

**Hanover County,
Virginia**

Zoning Map

Legend

 A-1	 R-6
 AR-1	 RM
 AR-2	 MX
 AR-6	 B-1
 RC	 B-2
 RS	 B-3
 R-1	 O-S
 R-2	 B-0
 R-3	 M-1
 R-4	 M-2
 R-5	 M-3

A-2-14

Eric J. Pair and Jeffery Sears

Variance

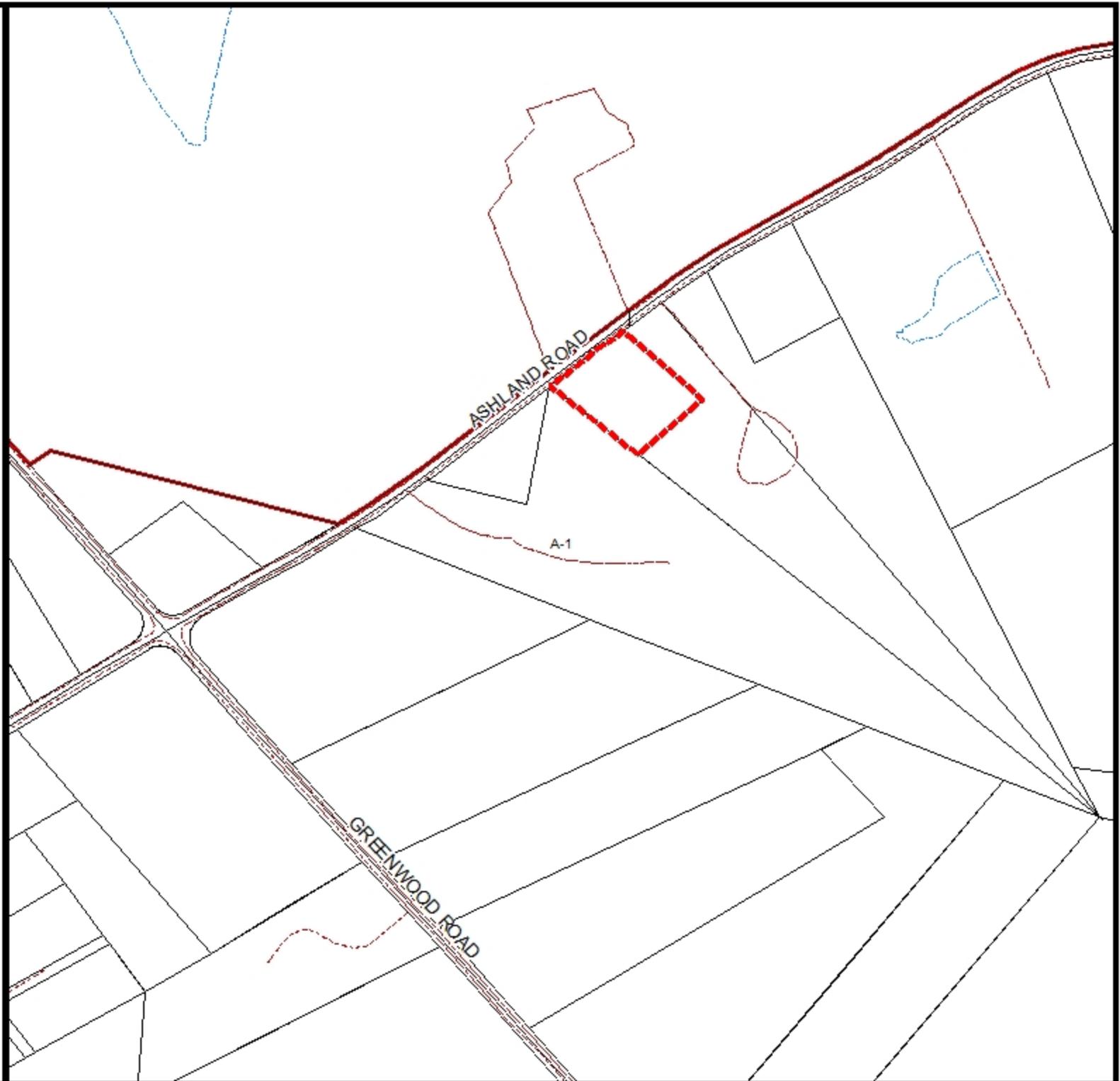
GPIN: 7749-92-9691

South Anna Magisterial District



1 inch = 300 feet

September 03, 2014



A-2-14, JEFFREY H. SEARS



Variance Report
South Anna Magisterial District
BZA Meeting Date: November 18, 2014, at 7:00 p.m.

Overview

Request	50 feet front yard setback
Zoning	A-1, Agricultural District
Acreage	0.906
Location	South line of Ashland Road (State Route 623) approximately 1,100 feet east of its intersection with Greenwood Road (State Route 625)
GPIN	7749-92-9691
General Land Use Plan	Suburban Transitional (1-2 Dwelling Units Per Acre)
Staff Contact	L. Tim Wilson, Jr.

Executive Summary

This request is for a front yard setback variation on a 0.906 acre lot fronting on Ashland Road (State Route 623). The required setback is one hundred (100) feet from the one hundred (100) foot ultimate right-of-way (State Route 623). The applicant is requesting a fifty (50) foot Variance. The basis for this request is a wetland and drainage area along the rear of the lot.

Staff Recommendation

Staff recommends **APPROVAL** of the Variance as requested. The Department of Public Works has reviewed the parcel for wetlands and drainage and concurs that the requested Variance is appropriate.

Analysis

The applicant currently owns a 0.906 acre parcel on Ashland Road identified as GPIN 7749-92-9691. The Hanover County Major Thoroughfare Plan, which is a component of the County's Comprehensive Plan, classifies Ashland Road as a 100 foot Minor Arterial. The Zoning Ordinance requires building setbacks to be measured from the ultimate right-of-way lane as depicted on the Major Thoroughfare Plan. There currently exists a variable width right-of-way along this section of Ashland Road. The applicant wishes to construct a dwelling on the subject parcel. Based on deed research, the parcel was created in 1947 which is prior to the adoption of both the Hanover County Zoning Ordinance and the Major Thoroughfare Plan. The applicant purchased the property in 2004 (DB 2385, PG 701).

The applicant has provided a survey showing a proposed dwelling location fifty (50) feet from the front property line and a 75.78 feet from the rear property line. The increased rear setback locates the proposed dwelling outside of a wetland and drainage area at the rear of the parcel. The Department of Public Works has reviewed this survey and they have recommended approval of the location as it is just outside of the ten (10) year floodplain.

The most recent plat of the property shows the parcel to contain 0.906. Measuring the distance from the ultimate 100' right-of-way, as depicted on the plat, it appears there is no location on the property for a dwelling to be constructed that meets both the 100 foot setback from the ultimate right-of-way without encroaching into the wetland and drainage area.

Based on the information provided, the only mechanism to allow construction of a dwelling is through the granting of a Variance.

Powers and duties of Board of Zoning Appeals. Va. Code § 15.2-2309

The Board shall authorize no such Variance unless it finds:

a) That the strict application of the Zoning Ordinance would produce undue hardship.

The strict application of the Zoning Ordinance would produce undue hardship. The entirety of the proposed dwelling is located within the required 100 foot setback as measured from the ultimate right-of-way. This ultimate right-of-way was established by the County's Comprehensive Plan some years after legal creation of this lot. Section 26-26 of the Zoning Ordinance establishes that the front yard setback in the A-1, Agricultural District shall be measured from the ultimate right-of-way, designated in the Comprehensive Plan. Additionally, the location of the wetland and drainage area encumbering the rear portion of the lot creates a physical hardship to locating a dwelling to meet the front yard setback by not allowing the structure to be located as close to the rear lot line as Ordinance permits. There does not appear to be any location on the subject property in which the dwelling can be constructed in accordance with the applicable Zoning Ordinance district regulations.

- b) That such hardship is not shared generally by other properties in the same zoning district and same vicinity.**

The one hundred (100) foot front yard setback is shared by all A-1 Agricultural District property owners along major thoroughfares. However, most of the lots in this general area are larger than the subject parcel and do not necessarily share the same topographical features (wetlands and drainage) that restrict this property.

- c) That the authorization of such Variance will not be of substantial detriment to adjacent property, and that the character of the district will not be changed by the granting of the Variance.**

Authorization of this Variance will not be of substantial detriment to the adjacent properties; nor will it alter the character of this zoning district.

- d) That the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonable practical the formulation of a general regulation to be adopted as an amendment to the ordinance.**

This situation is atypical and does not warrant an amendment to the Zoning Ordinance.

LTW/sm/s:bza

Attachments

- Maps (land use, vicinity, zoning, aerial)
- Application Materials
- Citizen Correspondence
- Photographs