

The Department of Community Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: September 11, 2013
Re: **Conditional Use Permit (CUP) – James River Day School – 104 Bon Ton Circle and 108 Bon Ton Road**

I. PETITIONER

James River Day School, Lynchburg, VA 24503

Representative: Mr. Peter York, James River Day School, 5039 Boonsboro Road, Lynchburg, VA 24503

II. LOCATION

The property located at 104 Bon Ton Circle is seven and six hundred sixty-two thousandths (7.662) acres and the property at 108 Bon Ton Drive is three hundred one thousandths (0.301) of an acre.

Property Owner: Lynchburg Day School, Inc., 5039 Boonsboro Road, Lynchburg, VA 24503

III. PURPOSE

The purpose of the petition is to allow a modular building to be used as a permanent classroom space located on 104 Bon Ton Circle. In addition, the dwelling located at 108 Bon Ton Road is proposed to be used in conjunction with the school, serving various educational functions.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* recommends an Institutional use for the majority of the school campus and 108 Bon Ton Road is recommended as a Low Density Residential use.
- School facilities are permitted in an R-1, Low Density Single-Family Residential District upon approval of a CUP by Council.
- The school facility currently operates under CUPs approved for building additions and expanded facilities in 1987, 1996 and 1998.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends an Institutional and Low Density Residential use for the subject properties. Institutional land uses are composed of areas of religious, educational and other non-profit entities. Low Density Residential use areas are dominated by single-family detached housing. In addition to residential uses, they may include public and institutional uses compatible in scale with single-family residential homes (*pg. 5.5*). The single-family dwelling currently being used in conjunction with school activities conforms to the description of Low Density Residential uses.

2. **Zoning.** The subject properties were annexed into the City in 1976. The existing R-1, Low Density Single-Family Residential District was established in 1978. The dwelling at 108 Bon Ton Road is currently used as an educational facility. The petitioner is attempting to solidify the use of this dwelling for educational purposes by making it a conforming use through the CUP approval process.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 8, 1984, Council approved the CUP petition of Carriage Associates to construct a forty (40)-unit planned unit development at 5051 Boonsboro Road.
 - On March 10, 1987, Council approved the CUP petition of Lynchburg Day School, Inc. to construct a building addition at 5039 Boonsboro Road.
 - On July 14, 1987, Council approved the rezoning petition of James B. Forehand, Jr. from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) to construct an office building complex at 4935 Boonsboro Road.
 - On September 12, 1989, Council approved the rezoning of 5057–5079 Boonsboro Road and 111 Irvington Springs Road from R-1, Low Density Single-Family Residential District to R-3, Medium Density Two-Family Residential District, as part of the Northwest Expressway Land Use Study.
 - On October 11, 1994, Council approved the CUP petition of Baptist General Association of Virginia for the construction of church facilities in accordance with the Master Development Plan submitted at 5077 Boonsboro Road.
 - On April 9, 1996, Council approved the CUP petition of Lynchburg Day School, Inc. for the expansion of facilities in accordance with the Master Development Plan at 5039 Boonsboro Road.
 - On January 13, 1998, Council approved the CUP petition of Network for Women in Crisis, Inc. to operate a ten (10)-bedroom group home facility at 5077 Boonsboro Road.
 - On April 14, 1998, Council approved the CUP petition of James River Day School to construct building additions and associated parking at 5039 Boonsboro Road.
 - On June 9, 1998, Council denied the CUP petition of Manorhouse Retirement Centers, Inc. to construct an assisted living facility at 5040 Boonsboro Road.
 - On September 11, 2007, Council denied the rezoning and CUP petition of McKenna Farms, LLC for the construction of a cluster commercial development at 5040 Boonsboro Road. The rezoning sought a change from R-1, Low Density Single-Family Residential District to B-1C, Limited Business District (Conditional).
5. **Site Description.** The subject properties combined total approximately seven and nine hundred sixty-three thousandths (7.963) acres located at 104 Bon Ton Circle and 108 Bon Ton Road. The properties slope downward from Bon Ton Road towards the west. James

River Day School consumes an entire block along Bon Ton Road and does not directly adjoin separate owners except a residential property on the far western property line of the campus.

6. **Proposed Use of Property.** The purpose of the petition is to allow for a temporary modular classroom to become a permanent fixture on the campus, as well as solidifying the dwelling at 108 Bon Ton Road as a conforming educational use. The modular classroom was allowed on a temporary basis beginning August 2012, as provided in Section 35.1-71 of the *Zoning Ordinance*.
7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the proposed addition. There are six (6) parking spaces beside the dwelling at 108 Bon Ton Road and an additional six (6) spaces along Bon Ton Circle.
8. **Stormwater Management.** Since there is no new construction related to this project, stormwater is not affected.
9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the proposal.
10. **Impact.** The purpose of this CUP is to legitimize uses of both the modular unit for classrooms and a single-family dwelling for educational use. The school plans to conduct after-school tutoring through Sylvan, pottery classes and piano lessons at the dwelling (108 Bon Ton Road). The after-school programs being conducted at this dwelling will operate no later than 8:00 p.m. during the week and from 10:00 a.m. to 1:00 p.m. on Saturdays. There is the ability to host up to six (6) students at a time for tutoring sessions. Occasionally, school staff will conduct meetings within the dwelling, which does not entail any vehicle trips to the site because of the close proximity to the remainder of the campus.

The dwelling was previously used by Redeemer Presbyterian Church for administrative offices and nursery care during Sunday services. The *Comprehensive Plan 2002-2020* states that if institutional uses will be located in Low Density Residential areas they should be compatible in scale with single-family residential homes (*pg. 5.5*). Since there is no new construction and a negligible traffic impact with this CUP, the proposed expansion of the James River Day School outlined in this petition has no impact upon the surrounding area.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on August 20, 2013. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of the James River Day School to allow the expansion of facilities at 104 Bon Ton Circle and 108 Bon Ton Road subject to the following conditions:

1. **The property shall be developed in substantial compliance with the narrative submitted with the CUP petition.**
2. **The facility located at 108 Bon Ton Road shall not be in operation from 8:00 p.m. to 7:00 a.m.**

3. All lighting shall be glare shielded and non-directional to prevent illumination beyond the property line.

This matter is respectfully offered for your consideration.

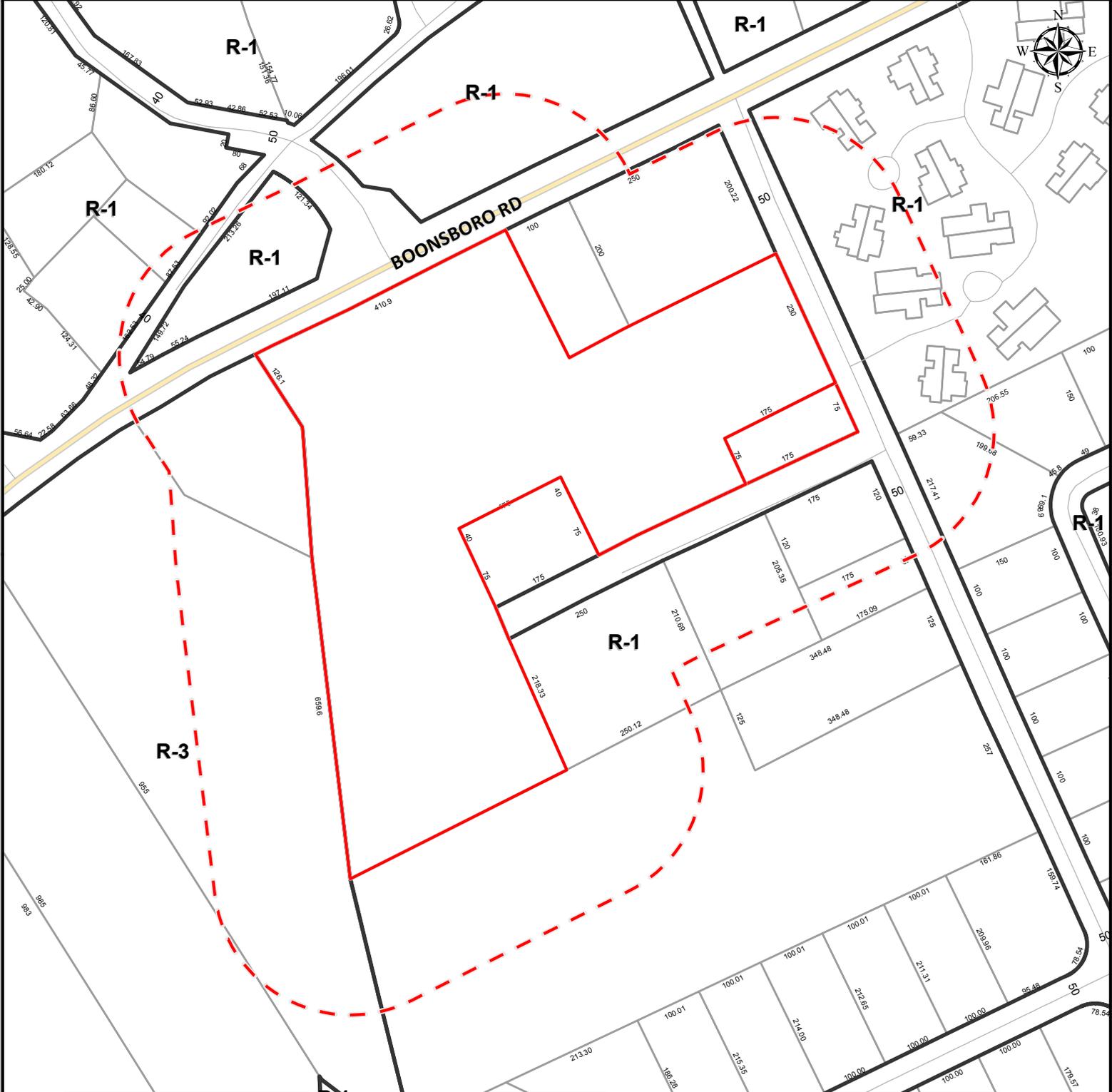


William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Mr. Peter York, James River Day School

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Narrative**
- 6. Site Layout**
- 7. Property Photograph**



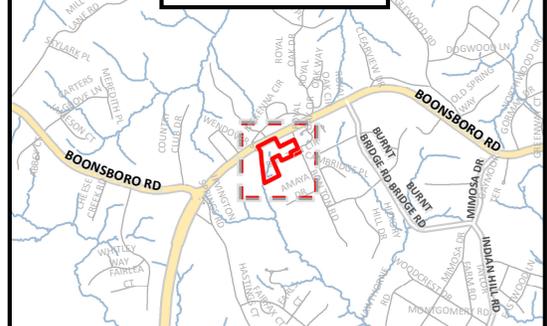
PROPERTY INFORMATION

PARCEL ID	ADDRESS
20314007	104 BON TON CIR
20314003	108 BON TON RD

LEGEND

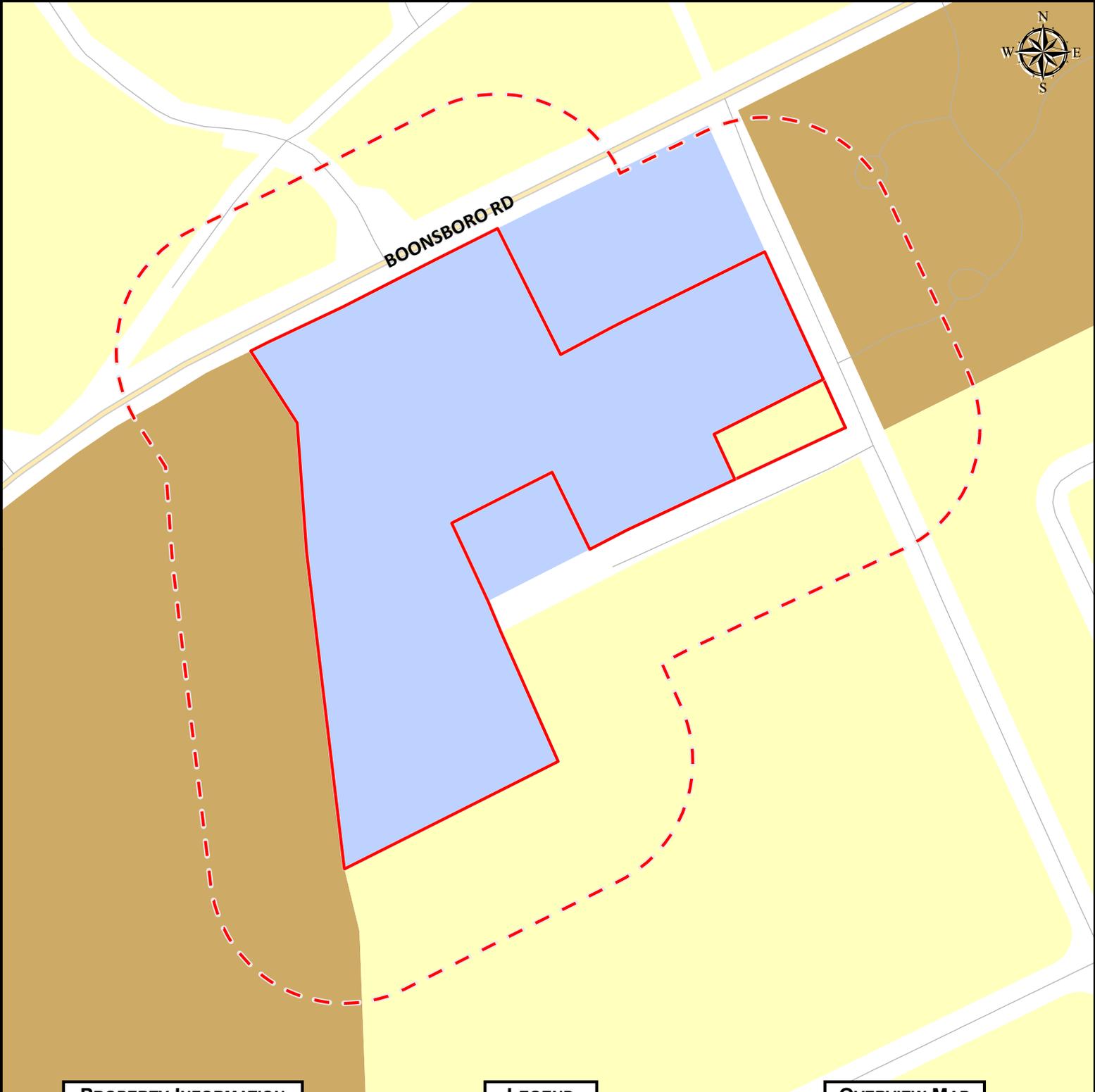
- Subject Property
- 200' Buffer
- Zoning Boundary

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/6/2013

Parcel ID	Address	Owner
18308033	5021 BOONSBORO RD	CARRIAGE ASSOCIATES
18308031	109 CARRIAGE WAY	DODD, LEIGHTON B & MARYANN
18301015	5136 WEDGEWOOD RD	DOUGLAS, A EDWARD & PATRICIA H
21001017	118 BON TON CIR	GRANDSTAFF, TIMOTHY F & THERESA G
20309004	5046 BOONSBORO RD	HARRISON, BENJAMIN J & JENNIFER
21003002	5063 BOONSBORO RD	HUBBARD, S MONROE JR
21003001	5059 BOONSBORO RD	HUBBARD, SAMUEL M JR
20314004	110 BON TON RD	JAMES RIVER DAY SCHOOL
20314005	119 BON TON CIR	LYNCHBURG DAY SCHOOL INC
20314003	108 BON TON RD	LYNCHBURG DAY SCHOOL INC
20314007	104 BON TON CIR	LYNCHBURG DAY SCHOOL INC
20314001	5043 BOONSBORO RD	LYNCHBURG DAY SCHOOL INC
20314002	5039 BOONSBORO RD	LYNCHBURG DAY SCHOOL INC
20312004	5054 BOONSBORO RD	MARTIN, CATHERINE M TRS
18308008	204 SAINT JAMES PL	MATTHEWS, JOHN F & VERONIQUE J H
18308006	207 SAINT JAMES PL	MATTHEWS, JOHN S & SHIRLEY M
20309003	5040 BOONSBORO RD	MCKENNA, WALLACE JR & JOHN H &
18308027	112 CARRIAGE WAY	MERIWETHER, MARY S
21001015	114 BON TON RD	PLOTT, JANE O
20312002	5052 A BOONSBORO RD	REID, TERRELL J & BETTY M
20312001	5052 BOONSBORO RD	REID, TERRELL J & BETTY M
18308028	114 CARRIAGE WAY	RICHARDS, ALEXIS V
18301016	5140 WEDGEWOOD RD	SMITH, JERRY B & MARTHA C
18308007	206 SAINT JAMES PL	SPARKS, CAROLYN C
18308032	111 CARRIAGE WAY	TAURMAN, BERTRAM O JR & JANE R
21001013	118 BON TON RD	TINSLEY, FRANK N & GRACIE D
20314008	5057 BOONSBORO RD	WILLIAMSON, ALAN S & SARAH S
21001016	110 BON TON CIR	WINNAGLE, JAMES E & BETTY L



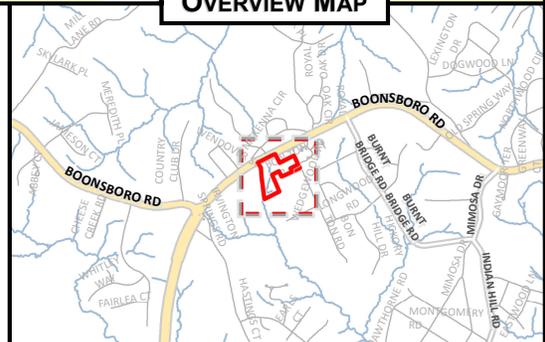
PROPERTY INFORMATION

PARCEL ID	ADDRESS
20314007	104 BON TON CIR
20314003	108 BON TON RD

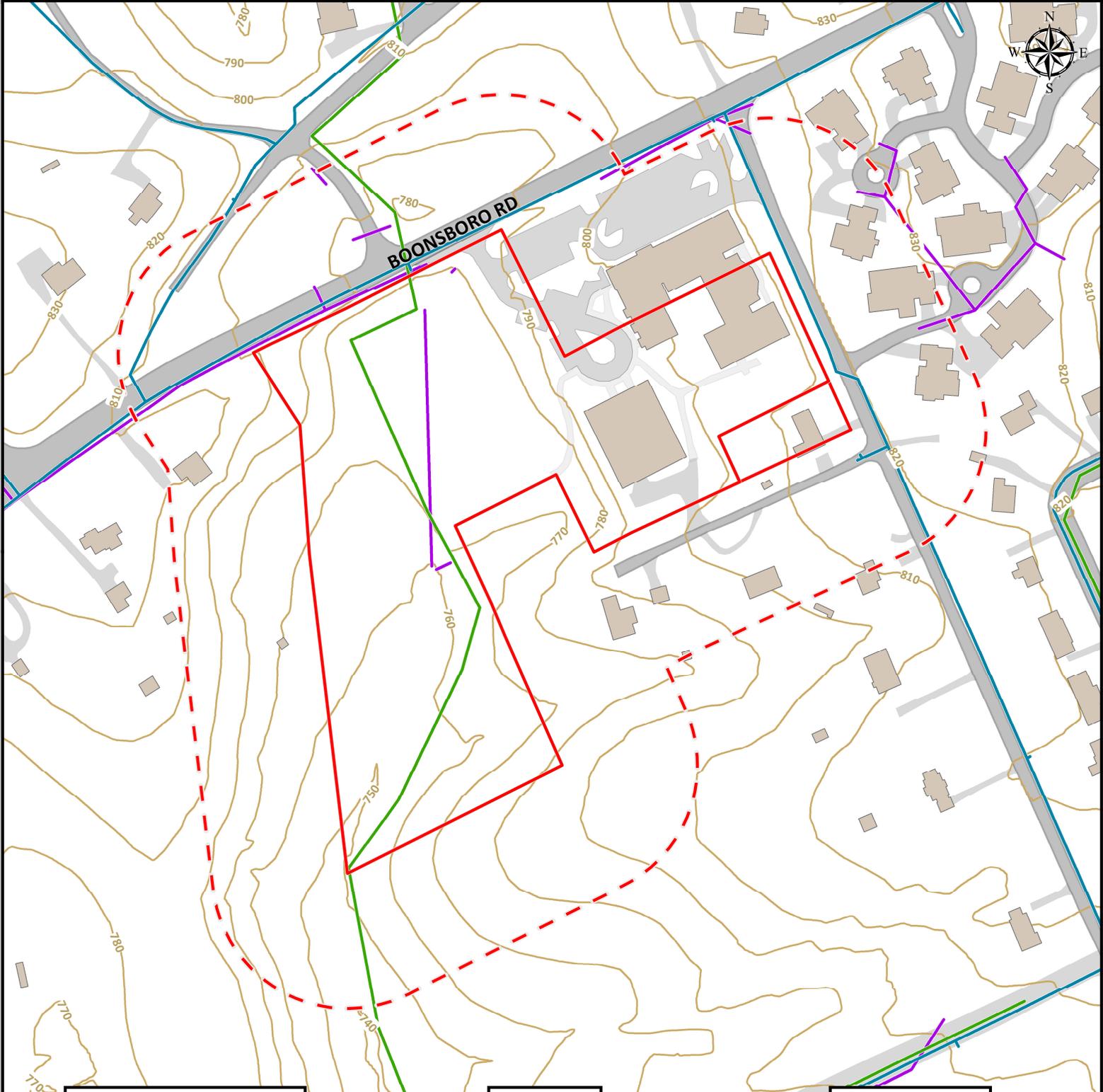
LEGEND

- Local Historic District
- Traditional Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Employment 1
- Employment 2
- Office
- Institution
- Downtown
- Public Use
- Public Parks
- Resource Conservation

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/6/2013



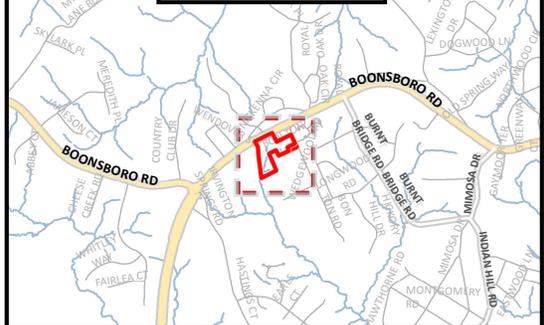
PROPERTY INFORMATION

PARCEL ID	ADDRESS
20314007	104 BON TON CIR
20314003	108 BON TON RD

LEGEND

	Active	Proposed	Abandoned
Utilities	Water (solid blue line)	Sanitary (dashed green line)	Storm (dashed purple line)
Planimetrics	Structure (solid grey)	Roadway (solid brown)	Parking (dotted grey)
Topography	Contour (solid brown line)	10' (dashed brown line)	10' Obs (dotted brown line)

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/6/2013

DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.



PROPERTY INFORMATION

PARCEL ID	ADDRESS
20314007	104 BON TON CIR
20314003	108 BON TON RD

LEGEND

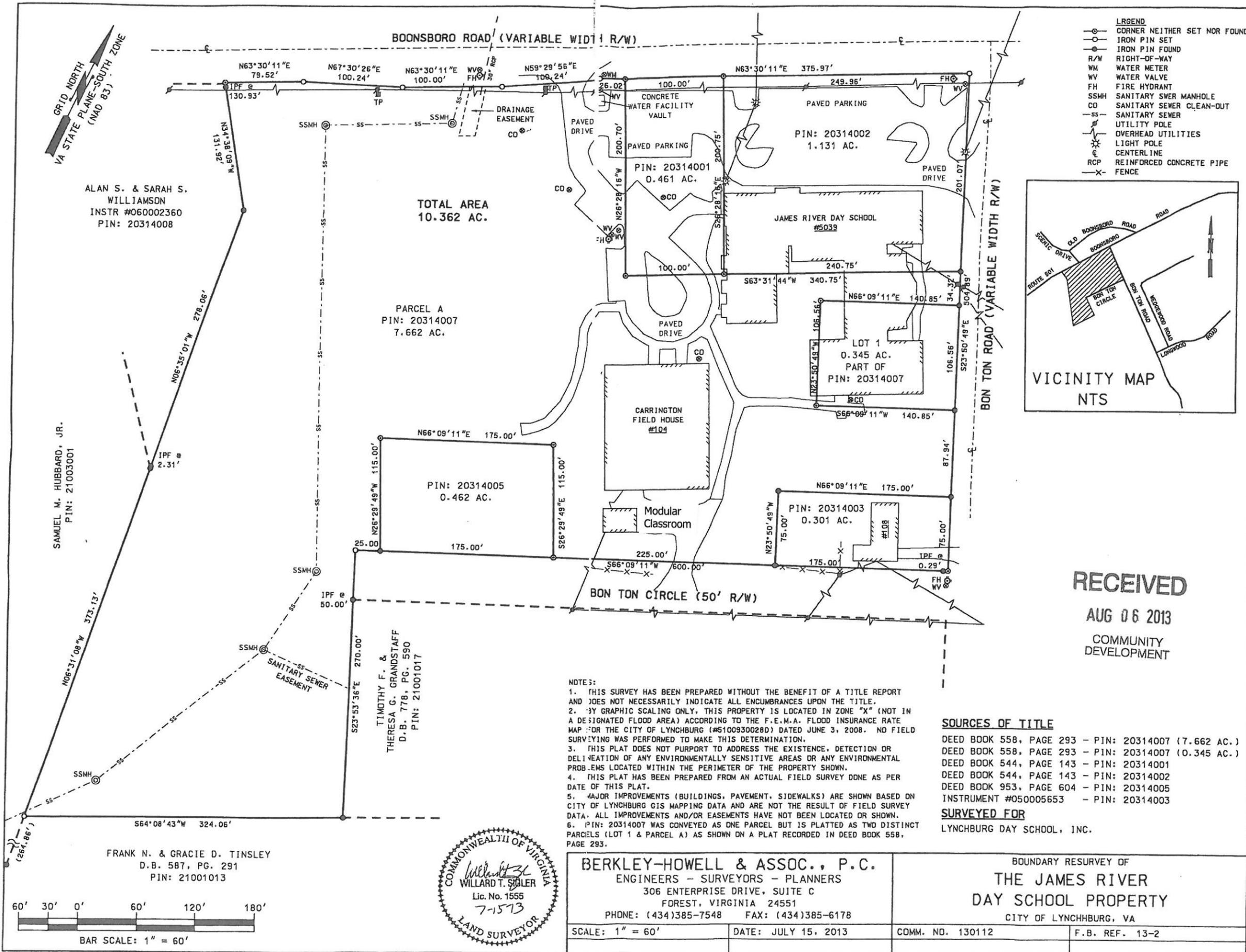
- Subject Property**
- Base Flood Elevation**
- Floodway**
- Floodzone**
- River / Lake / Stream**

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/6/2013

Cheese Creek-Ivy Creek



ALAN S. & SARAH S. WILLIAMSON
INSTR #060002360
PIN: 20314008

TOTAL AREA
10.362 AC.

PARCEL A
PIN: 20314007
7.662 AC.

PIN: 20314005
0.462 AC.

PIN: 20314002
1.131 AC.

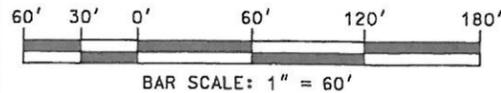
LOT 1
0.345 AC.
PART OF
PIN: 20314007

PIN: 20314003
0.301 AC.

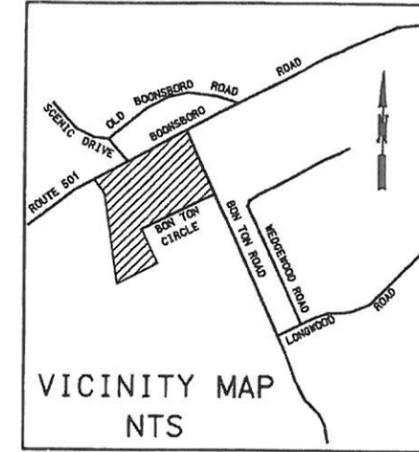
SAMUEL M. HUBBARD, JR.
PIN: 21003001

TIMOTHY F. & THERESA G. GRANDSTAFF
D.B. 778, PG. 590
PIN: 21001017

FRANK N. & GRACIE D. TINSLEY
D.B. 587, PG. 291
PIN: 21001013



- LEGEND**
- CORNER NEITHER SET NOR FOUND
 - IRON PIN SET
 - IRON PIN FOUND
 - R/W RIGHT-OF-WAY
 - WM WATER METER
 - WV WATER VALVE
 - FH FIRE HYDRANT
 - SSMH SANITARY SWER MANHOLE
 - CD SANITARY SEWER CLEAN-OUT
 - SS SANITARY SEWER
 - UP UTILITY POLE
 - OU OVERHEAD UTILITIES
 - LP LIGHT POLE
 - CL CENTERLINE
 - RCP REINFORCED CONCRETE PIPE
 - X FENCE



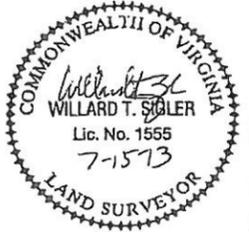
RECEIVED
AUG 06 2013
COMMUNITY DEVELOPMENT

- NOTES:**
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
 - BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A DESIGNATED FLOOD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG (#S1009300280) DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
 - THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
 - THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT.
 - MAJOR IMPROVEMENTS (BUILDINGS, PAVEMENT, SIDEWALKS) ARE SHOWN BASED ON CITY OF LYNCHBURG GIS MAPPING DATA AND ARE NOT THE RESULT OF FIELD SURVEY DATA. ALL IMPROVEMENTS AND/OR EASEMENTS HAVE NOT BEEN LOCATED OR SHOWN.
 - PIN: 20314007 WAS CONVEYED AS ONE PARCEL BUT IS PLATTED AS TWO DISTINCT PARCELS (LOT 1 & PARCEL A) AS SHOWN ON A PLAT RECORDED IN DEED BOOK 558, PAGE 293.

SOURCES OF TITLE

DEED BOOK 558, PAGE 293 - PIN: 20314007 (7.662 AC.)
 DEED BOOK 558, PAGE 293 - PIN: 20314007 (0.345 AC.)
 DEED BOOK 544, PAGE 143 - PIN: 20314001
 DEED BOOK 544, PAGE 143 - PIN: 20314002
 DEED BOOK 953, PAGE 604 - PIN: 20314005
 INSTRUMENT #050005653 - PIN: 20314003

SURVEYED FOR
LYNCHBURG DAY SCHOOL, INC.



BERKLEY-HOWELL & ASSOC., P.C.
ENGINEERS - SURVEYORS - PLANNERS
306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
PHONE: (434)385-7548 FAX: (434)385-6178

BOUNDARY RESURVEY OF
THE JAMES RIVER DAY SCHOOL PROPERTY
CITY OF LYNCHBURG, VA

SCALE: 1" = 60'	DATE: JULY 15, 2013	COMM. NO. 130112	F.B. REF. 13-2
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James River

— DAY SCHOOL —

TO: Lynchburg City Planners

DATE: August 6, 2013

RE: James River Day School C.U.P.

James River Day School installed a modular classroom for the 2012-2013 academic year to meet unexpectedly large enrollment in the band program. During the 2012-2013 academic year, the band program continued to grow, as did the orchestra program. The instrumental music program is serving over 30% of our student population. The modular classroom meets the needs of instrumental music in that it provides sufficient space, plus it segregates the sound of rehearsal from the main academic classroom building. James River's strategic plan includes increased space for the instrumental music program, but it will be at least 3-5 years before that plan can be implemented. In the meantime, the modular classroom is necessary for the continuation of instrumental music. Our two neighbors, on Bon Ton Circle, are content that the modular classroom does not impact their property negatively. The modular classroom is shielded from view by a privacy fence we built when the classroom was installed.

Update: August 15, 2013

Thanks for making us aware that 108 Bon Ton Drive is not listed as a James River Day School address on our original CUP. We had no idea that was the case, but it makes sense since we did not purchase that property until about 2005 and I'm sure our CUP was issued prior to that.

From the time of our purchasing the property until February of 2011, we rented the 108 Bon Ton Drive property to Redeemer Church for their Sunday School nursery (downstairs) and administrative offices (upstairs). After Redeemer left, we began to use the space for our own program. At present, we teach piano lessons and have a pottery studio downstairs and use the upstairs space for a conference room and storage. Sylvan Learning contacted us in the spring of this year and asked to use the space to open a satellite location in the upstairs space after the end of the school day. They pay us a fee for each student they tutor. We agreed to their proposal as it would a) allow us to offer a convenient place for our students, as well as other students who live close by, to obtain tutoring services, and b) provide the school with a small amount of non-tuition revenue. James River Day School strives to be a community resource, and this use of 108 Bon Ton Road is a good example of that. Tutors have always used our facilities, but they've not been as visible as Sylvan.

We appreciate the opportunity to add 108 Bon Ton Road to our CUP.

Update August 30, 2013

Per the request of the TRC, I am supplying the following information:

- Sylvan's hours are 4:15 pm to 7:15 pm on Mondays and Wednesdays, and 10:00 am to 1:00 pm on Saturday. They provide tutoring services. They have two tutoring tables that can handle three students at a time but have averaged a total of only about three students per day since opening their doors. I've never seen more than one tutor there at a time.
- The upstairs of the building is used by Sylvan as described above. The upstairs is also used for meetings of ten or fewer people when there is no space available in the main school building. These meetings happen sporadically but average about two per week.
- The downstairs of the building has a small pottery studio that is used for a couple of weeks per semester by one art class of a dozen or fewer students and a teacher. We also provide optional piano lessons in the downstairs area after school, from 2:45 to 5:45, Monday through Thursday. These lessons have one teacher and one student at a time. There is also a kiln in the basement that is used two or three times per year. The kiln is used when children are not present and all normal safety procedures are followed.
- There are two parking places in the driveway, six parking places beside the building, and another six spaces just below the building on Bon Ton Circle. This is easily enough spaces for the present use of the building. In the event the spaces might prove to be too few in number, the school has dozens of parking places within an easy walk of the house.
- Per TRC recommendation, the word "temporary" has been removed from the site plan and the property boundaries have been vacated. You should be in receipt of the revised site plan under separate cover.
- The school has incorporated 108 Bon Ton house into its crisis management plan.



**NO PARKING
ON WEDNESDAYS**
(DUMPSTER SERVICE)
**DUMPSTERS for
SCHOOL USE ONLY**

