



**COUNTY OF ALBEMARLE**  
**Department of Community Development**  
**401 McIntire Road, North Wing**  
**Charlottesville, Virginia 22902-4596**

**Phone (434) 296-5832**

**Fax (434) 972-4126**

**To:** Albemarle County Board of Supervisors  
**From:** Cameron Langille, Senior Planner  
**Date:** September 5, 2018  
**Re:** Request for Special Exception for two variations to the Code of Development regarding "Lot Regulations and Setbacks" and "Buffers" for ZMA201500007 Brookhill

**TMP(s):** 04600-00-00-01800; 04600-00-00-018A0; 04600-00-00-019A0;  
04600-00-00-019B1; 04600-00-00-019B3; 04600-00-00-019B4

**Magisterial District:** Rivanna Magisterial District

**School Districts:** Hollymead Elementary, Sutherland Middle, Albemarle High

**Zoning District:** Neighborhood Model District (NMD)

**Summary of Request for Special Exception:**

The applicant is requesting two changes to the Code of Development (COD) for Brookhill. The first request is to amend the wording related to where the rear setback for buildings in Block 4 will be located. The current COD states that the 10 foot minimum rear setback in Block 4 shall be measured "adjacent to" a 100 foot wide landscaping buffer between Route 29 and the new development. The applicant is proposing to eliminate the requirement specifying that the rear setback be adjacent to the Route 29 100 foot buffer. The 100 foot buffer will still be provided, and all new buildings in Block 4 will be setback from Route 29 by at least 100 feet.

The COD also requires a 50 foot planted/reforested buffer to be provided between the new development in Block 4 and an existing VDOT stormwater management pond located next to Route 29. The second variation request proposes to split the buffer into two sections. One portion of the buffer will be installed between the stormwater management pond and Block 4 and will measure between 20.8 feet and 30 feet wide. A second portion of the buffer measuring between 30 feet and 35 feet wide will be installed on the opposite side of the stormwater pond. This will result in the installation of a replanted/forested buffer measuring 50 feet in total width located in two separate sections.

County Code §18-8.5.5.3 and §18-33.5 allow special exceptions to vary approved Application Plans and Codes of Development upon considering whether the proposed variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application. County Code § 18-33.5(a)(1) requires that any request for a variation be considered and acted upon by the Board of Supervisors as a special exception. Please see Attachment C for the full staff analysis.

**Staff Recommendation:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the special exception.

**Attachments:**

- A – Application Materials (Applicant Justification; Revised Setback and VDOT Stormwater Management Buffer Exhibit)
- B – Revised ZMA201500007 Code of Development with Proposed Variations
- C – Staff Analysis for Setback and Buffer Variation
- D – Resolution