

## **STAFF ANALYSIS**

**STAFF PERSON:** Syd Shoaf, Senior Planner I  
**BOARD OF SUPERVISORS:** August 16, 2023  
**PROJECT:** SE202300023 Dunlora Park Phase II  
**PARCEL IDs:** 062F0-04-00-02900, 062F0-04-00-03000, 062F0-04-00-03100, 062F0-04-00-03200, 062F0-04-00-03300, and 062F0-04-00-03400

**Proposed special exception to modify the minimum rear setback requirement in County Code § 18-4.19.**

### **PROPOSAL**

The applicant requests a special exception to reduce the minimum rear setback required by County Code § 18-4.19 as it applies to Parcel IDs 062F0-04-00-02900, 062F0-04-00-03000, 062F0-04-00-03100, 062F0-04-00-03200, 062F0-04-00-03300, and 062F0-04-00-03400. The Code requires R-4 Residential Non-Infill Residential lots to have a minimum rear setback of 20 feet. However, County Code § 18-4.19.2 allows any minimum setback to be reduced by special exception.

Currently, the site has an approved site plan (SDP202100023) to construct 34 dwelling units, which have been platted. This special exception request is for Phase II of the approved site plan, which includes three townhouse lots fronting on Varick Street and three single-family detached lots fronting on Rio Road. Parking and vehicular access to all units would be from Lindley Place, a private alley access easement. The special exception request is limited to Phase II and proposes to reduce the minimum rear setback of 20 feet along Lindley Place for decks and covered porches. The units along Lindley Place would all have an 18-foot minimum driveway that complies with Albemarle County standards. However, their design includes second-story porches and decks that would extend into the current rear setback by 12 to 14 feet.

County Code § 18-4.11.1 allows up to a four-foot projection for covered porches, balconies, chimney, eaves and like features. However, this code section also restricts these features from being located closer than six feet of any lot line. The proposed special exception would reduce the minimum rear yard from 20 feet to 10 feet. When combined with the four-foot allowable projection in County Code §18-4.11.1, the proposed special exception would allow the proposed decks to be no closer than six feet to the rear property line.

### **CHARACTER OF THE AREA**

Though the property is 8.62 acres in total, this proposed special exception is limited to Phase II, which is 1.02 acres. The property is zoned R-4 Residential and fronts on both Rio Road and Dunlora Drive, with access from Varick Street to Lindley Place, an access easement that is an alley. North of the project area is the completed Phase I, which includes 16 single-family attached units and 12 single-family detached units. The land south of the project area is zoned R-4 Residential and the land west is zoned Planned Residential Development.

### **ANALYSIS OF SPECIAL EXCEPTION REQUEST**

Under County Code § 18-33.9(a), factors, standards, criteria, and findings, however denominated, in the applicable sections of the Zoning Ordinance, are to be considered in special exception applications. The Board of Supervisors does not need to make specific findings in order to approve this special exception.

In absence of the applicable special exception factors, staff has evaluated this request based on the intent of the R-4 Residential zoning district and the Neighborhood Model Principles of the Comprehensive Plan.

Staff offers the following analysis of the proposed special exception against these criteria:

## **County Code § 18-15.1 Intent.**

*The district (hereafter referred to as R-4) is created to establish a plan implantation zone that:*

- *Provides for compact, medium-density, single-family development;*
- *Permits a variety of housing types; and*
- *Provides incentives for clustering of development and provision of locational, environmental, and development amenities.*

*R-4 districts may be permitted within community and urban area locations designated on the comprehensive plan.*

The requested special exception would allow the applicant flexibility in design to construct a compact, high-density development, with a variety of housing types, including single-family attached and detached units.

## **Comprehensive Plan: Development Areas Objective 2**

*Create a physical environment that supports healthy lifestyles through application of the Neighborhood Model Principles including the following:*

### Relegated Parking

The proposed design of the site would relegate all driveways and garages to the rear of the proposed units. All driveways and garages, for both the single-family attached and detached units, would be rear-loading, accessed from the alleyway designated as Lindley Place. Parking at the front of the units is restricted because the buildings front Rio Road. Because the driveways and garages must be located to the rear of the buildings, the proposed special exception would allow the applicant flexibility with the design of the proposed porches and decks.

### Parks, Recreational Amenities, and Open Space

The development is approved with open space located to the rear of the proposed buildings. The reduction of the minimum rear setback requirement for the porches and decks would prevent a reduction in the open space areas, which would be needed if lots were increased to accommodate a 20 foot rear yard setback. The required 20 foot rear yard setback is intended to provide areas for amenities and outdoor space for residents. With the rear-loaded alley design, the rear yards would not be fully usable. Staff believes that reducing the rear yard to allow for larger decks and covered porches would benefit the residents.

### Respecting Terrain and Careful Grading and Re-Grading of Terrain

There are areas of steep slopes along the rear of the buildings of this property. Reducing the minimum setback requirement would allow for more careful grading of these slope areas in compliance with the design requirements of the ordinance and allow for home designs that use the grade difference.

## **RECOMMENDATION**

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve a special exception for a reduced 10-foot setback on the subject parcels, allowing the projected features to be as close as six feet to the lot lines, as permitted.