



TOWN OF WARRENTON

Department of Community Development

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STAFF REPORT

May 5, 2026

Property Owner(s) / Applicant(s): Fauquier Habitat for Humanity

Application # BZA #2026-1

Location: 135 & 143 Haiti Street

PIN: 6984-44-9545-000 & 6984-44-9538-000

Acreage: 7,614 sq.ft.

Zoning Residential R-6

Comprehensive Plan Designation: Medium Density Residential

Land Use: Residential, Two-Family Dwelling

Request: The Applicant is seeking approval of a Variance pursuant to Zoning Ordinance Article 3-4.3.4, to allow the existing two-family dwelling to be subdivided into two separate single-family dwellings on individual lots.

REQUEST

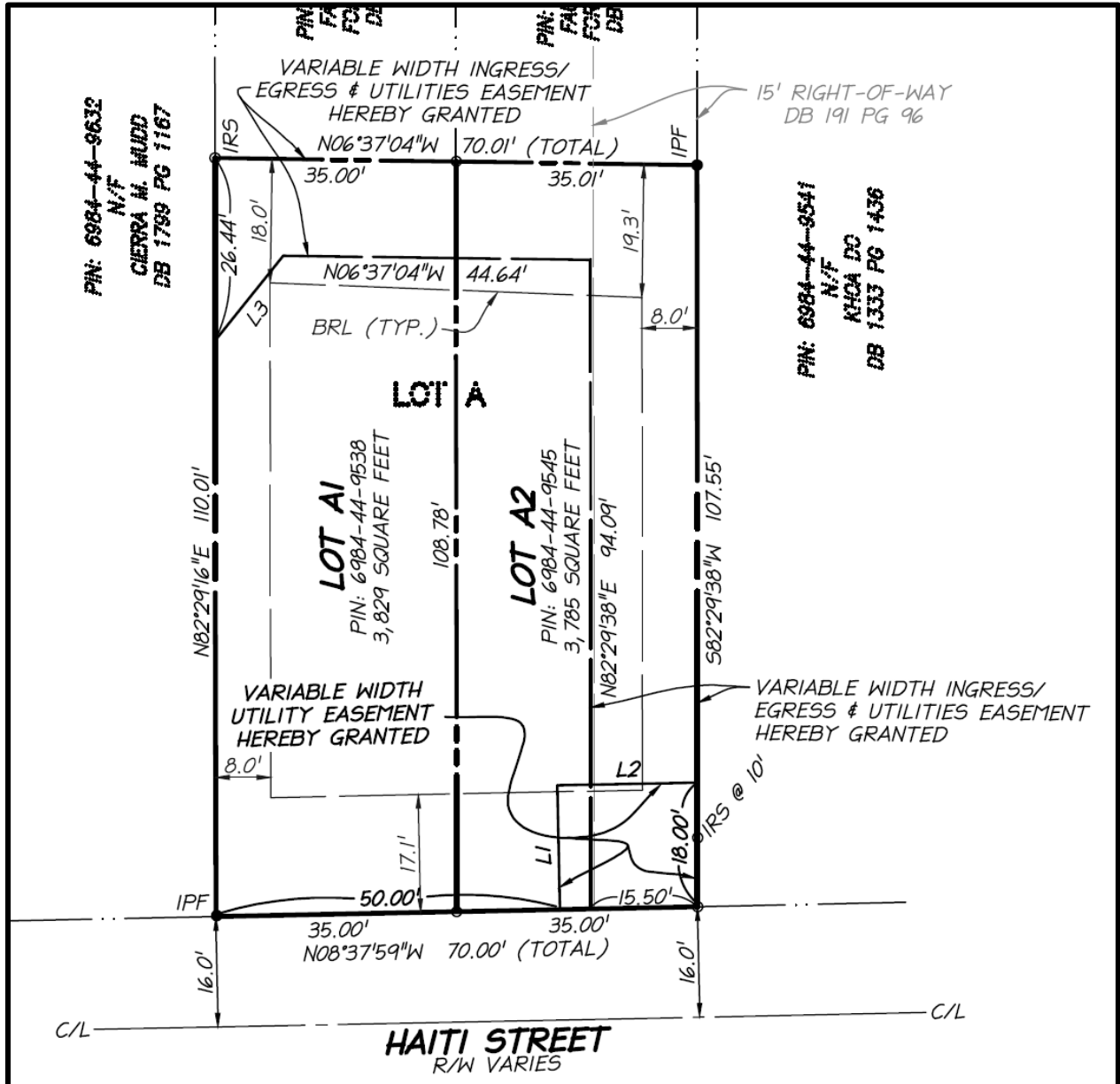
The applicant is requesting a variance from Article 3-4.3.4 of the Zoning Ordinance, to reduce the minimum required lot size, lot frontage, and side yard setbacks, which would allow the existing lot in which an existing two-family dwelling is located to be subdivided to create two separate single-family dwellings on individual lots. The Zoning Ordinance permits the following with regards to lot size and setbacks:

3-4.3.4 Lot and Yard Regulations

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces)	Minimum Setbacks			Proposed Use
				Front	Side	Rear	
Single-Family Dwelling	6,000	55 ft.	65%	20 ft.	8 ft.	20 ft.	Proposed Use
Two-Family Dwelling	9,000	65 ft.	75%	20 ft.	15 ft.	20 ft.	
Three-Family Dwelling	12,000	75 ft.	80%	20 ft.	15 ft.	20 ft.	Existing Use
Four-Family Dwelling	15,000	85 ft.	80%	20 ft.	15 ft.	20 ft.	
Other Permitted Uses	6,000	55 ft.	65%	20 ft.	15 ft.	20 ft.	

The proposed subdivision will create two separate lots; Lot A1: 3,829 square feet, and Lot A2: 3,785 square feet.

Excerpt from Plat prepared by Mark E. Perry, Dated March 12, 2026



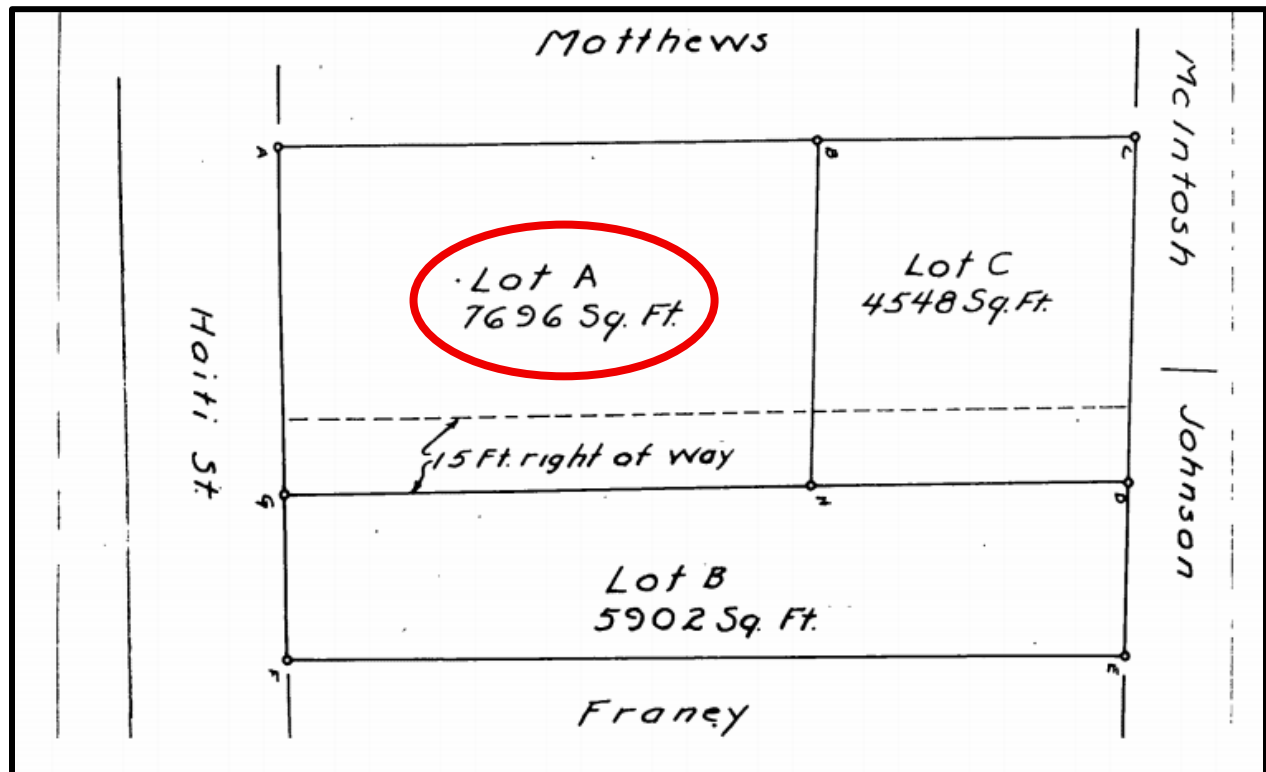
The image above shows the proposed subdivision of the existing two-family dwelling to create two separate lots of record. The table below outlines the proposed lot size, frontages, and side yard setbacks versus the minimum required Lot and Yard Regulations found in Article 3-4.3.4 of the Zoning Ordinance.

Zoning Ordinance Minimum Standard (Article 3-4.3.4)	Proposed Lot A1	Proposed Lot A2
Minimum Lot size- 6,000 square feet	3,829 square Feet (-2,171 square feet difference)	3,785 square feet (-2,215 square feet difference)
Minimum Frontage (measured at the front setback)- 55 feet	35 feet (-20 feet difference)	35 feet (-20 feet difference)
Minimum Side Yard Setback- 8'	8 feet left side/0 foot right side (0 foot difference left side/8 feet difference right side)	0 foot left side/8 feet right side (8 feet difference left side & 0 feet difference right side)

BACKGROUND

The subject property, noted as two separate Parcel ID Numbers (PIN 6984-44-9545-000 & 6984-44-9538-000) in local real estate tax records, was created as one parcel of record as a part of the plat titled *Lots 15, 16 and 17 - Helm Subdivision Revised*, recorded in Deed Book 191, Page 96 on May 4, 1955. The subject property is noted in the drawing below as "Lot A", and includes a 15-foot wide ingress-egress easement along the southern side property line.

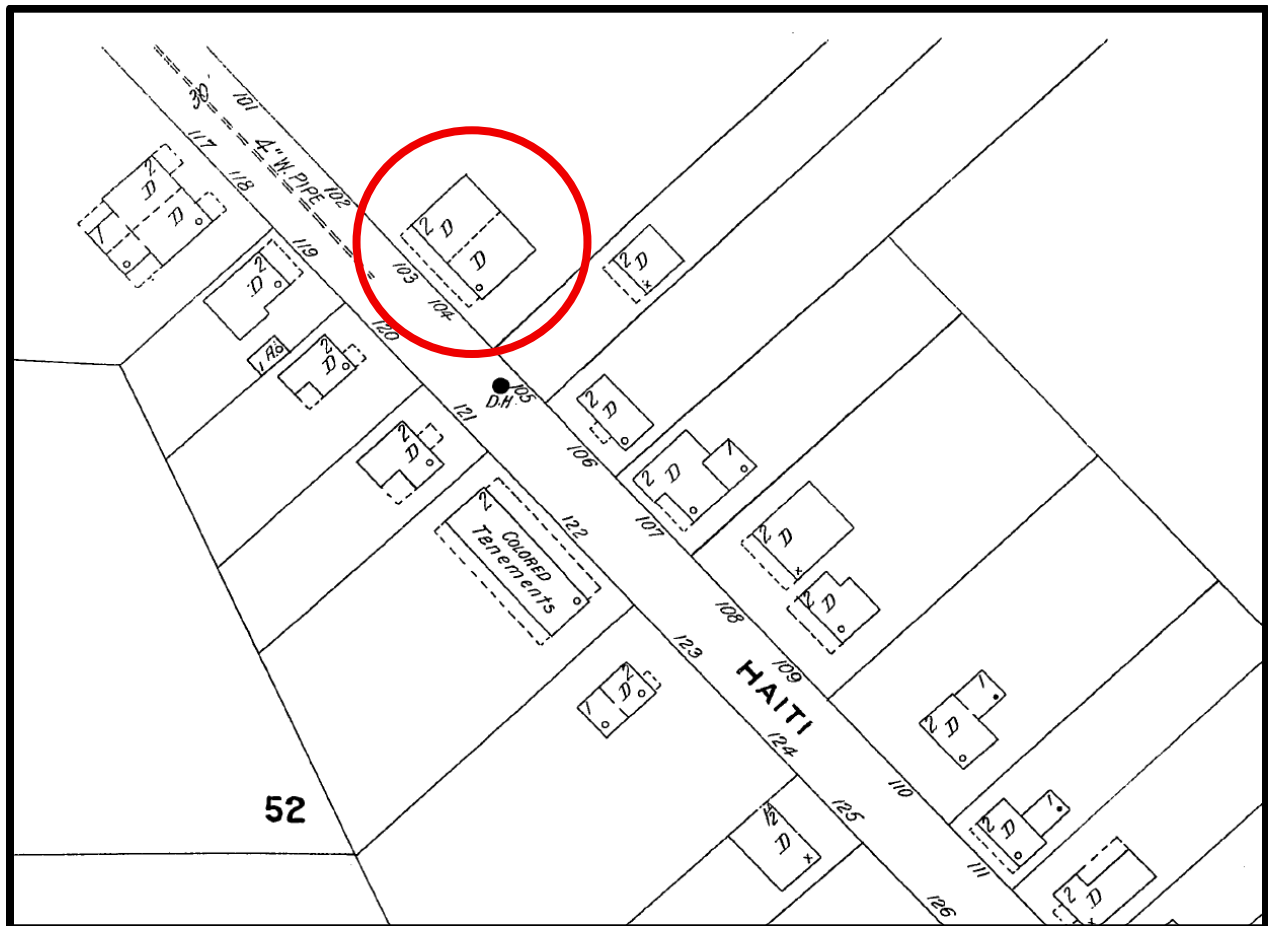
Lot Depiction from 1955 Deed



The property is zoned Residential (R-6) and has remained R-6 since 1991. Prior Zoning Maps indicate that the lot was zoned R-B in the 1950's, and R-7 from 1971 to 1991. The entirety of the property is 7,614 square feet in area, and fronts along Haiti Street for 70 feet.

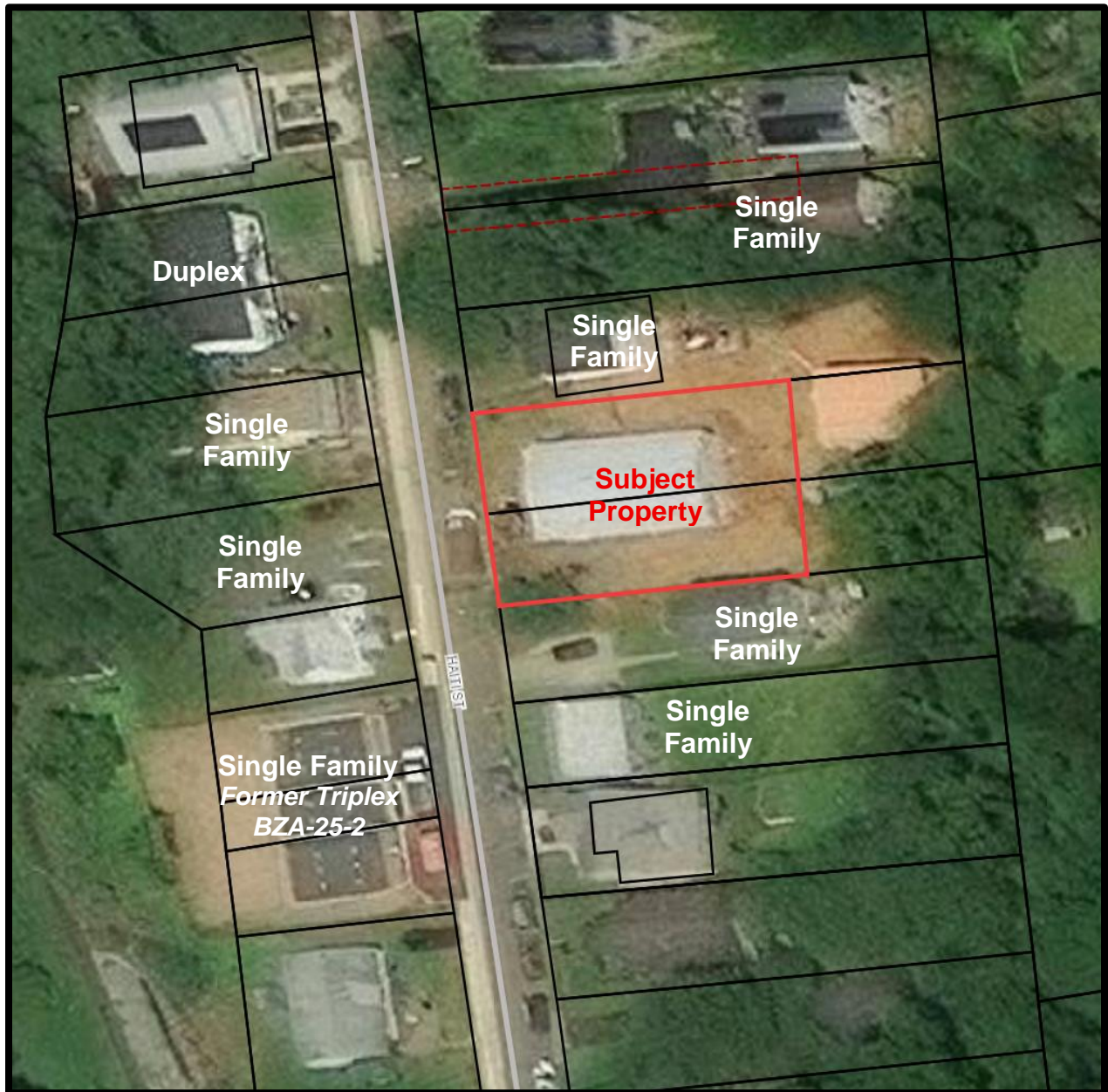
The property is currently improved with a two-family dwelling (duplex), which was reconstructed on the same footprint as a previously-existing two-family dwelling under Building and Zoning Permit numbers BLDG-24-310 and BLDG-24-95. The previous two-family dwelling had been in existence since at least 1924, as shown on the 1924 Sanborn Fire Map.

Excerpt from May 1924 Sanborn Fire Map



Surrounding properties are all zoned to the R-6 district, and are used as a mixture of single-family, two-family, and three-family dwelling units. A former three-family dwelling unit, now three single-family dwellings with zero-foot interior lot line setbacks, located at 130, 132 and 134 Haiti Street, was the subject of a previous Variance, case number BZA-2025-2.

GIS Aerial Map – Vicinity and Surrounding Uses



ANALYSIS

A variance is defined by State Code Section § 15.2-2201 and Article 12 of the Zoning Ordinance as:

Variance – In the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Under Virginia State Code Section § 15.2-2309, powers and duties of the Board of Zoning Appeals, In granting a variance, the BZA may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being, and will continue to be, complied with. The property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local Ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the Ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would;

1.) Unreasonably restrict the utilization of the property or,

The property was historically used as a two-family dwelling or duplex, where GIS data and Fauquier County tax records showed the property as two separate parcels under two separate parcel identification numbers (PIN's). The property was purchased by the Applicant for the purpose of restoring the two dwelling units to habitable conditions, and then making the individual dwelling units available for purchase. However, as a part of the sale process, the Applicant discovered that the property was not in fact two parcels of record, but rather two portions of one parcel. While in staff's opinion the Applicant has reasonable use of the property as a two-family dwelling unit on one parcel, staff acknowledges that the Applicant was not aware of the property's actual condition as one lot of record, not two.

2.) That the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or,

The property, as the total 7,614 'Parcel A' established on May 4, 1955 per Deed Book 191, Page 96, does not meet the current minimum lot size, lot frontage, or side setback requirements for a two-family dwelling as found in Ordinance Section 3-4.3.4 *Lot and Yard Regulations*. The use of the property as a two-family dwelling since at least 1924 per the Sanborn Map, predates the adoption of the first Zoning Ordinance by the Town on October 1, 1955. The properties that are located along both sides of Haiti Street are part of a historic neighborhood that is characterized by small, narrow lots that generally do not meet current Ordinance requirements for minimum lot size or frontage, and these lots are improved with a mixture of single family, two- and three-family dwelling units, where it is typical to find existing dwellings that do not meet current Ordinance requirements for minimum setbacks, due to the historic nature of the community.

The Applicant purchased the property and reconstructed the previously-existing two-family dwelling, maintaining the existing footprint of the structure. In staff's opinion, the existing lot size and frontage, as well as the historic footprint and location of the structure, are physical conditions of the property that creates a hardship.

3.) Alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability.

The applicant indicates the requested variance is not being requested by or on behalf of a person with a disability.

Additionally, under Virginia State Code Section § 15.2-2309, no variance shall be authorized by the BZA unless it is determined that the request meets all five of the following criteria:

a) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

The property was acquired by the Applicant on October 31, 2019, as recorded in Deed Book 1612, Page 287. The Applicant purchased the property with the intent of rehabilitating the existing two-family dwelling to habitable conditions. In staff's opinion, the Applicant acquired the property in good faith, and did not create the hardship from which they are requesting a variance of.

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

The existing use of the subject property as a two-family dwelling will cease, due to the subdivision of the property into two separate lots of record. Therefore, the use of the property will change to two single-family dwellings with zero-foot interior side lot lines. The change of use does not result in an increase in density, as the number of dwellings

remains the same. Any potential impact to neighboring properties due to this subdivision would be limited due to the area being primarily residential, and the current and historical existence of other two- and three-family dwellings. Staff recommends a condition of approval to limit the resulting two parcels from adding any further dwelling units or accessory dwelling units (ADU's) on the properties, so as to prevent an increase in density on a substandard lot.

c) *The condition or situation of the property is not of so general or recurring of a nature as to be adopted as an amendment to the ordinance;*

This property is unique in that the Haiti Street neighborhood is comprised of narrow and deep lots. The unique nature of the property's condition does not lend itself to an amendment of the Ordinance that would apply to all properties located within the Town.

d) *The granting of the variance does not result in a use that is not otherwise permitted on such property, or a change in the zoning classification of the property; and*

The existing two-family dwelling was constructed prior to the first Zoning Ordinance in 1955, but two-family dwellings have been a by-right permitted use in the district since approximately 1976, and prior to that as "apartments" in 1959. A variance to allow the two-lot subdivision would change the existing residential use from a two-family dwelling to two individual single-family dwellings. This does not change the Zoning district for the property, as single-family dwellings are permitted by-right and two-family dwellings are permissible by Special Use Permit.

e) *The relief or remedy sought by the variance application is not available through a special use permit process that is authorized in the Ordinance or the process for modification to the Zoning Ordinance at the time of the filing of the variance application.*

A Special Use Permit cannot provide relief from lot size or setback requirements, nor are any waivers available for homes unable to meet setback requirements. The Zoning Ordinance does not allow for administrative approvals of setback reductions for non-conforming lots.

CONCLUSION

Should the Board find that this request meets **one** of the three criteria listed in Section § 15.2-2309 of the State Code, and **all five** of the standards listed in Section § 15.2-2309 of the State Code, and moves to grant the requested variance, staff recommends the following approval conditions so as to secure the public interest and to minimize potential negative impacts on local residents and adjoining property owners:

- 1.) The site shall be in general conformance with the information and drawings submitted with the variance application except as specifically modified by the conditions below or as necessary to meet Zoning Ordinance requirements.
- 2.) Any future accessory structures must meet current Zoning Ordinance setback requirements.
- 3.) No further dwelling units or accessory dwelling units (ADU's) shall be permitted on either of the resulting lots, unless the lot sizes are increased in the future to meet current Zoning Ordinance lot size requirements.

ATTACHMENTS

- A – Application Materials Provided by the Applicant
- B – Deed of Purchase – Deed Book 1612, Page 287, October 31, 2019
- C – Helm Subdivision – Deed Book 191, Page 96, May 4, 1955
- D – Proposed Plat of Subdivision – Lots A1 & A2
- E – Existing Conditions Survey
- F – Approved Building Plans for Duplex