Applicant **Kyle W. & Bailey B. Fett**
Public Hearing **September 12, 2018**
City Council Election District **Princess Anne**

Agenda Item
12

Request
Subdivision Variance (4.4 (b) of the Subdivision Regulations)

Staff Recommendation
Approval

Staff Planner
Jonathan Sanders

Location
633 Princess Anne Road

GPIN
2308792616

Site Size
0.74 Acres

AICUZ
Less than 65 dB DNL

Watershed
Southern Rivers

Existing Land Use and Zoning District
Single-family dwelling / AG-2 Agricultural

Surrounding Land Uses and Zoning Districts
North
Princess Anne Road
Single-family dwelling / AG-2 Agricultural
South
Cultivated field / AG-1 Agricultural
East
Single-family dwelling, cultivated field / AG-2 Agricultural
West
Single-family dwelling / AG-2 Agricultural

Background and Summary of Proposal

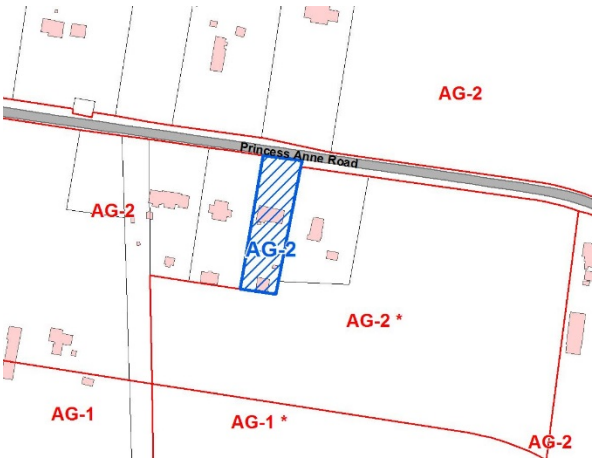
- According to the application, the subject parcel was subdivided by Deed dated July 2, 1957 and recorded on October 15, 1957 in Deed Book 515, page 252. A single-family dwelling was subsequently constructed on the property in 1958.

- One family lived on the property since 1958, until the current property owner purchased the lot earlier this year. During the review of the property's history, it was revealed that the site was never properly recorded, and that to do so would require a Subdivision Variance to both lot width and lot area.

- The property is zoned AG-2 Agricultural District, and as such requires one acre of lot area and a minimum lot width of 150 feet. The proposed lot width is deficient by 50.95 feet (99.05 feet proposed). The proposed lot area is deficient by 11,544 square feet (32,016 square feet proposed). As such, a Subdivision Variance to both lot area and lot width is requested.

	Required	Proposed Lot (Parcel C)
Lot Width (feet)	150	99.05*
Lot Area (square feet)	43,560 (1 acre)	32,016*

*Subdivision Variance required



No Zoning History To Report

Application Types		
CUP – Conditional Use Permit	MOD – Modification of Conditions or Proffers	FVR – Floodplain Variance
REZ – Rezoning	NON – Nonconforming Use	ALT – Alternative Compliance
CRZ – Conditional Rezoning	STC – Street Closure	SVR – Subdivision Variance

Evaluation and Recommendation

Section 9.3 of the Subdivision Regulations states:

No variance shall be authorized by the Council unless it finds that:

A. Strict application of the ordinance would produce undue hardship.
B. The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the neighborhood will not be adversely affected.
C. The problem involved is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the ordinance.
D. The hardship is created by the physical character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a variance.
E. The hardship is created by the requirements of the zoning district in which the property is located at the time the variance is authorized whenever such variance pertains to provisions of the zoning ordinance incorporated by reference in this ordinance.

This is a request to properly record a lot that has existed since 1957 by deed, and has been developed with a single-family dwelling. No further subdivision of land is proposed, and no changes are proposed to the existing structure. Due to the specific circumstances of the request, and the fact that the adjacent properties are under different ownership, Staff recommends approval of this request as conditioned below.

Recommended Conditions

1. When the property is subdivided, it shall be substantially in accordance with the submitted subdivision exhibit entitled "SUBDIVISION OF PROPERTY OF KYLE W. FETT & BAILEY B. FETT" dated June 28, 2018 and prepared by WPL. Said exhibit has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. A final plat shall be recorded with the Clerk of Court reflective of the layout referenced herein.

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.

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as being in the Rural Area with primarily agricultural and rural related activities. An important objective of the Plan for the Rural Area is to protect and sustain all of Virginia Beach's valuable environmental, scenic, and agricultural resources against inappropriate activities and intense growth pressures.

Natural and Cultural Resources Impacts

There are no known significant cultural resources associated with the site.

The site is located in the Southern Rivers Watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high water surface elevations in downstream receiving waters.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Princess Anne Road	3,856 ADT [1]	6,200 ADT [1] (LOS [4] "C")	Existing Land Use [2] - 10 ADT Proposed Land Use [3] - 10 ADT
[1] Average Daily Trips	[2] as defined by a single-family dwelling	[3] as defined by a single-family dwelling	[4] LOS = Level of Service

Public Utility Impacts

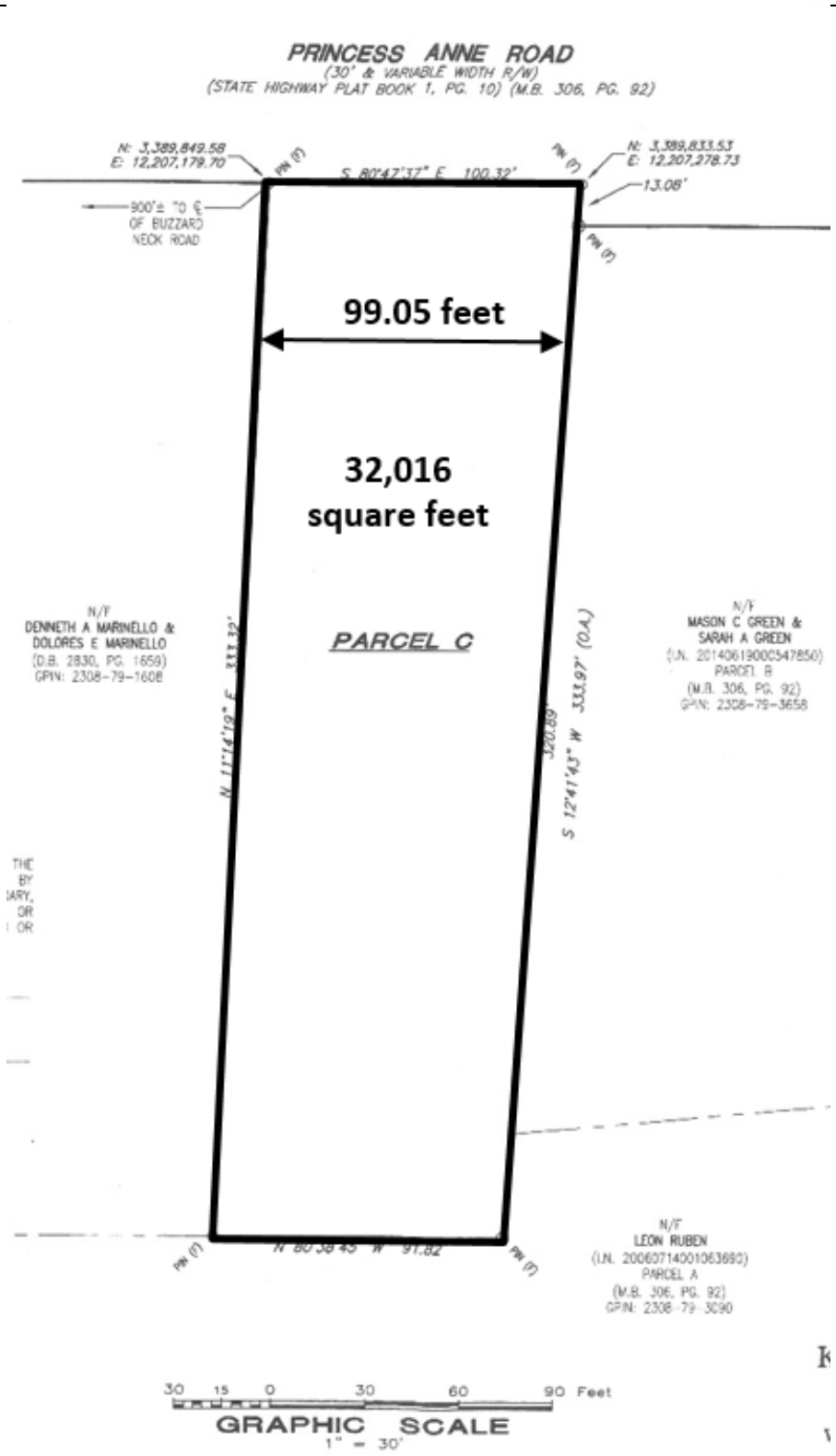
Water

The site is served by a private well.

Sewer

The site is served by a private septic system.

Proposed Subdivision



Site Photo

Virginia Beach

APPLICANT'S NAME Kyle W. Fett & Bailey B. Fett

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	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
	Franchise Agreement	
Chesapeake Bay Preservation Area Board	Lease of City Property	Subdivision Variance
Conditional Use Permit	License Agreement	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	DATE	
☐	NO CHANGES AS OF	DATE	
☐	REVISIONS SUBMITTED	DATE.	

Page 1 of 7

Virginia Beach

☒ 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: Kyle W. & Bailey B. Fett
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]

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:_____
If an LLC, list the member's names:

Virginia Beach

If a Corporation, list the names ofall 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 SEPERATELY

Virginia Beach

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☐	☒	Accounting and/or preparer of your tax return	
☐	☒	Architect / Landscape Architect / Land Planner	
☐	☒	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
☐	☒	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
☐	☒	Construction Contractors	
☒	☐	Engineers / Surveyors/ Agents	WPL
☒	☐	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Dragas Mortgage Company
☒	☐	Legal Services	Sykes, Bourdon, Ahern & Levy, P.C
☐	☒	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	
☐	☒	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

If yes, what is the name of the official or employee and what is the nature of the interest?

Virginia Beach

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.**

	Kyle W. Fett	
APPLICANT'S SIGNATURE	PRINT NAME	DATE
Bailey B Fett	Bailey B. Fett	7/2/2018

Page 5 of 7