



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of June 13, 2009**

DATE: May 19, 2009

SUBJECT: SP #95 for a special exception site plan amendment for a residential addition in a cluster development, modifications for setback, lot coverage, located at 4722 40th Street North (RPC: 03-071-063).

Applicant:

Marc Cordes, Sunita Kikeri
4722 40th Street North
Arlington, Virginia 22207

By:

Adam Bridge, Alter Urban Inc.
261 Robert Street
Baltimore, Maryland MD 21217

C. M. RECOMMENDATION:

Approve the subject site plan amendment, subject to all previous conditions and two (2) new conditions.

ISSUES: This is a site plan amendment request for a one (1) story kitchen addition and small deck on a single-family house developed as part of a cluster site plan and no issues have been identified.

SUMMARY: The applicant is requesting a site plan amendment for a one (1) story kitchen addition and small deck on a single-family house developed as part of the Black Oak cluster site plan. The addition is very similar to additions that have been approved elsewhere in this 39-unit subdivision. The proposed addition will be architecturally compatible with the existing house, and will not negatively affect either neighboring properties or the subdivision's open space. Therefore, staff recommends the site plan amendment be approved subject to all previous conditions and two (2) new conditions.

BACKGROUND: The site is located in the Black Oak Cluster development, a single-family cluster site plan originally approved in 1973. It was the first cluster development in Arlington County, and the ordinance regulating cluster development has been amended several times since

County Manager: _____

Staff: Peter Schulz, DCPHD, Planning Division

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1973. Over the next three decades homes have been altered or added on to through either site plan amendments or administrative approval. There is no active homeowner's association. The applicant is requesting a one (1) story kitchen and deck addition which will encroach less than the existing deck that will be replaced.

Site: The site is a single-family detached dwelling on a 5,721 square foot lot, located at 4722 40th Street North.

Zoning: The property, and all surrounding properties, are zoned "R-10" One-Family Dwelling Districts.

General Land Use Plan Designation: "Low Residential" 1-10 units/acre.

Neighborhood: The site is located in the Stafford-Albemarle-Glebe Civic Association. The Civic Association has been notified and there has been no response. Black Oak Cluster does not have an active homeowner's association. The applicant's plans have the consent of affected adjacent neighbors.

DISCUSSION: The applicant proposes to replace an existing deck with a one (1) story kitchen addition on a smaller footprint as the deck to be removed, with a new small uncovered deck coming off the rear of the new addition. Section 31.A.8.b.(4) of the Zoning Ordinance, which regulates cluster developments, requires a minimum side yard setback of five (5) feet, "unless the County Board modifies some of these requirements by site plan approval". The current house is three (3) feet from the right side setback, and the proposed kitchen addition will also be three (3) feet from the property line. This is in line with the majority of houses in the Black Oak Cluster development including this house, as the cluster regulation requiring a five (5) foot side yard did not exist at the time Black Oak Cluster was approved.

Section 31.A.8.b.(3) also requires a minimum setback of 25 feet from the exterior boundary of the site, and the kitchen addition will, in one corner, come within approximately 19 feet from the rear exterior boundary of the cluster development, and the proposed open, unenclosed deck coming off from the kitchen will come within 14 feet from the exterior boundary. Several houses in the development are closer than the required 25 foot setback from the exterior boundary, particularly houses along the east and west boundaries of the subdivision. The applicant's proposed additions will actually encroach less than the existing deck, which is proposed to be replaced.

The proposed addition will also result in a lot coverage within the applicant's property lines that exceeds the maximum allowable lot coverage in the "R-10" district, however cluster developments are allowed a maximum of 50% total lot coverage over the whole development. At the time of construction the total proposed lot coverage of the entire Black Oak Cluster development was 37%, and since dwelling additions since then have been small, due to the small size of the lots and the large size of the common areas preserved as open space, the lot coverage will not exceed the maximum of 50% total.

CONCLUSION: The proposed site plan amendment for a kitchen addition and small deck on a single-family house developed as part of a cluster site plan would be in character with the rest of the Black Oak Cluster development, would not be detrimental to the property or neighboring properties, and will result in a smaller footprint than the applicant's existing deck. The addition will not contradict the intent of the cluster development to maximize common open space. Therefore, staff recommends that the site plan amendment be approved, subject to all previous conditions and the conditions of this staff report.

Conditions:

30. The applicant agrees that the kitchen addition and deck located at 4722 40th Street North shall be at the location, design and size as shown on the drawings from Alter Urban LLC and dated April 15, 2009 submitted to the County and presented to the County Board on June 13, 2009.
31. The applicant agrees to submit four (4) wall checks certified by a licensed engineer/surveyor after the foundation for the kitchen addition is completed, but before construction above grade commences. The kitchen addition shall be no closer than three (3) feet from the side property line and 19 feet from the perimeter of the Black Oak Cluster development.

PREVIOUS COUNTY BOARD ACTIONS:

November 14, 1973	Approved a Use Permit and Site Plan (U-1947-73-1) for a 39 unit cluster development.
June 14, 1975	Authorized advertising for public hearing on June 28, 1975, use permit and site plan approval of a 39 unit cluster plan, 3700 Block North Albemarle Street (former U-1947-73-1).
June 28, 1975	Re-approved a Use Permit and Site Plan (U-2024-75-2) for a 39-unit cluster development due to the expiration of the original approval.
June 12, 1976	Approved a site plan amendment allowing the revision of dwelling types and their specific location.
June 7, 1979	Denied a Site Plan Amendment request to deny public use of the common open space, and to eliminate the public pedestrian easement from 40 th Street North to North Albemarle Street.
August 21, 1979	Denied a Site Plan Amendment to allow an in-ground swimming pool at 4042 North Aberdeen Street.
January 5, 1980	Denied a Site Plan Amendment to allow an in-ground swimming pool at 4048 North Aberdeen Street. Denied a Site Plan Amendment to allow an in-ground swimming pool at 4042 North Aberdeen Street.
February 9, 1980	Approved an Ordinance to permit the encroachment of a retaining wall into the North Abingdon Street right of way adjacent to Lot 6A, and specifically the maintenance responsibility for the wall.
December 13, 1980	Approved a Site Plan Amendment allowing the addition of a screened porch at 4016 North Abingdon Street.

