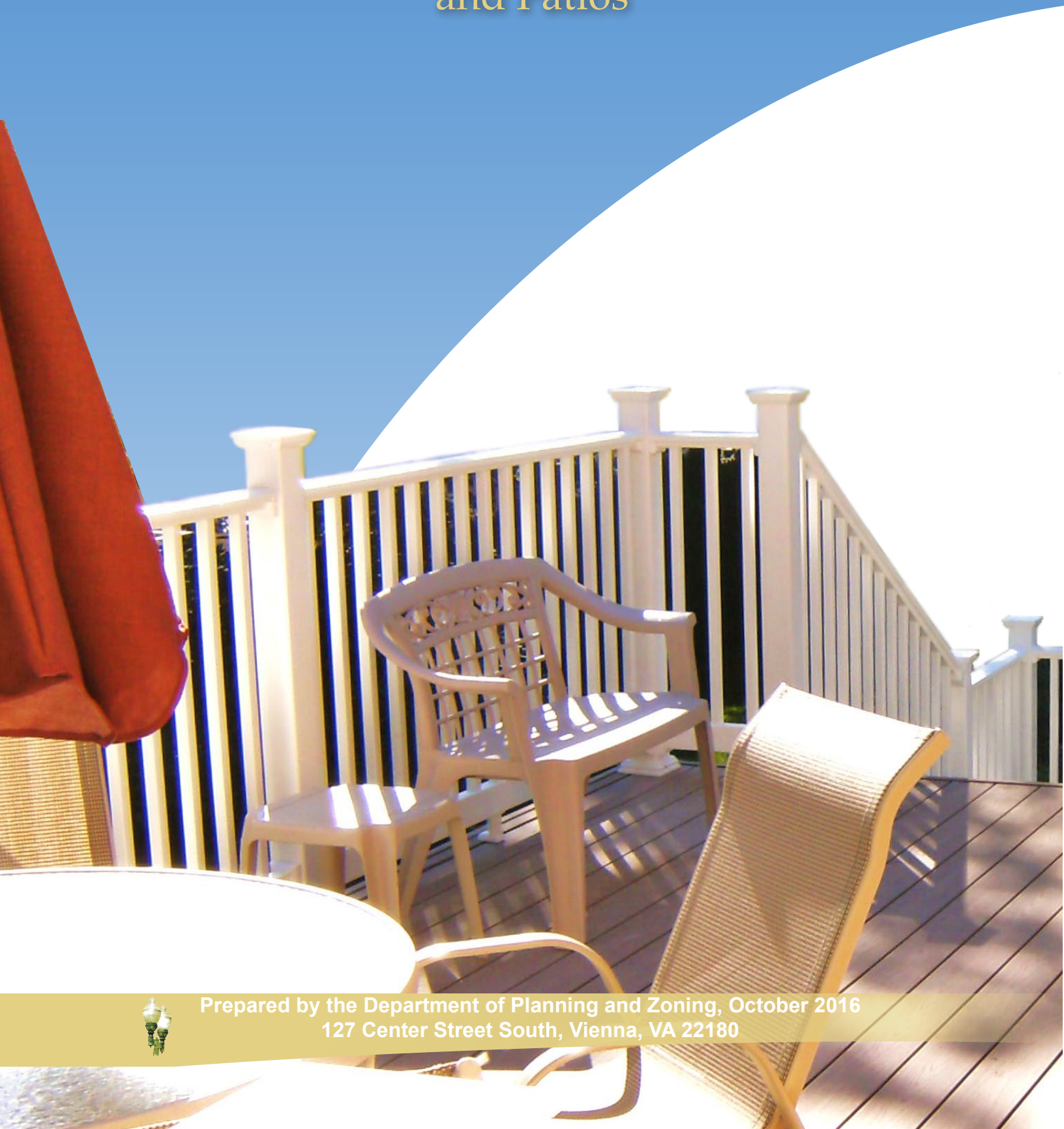


# Building in the Town of Vienna

## A Guide for Decks, Pools and Patios



Prepared by the Department of Planning and Zoning, October 2016  
127 Center Street South, Vienna, VA 22180

## Decks

A deck is defined as a “floor area extending from the outside wall of a building above ground level, whether or not its supports rest on the ground, and not sheltered by a roof or enclosed by other than a protective railing on those sides other than the side adjacent to the building wall.”

A building permit is required for any above ground deck **and at grade deck**. All decks needs to meet current zoning regulations.

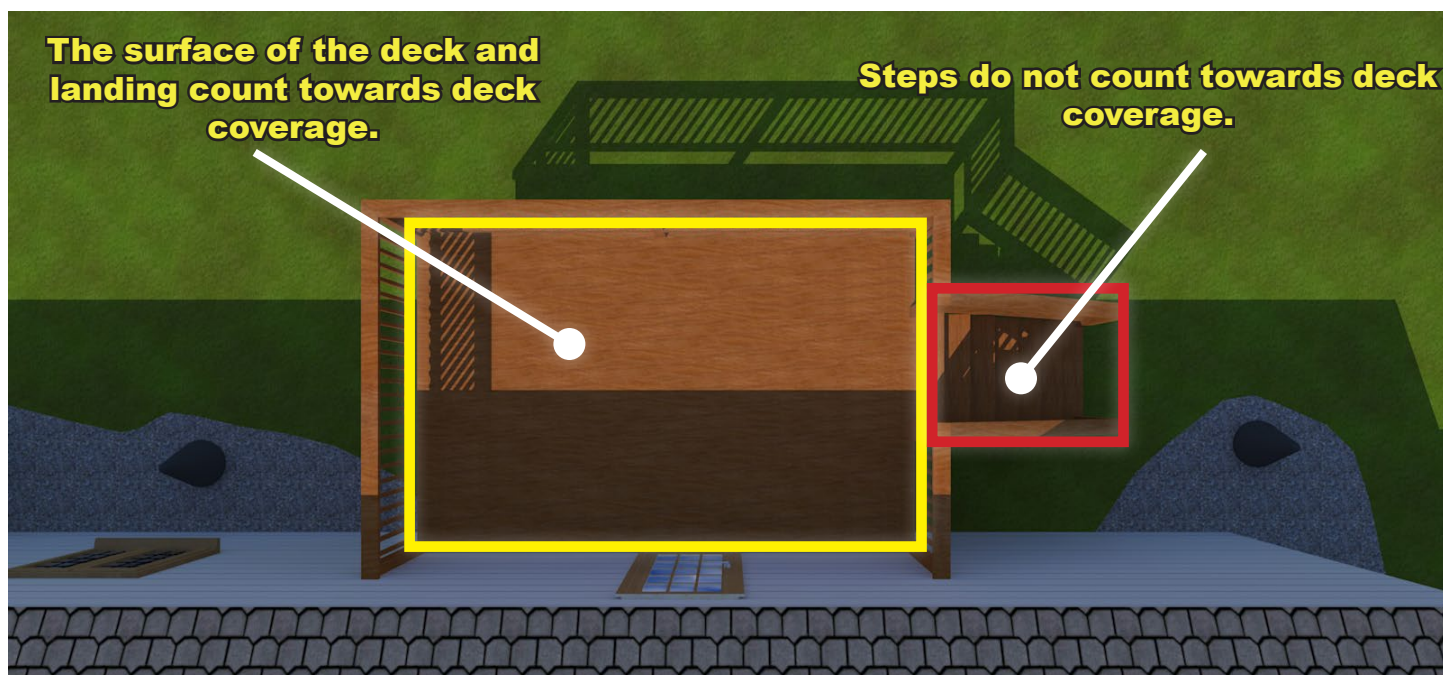
### Zoning Regulations

In RS-10, RS-12.5 and RS-16 residential zones decks must meet required setbacks. Decks must be at least 25 feet from the rear yard (Section 18-15). As for the front and side yard setbacks, decks are allowed to encroach the current zoning setbacks by no more than 4 feet (Section 18-169).

Decks also have their own deck coverage regulations (deck coverage is separate from lot coverage). Decks are only allowed to take up 5% of the lot. Deck coverage includes the area of the deck and landings but does not include the area of steps.

If a roof is built over a deck or if a pergola with rafters 16 inches or less apart is built over a deck, that area will be counted towards lot coverage, not deck coverage.

Three (3) copies of a to-scale plat with the deck accurately drawn on are required for submittal of the permit application. Three (3) copies of detailed drawings of the deck are also required unless the deck is being built per Fairfax County Typical Deck Details (<http://www.fairfaxcounty.gov/dpwes/publications/decks/details.pdf>). If the deck is being built per Fairfax County Typical Deck Details then it must be noted on the building permit application (<http://www.fairfaxcounty.gov/dpwes/forms/bpa.pdf>). More information on decks can be found at the Fairfax County website (<http://www.fairfaxcounty.gov/dpwes/publications/decks/>).



## Pools

Like decks, pools require building permits. There are several zoning regulations pertaining to pools, which are included below. Pools must also adhere to Chapter 19 of the Town Code.

### Sec. 18-138.1. - Swimming pool; where to be located.

A family pool as defined in chapter 19 may be located **only in the rear yard** and shall **not be closer than 20 feet to any alley line, and not less than ten feet from any side or rear lot line.**

### Sec. 18-138.2. - Outdoor hot tubs; area and location requirements.

An outdoor hot tub may be located within the side and rear yards of the subject property, **provided that the device meets the side yard setback requirements** of the residential zoning district in which it is located, and is situated **no closer than 20 feet to any alley line, nor less than ten feet from any rear property line.** The total water surface area of the outdoor hot tub **may not exceed two percent of the total area of the subject property,** and the device must be secured in the manner as set forth in section 19-13(b).

### Sec. 18-140.1. - Swimming pool; area and location.

A family pool may occupy **not more than 25 percent of the area of the actual rear yard.** In residential zones, where any portion of such family pool is located in the rear of a principal building, it shall be **not less than ten feet** therefrom; where **no portion** of such family pool is located directly in the rear of a principal building, it shall be **not less than five feet** therefrom; and provided further that the front edge of the family pool shall be **no less than five feet** from an extension of the rear wall line of the principal building on the adjacent lots.

### Sec. 18-141.1. - Swimming pool on corner lot.

No family pool on a corner lot shall be constructed or installed beyond the building line of any adjoining lot, nor be located nearer than ten feet to the side line of such adjoining lot.



## Patios

A patio is defined as a “surfaced, court-like area at ground level outside the main wall of a building, which area is not sheltered by a roof.”

Starting September 2016, the Department of Planning and Zoning requires that homeowners and contractors submit permit applications for the construction of patios. Please note that patio permits are only reviewed by the Town and do not need to be reviewed by Fairfax County.

### Lot Coverage

The Town of Vienna has strict lot coverage regulations for residential development. The Town Code states that only 25% of the lot can be covered in residential zones RS-10, RS-12.5 and RS-16. Lot coverage includes the area of buildings, accessory buildings, automobile parking spaces and access, sport courts, tennis courts, **patios** and terraces. Areaways, window wells, steps, lead walkways, fireplaces, chimneys and any cantilevered features are not included in lot coverage.

Patios must also be shown on all plats when other building permit applications are being submitted so that lot coverage can be accurately calculated.

### Additional Information

Patios can be no closer than one foot from the property line.

Please note the following regulation in regards to retaining walls:

#### **Sec. 18-171. - Walls; when setback and yard requirements do not apply.**

The setback and yard requirements of this chapter shall not apply to any retaining wall which is less than five feet high, nor to any decorative masonry wall which is less than four feet high.



## Zoning Regulations

TOWN ZONING DISTRICT	SETBACKS (in feet)			MAXIMUM HEIGHT LIMIT	MAXIMUM LOT COVERAGE
	FRONT	SIDE/CORNER	REAR		
RS-10	<p>A. Minimum of 50 feet from centerline (C/L) if street right-of-way is of "variable width" or is less than 50 feet in total width</p> <p>B. 25 feet from street line if right-of-way is 50 feet or greater in width</p>	<p>12* / 25</p> <p>*Minimum setback of 40 feet for buildings other than dwelling and accessory buildings</p>	35 feet	2-1 / 2 stories but not to exceed 35 feet as measured from finished grade at front wall of the principal building closest to front building line	25%
RS-12.5	<p>A. Minimum of 55 from C/L;</p> <p>B. 30 feet from street line if right-of-way is 50 feet or greater in width</p>	<p>15* / 25</p> <p>*Minimum of 30 feet for buildings other than dwellings and accessory buildings</p>	35 feet	2-1 / 2 stories but not to exceed 35 feet as measured from finished grade at front wall of the principal building closest to front building line	25%
RS-16	<p>A. Minimum of 60 from C/L;</p> <p>B. 35 feet from street line if right-of-way is 50 feet or greater in width</p>	<p>15* / 25</p> <p>*Minimum of 30 feet for buildings other than dwellings and accessory buildings</p>	35 feet	2-1 / 2 stories but not to exceed 35 feet as measured from finished grade at front wall of the principal building closest to front building line	25%
RTH	Minimum setback: 20/Average setback 25	End Lot: 10 Corner Lot: 20	40 feet	Same as RS zones	N/A
RM-2	Minimum of 60 from C/L; or 35	15 / 25	35	3 stories but not to exceed 35 feet	25%

Please call the Department of Planning and Zoning (703-255-6341) to check your Zoning District or visit the following web map to find your address and associated zone:

<https://vienna-va.maps.arcgis.com>

## Submitting Plans

### Submitting Plans

Three (3) sets of plats and three (3) sets of drawings are required for an application for decks and pools. Two (2) sets of plats with the proposed patio drawn to scale are required for patio permits.

Please visit <http://www.fairfaxcounty.gov/dpwes/publications/pool.htm> for additional information on pools. Applicants will need to submit an additional set of plats and drawings if they are on a well or septic system.

### Building Review Process

Plans are first submitted to the Department of Planning and Zoning. They are then reviewed by the Planner. If there are no comments or issues with the plans they will be reviewed by the Engineer in the Department of Public Works.

After Public Works approves the plans they are returned to the Department of Planning and Zoning. The applicant is then notified that he/she can pick up the plans and submit them to Fairfax County.

During the process the application is entered into the Fairfax Inspections Database Online (FIDO). This allows permits to be tracked at the following website:

<https://www.fairfaxcounty.gov/bldgpermits/>

Applicants can also visit [http://www.fairfaxcounty.gov/dpwes/construction/bpr\\_times.htm](http://www.fairfaxcounty.gov/dpwes/construction/bpr_times.htm) for estimated building review times at Fairfax County.

### Fees

Fees for are based on the square footage of the new construction with a base fee of \$40 and \$0.05 for every square foot of newly constructed space. It does not include the area of patios, steps and walkways.

Fees will be paid for when the application is being picked up by the applicant.

## Tips

1. Plats must be accurate and to-scale. All existing structures must be shown on the plat. The surveyor's seal cannot be cut off of the plat.
2. The detailed drawings must be to-scale and accurate and must match what is shown on the plat.
3. If more than 2,500 Square Feet of area is disturbed then grading plans will be required in place of plats and plans must meet the requirements of stormwater regulations established in Article 3 of Chapter 23 of the Town Code ([https://library.municode.com/HTML/14916/level3/PTIICOOR\\_CH23ENCO\\_ART3STMA.html#TOPTITLE](https://library.municode.com/HTML/14916/level3/PTIICOOR_CH23ENCO_ART3STMA.html#TOPTITLE)).
4. Please consult the Town of Vienna Code (<http://library.municode.com/index.aspx?clientId=14916>) or contact the Department of Planning and Zoning if you are unsure or have questions regarding any zoning regulations (703-255-6341).
5. When plans are approved and picked up please read through all attached paper work. Setback inspections are required for all deck, pool, and patio permits.
6. Please make sure dumpsters are kept on the property and are not placed in the public right-of-way.
7. Contact the Department of Public Works (703-255-6380) for construction activities that may impact public streets.
8. Please adhere to the Town of Vienna Noise Ordinance, Section 10-20.1 which states that "the making, creation or maintenance of excessive, unnecessary or unusual loud noises, unusual and unnatural in their time and place and which disturb the usual peace, quietude, tranquility and normal enjoyable use of any residential area are detrimental to the public health, safety, convenience, welfare and prosperity of the residents of the Town of Vienna and constitute a public nuisance."
9. Any construction taking place between 8 PM and 7 AM Monday through Friday and 8 PM and 9 AM Saturday, Sunday and Holidays shall be considered a public nuisance with enforcement provided by the Town's Police Department. In addition please be reminded that no work by contractors shall be permitted at all on Sundays.
10. Additional information can be found on the Building Permit Brochure (<http://www.viennava.gov/DocumentCenter/Home/View/220>).
11. The Town's Zoning Map and other maps, which may provide assistance, can be found online (<http://www.viennava.gov/index.aspx?nid=271>).