



**County of Albemarle
Department of Community Development**

Memorandum

To: Summer Frederick, Senior Planner

From: Ron Higgins, Chief of Zoning

Division: Zoning Administration

Date: February 25, 2011

Subject: SP2009-034, Re-Store' N Station Preliminary Site Plan – Official Determination of Compliance with SP Conditions/General Accord & Building Footprint

I have carefully reviewed the latest version of the Preliminary Site Development Plan for the Re-Store'N Station, dated December 13, 2010 as well as the "Application Plan", dated December 6, 2009 which is referenced in the November 3, 2010 Board of Supervisors' approval conditions for the Special Use Permit for water use. I have also reviewed the latest design drawings, dated January 20, 2011 by Jones & Jones Architects. My conclusions regarding compliance with two of the SP conditions are:

Whether the latest site plan is in general accord with the December 9, 2009 plan:

-Due to the facts that: the overall character of the development is essentially the same; the main elements are still present and in the same relative areas; impervious coverage is less, and; open space is increased, from the earlier plan, I have concluded that the newly submitted preliminary site plan, dated December 13, 2010 is in general accord with the "submitted preliminary site plan dated December 9, 2009" as called for in the approval conditions for the special use permit for water use (attached).

Whether the development as proposed meets condition #4 limiting building footprint:

-The latest building proposed for the Re-Store'N Station is a two storey structure with approximately 3,000 sq. ft. of **interior** floor space on each level **and** a 10 ft. deep, two-storey covered porch along just over three sides, supported by columns.

-Condition #4 of the SP approval states: "The total building footprint square footage shall not exceed 3,000 square feet,"

-The Albemarle County Zoning Ordinance does not define "building footprint". However, it does define "Building" as: "Any Structure having a roof **supported by columns** or walls." (emphasis added)

-The Building Code does not define "building footprint". However, it does define "Building Area" as: "The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included **within the horizontal projection of the roof** or floor above." (emphasis added)

-Based on these definitions I have concluded that the proposed Re-Store'N Station building as depicted on the latest preliminary site plan dated December 13, 2010 and in the latest design drawings dated January 20, 2011 has a total "building footprint square footage of approximately **5,000** square feet and not the **3,000** square feet to which they are limited. **Therefore, the latest proposed building is NOT in compliance with condition #4 of the Board of Supervisors' November 3, 2009 special use approval.**

If you are aggrieved by this determination, you have a right to appeal it within thirty (30) days of this notice, in accordance with *Virginia Code* § 15.2-2311. If you do not file a timely appeal, this determination shall be final and unappealable.

An appeal may be taken only by filing an appeal application with the Zoning Administrator and the Board of Zoning Appeals, in accordance with § 34.3 of the Zoning Ordinance, along with a fee of \$240 plus the actual cost of advertising the appeal for public hearing. Applications for Appeal of the Zoning Administrator's Determination are available at the Department of Community Development located at 401 McIntire Road, Charlottesville, Virginia 22902 or online at www.albemarle.org/cdapps. This form applies to the appeal of a decision of the zoning administrator or any other administrative officer pertaining to the Zoning Ordinance. Section 34.3 of the Zoning Ordinance, which contains the regulations pertaining to the filing of an appeal to the Board of Zoning Appeals, is located in Chapter 18 of the Albemarle County Code and it may also be reviewed online at:

http://www.albemarle.org/upload/images/Forms_Center/Departments/County_Attorney/Forms/Albemarle_County_Code_Ch18_Zoning34_Appeals.pdf