

**STAFF PERSON:  
BOARD OF SUPERVISORS:**

**J.T. Newberry  
October 7, 2015**

**Staff Report for Variations #28-31 from ZMA200400024 Old Trail Village**

**VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENT**

Each variation request has been reviewed for zoning and planning aspects of the regulations. Variations are considered by the Board of Supervisors as a Special Exception under Chapter 18 Sections 33.5 and 33.9. Staff analysis of each variation request under County Code § 18-8.5.5.3(c) is provided below.

**VARIATION #28 – To allow lot sizes in Block 27 below the minimum lot size established in the Code of Development:**

The applicant is requesting lot sizes below the minimum 4,000 square foot lot size required by Table 6 of the Code of Development. The justification for this request is that smaller lot sizes will allow Old Trail to achieve a higher density within Block 27. However, the applicant notes the increased density within Block 27 would not increase the overall density allowed for the entire subdivision. The site plan currently under review for Block 27 shows that Lots 10-25 are proposed to have lot sizes between 1,540.0 and 2564.1 square feet (Attachment B). Staff confirmed with the Building Official, Fire Rescue Division and the Zoning Division that public health, safety and welfare would not be impacted by this type of request. Further staff analysis is provided below:

- 1) The variation is consistent with the goals and objectives of the comprehensive plan.**  
The variation is consistent with the comprehensive plan.
- 2) The variation does not increase the approved development density or intensity of development.**  
Density is not increased.
- 3) The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.**  
The timing and phasing of the development is unaffected.
- 4) The variation does not require a special use permit.**  
A special use permit is not required.
- 5) The variation is in general accord with the purpose and intent of the approved rezoning application.**  
This variation is in general accord with the approved rezoning application.

**VARIATION #28 RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception to vary the Code of Development to permit lot sizes below 4,000 square feet in Block 27, subject to the following condition:

1. No lot size for a single-family attached unit in Block 27 shall be less than 1,500 square feet.

**VARIATION #29 - To increase the building height in Block 27 above the maximum number of stories established in the Code of Development:**

The applicant is requesting to build units above the 2.5 story maximum allowed by Table 6 of the Code of Development. The justification for this request is that a higher building height will provide larger living space and a more aesthetically pleasing architecture for this block. Proposed elevations for Lots 10-25 show a building height of 3.5 stories (Attachment C). Staff confirmed with the Building Official, Fire Rescue Division and the Zoning Division that public health, safety and welfare would not be impacted by this type of request. Further staff analysis is provided below:

- 1) The variation is consistent with the goals and objectives of the comprehensive plan.**  
The variation is consistent with the comprehensive plan.

- 2) **The variation does not increase the approved development density or intensity of development.**  
Density is not increased.
- 3) **The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.**  
The timing and phasing of the development is unaffected.
- 4) **The variation does not require a special use permit.**  
A special use permit is not required.
- 5) **The variation is in general accord with the purpose and intent of the approved rezoning application.**  
This variation is in general accord with the approved rezoning application.

**VARIATION #29 RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception to vary the Code of Development to permit a building height above the maximum 2.5 stories permitted in Block 27, subject to the following condition:

1. No building height in Block 27 shall be greater than 3.5 stories.

**VARIATION #30 - To reduce the front, side and rear setbacks for single-family attached and single-family detached units within Block 27:**

The applicant is requesting reduced setbacks within Block 27 for single-family attached and single-family detached units. Table 7 within the Code of Development requires 10 foot front, 7.5 foot side and 15 foot rear setbacks. The applicant states that reduced setbacks will allow for more variation in the design of each unit and produce a more aesthetically pleasing architecture overall. The applicant also states the reduced setbacks will contribute to creating a strong sense of community among the residents. The site plan currently under review for Block 27 shows the single-family attached units in Lots 10-25 with 5 foot front and rear setbacks and 0 foot side setbacks. In areas with 0 foot side setbacks, a minimum 10 foot building separation is required by the Fire Rescue Division. The single-family detached units in Lots 1-9 have five foot front, side and rear setbacks (Attachment B). Staff confirmed with the Building Official, Fire Rescue Division and the Zoning Division that public health, safety and welfare would not be impacted by this type of request with the use of the appropriate building materials (enforced through building permit review). Further staff analysis is provided below:

- 1) **The variation is consistent with the goals and objectives of the comprehensive plan.**  
The variation is consistent with the comprehensive plan.
- 2) **The variation does not increase the approved development density or intensity of development.**  
Density is not increased.
- 3) **The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.**  
The timing and phasing of the development is unaffected.
- 4) **The variation does not require a special use permit.**  
A special use permit is not required.
- 5) **The variation is in general accord with the purpose and intent of the approved rezoning application.**  
This variation is in general accord with the approved rezoning application.

**VARIATION #30 RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception to vary the Code of Development to reduce the setbacks in Block 27, subject to the following conditions:

1. Lots 1-9 in Block 27 shall have minimum five (5) foot front, side and rear setbacks.
2. Lots 10-25 in Block 27 shall have minimum five (5) foot front, zero (0) foot side and five (5) foot rear setbacks

**VARIATION #31 – To allow roof overhangs and eaves to encroach the building setback in Block 27:**

The applicant is requesting roof overhangs and eaves be allowed to project up to one foot into the building setback within Block 27. The justification for this request is that the encroachment will enable a larger buildable area for each lot and therefore allow more flexibility in the design of each unit. Staff confirmed with the Building Official, Fire Rescue Division and the Zoning Division that public health, safety and welfare would not be impacted by this type of request with the use of the appropriate building materials (enforced through building permit review). Further staff analysis of this request is provided below:

- 1) The variation is consistent with the goals and objectives of the comprehensive plan.**  
The variation is consistent with the comprehensive plan.
- 2) The variation does not increase the approved development density or intensity of development.**  
Density is not increased.
- 3) The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.**  
The timing and phasing of the development is unaffected.
- 4) The variation does not require a special use permit.**  
A special use permit is not required.
- 5) The variation is in general accord with the purpose and intent of the approved rezoning application.**  
This variation is in general accord with the approved rezoning application.

**VARIATION #31 RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception to vary the Code of Development to allow roof overhangs and eaves to encroach the building setback in Block 27, subject to the following condition:

1. Roof overhangs and eaves in Block 27 may project up to one (1) foot into the building setback.