1. Call To Order

2. Approval Of Minutes

3. Public Hearings

3.I. V-02-2019 – Fournier, Laura & James, Owner/Applicant:

**V-02-2019 – Fournier, Laura & James, Owner/Applicant**: Request a variance to Article XV, Supplemental Regulations, Section 4 (Accessory Building & Uses), Paragraph 3, on tax map #67A5-1-1849, consisting of 0.5 acres, more or less, zoned R-1, Low-Density Residential. This property is located at 134 Lake Caroline Drive, Lot 1849 Lake Caroline Development, Ruther Glen, Madison Voting District. **Proposed Variance**: To allow an accessory structure (storage shed) to be constructed in the front yard of a single family dwelling lot where it is prohibited.

Documents:

V-02-2019 STAFF REPORT PACKET.PDF

3.II. V-03-2019 – Scott, Joseph & Peggy, Owner/Applicant

**V-03-2019 – Scott, Joseph & Peggy, Owner/Applicant**: Request a variance on tax map #61-7-4, consisting of 3.81 acres, more or less, zoned RP, Rural Preservation. This property is located at 18460 Passing Road, Milford, Virginia, Bowling Green Voting District. **Proposed Variances**:

1) Variance to Article XII, Lot Area & Other Dimensional Requirements, to allow a 10’ rear setback for an unpermitted addition & deck on a principal structure when a 40’ rear setback is required.

2) Variance to Article XV, Supplemental Regulations, Section 4 (Accessory Buildings & Uses), Paragraph 3(d) to allow 1’ side & 1’ rear setback for an unpermitted accessory structure when a 5’ side & 5’ rear setback is required.

Documents:

V-03-2019 STAFF REPORT PACKET.PDF

4. Any And All Matters

5. Adjournment
STAFF REPORT

CAROLINE COUNTY BOARD OF ZONING APPEALS  APRIL 11, 2019 REGULAR MEETING

CASE NUMBER:  V-02-2019  
CASE NAME:  FOURNIER VARIANCE  
LOCATION:  134 LAKE CAROLINE DR.  
TAX MAP:  67A5-1-1849  
ZONING:  R1  
ACREAGE:  .5 +/- ACRES (TOTAL)  
DISTRICT:  MADISON

REQUEST:

THE APPLICANT IS REQUESTING A VARIANCE TO ALLOW A SHED 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 SHED 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 SHED FOR THE STORAGE OF THEIR PERSONAL 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. THE APPLICANT’S DRAINFIELD IS ALSO LOCATED DIRECTLY BEHIND THE DWELLING INSIDE THE RPA FURTHER LIMITING THE ENCROACHMENT POSSIBILITIES IN THE RPA. THE APPLICANT’S DWELLING IS ALSO LOCATED TOO CLOSE TO BOTH SIDE PROPERTY LINES TO ALLOW FOR CONSTRUCTION OF THE SHED ON THE SIDE OF THE DWELLING AND BEING ABLE TO MEET BUILDING CODE SETBACK REQUIREMENTS. THE SHED WOULD STILL NEED TO MEET THE 40 FOOT FRONT SETBACK.

§ 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.
To Whom it may concern

My house is on the water at Lake Caroline, set 110' back from the lake. With the RPA we are unable to have any structure in our entire back yard. The proposed shed will be at 10x16 in size, set back over 70' from street and over 12' from side (right) of property.

Thank you,

Laura Bonnie
134 Lake Caroline Dr.
Burke Glen, VA 22546
LAKE CAROLINE

LOT #1849

10' BUILDING SETBACK FROM LAKE

PROPOSED DWELLING

CAROLINE DR. 60' R/W

NOTES:
1. NO TITLE REPORT FURNISHED
2. EASEMENTS NOT SHOWN MAY EXIST
3. UNDERGROUND UTILITIES AND SUBSURFACE FACILITIES NOT LOCATED

SITE PLAN OF LOT #1849, LAKE CAROLINE RESORT DEVELOPMENT, MADISON DISTRICT, CAROLINE CO., VA.

SCALE: 1" = 40' NOVEMBER 10, 1986

WILLIAM W. WEBB, JR. LICENSE NO. 1202

WILLIAM W. WEBB, JR. LAND SURVEYOR
PO BOX 1037 BOWLING GREEN, VIRGINIA
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: 3-16-2019
CASE NUMBER: V-02-19

1. TYPE OF REQUEST

☐ REZONING: FROM _____ To _____
☐ PROFFER AMENDMENT

☐ SPECIAL EXCEPTION: __________________________ (ORDINANCE SECTION)

☐ Variance: ________________________________

c
☐ SITE PLAN: _____ MAJOR _____ MINOR

☐ COMP. PLAN AMENDMENT_______________________

☐ ADMINISTRATIVE APPEAL_______________________

☐ SUBDIVISION (MAJOR)

Preliminary
Final
Concept

☐ SUBDIVISION (OTHER)

Minor

BLA/Vacation

Family

2. PROPERTY INFORMATION

TAX MAP NUMBER 6745-1-1849
CURRENT ZONING R1

ACREAGE OF REQUEST ________________
TOTAL ACREAGE .5

PHYSICAL ADDRESS/LOCATION

VOTING DISTRICT Madison

UTILITIES: _____ PUBLIC _____ PRIVATE X EXISTING _____ NEW

3. CONTACT INFORMATION

Lauren Fournier
APPLICANT NAME
134 Lake Caroline Dr. Bulleit Glen, VA 22546
DAYTIME PHONE NUMBER 508-250-3869
MAILING ADDRESS, CITY, STATE, ZIP CODE

Laura & James Fournier
OWNER(S) NAME (ATTACH SEPARATE SHEET(S) IF NECESSARY)

1may0729@verizon.net
DAYTIME PHONE NUMBER

MAILING ADDRESS, CITY, STATE, ZIP CODE

MAIN POINT OF CONTACT

DAYTIME PHONE NUMBER
4. Fee Schedule

<table>
<thead>
<tr>
<th>Service</th>
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<tr>
<td>Rezoning</td>
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</tr>
<tr>
<td>Proffer Amendment</td>
<td>Base Fee + (NO. OF REQUESTS x $100)</td>
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<tr>
<td>Special Exception</td>
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<tr>
<td>Site Plan: Major</td>
<td>Base Fee x ACREAGE</td>
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</tr>
<tr>
<td>Site Plan: Minor</td>
<td>Base Fee x ACREAGE</td>
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</tr>
<tr>
<td>Comp Plan Amendment</td>
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<td>Variance/Adm. Appeal</td>
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<td>$600</td>
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<tr>
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<td>$250 - MINOR $200 - BIA $100 - VACATION</td>
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<tr>
<td>Type:</td>
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<tr>
<td>Subdivision: Major</td>
<td>Base Fee + (NUMBER OF LOTS x $50)</td>
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</tr>
<tr>
<td>Concept Plan</td>
<td>Base Fee x NUMBER OF REQUESTS</td>
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<tr>
<td>Other</td>
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<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

□ Check # ____________________ □ Cash □ Charge RECEIPT # 533570

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: ___________________________         Agent/Applicant Signature: ___________________________

Owner’s Name: ___________________________         Agent/Applicant Name: ___________________________

Date: ___________________________         Date: ___________________________

*Note: An application shall not be deemed officially filed until all required plans, plats, fees and supporting documentation are submitted to this Department.
CASE NUMBER: V-03-2019  
CASE NAME: SCOTT VARIANCE  
LOCATION: 18460 PASSING RD.  
TAX MAP: 61-7-4  
ZONING: RP  
ACREAGE: 3.81 +/- ACRES (TOTAL)  
DISTRICT: BOWLING GREEN

REQUEST:
THE APPLICANT IS REQUESTING A VARIANCE TO ALLOW A DETACHED GARAGE, A DECK, AND AN ADDITION THAT WAS BUILT WITHOUT A PERMIT, AND BUILT WITHIN THE SETBACKS TO STAY ON THE PROPERTY.

DISCUSSION
THE APPLICANT IS REQUESTING A VARIANCE TO ALLOW A DETACHED GARAGE, A DECK, AND AN ADDITION THAT WAS BUILT WITHOUT A PERMIT, AND BUILT WITHIN THE SETBACKS TO STAY ON THE PROPERTY.

THE APPLICANT PURCHASED THIS PROPERTY WITH THE ADDITION AND DECK THAT DO NOT MEET ZONING SETBACKS APPROXIMATELY 3 YEARS AGO. ACCORDING TO AERIAL PHOTOGRAPHS IT APPEARS THAT THE DECK AND ADDITION WERE IN PLACE PRIOR TO 2013. THERE ARE NO PERMITS ON FILE WITH CAROLINE COUNTY FOR THE CONSTRUCTION OF THIS ADDITION AND DECK. THE REQUIRED REAR SETBACK FOR THIS PROPERTY IS 40 FEET. THE ADDITION CURRENTLY SITS AT 35 +/- FEET AWAY FROM THE REAR PROPERTY LINE AND THE DECK SITS APPROXIMATELY 10 FEET FROM THE REAR PROPERTY LINE.

THE DETACHED GARAGE THAT CURRENTLY SITS ON THE PROPERTY ALSO DOES NOT MEET ZONING SETBACKS. THE REQUIRED SETBACK FOR ACCESSORY STRUCTURES IN THE CAROLINE COUNTY ZONING ORDINANCE IS 5 FEET FROM THE REAR AND SIDE PROPERTY LINES. THE CURRENT DETACHED GARAGE SITS 1.8 FEET FROM THE REAR PROPERTY LINE AND 1.9 FEET FROM THE SIDE PROPERTY LINE. ACCORDING TO AERIAL PHOTOGRAPHS THE DETACHED GARAGE WAS CONSTRUCTED SOME TIME PRIOR TO 2007. THERE ARE NO PERMITS ON FILE FOR THIS STRUCTURE.

AS IT APPEARS THE ADDITION, DECK, AND DETACHED GARAGE WERE ALL CONSTRUCTED PRIOR TO THE PURCHASE OF THIS PROPERTY WITHOUT PROPER PERMITS IN PLACE. SHOULD THE VARIANCE BE GRANTED THE STRUCTURES WOULD THEN NEED TO BE INSPECTED BY THE BUILDING DEPARTMENT TO ENSURE THAT EVERYTHING IS TO CODE. SHOULD THE VARIANCE BE DENIED ALL THREE OF THE STRUCTURES WOULD NEED TO BE DEMOLISHED.
§ 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.
I am applying for this variance because the appraiser for the bank that is making the loan for the sale of my property questioned if the 10x8 addition to the back of the home was ever permitted. The county records did not show that it was, so I applied for a permit to satisfy the appraiser's requirement. When I applied for the permit the survey identified that the addition and decks did not have adequate setback requirements. I purchased this home 3 yrs ago with all of the additions + decks already in place. This property is located in the middle of nowhere and surrounded by forest + farmland, I never thought that this would ever present a problem. I just want to resolve this issue. Your cooperation in this matter is greatly appreciated.

Joseph Hackett
Legend

Caroline Tax Parcels

61-7-4
CAROLINE COUNTY, VIRGINIA
PLANNING & DEVELOPMENT APPLICATION
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
233 WEST BROADDUS AVENUE
BOWLING GREEN, VA 22427
(804) 633-4303
(804) 633-1766
WWW.VISITCAROLINE.COM

DATE SUBMITTED: 3-4-19

CASE NUMBER: V-03-2019

1. TYPE OF REQUEST

☐ REZONING: FROM ____ TO ____  ☐ PROFFER AMENDMENT ________

☐ SPECIAL EXCEPTION: ________________

☐ VARIANCE: ________________

☐ COMP. PLAN AMENDMENT ________________

☐ SUBDIVISION (MAJOR)

□ PRELIMINARY

□ FINAL

□ CONCEPT

☐ SUBDIVISION (OTHER)

□ MINOR

□ BLA/VACATION

□ FAMILY

(REZONING CASE #)

□ SITE PLAN: _____ MAJOR _____ MINOR

□ ADMINISTRATIVE APPEAL

□ OTHER

2. PROPERTY INFORMATION

TAX MAP NUMBER 61-7-4

CURRENT ZONING RP

ACREAGE OF REQUEST 3.81 ACRES

TOTAL ACREAGE 3.81 ACRES

PHYSICAL ADDRESS/LOCATION 18460 PASSING RD MILFORD VA. 22514

VOTING DISTRICT ____________________________

UTILITIES: _______ PUBLIC  ☑ PRIVATE  ☑ EXISTING  _____ NEW

3. CONTACT INFORMATION

APPLICANT NAME

JOSEPH A. SCOTT

9430 WOODFORD RD WOODFORD, VA 22580

MAILING ADDRESS, CITY, STATE, ZIP CODE

JOSEPH A. SCOTT

9430 WOODFORD RD WOODFORD, VA 22580

OWNER(S) NAME (ATTACH SEPARATE SHEET(S) IF NECESSARY)

JOSEPH A. SCOTT

MAILING ADDRESS, CITY, STATE, ZIP CODE

9430 WOODFORD RD WOODFORD, VA 22580

MAIN POINT OF CONTACT

JOSEPH A. SCOTT

703-967-7344

DAYTIME PHONE NUMBER

703-967-7344

DAYTIME PHONE NUMBER

703-967-7344

DAYTIME PHONE NUMBER
4. **Fee Schedule**

**REZONING**

\[ \text{BASE FEE} + \left( \frac{\text{ACREAGE} \times \$50}{\text{Acre}} \right) = \text{TOTAL} \]

**PROFFER AMENDMENT**

\[ \text{BASE FEE} + \left( \frac{\text{NO. OF REQUESTS} \times \$100}{\text{Request}} \right) = \text{TOTAL} \]

**SPECIAL EXCEPTION**

\[ \text{BASE FEE} + \left( \frac{\text{ACREAGE} \times \$50}{\text{Acre}} \right) = \text{TOTAL} \]

**SITE PLAN: MAJOR**

\[ \text{BASE FEE} \times \frac{\text{ACREAGE}}{\text{Acre}} = \text{TOTAL} \]

**SITE PLAN: MINOR**

\[ \text{BASE FEE} \times \frac{\text{NUMBER OF REQUESTS}}{} = \text{TOTAL} \]

**COMP PLAN AMENDMENT**

\[ \text{BASE FEE} \times \frac{\text{NUMBER OF REQUESTS}}{} = \text{TOTAL} \]

**VARIANCE/ADM. APPEAL**

\[ \text{BASE FEE} \times 600 \times \frac{\text{NUMBER OF REQUESTS}}{} = \text{TOTAL} \]

**SUBDIVISION: MINOR**

\[ \$250 \text{ - MINOR}\]

\[ \$200 - \text{BLA}\]

\[ \$100 - \text{VACATION}\]

\[ \$200 + \$50 \text{ PER NEW LOT - FAMILY}\]

\[ \text{TOTAL} \]

**SUBDIVISION: MAJOR**

\[ \text{BASE FEE} + \left( \frac{\text{NUMBER OF LOTS} \times \$250}{\text{Lot}} \right) = \text{TOTAL} \]

**CONCEPT PLAN**

\[ \text{BASE FEE} \times \frac{\text{NUMBER OF REQUESTS}}{} = \text{TOTAL} \]

**OTHER**

\[ \text{BASE FEE} \times \frac{\text{NUMBER OF REQUESTS}}{} = \text{TOTAL} \]

**TOTAL**

**CHECK # 766**

☐ CASH

☐ CHARGE

RECEIPT # 533574

**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.**

[Signature]

**Owner Signature**

**Agent/Applicant Signature**

**Owner's Name**

JOSEPH A. SCOTT

**Agent/Applicant Name**

**Date**

3-4-19

**Date**

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