

**Attachment C**

**STAFF PERSON:  
BOARD OF SUPERVISORS:**

**Rachel Falkenstein  
December 14, 2016**

**Staff analysis of the special exception requests to modify setback and waive buffer zone requirements**

Both special exception requests have been reviewed for zoning and planning aspects of the applicable regulations. Special exceptions are considered by the Board under County Code §§ 18-33.5 and 18-33.9. In acting upon a special exception, the Board shall consider the factors, standards, criteria, and findings however denominated in the applicable sections of the Zoning Ordinance. Staff analysis of the Applicant's request for special exceptions to modify the requirements of County Code § 18-4.20(a) and to waive the requirements of County Code § 18-21.7(c), is provided below.

**Special Exception #1 – To modify the 50 foot minimum requirement for a side yard setback adjacent to a residential district as provided for in Chapter 18 Section 4.20(a)**

*If the abutting lot is zoned residential no portion of any structure, excluding signs, shall be located closer than 50 feet from the district boundary.*

The minimum side setback for a new building within the CO Commercial Office zoning district abutting a lot zoned residential is 50 feet from the district boundary. Section 18-4.20(a)(3) allows this setback to be reduced by special exception. The applicant requests to reduce this minimum setback to 25 feet to allow for the construction of a building adjacent to the R-15 Residential zoning district.

The applicant proposes to reduce the setback to 25 feet from the adjacent parcel TMP 76-54A1 which is zoned R-15 and contains Cavalier Crossing apartments. The proposed building will be located at the corner of Old Lynchburg Road and Old Lynchburg Place, a private drive providing access to the Cavalier Crossing apartments. The apartments are set back several hundred feet from Old Lynchburg Road and are located to the rear (east) of the Region Ten parcel. The proposed building would be adjacent to a narrow strip of TMP 76-54A1 on the north side of Old Lynchburg Place that is constrained by steep slopes and a stormwater management facility. Due to its narrow size and the presence of slopes and drainage facilities, it is unlikely that this portion of the adjacent parcel will be developed residentially.

The applicant proposes for a small corner of the Women's Treatment Center to encroach into the 50 foot setback requirement. By locating the facility close to the corner of Old Lynchburg Road and Old Lynchburg Place, the applicant is able to avoid disturbance to existing woods and managed steep slopes at the rear of the building site. It is staff's opinion that the proposed 25 foot setback is appropriate for this site since there are no existing residences on the portion of the parcel adjacent to the proposed building and this area is not likely to be developed residentially in the future. Additionally, the applicant is proposing landscaping and street trees along Old Lynchburg Place to help screen the proposed building.

**Special Exception # 2 - To waive the 20 foot undisturbed buffer requirement as provided for in Chapter 18 Section 21.7(c)**

*Buffer zone adjacent to residential and rural areas districts. No construction activity including grading or clearing of vegetation shall occur closer than twenty (20) feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements*

*will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored.*

The applicant proposes to allow disturbance of the required 20 foot buffer zone adjacent to a residential district in order to install an entrance, a bio-filter and additional landscaping and screening. Currently, the 20 foot buffer zone contains a private street, Old Lynchburg Place, and is mostly cleared except for a few small street trees. The applicant proposes to construct the site entrance off of Old Lynchburg Place, which will require construction within the buffer zone. The applicant also proposes to construct a bio-filter adjacent to the buffer, which will require a small amount of grading and installation of drainage facilities within the buffer zone. Additional street trees and landscaping are also proposed within the buffer to provide screening of the bio-filter and parking area.

Staff is of the opinion that disturbance of the 20 foot buffer will result in an improved site design. A site entrance off of Old Lynchburg Place is a more desirable location than an entrance off of Old Lynchburg Road. The area adjacent to the buffer is the most appropriate location for the bio-filter as it is the lowest point on site. The applicant is proposing to install street trees and a row of shrubs within the buffer to meet the minimum screening requirements. The proposed disturbances will result in increased landscaping and screening than currently exist within the buffer.