



# 22SE0015 – Amanda and Dennis Perry

Magisterial District – Matoaca

Applicant's Contact – **Amanda Perry** (804-510-6720)

BZA Public Hearing – **February 1, 2023**

Time Remaining

**90 Days**

Case Manager

**Amy Somervell**

(804-748-1970)

## Request

### Special Exception

Renewal of a special exception (Case 20AN0129) to permit a one (1) chair beauty shop in a Residential (R-12) District.

## Staff Recommendation

### Approval

## The Property

9619 Wivenhaust Road

## Site Size

0.18 Acre

Figure 1: Aerial of Request Area – Click Image for Link to GIS

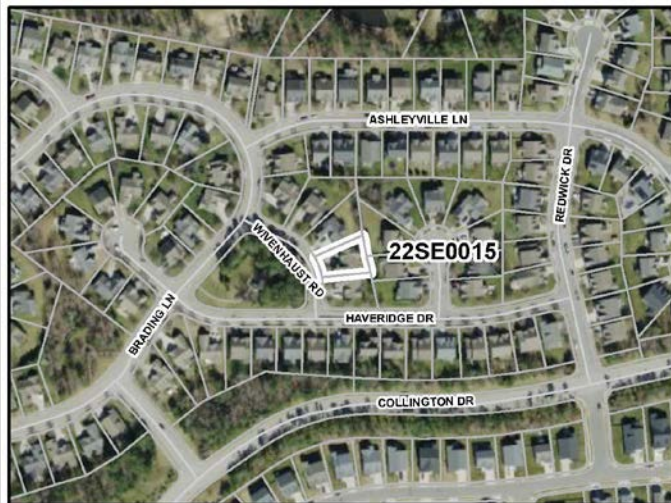


Figure 2: Street View Image



### NOTE FOR THE BOARD OF ZONING APPEALS

Recommended conditions and conditions of Case 20AN0129 are located in the report.

## Recommendation

### STAFF - APPROVAL

#### PLANNING

- The use has operated for the last two (2) years without any identified impact on the neighboring properties.
- Conditions adequately address compatibility with area residential development.

## Table of Contents

Recommendation.....	1
Table of Contents.....	2
Planning.....	3
Lot Layout.....	3
Current Zoning Map.....	5
Supplemental Analysis.....	6
Environmental Engineering.....	6
Fire & Emergency Medical Services.....	6
Transportation - County Department of Transportation.....	6
Transportation - Virginia Department of Transportation.....	6
Utilities – Water and Wastewater.....	6
Virginia Department of Health.....	6
Conditions.....	7
Approved Conditions of Case 20AN0129.....	8

## Planning

### Zoning History

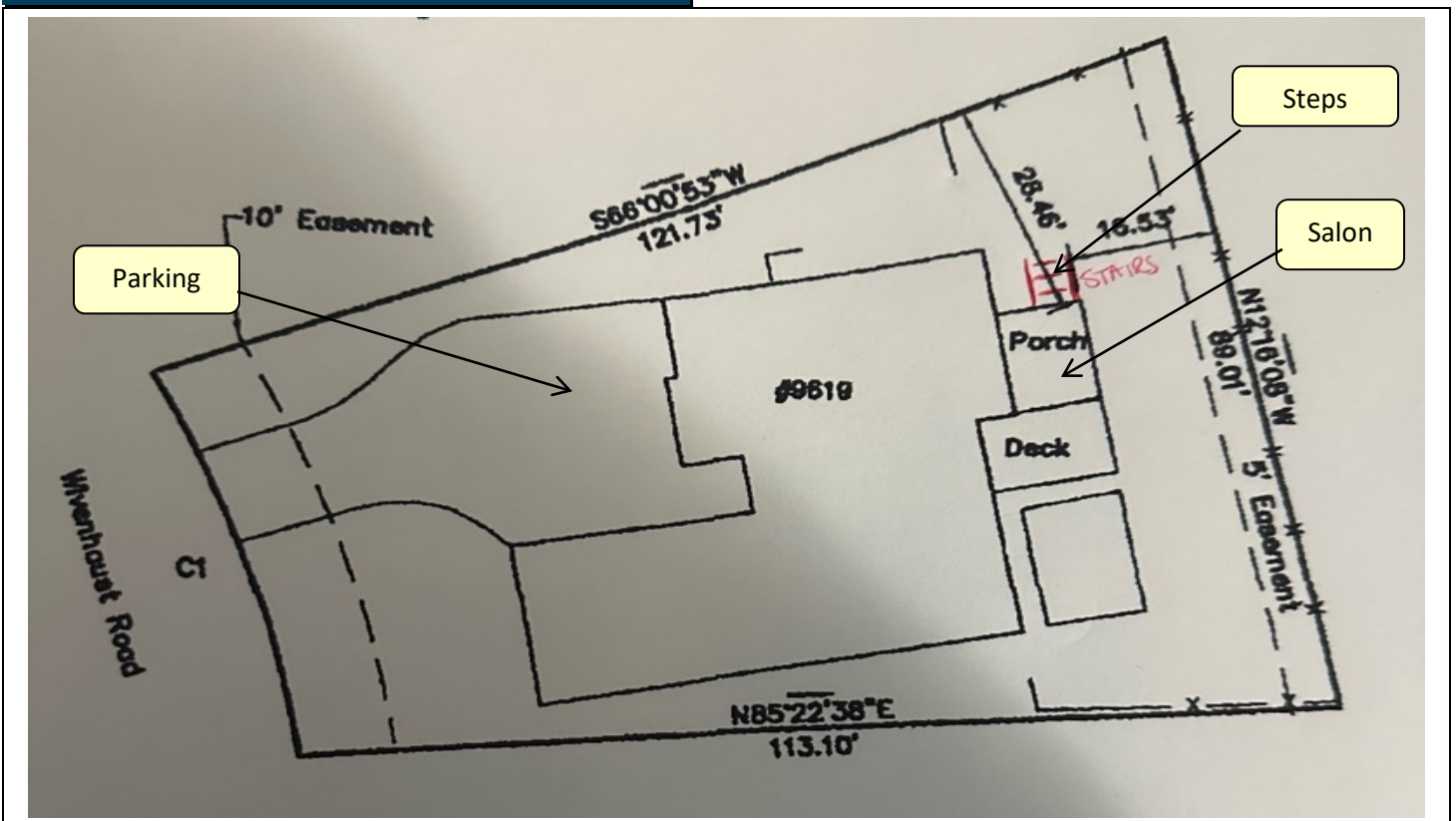
Case Number	BZA Action	Request
20AN0129	Approved (8/5/2020)	Initial special exception to permit a one chair beauty shop from the home approved for two (2) years. See <a href="#">Approved Conditions 20AN0129</a>

### Proposal

The applicant requests renewal of the special exception (Case 20AN0129) to operate a one (1) chair beauty shop from the home. The applicant states:

*"I continue to be the primary caregiver for my child and have been successful in operating my business while being a full time mom with no adverse effects on my neighborhood. I still work 2-3 days a week at maximum. Continuing use as granted previously. No additional impacts on the community. We are in front of a little park area with no houses and have several parking spots available in the driveway for use. I am requesting an amendment to Condition 6 to allow for stairs to be used for clients exit for exiting purposes customer entry into the beauty shop on the side closest to the parking. This would require an amendment to condition 6 which does not permit exterior alterations. This construction meets required setbacks and provides for a more convenient customer entry."*

### Lot Layout



### Examination of Request

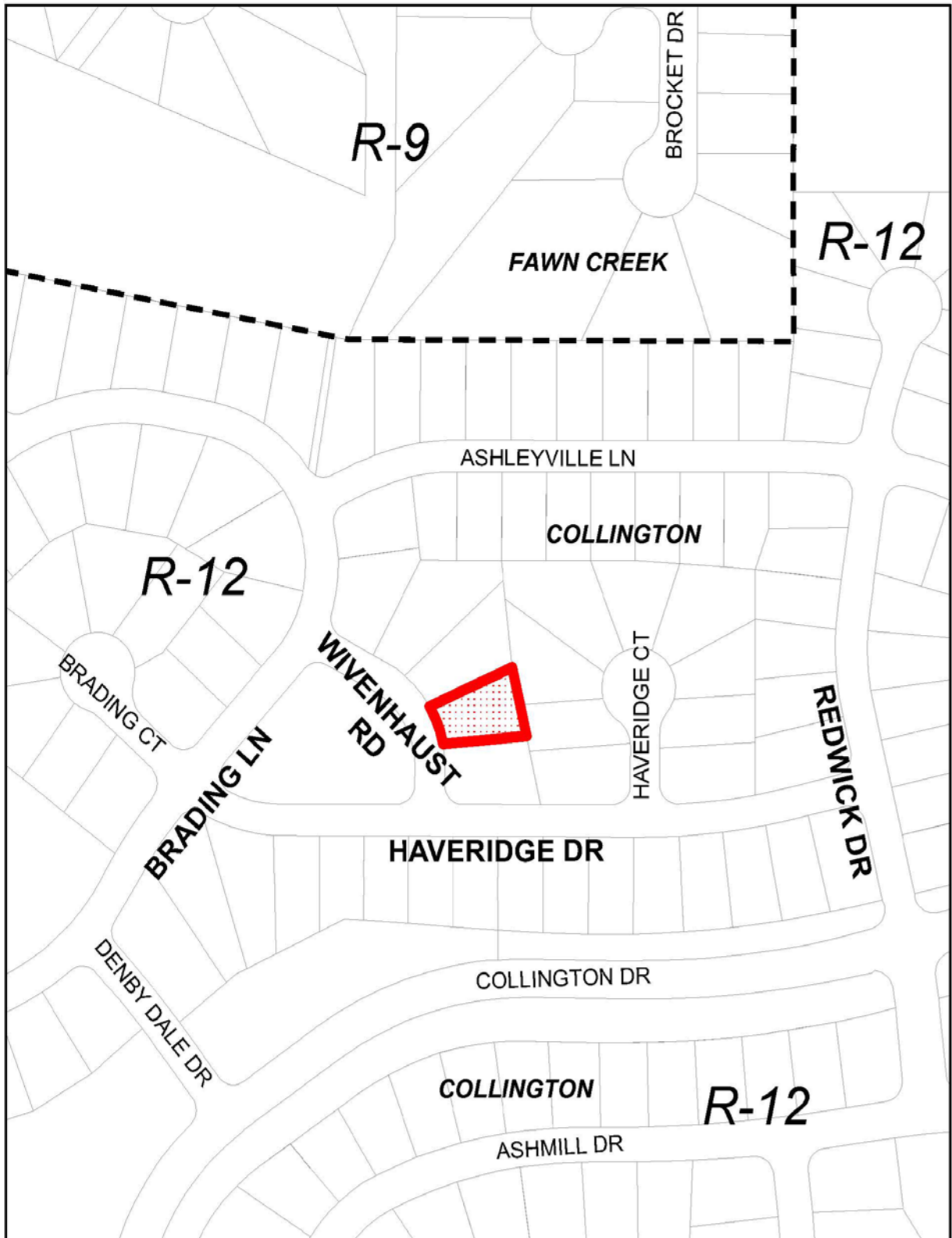
Staff's inspection of the property revealed the following:

- Subject property is surrounded by single-family dwellings to the north, south and east and open space (park setting) to the west.
- The paved driveway can accommodate the parking needs for this request. However, turnaround within the driveway, to prevent backing out into the right of way, may prove difficult.
- On street parking appears to be prevalent in this neighborhood.
- The property is well maintained and in character with area development.

The applicant is requesting to continue the use as previously approved except for a slight modification in operating hours from 10:00 a.m. Monday through Friday to 9:15 a.m. Monday through Friday ([Condition 4](#)) and an exception to allow for an exterior alteration (stairs) from the north side of the salon for client access ([Condition 6](#)). First, the slight modification of start time, to 9:15, is in line with other home-based business hours and should not impact surrounding properties. Secondly, the new client entry (stairs) provides for closer proximity to the parking accommodations. The applicant was unaware the construction of the stairs was in conflict with approved [Condition 6 of 20AN0129](#) which limited the external alterations to the enclosure of the screened porch for the use of the beauty shop. Therefore, the applicant is requesting further amendment to [Condition 6](#) to allow for the construction of the existing stairs which meet ordinance standards ([Lot Layout](#)).

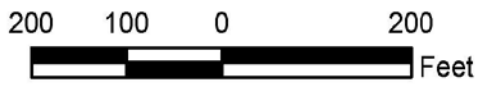
The Board gave favorable consideration to the previous Case 20AN0129. The applicant has shown the use to be compatible with area residential development during the last two (2) years; without any known complaint. However, the renewal of this request has sparked some concerns related to parking ([Condition 5](#)). As such, staff recommends approval time of three (3) years may be appropriate to encourage client parking within the paved driveway as conditioned.



One (1) chair beauty shops have been approved and operated within residential areas without any known adverse impact on area properties. As conditioned, operation of this home-based business should not impact the area's residential character nor adversely affect the health, safety, or welfare of person residing on the premises or in the neighborhood. Although the applicant is requesting a slight adjustment to the entry for client access, staff does not believe this will impact adjacent properties.



**Map 1:**  **Subject Property**

Case #: 22SE0015  
Acreage: 0.18  
Address: 9619 WIVENHAUST ROAD  
GPIN: 728-662-5132



-  Resource Protection Area
-  Streams

## Supplemental Analysis

### Environmental Engineering

The proposed request will have minimal impact on this facility.

### Fire & Emergency Medical Services

The proposed request will have minimal impact on this facility.

### Transportation - County Department of Transportation

The proposed request will have minimal impact on this facility.

### Transportation - Virginia Department of Transportation

The proposed request will have minimal impact on this facility.

### Utilities – Water and Wastewater

The proposed request will have minimal impact on this facility.

### Virginia Department of Health

N/A

## Conditions

1. This special exception approval shall be granted to and for Amanda and Dennis Perry exclusively and shall not be transferable or run with the land. (P)
2. This special exception approval shall be granted for a period not to exceed three (3) years from date of approval. (P)
3. No person(s), other than the applicants, shall be engaged in this operation. (P)
4. The use shall be permitted to be open to the public between 9:15 a.m. and 7:30 p.m. Monday through Friday and between 7:00 a.m. and 4:00 p.m. on Saturday. No Sunday operation shall be permitted. (P)
5. Off-street parking shall be provided for at least two (2) customer vehicle, plus vehicles belonging to the applicant. All driveway and parking areas shall be at least graveled. (P)
6. No additions or alterations to accommodate this use shall be permitted to the exterior of the dwelling except for the entry stairs to the beauty shop as shown in the Lot Layout. (P)
7. No more than two (2) customers shall be permitted on the property at any one (1) time. (P)
8. No signs shall be permitted to identify this use. (P)

CONDITIONS

1. This special exception approval shall be granted to and for Amanda M. Perry, LLC exclusively, and shall not be transferable or run with the land. (P)
2. This special exception shall be granted for a period not to exceed two (2) years from date of approval. (P)
3. No person(s), other than the applicant, shall be engaged in this operation. (P)
4. The use shall be permitted to be open to the public between 10:00 a.m. and 7:30 p.m. Monday through Friday and between 7 a.m. and 4 p.m. on Saturday. No Sunday operation shall be permitted. (P)
5. Off-street parking shall be provided for at least two (2) customer vehicles, plus vehicles belonging to the applicant. All driveway and parking areas shall be at least graveled. (P)
6. No additions or alterations to accommodate this use shall be permitted to the exterior of the dwelling with the exception of the proposed enclosure of the screened porch. (P)
7. No more than two (2) customers shall be permitted on the property at any one (1) time. (P)
8. No signs shall be permitted to identify this use. (P)

AYES: Messrs. Caperton, Daniels, Autry, Janosik, and Chandler.



## Applicant

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## Secretary to the Board of Zoning Appeals

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