MCLEAN CITIZENS ASSOCIATION
Resolution Regarding Proposed Amendment to the Building Provisions of the Code of Fairfax County, Virginia

June 2, 2007

WHEREAS, the Board of Supervisors of Fairfax County has advertised a proposal to amend the definitions section (§ 61-1-2) of the "Building Provisions" chapter (Chapter 61) of the Code of the County of Fairfax, Virginia (1976) by adding a definition for the term "addition," and

WHEREAS, the purpose of the proposed code amendment, according to an article in the Washington Post,[1] is to "close a loophole that has enabled builders to erect hundreds of houses in recent years without meeting modern-day health and safety requirements for water, sewer and electrical systems," and

WHEREAS, the McLean Citizens Association wholeheartedly supports the goal of closing loopholes that allow people to evade the application of legal provisions designed to protect the public, and the community, from the generation of substandard housing, and

WHEREAS, the proposed definition would exclude from the term "addition" any new construction to an existing principal structure that either exceeds 150% of the existing gross floor area of the above grade finished area or results in the demolition of more than 50% of the existing above grade gross floor area, and

WHEREAS, the staff report on the proposed amendment does not adequately explain the proposal, or the context in which it is raised, and

WHEREAS, the MCA believes the proposed threshold for differentiating an addition from new construction, 150% of existing gross floor space, is far too lenient and should be reduced for the public good, and

WHEREAS, the Fairfax County Planning Commission has, in the past, expressed an interest in developing language for inclusion in the Zoning Ordinance to address the issues of "McMansionization," and the increase of impervious surfaces, and

WHEREAS, the proposal raises significant questions, such as: (1) whether the percentage limits announced are appropriate; (2) whether the percentages should be applied only to the gross floor area of the *above* grade finished area; (3) whether any change in the footprint of the existing structure should be included as another criterion for excluding construction from the definition of "addition" ; (4) what relationship exists between the goals which would be addressed by the proposed amendment to the Building Provisions of the Code and the Zoning Ordinance issues of "McMansionization" and increase of impervious surfaces; (5) what are the philosophical underpinnings of "grandfathering" provisions, and

WHEREAS, building construction law is generally less well understood among citizens and homeowners groups than zoning law, and

WHEREAS, past public meetings designed to allow for public input into the amendment of the zoning ordinance have been extremely helpful in improving the quality of the provisions that have ultimately been enacted,

NOW, THEREFORE BE IT RESOLVED the MCA hereby requests that the Board of Supervisors direct DPWES and, as appropriate, Department of Planning and Zoning staff to hold a public meeting to explain the context of the proposal, the potential interplay between the zoning ordinance and the proposed building provisions, and to readvertise the provision in order to allow the public to provide informed input into the proposal within a reasonable period after such meeting.

cc: Honorable Joan DuBois, Supervisor, Dranesville District
Nancy Hopkins, Planning Commissioner, Dranesville District
Fairfax County Board of Supervisors
Fairfax County Planning Commission
Fairfax County Department of Public Works and Environmental Services
Rosemary Ryan, Legislative Assistant

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[1] Amy Gardner, "Supervisors Target Loophole in Which New Houses are Called Additions, Washington Post, May 24, 2007, p. B5. http://www.washingtonpost.com/wp-dyn/content/article/2007/05/23/AR2007052301460.html