

March 6, 2003

TO: The County Board of Arlington, Virginia

FROM: Ron Carlee, County Manager

SUBJECT: Zoning Ordinance amendments to Section 1. Definitions, Section 31. Special Exceptions and Section 32. Bulk, Coverage and Placement, of the Arlington County Zoning Ordinance to amend the definition of pipe-stem lot, to amend side yard requirements for pipe-stem lots, to create a by-right Split-Lot Residential Development provision, to allow two-lot size sites to be developed under the Unified Residential Development provision, and to permit pipe-stem lots only by use permit.

- RECOMMENDATION:**
- 1. Adopt an ordinance to amend, reenact, and recodify Sections 1., 31. and 32. of the Arlington County Zoning Ordinance to amend the definition of pipe-stem lot, to amend side yard requirements for pipe-stem lots, to create a by-right Split-Lot Residential Development provision, to allow two-lot size sites to be developed under the Unified Residential Development provision, to provide for adequate light, air, and convenience of access, to facilitate the creation of a convenient, attractive and harmonious community; and other reasons required by the public necessity, convenience and general welfare and good zoning practice.**
 - 2. Do not approve the proposal to permit pipe-stem lots only by use permit.**

DISCUSSION

The proposed Zoning Ordinance amendments are the third in a series of Zoning Ordinance amendments proposed in response to the issues raised by recent infill-residential development for new construction and additions to existing one-family detached houses. The remaining Zoning Ordinance amendments would address issues on maximum lot coverage, and are planned for consideration by the Planning Commission and the County Board in the spring of 2003.

STAFF: Sakura Namioka, Zoning Ordinance Review Program Coordinator
Reviewed by the County Attorney: _____

County Board Meeting Date – March 15, 2003
PLA-3169

The October 8, 2002 County Board Work Session and the Proposed Zoning Ordinance Amendments:

After the July 26, 1999 County Board Work Session, the Zoning Ordinance Review Committee (ZORC) and staff reviewed several options for pipe-stem lot developments at a series of ZORC meetings. At the July 22, 2002 ZORC meeting, consensus was reached to recommend Items #1 to #4 that are listed below.

Subsequently, on October 8, 2002, the County Board held a Work Session and heard recommendations made by the ZORC and staff concerning pipe-stem lots and related issues. At the Work Session, the County Board added Item #5 to permit pipe-stem lots only by use permit and directed staff to prepare a report requesting authorization to advertise the five items listed below. The County Board approved a request to advertise for the proposed Zoning Ordinance amendments on November 16, 2002.

Recommended Items

The following are the description of the items advertised on November 16, 2002 and recommendations by the ZORC and staff for those items:

1. Definition of pipe-stem lots (Section 1. Definitions): Currently, pipe-stem lots with a 40-foot frontage dimension are permitted by the Zoning and Subdivision Ordinances as a matter of right. Section 1 of the Zoning Ordinance defines *pipe-stem lot* as follows:

Lot, pipe-stem. An interior lot meeting the minimum frontage requirement of the subdivision ordinance, with access to the larger, more buildable portion of the lot provided through a narrower "pipe-stem" portion providing the required frontage.

The ZORC and staff recommend amending this definition to clarify the requirements for pipe-stem lots. The proposed language is shown below.

Lot, pipe-stem. A residential lot that complies with the minimum requirements for frontage, lot area, lot width, lot depth, and building placement in the zoning and subdivision ordinances, and that has a narrower "stem" portion, which does not meet the lot width requirement but provides the required frontage and access to a generally larger and more buildable "pipe" portion of the lot, which is located, in substantial part, behind another.

2. Increase the required minimum side yard dimensions on pipe-stem lots: (Section 32. Bulk, Coverage and Placement Requirements, Subsection 32.D.2.e.) Under this proposal, larger side yards than the current Zoning Ordinance requires would be required for main buildings on the “pipe” section of pipe-stem lots. Initially, the ZORC and staff recommended sixteen (16) feet as the minimum required side yard dimension for pipe-stem lots, instead of eight (8) feet in the current Zoning Ordinance. However, at the October 8, 2002 Work Session, the County Board directed staff to explore the possibility of requiring 25-foot side yards.

Staff recommend requiring 25-foot side yards on “pipe” portions of pipe-stem lots for the following reasons. The ZORC recommended enlarging the side yard requirement to 16 feet on pipe-stem lots, but did not take any position on the proposed 25-foot side yard. The current Zoning Ordinance applies identical building placement requirements, including setback, side and rear yards, for main buildings on pipe-stem lots, as for main buildings on non-pipe-stem lots. The ZORC, the community and staff believe that the placement of main buildings on pipe-stem lots should be governed by different requirements because of the particular shape of pipe-stem lots that frequently affects surrounding lots in a negative manner by obstructing natural light and air, and providing insufficient open space that would result in a lack of privacy for both existing and new houses. The new requirements would mitigate these negative results. With 25-foot side yards, the distance between main buildings on pipe-stem lots and on non-pipe-stem lots in front of the pipe-stem lots would become 50 feet. This dimension would provide an equal distance between main buildings built on non-pipe-stem lots located back to back under the current Zoning Ordinance. In addition, the 25-foot side yard dimension, when combined with the 25-foot setback requirements for front and rear yards, would ensure a minimum perimeter distance of 25 feet around all sides of a new dwelling located on the “pipe” portion of a pipe-stem lot. The side yard requirement would also reduce the potential footprint of a new dwelling and increase separation and privacy between houses. The 25-foot requirement is also consistent with the required 25 foot perimeter setback required of residential cluster sites that has helped reduce the potential impact of new development on the surrounding existing houses. For these reasons, staff support the proposed 25-foot side yard setback requirement.

The remaining three items would address issues concerning one-family residential developments on two-lot sized sites. Under the proposed Zoning Ordinance amendments, owners of parcels that can be subdivided into two detached one-family residential lots would have two options that are discussed below. These are: Item #3)

Subdivide into two lots applying the proposed Split-Lot Residential Development provision and Item #4) Subdivide into two lots either by Pipe-stem Lot provision or Split-Lot provision with modifications that may be permitted by use permit under the URD provision.

3. Create Split-Lot Residential Development (SLRD) Provision: (Section 31. Special Provisions, Subsection 31.A.15. Split lots) The Split-Lot Residential Development would be applied to lots that can be subdivided into two lots, as a matter of right under the Zoning and Subdivision Ordinances. Under this provision, lot widths would be reduced to allow the property owner to create two lots by drawing a new straight line from the mid-point of the front lot line to the mid-point of the rear lot line. The proposed minimum lot widths under SLRD provision are 45 feet in R-5 District, 50 feet in R-6 District, 55 feet in R-8 District, 60 feet in R-10 District, and 70 feet in R-20 District. Building placement requirements would continue to be 15 to 25 feet for front setbacks, thirty percent (30%) of lot width with a minimum of eight (8) feet on one side and ten (10) feet on the other side, and 25 feet for rear yard.

The ZORC and staff recommend that the County Board adopt this provision. The proposed by-right SLRD provision would provide a simple new tool to encourage over-sized lots to be developed in an orderly manner, and would become an alternative to pipe-stem lot development on two-lot sized parcels. The provision would make it feasible to align new houses with existing houses on the same block, and would promote maintaining the uniform and orderly appearance on the street block. The new Split-lot would be defined as follows:

Lot, Split-. A residential lot that is created under Subsection 31. A.15. Split-Lot Residential Development of the Zoning Ordinance, as an alternative to a pipe-stem lot development, from a site that meets all requirements for a two-lot subdivision.

4. Revise the existing Unified Residential Development (URD) provision to make two-lot size sites eligible for URD with a new restriction. (Section 31. Special Provisions, Subsection 31.A.13. Unified Residential Development) Under the current URD provision, the minimum site size eligible for URD application is three times the required minimum lot area under the applicable zoning district requirement. Under the proposed amendment, two-lot sized sites would be eligible for URD application when they satisfy the following conditions: The site is at least twice the minimum lot size in the applicable zoning district, and the applicant has demonstrated, through submission of a preliminary plat plan,

showing lot areas, lot dimensions, and buildable areas for main buildings on each lot, that the lots can be subdivided into two-lots as a matter of right, consistent with all the Zoning and Subdivision requirements.

The ZORC and staff recommend that the County Board adopt this provision. This provision was proposed to handle the cases where modification of the by-right pipe-stem lot or Split-Lot Residential Development regulations may result in better site design that would resolve site-specific issues, such as preservation of the existing land form, historic properties, or specimen trees and other significant features on the site.

In addition, the County Board added the following item:

5. Permit a pipe-stem lot only by use permit. (Section 31. Special Provisions, Subsection A.13.a.(3) Pipe-stem lots.) This item was added by the County Board at the October 8, 2002 Work Session. Initially the ZORC and staff recommended that the County Board retain the existing provision that permits pipe-stem lot developments that satisfy the requirements under the Zoning and Subdivision Ordinances as a matter of right. At the November 18, 2002 meeting, ZORC members affirmed this position. After staff conducted additional research and analysis, as requested by the County Board, staff continue to recommend allowing pipe-stem lots as a matter of right but with the revised placement requirement. The main purpose of the proposed Zoning Ordinance amendments is to prevent the negative cluttering effect that results from the current placement requirements for houses on pipe-stem lots. The proposed significant increase in side yards pipe-stem developments would sufficiently address this issue by requiring a 25-foot minimum yard space on all sides of a new one-family dwelling located on a pipe portion of a pipe-stem lot. A use permit option would be more likely to result in modified yard setbacks and lot dimension standards. The use permit approach is better suited when by-right developments cannot achieve the desired results in site design because of particular conditions of the site. For these reasons, staff do not recommend that this provision be adopted.

At the January 20, 2003 ZORC meeting, members recommended that the proposed Zoning Ordinance amendments be approved and that all existing pipe-stem lots be exempted from the new 25-foot side yard requirement in the proposed Zoning Ordinance amendments. Currently there are approximately 298 pipe-stem lots in the County. Eighteen of these pipe-stem lots have been recorded but not yet developed. (See Appendix I in this report.) At the January 27, 2003 Planning Commission meeting, the Planning Commission heard the recommendations from ZORC and from several

citizens. Citizens' recommendations were generally supportive of the proposed Zoning Ordinance amendments. But there was no consensus concerning the exemption of the existing pipe-stem lots from the proposed 25-foot side yard requirement. After the discussion, the Planning Commission recommended that the proposed Zoning Ordinance amendments be deferred to the March 3, 2003 Planning Commission and the March 15, 2003 County Board meetings to provide more time for staff to study the issues.

In response to the issue raised at the January 27, 2003 Planning Commission meeting, staff recommend that all the existing undeveloped pipe-stem lots that are approved or recorded at the date of the proposed Zoning Ordinance amendment adoption, which is scheduled for March 15, 2003, and that are located in "R-5", "R-6", "R-8," "R-10" or "R-20" Districts be allowed to be developed according to the existing regulations for purpose of construction of one main building. After such construction, they would be subject to the new regulations. This action would exempt approximately 20 pipe-stem lots in the County. (Eighteen are in the list in Appendix I) Some of these parcels may have some difficulty developing under the proposed 25-foot side yard requirement, because these parcels were created under the old requirements that permit a minimum side yard of eight (8) feet. It should be noted that, once developed, these lots would have to comply with the proposed requirements and in some cases the structures would become nonconforming. Therefore, owners would not be able to make additions without obtaining a variance.

Staff concluded that exempting all the existing pipe-stem lots that have been developed with one-family houses from the proposed standards would be contrary to the intent of the proposed Zoning Ordinance amendments. There are approximately 280 pipe-stem lots in the County, which have been developed with one-family houses. These properties would not have difficulty being used for one-family residential use, after the proposed Zoning Ordinance amendments are adopted. If some of these houses were to become nonconforming structures after the adoption of the proposed Zoning Ordinance amendments, modifications to some of these houses may be permitted under the variance provision, depending on the specific conditions of the site. Staff prepared a memo describing the procedure that owners of nonconforming structures must follow when their structures are substantially damaged and the owners propose to restore their structures. The memo is included in Appendix III.

Staff have identified three alternatives to address the issues concerning pipe-stem lots, which have been recorded but have not been developed. Staff have recommended that the right of these lots to the old side yard requirements be vested. However, if the County Board chooses not to vest or "grandfather" these pipe-stem lots, the County

Board needs to delete that portion of the propose Zoning Ordinance amendment language in Section 32.D.2.e., and the owners of these pipe-stem lots would have to obtain variance approval to modify side yard requirements, if they could not meet the new requirement. Another alternative would be to add a provision that would permit modification to the side-yard requirements through a use permit. Finally, the County Board could apply smaller side-yard requirements to these lots. Staff suggest that a 16-foot side yard would be a reasonable compromise. Staff have prepared corresponding Zoning Ordinance amendment language for these three alternatives and made them part of Appendix VIII, if the County Board chooses to approve one of these alternatives.

The ZORC and staff anticipate that the proposed Zoning Ordinance amendments would both encourage and discourage pipe-stem lot and two-lot residential subdivisions in general. The proposed SLRD provision would not affect the number of new subdivisions because the provision can only be applied to sites that can already be subdivided into two lots under the current Subdivision and Zoning Ordinances. Pipe-stem lot developments would become slightly more difficult because larger side yards would be required under the proposed Zoning Ordinance amendments. The proposed modifications of two-lot residential developments by use permit may encourage subdivision of two-lot size sites, but they would be limited to the property owners who are willing to use the use permit process and who clearly can demonstrate that the site can be subdivided into two lots as a matter of right.

A member of the Arlington County Civic Federation raised a concern that since the front lots in developments that include pipe-stem lots may have more value than the pipe-stem lots, the proposed Split-lot provision may encourage the demolition of existing houses. To address this concern, staff reviewed seven one-family residential developments that include 19 lots, including ten pipe-stem lots. In conclusion, staff did not find any clear pattern which indicates that front lots are more valuable than pipe-stem lots or vice versa in these developments. Pipe-stem lots have more value than non-pipe-stem lots in three developments, while non-pipe-stem lots have more value on two developments. Of the remaining development, values are similar for both pipe-stem and front non-pipe-stem lots. It appears that values of residential lots are generally determined by the number of dwelling units that can be built on those lots if the other factors, such as location, topography and so forth, are similar. Thus, both front lots and pipe-stem lots are similar in their value as long as their locational factors are the same. The details of this study are included in Appendix II.

Three diagrams depicting the ZORC and staff recommendations are included on the following two pages.

**The Current and Proposed Pipe-stem Lot Residential Development (URD):
R-6 District By-right Development Example**

Site Area: 18,000 square feet: (Minimum: 12,000 square feet)
Site Frontage: 100'
Lot Frontage: 40' or larger
Lot Areas: 6,000 square feet or larger
Lot Width: 60' or larger

Current and Proposed Building Placement for By-Right Development:

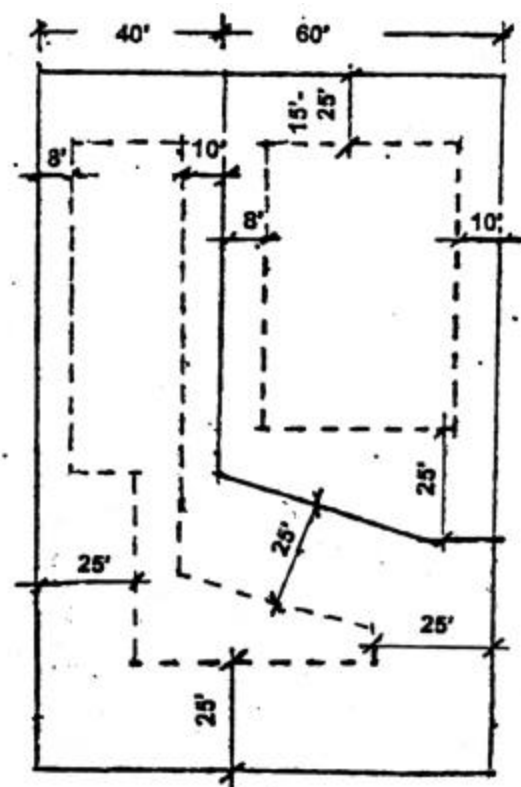
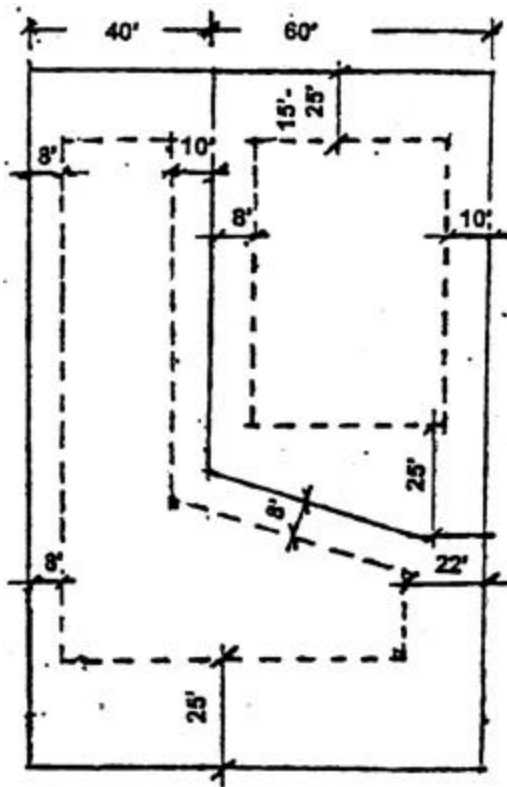
Front lot: Satisfies the following setback (minimum 15'-25'), side yard (min. 8' and 10') and rear yard (min. 25').

Pipe-stem lot: Setback and side-yard requirements in the "stem" section of the pipe-stem lot are the same as those on the front lot.

The minimum side-yard requirement in a "pipe" section is and 25'. (8' under the current Zoning Ordinance.)

Current

Proposed By-right Requirement)

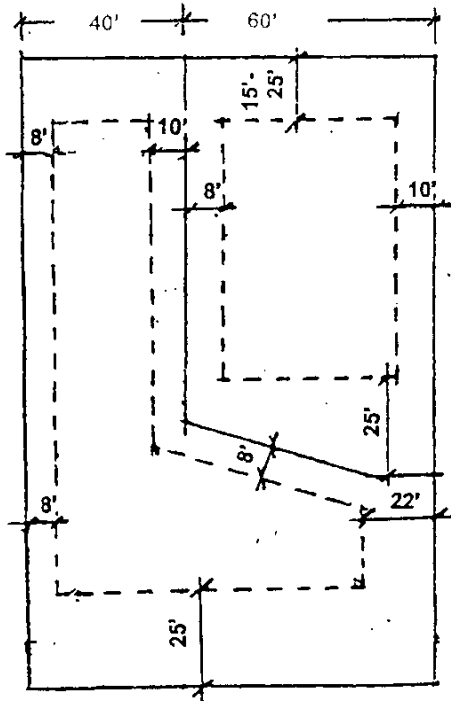


**The Current and Proposed Pipe-stem Lot Residential Development (URD):
R-6 District URD Example**

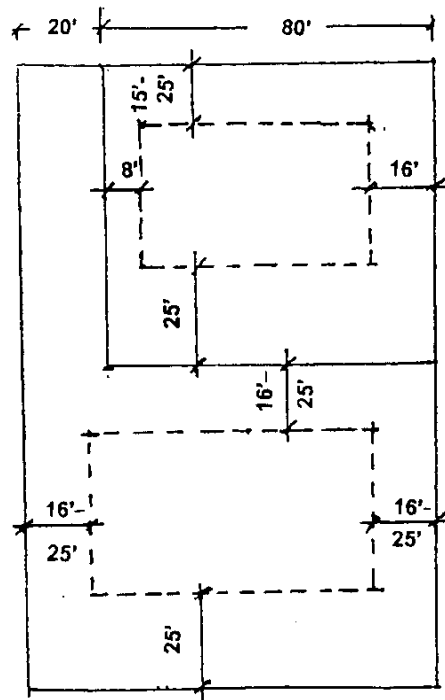
Site Area: 18,000 square feet: (Minimum: 12,000 square feet)
Site Frontage: 100'
Lot Frontage: 40' or larger
Lot Areas: 6,000 square feet or larger
Lot Width: 60' or larger

Current and Proposed Building Placement for By-Right Development:
Front lot: Satisfies the following setback (minimum 15'-25'), side yard (min. 8' and 10') and rear yard (min. 25').
Pipe-stem lot: Setback and side-yard requirements in the "stem" section of the pipe-stem lot are the same as those on the front lot.
The minimum side-yard requirement in a "pipe" section is between 16' and 25'. 8' under the current Zoning Ordinance.

Current



Proposed (permitted under URD)

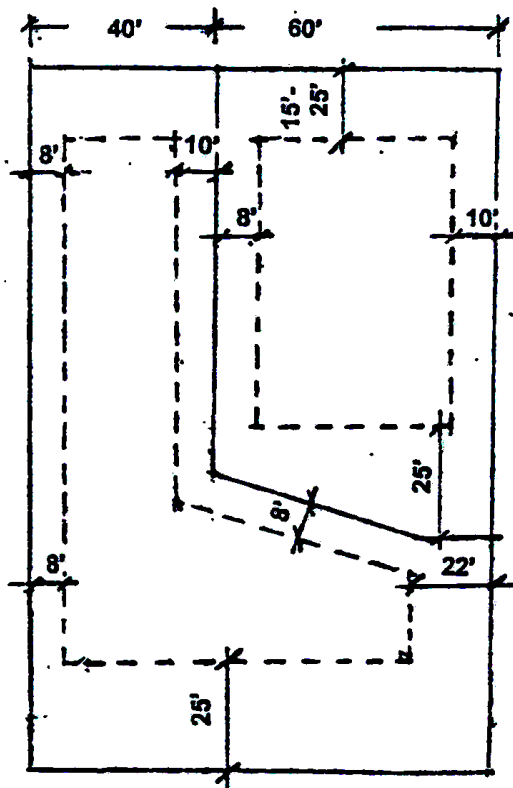


Side yards: Recommended to 25'

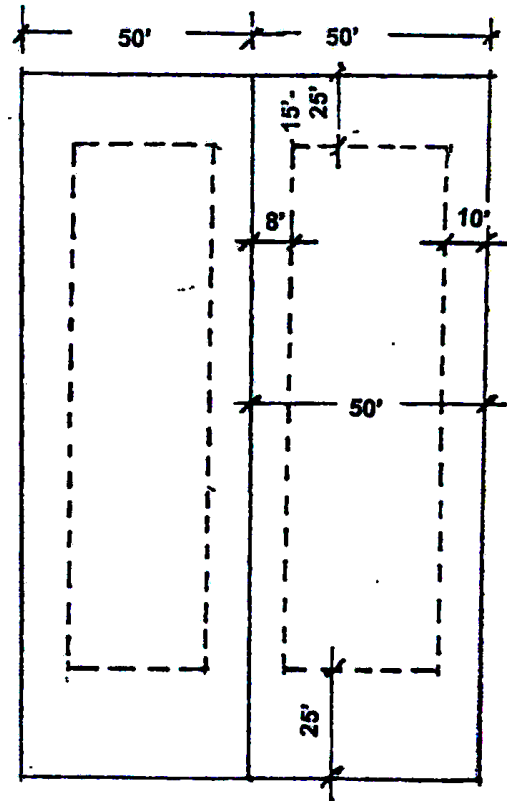
**The Current and Proposed Split-Lots Residential Development (URD):
R-6 District Split-Lot Example**

Site Area: 18,000 square feet: (Minimum: 12,000 square feet)
Site Frontage: 100'
Lot Frontage: 40' or larger
Lot Areas: 6,000 square feet or larger
Lot Width: 50' or larger (In R-6 District). This is a new requirement.
Current and Proposed Building Placement for By-Right Developments:
Satisfies the setback (minimum 15'-25'), side yard (minimum 8' and 10') and rear yard (minimum 25') requirements.

Current



Proposed Split Lot



- Lot width is reduced to 50'.

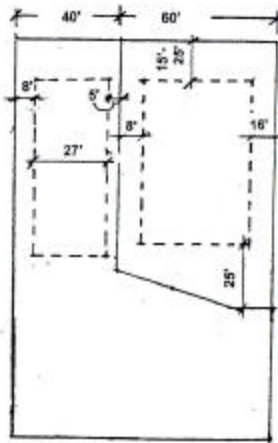
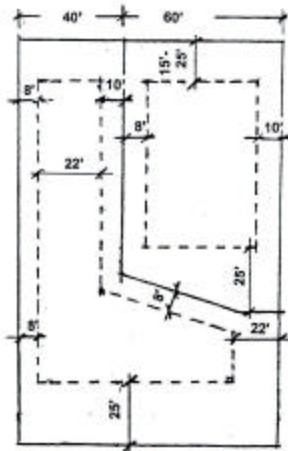
**The Proposed Use Permit Provision for Residential Development (URD):
R-6 District URD Example**

Site Area: 18,000 square feet (12,000 square feet or larger)
Site Frontage: 100'
Lot Frontage: 40' or larger; Modified to 20'
Lot Areas: 6,000 square feet or larger
Lot Width: 50' or larger (In R-6 District)
Modifications: Building Placement and Lot Frontage

Current:

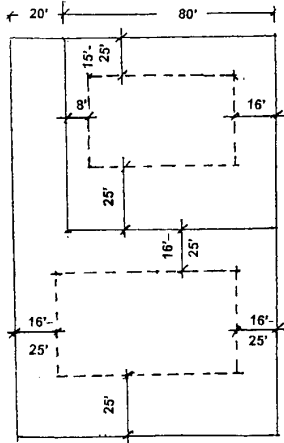
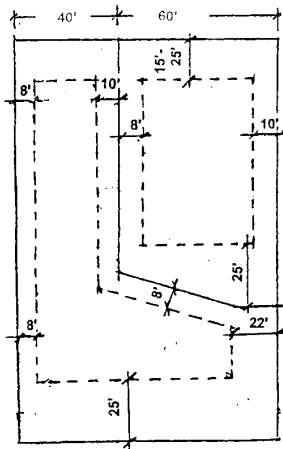
Proposed (permitted under URD):

A. One side yard is modified to 5'



Current:

B. Frontage is modified to 20'.



Community Outreach

After the proposed Zoning Ordinance amendments were advertised in November 2002, staff requested the Civic Federation, several civic associations, business groups, including the Northern Virginia Building Industry Association (NVBIA), the Neighborhood Conservation Advisory Committee (NCAC), the Historic Affairs and Landmark Review Board (HALRB) and other interested groups, to review the proposed Zoning Ordinance amendments and to make comments.

- The HALRB prepared a letter generally supporting the proposed Zoning Ordinance amendments. The HALRB prefers permitting pipe-stem lots only by use permit. If pipe-stem lots are permitted as a matter of right, the HALRB recommends requiring a minimum of 25-foot side yards. (See the attached letter.)
- The NVBIA Technical Committee reviewed the proposed Zoning Ordinance amendments on February 27, 2003, and generally supported the proposal including the exemption of existing undeveloped pipe-stem lots from the proposed 25-foot side yard requirement.
- The NCAC is scheduled to review the proposal at the March 13, 2003 meeting. Staff submitted a staff report for request for advertisement for the February 13, 2003 NCAC meeting as an information item.
- The Civic Federation reviewed the proposed Zoning Ordinance amendments at the March 4, 2003 meeting. The Civic Federation and its Executive Committee are generally supportive of the proposal. (See the attached letter.)
- In addition, the report has been posted on the County web site since November 2002. Staff was informed that these groups are still reviewing the proposed Zoning Ordinance amendments as of the writing of this report. Staff will present their comments at a later date.

CONCLUSION

The Zoning Ordinance amendments in this report are proposed for consideration by the County Board to amend, reenact, and recodify the proposed amendments concerning pipe-stem lots and other related issues, to encourage orderly development of one-family residential neighborhoods, to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice. It is therefore, recommended that the County Board adopt the Zoning Ordinance amendments for Sections 1. Definitions, 31. Special Exceptions, and 32. Bulk, Coverage and Placements, as described in this report; 1) to amend the definition of pipe-stem lots; 2) to amend side yard requirement for pipe-stem lots; 3) to create a by-right Split-Lot Residential Development provision; 4) to allow two-lot size sites to be developed under the Unified

Residential Development provision; to provide for adequate light, air, and convenience of access, to facilitate the creation of a convenient, attractive and harmonious community; and other reasons required by the public necessity, convenience and general welfare and good zoning practice. In addition, staff recommend that the County Board not adopt item #5 that permits pipe-stem lots only by use permit.

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY SECTION 1. DEFINITIONS, SECTION 31. SPECIAL EXCEPTIONS, AND SECTION 32. BULK, COVERAGE AND PLACEMENTS OF THE ARLINGTON COUNTY ZONING ORDINANCE, TO AMEND THE DEFINITION OF LOT, PIPE-STEM, TO AMEND SIDE YARD REQUIREMENTS FOR PIPE-STEM LOTS, TO CREATE A BY-RIGHT SPLIT-LOT RESIDENTIAL DEVELOPMENT PROVISION, AND TO ALLOW TWO-LOT SIZE SITES TO BE DEVELOPED UNDER THE UNIFIED RESIDENTIAL DEVELOPMENT PROVISION.

BE IT ORDAINED THAT, to amend the definition of lot, pipe-stem, to amend side yard requirements for pipe-stem lots, to create a by-right Split-Lot Residential Development provision, and to allow two-lot size sites to be developed under the Unified Residential Development provision, to encourage orderly development of one-family residential neighborhoods, to facilitate the creation of a convenient, attractive and harmonious community; and other reasons required by the public necessity, convenience and general welfare, and good zoning practice, Sections 1, 31. and 32. of the Arlington County Zoning Ordinance be amended, reenacted, and recodified; as follows:

* * *

SECTION 1. DEFINITIONS

* * *

Lot, pipe-stem. ~~An interior lot meeting the minimum frontage requirement of the subdivisions ordinance, with access to the larger, more buildable portion of the lot provided through a narrower "pipe-stem" portion providing the required frontage. (Ord. No. 90-14, 6-28-90)~~ A residential lot that complies with the minimum requirements for frontage, lot area, lot width, lot depth, and building placement in the zoning and subdivision ordinances, and that has a narrower "stem" portion, which does not meet the lot width requirement but provides the required frontage and access to a generally larger and more buildable "pipe" portion of the lot, which is located, in substantial part, behind another lot.

* * *

Lot, Split. ~~A residential lot that is created under Subsection 31. A.15. Split-Lot Residential Development of the Zoning Ordinance. , as an alternative to a pipe-stem lot development, from a site that meets all requirements for a two-lot subdivision.~~

* * *

SECTION 31. SPECIAL PROVISIONS

The regulations specified in this ordinance shall be subject to the following special provisions, except as permitted by site plan approval or otherwise specified in the district classifications:

A. Use.

* * *

13. *Unified Residential Development:* The purpose of this subsection is to provide for flexible, site-specific solutions for the development of one-family detached dwellings in certain zoning districts, to implement the purposes of the General Land Use Plan and the Zoning Ordinance; promote the compatibility of one-family residential developments with surrounding neighborhoods by coordinating building forms, the bulk, scale and placement of new buildings, and the relationship between buildings and structures within the development and surrounding properties; and to preserve natural land forms, irreplaceable historical features, and significant trees and foliage.

a. Unified Residential Development Limitations:

(1) The minimum site size for a Unified Residential Development is the minimum lot size for a one-family dwelling unit required by the applicable Zoning District regulations multiplied by three (3), provided, however, that a site that is at least twice the minimum lot size in the applicable zoning district may be used for a Unified Residential Development where the applicant has demonstrated, through submission of a preliminary plat showing lot areas, lot dimensions, and ~~building footprints~~ **buildable areas**, that the lot can be subdivided into two lots as a matter of right, consistent with all zoning and

subdivision requirements. Attached structures may be permitted for accessory buildings such as garages or storage buildings by use permit approval.

- (2) Unified Residential Developments shall only be permitted in "R-20" One-Family Dwelling Districts, "R-10" One-Family Dwelling Districts, "R-8" One-Family Dwelling Districts, "R-6" One-Family Dwelling Districts, "R-5" One-Family, Restricted Two-Family Dwelling Districts, and "R2-7" Two-Family and Town House Districts.

~~(3) Pipe-stem lots: Pipe-stem lots for one-family dwelling units shall only be permitted under the Unified Residential Development under Subsection 31.A.13.a.~~

b. Any Unified Residential Development shall comply with the zoning requirements applicable to the site and the following requirements, unless the County Board, after it finds that such modifications will better accomplish the purposes and intent of Subsection 31.A.13., modifies some of those requirements by use permit, as permitted in Subsection 31.A.13.c.:

- (1) Density: The maximum number of dwelling units shall be determined by the County Board, depending on the design and configuration of the development, up to a maximum number arrived at by dividing the site area, together with the area of any part of the site to be dedicated for public right-of-way, by the required minimum lot area of the zoning district applicable to the site.

- (2) Minimum Right-of-Way Width of Internal Streets: the streets which are located within the site and will be publicly dedicated shall have rights-of-way and pavement widths as specified in Chapter 23. Subdivisions of the County Code. The minimum right-of-way width may be reduced to forty (40) feet and a pavement width to thirty (30) feet, by use permit

approval, if the County Board finds that such modifications will better accomplish the purposes and intent of Subsection 31.A.8 than would the development without those modifications. Private streets shall be constructed to Arlington County standards and shall be of sufficient width to serve the needs of the development.

- (3) Maximum Site Coverage: Fifty (50) percent.
 - (4) Minimum Parking Requirement: Two and one-half (2 1/2) parking spaces per dwelling unit, at least one (1) of which shall be off-street, shall be provided.
- c. The County Board may modify the minimum site size, up to a maximum of ten percent (10%), upon a finding that, after the proposed modification, the subject development will still accomplish the purposes and intent of the Zoning Ordinance for Unified Residential Development; the area and width of individual lots; any required setback and yard dimensions; site coverage, the number and dimensions of parking spaces; and the height of main buildings by use permit if it finds that such modifications will better accomplish the purposes and intent of Subsection 31.A.13. than would the development without those modifications. Reduction of the minimum site size or lot size shall not result in any greater density than would otherwise be permitted by the ordinance provisions for Unified Residential Development.
- d. Procedures for Unified Residential Development Approval.
- (1) Unified Residential Developments shall be permitted by use permit, as specified in Section 36.G.
 - (2) Amendments to the approved Unified Residential Development Plan: The approved use permit for a Unified Residential Development plan shall be modified or amended as specified in Subsection 36.G. (7/19/97)

* * *

- 15. Split-Lots: Split-Lots shall be permitted, as a matter of right, only in "R-20" One-Family Dwelling Districts, "R-10" One-Family Dwelling Districts, "R-8" One-Family Dwelling Districts, "R-6" One-Family Dwelling Districts, "R-5" One-Family, Restricted Two-Family Dwelling Districts, and "R2-7" Two-Family and Town House Districts, as an alternative to pipe-stem lot development. Except as specifically provided below, Split-Lot Residential Developments shall satisfy all applicable subdivision and zoning requirements, including those for minimum lot area, setback and yards, coverage, parking, and building height, and all of the following requirements:
 - a. Split-Lot Residential Development shall be permitted only on sites that can otherwise be subdivided into two lots consistent with all subdivision and zoning requirements.
 - b. Split-Lot Residential Development shall be defined as the subdivision of one lot into two by adding a straight lot line that extends from the midpoint of the front lot line to the midpoint of the rear lot line.
 - c. The minimum lot width for any lot created under the Split-Lot provision shall be: forty-five (45) feet in R-5 One-Family Dwelling District; fifty (50) feet in R-6 One-Family Dwelling District; fifty-five (55) feet in R-8 One-Family Dwelling District; sixty (60) feet in R-10 One-Family Dwelling District; and seventy (70) feet in R-20 One-Family Dwelling District.

* * *

SECTION 32. BULK, COVERAGE AND PLACEMENT REQUIREMENTS

* * *

D. Placement.

The following regulations shall govern the placement on a lot of any building or structure, or addition thereto, hereafter erected, except as may be allowed by site plan approval:

* * *

2. *Side and Rear Yards*: No structure shall be located closer to side or rear lot lines than as follows:

a. For all "RA4.8," "C," and "M" Districts, not including "C-1-O": No side or rear yard shall be required except that no wall either on the side or rear of a lot abutting an "R" or "RA" District or containing openings or windows, whether or not they can be opened, shall be located closer to side or rear lot lines than eight (8) feet for the first ten (10) feet of building height, plus two (2) additional feet for each ten (10) additional feet of building height, or fraction thereof. (11/21/00)

b. For all one- and two-family dwellings and their accessory structures: Ten (10) feet, provided that one (1) side yard may be reduced to eight (8) feet. The aggregate width of both side yards on any lot shall not be less than thirty (30) percent of the required width of the lot, provided that on interior lots no structure shall be located closer than twenty-five (25) feet from a rear lot line.

c. For all nonresidential main buildings in "R" and "RA" Districts: Double the side and rear yard requirements for the district in which said structures are located.

d. For all other residential buildings and for structures in all other districts: Ten (10) feet plus one (1) additional foot for each two and one-half (2 1/2) feet, or fraction thereof, of building height above twenty-five (25) feet, provided that on interior lots no structure shall be located closer than twenty-five (25) feet from a rear lot line.

e. For all dwellings on pipe-stem lots:

(1) In a "stem" portion of any pipe-stem lot: Any side yard shall satisfy the requirements in Subsection 32.D.

- (2) In the "pipe" section of any pipe-stem lot: Any side yard shall be a minimum of twenty-five (25) feet in depth. ***Provided, however, that where no dwelling unit has been constructed on a pipe-stem lot that was recorded before March 15, 2003, one dwelling unit may be constructed on that pipe-stem lot using the setback and side yard requirements in effect before March 15, 2003. After issuance of a building permit for such dwelling unit, the pipe-stem lot and all future permits and resulting construction on the lot shall be subject to all current Zoning Ordinance requirements.***

Note: Revisions to the advertised language are in italic bold face.

Appendix I. Existing Undeveloped Pipe-Stem Lots in the County

At the October 8, 2002 County Board Work Session, staff received a request for data on existing pipe-stem lots that have been subdivided but have not yet been developed. Staff analyzed 18 existing undeveloped pipe-stem lots found in the County and has summarized the findings from that analysis below. Each lot was analyzed against the following standards:

- a. With 16-foot side yards on all side yards on a "pipe" portion of the pipe-stem lots;
- b. With 25-foot side yards on all side yards on a "pipe" portion of the pipe-stem lots;
- c. With 25-foot and 16-foot side yards, as shown on the lots.

Findings from these pipe-stem lots and the table are:

1. With 16-foot side yards, it will be difficult to build a house with a minimum dimension of 30 feet on both sides on two (2) lots.
2. With 25-foot side yards, it will be difficult to build a house with a minimum dimension of 30 feet on both sides on nine (9) lots.
3. With a combination of 25-foot and 16-foot side yards, it will be difficult to build a house with a minimum dimension of 30 feet on both sides on six (6) lots.
4. On these lots mentioned above, it is still possible to build small rectangular houses with dimensions of 20 to 22 feet on one side, or "L" shaped small houses.
5. Those lots that may have difficulty in developing with a house with a minimum dimension of 30 feet on both sides are limited to the lots located in "R-5" to "R-8" District. In "R-10" and "R-20" Districts, it will not be difficult to build a house with a minimum dimension of 30 feet on both sides.

Zoning Ordinance Amendments for Pipe-stem lots

Zoning District	Address	Lot Areas (sf)	With 16' side yards, a house with a minimum dimension of 30 feet can possibly be built?	With 25' side yards, a house with a minimum dimension of 30 feet can possibly be built?	With 25' side yard and 16 feet side yards, a house with a minimum dimension of 30 feet can possibly be built?
R-5	16 th Street South (RPC 32014012)	10,510	Yes	Yes	Yes
R-6	S Fenwick Street (RPC 24007030)	8,627	No (Max dim.: 28')	No (Max dim. 19')	No
R-6	N Pershing Drive (RPC 19031018)	9,716	Yes	No	No
R-6	14 th Street North (RPC 09048031).	7,928	Yes	No (Max dim. 27')	No
R-6	15 th Street North (RPC 07044028)	10,495	Yes	No	Yes
R-6	23 rd Street North (RPC 11001195)	9,017	Yes	No	Yes
R-6	North Nottingham St (RPC 01054020)	17,597	Yes	Yes	Yes
R-6	Lee Highway (RPC 11001197)	13,537	No (Max dim. 27')	No (Max dim. 25')	No
R-6	North Cameron St (RPC 08011013)	8,126	Yes	No (Max dim. 25')	Yes
R-6	N Kensington St	10,954	Yes	Yes	Yes
R-6	North Oakland St (RPC 05051062)	9,359	Yes	No	No
R-10	24 th Street North (RPC 04028094)	22,439	Yes	Yes	Yes
R-10 and R-8	Little Falls Road (RPC 01020052)	11,107	Yes	No	No
R-10	Rock Spring Road (RPC 03061026)	10,431	Yes	Yes	Yes
R-10	S Lynn Street (RPC 37010019)	11,162	Yes	Yes	Yes
R-10	1753 Army Navy Dr (RPC 37002055)	17,190	Yes	Yes	Yes
R-10	19 th Street South (RPC 37002094)	11,582	Yes	Yes	Yes
R-20	N Nelson Street (RPC 04011502)	36,639	Yes	Yes	Yes
			Yes: 16 No: 2	Yes: 9 No: 9	Yes: 10 No: 6

Appendix II. Land Value Comparison of Pipe-stem lots and non-pipe-stem lots in the developments

Comparison of land value between pipe-stem lots and front non-pipe-stem lots:

Staff reviewed a total of seven one-family residential developments in the County to compare land values of pipe-stem lots and non-pipe-stem lots in the same development. The results are summarized in the following table.

Zoning Districts	Addresses	RPC	Frontage (Ft)	Parcel Areas (SF)	Pipe-stem lot?	Assessed Land Value per Parcel (\$)
R-6	4500 8 th St S	23035032	80	7330	No	207,900
R-6	4510 8 th St S	23035030	40	13760	PStem	213,200
R-6	4401 6 th St S	23013052	60	7435	No	207,900
R-6	4317 6 th St S	23013051	50	16514	PStem	214,200
R-6	3109 N Pershing Dr	19030016	20	8475	PStem	234,000
R-6	3113 N Pershing Dr	19030017	80	7233	No	247,000
R-6	3117 N Pershing Dr	19030018	20	8078	PStem	234,000
R-6	6414 22 nd St N	11005053	60	6002	No	259,700
R-6	6418 22 nd St N	11005054	20	8230	PStem	251,700
R-6	6422 22 nd St N	11005055	20	8027	PStem	251,700
R-6	6426 22 nd St N	11005056	20	8321	PStem	251,700
R-6	6430 22 nd St N	11005057	60	6603	No	259,700
R-6	1903 N Quebec St	06022003	70	10129	No	275,400
R-6	1905 N Quebec St	06022020	12	9523	PStem	275,400
R-6	2158 North Oakland St	05051062	45	9,353	PStem	257,600
R-6	2200 N Nelson St	05051061	85	6,944	No	280,000
R-10	4431 N Dittmar Rd	03032041	10	23007	PStem	336,000
R-10	4433 N Dittmar Rd	03032040	10	11278	PStem	303,000
R-10	4435 N Dittmar Rd	03032039	120	10409	No	300,000

Findings from the table and the conversation with developers at the previous ZORC meetings concerning pipe-stem lots are:

- There are no clear patterns whether front lots are more valuable than the pipe-stem lots in the same development or vice versa in those developments. Pipe-stem lots have more value than non-pipe-stem lots on three developments, while non-pipe-stem lots have more value on two developments. On the remaining development, values are similar on both pipe-stem and non-pipe-stem lots.
- When pipe-stem lots are significantly larger than front lots, values of pipe-stem lots are larger than those of front lots. However, the differences between these values are relatively small.
- It appears that values of residential lots are generally determined by the number of dwelling units that can be built on those lots if the other factors, such as location, topography and so forth, are similar. Thus, both front lots and pipe-stem lots are similar in their value as long as they are located in the same area.
- Pros on front lot development are: since they are close to the street, construction costs associated with utilities are generally lower for the front lots. In addition, if the property owner values the prominence and visibility of his house on the street block, the houses on front lots would have more psychological value.
- Pros on pipe-stem lots are: Pipe-stem lots can provide more privacy relative to the street because they are placed far behind the street if the houses are built on the "pipe" portion of pipe-stem lots.
- Cons on pipe-stem lot are, depending on the size of the lots and placement of the house on the pipe-stem lots, the houses on pipe-stem lots may have less privacy because they are surrounded by neighboring houses on all four sides. In addition, construction costs on pipe-stem lots would be more costly because pipe-stem lots will require longer utility lines and paved access from the street.

Appendix III. Restoration of Nonconforming Structures.

The following are the findings concerning nonconforming structures.

- The County Zoning Ordinance states that:

“...a nonconforming structure which is damaged or partially destroyed “to the extent of not more than seventy-five (75) percent of its value, exclusive of foundation at that time, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided the total cost of such restoration does not exceed seventy-five (75) percent of the value, exclusive of the building or structure,...”
- If a building is damaged by fire, water or other causes, the applicant would work with his insurance company and building officials, and determine the value of the building, excluding the foundation. If the value of the remaining building is more than 25 percent of the value of the building before damage, he would be permitted to restore the building, provided the total cost of the restoration does not exceed 75 percent of the value at the time of the damage, excluding foundation.
- If the damage exceeds 75 percent of the value exclusive of foundations, no repairs or reconstruction of the building will be permitted unless every portion of the building is made to conform to all regulations for new buildings.
- If a nonconforming building, structure or its portion becomes vacant and remain unoccupied for a continuous period of two years or more, it cannot be rebuilt or occupied unless it conforms to the regulations for that zoning district.
- There are many nonconforming structures in the County. However, staff are not aware of situations where the owners of those nonconforming houses had difficulty in selling or obtaining insurance for those houses.
- If the property owner disagrees with decisions made by the Zoning Administrator concerning the restoration of a nonconforming use, the property owner can appeal to the Board of Zoning Appeals.

Appendix IV. Pipe-Stem Lots in the County: Numbers and Trends

Residential pipe-stem lots make up a relatively small part of one-family residential lots in the County. A summary of findings from the data of one-family detached houses and residential pipe-stem lots is as follows:

- During the years between 1992 and 2002, housing units in the County have increased by nine percent (9%), or by 6,055 dwelling units. A large part of this increase is from townhouses and multi-family dwelling units. One-family houses increased by two percent (2%) or 597 dwelling units.
- As of February 2002, there are a total of 27,745 one-family detached residential units located in "R-5," "R-6," "R-8," "R-10," and "R-20" Zoning Districts. Two hundred eighty (280) or one percent (1%), of these lots are pipe-stem lots. These pipe-stem lots are located throughout the County in all residential zoning districts.
- Of these pipe-stem lots, 135 pipe-stem lots (48%) have 20-foot frontage. Seventy-nine (79) lots (28%) have 40-foot frontage, and 66 lots (24%) have 10-foot frontage. Pipe-stem lots with 10-foot frontage were created under the Subdivision Ordinance of 1938, which was the very first Subdivision Ordinance for the County, or after 1971, under the State Code provision (Section 15.2-2244). This provision, which has been deleted from the State Code, allowed 10-foot frontage subdivisions for lots that are sold or are a gift to a member of the immediate family of the property owner. Most 20-foot frontage pipe-stem lots were created before the 1979 Subdivision Ordinance amendments that increased the minimum frontage to 40 feet, except for 18 lots created under the Unified Residential Development provision. The 1999 Zoning and Subdivision Ordinance amendments allow 20-foot frontage for the lots under the Residential Cluster Development and the Unified Residential Development.

Frontage	10'	20'	40'	Total
No. of Lots	66	135 (18 by URD)	79	280

The table below shows that a total of 56 pipe-stem lots were approved between 1991 and 2002.

Year	Zoning District	R-5	R-6	R-8	R-10	R-20	Total
1991		0	2	2	1	2	7
1992		0	1	0	1	0	2
1993		0	3	0	1	0	4
1994		0	0	0	1	2	3
1995		0	7	0	6	0	13
1996		0	2	0	0	0	2
1997		0	4	0	0	1	5
1998		1	4	0	2	0	7
1999		2	2	0	0	0	4
2000		0	3	0	0	1	4
2001		0	2	0	0	0	2
2002		0	3	0	0	0	3
TOTAL		3	33	2	12	6	56

- Forty-seven (47) pipe-stem lots, or 18% of the total pipe-stem lots, have been created during the past ten years.
- As of September 2001, there are 423 lots that have sufficient lot area and frontage for a two-lot subdivision, including pipe-stem lot subdivision, with the proposed 25-foot side yard requirements. These lots make up 1.6% of one-family residential lots in the County.

Growth of Total One-Family Detached Dwellings: The following table shows that the number of one-family detached houses make up a small portion of the increases in number of housing units in the County. Percentage of growth of one-family detached dwelling units and other types of dwelling units, such as townhouses and multi-family housing units, in the County between 1992 and 2002, are as follows:

Year	1992	2002	Percentage of Increase
No. of One-family Detached Dwelling Units	27,148	27,745 (Est.)	2%
No of Housing Units: Other than One-family Detached Dwelling Units (Estimate)	59,683	65,141 (Est.)	9%
Total Housing Units Estimate	86,831	92,886 (Est.)	7%

Number of Potentially Subdividable Lots: Homeowners decide whether or not to subdivide their residential lots based on many factors. The Zoning and Subdivision Ordinance restrictions are only part of these factors. In order to find out how many subdividable lots are really subdivided, staff researched how many existing lots in "R" Districts have sufficient lot area and frontage for pipe-stem lot or twin-lot subdivisions under the proposed Zoning Ordinance. The results are shown in the following table. To prepare this table, two sets of criteria, for lot areas and for frontage, were prepared. Then, applying these two criteria, staff counted all the existing residential lots in the County that satisfy these criteria.

1. Lot area: According to the data provided by the National Association of Home Builders' and local developers, an average or typical one-family house is a two-story house with a floor area of approximately 1,110 (30' x 37')- to 1,184 (32' x 37')-square foot footprint. Using this footprint size and the recommended 25-foot side-yard, staff calculated the minimum lot areas that are needed for two-lot one-family residential developments under the new placement requirements: These would be 16,000 square feet in R-5 District, 18,000 square feet in R-6 District, 21,000 square feet in R-8 district, 25,000 square feet in R-10 district, and 47,000 square feet in R-20 district.
2. Frontage is used as a determining factor to define and separate these subdividable residential lots among all one-family residential lots in "R" Districts.

The other factors that would influence the decision whether to subdivide a lot, such as topography, vegetation, and the location of existing houses in the lot are not factored in this table.

Zoning Districts	Frontage	Areas of Lots	Number of Lots
R-5	90' or larger	16,000 SF or larger	9
R-6	100' or larger	18,000 SF or larger	310
R-8	110' or larger	21,000 SF or larger	18
R-10	120' or larger	25,000 SF or larger	69
R-20	140' or larger	47,000 SF or larger	17
TOTAL			423

Appendix V. Chronology of Infill-Residential Development Regulations:

Since 1997, the County Board and the ZORC have been reviewing Zoning regulations for one-family residential infill-developments in the County. A chronology of the major events in this process is:

- 7/19/97: The County Board adopted the Zoning Ordinance amendments for the Unified Residential Development (URD) provision.
- 4/10/99: The County Board adopted a Subdivision Ordinance amendment related to the URD provisions.
- 5/11/98, 11/12/98, 7/26/99, and 5/9/00: The County Board held three work sessions on Infill-Residential Development.
- 8/1/00: The County Board adopted Zoning Ordinance amendments for *building height*.
- 10/7/00: The County Board adopted Zoning Ordinance amendments for *average lot width*.
- 11/18/00: The County Board adopted Zoning Ordinance amendments for building placement.
- 6/11/01: The County Board held a work session for lot coverage. The ZORC and staff are preparing recommendations for this subject.
- 10/8/02: The County Board held a work session for pipe-stem lot residential developments and related issues.
- 11/16/03: The County Board authorized advertisement of the proposed Zoning Ordinance amendments for pipe-stem lots for the January 27, 2003 Planning Commission and the February 8, 2003 County Board meetings.
- 1/27/03: The Planning Commission recommended to defer the proposed Zoning Ordinance amendments for pipe-stem lots for the March 3, 2003 Planning Commission and the March 15, 2003 County Board meetings.
- 2/8/03: The County Board deferred the proposed Zoning Ordinance amendments for pipe-stem lots for the March 3, 2003 Planning Commission and the March 15, 2003 County Board meetings.

Appendix VI. History of Pipe-stem Lot Developments Regulations in the County.

Pipe-stem lot developments are permitted under the Code of Virginia, Section 15.2-2240. They are included in the County Subdivision Ordinance in 1938, when the County adopted its first Subdivision Ordinance. The chronology of pipe-stem lot regulations in the County is as follows:

- 1938: The County adopted the Subdivision Ordinance. It permitted subdivision of pipe-stem lots with a minimum frontage of ten feet (10').
- 1971: Amended the Subdivision Ordinance requiring a minimum frontage of 20 feet.
- 1979: Amended the Subdivision Ordinance requiring a minimum frontage of 40 feet.
- 1997: Amended the Zoning Ordinance adding the Unified Residential development provision for three lot-size sites.
- 1999: Amended the Subdivision Ordinance permitting 20-foot frontage in association with the Residential Cluster Development or the Unified Residential Development Ordinances.

Appendix VII. *Examples of Pipe-stem Lot Regulations in the other jurisdictions:*

The following is a summary of requirements for pipe-stem lot developments in some jurisdictions in the Washington Metropolitan Area:

<u>Jurisdictions</u>	<u>Pipe-stem lots/Frontage Requirements</u>
Arlington County:	By-right for 40' frontage pipe-stem lots.
City of Alexandria:	Generally not permitted.
Fairfax County:	By special exception, or variance, or approval with proffered rezoning. 20' frontage minimum. A group of lots not to exceed 5 in number.
City of Falls Church:	15' min. frontage as a matter of right.
Herndon:	Permitted by special exception.
Loudoun County:	No pipe-stem lot regulations. Frontage: 80% of the required width; 60%: on cul-de-sac street; permitted as a matter of right.
Prince William County	Permitted under cluster development provisions permitted as a matter of right, subject to the standards. 15' frontage min. on cul-de-sac.

APPENDIX VII: Examples of Existing Pipe-stem Lots:

Pipe-Stem Lot and Split Lot Development

County Board Work Session: 10/8/02

4500-4510 8th St S., R-6, 40' Frontage








ZDistrict	Address	Lot Areas (sf)	Frontage (ft)	Year built
R-6	4500 8th St S	7330	80	1909
	4510 8th St S	13760	40	1987

Pipe-Stem Lot and Split Lot Development

County Board Work Session: 10/8/02
 4401 4417 6th St S., R-6, 40' Frontage



ZDistrict	Address	Lot Areas (sf)	Frontage (ft)	Year built
R-6	4401 6th St S	7435	60	1923
	4417 6th St S	16514	50	1992

Pipe-Stem Lot and Split Lot Development

County Board Work Session: 10/8/02

3109, 3113, 3117 N Pershing Dr., R-6, 20' Frontage



ZDistrict	Address	Lot Areas (sf)	Frontage (ft)	Year built
R-6	3109 N Pershing Dr	8475	20	1994
	3113 N Pershing Dr	7233	80	1924
	3117 N Pershing Dr	8078	20	1994

Pipe-Stem Lot and Split Lot Development
County Board Work Session: 10/8/02
6414, 6418, 6422, 6426, 6430 22nd St N., R-6, 20' Frontage




ZDistrict	Address	Lot Areas (sf)	Frontage (ft)	Year built
R-6	6414 22nd St N	6002	60	1973
	6418 22nd St N	8230	20	1973
	6422 22nd St N	8027	20	1973
	6426 22nd St N	8321	20	1973
	6430 22nd St N	6603	60	1973

Pipe-Stem Lot and Split Lot Development

County Board Work Session: 10/8/02

4431, 4433, 4435 N Dittmar Rd. R-10, 10' Frontage



ZDistrict	Address	Lot Areas (sf)	Frontage (ft)	Year built
R-10	4431 N Dittmar Rd	23007	10	1988
	4433 N Dittmar Rd	11278	10	1988
	4435 N Dittmar Rd	10409	120	1988

Pipe-Stem Lot and Split Lot Development

County Board Work Session: 10/8/02

1903, 1905 N Quebec St., R-6, 10' Frontage



ZDistrict	Address	Lot Areas (sf)	Frontage (ft)	Year built
R-6	1903 N Quebec St	10129	70	1925
	1905 N Quebec St	9523	12	1989

APPENDIX VIII: Alternatives to Staff Recommendations

Staff prepared the following Zoning Ordinance amendment language for the three alternatives to the staff recommendations described in the report.

Alternative #1: No grandfathering:

Section 32.D.2.e. For all dwellings on pipe-stem lots:

- (1) In a "stem" portion of any pipe-stem lot: Any side yard shall satisfy the requirements in Subsection 32.D.
- (2) In the "pipe" section of any pipe-stem lot: Any side yard shall be a minimum of twenty-five (25) feet in depth. *Provided, however, that where no dwelling unit has been constructed on a pipe-stem lot that was recorded before March 15, 2003, one dwelling unit may be constructed on that pipe-stem lot using the setback and side yard requirements in effect before March 15, 2003. After issuance of a building permit for such dwelling unit, the pipe-stem lot and all future permits and resulting construction on the lot shall be subject to all current Zoning Ordinance requirements.*

Alternative #2: Use permit Approach

Section 32.D.2.e. For all dwellings on pipe-stem lots:

- (1) In a "stem" portion of any pipe-stem lot: Any side yard shall satisfy the requirements in Subsection 32.D.
- (2) In the "pipe" section of any pipe-stem lot: Any side yard shall be a minimum of twenty-five (25) feet in depth. ***Provided, however, that where, as of March 15, 2003, no dwelling unit has been constructed on a pipe-stem lot that was recorded before that date, this requirement may be modified by use permit.***

Alternative #3: Sixteen-foot side yards:

Section 32.D.2.e. For all dwellings on pipe-stem lots:

- (1) In a "stem" portion of any pipe-stem lot: Any side yard shall satisfy the requirements in Subsection 32.D.
- (2) In the "pipe" section of any pipe-stem lot: Any side yard shall be a minimum of

twenty-five (25) feet in depth. **Provided, however, that where, as of March 15, 2003, no dwelling unit has been constructed on a pipe-stem lot that was recorded before that date, the required side yard depth in the "pipe" portion of the lot shall be a minimum of sixteen (16) feet.**

APPENDIX IX: Correspondence

1. Letter from Dee Kirkbride, for Kirkbride Construction, inc., dated February 28, 2003.
2. Letter from Charles Monfort, Chairman, Historic Affairs and Landmark review Board, dated January 29, 2003.
3. Letter from William W. Gearhart, Co-chair, the Planning and Zoning Committee of the Civic Federation, dated March 3, 2003.
4. Letter from Mike and Bobbie Ballard, property owner, dated January 27, 2003.
5. Memo from Joseph DeBor, Resident, dated February 12, 2003.

Kirkbride Construction, Inc
2733 North Lexington Street
Arlington, Virginia 22207
Telephone (703) 241-0025
Fax: (703) 241-0026

February 28, 2003

TO: Members of the Arlington County Board and Planning Commission
FROM: Kirkbride Construction, Inc.
SUBJECT: Pipe Stem Lots and Proposed By-Right Split Lot Development

Dear County Board and Planning Commission:

We are writing to support the present pipe stem ordinance as it currently stands, without modifications, and to support the proposed By-Right Split Lot Residential Development proposal.

We submitted a pipe stem lot subdivision on December 16, 2002 under the current pipe stem regulations and hope to have it finalized and recorded prior to the March 15, 2003 County Board meeting. If for some reason the plat has not been approved in a timely manner, we feel the subdivision should be grandfathered under the current subdivision ordinance and do not feel it is appropriate to change the rules for our submittal since we relied on the current ordinance for submittal and approval. This is an unusually large lot, 30,000 square feet in R-6, but we are only asking for two lots because of the 100 foot frontage.

In addition, we like the option of having the split lot choice for development and feel it will be beneficial in many cases with much smaller lots. We have spoken with several of our neighbors and some prefer the split lot development while others *"feel that the pipe stem placement of the two homes would be preferable to having two houses on narrow fronts"*.

We support the current subdivision ordinance to remain by-right and to grandfather all existing pipe stem lots and those that are already accepted for review by Arlington County.

We also support the proposed by-right split lot provision as an alternative choice for the future development of Arlington. We can see many cases that the split lot development would be preferable to the pipe stem but also where the pipe stem may be preferable when the lot is larger than usual.

In closing, we hope you will vote to keep the existing pipe stem ordinance as it is useful in certain situations and also vote to add the by-right split lot development as it will be useful for many alternative applications. Thank you for your time and consideration.

Sincerely,

Dee Kirkbride
Cc: Sakura Namioka
Luis Araya



CHARLES MONFORT
CHAIRMAN

ARLINGTON COUNTY, VIRGINIA
HISTORICAL AFFAIRS AND LANDMARK REVIEW BOARD
#1 COURTHOUSE PLAZA, SUITE 701
2100 CLARENDON BOULEVARD
ARLINGTON, VIRGINIA 22201
(703) 228-3760 • FAX (703) 228-3834



MICHAEL LEVENTHAL
COORDINATOR

January 29, 2003

Mr. Paul Ferguson
Chairman
Arlington County Board
#1 Courthouse Plaza
Suite 301
2100 Clarendon Boulevard
Arlington, Virginia 22201

RE: Proposed Zoning Changes to Pipe-Stem Lots (Advertised at the 11/16/02 County Board Meeting; To be Heard at the February 8, 2003 County Board Meeting)

Dear Mr. Ferguson:

On behalf of the Historic Affairs and Landmark Review Board (HALRB) I would like to share with you our recommendations on the proposed Zoning Ordinance amendments concerning pipe-stem lots.

As you know, the membership of the Zoning Ordinance Review Committee (ZORC) is comprised of many individuals, including representatives from various commissions, including HALRB. Therefore HALRB has been able to follow the genesis of ordinances relating to infill development in Arlington. Infill development has a possibility to produce a negative affect on our older neighborhoods – some of which now enjoy the status of being State and Federal historic districts. Therefore HALRB is keenly interested in any ordinance change that can help address citizens' concerns about infill.

In the November 5, 2002 staff report that accompanied the Request to Advertise changes to pipe-stem development there are five Recommended Items. Following are our comments on each item:

1) Add definitions of pipe-stem of pipe-stem lots and split lots.

HALRB agrees with the definitions offered.

2) Amend a side yard requirement for pipe-stem lots.

The HALRB supports increasing the current side yard requirement for pipe-stem lots. Given that at least one side yard in question actually appears (and functions) as a rear yard, we support increasing the current set back to a full 25 feet – the current setback

required for rear yards. Such an increase would help preserve the historic placement and physical context of homes in older neighborhoods. It should be noted that even if the Board would accept the later recommendation that any new pipe-stem lots be created only by use permit, such a provision would not help the placement of new dwellings on already-created, but as yet unbuilt, pipe-stem lots. Enactment of this provision would address that issue.

3) Create a by-right Split-Lot Residential Development provision as an alternative to pipe-stem lot development. **HALRB would support this proposal under two conditions – that a by-right provision for the creation of pipe-stem lots remains in the Zoning Ordinance (see below) and its application is limited to lots that could be subdivided into pipe-stem lots as a matter of right. It is our goal to maintain the historic context and “rhythm” of houses in older neighborhoods, and two lots that would have houses in line with other houses on the street is to be preferred to houses being placed behind others. However, our greater preference is for all pipe-stems to be created by use permit only.**

4) Allow application of existing Unified Residential Development (URD) provision to two-lot size sites.

HALRB is supportive of this proposal. URD is a very good planning tool for neighborhoods and allows public input into the creation of an infill development. It also allows for site-specific solutions that are very necessary for the preservation of the ambiance of older neighborhoods. We would prefer if the use of URD (or use permit) would be mandatory (see below).

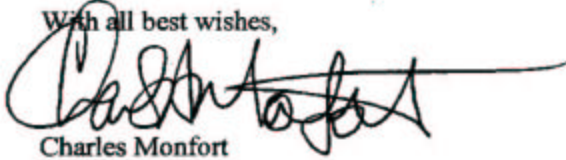
5) Permit a pipe-stem lot only by use permit.

HALRB strongly supports this proposal and thinks it is the best among the options of split lot and URD. By having the creation of all new pipe-stem lots reviewed individually, the best decisions on appropriateness for any neighborhood could be made. As a part of the use permit the placement of any structure(s) on the pipe-stem lot could also be discussed with the wider community and controlled by the permit. This would allow the best solution on a case by case basis, and therefore keep the historic fabric of Arlington neighborhoods intact.

Recently some have begun requesting that any changes adopted to the Zoning Ordinance not apply to any current pipestems – those on which structures exist as well as those which are as yet unbuilt. HALRB does not support such a request. To grant such a request would be to give pipestems a special exception that no other non-conforming lots enjoy. For example, houses in Maywood routinely have to seek variances for additions, etc. because the setbacks have changed since the construction of the original building. Similarly, new structures on as yet unbuilt but recorded “regular lots,” even those that may be under the current minimum size for a zoning district (e.g. 4,500 square foot lots on and R5 district) must comport with the current setbacks for the district or seek a variance.

If you would like to discuss any of these recommendations and comments further, please feel free to contact me.

With all best wishes,

A handwritten signature in black ink, appearing to read 'Charles Monfort', with a long horizontal flourish extending to the right.

Charles Monfort
Chairman
Historic Affairs and Landmark Review Board



ARLINGTON COUNTY
CIVIC FEDERATION

March 3, 2003

Mr. Ted Saks, Chairman
Arlington County Planning Commission
2201 Clarendon Blvd.
Arlington, VA. 22201

Re: Meeting of March 3: pipe stem lots

The following reflects the views of the Planning and Zoning Committee of the Civic Federation; the full Federation will consider this matter at its meeting on March 4, 2003. The views below are largely consistent with the views that we expressed at the Planning Commission last month, but are more detailed and take into account both the discussion at the Planning Commission meeting and new information developed by staff since that time in response to questions raised by the Commission members and speakers.

Our position is premised on the following three observations: first, pipe stem lots carved out of larger lots are among the most challenging to develop, and their development is almost always controversial with the immediate neighbors; second, the lots that are candidates for pipe stem subdivision differ markedly from one another, and there is no one size solution that fits all; and third, the changes proposed by ZORC and staff address some of the current problems, but may lead to new ones, and in any event do not address the need for greater community input and for solutions tailored to the specifics of the lot in question.

- (1) **Special site plan review process.** The Committee recommends that development of pipe stem lots be permitted only through a modified site plan review process that includes the neighboring property owners and civic association. The process should involve community input both into how the lot is subdivided, and the placement of the structures on the subdivided lots. To facilitate the process, staff should provide guidelines for developers that would include the option for split lot subdivision with community support, side yard setbacks of 25 feet, and a general requirement that new structures be compatible in size and height to structures on surrounding lots. The goal is to provide flexibility with community input to take into account the unique situation of each lot, including topography, major trees, placement, size, and scale of houses on adjoining properties, the character of the street, storm water drainage, etc. We would expect that applications would be denied when guidelines are not met and the community opposes the subdivision and site plan.
- (2) **Properties affected by change.** We recommend that the new process apply to all existing and future pipe stem lot subdivisions, whether or not the pipe stem lot has been developed, with one exception: approved but undeveloped pipe stem lots for which a building permit application has been filed or approved. We further recommend that the split lot option as recommended by staff be a by-right option for any pipe stem lot subdivision that falls within this exception. We believe that this exception would apply to at least one currently approved pipe stem lot in the East Falls Church

Civic Association area. We understand that both the developer and the immediate neighbors prefer a split lot solution for this particular property.

- (3) **Recommendations if pipe stem lots remain by-right.** If pipe stem lots continue to be allowed on a by-right basis (and we strongly prefer the modified site plan process instead), then we support the staff recommendation increasing the side yard minimum to 25 feet. This should apply to all existing (and future) pipe stem lots, including those approved but not built on. While we favor a creative solution to the East Falls Church pipe stem development problem, we do not favor, as a general matter, the creation of new by-right options for split lots or two-lot unified districts. While the latter may provide preferable solutions in some pipe stem lot situations, they may inadvertently create a whole new set of subdivision problems, including unintended incentives to demolish existing houses and to develop in a manner that fundamentally changes the character of a street. For example, we believe that split lots are almost always more valuable to a developer than pipe stem subdivisions, since both lots have street frontage; but the creation of substandard frontage lots in many instances may be wholly out of character with the existing developed lots on the street. Such inappropriate development would be contrary to current County policy of preserving and protecting existing single family neighborhoods, and supporting recognition of the historic character of many of our older neighborhoods through National Register designation.

We appreciate your consideration of our views.

Sincerely,



William W. Gearhart
Co-Chair

January 27, 2003

Arlington County Board
#1 Courthouse Plaza, Suite 300
2100 Clarendon Boulevard
Arlington, Virginia 22201

To The Arlington County Board,

It has come to our attention that the County Board will soon hold a hearing to adopt new pipe stem lot regulations that could negatively affect our family and other owners of pipe-stem properties in Arlington. It is our understanding that the number of pipe stem lots in Arlington is very small and we feel that stricter controls would be excessive.

We feel that you should make "grand fathered" provisions for our lot and the others that have been approved and are already recorded as building lots. We followed the County's prior regulations and provisions to secure our lot as build able and have paid our taxes over the years on said lot.

I, Bobbie Ballard, was born at Arlington Hospital and attended school at Nottingham, Williamsburg and Yorktown. The Payne and Birch side of my family settled in Arlington in the 1700's. We have a family cemetery located off of Sycamore Street where my great grandparents are buried along with other family members. As a long time Arlington resident and from a long line of Arlingtonians, I would like you to please be considerate of our position and not jeopardize our ability to build a home in Arlington.

Thank you for your time and consideration.

Regards,

Bobbie Ballard
Mike Ballard

Mike and Bobbie Ballard
Owners of Lot 1-B on
Little Falls Road

Cc: Luis D. Araya

To: Sakura Namioka, Zoning Ordinance Review Program Coordinator

From: Joseph DeBor, 3630 North 21st. Ave., Arlington, VA. 22207

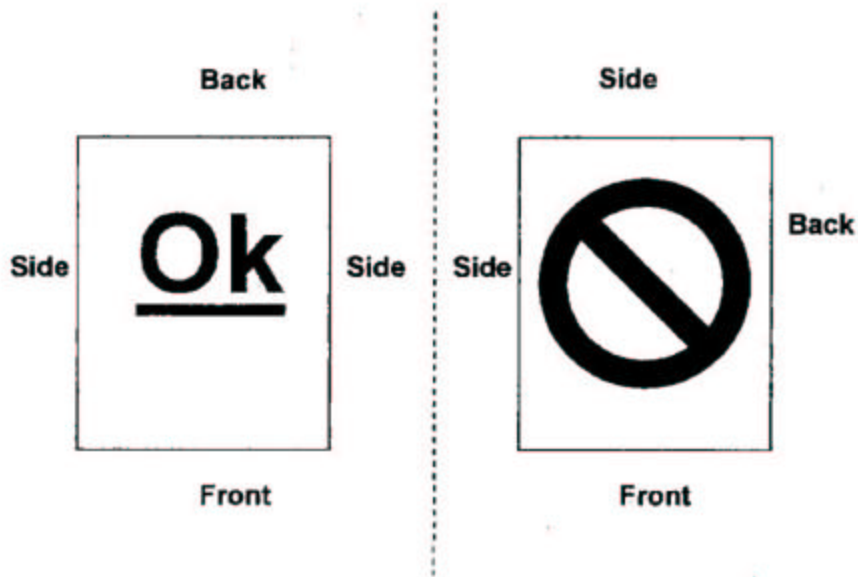
Date: Feb. 12, 2003

Subject: ZONING ORDINANCE AMENDMENTS to Sections 1. Definitions, Section 31. Special Exceptions, and Section 32. Bulk, coverage and placement, of the Arlington County Zoning Ordinance to amend side yard requirement for pipe-stem lots, to create a by-right Split-Lot Residential Development provision, to allow two-lot size sites to be developed under the Unified Residential Development provision, and to permit pipe-stem lots only by use permit.

Finding: I fully approve of the proposed zoning ordinance amendment, but, I have 2 recommendations.

Recommendation 1: Do not "Grandfather" the existing lots that have been subdivided. They are at the root of the problem and should be subjected to the new zoning requirements.

Recommendation 2: Define Front, Back, Side of Structure.



Best Regards, Joseph DeBor