





August 5, 2020

Christopher Perez, Senior Planner  
Department of Community Development  
401 McIntire Road, Room 227  
Charlottesville, VA 22902

**RE: Avon Park II– REQUEST FOR VARIATION FROM ZMA-2014-0006 & 2012-0004**

Dear Chris Perez:

Pursuant to Albemarle County Zoning Ordinance Section 8.5.5.3 VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENTS, and on behalf of our client, Stanley Martin Companies (the “Applicant”), the developers of Avon Park II, (the “Property”), we hereby request a variation of the Avon Park II Zoning Map Amendment application plan, which was created by Roudabush, Gale, and Associates with a revision date of May 24, 2016 and was approved by the Board of Supervisors with revised proffers on May 10, 2017.

The proposed variation includes a number of changes and modifications from the approved application plan. The main reason for the modifications and variations from the application plan are related to the challenges of servicing the proposed development with public utilities, specifically sanitary sewer. In the approved application plan, most of the proposed units relied on individual private forcemain sanitary sewer systems to provide sewer availability to the lots for development. This design is not an ideal solution for the individual lots, from the maintenance to the reliability and longevity of each of the systems over time. Collins Engineering and Stanley Martin Homes analyzed the approved design and created a variation from the approved plan that allows for the design of a sanitary sewer system that can provide gravity sewer to all the proposed units. In order to implement this design, a number of variations will need to be approved from the original application plan.

**Building Unit Variation:**

The approved application plan was specific in the number of total lots for the development. The plan specifically showed 22 single-family detached units and 8 single family attached units in the development. In order to service all the proposed units with gravity sewer, the proposed unit mix has been modified for more single family attached units (28 units) and two larger single-family detached units at the bottom of the property where the existing house will remain on one of the lots. The modification to the unit mix clusters the development, keeping the proposed townhouse lots at the top of the property, allowing them to connect to the sanitary sewer system with a gravity sewer design. The modification of the unit mix also drastically decreases the overall development impact on the property, preserving the bottom area for (2) larger one-acre single family detached lots, landscaping, buffer areas, and open space. The two large single-family detached units can either continue to utilize a septic sewer system or connect to the proposed sanitary sewer system with an individual forcemain.

**Road Alignment:**

The majority of the proposed roadway system on the approved application plan will remain the same with the proposed development, with exception to the upper cul-de-sac design and the overall length of the roadway (which will be reduced with the clustered development). The

extension of Hathaway Street through the property to the southern property line shall remain, as approved on the application plan, providing a roadway connection to TMP90-30. The bottom cul-de-sac area matches to the approved application plan with the proposed parking areas. The bottom parking area and turn around shall still incorporate an emergency access roadway connection to Avon Street Extended. A 12' paved emergency access road is being provided for a second point of connection to the development for emergency services. The original approved application plan included this 12' roadway, but showed it as a gravel road instead of a paved access roadway.

The main change to the road alignment is the upper cul-de-sac. The cul-de-sac/turn-around areas is proposed to be replaced with a similar cul-de-sac/parking area matching the lower parking lot/turnaround area. This design allows for roadway frontage and access to the proposed clustered lots at the top of the development area, and provides additional parking areas for the townhouse units. The additional guest parking in the upper portion of the development will help ensure that there will be adequate parking and overflow parking available for all the residents and will help eliminate the possibility of guests parking in the adjacent Avon Park community.

The roadway street section will be similar to the approved application plan street design with curb and gutter, planting strips, street trees, and sidewalks. The only variation with the proposed design is to extend the right of way along the public and private streets to include the planting strip and sidewalks within the right of way. This variation is consistent with the current subdivision ordinance which recommends these elements be included within the right of way and is the preferred design for the streetscape in Albemarle County.

#### **Building Setbacks:**

The proposed variation in the unit types and roadway sections requires a modification to the setbacks from the approved application plan. The application plan included specific setbacks per each lot, based on the application plan. With the clustering of the development, the modification of building units, and the change in the location of the right of way to include the planting strip and concrete sidewalks, the original setbacks in the approved application plan need to be modified with the variation. Instead of individual setbacks on each lot (per the current approved application plan), this variation is proposing to implement a consistent front yard and rear yard setback, and a side yard separation for the entire development. All front yard setbacks will be 10' minimum from the right of way and all garages shall be 18' from the right of way or edge of sidewalk. All rear yard setbacks shall be a minimum of 5' when adjacent to open space areas, and 15' feet when adjacent to the boundary of the property. The building separation will be a minimum of 10' for all proposed development lots. Having consistent development setbacks for the project will be much easier to enforce during the building inspection review process and field zoning inspections over specific individual lot setbacks for each of the development lots in the project.

#### **Stormwater Management:**

The approved application plan proposed a stormwater manage facility at the bottom of the property along Avon Street Extended to treat the entire development. With the proposed clustering of the Avon Park II development units, the overall disturbed footprint and the proposed amount of impervious area have been decreased from the original design. These two factors substantially decrease the size of the stormwater management facility required to detain and treat the run-off from the site. A much smaller and efficient underground stormwater management facility is proposed on the site in lieu of the original stormwater management

facility, which incorporated most of the lower portion of the site. This system will be easier to maintain and helps limit the amount of disturbance on the site, while still providing the required stormwater management for the development.

### **Variations from Approved Plans, Codes, and Standards of Development**

Variations to Application plans and Code of Developments may be approved by the Board of Supervisors. The approval of the variations shall be based on five (5) requirements for the analysis of the variation. These five (5) requirements include if 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. Below is a summary of how the proposed Variation for the Avon Park II project meets these requirements:

1. The variation is consistent with the goals and objectives of the comprehensive plan. The proposed variation creates a more uniformed development with streetscape design elements and lot setback that are consistent with the current Albemarle County development ordinances. The variation also allows for the clustering of the development to limit the disturbed area and provide gravity sewer for the proposed lots.
2. The variation does not increase the approved development density or intensity of the development. All the minimum and maximum residential and non-residential densities in the development shall remain the same as the approved rezoning.
3. The variation does not have any impacts to the timing and phasing of the development or any other development in the general vicinity.
4. The proposed variation does not require a special use permit.
5. The variation is in general accord with the purposed and intent of the approved rezoning application. The main elements from the application plan are consistent with the proposed development and variations.

The existing proffers for the Avon Park II project shall remain the same with the project and the proposed variation will not change any of the requirements. The development will still provide the required affordable housing and cash proffers. The required landscaping easements and landscaping buffer will be implemented, as required by the proffers. Additional E&S control, recreational amenities, overlot grading plan, and temporary fence to screen the site during construction will all be implemented with the design and construction of the development, as required by the proffers.

Thank you again for the consideration of this variation for the Avon Park II project, and please contact me if you have any questions or require any further information.

Sincerely,

*Scott R. Collins*

Scott Collins

**COUNTY OF ALBEMARLE****APPLICATION FOR A SPECIAL EXCEPTION**

☐ Request for a waiver, modification, variation or substitution permitted by Chapter 18 = **\$457**

☐ Variation to a previously approved Planned Development rezoning application plan or Code of Development = **\$457**

OR

☐ Relief from a condition of approval = **\$457**

**Provide the following**

☐ 3 copies of a written request specifying the section or sections being requested to be waived, modified, varied or substituted, and any other exhibit documents stating the reasons for the request and addressing the applicable findings of the section authorized to be waived, modified, varied or substituted.

**Provide the following**

- ☐ 3 copies of the existing approved plan illustrating the area where the change is requested or the applicable section(s) or the Code of Development. Provide a graphic representation of the requested change.
- ☐ 1 copy of a written request specifying the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation.

**Project Name :** \_\_\_\_\_

**Current Assigned Application Number (SDP, SP or ZMA)** \_\_\_\_\_

**Tax map and parcel(s):** \_\_\_\_\_

**Applicant / Contact Person** \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_

Daytime Phone# ( \_\_\_\_ ) \_\_\_\_\_ Fax# ( \_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_

**Owner of Record** \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_

Daytime Phone# ( \_\_\_\_ ) \_\_\_\_\_ Fax# ( \_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_

**COUNTY OF ALBEMARLE****APPLICATION FOR A SPECIAL EXCEPTION****APPLICATION SIGNATURE PAGE**

If the person signing the application is someone other than the owner of record, then a signed copy of the "CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER" form must be provided in addition to the signing the application below. (page 3)

**Owner/Applicant Must Read and Sign**

By signing this application, I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner of the subject parcel(s) listed in County Records. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge. By signing this application, I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

*Scott R. Collins*\_\_\_\_\_  
Signature of Owner / Agent / Contract Purchaser\_\_\_\_\_  
Date\_\_\_\_\_  
Print Name\_\_\_\_\_  
Daytime phone number of Signatory

FOR OFFICE USE ONLY APPLICATION# \_\_\_\_\_ Fee Amount \$ \_\_\_\_\_ Date Paid \_\_\_\_\_

By who? \_\_\_\_\_ Receipt # \_\_\_\_\_ Ck# \_\_\_\_\_ By \_\_\_\_\_

**COUNTY OF ALBEMARLE****APPLICATION FOR A SPECIAL EXCEPTION****CERTIFICATION THAT NOTICE OF THE  
APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER**

*This form must accompany this zoning application if the application is not signed by the owner of the property.*

I certify that notice of the application for, \_\_\_\_\_  
[Name of the application type & if known the assigned application #]

was provided to \_\_\_\_\_  
[Name(s) of the record owners of the parcel]

the owner of record of Tax Map and Parcel Number \_\_\_\_\_

by delivering a copy of the application in the manner identified below:

\_\_\_\_\_ Hand delivery of a copy of the application to \_\_\_\_\_  
[Name of the record owner if the record owner is a person; if  
the owner of record is an entity, identify the recipient of the  
record and the recipient's title or office for that entity]

on \_\_\_\_\_  
Date

\_\_\_\_\_ Mailing a copy of the application to \_\_\_\_\_  
[Name of the record owner if the record owner is a person; if  
the owner of record is an entity, identify the recipient of the  
record and the recipient's title or office for that entity]

on \_\_\_\_\_ to the following address \_\_\_\_\_  
Date

\_\_\_\_\_ [ A ddress; written notice mailed to the owner at the  
last known address of the owner as shown on the  
current real estate tax assessment books or current real  
estate tax assessment records satisfies this  
requirement].

Scott R. Collins

Signature of Applicant

\_\_\_\_\_  
Print Applicant Name

\_\_\_\_\_  
Date