

Planning Commission Meeting Report

File#: P-21-6
Applicant: Sonya Henshaw
Rezoning Request: Agricultural, General, A-2 to Residential, Limited, R-1
Property Location: 21922 Butterwood Rd., North Dinwiddie
Tax Map Parcel #: 20-51C
Acreage: Approx. 7.14 +/- acres
Magisterial District: Namozine District
Planning Commission Mtg.: November 10, 2021
Board of Supervisors Mtg. January 18, 2022

CASE OVERVIEW

The applicant, Sonya Henshaw, is requesting to rezone property containing approximately 7.14 +/- acres from Agricultural, General, A-2 to Residential, Limited, R-1, with proffers. The R-1 zoning district allows single-family dwellings with well and septic systems on 1.50-acre minimum lots with 100 feet of road frontage on a public road. There is an existing single-family dwelling on the 7.14-acre parcel and the parcel has approximately 280 feet of road frontage on Butterwood Rd. The property is located at 21922 Butterwood Rd., North Dinwiddie, Virginia and is further defined as Tax Map Parcel No. 20-51C. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Planned Growth Area, which allows for residential uses for this general area.

ATTACHMENTS

- Rezoning Application, Location Map, Proffer Statement

LAND USE AND ZONING ANALYSIS

The subject property is located on the north side of Butterwood Road North Dinwiddie, Virginia. The applicants are seeking the rezoning of the 7.14 acres from Agricultural, General, A-2 to Residential, Limited, R-1 to develop one single-family residential lot at approximately two to three acres in size. There is one existing dwelling on the subject property, and if the rezoning is approved the property can be divided into two parcels; one to maintain the existing dwelling with a minimum of 100 feet of road frontage on Butterwood Road and leaving enough road frontage and acreage (1.50 acre minimum lot size in R-1) for a second parcel to be developed with a single-family dwelling.

The surrounding land use includes predominately low to medium density established and stable single-family residential development, and the general surrounding area is zoned A-2, Agricultural, General. On the west side of the property is a private drive that is part of the Gupton Court subdivision and directly across Butterwood Road to the southeast is Pine Acres subdivision with six two-acre lots fronting on Butterwood Road. In addition to the aforementioned single-family residential subdivision lots, there are additional single-family residential properties with approximately one-acre lot sizes along Butterwood Road in the area that are zoned A-2, Agricultural General.

The property under review is designated by the Comprehensive Land Use Plan (the "Plan") as being within the Planned Growth Area. As such, the general area is expected to accommodate future

residential development. The Comprehensive Plan also sets forth that the overall density of single-family residential development within the Planned Growth Area should not exceed three dwelling units per acre. This proposed Zoning District, R-1, has a Zoning Ordinance defined one and one-half acre minimum lot size requirement for lots not served by public water and sewer, which is well below the aforementioned three dwelling units per acre. Where suitable soils and Health Department regulations for siting water and sewer systems are met, the Plan also allows for on-site individual wells and septic systems for areas not served by public water and sewer systems.

Chapter XI of the Comprehensive Plan outlines the policies, goals, and objectives of the County, and policy statement (3) states “maintain and enhance the County’s ability to coordinate a balanced land-use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and/or growth corridors.” As previously stated, this general area is designated as Planned Growth Area; thus, this general area may be considered a growth center.

Generally, the composition of the Residential, Limited, R-1 District “is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur”. Within this general area, there is anticipated residential development that will occur and limited single-family residential development has already been established of similar and compatible lot size along Butterwood Road. The proposed R-1 zoning is an appropriate transitional low-density residential zoning to buffer the A-2 zoned property. Lastly, the Zoning Ordinance does require a 25-foot landscaped buffer between the proposed R-1, District and the abutting A-2, District zoned property.

OVERVIEW OF DEVELOPMENT IMPACTS

Public Utilities, Public Safety & School System Impacts

As public water and sewer is not available in the area, the use of public water and sewer utilities is not proposed by the applicant. It is the intention of the applicants to develop the property with individual private wells and individual private septic systems.

With the proposed two-lot division, the impacts on public safety services should be minimal.

The impact on the public school system should be minimal based on the school system’s census information, which estimates 0.56 students per household, and at build out (three to five years in normal economic housing market conditions) this proposed development would add one student to the school system with one-third attending elementary, one-third attending middle, and one-third attending high school.

Transportation Impacts

The impacts on the existing transportation network from the proposed development would not warrant the construction of any turn lanes or tapers. A driveway entrance permit is required by VDOT for each private entrance to each lot per VDOT regulations with each private entrance being placed at the location with the best possible sight distance which may require the property owner to grade slopes, clear brush, remove trees, or conduct other similar efforts, or any combination of these, necessary to provide the safest possible means of ingress and egress that can be reasonably achieved.

Staff Recommendation:

Staff recommends APPROVAL of the request to rezone the subject property given that:

1. The zoning classification requested, R-1, Residential Limited, is compatible with the surrounding zoning pattern and surrounding land uses;
2. The requested zoning classification, R-1, Residential Limited, conforms to the underlying uses recommended for this general area as set forth in the Planned Growth Area of the Comprehensive Land Use Plan.

PLANNING COMMISSION RECOMMENDATION

Mr. Bassett asked if there were any questions from the Planning Commission.

Mr. Tucker asked Mr. Bassett if the current structure located in the rear of the property is on well and septic.

Mr. Bassett said that is correct. There is no public water and sewer in this area.

The Chairman said if there are no more questions for Mr. Bassett, would the applicant like to come forward and add anything.

Ms. Sonya Henshaw, 8200 Ravenna Terrace, Chesterfield VA, came forward and said her plan is to divide this property as evenly as possible. She said she would offer a proffer that states she is only planning to build one home with the entrance coming in off Butterwood Road. The home will be a ranch style home with three bedrooms and two baths. I only plan to clear one third of an acre.

The Chairman said if there are no questions for the applicant is was opening the public hearing portion of the case. He asked if anyone has signed up to speak.

Mr. Kevin Barnhouse, 21920 Butterwood Road, Dinwiddie VA said he thought the property was going to remain A-2. He said rezoning the property to R-1 takes away from that. He wanted to know what kind of septic system was going to be used, since the property for years has not been able to be perked. He asked what is going to be done about the traffic issues that are on the road. He suggested that the front section could be rezoned to R-1 and the back section remain A-2. He mentioned that his biggest concern is the fact that whoever lives on this newly rezoned R-1 piece of property they will not get the opportunity to experience having chickens, horses and the like because the property will be zoned to R-1.

The Chairman asked if there was anyone else signed up to speak. He said since there is no one, he was closing the public hearing for this case. He asked the Commissioners if they had anything before they voted.

Dr. Prorise said he has great empathy for what the citizen just talked about, however, he doesn't believe any of what he mentioned affects the reason to rezone or not rezone. The drainage, septic system and rural life living is something the Health Department, the buyer and the seller will have to address. In the larger scope of things, I don't see a problem with the request. I do appreciate everything you have said.

Mr. Titmus said the applicant said they would proffer that only one lot would be built on the rezoned property. I would appreciate the applicant formerly offering that proffer to us tonight since they said they would do that.

Mr. Tucker asked Mr. Bassett what happens or who is responsible if the property is determined to have wetlands?

Mr. Bassett said it would be the property owner's responsibility. As to the voluntary proffers, you all could accept them this evening with your recommendation of approval or disapproval to the Board of Supervisor. Staff will work with the applicant to draft proffers and make that a condition in the proffer statement. This would become a part of the rezoning for consideration by the Board of Supervisors.

Mr. Titmus made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning, P-21-6, as presented, be recommended for approval with the proffer stating only one home on the lot will be built on the rezoned property to the Board of Supervisors. It was seconded by Mr. Tucker and with Mr. Titmus, Dr. Prosis, Mr. Hayes, Mr. Harvell, Mr. Simmons, Mr. Tucker and Mr. Cunningham voting "AYE" P-21-6 was approved with the proffer.

Voluntary Proffer Condition

At the Planning Commission meeting, the applicant submitted the following voluntary proffer condition as part of the rezoning request:

1. The further division of the Property shall be limited to one lot for single-family residential dwelling.

BOARD OF SUPERVISORS ACTION

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7)it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning, P-21-6 as presented, be (approved, approved with proffers, OR disapproved) by the Board of Supervisors.