



## STAFF REPORT

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CAROLINE COUNTY BOARD OF ZONING APPEALS      OCTOBER 8, 2020 REGULAR MEETING

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**CASE NUMBER:** V-01-2020  
**CASE NAME:** HIX VARIANCE  
**LOCATION:** 1200 SHANNON MILL DR. – CAROLINE PINES SUBDIVISION  
**TAX MAP:** 93A3-1-1200  
**ZONING:** RURAL PRESERVATION  
**ACREAGE:** .290 +/- ACRES (TOTAL)  
**DISTRICT:** REEDY CHURCH

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### REQUEST:

THE APPLICANT IS REQUESTING A VARIANCE TO ARTICLE XII OF THE CAROLINE COUNTY ZONING ORDINANCE REGARDING THE FRONT SETBACK OF 40 FEET.

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### DISCUSSION

THE APPLICANT IS REQUESTING A VARIANCE TO ENCROACH 15' INTO THE 35' REQUIRED FRONT SETBACK FOR THE CONSTRUCTION OF A SINGLE FAMILY DWELLING. THE APPLICANT IS PROPOSING A SMALL FOOTPRINT 900 SQUARE FOOT HOME.

THE LOT IS LOCATED IN THE CAROLINE PINES SUBDIVISION AND IS A TRIANGULAR SHAPED CORNER LOT THAT FRONTS ON SHANNON LANE & SHANNON MILL DRIVE. PER THE ZONING ORDINANCE, A CORNER LOT IS CONSIDERED TO HAVE TWO FRONT YARDS AND A SIDE YARD. THE LOCATION OF THE DRAINFIELD TAKES UP A SIGNIFICANT PORTION OF THE SIDE YARD WHICH CAUSES THE HOUSE TO BE LOCATED TOWARDS THE FRONT OF THE LOT. ACCORDING TO VDH REGULATIONS, DWELLINGS MUST BE AT LEAST 10 FEET FROM A DRAINFIELD. WITH THE SIZE OF THE LOT AT .25 ACRES AND THE LOCATION OF THE DRAINFIELD THERE IS NOT A LARGE AMOUNT OF ROOM FOR A STRUCTURE.

THE FRONT SETBACK OF 35 FEET IS THE REQUIREMENT ALONG BOTH THE SHANNON MILL DRIVE AND SHANNON LANE SIDES OF THE LOT. THE REQUEST TO CHANGE THE FRONT SETBACK TO 15 FEET WOULD ALLOW FOR THE CONSTRUCTION OF THE DWELLING. A SITE PLAN SHOWING THE DWELLING LOCATION IS INCLUDED IN YOUR PACKET.

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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.

Thursday, August 31, 2020

VARIANCE NARRATIVE: 1200 Shannon Mill Drive  
Ruther Glen, Va. 22546

To Whom It May Concern:

We do hereby request a building line variance for the referenced lot in Caroline Pines due to the following circumstances:

- 1) The lot is not a buildable lot with the current building line restrictions required by Caroline County.
- 2) The lot affords two street fronts which requires two 35' BRL, this lot will not accommodate that requirement.
- 3) The drain field area has been determined by a hired AOSE and has been located on the plat attached. This is the only place the drain field can be located on the lot, also restricting the location of the home.

SPECIFIC VARIANCE REQUEST IS AS FOLLOWS:

- 1) The two street fronts will become the sides, accommodating a 15' BRL on each side, while the new home footprint faces the east corner of the property, making that corner the street front BRL at 35'.
- 2) The drain field will be located as shown on the plat provided, as suggested by the AOSE, which will also provide for the reserve drain field as needed, that BRL will be the back at 30'.
- 3) The home suggested will be approximately 38'x24' which will fit within the parameters suggested in the variance.

We would like to thank Caroline County and the Zoning Board for the consideration regarding this variance.

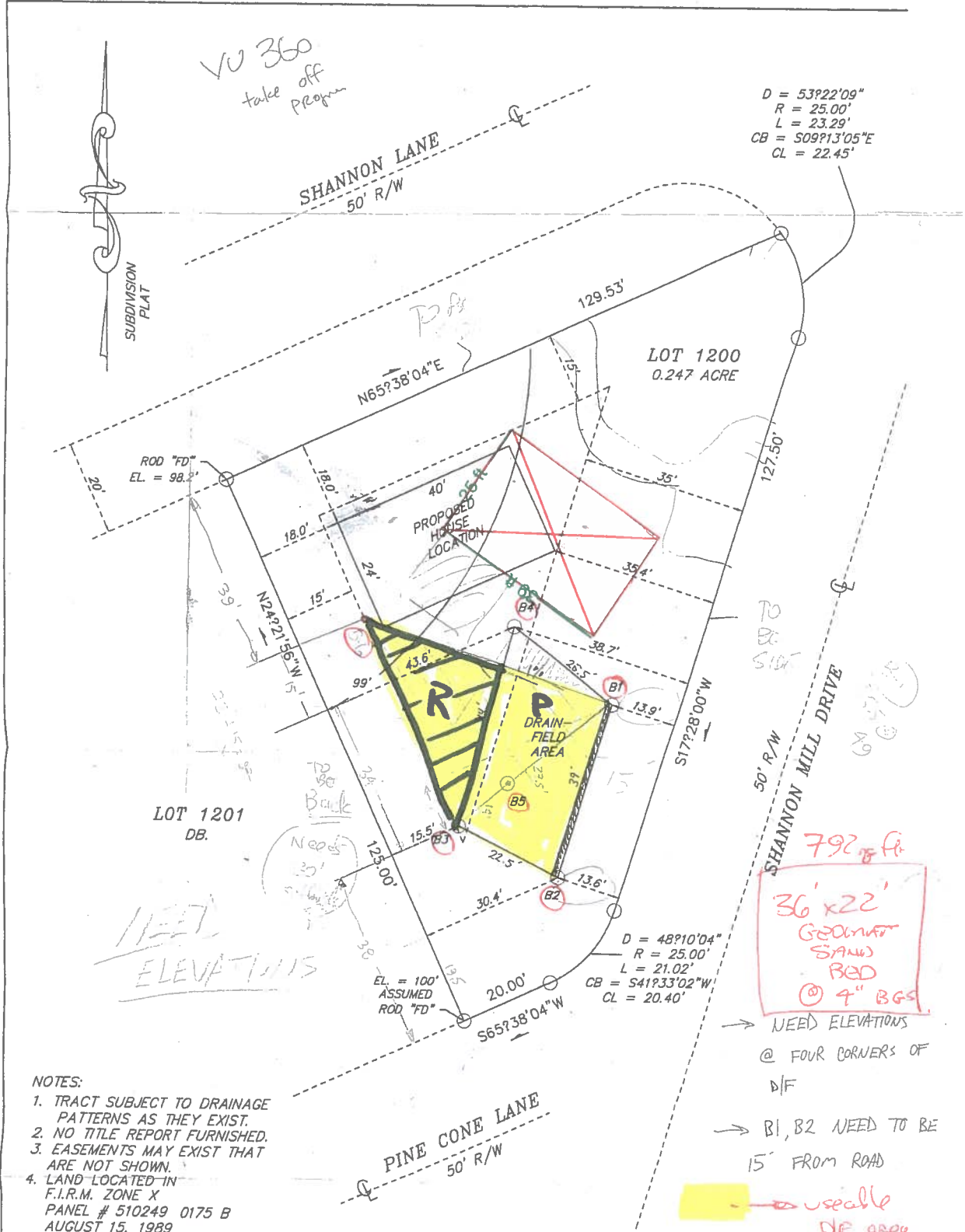
Sincerely,



Susan M. Puckett

VU 360  
take off  
program

D = 53°22'09"  
R = 25.00'  
L = 23.29'  
CB = S09°13'05"E  
CL = 22.45'



LOT 1201  
DB.

LOT 1200  
0.247 ACRE

NEED  
ELEVATIONS

792 ft  
36' x 22'  
GEOMETRIC  
SAW  
BED  
@ 4" BGS

→ NEED ELEVATIONS  
@ FOUR CORNERS OF  
D/F  
→ B1, B2 NEED TO BE  
15' FROM ROAD

usable  
D/F area  
PR + R  
85 MPI  
ZAR

- NOTES:
1. TRACT SUBJECT TO DRAINAGE PATTERNS AS THEY EXIST.
  2. NO TITLE REPORT FURNISHED.
  3. EASEMENTS MAY EXIST THAT ARE NOT SHOWN.
  4. LAND LOCATED IN F.I.R.M. ZONE X PANEL # 510249 0175 B AUGUST 15, 1989
  5. BOUNDARY INFORMATION TAKEN FROM RECORDED PLAT.

PROPOSED HOUSE  
& DRAINFIELD LOCATION  
PLAT OF LOT 1200  
CAROLINE PINES RESORT DEVELOPMENT  
SURVEYED FOR  
TOMMY HIX  
AUGUST 25, 2006

**RAY S. TERRELL**  
LAND SURVEYOR  
PHONE: (804)633-6682  
21028 Rogers Clark Blvd.  
Ruther Glen, Va. 22546

DD# 68-17



PLAT# R-1228	DISTRICT: REEDY CHURCH	COUNTY: CAROLINE	STATE: VA.
	SEC.# 93A3-1-1200	REF: .	SCALE 1" = 20'
	F.B.# 28-P.30	CHECKED BY: .	DRAWN BY: RST



# PLANNING & DEVELOPMENT APPLICATION

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

233 WEST BROADDUS AVENUE

BOWLING GREEN, VA 22427

(804) 633-4303

WWW.CO.CAROLINE.VA.US

DATE SUBMITTED: 8/25/2020 *Rec'd 9-3-2020*

CASE NUMBER: V-01-2020

\*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: \_\_\_\_\_

ADMINISTRATIVE APPEAL \_\_\_\_\_

COMP. PLAN AMENDMENT \_\_\_\_\_

OTHER \_\_\_\_\_

SUBDIVISION (MAJOR)  
\_\_\_\_\_ PRELIMINARY \_\_\_\_\_ FINAL \_\_\_\_\_ CONCEPT

SUBDIVISION (OTHER)  
\_\_\_\_\_ MINOR \_\_\_\_\_ BLA/VACATION \_\_\_\_\_ FAMILY

## 2. PROPERTY INFORMATION

TAX MAP NUMBER 93A3-1-1200

CURRENT ZONING RP

ACREAGE OF REQUEST \_\_\_\_\_

TOTAL ACREAGE 0.2905

PHYSICAL ADDRESS/LOCATION 1200 Shannon Mill Dr. Reuther Glen VA 22546

VOTING DISTRICT

Reedy Church

UTILITIES: water \_\_\_\_\_ PUBLIC

septic \_\_\_\_\_ PRIVATE

\_\_\_\_\_ EXISTING

\_\_\_\_\_ NEW

**3. APPLICANT / OWNER INFORMATION**

**OWNER OF RECORD:**

Thomas & Heather Hix  
NAME  
21137 Rogers Clark Blvd Ruther Glen VA 22546  
MAILING ADDRESS  
MAILING ADDRESS  
804-339-4210  
PHONE NUMBER  
tomcat.hix@gmail.com  
E-MAIL

**APPLICANT:**

Thomas Hix  
NAME  
21137 Rogers Clark Blvd Ruther Glen VA 22546  
MAILING ADDRESS  
MAILING ADDRESS  
804-339-4210  
PHONE NUMBER  
tomcat.Hix@gmail.com  
E-MAIL

**AGENT/DEVELOPER/ENGINEER:**

Renee Cowan Cowan Realty  
NAME  
8227 Thelma Lou Rd. Mechanicsville VA 23111  
MAILING ADDRESS  
MAILING ADDRESS  
804-640-0123  
PHONE NUMBER  
drcringer@aol.com  
E-MAIL

**MAIN POINT OF CONTACT:**

Susan M. Puckett  
NAME  
5480 Dauphin Landing  
MAILING ADDRESS  
King George, Va 22485  
MAILING ADDRESS  
540-498-5702  
PHONE NUMBER  
smpuckett1965@gmail.com  
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.

Thomas Hix  
 OWNER SIGNATURE  
Thomas Hix  
 OWNER'S NAME  
8/25/2020  
 DATE

OR Renee Cowan / Cowan Realty  
 AGENT/APPLICANT SIGNATURE  
Renee Cowan  
 AGENT/APPLICANT NAME  
8/25/2020  
 DATE

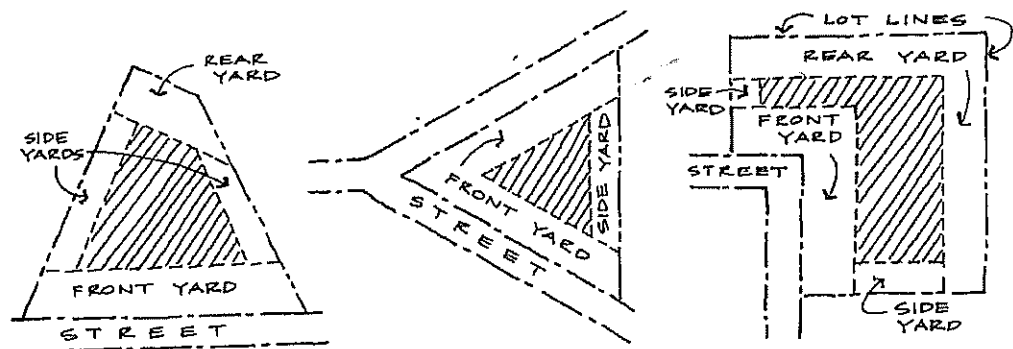
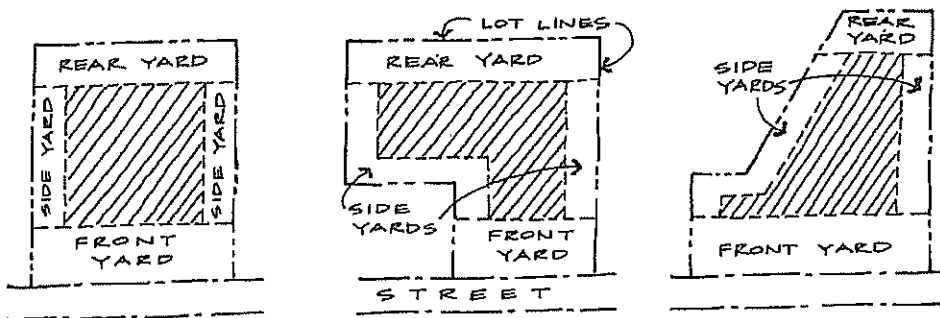
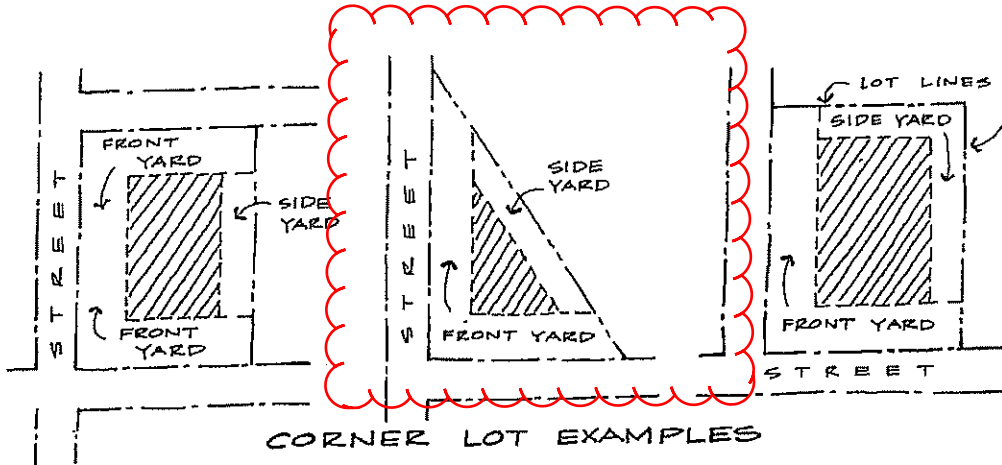
**5. FEE SCHEDULE**

REZONING	<u>          </u>	+	( <u>          </u> X <u>\$50</u> )	=	<u>          </u>
	BASE FEE		ACREAGE \$/ACRE		TOTAL
PROFFER AMENDMENT	<u>          </u>	+	( <u>          </u> X <u>\$100</u> )	=	<u>          </u>
	BASE FEE		NO. OF REQUESTS \$/REQUEST		TOTAL
SPECIAL EXCEPTION	<u>          </u>	+	( <u>          </u> X <u>\$50</u> )	=	<u>          </u>
	BASE FEE		ACREAGE \$/ACRE		TOTAL
SITE PLAN: MAJOR	<u>          </u>	+	( <u>          </u> X <u>\$50</u> )	=	<u>          </u>
	BASE FEE		ACREAGE \$/ACRE		TOTAL
SITE PLAN: MINOR	<u>\$400</u>	X	<u>          </u>	=	<u>          </u>
	BASE FEE		NUMBER OF REQUESTS		TOTAL
COMP PLAN AMENDMENT	<u>          </u>	X	<u>          </u>	=	<u>          </u>
	BASE FEE		NUMBER OF REQUESTS		TOTAL
VARIANCE/ADM. APPEAL	<u>\$600</u>	X	<u>1</u>	=	<u>600.00</u>
	BASE FEE		NUMBER OF REQUESTS		TOTAL
SUBDIVISION: MINOR	<u>\$250 - MINOR</u>		<u>\$200 - BLA</u>		<u>\$100 - VACATION</u>
TYPE: <u>          </u>			<u>\$200 + \$50 PER NEW LOT - FAMILY</u>	=	<u>          </u>
					TOTAL
SUBDIVISION: MAJOR	<u>          </u>	+	( <u>          </u> X <u>\$50</u> )	=	<u>          </u>
	BASE FEE		NUMBER OF LOTS \$/LOT		TOTAL
CONCEPT PLAN	<u>\$250</u>	X	<u>          </u>	=	<u>          </u>
	BASE FEE		NUMBER OF REQUESTS		TOTAL
OTHER	<u>          </u>	X	<u>          </u>	=	<u>600.00</u>
					TOTAL

CHECK # 12242       CASH       CHARGE      RECEIPT # 323137

REVIEW BY / COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

From Zoning Ordinance



REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE

Figure 55