DATE: July 1, 2005

SUBJECT: SP #174 SITE PLAN AMENDMENT to retain existing fences and sheds, replace/repair existing retaining wall, construct additional privacy fences and refuse screens located at 4400 - 4413 N. 7th St., 4415, 4417, 4418 – 4425 N. 7th St., 4427, 4429, 4431, 4433, 4435, 4437 N. 7th St. (RPC #13-019-031 through 13-019-061)

Applicant:  
Ballston Place Homeowner’s Association, Inc.  
4444 7th St. North  
Arlington, Virginia 22203

By:  
Lori Kliewer, attorney/agent  
Bean, Kinney & Korman, PC  
2000 North 14th Street, Suite 100  
Arlington, Virginia 22201

C.M. RECOMMENDATION:  

Approve the site plan amendment, subject to all previous site plan conditions, amended Condition #13, #14, #14a, and #20, and new Condition #29 in the staff report.

ISSUES: None.

SUMMARY: This is a site plan amendment request to amend the site plan in order to maintain the existing length of the retaining wall, the location and material of the existing fences and sheds, and construct additional privacy fences and screening for dumpsters and air conditioning units, which are inconsistent with what was approved in the original site plan and the approved conditions. The proposed changes are consistent with County codes and policies and would not adversely impact the surrounding neighborhood. Therefore, it is recommended that the site plan amendment be approved, subject to all previous conditions, amended Conditions #13, #14, #14a., and #20, and new Condition #29 in this staff report.

BACKGROUND: The original site plan was approved in 1980 and the townhouse project was built in 1982. Since then, the applicant, the Ballston Place Homeowner’s Association, Inc., took over the development’s management from the developer and owns the common area in this thirty-unit townhouse community.

County Manager: _____________

Staff: Wei H. Smith, DCPHD, Planning Division

PLA-4063
Site: The subject site is located approximately one quarter mile from the Ballston Metro Station, one block west of North Glebe Road, in the triangular block bounded by North Tazewell Street, North Vermont Street, and Carlin Springs Road. The site area of the 30 unit townhouse development is 54,933 square feet. The Homeowner’s Association owns the 22,250 square foot common area. The development is bordered by “R-5” single-family dwellings and “R15-30T” townhouses, and the First Presbyterian Church of Arlington to the south.

Zoning: The site is zoned “R15-30T,” Residential Town House.

Land Use: The site is designated “Low-Medium” Residential (16-36 units per acre).

Neighborhood: Bluemont Civic Association.

County staff identified several violations of the approved site plan conditions and County codes in 2004 after receiving complaints. The violations include the following three (3) issues:

- The disrepair of an existing retaining wall located along the southern boundary of the property. The length of the existing retaining wall, which at 125 feet does not match the 136 foot wall drawn in the approved site plan.
- Ground cover had died in some common areas, especially in the four foot utility easement on the south side of the property. This is not in compliance with Condition #19.f of the approved site plan, which states that exposed earth not to be sodded shall be well mulched or planted in ground cover.
- The material, height and location of fencing.

The applicant responded to the ground cover issue by deeply mulching the exposed areas, and responded to the other two issues by filing a minor site plan amendment to bring all existing discrepancies into compliance. Specifically, the applicant submitted an updated plan (attachment A, dated April 28, 2005) and proposes to:

1. Modify Condition #13, #14, and #14a, to allow pressure-treated wood instead of cedar to be the fencing material, allow six (6) foot instead of five (5) foot high fence along the western property line, and allow the existing fence along the southwest townhouses’ property lines to remain in its current location until the end of its useful life.
2. Modify the approved landscaping plan, in order to repair and construct the retaining wall along the southern property line, add fencing and screening to the residents’ outdoor dumpsters.
3. Bring two existing sheds into compliance.

DISCUSSION: The townhouse development was built 24 years ago and has been under the Ballston Place Homeowner’s Association’s management ever since. The proposed site plan amendment contains the following items:

Retaining Wall: Currently, the retaining wall’s length and location are different from the approved site plan. The retaining wall along the southern boundary of the property was shown to be 136 feet long and 19 inches tall on the approved landscaping plan. When constructed in 1981 by the developer, the retaining wall was built shorter than planned. The existing retaining wall is
125 feet and joins a fence owned by the abutting property, 628 North Tazewell Street, which extends to the street. The wall ranges in height from a few inches to about two feet. Additionally, the applicant recently learned that the retaining wall does not follow the property line for the full length of the retaining wall. It encroaches a few inches into the abutting property 628 North Tazewell Street at its southernmost end. Therefore, the applicant proposes to repair the portion of the retaining wall that falls within their property, and construct a new wall on their own property to replace the portion that encroaches into the neighboring property, to a maximum height of two feet and at its current length of 125 feet. When repaired and rebuilt, the retaining wall will be located entirely within the applicant’s property. Given the low height of the retaining wall and no apparent danger of erosion, staff agrees that the retaining wall can remain at its current length but shall be repaired according to County codes. Staff does not believe there is a reason to require the wall to extend farther than it exist today since the grade is minor and is well planted.

Fences: Over 90 percent of the fencing on the property meets the approved site plan as to height and location. Approved site plan Condition #13 and #14 both require that all wood fences be board on board cedar. However, the original fences were constructed by the developer in 1981-1982 with pressure-treated wood, not cedar. The original fences were replaced with the same materials in 1997. Staff inspected the site and found the fences to be in good condition. The applicant has planted vegetation in front of some of the fences and the plants are maturing well, which creates an attractive feature to the community. Staff supports the applicant’s request to change the fence material from cedar to pressure-treated wood because the material is compatible with the neighborhood.

The approved site plan also requires the applicant to maintain a minimum four foot utility easement between the property lines of the townhouses to the adjacent neighbors’ property lines. The utility easement is owned by the applicant and provides access to the utility companies. The existing fences in the rear of Lots 8 through 11 encroach into this easement. The existing useful life of the fence is anticipated to be another five to seven years. The applicant is requesting that the County Board allow the fences to remain for that time before being brought into full compliance as the applicant feels it would be a waste of resources to require the removal the fences at this time. Therefore, the applicant proposes that at the end of the existing fence life, the homeowners will replace the fence and move the fence to the location as identified on Attachment A. Staff supports the applicant’s proposal. When the Homeowner’s Association needed to replace the fences in 1997, it decided to replace them at the same location as they were built. Staff supports the applicant’s proposal to let the fences remain.

In addition, Condition #14 requires that a five (5) foot high board-on-board cedar fence be constructed along the western property line, north of the Vermont Street parking area. The existing fence however, is six (6) feet in height. According to the Zoning Ordinance, the maximum allowable height of interior fences is seven (7) feet. Therefore, the proposed six feet is in compliance with this regulation.
Screening and Sheds: Approved Condition #20 states that any structural addition to any dwelling unit, including but not limited to storage sheds, swimming pools, fences and building additions, will be considered an amendment of this site plan and require the approval of the County Board. Therefore, the applicant proposes modifying screening as part of the site plan amendment as follows:

- The existing fences surrounding Lot 30, and the screening installed on Lots 17 and 24 to enclose refuse containers, gardening supplies and AC units/heat pumps, were not shown on the originally approved site plan. The applicant proposes to modify the landscaping plan to include these fences. Staff supports the request.
- The applicant proposes to install fences with a similar style to screen the air conditioning units on the four corner lots (Lots 12, 17, 18, and 24). This also meets the intent of the Zoning Ordinance. Staff supports the request.
- Additionally, the applicant requests to allow Lots 13 through 16 and Lots 19 through 23 to install refuse container screens at their front doors. This request would authorize the homeowners to construct privacy screens/gates to obscure refuse containers and wood piles from general public view. The proposed design is shown on Attachment A as “Refuse Screen Schematic.” To be consistent with the remainder of the community, the refuse screens would be constructed with board-on-board, pressure-treated wood, to be no larger than 36” wide and 48” high (the height necessary to screen the refuse containers used by Arlington County residents). The applicant’s proposal is consistent with the Zoning Ordinance and would create more pleasing appeal. Staff supports the proposed modifications of the location of the new fences.

In addition, the applicant requests to allow existing sheds that were not shown on the approved landscaping plan to stay. Lot 23 has a shed located on the top level of townhouse on the outside patio. Lot 30 has a small shed behind the fence and situated inside the townhouse wall. The owners of the sheds did not obtain approval from the County Board as required by Condition #20. The applicant would like to bring these violations into compliance with this site plan amendment. The subject sheds do not pose a public safety concern to the County.

The Homeowner’s Association has an architecture review board to review and approve any addition to the buildings in its community in order to ensure compatibility. Staff recommends that Condition #20 be amended to permit future additions through the administrative change process, instead of the site plan amendment process.

Civic Associations: Staff notified the Bluemont and Ballston-Virginia Square Civic Associations of the site plan amendment. Neither has yet responded to staff, and staff will continue to seek their input. The applicant presented several letters from the homeowners within Ballston Place that show support for the proposed site plan amendment (see attached). Staff has received an objection letter from one homeowner in Ballston Place, which is also attached.

CONCLUSION: Staff concludes that the proposed site plan amendment will bring the site plan into compliance with the County codes and regulations. The changes to the structure and materials are compatible with the surrounding neighborhood. The current length of the retaining wall does not present a threat to public safety or health. Therefore, staff recommends the approval of a site plan amendment to retain existing fences and sheds, construct additional
privacy fences and refuse screens, subject to the all previous conditions, amended Conditions #13, #14, #14a., and #20, and new Condition #29 of this staff report:

13. A five (5) foot high board-on-board cedar pressurized treated wood fence shall be constructed along the north and south side of the Vermont Street parking area.

14. A five (5) six (6) foot high board-on-board cedar pressurized treated wood fence shall be constructed along the western property line, north of the Vermont Street parking area.
   a. A six (6) foot high board-on-board cedar pressurized treated wood fence shall be built on the western property line, south of the Vermont Street parking area, and shall extend from the fence along the access drive to within at least 40 feet of the southern boundary of the project.

20. Any structural addition to any dwelling unit, including but not limited to storage sheds, swimming pools, fences and building additions, will be considered an amendment of this site plan and require the approval of the County Board approved by the Zoning Administrator.

29. The applicant, including all successors and assignees, agrees to comply with the revised plan dated April 28, 2005 reviewed and approved by the County Board at the County Board meeting of July 9, 2005 together with any modifications proposed by the applicant and accepted by the County Board or vice versa.
PREVIOUS COUNTY BOARD ACTIONS:

May 17, 1980 Deferred the consideration of Site Plan application (Z-2175-80-1) a 31-unit townhouse development located at 632-710 North Tazewell Street, 705 North Vermont Street, and Parcel “A” behind 635, 639 and 701 North Vermont Street to July 12, 1980.

July 12, 1980 Deferred the consideration of vacation of alley in rear of lots 1 through 31, Richland Subdivision, and parcels A, 1A, and 1B, Robert Veitch subdivision, and the property presently known as the First Presbyterian Church of Arlington; and Site Plan application (Z-2175-80-1), 632-710 North Tazewell Street; 705 North Vermont Street; and parcel a behind 635, 639 and 710 North Vermont Street.

September 13, 1980 Approved a vacation for part of the hotfoot alley in the rear of Lots 17 through 28, Richland Subdivision, shown on plat attached hereto and made a part hereof, is hereby vacated by vacating that portion of the subdivision plat dedicating that portion of alley recorded in Deed Book 125, page 465. Approved Site Plan (Z-2175-80-1) for 31 townhouse dwelling units for the parcels of real property known as 632-710 North Tazewell Street, 705 North Vermont Street and Parcel “A” behind 635, 639 and 701 North Vermont Street.

April 25, 1981 Authorized to revise the utility undergrounding requirement for a previously approved "~ 15-30T" townhouse development on North Tazewell Street.

May 27, 1981 Approved a site plan amendment to modify Condition #4 and delete Condition #5 of the approved site plan to delete the requirements for undergrounding of aerial utilities along North Tazewell Street for the parcels of real property known as 632-710 North Tazewell Street and 705 North Vermont Street.
Approved Conditions:

1. The developer shall construct Arlington County standard curb and gutter and pavement widening along the North Tazewell Street frontage. The curb and gutter shall be located eighteen (18) feet from the Arlington County survey centerline.

2. The developer shall restore to Arlington County standard the existing curb, gutter and sidewalk along the North Vermont Street frontage of this development.

3. The developer shall construct Arlington County standard sidewalk along the North Tazewell Street frontage of this development. The sidewalk shall be six (6) feet in width separated by a four (4) foot wide landscape/utility strip along the back of curb.

4. The developer shall underground all utilities traversing the site. The aerial utilities along the North Vermont Street and North Tazewell Street frontages shall remain.

5. The developer shall pay the capital cost for the installation of Arlington County standard TC-175 street lights at locations along the North Tazewell Street frontage as specified on the final engineering plans. (Deleted by the County Board on May 27, 1981.)

6. The developer shall install a six (6) inch water main through the site from North Vermont Street to North Tazewell Street. All water meters shall be located within the utility strips or within the development's sidewalks and not in driveways.

7. The developer shall relocate the existing storm sewer, if required, at a location to be shown on the final engineering plans.

8. The developer shall construct an eight (8) inch sanitary sewer within the private street and private courtyard to serve this development. Maintenance of this facility will be a County responsibility if the project is sold on a fee simple basis.

9. The developer shall construct a minimum twenty-four (24) foot wide aisle through this development built to Arlington County street pavement specifications.

10. The final engineering plans, including provisions for locating street trees, shall be approved by the Department of Public Works prior to the issuance of a building permit.

11. All required easements shall be provided prior to the issuance of a building permit.
12. A surety agreement with the Department of Public Works for the construction of all facilities within the public right-of-way or easements shall be executed prior to the issuance of a building permit.

13. A five (5) foot high board-on-board cedar fence shall be constructed along-the north and south side of the Vermont Street parking area.

14. A five (5) foot high board-on-board cedar fence shall be constructed along the western property line, north of the Vermont Street parking area.
   a. A six (6) foot high board-on-board cedar fence shall be built on the western property line, south of the Vermont Street parking area, and shall extend from the fence along the access drive to within at least 40 feet of the southern boundary of the project.

15. The driveways to individual garages and the parking area shown as spaces 12-17 of the project shall be paved in an alternate paving material to be approved by the County Manager.

16. All interior walkways shall be paved in brick, exposed aggregate, or some other alternate paving material to be approved by the County Manager.

17. The developer shall submit a detailed final site development and landscaping plan at a scale of 1/16" - 1' to be approved by the County Manager prior to the issuance of any applicable permits. Minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies shall be permitted. The site development and landscaping plan shall include:
   a. Identification of all trees to be retained and the methods which will be employed to ensure their preservation and protection during construction;
   b. The location, dimensions and materials for privacy walls, fences, patios, driveways, driveway aprons, walkways, air conditioners, parking and walkway lights and common repositories for mail delivery and trash service;
   c. Street trees in accordance with County policy for planting in public right-of-way;
   d. Utility easements;
   e. Topography at 2 foot intervals; and
   f. The location of sidewalks, street lighting, entrances, utility vaults, fire hydrants (or stand pipes), storm water detention facilities, and utility easements.
g. Appropriate tree protection measures required by paragraph "a" shall be implemented prior to the issuance of any permits.

18. Privacy walls shall be constructed of durable materials as approved by the County Manager on the final site development and landscaping plan.

19. Planting materials shall be of good nursery stock and guaranteed for one planting season. Existing trees, proposed to be retained, which die within one year of construction, shall be replaced. Plant materials and landscaping shall adhere to the following minimum standards:
   a. Major deciduous trees - 2 1/2" - 3" minimum caliper, 10 to 12 feet minimum height.
   b. Evergreen trees - 8 to 10 feet minimum height.
   c. Ornamental trees - 1 1/2" to 2" minimum caliper, 6 to 8 feet minimum height.
   d. Shrubs 18" - 24" minimum spread.
   e. All new lawn areas shall be sodded.
   f. Exposed earth not to be sodded shall be well mulched or planted in ground cover.

20. Any structural addition to any dwelling unit, including but not limited to storage sheds, swimming pools, fences and building additions, will be considered an amendment of this site plan and require the approval of the County Board.

21. Building roof drains shall connect directly to the storm sewer system, unless an alternate arrangement is approved by the County Manager on the final site development and landscaping plan.

22. The conditions of this site plan approval shall be made a part of the Cooperative, Condominium or Homeowner’s Association agreement.

23. The developer shall, prior to the issuance of building permits, comply with all applicable ordinances and local regulations and obtain all state permits which state agencies determine to be appropriate.

24. A condominium or maintenance agreement for the common area, fences, and private drives and parking areas is required and shall be subject to the approval of the County Attorney and County Manager prior to the approval of a plat of subdivision. Such an agreement shall be recorded by the developer as a covenant attached to the title of each lot, as specified in Section 10A, F of the Zoning Ordinance.

25. At the time of utility installation, the developer shall contact ARTEC and offer to allow ARTEC on site to install underground cable.
26. This site plan approval expires one year after the date of County Board approval if
the approved project is not under construction. Extension of this approval shall be
at the sole discretion of the County Board.

27. Final siting of 30 units shall be subject to the approval of the County Manager.

28. The developer shall replace parking space #1 with a brick wall and landscaping to
screen the parking area.