



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

FAX (434) 972-4126

TELEPHONE (434) 296-5832

TTD (434) 972-4012

NOTICE OF OFFICIAL DETERMINATION OF VIOLATION

The Date this Notice of Determination is given is August 7, 2018.

No: VIO-2018-153

REGISTERED MAIL # RE 234 267 096 US

Route 29 LLC (Owner)
Wendell Wood, Manager
PO Box 5548
Charlottesville, VA 22905

Property: Hollymead Town Center Area A-1
03200-00-00-042A,
03200-00-00-04400 (portion),
03200-00-00-04500 (portion) and
04600-00-00-00500 (portion)

Same as Above

Zoning: PD-MC-Planned Development
Mixed Commercial District

Owner of Record

Dear Mr. Wood:

This notice is to inform you that the above-described Property is in violation of the Albemarle County Zoning Ordinance due to unsatisfied proffers from ZMA-2012-00005.

Proffer 4 specifically provides:

“ Public Transit Operating Expenses – Within thirty days after demand by the County after public transportation service is provided to the Project, the Owner shall contribute \$50,000 cash to the County to be used for operating expenses relating to such service, and shall contribute \$50,000 cash to the County each year thereafter for a period of nine (9) additional years, such that the cash contributed to the County pursuant to this Proffer 4, shall total Five Hundred Thousand Dollars (\$500,000). The cash contribution in years two through ten shall be paid by the anniversary date of the first contribution.”

By letter dated May 20, 2016, the County made demand for the first \$50,000 cash contribution under this proffer by June 20, 2016. A second annual payment was due in 2017. The County further sent a reminder

letter on May 7, 2018, demanding payment of the third required annual payment by June 18, 2018. All the three required payments have yet to be made.

These proffer violations are unlawful violations of the Zoning Ordinance, and may result in civil penalties, criminal penalties, injunctive relief and/or other remedies, pursuant to *Albemarle County Code § 18-36*.

This letter is also to order you to comply with the above proffers by **September 6, 2018**. Failure to comply with these proffers may result in legal action being taken against you and any other owner, tenant or other responsible party. Your timely compliance with this order does not excuse the violations cited herein and does not preclude the County from pursuing further legal action for these violations.

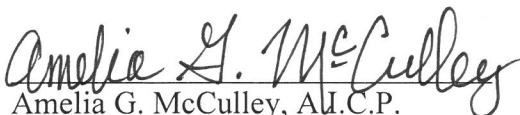
Pursuant to *Virginia Code § 15.2-2301*:

“Any zoning applicant or any other person who is aggrieved by a decision of the Zoning Administrator made pursuant to the provisions of *Virginia Code § 15.2-2299* may petition the governing body for review of the decision of the Zoning Administrator. All petitions for review shall be filed with the zoning administrator and with the clerk of the governing body within thirty (30) days from the date of the decision for which review is sought and shall specify the grounds upon which the petitioner is aggrieved. A decision by the governing body on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided written notice of the zoning violation, written determination, or other appealable decision.

An aggrieved party may petition the circuit court for review of the decision of the governing body on an appeal taken pursuant to this section. The provisions of subsection F of *Virginia Code § 15.2-2285* shall apply to such petitions to the circuit court, mutatis mutandis.”

In accordance with *Virginia Code § 15.2-2299*, failure to meet all conditions of ZMA-2012-005 shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits.

If you have any questions, please contact Lisa Green, Senior Code Compliance Officer, at 434-296-5832 ext. 3013.



Amelia G. McCulley, A.I.C.P.

Zoning Administrator
County of Albemarle

**AUTHENTICATION OF RECORD/
CERTIFICATE OF MAILING**
(Code of Virginia § 8.01-390)
(Notice of Official Determination of Violation)

I, LISA GREEN, hereby certify:

1. that I am a Code Enforcement Officer and an employee of the Albemarle County Department of Community Development;
2. that on AUGUST 07, 20 18, I mailed a true copy of the record attached hereto, consisting of a Notice of Official Determination of Violation dated AUGUST 7, 20 18 pertaining to that property identified as Parcel ID Number(s) 032-42A, 032-44, 032-45 to the recipient(s) identified thereon at the address(es) 042-5 specified thereon; and
3. that the copy of such record which is attached hereto is a true copy of the record that was mailed.

Dated: 8/7/2018 Signed: Lisa Green

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Charlottesville:

The foregoing *Authentication of Record/Certificate of Mailing* was signed, sworn to and acknowledged before me by Keith Alan Bradshaw Albemarle County Code Enforcement Officer, this 7th day of August, 20 18.

Keith Alan Bradshaw
Notary Public

My Commission Expires: February 28, 2021

Notary Registration No. 7746770

