

CASE NUMBER: 21AN0106

APPLICANT: Michael F. Mullen



**STAFF'S ANALYSIS
AND
RECOMMENDATION**

Board of Zoning Appeals (BZA)

90 DAYS

Public Hearing Date:

OCTOBER 7, 2020

Applicant's Contact:

MICHAEL MULLEN

(804-837-2732)

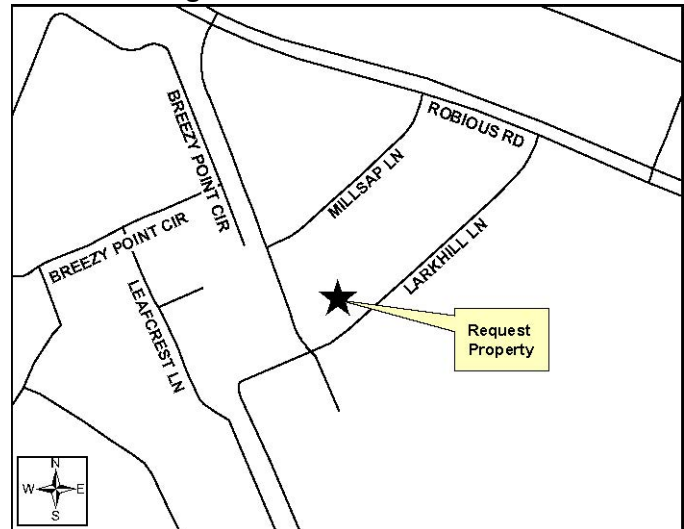
Planning Department Case Manager:

AMY SOMERVELL

(804-748-1970)

CHESTERFIELD COUNTY, VIRGINIA

Magisterial District: **Midlothian**



1804 Larkhill Lane – 0.2 acre

REQUEST

Special exception to permit a private kennel (continued keeping five (5) personal adult dogs) in a Residential (R-7) District.

Note:

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

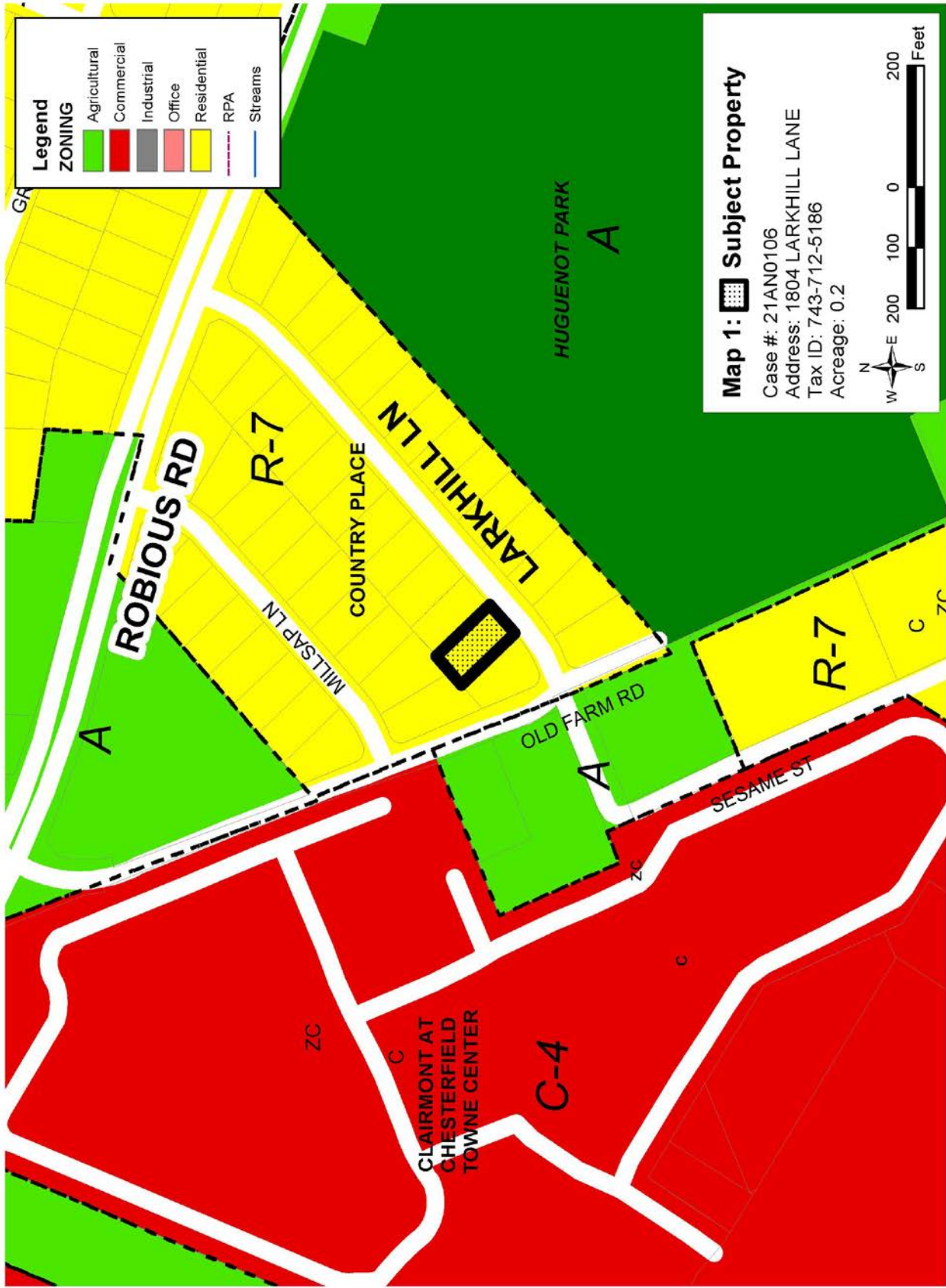
RECOMMENDATION

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 five (5) dogs is incompatible with the permitted uses in this Residential (R-7) District.
- There are no conditions that will be adequate to address the negative impacts that keeping five (5) 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 five (5) adult dogs. • Rear yard is occupied by several recreational uses thereby further reducing the area that accommodates the dogs. • Slight smell of pet waste was detected.



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 was initiated as a result of a zoning complaint.

PROPOSAL

The applicant desires to keep five (5) adult dogs; therefore, a special exception to permit a private kennel is necessary.

- The applicant indicates two (2) Miniature Australian Shepherds, (1) Pekingese mix, one (1) yellow Lab and one (1) Great Pyrenees mix are on the premises.
- The dog’s range in age from six (6) months to fourteen (14) years old.
- The dogs are inside dogs but have access to a fenced yard for potty and short play time. (Exhibit)

The applicant states:

"I have two (2) dogs; one (1) Mini Aussie and a Pekingese, and my daughter owns the other three (3) dogs. We have a four (4) foot split rail fence with chicken wire that surrounds my back yard, and I intend to construct a privacy fence. We let the dogs out 1 or 2 at a time for potty and short play time. We bring them in right away if they bark. We pick up their waste daily to include sprinkling of lime when needed to help with odor. Our dogs are walked regularly and are up to date on their vaccinations."

Exhibit – Lot Layout



EXAMINATION OF REQUEST

Staff's inspection of the property revealed the following:

- Relatively small lot to contain five (5) adult dogs.
- Subject property is surrounded by single-family dwellings.
- The rear of the property is enclosed with a four (4) foot split rail fence with woven wire to the north, east and west and a six (6) foot wood privacy fence along the south/east side of the home extending to the eastern property line (Exhibit). The split rail fence appears to be older and in need of maintenance.

- Rear yard is occupied by several recreational uses such as RV, pool, and additional personal belongings. These items further reduce the area of containment that accommodates the five (5) dogs.
- A slight smell of pet waste was detected along the southeastern property line.
- Three of the dogs were outside at time of inspection with minimal barking.
- Use is not in character with the residential district.

Although the applicant indicates the dogs are inside dogs and are only let out for short periods of time, keeping of five (5) dogs may have negative impacts on adjacent property.

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: Rebecca 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 Michael F. Mullen exclusively, and shall not be transferable nor run with the land. (P)
2. This Special Exception shall be granted for a period of two (2) years from the date of approval and may be renewed upon satisfactory reapplication and demonstration that the keeping of these five (5) 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. Should any one (1) of the dogs be given, sold or pass away, it shall not be replaced. (P)
5. 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)
6. All fenced 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)

(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.)