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M E M O R A N D U M

TO: Frederick P. D. Carr, AICP - Director

THROUGH: Susan Eddy- Chief of Planning *SKE*

FROM: Bonnie Bogert- Planner II

RE: Waiver of Subdivision Ordinance 2-39.C.3-Design Standards Requirement

DATE: October 15, 2007

Mehrmah Payendah, owner, has requested a waiver of road design requirement for private streets in a large lot subdivision (Section 2-39.C.3 of the Subdivision Ordinance). The applicant requests this waiver for three (3) parcels. One parcel consists of 187.13 acres (PIN 6032-17-7831-000). One parcel consists of 194.07 acres (PIN 6022-94-5679-000), and one parcel consists of 106.29 acres (PIN 6022-86-6327-000). All parcels are zoned RC (Rural Conservation). The subject properties are located off Route 688, Leeds Manor Road.

The owner is proposing to subdivide these three parcels into eight (8) large lots ranging in size from ± 51 to ± 91 acres. The subject parcels do not have frontage on a state (VDOT) maintained road. The properties are currently accessed by three existing 50-foot wide right-of-ways: Apple Manor Road, Orchard Hill Lane, and Audubon Trail. Apple Manor Road is the only private street that connects directly to a state (VDOT) maintained road. Orchard Hill Lane and Audubon Trail connect to Apple Manor Road. Zoning Ordinance Section 7-302.1.A.2, requires that private streets must connect directly to a state maintained street. A waiver of this Zoning Ordinance provision was approved on May 10, 2007. As part of the approval of this waiver, another 50' wide ingress-egress easement which connects to Apple Manor Road was dedicated. This easement shall provide access to several of the lots.

Section 2-39.C.3 of the Subdivision Ordinance requires that the design standards of Article 7-303.1 of the Zoning Ordinance be met. The Zoning Ordinance references three types of private streets; Types I, II, and III. Type III streets do not have any design standards associated with them; therefore Mrs. Payandeh is asking to construct a Type III private street that would not have any design criteria associated with its construction.

Staff conducted a site visit on April 30, 2007. Staff found that the majority of the roads are already in existence as hard dirt or gravel surfaces. While the roads are steep in some areas, they are still traversable.

Properties that are zoned Rural Conservation (RC) are typically properties that contain environmentally sensitive features, such as mountains and timber resources. The regulations of this zoning district were designed with those factors in mind in order to conserve these areas to the maximum extent possible. Low density residential uses are ideal for RC zoned parcels.

The subject parcels are also under Conservation Easement with the Virginia Outdoors Foundation (VOF). The terms of this easement do allow for subdivision of these parcels; however, there are restrictions placed on the amount of grading and earth removal allowed on the subject properties. To design a private road in accordance with the standards for large lot subdivisions would be counterintuitive to the intent behind the Rural Conservation Zoning District and the terms of the Virginia Outdoors Foundation Easement.

Staff recommends that the waiver of Subdivision Ordinance Section 2-39.C.3 be approved based on the following reasons:

1. No other access appears to be feasible at this time;
2. The applicant has provided an additional means of access that will not excessively burden any of the existing private roads;
3. The traffic impact from a maximum of eight (8) additional dwellings will be of minimal impact any existing users of these right-of-ways.

Staff further recommends that the waiver of Subdivision Ordinance Section 2-39.C.3 be approved subject to the following conditions:

1. The road shall be designed in accordance with the typical section shown on Sheet 1 of the Waiver Plat done by Carson, Ashley & Associates dated April 4, 2006.
2. An Erosion and Sediment (E&S) Plan shall be submitted at the time of application for a Land Disturbance Permit.

A series of G.I.S. maps are provided to assist your review and determination. The applicant's statement of justification, waiver plat and Board of Supervisors Resolution is also included.

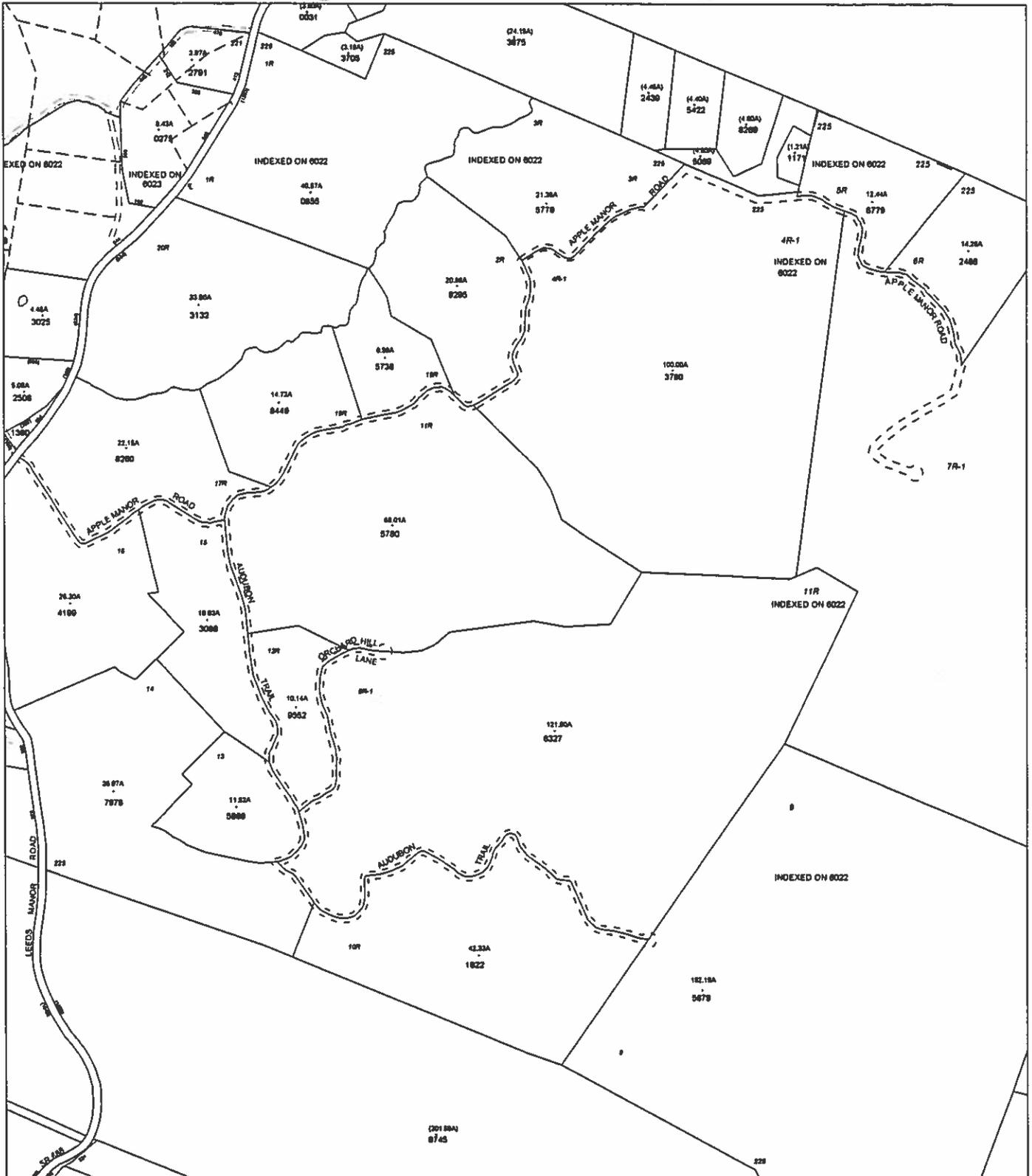
Approve: Deny:



Frederick P.D. Carr, AICP
Director

10-19-07

EXISTING CONDITIONS



PIN=6022-88-6327
 NAME=PAYANDEH, MEHRMAH
 ADDR=2 SHORT LN
 CITY=MASSAPEQUA PARK, NY
 ZIP=11752
 FMVLAND=28400
 DEFER=0
 BLDG=0
 TAXVAL=28400
 ACREAGE=121.4992
 BKPG=782/1509
 SUBDIV=APPLE MANOR SD
 E911=No data
 ZONE=RC
 DATE=No data
 SALE=No data
 DISTRICT=MARSHALL



Fauquier County
Geographic Information System

Scale : 1 Inch = 915 Feet.
 Date: 10/15/2007

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This map does not meet
 surveying accuracy standards.

