Hanover County, Virginia

Land Use Map

Legend

- Agricultural
- Rural Village
- Suburban Transitional
- Suburban General
- Suburban High
- Multi-Family
- Commercial
- Multi-Use
- Mixed-Use (LC/HR)
- Mixed-Use (HC/LR)
- Business-Industrial
- Industrial
- Limited Industrial
- Planned Business
- Destination Commerce
- Flood Plain

C-18-14

Dana A. and Thomas E. Preble

Rezone A-1 to AR-6 (family lot)

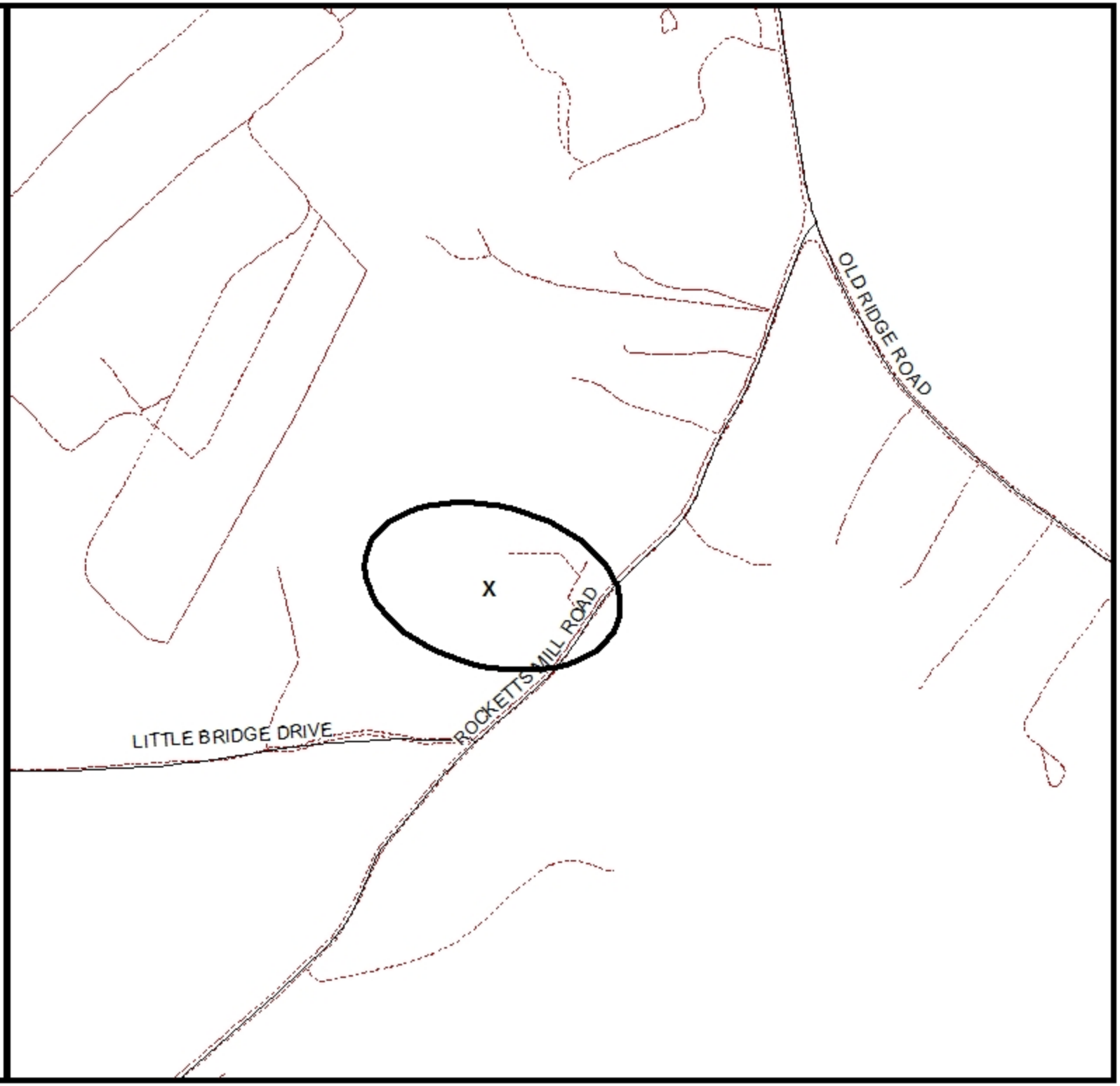
Agricultural Land Use

GPIN: 7863-14-3339

Beaverdam Magisterial District

1 inch = 500 feet

September 29, 2014



Hanover County, Virginia

General Parcel Map

Legend

- Roads
- Water
- Trees
- Private Road
- Structures
- Parcels

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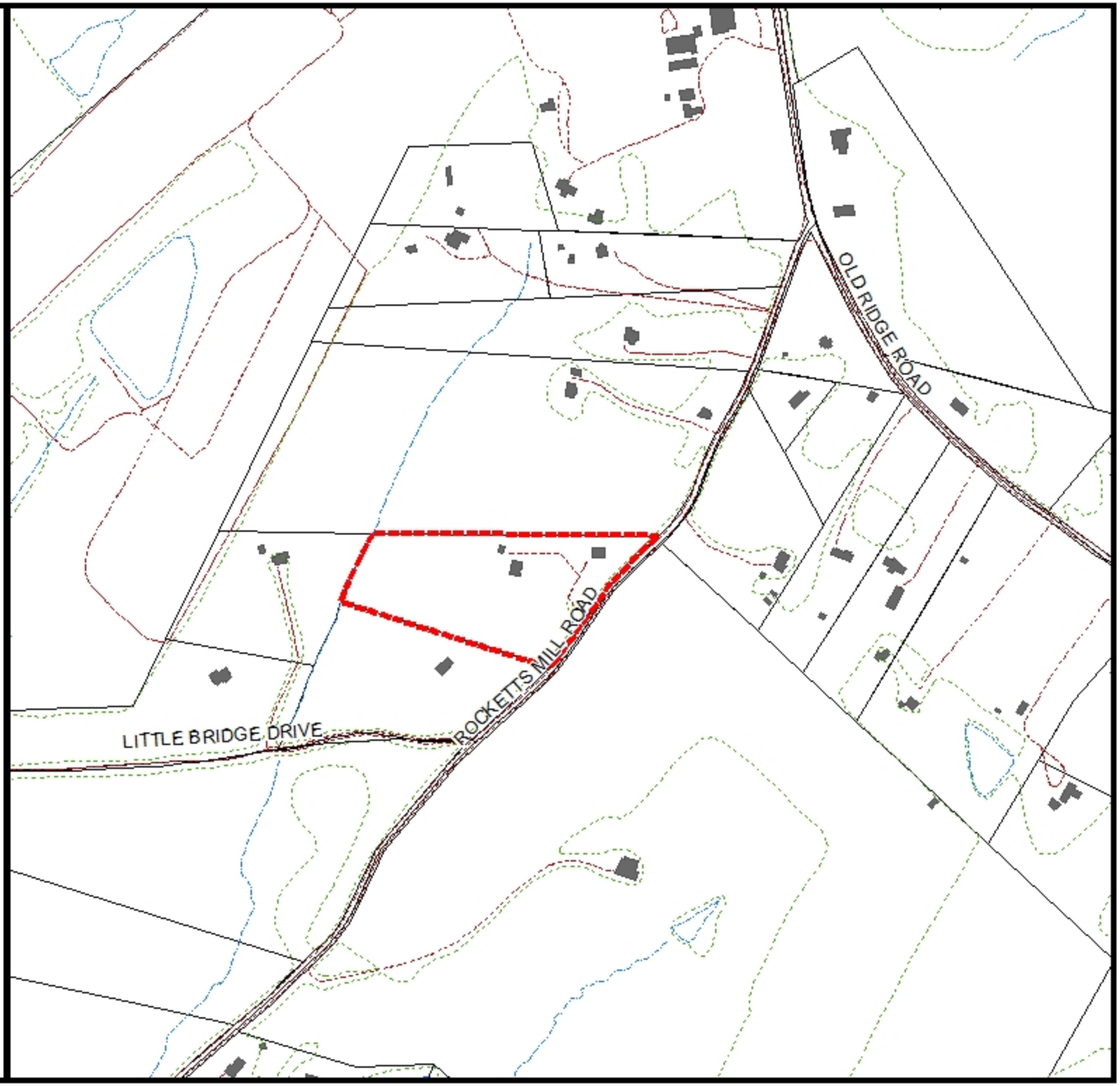
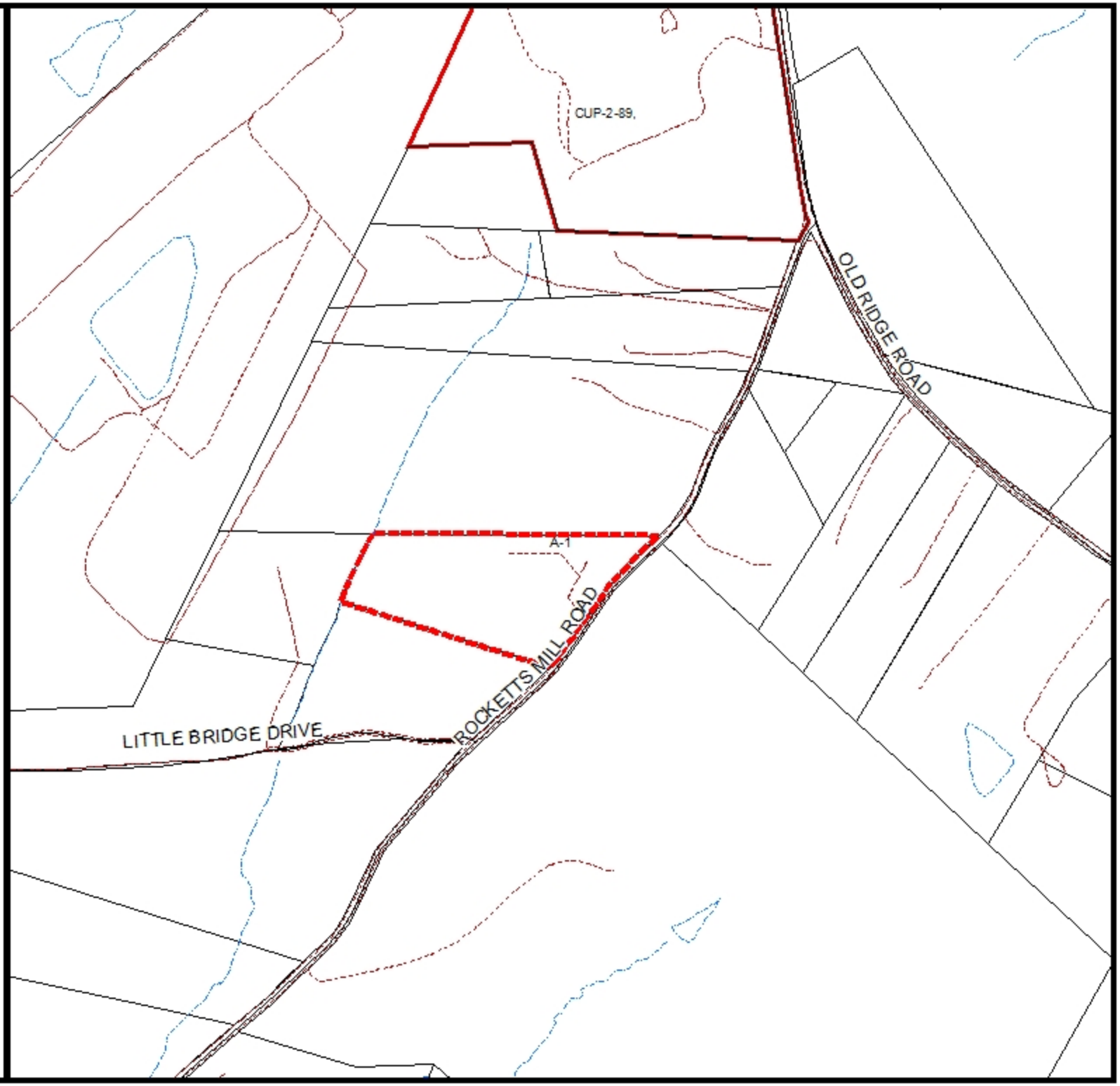


Hanover County, Virginia

Zoning Map

Legend

Roads	R-4
Water	R-5
Private Road	R-6
Parcels	RM
CUP	MX
A-1	B-1
AR-1	B-2
AR-2	B-3
AR-6	O-S
RC	B-O
RS	M-1
R-1	M-2
R-2	M-3
R-3	



C-18-14

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1 inch = 500 feet

September 29, 2014

C-18-14 Dana A. and Thomas E. Preble

2013 Aerial

C-18-14(c), DANA A. AND THOMAS E. PREBLE

Residential Rezoning Report
Beaverdam Magisterial District
Board Meeting Date: May 27, 2015

Overview

Current Zoning	A-1, Agricultural District
Requested Zoning	AR-6(c), Agricultural Residential District with conditions
Requested Density	One (1) dwelling unit per 4.45 acres
Acreage	8.9 acres
Location	On the west line of Rocketts Mill Road (State Route 685) approximately 425 feet north of its intersection with Little Bridge Drive (private road)
GPINs	7863-14-3339
General Land Use Plan	Agricultural
Major Thoroughfare Plan	Rocketts Mill Road – Scenic Road
Suburban Service Area	Outside
Case Planner	Gretchen Biernot

Executive Summary

In February 2014, the subject property was found to be in violation of the Zoning Ordinance for having two dwellings on one lot. Approval of this rezoning application would bring the property into compliance since there would be a parcel created for each dwelling.

Recommendations

Staff

APPROVAL subject to the submitted proffers, dated March 24, 2015, and conceptual plan, dated February 12, 2015.

Planning Commission

APPROVAL subject to the submitted proffers, dated March 24, 2015, and conceptual plan, dated February 12, 2015.

Planning Analysis

According to records of the Building Inspections Office, the previous owners of the subject property constructed a guest house on the property in 1996, which received a final inspection but not a Certificate of Occupancy. In February 2014, the Planning Department received a complaint regarding the property having multiple dwellings on one lot. Upon inspection of the property, it was discovered that the structure in the front of the property included a kitchen. The Zoning Ordinance does not permit the installation of a kitchen in a guest house. Therefore, this second structure has been determined to be a second dwelling on the property, which is a zoning violation. To bring this property into compliance, the applicant has submitted this request to rezone to AR-6(c) to allow a division of the property so that the second dwelling can remain.

The conceptual plan shows the 8.9 acre parcel to be divided into two lots, 6.8 acres and 2.1 acres in size. Each lot meets the 250' lot width requirement on Rockets Mill Road, which will allow each lot to have individual driveway entrances instead of a shared driveway. Currently, both houses share a driveway. The applicants have indicated their intent to convey the front lot to a family member. Should this rezoning application be approved, the applicant must submit a family division application for review and approval that is in substantial conformity with the proffered conceptual plan. The applicants must also apply for a Certificate of Occupancy following the approval of the family division to bring the property into compliance with Building Inspections requirements.

This application for AR-6 zoning for one additional lot is consistent with the Agricultural land use designation in the Comprehensive Plan. While the immediate vicinity is characterized by parcels much larger than two acres, one additional lot should have little impact to the existing character of the area. Should this rezoning application be denied, the alternatives for the applicants would be to remove the house from the property or convert it to a guest house by removing the kitchen. A guest house also cannot have a separate utility meter and cannot be occupied for more than 90 days in one calendar year.

Prior to the March Planning Commission meeting, the applicant indicated to staff that while the new lot would be conveyed to a family member, that family member would not reside on the property in the immediate future. Currently, the second house is rented, and the applicant is uncertain of how long the renters would reside on the property. Because of staff concerns about whether this case qualified for a family division, the Planning Commission deferred the case to the April meeting to allow staff to further discuss the issue with the applicant. Due to the circumstances pertaining to this case, the applicant has not included proffer language stipulating residency of the family member to whom the lot will be conveyed but has proffered a contribution for road improvements. Since the road contribution proffer is in accordance with the standard proffer policy for rezoning cases that create additional lots, staff recommends approval subject to the proffers submitted.

Agency Analysis

There were no substantive comments from any of the reviewing agencies.

Proffers

Staff recommends approval of the following proffers, dated March 24, 2015:

1. Conceptual Plan. This proffer requires that the property be divided in substantial conformity with the conceptual plan.

2. Family Division. The applicant has proffered to convey the new lot to a family member, who must then hold title to the property for five years following approval of this rezoning.

3. Submittal and Approval of Family Division Application. The applicant has proffered a timeline for submitting and obtaining approval of a family division application.

4. Certificate of Occupancy. A timeline for requesting and obtaining a Certificate of Occupancy from Building Inspections has also been proffered.

5. Reservation of Right-of-way. The applicant has proffered to reserve right-of-way along Rocketts Mill Road for future road widening.

6. Contribution for Road Improvements. The applicant agreed to the road cash proffer, which shall be paid prior to issuance of a Certificate of Occupancy.

Planning Commission Recommendation

At their meeting of April 16, 2016, the Hanover County Planning Commission, on a motion by Mrs. Iverson, seconded by Mr. Bailey, voted to recommend **APPROVAL** of the request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions on GPIN 7863-14-3339, consisting of approximately 8.9 acres, subject to the submitted proffers and conceptual plan.

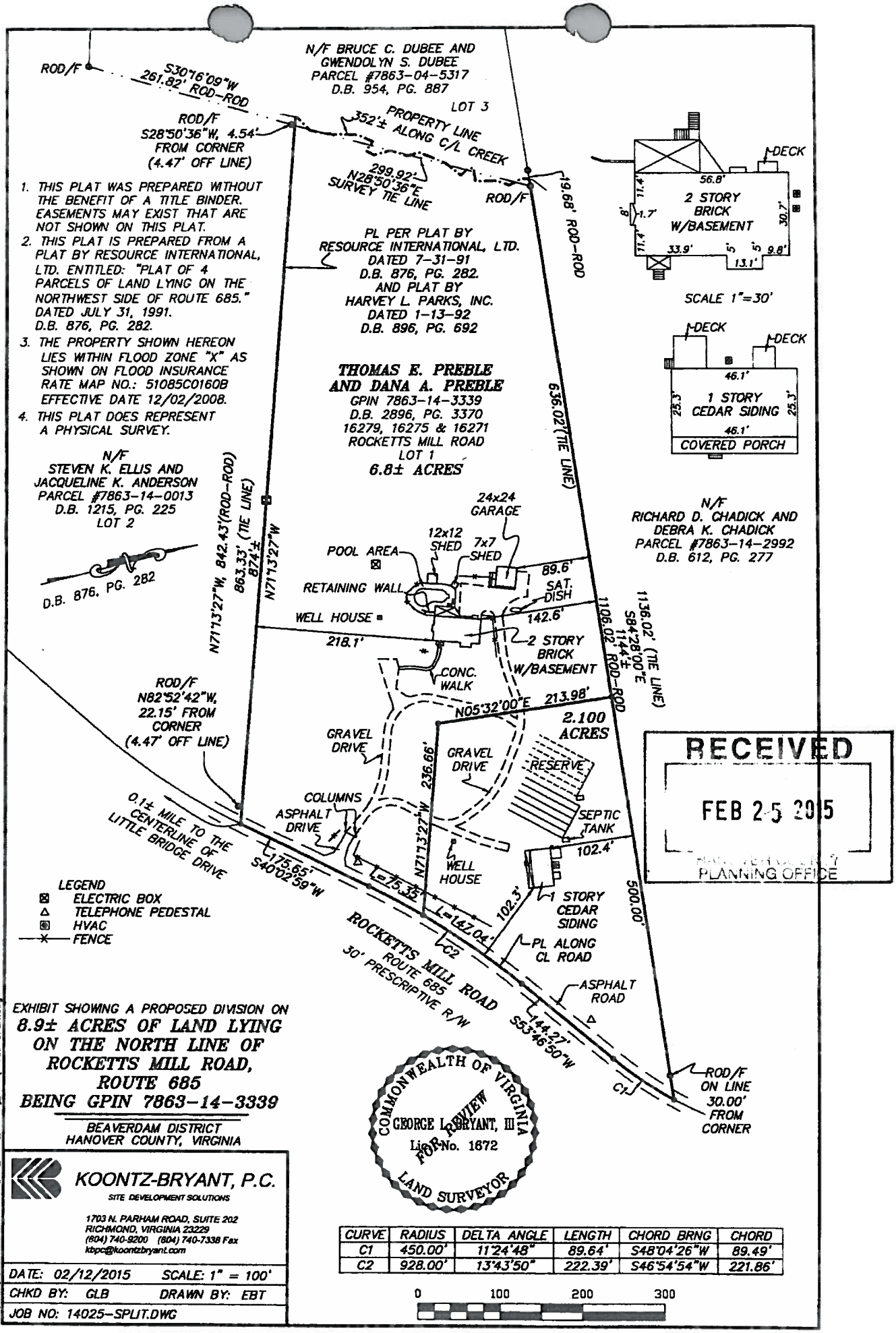
GJWB/sm/HTE

Attachments

- ☑ Maps (land use, vicinity, zoning, aerial)
- ☐ Historical Commission Recommendation
- ☐ County Traffic Study – Exec. Summary
- ☑ Application Materials
- ☐ 527 Traffic Study – Exec. Summary
- ☐ Citizen Correspondence
- ☐ Photographs
- ☑ Proffers/Elevations/Conceptual Plan
- ☑ Ordinance

Available Upon Request

- ☑ Agency Review Comments
- ☐ County Traffic Study – Full Copy
- ☐ Application – Full Copy
- ☐ 527 Traffic Study – Full Copy



RECEIVED
FEB 25 2015
PLANNING OFFICE

EXHIBIT SHOWING A PROPOSED DIVISION ON
8.9± ACRES OF LAND LYING ON THE NORTH LINE OF ROCKETTS MILL ROAD, ROUTE 685 BEING GPIN 7863-14-3339

BEAVERDAM DISTRICT
HANOVER COUNTY, VIRGINIA

CURVE	RADIUS	DELTA ANGLE	LENGTH	CHORD BRNG	CHORD
C1	450.00'	11°24'48"	89.64'	S48°04'26"W	89.49'
C2	928.00'	13°43'50"	222.39'	S46°54'54"W	221.86'

KOONTZ-BRYANT, P.C.
SITE DEVELOPMENT SOLUTIONS
1703 N. PARHAM ROAD, SUITE 202
RICHMOND, VIRGINIA 23229
(804) 740-9200 (804) 740-7338 Fax
kbpc@koontzbryant.com

DATE: 02/12/2015	SCALE: 1" = 100'
CHKD BY: GLB	DRAWN BY: EBT
JOB NO: 14025-SPLIT.DWG	

K:\Survey\14025-001_Rocketts_Mill_Road_Lot-1_DWG\14025-SPLIT.dwg

ORDINANCE C-18-14(c)

OWNER OF RECORD: DANA AND THOMAS PREBLE

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of **APPROVAL** of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 27th day of May, 2015, and advertised in the ***Hanover Herald-Progress*** once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPIN 7863-14-3339, consisting of 8.9± acres located on the west line of Rocketts Mill Road (State Route 685) approximately 425 feet north of its intersection with Little Bridge Drive (private road), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on March 24, 2015, and accepted by the Board:

1. Conceptual Plan. The Property shall be divided in substantial conformity with the conceptual plan, titled "Exhibit Showing a Proposed Division on 8.9± acres of Land Lying on the North Line of Rockets Mill Road, Route 685, Being GPIN 7863-14-3339," dated February 12, 2015, revised _____, and prepared by Koontz-Bryant, P.C.

2. Family Division. The Property shall only be divided for family, in accordance with Chapter 25, Division 5 of the Hanover County Code. Title to the newly created lot shall be held by the family member to whom the property was sold or given for at least five (5) years following approval of rezoning, unless the lot is the subject of an involuntary transfer caused by foreclosure, death, judicial sale, condemnation, or bankruptcy.

3. Submittal and Approval of Family Division Application. The Property Owner shall submit a complete application for a Family Division within thirty (30) days of rezoning approval. Final approval from the Planning Department shall be obtained within thirty (30) days of submittal.

4. Certificate of Occupancy. Within thirty (30) days of approval of the Family Division, the Property Owner shall request a Certificate of Occupancy from the Building Inspections Department. A Certificate of Occupancy must be obtained within sixty (60) days of submittal.

5. Reservation of Right-of-Way. The Owner agrees to reserve twenty-five (25) feet of right-of-way from the centerline of Rocketts Mill Road (State Route 685) to the property for the future road widening.

6. Contribution for Road Improvements. The Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Three Hundred Six and 00/100 ($2,306.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event the funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

On motion of _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance C-18-14(c), Dana and Thomas Preble, as follows:

Vote:

Wayne T. Hazzard
Aubrey M. Stanley
Sean M. Davis
Angela Kelly-Wiecek
W. Canova Peterson, IV
G. E. Via, III
Elton J. Wade, Sr.

Public Hearings:

Planning Commission April 16, 2015

Board of Supervisors May 27, 2015

Adopted May 27, 2015

This is to certify that the above is a true copy of C-18-14(c), adopted by the Hanover County Board of Supervisors on _____.

Dated: _____

_____
Cecil R. Harris, Jr.
County Administrator / Clerk
Hanover County Board of Supervisors

GJWB/sm/hte