

Matt and Molly Shadel  
7284 Plank Road  
Afton, VA 22920

April 2, 2016

Ms. Rebecca Ragsdale, Senior Planner  
County of Albemarle  
Department of Community Development  
401 McIntire Road, North Wing  
Charlottesville, Virginia 22902-4596

Via e-mail and First Class Mail

Re: CLE # 2016-32 Rose Garden School (Rebecca Garson)  
7342 Plank Road; Tax Map Parcel 070000000039E0

Dear Ms. Ragsdale,

We write in response to your letter of March 29, 2016 regarding the above-referenced application to run a family day home at 7342 Plank Road. We own the property immediately adjacent and object to this application for the following reasons:

**Traffic Concerns.** Our section of Plank Road is near the intersection with Kingsway, where there is a steep, blind curve. During the time that we have lived here, there have been several accidents at this curve. This curve is in front of the driveway of 7342 Plank Road, the proposed site of the daycare center. It is a treacherous part of the road, as evidenced by these car accidents, and we are concerned that increasing traffic to our area will make it even more dangerous.

**Quiet Enjoyment of Our Property.** We intentionally bought our property in a rural area to avoid living near a business. This proposal would put a daycare center directly in front of our house. When we sit on our front porch, we would be looking at the playground and parking area of the daycare center.

**Property Values.** The presence of a daycare center is likely to decrease the value of our home. It would be undesirable to look out our window onto the back play yard of a daycare center.

**Concerns About Trespassing.** We are concerned about patrons of the daycare center trespassing on our land. The play yard overlooks our fields and is close to our creek and our neighbor's pond. These features are attractive to children and we have had problems in the past with children living at this property coming onto our land without permission. We also have a dog, and do not want to have to worry about children trespassing on our land and being injured by our dog. In recent advertisements for the sale and rental of this property, the owners have posted pictures of our land (see, e.g., [http://www.zillow.com/homedetails/7342-Plank-Rd-Afton-VA-22920/79025259\\_zpid/](http://www.zillow.com/homedetails/7342-Plank-Rd-Afton-VA-22920/79025259_zpid/)); in others, the property is described as having open fields, ponds and streams nearby (see, e.g., [http://webcache.googleusercontent.com/search?q=cache:bp41p2bOJd4J:www.zillow.com/homedetails/7336-Plank-Rd-RUSTIC-Afton-VA-22920/2099815145\\_zpid/+&cd=2&hl=en&ct=clnk&gl=us](http://webcache.googleusercontent.com/search?q=cache:bp41p2bOJd4J:www.zillow.com/homedetails/7336-Plank-Rd-RUSTIC-Afton-VA-22920/2099815145_zpid/+&cd=2&hl=en&ct=clnk&gl=us)). Those fields, ponds and streams belong to us or to other neighbors and are not open to the public, so we worry about the potential trespass issues.

**This Property Does Not Meet the Definition of a Family Day Home.** Va. Code § 63.2-100 defines a “family day home” as “a child day program offered in the residence of the provider or the home of any of the children in care.” The residence has been rented to Rebecca Garson to operate as a daycare center, but she does not appear to live at the house. It has not been occupied at night since October 2015.

**The Owners of This Property Are Renting Out the Guest Cottage on the Property as a Separate Residence, In Violation of Albemarle County Area and Bulk Regulations.** 7342 Plank Road is located on a two-acre plot that contains two buildings—a yellow house and a smaller guest cottage. The owners of this property have been leasing the cottage and the yellow house (the proposed site of the family day home) to separate tenants for several years. This neighborhood is part of the RA, rural areas, zoning district, which requires 2.0 acres per residence. See Albemarle County Code Ch. 18 § 10.4. By operating these two buildings as separate residences sharing a single two-acre plot, the owners are in violation of the density requirement. They now propose to compound this violation by turning one of the two buildings into a family day home.

The area and bulk regulations governing this rural part of the county exist to conserve the natural, scenic and agricultural nature of this zone. Permitting a tenant to rent a cottage on the front of the property while also permitting a different tenant to operate a day care business in the second building on this property is likely to strain the septic system of the property, lead to multiple cars being parked on the property, increase traffic, cause noise, impede the quiet enjoyment of our neighboring property, and run afoul of the goals of the rural zoning plan. We object to this application for all these reasons.

Sincerely,

/s/

Matt and Molly Shadel

Albert and Katherine Coleman  
7404 Plank Road  
Afton, VA 22920  
April 17, 2016

Ms. Rebecca Ragsdale, Senior Planner  
County of Albemarle  
Department of Community Development  
401 McIntire Road, North Wing  
Charlottesville, VA 22902

Re: CLE #2016-32 Rose Garden School (Rebecca Garson)  
7342 Plank Road; Tax Map Parcel 07000 00 000 39E0

We write in response to the application for a family day home as referenced above.

We own the property at 7404 Plank road, abutting the Shadel property. Our property is 297 feet from the yard of the proposed day home, across a completely open meadow. While there are two fences between our properties, these 4 foot tall board fences will do nothing to keep children in or out. Indeed, most children might look on these fences and the open spaces and see it as a challenge to crawl between the boards and run across the open fields to our 2 acre lake. This lake is the reason that we bought this near 16 acre tract in 1995 and have spent over 20 years adding our home, barn, and many other buildings, increasing the value of our property. The lake is nearly 60 years old and almost 20 feet deep.

We object to the family day home location for the following reasons:

**PROXIMITY TO OUR LAKE** – Our property is 297 feet from the referenced parcel, across completely open fields.

**CONCERNS WITH TRESPASSING** – We have had problems with the owners of the property trespassing to our lake.

**GREAT POTENTIAL FOR UNFORTUNATE INCIDENT AND SUBSEQUENT LOSS OF REAL ESTATE VALUE** – Ask any real estate expert what the effect of a tragedy on your land does to the value and sales appeal.

**TRAFFIC CONCERNS** – The driveway for the property is currently used for 3 houses, one of which is an illegal rental. This driveway enters Plank Road at a dangerous point and is already a problem.

**Please reject this application for a family day home at 7342 Plank Road.**

Additionally, the address of the application is, in fact, for the accessory structure on the property, not the main dwelling (yellow house). We understand that the family day home is proposed for the main dwelling (yellow house). Whichever building the applicant plans to use, our same concerns apply.

Albert L. Coleman  
Katherine S. Coleman

*Albert L. Coleman*  
*Katherine S. Coleman*

