

**RESOLUTION TO APPROVE SE 2025-00040
528 CLARKS TRACT**

WHEREAS, upon consideration of the staff reports prepared for SE2025-00040 Clarks Tract and the attachments thereto, including staff's supporting analysis, any comments received, the applicant's request, the determination of the County Engineer, and all relevant factors in Albemarle County Code §§ 18-4.2.5(a) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

1. The proposed waiver would be not detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties;
2. Would not be contrary to sound engineering practices; and
3. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of County Code § 18-4.2 to at least an equivalent degree.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the requirement of County Code § 18-4.2.1 that structures and improvements must be located within a building site on parcel 08100-00-00-011A3, subject to the conditions attached hereto.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on May 20, 2026.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Gallaway	_____	_____
Ms. Duncan	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Mr. Missel	_____	_____
Mr. Pruitt	_____	_____

CONDITIONS FOR SE 2025-00040528 CLARKS TRACT

1. A VESMP application with a mitigation plan must be submitted within 30 days from approval of this special exception request.
2. Stream buffer mitigation plantings must be in substantial accord with the plan titled “VSMP Plan 528 Clarks Tract” prepared by Shimp Engineering, dated November 12, 2025 and last revised April 23, 2026.
3. Stream buffer mitigation plantings must be bonded prior to plan approval and installed within 6 months of plan approval.
4. The structure and improvements are limited to what is shown on the plan titled “VSMP Plan 528 Clarks Tract” prepared by Shimp Engineering, dated November 12, 2025, and last revised April 23, 2026). No extension or enlargements are permitted of the structure or driveway and no additional structures or improvements are permitted within the stream buffers.
5. The structure must not be used for any home occupation or homestay uses.