



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

(703) 324-1290 TTY 711 (Virginia Relay Center) Fax (703) 324-3924

V I R G I N I A

May 17, 2004

Steven F. Teets
VIKA
8180 Greensboro Drive
Suite 200
McLean, Va. 22102

Re: Interpretation for RZ/FDP 2001-MV-025 Laurel Hill South: Unit Separations Lots 43 and 44 Land Bay D Section 1

Dear Mr. Teets:

This is in response to your letter of April 7, 2004, and supplemental information submitted via facsimile by John Ametetti on April 30, 2004, and by Martin D. Walsh on May 7, 2004, (attached) requesting an interpretation of the proffers and the Conceptual Development Plan (CDP) accepted by the Board of Supervisors in conjunction with the approval of RZ 2001-MV-025 and the Final Development Plan approved by the Planning Commission in conjunction with FDP 2001-MV-025. As I understand it, the question is whether the separation between the houses located on Lots 43 and 44 in Land Bay D would be in substantial conformance with the proffers and the CDP/FDP. This determination is based on three exhibits; the first, attached to your letter, is entitled "Exhibit Showing Lots 43 and 44, Laurel Hill Land Bay D Section 1," was prepared by VIKA and is dated March 30, 2004; the second, attached to the April 30 facsimile, is the same exhibit annotated to show the window location on Lot 43; and, the third was attached to Mr. Walsh's letter of May 7, 2004, is labeled "Landscape Plan, lot 44," with further revisions dated May 13, 2004.

You have indicated that, due to an error in the location of the house on Lot 44, there is a small area, approximately 7.24 square feet, where the separation between the houses on Lots 43 and 44 is 12.92 feet, which is less than the required 14 feet. In order to mitigate the impact of the resultant reduced separation between the units, you propose to install additional landscaping as shown in your May 13, 2004 submission. It is my determination that the proposed separation between the houses located on Lots 43 and 44 would be in substantial conformance with the proffers and the CDP/FDP provided that the additional landscaping is installed as proposed. 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 Kevin Guinaw at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

Attachments: A/S

cc: Gerry Hyland, Supervisor, Mount Vernon District
John R. Byers, Planning Commissioner, Mount Vernon District
William E. Shoup, Zoning Administrator
Michelle Brickner, Director, Office of Site Development Services, DPWES
Daryl L. Varney, Acting Chief, Zoning Permit Review Branch, DPZ
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Martin D. Walsh, Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.
File: RZ/FDP 2001-MV-025, PI 0404 037, Imaging, Reading



WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

Martin D. Walsh
(703) 528-4700 Ext. 22
mwalsh@arl.thelandlawyers.com

RECEIVED
Department of Planning & Zoning
MAY 10 2004
Zoning Evaluation Division

May 7, 2004

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

Dear Barbara,

Per our recent meeting, please find enclosed the exhibits which contain a landscape plan for Lot 44 and an exhibit which shows the distance between the window on Lot 43 and the wall on Lot 44 to be 19-1/2 feet.

I believe we have provided you all of the requested information and Mr. Amatetti continues to be very anxious about the disposition of this matter. If you have any questions or you need any further information, please let me know. I look forward to hearing from you soon.

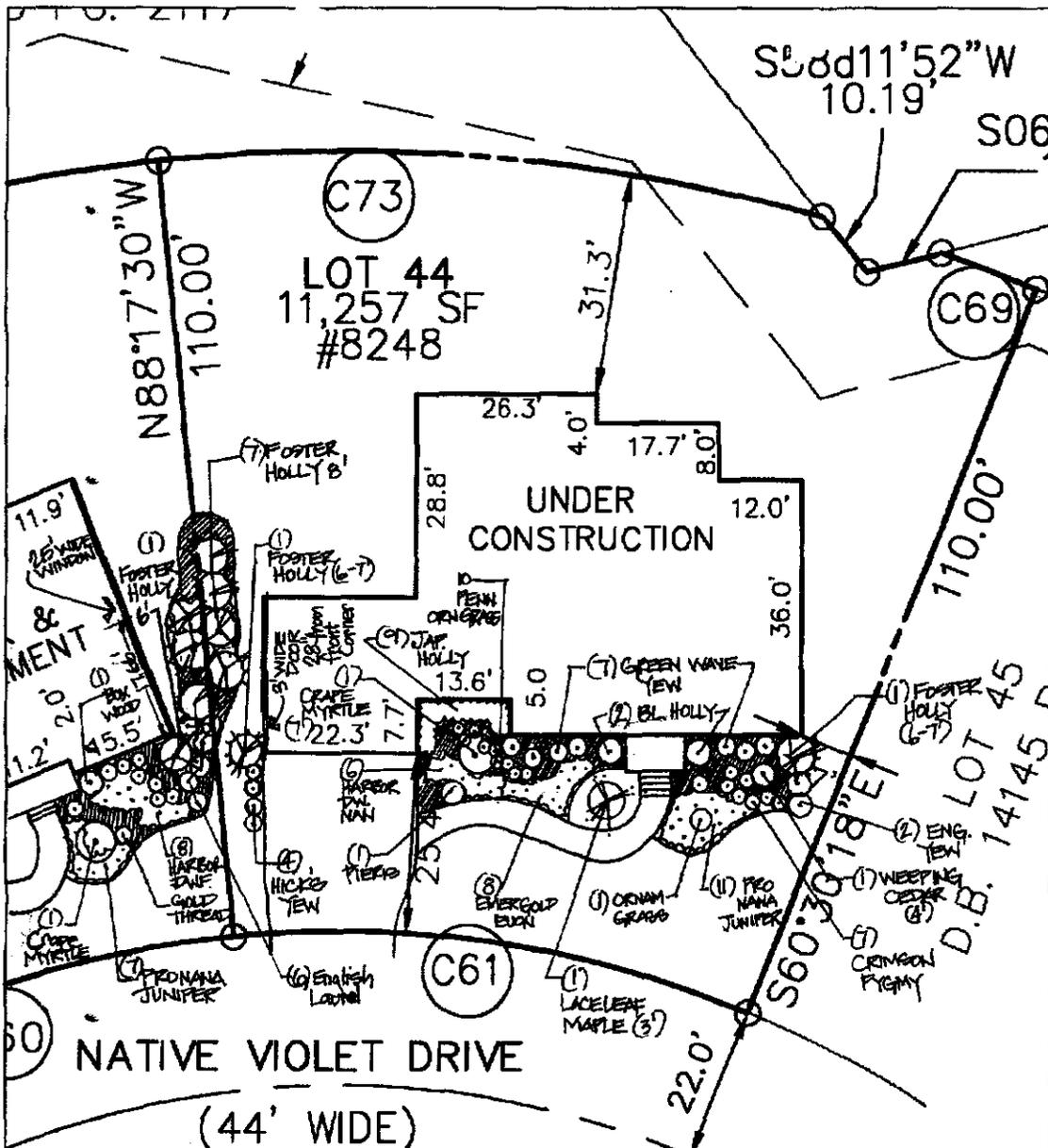
Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.

Martin D. Walsh

MDW/ms
J:\Amatetti\laurel hill - byron letter.doc
Enclosures

cc: John Amaettti



D.B. 14145 PG. 2117

CURVE	LENGTH	RAD	TAN	CHORD	CHD BRG	DELTA
C60	76.14'	157.00'	38.83'	75.40'	N12°11'05"W	27°47'11"
C61	76.14'	157.00'	38.83'	75.40'	N15°36'06"E	27°47'11"
C69	14.59'	267.00'	7.30'	14.59'	S27°55'46"W	03°07'50"
C72	129.49'	267.00'	66.04'	128.22'	S12°11'05"E	27°47'11"
C73	96.98'	267.00'	49.03'	96.45'	S12°06'52"W	20°48'42"

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT IN ACCORDANCE WITH DESCRIPTIONS OF RECORD. THAT THE POSITION OF THE IMPROVEMENTS SHOWN HAVE BEEN ESTABLISHED BY ACCEPTED SURVEY METHODS AND THAT, UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. ITS ONLY PURPOSE IS TO DEPICT THE PROPERTY CONFIGURATION AND IMPROVEMENT LOCATIONS. IT IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

FLOOD PLAIN NOTE:
 THIS PROPERTY IS IN ZONE "X" (AREAS OF MINIMAL FLOODING) AS SHOWN ON FLOOD INSURANCE RATE MAP 515525 0125 D, DATED MARCH 5, 1990 AND PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

NOTES
 1.) NO TITLE REPORT FURNISHED.

ZONE: P-1-4
 REQUIRED YARDS:
 FRONT YARD 20'
 SIDE YARD 5'
 REAR YARD 20'

LEGEND:
 S.F. = SQUARE FEET
 D.B. = DEED BOOK
 P.G. = PAGE

DATE: 3/30/04
 DR: B.S.
 DK: BRC

LANDSCAPE PLAN
 REVISED 5.13.04

LANDSCAPE EXHIBIT
LOT 44
LAUREL HILL LANDBAY "D"
SECTION 1
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 20' REFERENCE: D.B. 14145 PG. 2117

VIA



April 7, 2004

Ms. Barbara A. Byron
Fairfax County Zoning Evaluation Division, DPZ
12055 Government Center Parkway
8th Floor
Fairfax, VA 22055

RECEIVED
Department of Planning & Zoning
APR 07 2004
Zoning Evaluation Division

Re: **Interpretation for RZ/FDP 2001-MV-025, Laurel Hill South
Side Yard Requirements and Unit separations for Lots 43 and 44
Land Bay D Section 1**

Dear Barbara;

This letter is a request for an interpretation of the compliance of Lots 43 and 44, Land Bay D Section One, Laurel Hill South to the 14' separation of single family units.

Proffer #4 of the above referenced rezoning states in part "All single family detached units shall maintain a side yard setback of five (5) feet. The typical lot details shown on sheet 14 of the CDP/FDP showed a 7' minimum side yard for the 85' Lots (of which are Land Bay D's) and a building separation of 14'. On November 1, 2002, you issued a determination that in Land Bay D, the developer could have a smaller side yard (5') so long as the provided distance between units is 14'.

Lot 43 was approved for grading on 10-15-03 with a 6' side yard on the side next to Lot 44. The lot was staked at a side yard of 6' and has been built with a side yard of 5.8'. Lot 44 was approved for grading on 11-19-04 showing a 5' set back to the common line with Lot 43. This created an 11' separation between buildings, on the grading plans. VIKA's layout surveyor, picked up this issue and used the constructed Lot 43 house as his base and offset the building the required 14'. This layout results in a 6.7' side yard between units. However, due to the unique shape of the buildings and the lots being positioned around the outside of a curve of Native Violet Drive, the front corner of Lot 44 was staked and constructed with a 12.92' separation between units. The units are 14' apart, 8' back from the front garage corner of Lot 44 and then almost 19' apart at the back of the garage of Lot 44. This can be seen on "Exhibit Showing Lots 43 and 44" attached hereto.

The separation between these units was discovered when Lot 44 was asbuilt on 3-30-04. At this time, Lot 43 is 95% complete and Lot 44 has the foundation in place and framing complete on the first level. We have attached photographs of the buildings and their separation for your use.

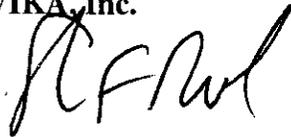
VIKA Incorporated

The total square footage of Lot 44's house into the separation is only 7.2 square feet while the total on Lot 43's house is just 1.7 square feet.

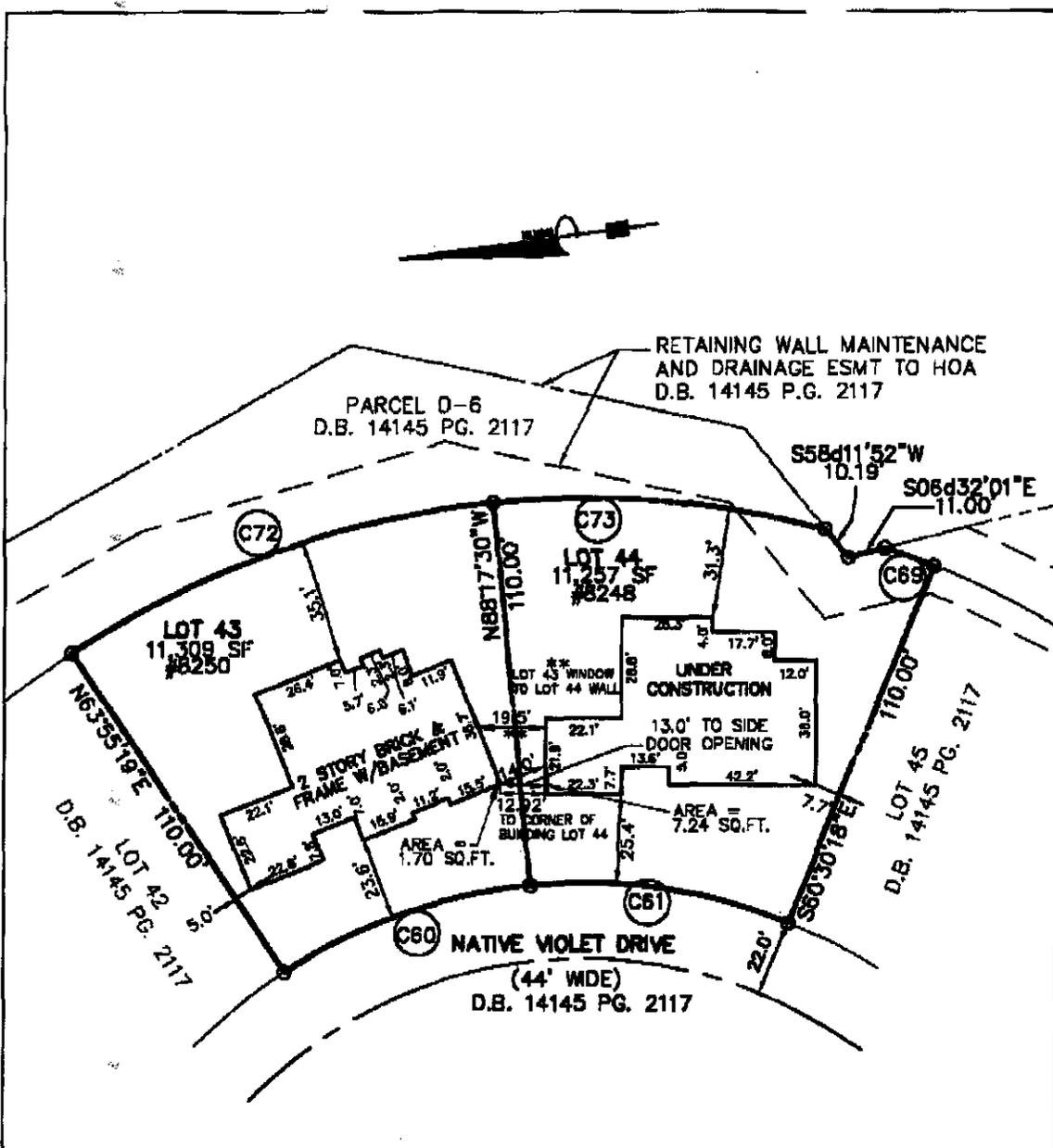
While we understand that there is a 14' minimum separation requirement for the houses, we respectfully ask for an interpretation that the 12.92 separation on the front corner of Lots 43 and 44 is in conformance with the Development Plan and Proffers. We feel that while 12.92 is the separation at the units' closest point, the 14' separation is obtained 8' back from the front garage corner and the average distance between these units along the common side is 16'. Both units have more than the proffered 5' side yards and thus comply with the yard requirements. We respectfully request an interpretation that the unit separation between Lots 43 and 44 at Land Bay D Section 1 of Laurel Hill South is in conformance with the CDP/FDP.

I appreciate your time and effort your office has given me and if you need any additional information, please do not hesitate to give me a call.

Sincerely,
VIKA, Inc.



Steven F. Teets, L.S.
Senior Associate



CURVE TABLE

CURVE	LENGTH	RAD	TAN	CHORD	CHD BRG	DELTA
C60	76.14'	157.00'	38.83'	75.40'	N12°11'05"W	27°47'11"
C61	76.14'	157.00'	38.83'	75.40'	N15°36'06"E	27°47'11"
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FLOOD PLAIN NOTE:
THIS PROPERTY IS IN ZONE "X" (AREAS OF MINIMAL FLOODING) AS SHOWN ON FLOOD INSURANCE RATE MAP 510025 0125 D, DATED MARCH 3, 1990 AND PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

NOTES
1.) NO TITLE REPORT FURNISHED.

ZONE: R-1
REQUIRED YARDS:
FRONT YARD 20'
SIDE YARD 5'
REAR YARD 20'

LEGEND:
S.F. = SQUARE FEET.
D.B. = DEED BOOK
P.G. = PAGE

DATE: 3/30/04
DR: JLS
CC: BRC

K.C. FINAL

**EXHIBIT SHOWING
LOTS 43 AND 44
LAUREL HILL LANDBAY "D"
SECTION 1
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

SCALE: 1" = 40' REFERENCE: D.B. 14145 PG. 2117

UIKA
SURVEYING & ENGINEERING, INC.
1000 COMMONWEALTH BLVD., SUITE 200
FAIRFAX, VA 22031