

STAFF PERSON:
BOARD OF SUPERVISORS:

J.T. Newberry
February 10, 2016

Staff Report for Variation #32 from ZMA200400024 Old Trail Village

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 Chapter 18 Sections 33.5 and 33.9. Staff analysis of the variation request under County Code § 18-8.5.5.3(c) is provided below.

VARIATION #32 – To reduce the side setbacks within Block 31 from 10 feet to 7.5 feet:

Table 7 of the existing Code of Development for Old Trail Village requires a 10 foot side setback within Block 31. The County approved a subdivision plat for Lots 1-7 in Block 31 with 10 foot side setbacks on December 29, 2015 (Attachment B). However, the applicant has requested approval of a reduced side setback of 7.5 feet to be in keeping with existing and planned future development in Old Trail.

In addition, the applicant has separately submitted an amendment to the Code of Development (ZMA201500001) that proposes 7.5 foot side setbacks within Block 31, as well as Blocks 30, 33, 34 and 35 (see Attachment C, Table 7). Staff and the Planning Commission recommended approval of ZMA201500001 with conditions at the Commission meeting on December 15, 2015, and that request is being presented to the Board for its consideration on February 10, 2016 under a separate agenda item.

By making a separate application apart from ZMA201500001, the applicant aims to avoid any possible delay in the consideration of this specific request for Block 31. Planning staff supports this special exception request to have side setbacks consistent with other surrounding blocks. Staff has confirmed with the Building Official, Fire Rescue Division and the Zoning Division that the public health, safety and welfare would not be impacted. Further staff analysis is provided below:

- 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.**
Density is not increased.
- 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.

VARIATION #32 RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception to vary the Code of Development to reduce the setbacks in Block 31, subject to the following conditions:

1. Lots 1-7 in Block 31 shall have minimum seven and one-half (7.5) foot side setbacks.