

## ATTACHMENT B – STAFF ANALYSIS

**STAFF PERSON:** Tim Padalino  
**BOARD OF SUPERVISORS:** March 7, 2018

Staff analyses of these special exception requests to vary from the approved ZMA Application Plan were conducted pursuant to the following applicable provisions and evaluation criteria contained in County Code §18-8.5.5.3:

### 8 PLANNED DEVELOPMENT DISTRICTS - GENERALLY

#### 8.5 PROCEDURES FOR PLANNED DEVELOPMENT APPLICATIONS

##### 8.5.5.3 VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENTS

- a. The director of planning is authorized to grant a variation from the following provisions of an approved plan, code or standard:
  1. Minor changes to yard requirements, build-to lines or ranges, maximum structure heights and minimum lot sizes;
  5. Minor changes to street design and street location, subject to a recommendation for approval by the county engineer;
- c. The director of planning is authorized to grant a variation upon a determination that the variation:
  - (1) is consistent with the goals and objectives of the comprehensive plan;
  - (2) does not increase the approved development density or intensity of development;
  - (3) does not adversely affect the timing and phasing of development of any other development in the zoning district;
  - (4) does not require a special use permit; and
  - (5) is in general accord with the purpose and intent of the approved application.

#### **Staff Analysis – Request #1 for Special Exception to Vary:**

*Variation request to modify (reduce) the width of the landscaping maintenance and access easement from ten (10) feet to six (6) feet, pursuant to County Code §18-8.5.5.3(a)(5).*

<b>Evaluation criteria per County Code §18-8.5.5.3(c):</b>	
(1)	Request does not contradict Comprehensive Plan goals and objectives. The requested width of six (6) feet for the street tree landscaping easement would still enable the project to accommodate “landscape elements,” as called for in the Neighborhood Model Design Guidance and in accord with the approved “variation of the planting strip” established with approval of ZMA-2013-00016. The applicant has noted that the requested width of six (6) feet for the street tree landscaping easement would be consistent with “the typical planting strip width employed in standard road sections.” <b><u>Evaluation criteria met.</u></b>
(2)	The requested Variation would not increase the approved development density or intensity of development. <b><u>Evaluation criteria met.</u></b>
(3)	The requested Variation does not adversely affect the timing or phasing of development of any other development in the zoning district. <b><u>Evaluation criteria met.</u></b>
(4)	The requested Variation does not require a Special Use Permit. <b><u>Evaluation criteria met.</u></b>
(5)	The requested Variation is in general accord with the purpose and intent of the approved application plan, which shows street trees planted along the private streets in a planting strip outside of the right-of-way. <b><u>Evaluation criteria met.</u></b>
<b>Additional factors for consideration:</b>	
<p>A. The staff report for the approved ZMA-2013-00016 for Avinity Estates recommended a six (6) foot landscape easement for the street tree landscaping – the same width now being requested by the applicant.</p> <p>B. The requested Variation would allow for consistency with the approved plans for the adjoining Avinity I development, which received approval for a planting strip modification during the rezoning process for that existing (built) project.</p> <p>C. Please see the application for Variation Request #1 (Attachment A) for the applicant’s description and justification.</p>	

**Staff Recommendation – Request #1 for Special Exception to Vary:**

With regards to the findings contained herein, inclusive of the criteria to be considered per County Code §18-8.5.5.3(c), as well as other additional factors, **staff recommends approval** of this Variation Request #1 with conditions.

Specifically, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve with conditions Variation Request #1 for a special exception to vary the Application Plan approved in conjunction with ZMA 2013-00016 Avinity Estates so as to modify (reduce) the width of the landscaping maintenance and access easement from ten (10) feet to six (6) feet, pursuant to County Code §18-8.5.5.3(a)(5).

**Staff Analysis – Request #2 for Special Exception to Vary:**

*Variation request to modify (reduce) the depth of the front yard setback for portions of structures that are not garages from eighteen (18) feet to six (6) feet, but still require a minimum setback dimension of eighteen (18) feet between the sidewalk and all garages, pursuant to County Code §18-8.5.5.3(a)(1).*

<b>Evaluation criteria per County Code §18-8.5.5.3(c):</b>	
(1)	Request does not contradict Comprehensive Plan goals and objectives. The requested “modified front yard setback” of six (6) feet would allow for the front porches to be extended closer to the landscaping strip and sidewalk, while still requiring the garage to be a minimum of eighteen (18) feet from the sidewalk. This configuration would be consistent with the “Buildings and Spaces of Human Scale” and the “Relegated Parking” principles of the Neighborhood Model Design Guidance, by: <ul style="list-style-type: none"> <li>- bringing a portion of each structure (front porch) closer to the street, and contributing to a sense of (partial) spatial enclosure along the streetscape;</li> <li>- establishing a varying spatial rhythm along the streetscape, with front porches closer to the street and the garages set back farther from the street; and</li> <li>- relegating the portion of the structure associated with vehicular parking (garage) approximately twelve (12) feet behind the primary entrance to the structure (front porch).</li> </ul> Additionally, the requested “modified front yard setback” is consistent with the “0-15’ Building Setback” recommendation in the “Recommended Guidelines for Setbacks, Sidewalks, and Urban Streets” (contained in the Comp Plan Appendix). <u><b>Evaluation criteria met.</b></u>
(2)	The requested Variation would not increase the approved development density or intensity of development. <u><b>Evaluation criteria met.</b></u>
(3)	The requested Variation does not adversely affect the timing or phasing of development of any other development in the zoning district. <u><b>Evaluation criteria met.</b></u>
(4)	The requested Variation does not require a Special Use Permit. <u><b>Evaluation criteria met.</b></u>
(5)	The requested Variation would maintain the required minimum distance of eighteen (18) feet between the sidewalk and garage, so as to ensure adequate space for parking a vehicle outside of the garage without the vehicle hanging over the sidewalk (as established during the approval of ZMA-2013-00016). <u><b>Evaluation criteria met.</b></u>
<b>Additional factors for consideration:</b>	
A. Please see the application for Variation Request #2 (Attachment A) for the applicant’s description and justification.	

**Staff Recommendation – Request #2 for Special Exception to Vary:**

With regards to the findings contained herein, inclusive of the criteria to be considered per County Code §18-8.5.5.3(c), as well as other additional factors, **staff recommends approval** of this Variation Request #2 with conditions.

Specifically, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve with conditions Variation Request #2 for a special exception to vary the Application Plan approved in conjunction with ZMA 2013-00016 Avinity Estates so as to modify (reduce) the depth of the front yard setback from eighteen (18) feet to six (6) feet for portions of structures that are not garages, but still require a minimum setback dimension of eighteen (18) feet between the sidewalk and garage, pursuant to County Code §18-8.5.5.3(a)(1).