


MEMORANDUM

To: Planning Commission

From: Paul Patterson, Zoning Administrator 

Date: August 16, 2018.

Subject: VAR18-0002 – Variance request to Section 5-313 of the Subdivision Ordinance to request a reduction in roadway width from 30 feet to allow a 28 foot roadway from face-of-curb to face-of-curb, with parking on one side in an RR-1 zoning district for the proposed Kinloch Subdivision at 2600 North Main Street. Submitted by Balzer and Associates for Lucas Construction and Development, Inc. (owner).

SUMMARY OF VARIANCE REQUEST

Request: Request of a subdivision variance to Section 5-313 to allow for a nonstandard 28' wide roadway face-of-curb to face-of-curb with parking on one side of the street for a new street within the proposed Kinloch subdivision at 2600 North Main Street. A subdivision plat for the Kinloch subdivision has not yet been submitted.

Property Location: 2600 North Main Street, 23.856 acres located between North Main Street and Bishop Road.

Number of Lot: The proposed subdivision would contain 23 lots, ranging in size from 7,551 square feet to 14.73 acres.

Tax Map Numbers: 136-T 1 3; 136-T 1 3A; 136-T 1 4; 137-T 1 5.

Property Owner: Lucas Construction and Development, owner contact - Jim Lucas

Current Use: Two single family houses and undeveloped land

Zoning: RR-1 Rural Residential

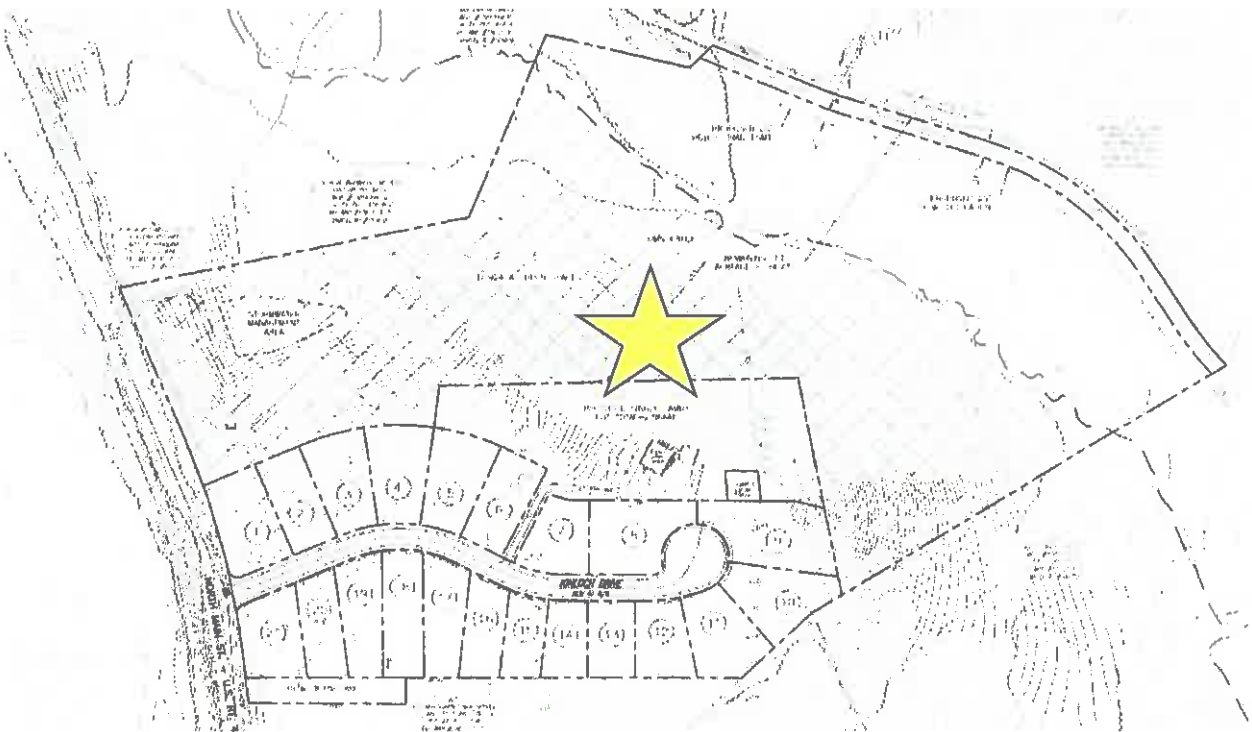
**Surrounding Zoning
And Land Use** North: RR-1, single family house
East: RR-1, Bishop Road, single family house
South: RR-1, Blacksburg New School, and single family houses
West: RR-1, North Main Street, Memorial Gardens of the New River Valley Cemetery.

Future Land Use: Very Low Density Residential

BACKGROUND

The applicant has submitted a site/engineering plan for the proposed 23 lot Kinloch Subdivision. The proposed subdivision will be located between North Main Street and Bishop Road, and would be directly across North Main Street from the Memorial Gardens of the New River Valley Cemetery. While the lot configuration is shown in this variance request, a subdivision plat has not been filed with the Town. This approach of filing the variance first is similar to the variance heard by the Planning Commission earlier this year regarding cul-de-sac length for a proposed large lot subdivision on Tom's Creek Road.

The site plan submitted shows a proposed subdivision conceptual layout. A variance application requesting a reduction in road way width to a 28' face-of-curb to face-of-curb roadway with parking on one side including the applicant's justification for the variances can be found in Attachment B. The applicant has not submitted a subdivision plat for the proposed Kinloch subdivision. As town staff does not have a subdivision plat application before them for review, a detailed review by town staff for conformance to the subdivision requirements is not available.

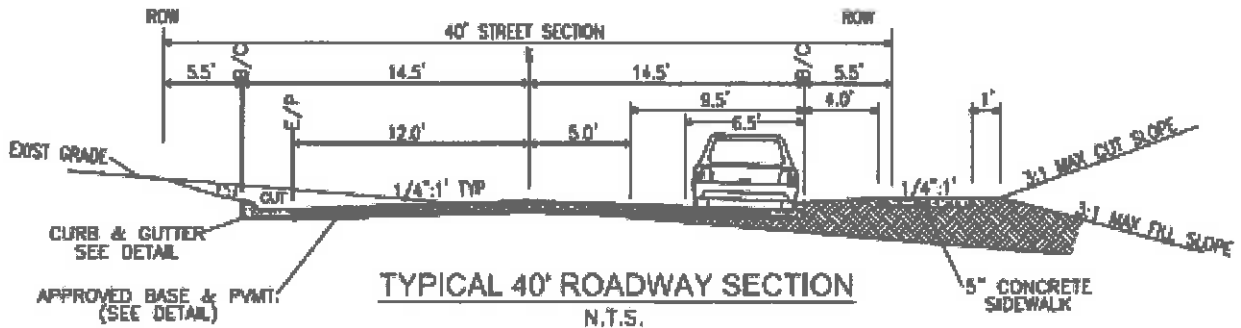


Proposed Kinloch Subdivision, 23.856 acres located between 2600 N. Main and Bishop Road

Roadway Widths

The roadway right-of-way for a standard street in a new subdivision is required to be a minimum width of 50 feet. For a road ending in a cul-de-sac, the minimum right of way width is 40 feet. The applicant is proposing a roadway from North Main Street to serve the subdivision and the road will end in a cul-de-sac.

A diagram showing the applicant's proposed 28-foot face-of-curb to face-of-curb with parking on one side, roadway section is shown below:

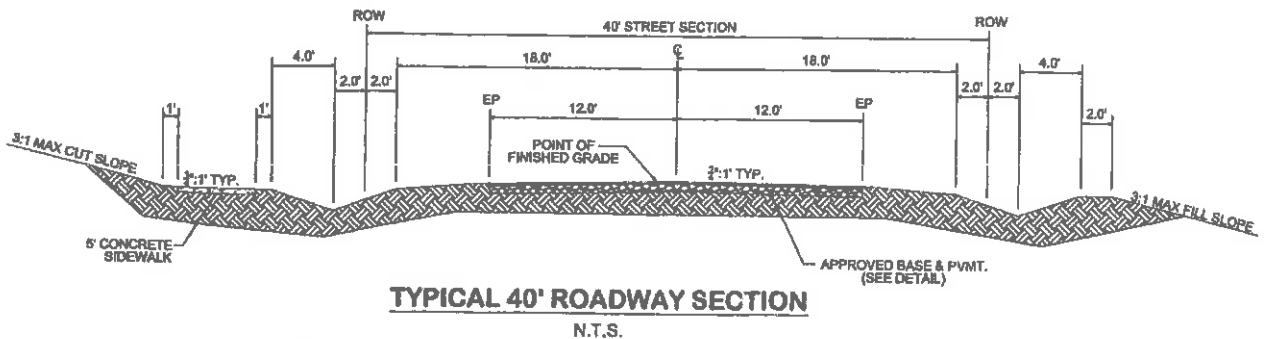


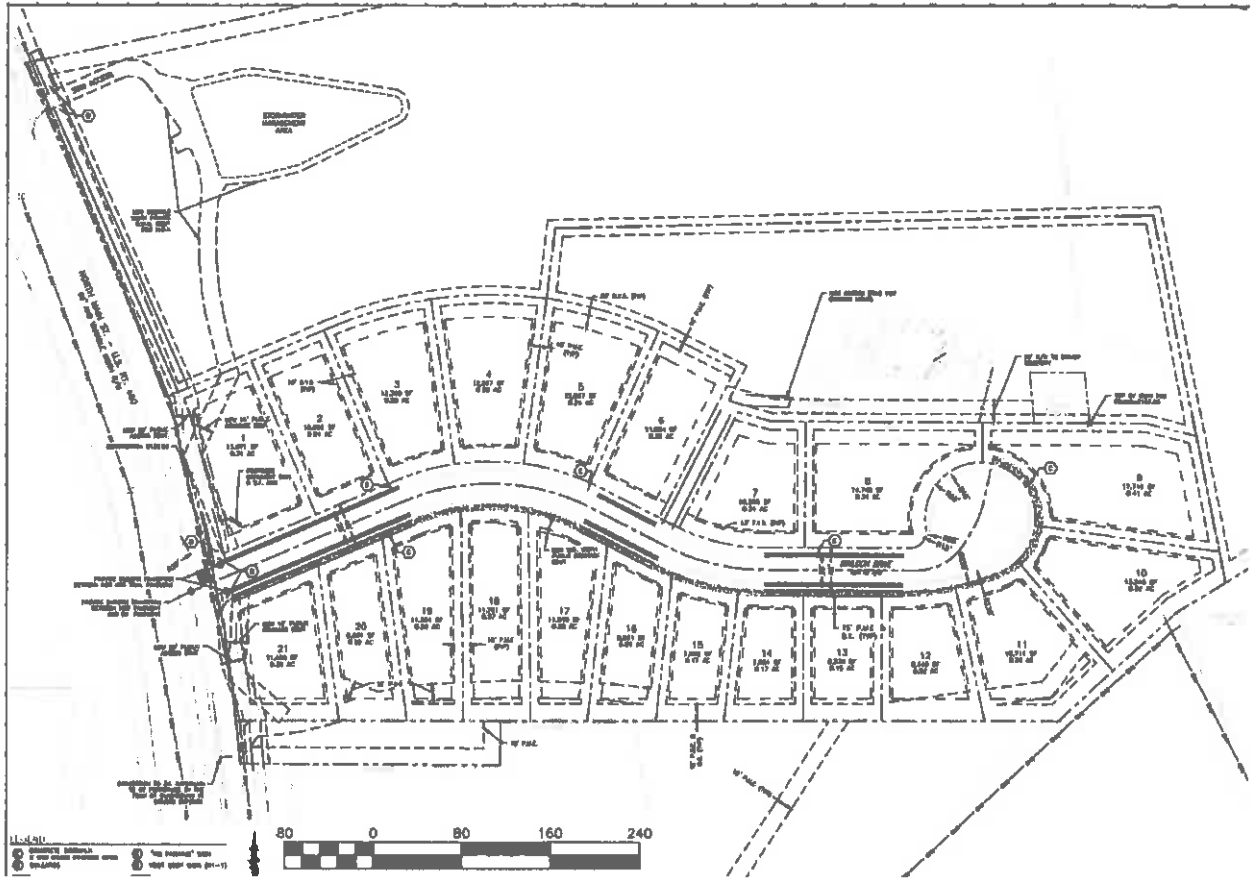
Safe Passing Width

The applicant's diagram only shows a 6.5 foot width for the parked vehicle from the back of curb with parking in the 2-foot gutter pan. A parallel parking space in the town is 8 feet wide, the opposing gutter pan is 2 foot wide, and the curbs are 6 inches wide. With parking on one side, the applicant's submitted roadway section has a two-way travelway of 18 feet, which then only allows 9 feet for each of the traffic lanes.

The Town of Blacksburg's Standard 30-foot face-of-curb to face-of-curb with parking on one side, roadway section has a two-way travelway of 20 feet, which is 2 more feet of actual street width to allow for safer passing of vehicles with 10 feet for each of the traffic lanes (see memo from the Town Engineers, Attachment A). The Engineering staff have concerns about the reduced width.

Blacksburg's standard 24-foot-wide street in the RR-1 zoning district with no curb and gutter is:





Proposed Kinloch cul-de-sac from North Main Street

TRAFFIC COMMITTEE

The application was reviewed by the Town’s Traffic Committee on August 7, 2018 and the Committee recommended denial of the request due to safety concerns with parking along a curb and gutter street with a width of less than 30 feet. The narrower street width does not provide adequate space for two vehicles to pass each other with a parked vehicle to one side.

SUBDIVISION VARIANCE

Typically the Planning Commission does not review a subdivision unless the subdivision is 50 lots or greater. However, when a variance is requested the Planning Commission is responsible for the review and determination on a request for a subdivision variance for subdivisions of six (6) or more lots. The criteria for a subdivision variance to be granted would be **an unusual situation where the subdivision requirement results in a substantial injustice or hardship to the applicant.** In cases of unusual situations or where strict adherence to the general regulations in this ordinance would result in substantial injustice or hardship, the agent or Planning Commission, as appropriate, may vary any of the provisions of this (subdivision) ordinance, under the terms, procedures, and conditions established in this division. No variance shall be granted which is illegal or which would prejudice the health and safety of citizens of this Town.

The Planning Commission is asked to consider and make a determination of approval or denial of the applicant's requested variance in this specific circumstance. The Planning Commission will need to determine if the requirement for the standard 30-foot road section from face-of-curb to face-of-curb with parking allowed on one side of the street **would result in a substantial injustice and hardship to the applicant in the development of their subdivision.**

SUMMARY OF KEY POINTS

August 7, 2018 Traffic Committee review recommended denial of the request due to safety concerns with parking along a curb and gutter street with a width of less than 30 feet.

August 13, 2018 Memo from Engineering and GIS. For safety reasons, Town Staff feel that if a developer of a new subdivision desires to allow parking on one side of the new street, the Town standard street width of 30 feet, face-of-curb to face-of-curb, shall be required.

There appears to be no physical or topographic reason for a hardship on why the additional 2' of roadway width cannot be accommodated and meet Town standards.

CONCLUSION

If the variance is approved as requested, a subdivision plat showing a 28' face-of-curb to face-of-curb with parking on one side would likely be submitted, and the Kinloch Subdivision Plat would undergo administrative review for approval in accordance with the remaining subdivision requirements. If denied and curb and gutter with parking on one side of the subdivision is requested, the subdivision plat would need to adhere to the town's standard roadway width of 30' face-of-curb to face-of-curb. The applicant could also submit a subdivision showing a standard 24' roadway width in an RR-1 zoning district with no curb and gutter.

The decision to approve or deny the requested subdivision variance is a discretionary decision of the Planning Commission. The Planning Commission may grant a variance subject to specific conditions of approval.

As part of the determination on the requested variance, the Planning Commission should clearly indicate the basis (reasons) for the approval or denial of the variance.

PUBLIC INPUT

A notice letter of the variance request along with a copy of the variance application was mailed to the adjoining property owners on August 9, 2018. As of the date of this staff report, no comments or correspondence from the adjoining property owners have been received. Any additional written comments or correspondence received will be attached to a memo and transmitted to the Planning Commission for their public hearing scheduled for September 4th.

RIGHT TO APPEAL

Please be aware that per section 2-205 of the subdivision ordinance, "Any person aggrieved by the agent's or Planning Commission's decision on a variance may appeal the action to the Town Council on

written application filed with the Town Clerk within fourteen (14) days from the date of the decision. After at least ten (10) days' written notice to the adjoining landowners and to the applicant for the variance, the Town Council shall act by resolution to approve or deny the variance within thirty days from the receipt of the application for appeal. The decision of the Town Council in any case shall be final. During the pendency of the appeal, the approval of the subdivision shall be held in abeyance.”

ATTACHMENTS:

- A. Town Engineering Memo on the requested Variance
- B. Variance Application dated July 5, 2018
- C. Subdivision Variance Ordinance
- D. Subdivision Ordinance, Streets

MEMORANDUM

TO: Paul Patterson, Zoning Administrator

FROM: Randy Formica, Director, Engineering and GIS
Joshua Middleton, Town Engineer

DATE: August 14, 2018

SUBJECT: Kinloch Subdivision Variance Request

The Town received a Variance Request dated July 5, 2018 for allowing parking on one side of a 28 foot wide street, as measured from face of curb to face of curb, for the proposed Kinloch Subdivision. This is a new street that is proposed to be constructed with the Subdivision.

This request was also submitted to the Town's Traffic Committee for review and comment at their August 7, 2018 meeting. Traffic Committee recommended denial of the request due to safety concerns with parking along a curb and gutter street with a width of less than 30 feet. The narrower street width does not provide adequate space for two vehicles to pass each other with a parked vehicle to one side. Minutes of the Traffic Committee meeting with further details of their review and discussion is forthcoming.

The Engineering and GIS Department has reviewed the request and has the following comments:

1. The Town standard parallel parking space is 8 feet wide. A public street cross section of 28 feet wide from face of curb to face of curb, minus the 8 feet parking width and 2 foot opposing gutter pan, leaves a street width of 18 feet (or two, 9-foot-wide travel lanes) for traffic to travel. We believe this section is too narrow for two vehicles to safely pass by each other.
2. The section of the Town's Site Development Standards referenced in the variance request letter is applied to private streets within a Planned Manufactured Home complex. The travel lane width for a new public street in the RR-1 Zoning District is 12 feet, or 24 feet wide without curb and gutter. New street construction should meet this travel lane width requirement.
3. The Town standard street cross section for streets outside the RR-1 Zoning District is 30 feet, face of curb to face of curb. If parking is allowed on one side, the resulting width is 30 feet wide from face of curb to face of curb, minus the 8 feet parking width and 2 foot opposing gutter pan, leaving a street width of 20 feet. This results in two, 10-foot-wide travel lanes, which is an acceptable minimum travel lane width for two vehicles to pass if necessary.
4. For safety reasons, Town Staff feels that if a developer of a new subdivision desires to allow parking on one side of the new street, the Town standard street width of 30 feet, face of curb to face of curb, shall be required.

Please advise if there are questions or if additional information is required.



July 5, 2018

Kinsey O'Shea
Town of Blacksburg, Town Engineer
400 South Main Street
Blacksburg, Virginia 24060

RECEIVED

JUL 09 2018

Planning and Engineering
Department

RE: Kinloch Subdivision, North Main Street
STP17-0020
B&A Project #: 24160089.00
Variance Request

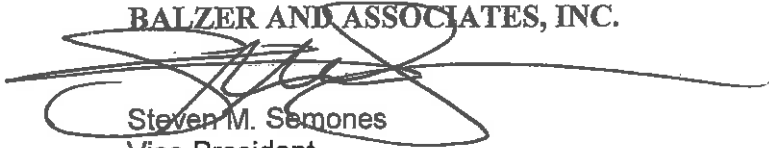
Dear Kinsey,

As part of the submittal for the above project, we are submitting a variance request for the allowance of parking on one side of a 28' wide roadway face of curb to face of curb. This roadway is atypical in Blacksburg as it is not the standard subdivision roadway but per the zoning (RR-1) this roadway is by-right. In the RR-1 zoning road widths can be 24' edge of pavement to edge of pavement. In order to have parking on the street we would need to implement the standard subdivision roadway, which is 30' face of curb to face of curb; an additional 2' of roadway (Sec. 5-313).

The reasons and justification for this request are based on the efforts to provide parking on one side of the street without extending the roadway into the front yards any more than is currently being shown. Although this roadway may be abnormal per Blacksburg's public subdivision standards, this and similar types of roadways are allowed privately as well as per VDOT's geometric design standards for residential and mixed-use subdivision streets. Within Blacksburg's Site Development Regulations for Planned Manufactured Home District (Sec. 3123), it states that a twenty-eight-foot minimum width with parking allowed on one side of the private access drive. In VDOT's Geometric Design Standards for Residential and Mixed-Use Subdivision (Appendix B(1))- Curb and Gutter Section (B(1)-7) parking on one side of the roadway is allowed in a 24' roadway face of curb to face of curb. While this situation is uncommon for public roadways in Blacksburg there are similar cases within Blacksburg's standards as well as VDOT's standards, which help support this allowance.

For the reasons stated above, we respectfully request that this variance be granted. Thank you for your time and consideration of this request.

Sincerely,
BALZER AND ASSOCIATES, INC.



Steven M. Semones
Vice President

ATTACHMENT – C. SUBDIVISION VARIANCE ORDINANCE

Sec. 2-200. – Subdivision Variances Authorized.

In cases of unusual situations or where strict adherence to the general regulations in this ordinance would result in substantial injustice or hardship, the agent or Planning Commission, as appropriate, may vary any of the provisions of this ordinance, under the terms, procedures, and conditions established in this division. No variance shall be granted which is illegal or which would prejudice the health and safety of citizens of this Town.

Sec. 2-201. - Process.

Each request for a variance from the terms of this ordinance shall be made in writing by the subdivider, stating specifically the provision from which the variance is requested, and the grounds therefor. Where possible, the subdivider should submit a request for a variance with the preliminary plat submission. All variance requests shall be accompanied by such plats, drawings, and engineering documents required by the agent to allow the agent or Planning Commission to understand and act on the variance.

Sec. 2-202. - Authority to grant variance.

The agent shall review, approve or disapprove any request for a variance in subdivisions of five (5) lots or less. **The Planning Commission shall review and shall by resolution approve or disapprove any request for a variance in subdivisions of six (6) or more lots.** The Town Council may provide for variances in the ordinance approving the final master plans for planned zoning districts.

- **Sec. 2-203. - Time period for consideration of request; notice.**

The agent or Planning Commission, as appropriate, shall take action on a request for a variance within sixty (60) days after the application is filed. At least ten (10) days prior to final action, the agent or Planning Commission shall give written notice by regular mail or by delivery to landowners adjoining the plat involved in the request. (Ord. No. 1217, § 2, 12-14-99)

- **Sec. 2-204. - Action on request.**

The agent or Planning Commission, as appropriate, shall grant or deny each request in writing, stating the reasons therefor. As to each variance, the agent shall preserve and record the application and the basis for the variance or denial of the variance. These records shall be kept by the Town Clerk at least ten (10) years from the date of the granting or denial of the variance. (Ord. No. 1217, § 2, 12-14-99)

- **Sec. 2-205. - Appeal.**

Any person aggrieved by the agent's or Planning Commission's decision on a variance may appeal the action to the Town Council on written application filed with the Town Clerk within fourteen (14) days from the date of the decision. After at least ten (10) days' written notice to the adjoining landowners and to the applicant for the variance, the Town Council shall act by resolution to approve or deny the variance within thirty days from the receipt of the application for appeal. The decision of the Town Council in any case shall be final. During the pendency of the appeal, the approval of the subdivision shall be held in abeyance.

ATTACHMENT D. – Subdivision Ordinance, Streets (Excerpts)

Sec. 5-302. - Dedication of streets.

The subdivider shall make provision for the dedication to the Town of proposed street extensions as set forth in the comprehensive plan or in other formal documents approved by the Planning Commission and Town Council and for the dedication to the Town of the fee simple title to land for other proposed streets in the subdivision.

(Ord. No. 1217, § 2, 12-14-99)

Sec. 5-303. - Access to adjoining property.

Where it is necessary for the orderly extension of the Town's transportation system to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision are not permitted.

(Ord. No. 1217, § 2, 12-14-99) sec. 5-304. - Access from adjoining property.

The subdivider enjoys the right to tie into and access adjoining, existing streets under the guidelines and conditions of this division.

(Ord. No. 1217, § 2, 12-14-99) Sec. 5-305. - Coordination of streets with existing streets.

- (a) The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas where streets already exist. Major, collector and local streets shall be respectively extended as such. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when the subdividers plat their land and seek to provide for convenient vehicle access to it.
- (b) Access points to and from the subdivision and the arrangement of streets within the proposed subdivision and their relationship to adjoining, existing streets shall be such as to minimize the effects of traffic, noise, light and danger to pedestrians and children caused by vehicular traffic to and from the proposed subdivision.

(Ord. No. 1217, § 2, 12-14-99)

State Law reference— Va. Code § 15.2-2241.

Subdivision Ordinance

Section 5-309. - Minimum right-of-way widths.

- (a) The minimum right-of-way width of proposed streets shall be fifty (50) feet except for permanent cul-de-sac in which case the minimum width of the linear part of the cul-de-sac shall be forty (40) feet.
- (b) If the existing streets within the subdivision are not fifty (50) feet in width the subdivider shall dedicate by subdivision plat so that such streets will meet the standards of this ordinance.

- (c) If the existing streets abutting the subdivision are not fifty (50) feet in width, and if the need for additional right-of-way width is generated, in whole or in part, by the proposed subdivision, the subdivider shall dedicate by subdivision plat additional right-of-way so that such streets will have a width of 25 feet from the center line where the street abuts the subdivided parcel.
- (d) The agent may require additional right-of-way width where Virginia Department of Transportation standards for the traffic generated by the subdivision require additional width.

(Ord. No. 1217, § 2, 12-14-99)

Section 5-313. - Street design.

Streets shall be designed as follows:

- (1) Street grades may not exceed 10%, nor be less than 0.5% except as expressly approved by the agent or Planning Commission.
- (2) Street intersections shall provide landings of not more than 5% grade for a distance of not less than 100 feet.
- (3) All streets shall be designed and constructed with VDOT standard CG-6 curb and gutter and be a minimum of 30 feet in width or greater as required by VDOT subdivision street standards, based upon projected traffic generated by the development, except in the Rural Residential I and Rural Residential II zoning districts or as expressly approved by Town Council as part of a planned residential or planned commercial zoning.
- (4) In the Rural Residential I and II districts curb and gutter is not required. Further, the minimum street pavement width shall be 24 feet, or greater as required by VDOT subdivision street standards based upon projected traffic generated by the development.
- (5) Street intersections shall be designed so as to provide a minimum stopping sight distance of 10 x the posted speed limit of the street. Intersection sight distance shall meet VDOT standards.
- (6) Street pavement sections shall meet VDOT pavement design guidelines based upon a California Bearing Ratio ("CBR") of 10. The minimum roadway section shall be six (6) inches of aggregate base material (21-B) and two (2) inches of compacted SM2-A pavement. During construction, prior to subgrade approval by the Town, CBR test results must be provided to the Town, one per 400 feet of proposed roadway, or a minimum of three CBRs per subdivision. Pavement design based upon the actual CBRs shall be provided by a professional engineer.
- (7) For design standards not explicitly set forth herein, Virginia Department of Transportation standards shall apply.

(Ord. No. 1217, § 2, 12-14-99)