

CASE NUMBER: 21AN0113
APPLICANT: Sterling & Vernita Harris

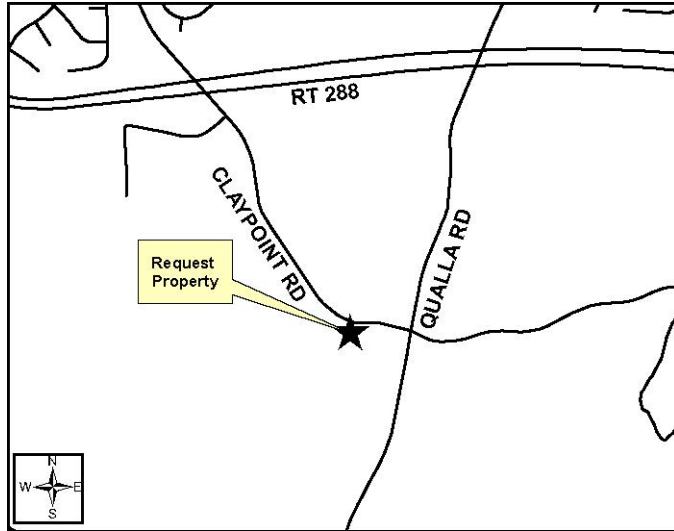


**STAFF'S ANALYSIS
AND
RECOMMENDATION**

Board of Zoning Appeals (BZA)
 90 DAYS
Public Hearing Date:
 DECEMBER 2, 2020

Applicant's Contact:
 STERLING HARRIS
 (804-543-5338)
Planning Department Case Manager:
 AMY SOMERVELL
 (804-748-1970)

CHESTERFIELD COUNTY, VIRGINIA
 Magisterial District: **Matoaca**



5614 Claypoint Road – 1.0 acre

REQUEST

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

Note:

Recommended conditions are located in Attachment 1, and an Access Plan is located within this report.

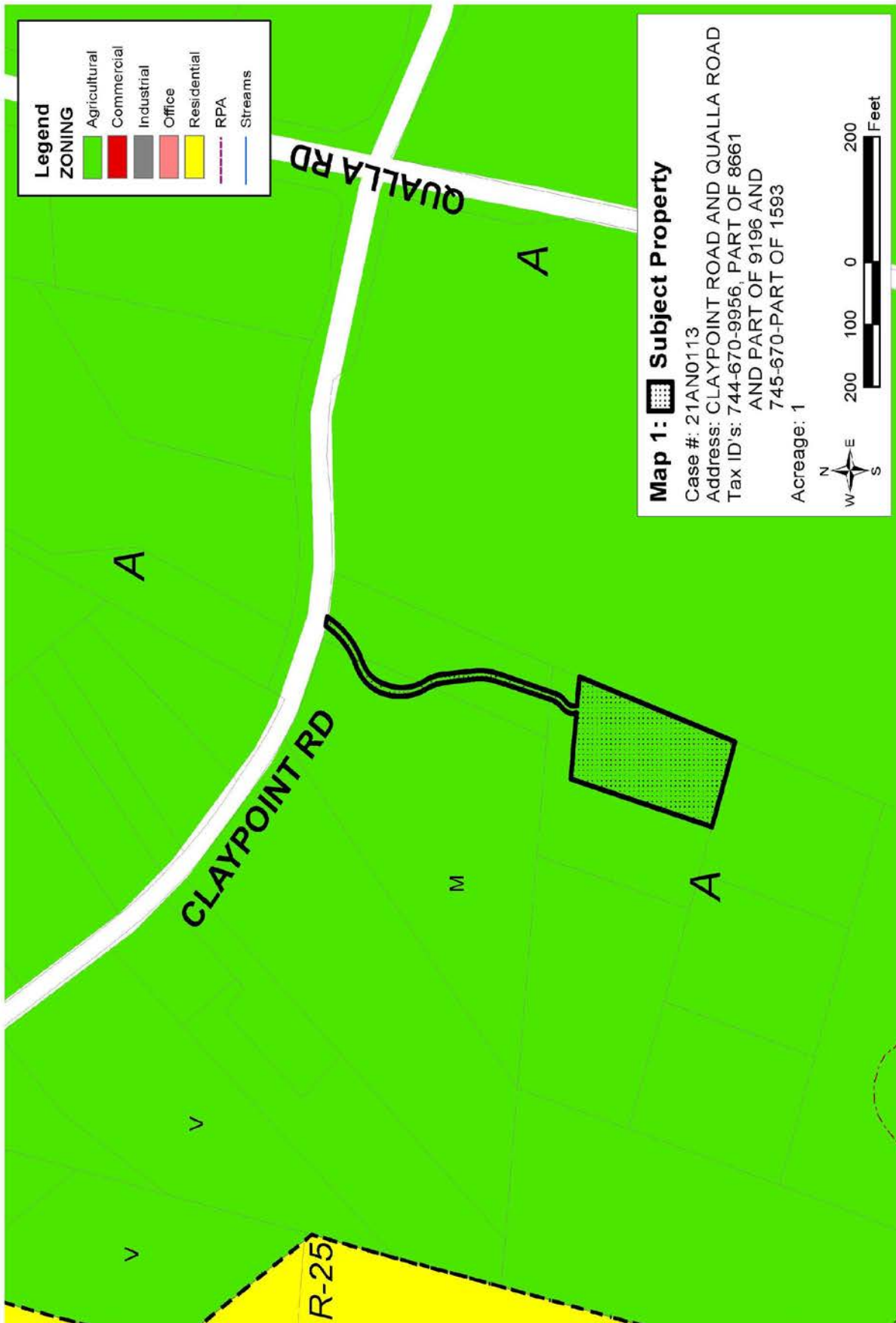
RECOMMENDATION

STAFF

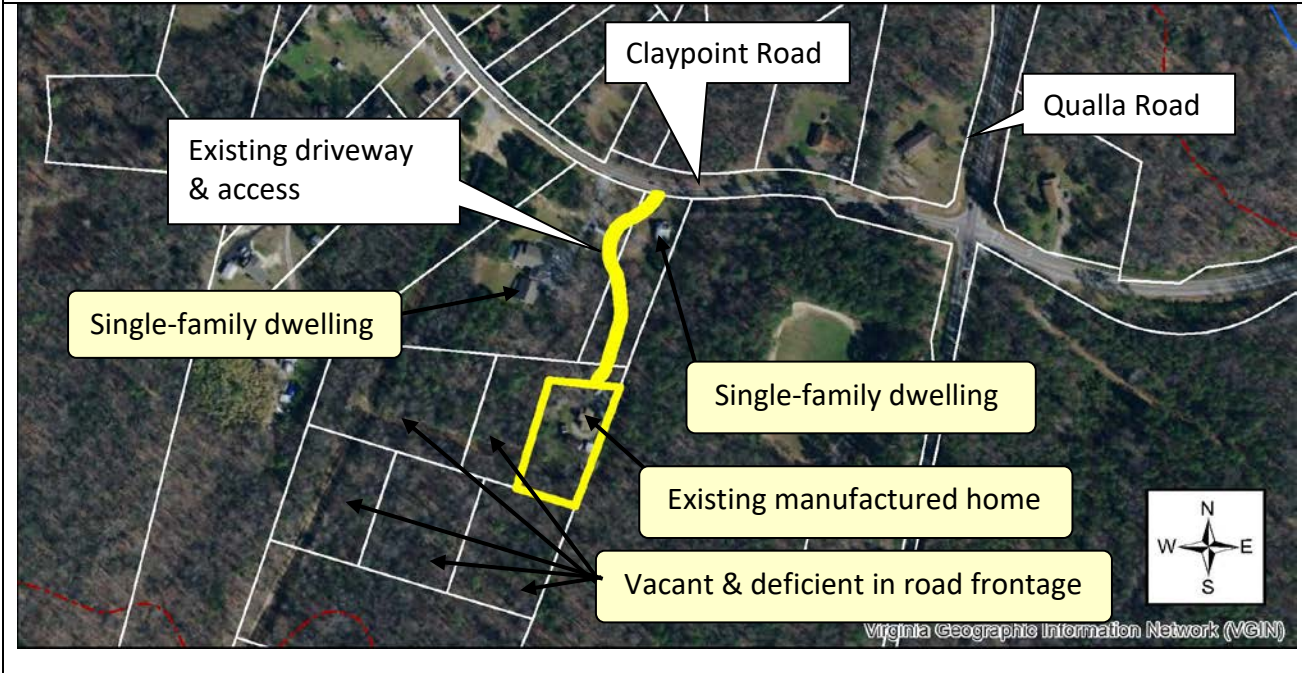
RECOMMEND APPROVAL

- Conditions unique to the property.
- Accommodates existing manufactured home.
- Approval would not reduce or impair the value of the surrounding property nor impair area's character.

SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	<ul style="list-style-type: none"> • This property enjoys the use of a manufactured home without proper permits. • Several vacant parcels exist with potential for future development deficient in road infrastructure (Map 2).
FIRE	<p>From the direction of N. Bailey Bridge Road, making the turn into the proposed access (driveway) proved difficult due to the angle of the driveway coming off the roadway. An extended culvert pipe would alleviate this issue.</p>



Map 2: Surrounding Land Uses & Development



PLANNING

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

BACKGROUND

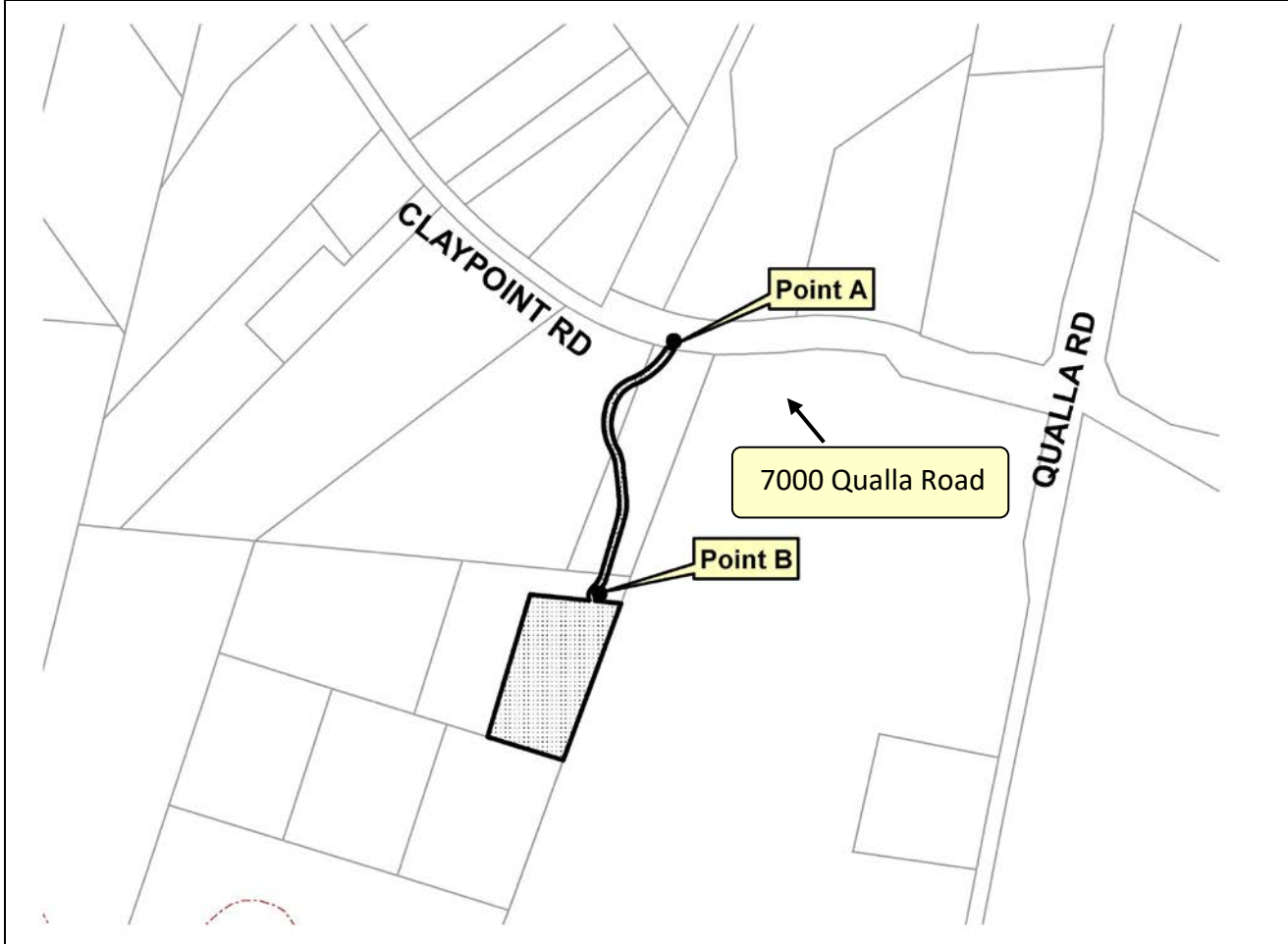
The Zoning Ordinance requires a property being used for dwelling purposes to have a minimum of fifty (50) feet of public road frontage.

- The Board of Zoning appeals hears request for no public road frontage for parcels meeting one of the following criteria:
 - Recorded prior to April 1976
 - Subdivided for a member of the property owner's immediate family
 - Recorded through the plat validation process
- The subject property was last split in May 1985, deficient in required road frontage and recorded without approval through the subdivision process.
- If this request is granted, a Validated Plat application will be required to bring the property into conformance with the Subdivision Ordinance.
- An older manufactured home with porch additions exist on the property.
 - Applicants indicate the double wide manufactured home has existed since May 1985.
 - No building permit or zoning approval for a temporary manufactured home has been considered for this use.
 - The manufactured home is currently occupied by a parent of the applicants.
 - The existing manufactured home is in decline, and in need of maintenance.

The lack of public road frontage may be rectified by receiving a variance for no public road frontage or Parcel Line Modification to permit the construction of a single-family dwelling, or consideration of a special exception to permit a temporary manufactured home permit.

Map 3: Access Plan

The applicants propose to access across private easements crossing 744-670-Part of 8661 and 9196 and 745-670-Part of 1593 from Point A to Point B as shown on this plan.



PROPOSAL

The applicants desire to bring the request property into compliance (variance for no public road frontage), to allow for replacement of a manufactured home with a single-family dwelling. As justification, the applicants indicate the following:

“To build a new house on the current property, removing the existing house owned by an elderly parent. No foreseen impact to adjacent property. House was existing since May of 1985. Without a variance the property would be useless.”

ACCESS

Staff’s inspection of the property revealed the following:

- Private access currently serves the request property (one (1) manufactured home) and one (1) single-family dwelling which achieves required road frontage on Claypoint Road.
- Private access consists of gravel, dirt, grass and an asphalt segment ranging from fifteen (15) feet to eight (8) feet in width.
- The entrance from Claypoint Road is approximately fifteen (15) feet in width and consists of

gravel, dirt and a segment of asphalt as base with potholes at the entrance. Emergency services had difficulty making the turn from the direction of N. Bailey Bridge Road into the proposed access due to the angle of the driveway. An extended culvert pipe would alleviate this issue.

- The private access then tapers to approximately nine and one-half (9.5) feet in width with a mix of gravel and dirt and further narrows to eight (8) feet with a mix of gravel, dirt and grass leading to the subject property.
- The private access is in poor condition and will require significant construction to meet typical conditions.
- Portions of the private access do not meet standards typically imposed with similar requests relative to construction.

Conditions ensure compliance with minimum access road standards from Point A to Point B (Access Plan) to support fire equipment and/or ambulances, as requested by the Chesterfield County Fire Department.

EXAMINATION OF ALTERNATIVES

Staff has examined this request and offers the following:

The subject property enjoys the use of a manufactured home which was placed on the property in 1985 without obtaining a building permit, variance for no public road frontage or a temporary manufactured home permit. Today's examination of the request finds the existing structure to be nonconforming due to the timeframe it has existed on the property (over 15 years). As such, the variance for no public road frontage is necessary to bring the existing manufactured home into compliance with current ordinance standards.

Staff suggested the possibility of a Parcel Line Modification with adjacent property, 7000 Qualla Road, to obtain a minimum of fifty feet of State road frontage along Claypoint Road should the landowners come to an agreement (private matter). However, the applicants were concerned about the cost associated with the possible modification of the property.

The applicants intend to bring the property into compliance with Zoning Ordinance standards to allow for removal of the existing manufactured home and construct a new single-family dwelling which has prompted the need for this request. The applicants intend to live within the single-family dwelling with the aging parent should this request be approved. As such, staff believes it may be beneficial to improve the current access easement providing for emergency services (support fire equipment and/or ambulances) should their services be needed. The use has existed on the property since 1985 and rectifying the deficiency in public road frontage is necessary should the manufactured home remain, or a new single-family dwelling be constructed. The only alternative available to achieve required road frontage is a Parcel Line Modification with 7000 Qualla Road which was not explored by the applicants for financial reasons. No other alternative exists that would eliminate the need for this variance request. However, it should be noted that several vacant parcels exist to the south and west which are deficient in required road frontage (Map 2). Approval of this variance request may set a precedent for vacant properties in the vicinity to seek variance requests.

FIRE SERVICE

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

The Fire Dept recommends the owner provide a 15-foot all-weather road capable of supporting 75,000 lbs. in order to provide access for fire apparatus and ambulances. This road should extend from the improved public road to the proposed dwelling.

Nearby Fire and Emergency Medical Service (EMS) Facilities

Fire Station	The Manchester Volunteer Rescue Squad Fire Station, Company Number 24
EMS Facility	The Manchester Volunteer Rescue Squad

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

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. Prior to approval of a building permit, the property owner shall provide a copy of a recorded instrument which will include the following:
 - (a) A thirty (30) foot private access easement from Point A to Point B, as shown on the plan attached to the staff report.
 - (b) A condition that shall require that no structure or fence shall be constructed to block the access which shall extend to the proposed house location.
 - (c) A condition that shall require the landowner of the subject property to be responsible for maintenance of the access which shall extend to the proposed house location. (P)

2. A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B extending to the proposed house location once the location has been determined in accordance with the following standards:
 - (a) This 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 and shall be maintained to this standard. The roadway shall not be approved if it is rutted or potholed.
 - (b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (f) Any cross drains shall be designed in accordance with Environmental Engineering standards. (P)

3. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine compliance as set forth above. (P)

4. 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. (P)

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