

## STAFF ANALYSIS

**STAFF PERSON:** Syd Shoaf, Senior Planner I  
**BOARD OF SUPERVISORS:** December 11, 2024  
**PROJECT:** SE202400029 Old Dominion Village  
**PARCEL IDs:** 05600-00-00-067B0 and 05600-00-00-074A0

**Proposed special exception to vary the Code of Development approved in conjunction with ZMA202000005.**

### PROPOSAL

Under County Code §18-8.5.5.3 (a)(1), the Board of Supervisors is authorized to grant a variation of an approved plan, code, or standard for minor changes to yard requirements, build-to lines or ranges, maximum structure heights and minimum lot sizes. The applicant requests a special exception to vary the Old Dominion Village Code of Development approved in conjunction with ZMA202000005 to reduce the minimum front setback on side roads as it applies to Parcel IDs 05600-00-00-067B0 and 05600-00-00-074A0. Under Table D of the code of development for ZMA202000005, the front minimum setback for primary structures is 15' and the side minimum setback is 5'.

The proposed special exception is to reduce the 15' front minimum setback on side roads to 5' for the following corner lots: Lot 1, 6, 12, 27, 81, 95, and 110.

### CHARACTER OF THE AREA

The Old Dominion Village rezoning (ZMA202000005) was approved on August 17, 2022, to rezone 23.72 acres to Neighborhood Model Development (NMD). The development is a mixed-use development with up to 110 residential units and veterinary clinic uses. Currently, there is an initial site plan (SDP202300067) that is under review as well as another special exception (SE202400028) to vary the approved code development's arrangement of buildings.

To the north of the development is the Blue Ridge Cohousing development, which is zoned Planned Residential Development. To the east and west, the parcels are zoned Rural Areas, and to the south across Route 240, the parcels are zoned Light Industry.

### ANALYSIS OF SPECIAL EXCEPTION REQUEST

Under County Code § 18-33.9 (A), factors, standards, criteria, and findings, however denominated, in the applicable sections of the Zoning Ordinance, are to be considered in special exception applications. The Board of Supervisors does not need to make specific findings in order to approve this special exception.

Under County Code § 18-8.5.5.3 (b), an applicant may request a variation from its Code of Development.

Supporting factors are listed in § 18-8.5.5.3 (c) and are analyzed below:

#### **(1) Whether the proposed variation would be consistent with the goals and objectives of the comprehensive plan;**

The special exception request is consistent with the goals and objectives of the comprehensive plan and setbacks established in the ordinance to implement the comprehensive plan. Under County Code § 18-4.19, for non-infill setbacks the front minimum setback is 5 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way. Additionally, the side minimum setback is 5 feet, unless the building shares a common wall. The special exception request to reduce the front minimum setback on side streets from 15' to 5' is consistent with the comprehensive plan since both the front minimum and side minimum setbacks under County Code § 18-4.19 are a minimum of 5

feet.

**(2) Whether the proposed variation would increase the approved development density or intensity of development;**

The proposed variation would not increase the approved development density or intensity of development. The code of development has a maximum of 110 units within this development which is not affected by the requested setback variation.

**(3) Whether the proposed variation would adversely affect the timing and phasing of development of any other development in the zoning district;**

This special exception would not have any impact on the timing or phasing of other development in the zoning district.

**(4) Whether the proposed variation would require a special use permit; and**

A special use permit would not be required.

**(5) Whether the proposed variation would be in general accord with the purpose and intent of the approved application.**

The Old Dominion Village code of development establishes the unifying design guidelines, specific regulations, and block characteristics. Additionally, it provides certainty about the permitted uses, locations, and appearances of central features. Table D provides the building height, setbacks, lot areas, and parking requirements for this development. The established minimum side setback is 5' which would be consistent with the applicant's request to reduce the front minimum setback on side roads from 15' to 5' for Lots 1, 6, 12, 27, 81, 95, and 110. The front minimum setback will remain at a minimum of 15' on streets

**RECOMMENDATION**

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve a special exception to reduce the front minimum setback on sideroads from 15' to 5' for the following corner lots:

- For Lot 1, Lot 27, and Lot 95, the front minimum setback from Capella Road shall be reduced to a minimum of 5'.
- For Lot 6 and Lot 12 the front minimum setback from Sirrah Lane shall be reduced to a minimum of 5'.
- For Lot 110, the front minimum setback from Sirrah Road shall be reduced to a minimum of 5'
- For Lot 81, the front minimum setback from Altair Road shall be reduced to a minimum of 5'.