



COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

Proposal: SP202200028 Gobblers Ridge Development Right	Staff: Rebecca Ragsdale, Planning Manager
Planning Commission Public Hearing: January 24, 2023	Board of Supervisors Hearing: To be scheduled
Owner: Clayton Poffenberger	Applicant: Clayton Poffenberger
Acreage: 4.82	Special Use Permit: 10.2.2.28 Divisions of land as provided in section 10.5.2.1
TMP: 09200-00-00-036E0 Location: 2240 and 2241 Gobblers Ridge, near Thomas Jefferson Parkway (Rt 53)	Zoning/by-right use: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial District: Scottsville	Conditions: No
School Districts: Stone Robinson (Elementary), Walton (Middle), Monticello (High)	
Proposal: Request for one additional development right to create a new parcel for an existing dwelling.	Requested # of Dwelling Units: Two (2) existing single family dwellings
DA: RA: X	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).
Character of Property: Wooded with two existing single family dwellings, adjacent to Thomas Jefferson Parkway; Gobblers Ridge bisects a portion of the parcel and runs along the boundary of the remainder of the parcel.	Use of Surrounding Properties: Residential and primarily wooded
Positive Aspects: 1. Character of the area will not be changed by the request for a development right. 2. Granting the special use permit will correct a prior error related to development rights.	Concerns: 1. Additional development rights for residential development in the Rural Area is not consistent with the goals of the Comprehensive Plan. However, unique circumstances exist in this case.
RECOMMENDATION: Staff recommends approval of SP202200028 to grant one additional development right.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rebecca Ragsdale, Planning Manager
January 24, 2023
To be scheduled

PETITION

PROJECT: SP202200028 2240/2241 GOBBLERS RIDGE DEVELOPMENT RIGHT
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL: 09200-00-00-036E0
LOCATION: 2240/2241 Gobblers Ridge, near the intersection with Thomas Jefferson Parkway
PROPOSED: Special Use Permit for one additional development right to create a new parcel for an existing dwelling. The parcel would be a minimum of 2 acres in size. Currently, two dwellings are located on a 4.82 acre parcel.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2.28 Divisions of land as provided in section 10.5.2.1;
ENTRANCE CORRIDOR: No
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots)

CHARACTER OF SURROUNDING AREA

Two existing dwellings are located on the parcel accessed by Gobblers Ridge, off of Thomas Jefferson Parkway (Rt. 53). Gobblers Ridge is an existing gravel private road that serves 14 homes. Surrounding parcels are residential and primarily wooded, with lot sizes ranging from 2 acres to 13 acres. (Attachment 1-Location Map)

DETAILS OF THE PROPOSAL

The request is for one additional development right to allow subdivision of the parcel into two lots, with one existing single family dwelling on each potential lot. An additional development right is required to allow the subdivision as the parcel only contains one development right. (Attachment 2-Applicant Request and Attachment 3-Physical Survey)

PLANNING AND ZONING HISTORY

The subject TMP 92-36E is shown on a plat approved by the County on June 18, 1991, and recorded in Deed Book 1172, Page 369. Parcel 36E appears to be a parcel in existence prior to December 10, 1980, the adoption date of the Zoning Ordinance. The plat approved on June 18, 1991, resulted in Parcel 36E being increased in size from 2.01 acres to 6.815 acres.

A deed and plat were recorded on April 19, 2002, in Deed Book 2244, Page 181. This document subdivided parcel 36E by creating a new two-acre parcel. The new two-acre parcel is currently shown on the County GIS system as Parcel ID 09200- 00-00- 036E1("Parcel 36E1"). Because the recorded plat was not approved by the County, its recordation constituted a subdivision violation.

On October 1, 2003, a subdivision plat was approved by the County with an error related to development rights. This plat subdivided Parcel 36E by creating a new two-acre parcel and leaving a 4.815-acre residue. This plat (erroneously) states that the residue (Parcel 36E) has two development rights, and the new two -acre parcel has one development right. As noted above, Parcel 36E actually had only two development rights as assigned on the plat approved by the County on June 18, 1991, and recorded in Deed Book 1172, Page 369. The plat approved on October 1, 2003, was recorded on October 7, 2003, in Deed Book 2610, Page

333. The recordation of this plat corrected the earlier subdivision violation because this plat was reviewed and approved by the County prior to recordation. However, the erroneous development rights note was not corrected with this plat.

COMMUNITY MEETING

A community meeting was not held for this request as no additional dwellings are requested and no site changes are anticipated.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

This special use permit, and all special use permits, are evaluated for compliance with the provisions of Chapter 18, Section 33.8 of the Code of Albemarle. Each provision of that section is addressed below. The provisions of the ordinance are in bold font and underlined.

The comments below are based on staff's analysis of the application, including information submitted by the applicant. The information submitted by the applicant contains detailed information. Staff will not restate all of the submitted information in this staff report and refers the reader to attachments for detailed information.

No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.

There are no proposed changes to the property. There would be no detriment to adjacent parcels.

Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

There are no proposed changes to the property. The single family dwellings already exist. Subdividing the parcel into lots of 2+ acres is not inconsistent with the lot pattern along Gobblers Ridge.

Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,

The purposes of the RA zoning district as stated in the ordinance are:

- 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.

While residential development is not encouraged, the additional development right will correct an error.

...with the uses permitted by right in the district

The existing uses of the property, two single family dwellings, are consistent with permitted uses in the RA zoning district.

...with the regulations provided in section 5 as applicable.

There are no applicable regulations in Section 5.

...and with the public health, safety and general welfare.

No issues with public health, safety and general welfare are anticipated. The Subdivision Ordinance provides for regulations that adequately address health and safety when subdividing property.

Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.

The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates the subject for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources; and also, to allow residential uses at a density of up to 0.5 acres per dwelling unit.

Granting additional development rights for residential development in the Rural Area is not consistent with the goals of the Comprehensive Plan. However, the additional development right is for an existing dwelling, is not increasing residential density, and is necessary to correct a prior error.

SUMMARY

Staff finds the following positive aspects to this request:

1. Character of the area will not be changed by the request for a development right.
2. Granting the special use permit will correct a prior error related to development rights.

Staff has identified the following concern:

2. Additional development rights for residential development in the Rural Area is not consistent with the goals of the Comprehensive Plan. However, unique circumstances exist in this case.

RECOMMENDED ACTION

Based on the findings contained in this staff report staff recommends approval for one development right. No conditions of approval are recommended as there are no impacts identified with this request and the Subdivision Ordinance provides all necessary regulations if the property is subdivided.

MOTIONS:

Special Use Permit SP202200028 Gobblers Ridge Development Right

- A. Should the Planning Commission choose to recommend approval of this special use permit:

I move to recommend approval of SP202200028 to grant one additional development right for the reasons stated in the staff report

- B. Should the Planning Commission choose to recommend denial of this special use permit:

I move to recommend denial of SP202200028. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

ATTACHMENTS

1. Location Map
2. Applicant Request
3. Physical Survey of the Property