

STAFF PERSON:
BOARD OF SUPERVISORS:

J.T. Newberry
September 2, 2015

Staff Report for Variations #23-27 from ZMA200400024 Old Trail Village

VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENT

Each variation request has been reviewed for zoning and planning aspects of the regulations. Variations are considered by the Board of Supervisors as a Special Exception under County Code §§ 18-33.5 and 18-33.9. Staff analysis of each variation request under County Code § 18-8.5.5.3(c) is provided below.

VARIATION #23 – To vary the location and type of facility for stormwater treatment of the Block 11, 12, 14 and 15 drainage area established in the Code of Development:

The applicant requests for stormwater to be treated by an extended detention water quality pond (a “wet pond”) located at the southwest corner of this area (Attachment B). The applicant submitted information to the Engineering Division to show that this location and type of facility would better accommodate the natural drainage pattern of the area and provide equivalent stormwater treatment in a more aesthetically pleasing design. The Engineering Division recommends approval of the proposed variation. Further staff analysis is provided below:

- 1) **The variation is consistent with the goals and objectives of the comprehensive plan.**
The variation is consistent with the comprehensive plan.
- 2) **The variation does not increase the approved development density or intensity of development.**
Density is not increased.
- 3) **The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.**
The timing and phasing of the development is unaffected.
- 4) **The variation does not require a special use permit.**
A special use permit is not required.
- 5) **The variation is in general accord with the purpose and intent of the approved rezoning application.**
This variation is in general accord with the approved rezoning application.

VARIATION #23 RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the special exception to vary the Code of Development to permit an extended detention water quality pond to treat stormwater from Blocks 11, 12, 14 and 15, subject to the following condition:

1. The detention water quality pond may be located as shown on the exhibit created by Roudabush, Gale and Associates, Inc., dated July 23, 2105 (and provided in Attachment B).

VARIATION #24 – To allow lot sizes in Block 12 below the minimum lot size established in the Code of Development:

The applicant is requesting lot sizes below the minimum 4,000 square foot lot size required by Table 6 of the Code of Development. The justification for this request is that smaller lot sizes will allow Old Trail to achieve a higher density within Block 12. However, the applicant notes the increased density within this Block would not increase the overall density allowed for the entire subdivision. The site plan currently under review for Block 12 shows that Lots 13-24 are proposed to have lot sizes between 1,869.2 – 2586.3 square feet (Attachment C). Staff confirmed with the Building Official, Fire/Rescue Division and the Zoning Division that the public health, safety and welfare would not be impacted by this type of request. Further staff analysis is provided below:

- 1) **The variation is consistent with the goals and objectives of the comprehensive plan.**
The variation is consistent with the comprehensive plan.

- 2) **The variation does not increase the approved development density or intensity of development.**
Density is not increased.
- 3) **The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.**
The timing and phasing of the development is unaffected.
- 4) **The variation does not require a special use permit.**
A special use permit is not required.
- 5) **The variation is in general accord with the purpose and intent of the approved rezoning application.**
This variation is in general accord with the approved rezoning application.

VARIATION #24 RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the special exception to vary the Code of Development to permit lot sizes below 4,000 square feet in Block 12, subject to the following condition:

1. No lot size for a single-family attached unit shall be less than 1,800 square feet.

VARIATION #25 - To increase the building height in Block 12 above the maximum number of stories established in the Code of Development:

The applicant is requesting to build units above the 2.5 story maximum allowed by Table 6 of the Code of Development. The justification for this request is that a higher building height will provide larger living space and a more aesthetically pleasing architecture for this block. Proposed elevations for Lots 13-24 show a building height of 3.5 stories (Attachment D). Staff confirmed with the Building Official and the Zoning Division that the public health, safety and welfare would not be impacted by this type of request. Further staff analysis is provided below:

- 1) **The variation is consistent with the goals and objectives of the comprehensive plan.**
The variation is consistent with the comprehensive plan.
- 2) **The variation does not increase the approved development density or intensity of development.**
Density is not increased.
- 3) **The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.**
The timing and phasing of the development is unaffected.
- 4) **The variation does not require a special use permit.**
A special use permit is not required.
- 5) **The variation is in general accord with the purpose and intent of the approved rezoning application.**
This variation is in general accord with the approved rezoning application.

VARIATION #25 RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the special exception to vary the Code of Development to permit a building height above the maximum 2.5 stories permitted in Block 12, subject to the following condition:

1. No building height shall be greater than 3.5 stories.

VARIATION #26 - To reduce the front, side and rear setbacks for single-family attached and single-family detached units within Block 12:

The applicant is requesting reduced setbacks within Block 12 for single-family attached and single-family detached units. The applicant states that reduced setbacks will allow for more variation in the design of each unit and produce a more aesthetically pleasing architecture overall. The applicant also states the reduced setbacks will contribute to creating a strong sense of community among the residents. The site plan currently under review for Block 12 shows the single-family attached units in Lots 13-24 with 5 foot front and rear setbacks and zero foot side setbacks. In areas with zero foot side setbacks, a minimum 10 foot building separation is required by Fire/Rescue. The single-family detached units in Lots 8-12 have five foot front, side and rear setbacks (Attachment C). Staff confirmed with the Building Official, Fire/Rescue Division and the Zoning Division that the public health, safety and welfare would not be impacted by this type of request with the use of the appropriate building materials (enforced through building permit review). Further staff analysis is provided below:

- 1) The variation is consistent with the goals and objectives of the comprehensive plan.**
The variation is consistent with the comprehensive plan.
- 2) The variation does not increase the approved development density or intensity of development.**
Density is not increased.
- 3) The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.**
The timing and phasing of the development is unaffected.
- 4) The variation does not require a special use permit.**
A special use permit is not required.
- 5) The variation is in general accord with the purpose and intent of the approved rezoning application.**
This variation is in general accord with the approved rezoning application.

VARIATION #26 RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the special exception to vary the Code of Development to reduce the setbacks in Block 12, subject to the following conditions:

1. Lots 13-24 shall have five (5) foot front, zero (0) foot side and five (5) foot rear setbacks.
2. Lots 8-12 shall have five (5) foot front, side and rear setbacks.

VARIATION #27 – To allow roof overhangs and eaves to encroach the building setback in Block 12:

The applicant is requesting roof overhangs and eaves be allowed to project up to one foot into the building setback within Block 12. The justification for this request is that the encroachment will enable a larger buildable area for each lot and therefore allow more flexibility in the design of each unit. Staff confirmed with the Building Official, Fire/Rescue Division and the Zoning Division that the public health, safety and welfare would not be impacted by this type of request with the use of the appropriate building materials (enforced through building permit review). Further staff analysis of this request is provided below:

- 1) The variation is consistent with the goals and objectives of the comprehensive plan.**
The variation is consistent with the comprehensive plan.
- 2) The variation does not increase the approved development density or intensity of development.**
Density is not increased.
- 3) The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.**
The timing and phasing of the development is unaffected.

4) The variation does not require a special use permit.

A special use permit is not required.

5) The variation is in general accord with the purpose and intent of the approved rezoning application.

This variation is in general accord with the approved rezoning application.

VARIATION #27 RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the special exception to vary the Code of Development to allow roof overhangs and eaves to encroach the building setback in Block 12, subject to the following condition:

1. Roof overhangs and eaves shall not be permitted to project further than one foot into the building setback.