

STAFF ANALYSIS

STAFF PERSON: Francis H. MacCall, Deputy Zoning Administrator
BOARD OF SUPERVISORS: October 4, 2023
PROJECT: SE202300029 3307 Arbor Terrace
PARCEL IDs: 046B4-01-0G-02800, 0.106 acres

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 ID 046B4-01-0G-02800. The Code requires R-6 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 property is part of a development approved with a site plan (SDP1990-00095) for 38 dwelling units, which have also been platted. This special exception request is to reduce the minimum rear setback for Lot 28 of the approved site plan from 20 feet to 12 feet. A reduction would allow the rear open-air patio area to be fully enclosed with a four-season porch. Though County Code § 18-4.11.1 allows a four-foot projection for covered porches, balconies, chimneys, eaves, and like features, the proposed enclosure is not one of those allowed improvements.

CHARACTER OF THE AREA

As noted, Lot 28 is part of a development of townhouses in the Arbor Lake Townhomes portion of the Forest Lakes Development. Lot 28 is the end unit lot of a four-unit block. The lots back up to an open and partially wooded common area owned by the Arbor Lake Townhomes Association. The property owner has installed a 6' high fence around two sides of the outdoor patio. Various units throughout the development also have fully or partially fenced outdoor patios. See Attachment C for photos of the existing site.

ANALYSIS OF SPECIAL EXCEPTION REQUEST

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

Without any directly applicable special exception factors for consideration, staff has evaluated this request based on the intent of the R-6 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 § 18-16.1 Intent.

R-6 districts are hereby created and may hereafter be established by amendment to the zoning map to provide a plan implementation zone that:

- *Provides for compact, medium-density residential development;*

- *Permits a variety of housing types; and*
- *Provides incentives for clustering of development and provision of locational, environmental, and developmental amenities.*

R-6 districts may be permitted within community and urban area locations recommended for medium-density residential use in the comprehensive plan.

The requested special exception would allow the applicant flexibility in design to construct an addition to a compact, medium-density development with various 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:

Parks, Recreational Amenities, and Open Space

The development is approved with common open space to the dwellings' rear. Reducing the minimum rear setback requirement for the porches and decks may prevent a reduction in the open space areas, which may 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 and will still do such if the reduction is granted. Staff believes that reducing the rear yard to allow for an enclosed porch does not detract from the enjoyment of the open space.

Respecting Terrain and Careful Grading and Re-Grading of Terrain

The proposed project would not require any grading of the rear of the lot.

Staff has been onsite and verified with the owner and builder the proposed location of the addition and the distance to the rear property line.

RECOMMENDATION

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve a special exception to reduce the 20-foot setback on the subject parcel, allowing the proposed addition to be as close as 12 feet to the rear property line.