Applicant **Mary Bozard**
Owner **Thomas Lee Bozard**
Public Hearing **September 12, 2018**
City Council Election District **Princess Anne**

Agenda Item

5

Request
Conditional Use Permit (Residential Kennel)

Staff Recommendation
Approval

Staff Planner
Marchelle Coleman

Location
2880 Indian River Road

GPIN
1493335295

Site Size
1.10 Acres

AICUZ
65-70 dB DNL

Watershed
Southern Rivers

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

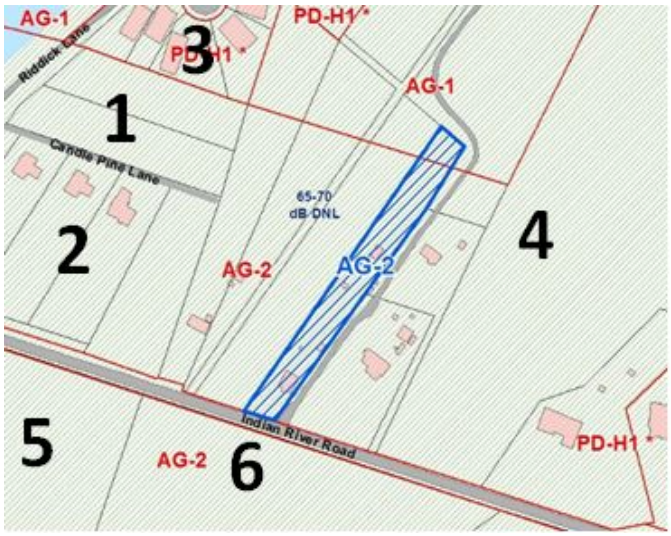
Surrounding Land Uses and Zoning Districts
North
Undeveloped / AG-1 Agricultural
South
Indian River Road
Agriculture pasture / AG-2 Agricultural
East
Single-family dwellings / AG-2 Agricultural
West
Undeveloped / AG-2 Agricultural

Background and Summary of Proposal

- The applicant currently has six adult companion dogs. The Zoning Ordinance requires a Conditional Use Permit for a Residential Kennel whenever a homeowner has more than four dogs. As this number exceeds the maximum permitted by Section 111 of the Zoning Ordinance, a Conditional Use Permit is required. The applicant was unaware of the need of the Conditional Use Permit until recently, and has submitted this application to rectify the situation.

- The property is developed with a single-family dwelling and several accessory structures. The three existing kennels are located in the rear of the property and are designed with a chain-link fence surround and a dog house for shelter. The applicant has indicated that the dogs remain inside of the single-family dwelling for the majority of the time. However, the kennels in the rear provide an outdoor area for the dogs.

- Section 223 of the Zoning Ordinance requires that except where animals are kept in a soundproof, air-conditioned building, no structure occupied by animals shall be located 100 feet of an adjacent property line. The location of the existing kennels does not meet this standard, as they are approximately six feet from the property line. Based on this, the applicant is requesting a deviation to this requirement.



Zoning History

#	Request
1	**SVR** Approved 12/13/2016
2	**SVR** Approved 09/27/2011
3	**PDH** Approved 05/13/2008
4	**CUP** (Cemetery, Columbarium, Crematory, Mausoleum) Approved 03/09/1999
5	**CUP** (TV Transmitter Tower) Approved 04/14/1986
6	**CUP** (Outdoor Recreation Facility) Approved 08/19/1985

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

This request for a Conditional Use Permit for a Residential Kennel is acceptable. In Staff's opinion, this residential kennel is compatible with the surrounding uses and is an appropriate activity for this area. The kennels on this site are well-screened from view from the right-of-way and from the adjacent dwellings. Staff is not aware of any issues with this request. As previously stated, the dogs will remain inside the dwelling for the majority of the time. Based on these considerations, Staff supports the deviation, per Section 221(i) of the Zoning Ordinance, and recommends approval of this request subject to the conditions below.

Recommended Conditions

1. No more than six adult dogs shall be kept on the property at any time.

2. The dog kennels shall be maintained in a safe and sanitary condition.

3. All animal waste from the dog kennels shall be collected and disposed of in a lawful manner on a daily basis.

4. The applicant shall ensure that all dogs are properly vaccinated and immunized and are licensed through the City of Virginia Beach.

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 this area as being within the South Princess Anne Commons, a subarea of Princess Anne Commons SEGA 4 within the Interfacility Traffic Area (ITA) between NAS Oceana and NALF Fentress. This designation reduces by-right residential density, yet overall still offers a unique opportunity for education, entertainment, recreation, and habitat preservation, by-right rural residential, and agricultural and related activities. It is not the intent of this Plan for this area to become part of the urban area north of the Green Line. Instead, the general goals are for creation of quality development, provide exceptional open spaces, and to design with nature. In addition to the Comprehensive Plan, the ITA and Vicinity Master Plan provides more detailed land use plan and recommendations for this area. The preferred land use plan designates this site as Agricultural/Rural Residential and calls for low density residential and agricultural farmettes.

Natural and Cultural Resources Impacts

The property is within the Southern Rivers Watershed. There are no known significant cultural or natural resources on this site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Indian River Road	5,637 ADT [1]	7,400 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 zoned AG-2	[3] as defined by a single-family dwelling zoned AG-2 with a residential dog kennel	[4] LOS = Level of Service

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

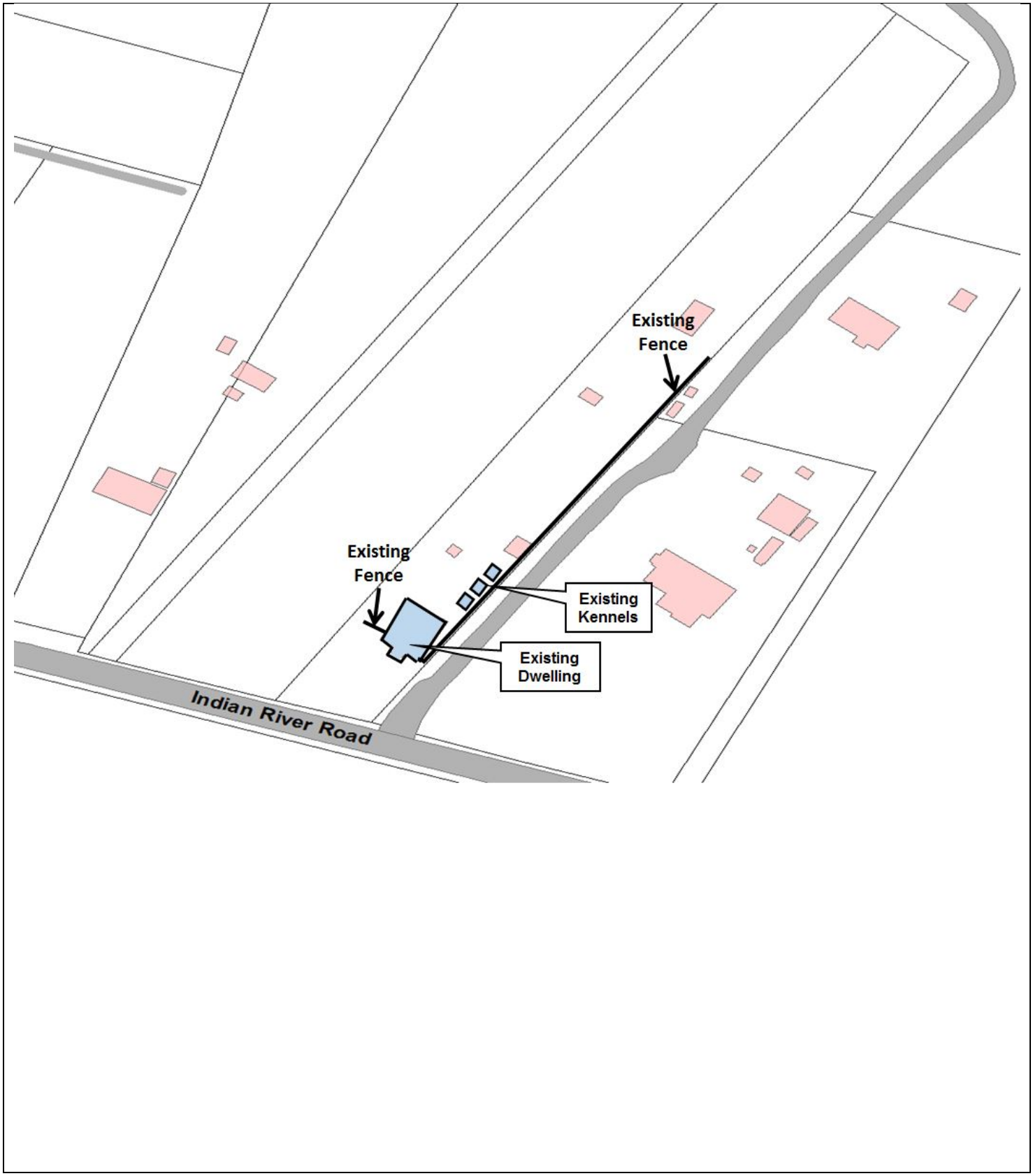
Indian River Road in the vicinity is considered a two-lane undivided rural highway. As this site is in the Princess Anne Commons/Transition Area, the MTP proposes up to four divided lanes in this vicinity. There are currently no roadway CIP projects planned for this area.

Public Utility Impacts

Water & Sewer

This property is not served by City water or sewer. The site is currently served by private well and a private septic system.

Site Layout


Existing
Fence
Existing
Fence
Existing
Kennels
Existing
Dwelling
Indian River Road

Site Photos

City of Virginia Beach

APPLICANT'S NAME Mary Bozard

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 Franchise Agreement	Street Closure
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:	

City of 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: Mary Bozard
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: Mary Bozard
If an LLC, list the member's names:

City of 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

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☒	☐	Accounting and/or preparer of your tax return	Jaxen Hewit
☐	☒	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	
☐	☒	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
☐	☒	Legal Services	
☐	☒	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?

City of 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.**

Mary Bozard	Mary Bozard	7-2-18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

City of Virginia Beach

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☒	☐	Accounting and/or preparer of your tax return	Jaxen Hewit
☐	☒	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)	
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Thomas Lee Bozard	Thomas Lee Bozard	7/6/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE