



# STAFF MEMORANDUM TO BOARD OF ZONING APPEALS

<b>Address:</b>	130 Wilmar Place NE	<b>Parcel No.:</b>	0384 03 0061
<b>Public Meeting Date:</b>	11/20/2024	<b>Case Number:</b>	PF-1481570-BZA
<b>Owner(s):</b>	Estate of Thompson Robert L Jr	<b>Applicant:</b>	Michael Van Atta of McGuire Woods LLP & Sekas Homes, LTD, contract purchaser
<b>Existing Zoning:</b>	RS-10	<b>Existing Land Use:</b>	Low Density Residential
<b>Request:</b>	<p>Request for approval of variances from requirements of Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10), of the Town of Vienna Zoning Code, to construct a single-unit dwelling on the newly created non-conforming parcel, subject to Town Council approval of the proposed consolidation, on a portion of the parcel known as 130 Wilmar Place NW, Map No. 0384 03 0061 (Lots 61 &amp; 62), in the RS-10, Single-Unit Detached Residential zone. The applicant requests the following variances : 1) lot size - 7,000 sq ft is provided, 10,000 sf is required; 2) lot width at front building line - 50 ft. lot width provided, 60 linear ft is required; 3) lot width at midline - 50 ft is provided, 75 linear ft is required.</p>		
<b>Size of Property:</b>	<p>Lot 61 – 3,500 sq ft, Lot 62 - 3,500 sq ft Total of consolidated lot – 7,000 sq ft</p>		
<b>Public Notice Requirements:</b>	<p>Code of Virginia <a href="#">Section 15.2-2204</a> <i>Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.</i>, has been followed:</p> <ul style="list-style-type: none"> <li>• Posting advertisements in local newspaper for two successive weeks prior to Board of Zoning Appeals meeting. This advertisement was published in the Washington Times newspaper on November 6, 2024, and November 13, 2024.</li> <li>• Posting a placard on the subject property. The placard was posted on November 8, 2024.</li> <li>• Written notices of the meeting provided to adjoining property owners on November 8, 2024.</li> <li>• The Board Clerk filed an affidavit certifying that proper notification requirements were made as stated above.</li> </ul>		
<b>Staff:</b>	Andrea West, Zoning Administrator		



## STAFF MEMORANDUM TO BOARD OF ZONING APPEALS

### Variance - Lots 61 & 62 - 130 Wilmar Place NE

November 20, 2024

#### Request:

Request for approval of variances from requirements of *Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10)*, of the Town of Vienna Zoning Code, to construct a single-unit dwelling on the newly created non-conforming parcel, subject to Town Council approval of the proposed consolidation, on a portion of the parcel known as 130 Wilmar Place NW, Map No. 0384 03 0061 (Lots 61 & 62), in the RS-10, Single-Unit Detached Residential zone. The applicant requests the following variances:

- 1) lot size - 7,000 sq ft is provided, 10,000 sf is required;
- 2) lot width at front building line - 50 ft. lot width provided, 60 linear ft is required;
- 3) lot width at midline - 50 ft is provided, 75 linear ft is required.

The application was filed by Michael Van Atta of McGuire Woods LLP on behalf of Sekas Homes, LTD, the contract purchaser, and the Estate of Robert & Mary Thompson, owner.

#### Process:

This application is part of a larger effort to create two new development lots out of what are now six non-conforming lots at a location known as 130 Wilmar Place NE. The consolidation of Lots 61 and 62 into a single non-conforming parcel is the subject of this variance application. The second proposed consolidation (lots 63, 64, 65, and Part of 66) would meet the requirements of the Zoning and Subdivision ordinance and therefore needs no variances for development to be approved. Lot consolidations are subject to the following provision in Article 6 of Chapter 18:

Per *Sec. 18-606. - Board and Commissions*, the Town Council shall consider proposed plats, pursuant to the recommendation of the Planning Commission, and approve or disapprove the plat in writing, giving with the latter specific reasons therefor, and shall exercise all other powers conferred upon it by the Code of Virginia to assure the orderly subdivision of land and to implement the comprehensive plan of the Town.

Per *Section 18-606.*, the Planning Commission completed the review and recommendation regarding the proposed consolidations on November 13, 2024. The Planning Commission, in general, supported creating two developable lots out of a total land area of 18,900 sq ft, but believed that there were various alternatives available that would create two lots of more uniform size than the approach proposed by the applicant. The Planning Commission therefore voted to recommend against the consolidations as proposed but encouraged the Town to work with the applicants to achieve a better outcome. The Planning Commission recognized, however, that any approach to creating two new lots would need variances because the total land area would not permit the creation of two lots of 10,000 sq ft each.

The next steps are different for the two consolidation applications for development to be approvable. For Lots 61 and 62 (this variance application), development of a single unit detached home may only take place if 1) the Board of Zoning Appeals approves the requested variances, and 2) the Town Council approves the proposed non-conforming lot. For Lots 63, 64, 65, and part of 66, the only requirement (other than staff review of proposal plans for conformance with all requirements) is Town Council approval of the proposed consolidation (which does not need any variances).

# STAFF MEMORANDUM TO BOARD OF ZONING APPEALS

## Variance - Lots 61 & 62 - 130 Wilmar Place NE

November 20, 2024

### Property Characteristics & History:

The subject site is in the 100 block of Wilmar Place NW, approximately 115 feet from the intersection of Wilmar Place NW and Lawyers Road NW. Combined, Lots 61 and 62 are a total of 7,000 square feet; each lot is 25' by 140' feet.

The subject lots are part of the original subdivision of "Wilmar Place". This subdivision predates the Town's 1955 zoning ordinance, which introduced a minimum 10,000-square-foot lot size for the RS-10 zoned parcels. The parcels within the Wilmar Place Subdivision were originally established as 25' in width and 140' deep, resulting in a total of 3,500 square feet. Over time, many parcels within the Wilmar Place subdivision have been combined and/or re-subdivided to create larger development parcels of various sizes.

The parcels are zoned RS-10, Single-Unit Detached Residential, on the Town of Vienna Zoning Map. The RS-10 zone primarily allows, by right, single-unit detached dwellings and associated accessory buildings; and select institutional uses, generally conditional uses, on lots no less than 10,000 square feet. Land to the north, east, and west is also zoned RS-10, and to the south is land zoned CS (Church Street).

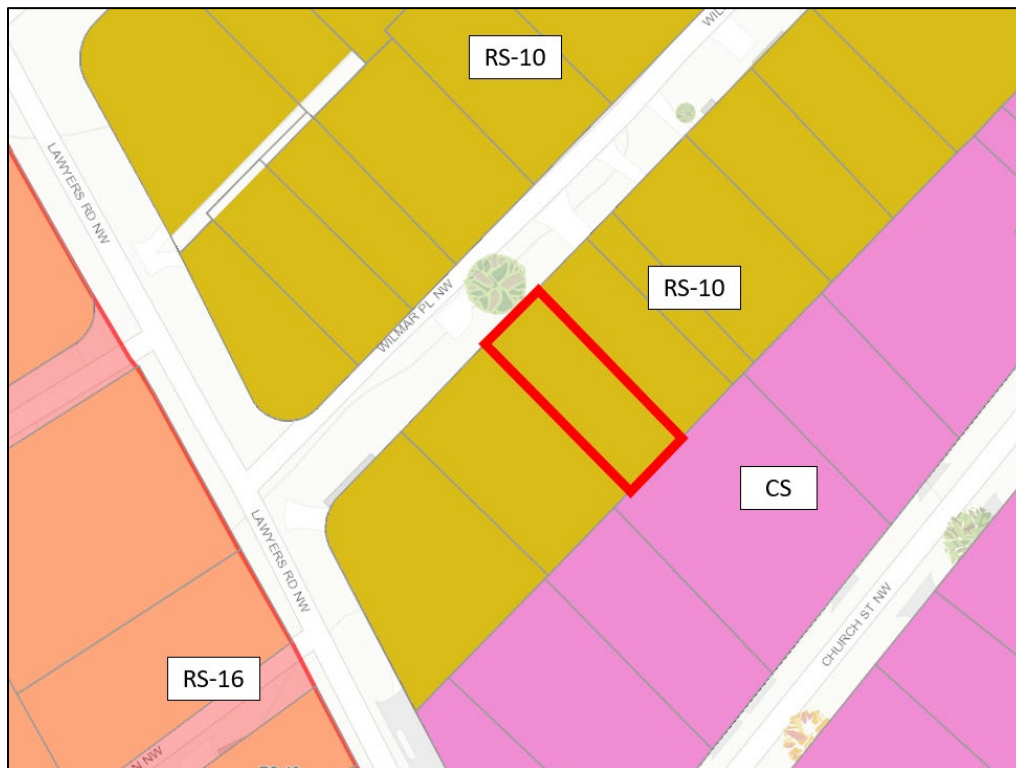


Figure 1 - Site Zoning and Location Map

### Proposed Improvements:

The proposed use for the property, development as a single-unit residential structure, requires variances from the Board of Zoning Appeals because the consolidated lot will not meet the minimum standards of the Zoning and Subdivision Ordinance for the RS-10, 10,000 square foot, residential zoning district.

**STAFF MEMORANDUM TO BOARD OF ZONING APPEALS**

**Variance - Lots 61 & 62 - 130 Wilmar Place NE**

**November 20, 2024**

As proposed, and as indicated above, the application for consolidation of lots 61 and 62 does not meet the requirements for 1) minimum Lot Area, 2) Minimum Lot Width at Front Building Line, and 3) Minimum Lot Width at Midline. Table 1 below shows the requirements, from *Section 18-219* of the Zoning and Subdivision Ordinance, of the RS-10 zone.

<b>Table 1: Alignment with Minimum Lot Requirements for RS-10 Zoning</b>		
	<b>Requirement</b>	<b>Consolidated Lot</b>
<b>Lot Area</b>	Minimum 10, 000 sf	<b>7,000 sf</b>
<b>Lot Shape Factor</b>	Maximum 25	20.63
<b>Front Lot Line Width</b>	Minimum 45 ft	50 ft
<b>Front Building Line Lot Width</b>	Minimum 60 ft	<b>50 ft</b>
<b>Midline Lot Width</b>	Minimum 75 ft	<b>50 ft</b>

Development specific zoning requirements, such as lot coverage and building height, will be reviewed at the time of site plan by staff. If the site plan proposed does not meet a code or requirement, the applicant will be instructed to correct the issue or seek the appropriate resolution.

**Required Board Decision:**

The Board shall consider the application for **variances** from the following Zoning and Subdivision Ordinance Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10):

- 1) Lot Size - 7,000 sq ft is provided, 10,000 sf is required,
- 2) Lot width at front building line - 50 ft. lot width provided, 60 linear ft is required,
- 3) Lot width at midline - 50 ft is provided, 75 linear ft is required.

**Attachments:**

<b>Staff Supporting Documents</b>	<b>Applicant Supporting Documents</b>
<ol style="list-style-type: none"> <li>1. Section 18-219 - Single-Unit RS-10 Zoning Requirements</li> <li>2. Relevant Zoning Variance Code Sections</li> <li>3. Wilmar Place - 1924 Record Plat</li> <li>4. Fairfax County Property Information - Lots 61 &amp; 62 (Parcel 61)</li> <li>5. Plat, 2012</li> <li>6. Public Notification Affidavit</li> </ol>	<ol style="list-style-type: none"> <li>7. Plan Review Application &amp; Authorization</li> <li>8. Statement of Justification</li> <li>9. Variance Zoning Exhibit</li> </ol>