

# McLean Citizens Association



The Voice of McLean for Over 100 Years

## McLean Citizens Association Resolution Waiver of Minimum Lot Width at 7072 Idylwood Road (Special Exception 2016-DR-011) January 4, 2017

**Whereas**, 7072 Idylwood Road is a lot consisting of approximately 1.27 acres located on the northwest side of Idylwood Road between Stephanie Marie Drive and Friendship Lane (“the 7072 property”); and

**Whereas**, the 7072 property is zoned R-2, and currently contains a single house (representing a density of 0.79 dwelling units per acre) built around 1936 which has been unoccupied for several years and is in disrepair; and

**Whereas**, the backyards of some homes on Stephanie Marie Drive and on Friendship Lane abut the 7072 property and the side lots of one home on Friendship Lane and another home on Stephanie Marie Drive share a portion of Idylwood Road with the frontage of this property; and

**Whereas**, in 1936 an Easement Agreement was entered into by the owner of the 7072 property and several adjacent properties to allow access to Idylwood Road by means of a 30-foot wide “outlet road” along the northern edge of the 7072 property line; and

**Whereas**, the easement continues to bind the 7072 property, seven homes along the south side of Friendship Lane, and one adjacent home on Penguin Place; and

**Whereas**, this easement resulted in the creation of a gravel road which is believed to have originally been half on the 7072 property and half on the adjacent Friendship Lane properties; and

**Whereas**, over time, the gravel has drifted so that about three fourths of the gravel drive is now on the back portions of several Friendship Lane properties and the remainder on the 7072 property; and

**Whereas**, a line of utility poles was also created along the northern edge of this easement strip and currently remains in place 15 feet inside the property line of the adjacent Friendship Lane properties; and

**Whereas**, a proposal arose in late 2014 for a Nonresidential Special Exception (a nursery school and child daycare center) on the 7072 property, but did not proceed after significant opposition from the surrounding community was expressed; and

**Whereas**, the surrounding community urged the landowner to pursue re-development of the 7072 property as single-family residential in conformity with the Comprehensive Plan; and

**Whereas**, the owner of the 7072 property at that time and today is H&M of Virginia LLC (“H&M”); and

**Whereas**, the Comprehensive Plan provides for low-density residential infill at 2-3 dwelling units per acre northwest of Idylwood Road; and

**Whereas**, H&M proposes to tear down the existing house on the 7072 property and to divide the 7072 property into two residential Lots, one of which (Lot 1) would be closer to Idylwood Road and the second of which would be a “pipestem” lot (Lot 2) behind Lot 1 using a shared driveway to access Idylwood Road (an increase in density to 1.59, but still within the Comprehensive Plan); and

**Whereas**, a Special Exception is needed because Lot 2 would have only 40 feet of frontage on Idylwood Road, whereas the minimum frontage width required for an R-2 property under the Fairfax County Zoning Ordinance is 100 feet; and

**Whereas**, since at least 2007, it has been the policy of the McLean Citizens Association (“MCA”) to oppose the waiver of minimum lot width requirements under the Fairfax County Zoning Ordinance, particularly where such requests are made to enable the creation of “pipestem” lots; and

**Whereas**, this policy is reflected in the MCA’s Resolution of January 3, 2007 opposing the adoption of a Special Exception procedure for granting such waivers under section 9-610 of the Fairfax County Zoning Ordinance, and urging that no waiver be allowed that would reduce the minimum lot width by more than 25% or that would increase the amount of impervious surface; and

**Whereas**, this policy is also reflected by the MCA’s Resolution of February 6, 2008 in the *Sloan* case, wherein MCA opposed the grant of a waiver where the applicant was asking for a reduction of 6% in the lot width specifically to create a “pipestem” situation; and

**Whereas**, in the present case, applicant H&M is asking for a major reduction of 60% in the minimum lot width precisely in order to create a “pipestem” situation; and

**Whereas**, the MCA believes that a waiver of the magnitude proposed that is intended to enable the creation of “pipestem” lots would be contrary to the goals of the Comprehensive Plan and to the requirement for a minimum lot width; and

**Whereas**, H&M has been in discussions for several months with the adjacent neighbors to the 7072 property and with the Lemon Road Civic Association (“LRCA”) regarding H&M’s application for a Special Exception; and

**Whereas**, several of the understandings reached between H&M and the LRCA are reflected in the application Plat, particularly:

- a. A new frontage on Idylwood Road, to which FCDOT and VDOT have agreed, that would extend the existing curbs in such a way as to widen Idylwood Road by 5 feet and which would also preserve an existing “traffic calming” effect at that part of Idylwood Road; and
- b. A requirement that the builder fill the current gap in the pedestrian sidewalks across the frontage of the 7072 property by constructing a new walkway at the builder’s expense, thereby removing the need for approved Pedestrian Project #203 in the Fairfax County Transportation Program, scheduled for implementation in 2019/2020 and said by FCDOT to have an estimated cost of \$300,000; and

**Whereas**, other understandings or possible understandings are reflected in Proposed Development Conditions (“PDCs”) # 13-15 (set forth in the Staff Report recommending approval of this Special Exception dated November 29, 2016, and which are emphasized in the LRCA’s letter of November 21, 2016 to the Planning Commission), in particular:

- a. PDC #13, which requires H&M to commit to vacating the easement (subject to the cooperation of the necessary adjacent property owners);
- b. PDC #14, which requires H&M to remove the gravel drive and to regrade and seed the area that it formerly occupied;
- c. PDC #15, which commits H&M to build two homes that would be “generally compatible with architecture and building materials” with the surrounding community; and

**Whereas**, the Board of the LRCA met and voted unanimously to recommend approval of this proposed Special Exception to the Planning Commission, which it did by submitting the letter dated November 21, 2016; and

**Whereas**, the LRCA letter also emphasized an escrow arrangement for removal of utility poles on an adjacent property as a benefit of this proposal (formerly PDC #15, which PDC has now been removed on advice of the Country Attorney as it related to a feature that is off-site); and

**Whereas**, in its November 21, 2016 letter, the LRCA stated that “while progress has been made in identifying commitments that would meet most of the costs of removing the poles and undergrounding the wires, it cannot be said now that a firm plan for undergrounding the wires is in place”; and

**Now therefore, be it resolved** that while the MCA respectfully acknowledges the views of the LRCA in this matter, it does not believe that it should depart from its prior Resolutions opposing the use of section 9-610 of the Zoning Ordinance to grant special exceptions waiving the mini-

mum lot widths for infill purposes, particularly where (a) such waiver is for the purpose of creating “pipestem” lots, and (b) where the requested waiver amounts to a reduction by 60% of the minimum lot width required by the Zoning Code for the property in question;

**Now therefore, be it further resolved** that the McLean Citizens Association opposes the proposed waiver requested by the applicant H&M in SE 2016-DR-011.

*Approved by the MCA Board of Directors*

*January 4, 2017*

---

McLean Citizens Association, P.O. Box 273, McLean, Virginia 22101

cc: John Foust, Dranesville District Supervisor  
John Ulfelder, Dranesville District Planning Commissioner  
Benjamin Wiles, Dranesville District Supervisor’s Staff  
Clerk of the Fairfax County Planning Commission  
Lynne Strobel, Esq. – Walsh Colucci Lubeley & Walsh