

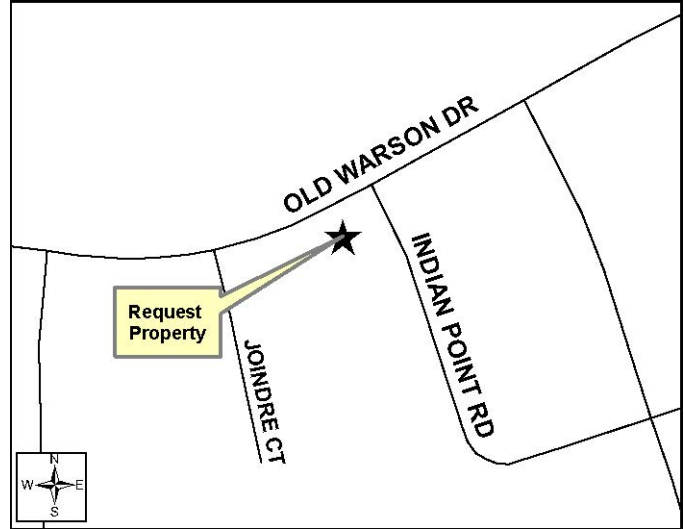
CASE NUMBER: 20AN0126

APPLICANT: Susan A. and Gerald V. Crosby



**STAFF'S ANALYSIS
AND
RECOMMENDATION**

CHESTERFIELD COUNTY, VIRGINIA
Magisterial District: Dale



9900 Indian Point Road – 0.2 acre

Board of Zoning Appeals (BZA)

90 DAYS

Public Hearing Date:

JULY 1, 2020

Applicant's Contact:

SUSAN CROSBY

(804-551-1956)

Planning Department Case Manager:

AMY SOMERVELL

(804-748-1970)

REQUEST

Special exception to permit a private kennel (continue keeping of eight (8) personal dogs) in a Residential (R-9) District.

Note:

Recommended conditions are located in Attachment 1 and an Exhibit is located within this report.

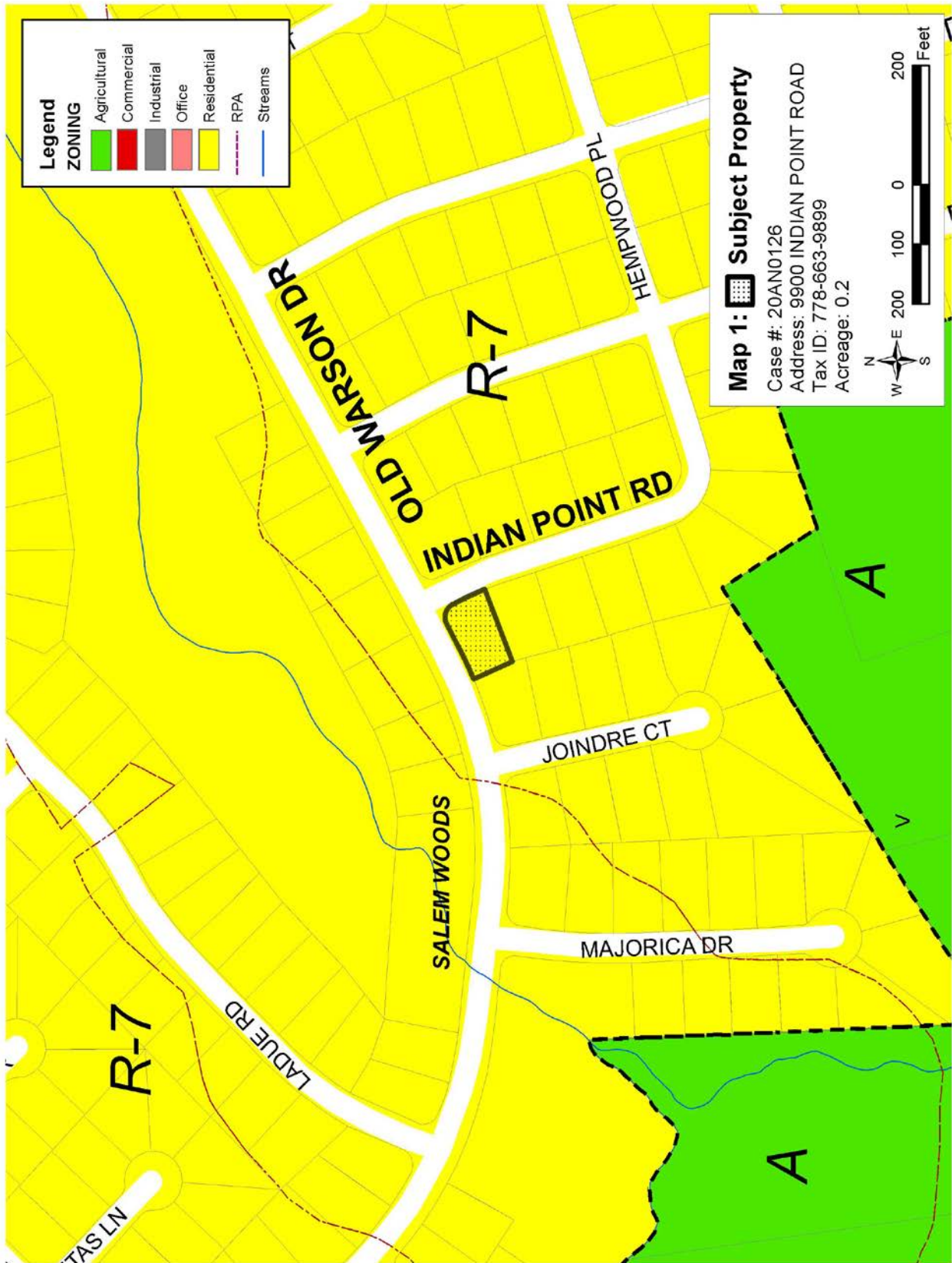
RECOMMENDATION

STAFF

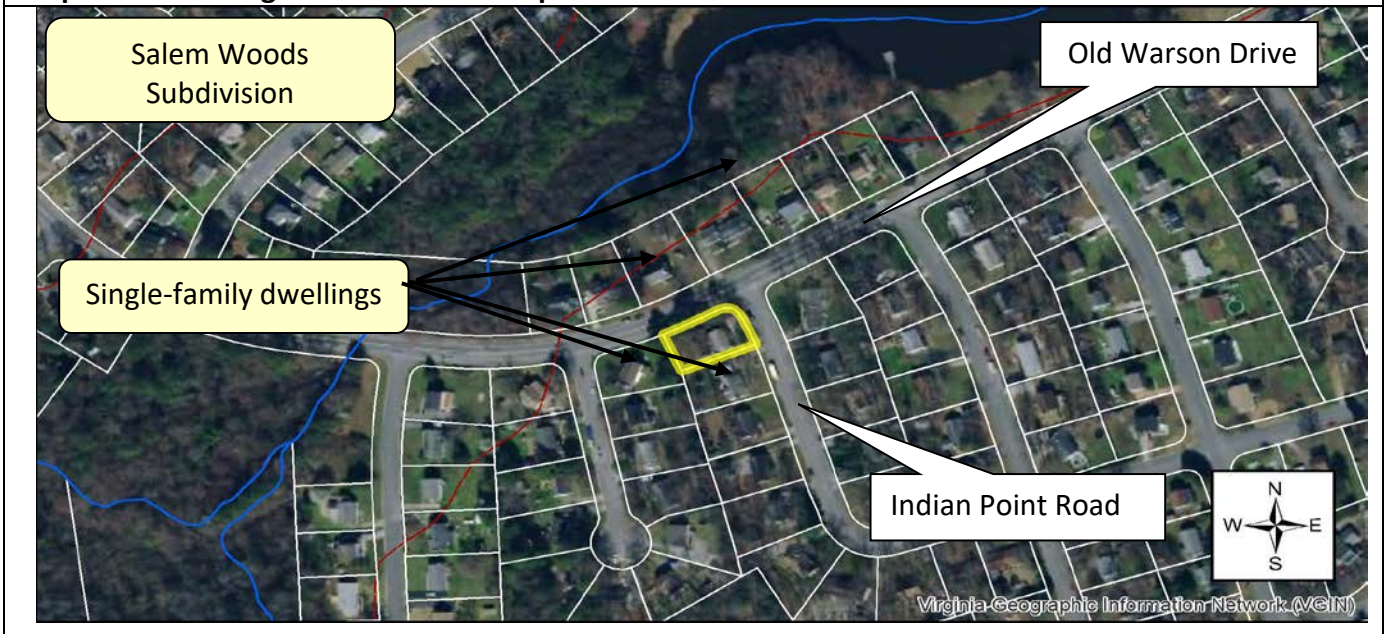
RECOMMEND DENIAL

- The proposed use may be likely to have an adverse effect on the health, safety or welfare of persons residing on adjacent property or in this neighborhood.
- The keeping of eight (8) dogs is incompatible with the permitted uses in this Residential (R-9) District.
- There are no conditions that will be adequate to address the negative impacts that keeping eight (8) dogs on the subject property may have on this residential area.

SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	<ul style="list-style-type: none"> • Surrounding properties are occupied by single-family dwellings. • Relatively small lot to contain eight (8) adult dogs. • Fence located within the corner side yard may exceed height requirement.



Map 2: Surrounding Land Uses & Development



PLANNING

Staff Contact: Amy Somervell (804-748-1970) somervella@chesterfield.gov

PRIVATE KENNEL USE

The Zoning Ordinance defines a private kennel as “a place where four (4) or more dogs, more than four (4) months old, are kept for private use.” The Zoning Ordinance requires special exception approval for private kennels in residential zoning districts.

BACKGROUND

- Initial request for a private kennel by the applicant.
- This request is as a result of a zoning complaint.
- Since advertisement of this of this case, one (1) dog has been placed in another home.

PROPOSAL

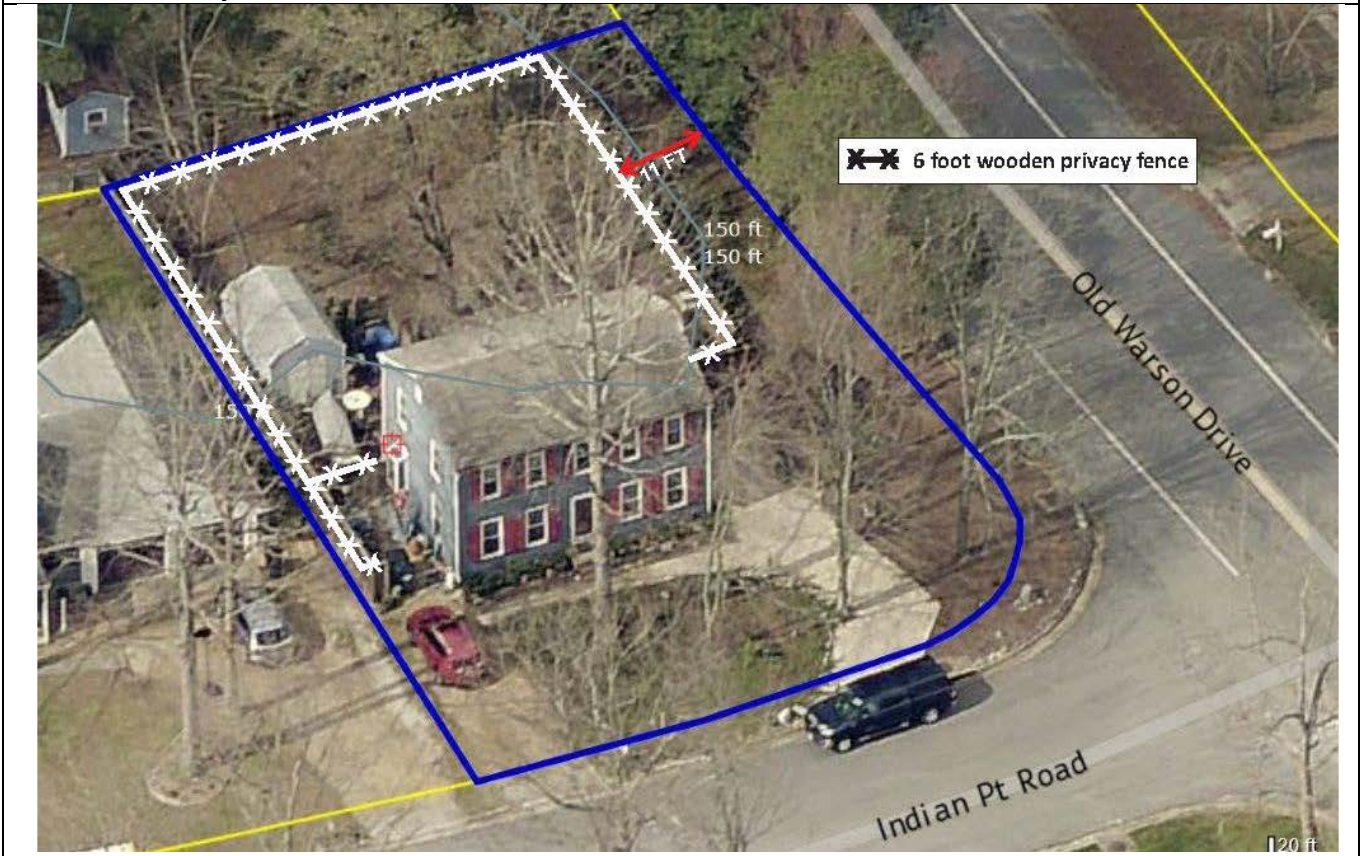
The applicants desire to keep their eight (8) adult dogs; therefore, a special exception to permit a private kennel is necessary.

- The applicants indicate they have three (3) Labrador Retriever’s, two (2) Havanese’s, two (2) Jack Russel Terrier’s, and one (1) Miniature Pincher/Poodle mix.
- Ages ranging from two (2) to ten (10) years old.

The applicants state:

“The dogs are well cared for and they have a backyard to play in. Their waste is picked up regularly. They don’t go outside before 8:00 a.m. or after 10:00 p.m., and they never go outside at the same time. [Each dog has their own story]. The Jack Russel Terriers are littermates; the two Havanese travel places with us, and two (2) of the three (3) Labrador Retrievers were intended as therapy dogs. One (1) is still in training and one (1), Tug, has his Canine Good Citizen certificate and is certified with Love on a Leash and Paws to read, Reading Education Assistant Dog. Students read to him at Harry E. James Elementary School in Hopewell and he does his therapy work with students at United Methodist Family Services (UMFS) in Richmond. He has been featured in the Richmond Times Dispatch and on Channels 6 & 8 for Autism Awareness Week at UMFS. This dog is also my therapy dog. ”

Exhibit – Lot Layout



EXAMINATION OF REQUEST

Staff's inspection of the property revealed the following:

- Relatively small lot to contain eight (8) adult dogs.
- Subject property is surrounded by single-family dwellings.
- A six (6) foot wood privacy fence encloses the rear yard and a portion of the corner side yard.
 - Vegetation exists in the corner side yard between Old Warson Drive and the fenced area where the dogs are contained which lessens the visual impact from the right of way.
 - The portion of the fence located within the corner side yard appears to be in violation of the maximum fence height permitted by right within a corner side yard (four feet).
 - To meet new ordinance requirements that allows for taller fences within a corner side yard, the fence must be a minimum of fifteen (15) feet off the corner side property line and not extend beyond the rear façade of the home.
 - It appears the fence may be only eleven (11) feet off the property line. This measurement needs to be confirmed as the margin of error of Staff's measurement may be of benefit to the property owner.
 - The fence appears to be in good condition.
- One dog was within the rear yard at time of inspection.
- Use is not in character with the residential district.

COUNTY DEPARTMENT OF TRANSPORTATION

Staff Contact: Staff Contact: Steve Adams (804-748-1037) adamss@chesterfield.gov

VIRGINIA DEPARTMENT OF TRANSPORTATION

Staff Contact: Jonathan Phillippe (804-674-2800) Jonathan.Phillippe@VDOT.Virginia.gov

FIRE AND EMERGENCY MEDICAL SERVICES

Staff Contact: Anthony Batten (804-717-6167) battena@chesterfield.gov

UTILITIES

Staff Contact: Jamie Bland (804-751-4439) blandj@chesterfield.gov

ENVIRONMENTAL ENGINEERING

Staff Contact: Rebeccah Ward (804-748-1028) WardR@chesterfield.gov

The proposed request will have minimal impact these facilities.

CONDITIONS

1. This special exception shall be granted to and for Susan A. & Gerald V. Crosby, exclusively, and shall not be transferable nor run with the land. (P)
2. This Special Exception shall be granted for a period of three (3) years from the date of approval and may be renewed upon satisfactory reapplication and demonstration that the keeping of these eight (8) dogs has not proved a detriment to the adjacent property or the area in general. (P)
3. All dogs shall be kept in the existing dwelling. Whenever the animals are allowed outside the dwelling, they shall be on a leash or within the fenced area under appropriate supervision. (P)
4. All areas associated with the keeping of the dogs shall be cleaned and made free of waste on a daily basis. In addition, the property owner shall dispose of the waste in a proper manner. (P)
5. Should any one (1) of the dogs be given, sold or pass away, it shall not be replaced. (P)
6. The applicants shall provide a history of each dog, such as age, sex, color and size as well as a photo to the Planning Department within thirty (30) days of approval of the Special Exception. (P)
7. Within 60 days of approval of this request, the fence located within the corner side yard shall be altered or relocated to meet Ordinance requirements if deemed to be in violation of Ordinance standards. (P)

(NOTE: THE ZONING ORDINANCE RESTRICTS THE APPLICANTS FROM BOARDING OR BREEDING DOGS, OR USING THE DOGS FOR OTHER PURPOSES FOR COMMERCIAL GAIN. IF THE APPLICANTS WERE CONSIDERING BOARDING DOGS OR BREEDING THE DOGS OR USING THE DOGS FOR OTHER PURPOSES FOR COMMERCIAL GAIN, CONDITIONAL USE APPROVAL WOULD BE REQUIRED.)