

**STAFF ANALYSIS**

**STAFF PERSON:** Andy Reitelbach, Senior Planner II  
**BOARD OF SUPERVISORS:** March 15, 2023  
**PROJECT:** SE202200043 Victorian Heights  
**PARCEL IDs:** 045000000068C2 and 045000000068E0

**Proposal**

The Applicant requests a special exception to vary the setback and stepback requirements for a project called Victorian Heights, which is located on two parcels of approximately 4.921 acres between Berkmar Drive and Woodburn Road (Attachment B – Location Map). These two parcels are zoned R-15 Residential (Attachment C – Zoning Map). The applicant is proposing to construct a by-right residential development on this property with 88 dwelling units total, using the 30% affordable housing bonus density provisions of the Zoning Ordinance. The density of the project would be 17.9 dwelling units per acre, with a mix of single-family attached and multi-family units, including eight affordable units.

The special exception includes the following requests and applicable ordinance sections:

1. Modify County Code § 18-4.19(4), which states that the maximum front setback for a non-infill development may be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market design, to:
  - Increase the maximum front setback for three multi-family residential buildings on Berkmar Drive from 25 feet to 38 feet for one building, 54 feet for a second building, and 71 feet for the third building.
2. Waive County Code § 18-4.19(5), which states that the minimum 15-foot stepback applies to all buildings on the property and may be reduced by special exception, to:
  - Waive the requirement that a stepback be provided for each story that begins above 40 feet in height or for each story above the third story, whichever is less, to allow a fourth story be constructed without a stepback.

The applicant has provided a narrative, a detailed request, and justification for this special exception (Attachment D), along with an exhibit depicting the proposed site layout (Attachment E).

**Analysis of Special Exception Request**

Factors for consideration in a special exception request are described in County Code § 18-33.9(A). This section states that factors, standards, criteria, and findings, however denominated, in the applicable sections of the Zoning Ordinance, are to be considered. The Board of Supervisors does not need to make specific findings in order to approve these special exceptions.

In the absence of 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 exceptions 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 developmental amenities.*

*R-15 districts may be permitted within the community and urban area locations designated on the comprehensive plan.*

The requested special exceptions would allow the applicant flexibility in design to construct a compact, high-density development (17.9 units per acre), with a variety of housing types, including single-family attached and multi-family units. Because the applicant is using the affordable housing bonus density provisions of the ordinance, eight of the units would be designated affordable.

In addition, the requested special exceptions would allow a larger contiguous area of open space in the development, with a common alley serving the rear of all units. Increasing the maximum setback would allow more considerate grading of the managed steep slopes located on the property.

## **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 applicant plans to put open space in the area between Berkmar Drive and the multi-family buildings that are proposed to be set back farther than would be allowed without approval of the special exception request. The multi-family buildings would all front on the open space, with rear access from the central alley. A sidewalk would be constructed along the fronts of the buildings, creating a design of amenity-oriented units. This sidewalk would also connect with the asphalt trail proposed to bisect the development, connecting with Woodburn Road.

### Buildings and Space of Human Scale

Stepbacks are usually provided to help provide spaces of human scale for pedestrians walking along street fronts. With the maximum setback proposed to be increased, the multi-family residential buildings would be set back anywhere from 38 feet to 71 feet from Berkmar Drive, depending on the specific building. With a large area of open space between the buildings and Berkmar, pedestrians would likely not feel confined by taller buildings that are constructed without the required setback. Waiving the setback for the fourth story of the buildings would not have a negative impact on the spaces of human scale in the development.

### Relegated Parking

The proposed design of the site would allow the applicant to relegate all parking to the center of the property. All garages and driveways, for both the single-family attached units and the multi-family units, would be rear-loading, accessed from a central alleyway. By putting the open space in front of the multi-family units, the development would become more like amenity-oriented residences, with the parking behind the buildings, away from the Berkmar Drive right-of-way. Increasing the maximum front setback would allow this open space to be placed between the Berkmar and the residences, while shifting the parking and alley access into the center of the development to create a more compact circulation plan.

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

There are areas of managed steep slopes along the Berkmar Drive frontage of this property. By

increasing the maximum front setback, the multi-family buildings could be shifted farther back away from the street frontage and would allow for more careful grading of these slope areas in compliance with the design requirements of the ordinance.

**Recommendation**

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception request SE202200043 Victorian Heights to increase the required maximum front setback and to waive the required stepback for a fourth story on the three multi-family buildings.