



# 22SN0103 – Daniel and Brittany Royce

Magisterial District – **Midlothian**

Applicant – **Daniel and Brittany Royce** (804-320-6300)

BOS Public Hearing – **November 16, 2022**

Time Remaining

**365 Days**

Case Manager

**Summer Morris**

(804-751-4151)

## Request

### Conditional Use Planned Development

Exception to requirement for setback from a petroleum pipeline easement

## Planning Commission Recommendation

### Approval

## Staff Recommendation

### Approval

## The Property

16300 Binley Road

## Site Size

0.36 Acre

## Comprehensive Plan – Land Use Designation

Suburban Residential I

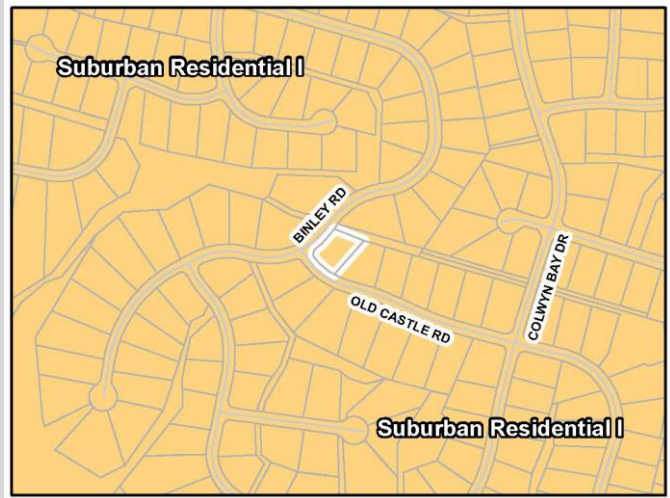
## Plan Area

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

The applicant is requesting an exception to the ordinance requirement for the setback from a petroleum pipeline easement to allow an inground pool to be built in the rear yard within the required twenty (20) feet setback.

## Recommendations

### PLANNING COMMISSION - APPROVAL

### STAFF - APPROVAL

Staff recommends approval of this request. The encroachment into the setback will have a minimal impact to adjacent properties.

### NOTES FOR THE BOARD OF SUPERVISORS

1. Conditions may be imposed, or the property owner may proffer conditions.
2. Conditions are included with this report.
3. A conceptual plan has been submitted by the applicant.
4. Both the Planning Commission and Staff recommend the conditions identified in the staff report.

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## Planning

### Zoning History

**6700008U:** Approved (5/1967)

Conditional use to mine clay. Conditions of approval required that the land be levelled and covered with topsoil when mining operations were completed.

**03SN0124:** Approved (1/2003)

Rezoning to Residential (R-15) District permitting a single-family subdivision with a maximum of 450 dwelling units.

**10SN0142:** Approved (3/2010)

Conditional use to permit community recreational use in a Residential (R-15) District.

### Comprehensive Plan – Land Use Plan Designation

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

### Proposal

Conditional use planned development is requested for an exception to the petroleum pipeline easement setback in order to permit the construction of an in-ground pool in the rear yard of the property. Figure 3, to the right, shows the proposed location of the pool and landscaping, the location of the pipeline easement (shown in yellow), and the twenty (20) feet setback from the easement (shown in red).

No above ground structures will be built on the property within the setback and no disturbance will occur within the pipeline easement.

### Ordinance Exceptions

For subdivisions recorded on or after July 7, 1988, the Zoning Ordinance requires that all structures be set back the greater of twenty (20) feet from any petroleum pipeline easement or thirty-five (35) feet from pipelines. In this case, the greater distance is twenty (20) feet from the pipeline easement.

A setback of eight (8) feet from the petroleum pipeline easement is proposed. (The applicant communicated with Colonial Pipeline Company, the owners of the pipeline, about this request and since the proposed in-ground pool does not encroach into the easement, Colonial Pipeline Company did not have any concern about the request to encroach into the setback.)

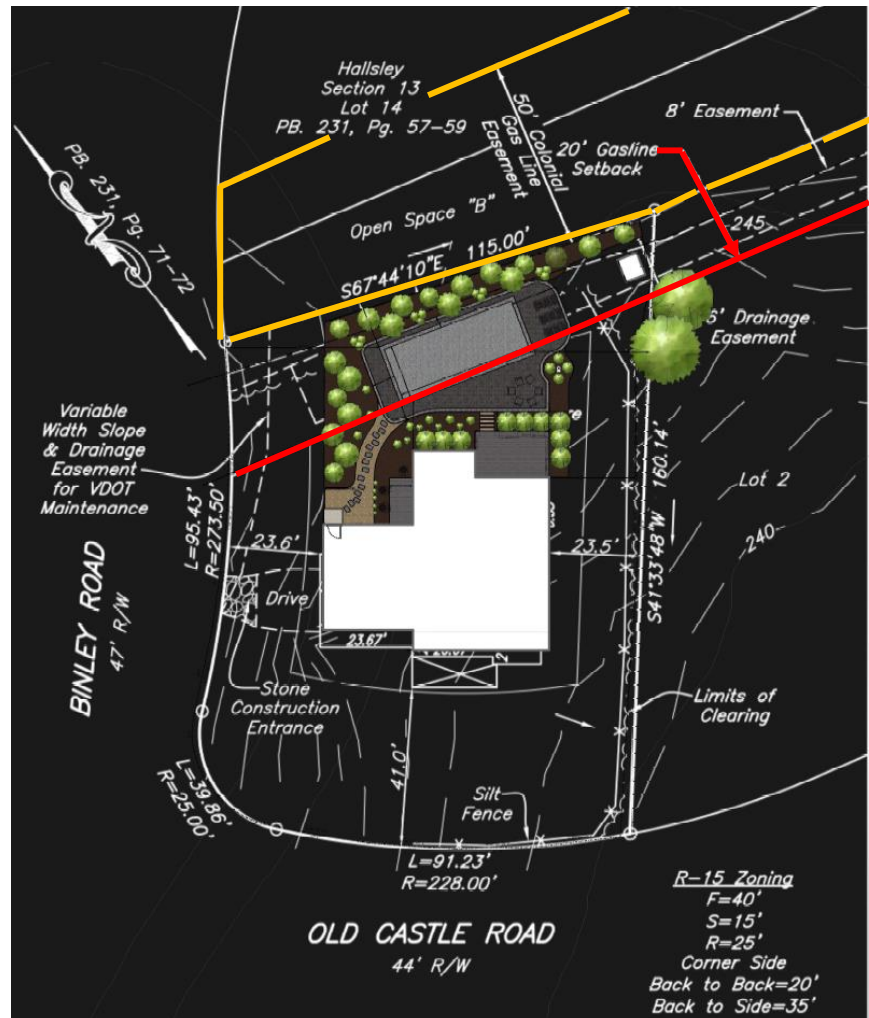
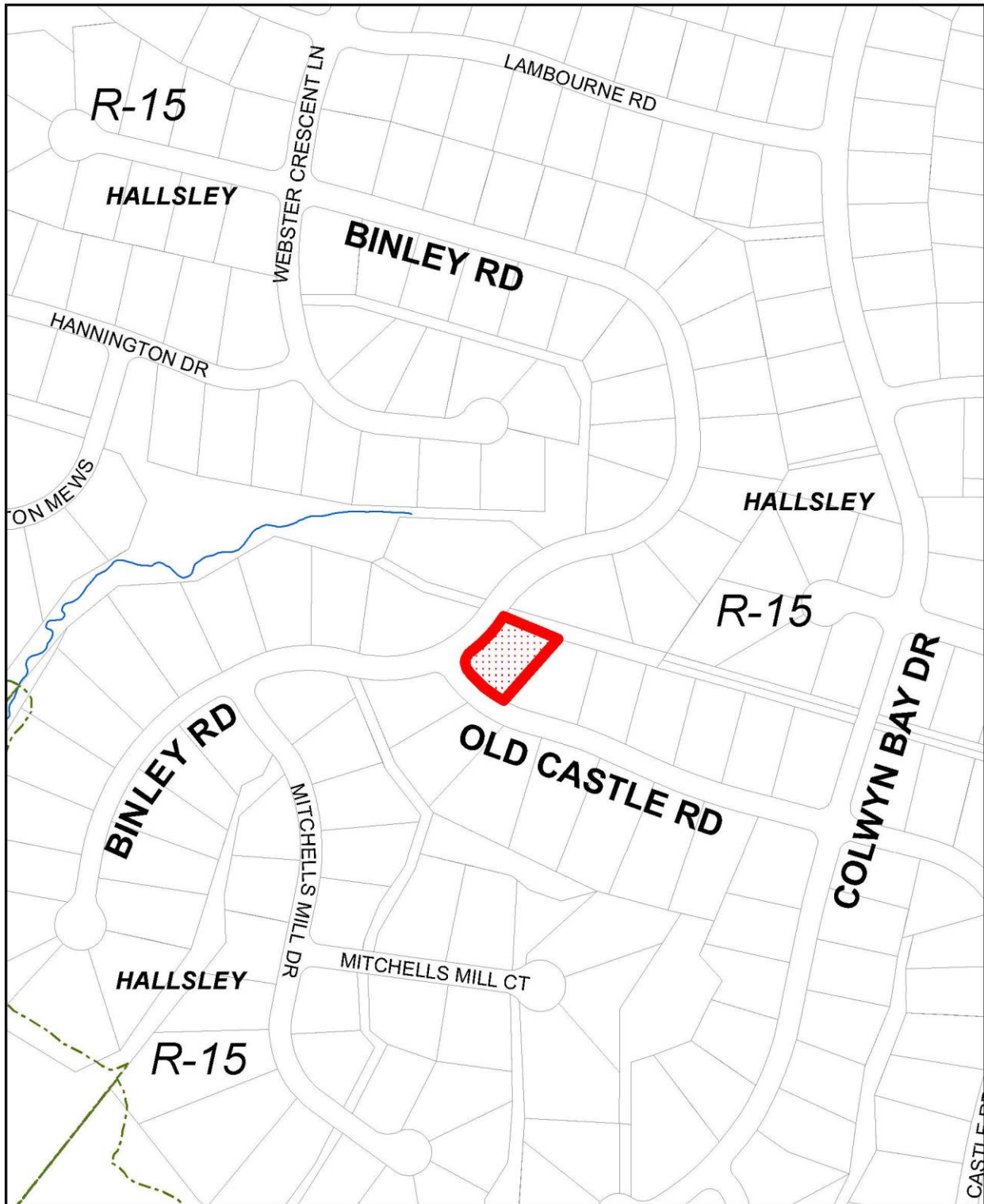


Figure 3: Proposed Layout Plan



**Map 1:**  **Subject Property**

Case #: 22SN0103


Acreage: 0.36

Address: 16300 BINLEY ROAD

GPIN: 709-696-8955

300 150 0 300



 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 Swift Creek Fire Station, Company Number 16

#### Additional Information

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

### Police

No comment on this request.

### Transportation - County Department of Transportation

This request will have no impact on the transportation network.

### Transportation - Virginia Department of Transportation

This zoning case does not appear to impact VDOT maintained right-of-way and VDOT offers no comment at this time.

### Utilities – Water and Wastewater

The existing residential structure on the request site is connected to the public water and wastewater systems. The setback request for a pool will not impact existing public water and wastewater lines. The Utilities Department supports this request.

## Community Engagement & Public Hearings

### Community Meetings

A virtual community meeting was scheduled for September 7, 2022. The applicant was asked to notify each adjacent property owner of the zoning request and the community meeting. No one was in attendance at this meeting.

In response to the notification letters that were sent out by the applicants to adjacent property owners, the applicants received several email responses from recipients saying that had no issues with the request.

### Planning Commission

**10/18/2022:** **Citizen Comments:** No citizens spoke to this request.

**Recommendation:** Recommended for approval with conditions.

**Motion:** Petroski      **Second:** Hylton

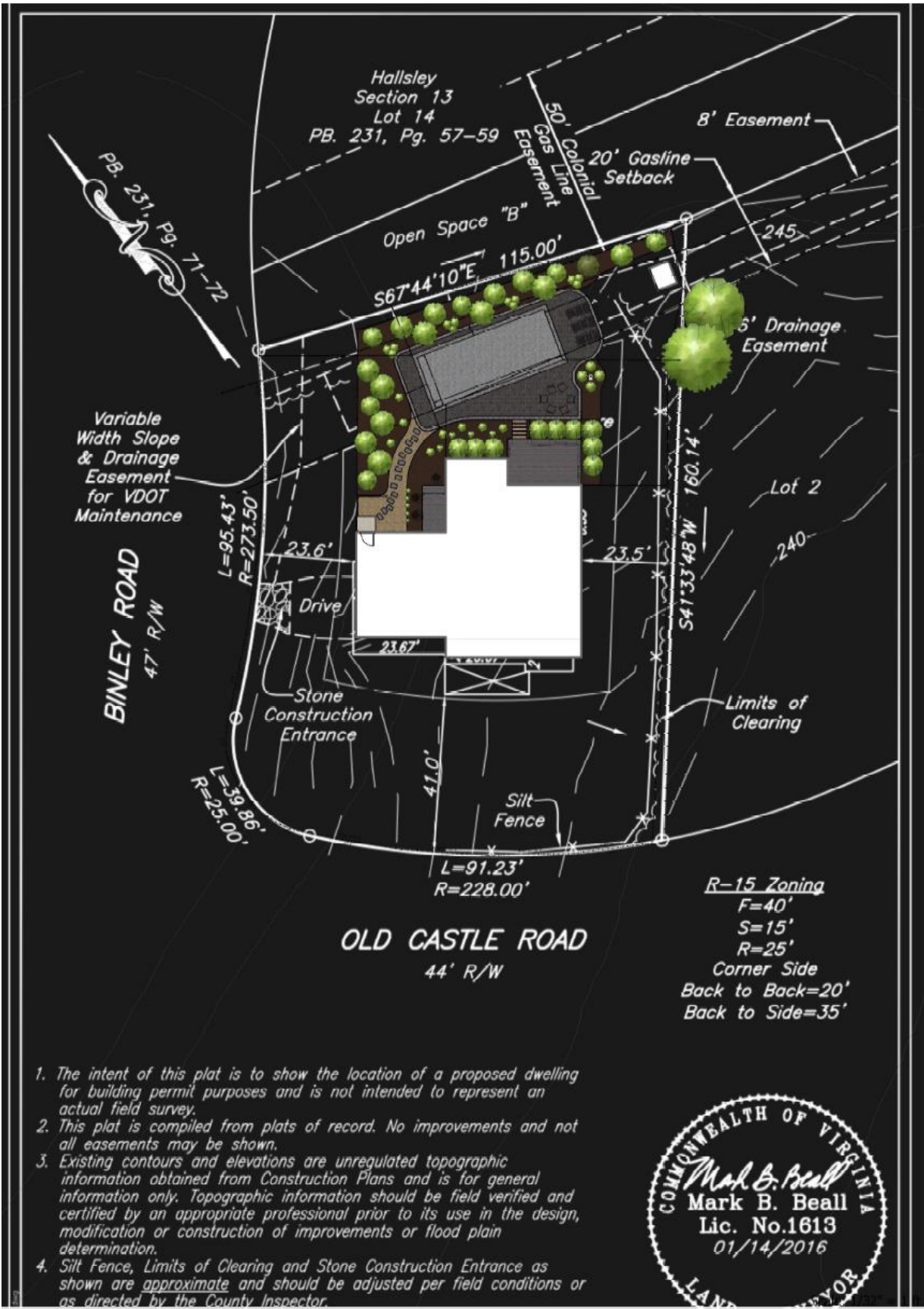
**AYES:** Owens, Petroski, Freye, Hylton, Sloan

## Conditions

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

1. Setback From Petroleum Pipeline Easement.
  - a. The in-ground pool wall shall be set back a minimum of eight (8) feet from the Colonial Pipeline Easement located behind the property.
  - b. No above ground structures shall be built within this setback. (P)

**Proposed Layout Plan – Exhibit A**





## Case Contacts

### Applicant

- **Applicant's Contact:**  
Daniel and Brittany Royce (804-320-6300)  
daniel.royce@verizon.net

### District Planning Commissioner

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

### Staff

- **Planning Department Case Manager:** Summer Morris (804-751-4151) morrissu@chesterfield.gov
- **Community Enhancement:** Carl Schlaudt (804-318-8674) schlaudtc@chesterfield.gov
- **Environmental Engineering:** Scott Dunn (804-748-1030) dunns@chesterfield.gov
- **Fire & Emergency Medical Services:** Anthony Batten (804-717-6167) battena@chesterfield.gov
- **Police:** Jim Eicher (804-318-8693) eicherj@chesterfield.gov
- **Transportation - County Department of Transportation:** Steve Adams (804-751-4461)  
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- **Transportation - Virginia Department of Transportation:** Dustin Dunnagan (804-674-2907)  
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- **Utilities:** Randy Phelps (804-796-7126) phelpsc@chesterfield.gov