

**SPECIAL USE PERMIT-12-01. Annette Haden Manufactured Home
Staff Report for July 24, 2001, Board of Supervisors Consideration (deferred from June 26,
2001)**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Complex
Board of Supervisors: June 26, 2001, 7:00 p.m. (deferred)
 July 24, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant/Land Owner: Ms. Annette Marie Haden

Proposed Use: Manufactured Home

Location: 110 Hazelwood Avenue

Tax Map and Parcel No.: (12-2)(04-0-0007)

Primary Service Area: Inside

Parcel Size: .5 acres

Existing Zoning: R-1, Limited Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: All adjacent properties are zoned R-1, Limited Residential

Staff Contact: John Rogerson - Phone: 253-6685

STAFF RECOMMENDATION:

This case was deferred from the June 26, 2001, Board of Supervisors meeting to allow the applicant time to correct County Code Violations. While significant progress has been made to date, at this writing there is still one County Code Violation at this location. The violation is an inoperable vehicle.

Staff recommends the Board of Supervisors defer this application until the applicant resolves the inoperable vehicle violation on the property.

Miscellaneous

There is no homeowner's association for Temple Hall Estates but there are valid covenants. Therefore, any homeowner can file an action for an alleged violation of the covenants. Staff is not aware of any action on the other manufactured homes in Temple Hall Estates.

The covenants have been reviewed by the Deputy County Attorney, Mr. Leo Rogers. Mr. Rogers has stated that, given the language in the covenants, it is unclear whether a new manufactured home would violate the covenants. This is a decision to be made, if at all, by a Court.

Given this information, staff intends to focus on the land use issues involved with the proposal.

History

The applicant requested permission to replace the existing manufactured home which is twenty-four feet wide and fifty-three feet long, and has four bedrooms and one and a half bathrooms. It was placed on the parcel in the 1970's.

Description of Project

The proposed manufactured home is a new Oakwood 2000 model which is twenty-eight feet wide by seventy-six feet long. It is a four-bedroom model with two bathrooms. The existing manufactured home is nonconforming because it is located in a residential zoning district within the primary service area.

Surrounding Zoning

Adjacent properties are zoned R-1, Limited Residential. The immediate area is surrounded with single-family dwellings.

Surrounding Area

There are four manufactured homes within 2,000 feet. The nearest manufactured home is approximately 450 feet from the site.

Access

The parcel fronts on Hazelwood Avenue, which is a dirt road approximately 400 feet long. There are only two properties which use this road for access.

Public Utilities

The manufactured home is located within the Primary Service Area, but will be served by the existing well and septic system. The Health Department will approve or require upgrades to existing system prior to issuance of a Building Permit.

Screening

The parcel is wooded, however staff recommends that the applicant plant five screening plants two-feet tall and three-feet apart along the front of the new manufactured home. Plant type and location shall be approved by the Planning Director.

Recommendation

The proposed manufactured home, with the conditions noted below, would meet the administrative guidelines for the placement of new manufactured homes. While this application represents a continuation of a nonconforming use with respect to placement of manufactured homes in the R-1, Limited Residential Zoning District, it does provide an improvement in living conditions for the applicant. However, staff recommends the Board of Supervisors defer this Special Use Permit application, until the applicant corrects the County Code Violation on the property. Should the Board choose to approve the request, staff recommends the following conditions:

1. This permit shall be valid only for the 2000 Oakwood Model double-wide unit described on the Special Use Permit application. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised within one year from the date of approval, it shall become void.
2. The manufactured home shall meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. The manufactured home shall have a visible foundation of skirting in place within 30 days of placement. The tongue and axle of the manufactured home shall be removed if not covered by the skirting.
3. The existing mobile home shall be removed from the site prior to the placement of the new manufactured home.
4. The applicant shall plant five screening plants two-feet tall and three-feet apart along the front of the new manufactured home within 60 days of receiving the final Certificate of Occupancy. Plant type and location shall be approved by the Planning Director.
5. This Special Use Permit is not severable; invalidation of any word, phrase, clause, sentence, or paragraph, shall invalidate the remainder.

John C. Rogerson

CONCUR:

O. Marvin Sowers, Jr.

JCR/tlc
sup1201-2.wpd

Attachments:

1. Map
2. Photographs
3. Resolution