



**FAIRFAX
COUNTY**

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division
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V I R G I N I A

February 10, 2003

Inda E. Stagg, Land Use Coordinator
Walsh, Colucci, Lubeley, Emrich & Terpak, PC
2200 Clarendon Boulevard, Thirteenth Floor
Arlington, VA, 22202-3359

Re: RZ 2001-MV-025, FDPA 2001-MV-025, Land Bay E, Laurel Hill South, Front Yard Setbacks for Single Family Attached Dwelling Units

Dear Ms. Stagg:

This is in response to your letter of January 16, 2003, as modified by your e-mail to Peter Braham on January 21, 2003, requesting an interpretation of the Final Development for FDPA 2001-MV-025. As I understand it, the question is whether twenty-nine of the 150 single-family attached dwelling units in Land Bay E may have front yard setbacks of eighteen (18) feet, with the remainder having setbacks of twenty (20) feet. A copy of the above referenced letter and a copy of the e-mail are attached for reference.

As noted in your letter, the typical lot details on Sheet 6 of the approved final development plan state show units staggered within each building of townhouses, with some of the units at eighteen (18) feet from the front lot line, which conflicts with Note 21 that states single family attached dwelling units will have a setback of twenty (20) feet. Given that proffer 4g states that "All driveways shall be a minimum of eighteen (18) feet in length" and that the lot detail shows staggered units, of which some are setback eighteen (18) feet, it is my determination that twenty-nine of the single family attached dwelling units may be built with a front yard setback of eighteen feet. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

cc: Gerry Hyland, Supervisor, Mount Vernon District
John Beyers, Planning Commissioner, Mount Vernon District
Michelle Brickner, Director, Office of Site Development Services, DPWES
John Crouch, Chief, Zoning Permit Review Branch, ZAD, DPZ
Bonds and Agreements Branch, Office of Site Development Services, DPWES
File: FDPA 2001-MV-025, PI 0301-011



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Inda E. Stagg
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January 16, 2003

Via Hand Delivery

Peter Braham
Fairfax Co. Dept. of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, #801
Fairfax, Virginia 22035

Re: Pulte Home Corporation
Laurel Hill South, RZ 2001-MV-025
Request for Interpretation – Attached-Unit, Front Yard Setbacks

Dear Peter:

Pursuant to site plan processing, it has come to Pulte's attention that there is another discrepancy regarding the setbacks at Laurel Hill. At the moment I'm concerned about front yard setbacks of the attached units in Land Bay E. They are noted as being eighteen (18) feet or twenty (20) feet, depending on the specific proffer, note, or graphic. Pulte is requesting that eighteen (18) foot long front yards be permitted for attached units in Land Bay E. *[Note: The attached units in Land Bay E are staggered by two (2) feet. Therefore, if an eighteen (18) foot long front yard is deemed acceptable, only half of the units would have an eighteen (18) foot front yard. The other half would have a twenty (20) foot front yard.]*

Land Bay E is governed by the original rezoning, RZ 2001-MV-025, with Proffers dated October 19, 2001. It is further governed by an amendment, FDPA 2001-MV-025, with conditions dated March 20, 2002 (modified by hand), and an FDPA Plan revised through March 15, 2002. Appropriate references are attached for your convenience.

- Proffer 4c addresses a front yard setback of single-family detached homes, but does not address them for attached homes.
- Proffer 4d addresses rear yard setbacks for single-family attached homes, but does not address front yard setbacks.
- Proffer 4g states, "All driveways shall be a minimum of eighteen (18) feet in length."

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ATTORNEYS AT LAW

- The FDPA Conditions do not address front yard setbacks; however, Condition #4 addresses "Developable Area, " but only for detached units.
- Plan Note #21 (Sheet 2) states, "All single family attached dwelling units will have a minimum front yard of 20 feet . . ."
- Both "Typical Lot Layout Details" for the attached units (Sheet 6) graphically indicate an 18 foot long front yard.

I can say that time is critical as this section of Laurel Hill is currently being sold, and the outcome impacts the types of units and bump-outs that can be added as options to each unit. If there is any further information that I can provide to you, please don't hesitate to ask.

Very truly yours,

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



Inda E. Stagg

Enclosures

cc: Gregory May, Land Engineer, Pulte Home Corp.
Larry McDermott, Dewberry and Davis
Christopher Myers, Urban Engineering & Assoc, Inc.

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the Applicant shall escrow sufficient funds to construct the trail, as determined by DPWES. Documentation of all attempts to obtain such easement, or escrowed funds sufficient to construct the trail shall be provided to DPWES prior to site plan/subdivision plat approval.

- h) The Applicant shall provide painted crosswalks and signage at all locations where trails cross a public ROW, including Silverbrook Road and internal public streets, subject to approval of VDOT and DPWES at the time of site plan/subdivision plat approval.
- i) The Applicant shall provide four (4) foot wide sidewalks on both sides of public and private streets, as shown on the CDP/FDP, except on Silverbrook Road where a trail is to be constructed.
- j) The Applicant may be permitted to co-locate trails/trail connections within sanitary sewer and/or storm drainage line temporary construction easements, if the location of these temporary construction easements are acceptable locations for such trail/trail connections as determined by DPWES at the time of site plan/subdivision plat review. The purpose of such co-locations of trails/trail connections would be to minimize clearing and grading of areas within the EQC. Final location of the easement(s) shall be reviewed by the FCPA at the time of site plan/subdivision plat approval.
- k) All other internal trails that connect to the larger, county-wide trail system shall be a minimum of eight (8) feet in width. All other internal trails within the Land Bays that do not connect to the larger system shall be a minimum of four (4) feet in width, and shall be constructed of asphalt or concrete, at the option of the Applicant.

4. DESIGN FEATURES

- a) Facades of homes shall be constructed as generally represented in the typical house elevations located on Sheet 14 of the CDP/FDP.
- b) The Applicant shall provide brick or stone on a minimum of eighty percent (80%) of the fronts of all single-family detached residential units. The Applicant shall provide brick or stone on a minimum of eighty percent (80%) on all fronts, and on the sides of all single family attached units that face on any public street. The said eighty percent (80%) shall be exclusive of windows, doors, shutters, and trim. Further, the Applicant shall provide decorative shutters on windows of dwelling units that face on Silverbrook Road.

⇒ c) All single family detached residential units shall maintain a minimum front and rear yard setback of twenty (20) feet, with the exception of decks and patios that may extend into this setback area as allowed by the Zoning Ordinance, and a side yard setback of five (5) feet, which provides for a minimum distance between single family detached homes of ten (10) feet.

⇒ d) All single family attached units shall maintain a minimum rear yard setback of twenty (20) feet, with the exception of decks and patios that may extend into this setback area, as allowed by the Zoning Ordinance.

- e) Landscaping on individual lots shall be, generally, as depicted on the "Typical Lot Layout" on Sheet 14 of the CDP/FDP.
- f) Other features, such as lighting, benches, picnic tables and trash receptacles shall be provided of a quality and type as generally shown on Sheet 15 of the CDP/FDP.
- g) All driveways shall be a minimum of eighteen (18) feet in length.

5. SCHOOLS

- a) Upon demand of the County, which demand shall not occur sooner than twenty-four (24) months from the date of the rezoning, the Applicant shall dedicate in fee-simple approximately 18.5 acres of land designated for an elementary school site as shown on the CDP/FDP to the BOS. This land area shall be exclusive of any areas to be dedicated to Fairfax County or the Park Authority for public street or other purposes.
 - 1) The Applicant shall not place any easements or encumbrances of record on the elementary school site that would affect the use of the property as a school, as determined by the Fairfax County Public Schools Board ("FCPS") and the County.
 - 2) Stormwater Management and Best Management Practices for the school site shall be provided within the residential portion of Laurel Hill, as described in Proffer 8, as determined by DPWES.
 - 3) The Applicant shall demolish the existing structures on the elementary school site, and shall remove all footers and materials associated with the demolition from the site, at no cost to the County, prior to dedication of the school site. Further, the site shall be environmentally clean and the grading shall be performed as described in the paragraph below prior to dedication of the school site, at no cost to the County.
 - 4) The Applicant shall rough grade the elementary school site, the soils shall be compacted under structural bearing pads, and the site shall be seeded, to generally conform to the conceptual school layout, which is attached as "Exhibit 1"; or generally as may be modified by FDP approval for the elementary school site. The Applicant shall not be obligated to perform any final engineering for Site Plan purposes. Further, there shall be no obligation by the Applicant to supply soil other than that which is already on the elementary school site or is considered excess by the Applicant from the Application Property in order to rough grade the site.
 - 5) Sewer connection shall be provided to the school site as described in Proffer 9.
- b) In addition to commitments that benefit the elementary school site, the following shall be provided, at no cost to the County:
 - 1) The Applicant shall extend sanitary sewer and water lines under Silverbrook Road, terminating at the edge of ROW of Silverbrook Road that is across from

PROPOSED DEVELOPMENT CONDITIONS

March 20, 2002

FDPA 2001-MV-025

If it is the intent of the Planning Commission to approve Final Development Plan Amendment (FDPA 2001-MV-025) for residential development on property known as Land Bay E of Laurel Hill South located at Tax Maps 106-4 ((1)) pt. 54, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. The development of Land Bay E, Laurel Hill South, shall be in substantial conformance with the plan entitled, Laurel Hill South, Land Bay E, Final Development Plan Amendment, which was prepared by Dewberry & Davis LLC and is dated November 15, 2002 as revised through March 15, 2002.

~~X~~ A private street connection shall be provided from the planned public street that is a spine road through Land Bay E to the townhouse section located adjacent to Silverbrook Road. The location of the street connection shall be subject to the approval of the Department of Public Works and Environmental Services.

2. The following additional pedestrian facilities shall be provided in the townhouse section located adjacent to Silverbrook Road:

a five foot wide sidewalk shall be provided from the planned public street immediately south of the Laurel Hill Greenway to the trail within the Laurel Hill Greenway;

the sidewalk that accesses the tot lot shall be extended to the sidewalk along the main road through Land Bay E.

3. The covenants contained in the homeowner association documents shall include the restriction that decks on the single family attached dwelling units within Land Bay E shall not be closer than five (5) feet from the rear lot line.

⇒ 4. The covenants contained in the homeowner association documents shall include a restriction that additions and decks to dwellings on the single family detached lots shall not be located outside the 'Developable Area' for each lot. The house location plat for each single family detached residential lot within Land Bay E shall identify the 'Developable Area' for that lot and include a notation that decks and additions to the dwellings shall not extend outside the 'Developable Area.' The 'Developable Area' shown on each house location plat shall be in conformance with the 'Developable Area' shown on the FDPA.

5. The restrictions contained in Conditions 4 and 5 above shall be disclosed to the purchasers of the lot and dwelling units prior to the completion of a contract for the sale of the lot and dwelling unit and these restrictions shall be noted in the contract. Further, should the applicant sell blocks of lots to other builders or developers, these restrictions shall also be included in the contract of sale.

Braham, Peter

From: Stagg, Inda E. [istagg@arl.thelandlawyers.com]
Sent: Tuesday, January 21, 2003 3:41 PM
To: Braham, Peter
Cc: Greg May (E-mail)
Subject: Narrowing the Scope

Peter,

Greg May (Pulte's engineer) and I were discussing the Laurel Hill front-yard setback issue this morning and he made an interesting comment. Greg stated that Pulte only needs the front-yard setback determination for the 57 larger townhomes (and only half of those since they're staggered by 2 feet.) The 93 narrower units do not need this determination. So, the determination would apply to 29 of the 150 townhomes approved pursuant to that rezoning and FDPA (which is about 20% of the attached units.)

The larger units are located south of the Laurel Hill Greenway only (and are, unfortunately being marketed and sold right now so your timely answer is critical - Sorry!). Not those north of the Greenway.

In case your mind is overloaded, this request, if you recall from our discussion on Friday, is to determine (hopefully) that an eighteen (18) foot long front yard would be in substantial conformance with the approved proffers/CDP/FDP for Laurel Hill.

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