

August 19, 2024

Planning Department
Department of Community Development
401 McIntire Road, Room 227
Charlottesville, VA 22902

RE: Victorian Heights – REQUEST FOR SPECIAL EXCEPTION
Minimum Rear Yard Setback Exception Request for R-15 Non-Infill Zoning
SDP2022-00047

Please allow this letter to serve as our official request for a special exception for the minimum rear yard setback within the R-15 zoning for the Victorian Height project. The following information and attached exhibits describe why the special exception is being sought and the reason for the special exception. Also included with this information is the proposed modification to the rear yard setback that would be part of the approval if the special exception is accepted.

A special exception is being proposed for the Victorian Heights residential development, specifically all the lots that have rear access from the private alley. These lots were created under the R15 by-right zoning for the residential development and a subdivision plat has been recorded. All the proposed lots in the development have frontage on existing public streets. This project utilizes the non-infill setbacks for residential lots within a development area, which includes a 10' side yard building separation, a 5' minimum and 25' maximum front yard setback, and a 20' rear yard setback. (Note, a special exception request has already been approved for the front yard setbacks for building #1, #2 and #3). Based on the definition of a setback, the setback is defined by the Albemarle County Zoning Ordinance as the distance by which any building or structure is separated from any street, road access easement, or lot line. Even though the rear lot lines for the lots adjacent to private alley extend past the alley, the alley is an access easement, so minimum rear yard is applied from the access easement. The building structures on these lots will all comply with the county requirement of providing a minimum 18' driveway from the access easement for parking outside of the garages. However, the design of these buildings and structures includes decks on the second floors that extend over the driveways and into this rear yard setback. Decks and porches can extend 4' into a rear yard setback, but these proposed decks and porches are 12' to 14' wide and will extend much further into the rear yard setback than currently allowed by the zoning code. Therefore, the applicant is requesting a special exception request to allow for the reduction of the rear yard setback for all lots adjacent to the private alley from 20 feet to 10 feet. All garages for these lots adjacent to the private alley shall still be minimum of 18 feet from the alley access easement, to allow for a driveway parking space. As shown in the attached exhibit, the red dashed line illustrates the 20' rear yard setback and the purple hatched line shows the proposed 10' foot rear setback from the alley access easement, represented by the blue continuous line. This exhibit shows how the structures will be a minimum of 18' from the alley and a parking space off the alley will be provided, with a minimum depth of 18 feet.

The comprehensive plan for this development area indicates a density of 6 to 36 residential units on a portion of the property and office/R&D/flex/light industrial on the other half of the site. This property is proposed to be developed at a density of 17.9 units/acre for a total of 88 units, including 8 affordable housing units. The project was also developed with a minimum of 25% open space.

Under the Non-infill Setback requirements within section 4.19 of the Albemarle County Zoning document, a special exception may be granted for the modification of the rear yard setback for a lot within the R-4 district. With this proposed exception request, the development is meeting the design principles of the Comprehensive Plan by providing relegated parking with driveways and garages at the rear of the proposed residential structures, and restricting driveways along Berkmar Drive and Woodburn Road.

Thank you again for the consideration of this special exception request, and please contact me if you have any questions or require any further information.

Sincerely,

Scott Collins

Scott Collins



REVISIONS

DATE	REVISION DESCRIPTION
6/27/22	INITIAL SUBMISSION TO ALBEMARLE COUNTY
12/9/22	REVISED PER AGENCY COMMENTS RECEIVED
01/9/23	REVISED PLAN TO ADDRESS ACSA AND RWSA COMMENTS
03/6/23	UPDATED PROFILES FOR STRUCTURE MODIFICATIONS
03/23/23	UPDATED PLANS TO ADDRESS ACSA COMMENTS FOR APPROVAL
09/15/23	UPDATED PLANS TO ADDRESS FINAL PLANNING COMMENTS FOR APPROVAL

COLLINS ENGINEERING

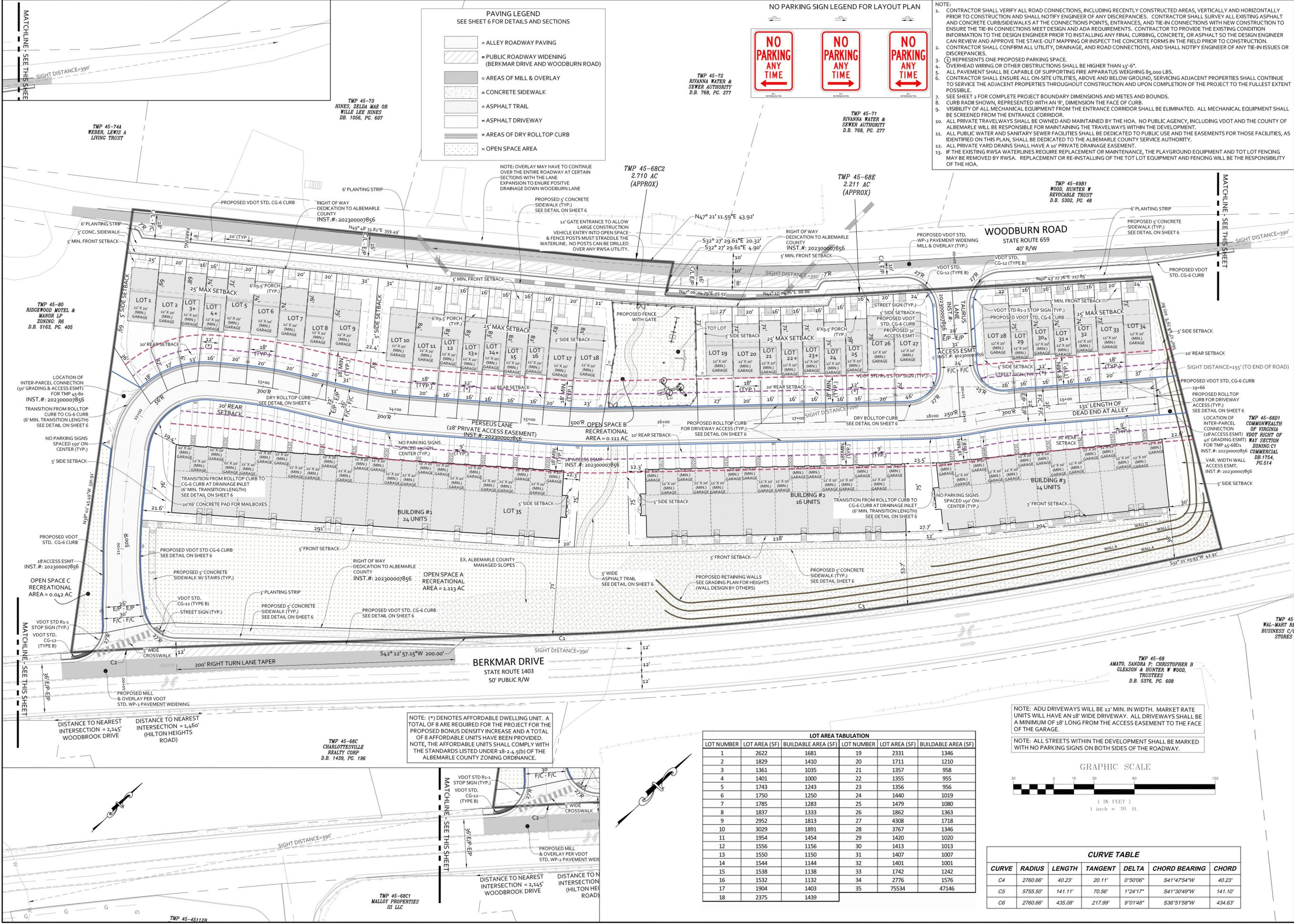
200 GARRETT STREET, SUITE K-CHARLOTTESVILLE, VA 22902-434.293.3719

VICTORIAN HEIGHTS FINAL SITE PLAN

LAYOUT PLAN - SPECIAL EXCEPTION EXHIBIT

PROJECT	JOB NO.
SHEET	202196
	SCALE
	1" = 30'
	SHEET NO.
	3

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PAVING LEGEND
SEE SHEET 6 FOR DETAILS AND SECTIONS

[Pattern]	= ALLEY ROADWAY PAVING
[Pattern]	= PUBLIC ROADWAY WIDENING (BERKMAR DRIVE AND WOODBURN ROAD)
[Pattern]	= AREAS OF MILL & OVERLAY
[Pattern]	= CONCRETE SIDEWALK
[Pattern]	= ASPHALT TRAIL
[Pattern]	= ASPHALT DRIVEWAY
[Pattern]	= AREAS OF DRY ROLLTOP CURB
[Pattern]	= OPEN SPACE AREA



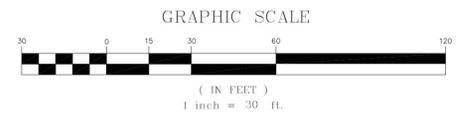
- NOTE:
- CONTRACTOR SHALL VERIFY ALL ROAD CONNECTIONS, INCLUDING RECENTLY CONSTRUCTED AREAS, VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION AND SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES. CONTRACTOR SHALL SURVEY ALL EXISTING ASPHALT AND CONCRETE CURBS/SIDEWALKS AT THE CONNECTIONS POINTS, ENTRANCES, AND TIE-IN CONNECTIONS WITH NEW CONSTRUCTION TO ENSURE THE TIE-IN CONNECTIONS MEET DESIGN AND ADA REQUIREMENTS. CONTRACTOR TO PROVIDE THE EXISTING CONDITION INFORMATION TO THE DESIGN ENGINEER PRIOR TO INSTALLING ANY FINAL CURBING, CONCRETE, OR ASPHALT SO THE DESIGN ENGINEER CAN REVIEW AND APPROVE THE TAKE-OUT MAPPING OR INSPECT THE CONCRETE FORMS IN THE FIELD PRIOR TO CONSTRUCTION.
 - CONTRACTOR SHALL CONFIRM ALL UTILITY, DRAINAGE, AND ROAD CONNECTIONS, AND SHALL NOTIFY ENGINEER OF ANY TIE-IN ISSUES OR DISCREPANCIES.
 - REPRESENTS ONE PROPOSED PARKING SPACE.
 - OVERHEAD WIRING OR OTHER OBSTRUCTIONS SHALL BE HIGHER THAN 13'-6".
 - ALL PAVEMENT SHALL BE CAPABLE OF SUPPORTING FIRE APPARATUS WEIGHING 85,000 LBS.
 - CONTRACTOR SHALL ENSURE ALL ON-SITE UTILITIES, ABOVE AND BELOW GROUND, SERVICING ADJACENT PROPERTIES SHALL CONTINUE TO SERVICE THE ADJACENT PROPERTIES THROUGHOUT CONSTRUCTION AND UPON COMPLETION OF THE PROJECT TO THE FULLEST EXTENT POSSIBLE.
 - SEE SHEET 2 FOR COMPLETE PROJECT BOUNDARY DIMENSIONS AND METES AND BOUNDS.
 - CURB RADI SHOWN, REPRESENTED WITH AN 'R', DIMENSION THE FACE OF CURB.
 - VISIBILITY OF ALL MECHANICAL EQUIPMENT FROM THE ENTRANCE CORRIDOR SHALL BE ELIMINATED. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM THE ENTRANCE CORRIDOR.
 - ALL PRIVATE TRAVELWAYS SHALL BE OWNED AND MAINTAINED BY THE HOA. NO PUBLIC AGENCY, INCLUDING VDOT AND THE COUNTY OF ALBEMARLE WILL BE RESPONSIBLE FOR MAINTAINING THE TRAVELWAYS WITHIN THE DEVELOPMENT.
 - ALL PUBLIC WATER AND SANITARY SEWER FACILITIES SHALL BE DEDICATED TO PUBLIC USE AND THE EASEMENTS FOR THOSE FACILITIES, AS IDENTIFIED ON THIS PLAN, SHALL BE DEDICATED TO THE ALBEMARLE COUNTY SERVICE AUTHORITY.
 - ALL PRIVATE YARD DRAINS SHALL HAVE A 30' PRIVATE DRAINAGE EASEMENT.
 - IF THE EXISTING RWSA WATERLINES REQUIRE REPLACEMENT OR MAINTENANCE, THE PLAYGROUND EQUIPMENT AND TOT LOT FENCING MAY BE REMOVED BY RWSA. REPLACEMENT OR RE-INSTALLING OF THE TOT LOT EQUIPMENT AND FENCING WILL BE THE RESPONSIBILITY OF THE HOA.

LOT AREA TABULATION

LOT NUMBER	LOT AREA (SF)	BUILDABLE AREA (SF)	LOT NUMBER	LOT AREA (SF)	BUILDABLE AREA (SF)
1	2622	1681	19	2331	1346
2	1829	1410	20	1711	1210
3	1361	1035	21	1357	958
4	1401	1000	22	1355	955
5	1743	1243	23	1356	956
6	1750	1250	24	1440	1019
7	1785	1283	25	1479	1080
8	1837	1333	26	1862	1363
9	2952	1813	27	4308	1718
10	3029	1891	28	3767	1346
11	1954	1454	29	1420	1020
12	1556	1156	30	1413	1013
13	1550	1150	31	1407	1007
14	1544	1144	32	1401	1001
15	1538	1138	33	1742	1242
16	1532	1132	34	2776	1576
17	1904	1403	35	75534	47146
18	2375	1439			

NOTE: ADU DRIVEWAYS WILL BE 12' MIN. IN WIDTH. MARKET RATE UNITS WILL HAVE AN 18' WIDE DRIVEWAY. ALL DRIVEWAYS SHALL BE A MINIMUM OF 18' LONG FROM THE ACCESS EASEMENT TO THE FACE OF THE GARAGE.

NOTE: ALL STREETS WITHIN THE DEVELOPMENT SHALL BE MARKED WITH NO PARKING SIGNS ON BOTH SIDES OF THE ROADWAY.



CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C4	2760.66'	40.23'	20.11'	0°50'06"	S41°47'54"W	40.23'
C5	5755.50'	141.11'	70.56'	1°24'17"	S41°30'49"W	141.10'
C6	2760.66'	438.08'	217.99'	9°01'48"	S36°51'58"W	434.63'

NOTE: (*) DENOTES AFFORDABLE DWELLING UNIT. A TOTAL OF 8 ARE REQUIRED FOR THE PROJECT FOR THE PROPOSED BONUS DENSITY INCREASE AND A TOTAL OF 8 AFFORDABLE UNITS HAVE BEEN PROVIDED. NOTE: THE AFFORDABLE UNITS SHALL COMPLY WITH THE STANDARDS LISTED UNDER (B-2.4.5(b)) OF THE ALBEMARLE COUNTY ZONING ORDINANCE.

TMP 45-68C
CHARLOTTESVILLE
REALTY CORP
D.B. 1439, PG. 196

TMP 45-68C1
MALLOY PROPERTIES
III LLC

TMP 45-45128