

**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA20160018 Lucas – 1278 Crozet Avenue	<b>Staff:</b> Rachel Falkenstein
<b>Planning Commission Public Hearing:</b> November 22, 2016	<b>Board of Supervisors Public Hearing:</b> To Be Determined
<b>Owner:</b> Matthew Lucas	<b>Applicant:</b> Matthew Lucas
<b>Acreage:</b> 0.897	<b>Rezone from:</b> R2 Residential to R4 Residential
<b>TMP:</b> 056A1010011800 <b>Location:</b> 1278 Crozet Avenue	<b>By-right use:</b> 1 dwelling unit
<b>Magisterial District:</b> White Hall	<b>Proffers:</b> No
<b>Proposal:</b> Request to rezone the parcel from R2 to R4 Residential to allow a second dwelling.	<b>Requested # of Dwelling Units:</b> 2
<b>DA (Development Area):</b> Crozet	<b>Comp. Plan Designation:</b> Neighborhood Density Residential – residential (3 - 6 units/acre), supporting uses such as religious institutions, schools and other small-scale non-residential uses
<b>Character of Property:</b> Existing dwelling and lawn. A small stream with stream buffer runs along the southeastern corner of the property.	<b>Use of Surrounding Properties:</b> Single family residential. Downtown Crozet is just south of the property.
<b>Factors Favorable:</b> <ol style="list-style-type: none"> <li>1. The request is consistent with the use and density recommended by the Crozet Master Plan.</li> <li>2. The rezoning will allow the reconstruction and preservation of a historic cabin on the property.</li> </ol>	<b>Factors Unfavorable:</b> <ol style="list-style-type: none"> <li>1. Approval of this rezoning will result in a flag-shaped lot which is not consistent with the Neighborhood Model; however, due to the lot shape and size, the presence of the stream buffer, and the fact that adjacent development is of a similar pattern, compliance with this principle is not essential to this proposal.</li> <li>2. Approval of this rezoning will not provide a guarantee that the historic homes will be preserved in perpetuity and that the property will not redevelop to a more intense use (up to 3 dwelling units at the current size).</li> </ol>
<b>RECOMMENDATION:</b> Staff recommends approval of ZMA201600018 Lucas – 1278 Crozet Avenue.	

**STAFF PERSON:  
PLANNING COMMISSION:  
BOARD OF SUPERVISORS:**

**Rachel Falkenstein  
November 22, 2016  
To Be Determined**

**ZMA 201600018 Lucas 1278 Crozet Avenue**

**PETITION**

PROJECT: ZMA201600018 Lucas 1278 Crozet Avenue

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 056A1010011800

LOCATION: 1278 Crozet Avenue

PROPOSAL: Request to rezone the property from R2 Residential to R4 Residential to allow a second dwelling unit

PETITION: Rezone 0.897 acres from R2 Residential zoning district which allows residential uses at a density of 2 units per acre to R4 Residential zoning district which allows residential uses at a density of 4 units per acre

PROFFERS: No

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses in the Crozet Masterplan

**CHARACTER OF THE AREA**

The site is located on the west side of Crozet Avenue about 300 feet north of its intersection with Railroad Avenue in downtown Crozet. All adjacent properties contain single family detached dwellings. The property is within the Crozet National Register Historic District and it contains an existing single family detached house, which is a primary contributing structure to the historic district, dating back to the 1800s. The property owner is currently renovating the existing historic house (Attachment A).

The property is zoned R2 Residential. Properties directly adjacent to the north, east and west are also zoned R2. Parcels to the south are zoned DCD Downtown Crozet District. There are two other parcels nearby, both located north of the property that have been rezoned to R4.

There is a drainage swale identified as a stream protected by the Water Protection Ordinance (WPO) that runs along the southeastern corner of the property. The WPO requires a 100-foot stream buffer along both sides of the stream. The majority of the Lucas property lies within the stream buffer including the existing driveway and house. The northwestern corner of the property, where the new dwelling is proposed, is mostly outside of the stream buffer (Attachment B).

**SPECIFICS OF THE PROPOSAL**

The applicant is proposing to rezone the parcel from R2 to R4 Residential to allow a second dwelling on the property. The applicant proposes to reconstruct a 1700's log cabin that was recently moved from 6193 Rockfish Gap Turnpike on the Froehling & Robertson property. The applicant plans to rebuild the cabin behind the existing dwelling, in the area mostly outside of the stream buffer. Only a small part of the corner of the cabin is proposed to be within the landward 50 feet of the 100-foot stream buffer. The WPO allows for this level of disturbance under Section 17-604. The applicant has an approved mitigation plan with the County to allow this small disturbance.

Mr. Lucas plans to subdivide the lot to locate one dwelling on each lot. Proposed access to the second dwelling will be via the existing driveway, which will be used as a shared driveway for both units. In order to subdivide the property and be in conformity with the WPO, the applicant will be required to provide a shared driveway easement over the existing driveway.

There are no proffers nor a proffered concept plan associated with the proposed rezoning, but the applicant has provided an exhibit within the project narrative showing the proposed location of the cabin and the proposed division (Attachment C).

### **APPLICANT'S JUSTIFICATION FOR THE REQUEST**

The applicant has stated that his intention is to relocate the cabin to preserve the historic resource and to potentially provide a future home for his son.

### **PLANNING AND ZONING HISTORY**

- There are no previous planning or zoning applications associated with this property.
- Records show that the existing dwelling was constructed in 1870.

### **COMPREHENSIVE PLAN**

The Crozet Master Plan designates this area as Neighborhood Density Residential which has a recommended density of 3-6 residential units per acre. Recommended housing types for this designation are primarily single family detached units with some single family attached/townhouses.

**The Neighborhood Model:** Due to the small size of the property and limited scope of this request, staff has not conducted a full analysis of the Neighborhood Model principles. Most of the Neighborhood Model principles would not apply to a two lot residential development of this size. Applicable principles are discussed below.

Pedestrian Orientation: The property to be subdivided contains an existing sidewalk along Crozet Avenue. Due to the proposed location of the second dwelling in the back of the lot and proposed lot shape, the existing sidewalk will not provide pedestrian access to the second dwelling. *This principle is not met.*

Buildings and Spaces of Human Scale: Rather than addressing the street, the proposed second dwelling will be located in the back of the lot, behind the existing dwelling. The proposed second lot is an irregular shaped "flag" lot that would gain its frontage from a narrow strip of land fronting on Crozet Avenue. The second dwelling will not be along the street frontage and will be setback a few hundred feet from Crozet Avenue. *This principle is not met.*

Under most circumstances, new lots in the Development Areas are expected to adjoin a public street with a sidewalk. New buildings should face the abutting street. However, this location in Crozet is unique due to the depth of existing lots within the block, a required stream buffer, and a development pattern that already includes several units built behind houses which front on a public street. In addition, the developable portion of this lot is at the rear rather than the front of the parcel. Staff believes that these characteristics could provide justification for subdivision of a lot that does not conform to the Neighborhood Model.

Redevelopment: The applicant proposes to relocate a historic cabin on the property and to preserve the existing historic home which he is currently renovating. The existing house is a contributing structure to the Crozet Historic District, which is on the National Register of Historic Places. The relocated cabin was previously within the Afton-Greenwood Rural Historic District as a contributing structure and is thought to be one of the oldest buildings in Crozet. *This principle is met.*

***Relationship between the application and the purpose and intent of the requested zoning district***

The existing zoning district is R2 Residential which allows for 2 dwellings per acre. The lot to be subdivided is only 0.897 acres which does not support a second dwelling. The proposed zoning district is R4 Residential which allows for 4 dwellings per acre. With R4 zoning, the property could support 2 additional dwellings.

The purpose and intent of the R4 Residential zoning district is to:

- Provide for compact, medium density residential development;
- Permit a variety of housing types; and
- Provide incentives for clustering of development and provision of locational, environmental and developmental amenities.

This proposed development does not provide for a variety of housing types, but it will avoid additional disturbance of most of the stream buffer. Because the Crozet Master Plan recommends density between 3 and 6 units per acre, staff believes that R4 is the most appropriate zoning district to support the request.

***Anticipated impact on public facilities and services***

Streets:

The property fronts on Crozet Avenue. The proposed second dwelling will share the existing driveway with the existing house. No upgrades to the entrance or driveway are required with this proposal. Given the limited size of the proposal, no impacts to traffic or the existing street network are anticipated.

Schools:

Students living in this area would attend Crozet Elementary School, Henley Middle School, and Western Albemarle High School. No discernable impacts are anticipated due to the size of this rezoning.

Fire and Rescue:

Fire and Rescue service is provided through the Crozet Volunteer Fire Station and Western Albemarle Rescue Squad.

Utilities:

This project is in the water and sewer service jurisdictional area and both services are available. ACSA and RWSA did not identify any capacity issues with this proposal.

***Anticipated impact on environmental, cultural and historic resources***

Environmental resources on the site include a drainage swale, identified as a stream with stream buffer. The existing house and driveway are within the stream buffer, but the applicant does not propose any changes to the existing house and driveway at this time. The proposed cabin location will require a small amount of disturbance to the landward 50 feet of the stream buffer. This disturbance is allowed by the Program Authority who administers the WPO. The applicant has proposed an acceptable mitigation plan for the proposed disturbance to the buffer.

As stated previously, both the existing house and proposed cabin are identified historic resources. This rezoning will allow for reconstruction rather than demolition of a cabin from the 1700s. The cabin is not expected to impact the historic district nor affect the designation of the existing house as a contributing structure to that district. If future owners maintain and preserve both houses, they will be available for future generations to enjoy.

### ***Anticipated impact on nearby and surrounding properties***

The Community Meeting for this project was held on October 19, 2016 at 7:00pm at the Crozet Library as part of the monthly Crozet Community Advisory Committee meeting. There did not appear to be any members of the public in attendance for this project and the Advisory Committee voiced their support for the rezoning and the cabin relocation project.

Very minimal visual impact is expected on nearby and surrounding properties as a result of this change. The proposed cabin relocation and subdivision appear to be in keeping with the character of other parts of the block. Visibility of the cabin will be limited due to the presence of mature vegetation on the parcel.

It should be noted that although the applicant has stated his intention to only construct two dwellings on the property and to preserve both historic homes, there is no guarantee with this rezoning that the future use of the lots will not change. There is no requirement associated with this rezoning for a future owner to preserve both dwellings and nothing would limit development of only one additional dwelling, were it to be rezoned to R4 Residential. Under the new proffer legislation effective on July 1 of this year, the County is not able to accept a proffer limiting the development of this property to only two dwellings, since there are no discernable impacts that such a proffer would be mitigating. Therefore, it is feasible that the current owner or a future owner could demolish both homes and construct up to three attached or detached units on the property, so long as the proposed development is in compliance with the Zoning and Water Protection Ordinances. However, staff is of the opinion that due to the amount of investment the current owner has made in renovating the property and moving the cabin, demolition would be unlikely.

It should also be noted that there are two other long narrow lots in this block for which additional developable area is located behind existing houses. A request for additional density on those lots may necessitate that flag lots be created in the future. While all rezonings are evaluated on their own merits, similarly situated properties should be treated in the same way (Attachment A).

### ***Public need and justification for the change***

The Comprehensive Plan calls for the County to continue to find ways for preservation of historic structures and sites to be financially viable for property owners. Approving the rezoning of this property will allow a property owner to reconstruct and preserve one of the oldest buildings in Crozet, dating back to the Revolutionary War. Unfortunately, the County is unable to accept a proffer to ensure that long-term preservation takes place. However, the Crozet Master Plan recommends a density of between 3 and 6 dwellings per acre at this location. The rezoning would allow for a density within that range.

### **PROFFERS**

As previously noted, there are no proffers provided with this request.

### **SPECIAL EXCEPTION REQUEST**

The applicant has submitted a request for a special exception in accordance with Section 4.2.1(a) to allow the creation of a lot without a conforming building site (Attachment D). The Zoning Ordinance requires that all lots except special lots contain at least one building site outside of critical slopes and the stream buffer. The existing house is not within a building site due to the presence of a stream buffer. If the lot is divided as proposed, the lot with the existing house will lose its conformity because the only area meeting the requirements of this section will be provided on the new lot. Therefore, in order for a future subdivision to take place, the applicant needs a special exception from the Board.

Although Planning Commission action is not required unless staff is recommending against a special exception request, staff has brought this information to the Commission's attention because the applicant cannot subdivide the property without the exception. Staff will be recommending approval of the special exception since the house and driveway are already in existence within the stream buffer and no additional disturbances are proposed associated with the existing dwelling.

### **SUMMARY**

Staff has identified the following factors, which are favorable to this request:

1. The request is consistent with the use and density recommended by the Crozet Master Plan.
2. The rezoning will allow for the reconstruction and preservation of an historic cabin on the property.

Staff has identified the following factors which are unfavorable to this request:

1. Approval of this rezoning will result in a flag-shaped lot which is not consistent with the Neighborhood Model; however, due to the lot shape and size, the presence of the stream buffer, and the fact that adjacent development is of a similar pattern, compliance with this principle is not essential to this proposal.
2. Approval of this rezoning will not provide a guarantee that the historic homes will be preserved in perpetuity and that the property will not redevelop to a more intense use (up to 3 dwelling units at the current size); however, the State Code does not allow for acceptance of these types of guarantees through proffers

### **RECOMMENDATION**

Staff recommends approval of ZMA201600018 Lucas 1278 Crozet Avenue.

### **PLANNING COMMISSION MOTION:**

- A. If the ZMA is recommended for approval: Move to recommend approval of ZMA201600018.
- B. If the ZMA is recommended for denial: Move to recommend denial of ZMA201600018 with the reasons for denial.

### **ATTACHMENTS**

- A – [Location Map](#)  
B – [Stream buffer location](#)  
C – [Project Narrative](#)  
D – [Special exception application and exhibit](#)