



STAFF REPORT COVER SHEET

January 6, 2025

ATTACHMENT 01

Address	130 Wilmar Place NW	Case Number	1481375 1480694
Regular Meeting Date	1/6/2025	Applicant	Michael Van Atta of McGuire Woods LLP on behalf of Sekas Homes, LTD, contract purchaser
Board/Commission	Town Council	Owner	Estate of Robert & Mary Thompson
Existing Zoning	RS-10	Existing Land Use	Low Density Residential
Brief Summary of Request	<p>1. Approval by Town Council for a final plat for a proposed lot consolidation of two lots, 61 and 62, at 130 Wilmar Pl NW (0384 03 0061) in the RS-10 Single-Unit Detached Residential zone.</p> <p>2. Approval by Town Council for a final plat for a proposed lot consolidation of four lots, 63, 64, 65, and part of 66, at 130 Wilmar Pl NW (0384 03 0063) in the RS-10 Single-Unit Detached Residential zone.</p>		
Site Improvements	The applicant proposes to construct two new single-unit houses on the proposed newly created lots from the consolidations.		
Size of Property	Total of all parcels: 18,900SF Existing Total of Combined Lots 61 and 62: 7,000SF Existing Total of Combined Lots 63, 64, 65 and part of 66: 11,900SF		
Public Notice Requirements:	<ul style="list-style-type: none"> The Town Clerk shall notify the subdivider by mail ten days prior to the date of consideration of the final plat. As a courtesy notice, staff posted a sign on the property on November 7, 2024, notifying residents of Planning Commission and Town Council meetings. 		
Date Application Deemed Complete:	Application was deemed complete by staff November 8, 2024		
Deadline for Action:	January 6, 2024 (action required by Town Council 60 days from official submission; the last Town Council meeting before the deadline is January 6, 2025.)		
Brief Analysis			
<p>PROPERTY HISTORY</p> <p>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 lot size of 10,000-square feet for the RS-10 zoned parcels. The parcels within the Wilmar Place Subdivision were originally established as 25' in width and 140' in depth, resulting in a total of 3,500 square feet. Over time, many parcels within the Wilmar Place subdivision have been combined and re-subdivided to create larger development parcels of various sizes.</p>			
<p>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</p> <p>The Future Land Use Plan in the Comprehensive Plan 2015 Update designates these lots as Low Density Residential. The proposed lot consolidation and intended zoning for single unit detached development, is consistent with the Low Density Residential designation.</p>			

<p>COMPATIBILITY WITH THE ZONING ORDINANCE</p> <p>The proposed consolidation of Lots 63, 64, 65 and part of 66 into one lot complies with the area requirements for the RS-10 Single-family Detached Residential zoning district in Article 2 of Chapter 18.</p> <p>The proposed consolidation of Lots 61 and 62 into a single lot is not in compliance with the lot area and lot width requirements of Article 2 of the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18). In parallel with these consolidation applications, the applicant also requested a variance from the Board of Zoning Appeals to be able to construct a property on a substandard lot; the variance was granted by the Board on November 20, 2024.</p>		
<p>Attachments:</p>	<ol style="list-style-type: none"> 1. Staff Report 2. Relevant Code Sections 3. Applicant Memo to Town Council – December 11, 2024 4. Planning Commission Memo - November 13, 2024 5. BZA Order and Minutes – November 20, 2024 6. Application & Authorization - Lots 61 and 62 7. Preliminary Consolidation Plat - Lots 61 and 62 8. Application & Authorization - Lots 63, 64, 65, and part of 66 	<ol style="list-style-type: none"> 9. Preliminary Consolidation Plat - Lots 63, 64, 65, and part of 66 10. Concept plans, Lots 61 & 62 11. Preliminary Development Plan, Lots 63, 64, 65, and part of 66 12. Existing Conditions Plat, 2012 13. Wilmar Place Subdivision - 1924 Record Plat & Deed 14. Surrounding Property Plats
<p>Author:</p>	<p>Andrea West, Zoning Administrator & Sharmaine Abaied, Planner</p>	

INTRODUCTION:

The applicant requests approval from the Town Council of final plats for:

- 1) Consolidating Lots 61 and 62 into a single lot, and,
- 2) Consolidating Lots 63, 64, 65 and part of 66¹ into a second lot.

The Town Council will be requested to take two actions, one for each consolidation action.

All six lots are currently known as 130 Wilmar Place NW and are, together, utilized as a single lot with two tax parcel numbers, 0384 03 0061 and 0384 03 0063. All six lots are in the 1924 Wilmar Place Subdivision. Both proposed newly created lots will maintain frontage on Wilmar Place NW. The existing lots are zoned RS-10, Single-Unit Detached Residential, and the newly formed lots would retain that same zoning.

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

APPLICATION PROCESS:

Per Section 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

¹ One of the lots has the formal name “part of 66” due to a previous subdivision of the former lot 66, and consolidation of a different part of 66 with adjacent parcels. The remaining portion is named “part of 66” and is one of the subject properties for this application.

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.

Prior to a decision by the Town Council regarding the proposed non-conforming lot, consisting of existing lots 61 and 62, a request for a variance was reviewed by the Board of Zoning Appeals (BZA) for the lot size and lot width. The second proposed lot, consisting of Lots, 63, 64, 65, and part of 66, did not require a variance, as this lot as proposed meets the requirements of the RS-10 Single-Unit Residential area standards.

PLANNING COMMISSION ACTION:

On November 13, 2024, per *Sec. 18-606. - Board and Commissions*, the Planning Commission reviewed the proposed plats for the requested lot consolidation. The Planning Commission passed two motions recommending denial of both requests. These motions carried unanimously by roll call vote of 6-0. The Commission spoke, generally, that it supported the development of two homes on these lots but believes that the lot division could be done in a better manner. The Commission recommended that the applicant work with staff to bring forward redesigns closer to the Town zoning regulations. The Planning Commission recommendation is *Attachment 4* to this memorandum.

BOARD OF ZONING APPEALS ACTION:

The BZA public hearing for the potentially consolidated lots 61 and 62 was held on November 20, 2024. The Board considered the approval of three 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.

The three variances were approved with a roll call vote of 5-0, with the condition of the approval of the Lot Consolidation by Town Council. The meaning of these approvals is that development of a single-unit home would be able to move forward substandard lot if the Town Council were to approve the consolidation of lots 61 and 62. The hearing minutes and order of the Board of Zoning Appeals is *Attachment 5* to this memorandum.

EXISTING SITE CONDITIONS:

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; and, combined, Lots 63, 64, 65, and part of 66 are a total of 11,900 square feet. Lots 63, 64, and 65 currently have a single-unit residence that crosses the lot boundaries. There are no sidewalks along the front of 130 Wilmar Place NW, nor along the entire 100 block of Wilmar Place NW, at present.

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, 140' deep, resulting in a total of 3,500 square feet. Over time, many parcels within the Wilmar Place subdivision have been combined and re-subdivided to create larger development parcels of various sizes. The applicant has provided a memorandum, *Attachment 3*, showing the lot area and width of several other developed parcels on Wilmar Street. Staff has provided the available plats for the properties listed (*Attachment 14*). The original plat for Wilmar Place is *Attachment 13*, showing the original lot configurations.

The subject site is designated as Low-Density Residential Future Land Use in the Town of Vienna Comprehensive Plan (see Figure 1). Low Density Residential Land Uses in the Town are predominately single unit detached dwellings on larger lots. The land found to the north, east, and west of the site is also designated as Low Density Residential. Property located to the south of the subject site, within the Church Street Zoning District, is designated as Mixed Use in the Future Land Use map.

The parcels are zoned RS-10, Single-Unit Detached Residential, on the Town of Vienna Zoning Map (see Figure 2). 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 - Town of Vienna Future Land Use Map



Figure 2 - Town of Vienna Zoning Map



Figure 1 – Orthophotography of lots located at 130 Wilmar Pl NW. The Red outline indicates the current lot shapes. Source: 2024 Fairfax County Imagery

STAFF ANALYSIS:

Town of Vienna 2015 Comprehensive Plan

The following items from the Comprehensive Plan relate to the proposed lot consolidation:

Land Use Objective 1 Implementation Strategy: Keep the current residential zoning classifications and densities in effect.

The applicant is proposing two single unit detached homes, which is the basic policy for land use designation in the Comprehensive Plan and is consistent with keeping the current residential zoning classifications. However, the proposal to build a single unit detached home on a lot that is smaller than 10,000 square feet would increase density as compared to current conditions and may potentially not be consistent with the Comprehensive Plan objective.

Town of Vienna Zoning and Subdivision Ordinance

Lots 61 and 62 - Minimum/Maximum Lot Requirements: As proposed, 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. Section 18-815 and Section 18-703 of the zoning code require approval of a variance by the Board of Zoning Appeals to deviate from the lot requirements for the RS-10 zoning district. *Table 1* below shows the requirements, from Section 18-218 of the Zoning and Subdivision Ordinance, of the RS-10 zone.

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

Lots 63, 64, 65 and part of 66 - Minimum/Maximum Lot Requirements: As proposed, the application for consolidation of 63, 64, 65, and part of 66 meets the requirements for minimum lot area, minimum width and lot shape factor for the RS-10 Residential Single-Unit, from Section 18-218 of the Zoning and Subdivision Ordinance, as shown below in *Table 2*:

Table 2: Alignment with Minimum Lot Requirements for RS-10 Zoning		
	Requirement	Consolidated Lot
Lot Area	Minimum 10, 000 sf	11, 900 sf
Lot Shape Factor	Maximum 25	17.02

Front Lot Line Width	Minimum 45 ft	85 ft
Front Building Line Lot Width	Minimum 60 ft	85 ft
Midline Lot Width	Minimum 75 ft	85 ft

Infrastructure Considerations

- No right-of-way dedication is required with either of the proposed lot consolidations.
- The Department of Public Works has determined that the proposed lot consolidations do not impact public infrastructure and will maintain minimum requirements.
- If the consolidations and home construction projects are approved, the applicant would need to address the absence of sidewalks in front of these properties along Wilmar Place NW. The Department of Public Works is likely to require escrow payments to provide funds for the Town to construct a common sidewalk along the entire block.

TOWN COUNCIL ACTION:

The following language may be used by Town Council to create a motion on the two requests:

- 1) I move to (Approve) (Deny) the request for approval of a final plat for a proposed lot consolidation of two lots, 61 and 62, at 130 Wilmar PI NW (0384 03 0061) in the RS-10 Single-Unit Detached Residential zone. (With the following conditions...) (For the following reasons....)
- 2) I move to (Approve) (Deny) the request for approval of a final plat a final plat for a proposed lot consolidation of four lots, 63, 64, 65, and part of 66, at 130 Wilmar PI NW (0384 03 0063) in the RS-10 Single-Unit Detached Residential zone. (With the following conditions...) (For the following reasons....)