1. Call To Order

2. Approval Of Minutes

3. Public Hearings

3.I. V-05-2019 – Bradshaw, Arthur & Constance, Owner/Applicant

**V-05-2019 – Bradshaw, Arthur & Constance, Owner/Applicant:**
Request a variance on tax map #51A7-1-B-889, consisting of 0.57 acres, more or less, zoned R-1, Residential (Low Density). This property is located at 16 Merrimac Cove, Lot B889 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 30’ front setback for a principal structure when a 40’ front setback is required.

**Purpose:** To allow the construction of a new single family dwelling that will encroach 10’ into the required front setback

Documents:

BZA PACKET V-05-2019 BRADSHAW 12-12-19.PDF

4. Any And All Matters

5. Adjournment
REQUEST:
The applicant is requesting a variance to Article XII of the Caroline County Zoning Ordinance regarding the front setback of 40 feet.

DISCUSSION

The applicant is requesting a variance to encroach 10’ into the 40’ required front setback for the construction of a handicapped accessible single family dwelling. The proposed 1,920 sf home has two bedrooms and a 780 sf attached garage. As shown on the site plan submitted by the applicant, the covered front porch and ramp will be positioned 30’ from the front property line.

The lot is located in the Lake Land’Or development and the buildable area is reduced by the Resource Protection Area (RPA) located in the rear. Chesapeake Bay Act regulations require a 100’ undisturbed buffer but under certain conditions allow for a reduced buffer of 50’. The applicant has taken advantage of this reduced buffer in siting the dwelling.

The lot is located on a cul-de-sac which is not constructed to the designed dimensions shown on the plat of the neighborhood. However, the Lake Land’Or development has the right to expand the cul-de-sac to the design specification in the future.

While it is possible to move the location of the home further south to minimize the encroachment into the front setback, doing so would block the existing wheeled access to the
LAKE. UTILIZING THE EXISTING PATH RATHER THAN CREATING A NEW ONE WOULD MINIMIZE DISTURBANCE IN THE RPA.

ITEM #5 OF THE APPLICANT’S NARRATIVE REFERENCING BUILDABLE/NON-BUILDABLE LOTS ON THE CUL-DE-SAC IS NOT RELEVANT TO THE VARIANCE REQUEST. NEITHER IS ITEM #7 WHICH SPEAKS TO ALLOWING SPACE BETWEEN THE PROPOSED HOME AND THE ADJACENT LOT.

NEITHER ITEM 5 NOR ITEM 7 SHOULD BE CONSIDERED BY THE BZA IN ITS EVALUATION OF THE VARIANCE REQUEST.

**STAFF SUGGESTED CONDITIONS FOR APPROVAL OF V-05-2019**

1. THE APPLICANT MUST RECORD THE TO-WIT FOR THIS VARIANCE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT WITHIN THIRTY (30) DAYS OF RECEIPT OF THE WRITTEN CONFIRMATION OF THIS REQUEST.
2. THE RAMP IS TEMPORARY AND SHALL BE REMOVED ONCE IT IS NO LONGER NEEDED.
3. THE VARIANCE IS GRANTED FOR THE CONSTRUCTION OF A 14.2’ X 6.0’ COVERED PORCH, STEPS (IF NECESSARY) AND HANDICAP RAMP ONLY. NO FURTHER ENCROACHMENT INTO THE FRONT SETBACK SHALL BE PERMITTED.
4. ADDITION(S) TO THE SIDES OR REAR OF THE DWELLING ARE PERMISSIBLE PROVIDED THEY MEET ALL ZONING ORDINANCE AND OTHER REGULATORY REQUIREMENTS.

**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.
CONSTRUCTION ENTRANCE IS DRIVEWAY

LAND DISTURBANCE AREA = 0.283 ACRE
LOT AREA = 24970 Sq.Ft.
IMPERVIOUS AREA:
HAUSE = 2720 Sq.Ft.
DRIVEWAY = 519 Sq.Ft.
STOOPS = 151 Sq.Ft.
OTHER = 307 Sq.Ft.
TOTAL = 4177 Sq.Ft.
TOTAL IMPERVIOUS, LOT AREA
4177 / 24970 = 16.7%

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 SHOWN.
5. LAND LOCATED IN F.I.R.M. ZONE X.
6. LAN PANEL #: 510310 0200 C.
7. DATED MARCH 2, 2009.
8. THIS IS NOT A CURRENT FIELD SURVEY. BOUNDARY INFORMATION FROM SUBDIVISION PLAT.
9. CBPA DESIGNATION: RMA & RPA.

PROPOSED SITE PLAN
LOT B-889
LAKE LAND’OR RESORT DEVELOPMENT
SURVEYED FOR
MILLER & GREENE HOMES, LLC
JUNE 6, 2019

ACCURATE
CONSULTING SERVICES, INC.
8467 GEDON ROAD
WOODFORD, VA 22560
Phone: (804) 448-3708
FAX: (804) 448-5865
Loudoun, VA 22024

DISTRICT: MADISON
COUNTY: CAROLINE
STATE: VA.
TM #: 51A7-1-B-889 REF:
F.B. #: CHECKED BY: W.L.T.
SCALE 1” = 30’
DRAWN BY: W.L.T.
To: Pam Kidd
804-633-4303

Re: Variance Request

We are requesting that the Building setback line be reduced from 40’ to 30’ on Lot B-889 on Lake Heritage (16 Merrimack Cove, Ruther Glen VA) for the following reasons:

1. A one-story house is required for Mrs. Bradshaw, who is handicapped, requiring wide hallways and doors. The required RPA Buffer, even when modified, makes it very difficult to build a house on this lot. We have squeezed the house to 30’ in depth plus a deck, but would like a covered front porch, with a ramp, if necessary. The proposed Site Plan shows the results of this, and the proposed house plan shows the simple (not extravagant) design.

2. The street is really more of a dead-end than a cul-de-sac, since the radius of the cul-de-sac is only about 23’ instead of the planned 50’ (see picture 1).

3. In picture 2, Mr. Bradshaw is shown standing 50’ from the corner of the lot, showing the distance to the beginning of the street. As indicated in picture 3, it’s 27’ from the edge of the street to the corner of the lot, and yet we are required to maintain this space even though it is not our property. Picture 4 shows the approximate view at the 50’ Right of Way line.

4. Picture 5, taken from the edge of the street, shows Mr. Bradshaw standing at the currently required 40’ Building Setback Line, and picture 6 shows him standing at the requested 30’, again taken from the edge of the street.

5. As indicated on the Site map, our Lot B-889 is really the only buildable lot on the cul-de-sac. Lot B-890 is not buildable due to water company use of the drive at the end of the street, and Lot B-891 is mostly on the road, although it may not be buildable either, since it is much lower than the street.

6. Picture 7 shows that there currently is a drivable lane down to the lake. The stake in the middle of this lane is 15’ from the lot line. If we were to shift the house over to this line in order to get the porch out of the current 40’ BSL, we would have to remove all of the trees over to the lot line, in order for Mrs. Bradshaw to have wheeled access to the lake.

7. In addition, we’d like to move the house a few feet further toward the Building Setback Line on the other (north) side, in order to allow a little more space between us and the house next door (since it was squeezed into a very narrow lot).

8. We believe that granting this variance is very much in keeping with the original spirit and intent of the original ordinance, due to the fact that only about half of the original Road Way is, or ever will be, used. Therefore, the house will still be further back from the road than was originally required.

9. The General Manager at Lake Land’Or, George Cooper, has indicated that they would definitely support this request.

Thank you for your consideration,

Arthur and Connie Bradshaw
205 Yoakum Pkwy, Unit 222
Alexandria, VA 22304
270-287-8991
PLANNING & DEVELOPMENT APPLICATION
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
233 WEST BROADDUS AVENUE
BOWLING GREEN, VA 22427
(804) 633-4303
WWW.CO.CAROLINE.VA.US

RECEIVED
OCT 1 1 2019

DATE SUBMITTED: __10-11-19__

CASE NUMBER: __V-05-2019__

*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: ____________ (ORDINANCE SECTION)

☐ SITE PLAN: _____MAJOR _____MINOR

☐ VARIANCE: Reduce front B.S.L. from 40' to 30'

☐ ADMINISTRATIVE APPEAL ____________

☐ COMP. PLAN AMENDMENT ____________

☐ OTHER ____________

☐ SUBDIVISION (MAJOR) ____________

☐ PRELIMINARY _____ FINAL _____ CONCEPT

☐ SUBDIVISION (OTHER) ____________

☐ MINOR _____ BLA/VACATION _____ FAMILY

2. PROPERTY INFORMATION

TAX MAP NUMBER 51A7-1-B-889

CURRENT ZONING _____ R1

ACREAGE OF REQUEST _____ 0.573 acre

TOTAL ACREAGE ____________

PHYSICAL ADDRESS/LOCATION 16 Merrimeac Cove

Ruther Glen, VA 22546

VOTING DISTRICT ____________

UTILITIES: ☑ PUBLIC _____ PRIVATE ☑ EXISTING _____ NEW
3. APPLICANT / OWNER INFORMATION

OWNER OF RECORD:

Arthur Ray & Constance Annette Bradshaw

NAME
205 Yoakum Pkwy Unit 222

MAILING ADDRESS
Alexandria, VA 22304

MAILING ADDRESS
270-287-8991
PHONE NUMBER
E-MAIL

APPLICANT:

Art & Connie Bradshaw

NAME
205 Yoakum Pkwy Unit 222

MAILING ADDRESS
Alexandria, VA 22304

MAILING ADDRESS
270-287-8991
PHONE NUMBER
E-MAIL

AGENT/DEVELOPER/ENGINEER:

NAME

MAILING ADDRESS

MAILING ADDRESS

PHONE NUMBER
E-MAIL

MAIN POINT OF CONTACT:

Connie Bradshaw

NAME
205 Yoakum Pkwy Unit 222

MAILING ADDRESS
Alexandria, VA 22304

MAILING ADDRESS
270-287-8991
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.

[Signature]

OR

[Signature]

5. Fee Schedule

Rezoning

Base Fee + (_______ x $50) = ________

Proffer Amendment

Base Fee + (_______ x $100) = ________

Special Exception

Base Fee + (_______ x $50) = ________

Site Plan: Major

Base Fee + (_______ x $50) = ________

Site Plan: Minor

$400 x ________ = ________

Comp Plan Amendment

Base Fee x ________ = ________

Variance/Adm. Appeal

$600 x ________ = ________

Subdivision: Minor

$250 - Minor $200 - BLA $100 - Vacation = ________

$200 + $50 per new lot - Family

Subdivision: Major

Base Fee + (_______ x $50) = ________

Concept Plan

$250 x ________ = ________

Other

_______ x ________ = ________

☐ Check # _________ ☐ Cash ☑ Charge

Receipt # 830854

Review by / Comments:

[Signature]