Please accept this as my response to the comments of the abutting landowners.

On 9 December 2022 A notice to Abutting Landowners was delivered to 45 individuals in regards to my special exception for a zoning clearance request soliciting comments or concerns. In addition upon notice on 9 December the President of the Earlysville Home Owners Association sent out an email to all 191 residence of Earlysville Forest soliciting negative responses. In total 236 different individuals were notified. A 2nd Notice was sent out on 13 January 2023 to the 45 individuals as abutting landowners due to the change in date. A total of 12 comments were received from these notices and only two of those are from abutting landowners.

The main complaint throughout most of these comments (7 nonabutting landowners and 1 abutting landowner) is that the trucks traveling on Earlysville Forest Drive and Carriage Hill Drive interferes with either their dog walking or pedestrian use of the roads for recreational purposes.

Earlysville Forest Drive (State Route 660) and Carriage Hill Drive (State Route 1588) are both a part of the state highway system. There primary purpose is for vehicular traffic from point A to point B and they are the only way I can reach the project area and my property.

When Earlysville Forest was built, they included (and are still maintained today) several miles of walking trails with several access points exclusively for their residences. A map of the trail system is included on the HOA web page and is also mentioned in the Sept 2022 HOA minutes as being for foot traffic only. There are also over 140 acres in Earlysville Forest dedicated specifically as common areas for the right of enjoyment and recreation of their residences.

One comment was in regard to observing a heavy amount of silt entering Chris Greene Lake quite possibly being caused by my project. At my request, the County Engineering staff, NRCS, and DEQ have all inspected my project as well as the streams on my property and determined that this discharge was not caused by any activity on my property.

The final comment I would like to address is from Cathie Brettschneider who resides at 4405 Carriage Hill Drive. Cathie is opposed to my using the legal Right of Way to my property. Although much will be included in the Staff Analysis regarding my legal right to use this Right of Way I would like to include the following information. This Right of Way was established by my relatives at the request of the Albemarle County Government in 1886 to benefit the citizens of the County. The deed is recorded with the Courts. Up until 1980 and possibly later it was depicted on the County Map as an unimproved roadway. During the evening session of the 15 Oct 1980 Board of Supervisors meeting when the proposed plan for Earlysville Forest was presented my father asked that this Right of Way be protected since it was the only remaining access to this portion of the farm. The other taken by the County in the 1960s when they annexed the land for Chris Green Lake and the Board declined. In 1986 when the footers for the dwelling located at 4405 Carriage Hill Drive were poured in violation of the zoning ordinances and site plans my father went to the County and was ignored. In November of 1986 at the Board of Zoning Appeals hearing my father requested that construction cease and the partial structure be moved to the correct location. Instead the BZA granted a variance to the zoning ordnance to allow the dwelling to be built 10 feet from the Right of Way with the understanding that any adverse usage would be on the builder or whoever bought the house but not on my family. After this was done the builder then added an attached back deck to the house that is within 6 inches of the Right of Way.

Cathie alleges the collapse of culverts (Not true), Frequent and deep ruts on her side of the easement caused by the trucks (Not true), Access Road not being maintained (Not True), Excessive Speed of the trucks beyond the posted 5 mph limit on the easement (signs that I put up as a courtesy) (Not true), Fill activity not being limited to the hours of 7 am to 7 pm (Not true).

Although I have been accused of operating a commercial land fill, violating my zoning clearance and violating my conservation easement none of these are true.

Tim Kindrick

Att M Applicant Response

STAFF NOTE: Received on 1-26-23 via email from Mr. Kindrick.