

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SE 2021-00002 IVY PROPER**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2021-00002 Ivy Proper application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.3(b), 18-4.2.5(a), and 18-33.49, the Albemarle County Board of Supervisors hereby finds that the special exception request would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and

- i. alternatives proposed by the developer or subdivider would satisfy the intent and purposes of Albemarle County Code [§ 18-4.2](#) to at least an equivalent degree; and
- ii. due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the special exception to allow the disturbance of critical slopes associated with SDP202100001 Ivy Proper, subject to the conditions attached hereto.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Ms. Price	_____	_____

SE 202100002 Ivy Proper Conditions

1. The area of land disturbance on critical slopes must not exceed the “Disturbed Critical Slopes” shown on Image 1 of the request entitled “Ivy Proper Critical Slopes Waiver – Special Exception Request,” prepared by Timmons Group, dated January 5, 2021 and last revised April 26, 2021.
2. Final design of the retaining walls must be submitted and is subject to the approval of the County Engineer and the Building Division prior to approval of the VSMP application.