



FAIRFAX COUNTY

DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL SERVICES

Office of Site Development Services
12055 Government Center Parkway, Suite 406
Fairfax, Virginia 22035-5503

Telephone: 703-324-1780 Fax: 703-324-1847

V I R G I N I A

July 16, 2002

02-10

TO: All Architects, Builders, Developers, Engineers, and Surveyors Practicing in Fairfax County

SUBJECT: Grading Plans – Legality of Lots

Issue:

Overlot grading plans are being submitted for non-bonded infill lots that were not created in accordance with the Subdivision Ordinance in effect at the time of their creation.

Background:

In the past, grading plans have been inadvertently approved for certain lots that were not created in accordance with the Subdivision Ordinance that was in effect at the time of the lots' creation. Generally, these lots were created by recordation of metes and bounds descriptions and without the necessary County approvals. This noncompliance has been discovered as late in the process as when the owners attempted to obtain permits to construct. Determining the "legality" of the lots prior to approval of a grading plan will identify problems earlier in the process, and provide property owners an opportunity to address the situation before getting too far into the process. Unfortunately, current resources available for plan review cannot absorb the additional time required to perform the research that is necessary to validate the legality of lots without negative effects to our services. In addition, the determination of the legality of a lot should occur prior to the submission of plans to the County to minimize the time and expense associated with submitting plans for improperly created lots. As a result, it has been determined that a certification that the lot(s) was properly created should be required on non-bonded lot grading plans to address the issue.

Procedure:

Grading plans for non-bonded, infill lots submitted for review and approval must reflect the fact that the subject lots were created in accordance with all applicable code provisions and are "legal" lots. Effective August 5, 2002, the following certification must be included on all residential non-bonded lot grading plans that are submitted:

"I hereby certify that all appropriate County approvals were obtained in accordance with the process required by the Subdivision Ordinance in effect at the time of the creation of lot(s) _____. The lot(s) was (were) created as part of the _____ Subdivision approved by Fairfax County on _____ and recorded in Deed Book _____ at Page _____ in Fairfax County Land Records."

A professional engineer, surveyor or architect must make the above certification. Copies of the previous versions of the Subdivision Ordinance are available for review in the Plan and Document Control offices in the Herrity Building. If you need assistance, please contact the appropriate Environmental and Facilities Review Division prior to grading plan submission.

Please note that we will continue to entertain any alternate proposals that adequately address this issue. Thank you for your cooperation.

Sincerely,

SIGNATURE ON ORIGINAL

Michelle Brickner, Director

MB/mn

cc: Jane Gwinn, Division Director, Zoning Administration Division, Department of Planning and Zoning
John Wesley White, Director, Department of Public Works and Environmental Services