



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 10, 2010

DATE: June 30, 2010

SUBJECT: SP# 91 SITE PLAN AMENDMENT to allow a deck to project 5 feet into the rear yard on the site located at 1945 N. Woodley Street (RPC# 07-080-046).

Applicant:

Christian Aiello, Owner
1945 North Woodley Street
Arlington, Virginia 22207

C.M. RECOMMENDATION:

Approve the site plan amendment to permit a deck to project into the rear yard, subject to all previously approved conditions and new Condition #10.

ISSUES: This is a request to permit a deck to project into the rear yard. There are no known issues.

SUMMARY: This is a site plan amendment request that would allow a 15-foot deck in the rear yard of the townhouse lot located at 1945 North Woodley Street. When the landscape plan for the site plan was approved in 1973, an encroachment into the rear yard was permitted for 10-foot decks or patios. Today, a deck would effectively be precluded because only a one (1) foot deck would be permitted according to the standards set forth in Sections 7.A.2.d.(3) and 32.D.3 of the Zoning Ordinance. Staff is recommending approval of the proposed amendment. Beyond the townhouse's rear lot line there is an additional 6 to 10 feet of common open space for the townhouse site plan. This area would remain and continue to serve as a transition to the single-family residences located further north. The proposed deck would not adversely impact the site plan or adjacent properties. Therefore, it is recommended that this site plan amendment for a deck to project into the rear yard be approved, subject to all previously approved conditions and new Condition #10 to require a building permit for the deck within 60 days of County Board approval of this site plan amendment, and to address modifications to the deck.

BACKGROUND: The applicant is requesting a site plan amendment to permit a deck to project into the rear yard. The subject property is part of the 21-unit Glebe Close Townhouse Site Plan approved by the County Board in 1972. The townhouse development, which includes almost 28,000 square feet of common open space, frames the North Woodley Street cul-de-sac. The approved landscape plan includes a 10-foot deck or patio for the subject townhouse lot.

County Manager: MB/GA

Staff: Freida Wray, DCPHD, Planning Division

PLA-5630

4.

- To the north: Single-family residences zoned “R-6.
- To the west: A contiguous townhouse lot in the subject Glebe Close Townhouse Site Plan. Further west is vacant undeveloped property zoned “RA8-18”.
- To the east: Contiguous townhouse lots in the subject Glebe Close Townhouse Site Plan. Further east are single-family residences zoned “R-6.
- To the south: Townhouses in the subject Glebe Close Townhouse Site Plan. Further south is North Glebe Road and the Becket Glen Townhouse Site Plan (SP #131) zoned “R-10T”.

Zoning: The site is zoned “R-10T” One-Family Residential – Town House Dwelling Districts.

Land Use: The General Land Use Plan designates the site as “Low” Residential (1-10 unis/acre).

Neighborhood: The site is located within the Waverly Hills Civic Association. The civic association has been contacted. Neighbors to the east and west of the subject lot have submitted letters supporting the request. As of the date of this report, no issues have been raised by the civic association or citizens regarding this site plan amendment request.

DISCUSSION: The subject deck was constructed by the applicant over one year ago without a permit. It is 10’5” high, attached to the unit at the second floor, and 15 feet long. Beneath the deck is a flagstone patio. When the applicant applied for a permit, it was rejected because the as-built deck did not conform to the Zoning Ordinance standards for projections into rear yards. The proposed site plan amendment seeks to remedy the non-conforming rear yard projection (deck) and permit the deck.

Section 7.A.2.h of the Arlington County Zoning Ordinance provides that when construction of a townhouse development is completed and title to an individual townhouse is conveyed, the standards of the zoning district become effective, even if the standards conflict with the approved site plan or landscape plan. Section 7.A.2.d.(3) requires a rear yard of 20 feet for the townhouse lot (not including the distance to the site plan’s rear property line). The as-built rear yard for the subject townhouse lot (without the deck) is approximately 17 feet. Section 32.D.3 allows certain structures to extend into a required yard by four (4) feet but no closer than five (5) feet to the rear lot line. This section has been consistently administered as applying to decks. Applying Section 7.A.2.d.(3) and Section 32.D.3 together would require that a deck be located no closer than 16 feet from the rear lot line, based on a four-foot projection into a 20-foot rear yard. Because of its substandard rear yard this would result in a 1-foot deck on the subject lot, effectively precluding a deck from being erected on the lot.

Section 36.H.9 of the Zoning Ordinance allows the County Board to consider amendments to approved site plans which are consistent with the general purpose and intent of the district. Under the “R-10T” district (Section 7 of the Zoning Ordinance), it is intended that townhouse developments result in well designed residences offering optimum residential environmental amenities, including preservation of natural land form and foliage and the clustering of usable

open space. The proposed deck and a new board-on-board fence were built by the homeowner over a year ago. The deck does not adversely impact the site plan or its common open space areas. The 6 to 10 feet of common open space between the rear lot line and the site plan's rear property line would remain. Furthermore, the deck does not impact adjacent properties to the north. The dimension from the deck to the site plan's rear property line would be 8 to 12 feet, and there is a minimum of an additional 25 feet to the existing dwelling to the north. An appropriate transition to the single-family residences further north of the site would continue to be provided.

CONCLUSION: Staff supports the proposed site plan amendment to permit the deck to project into the rear yard. The existing substandard rear yard creates a hardship and precludes construction of a deck consistent with the Zoning Ordinance standards. The proposed deck would not adversely impact the site plan's common open space area located adjacent to the north, which would remain. A transition to the single-family residences located further north would continue to be provided. New Condition #10 is recommended to require the applicant to secure a permit for the deck within 60 days of County Board approval of this site plan amendment, and to address modifications to the deck. Therefore, staff recommends approval of the site plan amendment subject to all previous conditions and new Condition #10.

New Condition:

10. The applicant agrees to obtain a building permit for the deck within 60 days following County Board approval of this site plan amendment. The deck, which is located at the second floor, measures approximately 15 feet long by 16 feet wide by 10 feet 5 inches tall. Minor changes to the approved deck may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) deconstruction of the deck; and (ii) reconstruction of a deck consistent with either this site plan amendment approval or the approved landscape plan. All other changes to the approved deck shall require a site plan amendment.

PREVIOUS COUNTY BOARD ACTIONS:

December 13, 1972

Approved site plan (Z-1996-72-4) for a 21-unit townhouse development.

July 9, 1973

Approved a site plan amendment (Z-1996-72-4) to permit air conditioning units to be located within one-foot of the property line.

April 28, 2010

Attn:
Department of Community Planning, Housing and Development Zoning
Administration
Arlington County, Virginia

From:
Christian Aiello
1945 N Woodley St.
Arlington, VA 22207

Re: Site Plan Application Description of Proposed Use for a Residential Deck

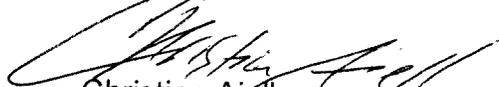
To Whom It May Concern:

My name is Christian Aiello and I am requesting approval to maintain the current size of my existing constructed residential wood deck. The current overall size of the deck is 16'w x 15'd and has a setback of 2.3' from the rear property line.

I would like to apologize as it was not my intention to construct a deck without following the proper procedures. I am a first time home buyer and at the time I was unaware of the setback and permitting requirements. Enclosed please find all the required documents, including letters from immediate neighbors who support my proposal to keep the existing deck size.

Thank you for your consideration.

Sincerely,


Christian Aiello

April 26, 2010

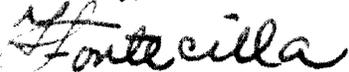
From:
Herbert M. Fontecilla
1947 N Woodley St.
Arlington, VA 22207

Re: 1945 N Woodley St. Deck Size

To Whom It May Concern:

My name is Herb Fontecilla and I live at 1947 N Woodley St., Arlington, VA. My townhouse is attached to the immediate left of 1945. I have no objections and I approve the current size of the deck constructed at my neighbor's house 1945.

Sincerely,

A handwritten signature in cursive script that reads "Fontecilla".

Herbert M. Fontecilla

April 27, 2010

From:
Steve Pizzi
1943 N Woodley St.
Arlington, VA 22207

Re: 1945 N Woodley St. Deck Size

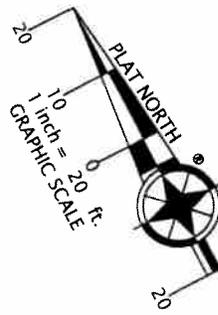
To Whom It May Concern:

I'm writing this letter as an official statement of support for the deck at 1945 N Woodley St.
I approve of the style and the size and have no objections to the deck.

Sincerely,

A handwritten signature in black ink that reads "Steve Pizzi". The signature is written in a cursive, slightly slanted style.

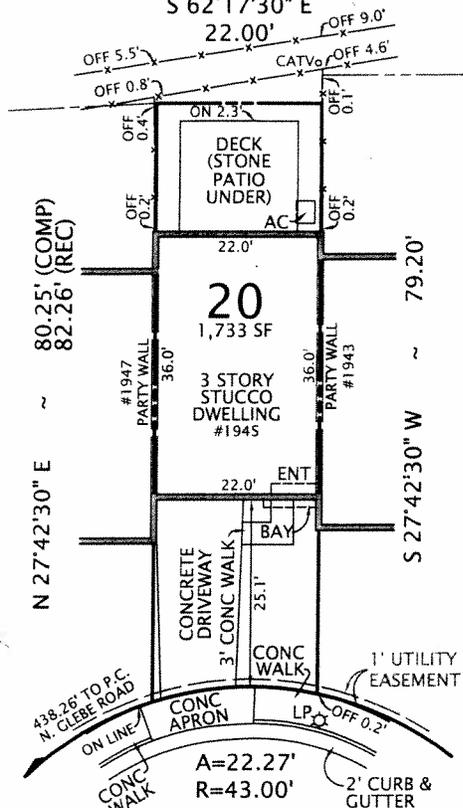
Steve Pizzi



PARCEL B
COMMON GREEN

S 62°17'30" E

22.00'



NORTH WOODLEY STREET
40' WIDE

PLAT
SHOWING HOUSE LOCATION ON
LOT 20, BLOCK 6
RESUBDIVISION OF PARCEL "C" AND PT. PARCEL "A"
RICHARD R. BASSETT SUBD.

(DEED BOOK 1814, PAGE 124)

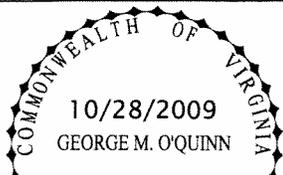
ARLINGTON COUNTY, VIRGINIA

SCALE: 1" = 20'

OCTOBER 28, 2009

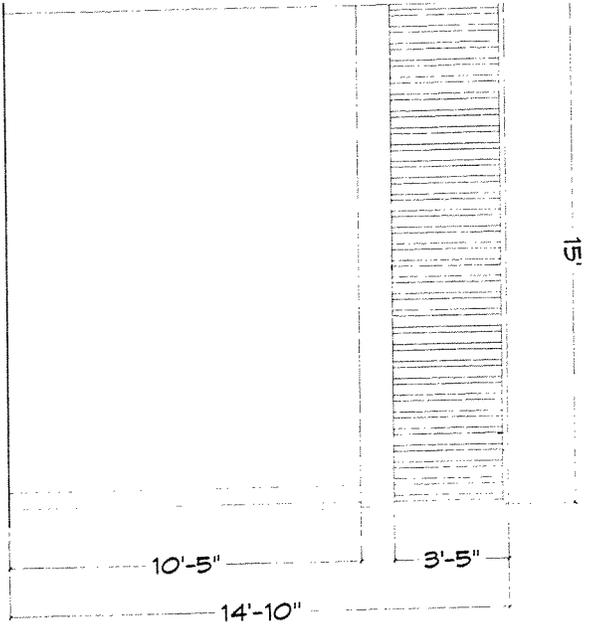
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I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:



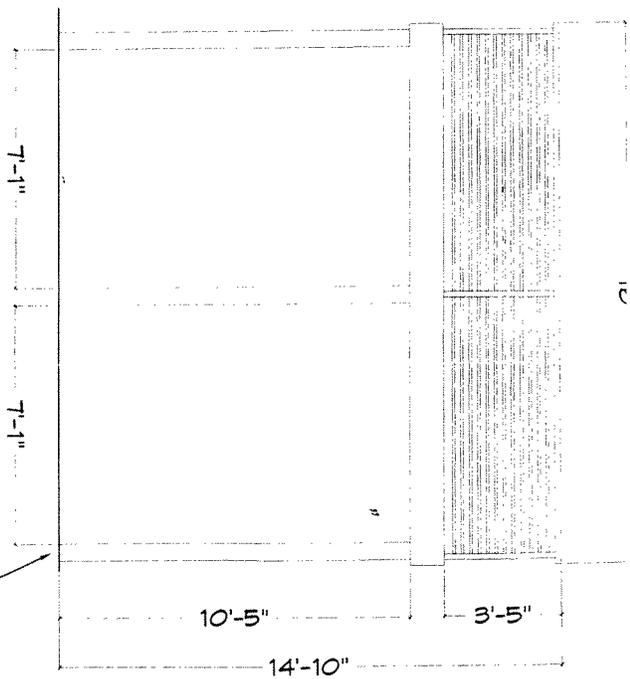
ORDERED BY:

CHRISTIAN AIELLO



GROUND

SIDE VIEW



GROUND

FRONT VIEW



**FOOTER
DETAIL (3)**

CHRISTIAN AIELLO
1945 N. WOODLEY STREET
ARLINGTON, VIRGINIA 22207
SCALE 1/4" = 1'-0"

