

May 19, 2017

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

Re: Application for a Special Exception, Plat 84-71

Dear Community Development Staff:

We are writing to request a special exception related to building a private residence on our property designated as Plat 84-71 on Craigs Store Road in the Batesville area of Afton. (Fig. 1) This parcel is designated as a single family residential lot. We find ourselves unable to build on our property without requesting a special exception due to critical slope, stream buffer, and set-back restrictions that significantly limit the designated buildable area on this property and submit herein the details of our request.

Current zoning regulations in Albemarle County Code Chapter 18 Section 4.2 address critical slopes (stipulated by Albemarle County to be slopes over 25%) stating regulations are "intended to direct building and onsite sewage system locations to terrain more suitable to development and to discourage development on critical slopes..."

We currently reside in northern Albemarle County and after years of researching locations to build our retirement home we were drawn to the Batesville area by the limited business development and we specifically chose this property based on the privacy afforded by its natural topography. As detailed below, we have been unable to find a building site "more suitable" due to the challenging topography of our property. The 9.04 acres are entirely wooded and contain a ravine running longitudinally through it, wherein lies a stream buffer. The stream buffer surrounds a stream bed which is typically dry most of the year and only contains a small brook after rain. The southwest slope of the ravine rises sharply to meet the border with the neighboring property. Prior to purchase, with permission of the seller we pursued drilling a well and though an initial attempt failed despite deep drilling, a successful well was ultimately found in another portion of the property. We then had site and soil evaluation performed through the Thomas Jefferson Health District. This determined the property to be suitable for a sewage disposal system for a four (4) bedroom house and the proposed drain field area was marked by them with sufficient distance from the well. (Letter dated 10/13/2015)

With these primary issues addressed, we purchased the property in September 2015, at which time we were not aware of critical slope issues. We chose what we felt would be an appropriate practically located building site in the less sloped portion of the property and we have since proceeded with further efforts toward building a home. We had 3 contractors, 2 landscapers and an architect visit the site with us, none of whom raised any concerns about our ability to build on our property as intended. It was not until the review of initial design sketches that the architect first raised the issue of critical slopes to us. (Fig. 2) Therefore we suspended further formal architectural work as our ability to build on our property came into question. We intend to have a home design that incorporates rather than alters the essential character and features of the property, wishing to be unobtrusive and blending into the natural topography as much as poss-

ble. Thus more specific drawings or home design plans have not been possible without knowing a more exact location of the structure.

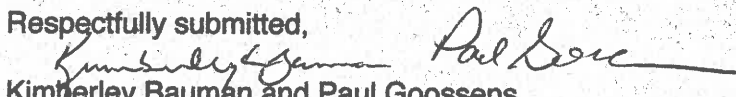
Due to these concerns we had more detailed land survey performed and unfortunately found our chosen site to lie in an area designated as critical slope per the Albemarle GIS system (Fig. 3) but with measured slopes ranging from 21.6% to 32.2%. (Fig. 4- invert for proper orientation) When the stream buffer, required well setbacks and all critical slope areas on the property were mapped out, we found ourselves left with only 0.522 acres (22,738 sq. ft.) of buildable area on which to locate a home and the requisite drain field area. (Fig. 5) As the designated septic area occupies a large majority of that 0.522 acres, we considered the possibility of using that location as an alternative site for our home and had a soil engineer evaluate the property to try to identify an alternate location for a septic drain field, either traditional or engineered. Their evaluation revealed that there is no other location possible on the property that can serve as an appropriate septic drain field. (Steve Gooch letter dated 11/28/2016) Thus we need to build our home on the area that lies upslope to that. (Fig. 6)

Albemarle County Code Section 4.2.5(a)3 states the commission may grant a modification or waiver if it finds that the modification or waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties, would not be contrary to sound engineering practices, and if at least one of the specified sub-criteria is met. We propose that granting a special exception would not be a detriment to the public health as the disturbance proposed would be minimal. It would lie in an area marginally beyond critical slope limits and would involve removal of trees limited to only those necessary for building. Further, we anticipate no impact on the orderly development of the area or to adjacent properties. In fact, our proposed building site lies more deeply within our own property which would make the residence less obtrusive to those living in the area, being further away from the road and adjacent residences. We plan to follow sound engineering practices in the design and construction of our home. We further propose that our request meets sub-criterion (c) due to the property's unusual topography and other unusual conditions.

This property was acquired by us in good faith and the regulatory restrictions related to the physical topographic issues unique to our property were unexpected and beyond our control in attempting to build a home on our property. Our circumstances are unique to our property and do not apply generally to other properties in the area so as to make reasonably practicable the formulation of a regulation to be adopted as an amendment to the county ordinance. We intend to build a primary residential dwelling, one that is reasonably sized and in keeping with the property and we stipulate that prohibiting the disturbance of critical slopes effectively unreasonably restricts the use of the property.

We do very much wish to build our home on our property as we had initially intended and we kindly request a special exception to proceed with plans to build in the area herein identified as a homesite. Thank you for your time and consideration in this regard.

Respectfully submitted,


Kimberley Bauman and Paul Goossens
3311 Meadowfield Lane
Charlottesville, VA. 22911
434-227-9200



COMMONWEALTH of VIRGINIA

In Cooperation with the
State Department of Health

Thomas Jefferson Health District

1138 Rose Hill Drive

P. O. Box 7546

Charlottesville, Virginia 22906

Phone (434) 972-6219
Fax (434) 972-4310

ALBEMARLE - CHARLOTTESVILLE
FLUVANNA COUNTY (PALMYRA)
GREENE COUNTY (STANARDSVILLE)
LOUISA COUNTY (LOUISA)
NELSON COUNTY (LOVINGSTON)

October 13, 2015

Paul Goossens/Kim Bauman
3311 Meadowfield Lane
Charlottesville, VA 22911

Re: Tax Map 84-71
Health Department ID: 101-15-0239

Dear Mr. Paul Goossens & Mr. Bauman:

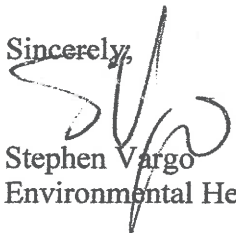
This is to confirm my June 9, 2015 visit to the above referenced property for the purpose of a site and soil evaluation to determine sewage disposal system suitability.

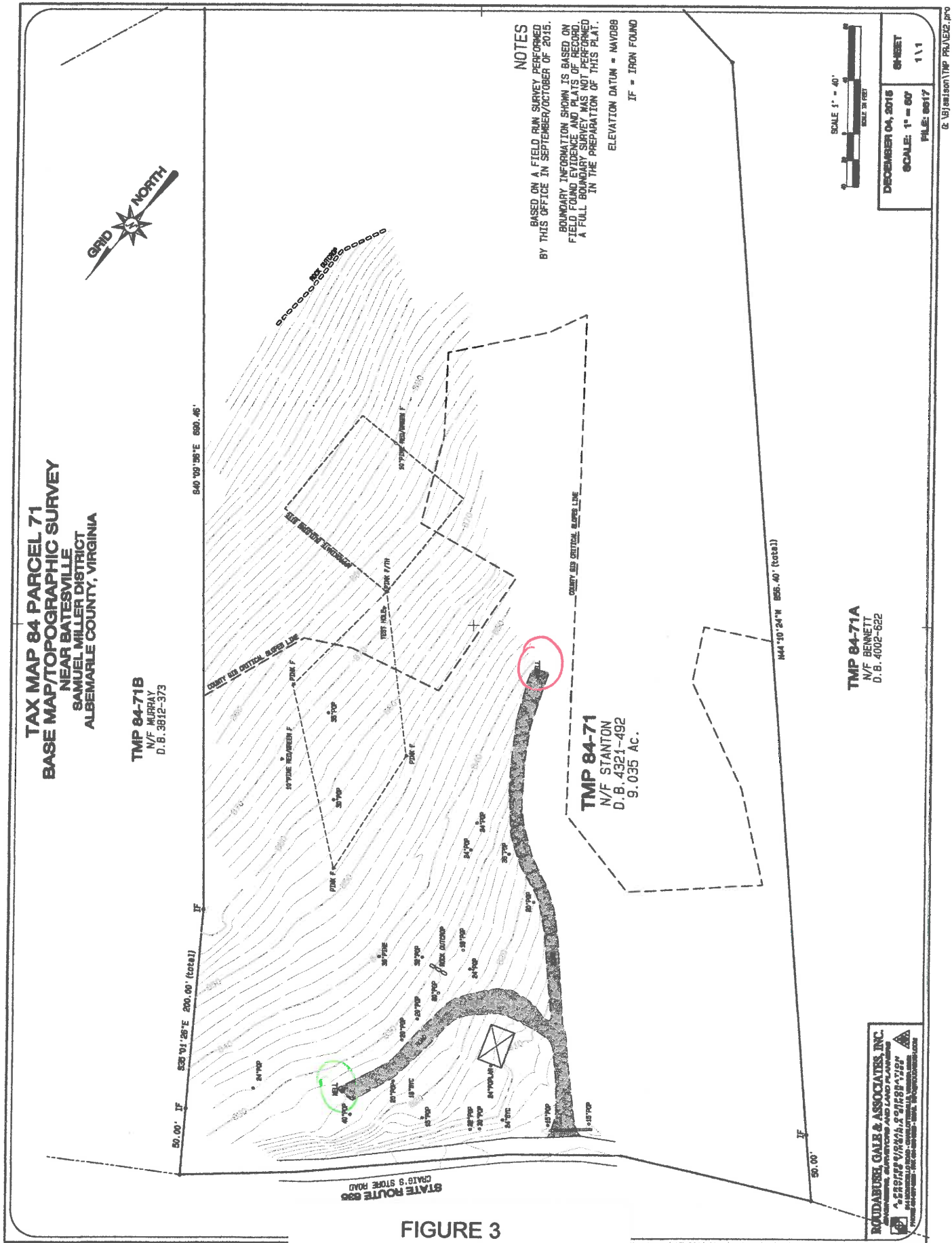
My findings were that the property is suitable for a sewage disposal system for a four (4) bedroom house. As previously discussed, one of the requirements for a certification letter to be issued is that a survey needs to be done of the property and the proposed drainfield area and well site identified by survey on the plat. I have marked the proposed drainfield area and there is an existing drilled well onsite. Attached are copies of my field notes and sketch for your review and possible use by your surveyor.

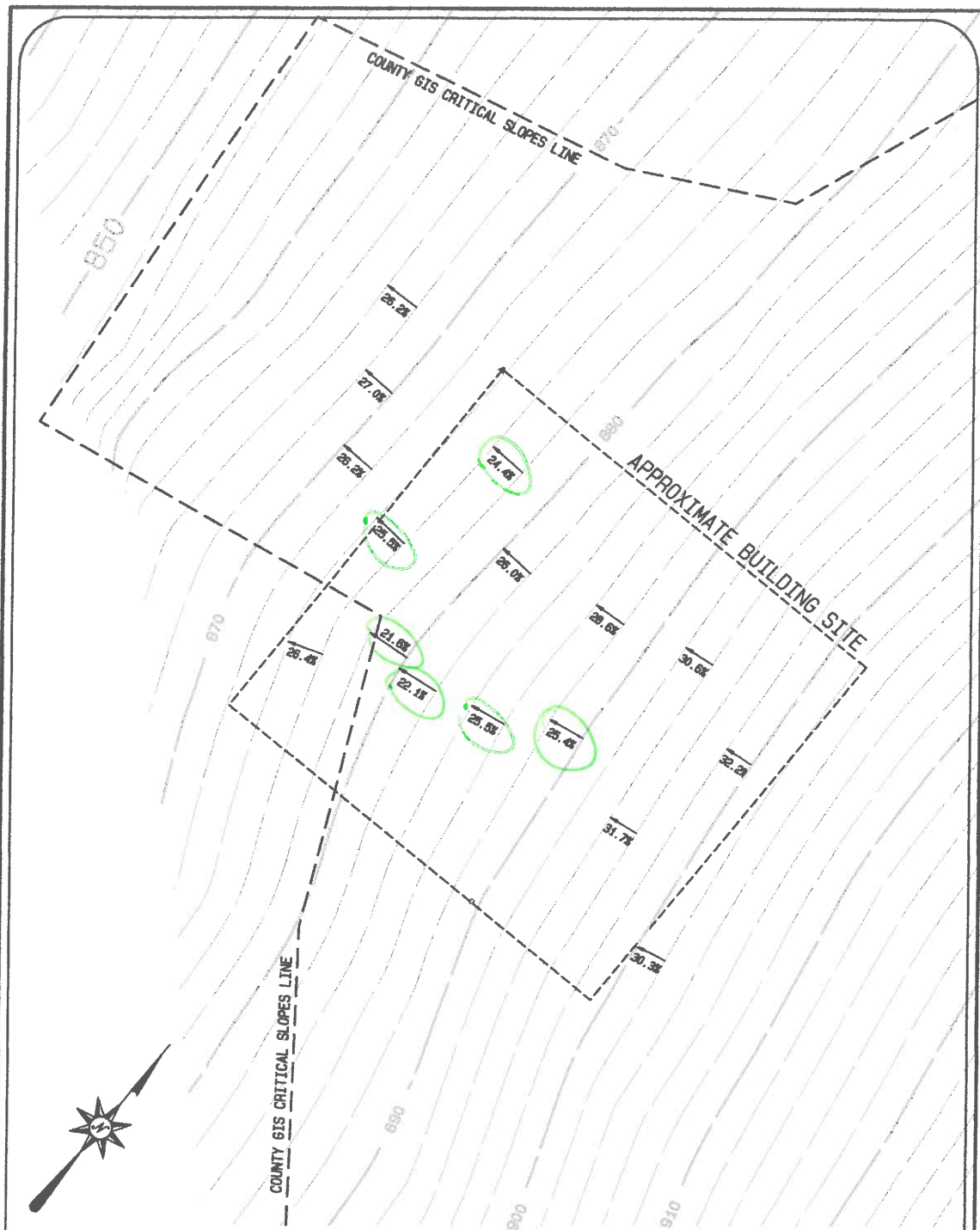
In order to proceed with the certification letter issuance, please submit the surveyed plat with drainfield and well site locations to this office within 90 days.

Please contact me if I may provide further information concerning this matter.

Sincerely,


Stephen Vargo
Environmental Health Specialist





**EXHIBIT SHOWING SLOPES AT
PROPOSED BUILDING SITE
TAX MAP 84 PARCEL 71
BASE MAP/TOPOGRAPHIC SURVEY
NEAR BATESVILLE
SAMUEL MILLER DISTRICT
ALBEMARLE COUNTY, VIRGINIA**

ROUDABUSH, GALE & ASSOCIATES, INC.
ENGINEERS, SURVEYORS AND LAND PLANNERS

A PROFESSIONAL CORPORATION
SERVING VIRGINIA SINCE 1988
914 MONTICELLO ROAD - CHARLOTT
PHONE 434-577-2255 - FAX 434-577-2255 - 1

SCALE 1" = 20'



DECEMBER 04, 2015

SCALE: 1" = 20'

FILE: 6617

FIGURE 4

C:\Bjameson\TMP PROJ\6617SLOPEEXHIBIT.pro

Topo survey with detailed
slope measurements

TAX MAP 84 PARCEL 71
BASE MAP/TOPOGRAPHIC SURVEY
 NEAR BATESVILLE
 SAMUEL MILLER DISTRICT
 ALBEMARLE COUNTY, VIRGINIA

TMP 84-71B
 N/F MURRAY
 D.B. 3812-373

TMP 84-71
 N/F STANTON
 D.B. 4321-492
 9.035 AC.

TMP 84-71A
 N/F BENNETT
 D.B. 4002-622

RODABUSH, GALE & ASSOCIATES, INC.
 SURVEYING, ENGINEERING AND LAND PLANNING
 1001 WEST 10TH AVENUE, SUITE 100
 ALBANY, NEW YORK 12206-1000
 TEL: 518/865-1000 FAX: 518/865-1001
 WWW.RODABUSHGALE.COM

AUGUST 18, 2016
SCALE: 1" = 40'
FILE: 0617
SHEET
1 / 1

SCALE 1" = 40'
 SCALE IN FEET

NOTES
 BASED ON A FIELD RUN SURVEY PERFORMED
 BY THIS OFFICE IN SEPTEMBER/OCTOBER OF 2015.
 BOUNDARY INFORMATION SHOWN IS BASED ON
 FIELD POINTS, EVIDENCE AND PLATS OF RECORD.
 A FULL ENGINEERING SURVEY WAS NOT PERFORMED
 IN THE PREPARATION OF THIS PLAT.
 ELEVATION DATUM = NAVD88
 IF = IRON FOUND

FIGURE 5

Survey with remaining
 .522 acre buildable area

Steve Gooch

STEVE GOOCH

spgooch.geologist@gmail.com

C.P.G./O.S.E

CONSULTING GEOLOGIST, INC.

Phone: 434-531-0487

703 Oliver Creek Rd. Troy, Virginia 22974

November 28, 2016

Paul Goossens

3311 Meadowfield Lane

Charlottesville, VA 22911-9152

Re: Feasibility Soil Study for Drain Fields

Tax Map 84-71

Batesville Road

Albemarle County

Dear Mr. Goossens:

As requested we have performed a soils investigation on the above-referenced property. The purpose of the study was to determine if there was sufficient area of suitable soils on the lot to support a 100% reserve drain field site for a proposed 4 bedroom house. We drilled a series of hand auger test holes to determine soil profiles on the lot. You have shown us the approximate location of a proposed house and driveway.

Potential drain field sites on the property are limited by the following:

- 1) Albemarle County Critical Slope Ordinance
- 2) Albemarle County Water Protection Ordinance
- 3) Minimum separation distance required from 2 existing wells on the property
- 4) Location of the proposed driveway and grading associated with the driveway and leveling the building pad for the house.

Based on the combination of the size of the drain field required (given the soil types) and the limitations listed above it is our opinion that there is not sufficient area for 2 conventional or engineered drain field sites (primary and 100% reserve) for a 4 or even a 3 bedroom house.

If you have any questions, please let us know.

Sincerely,

Steve Gooch Consulting Geologist, Inc.



Steve Gooch
OSE

840°09'55"E 630.48'

NOVEMBER 08, 2016
SCALE: 1" = 40'
FILE: 0617

C:\Bjornson\TMP PROJ\EX2.pro

PROUDABUSH, GALE & ASSOCIATES, INC.
ENGINEERS, SURVEYORS AND LAND PLANNERS
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TMP 84-71
N/F STANTON
D.B. 4321-492
9.035 AC.

FIGURE 6

Special Exception Summary