

NARRATIVE STATEMENT OF JUSTIFICATION

for

Variance Application

Tax Map # 38-4 ((3)) 61 (the “Property”)

September 16, 2024

EXECUTIVE SUMMARY

Sekas Homes, LTD, the contract purchaser of the Property, seeks a Variance for the Property in order to construct a new single family home that matches the character of the overall neighborhood. The Variance for lot size and lot width will be concurrent with a lot consolidation for the existing lots, facilitating a compatible development pattern and in accordance with the Comprehensive Plan’s recommended density. The proposed Variance meets applicable provisions of the Ordinance, which will alleviate a unique hardship due to the longstanding physical characteristics of the Property.

LOCATION AND EXISTING CONDITIONS

The 7,000 SF Property is zoned RS-10 (Residential - Single-Unit, 10,000 sq. ft. Zone) and is planned for low density residential. The Property consists of two vacant, nonconforming “railroad” lots 61 and 62 that have existed since 1924, predating the current and previous Zoning Ordinances.

The surrounding properties are zoned RS-10 and are likewise developed with single family detached dwelling units. The lot characteristics and scale of development in the neighborhood are consistent with that of the proposed development. In fact, multiple other properties in the neighborhood are nonconforming lots for lot width and/or lot area that have previously been developed with single family homes.

PROPOSED DEVELOPMENT

A new single family detached dwelling unit is proposed for the Property to match the fabric of the surrounding development. The proposed Variance will permit the creation of a new lot with less than 10,000 SF in lot area and less than 75 linear feet lot width at the midline and less than 60 linear feet lot width at the front building line. Specifically, the new lot will include 7,000 SF in lot area and 50 linear feet in lot width at both the midline and front building line. These dimensions will not meet the minimum requirements of the RS-10 District but will remain consistent with the dimensions of nearby properties and the resulting lot will be larger than the two existing railroad lots on the Property. The proposed lot will meet the lot width requirement at the front lot line of 45 linear feet, and will not exceed the 25% lot coverage maximum. All setback and building height requirements will be met. A Plat of Consolidation is also necessary to combine the two railroad lots and will be pursued concurrent with the proposed Variance.

ZONING ORDINANCE STANDARDS

The proposed Variance will meet the standards of Zoning Ordinance Section 18-843. Specifically, the granting of the proposed Variance will alleviate a unique hardship due to the physical condition of the Property's existing lot size and width. Without the Variance, there is no feasible development on the Property and utilization of the Property would be unreasonably restricted. Please see below for a further explanation as to how the proposed Variance meets the criteria pursuant to Section 18-843.

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 hardship was not created by the Applicant or current owner. The lots have existed in their current configuration since 1924. The current owner purchased the Property in 1976.

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;

Multiple other properties in the neighborhood and on Wilmar Pl NW are nonconforming lots with less than 10,000 SF lot area and have been developed with single family homes. The proposed consolidated lot will be consistent with the lot size and configuration of surrounding properties and the proposed dwelling will be of similar size and scale to houses on surrounding properties. The new proposed house will be approximately 3,300 SF and the building height will be approximately 34.5 feet. The proposed lot and development will meet all other applicable Ordinance standards including placement standards and coverage.

C. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

The existing hardship is specific to this Property. While a number of other properties in the immediate vicinity of the Property are deficient for the required lot size and/or width in the RS-10 Zone, these lots have previously been developed with single family structures (either the original dwellings or new dwellings replacing the original dwellings) and did not require a Variance for development. On the contrary, the Property is vacant and requires the proposed Variance to permit any reasonable development.

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;

The granting of the Variance will permit a single family detached dwelling on the Property, which is a permitted use in the RS-10 zone. There will not be a change in the zoning classification of the Property.

E. The relief or remedy sought by the variance application is not available through the Conditional Use Permit process or, when permitted by this Chapter, determination by the Zoning Administrator.

Relief from the hardship to support the proposed development is not available through a Conditional Use Permit process or other process. The Zoning Administrator has previously determined the Variance to be the appropriate process for the proposed development.

CONCLUSION

The proposed Variance is necessary in order relieve hardship for existing lot size and width and to permit reasonable development of the Property in the existing RS-10 Zone. The Variance and concurrent lot consolidation will facilitate development of a new single family home in accordance with applicable Zoning Ordinance standards, and consistent with the development pattern of the surrounding neighborhood. For all of the aforementioned reasons, the Applicant respectfully requests the Board of Zoning Appeals approve this Variance request.

Sincerely,



Mike Van Atta, AICP
Senior Land Use Planner
McGuireWoods LLP