



STAFF REPORT

CAROLINE COUNTY BOARD OF ZONING APPEALS

APRIL 21, 2022 REGULAR MEETING

CASE NUMBER: V-01-2022
CASE NAME: SAMUEL VARIANCE
LOCATION: 18196 HARDING DRIVE (MAURY HEIGHTS SUB)
TAX MAP: 43G-2-B-5
ZONING: R1
ACREAGE: .75 +/- ACRES (TOTAL)
DISTRICT: BOWLING GREEN

REQUEST:

A VARIANCE TO ARTICLE XV, SECTION 4, ACCESSORY BUILDINGS AND USES, PARAGRAPH 3 TO PERMIT AN ACCESSORY STRUCTURE BE CONSTRUCTED IN THE FRONT YARD RATHER THAN THE SIDE OR REAR YARD AS REQUIRED AND PARAGRAPH 3.D TO ALLOW A 30' ENCROACHMENT INTO THE REQUIRED FRONT SETBACK OF 40'.

DISCUSSION

THE APPLICANT IS REQUESTING A VARIANCE OF 30 FEET TO THE FRONT SETBACK OF 40 FEET FOR A R1 ZONED CORNER LOT TO CONSTRUCT A 30 X 30 GARAGE WITH A 10' CARPORT FOR STORAGE OF VEHICLES AND OTHER ITEMS (TOTAL DIMENSIONS OF 30' X 40').

A CORNER LOT IS CONSIDERED TO HAVE TWO FRONTS AND TWO SIDES WITH REGARD TO SETBACK REQUIREMENTS. THE ORDINANCE REQUIRES A 40' SETBACK FROM BOTH FRONT PROPERTY LINES AND A 5' SETBACK FROM THE SIDE PROPERTY LINES.

THE DRAINFIELD CURRENTLY SITS TO THE REAR AND SIDE OF THE DWELLING AND DOES NOT ALLOW FOR AN ADDITION OF A GARAGE. THE ONLY LOCATION FOR A GARAGE BY ORDINANCE IS ON THE NORTHWEST CORNER OF THE LOT, WHERE A SHED IS CURRENTLY SHOWN, WHICH IS OPPOSITE OF THE DRIVEWAY ON HARDING DRIVE. VDOT WILL NOT ALLOW FOR A SECOND DRIVEWAY ON HARDING DRIVE TO ACCESS THIS PORTION OF THE PROPERTY. HOWEVER, STAFF DOES NOT KNOW WHETHER VDOT WOULD ALLOW THE DRIVEWAY TO BE RELOCATED IN LIEU OF A SECOND ENTRANCE. SHOULD THE APPLICANT CONSTRUCT A GARAGE AT THE SHED LOCATION, HE WOULD NEED TO EXTEND HIS DRIVEWAY AROUND THE PERIMETER OF HIS HOUSE FOR ACCESS OR RELOCATE THE CURRENT ENTRANCE IF ALLOWED.

EXCAVATION CANNOT OCCUR WITHIN 10 FEET OF THE DRAINFIELD DUE TO VIRGINIA DEPARTMENT OF HEALTH REGULATIONS. THE DETACHED GARAGE WOULD HAVE TO BE PLACED AT LEAST 12-15 FEET AWAY FROM THE DRAINFIELD TO ALLOW FOR OVER-DIG OF THE FOUNDATION. THEREFORE, THE APPLICANT IS REQUESTING A VARIANCE OF 30 FEET, WHICH WOULD MAKE THE FRONT SETBACK FOR THE DETACHED GARAGE, 10 FEET FROM THE FRONT PROPERTY LINE.

IN CONSIDERING THE REQUEST, THE BZA MUST DETERMINE WHETHER A VARIANCE FOR A 30x40 GARAGE/STORAGE BUILDING IS A REASONABLE DEVIATION FOR THE LOT/LOCATION IN QUESTION, AS STANDARD 2 VEHICLE GARAGES TYPICALLY ARE IN THE 20' X 20' TO 24' X 24' SIZE.

STAFF OFFERS THE FOLLOWING CONDITIONS FOR CONSIDERATION SHOULD THE BZA GRANT APPROVAL OF THE VARIANCE REQUEST:

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 VARIANCE IS GRANTED FOR THE CONSTRUCTION OF A DETACHED 30' X 30' GARAGE WITH A 10' X 30' CARPORT. NO FURTHER ENCROACHMENT INTO THE FRONT SETBACK SHALL BE PERMITTED.
3. THE APPLICANT SHALL INCLUDE WITH THE BUILDING PERMIT APPLICATION FOR THE GARAGE, A SITE PLAN PREPARED BY A LICENSES SURVEYOR

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**

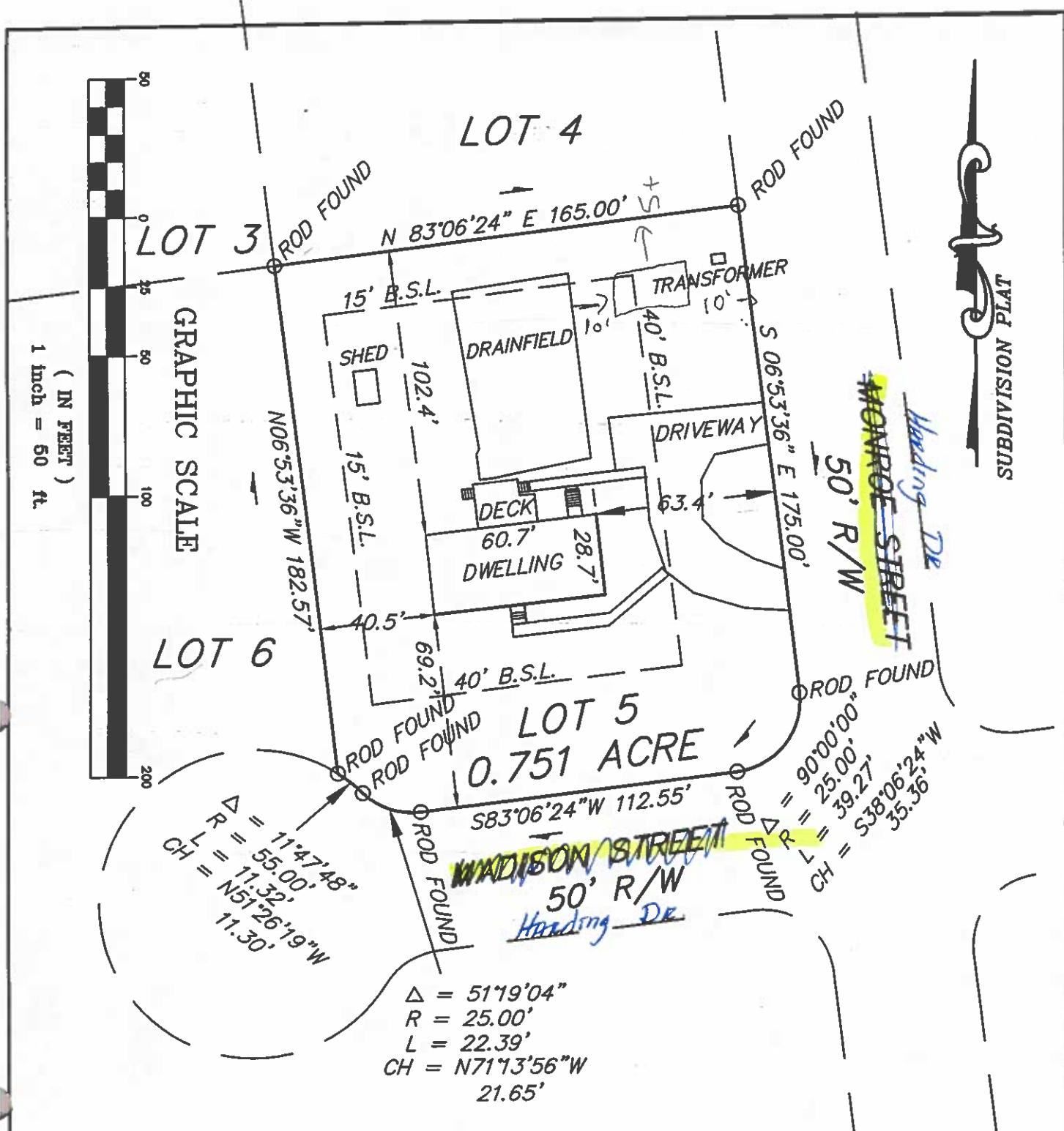
- (i) THE PROPERTY INTEREST FOR WHICH THE VARIANCE IS BEING REQUESTED WAS ACQUIRED IN GOOD FAITH AND ANY HARDSHIP WAS NOT CREATED BY THE APPLICANT FOR THE VARIANCE;
- (ii) THE GRANTING OF THE VARIANCE WILL NOT BE OF SUBSTANTIAL DETRIMENT TO ADJACENT PROPERTY AND NEARBY PROPERTIES IN THE PROXIMITY OF 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.

Please consider rezoning the lot at 18196 Harding Drive Bowling Green, Virginia 22427. There is more than enough room in the back yard to put a garage that connects to the driveway to not only be useful for our family's needs for vehicles but the children's toys and our lawn equipment. This location is at the rear of the house on the driveway side. The curb appeal would be nice and the location is where it would be most useful.

Thank you.

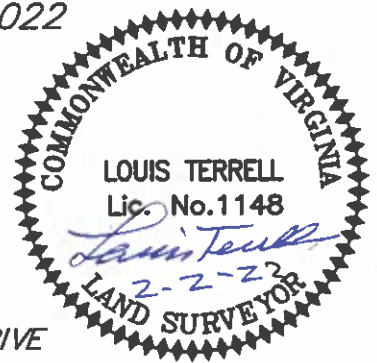
A handwritten signature in black ink, appearing to read 'Brandon Samuel', written in a cursive style.

Brandon Samuel



- 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 # 51033C 0240C
MARCH 2, 2009
 6. THIS IS NOT A CURRENT FIELD SURVEY. BOUNDARY INFORMATION FROM RECORDED PLAT.
 7. ELEVATIONS, IF SHOWN, ARE BASED ON ASSUMED DATUM.

IMPROVEMENT SURVEY
LOT 5
MAURY HEIGHTS, BLOCK B
 SURVEYED FOR
BRANDON SAMUEL
 FEBRUARY 2, 2022



ACCURATE
 CONSULTING SERVICES, INC.
 8467 CEDON ROAD
 WOODFORD, VA 22580
 Phone: (804) 448-3708
 Cell: (804) 399-4742
 Ladysmith, VA. 22501

NOTE: UNLESS THERE IS AN ORIGINAL SIGNATURE AND DATE ON THE SEAL, THIS PLAT IS NULL AND VOID.

ADDRESS: 18196 HARDING DRIVE
 REF.: DD22-15R14/R14

PLAT# 7-5380

DISTRICT: BOWLING GREEN	COUNTY: CAROLINE	STATE: VA.
TM.# 436-2-5	REF:.	SCALE 1" = 50'
F.B.# 436-2-0-5	CHECKED BY: W.L.T.	DRAWN BY: WLT



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: 2.18.2022

CASE NUMBER: V-01-2022

*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 436-2-B-5

CURRENT ZONING R1

ACREAGE OF REQUEST .75

TOTAL ACREAGE _____

PHYSICAL ADDRESS/LOCATION 8196 HARDING DR.

VOTING DISTRICT BOWLING GREEN

UTILITIES: _____ PUBLIC _____ PRIVATE EXISTING _____ NEW

3. APPLICANT / OWNER INFORMATION

* **OWNER OF RECORD:**

NAME

MARY B MARTIN

MAILING ADDRESS

18196 HARDING DR. BOWLING GREEN VA, 22427

MAILING ADDRESS

PHONE NUMBER

E-MAIL

* **APPLICANT:**

NAME

BRANDON G SAMUEL

MAILING ADDRESS

18643 MATTAPOVI TRL MILFORD VA 22514

MAILING ADDRESS

PHONE NUMBER

804-240-9894

E-MAIL

brandonsamuel83@aol.com

AGENT/DEVELOPER/ENGINEER:

NAME

MAILING ADDRESS

MAILING ADDRESS

PHONE NUMBER

E-MAIL

MAIN POINT OF CONTACT:

NAME

MAILING ADDRESS

MAILING ADDRESS

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.

OWNER SIGNATURE

OR BlGSL
* AGENT/APPLICANT SIGNATURE

OWNER'S NAME

BRANDON G SAMUEL
AGENT/APPLICANT NAME

DATE

1-28-22
DATE

5. FEE SCHEDULE

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

CHECK # 573 CASH CHARGE RECEIPT # 479312

REVIEW BY / COMMENTS: _____
