



DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT  
Planning Division

#1 Courthouse Plaza, 2100 Clarendon Boulevard, Suite 700 Arlington, VA 22201  
TEL 703.228.3525 FAX 703.228.3543 www.arlingtonva.us

# MEMORANDUM

TO: Neighborhood Conservation Advisory Committee (NCAC) members

FROM: Deborah Albert DATE: January 6, 2014

SUBJECT: Administrative Practices: Bulk, coverage and placement (Part of Phase IIB of Zoning Ordinance Update)

On January 9, 2014, staff will attend the NCAC meeting to provide an overview of upcoming amendments related to the next phase of a comprehensive update to the Arlington County Zoning Ordinance.

### Background

The phases of the Zoning Ordinance Update, including the topics associated with the current phase, are shown in the table below:

Phase	Topic	Adoption date
I	Sign Regulations Update	July 24 2012
IIA	Reformat of the Zoning Ordinance (no changes to policy)	May 18, 2013
IIB	Phase IIB Is divided into three functional topic areas for purposes of discussion: <ol style="list-style-type: none"> <li>1. Codify Administrative practices determinations related to bulk, coverage and placement regulations <b>(topic of January 9, 2014 meeting)</b></li> <li>2. Miscellaneous policy amendments</li> <li>3. Use classification, use standards and updates to definitions</li> </ol>	Current phase: anticipated to be completed in Fall 2014.  Amendments may be brought before the County Board in two packages.

See the detailed schedule and process that was shared with the County Board at: <http://www.arlingtonva.us/departments/CPHD/planning/studies/pdf/file90486.pdf>

## Overview

The amendments described here are those being addressed in the first of three functional topics associated with Phase IIB of the Zoning Ordinance update (administrative practices and determinations related to bulk, coverage and placement). The individual topics included in the administrative practices are listed below.

Susan Bell has been working with staff as a consultant on these amendments and has prepared the overview of these items (see next page) for your review. She will be joining us for the upcoming NCAC meeting.

Please note that staff anticipates discussion of the six amendments listed below over several meetings with a number of commissions, committees and other groups, including the Zoning Committee of the Planning Commission (ZOCO), the NCAC, residential contractors, the Civic Federation if requested, and the general public. Planned outreach for this set of draft amendments is discussed in the next section of this memorandum. As staff gathers feedback on these issues, the draft amendments discussed here may change to reflect feedback and other information learned.

### Draft amendments: administrative practices and determinations related to bulk, coverage and placement:

1. Codify definition of what is included in lot coverage consistent with 9/19/01 ZA memo (3.1.3)
2. Codify practice of allowing dormers equal to 50% of the horizontal surface of the roof area consistent with 10/7/88 ZA memo. (3.1.5.A)
3. Codify practice of allowing porches to encroach 4 feet into the 25-foot setback (3.2.6.A.1(e))
4. Codify ZA determination that requires eaves of accessory buildings to be at least one foot from any property line (3.2.6.A.2(e))
5. Codify practice of allowing various types of mechanical equipment (including AC units, which the only type currently explicitly listed), such as heat pumps, compressors, storm water management equipment, etc. to be located in required side and rear yards, consistent with 11/5/08 ZA determination (3.2.6.A.3(b))
6. Codify practice of allowing bay windows, decks and oriel windows to project into required setback (3.2.6.A.3(a))

The meeting summary from the ZOCO meeting on topics 3-6 above may be found [here](#).

### **Additional Outreach**

A public kickoff meeting is planned to provide an overview of the Phase IIB process, schedule and topics on a date to be determined in January or February. In addition, staff will send out a kickoff email to a broad distribution to notify the public of the Phase IIB process of the Zoning Ordinance Update.

Planned outreach includes discussion with the following groups:

- Zoning Committee of the Planning Commission
- Neighborhood Conservation Advisory Committee (NCAC)
- Residential Contractors
- Civic Federation (if requested)

### **Draft amendments overview**

The attached draft amendments would each codify long-standing practices related to administration and interpretation of existing regulations in the Zoning Ordinance. The intent of the draft amendments for the six items identified above is to codify existing practice. These draft amendments do not represent changes to policy, but would represent substantive changes to the Zoning Ordinance, as these practices are proposed to be codified at this time. However, one exception to established practice includes provisions for stairs. In this provision, the draft would reverse a recent Zoning Administrator determination, and codify provisions that represent past practice.

An overview of each topic is provided below. If you are interested in additional supporting documentation, and preliminary draft zoning text for items 3-6, please refer to the [materials shared with ZOCO](#) for its December 10, 2013 meeting. Items 1 and 2 will be shared with ZOCO on January 21, 2014, and additional materials will be posted to the web prior to that meeting. Staff will provide an overview for NCAC prior to discussion at the January 9 meeting.

**Item 1: §3.1.3. Coverage.** The coverage calculation method in §3.1.3 is incomplete in that it does not include many of the elements or features that are actually included in the calculation of lot coverage. Since the coverage provisions were amended in November 2005, staff has used the items identified in an undated revision of a September 18, 2001 memo and list of items included in coverage prepared by the Zoning Administrator.

**Item 2: §3.1.5. Height.** The Zoning Ordinance does not define dormers in §18.2, General Terms Defined, although the Form Based Code has a definition applicable to FBC sites. The longstanding practice has been to allow dormers to equal 50% of the horizontal surface of the roof area. Per an October 7, 1988 memo prepared by the Zoning Administrator, when a dormer exceeds 50% of this surface, the dormer becomes the main roof for the purposes of calculating

building height. In addition, for at least 10 years, by practice, staff has required the front of a dormer wall to be set back 6 inches from the front of the knee wall or main wall below on both main and accessory buildings. The term “dormer” needs to be defined, and provisions for main and accessory buildings codified.

**Item 3: §3.2.6.A.1.(e) Permitted Setback Encroachments.** The setback provisions in 3.2.6.A.1.(e) allow stairs, steps and unenclosed porches (covered or uncovered) to encroach into the 25-foot street setback. A subsequent section, 3.2.6.A.3.(a), *Projections allowed into yards and courts*, references numerous other features that may encroach into required yards and courts including balconies and terraces, but does not specifically mention that porches, stairs and steps may encroach into required yards. The longstanding administrative practice in the Zoning Office has been to allow porches to encroach four feet. The amendment below would codify this practice.

The Zoning Administrator also would like to reverse a March 1, 2010 determination to once again permit both steps and stairs to project into a required setback, and to add a definition of porch to §18.2. General Terms Defined. This is also included in the proposed amendment, consistent with those requests to the BZA that have been supported by staff, as summarized below.

The Board of Zoning Appeals (BZA) grants numerous requests to allow porches and steps to encroach into yards and setbacks. In 2012, 45% of the BZA caseload consisted of porch requests; 10% were for step encroachments. It should be understood that these numbers do not include new houses built since the 2010 determination where the stair placement was adjusted so no BZA review was necessary. Per the Code of Virginia, when requests are routinely approved by Boards of Zoning Appeals, it is necessary to review the appropriateness of the underlying regulations.

<b>Porches (65 cases approved, 45.1% of all 2012 BZA cases)</b>			
<b>Structure</b>	<b>Avg. Street Setback</b>	<b>Avg. Side Setback</b>	<b>Avg. Rear Setback</b>
Steps	13.9 ft.	5.3 ft.	0 ft.
Eave	15.7 ft.	6.4 ft.	15.4 ft.
Porch/Stoop Base	16.8 ft.	7.3 ft.	15.1 ft.

<b>Steps (15 cases, 10.4% of all 2012 BZA cases)</b>		
<b>Avg. Street Setback</b>	<b>Avg. Side Setback</b>	<b>Avg. Rear Setback</b>
10.9 ft.	3 ft.	13.5 ft.

## Existing Ordinance Requirements for Porches and Stairs

Please note that this diagram is based on the R-5 and R-6 setback requirements. Larger setbacks shall be applied to other R and RA Districts per § 3.2.6.

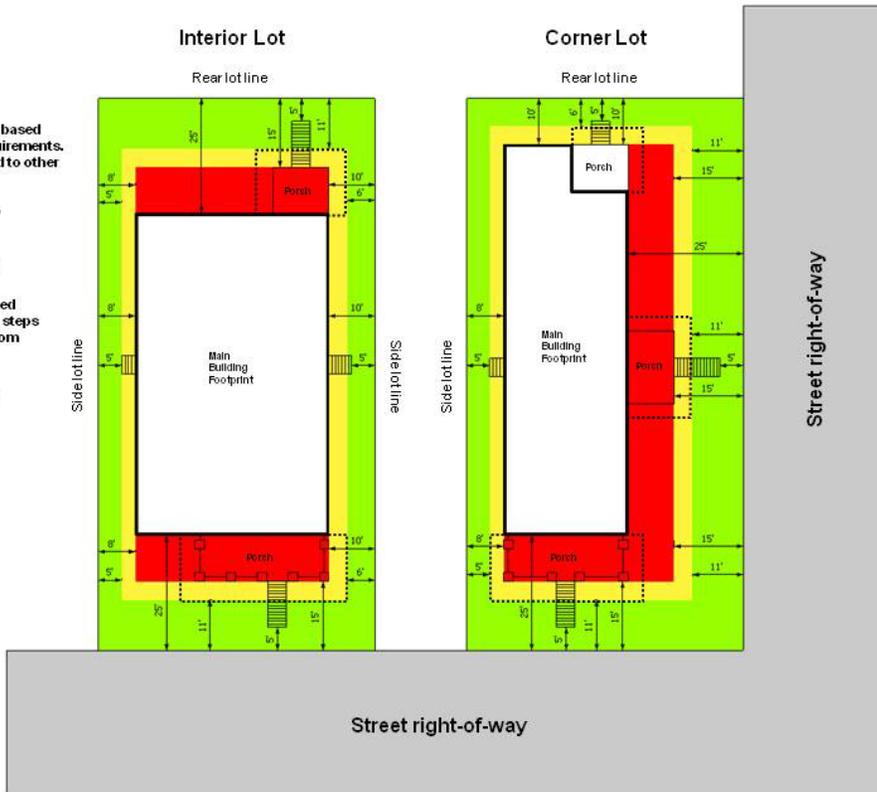
- Porch base, columns, and eaves permitted
- Porch eave and stairs permitted
- No structures permitted except that stairs and steps may be located 5 ft. from any lot line
- All residential structures permitted
- Eave overhangs



## Proposed Ordinance Requirements for Porches and Stairs

Please note that this diagram is based on the R-5 and R-6 setback requirements. Larger setbacks shall be applied to other R and RA Districts per § 3.2.6.

- Porch base, columns, and eaves permitted
- Porch eave and stairs permitted
- No structures permitted except that stairs and steps may be located 5 ft. from any lot line
- All residential structures permitted
- Eave overhangs



**Item 4: §3.2.6.A.2.(e) Side and Rear Yards for Accessory Buildings.** Placement of an accessory building per the Ordinance one foot from the side or rear property line is too close for maintenance and access, may cause eaves to overhang the property line and can be a problem if the location of the property line is not correctly understood when the building is constructed. In recognition of these problems, a number of years ago, the Zoning Administrator instituted a practice whereby the eave, not the accessory building wall, must be placed one foot from the property line. While this determination has eliminated the problem of eaves overhanging property lines by adding some distance between the property line and the building wall, this practice could be more efficiently implemented if it were codified in the Zoning Ordinance.

It should be noted that this amendment will make a significant (but unknowable) number of existing accessory buildings nonconforming since the regulation permitting an accessory building one foot from the property line has been in the Zoning Ordinance since at least 1950.

**Items 5 & 6: §3.2.6.A.3.(a) and §3.2.6.A.3.(b) Encroachments Allowed Into Side and Rear Yards and Courts.** In addition to the list of permitted projections already in the Zoning Ordinance, staff permits other features including bay windows, decks, and porches to project into required setbacks and yards.

The Zoning Ordinance specifically permits air conditioning units to encroach into required side and rear yards if screened. Following a November 2008 determination by the Zoning Administrator, staff has been permitting comparable mechanical equipment including emergency generators, pool equipment, compressors, heat pumps, to be located in the side and rear yards of single-family and semi-detached dwellings and to encroach if screened. (See November 2008 determination, which follows this text). In June 2013, the Zoning Administrator determined that storm water planters required by the Department of Environmental Services were subject to placement provisions if attached to a building, or part of a building foundation (projections) or freestanding equipment.