

ACTIONS
Board of Supervisors Meeting of April 17, 2024

April 18, 2024

AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> The Meeting was called to order at 1:00 p.m. by the Chair, Mr. Andrews. All BOS members were. Also present were Jeff Richardson, Steve Rosenburg, Claudette Borgersen, and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Reported that at a recent meeting the Economic Development Authority approved providing money to a local Beekeeper for a mobile Beekeeping processing trailer. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Acknowledged the difficult time recently for public safety officials and commended the good work by the Human Services Alternative Response Team (HART) at a recent event in his district. <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> Mentioned that the TomTom Festival had begun that day in Charlottesville and spoke about various programs that would occur throughout the festival. Announce that the Scottsville Literary Festival would be held on Saturday, April 20, 2024, at Victory Hall. Addressed a recent bomb threat at Planet Fitness and suggested that the Board pursue an ordinance which would allow the County to seek damages to recoup expenses. He thanked Albemarle County public safety officials for their difficult work over the past couple of weeks. Mentioned that the first day of in person voting for the congressional primary would be May 1, 2024, and the first day of in person voting for the General Election would be September 20, 2024. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Recognized the HART'S team and recalled a story of a recent interaction that had a positive outcome. Thanked community members that attended her budget town hall. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Shared her appreciation for the past police chiefs and previous boards that provided the leadership to focus on community policing which has led to the advancement and success of the HART'S team. Commented on the recent White Hall budget town hall and expressed appreciation to staff for their work. Announced that the 58th rededication of the Dogwood Vietnam Memorial would take place 		

<p>on Friday, April 19, 2024, at 11:00 am at McIntire Park.</p> <ul style="list-style-type: none"> Announced that on April 27, the White Hall Ruritans would be holding a plant sale, and proceeds would be used to sponsor scholarships and restore and maintain the White Hall Community Building. Announced that the Piedmont Master Gardeners would hold their 21st annual spring plant sale on Saturday, May 4, 2024, from 10:00 am to 2:00 p.m. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Reminded community members to be careful with grilling during fire season. Commented that he had signed and sent thank you letters to the localities that provided mutual aid during the fires in Albemarle County on March 20, 2024. 		
<p>6. Proclamations and Recognitions.</p> <p>a. Proclamation Recognizing National Public Safety Telecommunicators Week.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation and presented it to Sonny Saxton. 		
<p>7. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <u>Mary Krumbain</u> – Spoke towards item #11 on the agenda - SE202300048 2895 Rolling Road Homestay. <u>Tom Olivier</u> – Samuel Miller, spoke towards Rivanna Futures. 		
<p>8.2 Schedule a Public Hearing for the Rivanna Water and Sewer Authority South Fork Rivanna Water Main Crossing Easement.</p> <ul style="list-style-type: none"> SET public hearing to consider the Deed of Easement for the RWSA South Fork Rivanna Water Main Crossing at Brook Hill River Park. 	<p><u>Clerk:</u> Schedule on agenda when ready and advertise in the Daily Progress.</p>	
<p>8.3 Biscuit Run Maintenance Facility Design-Build Procurement.</p> <ul style="list-style-type: none"> ADOPTED resolution to authorize staff to use the Design-Build procurement method for the Biscuit Run Maintenance Facility project. 	<p><u>Clerk:</u> Forward copy of signed resolution to Facilities and Environmental Services and County Attorney's office. (Attachment 1)</p>	
<p>8.4 Resolution to accept road(s) in the Fairhill Subdivision into the State Secondary System of Highways (<i>White Hall Magisterial District</i>).</p> <ul style="list-style-type: none"> ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)</p>	
<p>8.5 Resolution to accept road(s) in the Old Trail Creekside 3 Subdivision into the State Secondary System of Highways (<i>White Hall Magisterial District</i>).</p> <ul style="list-style-type: none"> ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)</p>	
<p>8.6 Request for ACSA Easement across County-Owned Land near Rio Point Development.</p> <ul style="list-style-type: none"> ADOPTED resolution to authorize a public hearing on the proposed conveyance of a sanitary sewer easement across county-owned parcel 061A0-03-00-000B1 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)</p>	
<p>9. SE202300042 3074 Doctors Crossing Homestay. (<i>Rivanna Magisterial District</i>)</p>	<p><u>Clerk:</u> Forward copy of signed resolution to Community</p>	

<ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SE2023-00042 3074 Doctors Crossing Homestay 	Development and County Attorney's office. (Attachment 5)	
10. SE202300043 5803 Tabor Street Homestay. (<i>White Hall Magisterial District</i>) <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SE202300043 5803 Tabor Street Homestay. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)	
11. SE202300048 2895 Rolling Road Homestay. (<i>Scottsville Magisterial District</i>) <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SE202300048 2895 Rolling Road Homestay 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)	
Recess. <ul style="list-style-type: none"> At 2:16 p.m., the Board recessed and reconvened at 2:31 p.m. 		
12. SE202300036 Orchard Acres Lots 37 & 38 - Clean Earth Fill. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve to approve SE2023-00036 Orchard Acres Lots 37 & 38 – Clean Earth Fill 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 8)	
13. Presentation: Department of Social Services Advisory Board Annual Report Fiscal Year 2023. <ul style="list-style-type: none"> RECEIVED. 		
14. Presentation: Rivanna Futures Update. <ul style="list-style-type: none"> RECEIVED. 		
15. Closed Meeting. <ul style="list-style-type: none"> At 4:22 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia under subsection (8) to consult with legal counsel regarding specific legal matters requiring legal advice relating to the County's authority to regulate recreational uses of Ragged Mountain Reservoir under § 11-303 of the Albemarle County Code. 		
16. Certify Closed Meeting. <ul style="list-style-type: none"> At 6:00 p.m., the Board reconvened into an open meeting and certified the closed meeting. 		
17. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u> <ul style="list-style-type: none"> Presented the March 2024 Progress Albemarle Report. 		
18. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. <ul style="list-style-type: none"> Libby Jones 		
19. <u>Pb. Hrg.: Public Hearing on the Board of Supervisors FY 2025 Proposed Budget.</u> <ul style="list-style-type: none"> HELD 		
20. <u>Pb. Hrg.: Public Hearing to Consider the Adoption of an Ordinance to Modify Real Estate Tax Relief for Elderly and Disabled Persons.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the ordinance to modifying the real estate tax relief for the elderly and disabled program. 	<u>Clerk:</u> Forward copy of signed resolution to Finance and the County Attorney's office. (Attachment 9)	
21. <u>Pb. Hrg.: ZMA202300004 Cornerstone Community Church.</u>	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County	

<ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance to approve ZMA202300004. • By a vote of 6:0, ADOPTED resolution to approve proposed special exception SE202300031. 	<p>Attorney's office. (Attachments 10 and 11)</p>	
<p>22. <u>Pb. Hrg.: ZMA202300006 Woodbrook Apartments.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance to approve ZMA202300006. • By a vote of 6:0, ADOPTED resolution to approve proposed special exception SE202300026. • By a vote of 6:0, ADOPTED resolution to approve proposed special exception SE202300033. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachments 12, 13, and 14)</p>	
<p>23. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Asked for more information on how to handle trespassing in a Homeowners Association (HOA) common areas. <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> • Asked the Board to consider pursuing an ordinance which would allow the County to seek damages to recoup expenses in the event of a bomb threat. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Suggested that staff notify the Albemarle County School Board when development items come forward on the agenda that will affect student enrollment ratios. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Requested more information regarding the process of what to do if residents leave for a vacation and come back to find someone living in their home or on their property. 	<p><u>Staff:</u> Provide the Board with more information and examples of what other jurisdictions have adopted.</p> <p><u>Staff:</u> Provide more information.</p>	
<p>24. Adjourn to April 24, 2024, 6:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 10:35 p.m. 		

ckb/tom

Attachment 1 – Resolution to Approve the Use of The Design-Build Method of Procurement for the Construction of the Biscuit Run Park Maintenance Facility

Attachment 2 – Resolution to Accept Road(S) in the Fairhill Subdivision into the State Secondary System of Highways

Attachment 3 – Resolution to Accept Road(S) in the Old Trail Creekside 3 Subdivision into the State Secondary System of Highways

Attachment 4 – Resolution Approving the Scheduling of a Public Hearing on The Proposed Conveyance of a Sanitary Sewer Easement Across County-Owned Parcel 061A0-03-00-000B1

Attachment 5 – Resolution to Approve SE 2023-00042 3074 – Doctors Crossing Homestay

Attachment 6 – Resolution to Approve SE 2023-00043 5799 – Tabor Street Homestay

Attachment 7 – Resolution to Approve SE 2023-00048 2895 – Rolling Road Homestay

Attachment 8 – Resolution to Approve SE 2023-00036 Orchard Acres Lots 37 & 38 – Clean Earth Fill

Attachment 9 – Ordinance No. 24-15(1)

Attachment 10 – Ordinance No. 24-A(8) – ZMA 2023-00004

Attachment 11 – Resolution to Approve SE 2023-00031 Cornerstone Community Church

Attachment 12 – Ordinance No. 24-A(9) – ZMA 2023-00006

Attachment 13 – Resolution to Approve SE 2023-00026 Woodbrook Apartments Stepback Waiver

Attachment 14 – Resolution to Approve SE 2023-00033 Woodbrook Apartments Setback Modification

RESOLUTION TO APPROVE THE USE OF THE DESIGN-BUILD METHOD OF PROCUREMENT FOR THE CONSTRUCTION OF THE BISCUIT RUN PARK MAINTENANCE FACILITY

WHEREAS, the County's Purchasing Manual Chapter 27, Design-Build Procedures, outlines the process for all departments, agencies, and institutions of the County for the procurement, as well as the administration of, Design-Build contracts.

WHEREAS, within the procedures it states that staff must submit a written letter to the Board of Supervisors outlining the need for the use of procurement of Design-Build prior to taking any action to pursue and request authorization for the utilization of the Design-Build procurement method;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes staff to utilize the Design-Build method of procurement for the construction of the Biscuit Run Park Maintenance Facility.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 17th day of April 2024, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Fairhill Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 17th, 2024**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Fairhill Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 17th, 2024**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

Recorded vote:

Moved by:

Seconded by:

Yeas:

Nays:

Absent:

A Copy Teste:

Claudette K. Borgersen, Clerk
Board of County Supervisors

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 17th day of April 2024, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Old Trail Creekside 3 Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 17th, 2024**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Old Trail Creekside 3 Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 17th, 2024**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

Recorded vote:

Moved by:
Seconded by:

Yeas:
Nays:
Absent:

A Copy Teste:

Claudette K. Borgersen, Clerk
Board of County Supervisors

**RESOLUTION APPROVING THE SCHEDULING OF A PUBLIC HEARING ON THE PROPOSED
CONVEYANCE OF A SANITARY SEWER EASEMENT ACROSS COUNTY-OWNED PARCEL 061A0-03-
00-000B1**

WHEREAS, the County owns Parcel 061A0-03-00-000B1 along Meadow Creek;

WHEREAS, the developer of the Rio Point project and the Albemarle County Service Authority (ACSA) have requested that the County grant a sanitary sewer easement across this Parcel to the ACSA; and

WHEREAS, *Virginia Code* 15.2-1800 requires a public hearing prior to the conveyance of this interest in County-owned real property;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the scheduling of a public hearing on this proposal

**RESOLUTION TO APPROVE SE2023-00042
3074 DOCTORS CROSSING HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2023-00042 Doctors Crossing Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the requested special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the 3074 Doctors Crossing Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to authorize a resident manager to fulfill the residency requirements for a homestay use on Parcel 04700-00-00-047J0.

**RESOLUTION TO APPROVE SE2023-00043
5799 TABOR STREET HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2023-00043 5799 Tabor Street Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that modified regulations would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the requested special exceptions:

- (v) would not cause adverse impacts to the surrounding neighborhood;
- (vi) would not cause adverse impacts to the public health, safety, or welfare;
- (vii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (viii) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the 5799 Tabor Street Homestay, the Albemarle County Board of Supervisors hereby approves special exceptions:

- a. to authorize a resident manager to fulfill the residency requirements for a homestay use on Parcel 056A2-01-00-01000, pursuant to Albemarle County Code § 18-5.1.48(b)(2); and
- b. to modify the setbacks otherwise required by Albemarle County Code § 18-5.1.48(b)(3) for a homestay use on Parcel 056A2-01-00-01000 to six feet.

**RESOLUTION TO APPROVE SE2023-00048
2895 ROLLING ROAD HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2023-00048 2895 Rolling Road Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the requested special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the 2895 Rolling Road Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to authorize a resident manager to fulfill the residency requirements for a homestay use on Parcel 10300-00-00-06800.

**RESOLUTION TO APPROVE SE2023-00036
ORCHARD ACRES LOTS 37 & 38 – CLEAN EARTH FILL**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00036 Orchard Acres Lots 37 & 38 – Clean Earth Fill and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code § 18-5.1.28 and § 18-33.9, the Albemarle County Board of Supervisors hereby finds that the applicable requirements would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety, or welfare, and that:

- (1) The proposed special exceptions would be consistent with an approved and valid initial or preliminary site plan or other land use decision of the County;
- (2) The proposed fill activity would be of limited duration (less than 90 days) and involve not more than 10,000 cubic feet of fill within any 12 months;
- (3) There would be no detriment to any abutting lot; and
- (4) There would be no harm to the public health, safety, or welfare.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves special exceptions for clean earth fill activity on Parcels 055C0-00-0A-03700 and 055C0-00-0A-03800, to waive both: (i) the minimum setback of 75 feet from all property lines in residential zoning districts and the 100-foot minimum setback from dwellings on adjacent properties otherwise required by County Code § 18-5.1.28(a)(7) for clean earth fill activity, and (ii) the minimum lot size of five acres otherwise required by County Code § 18-5.1.28(a)(9) for clean earth fill activity, each provided that placement of any fill on these Parcels must be in general accord with either the Water Protection Ordinance (WPO) plan dated February 9, 2024 or a duly-issued building permit.

ORDINANCE NO. 24-15(1)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE 7, REAL PROPERTY TAX, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article 7, Real Property Tax, is hereby amended as follows:

By Amending:

Sec. 15-709 Real property eligible for an exemption.

Sec. 15-710 Amount of exemption.

Chapter 15. Taxation
Article 7. Real Property Tax

Sec. 15-709 Real property eligible for an exemption.

Real property that satisfies all of the following requirements is eligible for the exemption established in County Code § 15-708:

- A. *Age or disability.* The eligible owners shall have either:
1. *Age.* Reached the age of 65 years prior to the taxable year for which the exemption is claimed; or
 2. *Disability.* Become permanently and totally disabled prior to the taxable year for which the exemption is claimed.
- B. *Ownership.* The eligible owners shall have title or partial title in the dwelling. Any interest under a leasehold or for term of years is neither title nor partial title. The eligible owners claiming the exemption shall own title or partial title to the real estate for which the exemption is claimed on January 1 of the taxable year.
- C. *Joint ownership.* Jointly owned dwellings are eligible for the exemption in the following circumstances, provided that any other requirements for the exemption are satisfied:
1. *Joint ownership with spouse.* A dwelling jointly owned by a husband and wife may qualify if either spouse is 65 years of age or older or is permanently and totally disabled.
 2. *Joint ownership with person other than spouse.* A dwelling jointly owned by two or more persons, all of whom are either 65 years of age or older or are permanently and total disabled.
- D. *Occupancy of the dwelling.* The eligible owners shall occupy the dwelling as that owner's sole dwelling.
1. *Business uses limited.* The dwelling may not be used in a business that is required to pay a County business license tax or fee.
 2. *Residing in medical or mental care facilities for extended periods does not disqualify.* An eligible owner's residence in a hospital, nursing home, convalescent home, or other facility for physical or mental care for extended periods of time for extended periods does not disqualify the real estate from the exemption. The dwelling continues to be the sole dwelling of the eligible owner during these extended periods in a facility, provided that the real estate is not used or leased to others for consideration.
- E. *Manufactured homes.* A manufactured home is real estate eligible for the exemption if the eligible owner demonstrates to the satisfaction of the Director of Finance that the manufactured home is permanently affixed. Either of the following is evidence that the manufactured home is permanently affixed:
1. *Ownership and connection to water and sewage lines or facilities.* The eligible owner owns title or partial title to the manufactured home and the land on which the manufactured home is located, and the manufactured home is connected to permanent water and sewage lines or facilities; or
 2. *Permanent foundation or connected rooms or additions.* The manufactured home rests on a permanent foundation and consists of two or more units which are connected in such a manner

that they cannot be towed together on a highway, or consists of a unit and other connected rooms or additions which must be removed before the manufactured home can be towed on a highway.

- F. *Maximum annual income allowed.* The total combined income shall not exceed \$88,800 for the calendar year immediately preceding the taxable year.
- G. *Maximum net combined financial worth allowed.* The net combined financial worth shall not exceed \$305,000 as of December 31 of the calendar year immediately preceding the taxable year.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; 6-12-85; 5-13-87; Ord of 12-19-90; Ord. of 4-7-93; Ord. 96-8(2), 12-11-96; Code 1988, § 8-26; 9-9-81; Ord.12-19-90; Code 1988, § 8-26.1; § 15-704, Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 03-15(2), 11-5-03; Ord. 04-15(2), 12-1-04, effective 1-1-05; Ord. 06-15(3), 11-1-06, effective 1-1-07; Ord. 07-15(1), 10-3-07, effective 1-1-08; Ord. 14-15(3), 9-3-14; § 15-709, Ord. 19-15(1), 4-17-19; Ord. 22-15(1), 4-20-22, effective 1-1-22; Ord. 23-15(1), 4-19-23, effective 1-1-23; Ord. 24-15(1) 4-17-24, effective 1-1-24);

State law reference(s)—Va. Code §§ 58.1-3210 —58.1-3215.

Sec. 15-710 Amount of exemption.

The exemption established by this article shall apply only to the real property taxes for the qualifying dwelling and the land, not exceeding ten acres, upon which it is situated. The amount of the exemption for any taxable year is as follows:

Percentage of Real Estate Tax Exempted		Net Combined Financial Worth
		\$0-\$305,000
Total	\$0 to \$44,400	100.00%
Combined	\$44,401 to \$66,600	75.00%
Income	\$66,601 to \$88,800	50.00%

(2-15-73; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-27; § 15-705, Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 04-15(2), 12-1-04; Ord. 06-15(3), 11-1-06, effective 1-1-07; Ord. 07-15(1), 10-3-07, effective 1-1-08; Ord. 11-15(1), 5-11-11; § 15-710, Ord. 19-15(1), 4-17-19; Ord. 22-15(1) , 4-20-22, effective 1-1-22; Ord. 23-15(1), 4-19-23, effective 1-1-23; Ord. 24-15(1) 4-17-24, effective 1-1-24

State law reference(s)—Va. Code § 58.1-3212.

This ordinance is effective on and after tax year 2024 that begins on January 1, 2024.

**ORDINANCE NO. 24-A(8)
ZMA 2023-00004**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCEL 07800-00-00-058K0**

WHEREAS, application ZMA 2023-00004 was submitted to rezone Parcel 07800-00-00-058K0 from R-1 Residential to C-1 Commercial; and

WHEREAS, on November 14, 2023, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00004;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2023-00004 and their attachments, including the signed Proffer Statement dated March 18, 2024, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-22.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2023-00004, subject to the signed Proffer Statement dated March 18, 2024.

**RESOLUTION TO APPROVE SE 2023-00031
CORNERSTONECOMMUNITY CHURCH**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00031 Cornerstone Community Church and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.20, 18-21.7(c), and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

- (i) the developer or subdivider has demonstrated that grading or clearing is necessary or would result in an improved site design;
- (ii) minimum screening requirements would be satisfied; and
- (iii) existing landscaping in excess of minimum requirements would be substantially restored.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves special exceptions on Parcel 07800-00-00-058K0 to modify both (i) the 50-foot minimum side and rear setback otherwise required by County Code § 18-4.20(a), and (ii) the 20-foot residential use buffer otherwise required by County Code § 18-21.7(c), each subject to the reduced setbacks shown in the Special Exception Exhibit - Setbacks from Line and Grade Civil Engineering, dated September 5, 2023, revised October 27, 2023.

**ORDINANCE NO. 24-A(9)
ZMA 2023-00006**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 04500-00-00-088B0, 04500-00-00-09000, 04500-00-00-091C0, AND 04500-00-00-091D0**

WHEREAS, an application was submitted to rezone Parcels 04500-00-00-088B0, 04500-00-00-09000, 04500-00-00-091C0, and 04500-00-00-091D0 from R-6 Residential to Planned Residential Development (PRD); and

WHEREAS, on February 27, 2024, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00006;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2023-00006 and their attachments, including the Proffer Statement dated March 20, 2024, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-19.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2023-00006, subject to the Proffer Statement dated March 20, 2024.

**RESOLUTION TO APPROVE SE2023-00026
WOODBROOK APARTMENTS STEPBACK WAIVER**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00026 Woodbrook Apartments Stepback Waiver and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.19, 18-8.2, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed waiver:

- (i) would be consistent with the intent and purposes of the planned development district under the particular circumstances and satisfy all other applicable requirements of County Code § 18-8;
- (ii) would be consistent with planned development design principles; and
- (iii) would not adversely affect the public health, safety, or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 15-foot stepback requirement of County Code § 18-4.19.5 on Parcels 04500-00-00-088B0, 04500-00-00-09000, 04500-00-00-091C0, and 04500-00-00-091D0.

**RESOLUTION TO APPROVE SE 2023-00033
WOODBROOK APARTMENTS SETBACK MODIFICATION**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00033 Woodbrook Apartments Setback Modification and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.19, 18-8.2, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed modification:

- (iv) would be consistent with the intent and purposes of the planned development district under the particular circumstances and satisfy all other applicable requirements of County Code § 18-8;
 - (v) would be consistent with planned development design principles; and
 - (vi) would not adversely affect the public health, safety, or general welfare;
- and that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the proposed modification.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the 20-foot rear setback requirement of County Code § 18-4.19 to 10 feet on Parcels 04500-00-00-088B0, 04500-00-00-09000, 04500-00-00-091C0, and 04500-00-00-091D0.