



## Department of Planning and Zoning

# Technical Bulletin

**Subject: Compliance with the Minimum Yard and Location Requirements of the Zoning Ordinance**

**Date: 1/8/2018**

**No.: 18-01**

**Summary:** This Technical Bulletin supersedes Technical Memorandum 10-02 concerning compliance with the minimum yard and location requirements of the Zoning Ordinance (setback certifications) which was issued on February 3, 2010. **Beginning on February 1, 2018, Zoning Administration will no longer require the submission and approval of a setback certification for new single family detached dwellings or additions to single family detached dwellings that are within two feet of a minimum required yard.** In instances where a site or building inspector has cause to believe that a minimum yard requirement for a new single family detached dwelling or an addition to an existing single family detached dwelling may not be met, the inspector can require the submission and approval of a setback certification to ensure compliance.

**Effective Date:** February 1, 2018

**Background:** The setback certification process was endorsed by the Board of Supervisors and began in 2010 to ensure that new single family detached dwellings and additions to single family detached dwellings met the zoning setback requirements prior to final inspection approval or issuance of a Residential Use Permit (RUP). Setback certifications were required for all new single family detached dwellings and additions to single family detached dwellings that were within two feet of any minimum yard requirement. While it is recognized that setback certifications serve to ensure compliance with the zoning setback requirements, this must be weighed against the additional time and expense to the applicant in having the setback certification plat prepared and approved and the staff resources required to process these certifications. As part of the Board of Supervisors adoption of the FY 2018 budget, the elimination of the setback certification process, except in limited circumstances, was one of the Department of Planning and Zoning's (DPZ) budget reductions.

**Requirement:** Effective February 1, 2018, setback certifications will only be required for new single family detached dwellings or additions to single family detached dwellings when a building or site inspector has cause to believe that the minimum yard requirements might not be met. In such instances, the submission and approval of a setback certification is required prior to the issuance of a RUP for a new single family detached dwelling, or prior to the final inspection of an addition to a single family detached dwelling. In addition, setback certification submission and approval will still be required when the Building Permit for a new single family detached dwelling or addition was approved prior to February 1, 2018, and was designated as requiring setback certification approval.

If a setback certification is required, a notation regarding the requirement will be made in the building permit file in the Fairfax Inspections Database On-line (FIDO) system. The setback survey must verify compliance with the minimum yard requirements of the Zoning Ordinance prior to the issuance of the RUP in the case of new single family detached dwellings; and prior to approval of the final inspection for additions to single family detached dwellings. The setback certification must be prepared, sealed and signed by a professional in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with Chapter 4 of Title 54.1 of the Code of Virginia and attendant regulations.

As stated above, if a setback certification is deemed necessary, the RUP for a new house will not be issued until the certification is submitted to DPZ and the structure is verified as compliant with the Zoning Ordinance. In the case of additions where the final building inspection serves as the occupancy permit, county inspectors will be requesting documentation of an approved certification prior to conducting the final inspection.

The setback certification must include the distance from the dwelling unit, including any extensions from the vertical plane of the structure (such as eaves, bay windows, chimneys, etc.), to the lot line or lines in question. In the event that an eave is encroaching into a minimum required yard, the setback certification must also include the height of the eave above the finished ground level, in accordance with Par. 1A of Sect. 2-412 of the Zoning Ordinance. If all structures on the property and their respective distances to all lot lines are shown on the setback certification, the setback certification may also serve as the as-built house location survey plat required for new single family detached dwellings pursuant to Par. 13 of Sect. 18-704 of the Zoning Ordinance.

Three copies of the setback certifications must be submitted to the Zoning Administration Division, Ordinance Administration Branch, DPZ, located in Suite 807 of the Herrity Building, 12055 Government Center Parkway, Fairfax, Virginia 22035. Questions regarding the submission and processing of setback certifications should be directed to the Ordinance Administration Branch at 703-324-1314.

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