

**SPECIAL USE PERMIT 12-04. Hogan Homestead Children's Nursery  
Staff Report for the June 8, 2004, Board of Supervisors Meeting**

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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.

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**PUBLIC HEARINGS**

**Planning Commission:**

**Board of Supervisors:**

**Building F Board Room; County Government Center**

May 3, 2004, 7 p.m.

June 8, 2004, 7 p.m.

**SUMMARY FACTS**

**Applicant:**

Cathrine Hogan

**Land Owner:**

John and Cathrine Hogan

**Proposed Use:**

Extend for three years a special use permit for a child day care

**Location:**

233 Nina Lane

**Tax Map/Parcel:**

(23-4)(3-203)

**Parcel Size:**

0.331 acres

**Zoning:**

R-2, General Residential

**Comprehensive Plan:**

Low Density Residential

**Primary Service Area:**

Inside

**STAFF RECOMMENDATION**

Since 2001, the applicant has operated a child day care establishment with a special use permit, SUP-8-01. No negative impacts to the neighborhood as a result of this establishment have come to staff's attention. Further, the proposed conditions are in accordance with the Planning Commission's policy on child day cares located within residential neighborhoods. Therefore, staff recommends approval of this application.

**Staff Contact:**

Sarah Weisiger, Planner

Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On May 3, 2004, the Planning Commission voted 7-0 to recommend approval of the special use permit.

**Proposal Changes made after Planning Commission Consideration**

None.

**PROJECT DESCRIPTION AND PROPOSED OPERATION**

Ms. Hogan has applied for a special use permit amendment to continue to operate a child day care establishment in her home at 233 Nina Lane in the Kristiansand subdivision. The existing special use permit has a condition requiring renewal of the permit after three years; this is the reason for this SUP amendment. In the R-2, General Residential, zoning district in which the house is located, a special use permit (SUP) is required for group care of six or more children away from their own home. The existing special use permit, SUP-8-01, has conditions including a limit of eight children in the day care and a limit of the hours of operation from 7:00 a.m. to 1:30 p.m., Monday through Friday.

**PUBLIC IMPACTS**

**Public Utilities**           The site is served by public water and by a septic system and drainfield.

**Health Department Comments:**   The Health Department has no objection to the renewal of the special use permit. Due to septic system capacity, the Health Department recommends a new condition that there shall be no food preparation or laundry services in the operation of the child care establishment. This condition has been included below.

**COMPREHENSIVE PLAN**

**Land Use Map Designation:**       Low Density Residential.  
**Staff Comments:**                 While child care establishments are not normally consistent with low density residential development, this type of day care as limited by special use permit conditions, has not negatively impacted the neighborhood.

**CONCLUSIONS & CONDITIONS**

In 2001, the Planning Commission recommended a policy on child day care centers within neighborhoods. The policy states that if there are significant impacts on a neighborhood as a result of a child day care center, staff shall recommend denial of any child day care center. To staff’s knowledge no problems have arisen as a result of the establishment’s location within the Kristiansand neighborhood. Also, State and County agencies do not oppose the SUP application. Staff therefore recommends approval of this special use permit application with the conditions included in the resolution attached to this report.

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Sarah Weisiger

CONCUR:

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O. Marvin Sowers, Jr.

SW/tlc  
SUP1204Hogan.wpd

**ATTACHMENTS:**

1. Planning Commission Minutes (Unapproved)
2. Location Map
3. James City County Planning Commission’s Policy Committee: Child Day Care Centers Located in the Interior of Residential Neighborhoods, June 22, 2001.
4. Resolution