



TOWN OF WARRENTON

Department of Community Development

PO BOX 341
WARRENTON, VIRGINIA
20188
<http://www.warrentonva.gov>
Permittech@warrentonva.gov
(540) 347-2465

STAFF REPORT

November 6, 2025

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

Application # BZA #2025-2

Location: 134 Haiti Street (Additional units addressed as 130, 132, and 134 Haiti Street)

PIN: 6984-44-8436-000

Acreage: 0.1417 (6,176 square feet)

Zoning Residential R-6

Comprehensive Plan Designation: Medium Density Residential

Land Use: Residential, Three-Family Dwelling

Request: The Applicant is seeking approval of a Variance pursuant to Zoning Ordinance Article 3-4.3.4, to allow the existing three-family dwelling to be subdivided into three 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 three-family dwelling is located to be subdivided to create three 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	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Single-Family Dwelling	6,000	55 ft.	65%	20 ft.	8 ft.	20 ft.
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.
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.

Proposed Use

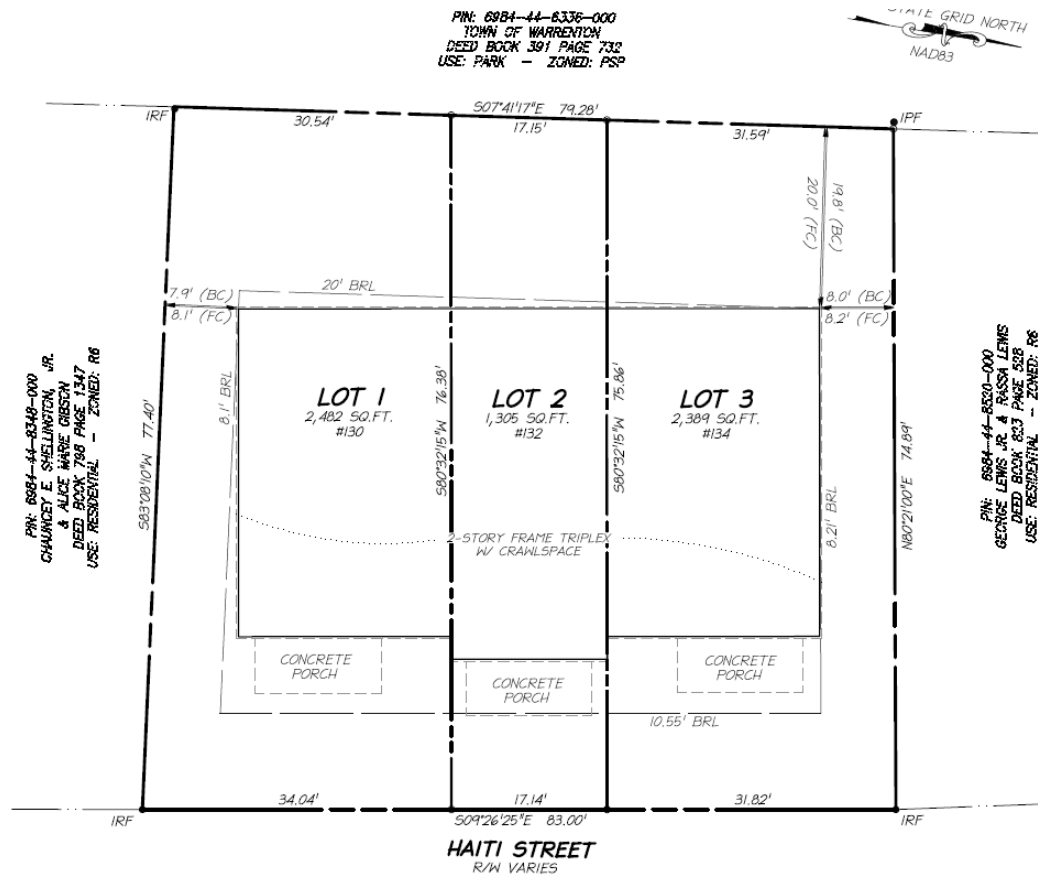
Existing Use

Staff Report, Board of Zoning Appeals

BZA #2025-2

Meeting Date: November 6, 2025

The proposed subdivision will create approximately three separate lots; Lot 1 would be approximately 2,482 square feet, lot 2, approximately 1,305 square feet, and lot 3, 2,389 square feet.



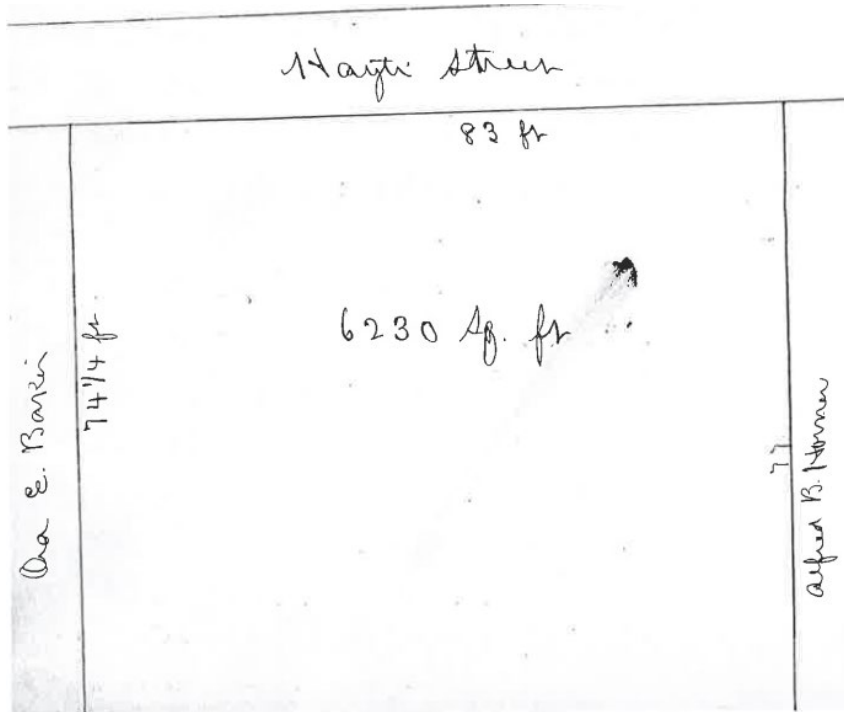
The image above shows the proposed subdivision of the existing three-family dwelling to create three separate lots of record. The table below outlines the proposed lot size, frontages, and side yard setbacks versus the minimum required Lot and Yard Regulations found in Article 3-4.3.4 of the Zoning Ordinance.

Zoning Ordinance Minimum Standard (Article 3-4.3.4)	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3
Minimum Lot size- 6,000 square feet	2,482 Square Feet (-3,518 square feet difference)	1,305 square feet (-4,695 square feet difference)	2,389 square feet (-3,611 square feet difference)
Minimum Frontage (measured at the front setback)- 55'	34.04' (-20.96' difference)	17.14' (-37.86' difference)	31.82' (-23.18' difference)
Minimum Side Yard Setback- 15'	7.9' left side, 0' right side (-7.1' difference on left side and 15' difference on right side)	0'- both sides of the lot (-15' difference)	0'-left side, 8' right side (15' difference on left side and 7' difference on right side)

BACKGROUND

The subject property was created from two separate lots of record as part of an estate division in 1895 as recorded in Deed Book 86 page 297. The lot contained approximately 6,230 square feet at the time of its sale in 1914 as recorded in Deed Book 110 page 302.

(Lot Depiction from 1914 Deed)



The property is zoned Residential (R-6) and has remained R-6 since at least 1991. Prior Zoning Maps indicate that the lot was zoned R-B in the 1950's, and R-7 (Replaced by R-6 in 1991). The lot is currently 0.1417 acres (6,176 square feet) in size, and fronts along Haiti Street for approximately 83 feet.

A structure labeled as "colored tenements" also known as "multi-family housing" appears on a Sanborn Map dated 1924, but the structure did not appear in a deed of record until 1969. Staff estimates the structure was constructed sometime between 1914 and 1924 based off of the Sanborn Map. The applicant acquired the subject property on October 31, 2019, via deed recorded in Deed Book 1612, Page 287. Adjacent uses are single-family detached dwellings and a two-family dwelling.



The image above is intended to show the subject property and its proximity to adjacent single family and two-family dwellings.

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;

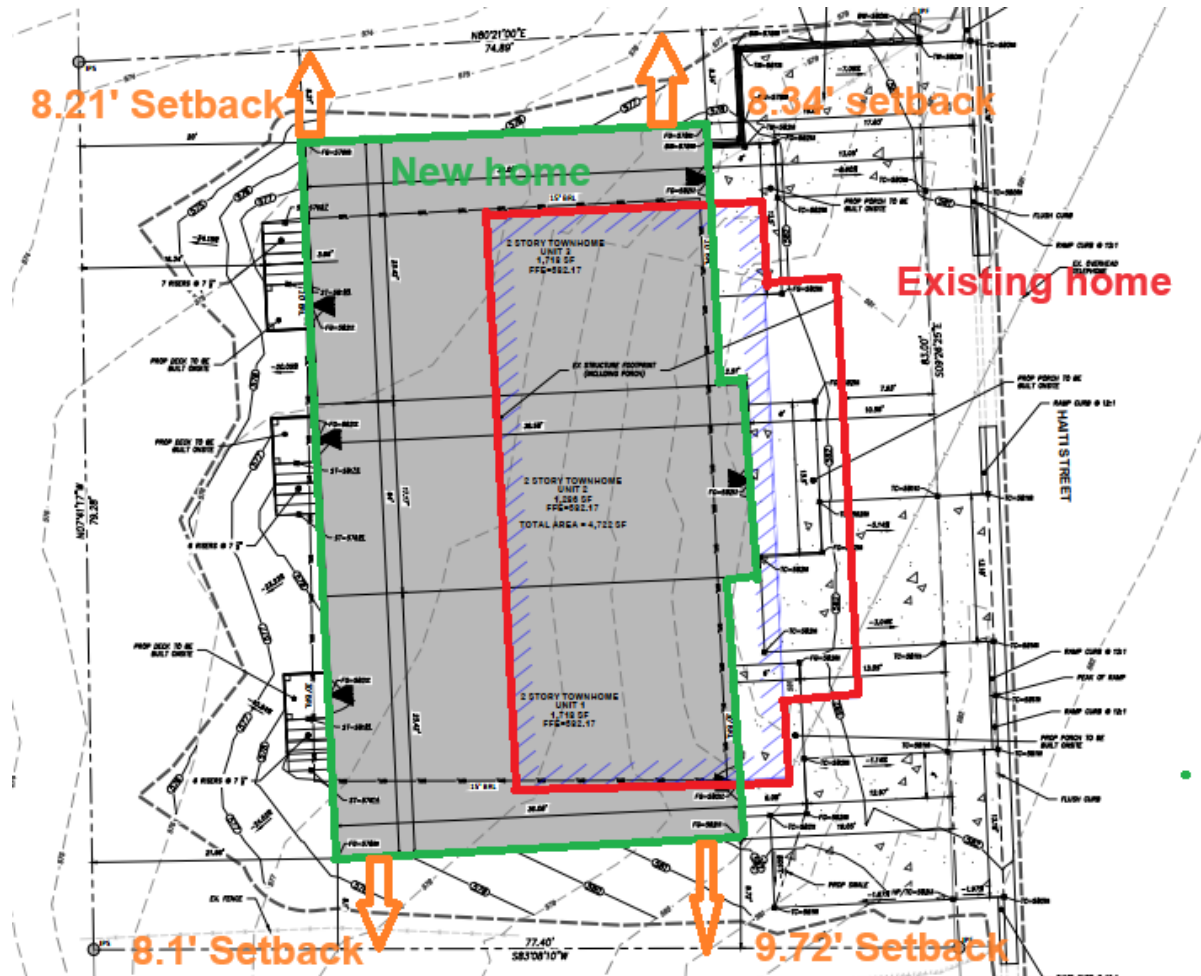
1.) Unreasonably restrict the utilization of the property or,

In analyzing this variance request, staff finds that the applicant has “reasonable utilization” of the property as a three-family residence and has previously received a variance of approximately 7’ from the required 15’ side yard setback on September 3, 2024, to reconstruct the existing three-family dwelling (*Case number BZA-24-2*). The current requested variance is to allow the property owner to subdivide the parcels to create three separate lots for re-sale, creating further non-conformity of lot size and side-yard setback from current requirements in the Zoning Ordinance.

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 current lot size does not conform to the current or previous Ordinance requirement for a three-family dwelling but has historically been utilized for that purpose. The Ordinance currently requires that a three-family dwelling has a minimum lot size of 12,000 square feet. The existing lot is approximately 6,176 square feet, which is less than the minimum lot size required in the R-10 Zoning District. Prior Ordinances in 1959 and 1991 required a minimum lot size of 10,000 square feet and 12,000 square feet respectively; at no time in the past did the lot

meet minimum size requirements for the use. The granting of a variance would further increase the non-conformity on the property by establishing even smaller lots. This could create setback issues for future property owners wanting to place accessory structures on the properties, such as sheds or fences.



The image above is intended to show the original home (red) and the reconstructed three-family dwelling with the approved variance to allow an 8' side yard setback in 2024.

- 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 in good faith by the applicant in 2019 by purchase of the property recorded in deed book 1612, page 287. The applicant received a variance from the Board of Zoning Appeals (**BZA-24-2**) on September 3, 2024, to reduce the side yard setback from 15' to 8'. The applicant then subsequently received a land disturbance permit (**LDP-24-20**) on October 30, 2024, and a building permit (**BLDG-24-74**) on May 5, 2025 to reconstruct the three-family dwelling.

Staff cannot affirmatively state the hardship is not created by the applicant, as the property has historically had reasonable use as a three-family dwelling. Staff defers to the applicant for justification that this criteria is met.

- 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 three-family dwelling will cease, due to the subdivision of the property into three separate lots of record. Therefore, the use of the property will change to three single-family dwellings with zero-foot side lot lines. The change of use does not result in an increase in density, as the number of dwellings remains the same. The structure will be located across the street from single-family detached dwellings at 129 Haiti Street (6984-44-9454-000), 123 Haiti Street (6984-44-9451-000), and an existing duplex located at 131 Haiti Street (6984-44-9458-000). The impact to neighboring properties would be limited due to the area being primarily residential, and the number of dwellings will not be increased. Staff recommends a condition of approval to limit the properties from adding additional accessory dwelling units (ADU's) on the properties to prevent large increases 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 as depicted on a subdivision plat from 1872. 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 three-family dwelling was constructed prior to the first Zoning Ordinance in 1955, but three-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 three-lot subdivision would change the existing residential use from a three-family dwelling to three individual single-family dwellings. This does not change the Zoning district for the property, as single-family dwellings are permitted by-right and three-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 requirements.
- 3.) No accessory dwelling units (ADU's) shall be permitted on the property unless the lot sizes are increased in the future to prevent increases in density on a substandard lot.

ATTACHMENTS

- A. Proposed Conditions of Approval / Proposed Motion for Denial
- B. Maps – Location, Zoning
- C. Photographs – Existing Conditions
- D. Plat
- E. Proposed Lot Layout- BZA-24-2 Case
- F. Variance Application Materials
- G. Building Plans for Triplex
- H. Deed of purchase-2019
- I. Historic Deed Research 1914-1969