

CASE NUMBER: 20SN0610

APPLICANTS: Harold Driver, Kathy B. Driver, and Ian Brown



**CHESTERFIELD COUNTY,
VIRGINIA
MIDLOTHIAN DISTRICT**

**STAFF'S ANALYSIS
AND RECOMMENDATION**

Planning Commission (CPC) Hearing:

SEPTEMBER 15, 2020

CPC Time Remaining:

100 DAYS

Applicants' Contact:

IAN BROWN (901-488-4311)

Planning Department Case Manager:

TYLER WALTER (804-318-8893)



0.5 Acre – 402 Old Country Terrace

REQUEST

Conditional use to permit a business (landscape contractor) incidental to a dwelling in a Residential (R-15) District.

Notes:

- A. Conditions may be imposed or the property owners may proffer conditions.
- B. Conditions are located in Attachment 1.

SUMMARY

A landscape business, incidental to the dwelling, has operated on the property since January 2020 without requisite zoning. Approval of this conditional use would bring the use into compliance with the Ordinance.

RECOMMENDATION

STAFF

PLANNING – DENIAL

- The proposed land use is incompatible with the residential use suggested by the Comprehensive Plan
- Use represents a commercial encroachment within an established residential neighborhood

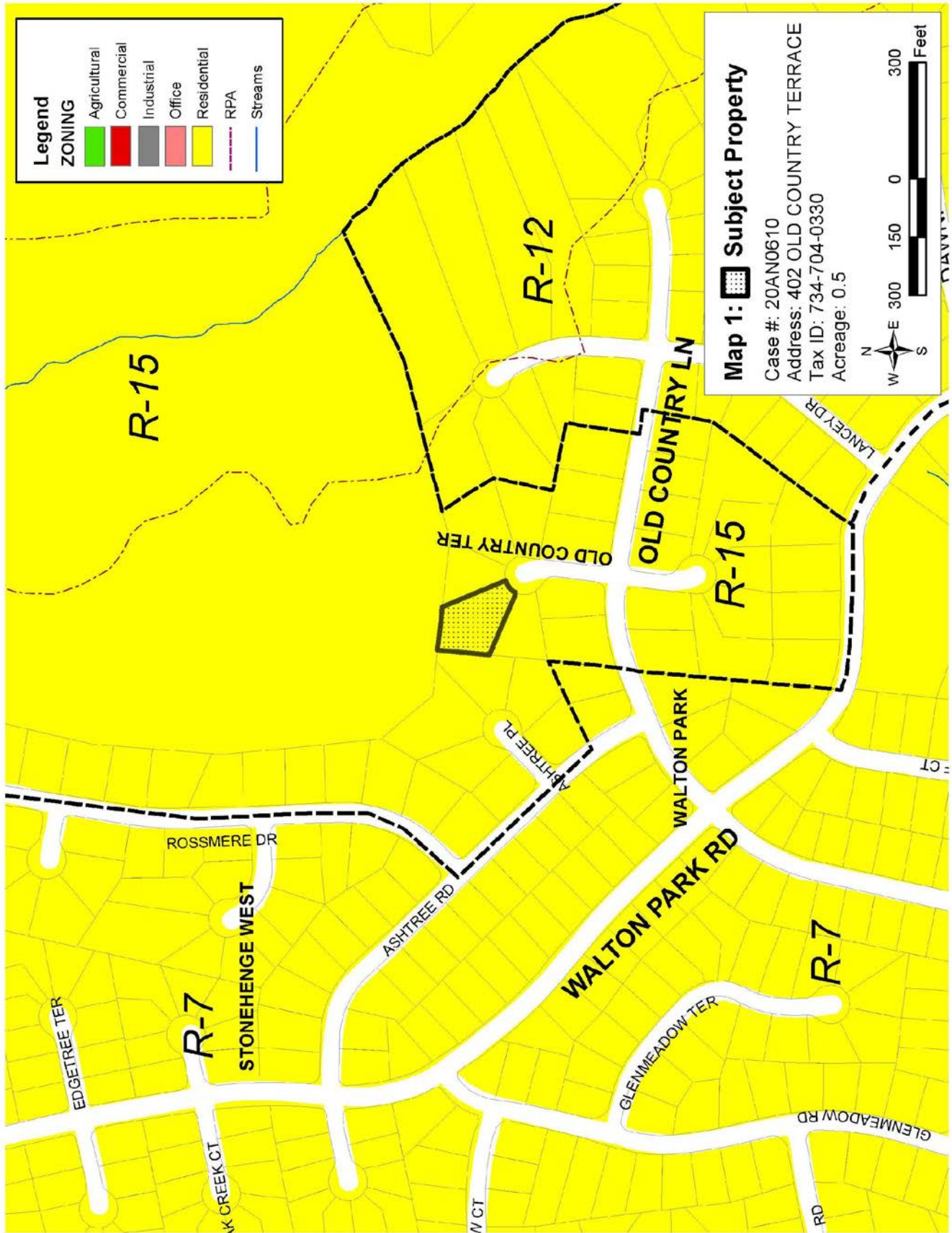
SUMMARY OF IDENTIFIED ISSUES

Department

Issue

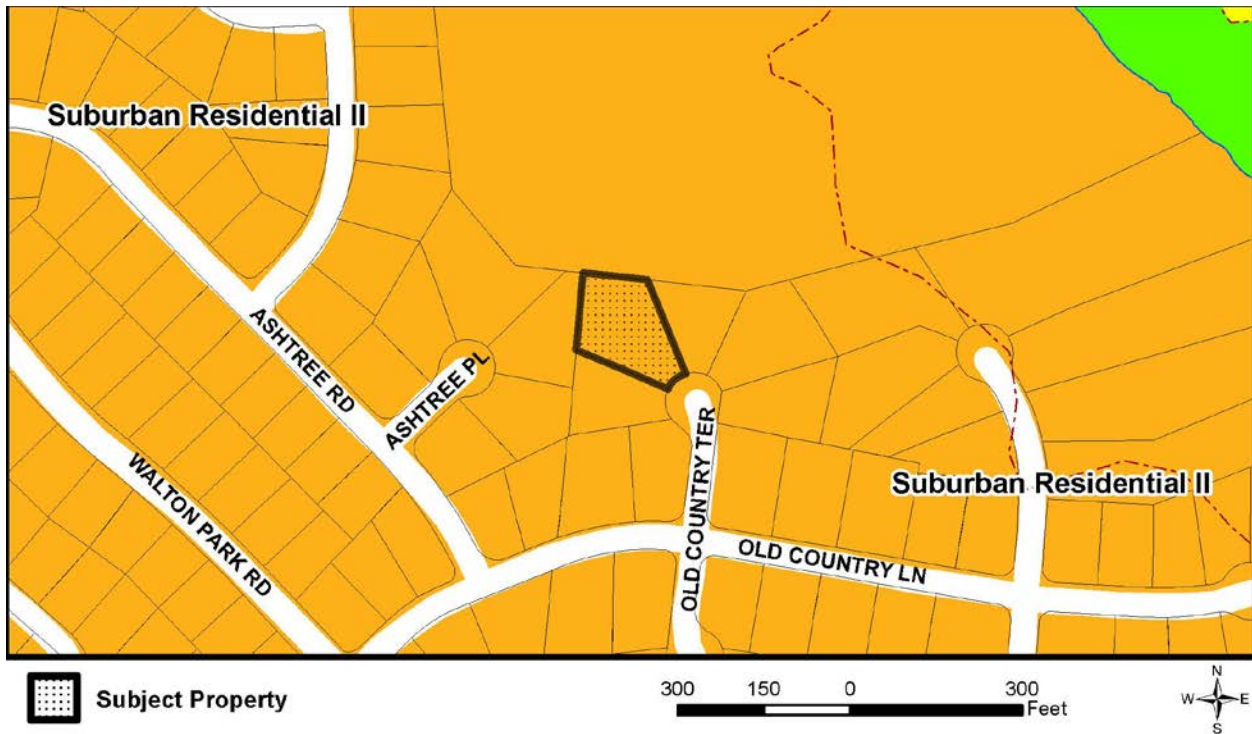
PLANNING

- Plan suggests residential uses as appropriate for this area
- Use represents commercial encroachment within a residential area



Comprehensive Plan
Classification: SUBURBAN RESIDENTIAL II

The designation suggests the property is appropriate for residential use of 2.0 to 4.0 dwelling units per acre.



Surrounding Land Uses and Development



PLANNING

Staff Contact: Tyler Walter (804-318-8893) waltert@chesterfield.gov

Proposal

The applicant has been operating a business (landscape contractor) from this property since January 2020 without the required zoning. The property owners' (Harold & Kathy Driver) son, Ian Brown, operates the business from the property.

In April 2020, the Community Enhancement Department received a complaint relative to the operation of a landscape business on the property. Upon investigation, staff observed two (2) company vehicles and two (2) trailers parked on the premises. The operator of the business, Ian Brown, conveyed to staff that he, his brother and another employee (who is not related the applicants) reside in the dwelling with his parents. Part of the residence and property is used as an office and parking area for the equipment involved in the business. These components of the business exceed the ordinance limitations for a permitted home occupation, requiring a conditional use.

Although Staff recommends denial, should the Planning Commission wish to recommend approval of this case, staff recommends approval with the following overview of conditions:

General Overview	
Requirements	Details
Use	Limited to a landscaping business, incidental to a dwelling <i>Condition 1</i>
Ownership	Limited to the applicants only <i>Condition 2</i>
Time Limit	1 Year <i>Condition 3</i>
Hours of Operation	Monday – Friday, 8:00 a.m. – 5:00 p.m. Saturday – Sunday, 8:00 a.m. – 4:00 p.m. <i>Condition 4</i>
Location of Use	<ul style="list-style-type: none">• Confined to the existing dwelling and paved parking area only• No new buildings/structures related to the use <i>Condition 5</i>
Employees & Clients	<ul style="list-style-type: none">• One (1) employee, who is not a family member, may reside within the dwelling• No other employees may report to the property, other than those that live on the prem• No clients permitted <i>Condition 6</i>
Signage	None permitted <i>Condition 7</i>

General Overview (continued)	
Requirements	Details
Equipment/Vehicles	<ul style="list-style-type: none"> Two (2) vehicles, not exceed 10,000 pounds or have more than 2 axles Two (2) trailers, not to exceed 3,200 pounds, 13 feet and have more than 1 axles Vehicles to be parked on premises, trailers to be parked in the driveway, behind the front plane of the dwelling No outside storage of equipment <p style="text-align: right;"><i>Condition 8</i></p>

Staff finds that the applicants' request may adversely impact adjoining residential properties by allowing a commercial use to encroach into an established residential area. The continuation of vehicle, trailer and equipment storage on the property as well as having an employee reside on the premises would not be compatible with existing residential development and permitted land uses.

FIRE AND EMERGENCY MEDICAL SERVICES
Staff Contact: Anthony Batten (804-717-6167) battena@chesterfield.gov

Nearby Fire and Emergency Medical Service (EMS) Facilities	
Fire Station	The Midlothian Fire Station, Company Number 5
EMS Facility	The Forest View Volunteer Rescue Squad

This request will have minimal impact on Fire and EMS.

UTILITIES
Staff Contact: Randy Phelps (804-796-7126) phelpsc@chesterfield.gov

Existing Water and Wastewater Systems			
Utility Type	Currently Serviced	Size of Closest Existing Lines	Connection Required by County Code
Water	Yes	6"	Yes
Wastewater	Yes	8"	Yes

Additional Utility Comments:

The subject property is located within the mandatory water and wastewater connection area for new residential development. The existing residential structure on the property is connected to the County water and wastewater systems.

The request to operate a landscaping business in a residential district, including temporary lodging for two employees, will have minimal impact on the Utilities Department.

The Utilities Department supports this case.

COUNTY TRANSPORTATION

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

ENVIRONMENTAL ENGINEERING

Staff Contact: Rebecca Rochet (804-748-1028) rochetr@chesterfield.gov

PARKS AND RECREATION

Staff Contact: Janit Llewellyn (804-751-4482) llewellynja@chesterfield.gov

SCHOOLS

Staff Contact: Atonja Allen (804-318-8740) atonja_allen@ccpsnet.net

VIRGINIA DEPARTMENT OF TRANSPORTATION

Staff Contact: Willie Gordon (804-674-2907) willie.gordon@vdot.virginia.gov

This request will not impact these facilities.

CASE HISTORY

Applicant Submittals

6/5/2020	Application submitted
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Community Meeting

8/4/2020	Issues Discussed: <ul style="list-style-type: none">• Virtual meeting held due to the COVID-19 pandemic• Duration of operation• Parking of company vehicles• Number of employees on site• Anticipated relocation of business, and estimated timeline of relocation
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CONDITIONS

1. Use. This Conditional Use approval shall be for the operation of a business (landscape business), incidental to a dwelling. (P)
2. Non-Transferrable Ownership. This Conditional Use approval shall be granted to and for Harold Driver, Kathy Driver, and Ian Brown, exclusively, and shall not be transferable with the land. (P)
3. Time Limitation. This Conditional Use approval shall be granted for a period of one (1) year. (P)
4. Hours of Operation. Hours of operation of the business (landscape business), to include the movement of equipment or vehicles, shall be limited to the following hours:
 - a. Monday through Friday, 8:00 a.m. to 5:00 p.m.
 - b. Saturday and Sunday, 8:00 a.m. to 4:00 p.m. (P)
5. Location of Use. The use shall be confined to the existing dwelling and the paved driveway area. No new buildings/structures shall be permitted to accommodate this use. (P)
6. Employees and Clients. One (1) employee, who is not a family member of the applicants, is permitted to reside on the premises. No other outside employees shall be permitted to work on the premises. No clients shall be permitted on the property. (P)
7. Signage. There shall be no signs identifying this use. (P)
8. Equipment/Vehicles.
 - a. No more than two (2) vehicle associated with the business shall be parked on the premises. The vehicles shall not exceed 10,000 pounds or have more than two (2) axles. Vehicles associated with the business shall be parked in the driveway.
 - b. No more than two (2) trailers associated with the business shall be parked on the premises. The trailers shall not exceed 3,200 pounds, thirteen (13) feet in length, and have more than one (1) axle. Trailers shall be parked, except for during loading or unloading, in the driveway behind the front plane of the existing dwelling.
 - c. Except for equipment stored in a vehicle or on a trailer, equipment associated with the home occupation shall not be stored outside. (P)