

BOARD OF ZONING APPEALS
Tuesday, August 19, 2025 @ 7 PM
Town Hall – 2nd Floor, East Conference Room

AGENDA

CALL TO ORDER

ROLL CALL OF MEMBERS PRESENT

APPROVAL OF MINUTES

- February 18, 2025 – Regular Meeting

PUBLIC HEARING

- **Variance Application 2500335** submitted by Orange Creek LLC for a variance from Town Code §175-24.A. pertaining to the construction of a building and the side yard setback located on the property at 15 & 17 W. 11th Street identified by Tax Map 20A2-4-43-24. The property is located in the R-2, Residential District. The variance would effectively allow the applicant a side yard setback of 8.7 feet. The required side yard setback should be a minimum of ten feet (10'). The variance requested by the applicant is to allow a setback of less than ten feet (10') for a recently constructed two family attached dwelling.

ADJOURNMENT

The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com for a limited time.

The Board of Zoning Appeals regular meeting of the Town of Front Royal, Virginia was held on February 18, 2025, at 7 p.m. in the Town of Front Royal 2nd floor conference room.

CALL TO ORDER:

Planning Director Lauren Kopishke called the Board of Zoning Appeals, February 18, 2025, meeting to order at 7:00 p.m.

ROLL CALL OF MEMBERS PRESENT

Clare Schmitt
Cody Taylor
Maria Dutton
Lorie Noakes
James Jackson

STAFF MEMBERS PRESENT

Lauren Kopishke, Planning & Zoning Director / Zoning Administrator
Connie L Potter, Executive Assistant / Clerk for the Board of Zoning Appeals

APPROVAL OF MINUTES

- November 19, 2024 – Regular Meeting

Motion By: Ms. Dutton

Seconded By: Ms. Schmitt

Action: Approved by a unanimous vote of members present to approve the regular meeting minutes of November 19, 2024.

ELECTION OF OFFICERS

- **Chairman**

Motion By: Ms. Schmitt

Seconded By: Ms. Dutton

Action: Approved by a unanimous vote of members present to elect Cody Taylor as Board of Zoning Appeals Chairman.

➤ **Vice Chairman**

Motion By: Ms. Dutton

Seconded By: Ms. Noakes

Action: Approved by a unanimous vote of members present to elect Clare Schmitt as Board of Zoning Appeals Vice Chairman.

BUSINESS ITEM

➤ Board of Zoning Appeals 2024 Annual Report.

Motion By: Vice Chairman Schmitt

Seconded By: Ms. Dutton

Action: Approved by a unanimous vote to accept the Board of Zoning Appeals 2024 Annual Report.

ADJOURNMENT

Motion By: Chairman Taylor

Seconded By: Vice Chairman Schmitt

Action: The meeting was adjourned by a unanimous vote of members present.

The meeting was adjourned at 7:19 p.m.

Approved by the Board of Zoning Appeals
Date: _____

PUBLIC HEARING

Variance Application 2500335 submitted by Orange Creek LLC for a variance from Town Code §175-24.A. pertaining to the construction of a building and the side yard setback located on the property at 15 & 17 W. 11th Street identified by Tax Map 20A2-4-43-24. The property is located in the R-2, Residential District. The variance would effectively allow the applicant a side yard setback of 8.7 feet. The required side yard setback should be a minimum of ten feet (10'). The variance requested by the applicant is to allow a setback of less than ten feet (10') for a recently constructed two family attached dwelling.



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

**STAFF REPORT FOR THE BOARD OF ZONING APPEALS
AUGUST 19, 2025**

APPLICATION #:

Variance 2500335

APPLICANT:

Orange Creek LLC

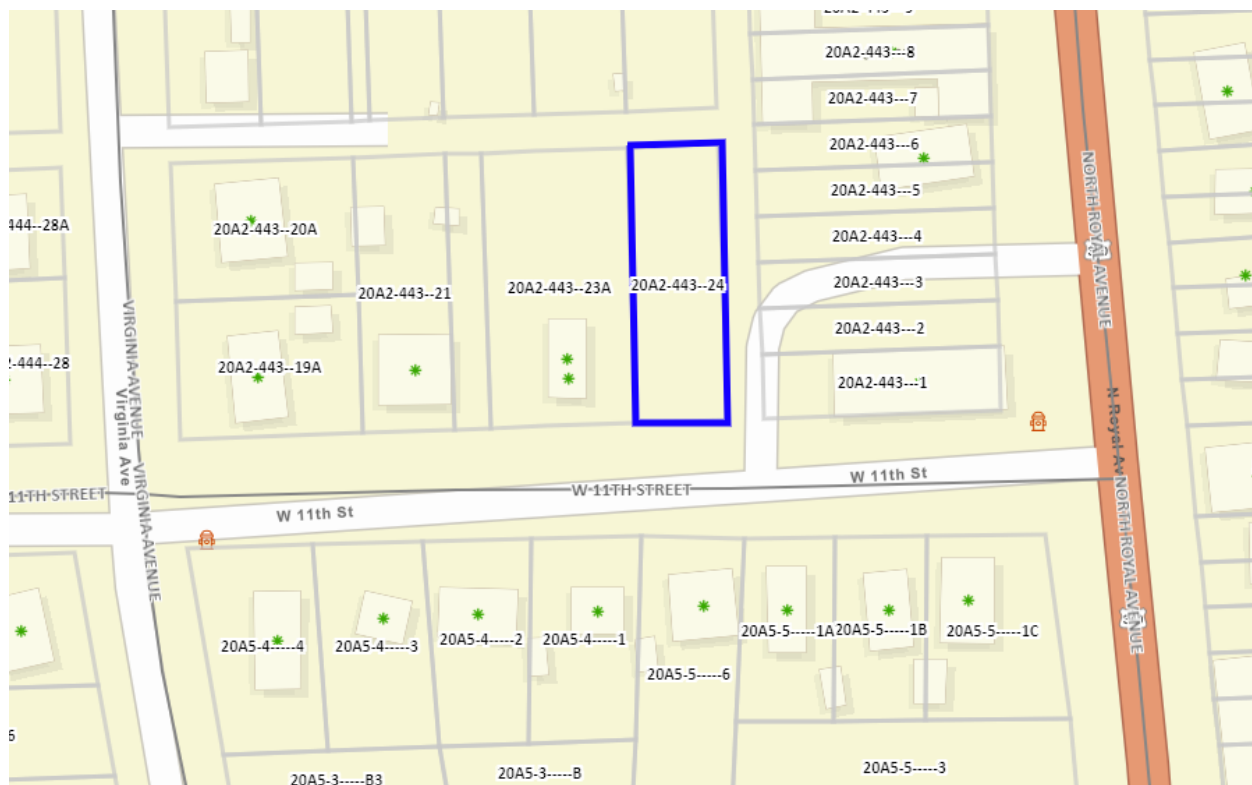
APPLICATION SUMMARY:

The applicant is seeking a variance from Town Code §175-24.A. pertaining to the construction of a building and the side yard setback located on the property at 15 & 17 W. 11th Street identified by Tax Map 20A2-4-43-24. The property is located in the R-2, Residential District. The variance would effectively allow the applicant a side yard setback of 8.7 feet. The required side yard setback should be a minimum of ten feet (10'). The variance requested by the applicant is to allow a setback of less than ten feet (10') for a recently constructed two family attached dwelling.

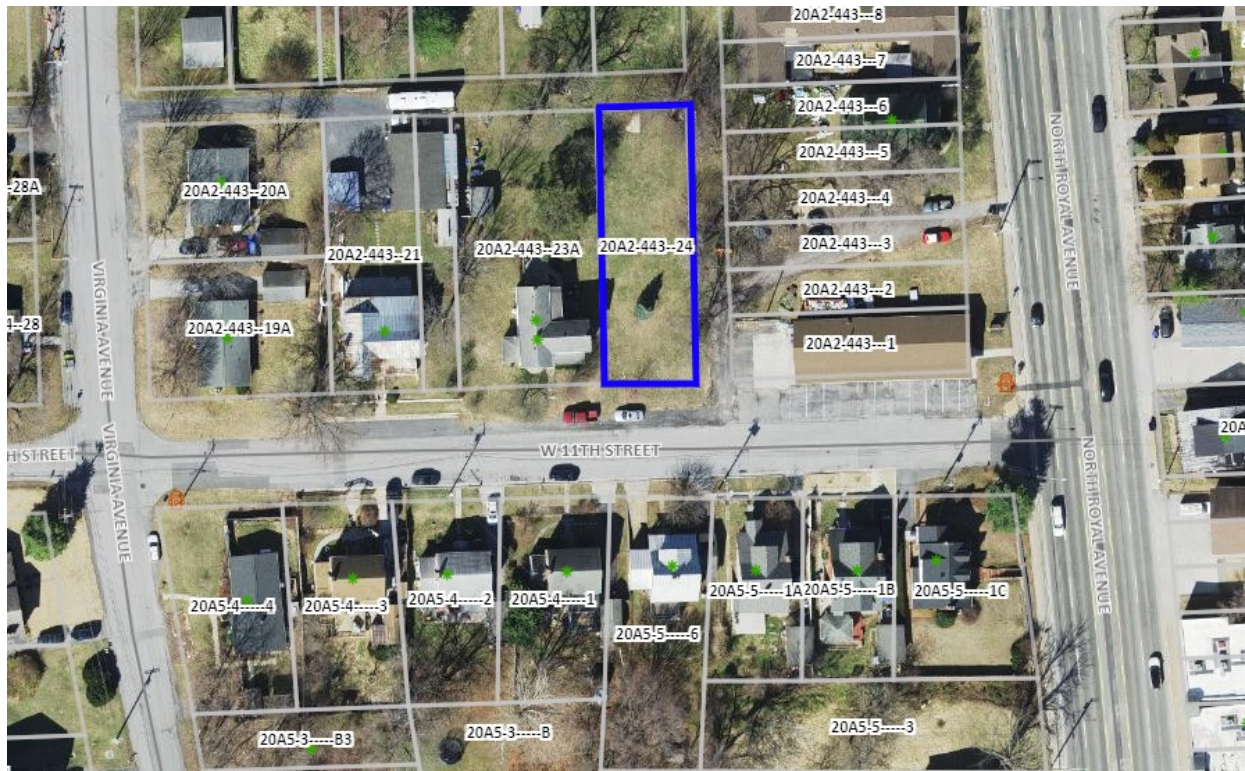
GENERAL INFORMATION:

Site Address	15 & 17 W. 11 th Street		
Property Owner	Orange Creek LLC		
Zoning District	R-2, Residential District		
Overlay Districts	Historic Area – NO	Floodway – NO	Entrance Corridor – NO
Tax Identification	20A2-4-43-24		
Location	West of the intersection of w 11 th ST and N Royal Ave		
Existing Use	One (1) Two-Family Attached Dwelling on one (1) parcel.		

Vicinity Map – 15 & 17 W. 11th Street – 20A2-4-43-24



Aerial Map - 15 & 17 W. 11th Street – 20A2-4-43-24



Variance Request for Side Setback (West Elevation)



East Elevation Showing Stop Work Order



East Elevation



Stop Work Order Issued May 23, 2025 – 15 W. 11th Street



Stop Work Order Issued May 23, 2025 – 17 W. 11th Street



ADDITIONAL INFORMATION:

<i>Town Code</i>	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. 5. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed
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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.

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.

State Code

Virginia Code § 15.2-2309.2 states the following in regard to Variances and the BZA:

“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](#), 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](#) 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 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 applicant stated the encroachment was caused by the irregular shape of the lot which restricted the buildable area. The house was constructed within the required setbacks, 0.4' in the front and 1.3' in the rear setback.

- *The applicant has zoning approval to construct a duplex on this site; the house location survey submitted as part of the application shows a sufficient building envelope in which the structure was to be built. It is staff's opinion that the applicant did not properly site the structure before the foundation was poured. Staff recommends denial.*

Date	File Name
05/23/2025	2500013_Stop Work Order Issued_5-23-2025.pdf
05/23/2025	DENIED Wall Check_20A2-4-43-24A_15 & 17 W 11th Street.pdf
05/22/2025	2500013_Address Plat_15 and 17 W 11th Street.pdf
03/28/2025	2500013_Finance Receipt_15 & 17 W 11th St.pdf
03/04/2025	2500013_Zoning Approval_15 & 17 W 11th St.pdf
02/26/2025	2500013_In-Town Utility Application_Moss Building and Design_15 W 11th St_20A2 443 24A.pdf
02/26/2025	2500013_In-Town Utility Application_Moss Building and Design_17 W 11th St_20A2 443 24A.pdf
01/29/2025	2500013_Revised_Proposed House Location Survey_01-27-25_20A2 443 24A.pdf
01/27/2025	2500013_Comments_01-27-25_Moss Building and Design_W 11th St_20A2 443 24A.pdf
01/16/2025	2500013_Zoning Application_Moss Building and Design_W 11th St_20A2 443 24A.pdf
01/16/2025	2500013_Proposed House Location Survey_Moss Building and Design_W 11th St_20A2 443 24A.pdf
01/16/2025	2500013_House Plans_Moss Building and Design_W 11th St_20A2 443 24A.pdf

ATTACHMENTS: BZA Application and Supporting Documents
Stop Work Order



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

2500335
FRBZA

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

BOARD OF ZONING APPEALS
Application for Variance

Property Address: 15 & 17 W. 11th Street, Front Royal, VA 22630 Current Zoning: R-2

Parcel Number 20A2 4 43 24

Subdivision: _____ Section: 4 Block: 43 Lot: Lot 24

Request for variance in order to build: Boundary Line Adjusment

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		<u>left, left</u>		<u>left, left</u>
Minimum side yard setback	<u>175-24.A</u>	9.6' (front), 8.7' (rear)	10'	0.4' (front), 1.3' (rear)
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: Orange Creek LLC Representative: Brent Henderson

REASONS FOR VARIANCE

Property Location: Front Royal

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.

The lot has an irregular shape and limited buildable width, which contributed to a minor encroachment into the side yard setback. The encroachment is 0.4' at the front and 1.3' at the rear corner of the structure.

RECEIVED
JUL 3 2025
TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

BZA mtg. 8-19-25

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.

Strict enforcement of the side yard setback would require significant structural alterations to a nearly completed home. This would involve modifying load-bearing walls and potentially compromising the building's integrity. The hardship is not financial but practical and physical, arising from the unique shape and constraints of the lot.

* 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: The property was acquired and developed in good faith, with no prior knowledge of the setback encroachment.

- 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.

Owner's Signature

Date:

06/25/2025

Print Name

Douglas Kelley

Application Fee: \$400.00

Ad. 650.00 by CLC on 7-3-25

Revised June 23, 2020

NEW ADDRESS: 15 W 11TH STREET (FRONT) AND 17 W 11TH STREET (REAR) AD25-60
NEW 2-FAMILY DWELLING

TREE CANOPY CALCULATIONS:
6,900 SQ.FT. X 15% = 1,035 SQ.FT. REQUIRED
CANOPY COVER

425 SQ.FT. = EXIST. TREE COVER
680 SQ. FT. = PROP. TREE COVER
1105 SQ. FT. = TOTAL COVER PROVIDED

LEGEND

552.1+ = EXIST. SPOT ELEVATION
— SL — = PROP. SAN LATERAL
— 556 — = EXIST. 2' CONTOUR
— 556 — = PROP. 2' CONTOUR
— LOC — = LIMITS OF CONSTR.
AREA= 6,900 SQ. FT.
ENSURE POSITIVE DRAINAGE TO
STREET WHEN FINAL GRADING

NOTES:

1. NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO EASEMENTS
AND RESTRICTIONS OF RECORD.
2. PLAT REF.: D.B. S PG. 300
3. OWNER: ORANGE CREEK, LLC
Instrument #240003888
4. TAX MAP REF.:20A2 4 43 24
5. ZONED R-2
SETBACKS: FRONT= 30'
SIDE= 10'; REAR= 25'
6. TOTAL LOT AREA = 7,500 SQ. FT.
7. 2-FT CONTOUR INTERVAL
DATUM = NAVD88



BOUNDARY INFORMATION SHOWN
HEREON BASED ON CURRENT
FIELD SURVEY.

THE PROPERTY SHOWN HEREON IS LOCATED
WITHIN ZONE X, AN AREA DETERMINED TO BE
OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN,
PER FEMA FIRM MAP #51087C0112C, 6/03/2008.

CONTACT VA811.COM PRIOR TO CONSTRUCTION FOR
THE MARKING OF UNDERGROUND UTILITY LINES.
800-552-7001

survey@measure-map.com
540-636-4949

Darryl G. Merchant
Consulting Land Surveyor
P.O. BOX 1508
FRONT ROYAL, VA 22630

COPYRIGHT D.G. MERCHANT, LS. NOT TO BE COPIED,
REPRODUCED OR ALTERED WITHOUT PERMISSION.

24-F138 DWG. No. AM-1848

EXIST. TREE (6" MAPLE)
PROPOSED REDBUD TREE
(4) 2" CAL. AT 170 SQ.FT. EA.

LOT 14 LOT 13 BLK. 43
N/F ABEL Instr.#200006946

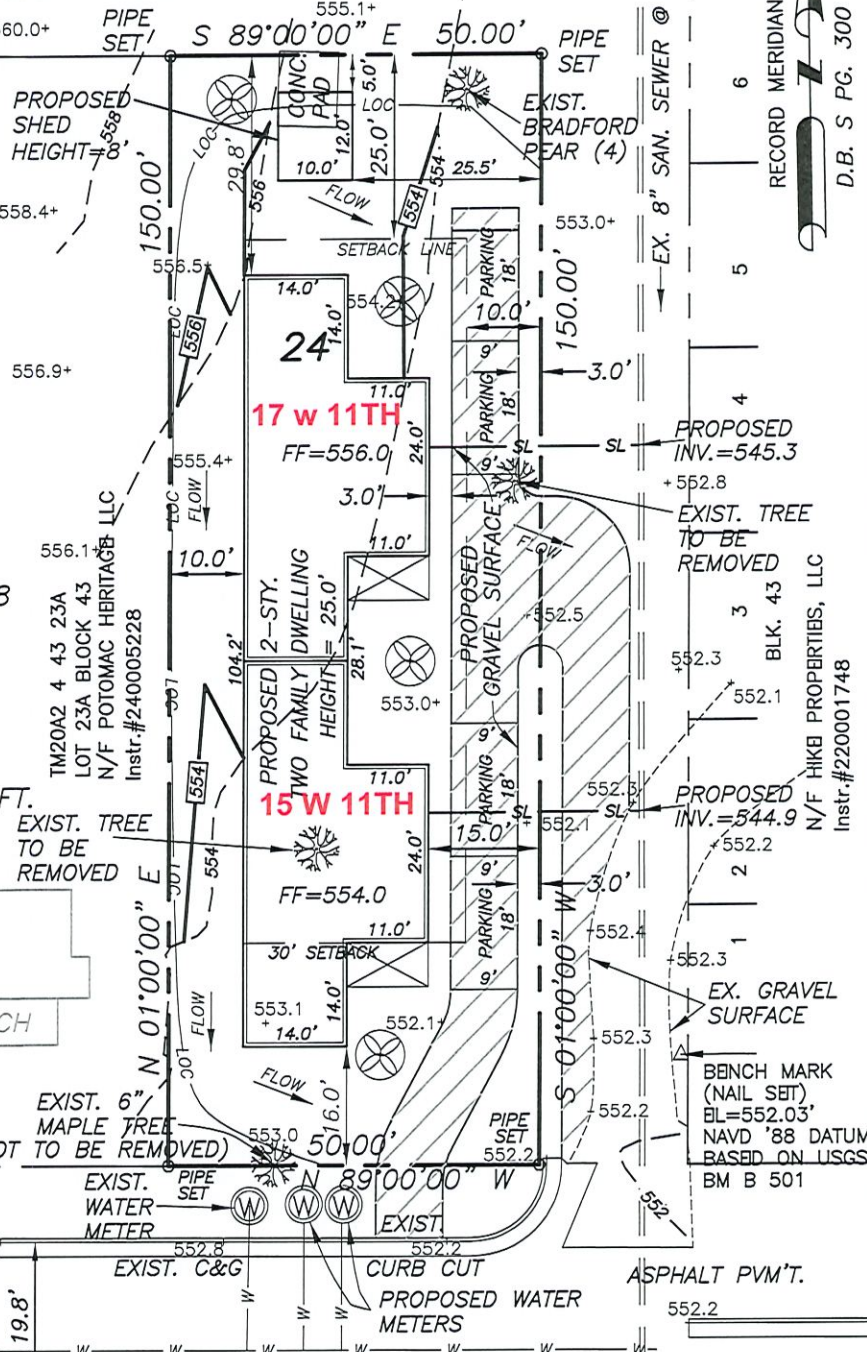
20' ALLEY

NOT IN USE

20' ALLEY

EX. SAN MH
TOP= 557.10
INV= 547.29

RECORD MERIDIAN
D.B. S PG. 300

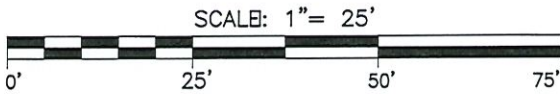


W. 11th STREET

60' WIDE

EX. 8" SANITARY SEWER
ASPHALT PVM'T.

EX. SAN MH
TOP= 551.96
INV= 543.91



PROPOSED HOUSE LOCATION SURVEY

LOT 24
BLOCK 43
FRONT ROYAL - RIVERTON
IMPROVEMENT CO.

TOWN OF FRONT ROYAL - WARREN COUNTY, VIRGINIA

DATE: 18 DECEMBER 2024
REV.: 27 JANUARY 2025

SCALE: 1" = 25'

APPLICATION
DENIED

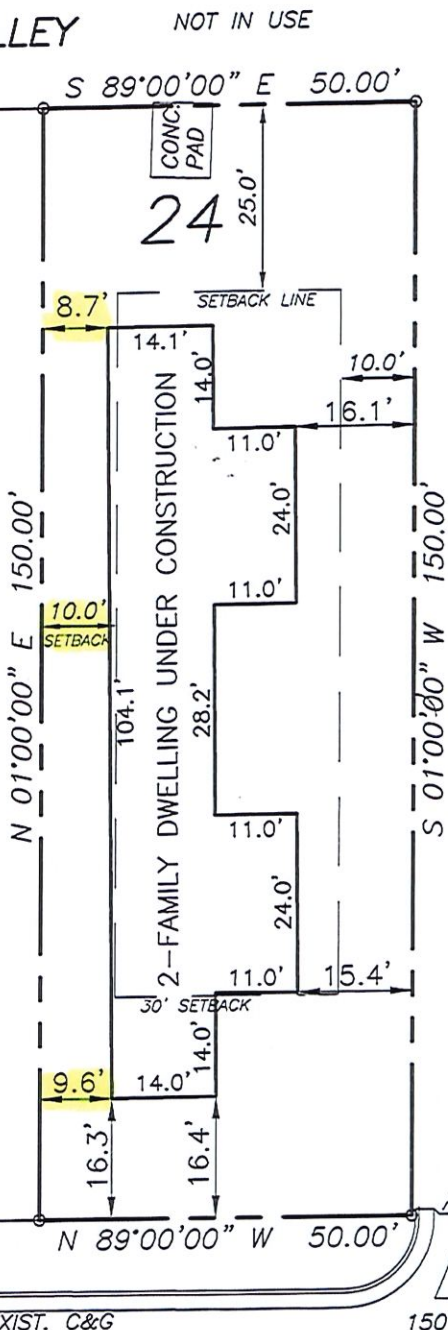
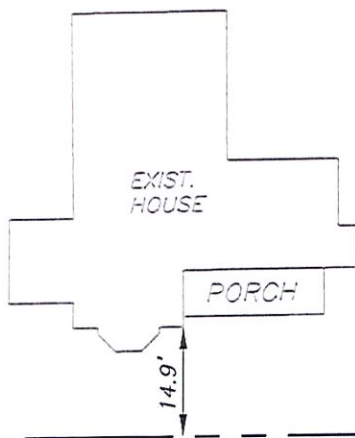
J. M. Ware
5/23/25

NOTES:

1. NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO EASEMENTS
AND RESTRICTIONS OF RECORD.
2. PLAT REF.: D.B. S PG. 300
3. OWNER: ORANGE CREEK, LLC
Instrument #240003888
4. TAX MAP REF.: 20A2 4 43 24
5. ZONED R-2
SETBACKS: FRONT= 30'
SIDE= 10'; REAR= 25'
6. TOTAL LOT AREA = 7,500 SQ. FT.

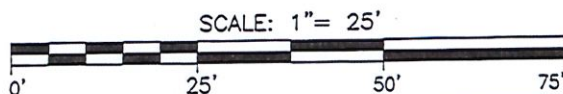


LOT 23A
LR24-5228
TM 20A2 4 43 23A



W. 11th STREET
60' WIDE

BOUNDARY INFORMATION SHOWN
HEREON BASED ON CURRENT
FIELD SURVEY.



survey@measure-map.com
540-636-4949

Darryl G. Merchant
Consulting Land Surveyor
P.O. BOX 1508
FRONT ROYAL, VA 22630



FOUNDATION LOCATION SURVEY

LOT 24
BLOCK 43
**FRONT ROYAL - RIVERTON
IMPROVEMENT CO.**

TOWN OF FRONT ROYAL - WARREN COUNTY, VIRGINIA

DATE: 21 MAY 2025

SCALE: 1" = 25'

24-F138

DWG. No. AM-1848WCS



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

T: (540) 635-4236
F: (540) 631-2727

Town Hall 102 E. Main Street
P.O. Box 1560, Front Royal, VA 22630-1560

STOP WORK ORDER

Owner: Orange Creek, LLC

Date of Order: May 23, 2025

Applicant: Moss Building and Design

Zoning Permit #: 2500013

Address: 15 and 17 W. 11th Street, Front Royal, VA

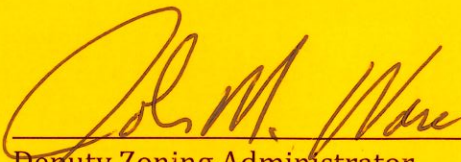
Tax Map No. 20A2-4-43-24A

Construction of Attached Two (2) Family Dwelling

IT IS HEREBY ORDERED pursuant to Town Code 175-134.1.B that all persons immediately cease and desist from and stop work pertaining to the construction of the two (2) family dwelling until the following specified corrective measures have been taken:

1. Town Code 175-24.A Each side yard shall have a minimum setback of ten feet (10').

THESE VIOLATIONS MUST BE CORRECTED prior to continuation of any construction activity.



Deputy Zoning Administrator

Date: 5/23/25

- ☐ OFFICE COPY
- ☒ FIELD COPY
- ☐ OWNER/APPLICANT COPY
- ☐ WARREN COUNTY BUILDING INSPECTIONS/PERMITS