

FOR OFFICE USE ONLY ZTA #

2015-00013

Fee Amount \$ 1000.00 Date Paid 9/22/15 By who? Clifton-The Country Inn Receipt # 101528 Ck# 4322

Application for Zoning Text Amendment



Before the completion of this application, a preliminary conference should be held with Planning Staff & Zoning Administrator.
A copy of the review schedule will be provided.

☐ Zoning Text Amendment = \$1000

To be paid after staff review for public notice:

Most applications for a Zoning Text Amendment require at least one public hearing by the Planning Commission and one public hearing by the Board of Supervisors. Virginia State Code requires that notice for public hearings be made by publishing a legal advertisement in the newspaper. Therefore, at least two fees for public notice are required before a Zoning Text Amendment may be heard by the Board of Supervisors. The total fee for public notice will be provided to the applicant after the final cost is determined and must be paid before the application is heard by a public body.

Contact Person (Who should we call/write concerning this project?): Katurah Roell

Address 2811 Hydraulic Rd City Charlottesville State Va Zip 22901

Daytime Phone () 906-2702 Fax # () E-mail katurahsr@gmail.com

Applicant (Who is the Contact person representing?): Country Inns Extrordinaire, LLC, Clifton Inn

Address 1295 Clifton Dr City Charlottesville State Va Zip 22911

Daytime Phone 202 372-7080 Fax # () E-mail Tmitchwe@gmail.com

ATTACH A COPY OF THE ACTUAL ZONING ORDINANCE TEXT: (attach any additional information as necessary)

We are asking to modify the existing language to include that additions and new buildings may be constructed with DHR and
ARB and Board Approval.

JUSTIFICATION: (please attach additional information as necessary)

Our desire is to enable this location to expand, currently the zoning does not permit any additions or expansion of any kind.

We feel that this unique location and its presence in the County need an ability to expand and contribute to the County's economy.

County of Albemarle Department of Community Development

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



RECEIVED AUG 21 2015

COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

August 18, 2015

Mr. Katurah Roell
Piedmont Development Group
2811 Hydraulic Road
Charlottesville, VA 22901

RE: OFFICIAL DETERMINATION OF USE, Clifton Inn Special Permit for expansion/additions

Dear Katurah:

Thank you for meeting with me earlier this month, August 3, 2015, to discuss the Clifton Inn and the limitations on any expansions of the "Restaurants and inns" in the RA zoning.

As I explained, there are no provisions in the current RA (Rural Areas) zoning for new Restaurants or inns nor is there any provision for adding to the existing structures. The permitted use by special permit specifically refers to "Restaurants and inns that are: a. Located within an historic landmark as designated in the comprehensive plan, provided: (i) the structure has been used as a restaurant, tavern or inn, and (ii) the structure shall be restored as faithfully as possible to the architectural character of the period and shall be maintained consistent therewith..." This language does not allow for **new** structures or **additions** to existing structures (note: "within an historic landmark", "the structure" and "shall be restored") all denoting that the use would be inside an existing landmark structure.

I have discussed this with the Zoning Administrator, Rural Areas Planner and County Attorneys and we agree that this use is limited to the buildings that are already there in their present size. Therefore it is my determination that the proposed special permit is rejected since it contemplates a use not permitted in the RA zoning district.

If you are aggrieved by this determination, you have a right to appeal it within thirty (30) days of this notice, in accordance with *Virginia Code* § 15.2-2311. If you do not file a timely appeal, this determination shall be final and unappealable.

An appeal may be taken only by filing an appeal application with the Zoning Administrator and the Board of Zoning Appeals, in accordance with § 34.3 of the Zoning Ordinance, along with a fee of \$240 plus the actual cost of advertising the appeal for public hearing.

Applications for Appeal of the Zoning Administrator's Determination are available at the Department of Community Development located at 401 McIntire Road, Charlottesville, Virginia 22902 or online at www.albemarle.org/cdapps. This form applies to the appeal of a decision of the zoning administrator or any other administrative officer pertaining to the Zoning Ordinance.

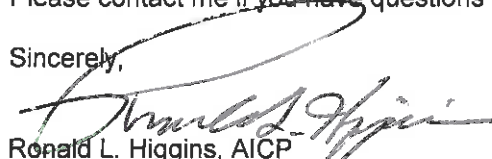
Regulations pertaining to the filing of an appeal to the Board of Zoning Appeals are located in Chapter 18, Section 34.3 of the Zoning Ordinance. They may be reviewed online at: <http://www.albemarle.org/countycodebza>.

Mr. Katurah Roell
August 18, 2015
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Please note that our online documents are in Adobe Acrobat PDF format and must be viewed with the Adobe Acrobat Reader or an equivalent. A link to download the free plug-in is available at the bottom of www.albemarle.org/cdapps.

Please contact me if you have questions or require further information.

Sincerely,



Ronald L. Higgins, AICP
Chief of Zoning/Deputy Zoning Administrator

Copies: Greg Kamptner
David Benish
Wayne Cilimberg
Scott Clark
Country Inns Extraordinaire, Inc.

p 18-10-4
§ 10.2.2.27

CHAPTER 18

ZONING

SECTION 10

RURAL AREAS DISTRICT, RA

Sections:

- 10.1 INTENT, WHERE PERMITTED (Amended 11-8-89; 10-3-01)
- 10.2 PERMITTED USES
- 10.2.1 BY RIGHT
- 10.2.2 BY SPECIAL USE PERMIT
- 10.3 APPLICATION OF REGULATIONS FOR DEVELOPMENT BY RIGHT
- 10.3.1 CONVENTIONAL DEVELOPMENT (Amended 11-8-89)
- 10.3.3 RURAL PRESERVATION DEVELOPMENT (Added 11-8-89)
- 10.3.3.1 DEFINITIONS (Added 11-8-89)
- 10.3.3.2 INTENT; DESIGN STANDARDS (Added 11-8-89)
- 10.3.3.3 SPECIAL PROVISIONS (Added 11-8-89)
- 10.4 AREA AND BULK REGULATIONS
- 10.5.2 WHERE PERMITTED BY SPECIAL USE PERMIT
- 10.5.2.2 MATERIALS TO BE SUBMITTED BY THE APPLICANT

10.1 INTENT, WHERE PERMITTED

This district (hereafter referred to as RA) is hereby created and may hereafter be established by amendment of the zoning map for the following purposes: (Amended 11-8-89)

- Preservation of agricultural and forestal lands and activities;
- Water supply protection;
- Limited service delivery to the rural areas; and
- Conservation of natural, scenic, and historic resources.

Residential development not related to bona fide agricultural/forestal use shall be encouraged to locate in the urban area, communities and villages as designated in the comprehensive plan where services and utilities are available and where such development will not conflict with the agricultural/forestal or other rural objective. Where development does occur, rural residents should expect to receive a lower level of service delivery than will be provided to residential developments in designated growth areas. In relation to residential development, agricultural/forestal activities shall be regulated only to the extent necessary to protect public health and safety.

In regard to agricultural preservation, this district is intended to preserve the county's active farms and best agricultural and forestal lands by providing lot areas designed to insure the continued availability of such lands for preferential land use tax assessment in order to enhance the economy, and maintain employment and lifestyle opportunities. In addition, the continuation and establishment of agriculture and agriculturally-related uses will be encouraged, and landowners will be encouraged to employ Virginia State Water Control Board best management practices.

(§ 10.1, 12-10-80, 11-8-89; Ord. 01-18(6), 10-3-01)

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It is intended that permitted development be restricted to land which is of marginal utility for agricultural/forestal purposes, provided that such development be carried out in a manner which is compatible with other purposes of this district. Roadside strip development is to be discouraged through the various design requirements contained herein.

10.2 PERMITTED USES

10.2.1 BY RIGHT

The following uses shall be permitted by right in the RA district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings, including guest cottages and rental of the same; provided that yard, area and other requirements of section 10.4, conventional development by right, shall be met for each such use whether or not such use is on an individual lot subject to section 10.3.
2. Side-by-side duplexes subject to the provisions of section 10.4; provided that density is maintained and provided that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
3. Agriculture, forestry, and fishery uses except as otherwise expressly provided.
4. Game preserves, wildlife sanctuaries and fishery uses.
5. (Repealed 5-5-10)
6. Water, sewer, energy, communications distribution facilities (reference 5.1.12).
7. Accessory uses and buildings including major home occupations (reference 5.2A), minor home occupations (reference 5.2A), and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses (reference 5.1.12).
10. Temporary sawmill (reference 5.1.15 and subject to performance standards in 4.14).
11. Veterinary services - off-site treatment only.
12. Agricultural service occupation (subject to performance standards in 4.14).
13. Divisions of land in accordance with section 10.3.
14. Bed and breakfast (reference 5.1.48).
15. Mobile homes, individual, qualifying under the following requirements (reference 5.6):
 - a. A property owner residing on the premises in a permanent home wishes to place a mobile home on such property in order to maintain a full-time agricultural employee.
 - b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The zoning administrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be

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authorized to require or seek any information which he may determine necessary in making a determination of cases "a" and "b" of the aforementioned uses.

16. Temporary mobile home in accordance with section 5.7.
17. Farm winery uses, events, and activities authorized by section 5.1.25(a) and (b).
18. Borrow area, borrow pit, not exceeding an aggregate volume of fifty thousand (50,000) cubic yards including all borrow pits and borrow areas on any one parcel of record on the adoption date of this provision (reference 5.1.28).
19. Mobile homes on individual lots (reference 5.6).
20. Commercial stable (reference 5.1.03).
21. Stormwater management facilities shown on an approved final site plan or subdivision plat.
22. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
23. Farm worker housing, Class A (up to ten occupants and up to two sleeping structures) (reference 5.1.44).
24. County store, Class A (reference 5.1.45).
25. Small wind turbines (reference 5.1.46).
26. (Repealed 11-12-14)
27. Farm stands (reference 5.1.47).
28. Family day homes (reference 5.1.56).
29. Farm brewery uses, events, and activities authorized by section 5.1.57(a) and (b).
30. Events and activities at agricultural operations authorized by right under section 5.1.58(d).

(§ 20-10.2.1, 12-10-80; 12-16-81; 7-6-83; 11-1-89; 11-8-89; 11-11-92; 5-12-93; Ord. 95-20(5), 11-15-95; Ord. 98-A(1), § 18-10.2.1, 8-5-98; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(3), 6-6-12; Ord. 13-18(5), 9-11-13; Ord. 14-18(4), 11-12-14)

10.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

1. Community center (reference 5.1.04).
2. Clubs and lodges (reference 5.1.02).
3. Fire and rescue squad stations (volunteer) (reference 5.1.09).
4. Swim, golf, tennis or similar athletic facilities (reference 5.1.16).
5. Private schools.
6. Energy and communications transmission facilities (reference 5.1.12).

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7. Day care centers (reference 5.1.06).
8. (Repealed 3-5-86)
9. Mobile home subdivisions (reference 5.5).
10. (Repealed 11-11-92)
11. (Repealed 3-15-95)
12. Horse show grounds, permanent.
13. Custom slaughterhouse.
14. Sawmills, planing mills and woodyards (reference 5.1.15 and subject to performance standards in 4.14).
15. Group homes and homes for developmentally disabled persons as described in section 15.1-486.2 of the Code (reference 5.1.07).
16. (Repealed 11-15-95)
17. Commercial kennel (reference 5.1.11 and subject to performance standards in 4.14).
18. Veterinary services, animal hospital (reference 5.1.11 and subject to performance standards in 4.14).
19. Private airport, helistop, heliport, flight strip (reference 5.1.01).
20. Day camp, boarding camp (reference 5.1.05).
21. Sanitary landfill (reference 5.1.14).
22. Country store, Class B (reference 5.1.45). (Amended 11-12-08)
23. Commercial fruit or agricultural produce packing plants. (Amended 11-8-89)
24. (Repealed 11-8-89)
25. Flood control dams and impoundments.
26. (Repealed 11-8-89)
27. Restaurants and inns that are:
 - a. Located within an historic landmark as designated in the comprehensive plan, provided: (i) the structure has been used as a restaurant, tavern or inn; and (ii) the structure shall be restored as faithfully as possible to the architectural character of the period and shall be maintained consistent therewith; or
 - b. Nonconforming uses, provided the restaurant or inn is served by existing water and sewerage systems having adequate capacity for both the existing and proposed uses and facilities without expansion of either system. (Amended 11-8-89; 10-18-00)
28. Divisions of land as provided in section 10.5.2.1. (Amended 5-5-04 effective 7-1-04)

Elaine Echols

From: Roell, Katurah <kroell@pdg-inc.net>
Sent: Wednesday, November 04, 2015 2:40 PM
To: David Benish
Cc: Elaine Echols
Subject: ZTA language we discussed

Hi David and Elaine,

As you were wondering why I was confused with your question of what was my request, I have attached the language to be added to the ordinance below in red. Let me know if this language is sufficient or if you think it need rewording for better clarity or specifics. I tried not to make it complicated but you know I see things more simply.

Please let me know what you think.

10.2.2 BY SPECIAL USE PERMIT

27. Restaurants and inns that are:

- a. Located within an historic landmark as designated in the comprehensive plan, provided: (i) the structure has been used as a restaurant, tavern or inn; and (ii) the structure shall be restored as faithfully as possible to the architectural character of the period and shall be maintained consistent therewith; **that new additions or buildings may be added if approved by DHR and ARB that maintains the historic and architectural character of the property**, or
- b. Nonconforming uses, provided the restaurant or inn is served by existing water and sewerage systems having adequate capacity for both the existing and proposed uses and facilities without expansion of either system. (Amended 11-8-89; 10-18-00)



Katurah S. Roell
President
2811 Hydraulic Road
Charlottesville, VA 22901
p | 434.973.6055 c | 434.906.2702

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