August 4, 2004 BZA

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0316

Liza M. Wayne

Bermuda Magisterial District
Vicinity of 3301 Howlett Road

REQUEST: A Variance to use a parcel of land which fronts on a dedicated but unimproved public road for dwelling purposes in a Residential (R-15) District.

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 .5 acre located 301.78 feet southeast of Howlett Road, measured from a point approximately 453 feet northeast of Ransom Hills Road in the vicinity of 3301 Howlett Road. Tax ID 790-667-0715 (Sheet 18).

Existing Zoning:

R-15

Size:

0.5 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential
South - R-12; Residential
East - A; Residential and vacant
West - R-15; Residential

Utilities:

Private well and septic system

Transportation:

In order to utilize County rights of way, a license agreement must be obtained from the Board of Supervisors. The license agreement usually requires the applicant to maintain the access road within the right of way. In similar situations throughout the County, residents often request the County to perform maintenance on the right of way even though a private maintenance agreement exists. The County has no funds budgeted for this service.

General Plan:

(Jefferson Davis Highway Corridor) Residential (2.51 – 4.0 units per acre)

DISCUSSION

The applicant requests a Variance to use a parcel of land which fronts along a dedicated, but unimproved, public road for dwelling purposes. The access to the dwelling will be over a fifty (50) foot dedicated road, from Point A to Point B, as shown on the attached map.

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

> I would like to build a single family dwelling. The County has not developed road access to this property, even though a road is shown on the plat. See the attached letter from Virginia Department of Transportation stating they will not develop or maintain the road.

The request lies on .5 acre located 301.78 feet southeast of Howlett Road, measured from a point approximately 453 feet northeast of Ransom Hills Road.

Staff visited the property and observed that the subject property and access to the property is unimproved.

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

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 roadway be fifteen (15) feet wide per attached Conditions 2 and 3 because of the Fire Department's request and because of the potential for two (2) way traffic.

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 applicants. 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:

<u>CONDITIONS</u>

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 fifty (50) 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 fifty (50) 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 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.

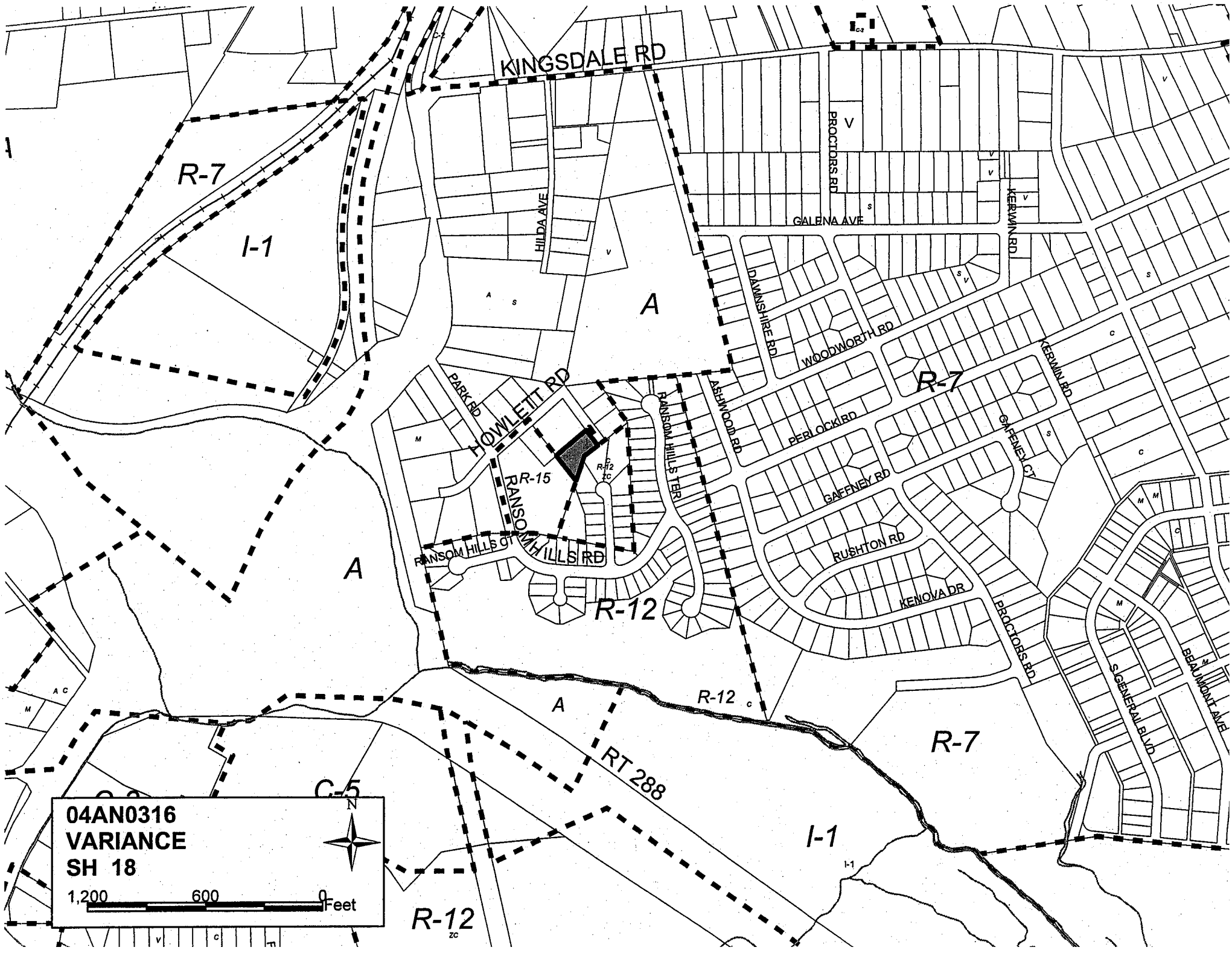
e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.

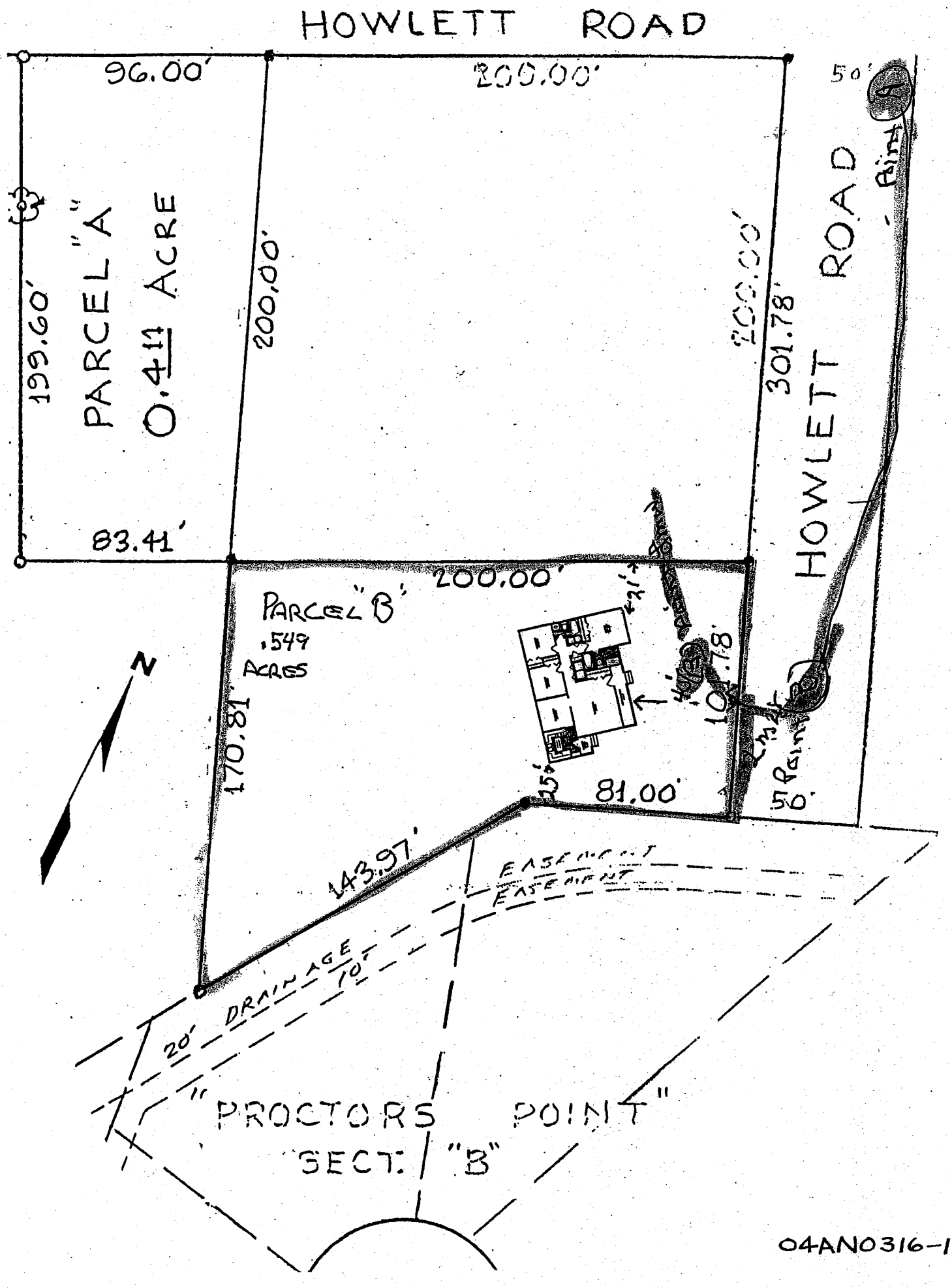
f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.

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 subject property shall not be further subdivided including any family subdivision, unless public road frontage is provided.


04AN0316
VARIANCE
SH 18
1,200
600
0
Feet
N
KINGSDALE RD
PROCTORS RD
GALENA AVE
KERWIN RD
HILDA AVE
DAWNSHIRE RD
WOODWORTH RD
ASHWOOD RD
PERLOCK RD
GAFFNEY CT
GAFFNEY RD
RUSHTON RD
KENOVA DR
HOWLETT RD
PARK RD
RANSOM HILLS TER
RANSOM HILLS CT
RANSOM HILLS RD
S GENERAL BLVD
BEAUMONT AVE
RT 288
R-7
I-1
A
R-15
R-12
C-5


HOWLETT ROAD
96.00'
200.00'
50'
PARCEL "A"
0.411 ACRE
199.60'
200.00'
200.00'
301.78'
HOWLETT ROAD
83.41'
200.00'
PARCEL "B"
.549 ACRES
N
170.81'
81.00'
143.97'
EASEMENT
EASEMENT
DRAINAGE
20'
10'
"PROCTORS POINT"
SECT. "B"

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