

**CASE NUMBER: 21AN0111**

**APPLICANT: Suzanne Haverty**



**STAFF'S ANALYSIS  
AND  
RECOMMENDATION**

**Board of Zoning Appeals (BZA)**

90 DAYS

**Public Hearing Date:**

NOVEMBER 4, 2020

**Applicant's Contact:**

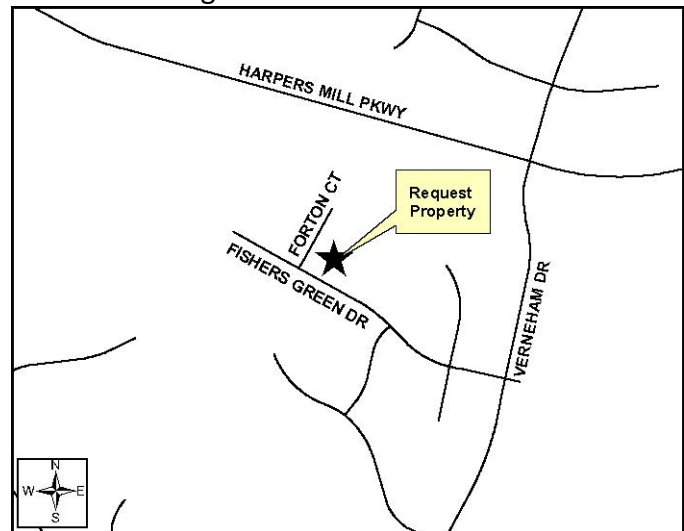
SUZANNE HAVERTY  
(309-310-9555)

**Department Case Manager:**

AMY SOMERVELL  
(804-748-1970)

**CHESTERFIELD COUNTY, VIRGINIA**

Magisterial District: **Matoaca**



15730 Fishers Green Drive – 0.2 acre

**REQUEST**

Special exception to permit a private kennel (continued keeping four (4) personal adult dogs) in a Residential (R-12) District.

Note:

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

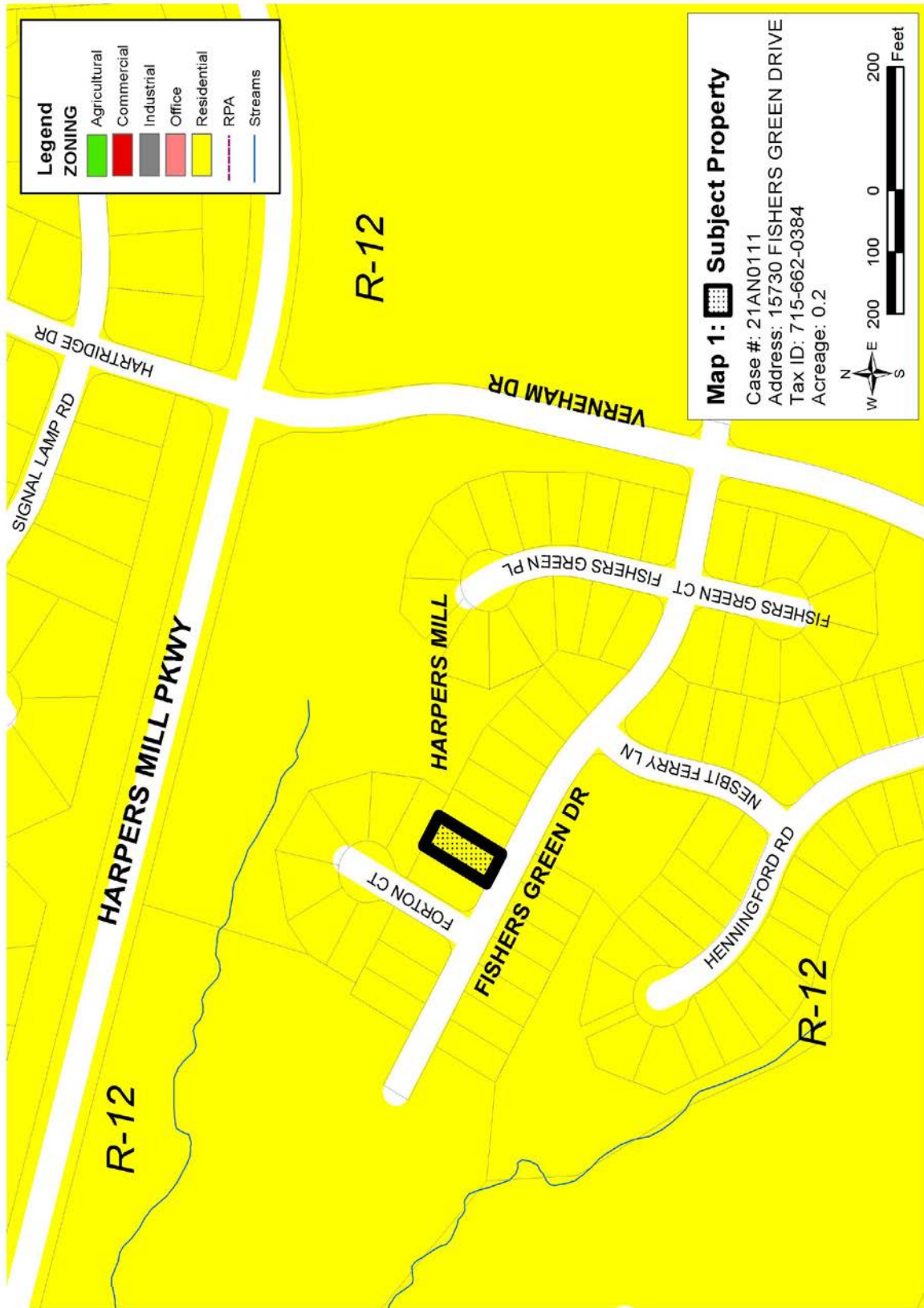
**RECOMMENDATION**

STAFF

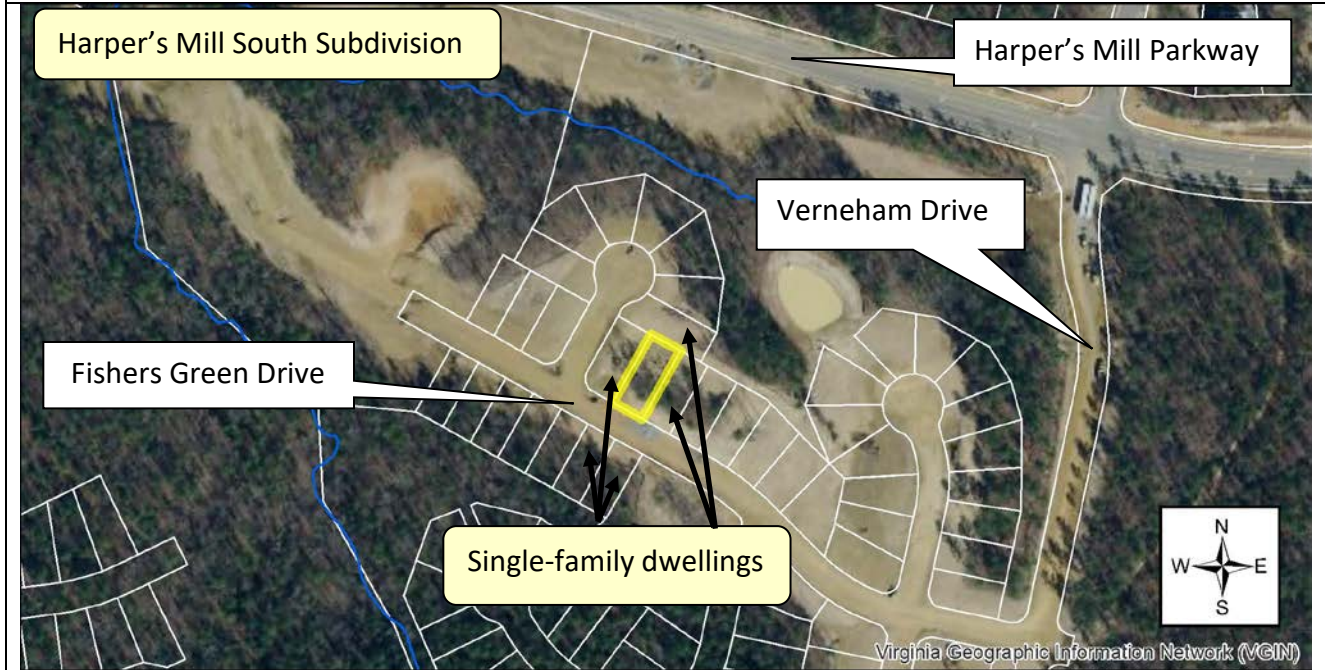
RECOMMEND DENIAL

- 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 four (4) dogs is incompatible with the permitted uses in this Residential (R-12) District.
- There are no conditions that will be adequate to address the negative impacts that keeping four (4) dogs on the subject property may have on this residential area.

SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	<ul style="list-style-type: none"><li>• Surrounding properties are occupied by single-family dwellings.</li><li>• Relatively small lot to contain four (4) adult dogs.</li></ul>



## 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.
- Applicant purchased property in November 2019 unaware of Chesterfield County requirements related to the number of dogs allowed within residentially zoned property.

### PROPOSAL

The applicant desires to keep four (4) adult dogs; therefore, a special exception to permit a private kennel is necessary.

- The applicant indicates one (1) Border Collie, one (1) Belgian Malinois, and two (2) Lab/Shepherd mix dogs are on the premises.
- The dog's range in age from six (6) to fifteen (15) years old.

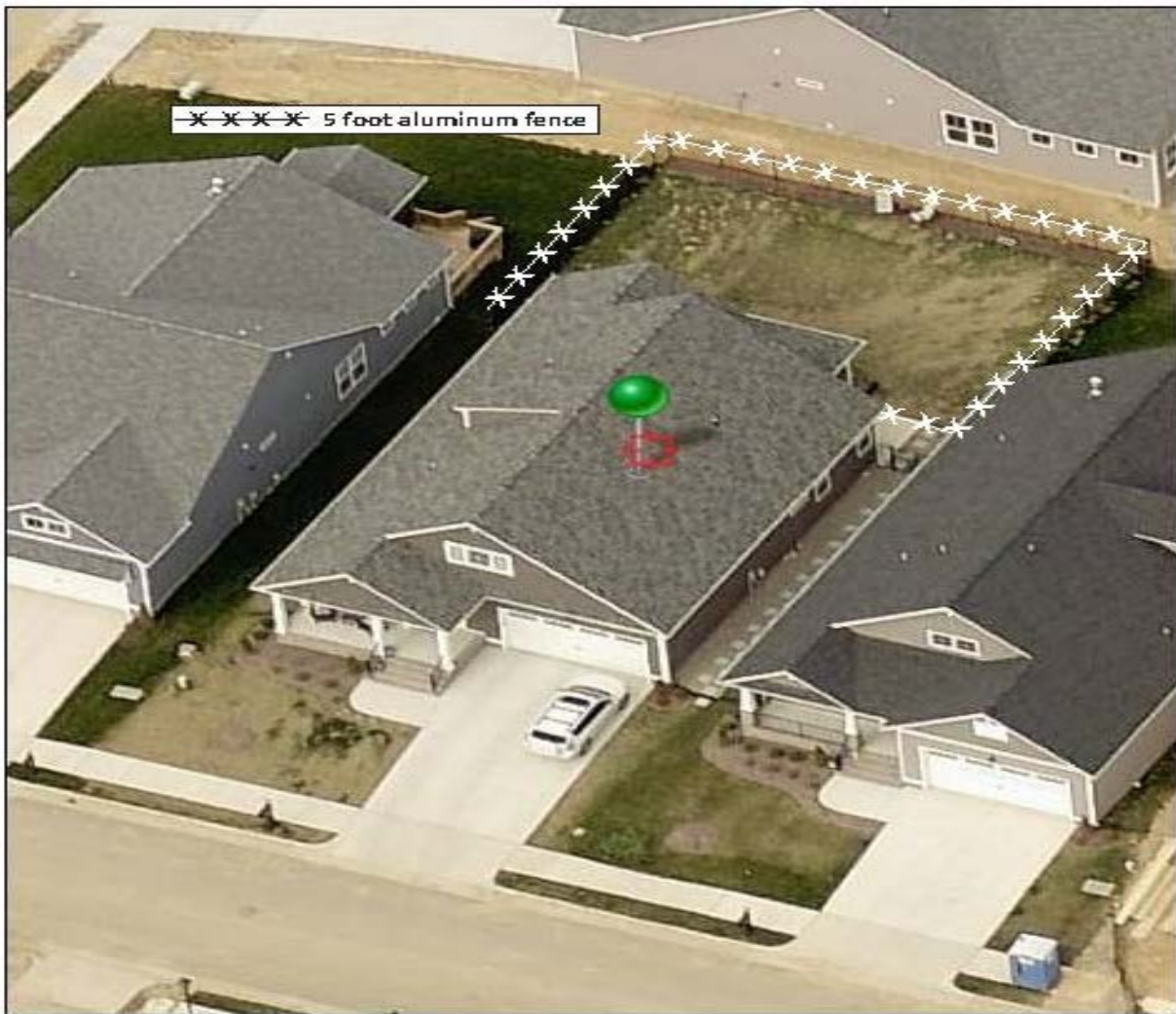


- The dogs are inside dogs but have access to a fenced yard for supervised playtime and bathroom breaks. (Exhibit)

The applicant states:

*“My partner and I moved here in November 2019 and were not aware of the three (3) dog limit in Chesterfield County. Once a neighbor made us aware of the limit, I called Chesterfield County to start the process to keep the dogs. We take all dogs on morning walks and let them out for 15-20 minutes in the backyard for playtime and brushing. They are older dogs and we limit their outside time depending on the heat index. We take them out two (2) at a time and they are always supervised. We knew from day one moving in with dogs we have an extra obligation to be more cognizant of their barking. We check the backyard before letting them out to make sure no rabbits or stray cats are out so not to disturb our neighbors. We pick up dog waste immediately and place it in a covered container. We have made our neighbors aware of our request and we simply want to be proactive in resolving this issue.”*

#### Exhibit – Lot Layout



## EXAMINATION OF REQUEST

Staff's inspection of the property revealed the following:

- Relatively small lot to contain four (4) adult dogs.
- Subject property is surrounded by single-family dwellings.
- The rear of the property is enclosed with a five (5) foot aluminum fence. The fence is in good condition.
- No dogs were outside at time of inspection.
- The property is well maintained.
- 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 four (4) 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 Rochet (804-748-1028) RochetR@chesterfield.gov

The proposed request will have minimal impact these facilities.

**CONDITIONS**

1. This special exception shall be granted to and for Suzanne Haverty 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 four (4) 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.)