



To: Chair and Members, Nelson County Board of Supervisors
From: Tim Padalino | Planning & Zoning Director
Date: June 9, 2016
Subject: **Public Hearing for Special Use Permit #2016-01**
("Double-Wide Home in R-1" / Ms. Elizabeth Jackson)

Summary of Application(s)	
<u>Site Address / Location:</u>	1617 Avon Road / Afton / North District
<u>Tax Parcel(s):</u>	#7-A-25
<u>Parcel Size:</u>	2.0 acres
<u>Zoning:</u>	Residential (R-1) and Agricultural (A-1)
<u>Applicants:</u>	Ms. Elizabeth Jackson
<u>Request:</u>	Review and Approval of Special Use Permit #2016-01
<ul style="list-style-type: none">▪ <i>Application and SUP Fee Payment Received On: May 3, 2016</i><ul style="list-style-type: none">▪ <i>Note: Minor Site Plan was not submitted; instead, a request for a "Waiver of Requirements for a Site Plan" was prepared and submitted by the applicant pursuant to Z.O. 13-7-C. The request stated, "I Elizabeth Jackson [am] sending this waiver to let you know that I am only replacing the home that burned down on the 9th of February ... nothing is changing, I just want everything on one floor."</i>▪ <i>I have accepted this waiver relative to the criteria contained in Z.O. 13-7-C (specifically items 4 and 5). Therefore, the SUP application is considered complete and eligible for BOS review, public hearing, and action.</i>	

On May 3rd, the Department of Planning & Zoning received a Special Use Permit (SUP) application from Ms. Elizabeth Jackson (property owner). Specifically, SUP application #2015-18 requests approval to replace a former single-family dwelling (which was irreparably damaged in a fire) with a double-wide manufactured home. This application is being made pursuant to Zoning Ordinance Article 5 ("Residential District R-1"), Section 5-1-2a ("Double-wide mobile home mounted on a permanent concrete or block foundation").

Subject Property Location, Characteristics, and Current Use(s):

The subject property is a 2-acre parcel in Afton with frontage on Avon Road. It is further identified as Tax Map Parcel #7-A-25, which is zoned Residential (R-1) and Agricultural (A-1). The proposed location for the double-wide mobile home is in the R-1 District. *Please see the enclosed maps.*

As of February 2016, this 2.0 acre parcel contained two single-family dwellings, which were both permissible as “legal non-conforming uses.” After the fire in February, the property now contains one existing mobile home and the foundation of the damaged/destroyed single family detached dwelling.

The applicant proposes to replace the former single-family dwelling with a pre-fab double wide manufactured home.

With regards to the size of the property and number of dwellings, placing a second dwelling on this 2.0-acre parcel is permissible as a “continued non-conforming use,” since the replacement of the damaged dwelling is occurring within 12 months of the fire (as required pursuant to Z.O. 11-6-1).

However, with regards to the type of dwelling and the Residential (R-1) zoning district regulations, the replacement structure requires the issuance of a new SUP since it is a double-wide manufactured home in the R-1 District (as required pursuant to 5-1-2a).

Staff Evaluation:

Per Zoning Ordinance Article 12, Section 3-2, there are four criteria which must be evaluated when reviewing all requests for Special Use Permits, as listed below:

- A. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate.***
- B. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.***
- C. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities.***
- D. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.***

Staff Recommendation(s):

The opinion of Staff is that the applicant’s request to replace the fire-destroyed dwelling with a double-wide mobile home seems to be acceptable relative to all four evaluation criteria (above) – contingent upon documented approval by the Department of Health that the proposed new double-wide mobile home is permitted to utilize the existing private septic system.

Therefore, contingent upon documented VDH issuance of a septic permit for this proposed new double-wide mobile home, I recommended that the Planning Commission recommend to the Board of Supervisors approval of SUP #2016-01.

Planning Commission Review and Recommendation(s):

On May 25th, the Planning Commission (PC) reviewed SUP #2016-01 and conducted a properly-advertised public hearing. After the public hearing, Commissioner Russell made a motion, with Commissioner Harman providing a second, to recommend approval of SUP #2016-01 subject to Health

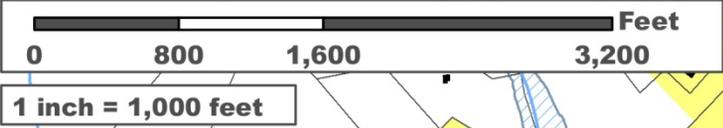
Department approval and subject to compliance with all setback requirements. The Commissioners voted unanimously to pass the motion.

Note: Mr. Tom Eick provided County staff with documentation that the existing sewage disposal system “appears to be adequately designed for the proposed use.” Please see the attached documentation from the Department of Health (dated June 7, 2016).

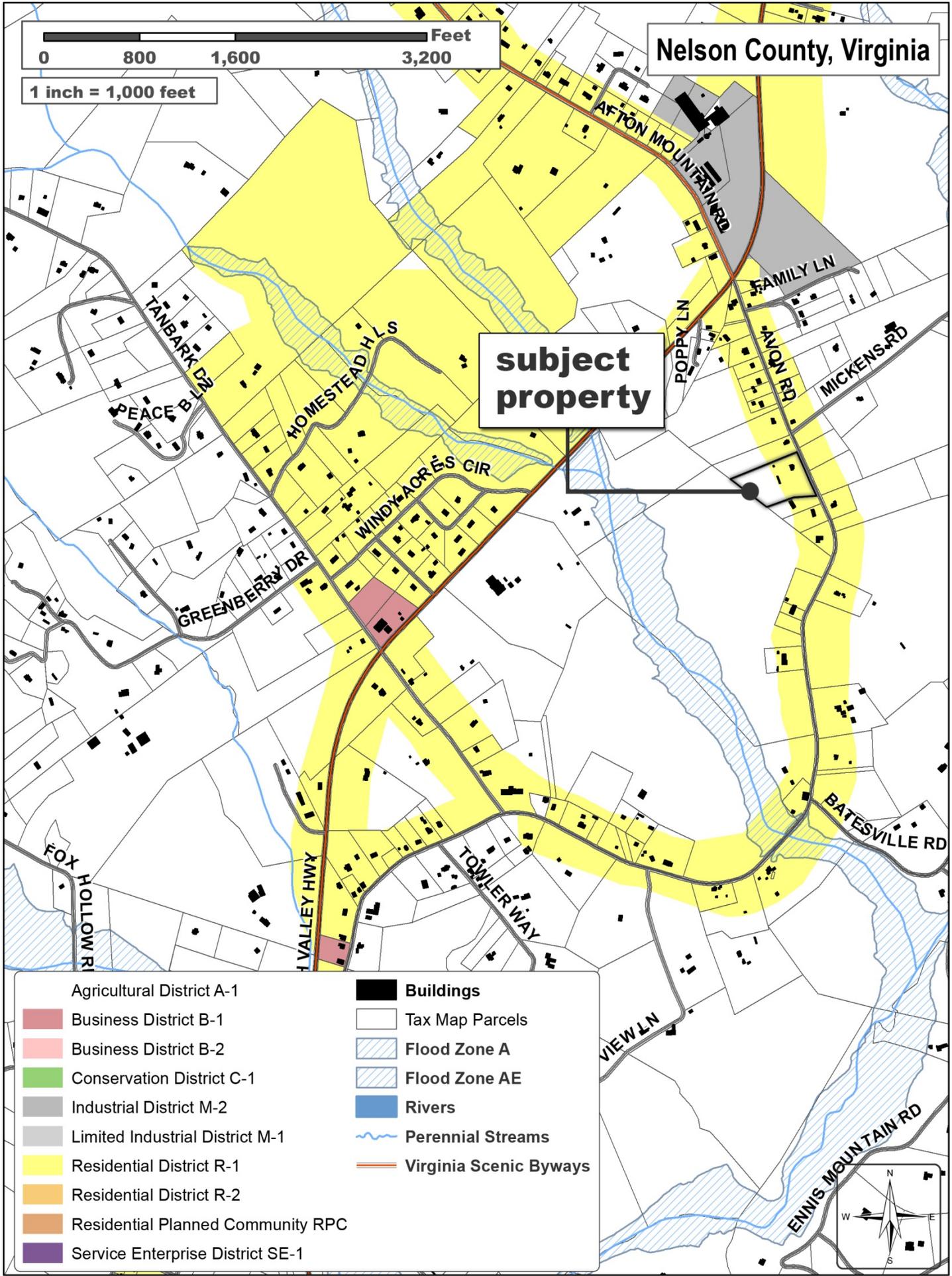
In conclusion, please contact me with any questions, concerns, or requests for assistance leading up to the June 14th Board of Supervisors public hearing for Special Use Permit #2016-01. Thank you very much for your time and attention to this application.



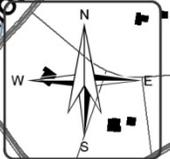
Nelson County, Virginia



subject property



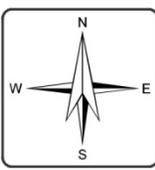
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|-----------------------------------|------------------------|
| Agricultural District A-1 | Buildings |
| Business District B-1 | Tax Map Parcels |
| Business District B-2 | Flood Zone A |
| Conservation District C-1 | Flood Zone AE |
| Industrial District M-2 | Rivers |
| Limited Industrial District M-1 | Perennial Streams |
| Residential District R-1 | Virginia Scenic Byways |
| Residential District R-2 | |
| Residential Planned Community RPC | |
| Service Enterprise District SE-1 | |



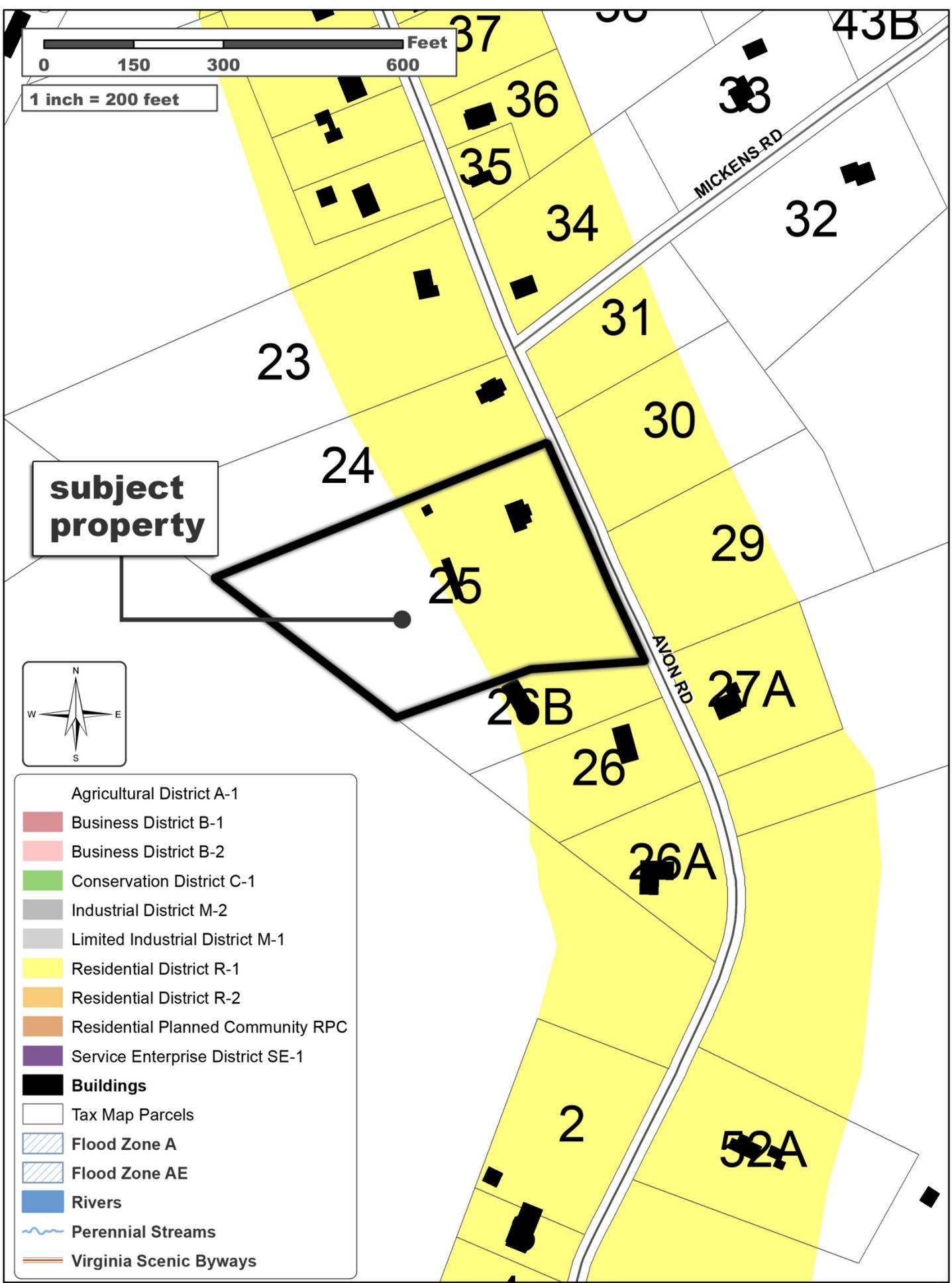


1 inch = 200 feet

subject property



- Agricultural District A-1
- Business District B-1
- Business District B-2
- Conservation District C-1
- Industrial District M-2
- Limited Industrial District M-1
- Residential District R-1
- Residential District R-2
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- Buildings**
- Tax Map Parcels
- Flood Zone A
- Flood Zone AE
- Rivers
- Perennial Streams
- Virginia Scenic Byways







PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit # 2016-01
application type application number

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- | | |
|---|---|
| <input type="checkbox"/> Rezoning from _____ to _____ | <input type="checkbox"/> Conditional Rezoning from _____ to _____ |
| <input type="checkbox"/> Subdivision – Preliminary | <input type="checkbox"/> Site Plan – Preliminary (optional) |
| <input type="checkbox"/> Subdivision – Final | <input type="checkbox"/> Site Plan – Final |
| <input type="checkbox"/> Major Site Plan | <input checked="" type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Other: _____ |

- Pursuant to Article _____, Section _____ of the Nelson County Zoning Ordinance.
 Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

Reason(s) for request: Customer home burnt down
and Insurance will only cover enough
to install a Double Wide. (Manufactured
home)

(Please use reverse or attach additional sheet if more space is needed.)

2. Applicant(s) and Property Owner(s):

(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Elizabeth Jackson
Mailing Address: 1617 Avon Rd, Afton VA 22920
Telephone # 434-962-1024 E-mail Address: MAZEV360@aol.com
Relationship (if applicable): _____

Applicant Property Owner Name: _____
Mailing Address: _____
Telephone # _____ E-mail Address: _____
Relationship (if applicable): _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

a. Address of property (specific location, route numbers, street names, voting district, etc.):

1617 AVON Rd, APTON VA 22920

b. Official tax map number: 7 A 25

c. Acreage of property: 2.0

d. Present use: Residence

e. Present zoning classification: R-1

f. Zoning classification of surrounding properties: R-1

4. Names of Adjacent Property Owners: STEVEN Sullivan,
Myra Wood

5. **Affidavit:** The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: Elizabeth Jackson Printed Name: Elizabeth Jackson

Signature: _____ Printed Name: _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

6. **Additional information:** *(Please attach separate sheet for additional details, explanations, etc.)*

7. **Please note:** In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

***** TO BE COMPLETED BY PLANNING & ZONING STAFF *****

o Completed application and fee (\$ 200.00) received on 5-3-16

o Hearing Notice published on May 12th & May 19th, 2016

o Planning Commission action: Date of Meeting / Hearing: May 25th, 2016

Recommendation: _____

o Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____

Action: _____

Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovingson, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingson, Virginia 22949

(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086

<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

Albemarle County
 PO Box 7546
 Charlottesville, VA 22906
 (434) 972-6259 - Office
 (434) 972-6221- Fax

VIRGINIA DEPARTMENT OF HEALTH
Thomas Jefferson Health District
ENVIRONMENTAL HEALTH SERVICES

Louisa County
 PO Box 336
 Louisa, VA 23093
 (540) 967-3707 - Office
 (540) 967-3733 - Fax

Fluvanna County
 PO Box 136
 Palmyra, VA 22963
 (434) 591-1965 - Office
 (434) 591-1961- Fax

Greene County
 PO Box 38
 Stanardsville, VA 22973
 (434) 985-2262 - Office
 (434) 985-4822 - Fax

Nelson County
 PO Box 98
 Lovingston, VA 22949
 (434) 263-4297 - Office
 434) 263-4304 - Fax

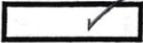
John Jackson

REQUEST FOR NEW CONSTRUCTION WITH EXISTING SEWAGE DISPOSAL

Applicant's Name <i>Elizabeth Jackson</i>				Agent's Name <i>Clayton Home's / Michael</i>			
Applicant's Address <i>Avon 1617 Afton Rde</i>				Agent's Address <i>4301 Seminole trail</i>			
City <i>Afton</i>	State <i>Va</i>	Zip <i>22920</i>	City <i>Leville</i>	State <i>VA</i>	Zip		
Home Phone:				Home Phone:			
Work Phone:				Work Phone: <i>434-973-1539</i>			
Cell Phone: <i>434-962-1024</i>				Cell Phone:			
PROPERTY INFORMATION							
Parcel:				Building/Zoning Permit Number:			
Subdivision	Section	Block	Lot	Proposed New Construction <i>HAS 3 BR + New w/ 3 BR</i>			
Directions to Property: <i>UNCOVER TANK - D-Box</i>							
PLEASE ANSWER THE FOLLOWING QUESTIONS							Circle One
1.) Was your septic system installed and approved within the last 10 Years?				YES	<input type="radio"/> NO		
2.) Does proposed addition or replacement come within 20' of the drain field or reserve area?				YES	NO <i>Not sure</i>		
3.) Does proposed addition or replacement come within 50' of your well?				<input checked="" type="radio"/> YES	<input type="radio"/> NO		
4.) Are there wet spots in your yard, slow running drains, backups, or discolored spots in lawn?				YES	<input type="radio"/> NO		
<p><i>By signing this statement you are requesting that the Environmental Health Specialist evaluate your system and are granting him/her permission to enter your property. If a site visit is needed, you may be required to uncover your septic tank and distribution box lids.</i></p>							
<i>Elizabeth Jackson</i> Applicant/Agent Signature				<i>5-3-16</i> Date			

HEALTH DEPARTMENT USE ONLY

Site Visit WAS NOT made and existing water supply WAS NOT evaluated, unless otherwise noted under comments.



ADEQUATE DESIGN

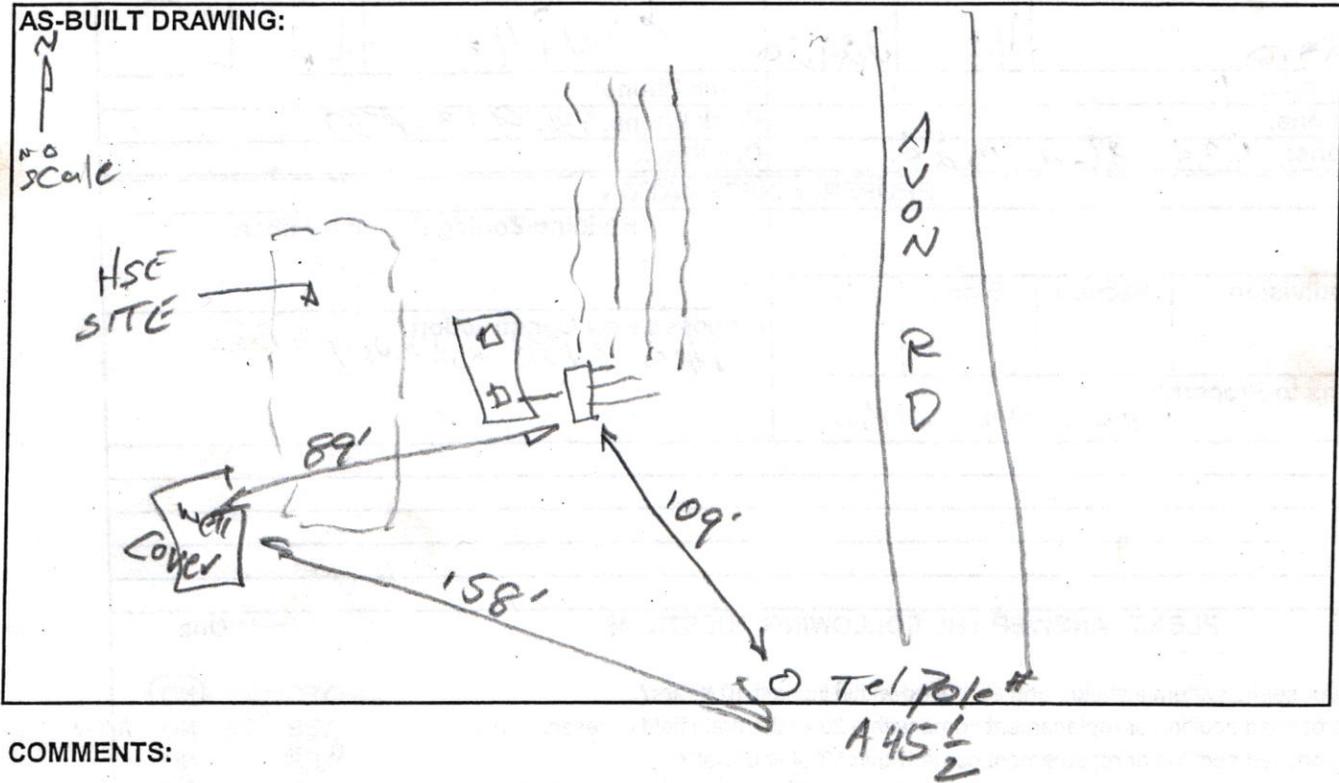
A review of our records indicate the existing sewage disposal system (SDS) and reserve area (where indicated) appears to be adequately designed for the proposed use. This does not imply that the existing SDS will continue to function properly for any minimum period. No conflicts were noted when the attached site plan (including footprint) was compared to those records. Exact locations may vary from records and it is suggested that the exact location of the SDS be confirmed before beginning construction.



INADEQUATE DESIGN

Existing SDS inadequate. Applicant must apply at the Health Department for a sewage disposal construction permit. Permit must be issued and a copy submitted to building inspections before Building/Zoning permit is issued.

AS-BUILT DRAWING:



COMMENTS:

ex'g 1000 gal septic tank w/ solids pumped out
 recommend installation of New inlet tee to replace
 original cast iron TEE
 Dist Box still competent 4 lines taking water
 10 gallons added

Thomas Eick

Health Department Official

6-7-16

Date