



# FAIRFAX COUNTY

## DEPARTMENT OF PLANNING AND ZONING

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

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Fax (703) 324-3924

V I R G I N I A

September 5, 2002

Stephen Fox  
10511 Judicial Drive; Suite 112  
Fairfax, VA 22030

Re: Interpretation for RZ 2001-SU-034 and RZ 2001-SU-035 (PI 0205-054)  
Rugby Road; footprints, architecture, and lot lines

Dear Mr. Fox:

This is in response to your letter of May 9, 2002, requesting an interpretation of the Generalized Development Plans (GDPs) and proffers accepted by the Board of Supervisors in conjunction with the approvals of RZ 2001-SU-034 and RZ 2001-SU-035. As I understand it, the question is whether the modification of the proposed footprints to eliminate interior courtyards, a modification of the architectural materials, and a reallocation of interior square footage between attached units would be in substantial conformance with the GDP and the proffers. This determination is based on your letter of May 9, 2002, subsequent letters dated July 19, 2002, and August 1, 2002, and the exhibits entitled "Rugby Road Layout Plan Section I," "Rugby Road Layout Plan Section II," both dated July 18, 2002, "Proposed Front Elevations A, B and C" (individual sheets dated July 15, 2002, July 15, 2002 and May 2, 2002 respectively), and "Right Side Elevation D," and "Left Side Elevation E," (both dated July 25, 2002). All exhibits prepared by The Lessard Architectural Group, Inc. Copies of these letters and exhibits are attached for reference.

RZ 2001-SU-034 and RZ 2001-SU-035 were approved by the Board of Supervisors on January 28, 2002. The applications were to rezone 1.93 acres and 14.88 acres (respectively) from the R-1 District to the R-5 District for the development of nine and 85 attached units (respectively). The two applications were designed and reviewed together despite being separated by an unconsolidated lot. The GDPs showed attached units in groups of two to four units, with interior courtyards allowing approximately 50% of the units with front-loading garages and approximately 50% with side-loading garages.

You have indicated that, in response to market conditions, the applicant would like to revise the footprints of the market rate units to allow for the provision of first floor master bedrooms. This revision would result in the interior, paved courtyard area being utilized for floor area for the units, and the interior side-load garages being reoriented. In some clusters, this re-orientation of garages would cause some or all of the side-load garages to become front-loaded. Under the new proposed layout, only 31% of the units would have side-load garages. This revision would not result in the exterior footprint (massing of each cluster of units) increasing. Additionally, the applicant would like to modify the exterior material, and reallocate the interior units to increase the size of the end units in each cluster; again, this revision would not increase the overall footprint of the cluster.

*Interior courtyards v. living space (side load garages) and interior unit divisions*

The proffers approved with both cases state that the "architectural renderings...are also intended to be examples only of the style, size, and scale of the units to be constructed on the property." and that the "[a]pplicant shall construct dwelling units on the property which are substantially identical in style, size, and scale" as those depicted on the GDPs. Notes on the GDPs also state that "the footprints of the structures shown hereon may be modified in accordance with the provisions of Par. 5 of Sect. 18-204 of the Zoning Ordinance so long as the open space represented in the tabulation and the dimensions to the peripheral lot lines are not diminished. The size and shade [sic] of the buildings are preliminary and may vary...as a result of final engineering, architectural design and/or final development program refinements." These proffers and notes introduce some flexibility into the building footprint, and it is therefore my determination that the requested modifications would be in conformance with these proffers and notes.

*Architectural treatment*

The proffers approved with both cases state that "architectural renderings...are also intended to be examples only of the style, size, and scale of the units to be constructed on the property." and that the "[a]pplicant shall construct dwelling units on the property which are substantially identical in style, size, and scale" as those depicted on the GDPs, and that the applicant "reserve[s] the right to select exterior finish materials (siding, roof, doors and other fenestration)". It is my determination that the revised elevations provided (see attached) would be in conformance with the proffers and GDPs.

These determinations have 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 Tracy Swagler at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director  
Zoning Evaluation Division

BAB/\\s35ocw01\zed\zed\swagler\interpretations\rugby road.doc

Attachments: A/S

cc: Michael Frey, Supervisor, Sully District  
Ron Koch, Planning Commissioner, Sully District  
John Crouch, Chief, Zoning Permit Review Branch, DPZ  
Michelle Brickner, Acting Director, Office of Site Development Services, DPWES  
Angela Rodeheaver, Section Chief for Site Analysis, DOT  
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES  
File: RZ 2001-SU-034; RZ 2001-SU-035; PI 0205-054

STEPHEN K. FOX  
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RECEIVED  
Department of Planning & Zoning

MAY 09 2002

Zoning Evaluation Division

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May 9, 2002

Hand delivered

Barbara A. Byron, Director  
Zoning Evaluation Division  
Department of Planning and Zoning  
County of Fairfax  
12055 Government Center Parkway, Suite 830  
Fairfax, Virginia 22030

Re: Request for Proffer Interpretation; Rugby Road; Rezoning 2001-SU-034; 035

Dear Ms. Byron:

This letter follows our meeting on May 7, 2002 during which Renaissance Housing presented certain changes it proposes to the Generalized Development Plans for the above rezoning cases. ( Exhibits 1 and 1a [035] ); ( Exhibits 2 and 2a, reduced [034] ). This letter summarizes those proposals and formally requests the Zoning Administrator to opine that the proposed minor plan changes are in substantial conformance with the GDP's and other proffered conditions at the time of the Board of Supervisors' rezoning of the property.

The proposed changes are as follows:

- 1. Renaissance proposes to eliminate the building courtyards and to present front loading garages for the market rate units.** Elimination of the courtyards will, among other things, allow the development to decrease the amount of paved area, substituting therefor an extended building front and additional green area (approximately 264 sq. ft. per building), thereby reducing the impervious area. The extended building front will facilitate a first floor master bedroom design. (See and compare: Exhibits 3 and 4; 5 and 6). The units proffered to be constructed are a "hybrid" unit; attached, but bearing greater semblance to single family detached homes in terms of size and interior space allocation. As such, the first floor master units will appeal to a more mature demographic of downsizing adults.

Significantly, these changes will occur within the existing building envelope. The length of the building will not change; the depth will change by substituting additional floor area and the greenspace for the previously paved courtyard. The proposed modification affects only those units originally planned for a side entry garage (slightly more than 50%). In addition, no other element of the GDP's will be altered as a result of this proposal; traffic circulation, ingress/egress to the site, parking, common open space and other site features remain identical to the proffered GDP's. We believe the proposed changes, significant to Renaissance's marketing program, substantially conform to the GDP's, presenting a minor

Barbara A. Byron  
May 9, 2002  
Page Two

variation in building footprint design. (See and compare: Exhibits 1 and 1a; 2 and 2a). Finally, no changes will be made to the footprint relative to the affordable dwelling units.

2. **Architecturally, Renaissance proposes to build market rate units with front loading garages, without interior courtyards.** The architecture proposed is generally in keeping with the architectural renderings attached to the GDP's. The proposal, however, eliminates the recessed courtyard look, opting instead for front loading garages. Exterior building materials are proposed to be a mixture of stone or brick and siding. It is submitted that insofar as Proffer 3 is concerned, the proposed architectural changes taken alone, or together with No. 1 (above) are insubstantial, and the proposed units are "...substantially identical in style, size and scale as the units depicted in the architectural renderings...."(See and compare: Exhibits 7 and 7a). Finally, the proposed changes are within the latitude reserved in the proffers.
3. **Renaissance proposes to reallocate interior building volume of market rate units by moving lot lines approximately two (2) feet to make the end units larger and the interior units slightly smaller.** This proposed change alters nothing other than the square footage within a given building which is allocated to the included units. It has no impact on the GDP as designed.

Questions Presented (Numbers correspond to the issues set forth above):

1. Does the proposal to eliminate the motor courtyards, substituting therefor a combination of extended building fronts with front loading garages, and a new green area depict a development "...in substantial conformance with the Generalized Development Plan (GDP)..."? (Proffer 1).
2. Is the proposal to build units without the motor courtyards and with front loading garages "...substantially identical in style, size, and scale as the units depicted in attachments to the GDP's? Or are the proposed changes within the areas reserved to the developer to select finish materials (e.g. siding, roof, doors and other fenestration"?)
3. Is the proposal to reallocate interior building volume of market rate units by moving lot lines approximately two (2) feet as stated in substantial conformance with the Generalized Development Plan?

It is submitted that each of the foregoing questions can be answered in the affirmative, allowing the development to proceed with the proposed changes with the necessity of public hearing on these issues. I would be pleased to provide any additional information to assist your review of this matter. Your early response will allow the developer to proceed through the site plan process without delay.

Thank you for your cooperation in this matter.

Barbara A. Byron  
May 9, 2002  
Page Three

Very truly yours,

A handwritten signature in black ink that reads "Stephen K. Fox". The signature is written in a cursive style with a large, sweeping initial 'S'.

Stephen K. Fox

SKF/kt

cc: Ms. Tracy Swagler  
Mr. Jeff Lastner  
Mr. Jack Fleury

STEPHEN K. FOX  
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July 19, 2002

RECEIVED  
Department of Planning & Zoning  
JUL 23 2002  
Zoning Evaluation Division  
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**By Fax and U.S. Mail**

Ms. Barbara A. Byron, Division Director  
Zoning Evaluation Division  
County of Fairfax  
12055 Government Center Parkway, 8<sup>th</sup> Floor  
Fairfax, Virginia 22031

Re: Proffer Interpretation Request; RZ 2001-SU-034, 035

Dear Ms. Byron:

This letter is written in further support of the request for the proffer interpretation relating to the above-referenced rezoning cases. This additional submission also follows my telephone conversation with Kevin Guinaw during which he reviewed preliminary Staff comments regarding the request. Since that time, Renaissance's architects and engineers have conducted additional review of the plans in light of Staff's comments, attempting to address the concerns raised.

We understand from Staff's review there is concern that in the proposal, garage doors predominate the front building facades, whereas in the approved Generalized Development Plan (GDP), many of the garage doors were invisible from the street given the motor courtyard design of interior units. We understand this comment, and have endeavored to address Staff's concern in a re-designed plan.

It should be noted that the motor courtyard depicted on the approved GDP was merely a design vehicle to access garages to the interior units; it was not a landscaped courtyard designed for outdoor living pleasure. In accordance with Staff's comments regarding the appearance of garages on the front building facades, Lessard Architectural has delivered under separate cover for your review and consideration a conceptual re-design of the units depicting a number of "side load" garages for the end units in the development. This re-design significantly reduces the appearance of garages on the fronts on the buildings, and moves closer to the design intent of the units shown on the approved GDP while allowing the flexibility to offer first floor master bedroom suites in some units. This plan offers others benefits not present in the approved GDP, namely;

- a. Removal of paved surfaces of the motor courtyard, reducing the impervious surfaces on the site; and
- b. Allowing greater areas of green space at the front of the units for landscaping.

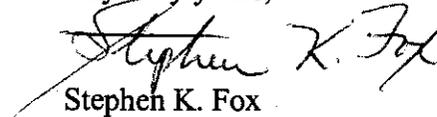
Ms. Barbara A. Byron

July 19, 2002

Page Two

We look forward to meeting with you and other members of Staff next week to review this request , and wanted to make available for review the most recent conceptual re-design prior to the meeting. If you have any questions, my client or the architect will be pleased to address them prior to or at the meeting next week.

Very truly yours,

A handwritten signature in cursive script that reads "Stephen K. Fox". The signature is written in dark ink and is positioned above the printed name.

Stephen K. Fox

SKF/kt

cc: Ms. Tracy Swagler (by fax)  
Mr. Kevin Guinaw (by fax)  
Mr. Jack Fleury (by fax)

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AUG 2 2002

Zoning Evaluation Division

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TEL: (703) 273-7220  
E-mail: sfox@patriot.net

August 1, 2002

**By Hand Delivery**

Barbara A. Byron, Division Director  
Zoning Evaluation Division  
Department of Planning and Zoning  
County of Fairfax  
12055 Government Center Parkway, 8<sup>th</sup> Floor  
Fairfax, Virginia 22035

Re: Proffer Interpretation Request; RZ 2001-SU-34 and 35

Dear Ms. Byron:

This submission of materials in support of the proffer interpretation request follows our meeting with you, Kevin Guinaw and Tracy Swagler on July 23, 2002, and follows the guidance and understandings from that meeting. Submitted herewith are the following:

1. Approved Generalized Development Plan (GDP) for Section 1 (Part of RZ 035), with overlay depicting elimination of motor courtyard units with side entry garage end units.
2. Approved GDP for Section II (Part of RZ 035) and III (RZ 034), with overlay depicting elimination of motor courtyard units with side entry garage units.
3. Architectural elevations of buildings as follows:
  - A. Approved elevation (market rate units);
  - B. Proposed Front Elevation A—depicts favorable comparison to A, above, in that a maximum of two sets of garage doors are displayed on building fronts. This elevation is accomplished by a design which employs side load garages for end units instead of the motor courtyards, enhancing the opportunity for planted green space on the building fronts. (See **plan key to location of Elevation A on overlay plans 1 and 2, above**). There are 11 buildings containing Elevation A units. Please note that the Elevation A unit on Tagger Circle proposes sharing its driveway entrance with the stormwater management access drive.

C. Proposed Front Elevation B– depicts also a favorable comparison to A, above. Although 3 sets of garage doors are displayed, the distance between the doors is visually separated by the enhanced green space. This elevation is accomplished by a design which employs one side load garage, dictated by spacing considerations. ( See plan key to location of Elevation B on overlay plans 1 and 2, above). There are 13 buildings containing Elevation B units.

D. Proposed Front Elevation C– depicts front elevation with 4 sets of garage doors visible from the building front. We believe the added green space also ameliorates the appearance of these doors on the front, providing a visual break. Significantly, this elevation is present on one (1) building only which is located at the interior of the development and not visible from Rugby Road. Note also that this building, viewed from an end perspective, has the appearance of a single family detached unit. (See plan key to location of Elevation C on overlay plan 2, above).

E. Right Side Elevation D/Left Side Elevation E– depicts the view of Elevation C viewed from the ends, an improved single family look with enhanced green space and planting opportunity.

F. Comparison of initially proposed floor plan to alternate floor plan accomplished by eliminating motor courtyards to accommodate first floor master bedrooms for buildings with 18 foot front yards.(See elevations A, B and C). Note the enhanced planting opportunities.

G. Comparison of initially proposed floor plant to alternate floor plan accomplished by eliminating motor courtyards to accommodate first floor master bedrooms for buildings with 5 foot front yards. (See elevations A, B and C).

As noted in our earlier submissions, and during the meeting, it is our belief that the foregoing are in substantial compliance with the proffers adopted for each of the rezoning cases. Moreover, we believe that the proffers permit the requested latitude for the re-design presented in this submission. Further support for the refinement in unit design can be found in Note 17 of the GDP which reads:

*The footprints of the structures show hereon may be modified in accordance with the provisions of Part 5 of Section 18-204 of the Zoning Ordinance so long as the open space represented in the tabulation and the dimensions to the peripheral lot lines are not diminished. The size and shade of the buildings are*

Barbara A. Byron, Division Director

August 1, 2002

page 3

*preliminary and may vary and the exact locations of the buildings may change as a result of final engineering, architectural design and/or final development program refinements. The location of sidewalks, trails and utilities shown on the graphic are preliminary, and minor modifications may occur with final engineering and design.*

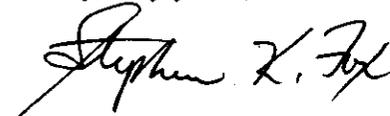
\* \* \*

The materials submitted herewith honor the general and specific intent of the approved GDP's and proffers, varying the presentation only as dictated by final engineering and architectural design. Significantly, open space tabulations are undiminished. Dimensions of the buildings to peripheral lot lots remain unchanged.

It is our opinion that the building/unit design depicted is more in keeping with the marketplace demand for large attached units which offer amenities similar to single family detached homes. Consistent with that theme, the current design presents an opportunity for a greener front yard.

We request the Zoning Administrator's favorable opinion regarding this submission, and hereby incorporate by reference the specific questions contained in our initial correspondence concerning this request. Should you have any additional questions, or require further information concerning this matter, please let me know.

Very truly yours,



Stephen K. Fox

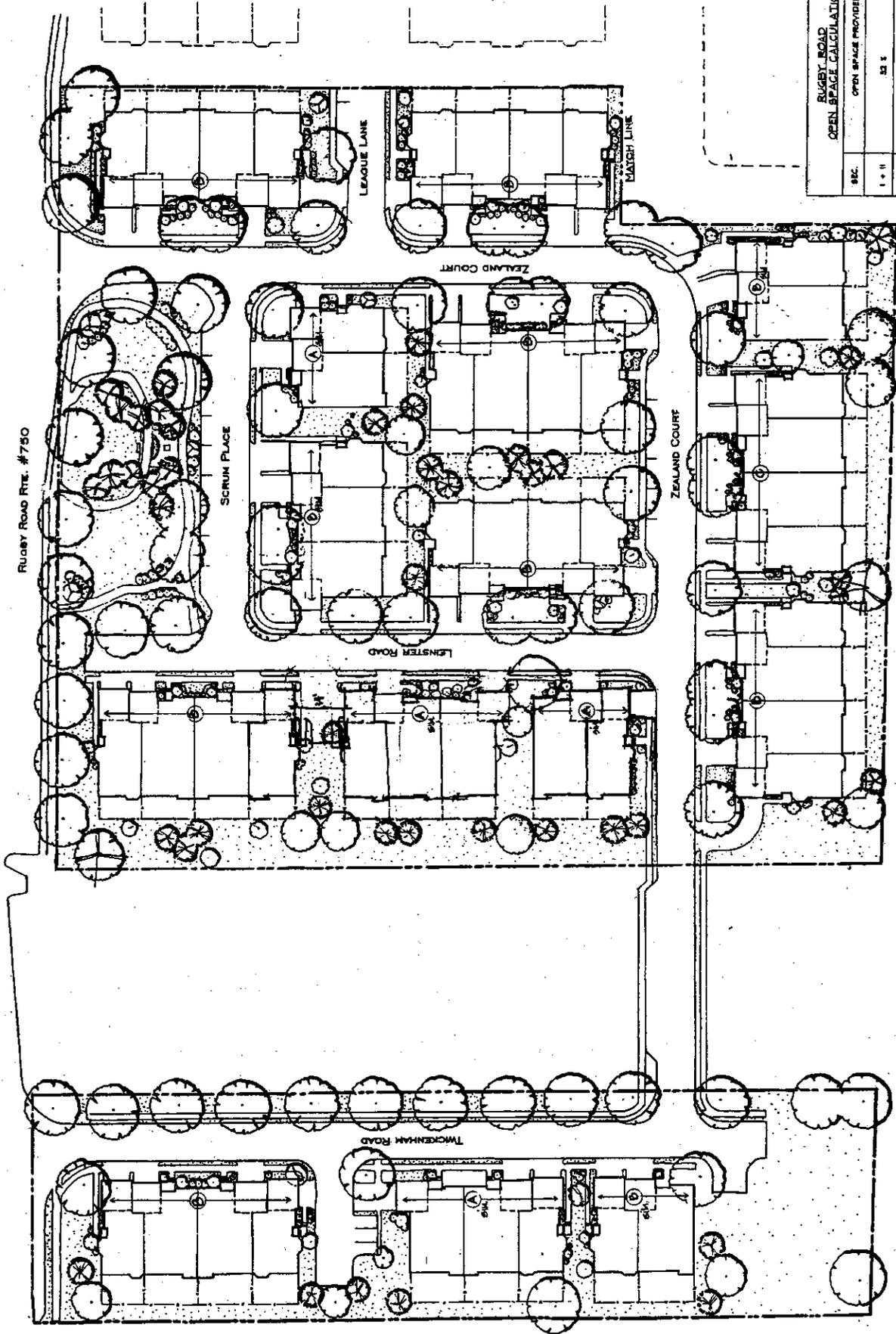
SKF/sf

cc: Kevin Guinaw

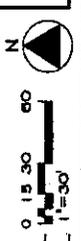
Tracy Swagler

Jack Fleury





RUGBY ROAD OPEN SPACE CALCULATIONS	
SEC.	OPEN SPACE PROVIDED
I - 2 - II	33.1
III	26.1

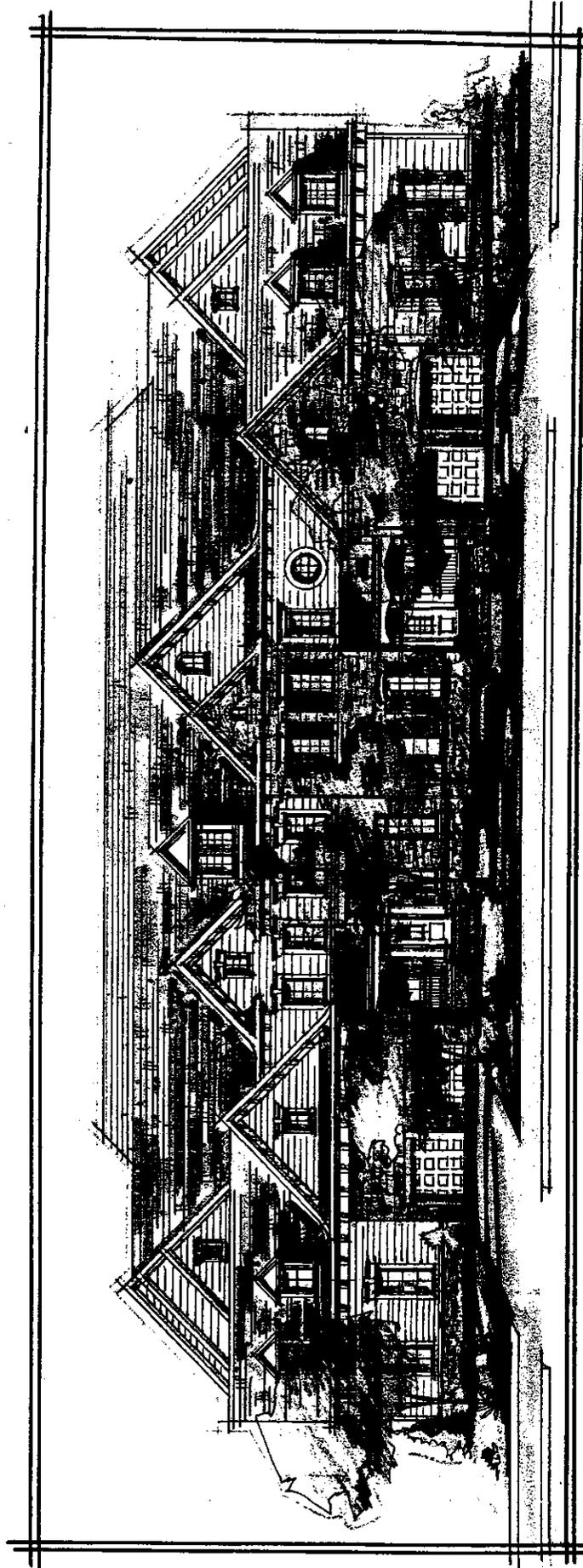


**LAYOUT PLAN**  
SECTION II/III

**RUGBY ROAD**  
FAIRFAX COUNTY, VIRGINIA  
RENT 26A.00 / JULY 18, 2002  
**RENAISSANCE**

THE LESSARD ARCHITECTURAL GROUP INC.  
6603 MANASSAS CENTER DRIVE, SUITE 400, MANASSAS, VA 20108-7000  
703/770-0000

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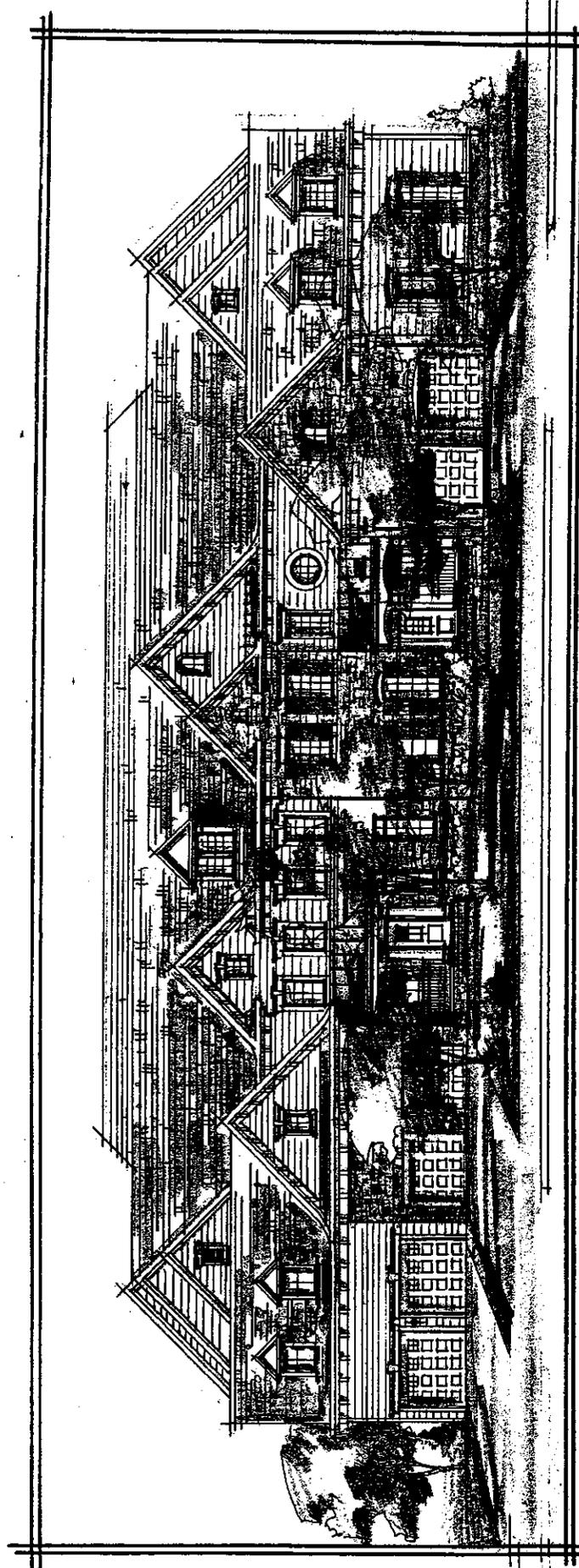
PROPOSED FRONT ELEVATION  
A  
RUGBY ROAD

SCALE: 3/16" = 1'-0"

15, 2002  
126A.00

the Lessard Architectural Group Inc.  
1000 Woodland Center Blvd. Suite 400, York, PA 17402  
717/790-3244 • Fax 717/790-3228  
ARCHITECTS • LAND PLANNERS • DESIGN MANAGERS • ARCHITECTURAL ENGINEERS

RENAISSANCE



PROPOSED FRONT ELEVATION  
B

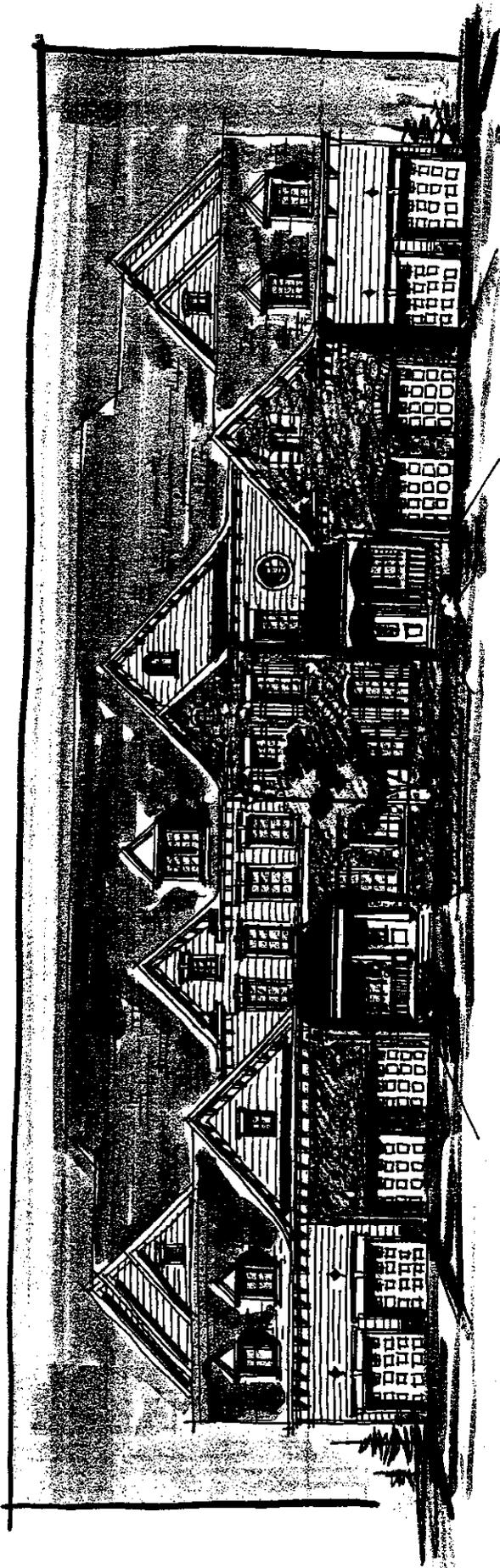
RUGBY ROAD

15, 2002  
126A.00

SCALE: 3/16" = 1'-0"

the Lessard Architectural Group Inc.  
843 Woodland Center Drive, Suite 400, Verona, WI 53592  
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Architecture • Land Planning • Urban Design • Architectural Restoration

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FRONT ELEVATION  
C

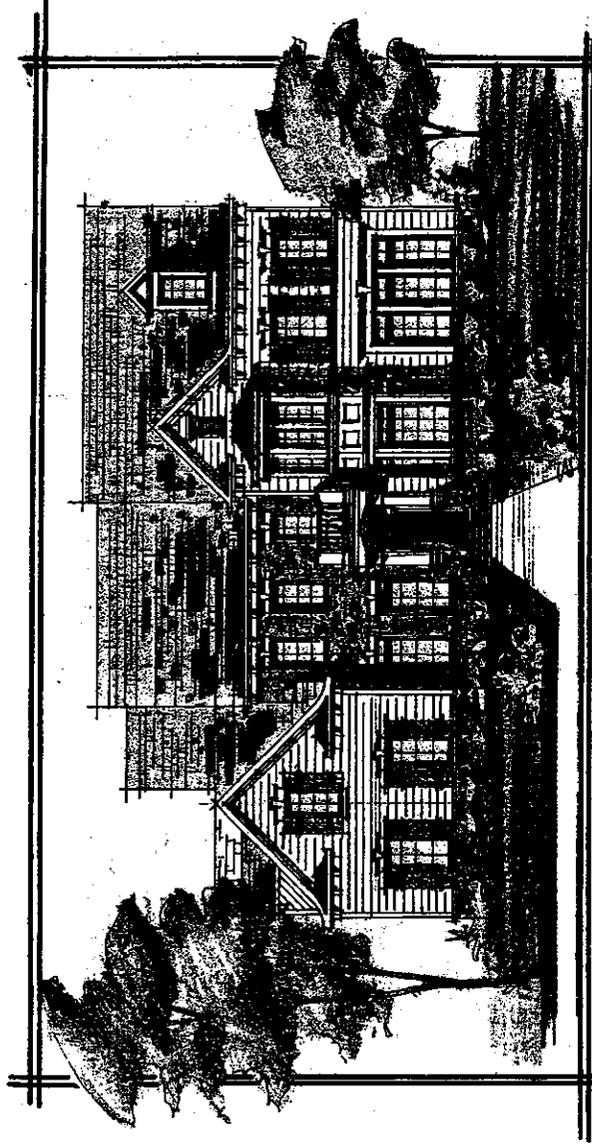
SCALE: 3/16" = 1'-0"

1, 2002  
126A.00

RUGBY ROAD

RENAISSANCE

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RIGHT SIDE ELEVATION  
D

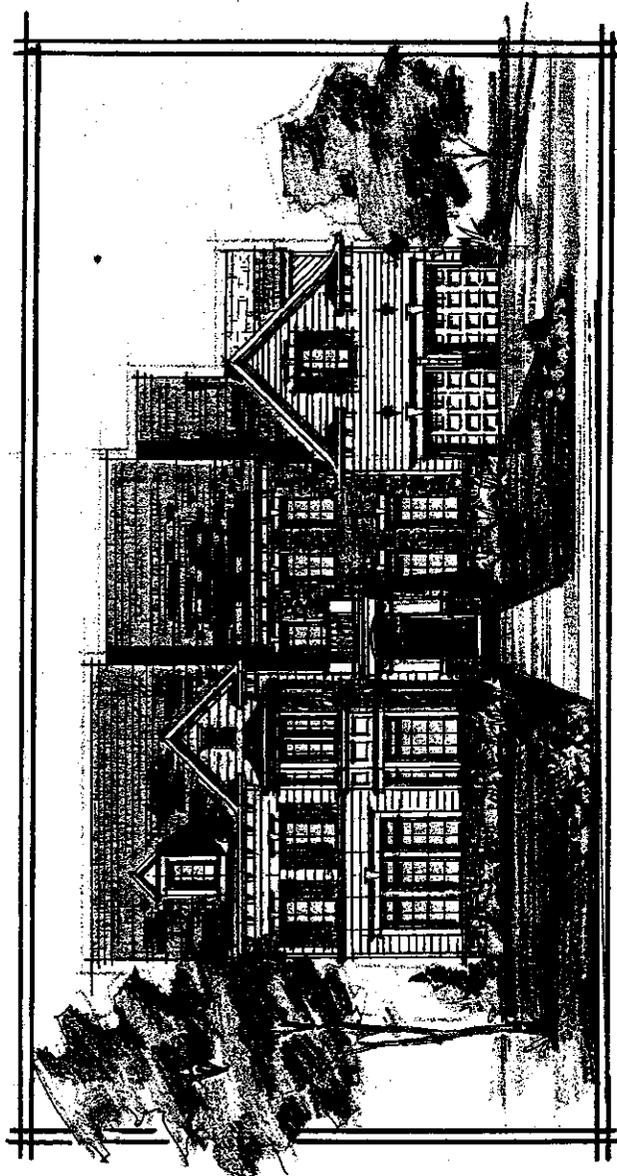
SCALE: 3/16" = 1'-0"

7 25, 2002  
N126A.00

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ARCHITECTURE • LAND PLANNING • INTERIORS • HISTORIC PRESERVATION

RUGBY ROAD

RENAISSANCE



LEFT SIDE ELEVATION  
E

SCALE: 3/16" = 1'-0"

25,2002  
1126A.00

THE LESSARD ARCHITECTURAL GROUP INC.  
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RUGBY ROAD

RENAISSANCE