# 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-21-14**

**Brian W. Gibson**

**Rezone R-2 & A-1 to RS**

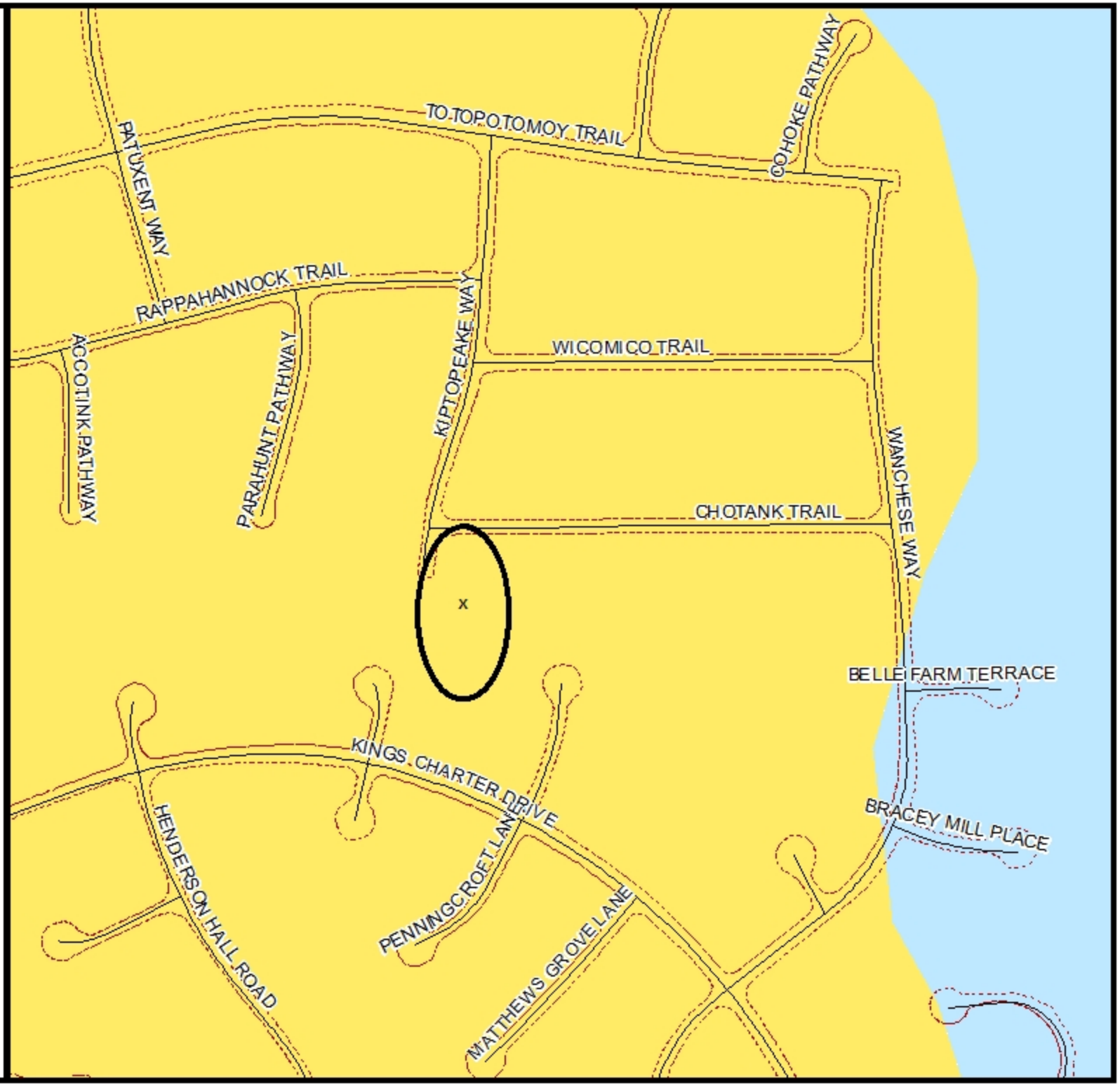
**Suburban General Land Use**

GPIN: 7797-56-1294

*Ashland Magisterial District*

1 inch = 300 feet

*October 06, 2014*



# Hanover County, Virginia

## General Parcel Map

### Legend

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

**C-21-14**

**Brian W. Gibson**

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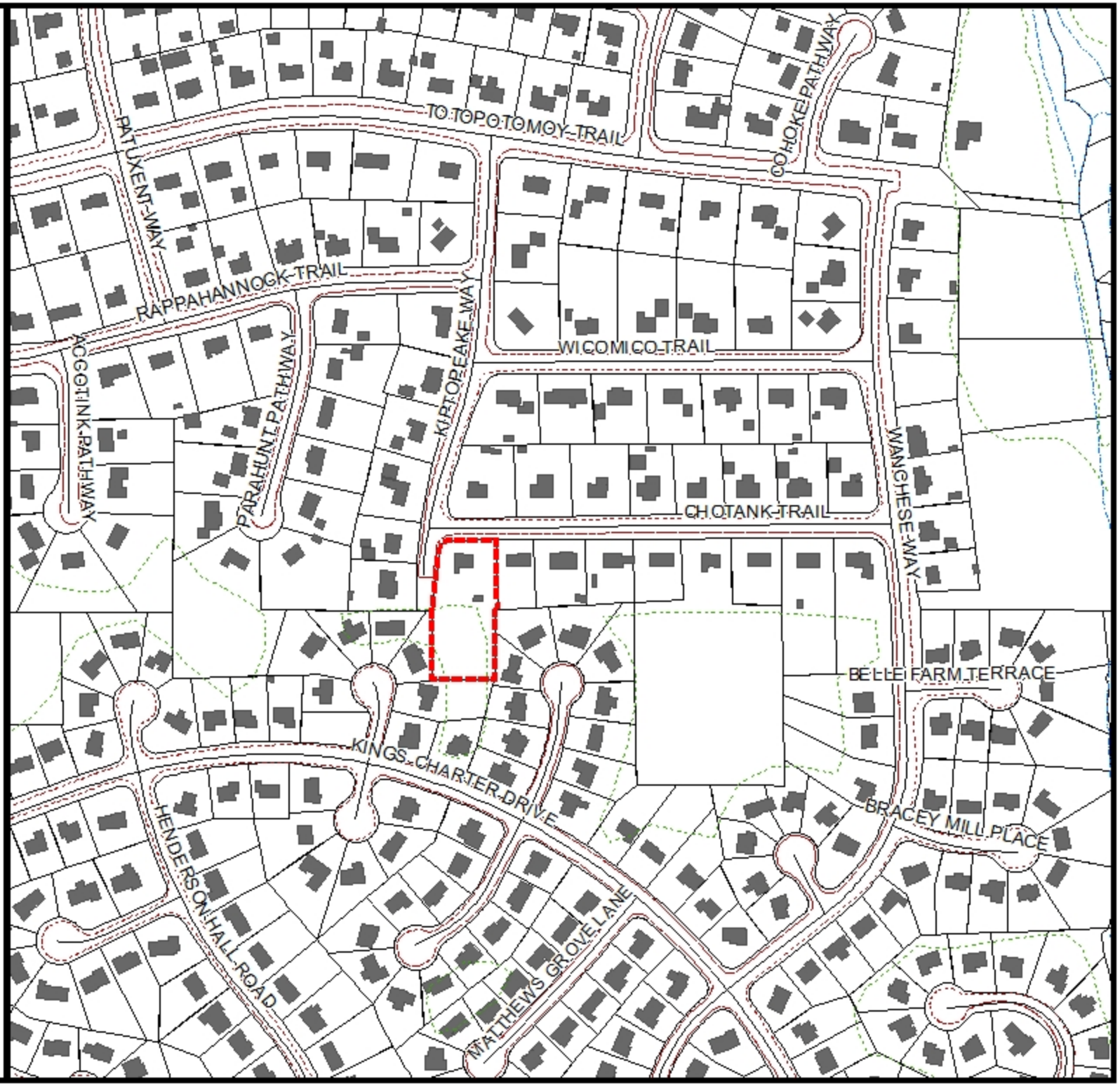

# Hanover County, Virginia

## Zoning Map

### Legend

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

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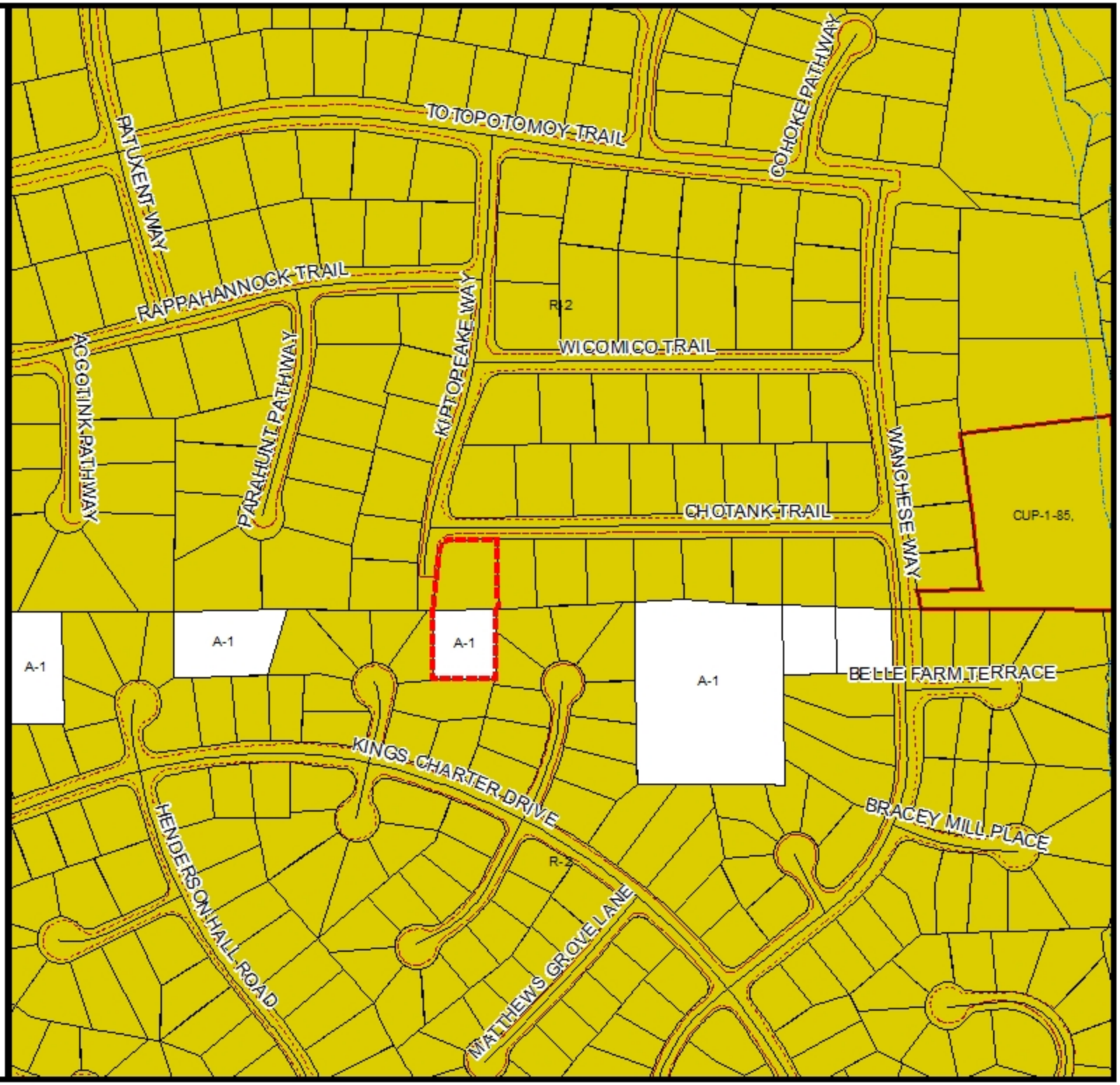


C-21-14 Brian W. Gibson

2013 Aerial

# C-21-14(c), BRIAN W. GIBSON

Residential Rezoning Report
Ashland Magisterial District
Board Meeting Date: February 25, 2015

## Overview

| | |
|---|---|
| Current Zoning | A-1, Agricultural District and R-2, Single-Family Residential District |
| Requested Zoning | RS(c), Single-Family Residential District with conditions |
| Requested Density | One (1) additional lot for a gross density of 2.44 units per acre |
| Acreage | 0.8 acres |
| Location | In the southeast quadrant of Chotank Trail (State Route 1269) and Kiptopeake Way (State Route 1266) |
| GPIN | 7797-56-1294 |
| General Land Use Plan | Suburban General |
| Major Thoroughfare Plan | Chotank Trail and Kiptopeake Way are not major thoroughfares |
| Suburban Service Area | Inside |
| Case Planner | Gretchen Biernot |

## Executive Summary

This is a request to rezone to RS(c), Single Family Residential District with conditions to allow one additional lot to be created. The proposal is considered "infill" development with access through the Totopotomoy Subdivision.

## Recommendations

*Staff*

**DENIAL** as submitted but **APPROVAL** subject to changes, as described in this report, to the submitted proffers, dated February 4, 2015, conceptual plan, dated October 2, 2014, and revised December 11, 2014.

*Planning Commission*

**APPROVAL** subject to the submitted proffers, dated February 4, 2015, conceptual plan, dated October 2, 2014, and revised December 11, 2014.

## Planning Analysis

The original R-2 zoned portion of the property was part of Totopotomoy, Section II subdivision, which was recorded in 1971. In 1983, the property owner added 0.43 acres of A-1 property to the rear of the subject property, supposedly to buffer the property from the impending development occurring to the south (King Charter). A rezoning to RS is now necessary to allow the property to be divided into two lots.

The proposed two-lot resubdivision has been determined to meet the "infill" criteria listed in the RS ordinance and therefore is not required to provide open space and other amenities that are otherwise required for projects with densities greater than one unit per acre. Infill projects must have access through an existing public road subdivision, be less than or equal to six lots, have density equal to or lower than the surrounding subdivision, and include similar amenities as the subdivision through which access is obtained. The proposed infill lot is similar in size to others nearby and should have very little impact to the existing community.

RS requires public road frontage for all lots. The conceptual plan has been drawn to provide space for a driveway on the new lot to Kiptopeake Way. While this section of Kiptopeake Way beyond Chotank Trail was improved to public road standards in the early 1970's, the section was never accepted into the state highway system for maintenance. Therefore, the applicant must submit a Roadway Use Permit and Agreement for approval by the Board of Supervisors prior to subdivision approval. By signing and executing this document, the owner acknowledges that the County and VDOT are not responsible for the maintenance of this section of road.

The RS District also requires that all lots connect to public water and sewer. Following Board of Supervisors approval of this rezoning request, the applicant must submit a subdivision application that is accompanied by a public utility plan for review and approval.

## Agency Analysis

| Agency | Comment Summary |
|---|---|
| Public Works | All improvements should remain out of easements. |
| Public Utilities | Public water and sewer must be extended to the new lot at the owner's expense. |

## Proffers

The applicant has submitted proffers pertaining to the conceptual plan. The applicant removed the $2,306 contribution to road improvements from the proffer document based on the Planning Commission's recommendation.

**Planning Commission Recommendation**

At their meeting of January 15, 2015, the Hanover County Planning Commission, on a motion by Ms. Winborne, seconded by Mr. Leadbetter, voted to recommend **APPROVAL** of the request to rezone to RS on GPIN 7797-56-1294, consisting of approximately .08 acres, subject to the submitted proffers.

The Planning Commission recommended that the applicant revise the proffers to remove the cash contribution to road improvements. The Commission's recommendation was based on a presumed precedent of an action by the Board of Supervisors which took place prior to the adoption of the current transportation policy. That case entailed the applicant selling the existing home and occupying a new dwelling on the new lot. The case included a $19,503 cash proffer that was eliminated at the Board meeting.

This proffer exemption would be unique to this applicant. Since the transportation policy that included a cash contribution to road improvements was adopted in March 2013, four non-family, single lot rezoning cases have been submitted:

- C-11-13(c), Lesley and James Bowles
- C-13-13(c), Sandra and Michael Jalbert
- C-5-14(c), Linda and Joseph Doane
- C-9-14(c), Kelley and James West

In all four cases, the applicants agreed to submit a $2,306 road improvements proffer, which was accepted by the Board of Supervisors. The acceptance of those proffers was in accordance with the County's adopted transportation policy. Staff would note that rezoning case C-9-14(c), Kelley and James West, involved the same circumstances as described above, where the property owner had plans to build on the new lot and sell the existing house.

Because the applicant has removed this proffer from the proffer document, the staff recommends **DENIAL** of this rezoning request. Staff recommends **APPROVAL** subject to the inclusion of the standard road contribution proffer that is in accordance with the adopted transportation policy.

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/Conceptual Plan
- ☑ Ordinance

**Available Upon Request**

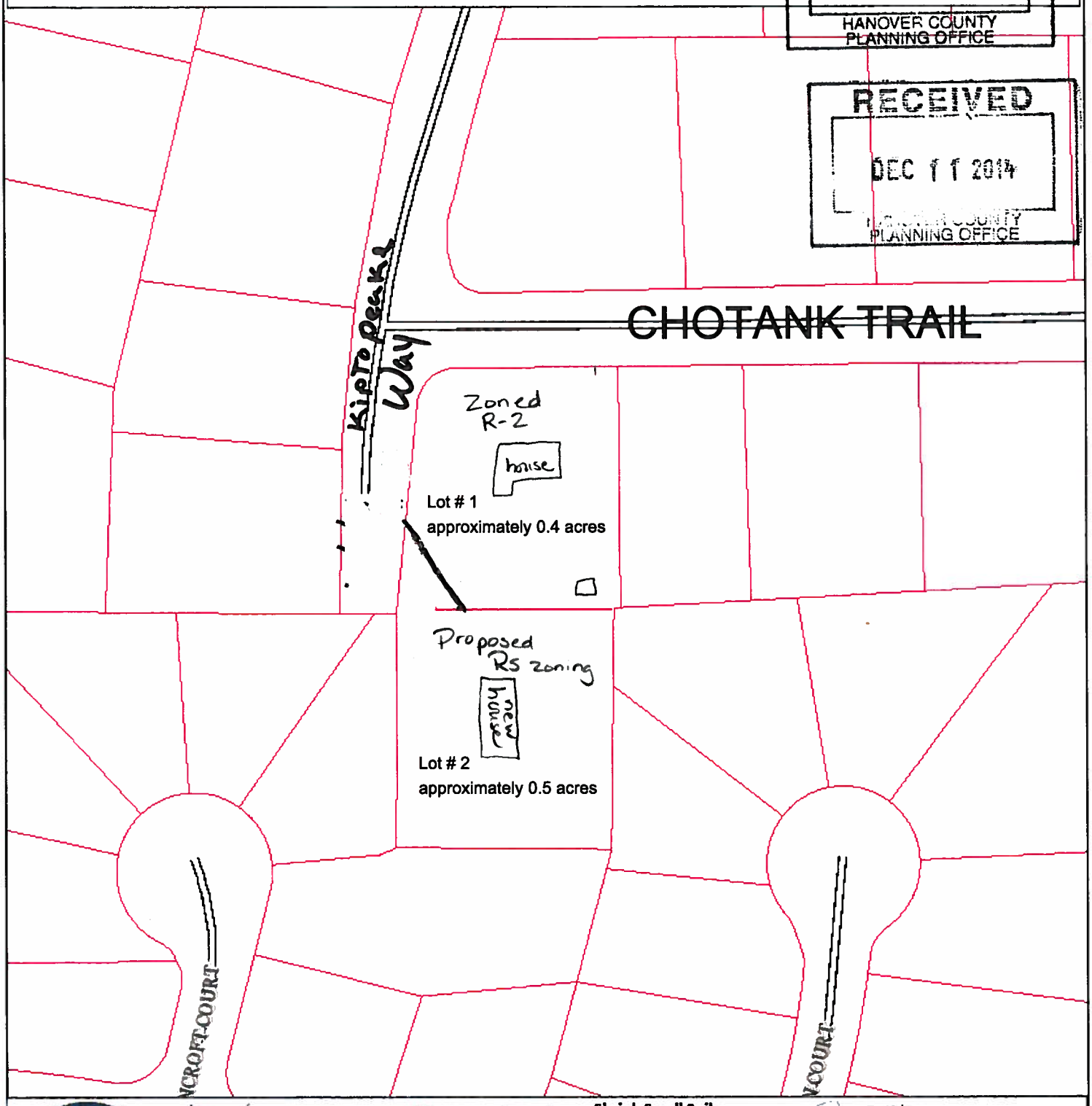
- ☑ Agency Review Comments
- ☐ County Traffic Study – Full Copy
- ☐ Application – Full Copy
- ☐ 527 Traffic Study – Full Copy

# Gibson Rezoning Proposal

Prepared by: Brian Gibson

RECEIVED
OCT 02 2014
HANOVER COUNTY
PLANNING OFFICE

RECEIVED
DEC 11 2014
HANOVER COUNTY
PLANNING OFFICE




HANOVER COUNTY VIRGINIA

Street Labels
Topography
CUP Lines
Conditional Use Permits
Urban Service Areas
Tax Parcels
Shrink Swell Soils
Moderate
Severe
Slight
9314 Building Addresses

N
W E
S

Revised 12/11/14
10/02/2014
Scale 1 inch = 83.3 feet

**ORDINANCE C-21-14(c)**

**OWNER OF RECORD:** BRIAN W. GIBSON

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 25th day of February, 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 7797-56-1294, consisting of 0.8± acres located in the southeast quadrant of Chotank Trail (State Route 1269) and Kiptopeake Way (State Route 1266), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to RS(c), Single-Family Residential District with conditions, subject to the following conditions which were proffered by the Applicant on February 4, 2015, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Gibson Rezoning Proposal," dated October 2, 2014, revised December 11, 2014, and sketched by Brian Gibson.

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-21-14(c), Brian W. Gibson, 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 January 15, 2015

Board of Supervisors February 25, 2015

Adopted February 25, 2015

This is to certify that the above is a true copy of C-21-14(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