



BOARD OF ZONING APPEALS MEETING

Tuesday, December 03, 2024 at 5:00 PM

AGENDA

CALL TO ORDER.

DETERMINATION OF A QUORUM.

APPROVAL OF AGENDA.

APPROVAL OF MINUTES.

- [1.](#) Meeting Minutes- October 1, 2024

PUBLIC HEARING.

- [2.](#) BZA-24-4- 57 Madison Street

UPDATES.

ADJOURN.



**BOARD OF ZONING APPEALS OF THE TOWN OF WARRENTON
TOWN HALL
21 MAIN STREET
WARRENTON, VIRGINIA 20186**

MINUTES

A REGULAR MEETING OF THE BOARD OF ZONING APPEALS WAS HELD ON OCTOBER 1, 2024, AT 5:00 P.M. IN WARRENTON, VIRGINIA

PRESENT Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair; Mr. Geoffrey Fiutak; Ms. Susan Helander; Mr. Van Baggett; Ms. Heather Jenkins, Zoning Administrator; Ms. Amber Heflin, Zoning Official

ABSENT

CALL TO ORDER AND DETERMINATION OF A QUORUM

The meeting was called to order at 5:00pm. There was a quorum of members present.

APPROVAL OF AGENDA

Mr. Kovalik asked for a motion.

Ms. Maybach motioned to approve the agenda. Mr. Fiutak seconded. All in favor. The vote was as follows:

Ayes: *Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair; Mr. Geoffrey Fiutak; Ms. Susan Helander; Mr. Van Baggett*

Nays:
Absent During Vote:

APPROVAL OF MINUTES

Draft Minutes – September 3, 2024, Meeting

Mr. Baggett motioned to approve the minutes as presented, and Ms. Maybach seconded. All in favor. The vote was as follows:

Ayes: *Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair;
Mr. Geoffrey Fiutak; Ms. Susan Helander; Mr. Van Baggett*

Nays:
Absent During Vote:

PUBLIC HEARING

BZA-24-3: 671 Falmouth Street

Mr. Kovalik requested an overview from staff.

Ms. Heflin gave a brief presentation on the proposed variance request, advising the request was for a 2' variance from the maximum administratively allowable 6' fence height to permit an 8' fence on the property to screen existing buildings.

Ms. Heflin advised the applicant was present for questions from the Board.

Mr. Kovalik asked the applicant to approach the dais.

Mike Appleton, the property owner, reiterated the reasoning for the variance and their desire to screen existing buildings as well as enhance the property. He added they have asked a local high school's agricultural department to design landscape plantings to assist in screening the front of the property.

Scott Wayland, the applicant, added the property has been significantly updated to include new siding and cleaning up and removing existing old fencing in bad shape.

Mr. Wayland continued to reiterate because the grade steadily falls towards the back of the property, a 6' fence would not be adequate to screen the rear of the property.

Mr. Kovalik pondered over maintenance responsibilities for the fencing material and whether a condition of approval should be added.

Mr. Appleton stated the fencing proposed is what is currently located on their property in Fauquier County next to the Home Depot, and they do not like the look of chain link with slats for screening. He added they plan to keep the property in good condition, but felt maintenance was a great addition to the conditions.

Ms. Jenkins stated the property maintenance would be an enforcement issue handled by the Community Development Department if needed but the Board could certainly add a condition as it sees necessary.

Mr. Fiutak stated he did not want to add any conditions to the existing suggested approval conditions by staff but had some changes.

There were no further questions.

Mr. Kovalik opened the public hearing at 5:15pm.

No one spoke.

Mr. Kovalik closed the public hearing at 5:15pm.

Mr. Kovalik asked for a motion.

Mr. Fiutak moved to approve variance application BZA-24-3 with changes to condition #2 to read: "The height of the fence may be increased by two (2) feet interior to the required setback and by 4' within the required setback area, not to exceed a total fence height of eight (8) feet from the ground surface. The increase in fence height is permitted solely within the side setback area that is immediately adjacent to parcel number 6983-67-4889-000 or 655 Industrial Road and shall not apply to any other portion of the subject property. This approval does not include approval for any outdoor uncovered storage, which currently requires a separate Special Use Permit approval from the Town Council."

Ms. Helander seconded.

The other members of the Board asked Mr. Fiutak to elaborate on his changes to condition #2.

Mr. Fiutak stated the reasoning behind his changes was to make the condition clearer and allow the applicant to construct the fencing as intended. He added the wording previously used appeared to limit the applicant to less than was being requested.

There was no further discussion on the motion. The vote was as follows:

Ayes: *Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair;
Mr. Geoffrey Fiutak Ms. Susan Helander; Mr. Van Baggett*

Nays:
Absent During Vote:

UPDATES FROM STAFF

November Board Meeting Discussion

Ms. Heflin advised the next regular meeting date fell on the election day holiday and asked if the Board would like to reschedule or cancel the meeting due to the Town's closure.

All members of the Board were in agreement to cancel the November meeting.

Ms. Heflin stated the Board would reconvene in December.

All members of the Board advised they would be available to attend the December meeting.

There were no further questions or updates from staff.

ADJOURNMENT

Ms. Maybach motioned to adjourn. Mr. Fiutak seconded, all in favor. No discussion. The vote was as follows:

Ayes: *Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair;
Mr. Geoffrey Fiutak; Ms. Susan Helander; Mr. Van Baggett*

Nays:

Absent During Vote:

The meeting was adjourned at 5:25 pm.

I hereby certify that this is a true and exact record of actions taken by the Board of Zoning Appeals of the Town of Warrenton on October 1, 2024.

Lawrence "Larry" Kovalik
BZA Chair



TOWN OF WARRENTON

Community Development Department

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

STAFF REPORT

November 20, 2024

Property Owner(s) / Applicant:	ATKINS HOMES, LLC/ Dan Atkins
Application #	BZA #2024-4
Location:	57 Madison Street
PIN:	6984-50-4270-000
Acreage:	0.2097 Acres (9,136 Square Feet)
Zoning:	Residential (R-10)
Comprehensive Plan Designation:	Low Density Residential; Old Town Character District Overlay
Land Use:	Vacant
Request:	The Applicant is seeking approval of a Variance from Zoning Ordinance Article 3-4.2.4 to allow construction of a single-family home within the required side yard setback area.

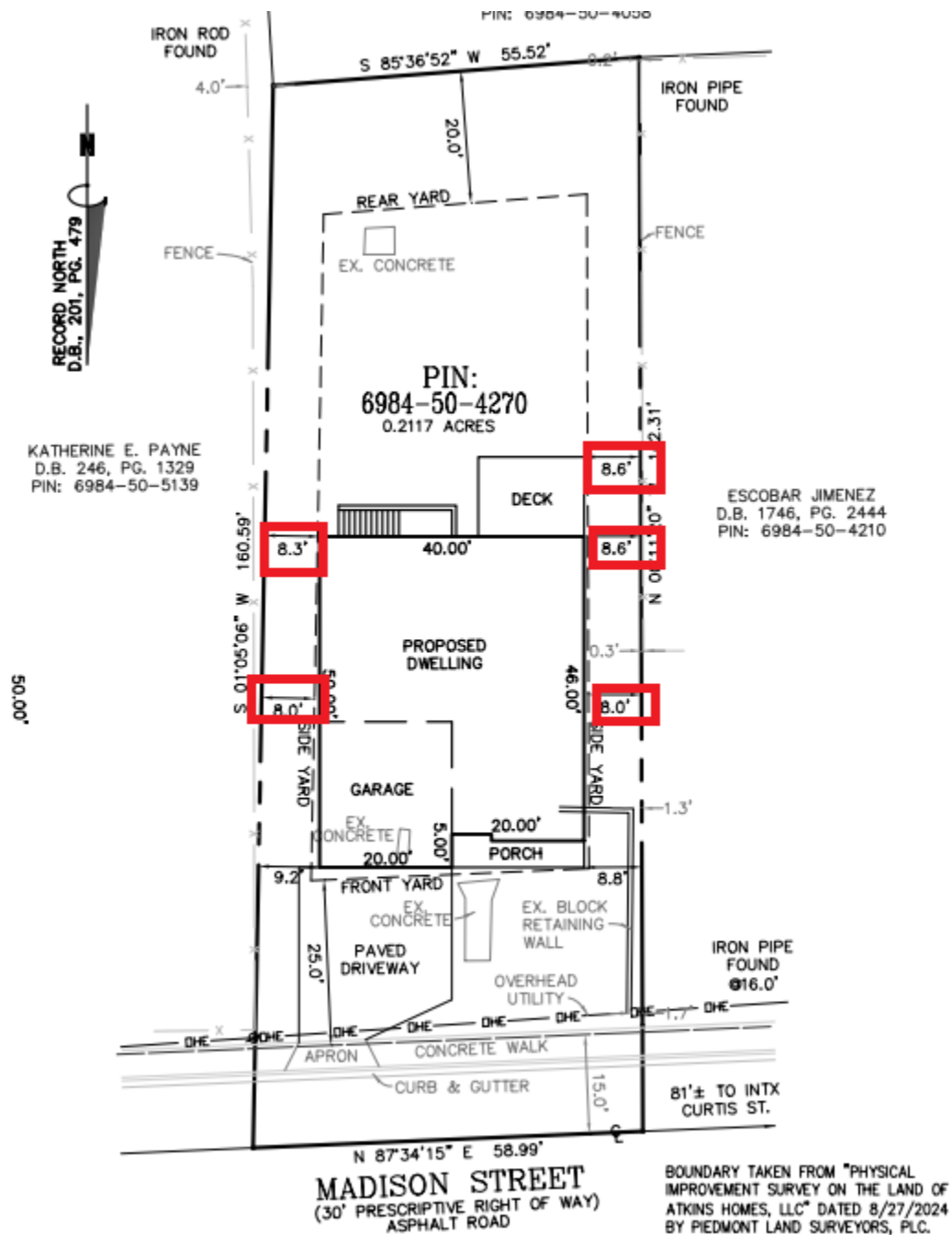
REQUEST

The applicant is requesting a variance from Article 3-4.2.4 of the Zoning Ordinance to construct a 2,926 square foot single-family home, and a 192 square foot attached rear deck within the required 10-foot side yard setbacks resulting in a variance of approximately 2 feet on each side.

Staff are unable to administratively approve requests for encroachments into required setbacks for primary structures. Staff can only administratively approve encroachments for accessory structures such as decks, porches, and HVAC equipment as permitted by article 2-18 of the Zoning Ordinance.

House Location Plan

Submitted by Dan Atkins, Applicant



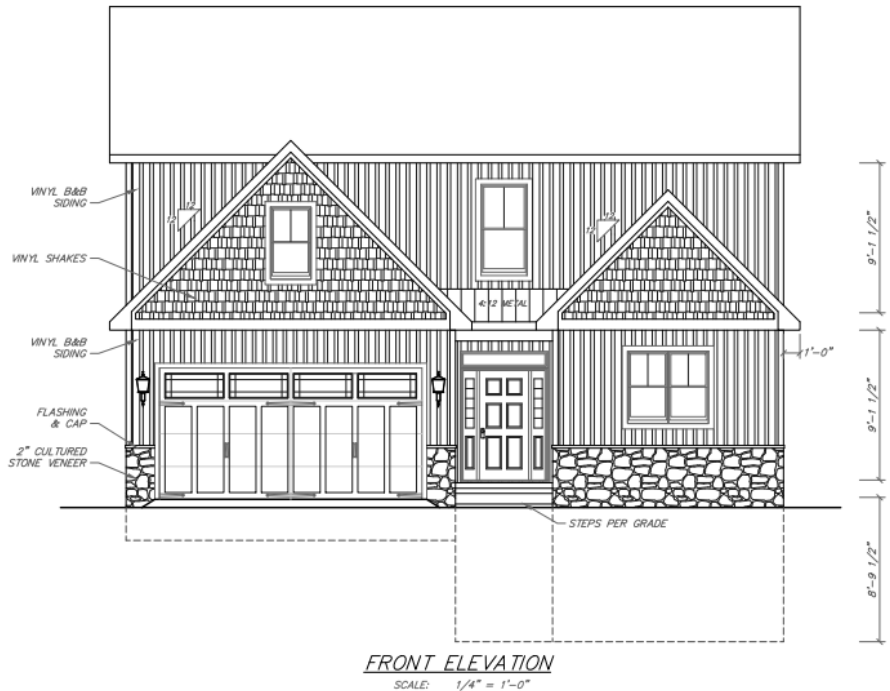
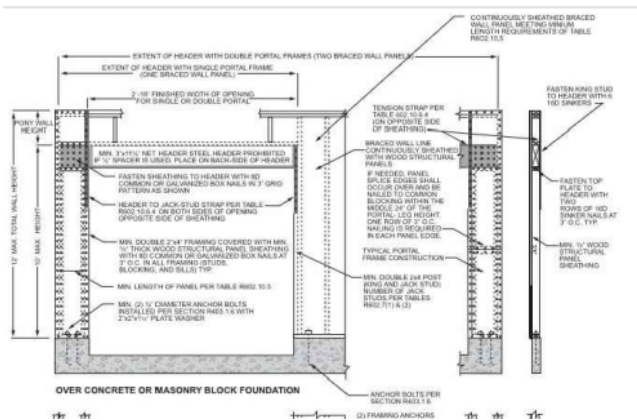
This image shows the proposed home location on the existing lot, with the proposed 8-foot side yard setback shown in red in the image above.

Proposed Elevations

Submitted by Dan Atkins, Applicant

SQUARE FOOTAGE DATA

FIRST FLOOR LIVING.....	1,326.0 SQ FT
SECOND FLOOR LIVING.....	1,600.0 SQ FT
UN-FINISHED BASEMENT.....	1,326.0 SQ FT
GARAGE.....	440.0 SQ FT
FRONT PORCH (FIRST FLOOR).....	30.0 SQ FT
REAR PORCH (FIRST FLOOR).....	192.0 SQ FT
TOTAL FINISHED LIVING.....	2,926.0 SQ FT
TOTAL CONSTRUCTION.....	4,914.0 SQ FT



The image above shows the proposed elevations for the home, and includes square footage data for each floor, and all accessory structures. The first and second floors of the home are 2,926 square feet combined, the unfinished basement is 1,326 square feet, the garage is 440 square feet, and both front and rear porches are 222 square feet combined.

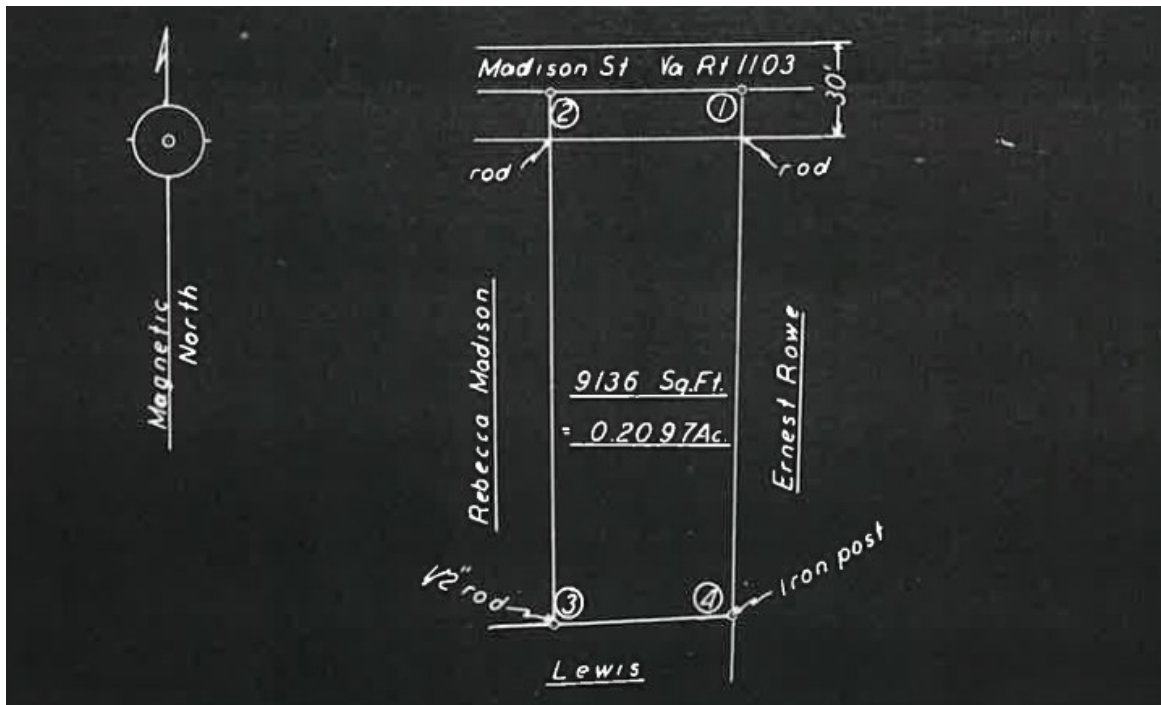
BACKGROUND

The subject property was originally part of an estate sale in the early 1900's but has been a legal lot of record since 1958, as shown in Deed Book 201 Pages 479-480, and is identified as 9,136 square feet or 0.2097 acres. The lot remained as so in a most recent and subsequent sale of the parcel in 2000, to Levi and Lucia Byrd, as shown in Deed Book 865, Page 862.

In 1958, shown in Deed Book 201 Pages 479-480, the lot is described as having a 58.99-foot frontage along Madison Street, which did not conform to the 1955 Zoning Ordinance's minimum required lot frontage of 75 feet. This frontage requirement (75 feet) did not change in subsequent Zoning Ordinance adoptions in 1959, 1976, and 1991, making the existing lot legally non-conforming to the current (2006) Zoning Ordinance requirements.

The applicant, Mr. Dan Atkins, purchased the property in September of 2024 from the Byrd's with the intent to develop the property with a single-family home.

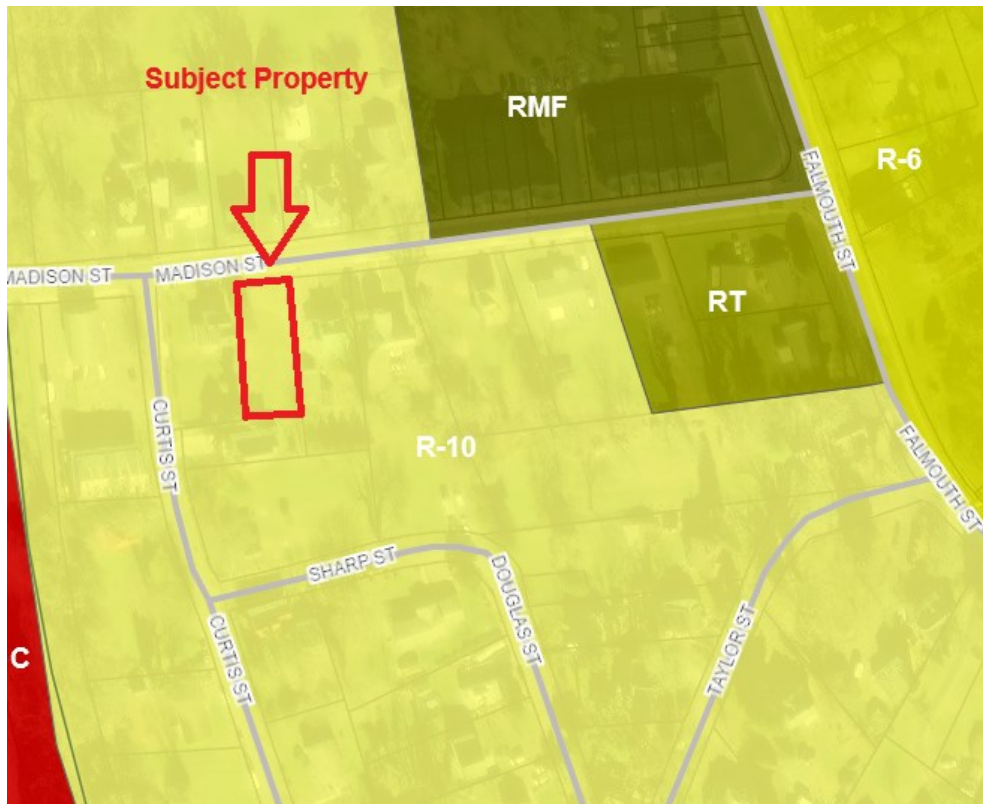
Deed book 201, page 479-480
February 27, 1958



Deed book 865, Page 862
April 10, 2000

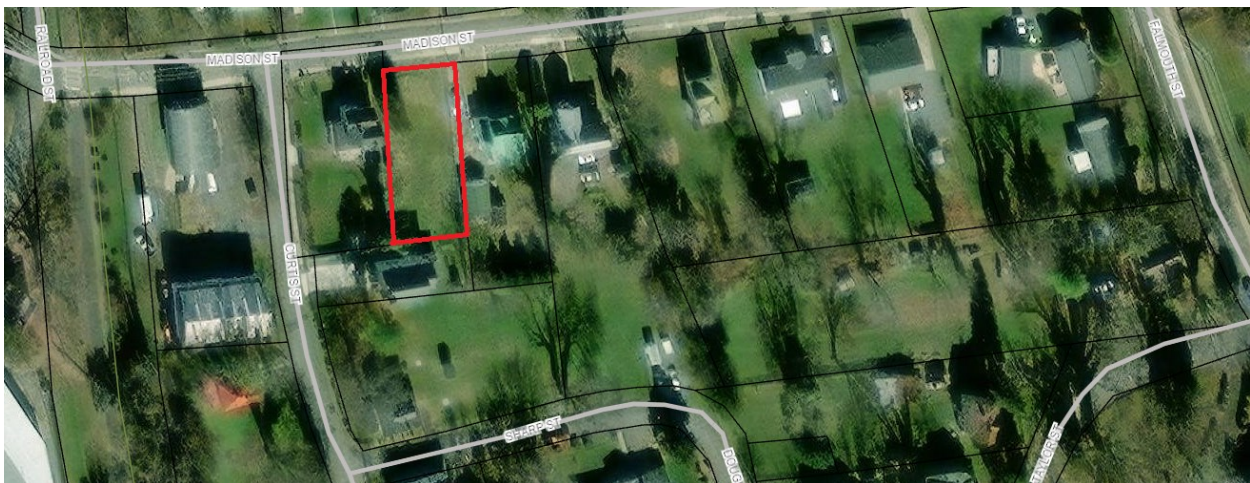
ALL OF THAT certain lot or parcel of land being situate in Centre Magisterial District, Fauquier County, Virginia, near the Town of Warrenton and fronting on Madison Street, Virginia, Route 1103, and described by metes and bounds on that certain plat and survey prepared by Fred Bartenstein, S.F.C., dated February 24, 1958, and attached to deed of trust recorded in Deed Book 201, page 479, in the Clerk's Office of the Circuit Court of Fauquier County, Virginia, containing 9,136 square feet, more or less or 0.2097 acre, more or less.

Zoning Map and Location



The property is located on Madison Street, within the R-10 Zoning District, and is surrounded by existing single-family homes, also zoned R-10. There are existing townhomes down the street on the corner of Madison and Falmouth Street.

Existing Conditions



The property is currently vacant and surrounded by existing single-family homes on both sides.

ANALYSIS

Recent Case Law

Staff recently attended a presentation by Sans Anderson, PC, a local legal practice, regarding recent case law updates for variances, and the ruling made by the court system. The *Vallerie Holdings vs. County of Louisa* case represents a turning point in how local governments are able to define a “reasonable utilization of the property” when granting or denying a variance application.

This case law, which was agreeable with the Supreme Court of Virginia, indicated that the 2015 update to Virginia State Code Section § 15.2-2309 was intended to expand the availability of a variance, setting a lower bar for the property owner. The case law indicated the BZA shall issue a variance if the effect of the Zoning Ordinance is to limit the use or enjoyment of the property in a way that is irrational, capricious, or not fair or sensible under the circumstances in which it is presented.

Virginia State Code and the Town of Warrenton Zoning Ordinance

Staff has reviewed the requested variance against the Virginia State Code and the Town of Warrenton Zoning Ordinance to determine if the request meets the criteria required to grant the variance. Below are the variance criteria with the staff's opinion on how the application meets each criterion. The BZA will need to determine if the application has provided sufficient proof that the request meets the standards for a variance as defined by Virginia State Code. Virginia State Code and the Zoning Ordinance define a variance 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.

In granting a variance, the BZA may impose such conditions regarding a proposed structure's location, character, and other features or use as it may deem necessary in the public interest. The BZA may require a guarantee or bond to ensure compliance with the imposed conditions. 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 ordinances. Per the Virginia State Code § 15.2-2309,

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 utilization of the property, or

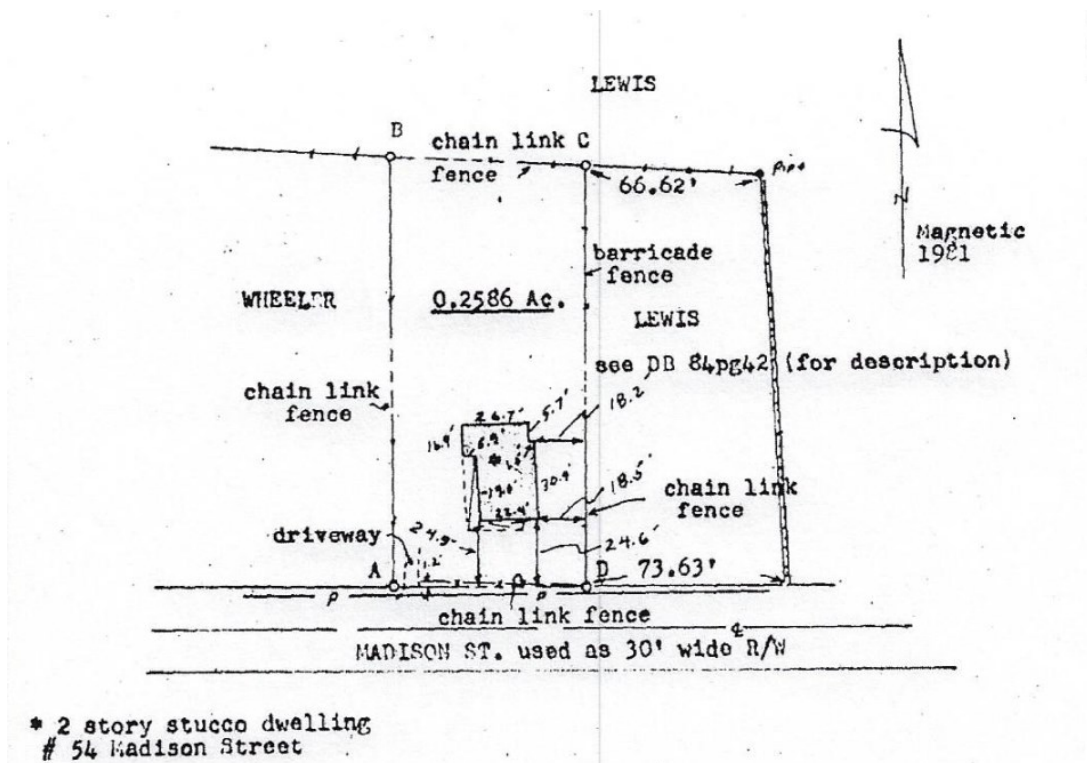
- a. The proposed 2,926 square foot single-family home averages about 1,348 square feet larger than neighboring homes on Madison Street with similar lot sizes.

Address	Lot Size	Living Area	Difference
53 Madison Street	10,890 square feet	1,636 square feet	1,290 square feet
44 Madison Street	10,890 square feet	1,408 square feet	1,518 square feet
54 Madison Street	11,264 square feet	1,688 square feet	1,238 square feet

In addition, a neighboring property across the street from the subject property, 54 Madison Street, has a 18.2' side yard setback for the existing home as shown on a 1981 Boundary Survey.

Plat of 54 Madison Street

November 16, 1981; Deed Book 424, Page 137

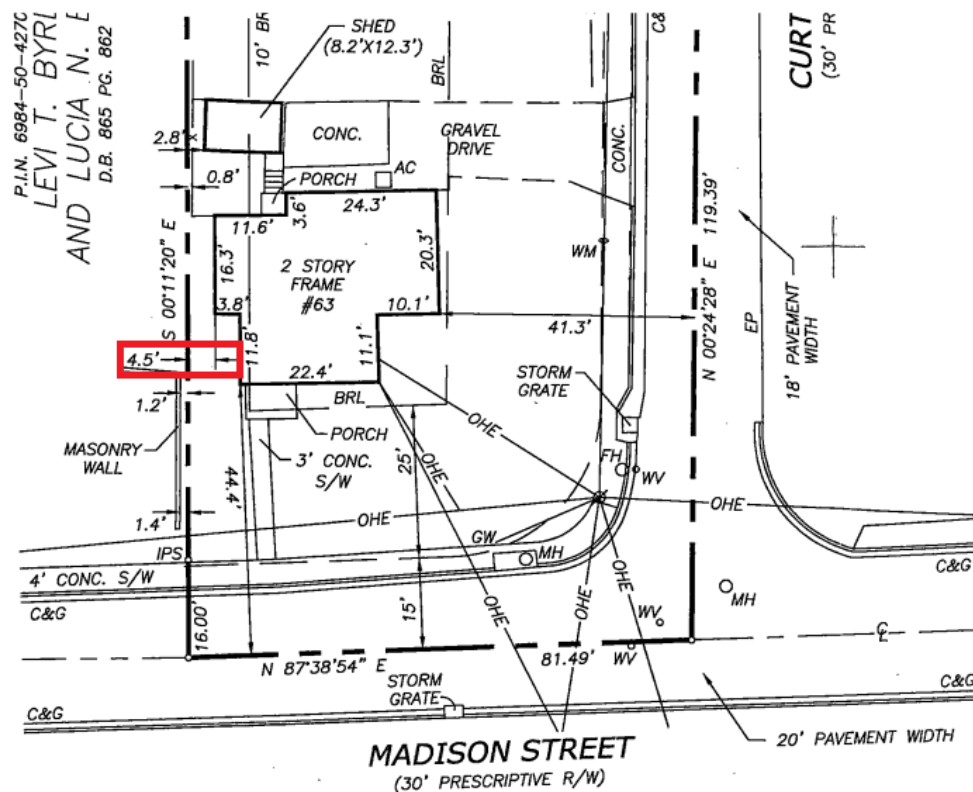


- b. The *Vallerie Holdings v. County of Louisa* case supported fair, sensible, and reasonable utilization of the property; The applicant could reasonably place a smaller home within the required setbacks, effectively eliminating the need for a variance from the Board of Zoning Appeals.

- c. The applicant would like to apply the lot regulations and setbacks as permitted by a cluster development, which is a by-right permitted use in the Residential R-10 Zoning District; However, the applicant is not proposing to provide the additional requirements for cluster development under Article 9-6, such as open space. Staff does not feel that this is adequate justification for the variance request.
- d. The applicant has also noted the existing non-conforming setbacks for the adjacent property, 63 Madison Street. Upon staff research, the property appears to meet current lot size requirements (10,000 square feet), but the dwelling itself was constructed in the 1940's, prior to the Town's first Zoning Ordinance in 1955, making the lot legal non-conforming due to pre-existing setbacks.

Plat of 63 Madison Street

April 4, 2023; Deed Book 1746, Pages 2444-2450



OR

2. that granting 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 seems to have a slight downward slope, but the ground appears to be largely level across the rear of the lot. The property is not encumbered by any existing utility or drainage easements.

OR

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 variance request is not being requested by or on behalf of a person with a disability.

In addition to the three points above, no variance shall be authorized by the BZA unless it is determined that the request meets all five of the following criteria as listed in Zoning Ordinance Section 11-3.11.1 2. - *Standards for Variances*:

- 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 2024 by purchase of the property recorded in Deed Book 1776 Pages 238-240. The hardship appears to have been created by the applicant, as the size of the home is significantly larger than neighboring homes with similar lot sizes, and a smaller footprint may allow the existing setbacks to be met on the lot.

Address	Lot Size	Living Area	Difference
53 Madison Street	10,890 square feet	1,636 square feet	1,290 square feet
44 Madison Street	10,890 square feet	1,408 square feet	1,518 square feet
54 Madison Street	11,264 square feet	1,688 square feet	1,238 square feet

- 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 variance will not be detrimental to the adjacent properties, as the adjacent properties are also zoned R-10 and all are currently single-family detached dwellings, though smaller in stature. However, there may be additional concerns with fire safety separation and drainage due to the close proximity of the proposed home to the property line.

- 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 lot has never met the minimum required lot size (10,000 square feet, Per Section 3-4.2.4 of the Zoning Ordinance) for any of the previous zoning districts in 1955, 1959, 1991, nor the current minimum lot size in the Residential R-10 Zoning District.

- 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.*

Single-family detached dwellings are a by-right permitted use in the R-10 zoning district. Granting the variance would not affect the current Zoning designation for the property.

- 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 the setback requirements, nor are any waivers available for homes unable to meet setback requirements.

CONCLUSION

The applicant has requested a side-yard setback variance of approximately 2 feet from Article 3-4.2.4 of the Zoning Ordinance to construct a single-family home.

The BZA, per Virginia State Code § 15.2-2309, must hear and decide whether the evidence submitted by the applicant shows that the strict application of the Ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a substantial hardship. No variance shall be authorized merely for the purpose of convenience or economic hardship.

Pattern motions for approval and denial have been provided as attachments for consideration.

ATTACHMENTS

- A. Proposed Conditions of Approval / Proposed Motion for Denial
- B. Maps – Location, Zoning, Aerial Imagery
- C. Photographs – Existing Conditions
- D. Variance Application Materials
- E. Deed of purchase Atkins-2024 (Deed Book 1776, Pages 238-240)
- F. Deed Book 201, Pages 479-480
- G. Deed Book 865, Page 862
- H. Deed Book 424, Page 137
- I. Deed Book 1746, Pages 2444-2450

**Pattern Motion to Grant/Deny Variance
DECEMBER 3, 2024**

PATTERN MOTION TO APPROVE VARIANCE

VARIANCE

**BZA #2024-4- ATKINS
HOMES, LLC**

**BZA MEETING DATE:
DECEMBER 3, 2024**

In Application BZA #2024-4, I move to grant the Variance, after due notice and hearing as required by Code of Virginia §15.2-2204 and Article 11-3.11 of the Town of Warrenton Zoning Ordinance, based on upon the following Board findings:

1. The strict application of the Ordinance would unreasonably restrict the utilization of the property, the need for the variance will not be shared generally by other properties, and the variance is not contrary to the purpose of the ordinance.
2. 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; and
3. The granting of the variance will not be of substantial detriment to the adjacent property and nearby properties in the proximity of that geographical area; and
4. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance; and
5. 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
6. The relief or remedy sought by the variance application is not available through a Special Exception or Special Permit process that is authorized in the Ordinance or the process for a modification from a provision of the Zoning Ordinance at the time of the filing of the variance application.

The Variance is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The site shall be in substantial 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. The side-yard setback is reduced to 8'. No additional accessory structures shall encroach beyond the 8' side-yard setback, and the portion of the proposed rear deck within the setback is not permitted to be covered or enclosed in the future.

PATTERN MOTION FOR DENIAL

VARIANCE

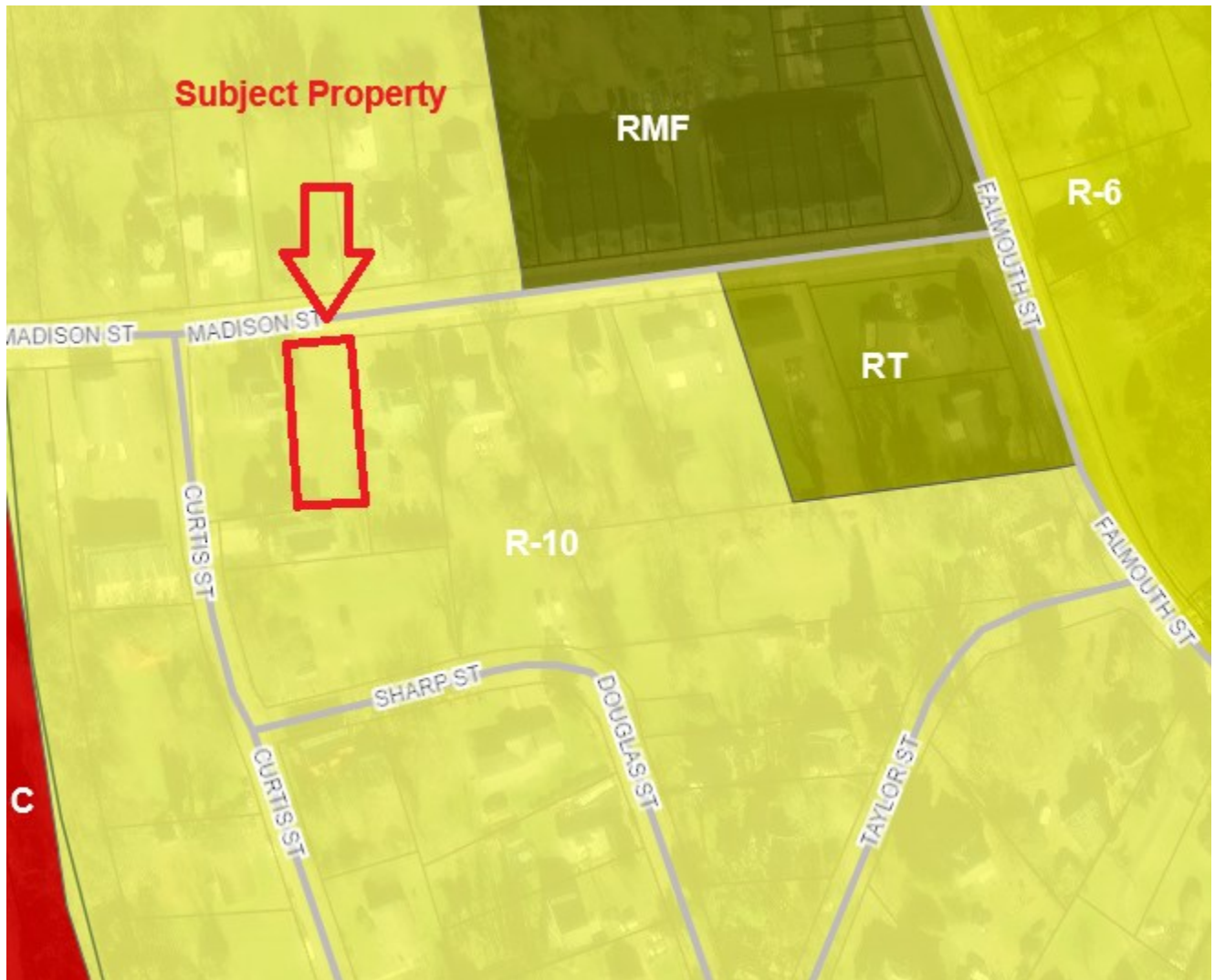
**BZA #2024-4- ATKINS
HOMES, LLC**

**BZA MEETING DATE:
DECEMBER 3, 2024**

In Application BZA #2024-4, I move to deny the Variance, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Article 11-3.11 of the Town of Warrenton Zoning Ordinance, based on upon the following Board findings:

1. The strict application of the Ordinance inconveniences the Applicant but does not unreasonably restrict the utilization of the property.
2. The strict application of the Ordinance does not 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.
3. The strict application of the Ordinance does not 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.
4. The variance would be contrary to the intent and purpose of the Zoning Ordinance.
5. The granting of the variance would not result in substantial justice being done.
6. The relief requested can be granted only through modification of the zoning ordinance.
7. _____
8. _____

Zoning and Location



Aerial Imagery



2024 Photographs



2022 view of the property from google maps





TOWN OF WARRENTON

Department of Community Development

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

Land Development Application

Type of Development [select type(s) below]

Permit # _____

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

☐ Amendment to Existing Approved Application? If Yes, List Application _____

Project Description

Project Name: _____

Property Address (if no address, give closest cross street): 57 Madison St WarrentonPurpose of Request: Change side line setback from 10 feet to 8 feetZoning District: _____ Total Acres: 0.2117 Acres for Proposed Use: _____Parcel Identification Number(s): 6894-50-4270

Contact Information (Attach separate page if necessary)

All Current Owners

Name & Company: Atkins Homes LLCAddress: 2534 Coal Springs Ct Ammissville VA 20106Phone: 540 222-2117 Email: atkinshomesinc@gmail.com

All Current Applicants (if different then owner):

Name & Company: _____

Address: _____

Phone: _____ Email: _____

Representative (if different then owner/applicant):

Name & Company: _____

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: [Signature] 9-30-24 Applicant's Signature & Date: _____Print Owner's Name: Dan Atkins Print Applicant's Name: _____

57 Madison Street
PIN 6984-50-4270
Town of Warrenton

Variance Request
Statement of Justification
Reduction of Side Yard

Prepared By:

Hinchey & Baines, PLC
R. Lee Baines, P.E.
125 East Davis Street, Suite 201
Culpeper, Virginia 22701
(540) 829-2220

Prepared For:

Atkins Homes, LLC
2534 Cool Springs Court
Amissville, Virginia 20106

November 4, 2024

Project Description

PIN: 6984-50-4270
 Owner/Applicant: Atkins Homes LLC
 Street Address: 57 Madison Street Warrenton VA 20186
 Zoning District: R-10
 Lot Size: 0.2117 AC (9,221 SF)

The applicant requests a variance to reduce the R-10 single-family dwelling side setback requirement from 10 feet to 8 feet.

R-10 Lot and Yard Regulations (Z.O. Sec. 3-4.2.4)

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq.ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Single-Family	10,000	75 ft.	65%	25 ft	10 ft	20 ft
Cluster Development	6,000	55 ft	65%	25 ft	8 ft	15 ft

Plan Reference

The subject lot was created prior to 1958. According to Google Earth Historical Imagery and other historical aerial photography resources, a single-family house stood on the property from sometime prior 1952 until at least 1994 but was removed sometime between 1994 and 2002. The subject parcel has been vacant since. The owner/applicant acquired the parcel in September of 2024.

The subject parcel lot size is 9,221 SF and its lot frontage is approximately 59 feet. It does not meet the current minimum lot size (10,000 SF) or lot frontage requirements (75 feet) for a single-family lot. It does, however, meet the current minimum lot size (6,000 SF) and minimum frontage (55 feet) for a cluster lot.

Lots adjoining the subject parcel are similar in that they consist of minimum required lot sizes and lot frontages or less. Also, it appears adjoining dwellings may not, in some cases, meet the current single-family setback requirements. For example, according to a survey by Dodd & Associates, the dwelling at 63 Madison Street is setback 4.5' from the side property line common with the subject parcel.

Analysis and Justification

The Town of Warrenton Zoning Ordinance requires analysis and justification of the following criteria in order to warrant approval of a variance:

- 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 applicant acquired the parcel in 2024 in good faith via an "arm's length" transaction. Any hardship is due to the subject parcel's size and configuration inherent to the parcel's creation prior to the establishment of zoning in the Town of Warrenton and its partial non-conformance with current zoning requirements.
- b) The granting of the variance will not be of substantial detriment to the adjacent property and nearby properties in the proximity of that geographical area.

A dwelling of similar size previously stood on the subject parcel (at least between 1952 and 2002) in a similar location as proposed. The reduction of side setbacks to 8 feet on the subject parcel will reflect similar side setbacks for dwellings on adjacent parcels. The requested reduced side setbacks will allow for any proposed dwelling to be constructed at a similar size and location as those on adjacent parcels, thereby preserving streetscape uniformity.

- c) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

The current ordinance provides for reduced setbacks in cases where the lot was created with a "cluster development". The subject and adjoining parcels pre-date any "cluster development" ordinance, however the parcels and existing dwellings within the neighborhood exhibit setbacks which tend to align with the cluster use classification.

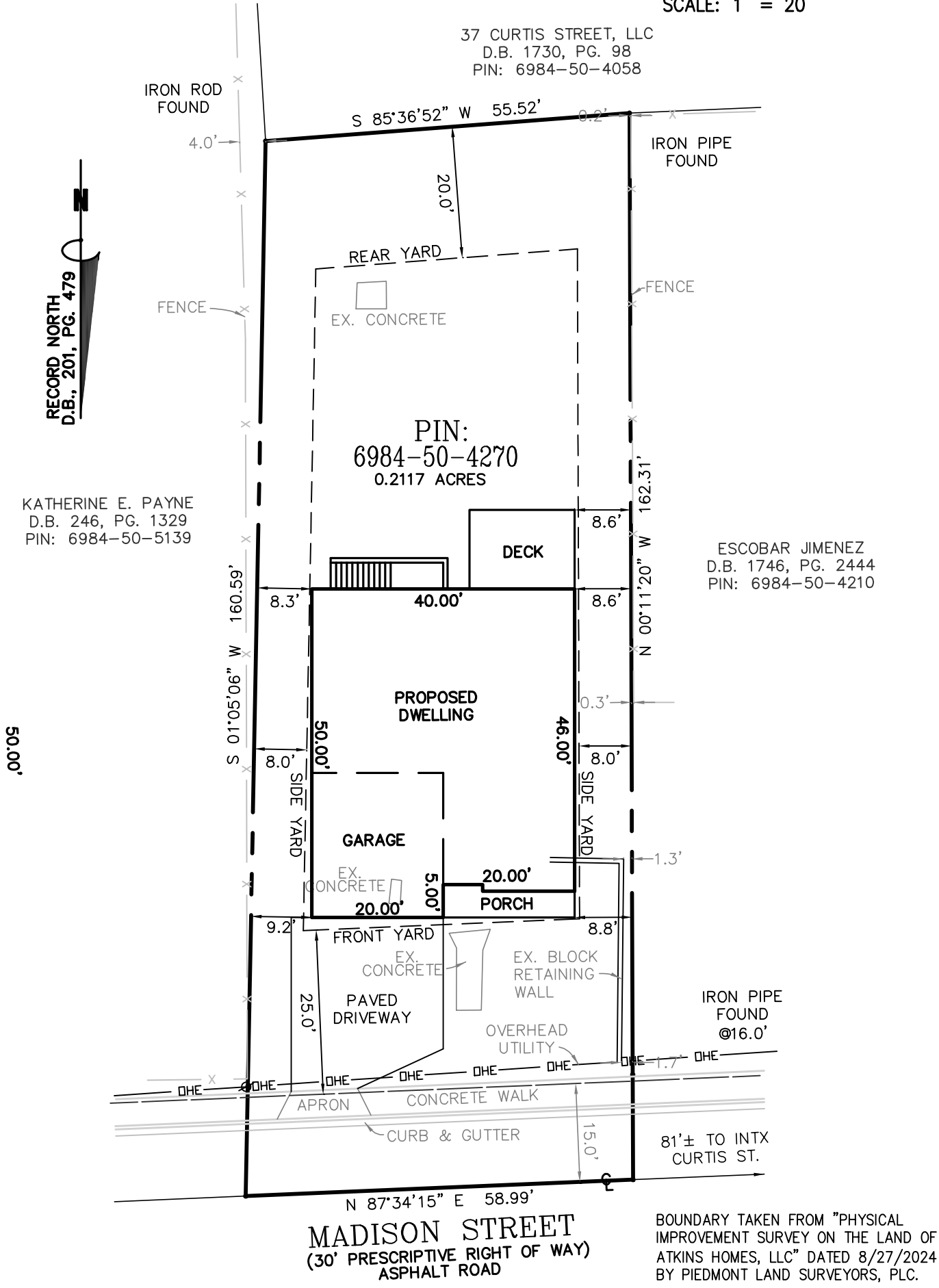
- d) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.

Single-family dwelling and cluster development uses are permitted in the R-10 District.

- 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 of the process for modification to the Zoning Ordinance at the time of the filing of the variance application.

The remedy sought by this variance request is not available through a special use permit.

GRAPHIC SCALE
SCALE: 1" = 20'



R-10 Lot and Yard Regulations (Z.O. Sec. 3-4.2.4)

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq.ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Single-Family	10,000	75 ft.	65%	25 ft	10 ft	20 ft
Cluster Development	6,000	55 ft	65%	25 ft	8 ft	15 ft

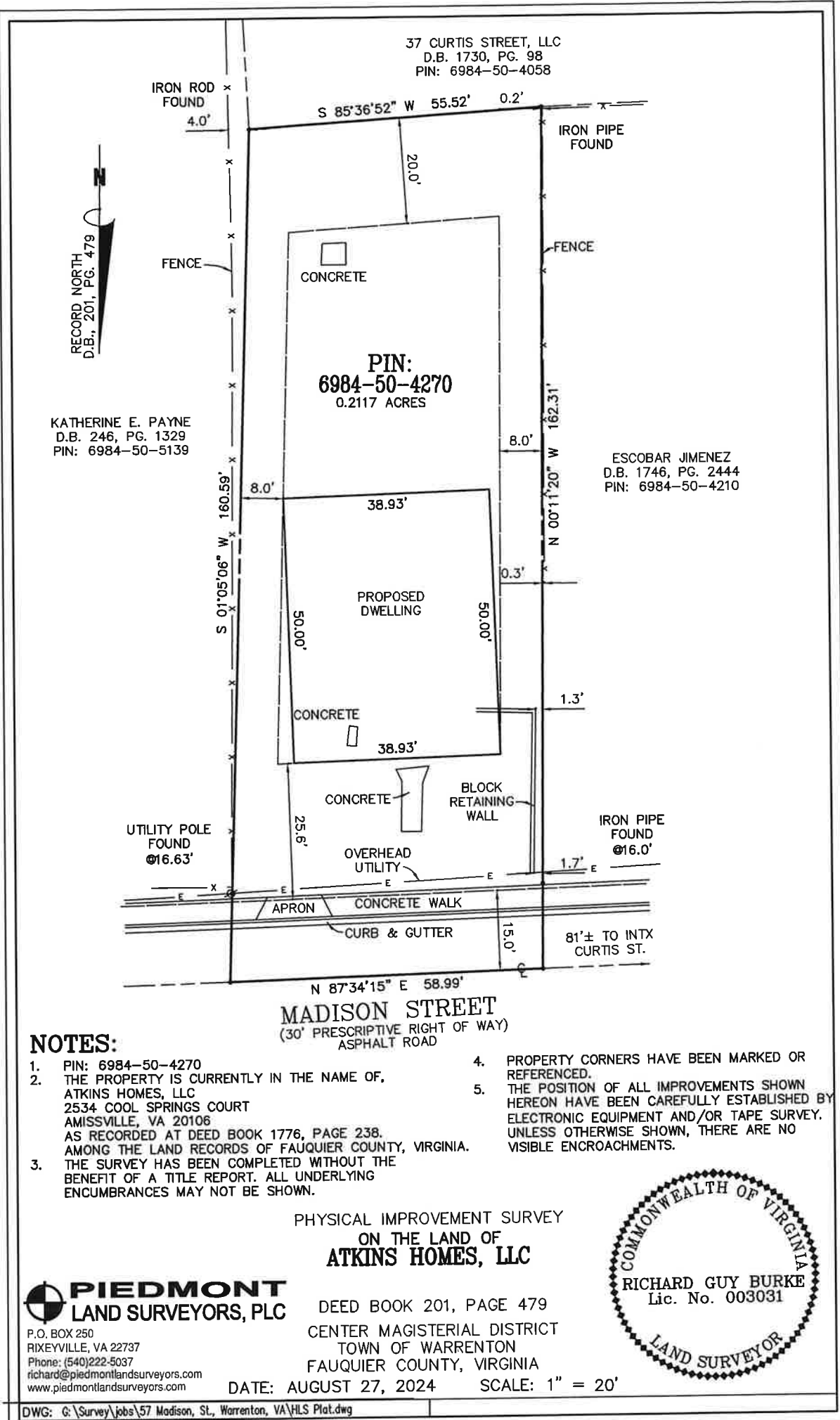
SCALE: 1"= 20'
DATE: 11-11-2024
REVISIONS:

SHEET 1 OF 1

FILE NO. 1710

HOUSE LOCATION PLAN
ATKINS HOMES, LLC
57 MADISON STREET
TOWN OF WARRENTON, VIRGINIA

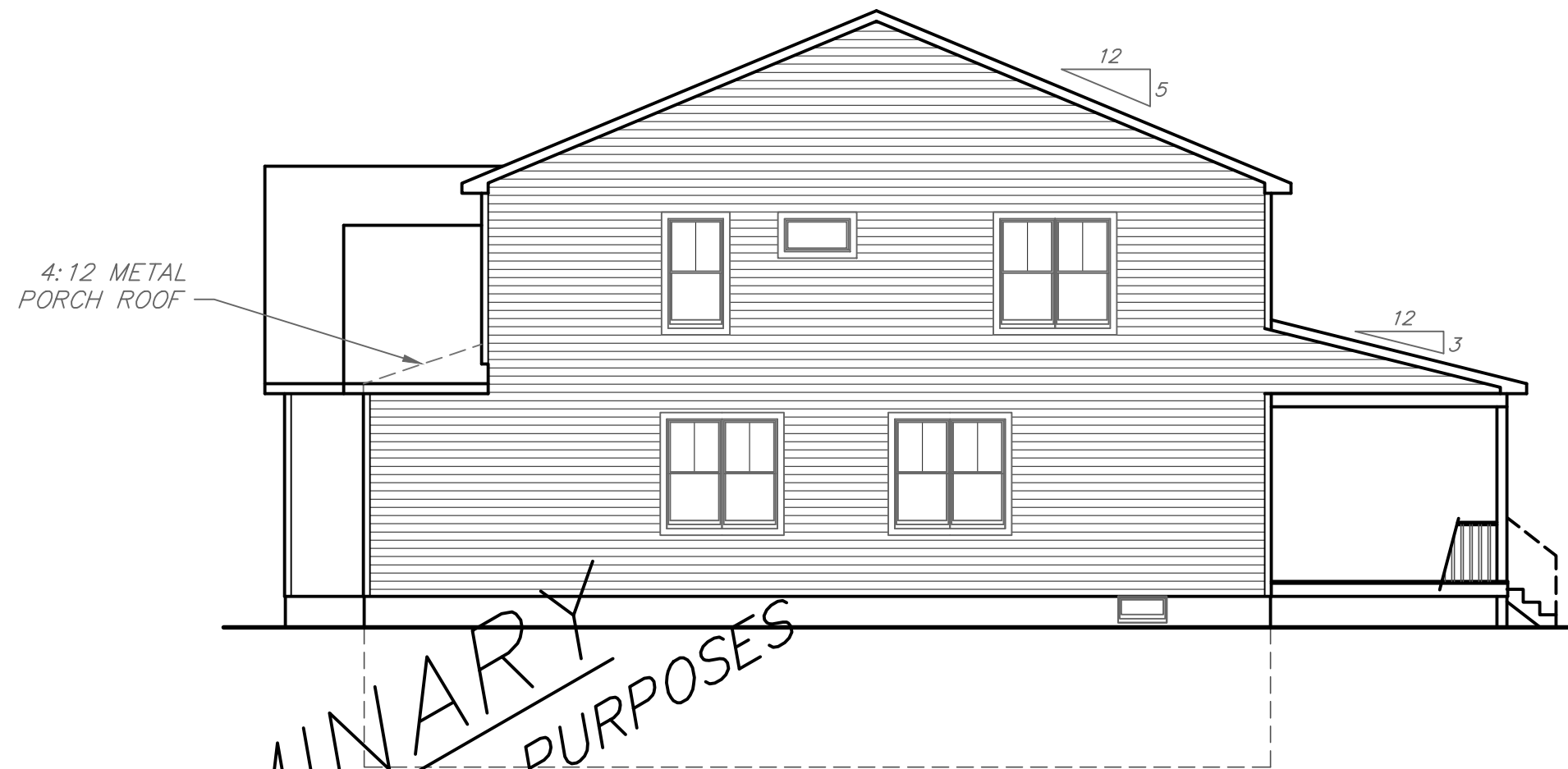
HINCHEY & BAINES, PLC
ENGINEERING AND LAND PLANNING
125 EAST DAVIS STREET- PHONE (540) 829-2220
SUITE 201 FAX (540) 829-2239
CULPEPER, VIRGINIA 22701



GENERAL CONSTRUCTION NOTES

BUILDING CODE: 2018 VA RESIDENTIAL CODE
INSULATION CODE: AS PER CHAPTER 11, TABLE N1102.1.2 (R402.1.2)

- ANY REPRODUCTION OF THESE PLANS WITH OUT PERMISSION IS A VIOLATION OF COPYRIGHT LAWS. COPIES OF THESE PLANS ARE AVAILABLE FROM DESIGN OPTIONS INC. (540) 825-4656.
- THESE PLANS AND SPECIFICATIONS MUST BE REVIEWED PRIOR TO THE START OF CONSTRUCTION AND FOLLOWED BY THE CONTRACTORS AND HIS AGENTS. ESTABLISHMENT AND VERIFICATION OF ALL ON-SITE CONDITIONS IS THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR. ANY DEVIATIONS MUST BE APPROVED BY THE BUILDING INSPECTOR AND THE DESIGNERS. THE DESIGNERS ASSUME NO RESPONSIBILITY OR LIABILITY FOR ANY STRUCTURE THAT IS NOT CONSTRUCTED UNDER HIS DIRECT SUPERVISION.
- ALL WORK SHALL CONFORM TO ALL APPLICABLE LOCAL, STATE, AND FEDERAL BUILDING CODES WHETHER SHOWN ON PLAN OR NOT, INCLUDING MECHANICAL, ELECTRICAL, & PLUMBING.
- FOUNDATION WALL FOOTING WIDTH, DEPTH, & REINFORCEMENT TO COMPLY WITH TABLES WITHIN SECTION R403.1 (3000 PSI CONCRETE PER R402.2). CARRY ALL FOOTINGS TO UN-DISTURBED SOLID BEARING & TO CONFORM WITH FROST LINE REQUIREMENTS. FOOTING TO CAST FOUNDATION WALL CONNECTION: PROVIDE MIN OF 1.5"x1.5" FOOTING KEY WAY OR PROVIDE #4 VERTICAL BAR @ 24" O.C., EMBED 6" INTO FOOTING & 18" INTO FOUNDATION
- FOUNDATION WALL REINFORCEMENT & BACKFILL TO COMPLY WITH TABLES WITHIN SECTION R404.1 MINIMUM COMPRESSIVE STRENGTH: 3000 PSI CONCRETE PER R402.2 (SEVERE), MANUFACTURED PRE-CAST FOUNDATION PER R402.3, MASONRY PER R402.4 FOUNDATION DAMP PROOFING TO COMPLY WITH R406, DRAIN TILE TO COMPLY W/ R405 UNDER FLOOR SPACE VENTING, ACCESS, & DRAINAGE PER R408
- CONCRETE SLABS 3500 PSI (PER R402.2) MIN. 4" CONCRETE WITH 6x6-10-10 WMM OR FIBERGLASS REINFORCEMENT. GRAVEL UNDER SLAB FILL SHALL NOT EXCEED 24" WITHOUT ENGINEERING. PROVIDE THERMAL BREAK FOR HEATED SLABS PER M2103.2
- PROVIDE 1/2" CALV. ANCHOR BOLTS (EMBED: 7" MIN.) FOR SECURING WOOD SILL PLATES TO MASONRY/CONCRETE: 6'-0" MAX - 12" FROM CORNERS. (PER R403.1.6)
- LUMBER TO BE S.P.F. #2 CONSTRUCTION GRADE OR BETTER UNLESS OTHERWISE NOTED. PRESSURE TREATED LUMBER: ALL SCREWS & NAILS TO BE HOT-DIPPED GALVANIZED OR STAINLESS STEEL. ALL HARDWARE (HANGERS, ANCHORS) TO BE GALVANIZED WITH 1.85 OZ/SF OF ZINC OR STAINLESS STEEL.
- FLOOR JOISTS AS NOTED - BRIDGING AT ALL MID-SPANS (NOMINAL LUMBER) FOR ENGINEERED JOISTS/LVLs, REFER TO THE MNFR JOIST LAYOUT (PROVIDED BY OTHERS)
- FRAMING 16" O.C. UNLESS OTHERWISE NOTED. ALL EXTERIOR WALLS TO BE WIND BRACED IN ACCORDANCE WITH SECTION R602.10, HEADERS PER R602.7(1) OR R605.7(2), JACK STUDS PER R602.7(1), RAFTERS PER R602.4.1, CEILING JOISTS PER R602.5, TRUSSES PER R602.10.1, FLOOR & ROOF SHEATHING PER R503.2.1.1(1), ROOF ICE SHIELD PER R905.2.1 & R905.2.7 & UNDERLAYMENT PER R905.2.3 PROVIDE SOLID BEARING AT ENDS OF ALL GIRDER TRUSSES, JOISTS, BEAMS, & LINTELS.
- FLOOR LOADING: LIVE 30/40 DEAD 10
DECK LOADING: LIVE 40 DEAD 10
STAIR LOADING: LIVE 40 DEAD 10
GARAGE LOADING: LIVE 50 DEAD 10
ATTIC LOADING: LIVE 10/20/30 DEAD 10
ROOF LOADING: LIVE 30 DEAD 17
WIND PRESSURE: NOMINAL 90 MPH ULTIMATE 115 MPH (3 SEC GUST)
SEISMIC ZONE: B (LOUISA: C) LATERAL SOIL PRESSURE: 45 PCF
WEATHER: SEVERE FROST LINE: 24"
GROUND SNOW LOAD: 30 P.S.F.
SOIL BEARING VALUE: 2000 P.S.F. (ASSUMED)
- ALL DECKS & PORCHES TO COMPLY WITH SECTION R507. POST TO BEAM ATTACHMENTS TO COMPLY WITH R507.5.2, FLOOR ELEVATIONS TO COMPLY WITH SECTION R311.3, ALL STAIRWAYS TO BE ILLUMINATED PER R303.7 OR R303.8
- MIN 50/20 CFM BATHROOM EXHAUST TO EXTERIOR PER M1505, MIN 100/25 CFM COOKING EXHAUST TO EXTERIOR PER M1503
- GARAGES SHALL BE SEPARATED FROM THE RESIDENCE AND ITS ATTIC WITH NO LESS THAN 1/2" D.W. APPLIED TO GARAGE SIDE. GARAGES BELOW HABITABLE ROOM SHALL BE SEPARATED WITH 5/8" TYPE "X" DRYWALL ON CEILING AND 1/2" D.W. ALL OTHER WALLS, PER TABLE R302.6
- FIREPLACE COMBUSTION AIR TO COMPLY W/ R1006.1, AIR SPACE CLEARANCE TO COMPLY W/ R1001.11 AND/OR R1003.18, AND CHIMNEY TERMINATION TO COMPLY WITH R1003.9
- DOOR & WINDOW GLAZING TO BE MAXIMUM 0.32 U-FACTOR AND 0.40 SHGC WINDOW & DOORS TO BE READ AS FOOT/INCHES (I.E. 30 68 = 3'-0" x 6'-8") INTERIOR PASSAGE PER SECTION R332. EGRESS WINDOWS TO COMPLY WITH R310.2.1: CLEAR OPENING 5.7 SQ FT, EXEMPTION- GRADE FLOOR 5.0 SQ FT

**RIGHT ELEVATION**

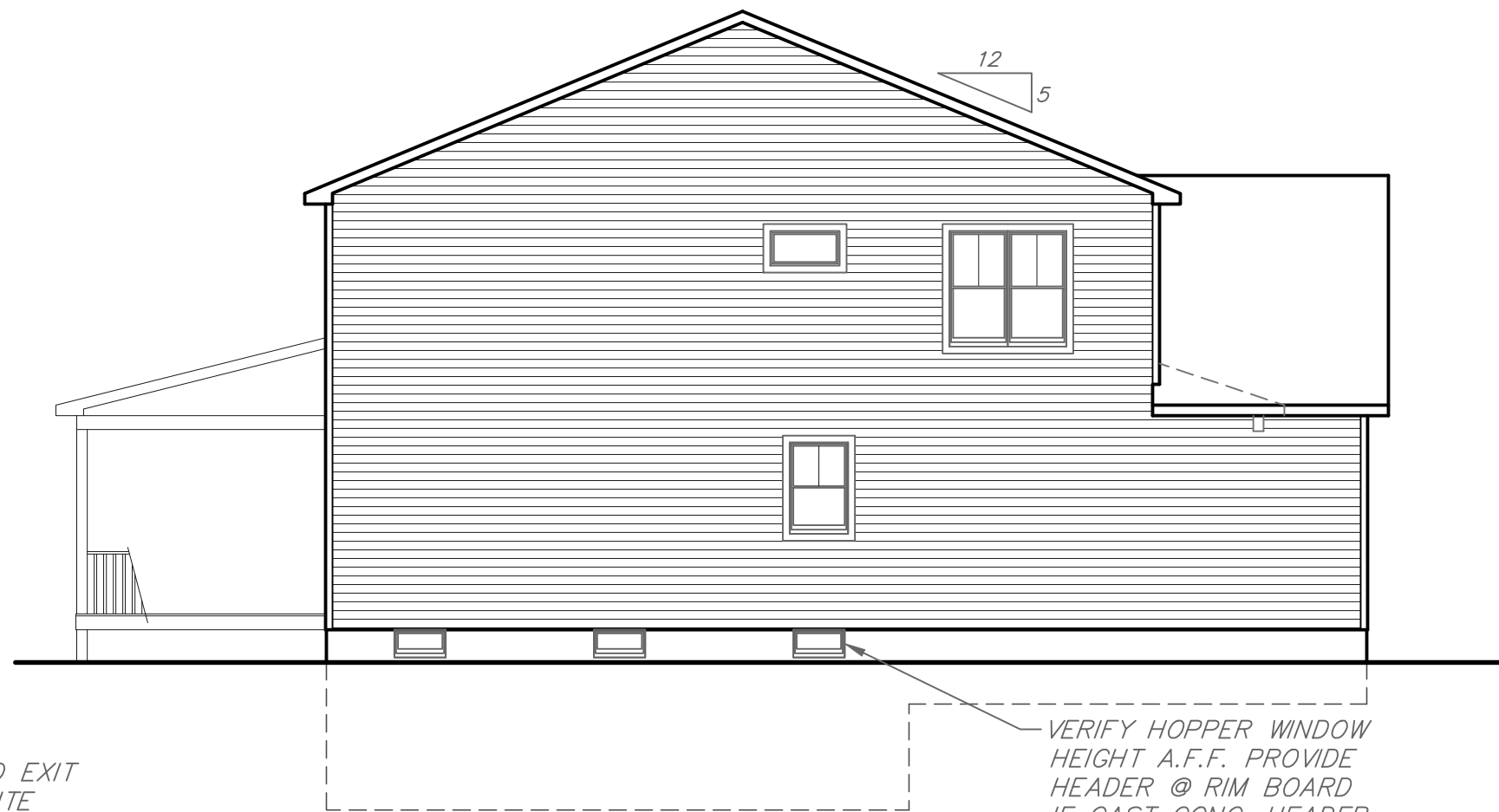
SCALE: 1/8" = 1'-0"

R312.1.1 RAILING NOT REQUIRED WHEN WALKING SURFACE IS LESS THAN 30" FROM GRADE FOR 36" BEYOND WALKING SURFACE

**REAR ELEVATION**

SCALE: 1/8" = 1'-0"

NOTE: BASEMENT DOOR & WINDOW SIZES & LOCATIONS TO BE DETERMINED PER FINAL GRADE

**LEFT ELEVATION**

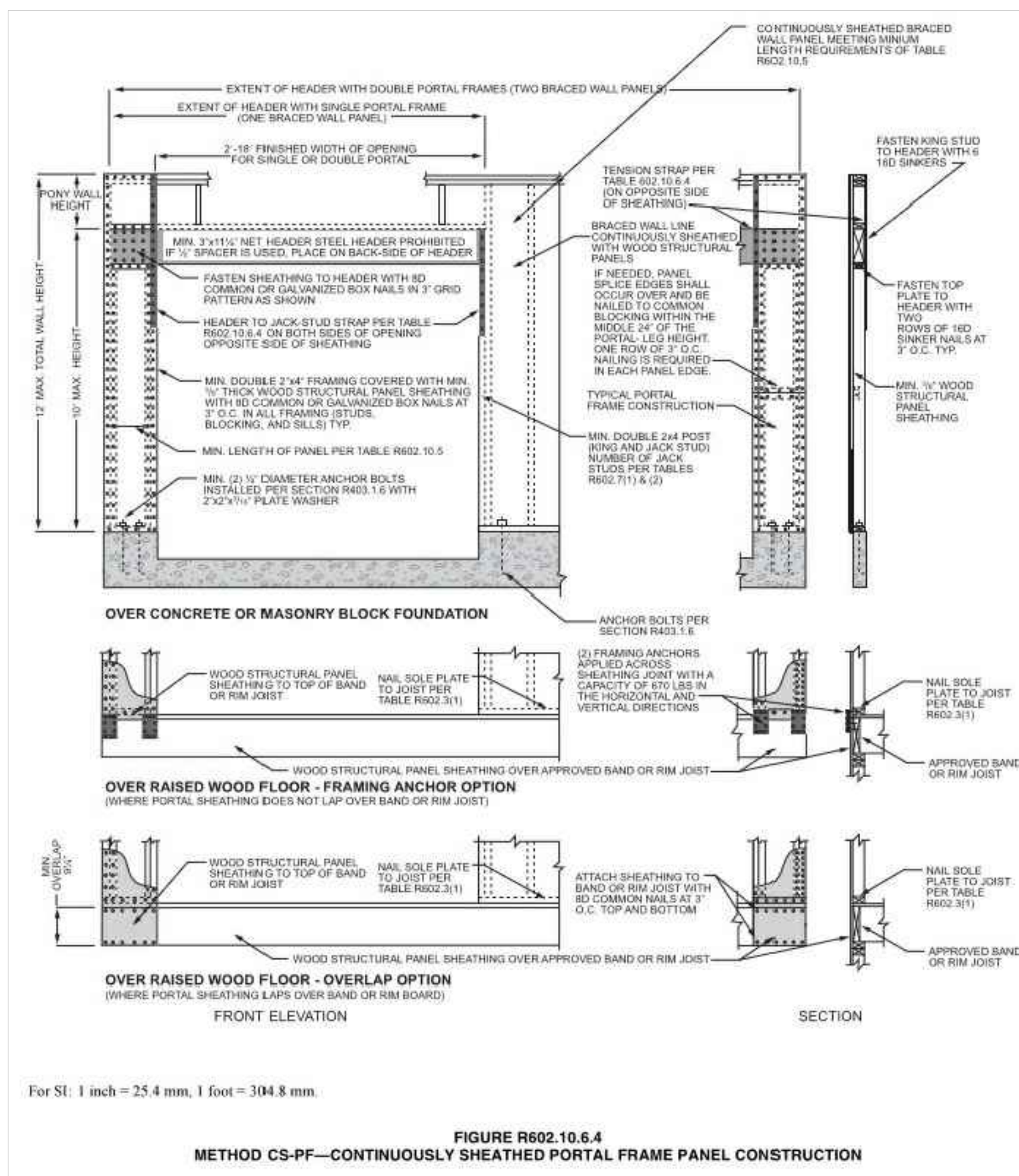
SCALE: 1/8" = 1'-0"

VERIFY HOPPER WINDOW HEIGHT A.F.F. PROVIDE HEADER @ RIM BOARD IF CAST CONC. HEADER NOT PROVIDED

SQUARE FOOTAGE DATA

FIRST FLOOR LIVING.....1326.0 SQ FT
SECOND FLOOR LIVING.....1600.0 SQ FT
UN-FINISHED BASEMENT.....1326.0 SQ FT
GARAGE.....440.0 SQ FT
FRONT PORCH (FIRST FLOOR).....30.0 SQ FT
REAR PORCH (FIRST FLOOR).....192.0 SQ FT

TOTAL FINISHED LIVING.....2926.0 SQ FT
TOTAL CONSTRUCTION.....4914.0 SQ FT

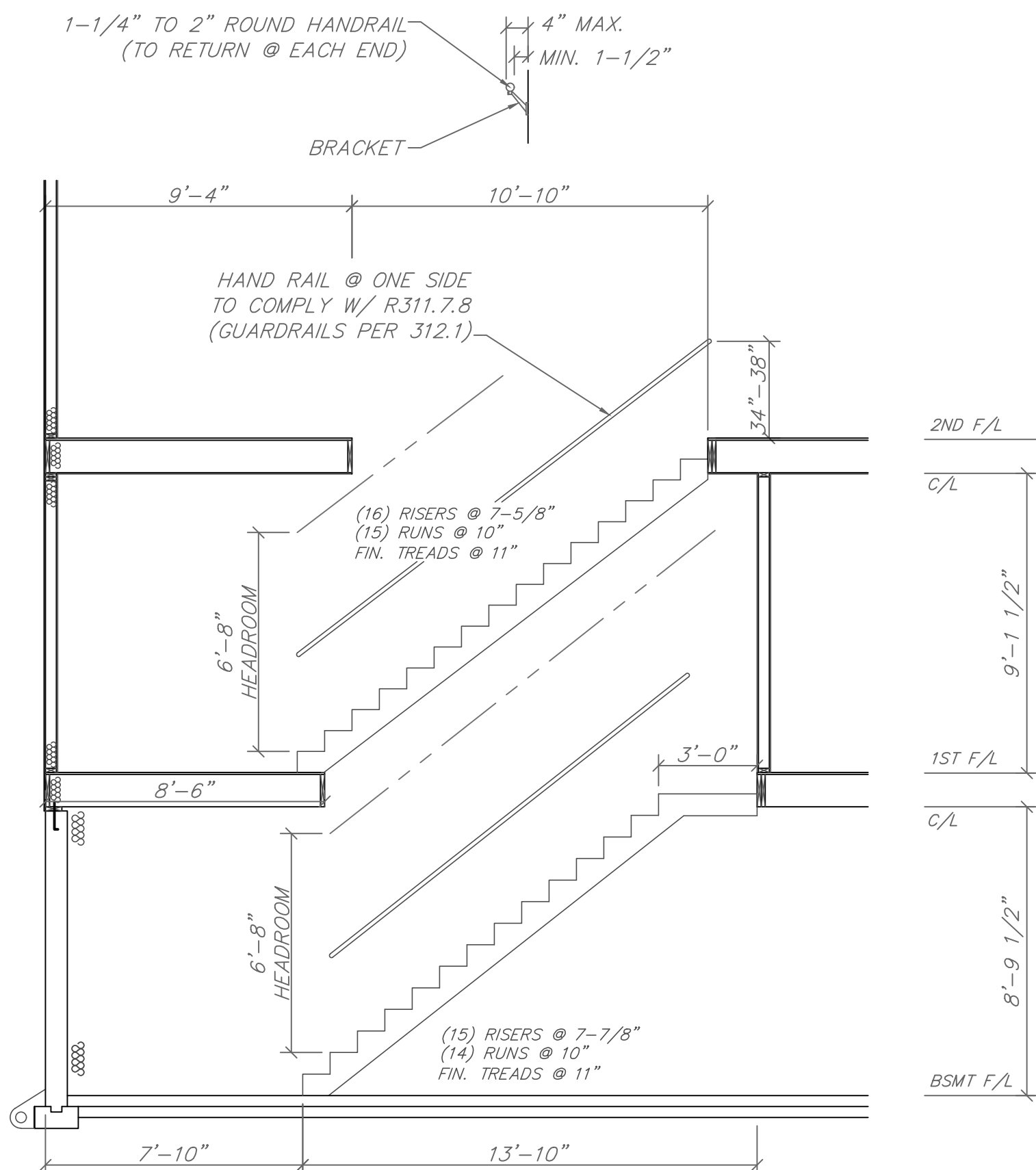


For ST: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

FIGURE R602.10.6.4
METHOD CS-PF—CONTINUOUSLY SHEATHED PORTAL FRAME PANEL CONSTRUCTION

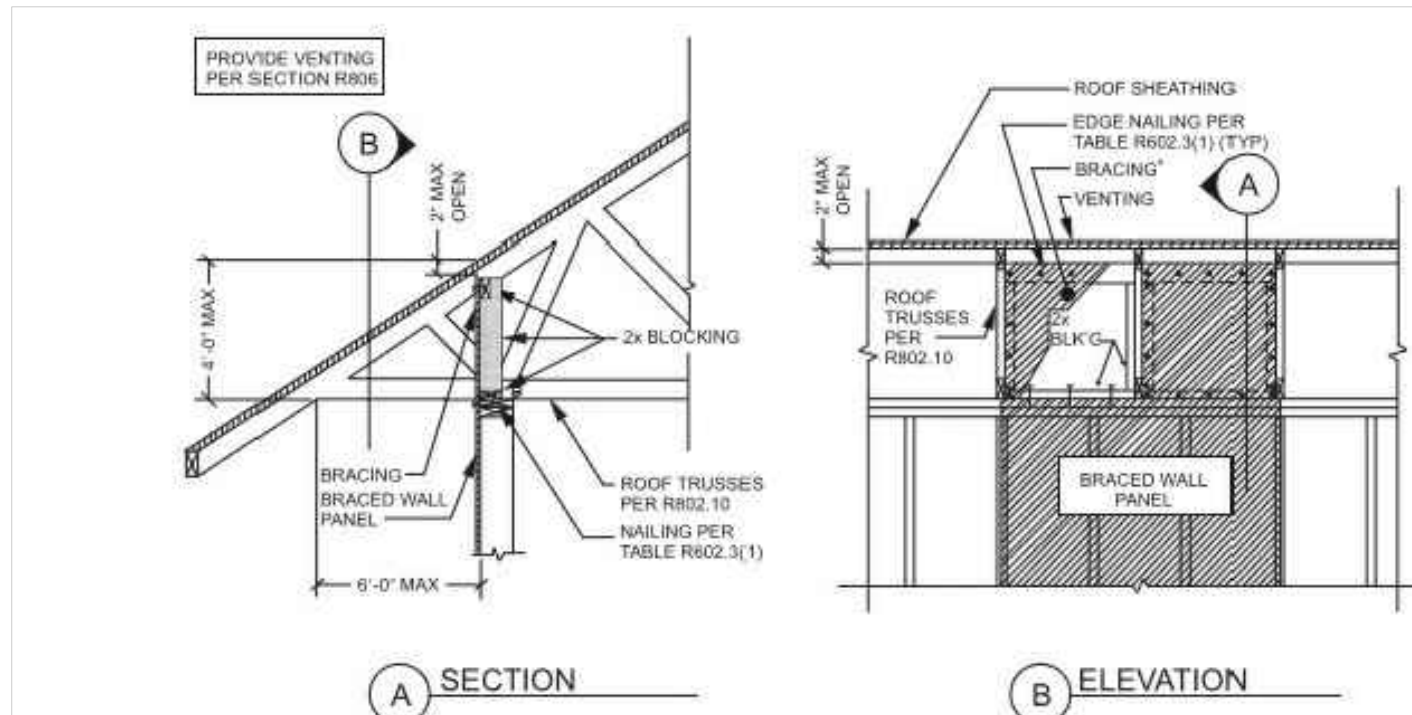
**FRONT ELEVATION**

SCALE: 1/4" = 1'-0"

**STAIR DETAIL**

(COMPLY W/ SECTION R311.7)

SCALE: 1/4" = 1'-0"



For ST: 1 inch = 25.4 mm, 1 foot = 304.8 mm.
a. Methods of bracing shall be as described in Section R602.10.4.

FIGURE R602.10.8.2(3)
BRACED WALL PANEL CONNECTION OPTION TO PERPENDICULAR RAFTERS OR ROOF TRUSSES

PAGE LEGEND:	
PAGE 1	GENERAL NOTES & ELEVATIONS
PAGE 2	BASEMENT FOUNDATION PLAN
PAGE 3	1ST FL PLAN W/ WIND BRACING & TYP. SECTION
PAGE 4	2ND FL PLAN W/ WIND BRACING & PORCH DETAILS
DESIGNERS SIGNATURE:	

REAGAN MODEL (LOT 3)

DESIGNED/BUILT BY ATKINS HOMES LLC

DRAWINGS BY: DESIGN OPTIONS INC (540) 825-4656

DON MAYER— DESIGNER

410 N WEST ST, CULPEPER, VA 22701

DRAWING FILE: C:\DWG\DO\ATKINS-REAGANMODEL.DWG

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For S1: 1 inch = 25.4 mm; 1 foot = 304.8 mm; 1 pound per square inch = 0.1571 kPa; 1 pound per square inch = 6.895 kPa. NR = Not Required.

- a. Soil classes are in accordance with the Unified Soil Classification System. Refer to Table R405.1.
- b. Table values are based on reinforcing bars with a minimum yield strength of 60,000 psi, concrete with a minimum specified compressive strength of 2,500 psi and vertical reinforcement being located at the centerline of the wall. See Section R404.1.3.3.7.2.
- c. Vertical reinforcement with a yield strength of less than 60,000 psi and bars of a different size specified in the table are permitted in accordance with Section R404.1.3.3.7.6 and Table R404.1.2(b).
- d. NR indicates vertical reinforcement is not required.
- e. Deflection criterion is $L/240$, where L is the height of the basement wall in inches.
- f. Where applicable is not permitted.
- g. Where walls will retain 4 feet or more of unbalanced backfill, they shall be laterally supported at the top and bottom before backfilling. See Section R404.1.3.2 for minimum reinforcement required for basement walls supporting above-grade concrete walls.
- h. See Table R608.3 for tolerance from nominal thickness permitted for all walls.
- i. The use of this table shall be prohibited for soil classifications not shown.

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square inch = 6.895 kPa.

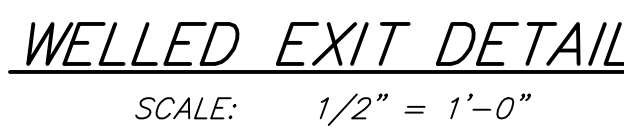
- Horizontal reinforcement requirements are for reinforcing bars with a minimum yield strength of 40,000 psi and concrete with a minimum concrete compressive strength of 2,500 psi.
- See Section R404.13.2 for minimum reinforcement required for foundation walls supporting above-grade concrete walls.

For SI: 1 inch = 25.4 mm; 1 foot = 304.8 mm; 1 pound per square foot per foot = 0.1571 kN/m²; 1 pound per square inch = 6.895 kN/m².
 NR = Not required.

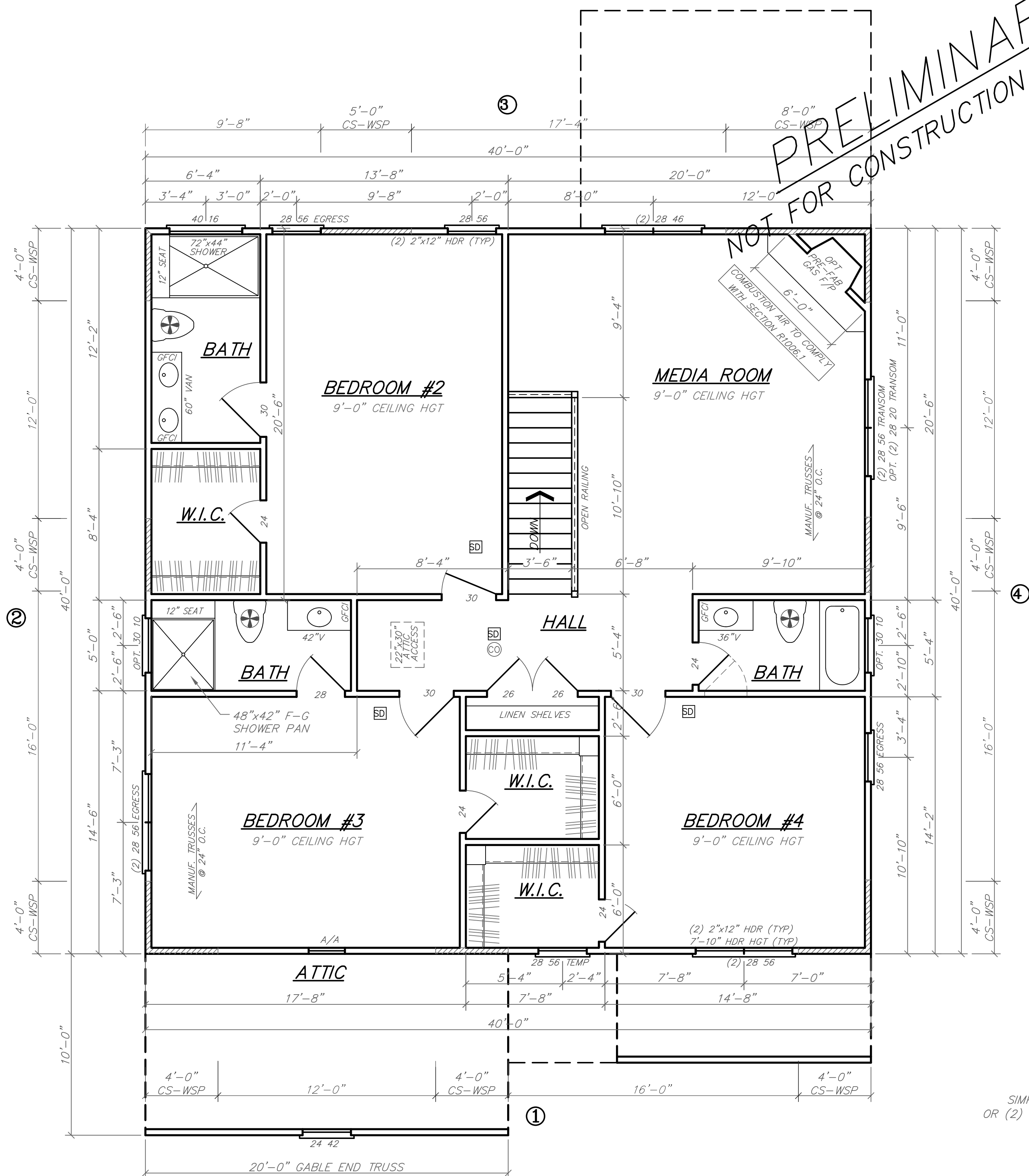
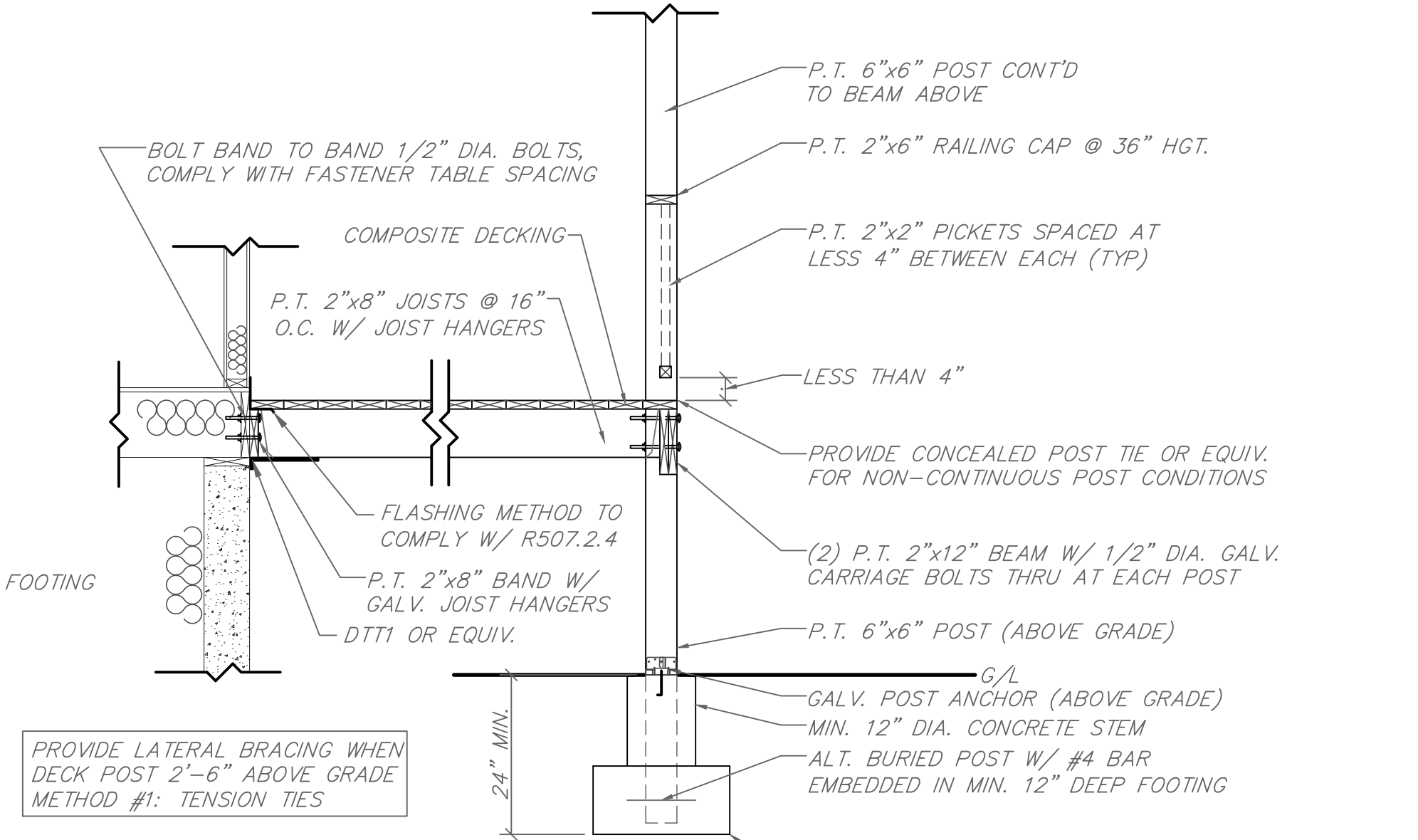
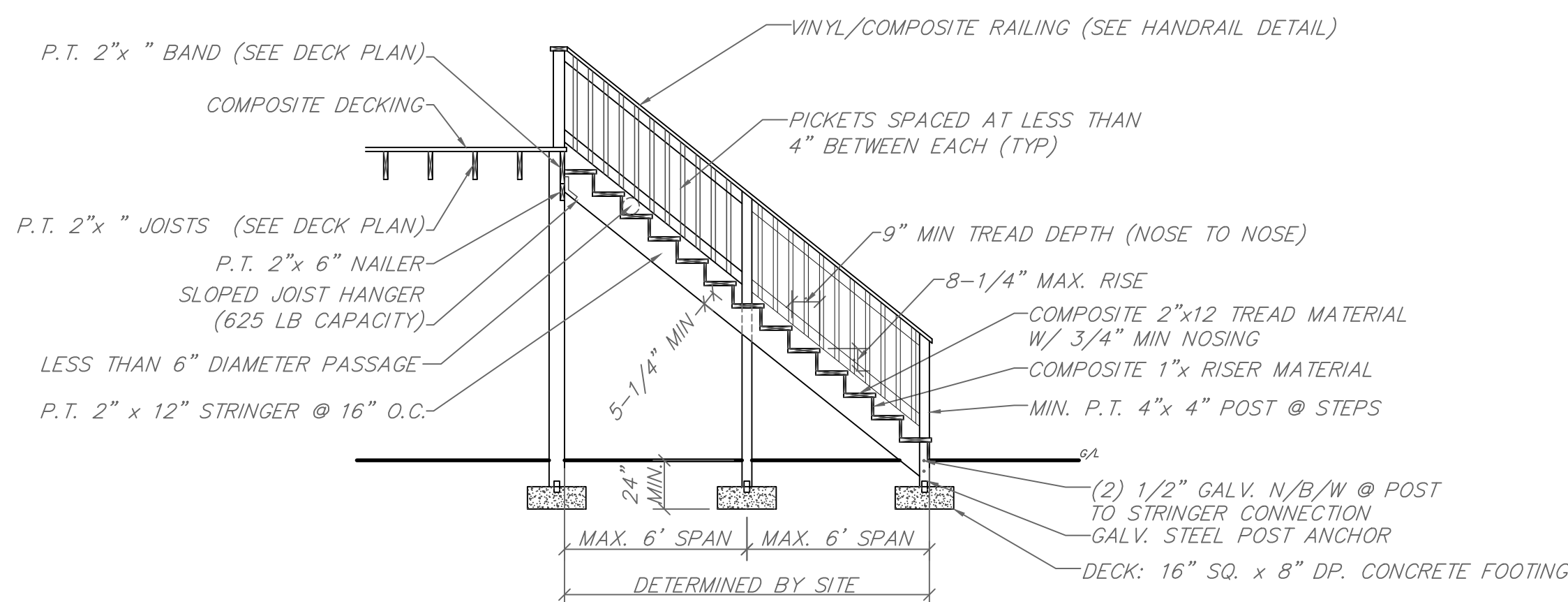
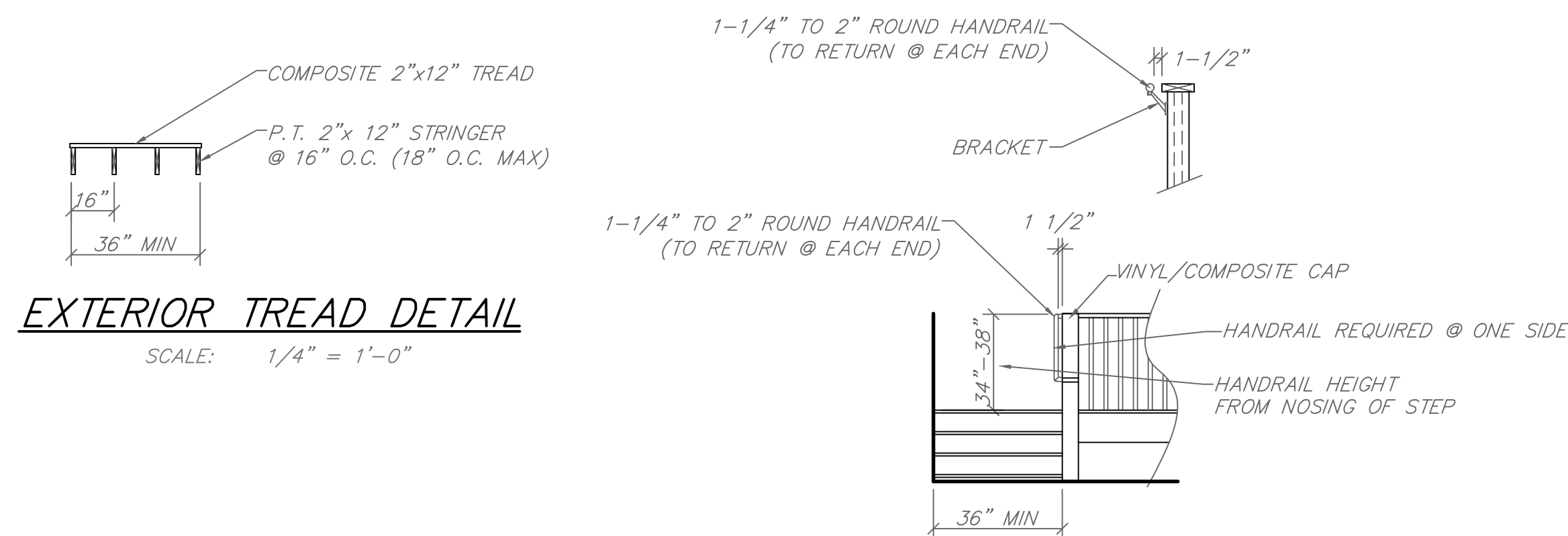
- a. See clause 4 in accordance with the Unified Soil Classification System. Refer to Table R405.1.
- b. Table values are based on reinforcing bars with a minimum yield strength of 60,000 psi concrete with a minimum specified compressive strength of 2,500 psi and vertical reinforcement being located at the centerline of the wall. See Section R404.1.3.3.7.2.
- c. For walls with a height less than 60,000 psi and bars of a different size than permitted in the table are permitted in accordance with Section R404.1.3.3.7.4 and Table R404.1.20.
- d. NR indicates vertical reinforcement is not required.
- e. Deflection criterion is $L/240$, where L is the height of the basement wall in inches.
- f. Interpretation is not permitted.
- g. Where walls will retain 4 feet or more of unbalanced backfill, they shall be laterally supported at the top and bottom before backfilling.
- h. See Section R404.1.3.2 for minimum reinforcement required for basement walls supporting above-grade concrete walls.
- i. See Table R606.1 for tolerance from nominal thickness permitted for flat walls.
- j. The use of this table shall be prohibited for soil classifications not shown.

For 1 ft (inch = 25.4 mm, 1 pound per square inch = 6.895 kPa).

- This table is for use with tables in Section R404.1.3.2 that specify the minimum bar size and maximum spacing of vertical wall reinforcement for foundation walls and above-grade walls. Reinforcement specified in tables in Section R404.1.3.2 is based on Grade 60 steel reinforcement.
- Bar spacing shall not exceed 48 inches on center and shall be not less than one-half the nominal wall thickness.
- For Grade 50 steel bars (ASTM A996, Type R), use spacing for Grade 40 bars or interpolate between Grades 40 and 60.



REAGAN MODEL (LOT 3)
DESIGNED/BUILT BY ATKINS HOMES LLC
DRAWINGS BY: DESIGN OPTIONS INC (540) 825-
DON MAYER- DESIGNER
410 N WEST ST, CULPEPER, VA 2
DRAWING FILE: C:\DWG\DO\ATKINS-REAGANMODEL
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WIND BRACING DESIGN

BUILDING CODE: 2018 VA RESIDENTIAL CODE

*PLAN REVIEW SHALL COMPLY WITH THE RESPECTIVE BRACING TYPE SECTION
*ALL WALLS SHALL BE CONTINUOUSLY SHEATHED UNLESS NOTED OTHERWISE
*CS-WSP AND CS-PF PANELS LOCATION AS SHOWN ON PLANS
*ALL OTHER BRACING TYPES WILL BE NOTED OTHERWISE
*CS-PF SHALL COMPLY WITH FIGURE R602.10.4

CLASSIC WIND BRACING, DESIGNED PER SECTION R602.10
REQUIRED BRACING PER B.M. SHALL COMPLY WITH R602.10.3(1)
WALL HEIGHT ADJUSTMENTS SHALL COMPLY WITH R602.10.3(2)
MINIMUM BRACED PANEL LENGTH NEXT TO OPENING SHALL COMPLY WITH R602.10.5

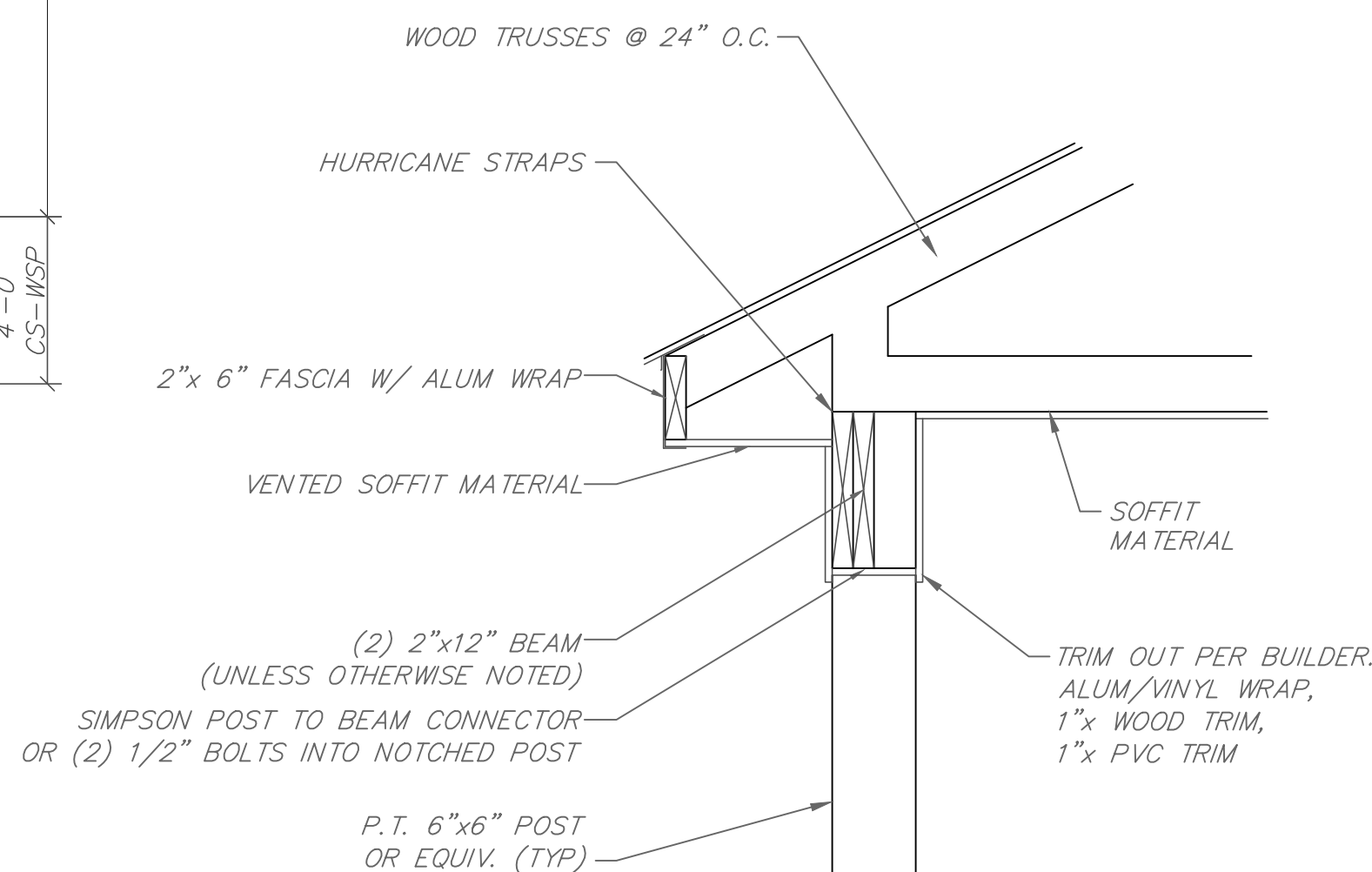
PRACTICAL WIND BRACING, DESIGNED PER SECTION R602.12
REQUIRED LENGTH OF BRACING PER B.M. SHALL COMPLY WITH R602.12.4
*WALL HEIGHT ADJUSTMENT PER FOOTNOTE "C"
MINIMUM CS-WSP PANEL LENGTH NEXT TO OPENING SHALL COMPLY WITH R602.12.2
NARROW PANELS SHALL COMPLY WITH R602.12.6 CS-PF LENGTHS PER R602.10.5

NAILING AND SHEATHING REQUIREMENTS:

WOOD STRUCTURAL PANELS (WSP) TO BE 7/16" CONTINUOUS STRUCTURAL PANELS (CS-WSP) TO BE 7/16" OSB SHEATHING NAILED WITH 6D COMMON NAILS AT 6" O.C. ALL EDGES AND 12" O.C. ALL INTERMEDIATE.

CALCULATIONS INCLUDE ADJUSTMENTS FOR:
9'-0" WALL HEIGHT
2 OR 4 BRACED WALL LINES PER PLAN
ONE STORY STRUCTURE EXPOSURE CATEGORY B
10'-0" ROOF TO RIDGE HEIGHT (ROOF ONLY)

- ① BRACED WALL LINE ONE:
REQUIRES 6.0' BRACING
12'-0" CS-WSP PROVIDED
- ② BRACED WALL LINE TWO:
REQUIRES 6.0' BRACING
12'-0" CS-WSP PROVIDED
- ③ BRACED WALL LINE THREE:
REQUIRES 6.0' BRACING
13'-0" CS-WSP PROVIDED
- ④ BRACED WALL LINE FOUR:
REQUIRES 6.0' BRACING
12'-0" CS-WSP PROVIDED



CONNECTION DETAILS	JOIST SPAN						
	6' and less	6'1" to 8'	8'1" to 10'	10'1" to 12'	12'1" to 14'	14'1" to 16'	16'1" to 18'
	On-center spacing of fasteners						
1/2-inch diameter lag screw with 1/2-inch maximum sheathing ^d	30	23	18	15	13	11	10
1/2-inch diameter bolt with 1/2-inch maximum sheathing ^d	36	36	34	29	24	21	19
1/2-inch diameter bolt with 1-inch maximum sheathing ^d	36	36	29	24	21	18	16

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa.

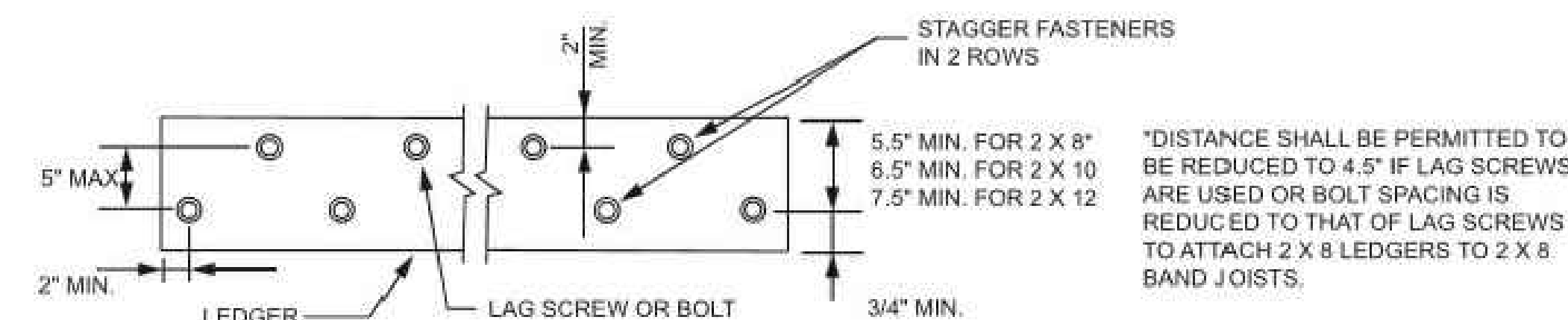
- a. Ledgers shall be flashed in accordance with Section R703.4 to prevent water from contacting the house band joist.
- b. Snow load shall not be assumed to act concurrently with live load.
- c. The tip of the lag screw shall fully extend beyond the inside face of the band joist.
- d. Sheathing shall be wood structural panel or solid sawn lumber.
- e. Sheathing shall be permitted to be wood structural panel, gypsum board, fiberboard, lumber or foam sheathing. Up to 1/2-inch thickness of stacked washers shall be permitted to substitute for up to 1/2 inch of allowable sheathing thickness where combined with wood structural panel or lumber sheathing.

TABLE R507.9.1.3(2)
PLACEMENT OF LAG SCREWS AND BOLTS IN DECK LEDGERS AND BAND JOISTS

	MINIMUM END AND EDGE DISTANCES AND SPACING BETWEEN ROWS			
	TOP EDGE	BOTTOM EDGE	ENDS	ROW SPACING
Ledger ^a	2 inches ^d	3/4 inch	2 inches ^b	1 3/4 inches ^b
Band Joist ^c	3/4 inch	2 inches	2 inches ^b	1 3/4 inches ^b

For SI: 1 inch = 25.4 mm.

- a. Lag screws or bolts shall be staggered from the top to the bottom along the horizontal run of the deck ledger in accordance with Figure R507.9.1.3(1).
- b. Maximum 5 inches.
- c. For engineered rim joists, the manufacturer's recommendations shall govern.
- d. The minimum distance from bottom row of lag screws or bolts to the top edge of the ledger shall be in accordance with Figure R507.9.1.3(1).



For SI: 1 inch = 25.4 mm.

REAGAN MODEL (LOT 3)

DESIGNED/BUILT BY ATKINS HOMES LLC

DRAWINGS BY: DESIGN OPTIONS INC (540) 825-4656


DON MAYER- DESIGNER

410 N WEST ST, CULPEPER, VA 22701

DRAWING FILE: C:\DWG\DO\ATKINS-REAGANMODEL.DWG

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Prepared By: Thomas James Ross II, Esquire
 VSB#22360
 TAX MAP PIN NO: 6984-50-4270-000
 CONSIDERATION: \$125,000.00
 ASSESSED VALUE: \$95,000.00
 Title Insurance Underwriter: Stewart Title Guaranty Company
 GRANTEE ADDRESS:
2524 Cool Springs Ct.
Amosville, VA 20106


 Doc ID: 009490910003 Type: DEE
 Recorded: 09/16/2024 at 01:12:54 PM
 Fee Amt: \$593.92 Page 1 of 3
 Fauquier County, VA
 Gail H Barb Clerk of Circuit Court
 File# 2024-00005556

BK **1776** PG **238-240**

THIS DEED

made and entered into this 9th day of September, 2024, by and between LEVI T. BYRD and LUCIA N. BYRD, husband and wife, Grantors; and ATKINS HOMES, LLC,, a Virginia limited liability company, Grantee;

WITNESSETH

that for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantors, do hereby GRANT and CONVEY with GENERAL WARRANTY unto the Grantee, the following described real property located in Fauquier County, Virginia, to-wit:

ALL OF THAT certain lot or parcel of land being situate in Centre Magisterial District, Fauquier County, Virginia, near the Town of Warrenton and fronting on Madison Street, Virginia, Route 1103, and described by metes and bounds on that certain plat and survey prepared by Fred Bartenstein, S.F.C., dated February 24, 1958, and attached to deed of trust recorded in Deed Book 201, page 479, in the Clerk's Office of the Circuit Court of Fauquier County, Virginia, containing 9,136 square feet, more or less or 0.2097 acre, more or less.

AND BEING the same property conveyed to Levi T. Byrd and Lucia N. Byrd by deed from James H. Franklin dated April 10, 2000 and recorded in Deed Book 865, Page 862 in the Clerk's Office of the Circuit Court of Fauquier County, Virginia.

This conveyance is subject expressly to easements, restrictions, and rights-of-way of record.

ROSS LAW
 EXAMINED &
 RETURNED

TO HAVE AND TO HOLD the said land and premises together with all rights, ways, appurtenances and easements thereto belonging, or in anywise appertaining unto the said Grantee and its successors, in fee simple, forever.

The Grantors covenant that they have the right to convey said land, that the Grantee will have quiet possession of the same, free from all encumbrances, and that they, the Grantors, will execute such further assurances as may be deemed requisite, and that they have done no act to encumber the said land.

WITNESS the following signatures and seals:

Levi T Byrd  (SEAL)


 Levi T. Byrd

Lucia N Byrd  (SEAL)

 Lucia N. Byrd

COMMONWEALTH OF VIRGINIA
 COUNTY OF FAUQUIER, to-wit:

The foregoing instrument was acknowledged before me this 9th day of September, 2024, by Levi T. Byrd and Lucia N. Byrd.

Eric Marshall Brindley 

 Notary Public

My Commission Expires: 10/31/2027
 Registration No.: 7643524

**ERIC MARSHALL BRINDLEY
 ELECTRONIC NOTARY PUBLIC
 REG. # 7643524
 COMMONWEALTH OF VIRGINIA
 MY COMMISSION EXPIRES OCTOBER 31, 2027**

Online Notary Public. This notarial act involved the use of
 online audio/video communication technology. Notarization
 facilitated by SIGNiX®

Affidavit of Submitter

The Undersigned affiant, being first duly sworn, deposes and states as follows, prepared pursuant to 17.1-223 of the code of Virginia, that the attached electronic document is a true and correct copy of the electronic original.

(Name of Submitter): ERIC MARSHALL BRINDLEY

(Signature of Submitter)



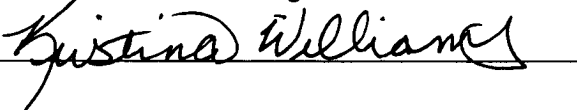
(Address of Submitter): 31 GARRETT STREET, WARRENTON, VA 20186

(Telephone of Submitter): 540-349-1010

(Email of Submitter): ERIC@BRINDLEYROSS.COM

The foregoing affidavit was acknowledged before me this 16TH day of SEPTEMBER 2024. By,

Notary Public:

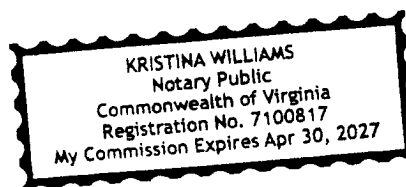


My Commission Expires:

4/30/27

Notary Registration Number:

7100817



RECORDED IN CLERK'S OFFICE OF
FAUQUIER ON
SEPTEMBER 16, 2024 at 1:12:54 PM
AS REQUIRED BY VA CODE §58.1-802
STATE: \$62.50 LOCAL: \$62.50
FAUQUIER COUNTY, VA
GAIL H BARB CLERK OF CIRCUIT COURT



28th day of August, 1961, do certify that Edward A. Clapp, whose name is signed to the foregoing Power of Attorney, dated the 4th day of October, 1957, has acknowledged the same before me in my State and County aforesaid.

Given under my hand and notarial seal this 2nd day of October, 1957.

Clerk's Office of Paquier Circuit Court, 28 February 1958
Notary Public
Elizabeth A. Delo
This 28th day of February 1958 was this day received in said Office and with certificate admitted to record at 10:15-4 M.
James H. L. Roaring - By Clerk

THIS DEED OF TRUST made this the 27th day of February, 1958,

by and between Gertrude Delois Franklin, widow,

party of the first part J. Ray Larcombe, trustee
party of the second part; and The Peoples National Bank of Warrenton,
Warrenton, Virginia, party of the third part:

WITNESSETH: That the said party of the first part, in consideration of TEN DOLLARS, in hand paid by the party of the second part, the receipt of which before the sealing and delivery of these presents, is hereby acknowledged, does hereby grant and convey with GENERAL WARRANTY OF TITLE, unto the said party of the second part, the following described land and premises, to-wit:

All of that certain lot or parcel of land being situate in Centre Magisterial District Paquier County Virginia, near the town of Warrenton and fronting on Madison Street, Virginia Route 1103, and described by metes and bounds in that certain plat and survey attached hereto, and made a part hereof made by Fred Bartenstein, S. E. C., dated February 24, 1958, as follows:

"Beginning at (1) a point in the center of Virginia Route 1103 (the road leading from East Main Street to Rosewald School) and corner to Ernest Howe thence with the center of the street S 89°23'00" W 58.99 feet to (2) corner to Rebecca Maglison thence with Madison S 00°12'00" E 160.66 feet to (3) corner to (4) corner to Madison and in Lewis line, thence with Lewis N 87°56'00" E 53.15 feet to (4) a " shaped iron post, set as corner and in Howe's line thence with Howe N 106°11"E 158.90 feet to the beginning, containing 9.156 square feet or 0.2097 Acres."

The said lot or parcel of land hereby conveyed is the same and identical real estate of which the late Annie Dorum died seized and possessed, testate and which she devised in fee simple to the said Gertrude Delois Franklin, party of the first part herein, by her Will recorded in the Office of the Clerk of the Circuit Court of Paquier County, Virginia, in Will Book 59 at page 552, and also being a part of the real estate devised in fee simple to the said Annie M. Dorum under the Will of her husband, James Dorum, said Will being recorded in the Clerk's Office aforesaid in Will Book 50 at page 468, and also being a portion of the land conveyed to James S. Dorum, who was one and the same person as James Dorum aforesaid, by Mathew Gilmour, widower, et als, by deed dated the 23rd day of November, 1906, and recorded in the Clerk's Office, aforesaid in Deed Book 100 at page 482, and to which said plat and survey Wills and deed reference is hereby had for a more particular description of the property herein conveyed.

TO HAVE AND TO HOLD, the said land and premises, together with all rights, ways and appurtenances thereto belonging, unto the only use of the said party of the second part, and his successors, in fee simple.

THIS CONVEYANCE IS IN TRUST, HOWEVER, for the following purpose and none other to-wit: To secure to The Peoples National Bank of Warrenton, Warrenton, Virginia, party of the third part the payment of the full sum of \$2,500.00, with interest,

evidenced by bond drawn by the party of the first part for the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) bearing even date herewith, with interest from date at the rate of SIX (6) PER CENTUM PER ANNUM payable to the order of the party of the third part in monthly installments of FORTY EIGHT DOLLARS AND THIRTY FOUR CENTS (\$48.34), including interest, beginning on the 27th day of March, 1958, and continuing monthly thereafter until the principle and interest of said bond are paid in full, with the right reserved, however, to the maker of said bond to anticipate payment of said bond in the amount of ONE HUNDRED DOLLARS (\$100.00), or multiples thereof, at any monthly payment period.

The party of the first part hereby grant to the holder of said indebtedness the right and power to appoint a substitute trustee in the event of the resignation, death, incapacity, disability, removal or absence from the State of the trustee herein named as provided in Section 28-49 of the Code of Virginia and any amendments thereto.

The party of the first part covenants that ~~they~~ ^{she} will pay the debt hereby secured together with all interest thereon, when and as the same shall become due and payable.

And it is further covenanted and agreed by and between the parties hereto that this deed of trust is made subject to and imposes upon the parties all of the rights, duties and obligations as are set forth in Sections 55-59 & 60 of the Code of Virginia, and amendments thereto now in force, to the same extent as if the same were herein expressly provided for.

Should the property hereby conveyed be advertised for sale hereunder and not sold, then the Trustee shall be entitled to a commission of 2½% to be computed upon the total amount of the indebtedness then due, plus advertising and any other expenses incurred incident thereto; such sums to be a lien upon said property.

FRANKLIN, GERTRUDE

TO (TRUST)

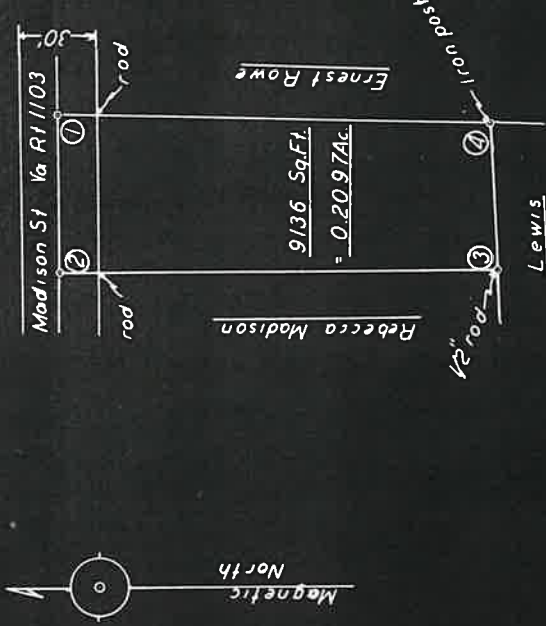
LARCOMBE, J RAY,
TEE

E. A. Delo
to Peoples Nat'l B.
Bank, Warrenton,
Va. this 19th
day of March,
1958. J. E. B.
WTS

Deed book 201 479 - 480
page

GERTRUDE FRANKLIN

SURVEY BY Fred Bartonstein S.E.C. DIST. Centre DATE Feb 24 1958
 WARRENTON, VA. CO., VA. Fauquier SCALE 1" = 50 Feet



The above lot, standing in the name of Gertrude Franklin, as shown in Will Book 59, page 552, of the Fauquier County records, was surveyed at her request, and is bounded as follows:

Beginning at (1) a point in the center of Virginia Route 1103, (the road leading from East Main Street to Rosenwald School) and corner to Ernest Rowe, thence with the center of the street S 89°23'05"W 58.99 feet to (2) corner to Rebecca Madison, thence with Madison S 0°11'20"E 160.66 feet to (3) an iron rod, corner to Madison and in Lewis' line, thence with Lewis N 87°30'00"E 55.45 feet to (4) a T shaped iron post, set as corner and in Rowe's line, thence with Rowe N 1°06'11"E 158.90 feet to the beginning, containing 9,136 square feet or 0.2097 Acres.

BY Fred Bartonstein
 Fred Bartonstein Va. Cer. Sur. No. 316

NOTE:

Iron rods are set 15 feet from (1) in line (+-1) and 15 feet from (2) in line (2-3). The lines as surveyed, follow existing fences as specified in Annie Dorums Will, above mentioned, and is portion of Lot 5, as set forth in Deed Book 100, page 452.

It is further understood and agreed that insurance is required in at least the sum of \$2,500.00.

WITNESS the following signature and seal of the party of the first part the day, month and year first hereinabove written.

Gertrude Franklin (SEAL)

(SEAL)

STATE OF VIRGINIA,
 COUNTY OF FAUQUIER, to-wit:

I, Ruth H. Smith, a Notary Public for the county and state aforesaid, whose commission expires May 18th, 1959, hereby certify that Gertrude/Franklin, widow, whose name is signed to the foregoing deed of trust dated the 27th day of February, 1958, has acknowledged the same before me in my county aforesaid.

GIVEN under my hand this 28th day of February, 1958.

Ruth H. Smith
 Notary Public

Ruth H. Smith, Notary Public
 Commissioned as Elsie Ruth Heun
 My commission expires May 18, 1959

Deed book 201
 page 479 - 480

BK0865PG0862

00 03111

THIS DEED, made and entered into this 10th day of April, 2000, by and between JAMES H. FRANKLIN, GRANTOR, party of the first part, and LEVI T. BYRD and LUCIA N. BYRD, husband and wife as tenants by the entirety with the common law right of survivorship, GRANTEES, parties of the second part, whose address is P.O. Box 6944, Las Cruces, New Mexico, 88006.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantor, the party of the first part does hereby grant, bargain, sell and convey with General Warranty and English Covenants of Title, unto the parties of the second part, Levi T. Byrd and Lucia N. Byrd, jointly, as tenants by the entirety with the common law right of survivorship, it being intended that the part of the one dying should then belong to the other, his or her heirs or assigns, the following described property and appurtenances thereunto belonging:, to wit:

ALL OF THAT certain lot or parcel of land being situate in Centre Magisterial District, Fauquier County, Virginia, near the Town of Warrenton and fronting on Madison Street, Virginia, Route 1103, and described by metes and bounds on that certain plat and survey prepared by Fred Bartenstein, S.F.C., dated February 24, 1958, and attached to deed of trust recorded in Deed Book 201, page 479, in the Clerk's Office of the Circuit Court of Fauquier County, Virginia, containing 9,136 square feet, more or less or 0.2097 acre, more or less.

AND BEING the same property devised to Annie M. Dorum, pursuant to Last Will and Testament of James S. Dorum, deceased August 20, 1928 and probated in Will Book 50, page 468, in the aforesaid Clerk's Office. The said Annie M. Dorum died May 17, 1945 and pursuant to her Last Will and Testament probated in Will Book 39, page 552, devised this property to Gertrude Delois Franklin. The said Gertrude Delois Franklin died intestate on August 27, 1967, survived by James H. Frankin, her one and only heir at law as set forth in Heirs Affidavit recorded in Will Book 179, page 331, in the aforesaid Clerk's Office.

TO HAVE AND TO HOLD the above described land and premises, together with all rights-of-way, easements and appurtenances thereunto belonging, or in anywise appertaining, unto the said Levi T. Byrd and Lucia N. Byrd, husband and wife as tenants by the entirety with the common law right of survivorship, parties of the second part, and their successors, in fee simple forever.

Examined and
Returned to:
PIERCE
Title Co.

PEARSON AND PEARSON, P.C.
ATTORNEYS AT LAW
8 CALLEFON ST.
WARRENTON, VA 20160-0810
(848) 247-0080

APR 10 2000

DL

BK0865PG0863

WITNESS the following signature and seal.

James H. Franklin (SEAL)
JAMES H. FRANKLIN

STATE OF VIRGINIA
COUNTY OF FAUQUIER, to-wit:

The foregoing Deed was acknowledged before me by James H. Franklin this 10th day of April, 2000.

Lyne C. Smith
Notary Public



My commission expires Apr. 10, 2001

VIRGINIA: IN THE CLERK'S OFFICE OF THE FAUQUIER CIRCUIT COURT
This instrument was recorded in this Office and with

certificate admitted to record on APR 10 2000
at 2:22 P m. Tax of \$ 16.00 imposed by Section

58.1-602 Paid. Consideration: \$ 16,000.00

State Tax \$ 24.00 County Tax \$ 8.00

Transfer Fee \$ 1.00 VSLF \$1.00 Technology Fee \$3.00

Clerk's Fee \$ 12.00 Total: \$ 65.00

Teste: Paul H. Barb Clerk

AP 20082

BOOK 424 PAGE 138 BOUNDARY AND BUILDING LOCATION SURVEY MADISON PROPERTY
TOWN OF WARRENTON, FAUQUIER COUNTY, VA.

Date: 16 Nov. 1981

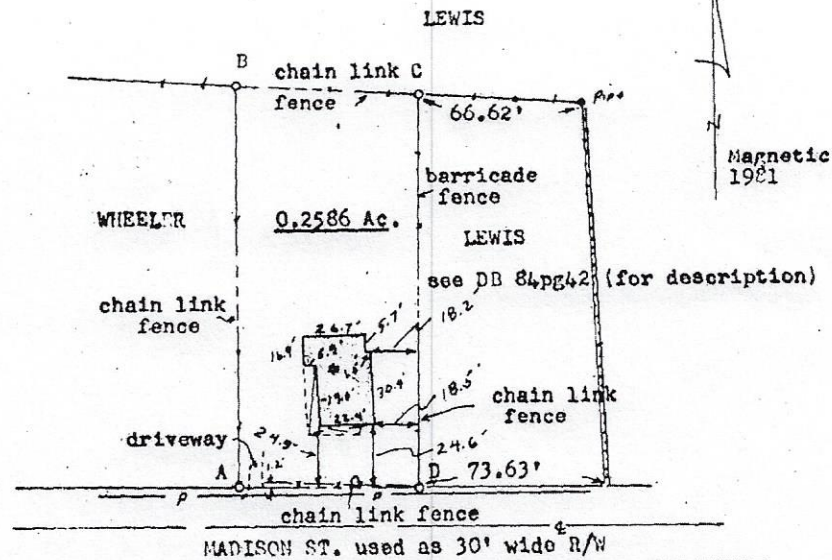
VH&D INC.

Scale 1"=50'


Project No. 1955

Land Planners & Surveyors
WARRENTON, VIRGINIA 22186

Sheet 1 of 2



* 2 story stucco dwelling
54 Madison Street



Item 2.

Doc ID: 009283500007 Type:
Recorded: 04/10/2023 at 01:00
Fee Amt: \$1,823.67 Page 1 of 7
Fauquier County, VA
Gail H Barb Clerk of Circuit Court
File# 2023-00002076

BK **1746** PG **2444-2450**

Consideration: \$ **410,000.00**
Assessed Value: \$ **290,600.00**
Tax Map No: **6984-50-4210-000**

Property Address:
63 Madison Street
Warrenton, VA 20186

Grantee Address:
63 Madison Street
Warrenton, VA 20186

Document Prepared By:
The Lindsey Law Firm, PLC
Cybill Sison, VSB #91651
11110 Sunset Hills Road, Suite 2752
Reston, VA 20190

Cardinal Title Group, LLC File No. **23A-1477-RZ**

Underwriter: **Old Republic National Title Insurance Company**

This Deed, made this April 4, 2023, by and between Victoria **ABRAHAM-PAUL**,
married, Grantor, and Cesy Azucena **ESCOBAR JIMENEZ**, married, Grantee.

-Witnesseth-

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and
other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor does hereby
grant, bargain, sell and convey, in fee simple, with GENERAL WARRANTY and English Covenants of
title, unto the Grantee, as sole owner, all the following-described lot or parcel of land together with
improvements thereon, situate, lying and being in the **County of Fauquier**, Commonwealth of Virginia:

Beginning at a point at the northeast corner of the tract herein described. Said point lying
in the centerline of Madison Street, being a 30-foot prescriptive right-of-way and being
the northwest corner to Levi T. Byrd and Luca N. Byrd;

Thence departing Madison Street and running with Byrd, S 00° 11' 20" E, passing through
and iron pipe set at 16.00 feet, for a total distance of 162.31 feet to an iron pipe set lying
in the northerly line of 337 Curtis Street, LLC;

Thence departing Byrd and running with 337 Curtis Street, LLC, S 85° 31' 20" W, passing
through an iron rod found at 64.36 feet, for a total distance of 80.75 feet to a point lying
in the centerline of Curtis Street, being a 30-foot prescriptive right-of-way;

Thence departing 337 Curtis Street, LLC and running with Curtis Street, N 02° 52' 05"
W 45.94 feet to a point and N 00° 24' 28" E 119.39 feet to a point being the centerline
intersection with the aforementioned Madison Street;

Thence departing Curtis Street and running with Madison Street, N 87° 38' 54" E 81.49
feet to the point of beginning and containing 13,423 square feet or 0.30815 acres of land,
more or less, as shown on the survey plat, which was prepared by Edwin J. Dodd, Jr.,
L.S., of Dodd & Associates, PLLC, attached hereto as **Exhibit A**.

**EXAMINED &
RETURNED**

AND BEING the same property conveyed to Victoria Abraham-Paul by deed from Lawrence M. Cook dated February 10, 2022 and recorded with Fauquier County, Virginia Recording Office on February 11, 2022 in Book 1717, Page 2127.

This conveyance is made expressly subject to those restrictions, conditions, and easements of record to the extent that they lawfully apply to the property hereby conveyed.

The Grantor covenants that she is seized in fee simple of the property herein conveyed, has the right to convey the said land to the Grantee and has done no act to encumber the lands. The Grantor covenants that the Grantee shall have quiet possession of the land free from all encumbrances, except as mentioned herein, and that she, the Grantor, will execute such further assurances of the lands as may be requisite.

Witness the following signature and seal.



Victoria Abraham-Paul

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF PRINCE WILLIAM

The foregoing deed was acknowledged before me on APRIL 4, 2023
by Victoria Abraham-Paul.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



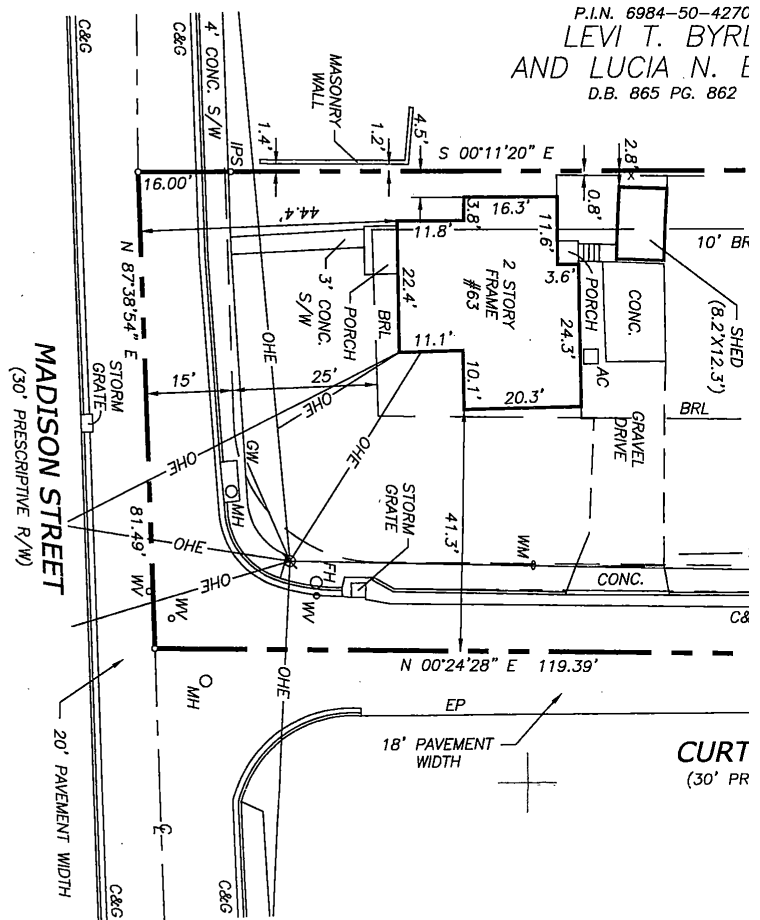
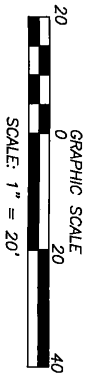

Notary Public
My Commission Expires: 11/30/2025

After recording, please return to:
Cardinal Title Group, LLC
14291 Park Meadow Drive
Suite 400
Chantilly, VA 20151

Reserved for Recording Clerk:

3

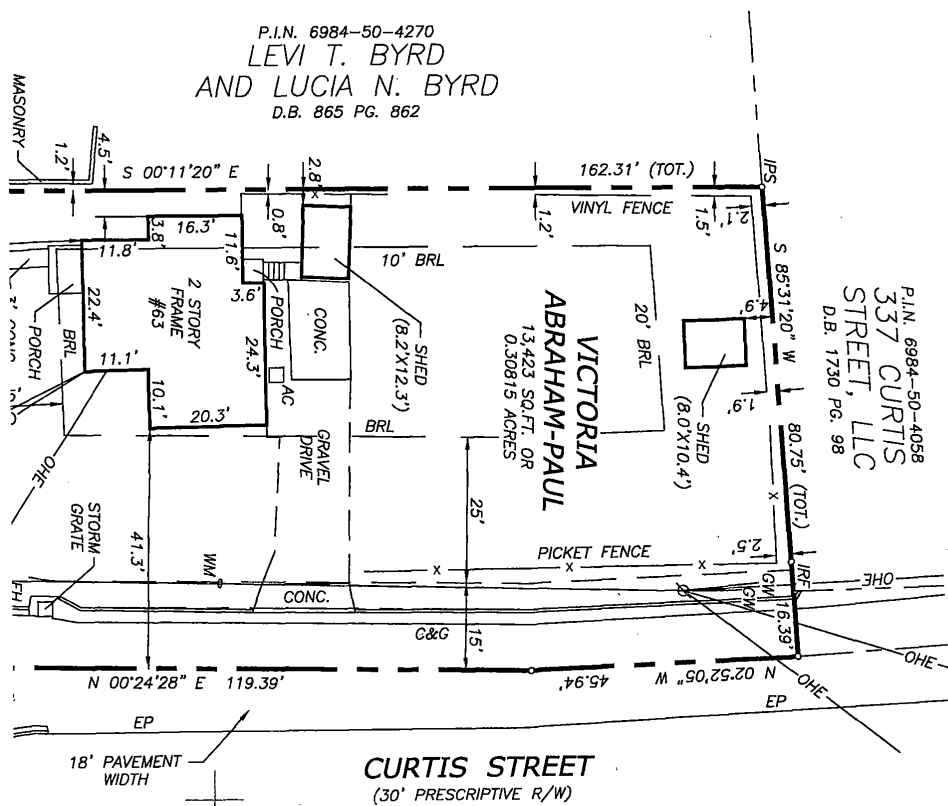
LEGEND:
 IPS - DENOTES IRON PIPE SET
 IRF - DENOTES IRON ROD FOUND
 BRL - DENOTES BUILDING RESTRICTION LINE
 OHE - DENOTES OVERHEAD ELECTRIC LINE
 GW - DENOTES GUY WIRE
 P - DENOTES POWER POLE
 FH - DENOTES FIRE HYDRANT
 AC - DENOTES AIR CONDITIONING UNIT
 WM - DENOTES WATER METER
 MH - DENOTES MANHOLE
 C&G - DENOTES CURB & GUTTER
 EP - DENOTES EDGE OF PAVEMENT



SURVEYOR'S CERT:
 I, EDWIN J. DODD, JR., A DUTY LICE
 THE COMMONWEALTH OF VIRGINIA, DO
 THE LAND SHOWN ON THIS PLAT IS
 VICTORIA ABRAHAM-PAUL AS RECORD
 AT PAGE 2127 AMONG THE LAND RE
 COUNTY, VIRGINIA.

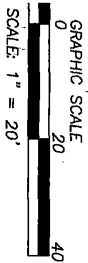
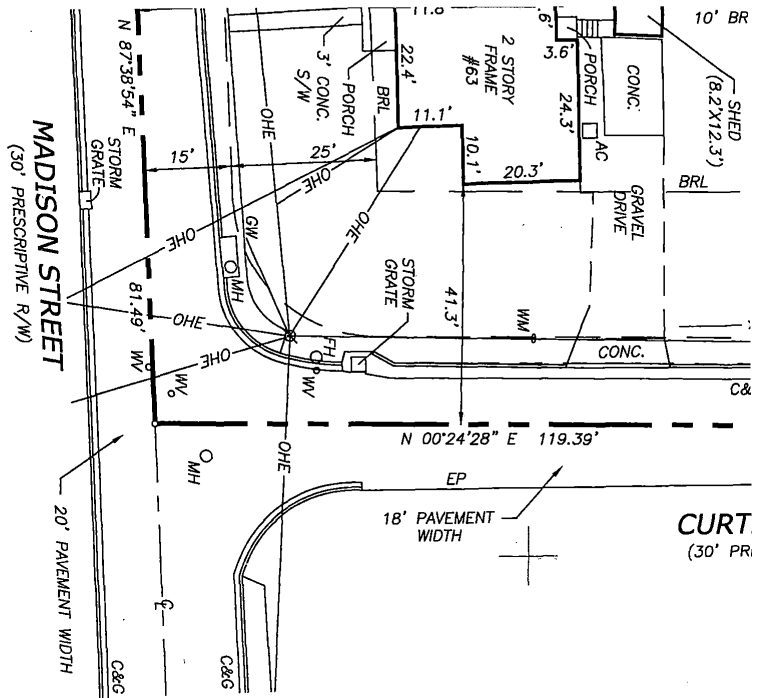
COMMONWEALTH OF VIRGINIA
 EDWIN J. DODD, JR.
 Lic. No. 241
 AND SURV
 4-7-23

SURVEY PREPARED FOR: CARDINAL TITLE GROUP
4500 POND WAY DRIVE, SUITE 270
WOODBIDGE, VA 22192



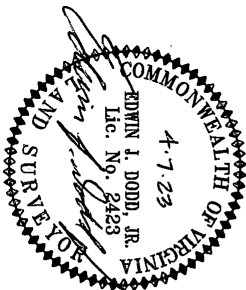
RECORD NORTH
(D.B. 201 PG. 479)

Item 2.



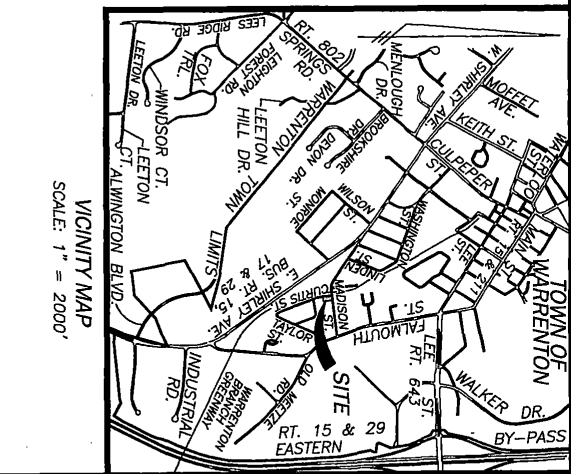
SURVEYOR'S CERTIFICATE

I, EDWIN J. DODD, JR., A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE LAND SHOWN ON THIS PLAT IS NOW IN THE NAME OF VICTORIA ABRAHAM-PAUL AS RECORDED IN DEED BOOK 1717 AT PAGE 2127 AMONG THE LAND RECORDS OF FAUQUIER COUNTY, VIRGINIA.



- RECURRING REFERENCE TO, 2008, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- THE EXISTENCE OF WETLANDS AND/OR HAZARDOUS WASTE ON THE PROPERTY SHOWN HEREON HAS BEEN NEITHER INVESTIGATED NOR CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.
 - THE LOCATION OF SUBSURFACE UTILITIES HAS NOT BEEN SHOWN.
 - BOUNDARY INFORMATION SHOWN IS BASED ON A CURRENT FIELD RUN SURVEY.
 - THE PROPERTY IS SUBJECT TO C&P TELEPHONE CO. OF VA AS RECORDED IN DEED BOOK 134 AT PAGE 395.
 - THE PROPERTY IS SUBJECT TO STORM SEWER EASEMENT GRANTED TO THE TOWN OF WARRENTON AS RECORDED IN DEED BOOK 665 AT PAGE 1827.
 - DEEDS OF REFERENCE RECORDED IN WILL BOOK 59 AT PAGE 552, DEED BOOK 95 AT PAGE 415, DEED BOOK 154 AT PAGE 82, DEED BOOK 201 AT PAGE 479, DEED BOOK 1575 AT PAGE 236 AND DEED BOOK 1584 AT PAGE 800.
 - STRUCTURES ON THE PROPERTY ARE NON-CONFORMING TO CURRENT YARD REGULATIONS. MATTERS OF COMPLIANCE REQUIRE APPLICATION TO THE TOWN OF WARRENTON COMMUNITY DEVELOPMENT OFFICE.
 - OWNERS INFORMATION: VICTORIA ABRAHAM-PAUL
63 MADISON STREET
WARRENTON, VA 20186

PLAT SHOWING
BOUNDARY AND IMPROVEMENT SURVEY
ON THE PROPERTY OF
VICTORIA ABRAHAM-PAUL
 CENTER MAGISTERIAL DISTRICT
 TOWN OF WARRENTON, VIRGINIA
 DATE: MARCH 28, 2023 SCALE: 1" = 20'
DODD & ASSOCIATES, PLLC
 16486 OAK SHADE ROAD
 RIXEYVILLE, VIRGINIA 22737
 (540) 937-9800 OFFICE (540) 937-4031 FAX
 WWW.DODDSURVEY.COM
 PROJECT NO. 03418-01
 SHEET 1 OF 1



- $$A + 19.1A$$

RECORDED IN CLERK'S OFFICE OF
FAUQUIER ON
APRIL 10, 2023 at 1:06:44 PM
AS REQUIRED BY VA CODE §58.1-802
STATE: \$205.00 LOCAL: \$205.00
FAUQUIER COUNTY, VA
GAIL H BARB CLERK OF CIRCUIT COURT

Gail H Barb