Hanover County, Virginia

General Parcel Map

Legend

- Roads
- Water
- Trees
- Private Road
- Structures
- Parcels

A-2-15

Shirley and Wallace Deborous

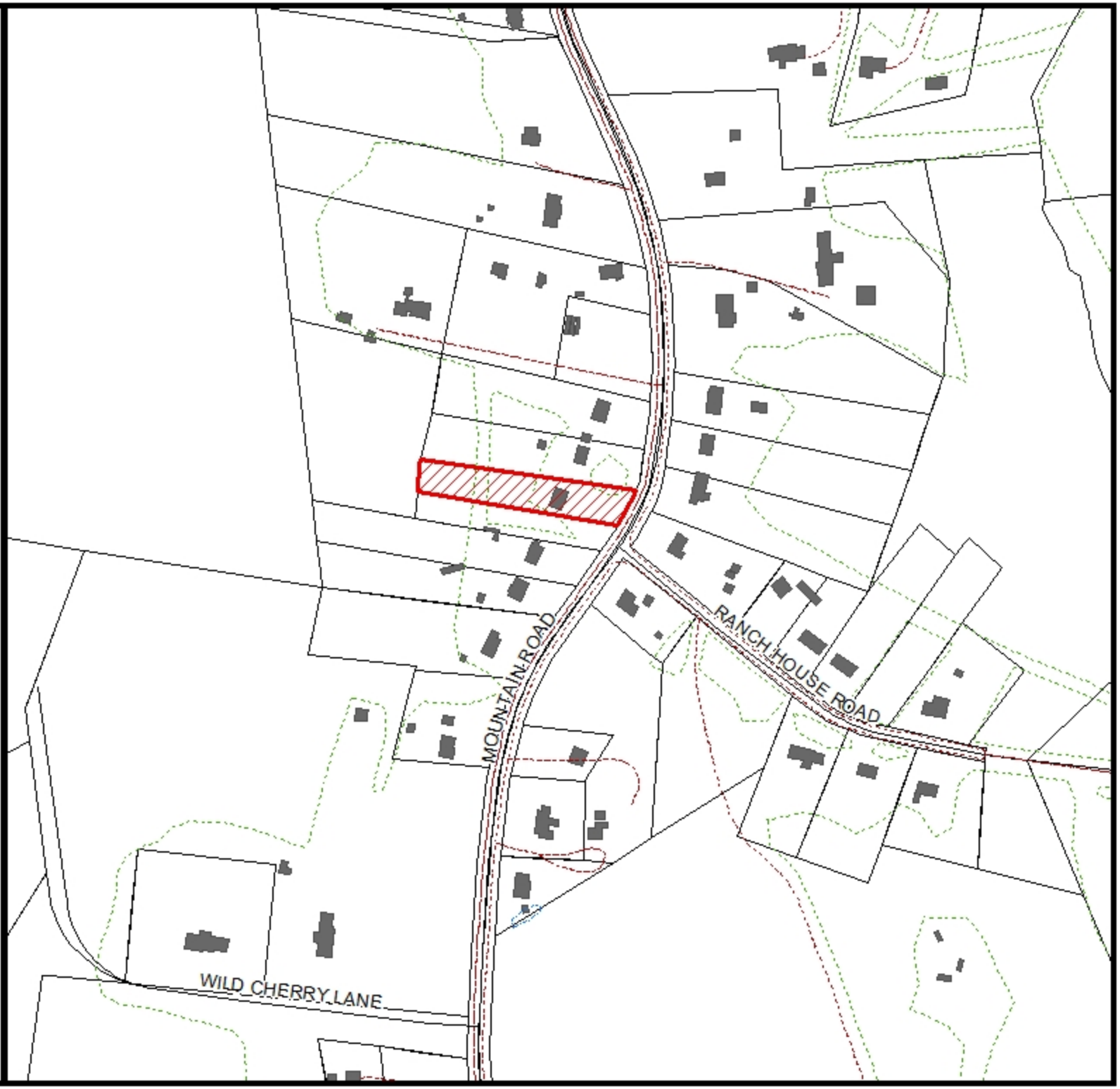
variance

GPIN: 7821-69-6028

South Anna Magisterial District

1 inch = 300 feet

June 02, 2015



Hanover County, Virginia

Zoning Map

Legend

- Roads
- Water
- Private Road
- Parcels
- CUP
- A-1
- AR-1
- AR-2
- AR-6
- RC
- RS
- R-1
- R-2
- R-3
- R-4
- R-5
- R-6
- RM
- MX
- B-1
- B-2
- B-3
- O-S
- B-O
- M-1
- M-2
- M-3

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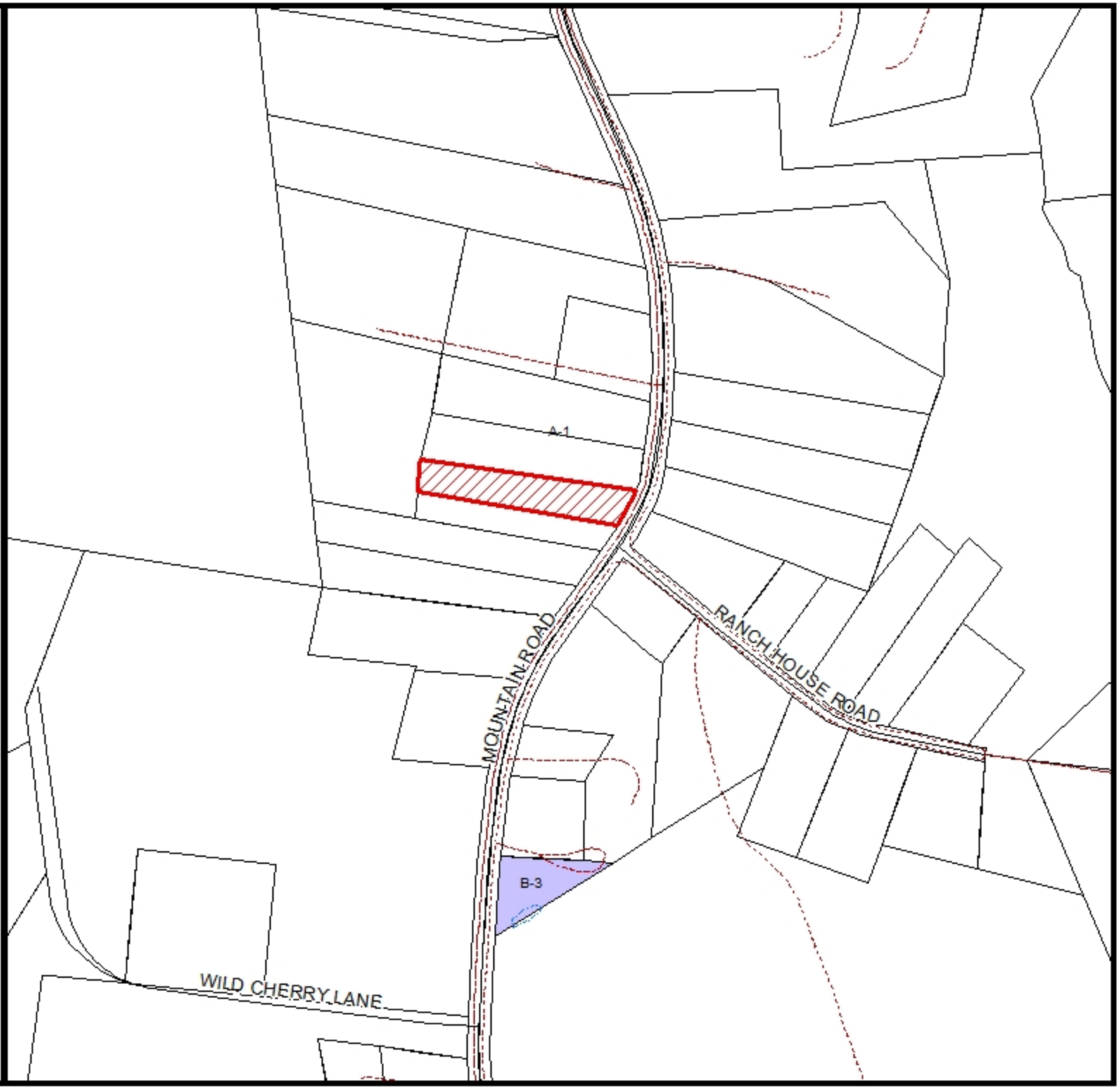

A-2-15, SHIRLEY & WALLACE DEBOROUS

Variance Report
South Anna Magisterial District
BZA Meeting Date: August 11, 2015, at 7:00 p.m.

Overview

Request	14.2 foot side yard variance and a 9.7 foot side yard aggregate variance
Zoning	A-1, Agricultural District
Acreage	1 acre
Location	East line of Mountain Road (U.S. Route 33) approximately thirty (30) feet north of its intersection with Ranch House Road (State Route 807)
GPIN	7821-69-6028
General Land Use Plan	Agricultural
Staff Contact	L. Tim Wilson, Jr.

Executive Summary

This request is for a side yard and aggregate side yard variation on a 1 acre lot fronting on Mountain Road (U.S. Route 33). The required side yard setback is twenty-five (25) feet and the aggregate side yard requirement is fifty (50) feet. The applicant is requesting a 14.2 side yard Variance and a 9.7 foot side yard aggregate variance. The existing aggregate side yard is 54.4 feet. The basis for this request is the desire of the applicants to construct an addition to the southern end of the existing dwelling.

Staff Recommendation

Staff recommends **DENIAL** of the Variance as requested. The denial of this request would not unreasonably restrict the use of the property.

Analysis

The applicant currently owns a one (1) acre parcel on Mountain Road identified as GPIN 7821-69-6028. The Zoning Ordinance requires buildings located in the A-1, Agricultural zoning district to maintain a minimum side yard of twenty-five (25) feet and a minimum aggregate side yard of fifty (50) feet. Currently, the dwelling on the property is considered legally non-conforming because it is now located 24.9 feet off a side property line. At the time of original construction it is probable that the dwelling was built in compliance (25 foot setback) based on the original survey. The slight discrepancy(less than 2 inches) was noted during a recent survey. The applicant wishes to construct an addition to this existing dwelling. The applicant's purchased the property in 1971 (DB 310, PG 303).

The applicant has provided a survey showing a proposed addition location 10.8 feet from the south side property line and having a total combined side yard of 40.3 feet. In addition, the survey illustrates that the septic tank for this dwelling is located approximately 10 feet from the rear of the dwelling. The Health Department requires a minimum ten (10) foot setback from foundation to the septic tank and drainfield. Based on the plat provided by the applicant it appears the addition could be constructed in an alternate location at the rear of the dwelling that would meet side yard setback requirements. This is not completely clear because the septic tank location is shown as approximate. The location shown of the proposed addition is not the only place that it could be constructed. This is the location desired by the applicant.

The applicant has also provided evidence that they have contacted the owners of the neighboring property to the south. The property is owned by Thomas and Ronald Walton and is roughly sixty-five (65) feet wide and provides access to a larger property (2.48 acres) that is also owned by the Waltons. The applicants inquired about adjusting the property lines by swapping equal amounts of land from the adjacent property owners that would allow them to meet setback requirements. The Waltons declined this request.

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

The Board shall authorize no such Variance unless it finds:

I) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance:

The applicant purchased the property in good faith in 1971 (DB 310, PG 303). The desire to expand the existing dwelling is a matter of convenience sought by the applicant rather than a result of a hardship. The house as existing can be used as a single family dwelling without restriction.

II) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

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

III) 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

There is no general or reoccurring condition that warrants amending the zoning ordinance.

IV) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.

The granting of this variance will not amend the zoning classification of this property.

V) The relief or the remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.

A special exception permit is not an available remedy in this situation.

LTW/sm/s:bza

Attachments

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