

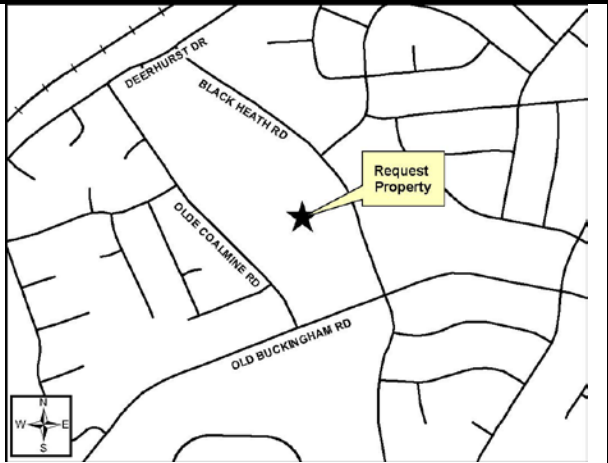
CASE NUMBER: 20SN0552
APPLICANTS: Ashley M. McGarry and Aaron R. Litt



CHESTERFIELD COUNTY, VIRGINIA
MIDLOTHIAN DISTRICT
STAFF'S ANALYSIS
AND RECOMMENDATION

Board of Supervisors (BOS) Hearing:
 DECEMBER 16, 2020
BOS Time Remaining:
 365 DAYS

Applicants' Contact:
 AARON R. LITT (703-568-5989)
Planning Department Case Manager:
 TYLER WALTER (804-318-8893)



4.1 Acres – 1504 Black Heath Road

REQUEST

Conditional use to permit a farm use (keeping of miniature horses and chickens) in a Residential (R-15) District. The applicant is requesting to keep two (2) miniature horses and eighteen (18) chickens.

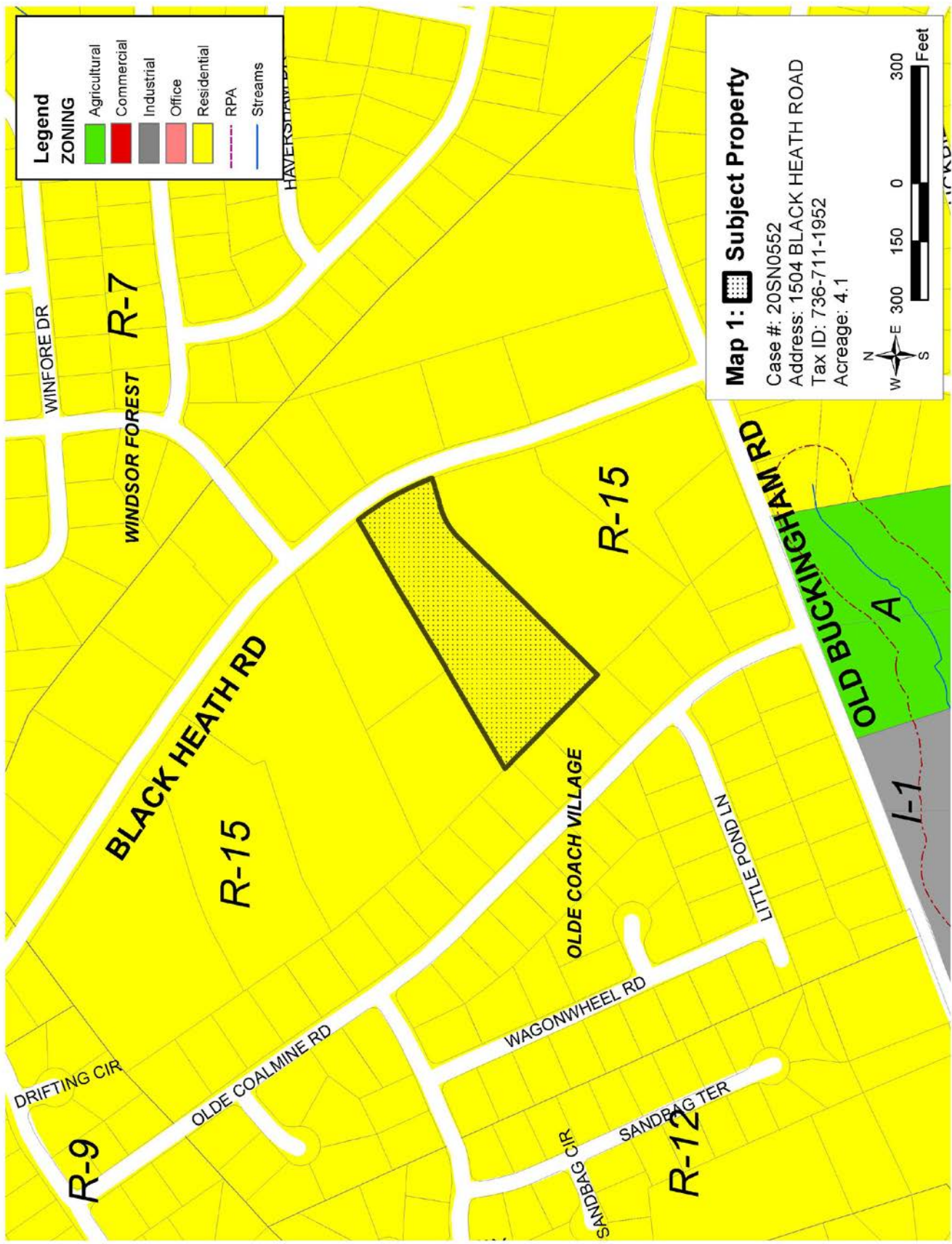
- Notes:**
- A. Conditions may be imposed or the property owner may proffer conditions.
 - B. Conditions and an exhibit are located in Attachments 1 and 2.

SUMMARY

The keeping of miniature horses and chickens is proposed. The applicant currently keeps six (6) chickens on the property, which is permitted as a restricted use in a Residential (R-15) District.

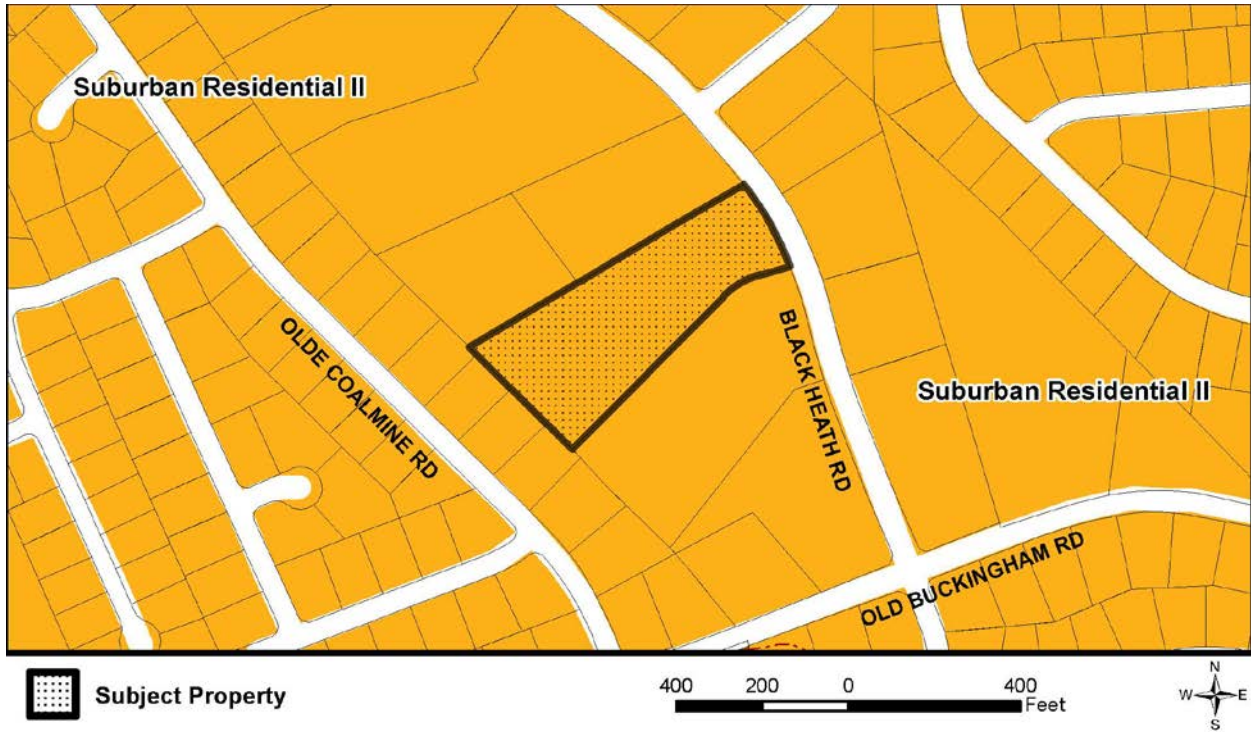
RECOMMENDATION

PLANNING COMMISSION	APPROVAL
STAFF	PLANNING – APPROVAL <ul style="list-style-type: none"> • As conditioned, the use should be compatible with surrounding uses • Similar requests have been approved with no known adverse impacts

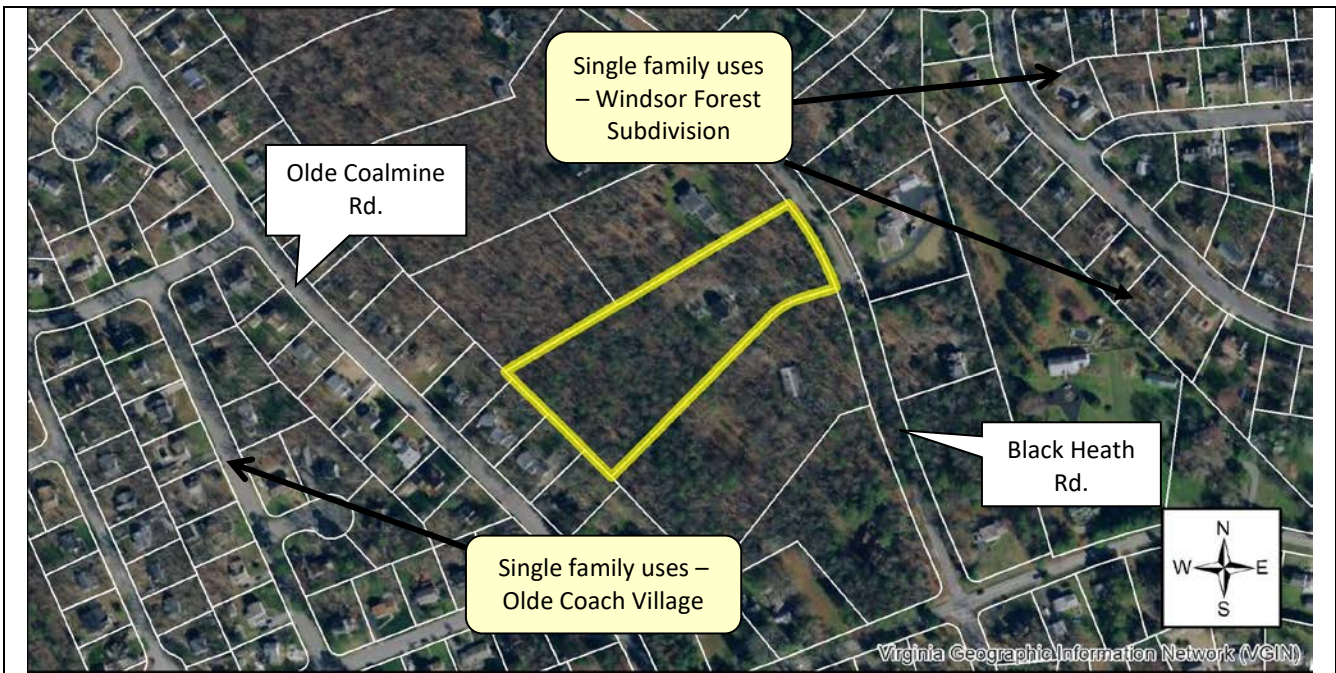


Comprehensive Plan
Classification: SUBURBAN RESIDENTIAL II

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 applicants are proposing to keep two (2) miniature horses and eighteen (18) chickens on the property. Presently, the subject property is primarily wooded with a single-family dwelling located near the center of the 4.1-acre property. Six (6) chickens are currently kept on the property, which is a use permitted with restrictions in the Residential (R-15) District. The applicants are proposing to clear a portion of the rear yard where they will construct fencing, build accessory structures, and establish a grazing area for the keeping of the miniature horses and chickens.

A farm use in a Residential District, regardless of the property's size, is limited to the keeping of up to six (6) chickens and requires a conditional use for other types of farm animals to include horses and additional chickens. The keeping of horses is a use first permitted as a farm use on a property with three (3) or more acres in an Agricultural (A) zoning district. Therefore, approval of a conditional use is required to permit the keeping of two (2) miniature horses and the additional chickens on the subject property.

The following table provides an overview of conditions recommended by staff to minimize the potential impacts of the use on adjacent property owners.

General Overview	
Requirements	Details
Use	Limited to the keeping of two (2) miniature horses and eighteen (18) chickens. <i>Condition 1</i>
Ownership	Limited to the applicants. <i>Condition 2</i>
Time Limitation	Limited to five (5) years. <i>Condition 3</i>
Conceptual Plan	Area shall generally conform to layout depicted in Conceptual Plan (Exhibit A). <i>Condition 4, Attachment 2</i>
Tree Preservation Area	Seventy-five (75) foot tree preservation area adjoining the rear property line, twenty-five (25) tree preservation areas along the side property lines. <i>Condition 5</i>
Commercial Activity	Commercial activity, such as breeding or sale of animals, shall not be permitted. <i>Condition 6</i>
Animal Waste	Areas associated with the keeping of horses and chickens shall be cleaned and made free of waste on a regular basis. <i>Condition 7</i>
Keeping of Chickens	No roosters permitted, no on-site slaughtering of chickens, chicken coop to be located inside of rear yard. <i>Condition 8</i>

Fencing	Fence shall be constructed in rear yard to contain miniature horses and chickens. <i>Condition 9</i>
Grazing Area Maintenance	Operation of internal combustion-powered equipment limited to the hours of 7:00 a.m. to 9:00 p.m. daily. <i>Condition 10</i>

Given the size of the request property, and if maintained as outlined in the recommended conditions, the use should not adversely affect area residential uses. In addition, the keeping of horses and chickens has been approved in other residential areas on similarly large parcels with no apparent adverse impact.

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.

ENVIRONMENTAL ENGINEERING
Staff Contact: Rebeccah Rochet (804-748-1028) rochetr@chesterfield.gov

Geography

The subject property drains from northeast to southwest into an existing storm sewer system within the Olde Coach Village subdivision. The storm sewer system discharges into an existing pond and then into an unnamed tributary of Falling Creek. The entire property is located within the Falling Creek Watershed.

Erosion and Sediment Control

If greater than 2,500 square feet of total land disturbance will occur as a result of any proposed land clearing, improvements or modifications, a land disturbance permit will be required.

Stormwater Management

If greater than 2,500 square feet will be disturbed with any proposed improvements, including any changes to the land cover, the project will be subject to the Part IIB technical criteria of the Virginia Stormwater Management Program Regulations for water quality and water quantity.

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	No	N/A	Yes
Wastewater	No	N/A	Yes

Additional Utility Comments:

The subject property is located within the mandatory water and wastewater connection area for new residential development. For the subject property, connection would be required if a public water and wastewater line were within 200 feet of the property. The existing residential structure is served by a private well and septic system. Public water and wastewater lines are not available to the subject property.

This request to allow farm animals on the subject property will not impact the public water and wastewater systems.

The Utilities Department supports this case.

COUNTY TRANSPORTATION

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

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

10/21/2019	Application submitted.
3/12/2020	Application resubmitted to specify anticipated animals on subject property.
8/25/2020	Application resubmitted to finalize number of animals on subject property.

Planning Commission

11/17/2020	<p>Citizen Comments: One (1) citizen attended the meeting in-person in opposition to the request. The citizen's concerns focused on the smell that could come from the applicant having chickens and horses on the subject property.</p> <p>Commission Discussion: Mr. Petroski acknowledged the citizen comment in opposition to the request and noted that there was an anonymous complaint with concerns about the request regarding odors that could come from the use. Mr. Petroski felt that with a 25-foot tree preservation area on the side yards, and a 75-foot tree preservation area in the rear yard that the anticipated impact would be minimized. Mr. Petroski also noted that the applicant had worked with staff to compromise on the number of animals on the subject property, as the original request sought more animals than the existing proposal.</p> <p>Action – APPROVAL SUBJECT TO CONDITIONS IN ATTACHMENT 1.</p> <p>Motion: Petroski Second: Sloan AYES: Freye, Sloan, Hylton, Owens, and Petroski</p>
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The Board of Supervisors on Wednesday, December 16, 2020, beginning at 6:00 p.m., will consider this request.

CONDITIONS

Note: The following conditions are recommended by both the Planning Commission and Staff.

1. Use. This conditional use approval shall be for a farm use, which shall be limited to the keeping of a maximum of two (2) miniature horses and eighteen (18) chickens. (P)
2. Ownership. This Conditional Use approval shall be granted exclusively to Ashley M. McGarry and Aaron R. Litt and shall not be transferable nor run with the land. (P)
3. Time Limitation. The Conditional Use shall be granted for a period of five (5) years from the date of approval. (P)
4. Conceptual Plan. The proposed site layout, depicting tree preservation areas shall generally conform to the layout as shown on Exhibit A. (P)
5. Tree Preservation Areas. Tree preservation areas shall be maintained with existing trees and shrubs. Fencing, grazing areas, structures, and animals shall be prohibited from the following tree preservation areas:
 - a. A seventy-five (75) foot tree preservation area shall be maintained along the western perimeter (rear yard) of the Property.
 - b. A twenty-five (25) foot tree preservation area shall be maintained along the northern and southern perimeters (side yard) of the Property. (P)
6. Commercial Activity. No commercial activity, such as the breeding or sale of animals, shall be permitted in conjunction with this use. (P)
7. Animal Waste. All areas associated with the keeping of horses and chickens shall be cleaned and made free of waste on a regular basis. Waste shall be disposed of in an appropriate disposal container that is periodically removed from the site. In addition, the property owner shall employ a means of eliminating any odor problems and propagation of insects. (P)
8. Keeping of Chickens.
 - a. Keeping of roosters shall be prohibited.
 - b. Slaughtering of chickens does not occur on-site.
 - c. Building and attached outside run areas are located in the rear yard. (P)
9. Fencing. A fence shall be constructed to contain miniature horses and chickens within the rear yard of the property. No animals shall be permitted to graze outside of the fenced areas. (P)
10. Maintenance of Grazing Area. Operation of tractors, combines, or other internal combustion-powered equipment shall be limited to the hours of 7:00 a.m. to 9:00 p.m daily. (P)

EXHIBIT A: CONCEPTUAL PLAN

