



# STAFF REPORT COVER SHEET

January 29, 2024

# ATTACHMENT 01


<b>Address</b>	445 and 447 Courthouse Road SW	<b>Case Number</b>	1074968
<b>Regular Meeting Date</b>	1/29/2024	<b>Applicant</b>	Matt Marshall, Land Design Consultants
<b>Council/Commiss.</b>	Town Council	<b>Owner</b>	CB Associates and Legacy Assets, LLC
<b>Existing Zoning</b>	RS-16	<b>Existing Land Use</b>	Low Density Residential
<b>Brief Summary of Request</b>	Approval by Town Council of 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.		
<b>Site Improvements</b>	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.		
<b>Size of Property</b>	Existing Total: 89,080 sf (2.045 acres)		
<b>Public Notice Requirements:</b>	<ul style="list-style-type: none"> <li>• The Town Council shall notify the subdivider by mail ten days prior to the date of consideration of the final plat.</li> <li>• Staff posted a courtesy notice sign on the property on 12/26/23 for the Planning Commission meeting, and on January 18, 2024 for the Town Council meeting.</li> </ul>		
<b>Official Submission Date for Approval:</b>	December 12, 2023		
<b>Deadline for Action:</b>	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.)		
<b>Brief Analysis</b>			
<p><b>PROPERTY HISTORY</b></p> <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> <p><b>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</b></p> <p>The Future Land Use Plan in the <a href="#">Comprehensive Plan 2015 Update</a> designates the property as Low Density Residential. The proposed subdivision is consistent with the Low Density Residential designation.</p> <p><b>COMPATIBILITY WITH THE ZONING ORDINANCE</b></p> <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 <a href="#">RS-16 Single-family Detached Residential zoning district</a>.</p>			
<b>Attachments:</b>	01 – Staff Report 02 – Application & Authorization 03 – Final Plat	04 – Subdivision Plan 05 – Public Works Memo 06 – Relevant Code Sections	07 - Property Deeds 08 – Regulatory Requirements 09 – Planning Commission Memo
<b>Author:</b>	Maggie Costello, Principal Planner		





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

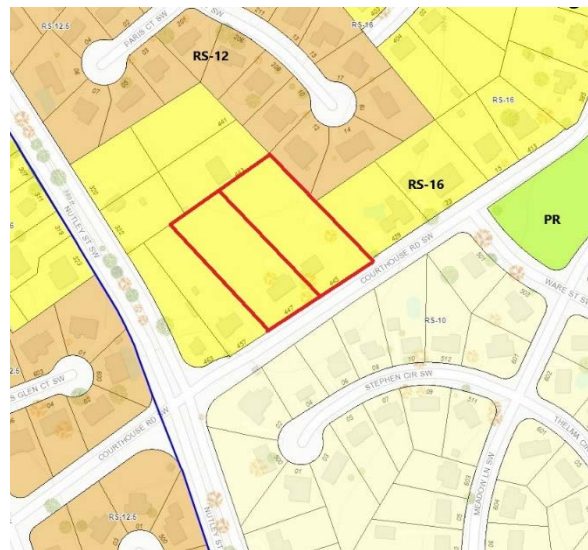


Figure 5 - Town of Vienna Zoning Map

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:**

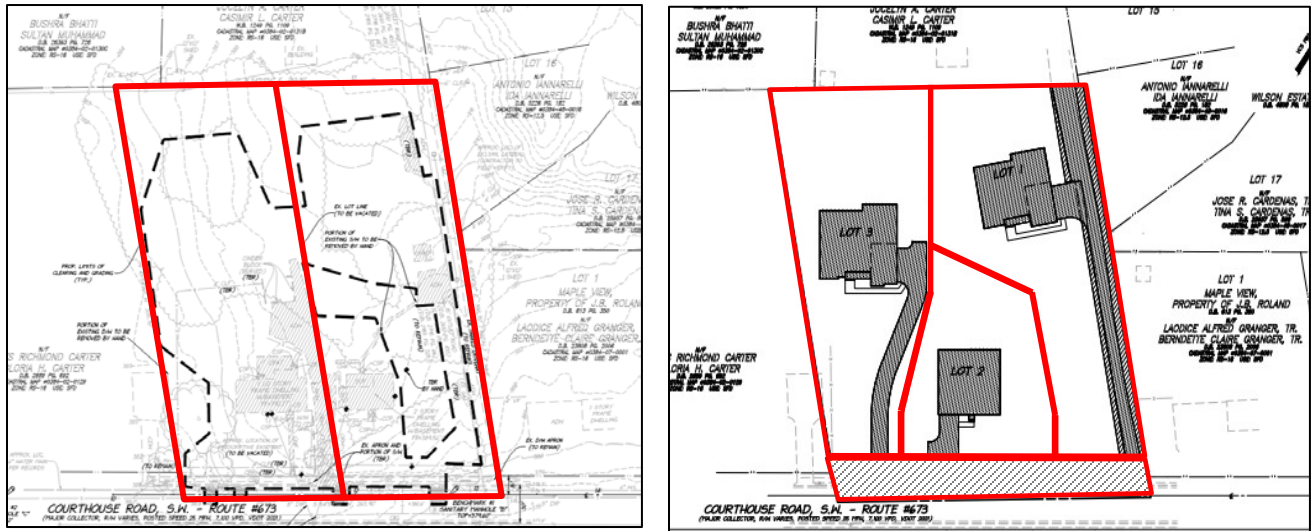


Figure 6: Existing and proposed lot configurations excerpt from submitted plans

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. The applicant is proposing to dedicate approximately 0.24 acres of public right-of-way, or roughly 265 linear feet, along the front portion of the proposed lots.

The existing lot addressed as 445 Courthouse Road has a unique form of access referred to in property deeds as a 15 foot-wide “outlet road,” on the site. This outlet road was recorded by deed in 1965 (see attachment #7) and will remain on the proposed lot #1. The deed specifically states the outlet road is to serve the Edward Carter and Charles Carter tracts, which are the 2 existing lots behind 445 Courthouse Rd. Currently, the outlet road serves a total of 3 residential lots and functions as a shared driveway. This deeded access is considered a vested condition and has been serving all three lots as shown on the aerial photography, dating back to 1972, possibly even earlier. The applicant is also proposing an ingress/egress utility easement varying between 20 and 28 feet in width on the proposed lot 1, which will include the existing shared paved 15-foot-wide access driveway.



Figure 7: Deeded access road approximate location.  
 Source: Fairfax County Aerials

**ADDITIONAL INFORMATION RELEVANT TO THIS APPLICATION:**



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.

*Figure 8 - Front of site and existing homes. Source: Google Street View*

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 9 - 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 minimum 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).

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

**Lot Coverage**

Lot coverage is measured by the area covered by proposed buildings, accessory buildings, automobile parking spaces and access, stoops, sport courts, tennis courts, patios and terraces. As shown on sheet 2 of the plan set (Attachment #4) the applicant has provided calculations for total lot coverage of each lot, which includes the full length of the driveway shown on Lot 1. Any proposed easement has no impact on lot coverage calculations.

**Lot Shape Factor**

Lot shape factor calculations are intended to prevent irregularly shaped or extended lots by avoiding the creation of lots with a “lot shape factor” more than 25. Per Subdivision Ordinance Section 17-60.1, lot shape factor is calculated as the square of the lot perimeter divided by the lot area. As shown on sheet

5 of the plan set (Attachment #4) the applicant has provided this calculation for each proposed lot shape. The proposed dedicated right of way is not included in the calculations for lot shape factor. Any proposed easements also have no bearing on lot shape factor.

### **Town of Vienna Subdivision Ordinance**

The subdivision of any tract of land within the Town of Vienna must be in conformity with 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 final plat and submitted plan set, as presented by the applicant:

- The subject site is not located within the Chesapeake Bay Preservation Area RPA or the RMA.
- The applicant has shown that each proposed lot is a buildable lot through lot shape factor and lot coverage calculations, in addition to proposed access to a public road and tentative placement of stormwater management facilities. These exact calculations or locations may change at site plan review but must still comply with all applicable parts of the Zoning and Subdivision Ordinances.
- Chapter 17.61 of the Subdivision Ordinance (2023) requires that new subdivided lots have direct access off a public road. As proposed, each lot will have direct access to Courthouse Road, which is a public road. In addition, the proposed subdivision will not aggravate the existing non-conformity of the 2 existing land-locked parcels and their shared driveway access, as no additional lots will be served by the deeded outlet road access.
- 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 (inclusive of all three proposed lots) from 58.6% to 24.5%. No new tree plantings are proposed. The Subdivision Code measures tree canopy by "site," meaning the entire site, not lot by lot, per Section 17-15.1 of the Subdivision Code. As proposed, the reduction in trees on the site will still result in the application meeting the Town's minimum required 20% tree canopy.
- 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.
- The applicant is dedicating approximately 0.24 acres, or roughly 265 feet, of right-of-way on Courthouse Road 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.

### **Planning Commission Meeting held January 10, 2024**

The application came before the Planning Commission on January 10, 2023. The Commission asked several questions pertaining to lot coverage, lot shape factor, and the deeded access across 445 Courthouse Road. The Planning Commission's comments are summarized by the Chair in the memo to the Town Council, which is included in Attachment #9. The Planning Commission unanimously recommended approval of the Preliminary Plan.