

COUNTY OF ALBEMARLE

ANALYSIS OF SPECIAL EXCEPTION REQUEST

ATTACHMENT E

DATE: January 18, 2017

STAFF: Elaine Echols, Department of Community Development

SUBJECT/PROPOSAL/REQUEST:

Special Exception for waiver of requirements of County Code Section 18-4.2.1.a.(v) to allow a building site within a stream buffer under chapter 17 of the Code in conjunction with ZMA201600018 1278 Crozet Ave.

PURPOSE OF REQUEST:

County Code Section 18-4.2.1.a. (v) requires that a building site not be located within a stream buffer that is required under the Water Protection Ordinance (WPO). This requirement may be waived or modified by special exception upon the Board's consideration of whether (i) the parcel has an unusual size, topography, shape, location or other unusual physical condition; or (ii) development in a stream buffer on the parcel was authorized as provided in section 17-321 of the Code.

In order for ZMA201600018 to be approved, a special exception to allow a building site in the stream buffer is necessary. The Planning Commission was made aware of the need for the special exception and did not oppose the applicant's request.

DISCUSSION:

Creation of a building site as requested by the applicant meets both of the above criteria. The property is long and narrow, as depicted on the applicant's request for the special exception. Two-thirds of the property contains a stream buffer required by the WPO.

The County Engineer has reviewed this request and authorized disturbance in the outer 50 feet because the area is actually a swale covered with grass and the applicant has proposed mitigation involving the planting of three trees (§17-604.A). Use of the existing driveway to the house at 1278 Crozet Avenue is required for the new building site to avoid disturbance of the inner 50 feet of the stream buffer. The Crozet Master Plan supports the County Engineer's decision because of expectations for redevelopment.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment G) to approve this special exception to allow a building site within a stream buffer required by the WPO.