1. Call To Order

2. Approval Of Minutes

3. Public Hearings

3.I. V-01-2019 – Cates, Harold, II & Christine, Owner/Applicant

**V-01-2019 – Cates, Harold, II & Christine, Owner/Applicant**: Request a variance to Article XV, Supplemental Regulations, Section 4 (Accessory Building & Uses), Paragraph 3, on tax map #67A5-1-1841, consisting of 1.5 acres, more or less, zoned R-1, Low-Density Residential. This property is located at 150 Lake Caroline Drive, Lot 1841 Lake Caroline Development, Ruther Glen, Madison Voting District. **Proposed Variance**: To allow an accessory structure (detached garage) to be constructed in the front yard of a single family dwelling lot where it is prohibited.

Documents:

**V-01-2019 BZA 03-14-19 PACKET.PDF**

4. Any And All Matters

5. Adjournment
CASE NUMBER: V-01-2019  
CASE NAME: Cates Variance  
LOCATION: 150 Lake Caroline Dr.  
TAX MAP: 67A5-1-1841  
ZONING: R1  
ACREAGE: 1.5 +/- acres (total)  
DISTRICT: Madison

REQUEST:
The applicant is requesting a variance to allow a detached garage to be built in the front yard of the parcel on which a single family dwelling is located. Accessory structures are required by Section 4, Article XV of the Caroline County Zoning Ordinance to be located in the rear or side yard.

DISCUSSION
The applicant is requesting a variance to allow a detached garage to be built in the front yard of the parcel on which a single family dwelling is located in the Lake Caroline subdivision.

The applicant would like to construct a 32’ x 50’ detached garage for the storage of their personal vehicles and other items. According to the survey provided by the applicant, there is RPA (Resource Protection Area) to the rear of the single family dwelling. Resource protection areas have a buffer of 100’ that should not be encroached upon. There is also a steep slope that surrounds the dwelling as the land slopes towards Lake Caroline. The applicant is proposing that the detached garage will meet all other setbacks for the property and is only requesting a variance for the structure to be located in the front yard.

§ 15.2-2201 of the Code of Virginia states that a "VARIANCE" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.
EXCERPT FROM THE CAROLINE COUNTY ZONING ORDINANCE, ARTICLE VIII, BOARD OF ZONING APPEALS: SECTION 4, VARIANCES, SUB-SECTION B. AUTHORIZATION AND STANDARDS

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, GENERAL OR SPECIAL, TO GRANT UPON APPEAL OR ORIGINAL APPLICATION IN SPECIFIC CASES A VARIANCE AS DEFINED IN § 15.2-2201 OF THE CODE, PROVIDED THAT THE BURDEN OF PROOF SHALL BE ON THE APPLICANT FOR A VARIANCE TO PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT HIS APPLICATION MEETS THE STANDARD FOR A VARIANCE AS DEFINED IN § 15.2-2201 OF THE CODE AND THE CRITERIA SET OUT IN THIS SECTION.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, GENERAL OR SPECIAL, A VARIANCE SHALL BE GRANTED IF THE EVIDENCE SHOWS THAT THE STRICT APPLICATION OF THE TERMS OF THE ORDINANCE WOULD UNREASONABLY RESTRICT THE UTILIZATION OF THE PROPERTY OR THAT THE GRANTING OF THE VARIANCE WOULD ALLEVIATE A HARDSHIP DUE TO A PHYSICAL CONDITION RELATING TO THE PROPERTY OR IMPROVEMENTS THEREON AT THE TIME OF THE EFFECTIVE DATE OF THIS ORDINANCE, AND

(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;
(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;
(iii) THE CONDITION OR SITUATION OF THE PROPERTY CONCERNED IS NOT OF SO GENERAL OR RECURRING A NATURE AS TO MAKE REASONABLY PRACTICABLE THE FORMULATION OF A GENERAL REGULATION TO BE ADOPTED AS AN AMENDMENT TO THE 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; AND
(v) THE RELIEF OR REMEDY SOUGHT BY THE VARIANCE APPLICATION IS NOT AVAILABLE THROUGH THE COUNTY’S SPECIAL EXCEPTION PROCESS OR THE PROCESS FOR MODIFICATION OF THE COUNTY’S ZONING ORDINANCE AT THE TIME OF THE FILING OF THE VARIANCE APPLICATION.
NOTES:
1. TRACT SUBJECT TO DRAINAGE PATTERNS AS THEY EXIST.
2. NO TITLE REPORT FURNISHED.
3. EASEMENTS MAY EXIST THAT ARE NOT SHOWN.
4. SUBTERRANEAN FEATURES NOT LOCATED.
5. LAND LOCATED IN F.I.R.M. ZONE X
   PANEL # 5102 101 015 B
   AUGUST 15, 1989
6. THIS IS NOT A CURRENT FIELD SURVEY.
   BOUNDARY INFORMATION FROM SUBDIVISION PLAT.

ACCURATE
CONSULTING SERVICES, LLC
Phone: (804) 448-3708
FAX: (804) 448-5585
Ladysmith, Va. 22501

DISTRICT: MADISON
COUNTY: CAROLINE
STATE: VA.
SEC. # 67A5-1 (1841,1842)
REF: DB.493/587
SCALE 1" = 50'

CHECKED BY: MCH
DRAWN BY: BCT
PLANNING & DEVELOPMENT APPLICATION
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
233 WEST BROADUS AVENUE
BOWLING GREEN, VA 22427
(804) 633-4303
(804) 633-1766
WWW.VISITCAROLINE.COM

DATE SUBMITTED: 1/30/2019
CASE NUMBER: V-01-2019

1. TYPE OF REQUEST

☐ REZONING: FROM _____ TO _____
☐ PROFFER AMENDMENT ________ (REZONING CASE #)

☐ SPECIAL EXCEPTION: ________ [ORDINANCE SECTION]
☐ SITE PLAN: _____ MAJOR _____ MINOR

☐ VARIANCE: Act X Sec 4.3
☐ ADMINISTRATIVE APPEAL

☐ COMP. PLAN AMENDMENT ________
☐ OTHER

☐ SUBDIVISION (MAJOR) _____ PRELIMINARY _____ FINAL _____ CONCEPT

☐ SUBDIVISION (OTHER) _____ MINOR _____ BLA/VACATION _____ FAMILY

2. PROPERTY INFORMATION

TAX MAP NUMBER: Le745-1-1841
CURRENT ZONING: R-1
ACREAGE OF REQUEST: LESS THAN 1 ACRE
TOTAL ACREAGE: ______
PHYSICAL ADDRESS/LOCATION: 150 Lake Caroline Drive, Ruther Glen, VA 22546
VOTING DISTRICT: Madison

UTILITIES: ☑ PUBLIC ☐ PRIVATE

3. CONTACT INFORMATION

Harold P. Cates II
APPLICANT NAME
150 Lake Caroline Dr.
MAILING ADDRESS, CITY, STATE, ZIP CODE
Ruther Glen, VA 22546
202-200-1552
DAYTIME PHONE NUMBER

―
OWNER(S) NAME (ATTACH SEPARATE SHEET(S) IF NECESSARY)
MAILING ADDRESS, CITY, STATE, ZIP CODE
DAYTIME PHONE NUMBER

―
MAIN POINT OF CONTACT
MAILING ADDRESS, CITY, STATE, ZIP CODE
DAYTIME PHONE NUMBER

2016
4. Fee Schedule

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<th>Description</th>
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<th>Calculation</th>
<th>Amount</th>
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<td>Proffer Amendment</td>
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<td>Special Exception</td>
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<td>Site Plan: Major</td>
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<td>Comp Plan Amendment</td>
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Check # 51654  □ Cash  □ Charge  Receipt # 533790

Review by / Comments:

5. I/we read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my/our knowledge. I understand that the County may approve, conditionally approve, or deny the request for which I am applying. Furthermore, I grant permission to the Department of Planning and Community Development and other authorized government agents to enter the property and make such investigations as they deem necessary to evaluate the request.

Owner Signature

Harold P. Cates II

Owner's Name

1/30/2019

*Note: An application shall not be deemed officially filed until all required plans, plats, fees and supporting documentation are submitted to this Department.