



TOWN OF WARRENTON

Community Development Department

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STAFF REPORT

August 1, 2023

Property Owner:	Travis and Jordyn Simoes Living Trust
Applicants:	Travis A. Simoes & Jordyn V. Simoes, Trustees
Application #	BZA #2023-2
Location:	576 Galina Way
PIN:	6983-79-2716-000
Acreage:	0.3785 Acres (16,489 square feet)
Zoning	Residential R-15
Comprehensive Plan Designation:	Low Density Residential
Land Use:	Residential - Single Family Detached
Request:	The Applicant is seeking approval of a Variance from Zoning Ordinance Article 2-19, to allow the construction of a fence greater than four feet in height within a front setback.
Recommendation:	Staff recommends that the Board of Zoning Appeals deny the variance request, as the applicant has not proven, by a preponderance of the evidence, that the four-foot high fence height limitation within the front yard setback area unreasonably restricts the utilization of the property as a single family residence; that granting a variance to increase the fence height to six feet would not alleviate a hardship due to the physical condition of the property or improvements thereon at the time of the effective date of the Ordinance; and a text amendment to the Ordinance has already been adopted by Town Council to address the issue of fence height within the secondary front yard setback on corner lots.

PROCESS

On June 6, 2023 the Board of Zoning Appeals held a public hearing for the requested variance, where members reviewed the application materials and heard testimony from the Applicant, Mr.

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Travis Simoes. Upon completion, the Board moved to close the public hearing, and defer action until the August 1, 2023 meeting so that the Applicant could provide additional information to support the requested variance.

Following this meeting, the Applicant submitted a sight distance profile of the intersection located at Galina Way and Meadowview Lane via email on July 17, 2023; a copy of this survey has been provided as **Attachment J – Line of Sight Survey**. The survey, certified by John Foster, L.S. on July 10, 2023, depicts the proposed location of the six foot tall fence along Meadowview Lane, as well as the line of sight from the Galina Way, extending 280 feet along Meadowview Lane. The line of sight survey shows that the proposed six foot tall fence does not restrict view of oncoming traffic to the intersection.

STAFF RECCOMENDATION

Staff recommendation of denial has not changed from the initial June 6, 2023 meeting, as:

Per Ordinance Section 11-3.11.1 *Variances Authorized*:

1. The provision of the permitted four-foot-high fence within the secondary front yard setback, instead of the requested six-foot-high fence, does not unreasonably restrict the use of the property as a single family residence;
2. There is no hardship present due to a physical condition of the property or improvements thereon at the time of the effective date of the Ordinance where such hardship would be alleviated by a six-foot-high fence instead of the permitted four-foot-high fence; and

Per Ordinance Section 11-3.11.2 *Standards for Variances*:

- c) The condition of the property as a corner lot is a recurring condition within the Town, however a text amendment has already been adopted by Town Council to address this specific issue.

BZA DECISION

As stated in Ordinance Section 11-3.11.3.2 – *Decision on Variance Application*, the Board must render a decision on any application submitted to it within sixty (60) days after the date of the hearing. Therefore, the Board must render a final decision on this application at the August 1, 2023 meeting to approve, approve with conditions, or deny the Variance. Proposed conditions of approval and a proposed motion for denial have been provided for consideration as **Attachment A**.

ATTACHMENTS

The following documents are new or updated for the August 1, 2023 Meeting:

- A. Pattern Motions for Approval-Denial - UPDATED
- J. Line of Sight Survey – July 10, 2023 - NEW