



# CHRONIS, LLC

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December 1, 2011

VIA HAND DELIVERY:

Samia Byrd  
Arlington County, Dept. of Community Planning, Housing and Development  
Planning Division  
2100 Clarendon Boulevard, Room 700  
Arlington, Virginia 22201

RE: Use Permit Application – N. Nottingham Street, Lot 7-D (RPC #01-075-020)  
Recommended Development Conditions

Dear Ms. Byrd:

Per my previous correspondence to Staff and the County Board, this law firm represents several concerned neighbors surrounding the above-referenced Property which the subject of a pending Use Permit Application currently set for review on the County Board's December, 2011 agenda. While my clients remain strongly opposed to any house being allowed to be built on the undersized pipe-stem lot that is the subject of this Application, we are aware that Staff is recommending approval of the Application with the Developer's consent to certain development conditions, chief among them a modification of the proposed side yard setbacks from the 8' and 10' that the Developer was requesting to 12' for both sideyards. Should the County Board ultimately decide that the development of a house on this lot is appropriate, we feel that at a minimum it should not do so without consideration of the following proposed Development Conditions that would modify or supplement the Development Conditions that Staff is in the process of drafting. We would hope that Staff would agree to impose such proposed Development Conditions and to include such in its recommendation to the County Board in its upcoming Staff Report, but we will nonetheless be advocating these Conditions to the County Board at the hearing of this matter, should the County Board be intent on otherwise approving the Application.

Height and Footprint Conditions:

- The height of the structure should be no greater than 21' and the footprint of the structure should be to be no greater than 24' X 40'.

Justification:

The height and square footage should be reduced commensurate with the adjusted setbacks. The Developer's initial proposed square footage and height were based on 8' and 10' setbacks. Staff

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should proportionality reduced both to account for the narrower width of the house. As it stands, the Developer's original footprint was approximately 30' X 50' for a stated main house footprint of 1,433 square feet. The 24' X 60' footprint condition that is currently being proposed by Staff actually allows for a 1,440 square foot footprint so there has actually been no reduction in the overall footprint of the house. At a minimum, the Developer should be held to 50' in length per the original plans but we are asking for 40', which is a 20% reduction commensurate with the reduction from 30' in width to the 24' in width that Staff is recommending. Per its original plans, the Developer is showing a Master Bedroom with Master Bathroom Suite and three other large bedrooms on the second floor, which could all be reduced in size to accommodate this reduction in length of the house. Furthermore the guest bedroom could be eliminated particularly since there is another bedroom/office/exercise room currently shown on the first floor that could be used as an additional guest bedroom.

With respect to the height, a 21' limit would also approximate a 20% reduction from the 27' height the Developer is currently seeking. We believe this would be more in keeping with the neighborhood average as the older houses on the block average 18' in height, with only the Strohs at 27.9', the Bloomquists at 32.4', and the Finleys at 35' bringing up the average along with the new Lot 4 house which the Developer has stated to be around 27' as well. The neighborhood does not feel that it is appropriate that one of the taller houses in the block be placed in the middle of the majority of the backyards. With the exception of the new proposed house on Lot 4, these larger homes have been placed on the larger lots or on some of the double lots in the block which minimizes their impact, something that cannot be said about the narrow pipe-stem lot.

Ultimately the neighbors feel that the 12' side yard setbacks alone do not do enough to preserve open space and to minimize the impact of a house being built on an interior lot if the Developer is otherwise allowed to build a house with an extended footprint from what was originally proposed with no reduction in height. This house should not be allowed to stand as one of the taller houses in the block as a result of this pipe-stem use permit process.

#### Sideyard Windows:

- No second floor windows should face the side yards. Alternatively, the fewest number of windows possible that overlook adjacent back yards from the second floor should be allowed to maximize the neighbors' privacy concerns.

#### Justification:

From the original elevations that were submitted by the Developer, it appears that two second floor windows were included on the right side, one full size and one half size window. The left side elevation showed four full size windows and three half size windows, so a reduction would certainly be warranted from this side as well, particularly if the Developer reduces the number of bedrooms on the second floor as a result of reducing the footprint of the house. This condition is

of particular importance to the Bloomquists who have school-aged children who play in the backyard along with a bay window that looks out from their kitchen and living room which would be in the direct line of sight from these second floor windows.

Sideyard Setback Projections:

- Notwithstanding Section 32 of the Zoning Ordinance, no projections or any planned methods of egress should be allowed in the side yard setbacks.

Justification:

It is unclear at this time if the Developer has plans for any walkout basement and if so, where the egress from that would be. My clients are further interested in limiting the number of projections into the side yards, including A/C units and other features, as the emphasis should rather be in placing any such projections in the rear of the house. Despite any visual screening the noise associated with any A/C units would be minimized if they were placed in the rear of the proposed structure.

Proposed Architecture/Elevations:

- The Developer shall submit proposed architectural plans and elevations to be submitted to the Site Plan Review Committee of the Planning Commission for recommendation to and approval by the County Board to produce a design in keeping with the neighborhood and that would produce the least impact on the affected neighbors

Justification:

While a few of the impacted neighbors believe that a bungalow style home would be the least offensive, in line with the other proposed conditions, the neighbors believe feel it would be premature to approve the Application without knowing what the house will ultimately look like and it would be inappropriate to have any approval passed or even a Staff recommendation made without seeing revised elevations that become part of the Staff Report. It may be appropriate to refer these plans to the Site Plan Review Committee of the Planning Commission or other appropriate County or Neighborhood advisory board to better evaluate and advise the County Board on the architectural features and other issues associated with the proposed house. Given that the Developer has already asked for an increase in length of the house from 50' to 60', the neighbors need assurances that the Developer will stick to whatever design is presented and agreed upon by Staff and the County Board. The Board cannot merely approve a footprint and a height limitation given the sensitive nature of what is being built in relation to the neighbors' backyards.

Additional Drainage Measures:

- The Developer shall include the drainage remediation measures previously included in its revised Application. In addition, other drainage measures such as French drains need to be explored.

Justification:

The Ivatts have been told from an engineer that simple compliance with Chesapeake Bay Ordinance measures will be enough to address the drainage issues that building two houses in such a small area will produce. The neighborhood needs assurances that the Developer is going above and beyond the minimum standards particularly as it is introducing two houses in the block that may cause flooding issues for the surrounding neighbors.

Please let me know if you have any questions or require any additional information.

Sincerely,



Aristotelis A. Chronis

Attorney for the below-referenced  
 Neighbors in Opposition

Property Owner	Property Address	Proximity to Subject Property/Properties
Michael & Christine Bloomquist	5827 N. 26th St.	Adjacent Property to 10' setback
Laurie Vikander	2612 N. Lexington St.	Adjacent Property to 10' setback
Mark and Leigh Ann Finley	5818 N. 27th St.	Adjacent Property to 8' setback
James and Lorraine Hendry	5822 N. 27th St.	Adjacent Property to 8' setback
Betty Fadeley	5826 N. 27th St.	Adjacent Property to 8' setback
Jeffrey and Barbara Benoit	2612 N. Nottingham St.	Across from Pipe-stem Entrance
Sara and Andrew Sullivan	2622 N. Nottingham St.	Across from Pipe-stem Entrance
Justin A. and Katrina R. Ivatts	2609 N. Nottingham St.	Adjacent to Lot 4 Proposed Construction
Betty Florence	2621 N. Nottingham St.	Adjacent to Lot 4 Proposed Construction/"stem" portion of pipe-stem.
Nancy Wilck and Glen Gulyas	2626 N. Lexington St.	In Block
David & Mary Jane Konstantin	5835 N. 26th St.	In Block
David and Joan Biehler	5819 N. 26th St.	In Block

cc: Christopher Zimmerman, Chairman, Arlington County Board