

The Board of Zoning Appeals regular meeting of the Town of Front Royal, Virginia was held on November 15, 2022, at 7 pm.

CALL TO ORDER:

Vice Chairman Williams called the Board of Zoning Appeals, November 15, 2022, meeting to order at 7:05 pm.

ROLL CALL – DETERMINATION OF QUORUM

Present: Michael Williams, Vice Chairman
Cody Taylor
Andi Robinson

Absent: Amanda McCarthy, Chairman
Christine Erin

Staff: John Ware, Deputy Zoning Administrator
George Sonnett, Town Attorney
Connie L Potter, Executive Assistant / Clerk for the Board of Zoning Appeals

APPROVAL OF MINUTES

- October 18, 2022 Meeting

Mr. Taylor moved, seconded by Ms. Robinson to accept the minutes as written.

VOTE: Yes –Williams, Taylor, Robinson
No – N/A
Absent – McCarthy, Erin
Abstain – N/A

VOICE VOTE

PUBLIC HEARING

This public hearing was continued for the Board of Zoning Appeals meeting held on October 18, 2022.

- **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 7th 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 7th 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.

Mr. Ware explained that the Planning Commission at their work session on November 2, 2022 offered the following comments:

“This situation involves two (2) nonconforming lots approval of one or more variances will again result in two (2) nonconforming lots.

From a planning standpoint, if one or more variances were to be granted, the Planning Commission observes that the creation of a property line of equal distance between two existing structures would clarify a fundamental principle of land use.”

The public hearing is continued from the October 18, 2022, Board of Zoning Appeals meeting.

Emily Minick spoke and distributed a Letter from her attorney Mata & Hill PLC who is representing the “Owner” Property Connection LLC explaining the applicant’s hardship.

George Sonnett, Town Attorney explained his role which is to support Town staff, and the interest of the Town fundamentally is to enforce the Zoning Ordinance unless the Board of Zoning Appeals finds that the applicant who has the burden of proof has met the criteria for a variance.

After a lengthy discussion Vice Chairman Williams asked if anyone from the public wished to speak. As there were no speakers present, Vice Chairman Williams closed the public hearing and asked for a motion.

Vice Chairman Williams moved to approve the variance based on what he believes to be a stated hardship and that he believed the applicant purchased the property in good faith.

There was not a second and the motion died.

Mr. Taylor moved, seconded by Ms. Robinson to deny based on the fact that the hardship is self-created.

Mr. Taylor stated buying a property without a survey is not smart, but reliance on erroneous corners and things like that has been found to be used to get a variance but simply not even attempting to find the information makes it a self-created hardship.

VOTE: Yes – Robinson, Taylor
No – Williams
Absent – McCarthy, Erin
Abstain – N/A

ROLL CALL

The motion failed because there were not three (3) votes out of the total Board of five (5) members.

There was additional discussion on how to move forward and the following motion was made.

Ms. Robinson moved, seconded by Mr. Taylor to postpone the decision until we have at least four (4) if not a full zoning board on December 20, 2022.

VOTE: Yes –Williams, Robinson, Taylor
No – N/A
Absent – McCarthy, Erin
Abstain – N/A

VOICE VOTE

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- **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 requested by the applicant is to allow the addition of a front porch.

Mr. Ware explained the variance request.

Vice Chairman Williams asked if anyone would like to speak.

The applicant, Ms. Baker had no additional comments regarding the variance request application.

There was some discussion regarding the steep slope in the rear yard.

Vice Chairman Williams closed the public hearing.

BZA members reviewed staff comments from the staff report.

Ms. Robinson moved, seconded by Mr. Taylor to deny the variance due to the fact this does not constitute a hardship because there is another option of a fence and also properties in the area are all of like kind with like stoops and to allow one would allow all potentially.

VOTE: Yes – Robinson, Taylor, Williams
 No – N/A
 Absent – McCarthy, Erin
 Abstain – N/A

ROLL CALL

OTHER

None.

ADJOURNMENT

With no further business before the Board,

Ms. Robinson moved, seconded by Vice Chairman Williams to adjourn the meeting.

VOTE: Yes –Williams, Robinson, Taylor
 No – N/A
 Absent – McCarthy, Erin
 Abstain – N/A

VOICE VOTE

The meeting adjourned at 7:45 p.m.

Approved by the Board of Zoning Appeals
Date: 12/20/2022