

**FAIRFAX COUNTY PLANNING COMMISSION  
POLICY AND PROCEDURES COMMITTEE  
WEDNESDAY, DECEMBER 9, 2004**

COMMITTEE MEMBERS PRESENT:

Walter A. Alcorn, At-Large  
John R. Byers, Mount Vernon District  
Janet R. Hall, Mason District  
James R. Hart, at-Large  
Nancy Hopkins, Dranesville District  
Laurie Frost Wilson, At-Large

COMMITTEE MEMBER ABSENT:

Suzanne F. Harsel, Braddock District

OTHERS PRESENT:

Barbara Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
William Shoup, Zoning Administrator, DPZ  
Donna Pesto, Senior Assistant to the Zoning Administrator, Zoning Administration Division, DPZ  
Diane Johnson-Quinn, Assistant Zoning Administrator, ZAD, DPZ  
Lorrie Kirst, Deputy Zoning Administrator, ZAD, DPZ  
James Pammel, Board of Zoning Appeals  
Barbara J. Lippa, Executive Director, Planning Commission Office  
Linda B. Rodeffer, Clerk, Planning Commission Office

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The meeting was called to order at 7:00 p.m. by Chairman Janet R. Hall, in the Board of Supervisors' Conference Room, Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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At the request of Chairman Hall, Diane Johnson-Quinn, Assistant Zoning Administrator, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the revised text for the Planned Development Districts Zoning Ordinance Amendment. She noted that an information session had been held on September 16, 2004 for public comment. She distributed a draft of the proposal and a cover memorandum dated December 2, 2004, copies of which are in the date file.

Ms. Johnson-Quinn summarized the changes as follows:

- Procedural changes – to change the review process for P district applications to the submission of a single development plan, the planned district plan (PDP) with a P district

rezoning application, which would be approved by the Board of Supervisors in conjunction with the approval of a P district rezoning.

- Submission requirement changes – to require a greater level of detail on the plan to include existing conditions on the site and surrounding properties and showing building footprints, required yards, architectural elevations and other graphic information.

- General changes – to modify the Purpose and Intent section of P districts to encourage environmental sensitivity and tree preservation and to require applicants to demonstrate how submitted proposals would satisfy the Residential Development Criteria.

Ms. Johnson-Quinn noted that the latest revisions were the result of comments received from the Committee, written and verbal comments of those who attended the public information session, as well as further review by staff. She pointed out that the term "building envelope" would no longer be used because it caused too much confusion and applicants would instead be required to show minimum required yards on individual lots on the PDP. She said free standing accessory structures would continue to be subject to the provisions of the Zoning Ordinance and permitted extensions into minimum required yards, such as decks, bay windows, and eaves, would still be allowed.

In response to a question from Commissioner Byers, Ms. Johnson-Quinn said minimum required yards were setbacks and would be required to be shown on the plan and that encroachments currently allowed would still remain.

Responding to a question from Commissioner Hart, Lorrie Kirst, Deputy Zoning Administrator, ZAD, DPZ, said an applicant could establish whatever yard he desired, including a zero lot line, as long as it was designated on the plat, justified, and approved.

Ms. Johnson-Quinn said another proposed revision to the Ordinance was a text change in the Planned Development Housing (PDH) Purpose and Intent sections to say that a PDH District should have no adverse impacts on the surrounding properties instead of current language which said PDH development should be in harmony with the character of the area.

Commissioner Byers commented that an increase in traffic could be considered an adverse impact. Ms. Johnson Quinn responded that the proposed language did not say "no" adverse impacts on the surrounding developments, but rather that the PDH "minimize" the adverse affects on surrounding development, as shown on line 15, page 7, of the draft Ordinance amendment. Chairman Hall and Commissioner Byers said they did not have a problem with such language.

Commissioner Hart said it would be helpful to have a graphic which illustrated lots, yards, and footprints. Chairman Hall agreed.

Ms. Johnson-Quinn said that the submission requirement for the building footprint had been changed to show the "approximate location" and the minor modification section had been

changed to state that the building footprint could be modified within the minimum required yard shown on the development plan.

Responding to a question from Commissioner Hart, Ms. Johnson-Quinn said the approved minimum required yard would have to be shown on the development plan. Ms. Kirst added that if an applicant wanted to modify the minimum required yard, an amendment would be necessary.

In response to a question from Chairman Hall, Ms. Johnson-Quinn said that minor modifications could be made as long as they were within the minimum required yard shown on the development plan and if staff's review determined that no adverse impacts on surrounding development would result.

Ms. Kirst commented that if a building footprint was shown on a development plan and modifications were allowed, questions of conformance and interpretation could be raised. She also said the burdens that could be placed on a homeowner should also be considered. She suggested that if the concern was orientation, an arrow could indicate the location of the front yard and the driveway.

Commissioner Wilson noted that at the public meeting in September, someone had pointed out that if the building envelope and the footprint were required to be shown, builders would show the maximum allowed dimensions to begin with so they would have total freedom and no modifications would be necessary.

Chairman Hall said she did not have a problem with an arrow on the plan and asked Ms. Kirst if she had language to address this. Ms. Kirst said she did not have such language but could develop it.

Commissioner Hart said it would be helpful to know where the structure was going to be located so the amount of usable outdoor space would be known.

Barbara Byron, Director, Zoning Evaluation Division, DPZ, said she was uncomfortable with the proposal as it stood now from an implementation standpoint because it would be confusing to have both a minimum required yard and a building footprint. Commissioner Hart commented that while a footprint may not be essential, he did not think the usability of outdoor space could be evaluated without knowing where the structures would be located. Ms. Kirst noted that if some information could be obtained, such as architectural elevations, it might be possible to put several pieces of information together to determine what the house would look like and how it would be positioned on the lot.

Responding to a question from Ms. Byron, Ms. Kirst said the reason staff had decided not to use the term building envelope was in response to concerns raised at the public meeting that it was too restrictive.

James Pammel, BZA member, said developers could be allowed to build extensions initially or provide for them.

Commissioner Wilson commented that she liked the idea of having a building footprint as well as a minimum yard requirement in which no encroachments would be allowed whatsoever because it would show exactly how close structures would be to one another. She also said that she had a concern about how minor modifications had been interpreted, not just for P Districts, but other districts as well.

After discussion, it was agreed that anything could be built as long as it was within the minimum yard box shown on the development plan, but if after a lot had been developed, it was determined that an improper encroachment had taken place, a development plan amendment would have to be filed, subject to the approval of the Planning Commission and the BOS.

In response to a question from Ms. Kirst, the committee members agreed that it would be helpful if arrows indicated the orientation of the front yard and the driveway.

Commissioner Hart commented that moving a structure around within a "box" was acceptable to him. He pointed out, however, that in some instances it may be necessary to know exactly how big a structure was going to be because if it was located next to a tiny existing house, it would not be compatible.

Ms. Byron responded to a question from Commissioner Wilson about what would constitute a minor modification.

Summarizing, Chairman Hall said there was a consensus on a "box within a box" with arrows indicating front yards and driveways. Ms. Kirst said staff would make the changes discussed tonight and begin putting the package together for authorization by the Board of Supervisors.

Commissioner Wilson said she had been asked to raise the issue of permitting mini-warehouses, which were currently disallowed completely in the PRM and PDC Districts since the P Districts proposal was being made. Ms. Byron replied that she would be strongly against mini-warehouses in a PRM District because it was primarily a residential district. Ms. Kirst added that this might be something the Committee could revisit in the future. Commissioner Wilson pointed out that this was a Priority 3 on the Work Program which probably meant it would never be addressed. Chairman Hall asked Ms. Byron to give some thought to this issue and report back.

Mr. Pammel asked if proposed changes to the Ordinance had been coordinated with the Fire and Rescue Department. He said he was very concerned because recently there had been many fires in the Washington, DC area and homes not specifically targeted had been damaged due to their proximity to those homes that had been torched. Ms. Byron replied that the Fire Code would not be of much help because the required distance between houses was very small and the only way to change this was to get the State legislature to change the building codes, which was no small task. Chairman Hall and Commissioner Wilson said they shared Mr. Pammel's concern.

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Chairman Hall said the second item on the agenda tonight was what had become known as the "Cochran" variance.

Donna Pesto, Senior Assistant to the Zoning Administrator, ZAD, DPZ, said staff's recommendation for a proposed Zoning Ordinance amendment regarding modification of certain minimum required yards, waiver of residential minimum lot width requirements, and increase in fence and/or wall height, had been presented to the BOS December 6, 2004 for authorization. She noted that the BOS had requested a second option that would allow the BZA to hear lot width special permit requests as opposed to staff's recommendation for the BOS to have a special exception for that type of application. She said this request had been incorporated into the new staff report.

Responding to a question from Commissioner Alcorn, Ms. Kirst said the option was exclusively for a BZA special permit.

Ms. Pesto noted that Supervisor Smyth had requested that floodplain information be shown on plats for an increase in fence height or a reduction in yard requirements. She explained, however, that staff was not recommending adoption of that at this time due to concerns about the costs to homeowners to provide floodplain information.

Ms. Byron said she thought Supervisor Smyth's primary concern was including floodplain information on requests for additions.

Ms. Kirst pointed out that floodplain information was not required for variance applications or for error in building location, special permits, or RC special permit uses and that staff had tried to follow the submission requirements for similar types of applications. Ms. Pesto pointed out in cases where floodplain information was not readily available, it would be very expensive to establish a floodplain boundary on a piece of property. She said although floodplain information was readily available on most property in the County, there would be a fee involved to have an engineer to put it on the plan and certify it.

Responding to questions from Commissioners Wilson and Alcorn, Ms. Byron said she thought Supervisor Smyth was trying to pre-empt problems of not knowing if the property was located in a floodplain or finding out that it was at the time of building permit.

Commissioner Alcorn, Ms. Kirst, Ms. Pesto, and Mr. Shoup responded to questions from Commissioner Wilson about the requirement to show floodplains and resource protection areas on plats.

Commissioner Hart suggested the possibility of using a checklist instead of a separate drawing to determine if property was located in a floodplain. He said up until now the Ordinance required special permit approval to build near a floodplain and special exception approval to build in a floodplain. He said the acceptance threshold would not be known in certain instances unless there was some reason to identify a floodplain problem and if a floodplain submission was not required, such cases might be overlooked.

Ms. Bryon said often when an application was being reviewed, staff became aware that the property was located in a floodplain. She acknowledged that knowing how much activity was being proposed in a floodplain was a very complicated issue and up until now staff had spent more time evaluating rezoning applications than they had evaluating variance applications.

Commissioner Hart agreed that this was a complicated issue and could not be solved tonight. He said he thought there were reasons why some of these cases should require special exception approval and why for others it would be a waste of time and money.

In response to a question from Ms. Byron, Commissioner Hart said that if a variance application for a waiver of lot width had already been approved and if it was a matter of amending a development condition but would not deprive the owner of reasonable use of the property, special exception approval should not be required. Commissioner Hart also said that some owners might seek special permit approval but would never file a special exception application due to the costs involved. He said it was those property owners, not the ones with sophisticated and involved issues, who should be able to file a special permit application.

Responding to a question from Ms. Kirst about the scope of the advertisement, Commissioner Hart said in his opinion if the proposed amendment was advertised to allow special exception approval for everything and the Commission decided to do a subset of that, advertising would not be a problem.

Ms. Byron stated that the Board of Supervisors was extraordinarily anxious to have the proposed amendment before them on January 24, 2005. She said since it was scheduled for public hearing before the Planning Commission on January 12<sup>th</sup>, there was little time for deferral because the Commission did not meet on January 19<sup>th</sup> and 20<sup>th</sup>.

Commissioner Hart said it was important that there not be a parade of people telling the Commission on January 12<sup>th</sup> that the proposed amendment had been advertised over the holidays without notice. Ms. Kirst said she had a list of between 35-38 umbrella homeowners' associations which would receive notice.

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Chairman Hall MOVED THAT POLICY AND PROCEDURES COMMITTEE MEETING MINUTES OF JULY 15, 2004 BE APPROVED AS AMENDED AND MINUTES OF NOVEMBER 17, 2004 BE APPROVED AS WRITTEN.

Commissioner Alcorn seconded the motion which carried unanimously.

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The meeting was adjourned at 8:05 p.m.  
Janet R. Hall, Chairman

For a verbatim record of this meeting, reference may be made to the audio recording which can be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved: December 9, 2004

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Linda B. Rodeffer, Clerk  
Fairfax County Planning Commission