

SHIMP ENGINEERING, P.C.
Design Focused Engineering

Albemarle County Board of Supervisors
401 McIntire Road
Charlottesville, VA 22902

Submitted August 29, 2025
Revised October 8, 2025

Regarding: 2238 Richmond Rd. (WPO202500011)
Request for Exception from Section Sec. 5.1.28(a).7
Access Setback for Fill Activity

We respectfully submit this request for exception from the requirements of Section 18-5.1.28(a).7 of the Code of Albemarle County, Virginia. According to this section, fill activity “access must be set back 50 feet from property lines and 100 feet from dwellings on adjacent property.” Sec. 5.1 states that “unless a waiver or modification is expressly prohibited, any requirement of section 5 may be modified or waived in an individual case.”

This exception request accompanies erosion and sediment control plan WPO202500011, which proposes fill activity on parcel TMP 78-48. The fill activity is proposed in order to lawfully export soil from another property which the owner is developing along the US-250/Ivy corridor. The approximate amount of soil import will be 12,000 cubic yards, which is estimated to occur through 1,000 truckloads over a four-to-five-month time-period. The daily truck traffic will be around 20-30 loads per day. In proportion to the existing average daily traffic data of approximately 23,000 trips per day on this portion of US-250/ Richmond Rd, the truck trips for fill activity are a very small addition to daily traffic. Additionally, the distance that the trucks will have to travel in order to transport the fill material from the Ivy area is especially short compared to alternative locations along Route 20, Route 53, or further.

The fill activity on parcel TMP 78-48 is accessed by an existing travel way that comes from Richmond Rd., through TMP 78-48A, and into TMP 78-48. The portion of this travel way that is within TMP 78-48A is between 31 and 49 feet from the property line shared with TMP 78-47A. Once the travel way enters TMP 78-48, it is greater than 50 feet from the property boundary. This access is proposed rather than using the existing house driveway because it provides complete access along a gradual slope. The existing driveway ends behind the house, and there is a decrease in elevation of approximately 30 feet over 130 feet of distance between that point and the fill site. Extending a travel way in this area would create significantly more impact and erosion potential for the nearby critical slopes.

If we were to meet the requirements of 5.1.28(a).7, the existing access would need to be moved to be at least 50 ft from all property lines. Strict adherence to this requirement would not benefit public health, safety, or welfare (Sec 5.1.a). Modifying the regulation to allow a waiver for the existing access to fill activity will satisfy the purposes of zoning to an equivalent degree. The

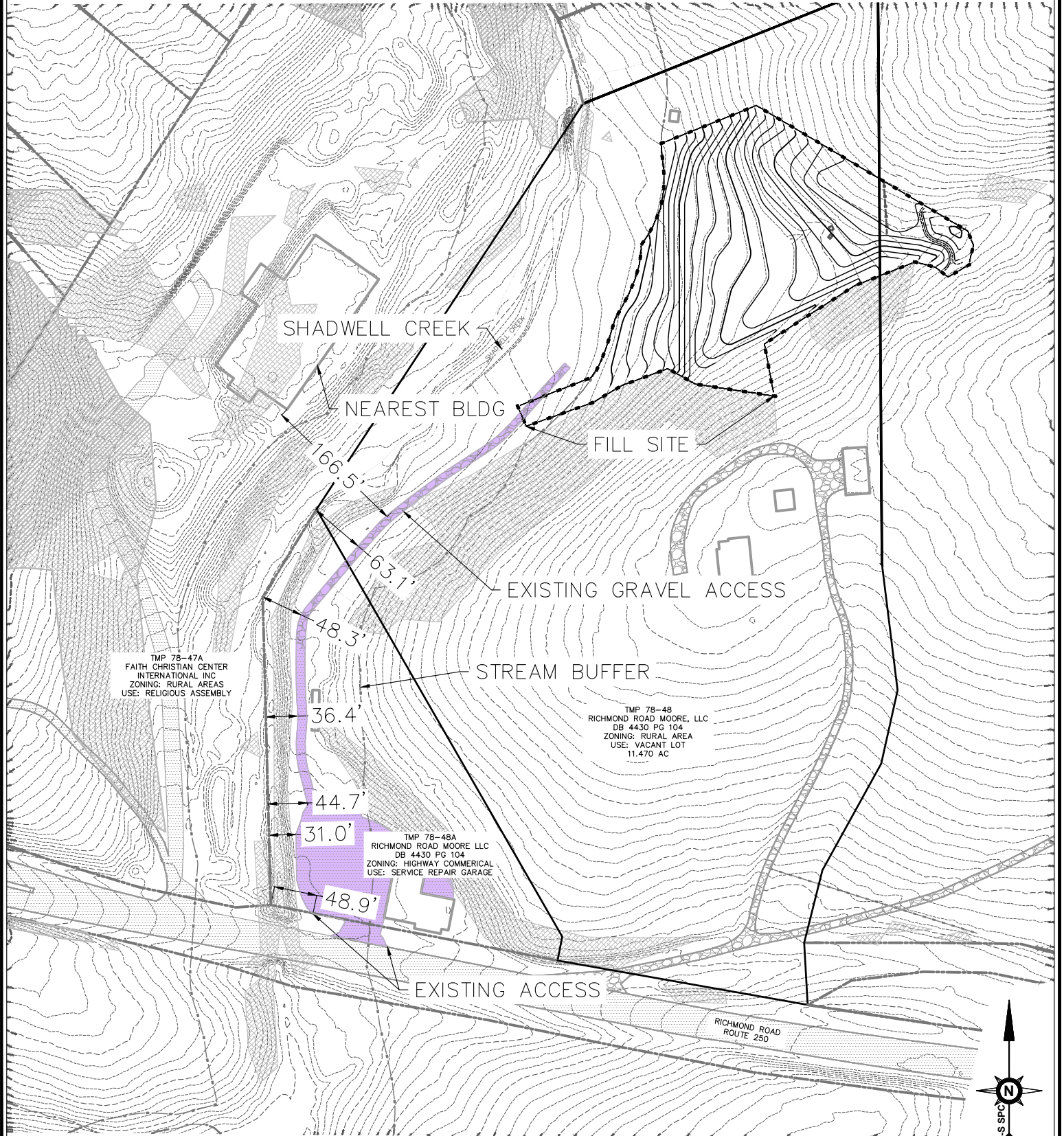
existing use on adjacent parcel (TMP 78-47A) is religious assembly, and their nearest building is greater than 160 feet from the existing travel way. Moving the existing travel way between 10 and 20 feet would not add any significant benefit, given that their area of congregation is already sufficiently far from the property line and the access to fill activity. Moving the travel way would cause further unnecessary disturbance, including within the nearby stream buffer for Shadwell Creek, as shown in the attached exhibit. Additionally, this waiver does not constitute a modification of any general regulation set forth in Section 4 or the rural areas regulations since 5.1.28(a).7 is specific to fill activities only.

The existing access way on TMP 78-48 is appropriately far away from the existing religious assembly use on parcel TMP 78-47A. An exception from the requirements of section 5.1.28(a).7 in order to use the existing travel way is reasonable and will have negligible impact to public health, safety, and welfare.

Attachments: 2238 Richmond Rd. Access Exhibit

2238 Richmond Rd. Access Exhibit

ATTACHMENT B



SHIMP ENGINEERING, P.C.

ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT
912 EAST HIGH ST
CHARLOTTESVILLE, VA 22902
PHONE: (434) 227-5140
JUSTIN@SHIMP-ENGINEERING.COM

