



Application for a Sidewalk Waiver

Department of Neighborhood Development Services

P. O. Box 911, City Hall

Charlottesville, VA 22902

Telephone: (434) 970-3182

Tax Map and Parcel Number(s) 160001000, 160002000, 160003000, 160004000,
160005000, 160008000

Address(es) 100, 102, 104, 106-114, and 409 Stadium Road and 1705 Jefferson Park
Avenue, Charlottesville, VA

Note: This application is only for a "waiver" to the City's sidewalks, curbs and gutters regulations. Applicants wishing to contribute funds to a sidewalk improvement fund in an amount equivalent to the cost of dedication of land for and construction of the required sidewalk, curb and gutter must use the Funds In Lieu of Sidewalk Application.

Applicant Contact Information

Name Dylan Lambur

Company Subtext Acquisitions, LLC

Phone 314-721-5559

Email dlambur@subtextliving.com

Owner Contact Information

Name Woodrow Apartments, LLC; Woodrow Too, LLC; 1705 JPA, LLC

Address PO Box 5306, Charlottesville, VA 22905

Phone 434-293-6069 ext. 405

Email tsteigman@msc-rents.com

Owner's Signature:

T. Steigman, Manager Member

Owner

8-7-2023

Date

Required application materials and fee:

- All required materials. Contact City Planner for more information.
- Correct application fee. Checks payable to "City of Charlottesville".

Note: Incomplete applications will not be processed.

Date Received: _____	Received by: _____
Fee: _____	Cash/Check # _____

Sidewalk Waiver

The Project is requesting a Sidewalk Waiver for a portion of the south frontage along Montebello Circle. The Project includes construction of a new sidewalk on the north side of Montebello Circle, from Stadium Road to approximately where the existing sidewalk on the south side of Montebello Circle begins as depicted on **Exhibit A**. The waiver is being requested for the remaining frontage due to the narrow condition of Montebello Circle at approximately 18' which is already being served by an existing sidewalk.

Variations; exceptions (Zoning Ordinance Sec. 29-36)

(a) Whenever this chapter contains provisions for variation or exception to a requirement, the agent or commission in considering the request for a variation or exception, shall consider whether, because of unusual size, topography, shape of the property, location of the property or other unusual conditions (excluding the proprietary interests of the subdivider) the requirement that is proposed to the varied or excepted would result in substantial injustice or hardship and would not forward the purposes of this chapter or serve the public interest.

(1) In approving any such request, the agent or commission shall find that adherence to the requirements would result in substantial injustice or hardship, and that granting the waiver would not be detrimental to the public health, safety or welfare or to the orderly development of the area.

Constructing a sidewalk along the entirety of the Project's south frontage is not feasible due to environmental constraints.

(2) Prior to varying or granting an exception to a provision of this chapter, the agent or commission shall obtain a written opinion of the city's fire code official as to whether the requested waiver can be accommodated within the applicable requirements of the Virginia Statewide Fire Prevention Code (VSFPC).

The Project is subject to review by the Fire Department.

(3) Prior to varying or granting an exception to a provision of this chapter involving utilities, the agent or commission shall obtain a written opinion of the city's director of public works as to whether the requested waiver can be accommodated within applicable regulations, specifications and ordinances governing utilities.

The requested waiver does not involve utilities.

Standards for Streets and Alleys (Zoning Ordinance Sec. 29-182)

(i) Whether a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood;

The type of surface is not applicable to the requested waiver. The sidewalks that are proposed by the Project will meet all current regulations and guidelines and be compatible with the surrounding area.

(ii) Whether sidewalks on only one (1) side of the street may be appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, tree cover, or wetlands, or because lots are provided on only one (1) side of the street;

Currently, there is only a sidewalk on one (1) side of Montebello Circle due to a significant slope. The existing sidewalk does not connect to Stadium Road. The Project proposes a sidewalk from Stadium Road and along the portion of Montebello Circle that is not impacted by the slope.

- (iii)** *Whether the sidewalks reasonably can connect into an existing or future pedestrian system in the area;*

The requested waiver is in response to environmental constraints that limit existing and would limit future pedestrian systems at this location.

- (iv)** *Whether 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;*

The Property includes frontage on Montebello Circle; however, the Project will not have pedestrian frontage on Montebello Circle due to the existing slope. The sidewalk proposed for a portion of Montebello Circle would benefit existing pedestrian traffic.

- (v)** *Whether 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;*

The requested waiver is in response to environmental constraints limiting sidewalks and therefore alternate pedestrian systems were not considered.

- (vi)** *Whether the sidewalks would be publicly or privately maintained;*

This standard is not applicable as the requested waiver would waive the requirement for a sidewalk along a portion of the south frontage.

- (vii)** *Whether the waiver promotes the goals of the comprehensive plan, including the applicable neighborhood plan; and*

The requested waiver is in response to environmental constraints. The Project proposes a sidewalk where feasible in order to promote the goals of the Comprehensive Plan.

- (viii)** *Whether waiving the requirement would enable a different principle of the neighborhood plan to be more fully achieved.*

The requested waiver is in response to environmental constraints. The Project proposes a sidewalk where feasible in order to promote the goals of the Comprehensive Plan and Neighborhood Plan.

Exhibit A

