

STAFF REPORT OF THE CITY'S ZONING ADMINISTRATOR
APPLICATION FOR ADMINISTRATIVE MODIFICATION

BZA 25-05-001
HEARING DATE: MAY 22, 2025

LOCATION: 2030 Barracks Road
TAX MAP & PARCEL: 010005000
APPLICANT: Kelsey Schlein
ZONING & USE: R-B (Residential)

Administrative Modification Applicability (Development Code (“DC”) § 5.2.11)

- a. The Zoning Administrator (“ZA”) may grant a modification (“Administrative Modification”) of 15% or less of any physical dimensional standard of the DC.
- b. The Administrator must review each Application and approve, approve with conditions, or deny the Application, in accordance with the requirements of Virginia Code § 15.2-2286.
- c. Prior to granting the Administrative Modification, the ZA must provide written notice to all adjoining property owners in accordance with the requirements of Virginia Code § 15.2-2286 (21 days).
- d. If an objection is received within the 21-day comment period, the Board of Zoning Appeals (“BZA”) will hear the request

Details of the Request

DC § 2.10.6 states that new construction on a parcel zoned R-B is required to have a minimum build to width of 65% of the primary street. The width of the parcel along Barracks Road (“Property”) is 103.83 feet, resulting in a required build-to-width of 67.12 feet. The Applicant is proposing to sublot this parcel to create 2 separate parcels. A total of 12 dwelling units will be constructed on each of the parcels. There will be a 16-foot-wide drive aisle running down the center of the of the subdivided parcel to provide access from Barracks Road to the parking lot.

DC § 2.10.6-5 allows for a reduction to the build-to-width requirement for vehicular access, no wider than the minimum required driveway width, plus an additional 4 feet of width for clearance. This minimum driveway width for this project is 16 feet; therefore, the Applicant will be permitted to subtract 20 feet from the required build-to-width for the project.

The Applicant is proposing to construct two, 26.67-foot-wide structures. On Lot 1, the structure will take up 66.86% of the build-to width. On Lot 2, the structure is proposed to be 61.1% of the build-to width. The Application is requesting an Administrative Modification, pursuant to DC § 5.2.11 to allow a 6% modification for this structure to be less than 65% of the width of the lot.

Administrative Modification Criteria

The Applicant has applied for an Administrative Modification, pursuant to DC § 5.2.11. The ZA may grant a modification of up to 15% or less of any physical dimensional standard of the code, provided that the ZA finds in writing that:

- a. Strict application of the requirement would produce undue hardship,
- b. Such hardship is not shared generally by other properties in the same zoning district, and
- c. The authorization of the modification will not be of substantial detriment to adjacent property(ies).

Analysis

The Applicant has requested an 6% (5-foot) modification to build-to width, set forth in DC § 2.10.6. If approved, the Applicant will be permitted to construct a building that is 26.67 feet wide. Without the approval of the Administrative Modification, the Applicant would be required to construct a wider building.

a. Strict Application of the Requirement would Produce Undue Hardship

Due to Critical Slopes on the front of this Property, a retaining wall must be constructed to allow for pedestrian connections from Barracks Road to the Property. There will be 2, 5-foot-wide sidewalks, 1 per property connecting the project to the public realm. There will also be a 5-foot-wide landscaping strip along the interior drive aisle.

The Applicant is seeking to reduce the width of the proposed building by 5 feet (6%) to accommodate more wider access to the properties and provide more landscaping space.

b. Such Hardship is not Shared Generally by Other Properties in the Same Zoning District

The Property is located within the R-B Zoning District, which extends up the East side of Rugby Road, ending at Howard Drive at the top of the hill. The only other parcels within the R-B Zoning District that has critical slopes on the front of the property is the adjacent property, 2028 Barrack Road. The existing driveway, which accesses this property is not located within the critical slope.



c. The authorization of the modification will not be of substantial detriment to adjacent property(ies)

If this Administrative Modification were denied, the Applicant would be required to construct a wider structure to meet the 65% build-to width. Allowing for a smaller building does not create a substantial detriment to the adjacent properties.

Through this analysis, it has been determined that this Administrative Modification request meets the criteria to grant a reduction of 6% of the required build-to width for Lot 2, at 2030 Barracks Road. As a result, the proposed structure measuring 26.67 feet wide may be constructed.

Suggested Motion(s)

1. If you previously determined that the Application presented a proper request for a matter within the definition of a variance, then possible Motions include”

a. **Denial:** “I move to deny Application BZA 25-05-001, because I find that the standards and criteria set forth within Virginia Code 15.2-2309(2) are not satisfied.”

b. **Approval:** “I move to grant a variance as requested in Application BZA 25-05-001, based on a finding that the Applicant has established that the granting of the Administrative Modification would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Ordinance, and meet hardship factors (a)-(c) detailed in the corresponding Staff Report.”

i. If you wish to add Conditions to an approval Motion, you would also add, at the end of the above-suggested Motion: *“And I further move to grant this Motion, subject to the following conditions: _____ [insert list of conditions].”*

SHIMP ENGINEERING, P.C.
Design Focused Engineering

November XX, 2024

City of Charlottesville
Neighborhood Development Services
610 East Market Street
Charlottesville, Virginia 22902

Administrative Modification Request for Meadowbrook Multifamily Build-to-width Requirements

To Whom it May Concern,

Based on Section 2.2.4 (R-B Residential B) of the current City of Charlottesville Zoning Code (adopted December 18, 2023), requirements for the development of Meadowbrook Multifamily includes a minimum build-to width of 65% on the primary street. The primary lot line for this property is 103.83' on Barracks Road. We have divided the existing parcel into two separate zoning lots with Lot 1, of the new sublots, having a front property line of 49.8851' and Lot 2 measuring 53.3661'. In order to meet the build-to-width requirements, buildings along the primary street must be at least 32.43' and 34.69' respectively. Per Section 2.10.6, the build-to-width's intent is "to facilitate the creation of a convenient, attractive, and harmonious community by regulating the placement of buildings along the public realm so that buildings frame the public realm with a consistent pattern of development." Our proposed buildings are 26.67' in width and we believe that the smaller footprint of the proposed buildings does not hinder the intent set forward. Additionally, if the buildings were expanded to meet the required build-to-width requirements, the subsequent consequences would limit the width of pedestrian access throughout the site as the five-foot sidewalk would be reduced. Another consequence is decreasing the landscape strip width, which would negatively impact the ability to provide street trees along the drive aisle. Per 2.10.6-5 "Where vehicular access is permitted to be taken through the street lot line and providing access prevents a building from meeting the build-to width requirement, a reduced build-to width may be allowed by the Administrator, provided the portion of the lot in the build-to zone used for vehicle access is no wider than the minimum required driveway width plus an additional 4 feet of width for clearance." A 16' driveway is the minimum allowed to provide access to the parking located in the rear of the lots. The subplot line dividing Lots 1 and 2 is along the centerline of the proposed driveway. Therefore, due to the subplot being used for vehicle access allowance, our new build-to-width width would be reduced by ten feet, the minimum driveway width of eight feet plus an additional two feet for each subplot. Based on that, the new street build-to-requirement would be 39.8851' and 43.3661' respectively. With our buildings being both 26.67' wide the build-to-width for Lot 1 would be 66.86% (26.67/39.8851) and Lot 2 would be 61.50% (26.67/43.3661).

Pursuant to Section 5.2.11 of the same zoning code, the administrator may grant a modification of 15% or less of any physical dimensional standard of this code, provided that the Administrator finds in writing that the strict application of the requirement would produce undue hardship, such hardship is not shared generally by other properties in the same zoning district, and the authorization of the modification will not be of substantial detriment to adjacent property.

By proposing a 61.1% build-to-width, we are requesting a 6% modification to the requirement. This condition is unique compared to other properties in the zoning district since the existing topography involves critical slopes. In order to create the desired pedestrian connection to public space and sidewalks, a retaining wall and staircase must also be added to the site limiting the amount of space that would be

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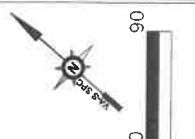
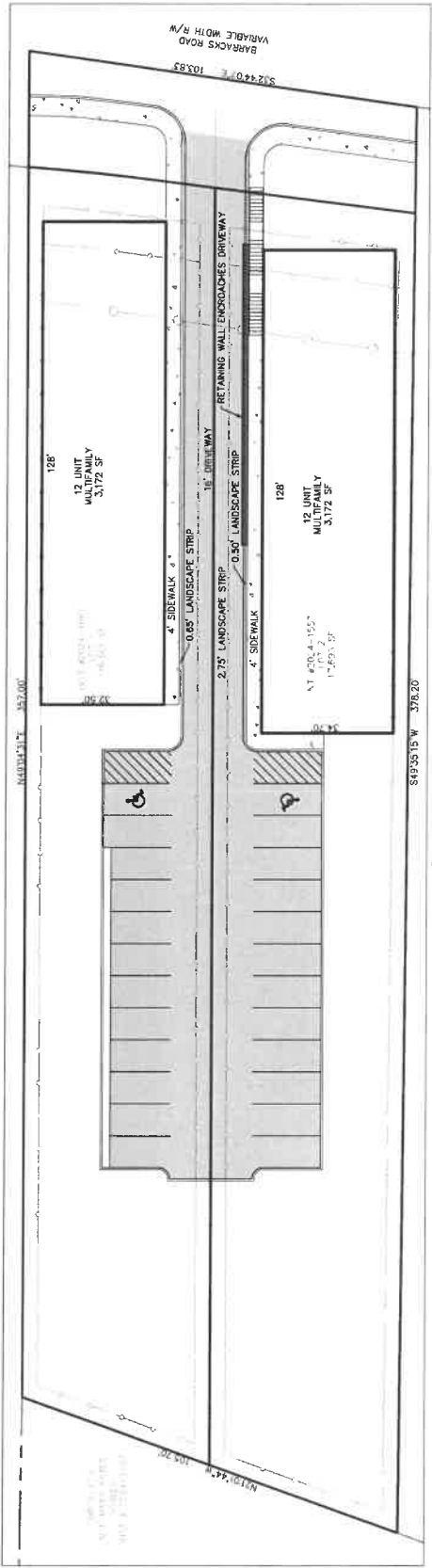
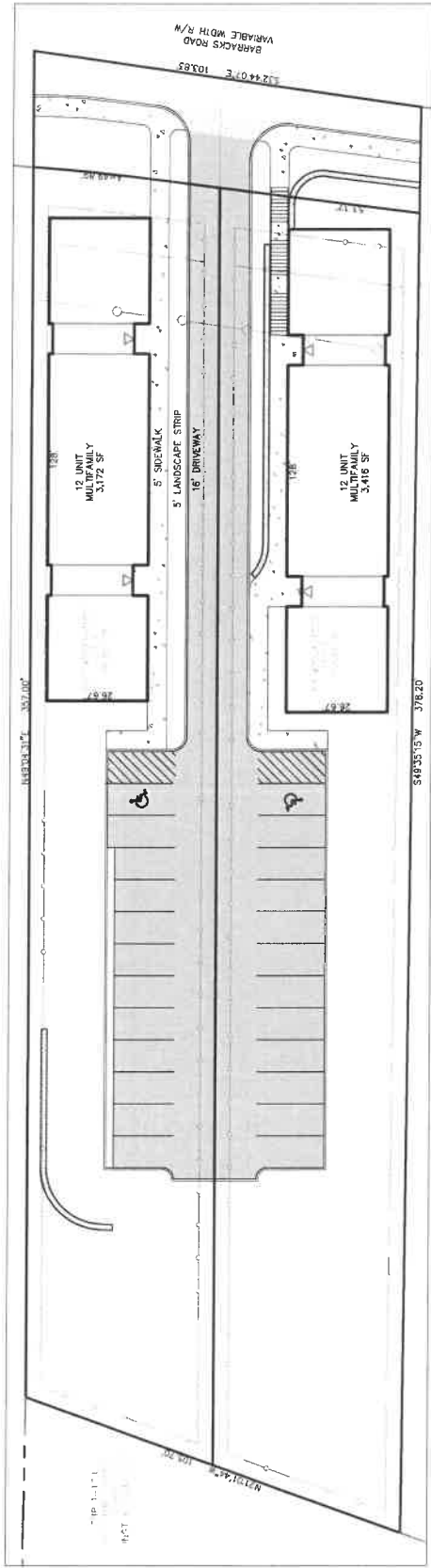
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usable for expanding our building widths. As shown with the attached exhibit, by expanding the building widths, the sidewalks would need to be reduced down to four-foot-wide sidewalks and there becomes no usable place to provide landscaping. The lack of landscape space would hinder the landscaping intent of creating an attractive community and would impact the quality of life for future residents. The modification will not negatively affect adjacent properties or the ability to satisfy the remaining zoning R-B requirements.

If you have any questions or concerns about these requests, please feel free to contact us by email at geoff@shimp-engineering.com or stephanie@shimp-engineering.com or by phone at 434-227-5140.

Regards,

Geoff Moran



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**Meadowbrook Multifamily
 Build-to-width Exhibit**

Layout Without Waiver

Proposed Layout