

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes regulations pertaining to the procedures and requirements for applications for zoning map amendments ("rezonings") and special use permits; and

WHEREAS, Albemarle County Code § 18-33.4 authorizes an "owner" to apply for rezonings and special use permits, which is defined in Albemarle County Code § 18-3.1 as the fee simple owner of the parcel to which the application pertains, and it has become apparent that the definition may be too restrictive in those cases where the prospective applicant is an easement holder seeking a special use permit for a use allowed by the deed of easement; and

WHEREAS, in order to improve the efficiency of the special use permit application process, it may be desirable to amend the definition of "owner" in Albemarle County Code § 18-3.1 to clarify that certain easement holders may be eligible applicants for special use permits when the permit they seek is consistent with the uses for which the easement was acquired.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-3.1, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

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I, Ella W. Jordan, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of six to zero, as recorded below, at a meeting held on January 6, 2016.



Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	<u>Y</u>	_____
Ms. Mallek	<u>Y</u>	_____
Ms. McKeel	<u>Y</u>	_____
Ms. Palmer	<u>Y</u>	_____
Mr. Randolph	<u>Y</u>	_____
Mr. Sheffield	<u>Y</u>	_____

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes regulations pertaining to the procedures and requirements for applications for special use permits, special exceptions, and variances (collectively, the “approvals”); and

WHEREAS, Albemarle County Code §§ 18-33.4, 18-33.5, and 18-34.4 authorize the owner of the fee simple interest of the lot to which an application pertains, as well as certain representatives of the owner with the owner’s authorization, and, for variance applications, certain other persons, to apply for approvals; and

WHEREAS, it became apparent that the range of permissible applicants may be too restrictive in those circumstances when the prospective applicant is an easement holder seeking an approval of a special use permit for a use allowed by the deed of easement and, on January 6, 2016, the Albemarle County Board of Supervisors adopted a resolution of intent to consider amending the Zoning Ordinance to allow easement holders to apply for a special use permit when the approval they seek is for a use allowed by the deed of easement; and

WHEREAS, further study of the issue has revealed that the easement holders may also need to seek special exceptions or variances which, if approved, would waive, modify, or vary certain requirements such as setbacks or height limitations associated with a use; and

WHEREAS, it may be desirable to amend the procedures and requirements for special exceptions and variances to allow easement holders to apply for a special exception or a variance when the approval they seek is related to a use allowed by the deed of easement; and

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-33.5, 18-34.4, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT this resolution of intent is in addition to, and does not supersede, the resolution of intent adopted by the Albemarle County Board of Supervisors on January 6, 2016 referred to above; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent and the Board of Supervisors’ January 6, 2016 resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

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