



691-4274

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

Office of Comprehensive Planning
Zoning Administration Division
10555 Main Street
Fairfax, Virginia 22030



December 28, 1981

Frank W. Stearns, Esquire
Wilkes and Artis
4020 University Drive Suite 202
Fairfax, Virginia 22030

RE: RZ-76-P-104

Frank
Dear Mr. Stearns:

This letter is intended to supersede my letter on the above referenced matter dated December 17, 1981. Subsequent to delivery, it was established that the December 17, 1981 letter contained an inadvertent error. The response to your inquiry should read as follows.

Following are the interpretations you requested in your letter of November 30, 1981. These responses are limited to the specific questions that you have asked.

A careful examination of the proffer statement, a copy of which is enclosed, reveals that it does not commit to conveyance of the six-tenths of an acre to the Treebrooke Condominium Association. Rather, it provides rights to the condominium owners until such time as the property "may be conveyed". It does not preclude conveyance to another party.

In all fairness, however, it is noted that at the time of the rezoning, all discussions on the matter of use of the subject property and the possibility of its future conveyance were between the applicant and the Treebrooke Condominium Association.

With regard to your second query, the proffer does restrict future usage of the property regardless of its ownership. Specifically, the proffer requires that the property remain as open space; no dwelling units may be constructed on it. Further, any recreation use north of the line shown on the drawing accompanying the proffer must be passive in nature.

At the same time, the proffer provides condominium owners the right to maintain and use the sidewalks on the property as a means of ingress and egress.

Frank W. Stearns, Esquire
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In closing, I would note that should there be any desire to change the subject proffer, an amendment would have to be processed in accordance with the provisions of Par. 6 of Sect. 18-204.

I trust this statement will satisfy your needs, but should you have additional questions or the need for elaboration, please let me know.

Sincerely yours,



Philip G. Yates
Zoning Administrator

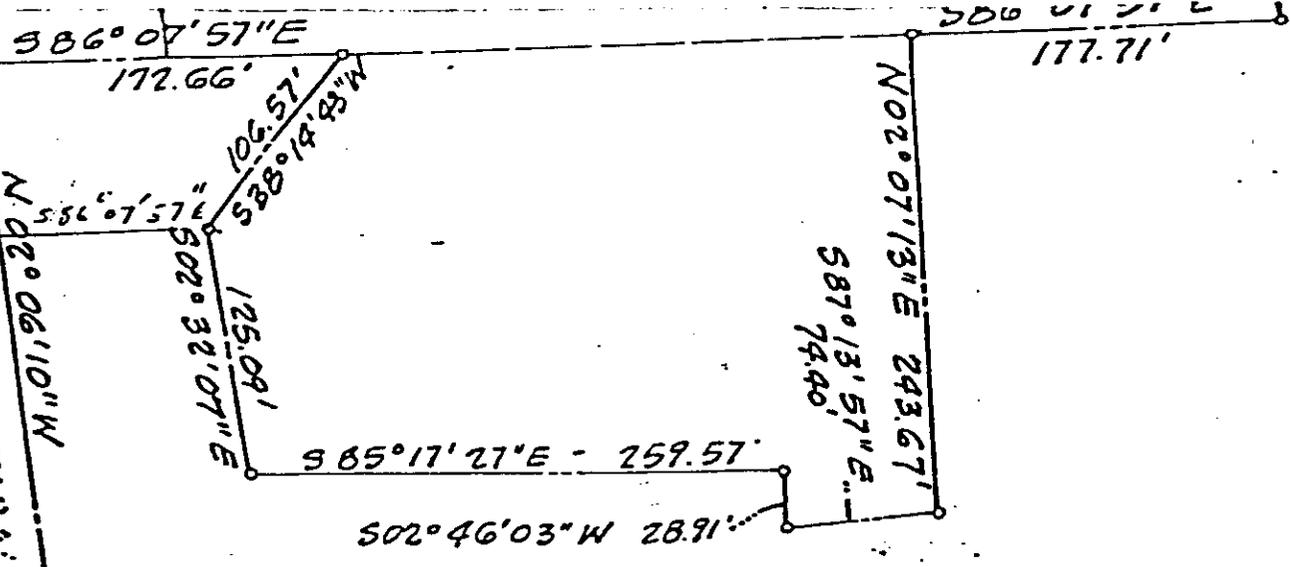
PGY/SRS/edb

Attachment: A/S

cc: James Scott, Supervisor
Providence District
Stanley Ellis
Foster Allen
✓ Sidney R. Steele, Chief
Zoning Evaluation Branch, OCP

wips

REEL SECTION
OAKTON VILLAGE SECTION 2



434.46'

S 87° 54' 48\" W

PARCEL H + I SECTION

VISTAS OF VIENNA

LAW OFFICES

WILKES & ARTIS

CHARTERED, P. C.

SUITE 202

4020 UNIVERSITY DRIVE

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WASHINGTON, D. C. 20006
(202) 457-7800

November 30, 1981

Mr. Philip G. Yates,
Zoning Administrator
Zoning Administration Division
10555 Main Street
Fairfax, Virginia 22030

Re: Zoning Application 76-P-104

Dear Mr. Yates:

Reference is made to the meeting held on November 24, 1981, concerning the above-referenced rezoning. In attendance at said meeting were myself, Mr. Sidney Steele, Chief, Zoning Evaluation Branch, and you. This is to formally request that you issue an opinion concerning a proffer made in the above-referenced zoning application on September 22, 1977. A copy of the wording of that proffer is enclosed herewith.

It is requested that your opinion address the following two issues:

1. Does the proffer require the present owner to transfer ownership of the approximately six-tenths of an acre to Treebrooke Condominium Association?
2. Does the proffer restrict the use of said property to whomever it is transferred and if so, what restrictions are on the use of said property.

As I informed you at the aforementioned meeting, the developer who presently claims ownership to said property is prepared to deed the six-tenths of an acre to either the Treebrooke Recreation Association or the Treebrooke Condominium Association. Accordingly, I would be most appreciative if you could render your opinion to the undersigned as expeditiously as possible.

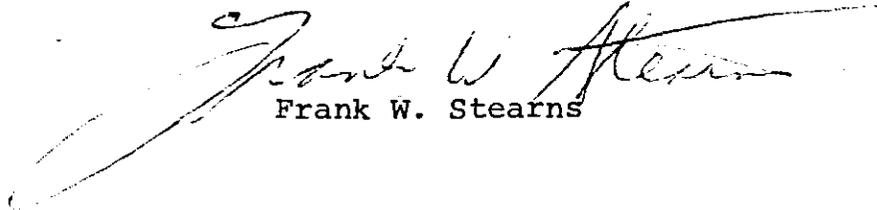
WILKES & ARTIS

CHARTERED

Mr. Philip G. Yates
November 30, 1981
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Should you have any questions in regard to
the above, or should further information be necessary,
please do not hesitate to contact me.

Very truly yours,



Frank W. Stearns

FWS/ems
Enclosure

cc: Mr. Stanley Ellis
Mr. Foster Allen

