



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

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November 26, 2019

LJ Lopez
Milestone Partners
300 2nd Street NE
Charlottesville VA 22902

RE: LOD201900018 – Boys & Girls Clubs Determination of Use | TMP 06000-00-00-078A0 (“the Property”)

Dear Mr. Lopez:

This is a response to your request for a determination regarding the operation of the Boys and Girls Club in a proposed structure to be owned by the Boys and Girls Clubs of Central Virginia (BGCCV) on the campus of Jack Jouett Middle School, located on the Property.

Background

Use History

The BGCCV has operated in Albemarle County since 2000, providing programs for children and teens aged 6-18. The Jack Jouett Boys and Girls Club has operated within the Jack Jouett Middle School building since 2003 and serves over 200 students.

Other Local Clubs

According to BGCCV leadership, the James River, Orange, and Madison Boys and Girls Clubs operate within public school buildings located on school properties and are operated as accessory uses to the public schools.

The Southwood Club is located in Albemarle County, and is permitted as a “community center” by special use permit in a building owned by the BGCCV. The Cherry Avenue Club in the City of Charlottesville is permitted by special use permit as a “club,” in a building owned by BGCCV on land leased to the BGCCV from the City of Charlottesville Public School System.

Current Use as an Accessory Use Customarily Incidental to a Public Use

The definition of “accessory use” per Chapter 18-3.1 of the County Code is:

Accessory use, building or structure. "Accessory use," "building" or "structure" means a subordinate use, building or structure customarily incidental to and located upon the same lot occupied by the primary use, building, or structure, and located upon land zoned to allow the primary use. . .

Currently, the Jack Jouett Boys and Girls Club provides before and after-school and summer care services (also referred to as “after-school care” in this letter) on behalf of Jack Jouett Middle School and operates within the Jack Jouett Middle School building, which is owned and operated by Albemarle County Schools. This is the model practiced by most Boys and Girls Clubs chapters across the United States. Under this model, after-school care is a customarily incidental accessory use to the public school.

Proposed Use

Chapter 18-3.1 of the County Code defines a community center as:

Community center. "Community center" means a place, structure, area or facility used for cultural, educational and/or recreational activities, which is open to the public and intended to serve the local community. A community center is different from a neighborhood center, which is a use that is typically accessory to a residential development.

The proposed new use would combine the provision of after-school care with the additional programming and services of a community center serving the greater public, and permit additional outside organizations occasional use of the proposed BGCCV-owned structure. The proposed use is nearly identical to the uses conducted at the Southwood and Cherry Avenue Boys and Girls Clubs, both of which are permitted by special use permits.

Though some community centers may be considered a public use under Chapter 18-5.1.04, the Boys and Girls Club of Central Virginia’s proposed community center use at Jack Jouett Middle School would not be a public use, as it would not be “owned, operated, or receiving a majority of the use’s operating budget from local, state or federal agencies,” as defined in County Code § 18-3.1:

Public uses. "Public uses" means public uses, buildings and structures including, but not limited to, schools, offices, parks, playgrounds and roads, owned, operated, or receiving a majority of the use’s operating budget from local, state or federal agencies and including temporary or mobile facilities for these purposes; public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and similar facilities owned or operated by the Rivanna Water and Sewer Authority (reference County Code § 18-5.1.12).

Operation of a Community Center

As the operation of the proposed community center would be **neither** accessory to a public school, **nor** a public use, the operation of the community center would be allowed only by special use permit.

Operation of After-School Care Provided on Behalf of a Public School

After-school care provided on behalf of a public school constitutes an accessory use of the school and is permitted by right on the parcel owned by Albemarle County Public Schools. However, if the public school use ceased, the associated accessory use must also cease, regardless of the ownership of the buildings in which it was located.

Summary

The proposed new Jack Jouett Boys and Girls Club structure would serve two separate uses. The first, provision of before and after-school and summer care, is an accessory use of Jack Jouett Middle School, which is both a public facility and a public use. This use is permitted by right on the Property. The second use of a community center is not accessory to the public school, nor a public use of its own right. This proposed community center use may not begin without the approval of a special use permit. However, the structure proposed for the Jack Jouett Boys and Girls Club may be permitted, provided the structure

is only used for before and after-school and summer care. The structure may be used for community center uses only if a special use permit for a community center is approved.

Comprehensive Plan Review

A Compliance with the Comprehensive Plan Review (CCP Review), considers whether the general location, character, and extent of a proposed public facility are in substantial accord with the adopted Comprehensive Plan. It is reviewed by the Planning Commission, and the Commission's findings are forwarded to the Board of Supervisors for their information; no additional action is required of the Board. The Commission's action is only related to the appropriateness of the site for the proposed public use, and is not an action or recommendation on whether the facility should be funded and/or constructed. If the community center were determined to be a public use, a CCP Review would be required.

If you are aggrieved by this determination, you have a right to appeal it within thirty (30) days of this notice, in accordance with *Virginia Code* § 15.2-2311. If you do not file a timely appeal, this determination shall be final and unappealable.

An appeal may be taken only by filing an appeal application with the Zoning Administrator and the Board of Zoning Appeals, in accordance with § 18-34.3 of the Zoning Ordinance, along with a fee of \$258. Additionally a separate fee is required for the cost of providing notice and advertising of the appeal for a public hearing.

Applications for Appeal of the Zoning Administrator's Determination are available at the Department of Community Development located at 401 McIntire Road, Charlottesville, Virginia 22902 or online at www.albemarle.org/cdapps. This form applies to the appeal of a decision of the zoning administrator or any other administrative officer pertaining to the Zoning Ordinance.

Regulations pertaining to the filing of an appeal to the Board of Zoning Appeals are located in Chapter 18, Section 34.3 of the Zoning Ordinance. They may be reviewed online at www.albemarle.org/countycodebza.

If you have any questions, please contact me.

Sincerely,



Leah H. Brumfield
Senior Planner, Designee of the Zoning Administrator

Attachment:

Copy: Bart Svoboda, Zoning Administrator