



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

March 14, 2012

Mr. John L. McBride  
Odin Feldman Pittleman, PC  
9302 Lee Highway, Suite 1100  
Fairfax, VA 22031-1214

Re: Interpretation for RZ/FDP 2004-PR-006, Tax Map 39-2 ((1)) 56, Marshall Heights:  
Setbacks

Dear Mr. McBride:

This is in response to your letters of December 12, 2011, January 5, 2012, and February 23, 2012 (attached), requesting an interpretation of proffers and Conceptual Development Plan (CDP) accepted by the Board of Supervisors in conjunction with the approval of RZ 2004-PR-006, and the Final Development Plan (FDP) and development conditions approved by the Planning Commission with FDP 2004-PR-006. As I understand it, the question is whether the proposed revised setbacks are in substantial conformance with the proffers, the CDP/FDP and development conditions. This determination is based on the plan attached to your letter of February 23, 2012, entitled "Whitestone's Addition to Marshall Heights – Lot Layout Exhibit for Zoning Interpretation," prepared by Bowman Consulting, and dated February 2012.

On December 6, 2004, the Board of Supervisors approved RZ 2004-PR-006, subject to proffers, for the 1.31 acre site to the PDH-12 (Planned Development Housing) and HC (Highway Corridor) Districts to permit 11 townhomes. The Planning Commission approved FDP 2004-PR-006 on October 21, 2004, subject to the Board's approval of the rezoning, and subject to development conditions. Included with the approved CDP/FDP is a typical section which shows the townhouses having a width of 22.0 feet for the interior units and 24.0 feet for the corner units. In addition, the typical section shows a 7.5 foot setback from the end townhouse unit to the property line. Included with the proffers is the following proffer 9 which reads:

Architectural Design. The dwellings to be constructed shall be of colonial design with brick facades on the front and sides.

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Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
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Mr. John McBride

March 14, 2012

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Your current request is to change the width of all of the townhouse units from 22 and 24 feet wide to 23 feet wide, including the width of the brick facades, in order to better facilitate the provision of two car garages. In addition you are proposing to reduce the setback for the townhouse units 5 and 6 from 7.5 feet, as shown on the Typical Section on the CDP/FDP, to 7 feet. The total width between these units will be reduced from 15 feet to 14 feet. You have stated that the change is due to the removal of a storm sewer line shown on the CDP/FDP between the townhouse units and the sewer line being relocated. No other setbacks shown on the CDP/FDP are proposed to be changed.

It is my determination that the proposed change in unit widths and revised setbacks between units 5 and 6 are in substantial conformance with the proffers, the CDP/FDP and development conditions. 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 Lisa Feibelman at (703) 324-1290.

Sincerely,



Barbara C. Berlin, AICP, Director  
Zoning Evaluation Division, DPZ

*N:\Interpretations\Rezoning - RZ\Marshall Heights - RZ 2004-PR-006 - setbacks.doc*

Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Providence District  
Kenneth Lawrence, Planning Commissioner, Providence District  
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ  
Ken Williams, Plan Control, Land Development Services, DPWES  
Angela Rodeheaver, Section Chief for Site Analysis, DOT  
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ  
File: RZ 2004-PR-006, PI 1101 129, Imaging, Reading File

February 23, 2012

**VIA HAND DELIVERY**

Barbara Berlin, Director  
Zoning Evaluation Division  
Dept. of Planning & Zoning  
County of Fairfax  
12055 Government Center Pkwy  
Suite 801  
Fairfax, VA 22035

**Re: Revisions to Pending Interpretation Request for Marshall Heights  
(RZ 2004-PR-006)  
Minor Modifications to Layout Dimensions**

Dear Ms. Berlin:

This letter shall serve to further revise my request, originally dated December 12, 2011, for an interpretation of the Conceptual Development Plan, Final Development Plan (CDP/FDP) and proffers associated with Rezoning RZ2004-PR-006.

In response to a meeting with Kevin Guinaw and Lisa Feibelman, the Applicant further limits its request such that the only modification requested from the approved CDP/FDP is a reduction to the side yard dimension of lots 5 and 6 from "7.5 feet ±" to 7 feet. This is a modification of only 6 inches to each side yard associated with Lots 5 and 6. All other dimensions remain as shown on the CDP/FDP, except for (i) a reduction in the lot widths for lots 10 and 11, and (ii) a change in the lot widths for lots 1-9 from 24 and 22 feet wide to 23 feet wide.

This minor modification is allowed by proffer #1, which states: "The Applicant does not intend by this proffer to waive the right to make minor engineering modifications permitted...by the...zoning ordinance...as determined by the Zoning Administrator." I attach one 11" x 17" and three full-size, scaled sketch plans showing these modifications.

As we discussed in our meeting with Kevin and Lisa, the 7.5 ft. dimension was likely due, at least in part, to an underground storm sewer line, which was shown on the CDP/FDP as

Barbara Berlin, Director  
Zoning Evaluation Division  
County of Fairfax  
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encumbering the side yards between buildings 5 and 6. This storm sewer line has been relocated due to engineering considerations and no longer encumbers any portion of the side yards of lots 5 and 6.

Thank you for your courtesies in this regard.

Sincerely,

Odin, Feldman & Pittleman, P.C.



John L. McBride

JLM/bdp

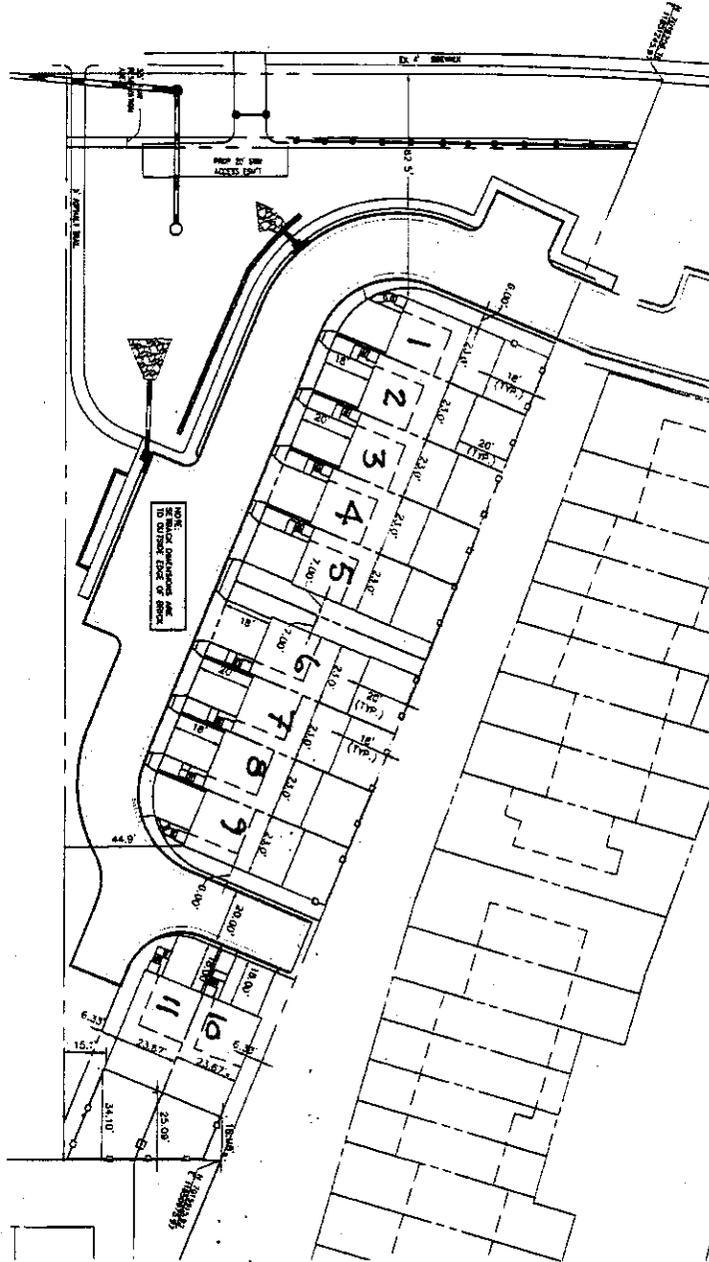
Attachments

cc: Supervisor Linda Q. Smyth  
Tara Craven  
Brice Kutch, PE

#1630026v1 Berlin ltr 2-22-12 47410/00022

EX CC-3

EX GRASS MEDIAN



DATE	DESCRIPTION
10/1/2010	PRELIMINARY DESIGN
10/1/2010	REVISED DESIGN
10/1/2010	FINAL DESIGN
10/1/2010	CONSTRUCTION

**WHITESTONE'S ADDITION TO MARSHALL HEIGHTS**  
 PROVIDENCE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

LOT LAYOUT EXHIBIT FOR ZONING INTERPRETATION

Bowman Consulting Group, LLC  
 1400 Towne Centre Plaza  
 Suite 200  
 Chantilly, Virginia 20151  
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