~~April 5, 2006 BZA~~
June 7, 2006 BZA

REQUEST ANALYSIS
AND
RECOMMENDATION

06AN0254
(Amended)

Kidd and Co., Inc.

Clover Hill Magisterial District
Vicinity of 2520 Hicks Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.

B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.

GENERAL INFORMATION

Location:

This request lies on 3.08 acres located 789.56 feet northwest of Hicks Road measured from a point approximately 730 feet northwest of Libro Loop in the vicinity of 2520 Hicks Road. Tax ID 756-692-3087. Access will be across Tax IDs 756-692-Part of 2663 and Part of 9186 and 756-693-Part of 7609 and 757-693-Part of 1705 (Sheet 11).

Existing Zoning:

A

Size:

3.08 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A and R-15; Residential
South - A; Residential and vacant
East - A and R-15; Residential and vacant
West - R-15; Residential

Utilities:

Private well and septic system

Transportation:

Based on available information, the private driveway onto Hicks Road that currently serves the property extends across a part of the adjacent parcel to the north. Sight distance along Hicks Road is limited for drivers traveling north on Hicks Road turning left into that existing driveway. In order to provide adequate sight distance at that existing driveway, the slope should be graded and the vegetation removed along the east side of Hicks Road north of the driveway. This will require the applicant to acquire an access easement across the adjacent property at the existing driveway location, and may require the applicant to acquire "off-site" right of way along the east side of Hicks Road. As an alternative to providing these improvements, the existing driveway could be relocated along Hicks Road to a location that would provide adequate sight distance. This would require the applicant to acquire an access easement across the adjacent property at the new driveway location. The other option that is available for development of the property is access via Elkview Drive.

General Plan:

(Northern Area Land Use and Transportation Plan) Residential
(1.51 to 4.0 units per acre)

DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The applicant has indicated there are two options for access to the subject property. The first option will be over a private easement from Point A (Hicks Road) to Point B, as shown on the attached Option 1 map. There is an existing driveway from Hicks Road to an existing dwelling on the access property. The applicant has indicated if the first option is used only the portion of the existing driveway directly off Hicks Road will be used. A new, currently unimproved, access will be constructed from the existing driveway to the subject property as shown on the attached map. The second option will be over a private easement from Point A (Elkview Drive) to Point B, as shown on the attached Option 2 map.

The applicant provides the following justification in support of this request:

> This parcel was recorded in 1961, prior to a road frontage requirement. I would like to construct a single family dwelling. A Variance for no public road frontage is needed before I can obtain a building permit.

The subject property is owned by Carolyn L. Dickens and Matthew P. Lane (deceased). It is located off the western line of Hicks Road and consists of 3.08 acres which was recorded in 1961. The applicant plans to construct a single family dwelling on the subject property. In order to develop this property for residential purposes it would need to meet all standards set forth in the Subdivision and Zoning Ordinance relative to the Zoning district. The Subdivision Ordinance states "parcels and/or lots recorded prior to January 1, 1980, shall be considered buildable if they meet all standards relative to the appropriate zoning district. If frontage and width standards cannot be met, the parcel or lot is eligible to apply for a Variance". The applicant has indicated they have approximately five (5) feet of road frontage. Therefore, the applicant is applying for relief to the Zoning Ordinance relative to the fifty (50) foot road frontage requirement (Section 19-551). The applicant has three (3) other Variance requests for no public road frontage to be heard before the Board on adjacent properties (Cases 06AN0251, 06AN0252, and 06AN0253).

The Board of Zoning Appeals hears requests for no public road frontage, when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family, or complies with the plat validation process. In this case, the property was recorded prior to 1980.

Staff visited the subject property and observed that the accesses and the subject property are unimproved.

The Chesterfield Department of Transportation (CDOT) has requested if Option 1 (existing driveway from Hicks Road) is used, the applicant be required to grade the slope and remove vegetation along the east side of Hicks Road. Further, the Department of Transportation has suggested an alternative to Option 1 and 2 if an entrance off of Hicks Road is considered. The existing driveway could be relocated along Hicks Road to a location that would provide adequate sight distance. This would

require the applicant to acquire an access easement across the adjacent property at 2520 Hicks Road, which would be used as a new driveway location (as shown on alternative graphic).

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Conditions 2(b), 2(c) and 2(e) address their concerns.

The applicant has indicated they are attempting to obtain an access via adjacent property located at 2520 Hicks Road as shown on Option 1. However, the applicant would like to leave the access from Elkview Drive as shown on Option 2. The applicant has requested Option 2 as a possible alternative access in case they are unable to obtain the Hicks Road access. The Board deferred this request from their April 5, 2006, meeting to allow additional time for the applicant to obtain an access easement.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. No physical surrounding shape or topographical conditions exist on the property that would present a particular hardship to the property owner if this Variance were denied. There are no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

<u>CONDITIONS</u>

1. When the applicant applies for a building permit, the applicant shall provide a copy of a recorded instrument which will include:

   A thirty (30) foot wide private access easement from Point A to Point B (Option 1 or 2) as shown on the plat attached to the staff report.

2. The private access easement shall meet the following requirements:

   (a) The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below;

(b) A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B (Option 1 or 2). Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine its compliance with the following standards:

(c) The roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.

(d) There shall be an additional three (3) foot clear area beyond the edge of the roadway.

(e) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.

(f) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.

(g) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.

(h) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.

3. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.

4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.

5. Prior to issuance of a building permit, if Option 1 is used, the applicant shall: grade the slope and remove the vegetation on the east side of Hicks Road north of the existing driveway to provide adequate sight distance along Hicks Road, as determined by the Chesterfield Department of Transportation (CDOT). The applicant shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this improvement.

Alternative
CONDITIONS

1. When the applicant applies for a building permit, the applicant shall provide a copy of a recorded instrument which will include:

   A thirty (30) foot wide private access easement from Point A to Point B (alternative) as shown on the plat attached to the staff report.

2. The private access easement shall meet the following requirements:

   (a) The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below;

   (b) A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B (alternative). Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine its compliance with the following standards:

   (c) The roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.

   (d) There shall be an additional three (3) foot clear area beyond the edge of the roadway.

   (e) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.

   (f) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.

   (g) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.

   (h) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.

3. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.

4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.

5. Prior to issuance of a building permit, the applicant shall relocate the existing driveway along Hicks Road to a location that provides adequate sight distance along Hicks Road, as determined by the Transportation Department. (CDOT)

CASE HISTORY

04/05/06:

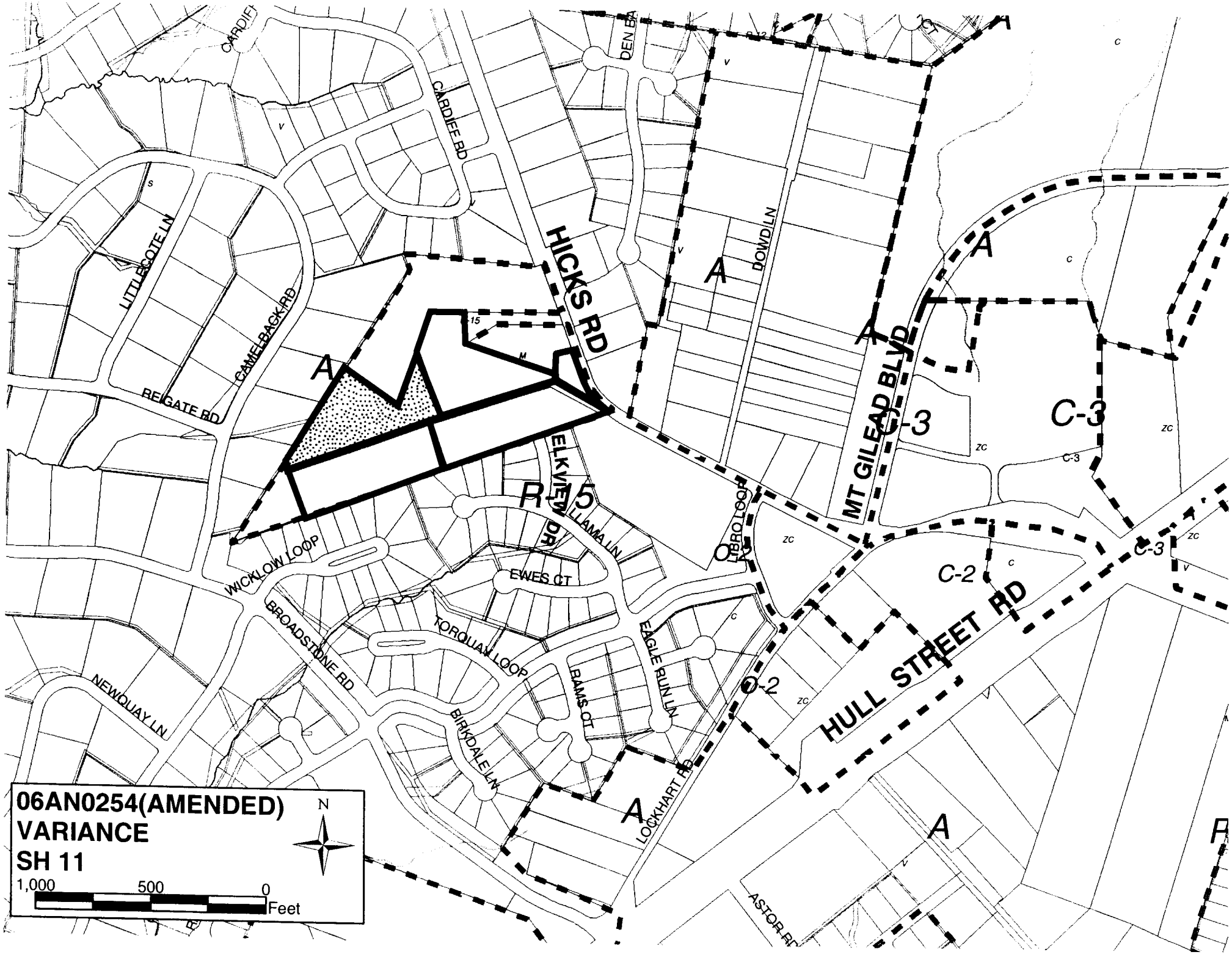
The Board deferred this request to their June 7, 2006, meeting to allow the applicant additional time to obtain the appropriate access easement.

05/02/06:

Staff met with the applicant who amended their request to add additional Tax IDs for the access. The applicant also provided new graphics reflecting the access for both Options 1 and 2.

05/24/06:

Staff, James Banks with the Chesterfield Department of Transportation (CDOT) and the applicant met to discuss the proposed access easements.


06AN0254(AMENDED)
VARIANCE
SH 11
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1,000
500
0
Feet
HICKS RD
HULL STREET RD
MT GILEAD BLVD
DOWD LN
CARDIFF RD
LITTLECOTE LN
CAMELBACK RD
REIGATE RD
WICKLOW LOOP
BROADSTONE RD
NEWQUAY LN
TORQUAY LOOP
BIRKDALE LN
EWES CT
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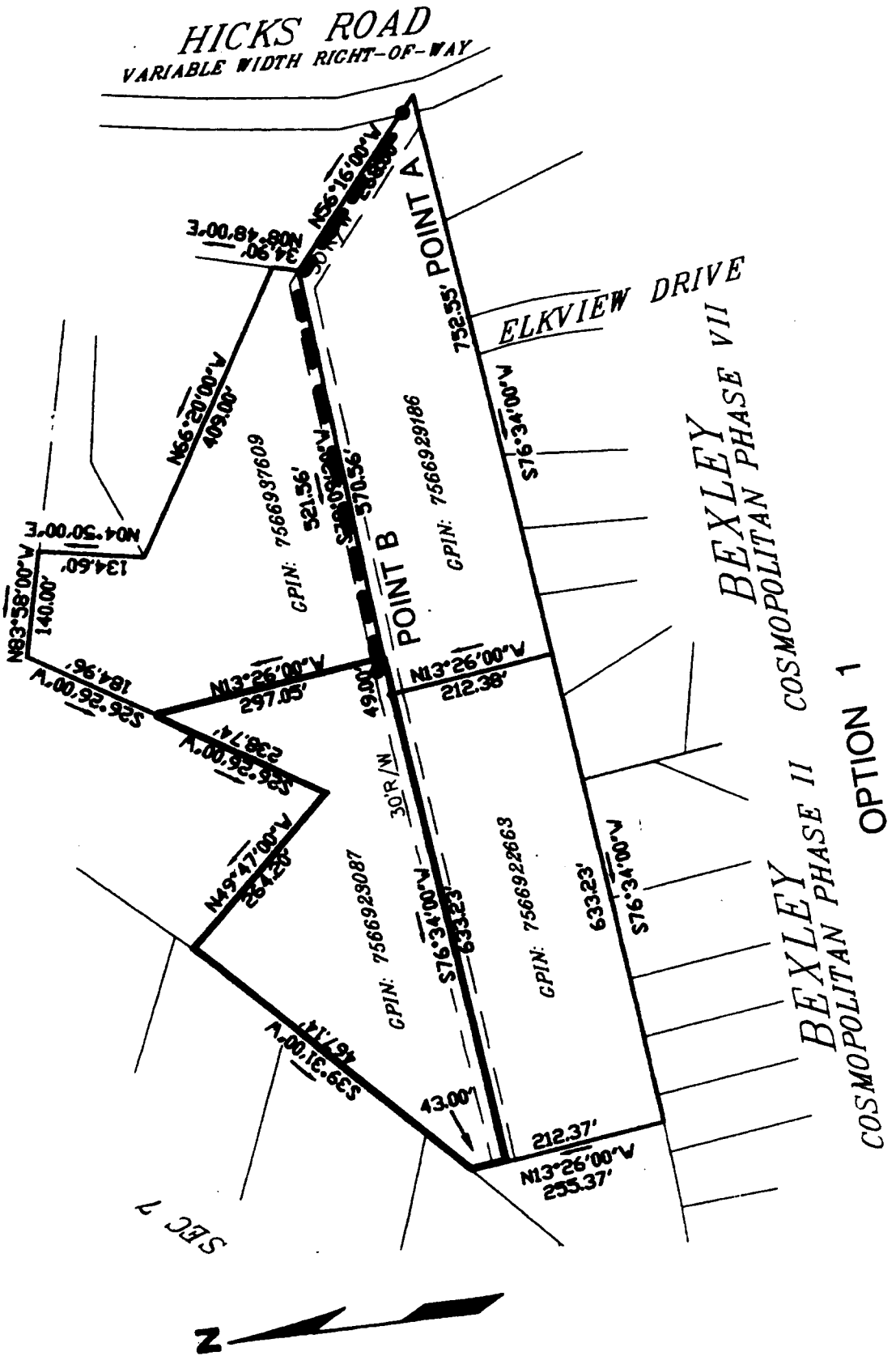
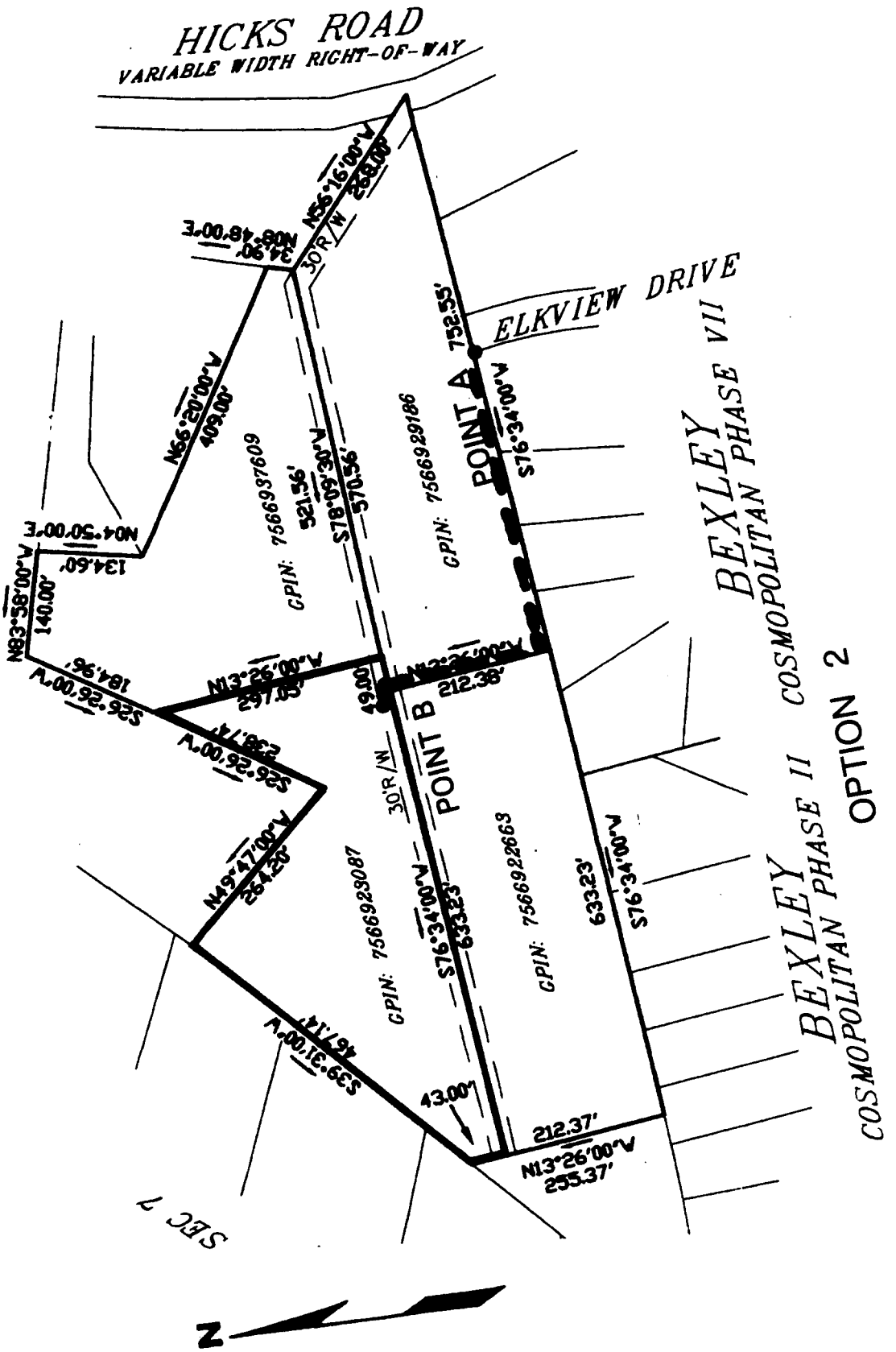
C-2
C-3


HICKS ROAD
VARIABLE WIDTH RIGHT-OF-WAY
ELKVIEW DRIVE
POINT A
POINT B
752.55'
S76°34'00"W
633.23'
212.38'
212.37'
N13°26'00"W
255.37'
49.00'
43.00'
30'R/W
GPIN: 7566929186
GPIN: 7566937609
GPIN: 7566923087
GPIN: 7566922663
BEXLEY
COSMOPOLITAN PHASE VII
BEXLEY
COSMOPOLITAN PHASE II
OPTION 1
SEC 7
N
N66°20'00"W
409.00'
N04°50'00"E
134.60'
N83°58'00"W
140.00'
S26°26'00"W
184.96'
N13°26'00"W
297.05'
S26°26'00"W
238.74'
N49°47'00"W
264.20'
S39°31'00"W
467.14'
N56°16'00"W
N08°48'00"E
34.90'

OGAN0254-1


HICKS ROAD
VARIABLE WIDTH RIGHT-OF-WAY
ELKVIEW DRIVE
BEXLEY
COSMOPOLITAN PHASE VII
BEXLEY
COSMOPOLITAN PHASE II
OPTION 2
POINT A
POINT B
GPIN: 7566937609
GPIN: 7566929186
GPIN: 7566923087
GPIN: 7566922663
30'R/W
N56°16'00"W
268.00'
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34.90'
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467.14'
S76°34'00"W
633.23'
S76°34'00"W
633.23'
S76°34'00"W
752.55'
S78°09'30"W
570.56'
521.56'
49.00'
212.38'
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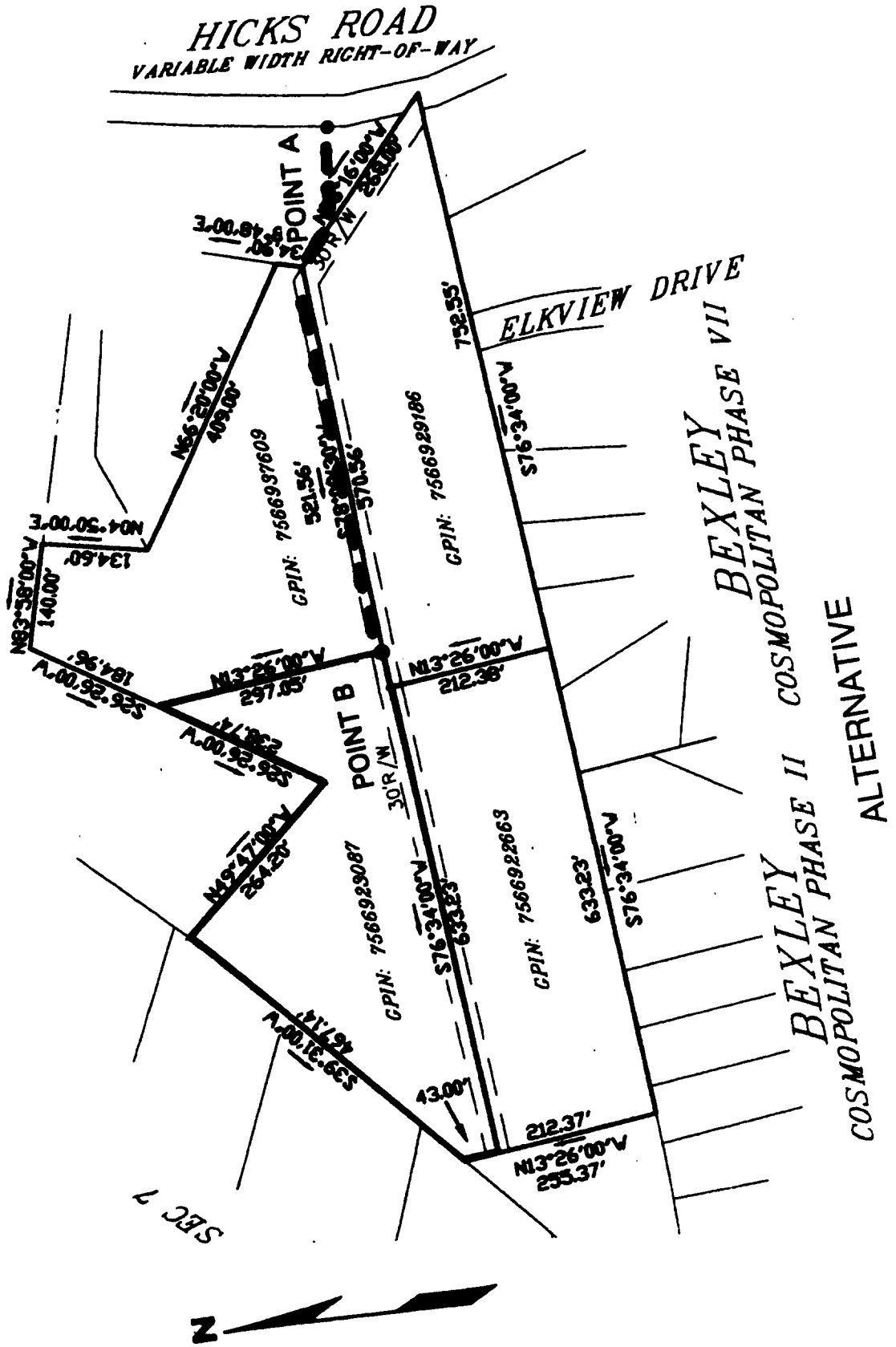
N13°26'00"W
255.37'
43.00'
SEC 7
N

06AN0254-2


HICKS ROAD
VARIABLE WIDTH RIGHT-OF-WAY
POINT A
ELKVIEW DRIVE
BEXLEY
COSMOPOLITAN PHASE VII
BEXLEY
COSMOPOLITAN PHASE II
ALTERNATIVE
POINT B
30'R/W
GPIN: 7566937609
GPIN: 7566929186
GPIN: 7566923087
GPIN: 7566922663
752.55'
S76°34'00"W
N66°20'00"W
409.00'
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297.05'
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264.20'
S39°31'00"W
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S76°34'00"W
633.23'
633.23'
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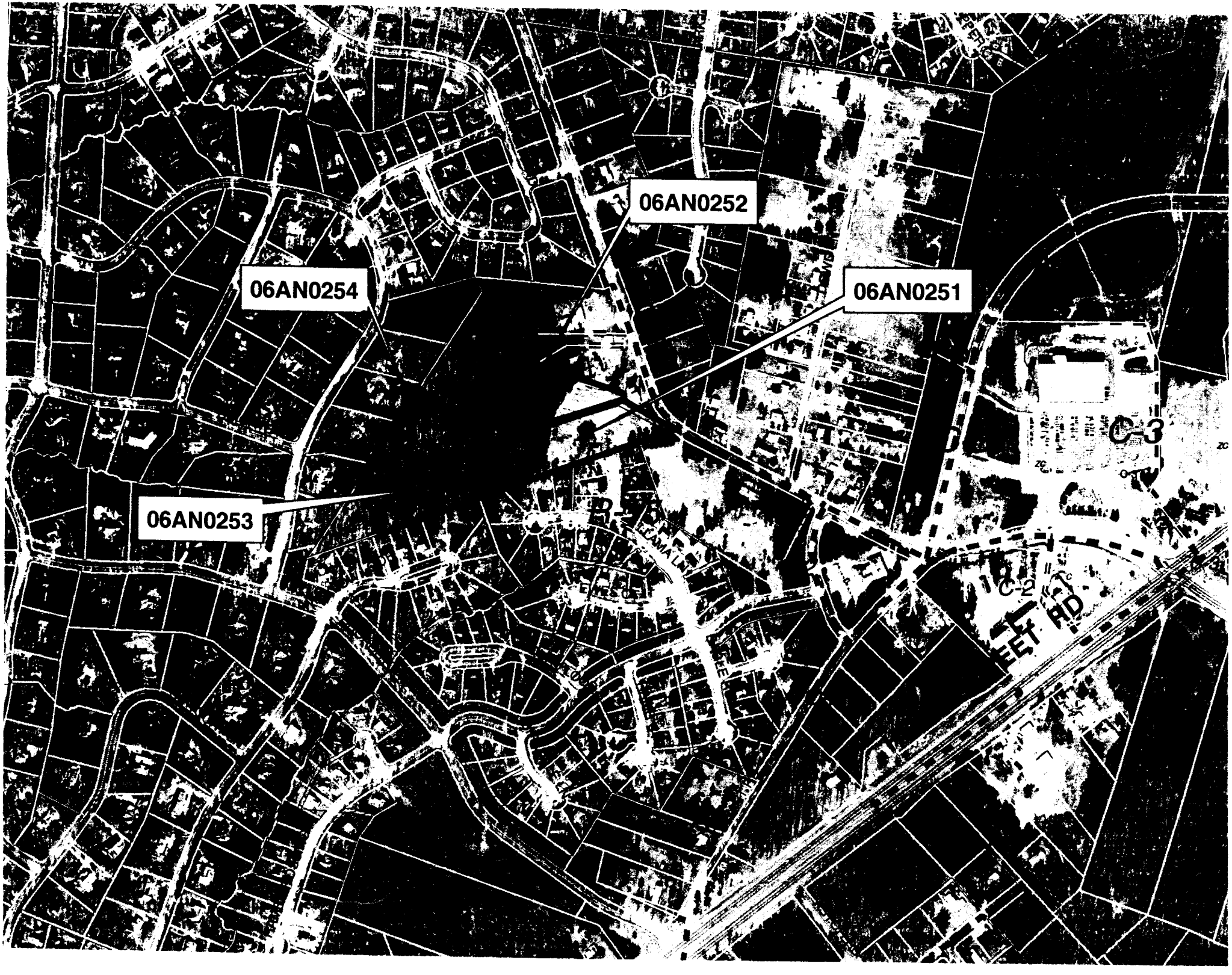
43.00'
212.37'
N13°26'00"W
255.37'
SEC 7
N

06AN0254-3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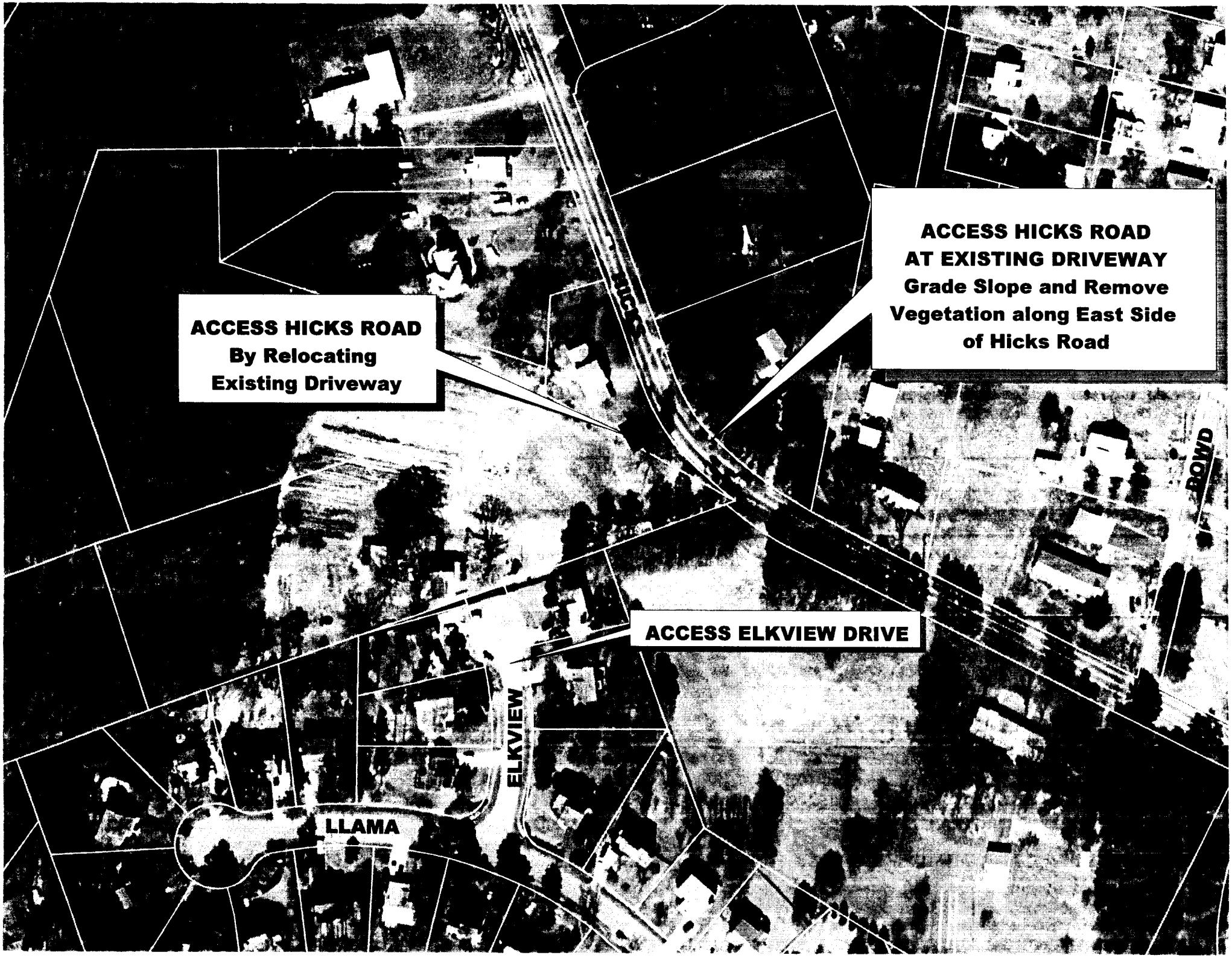
06AN0251
06AN0253
C-3
C-2


ACCESS HICKS ROAD
By Relocating
Existing Driveway
ACCESS HICKS ROAD
AT EXISTING DRIVEWAY
Grade Slope and Remove
Vegetation along East Side
of Hicks Road
ACCESS ELKVIEW DRIVE
HICKS
ELKVIEW
LLAMA
BOWD