



PLANNING COMMISSION WORK SESSION  
Wednesday, November 2, 2022, 7:45 PM  
Town Hall Conference Room, 2<sup>nd</sup> Floor

**AGENDA**

- I. Call to Order
- II. Roll Call
- III. Work Session Business
  - **2200349 – Aaron Hike** – A request for a Special Use Permit to allow a short-term rental located at 1116 N. Royal Avenue and identified by Tax Map 20A2-443-2, 3, 4, 5 & 6. The property is zoned C-1, Community Business District and is located in the Entrance Corridor Overlay District.
  - **Variance Application 2200398** submitted by Property Connection LLC for multiple variances from the zoning regulations of Town Code Chapter 175. The purpose of the variances is to subdivide a single parcel, upon which two existing detached single-family dwellings are located into two parcels. Each dwelling will be located on its own individual lot. The property is zoned C-1 (Community Business District) and is identified as Tax Map #20A4-4-3 with the two dwellings located thereon addressed as 225 East 7<sup>th</sup> Street and 631 Kibler Street, Front Royal, VA.

The following variances are requested from the requirements of the Zoning Ordinance C-1 Zoning District, Chapter 175-38:

- i. The proposed lot upon which the dwelling identified as 225 E 7<sup>th</sup> Street will be granted a 3,460 square foot variance from the minimum 7,500 square foot lot area requirement of Town Code Chapter 175-40.A.2.
- ii. A 15.5-foot variance from the minimum 90-foot lot width for corner lots required by Town Code Chapter 175-40.D.2.
- iii. Said dwelling be granted a 0.3-foot variance from the minimum 15-foot corner lot side yard setback requirement of Town Code Chapter 175-42.A.4.
- iv. Said dwelling be granted a 6.2-foot variance from the minimum 15-foot rear yard setback requirement of Town Code Chapter 175-42.A.3.
- v. Said dwelling be granted a 5.5-foot variance from the minimum 15-foot front porch to the front property line requirements of Town Code Chapter 175-3.
- vi. Said dwelling be granted a 13.2-foot variance from the minimum 15-foot rear porch to the rear property line requirement of Town Code Chapter 175-3.

- **Variance Application 2200442** submitted by Angela Baker for a variance from Town Code Chapter 175-14 pertaining to the front yard setback for property located at 1015 Wine Street and is identified by Tax Map #20A9-4-26. The property is located in the R-1, Residential Zoning District. The variance would effectively allow the applicant a front yard setback of eighteen feet (18'). The required front yard setback is thirty-five feet (35') and the applicant has a front yard setback of twenty-five feet (25'). The variance is requested by the applicant to allow the addition of a front porch.

#### IV. Adjournment



Lauren - 540-398-9242

#2200349



Town of Front Royal  
Department of Planning and Zoning  
102 East Main Street  
PO Box 1560  
Front Royal, VA 22630

Main: 540-635-4236  
Fax: 540-631-2727  
www.frontroyalva.com  
planning@frontroyalva.com

### SPECIAL USE PERMIT REQUEST FOR SHORT TERM RENTAL

#### APPLICANT:

NAME: AARON HIKE PHONE: 540-683-1923  
ADDRESS 1516 N. ROYAL AVE FRONT ROYAL VA  
E-MAIL HIKERENTALS@GMAIL.COM

#### PROPERTY OWNER:

NAME: HIKE PROPERTIES LLC PHONE: 540-683-1923  
ADDRESS 417 N. ROYAL AVE FRONT ROYAL VA 22630  
E-MAIL HIKERENTALS@GMAIL.COM

#### PROPERTY DESCRIPTION:

PROPERTY ADDRESS 1116 N. ROYAL AVE (Efficiency)  
TAX MAP 2010 SECTION A2 BLOCK 443 LOT 4  
SUBDIVISION NAME N/A  
ZONING DISTRICT C-1 ACREAGE .22  
SPECIFIC SPECIAL USE PERMIT REQUEST SHORT TERM RENTAL

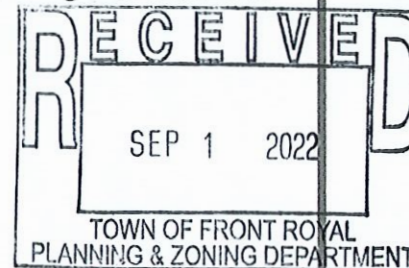
\*\*\*\*\*APPLICANT REVISED TO WHOLE HOUSE RENTAL\*\*\*\*\*

- |                                             |                                                                                           |
|---------------------------------------------|-------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Whole house rental | <input checked="" type="checkbox"/> Partial rental, # of rooms rented <u>1 efficiency</u> |
| <input type="checkbox"/> Primary Residence  | <input type="checkbox"/> Secondary Residence                                              |

**ATTACHMENTS:** The following must be submitted with the application. Additional information may be required depending on the nature of the request.

- ☒ Survey plat or sketch to scale of property showing all **existing** improvements, parking and refuse area and property boundaries.
- ☒ Provide a map of area attractions
- ☒ Provide proof that notification to operate was sent to the HOA, if applicable.
- ☒ Complete management plan.
- ☒ Written consent given to the Town to inspect for compliance.
- ☒ Emergency dwelling evacuation diagram (posted in each bedroom)
- ☒ Application fee of \$400.00

Receipt # 693850 Date Paid 9-1-22



### IN CASE OF AN EMERGENCY

If there is an emergency, or there are questions in regard to the property, please contact (owner) \_\_\_\_\_  
at (phone number) \_\_\_\_\_ or (property manager) LAUREN EDDINGTON  
at (phone number) 540-398-9242.

If the emergency requires immediate assistance, please call the following or 911.

**Front Royal Police Department:** 540-635-2111 or 911, 900 Monroe Ave, Front Royal, VA 22630

**Front Royal Volunteer Fire & Rescue:** 540-635-2540 or 911, 221 N Commerce Ave, Front Royal, VA 22630

**Warren Memorial Hospital:** 540-636-0300 or 911, 351 Valley Health Way, Front Royal, VA 22630

**Electrical Outage:** 540-635-3027, 1101 Manassas Avenue, Front Royal, VA 22630. Outages may be reported online at <https://www.frontroyalva.com/FormCenter/Energy-Services-6/Report-Electric-Problem-46>.

Emergency/afterhours 540-635-2111

### OCCUPANCY

The Special Use Permit limits the occupancy for this short-term rental at 2 People and STUDIO Bedrooms.

### NOISE

It shall be a violation of Chapter 106 of the Front Royal Town Code for any person, without compelling reason, to make noise that by reason of its volume, pitch, duration, or repetition, considering the time of day, is likely to disturb the rest of any person of ordinary sensibilities or interfere with such person's lawful and peaceful enjoyment of property owned or rented by him.

### PARKING

Parking is limited to 1 cars in the driveway.

### TRASH AND RECYCLING

All trash and recycling shall be placed in containers provided by the owner.

- Trash receptacles are located (Clarify location of trash bags and receptacles)

BACK of PROPERTY

- Trash is collected (State the day of the week trash is picked up by the Town and where the container is to be placed on trash day)

MONDAY



## CHECK-IN & CHECK-OUT

Provide details

11 AM  
4 PM

## WIFI/PHONE/ETC

Provide details for special amenities if available

WIFI

## SPECIFIC PROPERTY DETAILS

Provide details regarding acreage, landscape, property boundaries (no trespassing notice), unique characteristic, warnings, kitchen use, house amenities, HVAC, etc.

CENTRAL A/C  
SIDE ENTRY OF MAIN HOME  
FULL KITCHEN  
KING BED

## AREA ATTRACTIONS

Provide a map of area attractions

- Attractions: i.e., Shenandoah National Park, Shenandoah River State Park, Skyline Caverns, Golf Courses, Canoe Companies
- Groceries & Convenience: i.e., Walmart, Target, Martins, CVS
- Restaurants
- Wineries & Breweries

## SPECIFIC PROPERTY REGULATIONS

May be dictated by approved conditions or owner preference, examples below

- No shooting of firearms
  - No outdoor fire burning
  - No fireworks
- YES

NO PARTIES  
NO SMOKING INDOORS - BUTTS MUST BE PICKED UP OUTDOORS  
NO PETS

### As per 175-3

Short-term rental- means the provision of a room or space that is suitable for, intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. Any residential use that falls within the definition of short-term rental as defined in § 15.2-983, as amended, of Virginia State Code.

Short-term rental facility – A building or accessory structure, other than a hotel, motel, or bed-and-breakfast home, where lodging is provided for compensation on a short-term basis, and open to the public or transient guests. The maximum number of occupants shall not exceed ten (10) unless determined appropriate by Town Council.

Short-term rental:

§ 175.151 Short-term rentals.

Short-term rentals shall be permitted in all Zoning Districts by Special Use Permit and shall at a minimum meet the following requirements:

- A. The short-term rental owner of a dwelling unit to be used for a short-term rental shall apply for a Special Use Permit through the Department of Planning and Zoning and receive approval from Town Council prior to utilizing the dwelling unit as a short-term rental. Town Council may impose conditions necessary to mitigate adverse effects of the use on neighboring properties.
- B. The one-time application fee shall be \$400.00.
- C. Staff will conduct an inspection prior to the issuance of the Special Use Permit approval. Additional inspections will be conducted on a complaint basis to ensure compliance with the performance standards listed in this section, along with any additional conditions imposed by Town Council, if applicable.
- D. The maximum number of occupants in the dwelling unit shall be determined by the number of bedrooms; there shall be no more than two (2) adults per bedroom. However, the maximum number of occupants shall not exceed 10 people unless approved by Council.
- E. Parking for the use shall be located in driveways or other designated and approved parking areas.
- F. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- G. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the 2015 or 2018 Uniform Statewide Building Code (2018 Version required usage beginning July 1, 2022); and a carbon monoxide detector must be installed on each floor in every dwelling.
- H. The owner of the dwelling used for short-term rentals shall give the Town written consent to inspect any dwelling used for short-term rental to ascertain compliance with all the above performance standards upon a twenty-four-hour notice.
- I. A property management plan demonstrating how the short-term rental will be managed and how the impact on neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers



shall be provided to Town staff, public safety officials and, if applicable, the HOA of the subdivision. The plan must be provided as part of the rental contract.

- J. If the property is located within a subdivision governed by a homeowners' association, the Planning Department must receive proof that a notification to operate the short-term rental was sent to the HOA.
- K. The owners of the rental shall provide an emergency evacuation plan for the dwelling and the neighborhood.
- L. A copy of Chapter 106 of the Town of Front Royal Code relative to noise must be provided at the short-term dwelling.
- M. All outdoor burning shall be in compliance with Chapter 78 of the Town of Front Royal Code.
- N. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation by the Zoning Administrator at any time.

Property Owner's Signature: \_\_\_\_\_



**CERTIFICATION:**

I certify that the information provided with this application is correct to the best of my knowledge and should the special use permit be granted, the project will comply with the conditions imposed upon it and will be implemented only as approved by Town Council.

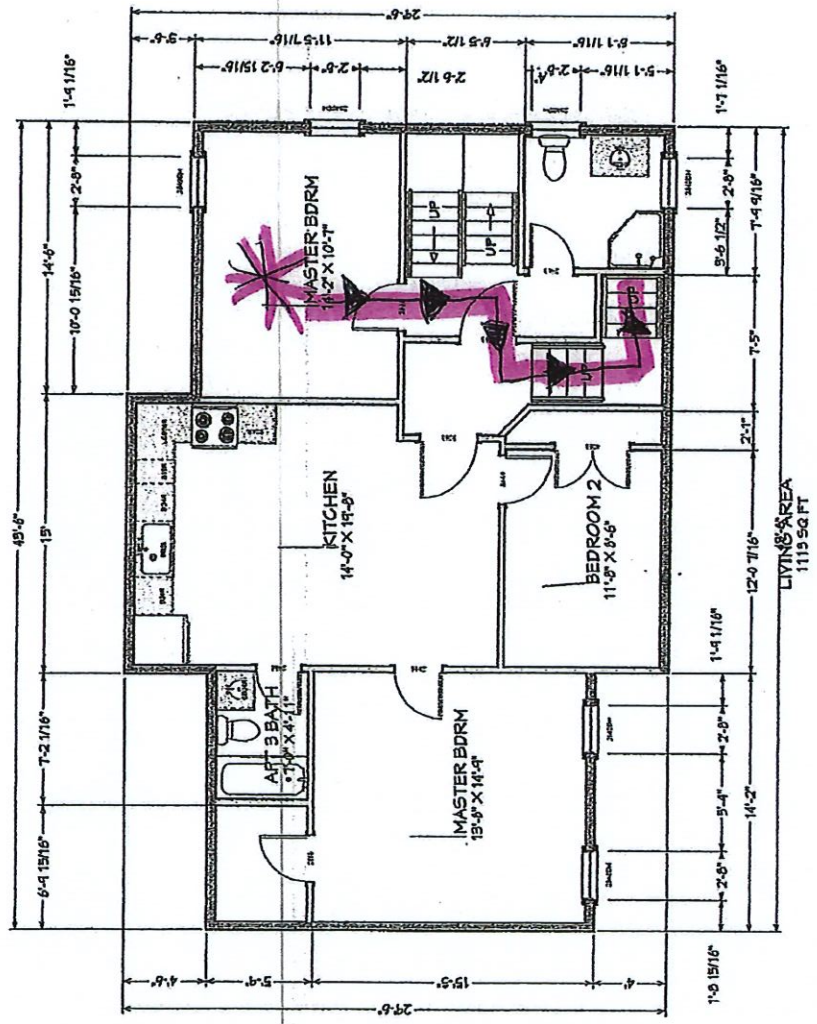
Signature \_\_\_\_\_

Date \_\_\_\_\_



8/1/2022

By submitting this application, the applicant grants permission to Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.



2nd Floor  
Evacuation

SHEET:

# Evacuation

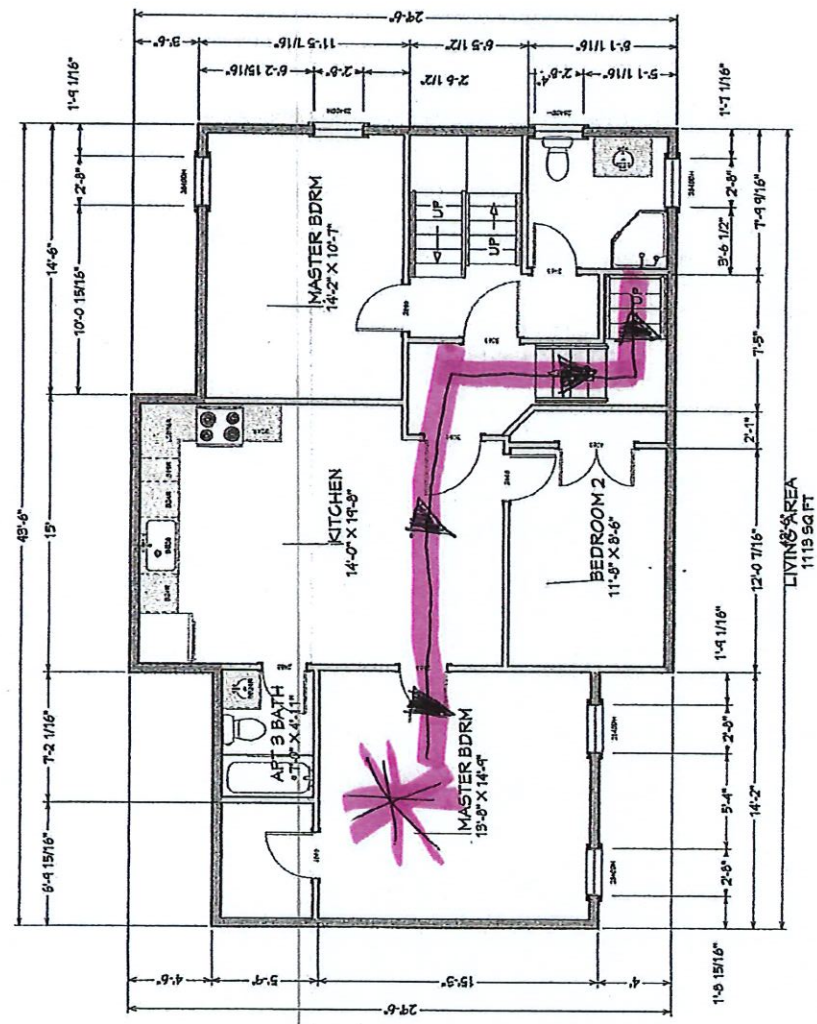


|                |               |             |             |
|----------------|---------------|-------------|-------------|
| REVISION TABLE | REVISION DATE | REVISION BY | DESCRIPTION |
|                |               |             |             |
|                |               |             |             |
|                |               |             |             |
|                |               |             |             |

DATE: 3/6/2022

SCALE:

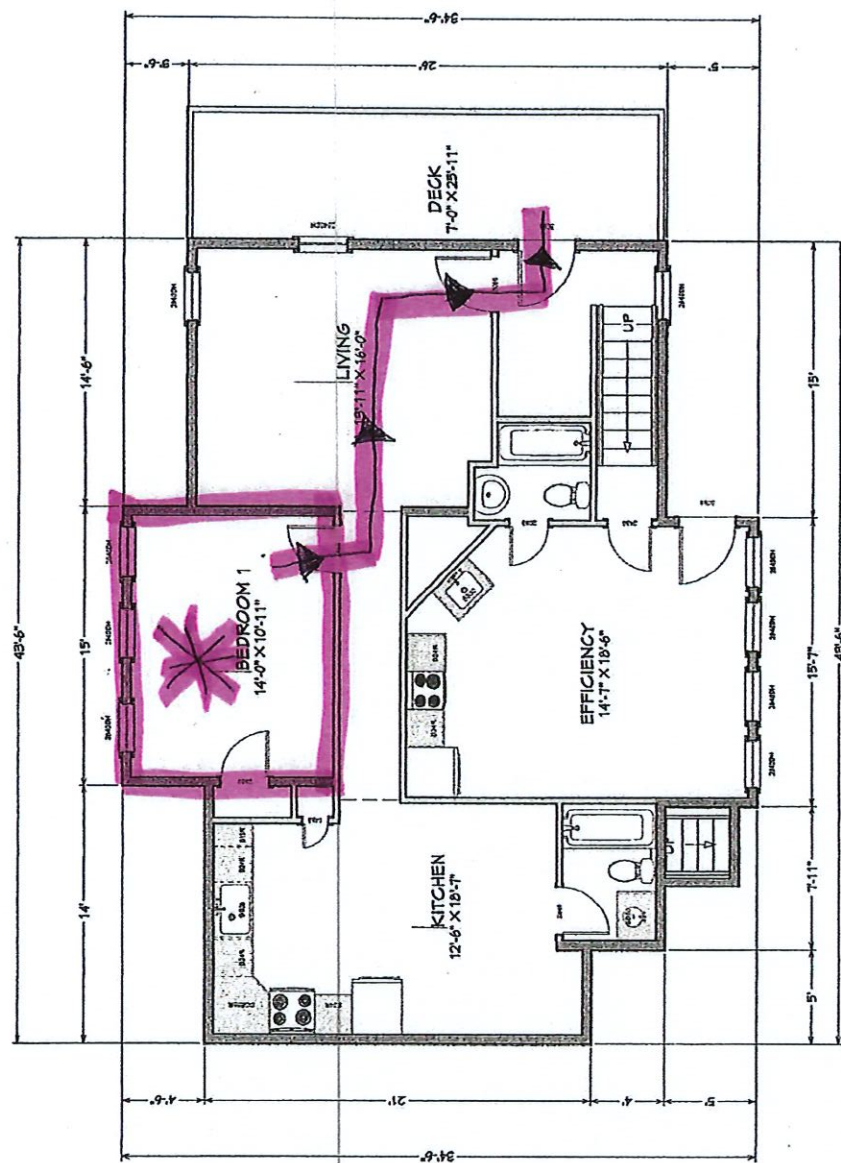
SHEET:



2nd Floor

# Evacuation

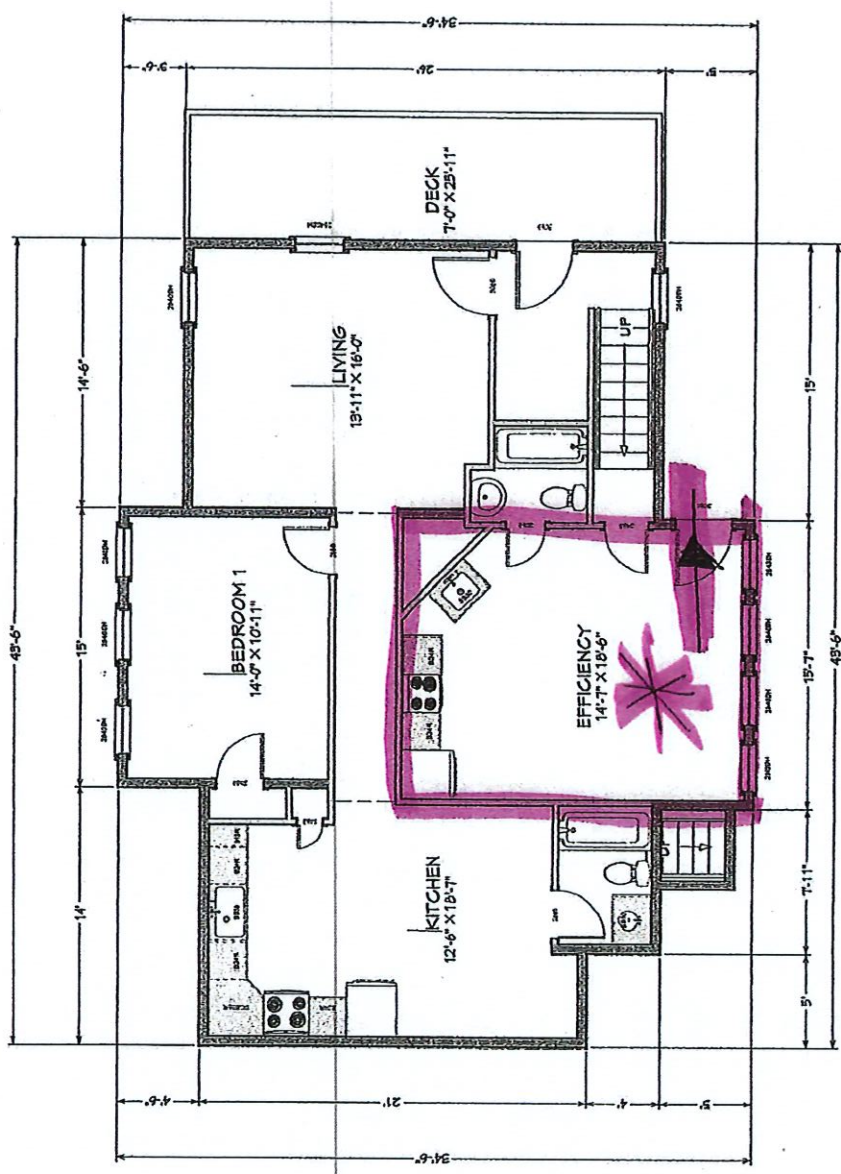




LIVING AREA  
1245 SQ. FT.

# Evacuation

1st Floor



LIVING AREA  
1245 SQ. FT.

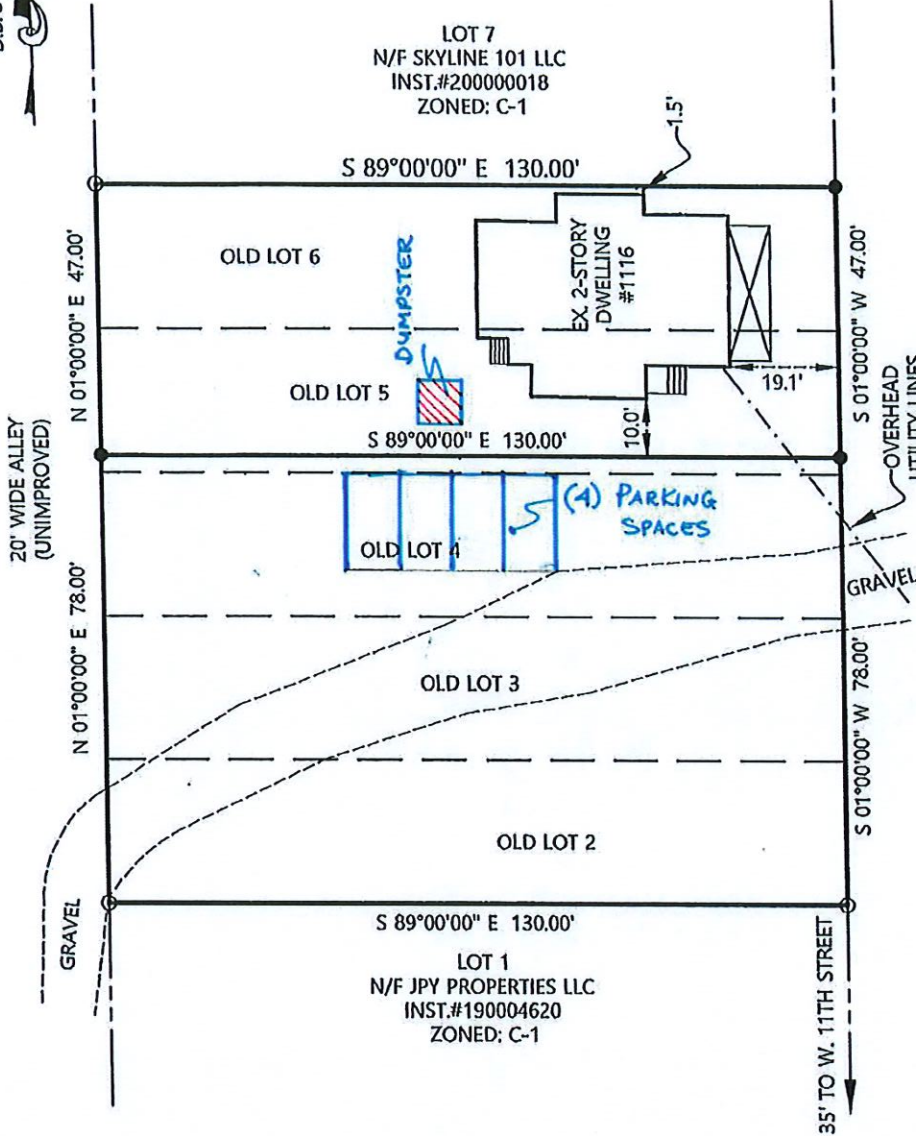
1st Floor

Evacuation



# 2200349

D.B.'S' PG.304



WORKING DRAWING

BOUNDARY ADJUSTMENT SURVEY  
LOTS 2-6, BLOCK 43,  
FRONT ROYAL+RIVERTON  
IMPROVEMENT CO.,  
DEED BOOK 'S' PAGE 304,  
NORTH RIVER DISTRICT,  
TOWN OF FRONT ROYAL, VIRGINIA

|               |                          |           |
|---------------|--------------------------|-----------|
| SCALE:        | DATE:                    | DRAWN BY: |
| 1" = 25'      | NOV. 4, 2021             | PMH       |
| JOB:          | PAPER SIZE               | SHEET:    |
| W21-70        | 8.5" x 14"               | 1 OF 1    |
| CLIENT:       | HIKE CONSTRUCTION        |           |
| DRAWING FILE: | 1116 N. ROYAL AVENUE.dwg |           |

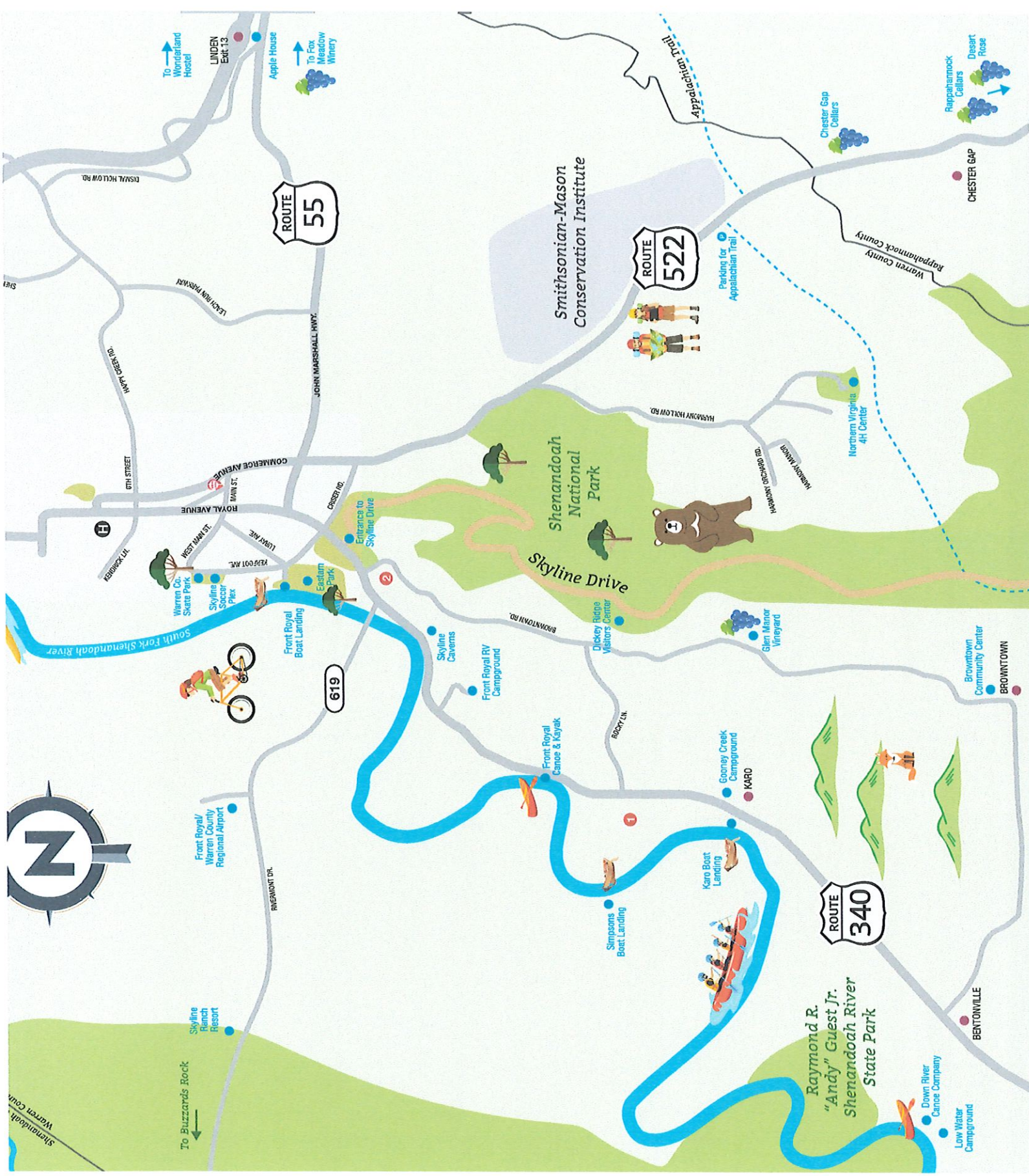
PREPARED BY:  
PIONEER LAND SURVEYS PLC  
P.O. BOX 1012  
FRONT ROYAL, VA 22630  
540-631-0700



# Discover FRONT ROYAL VIRGINIA







To Wonderland Hostel  
LINDEN Exit 13  
Apple House  
To Fox Meadow Winery

ROUTE 55

Smithsonian-Mason Conservation Institute

ROUTE 522

Warren County  
Rappahannock County

Chester Gap  
Rappahannock Cellars  
Desert Rose

Shenandoah National Park

Skyline Drive

South Fork Shenandoah River  
Warren Co. Skate Park  
Skyline Soccer Plex  
Front Royal Boat Landing  
Eastern Park

619

Front Royal/ Warren County Regional Airport

Skyline Ranch Resort

To Buzzards Rock

Skyline Caverns

Front Royal RV Campground

Front Royal Canoe & Kayak

Simpsons Boat Landing

Karo Boat Landing

Gooney Creek Campground

KARO

ROUTE 340

Raymond R. "Andy" Guest Jr. Shenandoah River State Park

Down River Canoe Company

Low Water Campground

Browns Community Center  
BROWNSTOWN

BENTONVILLE

Glen Manor Vineyard

Dickey Ridge Visitors Center

ROCKY LN

BROWNSTOWN RD.

MANOR HOLLOW RD.

Manor Kitchen

Manor Orchard Rd.

Northern Virginia 4H Center

Parking for Appalachian Trail

Appalachian Trail

SHEN

RUKESSD LANE

6TH STREET

KENNESA LN

WEST MAIN ST.

ROYAL AVENUE

COMMERCE AVENUE

MAIN ST.

LEON RIVER PARKWAY

DISNEY HOLLOW RD.

SHEN

To Whom It May Concern:

I give permission for the Town of Front Royal to inspect my short-term rental for compliance. Please contact our short-term rental manager, Lauren Eddington, at 540-398-9242 to schedule your inspection.

Respectfully,  
Aaron Hike  
Owner



Hike Properties LLC

# Welcome

We are so glad you have chosen our short term rental for your stay. We hope you enjoy the cozy feeling of downtown Front Royal and take pleasure in many of the surrounding activities and historic places we have to offer.

WiFi Information:

Network- Hike Properties

Password- Piratescove!

# Requests from your Hosts

## Peaceful Enjoyment

Here in Front Royal, quiet time is between 10pm and 8am. Please be courteous and keep noise levels down during this time.

Chapter 106 of the Town of Front Royal Municipal Code outlines rules for noise in the neighborhood. Please follow the code while you visit.

## Mindfulness

Our cozy short-term rental is surrounded by beautiful churches, schools, and public parks. Please be careful and kind to pedestrians.

## Safety

In the event of an emergency, call 911

For non-emergencies, but urgent needs, please call the non-emergency police line at 540.635.2111

For urgent needs relating to your stay, please call our property manager, Melissa, at 540.683.0128



# Adventures

## Options in Front Royal and surrounding areas:

- Skyline Caverns
- Eastham Park and River Walk
- Canoe or floating drips down the river
- Visit Andy Guest and State Park
- Visit Elizabeth Furnace and GW National Forest
- Hiking the Appalachian Trail
- Walk along the Happy Creek Arboretum
- Visit the Warrant Heritage Society during your exploration of downtown
- Skyline Drive and National Park

# Food and Drink

## Local

- Manor Line Market
- Manor Line's Back 40
- Vibrissa Brewery
- Blue Wing Frog
- Virginia Beer Museum
- Soul Mountain Restaurant and Bar
- Melting pot Pizza
- Rancho Nuevo
- L'Dees Pancake House
- El Maguey
- Knotty Pine Restaurant
- Talk of the Mountain Seafood
- YamaFuji Japanese

## Further

- Apple House
- Flint Hill's Blue Door Kitchen
- Griffin Tavern
- Skyward Café
- Field & Main
- Three Blacksmiths
- Blue Rock



# Wineries

- Chester Gap Cellars
- Linden Vineyards
- Fox Meadow Winery
- Rappahannock Cellar
- Capstone Vineyards

# Saying Good-bye for Now

## Checking out Procedure

1. Be sure all trash is in the kitchen trash can.
2. Ensure there is no food left on the countertops or in the fridge.
3. Please clean all used dishes.
4. Please leave towels and bed sheets in the bathroom and leave the comforter on the bed.
5. Turn off all lights.

We sincerely appreciate you choosing our short-term rental for your stay. We would love for you to leave us a review. Please contact us directly (Melissa @ 540.683.0128) if there is anything we can do to improve your next stay.



**TOWN OF FRONT ROYAL  
DEPARTMENT OF PLANNING & ZONING**



STAFF REPORT FOR THE NOVEMBER 15, 2022, BOARD OF ZONING APPEALS MEETING

**APPLICATION #:**

**2200398**

**APPLICANT:**

**Property Connection LLC**

**APPLICATION SUMMARY:**

The applicant is seeking multiple variances from the zoning regulations of Town Code Chapter 175. The purpose of the variances is to subdivide a single parcel, upon which two existing detached single-family dwellings are located into two parcels. Each dwelling will be located on its own individual lot. The property is zoned C-1 (Community Business District) and is identified as Tax Map #20A4-4-3 with the two dwellings located thereon addressed as 225 East 7<sup>th</sup> Street and 631 Kibler Street, Front Royal, VA.

**GENERAL INFORMATION:**

|                           |                                                                              |                  |                        |
|---------------------------|------------------------------------------------------------------------------|------------------|------------------------|
| <b>Site Address</b>       | 225 East 7 <sup>th</sup> Street & 631 Kibler Street (see vicinity map below) |                  |                        |
| <b>Zoning District</b>    | C-1, Community Business District                                             |                  |                        |
| <b>Overlay Districts</b>  | Historic Area – NO                                                           | Floodplain – YES | Entrance Corridor – NO |
| <b>Tax Identification</b> | 20A185 7                                                                     |                  |                        |
| <b>Location</b>           | The property is located to the west side of Remount Rd.                      |                  |                        |
| <b>Existing Use</b>       | Two (2) Single-family dwellings situated on one (1) parcel.                  |                  |                        |

*Vicinity Map*



*Aerial Map*



*Aerial Floodplain Map*





*Right Side Elevation-225 E 7<sup>th</sup> Street*



*Front Elevation-225 E 7<sup>th</sup> Street*





*Front Elevation-631 Kibler Street*



#### **ADDITIONAL INFORMATION:**

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Background</i></b>             | Per the Applicant's surveyor, the applicant is requesting the subdivision of the parcel into two lots to sell each lot individually. The lots are unable to meet current Zoning requirements and therefore would need a variance to be granted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b><i>Applicant's Statements</i></b> | "The property has 2 existing houses sitting on the same parcel. I am requesting a variance to separate the 2 properties with a lot line to put each house on its own separate legal lot."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b><i>Legal Review</i></b>           | <p>The following variances are requested from the requirements of the Zoning Ordinance C-1 Zoning District, Chapter 175-38:</p> <ul style="list-style-type: none"><li>i. The proposed lot upon which the dwelling identified as 225 E 7<sup>th</sup> Street will be granted a 3,460 square foot variance from the minimum 7,500 square foot lot area requirement of Town Code Chapter 175-40.A.2.<ul style="list-style-type: none"><li>A. <u>Minimum Lot Size:</u><ul style="list-style-type: none"><li>1. Residential uses with four (4) or more units = 6,000 s.f first unit; 1,500 s.f each additional unit.</li><li>2. All other uses: 7,500 s.f.</li></ul></li></ul></li><li>ii. A 15.5-foot variance from the minimum 90-foot lot width for corner lots required by Town Code Chapter 175-40.D.2.<ul style="list-style-type: none"><li>D. <u>Minimum Lot Width:</u><ul style="list-style-type: none"><li>1. Interior Lot: Seventy-five (75) feet.</li></ul></li></ul></li></ul> |

2. **Corner Lot: Ninety (90) feet.** (Amended Entire Section 10-23-89-Effective Upon Passage)

- iii. Said dwelling be granted a 0.3-foot variance from the minimum 15-foot corner lot side yard setback requirement of Town Code Chapter 175-42.A.4.

A. Principal Structures, when abutting properties are in a commercial or industrial district.

1. Front setback:

a. Where no parking is provided between the structure and the street: five (5) feet. Provided, however, that no drive aisle shall be located within five (5) feet of any structure having a setback less than fifteen (15) feet.

b. Where parking is provided between the structure and the street: fifty (50) feet.

2. Side: 10 feet on one (1) side only.

3. Rear: 15 feet.

**4. Corner side: 15 feet.**

- iv. Said dwelling be granted a 6.2-foot variance from the minimum 15-foot rear yard setback requirement of Town Code Chapter 175-42.A.3.

A. Principal Structures, when abutting properties are in a commercial or industrial district.

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b. Where parking is provided between the structure and the street: fifty (50) feet.

2. Side: 10 feet on one (1) side only.

**3. Rear: 15 feet.**

4. Corner side: 15 feet.

- v. Said dwelling be granted a 5.5-foot variance from the minimum 15-foot front porch to the front property line requirements of Town Code Chapter 175-3.

PORCH - Any porch, veranda, or gallery (as the terms are commonly and customarily defined) or similar projection from the main wall of a structure, constructed upon the ground, and covered by a roof, canopy, or awning; provided that the term shall not include any carport, or other such improvement designed for and capable of accommodating the parking of a motor vehicle protected from the elements. An unenclosed porch shall mean a porch with no side enclosure, other than the side of the structure to which the porch is attached, with no screens or windows. An unenclosed porch may project into a front or rear yard not to exceed ten feet (10') nor extend any nearer than fifteen (15') from any front or rear property line. The

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|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | <p>area of a porch shall be included in the calculation of lot coverage. A porch shall not be considered an overhang, nor vice versa.</p> <p>vi. Said dwelling be granted a 13.2-foot variance from the minimum 15-foot rear porch to the rear property line requirement of Town Code Chapter 175-3.</p> <p>PORCH - Any porch, veranda, or gallery (as the terms are commonly and customarily defined) or similar projection from the main wall of a structure, constructed upon the ground, and covered by a roof, canopy, or awning; provided that the term shall not include any carport, or other such improvement designed for and capable of accommodating the parking of a motor vehicle protected from the elements. An unenclosed porch shall mean a porch with no side enclosure, other than the side of the structure to which the porch is attached, with no screens or windows. An unenclosed porch may project into a front or rear yard not to exceed ten feet (10') nor extend any nearer than fifteen (15') from any front or rear property line. The area of a porch shall be included in the calculation of lot coverage. A porch shall not be considered an overhang, nor vice versa.</p>                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b><i>Town Code</i></b> | <p><b>VARIANCES</b></p> <p>Town Code 175-139.B authorizes the Board of Zoning Appeals with the ability to issue variances, as stipulated below:</p> <p>“To authorize, upon appeal in specific cases, such variance from the terms of the chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of the chapter shall be observed, and substantial justice done, as follows:</p> <ol style="list-style-type: none"> <li>1. When a property owner can show that his property was acquired in good faith and where, by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the chapter, or where, by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the chapter would effectively prohibit or unreasonably restrict the use of the property, or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the chapter.</li> <li>2. No such variance shall be authorized by the Board, unless it finds:</li> </ol> |



|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | <p>a. That the strict application of the chapter would produce undue hardship.</p> <p>b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.</p> <p>c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.</p> <p>3. No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia as amended.</p> <p>4. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned, or the intended use of the property 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 chapter.</p> <p>5. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guaranty or bond to ensure that the conditions imposed are being and will continue to be complied with.</p> <p>6. In the event that a variance is not granted, the same variance application, or a variance application that is substantially the same, may not be submitted to the Board for consideration for a period of one (1) year from the date on which the variance request was denied.</p> |
| <b>State Code</b> | <p>Virginia Code § 15.2-2309.2 states the following in regard to Variances and the BZA:</p> <p>“Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § <a href="#">15.2-2201</a>, 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 § <a href="#">15.2-2201</a> and the criteria set out in this section.</p> <p>Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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 the 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 a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § [15.2-2309](#) or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § [15.2-2286](#) at the time of the filing of the variance application.

No variance shall be considered except after notice and hearing as required by § [15.2-2204](#). However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.”

Based on Virginia Code § 15.2-2309(2), that went into effect on July 1, 2015, the BZA must grant a variance if the evidence shows that the strict application of the terms of the zoning ordinance would “unreasonably restrict the utilization of the property or that 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 the ordinance”, and the following:

- (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 a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of §15.2-2286 at the time of the filing of the variance application.” Virginia Code § 15.2-2309(2).

## STAFF COMMENTS:

The Board needs to determine if the applicant has met the following criteria in order to issue the variance.

That the strict application of the chapter would produce undue hardship.

- *The Board needs to have the applicant articulate the issues and determine if this scenario constitutes a hardship.*

That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

- *Staff does not believe this hardship is widespread in this zoning district.*

That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.



- *The structures in the immediate vicinity of the Applicant's property appear to be residential in nature. This appears to be an older neighborhood, originally platted in the 1940's and 1950's. The structures look like they have been maintained to a point they are not blighted. The surrounding uses are commercial. The comprehensive plan update calls for this area to be developed as mixed use.*

ATTACHMENT:      BZA Application





Town of Front Royal  
Department of Planning and Zoning  
102 East Main Street  
P.O. Box 1560  
Front Royal, VA 22630

BZA 2200398

Main 540-635-4236  
Fax 540-631-2727  
www.frontroyalva.com

BOARD OF ZONING APPEALS

Application for Variance

Property Address: 225 East 7th St Front Royal, VA Current Zoning: C-1

Parcel Number 20A443 (20A4-4-3A NEW)

Subdivision: North River town Section: 4 Block: - Lot: 3

Request for variance in order to build: Separate houses into 2 legal lots

| fill in only the line(s) that apply to your request(s) | Code Section | Applicant has | Code requires | Variance requested |
|--------------------------------------------------------|--------------|---------------|---------------|--------------------|
| Total area                                             | 175-40. A. 2 | 4,040 SF      | 7,500 SF      | 3,460 SF           |
| Lot width ( <u>CORNER LOT</u> )                        | 175-40. D. 2 | 74.50'        | 90'           | 15.5'              |
| Front yard setback                                     |              |               |               |                    |
| Minimum side yard setback ( <u>CORNER LOT</u> )        | 175-42. A. 4 | 14.7'         | 15            | 0.3'               |
| Rear yard setback                                      | 175-42. A. 3 | 8.8'          | 15'           | 6.2'               |
| Public street frontage                                 |              |               |               |                    |
| other (write in)                                       |              |               |               |                    |

\* Six copies of a plan must be submitted with this application, showing size and location of the lot, dimensions and location of the proposed building or structure, and the dimensions and location of the existing structures on the lot.

|                                                       |                                     |
|-------------------------------------------------------|-------------------------------------|
| Applicant: <u>Property Connection LLC</u>             | Representative: <u>Emily Minick</u> |
| Address: <u>225 East 7th St Front Royal, VA 22630</u> | Address:                            |
| Phone: <u>703-594-9421</u> Fax:                       | Phone: Fax:                         |
| email: <u>minickproperty@yahoo.com</u>                | email:                              |

REASONS FOR VARIANCE

Property Location: 225 East 7th St Front Royal, VA 22630

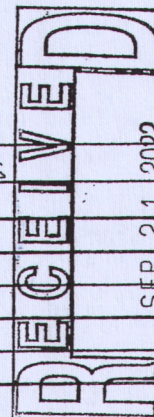
If strictly adhered to, the Town Code Sections cited above would cause unnecessary hardship as follows:

1 My use of the property would be prohibited or unreasonably restricted because of the:

exceptional narrowness, shallowness, size or shape of the property existing at the time the ordinance became effective  
or  
exceptional topographical conditions or other extraordinary situation or condition of the property  
or  
condition, situation or development of property immediately adjacent to the subject property

State **specifically** the reason/conditions affecting this property.

This property has 2 existing houses sitting on the same parcel. I am requesting a variance to separate the 2 properties with a lot line to put each house on its own separate legal lot.



TOWN OF FRONT ROYAL  
PLANNING & ZONING DEPARTMENT



or

- 2 A clearly demonstrable hardship\* would result if a variance is not granted. Specify the hardship that would result from strict application of the ordinance.

Currently, without a variance in order to sell the property you would have to sell both houses because they are on the same lot. If separate houses on each lot will result in each house having their own address and legal boundary.

\* Note: Financial burden or added cost in complying with the ordinance is not a hardship under the law.

- 3 My property was acquired in good faith, without foreknowledge of the restrictions upon it.

Correct

Incorrect

The hardship outlined above is not shared generally by other properties in the same zoning district and the same vicinity

Specify: Many houses are on their own legal lot. With two houses on the same lot, the houses cannot be separate and have an address.

- 4 Authorizing this variance will not result in substantial detriment or adverse impact to adjacent property.

Correct

Incorrect

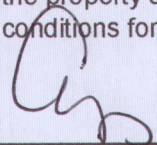
- 5 The character of the district will not be changed by the granting of this variance request.

Correct

Incorrect

Additional comments or justification may be attached on a separate sheet.

I hereby certify that all of the statements and information contained herein are, to the best of my knowledge, complete and correct. By signing this application, the owner authorizes the Board of Zoning Appeals and Town employees to enter the property during the normal discharge of their duties in regard to this request. I (we) agree to comply with any conditions for the variance required by the BZA.



Date: 9/20/22

Owner's Signature

Property Connection LLC, Emily Miner  
Print Name manager

Application Fee: \$400.00

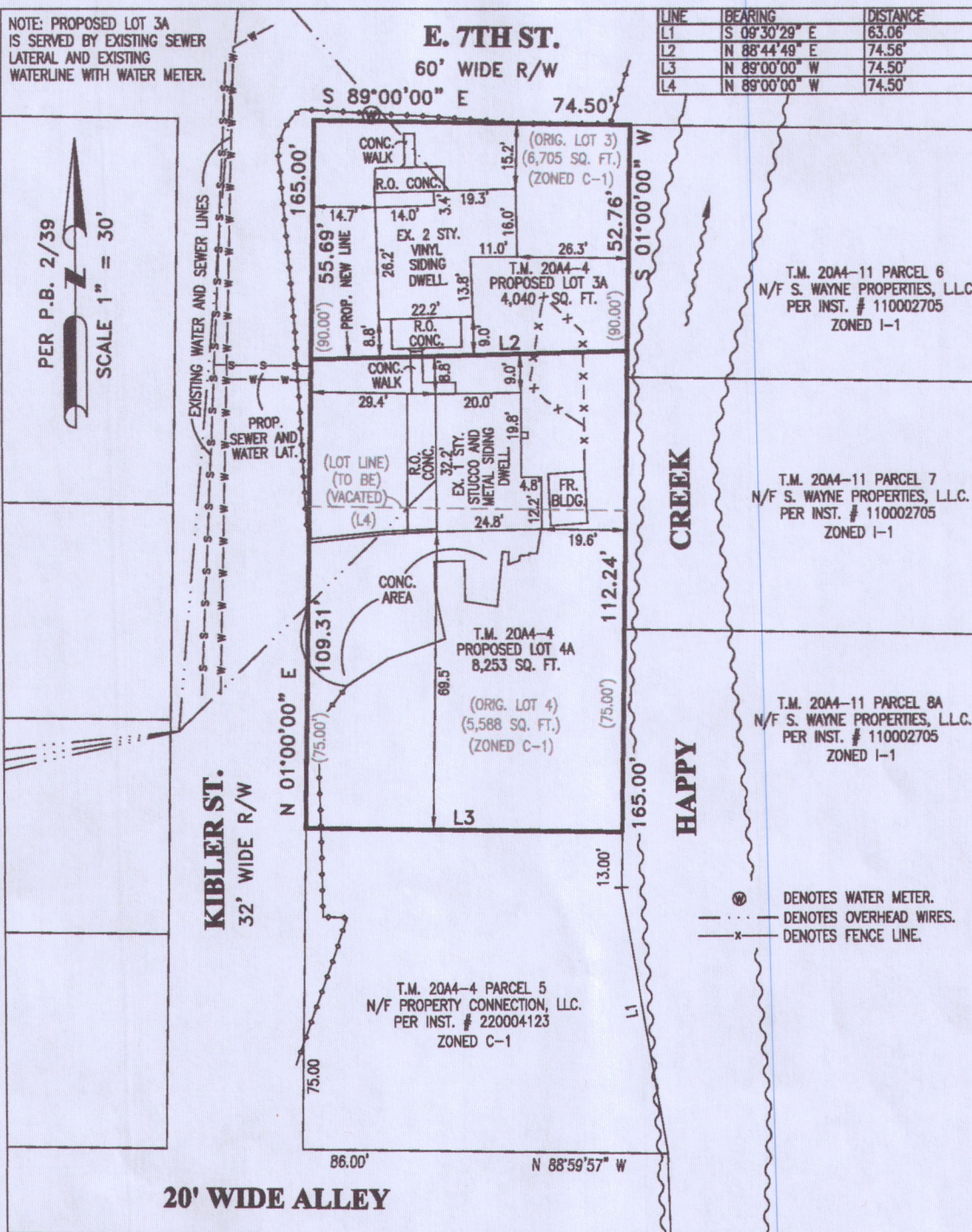
pd Check # 1086



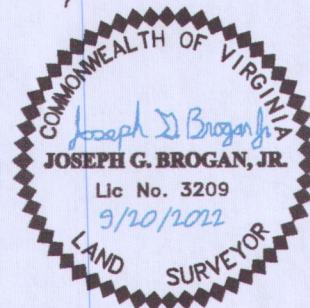
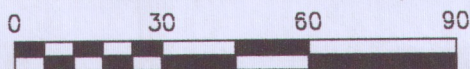
PER P.B. 2/39

SCALE 1" = 30'

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 09°30'29" E | 63.06'   |
| L2   | N 88°44'49" E | 74.56'   |
| L3   | N 89°00'00" W | 74.50'   |
| L4   | N 89°00'00" W | 74.50'   |



**NORTH RIVER MAGISTERIAL DISTRICT  
TOWN OF FRONT ROYAL  
WARREN COUNTY, VA.**



PREPARED BY:  
BROGAN LAND SURVEYING, PLC  
P.O. BOX 1578  
FRONT ROYAL, VA. 22630-0034  
TEL. & FAX (540) 635-5657  
SEPTEMBER 20, 2022





**TOWN OF FRONT ROYAL**  
**DEPARTMENT OF PLANNING & ZONING**

STAFF REPORT FOR THE NOVEMBER 15, 2022, BOARD OF ZONING APPEALS MEETING

**APPLICATION #:**

**2200442**

**APPLICANT:**

**Angela Baker**

**APPLICATION SUMMARY:**

The applicant is seeking a variance from the zoning regulations of Town Code Chapter 175-14 pertaining to the front yard setback for property located at 1015 Wine Street, identified by Tax Map 20A9-4-26. The property is located in the R-1, Residential Zoning District.

**GENERAL INFORMATION:**

|                           |                                                                |                 |                        |
|---------------------------|----------------------------------------------------------------|-----------------|------------------------|
| <b>Site Address</b>       | 1015 Wine Street (see vicinity map below)                      |                 |                        |
| <b>Zoning District</b>    | R-1, Residential District                                      |                 |                        |
| <b>Overlay Districts</b>  | Historic Area – NO                                             | Floodplain – NO | Entrance Corridor – NO |
| <b>Tax Identification</b> | 20A9-4-26                                                      |                 |                        |
| <b>Location</b>           | The property is located between Braxton Road and Evelyn Court. |                 |                        |
| <b>Existing Use</b>       | One (1) Single-family dwelling situated on one (1) parcel.     |                 |                        |

*Vicinity Map*







*Front Elevation – 1015 Wine Street*



*Front Elevation – 1015 Wine Street*





*Left Rear Elevation – 1015 Wine Street*



*Right Rear Elevation – 1015 Wine Street*





## ADDITIONAL INFORMATION:

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Background &amp; Applicant's Statements</b></p> | <p>The applicant wishes to construct a porch in the front yard setback. The applicant stated "I am requesting that the board grant me a variance due to the fact that the lot my house is located on is narrow, with small side yards, and the back yard and side yards are on a very steep hill. Because of how steep the back yard is, the house could not have been built any farther back on the lot than it was. From the concrete slab directly behind the house, to the back of the property, my family is not able to use the back yard.</p> <p>The Town came in and installed 15 feet of soil, grass and walkway attached to my front yard, along with extending my driveway and installing curb last year. While the plat that was printed up in 1998 shows 25 feet of front yard, the town added 15 feet in May 2021, and now there are 40 feet from the front of the house to the curb. The current stoop projects out 5 feet from the house, and we are hoping to add a porch that will project out an additional 3 feet than the current stoop.</p> |
| <p><b>Legal Review</b></p>                            | <p><b>175-14 SETBACK (R-1)</b></p> <p>Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width or fifty-five (55) feet or more from the center of any street right-of-way less than fifty (50) feet in width; however, no building need be set back more than the average of the setback of the immediately adjoining structures on either side. A vacant lot fifty (50) feet or more in width may be assumed to be occupied by a building having a minimum setback.</p> <p>The variance would effectively allow the applicant a front yard setback of eighteen feet (18'). The required front yard setback is thirty-five feet (35') and the applicant has a legally nonconforming front yard setback of twenty-five feet (25'). The variance requested by the applicant is to allow the addition of a front porch.</p>                                                                                                                                                               |

## ***Town Code***

## **VARIANCES**

Town Code 175-139.B authorizes the Board of Zoning Appeals with the ability to issue variances, as stipulated below:

“To authorize, upon appeal in specific cases, such variance from the terms of the chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of the chapter shall be observed, and substantial justice done, as follows:

1. When a property owner can show that his property was acquired in good faith and where, by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the chapter, or where, by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the chapter would effectively prohibit or unreasonably restrict the use of the property, or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the chapter.
2. No such variance shall be authorized by the Board, unless it finds:
  - a. That the strict application of the chapter would produce undue hardship.
  - b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
  - c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
3. No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia as amended.
4. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned, or the intended use of the property 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 chapter.



|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | <p>5. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guaranty or bond to ensure that the conditions imposed are being and will continue to be complied with.</p> <p>6. In the event that a variance is not granted, the same variance application, or a variance application that is substantially the same, may not be submitted to the Board for consideration for a period of one (1) year from the date on which the variance request was denied.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>State Code</b> | <p>Virginia Code § 15.2-2309.2 states the following in regard to Variances and the BZA:</p> <p>“Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § <a href="#">15.2-2201</a>, 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 § <a href="#">15.2-2201</a> and the criteria set out in this section.</p> <p>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 the 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 a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § <a href="#">15.2-2309</a> or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § <a href="#">15.2-2286</a> at the time of the filing of the variance application.</p> <p>No variance shall be considered except after notice and hearing as required by § <a href="#">15.2-2204</a>. However, when giving any required notice to the owners, their agents or the occupants of abutting property and</p> |

property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.”

Based on Virginia Code § 15.2-2309(2), that went into effect on July 1, 2015, the BZA must grant a variance if the evidence shows that the strict application of the terms of the zoning ordinance would “unreasonably restrict the utilization of the property or that 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

the ordinance”, and the following:

- (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 a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of §15.2-2286 at the time of the filing of the variance application.” Virginia Code § 15.2-2309(2).



**STAFF COMMENTS:**

The Board needs to determine if the applicant has met the following criteria in order to issue the variance.

That the strict application of the chapter would produce undue hardship.

*The Board needs to make a determination as to whether or not this constitutes a hardship.*

That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

*There appears to be topographic constraints to this lot in particular. Topography is not a significant issue throughout the entire zone.*

That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

*The Board needs to make this determination, staff does not have an objection to this variance.*

ATTACHMENT:      BZA Application

#2200442



**Town of Front Royal**  
Department of Planning and Zoning  
102 East Main Street  
P.O. Box 1560  
Front Royal, VA 22630

FRBZA \_\_\_\_\_  
Main 540-635-4236  
Fax 540-631-2727  
www.frontroyalva.com

**BOARD OF ZONING APPEALS**  
**Application for Variance**

Property Address: 1015 Wine St., Front Royal, VA 22630 Current Zoning: R-1

Parcel Number 20A9-4-26

Subdivision: Fairview Heights Section:     Block:     Lot: 26

Request for variance in order to build: Front Porch

| Fill in only the line(s) that apply to your request(s) | Code Section | Applicant has | Code requires | Variance requested |
|--------------------------------------------------------|--------------|---------------|---------------|--------------------|
| Total area                                             |              |               |               |                    |
| Lot width                                              |              |               |               |                    |
| Front yard setback                                     | 175-14       | 25            | 35            | 18                 |
| Minimum side yard setback                              |              |               |               |                    |
| Rear yard setback                                      |              |               |               |                    |
| Public street frontage                                 |              |               |               |                    |
| Other (write in)                                       |              |               |               |                    |

\* Six copies of a plan must be submitted with this application, showing size and location of the lot, dimensions and location of the proposed building or structure, and the dimensions and location of the existing structures on the lot.

|                                                      |                         |
|------------------------------------------------------|-------------------------|
| Applicant: <u>Angela Baker</u>                       | Representative: _____   |
| Address: <u>1015 Wine St., Front Royal, VA 22630</u> | Address: _____          |
| Phone: <u>703-475-7366</u> Fax: _____                | Phone: _____ Fax: _____ |
| email: <u>bakerax1@yahoo.com</u>                     | email: _____            |

**REASONS FOR VARIANCE**

Property Location: 1015 Wine St., Front Royal, VA 22630

If strictly adhered to, the Town Code Sections cited above would cause unnecessary hardship as follows:

1 My use of the property would be prohibited or unreasonably restricted because of the:  
exceptional narrowness, shallowness, size or shape of the property existing at the time the ordinance became effective  
or  
exceptional topographical conditions or other extraordinary situation or condition of the property  
or  
condition, situation or development of property immediately adjacent to the subject property

State **specifically** the reason/conditions affecting this property.



I am requesting that the board grant me a variance due to the fact that the lot my house is located on is narrow, with small side yards, and the back yard and side yards are on a very steep hill. Because of how steep the back yard is, the house could not have been built any farther back on the lot than it was. From the concrete slab directly behind the house, to the back of the property, my family is not able to use the back yard.

The town came in and installed 15 feet of soil, grass and walkway attached to my front yard, along with extending my driveway and installing a curb last year. While the plat that was printed up in 1998 shows 25 feet of front yard, the town added 15 feet in May 2021, and now there are 40 feet from the front of the house to the curb. The current stoop projects out 5 feet from the house, and we are hoping to add a porch that will project out an additional 3 feet farther than the current stoop.



or

- 2 A clearly demonstrable hardship\* would result if a variance is not granted. Specify the hardship that would result from strict application of the ordinance.

Because we cannot use our back yard due to the slope of the property, we do not have very much outdoor living space available. We have 2 children and would like to have a place where they can play outside and still be confined to the front porch (with a railing) to ensure safety, as the street has a high volume of vehicle traffic. Failure of this safety precaution could result in a devastating hardship for my family.

\* Note: Financial burden or added cost in complying with the ordinance is not a hardship under the law.

- 3 My property was acquired in good faith, without foreknowledge of the restrictions upon it.

☒ Correct

☐ Incorrect

The hardship outlined above is not shared generally by other properties in the same zoning district and the same vicinity

Specify: Most of our neighbors do not have the same slope in their back yards that we have and those that do, have wooded lots. Ours is the only cleared un-usable lot on our side of the road (which is where the slope is). They also have more square shaped lots and are able to use more of their side yards than we have available on our narrow lot.

- 4 Authorizing this variance will not result in substantial detriment or adverse impact to adjacent property.

☒ Correct

☐ Incorrect

- 5 The character of the district will not be changed by the granting of this variance request.

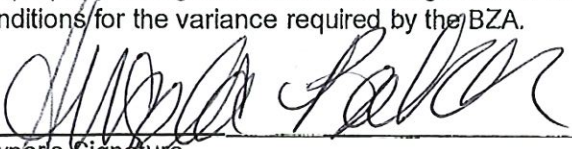
☒ Correct

☐ Incorrect

Additional comments or justification may be attached on a separate sheet.

Please see attached page for comments regarding number 4 and 5.

I hereby certify that all of the statements and information contained herein are, to the best of my knowledge, complete and correct. By signing this application, the owner authorizes the Board of Zoning Appeals and Town employees to enter the property during the normal discharge of their duties in regard to this request. I (we) agree to comply with any conditions for the variance required by the BZA.

  
Owner's Signature

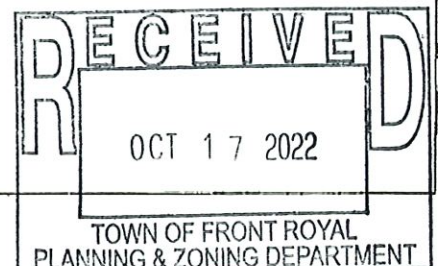
Date: 10/17/22

Angela Baker

Print Name

Application Fee: \$400.00 pd 10/17/22 mpm  
CK# 2092

Revised June 23, 2020



4. Authorizing this variance will not result in substantial detriment or adverse impact to adjacent property.  
Adding a front porch to my house will not affect anyone on any adjacent property. The house is set 40 feet back from the street. The porch will not affect the view of the street in any way.
5. The character of the district will not be changed by the granting of this variance request.  
Improving upon the curb appeal and functionality of my home will not affect the neighborhood in a negative manner.

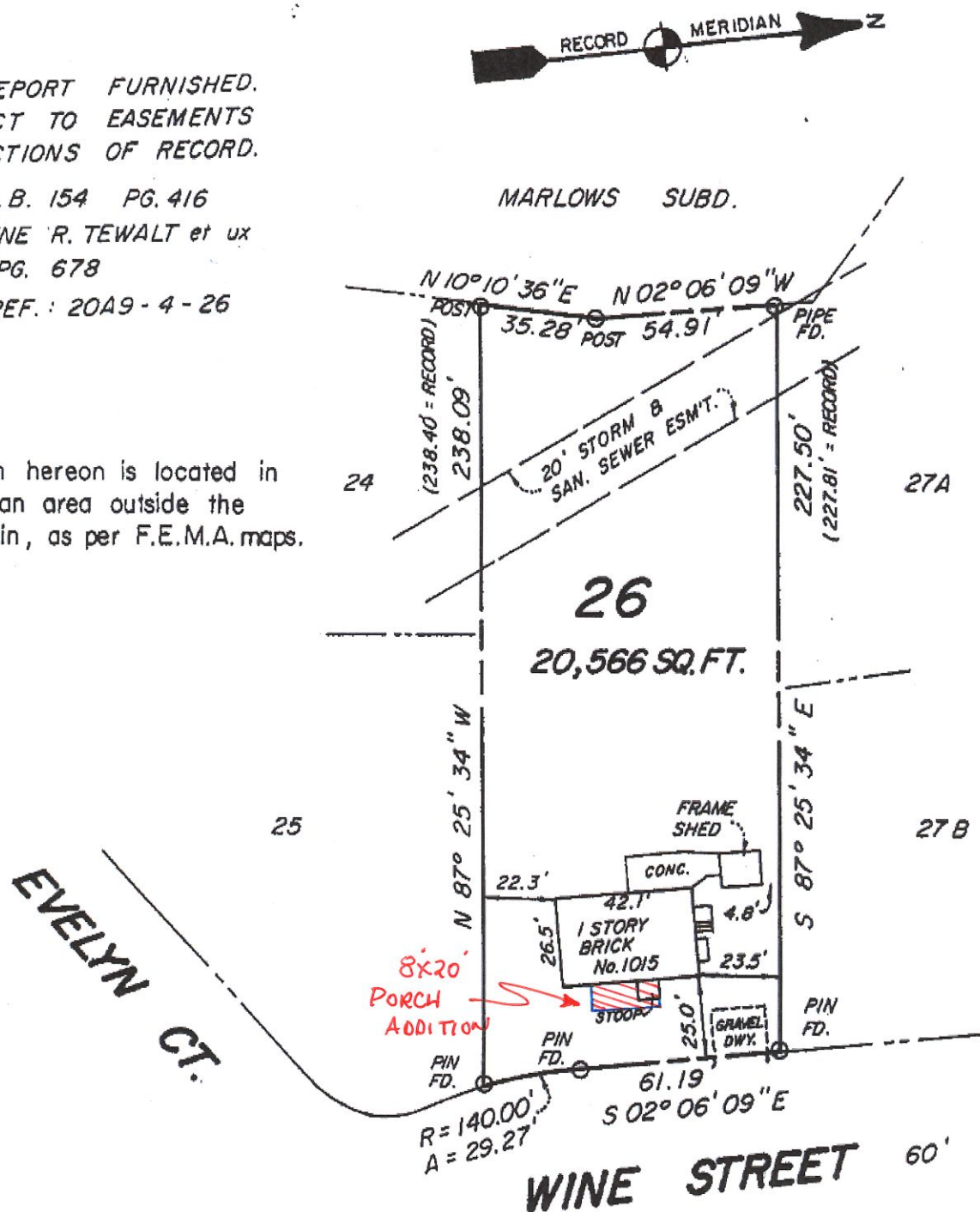


000028 FEB 11 88

**NOTES:**

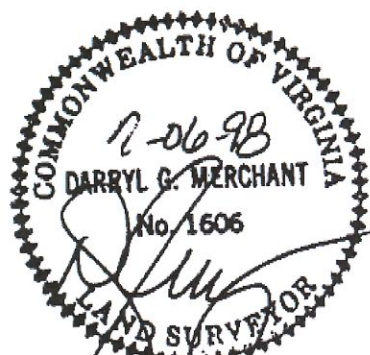
1. NO TITLE REPORT FURNISHED.  
PLAT SUBJECT TO EASEMENTS  
AND RESTRICTIONS OF RECORD.
2. PLAT REF.: D.B. 154 PG. 416
3. OWNER: EUGENE R. TEWALT et ux  
D.B. 218 PG. 678
4. TAX MAP REF.: 20A9-4-26

The house shown hereon is located in  
Flood Zone X, an area outside the  
500-yr. flood plain, as per F.E.M.A. maps.



**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT I HAVE SURVEYED THIS PROPERTY ON  
THE GROUND; THAT THIS PLAT IS CORRECT TO THE BEST OF MY  
KNOWLEDGE, INFORMATION AND BELIEF; AND THAT THERE ARE NO  
ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES EXCEPT AS SHOWN.



Darryl G. Merchant  
Licensed Land Surveyor  
P.O. BOX 1508  
FRONT ROYAL, VA. 22630  
540-636-4949

HOUSE LOCATION SURVEY

**LOT 26**  
**FAIRVIEW HEIGHTS**

TOWN OF FRONT ROYAL  
WARREN COUNTY, VIRGINIA

DATE: 6 FEBRUARY 1998

SCALE: 1" = 50'















