April 2, 2003 BZA

REQUEST ANALYSIS
AND
RECOMMENDATION

03AR0227

Edwin Lee Thompson

Clover Hill Magisterial District
2501 Courthouse Road

REQUEST: Renewal of Special Exception 99AN0242 to operate a tree service business from the home.

RECOMMENDATION

Recommend denial of this Special Exception for the following reasons:

A. Special Exception may impair the character of the district.

B. This request is incompatible with the Plan for Chesterfield.

C. This use may reduce or impair the value of buildings or property in surrounding areas.

GENERAL INFORMATION

Location:

Property is known as 2501 Courthouse Road. Tax ID 747-691-4208 (Sheet 10).

Existing Zoning:

A

Size:

.5 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Residential
South - A; Residential
East - R-9; Residential
West - A; Residential

Utilities:

Public water and private septic system

Transportation:

The Virginia Department of Transportation (VDOT) may require a commercial entrance to be constructed on Courthouse Road to serve this use.

General Plan:

(Northern Area Land Use and Transportation Plan) Residential (1.51 to 4.0 units per acre)

DISCUSSION

The applicant requests renewal of Special Exception 99AN0242 to operate a tree service business from the home.

The applicant provides the following information in support of this request:

> I would like to continue a tree work service from my home. No changes to previous Special Exception except the time period. I request a minimum renewal of four (4) years or indefinite period of time.

On April 7, 1999, the Board of Zoning Appeals approved a Special Exception to permit the applicant to operate a tree service business from the home. A copy of the minutes of the April 7, 1999, Board meeting is attached. The original Special Exception was a result of a complaint to the Planning Department about a tree service business being operated from the home.

Staff visited the subject property and observed a residential dwelling with a large gravel parking area. Also, staff noted single family dwellings built on Agricultural (A) zoned lots along Seacliff Lane and Courthouse Road.

Over the past four (4) years, staff has not received any complaints relative to the property owners' business operation. However, the Board of Zoning Appeals placed twelve (12) conditions on Special Exception 99AN0242. One (1) of these conditions has not been met. Condition 12 stated, "the gravel parking area shall be pulled back so as not to be located any closer to the front property line than the dwelling. The applicant shall install landscaping at a density of 1.5 times Perimeter Landscape C in the front and right side of the parking area. A landscape plan shall be submitted to the Planning Department for review and approval within sixty (60) days of approval of this Special Exception (BZA)". Planning Department staff met with the applicant after the Special Exception was approved and advised the applicant what needed to be submitted to comply with this condition. On May 6, 1999, the applicant submitted a landscaping plan to the Planning Department which was not approved. As of this date, a landscaping plan has not been approved.

Staff believes that the proposed use, because of noise, traffic and associated activity, will have an adverse effect on adjacent properties and the area in general. Staff also believes that this request may change the character of the existing neighborhood. Further, staff also believes that this proposed business will encourage increased traffic on Courthouse Road.

The Northern Area Land Use and Transportation Plan designated the property for medium density residential use. Staff believes that this type of use is too intense to be compatible with the residential character of the adjacent properties and it is incompatible with the existing land use plan. A use of this commercial intensity should be located in a commercial district designed to accommodate it. Staff does not feel that the imposition of development conditions will mitigate the negative impacts this use will have on the area. Further, staff is concerned the applicant failed to comply with conditions previously approved by the Board of Zoning Appeals. Therefore, staff cannot support this request.

However, if the Board feels this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. Special Exception shall be granted to and for Edwin Thompson, exclusively. Upon transfer of the land, this Special Exception shall expire.

2. Special Exception shall be granted for a period not to exceed four (4) years from date of approval.

3. Special Exception shall be limited to the tree service business, exclusively, and four (4) employees, other than the applicant, shall be engaged in this operation. Equipment storage shall be limited to parking one (1) service truck, one (1) chipper

truck, one (1) chipper, two (2) trailers, two (2) stump grinders, one (1) log splitter, and one (1) small tractor on a trailer.

4. Hours of operation shall be restricted to between 6:00 a. m. and 8:30 p. m. with no outside activity (log splitting) after 6:00 p. m., Monday through Saturday. No after hours or Sunday operation shall be permitted, except for emergency situations relative to storms or other acts of God. (BZA)

5. No deliveries shall be permitted before 8:00 a. m. and after 6:00 p. m.

6. No new buildings shall be constructed related to this business. No additions or alterations related to this operation shall be permitted to the exterior of the dwelling or accessory buildings. This does not preclude any routine maintenance or cosmetic alteration.

7. No group assembly connected with this operation shall be permitted except for the four (4) employees picking up and returning equipment.

8. All work and operations associated with this business, including storage of materials and equipment, shall be accomplished in the existing dwelling and out buildings.

9. Not more than 1/4 of one (1) floor of the dwelling shall be used for administration.

10. No sign relative to this use shall be permitted.

11. The existing mature vegetation shall be preserved and maintained in the rear yard between the fence and property line, unless removal is approved by the Planning Department. This condition shall not be applicable to the removal of dead or diseased trees. (BZA)

12. The gravel parking area shall be pulled back so as not to be located any closer to the front property line than the dwelling. The applicant shall install landscaping at a density of 1.5 times Perimeter Landscape C in the front and right side of the parking area. A landscape plan shall be submitted to the Planning Department for review and approval within sixty (60) days of approval of this Special Exception. (BZA)

Chesterfield County, Virginia
Board of Zoning Appeals
April 7, 1999

PRESENT:

Mr. Joseph L. Biggs, Chairman
Mr. W. Baxter Perkinson, Sr., Vice-Chairman
Mr. John E. Caperton
Mr. Graham C. Daniels

ABSENT:

Mr. H. Stephen Moore, Jr.

ALSO PRESENT:

Mr. J. Michael Janosik, Secretary to the
Board of Zoning Appeals, Zoning Administrator,
Planning Department
Ms. Donna McClurg, Planner,
Planning Department
Ms. Nell Rigali, Assistant Deputy Clerk,
Planning Department
Mr. David Robinson, Assistant County Attorney,
County Attorney=s Office

At approximately 1:00 p. m., Mr. Biggs, Chairman, called the meeting to order in the Public Meeting Room, Chesterfield County Administration Building.

The invocation was given by Mr. Perkinson.

The Board considered the minutes of the March 3, 1999, Board of Zoning Appeals public hearing.

On motion of Mr. Caperton, seconded by Mr. Daniels, the Board approved the minutes of the March 3, 1999, Board of Zoning Appeals public hearing.

On motion of Mr. Biggs, seconded by Mr. Daniels, the Board resolved to approve the request for a Special Exception to permit the keeping of four (4) dogs in a Residential (R-7) District in Case 99AN0240, subject to the following conditions:

CONDITIONS

1. Special Exception shall be granted to and for Madalyn C. Wells, exclusively, and shall not be transferable nor run with the land.

2. Special Exception shall be granted for a period not to exceed one (1) year from 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.

3. All dogs shall be confined to the existing dwelling. Whenever the animals are allowed outside the dwelling, they shall be on a leash or within a secure fenced area.

4. Should any dogs be given away, sold, or pass away, they shall not be replaced.

5. The applicants shall not breed or board dogs on this property.

AYES: Messrs. Biggs, Perkinson, Caperton, and Daniels.

ABSENT: Mr. Moore.

99AN0242: In Clover Hill Magisterial District, **EDWIN LEE THOMPSON** requested a Special Exception to operate a tree service business from the home and amendment of zoning district map. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.51 to 4.0 units per acre. This property fronts the east line of Courthouse Road approximately fifty (50) feet south of Seacliff Lane and is better known as 2501 Courthouse Road. Tax ID 747-691-part of 4208 (Sheet 14).

Ms. Donna McClurg presented the background information and staff's recommendation for denial of Case 99AN0242 and stated, however, if the Board felt that this case had merit, staff recommended it be subject to the conditions stated in the staff report.

Mr. Thompson, the applicant, came forward to represent this request.

Mr. Leo Rigali, a neighbor, came forward in opposition to the request. He stated that he was opposed to the noise and the increased traffic caused by Mr. Thompson=s business and he also felt that a precedent would be set for other businesses to be approved in that area.

Mr. Biggs stated that like it or not, commercial business would most likely find its way to Courthouse Road in the near future.

Mr. Caperton stated that he had visited Mr. Thompson=s home and found that it was very well maintained. He further stated that Mr. Thompson had been very cooperative and willing to comply with the conditions, as amended.

In response to a question by Mr. Caperton, Mr. Thompson agreed with the conditions as stated in the staff report, as well as the change in Condition 4 and the addition of Conditions 11 and 12.

On motion of Mr. Caperton, seconded by Mr. Daniels, the Board resolved to approve the request for a Special Exception to operate a tree service business from the home in Case 99AN0242, subject to the following conditions:

CONDITIONS

1. Special Exception shall be granted to and for Edwin Thompson, exclusively. Upon transfer of the land, this Special Exception shall expire.

2. Special Exception shall be granted for a period not to exceed four (4) years from date of approval.

3. Special Exception shall be limited to the tree service business, exclusively, and four (4) employees, other than the applicant, shall be engaged in this operation. Equipment storage shall be limited to parking one (1) service truck, one (1) chipper truck, one (1) chipper, two (2) trailers, two (2) stump grinders, one (1) log splitter, and one (1) small tractor on a trailer.

4. Hours of operation shall be restricted to between 6:00 a. m. and 8:30 p. m. with no outside activity (log splitting) after 6 p. m., Monday through Saturday. No after hours or Sunday operation shall be permitted, except for emergency situations relative to storms or other acts of God. (BZA)

5. No deliveries shall be permitted before 8 a. m. and after 6 p. m.

6. No new buildings shall be constructed related to this business. No additions or alterations related to this operation shall be permitted to the exterior of the dwelling or accessory buildings. This does not preclude any routine maintenance

or cosmetic alteration.

7. No group assembly connected with this operation shall be permitted except for the four (4) employees picking up and returning equipment.

8. All work and operations associated with this business, including storage of materials and equipment, shall be accomplished in the existing dwelling and out buildings.

9. Not more than 1/4 of one floor of the dwelling shall be used for administration.

10. No sign relative to this use shall be permitted.

11. The existing mature vegetation shall be preserved and maintained in the rear yard between the fence and property line, unless removal is approved by the Planning Department. This condition shall not be applicable to the removal of dead or diseased trees. (BZA)

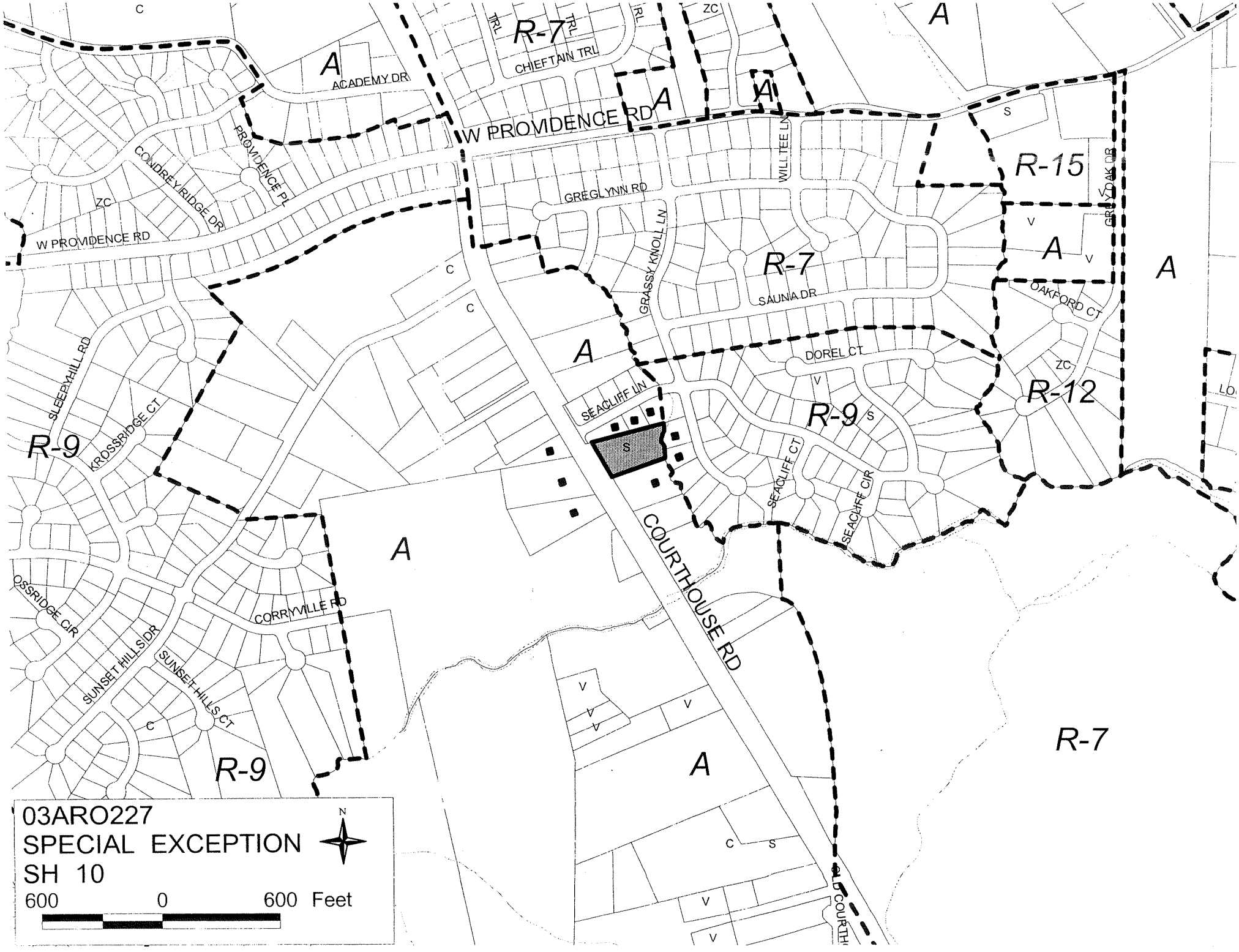
12. The gravel parking area shall be pulled back so as not to be located any closer to the front property line than the dwelling. The applicant shall install landscaping at a density of 1.5 times Perimeter Landscape C in the front and right side of the parking area. A landscape plan shall be submitted to the Planning Department for review and approval within sixty (60) days of approval of this Special Exception. (BZA)

AYES: Messrs. Biggs, Perkinson, Caperton, and Daniels.

ABSENT: Mr. Moore.

99AN0248: In Matoaca Magisterial District, **THE CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested amendments to conditions of Special Exception 82A035 for the American Legion Post #186 and amendment of zoning district map. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.2 units per acre or less. This property fronts the east line of Otterdale Road at Lucks Lane (unimproved) and is better known as 901 Otterdale Road. Tax ID 719-703-5024 (Sheet 6).

Ms. Donna McClurg presented the background information and staff's recommendation for approval of Case 99AN0248, subject to the conditions stated in the staff report. Speifically, the applicant, on behalf of American Legion Post 186, is requesting an amendment to Condition 3 relative to the hours of operation and Condition 6 relative to an additon to the existing building.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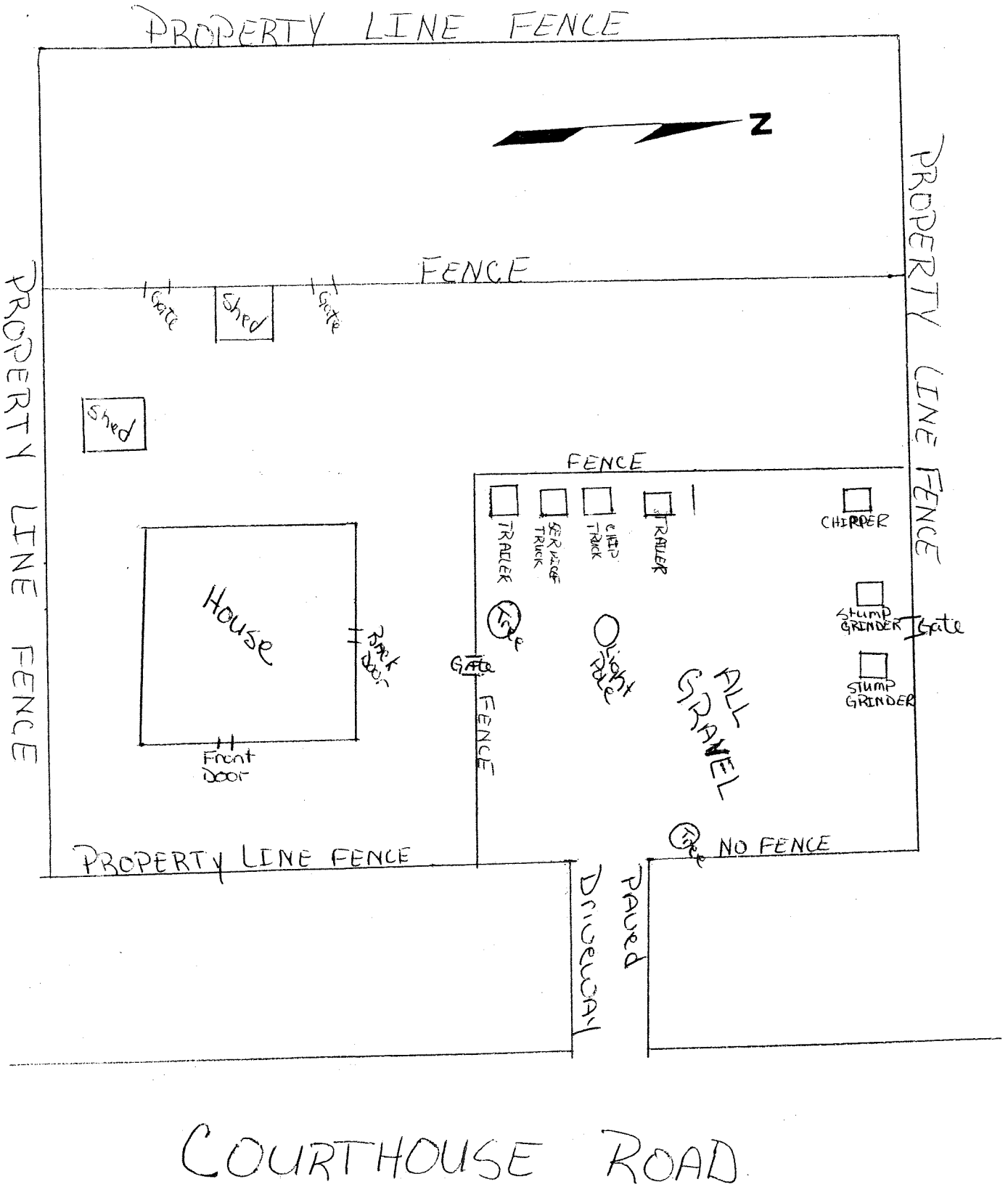
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TRAILER
CHIPPER
House
Back Door
Front Door
Tree
Gate
Light Pole
FENCE
ALL GRAVEL
STUMP GRINDER
Gate
STUMP GRINDER
Tree
NO FENCE
PROPERTY LINE FENCE
Driveway
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COURTHOUSE ROAD