




STAFF REPORT COVER SHEET

January 10, 2024

ATTACHMENT 01

Address	445 and 447 Courthouse Road SW	Case Number	1074968
Regular Meeting Date	1/10/2024	Applicant	Matt Marshall, Land Design Consultants
Board/Commission	Planning Commission	Owner	Apex Developers, LLC
Existing Zoning	RS-16	Existing Land Use	Low Density Residential
Brief Summary of Request	Recommendation to the Town Council on a final plat for a proposed subdivision of two lots into three lots at 445 and 447 Courthouse Rd SW in the RS-16, Single-Family Detached Residential zone.		
Site Improvements	The applicant proposes to construct three new single-family homes on the site and replace an existing 4-foot-wide sidewalk with a 5-foot-wide sidewalk.		
Size of Property	Existing Total: 89,080 sf (2.045 acres)		
Public Notice Requirements:	<ul style="list-style-type: none">• The Town Council 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 December 26, 2023, notifying residents of Planning Commission and Town Council meetings.		
Official Submission Date for Approval:	December 12, 2023		
Deadline for Action:	February 10, 2024 (action required by Town Council 60 days from official submission; the last Town Council meeting before the deadline is February 5, 2024.)		
Brief Analysis			
PROPERTY HISTORY <p>The 445 and 447 Courthouse Rd SW properties each consist of one single-family home. The parcels have been maintained as single-family residential lots for over 50 years.</p>			
COMPATIBILITY WITH THE COMPREHENSIVE PLAN <p>The Future Land Use Plan in the Comprehensive Plan 2015 Update designates the property as Low Density Residential. The proposed subdivision is consistent with the Low Density Residential designation.</p>			
COMPATIBILITY WITH THE ZONING ORDINANCE <p>The proposed subdivision of two lots into three lots complies with Article 6 of the Zoning Code and meets the area requirements for the RS-16 Single-family Detached Residential zoning district.</p>			
Attachments:	01 – Staff Report 02 – Application & Authorization 03 – Subdivision Plan 04 – Preliminary Plat 05 – Public Works Memo 06 – Relevant Code Sections		
Author:	Maggie Costello, Principal Planner		

INTRODUCTION:

The applicant is requesting a recommendation from the Planning Commission to the Town Council on a final plat for the subdivision of 445 and 447 Courthouse Road SW. The applicant is proposing to subdivide two existing 1-acre lots into three new lots. Both existing properties are zoned RS-16, Single-Family Detached Residential, and the three new properties would retain that same zoning. The application was filed by Matt Marshall of Land Design Consultants, Inc. This application was submitted in 2023 and is therefore subject to the regulations in effect from the code prior to the effective date of the newly adopted code, which is January 1, 2024. Addresses for each of the three new properties will be determined at Final Site Plan.

EXISTING SITE CONDITIONS:



Figure 1 – Orthophotography of existing dwellings located at 445 and 447 Courthouse Rd SW. The Red outline indicates the current lot shapes and imagery. Source: Pictometry

The subject site is located approximately 360 feet east of the intersection of Nutley Street and Courthouse Road and in the 400 block of Courthouse Road. The two existing 1-acre lots comprise approximately 2.045 acres and contain two existing single family detached homes. There is an existing 4-foot-wide sidewalk across the front of the properties.



Figure 2 – 1972 aerial image of site.
Source: Fairfax County Aerials



Figure 3 - 2022 aerial image of site.
Source: Fairfax County Aerials

Figure 2 is an aerial image of the subject site from 1972 with present day boundary lines outlined in red. The existing homes were built between 1930 and 1940. Figure 3 is an aerial image of the subject site from 2022. The parcel lines and land uses have remained unchanged over the 50-year period.

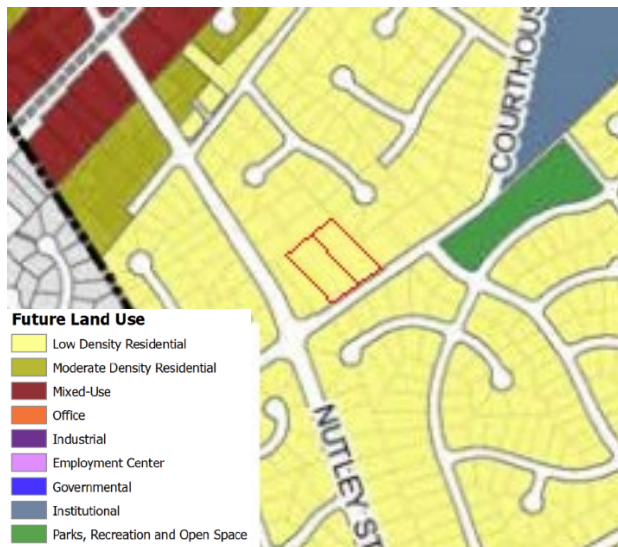


Figure 4 - 2023 Town of Vienna Future Land Use Map

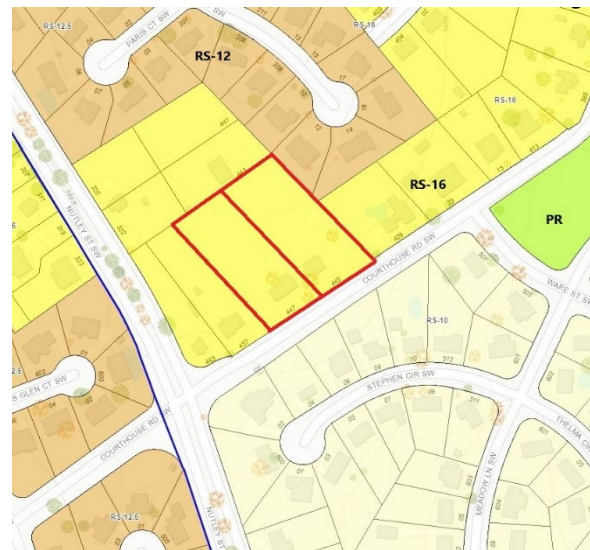


Figure 5 - Town of Vienna Zoning Map

The subject site is designated as Low Density Residential Future Land Use in the Town of Vienna Comprehensive Plan (see Figure 5). Low Density Residential Land Uses in the Town are predominately single-family detached dwellings on larger lots. The site is surrounded to the north, east, west, and south by land also designated as Low Density Residential. Both lots are zoned RS-16, Single-Family Detached Residential, on the 2023 Town of Vienna Zoning Map. The RS-16 zone is one of the implementing zones within the Low Density Residential Future Land Use designation. This zone primarily allows for single-family detached dwellings, along with associated accessory buildings, on lots no less than 16,000 square feet, or approximately 1/3 an acre. Other uses may be allowed in the RS-16 zone as conditional uses, per Section 18-13 of the Zoning Code. The subject site is surrounded on the north, west, and partially on the east by land also zoned RS-16. To the south of the site across Courthouse Road, land is zoned RS-10 (see Figure 4).

PROPOSED SUBDIVISION:

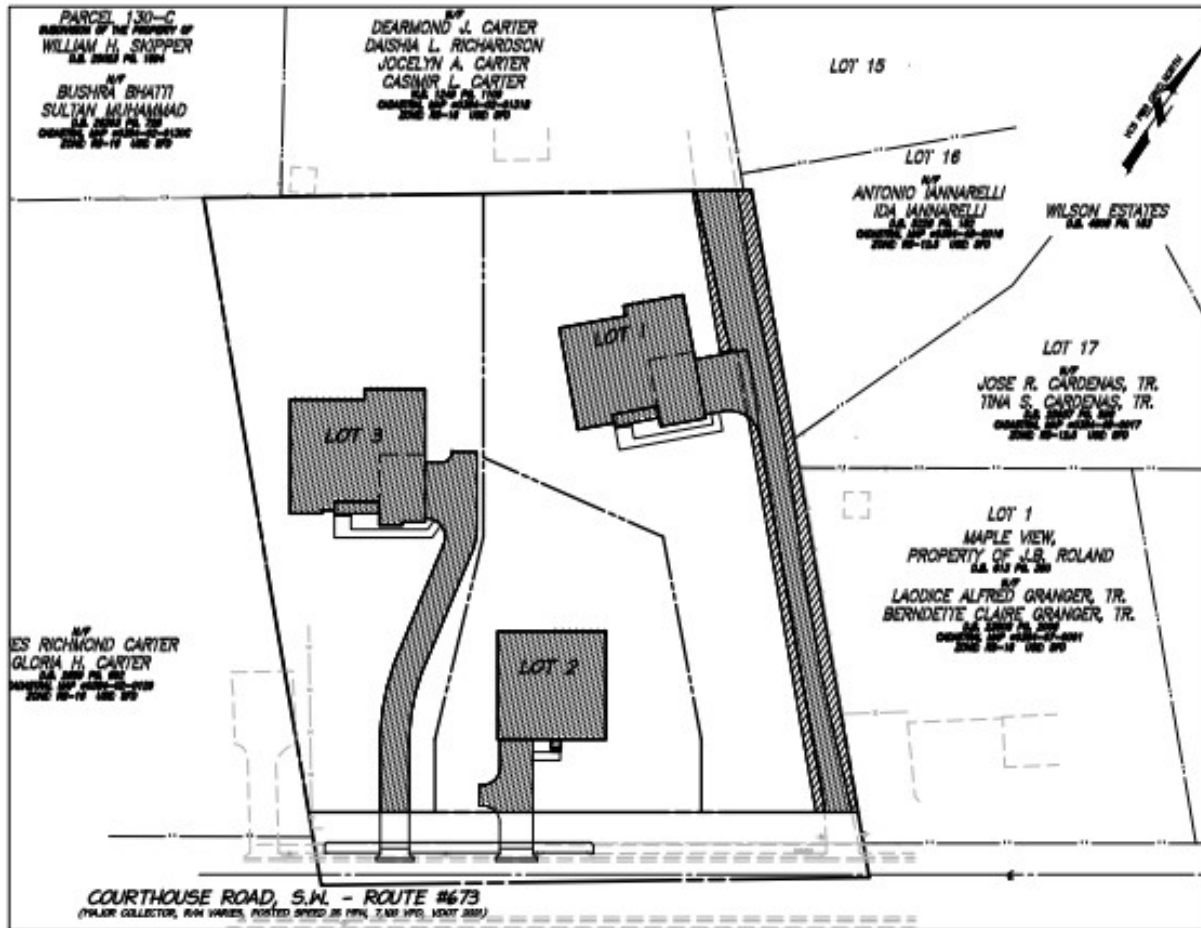


Figure 6 - Proposed Lot Configuration excerpt from submitted plans.

The applicant is requesting approval of the subdivision of two existing 1 acre lots into three conforming lots. All proposed new lots are under 1 acre in size and will be accessed directly via Courthouse Road SW. The subject site is located along a section of Courthouse Road right-of-way measuring 60 feet wide.

Chapter 17.61 of the Zoning Code (2023) requires that each lot shall abut on a street dedicated by the subdivision plat or on an existing publicly dedicated street. The adjacent lot behind the subject property at 443 Courthouse Road, does not abut on a publicly dedicated street. Access to this lot has historically been dependent on the existing driveway off Courthouse Road belonging to the lot located directly in front at 445 Courthouse Road. As 445 Courthouse Road is one of the lots being subdivided in this application, the applicant is proposing a 15-foot-wide driveway access easement for ingress/egress & utilities across the lot located at 445 Courthouse Road providing access to 443 Courthouse in the same location as the existing driveway (see Figure 6). As the lot at 443 Courthouse Road was created prior to the Zoning Code, the Town Zoning Administrator has determined that the landlocked parcel is a vested condition and allowing the easement across 445 Courthouse would provide legal access, resolving the existing non-conformity.

ADDITIONAL INFORMATION RELEVANT TO THIS APPLICATION:



Figure 7 - Front of site and existing homes. Source: Google Street View

The applicant has provided civil engineering plans detailing the proposed use and improvements for the site in addition to the proposed preliminary plat subdivision. If the subdivision is approved, the applicant intends to submit applications to demolish the existing two homes on the site and build three new single-family detached residences.

Details provided by the applicant on sheet 24, which is titled “Tree Preservation Plan” of the civil engineering plan set, show approximately 28 trees categorized as poor to fair condition, and 9 categorized as fair to good condition by TNT Environmental. If the subdivision is approved, the applicant proposes to remove these trees from the site and fulfill the Town’s tree canopy requirements across the site, consistent with subdivision requirements. Proposed public improvements include the replacement of the existing 4-foot-wide sidewalk with a 5-foot-wide sidewalk within the right-of-way and an additional driveway/curb cut into the site.



Figure 8 - Existing driveway providing access to lot behind the site. Source: Google Street View

STAFF ANALYSIS:

Town of Vienna 2015 Comprehensive Plan

The following items from the Comprehensive Plan relate to the proposed subdivision:

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

The applicant’s proposal maintains the current zoning. While the density of the existing site would increase from two to three homes, the proposed density would still be consistent with the “zoning classifications and densities in effect.”

- *Land Use Objective 5 Implementation Strategy:* Minimize impacts on the environment as a result of new development, redevelopment, and subdivisions.

The proposed subdivision and development of new homes will result in the removal of 38 trees; however, the development applications fulfill the tree canopy requirement within the code.

- *Environment and Sustainability Objective 2:* Protect and enhance the Town's tree canopy.

The required 20% canopy coverage will be maintained for the overall site; but, consistent with tree canopy regulations for development in connection with subdivisions under State and Town requirements, 20% canopy will not be provided for each individual proposed lot.

Town of Vienna Zoning Ordinance

Minimum/Maximum Lot Requirements: As proposed, the subdivision meets the minimum lot area and width requirements, maximum lot coverage and lot shape factor for the RS-16 Single-family Detached Residential zoning district, as shown below in Table 1 as required by Article 5 of the Zoning Ordinance and Chapter 17 of the Subdivision Ordinance (2023 Vienna Code of Ordinances in effect at the time of application).

Table 1: Alignment with Minimum Lot Requirements				
	Requirement	Lot 1	Lot 2	Lot 3
Lot Area	Minimum 16,000 sf	31,565 sf	16,631 sf	30,520 sf
Lot Shape Factor	Maximum 25	23.7	16.9	20.8
Street Lot Width	Minimum 50 ft	75.4 ft	128.3 ft	60.7 ft
Front Building Line Lot Width	Minimum 65 ft	69.5 ft	128.3 ft	66.7 ft
Midline Lot Width	Minimum 90 ft	108.1 ft	105.3 ft	109.4 ft
Maximum Lot Coverage (based on preliminary development plans)	Maximum 25%	24.9%	20.5%	21.8%

Town of Vienna Subdivision Ordinance

The subdivision of any tract of land within the Town of Vienna must be in conformity with the Chapter 17 of the Vienna Code of Ordinances that was in effect at time of application in 2023. As such, staff notes the following regarding the Preliminary Plat, as presented by the applicant:

- The subject site is not located within the Chesapeake Bay Preservation Area RPA or the RMA.
- Section 17-15.1- Planting and replacement of trees: The proposed removal of trees will reduce the existing tree canopy coverage on the overall site from 58.6% to 24.5%. No new tree plantings are proposed. Given the proposed tree removals, the applicant would still meet the Town's minimum canopy coverage requirement of 20% in the RS-16 zone, as, per State and Town requirements, the total site area is used in calculating minimum canopy coverage.

- The Department of Public Works has determined the proposed subdivision would meet minimum requirements, including stormwater management requirements as described in Attachment 5 Public Works Memo.
- No right-of-way dedication is required with the proposed subdivision.

As proposed, the subdivision meets minimum requirements in the Town Code and generally aligns with the Town's applicable sections of the Comprehensive Plan.