June 4, 2003 BZA

REQUEST ANALYSIS
AND
RECOMMENDATION

03AN0276

Donna Howlett

Bermuda Magisterial District
Vicinity of 623 Enon Church Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

A. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.

B. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards. It appears that this Variance is based principally on financial consideration.

GENERAL INFORMATION

Location:

This request lies on one (1) acre located 657.16 feet south of Enon Church Road, measured from a point approximately 919 feet east of River View Drive in the vicinity of 623 Enon Church Road. Tax ID 819-642-Part of 0763 (Sheet 35).

Existing Zoning:

A

Size:

One acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential and vacant
South - Appomattox River
East - A; Residential and vacant
West - A; Residential and vacant

Utilities:

Public water and private septic system

Transportation:

This request requires the dedication and construction of a public road.

General Plan:

(Consolidated Eastern Area Plan) Residential (1.5 units per acre or less)

DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The access to the dwelling will be over a private easement from Point A to Point B, as shown on the attached map.

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

> This is a one (1) acre family division. The newly created parcel is less than ninety (90) feet from an existing road.

Staff visited the property and observed that the subject property is unimproved. Staff also observed a ten (10) to twelve (12) foot dirt/gravel road that the applicant has indicated will be used to ingress and egress the property. There are several other dwellings which use this dirt/gravel road as their ingress and egress.

The Board of Zoning Appeals hears requests for no public road frontage when the subject property was recorded prior to 1980 and/or is being subdivided and sold or given to a member of the property owner's immediate family. In this case, the property is being sold or given to a member of the property owner's immediate family.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects.

If the Board feels this request has merit, staff recommends that the entire roadway be fifteen (15) feet wide per attached Conditions 2 and 3 because of the Fire Department's request and the potential for two (2) way traffic.

Regulations, such as public road frontage, were established with reasonable consideration of the character of the County with a view toward conserving the value of building upon the land and providing the best possible environment for human habitation. Sporadic development, such as this, may hinder future development potential in this area. Subdivision development may be limited on adjacent parcels. Further, this Variance, if granted, will continue development in this area that will be lacking the necessary infrastructure to ensure the public health, safety and welfare.

Parcels that comply with the road frontage requirement of the Zoning Ordinance and are therefore, in the State system, enjoy State maintenance. The burden of maintaining a State road does not rest on an individual property owner. Public funds are used to build and maintain State roads. By granting this Variance the responsibility of constructing and maintaining the access road becomes the applicant's. Staff believes that the access road may not be maintained to the same standards as the public roads. Public funds provide the Virginia Department of Transportation with the resources to efficiently and effectively maintain the public roads. Staff believes that individual maintenance of the access road is impractical to provide for public and private vehicle access.

Additionally, staff believes that the access road may not be maintained with the regularity of a public road. Therefore, staff cannot support this request.

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

CONDITIONS

1. When the applicant applies for a building permit, the applicant shall provide a copy of a recorded instrument which will include the following:

    a) A thirty (30) foot wide private access easement from Point A to Point B as shown on the plat attached to the staff report. The instrument shall require that no structure or fence shall be constructed to block the easement and shall

require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below, or

b) If the access involves the use of a dedicated and unimproved County right of way, the applicant shall provide a copy of the approved license agreement with the County.

2. Within the thirty (30) foot wide private access easement or right of way, a fifteen (15) foot wide roadway shall be constructed and maintained. Prior to issuing a Certificate of Occupancy, the Planning Department and if required, the Fire Department, shall inspect this roadway to determine its compliance with the following standards:

a) The roadway shall consist of not less than the following: compacted soil subbase 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. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.

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, unless otherwise approved by the Fire Department.

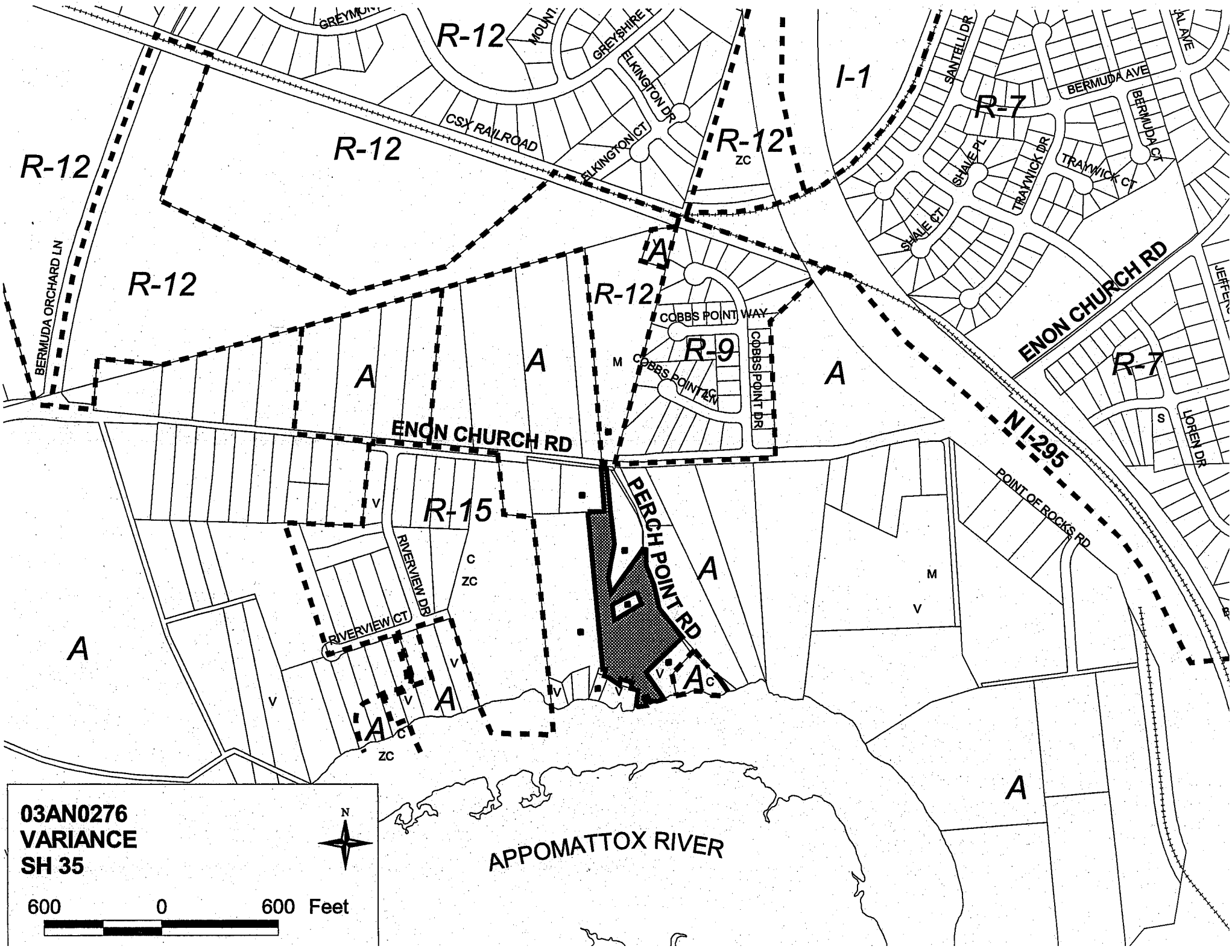
e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.

f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.

3. The County shall not issue a Certificate of Occupancy for any structure which is located on a roadway not meeting Condition 2 a-f.

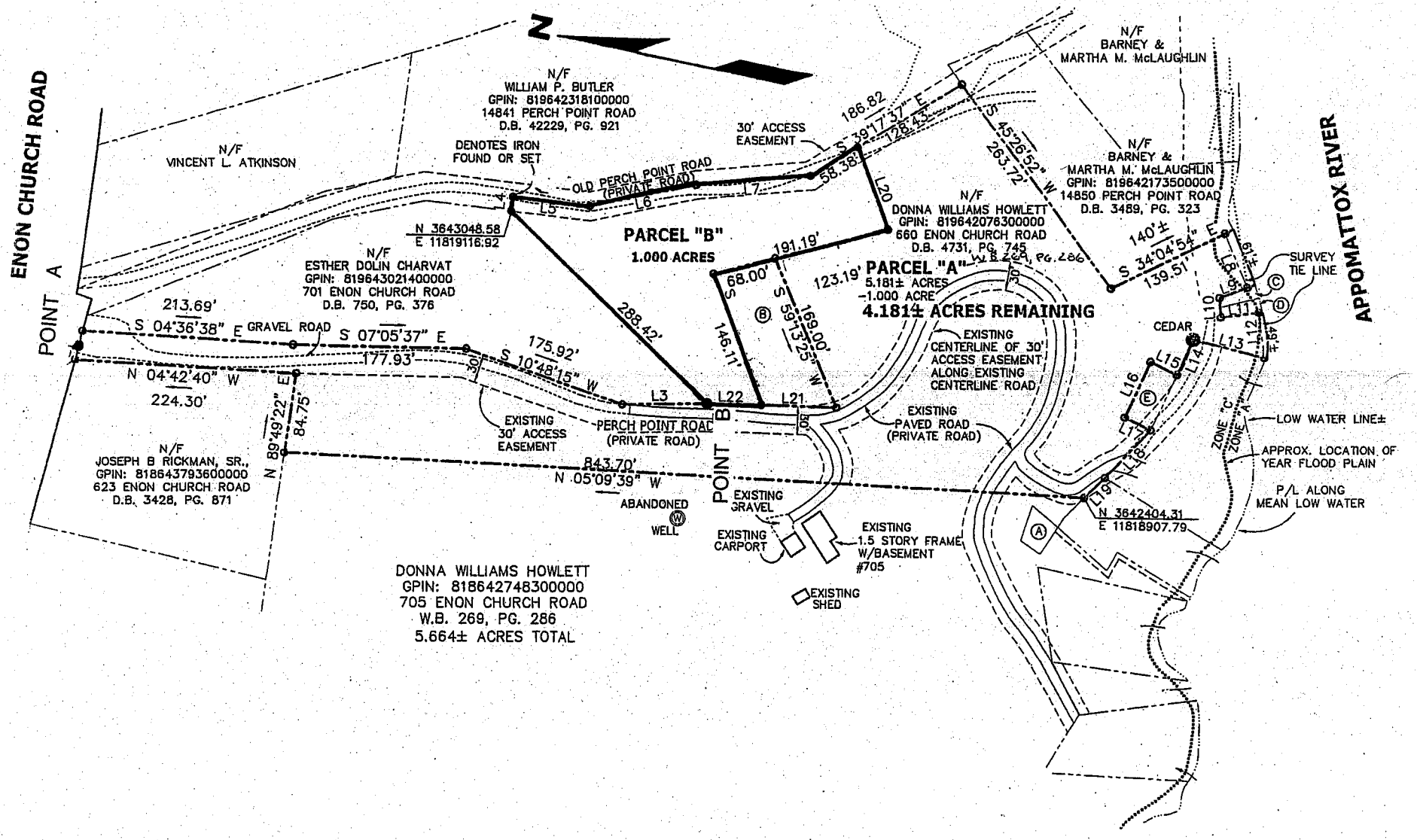
4. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.

5. The applicant shall not further subdivide this property, including any family subdivisions, unless public road frontage is provided.



03AN0276
VARIANCE
SH 35
600 0 600 Feet
N
APPOMATTOX RIVER
ENON CHURCH RD
PERCH POINT RD
N I-295
POINT OF ROCKS RD
BERMUDA ORCHARD LN
CSX RAILROAD
ELKINGTON DR
ELKINGTON CT
GREYSHIRE
SANTELL DR
BERMUDA AVE
BERMUDA CT
SHALE PL
SHALE CT
TRAYWICK DR
TRAYWICK CT
COBBS POINT WAY
COBBS POINT LN
COBBS POINT DR
RIVERVIEW DR
RIVERVIEW CT
LOREN DR
R-12
R-7
R-9
R-15
I-1
A
M
C
ZC
V
S

03AN0276-1


ENON CHURCH ROAD
POINT A
N/F
VINCENT L. ATKINSON
N/F
WILLIAM P. BUTLER
GPIN: 819642318100000
14841 PERCH POINT ROAD
D.B. 42229, PG. 921
DENOTES IRON FOUND OR SET
OLD PERCH POINT ROAD (PRIVATE ROAD)
30' ACCESS EASEMENT
N 3643048.58
E 11819116.92
PARCEL "B"
1.000 ACRES
N/F
ESTHER DOLIN CHARVAT
GPIN: 819643021400000
701 ENON CHURCH ROAD
D.B. 750, PG. 376
213.69'
S 04°36'38" E
GRAVEL ROAD
S 07°05'37" E
177.93'
N 04°42'40" W
224.30'
175.92'
S 10°48'15" W
N 89°49'22" E
84.75'
EXISTING 30' ACCESS EASEMENT
PERCH POINT ROAD (PRIVATE ROAD)
N/F
JOSEPH B RICKMAN, SR.,
GPIN: 818643793600000
623 ENON CHURCH ROAD
D.B. 3428, PG. 871
843.70'
N 05°09'39" W
ABANDONED WELL
POINT B
EXISTING GRAVEL
EXISTING CARPORT
EXISTING 1.5 STORY FRAME W/BASEMENT #705
EXISTING SHED
DONNA WILLIAMS HOWLETT
GPIN: 818642748300000
705 ENON CHURCH ROAD
W.B. 269, PG. 286
5.664± ACRES TOTAL
288.42'
146.11'
68.00'
191.19'
S 59°13'25" W
169.00'
123.19'
186.82
S 39°17'37" E
128.43'
58.38'
S 45°26'52" W
263.72'
N/F
DONNA WILLIAMS HOWLETT
GPIN: 819642076300000
660 ENON CHURCH ROAD
D.B. 4731, PG. 745
W.B. 269, PG. 286
PARCEL "A"
5.181± ACRES
-1.000 ACRE
4.181± ACRES REMAINING
EXISTING CENTERLINE OF 30' ACCESS EASEMENT ALONG EXISTING CENTERLINE ROAD
EXISTING PAVED ROAD (PRIVATE ROAD)
N/F
BARNEY & MARTHA M. McLAUGHLIN
N/F
BARNEY & MARTHA M. McLAUGHLIN
GPIN: 819642173500000
14850 PERCH POINT ROAD
D.B. 3489, PG. 323
140'±
S 34°04'54" E
139.51'
SURVEY TIE LINE
CEDAR
ZONE "C"
ZONE "A"
LOW WATER LINE±
APPROX. LOCATION OF YEAR FLOOD PLAIN
P/L ALONG MEAN LOW WATER
N 3642404.31
E 11818907.79
APPOMATTOX RIVER