

**Albemarle County Planning Commission
Final Regular Meeting Minutes January 24, 2023**

The Albemarle County Planning Commission held a public hearing on Tuesday, January 24, 2023, at 6:00 p.m.

Members attending were: Fred Missel, Vice-Chair; Julian Bivins; Luis Carrazana; Karen Firehock; Lonnie Murray

Members absent: Corey Clayborne, Chair

Other officials present were: Kevin McDermott, Director of Planning; Andy Herrick, County Attorney's Office; David Benish; Kevin McCollum; Rebecca Ragdale; Alberic Karina-Plun; and Carolyn Shaffer, Clerk to the Planning Commission.

Ms. Shaffer was present electronically via Zoom call.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Matters Not Listed on the Agenda

Mr. Missel said that this item was for matters not currently scheduled for a public hearing, so if there was anything that was not on the public agenda for this evening that a member of the public would wish to speak to, now would be the time.

Ms. Shaffer said that there was no one signed up remotely.

Mr. Missel said that he would move to the next item.

Consent Agenda

Mr. Missel asked if any Commissioner wished to pull an item from the consent agenda.

Ms. Firehock moved that the Planning Commission adopt the consent agenda, which was seconded by Mr. Carrazana. The motion passed unanimously (5-0). Mr. Clayborne was absent from the vote.

Public Hearings

SP202200028 Gobblers Ridge Development Right

Ms. Rebecca Ragsdale said that she was with the Albemarle County Planning Division. She stated that the property was 4.82 acres in size, located along Route 53 or the Thomas Jefferson Parkway. She said that it included two existing parcels, one at the corner of 53, and Gobblers Ridge went across the existing parcel and back to serve the other lots. She displayed on the

screen an aerial map that showed the two existing dwellings on the west and east sides of the existing Gobblers Ridge.

Ms. Ragsdale displayed an existing physical survey of the parcel. She said that the subdivision history was outlined in the staff report that led them to this point, which included an error in the number of development rights assigned to this parcel. She said that although there were two existing dwellings on this 4.82-acre parcel, the development rights note that said that it had two development rights, which was a figure relied on by the current property owner, was incorrect.

Ms. Ragsdale said that there was some subdivision history that included the parent parcel 36 that led to the current configuration of 36-E. She said that this special use permit request would grant the additional development right for the existing dwellings so that there was potential to subdivide in the future, and without the development right, the County could not create further nonconforming situations.

Ms. Ragsdale said that the special use permit was analyzed against the typical criteria, but it was something not seen often in terms of the existing conditions. She said that they did not see any impacts or detriment needed to address with recommended additions of approval, and if they chose to subdivide in the future, then the regulations in the subdivision ordinance would be applicable. She said that the character would not change, and it would correct the prior error. She said that they typically did not support additional development rights in the rural areas, but this was a unique circumstance, so staff recommended approval of this item without any necessary conditions.

Mr. Murray said that he assumed the mistakes that were made would not happen again today.

Ms. Ragsdale said that yes, there were additional measures in place, and they were careful in development notes and parcel research before approving plats.

Ms. Firehock clarified that the County made a mistake and represented that mistake to the landowner, who made various decisions based on that mistake, so they were trying to rectify that mistake, so it was not a nonconforming situation.

Ms. Ragsdale stated that licensed land surveyors prepared the plats, so there was responsibility there, and the County approved the plat with the note containing the incorrect development plats, which was how the lot of record had that note on it today.

Mr. Bivins asked to see the map of the plat. He said that he had difficulty understanding exactly what was being done to what piece of property.

Ms. Ragsdale said that the existing conditions survey of the plat did not include a proposed lot configuration, yet they had not submitted the proposed plat.

Mr. Bivins asked if staff would expect that at a future time, there would be another home there.

Ms. Ragsdale said that there would not be any additional dwellings.

Mr. Bivins asked if the area located at the bottom of the slide would be its own plat.

Ms. Ragsdale indicated on the slide the two existing dwellings and said that the lots would be configured to meet the minimum of two-acre lots, and the drain field and well would have to be located on the same parcel as the dwelling. She said that with Gobblers Ridge would potentially bisect some of those properties.

Mr. Bivins clarified that the correction requested this evening was not enabling a new dwelling to be built and were not dealing with the adjacent properties.

Ms. Ragsdale said that was correct. She said that the bolded line on the slide outlined the current configuration, which was shaped in a way that went down toward the other parcel, 36-E1.

Mr. Bivins asked if Gobblers Ridge would become a boundary line for the second property.

Ms. Ragsdale said not necessarily.

Mr. Bivins asked if that was because it had not been developed yet.

Ms. Ragsdale said that there was nothing preventing an access easement from bisecting a property as it did now, but there was a way to configure it and comply with the subdivision ordinance where a portion would not still cross a lot because of where the drain fields were located.

Mr. Bivins said that they were not seeing any mention of what they proposed for a subdivision right now.

Ms. Ragsdale said that they were seeing the existing conditions. She said that the word “proposal” may create confusion.

Mr. Bivins said that he had been trying to understand what the proposal itself was.

Ms. Ragsdale clarified that the proposal was to grant the additional development right needed to work toward compliance.

Mr. Bivins asked if the map was of what the parcel looked like today.

Ms. Ragsdale said yes.

Mr. Bivins asked if this information came before the proposal.

Ms. Ragsdale said yes.

Mr. Carrazana said that it was a proposal for a subdivision right, but they did not have the actual subdivision.

Mr. Bivins confirmed this.

Mr. Clayton Poffenberger said that he resided at 4484 Watts Passage, Charlottesville, Virginia. He said that the proposal was to try to regain the additional development right that was thought to be on the plat upon purchase. He said that there were two separate dwellings on two separate parcels until 1991. He said that they did the due diligence, and the plat in 2003 that two

development rights remained, and they went forward with that information. He said that when they purchased the property, the dwellings existed there and nothing much had changed.

Mr. Poffenberger said that in regard to some of the Commissioners' questions, they did not necessarily include the proposed vision but were trying to regain the development right in order to have the future opportunity to propose a subdivision if they chose to do so. He said that there would be no additional dwellings allowed per the County's rule because there should be two development rights for the two houses. He said that they were trying to bring the paperwork up to what it was. He said that he could give the Commission more information to better understand this issue.

Mr. Missel asked if there were any questions from Commissioners. Hearing none, he asked if there were any comments from the public.

Ms. Shaffer said that there was no one signed up online to speak.

Mr. Missel closed the public hearing and brought the item before the Commission for discussion.

Mr. Missel moved to recommend approval of SP202200028 to grant one additional development right for the reasons stated in the staff report. Ms. Firehock seconded the motion.

Mr. Bivins said that it was interesting to see the Thomas Jefferson Parkway continued on the other side of the house. He said that it probably helped when selling the house to say it was located so nearby.

The motion passed unanimously (5-0). Mr. Clayborne was absent from the vote.

Adjournment

At 8:15 p.m., the Commission adjourned to February 14, 2023, Albemarle County Planning Commission meeting, 6:00 p.m. in Lane Auditorium.



Kevin McDermott, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 02/14/2023
Initials: CSS