

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
TO VARY THE APPLICATION PLAN
FOR ZMA 2013-16 AVINITY ESTATES**

WHEREAS, the Owner of Tax Map Parcels Number 09100-00-00-01400 (portion), 09100-00-00-016A0, 09100-00-00-016C0, and 09100-00-00-016E0 (the "Property") filed requests for special exceptions to vary the Application Plan approved in conjunction with ZMA2013-16 Avinity Estates to reduce the width of the landscaping maintenance and access easement from ten (10) feet to six (6) feet and to reduce the depth of the front yard setback between the sidewalks and dwelling units from eighteen (18) feet to six (6) feet.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception requests and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exceptions to vary the Application Plan approved in conjunction with ZMA2013-16 Avinity Estates as described above, subject to the condition(s) attached hereto.

* * *

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____

ZMA 2013-16 Avinity Estates – Special Exception Conditions

1. A modified front yard setback of six (6) feet may be applied to portions of dwelling units that are not garages; but shall not be applied in any way which results in any garage being set back less than eighteen (18) feet from the sidewalk in order to ensure that vehicles parked in the driveway and in front of the garage do not obstruct the sidewalk.
2. A modified front yard setback of six (6) feet shall not include any encroachment, other than a one (1) foot maximum encroachment for roof overhangs, in order to maintain sufficient space for the required landscaping materials to be located within the six (6) foot landscaping easement. The existing four (4) foot encroachment of all rear setbacks and one (1) foot encroachment of side yard setbacks specified on the approved ZMA-2013-00016 application plan shall remain in effect.
3. The width of the landscaping maintenance and access easement shall be no less than six (6) feet.