SHIMP ENGINEERING, P.C.
Design Focused Engineering

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County of Albemarle
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902

RE: SE2025-000XX

To whom it may concern,

Pursuant to Section 14-422(E) of the Code, the Albemarle County Planning Commission may vary or except the requirements of Section 14-422 of the Subdivision Ordinance. The applicant requests a waiver for TMPs 09000-00-00-03300, 09000-00-00-033C, and 09000-00-00-033B0 from the requirements of Section 14-422(A) which requires that the internal new streets include sidewalks on both sides of the new streets.

1906 Avon (the "project") proposes to extend Hathaway Street to create a new VDOT compliant public turnaround and then to construct a private alley and private road to provide vehicular access to 21 proposed dwelling units.

We request to waive the standards set forth in Sec. 14-422 stating "*Sidewalks and planting strips for street trees and other vegetation shall be established on both sides of each new street within a subdivision creating lots for single family detached and single family attached dwellings in the development areas.*" Our proposal is to waive the sidewalk on the open space side that is across from the proposed dwelling units located along Private Road A to promote the character of the development.

Pursuant to Sec. 14-422(E)(2), the Planning Commission shall consider the following factors when evaluating a waiver:

> *(i) A variation or exception to allow a rural cross-section has been granted.* A variation or exception to allow a rural cross-section has been not granted nor requested. The applicant proposes to construct a curb and gutter section, and therefore, could reasonably construct a sidewalk on the interior of the proposed common open space however construction of a sidewalk on the interior side of the proposed open space would run counter to several key design tenants of this project, including the preservation of several large mature trees. Construction of the sidewalk on the interior side of the proposed open space would increase land disturbance, impervious surfaces, and compromise root systems of trees proposed for preservation.

(ii) A surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood. An alternative surface will not be proposed, but instead remain as a grassy open space. By leaving the area as a grassy open space, we plan on promoting the character of the community without grading and disturbing the area of large existing trees that being used as a focal point of the community. This supports the twelve tenets of the Neighborhood Model adopted by Board of Supervisors in 2001. In particular, it aligns with Tenet 10 "*Adapts development to site terrain so that natural topography can be preserved*."

(iii) Sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, steep slopes, floodplain, or wetlands, or because lots are provided on only one side of the street. Environmental constraints are not a factor in this waiver request as there are no environmentally sensitive features that would be impacted by the construction of the sidewalk however, not constructing the sidewalks reduces land disturbance, impervious cover, and limits impacts to the large mature trees that are proposed to be preserved. There are homes only on one side of the street and we propose to provide a sidewalk on the side of the street where homes are proposed.

(iv) The sidewalks reasonably can connect into an existing or future pedestrian system in the area. In the Exhibit A, reference below, demonstrates that adequate pedestrian circulation internal and external to the site may be achieved with sidewalk on one side of Private Road A. Due to the nature of the prepared layout, waiving the use of two sides of sidewalk does not impact the pedestrian circulation as the site still remains traversable internally and externally. Proposed crossings allow the connection of Private Road A sidewalk to Hathaway Street extension and private alley.

(v) The length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit. Sidewalk along one side of Private Road A still allows for ample pedestrian connectivity throughout the development; there are clear pedestrian pathways between residential units, the adjacent development, and to the shared recreational areas. The proposed sidewalk network provides a public benefit by creating logical pedestrian connections that will be utilized by residents of this and the adjacent neighborhood.

(vi) An alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider. Our proposed pedestrian system including a pedestrian crossing would provide more appropriate access throughout the subdivision and to adjoining properties. This design not only preserves a sense of openness and aesthetic appeal but also

increases the proportion of pervious surfaces, which improves stormwater management, reduces runoff, and contributes to better environmental sustainability within the development.

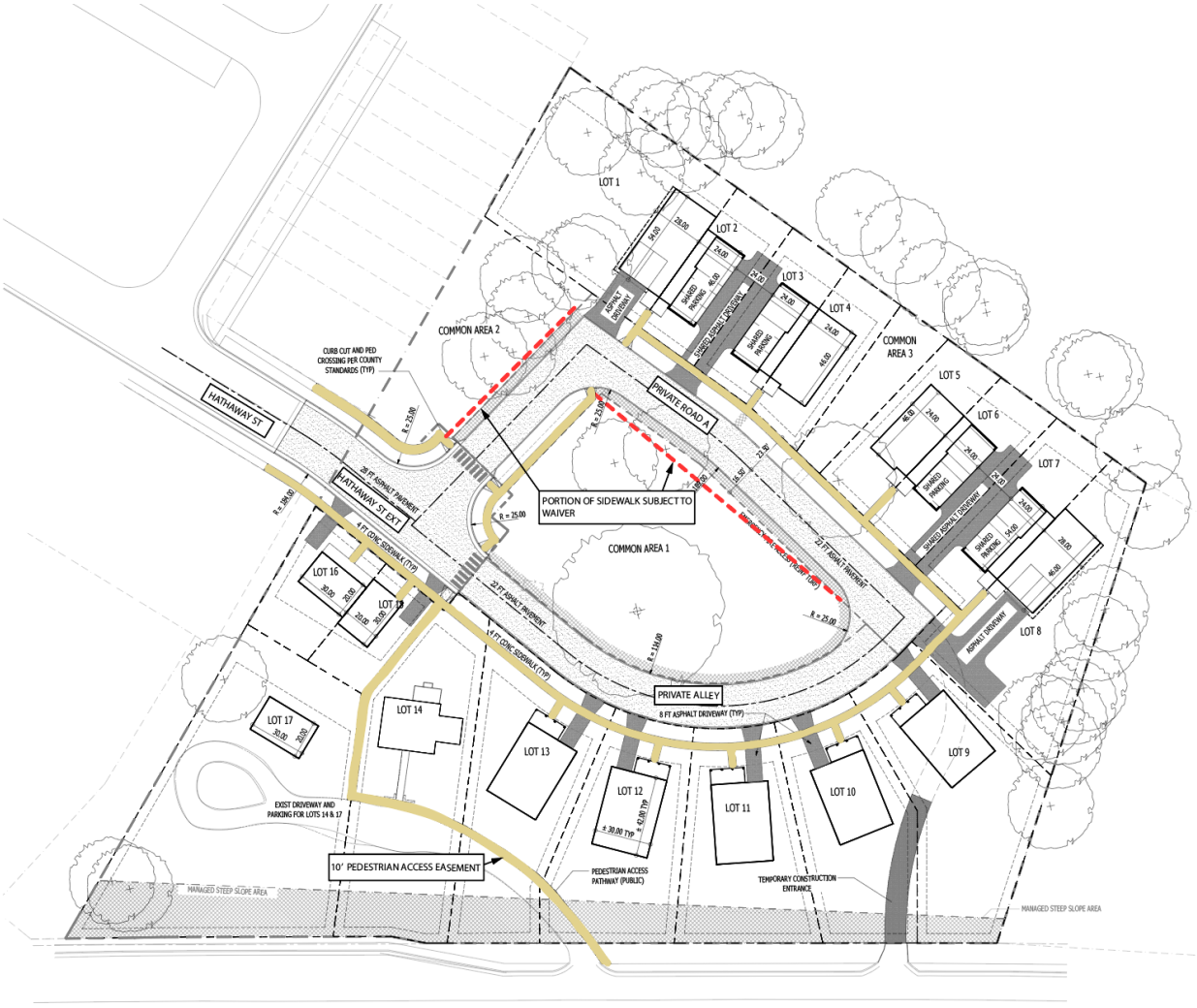
(vii) The sidewalks would be publicly or privately maintained. The sidewalk along Private Road A is to be privately maintained.

(viii) The waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan. The waiver promotes the goals of the Comprehensive Plan by reallocating space from a sidewalk to an open or green area. With this, a development can provide more communal space for recreation, aesthetics, or stormwater management. This aligns with the plan's focus on high-quality, well-integrated spaces that contribute to a more scenic and connected community. Additionally, pedestrian connectivity is maintained through alternative pathways as illustrated on the pedestrian circulation exhibit attached.

(ix) Waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved. Waiving the requirement would enable different principles of the neighborhood model to be more fully achieved. For example, granting of this waiver would allow for additional area to be utilized towards central recreational spaces and landscaping within the neighborhood.

ATTACHMENTS:

Please see next page.



Attachment 1. Waiver Exhibit