

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 : _____ Belvedere

Current Assigned Application Number (SDP, SP or ZMA) ZMA 200400007

Tax map and parcel(s): _____ 60-160, 62-A3-1

Applicant / Contact Person _____ Don Franco; Roudabush, Gale, & Assoc. Inc.

Address _____ 914 Monticello Rd _____ City _____ Charlottesville _____ State _____ VA _____ Zip _____ 22902

Daytime Phone# (434) 977-0205 Fax# (_____) _____ Email _____ dfranco@roudabush.com

Owner of Record _____ New Belevedere Inc. (61-160); Belvedere Land Holdings, LLC (62-A3-1)

Address _____ 610 Rio Rd W _____ City _____ Charlottesville _____ State _____ VA _____ Zip _____ 22901

Daytime Phone# (434) 242-6122 Fax# (_____) _____ Email _____ skhron@resortcompanies.com

APPLICATION FOR A SPECIAL EXCEPTION

APPLICATION SIGNATURE PAGES

VERIFICATION OF THE SIGNATURE ON THE NEXT PAGE MUST HAPPEN BEFORE THE APPLICATION MAY BE DEEMED COMPLETE

If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, an LLC, a corporation, a partnership or association, or a trust, then a document acceptable to the County must be submitted with this application certifying that the person signing has the authority to do so.

If the applicant is a contract purchaser, a document acceptable to the County must be submitted containing the owner's written consent to the application and must include any applicable documents authorizing that person to provide consent.

If the applicant is the agent of the owner, a document acceptable to the County must be submitted that is evidence of the existence and scope of the agency. Please attach the owner's written consent.

One (1) copy of the applicable ownership information.

CHECK AS APPLICABLE	OWNERSHIP OF THE PROPERTY IS A	DOCUMENT TO BE PROVIDED FOR THIS APPLICATION
☒	Limited liability company ("LLC")	The articles of organization and when the power is delegated to someone other than a manager or a member, also the operating agreement.
☒	Stock & Nonstock corporation	
☐	for a board of directors	Stock - the articles of incorporation or a shareholders agreement may limit the board's statutory authority. Nonstock - the articles of incorporation and the by-laws, the latter of which may include a member or director agreement, may limit the board's statutory authority
☒	for a person expressly authorized by the board of directors	written evidence of that authorization such as a board resolution or board minutes
☐	for a committee	an action of the board of directors authorizing the committee to act; the articles of incorporation or the by-laws may limit the statutory authority
☐	for a corporate officer	the by-laws or the delegating resolution of the board of directors.
☐	Partnership	The statement of partnership authority, which may limit the authority of one or more partners.
☐	Limited partnership	The partnership agreement, or amendments thereto, which may limit the authority of one or more general partners.
☐	Incorporated & Unincorporated church and other religious body	(1) for trustees, an authorizing court order (2) for the corporation holding title, the appropriate corporate documents (2) for a bishop, minister or ecclesiastical officer, the laws, rules or ecclesiastical polity of the entity that authorizes the person to hold, improve, mortgage, sell and convey the property.
☐	Land trust	The deed of conveyance to the trustees and the trust instrument

See Attachment A in the Land Use Law Handbook for a complete list of Authorized Signatories for Land Use Applications

COUNTY OF ALBEMARLE

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APPLICATION SIGNATURE PAGE

If the person signing the application is someone other than the owner of record, then a signed copy of the "CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER" form must be provided in addition to the signing the application below. (page 3)

Owner/Applicant Must Read and Sign

By signing this application, I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner of the subject parcel(s) listed in County Records. I also certify that the information provided on this application and accompanying information is accurate, true, 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.

New Belvedere Inc

by [Signature]
Signature of Owner / Agent / Contract Purchaser6/13/2019
DateSteven C Krohn
Print Name434 242 6122
434-220-7701
Daytime phone number of Signatory

FOR OFFICE USE ONLY APPLICATION#

Fee Amount \$

45700

Date Paid

6/19/19

By who?

Rachabush Galt

Receipt #

118364

Clt#

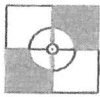
22841

By

JP

ASSOC Inc

COMMUNITY
DEVELOPMENT



LAND SURVEYING
ENGINEERING
LAND PLANNING

JIM L. EGGART, P.E.
DON FRANCO, P.E.
DAVID M. ROBINSON, P.E.
AMMY M. GEORGE, L.A.

ROUDABUSH, GALE & ASSOCIATES, INC.

A PROFESSIONAL CORPORATION

Serving Virginia Since 1956

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WILLIAM J. LEDBETTER, L.S.
BRIAN D. JAMISON, L.S.
DAVID A. JORDAN, L.S.
KRISTOPHER C. WINTERS, L.S.

June 19, 2019

Mr. Bart Svoboda
Chief of Zoning
Albemarle County Department of Community Development
401 McIntire Road
Charlottesville, VA 22902

RE: Belvedere Special Exception Variance
Block 4 Recreational Amenities

Dear Bart:

This special exception request was designed to address the timing of the recreational amenities in Block 4. As you know, the Code of development identifies several recreational amenities that staff has identified as subject to Section 4.16.3 of the County Code. These recreational amenities include several large, multimillion-dollar facilities including SOCA's fieldhouse and a neighborhood center building. Our proposal establishes a July 15, 2020 completion date for these amenities.

The primary goal for this request is to provide enough time to align the Code of Development with the original intent. The plan was for the developer to donate the land for the fieldhouse to the local non-profit and they were to fundraise to build and operate the facility. All parties involved agree that to this was the intent and it's evidenced by the donation of the land to SOCA, SOCA's pursuit of a site plan approval and SOCA's fundraising and marketing to date. Unfortunately, SOCA has not been able to raise all the necessary funding and as such, the project is behind schedule.

It is our understanding that SOCA is currently pursuing bank funding and reports that they hope to begin the project this fall.

Staff has advised the developer that per Section 4.16.3 of the County Code, required recreational facilities must be completed prior to construction of more than 50% of the residential units. This means only two more units can be constructed in Block 4 before SOCA completes their fieldhouse. Staff has also advised the developer that they do not intend to issue any building permits after that point.

While the developer's attorneys have advised that Section 4.16.3 is not the proper trigger, the biggest issue is that holding building permits has the unintended consequence of penalizing members of the public. Builders have been marketing the Block B and 27 of the remaining lots in are under contract with third party purchasers. We have discussed a number of alternative solutions, and have suggested that bonding or holding of future preliminary plat approvals would more appropriately penalize only the developer. Unfortunately, staff and the developer have agreed to disagree on these points.

While the proposed deadline doesn't provide enough time to complete all the amenities, it does provide a reasonable amount of time for the developer, SOCA and the County to work together to amend the language of the Code of Development.

Please do not hesitate to contact me with your questions and concerns.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Don' followed by a stylized 'F'.

Don Franco, PE
Roudabush, Gale and Associates
914 Monticello Road
Charlottesville, VA 22902