

# COUNTY OF ALBEMARLE

## APPLICATION FOR A SPECIAL EXCEPTION

Request for a waiver, modification, variation or substitution permitted by Chapter 18

Variation to a previously approved Planned Development rezoning application plan or Code of Development

OR

Relief from a condition of approval

**Provide the following**

- 1 copy 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**

- 1 copy 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.

**FEE = 523.12**

**Application \$503 + Technology surcharge \$20.12**

**Project Name :** Clifton Inn & Collina Farm

**Current Assigned Application Number (HS, HO, CLE, SDP, SP or ZMA)** SP2021-4, ZMA2021-3

**Tax map and parcel(s):** 79-23B, 79-23F, 79-24B, 79-36

**Applicant / Contact Person** Contact: Kelsey Schlein, Shimp Engineering, P.C.

Address 912 E High Street City Charlottesville State VA Zip 22902

Daytime Phone# ( 434 ) 227-5140 Fax# (        )        Email kelsey@shimp-engineering.com

**Owner of Record** Clifton Inn LLC C/O Clifton Inn Management LLC

Address 4 Warwick Road City Summit State NJ Zip 07901

Daytime Phone# (        )        Fax# (        )        Email bczechowski@hospitalitycpm.com

County of Albemarle  
Community Development Department  
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.



\_\_\_\_\_  
Signature of Owner / Agent / Contract Purchaser

\_\_\_\_\_  
Date

Kelsey Schlein  
\_\_\_\_\_  
Print Name

434-227-5140  
\_\_\_\_\_  
Daytime phone number of Signatory

FOR OFFICE USE ONLY APPLICATION# \_\_\_\_\_ Fee Amount \$ \_\_\_\_\_ Date Paid \_\_\_\_\_

By who? \_\_\_\_\_ Receipt # \_\_\_\_\_ Ck# \_\_\_\_\_ By \_\_\_\_\_

# COUNTY OF ALBEMARLE

## APPLICATION FOR A SPECIAL EXCEPTION

### CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER

*This form must accompany this zoning application if the application is not signed by the owner of the property.*

I certify that notice of the application for, \_\_\_\_\_  
[Name of the application type & if known the assigned application #]

was provided to \_\_\_\_\_  
[Name(s) of the record owners of the parcel]

the owner of record of Tax Map and Parcel Number \_\_\_\_\_

by delivering a copy of the application in the manner identified below:

Hand delivery of a copy of the application to \_\_\_\_\_  
[Name of the record owner if the record owner is a person; if the owner of record is an entity, identify the recipient of the record and the recipient's title or office for that entity]  
on \_\_\_\_\_  
Date

Mailing a copy of the application to \_\_\_\_\_  
[Name of the record owner if the record owner is a person; if the owner of record is an entity, identify the recipient of the record and the recipient's title or office for that entity]

on \_\_\_\_\_ to the following address \_\_\_\_\_  
Date

[ A d d r e s s ; w r i t t e n n o t i c e m a i l e d t o t h e o w n e r a t t h e l a s t k n o w n a d d r e s s o f t h e o w n e r a s s h o w n o n t h e c u r r e n t r e a l e s t a t e t a x a s s e s s m e n t b o o k s o r c u r r e n t r e a l e s t a t e t a x a s s e s s m e n t r e c o r d s s a t i s f i e s t h i s r e q u i r e m e n t ].

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Applicant Name

\_\_\_\_\_  
Date

**Project Narrative For:** Special Exception for Clifton Inn & Collina Farm

**Parcel Description:** Tax Map 79, Parcel 23B & 24B

**Initial Submittal:** Date February 24, 2022

	ACREAGE	SF OF SLOPES DISTURBANCE REQUEST	% OF PROPERTY DESIGNATED AS CRITICAL SLOPES	% OF SLOPES REQUESTED TO BE DISTURBED ON PROPERTY
TMP 79-23B	10.78 AC	369 SF	41% (Total 192,814 SF)	0.2%
TMP 79-24B	25.75	7,610 SF	20% (Total 220,131 SF)	3%

**Additional Zoning Considerations:**

Entrance Corridor, Critical Slopes, Scenic Byways

**Location:**

Intersection of Route 250 and Route 729 North Milton Road

**Project Proposal:**

Clifton Inn LLC is the Owner (the “owner”) of tax map parcels 79-23B, 79-23F, 79-24B, and 79-36. The four tax map parcels are subject to a special use permit (SP2021-4) and zoning map amendment (ZMA 2021-3) request to rezone the four parcels to Rural Areas, with a special use permit for restaurant, taverns, and inns containing a historic structure and/or site. Two tax map parcels are subject to this special exception request for critical slopes disturbance, tax map parcels 79-23B and 79-24B. For the site improvements proposed in the SP and ZMA applications to take place, critical slopes disturbance is necessary.

**In accordance with Sec 4.2.5(a.)(1.) address the following (the public, health, safety, and welfare factors):**

**Clifton Inn Property (TMP 73-23B)**

**Rapid and/or Large-Scale movement of soil and rock**

The disturbance of critical slopes is limited to 369 SF of an isolated critical slope area. Because the critical slope area is not tied to a larger slope system, rapid or large-scale movement of soil and rock would not occur. The Clifton Inn room expansion is proposed at this critical slopes location. As a building is to be sited at the area of critical slopes disturbance, the building would effectively stabilize the surrounding grade and prevent any rapid or large-scale movement of soil and rock.

**Excessive stormwater run-off**

The proposed area of critical slopes disturbance is 369 SF. Because the area of disturbance is relatively small, excessive stormwater run-off is not anticipated. Any proposed stormwater management features must be in accordance with County and State DEQ regulations, which are in place to effectively manage stormwater run-off during and after construction.

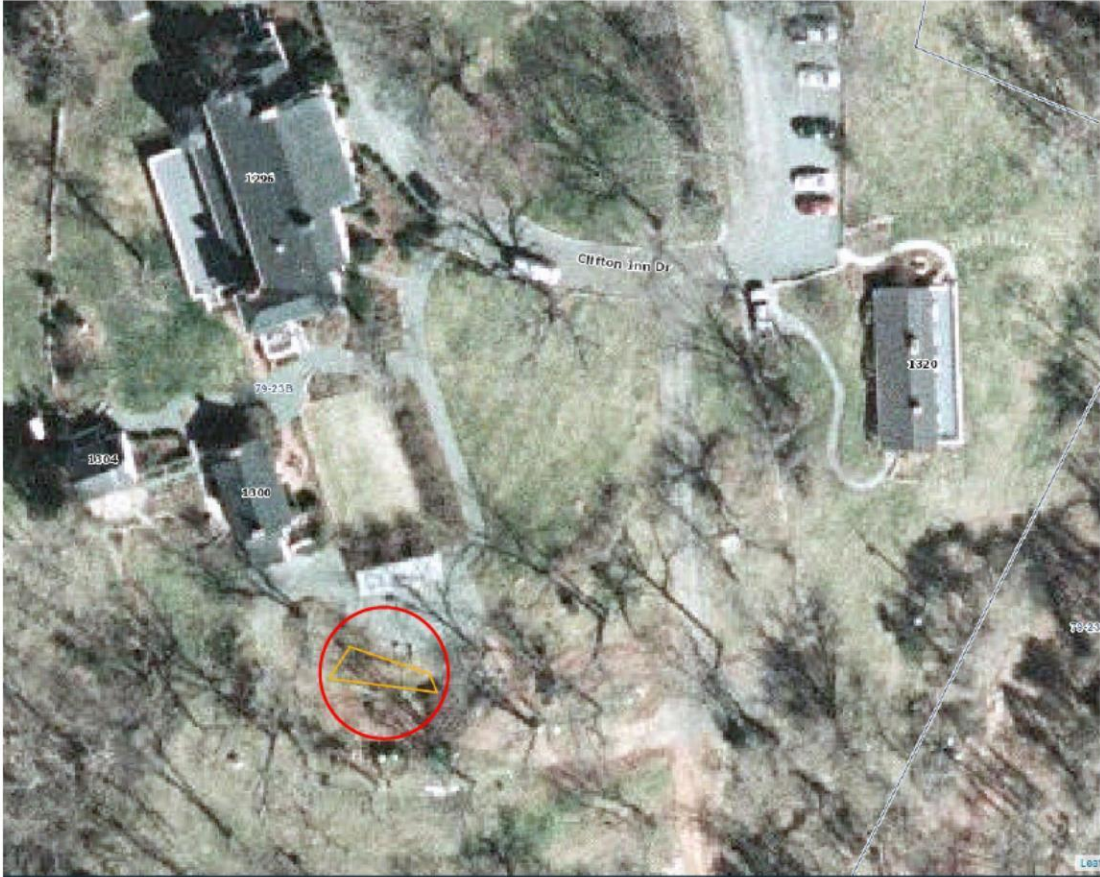
**Siltation of natural and man-made bodies of water, loss of aesthetic resources**

The proposed improvement will be subject to develop in accordance with the County's Water Protection Ordinance, with erosion and sediment control measures provided at the time of construction. The property is adjacent to Hurtt's Pond and the Rivanna River, two water bodies which have a system of critical slopes around their stream banks. However, the proposed area of disturbance is non-contiguous with these slopes and is isolated. Grading out of the 369 SF of critical slopes would not significantly increase siltation of the adjacent water bodies as the surrounding large areas of wooded critical slopes area are to be maintained. Additionally, aerial imagery of the proposed area of disturbance suggests that disturbance has already taken place in the approximate location of the critical slope. The area around the slopes has been disturbed for the construction of internal access roads for property maintenance vehicles. The 2002 Aerial shows a mixture of sparse vegetation behind the cottage south of the central courtyard. The 2007 Aerial shows disturbance in the area behind the south cottage to accommodate the construction of an access road for maintenance vehicles, it appears grading in the area behind the cottage could have caused this particular slope to be created.

**2002 GIS Aerial**



**2007 GIS Aerial**



## **2018 GIS Aerial**



### **In the event of septic systems failure: a greater travel distance of septic effluent**

The proposed critical slopes disturbance is not near existing or proposed septic systems on-site. Surface and groundwater running over and through the proposed disturbed area will not pass through a subsurface drainfield before reaching the Rivanna River.

### **In accordance with Sec. 4.2.5.3, please consider the following findings:**

- a. 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;

The critical slopes do not serve a purpose that contributes to public health, safety, and welfare. It appears the slopes were constructed to offset the visual impact of the cleared property maintenance area and provide a clear delineation from guest accommodations that are immediately adjacent to this area. Allowing for the disturbance of 369 SF of critical slopes would provide the needed area for the Clifton Inn expansion. Expansion of this historic site not only supports local business growth and County economic development goals, but would also create a greater opportunity for heritage tourism in Albemarle County.

- b. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;

There are no proposed alternatives proposed with this request; the expansion of Clifton Inn in this location is specifically identified to ensure that the expanded wing is secondary to the existing historic structures.

- c. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or

As described in the SP/ZMA narrative, Clifton Inn has operated as a historic inn, restaurant, and special event venue for decades and the business has outgrown the existing spatial limits from increased demand. Due to the historic nature of the property, strategic siting of the Clifton Inn guest room expansion is a key component of preserving the historic character of this property and ensuring the manor home remains the most prominent building on this site. Limiting the potential of the growing business to preserve an isolated slope that, based on aerial imagery, appears to have been manmade, is unwarranted as the slopes do not provide a significant environmental, aesthetic, or public health benefit.

- d. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived

The disturbance of critical slopes would allow for the expansion of a local business on a historic property that contributes to economic development, historic preservation, and rural area tourism.

**In accordance with Sec 4.2.5(a.)(1.) address the following (the public, health, safety, and welfare factors):**

### **Collina Farm Property**

#### **Rapid and/or Large-Scale movement of soil and rock**

The proposed area of disturbance is to allow for the closing of the existing Collina Farm entrance on Route 729 N Milton Road, as the entrance does not meet Virginia Department of Transportation entrance spacing standards. While vehicular access to Route 729 would be removed, much of the existing travelway would be maintained and expanded to include parking on both sides. To accommodate the proposed improvements, fill is proposed to be placed on top of a portion of these slopes. Placing fill on top of existing slopes, regrading no steeper than 2:1, and adherence to County erosion and sediment control measures and stormwater regulations will protect against any erosion that could lead to rapid or large-scale movement of soil and rock.

#### **Excessive stormwater run-off**

The area of slope disturbance is upstream of a flat section of a drainage channel, which can be utilized for E&S control measures to prevent any excessive run-off during construction. Furthermore, the ordinance will require permanent measures to be installed to control future run-off upon completion of construction.

#### **Siltation of natural and man-made bodies of water, loss of aesthetic resources**

The proposed improvement will be subject to the County's Water Protection Ordinance, with erosion and sediment control measures provided at the time of construction. The property is adjacent to Hurtt's Pond and the Rivanna River, two water bodies which have a system of critical slopes along their banks. Similar to the Clifton Inn proposed disturbance, the area of disturbance on the Collina property is non-contiguous with these slopes and is isolated. Like the Clifton



property, the Collina property will remain largely wooded, which would prevent siltation of the adjacent water bodies.

The existing critical slopes are the result of the construction of Route 729 Milton Road, Route 250, and the existing Collina Farm entrance. An existing storm pipe underneath the entrance indicates that a portion of the slopes has already been disturbed for the installation of this stormwater infrastructure. While existing vegetation may need to be removed to accommodate these improvements, the SP/ZMA application ensures that replanting is to be provided to offset any impacts that may occur as a result of the entrance improvements and critical slopes disturbance.

**In the event of septic systems failure: a greater travel distance of septic effluent**

This factor is not applicable, as the proposed disturbance is adjacent to roadways and is not near existing or proposed septic systems on-site.

**In accordance with Sec. 4.2.5.3, please consider the following findings:**

- c. 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;

The construction of a safer entrance from Route 729 that aligns with Virginia Department of Transportation spacing standards would facilitate vehicular movements from the property and would better forward the health, safety, and public welfare than the preservation of critical slopes that are a result of road and driveway construction.

- d. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;

The closing of the existing entrance is a necessary component of the SP/ZMA application to ensure safer movements in and out of the site. While the parking area could be relocated elsewhere on site to avoid slopes disturbance, siting parking in an alternate location would require increased land disturbance on the site and would make the parking area a more central feature on the property, rather than flanked along the edge of the property as it's shown in the concept plan.

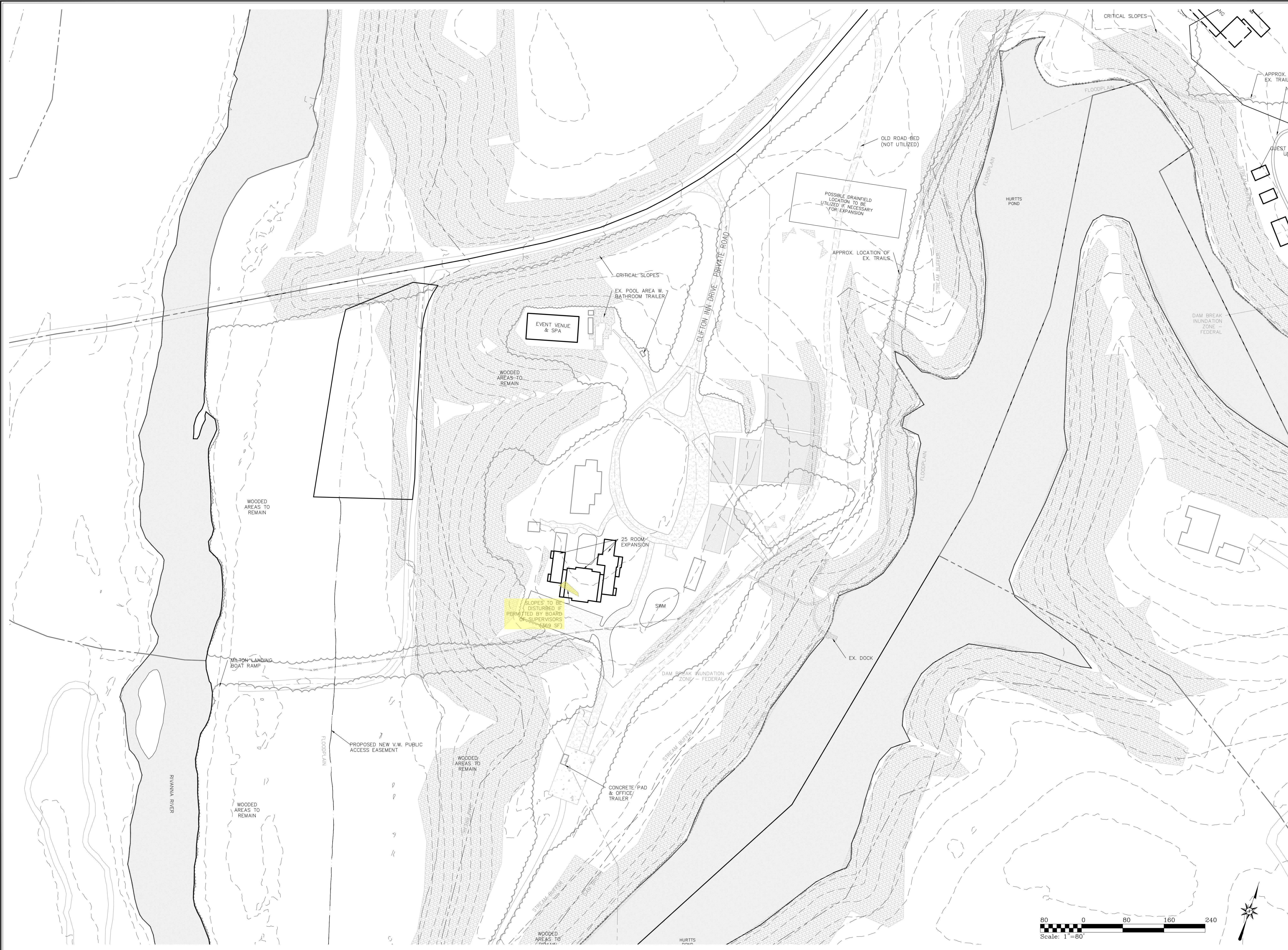
- e. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or

The existing entrance must be closed and relocated on the site to address VDOT safety concerns, closing of this entrance will necessitate disturbance. Prohibiting the disturbance of critical slopes to allow for this entrance closure would degrade this property and adjacent properties from a safety standpoint in that a much safer entrance can be established further south along the site. Prohibiting the disturbance of these slopes would limit the operations of special events, which have become a significant component of Clifton Inn's business.

- f. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived

Allowing for the disturbance of slopes would contribute to the expansion of an established local business and would allow for an entrance to be constructed elsewhere on the site in accordance with VDOT spacing standards.





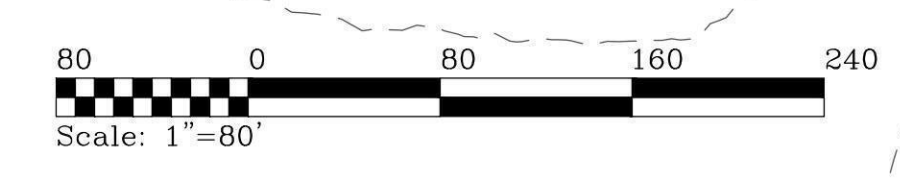
**SHIMP ENGINEERING**  
 LAND PLANNING - PROJECT MANAGEMENT

912 E. HIGH ST. CHARLOTTEVILLE VA 22902 434.227.5140 JUSTIN@SHIMP-ENGINEERING.COM

SPECIAL USE PERMIT | SP2021-4  
 ZONING MAP AMENDMENT | ZMA2021-3  
**CLIFTON INN & COLLINA FARM**  
 ALBEMARLE COUNTY, VIRGINIA  
 SUBMISSION: 2022.02.24  
 REVISION:

FILE NO. 20.079

**EXHIBIT: CLIFTON INN CRITICAL SLOPES DISTURBANCE**



**C2**