

**Hanover County,  
Virginia**

**General Parcel Map**

**Legend**

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

**C-15-00(c), Am. 1-13**

Ann B. and James S. Davis, Jr., et al.

cash proffer amendment

Zoned RC

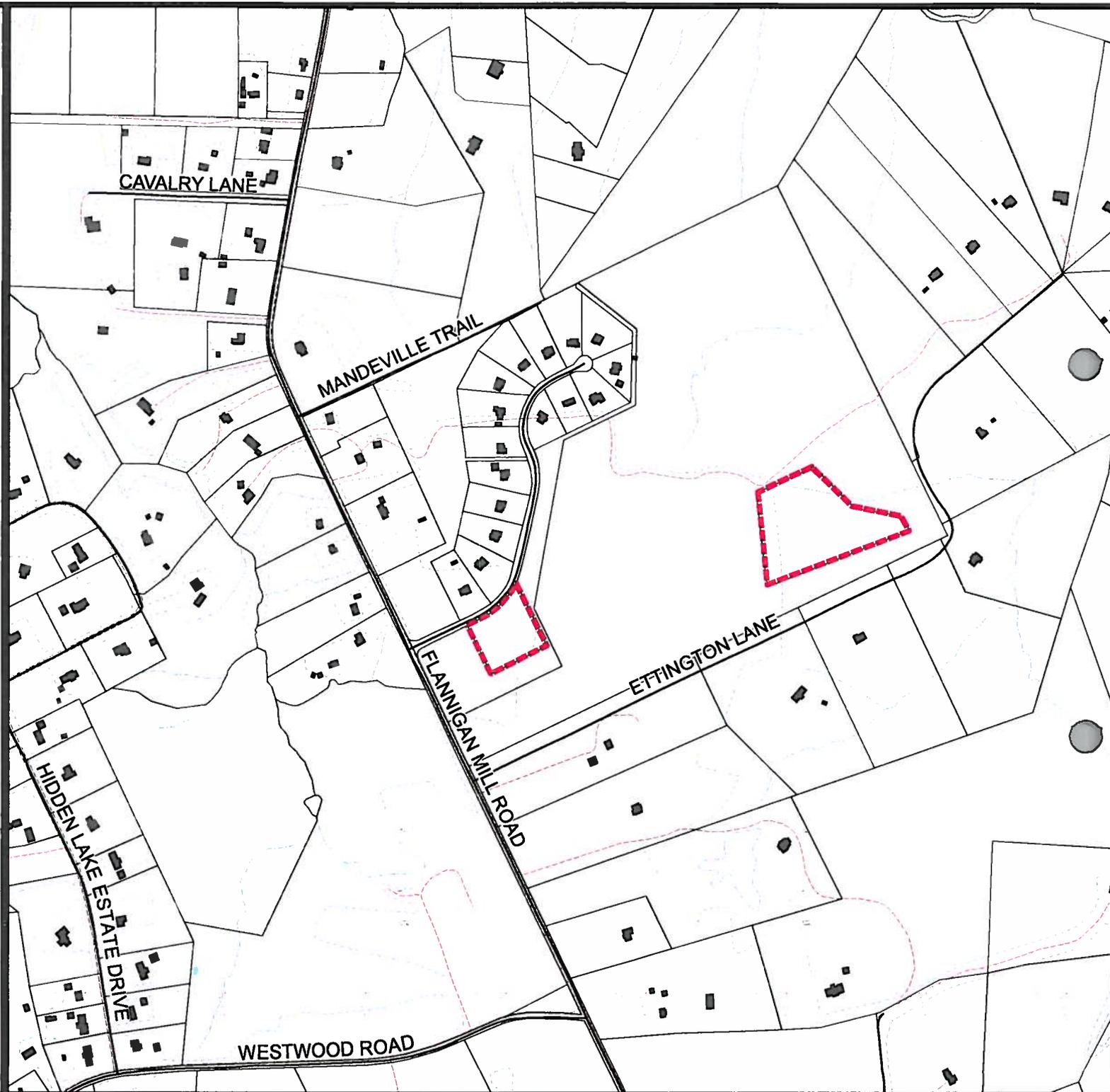
GPIN: 8764-57-5208

Cold Harbor Magisterial District



1 inch = 700 feet

December 02, 2013



**C-15-00(c), AM. 1-13, ANN BROOKE W. AND  
JAMES S. DAVIS, JR., ET AL.**



Residential Rezoning Amendment Report  
Cold Harbor Magisterial District  
Board Meeting Date: June 25, 2014

**Overview**

Amendment Request	Amend the cash proffer
Subdivision	Baylor Springs
Current Zoning	RC(c), Rural Conservation District with conditions
Location	On the east line of Flannigan Mill Road (State Route 693) at its intersection with Babbling Brooke Lane (State Route 1014)
GPINs	8764-57-5208 and 8764-77-1930
Case Planner	Gretchen W. Biernot

**Executive Summary**

Request to eliminate Proffer #1, referencing a cash proffer in the amount of \$6,319.00, accepted with zoning case C-15-00(c), Helen S. and Matthew T. Blackwood, for the parcels identified above. In place of eliminated proffer noted above, the applicant has submitted a new proffer that would require the property owner to submit a payment of \$2,126.00 prior to Certificate of Occupancy, in accordance with the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. Staff would note that the current road proffer amount for Baylor Springs is \$2,126.00, which is less than the \$2,306.00 that was approved as part of the new transportation policy. However, in accordance with the cash proffer policy, the road cash proffer should not increase from what was previously accepted. The applicant has submitted a proffer document, which includes a road proffer that reflects the lower amount.

**Recommendations**

*Staff*

**APPROVAL** subject to the submitted proffers dated June 4, 2014.

*Planning Commission*

**APPROVAL** subject to the submitted proffers dated June 4, 2014.

**Planning Commission Recommendation**

At their meeting of May 15, 2014, the Hanover County Planning Commission, on a motion by Mrs. Peace, seconded by Mr. Padgett, voted to recommend **APPROVAL** of zoning amendment C-15-00(c), Am. 1-13, subject to the submitted proffers.

GJWB/sm/HTE

**Attachments**

- Maps (vicinity)
- Approved Proffers
- Application Materials
- Proposed Proffers
- Ordinance

**ORDINANCE C-15-00(c), AM. 1-13**

**OWNER OF RECORD:** ANN BROOKE W. AND JAMES S. DAVIS, JR., ET AL.

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 25<sup>th</sup> day of June, 2014, 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 amending the proffers approved with rezoning request C-15-00(c), Helen and Matthew Blackwood, of the property described as GPINs 8764-57-5208 and 8764-77-1930, located on the east line of Flannigan Mill Road (State Route 693) at its intersection with Babbling Brooke Lane (State Route 1014) (a detailed description is filed with the Board's papers), zoned RC(c), Rural Conservation District with conditions, subject to the following conditions which were proffered by the Applicant on June 4, 2014, and accepted by the Board:

1. The Property 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 One Hundred Twenty-Six and 00/100 (\$2,126.00) 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 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.
2. Exterior foundation of houses shall be of brick or stone construction unless the house is constructed of synthetic stucco in which case the foundation may be of like material.

3. Minimum house sizes shall be as follows: 2000 square feet for a one-story building and 2200 square feet for a one and one-half or two-story building. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure. All attached garages shall open to the side or rear of the dwelling. No cinder block, cement block, solite block, or asbestos shingle shall be permitted for the finished exterior of any structure.
4. The road as shown on the plan conceptual, titled "Baylor Springs," dated 9-25-00, submitted and prepared by Engineering Design Associates, Consulting Engineers and Surveyors, shall be constructed to the state secondary road standards.
5. In the event the United States Postal Service elects not to deliver mail to mail boxes located in front of each lot along Babbling Brooke Lane, a "pull off" area will be constructed along Babbling Brooke Lane, not closer than 50 feet to Flannigan Mill Road, in order to provide a location for the placement of mail boxes for subdivision residents.
6. All wells to be constructed on each lot in the subdivision shall, at a minimum, comply with the requirements for a Class 111C well, also known as a bored deep well.
7. The Open Space Easement, as required by the Hanover County RC Rural Conservation District Zoning Ordinance, as it applies to Lot 18 (the Preservation Lot), shall contain a provision stating that such Open Space Easement shall not be vacated or modified without the written consent of all lot owners in the subdivision.
8. There shall be no removal of trees of five inch (5") or larger caliper in the required rear and side yard area of each building lot, as defined by the Zoning Ordinance, with the exception of dead or diseased trees. This, however, shall not prevent the removal of trees necessary for the construction of improvements, driveways, utility easements, drain fields, drainage facilities, wells, swimming pools or basketball or tennis areas. In addition, this shall not prevent the removal of trees for pastures, ponds, or for agricultural uses on preservation lots or for open areas within the walking trails and recreation areas in the Common Open Space areas as shown on the Conceptual Plan. No trees five inches (5") in caliper or greater may be cleared in the remaining area of the Common Open Space with the exception of clearing necessary for the installation of utilities.

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-15-00(c), Am. 1-13, Ann Brooke W. and James S. Davis, Jr., et al., as follows:

Vote:

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

**Public Hearings:**

Planning Commission \_\_\_\_\_ May 15, 2014  
Board of Supervisors \_\_\_\_\_ June 25, 2014  
Adopted \_\_\_\_\_ June 25, 2014

This is to certify that the above is a true copy of \_\_\_\_\_, 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