



FAIRFAX COUNTY

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OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

December 28, 2001

Keith C. Martin, Esquire
Walsh, Colucci, Stackhouse, Emrich and Lubeley, P.C.
2200 Clarendon Boulevard - 13th Floor
Arlington, Virginia 22201-3359

RE: Rezoning Application
Number RZ 2001-MV-018

Dear Mr. Martin:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on November 19, 2001, granting Rezoning Application Number RZ 2001-MV-018 in the name of D.R. Horton, Incorporated to rezone certain property in the Mount Vernon District from the R-1 District and Historic Overlay (HD) District to the PDH-5 District and HD District, located on the east side of Telegraph Road, approximately 800 feet north of its intersection with Richmond Highway, Tax Map 108-1 ((1)) 17 and 18, subject to the proffers dated October 18, 2001, consisting of approximately 5.88 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan FDP 2001-MV-018 on October 10, 2001, which was revised as suggested by the Planning Commission as of October 18, 2001, and subject to the Board's approval of RZ 2001-MV-018.

The Board also:

- Modified the open space requirement to permit a reduction in the open space to 33 percent, until such time as the public street connection of Telegraph Road is removed.

- **Approved a variance to permit a fence with maximum height of eight feet to be located in the yards adjacent to Telegraph Road, pursuant to Section 16-401 of the Zoning Ordinance.**

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: **Chairman Katherine K. Hanley**
Supervisor Mount Vernon District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPWES
Kenny King, Proffer Administrator, Plans & Document Control, OSDS, DPWES
Frank Edwards, Department of Highways - VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
James Patteson, Director, Facilities Mgmt. Div., DPWES
Barbara J. Lippa, Executive Director, Planning Commission

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 19th day of November, 2001, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 2001-MV-018**

WHEREAS, D.R. Horton, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District and Historic Overlay (HD) District to the PDH-5 District and Historic Overlay District, 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 Mount Vernon District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the PDH-5 District and HD District, and said property is subject to the use regulations of said PDH-5 District and HD District, 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 19th day of November, 2001.



Nancy Vhrs

Clerk to the Board of Supervisors



RECEIVED
DEPARTMENT OF PLANNING AND ZONING

APR 2 2001

Tax Map #108-1 ((01)) 17 & 18

ZONING EVALUATION DIVISION

**March 29, 2001
DESCRIPTION OF
A PORTION OF
THE PROPERTY OF
8-S PARTNERSHIP #1
DEED BOOK 7729 AT PAGE 601
AND
A PORTION OF
THE PROPERTY OF
RANDLE W. EVANS &
DARIUS D. EVANS TR.
DEED BOOK 10725 AT PAGE 871
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Being all of the Property of 8-S Partnership #1 (Deed Book 7729, Page 601, Less and Except Deed Book 10404, Page 369) and all of the property of Randle W. Evans & Darius D. Evans Tr. (Deed Book 10725, Page 871, Less and Except Deed Book 10540, Page 1742) among the land records of Fairfax County, Virginia and being more particularly described as follows:

Beginning for the same at a point on the easterly right-of-way line of Telegraph Road – Route 611 (right-of-way width varies) said point being the common property corner of the property of 8-S Partnership #1 and the property of Marriott Continuing Care, Inc. (Deed Book 10535, Page 1198); thence departing said common property corner and running with the easterly right-of-way line of Telegraph Road – Route 611 the following two (2) courses and distances

1. North 04°03'53" West, 154.29 feet to a point; thence
2. North 00°32'05" West, 269.92 feet to a point, said point being the common property corner of the property of Randle W. Evans & Darius D. Evans Tr. And the property of Lester R. and & Karen B. Dalton (Deed Book 5362, Page 214); thence departing the easterly right-of-way line of Telegraph Road – Route 611 and running with the northerly property line of Randle W. Evans & Darius D. Evans Tr.

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3. North 62°48'47" East, 511.20 feet to a concrete monument found (held), on the easterly property line of the property line of Marriott Continuing Care, Inc.; thence continuing with the property line of the property of Marriott Continuing Care, Inc. the following two (2) courses and distances
4. South 05°00'43" East, 631.93 feet to a concrete monument found (held), (passing through an iron pipe found (held) a distance of 350.68 feet); thence
5. South 86°47'17" West, 497.25 feet to the point of beginning containing 256,249 square feet or 5.88268 acres.