



Legislation Details (With Text)

File #: 19-1194 **Version:** 1 **Name:**
Type: Action Item **Status:** Agenda Ready
File created: 3/11/2019 **In control:** Town Council Meeting
On agenda: 6/3/2019 **Final action:**
Title: Consideration of vacation and relocation of boundary lines of Lot 67 of Part Block 10 of Windover Heights subdivision (325 West Street NW) and Lot A of George M Pollard subdivision (315 West Street NW), located in the RS-12.5 and RS-16 zoning districts.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 315 and 325 West St NW BLA Plat, 2. 315 and 325 West St NW Deed of BLA

| Date | Ver. | Action By | Action | Result |
|----------|------|----------------------|----------|--------|
| 6/3/2019 | 1 | Town Council Meeting | approved | Pass |

Subject:

Consideration of vacation and relocation of boundary lines of Lot 67 of Part Block 10 of Windover Heights subdivision (325 West Street NW) and Lot A of George M Pollard subdivision (315 West Street NW), located in the RS-12.5 and RS-16 zoning districts.

EXPLANATION AND SUMMARY :

James and Theresa Bachmann, owners of both 325 and 315 West Street NW, wish to adjust the boundary lines of the two lots. The two lots are in separate subdivisions, the Windover Heights and George M Pollard subdivisions. Per Section 15.2-2272.1 of the Code of Virginia, the Town's governing body, that is Town Council, needs to approve vacation and relocation of existing subdivision lines.

Section 15.2-2772.1 states the following:

§ 15.2-2272. Vacation of plat after sale of lot.

In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

1. By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of the vacation by the governing body. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area. The word "owners" shall not include lien

creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which the plat is recorded.

Both lots, with proposed revised boundary lines, meet the zoning requirements for the RS-16 and RS-12.5 zones, including lot widths, lot shape factor, and area requirements. 315 West Street NW is currently a split-zoned lot. In the proposed boundary line adjustment, the lot would still remain split-zoned, but would be majority zoned RS-16. The proposed lot meets the more restrictive RS-16 zoning requirements.

Departmental Recommendation : Staff recommends approval of the request.

Finance Recommendation : N/A

Purchasing Recommendation : N/A

Town Attorney Recommendation : Because the proposed lot line adjustment being requested involves a lot line between two different subdivisions, the Town requires approval by the governing body in accordance with Virginia Code. Town Council may approve the proposed lot line adjustment in its discretion.

Town Manager's Recommendation : I recommend Council approve the vacation and relocation of boundary as proposed and in accordance with §15.2-2272.1 of the Code of Virginia and Chapters 17 and 18 of the Town of Vienna Town Code.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: N/A

PROPOSED/SUGGESTED MOTION

“I move to approve the vacation and relocation of boundary lines of Lot 67 of Part Block 10 of the Windover Heights subdivision (325 West Street NW) and Lot A of the George M Pollard subdivision (315 West Street NW), located in the RS-12.5 and RS-16 zoning districts in accordance with §15.2-2272.1 of the Code of Virginia and Chapters 17 and 18 of the Town of Vienna Town Code.”

Or

Other action deemed necessary by Council.