



# County of Fairfax, Virginia

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

October 6, 2011

Mr. Jack Scanlon  
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)) 24, 26 and 28: Rear Yard and Peripheral Setbacks

Dear Mr. Albright:

This is in response to your letter of August 24, 2011, and email dated September 8, 2011 (attached), 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 the revised rear and peripheral yards for Lots 24, 26 and 28 are in substantial conformance with the proffers and the CDP/FDP. This determination is based upon your letter, email and the Site Plan 1847-SP-01-2 plan entitled "Fairfax Gateway" prepared by Christopher Consultants, dated April 2003. Copies of the above referenced letter and the referenced site plan are attached to this response.

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 (sheet 2) shows Lots 24, 26 and 28 on the southern side of the site in a stick of 5 townhouses. The CDP/FDP (sheet 2) also shows the distance from the back of the townhouse with the sunroom/porch with a distance of 22' +/- to the peripheral lot line. The CDP/FDP (sheet 4) shows the unit details, in Fairfax County, for the attached dwelling unit showing a rear yard setback of 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/](http://www.fairfaxcounty.gov/dpz/)



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There have been two determinations regarding the reduction of the rear and peripheral yards, respectively, on certain lots in Fairfax Gateway. The first determination made by Leslie Johnson, Senior Deputy to the Zoning Administrator, on November 29, 2006 (attached), regarding the rear yard setbacks on Lots 11 through 35, as shown on Site Plan 1847-SP-01-2, deemed the reduced rear yard setbacks to be in substantial conformance with the proffers and the CDP/FDP for RZ 2001-BR-022. In this determination there was no discussion of the peripheral setbacks.

The second determination was made by Barbara C. Berlin, acting as the duly authorized agent of the Zoning Administrator, on June 7, 2011, which determined the revised peripheral setbacks for Lots 13, 16, 23, 24, 32 and 47 to be in substantial conformance with the proffers and the CDP/FDP. As noted in the table below, the change in peripheral setback for Lot 24 results in a net linear difference of 2.2 feet from the first interpretation and the setback to the peripheral lot line for Lot 24 shown on the approved CDP/FDP being met.

This request is for a determination that the reduction of the rear yards of Lots 24, 26 and 28 from 13 feet +/-, as shown on the CDP/FDP, to 11.3 feet, 11.2 feet and 11.1 feet, respectively, 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. The previous approval dated November 29, 2006, by the Senior Deputy to the Zoning Administrator, approved the reduction of the rear setbacks on of Lots 24, 26, and 28 to 11.3, 11.2 and 11.1 feet, respectively. The impact of the reduction of the rear yards is a reduction of the peripheral setback as stated in the tables below of 2.2, 1.97 and 2.18 feet, respectively.

<b>Previous Modification of Rear Yard Setback</b>				<b>Previous Modification of Peripheral Setback</b>			<b>Net Difference</b>
<b>Lot</b>	<b>Modified Setback</b>	<b>CDP/FDP</b>	<b>Difference (Linear Ft.)</b>	<b>Setback</b>	<b>CDP/FDP</b>	<b>Difference (Linear Ft.)</b>	<b>(Linear Ft.)</b>
24 south	11.3	13	- 1.7	22.5	22	+ 0.5	+2.2

<b>Previous Modification of Rear Yard Setback</b>				<b>Proposed Modification of Peripheral Setback</b>			<b>Net Difference</b>
<b>Lot</b>	<b>Modified Setback</b>	<b>CDP/FDP</b>	<b>Difference (Linear Ft.)</b>	<b>Proposed Setback</b>	<b>CDP/FDP</b>	<b>Difference (Linear Ft.)</b>	<b>(Linear Ft.)</b>
26	11.2	13	-1.8	22.17	22	+ .17	+1.97
28	11.1	13	-1.9	21.72	22	-.28	+1.62

Mr. Jack Scanlon  
Page 3  
October 6, 2011

It is my determination that the revised rear setbacks and peripheral setbacks on Lots 24, 26 and 28, as stated above, 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

N:\Interpretations\Rezoning - RZ\Fairfax Gateway Aug 2011 rear yards 3 lots.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  
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES  
Kevin Guinaw, Chief, Special Projects/Applications Acceptance Branch, ZED, DPZ  
File: RZ 2001-BR-022, PI 11 08 086, Reading, Imaging



August 24, 2011

AUG 24 2011

Ms. Barbara C. Berlin  
 Director, Zoning Evaluation Division  
 Fairfax County  
 12055 Government Center Parkway, Suite 801  
 Fairfax, Virginia 22035-5507

Zoning Evaluation Division

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

Dear Ms. Berlin:

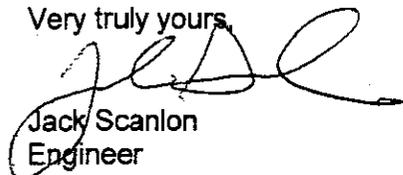
In a letter to Barbara Byron of Fairfax County's Department of Planning & Zoning dated September 6, 2009, we had requested an interpretation of the proffered CDP/FDP for conformance with minimum rear yard setback requirements. On November 29, 2006, Leslie Johnson, Senior Deputy Zoning Administrator, granted a determination that the rear yards on Site Plan 1847-SP-01-2 were in substantial conformance with the CDP/FDP. However, pursuant to correspondence with the Department of Public Works and Environmental Services (DPWES) in 2009, we were requested to re-subdivide lots 24, 26 and 28, to add one foot of depth to the rear yards of the lots. At this point in time, the lots have not been re-subdivided and all RUPs have been issued.

In response to correspondence with Rosemary Ryan of Supervisor Cook's office on August 9th, 2011, we respectfully request a second interpretation of the CDP/FDP for the above reference project to clarify whether lots 24, 26 and 28 are in general conformance with the CDP/FDP for rear yard setback requirements and whether these lots are covered by Ms. Leslie Johnson's 2006 determination. We have included the table below for your review.

LOT	REAR SETBACK		DIFF. (feet)	Notes
	AS-BUILT	CDP/FDP		
	(feet)	(feet)		
24	11.3	13	-1.7	Sunroom & Deck
26	11.2	13	-1.8	Sunroom & Deck
28	11.1	13	-1.9	Sunroom & Deck

I would appreciate your review of this request. Please let me know if you require additional information to assist you in your review. If you have any questions regarding this request please do not hesitate to contact me.

Very truly yours,



Jack Scanlon  
 Engineer

cc: Mark Angelus, K. Hovnanian

## Feibelman, Lisa

---

**From:** Jack Scanlon <jackscanlon@ccl-eng.com>  
**Sent:** Thursday, September 08, 2011 10:33 AM  
**To:** Feibelman, Lisa  
**Cc:** fx-files  
**Subject:** RE: Fairfax Gateway ccl#003105.00

Morning Lisa,

I got your email below and per your request, have provided the described dimensions:

1. Lot 24 = 22.54'  
Lot 26 = 22.17'  
Lot 28 = 21.72'
2. Lot 24 = 11.33'  
Lot 26 = 11.33'  
Lot 28 = 11.33'
3. Lot 24 = 11.21'  
Lot 26 = 10.84'  
Lot 28 = 10.39'

I hope this helps, please do not hesitate to let me know if you need additional information. Hope you're staying dry through all this wet weather!

Jack

---

**From:** Feibelman, Lisa [mailto:Lisa.Feibelman@fairfaxcounty.gov]  
**Sent:** Thursday, September 08, 2011 10:13 AM  
**To:** Jack Scanlon  
**Subject:** RE: Fairfax Gateway ccl#003105.00

Jack,

I can't scale the blow up of the 3 subject Lots 24, 26, and 28. What I need are the following dimensions:

- 1) Overall dimension from the townhouse to the peripheral lot line,
- 2) the dimension from the townhouse to the lot line,
- 3) the dimension from the lot line to the peripheral lot line.

The scale of the detail is not standard and therefore I can't get these dimensions. I notice the 3 subject Lots are narrowing the peripheral area a bit more than the Lots 25 and 27. I also notice that those two units do not have the additional sunroom & deck in the back.

Thank you for your assistance,

*Lisa Feibelman, AICP*

Planner, LEED Green Associate

**Fairfax County Dept. of Planning and Zoning, ZED**

12055 Government Center Parkway, Suite 801

Fairfax, Virginia 22035-5507

Main: 703-324-1290 Fax: 703-324-3924

E-mail: [Lisa.Feibelman@fairfaxcounty.gov](mailto:Lisa.Feibelman@fairfaxcounty.gov) Web: [www.fairfaxcounty.gov/dpz](http://www.fairfaxcounty.gov/dpz)

 Please consider the environment before printing this email.

**From:** Jack Scanlon [mailto:jackscanlon@ccl-eng.com]  
**Sent:** Wednesday, September 07, 2011 11:38 AM  
**To:** Feibelman, Lisa  
**Cc:** Angelus, Mark; Merna, Jan; fx-files; Mike Albright  
**Subject:** Fairfax Gateway cd#003105.00

Lisa,

Per your request, please find attached an 8.5"x11" of the Fairfax Gateway site plan and an blow-up of the area surrounding lots 24-28. Please let me know if you need anything further to complete your review.

**Jack Scanlon, EIT, Assoc. DBIA**  
engineer

**christopher consultants, ltd.**

*engineering - surveying - land planning*  
*Over Twenty-Five Years of Excellence*  
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**Feibelman, Lisa**

---

**From:** Jack Scanlon <jackscanlon@ccl-eng.com>  
**Sent:** Thursday, September 15, 2011 8:45 AM  
**To:** Feibelman, Lisa  
**Cc:** Mike Albright  
**Subject:** RE: Fairfax Gateway ccl#003105.00  
**Attachments:** Enlarged.pdf

Morning Lisa,

Sorry that didnt work, lets try this 8.5"x11" copy at 1:30 scale, please let me know if you have any more issues printing/reviewing the plan.

Jack

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**From:** Feibelman, Lisa [mailto:Lisa.Feibelman@fairfaxcounty.gov]  
**Sent:** Wednesday, September 14, 2011 4:06 PM  
**To:** Jack Scanlon  
**Subject:** RE: Fairfax Gateway ccl#003105.00

Jack,  
I cannot print this document. An area of the three Lots 24, 26 and 28 with the scale would help me.  
Lisa

---

**From:** Jack Scanlon [mailto:jackscanlon@ccl-eng.com]  
**Sent:** Wednesday, September 14, 2011 3:09 PM  
**To:** Feibelman, Lisa  
**Cc:** Mike Albright; fx-files  
**Subject:** Fairfax Gateway ccl#003105.00

Hey Lisa,

Per our call please find attached a copy of the original approved site plan for Fairfax Gateway. Please let me know if you have any issues viewing the document,

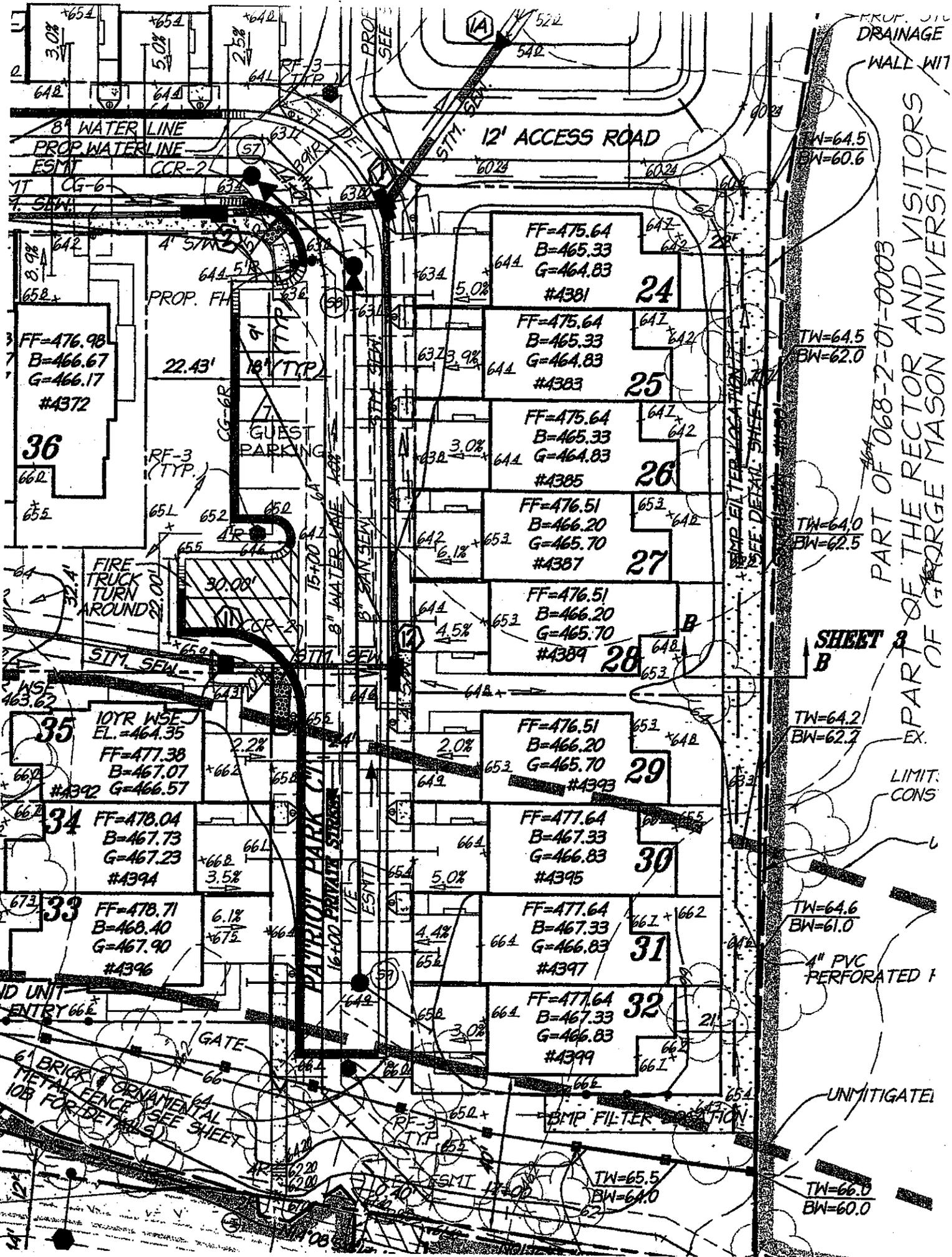
Thanks!

**Jack Scanlon, EIT, Assoc. DBIA**  
engineer

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PROP. ST  
DRAINAGE  
WALL W/IT

PART OF 068-2-01-0003  
PART OF THE RECTOR AND VISITORS  
OF GEORGE MASON UNIVERSITY

**SHEET 3**  
**B**

EX.

LIMIT.  
CONS

TW=64.5  
BW=62.0

TW=64.2  
BW=62.7

TW=64.6  
BW=61.0

TW=65.5  
BW=64.0

TW=66.0  
BW=60.0

8" WATER LINE  
PROP. WATERLINE  
ESMT  
CCR-2L

12' ACCESS ROAD

FF=476.98  
B=466.67  
G=466.17  
#4372

**36**

PROP. FH  
22.43'  
18' (TYP.)

RF-3  
(TYP.)

FIRE TRUCK  
TURN  
AROUND

SIM. SEW.

**35**

10YR WSE  
EL.=464.35  
FF=477.38  
B=467.07  
G=466.57  
#4392

**34**

FF=478.04  
B=467.73  
G=467.23  
#4394

**33**

FF=478.71  
B=468.40  
G=467.90  
#4396

VD UNIT  
ENTRY

6" BRICK ORNAMENTAL  
METAL FENCE (SEE SHEET  
JOB FOR DETAILS)

GATE

FF=475.64  
B=465.33  
G=464.83  
#4381

**24**

FF=475.64  
B=465.33  
G=464.83  
#4383

**25**

FF=475.64  
B=465.33  
G=464.83  
#4385

**26**

FF=476.51  
B=466.20  
G=465.70  
#4387

**27**

FF=476.51  
B=466.20  
G=465.70  
#4389

**28**

FF=476.51  
B=466.20  
G=465.70  
#4393

**29**

FF=477.64  
B=467.33  
G=466.83  
#4395

**30**

FF=477.64  
B=467.33  
G=466.83  
#4397

**31**

FF=477.64  
B=467.33  
G=466.83  
#4399

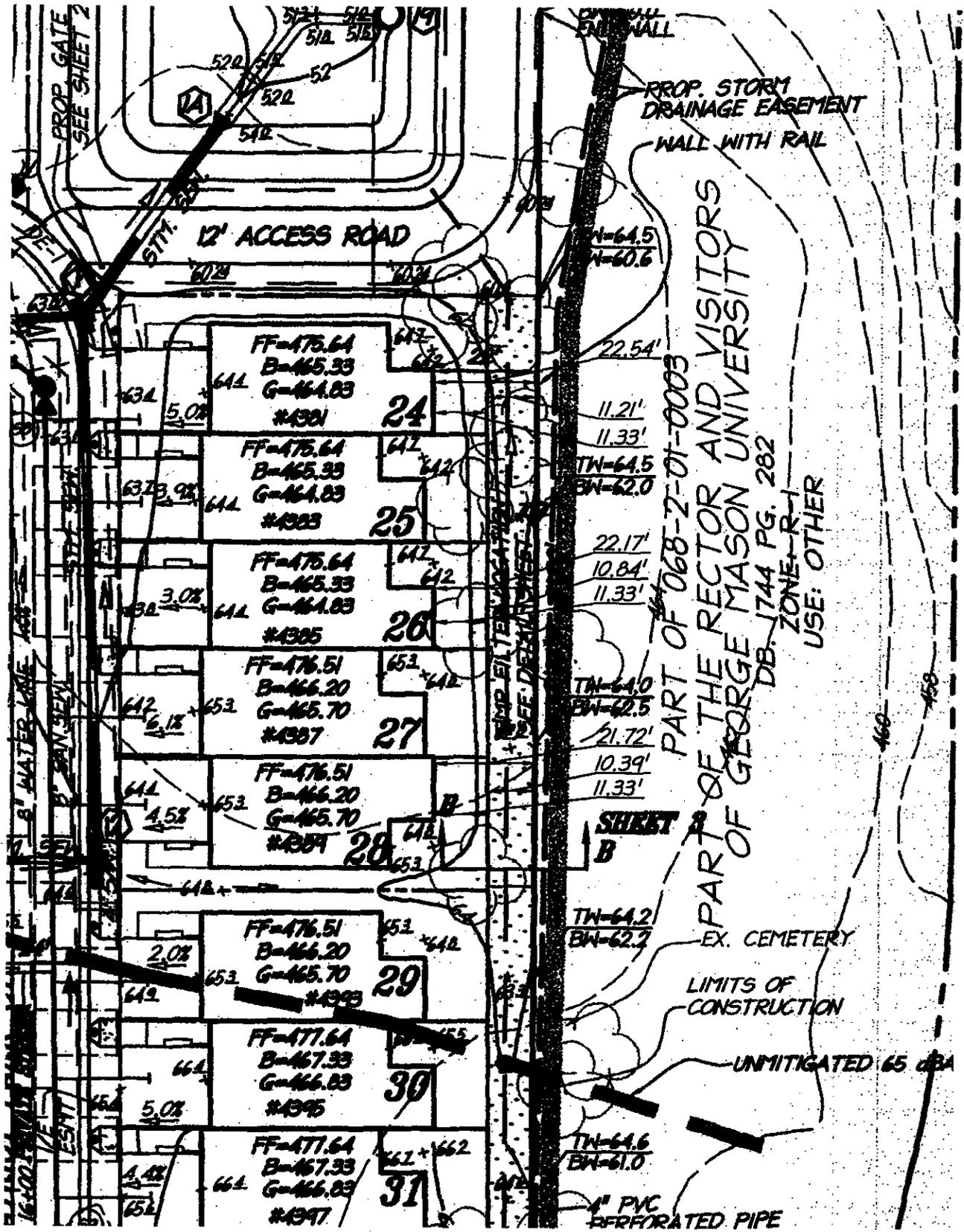
**32**

BMP FILTER LOCATION

4" PVC PERFORATED I

UNMITIGATE I





PROP. GATE  
SEE SHEET 2

12' ACCESS ROAD

PROP. STORM  
DRAINAGE EASEMENT  
WALL WITH RAIL

FF=475.64  
B=465.33  
G=464.83  
#4381 24

FF=475.64  
B=465.33  
G=464.83  
#4383 25

FF=475.64  
B=465.33  
G=464.83  
#4385 26

FF=476.51  
B=466.20  
G=465.70  
#4387 27

FF=476.51  
B=466.20  
G=465.70  
#4389 28

FF=476.51  
B=466.20  
G=465.70  
#4393 29

FF=477.64  
B=467.33  
G=466.83  
#4395 30

FF=477.64  
B=467.33  
G=466.83  
#4397 31

TH=64.5  
BW=60.6

22.54'  
11.21'  
11.33'  
TH=64.5  
BW=62.0  
22.17'  
10.84'  
11.33'  
TH=64.0  
BW=62.5  
21.72'  
10.39'  
11.33'

TH=64.2  
BW=62.7

TH=64.6  
BW=61.0

PART OF 068-2-01-0003  
PART OF THE RECTOR AND VISITORS  
PART OF GEORGE MASON UNIVERSITY

DB. 1744 PG. 282  
ZONE-R-1  
USE: OTHER

EX. CEMETERY  
LIMITS OF  
CONSTRUCTION

UNMITIGATED 65'

1" PVC  
PERFORATED PIPE