



FAIRFAX  
COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division

12055 Government Center Parkway, Suite 801

Fairfax, Virginia 22035-5509

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V I R G I N I A

June 5, 2003

Edward R. Umbrell, Project Manager  
Christopher Consultants  
9900 Main Street, Fourth Floor  
Fairfax, VA 22031-3907

Re: Interpretation for RZ 2001-LE-024: Frontage Improvements Along Old Telegraph Road

Dear Mr. Umbrell:

This is in response to your letter of May 22, 2003, requesting an interpretation of the proffers accepted by the Board of Supervisors in conjunction with the approval of RZ 2001-LE-024 on January 6, 2003. As I understand it, the question is whether the commitment made in Proffer III-2 to construct a half section of Old Telegraph Road within the 19 feet of pavement included curb and gutter. This determination is based on your letter dated May 22, 2003. A copy of this letter is attached.

The staff report for RZ/FDP 2001-LE-024 noted that the Fairfax County Department of Transportation recommended that the applicant "construct a half section of Old Telegraph Road to provide 19 feet of pavement (including curb and gutter) from centerline." In order to address this issue, Proffer Condition III-2 states "the applicant shall, along Old Telegraph Road, construct a ½ section of Old Telegraph Road to provide 19 feet of pavement, with appropriate curb and gutter, from centerline."

In your letter, you note that it could be inferred from the wording of this proffer that the frontage improvements to Old Telegraph Road include 19 feet of pavement plus an additional two (2) feet of curb and gutter. You state that the typical section for Old Telegraph Road was determined to be 38 feet from face of curb to face of curb. Therefore, a half section would be 19 feet including curb and gutter.

It is my determination that the proffered frontage improvements along Old Telegraph Road were intended to include curb and gutter within the 19 feet of pavement. 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 Cathy Lewis at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director  
Zoning Evaluation Division, DPZ

Attachments: A/S

cc: Dana Kauffman, Supervisor, Lee District  
John B. Kelso, Planning Commissioner, Lee District  
John Crouch, Deputy Zoning Administrator  
Michelle Brickner, Director, Office of Site Development Services, DPWES  
File: RZ/FDP 2001-LE-024, PI 0305 070, Imaging



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May 22, 2003

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Department of Planning & Zoning

MAY 22 2003

Zoning Evaluation Division

Ms. Barbara A. Byron  
Director  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5505

RE: Ashby Heights  
Rezoning Application Number RZ-2001-LE-024  
Fairfax County Plan #1881-SD-01  
Project #010401.00

Dear Ms. Byron:

The purpose of this letter is to formally request an interpretation of the proffers issued on rezoning application number RZ-2001-LE-024, adopted by the Board of Supervisors on February 14, 2003. The conformance concerns Proffer III-2, which states to "construct ½ section of Old Telegraph Road to provide 19 feet of pavement, with appropriate curb and gutter, from centerline." Due to the inadequate wording of the proffers, the frontage may be inferred to be 19 feet of pavement plus 2 feet of curb and gutter. We have proposed a ½ section of Old Telegraph Road to total 19 feet, including curb and gutter, along the frontage of the property.

The justifications for this request are as follows:

In developing the final design for the frontage improvements for Old Telegraph Road, it was determined that the typical section for a Category V shall be used. A Category V section requires 38 feet from face of curb to face of curb. Therefore, a ½ section would be 19 feet including curb and gutter.

In consideration of the above, we therefore ask for your administrative approval of this change. On behalf of the developer, thank you for your efforts in assisting us in bringing this matter to an efficient conclusion.

Sincerely yours,

Edward R. Umbrell, E.I.T.  
Project Manager

ERU/ch

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