

STAFF PERSON:
BOARD OF SUPERVISORS:

Christopher P. Perez
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Staff Analysis for Special Exception to Vary the Code of Development Regarding “Guest Parking Spaces” for ZMA2013-12 Rivanna Village

The COD requires that all residential units provide off-street guest parking at a ratio of 1 space for every 4 dwelling units. This requirement is more than what is required under the Zoning Ordinance for guest parking. The applicant requests to change the COD so that guest parking is not required for Single Family Detached (SFD) units or for Single Family Attached (SFA) units where parking is provided in parking bays/parking lots. This modification aligns the COD with the County’s current parking requirements in the Zoning Ordinance.

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 County Code §§ 18-33.5 and 18-33.9. Staff analysis under County Code § 18-8.5.5.3(c) is provided below.

The applicant is requesting to amend Table 7.1 of the Code of Development (COD) for Rivanna Village as it pertains to residential guest parking.

- 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.**
The variation does not pertain to density.
- 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. During the rezoning for Rivanna Village, additional parking above and beyond what is required under the Zoning Ordinance was not identified or required, this was simply an oversight in the writing of the COD.

Staff Analysis for Special Exception to Vary the Code of Development Regarding “Table 3.3 Lot Regulations” for ZMA2013-12 Rivanna Village

The applicant requests to change the COD to modify some of the setbacks in order to provide additional leeway in siting residential structures on lots. The changes the applicant is requesting followed by staff comment (in italics) are provided below:

- 1) Revise footnote #1 to remove the words “or alley” and change “15 feet” to “10 feet”.

The modification permits the minimum side yard setback for units adjacent to alleys to remain 5 feet as specified in the minimum side setback column of Table 3.3. It also maintains a greater minimum side setback, but to a slightly lesser degree, than is currently prescribed in the COD for units adjacent to roads. Staff has no objection to the proposed modifications because the modified setbacks go beyond the minimum side setback requirements

provided for in standard by right residential zoning districts. Additionally, the modified side setbacks maintain a greater side setback for lots adjacent to roads in an effort to prevent a feeling of enclosure while driving down the main roadways of the development.

2) Reduce the rear setback for Single Family Detached (SFD) units and Single Family Attached (SFA) units – (for Villas & Townhomes) from a 10 feet minimum to a 5 feet minimum.

Staff has no objection to this modification. In all cases the travelway serving the various unit types maintains a minimum of 20 feet width and is accessible by emergency response vehicles. With these changes, the requirements regarding building separation (clear zone) will still be met.

3) Reword footnote #4 to better clarify the requirement: “*Building envelope for individual lots may vary when a utility or landscape easement encroaches on a lot to a greater degree than the prescribed setbacks.*”

The revision more clearly states the requirement but does not have any substantive effect on the regulation. The revision is to assure that the home builders more clearly understand they may not be able to build to the minimum setback line due to encroachments that may be associated with utility or landscape easements.

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 County Code §§ 18-33.5 and 18-33.9. Staff analysis under County Code § 18-8.5.5.3(c) is provided below.

The applicant is requesting to amend **Table 3.3 – Lot Regulations** of the Code of Development (COD) for Rivanna Village as it pertains to setbacks.

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.

The variation does not pertain to density.

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.

The applicant requests to change the COD to modify some of the setbacks in order to provide additional leeway in siting residential structures on lots. This variation is in general accord with the approved rezoning application.