COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY

Project Name: SE-2025-00017 1906 Avon Street Ext. Sidewalk Waiver	**Staff:** J.T. Newberry, Senior Planner II
Planning Commission meeting: June 10, 2025	**Board of Supervisors meeting:** N/A
Owner: Jeannette D. Smith	**Applicant**: Kelsey Schlein, Shimp Engineering
TMP(s): 09000-00-00-03300, 09000-00-00-033B0, 09000-00-00-033C0	**Acreage**: 3.64 acres
Location: 1906 – 1920 Avon Street Ext., across from the intersection of Dauphin Drive and Avon Street Ext.	**Zoning/By-right Use:** R-10 Residential
Magisterial District: Scottsville	**School Districts:** Mountain View Elementary, Walton Middle, Monticello High
Development Area: Yes - Southern and Western Neighborhoods (Neighborhood 4)	**Comp. Plan Designation:** Neighborhood Density Residential – residential (3 – 6 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses.
Proposal: Request for an exception in accordance with Section 14-422(E) and 14-203.1(B) to modify the sidewalk requirements along a private road.	
Requested # of Dwelling Units/Lots: 21 units (17 Lots)	**Conditions: Yes**
Character of Property: Parcels 33 and 33C each contain an existing single-family detached dwelling unit. Parcel 33B is vacant and contains a portion of the driveway serving the dwelling unit on Parcel 33C.	**Use of Surrounding Properties:** The subject properties are surrounded by a mix of uses. To the north, is a religious assembly use (Faith Temple Church). To the south, west, and east, there are a mix of single-family attached and single-family detached residential uses, including Avon Park I and II, Mill Creek South, and Spring Hill Village. To the northeast, there is an office/warehouse (LEAP) and a variety of light industrial uses (Snow Point Lane warehouses).
Positive Aspects: 1. The proposed private street will provide the required street frontage for the proposed Lots 1-8. 2. The proposed private street and sidewalks will meet all other design requirements and allow pedestrians and traffic to safely move through the proposed development. 3. Approval of the request provides an opportunity to preserve several existing large mature trees.	**Concerns:** 1. No concerns have been identified at this time.
Recommendation: Staff recommends approval of the exception to waive the identified sections of sidewalk with the conditions identified in the staff report.	

STAFF CONTACT: **J.T. Newberry**
PLANNING COMMISSION: **June 10, 2025**
BOARD OF SUPERVISORS: **Not applicable**

SE-2025-00017 1906 Avon Street Ext. Sidewalk Waiver Special Exception

PROPOSAL

The Applicant is requesting an exception in accordance with Section 14-422(E) and 14-203.1(B) to waive a portion of the sidewalk requirements along the proposed private street. Section 14-422(A) provides the sidewalk requirement:

> *14-422(A) Sidewalks and planting strips for street trees and other vegetation shall be established on both sides of each new street within a subdivision creating lots for single family detached and single family attached dwellings in the development areas.*

The Applicant has provided a detailed Application Narrative (Attachment 1) that provides the justification for the request.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this property as Neighborhood Density Residential, with residential at 3 – 6 units per acre and supporting uses such as religious institutions, schools, commercial, office and services uses in Neighborhood 4 of the Southern and Western Neighborhoods master plan.

PLANNING AND ZONING HISTORY

ZMA202200004 1906 Avon Street Ext. – Approved 2/7/2024
Rezoning of approximately 3.643 acres from the R-1 Residential Zoning District, which allows residential uses at densities up to one unit/acre, to R-10 Residential, which allows residential uses at densities up to 10 units/acre. A maximum of 21 multi-family, single-family attached, and single-family detached dwelling units is proposed, at a gross and net density of 6 units/acre. Associated request for modification of street standards.

ARB-2025-00010 1906 Avon Street Initial Site Plan – Approved with conditions 5/19/2025
The ARB unanimously recommended approval of the Initial Site Plan based on the revised landscape plan presented at the May 19, 2025 ARB meeting.

SDP-2025-00038 1906 Avon Street Initial Site Plan – Deferred 5/29/2025
Initial site plan showing 20 residential units and retention of one existing residential unit, a public and private street, open space, and stormwater management facilities.

REASON FOR PLANNING COMMISSION REVIEW

Sections 14-422(E) of the Subdivision Ordinance authorizes the Planning Commission to vary or except sidewalk requirements as provided under Section 14-203.1(B).

ANALYSIS OF 14-422(E) VARIATION OF OR EXCEPTION OF SIDEWALK REQUIREMENTS

Per Section 14-422(E)(2), in reviewing a request to vary or except the requirement for sidewalks, the commission shall consider whether (ordinance language presented in ***bold italics*** followed by staff comment):

(i) a variation or exception to allow a rural cross-section has been granted;
Not applicable. This proposal is not requesting a variation to allow a rural cross-section.

(ii) a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood;
Not applicable. This proposal is not requesting a variation to required surface materials.

(iii) sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, steep slopes, floodplain, or wetlands, or because lots are provided on only one side of the street;
Environmental constraints do not limit the placement of sidewalks along both sides of the proposed private street. However, lots are provided along only one side of the proposed private street, and approval of the exception request will allow for the preservation of several large mature trees and increased open space..

(iv) the sidewalks reasonably can connect into an existing or future pedestrian system in the area;
Pedestrian connectivity will not be negatively impacted. The sidewalks from the proposed development will connect to the sidewalk system within the adjacent residential development (Avon Park I) and a 10' public access easement will provide a public connection to the sidewalk network on Avon Street Extended.

(v) the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit;
The proposed private street serves Lots 1-8. Expected pedestrian volume from the units served will be low. All of the proposed units will still have direct access to sidewalks from their entries.

(vi) an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider;
The proposed pedestrian system provides an appropriate level of access throughout the subdivision while also promoting the character of the development, which aims to minimize impervious surfaces, preserve existing trees where possible, and maximize open space.

(vii) the sidewalks would be publicly or privately maintained;
The sidewalks will be privately maintained by the proposed subdivision's home owners' association (HOA).

(viii) the waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan;
The exception will advance the goals of these policies by continuing to provide pedestrian connectivity while also providing more common open space for

recreation, aesthetics, and stormwater management.

(ix) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.
Excepting the requirement for sidewalks along both sides of the private street will allow for Lots 1-8 to meet the necessary frontage requirement of the Subdivision Ordinance and add density to the Development Areas. Specifically, this design further promotes the Neighborhood Model Principles of Pedestrian Orientation, Interconnected Streets, and Parks, Recreational Amenities, and Open Space.

SUMMARY

Staff believes granting the requested exception will allow the proposed lots to meet the necessary frontage requirement of the Subdivision Ordinance while still providing adequate sidewalk and pedestrian facilities. Staff does not anticipate any adverse impacts from the exception of the sidewalk requirement as shown on the Waiver Exhibit and recommends approval of this request.

SUMMARY AND RECOMMENDATION

Positive aspects:

1. The proposed private street will provide the required street frontage for the proposed Lots 1-8.
2. The proposed private street and sidewalks will meet all other design requirements and allow pedestrians and traffic to safely move through the proposed development.
3. Approval of the request provides an opportunity to preserve several existing large mature trees.

Concern:

1. No concerns have been identified at this time.

RECOMMENDATION

Staff recommends approval of the special exception application to waive the sidewalk [14-422(A)] requirements on one side of the proposed private street with the condition listed below:

1. The exception to the sidewalk requirement applies to the proposed private street as depicted on the Waiver Exhibit within the Application Narrative last revised on June 2, 2025, and prepared by Shimp Engineering.

ATTACHMENTS

Attach 1 – SE2025-17 Sidewalk Waiver 1906-1920 Avon Street Extended – Application Narrative, including Waiver Exhibit
Attach 2 – SE2025-17 Sidewalk Waiver 1906-1920 Avon Street Extended – Resolution to Approve Sidewalk Exception