

FAIRFAX COUNTY
F E D E R A T I O N
of Citizens Associations Established 1940

4022 Hummer Road
Annandale, VA 22003

25 May 2009

Fairfax County Planning Commission
12000 Government Center Parkway
Suite 330
Fairfax, VA 22035

Subject: Proposed Zoning Ordinance Amendment to allow waiver of residential minimum lot width requirement as applied to the application SE 2007-DR-025

Dear Commissioners:

The membership of the Fairfax County Federation of Citizens Associations hereby expresses its opposition to the proposed Special Exception SE 2007-DR-025 because the subdivision proposed by the Special Exception would seriously violate (1) the present zoning in the area in terms of the minimum lot width and (2) the principles that we espoused in our original letter of January 2007, which is attached.

The applicant proposes to divide a 342-foot lot width into two lots, one 50 feet wide and the other 292 feet wide. The zoning in the area requires a lot width of at least 200 feet. Any subdivision would result in at least one lot width of less than 200 feet, in violation of the R-E zoning. In fact, the proposed subdivision results in a lot width that is even less than the 150 feet width of the houses across Old Dominion Drive.

Granting SE 2007-DR-025 would continue a trend of downzoning that erodes the Zoning Ordinance and would encourage all R-E and other large-lot owners to seek subdividing their properties simply to increase the value of the properties for future re-sale. We sympathize with the current owners, who want to have their children live nearby. They do propose the alternative of replacing the existing house with a larger house (Appendix 3 of the Application). In any case, they knew, or should have known, the zoning limitations when they purchased this property.

Sincerely,

Frederick A. Costello
Chair, Land Use Committee
Fairfax County Federation of Citizens Associations

4022 Hummer Road
Annandale, VA 22003

January 31, 2007

Fairfax County Board of Supervisors
12000 Government Center Parkway
Suite 533
Fairfax, VA 22035

Subject: Proposed Zoning Ordinance Amendment to allow waiver of residential minimum lot width requirement

Dear Supervisors:

On December 14, the Membership of the Fairfax County Federation of Citizens Associations voted unanimously to recommend deferral of the subject lot width waiver, unless and until more rigorous standards for relief are established. We also suggested the following as appropriate standards and restrictions on the use of the waiver:

Lot width waivers in applications involving subdivision of lots should not be granted if the result will increase the yield of allowable dwelling units on the subject property.

For any given applicant, the grant of a lot width waiver should preclude the granting of relief for minimum required side yards. Rationale is to prevent developers from combining lot width waivers with the newly approved ZOA allowing reductions in minimum side yards.

Waivers should result in lot widths that are no less than 75% of the minimum lot width requirements. Rationale is to restrict pipestem subdivisions, which permanently impair the character and quality of existing neighborhoods.

For residential properties, waivers should be granted only after the applicant affirms that the relief sought is consistent with any applicable homeowner and/or citizens association covenants. For over a year, the Federation has repeatedly asked the Staff, Planning Commission, and Board to help applicants be more attentive to homeowner covenants that might limit their intended renovations, fences, subdivisions, etc. The Federation is not asking the County to enforce or make binding determinations about covenants. Rather, we have asked the County to amend its application forms and instructions so that the applicant is reminded to review his application in light of applicable covenants.

We presented our concerns at the Planning Commission Hearing on January 11, 2007. In response to our statements and those of others, the Commission made some helpful adjustments to the conditions for this waiver, and voted to add "Covenants" to a statement in the application package.

We are grateful for the Commission's response, but it does not go far enough. In particular, we believe that further restrictions are needed to prevent pipestem subdivisions, which significantly impair the character and quality of existing neighborhoods.

At the January 11 hearing, Commissioner Hart acknowledged that he had not fully appreciated the effect this waiver could have in enabling 2-lot subdivisions on larger single lots. Two-lot subdivisions cannot be done by-right with a cul-de-sac, so this waiver would become a loophole for developers to double their lot yield over what the current zoning ordinance allows.

Through this entire series of Zoning Ordinance Amendments, the Federation has consistently asked for restrictions so that "relief" could not result in more homes than would be allowed under the Zoning Ordinance. This Board has pledged to uphold zoning standards while allowing relief to homeowners who want to add a room, raise a fence, etc.

It is obvious, however, that this waiver cannot be described as providing needed relief to a homeowner. The sole aim of this waiver is to increase the number of homes, or yield, on a lot, in excess of what would otherwise be allowed.

Against these concerns, Commissioner Hart has suggested that newly adopted Shape Factor rules could limit how this waiver might be used to create pipestem lots. In response, I offer this routine example of a pipestem subdivision for a narrow 1-acre lot in a district zoned R2:

Start with a 1 acre lot with 110' frontage and 400' deep. Area is 44,000 SF and is zoned R2, but the street frontage is too narrow to allow subdivision. Imagine a developer wants to subdivide using a half-acre pipestem: Driveway is a 16' x 235' stem connecting to a back-lot of 165' x 110'. Area is 21,910 SF. Pipestem perimeter is $16+400+110+165+94+235 = 1020$ ' Shape Factor = $\text{Perimeter squared} / \text{area} = 1020^2 / 21,0910 = 47.5$

Under the recently adopted Shape Factor amendment, the Board of Supervisors may approve shape factors up to 50. Therefore, Shape Factor limits cannot be relied upon to prevent pipestem subdivisions.

We respectfully reiterate our request for additional restrictions to further limit the use of this waiver. While further study would defer this ZOA, we believe it is worth the wait to uphold zoning standards that uphold minimum lot widths and prevent pipestem subdivisions in established neighborhoods.

Thank you for giving weight to the position of the Federation in your decision on this important change to County zoning standards.

Sincerely,

Steve DelBianco
Chair, Land Use Committee

Fairfax County Federation of Citizens Associations

cc: John Jennison, President, Fairfax County Federation of Citizens Associations