

Board Agenda Item
February 9, 2009

3:30 p.m.

Public Hearing on SE 2008-HM-023 (Keith and Stephanie Anderson) to Permit a Waiver of Minimum Lot Width Requirement, Located on Approximately 4.02 Acres Zoned R-1, Hunter Mill District

The application property is located at 1203 Bishopsgate Way, Tax Map 12-3 ((7)) 4A and 24A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 8, 2009, the Planning Commission voted 9-0-2 (Commissioners Hall and Litzenberger abstaining; Commissioner Alcorn absent from the meeting) to recommend that the Board of Supervisors approve SE 2008-HM-023, subject to the Development Conditions dated January 8, 2009.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Shelby Johnson, Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting
January 8, 2009
Verbatim Excerpt

SE 2008-HM-023 - KEITH AND STEPHANIE ANDERSON

Decision Only During Commission Matters
(Public Hearing held on December 11, 2008)

Commissioner de la Fe: Mr. Chairman, I have a decision only. Mr. Chairman, the public hearing on this case, SE 2008-HM-023, was held on December 18, 2008 [sic]. The decision was deferred because the Hunter Mill Land Use Committee had not had an opportunity to make its final recommendation prior to the public hearing. The Land Use Committee unanimously recommended approval at its December 2008 meeting. Staff has also recommended approval. Special Exceptions requests are just that, special exceptions. Each must be scrutinized, measured against the established standards, and provide ample public benefit to merit approval. I believe that this request meets those requirements. The sole reason for the Special Exception in this case is the request to significantly modify the front lot width of the new lot. The standard requirement is for 150 feet. The reduction is 144 feet. Access to the new lot is provided through a shared driveway with the existing lot. Both lots exceed the R-1 minimum size of 36,000 square feet. The new lot contains an RPA and Piney Run. One of the public benefits associated with this Special Exception is that the RPA will be re-vegetated and the buffer area restored so as to improve the overall quality in Piney Run. The driveway will be constructed using pervious materials so as to minimize run-off. Public sewer will be brought to both lots, thus eliminating an existing septic field and eliminating the need for one in the new lot. Additionally, bringing public sewer to these lots will provide other existing lots that have septic fields to relatively easily connect to public sewer should that become necessary in the future. The issue of shared driveways or as some call them "pipestems" is always of concern. In this particular case, it must be noted that such driveways are present throughout the existing neighborhood. A few comments were received from neighbors objecting to the building of additional "McMansions" and expressing a desire to maintain the rural nature of the existing lot. The proposal is for one additional house with an overall footprint similar to others in the neighborhood. It would indeed be possible under existing zoning for the property owners, by-right, to replace the existing house with one of a size totally out of character with the neighborhood. Though the rural character of the existing property may be attractive, there are no restrictive covenants that provide for its retention. Tonight you received a set of development conditions. The only change from what was in the staff report is in Condition Number 23 to clarify the issue raised at the public hearing concerning the size of the garage. A minimum two-car garage is required, but a larger one may be built, provided that it does not increase the building envelope contained in the SE plat. As I stated earlier, both staff and the Hunter Mill Land Use Committee recommend approval. I agree with them. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2008-HM-023, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JANUARY 8, 2009.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: I was not present at the public hearing on this.

Chairman Murphy: Okay.

Commissioner Flanagan: And although I wasn't present, I did arrive home in time to hear the entire public testimony, and so I will be voting on this, this evening.

Chairman Murphy: All right.

Commissioner Litzenberger: I was absent and did not get home in time.

Chairman Murphy: One of you is lucky and the other one isn't.

Commissioner Hall: Mr. Chairman?

Chairman Murphy: Yes, Ms. Hall.

Commissioner Hall: I didn't get home and I was very surprised to find out that they don't carry our channel in Vermont where I was skiing.

Chairman Murphy: Oh.

Commissioner Hall: So, I'll have to abstain.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2008-HM-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Litzenberger and Ms. Hall abstain. Thank you very much.

//

(The motion carried by a vote of 9-0-2 with Commissioners Hall and Litzenberger abstaining; Commissioner Alcorn absent from the meeting.)

KAD

