

ZONING ORDINANCE SECTION: _____

Fee Amount \$ 240⁰⁰ Date Paid 3-14-11 By who? Bruce Kirtley Receipt # 82091 Ck# Cash By: mea

Application for Appeal of Zoning Administrator's Determination



☒ Appeal of Zoning Administrator's Determination = \$240
(To be refunded if the decision of the Zoning Administrator is overturned.)

FEES to be paid after staff review for public notice:

Appeals of the Zoning Administrator require a public hearing by the Board of Zoning Appeals. Virginia State Code requires that notice for public hearings be made by publishing a legal advertisement in the newspaper and by mailing letters to adjacent property owners.

The total fee for public notice will be provided to the applicant after the final cost is determined and must be paid before the application is heard by a public body. Staff estimates the total cost of legal advertisement and adjacent owner notification to be between \$350 and \$450. This estimate reflects the average cost of public notice fees, but the cost of certain applications may be higher.

➤ Preparing and mailing or delivering up to fifty (50) notices	\$200 + actual cost of first-class postage
➤ Preparing and mailing or delivering each notice after fifty (50)	\$1.00 for each additional notice + actual cost of first-class postage
➤ Legal advertisement (published twice in the newspaper for each public hearing)	Actual cost (averages between \$150 and \$250)

+ Bruce Kirtley 6084 Rockfish Gap Turnpike, Crozet, VA 22932 434-989-0754 (c)
434-989-1009 (c)
434-967-9172 (w)

Contact Person (Who should we call/write concerning this project?): Richard Brown

Address 453 Freetown Lane City Crozet State VA Zip 22932

Daytime Phone (434) 823-5465 Fax # () N/A E-mail Sandram460@yahoo.com

Owner of Record _____

Address _____ City _____ State _____ Zip _____

Daytime Phone () _____ Fax # () _____ E-mail _____

Applicant (Who is the Contact person representing?): Richard Brown

Address 453 Freetown Lane City Crozet State VA Zip 22932

Daytime Phone (434) 823-5465 Fax # () N/A E-mail Sandram460@yahoo.com

and Bruce w Kirtley 6084 Rockfish Gap Turnpike, Crozet, VA 22945
(see above for phone #'s)

Project Name: Re-store N station

Tax map and parcel: 55B-1 Zoning: _____

Physical Street Address (if assigned): _____

Location of property (landmarks, intersections, or other): _____

The following information shall be submitted with the application and is to be provided by the applicant:

- 1) Completed application including subject of appeal.
- 2) Justification for applicant's position, including error in Zoning Administrators determination. You may use the space below to provide this information or submit an attached sheet.
- 3) If applicable, a copy of the latest deed for the property involved, and the approved and recorded plat.
- 4) If applicable, the appropriate drawings showing all existing and proposed improvements on the property and any special conditions for the situation that may justify the appeal.
- 5) Reference to the relevant Zoning Ordinance section or other applicable regulations or case precedence to justify the appeal.
- 6) Appropriate fee made payable to the County of Albemarle.

Explanation of error in determination and justification of applicant's position:

See attachment I : Explanation of error in determination
and justification of applicants position.

See Attachment 2: Additional signatures of citizens
joining contact person, Richard R. Brown, in this
appeal. (and Bruce Kirtley)

Owner/Applicant Must Read and Sign

I hereby certify that the information provided on this application and accompanying information is accurate, true and correct to the best of my knowledge and belief.

Richard R. Brown
 Signature of Owner or Contract Purchaser, Agent

3-12-11
 Date: 3-12-2011

Richard R. Brown

Print Name

Bruce Kirtley

434-823-5465

Daytime phone number of Signatory

434-963-9192

434-585-1009

Board of Zoning Appeals Action/vote:

Board of Zoning Appeals Chairman's signature: _____ Date: _____

Attachment I

On November 3, 2010, the Albemarle County Board of Supervisors approved SP200900034 Re-Store'N Station, a special use permit to allow more than 400 gallons of groundwater per site-acre per day. The approval was conditioned upon 9 different conditions. Condition #9 states "Development of the site shall be in general accord with the submitted preliminary site plan dated December 9, 2009. Permitted modifications may include those required by the Architectural Review Board, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent."

On February 25, 2011, Ron Higgins, Chief of Zoning, in a memo addressed to Summer Frederick, Senior Planner, made an Official Determination. One portion of the determination was "Whether the latest site plan is in general accord with the December 9, 2009 plan" Mr. Higgins states that -"Due to the facts that: the overall character of the development is essentially the same; the main elements are still present and in the same relative areas; impervious coverage is less, and open space is increased, from the earlier plan, I have concluded that the newly submitted preliminary site plan, dated December 13, 2010 is in general accord the "submitted preliminary site plan dated December 9, 2009" as called for in the approval conditions for the special use permit for water use"

With due respect to Mr. Higgins he has neglected to honor the annotations contained on the site plan of December 9, 2009. The notes specify that the "retail space 4,750 GSF" and the "office space measure 1,000 GSF" This creates a total of 5,750 GSF. The proportion of office space to retail space was established at 21%. The board of supervisors when determining the amount of water used was not informed that if the retail size of the establishment was decreased that the office use would be increased.

The site plan referenced in the March 15, 2011 staff report SDP 2008 - 154 (dated 9/18/08) does not respect the proportion of office use to retail use that was established on the December 9, 2009 site plan. The 3,000 GSF retail space if in general accord with the December 9, 2009 plan, should illustrate office space measuring 631 GSF. When the proportion of office space to retail space honors the 21% ratio, the impact on water use would not be as great as the current plan illustrates by tripling the size of the office space proposed. Providing 3,000 GSF of office space opens this up to many more uses than the 1,000 GSF that the Board of Supervisors reviewed. Offices in the HC zoning district can include dental offices or medical offices. These can be high water users. Because the amount of office space proposed on the December 13, 2010 site plan cited in Mr. Higgins Official Determination doubles the size of the office space proposed, and because this doubling of office space would have an impact on the water use that the board of supervisors had not approved, we feel that this issue must be taken into account to determine that the site plan submitted is in "general accord" with the plan reviewed by the Board of Supervisors at their meeting on November 3, 2010.

Condition number 9 states that the plan can be modified to address the Architectural Review Board or landscape/screening. Neither the ARB nor landscaping forces the applicant to double the size of the office space proposed.

Because of the reasons listed above, we feel that the site plan referenced in the Official Determination letter from the Chief of Zoning dated February 25, 2011, is not in "general accord" with the plan (SP 2009-34) viewed by the Board of Supervisors at their meeting on November 3, 2010.

Attachment #2

David Fisher
 Linda M. Fisher
 Sandra Means
 Carl Fisher
 C. H.

W.H. Fisher
 Frank L. Calhoun
 George Brown
 R. H. Lind

Richard A. Brown

Debra Smith

C. W. Hain

Val Johnson

Henry Rush

Bambi Davis

Tracey Benson

Monica Smith

Jasmine Smith

Marilyn Whiting

Charles H. Hain

John H. Hain

Dorek Hurt

Jeanne M. Dorecette

Cindy Hain

John Hain

Jessie Wakepeace Patterson

John Patterson

R. H. Hain

2-11-94
 Jean M. Patterson
 John H. Hain
 R. H. Hain

P.O. Box 269 GREENWOOD VA 22443
 95 Burchs Creek Rd.
 Crozet, VA 22932

Todd Shifflett

From: Ron Higgins
Sent: Monday, March 14, 2011 5:35 PM
To: Todd Shifflett
Subject: FW: Restore N' Station Appeal

Please include this with the appeal materials.

From: Francis MacCall
Sent: Monday, March 14, 2011 5:17 PM
To: Amelia McCulley; Ron Higgins; Johnathan Newberry
Subject: FW: Restore N' Station Appeal

FYI

Francis

From: STACY KARPENKO [<mailto:skarpenko20@hotmail.com>]
Sent: Monday, March 14, 2011 3:26 PM
To: Francis MacCall
Subject: Restore N' Station Appeal

Board of Zoning Appeals Members,

My wife and I own a home at 411
Free Town Lane in Crozet. At the moment we are out of the country and
unable to sign the zoning appeal for the Restore N' Station project.
We would like this email to be attached to the zoning appeal and used
as our electronic signatures. Our names are W. Jonathan Hunt and Stacy
M. Hunt.

Thank you very much for help.

Sincerely,

Jonathan and Stacy Hunt

Jonathan and Stacy Hunt

.ExternalClass p.ecxMsoNormal, .ExternalClass li.ecxMsoNormal, .ExternalClass div.ecxMsoNormal
{margin-bottom:.0001pt;font-size:11.0pt;font-family:'Calibri','sans-serif';}
.ExternalClass p.ecxMsoPlainText, .ExternalClass li.ecxMsoPlainText, .ExternalClass div.ecxMsoPlainText
{margin-bottom:.0001pt;font-size:10.5pt;font-family:Consolas;}
.ExternalClass span.ecxPlainTextChar
{font-family:Consolas;}
.ExternalClass .ecxMsoChpDefault
{;}
@page WordSection1
{size:8.5in 11.0in;}
.ExternalClass div.ecxWordSection1
{page:WordSection1;}
cell: 434.409.6409

Jonathan and Stacy Hunt