

# COUNTY OF ALBEMARLE

## APPLICATION FOR A SPECIAL EXCEPTION

☒ Request for a waiver, modification, variation or substitution permitted by Chapter 18 = \$457

☐ Variation to a previously approved Planned Development rezoning application plan or Code of Development = \$457

OR

☐ Relief from a condition of approval = \$457

### Provide the following

☒ 3 copies of a written request specifying the section or sections being requested to be waived, modified, varied or substituted, and any other exhibit documents stating the reasons for the request and addressing the applicable findings of the section authorized to be waived, modified, varied or substituted.

### Provide the following

- ☐ 3 copies of the existing approved plan illustrating the area where the change is requested or the applicable section(s) or the Code of Development. Provide a graphic representation of the requested change.
- ☐ 1 copy of a written request specifying the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation.

Project Name : Pape Cottage - AirBnB

Current Assigned Application Number (SDP, SP or ZMA) \_\_\_\_\_

Tax map and parcel(s): 44-21C

Applicant / Contact Person Karen D Pape

Address 478 Woodlands Rd City Charlottesville State VA Zip 22901

Daytime Phone# ( 434 ) 9813246 Fax# (        ) \_\_\_\_\_ Email Karen.e.pape@ardco.com

Owner of Record Karen D Pape Trust

Address 478 Woodlands Road City Charlottesville State VA Zip 22901

Daytime Phone# ( 434 ) 981-3246 Fax# (        ) \_\_\_\_\_ Email Karen.e.pape@ardco.com

County of Albemarle  
Community Development

401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126

**COUNTY OF ALBEMARLE****APPLICATION FOR A SPECIAL EXCEPTION****APPLICATION SIGNATURE PAGE**

If the person signing the application is someone other than the owner of record, then a signed copy of the "CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER" form must be provided in addition to the signing the application below. (page 3)

**Owner/Applicant Must Read and Sign**

By signing this application, I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner of the subject parcel(s) listed in County Records. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge. By signing this application, I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

Karen D Pape, trustee of the Karen D Pape Trust 1/15/2020  
Signature of Owner / Agent / Contract Purchaser Date

Karen D Pape 434 981 3246  
Print Name Daytime phone number of Signatory

FOR OFFICE USE ONLY APPLICATION# 15202000012 Fee Amount \$ 457 Date Paid 1/15/20  
By who? Howard A. Pape Receipt # 120348 Ck# 8817 By ow

I own property at 478 Woodlands Road, Charlottesville, VA 22901, tax map 44-21C. In the fall of 2018, I realized that I had additional development rights, and I began design of a small cottage that I might use as an AirBnB. I researched the requirements that were in effect at the time and met with Francis McCall to discuss the matter. I designed a very small, high quality one bedroom structure as I live in the main residence and do not want large groups who will disrupt our quiet neighborhood. Rather, it is meant as a quiet retreat for artists and couples.

In the middle of the process, the homestay regulations changed and I am now required to locate the structure 125 feet from the property line. See Homestay regulation Section 5.1.48.j(1)(v). I am asking for a special exception to the rule for the following reasons:

- This project was well underway by the time the regulations changed from a 15' sideline setback to a 125' setback. The planning for the project was a seven month process starting in the fall of 2018. The property was sited in the spring, and the excavation work was completed in June-July. Footings, in place before the zoning change went into effect, were inspected August 14, 2019. I based my plan on a good faith and accurate understanding of the ordinance that was in effect at the time, and my plans were designed to be in compliance with those regulations.
- I sited this house so as to cause the least amount of disturbance, given critical slopes and setbacks, to my own home and to those of my neighbors. The house is not visible to any other residences. In fact, the only person who even sees the house at all is my neighbor at 480 Woodlands Road, who can see the home from the driveway, only because his driveway is situated on an easement that travels through my property.

The house is situated approximately 68-70 feet from the side property line, instead of the 125' now required by the recently revised ordinance. Had I placed the property 150 feet from the property line, it would need to have crossed the driveway (about 250' from the property line, in the middle of the field west of the driveway, disharmonious in location, in the viewshed of my home and likely that of Mr. King. As it is now carefully sited, it is farther from Mr. King's home and at least 400-500 feet from any neighboring property owner. To reiterate, it is visible from no one's home.

- I certainly understand the concerns created by AirBnB, but my plan, given the intentional small size of the house, is to create an occasionally used quiet retreat, and of course, the division rights that I have allow me to build a structure for long term rental purposes. I am intending to lease it to a less dense use than that allowed by right.

I ask for these reasons, that I be given a special exception with regard to the setback requirements.

