

between existing homes and Shepard's Ridge. See the enclosed plats for reference. No portion of the Property acts as fire access for the adjacent communities. The Applicant will supplement its application with an updated survey of the Property evidencing the above.

*Incorrect GIS Label of Ownership of Adjacent Property:*

There is a small triangular shaped parcel located between the Property and Belvedere Boulevard that is labeled in the County's GIS as currently owned by the Belvedere Neighborhood Association, Inc. The parcel is a small portion of County tax map parcel 062G0-01-00-000A0. However, pursuant to that certain Certificate of Take dated December 5, 2007, and recorded in the Clerk's Office of the County Circuit Court in Deed Book 3617, page 633 (enclosed), this parcel was taken by the Virginia Department of Transportation (VDOT) for Belvedere Boulevard right-of-way. Therefore, the Applicant is able to provide a vehicular accessway through this right-of-way to/from the proposed cottage units to/from Belvedere Boulevard.

*Waiver Requests*

The Applicant requests several waivers.

1. Private Street Authorization

The "fire lane" designation in Block 2 will provide access for emergency vehicles. It can be covered with reinforced material to allow for the ease of travel of such emergency vehicles while also allowing the growth of natural grass and vegetation. Therefore, the central greenway can support the tonnage of emergency vehicles yet be enjoyed as an active amenity space.

This private street will also provide the required "frontage" for the lots located furthest from Belvedere Boulevard. Section 14-233 provides the regulations for the authorization of private streets in the development areas. According to these regulations, the commission may authorize a subdivision to be developed with one (1) or more new private streets when, "the proposed private street(s) would enable the principles of the neighborhood model to be more fully implemented than could be achieved with a public street, without diminishing other principles of the neighborhood model, in the following circumstances: (i) the subdivision would have a streetscape more consistent with the neighborhood model; (ii) the subdivision design would allow it to better achieve the density goals of the comprehensive plan; (iii) rear vehicular access to buildings would be provided so that the buildings may face a common amenity; (iv) a significant environmental resources would be protected; or (v) relegated parking would be provided to a greater extent than could otherwise be provided."

We request private street authorization for the "fire lane" on the Application Plan to allow for the cottage courtyard design. The design is in keeping with neighborhood model principles, such as, encouraging active greenspace and pedestrian connectivity. The cottage courtyard design encourages a community by providing a communal gathering space and forcing residents to park in designated locations and then walk to

their individual homes. This results in community interactions that are less likely to occur in a traditional neighborhood design. Moreover, as per (iii) above, the design allows for the buildings to face a “common amenity.”

Pursuant to Section 14-234(C), the agent and the commission may authorize one or more private streets in a subdivision if it finds that “one or more of the circumstances described in sections 14-232 or 14-233 exist and it determines that...”

- (1) “The private street will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision;”

*As stated earlier, the private street will be restricted to emergency vehicles only. Reinforced material will be placed beneath the vegetation along the private street / fire lane that will be able to support the tonnage of emergency vehicles.*

- (2) “The comprehensive plan does not provide for a public street in the approximate location of the proposed private street;”

*The comprehensive plan does not contemplate a public street through the middle of this parcel. It does not contemplate a cottage courtyard design. However, the comprehensive plan does have the goals to “provide for a variety of housing types of all income levels and help provide for increased density in the Development Areas.” The cottage courtyard design achieves both these goals.*

- (3) “The fee of the private street will be owned by the owner of each lot abutting the right-of-way thereof or by an association composed of the owners of all lots in the subdivision, subject in either case to any easement for the benefit of all lots served by the street;”

*A homeowners’ association will be formed upon development of the residential units and such association will bear the cost of maintenance of the central green.*

- (4) “Except where required by the commission to serve a specific public purpose, the private street will not serve through traffic nor intersect the state highway system in more than one location;” and

*The private street will be restricted to emergency vehicles only.*

- (5) “If applicable, the private street has been approved in accordance with section 30.3, flood hazard overlay district, of the zoning ordinance and other applicable law.”

*This is not applicable as the Property is not within a flood hazard overlay district.*

In keeping with the principles of neighborhood model design and upon meeting each of the conditions of 14-234(C) noted above, we request authorization of a private street as designated in the Application Plan.

## 2. Waiver of Various Private Street Design Requirements

While we request authentication of a private street for a portion of the central green, the purpose of such request is to allow access of emergency vehicles and street frontage for the residential units furthest from Belvedere Boulevard. The intent is not for the private street to accommodate vehicular traffic. Instead, we would like the area to serve as an amenity area. To accomplish these purposes, several private street design waivers will be necessary.

- (1) Section 14-410(H) requires curb, curb and gutter, sidewalks and planting strips. Because no vehicular traffic will be allowed along the private street such infrastructure is not necessary. Section 14-410(I) allows the commission to grant variations or exceptions for such requirements.
- (2) Section 14-412(A)(2)(b)(ii) requires the entire street to be surfaced per Virginia Department of Transportation standards. However, the private road is intended to be utilized as a central greenspace, accessible only to emergency vehicles. Section 14-203.1(B) allows the agent or commission to approve variations or exceptions from any requirements of Section 1400 through 14-441 upon several findings.

Per 14-203.1(B)(2), “the agent or commission may approve a request for a variation to substitute a required improvement upon finding that because of an unusual situation, the subdivider’s substitution of a technique, design or materials of comparable quality from that required by the applicable regulation results in an improvement that substantially satisfies the overall purposes of this chapter in a manner equal to or exceeding the desired effects of the requirement in the applicable regulation.” The substitution of reinforced material able to support the tonnage of emergency vehicles while still allowing natural grass and vegetation to grow is an improvement over the requirement of a paved surface.

Per 14-203.1(B)(3), “the agent or commission may approve a request for an exception from any requirement of the applicable regulation upon finding that: (i) because of an unusual situation, including but not limited to, the unusual size, topography, shape of the site or the location of the site; or (ii) when strict adherence to the requirements would result in significant degradation of the site or to adjacent properties’, causing a detriment to the public health, safety or welfare, or by inhibiting the

orderly development of the area or the application of sound engineering practices.” Strict adherence to the requirement of paving all private streets would result in the loss of a central greenspace, i.e. the degradation of the site and inhibiting the orderly development of the area.

Because the above two conditions are met, we believe a waiver of the requirement for paved surfaces on private streets should be granted.

### 3. Waiver of Prohibition of Double Frontage Lots

The Applicant requests a wavier to allow for double frontage lots in Block 2 between the emergency accessway and Belvedere Boulevard. As stated previously, the fire accessway will be a “private road” and can be covered with reinforced material to allow for the ease of travel of emergency vehicles while also allowing the growth of natural grass and vegetation. Therefore, the central greenway can support the tonnage of emergency vehicles yet be enjoyed as an active amenity space. Overlaying the emergency access and greenway provides an efficient use of space, and maximizes the amenity/outdoor space for the residents.

Section 14.401 of the County Subdivision Ordinance prohibits the development of double frontage lots for single family detached and attached residential uses. The purpose of this regulation is to prohibit development designs that would result in street frontage along the rear and front yards of a single-family residence, which in theory would substantially impact the privacy and enjoyment of such homes. However, Section 13.203.1(B) allows the agent or Planning Commission to vary or allow an exception from this prohibition. We request an exception from such prohibition to allow double frontage lots between Belvedere Boulevard and the emergency accessway, consistent with the Application Plan. Technically the lots have "frontage" on the greenway, which functions as a shared amenity space, although it has fire access capacity. The length of the lots provides sufficient space for a dense vegetated screen between Belvedere Boulevard and the residences, minimizing the impact on the rear yard of the residences/homes. The interior greenway design is in accordance with neighborhood model principles as it centralizes and encourages outdoor shared greenspace. In addition, the proposed small residential units allow for as much greenspace as possible.

Strict adherence to the requirements of Section 14.401 would prohibit the cottage courtyard design on the Property. Therefore, not allowing for an exception to the restriction related to double frontage lots would be a substantial injustice resulting in degradation of design, is not supported by the principles of the neighborhood model and inhibits the orderly development of the area.

### 4. Waiver for Offsite Parking

The Applicant also requests a waiver for the requirement that parking be provided on each lot for each single family detached unit. Instead, we propose the single family detached units be served by a stand-alone parking area along the rear of the Property.

According to Section 4.12.5, all parking spaces shall be established on the same lot with the primary use to which it is appurtenant, except as authorized by Section 4.12.8. Section 4.12.8 states, "The alternatives described herein are intended to promote more creative design, allow higher density in those zoning districts in the development areas, and reduce impervious area by allowing the parking requirements of this section to be satisfied, in whole or in part, by street parking, shared parking, and off-site stand-alone parking." According to Section 4.12.8, certain waivers and requirements shall be provided at the site plan stage of development. Accordingly, Note 3 has been added to Table A of the Code of Development, which states, "Stand alone parking and parking structures shall be subject to screening regulations and other restrictions outlined in Section 4.12."