

December 28, 2024

Cameron Langille
Principal Planner
Department of Community Development
401 McIntire Road, Room 227
Charlottesville, VA 22902

RE: Belvedere Phase 4B – REQUEST FOR SPECIAL EXCEPTION
Minimum Rear Yard Setback Exception Request for R-4 Non-Infill Zoning
(SE for Belvedere Phase 4B site plan - SDP2024-00061)

Dear Cameron Langille:

Please allow this letter to serve as our official request for a special exception for the minimum rear yard setback within the R-4 zoning for the Belvedere Phase 4B 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 Belvedere Phase 4B portion of the residential development, specifically all lots located along Sarah June private alley and Tucker private alley. These lots were created under the R4 by-right zoning for the development and are located within the Phase 4B portion of the Belvedere development. All the proposed lots in Belvedere Phase 4B have frontage on existing public streets or public streets proposed with this development. 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. 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 the Sarah June alley and Tucker 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 or parking space from the access easement or within the access easement for parking outside of the garages or buildings. However, the design of these buildings and structures includes decks on the second floors and main floors that extend over the driveways or into the back yards 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 Sarah June Alley and Tucker Alley from 20 feet to 10 feet. All garages for these lots adjacent to these private alleys 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' 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 or within the access easement will be provided, with a minimum depth of 18 feet.

The comprehensive plan for this development area indicates a density of 3 to 6 residential units on the property. This property is proposed to be developed at a density of 4 units, with bonus density of 10% for the preservation of existing trees and 30% for providing affordable housing. The project also includes a minimum of 25% open space within the project.

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 limiting the number of residential lots with front loaded garages.

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