

**RESOLUTION TO DENY SE 2025-00040
528 CLARKS TRACT**

WHEREAS, upon consideration of the staff reports prepared for SE2025-00040 Clarks Tract and the attachments thereto, including staff's supporting analysis, any comments received, the applicant's request, the determination of the County Engineer, and all relevant factors in Albemarle County Code §§ 18-4.2.5(a)(3) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed waiver:

1. Would be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties;
2. Would be contrary to sound engineering practices;
3. Strict application of the requirements of County Code §18-4.2 forward the purposes of this chapter or otherwise serve the public health, safety or welfare;
4. Alternatives proposed by the applicant do not satisfy the intent and purposes of County Code § 18- 4.2 to at least an equivalent degree;
5. The property is not of an unusual size, topography, shape, location or other conditions that would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; and
6. Granting the modification or waiver would not serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby denies the special exception to waive the requirement of County Code § 18-4.2.1 that structures and improvements must be located within a building site on parcel 08100-00-00-011A3.

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 June 3, 2026.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Gallaway	_____	_____
Ms. Duncan	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Mr. Missel	_____	_____
Mr. Pruitt	_____	_____