



# 22SN0062 – Dana Phinney

Magisterial District – Midlothian

Applicant – Dana Phinney (804-397-3262)

BOS Public Hearing – September 21, 2022

Time Remaining

**365 Days**

Case Manager

**Ryan Ramsey**

(804-751-4474)

## Request

### Conditional Use

A group care facility for the care of up to three (3) resident adults (aged sixty-two or older) is planned.

## Planning Commission Recommendation

**Approval**

## Staff Recommendation

**Approval**

## The Property

8157 Brown Road

## Site Size

1.39 Acres

## Comprehensive Plan –

**Land Use Designation**

Suburban Residential II

## Plan Area

County Wide Plan

Figure 1: Aerial of Request Area – Click Image for Link to GIS

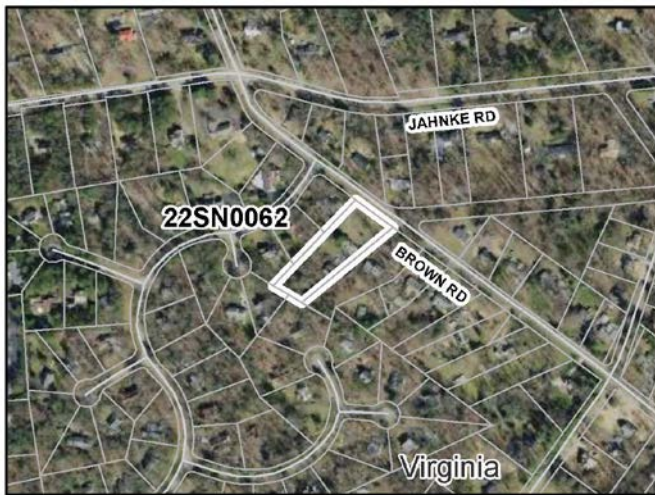


Figure 2: Area Map of Request & Land Use Plan Map



## Summary of Proposal

Conditional use to permit a group care facility incidental to a dwelling in a Residential (R-15) District.

A group care facility is planned whereby a maximum of three (3) resident adults aged sixty-two (62) or older would receive full-time care from the applicant (and staff) in her home.

## Recommendations

### PLANNING COMMISSION - APPROVAL

### STAFF - APPROVAL

The requested use of a group care facility incidental to a dwelling would be compatible with surrounding residential development, being similar in character and impact as a residential care home that is permitted by-right in residential districts. Conditions would limit the number of individuals under the applicant's care, the number of employees permitted on the premises, non-transferrable ownership, exterior alterations, signage and a time limitation for the use. As conditioned, staff finds that the residential character of the area will be maintained should this request be granted.

### NOTES FOR THE PLANNING COMMISSION AND BOARD OF SUPERVISORS

1. Conditions may be imposed.
2. Conditions have been identified in this report.
3. Both the Planning Commission and Staff recommend the conditions identified in the staff report.

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**Comprehensive Plan – Land Use Plan Designation**

The Comprehensive Plan designates the Property for Suburban Residential II, which suggests the Property is appropriate for residential development at a maximum density of 2.0 to 4.0 dwellings per acre.

**Proposal**

A group care facility, with a maximum of three (3) resident adults (aged sixty-two or older) who receive full-time care, is proposed within the applicant’s home. The applicant would reside on the premises and care for the residents within her home. An employee who does not reside on the premises would also help the applicant with the care of residents. The applicant had previously been granted conditional use approval to operate this use at her previous home, located at 9201 Winterpock Road (Case 15SN0655).

**Group Care Facility Versus Residential Care Home**

The Zoning Ordinance provides for an alternative designation for the care of aged, infirmed, or disabled adults known as a “residential care home”. A “group care facility” and a “residential care home” are [defined by the Ordinance](#) with the following requirements:

	<b>Group Care Facility (Conditional Use)</b>	<b>Residential Care Home (By-right)</b>
<b>Type of Individuals Receiving Care</b>	Adult and/or child caring institution or facility, provide residential services to: <ul style="list-style-type: none"> <li>individuals requiring rehabilitation or personal services because they are physically handicapped, mentally ill, mentally retarded, developmentally disabled, aged, infirm, chronically ill, incurably afflicted, children in need of services or children separated from their parents or guardian</li> </ul> <i>Definition in Attachment 2</i>	Adult and/or child caring home, provide residential services to: <ul style="list-style-type: none"> <li>individuals who are mentally ill, mentally retarded, or developmentally disabled</li> <li>individuals who are aged, infirmed or disabled</li> </ul> <i>Definition in Attachment 2</i>
<b>License from State?</b>	License from State not required by County definition <sup>1</sup>	Licensed by Virginia State Department of Behavioral Health and Developmental Services or Department of Social Services (DSS) required by County definition
<b>Limit on the Number of Individuals Receiving Care</b>	No limit	Limit of 8 individuals receiving care in a home
<sup>1</sup> A license to care for four (4) or more individuals in any facility is required by DSS.		

The major distinction between a “group care facility” and a “residential care home” is the licensure of the facility and the number of individuals under the care of the caregiver. A license to care for four (4) or more individuals in a home setting is required by DSS (Department of Social Services). The applicant’s request could be classified as a residential care home if the applicant obtained a voluntary license from DSS. The applicant has indicated that she does not want to pursue a voluntary license from DSS. Therefore, conditional use approval is required for a group care facility (incidental to a home) without a license being obtained from DSS.

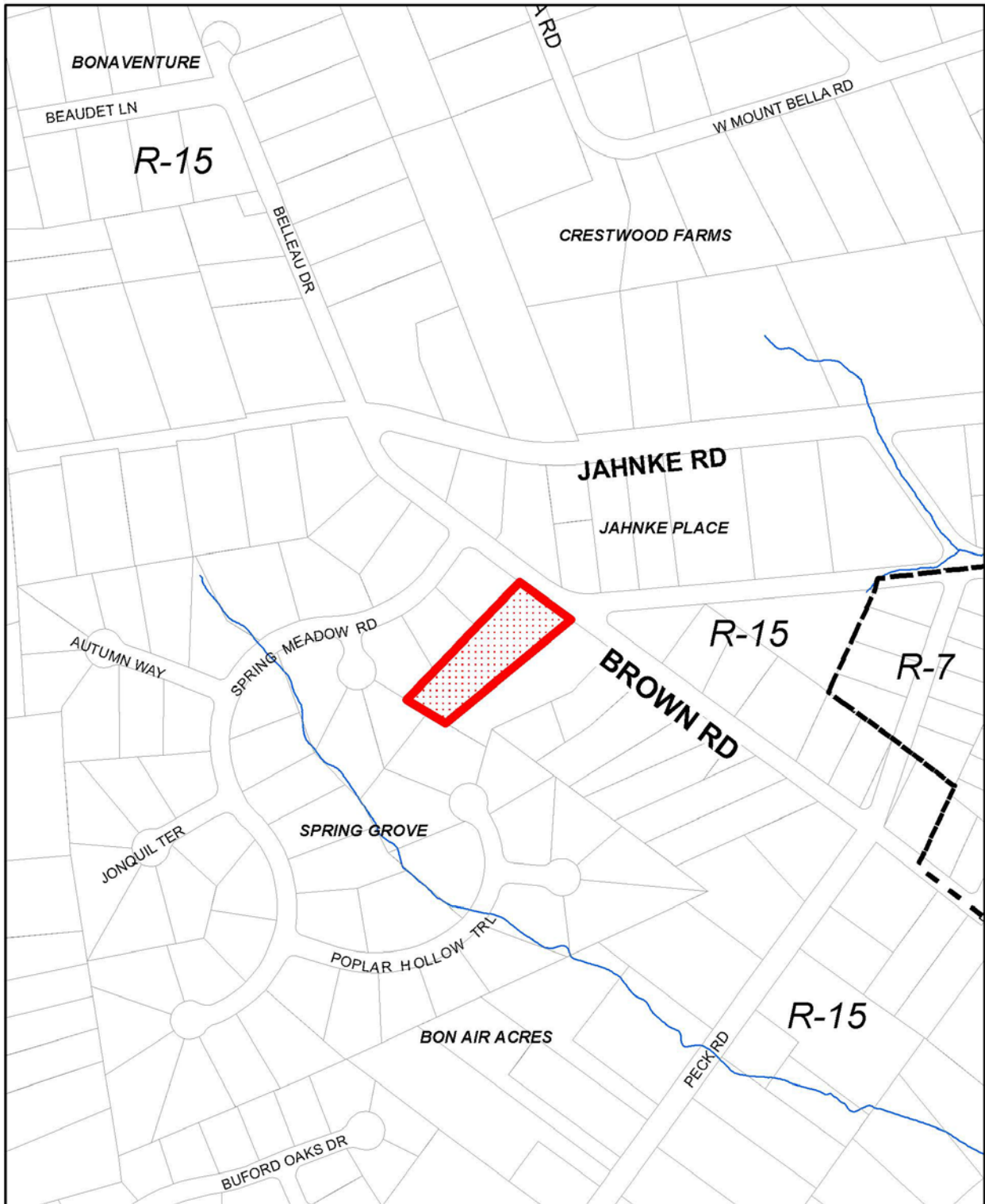
### **Limitations for Group Care Facility**

To limit the potential for adverse impacts related to this use, staff recommends that conditions relative to non-transferrable ownership, the number of adults being cared for by the applicant, precluding exterior additions or alterations for this use, signage, time limitation, and the number of employees permitted to work on the premises at any one time ([Conditions 1-6](#)).

### **Findings**

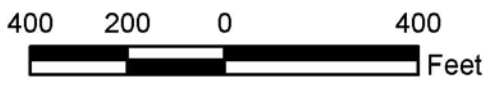
As conditioned, the intensity of the use will be limited by the number of individuals in the applicant's care, limitations on the number of employees reporting to the property at any one time, and prohibiting further additions or alterations for the use. Therefore, staff finds that the residential character of the property would be maintained. The operation of a group care facility would be no more intense than a residential care home, which is a use permitted by-right.



# Current Zoning Map



## Map 1: Subject Property

Case #: 22SN0062  
Acreage: 1.39  
Address: 8157 BROWN ROAD  
GPIN: 758-712-7284



-  Resource Protection Area
-  Streams

## Supplemental Analysis

### Community Enhancement

No comment on this request.

### Environmental Engineering

No comment on this request.

### Fire & Emergency Medical Services

#### Service Area

The Buford Fire Station, Company Number 9

#### Additional Information

This request will have minimal impacts on Fire & Emergency Medical Services.

### Police

Division	Beat	District
Swift Creek	10	Midlothian

#### Additional Information

This request is anticipated to have minimal impacts on Police.

### Transportation - County Department of Transportation

The traffic impact of the request is anticipated to be minimal.

### Transportation - Virginia Department of Transportation

The applicant is requesting a conditional use to permit a group care facility up to 3 aged individuals incidental to the dwelling. This zoning case is a local matter and VDOT has no comment at this time.

### Utilities – Water and Wastewater

1. The existing residential structure on the request site is connected to the public water and wastewater systems.
2. The proposed group care facility will have minimal impact on the public water and wastewater systems.
3. The Utilities Department supports this request.

## Community Engagement & Public Hearings

### Community Meeting

#### 6/30/2022 – Discussion Topics:

1. Oversight of business and any required inspections to ensure care of residents; operator/staff qualifications for the care of residents
2. Affiliation of business with other area residential care homes
3. Impact of business use on area residential properties

### Planning Commission

**8/16/2022:** **Citizen Comments:** No citizens spoke to this request.

**Recommendation:** APPROVAL WITH THE [CONDITIONS](#)

**Motion:** Sloan **Second:** Petroski

**AYES:** Owens, Petroski, Freye, Hylton, Sloan



## Conditions

**Staff Note: Both the Planning Commission and Staff recommend the following conditions.**

1. Non-Transferable Ownership. This conditional use approval shall be granted to and for Dana Phinney, exclusively, and shall not be transferable nor run with the land. (P)
2. Group Care Facility Residents. This conditional use approval shall be limited to providing group care services to a maximum of three (3) adults who reside on the premises. Any resident receiving group care services on the subject property shall be a minimum of sixty-two (62) years of age. (P)
3. Expansion of Use. There shall be no exterior additions or alterations to the existing structure to accommodate this use, except alterations to meet Americans with Disabilities Act (ADA), building code requirements, or regulatory requirements pertaining to the operation of a group care facility and the residents receiving group care in the dwelling. (P)
4. Signage. Signage shall not be permitted for this use. (P)
5. Time Limitation. This conditional use approval shall be granted for a period not to exceed three (3) years from the date of approval. (P)
6. Employees. No more than one (1) employee shall be permitted to work on the premises at a time, other than family member employees that live on the premises. (P)

## Zoning Ordinance Definitions – Residential Care Home vs. Group Care Facility

<b>Residential Care Home</b>	<b>Group Care Facility</b>
<p>Adult or child caring dwelling housing a maximum of 8 individuals exclusive of one or more resident counselors or other staff. Such facility shall either be licensed by the Virginia State Department of Behavioral Health and Developmental Services to provide residential services to individuals who are mentally ill, mentally retarded, or developmentally disabled, or the Virginia State Department of Social Services to provide residential services to individuals who are aged, infirmed or disabled. For the purposes of this section, mental illness and developmentally disabled shall not include persons who illegally use or are addicted to a controlled substance, as defined in the Code of Virginia.</p>	<p>Adult or child caring institution or facility, other than a residential care home, halfway house or hospital, designed to provide resident services to individuals requiring rehabilitation or personal services because they are physically handicapped, mentally ill, mentally retarded, developmentally disabled, aged, infirm, chronically ill, incurably afflicted, children in need of services, or children separated from their parents or guardian.</p>

## Case Contacts

### Applicant

- **Applicant's Contact:**  
Dana Phinney (804-397-3262)  
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### District Planning Commissioner

- **Frank Petroski (804-768-7558)**  
petroskif@chesterfield.gov

### Staff

- **Planning Department Case Manager:** Ryan Ramsey (804-751-4474) ramseyrp@chesterfield.gov
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- **Environmental Engineering:** Rebeccah Rochet (804-748-1028) rochetr@chesterfield.gov
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- **Libraries:** Jennifer Stevens (804-751-4998) stevensj@chesterfield.gov
- **Parks & Recreation:** Janit Llewellyn (804-751-4482) llewellynJa@chesterfield.gov
- **Police:** Jim Eicher (804-318-8693) eicherj@chesterfield.gov
- **Schools:** Natalie Spillman (804-748-1370) spillmann@chesterfield.gov
- **Transportation - County Department of Transportation:** Steve Adams (804-751-4461) adamsst@chesterfield.gov
- **Transportation - Virginia Department of Transportation:** Willie Gordon (804-674-2907) willie.gordon@vdot.virginia.gov
- **Utilities:** Randy Phelps (804-796-7126) phelpsc@chesterfield.gov