

**IVY PROPER**

**CRITICAL SLOPES WAIVER –  
SPECIAL EXCEPTION REQUEST**

January 5, 2021

**PREPARED BY:**



**TIMMONS GROUP**

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608 PRESTON AVENUE, SUITE 200  
CHARLOTTESVILLE, VA 22903  
CRAIG KOTARSKI, PE

## Introduction

A Special Exception is being requested per Section 4.2.5.a of the Albemarle County Zoning Ordinance for a waiver to grade within critical slopes to support the development of the Ivy Proper commercial development. Per Section 4.2 of the Albemarle County Zoning Ordinance, steep and critical slopes are protected and preserved throughout the County to reduce “rapid and/or large-scale movement of soil and rock, excessive stormwater run-off, siltation of natural and man-made bodies of water, loss of aesthetic resource ... all of which constitute potential dangers to the public health, safety and/or welfare.” Within this application, we hope to demonstrate both the need for the critical slopes impact as well as the mitigation efforts implemented to ensure slopes are impacted responsibly in order to protect downstream land.

## Existing Conditions

The subject property (parcels 058A2-00-00-02000 and 058A2-00-00-01400) is located off Ivy Road within Albemarle County. It is zoned Commercial (C1), and the portion of the site being developed is currently undeveloped land. The land is partially paved, gravel surfaced, wooded, and pasture. The subject portion of the property is adjacent to the C&O Railroad Right-Of-Way to the north, Ivy Road to the South, commercial use to the East.

Per Albemarle County GIS, there is an area of critical slopes located within the subject property. The majority of the slopes are located on the north side of the property, adjacent to the railroad right-of-way.

## Proposed Special Exception

As proposed by the Final Site Plan, Per Section 4.2.5.a.3, a critical slopes waiver may be granted if it is found that it would “not be detrimental to public health, safety or welfare, to the orderly development of the area, or the adjacent properties; would not be contrary to sound engineering practices.” Additionally, the waiver request must prove that “strict application of the requirements of Section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare.”

Site Data and Extents of Proposed Disturbance:

Site Area: 0.87 Acres (37,897 SF)

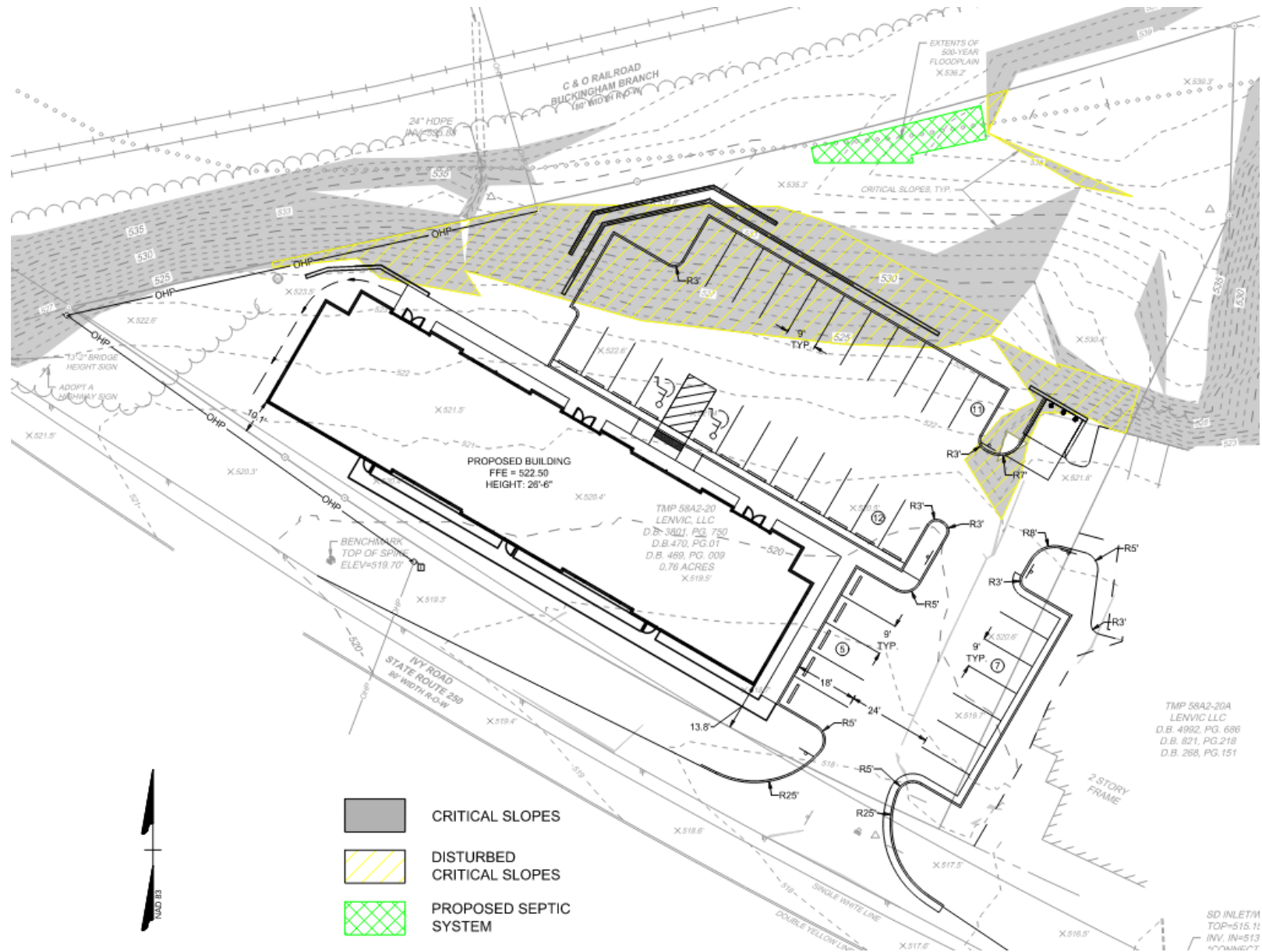
Critical Slopes Located Onsite: 6,880 SF

Proposed Critical Slopes Disturbance: 5,515 SF

The critical slopes disturbance (see **Image 1** below) is due to the geometry of the parcels, the need for a septic system due to lack of public sewer service availability and the need to provide adequate parking to serve the proposed commercial building. The proposed building and associated parking have been pushed towards the front of the property as much as possible in order to minimize disturbance of

slopes. Additionally, a shared entrance has been proposed in order to consolidate access and create less overall disturbance and proposed impervious area.

It is important to note, that the critical slopes located on site appear to be engineered and are a result of fill dirt placed during the railroad construction. Appropriate measures such as silt fence and sediment traps will be implemented during construction in accordance with the Virginia Erosion and Sediment Control Handbook. Post-construction stormwater runoff will be managed in accordance with the Virginia Stormwater Management Program procedures for water quality and quantity.



**Image 1:** Areas of critical slope disturbance proposed on site.

## Conclusion

As detailed above, granting a waiver to disturb the critical slopes is not detrimental to the public health, safety and welfare or a detriment to the environment. The slopes in question are not environmentally sensitive, but rather are a result of fill dirt placed during the railroad construction. The site has been designed to minimize the impacts to the slopes, and care will be taken during construction to stabilize slopes and prevent silt-laden runoff and after construction to manage stormwater runoff. Granting the slopes waiver would allow for the site to be developed in such a way that that is in line with the Comprehensive Plan.