1. Call To Order

2. Approval Of Minutes

3. Public Hearings

3.I. V-04-2019 – Edmisten, Jeff & Carla, Owner/Applicant

**V-04-2019 – Edmisten, Jeff & Carla, Owner/Applicant**: Request a variance on tax map #51A6-1-B-381, consisting of 0.30 acres, more or less, zoned R-1, Residential (Low Density). This property is located at 695 Welsh Drive, Lot B381 Lake Land’or Development, Ruther Glen, Virginia, Western Caroline Voting District. **Proposed Variance**: A variance to Article XII, Lot Area & Other Dimensional Requirements, to allow a 29’ rear setback for a principal structure, when a 35’ rear setback is required. **Purpose**: To allow a 10’ x 24’ pre-existing, non-conforming deck to remain and to allow the construction of a 10’ x 16’ sunroom on a portion of the deck.

Documents:

**V-04-2019 EDMISTEN STAFF REPORT PACKET.PDF**

4. Any And All Matters

5. Adjournment
CASE NUMBER: V-04-2019
CASE NAME: EDMISTEN VARIANCE
LOCATION: 695 WELSH DRIVE – LAKE LAND’OR DEVELOPMENT
TAX MAP: 51A6-1-B-381
ZONING: R1
ACREAGE: .31 +/- ACRES (TOTAL)
DISTRICT: WESTERN CAROLINE

REQUEST:
The applicant is requesting a variance to Article XII of the Caroline County Zoning Ordinance regarding the rear setback of 35 feet.

DISCUSSION

The applicant is requesting a variance to allow an existing nonconforming 10x24 deck on the rear of the dwelling to remain on the property and to construct a 10x16 sunroom on a portion of the existing deck. Decks and porches are attached to and are part of a principle structure and must meet the required setback. The deck sits 29 feet from the rear property line where a 35’ rear setback is required.

The applicant’s medical condition will confine her to a wheelchair in the future and the sunroom addition, which will be constructed on a portion of the deck, is to create an accessible avenue to the kitchen of the home and provide a dining area that is wheelchair accessible.

Building permit data from that time period is not available. Therefore no information regarding the permitting and/or inspection of the existing deck is available. The applicant has stated the deck was in place when they purchased the house in 1994.

Planning files contain a zoning permit issued in December 1989 for a single family dwelling but details about the structure such as decks & porches are not available. The setbacks noted on the zoning permit were 45’ from the front, 73’ from the rear. It is obvious from the house
LOCATION SURVEY PROVIDED BY THE APPLICANT (INCLUDED IN THE PACKET) THAT THE DWELLING WAS NOT BUILT ON THE LOT AS SHOWN ON THE ORIGINAL PERMIT.

THE PROPERTY TO THE NORTH AND EAST OF THE SUBJECT LOT IS LAKE LAND’OR COMMON AREA AND A SINGLE FAMILY DWELLING IS LOCATED ON LOT B-382 TO THE SOUTH OF THE PARCEL. A SITE MAP (AERIAL VIEW) OF THE PROPERTY CREATED BY STAFF IS INCLUDED WITH THIS PACKET.

THE FOLLOWING IS INCLUDED FOR REFERENCE:

§ 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.
My husband and I are requesting a variance from Article XII of the Caroline County Zoning Ordinance. We would like to construct a 10x16 sunroom on the rear of our Lake Land'Or home. The sunroom would occupy part of the space where currently sits a 10x24 deck and the space to the rear property line would not decrease from what it is currently from the deck, which is twenty-nine feet. A fence, installed by Lake Land'Or, sits on our rear property line and a greenway and power lines are on the other side of the fence. A greenway also occupies the space to the left of our property line.

I have Osteogenesis Imperfecta, which is a degenerative brittle-bone disease. I have had multiple orthopedic surgeries, including placements of rods and plates in multiple bones in my legs. I am unable to navigate stairs independently, which makes our one-story home of twenty-four years, a home that would be ideal for our retirement years. However, given the typical course of Osteogenesis Imperfecta, as I age, fractures, surgeries and a lack of independence will only increase. Adding additional square footage to our home would make it more accessible by walker and wheelchair. The sunroom on the back of the house is our most cost-effective, least intrusive option to create an accessible thoroughfare through the kitchen area and provide a dining area in which I can enjoy meals with my family when confined to a wheelchair.

I appreciate your time and consideration of this matter. It is my hope that this variance will be granted and our home can be made safe and accessible and offer me the most independence possible in the years to come.
NOTES:
1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THEREFORE, EASEMENTS, RIGHT-OF-WAYS, AND RESTRICTIVE COVENANTS OF RECORD MAY NOT NECESSARILY BE SHOWN. THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY.

2. THE PROPERTY SHOWN HEREON IS LOCATED ON THE CAROLINE COUNTY, VIRGINIA TAX ASSESSMENT MAP AS PARCEL ID No. 54A6-11-B-381.

3. THE PROPERTY SHOWN HEREON IS NOW OR FORMERLY IN THE NAME OF JEFFERY A. AND CARLA H. EDMISTEN AS RECORDED AMONG THE LAND RECORDS OF CAROLINE COUNTY, VIRGINIA IN DEED BOOK 41T PAGE 815.

4. THE CURRENT ADDRESS FOR THIS PROPERTY IS 645 WELSH DRIVE, CAROLINE COUNTY, VIRGINIA 22546.

LEGACY ENGINEERING
419 CHATHAM SQUARE
OFFICE PARK
FREDERICKSBURG, VA 22405
540.373.8350

DATE: 06/13/19 SCALE: 1" = 20'

HOUSE LOCATION SURVEY
LOT B-381
LAKE LAND'OR
SECTION 10
DEED BOOK 205 PAGE 383
MADISON MAGISTERIAL DISTRICT
CAROLINE COUNTY, VIRGINIA

COMMONWEALTH OF VIRGINIA
LAND SURVEYOR

06/13/2019
BRUCE A. REESE
Lic. No. 3313
DATE SUBMITTED: 4/18/19
CASE NUMBER: V-04-2019

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

1. TYPE OF REQUEST

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

☐ SPECIAL EXCEPTION: ________
MINOR
(ORDINANCE SECTION)

☐ VARIANCE: ________________
☐ ADMINISTRATIVE APPEAL ________________

☐ COMP. PLAN AMENDMENT ________________
☐ OTHER ________________

☐ SUBDIVISION (MAJOR) _______ PRELIMINARY _______ FINAL _______ CONCEPT

☐ SUBDIVISION (OTHER) _______ MINOR _______ BLA/VACATION _______ FAMILY
2. PROPERTY INFORMATION

TAX MAP NUMBER 51A6-1-B-381  CURRENT ZONING residential

ACREAGE OF REQUEST .003  TOTAL ACREAGE ± .31

PHYSICAL ADDRESS/LOCATION 695 Welsh Dr

Ruther Glen, VA 22546

VOTING DISTRICT Madison

UTILITIES: PUBLIC PRIVATE ✔ EXISTING NEW

3. APPLICANT / OWNER INFORMATION

OWNER OF RECORD: Jeff + Carla Edmisten

NAME 695 Welsh Dr.

MAILING ADDRESS Ruther Glen, VA 22546

MAILING ADDRESS 540-760-4356 carla.edmisten@gmail.com

PHONE NUMBER E-MAIL

APPLICANT: Carla Edmisten

NAME 695 Welsh Dr

MAILING ADDRESS Ruther Glen, VA 22546
MAILING ADDRESS
540-760-4356  carla.edmisten@gmail.com

PHONE NUMBER
E-MAIL

AGENT/DEVELOPER/ENGINEER:
Champion Sunrooms/Window Company of Richmond

NAME
10510 Northlake Park Dr

MAILING ADDRESS
Ashland, VA 23005

MAILING ADDRESS
804-798-3030

PHONE NUMBER
E-MAIL

MAIN POINT OF CONTACT:

Carla Edmisten

NAME
695 Welsh Dr

MAILING ADDRESS
Ruther Glen, VA 22546

MAILING ADDRESS
540-760-4356  carla.edmisten@gmail.com

PHONE NUMBER
E-MAIL

4. 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.

Carla Edmisten

AGENT/APPLICANT SIGNATURE

Owner Signature

Signature
### 5. Fee Schedule

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<th>Service</th>
<th>Fee Structure</th>
<th>Calculation</th>
<th>Total</th>
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<td>Base Fee + (Acres x $50)</td>
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<tr>
<td><strong>Proffer Amendment</strong></td>
<td>Base Fee + (Requests x $100)</td>
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<tr>
<td><strong>Special Exception</strong></td>
<td>Base Fee + (Acres x $50)</td>
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<tr>
<td><strong>Site Plan: Major</strong></td>
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<tr>
<td><strong>Site Plan: Minor</strong></td>
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<td><strong>Comp Plan Amendment</strong></td>
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<td><strong>Variance/Adm. Appeal</strong></td>
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<td><strong>Subdivision: Major</strong></td>
<td>Base Fee + (Lots x $50)</td>
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<td><strong>Concept Plan</strong></td>
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<tr>
<td><strong>Other</strong></td>
<td>Base Fee x Requests</td>
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*CHECK # ____________________________  RECIPE #: 3760460*

**Review by / Comments:**