**Request**

**Subdivision Variance** to Section 4.4B of the Subdivision Regulations, which requires all properties to meet the requirements of the Zoning Ordinance

**Staff Planner**
Carolyn A.K. Smith

**Location**
1217 Princess Anne Road

**GPIN**
2401613897

**Site Size**
32.90 acres

**AICUZ**
Less than 65 dB DNL

**Existing Land Use and Zoning District**
Single-family dwelling, cultivated fields / AG-1 & AG-2 Agricultural

**Surrounding Land Uses and Zoning Districts**

**North**
Single-family dwelling, plant nursery / AG-1 & AG-2 Agricultural

**South**
Single-family dwellings, cultivated fields / AG-1 & AG-2 Agricultural

**East**
Princess Anne Road
Church, private school, pastures / AG-1 & AG-2 Agricultural

**West**
Single-family dwelling, cultivated fields / AG-1 & AG-2 Agricultural
Due to the settlement of an estate, the applicant is requesting a Subdivision Variance to create a 1.25-acre parcel and a 31.65-acre parcel from the 32.90-acre site.

The lot width of the existing 32-acre parcel is approximately 275 feet, 25 feet shy of the minimum lot width requirement of 300 feet for two parcels (150 feet required for each lot).

As per the wishes of the Trust, one of the proposed parcels is depicted with only 20 feet of lot width. The proposed lot width for Parcel C is 20 feet and the proposed lot width for Parcel D is 254.94 feet. Based on this, a Subdivision Variance for lot width is requested for proposed Parcel C.

It should be noted that the allowable density, as set forth in Section 420 of the Zoning Ordinance, on each tract of agriculturally zoned property that existed prior to June 28, 1994, is one dwelling unit for each fifteen acres of land with type 1 and 2 soils. As the property is approximately 32 acres in size, the request to create two lots is consistent with this standard.

There is an existing dwelling, detached garage and septic system drain field on the property. When subdivided, Parcel C will contain all of these improvements.

### Zoning History

<table>
<thead>
<tr>
<th>#</th>
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<tbody>
<tr>
<td>1</td>
<td>CUP (Horses for Boarding &amp; Riding) Approved 02/07/2007</td>
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</table>
| 2 | CUP (Classrooms, Gymnasium) Approved 11/25/2003  
  CUP (Child Care Education Center) Approved 07/03/2001  
  CUP (Church addition) Approved 06/22/1999  
  CUP (Pre-school) Approved 06/28/1998  
  CUP (Religious Use) Approved 08/27/1996  
  CUP (Religious Use) Approved 10/12/1993  
  CUP (Religious Use) Approved 06/25/1990 |
| 3 | SVR (pavement widths 4.1(m), cul-de-sac length 4.1(p), screening 4.4(e)) Approved 12/08/1992  
  CUP (Single-family dwellings in AG) Approved 12/08/1992 |

### Application Types

<table>
<thead>
<tr>
<th>CUP – Conditional Use Permit</th>
<th>MOD – Modification of Conditions or Proffers</th>
<th>FVR – Floodplain Variance</th>
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<td>REZ – Rezoning</td>
<td>NON – Nonconforming Use</td>
<td>ALT – Alternative Compliance</td>
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<tr>
<td>CRZ – Conditional Re zoning</td>
<td>STC – Street Closure</td>
<td>SVR – Subdivision Variance</td>
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The Comprehensive Plan designates the subject property as being in the Rural Area. The Rural Area is located in the southern half of Virginia Beach, south of Indian River and Sandbridge Roads. It is characterized as low, flat land with wide floodplains and altered drainage with a presence of agricultural and rural related activities including traditional and specialty crop cultivation, tree farms, equestrian facilities, wetland banks, fish farms and other similar uses. An important objective of the Plan for the Rural Area is to protect and sustain all of our valuable environmental, scenic and agricultural resources in the Rural Area against inappropriate activities and intense growth pressures. (pp. 5-1 to 5-4)

The Rural Development Guidelines enable property owners that do not elect to enter the Agricultural Reserve Program, but who wish to develop their property, a choice of two residential development options: a by-right option with calculated density of no more than one dwelling unit per 15 acres; or a conditional use option allowing a slightly higher calculated density of one dwelling unit per 5 acres with areas designated as Soil Area 1 and one dwelling unit per 10 acres within areas designated as Soil Area 2 (p. 5-8).

The property is within the Southern Rivers watershed and specifically within the North Landing River watershed. Much of the property is under cultivation. There do not appear to be any perennial streams, wetlands, special flood hazard areas or any known cultural resources on this site.

### Master Transportation Plan (MTP) and Capital Improvement Program (CIP)

Princess Anne Road in the vicinity of this application is considered a two-lane undivided rural facility. The existing roadway is within a 50-foot wide right-of-way. The MTP proposes a two-lane facility within a 100-foot wide right-of-way. There are no roadway CIP projects slated for this area.

### Public Utility Impacts

**Water & Sewer**

This property is not served by City water or sewer. Private wells and septic systems must be approved by the Health Department.

### Evaluation and Recommendation

As the City's Master Transportation Plan calls for an ultimate 100-foot right-of-way for Princess Anne Road, and consistent with other applications in the vicinity, Staff recommends a condition that requires that when the property is subdivided, a 25-foot dedication along the Princess Anne right-of-way frontage is provided. The existing dwellings on this property and on the property to the north, also owned by the applicant, currently share a driveway. While not a requirement of this approval, it is recommended that if Parcel C proposes to continue to use this driveway, an

Sheryl Skord, Trustee for Floyd E. Taylor Irrevocable Trust

Agenda Item 6

Page 3
ingress/egress agreement with Parcel B be recorded, thereby providing legal use of the driveway.

Based on the directives of the applicant’s late father, a Subdivision Variance is requested in order to create two lots on this 32-acre site. In the short term, the applicant has indicated that the property will remain as it exists today – with one single-family dwelling and the remainder of the property under cultivation. By creating one small lot and one larger lot, the opportunity to continue to farm the property is greater than if the property is subdivided into two equally sized lots, each with a single-family dwelling and the typical accessory structures and driveways. Staff recommends approval, subject to the conditions below, as the proposed density is consistent with the allowable density for parcels that existed prior to June 28, 1994.

**Recommended Conditions**

1. A 25-foot dedication, or a lesser dimension as otherwise determined by the Department of Public Works, shall be provided on the final plat to ensure consistency with the Master Transportation Plan.

2. The final plat, when submitted to the Development Services Center, shall depict a minimum lot width for Parcel C of 20 feet.

*Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any uses allowed by this Use Permit are valid.*

*The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.*
Site Photos
APPLICANT'S NAME: Sheryl Skord, Trustee for Floyd E. Taylor Irrevocable Trust

DISCLOSURE STATEMENT FORM

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

- Acquisition of Property by City
- Alternative Compliance, Special Exception for
- Board of Zoning Appeals
- Certificate of Appropriateness (Historic Review Board)
- Chesapeake Bay Preservation Area Board
- Conditional Use Permit
- Disposition of City Property
- Economic Development Investment Program (EDIP)
- Encroachment Request
- Floodplain Variance
- Franchise Agreement
- Lease of City Property
- License Agreement
- Modification of Conditions or Proffers
- Nonconforming Use Changes
- Rezoning
- Street Closure
- Subdivision Variance
- Wetlands Board

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s):

- [ ] APPLICANT NOTIFIED OF HEARING
- [ ] NO CHANGES AS OF
- [ ] REVISIONS SUBMITTED

Page 1 of 7
Disclosure Statement

☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

☐ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: **Sheryl Skord, Jane Kintzi, Glenn Taylor**
If an LLC, list all member’s names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsidiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²

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**SECTION 2 / PROPERTY OWNER DISCLOSURE**

*Complete Section 2 only if property owner is different from Applicant.*

☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

☐ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: **Floyd E. Taylor Irrevocable Trust**
If an LLC, list the member's **Sheryl Skord, Jane Kintzi, Glenn Taylor** names:

Page 2 of 7
If a Corporation, list the names of all officers, directors, members, trustees, etc. below: (Attach list if necessary)

(B) List the businesses that have a parent-subsidiary \(^1\) or affiliated business entity \(^2\) relationship with the Property Owner: (Attach list if necessary)

\(^1\) "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

\(^2\) "Affiliated business entity relationship" means "a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service. IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPARATELY.

Page 3 of 7
## APPLICANT

<table>
<thead>
<tr>
<th>YES</th>
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## SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

<table>
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If yes, what is the name of the official or employee and what is the nature of the interest?
**CERTIFICATION:**
I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

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<tr>
<td>Sheryl Taylor Skord</td>
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