

PLANNING REPORT

APPLICATION:

The application of Sarah Robinson, owner, for a Conditional Use Permit on 13 acres located at 13302 Doggett Lane with tax map number 33-01-001 to allow for a boathouse to be located where there is no existing residence.

ELECTION DISTRICT:

Windsor Election District

LOCATION:

The subject property is located at 13302 Doggett Lane. The surrounding properties are zoned Rural Agricultural Conservation and are occupied by agricultural lands as well as some single-family homes on larger (1 acre plus) lots. The subject property is accessed by an unpaved private road. The boathouse will be located on the far western end of the property along Jones Creek.

BACKGROUND:

The property in question consists of undeveloped wooded land. The applicant wishes to pursue a Conditional Use Permit (CUP) to construct a boathouse on a lot where there is no existing residence. The boathouse will be constructed along Jones Creek and will not be visible from Doggett Lane.

DESCRIPTION:

The applicant is requesting a CUP to allow for a boathouse to be constructed on a lot which is currently undeveloped. The proposed dock will not be visible from Doggett Lane and will only be accessible via a private lane. If the CUP is granted, the applicant would follow the appropriate process to obtain a zoning permit and building permits as applicable.

COMPREHENSIVE LAND USE PLAN:

The future recommended land use for the subject property is Rural/Agricultural Conservation and Resource Conservation on the Comprehensive Plan Future Land Use Map. Rural/Agricultural Conservation is intended for agricultural, horticultural, forest lands and scattered residential development at low density. Resource Conservation is intended for wetlands, open spaces, farm and forest lands with greenways and blueways in appropriate locations. The proposed use is consistent with the 2008 Comprehensive Plan.

ORDINANCE REVIEW:

The application proposes to construct a boathouse. The zoning for this property is Rural Agricultural Conservation (RAC). The RAC zoning district is intended to preserve and protect areas of the County that are predominantly in agricultural use and to maintain the land base to support agricultural activity. Section 5-5002. B. requires a conditional use permit for a boathouse, dock, or pier located where there is no existing residence in the RAC district. Conditional uses may be considered compatible uses in the zoning district assuming any appropriate conditions are imposed by the Board of Supervisors to mitigate any potential negative impacts on the surrounding community.

Article 4, Section 4001 of the Chesapeake Bay Preservation Area Ordinance (CBPAO) allows development in the Resource Protection Area (RPA) if the facility is water-dependent. Access to the pier, boathouse, and gazebo can be allowed on a pathway no greater than five feet wide through the RPA. Other than the development proposal submitted, the RPA must otherwise remain undisturbed.

Conditional Use Permit Application Approval Process:

The Planning Commission and Board of Supervisors shall consider the following criteria before the granting of a

The Planning Commission and Board of Supervisors shall consider the following criteria before the granting of a conditional use permit:

1. That the establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, and general welfare;
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;
3. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or will be provided;
4. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets;
5. That the proposed conditional use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
6. That the conditional use shall, in all other respects, conform to the applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use; and
7. That the use(s) at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

In addition to the standards and other guidelines described in the Zoning Ordinance, the Board may impose conditions or limitations on any approval, including the posting of performance guarantees. Such conditions may include, but are not necessarily limited to:

1. The number of persons living or working in the immediate area and the proposed hours of operation, as may applicable;
2. Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;
3. The orderly growth of the neighborhood and community and the fiscal impact on the County;
4. The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
5. Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal, and the ability of the County or persons to supply such services;
6. The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
7. The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;
8. The purposes set forth in this ordinance, the County's Comprehensive Plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;
9. The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space; and
10. The preservation of cultural and historic resources of landmarks.

Next Steps:

Following Planning Commission and Board of Supervisors approval of the Conditional Use Permit, the applicant would be required to follow the appropriate process to obtain a zoning permit and building permits as applicable.

AGENCY REVIEW:

Below is a summary of agency and departmental comments:

- County Attorney – No legal deficiencies noted and no legal concerns.
- Health Dept. – No concerns noted.
- Engineering – No objections to the CUP as presented.
- Emergency Services -- No objections to the CUP as presented.
- VDOT – No impacts to state-maintained right of way and no objections to the CUP as presented.
- Economic Development – No objections to the CUP as presented.
- Building and Inspections – No concerns noted

~~Planning and Inspections – No concerns noted.~~

- Environmental Planner – No objections to the proposal to develop a timber pier with a boathouse and gazebo on this undeveloped property as long as CBPAO criteria are met.
- Sheriff's Office – No objections to the CUP as presented.

STAFF CONCLUSIONS:

Strengths:

1. The proposed use will have minimal impact on the community due to the low impact nature of the use;
2. The proposed use is within the guidelines of the Comprehensive Land Use Plan; and
3. The proposal is in accordance with County Codes and Ordinances and is compatible with the existing land uses in the vicinity.

Weaknesses:

1. None identified.

STAFF RECOMMENDATION:

Based on the strengths listed above, staff recommends approval of the application.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	11/14/2018
Location Map	Backup Material	11/14/2018
Location Blowup Map	Backup Material	11/14/2018
Future Land Use Map	Backup Material	11/14/2018
Zoning Map	Backup Material	11/14/2018
Structure Drawings	Backup Material	11/14/2018
Site Pictures	Backup Material	11/20/2018
Resolution	Resolution Letter	11/19/2018
Ordinance	Ordinance	11/19/2018