MEMORANDUM

To: Board of Supervisors  
From: Austin R. Mitchell, Zoning and Subdivision Administrator ARM  
CC: Paul Harvey, Community Development Director  
Subject: Rezoning #PL-18-41 (826 Stage Road)  
Date: April 24, 2018

BACKGROUND: This request is to rezone 2,400 +/- acres from Agricultural to Residential – Manufactured Housing to allow for the subdivision of the parcel for the placement of a second manufactured home. 

Public hearings scheduled: P/C: April 23, 2018; B/S: June 5, 2018  
Location / Election District: 826 Stage Road / Concord Election District  
Tax map number(s) / total acreage: 8-5-4 / 2.400 +/- acres  
Applicant contact information: Thomas Brooks, Sr., 404 Clay Street, Lynchburg, VA 24504; 434-528-4674. 

Comments: The existing parcel is a non-conforming lot of record. The existing parcel is 2.400 acres which is less than the required three acre minimum lot size in the Agricultural zoning district. There is an existing manufactured home on the parcel. The owner wishes to subdivide the parcel to create a new parcel where an additional manufactured home can be placed for her son to reside in. The new parcel would be 0.750 acres and would leave a residue of 1.650 acres. The existing manufactured home would remain on the residue parcel. The rezoning to Residential – Manufactured Housing would allow the smaller lot sizes and the placement of a new manufactured home. 

DISCUSSION: 

Land Use/Floodplain: The area is generally residential in nature. Zoning in the vicinity is Residential – Single Family, Business – General Commercial, Industrial – Heavy, Industrial – Heavy, Conditional, and Agricultural. The property does not lie within any FEMA 100-yr. flood plains. 

Access and Traffic: The property is accessed by an existing entrance onto Stage Road (Route 609 – avg. daily traffic 1,500 vehicles). The request will not significantly impact the traffic flow and a traffic impact analysis is not required. 

Utilities: The property is served by an existing well and a private on-site septic system. 

Proffers: No proffers have been submitted with this rezoning request. No one employed by or associated with Campbell County has suggested, requested, or required proffers as a condition of this request. 

Comprehensive Plan: The property is located in an area designated as medium to high density residential. 

RECOMMENDATION: The Planning Commission recommended approval of this request by vote of 6-0 citing good zoning practice.
§ 15.2-2200. Declaration of legislative intent.

This chapter is intended to encourage localities to improve the public health, safety, convenience and welfare of its citizens and to plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational, and recreational facilities; that the need for mineral resources and the needs of agriculture, industry and business be recognized in future growth; that residential areas be provided with healthy surroundings for family life; that agricultural and forestal land be preserved; and that the growth of the community be consonant with the efficient and economical use of public funds.

§ 15.2-2283. Purpose of zoning ordinances.

Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-2200. To these ends, such ordinances shall be designed to give reasonable consideration to each of the following purposes, where applicable: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers; (ii) to reduce or prevent congestion in the public streets; (iii) to facilitate the creation of a convenient, attractive and harmonious community; (iv) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (v) to protect against destruction of or encroachment upon historic areas; (vi) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers; (vii) to encourage economic development activities that provide desirable employment and enlarge the tax base; (viii) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment; (ix) to protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; (x) to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and (xi) to provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard. Such ordinance may also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in § 62.1-255.
NARRATIVE FOR REZONING

The owner of Lot 4 (County tax map 8-5-4), Martha's Vineyard, LLC, Mary J. Byrd, manager, hereby requests a zone change from the current A-1 Agriculture Zone to Residential-Manufactured Housing (R-MH use). The purpose of the zoning change request is to subdivide a part of land from Lot 4 to be given to her son so he can construct his home on the property and be near his elderly mother. Mary J. Byrd, mother, will reside on the residue parcel which contains an area of 1.650 acres. Lots 1-8 of the original subdivision, prepared in 1969 for the Georgiana and William Napier Estate shows this property subdivided into three-acre parcels. Refer to insert map on site plan. In 2002, the Commonwealth of Virginia widened Stage Road and purchased land from the owners of Lots 1-8. Each lot has lost portions of their land and each lot is substandard due to the current zoning regulations. Each lot is currently under the 3-acre minimum required in the 2018 regulations for subdivisions in A-1 Zones. Our client is requesting the zoning change for manufactured housing use. The total area in Lot 4 is 2.4 acres. The Commonwealth of Virginia acquired 0.60 acres of Lot 4 in the 2002 land acquisition.
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