

# ATTACHMENT 5

Page 1

## COUNTY OF ALBEMARLE

### APPLICATION FOR A SPECIAL EXCEPTION

Request for a waiver, modification, variation or substitution permitted by Chapter 18 = **\$457**

Variation to a previously approved Planned Development rezoning application plan or Code of Development = **\$457**

OR

Relief from a condition of approval = **\$457**

#### Provide the following

3 copies 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

3 copies 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.

Project Name and Assigned Application Number (SDP, SP or ZMA): CASPCA RENOVATION & EXPANSION SP 2017-00

Tax map and parcel(s): TMP 415.86

Contact Person ELIE RAY, MILESTONE PARTNERS

Address 300 2ND ST. HE City C'VILLE State VA Zip 22902

Daytime Phone# (434) 760-3752 Fax# ( ) Email EBAY@MILESTONEPARTNERS.CO

Owner of Record CHARLOTTESVILLE ALBEMARLE SPCA, INC.

Address PO Box 7047 City C'VILLE State VA Zip 22906

Daytime Phone# ( ) Fax# ( ) Email ( )

Applicant (Who is the Contact Person representing?)

THE OWNER

# COUNTY OF ALBEMARLE

## APPLICATION FOR A SPECIAL EXCEPTION

### Owner/Applicant Must Read and Sign

The foregoing information is complete 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.

Ellie C. Ray

9/18/17

Signature of Owner, Contract Purchaser, Agent

Date

ELLIE C. RAY

434-760-3752

Print Name

Daytime phone number of Signatory

\*\*\*If multiple property owners are required to sign the application per Section 33.2 b (1b) then make copies of this page and provide a copy to each owner to sign. Then submit each original signed page for the Special Exception Application.

Tax Map & Parcel Number : \_\_\_\_\_

Owner Name of above Parcel: \_\_\_\_\_

FOR OFFICE USE ONLY SDP, SP or ZMA # \_\_\_\_\_ Fee Amount \$ \_\_\_\_\_ Date Paid \_\_\_\_\_

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

No Fee due AT This Time Per Finnas 9/18/17

September 18, 2017



County of Albemarle  
Community Development  
401 McIntire Road  
Charlottesville, VA 22902

RE: CASPCA Renovation & Expansion – 21.7 Exception request

Dear J.T. Newberry:

I am writing to request an exception from section 21.7, and by extension, 4.20. Section 4.20(a) lists a 50' building setback on conventional commercially zoned districts from any residentially zoned district. TMP 45-86 is zoned C-1 and the parcel to the NW, TMP 45-86A, is zoned R-6.

As you can see on the concept plan provided with the Special Use Permit application, the existing CASPCA facility violates this requirement in one small area. The proposed additions also extend into that 50' setback in two areas. One is for a small “quiet dog” addition and one is for the Animal Control Officer salliport addition. Both of these additions need to be in the locations shown, as their relation to existing internal and external layout is imperative. The VDOT land acquisition resulted in an oddly shaped parcel with boundary lines that create awkward setback scenarios.

The Planning Commission action letter for SP200700044, dated December 21, 2007, includes approval of a waiver from the “20’ residential setback”. I don’t know if requirements have changed between then and now, or what in particular that waiver was in reference to, but it seems this request is in keeping with the previous approval. The required 20’ parking setback and buffer area will be maintained as shown.

I could not find any particular findings that this request needs to address, as the only findings listed in section 21.7 are for exception from the buffer requirement; if I have overlooked something, please let me know.

Thank you in advance for your consideration of this application.

Very truly yours,

A handwritten signature in black ink that reads "Ellie C. Ray".

Ellie C. Ray, PLA



300 2nd Street NE, Charlottesville VA 22902  
t 434.245.5805 | f 866.948.7684

September 18, 2017



County of Albemarle  
Community Development  
401 McIntire Road  
Charlottesville, VA 22902

RE: CASPCA Renovation & Expansion – 5.1.11 Exception request

Dear J.T. Newberry:

I am writing to request an exception from section 5.1.11(a) and 5.1.11(b) for both TMP 45-88 and 45-86. These sections read as follows:

**5.1.11 COMMERCIAL KENNEL, VETERINARY SERVICE, OFFICE OR HOSPITAL, ANIMAL HOSPITAL, ANIMAL SHELTER**

Each commercial kennel, veterinary service, office or hospital, animal hospital and animal shelter shall be subject to the following:

- a. Except where animals are confined in soundproofed, air-conditioned buildings, no structure or area occupied by animals shall be closer than five hundred (500) feet to any agricultural or residential lot line. For non-soundproofed animal confinements, an external solid fence not less than six (6) feet in height shall be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator;
- b. For soundproofed confinements, no such structure shall be located closer than two hundred (200) feet to any agricultural or residential lot line. For soundproofed and nonsoundproofed confinements, noise measured at the nearest agricultural or residential property line shall not exceed fifty-five (55) decibels;

As you can see on the concept plan provided with the Special Use Permit application, TMP 45-88 is less than 200' in width, so conforming to these regulations would render this parcel useless for most SPCA purposes. Phase 5, a future phase of the CASPCA expansion plan, has not yet been planned in detail. Accordingly, the concept plan allows for flexibility on this parcel while maintaining a 50' wooded area along all boundary lines with adjacent residentially zoned parcels. The plan for this parcel is construction of training center/support building(s), and associated outside fenced exercise areas and walking trails for training and exercising animals. Some of the previously approved outside fenced exercise areas and walking trails on TMP 45-86 will need to be relocated to TMP 45-88 due to the building and parking additions proposed on that parcel. While the exact layout is yet to be determined, buildings and fenced areas will be located outside of the 50' wooded area, but walking trails might be located through the woods as they currently are on TMP 45-86.

TMP 45-86 appears to already have an exception from these sections. The Planning Commission action letter for SP200700044, dated December 21, 2007, includes approval of a waiver from the "500-foot setback and solid fencing regulations", but we could not find documentation of a waiver from 5.1.11(b) even though there is no 200' separation provided. I don't know if it's necessary to now request this waiver, but it seems prudent to get it officially documented for posterity.

This request is for an exception from both sections (a) and (b) including the solid fencing regulations for TMP 45-88, and for exception from section (b) for TMP 45-86. This request is in keeping with the previous approval and allows for consistency over the entire site. It is imperative that the CASPCA



300 2nd Street NE, Charlottesville VA 22902  
T 434.245.5805 | F 866.948.7684

maintain a location that is convenient for County and City animal control employees, as well as citizens of the community. This location is, however, limited in size which makes it difficult to provide the separation requirements listed in section 5.1.11. The CASPCA intends to continue to be a good neighbor with a concept that, while it cannot provide a 200' or 500' separation, will maintain as much wooded area as possible between CASPCA uses and neighboring parcels. The planning commission was generally supportive of the necessary special exceptions during the CCP review.

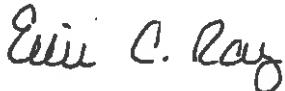
Section 5.1 states, " Unless a waiver or modification is expressly prohibited, any requirement of section 5 may be modified or waived in an individual case, as provided herein:

- a. The commission may modify or waive any such requirement upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement; except that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in section 4 or any district regulation. In granting a modification or waiver, the commission may impose conditions as it deems necessary to protect the public health, safety, or welfare.

I could not find any particular findings that this request needs to address; if I have overlooked something, please let me know.

Thank you in advance for your consideration of this application.

Very truly yours,



Ellie C. Ray, PLA



December 12, 2017

Ms. Ellie Ray  
Milestone Partners  
300 2<sup>nd</sup> Street, NE  
Charlottesville, VA 22902

Re: 1708 – Charlottesville-Albemarle SPCA (CASPAC); Renovations & Additions  
Construction to minimize Sound Transmission

Dear Ms. Ray:

You have requested I provide information regarding the quality of construction anticipated in the three small additions of new kennels for CASPCA.

Plans for the expansion of the SPCA include two "Quiet Kennel" spaces of 450 square feet each and 4 kennels each. These will be located on either side of the existing Mechanical space at the center, and behind the existing, western bank of kennels with their outdoor kennels facing into the building's courtyard. There is also planned two "Isolation Kennel" spaces of 425 square feet each and 3 kennels each. None of these kennels include any outdoor kennels; all are contained within new walls and roof.

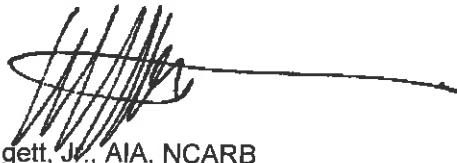
Construction of the new kennels will consist of 8" single wythe CMU's (concrete masonry units) with 1.5" thick metal furring and expanded polystyrene insulation on the exterior with 1/2" plywood and "Hardi-plank" cement board siding. The ceiling will include ribbed, perforated acoustic metal panels with 6 mil., black Polyethylene plastic sheeting on top of which will rest 9" – R30 glass fiber insulation. The insulation fills the space between roof trusses. Atop the trusses will be 5/8" exterior grade plywood, 30 lb. roofing felt and 40 year composite shingles. Per building code requirements the roof's soffits will necessarily be vented.

The CMU walls will provide a Sound Transmission Coefficient (STC) rating of 55 due to its mass and the addition of exterior finish applied. The metal ceiling panels are designed in conjunction with the polyethylene and insulation to trap sound waves and diminish their transmission to adjacent spaces within the building. We have successfully used this described system in numerous animal shelter s to contain the barking of dogs to their housing spaces when adjacent to administrative and public spaces in the building.

STC ratings are applied within buildings to provide designers with a quantifiable means of establishing norms of air borne noise transfer from one space to another. While this is not normally applied to space outside of the building the STC rating will provide the expected level of noise containment on the same basis as between spaces within the building.

Far greater a consideration would be the level of noise contributed to the exterior environment from the existing, outdoor kennels in the building's courtyard. These are both roofed and turned towards one another in an effort to subdue the effects of dogs barking beyond the SPCA's property. We are not adding any outdoor kennels to the SPCA. The noise transmission from the new additions as described in this letter should not add to the current level of noise generated by the outdoor kennels.

Best regards,



William B. Daggett, Jr., AIA, NCARB  
dwg architects – dba/shelterplanners.com