BOARD OF ZONING APPEALS MEETING

Tuesday, June 06, 2023 at 5:00 PM

AGENDA

ELECTION OF OFFICERS.

CALL TO ORDER.

DETERMINATION OF A QUORUM.

APPROVAL OF MINUTES.

1. Draft BZA Minutes- December 6, 2022 meeting
2. Draft BZA Minutes from April 4, 2023 meeting

PUBLIC HEARING.

3. Application for a Variance pursuant to Article 2-19, Fences and Walls, of the Town of Warrenton Zoning Ordinance. The request is for a variance to permit a two-foot height increase for a fence, from four feet to six feet in height, within the secondary front yard setback area along Meadowview Lane. GPIN 6983-79-2716-000.

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 DECEMBER 6, 2022 AT 5:00 P.M. IN WARRENTON, VIRGINIA

PRESENT — Mr. Larry Kovalik; Ms. Melea Maybach; Mr. Amos Crosgrove; Mr. Rob Walton, Director of Community Development; Ms. Amber Heflin, Zoning Official; Ms. Kelly Machen, Zoning Administrator;

PRESENT VIA ZOOM

ABSENT — Ms. Betsy Sullivan;

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 MINUTES

Draft Minutes- July 5, 2022

Ms. Melea Maybach motioned to approve the minutes for November 1, 2022, as presented. Mr. Larry Kovalik Seconded. All in favor.

Ayes: ***Mr. Larry Kovalik, Chair; Ms. Melea Maybach; Mr. Amos Crosgrove***
Nays:
Absent During Vote: ***Ms. Betsy Sullivan***

PUBLIC HEARING

BZA 2022-2 – Alexandria Pike

Mr. Rob Walton provides a brief overview of voting requirements due to number of members present.

Ms. Amber Heflin provides a detailed overview of the application.

Mr. Mr. Larry Kovalik asks about the driveway location.

Ms. Heflin responds outlining potential driveway locations.

Mr. Kovalik asks about changes to determination of front yard based on driveway location.

Ms. Kelly Machen responds briefly touching on site frontage.

Ms. Heflin continues presentation, moving into proposed floor plan.

Mr. Kovalik asks again about changes to determination of front yard based on driveway location.

Ms. Kelly Machen responds again briefly touching on site frontage.

Ms. Heflin presents the definition of a variance and their criteria.

Ms. Heflin presents the pattern motion of approval and pattern motion of denial.

Mr. Kovalik asks for questions for staff.

Mr. Kovalik opens the public hearing at 5:12pm.

Mr. Kovalik closes the public hearing at 5:12pm as no potential speakers are present.

Mr. Kovalik asks for any discussion or a motion.

Mr. Amos Cosgrove Motions to approve the variance with the pattern motion for approval and additional conditions as presented by staff, Seconded by Ms. Maybach. All in favor, no discussion.

Pattern Motion of Approval
In application BZA #2022-2, I move to grant the Variance, after due notice and hearing as required by Code of Virginia

The vote was as follows:

Ayes:	***Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair; Mr. Amos Crosgrove;***
Nays:	
Abstention:	
Absent During Vote:	***Ms. Betsy Sullivan***

UPDATES

Ms. Machen advised the board that after December 19th Mr. Rob Walton will be staff member to

the BZA.

ADJOURNMENT

Mr. Kovalik motioned to adjourn. Ms. Maybach seconded, all in favor. No discussion.

The meeting was adjourned at 5:15pm.

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 APRIL 4, 2023 AT 5:00 P.M. IN WARRENTON, VIRGINIA

PRESENT	Mr. Larry Kovalik; Ms. Melea Maybach; Mr. Amos Crosgrove; Mr. Rob Walton, Director of Community Development; Ms. Amber Heflin, Zoning Official; Ms. Heather Jenkins, Zoning Administrator;
PRESENT VIA ZOOM	
ABSENT	Ms. Betsy Sullivan;

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 MINUTES

Draft Minutes- December 6, 2022

Deferred until next month's meeting.

PUBLIC HEARING

BZA 2023-1 – 545 SOLGROVE RD

Ms. Heather Jenkins provides a detailed overview of the application.

Mr. Mr. Larry Kovalik requests clarification of recommended approval condition number 2.

Ms. Jenkins responds.

Mr. Kovalik asks about required right of way requirements.

Ms. Jenkins responds briefly outlining right of way requirements for pedestrian and bike paths.

Mr. Kovalik opens the public hearing at 5:11pm.

Ms. Lisa Gargiulo, applicant, comes forward to thank the BZA members for their consideration and advised she has her neighbors' support. She expresses her concern for her safety due to violent crime in the area and the need for the fence for protection.

Mr. Kovalik closes the public hearing at 5:16pm.

Mr. Kovalik asks for any discussion or a motion.

Mr. Amos Cosgrove Motions to approve the variance with the pattern motion for approval and, Seconded by Mr. Kovalik. All in favor, no discussion.

The vote was as follows:

Ayes:	***Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair; Mr. Amos Crosgrove;***
Nays:	
Abstention:	
Absent During Vote:	***Ms. Betsy Sullivan***

UPDATES

Mr. Walton briefly discussed the search for a new Town Manager and identified the acting Town Manager.

Mr. Kovalik asked if the other BZA members had been contacted by a potential applicant, Melanie Burch.

Ms. Heflin, Zoning Official stepped forward and stated Ms. Burch had reached everyone but Ms. Maybach.

Ms. Maybach indicated to Ms. Heflin that she was unable to log into her Town email. Ms. Heflin will initiate contact with the IT department.

No other updates.

ADJOURNMENT

Mr. Kovalik motioned to adjourn. Ms. Maybach seconded, all in favor. No discussion.

The meeting was adjourned at 5:21pm.

TOWN OF WARRENTON
Community Development Department
PO BOX 341
WARRENTON, VIRGINIA 20188
http://www.warrentonva.gov
Landdevelopment@warrentonva.gov
(540) 347-2405

STAFF REPORT

June 6, 2023

Property Owner:	Travis and Jordyn Simoes Living Trust
Applicants:	Travis A. Simoes & Jordyn V. Simoes, Trustees
Application #	BZA #2023-2
Location:	576 Galina Way
PIN:	6983-79-2716-000
Acreage:	0.3785 Acres (16,489 square feet)
Zoning	Residential R-15
Comprehensive Plan Designation:	Low Density Residential
Land Use:	Residential - Single Family Detached
Request:	The Applicant is seeking approval of a Variance from Zoning Ordinance Article 2-19, to allow the construction of a fence greater than four feet in height within a front setback.
Recommendation:	Staff recommends that the Board of Zoning Appeals deny the variance request, as the applicant has not proven, by a preponderance of the evidence, that the four-foot high fence height limitation within the front yard setback area unreasonably restricts the utilization of the property as a single family residence; that granting a variance to increase the fence height to six feet would not alleviate a hardship due to the physical condition of the property or improvements thereon at the time of the effective date of the Ordinance; and a text amendment to the Ordinance has already been adopted by Town Council to address the issue of fence height within the secondary front yard setback on corner lots.

REQUEST

The applicant is requesting a variance from Article 2-19 of the Zoning Ordinance to construct a fence greater than four feet in height within the front setback of the subject property. Section 2-19 of the Zoning Ordinance permits the following with regards to fence height:

> *2-19.1 Fences and walls may be erected up to a height of six (6) feet in all zoning districts, except for fences or walls that extend within the required front setback, unless otherwise restricted by the ARB within the Historic District. Within the area bounded by the front setback and the side lot lines, fences and walls shall not exceed four (4) feet in height, unless otherwise restricted by the provisions of this Ordinance. Excluded are walls or fences encompassing swimming pools or other uses which are required by law.*
>
> *2-19.2 Fences along the secondary front yard of a corner lot shall meet the side yard setback requirements within the front setback if they exceed four (4) feet in height.*

The proposed location for the proposed six-foot high fence is along the Meadowview Lane right-of-way, to replace an existing four-foot-high fence. The existing fence is located between 1.6 feet off the right-of-way line to 0.9 feet within the right-of-way area. As shown on the fence location drawing submitted by the applicant, the proposed six-foot high fence is to be located from 1.6 feet off the Meadowview Lane right-of-way, to just within the property line.

As fences up to six feet in height are permitted in all zoning districts except within a front setback, approval of the application would grant a variance of up to 12 feet from the required 12-foot setback for a six-foot fence, which is equivalent to a two-foot height variance for a fence located in the front setback.

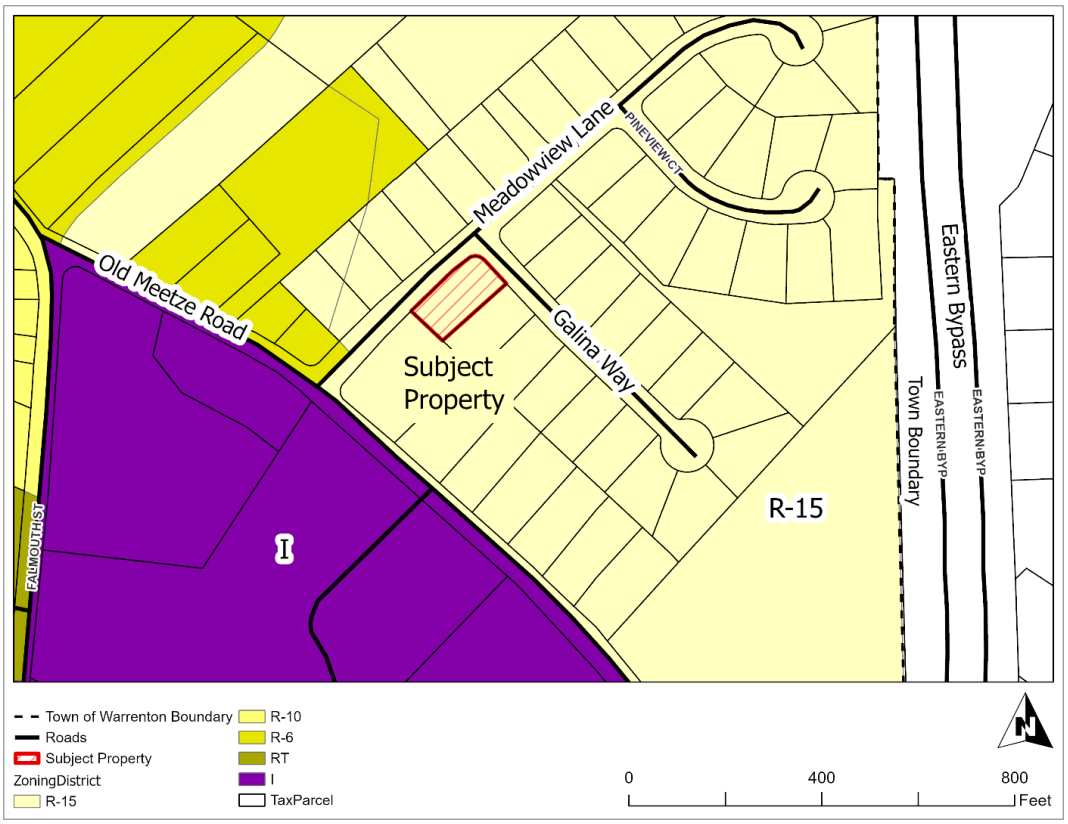
The applicant states that the six-foot high fence is needed to increase the safety and security of the applicant and neighborhood children, as well as to provide a visual barrier to increase privacy of the pool and hot tub area. The applicant states that granting a variance to increase the permissible height of the fence by two feet, to a height of six feet, would not pose a negative impact to pedestrians or drivers along Meadowview Lane.

BACKGROUND

The subject property was created as Lot 47 of the Monroe Estates subdivision via deed dated October 23, 2002, recorded in Deed Book 982, Page 940 in the Land Records of Fauquier County. The single-family home was constructed in 2004 according to Fauquier County Real Estate records. The applicant acquired the subject property on May 13, 2021, via deed recorded in Deed Book 1685, Page 1938. Adjacent uses are single-family detached dwellings.

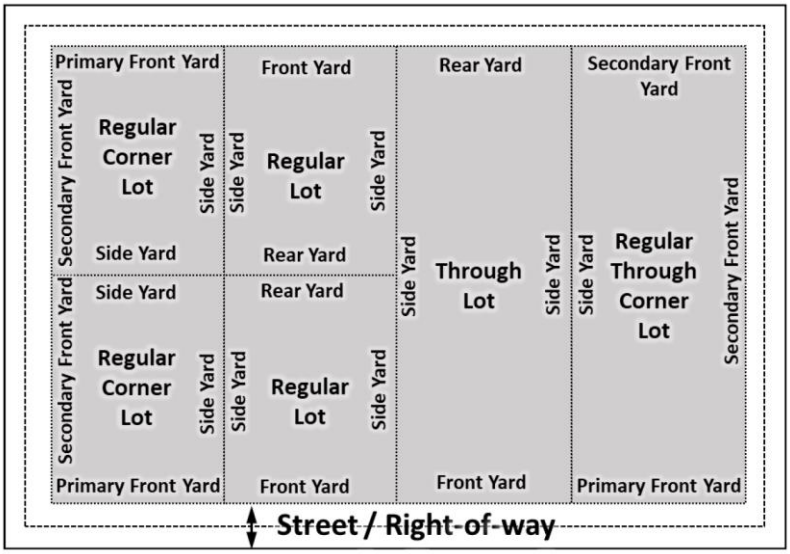
The property is zoned Residential (R-15) and has remained R-15 since prior to the creation of the Monroe Estates subdivision in 2002. The lot is 0.3785 acres (16,489 square feet) in size and has street frontage on both Meadowview Lane and Galina Way.

Location and Zoning Map



Both Meadowview Lane and Galina Way consist of a 50-foot-wide right-of-way dedicated for public street purposes as a part of the Monroe Estates subdivision in 2002. As the subject property has street frontage on both Meadowview Lane and Galina Way, the lot is a Regular Corner Lot per Ordinance Section 2-13 *Methods of Measuring Lots, Yards and Related Terms*.

Figure - Section 2-13.2 Regular lots, determination of front yard



On regular corner lots, all sides along streets are considered front yards, where the primary front yard is the shortest boundary fronting on a street and the secondary front yard is the longest boundary fronting on a street as stated in Ordinance Section 2-13.2.2 *Regular lots, determination of front yard* and further stated in Section 2-13.9. Therefore, the primary front yard for the subject property is along Galina Way, and the secondary front yard is along Meadowview Lane.

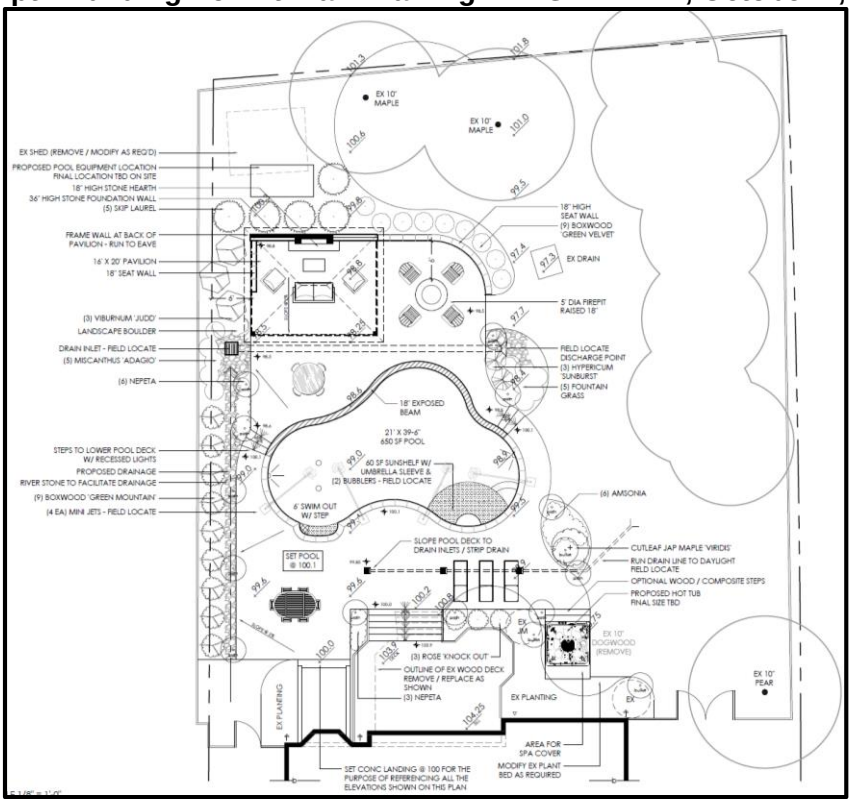
Section 2-19.2 of the Ordinance permits a setback reduction for corner lots, specifically for fences. Section 2-19.2 states:

> *Fences along the secondary front yard of a corner lot shall meet the side yard setback requirements within the front setback if they exceed four (4) feet in height*.

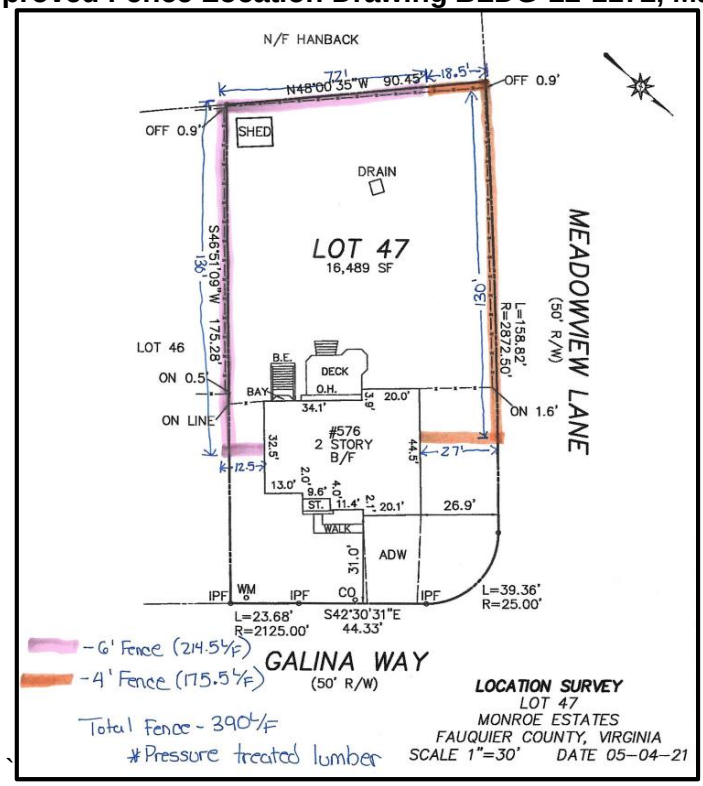
Within the R-15 district, the minimum required side yard setback is 12 feet, as found in Section 3-4.1.4 *Lot and Yard Regulations*. Given the setback reduction permitted for fences in Section 2-19.2, the subject property is permitted to have a fence up to four feet in height to within 12 feet of the Meadowview Lane right-of-way; any fence greater than four feet high must be set back at least 12 feet from the property line.

Within the secondary front yard setback off Meadowview Lane, the applicant may install a four-foot-high fence with the approval of a Zoning Permit. On October 4, 2022, the applicant submitted a Building and Zoning Permit to construct a swimming pool, hot tub, pavilion, outdoor kitchen and four-foot-tall fence, permit number BLDG-22-1172. As a part of this permit, the applicant was authorized to construct a 4-foot-tall fence along Meadowview Lane, and a six-foot tall fence along the rear and opposite side property line to fully enclose the back yard area.

Excerpt - Building Permit Plan Drawing BLDG-22-1172, October 4, 2022



Excerpt – Approved Fence Location Drawing BLDG-22-1172, March 14, 2023



A fence, or other barrier to prevent access, is required around all swimming pools per the Virginia Uniform Statewide Building Code (USBC). The minimum height of a fence is regulated by the *International Swimming Pool and Spa Code* and enforced by the Town of Warrenton Building Official. Code Section 305.2.1 *Barrier height and clearances*, subsection 1.1 states:

> *The top of the barrier shall be not less than 48 inches (1219 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.*

The minimum required barrier around a pool is four feet, as measured from the ground surface to the top of the barrier. The four-foot-tall fence that was approved for the subject property along Meadowview Lane as a part of the Building Permit on March 3, 2023, effectively mitigates safety concerns as required by the Building Code.

ANALYSIS

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 along with staff's analysis on how the application either meets or does not meet each criterion. The BZA must determine if the application has provided sufficient proof that the request meets the standards for a variance as defined by the 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,

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

The subject property is developed with a single family detached residence, a by-right permitted use within the R-15 Zoning district. Since the subject property is considered a Corner Lot, with frontage on two public streets, the Ordinance allows a setback reduction specifically for fences located within the secondary front yard, which in this case is along Meadowview Lane. Along Meadowview Lane, a fence that is no more than four feet high may be located within 12 feet of the right-of-way line. Outside of and behind this reduced 12-foot-wide setback, the height of a fence is permitted to extend to a height of six feet.

The property is currently improved with a four-foot-tall fence along Meadowview Lane, and a Zoning Permit has been issued to permit the construction of a new four-foot-tall fence to replace the existing fence in the same location. The Building Code requires the provision of a fence around a swimming pool; however, the minimum required fence height to meet code requirements is four feet. A four-foot-tall fence within the Meadowview Lane secondary front yard setback will therefore not restrict the applicant’s ability to construct or use a pool within their back yard area as an accessory use to the primary residential use of the property.

Staff does not find that the applicant has proven by a preponderance of the evidence that the four-foot-high fence height limitation within the front yard setback area unreasonably restricts the utilization of the property as a single-family residence. The four-foot-tall fence meets the building code requirement, and the applicant has the option to adjust the location of the fence to be outside of the 12-foot setback area should a six-foot tall fence be desired. Staff therefore recommends that the BZA deny the requested variance based on the absence of evidence that constructing the permitted four-foot-tall fence instead of a six-foot tall fence within the secondary front yard setback constitutes an unreasonable restriction on the applicant’s use of the property as a residence.

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*

   A *hardship*, is “something that causes or entails suffering or privation” (Merriam-Webster, 2023). Within the context of a Variance, an applicant must demonstrate that a variance would relieve a hardship or lessen an unequitable condition due to a physical condition of the property that equates to privation.

   The subject property does not contain any physical restrictions on developable area such as steep topography, irregular shape, significant drainageways, restrictive easements or other physical conditions that would unduly impact the ability of the property owner to use the property for residential purposes. The specific condition of the property from which the applicant is seeking relief is that the property is a corner lot, with two front yard setbacks, which prohibits a six-foot high fence within 12 feet of one property line.

   Numerous residential lots within the Town are corner lots, where they have frontage on at least two public streets. Within the Monroe Estates subdivision, there are a total of eight lots that are corner lots with two front yard setbacks. Within a 2,000-foot radius of the subject property, there are an additional 19 lots that consist of corner lots with both a primary and secondary front yard setback. The condition of the property is not unique or uncommon.

   The physical condition of the property, as a corner lot developed with a single-family residence, does not equate to privation or hardship. The lot size and shape are such that the property owner is in the process of further developing the property with a pavilion, pool, hot tub, and other accessory structures, none of which are impacted by the physical condition of the property. Staff does not find that the Ordinance provision that restricts the height of a fence to no more than four feet high within 12 feet of Meadowview Lane to be a hardship. Staff therefore recommends that the BZA deny the requested variance based on the absence of evidence that constructing the permitted four-foot-tall fence instead of a six-foot tall fence within the secondary front yard setback constitutes a hardship.

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 applicant’s justification does not include a request for the variance to provide a reasonable modification to the Ordinance requirements for 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 on May 13, 2021. This standard is met by the applicant.

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.

Meadowview Lane is the sole access point for the Monroe Estates subdivision, and serves 46 homes, including the homes located on both Galina Way and Pineview Court. The subject property is the first lot along the right side of Meadowview Lane, where all vehicular traffic entering the subdivision area must pass by the secondary front lot line. The Ordinance requires all fences that are located within the minimum required front yard to be no more than four feet in height.

Fences greater than four feet in height could impact the line of sight for vehicles approaching the Meadowview Lane and Galina Way intersection. Therefore, staff recommends that the BZA should consider any potential impacts that could be generated by permitting an increase in the allowable height of the fence from four (4) feet to six (6) feet along Meadowview Lane. It is unclear whether this standard is met by the applicant.

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.

The subject property is a Regular Corner Lot as defined by the Ordinance; including the subject property, a total of eight lots within the Monroe Estates subdivision are Regular Corner Lots and have both a primary front yard and a secondary front yard. Within 2,000 feet of the subject property, there are 19 properties that also have both a primary and secondary front yard. Corner lots are found widely throughout the Town and are a commonly occurring condition.

On December 9, 2014, the Town Council adopted a text amendment to the Ordinance to reduce the setback requirement for fences within the secondary front yard of a corner lot, case number ZOTA-14-04. This text amendment was initiated and passed to address the number of variance requests submitted to the BZA for fences of six feet in height within the front yard setback on corner lots. The background and justification for this text amendment states:

> *The request for the change to side setbacks for fences on corner lots is a result of two variance requests that were heard by the BZA this year. There has been an additional issue concerning side setbacks for a fence that was installed initially without a permit. This change is being recommended due to the increasing trend with requests for variances to the side setback for fences. Staff believes that the intent of the Ordinance to prevent obstruction of vision near intersections with fences on corner lots can still be met with maintaining the side setback requirement within the front setback area only and not along the entire side that faces the side street. There is a height restriction of four feet for fences within the front setback area bounded by the front and side lot lines.*

The condition of the subject property, where the lot consists of a corner lot with both a primary and secondary front yard setback, is a commonly occurring condition. However, this condition was already addressed by a text amendment to the Ordinance to reduce the setback requirements for fences along the secondary front yard. Staff therefore recommends that the BZA deny the requested variance, as the condition of the property is of a recurring nature that has already been addressed by Town Council.

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 dwellings, and those uses that are accessory and incidental to residential uses such as fences, are a by-right permitted use in the district and would not affect the current Zoning designation for the property. This standard is met by the applicant.

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 limitation on fence height within the front yard setback. This standard is met by the applicant.

STAFF RECOMMENDATION

To grant a variance, the BZA must find that the application meets one of the first three criteria (*1 - 3*) listed above regarding unreasonable utilization, alleviating a hardship, or accommodating a person with a disability. In addition, the variance must also meet all five of the remaining criteria (*a – e*) noted above regarding good faith acquisition, no substantial detriment, not generally recurring, does not allow an unpermitted use, and is not available by other means.

Staff finds that the application submitted by the applicant does not meet either criteria *1* or *2* related to unreasonable utilization or alleviating a hardship, nor does the application meet standard *c)* where the condition is so generally recurring that a text amendment to the Ordinance is needed.

Staff recommends that the Board of Zoning Appeals deny the variance request, as:

Per Ordinance Section 11-3.11.1 *Variances Authorized*:

1. The provision of the permitted four-foot-high fence within the secondary front yard setback, instead of the requested six-foot-high fence, does not unreasonably restrict the use of the property as a single family residence;
2. There is no hardship present due to a physical condition of the property or improvements thereon at the time of the effective date of the Ordinance where such hardship would be alleviated by a six-foot-high fence instead of the permitted four-foot-high fence; and

Per Ordinance Section 11-3.11.2 *Standards for Variances*:

> *c)* The condition of the property as a corner lot is a recurring condition within the Town, however a text amendment has already been adopted by Town Council to address this specific issue.

ATTACHMENTS

A. Proposed Conditions of Approval / Proposed Motion for Denial
B. Photographs – Existing Conditions
C. Variance Application Materials
D. Deed of Ownership – May 13, 2021
E. Deed of Subdivision, Monroe Estates – October 23, 2002
F. Building Permit - Pool, Hot Tub, Pavilion, Fence – October 6, 2022
G. Building Permit Drawing – Pool, Hot Tub, Pavilion – October 4, 2022
H. Building Permit Drawing – Approved Fence Location – March 14, 2023
I. Zoning Ordinance Text Amendment – Fences – December 9, 2014

PATTERN MOTION TO APPROVE VARIANCE

VARIANCE

BZA #2023-2 JORDYN & TRAVIS SIMOES

BZA MEETING DATE: June 6, 2023

In Application BZA #2023-2, 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 height of the fence within the secondary front setback area may be increased by two (2) feet, not to exceed a total fence height of six (6) feet from the ground surface.

PATTERN MOTION FOR DENIAL

VARIANCE

BZA #2023-2 JORDYN & TRAVIS SIMOES

BZA MEETING DATE: JUNE 6, 2023

In Application BZA #2023-2, 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 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 variance would be contrary to the intent and purpose of the Zoning Ordinance.
4. The granting of the variance would not result in substantial justice being done.
5. The relief requested can be granted only through modification of the zoning ordinance.
6. _____
7. _____

Attachment C
Photographs
June 6, 2023

Photograph taken from the entrance to the subdivision (Meadowview Lane) coming towards the subject property at the intersection of Meadowview Lane and Galina Way.

Attachment C
Photographs
June 6, 2023

Photograph taken from the adjacent property across the street from the subject property. The photo shows the existing 4’ fencing along Meadowview Lane which the applicant seeks to increase to a 6’ fence.

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 # BLDG-22-1172

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

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

Project Description

Project Name: LOT 47 MONROE ESTATES Backyard Renovation

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

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

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

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

Contact Information (Attach separate page if necessary)

All Current Owners

Name & Company: Travis and Jordyn Simoes

Address: 576 Galina Way, Warrenton, VA 20186

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

All Current Applicants (if different then owner):

Name &Company: NA

Address:

Phone: Email:

Representative (if different then owner/applicant):

Name & Company: NA

Address:

Phone: Email:

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

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

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

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

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

Print Owner's Name: Travis Simoes Print Applicant's Name: Travis Simoes

Board of Zoning Appeals April 21, 2023

Jordyn Simoes
576 Galina Way
Warrenton, VA 20186

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

To Whom It May Concern,

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

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

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

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

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

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

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

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

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

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

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

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

3. We will be the third inground pool in Monroe Estates. Both other pools have 6-foot-tall fences around their pools. Although not on Meadowview, this demonstrates that other community members see the addition of a pool as a significant risk to also invest in 6-foot fences.

4. There is also already a 6-foot-tall fence on Meadowview, the next (cross) street over. The visual aspect of having 4-foot fencing all along Meadowview has already been removed. Pictures have been provided as attachments to this letter. This fence is visible from our home.

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

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

Sincerely,

Jordyn V. Simoes

Jordyn V. Simoes

Supporting Pictures

Picture 1: View of backside of property from community entrance

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


Pool


Hot Tub
Pool
Pool

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

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


Hot Tub
Front


Hot Tub


136


Hot Tub
Pool


Hot Tub
Pool

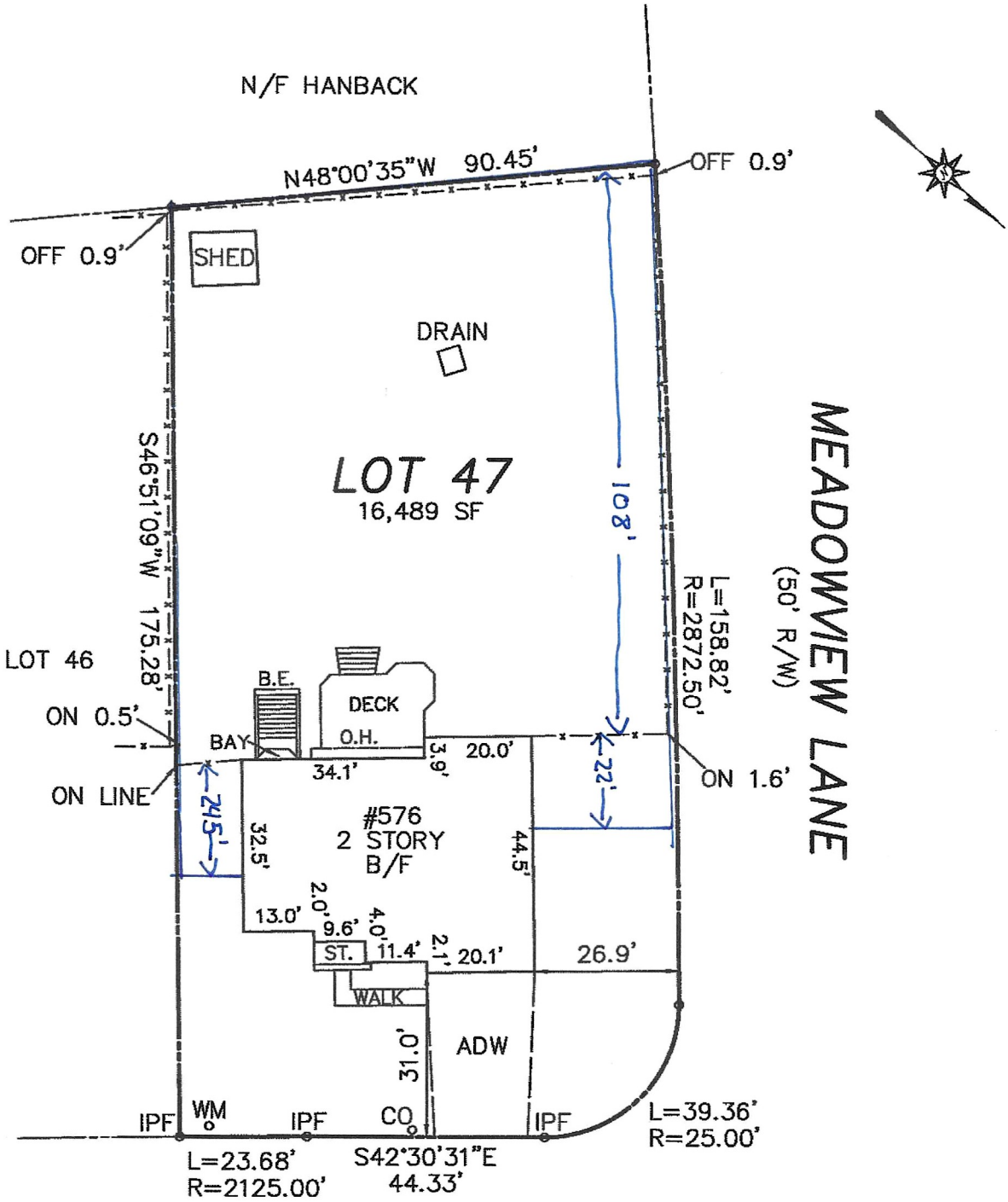
Picture 15: View from 576 Galina Way of 6 foot tall fence on corner lot of Meadowview and Pineview

LINE TYPES:

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

LEGEND:

ADW–ASPHALT DRIVEWAY
A/C–AIR CONDITIONING
A/W–AREAWAY
B.E.–BASEMENT ENTRANCE
BF– BOLT FOUND
BO– BOLLARD
BRL–BUILDING RESTRICTION LINE
CDW–CONCRETE DRIVEWAY
CM– CONCRETE MONUMENT
CO–CLEANOUT
CONC.–CONCRETE
ER–ELECTRICIAL RISER
F.E.–FIRE ESCAPE
FIOS–FIBER OPTICS UTILITY BOX
GDW–GRAVEL DRIVEWAY
GEN.–GENERATOR
IPF–IRON PIPE FOUND
IRS– IRON ROD SET
IRF–IRON ROD FOUND
MH–MANHOLE
PAD–CONCRETE PAD
PP–POWER POLE
R/W–RIGHT OF WAY
SMH–SANITARY MANHOLE
ST.–STOOP
TELE–TELEPHONE PEDESTAL
TR/TRANS–TRANSFORMER
WM–WATER METER
WV–WATER VALVE
W.W.–WINDOW WELL



LOCATION SURVEY
LOT 47
MONROE ESTATES
FAUQUIER COUNTY, VIRGINIA
SCALE 1"=30' DATE 05–04–21

Item 3.

Type: DEEDS
Recorded: 5/13/2021 1:13:00 PM
Fee Amt: $2,972.00 Page 1 of 4
Fauquier County, VA
Gail H Barb Clerk of Circuit Court
File# 2021-00006695

BK 1685 PG 1938 - 1941

DEED

This Deed, made this **12th day of May, 2021**, by and between **Christine M. CONNOLLY and John CONNOLLY,** wife and husband, GRANTORS, and **Travis Alexander SIMOES, Trustee and Jordyn Vicinus SIMOES, Trustee of The Travis and Jordyn Simoes Living Trust U/A dated February 17, 2017** , GRANTEES;

WITNESSETH

That for and in consideration of the conveyance made hereby, the consideration received by the GRANTORS and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the GRANTORS subject to the matters described herein, hereby grant and convey to the GRANTEES with General Warranty and English Covenants of Title, in fee simple unto the GRANTEES, **Travis Alexander SIMOES, Trustee and Jordyn Vicinus SIMOES, Trustee of The Travis and Jordyn Simoes Living Trust U/A dated February 17, 2017** sole owner, the following described real estate, situate, lying and being in Fauquier County, Commonwealth of Virginia, (the "Real Estate"), to wit:

SEE LEGAL DESCRIPTION ON EXHIBIT A ATTACHED HERETO

AND BEING the same property conveyed by Jerry Salts and Jaquetta Salts unto John CONNOLLY and Christine M. CONNOLLY by virtue of a deed dated November 25, 2009, and recorded November 30, 2009, in Deed Book 1332, page 2152, among the land records of the Clerk's Office of the Circuit Court of Fauquier County, Virginia.

The Real Estate is conveyed subject to all recorded easements, conditions, restrictions, and agreements that lawfully apply to the Real Estate or any part thereof.

The GRANTORS covenant that said GRANTORS have the right to convey the Real Estate, that the GRANTORS have done no act to encumber the Real Estate; that the said GRANTEES shall have quiet possession of the Real Estate; and that the GRANTORS will execute such further assurances as may be requisite.

THE SETTLEMENT COMPANY
7500 DIPLOMAT DR., SUITE 101
MANASSAS, VA 20109

PREPARED BY
LAW OFFICES
SHREVES, SCHUDEL, SAUNDERS, PARELLO & CLARKE, PLLC
492 Blackwell Road
Warrenton, VA 20186
P:540-316-6205

Tax Map Number: 6983-79-2716 – 000
Property Address: 576 Galina Way, Warrenton, VA 20186
Grantee's Mailing Address: 576 Galina Way, Warrenton, VA 20186
Consideration:$675,000.00
Assessed Value:$493,600.00
Underwriter: Fidelity Title Insurance Company
VSB#: 74235, Donald W. Tomlinson

TO HAVE AND TO HOLD the Property in fee simple, upon the trusts and for the uses and purposes set forth herein and in the Trust Agreement and as enumerated in the Virginia Code Section 64.1-57, including but not limited to the following:

Full power and authority is hereby granted to the Trustees and their successors to protect and conserve the Property; to sell, contract to sell and grant options to purchase the Property and any right, title or interest therein on any terms; to exchange the Property or any part thereof for any other real or personal property upon any terms; to convey the Property by deed or other conveyance to any grantee, with or without consideration; to mortgage, execute a deed of trust on, pledge or otherwise encumber the Property or any part thereof; to lease, contract to lease, grant options to lease and renew, extend, amend and otherwise modify leases on the Property or any part thereof from time to time, for any period of time, for any rental and upon any other terms and conditions; and to release, convey or assign any other right, title or interest whatsoever in the Property or any part thereof.

No party dealing with the Trustees in relation to the Property in any manner whatsoever, and (without limiting the foregoing) no party to whom the Property or any part thereof or any interest therein shall be conveyed, contracted to be sold, leased or mortgaged by the trustees, shall (a) be obliged to see to the application of any purchase money, rent or money borrowed or otherwise advanced on the Property, (b) be obliged to see that the terms of the trust have been complied with, (c) be obliged to inquire into the authority, necessity or expediency of any act of Trustees, or (d) be privileged to inquire into any of the terms of the Trust Agreement creating said trust. Every deed, mortgage, lease or other instrument executed by the Trustees in relation to the Property shall be conclusive evidence in favor of every person claiming any right, title or interest thereunder; (i) that at the time of the delivery thereof the said trust was in full force and effect, (ii) that such instrument was executed in accordance with the trust, terms and conditions thereof and of the said Trust Agreement and is binding upon all beneficiaries thereunder, (iii) that the Trustees were duly authorized and empowered to execute and deliver every such instrument, and
(iv) if a conveyance has been made to a successor or successors in trust, that such successor or successors have been properly appointed and are fully vested with all the title, estate, rights, powers, duties and obligations of its, his or their predecessor in trust.

The Trustees shall have no individual liability or obligation whatsoever arising from Trustees' ownership, as Trustees, of the legal title to the Property, or with respect to any act done or contract entered into or indebtedness incurred by said Trustees in dealing with said Property, or in otherwise acting as Trustees, except only so far as said Property and any trust funds in the actual possession of the Trustees shall be applicable to the payment and discharge thereof.

2

The interest of every beneficiary under the Trust Agreement and of all persons claiming under any of them shall be only in the earnings, avails, and proceeds arising from the rental, sale or other disposition of the Property. Such interest is hereby declared to be personal property, and no beneficiary under the Trust Agreement shall have any right, title or interest, legal or equitable, in or to the Property, as such, but only in the earnings, avails and proceeds thereof as provided in the Trust Agreement.

This Deed is governed by and is to be read and construed with reference to Section 55-17.1 of the Code of Virginia, 1950, as amended, and in force.

Witness the following signatures and seals:

Christine M. CONNOLLY

John CONNOLLY

Commonwealth of Virginia, City/County of: Fauquier to wit:

I, the undersigned, a Notary Public for the jurisdiction aforesaid, do certify that Christine M. CONNOLLY and John CONNOLLY,, whose names are signed to the foregoing document, acknowledged the same before me in my jurisdiction aforesaid, this 12th day of May, 2021

Notary Public

REBECCA LEE McANALLEN
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
REGISTRATION #333864
MY COMMISSION EXPIRES JANUARY 31, 2024

My Commission Expires: 1-31-24

3

Exhibit A

Legal Description

Lot 47, MONROE ESTATES, as the same appears duly dedicated, platted and recorded in Deed Book 982 at Page 940, among the land records of Fauquier County, Virginia.

RECORDED IN CLERK'S OFFICE OF
FAUQUIER ON
May 13, 2021 AT 01:13:00 PM
$675.00 GRANTOR TAX PD
AS REQUIRED BY VA CODE § 58.1-802
STATE: $337.50 LOCAL: $337.50
FAUQUIER COUNTY, VA
GAIL H BARB CLERK OF CIRCUIT COURT

Gail H Barb

4

BK 0982 PG 0940

02 17414

DEED OF DEDICATION, SUBDIVISION AND EASEMENT

THIS DEED OF DEDICATION, SUBDIVISION, AND EASEMENT is made this 22 day of October, 2002, by and between RICHMOND AMERICAN HOMES OF VIRGINIA, INC., a Virginia corporation (hereinafter referred to as "Owner"); and the TOWN OF WARRENTON, VIRGINIA, a municipal corporation (hereinafter referred to as "Town").

WITNESSETH:

WHEREAS, the Owner is the owner and proprietor of certain real property ("Property") as shown on Subdivision Plat, dated October 4, 2002, entitled "MONROE ESTATES", and prepared by Richard D. Townsend of Schools & Townsend, P.C., certified land surveyors ("Plat"), which Plat is attached hereto and made a part hereof; and

WHEREAS, the Property is situated in the Town of Warrenton, Fauquier County, Virginia; Owner having acquired the Property by deed recorded in Deed Book 976, at Page 227, among the land records of Fauquier County, Virginia; and

WHEREAS, it is the desire and intent of Owner to subdivide the Property into lots and parcels, and to dedicate, grant, and convey to the Town, its successors and assigns for public use, the streets and thoroughfares in accordance with this Deed of Dedication, Subdivision, and Easement and the Plat; and

WHEREAS, it is the desire and intent of Owner to grant and convey unto the Town the easements in the locations as shown on the Plat by separate instruments of conveyance to be recorded among the County land records.

OCT 23 2002

Returned To:

LAND DEV. ASST. P.M.
RICHMOND AMERICAN HOMES

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar ($1.00), cash in hand paid, receipt of which is hereby acknowledged, Owner, together with the consent of the Trustees, does hereby subdivide the Property containing 22.50 acres, more or less, into lots and parcels, to be known as Lots One (1) through Forty-seven (47), inclusive, Monroe Estates, in accordance with the Plat which is expressly incorporated herein and made a part of this Deed of Dedication, Subdivision, and Easement; and

THIS DEED FURTHER WITNESSETH that in consideration of the premises and the sum of One Dollar ($1.00), cash in hand paid, receipt of which is hereby acknowledged, Owner does hereby grant, dedicate, and convey to the Town, in fee simple, the 3.4598 acres for public street purposes as shown on the Plat. This dedication is made in accordance with the statutes made and provided therefor.

Grantor covenants that it is seized of and has right to make such dedication and to grant rights and privileges appurtenant thereto, that Town shall have quiet and peaceable possession, use and enjoyment of the aforesaid property and that Grantor shall execute such further assurances thereof as may be required.

This Deed of Dedication, Subdivision, and Easement is made in accordance with the statutes made and provided in such cases including Section 15.1-465 et seq. and including Section 15.1-477 et seq. of the Code of Virginia 1950 as amended; with the approval of the proper authorities of the Town of Warrenton, Virginia, as shown by the signatures affixed to the Plat, and is with the free consent and in accordance with the desire of Owner, the owner and proprietor of the land embraced within the bounds of said subdivision.

IN WITNESS WHEREOF, Owner has caused this Deed of Dedication, Subdivision, and Easement to be signed by its duly authorized representative.

Item 3.

BK0982PG0942

FURTHER WITNESS the following signatures and seals:

RICHMOND AMERICAN HOMES OF VIRGINIA, INC.,
a Virginia corporation, (OWNER)

By: Steven M Massie
Steven M. Massie

Title: Vice President of Land Development

COMMONWEALTH OF VIRGINIA
COUNTY OF Prince William, to-wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Steven M. Massie as Vice President - Land Development of ~~Lady~~ Richmond American Homes of Virginia, Inc., whose name is signed to the foregoing Deed of Dedication, Subdivision and Easement, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this 22nd day of October, 2002.

Gail L Harrison
Notary Public

GAIL L. HARRISON NOTARY PUBLIC COMMONWEALTH OF VIRGINIA

My Commission expires: 31 May 2003

F/deeds/monroeest.ra.doc

Book: 982 Page: 940 File No: 2002-00017414 Seq: 4

BK0982PG0943

SIGNATURE PANEL

APPROVED

DATE 10/23/02

PLANNING DIRECTOR

RICHMOND AMERICAN HOMES OF VA
LAND DEVELOPMENT ASST. P.M.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE PROPERTY SHOWN HEREON AND IDENTIFIED BY GPIN 6893-79-7739, AND A PORTION OF GPIN 6983-79-0589 IS CURRENTLY IN THE NAME OF RICHMOND AMERICAN HOMES OF VA, INC., HAVING BEEN ACQUIRED IN DEED BOOK 976, PAGE 227. THE METES AND BOUNDS ARE THE RESULT OF A CURRENT FIELD SURVEY, WITH AN ERROR OF CLOSURE OF LESS THAN 1:10,000. THE MERIDIAN WAS TAKEN FROM VDOT PROJECT 6029-030-102, PE101. UPON RECORDATION IRON PIPES WILL BE SET AT ALL PROPERTY CORNERS IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE.

COMMONWEALTH OF VIRGINIA
10-23-02
RICHARD D. TOWNSEND
No. 001583
LAND SURVEYOR

BK0982PG0945

NOTES:

1. THIS PROPERTY IS IDENTIFIED BY THE FOLLOWING G.P.I.N. : 6893-79-7739 AND 6983-79-0589 (PORTION OF).

2. THE OPEN SPACE PARCELS ARE TO BE CONVEYED TO A HOME OWNERS ASSOCIATION FORMED BY THE SUBDIVISION PROPERTY OWNERS. THE MAINTENANCE OF THESE PARCELS WILL BE THE RESPONSIBILITY OF THE ASSOCIATION.

3. SEWER LATERALS LOCATED OUTSIDE OF THE ROAD RIGHT-OF-WAY ARE THE RESPONSIBILITY OF THE PROPERTY OWNER.

4. THERE IS NO F.E.M.A. FLOODPLAIN ON THE PROPERTY.

OWNERS CONSENT:

THE SUBDIVISION OF THE 22.50 ACRES OF LAND, IDENTIFIED AS GPIN 6893-79-7739 AND 6983-79-0589 (PORTION OF), AS SHOWN HEREON, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER. THE OWNER HEREBY DEDICATES TO THE TOWN OF WARRENTON, THE RIGHT OF WAY SHOWN HEREON FOR PUBLIC STREET PURPOSES. FUTHER, THE OWNER GRANTS TO THE TOWN, EASEMENTS SHOWN HEREON FOR SANITARY SEWER, WATERLINE, STORM DRAINAGE, ACCESS, AND STORM WATER MANAGEMENT. FUTHER, THE OWNER HEREBY GRANTS PRIVATE A SANITARY SEWER LATERAL EASEMENT FOR THE BENIFIT OF LOTS 1, 15, AND 18. AN ACCESS EASEMENT IS ALSO GRANTED TO THE MONROE ESTATES H.O.A.

OWNER: RICHMOND AMERICAN HOMES OF VIRGINIA, INC.

BY _____

STEVEN M. MASSIE

V.P. OF LAND DEVELOPMENT

NOTARY CERTIFICATE

STATE OF VIRGINIA, COUNTY OF Prince William

TO WIT: SUBSCRIBED AND ACKNOWLEDGED BEFORE ME THIS 22nd

DAY OF October, 2002, BY Steven M. Massie Vice President-Land Acquisition & Development Richmond American Homes of Virginia, Inc.

Gail L. Harrison — 31 May 2003

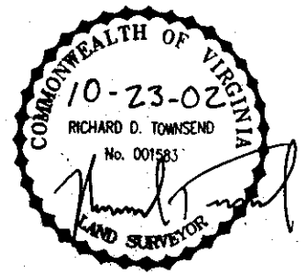
NOTARY PUBLIC — MY COMMISSION EXPIRES

AREA TABULATION

AREA IN STREETS	OPEN SPACE	LOTS	TOTAL
3.4598 ACRES	2.0801 ACRES	16.9633 ACRES	22.5032 AC.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE PROPERTY SHOWN HEREON AND IDENTIFIED BY GPIN 6893-79-7739, AND A PORTION OF GPIN 6983-79-0589 IS CURRENTLY IN THE NAME OF RICHMOND AMERICAN HOMES OF VA, INC., HAVING BEEN ACQUIRED IN DEED BOOK 976, PAGE 227. THE METES AND BOUNDS ARE THE RESULT OF A CURRENT FIELD SURVEY, WITH AN ERROR OF CLOSURE OF LESS THAN 1:10,000. THE MERIDIAN WAS TAKEN FROM VDOT PROJECT 6029-030-102, PE101. UPON RECORDATION IRON PIPES WILL BE SET AT ALL PROPERTY CORNERS IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE.



SUBDIVISION PLAT

MONROE ESTATES

TOWN OF WARRENTON, VIRGINIA

SCHOOLS & TOWNSEND, P.C.
ENGINEERS · SURVEYORS
9252 MOSBY STREET · MANASSAS, VIRGINIA 22110
703-368-8001 · 631-2995 · FAX 703-368-9950

DATE: 10-1-02	SCALE: 1"=50'	FILE: RPB 1824
DRAWN BY: TS	CHECKED BY: RT	SHEET 1 OF 3

ND

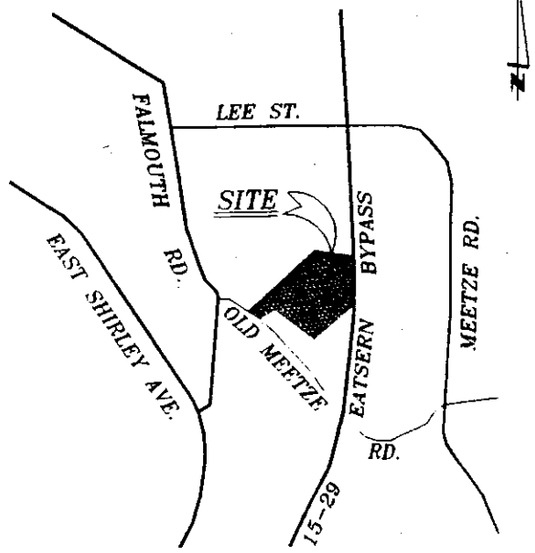
)CIATION
E

)–7739 AND
T AND IN
EREBY
FOR PUBLIC
HOWN HEREON
ER
ER LATERAL
S ALSO

AREA TABULATION

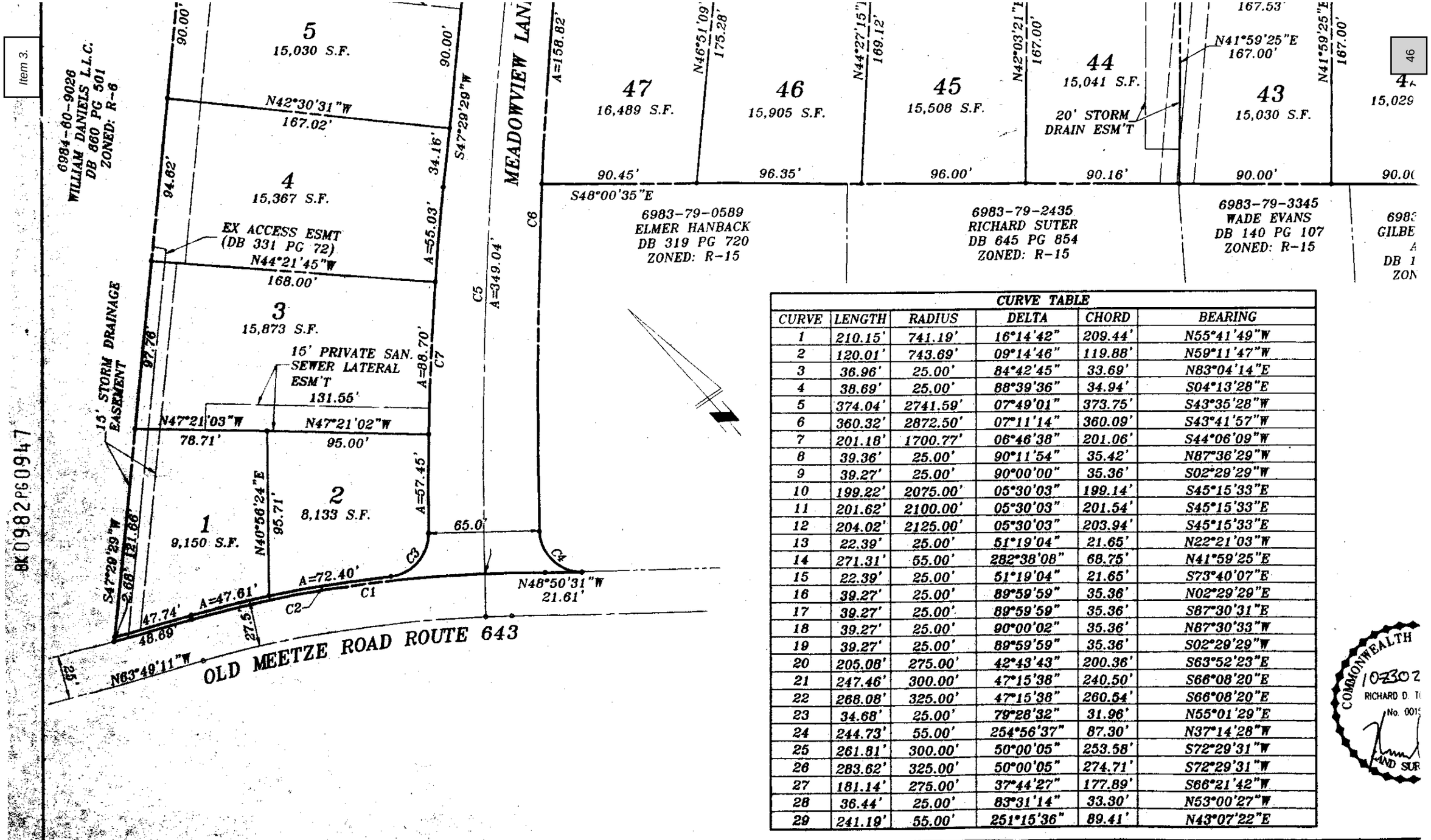
AREA IN STREETS	OPEN SPACE	LOTS	TOTAL
3.4598 ACRES	2.0801 ACRES	16.9633 ACRES	22.5032 AC.

BK0982PG0946

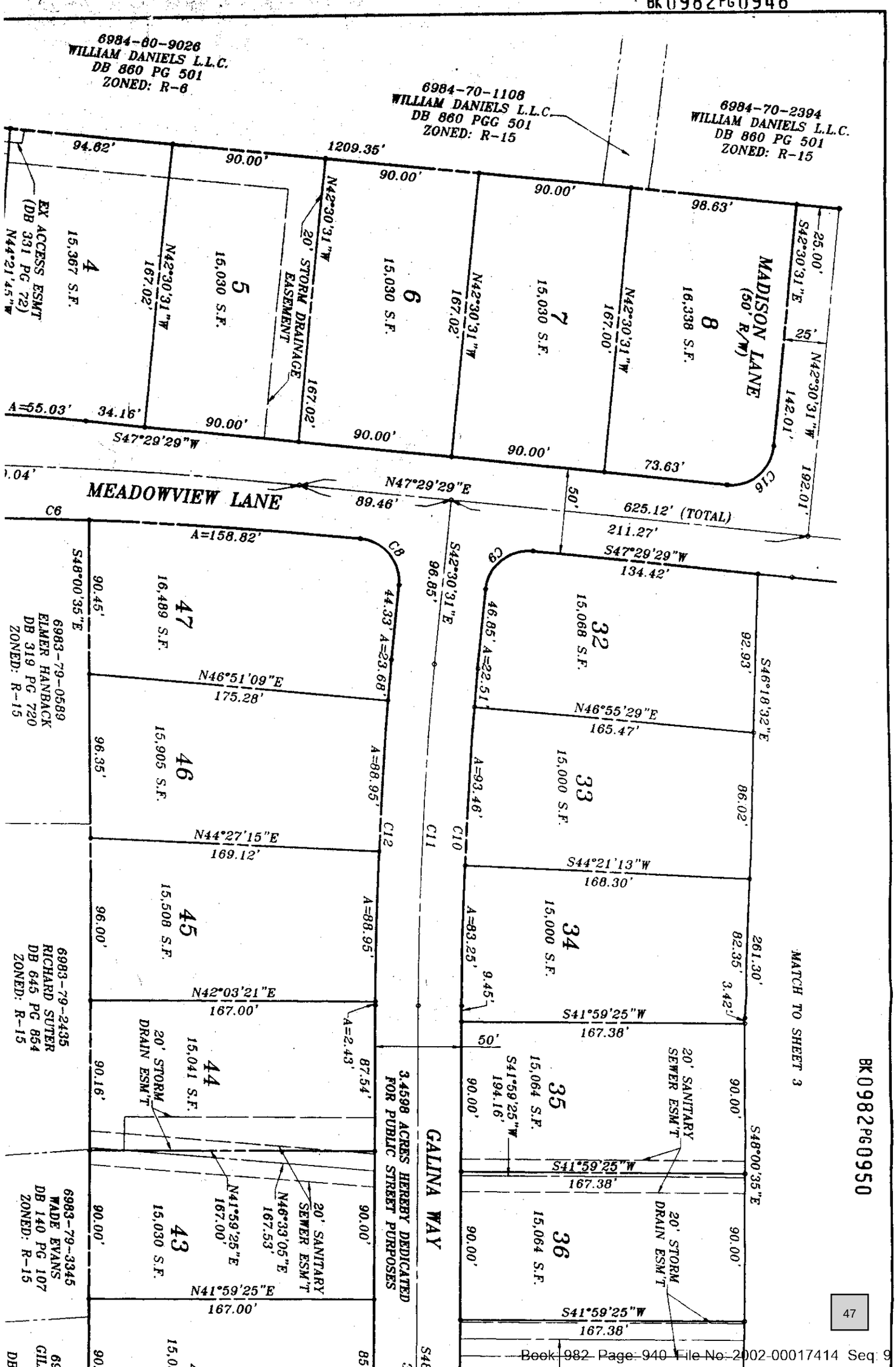


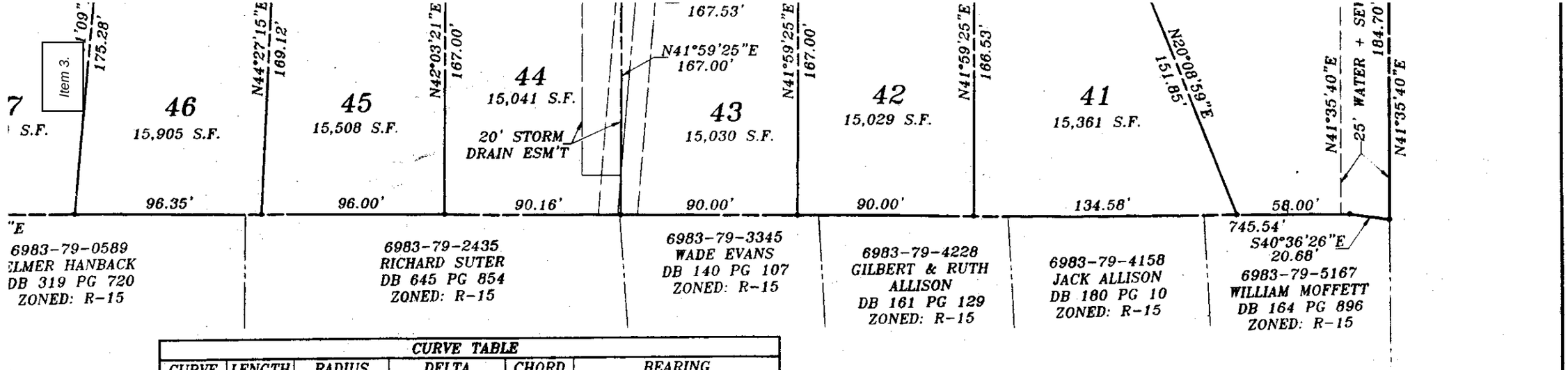
VICINITY MAP

SCALE: 1"=2000'



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
1	210.15'	741.19'	16°14'42"	209.44'	N55°41'49"W
2	120.01'	743.69'	09°14'46"	119.88'	N59°11'47"W
3	36.96'	25.00'	84°42'45"	33.69'	N83°04'14"E
4	38.69'	25.00'	88°39'36"	34.94'	S04°13'28"E
5	374.04'	2741.59'	07°49'01"	373.75'	S43°35'28"W
6	360.32'	2872.50'	07°11'14"	360.09'	S43°41'57"W
7	201.18'	1700.77'	06°46'38"	201.06'	S44°06'09"W
8	39.36'	25.00'	90°11'54"	35.42'	N87°36'29"W
9	39.27'	25.00'	90°00'00"	35.36'	S02°29'29"W
10	199.22'	2075.00'	05°30'03"	199.14'	S45°15'33"E
11	201.62'	2100.00'	05°30'03"	201.54'	S45°15'33"E
12	204.02'	2125.00'	05°30'03"	203.94'	S45°15'33"E
13	22.39'	25.00'	51°19'04"	21.65'	N22°21'03"W
14	271.31'	55.00'	282°38'08"	68.75'	N41°59'25"E
15	22.39'	25.00'	51°19'04"	21.65'	S73°40'07"E
16	39.27'	25.00'	89°59'59"	35.36'	N02°29'29"E
17	39.27'	25.00'	89°59'59"	35.36'	S87°30'31"E
18	39.27'	25.00'	90°00'02"	35.36'	N87°30'33"W
19	39.27'	25.00'	89°59'59"	35.36'	S02°29'29"W
20	205.08'	275.00'	42°43'43"	200.36'	S63°52'23"E
21	247.46'	300.00'	47°15'38"	240.50'	S66°08'20"E
22	268.08'	325.00'	47°15'38"	260.54'	S66°08'20"E
23	34.68'	25.00'	79°28'32"	31.96'	N55°01'29"E
24	244.73'	55.00'	254°56'37"	87.30'	N37°14'28"W
25	261.81'	300.00'	50°00'05"	253.58'	S72°29'31"W
26	283.62'	325.00'	50°00'05"	274.71'	S72°29'31"W
27	181.14'	275.00'	37°44'27"	177.89'	S66°21'42"W
28	36.44'	25.00'	83°31'14"	33.30'	N53°00'27"W
29	241.19'	55.00'	251°15'36"	89.41'	N43°07'22"E


6984-60-9026
WILLIAM DANIELS L.L.C.
DB 860 PG 501
ZONED: R-6
6984-70-1108
WILLIAM DANIELS L.L.C.
DB 860 PGG 501
ZONED: R-15
6984-70-2394
WILLIAM DANIELS L.L.C.
DB 860 PG 501
ZONED: R-15
94.62'
90.00'
1209.35'
90.00'
90.00'
98.63'
EX ACCESS ESMT
(DB 331 PG 72)
N44°21'45"W
4
15,367 S.F.
N42°30'31"W
167.02'
5
15,030 S.F.
N42°30'31"W
20' STORM DRAINAGE EASEMENT
6
15,030 S.F.
N42°30'31"W
167.02'
7
15,030 S.F.
N42°30'31"W
167.00'
8
16,338 S.F.
MADISON LANE
(50' R/W)
S42°30'31"E
25.00'
25'
N42°30'31"W
142.01'
192.01'
C16
73.63'
90.00'
90.00'
90.00'
A=55.03'
34.16'
S47°29'29"W
MEADOWVIEW LANE
N47°29'29"E
89.46'
50'
625.12' (TOTAL)
211.27'
S47°29'29"W
134.42'
C6
A=158.82'
C8
C9
S48°00'35"E
90.45'
47
16,489 S.F.
44.33'
A=23.68'
S42°30'31"E
96.85'
46.85'
A=22.51'
32
15,068 S.F.
92.93'
S46°18'32"E
6983-79-0589
ELMER HANBACK
DB 319 PG 720
ZONED: R-15
N46°51'09"E
175.28'
N46°55'29"E
165.47'
96.35'
46
15,905 S.F.
A=88.95'
A=93.46'
33
15,000 S.F.
86.02'
C12
C11
C10
N44°27'15"E
169.12'
S44°21'13"W
168.30'
96.00'
45
15,508 S.F.
A=88.95'
A=93.25'
34
15,000 S.F.
82.35'
261.30'
9.45'
3.42'
6983-79-2435
RICHARD SUTER
DB 645 PG 854
ZONED: R-15
N42°03'21"E
167.00'
S41°59'25"W
167.38'
50'
20' STORM
DRAIN ESM'T
A=2.43'
87.54'
90.16'
44
15,041 S.F.
3.4598 ACRES HEREBY DEDICATED
FOR PUBLIC STREET PURPOSES
GALINA WAY
35
15,064 S.F.
S41°59'25"W
194.16'
90.00'
20' SANITARY
SEWER ESM'T
90.00'
S48°00'35"E
S41°59'25"W
167.38'
6983-79-3345
WADE EVANS
DB 140 PG 107
ZONED: R-15
N41°59'25"E
167.00'
N46°33'05"E
167.53'
20' SANITARY
SEWER ESM'T
90.00'
43
15,030 S.F.
90.00'
36
15,064 S.F.
90.00'
20' STORM
DRAIN ESM'T
N41°59'25"E
167.00'
S41°59'25"W
167.38'
MATCH TO SHEET 3



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
1	210.15'	741.19'	16°14'42"	209.44'	N55°41'49"W
2	120.01'	743.69'	09°14'46"	119.88'	N59°11'47"W
3	36.96'	25.00'	84°42'45"	33.69'	N83°04'14"E
4	38.69'	25.00'	88°39'36"	34.94'	S04°13'28"E
5	374.04'	2741.59'	07°49'01"	373.75'	S43°35'28"W
6	360.32'	2872.50'	07°11'14"	360.09'	S43°41'57"W
7	201.18'	1700.77'	06°46'38"	201.06'	S44°06'09"W
8	39.36'	25.00'	90°11'54"	35.42'	N87°36'29"W
9	39.27'	25.00'	90°00'00"	35.36'	S02°29'29"W
10	199.22'	2075.00'	05°30'03"	199.14'	S45°15'33"E
11	201.62'	2100.00'	05°30'03"	201.54'	S45°15'33"E
12	204.02'	2125.00'	05°30'03"	203.94'	S45°15'33"E
13	22.39'	25.00'	51°19'04"	21.65'	N22°21'03"W
14	271.31'	55.00'	282°38'08"	68.75'	N41°59'25"E
15	22.39'	25.00'	51°19'04"	21.65'	S73°40'07"E
16	39.27'	25.00'	89°59'59"	35.36'	N02°29'29"E
17	39.27'	25.00'	89°59'59"	35.36'	S87°30'31"E
18	39.27'	25.00'	90°00'02"	35.36'	N87°30'33"W
19	39.27'	25.00'	89°59'59"	35.36'	S02°29'29"W
20	205.08'	275.00'	42°43'43"	200.36'	S63°52'23"E
21	247.46'	300.00'	47°15'38"	240.50'	S66°08'20"E
22	268.08'	325.00'	47°15'38"	260.54'	S66°08'20"E
23	34.68'	25.00'	79°28'32"	31.96'	N55°01'29"E
24	244.73'	55.00'	254°56'37"	87.30'	N37°14'28"W
25	261.81'	300.00'	50°00'05"	253.58'	S72°29'31"W
26	283.62'	325.00'	50°00'05"	274.71'	S72°29'31"W
27	181.14'	275.00'	37°44'27"	177.89'	S66°21'42"W
28	36.44'	25.00'	83°31'14"	33.30'	N53°00'27"W
29	241.19'	55.00'	251°15'36"	89.41'	N43°07'22"E

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)

1 inch = 50 ft.

COMMONWEALTH OF VIRGINIA
10230 2
RICHARD D. TOWNSEND
No. 001583
LAND SURVEYOR

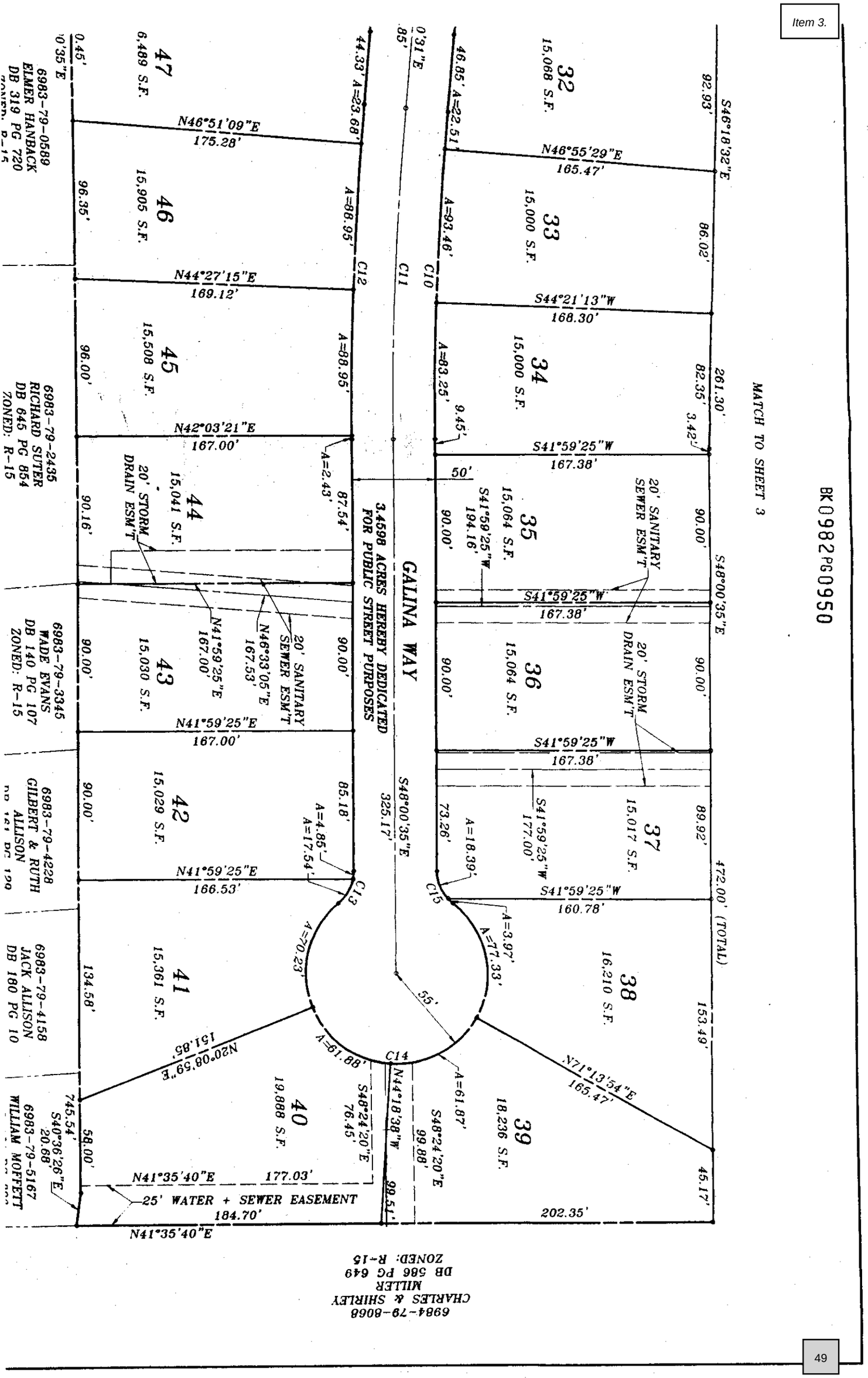
SUBDIVISION PLAT

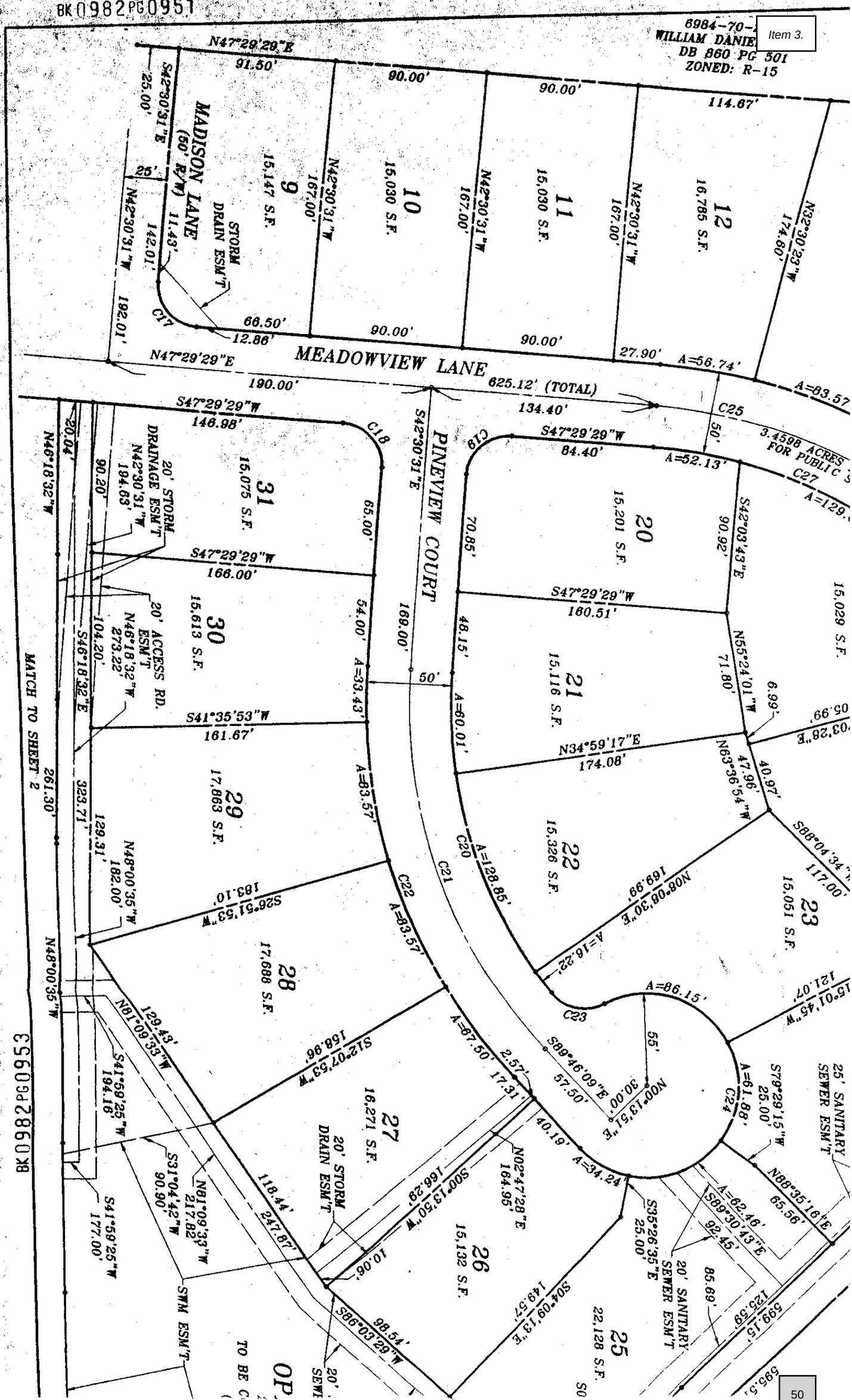
MONROE ESTATES

TOWN OF WARRENTON

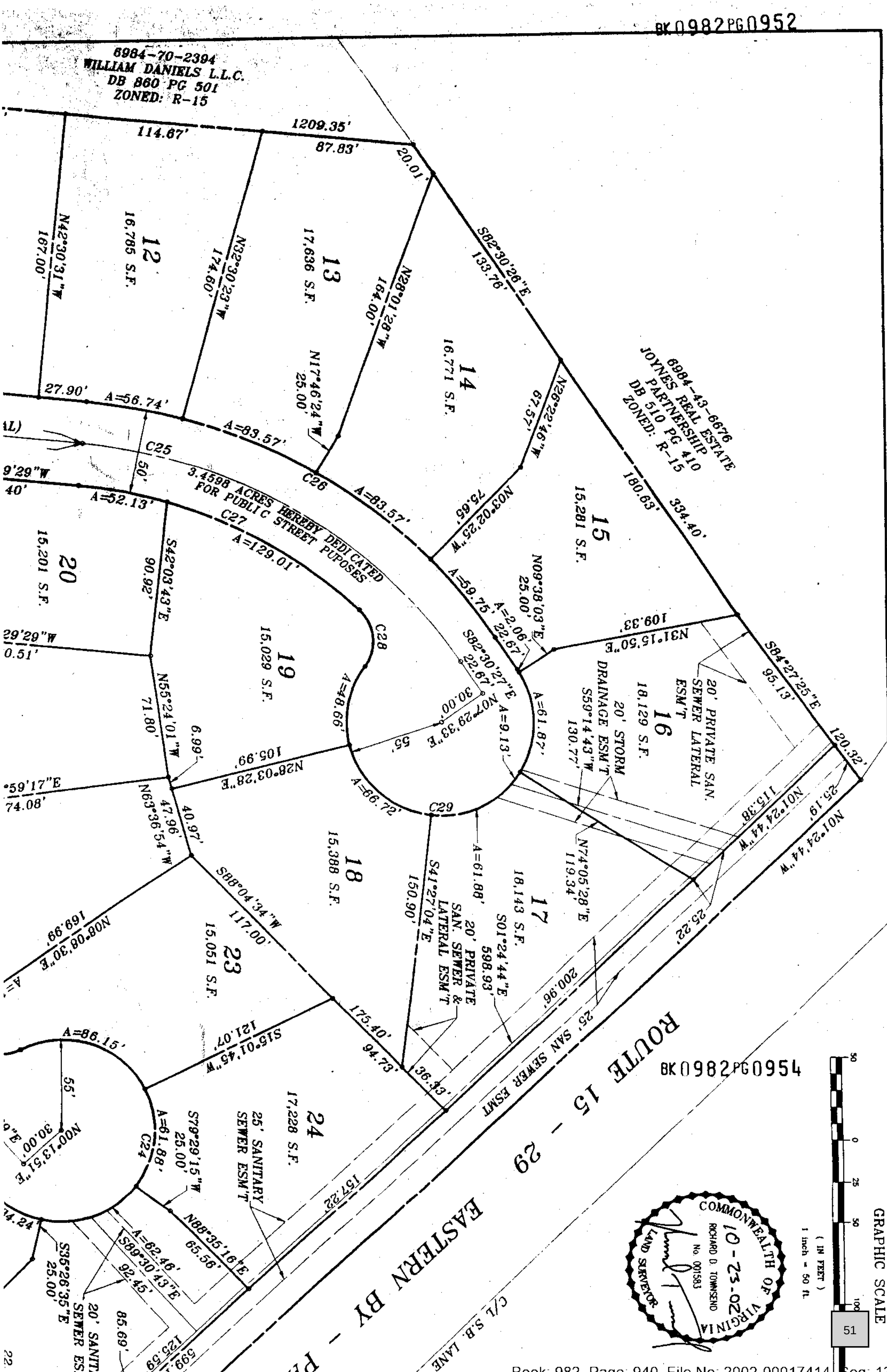
SCHOOLS & TOWNSEND, P.C.
ENGINEERS · SURVEYORS
9252 MOSBY STREET · MANASSAS, VIRGINIA 22110
703-368-8001 · 631-2995 · FAX 703-368-9950

DATE: 10-1-02	SCALE: 1"=50'	FILE: RPB-1824
DRAWN BY: TS	CHECKED BY: RT	SHEET 2 OF 3


BK0982PG0950
MATCH TO SHEET 3
GALINA WAY
3.4698 ACRES HEREBY DEDICATED FOR PUBLIC STREET PURPOSES
32 15,068 S.F.
33 15,000 S.F.
34 15,000 S.F.
35 15,064 S.F.
36 15,064 S.F.
37 15,017 S.F.
38 16,210 S.F.
39 18,236 S.F.
40 19,888 S.F.
41 15,361 S.F.
42 15,029 S.F.
43 15,030 S.F.
44 15,041 S.F.
45 15,508 S.F.
46 15,905 S.F.
47 6,489 S.F.
S46°18'32"E 92.93'
N46°55'29"E 165.47'
S44°21'13"W 168.30'
S41°59'25"W 167.38'
S48°00'35"E 261.30'
472.00' (TOTAL)
N71°13'54"E 165.47'
S48°24'20"E 99.88'
N44°18'38"W 99.54'
S48°24'20"E 76.45'
N41°35'40"E 177.03'
25' WATER + SEWER EASEMENT
184.70'
N41°35'40"E
202.35'
N20°08'59"E 151.85'
S40°36'26"E 20.68'
745.54'
58.00'
134.58'
153.49'
45.17'
N41°59'25"E 166.53'
N41°59'25"E 167.00'
N46°33'05"E 167.53'
N41°59'25"E 167.00'
N42°03'21"E 167.00'
N44°27'15"E 169.12'
N46°51'09"E 175.28'
S41°59'25"W 194.16'
S41°59'25"W 177.00'
S41°59'25"W 160.78'
S48°00'35"E 325.17'
20' SANITARY SEWER ESM'T
20' STORM DRAIN ESM'T
20' SANITARY SEWER ESM'T
20' STORM DRAIN ESM'T
C10
C11
C12
C14
C15
A=93.46'
A=83.25'
A=88.95'
A=88.95'
A=2.43'
A=4.85'
A=17.54'
A=70.23'
A=61.88'
A=18.39'
A=3.97'
A=77.33'
A=61.87'
46.85' A=22.51
44.33' A=23.68'
0'31"E .85'
0.45' 0'35"E
92.93'
86.02'
82.35'
3.42'
9.45'
50'
90.00'
89.92'
73.26'
85.18'
55'
96.35'
96.00'
90.16'
87.54'
6983-79-0589 ELMER HANBACK DB 319 PG 720
6983-79-2435 RICHARD SUTER DB 645 PG 854 ZONED: R-15
6983-79-3345 WADE EVANS DB 140 PG 107 ZONED: R-15
6983-79-4228 GILBERT & RUTH ALLISON
6983-79-4158 JACK ALLISON DB 180 PG 10
6983-79-5167 WILLIAM MOFFETT
6984-79-6068 CHARLES & SHIRLEY MILLER DB 586 PG 649 ZONED: R-15


6984-70-
WILLIAM DANIE
DB 860 PG 501
ZONED: R-15
N47°29'29"E
91.50'
90.00'
90.00'
114.67'
S42°30'31"E
25.00'
MADISON LANE
(50' R/W)
25'
N42°30'31"W
142.01'
11.43'
192.01'
C17
STORM DRAIN ESM'T
9
15,147 S.F.
10
15,030 S.F.
11
15,030 S.F.
12
16,785 S.F.
N42°30'31"W
167.00'
N32°00'23"W
174.80'
66.50'
12.86'
90.00'
90.00'
27.90'
A=56.74'
A=83.57
N47°29'29"E
MEADOWVIEW LANE
190.00'
625.12' (TOTAL)
134.40'
C25
50'
3.4598 ACRES
FOR PUBLIC
S47°29'29"W
146.98'
C18
S42°30'31"E
PINEVIEW COURT
C19
S47°29'29"W
84.40'
A=52.13'
C27
A=129.
20.04'
N46°18'32"W
90.20'
20' STORM DRAINAGE ESM'T
N42°30'31"W
194.63'
31
15,075 S.F.
65.00'
20
15,201 S.F.
70.85'
90.92'
S42°03'43"E
S47°29'29"W
166.00'
S47°29'29"W
160.51'
15,029 S.F.
20' ACCESS RD. ESM'T
N46°18'32"W
273.22'
104.20'
S46°18'32"E
30
15,613 S.F.
54.00'
A=33.43'
169.00'
50'
48.15'
21
15,116 S.F.
N55°24'01"W
71.80'
6.99'
A=60.01'
S41°35'53"W
161.67'
N34°59'17"E
174.08'
N63°36'54"W
47.96'
40.97'
MATCH TO SHEET 2
261.30'
323.71'
129.31'
N48°00'35"W
182.00'
29
17,863 S.F.
A=83.57'
C20
A=128.85'
C21
22
15,326 S.F.
S88°04'34"
117.00'
23
15,051 S.F.
N08°08'30"E
169.99'
A=18.22'
C22
A=83.57'
S26°51'53"W
183.10'
28
17,688 S.F.
A=86.15'
C23
S12°07'53"W
168.96'
A=67.50'
2.57'
17.31'
S89°46'09"E
57.50'
N00°13'51"E
30.00'
55'
A=61.88'
C24
S79°29'15"W
25.00'
25' SANITARY SEWER ESM'T
N81°09'33"W
129.43'
S41°59'25"W
194.16'
27
16,271 S.F.
40.19'
A=34.24'
N02°47'28"E
164.95'
S00°13'50"W
166.29'
N88°35'16"E
65.56'
A=62.46'
S89°30'43"E
92.45'
S31°04'42"W
90.90'
N81°09'33"W
217.82'
S41°59'25"W
177.00'
118.44'
247.87'
20' STORM DRAIN ESM'T.
10.90'
S35°26'35"E
25.00'
20' SANITARY SEWER ESM'T
85.69'
S04°09'13"E
149.57'
125.59'
599.15'
S86°03'29"W
98.54'
SWM ESM'T
TO BE C
25
22,128 S.F.
20'
SEWI
S0
595.5'

Item 3.


BK0982PG0952
6984-70-2394
WILLIAM DANIELS L.L.C.
DB 860 PG 501
ZONED: R-15
1209.35'
114.67'
87.83'
20.01'
N42°30'31"W
167.00'
12
16,785 S.F.
N32°30'23"W
174.60'
13
17,636 S.F.
N28°01'28"W
164.00'
N17°46'24"W
25.00'
14
16.771 S.F.
S82°30'26"E
133.76'
N26°22'46"W
67.57'
N03°02'25"W
75.65'
6984-43-6676
JOYNES REAL ESTATE
PARTNERSHIP
DB 510 PG 410
ZONED: R-15
180.63'
334.40'
15
15,281 S.F.
N09°38'03"E
25.00'
A=2.06'
22.67'
109.33'
N31°15'50"E
S84°27'25"E
95.13'
120.32'
20' PRIVATE SAN. SEWER LATERAL ESM'T
16
18,129 S.F.
20' STORM DRAINAGE ESM'T
S59°14'43"W
130.77'
27.90'
A=56.74'
A=83.57'
C25
C26
A=83.57'
50'
3.4598 ACRES HEREBY DEDICATED FOR PUBLIC STREET PUPOSES
A=52.13'
C27
A=129.01'
A=59.75'
S82°30'27"E
22.67'
N07°29'33"E
30.00'
A=9.13'
A=61.87'
20
15,201 S.F.
S42°03'43"E
90.92'
19
15,029 S.F.
C28
A=48.66'
55'
N55°24'01"W
71.80'
6.99'
105.99'
N28°03'28"E
A=66.72'
C29
N63°36'54"W
47.96'
40.97'
115.38'
N01°24'44"W
25.19'
N01°24'44"W
N74°05'28"E
119.34'
25.22'
18
15,388 S.F.
S41°27'04"E
150.90'
A=61.88'
17
18,143 S.F.
S01°24'44"E
598.93'
20' PRIVATE SAN. SEWER & LATERAL ESM'T
200.96'
25' SAN SEWER ESMT
S88°04'34"W
117.00'
N08°08'30"E
169.99'
23
15,051 S.F.
175.40'
94.73'
36.33'
121.07'
S15°01'45"W
A=86.15'
55'
N00°13'51"E
30.00'
A=61.88'
C24
S79°29'15"W
25.00'
24
17,228 S.F.
25' SANITARY SEWER ESM'T
157.22'
N88°35'16"E
65.56'
A=62.46'
S89°30'43"E
92.45'
S35°26'35"E
25.00'
20' SANITARY SEWER ESM
85.69'
125.59'
599.15'
ROUTE 15 - 29
EASTERN BY - PASS
C/L S.B. LANE
BK0982PG0954
COMMONWEALTH OF VIRGINIA
RICHARD D. TOWNSEND
No. 001583
LAND SURVEYOR
10-23-02
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

BK0982PG0953
MATCH TO SHEET 2
30
613 S.F.
29
17,863 S.F.
28
17,688 S.F.
27
16,271 S.F.
26
15,132 S.F.
25
22,128 S.F.
22
15,326 S.F.
21
15,116 S.F.
23
15,051 S.F.
OPEN SPACE
2.0801 ACRES
TO BE CONVEYED TO THE HOA
(SEE NOTE 2)
20' ACCESS RD. ESM'T
20' STORM DRAIN ESM'T
SWM ESM'T
20' SANITARY SEWER ESM'T
25' SANITARY SEWER ESM'T
S41°35'53"W
161.67'
N34°59'17"E
174.08'
N48°00'35"W
182.00'
S26°51'53"W
183.10'
N81°09'33"W
129.43'
S12°07'53"W
158.96'
S41°59'25"W
194.16'
S31°04'42"W
90.90'
N81°09'33"W
217.82'
S41°59'25"W
177.00'
S00°13'50"W
166.29'
N02°47'28"E
164.95'
S04°09'13"E
149.57'
S86°03'29"W
98.54'
S86°03'29"W
194.65'
S04°08'41"E
109.22'
N04°09'13"W
195.98'
N04°09'13"W
159.82'
270.02'
656.69'
472.00'
261.30'
323.71'
129.31'
104.20'
S46°18'32"E
V46°18'32"W
273.22'
N55°24'01"W
71.80'
160.51'
N63°36'54"W
47.96'
S88°04'34"E
117.00'
N08°08'30"E
169.99'
A=128.85'
A=83.57'
A=83.57'
A=87.50'
A=34.24'
A=86.15'
A=61.88'
A=62.46'
A=16.22'
A=60.01'
A=33.43'
C20
C21
C22
C23
C24
S89°46'09"E
57.50'
N00°13'51"E
30.00'
S35°26'35"E
25.00'
S79°29'15"W
25.00'
N88°35'16"E
65.56'
S89°30'43"E
92.45'
N15°01'45"W
121.07'
S99°15'
595.51'
125.59'
85.69'
98.57'
16.92'
43.08'
40.19'
2.57'
17.31'
118.44'
247.87'
10.06'
40.97'
47.96'
48.15'
69.00'
50'
6.99'
55'
6984-79-8068
CHARLES & SHIRLEY
MILLER
DB 586 PG 649
ZONED: R-15

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)

1 inch = 50 ft.

BK0982PG0954

COMMONWEALTH OF VIRGINIA
10-23-02
RICHARD D. TOWNSEND
No. 001583
LAND SURVEYOR

SUBDIVISION PLAT

MONROE ESTATES

TOWN OF WARRENTON

SCHOOLS & TOWNSEND, P.C.
ENGINEERS · SURVEYORS
9252 MOSBY STREET · MANASSAS, VIRGINIA 22110
703-368-8001 · 631-2995 · FAX 703-368-9950

DATE: 10-1-02	SCALE: 1"=50'	FILE: RPB-1824
DRAWN BY: TS	CHECKED BY: RT	SHEET 3 OF 3

ROUTE 15 - 29 EASTERN BY - PASS

C/L S.B. LANE

25' SAN SEWER ESMT

20' PRIVATE SAN. SEWER LATERAL ESM'T

20' STORM DRAINAGE ESM'T

20' PRIVATE SAN. SEWER & LATERAL ESM'T

25' SANITARY SEWER ESM'T

20' SANITARY SEWER ESM'T

16 18,129 S.F.

17 18,143 S.F.

18 15,388 S.F.

19 15,029 S.F.

23 15,051 S.F.

24 17,228 S.F.

25

S84°27'25"E 95.13'

120.32'

N01°24'44"W 25.19'

N01°24'44"W 115.38'

25.22'

N31°15'50"E

S59°14'43"W 130.77'

N74°05'28"E 119.34'

200.96'

S01°24'44"E 598.93'

A=61.87'

A=9.13'

A=61.88'

S82°30'27"E 22.67'

N07°29'33"E 30.00'

55'

C29

S41°27'04"E 150.90'

36.43'

C28

A=66.72'

A=48.66'

175.40'

94.73'

157.22'

N28°03'28"E 105.99'

S88°04'34"W 117.00'

S15°01'45"W 121.07'

6.99'

40.97'

N55°24'01"W 71.80'

47.96'

N63°36'54"W

N08°08'30"E 169.99'

S79°29'15"W 25.00'

N88°35'16"E 65.56'

A=61.88'

C24

A=62.46'

S89°30'43"E 92.45'

599.15'

125.59'

595.51'

N04°09'13"W

85.69'

A=86.15'

55'

N00°13'51"E 30.00'

S35°26'35"E 25.00'

N04°09'13"W 98.57'

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
17	39.27'	25.00'	89°59'59"	35.36'	S87°30'31"E
18	39.27'	25.00'	90°00'02"	35.36'	N87°30'33"W
19	39.27'	25.00'	89°59'59"	35.36'	S02°29'29"W
20	205.08'	275.00'	42°43'43"	200.36'	S63°52'23"E
21	247.46'	300.00'	47°15'38"	240.50'	S66°08'20"E
22	268.08'	325.00'	47°15'38"	260.54'	S66°08'20"E
23	34.68'	25.00'	79°28'32"	31.96'	N55°01'29"E
24	244.73'	55.00'	254°56'37"	87.30'	N37°14'28"W
25	261.81'	300.00'	50°00'05"	253.58'	S72°29'31"W
26	283.62'	325.00'	50°00'05"	274.71'	S72°29'31"W
27	181.14'	275.00'	37°44'27"	177.89'	S66°21'42"W
28	36.44'	25.00'	83°31'14"	33.30'	N53°00'27"W
29	241.19'	55.00'	251°15'36"	89.41'	N43°07'22"E

BK 0982 PG 0955

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT
FOR THE COUNTY OF FAUQUIER, OCT 23 2002

This instrument was this day received in said Office and with certificate admitted to record at 2:43 P. m.
$3.00 Tech Fee Exempt

TESTE: Gail H Barb, CLERK $30.00 PD

Residential Pool Permit

Permit Number: BLDG-22-11
USBC: 2015
APPLICATION DATE: October 4, 2022
ISSUANCE DATE: October 6, 2022
RENEWAL DATE:

Town of Warrenton

21 Main Street

Warrenton VA 20186

(540)-347-2405

LIEN
AGENT:

OWNER NAME/ADDRESS
SIMOES, JORDYN VICINUS TRUSTEE; SIMOES, TRAVIS & JORDYN LVG TRUST; SIMOES, TRAVIS ALEXANDER TRUSTEE
576 GALINA WAY
WARRENTON, VA 20186

SITE ADDRESS
576 GALINA WAY
WARRENTON, VA 20186

CONTRACTOR NAME	TRADE	ADDRESS	PHONE

DESCRIPTION OF CONSTRUCTION LOCATION

TAX MAP NO: 6983-79-2716-000 LOT: 47 SUBDIVISION: MONROE ESTATES

SETBACKS: FRONT: 25' BACK: 35' ZONE DISTRICT:
RIGHT: 12' LEFT: 12'

CERTIFICATE OF APPROPRIATENESS:
CONDITIONS/LEGISLATIVE APPROVALS: Pool cannot be located closer than 5' to side property line per article 9-1.2 of the Zoning Ordinance. Pavilion must be
limited to 15' in height. Must meet all requirements of Land Disturbance permit (LDP2022-635) approval. Property is located within the 500 year floodplain.

4' and 6' Fencing per article 2-19.1 of the Zoning Ordinance. Fencing is not permitted to exceed 6' along Meadowview Lane. 6' fencing must be set back a minimum of 18.5' from Meadowview Lane and 25' from Galina Way. See plat provided with new fencing location dated March 14, 2023.

USE GROUP:
CNST. TYPE:
CHANGE IN ZONING USE TO:

SQ. FEET: 0

NEW ZONING USE SQ. FEET:

NATURE OF WORK: Installation of inground gunite/shockcrete pool and concrete pool deck. Installation of pavillion & Hot tub.

Amendment 10-03-2022: Here is a description of work for the swimming pool, pavilion, hot tub and outdoor kitchen. We will run conduit and connect one pool panel, 3 motors and 2 lights. Bonding of rebar shell and deck, wiring one pavilion, 1 ceiling fan, 4 recessed lights and 5 receptacles
One 60A circuit for hot tub and four 120V receptacles for outdoor kitchen.

Amendment 02-17-2023: added two 1" pro poly 125' and 115' lines

Amendment 03-9-2023: Installation of 214.5' 6ft tall, pressure treated lumber (wood fencing) and 175.5' of 4' fencing per plat in file.
JOB VALUE: $80,000
TOTAL FEES: $237.00

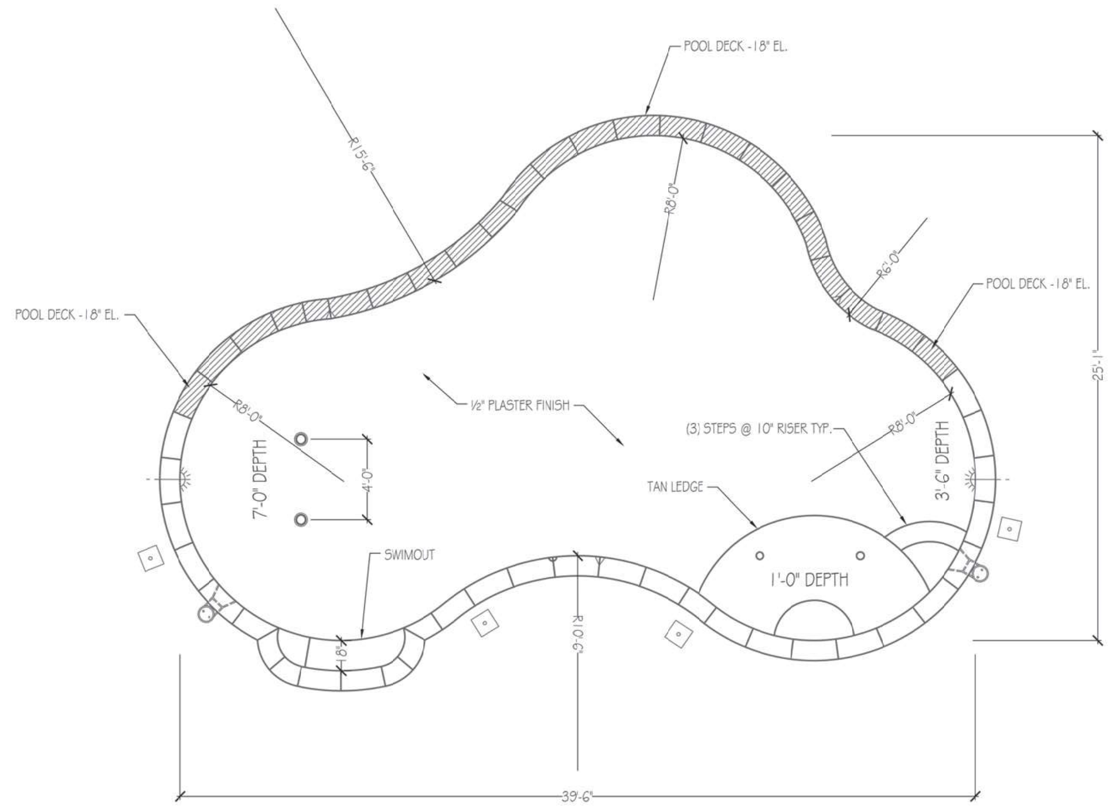
Under the Building Code, any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

REQUIRED SIGNATURES

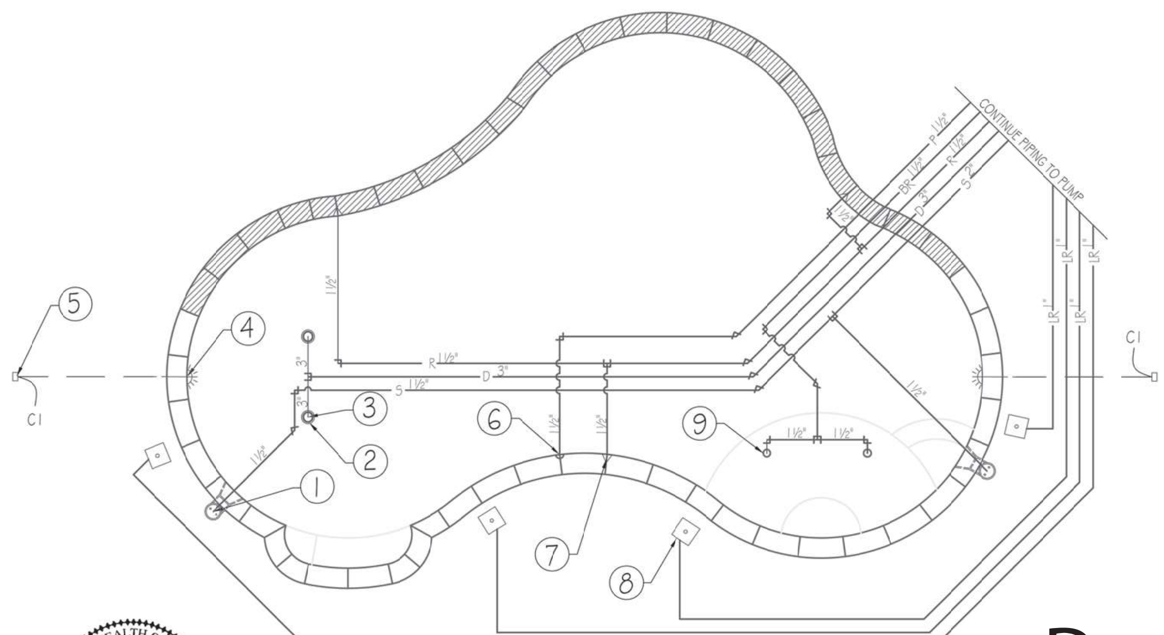
Travis Simoes

ZONING ADMINISTRATOR | BUILDING OFFICIAL | AGENT

2022-0891



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



EQUIPMENT & PIPING PLAN
SCALE: 1/4" = 1'-0"

COMMONWEALTH OF VIRGINIA
DAVID F. COUNTS
Lic. No. 6726
PROFESSIONAL ENGINEER

David F. Counts

Digitally signed by David F. Counts
Date: 2022.03.02 14:04:03 -05'00'

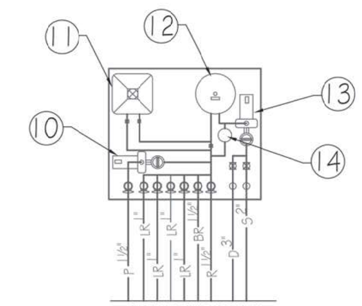
EXPERIENCE WARRENTON VIRGINIA

PLANS APPROVED

With the intent that they comply in all respects to the code any omissions or errors on the plans does not relieve the applicant from complying with all applicable requirements of the code.

03-11-2022 date

Town of Warrenton Building Inspection Department
NO INSPECTIONS WILL BE MADE UNLESS AN APPROVED SET OF PLANS IS ON THE JOB SITE



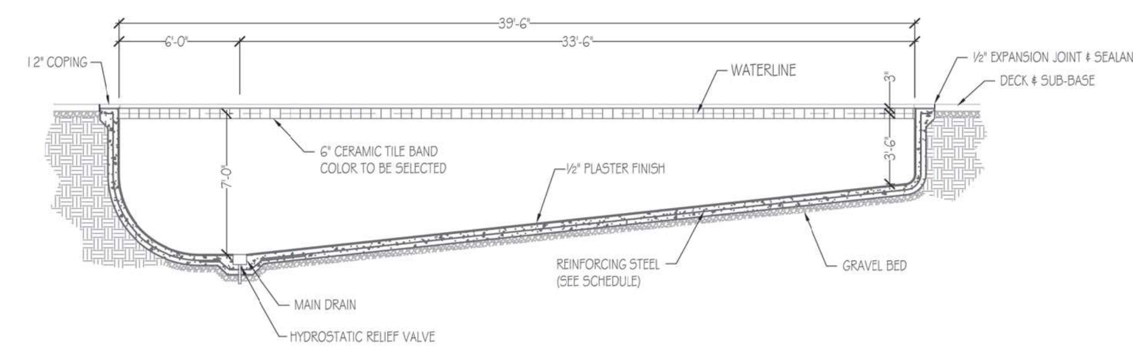
EQUIPMENT

ITEM	REQ'D	EQUIP NO.	DESCRIPTION
1	2	SP-1082	SURFACE SKIMMER WITH VENTED LID - HAYWARD
2	2	SP1154AV	8" DIA. MAIN DRAIN - ANTI-VORTEX - HAYWARD
3	1	SP-1056	HYDROSTATIC RELIEF VALVE & COLLECTOR TUBE - HAYWARD
4	2	PENTAIR	UNDERWATER POOL LIGHT
5	2	JB-750	WEATHERPROOF JUNCTION BOX- PENTAIR
6	1	SP-1022	1 1/2" FIP VACUUM FITTING - HAYWARD (POLARIS CLEANER)
7	3	SWIMQUIP	2" FULLY ADJUSTABLE INLET FITTING
8	4	PENTAIR	MAGIC JET LAMINAR
9	2	PENTAIR	COLOR CASCADE BUBBLER
10	1	PENTAIR	3/4 HP PUMP & MOTOR - 115/230V - (POLARIS CLEANER)
11	1	RAYPAC	400,000 BTU NATURAL GAS HEATER
12	1	PENTAIR	CLEAN & CLEAR CARTIRDGE FILTER - 420
13	1	PENTAIR	3 HP VS PUMP & MOTOR - 230V
14	1	PENTAIR	EROSION CHLORINE FEEDER
15			
			EQUIPMENT NOT SHOWN
A	1	280	AUTOMATIC POOL CLEANER - POLARIS
B			

CODE ANALYSIS:
I.R.C. 2018
ISPSC 2018
TYPE 0 POOL - NO DIVING

PIPE LEGEND

RETURN	R
MAIN DRAIN	D
SKIMMER	S
VACUUM (POLARIS)	P
BUBBLER RETURN	BR
LAMINAR JET RETURN	LR

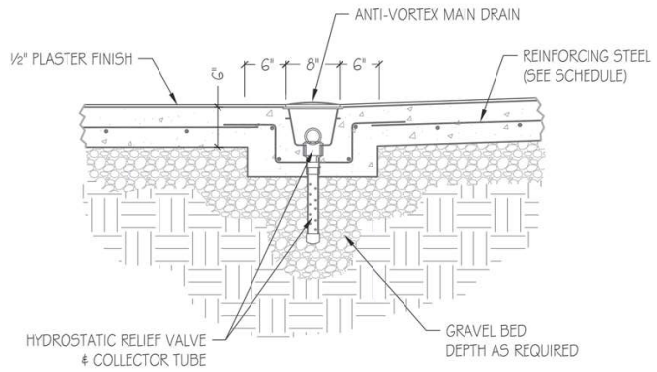


POOL SECTION
SCALE: 1/4" = 1'-0"

0 5 10
SCALE: 1/4" = 1'-0"

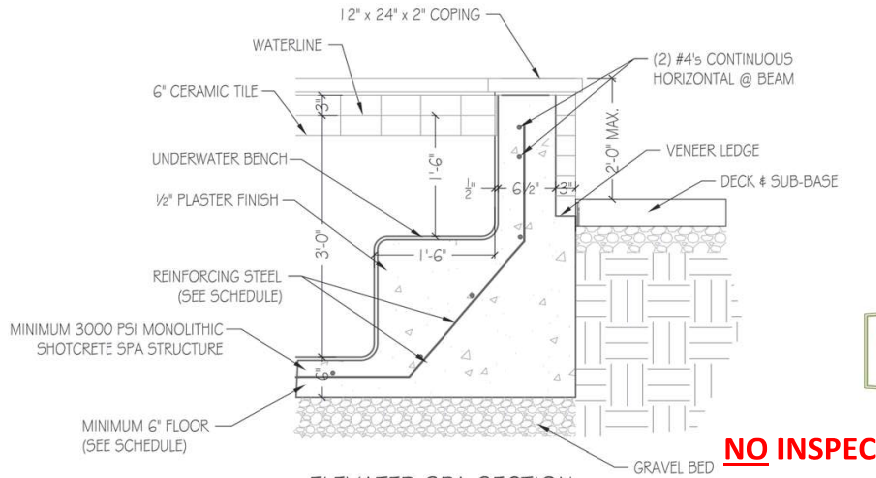
SIMOES RESIDENCE
576 GALINA WAY, WARRENTON, VIRGINIA 20186

SP001
POOL PLANS



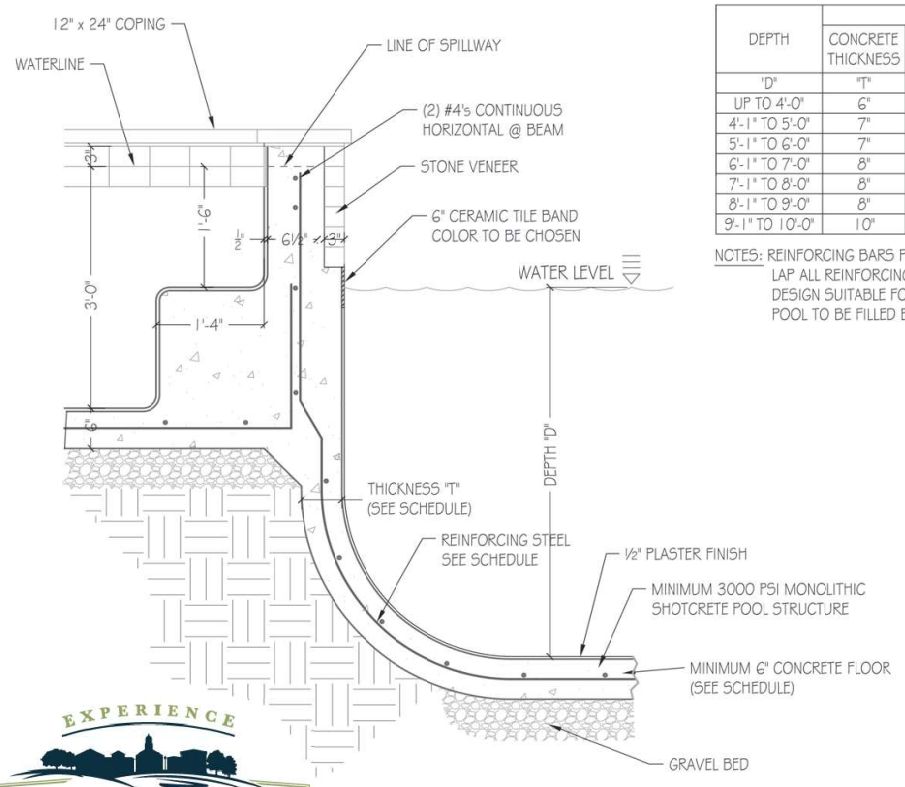
MAIN DRAIN SECTION

SCALE: 1" = 1'-0"



ELEVATED SPA SECTION

SCALE: 1" = 1'-0"



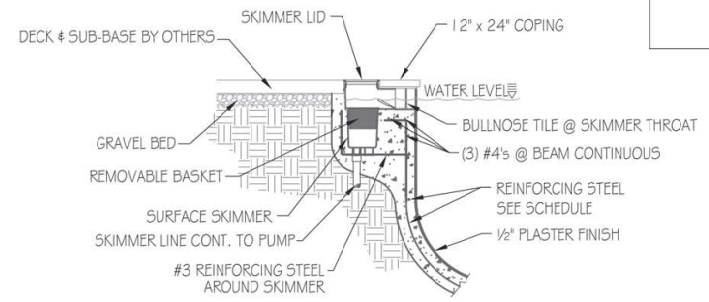
SPILLWAY WALL SECTION

SCALE: 1" = 1'-0"

REINFORCING STEEL SCHEDULE

DEPTH	WALLS							FLOORS	
	CONCRETE THICKNESS	VERTICAL BARS "A"			HORIZONTAL BARS "A"			CONCRETE THICKNESS	FLOOR SLAB BARS
"D"	"T"	SIZE	SPACING	GRADE	SIZE	SPACING	GRADE		
UP TO 4'-0"	6"	#3	12"	40	#3	12"	40	6"	#3 @ 12" O.C. B.W.
4'-1" TO 5'-0"	7"	#3	12"	40	#3	12"	40	6"	#3 @ 12" O.C. B.W.
5'-1" TO 6'-0"	7"	#3	12"	40	#4	12"	40	6"	#3 @ 12" O.C. B.W.
6'-1" TO 7'-0"	8"	#4	12"	40	#4	12"	40	6"	#3 @ 12" O.C. B.W.
7'-1" TO 8'-0"	8"	#4	12"	40	#4	12"	40	6"	#3 @ 12" O.C. B.W.
8'-1" TO 9'-0"	8"	#4	12"	60	#4	12"	40	6"	#3 @ 12" O.C. B.W.
9'-1" TO 10'-0"	10"	#4	12"	60	#4	12"	40	6"	#3 @ 12" O.C. B.W.

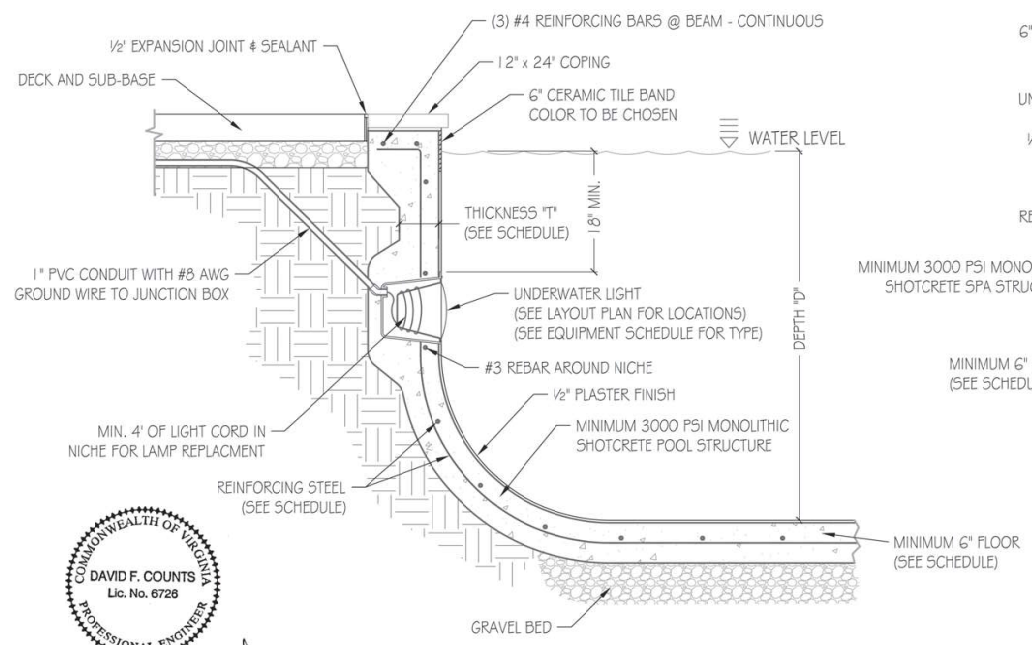
NOTES: REINFORCING BARS PLACED WITH 3" CONCRETE COVER FROM SOIL FACE.
LAP ALL REINFORCING BARS FORTY BAR DIAMETER MINIMUM.
DESIGN SUITABLE FOR EXPANDING & CONTRACTING SOILS.
POOL TO BE FILLED BY TANKER TRUCK



SKIMMER SECTION

SCALE: ½" = 1'-0"

NO INSPECTIONS WILL BE MADE UNLESS AN APPROVED SET OF PLANS IS ON THE JOB SITE

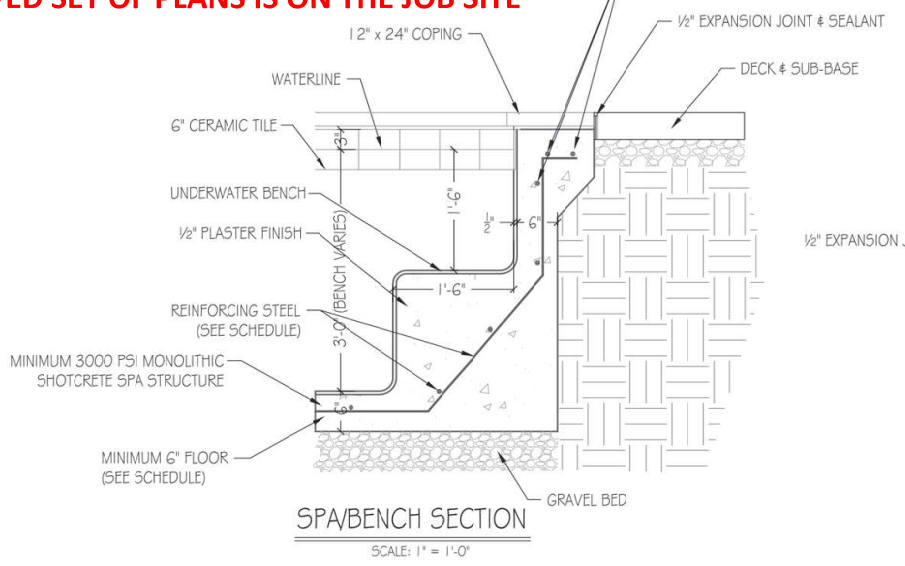


POOL WALL SECTION

SCALE: 1" = 1'-0"

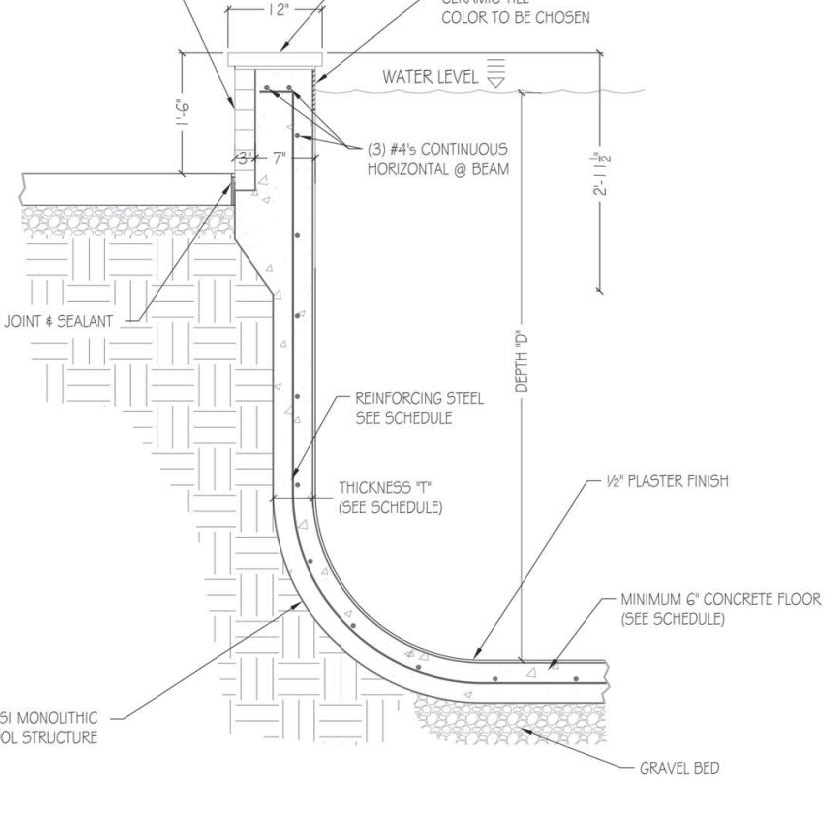
David F. Counts

Digitally signed by David F. Counts
Date: 2022.03.02 14:03:14 -05'00'



SPA/BENCH SECTION

SCALE: 1" = 1'-0"



ELEVATED POOL WALL SECTION

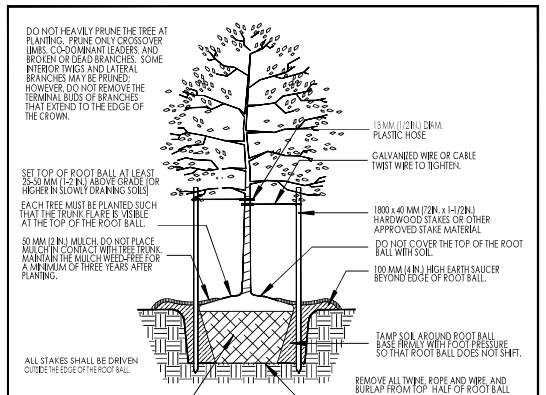
SCALE: 1" = 1'-0"

0 1 2

SCALE: 1" = 1'-0"

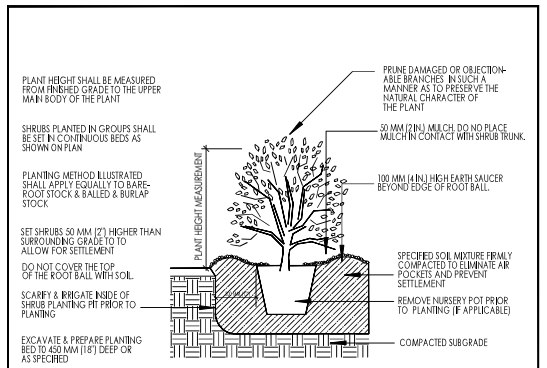
SIMOES RESIDENCE
576 GALINA WAY, WARRENTON, VA 20186

SP002
POOL PLANS



DECIDUOUS TREE PLANTING DETAIL

TYPICAL INSTALLATION - 3" (75MM) CALIPER OR LESS



SHRUB PLANTING DETAIL

TYPICAL INSTALLATION

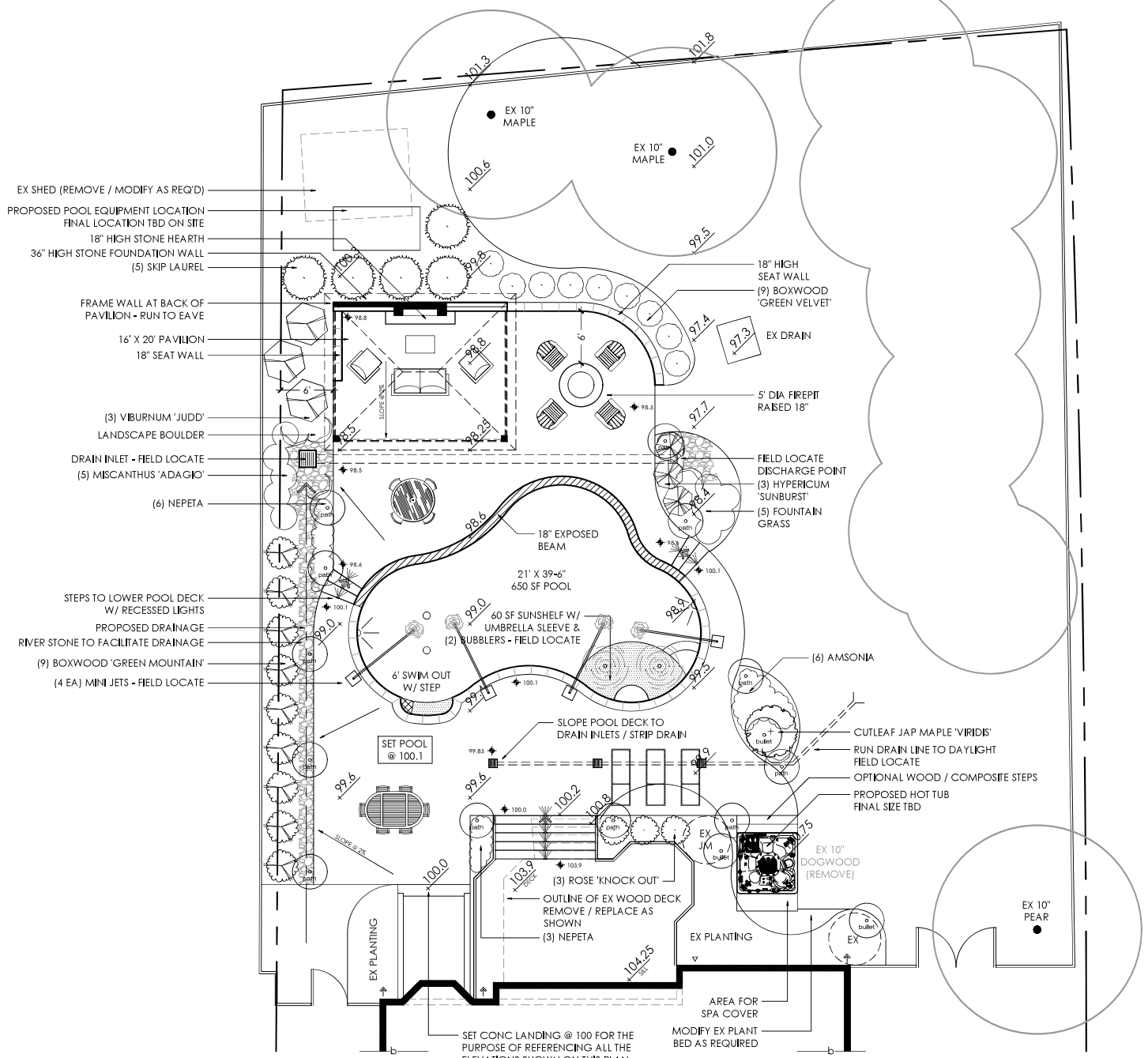
PLANT SCHEDULE

KEY	QUAN.	BOTANICAL NAME	COMMON NAME	SIZE	COND.	LIGHT
		ORNAMENTAL TREES				
APV	1	ACER PALMATUM 'DISSECTUM VIRIDIS'	VIRIDIS CUTLEAF JAPANESE MAPLE	24"-30"	B&B	◯ ◒
		SHRUBS				
BGM	9	BUXUS 'GREEN MOUNTAIN'	GREEN MOUNTAIN BOXWOOD	#5	CONT.	◯ ◒
BGV	9	BUXUS 'GREEN VELVET'	GREEN VELVET BOXWOOD	#3	CONT.	◯ ◒
HPS	3	HYPERICUM PATULUM 'SUNBURST'	SUNBURST HYPERICUM	#3	CONT.	◯ ◒
PLS	5	PRUNUS LAUROCERASUS 'SCHIPKAENENSIS'	SKIP LAUREL	#7	CONT.	◯ ●
RK	3	ROSA 'KNOCKOUT'	KNOCKOUT ROSE	#3	CONT.	◯ ◒
VJ	3	VIBURNUM JUDD	JUDD VIBURNUM	#7	CONT.	◯ ◒
		PERENNIALS				
AM	6	AMSONIA	BLUE STAR	#1	CONT.	◯ ◒
N	9	NEPETA	CATMINT	#1	CONT.	◯
		ORNAMENTAL GRASSES				
MSA	5	MISCANTHUS SINESIS 'ADAGIO'	ADAGIO SILVER GRASS	#1	CONT.	◯
PA	5	PENNISETUM ALOPECUROIDES	FOUNTAIN GRASS	#1	CONT.	◯

APPROXIMATE QUANTITIES

Pool Deck		1580 SF ±
Pavilion floor		320 SF ±
Exposed beam	49 LF ±	75 SF ±
Steps		24 LF ±
Retaining wall w/ 24" footer	51 LF ±	210 SF ±

Notes:
1. Pool equipment is conceptual - final location TBD on site
2. Final grading of pool area TBD on site
3. Final number / style / configuration of any necessary drain inlets / lines TBD on site by landscape contractor
4. Fencing for pool enclosure tbd on site
5. Modification of ex wood deck and steps / patio and wall are as required and are not included in quantities
6. Landscape boulders / river stone are as required and are not included in quantities
7. Spa slab / steps are as required and are not included in quantities



SCALE 1/8" = 1'-0"

Any land disturbance over 2,000 square feet, at any time during construction, will require additional permitting and will be subject to articles 4 and 5 of the Zoning Ordinance.

EXPERIENCE WARRENTON VIRGINIA

NO INSPECTIONS WILL BE MADE UNLESS AN APPROVED SET OF PLANS IS ON THE JOB SITE

IDA IRIS DESIGN ASSOCIATES, LLC
12709 MARSH ROAD BEALETON, VIRGINIA 22712
PH. 540 439-0487 www.irisdesignassociates.com

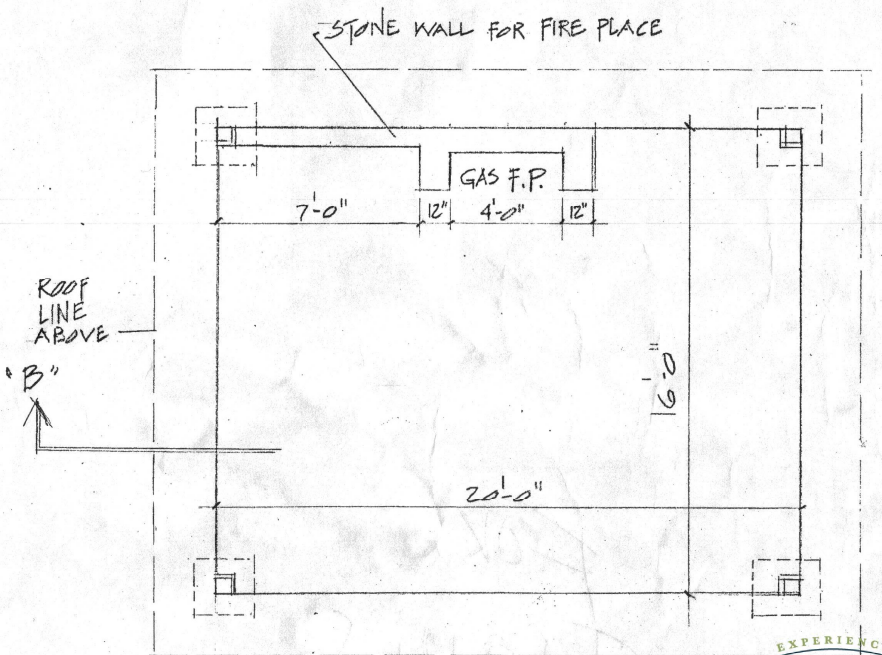
JUNE 30, 2021

SIMOES RESIDENCE

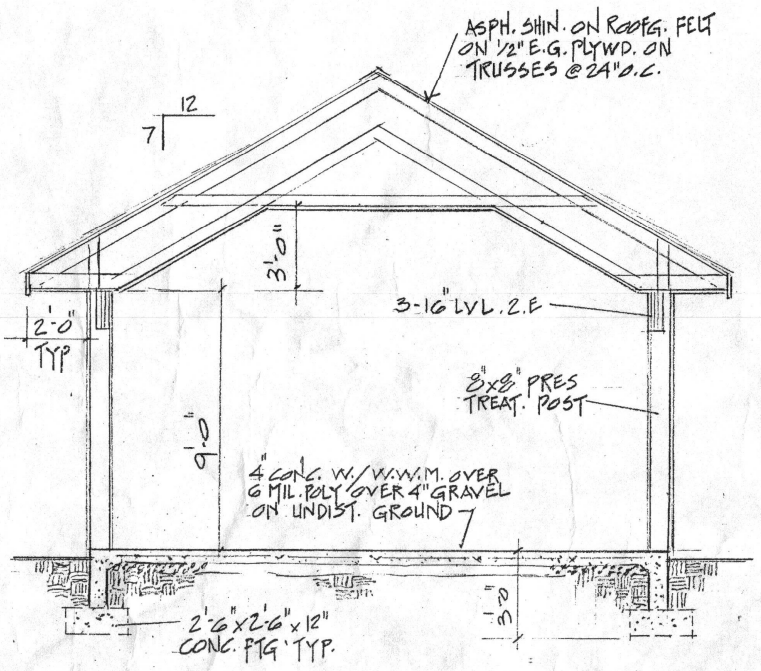
576 GALINA WAY

WARRENTON, VIRGINIA

SUBMIT GAS PIPING APPLICATION FOR FIREPLACE

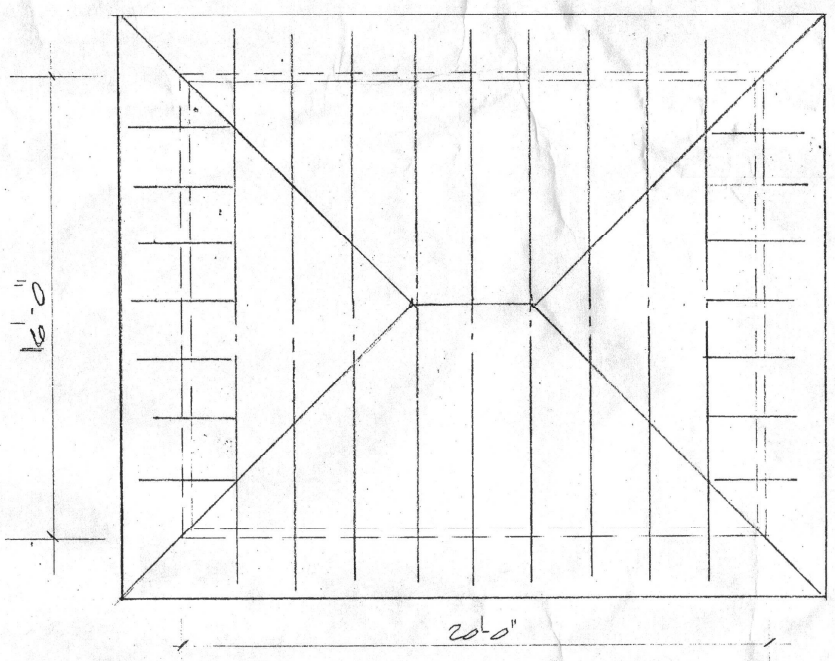


PLAN 1/4"=1'-0"

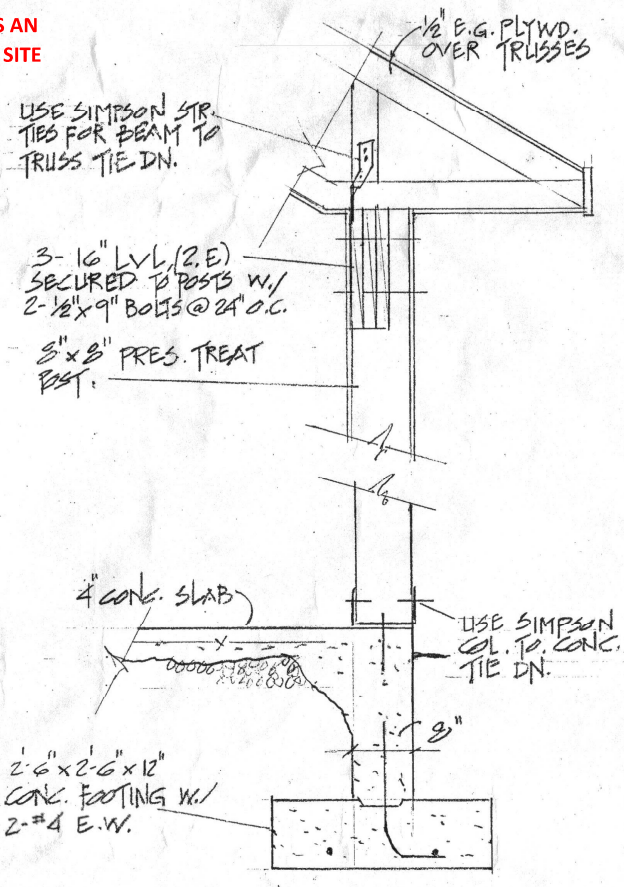


CROSS SECTION 1/4"-1'-0" "B"

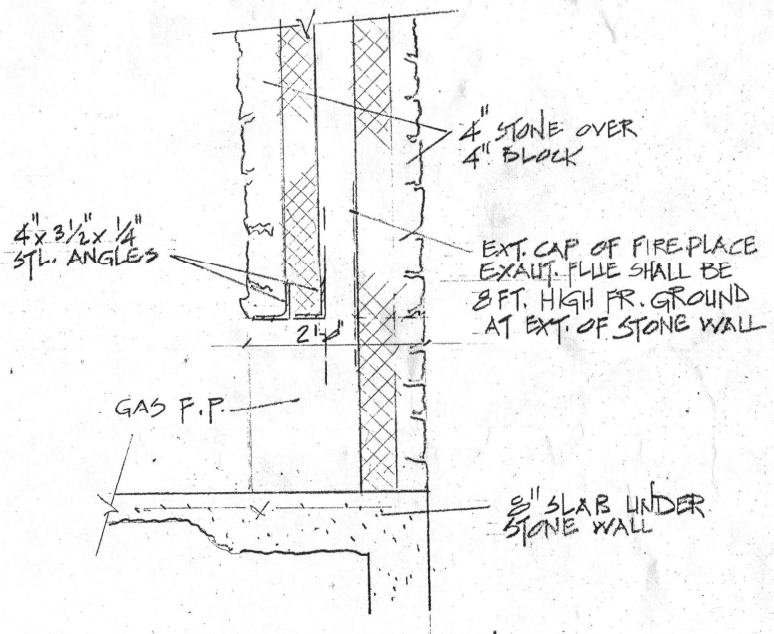
NO INSPECTIONS WILL BE MADE UNLESS AN APPROVED SET OF PLANS IS ON THE JOB SITE



ROOF FRAMING PLAN 1/4"=1'-0"



DETAIL "A" 3/4"=1'-0"



FIRE PLACE DETAIL 3/4"=1'-0"

NOTES:

GROUND RESISTANCE HAS BEEN ASSUMED 2000 PSI

ROOF TRUSSES SHALL BE FABRICATED BY TRUSS MFG. & INSTALLED PER THEIR RECOMMAEDATIONS

WRAP ALL BEAMS W/ TYVEC BEFORE FINAL COVERAGE

ROOF LOAD L: 30 lb D: 17 lb
WIND PRES. 120 MPH

PORCH DETAILS

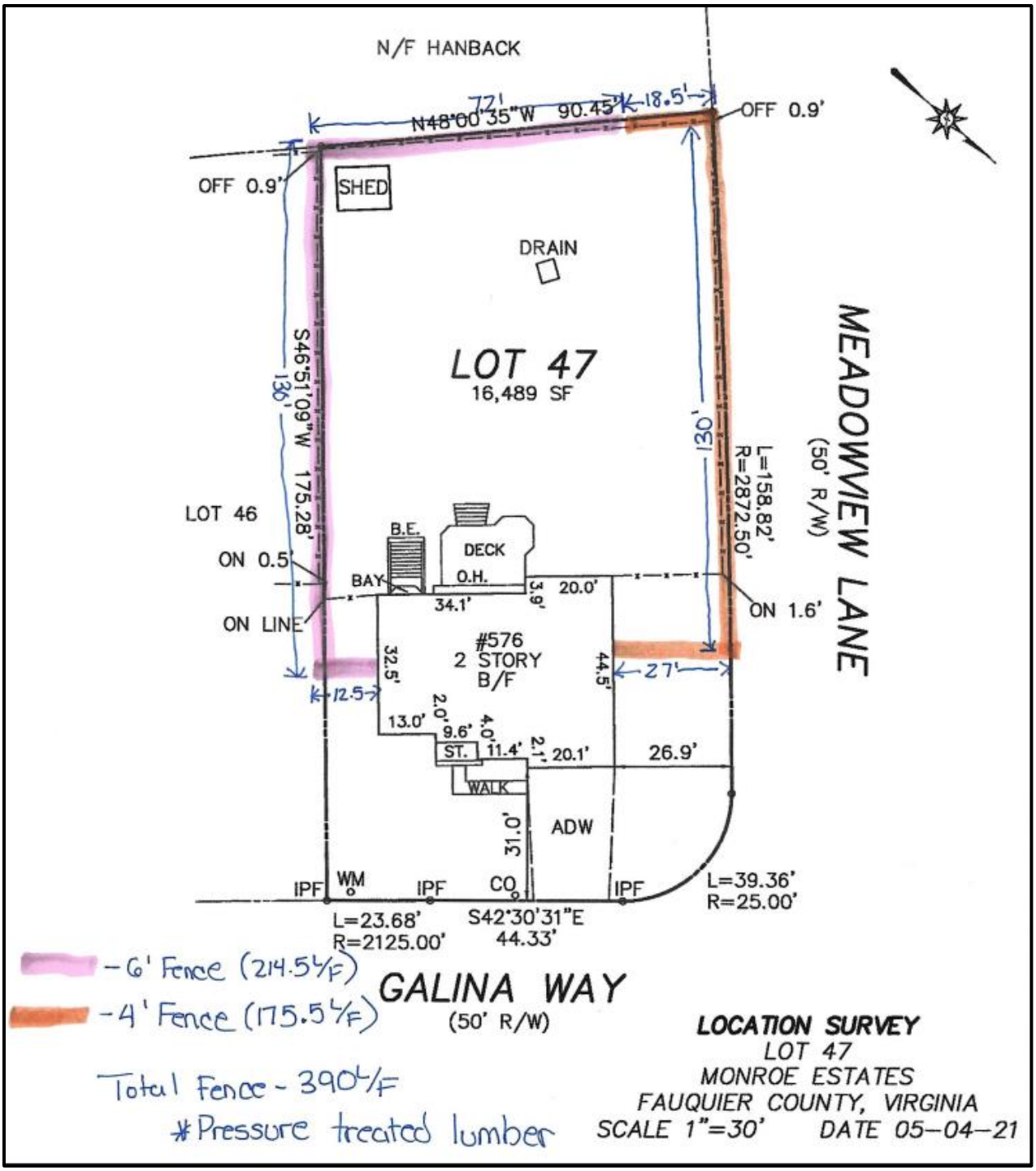
COMMONWEALTH OF VIRGINIA
BADREDDIN PLASEIED
No. 4174
8-10-21
ARCHITECT

REVISIONS	BY

BADREDDIN PLASEIED, A.I.A.
ARCHITECT
9713 COUNSELLOR DR., VIENNA, VA 22180
TEL: 703-405-1750
PLASEIED@VERIZON.NET

SEMOE'S RESIDENCE
576 GALINA WAY
WARRENTON, VIRGINIA 20186

Date AUG 10,21
Scale AS SHOWN
Drawn
Job 576
Sheet 1
Of Sheets


N/F HANBACK
N48°00'35"W 90.45'
72'
18.5'
OFF 0.9'
OFF 0.9'
SHED
DRAIN
LOT 47
16,489 SF
S46°51'09"W 175.28'
136'
130'
L=158.82'
R=2872.50'
MEADOWVIEW LANE
(50' R/W)
LOT 46
ON 0.5'
ON LINE
B.E.
BAY
DECK
O.H.
34.1'
3.9'
20.0'
ON 1.6'
#576
2 STORY
B/F
32.5'
44.5'
27'
12.5'
2.0'
13.0'
9.6'
4.0'
ST.
11.4'
2.1'
20.1'
26.9'
WALK
31.0'
ADW
IPF
WM
IPF
CO
IPF
L=39.36'
R=25.00'
L=23.68'
R=2125.00'
S42°30'31"E
44.33'
- 6' Fence (214.5 L/F)
- 4' Fence (175.5 L/F)
GALINA WAY
(50' R/W)
Total Fence - 390 L/F
* Pressure treated lumber
LOCATION SURVEY
LOT 47
MONROE ESTATES
FAUQUIER COUNTY, VIRGINIA
SCALE 1"=30'
DATE 05-04-21

WARRENTON ZONING ORDINANCE
Article 2-19.2 Fences and Walls Text Amendment

Adopted by Town Council: December 9, 2014

2-19 Fences and Walls

2-19.2 Fences along the side yard of a corner lot shall meet the side yard setback requirements within the front setback.

TOWN OF WARRENTON
POST OFFICE DRAWER 341
WARRENTON, VIRGINIA 20188-0341
http://www.warrentonva.gov
TELEPHONE (540) 347-1101
FAX (540) 349-2414
TDD 1-800-828-1120

STAFF REPORT

TO: Chairman Scullin and Members of the Planning Commission

FROM: Sarah A. Sitterle, AICP, CZA
Director of Planning & Community Development

DATE: November 12, 2014

SUBJECT: **Town Code, Zoning Ordinance and Subdivision Ordinance Amendments**. The Town of Warrenton has proposed revisions to the Town Code, Zoning Ordinance and Subdivision Ordinance in response to the 2014 General Assembly session.

BACKGROUND

This application is a request by the Town of Warrenton for Code and Ordinance Text Amendments pursuant to Chapter 1 of the Town Code, Article 11 of the Town of Warrenton Zoning Ordinance, and Article 1-5 of the Subdivision Ordinance. The applicant seeks an amendment to current code and ordinances to update and revise the regulations for consistency and compliance with the Code of Virginia, as amended with laws passed per the 2014 session of the General Assembly. Additionally, there are a few amendments proposed to bring the Ordinance up to date with the Code of Virginia regarding variances, and to clean up the Ordinance in Articles 2 and 3 for fence setbacks and maximum front setbacks in the R-6 and R-10 Districts. Below are a list of the proposed amendments to the Town Code, Zoning Ordinance and Subdivision Ordinance:

TOWN CODE AMENDMENT. An amendment to Chapter 17 Water and Sewers, Article IV - Sewers to add Division 6 – Illicit Discharge regulations. The regulations for control of discharges into the storm sewer system are a requirement of the Town of Warrenton's Municipal Separate Storm Sewer System (MS-4) program, which took effect in 2014.

SOTA 14-01. Subdivision Ordinance Text Amendment. An amendment to Article 3-2 of the Subdivision Ordinance per an amendment to Section 15.2-2260 of the Virginia Code that removes the mandatory review by the Planning Commission of a preliminary plat for fifty (50) or fewer lots.

ZOTA 14-03. Zoning Ordinance Text Amendment. An amendment to Article 12-Definitions per an amendment to Section 15.2-2291 of the Virginia Code that changes the

definition of Group Home to reflect that group homes shall be supervised by resident or nonresident staff persons.

ZOTA 14-04. Zoning Ordinance Text Amendment. An amendment to Article 2-19.2 that changes the requirement for side setbacks for fences on corner lots to be met within the front setback area.

ZOTA 14-05. Zoning Ordinance Text Amendment. An amendment to Article 3-4.2.4 Lot and Yard Regulations in the R-10 District that removes the maximum front setback requirement.

ZOTA 14-06. Zoning Ordinance Text Amendment. An amendment to Article 3-4.3.4 Lot and Yard Regulations in the R-6 District that removes the maximum front setback requirement.

ZOTA 14-07. Zoning Ordinance Text Amendment. An amendment to Article 11-3.11.1 Variances Authorized, that removes the approaching confiscation language per a 2009 amendment to Section 15.2-2309 of the Virginia Code.

ANALYSIS:

As with any request for amendments, the Commission must utilize the criteria provided for in the Town of Warrenton Zoning Ordinance. According to Article 11-3.9, the Planning Commission and the Town Council should consider several factors. As they relate to text amendments, the Commission should consider two specific points:

- Whether or not the request furthers the public interest, and the goals, objectives, and policies of the Comprehensive Plan
- Whether or not the amendment is justified by changed or changing conditions

The following proposed text amendments are a result of changes to state law per the 2014 General Assembly session:

1. ZOTA 14-03 - Amendment to Article 12 – Definitions
    a. The proposed amendment is per Section 15.2-2291 of the Code of Virginia to reflect a change in the status of staff persons for residential facilities for individuals with mental illness, intellectual disability or developmental disabilities. The amendment to the Code allows for assisted living facilities and group home of eight or fewer individuals to have staff persons that are residents or nonresidents and still be considered as a single family residence for zoning ordinances.

2. SOTA 14-01 - Amendment to Article 3-2 – Purpose of Preliminary Plat, of the Subdivision Ordinance
    a. The proposed amendment is per Section 15.2-2260 of the Code of Virginia to reflect a change in the review of preliminary plats for fifty (50) or fewer lots. The code change provides the landowner with the option to submit preliminary plats for tentative review for fifty (50) or fewer lots.

The following text amendments to the Town Code and Zoning Ordinance are being proposed to clarify some sections and bring the regulations up to date with previous changes to the Code of Virginia:

1. **TOWN CODE AMENDMENT**. This is an amendment to Chapter 17 Water and Sewers, Article IV - Sewers to add Division 6 – Illicit Discharge regulations.

    a. The amendment is being requested because regulations for control of discharges into the storm sewer system are a requirement of the Town of Warrenton's Municipal Separate Storm Sewer System (MS-4) program, which took effect in 2014.

2. **ZOTA 14-04. Zoning Ordinance Text Amendment.** An amendment to Article 2-19.2 that changes the requirement for side setbacks for fences on corner lots to be met within the front setback area.

    a. The request for the change to side setbacks for fences on corner lots is a result of two variance requests that were heard by the BZA this year. There has been an additional issue concerning side setbacks for a fence that was installed initially without a permit. This change is being recommended due to the increasing trend with requests for variances to the side setback for fences. Staff believes that the intent of the Ordinance to prevent obstruction of vision near intersections with fences on corner lots can still be met with maintaining the side setback requirement within the front setback area only and not along the entire side that faces the side street. There is a height restriction of four feet for fences within the front setback area bounded by the front and side lot lines.

3. **ZOTA 14-05. Zoning Ordinance Text Amendment.** An amendment to Article 3-4.2.4 Lot and Yard Regulations in the R-10 District that removes the maximum front setback requirement.

    a. This change is being requested to allow for additional front setback area to accommodate off-street parking on driveways, and additional flexibility for placement of homes in new subdivisions and on infill lots within older neighborhoods that were not subject to the same setback restrictions when developed. The Town has received two variance requests for an exception to the maximum front setback in the R-10 District in July 2010 and April 2013.

4. **ZOTA 14-06. Zoning Ordinance Text Amendment.** An amendment to Article 3-4.3.4 Lot and Yard Regulations in the R-6 District that removes the maximum front setback requirement.

    a. This change is being requested to allow for additional front setback area to accommodate off-street parking on driveways, and additional flexibility for placement of homes in new subdivisions and on infill lots within older

neighborhoods that were not subject to the same setback restrictions when developed. The Town has received two variance requests for an exception to the maximum front setback in the R-6 District in December 2009 and November 2012.

5. **ZOTA 14-07. Zoning Ordinance Text Amendment.** An amendment to Article 11-3.11.1 Variances Authorized, that removes the approaching confiscation language per a 2009 amendment to Section 15.2-2309 of the Virginia Code.

    a. During the 2009 Legislative Session, Section 15.2-2309 was updated with Chapter 206, which was an act that amended the regulations to remove the "approaching confiscation" language associated with demonstrating a hardship condition for variance requests. The Town's Zoning Ordinance was not updated at that time, and this amendment is to bring the regulations into conformance with the Code of Virginia.

The text amendments proposed to improve sections of the Zoning Ordinance further the public interest by eliminating duplication, providing clarification, and consistency with the Code of Virginia. The goals, objectives and policies of the Comprehensive Plan support the appropriate provision and administration of zoning regulations for the Town. The fundamental intent of the Zoning Ordinance is to implement the purposes set forth in the Comprehensive Plan. Proposed text amendments were drafted with this intent in mind.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed text amendments as being consistent with the goals, objectives and policies of the Comprehensive Plan. The amendments represent an improvement to the Zoning Ordinance and further the public interest.

ATTACHMENTS:

1.) Draft amendments

Town Of Warrenton
Community Development Department
Board of Zoning Appeals

Subject: Additional Information for June 6, 2023 Zoning Appeals Meeting

Reference: 1) Variance BZA-23-2 576 Galina Way Staff Report Dated June 6, 2023
2) Variance BZA #2023-1 545 Solgrove Road Staff Report Dated April 4, 2023 (Attached)

To Whom It May Concern,

First, we want to say that we genuinely appreciate the time and effort by everyone involved in the review of this variance request, as well as all the time and attention of everyone in the Town who have contributed not only to this specific request, but our backyard project as a whole. It's been quite a long process, and the patience, communication and guidance from everyone involved is so appreciated.

In terms of our Variance request, we have absolutely no intention of contentious negotiation and no plans to fight a denial. The last thing we want is to have a negative impact on our neighborhood, including but not limited to any visibility impact due to the increased fence height. We follow the logic applied in the referenced Staff Report dated June 6th, 2023, supporting the Staff Recommendation. Our only goal here is to hopefully provide some supplementary data points to assist in your review of the circumstances and that you might consider them in conjunction with the data provided in the report. Obviously, we strongly desire to increase our fence to 6 feet. Our reasoning, including safety and access concerns, are contained within the report.

Summary of Requester Positions

1. The Staff recommended approval of a Variance request earlier this year (earlier this year BZA #2023-1 545 Solgrove Road), where similar circumstances were deemed to have met one of the **3 Key Requirements.** As a result (and based upon the below additional information), the assessment of our application should be revised to demonstrate we've met at least one of the **3 Key Requirements as well.**
2. The referenced **Amendment to 2.19-2** is unachievable based on the unique circumstances of the property. Moving the fence 12 feet (to be within the side yard setback) creates significant hardship based on the unique circumstances of the applicable portion of our property. Therefore, using the Amendment to indicate that this is a recurring situation is not appropriate here.
3. The assessment misstates circumstances that demonstrate that our property is unique and uncommon from standard corner lots in the Town of Warrenton.
4. There is not enough information on the impact to visibility to deny this application outright. To the extent it is determined that the fence as proposed would impede visibility at the intersection of Meadowview and Galina, we welcome the opportunity to work with the Town to revise the angle of the fence to ensure visibility is not impacted.

Background

Our understanding of the requirements to recommend approval of a variance request is based on demonstration of one of the following (I'll refer to these as the **"3 Key Requirements"**):

1) Unreasonable restrict utilization of the property; **OR**
2) Granting the variance would alleviate a hardship due to a physical condition related to the property or improvements in place at the time of the effective date of the Ordinance; **OR**
3) Alleviate a hardship by granting a reasonable modification to a property or improvements requested by, or on behalf of, a person with a disability.

In addition to one of the three above, all 5 of the criteria must be met (I'll refer to these as the **"5 Criteria**):

1) 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.
2) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.
3) 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.
4) 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.
5) 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.

Basis For Recommended Denial

Our understanding of the Staff Report denial recommendation is based on their assessment that our application does not demonstrate that the Strict Application of the terms of the Ordinance would either unreasonably restrict utilization of the property OR that granting the variance would alleviate a hardship due to a physical conditions relating to the property. In other words, the Staff as indicated we do not meet any of the **3 Key Requirements.**

In addition, the Staff assessed that **we *do not*** meet all **5 Criteria** required to support a variance request, specifically **Criteria 2** (will not be of substantial detriment to the nearby properties) and **Criteria 3** (not so general or recurring in nature to require an amendment.

We respectfully disagree with this position based on the following additional details. We this additional, key information supports a Variance approval.

Five Required Criteria

The Staffing Assessment indicates they agree that we meet Criteria 1, 4 and 5. But indicates that we do not meet Criteria 2 and 3.

Criteria 2) *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 staff report indicates that the 6 foot fence *could* impact line of sight at the intersection of Meadowview and Galina. It states the staff are *unclear* if this standard is met or not and recommends the BZA assess those potential impacts.

We request that some more data be collected in order to deny a Variance request based on the possibility of a negative impact. If we can demonstrate that we meet all of the other necessitated requirements for a Variance approval, we are hopeful that the approval/denial might be tabled until it can be determined if there is a negative impact to line of sight at that intersection.

We absolutely do not want a negative impact to visibility as that is incredibly dangerous- especially for the young children in the neighborhood- including our own children.

If after an additional study, it is determined that the 6 foot fence is likely to have a meaningful, negative impact on line of sight, we'd certainly be open to modifying our fencing structure to maximize visibility. We just request the conversation be had before a denial, because I genuinely believe we could address this.

Criteria 3) *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.*

A summary of the assessment writeup appears to rely heavily on 1) our corner lot is not unique enough to justify a variance from the standard rule; 2) an Amendment has already been approved to provide an alternative approach if we desire a 6-foot fence; and 3) utilization of the property is not reasonably restricted nor is there a hardship.

1) What makes our corner lot property unique from most (if not all) corner lots in the Town of Warrenton, is that <u>we have a storm drain in the back corner of our property that supports drainage for many the properties around us.</u> This storm drain is at the bottom of a <u>grassy swale,</u> and because of this, there is a <u>documented easement</u> in that far right corner for drain access. This fact required MANY more meetings with the Town, including but not limited to Storm Water Management, in order to complete our backyard construction. This storm drain, swale and easement absolutely dictated what we could and could not do in our backyard.

   The existence of this drain alone presents a hardship, as we had to modify many of the initial plans, due to the requirement to keep 10 feet away from the storm drain/easement. Storm Water Management has visited our backyard multiple times during this process. Every tree near the drain, the hill's steeper incline, and even fences impact the ability for water to drain appropriately into our backyard. Changes to ANY of the directly surrounding area very likely will have an impact on drainage from the community.

   Another unique feature of our property is that our backyard has approximately 18 mature trees in the applicable area. The trees are all on top of the hill near the storm drain, but behind our current fence line. We are the only lot with specifically planted trees that are over and above the few trees seen in front and side yards.

   The staff wrote as part of their assessment, that:

> The subject property does not contain any physical restrictions on developable area such **as steep topography,** irregular shape, **significant drainageways**, **restrictive easements or other physical conditions that would unduly impact the ability of the property owner to use the property for residential purposes.** The specific condition of the property from which the applicant is seeking relief is that the property is a corner lot, with two front yard setbacks, which prohibits a six-foot high fence within 12 feet of is that the property is a corner lot, with two front yard setbacks, which prohibits a six-foot high fence within 12 feet of one property line (reference page 7, #2, paragraph 3).

This is respectfully incorrect. Our property, in fact, includes a section of **steep topography** (which is by design to create the swale need to funnel water to the storm drain.) This drain is **a significant drainageway**, and the **easement has significantly restricted our ability to use that back corner of the property.**

Another component of the recommended denial is that there was already an Amendment in place that addresses this issue. In other words, we have the option to move our fence 12 feet in and can then have a 6-foot fence. Essentially, that we are choosing not to leverage the option given to us by the Amendment. Moving the fence 12 feet in is not a valid option.

Moving the fence 12 feet towards the drain, may have a significantly detrimental impact on the ability for the yard to drain appropriately. Further, our understanding from discussion with Storm Water Management is that in order to ensure appropriate drainage, if we moved the fence 12 feet in, we'd have to leave a gap between the fence and the ground. This would make the fencing non-compliant with fence requirements surrounding pools, which is not an option.

Additionally, moving the fence 12 feet in would require us to take down 15 mature trees. The new fence line would literally be in between those mature trees on the backside of the property. We are required to get Town approval for the removal of any trees, which we do not have (and doubt we would receive). ***This approach would absolutely create a hardship*** – as tree removal is expensive. The removal of all the required trees would also likely have an impact on storm water drainage. The few trees that may be left, all fall within the dripline of the other trees. This means the remaining trees are likely to be damaged by removing the others. **Essentially, the option that is currently being afforded to us through the Amendment would negatively impact up to 18 mature trees and would create a conflict between Storm Water management draining concerns and pool safety mandates. These factors, likely entirely unique to our lot, completely invalidate our ability to leverage the Amendment. Since the uniqueness of our property sets the lot apart from other, more standard corner lots, <u>it is clear that this circumstance is not recurring in nature</u>.**

With the ability to use the Amendment off the table, we meet 4 of the 5 mandatory criteria for a Variance. The last criterion needs more information to determine the impact to visibility. With all 5 criteria met or tabled for further review, this request should not be denied based on these 5 criteria.

Comparison to Staff Recommended Approval of BZA #2023-1 at 545 Solgrove Road

Although there are some differences in the uniqueness of our property and 545 Solgrove Road, the general premises that supported the Staff's recommended approval of the 545 Solgrove Road Variance are very similar. The 545 Solgrove Road applicant relies on safety and security concerns that create a hardship and impact her utilization of the property with a pool in a meaningful way. Additionally, she cites the fact that her side yard is impacted by recurring, overflow parking of other people as a reason for needing the additional privacy and security afforded by the 6 foot fence. These are nearly identical circumstances to what we've described.

The BZA #2023-1 at 545 Solgrove Road recommended approval states:

> *The six-foot fence is being requested to increase the safety and security for the property owner and their guests, as protection against intrusion, a visual barrier to increase privacy within the yard area behind the house, and as a safety measure to prevent access to a newly constructed swimming pool. The proposed fence is to consist of 6-foot tall, capped stockade panels constructed of pressure-treated wood, installed between 4 inch by 4 inch wooden posts, as depicted in the photograph submitted by the applicant. The applicant states that the granting of the requested variance would alleviate a hardship due to a physical condition relating to the property.*

Excerpt from approved applicant's letter:

entire front facade of my house.

Now, that being said, the strip of land referred to as the throughway is sometimes used as a walkway by the general public to get to the Warrenton Town Shopping center across Broadview Avenue. So, in my planning for an appropriate fence to surround the pool I never considered anything but a 6 foot fence to protect the pool and my family/friends as we gather around the

pool. I would not feel comfortable nor safe in a bathing suit with my young adults (we have 5) and future grandchildren being exposed to anyone particularly along that area. Not to mention, the town does have future plans to create a formal bike/walk path through this area. If there were a 4 ft. fence anyone could just stand on the opposite side and watch us. Since crime, voyeurism, violence, theft, kidnapping, rape, assault etc. are ubiquitous even in Warrenton, a 4 ft. fence would not protect us adequately while we are spending time by the pool. We would feel very vulnerable to predators of any kind.

This excerpt from the requestor of recommended approval Variance request BZA #2023-1 on 545 Solgrove Road, which you all reviewed on April 4, 2023. The requestor had almost identical safety concerns related to the utilization of a Pool in their backyard. Also similar to this request, is the fact that our side the entire length of our side yard is utilized daily for overflow parking. The recommended approval request included "informal parking" as a specified reason which supports alleviating a hardship. Although the unique features of our property are very different from 545 Solgrove, the defined hardship and impact to property utilization are the same. We are concerned about the

significant visibility into our backyard due to informal parking and significant pedestrian traffic. **Approving this Variance would alleviate the hardship created by the previous, 4 foot fence property improvement, as it would significantly decrease our safety concerns linked to visibility of our family while in the back yard. Denying this request will restrict the use of our property, as we likely will not feel comfortable using our pool during the times where there is a lot of foot traffic and parking directly next to our property.**

Given that a variance has already been approved based on legitimate a safety concerns hardship and restriction of utilization of the property impact for safety reasons, the same logic should apply consistently to our request.

Closing

You are now left with the following:

1. Strict application of the Ordinance (by denying this variance request) **will unreasonably restrict utilization of the property** as we will only feel comfortable in our backyard at times where less people are out and about.
2. **Granting the variance will alleviate the safety concerns hardship**, as the increased fence height will make it significantly less likely for individuals walking by or parking to have visibility into our back yard and the people in it. BZA #2023-1

*** We only needed to meet one criterion in this section but have actually bet two of them.*

3. The situation of the property **is not so general or recurring in nature** to require adoption of a separate amendment. The unique circumstances of the property make the terms of the amendment implausible to apply here.
4. The *detrimental impact* of a 6-foot fence on visibility from the intersection **is unknown and requires more information** in order for the BZA to have enough information to review. We are also willing to work with the Town to modify the fence angles to ensure visibility is retained.
5. We have met all other requirements needed to support a Variance approval.

In closing, we respectfully request the BZA reject the Staff's rejection recommendation and either

1) issue an approved variance contingent upon confirming visibility impacts; or
2) table the final decision until more information becomes available on the impact to visibility that may be caused by increasing the fence to 6 feet.

We so appreciate your time and willingness to listen to our position. Please let us know if you have any questions or would like to receive additional information from us.

Respectfully,

Jordyn V. Simoes Travis a Simoes

Jordyn and Travis Simoes
576 Galina Way Homeowners and Variance Requestors

BOARD OF ZONING APPEALS MEETING

Tuesday, April 04, 2023 at 5:00 PM

AGENDA

CALL TO ORDER.

DETERMINATION OF A QUORUM.

APPROVAL OF MINUTES.

PUBLIC HEARING.

1. Application for a Variance pursuant to Article 2-19.1, fence and wall height limitations within a front yard setback area, of the Town of Warrenton Zoning Ordinance. The request is for a variance to permit a two-foot height increase for a fence, from four feet to six feet in height, within the front yard setback area along Solgrove Road. GPIN 6985-10-5535-000.

UPDATES.

ADJOURN.

TOWN OF WARRENTON
Community Development Department
PO BOX 341
WARRENTON, VIRGINIA 20188
http://www.warrentonva.gov
Landdevelopment@warrentonva.gov
(540) 347-2405

STAFF REPORT

April 4, 2023

Property Owner(s) / Applicant:	Lisa Gargiulo
Application #	BZA #2023-1
Location:	545 Solgrove Road
PIN:	6985-10-5535-000
Acreage:	0.708 Acres (30,840.48 Square Feet)
Zoning	Residential R-15
Comprehensive Plan Designation:	Low Density Residential
Land Use:	Residential - Single Family Detached
Request:	The Applicant is seeking approval of a Variance from Zoning Ordinance Articles 2-19.1, to allow the construction of a fence greater than four feet in height within a front setback.
Recommendation:	Staff recommends the Board of Zoning Appeals approve BZA #2023-1 per the pattern motion of approval dated April 4, 2023.

REQUEST

The applicant is requesting a variance from Article 2-19.1 of the Zoning Ordinance to construct a fence greater than four feet in height within the front setback of the subject property. The Zoning Ordinance permits the following with regards to fence height:

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

The proposed location for the fence is along the Solgrove Road right-of-way, varying from approximately 3 feet to 10 feet from the right-of-way line, as shown on the fence location drawing submitted by the applicant. As fences up to six feet in height are permitted in all zoning districts except within a front setback, approval of the application would grant a variance of up to

22 feet from the required 25-foot front setback for a six-foot fence, which is equivalent to a two-foot height variance for a fence located in the front setback.

The six-foot fence is being requested to increase the safety and security for the property owner and their guests, as protection against intrusion, a visual barrier to increase privacy within the yard area behind the house, and as a safety measure to prevent access to a newly constructed swimming pool. The proposed fence is to consist of 6-foot tall, capped stockade panels constructed of pressure-treated wood, installed between 4 inch by 4 inch wooden posts, as depicted in the photograph submitted by the applicant. The applicant states that the granting of the requested variance would alleviate a hardship due to a physical condition relating to the property.

BACKGROUND

The subject property was created as Lot 9 of the Crestview Estates subdivision via deed dated December 19, 1955, recorded in Deed Book 194, Page 96 in the Land Records of Fauquier County. The single-family home was constructed in 1971 according to Fauquier County Real Estate records. The applicant acquired the subject property on December 22, 2015, via deed recorded in Deed Book 1504, Page 59. Adjacent uses are single-family detached dwellings.

The property is zoned Residential (R-15) and has remained R-15 since at least 1976 (prior zoning maps are unavailable). The lot is 0.708 acres (30,840.48 square feet) in size, and fronts along Solgrove Road for approximately 224.2 feet.

Solgrove Road consists of a 50-foot-wide right-of-way dedicated as a part of the Crestview Estates subdivision in 1955. When the right-of-way for Solgrove Road was originally dedicated in 1955, the right-of-way extended from Foxcroft Road to Broadview Avenue to create a through-street. The portion of Solgrove Road past the subject property that connected to Broadview Avenue was vacated in two separate deeds, recorded on September 5, 2003, and May 10, 2005, in Deed Book 1057, Page 1476 and Deed Book 1155, Page 1327. Since the two deeds were recorded to vacate the portion of Solgrove Road closest to Broadview Avenue, Solgrove Road now exists as a dead-end street, with the constructed and paved portion of the roadway terminating just past the driveway for the subject property.

While the portion of right-of-way past the subject property that connects Solgrove Road to Broadview Avenue has been vacated, the potential for future connection does exist. The Comprehensive Plan, *Figure 5-1: Town of Warrenton Transportation Plan map*, depicts a desired bike and pedestrian trail connecting the end of Solgrove Road to Broadview Avenue as a potential future connection. A public access easement for the purpose of a trail could potentially be acquired to facilitate this desired pedestrian and bike connection in the future. Additionally, an ingress-egress easement over the area of the vacated right-of-way was dedicated to allow the adjoining property, Lot 8 of the Crestview Estates subdivision (PIN 6985-10-7615-000), to access both the end of Solgrove Road and Broadview Avenue, as shown in Deed Book 1155, Page 1327.

ANALYSIS

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,

> *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*
>
>> The area of the subject property that lies along the undeveloped portion of the right-of-way functions as a side and rear yard for the existing home. Given that Solgrove Road is a dead-end street that does not have the ability to be extended and connected to Broadview Avenue as a public street, the 25-foot wide front-yard setback along the entire frontage length of approximately 224.2 feet imposes a restriction on the utilization of the subject property.
>
> 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 area of Solgrove Road that extends past the driveway of the subject property is an open, vegetated area that has been used by the owners of the surrounding properties for driveway access, informal parking, and as an extension of residential-use yard areas. Solgrove Road cannot be extended to function as a through-street as the necessary right-of-way to connect to Broadview Avenue was vacated; the undeveloped portion of Solgrove Road has therefore functioned as a side and rear yard to the existing homes along the street for a long period of time and will continue to do so for the foreseeable future. A variance to allow a fence greater than four (4) feet in height within the 25-foot-wide front setback along the undeveloped portion of Solgrove Road would allow the applicant to continue to use the portion of the subject property to the side and rear of the existing home as a side and rear yard area.
>
> 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 application's justification does not include a request for the variance to alleviate hardship for 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 2015, as the beneficiary of the previous property owner John W. Mayhugh, as found in Will Book 267, Page 2045. The hardship would not be considered as created by the applicant, due to the age of the subdivision of the property and the previous vacation of portions of the Solgrove Road right-of-way.

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 single-family detached dwelling will continue. The impact of permitting an increase in the allowable height of the fence from four (4) feet to six (6) feet along the undeveloped portion of the Solgrove Road right-of-way on neighboring residential properties would be limited. The applicant has provided statements of support from neighboring property owners, to include 540, 550, 560 and 576 Solgrove Road, and 587 Foxcroft Road; the statements of support have been included as a part of the application materials attached to this staff report.

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 Solgrove Road cannot be constructed to function as a through-street as intended in 1955, as the necessary right-of-way has since been vacated. Solgrove Road past the driveway of the subject property exists as a recorded right-of-way in deed records, but functions as an open extension of the residential yard areas with mown grass and trees. The paved terminal turn-around area for Solgrove Road is located at the driveway entrance to the subject property, and roadway surfacing does not extend farther past the turn-around area. The unique nature of the property 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.*

   Single-family dwellings are a by-right permitted use in the district and would not affect the current Zoning designation for the property. A fence is a permitted accessory use for residential dwellings, and a variance to increase the height of the

fence by two (2) feet would not change the existing residential use or affect the Zoning 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 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 limitation on fence height within the front yard setback.

STAFF RECOMMENDATION

To grant a variance, the BZA must find that the application meets one of the first three criteria listed above regarding unreasonable utilization, alleviating a hardship, or accommodating a person with a disability. In addition, the variance must also meet all five of the remaining criteria noted above regarding good faith acquisition, no substantial detriment, not generally recurring, does not allow an unpermitted use, and is not available by other means.

Staff recommends that the variance application be granted due to the unique condition of the property. Solgrove Road past the existing driveway is an undeveloped, dead-end street, without the ability to be developed as a public through-street. The imposition of a 25-foot wide front-yard setback along the entire length of the property along the undeveloped portion of the right-of-way is a restriction on the reasonable use of the subject property, where this portion of the property has been used as a side and rear yard since construction of the house in 1971. A variance to permit a two (2) foot increase in the permissible fence height to six (6) feet will not be of substantial detriment to adjacent properties, and will not result in a change in the use of the property. Staff recommends approving the Variance request to permit an increase in the allowable height of the fence of two (2) feet, not to exceed a maximum height of six (6) feet, for the portions of the front yard setback that are along the undeveloped portion of the right-of-way.

ATTACHMENTS

A. Proposed Conditions of Approval / Proposed Motion for Denial
B. Maps – Location, Zoning, Future Land Use, Aerial Imagery, Comprehensive Plan
C. Photographs – Existing Conditions
D. Variance Application Materials
E. 1955 Deed and Plat of Subdivision for Crestview Estates
F. 2003 Quitclaim Deed
G. 2005 Deed of Vacation, Quitclaim and Dedication of Easement
H. 2015 Deed of Confirmation and Current Ownership

PATTERN MOTION TO APPROVE VARIANCE

VARIANCE

BZA #2023-1 LISA GARGIULO

BZA MEETING DATE: APRIL 4, 2023

In Application BZA #2023-1, 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 height of the fence within the 25-foot wide front setback area may be increased by two (2) feet, not to exceed a total fence height of six (6) feet from the ground surface. The increase in fence height is permitted solely within the front setback area that is

immediately adjacent to the undeveloped portion of the Solgrove Road right-of-way, and shall not apply to any other portion of the front yard setback within the subject property.

PATTERN MOTION FOR DENIAL

VARIANCE

BZA #2023-1 LISA GARGIULO

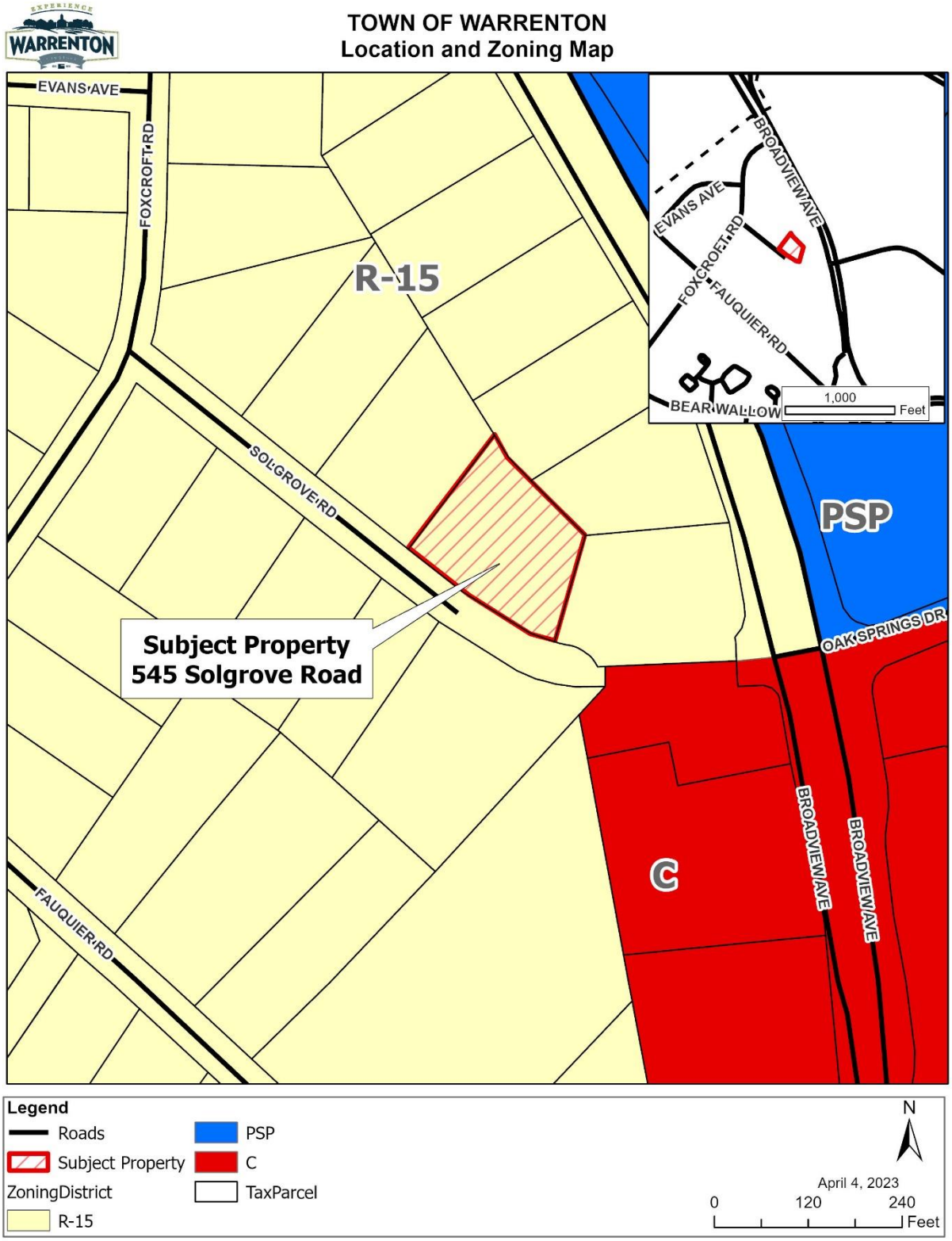
BZA MEETING DATE: APRIL 4, 2023

In Application BZA #2023-1, 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. _____

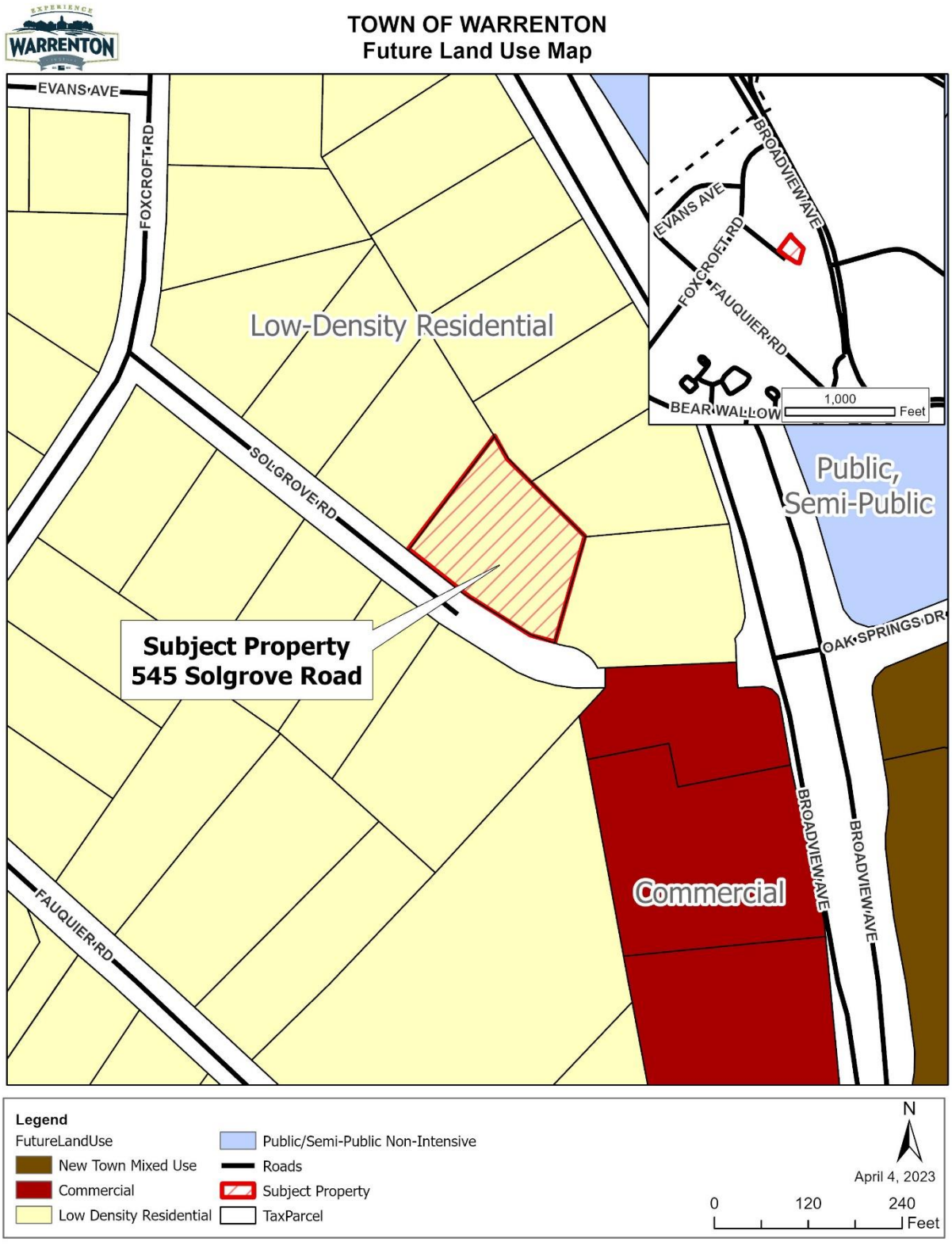
Attachment B
Maps
April 4, 2023

Zoning and Location



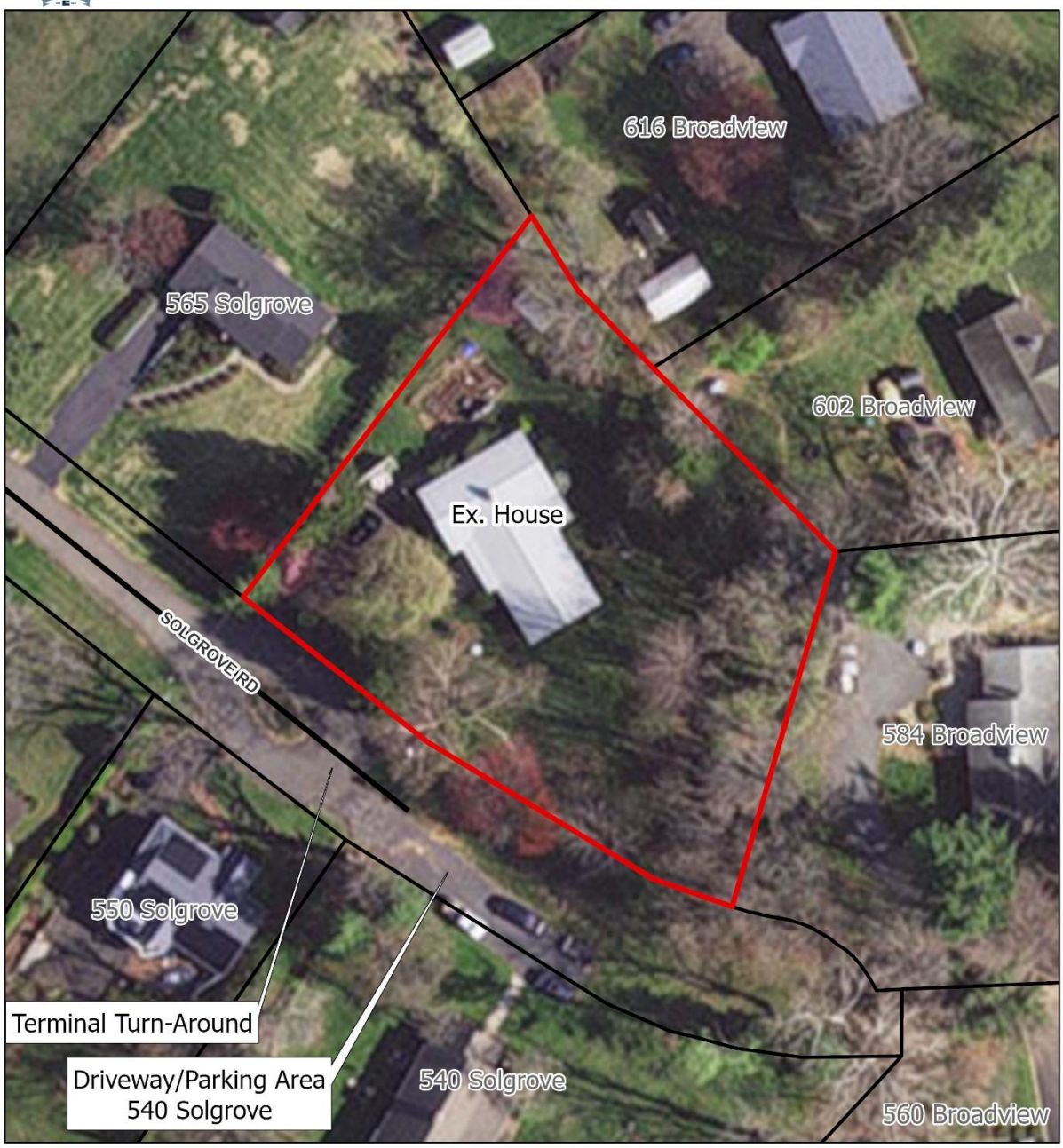
Attachment B
Maps
April 4, 2023

Future Land Use



Existing Conditions

TOWN OF WARRENTON
Aerial Imagery



Legend
Roads
TaxParcel
Subject Property

N
April 4, 2023
0 40 80
Feet

Desired Outcome Map

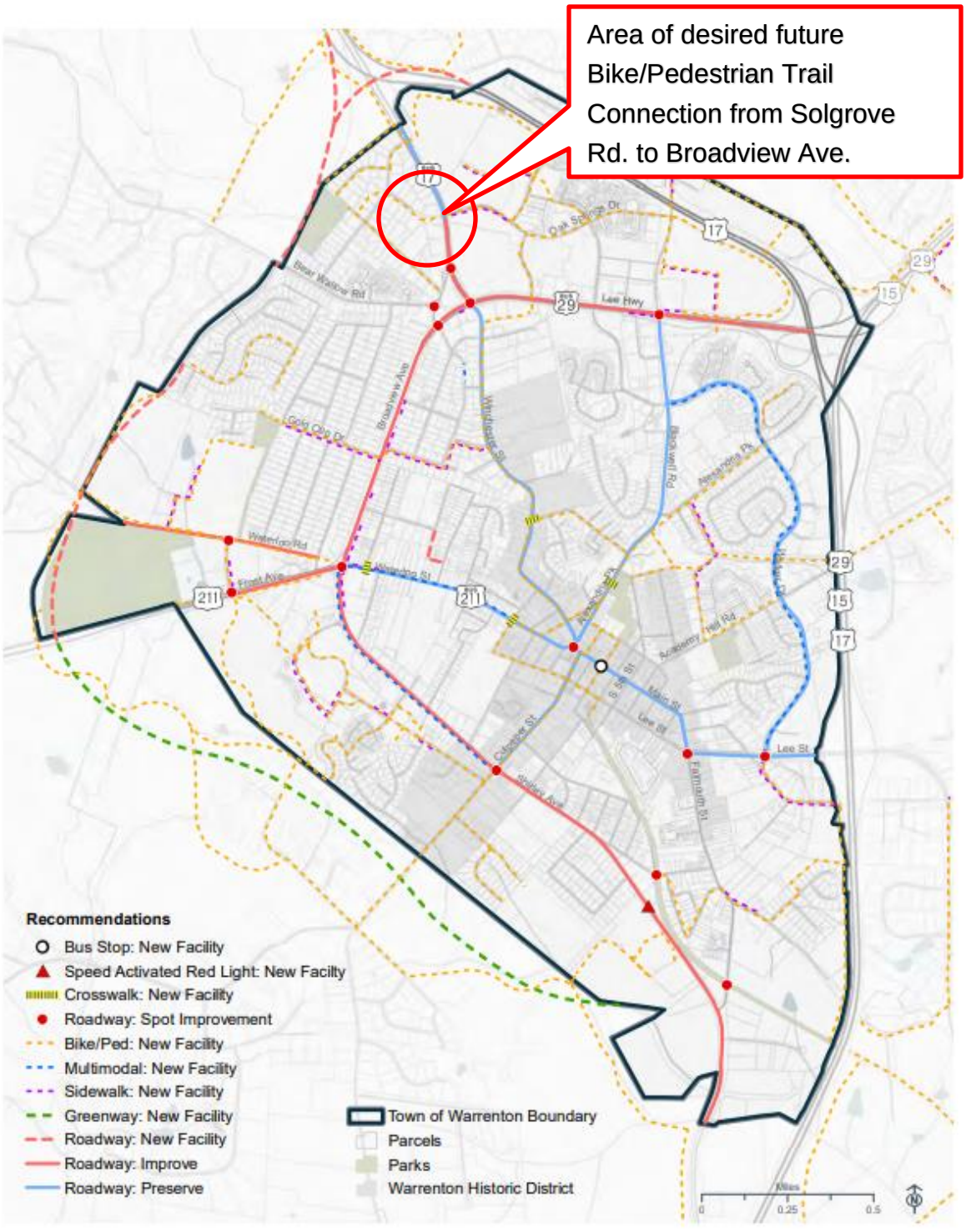
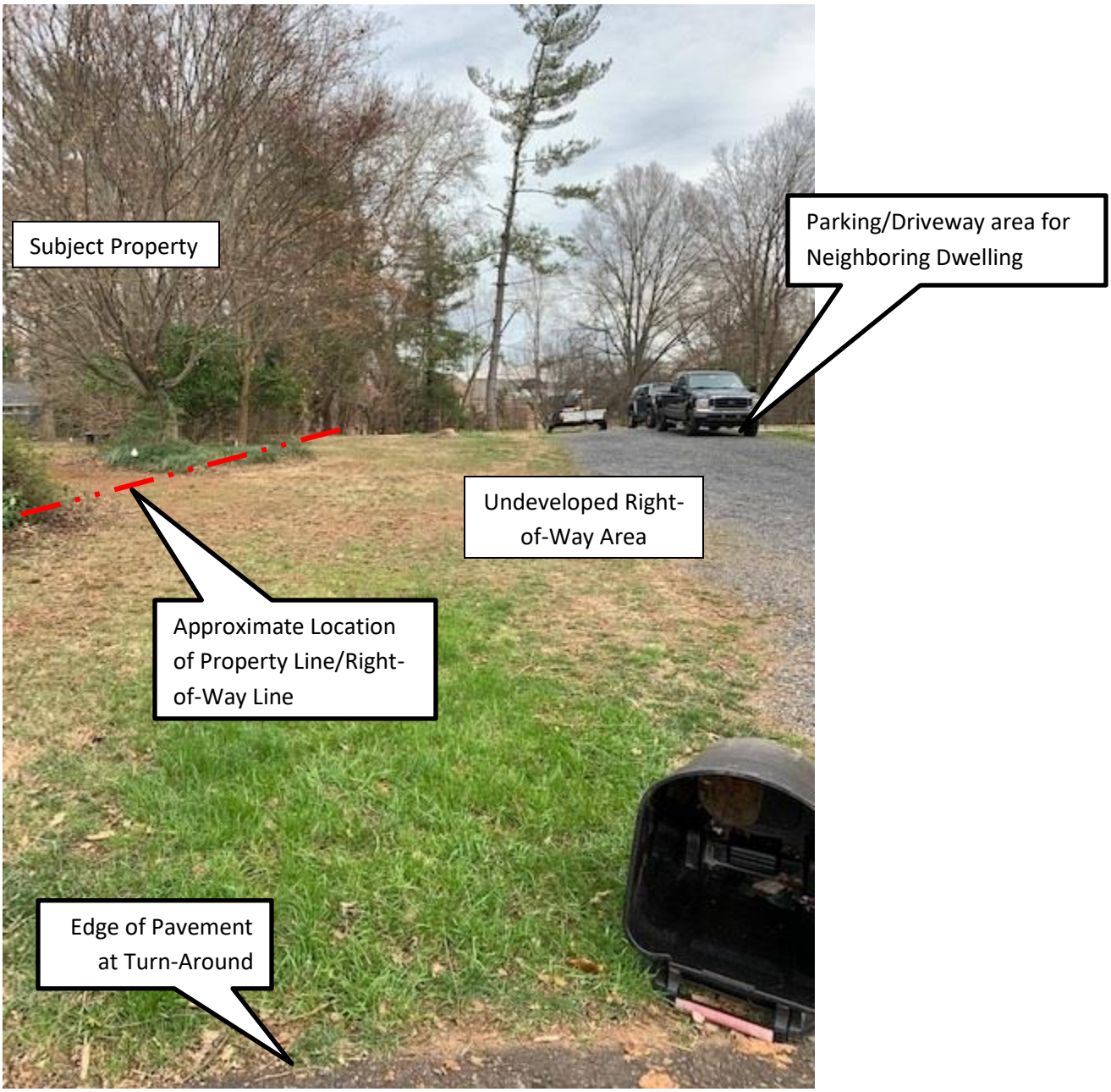


Figure 5-1: Town of Warrenton Transportation Plan map.

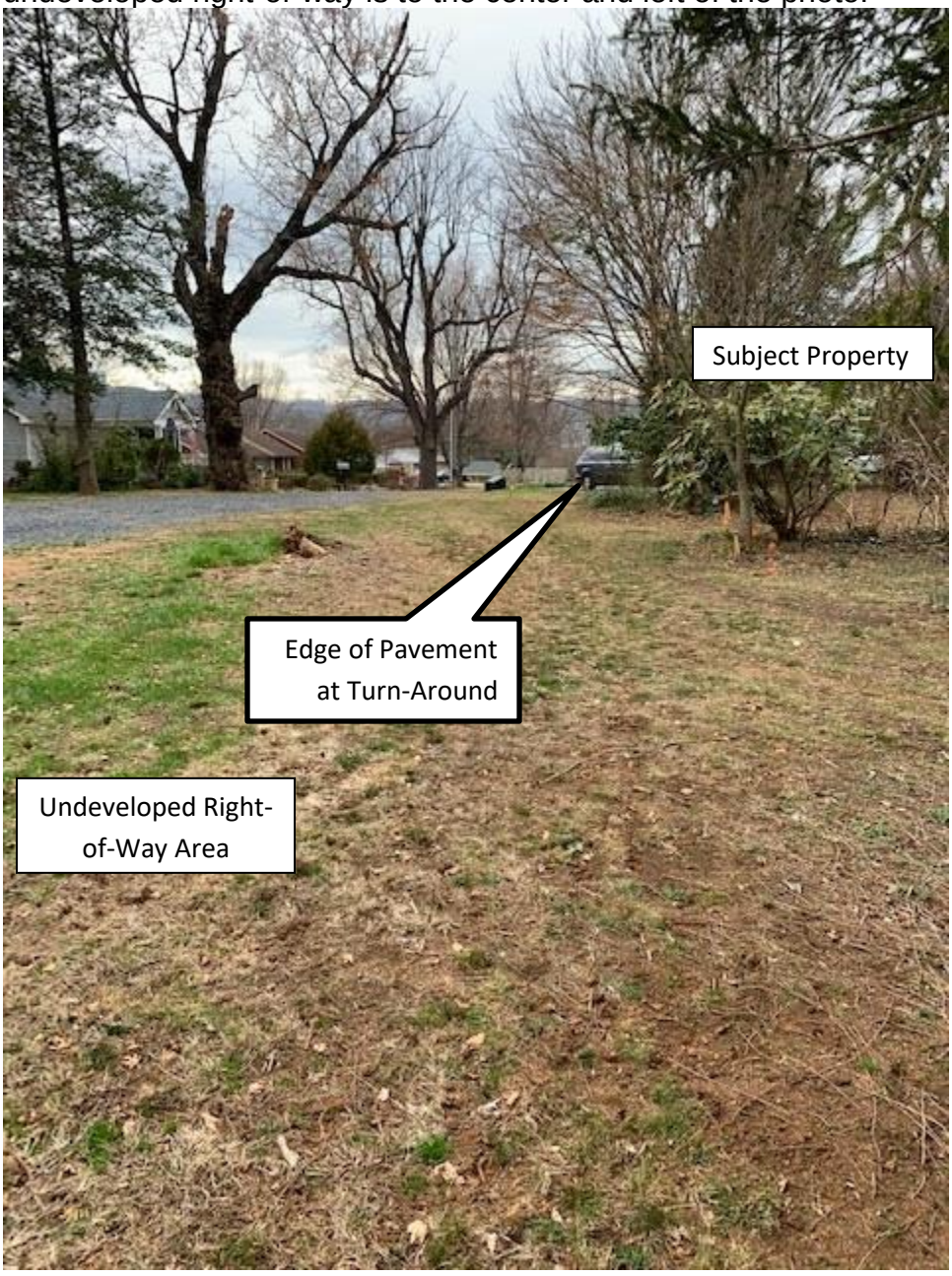
Attachment C
Photographs
April 4, 2023

Photograph taken from the edge of the turn-around area at the end of the Solgrove Road pavement area. The edge of the right-of-way and front property line of the subject property is located along the line of trees depicted in the left side of the photo.



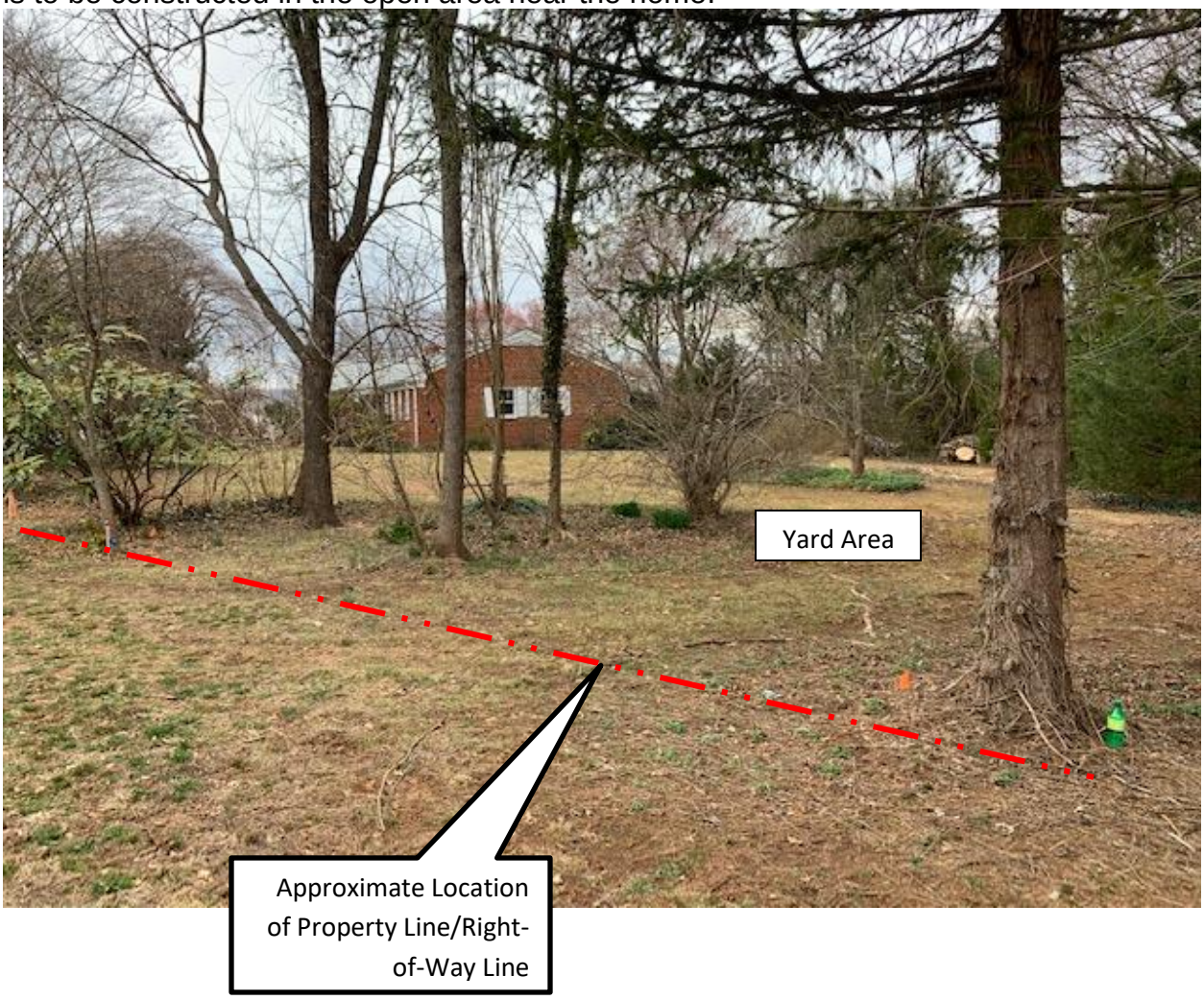
Attachment C
Photographs
April 4, 2023

Photograph taken from the area of the far right-front property corner, towards the turn-around at the end of Solgrove Road. The subject property is located to the right, and the undeveloped right-of-way is to the center and left of the photo.



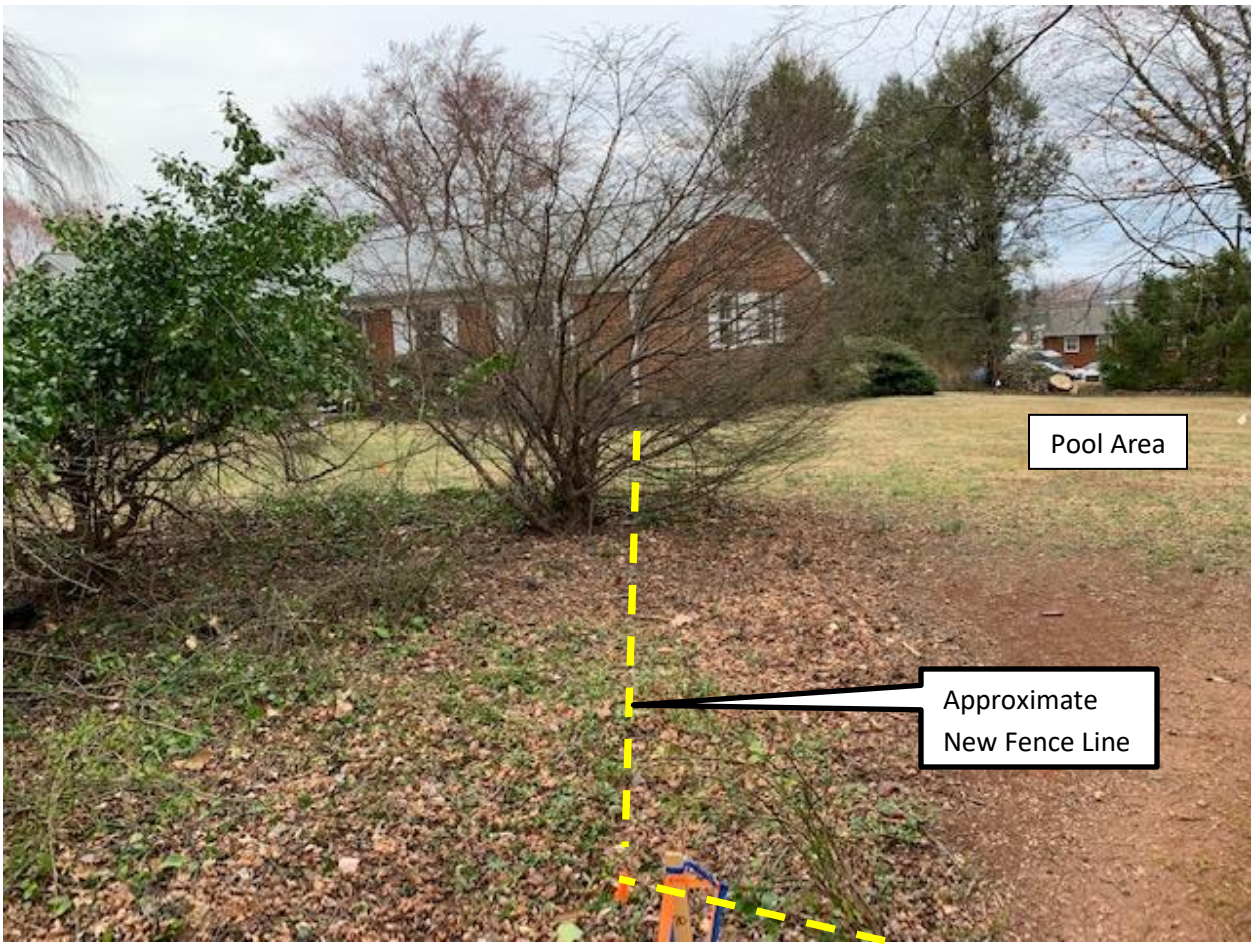
Attachment C
Photographs
April 4, 2023

Photograph taken from the approximate far right-front property corner, looking towards the subject property. Photo depicts the rear/side yard of the existing home, where a pool is to be constructed in the open area near the home.



Attachment C
Photographs
April 4, 2023

Photograph taken from the front property line along the Solgrove Road right-of-way, depicting the proposed location of the fence, where the front corner of the fence will come closest to the front property line, and then extend to the right.



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

Permit #_____

Type of Development [select type(s) below]

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

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

Project Description

Project Name: Lisa Gargiulo

Property Address (if no address, give closest cross street): 545 Solgrove Road, Warrenton, VA 20186

Purpose of Request: I would like to build a 6 ft. fence along my property line facing the town throughway on the opposite side of the Solgrove Road cul-de-sac.

Zoning District: Central Magisterial District Total Acres: 0.708 Acres Acres for Proposed Use: Residential

Parcel Identification Number(s): Lot 9 Crestview Estate

Contact Information (Attach separate page if necessary)

All Current Owners

Name & Company: Lisa Gargiulo

Address: 545 Solgrove Road, Warrenton, VA 20186

Phone: 540 878-1802 | Email: lisa.gargiulo@yahoo.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: Lisa Gargiulo

Print Owner's Name: Lisa Gargiulo 2/26/23

Applicant's Signature & Date: Lisa Gargiulo 2/26/23

Print Applicant's Name: Lisa Gargiulo

Board of Zoning Appeals

February 25, 2023

Lisa Gargiulo
545 Solgrove Road
Warrenton, Virginia 20186

Reference: Variance Application for a 6 ft. fence structure within the 25 ft. setback area along the property line located on the left side of residence, 545, Lot 9, which faces the town throughway located on the opposite side of the cul-de-sac on Solgrove Road.

I, Lisa Gargiulo , the owner of the above-mentioned property, and lifetime resident of Warrenton, Va, was born in 1961 and raised on Solgrove Road. My father, John W. Mayhugh, who was the Chairman of the Warrenton Town Planning Commission in 1958 purchased the property at 576 Solgrove Road where I lived. In 1985 he later built another home adjacent to 576, located on his property at the corner of Foxcroft and Solgrove Road, 587 Foxcroft Road. In 1971 a relative purchased Lot 9, and built the home at 545 Solgrove Rd. Approximately 20 years later upon his death he willed it to my father. I began living at the 545 residence in 1994 and inherited the property upon my father's death in 2015.

Since 1958 Solgrove Road has always remained a quaint and quiet cul-de-sac. My father and the other neighbors protested the prospect of it ever being open as a continued street to Broadview Avenue. Residents were opposed to changing the tranquility of the neighborhood. The town agreed and we were all advised that the remaining throughway could be used for our use to be divided evenly between the two properties on either side of the strip of land past the cul-de-sac (my property and the Morrisons on the opposite side of the throughway). We have been mowing and caring for the area since 1994. Once a tree needed to be removed and per request the town did come remove the tree. There is still another very large tree standing in the middle of the land.

Please know the entire front of my house faces the cul-de-sac of Solgrove Road. To the left side of my house which I have always considered my side yard and the area expanding out from the left-hand side of my house does not face the cul-de-sac rather the town right of way on the opposite side of the cul-de-sac which has always been a grassy yard since the neighborhood began. The house side windows face the area where I will be placing a swimming pool. I never imagined the side yard area surrounding the pool would ever be considered my front yard as there is no street, only grassy yard alongside that area. My driveway on the opposite right side of the house connects to Solgrove Road. There is nothing blocking the entire front yard nor the entire front facade of my house.

Now, that being said, the strip of land referred to as the throughway is sometimes used as a walkway by the general public to get to the Warrenton Town Shopping center across Broadview Avenue. So, in my planning for an appropriate fence to surround the pool I never considered anything but a 6 foot fence to protect the pool and my family/friends as we gather around the

pool. I would not feel comfortable nor safe in a bathing suit with my young adults (we have 5) and future grandchildren being exposed to anyone particularly along that area. Not to mention, the town does have future plans to create a formal bike/walk path through this area. If there were a 4 ft. fence anyone could just stand on the opposite side and watch us. Since crime, voyeurism, violence, theft, kidnapping, rape, assault etc. are ubiquitous even in Warrenton, a 4 ft. fence would not protect us adequately while we are spending time by the pool. We would feel very vulnerable to predators of any kind.

As a 50 year resident of Solgrove Road, I know the area in variance would not be impacted at all. The only neighbors who live directly across that strip of yard are in agreement with me and have provided a letter in support of a 6 ft. fence along my property line facing the throughway.

Another benefit is it would be great for our dog we will be adopting in the very near future. Our dog of 13 years recently passed away. We have always had large dogs, and know from experience a large dog can easily jump over a 4 ft. fence. Another concern is our dog could easily escape or be taken. Just like dogs, people can easily cross over the fence when we are there or away. A swimming pool is enticing and without a barrier, it too is vulnerable to vandalism. It is also a serious liability to me if someone were to jump the fence and drown.

There is absolutely no hindrance to anyone in our neighborhood to alter the height of the fence from 4 ft to 6 ft along the above-mentioned throughway; however, the benefits for our safety and security are paramount. I respectfully request your approval of the application for variance.

Thank you in advance for your consideration.
Lisa Gargiulo

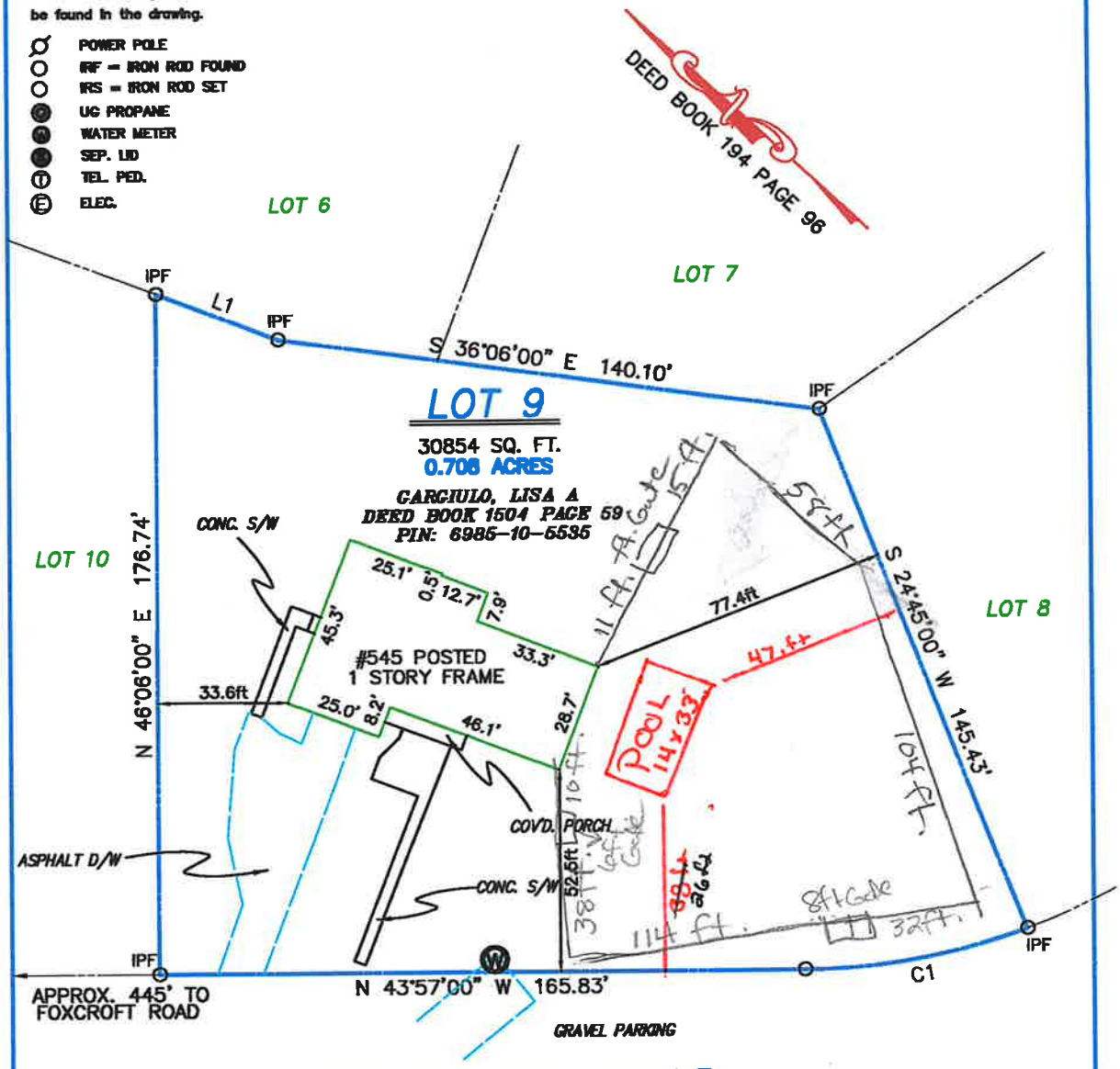
CURVE	RADIUS	CHORD LENGTH	CHORD BEARING
C1	167.44'	58.37'	N 53°53'41" W

LINE	BEARING	DISTANCE
L1	S 23°05'00" E	33.77'

LEGEND

These standard symbols will be found in the drawing.

- POWER POLE
- IRF = IRON ROD FOUND
- IRS = IRON ROD SET
- UG PROPANE
- WATER METER
- SEP. LID
- TEL. PED.
- ELEC.



PHYSICAL SURVEY OF
0.708 ACRES
KNOWN AS LOT 9
CRESTVIEW ESTATE
CENTER MAGISTERIAL DISTRICT
TOWN OF WARRENTON, VIRGINIA
SCALE 1"=35' DATE 1-4-23

COMMONWEALTH OF VIRGINIA
[redacted]
Lic. No. 2818
1-4-2023
LAND SURVEYOR

1.) NO TITLE REPORT FURNISHED.
2.) CURRENT ZONING FOR THIS PARCEL IS R15
3.) EASEMENTS & OTHER ENCUMBRANCES NOT SHOWN MAY EXIST.
4.) FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
5.) BOUNDARY INFORMATION SHOWN HEREON WAS OBTAINED FROM RECORD DEED BOOK 194 PAGE 96
6.) SETBACKS IF SHOWN ARE TAKEN FROM THE SURVEY OF RECORD, COUNTY ZONING IS SUBJECT TO CHANGE, VERIFY WITH COUNTY FOR ACCURACY.

CEDAR MOUNTAIN LAND SURVEYING
www.cedarmountainlandsurveying.com
CEDAR MOUNTAIN LAND SURVEYING
12484 WALNUT CREEK LANE, RIXEYVILLE, VA. 22737
(540) 718-1775 CMLS@COMCAST.NET

LR

Kristin Morrison – 540 Solgrove Road – Warrenton, VA 20186

February 27, 2023

To whom it may concern;

The purpose of this correspondence is to provide a statement that I have no opposition to my neighbor's, Lisa Gargiulo, application to build a 6-foot fence on her property.

Respectfully Submitted,

Kristin Morrison

March 14, 2023

Warrenton Town Board of Zoning

Re: Variance for 6ft. fence along Warrenton throughway located along 545 Solgrove Rd, Warrenton, Va. on the opposite side of the cul-de-sac.

Dear Members of the Warrenton Town Board of Zoning,

Please be advised that I am a neighbor of Lisa Gargiulo and also live on Solgrove Road. I have no objection to her installing a 6 ft. fence along her property line facing the continuing throughway located on the opposite side of the cul-de-sac on Solgrove Road.

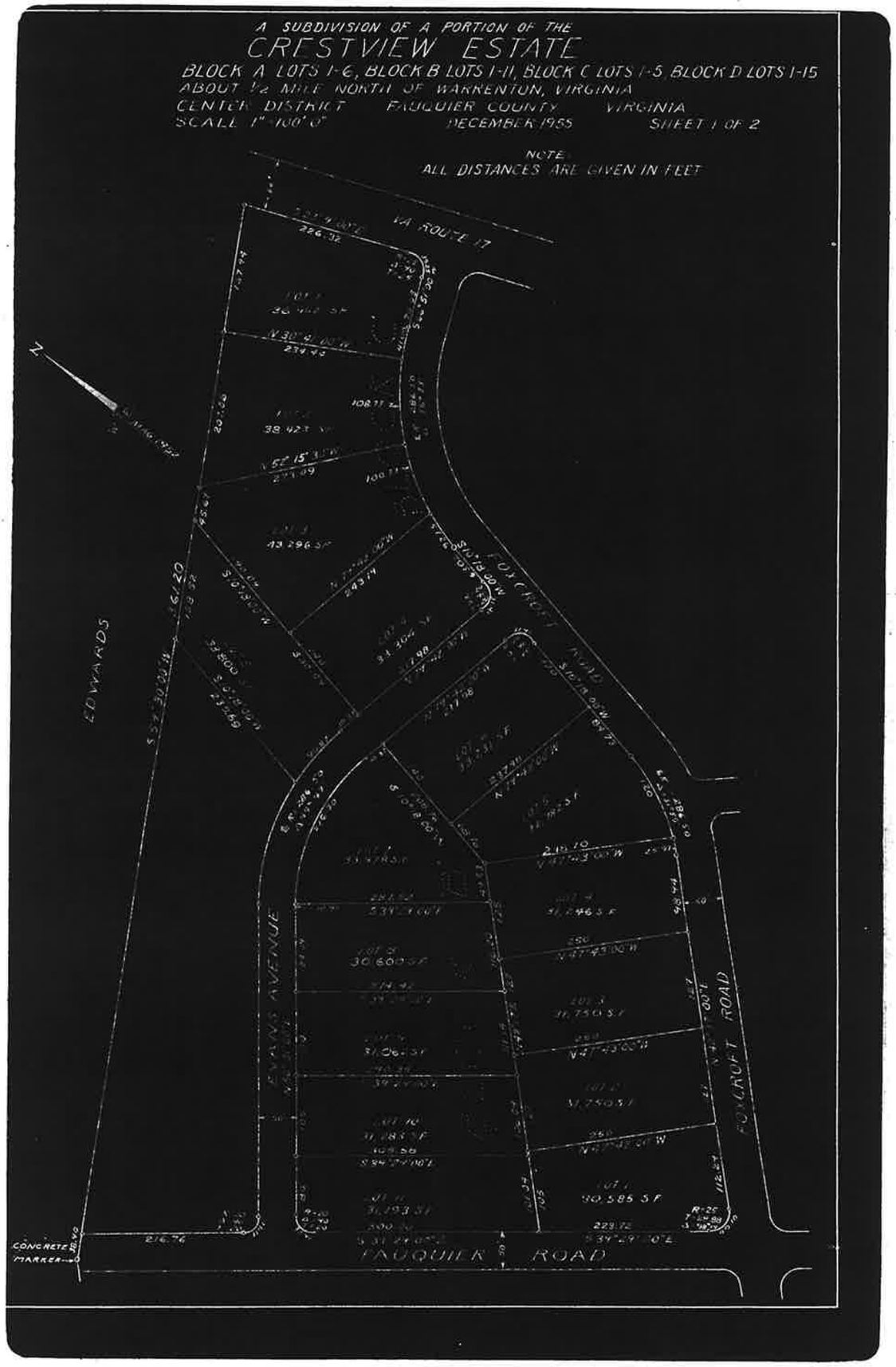
Sincerely,

Fred Verdi
587 Foxcroft Rd + Solgrove
Warrenton, VA 20186

Brittany Boston & Matthew Boston
5076 Solgrove Rd.
Warrenton, VA 20186

Keith Ellis
560 Solgrove Road
Warrenton Va 20186

Marcella & Franco Stocco
550 Solgrove Rd
Warrenton, VA 20186
Marcella V. Stocco

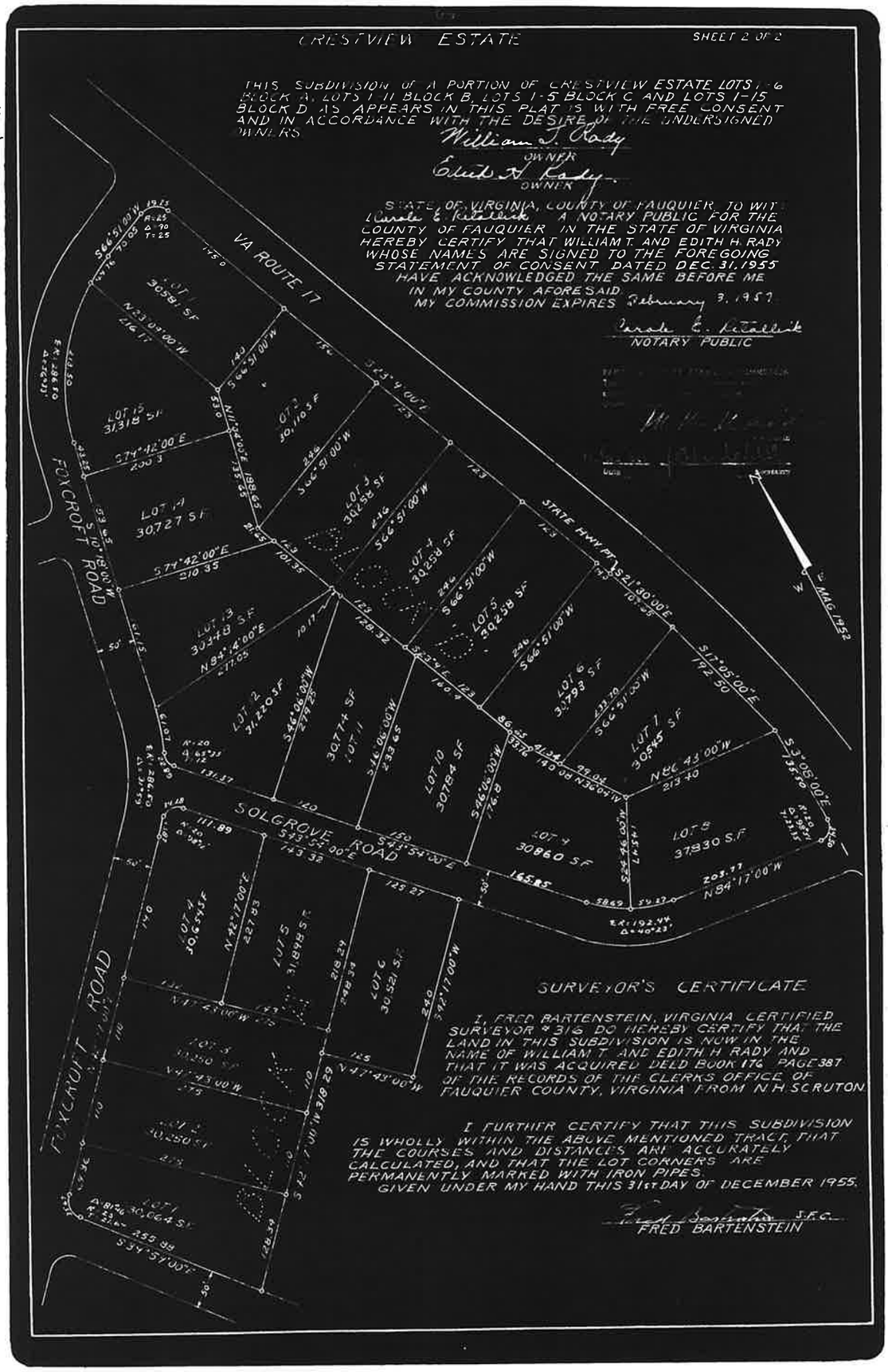

A SUBDIVISION OF A PORTION OF THE
CRESTVIEW ESTATE
BLOCK A LOTS 1-6, BLOCK B LOTS 1-11, BLOCK C LOTS 1-5 BLOCK D LOTS 1-15
ABOUT ½ MILE NORTH OF WARRENTON, VIRGINIA
CENTER DISTRICT FAUQUIER COUNTY VIRGINIA
SCALE 1" = 100'-0" DECEMBER 1955 SHEET 1 OF 2
NOTE
ALL DISTANCES ARE GIVEN IN FEET
VA ROUTE 17
EDWARDS
EVANS AVENUE
FOXCROFT ROAD
FOXCROFT ROAD
FAUQUIER ROAD
CONCRETE MONUMENT

18

Plat
s 1A &
see
OK
3 PG
562

CRESTVIEW ESTATE

SHEET 2 OF 2



THIS SUBDIVISION OF A PORTION OF CRESTVIEW ESTATE LOTS 1-6 BLOCK A, LOTS 1-11 BLOCK B, LOTS 1-5 BLOCK C AND LOTS 1-15 BLOCK D AS APPEARS IN THIS PLAT IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS

William T. Rady
OWNER

Edith H. Rady
OWNER

STATE OF VIRGINIA, COUNTY OF FAUQUIER, TO WIT

I, Carole E. Ritchie A NOTARY PUBLIC FOR THE COUNTY OF FAUQUIER IN THE STATE OF VIRGINIA HEREBY CERTIFY THAT WILLIAM T. AND EDITH H. RADY WHOSE NAMES ARE SIGNED TO THE FOREGOING STATEMENT OF CONSENT DATED DEC. 31, 1955 HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY COUNTY AFORESAID.

MY COMMISSION EXPIRES February 3, 1957

Carole E. Ritchie
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, FRED BARTENSTEIN, VIRGINIA CERTIFIED SURVEYOR # 316 DO HEREBY CERTIFY THAT THE LAND IN THIS SUBDIVISION IS NOW IN THE NAME OF WILLIAM T. AND EDITH H. RADY AND THAT IT WAS ACQUIRED DEED BOOK 176 PAGE 387 OF THE RECORDS OF THE CLERKS OFFICE OF FAUQUIER COUNTY, VIRGINIA FROM N.H. SCRUTON

I FURTHER CERTIFY THAT THIS SUBDIVISION IS WHOLLY WITHIN THE ABOVE MENTIONED TRACT, THAT THE COURSES AND DISTANCES ARE ACCURATELY CALCULATED, AND THAT THE LOT CORNERS ARE PERMANENTLY MARKED WITH IRON PIPES.

GIVEN UNDER MY HAND THIS 31st DAY OF DECEMBER 1955.

Fred Bartenstein S.C.
FRED BARTENSTEIN

This subdivision of 36 Acres, more or less, of land known as Crestview Estate, lying and being situate in Fauquier County, Virginia, in Center District, about 1/2 mile north of Warrenton, Virginia, is with the free consent and in accordance with the desire of the undersigned owners and according to Section 15-779 et seq. of the Code of Virginia of 1950 and amendments thereto.

William T. Rady (SEAL)
William T. Rady

Edith H. Rady (SEAL)
Edith H. Rady

STATE OF VIRGINIA
COUNTY OF FAUQUIER

I, Carole E. Retallick, a Notary Public in and for the State and County aforesaid, do hereby certify that William T. Rady and Edith H. Rady, whose names are signed to the foregoing writing, have each acknowledged the same before me in my County aforesaid.

My commission expires 3 February 1957.

Given under my hand this 16th day of January, 1956.

Carole E. Retallick
Notary Public

Clerk's Office of Fauquier Circuit Court, 1st January 1956
This plat of the Sub-Division of "Crestview Estate" Subdivision was this day received in said Office and with certificate admitted to record at 11:06 A. M.

Teste: M. L. Pearson Dep Clerk.

THIS DEED, made this 12th day of August, 1955, by and between JAMES H. SIMMONDS and ALBERT E. SMITH, Administrators of the Estate of R. Conway Smith, deceased, J. DAVENPORT BLACKWELL, surviving and as such, liquidating partner of Blackwell Engineering Company, MAUDE Z. SMITH, widow of R. Conway Smith, ALBERT E. SMITH and ANNE B. SMITH, his wife, ROBERT C. SMITH, JR., unmarried, and PEGGY CONWAY SMITH, unmarried, being all the children and all the heirs at law of said R. Conway Smith, who died intestate, together with their consorts, parties of the first part, and J. DAVENPORT BLACKWELL, party of the second part,

JAMES H SIMMONDS

TO (B & S

J DAVEN BLACKWE

WITNESSETH THAT:

WHEREAS, J. Davenport Blackwell and R. Conway Smith, prior to the death of said R. Conway Smith on August 28, 1953, conducted a partnership known as Blackwell Engineering Company, whose principal office was in Warrenton, Virginia; and

WHEREAS, said partnership purchased the hereinafter described property from partnership funds in order to store equipment and for other partnership purposes; and

WHEREAS, the said property has always been shown on the partnership books and has always been treated as a partnership asset, although legal title was conveyed to J. Davenport Blackwell and R. Conway Smith as tenants in common; and

WHEREAS, in the inventory of the Estate of said R. Conway Smith the

BK 1057 PG 1476
03 19852

Assessed value $1,000
Grantee Lenore H. Plissner
P.O. Box 171
Orlean, VA 20128

Lenore H. Plissner

Examined and Returned to:
SEP - 5 2003

Consideration: $ NONE

QUITCLAIM DEED

THIS QUITCLAIM DEED, made and entered into this 2 day of June, 2003, by and between **CHARLES B. CORNWELL, JR.** and **HELEN O. CORNWELL**, husband and wife, Grantors, and **LENORE H. PLISSNER**, 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, the receipt of which is hereby acknowledged, the Grantor does hereby quitclaim, unto the Grantee, in fee simple, all of the following described property, to-wit:

All of that certain lot or parcel of land lying and being sitrate in Town of Warrenton, Fauquier County, Virginia, containing 12,780 square feet, more or less, more particularly shown on that certain plat entitle "Plat Showing that Portion of Solgrove Road Adjacent to Remainder of Lot 8, Section Three, Crestview Estates, prepared by APEX Surveys, Guy H. Brigg, L.S., dated January 20, 2000 recorded in Deed Book 877 at Page 1353 among the land records of Fauquier County Virginia.

AND BEING the same property conveyed to Charles B. Cornwell, Jr. and Helen O. Cornwell, husband and wife as tenants by the entirety with the common law right of survivorship under deed dated February 25, 2000 and recorded in Deed 877, page 1353.

TAX ID#: 6985-10-7420-000

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

WITNESS the following signatures and seals:

_____(SEAL)
Charles B. Cornwell, Jr.

_____(SEAL)
Helen O. Cornwell

COMMONWEALTH OF VIRGINIA
COUNTY OF FAUQUIER, to-wit

The foregoing instrument was executed and acknowledged before me this 3 day of June, 2003, by Charles B. Cornwell, Jr. and Helen O. Cornwell.

_____(SEAL)
Notary Public

My Commission Expires:_____

My Commission Expires July 31, 2004

Prepared by:
Charles B. Cornwell, Jr.

JANICE L. PALLERIA NOTARY PUBLIC COMMONWEALTH OF VIRGINIA

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF FAUQUIER, SEP - 5 2003

This instrument was this day received in said Office and with certificate admitted to record at 1:17 P. m.
Tax of $ 1.00 imposed by §58.1-802 Paid.
Consideration: $ 1,000.00
Clerk's Fee: $16 (1-10 pg), $30 (11-30 pg.), $50 (over 30 pg.)
(Includes $1.50 Library Fee) $3.00 Tech Fee
TOTAL PAID: $ 33.00

TESTE: Gail H Barb, CLERK

Doc ID: 001241990003 Type: DEE
Recorded: 05/10/2005 at 11:45:40 AM
Fee Amt: $35.33 Page 1 of 3
Fauquier County, VA
Gail H Barb Clerk of Circuit Court
File# 2005-00007936
BK 1155 PG 1327-1329

Item 3.

Exempted from recordation taxes under
Sections 58.1-811 (A) (3), 58.1-811 (C) (4)

THIS DEED OF VACATION, QUITCLAIM AND DEDICATION OF EASEMENT made and entered into this 10th day of May, 2005, by and between the TOWN OF WARRENTON, VIRGINIA, GRANTOR, and THE WARRENTON OFFICE BUILDING II, LLC, GRANTEE, a Virginia limited liability company.

WITNESSETH, pursuant to Title 33.1 of the Code of Virginia, and specifically by the authority granted to under the Virginia Code Section 33.1-165, and in the consideration of the sum of ONE THOUSAND DOLLARS, ($1,000), cash in hand paid, the receipt of which us hereby acknowledged by GRANTOR. GRANTOR does hereby quitclaim, release, and convey unto GRANTEE any and all right, title and interest GRANTOR may possess in the fee simple of that certain parcel of real estate located in the Town of Warrenton, Fauquier County, Virginia, more particularly described and identified as the SOLGROVE ROAD property on Exhibit A attached hereto (hereinafter referred to as the "Property").

This conveyance is made subject to an easement for ingress and egress across the Property for the benefit of the parcel of real estate not owned by GRANTEE abutting the Property (as identified as Lot 8, Crestview Estates, on Exhibit A attached hereto). Said easement shall run with the land.

WITNESS the following signature and seal:

TOWN OF WARRENTON, VIRGINIA

By: _____ (SEAL)

Name: Kenneth L. McLawhon

Title: Town Manager

State of Virginia, County of Fauquier, to wit:

The foregoing instrument was acknowledged before me this 10th day of May, 2005, by Kenneth McLawhon, Manager of the Town of Warrenton, on behalf of the Town of Warrenton.

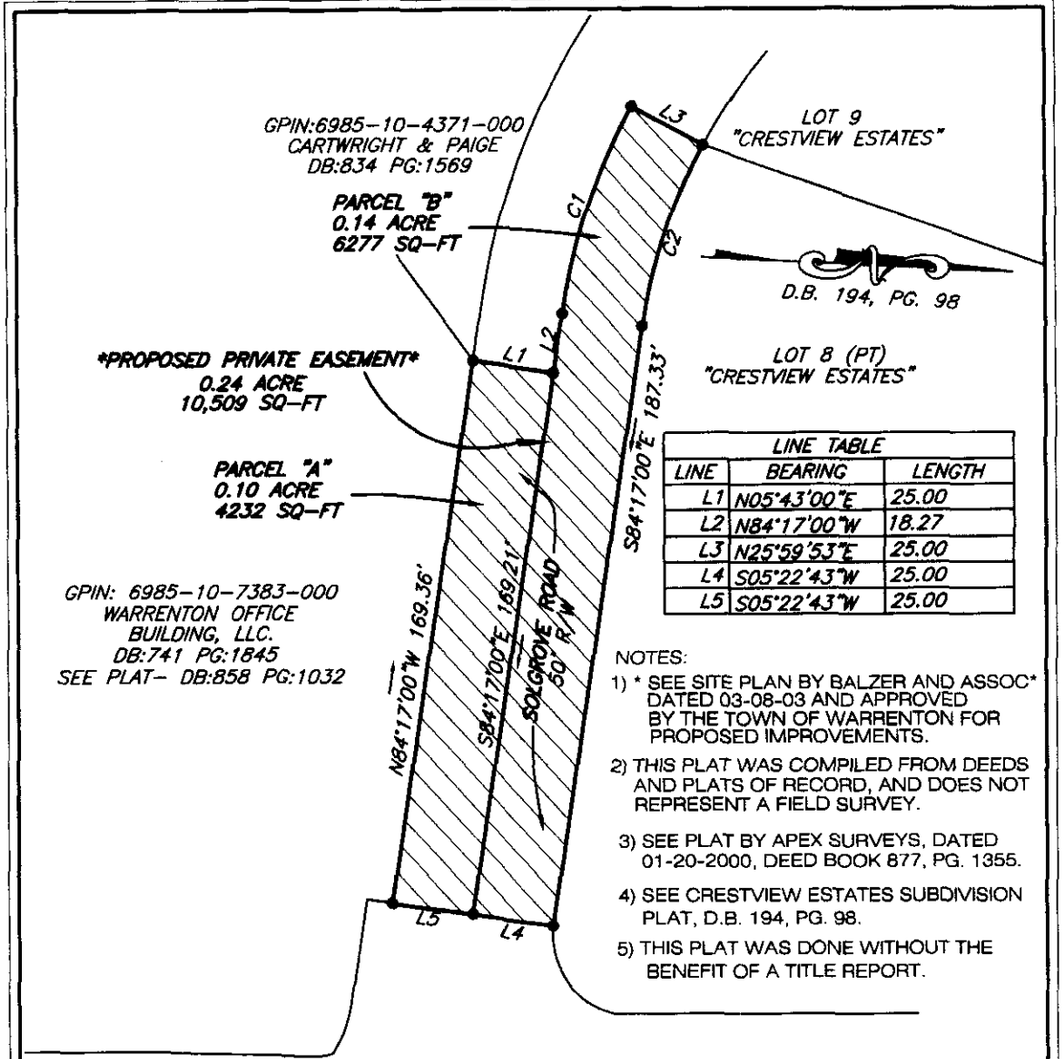
_____
Notary Public

My Commission Expires: 9-30-06

(Grantee Address: 1522 Sycamore Dr Midlothian, VA 23113)

Return to: James Yergin 5210 Old Alexandria Turnpike Upperville, VA. 20189

EXHIBIT "A"



LINE TABLE		
LINE	BEARING	LENGTH
L1	N05°43'00"E	25.00
L2	N84°17'00"W	18.27
L3	N25°59'53"E	25.00
L4	S05°22'43"W	25.00
L5	S05°22'43"W	25.00

NOTES:

1) * SEE SITE PLAN BY BALZER AND ASSOC* DATED 03-08-03 AND APPROVED BY THE TOWN OF WARRENTON FOR PROPOSED IMPROVEMENTS.
2) THIS PLAT WAS COMPILED FROM DEEDS AND PLATS OF RECORD, AND DOES NOT REPRESENT A FIELD SURVEY.
3) SEE PLAT BY APEX SURVEYS, DATED 01-20-2000, DEED BOOK 877, PG. 1355.
4) SEE CRESTVIEW ESTATES SUBDIVISION PLAT, D.B. 194, PG. 98.
5) THIS PLAT WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD BEARING	CHORD	DELTA
C1	68.12'	192.44'	34.42	S74°08'35"E	67.76'	20°16'50"
C2	59.27'	167.44'	29.95	S74°08'35"E	58.96'	20°16'49"

COMPILED PLAT SHOWING A PORTION OF SOLGROVE ROAD

TOWN OF WARRENTON
FAUQUIER COUNTY, VIRGINIA

COMMONWEALTH OF VIRGINIA
Howard L. Vance
No. 1854
3-10-05
LAND SURVEYOR

DATE: 03-10-05
SCALE: 1"=40'
JOB NO: C0200209.00

BALZER AND ASSOCIATES, INC.
REFLECTING TOMORROW

PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS
ROANOKE • RICHMOND • NEW RIVER VALLEY • SHENANDOAH VALLEY
1557 Commerce Road • Suite 201 • Verona, Virginia 24482 • Phone (540) 248-3220 • Fax (540) 248-3221

2

RECORDED IN CLERKS OFFICE OF
FAUQUIER ON
May 10,2005 AT 11:45:40 AM
$0.00 GRANTOR TAX PD
AS REQUIRED BY VA CODE §58.1-802
STATE: $0.00 LOCAL: $0.00
FAUQUIER COUNTY, VA
GAIL H BARB CLERK OF CIRCUIT COURT

Gail H Barb, clerk

3

Item 3.

Doc ID: 007690660002 Type: DEE
Recorded: 12/22/2015 at 12:14:00 PM
Fee Amt: $23.00 Page 1 of 2
Fauquier County, VA
Gail H Barb Clerk of Circuit Court
File# 2015-00011721
BK 1504 PG 59-60

PIN#6985-10-5535-000
Exempt: Va. Code 58.1-810 (1)
Beneficiary address:
Lisa A. Gargiulo
545 Solgrove Road
Warrenton, VA 20186-2020

Title Insurance: None

EXAMINED & RETURNED

WALKER JONES, PC
ATTORNEYS AT LAW
CARTER HALL
31 WINCHESTER STREET
WARRENTON, VIRGINIA 20186

THIS DEED OF CONFIRMATION

made and entered into this 21st day of December 2015 by and between Douglas L. Mayhugh, Co-Executor and Lisa A. Gargiulo, Co-Executor for the Estate of John W. Mayhugh, (hereinafter "Executors"); and Lisa A. Gargiulo, (hereinafter "Beneficiary").

W I T N E S S E T H :

that for and in consideration of the premises, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Executor does hereby CONFIRM AND RELEASE unto Beneficiary, all the following described property, to-wit:

All that certain lot or parcel of land designated as Lot #9, Block D, in the Subdivision known as Crestview Estates, Fauquier County, Virginia, according to plat of Fred Bartenstein dated December 19, 1955, to be found of record in the Clerk's office of Fauquier County, Virginia, in Deed Book 194 at page 96. And being the same land conveyed to Hattie J. Floyd at Deed Book 249 at Page 351.

By her Will probated in Will Book 129 at Page 240 Hattie J. Floyd devised this property to her husband Walter H. Floyd as a part of her rest and residue.

And being the same property devised by Walter H. Floyd by his Will probated in Will Book 171 at Page 1279 to John W. Mayhugh described there in as "my residence located at 545 Solgrove Road, being Lot 9, Crestwood Estates, Fauquier County, Warrenton, Virginia...."

And being the same property devised by John W. Mayhugh to his daughter Lisa A. Gargiulo by his Will probated in Will Book 267 at Page 2045, wherein the property is described as 545 Solgrove Road, Warrenton, Virginia, PIN 6985-10-5535-000.

WITNESS the following signatures and seals:

Executor

Douglas L. Mayhugh, Executor
of the Estate of John W. Mayhugh

STATE OF VIRGINIA
COUNTY OF FAUQUIER, to-wit:

The foregoing instrument was acknowledged before me this 21st day of December 2015, by Douglas L. Mayhugh, Executor of the Estate of John W. Mayhugh, Deceased.

Notary Public
#7665178

My Commission Expires: 12/31/16

MARY LISA FISHER
NOTARY PUBLIC
REGISTRATION # 7665178
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES

Executor

Lisa A. Gargiulo, Executor
of the Estate of John W. Mayhugh

STATE OF VIRGINIA
COUNTY OF FAUQUIER, to-wit:

The foregoing instrument was acknowledged before me this 21st day of December 2015, by Lisa A. Gargiulo, Executor of the Estate of John W. Mayhugh, Deceased.

Notary Public
#7665178

My Commission Expires: 12/31/16

MARY LISA FISHER
NOTARY PUBLIC
REGISTRATION # 7665178
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES

Document Prepared By:
Robert deT. Lawrence, IV VSB#03779
Walker Jones, P.C., 31 Winchester Street, Warrenton, Virginia 20186

H:\Estates_and_Equity\Mayhugh John p 2015\Deed of Confirmation.wpd

-2-

RECORDED IN CLERK'S OFFICE OF
FAUQUIER ON
DECEMBER 22, 2015 at 12:14:00 PM
AS REQUIRED BY VA CODE §58.1-802
STATE: $0.00 LOCAL: $0.00
FAUQUIER COUNTY, VA
GAIL H BARB CLERK OF CIRCUIT COURT

Gail H Barb

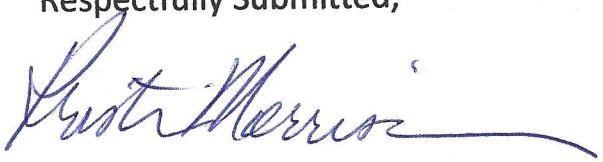
Kristin Morrison – 540 Solgrove Road – Warrenton, VA 20186

February 27, 2023

To whom it may concern;

The purpose of this correspondence is to provide a statement that I have no opposition to my neighbor's, Lisa Gargiulo, application to build a 6-foot fence on her property.

Respectfully Submitted,



Kristin Morrison

March 14, 2023

Warrenton Town Board of Zoning

Re: Variance for 6ft. fence along Warrenton throughway located along 545 Solgrove Rd, Warrenton, Va. on the opposite side of the cul-de-sac.

Dear Members of the Warrenton Town Board of Zoning,

Please be advised that I am a neighbor of Lisa Gargiulo and also live on Solgrove Road. I have no objection to her installing a 6 ft. fence along her property line facing the continuing throughway located on the opposite side of the cul-de-sac on Solgrove Road.

Sincerely,

Fred Verdi
587 Foxcroft Rd + Solgrove
Warrenton, VA 20186

Brittany Boston & Matthew Boston
5076 Solgrove Rd.
Warrenton, VA 20186

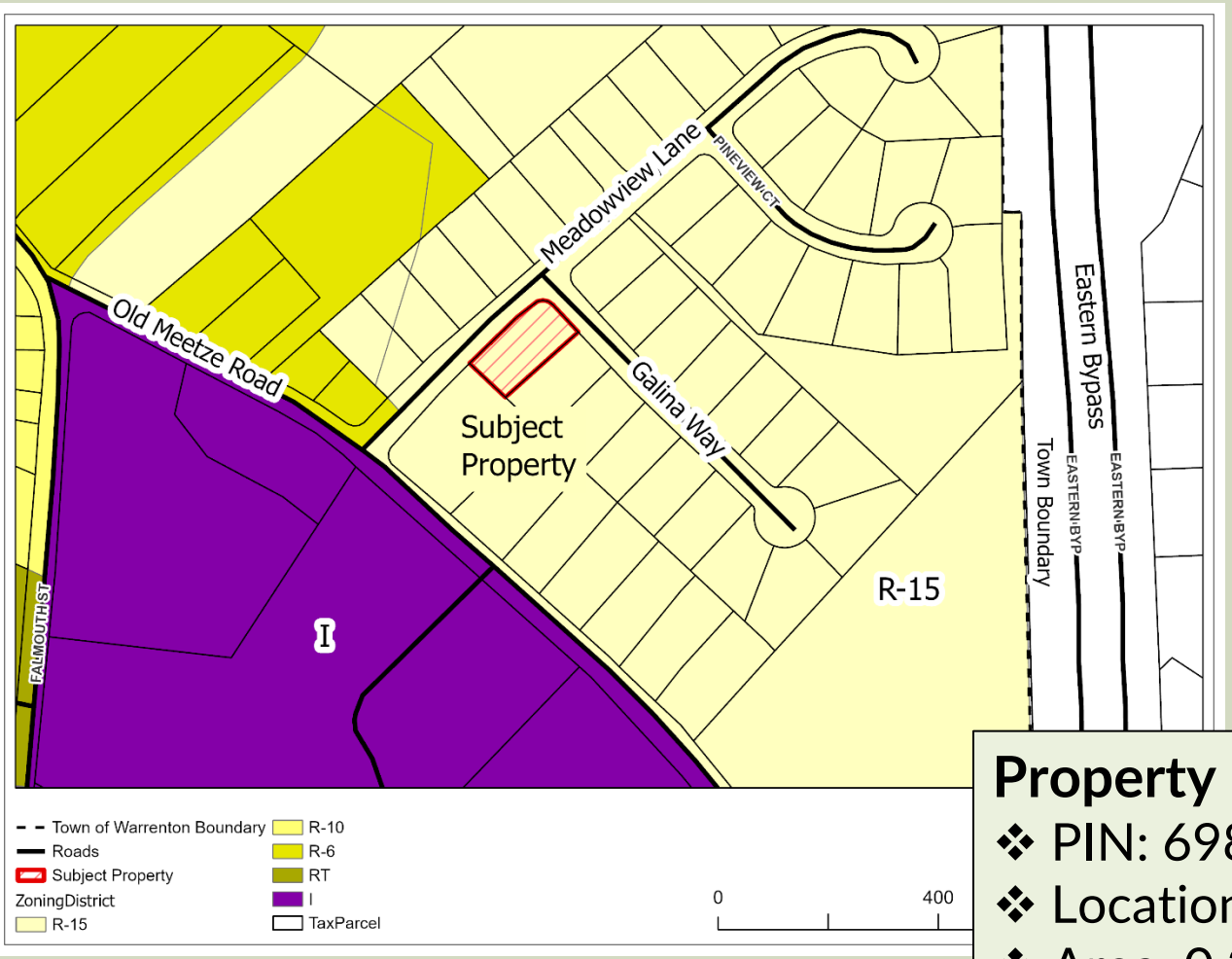
Keith Ellis
560 Solgrove Road
Warrenton Va 20186

Marcella & Franco Stocco
550 Solgrove Rd
Warrenton, VA 20186
Marcella V. Stocco

EXPERIENCE WARRENTON VIRGINIA EST. 1810

Board of Zoning Appeals (BZA)
BZA 2023-2
576 Galina Way
June 6, 2023

Location and Zoning



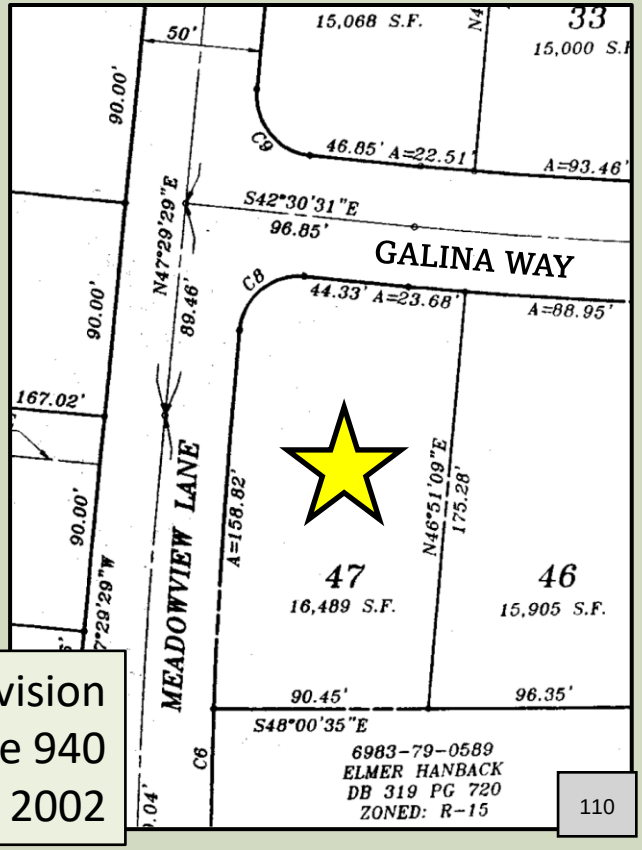
Property Information

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

Existing Conditions

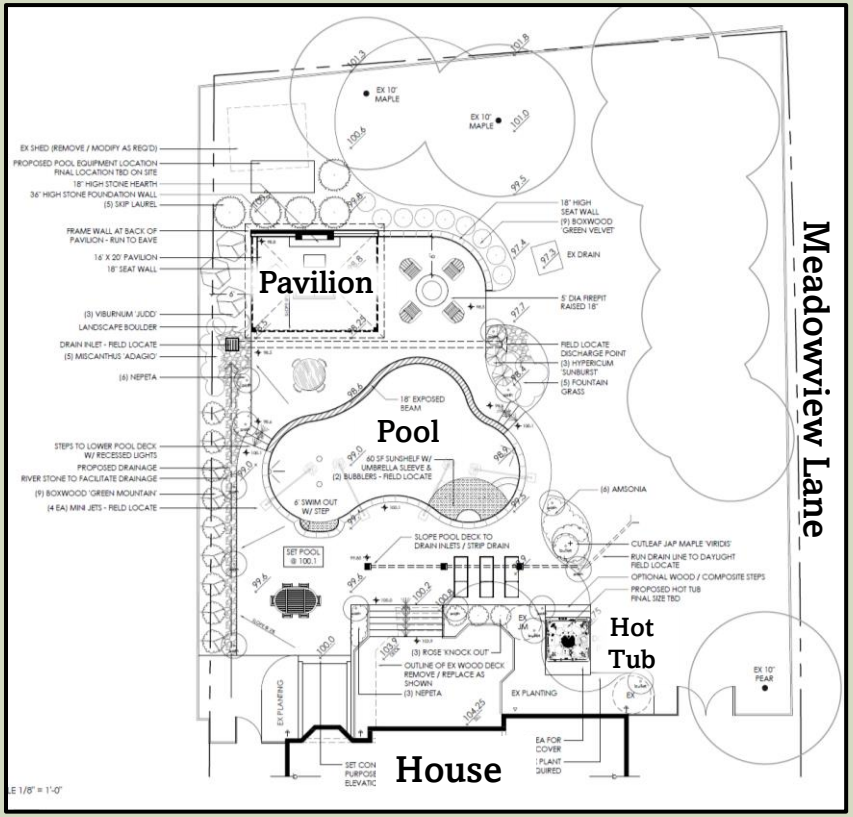
Property Information

- Home constructed in 2004
- Lot 47 of the Monroe Estates Subdivision, approved in 2002



Excerpt – Plat of Subdivision
Deed Book 982 Page 940
October 23, 2002

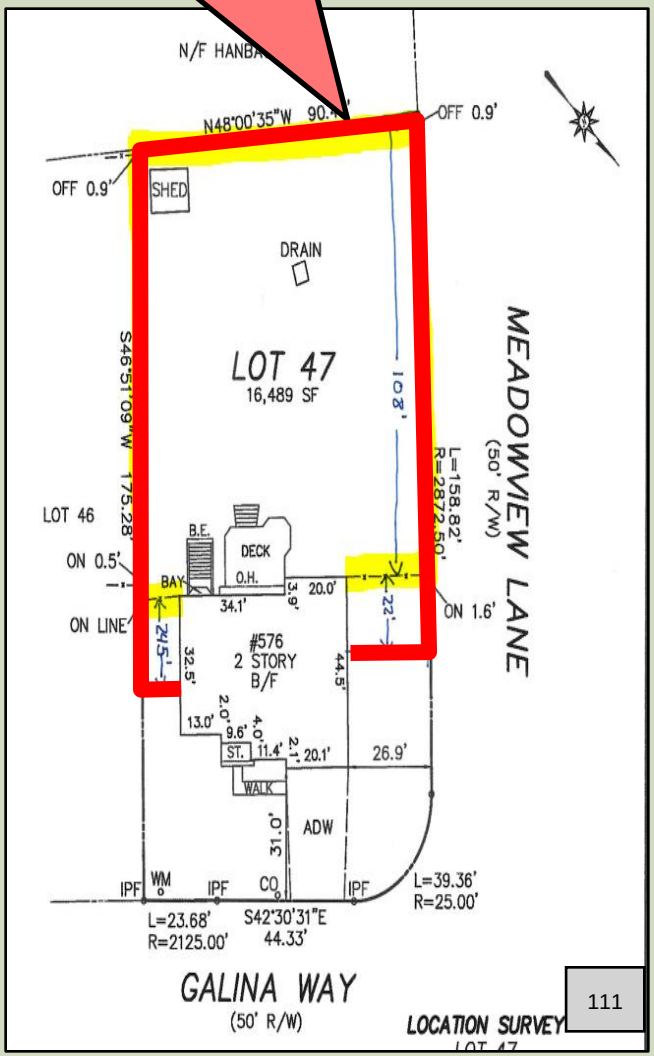
Proposed Conditions



Proposed Work:

- Pool & Hot Tub
- Outdoor Kitchen
- Pavilion
- 6-foot Perimeter Fence

Location of Proposed 6-foot High Fence



Ordinance Requirements

Article 3 & Article 2 Requirements:

- **§ 3-4.1.4:** 25-foot required front setback & 12-foot required side setback
- **§ 2-13.2.2:** Primary front yard is the shortest boundary fronting on a street.
- **§ 2-19.2:** Fences along the secondary front yard must meet the side yard setback if over 4-feet in height

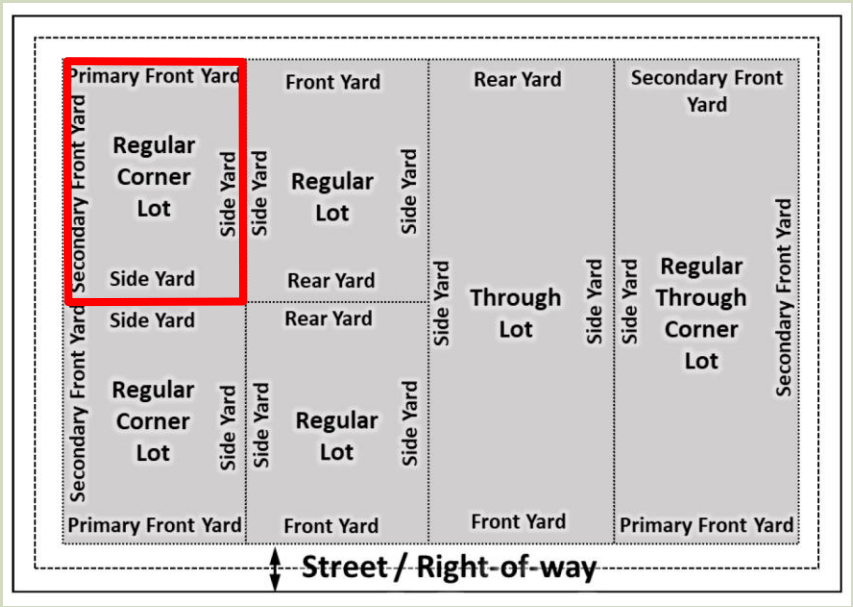
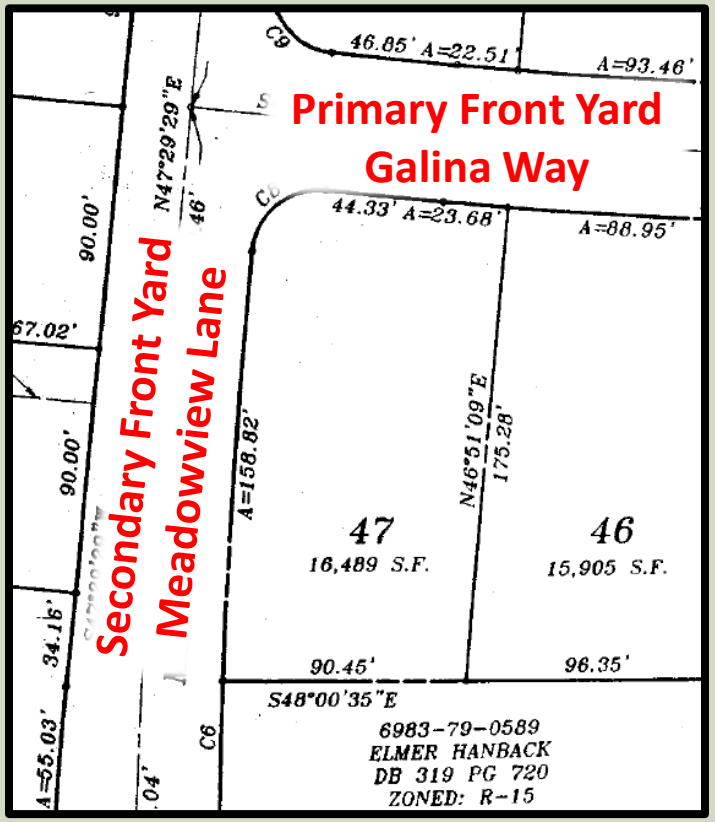


Figure – Section 2-13.2 Regular lots, determination of front yard



Fence Setback Requirements:

- No setback if 4 feet or lower
- If over 4 feet:
  - 25 foot front setback on Galina Way
  - 12 foot secondary front setback on Meadowview

Variance Request

Construct a 6-foot-tall fence within the secondary front yard setback along Meadowview Lane.

- Requires a Variance to increase the allowable height of the fence from 4 feet to 6 feet.

Applicant's Justification:

- Provide privacy and security for the back yard area.
- Increase the safety of neighborhood children.
- Significant foot traffic along the sidewalk.
- No neighboring properties will be negatively impacted.

Application Materials – Attachment C

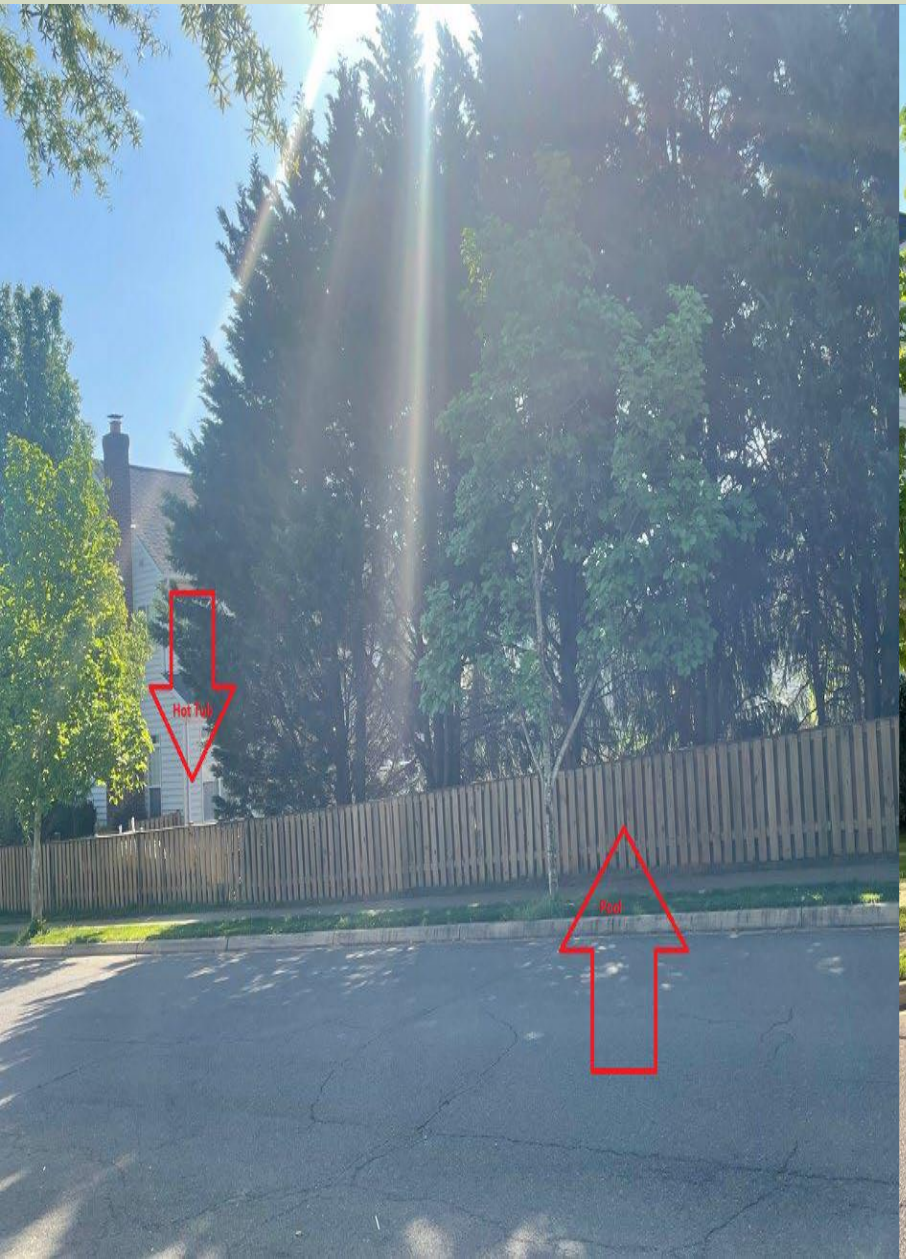
- Statement of Justification
- Photographs of Existing Conditions

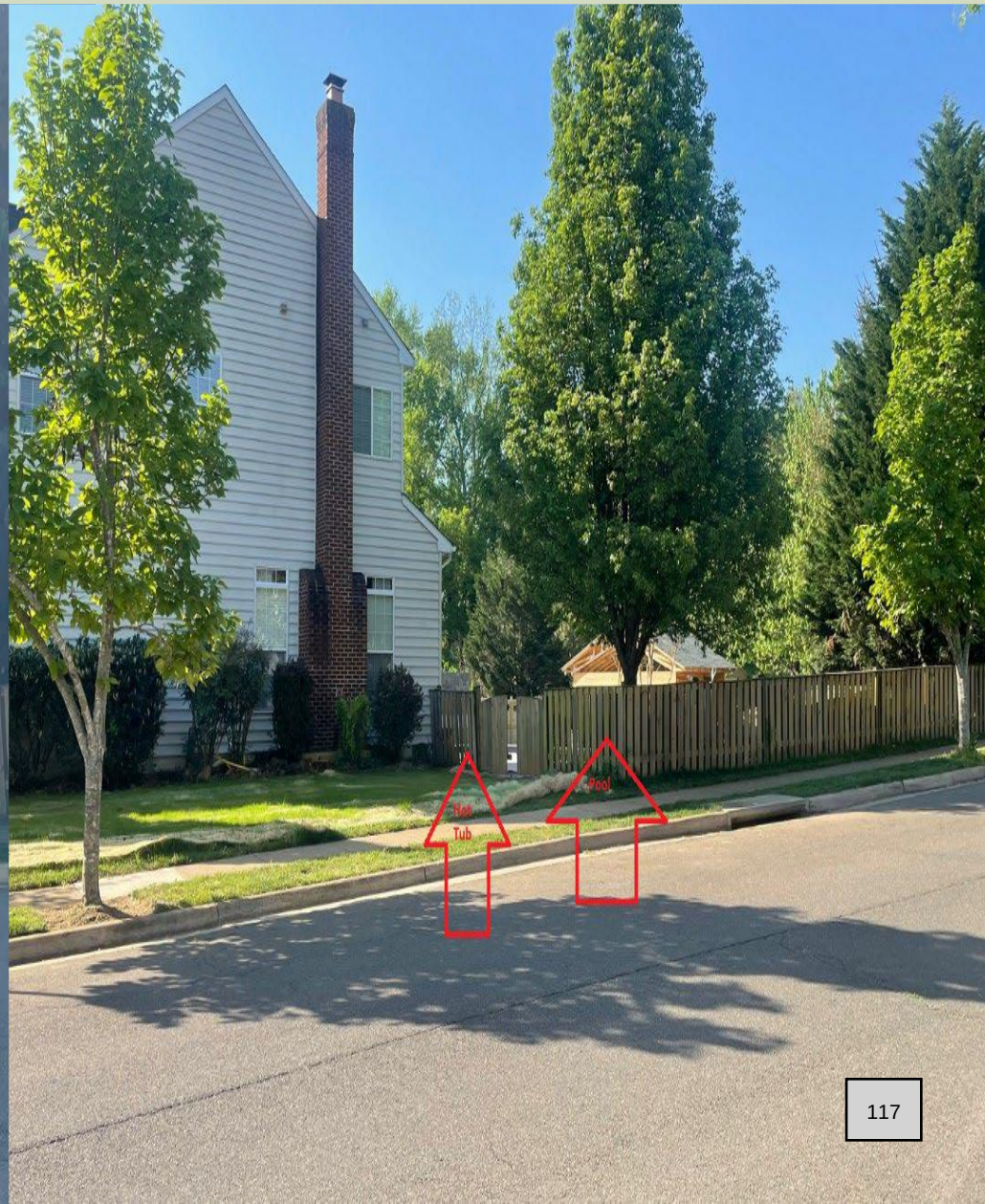
Existing Conditions - Photographs

Existing Conditions - Photographs

Existing Conditions - Photographs

Existing Conditions - Photographs





Staff Analysis

Ordinance Requirements - Sec. 11-3.11.1.1 - Variances Authorized

*A Variance shall be granted if the evidence shows that the strict application of the terms of the Ordinance would impose **one** of the following:*

1. ***Unreasonably restrict use of the property***; or
   - The use of the property is not restricted, as it is currently being utilized for a dwelling.
   - Building Code requires a minimum 4-foot tall fence surrounding a pool for safety, which has been approved with BLDG-22-1172.
   - If a 6-foot tall fence is desired, it could be set back to meet the reduced 12-foot setback allowed by Sec. 2-19.2.

   Staff does not find that the use is unreasonably restricted.

2. ***Granting the Variance would alleviate a hardship due to a physical condition of the property***; or
   - The property is a corner lot, with reduced secondary front setbacks to allow property owners flexibility for locating fences.
   - The condition of the property does not restrict the applicant's use of the property for a residence and accessory uses.

   Staff does not find that there is a hardship due to a physical condition of the property.

Staff Analysis

Ordinance Requirements - Sec. 11-3.11.1.1 - Variances Authorized

*A Variance shall be granted if the evidence shows that the strict application of the terms of the Ordinance would impose **one** of the following:*

1. ***Unreasonably restrict use of the property***; or
   Staff does not find that the use is unreasonably restricted.
2. ***Granting the Variance would alleviate a hardship due to a physical condition of the property***; or
   Staff does not find that there is a hardship due to a physical condition of the property.
3. ***Alleviate a hardship by granting a reasonable modification requested by, or on behalf of, a person with a disability.***
   No accommodation is being requested.

Staff does not find where the applicant meets any one of the above three criteria for the BZA to grant a Variance.

Staff Analysis

Ordinance Requirements - Sec. 11-3.11.1.2 – Standards for Variances

*A Variance request must meet **all five criteria**:*

a) The property was acquired in good faith, and the applicant did not create the hardship.

- The property was acquired in good faith by the applicant.

This criteria is met by the applicant.

b) The variance would not be a substantial detriment to neighboring properties.

- Fences greater than 4-feet in height could impact the line of sight for vehicles approaching the Meadowview and Galina intersection.
- A 2014 amendment to the Ordinance addressed the issue of fences obstructing vision near intersections, where Town Council found that meeting the required side setback was appropriate.

It is unclear whether this criteria has been met by the applicant. The applicant could choose to submit additional materials or documentation to demonstrate the line of sight at the intersection; however, the applicant is responsible for providing evidence to support a requested variance.

Staff Analysis

Ordinance Requirements - Sec. 11-3.11.1.2 – Standards for Variances

*A Variance request must meet **all five criteria**:*

c) The condition isn't of a general nature so that the Ordinance should be amended.

- The Ordinance was amended on December 9, 2014 to reduce the secondary front yard setback on corner lots. This text amendment was directly in response to multiple variance requests for fences in the secondary front yard area.

Staff does not find that the applicant meets this criteria. This issue has already been addressed with a reduced setback for fences on corner lots.

d) The variance would not allow a use that isn't permitted in the district.

- The residential use will not change.

This criteria is met by the applicant.

e) The relief requested isn't available through a special use permit.

- There is no special use permit available.

This criteria is met by the applicant.

Criteria for BZA Decision

The BZA must find that:

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

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

AND

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

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

Additional Applicant Materials Submitted June 6, 2023

Staff Review:

1) Comparison to BZA-23-1 – Variance for 545 Solgrove Road
   - Property conditions are different – dead-end road vs. street that serves multiple lots.

2) Ordinance limitation on fence height unreasonably restricts use of the property.
   - A 4-foot tall fence meets building code requirements.
   - The residential use of the property is not restricted by fence height.

3) The physical condition of the property constitutes a hardship.
   - The presence of a storm drain is a common feature.
   - A 4-inch gap along the bottom of a fence both meets building code requirements and permits unrestricted stormwater flows to the storm drain.
   - Mature vegetation could be preserved by adjusting the location of the fence.
   - The location of the fence can be adjusted to accommodate steep slopes.

BZA Decision

Decision on Variance Application

- Approval is required from a majority of the BZA – a minimum of **three votes**.
- If three approving votes are not received, the **request is denied**.
- The BZA has **60 days** in which to render a decision once the hearing is complete.
  - The BZA may act on the request today; or
  - The BZA may defer their decision until the next scheduled meeting on August 1, 2023 (57 days).
    - *There is no meeting scheduled for July.*
- **Appeals** to a BZA decision must be made to the Circuit Court within **30 days**.

Pattern Motions of Approval and Denial

- Provided as attachments.

EXPERIENCE WARRENTON VIRGINIA EST. 1810

Board of Zoning Appeals (BZA)
BZA 2023-2
576 Galina Way
June 6, 2023