

STAFF ANALYSIS

STAFF PERSON: Rebecca Ragsdale, Planning Manager
BOARD OF SUPERVISORS: March 19, 2025
PROJECT: SE202400036 Belvedere 4B
PARCEL IDs: 062A3-00-00-001B5, 06100-00-00-160R5

Proposed special exception to modify the minimum rear setback requirement in County Code § 18-4.19.

PROPOSAL

The applicant requests a special exception to reduce the minimum rear setback required by County Code § 18-4.19 as it applies to Parcels 062A3-00-00-001B5 and 06100-00-00-160R5. The Code requires R-4 Residential Non-Infill Residential lots to have a minimum rear setback of 20 feet. However, County Code § 18-4.19(2) allows any minimum setback to be reduced by special exception.

Currently, the site has site plan under review (SDP202400061) to construct 39 dwelling units. This special exception request is for townhouse lots fronting on existing or proposed public streets (Belvedere Blvd., Fowler St., and Burwell St.). Parking and vehicular access to all units would be from a private alley access easement. The special exception request is to reduce the minimum rear setback of 20 feet for decks and covered porches. The units along Sarah June and Tucker Alleys would all have an 18-foot minimum driveway that complies with Albemarle County standards. However, their design includes second-story porches and decks that would extend into the current rear setback by 12 to 14 feet.

County Code § 18-4.11.1 allows up to a four-foot projection for covered porches, balconies, chimney, eaves and like features. However, this code section also restricts these features from being located closer than six feet of any lot line. The proposed special exception would reduce the minimum rear yard from 20 feet to 10 feet. When combined with the four-foot allowable projection in County Code §18-4.11.1, the proposed special exception would allow the proposed decks to be no closer than six feet to the rear property line.

CHARACTER OF THE AREA

The property is zoned R-4 Residential and fronts on Belvedere Boulevard and Fowler Street. The property is adjacent to existing and future sections of Belvedere zoned Neighborhood Model Development and R4 Residential.

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.

In absence of the specific special exception factors, staff has evaluated this request based on the intent of the R-4 Residential zoning district and the Neighborhood Model Principles of the Comprehensive Plan.

Staff offers the following analysis of the proposed special exception against these criteria:

RESIDENTIAL - R-4 County Code § 18-15.1 Intent.

The district (hereafter referred to as R-4) is created to establish a plan implementation zone that:

- *Provides for compact, medium-density, single-family development;*
- *Permits a variety of housing types; and*

- *Provides incentives for clustering of development and provision of locational, environmental, and development amenities.*

R-4 districts may be permitted within community and urban area locations designated on the comprehensive plan.

The requested special exception would allow the applicant flexibility in design to construct a compact, high-density development, with a variety of housing types, including single-family attached and detached units.

Comprehensive Plan: Development Areas Objective 2

Create a physical environment that supports healthy lifestyles through application of the Neighborhood Model Principles including the following:

Relegated Parking

The proposed design of the site would relegate all driveways and garages to the rear of the proposed units. All driveways and garages, for both the single-family attached and detached units, would be rear-loading, accessed from the alleyway. Because the driveways and garages must be located to the rear of the buildings, the proposed special exception would allow the applicant flexibility with the design of the proposed porches and decks.

Parks, Recreational Amenities, and Open Space

The development is approved with open space located to the rear of the proposed buildings. The reduction of the minimum rear setback requirement for the porches and decks would prevent a reduction in the open space areas, which would be needed if lots were increased to accommodate a 20-foot rear yard setback. The required 20-foot rear yard setback is intended to provide areas for amenities and outdoor space for residents. With the rear-loaded alley design, the rear yards would not be fully usable. Staff believes that reducing the rear yard to allow for larger decks and covered porches would benefit the residents.

RECOMMENDATION

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve a special exception for a reduced 10-foot setback on the subject parcels, allowing the projected features to be as close as six feet to the access easement, as permitted.