

**STAFF PERSON:
BOARD OF SUPERVISORS:**

**Christopher Perez
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Staff analysis of the special exception request to front setback requirements

The special exception request has been reviewed for zoning and planning aspects of the applicable regulations. Special exceptions are considered by the Board under Chapter 18 Sections 33.5 and 33.9. In acting upon a special exception, the Board shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter. Staff analysis of the requests under County Code § 18-4.19(4) and § 18-15.3 is provided below. Notably, the Board is not obligated to make specific findings in support of its decision.

Special Exception - To modify the front setback as provided for in Chapter 18 Section 4.19(4).

Front: Maximum front setback of 25 feet from the right-of-way

The developer of Dunlora Park, phase 1 has requested a special exception to increase the maximum front setback for Lots 7, 8, 10, and 11 from 25' to 50'. These four (4) lots were developed under the by-right R-4 zoning and utilize non-infill setbacks, and are located on a cul-de-sac, Marin Court. In this development the use of cul-de-sacs was essential to provide a minimum of 25% open space and preserve the existing streams and preserved slopes, which make up (3) sides of the property. In order to preserve these environmental features the development included two (2) cul-de-sacs. The density of the development is in conformity with the Comprehensive Plan, which designates a recommended density of 3 - 6 residential units/acre for this area. The development was approved at a density of 4.87 units/acre by providing four (4) affordable homes, which allowed four (4) additional market rate units.

The frontage for the cul-de-sac lots vary in width between 38' and 45'. They narrow at the right-of-way and widen as the lots get deeper. Utilizing the 5' minimum or the 25' maximum front yard setbacks on a cul-de-sac lot creates a serious hardship for any builder. In order to meet these setbacks the homes on a cul-de-sac lot must be front loaded with garages that extend closer to the road, a form of development (often referred to as "snout houses") discouraged by County policies. Exhibit B illustrates how these four (4) lots would meet the 25' maximum front yard setback if the special exception is not approved. Lots 7 and 11 would extend a garage out from the front of the house to the front yard setback to meet the requirement. Lots 8 and 10 would extend the porch approximately 3 feet to meet this requirement. Lot 9 currently meets the 25' maximum front yard setback.

If this development was zoned R-1 or R-2 or if the R-4 zoning had a minimum frontage requirement, Section 4.6.1(C) of County Code would effectively avoid this problem because the depth of the front yard is established where minimum lot width is achievable; however, the R-4 zoning district does not provide a minimum lot width, thus the minimum and maximum setbacks govern.

Allowing the front yard setback to be increased to 50' on these cul-de-sac lots effectively does what Section 4.6.1(C) is designed to do, it allows the construction of the single-family detached home that does not require a front loaded garage that is stretched to meet the maximum setback, as shown in the attached Exhibit A. As depicted in this exhibit, the increase in the front yard setback will still allow all the homes around the cul-de-sac to be developed within the same building plane (along the solid red line illustrated in the attached exhibit). The purple line illustrates the existing 25' maximum front yard setback around the cul-de-sac, and the blue line represents the existing right-of-way. By allowing the 50' front yard setback, the single family

detached houses can be developed in a manner that relegates the garages behind the front porches of the proposed units.

Section 4.19(4) of the Albemarle County Zoning Ordinance permits a special exception to be granted for the maximum front setback of a lot within the R-4 district to accommodate low impact design, unique parking or circulation plans, or a unique target market design. With this proposed exception request, the development is achieving (2) of the above justifications for a special exception. First, the special exception addresses the unique circumstances created by the shape of cul-de sac-lots and allows for a better parking and circulation plan with the garages relegated by the front porches or fronts of the houses on these four (4) lots. Second, by relegating the garages, the design meets the target market design of the neighborhood and a design principle of the neighborhood model within the Comprehensive Plan for this area (relegating parking).

Based on the above-mentioned circumstance staff supports the special exception. Additionally the proposal does not cause an unusual layout or design and does not have any apparent negative affect on neighboring or nearby development. As illustrated in the attached exhibits these four (4) lots will be consistent with the other homes in the development, and all the houses on the cul-de-sac will be constructed on the same plane, creating a homogenous streetscape.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception to increase the maximum front setback for Lots 7, 8, 10, and 11 from 25' to 50'.