

## Code variation and reason for the variation request

I recently submitted an application (ZMA2016-8) rezone the 0.897 acre property TMP 056A1-01-00-11800 from R2 to R4.

The purpose of the rezoning application is to increase the density of TMP 056A1-01-00-11800 to support the relocation/preservation of the 1700's log cabin that was located at 6183 Rockfish Gap Tpk, Crozet, VA -- as the owners of the cabin (F&R Engineering) needed to make room for commercial expansion of their business, and the cabin was in the way.

Given the historic nature of the cabin, representatives from the Crozet community, the Historic Preservation committee, F&R, and other parties desired to relocate the cabin within Crozet, and supported the idea of relocating it behind the existing property at 1278 Crozet Avenue - as the property is located in the Historic District, and is ideally situated for the project.

See Figure 1 – proposed cabin location and subdivision.

In order to accommodate this plan, the property requires rezoning to R4 since the current R2 density is not sufficient to support a separate dwelling.

That application (ZMA2016-8) is under consideration.

However, in connection with the rezoning application, we would require a waiver to CHAPTER 18 "ZONING SECTION" 4.2.1" and "4.2.2 b 1" of the Albemarle County Code in order to subdivide the property should the rezoning application be approved.

Specifically, of CHAPTER 18 "Section 4.2.1 Building Site Required" states that "No lot other than a special lot shall have less than one (1) building site".

Therefore, each lot must have a building site.

The specifications of that building site are defined in Section 4.2.2 b 1 "4.2.2 BUILDING SITE AREA AND DIMENSIONS" for "uses served by a central sewage system" as follows:

1. Residential development. Each building site in a residential development shall have adequate area for all dwelling unit(s) together with an area equivalent to the sum of the applicable required yard areas for the applicable zoning district and, if parking is provided in bays, the parking area.

The issue with the proposed subdivision shown in Figure 1 is that the proposed composition of resulting subdivided lots would have a significant area "within a stream buffer under chapter 17 of the Code."

See Figure 2 – stream buffer overlay.

In fact, pretty much the entirety of the proposed lot where the existing house sits is in the stream buffer, and a large portion of the second lot in the rear of the existing lot is also covered by the stream buffer.

While the stream buffer does not prevent the relocation of the cabin, as the reconstruction has been approved/permitted by the County as an accessory structure and satisfies the stream buffer setbacks and the existing house is properly permitted; the surveyor has indicated to me that because the stream buffer area is so large on both of the proposed lots, that the building site requirement defined in 4.2.2 b 1 can not be met. He is also concerned that while the lots conform to the minimum sizes and setbacks, that they could be considered irregular.

Section 4.2.1b(ii), copied below, provides a means for the board of supervisors to waive the approved building site requirement if the site has an unusual size, topography, shape or if the development is in a stream buffer. Specifically:

- a) Special exception. Notwithstanding section 4.2.5, any requirement of section 4.2.1(a) may be waived or modified by special exception under section 33.5 upon the board of supervisors' 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.

I ask that the County provide such a waiver to Chapter 18 sections 4.2.1 and 4.2.2, and determines that the proposed subdivision shown in Figure 2 is an acceptable shape as defined in the subdivision ordinance.



Figure 1 – Proposed Subdivision

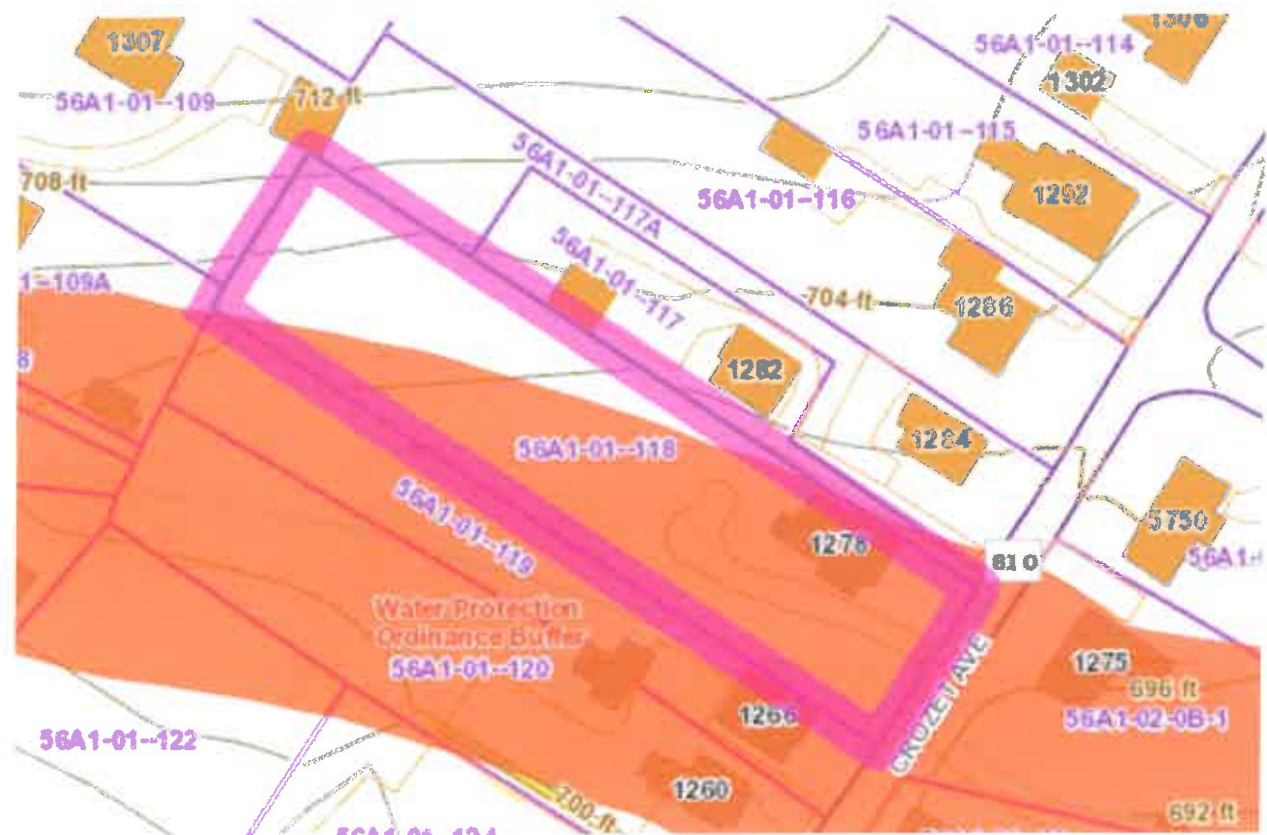


Figure 2: Stream Buffer Overlay on Proposed Lots