



**COUNTY OF ALBEMARLE**  
**Department of Community Development**  
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**To:** Albemarle County Board of Supervisors  
**From:** Megan Nedostup, Principal Planner  
**Date:** February 20, 2019  
**Re:** Request for Special Exception for a variation to the Code of Development for Old Trail Village (ZMA2015-001) to allow lots and disturbance within the stream buffers(s) and to modify the Application Plan Open Green Space Areas to reflect the current stream buffer(s).

**TMP:** 055E0-01-22-00000  
**Magisterial District:** White Hall Magisterial District  
**School Districts:** Brownsville Elementary, Henley Middle, Western Albemarle High  
**Zoning District:** Neighborhood Model District (NMD)

**Summary of Request for Special Exception:**

The applicant is requesting a variation to the previously approved Code of Development specifically for Blocks 19, 24-25, and 32-34. The Code of Development currently states that "Residential lots shall not be permitted within stream buffers". The request is to allow lots and disturbance within the stream buffers in specific areas within the blocks listed. In addition, the applicant is also requesting to modify the Stream Buffer Area as identified on the Application Plan to accurately reflect current on site location of streams and the buffer.

County Code §18-8.5.5.3 allows special exceptions to vary approved Application Plans and Codes of Development upon considering whether the proposed 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. County Code § 18-33.43(B) requires that any request for a variation be considered and acted upon by the Board of Supervisors as a special exception. Please see Attachment A for full details of staff analysis.

**Staff Recommendation:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the special exception.

**Attachments:**

- A – Staff Analysis
- B – Application Materials (Applicant Justification)
- C – WPO Stream Buffer Impact Exhibit
- D – Resolution