

STAFF PERSON:	Rebecca Ragsdale, Senior Planner
BOARD OF SUPERVISORS:	June 8, 2016
PROJECT:	CLE 2016-00032 Rose Garden Family Day Home
PROPERTY OWNER:	Prax, Bryan or Jennifer
APPLICANT:	Rebecca Garson
LOCATION:	7338 Plank Road
TAX MAP/PARCEL:	07000-00-00-039E0

PROPOSAL:

The applicant proposes to establish a family day home for up to 12 children at 7338 Plank Road, which is about 2 miles west of Batesville. The family day home hours would be 8:30 a.m. to 3:00 p.m., Monday through Friday and up to one employee would be associated with the Rose Garden. The applicant is currently an employee of the Rose Garden family day home at 2579 Heartwood Rd, which has been in operation for over 10 years, and is located about 4 miles to the east of this proposed site. The applicant will be taking over the Rose Garden and would like to relocate it to their Plank Road address. Family day homes are subject to supplemental regulations found in County Code § 18-5.1.56 that address parking, entrance and access, traffic limits, and compliance with building code, Fire Marshal inspection, and Department of Social Services licensing. (Attachment A)

CHARACTER OF THE AREA:

The property is 2.047 acres in size and consists of the house (#7338) proposed for the family day home, which is set back from Plank Road approximately 200 feet. A cabin (#7342) is located on the property, adjacent to Plank Road, and the property also includes open and pasture areas that are fenced. (see Attachment B - Location Map) Adjacent to the property on the northern and eastern property lines is a 14.82 acre property with one house and fenced open fields. Immediately to the west of the property is a 1.32 acre property with one house (#7346 on TMP 70-39A). Across Plank Road from the property is Wavertree Hall, an approximately 145 acre parcel, with a horse farm and a historic house, which is under conservation easement.

COMPREHENSIVE PLAN:

The property is designated as Rural Area in the Comprehensive Plan. This designation includes preservation and protection of agricultural, forestal, open space, and natural, historic, and scenic resources. Staff does not believe the family day home use will be in conflict with these overall goals of the Comprehensive Plan.

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:

County Code § 18-5.1.56(b)(7)(b) provides that, in acting on a special exception, the Board “shall consider whether the proposed use will be a substantial detriment to abutting lots.” Staff opinion is that authorizing the family day home to provide care for up to 12 children, with the conditions below imposed, would not create a substantial detriment to abutting lots. The application meets all requirements of County Code § 18-5.1.56 and staff believes neighbor concerns (attached) can be addressed through conditions of approval. Letters of support have also been provided.

NEIGHBOR CONCERN	STAFF COMMENT
Traffic Concerns	VDOT has reviewed the entrance to the property, including sight distance. VDOT has recommended a) the entrance be widened to accommodate two-way traffic and b) sight distance of to the west of the entrance be provided. Minimum sight distance can be accomplished by trimming trees and vegetation and is in the direction of the curve mentioned by abutting property owners. The entrance has adequate sight distance to the east. Staff recommends VDOT approval of the entrance prior to issuing a zoning clearance as a condition of approval of the special exception. (Condition #2)
Parking	The zoning ordinance requires two parking spaces for a single family dwelling and requires one additional space plus one per employee for a family day home. A total of four spaces will be needed for this site. There is an existing parking area next to the house than can accommodate at least three parking spaces and additional areas for parking are available off of the driveway.
Quiet Enjoyment of Property	Objections were received from an abutting property owner whose home is approximately 500 feet behind the proposed family day home (TMP 70-39B) and from a nearby property owner whose home is approximately 1,000 feet to the west (TMP 70-39B1). (Location Map-Attachment B) No objection was received from the closest property that shares the driveway with this site. The applicant has proposed to locate the outdoor play areas for the family day home in the front of the property, away from the concerned neighbor's property lines. Hours of the family day home are 8:30 a.m. to 3:00 p.m. so there will be no early morning drop-offs or late evening pick-ups. A condition of approval for hours of operation is recommended. (Condition #1)
Trespassing/ Nearby Lake	The family day home property is currently surrounded by a three-board fence and the abutting property owner's land is fenced with a four-board fence. The applicant plans to add additional fencing around the house to enclose play areas. Also, DSS regulations require that children be supervised at all times. The lake on the nearby property is over 700 feet away from and not visible to the proposed family day home. DSS standards require 4 foot non-climbable fencing for hazards located within 30 feet of play areas. While the fence is not required by DSS in this case, staff has recommended the playground be fenced to alleviate neighbor concerns as an extra safety measure. (Condition #3)
Property Values	Family day homes are considered an accessory use to a single family dwelling. Family day homes are not permitted to have signs, and there would be no change in character to the neighborhood.
Use of Cabin as Dwelling	Staff has met with the property owner to discuss allowed use of the cabin under zoning. The cabin is not permitted as a dwelling and will not be used for family day home uses.
Doesn't meet Family Day Home definition	Family day homes are only permitted in a provider's home or the home of a child in care. At the time the family day home application was made to the County, the applicant had not yet completed her move into the residence at 7338 Plank Road. The applicant now resides in the home and is therefore compliant with family day home zoning requirements.

Staff opinion is that authorizing the family day home to provide care for up to 12 children, with the proposed conditions, would not create a substantial detriment to abutting lots. Staff recommends that the Board adopt the attached resolution (Attachment F) to approve the family day home special exception, subject to the following conditions:

1. Hours of operation for the family day home shall be no earlier than 7:45 a.m. and no later than 3:45 p.m.
2. The applicant shall obtain a VDOT Land Use Permit and complete entrance and sight distance improvements to the satisfaction of VDOT prior to approval of a zoning clearance for the family day home.
3. Prior to approval of a zoning clearance for the family day home use, fencing shall be installed around the perimeter of playground areas. Any fencing shall satisfy the following:
 - A. Fencing shall be at least four (4) feet tall;
 - B. Fencing shall be non-climbable with no accessible openings, handholds, or footholds that can be used by children to climb the barrier;
 - C. There shall be no more than a two (2)-inch gap under any fencing; and
 - D. Any fence openings shall be small enough that a four (4) inch sphere shall not pass through.