

Kevin McCollum

From: Kevin McCollum
Sent: Friday, March 01, 2019 11:35 AM
To: tina.meadows@craigbuilders.com; klancaster@southern-development.com; CarlsonSJ@StanleyMartin.com; prooney@nvrinc.com; cymartin@nvrinc.com; FMessina@nvrinc.com; domenico@ArcadiaBuild.com; chenry@stonypointdb.com; GibsonHomes1@gmail.com
Cc: Lea Brumfield; Amelia McCulley; Rebecca Ragsdale; Bart Svoboda; Marsha Alley
Subject: Proposed Zoning Text Amendment - non-infill side setbacks and building separation
Attachments: Section 4 existing.pdf; Section 4 proposed changes.pdf; ZTA Outline.pdf

Good morning,

Albemarle County is reaching out to you as a stakeholder in the County's regulation of residential building setbacks. The County is currently working on a proposed zoning text amendment that addresses minimum side setbacks for non-infill development in residential zoning districts.

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Thank you,

Kevin McCollum

Planner, Zoning
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kmccollum@albemarle.org
434-296-5832 x 3141

Kevin McCollum

From: Keith Lancaster <klancaster@southern-development.com>
Sent: Friday, March 01, 2019 11:50 AM
To: Kevin McCollum
Subject: RE: Proposed Zoning Text Amendment - non-infill side setbacks and building separation

Kevin,

Thanks for the email. I can tell you that I think we should just go to a set setback of 5' and allow eaves to encroach into that 5' by no more than 1'. We dealt with the current language and it works out for the first guy in, but not for the adjacent lot. This would be my recommendation, thank you.

Keith Lancaster

From: Kevin McCollum [mailto:kmccollum@albemarle.org]
Sent: Friday, March 01, 2019 11:35 AM
To: tina.meadows@craigbuilders.com; Keith Lancaster; CarlsonSJ@StanleyMartin.com; prooney@nvrinc.com; cymartin@nvrinc.com; FMessina@nvrinc.com; domenico@ArcadiaBuild.com; chenry@stonypointdb.com; GibsonHomes1@gmail.com
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Kevin McCollum

From: Charlie Armstrong <CharlesA@southern-development.com>
Sent: Friday, March 01, 2019 11:56 AM
To: Kevin McCollum; Lea Brumfield
Cc: Christopher Bremont; Jenny Tapscott
Subject: RE: Proposed Zoning Text Amendment - non-infill side setbacks and building separation

Kevin,

I received this email by forward. As Chairman of the Blue Ridge Homebuilders Governmental Affairs Committee, I'd ask that you please formally and directly seek the input of the Blue Ridge Homebuilders Association on this and issues like it. All of the builders you sent this to are members of BRHBA, along with many others. We are a non-profit group of several hundred local builders and trades who deal with these kinds of issues in our planning, design, and construction every day. I'm confident that BRHBA can be helpful in identifying unintended consequences of ZTAs like this.

Generally I think the proposed text amendment is an improvement over the current situation but I can already think of one way to further improve it. I'm sure other builders and developers will have additional thoughts that will benefit the process.

Please keep us advised of the roundtable schedule and we'll be there.

Thanks,
Charlie Armstrong

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To: tina.meadows@craigbuilders.com; Keith Lancaster; CarlsonSJ@StanleyMartin.com; prooney@nvrinc.com; cymartin@nvrinc.com; FMessina@nvrinc.com; domenico@ArcadiaBuild.com; chenry@stonypointdb.com; GibsonHomes1@gmail.com
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Kevin McCollum

From: William Craig <williamdcraig@gmail.com>
Sent: Thursday, March 07, 2019 4:47 PM
To: Kevin McCollum
Subject: Proposed Zoning Text Amendment - non-infill side setbacks and building separation

Kevin, I hope you are doing well. We appreciate your and everyone else's time that went into this. I would love it if my response to you was between us and therefor I will pass on the round table opportunity. Honestly this is going to hurt us on some lots but we saw this getting out of hand a few years ago and it has started hurting us (with other builders next to our lots) more than it was helping. I think this is a good change and what it is going to do is essentially only allow the builders that have consecutive lots they control to be able to do this create the easement on the lots next door to where we want to encroach on the 10'. It's no secret that the land left in our area to build houses on isn't exactly flat so building separation becomes even more important.

The only problem I foresee is that we have 3 or 4 lots currently on the ground that we've sold (and haven't started construction) that are going to violate this. Oak Hill (wintergreen farm) lot 27 for example. Stanley has an existing house on lot 26 and we have an existing house on 28. Stanley's lot 26 is 12' off the 26/27 property line. I held our future house (lot 27) 8' away from the 27/26 property line. By the new rule we would now need an easement from a customer of theirs that has already moved in on 2' of their property. As you can imagine, that's going to be impossible to get at this point.

We just ask that you maintain some flexibility as this gets rolled out, otherwise I think it is helpful.

Thanks again,

Will Craig
VP of Construction

Kevin McCollum

From: Kevin McCollum
Sent: Friday, March 22, 2019 9:26 AM
To: 'tina.meadows@craigbuilders.com'; 'klancaster@southern-development.com'; 'CarlsonSJ@StanleyMartin.com'; 'prooney@nvrinc.com'; 'cymartin@nvrinc.com'; 'FMessina@nvrinc.com'; 'domenico@ArcadiaBuild.com'; 'chenry@stonypointdb.com'; 'GibsonHomes1@gmail.com'; 'Charlie Armstrong'; 'Christopher@bramantehomes.com'; 'jenny@brhba.org'
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The previous email, attached below, provides more context and commentary on these proposed changes.

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Meeting with Will Craig, Craig Builders

Tuesday, March 26, 2019 10:34 AM

3/26/19

Lea
Kevin
Will Craig

Lea's Notes

Easy to control easements when you're developing the entire block, not doable when the neighbor is already built/occupying

Easement might be beneficial because

Will – do need 10' for maintenance absolutely

Often need more than 10' for grading issues, water drainage

Lots of developments now have multiple builders, so this issue happens a lot

10' building separation is worrisome because harder to administer

Kevin's Notes

Separating buildings by 10' is a must

His experience was that landscape easements were successful on old properties, because they could follow through on the easement recording. They would use landscaping easement that were recorded on final site plan.

Having multiple builders in one development causes problems.

He thinks an easement may be beneficial.

A 5' setback may not be enough space because of grading, draining, or other features.

If developer/builder owns both properties there isn't an issue getting an easement

Meeting with Keith Lancaster, Southern Development

Tuesday, March 26, 2019 10:02 AM

3/26/19

Lea
Keith Lancaster
Kevin

Lea's Notes

Keith: problem is for the second developer

City allows 5' setback with 1' intrusion for overhangs, etc – suggest this

All new developments will have HOA's – could solve the 10' maintenance need by utility easement for new developments

- For existing developments – believes 5' should be sufficient – simpler, easier to implement
 - Maintenance doesn't need more than 5'

Currently building mostly NMD projects

Current problems – easements aren't being recorded

- Easements are on the responsibility of the property owner after the building is built
- Increasing setbacks increases cost of house, increases cost of homes in the County
- Tracking is increased burden on staff

Kevin's Notes

5' setback and allowance for 1' overhang into setback

Thinks we only need 5' for maintenance. If purpose of the proposed "maintenance easement" is for wall maintenance, he believes 5' is plenty of space for something such as a ladder.

Suggested that HOA could hold "blanket" easements that allow for maintenance and stormwater. HOA would simplify process of recording plat.

He believes 10' setbacks will have affordability impacts, will require lots to be wider, and ultimately make houses more expensive because developers can't fit additional lots in.

Thinks it will save costs, time, staff, extra steps if we go to a simple setback without the requirement of easements.

Meeting with Charlie Armstrong (Southern, BRHBA) and Jeremy Swink (Stanley Martin, BRHBA)

Monday, April 1, 2019 10:10 AM

4/1/19

Lea
Kevin

Lea's Notes

Agree they should have a setback instead of easements

- Believe 5' is plenty for overhangs, architectural elements

Overhangs issue – believe the 5' setback should apply to architectural features as well – no overhang intrusion into setback

10' setback limits the available building styles – standard 50' house can be a "center hall" house with door in the center. 44' completely different house style – more townhouse style with door on one side,

- Less density allowed with 10' setback, increases impervious surfaces

5' would be pretty much what they do now, but simpler

10' would require complete redesign of currently processing plats/developments

- Phased developments would be impacted by change if planned for less than 10'

Most local developers end up with 5' setbacks imposed as a good neighbor policy within own platting of projects

Kevin's Notes

BRHA – advocacy group for local builders, homeowners, contractors, etc.

BRHA Goal – Put contractors and builders together, look out for things that may impact their business or practice.

What they think the problem is - Issue is if 3 lots are getting developed, and the middle owner doesn't build, they can be losing out of space because of minimum building separation.

Agree that the goal is a 10' building separation

Have a 5' setback. Don't think they need 10' for maintenance. 5' should be plenty of room for ladder.

Blanket easement requirement could fall onto HOA

Staff responded with, but what do you do for neighborhoods that don't have an HOA?

5' setback, but don't allow overhangs. If they are building something with a 1' overhang then they will essentially show the house as being setback 6'.

A 10' setback will have immediate negative impacts.

Lots should be able to get smaller not bigger which is what a 10' setback would imply. (Affordability impacts)

5' setback "painless change" no immediate impact, easy to accept

Kevin McCollum

From: Kevin McCollum
Sent: Wednesday, April 10, 2019 11:28 AM
To: tina.meadows@craigbuilders.com; klancaster@southern-development.com; CarlsonSJ@StanleyMartin.com; prooney@nvrinc.com; cymartin@nvrinc.com; FMessina@nvrinc.com; domenico@ArcadiaBuild.com; chenry@stonypointdb.com; GibsonHomes1@gmail.com; Charlie Armstrong; Christopher@bramantehomes.com; jenny@brhba.org; William Craig
Cc: Lea Brumfield; Amelia McCulley; Rebecca Ragsdale; Bart Svoboda; Marsha Alley
Subject: RE: Proposed Zoning Text Amendment - non-infill side setbacks and building separation
Attachments: PC work session powerpoint 4-9-2019.pdf

Good Morning,

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For those of you who could not attend, the attached power point is what was presented last night to the Planning Commission. On page 13 staff presented the Planning Commission with multiple options moving forward. The commissioners generally favored option 1 (Current Staff Recommendation): a 5' side setback with amended language that allows for reductions down to a 0' side setback if an easement is established. If you have any comments or feedback or would like to schedule a meeting to discuss the proposed changes, feel free to contact myself or Lea Brumfield, at lbrumfield@albemarle.org.

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Cc: Christopher Bremont; Jenny Tapscott; John Scott; Jeremy Swink; dirk@kingmadevelopers.com
Subject: RE: Proposed Zoning Text Amendment - non-infill side setbacks and building separation
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Kevin/Lea,
Thanks for your hard work on this. I'm glad we were able to offer some input and I'm glad it sounds like everyone generally is on the same page. That's rare!
Charlie

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From: Kevin McCollum

Sent: Friday, March 22, 2019 9:26 AM

To: 'tina.meadows@craigbuilders.com' <tina.meadows@craigbuilders.com>; 'klancaster@southern-development.com' <klancaster@southern-development.com>; 'CarlsonSJ@StanleyMartin.com' <CarlsonSJ@StanleyMartin.com>; 'prooney@nvrinc.com' <prooney@nvrinc.com>; 'cymartin@nvrinc.com' <cymartin@nvrinc.com>; 'FMessina@nvrinc.com' <FMessina@nvrinc.com>; 'domenico@ArcadiaBuild.com' <domenico@ArcadiaBuild.com>; 'chenry@stonypointdb.com' <chenry@stonypointdb.com>; 'GibsonHomes1@gmail.com' <GibsonHomes1@gmail.com>; 'Charlie Armstrong' <CharlesA@southern-development.com>; 'Christopher@bramantehomes.com' <Christopher@bramantehomes.com>; 'jenny@brhba.org' <jenny@brhba.org>

Cc: Lea Brumfield <lbrumfield@albemarle.org>; Amelia McCulley <AMCCULLE@albemarle.org>; Rebecca Ragsdale <rragsdale@albemarle.org>; Bart Svoboda <bsvoboda@albemarle.org>; Marsha Alley <malley3@albemarle.org>

Subject: FW: Proposed Zoning Text Amendment - non-infill side setbacks and building separation

Good Morning,

This email is a reminder that Albemarle County is seeking feedback on the proposed zoning text amendment for setbacks in non-infill residential zoning districts. Again, we are seeking your input on these potential changes to the regulation, either via email, or an in-person discussion of the proposed comments. If you have comments or feedback, or would like to schedule an appointment for discussion, feel free to contact myself or Lea Brumfield, at lbrumfield@albemarle.org.

The previous email, attached below, provides more context and commentary on these proposed changes.

Thanks again!

Kevin McCollum

Planner, Zoning
Albemarle County
Community Development
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434-296-5832 x 3141

From: Kevin McCollum

Sent: Friday, March 01, 2019 11:35 AM

To: tina.meadows@craigbuilders.com; klancaster@southern-development.com; CarlsonSJ@StanleyMartin.com; prooney@nvrinc.com; cymartin@nvrinc.com; FMessina@nvrinc.com; domenico@ArcadiaBuild.com; chenry@stonypointdb.com; GibsonHomes1@gmail.com

Cc: Lea Brumfield <lbrumfield@albemarle.org>; Amelia McCulley <AMCCULLE@albemarle.org>; Rebecca Ragsdale <rragsdale@albemarle.org>; Bart Svoboda <bsvoboda@albemarle.org>; Marsha Alley <malley3@albemarle.org>

Subject: Proposed Zoning Text Amendment - non-infill side setbacks and building separation

Good morning,

Albemarle County is reaching out to you as a stakeholder in the County's regulation of residential building setbacks. The County is currently working on a proposed zoning text amendment that addresses minimum side setbacks for non-infill development in residential zoning districts.

This zoning text amendment is intended to clarify the side setback and building separation requirements in County Code § 18-4.19. These requirements, adopted June 3, 2015, establish the minimum side setback as “None” provided a minimum building separation of 10’. Prior to these regulations, each residential zoning district had a minimum side setback of at least 10’ and the criteria outlined in County Code § 18-4.11.3 for “zero lot line developments” provided the only way to achieve a side setback of less than 10’. Attached to this email is a detailed history of the residential building setback regulations, the proposed text changes, and the existing ordinance for comparison.

The current minimum side setback of “None” and minimum building separation of 10’ for non-infill development has created unintended consequences. In “zero lot line developments,” structures may be located at 0’ but require a 10’ easement on the adjacent property for maintenance. The previously adopted 10’ building separation provided space for property maintenance similar to the 10’ easement required by zero lot line developments, but the ordinance did not clearly address a requirement for the easement.

The proposed change in the ordinance (attached) clarifies these requirements. County Code §§ 18-4.19 and 18-4.11.3 are rewritten to maintain the 0’ minimum setback, with the addition of a property maintenance easement for setbacks of less than 10’.

We are seeking your input on these potential changes to the regulation, either via email, or a roundtable discussion of the proposed comments. If you have comments or feedback, or would like to attend the roundtable discussion, feel free to contact myself or Lea Brumfield, at lbrumfield@albemarle.org. We intend to schedule the roundtable the week of March 25, 2019, at the McIntire County Office Building.

Thank you,

Kevin McCollum

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