

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

- ☐ Request for a waiver, modification, variation or substitution permitted by Chapter 18 = \$457
- ☒ Variation to a previously approved Planned Development rezoning application plan or Code of Development = \$457

OR

- ☐ Relief from a condition of approval = \$457

Provide the following

- ☐ 3 copies of a written request specifying the section or sections being requested to be waived, modified, varied or substituted, and any other exhibit documents stating the reasons for the request and addressing the applicable findings of the section authorized to be waived, modified, varied or substituted.

- ☒ 3 copies of the existing approved plan illustrating the area where the change is requested or the applicable section(s) or the Code of Development. Provide a graphic representation of the requested change.
- ☒ 1 copy of a written request specifying the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation.

Project Name : _____ Belvedere

Current Assigned Application Number (SDP, SP or ZMA) ZMA 200400007

Tax map and parcel(s): _____ 60-160, 62-A3-1

Applicant / Contact Person _____ Don Franco; Roudabush, Gale, & Assoc. Inc.

Address _____ 914 Monticello Rd _____ City _____ Charlottesville _____ State _____ VA _____ Zip _____ 22902

Daytime Phone# (434) 977-0205 Fax# (_____) _____ Email _____ dfranco@roudabush.com

Owner of Record _____ New Belevedere Inc. (61-160); Belvedere Land Holdings, LLC (62-A3-1)

Address _____ 610 Rio Rd W _____ City _____ Charlottesville _____ State _____ VA _____ Zip _____ 22901

Daytime Phone# (434) 242-6122 Fax# (_____) _____ Email _____ skhron@resortcompanies.com

County of Albemarle
Community Development

401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126

APPLICATION FOR A SPECIAL EXCEPTION

APPLICATION SIGNATURE PAGES

**VERIFICATION OF THE SIGNATURE ON THE NEXT PAGE MUST HAPPEN
BEFORE THE APPLICATION MAY BE DEEMED COMPLETE**

If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, an LLC, a corporation, a partnership or association, or a trust, then a document acceptable to the County must be submitted with this application certifying that the person signing has the authority to do so.

If the applicant is a contract purchaser, a document acceptable to the County must be submitted containing the owner's written consent to the application and must include any applicable documents authorizing that person to provide consent.

If the applicant is the agent of the owner, a document acceptable to the County must be submitted that is evidence of the existence and scope of the agency. Please attach the owner's written consent.

One (1) copy of the applicable ownership information.

CHECK AS APPLICABLE	OWNERSHIP OF THE PROPERTY IS A	DOCUMENT TO BE PROVIDED FOR THIS APPLICATION
<input checked="" type="checkbox"/>	Limited liability company ("LLC")	The articles of organization and when the power is delegated to someone other than a manager or a member, also the operating agreement.
<input checked="" type="checkbox"/>	Stock & Nonstock corporation	
<input type="checkbox"/>	for a board of directors	Stock - the articles of incorporation or a shareholders agreement may limit the board's statutory authority. Nonstock - the articles of incorporation and the by-laws, the latter of which may include a member or director agreement, may limit the board's statutory authority
<input checked="" type="checkbox"/>	for a person expressly authorized by the board of directors	written evidence of that authorization such as a board resolution or board minutes
<input type="checkbox"/>	for a committee	an action of the board of directors authorizing the committee to act; the articles of incorporation or the by-laws may limit the statutory authority
<input type="checkbox"/>	for a corporate officer	the by-laws or the delegating resolution of the board of directors.
<input type="checkbox"/>	Partnership	The statement of partnership authority, which may limit the authority of one or more partners.
<input type="checkbox"/>	Limited partnership	The partnership agreement, or amendments thereto, which may limit the authority of one or more general partners.
<input type="checkbox"/>	Incorporated & Unincorporated church and other religious body	(1) for trustees, an authorizing court order (2) for the corporation holding title, the appropriate corporate documents (2) for a bishop, minister or ecclesiastical officer, the laws, rules or ecclesiastical polity of the entity that authorizes the person to hold, improve, mortgage, sell and convey the property.
<input type="checkbox"/>	Land trust	The deed of conveyance to the trustees and the trust instrument

See Attachment A in the Land Use Law Handbook for a complete list of Authorized Signatories for Land Use Applications

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

APPLICATION SIGNATURE PAGE

If the person signing the application is someone other than the owner of record, then a signed copy of the "CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER" form must be provided in addition to the signing the application below. (page 3)

Owner/Applicant Must Read and Sign

By signing this application, I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner of the subject parcel(s) listed in County Records. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge. By signing this application, I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

New Belvedere Inc
by [Signature]
Signature of Owner / Agent / Contract Purchaser

6/13/2019
Date

Steven C Krohn
Print Name

434 242 6122
434-220-7701
Daytime phone number of Signatory

FOR OFFICE USE ONLY APPLICATION# _____ Fee Amount \$ _____ Date Paid _____

By who? _____ Receipt # _____ Clk# _____ By _____



LAND SURVEYING
ENGINEERING
LAND PLANNING

JIM F. TAGGART, P.E.
DON FRANCO, P.E.
DAVID M. ROBINSON, P.E.
AMMY M. GEORGE, L.S.

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Serving Virginia Since 1956

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FAX (434) 296-5220

WILLIAM J. LUDBETTER, L.S.
BRIAN D. JAMISON, L.S.
DAVID A. JORDAN, L.S.
KRISTOPHER C. WINTERS, L.S.



June 12, 2019

Mr. Bart Svoboda
Zoning Administrator
Albemarle County Department of Community Development
401 McIntire Road
Charlottesville, VA 22902

RE: Belvedere Special Exception Variance
Block 9 Preservation Strip

Dear Bart:

This special exception request was designed to address several existing development issues in Block 9, Section IIA. First and foremost, the original plat for this section, recorded 2/13/2015 did not address the future extension of the sanitary sewer through Lot 196. In working with the lot owner to address his concerns, a number of additional requirements (i.e., extension of their property line and construction of retaining walls immediately adjacent to an ACSA easement) became necessary. After reviewing the various issues and existing development constraints, we propose to change the designated preservation area behind lots 196 through 201 to a combination of open space, common area and lots. We also propose to clarify how the metrics in Table 4 shall be applied.

As part of the original Code of Development, the developer designated various greenspaces as either preservation, conservation or open space. Preservation areas were provided at the perimeter of the development to provide an undisturbed buffer between Belvedere and adjacent residential units. Conservation areas were established as buffers to help protect important design elements and specific open spaces. Finally, other greenspaces designated open spaces and some recreational amenities. The preservation area of interest was placed along the southeastern edge of Phase IIA to provide an undisturbed buffer to an adjacent undeveloped parcel, the Adams Tract and residential lots in the Dunlora Subdivision. Since that time, the Adams parcel has been purchased by the developer and is being developed as part of Belvedere. As such, the preservation area is no longer required.

In addition to addressing the design oversight mentioned above, our proposed solution will allow for a more comprehensive design. The low-lying area between the two internal neighborhoods is a natural place to waste excess cut and topsoil. This ultimately creates more usable open spaces and more level backyards. If the preservation area is maintained, future development will likely require export of excess cut, stressing internal and external roads, and create a preservation bound by retaining walls on both sides. I've attached two exhibits which explain our request. The first exhibit shows the preservation area we are discussing. The second shows how it facilitates future development.

Our request also includes amendment of the Table 4 Green Space Tabulation and Variation #13's table augmenting and clarifying open space. Specifically, Table 4 is amended to show the preservation strip shifting to other green space and to note that the

"Performance metrics in this table are 83.88 acres of total green space and general placement of preservation and conservation areas. The individual acreages of individual preservation, conservation and other green spaces are estimates and may vary by block as long as the intent of the individual space is achieved."

We believe that these modifications further clarify the intent of the Table and Code of Development and provide the necessary flexibility to continue developing without numerous minor variances and without effecting the general development plan.

Please do not hesitate to contact me with your questions and concerns.

Sincerely,



Don Franco, PE
Roudabush, Gale and Associates
914 Monticello Road
Charlottesville, VA 22902

ROUDABUSH, GALE & ASSOCIATES, INC.
ENGINEERS, SURVEYORS AND LAND PLANNERS
SERVING VIRGINIA SINCE 1958

914 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902
PHONE 434-977-0205 FAX 434-296-5220
EMAIL INFO@ROUDABUSH.COM

DATE: 06-10-2019
REV.: 08-01-2019
JOB: 8438
FILE: 8438

SCALE: 1"=100'

BELVEDERE APPLICATION PLAN
VARIATION # 60
BLOCK 9
PRESERVATION AREA
ALBEMARLE COUNTY, VA

SHEET: **03** OF 02

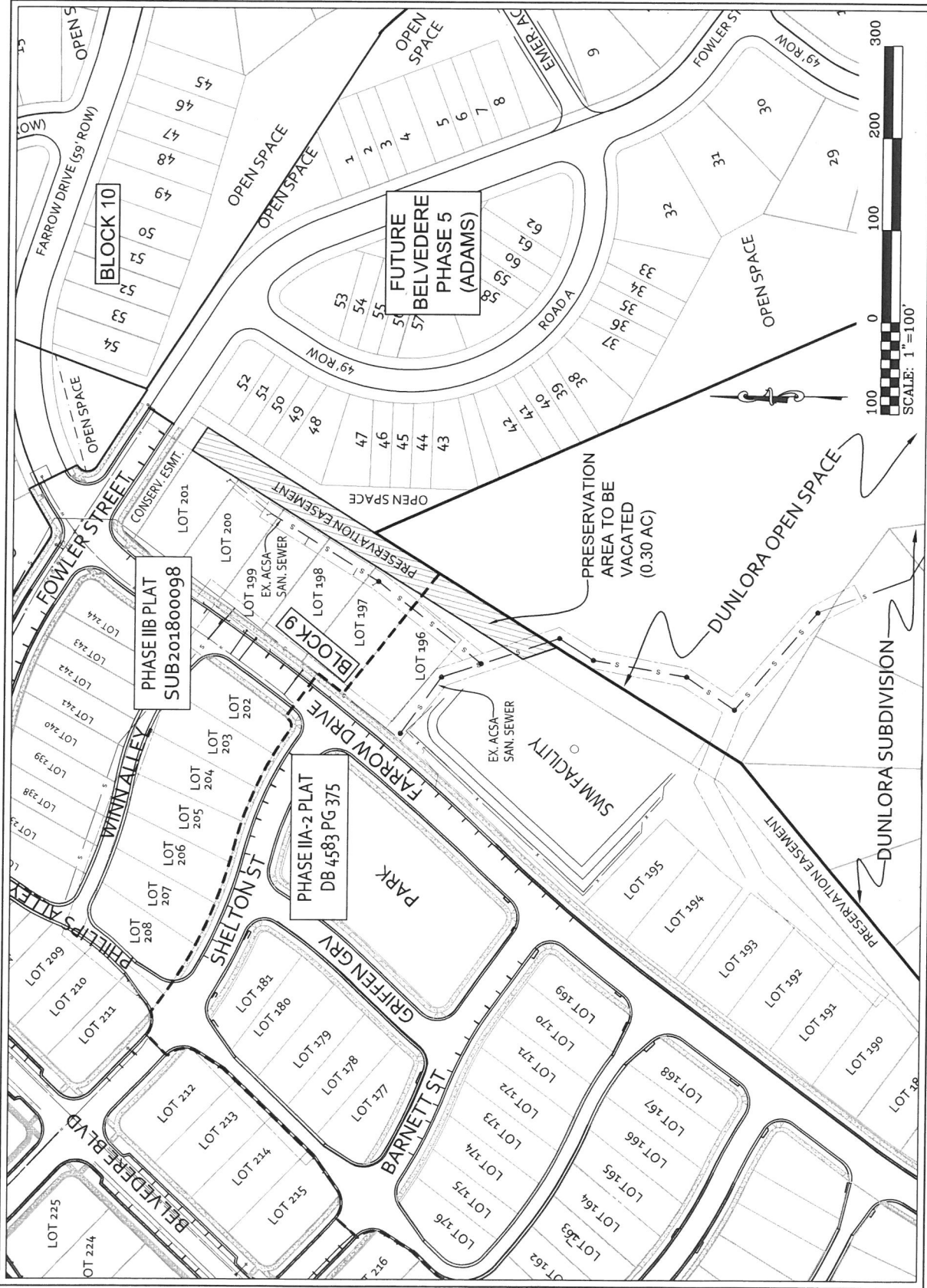


TABLE 4 GREEN SPACE TABULATION (Adjusted per Variation #60)

PARK OR GREEN SPACE	BLOCK LOCATION	CONSERVATION AREA (AC)	PRESERVATION AREA (AC)	OTHER GREEN SPACE (AC)	
PARK A	1	2.3*			
BLOCK 1	1			0.4	
OPEN SPACE BLOCK 2	1 & 2		1.2*	5.0*	
BLOCK 2, COMMONS AND GREENWAY	2			0.7*	
BLOCK 3 OPEN SPACE INCLUDING SWM #3	3			4.22	
SWM #4	3			0.48	
VILLAGE GREEN	4			1.4*	
Roundabout #2 corner pocket parks	4			1.2*	
PARK E	5			0.53*	
LINEAR PARK F	6			4.12*	
PARK G	7			0.75*	
PARK H	8			0.2*	
OPEN SPACE BLOCK 9	9	0.73	1.2	1.76*	
BLOCK 9 PRESERVATION EASEMENT	9	0.09	0.5	0.3	
LINEAR PARK J	9 & 10	5.35*			
OPEN SPACE BLOCK 10	10	3.51*	4.59		
LINEAR PARK K	10			0.8*	
PARK L	10			0.5*	
PARK M	10			0.2*	
RIVANNA RIVER BOTTOMLAND	10	41.85*			
TOTAL		53.83 Acres	7.49 Acres	22.56 Acres	83.88 Acres Total Green Space or 40% of Site