



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA202200003 Firdyiwiek-Deal Rezoning	<b>Staff:</b> Kevin McCollum, Senior Planner
<b>Planning Commission Hearing:</b> June 28, 2022	<b>Board of Supervisors Public Hearing:</b> To be scheduled
<b>Owner:</b> Yitna Firdyiwiek and Sharon Deal	<b>Applicant:</b> Yitna Firdyiwiek
<b>Acreage:</b> 2.0 acres	<b>Rezone from:</b> RA Rural Areas to R-2 Residential
<b>TMP:</b> 09000-00-00-003A0	<b>Location:</b> 954 Old Lynchburg Rd
<b>School Districts:</b> Mountain View Elementary, Walton Middle, and Monticello High	<b>By-right use:</b> RA Rural Areas uses including agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
<b>Magisterial District:</b> Samuel Miller	<b>Proffers:</b> Yes
<b>Proposal:</b> Rezone from RA Rural Areas to R-2 Residential	<b>Requested # of Dwelling Units:</b> Two (2), one existing house will remain and one additional is proposed
<b>DA (Development Area):</b> Neighborhood 5 of the Southern and Western Neighborhoods Master Plan	<b>Comp. Plan Designation:</b> Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial in Neighborhood 5 of the Southern and Western Neighborhoods Master Plan.
<b>Character of Property:</b> The property consists of two acres of land with one single family detached house with an accessory garage.	<b>Use of Surrounding Properties:</b> The property is surrounded by residential development, notably the Whittington subdivision, and is across the street from the Biscuit Run Park.
<b>Factors Favorable:</b> <ol style="list-style-type: none"> <li>1. The rezoning request will have minimal impacts on neighboring properties and public facilities and services.</li> <li>2. The request is consistent with the County's Growth Management Policy.</li> <li>3. The rezoning request is consistent with the recommendations in the Southern and Western Neighborhoods Master Plan.</li> </ol>	<b>Factors Unfavorable:</b> <ol style="list-style-type: none"> <li>1. None</li> </ol>
<b>RECOMMENDATION:</b> Staff recommends approval of ZMA202200003 Firdyiwiek-Deal Rezoning.	

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

Kevin McCollum, Senior Planner  
June 28, 2022  
To be scheduled

**PETITION:**

PROJECT: ZMA202200003 Firdyiwiek-Deal Rezoning

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL: 09000-00-00-003A0

LOCATION: 954 Old Lynchburg Rd.

PROPOSAL: Rezone a parcel of land from Rural Areas to R-2 Residential.

PETITION: Request to rezone a two-acre parcel of land from the RA Rural Areas zoning district, which allows residential uses at densities up to 0.5 unit/acre, to R-2 Residential, which allows residential uses up to 2.0 units/acre.

ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

OVERLAY DISTRICT: EC Entrance Corridor

PROFFERS: No

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial in Neighborhood 5 of the Southern and Western Neighborhoods Master Plan.

**CHARACTER OF THE AREA**

The application involves a single parcel, identified as Tax Map Parcel (TMP) 90-3A, which is located at 954 Old Lynchburg Rd (Attachment 1) in Neighborhood 5 of the Southern and Western Neighborhoods Master Plan. The parcel is 2.0 acres and is zoned Rural Areas (Attachment 2). The property is wooded with one single family detached house with an accessory garage.

The property abuts the Whittington Subdivision to the west and south. Whittington is zoned Planned Residential Development (PRD) and lots average around one-acre in size. A two-acre Rural Areas parcel that has one single family detached house is located to the north of the property. Across the street to the east is a large Rural Areas parcel that is a part of the Biscuit Run Park property. Further south along Old Lynchburg Rd there are several R-1 Residential lots followed by mostly Rural Areas land. North along Old Lynchburg Rd includes Mosby Mountain which is another R-1 subdivision, Southwood which is a mixture of Neighborhood Model District and R-2 Residential.

**SPECIFICS OF THE PROPOSAL**

The applicant is requesting to rezone the property from RA Rural Areas to R-2 Residential. The applicant intends to subdivide the property into two one-acre lots for a total of two dwelling units on the two acres, a proposed density of 1 dwelling unit/acre.

**APPLICANT’S JUSTIFICATION FOR THE REQUEST**

The applicant has provided a justification for the request which can be found in the application materials (Attachment 3). The applicant has provided a conceptual plan which shows the potential layout of the property (Attachment 4) and has offered to proffer to limit development of the site to two single family dwelling units only (Attachment 5) to address any potential impacts or concerns.

**COMMUNITY ENGAGEMENT**

Because of the limited scope and scale of this rezoning, a community meeting was not held and waived by the Planning Director. However, on Monday, May 9, 2022 the applicant sent out neighbor notices to abutting property owners to inform them of the proposed rezoning, the scheduled Planning Commission public hearing date, and to encourage them to reach out to Staff with any comments or

concerns. At this time Staff has not received any questions or comments from members of the public regarding this rezoning.

**PLANNING AND ZONING HISTORY**

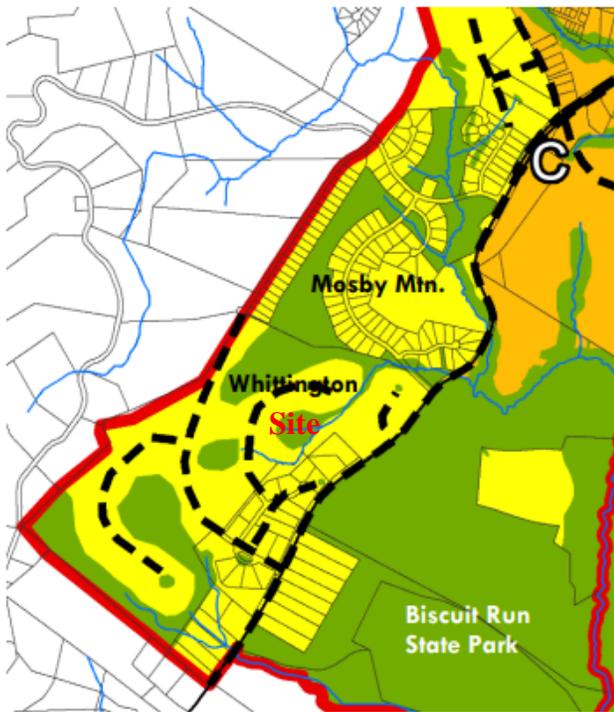
Based on County records the existing home located at 954 Old Lynchburg Rd was built in 1920 and later remodeled in 1976. The property was created by a subdivision plat recorded in Deed Book 649 page 789 on June 8, 1978. The current detached garage was built in 2003.

**COMPREHENSIVE PLAN**

**Analysis of the Southern and Western Neighborhoods Master Plan**

The subject property is located within Neighborhood 5 of the Southern and Western Neighborhoods Master Plan. A description of the applicable land use classifications and map inset from the master plan are below.

**Figure 29: Mosby Mountain & Whittington**



Development should include a pedestrian orientation, building and spaces of human scale, relegated parking, and site planning that respects terrain. It is especially important that adjacent residential parcels be used when developing this parcel. Attention must be paid to building massing, scale, lighting, location of loading bays, and other aspects which might have negative impacts on adjoining properties and properties in the area. Architectural features, screening, and landscaping techniques should be used to help mitigate impacts.

3. The southern portion of the **Mosby Mountain** subdivision and the approved **Whittington** (Figure 29) development are located in the southwestern part of the Southern Neighborhood. These properties were recently added to the Development Area to reflect existing zoning and the status in the Jurisdictional Area where water and sewer are provided. While the land use designation is for Neighborhood Density residential, development of the property should be kept at a density of 1 unit per 2 acres.

Albemarle Comprehensive Plan ADOPTED June 10, 2015

*Amended September 23, 2015*

S+W. 45

The property is designated as Neighborhood Density Residential by the Master Plan. This land use designation calls for primary residential uses at a density of 3-6 units/acre and supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial. While the purpose and intent of the Neighborhood Density Residential land use category describes a desired density of 3-6 residential units per acre, it also suggests that there are existing residential areas within or below this range. The master plan recommends lower density at 1 unit per 2 acres for the subject parcel. This proposal includes a rezoning to R-2 Residential in order to add one new dwelling unit to the subject property. Staff believes that the proposed increase in density on the parcel from 0.5 dwelling units/acre to 1 dwelling unit/acre is appropriate given the existing density and parcel sizes of the surrounding areas and the recommendations of the Master Plan.

### **Neighborhood Model**

The Neighborhood Model was adopted by Albemarle County in 2001 as a component of the Comprehensive plan to guide proposed development projects within the Development Areas of the county. The model consists of twelve recommended characteristics. Given the scale of the proposed rezoning application a majority of these principles are not met or not applicable Please see the Neighborhood Model Analysis provided as Attachment 6.

### **Affordable Housing**

Given the scale of the proposed rezoning no affordable housing units are proposed. This application was reviewed by the Housing Policy Manager who did not express any concerns.

## **ZONING ORDINANCE REQUIREMENTS**

### ***Relationship between the application and the intent and purposes of the requested zoning district:***

The proposal is for a rezoning from Rural Areas to R-2 Residential. The applicable section of the zoning ordinance is Section 14 for the R-2 Residential zoning district. This rezoning application meets the intent of the R-2 Zoning District by providing a transition density between the lower density areas south of the property to the higher density areas just north of the property.

The two single family detached dwellings would be by-right uses within the requested R-2 zoning district. The proposed layout and density of 1 du/acre meets the area and bulk regulations outlined in Section 14.3.

### ***Anticipated impact on public facilities and services:***

All rezonings are reviewed for the following impacts:

#### **Streets:**

Due to the scale of the rezoning, a Traffic Impact Analysis (TIA) is not required. The application proposes a future subdivision of the property for two single-family detached houses. The conceptual plan that was provided shows a shared driveway with access onto Old Lynchburg Rd. All applicable staff, including the Virginia Department of Transportation (VDOT), will be required to approve the subdivision when it is submitted. At this time, neither VDOT nor Transportation Planning Staff have any objections to the proposed rezoning.

#### **Schools:**

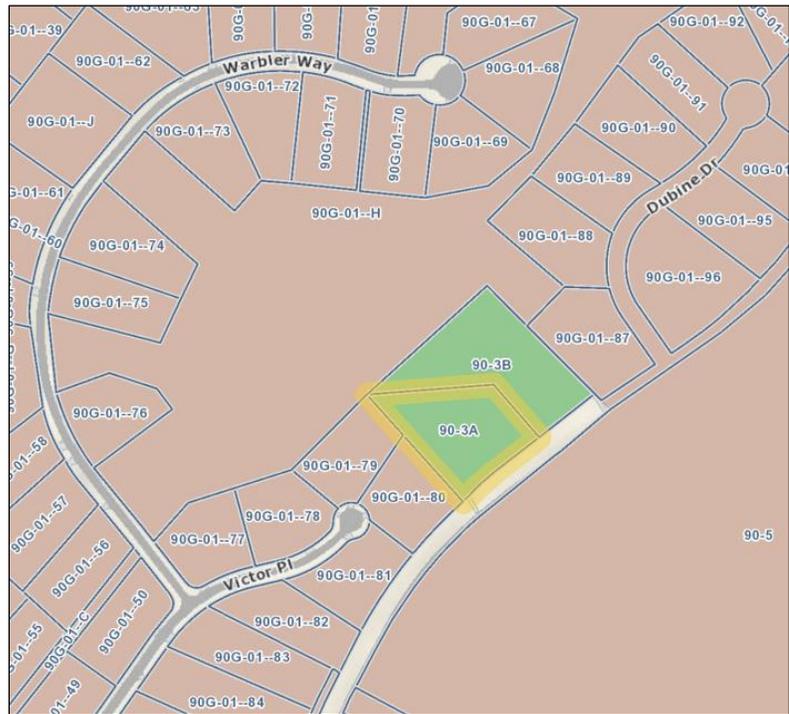
Students living in this area would attend Mountain View Elementary, Walton Middle School, and Monticello High School. The proposed additional single-family dwelling would be expected to have minimal impact to schools, generating 0.14 elementary, 0.05 middle, and 0.12 high school students.

#### **Fire Rescue:**

Emergency/fire vehicle access to the site will be evaluated during the subdivision process to ensure compliance with applicable standards. Fire Rescue has no concerns with the proposal.

**Utilities:**

This property is in the Albemarle County Service Authority (ACSA) jurisdictional area for water only. (Inset to right shown in green). Included with this rezoning is an ACSA application to amend the Service Authority’s jurisdictional area so that this parcel has access to both water and sewer, consistent with all surrounding parcels designated for water and sewer service. No capacity issues with this proposal have been identified. There is existing water along Victor Place and Dubine Drive and the existing sewer is on the Whittington HOA property. Offsite easements will be required to connect the proposed properties to both water and sewer ACSA utilities.



**Anticipated impact on environmental, cultural and historic resources:**

There are no known cultural or historic resources on the subject property.

No water features or stream buffers are located on the property. stormwater management will be reviewed by County Engineering staff during the subdivision or building permit process.

**Anticipated impact on nearby and surrounding properties:**

The proposal to add one additional dwelling unit to the property will have minimal impact on surrounding properties.

**Public need and justification for the change:**

The County’s growth management policy states that new residential development should occur in the designated Development Areas where infrastructure and services are provided. This proposal will provide an additional dwelling unit in the designated development areas, at a density that is consistent with the recommendations of the master plan.

**PROFFERS**

The Applicant has proposed a proffer to limit development of the property to two one-acre lots for a total of two single family dwelling units. The conceptual plan depicts how the property can be divided, but this plan is not included with the proffers. Staff believes that the subdivision and zoning ordinance provide adequate provisions for single-family residential development of this property. The proposed R-2 zoning district permits a density of 2 du/acre, which means that a total of 4 dwellings would be permitted on this parcel, however, with the provided proffer the property would be limited to 2 dwelling units at a density of 1 du/acre. This provides consistency with the density recommendation in the master plan and ensures that additional units would not be permitted that could generate impacts.

## **SUMMARY**

Staff has identified the following factors which are favorable to this request:

1. The request will have minimal impacts on neighboring properties, public facilities, and services.
2. The request is consistent with the County's Growth Management Policy.
3. The rezoning request is consistent with the recommendations in the Southern and Western Neighborhoods Master Plan.

Staff has identified the following factors which are unfavorable to this request:

1. There are no factors unfavorable.

## **RECOMMENDATION:**

Staff finds that the favorable factors outweigh the unfavorable factors associated with the request and recommends approval of ZMA202200003 Firdyiwek-Deal Rezoning.

**Motions for the rezoning request will be provided at the Planning Commission meeting.**

## **ATTACHMENTS:**

- Attachment 1 – [Location Map](#)
- Attachment 2 – [Zoning Map](#)
- Attachment 3 – [Applicant Narrative](#)
- Attachment 4 – [Conceptual Plan](#)
- Attachment 5 – [Proposed Proffers](#)
- Attachment 6 – [Neighborhood Model Analysis](#)