



County of Albemarle COMMUNITY DEVELOPMENT

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To: Albemarle County Board of Supervisors
From: Bart Svoboda, Zoning Administrator
Lisa Green, Manager of Code Compliance
Date: April 17, 2024
Re: **SE202300036 Orchard Acres Lots 37 & 38**
Parcel ID(s): 055C0-00-0A-03700 and 055C0-00-0A-03800
Magisterial District: White Hall
School Districts: Crozet E.S., Henley M.S., Western Albemarle H.S.
Zoning District: R2 Residential Areas

Summary of Application for Exceptions:

Pursuant to County Code § 18-5.1.28(d), the applicant is seeking special exceptions to waive two regulations pertaining to clean earth and inert waste fill activity on Parcels 055C0-00-0A-03700 and 055C0-00-0A-03800:

1. County Code § 18-5.1.28(a)(7), which otherwise requires a minimum setback of 75 feet from all property lines in residential zoning districts and a 100-foot minimum setback from dwellings on adjacent properties.
2. County Code § 18-5.1.28(a)(9), which otherwise requires a minimum lot size of five acres.

The disturbed area would be distributed between the two parcels. The size of that area is approximately one acre. The proposed improvements would create two single-family building sites.

Staff Recommendation:

Based on the staff analysis (Attachment A), staff recommends that the Board adopt the attached resolution (Attachment G) to approve the special exceptions for the proposed clean earth fill area on Parcels 055C0-00-0A-03700 and 055C0-00-0A-03800, 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 (Attachment C) or a duly-issued building permit.

Attachments:

- A. Staff Analysis
- B. Application and Information SE202300036 Orchard Acres Lots 37 & 38
- C. WPO2023-052 Orchard Acres Lots 37 & 38 – VESCP
- D. County Code § 18-4.3.1 – Fill areas, waste areas
§ 18-5.1.28 – Clean Earth and Inert Waste Fill Activity Regulations
§ 17-604(F) – Types of structures, improvements and activities which may be allowed in a stream buffer by program authority.
- E. DEQ Investigation Report 2023-10-18
- F. Abutting Owner Notice Comments
- G. Proposed Resolution