



County of Albemarle
COMMUNITY DEVELOPMENT

LEA BRUMFIELD
Senior Planner II, Zoning
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tel: 434-296-5832 ext. 3023

January 17, 2025

Nina Promisel
6701 Rockfish Gap Turnpike
Crozet, VA 22932
nina@greenwoodgourmet.com

RE: Request for Official Letter of Determination – Greenwood Grocery (Parcel IDs 07100-00-00-004B0, 07100-00-00-004A1, 07100-00-00-004A2) “The Property”

Ms. Promisel:

In response to your request for a determination regarding Parcel IDs 07100-00-00-004B0 (tax map parcel 71-4B), 07100-00-00-004A1 (tax map parcel 71-4A1), and 07100-00-00-004A2 (tax map parcel 71-4A2), I have consulted with the Zoning Administrator and the County Attorney. You requested confirmation that the Property has been historically and continuously used together as a country store, and that all three parcels may be used as a by-right class A country store per Albemarle County Code § 18-10.2(24).

My findings are outlined below.

History of Parcels

Tax map parcel 71-4B, referred to as the “House,” was deeded from Ida V. Sandridge to Vernelle M. Morris and William B. Morris in 1951, and contained a residence.

Tax map parcel 71-4A1 referred to as the “Grocery,” was conveyed from Ida V. Sandridge to Vernelle M. Morris and William B. Morris in 1970.

Tax map parcel 71-4A2, referred to as “West Lot,” was conveyed from Ida V. Sandridge to Clyde G. Sandridge and Mary L. Sandridge in 1970.

The residential structure at tax map parcel 71-4B, with an address of 6695 Rockfish Drive Gap Turnpike, was built in approximately 1951 and occupied by Basil and Vernell Morris. At that time, either the House or Grocery lot or both were used as a site for fruit sales off of a picnic table (Attachment B, page 1).

By 1957, a fruit stand “hut” had been established on the “Grocery” lot (Attachment B, pages 1, 6). The “House” lot continued to be occupied by the Morrisses as their primary residence (Attachment C).

By 1980, the fruit stand had been expanded to a larger structure (Attachment B, image page 3, page 8).

All three parcels were purchased by Terrarium LLC on September 20, 1999. On October 26, 1999, the fruit stand structure on the Grocery parcel caught fire and was destroyed (Attachment D, page 219). A country store structure was rebuilt on the site and completed in 2003 (Attachment B, page 14). During construction, the House parcel was used for retail sales, and this use continued following completion of the country store structure on the Grocery parcel.

Country Store Definitions and Adoption

Per Albemarle County Code § 18-3.1, “class A country store” is defined as “a country store located in a historic country store building, and which may include accessory uses including those expressly authorized in [section 5.1.45](#).”

A “historic country store building” is defined as “a building whose primary use at any time on or prior to January 1, 1965 was a country store.”

"Country store" is defined as “a store whose primary use is to offer for sale a wide variety of retail merchandise.”

The country store regulations were adopted on November 12, 2008 with the goals of creating support for crossroads communities in the Rural Area, permitting alternative uses for rural properties, and preserving historic country store structures.

During the Board of Supervisors’ public hearing on November 12, 2008, the Board did clarify that a site containing a historic country store building that later burned down after 1965 would be eligible to be rebuilt and still qualify as a historic country store building.

Historic Country Store Building Accessory Uses

The regulations for a class A country store require a country store to sell a “wide variety of retail merchandise,” but also permit as accessory uses (i) food sales and (ii) single family dwellings and offices.

The regulations for accessory food sales permit up to 20% of the gross square footage of the historic country store building to be devoted to seating for the accessory food sales, with an equal square footage devoted to seating permitted outside.

The regulations for accessory single family dwellings and offices permit up to 49% of the gross square footage of the historic country store building to be used for one dwelling and/or one or more offices.

Analysis

To qualify as a class A country store, a country store must be located in a historic country store building. A historic country store building is “a building whose primary use at any time on or prior to January 1, 1965 was a country store.” Primary use of building before 1965 must have been a minimum of 51% of the square footage devoted to the country store, with no more than 49% of the gross square footage devoted to the accessory residential use.

In all descriptions and narratives of the structure on tax map parcel 71-4B, referred to as the “House,” the structure is described as a residence or a house. This, combined with the uses described therein, establishes the primary use of the structure as a residence.

Additionally, while fruit is described as being sold on a picnic table outside of the House, there is no evidence provided that a “wide variety of retail merchandise,” was sold out of the House prior to 1965.

Conclusion

It is my determination that the structure on tax map parcel 71-4B, with an address of 6695 Rockfish Gap Turnpike, was not a country store prior to 1965, and does not qualify as a historic country store building.

You may have a right to appeal this determination within thirty (30) days of this notice, in accordance with *Virginia Code* § 15.2-2311. This determination shall be final and unappealable if not appealed within 30 days.

An appeal may be taken only by filing an appeal application with the Zoning Administrator and the Board of Zoning Appeals, in accordance with [Albemarle County Code § 18-34.3](#), along with a fee of \$364.00, which includes the \$350.00 application fee and the 4% Technology surcharge of \$14.00. Additionally, a separate fee of \$235 is required to provide notice and advertise. All payments are subject to a separate processing fee.

Applications for Appeal of the Zoning Administrator's Determination can be found on the Community Development Department website by clicking the ["Apply For" link](#) and following the instructions to apply. Regulations pertaining to filing

an appeal to the Board of Zoning Appeals are in Chapter 18, Section 34.3 of the Zoning Ordinance and may be reviewed [HERE](#).

If you have any questions, please contact me.

Sincerely,



Lea H. Brumfield
Senior Planner II, Designee of the Zoning Administrator

Albemarle County
401 McIntire Road, Charlottesville, VA 22902
lbrumfield@albemarle.org

Copy: Bart Svoboda, Zoning Administrator; Francis MacCall, Deputy Zoning Administrator; Andy Herrick, Deputy County Attorney

Attachment A: History provided by applicant
Attachment B: Newspaper clippings provided by applicant
Attachment C: Narrative provided by applicant
Attachment D: BOS Agenda Packet May 17, 2000

Timeline

1951: Basil and Vernell Morris started their business. They sold produce, local goods and homemade food items out of their **House** and from a picnic table and pickup truck in their front yard.

1950s-60s: Basil gathered scraps and unused materials from local construction sites, including the construction of Interstate 64 that was going on during this time period. He began cobbling together a more permanent structure from which to conduct their country store business, doing everything from electrical work and plumbing to carpentry and masonry. The Morrisses also began creating concrete garden statuary and expanded their offerings into nursery and garden equipment, seasonal tourist attractions, sandwiches and homemade pies, and more.

1970s-90s: The Morrisses made a name for themselves, establishing their business alongside other nearby markets like the Maupin fruit stand down the hill. They became a community staple and expanded most of their business into the **Grocery** building, but continued using the **House** for display, storage, bookkeeping and food preparation. They used not only the **Grocery** and **House** lots, but the **West Lot** as well, which belonged to Vernell's brother and sister-in-law, Clyde and Mary Sandridge.

September 1999: David Atwell, Nina Promisel, as well as the Bunny and Gates families, purchased all three parcels from the Morrisses and Sandridges. They carried on in the footsteps of the Morrisses, but began modernizing the offerings and bringing in the produce and goods of smaller local farmers and makers.

October 1999: Old and faulty wiring lead to an electrical fire that started in a faulty soda machine and burned the entire **Grocery** to the ground.

Late 1999-Early 2000: The Bunny and the Gates families relinquished their interest, leaving David and Nina as sole proprietors. The Atwells engaged in months-long negotiations and discussions with county officials to establish and solidify their legal right to rebuild the **Grocery** and continue doing business on the parcels.

2000-2003: The Atwells were granted permission to continue the business, including being allowed to run the entirety of the business out of the **House** during the reconstruction of the **Grocery**.

July 2003: A Certificate of Occupancy was approved for the **Grocery** and the Atwells began moving most of the business back into that building, but retained display, storage and bookkeeping in the **House**, mirroring the Morrisses' decisions of decades before.

2004-Present: Greenwood Grocery has grown in its influence and ability to represent our community, and has finally become viable enough that we can afford to give the **House** the facelift and repair that it has needed since we bought it, making it more conducive to the uses we have maintained throughout our tenure and allowing us to enhance and continue the pursuit that we inherited from the Morrisses and have dedicated ourselves to ever since.

Relevant County Ordinances

Chapter 18

Article I, Section 3.1 - Definitions

Country store. "Country store" means a store whose primary use is to offer for sale a wide variety of retail merchandise.

Country store, Class A. "Class A country store" means a country store located in a historic country store building, and which may include accessory uses including those expressly authorized in section 5.1.45.

Historic country store building. "Historic country store building" means a building whose primary use at any time on or prior to January 1, 1965 was a country store.

*Although the Morrisses clearly also lived in the **House** while using it for their business, we feel it is arguable that its "primary use" was as a country store, given that the business they ran out of the **House** was their sole source of income and their basis for livelihood.*

*The Morrisses used the **House** as a necessary and not subordinate or incidental aspect of their business throughout the years they owned the parcels and business. They stored and displayed goods on the property, they produced food and concrete statuary in and around the structure, and many locals familiar with their business at the time have told us that if the Morrisses were ever not available in the **Grocery**, there was an established understanding that anyone could visit them in the **House** for whatever they needed.*

Article II, Section 5.1.45 - Country Stores

d. *Pre-existing country stores.* Any country store existing before and continuing on and after November 12, 2008 that was authorized by a special use permit or a conditional use permit (the "permit") granted by the board of supervisors shall be subject to the following:

2. *Country store, Class A.* If the country store qualifies as a country store, Class A, the permit and its conditions shall be of no further force or effect. If the permit or a modification, waiver, variation, or a variance granted prior to November 12, 2008 authorizes what would otherwise be allowed only by a modification or waiver of the requirements of section 5.1.45, the country store, Class A and/or the historic country store building as approved shall be deemed to comply with section 5.1.45.

*We were determined by county officials to be permitted to operate our business out of both the **House** and the **Store** starting in 2000; we have operated under that understanding ever since. This ordinance indicates that due to the building having been used as a country store prior to 1965, as well as before and continuing on after November 12, 2008, it should now be recognized as a Country store, Class A.*

Source: The Daily Progress, 10/25/1990

Relevancy: Establishes origin of fruit stand in 1950s, establishes start as picnic table in yard

Image

C6 THE DAILY PROGRESS, Charlottesville, Virginia, Thursday, October 25, 1990

Life & Leisure

Fruit stand owners love the life

By JOAN CLIFFORD
of The Progress staff

Fruit stands aren't just fresh produce markets. For the folks who run them, they're an apple-eatin', hard-workin' way of life.

"Everybody used to call this 'the apple place,'" said William Morris, owner of Morris Fruit Market on U.S. 250 west at Afton. That was 38 years ago.

That was 38 years ago, when fruit stands stood as picnic tables or truck beds scattered mile to mile — even yard to yard — throughout the countryside. To passers-by, they were sure markets for produce and personality. To the owners, they were — and still are — life.

Today's fruit stands are more like fruit huts, with apple-filled baskets and boxes lining tables, porches and gravel driveways, pumpkins peppering yards, and plenty of cider, apple butter and honey on shelves inside.

While the markets feature that similar, old look, it's the owners who make them different.

"I'd stop at these places even if I didn't buy the apples," said Connie Lang, eyeing the pumpkins outside Morris Fruit Market. "I'd stop just to see who's behind them."

For 38 years, Morris has stood behind his market — from the picnic table to his present roadside building. He chews tobacco and sets out apples between waves of customers. His nephew, Garland Sandridge, strums the guitar.

Just over the hill, Bill Maupin sits on the porch behind shelves of honey, jam and cider and baskets full of apples at the Village Fruit Stand. He started his business in Brownsville in the 1950s and moved to Afton in '73 to catch the Wintergreen traffic.

Years of experience have taught him: Fruit stand success grows from hard labor, long hours and a friendly nature. But it's a good life, he said.

"I like meeting the people," employee David Brazee added.

Sitting on the porch of his trailer-like stand, Charles Anderson bites into a red delicious apple — his favorite. About 15 years ago, he was selling apples out of his truck.

40-hour-a-week job as a foreman for the phone company to work 10 to 12 hours a day at his fruit stand. "I like working for myself. I don't mind putting in twice as much time as I would working for someone else."

He finds freedom among the apples.

Ruth Chiles, owner of Carter's Mountain Orchard, takes it a step further, giving people the freedom to pick their own apples and eat them right off the trees. "It's a place where everybody's happy and on the mountain top to pick apples," she said. "This fruit stand started 15 years ago and has grown beyond all our wildest dreams."

■ Prices at the fruit stands — Page C1

Now in the fruit hut a few miles shy of Skyline Drive, he's still selling apples and other apple items. If he doesn't have what a customer wants, he sends them up the road.

Not all stands are bunched together.

In Ruckersville off U.S. 29 North, Robert Seale stands behind a porchload of fruit and finds his life in one Jonathon's apple right after another. He's lost track of how many he eats a day. "I'd hate to know," he said.

Ten years ago, Seale quit a

Human Needs Survey

The United Way Priorities Committee is interested in your opinion. We have been meeting to determine the community needs and set priorities among the needs. If you can help us make the list, please fill in the form below and return it to: Thomas Jefferson Planning District Commission, 413 E. Market St., Suite 102, City, 22901 by Oct. 29th.

The three human service needs that are most important to be met this year are:

1. _____
2. _____
3. _____

I used the following criteria to select these needs: (how often it is mentioned, people can't be without it, etc.)

1. _____
2. _____
3. _____

Name (optional)
Address:
Phone Number:

A Joint Project of the United Way
and the
Thomas Jefferson Planning District Commission

Relevant Text

"'Everybody used to call this 'the apple place,'" said William Morris, owner of Morris Fruit Market on U.S. 250 west at Afton. That was 38 years ago..."

"For 38 years, Morris has stood behind his market - from the picnic table to his present roadside building."

Source:Daily Progress, 10/12/2000

Relevancy:Establishes origin of fruit stand in 1950s

Image	Relevant Text
William "Basil" Morris William "Basil" Morris, 72, of Greenwood, died Monday, Dec. 11, 2000, at his home. He will be greatly missed. Basil was born Jan. 6, 1928, son of the late Robert Kempfer and Clara M. Morris. He also was preceded in death by a brother, Cecil E. Morris. He was a veteran of World War II, serving 21 months in the South Pacific, and was awarded the Oak Leaf Cluster. He was owner and operator of Morris Fruit Market in Crozet for 49 years. He also was employed by Bethlehem Steel of Baltimore for 4 years and Acme Visible Records of Crozet for 23 years. He is survived by his wife of 51 years, Vernell Sandridge Morris; three daughters and sons-in-law, Deborah and Stewart Sprouse of Greenwood, Cheryl and Tommy Wills of Troy, and Rebecca and Darrin Whisnant of Maiden, N.C.; one son and daughter-in-law, W. Greg and Sonya Morris of Greenwood; two sisters, Doris and Frank Kirby of Baltimore, and Charlotte Adock of Charlottesville; one brother and sister-in-law, B. Kowell and Louise Morris of Baltimore, and sister-in-law, Juanita Morris of Chattanooga, Tenn.; seven grandchildren Lynn and her husband, James, Joy and her husband, Ben, Wendy, Billy, Chris, Derek and Amber; three step grandchildren; four great-grandchildren; and three step great-grandchildren; and a number of nephews and nieces. Funeral services will be held at 2 p.m. Thursday at Teague Funeral Home, with the Rev. Frank Shumaker officiating. Interment will follow in Holly Memorial Gardens in Charlottesville. The family will receive friends from 7 to 8 p.m. Wednesday evening at the funeral home.	“William "Basil" Morris, 72, of Greenwood, died Monday, Dec. 11, 2000, at his home ... He was owner and operator of Morris Fruit Market in Crozet for 49 years.”

Image



Harvest

from page 1

From the hustle and bustle as customers come in to buy apples, corn, cheese, country bacon slabs and, of course, pumpkins, it seems times are not too hard right now.

But that's for the experts to decide. To the experienced eye, this week's flurry of activity inside the fruit stand merely marks the scenes of a produce stand at harvest time.

"October's the busiest month," Vernell says between customers.

"If I don't make my money now, I don't live," Basil says from his rocking chair.

bottom of her pumpkin barrel three days before Halloween. It was a September event — Tropical Storm Fran — and not the coming of All Hallow's Eve, that depleted the pumpkin crop this year.

Fran ripped through Nelson County and she dropped a lot of water. Pumpkins can't take too much water. They get black rot," Snow says.

In some cases, the deluge produced more than pumpkin rot. Video footage from September 5 at Tye River in Nelson County revealed dozens of pumpkins bobbing down the swollen river, evidence that somewhere upstream an entire patch had been wiped out.

"That's where we get our pumpkins from," Snow says.

— spread it on a piece of toast and you'll swear you're eating pumpkin pie.

Mountain honey — dark and hearty — nestles besides the lighter, more golden valley honey. Mother nature did damage to the honey crop as well this year, as mites infested many hives.

But apples were good. Snow says, and bulging plastic bottles of pressed apple cider abound. And now that it's Halloween, there's another kind of harvest in her shop.

The kids, you know, all kids are just so cute. They're tickled about seeing the scarecrow," Snow says, pointing to the fruit

stand's roof where a stuffed smooch, poised to scare off even the scariest of wandering spirits.

An electronic witch cackles frights in the corners, and faux spider webs can be seen strategically placed about the shop.

"I've got eight grandchildren and they went wild with the pumpkin, trying to pick up the big ones.

"They just got so excited," she says.

Snow plans to be open on Halloween, and have candy for the children who come by.

"My daddy said, 'You've got to have candy.' He always gave kids candy."

Maupin's and Morris' Fruit Stands are two of just a few stands still left on U.S. 250. Citrus is still open at the foot of Afton Mountain, and the Ivy Store has a produce stand set up as well. Eagle's nest, almost directly across the road from Morris', deals in the fruits of harvest and runs a landscaping business as well.

And on Friday morning, after the evil spirits of the previous night have blown through this area and the hills of Albemarle are safe once more, life will go on as usual down Pumpkin Lane.

"We'll start getting ready for Thanksgiving," Snow says.

Uh-oh.
It's that time of the year again.

I could happen to you again. The holidays sneak up on you. And you're running amok. But there's still time to slow down, plan, take a deep breath and get control.

Join us as Charter Behavioral Health System of Charlottesville presents: **Managing Holiday Stress • "Un-Plug The Christmas Machine."**

Designed to create a more rewarding, more spiritual and less stressful celebration. Over the course of 4 weeks you will share in the experience of exploring childhood traditions, identify male/female roles traditionally, gift giving alternatives, review of values and creating a manageable holiday schedule.

DATES: November 4, 11, 18 and 25, 1996
Mondays 7:00-9:00 p.m.

LOCATION: Charter Annex Building
2101 Arlington Blvd.
Charlottesville, VA 22903

This program is offered at NO Charge. Please call 977-1120 ext. 545 to preregister due to limited availability.

Charter Behavioral Health System
Of Charlottesville

Relevant Text

“When Vernell Morris' grandmother started selling apples on Old U.S. 250 west of Charlottesville, there were 14 fruit stands along the road from the Mechums River to the foot of Afton Mountain. That was 45 years ago. “And everybody made a better living than they do now,” Vernell says ... inside the Morris Fruit Stand, one of just a handful of stands still operating on the road.”

“From the hustle and bustle as customers come in to buy apples, corn, cheese, country bacon slabs and, of course, pumpkins...”

Image



Peppers also remind Morris of the time two men stopped in his store on their way to Charlottesville. "You could tell they both had several drinks," he said, leaning forward in his chair and swatting at a fly before continuing his story. "Well, one guy bet the other that he couldn't eat a hot pepper raw. I watched them stand there and take a bite out of it. It doesn't hit you at

Morris says his busiest time is during the summer and fall when apples are harvested. In addition to produce other items for sale include ceramic figures and souvenirs.

Relevant Text

“MORRIS FRUIT MARKET is a landmark in the produce business. Open for 27 years, it offers a wide variety of fruits and vegetables”

“In addition to produce other items for sale include ceramic figures and souvenirs.”

Source: UVA Library - 1957 aerial photos

Relevancy: Aerial photo including all three parcels

Image



Explanation

Though blurry, this photo from 1957 appears to show a small structure where the grocery stands currently, with parking extending from present day 6703 - 6695 Rockfish Gap Tpke. This corroborates anecdotal evidence and our findings that the Morris's started by selling their goods from their yard, on picnic tables and from the back of pickup trucks; and that they used all three parcels as needed from the beginning.

Source: UVA Library - 1966 aerial photos
Relevancy: Aerial photo including all three parcels

Image



Explanation

While still low resolution, this photo from 1966 is somewhat clearer than 1957, and relatively certainly shows heavy use extending from present day 6703 - 6695 Rockfish Gap Tpke. This corroborates the Morris' story of continuing to use both buildings for the business, in varying ways, throughout their tenure.

Source: UVA Library - 1980 aerial photos

Relevancy: Aerial photo including all three parcels

Image



Explanation

By 1980 the structure on 6701 was well established, but this photo still demonstrates mixed use across all the parcels; although, the images seem to have been poorly stitched and route 250 jumps in location just west of the parcels.

Source: Google Earth Pro - Historical Aerials
Relevancy: Aerial photo including all three parcels

Image



Explanation

In 2007 the majority of the business was in the newly rebuilt Grocery building, but as this aerial demonstrates there was still a large amount of display and open walkways for customers across the parcels.

Source: Google Earth Pro - Historical Aerials
Relevancy: Aerial photo including all three parcels

Image

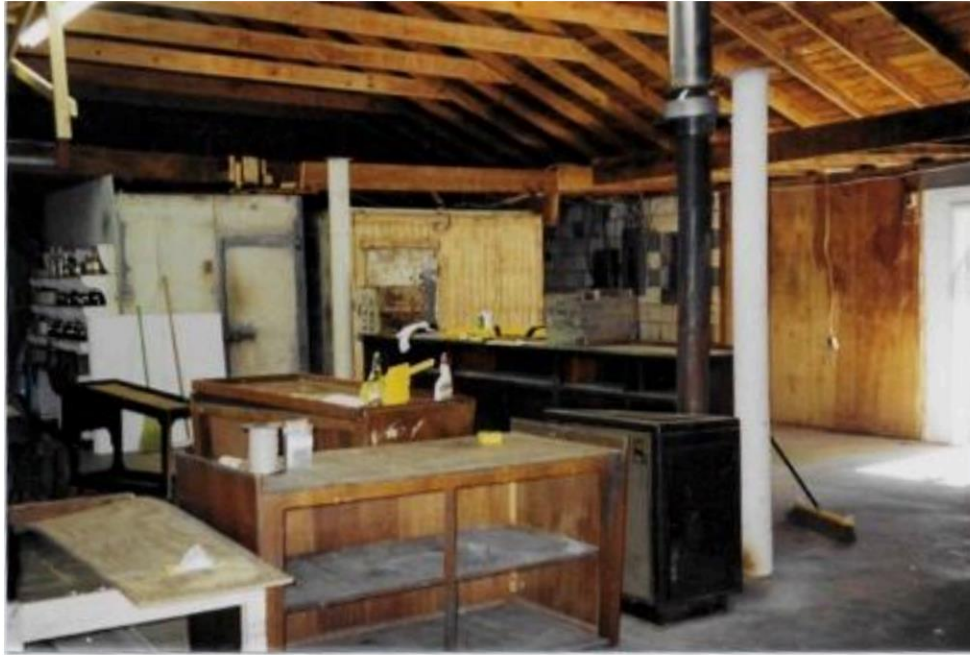


Explanation

2009 looked much the same as 2007, indicating that business was permitted “before and continuing on and after November 12, 2008”, as described in the ordinance for pre-existing Country Stores. (Article II, Section 5.1.45 d.)

Source: Home Photos

Relevancy: Pictures of the original fruit stand; bottom left shows display and fencing extending onto the West Lot



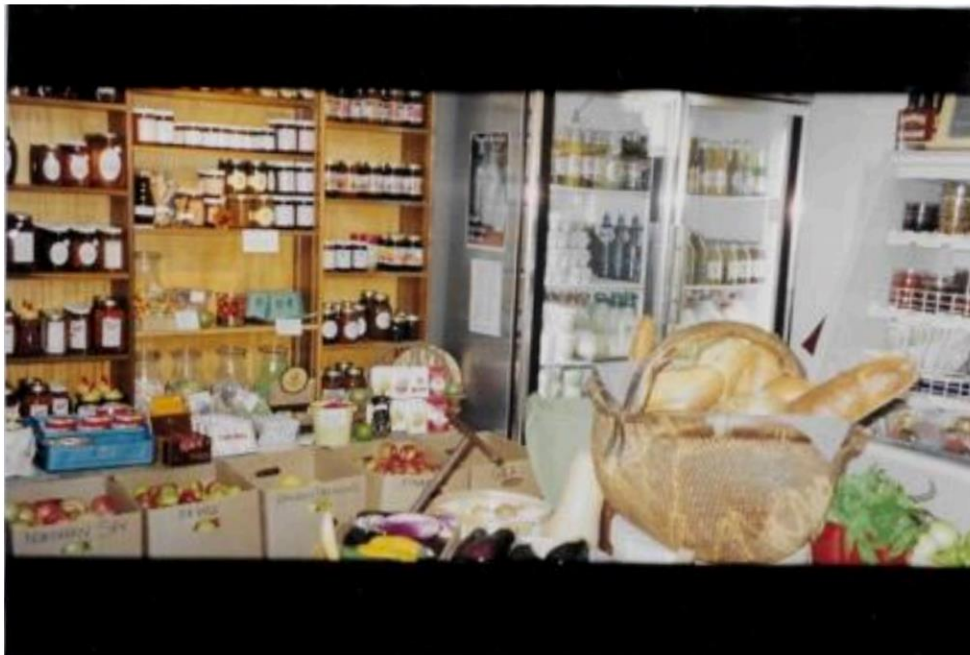
Source: Home Photos

Relevancy: Exterior of House during the period when the Grocery was being rebuilt



Source: Home Photos

Relevancy: Interior of House during the period when the Grocery was being rebuilt



Source: County of Albemarle Certificate of Occupancy
Relevancy: Occupancy was not granted until 2003; the business had been running continuously since the fire

Image

COUNTY OF ALBEMARLE



Department of Building Code and Zoning Services

401 McIntire Road
Charlottesville, Virginia 22902-4596

(434) 296-5832

CERTIFICATE OF OCCUPANCY

This is to certify that the _____ store _____

erected on _____

Tax Map 07100-00-00-004A1 Legal Description Lot A

Street/Route No. 6701 Rockfish Gap Turnpike

Owner Terrarium, LLC Occupant Blue Ridge Garden Market

Building Permit # 00-1040 NC Type of Construction 5B Sprinkler System none required

Use Group M Zone RA District Whitehall, has been inspected and found to be in compliance with the Virginia uniform Statewide Building Code, 1996 edition.

	Total Persons
BASEMENT _____	2
1 st FLOOR _____	50
2 nd FLOOR _____	5
3 rd FLOOR _____	
Add floors as necessary _____	

Special Conditions / Modifications _____

Date 07/23/2003

Building Official [Signature]

Zoning Administrator [Signature]

Summary of Documents Presented

The combination of clippings from several newspapers confirms that the Morrisises began their business in the early 1950s. The aerial photos show that there was no established **Grocery** structure present as early as 1957. These findings together confirm anecdotal evidence in the form of conversations with the Morrisises and community members indicating that the business was begun in the **House** and only later moved into the larger building on the adjoining lot. The photographs and later aerial imagery from Google Earth demonstrate our claim that the business was allowed to proceed in the **House** throughout the early 2000s while we reconstructed the **Grocery** building. This is further demonstrated by the fact that the Certificate of Occupancy for the **Grocery** was not issued until 2003 but we have business records reaching unbroken from the present back to 1999 (available on request). These pieces of evidence, taken as a whole, seem to satisfy the county ordinances for Historic Country Store Buildings, Country Store Class A, and pre-existing Country Stores.

October 2nd, 2024

Albemarle County
Community Development
401 McIntire Rd., North Wing
Charlottesville, VA 22902

Request for Official Letter of Determination for Albemarle County **TMPs 71-4B, 71-4A1 and 71-4A2** (the “**House**”, “**Grocery**”, and “**West Lot**” respectively), located at **6695, 6701, and 6703 Rockfish Gap Turnpike** (collectively the “**Greenwood Properties**”).

This letter and accompanying documents are to attest and demonstrate the claim that the parcels listed above have all historically and continuously been used together as a Country Store, and should be allowed to continue as such. We, Nina Promisel and David Atwell, owners of Terrarium LLC and the **Greenwood Properties**, request that determination be made to affirm this fact and allow continuance of use collectively as a Country Store Class A, despite the **House** currently being zoned RA and structures being nonconforming due to setback; because their use as such predates zoning code regulations and satisfies county ordinance definitions of Historic Country Store Buildings. If such determination is made, we intend to follow the advice of county officials and merge the properties into a single contiguous lot that is all under the same zoning designation and approved for the same use, in order to increase the conforming nature of each and reduce ambiguity going forward.

We bought these parcels as a country store from William “Basil” Morris and Vernell Morris in September of 1999. The **Grocery** suffered a catastrophic fire started from faulty wiring in October of the same year. In the pursuit of rebuilding the structure while simultaneously continuing our new livelihood, we began a lengthy process in order to prove to the county officials’ and board of representatives’ satisfaction that the business had indeed existed for nearly 50 years at that point and had been operated out of both structures, and to demonstrate that we could comply with ordinances and regulations for operating a Country Store in a Rural Area.

We had many long conversations with the Morrisises about the business that they had run since 1951, when they started selling produce and homemade goods out of the **House**. They told us about how they had similarly had to scramble and be creative to keep their own business healthy and viable, and had sold everything from sandwiches and homemade pies to fruits and vegetables to gardening items, plants, and homemade cast concrete sculptures. We met with many community members who remembered all these activities and were able to attest that they had been done as described and in both the **House** and the **Grocery** (then called the fruit market). Many locals familiar with their business at the time have told us that if the Morrisises were ever not available in the **Grocery**, there was an established understanding that anyone could visit them in the **House** for whatever they needed.

We gathered enough testimony and evidence, including written documents from the Morris's themselves, to satisfy zoning and community development administrators as to the validity of continuing the country store use and rebuilding the burnt store.

While we worked on securing funding and then during the reconstruction process we operated the business solely out of the **House**, but with outside displays extending onto the **Grocery** property and parking for customers, employees, and construction crews across all three parcels. Once the **Grocery** building was completed and we received our Certificate of Occupancy, the majority of the business was moved to the new building, but we have continued to use the **House** structure and property for display, storage, and office space.

Our family has deep ties to this area, specifically the rural part of it, through generations of ancestors living and farming here and through the relationships we have fostered by living here and serving the community. In 2000 we submitted an application for Special Use Permits to allow signage and roadside display, but upon further consideration and advice from the community and county officials we requested the denial of said permits. We felt that operating within our by-right uses for the zoning area would set a good precedent for maintaining the spirit and sanctity of rural Albemarle, as well as preventing our case from being used as precedent for less cautious development and construction in the future. We designed the **Grocery** building with traditional and regional aesthetics as first priority, and we have limited our outdoor displays over the years to those which felt appropriate for our community and locale. We built lasting relationships with our neighbors, dozens of small local farmers and producers, and dozens more Virginia wineries, breweries, and cideries. We have established a name for our business primarily through word of mouth based on our reputation for community support, careful attention and service for our clientele, and through always having strived to represent local small businesses over any other options in every aspect of our store. We wish to not only continue doing so, but to be able to work to expand our offerings and ability to showcase cottage industries in the area without expanding our footprint, whether visibly, ecologically, or otherwise. We are strongly in favor of the changes being discussed in the AC44 project where they relate to building crossroads and rural community resiliency and support without expanding development, and have always voiced our preference for reusing and restoring historic buildings rather than new construction whenever possible. We can proudly stand by Greenwood Grocery as being representative of our values and ethics regarding community and rural life, and we wish to set an example of the potential for non-invasive, region specific growth and reuse that aligns with the County's comprehensive plan.

ACTIONS Board of Supervisors Meeting of May 17, 2000	
	May 23, 2000
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
1. Call to order.	Meeting was called to order at 7:03 p.m., by the Chairman. All BOS members present. Clerk: Laurie Bentley.
4. Others Matters Not Listed on the Agenda from the Public. None.	
5.1. Set public hearing to amend Chapter 15, Article XII, Prepared Food and Beverage Tax. SET PUBLIC HEARING for 6/7/00.	<u>Clerk:</u> Advertise public hearing for 6/7/00.
5.2. Additional FY 1999/2000 Revenue Sharing Funds. APPROVED.	<u>Clerk:</u> Prepare memo for Chairman's signature, send to J. Givens at VDOT.
5.3. Proclamation recognizing Million Mom March. REMOVED FROM AGENDA.	
5.4. Additional Funding for Positions and Equipment in the Sheriff's Office for FY 2000/01. APPROVED.	<u>Budget Manager:</u> Reflect in Operating Budget Resolution of Appropriation on 6/7/00.
5.5. Request for Resolution from Mecklenburg County to support one percent increase in the general retail sales tax. DENIED REQUEST.	
5.6. Resolution in Support of Rivanna Solid Waste Authority.	<u>Clerk:</u> Forward signed resolution to A. Petrini at RSWA.
6. SP-00-003. Charlottesville Broadcasting (Signs #51,52&53). APPROVED WITH 8 CONDITIONS AS AMENDED BY THE BOARD (Attachment A).	<u>Clerk:</u> List conditions.
7. SP-99-74. Townwood Mobile Home Park (Signs #75&76). DEFERRED TO CONSENT 6/7/00 CONSENT AGENDA.	<u>Clerk:</u> Provide W. Cilimberg a transcription of Board discussion on this item, specifically Board members' comments regarding conditions recommended by the Planning Commission. <u>Planning staff:</u> Provide revised conditions to the Clerk, to be placed on the 6/7/00 consent agenda.
8. SP-99-77. Evergreen Baptist Church (Sign #84). APPROVED WITH 13 CONDITIONS AS AMENDED BY THE BOARD (see attachment A).	<u>Clerk:</u> List conditions.
9. SP-00-002. Unity Church (Sign #99). APPROVED WITH 8 CONDITIONS (attachment A).	<u>Clerk:</u> List conditions.
10. SP-00-006. University of Virginia Community Credit Union (Signs #42&43). APPROVED WITH 2 CONDITIONS (attachment A).	<u>Clerk:</u> List conditions.
11. SP-00-008. Blue Ridge Garden Market-Country Store (Sign #45). DENIED.	
12. SP-00-009. Blue Ridge Garden Market -Outdoor Storage (Sign #46). DENIED.	
13. Discussion: Morgantown Road Closure. APPROVED STAFF RECOMMENDATION TO ALLOW PLANNING STAFF TO COMPLETE CUT-THROUGH POLICY EVALUATION AND PRESENT A REPORT IN THE FALL 2000.	<u>Planning staff:</u> Complete cut-through policy evaluation and present report in Fall 2000.
15. Other Matters not Listed on the Agenda from the Board:	
- Mr. Davis presented a resolution to waive burning permit fees that came about as the result of the May 13, 2000 storm. ADOPTED. - Mr. Dorrier asked that staff review the burning permit fee policy	<u>Clerk:</u> Forward signed resolution to C. Pumphrey of Fire Rescue and copy A. McCulley of Building Codes & Zoning Services. <u>Assistant County Executive staff and Fire Rescue</u>

to consider exempting fees for agricultural use. It was the consensus of the Board to have staff prepare a resolution recognizing members of the public for their efforts following the May 13, 2000 storm.	staff: Review burning policy and present findings and recommendations to the Board. Clerk and Community Relations Officer: Draft resolution of appreciation for the Board's approval.
16. Adjourn at 10:00 p.m.	



COUNTY OF ALBEMARLE

Department of Planning & Community Development
401 McIntire Road, Room 218
Charlottesville, Virginia 22902-4596
(804) 296 - 5823
Fax (804) 972 - 4012

05-03-00003113 RCVD

April 26, 2000

David Atwell
8510 Dick Woods Road
Afton, VA 22920

**RE: SP-00-008 Blue Ridge Garden Market – Country Store
SP-00-009 Blue Ridge Garden Market – Outdoor Storage
Tax Map 71, Parcel 4A1**

Dear Mr. Atwell:

The Albemarle County Planning Commission, at its meeting on April 25, 2000, unanimously recommended approval of the above-noted petitions to the Board of Supervisors.

SP-00-008 Blue Ridge Garden Market – Country Store – Recommended approval subject to the following conditions:

1. The area of the ground floor shall not exceed 4000 square feet.
2. The area of the second story shall not exceed 1300 square feet. The second story area shall be clearly delineated on the plan.
3. The building must be shifted or property boundaries must be adjusted to meet setback requirements. If property boundaries will be adjusted, an approved plat showing the adjustment is required.
4. Health Department approval is required for this site.
5. Use shall not commence until a Certificate of Appropriateness is issued by the ARB for this proposal.

SP-00-009 Blue Ridge Garden Market – Outdoor Storage - Recommended approval subject to the following conditions:

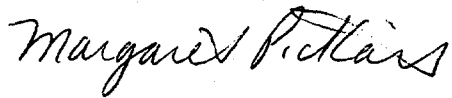
1. Items for display shall include only produce, plants, flowers, and other similar items typically displayed at farm stands.
2. Items shall be displayed only in the areas indicated for display on the plan labeled "Blue Ridge Garden Market: Proposed Development."
3. Use shall not commence until a Certificate of Appropriateness is issued by the ARB for this proposal.

Page 2
April 26, 2000

Please be advised that the Albemarle County Board of Supervisors will review this petition and receive public comment at their meeting on **May 17, 2000**. Any new or additional information regarding your application must be submitted to the Clerk of the Board of Supervisors at least seven days prior to your scheduled hearing date.

If you should have any questions or comments regarding the above noted action, please do not hesitate to contact me.

Sincerely,



Margaret M. Pickart
Design Planner

MMP/jcf

Cc: Ella Carey
Amelia McCulley
Jack Kelsey
Steve Allshouse
Bob Ball

STAFF PERSON: Margaret Pickart
PLANNING COMMISSION: April 25, 2000
BOARD OF SUPERVISORS: May 17, 2000

SP-99-008 BLUE RIDGE GARDEN MARKET SPECIAL USE PERMIT -- COUNTRY STORE
SP-99-009 BLUE RIDGE GARDEN MARKET SPECIAL USE PERMIT -- OUTDOOR DISPLAY

Applicant's Proposal: The applicant proposes to rebuild the Blue Ridge Garden Market, which burned on October 26, 1999. Rather than rebuild the non-conforming structure exactly as it existed (Attachment C), which is permitted without meeting any new regulations, the applicant wants to improve the property. Proposed improvements include an expansion of the total building area from 3514 square feet to 4359 square feet (Attachments D, E, F). This expanded use requires a special use permit for a country store. The applicant also plans to display produce and farm goods at this property. There is no planned expansion of this outdoor display use, but the applicant is requesting the special use permit for outdoor display to bring this use into conformance.

Petition: Request for special use permit to reestablish a country store in accordance with Section 10.2.2.22 of the Zoning Ordinance, which allows for country stores in the Rural Areas District; and for a special use permit to allow outdoor display in the Entrance Corridors in accordance with Section 30.6.3.2.b of the Zoning Ordinance, which allows for outdoor storage, display and/or sales visible from an EC street. The property, described as Tax Map 71, parcel 4a1, contains .68 acres, and is located in the Samuel Miller Magisterial District on the south side of Rockfish Gap Turnpike [Route #250 West] approximately ½ mile west of the intersection with I-64. The property is zoned RA Rural Areas and EC Entrance Corridor. The Comprehensive Plan designates this property as Rural Area 3.

Character of the Area: This site, located in a rural area, contains the remains of the burned country store/farm stand. (See Attachments A and B.) A residence is situated immediately to the east. Additional residences are situated down a steep slope to the south. Another farm stand is situated on the south side of the road, a short distance to the west.

RECOMMENDATION:

Staff has reviewed this request for compliance with the provisions of the Comprehensive Plan and Zoning Ordinance Sections 31.2.4.1, 30.6.3.2.b, 10.2.2.22, and recommends approval of SP 2000-008 and SP 2000-009, subject to conditions.

Planning and Zoning History:

9/28/99: Zoning Clearance issued for Blue Ridge Garden Market.

4/3/2000: ARB-P(BP)2000-03: Architectural Review Board reviewed the application for a Special Use Permit for outdoor sale/display in the EC and conducted a preliminary review of the building permit for the proposed structure. The ARB recommended approval of the SP with conditions and offered comments for the benefit of the applicant's final submission, as follows. (Also see Attachment G).

The ARB voted unanimously to recommend approval of the Special Use Permit for outdoor display to the Planning Commission, with the following conditions:

1. Items for display shall include only produce and other similar items typically displayed at

- farm stands; and
2. Items shall be displayed only in the areas indicated for display on the plan.

The ARB also offered the following comments for the benefit of the applicant's final submission:

1. Provide a dumpster screen that coordinates with the appearance of the building.
2. All new lighting shall be fully shielded and subject to ARB review.
3. Provided final building elevations for ARB review.

Comprehensive Plan: The Comprehensive Plan shows this property as part of Rural Area 3. The applicant notes that although the parcel itself is not suited to agricultural production, the proposed country store use supports the Comprehensive Plan's goal of preserving the County's agricultural areas by making agricultural products available for purchase and fostering an awareness of agricultural production in the County.

STAFF COMMENT: Staff will address each applicable provision of the Zoning Ordinance.

Section 31.2.4.1

The Board of Supervisors hereby reserves unto itself the right to issue all special use permits permitted hereunder. Special use permits for uses as provided in this ordinance may be issued upon a finding by the Board of Supervisors that such use will not be of substantial detriment to adjacent property.

Although technically an intensification of use, this proposal actually provides an opportunity to improve site conditions. As such, it is considered an improvement as it relates to adjacent property and to Route 250 West, which is an Entrance Corridor.

It is anticipated that the display of produce for sale will have no negative impact on the surrounding uses or on the site itself, due to the rural character of the area, and the facts that the use previously existed on site and that another farm stand is situated nearby. The applicant owns the adjacent parcels to the east and west.

that the character of the district will not be changed thereby.

The proposed use is the same as the previous use on site and to nearby uses. The character of the district would be enhanced by this proposal. The potential impact of the use on the character of the district has been addressed by the ARB. The ARB has recommended conditions of approval (Attachment G). Those conditions are incorporated into the recommended conditions of approval for the special use permits.

and that such use will be in harmony with the purpose and intent of this ordinance.

Staff has reviewed this request for compliance with the purpose and intent of the Zoning Ordinance and the EC Overlay District. The current proposal shows 3,059 square feet of retail area at the first floor, with an additional 1,184 square feet of covered porches at the front and sides of the building, and an additional 1,300 square feet of storage and office space at the second story. By Zoning Ordinance definition, the ground floor of a country store cannot exceed 4,000 square feet. (Porches are not included in this area.) By maintaining the 4,000 square foot ground floor limit, and by limiting the second story to the proposed 1,300 square feet, the proposed use will be in harmony with the purpose and intent of the ordinance.

With the incorporation of the recommendations of the ARB for the outdoor display, and with the ARB approval of the final building and site design, this use would be in harmony with the purpose and intent of the overlay district. The ARB has conducted a preliminary review of the building and site design and had

the following comments:

1. Provide a dumpster screen that coordinates with the appearance of the building.
2. All new lighting shall be fully shielded and subject to ARB review.
3. Provided final building elevations for ARB review.

If a site plan is submitted, ARB review of the plan will be required.

with the uses permitted by right in the district.

The proposed display use will not restrict permitted uses on adjacent property. The proposed use is similar to or compatible with other uses permitted by right in this district.

with additional regulations provided in Section 5.0 of this ordinance.

There are no additional regulations in Section 5.0 specifically addressing the country store or outdoor display uses.

and with the public health, safety and general welfare.

VDOT has provided comment on this proposal (Attachment H) and is requiring the creation of a commercial entrance(s) and curbing along the remaining frontage. A right turn lane or taper has been recommended. With the required changes to the entrance, with the provision of adequate parking (see below), and with the limitation of outdoor display to those areas delineated on the plan, it is staff's opinion that the proposed use will have no negative impact on the public health, safety, or welfare. Entrance and parking issues are addressed in more detail below.

It should be noted that the applicant has indicated that the costs related to the creation of a site plan and a right turn lane/taper (if it becomes a requirement) may cause this proposal to be withdrawn and the non-conforming structure to be rebuilt without changes. (The applicant has provided photographs illustrating the sight distance available at the entrance to the property. They are included as Attachment J.)

Section 30.6.3.2.b

Outdoor display and sales in the Entrance Corridors requires a special use permit. However, the proposed display and sale is not considered an expansion of the previous non-conforming use. Consequently, the special permit is not technically required in this particular case. The applicant has requested the permit simply to bring the use into conformance.

The proposed outdoor display will occur on the porch of the building (front and sides), and in the areas between the porch and the parking spaces adjacent to the building. Displays will be seasonal and will include fruits, vegetables, plants, and other similar items typically displayed and sold at farm stands. Displays will occur on the ground, in wooden crates and baskets, and on tables and shelves. A portion of the display area may be grass. The Architectural Review Board has reviewed this request. Their action, which is included as Attachment G, recommended approval of the proposed use, subject to the following conditions:

1. Items for display shall include only produce and other similar items typically displayed at farm stands; and
2. Items shall be displayed only in the areas indicated for display on the plan.

Staff opinion is that the use will have no negative impact on the district, will not interfere with the integrity of the EC, and the applicant has agreed to the ARB's conditions. Consequently, staff finds that this use is consistent with the intent of the Zoning Ordinance and the Comprehensive Plan, and staff recommends approval of SP-2000-09 subject to conditions.

Section 10.2.2.22

Section 10.2.2.22 of the Zoning Ordinance allows for country stores in the Rural Areas district by Special Use Permit. The applicant is entitled to rebuild the non-conforming structure as it existed prior to burning. Instead, the applicant wishes to improve the property. Improvements include shifting the building back away from the road an additional 15 to 20 feet, creating a ground story of 3059 square feet in area (enclosed area, including a 15' x 15' walk-in cooler at the back of the building), adding covered porches on the sides and front of the first story of the building (approximately 1184 square feet), creating a second story of approximately 1300 square feet (for storage and office space to serve the store), and installing a septic drain field. Other changes include the moving of above-ground utilities under ground, the removal of chain link fence, and an overall improved appearance for the building. The proposed improvements are illustrated on the sketch plan labeled "Blue Ridge Garden Market – Proposed Development." (See Attachment D.)

The shifting of the building further away from Route 250 will improve safety and will bring the site more into conformance with current front setback requirements. However, the shift brings the southwest corner (rear) of the building closer to the western property line, which makes the setback on this side less conforming. Making a setback less conforming is not permitted, so the applicant must adjust the boundaries of the parcel to accommodate the building shift, or may shift the building further east. If the property boundaries will be adjusted to accommodate the building shift, an approved plat will be required before the SP can be exercised. It appears that shifting the building further east than is currently shown on the plan is feasible. The final building and property line locations must be shown on a revised plan.

Entrances, Parking, and Site Plan Requirements

The Zoning Department has determined that 20 spaces were previously available at this site. (See Attachment I.) At a total of 4,000 square feet, the proposed use would require 20 parking spaces. If the new building exceeds 4,000 square feet in area, the parking requirement will exceed 20 parking spaces, and a site plan will be required. (Paving requirements may also apply.) To meet the parking requirement, some parking spaces are provided on the adjacent parcel to the west. Consequently, the approval of an off-site parking waiver will be required. The applicant plans to delineate parking areas with landscape timbers, not with permanent curbing.

As stated earlier in this report, VDOT has required the creation of a commercial entrance(s) and curbing (CG-3) along the remainder of the frontage at this site. VDOT has also recommended a right turn lane/taper. According to section 32.2.1 of the Zoning Ordinance, the VDOT entrance requirement requires that a site plan be submitted for this proposal. Consequently, an approved site plan will be required before the SP can be exercised. If an entrance to the site is provided on an adjacent parcel, an access easement will be required.

SUMMARY:

The applicant has applied for special use permits for a country store and for outdoor display in the Entrance Corridor. The applicant is entitled to rebuild the non-conforming structure exactly as it previously existed without meeting any new regulations, but the applicant wishes to improve the property, which requires

changes to the non-conforming design. The special permit for outdoor display is not technically required, because there is no proposed expansion of that use. The ARB has reviewed the request and recommends approval of the SP for outdoor display, with conditions. The special permit for the country store is required because the applicant intends to increase the square footage of the building. The ARB has conducted a preliminary review of the building and site design. ARB comments were positive, and a final Certificate of Appropriateness from the ARB will be required. Any shifting of the proposed building that increases setback non-conformity will require a boundary adjustment and an approved plat; the applicant has the option of shifting the building to meet setback requirements. The revised entrance design that is required by VDOT and the parking proposed by the applicant will improve safety on site. These changes also require the approval of a site plan, a waiver for off-site parking and an access easement (depending on boundary adjustments).

RECOMMENDED ACTION:

Staff recommends approval of **SP-2000-008 for a country store** subject to the following conditions:

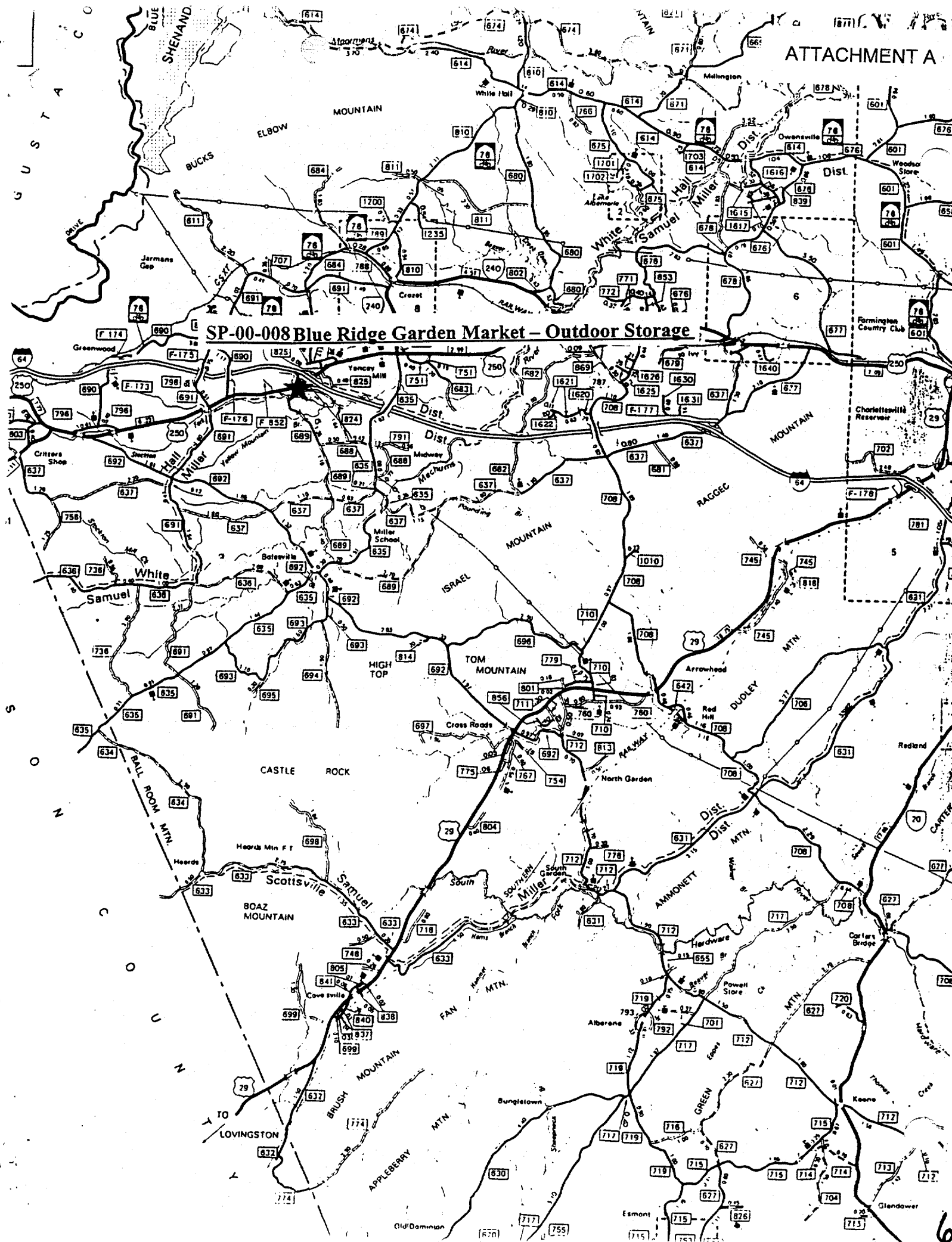
1. The area of the ground floor shall not exceed 4000 square feet.
2. The area of the second story shall not exceed 1300 square feet. The second story area shall be clearly delineated on the plan.
3. The building must be shifted or property boundaries must be adjusted to meet setback requirements. If property boundaries will be adjusted, an approved plat showing the adjustment is required.
4. Health Department approval is required for this site.
5. Use shall not commence until a Certificate of Appropriateness is issued by the ARB for this proposal.

Staff recommends approval of **SP-2000-009 for outdoor display** subject to the following conditions:

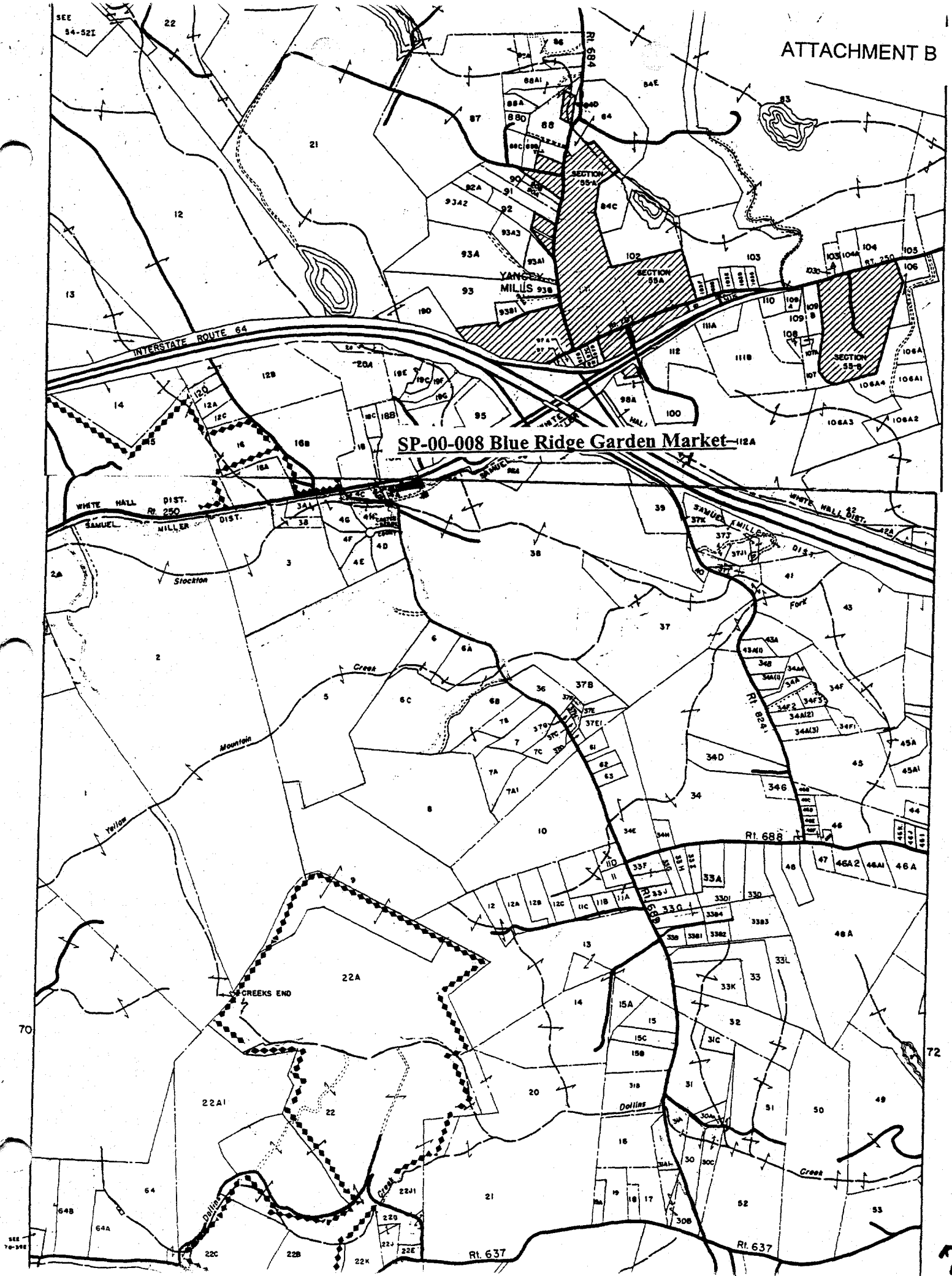
1. Items for display shall include only produce, plants, flowers, and other similar items typically displayed at farm stands.
2. Items shall be displayed only in the areas indicated for display on the plan labeled "Blue Ridge Garden Market: Proposed Development."
3. Use shall not commence until a Certificate of Appropriateness is issued by the ARB for this proposal.

ATTACHMENTS:

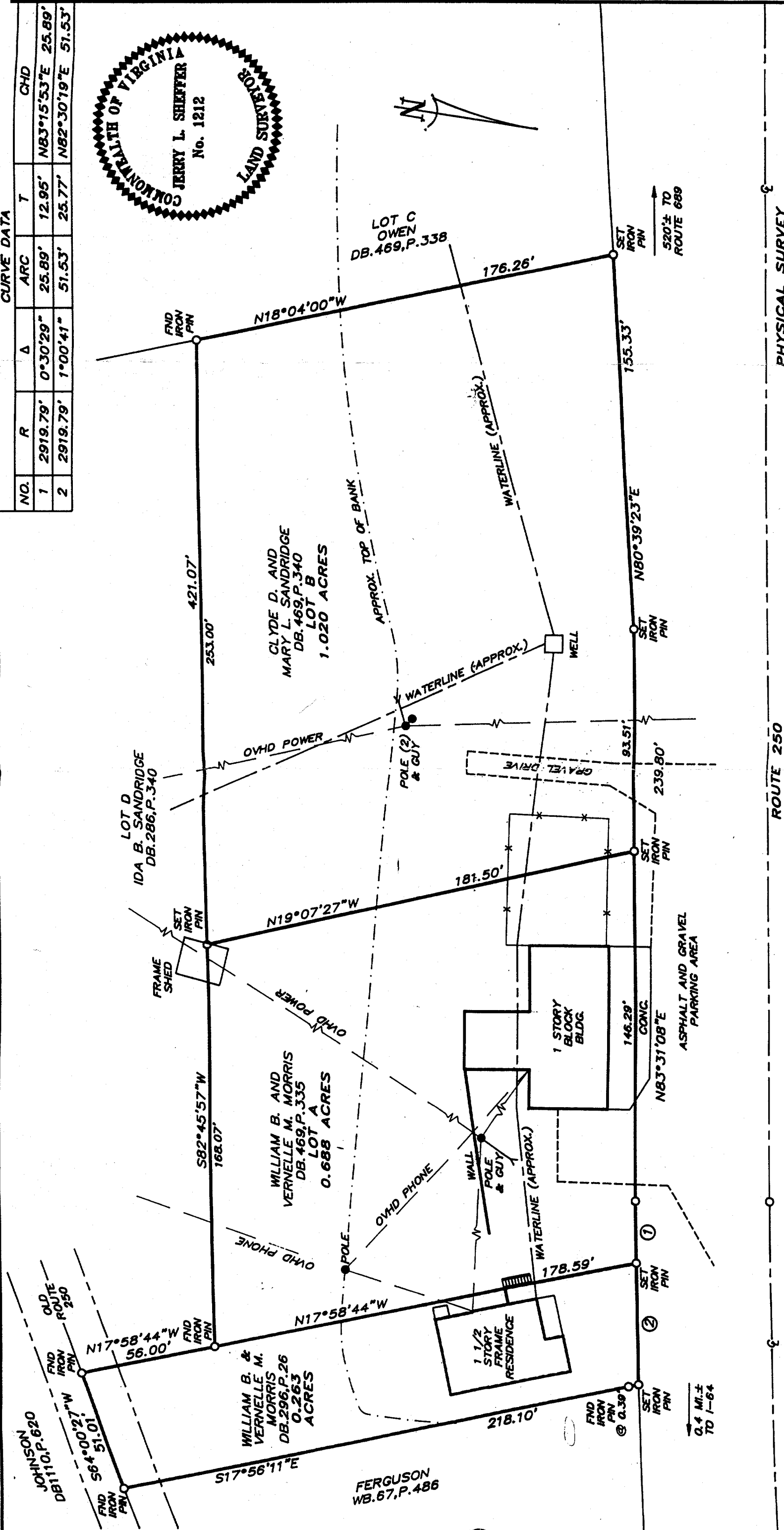
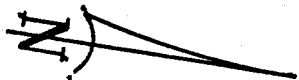
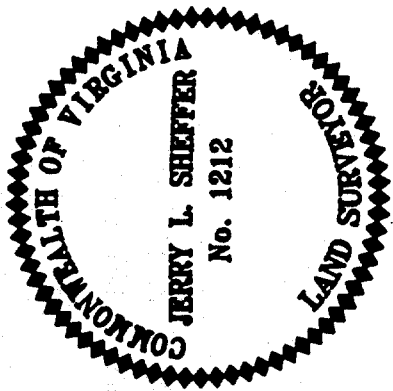
- A – Location Map
- B – Tax Map
- C – Physical Survey Showing Existing Conditions
- D – Sketch Plan Illustrating Proposed Development
- E – Front Elevation of Proposed Country Store
- F – Side Elevation of Proposed Country Store
- G – Architectural Review Board Action Letter
- H – VDOT comments
- I – Zoning Department Comments
- J – Applicant's Photographs Illustrating Sight Distance at Entrance To Property

SP-00-008 Blue Ridge Garden Market – Outdoor Storage

SP-00-008 Blue Ridge Garden Market-112A



CURVE DATA				
NO.	R	Δ	T	CHD
1	2919.79'	0°30'29"	12.95'	N83°15'53"E 25.89'
2	2919.79'	1°00'41"	25.77'	N82°30'19"E 51.53'



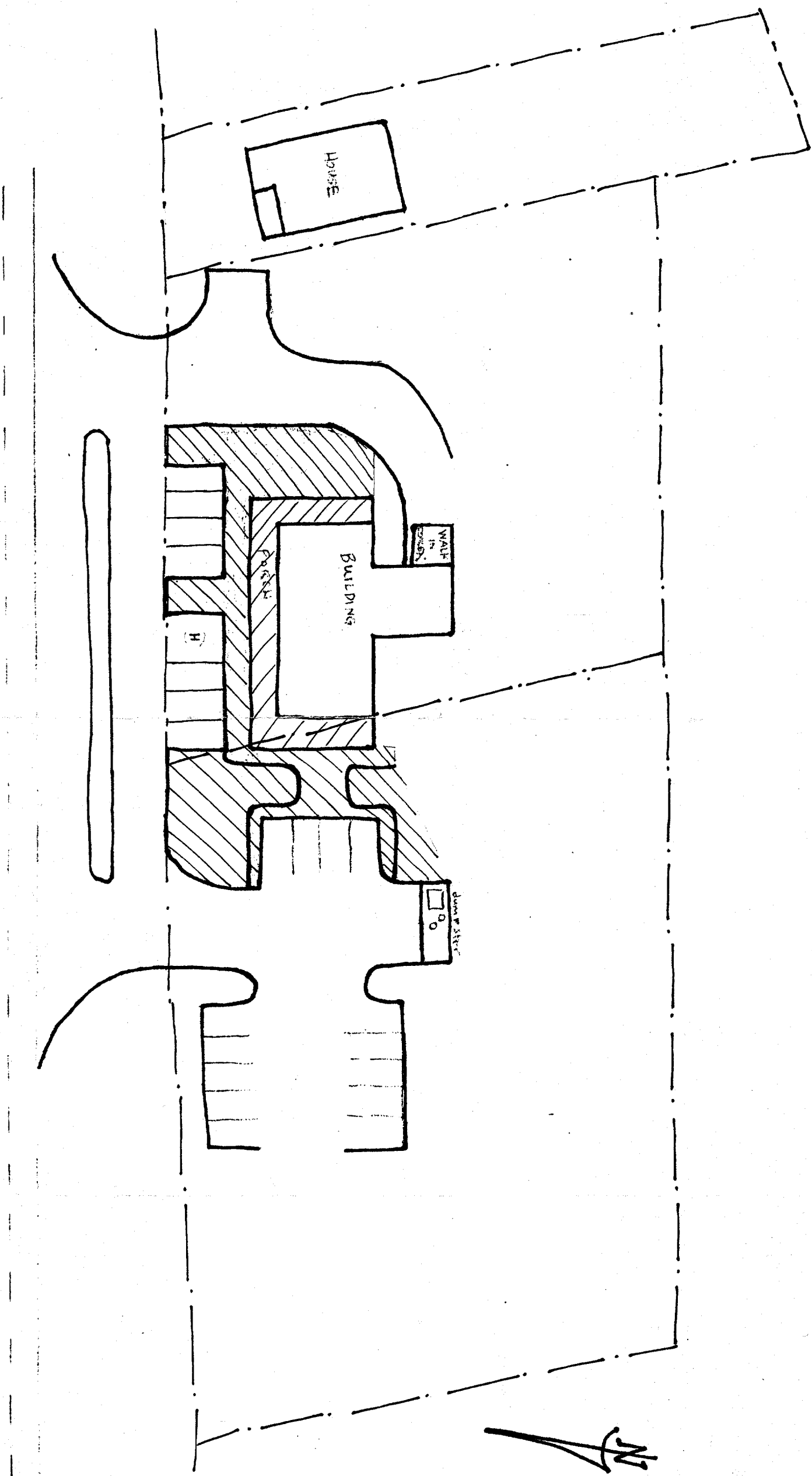
PHYSICAL SURVEY

ROUTE 250

MORRIS AND SANDRIDGE PROPERTIES
SAMUEL MILLER DISTRICT, ALBEMARLE COUNTY, VIRGINIA
SCALE 1" = 40'
JERRY L. SHEFFER AND ASSOCIATES
LAND SURVEYORS - LAND PLANNERS
P. O. BOX 1105, FISHERSVILLE, VIRGINIA
DECEMBER 14, 1998

THE LOTS SHOWN HEREON ARE WITHIN
FLOOD ZONE C AS SHOWN ON F.I.R.M.
510006 0190 B, DATED DECEMBER 16, 1980.

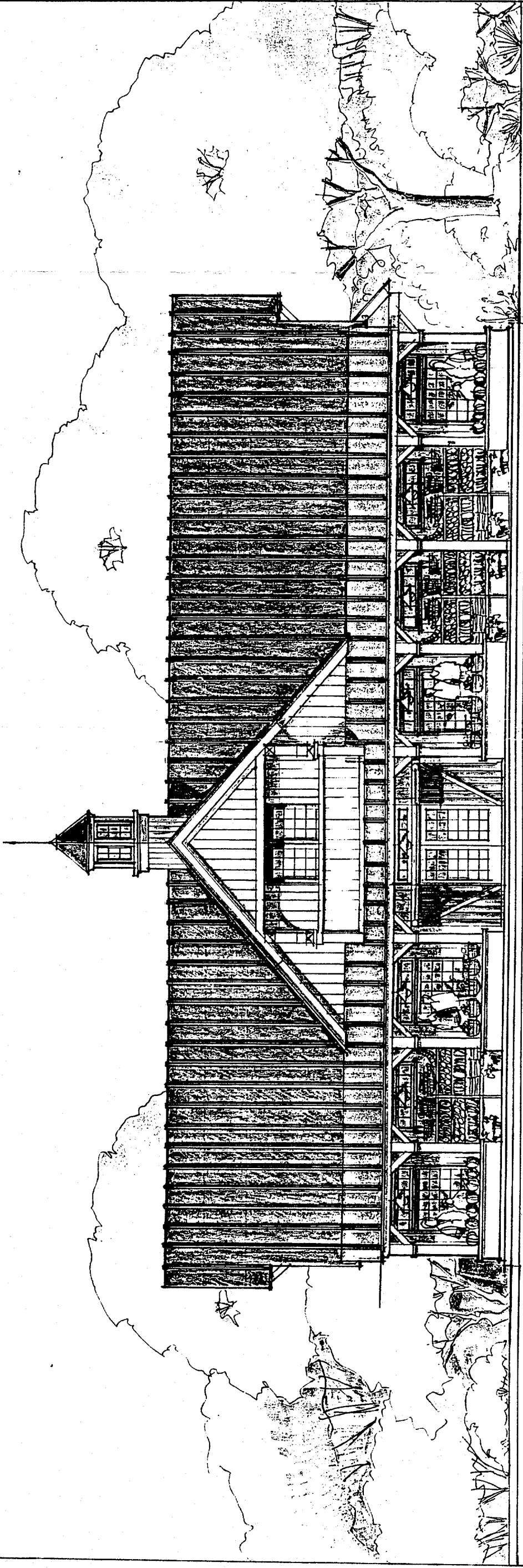
MAGNETIC MERIDIAN FROM PLAT
RECORDED IN DB.469.P.337



Rt 259

**BLUE RIDGE GARDEN MARKET
PROPOSED DEVELOPMENT**

cross-hatching denotes area of outdoor display
approximate scale: 1" = 40'
April, 2000



FRONT FACADE STUDY

1/8" = 1'-0"

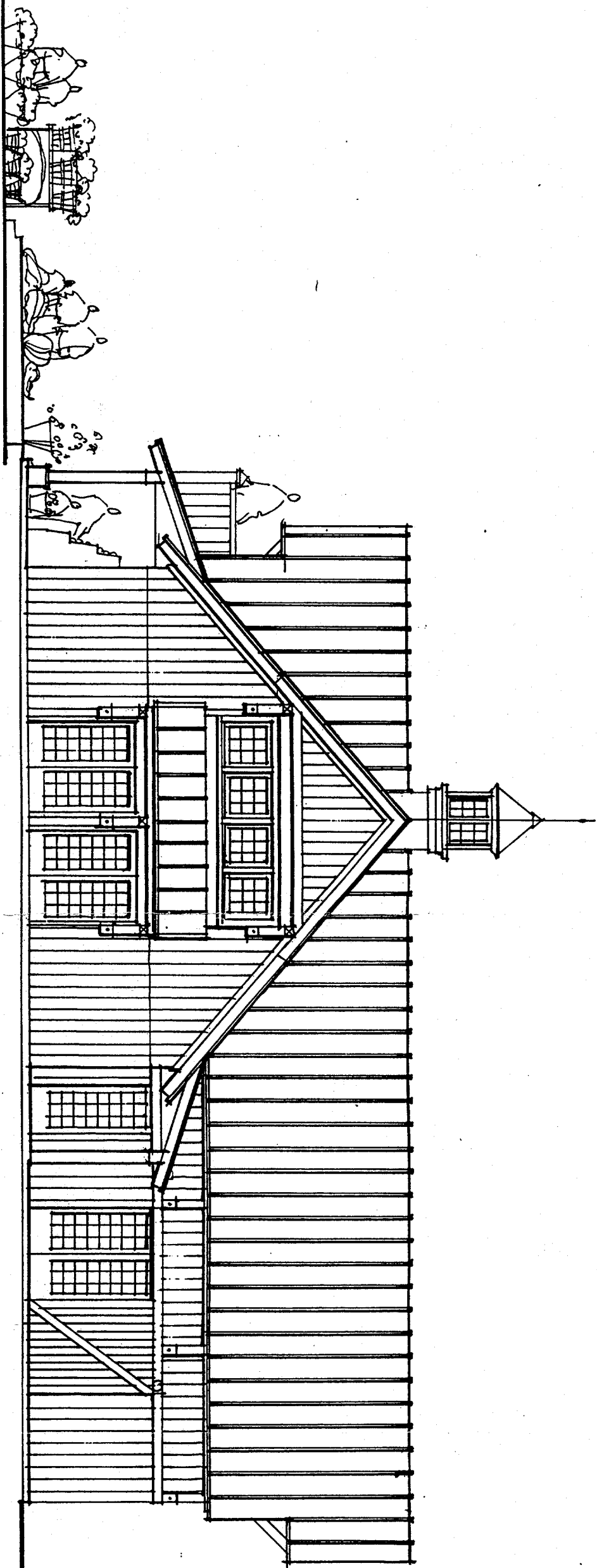
Please note on this study: The pane glass windows and the doors shown are for design purposes only. We may have to eliminate and/or use windows with different specifications from the ones depicted here. The lights shown on the front porch were added by the architect only for the purpose of indicating this sketch. Also, please note that the building is a two-story building with a special use permit application. If granted, we would be using the front porch that would both side of the building to overhang side porches.

ATTACHMENT E

ABBOT & SKINNER
ARCHITECTS PLLC
117 4TH ST. N.E. SUITE B
CHARLOTTEVILLE, VIRGINIA 22902
BA: 804 293 5720 RS: 804 971 1438

BLUE RIDGE
GARDEN MARKET

2.17.2000



SIDE FACADE STUDY

1/8" = 1'-0"

ATTACHMENT F

2.17.2000

BLUE RIDGE
GARDEN MARKET

ABBOT • SKINNER
ARCHITECTS PLLC

117 4TH ST. N.E., SUITE B
CHARLOTTESVILLE, VIRGINIA 22902
BA: 804 293 5720 RS: 804 971 1438

COUNTY OF ALBEMARLE

Department of Planning & Community Development
401 McIntire Road, Room 218
Charlottesville, Virginia 22902-4596
(804) 296 - 5823
Fax (804) 972 - 4012

April 6, 2000

David Atwell
8510 Dick Woods Road
Afton, VA 22920

RE: ARB-P(BP)-2000-03 Blue Ridge Garden Market, Tax Map 71, Parcel 4A1

Dear Mr. Atwell:

The Albemarle County Architectural Review Board, at its meeting on April 3, 2000, completed a preliminary review of the above-noted request to rebuild, with modifications, the country store/produce market previously known as Morris' Fruit Stand, and to display produce for sale. The Board voted unanimously to recommend approval of the Special Use Permit to the Planning Commission, with the following conditions:

1. Items for display shall include only produce and other similar items typically displayed at farm stands; and
2. Items shall be displayed only in the areas indicated for display on the plan.

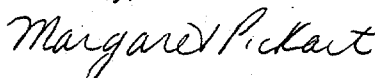
The Board also offered the following comments for the benefit of the applicant's final submission for the Building Permit:

1. Provide a dumpster screen that coordinates with the appearance of the building.
2. All new lighting shall be fully shielded and subject to ARB review.
3. Provide final building elevations for ARB review.

Your application for final ARB review may be made at your earliest convenience. Revised drawings addressing the comments listed above will be required. A submission and review schedule, an application, and a checklist are attached for your convenience.

If you have any questions concerning any of the above, please feel free to call me.

Sincerely,



Margaret Pickart
Design Planner

MP/jcf

Cc: File

2. A traffic signal at State Farm Boulevard / Hickman Drive may be required to safely accommodate turning movements at some point in the future. It appears that Hurt Investment Co., with development along Hickman Drive west of State Farm Boulevard, is responsible for installation of a future traffic signal at this location when warranted. We recommend that the developer agree to dedicate adequate right of way, or grant easements, for future traffic signal equipment (loops, cabinet, poles) when warrants are met. In an effort to fairly distribute traffic signal costs among adjacent developments, we also recommend that future traffic signal installation be shared between both developers based on side street traffic levels when warrants are met. Notes should be added to the plans indicating these comments.
3. Future internal roadway intersections and entrances along Peter Jefferson Place, including the "future east / west access" road, other proposed internal roads, and future retail site entrances, should be placed at least 600 feet from Route 250E (similar to Hickman Drive). The proposed "future east / west access" as indicated on this preliminary site plan would connect (directly or through future site parking area) with this existing Peter Jefferson Place entrance within about 150' of Route 250E.
4. In the event that a traffic signal is installed at State Farm Boulevard / Hickman Drive, proximity to Route 250 will limit turn lane storage and likely require a SB double left turn lane from State Farm Boulevard into Hickman Drive (at Peter Jefferson IV). When peak hour traffic counts or forecasts for inbound left turns reach 250 vehicles per hour, developer should agree to construct necessary improvements for double left turn lane into Hickman Drive or, with VDOT approval, extend storage length of single left turn lane. Notes reflecting these comments should be shown on plans.

SP-00-007 Church of the Cross, Route 1670

The church entrance should align with Aspenwood Road (Route 1686).

Due to the large size of the proposed church, a 100' x 100' left turn lane should be installed at the church entrance.

The existing entrance to the house should be closed and removed.

SP-00-008 Blue Ridge Garden Market – Country Store, Route 250E

We recommend that this site have one entrance, but two entrances will be allowed that meet commercial entrance standards in this situation of rebuilding burned down facility. The remainder of Route 250 frontage must be blocked by CG-3 or similar curb. Access to adjacent white house to east, which appears to be a separate parcel but under same ownership, should continue to occur through this site.

For safety reasons, we recommend a right turn lane / taper into the site.

SP-00-009 Blue Ridge Garden Market – Outdoor Storage, Route 250E

In addition to above comments for SP-00-008, outdoor display should not be in Route 250 ROW.

Albemarle County Development Departments

S P-2000-008

SPIN Submission and Comments

Blue Ridge Garden Market

Zoning		SP for country store		revision 1
reviewer	received	reviewed	decision	
Jan Sprinkle	2/22/00	4/12/00		

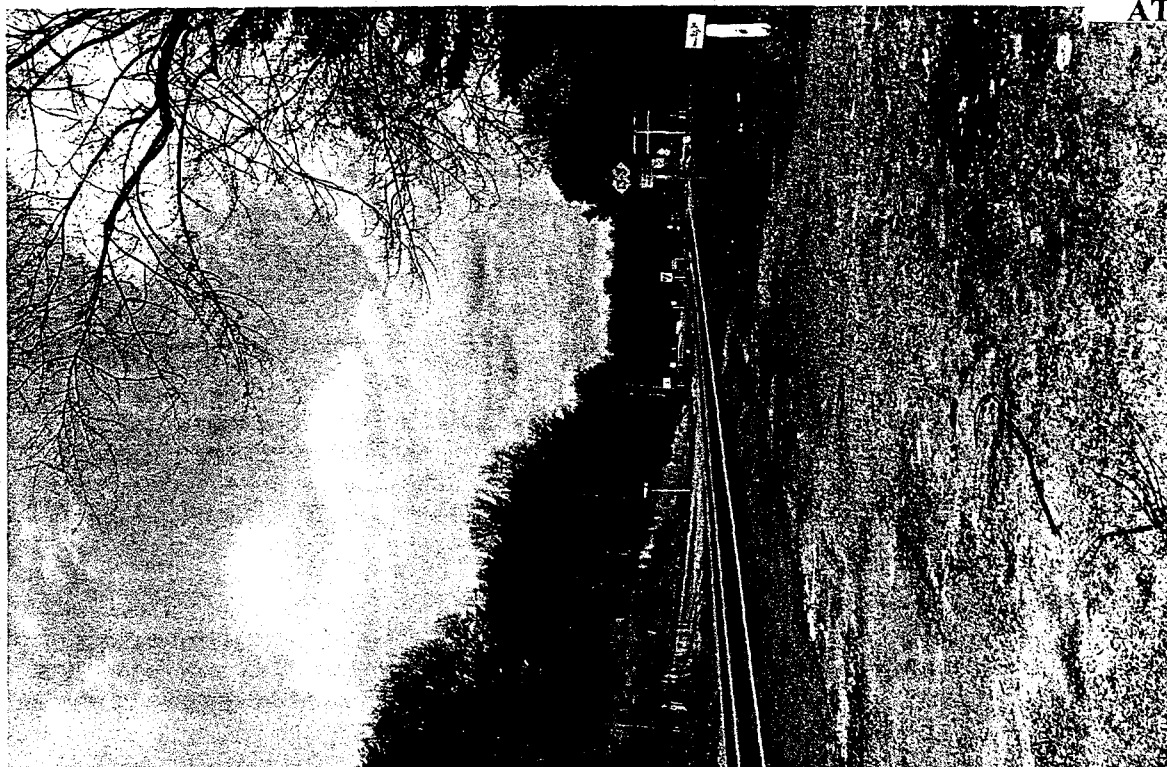
Since this nonconforming country store was damaged as a result of a fire beyond the control of the owner, the structure may be reconstructed and the nonconforming use thereof continued, provided that such reconstruction shall be commenced within 12 months and completed within 24 months from the date of the damage; and provided further that the structure shall not be enlarged or expanded as part of the reconstruction.

This SP is necessary to allow even the minor expansion desired by the owners - porches and 2nd story offices where there was only storage previously. At any time, the owners can revert to the nonconforming use and rebuild the structure, the same size as before the fire, without meeting any new regulations. Although this puts the county in an unusual position regarding approval/denial, it does give us an opportunity to gain some conformance without being onerous.

Getting improved entrances or improved parking would definitely make the site safer for the traveling public, but requiring those to be shown on a full blown site plan may make the project unfeasible for these owners. If there is some compromise position, such as allowing VDOT to handle the entrances on just their permit, perhaps we can accomplish our goal of improving safety while maintaining feasibility.

Parking could be worked out by determining the required number based on a future building permit and then worked out by the owners and our zoning inspectors at the time of construction. The parking was previously not paved and can continue the same unless a site plan is required. The number of spaces that would have been required at the nonconforming country store size (3514sf) is 18. By calculation using a physical survey, it appears that 20 spaces could have been available at the site, albeit in the R/W. If VDOT is willing to let the parking continue in the R/W, the 20 spaces are sufficient to allow expansion of the structure to a total of 4000 gross sf. The applicant plans to move the building back on the parcel, which will move the parking farther from the travelway and possibly out of the R/W.

By zoning ordinance definition, the ground floor of a country store is limited to a maximum of 4000 sf, including even a walk-in cooler. If the new building (including the second floor) permitted under this SP exceeds 4000 sf, the parking requirement will be increased beyond the 20 spaces previously available on the site, and a site plan will be required. Please have the maximum gross floor area stated as a condition of approval.



0.3 MILE SIGHT LINE



0.5 MILE SIGHT LINE