April 2, 2003 BZA

REQUEST ANALYSIS
AND
RECOMMENDATION

03AN0252

Donald L. and June H. Butler

Matoaca Magisterial District
7105 River Road

REQUEST: A 25.7 foot Variance to the forty (40) foot front yard setback requirement for a dwelling addition.

RECOMMENDATION

Recommend approval of this Variance for the following reasons:

A. Variance will not impair the character of this residential area.

B. The granting of this Variance may not create any adverse impact on the subject property or the area in general.

CONDITION

The proposed dwelling addition shall not encroach any closer to the side property line than the existing dwelling.

GENERAL INFORMATION

Location:

Property is known as 7105 River Road. Tax ID 776-609-3246 (Sheet 44).

Existing Zoning:

A

Size:

1.2 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Residential
South - A; Residential
East - A; Residential
West - A; Residential

Utilities:

Private well and sewer

General Plan:

(Southern and Western Area Plan) Residential (1 – 5 acre lots)

DISCUSSION

The applicants are proposing to construct an addition to the west side of the existing dwelling. The addition will be located 14.3 feet from the ultimate right of way. The Zoning Ordinance requires a forty (40) foot front yard setback requirement from the ultimate right of way. Therefore, the applicants request a 25.7 foot Variance.

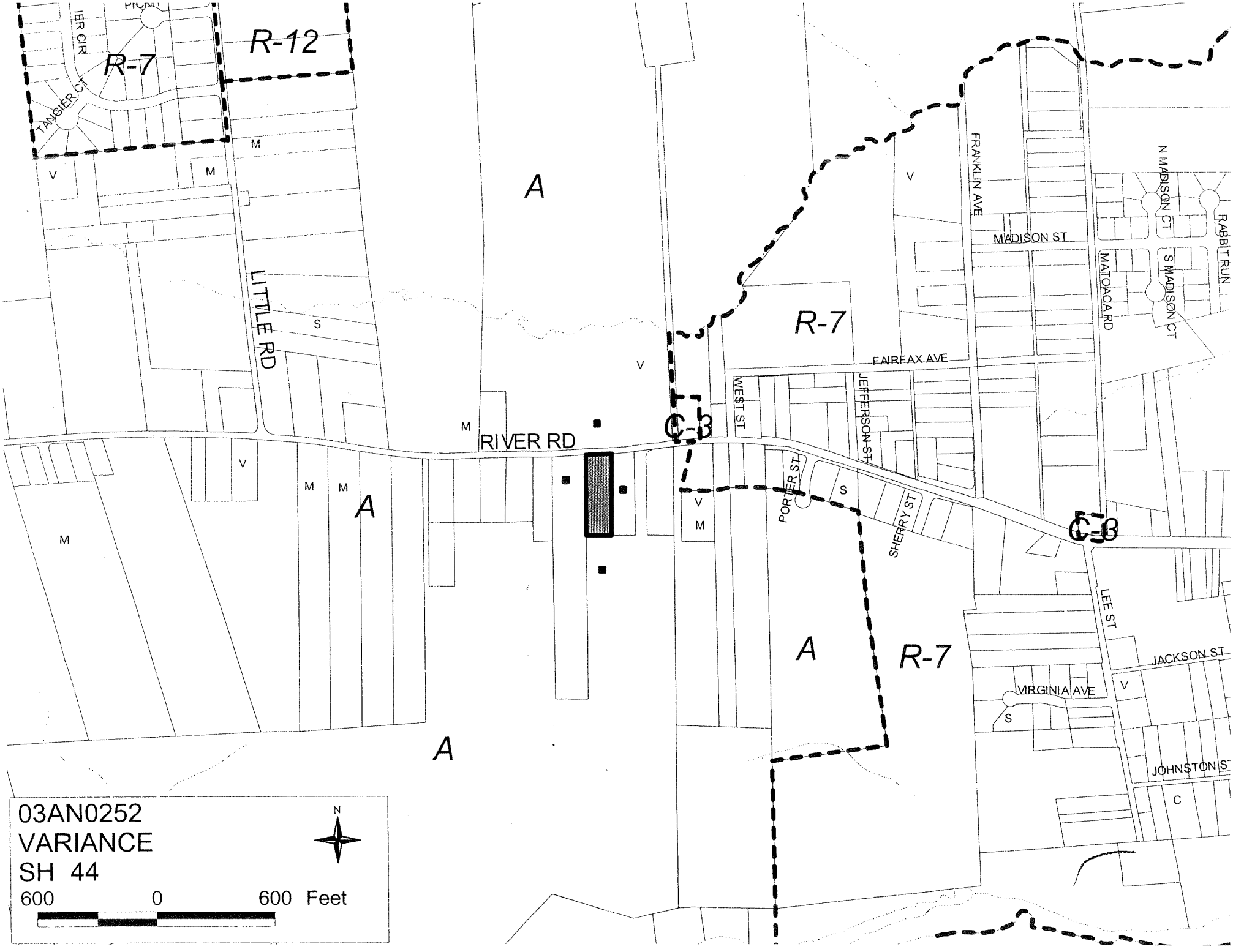
The applicants provide the following justification in support of this request:

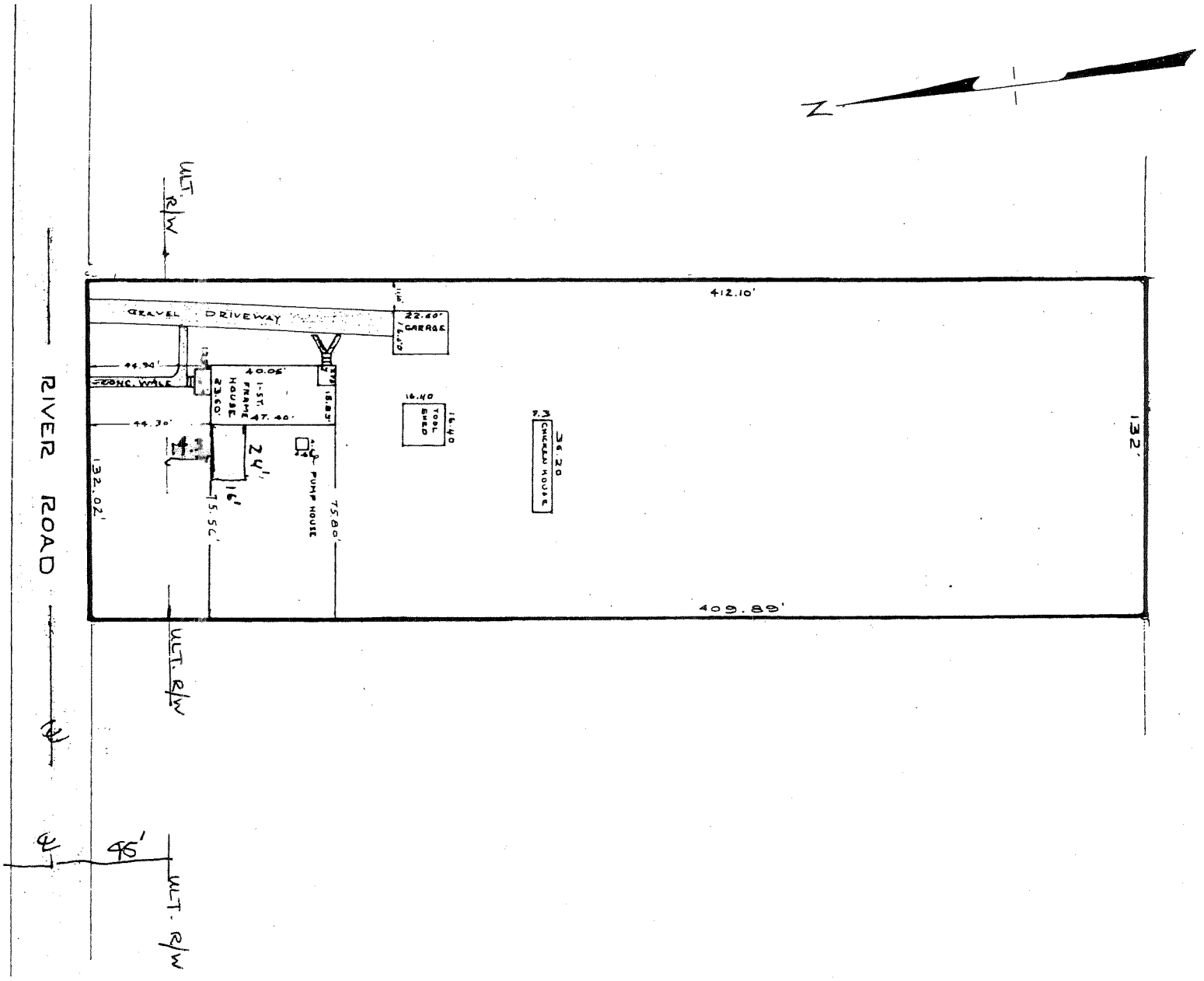
> The sole purpose of this addition is to enable my wife and I to provide a living facility for my aunt who is ninety-one (91) years old and due to declining health can no longer live alone. My house although it has three (3) bedrooms is a small house and is not large enough to accommodate my aunt. My aunt does require a walker because of several recent falls.

Staff notes the existing dwelling has been on site for approximately forty-one (41) years and enjoys a non-conformity to the current setbacks required in today's Zoning Ordinance. Adding an addition constitutes an enlargement of a non-conforming use. When a non-conforming use is enlarged it loses its non-conformity. Therefore, in order to add the addition as requested, this Variance is necessary.

Staff has reviewed the attached site plan and application. Staff believes that this Variance will not reduce or impair the value of the dwellings or property in the area. Staff also notes the dwelling has

been on the site for approximately forty-one (41) years and has not impaired the character of this residential area. Staff notes that the proposed addition will not encroach any closer than the dwelling currently does. Staff believes this proposal will be an enhancement rather than a detriment to the property and area in general. Therefore, staff recommends approval of this request subject to the aforementioned condition.


R-12
R-7
TANGIER CT
LITTLE RD
A
R-7
FRANKLIN AVE
MADISON ST
N MADISON CT
RABBIT RUN
MATOACA RD
S MADISON CT
FAIRFAX AVE
WEST ST
JEFFERSON ST
RIVER RD
C-3
PORTER ST
SHERRY ST
C-3
LEE ST
JACKSON ST
VIRGINIA AVE
JOHNSTON ST
A
R-7
A
03AN0252
VARIANCE
SH 44
600 0 600 Feet
N



N
ULT. R/W
GRAVEL DRIVEWAY
22.60'
GARAGE
412.10'
44.90'
CONC. WALK
40.05'
1-ST. FRAME HOUSE
23.60'
47.40'
44.30'
14.3
24'
16'
75.56'
PUMP HOUSE
75.80'
16.40
TOOL SHED
16.40
7.3
36.20
CHICKEN HOUSE
132'
132.02'
409.89'
RIVER ROAD
45'

03AN0252-1