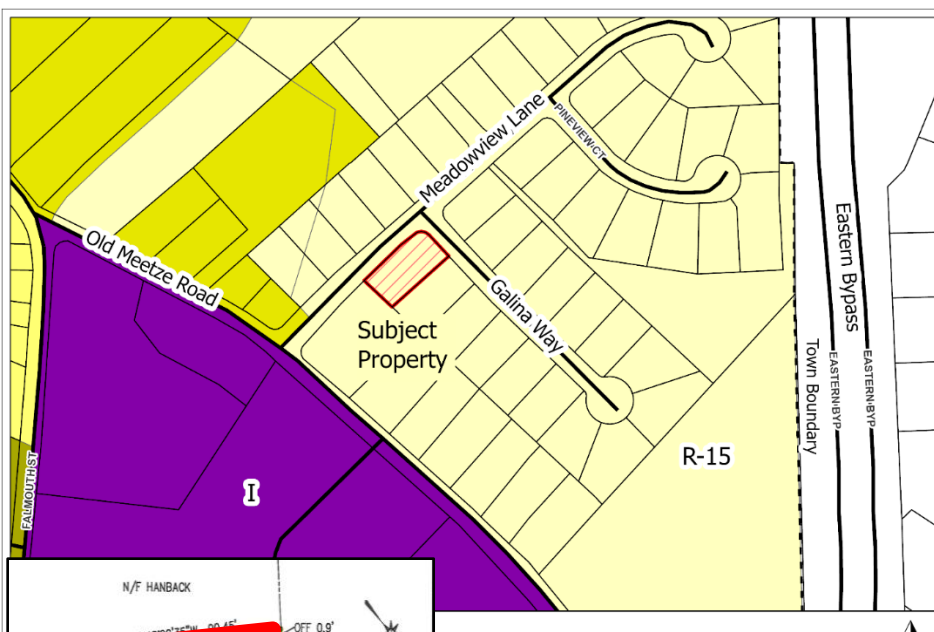


EXPERIENCE



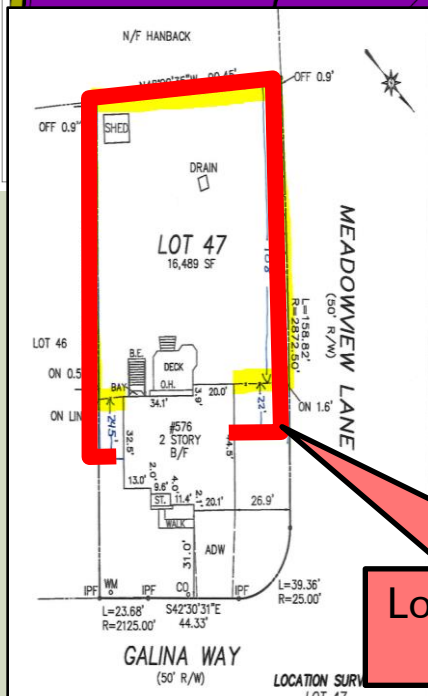
Board of Zoning Appeals (BZA)
BZA 2023-2
576 Galina Way
August 1, 2023

Background



June 6, 2023

- Closed Public Hearing
- Action Deferred for 60 Days
- Requested Additional Information from Applicant



Property Information

- ❖ PIN: 6983-79-2716-000
- ❖ Location: 576 Galina Way
- ❖ Area: 0.3785 Acres
- ❖ Zoning: Residential R-15
- ❖ Use: Single-Family Residential
- ❖ Surrounding Uses: Residential

Location of Proposed 6-foot High Fence

Update

Additional Materials Provided

- Revised Letter of Justification
- Existing Conditions Drawing
- Line of Sight Survey
- Photographs

July 25, 2023

Town Of Warrenton
Community Development Department
Board of Zoning Appeals

Subject: Variance BZA-23-2 576 Galina Way Follow-Up Information for August 1, 2023 Meeting

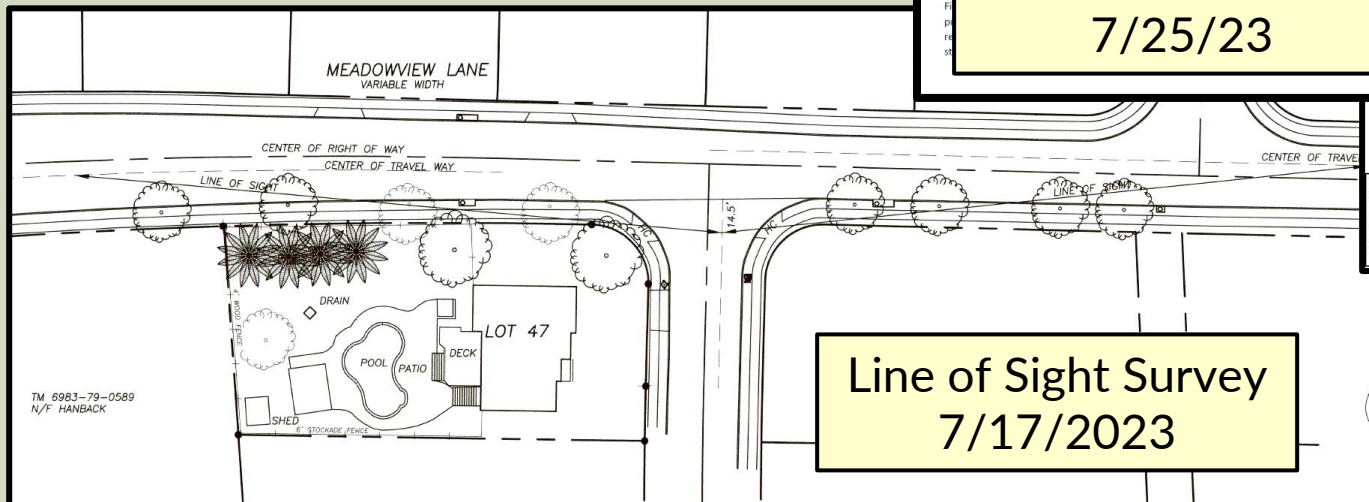
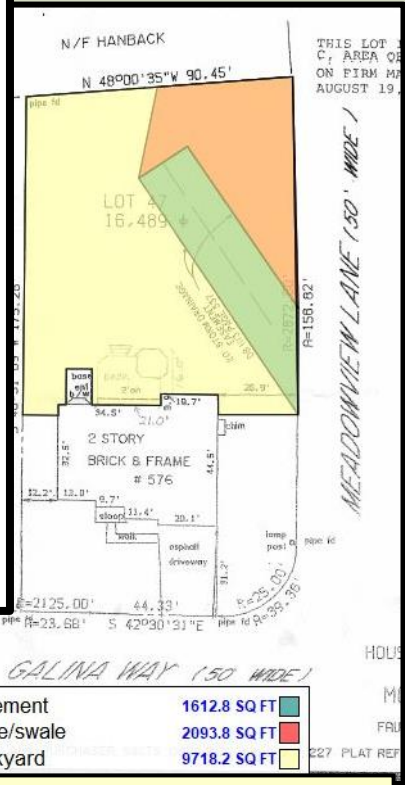
Reference: 1) Variance BZA-23-2 576 Galina Way Staff Report Dated June 6, 2023
2) Variance BZA #2023-1 545 Solgrove Road Staff Report Dated April 4, 2023
3) BZA-23-2 576 Galina Way PowerPoint
4) Additional Information for June 6th Zoning Appeals Meeting Letter Dated June 6, 2023
5) June 6, 2023, Zoning Appeals Meeting
6) July 6, 2023, 576 Galina Way On-Site Meeting with Zoning and Storm Water Management
7) Line of Sight Survey provided via email on July 17, 2023
8) Land Disturbance Permit ZNG2022-0635 – 576 Galina Way – Approval With Conditions
9) LDP22-0003 – Fences across swales – 576 Galina Way – Agreement in Lieu
10) ZA #2023-2 Staff Report Dated August 1, 2023
11) 576 Galina Way Lot Survey, With Easement Depicted
12) Pictures depicting Easement
13) Neighbor Letters

To Whom It May Concern,

This letter is a follow-up to our letter dated June 6, 2023, and the subsequent June 6 Zoning Appeals meeting. We are also in receipt of the revised Staff Report dated August 1, 2023. This report acknowledges the submitted line-of-sight confirms no impact with the fence. Since the rest of the Staff Report doubles down on the initial assessment, we've structured this response mapping to the original Staff Report (Reference 1) and associated PowerPoint presentation (Reference 3).

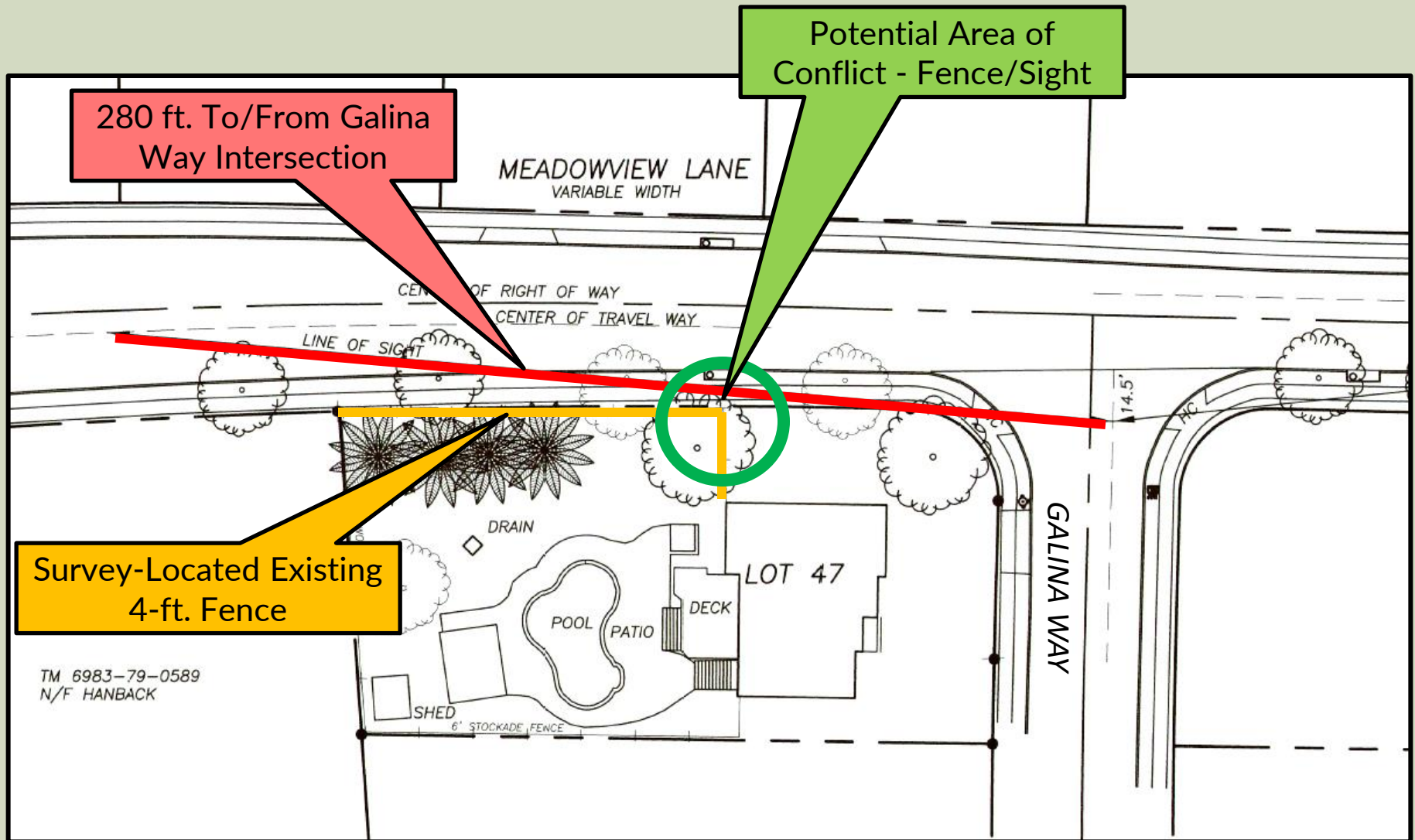
As you recall, after the Board reviewed the information contained in our June 6, 2023, Letter (Reference 4) and various discussions took place at the June 6th Zoning Appeals Meeting (Reference 5), the parties agreed that a continuance be granted as more information was needed in order for the BZA to make a final determination on our submitted Variance Request.

**Revised Statement
of Justification
7/25/23**



**Existing Conditions
Drawing 7/25/23**

Line of Sight Survey



Criteria for BZA Decision

The BZA must find that:

The applicant meets at least one of the following 3 criteria:

1. The terms of the Ordinance unreasonably restricts use of the property; or
2. Granting the variance would alleviate a hardship due to a physical condition of the property; or
3. The variance would alleviate a hardship by granting a reasonable modification requested by, or on behalf of, a person with a disability.

AND

The applicant must meet all five of the following 5 standards:

- a) The property was acquired in good faith; and
- b) Granting the variance would not be of substantial detriment to nearby properties; and
- c) The condition is not so general or recurring so that a text amendment to the Ordinance should be adopted; and
- d) The variance would not authorize an unpermitted use; and
- e) The relief is not available through a Special Use Permit.

BZA Decision on Variance Application

- ❖ Approval is required from a majority of the BZA – a minimum of **three votes**.
- ❖ If three approving votes are not received, the **request is denied**.
- ❖ **The BZA must render a decision.**
 - The BZA has 60 days to act; no further deferrals are available.
- ❖ **Appeals** to a BZA decision must be made to the Circuit Court within **30 days**.

Pattern Motions of Approval and Denial

- Provided as attachments.

Should the BZA decide to grant the Variance – Staff Suggested Conditions of Approval:

- ❖ The fence shall not exceed 6 feet in height.
- ❖ No portion of the fence over 4 feet in height shall extend closer to Galina Way than the rear plane of the house.

EXPERIENCE



Board of Zoning Appeals (BZA)
BZA 2023-2
576 Galina Way
August 1, 2023