



## TOWN OF WARRENTON

Department of Community Development

PO BOX 341  
WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
[Permittech@warrentonva.gov](mailto:Permittech@warrentonva.gov)  
(540) 347-2405

### Land Development Application

Type of Development [select type(s) below]

Permit # BLDG-22-1172

Planning	Zoning
<input type="checkbox"/> Commission Permit (§2232)	<input type="checkbox"/> Administrative Appeal
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> As-Built
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Bond Release/ Reduction
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Bond Extension
	<input type="checkbox"/> Boundary Adjustment
	<input type="checkbox"/> Concept Plan Review
	<input type="checkbox"/> Easement Plat
	<input type="checkbox"/> Final Plat
	<input type="checkbox"/> Preliminary Plat
	<input type="checkbox"/> Re-approval of Plat
	<input type="checkbox"/> Record / Vacate Plat
	<input type="checkbox"/> Site Development Plan
	<input checked="" type="checkbox"/> Variance
	<input type="checkbox"/> Waiver, Administrative
	<input type="checkbox"/> Waiver/Exception, Legislative

☒ Amendment to Existing Approved Application? If Yes, List Application # BLDG-22-1172

#### Project Description

Project Name: LOT 47 MONROE ESTATES Backyard Renovation

Property Address (if no address, give closest cross street): 576 Galina Way Warrenton, VA 20186

Purpose of Request: To request a variance from Article 2-19.1 of the Zoning Ordinance to construct a fence greater than four feet in height within the secondary front yard of the subject property.

Zoning District: R15 Residential Zoning Total Acres: 0.3785 Acres for Proposed Use:

Parcel Identification Number(s): 6983-79-7822-000

#### Contact Information (Attach separate page if necessary)

##### All Current Owners

Name & Company: Travis and Jordyn Simoes

Address: 576 Galina Way, Warrenton, VA 20186

Phone: 540-219-2022 Email: travissimoes@gmail.com

##### All Current Applicants (if different then owner):

Name & Company: NA

Address:

Phone: Email:

##### Representative (if different then owner/applicant):

Name & Company: NA

Address:

Phone: Email:

##### OWNER(S) AFFIDAVIT (Original Signatures Required)

I have read this application, understand its intent and freely consent to its filing. Furthermore, I have the power to authorize and hereby grant permission for Town of Warrenton officials and other authorized government agents on official business to enter the property to process this application.

##### APPLICANT(S) AFFIDAVIT (Original Signatures Required)

The information provided is accurate to the best of my knowledge. I acknowledge that all tests, studies, and other requirements of the Town of Warrenton Zoning Ordinance and Subdivision Ordinance and other requirements of review/approval agencies will be carried out at my expense. I understand that the Town may deny, approve or conditionally approve that for which I am applying.

Owner's Signature & Date: 4/21/2023 Travis a Simoes

Applicant's Signature & Date: 4/21/2023 Travis a Simoes

Print Owner's Name: Travis Simoes

Print Applicant's Name: Travis Simoes

Jordyn Simoes  
576 Galina Way  
Warrenton, VA 20186

Reference: Variance Application for a 6-foot fence structure along the property line within the secondary front yard located on the left side of the residence (576 Galina Way, Warrenton, Monroe Estates)

To Whom It May Concern,

I, Jordyn Simoes, am a co-owner of the above-referenced property. My husband has been a Fauquier County resident since his family moved from New York when he was in elementary school. I grew up in Fairfax County, went to college in North Carolina, met my husband and moved to Bealeton to raise our family. We moved into the Town of Warrenton during COVID with our four (4) children, who currently attend Fauquier High School (Sophomore), Taylor Middle School (7<sup>th</sup>) and Brumfield Elementary (4<sup>th</sup> and 1<sup>st</sup>). Our small neighborhood, Monroe Estates, is quietly tucked back by Alwynton Manor off of Old Meetze Road. We absolutely love our neighborhood. The size of the community matches perfectly with the small town feel that we moved to Warrenton for. We plan to raise our family through adulthood in this home.

We are in the process of a large backyard project which includes a large pool and a hot tub. Since the inception of the project, we have followed all processes (we were aware of) and have received all approvals needed, inspections required, etc. Part of our project is a new 6-foot fence to replace the 4-foot fence we currently have. In addition to privacy, we feel like this is important for several safety reasons, including but not limited to the sidewalk that runs the entire length of our side yard, individuals in our community who have special needs and many young children. Since we moved in, we have had several children easily climb over our 4-foot fence to enter our backyard.

Virginia Building code requires that all pools must be fenced in by a fence at least 48 inches tall, for obvious reasons. However, we would like to erect a 72-inch fence around the property to ensure the safety of our community. One side of our property has significant foot traffic as the sidewalk runs parallel to the side of our property (the secondary front yard). Our small community not only has many children ranging from babies and toddlers to teens, but we also have residents with physical impairments (a blind resident who walks regularly in the warmer months) and also youth with special, behavioral needs (Autism Spectrum). Since moving in, we've had kids climb the current fence rather seamlessly, which is why we're looking to erect a higher fence. The safety of our community is important to us. So much so that we are willing to pay additional to put up an appropriately sized fence to ensure a strong barricade between our property line and the pool. We have two other neighbors in this community with inground pools, and both have greater than 48-inch fences, for what I assume to be the same reason.

We were unaware, but it was brought to our attention recently, that a change in fence height to 6-feet is a zoning issue that requires approval. We promptly submitted the request for approval. Our submission was denied almost immediately without any significant review of the unique circumstances or context. The initial denial stated: "I have reviewed the permit amendment to add

the fence. At this time, I cannot approve the amendment for the fence, as the proposed fence is too tall along Meadowview Lane. The property at 576 Galina Way has two front yard setbacks – a primary front yard setback off Galina Way, and a secondary front yard setback off Meadowview Lane. Within the front yard setback area, a fence is limited to no more than four feet tall. There is a 25-foot wide front-yard setback off of Galina Way, and an 18.5-foot-wide setback off of Meadowview Lane; within this 25-foot and 18.5-foot-wide setback area, the fence can be no more than 4 feet tall; the remainder of the fence can be up to 6 feet tall.”

For clarity, we did receive approval for the fence to be 6 feet tall on the right side of our property, and the entire back side of our property, except for the 18 ½ feet perpendicular to the secondary front yard. We currently must keep the 4-foot fence the last 18 ½ feet on the back side, and the entire property edge on the secondary front yard. We are requesting a variance for this section of the fence to match the 6-foot fence approved for the remaining perimeter of the property. The approved length of the fence is approximately 133 feet along the secondary front yard of the property. For context, the back corner of the property (start of the secondary front yard) is 236 feet (straight) from the entrance to our community. The entire sidewalk that runs parallel to our secondary front yard is approximately 410 feet (from the community entrance to the bus stop, which is located on the front corner, right outside of our property). The area in question is parallel to approximately 1/3<sup>rd</sup> of the entire sidewalk section, which is a significant, and very visible section. Pictures are attached to this letter.

There are a few key facts that I feel are important to understand as they add context to our request.

1. Most importantly, we have unique community safety circumstances that warrant special consideration. On our cul-de-sac alone (the first of the three in the neighborhood) we have 10 children high school age or younger, seven (7) of whom are elementary age or less. There are an additional 6-8 middle school age or younger on Meadowview with a direct view of our backyard from their home. Out of 42 homes in our small community, I'd estimate that there are around 30 children (high school age or less). Additionally, there are a handful of children who live across the street in Alwyngton Manor. This is a critically important point, as one of our greatest concerns relates to the relative safety of children in the community. As a Town, I'm sure you all are aware about our collective community's voiced concerns about the speed limit in our neighborhood. That is a direct result of the number of children in our neighborhood. Having so many children in the community gives many of us a different lens in how we approach situations.

Since we've moved in, we've experienced several situations which hopefully demonstrate our justified safety concern related to our new pool. (For clarity, we don't consider any of these "issues". I'm only mentioning these to show that the children in our community are just that: Children. Kids do not always think before they act. Although rarely malicious, it can put them in dangerous situations they may not have envisioned for themselves based on their initial decision). Of greatest concern, is that we've already had children climb our (currently 4 foot) fence without our knowledge. If children are willing to climb neighborhood fences before anything exciting is in the back yard, it is even more likely it will happen again once our backyard renovation is complete. We've also had kids take inappropriate pictures on our Christmas decorations as a dare. When the Town invested in sidewalk patching, we had children from right outside of our neighborhood write their names in the new concrete. We moved into this community, in large part, because there are so many children. We just also want to put appropriate barriers in place to prevent poor choices and dangerous outcomes. We strongly feel denying the increased height of the fence on the most visible sides of our property is missing perhaps the best opportunity to

minimize safety concerns due to the pool. We are in a community tucked back away from Main Street. The only people who come into our neighborhood (besides people who live here/are visiting) are those who are lost and delivery trucks. Approving a 6-foot fence for safety purposes does not impact the historical vision of the town, including the 4-foot fence requirement. No one else sees it.

2. Zoning documents state: 2-19 Fences and Walls 2-19.1 Fences and walls may be erected up to a height of six (6) feet in all zoning districts, except for fences or walls that extend within the required front setback, unless otherwise restricted by the ARB within the Historic District. Within the area bound by the front setback and the side lot lines, fences and walls shall not exceed four (4) feet in height, unless otherwise restricted by the provisions of this Ordinance. Excluded are walls or fences encompassing swimming pools or other uses which are required by law.


We understand that there are seemingly conflicting/ambiguous provisions in the zoning regulations pertaining to this issue. However, I think everyone can agree that the circumstances surrounding fence height around a pool in a neighborhood warrants additional consideration. In at least the last section of the provision, someone, at some point, recognized that there are different needs for safety barriers around pools.

3. We will be the third inground pool in Monroe Estates. Both other pools have 6-foot-tall fences around their pools. Although not on Meadowview, this demonstrates that other community members see the addition of a pool as a significant risk to also invest in 6-foot fences.
4. There is also already a 6-foot-tall fence on Meadowview, the next (cross) street over. The visual aspect of having 4-foot fencing all along Meadowview has already been removed. Pictures have been provided as attachments to this letter. This fence is visible from our home.

Unrelated to child safety is the general safety of our family. As previously indicated, our back yard is viewable from the front of the neighborhood. There are many people who tend to drive and walk on Old Meetze. Additionally, there continues to be an uptick of power consultants and surveyors at the front of our community, to include repetitive work and measurements along the front side of Meadowview. Based on the circumstances surrounding some of the local property for sale (accessible off Old Meetze) we expect this traffic to increase, not decrease. We have a teenage daughter, son and two elementary school boys. Increasing the fence height in the most visible areas (the last 18.5 feet of the back side and the entire secondary front yard) certainly provides piece of mind that we can utilize our swimming pool without general fear and discomfort of strangers with direct visual access to our back yard.

There is absolutely no hinderance to anyone in our neighborhood to alter the height of the fence from 4 foot to 6 foot along the above-mentioned section. The HOA agrees with our request (and has approved) and we have many community members who would attest to the same. We really appreciate your consideration of this request. Please let us know if we can provide any additional information to support your review and evaluation.

Sincerely,

  
Jordyn V. Simoes

## Supporting Pictures

Picture 1: View of backside of property from community entrance



Picture 2-6: View of back yard from various points along the secondary front yard (section where we are seeking a variance)













Pictures 7-8: Picture of child name and footprint in newly poured concrete at front of community (and demonstration of visual distance to the property)







Pictures 9- 14: Various view of backyard/property from the sidewalk on the other side of Meadowview















Picture 15: View from 576 Galina Way of 6 foot tall fence on corner lot of Meadowview and Pineview



## LINE TYPES:

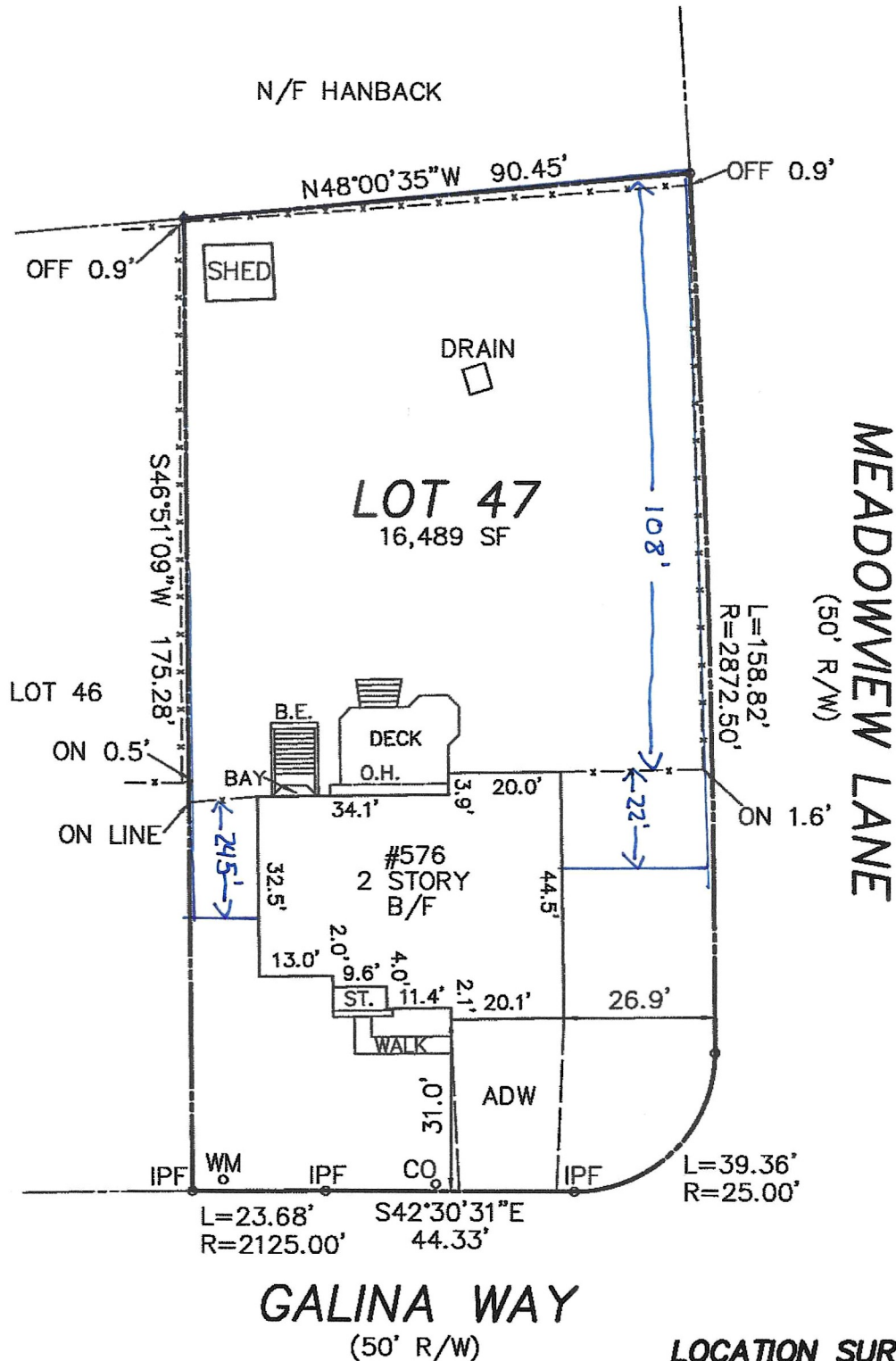
- BOUNDARY LINE
- EASEMENT
- DRIVEWAY/ROAD
- - - - - FENCING
- - - - - OVERHEAD WIRE
- STRUCTURE

## LEGEND:

ADW—ASPHALT DRIVEWAY  
A/C—AIR CONDITIONING  
A/W—AREAWAY  
B.E.—BASEMENT ENTRANCE  
BF—BOLT FOUND  
BO—BOLLARD  
BRL—BUILDING RESTRICTION LINE  
CDW—CONCRETE DRIVEWAY  
CM—CONCRETE MONUMENT  
CO—CLEANOUT

CONC.—CONCRETE  
ER—ELECTRICAL RISER  
F.E.—FIRE ESCAPE  
FOS—FIBER OPTICS UTILITY BOX  
GDW—GRAVEL DRIVEWAY  
GEN.—GENERATOR  
IPF—IRON PIPE FOUND  
IRS—IRON ROD SET  
IRF—IRON ROD FOUND  
MH—MANHOLE

PAD—CONCRETE PAD  
PP—POWER POLE  
R/W—RIGHT OF WAY  
SMH—SANITARY MANHOLE  
ST.—STOOP  
TELE—TELEPHONE PEDESTAL  
TR/TRANS—TRANSFORMER  
WM—WATER METER  
WV—WATER VALVE  
W.W.—WINDOW WELL



## LOCATION SURVEY

LOT 47

MONROE ESTATES

FAUQUIER COUNTY, VIRGINIA

SCALE 1"=30' DATE 05-04-21