

SUP07-2
Mr. Allen L. Louderback
Tax Map: 42A4 (A) 13
PC Hearing: April 11, 2007

SUP07-2: Mr. Allen Louderback
Special Use Permit Application
for a
Single-Family Dwelling in a M1 Zoning District

Location and Proposed Use

The subject .74-acre parcel (Tax Map # 42A4 (A) 13) is located on Old Furnace Road. Presently a single-family dwelling is located on the parcel.

The applicant is seeking a Special Use Permit to divide an existing M1 zoned parcel in order to construct an additional single-family dwelling. Thus creating two lots of approximately equal size (~ 16,000 square feet);

In a M1 (Industrial) zoning district, all uses require a special use permit and a single-family home is not an enumerated use in this district; but the industrial district contains an all-encompassing clause which permits “other uses not herein specifically listed.”

It is staff's opinion that this clause provides the Town's legislative bodies with an equitable and legally appropriate means to objectively analyze the applicant's request.

Background

In January of 2007 the applicant approached the Planning Commission to discuss the possibility of adjusting the subject parcel's boundaries in order to construct a single-family home.

At this time the applicant presented a survey with “meets bounds” which indicated two separate parcels existed. (see attached survey) Further analysis of this survey indicates that the smaller of the two parcels was never officially recorded. Therefore - unless officially recorded - the subject tract is a single parcel of approximately .74 acres.

Regardless, this does not change the nature of the applicant's request. The applicant has recently submitted a survey plat which proposes dividing the subject .74 acre parcel into two parcels of approximate equal size. (attached)

If approved, the applicant would officially record the newly created lot, and construct a single-family home on this lot.

Conditions of the Special Use Permit

There are no proposed conditions for the Special Use Permit. If approved the existing parcel would be divided and a single-family home would be construct on the newly created lot.

Other Considerations

- Per the Town Code a subdivision is considered “The division of a parcel of land into three or more lots or parcels of less than three acres each for the purpose of transfer of ownership or building development.” Because this division would create two lots, the applicant would not be required to comply with the Town’s subdivision ordinance – specifically subdivision requirements governing general street standards. The two lots would be served via private driveway. The survey plat indicates that a 25 foot right-of-way will be reserved to serve both lots via a private driveway.
- The subject parcel could conform to R2 zoning district setback standards. There do not appear to be specific road frontage requirements in the R2 zoning district, instead the code states “frontage regulations: the minimum lot width at the setback line shall be 75 feet.” Since the newly created parcel would be served by a private drive the front setback would be measured from the edge of the right-of-way for the proposed private drive.
- Article V, section 505 of the Town Code states “every building hereafter erected or moved shall be on a lot adjacent to a public street and all buildings shall be located on a lot as to provide safe and convenient access for servicing, fire protection and required off-street parking.” If this parcel is divided, the existing single-family home’s lot would no longer be adjacent/contiguous to a public street. Because the subject single-family home was constructed prior to the enactment of the Town’s zoning ordinance, it is debatable if this structure would be subject to the requirements stated in section 505. Regardless, it is envisioned that the proposed private drive would provide adequate access for public services.
- The subject parcel is located within an identified floodplain area per FEMA mapping. Construction within an identified floodplain would be required to be done so in compliance with “flood proofing” measures detailed in the Virginia Uniform Statewide Building Code.

Summary

The applicant is seeking a special use permit to construct a single-family home on an M1 (Industrial) zoned parcel. The proposed use is fundamentally a less intensive use than the present zoning would allow. Regardless, the Planning Commission should consider precedence and carefully examine the specifics of the Town’s zoning and subdivision ordinance before rendering a decision.

From a compatibility and use perspective the special use permit request does not appear to be inherently adverse. If approved, staff does not expect for the proposed use to negatively impact the surrounding area.

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