

# Charlestown

## CHARLESTOWN OWNERS ASSOCIATION

8533 Lakinhurst Lane  
Springfield, Virginia 22152

March 10, 2011

Chairman  
Fairfax County Board of Building Code Appeals  
12055 Government Center Parkway, Suite 444  
Fairfax, Virginia 22035-5504  
Attention: Secretary to the Board

**RE: Appeal of Notice of Violation (February 25, 2011) Charlestown Owner's Association**

Dear Sir or Madam:

On behalf of the Charlestown Owner's Association (COA) and all Charlestown residents, I wish to appeal a decision of the Fairfax County Fire Marshal as permitted under the current edition of the Virginia Uniform Statewide Building Code or the Virginia Statewide Fire Prevention Code.

The subject of this appeal is the Charlestown Community (office at 8533 Lakinhurst Lane, Springfield, Virginia 22152). Charlestown is bounded by Forrester Blvd and Carrleigh Parkway. Tax Maps: 0793-13, 0793-14 and 0794-08.

As the President of the COA Board of Directors, I am appealing the decision of the Fire Marshal in his Notice of Violation (NOV) dated February 25, 2011 RE: Charlestown Fire Lanes issued to the COA for not designating and marking Fire Lanes within the Charlestown Community (Enclosure 1, with two Maps labeled Option A and Option B).

The Fire Marshal's decision was rendered on February 25, 2011 based on requirements for Fire Lanes identified in *Virginia Statewide Fire Prevention Code, Section 503, Fairfax County Fire Prevention Code – Chapter 62* and the *Fairfax County Public Facilities Manual*. Current code is described in Section 503.1.1 and 503.1.1.1.

Charlestown appeals the NOV for the following reasons:

1. On September 28, 1988, Deputy Chief Plaughter of the Fire Prevention Division agreed to a waiver of Designated Fire Lanes for Charlestown private streets (Enclosure 2).
2. Charlestown is a 40 year old community of 500 town homes built to state and county requirements in existence in 1967-1973. Fire Lanes were not required or provided. Charlestown homes are all brick with cinderblock party walls between homes which minimize the potential for large or spreading fires and reduce the need for access.

3. The COA has no record of any instance of an emergency vehicle being hindered or being unable to gain necessary access during the 40 years of its existence.
4. Although Fire Lanes were not required, the COA marked many curb areas with yellow paint to preclude parking for safety reasons. Upon receipt of the Fire Marshal's NOV of June 23, 2010 the COA took steps which we believed would remove any possible remaining safety concerns and ensure the safety of emergency responders and residents while preserving necessary and reasonable parking for residents, visitors, and service and utility vehicles.
  - a. Two 30' wide streets (Lakinhurst Lane and Willow Forge Road) were designated for one-way traffic – with continued parking allowed on both sides – as authorized under the fire code.
  - b. Parking on all other interior COA streets, traffic circles, and parking lots (almost all 24' wide) was limited to only one side. This provides 18' wide Fire or Travel Lanes on each interior street, traffic circle and in all parking lots. This is the same 18' Fire/Travel lane found on secondary streets in all nearby neighborhoods.
  - c. Notwithstanding the fact that Charlestown was provided a waiver on Fire Lanes in 1988, we asked the Fire Marshal to approve our Fire Lanes as reasonable and adequate even though two-way traffic is allowed. Most of the streets are cul-de-sacs and cannot be made one-way. But, the very low traffic volume ensures that emergency vehicles are not hindered or blocked by on-coming traffic.
  - d. We asked the Fire Marshal to agree to our placement of alternative Fire Lane signs at each of 10 entrances (from Carrleigh Parkway and Forrester Blvd) into the community as many other nearby Associations have done rather than signs every 50' or less on the Fire Lanes.

The following points are relevant:

1. While the main streets in nearby neighborhoods are 36' wide, the side streets in these neighborhoods (e.g., Cardinal Forest, Kings Park, Burke, Orange Hunt, Daventry) and I imagine throughout Fairfax County are 30' wide which under the code should have one side designated as a Fire Lane (with parking forbidden) or be made one-way streets. When vehicles are parked on both sides of these streets the resulting travel or Fire Lane in the center is 18' wide – the same width as provided on Charlestown streets, traffic circles and parking lots. Therefore, the NOV imposes on Charlestown a much more stringent and restrictive standard than that allowed on side streets in nearby neighborhoods and throughout the county.
2. Traffic within Charlestown is very limited. There are no cut-through streets and almost all of our streets are dead ends or cul-de-sacs. Traffic is limited to residents, visitors, and service and utility vehicles. The possibility of emergency vehicle access being blocked or impeded by oncoming traffic is nil.
3. Notably, the original NOV issued by the Fire Marshal on June 23, 2010 and the follow up NOV issued on February 25, 2011 were based on a report by another Homeowner's Association that had an issue with the Office of the Fire Marshal – not because of a problem experienced by emergency vehicles in Charlestown.
4. The Fire Marshal's designated Fire Lanes (see Maps A and B accompanying the NOV of February 25, 2011) precludes parking along the curbs on both sides of all interior streets, traffic circles and in all parking lots. For at least 18 of our buildings

- involving 132 homes, the NOV Fire Lanes eliminate any parking other than the two assigned head in parking spaces allotted to each home. The other 55 buildings and 368 homes have some curb parking available on facing or adjacent county streets or on our two one-way streets. The NOV denies the 132 homes any parking for visitors, service or utility vehicles or for third or fourth vehicles that many families have (e.g., those with older children etc).
5. For one building, which was shoe-horned into the community by the builder, space is so limited that assigned parking for three of the homes (six parking spaces) is on the Garfield Court traffic circle because there are no regular parking spaces available in any nearby parking lot. The NOV eliminates these spaces and leaves these three residents with no parking at all.
  6. The Fire Marshal is correct in noting that many residents choose to park at the curbs (which would be precluded under his NOV) rather than in their assigned spaces. This doesn't acknowledge the fact that the extreme limits imposed by the NOV will eliminate parking for visitors, service and utility vehicles and for any additional vehicles owned by residents.
  7. Some of our residents are handicapped and have limited mobility. They tend to park at the curb in front of their homes to avoid interior stairs or the longer walk to assigned parking not directly behind their homes. Eliminating their curb parking as required by the NOV will only exacerbate their plight and impair their independence.
  8. Strict application of the code requires that parking not be allowed on either side of streets of less than 30' in width (with two way traffic) (Enclosure 3). The Fire Marshal has revised this standard to allow parking on one side of streets that are 26' wide rather than 30' wide. We ask that this width be further reduced to 24' for Charlestown. This would allow parking on one side of our streets, traffic circles and in most of our parking lots.
  9. Our traffic circles have a paved area 25' in width. With parking on one side, the Fire or Travel Lane is 19' wide. These are also de-facto one-way streets. Residents and visitors always move through the circles in a counter-clock-wise manner. The COA is willing to post signs making official the one-way status of these circles.
  10. Emergency vehicles have two or more access routes to almost all Charlestown homes (the code requires front and rear access only if the building is five stories or 50' in height). Access within Charlestown (via street, parking lot or adjacent street) is considerably greater than that found in most neighborhoods. Our 18' Fire and Travel Lanes in all areas – are and should be considered adequate and the additional restrictions mandated by the NOV rescinded.
  11. The NOV offers two options for signage as noted on the Maps A and B. The first requires 235 signs in the community. This number is excessive by any measure (e.g., four - six Fire Lane signs on each traffic circle). Estimated cost is \$23,500 for signs and installation. An unwarranted diversion of owner funds. The second option requires signs at each entry to COA streets and parking lots - a total of 20. At a cost of about \$2,000 (twice the cost of the 10 signs we proposed) this option is much preferable to the 235 sign option. This option also requires annual re-certification and a \$128 annual fee. The annual re-certification and fee are not required of the many Associations which currently have signs only at their entry points and are, in our opinion, unnecessary and a burden to both the Association and the Fire Marshal.

12. A Map with our proposed Fire Lanes is at Enclosure 4 (Map C).
13. Mr. Pat Herrity, Springfield District Supervisor, Fairfax Board of Supervisors, has toured Charlestown, seen the measures the COA has implemented and supports this appeal. He will provide a separate letter of support.

We understand the importance of safety and emergency vehicle access. The safety of residents is the highest priority for our board and management. Our actions and our Fire Lanes satisfy those safety concerns and emergency vehicle access. The extensive additional restrictions imposed by the NOV are: unnecessary; much more restrictive than found in many or most Fairfax County neighborhoods; and, in our opinion, unreasonable. We request approval of our 18' wide Fire Lane markings as noted on Map C with parking continued to be allowed on our streets, traffic circles and in our parking lots.

We prefer to install only 10 Fire Lane signs at the outer entrances to Charlestown as we proposed. If necessary we will accept the alternative requiring 20 Fire Lane signs although we do not see the need for the requirement for annual re-certification and fee.

Thank you for your consideration.

Sincerely,

Duane G. Ingalsbe  
President, COA Board of Directors  
703-644-4652  
[DandKIngalsbe@msn.com](mailto:DandKIngalsbe@msn.com)

Enclosures