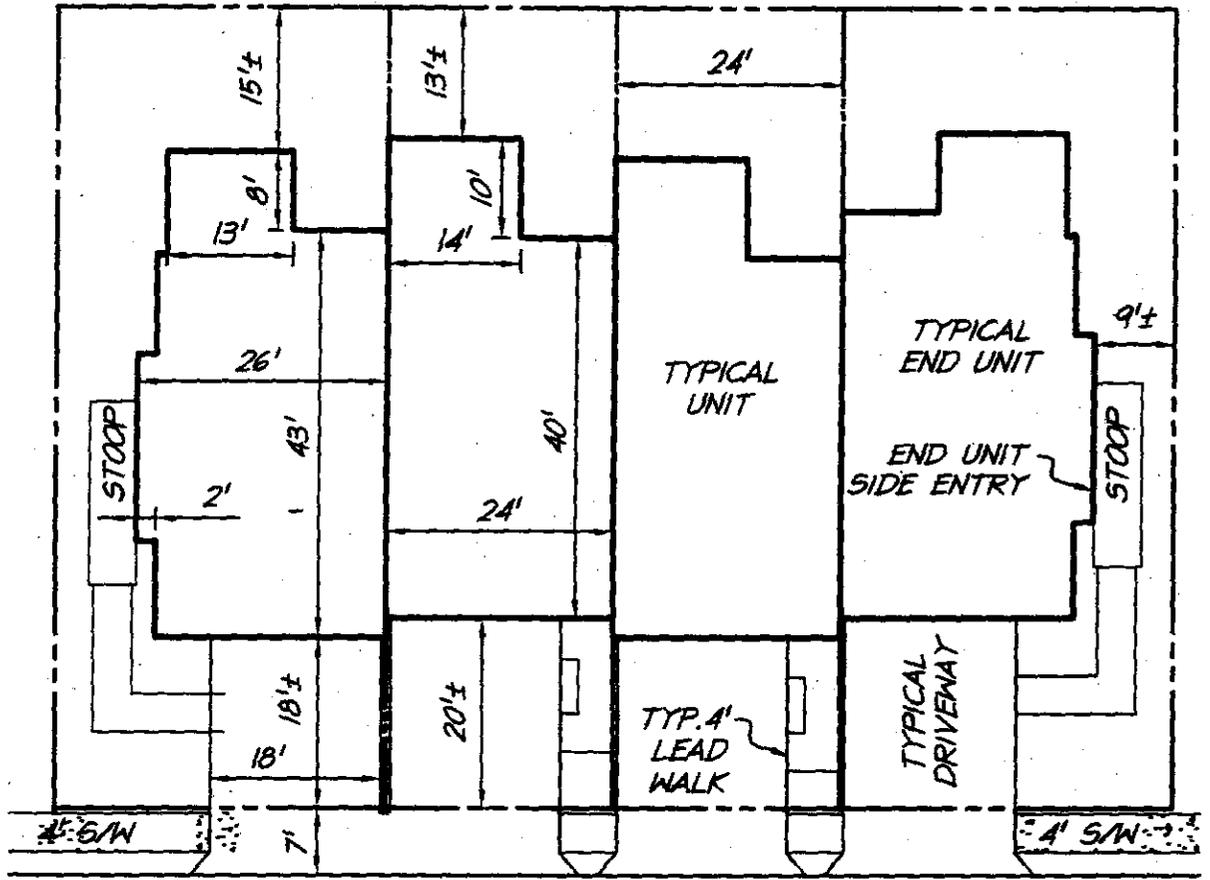


lot 32

lot 24

lot 23

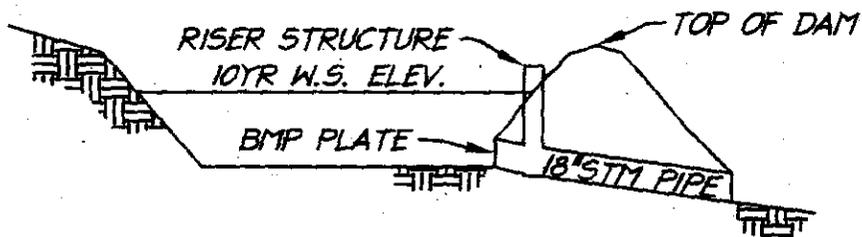




PRIVATE STREET

UNIT DETAIL FAIRFAX COUNTY

SCALE: 1" = 20'



THIS DETAIL IS PRELIMINARY IN
NATURE AND IS SUBJECT TO CHANGE
AT TIME OF FINAL ENGINEERING

POND DETAIL

FAIRFAX GATEWAY
REZONING RZ 2001-BR-022
PDH-12
Plan #1847-SPV-001-G-1
REVIEWER: (N.A.A) Nicolas Antonopoulos
Oct. 6, 2009

Comments:

1. Sheet #10 "#4. Add Dimensions from building to peripheral properties lines". This is not in conformance with the approved plan. For instance for lot #13 the distance was 30' feet, it is now shown as 27.23 feet. This was coordinated with Zoning staff Ms. Carrie Lee, it appears that it is not in conformance with the approved CDP/FDP and a proffer interpretation is required. Please verify the open space and provide calculation(s) and or justification.
2. The proffer interpretation attached to the plan is for rear yards set backs.
3. Please be more specific about the revision of this plan. Comment #4, structure #16. Pictures were e-mailed, any changes on the plan, storm profiles.

Attached is a copy of the last as built comments for your reference.

REF: Z.O 17-301

PFM 6-1607.3

County Code 101-2-5 (d) (5)

1. The site plan has not been revised and approved prior to any as built approval. Ensure that the letter of interpretation is part of the site plan revision.
2. As built check list, show information for "4. SITE PLANS" for c & d.
3. Provide building locations as required for all as built site plans. This was discussed with Mike O'Hara on 4/5/2007 as well as grading issues, as of today 4/11/07 there no response.
4. Sheet #5, structure #16, there is difference (drop) in elevation close to one foot. Also verify all other as built elevations and revise the site plan as required.
5. Structure 9A. The as built top elevation is shown as 439.67' and the design top as 469.64'. Is this real?
6. The bearing on sheet #2 "N 74 50 39" does not match the recorded plat. Please indicate which one is correct.
7. On sheet #5 elevation view of the dam, show all new elevations based on the analysis and
8. Any regrading must be shown and justified.

Fairfax Gateway

NSR: SH: PF: 8.0

Status Outstanding Item Participant Site Location Related Submission Submission Id

Tax Map Number:

Grid	Quad	Double Circle	Single Circle	Parcel/Lot #	Lot Sfx
057	4	01		0001	
057	4	01		0001	A
057	4	01		0003	
057	4	01		0007	
057	4	02		0007	
057	4	02		0008	
057	4	02		0009	
057	4	02		0010	

Supervisory / Magisterial District:

Magisterial District	Primary
BRADDOCK	<input checked="" type="checkbox"/>

Zoning District:

Number of Lots: 49

Zoning District	Legal Authority	Land Use
R-1		



County of Fairfax, Virginia

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

November 29, 2006

Michael J. O'Hara, Jr., Project Manager/Associate
christopher consultants
9900 Main Street, Fourth Floor
Fairfax, Virginia 22031-3907

Re: RZ 2001-BR-022, Fairfax Gateway, Rear Yards, Proffer Interpretation PI 0609 139

Dear Mr. O'Hara:

This is in response to your letter of September 6, 2006, requesting an interpretation of the proffered Conceptual/Final Development Plan (CDP/FDP) accepted by the Board of Supervisors in conjunction with the approval of RZ 2001-BR-022. As I understand it, the question is whether the rear yards shown on the site plan are in substantial conformance with the rear yards shown on the CDP/FDP, including the "Unit Detail, Fairfax County" on Sheet 4 of the CDP/FDP. This interpretation is based on the plan attached to your letter, prepared by christopher consultants, which is entitled "Setback Exhibit" and dated July 27, 2006. Also attached to your letter is a chart dated March 5, 2006, that identifies the rear yard dimension for each of the lots located in Fairfax County that is included on the approved site plan. A copy of the above referenced letter and the referenced plan are attached to this letter.

The CDP/FDP contains an illustration of a typical single family attached dwelling lot, which includes yard dimensions and landscaping. The CDP/FDP also includes setbacks between the proposed dwelling units and the property line for the rezoning application. It is my understanding that all of the dwelling units meet the setback from the rezoning application property line shown on the CDP/FDP. I have reviewed the rear yards shown on the approved site plan and as summarized by the chart attached to your letter. It is my determination that the rear yards shown on Site Plan 1847-SP-01-2 are in substantial conformance with the proffered CDP/FDP for RZ 2001-BR-022. This determination has been made in my capacity as Senior Deputy Zoning Administrator.

Department of Planning and Zoning
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1374 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Michael J. O'Hara, Jr.
Page 2

If you have any questions regarding this interpretation, please feel free to contact Peter Braham at (703) 324-1290.

Sincerely,



Leslie B. Johnson
Senior Deputy Zoning Administrator
Zoning Administration Division, DPZ

LBJ/PB N:\WPDOCS\ACTION\FAIRFAX GATEWAY YARDS.DOC

cc: Sharon Bulova, Supervisor, Braddock District
Susanne Harsell, Planning Commissioner, Braddock District
Barbara A. Byron, Director, Zoning Evaluation Division, DPZ
Dianne Johnson-Quinn, Deputy Zoning Administrator, Plans and Permits Branch, ZAD
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: RZ/FDP 2001-BR-022, PI 0609-139, Imaging



September 6, 2006

Ms. Barbara Byron
Director of Zoning Evaluation Division
Fairfax County
Department of Planning & Zoning
12055 Government Center Parkway
Fairfax, Virginia 22035-5507

RE: Fairfax Gateway
Request for Letter of Interpretation (RZ 2001-BR-022)
Project #003105.00

Dear Ms. Byron:

The Fairfax County Board of Supervisors at a hearing held December 9, 2002 approved the rezoning application for the above referenced site. The application rezoned approximately 4.58 acres from the R-1 district to the PDH-12 district permitting a maximum of 47 single family attached dwelling units (37 in Fairfax County and 10 in the City of Fairfax). This letter is inquiring only about the units within Fairfax County and more specifically only the rear setback dimensions of lots 11-35 as requested by the Fairfax County site reviewer. The site plan (1847-SP-01) is approved and nearing completion. All building permits have been issued as well as most of the RUPs. Many of the units have either been transferred and/or occupied at this time.

Relative to the specific issue at hand, the approved CDP/FDP has some conflicting information. The conflict appears on sheet 41 (as attached from the approved site plan) and on the site plan (sheet 39). The detail is entitled: "Unit Detail Fairfax County" drawn at a 20 scale and so noted. When you add the 15' rear dimension to the 51' house footprint (including 8' sunroom) and an 18' front yard, the lot would need to be 84' deep. On the site plan the lots scale only 82' in depth with rear setbacks of 12' and 14'. The unit detail is on sheet 3. The approved final site plans used the same lot geometry and unit sizes (see sheet 10), which also scale as a 12' and 14' rear setback. Hence we have a conflict between the typical section and the layout on the site plan sheet. There are also a few atypical lots as shown on the approved CDP/FDP which when scaled have significantly less rear yards (a minimum of 5' on lot 16) due to the angled rear lot line. All of the rear yards as constructed (please see attached "Setback Exhibit" by christopher consultants, dated 7/27/06) are similar in feel to the approved CDP/FDP and final site plans. The 13'+/- and 15'+/- can vary up to 1.9' less than those dimensions. However, when taken from the scaled dimensions on the approved CDP/FDP and final site plans they vary by less than 1'. Please see attached spreadsheet for a lot-by-lot comparison of the rear setback from the approved CDP/FDP and the as-built conditions. All of the rear yards do meet the minimum requirement of a 200 SF minimum privacy yard as well as the height and bulk plane of the overall site boundary (see attached exhibits).

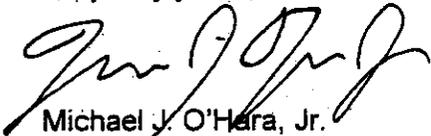
Ms. Barbara Byron
September 6, 2006
Page 2

The builder is providing a product that has proved popular in this area and very compatible in character with the local neighborhoods and meets the needs of the typical townhome purchaser. The owner is currently selling the remainder of the built units and is seeking RUPs for the last three sticks of townhomes (lots 24-35) in the immediate future.

The above described interpretation does not change any of the other features associated with the proposed residential development. Since there are no modifications proposed to the locations of any dwelling units, there are no proposed increases in use or intensity, no changes in parking requirements, no changes to open space, bulk or massing that would adversely affect the adjacent properties and no proposed additions; we respectfully request these modifications may be the subject of an administrative approval in accordance Section 16-403 of the ordinance.

In closing, we never intended the dimension on the sketch to be viewed as a minimum rear yard and are hopeful that given the inconsistencies within the approved CDP/FDP that this interpretation will be favorably viewed. I am enclosing a copy of the approved site plan which includes both the CDP/FDP (sheets 38-44) and the proffers (sheets 7, 7A, 8) for your convenient reference and as-built conditions showing the actual unit footprints which is in the spirit of the approved CDP/FDP and site plan. I would appreciate your review and approval of this request as an interpretation of the CDP/FDP. If you have any questions regarding this request or require additional information please do not hesitate to contact me.

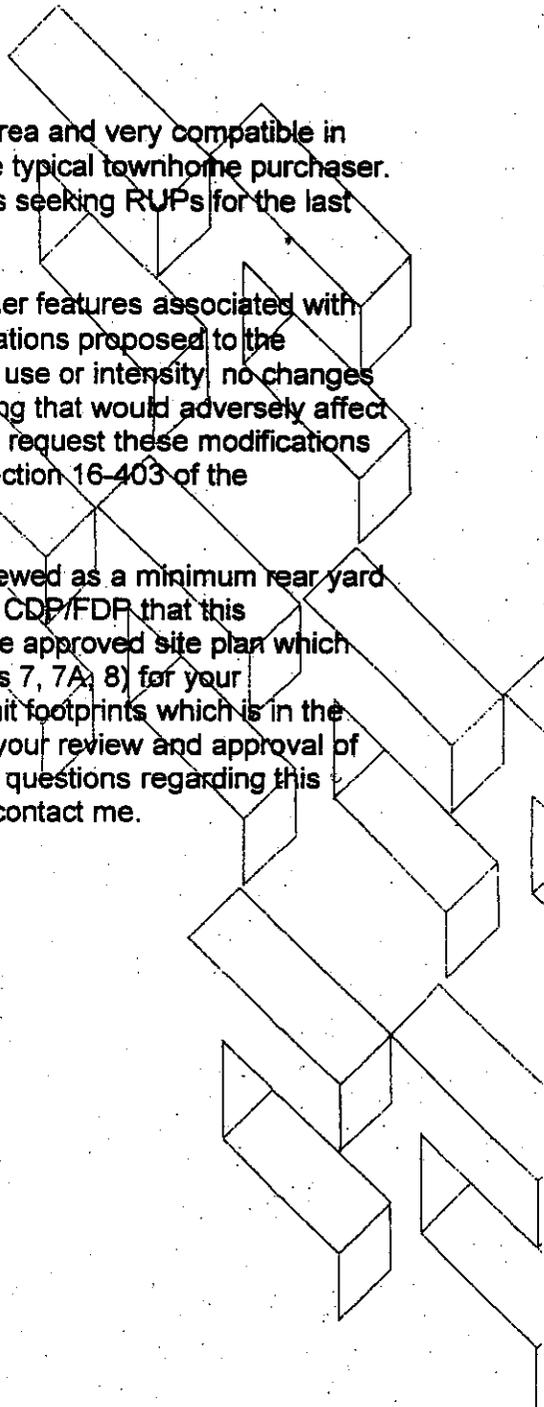
Very truly yours,



Michael J. O'Hara, Jr.
Project Manager/Associate
LEED Accredited Professional

MJO/as

Enclosure



FAIRFAX GATEWAY

Lot	Rear Setback (feet)	CDP/FDP (feet)	Difference (feet)	Acceptable	Notes
11	11.1	13	-1.9		Sunroom
12	23.2	15	8.2	yes	
13	11.2	13	-1.8		Sunroom
14	23.2	15	8.2	yes	
15	21.2	13	8.2	yes	
16	5.3	13	-7.7		Sunroom
17	22.5	15	7.5	yes	
18	12.6	13	-0.4		Sunroom
19	24.6	15	9.6	yes	
20	12.5	13	-0.5		Deck
21	14.6	15	-0.4		Sunroom & Deck
22	12.4	13	-0.6		Deck
23	14.6	15	-0.4		Sunroom & Deck
24	11.3	13	-1.7		Sunroom & Deck
25	13.2	15	-1.8		Deck
26	11.2	13	-1.8		Sunroom & Deck
27	13.2	15	-1.8		Deck
28	11.1	13	-1.9		Sunroom & Deck
29	21.6	13	8.6	yes	
30	13.6	15	-1.4		Sunroom
31	21.6	13	8.6	yes	
32	13.6	15	-1.4		Sunroom
33	13.7	15	-1.3		Sunroom
34	21.8	13	8.8	yes	
35	13.8	15	-1.2		Sunroom

Note: Some of the unit jogs have been reversed so the approved dimension from the CDP/FDP unit detail is from the similar condition.

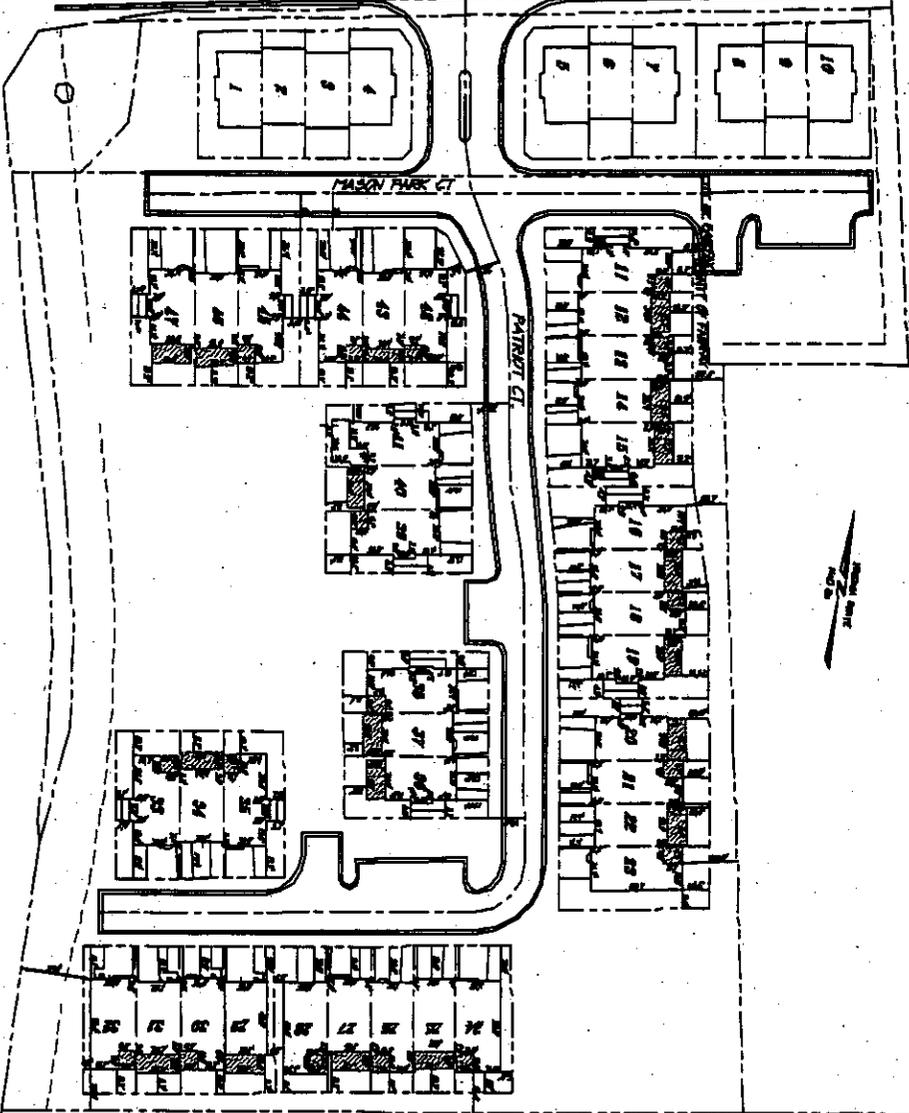
9/5/2006
MJO

SCHOOL STREET

CHAIN BRIDGE ROAD

MASON PARK CT

PATRIOT CT



NOTES:
 1. All proposed and shown work subject to approval
 2. All proposed work subject to approval

LEGEND:



LOTS #

OK	NG
1	2
3	4
5	6
7	8
9	10
11	12
13	14
15	16
17	18
19	20
21	22
23	24
25	26
27	28
29	30

DATE	BY

FAIRFAX GATEWAY

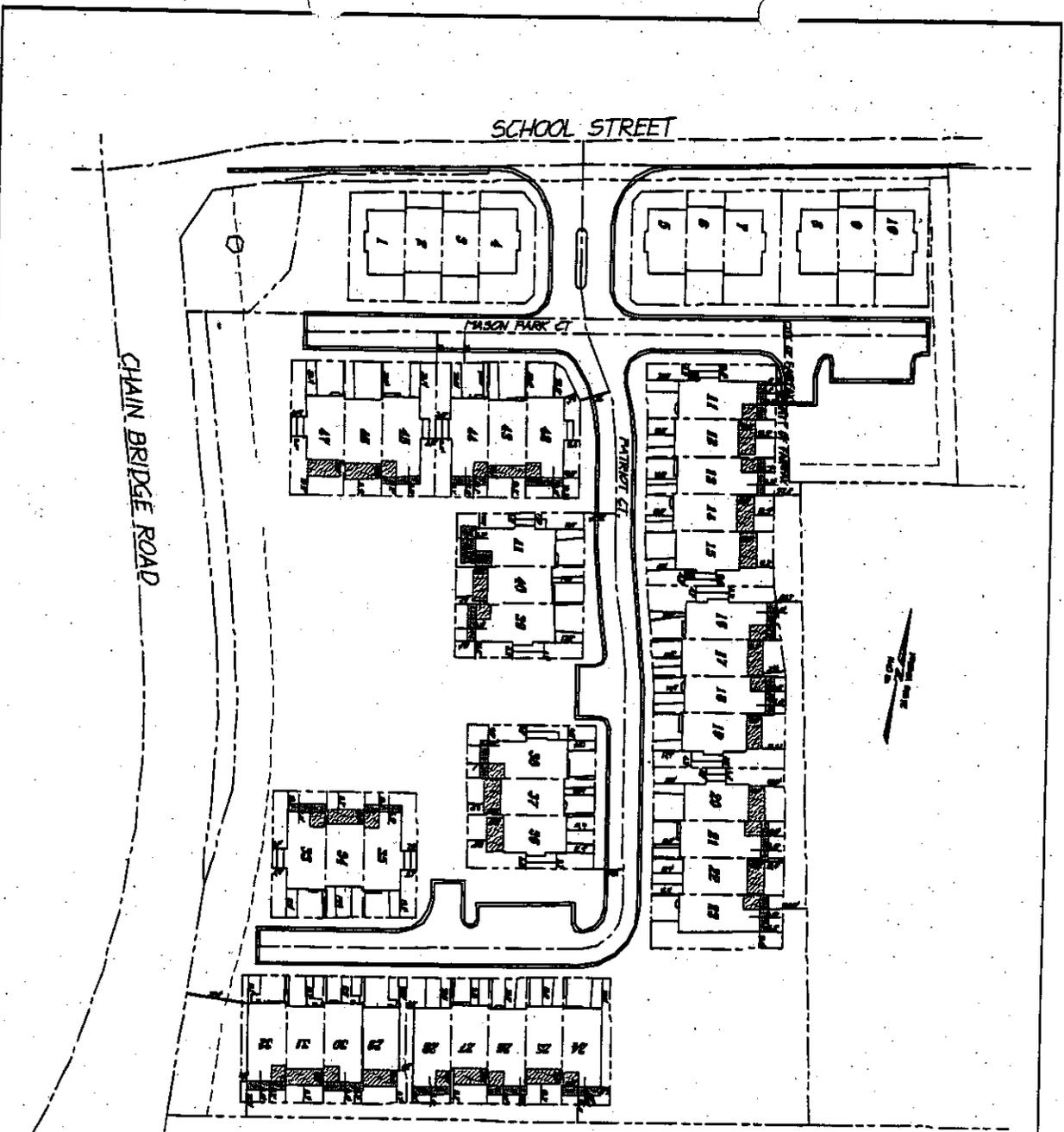
SETBACK EXHIBIT

BRADDOCK DISTRICT, FAIRFAX COUNTY, VIRGINIA



christopher consultants
 engineering - surveying - landscape

1 of 2
 SHEET NO.
 DATE
 SCALE



NOTES:
 1. All properties are shown with subject easements.
 2. Easements indicated are as follows.



DATE	REVISION
01/15/11	ISSUE FOR PERMIT

<p>FAIRFAX GATEWAY HEADQUARTERS DISTRICT FAIRFAX COUNTY, VIRGINIA</p>	<p>PROPOSED PRIVACY YARD</p>		<p>christopher consultants ENGINEERING ARCHITECTURE INTERIOR DESIGN</p>
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2 of 2
 C-55826