COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

☑ Request for a waiver, modification, variation or substitution permitted by Chapter 18 = **523.12**
Application $503 + Technology surcharge $20.12

OR

☐ Relief from a condition of approval = **523.12**
Application $503 + Technology surcharge $20.12

☐

Provide the following

☑ 3 copies 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.

☐ Variation to a previously approved Planned Development rezoning application plan or Code of Development = **523.12**
Application $503 + Technology surcharge $20.12

Provide the following

☐ 3 copies 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.

Project Name : S.L. Williamson Replacement Asphalt Plant

Current Assigned Application Number (HS, HO, CLE, SDP, SP or ZMA) SP2019-00009

Tax map and parcel(s): 88-18 and 88-13B

Applicant / Contact Person Valerie W. Long, Williams Mullen

Address 321 E. Main St., Suite 400 City Charlottesville State VA Zip 22902

Daytime Phone# (434) 951-5709 Fax# (____) ____ Email vlong@williamsmullen.com

Owner of Record Martin Marietta Materials, Inc. c/o Marc Kmec

Address 1 Park West Circle, Suite 207 City Mid Lothian State VA Zip 23114

Daytime Phone# 804) 671-7516 Fax# (____) ____ Email marc.kmec@martinmarietta.com

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.

Valerie W. Long, Agent
Signature of Owner / Agent / Contract Purchaser

8-25-2021
Date

Valerie W. Long
Print Name

434-951-5709
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, Building Site Ratio Waiver
[Name of the application type & if known the assigned application #]

was provided to Martin Marietta Materials, Inc.
[Name(s) of the record owners of the parcel]

the owner of record of Tax Map and Parcel Number 88-18 and 88-13B

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 Martin Marietta Materials, Inc. c/o Marc Kmec
[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 8-26-2021 to the following address 1 Park West Circle, Suite 207
Date
Midlothian, VA 23114
[Address; written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records satisfies this requirement].

Valerie W. Long, Agent for Applicant
Signature of Applicant

Valerie W. Long
Print Applicant Name

8-25-2021
Date

SE 2021-_____
Special Exception Application for
Building Site Ratio Waiver

to be associated with:
SP 2019-00009 S.L. Williamson Replacement Asphalt Plant

In connection with the above-referenced Special Use Permit Application, the Applicant requests a modification of Section 4.2.2(a)(3) of the Zoning Ordinance.

Reason for the Request:
Section 4.2.2(a)(2) requires that development subject to section 32 of this chapter have an area of 30,000 square feet or greater, of such dimensions that no one dimension exceeds any other by a ratio of more than five to one as described by a rectangle inscribed within the building site. As shown on the SUP Concept Plan associated with this application, the building site for the proposed replacement asphalt plant does not meet the 5:1 ratio for the shape of the building site.

Section 4.2.2(a)(3) provides that the rectangular shape required by Section 4.2.2(a)(2) may be waived or modified by special exception upon the Board of Supervisors' consideration of the recommendation from the Virginia Department of Health and information provided by the developer showing that: (i) the parcel has an unusual size, topography, shape, location or other unusual physical condition; (ii) no reasonable alternative building site exists; and (iii) modifying or waiving the rectangular shape would result in less degradation of the parcel or adjacent parcels than if those dimensions were adhered to.

Justification:
As shown in detail on the SUP Concept Plans, the parcel has and unusual size, shape, and location that precludes a building site that meets the 5:1 ratio.

The building site for the SL Williamson asphalt plant operations is 48,802 square feet with the dimensions of 34' x 784'. The 34' is an average width (see Sheet 5 of the SUP Concept Plan for Building Site). The SL Williamson asphalt plant is located on a leased portion of land located on the larger Red Hill Quarry property. This lease area is long and narrow (the full extent of the lease area is shown on Sheet 2 of the SUP Concept Plan). The building site is further constricted on the west by the Water Protection Ordinance Stream Buffer and by the 100-Year Floodplain. The lease area cannot be enlarged or reconfigured to make the building site meet the 5:1 ratio of width and length.

In addition, no reasonable alternative building site exists, as shown on the Concept Plan. Any modification to the shape of the building site within the existing lease area would result in impacts to the adjacent WPO stream buffer or the floodplain. And because the lease area

cannot be enlarged or reconfigured to meet the ratio, no reasonable alternative building site exists.

Finally, modifying or waiving the 5:1 ratio requirement for the rectangular shape would result in less degradation of the parcel or adjacent parcels than if those dimensions were adhered to. Although the building site 5:1 ratio is not met, the parking area, material storage, and asphalt plant all fit within the building site. The grading activities for the proposed improvements are confined to the lease area. The area for the septic fields are not needed due to the existing pump and haul system that will continue as long as the site is in use. Requiring the 5:1 ratio to be adhered to would require degradation of the adjacent sensitive areas, including the stream buffer area and/or the floodplain. Therefore, allowing the modification of the 5:1 ratio will result in less degradation of the parcel or adjacent parcels.

Therefore, because the Applicant has demonstrated that all three conditions of Section 4.2..2(a)(3)(i), (ii), and (iii) have been satisfied, we request the Board's approval of the waiver as part of the approval of SUP 2019-00009.

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