July 7, 2004 BZA

REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0305

Eddie Mayfield, Jr.

Matoaca Magisterial District
11971 River Road

REQUESTS: I. An 11.46 foot Variance to the 100 foot lot width requirement.

II. A seven (7) foot Variance to the fifteen (15) foot left side yard setback requirement for a proposed dwelling.

III. A seven (7) foot Variance to the fifteen (15) foot right side yard setback requirement for a proposed dwelling.

IV. A sixty-two (62) foot Variance to the 100 foot front yard setback requirement for a proposed dwelling.

RECOMMENDATION

Recommend approval of Variance I for the following reasons:

A. Variance will not impair the character of this residential area.

B. Variance will not reduce or impair the value of the buildings or property in the surrounding area.

Recommend denial of Variances II, III and IV for the following reasons:

A. As required by the Zoning Ordinance, there are no conditions upon which the requests are based that are unique to the property and are not generally applicable to other properties in the area.

B. Variances are not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

Property is known as 11971 River Road. Tax ID 743-633-9648 (Sheet 39).

Existing Zoning:

A

Size:

1 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential
South - A; Residential
East - A; Residential
West - A; Vacant

Transportation:

The Thoroughfare Plan identifies River Road as a major arterial with a recommended right of way width of ninety (90) feet. Setback from River Road should be measured from a location forty-five (45) feet from centerline of the road.

Utilities:

Private well and septic system

General Plan:

(Southern and Western Area Plan) Rural Conservation use

DISCUSSION

The applicant is proposing to replace a home destroyed by fire with a modular double wide home. The applicant has indicated the property is 88.54 feet wide; whereas the Zoning Ordinance requires a 100 foot lot width. The applicant has also indicated the double wide will be located eight (8) feet from the left and right side property lines. The Zoning Ordinance requires a fifteen (15) foot side

yard setback, therefore, the applicant requests a seven (7) foot Variance for the left and right side yard setbacks. The applicant also indicates the double wide will be located thirty-eight (38) feet from the front yard property line. The Zoning Ordinance requires a 100 foot front yard setback, therefore, the applicant requests a sixty-two (62) foot Variance (see attached site plan).

The applicant provides the following justification in support of these requests:

> I would like to replace a home destroyed by fire, with a modular double wide home. The property was purchased in 1977 and was 88.54 feet in width, not the required 100 foot. I want to put the home where my destroyed home was with an existing well and septic system.

VARIANCE I

Staff's field visit revealed a vacant lot where a dwelling had been located before a fire destroyed it. This lot was purchased in 1977 with a 88.54 foot width. The Zoning Ordinance at that time required a 100 foot lot width.

Staff has reviewed the attached site plan and application. Staff believes that this request will not reduce or impair the value of the dwellings or property in the area. Staff also encourages aesthetic improvements of existing older dwellings. Staff believes the site will be enhanced by the placement of a modular double wide home. Therefore, staff recommends approval of this request.

VARIANCES II, III and IV

The applicant has indicated the modular double wide home will be eight (8) feet from the left and right side property line and thirty-eight (38) feet from the front property line.

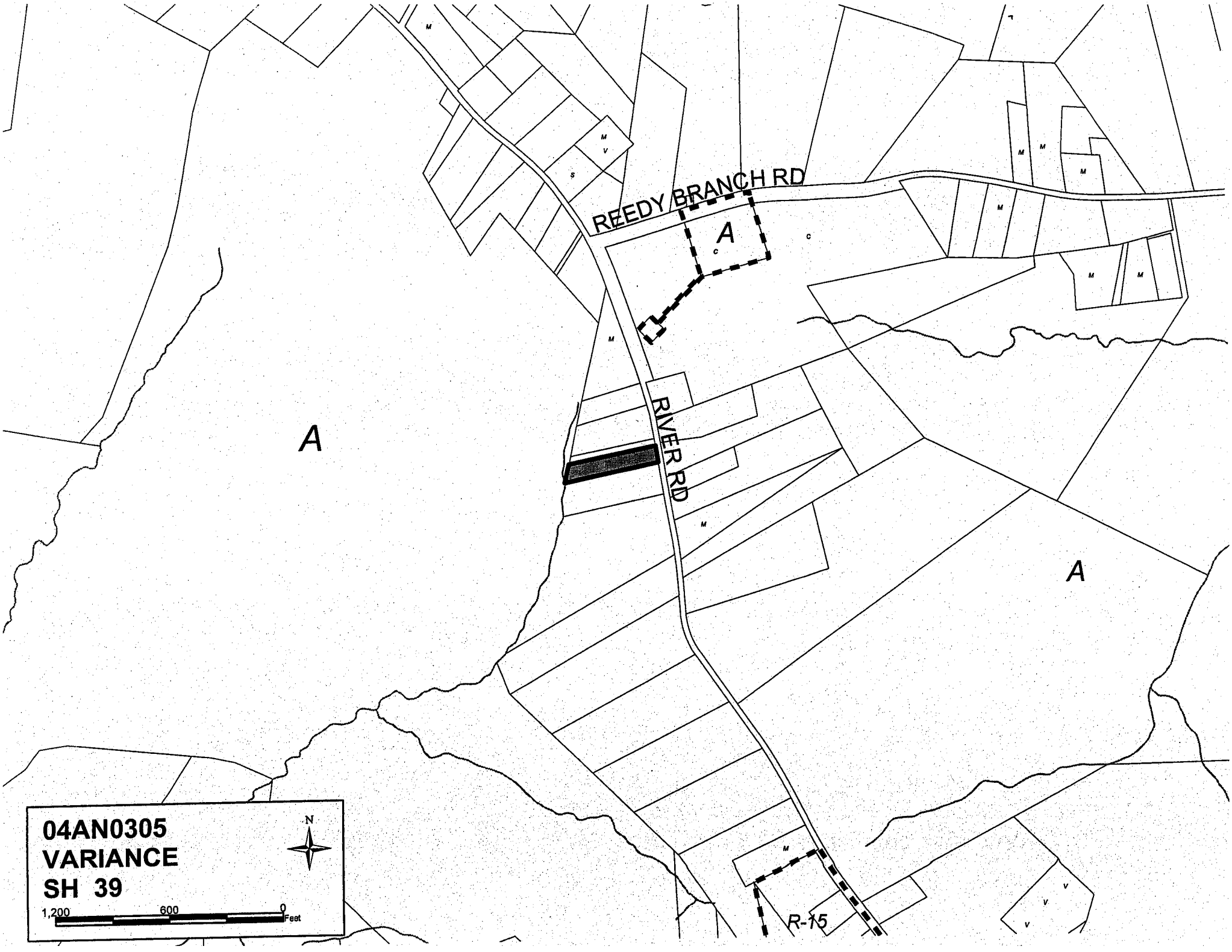
Staff has reviewed the attached site plan and the applicant's proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21 (b)) has not been met. In addition, it is staff's opinion that an alternative exists to the request. Staff believes a smaller modular double wide could be used or located on the property in a way that would meet setbacks and eliminate the need for these requests.

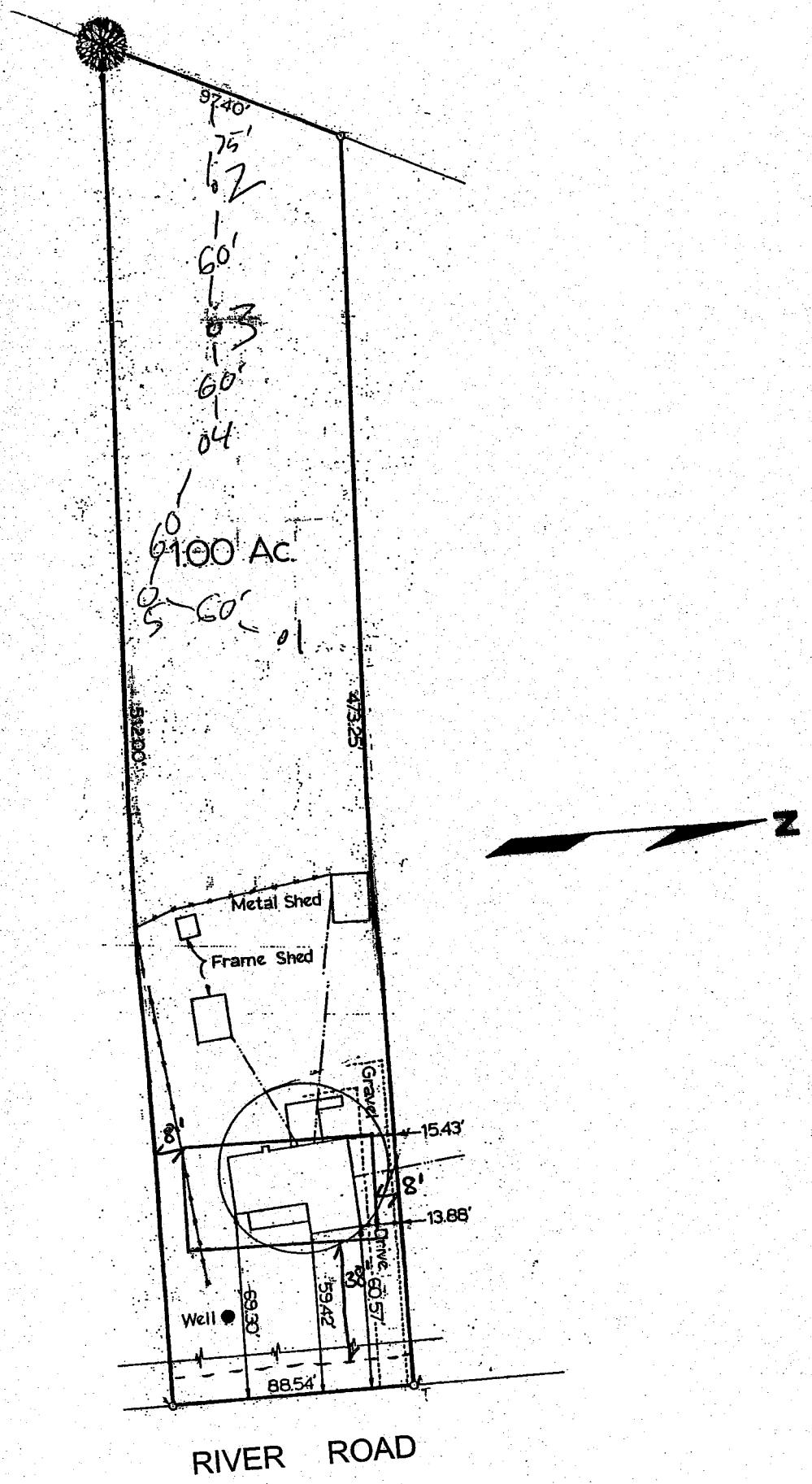
Because an alternative exists and the applicant has not provided evidence of extraordinary conditions, staff does not support these requests.

Should the Board of Zoning Appeals approve these requests, it should be applicable to this modular double wide home only. Other structures could be constructed to this reduced setback. Therefore, staff recommends if these requests are approved, they be subject to the following condition:

CONDITION

> Variances II, III, and IV shall be for the proposed modular double wide home as depicted on the plat attached to staff's report.


REEDY BRANCH RD
RIVER RD
A
A
A
R-15
04AN0305
VARIANCE
SH 39
N
1,200
600
0
Feet


9740'
75'
02
60'
03
60'
04
60
01.00 Ac.
05
60'
01
512.00'
473.25'
N
Metal Shed
Frame Shed
Gravel
8'
15.43'
8'
13.88'
Drive
60.57'
38
59.42'
69.30'
Well
88.54'
RIVER ROAD

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