



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Available on Planning Land Use System (PLUS) (INTOAB-2024-00328)

March 18, 2025

Lynne J. Strobel
Walsh, Colucci, Lubeley, Walsh PC
lstrobel@thelandlawyers.com

RE: Determination Regarding Proposed Subdivision and Rezoning
Property Addresses: 7213, 7221, 7301, 7313, and 7317 Beulah Street
6324 and 6328 Steinway Street
Tax Map Numbers: 91-3 ((8)) 1, 2, 3, 4, 5A, A and B
Subdivision: W. J. Cash Properties, Lots 1-4, 5A, A, and B
Zoning District: R-1

Dear Lynne Strobel:

This is in response to your request for an interpretation submitted in PLUS on December 16, 2024, regarding a proposed seven-lot subdivision. Additional information and discussion were facilitated through two virtual meetings held on January 23, 2025, and February 18, 2025.

REQUEST: Your client would like to redevelop the subject properties (“the properties”) by rezoning them to a denser zoning district which may also require a Site-Specific Plan Amendment. The properties were created with the approval of the Division of the Property of W. J. Cash subdivision, which is a nonconforming subdivision as it relates to density. You were seeking clarity on whether these properties could be rezoned prior to the subdivision process.

SITE & ZONING INFORMATION: The properties are zoned to the R-1, Residential District, One Dwelling Unit/Acre, and are not subject to any rezoning, special exception, special permit, or variance approvals. The Property of W. J. Cash subdivision was platted on February 24, 1951, in Deed Book 847, Page 186. The subdivision created 17 lots. On May 9, 1955, through Deed Book 1306, Page 521, Lots A and B were created thereby increasing the number of lots within the subdivision to 18. Both of these subdivisions occurred under the regulations of the 1941 Zoning Ordinance, which did not regulate density, but only lot area and width. With the implementation of the 1978 Zoning Ordinance, the lots were rezoned to the R-1 District, which sets forth a density limitation of one dwelling unit per acre, in addition to lot area and lot width requirements. The majority of the lots within the subdivision do not comply with the R-1 District regulations relative to lot area and/or lot width, and the entire subdivision does not meet the current density limitation of one dwelling unit per acre.¹



PLANNING & DEVELOPMENT

Department of Planning and Development
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5507
Phone 703-324-1314
Fax 703-803-6372
www.fairfaxcounty.gov/planning-development

DETERMINATION: It appears from our records that in 1978, the subdivision consisted of 18 lots with a density of approximately 1.05 du/ac, and as such, with the implementation of the 1978 Zoning Ordinance the existing subdivision became nonconforming with respect to density. Your proposal to rezone Lots 1, 2, 3, 4, 5A, A, and B and remove them from the Division of the Property of W. J. Cash subdivision would increase the density of the remaining subdivision to 1.77 du/ac, further aggravating the existing density nonconformity. In accordance with subsection 5100.2.E(1)(b) and past interpretations of the Zoning Ordinance, in no instance can a subdivision be approved that exceeds the maximum density of the district in which it is located and that land area cannot be removed from an existing subdivision, unless, among other items, the resultant density of the parent subdivision complies with the current density limitation or does not further aggravate an existing nonconforming density. As your proposal would result in an increase in density of the parent subdivision from 1.05 du/ac to 1.77 du/ac, thereby further aggravating the nonconformity, staff is unable to conclude that the proposal is in accordance with the Zoning Ordinance. However, despite this conclusion, staff cannot refuse to accept a rezoning application that proposes to remove land from an existing subdivision that currently does not comply with the density requirements of the Zoning Ordinance and would result in an increase in the density of the remaining lots in the subdivision. Please note that this issue will be considered during the review and evaluation of the rezoning application that may be submitted.

Questions about the subdivision process should be directed to the Site Development and Inspections Division of the Department of Land Development Services. Their staff can be reached by phone at 703-324-1720 or via email at LDSSDIDAdmin@fairfaxcounty.gov.

This determination is based upon the facts you presented and the applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts, as presented, change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.

Should you have any additional questions, feel free to contact me at 703-324-1314.

Sincerely,



Sara Morgan
Deputy Zoning Administrator

cc: Rodney Lusk, Supervisor, Franconia District
Catherine Lewis, Branch Chief, Zoning Evaluation Division
Beulah Street Properties, LLC, 580 Jackson Boulevard, Nashville, TN 37205 (property owner)
Beulah Street Properties, LLC, c/o David Mastran, 580 Jackson Boulevard, Nashville, TN 37205 (property owner)

¹ Dwellings on these individual lots may be enlarged or expanded in accordance with [subsection 8104.3.A](#).