



COUNTY OF ALBEMARLE
Department of Community Development
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December 15, 2009

Jack Kelsey, PE
Transportation Engineer
Office of Facilities Development
401 McIntire Road
Charlottesville, VA 22902-4596

RE: SDP 2009 - 67 Crozet Library Sidewalk Waiver Request

Dear Jack,

I apologize for the delay in responding to you. I had met with others in General Services and was of the opinion that this project was going to be placed on hold which made the waiver request moot. However, recent conversations indicate that at least a portion of the project may still be moving forward and the waiver request still needs to be evaluated.

In short, I cannot approve the sidewalk waiver request. The requirements of the ordinance are that the sidewalks on Crozet Avenue and the street identified in the Crozet master plan as the new Main Street shall be at least ten (10) feet wide (Reference Chapter 18, Section 20B.7(A) of the Code of Albemarle). Waivers may be granted for only under a very limited set of circumstances. The ordinance specifies that "the agent may waive the requirements for a sidewalk and/or street trees where the developer demonstrates that: (i) the Virginia Department of Transportation prohibits establishing sidewalks and/or planting street trees; or (ii) existing utility easements prohibit establishing sidewalks and/or planting street trees". Neither of the criteria that allow a waiver to be granted exists in this case.

I would point out that a proposed amendment to the ordinance will be heard by the Board in the near future. The new language is:

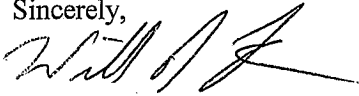
sidewalks and/or planting street trees; (ii) there are unusual physical conditions on the lot or an adjoining lot including, but not limited to, the location of existing structures and parking areas, steep topography or other environmental features, the narrowness, shallowness, size or shape of the lot, or the width or alignment of the existing sidewalk, that make it impossible or unfeasible to provide the required sidewalk and/or street trees as provided in subsections 20B.7(A) and (C); or (iii) the strict application of the requirements of subsections 20B.7(A) and (C) would not further the purposes of this chapter or the DCD or otherwise serve the public health, safety, or welfare or achieve the goals established in the comprehensive plan.

I encourage you to follow this text amendment. If the language is adopted as shown above the waiver may be granted. Approval of the waiver would be consistent with a public process that has taken place in the development of the Crozet Avenue and Main Street Design Plans. Further, these plans were

developed and adopted in an effort to forward the goals of the Comprehensive Plan.

If you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Will D Fritz', with a stylized flourish at the end.

William D. Fritz, AICP
Chief of Current Development