



STAFF REPORT COVER SHEET

March 25, 2025

ATTACHMENT 01

Address	130 Wilmar Place NW	Case Number	1611824
Regular Meeting Date	4/7/2025	Applicant	Michael Van Atta of McGuire Woods LLP on behalf of Sekas Homes, LTD
Board/Commission	Town Council	Owner	Sekas Homes, LTD
Existing Zoning	RS-10	Existing Land Use	Low Density Residential
Brief Summary of Request	<p>Request for recommendations to the Town Council to convert six small lots into two equally sized lots, which would be accomplished through approval of the following three actions at 130 Wilmar Place NW:</p> <ol style="list-style-type: none">1. Lot line adjustment between lots 63 and 64 (0384 03 0063)2. Lot consolidation of lots 61 and 62, and the adjusted lot 63 (0384 03 0061)3. Lot consolidation of lots 64, 65, and part of 66 (0384 03 0063)		
Site Improvements	The applicant proposes to construct a new single-unit detached house on each of the two proposed new lots.		
Size of Property	Total of all parcels: 18,900SF Total of Proposed Combined Lots 61, 62 and 63: 9,450 SF Total of Proposed Combined Lots 64, 65 and part of 66: 9,450 SF		
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 March 5, 2025, notifying residents of Planning Commission and Town Council meetings.		
Date Application Deemed Complete	Application was deemed complete by staff March 4, 2025.		
Deadline for Action	<ul style="list-style-type: none">• May 3, 2025• Action is required by the Town Council 60 days from official submission. The projected Town Council date is April 7, 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 parcels that are zoned RS-10. 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. Many of the existing homes on the 100 block of Wilmar Place are on parcels that are smaller than 10,000 square feet, despite the RS-10 zoning.</p> <p>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</p> <p>The Future Land Use Plan in the <i>Comprehensive Plan 2015</i> Update designates these lots as Low Density Residential. The proposed resulting two lots, after consolidation, are intended for single unit detached development, which is consistent with the Low Density Residential designation.</p> <p>COMPATIBILITY WITH THE ZONING ORDINANCE</p> <p>Each of the resulting two lots, as proposed, would not be in compliance with two of the area requirements for the RS-10 Single-family Detached Residential zoning district: both the total lot area and the lot width at midline will be smaller than the standard requirement. However, <i>Section 18-717 - Substandard Lots</i> allows the Town to permit use of substandard non-conforming lots within subdivisions that were established before the establishment of the Town’s zoning ordinance. Therefore, approval of these actions would be consistent with the Town Code.</p>	
Attachments	<ol style="list-style-type: none"> 1. Staff Memo (this document) 2. Town of Vienna Code Sections 3. Code of Virginia Code Sections 4. Planning Commission Memo – November 13, 2024 5. Existing Conditions Plat – 2012 6. Record Deed and Plat of Wilmar Place – 1924 7. Proposed Plat of Boundary Line Adjustment and Consolidation 8. Proposed Preliminary Grading Plan 9. Affidavit 10. PC Chair Memo 3-12-25 Mtg 11. TC Staff Presentation
Author	Andrea West, Zoning Administrator

INTRODUCTION:

The applicant requests Town Council approval to convert six small lots into two equally sized larger lots. The lots are, together, known as 130 Wilmar Place NW and are part of the 1924 Wilmar Place Subdivision. They are lots 61, 62, 63, 64, 65 and a lot known as “part of lot 66;” they are currently used as a single lot, across two tax parcels: 0384 03 0061 and 0384 03 0063.

The approvals required to accomplish the applicant’s goal are the following:

- 1) Lot line adjustment between lots 63 and 64;
- 2) Consolidation of lots 61 and 62, and the adjusted 63, into a single lot to create a 9,450 square foot lot; and,
- 3) Consolidation of the adjusted lot 64, 65, and part of 66 to create a second 9,450 square foot lot.

The images below show the effect of these actions. **Figure 1** shows the lot line adjustment between lots 63 and 64, which will allow the next step of consolidation into equally sized lots. **Figure 2** shows the results of the two consolidations.

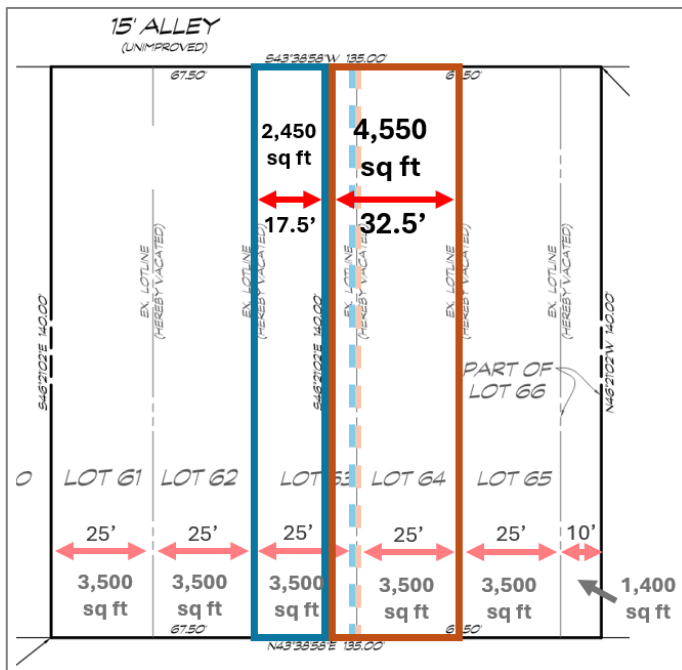


Figure 1 - The adjustment of the lot line between lots 63 and 64 will allow consolidation of the existing six parcels into two equally sized lots. The result of the lot line adjustment will be, temporarily, one parcel of 17.5' in width, and the other of 32.5' feet in width.

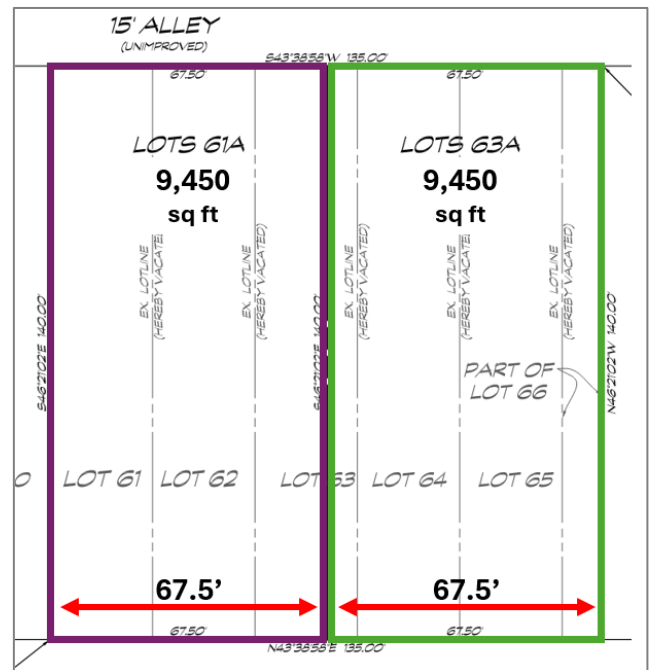


Figure 2 - After the boundary line adjustment, the remaining lot lines, except the new location of the boundary line between lots 63 and 63, will be vacated, creating the two new 9,450 square foot-lots.

This proposal is a new application, replacing a prior application. The new application takes into account feedback received from the Planning Commission on the previous proposal to create two lots, which is described below. The application was filed by Michael Van Atta of McGuire Woods LLP on behalf of Sekas Homes, LTD, which has indicated to staff that they have completed the purchase of the properties.

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.

APPLICATION PROCESS:

Per *Section 18-606. - Board and Commissions*, of *Article 6 of the Zoning and Subdivision Ordinance*, all lot modifications, boundary line adjustments, and subdivisions require the recommendation by the Planning Commission and final approval by the Town Council.

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 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.

NONCONFORMITIES:

The two lots proposed within this application are not in compliance with two of the minimum requirements of *Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10)* of the Zoning and Subdivision Ordinance. Both will be smaller than 10,000 square feet and both will have lot widths at the midline that are narrower than the standard requirement. Nonetheless, the Town Council may approve these lots. Chapter 18, *Article 7 Nonconformities* allows the creation of non-conforming lots within subdivisions that were created prior to the Town of Vienna's original zoning ordinance:

Sec. 18-717 - Substandard Lots.

1. Any lot of official record as of April (or December 17) 1956, or any lot of a subdivision approved by the Town from April (or December 17) 1956, to the effective date of the ordinance from which this division is derived, the lot size is less than 10,000 square feet, may be used for a single-unit dwelling, provided:
 - A. It is in an R district; and
 - B. It cannot reasonably be combined with other property to meet the minimum lot size requirements. Contiguous substandard lots shall be considered combined for the purposes of administering all zoning regulations as of the effective date of this Chapter (See § 18-108), if one home straddled or touched the contiguous lots as of that date, and that home used both substandard lots for setback purposes.
2. If the requirements of subsections 1.A. and B. of this section are met, then:
 - A. A substandard lot's side yard may be reduced to not less than twenty (20) percent of the lot width, but not to less than seven and a half (7½) feet in any case.

- B. A substandard lot's rear yard may be reduced to not less than thirty (30) percent of the lot depth but not less than twenty (20) feet in any case.

The provisions of Section 18-717 are met, allowing the Town Council to approve these actions should it choose to do so.

PRIOR ACTION

The previous application proposed to consolidate the lots in a manner that would have created two lots, one of which would have been 11,900 square feet while the other would have been 7,000 square feet.

- **November 13, 2024, Planning Commission:** Per *Section 18-606*, the Planning Commission reviewed the proposed plats for the previous requested lot consolidations. 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 combined lots but believed that the lot division could be done in a better, and more equal, manner. The Commission recommended that the applicant work with staff to bring forward redesigns closer to the Town's zoning regulations. The Planning Commission recommendation from the November 12, 2024 meeting is **Attachment 04** to this memorandum. The recommendation provides options that the applicant could consider in an amended application.
- **January 13, 2025, Town Council:** At the meeting, the applicant requested that consideration of the (previous) application be deferred until January 27, 2025. Soon after January 13th, and after discussions with staff, the applicant made the decision to rescind the application as it had been submitted and to submit a new application, as presented in this report.

The current application reflects the applicants having selected one of the options presented by the Planning Commission in its recommendation memorandum – the option to create two equally sized, but substandard, lots.

- **March 12, 2025, Planning Commission:** At the meeting, the Planning Commission reviewed the new application and voted unanimously to recommend approval of the lot line adjustment and two consolidations. The Planning Commission recommendation from this meeting is **Attachment 10**.

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, the lots are a total of 18,900 square feet. Currently the lots are occupied by one single-unit residence that crosses the boundaries of several of the smaller lots. There are no sidewalks along the front of 130 Wilmar Place NW, nor along the entire 100 block of Wilmar Place NW, at present. **Attachment 05** is a plat of the existing conditions.

The subject lots are part of the original subdivision of "Wilmar Place". This subdivision predates the Town's 1956 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 original plat for Wilmar Place is **Attachment 06**, 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 3, below**). Low Density Residential Land Uses in the Town are predominantly 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 4, below**). 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 zoned CS - Church Street.



Figure 3 - Town of Vienna Future Land Use Map



Figure 4 - Town of Vienna Zoning Map

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 consistent with the basic policy for these properties in this land use designation. It is also consistent with the objective of 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, in which

there is a single house on 18,900 square feet. However, these actions would eliminate a series of smaller lots and bring lot sizes closer to conformity than they currently are.

Town of Vienna Zoning and Subdivision Ordinance

The proposed properties are subject to Sec. 18-219. - Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10) of the Town of Vienna Zoning and Subdivision Ordinance. As part of the boundary line adjustment and lot consolidation application, a conceptual site plan showing the redevelopment of the lots is required. Prior to the issuance of permits for the construction of the proposed houses, staff will confirm substantial compliance with the plans provided. **Attachments 07** and **08** show the proposed lot configuration and preliminary grading plans.

2. RS-10 Dimensional Standards		Lot 61A	Lot 63A
BUILDABLE LOT DIMENSIONS			
Lot Area Per Dwelling Unit	10,000 sq. ft. min.	9450 sq ft	9450 sq ft
Lot Width at Front Lot Line	45 ft. min.	67.50'	67.50'
Lot Width at Front Building Line	60 ft. min.	67.50'	67.50'
Lot Width at Midline	75 ft. min.	67.50'	67.50'
RESIDENTIAL COVERAGE			
Lot coverage	25% max.	24.85%	24.85%
Deck & Outdoor living coverage	5% max. covered by decks Up to 400 sq. ft. of decks may be covered, with conditions outlined in § 18-213	4.97%	4.97%
BUILDING STANDARDS			
**Building Height	35 ft. max.	34.10'	34.00'
**Number of Stories	2.5 max.		
BUILDING PLACEMENT STANDARDS			
Front Yard Setback	25 ft. min. from front property line	25.33'	25.33'
Interior Side Yard Setback	12 ft. min.	14.83'/12.33'	14.83'/12.33'
Corner Side Yard Setback	25 ft. min.	n/a	n/a
Rear Yard Setback	35 ft. min.	63.83'	63.83'

* Due to the existing conditions of the 1924 Wilmar Place subdivision, per Sec. 18-717 - *Substandard Lots*, the parcels may be utilized per the current zoning ordinance if other conditions, such as lot coverage, are met.

** This data point is confirmed when architectural plans are received.

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 the Town Council to approve the application:

I move to approve the proposed:

1. **Lot line adjustment** between lots 63 and 64;
2. **Consolidation** of lots 61 and 62, and the adjusted 63 to create a single parcel of 9,450 square feet; and,
3. **Consolidation** of the adjusted lot 64, lot 65, and “part of 66” to create a second parcel of 9,450 square feet;

....on the parcels known as 130 Wilmar Place NW, map numbers 0384 03 0061 and 0384 03 0063, in the *RS-10 Residential - Single-Unit, 10,000 sq. ft.* zone.

Or

Other action as deemed necessary by the Town Council.