

**COUNTY OF ALBEMARLE****APPLICATION FOR A SPECIAL EXCEPTION**

☒ Request for a waiver, modification, variation or substitution permitted by Chapter 18

☐ Variation to a previously approved Planned Development rezoning application plan or Code of Development

OR

☐ Relief from a condition of approval

**Provide the following**

- 1 copy 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.

**Provide the following**

- 1 copy 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.

**FEE = 523.12**

**Application \$503 + Technology surcharge \$20.12**

**Project Name :** DS Tavern

**Current Assigned Application Number (HS, HO, CLE, SDP, SP or ZMA)** \_\_\_\_\_

**Tax map and parcel(s):** 59-15A

**Applicant / Contact Person** Eric Woolley, PE

**Address** 210 5th Street NE **City** Charlottesville **State** VA **Zip** 22902

**Daytime Phone#** ( 434 ) 973-0045 **Fax#** ( \_\_\_\_\_ ) **Email** ewoolley@woolley-eng.com

**Owner of Record** Ivy Road RE, LLC

**Address** 800 E Canal Street Ste 1900 **City** Richmond **State** VA **Zip** 23219

**Daytime Phone#** ( \_\_\_\_\_ ) **Fax#** ( \_\_\_\_\_ ) **Email** \_\_\_\_\_

County of Albemarle  
Community Development Department  
401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126

**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.

4/4/21  
Signature of Owner / Agent / Contract Purchaser

4/16/2021  
Date

JANET ARZT  
Print Name

\_\_\_\_\_  
Daytime phone number of Signatory

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

By who? \_\_\_\_\_ Receipt # \_\_\_\_\_ Ck# \_\_\_\_\_ By \_\_\_\_\_

**COUNTY OF ALBEMARLE****APPLICATION FOR A SPECIAL EXCEPTION****CERTIFICATION THAT NOTICE OF THE  
APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER**

*This form must accompany this zoning application if the application is not signed by the owner of the property.*

I certify that notice of the application for, \_\_\_\_\_  
[Name of the application type & if known the assigned application #]

was provided to \_\_\_\_\_  
[Name(s) of the record owners of the parcel]

the owner of record of Tax Map and Parcel Number \_\_\_\_\_

by delivering a copy of the application in the manner identified below:

☐ Hand delivery of a copy of the application to \_\_\_\_\_  
[Name of the record owner if the record owner is a person; if  
the owner of record is an entity, identify the recipient of the  
record and the recipient's title or office for that entity]

on \_\_\_\_\_  
Date

☐ Mailing a copy of the application to \_\_\_\_\_  
[Name of the record owner if the record owner is a person; if  
the owner of record is an entity, identify the recipient of the  
record and the recipient's title or office for that entity]

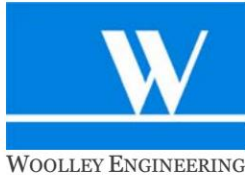
on \_\_\_\_\_ to the following address \_\_\_\_\_  
Date

[Address; written notice mailed to the owner at the  
last known address of the owner as shown on the  
current real estate tax assessment books or current real  
estate tax assessment records satisfies this  
requirement].

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Applicant Name

\_\_\_\_\_  
Date



April 11, 2022

## MEMORANDUM

To: Mr. Kevin McCollum, Senior Planner  
County of Albemarle, Virginia

From: Mr. Eric Woolley, PE  
Woolley Engineering

Regarding: **DS Tavern (TM 59 P 15A)**  
Special Exception Narrative

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We request a special exception for a waiver to Albemarle County Code Section 18 for disturbance to the use buffer for the purpose of installing necessary underground utilities. The 1.98 acre parcel is located at 3449 Ivy Road in Albemarle County and is located in the Samuel Miller magisterial district. The site is home to the DS Tavern that was built in 1740 and is currently included in the National Register of Historic Places.

### **Special Exception Waiver for Disturbing the Use Buffer Required by County Code Chapter 18, Section 21.7 for the Purpose of Installing Utilities**

#### **Sec. 21.7 - Minimum yard requirements.**

The minimum yard requirements in the commercial districts are as follows:

- c. *Use buffer adjacent to residential and rural areas districts.* For the purpose of this subsection, a use buffer shall not be required when a commercial zone is across a street from a residential or rural area district. No construction activity including grading or clearing of vegetation shall occur closer than 20 feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the use buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored.

The DS Tavern project site has a primary zoning of Commercial (C1) which requires a use buffer when adjacent to Residential and Rural Areas (RA) districts as defined in County Code Chapter 18, Section 21.7. This use buffer does not allow for any grading or clearing of vegetation without a special exception. A special exception for disturbance of this buffer would allow for three necessary improvements:

1. A new septic conveyance line running through the use buffer and leading to a new drain field that is not located within the buffer,
2. Burial for an underground propane tank located partially within the use buffer,
3. Maintenance and improvements to the existing stormwater conveyance channel located wholly within the use buffer.



An extensive soil survey has been performed on the site and there is only one location suitable for a new septic drain field. In order to access this drain field location, we have carefully aligned the underground conveyance piping to avoid existing critical slopes, minimize disturbance within the existing stream buffer. There will ultimately be no visual impact to the use buffer after installation of the septic conveyance piping is complete.

Burial of the proposed propane tank will help preserve the historical character of the site. There is currently no vegetation in the location for the proposed buried propane tank. This improvement will have practically no visual impact to the use buffer.

The improvements we are proposing to the existing stormwater conveyance channel will reduce the impacts of scour and erosion. The existing screening landscape located between the channel and the neighboring property would not be disturbed and will remain in place. All disturbed areas will be restored to their current condition or better upon completion of the proposed improvements.

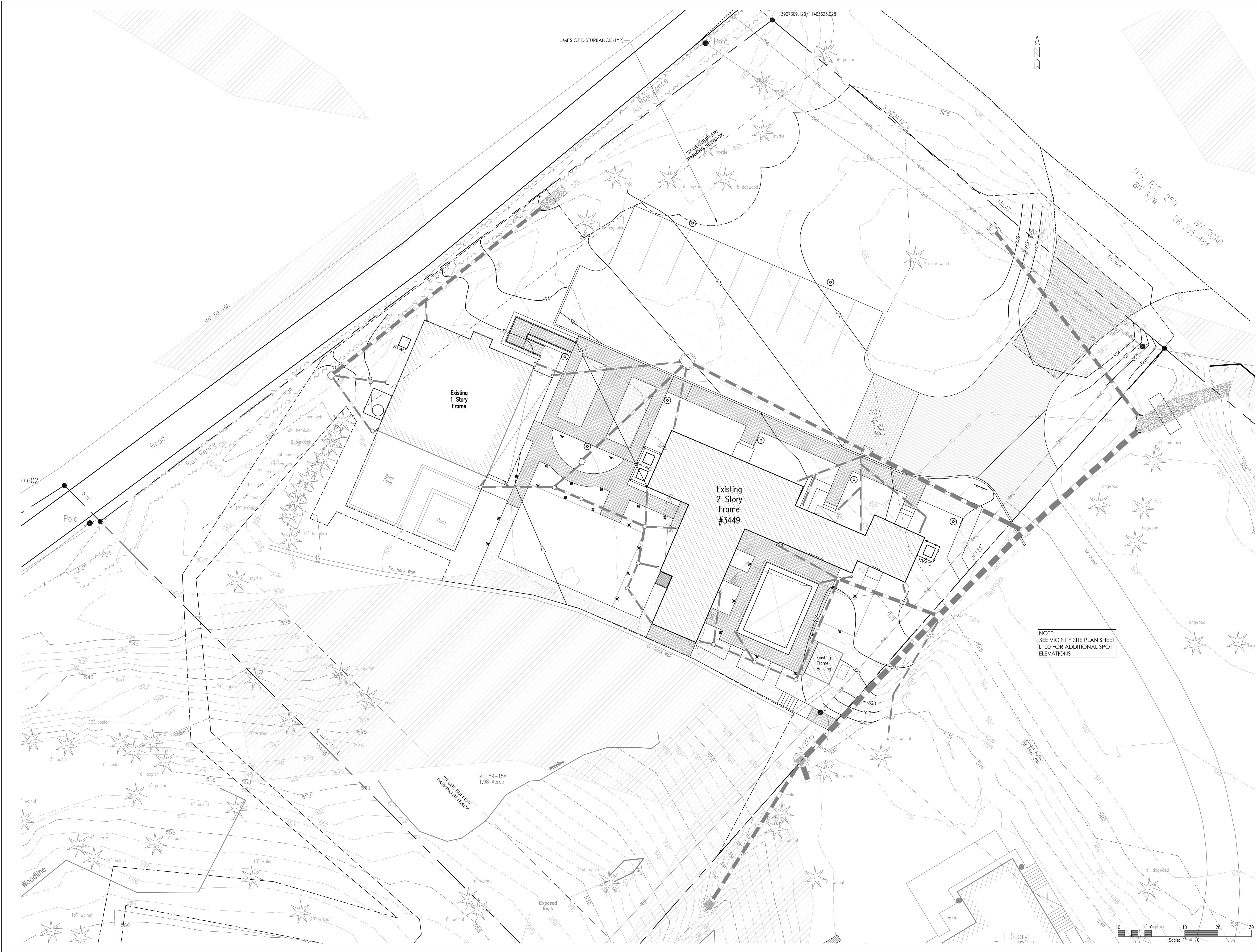
I hope that this narrative, in combination with the attached site plan sheets have provided adequate information to grant the above listed special exception. Please do not hesitate to call with any questions or concerns. Thank you for your time and consideration.

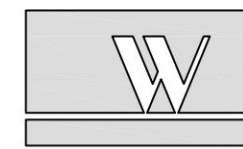
Sincerely,

Eric Woolley, PE

Attached: (1) Electronic PDF copy of Select DS Tavern Site Plan Sheets

Cc: Michael Matthews, Matthews Development Company  
Natalie LaRoe, Matthews Development Company





WOOLLEY ENGINEERING  
Consulting Civil Engineers  
210 5th Street NE  
Charlottesville - Virginia 22902  
(540) 975-0445  
www.Woolley-Eng.com

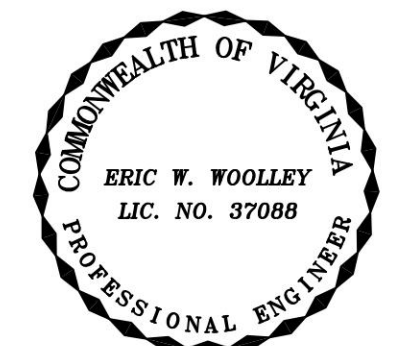
Owner:  
Ivy Road RE LLC  
800 E Canal Street  
Ste 1900  
Richmond, Virginia  
23219  
Landscape Architect:  
Anhold Associates  
8311 Rockfish Gap Turnpike  
Greenwood, VA 22943  
434.882.3420  
anholdla.com

WPO/VSMF  
PLAN  
AMENDMENT

DS TAVERN  
WPO/VSMF Plan Amendment  
COUNTY OF ALBEMARLE, VIRGINIA

SITE  
UTILITIES  
PLAN

Job Number:  
22010



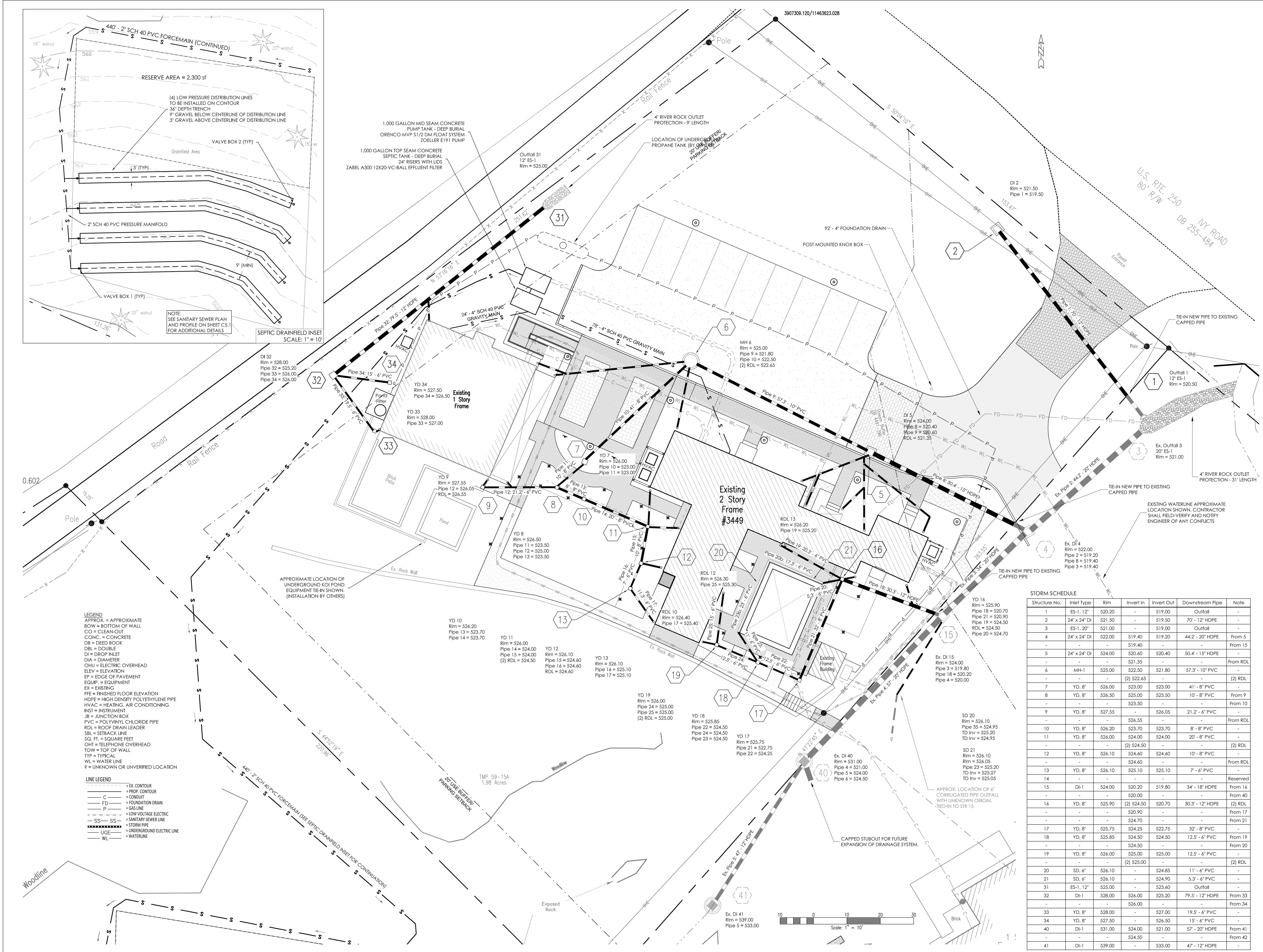
Date:  
April 8, 2022

Revision:

Scale:  
1" = 10'

Sheet No.:

C5.0



- LEGEND
- APPROX = APPROXIMATE
  - BOW = BOTTOM OF WALL
  - CO = CLEAN-OUT
  - CONC. = CONCRETE
  - DB = DEED BOOK
  - DBL = DOUBLE
  - DI = DROP INLET
  - DIA = DIAMETER
  - OHU = ELECTRIC OVERHEAD
  - ELEV = ELEVATION
  - EP = EDGE OF PAVEMENT
  - EQUIP. = EQUIPMENT
  - EX = EXISTING
  - FFE = FINISHED FLOOR ELEVATION
  - HDPE = HIGH DENSITY POLYETHYLENE PIPE
  - HVAC = HEATING, AIR CONDITIONING
  - INST = INSTRUMENT
  - JB = JUNCTION BOX
  - PVC = POLYVINYL CHLORIDE PIPE
  - RDL = ROOF DRAIN LEADER
  - SBL = SETBACK LINE
  - SQ. FT. = SQUARE FEET
  - OHT = TELEPHONE OVERHEAD
  - TOW = TOP OF WALL
  - TP = TYPICAL
  - WL = WATER LINE
  - ? = UNKNOWN OR UNVERIFIED LOCATION
- LINE LEGEND
- - - = EX. CONTOUR
  - - - = PROP. CONTOUR
  - - - = CONDUIT
  - - - = FOUNDATION DRAIN
  - - - = GAS LINE
  - - - = LOW VOLTAGE ELECTRIC
  - - - = SANITARY SEWER LINE
  - - - = STORM PIPE
  - - - = UNDERGROUND ELECTRIC LINE
  - - - = WATERLINE

STORM SCHEDULE						
Structure No.	Inlet Type	Rim	Invert In	Invert Out	Downstream Pipe	Note
1	ES-1, 12"	520.20	-	519.00	Outfall	-
2	24" x 24" DI	521.50	-	519.50	70' - 12" HDPE	-
3	ES-1, 20"	521.00	-	519.00	Outfall	-
4	24" x 24" DI	522.00	519.40	519.20	44.2' - 20" HDPE	From 5
5	-	-	519.40	-	-	From 15
6	24" x 24" DI	524.00	520.60	520.40	50.4' - 15" HDPE	-
7	-	-	521.35	-	-	From RDL
8	YD, 8"	526.00	523.00	523.00	41' - 8" PVC	-
9	YD, 8"	526.50	525.00	523.50	10' - 8" PVC	From 9
10	-	-	523.50	-	-	From 10
11	YD, 8"	527.55	526.05	526.05	21.2' - 6" PVC	-
12	-	-	526.55	-	-	From RDL
13	YD, 8"	526.20	523.70	523.70	8' - 8" PVC	-
14	YD, 8"	526.00	524.00	524.00	20' - 8" PVC	-
15	-	-	524.50	-	-	(2) RDL
16	YD, 8"	526.10	524.60	524.60	10' - 8" PVC	-
17	-	-	524.60	-	-	From RDL
18	YD, 8"	526.10	525.10	525.10	7' - 6" PVC	-
19	-	-	525.10	-	-	Reserved
20	DI-1	524.00	520.20	519.80	34' - 18" HDPE	From 16
21	-	-	520.00	-	-	From 40
22	YD, 8"	525.90	524.50	520.70	30.3' - 12" HDPE	(2) RDL
23	-	-	520.90	-	-	From 17
24	-	-	524.70	-	-	From 21
25	YD, 8"	525.75	524.25	522.75	32' - 8" PVC	-
26	YD, 8"	525.85	524.50	524.50	12.5' - 6" PVC	From 19
27	-	-	524.50	-	-	From 20
28	YD, 8"	526.00	525.00	525.00	12.5' - 6" PVC	-
29	-	-	525.00	-	-	(2) RDL
30	SD, 6"	526.10	-	524.85	11' - 6" PVC	-
31	SD, 6"	526.10	-	524.90	5.3' - 6" PVC	-
32	ES-1, 12"	525.00	-	523.60	Outfall	-
33	DI-1	528.00	526.00	525.20	79.5' - 12" HDPE	From 33
34	-	-	526.00	-	-	From 34
35	YD, 8"	528.00	-	527.00	19.5' - 6" PVC	-
36	YD, 8"	527.50	-	526.50	15' - 6" PVC	-
37	DI-1	531.00	524.00	521.00	57' - 20" HDPE	From 41
38	-	-	524.50	-	-	From 42
39	DI-1	539.00	-	533.00	47' - 12" HDPE	-