



**POWHATAN COUNTY
BOARD OF ZONING APPEALS**

Agenda: Regular Meeting

Thursday, April 11, 2019

9:00 AM

Powhatan County Library: Conference Room
2270 Mann Road

1. Call to Order

2. Administrative Items

- a. Roll Call and Determination of a Quorum
- b. Request to Postpone Action/Amend the Agenda
- c. Election of Chair
- d. Election of Vice Chair
- e. Adoption: Rules of Procedure ([p. 2](#))
- f. Approval of Minutes: April 12, 2018 (Regular Meeting) ([p. 6](#))

3. Public Hearings

- a. **19-01-VZ: Morrissette Construction LLC (Macon Magisterial District | District #5: Smiths Crossroads/Pineville/Tobaccoville)** requests a variance of thirty (30) feet from the required seventy-five (75) foot front building setback (minimum front yard depth) within the Agricultural-10 (A-10) zoning district per Sec. 83-160(C) of the Zoning Ordinance of the County of Powhatan. The purpose of the variance is to accommodate construction of a single-family dwelling. The subject property consists of 1.003 acres and is located at Tax Map 35A-2-W-2 (1791 Beech Street) within the Hideaway Lakes subdivision. The Countywide Land Use Plan Map in the 2010 Long-Range Comprehensive Plan designates the subject property as Rural Preservation and Natural Conservation. ([p. 10](#))
- b. **19-02-VZ: Morrissette Construction LLC (Macon Magisterial District | District #5: Smiths Crossroads/Pineville/Tobaccoville)** requests a variance of thirty (30) feet from the required seventy-five (75) foot front building setback (minimum front yard depth) within the Agricultural-10 (A-10) zoning district per Sec. 83-160(C) of the Zoning Ordinance of the County of Powhatan. The purpose of the variance is to accommodate construction of a single-family dwelling. The subject property consists of 0.895 acres and is located at Tax Map 35A-2-S-3 (5675 Blanton Street) within the Hideaway Lakes subdivision. The Countywide Land Use Plan Map in the 2010 Long-Range Comprehensive Plan designates the subject property as Rural Preservation and Natural Conservation. ([p. 30](#))

4. Old Business

None

5. New Business

None

6. Adjourn

RULES OF PROCEDURE
Board of Zoning Appeals
Powhatan County, Virginia
Adopted April 11, 2019

ARTICLE I: BOARD OF ZONING APPEALS ESTABLISHED

The Powhatan County Board of Zoning Appeals (the Board), as set forth in Section 83-121(A) of the Powhatan County Code, has been established in accordance with § 15.2-2308 *et seq.*

A. Membership, Appointment, and Terms of Office

1. General

- a. The Board shall consist of five members, appointed by the Circuit Court.
- b. Members shall be residents of Powhatan County.
- c. Members shall be appointed for five-year, staggered terms.
- d. Members may serve an unlimited number of terms.
- e. Members shall continue to serve until their successors are appointed.
- f. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.
- g. A member may not hold any other public office within Powhatan County except that one member may be a member of the Planning Commission.

B. Powers and Duties

In accordance with § 15.2-2309, VA Code Ann., the Board shall have the following powers and duties:

1. Application Review

To review and decide applications for:

- a. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the Powhatan County Zoning Ordinance or of any ordinance adopted pursuant thereto.
- b. A Variance Permit (Zoning or Floodplain); and
- c. Appeals of the following decisions:
 - i. Decisions of the Zoning Administrator
 - ii. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary;
 - iii. Zoning Compliance Permits;
 - iv. Post-Disaster Temporary Dwelling Permits; and
 - v. Notices of Zoning Violations.

2. Other Powers and Duties

To carry out any other powers and duties delegated to it by the Board of Supervisors, consistent with the Code of Virginia.

ARTICLE II: OFFICERS

1. The Board shall organize and elect a Chair and a Vice-Chair biennially in the month of January, or during the next scheduled meeting of the Board.
2. The Chair shall preside at all meetings and hearings of the Board and shall decide all points of order or procedure. The Chair, or in their absence, the Vice-Chair, may administer oaths and compel the attendance of witnesses.
3. The Zoning Administrator or a designee of the Board shall be the Secretary. A Secretary who is not a member of the Board shall not vote on any matter.

ARTICLE III: GENERAL MEETING RULES

1. The rules contained in Roberts Rules of Order Newly Revised shall be the parliamentary authority in all cases not covered by these Rules of Order.
2. Those persons coming before the Board shall be extended every courtesy by members of the Board. Visitors at Board meetings will be asked to extend the same courtesy. The Chairman of the Board shall determine when the proper courtesies are not being demonstrated.

ARTICLE IV: MEETINGS

1. Regular meetings of the Board shall be held on the second Thursday in each month, as needed, at 9:00 a.m., unless that day falls on a legal holiday, in which case the meeting may be changed at the consensus of the Board.
2. Special meetings may be held at other times as determined necessary by the Board, provided at least 24 hours notice of such meeting is given to each member.
3. A quorum of the Board shall consist of three members of the five-member Board.
4. Hearings shall be open to the public and shall be held by the Board at the Powhatan County Library: Conference Room (2270 Mann Road) or in such other place as the Board may deem necessary.
5. The order of business at all regular meetings of the Board shall be as follows:
 - a. Call to Order
 - b. Roll Call
 - c. Determination of a Quorum
 - d. Administrative Items (including Elections)
 - e. Approval of Minutes of Previous Meeting(s)
 - f. Public Hearings
 - g. Other Business
 - i. Old Business
 - ii. New Business
 - h. Adjournment

ARTICLE V: PROCEDURE FOR HEARING CASES

1. Cases shall be heard in the order in which they appear on the agenda, except a case may be advanced for hearing by order of the Board upon good cause shown.
2. At the hearing, the order shall be as follows:
 - a. Presentation of case and explanation and/or report by Zoning Administrator or their designee.
 - b. Open public hearing
 - i. Statement of applicant or appellant
 - ii. Statements of other persons in favor
 - iii. Statements by those opposed
 - iv. Applicant's rebuttal
 - c. Close public hearing
3. The Chair may prescribe a reasonable time limit for each side to present its case. To maintain orderly procedure, each side shall proceed without interruption by the other. Cross-examination will not be permitted, but questions may be directed to the Chair who may allow limited questioning. The name and address of each person speaking shall be recorded in the minutes.
4. At the time for considering the case, the Chair may call for a motion or if the Board decides that it is not sufficiently informed, it may continue the case and may request further information.
5. The final disposition of any appeal or application shall be in the form of a motion sustaining, reversing, varying or modifying the order, requirement, or determination appealed. The motion shall set forth what variations or modifications are permitted and what conditions, if any, shall be complied with. Said motion shall refer specifically to the applicable provision in the Code of the County of Powhatan and shall set forth facts and findings in the case on which the decision is based, which shall be consistent with the requirements of law.
6. If a motion fails to receive a quorum, the motion has died and the application or appeal will be carried over for another motion until a final disposition is reached. The vote of each member present on each motion shall be recorded with the motion.
7. In any case in which the Board has denied an application, no such application shall be again considered by the Board within one year from the date of such refusal.

ARTICLE VI: REHEARING

1. No rehearing of any decision by the Board shall be had except on motion by a member of the Board who previously voted on the decision, which shall be made not later than the first regular meeting succeeding the meeting at which the motion was acted on; such motion shall be to reconsider the vote, and shall be carried by not less than three affirmative votes.
2. No motion for a rehearing shall be entertained unless new evidence is submitted, which could not reasonably have been presented at the original hearing. In all cases, the request for rehearing shall be in writing, reciting the reasons for the request, and shall be accompanied by the necessary information, including a recitation of all evidence, which could not reasonably have been presented at the original hearing.
3. If a rehearing is granted, the case shall be put on the agenda for a rehearing. The same

procedure as to notices shall be followed as in the original application.

ARTICLE VII: ADVICE

No informal request for advice will be officially considered.

ARTICLE VIII: SUSPENSION OF RULES

These rules may be suspended in whole or in part, only upon the unanimous vote of the entire Board.

ARTICLE IX: AMENDMENTS

These rules may be amended or modified by the affirmative vote of three members of the Board.

ARTICLE X: DISMISSAL OF CASES

Any application, appeal, motion, or rehearing may be dismissed for failure of the applicant to comply with the by-laws or these rules.

ARTICLE XI: JUDICIAL REVIEW

Any action contesting a decision of the Board shall be as provided in Virginia Code § 15.2-2314

April 12, 2018

VIRGINIA: AT A CALLED MEETING OF THE BOARD OF ZONING APPEALS HELD IN THE POWHATAN COUNTY LIBRARY CONFERENCE ROOM, 2270 MANN ROAD IN POWHATAN COUNTY, VIRGINIA, APRIL 12, 2018 AT 9:00 AM

Board Members Present	Carolyn White, Chairman Monte Lewis, Vice Chairman David Bradley
Board Members Absent	None
Staff Members Present	Tom Lacheney, County Attorney Andrew Pompei, Interim Planning Director

1. Call to Order

Mr. Bradley called the meeting to order at 9:00 AM.

2. Election of Chair

Mr. Lewis moved to nominate Ms. White for Chair. Mr. Bradley seconded:

Ms. White, Mr. Lewis, Mr. Bradley voted AYE.

VOTE 3-0
MOTION Passed

3. Election of Vice Chair

Ms. White moved to nominate Mr. Lewis for Vice Chair. Mr. Bradley seconded:

Ms. White, Mr. Lewis, Mr. Bradley voted AYE.

VOTE 3-0
MOTION Passed

4. Adoption: Rules of Procedure

There were no comments or changes to the rules of procedure. Ms. White moved to adopt the rules of procedure as presented. Mr. Lewis seconded.

Ms. White, Mr. Lewis, Mr. Bradley voted AYE.

VOTE 3-0
MOTION Passed

5. Minutes from the September 12, 2013 Meeting

There were no comments, questions, or changes to the minutes. Mr. Lewis moved to approve the minutes as presented. Ms. White seconded.

Ms. White, Mr. Lewis, Mr. Bradley voted AYE.

VOTE 3-0
MOTION Passed

April 12, 2018

6. Request to Postpone Action/Amend the Agenda

There were no comments, questions, or changes to the agenda. Mr. Bradley moved to approve the agenda as presented. Mr. Lewis seconded.

Ms. White, Mr. Lewis, Mr. Bradley voted AYE.

VOTE 3-0
MOTION Passed

7. Public Hearing (Case #18-01-AP)

Case Summary

Appellant: Christopher D. Marsho
Location: 2180 Overlook Road
Owner: Christopher D. and Kismet L. Marsho
Zoning: Agricultural-10 (A-10)
Lot Size: 10.000 +/- acres
Request: Appeal of Determination Made by Zoning Administrator

Case Overview

A property owner has submitted an application appealing a determination made by the Zoning Administrator on January 9, 2018. The Zoning Administrator determined that a structure built on Tax Map Parcel 29-15A (2180 Overlook Road) must be removed, since its location violates standards set forth in Sec. 83-471 (Environmental Protection) of the Zoning Ordinance.

A structure was built over Lake Shawnee, with solar panels installed on its roof. The Zoning Administrator determined that the structure is a platform constructed specifically to support solar panels. Generally, only water-dependent development is permitted within required riparian buffers. Since this structure is not water dependent, it is not permitted over or within 50 feet of Lake Shawnee.

As stated in the letter dated January 9, 2018, the Zoning Administrator determined that the structure is built within required riparian buffers adjacent to Lake Shawnee and its tributaries, violating standards set forth in Sec. 83-471 (Environmental Protection) of the Zoning Ordinance. At this location, required riparian buffers must be at least 50 feet wide. Development within required riparian buffers is generally limited to water-dependent structures [Sec. 83-471(a)(5)]. The Zoning Administrator determined that the structure is not a water-dependent structure, but a platform supporting solar panels.

April 12, 2018

Property/Case History

October 16, 2013	The plat creating the subject property (Tax Map 29-15A) was approved by Powhatan County.
February 19, 2014	The subject property was purchased by the current owners.
2015	Per property records, a single-family dwelling was constructed on the subject property.
June 23, 2017	A building permit application was submitted for a “dock w/ roof and solar panels.”
July 17, 2017	A building permit (#439-2017) was issued for a “dock w/ roof and solar panels.”
December 5, 2017	An initial notice stating the Zoning Administrator’s determination was sent first class mail.
January 9, 2018	A second notice stating the Zoning Administrator’s determination was sent via certified mail and first class mail.
February 7, 2018	Christopher Marsho submitted an application to Powhatan County appealing the determination made by the Zoning Administrator.
April 12, 2018	A public hearing regarding this request is scheduled before the Board of Zoning Appeals.

Discussion and Public Hearing

Ms. White turned the meeting over to Mr. Lachenev for the presentation of Case #18-01-AP.

Mr. Lachenev stated that there are standards within the Powhatan County Zoning Ordinance [Sec. 83-471] regarding the construction of structures within required riparian buffers. Mr. Lachenev stated that the structure constructed on Tax Map Parcel 29-15A is not permitted within the required riparian buffer, as it is not water dependent. Mr. Lachenev requested that the Board uphold the decision made by the Zoning Administrator.

Mr. Kronenthal, a representative of the applicant, stated that the structure has the features of a dock, including a boat launch, boat lift, and water-oriented seating. Mr. Kronenthal requested that the Board reverse the decision made by the Zoning Administrator.

Ms. White opened the public hearing:

- Mr. Barry Watkins (2200 Overlook Road) commented on code enforcement issues within Lake Shawnee.

There being no other speakers, Ms. White closed the public hearing.

Members of the Board of Zoning Appeals asked questions regarding:

- Information provided in the building permit application;
- Usage of the structure; and
- Information provided in the public hearing notice.

Mr. Lewis moved to reverse the decision made by the Zoning Administrator. Mr. Bradley seconded.

Mrs. White, Mr. Lewis, Mr. Bradley voted AYE.

VOTE 3-0
MOTION Passed

April 12, 2018

8. Other Business

None

9. Adjourn

There being no further business, Mrs. White adjourned the meeting at 10:00 AM.

Carolyn White
Chairman

Andrew Pompei
Interim Planning Director/
Zoning Administrator



19-01-VZ

Morrisette Construction, LLC

Request for a Zoning Variance Permit
to Reduce the Minimum Front Yard Depth
in the Agricultural-10 (A-10) Zoning District
from Seventy-Five Feet to Forty-Five Feet
on Tax Map 35A-2-W-2: 1791 Beech Drive

Staff Report Prepared for the Board of Zoning Appeals
April 11, 2019

I. STATUTORY REQUIREMENTS (Code of Virginia §15.2-2204)

Posted Notice	March 14, 2019
Mailed Notice	March 28, 2019
Published Notice in Powhatan Today	March 27, 2019 and April 3, 2019
Public Hearing	April 11, 2019

II. IDENTIFICATION AND LOCATIONAL INFORMATION

Variance Request	Reduction of the Minimum Front Yard Depth in the Agricultural-10 (A-10) Zoning District
Current Standard	75' Minimum
Requested Variance	45' Minimum (30' Reduction)
Existing Zoning	Agricultural-10 (A-10)
Parcel Size	1.003 +/- acres
Parcel ID#	35A-2-W-2
Applicant	Morrisette Construction, LLC
Owner	Morrisette Construction, LLC
Location of Property	Hideaway Lake Subdivision: 1791 Beech Drive
Magisterial District	Macon
2010 Land Use Plan Recommendation	Natural Conservation and Rural Preservation
Zoning of Adjacent Properties	North: Agricultural-10 (A-10) South: Agricultural-10 (A-10) East: Agricultural-10 (A-10) West: Agricultural-10 (A-10)

III. EXECUTIVE SUMMARY

The applicant is requesting a zoning variance permit to reduce the required minimum front yard depth required in the Agricultural-10 (A-10), per Section 83-160 of the Zoning Ordinance of Powhatan County. The applicant is requesting a minimum front yard depth of forty-five (45) feet on Tax Map 35A-2-W-2 [a thirty (30) foot reduction]. The subject property is located at 1791 Beech Drive in the Hideaway Lake subdivision and consists of 1.003 acres.

IV. SUBJECT PROPERTY

The subject property is an irregularly-shaped parcel consisting of 1.003 acres in the Hideaway Lake subdivision. The property is located on the north side of Beech Drive, which is a private, unpaved road with a forty (40) foot wide right-of-way. The road dead-ends immediately after the subject parcel (see Attachment #1).

Hideaway Lake Subdivision

The subject property is located in the Hideaway Lake subdivision, which was originally platted in 1960. At that time, the subdivision consisted of over three-hundred (300) lots situated along fourteen (14) private roads.

Currently, the subdivision consists of just over 200 parcels, most of which have lot areas that are under one (1) acre and remain undeveloped.¹ Some of the private roads remain unconstructed.

Surrounding Uses

A single-family dwelling is currently under construction on the parcel immediately north of the subject property, while the parcel immediately south of the subject property is vacant. The parcel across the street from the subject property contains a single-family dwelling. According to property records, the dwelling was constructed in 1999.

VI. LAND USE ANALYSIS

Current Zoning

The subject property is zoned Agricultural-10 (A-10). Per Section 83-160 of the zoning ordinance, the minimum yard depths for the A-10 zoning district are detailed below:

Table 1: Minimum Yard Depths within the Agricultural-10 (A-10) Zoning District		
Front yard depth, minimum	Along limited access/arterial roads	100 ft.
	Along collector and local roads	75 ft.
Side yard depth, minimum		25 ft.
Rear yard depth, minimum		40 ft.
Corner lot yard depth, minimum		40 ft.

Requested Variance

The applicant is requesting a zoning variance permit to allow a minimum front yard depth of forty-five (45) feet. The minimum front yard depth for parcels located along a local road within the A-10 zoning district is seventy-five (75) feet, so this is a thirty (30) foot reduction from the applicable standards (see Figure 1).



Figure 1

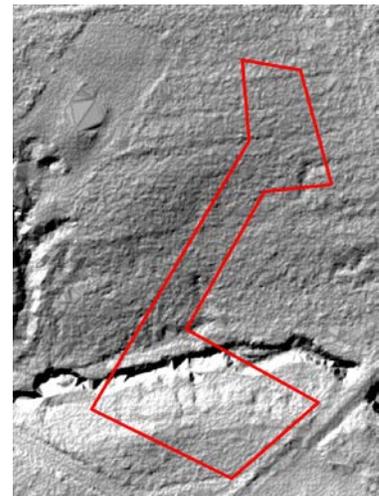
¹ The median lot acreage is approximately 0.2 acres, while the mean lot acreage is approximately 0.7 acres. Information provided by the Commissioner of Revenue indicates that thirty-nine (39) parcels in the Hideaway Lake subdivision have improvements.

Staff Analysis of Applicable Review Standards

Section 83-123(m)(4) of the zoning ordinance lists ten criteria for approval of a requested zoning variance permit. Per Section 83-123(m)(4), a zoning variance permit may be approved if the applicant can demonstrate that *all* of the criteria are met. Below is a summary of the ten criteria, as they relate to this request:

Criterion #1	
Does the requested variance satisfy criterion #1? Yes.	
Criteria	<i>The property for which the variance is requested was acquired in good faith.</i>
Staff Analysis	Information provided by the applicant indicates that the property was acquired in good faith.

Criterion #2	
Does the requested variance satisfy criterion #2? Yes.	
Criteria	<p><i>Strict application of this chapter would produce undue hardship relating to the property—i.e., would effectively prohibit or unreasonably restrict the utilization of the property by reason of:</i></p> <ul style="list-style-type: none"> <i>i. The exceptional narrowness, shallowness, size, or shape of the property at the time of the effective date of this chapter or an amendment thereto;</i> <i>ii. Exceptional topographic conditions or other extraordinary situation or condition of the property; or</i> <i>iii. The condition, situation, or development of other property immediately adjacent to the property.</i>
Staff Analysis	<p>The applicant is requesting a variance from the minimum front yard depth in order to avoid a topographical feature on the property. If the property was developed using the applicable minimum yard standards for the Agricultural-10 (A-10) zoning district, the proposed single-family dwelling would be situated near the edge of a stream that runs across the northern half of the property. The stream has greatly impacted the topography and has created a steep ravine that runs through the property. Few other properties in the subdivision are bisected by a significant stream. The ravine created by the stream is visible in the Digital Terrain Model pictured to the right (Figure 2). Photographs of the stream are also included in Attachment #4.</p> <p>While the shape of the subject parcel is irregular, it is not a significant factor in the applicant’s inability to meet the applicable dimensional standards set forth in the zoning ordinance.</p>



Note: for illustrative purposes only

Figure 2: Digital Terrain Model of topographic conditions surrounding TM 35A-2-W-2.

(Generated from data provided VGIN Geospatial Services.)

Criterion #3	
Does the requested variance satisfy criterion #3? Yes.	
Criteria	<i>The situation or condition producing the hardship is not self-created.</i>
Staff Analysis	The variance is being requested to avoid a natural feature that has impacted the property's topography. Therefore, the hardship is not self-created.

Criterion #4	
Does the requested variance satisfy criterion #4? Yes.	
Criteria	<i>The hardship is not shared generally by other properties in the same zoning district and the same vicinity.</i>
Staff Analysis	<p>The median lot size in the Hideaway Lake subdivision is approximately 0.2 acres. As a result, most lots in the subdivision would require a variance for at least one of the required yards in the Agricultural-10 (A-10) zoning district.</p> <p>In this situation, the lot size is not a factor in the applicant's inability to meet the minimum front yard. The applicant could develop the property in a way that adheres to all of the required setbacks, but doing so would cause the proposed single-family dwelling to be placed in close proximity to the stream that runs through the site.</p> <p>In this situation, the hardship is a result of the property's topography, and topography is not a hardship that is generally shared by other properties in the same vicinity.</p>

Criterion #5	
Does the requested variance satisfy criterion #5? Yes.	
Criteria	<i>The authorization of the variance permit (zoning) alleviates this clearly demonstrated hardship (as distinguished from a special privilege or convenience sought by the applicant).</i>
Staff Analysis	Authorization of the variance permit would allow the applicant to position the proposed single-family dwelling farther away from the stream. This will help protect the integrity of the stream, as well as the dwelling's foundation. The requested variance is not requested for convenience but to ensure the safe development of the property.

Criterion #6	
Does the requested variance satisfy criterion #6? Yes.	
Criteria	<i>The authorization of the variance permit (zoning) is in harmony with the intended spirit and purpose of the ordinance.</i>
Staff Analysis	The minimum front yard requirement for the A-10 zoning district is intended to maintain the county's rural character, minimize the impact of traffic on adjacent dwellings, and accommodate any future roadway improvements. It is not anticipated that the authorization of this variance will negatively impact the intended spirit and purpose of the minimum front yard requirements.

Criterion #7	
Does the requested variance satisfy criterion #7? Yes.	
Criteria	<i>The authorization of the variance permit (zoning) will not be of substantial detriment to adjacent properties.</i>
Staff Analysis	Based on information provided by the applicant, it is not anticipated that the authorization of this variance will be of substantial detriment to adjacent properties. The closest existing single-family dwelling (1786 Beech Drive), which is located across Beech Drive (1786 Beech Drive), was constructed in 1999 with a front yard depth of thirty-five (35) feet (Case #98-13-VZ).

Criterion #8	
Does the requested variance satisfy criterion #8? Yes.	
Criteria	<i>The character of the zoning district in which the land is located will not be changed by the granting of the variance permit (zoning).</i>
Staff Analysis	Based on information provided by the applicant, it is not anticipated that the authorization of this variance will change the character of the Agricultural-10 zoning district. This variance request, if approved, will accommodate limited residential development on the property.

Criterion #9	
Does the requested variance satisfy criterion #9? No.	
Criteria	<i>The condition or situation of the land is not of so general or recurring in nature as to make reasonably practicable the formulation of a regulation or standards to address the condition or situation.</i>
Staff Analysis	<p>The applicant is requesting this variance to construct a single-family dwelling farther away from a topographical feature. This situation is not general or recurring in nature throughout the Hideaway Lake subdivision. Based on GIS data, few lots are bisected by a significant stream or watercourse.</p> <p>However, the median lot size in the Hideaway Lake subdivision is approximately 0.2 acres. As a result, most lots in the subdivision would require a variance for at least one of the required yards in the Agricultural-10 (A-10) zoning district. On a conforming lot in the A-10 zoning district, a stream is unlikely to cause a hardship that would prohibit adherence to the required minimum yard depths (due to its larger size).</p> <p>Therefore, it would be reasonably practicable to formulate a new regulation to better accommodate the smaller lot sizes in the Hideaway Lake subdivision. For example, Powhatan County could create an overlay district and apply it to this area to allow for reduced yard depths. A regulation of this sort would alleviate the hardship in this situation.</p>

Criterion #10	
Does the requested variance satisfy criterion #10? Yes.	
Criteria	<i>The variance permit (zoning) authorized by the BZA is the least possible deviation from the standards necessary to afford relief.</i>
Staff Analysis	Based on information provided by the applicant, the requested variance is the least possible deviation from the applicable minimum front yard depth to afford relief.

Similar Requests

Since 1998, there have been twelve (12) variance cases [affecting twenty-six (26) parcels] in the Hideaway Lake subdivision. All twelve variance applications have requested to modify the minimum required yards, and all but two of them have requested a modification to the minimum required front yard. The most recent variance in the Hideaway Lake subdivision was approved in 2012 (Case #12-01-VZ).

Effect

- *Other Permits Required*

If this request is approved, building permit applications will still need to be submitted and approved prior to construction commencing on the property. Per Sec. 83-123(m)(7), “approval of a variance permit (zoning) authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this chapter and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other permits or development approvals under this chapter . . .”

- *Variance Runs with the Land*

If this request is approved, the variance shall run with the land (and not be affected by changes in ownership). Per Sec. 83-123(m)(8), “a variance permit (zoning), including any conditions of approval, shall run with the land, shall be binding the landowners and their successors and assigns, and shall not be affected by a change in ownership.”

VII. AGENCY REVIEW

Review by County Agencies/Departments	
Building	No comments at this time.
Environment	Based upon the topography of the parcel and the existing drainage pattern identified on the Applicant’s site plan, the dwelling should not be located in such close proximity to the stream.
Public Works	The property is located outside of the County’s Water and Wastewater Service District.
Sheriff	No comments at this time.
Fire	No concerns with this request.
Review by State Agencies/Departments	
Health	No comments received.
Transportation	No concerns with this request.

VIII. PUBLIC INPUT

The Department of Community Development has not received any formal comments regarding this proposal.

IX. STAFF RECOMMENDATION

The Department of Community Development **recommends denial** of this zoning variance permit request, because the request does not meet all of the criteria for approval of a zoning variance permit, as set forth in the Zoning Ordinance of Powhatan County

X. PROPOSED RESOLUTION

In accordance with Section 83-123(m) of the Powhatan County Zoning Ordinance, the Powhatan County Board of Zoning Appeals (*approves / denies / defers*) the zoning variance permit request submitted by Morrissette Construction, LLC to reduce the required minimum front yard depth to forty-five (45) feet on Tax Map 35A-2-W-2.

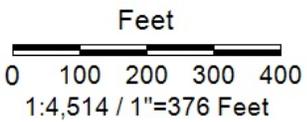
Attachment(s)

1. Vicinity Map
2. Zoning Map
3. USGS Streams
4. Application
5. Site Photos

Powhatan County

Legend

-  County Boundary
-  Places
-  Parcels



Title: 19-01-VZ Vicinity Map

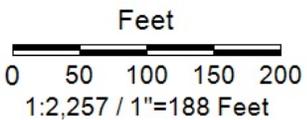
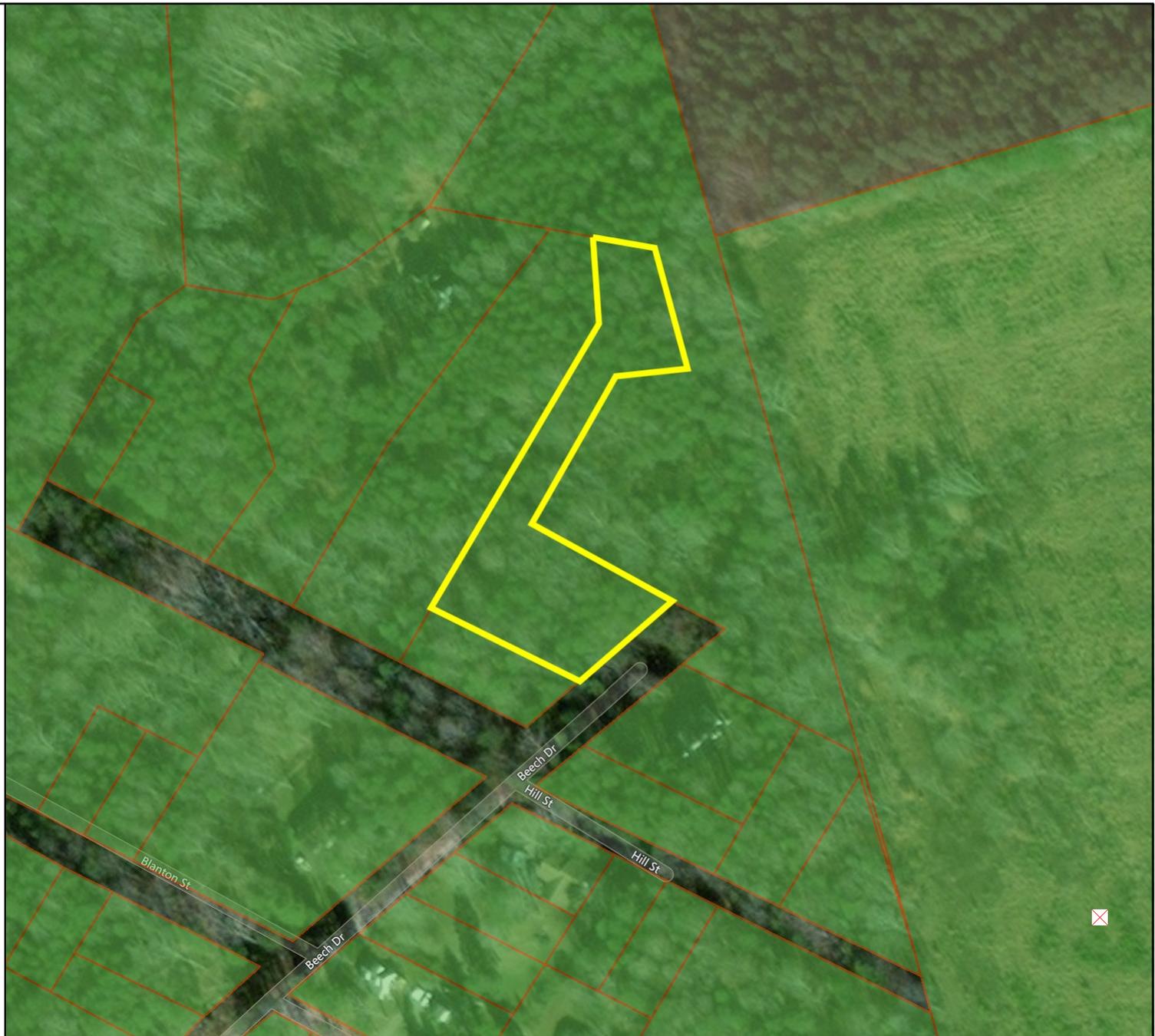
Date: 4/4/2019

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Powhatan County

Legend

- Parcels
- Zoning**
- Agriculture A-10
- Agricultural/Animal Confinement
- Commercial
- Courthouse Square Center
- Industrial - 1
- Industrial - 2
- Mining
- Office
- Residential - 2
- Rural Residential 5
- Residential Commercial
- Residential Utility
- Rural Residential
- Village Center Planned Development
- Village Center



Title: 19-01-VZ Zoning Map

Date: 4/4/2019

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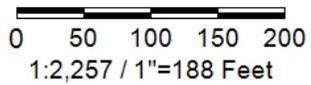
Powhatan County

Legend

- Parcels
- Streams USGS NHD
 - Intermittent
 - Perennial



Feet



Title: 19-01-VZ USGS Streams

Date: 4/4/2019

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The McGurn Company, Inc

Real Estate * Construction * Development



MEMO

To: Ms. Alyson Oliver, CZO – Powhatan, VA

From: Artie McGurn

Date: 4/4/19

Subject: Variance – 19-01-VZ 1791 Beech Street

Morrisette Construction LLC has requested a variance for relief from the 75' front yard setback.

This variance is necessary to allow the residence to be constructed to move forward on the lot due to a drainage ditch that cuts across the south west side of the building envelope. If the 75' front yard setback was enforced, a house to be built with a normal size foot print in this area would be located on the edge of the drainage ditch and with the occurrence of natural erosion the structure would be impacted by the ditch.

The 75' setback requirement was instituted well after the subdivision was of record. This lot meets the requirement for lot square footage and rear and side yard setbacks.

We are requesting the front setback be reduced from 75' to 45' in order for a house to be constructed and proper yard grading to occur outside of the drainage ditch. Without this relief the lot is unbuildable.

The request for a 45' front yard setback is consistent with other front yard setbacks in this neighborhood. Specifically, the residence directly across Beech Street from the subject property has a front yard setback that measures between 38' and 40'.

Kind Regards,

Arthur McGurn
Agent for Morrisette Construction LLC

Post Office Box 08 ~ Manakin.Sabot, Virginia 23103 ~ Phone#: (804) 784.7245 ~ Fax#: (804) 708.9459

POWHATAN COUNTY
APPLICATION FOR A HEARING BEFORE THE BOARD OF ZONING APPEALS
VARIANCE [X] APPEAL []

PLEASE TYPE OR PRINT

Name of Applicant MORRISSETTE CONSTRUCTION LLC Telephone
Address: 15 KING ST. RICHMOND, VA 23222
Owner of Record MORRISSETTE CONSTRUCTION LLC Telephone
Address 15 KING ST. RICHMOND, VA 23222
Tax Map, Section: 35A-2-W-2 Zoning A-10
Existing Use of Property: VACANT
Property Location: SOUTH SIDE OF BLANTON ST. HIDEAWAY LAKE SUBDIVISION
Total Area (Acres/Sq. Ft.) APPROX 1 ACRE 18 SQUARE FT. Magisterial District Macon

VARIANCE

Describe the variance sought in terms of distance and type.
(For example: "A 3.5 foot rear yard variance for an attached two car garage").
A 45' FRONT YARD SET BACK TO ALLOW A 45' DEEP HOUSE INCLUDING FRONT PORCH + REAR DECK TO FIT IN THE BUILDABLE GULL. (THIS IS A 30' VARIANCE REQUEST)
What provision of the Zoning Ordinance is a variance requested?
(For example, "the 40 foot rear yard requirement in the R-2 District").
75' FRONT YARD SETBACK
List the reasons why the variance is being sought. What hardship would occur on your use of the property?
(Please read the attached overview on reasons for approving a variance).
THE CURRENT SETBACK RENDERS THE LOT UNBUILDABLE THE REQUESTED VARIANCE SET BACK ALLOWS A DWELLING TO BE BUILT ON THE PROPERTY.

Case Number: _____

Date Received: _____

STATEMENT FOR VALIDITY OF INFORMATION

Every applicant shall sign the following document to substantiate the validity of submitted information.

State of Virginia
County of Powhatan to wit

I, ARTHUR MCGURN declare that I have familiarized myself with the rules and procedure pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

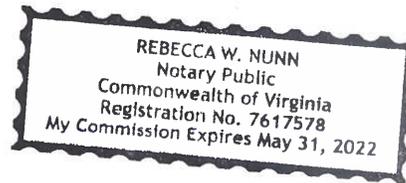
Signed Arthur McGurn

Print Name Arthur McGurn

Subscribed and sworn to before me this 1 day of March, 2019

Notary Public Rebecca Nunn

My Commission Expires 5/31/22



ZONING DISCLOSURE

Both the Code of Virginia and the County Zoning Ordinance allow the County to request full disclosure of ownership in properties subject to this request. To assist us in obtaining this information, please complete this form in full.

Please list below the names and addresses of all owners or parties in interest to this variance request. If additional space is needed please list on the back of this page:

- | <u>NAME</u> | <u>ADDRESS (Include Zip Code)</u> |
|-----------------------------------|-----------------------------------|
| 1) MORISSETTE CONSTRUCTION | |
| 15 KING ST: RICHMOND, VA 23222 | |
| 2) ARTHUR MCGURN | |
| P O BOX 8 MANAKIN SABOT, VA 23103 | |

NOTE: If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all persons must be listed.

I, Arthur McGurn, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for the variance/appeal request for parcel number(s) _____ of tax map number(s) _____ requesting
If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

Arthur McGurn
Signature

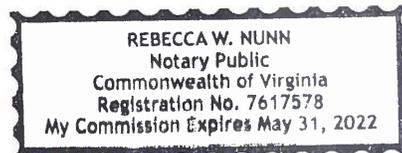
STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day Arthur McGurn personally appeared before me, Rebecca Nunn, a Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Zoning Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 1 day of March, 2019

Rebecca Nunn
Notary Public

My commission expires: 5/31/22



Case Number: _____

Date Received: _____

APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

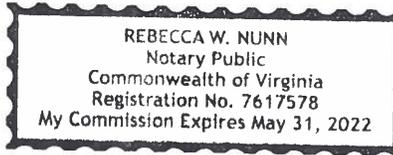
I, Arthur M. Gurn, hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for _____ (Specify type of request – variance or appeal hearing).

Arthur M. Gurn
Applicant's Signature

3/1/19
Date

Subscribed and sworn to before me this 1st day of March, 2019.

Rebecca W. Nunn
Notary Public's Signature



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

Name VICTOR MORRASSETTE Telephone 804 385-4201

Address 15 KING ST: Richmond, VA. 23222

Name _____ Telephone _____

Address _____

Name _____ Telephone _____

Address _____

Name _____ Telephone _____

Address _____

being all of the owner(s) of the property described as County tax map numbers:

and authorized to take such action, do hereby make, constitute and appoint:

2. Name ARTHUR McGUARD Telephone 804-640-1294

Address P.O. Box 8 MANASSAS SPOT, VA 23103

to act as my/our true and lawful attorney-in-fact for and in my/own name, place and stead with full power and authority I/we would have if acting personally to seek rezoning, conditional use, variance, appeal or any other zoning matter, and to set forth and offer such legally acceptable voluntarily proffered conditions (including any additions, amendments, modifications or deletions thereto), or any other agreements or representations that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3.

4. In witness whereof, I/we have hereto set my/our hand and seal this

1 day of March 2019.



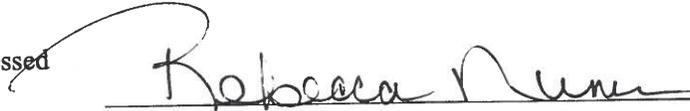
Signature(s)

Signature(s)

Signature(s)

Signature(s)

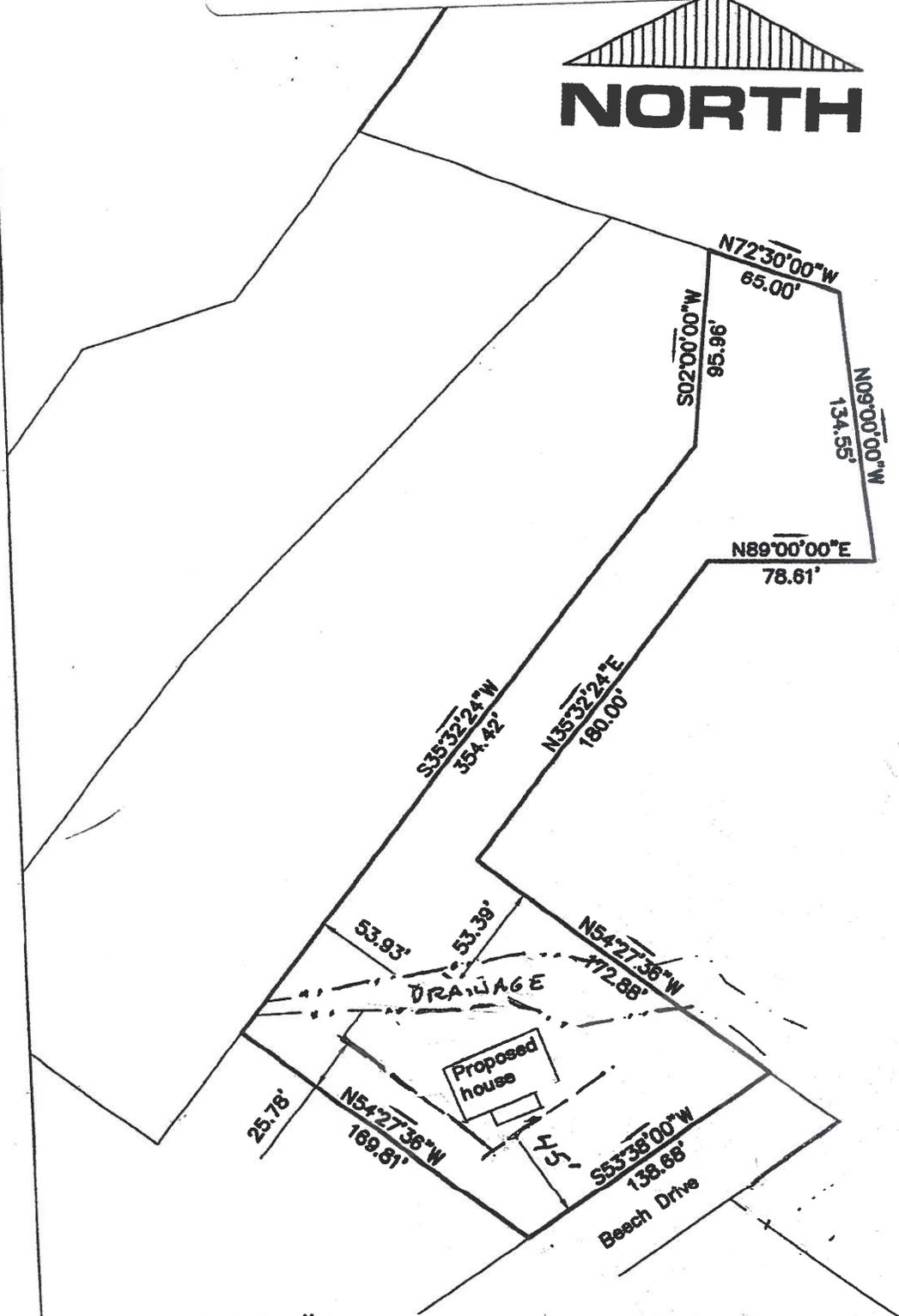
Witnessed
by:



Witnessed
by:

NOTE: This document, with original signatures, shall be filed with the application and become a permanent part thereof.

Proposed Set Back Plat
 Lot 2 Hideaway Lake - 1791 Beech Street

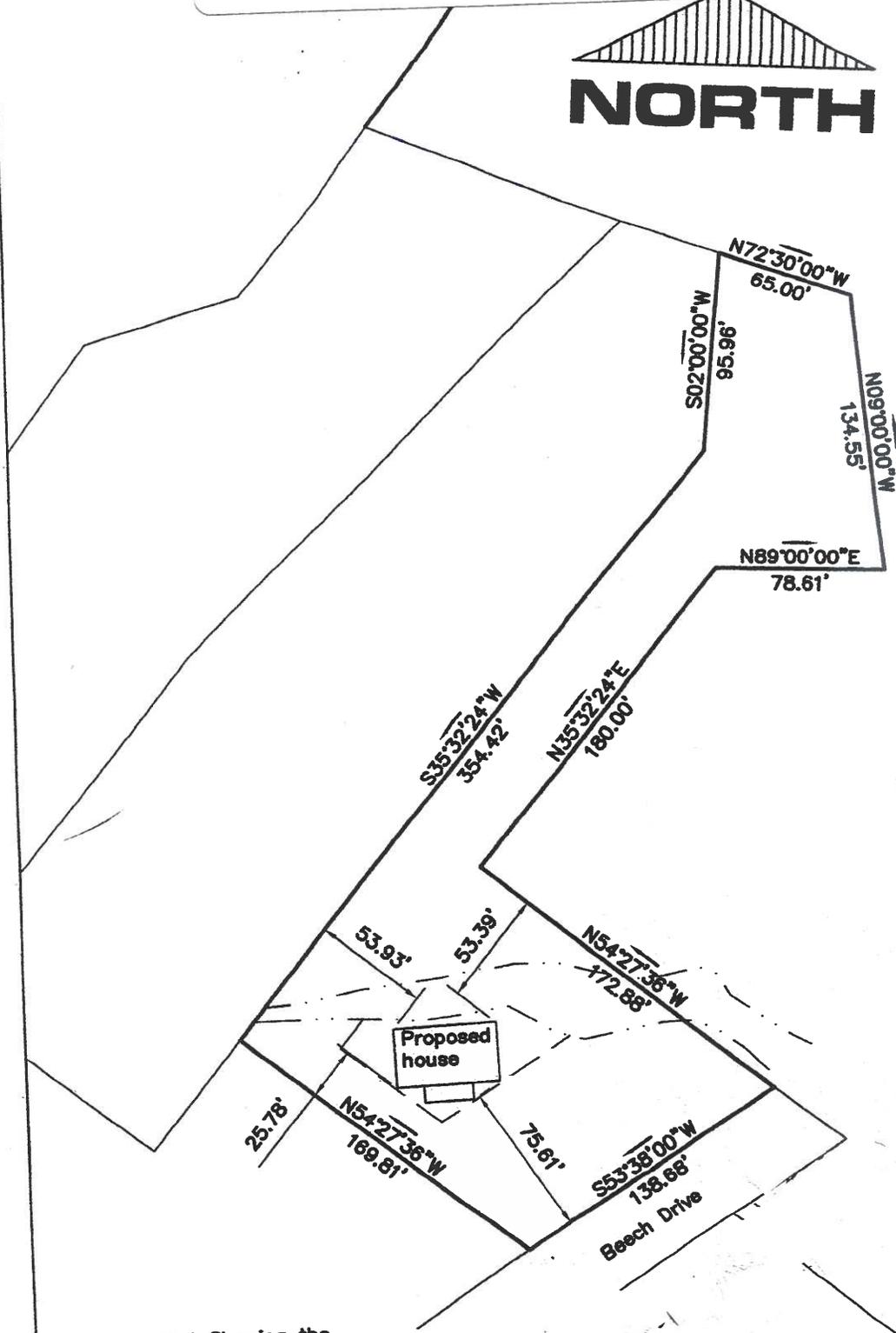


Plat Showing the
 proposed house location
 Hideaway Lake
 1791 Beech Drive
 Pointe Masonry

Macon District
 Powhatan County

C. E. Duncan & Associates, Inc.
 2809 Rocky Oak Road
 POWHATAN, VIRGINIA 23139
 (804) 896-6240 Fax (804) 896-9240
 DATE: 4/3/18 SCALE: 1"=60'
 DRAWN BY: CED JOB NO.: 17-0417

Existing Set Back Plat
 Lot 2 Hideaway Lake - 1791 Beech Street



Plat Showing the
 proposed house location
 Hideaway Lake
 1791 Beech Drive
 Pointe Masonry

Macon District
 Powhatan County

G. E. Dunoon & Associates, Inc.
 2508 Rocky Oak Road
 POWHATAN, VIRGINIA 23139
 (804) 598-6240 Fax: (804) 598-8240
 DATE: 4/3/18 SCALE: 1"=60'
 DRAWN BY: CED JOB NO: 17-0417

Site Photos: 19-01-VZ (Attachment #5)
35A-2-W-2: 1791 Beech Drive

Photo #1



View of Beech Drive from Subject Parcel

Photos #2



Photo #3



Views of Stream on Subject Parcel



19-02-VZ

Morrissette Construction, LLC

Request for a Zoning Variance Permit
to Reduce the Minimum Front Yard Depth
in the Agricultural-10 (A-10) Zoning District
from Seventy-Five Feet to Forty-Five Feet
on Tax Map 35A-2-S-3: 5675 Blanton Street

Staff Report Prepared for the Board of Zoning Appeals
April 11, 2019

I. STATUTORY REQUIREMENTS (Code of Virginia §15.2-2204)

Posted Notice	March 14, 2019
Mailed Notice	March 28, 2019
Published Notice in Powhatan Today	March 27, 2019 and April 3, 2019
Public Hearing	April 11, 2019

II. IDENTIFICATION AND LOCATIONAL INFORMATION

Variance Request	Reduction of the Minimum Front Yard Depth in the Agricultural-10 (A-10) Zoning District
Current Standard	75' Minimum
Requested Variance	45' Minimum (30' Reduction)
Existing Zoning	Agricultural-10 (A-10)
Parcel Size	0.895 +/- acres
Parcel ID#	35A-2-S-3
Applicant	Morrissette Construction, LLC
Owner	Morrissette Construction, LLC
Location of Property	Hideaway Lake Subdivision: 5675 Blanton Street
Magisterial District	Macon
2010 Land Use Plan Recommendation	Natural Conservation and Rural Preservation
Zoning of Adjacent Properties	North: Agricultural-10 (A-10) South: Agricultural-10 (A-10) East: Agricultural-10 (A-10) West: Agricultural-10 (A-10)

III. EXECUTIVE SUMMARY

The applicant is requesting a zoning variance permit to reduce the required minimum front yard depth required in the Agricultural-10 (A-10), per Section 83-160 of the Zoning Ordinance of Powhatan County. The applicant is requesting a minimum front yard depth of forty-five (45) feet on Tax Map 35A-2-S-3 [a thirty (30) foot reduction]. The subject property is located at 5675 Blanton Street in the Hideaway Lake subdivision and consists of 0.895 acres.

IV. SUBJECT PROPERTY

The subject property is a parcel consisting of 0.895 acres in the Hideaway Lake subdivision. The property is located on the south side of Blanton Street, which is a private, unpaved road with a right-of-way forty (40) feet wide. The road dead-ends immediately after the subject parcel (see Attachment #1).

Hideaway Lake Subdivision

The subject property is located in the Hideaway Lake subdivision, which was originally platted in 1960. At that time, the subdivision consisted of over three-hundred (300) lots situated along fourteen (14) private roads.

Currently, the subdivision consists of just over 200 parcels, most of which have lot areas that are under one (1) acre and remain undeveloped.¹ Some of the private roads remain unconstructed.

Surrounding Uses

The properties immediately adjacent to the subject parcel are undeveloped. There is a single-family dwelling located approximately two-hundred fifty (250) feet away, at the corner of Blanton Street and Beech Drive.

VI. LAND USE ANALYSIS

Current Zoning

The subject property is zoned Agricultural-10 (A-10). Per Section 83-160 of the zoning ordinance, the minimum yard depths for the A-10 zoning district are detailed below:

Table 1: Minimum Yard Depths within the Agricultural-10 (A-10) Zoning District		
Front yard depth, minimum	Along limited access/arterial roads	100 ft.
	Along collector and local roads	75 ft.
Side yard depth, minimum		25 ft.
Rear yard depth, minimum		40 ft.
Corner lot yard depth, minimum		40 ft.

Requested Variance

The applicant is requesting a zoning variance permit to allow a minimum front yard depth of forty-five (45) feet. The minimum front yard depth for parcels located along a local road within the A-10 zoning district is seventy-five (75) feet, so this is a thirty (30) foot reduction from the applicable standards (see Figure 1).

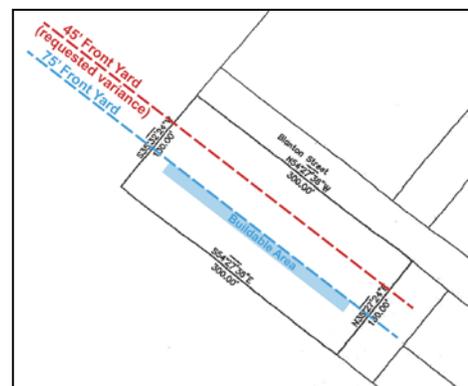


Figure 1

¹ The median lot acreage is approximately 0.2 acres, while the mean lot acreage is approximately 0.7 acres. Information provided by the Commissioner of Revenue indicates that thirty-nine (39) parcels in the Hideaway Lake subdivision have improvements.

Staff Analysis of Applicable Review Standards

Section 83-123(m)(4) of the zoning ordinance lists ten criteria for approval of a requested zoning variance permit. Per Section 83-123(m)(4), a zoning variance permit may be approved if the applicant can demonstrate that *all* of the criteria are met. Below is a summary of the ten criteria, as they relate to this request:

Criterion #1	
Does the requested variance satisfy criterion #1? Yes.	
Criteria	<i>The property for which the variance is requested was acquired in good faith.</i>
Staff Analysis	Information provided by the applicant indicates that the property was acquired in good faith.

Criterion #2	
Does the requested variance satisfy criterion #2? No.	
Criteria	<p><i>Strict application of this chapter would produce undue hardship relating to the property—i.e., would effectively prohibit or unreasonably restrict the utilization of the property by reason of:</i></p> <ul style="list-style-type: none"> <i>i. The exceptional narrowness, shallowness, size, or shape of the property at the time of the effective date of this chapter or an amendment thereto;</i> <i>ii. Exceptional topographic conditions or other extraordinary situation or condition of the property; or</i> <i>iii. The condition, situation, or development of other property immediately adjacent to the property.</i>
Staff Analysis	The strict application of the Zoning Ordinance of Powhatan County does not unreasonably restrict the utilization of the property. The subject parcel is not any shallower than other lots in the same vicinity, and the front and rear setbacks do not overlap. Additionally, the subject parcel is three hundred (300) feet in length, which is significantly longer than other nearby parcels. After all of the setbacks are applied, the subject parcel has approximately 5,130 square feet of buildable area (19 feet by 270 feet). This is a reasonable amount of area in which a single-family dwelling could be developed.

Criterion #3	
Does the requested variance satisfy criterion #3? No.	
Criteria	<i>The situation or condition producing the hardship is not self-created.</i>
Staff Analysis	The situation producing the hardship is self-created. Currently, a dwelling nineteen (19) feet deep could be constructed within 5,130 square feet of buildable area. The applicant is requesting the variance to allow a larger dwelling to be constructed on the property. Plans to construct a dwelling with a depth greater than nineteen (19) feet is a preference and not a hardship.

Criterion #4	
Does the requested variance satisfy criterion #4? No.	
Criteria	<i>The hardship is not shared generally by other properties in the same zoning district and the same vicinity.</i>
Staff Analysis	Other properties in the same vicinity (the Hideaway Lake subdivision) have similar lot depths, and therefore share similar hardships. The median lot size in the Hideaway Lake subdivision is approximately 0.2 acres. As a result, most lots in the subdivision would require a variance for at least one of the required yards in the Agricultural-10 (A-10) zoning district.

Criterion #5	
Does the requested variance satisfy criterion #5? No.	
Criteria	<i>The authorization of the variance permit (zoning) alleviates this clearly demonstrated hardship (as distinguished from a special privilege or convenience sought by the applicant).</i>
Staff Analysis	The authorization of this variance permit does not alleviate a clearly demonstrated hardship. Currently, a dwelling nineteen (19) feet deep could be constructed within 5,130 square feet of buildable area. The applicant is requesting the variance to allow a larger dwelling to be constructed on the property. Approval of this variance to allow the applicant to construct a dwelling with a depth greater than nineteen (19) feet does not alleviate a demonstrated hardship, but rather offers a convenience to the applicant.

Criterion #6	
Does the requested variance satisfy criterion #6? Yes.	
Criteria	<i>The authorization of the variance permit (zoning) is in harmony with the intended spirit and purpose of the ordinance.</i>
Staff Analysis	The minimum front yard requirement for the A-10 zoning district is intended to maintain the county's rural character, minimize the impact of traffic on adjacent dwellings, and accommodate any future roadway improvements. It is not anticipated that the authorization of this variance will negatively impact the intended spirit and purpose of the minimum front yard requirements.

Criterion #7	
Does the requested variance satisfy criterion #7? Yes.	
Criteria	<i>The authorization of the variance permit (zoning) will not be of substantial detriment to adjacent properties.</i>
Staff Analysis	Based on information provided by the applicant, it is not anticipated that the authorization of this variance will be of substantial detriment to adjacent properties.

Criterion #8	
Does the requested variance satisfy criterion #8? Yes.	
Criteria	<i>The character of the zoning district in which the land is located will not be changed by the granting of the variance permit (zoning).</i>
Staff Analysis	Based on information provided by the applicant, it is not anticipated that the authorization of this variance will change the character of the Agricultural-10 zoning district. This variance request, if approved, will accommodate limited residential development on the property.

Criterion #9	
Does the requested variance satisfy criterion #9? No.	
Criteria	<i>The condition or situation of the land is not of so general or recurring in nature as to make reasonably practicable the formulation of a regulation or standards to address the condition or situation.</i>
Staff Analysis	The median lot size in the Hideaway Lake subdivision is approximately 0.2 acres. As a result, most lots in the subdivision would require a variance for at least one of the required yards in the Agricultural-10 (A-10) zoning district. Therefore, it would be reasonably practicable to formulate a new regulation to address this situation, as well as other similar situations, in the Hideaway Lake subdivision. For example, Powhatan County could create an overlay district and apply it to this area to allow for reduced yard depths.

Criterion #10	
Does the requested variance satisfy criterion #10? No.	
Criteria	<i>The variance permit (zoning) authorized by the BZA is the least possible deviation from the standards necessary to afford relief.</i>
Staff Analysis	The requested variance is not the least possible deviation from the standards necessary to afford relief. Currently, a nineteen (19) foot deep dwelling could be constructed within 5,130 square feet of buildable area. In this scenario, no deviation from the standards is needed to construct a viable dwelling.

Similar Requests

Since 1998, there have been twelve (12) variance cases (affecting twenty-six (26) parcels) in the Hideaway Lake subdivision. All twelve variance applications have requested to modify the minimum required yards, and all but two of them have requested a modification to the minimum required front yard. The most recent variance in the Hideaway Lake subdivision was approved in 2012 (Case #12-01-VZ).

Effect

- *Other Permits Required*

If this request is approved, building permit applications will still need to be submitted and approved prior to construction commencing on the property. Per Sec. 83-123(m)(7), “approval of a variance permit (zoning) authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this chapter and any other applicable laws, and does not indicate that

the development for which the variance is granted should receive other permits or development approvals under this chapter . . .”

- *Variance Runs with the Land*

If this request is approved, the variance shall run with the land (and not be affected by changes in ownership). Per Sec. 83-123(m)(8), “a variance permit (zoning), including any conditions of approval, shall run with the land, shall be binding the landowners and their successors and assigns, and shall not be affected by a change in ownership.”

VII. AGENCY REVIEW

Review by County Agencies/Departments	
Building	No comments at this time.
Environment	No concerns with this request.
Public Works	The property is located outside of the County’s Water and Wastewater Service District.
Sheriff	No comments at this time.
Fire	No concerns with this request.
Review by State Agencies/Departments	
Health	No comments received.
Transportation	No concerns with this request.

VIII. PUBLIC INPUT

The Department of Community Development has not received any formal comments regarding this proposal.

IX. STAFF RECOMMENDATION

The Department of Community Development **recommends denial** of this zoning variance permit, because the request does not meet all of the criteria for approval of a zoning variance permit, as set forth in the Zoning Ordinance of Powhatan County.

X. PROPOSED RESOLUTION

In accordance with Section 83-123(m) of the Powhatan County Zoning Ordinance, the Powhatan County Board of Zoning Appeals (*approves / denies / defers*) the zoning variance permit request submitted by Morrissette Construction, LLC to reduce the required minimum front yard depth to forty-five (45) feet on Tax Map 35A-2-S-3.

Attachment(s)

1. Vicinity Map
2. Zoning Map
3. Application
4. Site Photos

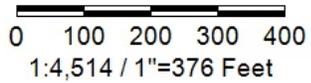
Powhatan County

Legend

-  County Boundary
-  Places
-  Parcels



Feet



Title: 19-02-VZ Vicinity Map

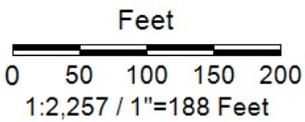
Date: 4/4/2019

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Powhatan County

Legend

- Parcels
- Zoning**
- Agriculture A-10
- Agricultural/Animal Confinement
- Commercial
- Courthouse Square Center
- Industrial - 1
- Industrial - 2
- Mining
- Office
- Residential - 2
- Rural Residential 5
- Residential Commercial
- Residential Utility
- Rural Residential
- Village Center Planned Development
- Village Center



Title: 19-02-VZ Zoning Map

Date: 4/4/2019

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The McGurn Company, Inc

Real Estate * Construction * Development



MEMO

To: Ms. Alyson Oliver, CZO – Powhatan, VA

From: Artie McGurn

Date: 4/4/19

Subject: Variance – 19-02-VZ 5675 Blanton Street

Morrisette Construction LLC has requested a variance for relief from the 75' front yard setback.

The current front and rear yard setback if enforced will allow only a 19' deep house to be constructed on the property. This size building envelope prohibits the construction of a reasonable size house and footprint that is common in this neighborhood.

The 75' setback requirement was instituted well after the subdivision was of record. This lot meets the requirement for lot square footage and rear and side yard setbacks.

We are requesting the front setback be reduced from 75' to 45' allow house construction and grading work.

The request for a 45' front yard setback is consistent with the front yard setbacks of the other houses in this neighborhood.

Kind Regards,

Arthur McGurn
Agent for Morrisette Construction LLC

Case Number: 19-02-VZ

Date Received: 3/1/19

POWHATAN COUNTY
APPLICATION FOR A HEARING BEFORE THE BOARD OF ZONING APPEALS
VARIANCE APPEAL

PLEASE TYPE OR PRINT

Name of Applicant MORRISSETTE CONSTRUCTION LLC Telephone _____

Address: 15 KING ST RICHMOND, VA 23222

Owner of Record MORRISSETTE CONSTRUCTION LLC Telephone _____

Address 15 KING ST RICHMOND, VA 23222

Tax Map, Section: 35A-2-5-3 Zoning A-10

Existing Use of Property: VACANT

Property Location: 5675 BLANTON ST LOT 3 HIDEAWAY LAKE SUBDIVISION

(Example: "West side of US Rt. 60 Approx. 100' South of Rt. 635")

Total Area (Acres/Sq. Ft.) 0.90 AWC Magisterial District MACON

VARIANCE

Describe the variance sought in terms of distance and type.

(For example: "A 3.5 foot rear yard variance for an attached two car garage").

A 45' FRONT YARD SETBACK TO ALLOW A 45' DEEPOUSE INCLUDING FRONT PORCH & REAR DECK TO FIT IN THE BUILDABLE AREA. (THIS IS A 30' VARIANCE REQUEST)

What provision of the Zoning Ordinance is a variance requested?

(For example, "the 40 foot rear yard requirement in the R-2 District").

75' FRONT YARD SETBACK.

List the reasons why the variance is being sought. What hardship would occur on your use of the property?

(Please read the attached overview on reasons for approving a variance).

THE CURRENT FRONT YARD SETBACK RENDERS

THE LOT UNBUILDABLE. THE REQUESTED VARIANCE

SETBACK ALLOWS A HOUSE TO BE BUILT ON THE

PROPERTY.

Case Number: _____

Date Received: _____

STATEMENT FOR VALIDITY OF INFORMATION

Every applicant shall sign the following document to substantiate the validity of submitted information.

State of Virginia
County of Powhatan to wit

I, ARTHUR M. GUNN declare that I have familiarized myself with the rules and procedure pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

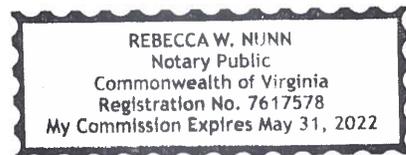
Signed Arthur M. Gunn

Print Name Arthur M. Gunn

Subscribed and sworn to before me this 1st day of March, 2019

Notary Public Rebecca Nunn

My Commission Expires 5/31/22



ZONING DISCLOSURE

Both the Code of Virginia and the County Zoning Ordinance allow the County to request full disclosure of ownership in properties subject to this request. To assist us in obtaining this information, please complete this form in full.

Please list below the names and addresses of all owners or parties in interest to this variance request. If additional space is needed please list on the back of this page:

NAME

ADDRESS (Include Zip Code)

- 1) Morrisette Construction
15 King St. Richmond, VA 23222
- 2) Arthur McGee
P.O. Box 8 Manakin Sabor, VA 23103

NOTE: If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all persons must be listed.

I, Arthur McGee, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for the variance/appeal request for parcel number(s) _____ of tax map number(s) _____ requesting
If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

Arthur McGee
Signature

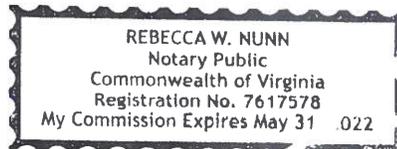
STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day Arthur McGee personally appeared before me, Rebecca Nunn, a Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Zoning Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 1 day of March 2019

Rebecca Nunn
Notary Public

My commission expires: 5/31/22



Case Number: _____

Date Received: _____

APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

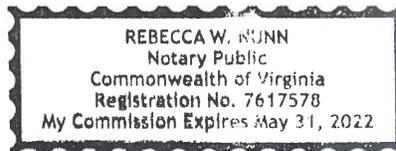
I, Arthur M. Gurn, hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for _____ (Specify type of request – variance or appeal hearing).

Arthur M. Gurn
Applicant's Signature

3/1/19
Date

Subscribed and sworn to before me this 1st day of March, 2019.

Rebecca W. Nunn
Notary Public's Signature



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

Name VICTOR MORASSETTE Telephone 804-385-4201
Address 15 KING ST: Richmond, VA. 23222
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____

being all of the owner(s) of the property described as County tax map numbers:

and authorized to take such action, do hereby make, constitute and appoint:

2. Name ARTHUR McCOY Telephone 804-640-1294
Address P.O. Box 8 Manakin Soto, VA 23103

to act as my/our true and lawful attorney-in-fact for and in my/own name, place and stead with full power and authority I/we would have if acting personally to seek rezoning, conditional use, variance, appeal or any other zoning matter, and to set forth and offer such legally acceptable voluntarily proffered conditions (including any additions, amendments, modifications or deletions thereto), or any other agreements or representations that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3. _____

4. In witness whereof, I/we have hereto set my/our hand and seal this

1 day of March 2019.



Signature(s)

Signature(s)

Signature(s)

Signature(s)

Witnessed
by:

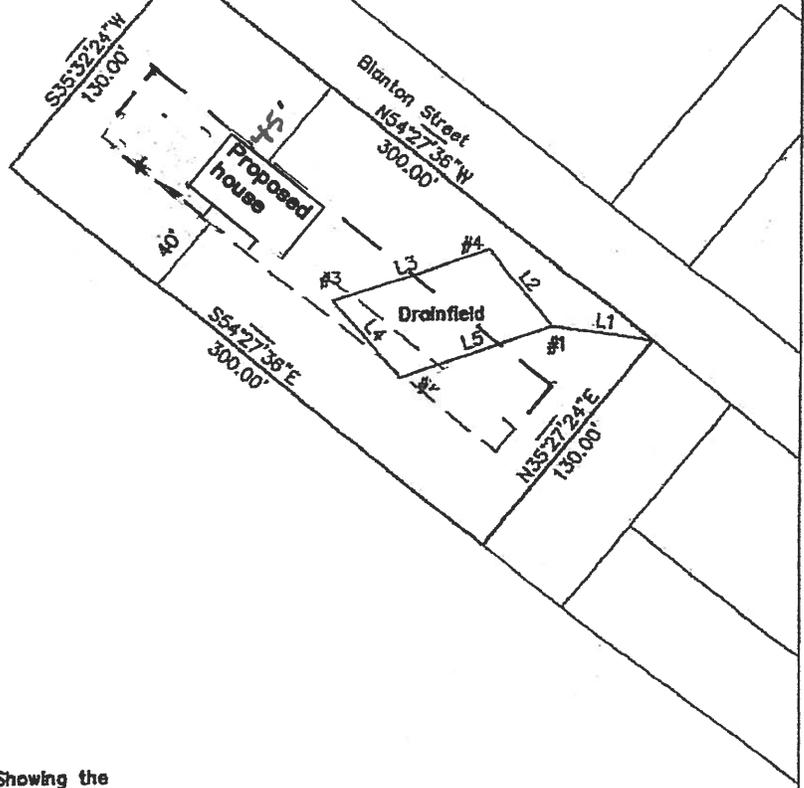


Witnessed
by:

NOTE: This document, with original signatures, shall be filed with the application and become a permanent part thereof.

Proposed Set Back Plat
 Lot 3 Hideaway Lake - 5675 Blanton St.

DRAINFIELD LINE TABLE		
LINE	LENGTH	BEARING
L1	49.73	S85°19'10"E
L2	50.43	N41°53'06"W
L3	80.43	S67°04'26"W
L4	50.31	S45°04'35"E
L5	77.86	N87°53'12"E



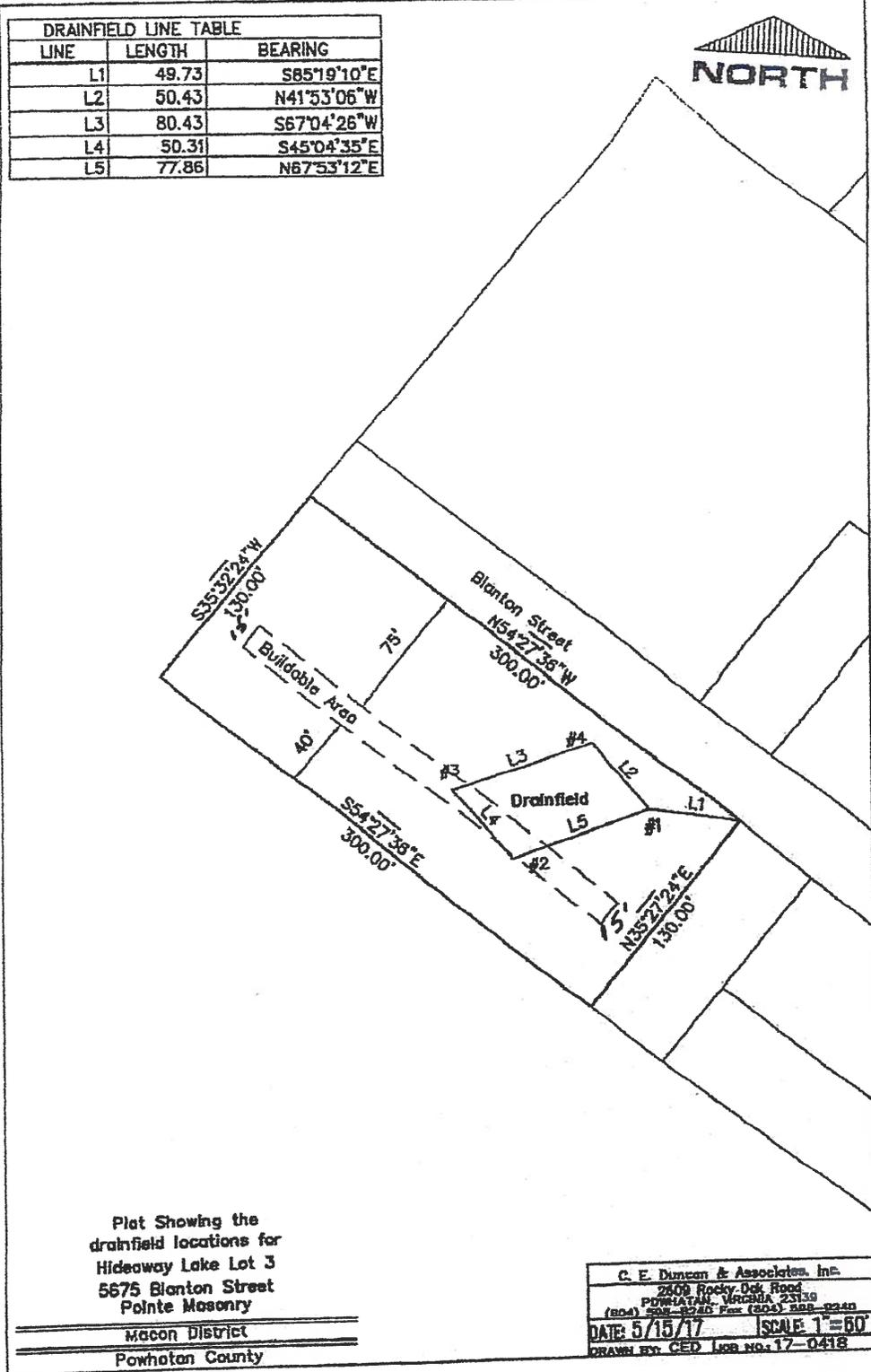
Plat Showing the
 drainfield locations for
 Hideaway Lake Lot 3
 5675 Blanton Street
 Pointe Masonry

Macon District
 Powhatan County

C. E. Duncan & Associates, Inc.
 2509 Rocky Oak Road
 POWHATAN, VIRGINIA, 23139
 (804) 598-8240 Fax (804) 598-8240
 DATE: 5/15/17 SCALE: 1"=60'
 DRAWN BY: CED LCB NO. 17-0418

Page 12 of 12

Existing Set Back Plat
 Lot 3 Hideaway Lake - 5675 Blanton St.



Page 12 of 12

Site Photos: 19-02-VZ (Attachment #4)
35A-2-S-3: 5675 Blanton Street

Photo #1



View of Blanton Street from Subject Parcel

Photos #2



Photo #3



Existing Conditions of Subject Parcel

Board of Supervisors
Angela Y. Cabell, Chairman
William E. Melton, Vice Chairman
Laurence J. Nordvig
Carson L. Tucker
David T. Williams



Planning Director
Andrew J. Pompei, CZA, AICP

The County Of
Powhatan

TO: Board of Zoning Appeals
FROM: Andrew J. Pompei, Planning Director
DATE: April 8, 2019
SUBJECT: Case #19-02-VZ (Staff Report Correction)

The staff report for Case #19-02-VZ (Morrissette Construction, LLC), which was issued on April 4, 2019, incorrectly stated the buildable area of the parcel subject to the requested variance (Tax Map 35A-2-S-3). In the staff report, the buildable area is referenced as being 19 feet deep and 270 feet long (5,130 square feet). Upon further review, the existing buildable area on the parcel is actually 15 feet by 270 feet (4,050 square feet).

While the decreased depth of the buildable area may present a more significant hardship to the applicant, the recommendation listed in the staff report remains unchanged. After additional review, the requested variance still does not satisfy the following criteria:

Criterion #4: *The hardship is not shared generally by other properties in the same zoning district and the same vicinity.*

Staff Analysis: Other properties in the same vicinity (the Hideaway Lake subdivision) have similar lot depths, and therefore share similar hardships. The median lot size in the Hideaway Lake subdivision is approximately 0.2 acres. As a result, most lots in the subdivision would require a variance for at least one of the required yards in the Agricultural-10 (A-10) zoning district.

Criterion #9: *The condition or situation of the land is not of so general or recurring in nature as to make reasonably practicable the formulation of a regulation or standards to address the condition or situation.*

Staff Analysis: The median lot size in the Hideaway Lake subdivision is approximately 0.2 acres. As a result, most lots in the subdivision would require a variance for at least one of the required yards in the Agricultural-10 (A-10) zoning district.

Therefore, it would be reasonably practicable to formulate a new regulation to address this situation, as well as other similar situations, in the Hideaway Lake subdivision. For example, Powhatan County could create an overlay district and apply it to this area to allow for reduced yard depths.

Criterion #10: *The variance permit (zoning) authorized by the BZA is the least possible deviation from the standards necessary to afford relief.*

Staff Analysis: The requested variance is not the least possible deviation from the standards necessary to afford relief. The requested variances would create an area 45' deep within which a dwelling could be constructed. The Department of Community Development would request that any variance be the least possible deviation needed to construct a viable dwelling.