

## ZONING ADMINISTRATOR INTERPRETATIONS

Presented on the following pages are official interpretations of the various provisions of the Zoning Ordinance that have been made by the Zoning Administrator in accordance with the provision set forth in Sect. 18-103 of the Ordinance. It is to be noted that the interpretations as presented in this form are not all encompassing. Many other interpretations have been and are continually made on a daily basis and are presented in either oral or letter form.

The interpretations presented on the following pages are provided for the benefit and common understanding of those parties who reference the Zoning Ordinance. Several of the interpretations have been superseded by subsequent interpretations or amendments to the provisions of the Zoning Ordinance that have been adopted. Those that have been superseded are as follows:

Interpretation #3, issued August 22, 1978, was superseded by Zoning Ordinance Amendment #79-9, adopted January 16, 1979.

Interpretation #4, issued August 24, 1978, was superseded by Interpretation #52, issued June 14, 1984.

Interpretation #5, issued August 25, 1978, was superseded by Zoning Ordinance Amendment #92-234, adopted December 14, 1992, effective December 15, 1992.

Interpretation #7, issued August 22, 1978, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #8, issued August 22, 1978, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #9, issued September 27, 1978, was superseded by Zoning Ordinance Amendment #85-117, adopted February 25, 1985.

Interpretation #10, issued December 8, 1978, was superseded by Zoning Ordinance Amendment #79-9, adopted January 16, 1979.

Interpretation #11, issued February 9, 1979, was superseded by Zoning Ordinance Amendment #90-194, adopted August 6, 1990, effective August 7, 1990.

Interpretation #13, issued February 28, 1979, was superseded in part by Zoning Ordinance Amendment #92-229, adopted August 3, 1992, effective August 4, 1992.

Interpretation #15, issued February 28, 1979, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #19, issued April 11, 1979, was superseded by Zoning Ordinance Amendment #87-141, adopted April 27, 1987, effective April 28, 1987, at 12:01 AM.

Interpretation #21, issued April 12, 1979, revised March 1, 1985, was superseded by Zoning Ordinance Amendment #89-184, adopted October 30, 1989, effective October 31, 1989, at 12:01 AM.

Interpretation #24, issued June 19, 1979, was superseded by Zoning Ordinance Amendment #87-141, adopted April 27, 1987, effective April 28, 1987, at 12:01 AM.



Interpretation #25, issued June 19, 1979, was superseded by Zoning Ordinance Amendment #90-189, adopted March 26, 1990, effective March 27, 1990, at 12:01 AM.

Interpretation #25A, issued October 17, 1979, was superseded by Zoning Ordinance Amendment #90-189, adopted March 26, 1990, effective March 27, 1990, at 12:01 AM.

Interpretation #29, issued August 7, 1979, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #30, issued August 7, 1979, was superseded by Zoning Ordinance Amendment #87-150, adopted October 19, 1987, effective October 20, 1987, at 12:01 AM.

Interpretation #31, issued August 7, 1979 and revised November 9, 1988, was superseded by Zoning Ordinance Amendment #91-197, adopted February 25, 1991, effective February 26, 1991, at 12:01 AM.

Interpretation #37, issued May 16, 1980, was superseded by Interpretation #37 (Clarified), issued October 29, 1980.

Interpretation #38, issued September 30, 1980, was superseded by Zoning Ordinance Amendment #90-193, adopted July 23, 1990, effective July 31, 1990.

Interpretation #41, issued April 13, 1981, was superseded by Zoning Ordinance Amendment #83-79, adopted March 28, 1983.

Interpretation #46, issued October 29, 1982, was superseded by Zoning Ordinance Amendment #83-81, adopted March 28, 1983, effective April 4, 1983, and #83-83, 83-84, and 83-85, adopted April 25, 1983, effective May 2, 1983.

Interpretation #50, issued February 10, 1984, was superseded by Zoning Ordinance Amendment #85-115, adopted January 28, 1985, effective January 29, 1985.

Interpretation #52, issued June 14, 1984, was superseded by Zoning Ordinance Amendment #85-118, adopted April 29, 1985.

Interpretation Number 1

Subject Provision: Submission Requirements

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: August 15, 1978

**Background/Issue:**

The following sections set forth submission requirements for the various types of applications provided for in the Zoning Ordinance which became effective on August 14, 1978. Many applications were filed with the County prior to August 14 but were not scheduled for public hearing until a subsequent date. The question is posed whether the applicants are required to amend their submission requirements in accordance with the provisions of the new Zoning Ordinance.

The subject provisions of the Zoning Ordinance are as follows:  
Sect. 8-011, 9-011, 18-104, 18-202, 18-403, 18-602, 18-703, 18-802.

**Zoning Administrator Interpretation:**

If an application was complete, in accordance with the applicable provisions at the time of filing, and filed prior to August 14, 1978, there will be no requirement to amend the submission requirements in accordance with the above referenced provisions. All applications filed on August 14 or on a later date shall be filed in accordance with the above referenced provisions.

Philip G. Yatta

Zoning Administrator

Interpretation Number 2

Subject Provision: Par. 1 of Sect. 2-308

**ZONING ORDINANCE**  
**CHAPTER 112 OF THE 1976 CODE OF THE**  
**COUNTY OF FAIRFAX, VIRGINIA**

Date: August 17, 1978

**Background/Issue:**

In many instances a parcel can be subdivided into lots which exceed the average lot area and/or the minimum lot area, whichever may be applicable, of the zoning district in which located and result in a total lot yield which exceeds the maximum density provision of the district. For example, a 2.98 acre parcel zoned R-3 could easily be subdivided into nine (9) lots which satisfy the lot size requirements, however, since the parcel size is less than three (3) acres, the maximum density provision would be exceeded.

**Zoning Administrator Interpretation:**

In all instances, the maximum density provision will govern. Unless there are other applicable provisions which would dictate to the contrary, in no instance will a subdivision be approved where the lot yield exceeds the maximum density provision of the district in which located.

Philip G. Yata  
Zoning Administrator

Interpretation Number 6  
Subject Provision: Par. 5 of Sect. 10-303

**ZONING ORDINANCE**  
**CHAPTER 112 OF THE 1976 CODE OF THE**  
**COUNTY OF FAIRFAX, VIRGINIA**

Date: August 22, 1978

**Background/Issue:**

Can a piano tuner and repairman repair pianos or piano parts in a garage on the property of his dwelling as a home occupation?

**Zoning Administrator Interpretation:**

By definition piano repair is deemed a repair service establishment. Par. 5 of Sect. 10-303 specifically lists repair service as a home occupation which is not permitted. Based on this provision, piano repairs cannot be performed on the premises of a dwelling used for a home occupation.

Philip G. Yates  
Zoning Administrator

Interpretation Number 12

Subject Provision: Par. 1 of Sect. 11-102

**ZONING ORDINANCE**  
**CHAPTER 112 OF THE 1976 CODE OF THE**  
**COUNTY OF FAIRFAX, VIRGINIA**

Date: February 22, 1979

**Background/Issue:** The question has been posed as to whether parking accessory to a given motel which is located on property zoned C-7 can be provided on an adjacent parcel in the same ownership zoned C-4. In essence, an interpretation of the term "zoning classification" in Par. 1 of Sect. 11-102 has been requested.

**Zoning Administrator Interpretation:** For the purpose of Par. 1 of Sect. 11-102, the term "zoning classification" shall be deemed to be as follows:

If the use is a permitted use and is located in an R District, the off-street parking required by the provisions of Article 11 must be located on contiguous land in the same identical R District.

If the use is a permitted use and is located in a C District, the off-street parking required by the provisions of Article 11 may be located in any C District contiguous to the lot of the permitted use.

If the use is a permitted use and is located in an I District, the off-street parking required by the provisions of Article 11 may be located in any I District contiguous to the lot of the permitted use.

If the use is a permitted use and is located in a C District, the off-street parking required by the provisions of Article 11 may be located in any I District contiguous to the lot of the permitted use, if the subject use is also a permitted use in the I District. The converse of this situation would also be applicable.

If the use is represented on a proffered development plan; is in a P District; or is the subject of a special permit or special exception, the off-street parking required by the provisions of Article 11 must be located in accordance with the development plan or plat approved with such rezoning, special permit or special exception.

This interpretation shall not be construed to prevent one from applying for a special exception for parking in R Districts in accordance with the provisions of Part 6 of Article 9.

*Philip G. Yates*

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Zoning Administrator

Interpretation Number 13

Subject Provision: Sect. 13-201 and Sect. 13-202

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: February 28, 1979  
Revised April 1997\*

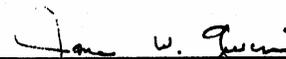
**Background/Issue:**

The subject sections require in essence that any parking lot which contains twenty (20) or more spaces shall provide interior and peripheral landscaping. The question is posed as to whether the provisions are applicable to the expansion of an existing parking lot, which expansion in itself does not contain twenty (20) spaces, but the resulting combined total number of spaces would be twenty (20) or more.

**Zoning Administrator Interpretation:**

There can be no question but that the underlying purpose of these provisions is to have application on all parking lots of certain size, i.e., those containing twenty (20) or more spaces. Within the area of the proposed expansion of a parking lot, the Director shall require both interior and peripheral landscaping measures in accordance with the subject provisions, except where the requirement of same would not be feasible or would result in unsafe traffic movements within the parking lot in which case the Director may modify or waive the requirement.

\*Interpretation revised to reflect current Section references and to delete reference to parking spaces for handicapped persons (accessible parking spaces). (Necessitated by Amendments #90-190 and #92-229)

  
Zoning Administrator

Interpretation Number 14

Subject Provision: Definition of YARD, REAR

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: February 27, 1979

**Background/Issue:**

By definition, "where corner lots are designed for single family detached dwellings in the R-E through R-8 Districts, the rear yard may be of such minimum dimension as the side yard requirements for that district." In those R Districts where the side yard requirement is expressed, for example, as "12 feet, but a total minimum of 40 feet", the question is posed as to whether the two yards (side and rear) on a corner lot must satisfy the combined total minimum of 40 feet.

**Zoning Administrator Interpretation:**

No - the two yards (side and rear) on a corner lot do not have to satisfy the combined total of 40 feet illustrated above. They each must be a minimum of 12 feet as presented in the above example.

This interpretation is based on the fact that on a corner lot, the other two yards lying between the principal building and the intersecting streets are deemed front yards. When the required minimum front yards dimensions are combined with those for the minimum side yard dimensions, the combined total will consistently exceed the total side yard requirement presented for single family detached dwellings in the R Districts - therefore, the intent of the provisions will be achieved.

Philip S. Yates  
Zoning Administrator

Interpretation Number 16

Subject Provision: Definitions of Street,  
Street Line and Front Yard

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: March 7, 1979

**Background/Issue:**

If interpreted literally, an access or ingress-egress easement, regardless of width, would be considered a street. Consequently, based on the definition of yard, and more specifically front yard, it would appear that a minimum required front yard would have to be provided between any principal building and an access easement. Paradoxically, if the access to the lot was via a pipestem driveway, only a 25-foot minimum distance from the lot line formed by the pipestem or the edge of pavement, whichever is greater, would be required. The question is posed as to what is the required yard from an access easement.

**Zoning Administrator Interpretation:**

A lot bordered by a public or private street on one side and an access easement on another side shall not be considered a corner lot or a through lot unless said access easement serves more than five (5) existing or potential lots or dwelling units based on the existing zoning or comprehensive plan. Based on the definition of Street Line, an access easement is equivalent to a travel lane or private street and on such the street line is established at the curb line. Since the function and purpose of an access easement which serves five (5) or less existing or potential lots or dwelling units is the same as that of a pipestem driveway, the same yard requirements should be applicable. Thus the required yard from an access easement, as qualified above, shall be 25 feet measured from the edge of pavement or face of curb within the easement and not from the easement line itself.

Philip G. Yates  
Zoning Administrator

Interpretation Number 17

Subject Provision: Article 13

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: March 7, 1979  
Revised April 1997\*

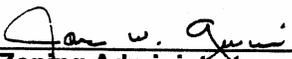
**Background/Issue:**

The question has been posed as to whether the Director's decision concerning the provisions of Article 13, Landscaping and Screening, and in particular those of Sect. 13-304, Transitional Screening and Barrier Waivers and Modifications, can be appealed.

**Zoning Administrator Interpretation:**

The provision of landscaping and screening in accordance with Article 13 can be appealed in accordance with the provisions of Par. 3 of Article 18, Appeals.

\*Interpretation revised to reflect correct Section reference and to delete reference to site plan appeal. (Necessitated by Amendments #90-190 and #92-232)

  
James W. Quinn  
Zoning Administrator

Interpretation Number 18

Subject Provision: Sect. 8-009, Sect. 19-206  
and Sect. 18-110

**ZONING ORDINANCE**  
**CHAPTER II2 OF THE 1976 CODE OF THE**  
**COUNTY OF FAIRFAX, VIRGINIA**

Date: March 7, 1979

**Background/Issue:**

Under the provisions of Sect. 8-009, Application for a Special Permit, and Sect. 19-206, Referral to Planning Commission, it is noted that there is no requirement that the Planning Commission hold a public hearing on special permits or other applications that have been referred to it from the Board of Zoning Appeals. By policy, the Planning Commission may elect to hold a public hearing. The question is posed as to whether the Planning Commission must abide by the provisions of Sect. 18-110, Required Notice for Public Hearings, in those instances where it does choose to hold a public hearing on a special permit or other application that has been referred to it by the BZA.

**Zoning Administrator Interpretation:**

Since a public hearing by the Planning Commission is not required by the provisions of the Zoning Ordinance, the notification requirements set forth in Sect. 18-110 are not mandatory. The Planning Commission may establish its own policy on the notification measures that will be taken when it elects to hold a public hearing on a special permit or other application referred to it by the BZA.

Philip G. Hata  
Zoning Administrator

Interpretation Number 20

Subject Provision(s): Par. 3A of Sect. 6-208

ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA

Date: April 12, 1979

Revised March 27, 1989\*

**Background/Issue:**

The subject provision allows the Board to grant an increase in the maximum floor area ratio in a PDC District when additional open space is provided. The provision reads as follows:

- A. More open space than the minimum required by Sect. 209 below - Not more than 2% for each additional 1% of the gross area provided in open space.

An interpretation has been requested as to the exact meaning of the clause "each additional 1% of the gross area provided in open space." Is this 1% computation based on the required area of open space specified for the district or is it based on the gross area of the site?

**Zoning Administrator Interpretation:**

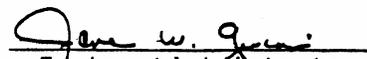
As was the procedure under the provisions of the previous Zoning Ordinance, the 1% computation is based on the required area of open space specified for the PDC District. To illustrate this density bonus provision, consider a proposed 10 acre PDC District which requires 15% of the gross area in open space and would permit a maximum floor area ratio of 1.5.

$10 \text{ acres} \times .15 = 1.5 \text{ acres of required open space}$

Open space proposed is 108,900 square feet or 2.5 acres which is 43,560 square feet or .66 (66 2/3%) more open space than required.

Thus,  $1.5 \text{ FAR} \times .02 \text{ (2\%)} \times .66 \text{ (66 2/3\%)} = .0198 \text{ bonus floor area ratio for a total permissible FAR of } 1.5198.$

\*Interpretation revised to delete reference to Par. 2A of Sect. 6-109. (Necessitated by Amendment #87-149)

  
Zoning Administrator

Interpretation Number 22

Subject Provision: Sect. 9-615

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: May 14, 1979  
Revised April 1997\*

**Background/Issue:**

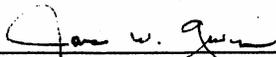
Can cluster and conventional lots be combined within one subdivision?

**Zoning Administrator Interpretation:**

The Zoning Ordinance is silent on combination cluster/conventional lot subdivisions. It is my interpretation, however, that whereas they definitely can be combined, it is clearly the intent that the combination would be permitted only if all the zoning district regulations, i.e., minimum district size, maximum density and open space, for cluster subdivisions are met within the cluster portion of the subdivision. To this end, all preliminary subdivision plats, if applicable, will specify that portion of the subdivision on which the cluster subdivision calculations are established.

Where appropriate, one homeowners' association will be established covering both the cluster and the conventional lots.

\*Interpretation revised to delete reference to Sect. 2-408 and to revise preliminary subdivision plat reference. (Necessitated by Zoning Ordinance Amendment #87-150 and Amendment 47-96-101 to the Subdivision Ordinance)

  
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Zoning Administrator

Interpretation Number 23

Subject Provision: Definition of YARD, PRIVA

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: June 4, 1979

**Background/Issue:**

Several inquiries have been received requesting clarification of the definition of Privacy Yard, especially the size and means of enclosing such yards. The traditional means for providing a privacy yard is to construct two parallel 6-foot fences perpendicular to the rear wall of a dwelling, thus providing a small private area enclosed on three sides. The basic question is: Is this the only way a privacy yard may be provided?

**Zoning Administrator Interpretation:**

The traditional means described above is one way to provide a privacy yard, however, such yards need not be limited to this configuration. For example, in the case of an end townhouse dwelling unit or a semi-detached dwelling unit which may have substantial rear/side yards, any portion or all of such yards may be included in the "privacy yard" so long as the area in question is a minimum of 200 square feet and is "contiguous to (the) building and enclosed on at least two (2) sides with either a wall or fence of six (6) feet minimum height."

  
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Zoning Administrator

Interpretation Number 26

Subject Provision: Definition: Floor Area,  
Gross

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: June 25, 1979

**Background/Issue:**

The question is posed as to whether or not an atrium mall is to be computed in the gross floor area of a building.

**Zoning Administrator Interpretation:**

As would be the case with a center courtyard, an atrium mall between buildings or building areas will not be computed in the gross floor area if the atrium is designed to serve as a solar energy gathering element for the related buildings or building areas, and is used for no other purpose incidental to the use(s) of the buildings other than to provide open space.

Philip G. Yates

Zoning Administrator

Interpretation Number 27

Subject Provision: Par. 1 of Sect. 15-101

ZONING ORDINANCE  
CHAPTER II2 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA

Date: July 10, 1979

**Background/Issue:**

Is a building which was grandfathered under the provisions of Sect. 2-103 or was constructed prior to the effective date of the Zoning Ordinance deemed to be a nonconforming building if the floor area ratio (FAR) exceeds the maximum FAR set forth in the zoning district in which located?

**Zoning Administrator Interpretation:**

Par. 1 of Sect. 15-101 states that a building or use shall not be deemed a nonconforming use if such was a conforming use prior to the effective date of the Ordinance, and such building or use would otherwise be a conforming use under the provisions of the Ordinance except that it does not meet the minimum district or lot size or minimum yard requirements of the zoning district in which located. Under a strict interpretation of the provisions of this paragraph, the referenced building would be deemed a nonconforming building.

However, it is my interpretation that it is not the intent to deem such buildings which were approved or constructed under the previous Zoning Ordinance to be nonconforming. Therefore, until an amendment to this paragraph can be duly adopted by the Board of Supervisors, a building will not be deemed nonconforming if such was a conforming building prior to the effective date of this Ordinance and such would be a conforming building except that it does not meet the minimum lot size requirements or bulk regulations of the zoning district in which located.

Philip G. Yates  
Zoning Administrator

Interpretation Number 28

Subject Provision: Sect. 11-106

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: July 11, 1979  
Revised November 9, 1988  
and April, 1997\*

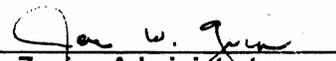
**Background/Issue:**

The question has been raised as to the appropriate number of parking spaces that are required for racquetball and handball courts. Is it the same requirement as set forth for tennis courts?

**Zoning Administrator Interpretation:**

Whereas a tennis club is the most similar type of use listed in Sect. 11-106, there is a definite dissimilarity between racquetball/handball and tennis in that a great deal of tennis is played in the form of doubles (four people), whereas racquetball and handball are predominately singles games (two people). Therefore, under the provisions of Par. 19 of Sect. 11-102, it is my determination that the parking standard for racquetball/handball courts is three (3) spaces per court, plus such additional spaces as may be required for affiliated uses.

\*Interpretation revised to reflect current Paragraph reference. (Necessitated by Amendments #88-164 and #93-241)

  
Zoning Administrator

Interpretation Number 32

Subject Provision: Par. 9 of Sect. 18-704

**ZONING ORDINANCE**  
**CHAPTER 112 OF THE 1976 CODE OF THE**  
**COUNTY OF FAIRFAX, VIRGINIA**

Date: September 26, 1979

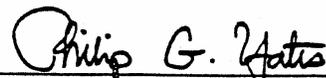
**Background/Issue:**

The question has been raised as to whether or not the completion of all trails within a subdivision is a prerequisite to the issuance of any Residential Use Permit (RUP) within that subdivision.

**Zoning Administrator Interpretation:**

Where a trail or walkway is required by the provisions of Sect. 17-201, but is not located upon a specific lot or is not required for access to and from that lot, then it need not be completed in order to obtain a Residential Use Permit for the dwelling on that lot.

The primary purpose of the Residential Use Permit is to assure that a specific dwelling is complete, safe and habitable, and that ample access and protection can be afforded to it. The RUP is not intended to assure completion of public improvements which are otherwise guaranteed by bond, and which do not relate directly to the dwelling for which a RUP is sought.

  
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Zoning Administrator

Interpretation Number 33

Subject Provision: Par. 1 of Sections  
18-108 and 18-211

**ZONING ORDINANCE**  
**CHAPTER 112 OF THE 1976 CODE OF THE**  
**COUNTY OF FAIRFAX, VIRGINIA**

Date: October 15, 1979  
Revised February 21, 1989 \*

**Background/Issue:**

Paragraphs 1 of Sections 18-108 and 18-211 present a twelve (12) month limitation on rehearing for applications or appeals which have been denied, dismissed or withdrawn. The question is posed as to whether these paragraphs preclude the filing of a new application within the twelve (12) month period.

**Zoning Administrator Interpretation:**

These paragraphs only impose a limitation on the rehearing of an application or appeal - not the refileing. Thus, an application could be refiled within this period, but public hearing dates could not be scheduled until twelve (12) months after the date of the denial, dismissal or withdrawal of the previous application, unless this limitation is waived by the approving body as provided for in these Sections.

  
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Zoning Administrator

\* Interpretation revised to include reference to Par. 1 of Sect. 18-108 and to reflect correct Section reference of Sect. 18-211. (Necessitated by Amendments #80-38 and #81-53)

Interpretation Number 34

Subject Provision: Par. 3 of Sect. 2-308

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: November 6, 1979  
Revised April, 1997\*

**Background/Issue:**

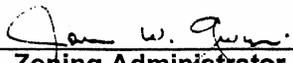
The questions has been posed as to whether the provisions of Par. 3 of Sect. 2-308 are applicable to a utility easement acquired after the effective date of the Zoning Ordinance, i.e., August 14, 1978, if such easement is located entirely within an easement twenty-five (25) feet or greater in width which existed prior to August 14, 1978. And secondly, when do the subject provisions apply if such easement is located partially within and partially outside an easement twenty-five (25) feet or greater in width which existed prior to August 14, 1978?

**Zoning Administrator Interpretation:**

The underlying purpose of the provisions set forth in Par. 3 of Sect. 2-308 is to preclude that area subject to a new major utility easement or right-of-way as defined from being used in the calculation of permitted residential density on a given parcel. This purpose originates from the premise that a major utility easement or right-of-way does pose a site development constraint on a given property because it reduces flexibility in lot layout and often necessitates a tighter clustering or crowding of the residential units on the remainder of the property. A second premise is there is a compensation rendered for the easement by the utility company and consequently a second compensation in the form of density credit is inappropriate.

Based on this background consideration, it is my interpretation that a new easement located entirely within a pre-existing easement is not subject to the provisions of Par. 3 of Sect. 2-308 because such new easement generally will not pose any additional development constraint than the pre-existing easement. Based on this same logic, it is my interpretation that in the second instance referenced above, i.e., where a new easement is located partially within and partially outside a pre-existing easement which combined total width is twenty-five (25) feet or greater, then only that area of the new easement outside of the pre-existing easement shall be subject to the provisions of Par. 3 of Sect. 2-308.

\*Interpretation revised to reflect current Paragraph reference. (Necessitated by Amendment #95-269)

  
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Zoning Administrator

Interpretation Number 35

Subject Provision: Sect. 13-103 & Sect. 18-101

**ZONING ORDINANCE**  
**CHAPTER II2 OF THE 1976 CODE OF THE**  
**COUNTY OF FAIRFAX, VIRGINIA**

Date: November 6, 1979

**Background/Issue:**

The question has been posed as to whether the Zoning Administrator can override a decision of the Director (Department of Environmental Management) or one of the Director's agents concerning the administration of the provisions of Article 13, Landscaping and Screening. Sect. 13-103 clearly states that the Director shall be responsible for the administration of Article 13; however, Sect. 18-101 tends to suggest that the Zoning Administrator has the final authority to administer and enforce all of the provisions of the Zoning Ordinance.

**Zoning Administrator Interpretation:**

By Ordinance provision, namely Sect. 13-103, the Director is given the responsibility for administering the provisions of Article 13. Such responsibility must by necessity include the authority to exercise discretion in the continuing administration of the provisions set forth in this Article. It is my determination that it would not be appropriate for the Zoning Administrator to become involved with the discretion and decisions related to the ongoing administration of Article 13 unless a decision concerns a question of interpretation of one of the provisions of the Article.

Philip G. Yatta  
Zoning Administrator

Interpretation Number 36

Subject Provision: Definition of Landscaped  
Open Space

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: November 6, 1979

**Background/Issue:**

The question has been posed as to whether or not a landscaped area beneath a building on "stilts" can qualify and/or satisfy the Zoning Ordinance requirements for landscaped open space.

**Zoning Administrator Interpretation:**

Open Space is defined in part, as "That area within the boundary of a lot that is intended to provide light and air..." The definition of landscaped open space states "That open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing...a general appearance of openness...." Therefore, based on these definitions, it is my interpretation that a landscaped plaza beneath a building on stilts cannot be used to satisfy the minimum open space or landscaped open space requirement set forth for a given district.

  
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Zoning Administrator

Interpretation Number 37 (Clarified)

Subject Provision: Part 2 of Article 11, Off-Street  
Parking

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: May 16, 1980  
October 29, 1980

**Background/Issue:**

The question has been posed as to whether a developer should provide loading spaces for townhouse style office complexes based on the total combined gross floor area of all units, or based on the gross floor area of each individual unit.

Several parties have indicated the need to clarify the interpretation presented in the original response to this question.

**Zoning Administrator Interpretation:**

The loading space requirements for townhouse style office complexes should be based on the gross floor area of each individual unit rather than the combined gross floor area of all units. Consequently, the provision set forth in Par. 14 of Sect. 11-202 will generally be applicable.

This position is based on the fact that the continuing requirements for loading spaces for a townhouse style office complex are not the same as they are for a single, more conventional single-entry office building. Secondly, the practicality of providing conveniently located loading spaces to the several or many entrances in a townhouse style office complex is quite remote.

Philip G. Yates  
Zoning Administrator

Interpretation Number 39

Subject Provision: Par. 2 of Sect. 2-308

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: October 27, 1980

**Background/Issue:**

When a given lot is comprised of more than thirty (30) per cent of the features enunciated in Par. 2 of Sect. 2-308, the question has been posed as to whether the fifty (50) per cent density limitation applies to the entire area of the lot comprised of such features. For example, if 42% of a lot is in floodplains and adjacent slopes in excess of fifteen (15) per cent grade would the entire 42% of the lot be subject to the density limitation?

**Zoning Administrator Interpretation:**

No--in the above example, the 42% of the lot would not be subject to the density limitation. Only 12%, or 42% - 30%, would be subject to the limitation. There is no density limitation on the first 30% of any lot.

This interpretation is supported by both the original wording and the current wording in the subject provision which reads "...then fifty (50) per cent of the maximum permitted density shall be calculated for that area of the lot which exceeds thirty (30) per cent of the total area of the lot..." Furthermore, the legislative history of this provision substantiates the interpretation, as the final version of the provision as adopted represents a compromise position that was reached which in essence did not penalize any lot with density limitations for the first 30%.

To interpret or administer the provision otherwise would indeed be unjust, e.g., a parcel comprised of 29% of the features--no density limitation, in contrast to a parcel comprised of 34% of the features--34% subject to density limitation. Such was not the intent when the provision was adopted, and it has consistently been administered in accordance with the interpretation noted above since August 1978.

Philip G. Yates  
Zoning Administrator

Interpretation Number 40  
Subject Provision(s): Par. 3C of Sect. 6-208

ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA

Date: March 6, 1981  
Revised March 23, 1989\*

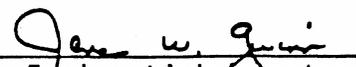
**Background/Issue:**

The question has been posed as to exactly what constitutes a below-surface off-street parking facility as that term is used in Par. 3C of Sect. 6-208.

**Zoning Administrator Interpretation:**

For the purpose of the above-referenced provision, a below-surface off-street parking facility shall be a structure so designed to park a minimum of ten (10) vehicles, which structure is located completely below the finished grade on the site on at least two (2) sides.

\*Interpretation revised to delete  
reference to Par. 2C of Sect. 6-109.  
(Necessitated by Amendment #87-149)

  
Zoning Administrator

Interpretation Number 42

Subject Provision: Par. 1 of Sect. 10-102

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: April 13, 1981

**Background/Issue:**

The question has been posed as to how many amusement machines are permitted as an accessory use to the various establishments identified in the subject provision.

**Zoning Administrator Interpretation:**

Because the size of the establishments identified in the subject provision can vary greatly, it is difficult to prescribe a set maximum number of amusement machines that may be permitted as an accessory use in any one establishment. Judgment will have to be exercised on a case by case basis to ensure that amusement machines are indeed an accessory use as defined.

In general, however, the area occupied by such amusement machines should not exceed 10% of the net floor area of the establishment nor should the total number of amusement machines as an accessory use exceed ten (10) in any one establishment.

  
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Zoning Administrator

Interpretation Number 43

Subject Provision: Par. 3B and Par. 6 of Sect. 3-  
Sect. 3-806; Par. 3A and Par.  
Sect. 3-1206, Sect. 3-1606,  
Sect. 3-2006; and Par. 1 of  
Sect. 2-409

ZONING ORDINANCE  
CHAPTER II2 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA

Date: April 13, 1981

**Background/Issue:**

When read and administered collectively, the subject provisions would tend to suggest that every single family attached dwelling in the R-5 through R-20 Districts must be located on a lot that has a minimum width of 18 feet, unless the minimum lot width requirement is waived by the Board of Supervisors in accordance with the provisions of Sect. 9-613. If this circumstance is correct, the question is posed as to how the subject provisions will be administered for single family attached dwellings in instances where there are no proposed lots, as for example in a rental development or a condominium development comprised of "triminiums" or "piggyback" units.

**Zoning Administrator Interpretation:**

The definition of single family attached dwelling is quite clear that "dwellings such as semidetached, garden court, patio house, zero lot line, 'piggyback' town house, 'back to back' town house and town house shall (all) be deemed single family attached dwellings." In addition, it is noted that single family attached dwellings as defined are permitted uses in the R-5 through R-20 Districts. With these givens, it is difficult to conclude that only single family attached dwellings on individual lots having a minimum width of 18 feet, such as conventional town houses or patio house, are permitted as a matter of right, whereas other unit styles as defined, such as "piggyback" town houses which cannot be developed on lots regardless of the lot width, must be approved by the Board. There is no logic to such a conclusion.

It must be noted, however, that the Zoning Ordinance does prescribe an 18 foot minimum lot width requirement for single family attached dwellings, and such a requirement must be administered in a uniform manner irrespective of the proposed subdivision and ownership/occupancy of the units, i.e., the zoning provisions should remain constant for rental, condominium and individual unit/lot sale developments. Consequently, in recognition of the intent of the 18 foot minimum lot width requirement, it is my interpretation that all types of single family attached dwellings as defined will be considered permitted uses and except as may be required by Sect. 2-409, will not require Board approval if all units have a minimum 18 foot width, measured at the centerline of the walls. Conversely, any such proposed unit(s) that is less than 18 feet wide must be approved by the Board in accordance with the provisions of Sect. 9-613.

Philip G. Yates

Zoning Administrator

Interpretation Number 44

Subject Provision: Par. 1 of Sect. 11-102

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: September 4, 1981

**Background/Issue:**

The question has been posed as to whether additional or overflow parking that is accessory to a multiple family dwelling development in an R-30 District can be located on an adjacent parcel zoned R-12.

**Zoning Administrator Interpretation:**

Yes, accessory parking which is in addition to that required by the provisions of Article 11, may be located on an adjacent parcel(s) which has a different zoning classification if the following conditions are satisfied:

- The subject parcels are under the same ownership.
- The subject parcels are developed under a common site plan, and otherwise satisfy the definition of LOT as presented in Article 20.
- The parking is accessory to a dwelling type that is a permitted use in the zoning district in which the parking is provided, e.g. parking accessory to a multiple family dwelling development may be located in the R-12 through R-30 Districts.

It is to be noted that this interpretation does not encompass accessory parking that is required by the provisions of Article 11. Attention is directed to Interpretation Number 12 on that subject.

  
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Zoning Administrator

interpretation Number 45

Subject Provision: Par. 3 of Sect. 9-101  
Par. 2 of Sect. 10-102

**ZONING ORDINANCE**  
**CHAPTER II2 OF THE 1976 CODE OF THE**  
**COUNTY OF FAIRFAX, VIRGINIA**

Date: September 10, 1982

**Background/Issue:**

Numerous inquiries have been made recently in reference to cable television systems and their associated dish antennae. The basic question concerns the determination as to whether these structures are to be deemed antennae and permitted as an accessory use in accordance with the provisions of Part 1 of Article 10 or should they be deemed satellite earth stations as regulated by the provisions set forth in Part 1 of Article 9.

**Zoning Administrator Interpretation:**

A cable television system with its associated satellite earth station which is in accordance with the definition of cable television system as set forth in Par. h of Sect. 9-2-1 of The Code of the County of Fairfax shall be deemed a light public utility use and shall require approval of a Category 1 special exception.

A dish antenna or satellite earth station which is not part of a cable television system as defined and is located on the same lot as the use to which it is accessory shall be deemed an antenna and shall be permitted as an accessory use in accordance with the provisions of Part 1 of Article 10. If such dish antenna or satellite earth station is not located on the same lot as the use to which it is accessory, it shall be deemed a light public utility use and shall require approval of a Category 1 special exception.

  
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Zoning Administrator

Interpretation Number 47

Subject Provision: Sect. 11-106

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: July 20, 1983  
Revised November 9, 1988  
and April, 1997\*

**Background/Issue:**

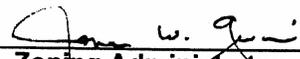
The question has been raised as to the number of parking spaces that are required for riding and boarding stables. An applicable requirement is not set forth in Part 1 of Article 11.

**Zoning Administrator Interpretation:**

In accordance with the provision set forth in Par. 19 of Sect. 11-102, it is my determination that the minimum number of parking spaces that are required for a riding and boarding stable shall be as follows:

One (1) space per 4 stalls, plus one (1) space per employee, plus sufficient spaces to accommodate the largest number of vans/trailers and vehicles that may be expected at any one time.

\*Interpretation revised to reflect current Paragraph reference. (Necessitated by Amendments #88-164 and #93-241)

  
James W. Gini  
Zoning Administrator

Interpretation Number 48

Subject Provision: Definition of PUBLIC USE

**ZONING ORDINANCE  
CHAPTER II2 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

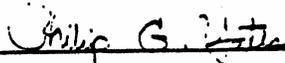
Date: August 23, 1983

**Background/Issue:**

A U.S. Postal Service facility is a use not specifically listed or defined in the Zoning Ordinance. Which use listed in the Zoning Ordinance has the most similar characteristics?

**Zoning Administrator Interpretation:**

Notwithstanding the fact that a U.S. Postal Service facility is not controlled exclusively for public purposes by a department or branch of the Federal Government, it is my interpretation that the term PUBLIC USE as defined in the Zoning Ordinance is the use that has the most similar characteristics to a U.S. Postal Service facility. Consequently, a U.S. Postal Service facility will be deemed a PUBLIC USE and will be regulated accordingly.

  
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Zoning Administrator

Interpretation Number 49

Subject Provision: Definition of PUBLIC USE

**ZONING ORDINANCE  
CHAPTER 112 OF THE 1976 CODE OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

Date: August 24, 1983

**Background/Issue:**

Parks and facilities operated by the Northern Virginia Regional Park Authority are uses not specifically listed or defined in the Zoning Ordinance. Which use listed in the Zoning Ordinance has the most similar characteristics?

**Zoning Administrator Interpretation:**

Notwithstanding the fact that a Northern Virginia Regional Park Authority facility is not controlled exclusively for public purposes by a department or branch of the Commonwealth of Virginia, the Fairfax County government under the direct authority of the Board of Supervisors or the Fairfax County Park Authority, it is my interpretation that the term PUBLIC USE as defined in the Zoning Ordinance is the use that has the most similar characteristics to a Northern Virginia Regional Park Authority facility. Consequently, a Northern Virginia Regional Park Authority facility will be deemed a PUBLIC USE and will be regulated accordingly.

  
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Zoning Administrator

Interpretation Number 51

Subject Provision: Par. 3 of Sect. 11-104

**ZONING ORDINANCE**  
**CHAPTER 112 OF THE 1976 CODE OF THE**  
**COUNTY OF FAIRFAX, VIRGINIA**

Date: June 12, 1984

**Background/Issue:**

On June 4, 1984, the Board of Supervisors adopted an amendment to the definition of CAR WASH as set forth in Article 20 to incorporate an establishment which washes and waxes motor vehicles by hand. Prior to the amendment, a car wash was defined as an establishment or structure using only production-line, automated or semi-automated methods for washing. As a consequence of this amendment, the question has been posed as to the appropriate parking standard for a car wash establishment which washes and waxes motor vehicles only by hand.

**Zoning Administrator Interpretation:**

A review of the parking standard for car washes as set forth in Par. 3 of Sect. 11-104 indicates that the standard is definitely oriented to an automated or self-service type car wash. Such a standard is excessive for a low-volume car wash establishment where motor vehicles will be washed and waxed exclusively by hand.

Based on this conclusion, it is my determination that the parking standard for a car wash establishment which washes and waxes motor vehicles exclusively by hand shall be:

Two (2) spaces per service bay, plus one (1)  
space per employee, but never less than five (5)  
spaces.

This is the same parking standard as set forth in the Zoning Ordinance for a service station.

  
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Zoning Administrator

