



# Albemarle County

## Legislation Text

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**File #:** 16-173, **Version:** 1

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**AGENDA DATE:** 2/10/2016

**TITLE:**

ZMA200400024 Special Exception to Vary Old Trail Village Code of Development

**SUBJECT/PROPOSAL/REQUEST:** Resolution approving a special exception to vary the approved Code of Development. White Hall Magisterial District.

**ITEM TYPE:** Action Item

**STAFF CONTACT(S):** Foley, Walker, Davis, Kamptner, Benish, Yaniglos, Newberry

**PRESENTER (S):** Megan Yaniglos

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Thomas C. Foley

**BACKGROUND:** A zoning map amendment was approved for Old Trail Village on September 14, 2005 that rezoned the property from Rural Areas, R-1, and R-6 to Neighborhood Model District, inclusive of an Application Plan and Code of Development. A subdivision plat for Block 31 was approved on December 29, 2015 (SUB201500191). Thirty-one (31) variations to the Application Plan and/or Code of Development have previously been granted. The Applicant has requested a special exception for Block 31 to reduce the side setback from 10 feet to 7.5 feet.

**STRATEGIC PLAN:** Development Areas: Attract quality employment, commercial, and high density residential uses into development areas by providing services and infrastructure that encourage redevelopment and private investment while protecting the quality of neighborhoods.

**DISCUSSION:** 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 § 18-33.5(a)(1) requires that any request for a variation be considered and acted upon by the Board of Supervisors as a special exception. Staff opinion is that the requested variations meet the five criteria listed. A detailed analysis is provided in the Staff Report (Attachment A).

**BUDGET IMPACT:** There is no budget impact.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception to permit 7.5 foot side setbacks in Block 31, as described in the attached staff report.

Attachment A - Staff Report

Attachment B - Block 31 Final Subdivision Plat

Attachment C - Table 7 from proposed Code of Development under ZMA201500001

Attachment D - Resolution