



GOOCHLAND COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

CONDITIONAL USE PERMIT REPORT: Edward & Lucy Tyler

CU-2010-00004

DATE: June 3, 2010

APPLICATION SUMMARY

Application filed by Edward and Lucy Tyler requesting a Conditional Use Permit to continue operation of an existing automobile graveyard at 4060 Shannon Hill Road. The subject property is Assessor's Parcel No. 9-1-0-6-0 (GPIN #5892-75-9561) and is located in the Byrd Magisterial District. The property is approximately six-tenths of a mile north of Community House Road and four-tenths of a mile due east of the Fluvanna County line.

The Conditional Use Permit is required by Article 2 Section 3(5) of the County Zoning Ordinance. The automobile graveyard and automobile repair and sales business have operated for many years on the property with an approved business license. The automobile graveyard has expanded over the years, and requires approval of a use permit to comply with County codes.

The subject property is 6.73 acres in size and is zoned A-1 (Agricultural, General). The 2028 Comprehensive Plan designates this property and the surrounding area as a Rural Enhancement Area.

COMPREHENSIVE PLAN & ZONING

The subject property is located in an area of the county that features primarily rural residential and agricultural land uses. The parcel includes large stands of mature trees along the western and southern boundaries of the property which appear to screen adjoining properties from activities related to the automobile graveyard.

The parcel includes a single family dwelling, a retail/office building, and outbuildings which support the automobile repair and sales business. The applicant resides in the dwelling. The retail/office building is located close to the dwelling and includes a paved area in the front yard where the vehicles offered for sale are stored on the premises.

Vehicles associated with the automobile graveyard are located primarily toward the rear of the property. Although the property is about 600 feet deep, vehicles are visible from the roadway. The primary purpose of the automobile graveyard is to serve as a source of parts for the restoration and repair of the vehicles for sale.

County staff conducted a field survey and site inspection in May 2010. Approximately 300 total vehicles were counted – of which 16 vehicles were for sale and approximately 275 vehicles were considered part of the automobile graveyard. The inventory included a wide variety of cars in various states of disrepair. Overall, however, most of the buildings and the landscape are well-maintained, and the vehicles were easy to access.

TRAFFIC WAYS/VEHICULAR

The subject site is located along Shannon Hill Road in a rural area of the County north of the intersection with Community House Road. Traffic counts along Shannon Hill Road are low, and the existing uses generate little traffic. The applicant indicated there is the occasional addition of a vehicle onto the property.

UTILITIES

Uses on this property are served by the private well and septic tank systems.

FIRE-RESCUE

A recommendation was received by the Fire Marshall to remove all hazardous materials (e.g., petroleum products) from the vehicles.

PUBLIC SAFETY (SHERIFF/STATE POLICE)

No comments were received.

SCHOOLS

No comments were received.

ENVIRONMENTAL

County staff conducted a site inspection in May 2010. Approximately 300 vehicles, in various stages of disrepair, were counted. Numerous vehicles appeared to be intact with the hood, frame, and tires still in place. Many appeared to have been there for many years, and some would appear to have very limited value, if any, for parts.

By spot-checking a couple of vehicles, County staff was able to determine that engines were still intact and fluids were present. The applicant indicated that all batteries had been removed from the vehicles, and staff confirmed that batteries were removed from the vehicles inspected. A couple of separate tire piles of various quantities were located on the property. No bulk storage of oil or other fluids was apparent.

DESIGN OVERLAY AND/OR VILLAGE

This parcel is not located in an overlay district or in a village.

HISTORIC AND CULTURAL RESOURCES

No historic or cultural resources have been identified on this property.

CODE/ENFORCEMENT/MAINTENANCE

Issues regarding land uses at this site came to the attention of County staff when the property owner applied for a building permit for a new building to support commercial uses on the property. In summary, the proposed building was approved but will *not* be used for commercial activities and is not otherwise impacted by the application.

There are three commercial uses which have been identified on the site: used vehicle sales, vehicle repair, and an automobile graveyard. Staff has determined that all three uses existed

prior to the adoption of Goochland County's Zoning Ordinances in 1969; therefore, all three uses may have been considered legal non-conforming uses at that time. However, one of the requisites for a legal nonconforming use is for the use not to expand. Staff cannot determine the number of vehicles that constituted the automobile graveyard use in 1969; however, staff can determine through aerial photos, and the property owner concurs, that the automobile graveyard use has expanded over the years. Any expansion of the automobile graveyard use after 1969 must comply with applicable codes. At this time, approval of this CUP application would bring the automobile graveyard use into compliance.

Staff notes that the property owners have operated the auto-related businesses as well as a beauty salon/hair cutting business from this location for many years. There is no record of zoning complaints filed against the proprietors.

SPECIAL CIRCUMSTANCES/DEVELOPMENT

The automobile graveyard serves as a source of parts for restoration, repair, and sale of vehicles and is a significant part of the small business that has operated at this location for fifty years. For this reason, staff recommends that the automobile graveyard use be allowed to continue in support of this otherwise legal, small business. However, an automobile graveyard is not a desirable land use in this scenic, rural area of the County, and staff recommends reducing the number of vehicles in the automobile graveyard.

FISCAL IMPACT

Approval of this application would support the County's non-residential tax base and support an existing small business.

CUMULATIVE PLANNING IMPLICATIONS

An automobile graveyard is not a desirable land use in this rural area of the County, and staff recommends gradually reducing the number of vehicles at this location. The CUP process allows for the gradual and orderly reduction in the size of the automobile graveyard without adversely impacting the existing business.

STAFF RECOMMENDATIONS

The automobile graveyard needs to diminish in size over time, and staff recommends the number of cars stored on the property be reduced by 10 per year over the next several years. If the Board of Supervisors approves this request, staff recommends the following conditions:

CONDITIONS

1. The applicant/property owner shall within one year of the approval of this CUP, remove and properly dispose of all fluids, petroleum products, and batteries either contained in all vehicles or otherwise stored on the property. The applicant/property owner shall comply with all applicable county, state, and federal laws and regulations in disposing of such products.
2. Tire piles shall be removed or stored within a building.

3. The applicant/property owner shall reduce the aggregate number of vehicles in the automobile graveyard by ten vehicles (10) per year. If any additional vehicles are moved onto the property then an equal number of vehicles shall be removed from the property so that the total number does not increase.
4. The applicant/property owner shall permit access to the premises by County staff.
5. The applicant shall maintain a two-hundred (200) foot setback for the automobile graveyard from Shannon Hill Road. Also, the applicant shall maintain the natural wooded buffer that exists along the western and southern borders of the automobile graveyard.
6. This Conditional Use Permit shall be valid for ten years and expire on August 31, 2020.
7. If the applicant or their heirs are no longer operating the business at this location prior to the termination date of August 31, 2020, all automobiles in the automobile graveyard shall be removed from the premises within one year.

PLANNING COMMISSION'S RECOMMENDATION/VOTE: