

## **STAFF ANALYSIS**

**STAFF PERSON:** Syd Shoaf, Senior Planner I

**BOARD OF SUPERVISORS:** November 6<sup>th</sup>, 2024

**PROJECT:** SE202400021 Victorian Heights

**PARCEL IDs:** 045A2-00-00-00100, 045A2-00-00-00200, 045A2-00-00-00300, 045A2-00-00-00400, 045A2-00-00-00500, 045A2-00-00-00600, 045A2-00-00-00700, 045A2-00-00-00800, 045A2-00-00-00900, 045A2-00-00-01000, 045A2-00-00-01100, 045A2-00-00-01200, 045A2-00-00-01300, 045A2-00-00-01400, 045A2-00-00-01500, 045A2-00-00-01600, 045A2-00-00-01700, 045A2-00-00-01800, 045A2-00-00-01900, 045A2-00-00-02000, 045A2-00-00-02100, 045A2-00-00-02200, 045A2-00-00-02300, 045A2-00-00-02400, 045A2-00-00-02500, 045A2-00-00-02600, 045A2-00-00-02700, 045A2-00-00-02800, 045A2-00-00-02900, 045A2-00-00-03000, 045A2-00-00-03100, 045A2-00-00-03200, 045A2-00-00-03300, and 045A2-00-00-03400

**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 045A2-00-00-00100, 045A2-00-00-00200, 045A2-00-00-00300, 045A2-00-00-00400, 045A2-00-00-00500, 045A2-00-00-00600, 045A2-00-00-00700, 045A2-00-00-00800, 045A2-00-00-00900, 045A2-00-00-01000, 045A2-00-00-01100, 045A2-00-00-01200, 045A2-00-00-01300, 045A2-00-00-01400, 045A2-00-00-01500, 045A2-00-00-01600, 045A2-00-00-01700, 045A2-00-00-01800, 045A2-00-00-01900, 045A2-00-00-02000, 045A2-00-00-02100, 045A2-00-00-02200, 045A2-00-00-02300, 045A2-00-00-02400, 045A2-00-00-02500, 045A2-00-00-02600, 045A2-00-00-02700, 045A2-00-00-02800, 045A2-00-00-02900, 045A2-00-00-03000, 045A2-00-00-03100, 045A2-00-00-03200, 045A2-00-00-03300, and 045A2-00-00-03400. The Code requires R-15 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 (SDP202200047) to construct a total of 88 single family attached and multi-family residential units. There are 34 single-family attached townhouse units and 54 multi-family residential units split between three buildings which have all been platted. This special exception request is for the 34 single-family attached townhouse units which all front along Woodburn Drive with access to the rear of the lots for parking from Perseus Lane, a private access easement that is an alley. The special exception request is limited to the 34 units and proposes to reduce the minimum rear setback of 20 feet along Perseus Lane for decks. The units along Perseus Lane would all have an 18-foot minimum driveway that complies with Albemarle County standards. However, their design includes second-story decks that would extend into the current rear setback by 12 to 14 feet.

County Code § 18-4.11.1 allows up to a 4-foot projection for covered porches, balconies, chimney, eaves and like features. However, this code section also restricts these features from being located closer than 6 feet to any lot line. The proposed special exception would reduce the minimum rear yard from 20 feet to 10 feet. When combined with the 4-foot allowable projection in County Code §18-4.11.1, the proposed special exception would allow the proposed decks to be no closer than 6 feet to the rear property line.

### **CHARACTER OF THE AREA**

Though the Victorian Heights subdivision is 4.92 acres in total, this proposed special exception is limited to the 34 townhouse units along Woodburn Road which is approximately 1.49 acres.

The property is zoned R-15 Residential and fronts on Woodburn Road with rear access from Perseus Lane which is a private access easement that is an alley. Also, within the Victorian Heights subdivision and south of Perseus Lane are three multi-family residential buildings that include a total of 54 units. There are two open space parcels on site and Perseus Lane connects to Berkmar Drive as the subdivision's southern egress/ingress point. Outside of the subdivision, the parcels to the west are zoned Rural Areas, to the north and across Berkmar Drive are zoned Highway Commercial, and to the south, zoned R-6 Residential.

### **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-15 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 § 18-18.1 Intent.**

*R-15 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, high-density residential development;*
- *Permits a variety of housing types; and*
- *Provides incentives for clustering of development and provision of locational, environmental, and development amenities.*

*R-15 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 units and multi-family residential 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 the 34 single family detached townhouse units, would be rear-loading, accessed from the alleyway designated as Perseus Lane. Parking at the front of the units is restricted because the buildings front Woodburn 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 decks.

### **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.