



**BOARD OF ZONING APPEALS
REGULAR MEETING
Monday, November 8, 2021 – 7:00 PM**

**Board Meeting Room
39 Bank Street, SE,
Chatham, Virginia 24531**

AGENDA

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. MOMENT OF SILENCE**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF MINUTES**
 - 1. Minutes 10_14_21
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
- VIII. HEARING OF CITIZENS**

Each person addressing the Board under Hearing of the Citizens shall be a resident or land owner of the County, or the registered agent of such resident or land owner. Each person shall step up, give his/her name and district in an audible tone of voice for the record, and unless further time is granted by the Chairman, shall limit his/her address to three (3) minutes. No person shall be permitted to address the Board more than once during Hearing of the Citizens. All remarks shall be addressed to the Board as a body and not to any individual member thereof. Hearing of the Citizens shall last for a maximum of forty-five (45) minutes. Any individual that is signed up to speak during said section who does not get the opportunity to do so because of the aforementioned time limit, shall be given speaking priority at the next Board meeting. Absent Chairman's approval, no person shall be able to speak who has not signed up.

- IX. CHAIRMAN'S REPORT**

X. PUBLIC HEARING

Pursuant to Article V, Division 7 of the Pittsylvania County Zoning Ordinance, we the Board of Zoning Appeals have been empowered to hear and decide specific applications and appeals in support of said ordinance. In accomplishing this important task we are charged with promoting the health, safety, and general welfare of the citizens of Pittsylvania County. We must insure that all our decisions and recommendations be directed to these goals and that each be consistent with the environment, the comprehensive plan and in the best interest of Pittsylvania County, its citizens and its posterity. Anyone here to speak to the board, other than the applicant, regarding zoning cases will be limited to (3) three minutes.

1. Public Hearing: Case V-21-002 Jessica O'Neal; Requesting a Variance to Section 35-369. MINIMUM YARD DIMENSIONS. (A.) Front Setbacks, and (C.) Rear Setback. (Mease)

XI. ADJOURNMENT



Board of Zoning Appeals

STAFF SUMMARY

Case:	Minutes 10_14_21	District:	
Zoning Request:			
Agenda Date:	November 08, 2021		
Meeting History:			

October 14, 2021
Regular Meeting

**Pittsylvania County Board of Zoning Appeals
Regular Meeting
October 14, 2021**

VIRGINIA: The Regular Meeting of the Pittsylvania County Board of Zoning Appeals was held on October 14, 2021, in the Board Meeting Room, 39 Bank Street, SE, Chatham, Virginia. Chairman R. Allan Easley, called the meeting to order at 7:00 PM. The following members were present:

Attendee Name	Title	Status	Arrived
R. Allan Easley	Chairman	Present	6:38 PM
Ronald E. Merricks	Vice-Chairman	Present	6:40 PM
Ryland Brumfield	Board Member	Present	6:43 PM
Joseph A. Craddock	Board Member	Present	6:39 PM
Ann Deering	Board Member	Present	6:39 PM
Hershel Stone	Board Member	Present	6:42 PM
Carroll Yeaman	Board Member	Present	6:53 PM

APPROVAL OF AGENDA

Upon motion of Mr. Merricks, seconded by Ms. Deering, and by a unanimous vote, the agenda was approved as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ronald E. Merricks, Vice-Chairman
SECONDER:	Ann Deering, Board Member
AYES:	Easley, Merricks, Brumfield, Craddock, Deering, Stone, Yeaman

APPROVAL OF MINUTES

Upon motion of Mr. Stone, seconded by Mr. Merricks, and by a unanimous vote, the minutes were approved as presented.

1. BZA 08_09_2021 Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Hershel Stone, Board Member
SECONDER:	Ronald E. Merricks, Vice-Chairman
AYES:	Easley, Merricks, Brumfield, Craddock, Deering, Stone, Yeaman

OLD BUSINESS

There was no old business.

NEW BUSINESS

There will be one case for a Variance heard in November.

Attachment: Minutes 10_14_2021 (2839 : Minutes 10_14_21)

HEARING OF CITIZENS

No citizens came forward to speak.

CHAIRMAN'S REPORT

Mr. Easley apologized for not having a Board of Zoning Appeals meeting in the month of September due to not quorum not being reached.

PUBLIC HEARING

1. Public Hearing: Case S-21-009 Michael and Cynthia Flanigan; Special Use Permit for the sales, service, and repair of automobiles/public garage

SUBJECT

Requested by Michael and Cynthia Flanigan, for a Special Use Permit the sales, service, and repair of automobiles/public garage. The property is 2.0 acres, located on W I Powell Road, in the Chatham Blairs Election District and shown on the Tap Maps as GPIN # 1492-65-8123.

BACKGROUND/DISCUSSION

The applicants are proposing to operate a public garage on the subject property. Due to the applicant's request to service automobiles, a Special Use Permit for a public garage is required in accordance with Pittsylvania County Code § 35-179. The applicants currently operate a towing and repair business in the City of Danville and have stated that this will not be an expansion of that operation. They will be using an existing structure on the property and plan to primarily restore antique vehicles.

Currently, the property is accessed by a shared driveway that provides access to the subject property and two neighboring properties. A maintenance agreement was signed in 1992 between the property owners stating that the private road could be used for access and the maintenance was to be shared between property owners using the road. This agreement is still in affect and a copy is included in the packet.

DIRECTIONS

The address is 1415 W I Powell Road.

SURROUNDING LAND USE AND ZONING DISTRICTS

Mostly surrounded by A-1, Agricultural District, and R-1, Residential Suburban Subdivision District, zoned properties.

SITE DEVELOPMENT PLAN

An existing building will be used for this operation.

RECOMMENDATION

Staff recommends APPROVAL of Case S-21-009 with the following conditions:

1. This property shall not be used for the sale of automobiles.
2. Repair activities shall be contained within an enclosed structure.

- 3. Inoperable vehicles shall not be stored on the property for longer than two (2) weeks and must be stored in an area screened in accordance with PCC § 35-121.

PLANNING COMMISSION MOTIONS:

- 1. Recommend approval of Case S-21-009 as submitted.
- 2. Recommend approval of Case S-21-009 subject to conditions by staff.
- 3. Recommend approval of Case S-21-009 subject to conditions by the Planning Commission.
- 4. Recommend denial of Case S-21-009 as submitted.

ATTACHMENTS:

- A. Application
- B. Letter of Intent
- C. Executive Summary
- D. Petition
- E. Sign Affidavit
- F. Adjacent Parcel Owners
- G. Road Maintenance Agreement

PLANNING COMMISSION RECOMMENDATION:

On August 3, 2021, the Planning Commission recommended by an 8 to 0 vote, with no opposition, that the petitioners’ request be granted.

The Zoning Precepts were read by Mr. Easley to open the public hearing at approximately 7: 04 pm. Mrs. Ragsdale, Director of Community Development, reported that Mike and Cynthia Flanigan petitioned for a Special Use Permit the sale, service, and repair of automobiles/public garage. The subject property is one (1) parcel of land, a total of 2.0 acres, located at 1415 WI Powell Road, in the Chatham-Blairs Election District and shown on the Tax Maps as GPIN # 1492-65-8123. Mike Flanigan was present to represent the petition. There was no opposition. The Public Hearing closed at 7:05 pm. The Board discussed the petition as the Committee of the Whole. Whereas, Mike and Cynthia Flanigan, have petitioned the Board of Zoning Appeals for a Special Use Permit for the sale, service, and repair of automobiles/public garage and, Whereas, we move the petition for a Special Use Permit be granted with the three (3) conditions recommended by staff.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Hershel Stone, Board Member
SECONDER:	Carroll Yeaman, Board Member
AYES:	Easley, Merricks, Brumfield, Craddock, Deering, Stone, Yeaman

- 2. Public Hearing: Case S-21-010; Roger & Debra Emerson; Special Use Permit for a Private Club

SUBJECT

Requested by Roger and Debra Emerson dba Da Spot, LLC, for a Special Use Permit for a private club. The property is 5.67 acres, located on State Road 750/Whitmell School Road, in the Chatham-Blairs Election District and shown on the Tap Maps as GPIN # 1480-76-0840.

BACKGROUND/DISCUSSION

Attachment: Minutes 10_14_2021 (2839 : Minutes 10_14_21)

The applicants are requesting a Special Use Permit to operate a private motorcycle club on the subject property. The subject property is zoned A-1, Agricultural District. According to Pittsylvania County Code § 35-179, Private Clubs are allowed by Special Use Permit. The club, known as Da Spot, has operated at this location for several years. Staff learned that the property was being used as a private club when members contacted Staff about regulations that might apply to a club event that they were planning to have on the property.

The property is occupied by a structure that was originally used as a single-family dwelling. It is now being used as the clubhouse for a private motorcycle club known as “Da Spot”.

DIRECTIONS

The address is 4953 Whitmell School Road.

SURROUNDING LAND USE AND ZONING DISTRICTS

Mostly surrounded by A-1, Agricultural District, and R-1, Residential Suburban Subdivision District, zoned properties.

SITE DEVELOPMENT PLAN

An existing building will be used for this operation.

RECOMMENDATION

Staff recommends APPROVAL of the request with the following conditions:

1. Any outdoor club events or outdoor music must end by 10:00 p.m. Monday-Thursday and by midnight (12:00 a.m.) Friday-Sunday.
2. Must remain in compliance with the Pittsylvania County Noise Ordinance.

PLANNING COMMISSION MOTIONS:

1. Recommend approval of Case S-21-010 as submitted.
2. Recommend approval of Case S-21-010 subject to conditions by staff.
3. Recommend approval of Case S-21-010 subject to conditions by the Planning Commission.
4. Recommend denial of Case S-21-010 as submitted.

ATTACHMENTS:

- A. Application
- B. Letter of Intent
- C. Executive Summary
- D. Petition
- E. Sign Affidavit
- F. Adjacent Parcel Owners

PLANNING COMMISSION RECOMMENDATION:

On September 7, 2021, the Planning Commission recommended by a 7 to 0 vote, with no opposition, that the petitioner’s request be granted.

Mr. Easley opened the public hearing at approximately 7: 09 pm. Mrs. Ragsdale, Director of Community Development, reported that Roger & Debra Emerson petitioned for a Special Use Permit for a private club. The subject property is one (1) parcel of land, a total of 5.67 acres, located at 4953Whitmell School Road, in the Chatham-Blairs Election District and shown on the Tax Maps as GPIN # 1480-76-0840. James Smith was present to represent the petition. There was no opposition. The Public Hearing closed at 7:11 pm. The Board discussed the petition as the Committee of the Whole. Whereas, Roger & Debra Emerson, have petitioned the Board of Zoning Appeals for a Special Use Permit for a private club, Whereas, we move the petition for a Special Use Permit be granted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald E. Merricks, Vice-Chairman
SECONDER:	Hershel Stone, Board Member
AYES:	Easley, Merricks, Brumfield, Craddock, Deering, Stone, Yeaman

- 3. Public Hearing: Case S-21-11; David Roach; Special Use Permit for a Single-wide Mobile Home

SUBJECT

Requested by David Roach, for a Special Use Permit for a singlewide mobile home. The property is 2.5 acres, located on State Road 2415-42-7472, in the Banister Election District and shown on the Tap Maps as GPIN # 2415-42-7472.

BACKGROUND/DISCUSSION

David Roach is requesting a Special Use Permit to allow for the placement of a single-wide mobile home on his property to be used as his personal residence. PCC § 35-223 requires a Special Use Permit for mobile homes under the R-1 zoning classification. The property is currently vacant. There are other single-wide mobile homes and double-wide mobile homes in the general area. If a Special Use Permit is granted, all applicable setback requirements and Building Code regulations would have to be met before the mobile home could be placed on the property.

FUTURE LAND USE DESIGNATION

The Comprehensive Plan designates the future land use as Medium to High Density Residential.

ZONING OF SURROUNDING PROPERTIES

Mostly surrounded by A-1, Agricultural District, and R-1, Residential Suburban Subdivision District

SITE DEVELOPMENT PLAN

N/A

RECOMMENDATION

Staff recommends APPROVAL of Case S-21-011 as submitted.

PLANNING COMMISSION MOTIONS:

- 1. Recommend approval of Case S-21-011 as submitted.
- 2. Recommend approval of Case S-21-011 subject to conditions by the Planning Commission.
- 3. Recommend denial of Case S-21-011 as submitted.

Attachment: Minutes 10_14_2021 (2839 : Minutes 10_14_21)

ATTACHMENTS:

- A. Application
- B. Map
- C. Letter of Intent
- D. Executive Summary
- E. Petition
- F. Sign Affidavit
- G. Adjacent Parcel Owners

PLANNING COMMISSION RECOMMENDATION:

On September 7, 2021, the Planning Commission recommended by a 7 to 0 vote, with no opposition, that the petitioners' request be granted.

Mr. Easley opened the public hearing at approximately 7: 15 pm. Mrs. Ragsdale, Director of Community Development, reported that David Roach petitioned for a Special Use Permit for placement of a single-wide mobile home to be used as his primary residence. The subject property is one (1) parcel of land, a total of 2.5 acres, located State Road 822/Beverly Heights Road, in the Banister Election District and shown on the Tax Maps as GPIN # 2415-42-7472. David Roach was present to represent the petition. There was no opposition. The Public Hearing closed at 7:16 pm. The Board discussed the petition as the Committee of the Whole. Whereas, David Roach, has petitioned the Board of Zoning Appeals for a Special Use Permit for placement of a single-wide mobile home, Whereas, we move the petition for a Special Use Permit be granted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carroll Yeaman, Board Member
SECONDER:	Ann Deering, Board Member
AYES:	Easley, Merricks, Brumfield, Craddock, Deering, Stone, Yeaman

- 4. Public Hearing: Case S-21-013; Mount Hermon Volunteer Fire & Rescue, Inc.; Special Use Permit for a Cell Tower

SUBJECT

Requested by Mount Hermon Volunteer Fire & Rescue, Inc., for a Special Use Permit for the placement/construction of a cell tower. The property is 3.45 acres, located on State Road 41/Franklin Turnpike, in the Chatham-Blairs Election District and shown on the Tap Maps as GPIN # 2410-37-1640.

BACKGROUND/DISCUSSION

The applicants are requesting a Special Use Permit to allow a cell tower to be constructed on the subject property. The subject property is zoned M-1, Industrial District, Light Industry. According to Pittsylvania County Code § 35-384, Towers are allowed by Special Use Permit. The proposed tower will occupy approximately 0.092 acres and will be approximately 260 feet tall. After the installation of the lightning rod, the total height of the tower will be approximately 266 feet. Parallel Infrastructure is leasing this property from Mount Hermon Volunteer Fire & Rescue and will own the tower. AT&T equipment will be installed once the tower is constructed.

DIRECTIONS

Attachment: Minutes 10_14_2021 (2839 : Minutes 10_14_21)

The address is 4268 Franklin Turnpike.

SURROUNDING LAND USE AND ZONING DISTRICTS

Mostly surrounded by R-1, Residential Suburban Subdivision District, B-1, Business District, Limited, and B-2, Business District, General, zoned properties.

SITE DEVELOPMENT PLAN

Included in the packet.

RECOMMENDATION

Staff recommends APPROVAL of the request.

PLANNING COMMISSION MOTIONS:

1. Recommend approval of Case S-21-013 as submitted.
2. Recommend approval of Case S-21-013 subject to conditions by the Planning Commission.
3. Recommend denial of Case S-21-013 as submitted.

ATTACHMENTS:

- A. Application
- B. Letter of Intent
- C. Executive Summary
- D. Petition
- E. Sign Affidavit
- F. Adjacent Parcel Owners

PLANNING COMMISSION RECOMMENDATION:

On September 7, 2021, the Planning Commission recommended by a 7 to 0 vote, with opposition, that the petitioner's request be granted.

Mr. Easley opened the public hearing at approximately 7: 18 pm. Mrs. Ragsdale, Director of Community Development, reported that Mount Hermon Volunteer Fire & Rescue petitioned for a Special Use Permit for placement/construction of a new cell phone tower to be placed behind the Fire Department. The subject property is one (1) parcel of land, a total of 3.45 acres, located at 4268 Franklin Turnpike, in the Chatham-Blairs Election District and shown on the Tax Maps as GPIN # 2410-37-1640. Kelly Young was present to represent the petition on behalf of Parallel Infrastructure. The new tower height will be 260 feet-266 feet with light, the new tower will enhance coverage with AT & T and offer 5G service. Ed Donahue was present to oppose the petition, stating that the current tower on Hunting Hills Road is sufficient and will not improve coverage for AT & T. He stated that the height of the current SBA tower could be increased (it is currently 190 feet and does not require a light bar) he also stated that the tower could be moved 250 feet, and that a new tower is redundant. T-Mobile and Verizon currently have equipment on the SBA tower as well as AT & T. H.F. Haymore spoke on behalf of Mount Hermon Volunteer Fire Rescue stating that the new tower is needed due to dead spots in our area and stating that residents have needed to leave the site of an accident to get cell coverage to dial 911 to get the call to get through to dispatch. Ms. Young stated that the current tower will not continue to meet the needs of AT & T. SBA has made it difficult for AT & T to maintain and improve service, it is more feasible to construct a new tower. Steven Howard stated that the lease agreement between

SBA & AT & T has expired, AT & T has tried to enter into a new lease agreement, SBA has not. He also states that the area will benefit significantly from the new tower with more coverage. The Public Hearing closed at 7:29. The Board discussed the petition as the Committee of the Whole. Mr. Stone stated that he does not have cell service in his office which is located on Franklin Turnpike, and Mr. Yeaman stated that the tower benefiting the Fire Department is a positive thing. Whereas, Mount Hermon Volunteer Fire & Rescue has petitioned the Board of Zoning Appeals for a Special Use Permit for placement/construction of a new cell phone tower, Whereas, we move the petition for a Special Use Permit be granted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carroll Yeaman, Board Member
SECONDER:	Hershel Stone, Board Member
AYES:	Easley, Merricks, Brumfield, Craddock, Deering, Stone, Yeaman

Adjournment

The meeting was adjourned at 7:32 p.

Attachment: Minutes 10_14_2021 (2839 : Minutes 10_14_21)



Board of Zoning Appeals

STAFF SUMMARY

Case:	Public Hearing: Case V-21-002 Jessica O'Neal	District:	
Zoning Request:	Variance		
Agenda Date:	November 08, 2021		
Meeting History:			

BACKGROUND:

Jessica O'Neal petitioned the Board of Zoning Appeals on November 8, 2021, requesting a Variance to Section 35-226. MINIMUM YARD DIMENSIONS. (A.) Front Setback, of the Pittsylvania County Zoning Ordinance, and (C.) Rear Setback, of the Pittsylvania County Zoning Ordinance, on 0.60 acres, shown on the records as GPIN # 2531-38-1629, located at State Road 641/300 and 336 Spartan Lane, Gretna, VA located in the Callands-Gretna District.

DISCUSSION:

The subject property is currently zoned R-1, Residential Suburban Subdivision District and is occupied by two (2) single-family dwellings that the applicant is requesting to remodel. On March 12, 2021, the applicant entered into a lease agreement with the option to purchase. The applicant met with the Pittsylvania County Code Official to determine what upgrades would be needed for the structures to be habitable. Currently, there is no rear deck or stoop to allow egress from rear of the structures and the stoop allowing ingress to the front will be required to be replaced. A minimum of a 3' x 3' landing is required by the Uniform Statewide Building Code outside of all doors used for ingress and egress. The current structures are approximately ten (10) feet from the rear property line and twenty-eight (28) feet from the front property line.

The Pittsylvania County Code § 35-369 requires a minimum of thirty-five (35) feet, including porches or any, accessory buildings from the edge of the right-of-way, and (C.) Rear Setback, thirty (30) feet, including porches or any accessory buildings, from the structure to the rear property line. In order to meet the USBC, a 3' x 3' rear porch will need to be constructed into the required rear setback, requiring a variance of twenty-three (23) feet. Additionally, the 4' x 4' stoop on the front of each structure will need to be replaced, requiring a variance of seven (7) feet from the required front yard setback.

CRITERA ANALYSIS

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, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability,

1. 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;

The property was acquired in good faith. The hardship claimed by the applicant is due to the size and shape of the property. The property is long and narrow. The houses on the property were constructed prior to the adoption of the Zoning Ordinance in 1991. At some point, the rear porch was removed and the current stoops on the front must be replaced due to significant deterioration. In order to comply with the USBC, a deck or stoop is required on the rear and the one on the front must be replaced. The applicant is only requesting to construct what is required by the USBC. Therefore, this application does meet this criterion.

2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

The property has historically been residential. Allowing the variance will enable the structures to be rehabilitated, reducing the negative impact that dilapidated structures could have on the surrounding properties. Therefore, this application does meet this criterion.

3. 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;

Generally, properties that share this zoning classification can meet the required setbacks. This property cannot due to the narrowness of the lot. If this variance is not granted, the structure will not be able to be rehabilitated. Additionally, the lot does not meet the minimum size requirements for the R-1 zoning classification. If the structures were to be removed, the property would be considered a nonbuildable lot and they could not be replaced. Therefore, this application **does** meet this criterion.

4. 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;

The granting of a variance does not change the zoning classification or allow for a use that is not otherwise permitted. Therefore, this application **does** meet this criterion.

5. 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.

The special exception process does not apply to this situation. An amendment to the Zoning Ordinance is not needed for this situation as the need for this variance is due to

the narrowness of the subject property. Therefore, this application does meet this criterion.

This variance request meets **five (5)** of the **five (5)** criteria needed to grant a variance.

SITE DEVELOPMENT PLAN

N/A

ATTACHMENTS

- A. Application
- B. Map
- C. Letter of Intent
- D. Executive Summary
- E. Petition
- F. Sign Affidavit
- G. Adjacent Parcel Owners

PLANNING COMMISSION RECOMMENDATION

On November 4, 2021, the Planning Commission recommended by a 7 to 0 vote, 1 absent, with no opposition, that the petitioner's request be granted.

STAFF SUMMARY

<p><u>CASE NUMBER:</u> V-21-002</p> <p><u>ZONING</u> R-1</p> <p><u>AGENDA TITLE:</u> A Variance to Section 35-226. MINIMUM YARD DIMENSIONS. (A.) Front Setback, of the Pittsylvania County Zoning Ordinance and (C.) Rear Setback, of the Pittsylvania County Zoning Ordinance.</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Jessica O’Neal is requesting a variance from the required front and rear yard setback.</p> <p><u>DISTRICT</u> Callands-Gretna</p>	<p><u>CYCLE DATE:</u> November 2021</p> <p><u>PLANNING COMMISSION</u> November 4, 2021</p> <p><u>BOARD OF ZONING APPEALS</u> November 8, 2021</p> <p><u>ADVERTISED</u> October 20 & 27, 2021</p> <p><u>REVIEWED BY:</u></p>
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BACKGROUND:

Jessica O’Neal petitioned the Board of Zoning Appeals on November 8, 2021, requesting a Variance to Section 35-226. MINIMUM YARD DIMENSIONS. (A.) Front Setback, of the Pittsylvania County Zoning Ordinance, and (C.) Rear Setback, of the Pittsylvania County Zoning Ordinance, on 0.60 acres, shown on the records as GPIN # 2531-38-1629, located at State Road 641/300 and 336 Spartan Lane, Gretna, VA located in the Callands-Gretna District.

DISCUSSION:

The subject property is currently zoned R-1, Residential Suburban Subdivision District and is occupied by two (2) single-family dwellings that the applicant is requesting to remodel. On March 12, 2021, the applicant entered into a lease agreement with the option to purchase. The applicant met with the Pittsylvania County Code Official to determine what upgrades would be needed for the structures to be habitable. Currently, there is no rear deck or stoop to allow egress from rear of the structures and the stoop allowing ingress to the front will be required to be replaced. A minimum of a 3’ x 3’ landing is required by the Uniform Statewide Building Code outside of all doors used for ingress and egress. The current structures are approximately ten (10) feet from the rear property line and twenty-eight (28) feet from the front property line.

The Pittsylvania County Code § 35-369 requires a minimum of thirty-five (35) feet, including porches or any, accessory buildings from the edge of the right-of-way, and (C.) Rear Setback, thirty (30) feet, including porches or any accessory buildings, from the structure to the rear property line. In order to meet the USBC, a 3’ x 3’ rear porch will need to be constructed into the required rear setback, requiring a variance of twenty-three (23) feet. Additionally, the 4’ x 4’ stoop on the front of each structure will need to be replaced, requiring a variance of seven (7) feet from the required front yard setback.

CRITERA ANALYSIS

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, or alleviate a hardship

Attachment: Case V-21-002 Jessica O’Neal (2838 : Public Hearing: Case V-21-002 Jessica O’Neal)

by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability,

- 1. 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;**

The property was acquired in good faith. The hardship claimed by the applicant is due to the size and shape of the property. The property is long and narrow. The houses on the property were constructed prior to the adoption of the Zoning Ordinance in 1991. At some point, the rear porch was removed and the current stoops on the front must be replaced due to significant deterioration. In order to comply with the USBC, a deck or stoop is required on the rear and the one on the front must be replaced. The applicant is only requesting to construct what is required by the USBC. Therefore, this application does meet this criterion.

- 2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;**

The property has historically been residential. Allowing the variance will enable the structures to be rehabilitated, reducing the negative impact that dilapidated structures could have on the surrounding properties. Therefore, this application does meet this criterion.

- 3. 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;**

Generally, properties that share this zoning classification can meet the required setbacks. This property cannot due to the narrowness of the lot. If this variance is not granted, the structure will not be able to be rehabilitated. Additionally, the lot does not meet the minimum size requirements for the R-1 zoning classification. If the structures were to be removed, the property would be considered a nonbuildable lot and they could not be replaced. Therefore, this application does meet this criterion.

- 4. 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;**

The granting of a variance does not change the zoning classification or allow for a use that is not otherwise permitted. Therefore, this application does meet this criterion.

- 5. 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.**

The special exception process does not apply to this situation. An amendment to the Zoning Ordinance is not needed for this situation as the need for this variance is due to the narrowness of the subject property. Therefore, this application does meet this criterion.

This variance request meets **five (5)** of the **five (5)** criteria needed to grant a variance.

SITE DEVELOPMENT PLAN

N/A

ATTACHMENTS

- A. Application
- B. Map
- C. Letter of Intent
- D. Executive Summary
- E. Petition
- F. Sign Affidavit
- G. Adjacent Parcel Owners

PLANNING COMMISSION RECOMMENDATION

On November 4, 2021, the Planning Commission recommended by a 7 to 0 vote, 1 absent, with no opposition, that the petitioner's request be granted.

Legend

- Assessed Parcels
- Parcels
- Zoning
- Unknown
- A-1 = Agricultural District
- B-1 = Business District, Limited
- B-2 = Business District, General
- C-1 = Conservation District
- DZ = Double Zoned Parcels
- M-1 = Industrial District, Light Industry
- M-2 = Industrial District, Heavy Industry
- MHP = Residential Manuf. Housing Park District
- R-1 = Residential Suburban Subdivision District
- RC-1 = Residential Combined Subdivision District
- RE = Residential Estates District
- RMF = Residential Multi-Family Subdivision District
- RPD = Residential Planned Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary



Title:

Date: 6/21/2022

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Pittsylvania County is not responsible for its accuracy or how current