

**Albemarle County Planning Commission
November 22, 2016**

The Albemarle County Planning Commission held a regular meeting on Tuesday, November 22, 2016, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Mac Lafferty, Pam Riley, Jennie More, Daphne Spain, Tim Keller, Chair; Karen Firehock, Vice Chair and Bill Palmer, University of Virginia (UVA) representative. Ms. More arrived at 6:04 p.m.

Other officials present were Trevor Henry, Director of Facilities and Environmental Services; Megan Yaniglos, Principal Planner; Rachel Falkenstein, Senior Planner; Elaine Echols, Acting Chief of Planning; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission; Andrew Gast-Bray, Assistant Director CDD/Planning Director and John Blair, Senior Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Keller, Chair, called the meeting to order at 6:00 p.m. and established a quorum.

a. PROJECT: ZMA-2016-00018 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. (Rachel Falkenstein)

Ms. Falkenstein summarized the staff report in a PowerPoint presentation.

The purpose of tonight's hearing is a rezoning to rezoned .897 acres from R2 Residential to R4 Residential to allow a second dwelling on the property. The property is located on Crozet Avenue. The property outlined in pink on the slide is located just north of Downtown Crozet. There is an existing house on the property, which is an historic home that is contributing structure to the Crozet Historic District. Most of the adjacent parcels are also single-family residential. Western Albemarle Rescue Squad is across the street and some small businesses just to the south in Downtown Crozet.

The zoning of the property right now is R-2 Residential as shown in green on the slide so most of the adjacent properties to the north are also R-2. To the south is Downtown Crozet District zoning as shown in purple on the slide. There is a very small stream running just on the corner of the property. The streams require a 100' buffer on either side. Ms. Falkenstein noted that this buffer is not currently vegetated and you can see there are many houses in the buffer. The

existing house is within the buffer and most of it is turf. There are some trees along the property line.

The applicant is proposing to rezone the parcel to R-4 to allow a second dwelling unit on the property. The contributing historic structure dates back to the 1800's. A 1700 log cabin to be used as the second dwelling unit recently was moved from the Froehling and Robertson property on Route 250 by the applicant. Ms. Falkenstein said if you have been by the property recently it is actually currently under construction; the applicant got a building permit to construct this as an accessory structure. In order for to be used as a dwelling unit, the applicant will need to rezone the property. The applicant is proposing to locate the cabin behind the existing dwelling. Ms. Falkenstein pointed out the existing dwelling and Crozet Avenue and that he is proposing to subdivide the property into two parcels and to construct the property in the back.

Ms. Falkenstein noted the stream buffer runs along the front of the property and a small corner of the proposed building will be within the stream buffer. The county engineer has reviewed this request and is of the opinion the small amount of disturbance will not cause any additional harm to the streams since it is currently not vegetated; the applicant is proposing some additional trees within the buffer to mitigate the proposed impacts. There are no proffers or concept plan associated with this application.

In summary staff reviewed the request and found two favorable factors.

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

Staff found the following unfavorable factors:

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 structures 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 ZMA-2016-00018 Lucas 1278 Crozet Avenue.

Mr. Keller invited questions for staff.

Mr. Lafferty asked how often does the stream run, and Ms. Falkenstein replied that she did not know since it was very intermediate since it was more of a drainage ditch right now.

Mr. Lafferty noted the stream has come up before us before and it was sort of a wet weather stream as he remembers.

Ms. Echols said this stream is identified in the Crozet Master Plan and over time the stream closest to Three Notched Road and west of Crozet Avenue north of Downtown has been impacted by development such that a true stream no longer exists; in places the stream is piped and in other places the stream bed is just a swale. The county's requirement for a 100-foot stream buffer

limits some use of this area to allow for reuse and redevelopment in the area where a true stream does not exist; and, consideration should be given to reduction in the stream buffer.

Mr. Lafferty asked if they are currently on county water and sewer; and Ms. Falkenstein replied yes.

Mr. Dotson questioned the summary findings that a flag lot is not consistent with Neighborhood Model since he thought the Neighborhood Model does support accessory or second structures behind a more forward structure to diversify the housing supply and so forth. He asked if that pattern here would be consistent with the Neighborhood Model.

Ms. Falkenstein asked if he meant a pattern of accessory units behind dwellings; and, Mr. Dotson replied or even separate dwellings behind a dwelling that is closer to the street.

Ms. Falkenstein replied that development pattern is common and we see it in some of our newer developments with the carriage houses that do not necessarily have proper street frontage with sidewalks. The concern here was establishing a pattern of second dwellings in the back that have no frontage on streets; no access for pedestrians and long and narrow lots that are not really ideal.

Ms. Echols noted when a structure is truly accessory to the primary structure it makes a lot of sense when there are two primary structures that it starts to create a development pattern where you have the front of one house looking at the back of another house. It is something that creates "stacked lots" that do not get the building faced to the street; and flag lots are not prohibited and not the most ideal lot shape to help create a face to the street for a new residence. This was an unusual situation.

Ms. Firehock said she did not have any big objection to this particular project. However, she just wanted to make a quick comment that her concern with dwelling units behind the primary unit is really thinking about the neighbors next door who are used to looking at other back yards and now are looking at somebody's house instead. However, in looking at this site, the building envelope sketched in blue cross-hatching was not far away or deep in the backyard and, she was wondering if that building envelope is set in stone so we can rely on that the applicant was going to put the building exactly where they sketched it. Since it was a hand drawing she wondered if the building could go anywhere on that lot.

Ms. Falkenstein replied that the building was under construction and the envelope the applicant has shown is where he is building it. The applicant has a building permit to construct an accessory storage or shelter. She pointed out to convert it to a dwelling the rezoning will have to be approved first.

Ms. Firehock thanked staff since she did not understand it.

Ms. Spain said she had a point of clarification about staff's concern that the houses may not be preserved in perpetuity. However, if it was in the National Register Historic District is that not a protection.

Ms. Falkenstein replied that is not a protection; the property owner has the ability to put an easement on it to protect it in perpetuity and as far as she knows he has not done that. She noted that just being in the district is not a protection.

Ms. Spain asked did he discuss putting an easement on it; and, Ms. Falkenstein replied she had not had that conversation with him; it is not something we could require as part of the rezoning.

Ms. Spain said she understands that there can be proffers; but she did not know if it has come up.

Ms. Falkenstein replied that it has not come up that.

Mr. Keller said he would like to follow this line of thinking if we may, if staff could remind all of us how our ancillary buildings work in the county in various areas. If one were to build not talking about the cabin and just taking the existing long lot - if one wanted to build a grandparents building, a tiny house, as an ancillary unit is that allowed in this particular zoning area.

Ms. Falkenstein replied that it is allowed; however, she apologized that she did not know the particulars but there are requirements that a granny flat, as they are called, would have to meet in terms of square foot. However, she would refer that question to Ms. Echols.

Ms. Echols noted actually you cannot have an attached accessory unit except where it has been rezoned like in Belvedere and some of the other more recent developments where they have carriage houses. The requirement is that the property has to be able to be subdivided and it would have to be a sub dividable property in order to put the second unit on that. Since the Neighborhood Model was adopted that has been a goal to increase the opportunities for the accessory units so that they could be detached accessory units it has not gotten up yet on the work program yet. So that one is not in there; however, it is a recommendation in the comprehensive plan that the ability exists for a detached accessory unit.

Mr. Keller said when you have come and spoken to us in terms of density in the growth areas, setbacks and urban form this is something and he believed Ms. McCulley has also addressed before as future possibilities. Therefore, he would guess when our new planning director he would just say that he thinks that it is important for us to follow through because this is a way for us to increase density in our existing areas without having to go through what we are talking about right now. He pointed out the city does have that proviso and so the adjoining growth areas outside of our county band of growth areas do have that potential; and, it is happening in a significant way. However, it is happening so that it is part of an existing lot as opposed to a subdivision so technically there would not be the flag access that way.

Ms. Echols agreed that was correct.

Mr. Keller said it seemed given the relatively small square footage of this cabin it would not be dissimilar from a historic kitchen house associated with houses when there were those type of ancillary dwelling because there most likely would have been a dwelling as well as cooking in that unit. He said his final question to Ms. Echols is there any other manner in which we could deal with this other than setting the precedent of the flag lot given the constraints that we currently have.

Ms. Echols replied not right now; the owner does not have to subdivide the lot; they just have to be able to subdivide the property. Therefore, the owner may choose to have two houses on the lot for a period and it might be that the owner would want to retain those two together; but he may not and she thinks he has indicated that he would like to have the ability in the future to subdivide it. However, the applicant could probably talk to you a little more about that.

Mr. Keller invited further questions.

Ms. More pointed out in attachment C there is a mention of the article in the Crozet Gazette that talks about community support. There was a community meeting at the CCAC; however, she did not see it.

Ms. Falkenstein apologized that she did not mention it in her presentation; however, it was included in the staff report. She did not get the resolution of support in time to put it out with the staff report; but one did come a couple of days ago. So yes, there was community support for this.

Ms. Riley said she had one other question about the special exception request, and so before us tonight really is just the request to rezone and if the applicant in the future desires to have the special exception they will be coming back for that or how would that work.

Ms. Falkenstein replied the Board would approve the special exception; it would only come to the Planning Commission for review if staff were recommending denial. Therefore, he has gone ahead and submitted the special exception request; and, she believed it is his intent to subdivide and so the Board will have an action on that when they hear this rezoning.

Mr. Keller asked if there were further questions before we open for the applicant. There being none, Mr. Keller opened the public hearing and invited the applicant to come forward and present.

Matthew Lucas, applicant, said he did not have a specific presentation to give; but, he can comment to some of the things brought up. Regarding the flag part, he would just say that to the left of it is commercial. There is a greenhouse right there; and, it is sort of in a sense commercial. He asked the Commission to keep that in mind. On the right, there is a flag lot that is nearly identical, maybe smaller in scope. However, it may be possible to get another dwelling behind just the way these lots were originally structured they are long shoebox like lots. To the right there is a house with another house behind it with a flag lot. Therefore, it is not consistent with what other folks have done in the neighborhood.

Mr. Lucas pointed out that it is a real interesting historic structure. The picture that you saw on the slide that is actually on the Virginia Department of Historic Resources webpage as an example of the types of building they are trying to save. Therefore, Virginia recognized that all the way through the Crozet community they wanted to save this building. It was understood if F&R wanted to expand that there was a lot of interest in the community to find a way to keep the structure in Crozet and preserved. Therefore, the historic community has looked at it; they loved the house; and they are behind it including the CCAC, the Crozet Gazette editorialized on it, F&R and the builders looked at the site as well. Therefore, everybody has looked at this and they have received only positive attention. He said the picture was not representative of what it would look like in the end. Regarding the picture, he noted it actually did not represent what it would look like in the end because if you peel back the layer it is a log cabin. He pointed out today he brought pictures, but he did not see a way to connect to the computer. However, he could show the Commission what it looks like. He said it would be a real log cabin; it will not have siding on it; and, it will be beautiful. In terms of the envelope, yes, this is literally set in Virginia fieldstone so it is not going anywhere. He explained he permitted to put it up as an accessory structure because he could not just let it set; it would rot. The logs are in good shape, but needed to be gotten up off the ground. He noted that is one of the reasons why he took the first step and did it. In terms of historic easement, he would say that he had put his heart and soul into the house on the left. Everybody who looked at the structure were going to demolish it. There was not a single person

who came along and said they wanted to save that house. It was that far gone, and he just happened to fall in love with it. He fell in love with Virginia farmhouses; and, this will be his fourth one in Albemarle County. There is so much into that property and it is so cool. Therefore, he could not imagine a scenario where someone would come and knock it down. It would defy logic to do that. Therefore, he did not think you have to be concerned about that. By the time the cabin on the right was done it will be beautifully situated in that meadow. He supposed someone could always come and knock it over; but it would not make economic sense since it would be despite the building. He did not see anybody buying it and had no offers on it to sell it. To the extent that down the road they would be sold only if there was some extreme weird circumstance. He apologized that he did not have a long presentation but had nothing else to add.

Mr Keller invited questions

Ms. Spain said she was confused about how this house looks on the website; but you are saying it is not going to look that way anymore because the outside frame will be stripped off.

Mr. Lucas noted they were talking about the log cabin. If you peel back that siding, it is a vintage hand hewed logs and it will look like the original log cabin. The building as shown is where someone over time decided that the logs were not providing enough insulation or whatever and slapped some siding over top of it to maintain the building. However, when he gets done it will be an original log cabin with the original logs and look the way it was when it was originally built.

Ms. Spain asked are you working with someone; and Mr. Lucas replied he was working with Peter Hunter out of Batesville and he has done a number of log cabins. It is his passion and he knows how to do this log. He said he wished they wish could plug in and show the pictures. They packed every log so it will be constructed the way it was originally at least on the front part because some of the logs on the back had to be replaced. However, he was preserving it the way it was originally to the best degree possible. He said he was taking a lot of pride on that. For example, he will do a slate roof; he got reclaimed slate from Buckingham County and it will be beautiful. He would use original fieldstone and it would be done exactly correct. The chimneys will be real stone.

Mr. Keller said as a follow up on that, there are a number of log cabins built never to be exposed log; they were built to be covered with framing and he thinks that is what Ms. Spain is getting at. Since we do not know the question really is has an architectural historian observed this.

Mr. Lucas noted they have had an historic committee come in and they have gone through that building and every little detail and he learned along the way because he does not sit on that committee. However, he met them there including three or four UVA architects and it should be put back without siding on it. He agreed that it did not have siding on it originally and you had to do that all by hand in the 1700' so they just did logs and the way it should be.

Mr. Keller pointed out there were many cases early on of siding. The addition to the rear and the small building that we see in that picture will they be part of this as well.

Mr. Lucas replied the outbuildings in the back are not original to that; they are just ancillary structures. The structures including the outhouse they are not doing that and behind that he guessed was the kitchen that they were not doing that since they were modern and within 100 years old and not worth salvaging. What he did find is a vintage smokehouse from a property in Madison and he would at some point like to put that as an accessory building to complete the project. He pointed out the logs for the smokehouse were out there if the Commissioners were

to drive by. He noted that was a planned thing, but he had not done that yet.

Mr. Keller thanked the applicant and invited other public comment. There being no public comment, he invited applicant rebuttal. There being none, the public was closed and the matter before the Planning Commission for discussion and action.

Ms. Firehock thanked the applicant for trying to restore our rich heritage especially in the light of the fact that our county does not have an historic preservation ordinance and we want one.

Mr. Keller agreed and wanted to say there were some things he heard that Ms. Spain eluded to for other reasons that we need an historic district ordinance. Some of these questions, for instance, was we know that Crozet's National Register designation is about continuity over time and for many of us in the historic preservation the changes that have occurred to this cabin over time also have. In other words, you do not take it back to a certain point in time; it has authenticity through time and that is one philosophy. However, at Montpelier we have seen has been moving back to an earlier time that would support what this applicant is doing. He thinks that having our own entity within the county to think about and to work with applicants on these resources like this would be quite helpful in the future. However, in this case he would certainly agree with commending the applicant for saving what he was sure would have been a lost structure otherwise.

Ms. More echoed that same comment and she would like to make sure to thank the applicant for his work on the existing dwelling unit since we did hear from different developers over time and every scenario had that home torn down without question. She has watched the renovation of that property because she drives by it often and it was well done and beautiful to see happen. It was an opportunity to move the cabin on the property and she appreciated the applicant's willingness to do that. She knows the process of dismantling and moving and thought it was done very meticulously with everything labelled just to speak to what he was able to describe about getting the advice of bringing it back to what it originally looked like. She thinks there is a lot of expertise that went into that. If no one else had comments, she would make a motion.

Ms. More moved and Ms. Firehock seconded to recommend approval of ZMA-2016-00018 Lucas 1278 Crozet Avenue.

The motion passed unanimously by a vote of 7:0.

Mr. Keller said a recommendation for approval will forwarded to the Board of Supervisors for their consideration of ZMA-2016-00018 Lucas 1278 Crozet Avenue.

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning)