

**Spring Hill Farm  
Special Use Permit Amendment**

**Revised Narrative Statement  
January 11, 2023  
(Corresponds to 01/06/23 revised Plat attached)**

**Description of Project**

**Background History**

The Spring Hill Farm property was acquired by the current owner's predecessor Nettie Marie Jones in May 1980. When acquired, the Spring Hill Farm property consisted of two parcels-- Tax Map 58-95 (674.67 acres) and Tax Map 58-Parcel 96 (20.40 acres), containing a total of 695.07 acres. (See copies of Thomas Blue CLS plats attached.)

On December 4, 1980, Albemarle County adopted amendments to its Zoning/Subdivision Ordinances which set forth new rules for determining the number of parcels that properties with Rural Area zoning could be divided "by right". Such new rules applied to the Spring Hill Farm property. Under the rules, the then 674.67 acre Tax Map Parcel 58-95 could have been divided into 36 parcels, five (5) of which would have been a minimum of two (2) acres in size, and thirty-one (31) could have been a minimum of twenty-one (21) acres in size, comprising a total of 661 acres. The then 20.40 acre Parcel Tax Map 58-96 could have been divided into five (5) parcels of a minimum of two (2) acres in size, comprising ten (10) acres in total. Thus the total number of lots which the then Tax Map Parcels 58-95 and 58-96 could have divided into was forty-one (41), comprising 671 acres in total.<sup>1</sup>

In 1981, Special Use Permits SP 81-1 and 81-55 were approved by the Albemarle County Board of Supervisors as to the Spring Hill Farm property. SP 81-1 created sixteen (16) residential building lots ranging from 2.367 to 10.795 acres in size, totaling 92.739 acres, plus 5.134 acres of roads, and was designated as Spring Hill Subdivision Phase I. By means of a boundary adjustment to Lot 15 in August 1981, the total acreage allocated to the Phase I Subdivision 16 lots was increased to 97.301. SP 81-55 created an additional seventeen (17) residential building lots ranging from 2.097 to 5.198 acres in size, totaling 60.804 acres, plus 5.228 acres of roads, and was designated as Spring Hill Subdivision Phase II. The two 1981 Special Use Permits thus divided the original Spring Hill Farm property into 33 residential building lots containing

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<sup>1</sup>This analysis left a residue of 24.07 acres (13.67 acres from TMP 58-95 and 10.40 acres from TMP 58-96), which could have yielded one (1) more twenty-one acre lot, or 42 in total. Since the total number of lots subdivided from the original Spring Hill Farm property after consideration of the present subdivision proposal is only thirty-six (36), it is not necessary at this time to address the issue of whether there was one more potential subdivision lot from the original two parcels.

153.543 acres, plus 10.362 acres of roads, (163.905 acres total), plus a residue of approximately 531.161 acres.

In 1981 the use of the Special Use Permit process to subdivide the Spring Hill Farm property was required due to the **size** of the parcels, not the **number**. The Spring Hill Farm Phase I and Phase II Subdivisions clustered 33 residential lots over approximately 154 acres, excluding roads. Had the thirty-three (33) lots been divided “by-right” instead, they would have consumed at least 503 acres of the Spring Hill Farm Property (10 lots with a minimum of 2 acres in size plus 23 lots with a minimum of 21 acres in size), excluding roads.

SP 81-1 and SP 81-55 both provided that any further subdivision of the Spring Hill Farm residue would require amendment to those Special Use Permits. The rationale for this condition was not articulated in either of the Special Use Permits. Nevertheless, the apparent purpose of these conditions was to require that the subdivision of the original Spring Hill Farm property into the thirty-three (33) Spring Hill Subdivision Phase I and II lots be taken into account when considering a subdivision of the residue parcel. Thus, subsequent to the approval of SP 81-55, the then 531 acre residue would not be permitted to be further divided “by-right” into an additional 25 twenty-one (21) acre parcels. Instead the number of previously subdivided parcels from the original Spring Hill Farm property (33) would have to be taken into account when reviewing proposals to subdivide the residue parcel.<sup>2</sup>

Blue Springs Land Corporation acquired the Spring Hill Farm residue on August 13, 1993 from the Estate of Nettie Marie Jones. Diane Edgerton Miller, President and shareholder of Blue Springs Land Corporation, was Nettie Marie Jones’ granddaughter.

In September 1993 approximately 34 acres of the Spring Hill Farm residue were combined with the Blue Springs Farm Subdivision to the south, also owned by Blue Springs Land Corporation, by means of a boundary line adjustment. In 1999 and 2000 approximately 45 acres of the Spring Hill Farm residue were combined with Lot 15 of Spring Hill Subdivision, also by means of a boundary line adjustment. There were a number of additional small boundary adjustments between the Spring Hill Farm residue and several of the Spring Hill Subdivision lots, which had the effect of reducing the Spring Hill Farm residue to its current 442.42 size. However, no new lots were created from the Spring Hill Farm residue.

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<sup>2</sup>This point is highlighted by the incorrect information recently given by Albemarle County Planning staff to a Spring Hill Phase I Subdivision lot owner as to the number of parcels that the originally proposed 370 acre residue parcel could be divided into. In an email dated July 26, 2022, the owner of Lot 10 of Spring Hill Subdivision named Jacob Turner was told by Planning staff that “(t)heoretically, the owner [Blue Springs Land Corporation] could create up to 17 lots (at a minimum of 21 acres each) with a parcel of 370 acres”. This staff response failed to give consideration to the SP 81-1 and SP 81-55 conditions requiring that the further subdivision of the Spring Hill Farm residue parcel required amendment to those Special Use Permits and could not be done “by-right”. (See copy of July 26, 2022 email provided by Albemarle County staff attached.)

### **Subsequent Special Use Permits**

In May 2000, Blue Springs Land Corporation applied for amendments to the Spring Hill Farm Special Use permits to subdivide the Spring Hill Farm residue into one (1) additional lot containing 102 acres, with a 340+/- acre residue. The subdivided 102 acres was the southern portion of the Spring Hill Farm property, with the entrance to be located at the intersection of Dick Woods Road and Bloomfield Road, approximately .66 miles south of the main Spring Hill Farm Subdivision entrance. Due to the location of the entrance to the new lot, a Special Use Permit for construction of a bridge over Ivy Creek and the placement of fill in the 100 year flood plain was also required.

On May 16, 2001, the Board of Supervisors approved Special Use Permits SP 00-34 and SP 00-38 which provided for the additional 102 acres lot and the 340 +/- acre residue. However, as a condition to the approval of SP 00-34 and SP 00-38, the Board of Supervisors imposed a condition limiting residential clearing on the new 102 acre parcel to two (2) acres. Such a limitation on residential clearing had not been placed on any of the other 33 lots subdivided from the original Spring Hill Farm property. This restriction impaired the marketing of the new parcel, which led Blue Springs Land Corporation to abandon those permits.

In 2002, Blue Springs Land Corporation again applied for amendments to the Spring Hill Farm Special Use Permits to subdivide the southern 102 acre portion of the Spring Hill Farm residue into one (1) additional lot, with a 340+/- acre residue. The entrance was again to be located at the intersection of Dick Woods Road and Bloomfield Road, which again required a Special Use Permit to construct a bridge over Ivy Creek and the placement of fill in the 100 year flood plain.

On February 20, 2003, the Board of Supervisors approved Special Use Permits SP 02-67 and SP 02-68 to allow the subdivision of the additional 102 acre parcel with a 340+/- acre residue. Unlike SP 00-34, SP 02-68 as approved by the Board of Supervisors did not contain a limitation as to the amount of residential clearing that could be done on the new 102 acre parcel. However, like SP 00-34, the plan imposed a series of conditions relating to the construction of the bridge over Ivy Creek, including limitations on the months that construction could occur by reason of the apparent presence of James River spiny mussels. Due to the excessive cost of constructing the proposed bridge over Ivy Creek in accordance with the conditions set forth in SP 02-67, Blue Springs Land Corporation decided to abandon those SP 02-67 and 02-68.

### **Current (revised) Proposed Special Use Permit Amendment**

On or about October 25, 2022, nearly twenty (20) years after the abandonment of SP 02-67 and SP 02-68, Blue Springs Land Corporation submitted the current proposed plan to subdivide the southern portion of the 442.42 acre Spring Hill Farm residue into two (2) additional residential building lots (Lots 1 and 2), with the entrance on Dick Woods Road to the south of the state highway bridge over Ivy Creek. The proposed new entrance road was in the path of an old logging road which had been present on the property at the time of its acquisition in 1980.

As originally submitted, Lots 1 and 2 contained 46.87 and 24.64 acres respectively, with a 370.91 acre residue. The original plan has been revised so that Lots 1 and 2 now contain 64.52 and 28.77 acres, respectively, with a 349.13 acre residue. The purpose of the revision was eliminate the ability of the entrance road serving Lots 1 and 2 from Dick Woods Road to serve the residue portion of the Spring Hill Farm property. As such, the entrance road is now strictly limited to serving two (2) lots and cannot potentially be used to serve a third (or more lots).

The location of the entrance to the new Lots 1 and 2 south of the state highway bridge on Dick Woods Road eliminates the need to construct a bridge crossing over Ivy Creek, and thus eliminates the need for a Special Use Permit to fill in the 100 year flood plain. The new entrance road follows the path of an Ivy Creek tributary stream and then crosses that stream at an elevation above the 100 year flood plain.

The addition of the two new subdivision lots increases the total number of lots subdivided from the original Spring Hill Farm property to thirty-five (35), plus the residue of 349.13 acres, or 36 total parcels. The current proposal does not require review under Section 10.5.2.1 of the Albemarle County Zoning Ordinance because the total number of lots allowable by right as to the original Spring Hill Farm property (41 or 42) will not be exceeded by approval of the plan.

The revised plan sets aside 14.94 acres of the southern portion of the Spring Hill Farm for permanent conservation, designated as Conservation Area A on the revised plat. In addition, a 21.78 acre portion of Lots 1 and 2 designated as Conservation Area B will be set aside for permanent conservation.

Under the revised plan, Conservation Areas A and B may not be further subdivided into residential building lots, and will permanently remain in Forestal or Open Space use. Due to the topography, neither Conservation Area A nor B are suitable for Agricultural or Horticultural use. In addition, the applicant Blue Springs Land Corporation proposes that permanent riparian buffer easements be placed on the areas adjacent to all of the streams shown on the plat, with necessary exceptions for the location and maintenance of the entrance road and stream crossing. Such riparian easements shall be in the standard form provided for by the Thomas Jefferson Soil and Water Conservation District, and shall be managed in accordance with the Albemarle County Watershed Management Ordinance.



## **Compliance with Albemarle County Comprehensive Plan**

The Albemarle County Comprehensive Plan designation for the Spring Hill Farm property is Rural Area. The following will address the matters to be considered by the Board of Supervisors in granting the approval of the proposed amendment to the Spring Hill Farm Special Use Permits.

### **1. Effect of proposed Special Use Permit Amendment on adjacent properties.**

There are seven (7) properties immediately adjacent to the new Lots 1 and 2. Such properties consist of a 6.926 acre residential parcel to the north (Lot 9 of Spring Hill Subdivision), three residential parcels consisting of 21.004, 11.047 acres and 17.859 acres to the west (Lots 2, 6 and 7 of Blue Springs Farm Subdivision, respectively), a 22.35 acre residential parcel to the south (Tandem Farm), a 32.47 acre residential parcel to the east (TM 74-17B-Ivy Point Farm) and a 147.05 acre parcel dedicated to conservation also to the east (TM 74-17E-Verulam Farm). Due to topography and forest cover as well as the location of the entrance to the two proposed lots on Dick Woods Road, the proposed Lots 1 and 2 will have no discernable affect on the immediately adjacent properties either from visual or traffic standpoints.

### **2. Effect of the proposed Special Use Permit amendment on the character of the district surrounding the property.**

The area surrounding Spring Hill Farm in south Ivy consists of residential lots varying from 2 to 32 acres in size, with a number of larger properties. The proposed two additional lots as revised will contain 64.52 acres (Lot 1) and 28.77 acres (Lot 2). As such, the size and use of the two new parcels are consistent with the other residential parcels in the area and therefore will not affect the character of the district surrounding the property.

### **3. Harmony with the uses permitted by right in the district.**

The Albemarle County Zoning Ordinance allows detached single family dwellings on parcels with a minimum 21 acres in size by right in the Rural Area zoning district. Since both of the proposed lots exceed 21 acres in size, the proposed use is in harmony with the uses permitted by right under the Zoning Ordinance.

### **4. Harmony with the purpose and intent of the Zoning Ordinance.**

The Rural Area designation in the Zoning Ordinance allows “by-right” subdivision of property into parcels with a minimum size of 21 acres. Both of the proposed subdivided lots exceed the 21 acre minimum size, and so are consistent with the standard set forth in the Zoning Ordinance. The area on Lot 1 that is currently in agricultural use will remain in agricultural or open space use. The forested areas of Lots 1 and 2 will be eligible to

remain in forestal use, and it is expected that the owners of those lots will elect to continue such forestal use in order to benefit from land use taxation.

Ivy Creek, which crosses the proposed Lot 1, and the Ivy Creek stream tributaries located on Lots 1 and 2 will be protected by riparian buffer easements in accordance with the standards adopted by the Thomas Jefferson Soil and Water Conservation District. Both Lots 1 and 2 will be restricted from being further subdivided. The 14.12 acre Conservation Area A shown on the Plat will be also be restricted from being subdivided into additional building lots, and will be permanently restricted to forestal or open space use. In addition, a 21.78 acre portion of Lots 1 and 2 designated as Conservation Area B on the Plat will be set aside for conservation, to permanently remain in forestal or open space use with no buildings or other structures permitted to be built.

**5. Additional regulations provided in Section 5.0 of the Zoning Ordinance which apply to the proposed use.**

None.

**6. Promotion of the public health, safety and general welfare of the community.**

From a public health standpoint, the most significant aspect will be the imposition of permanent stream protection buffer easements on Ivy Creek and the Ivy Creek stream tributaries located on the property in accordance with the standards adopted by the Thomas Jefferson Soil and Water Conservation District. These riparian easements will add significant protection of the water quality of the Ivy Creek Reservoir.

From a public safety standpoint, the proposed use is consistent with the goal of encouraging vehicular traffic on existing major arterial roads as opposed to substandard or gravel rural roads. The proposed use will add two additional residential lots to the Spring Hill Farm property which are in close proximity to State Route 637 and to the Ivy exit of Interstate 64.

From a public welfare standpoint, the proposed use will involve construction of residences in an already heavily developed residential area of Albemarle County close to the City of Charlottesville. This will serve to reduce vehicular air pollution as compared to locating new residences at significantly farther distances from Charlottesville and the University of Virginia. In addition, the proposed location of the two Lot 1 and Lot 2 residences significantly set back from the road as well as the restriction of further subdivision of, or building on, Conservation Area B, will preserve the rural scenic character of the area as seen from Dick Woods Road.

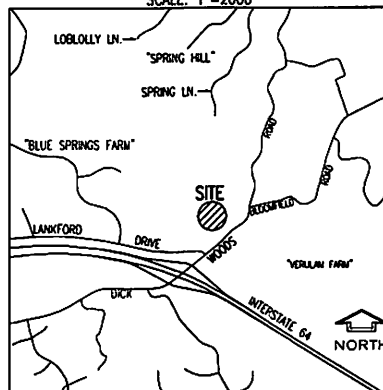
## NOTES

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THEREFORE DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES, COVENANTS, UTILITIES, AND EASEMENTS THAT MAY EXIST. ALL RECORDED EASEMENTS KNOWN TO THIS SURVEYOR ARE SHOWN HEREON.
2. THIS PLAT AND THE CURRENT FIELD SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARDS AND PROCEDURES FOR LAND BOUNDARY SURVEYING" ADOPTED BY THE COMMONWEALTH OF VIRGINIA. BOUNDARY DATA SHOWN HEREON FOR TWP 58-95 IS BASED UPON A FIELD SURVEY IN DECEMBER 2010 AND A CURRENT FIELD SURVEY FOR LOTS 1 AND 2. NO GRAVES, CEMETERIES OR OTHER OBJECTS OR STRUCTURES MARKING A PLACE OF HUMAN BURIAL WERE FOUND OR OBSERVED ALONG THE PERIMETER OF THE BOUNDARY SHOWN HEREON.
3. THE LAND USE REGULATIONS LISTED HEREIN ARE IMPOSED PURSUANT TO THE ALBEMARLE COUNTY ZONING ORDINANCES IN EFFECT ON THIS DATE AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT RESTRICTIVE COVENANTS RUNNING WITH THE LAND AND THEIR APPEARANCE ON THIS PLAT IS NOT INTENDED TO IMPOSE THEM AS SUCH.
  - (A.) CURRENT ZONING: RA (RURAL AREAS).
  - (B.) BUILDING SETBACKS: FRONT - 25 FEET FROM INTERNAL PRIVATE STREETS, SIDE - 25 FEET, REAR - 35 FEET.
  - (C.) AS PER SECTION 18-10.3.1 OF THE ALBEMARLE COUNTY SUBDIVISION ORDINANCE, LOTS 1 AND 2 ARE ASSIGNED NO DIVISION RIGHTS.
  - (D.) LOTS 1 AND 2 AND THE RESIDUE OF TWP 58-95 EACH CONTAIN A BUILDING SITE THAT COMPLIES WITH SECTION 4.2.1 OF THE ALBEMARLE COUNTY ZONING ORDINANCE.
  - (E.) PROPERTIES LIE WITHIN THE IVY CREEK WATER SUPPLY WATERSHED. THE STREAM BUFFER SHOWN HEREON SHALL BE MANAGED IN ACCORDANCE WITH THE ALBEMARLE COUNTY WATER PROTECTION ORDINANCE.
  - (F.) THE RESIDENTIAL STREET SHOWN HEREON MEETS THE SEC. 14-412.A.1 STANDARD FOR PRIVATE STREETS SERVING TWO (2) LOTS. THE STREETS IN THIS SUBDIVISION MAY NOT MEET THE STANDARDS FOR ACCEPTANCE INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS AND WILL NOT BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR THE COUNTY OF ALBEMARLE.
  - (G.) PROPERTIES DO NOT LIE WITHIN AN AGRICULTURAL-FORESTAL DISTRICT.
  - (H.) PROPERTY IS SUBJECT TO REQUIREMENTS OF SP-81-01 AND SP-81-55.
4. A PORTION OF THE PROPERTY SHOWN HEREON LIES WITHIN ZONE AE (100 YEAR FLOOD PLAIN) ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP DATED FEBRUARY 4, 2005 (COMMUNITY PANEL 51003C0265D).
5. THE NON-EXCLUSIVE 30' JOINT PRIVATE ACCESS EASEMENT (FROM POINT "A" TO POINT "B") SHALL BE JOINTLY MAINTAINED BY THE OWNERS OF LOTS 1 AND 2, AND 30' PRIVATE ACCESS EASEMENT (FROM POINT "B" TO POINT "C") SHALL BE MAINTAINED BY THE OWNER OF LOTS 2 AND SHOWN ON SHEET 2 OF 2 IS CENTERED ON THE EXISTING ROADS. THE 349.13± AC. RESIDUE OF TWP 58-95 SHALL NOT HAVE ACCESS TO THE SAID PRIVATE ACCESS EASEMENTS.
6. THE BOUNDARY LINE FOLLOWS THE CENTERLINE OF THE STREAM MEANDER FROM POINT "D" TO POINT "E" TO POINT "F". PRINCIPAL COURSES AND DISTANCE ARE SHOWN HEREON.
7. THE 349.13± AC. RESIDUE FOR TWP 58-95 HAS ACCESS FROM DICK WOODS ROAD (RT. 637), IVY DEPOT ROAD (RT. 786), GRASSMERE ROAD (RT. 679), SPRING LANE, AND LOBLOLLY LANE.

### AREA TABULATION

TWP 58-95 (COUNTY GIS) = 442.42± AC.  
LOT 1 = -64.52 AC.  
LOT 2 = -28.77 AC.  
RESIDUE = 349.13± AC.

VICINITY MAP  
SCALE: 1"=2000'



### LEGEND

- DB = DEED BOOK
- IRF = IRON ROD FOUND
- = IRON ROD SET
- TMP = TAX MAP PARCEL
- = UTILITY POLE

### OWNER'S CONSENT

THE PLATTING OF LOTS 1 AND 2 BEING A PORTION OF TAX MAP 58, PARCEL 95 IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

BLUE SPRINGS LAND CORPORATION

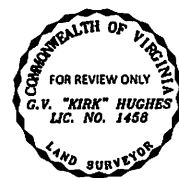
By: \_\_\_\_\_  
DIANE EDGERTON MILLER, PRESIDENT  
TAX MAP 58, PARCEL 95

### NOTARY PUBLIC

STATE OF \_\_\_\_\_  
COUNTY/CITY OF \_\_\_\_\_  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC

MY COMMISSION  
EXPIRES: \_\_\_\_\_



### PRELIMINARY SUBDIVISION PLAT

LOTS 1 & 2

BEING A DIVISION OF  
TAX MAP 58, PARCEL 95  
THE LANDS OF  
BLUE SPRINGS LAND CORPORATION

LOCATED NEAR IVY  
SAMUEL MILLER MAGISTERIAL DISTRICT  
ALBEMARLE COUNTY, VIRGINIA  
JUNE 14, 2022, REV. 12-21-22, REV. 1-6-2023

PREPARED FOR: BLUE SPRINGS LAND CORPORATION

KIRK HUGHES & ASSOCIATES  
LAND SURVEYORS & PLANNERS  
220 EAST HIGH STREET  
CHARLOTTESVILLE, VA 22902  
(434) 296-6942

### TITLE SOURCE

TWP 58-95  
BLUE SPRINGS LAND CORPORATION  
"SPRING HILL FARM"  
DB 1333-192  
DB 693-26 PLAT

ADDRESS: POST OFFICE BOX 1285  
CHARLOTTESVILLE, VA 22902

### ALBEMARLE COUNTY APPROVAL

ALBEMARLE COUNTY BOARD OF SUPERVISORS  
DESIGNATED AGENT  
SUB202200122



