



*County of Gloucester*  
*Office of Codes Compliance*  
*Post Office Box 329*  
*Gloucester, Virginia 23061*

November 23, 2005

Ms. Rebecca Joanne Bakker  
3750 Kecoughtan Road, Apartment 25  
Hampton, Virginia 23669

RE: Variance 05-02 for Tax Map 29 Parcel 145B

Dear Ms. Bakker,

This letter is to inform you that, at the November 23, 2005, Board of Zoning Appeals public hearing, your variance request of 25 feet from the front yard setback requirement of 75 feet (Application No. V-05-02) was *denied*.

You may appeal the Board of Zoning Appeals decision to the Circuit Court within 30 days. If you have any additional questions please feel free to give our office a call.

Sincerely,

Ron E. Peaks  
Zoning Administrator  
Codes Compliance

cc: Daniel Stuck, County Attorney

***Gloucester County  
Board of Zoning Appeals  
November 22, 2005***

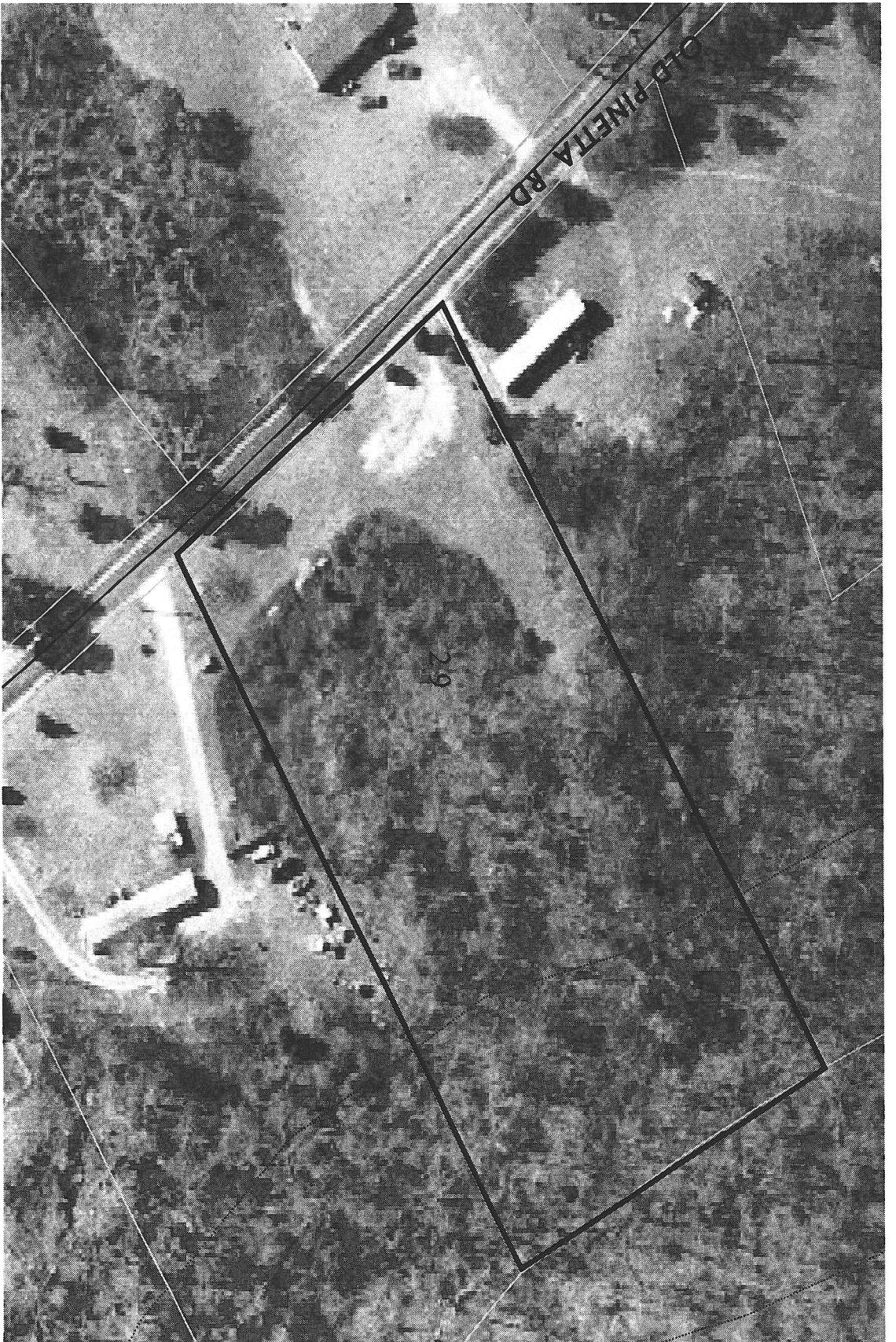
**Application No. V-05-02**

**H. Gwen McComas, Agent**

**Rebecca Joanne Bakker, Property Owner**

**Route 610 Old Pinetta Road**

**Tax Map 29 Parcel 145B**



Aerial Imagery

Copyright 2002

Commonwealth of Virginia



11/16/2005

**McComas site from Route 610: North East sideline**

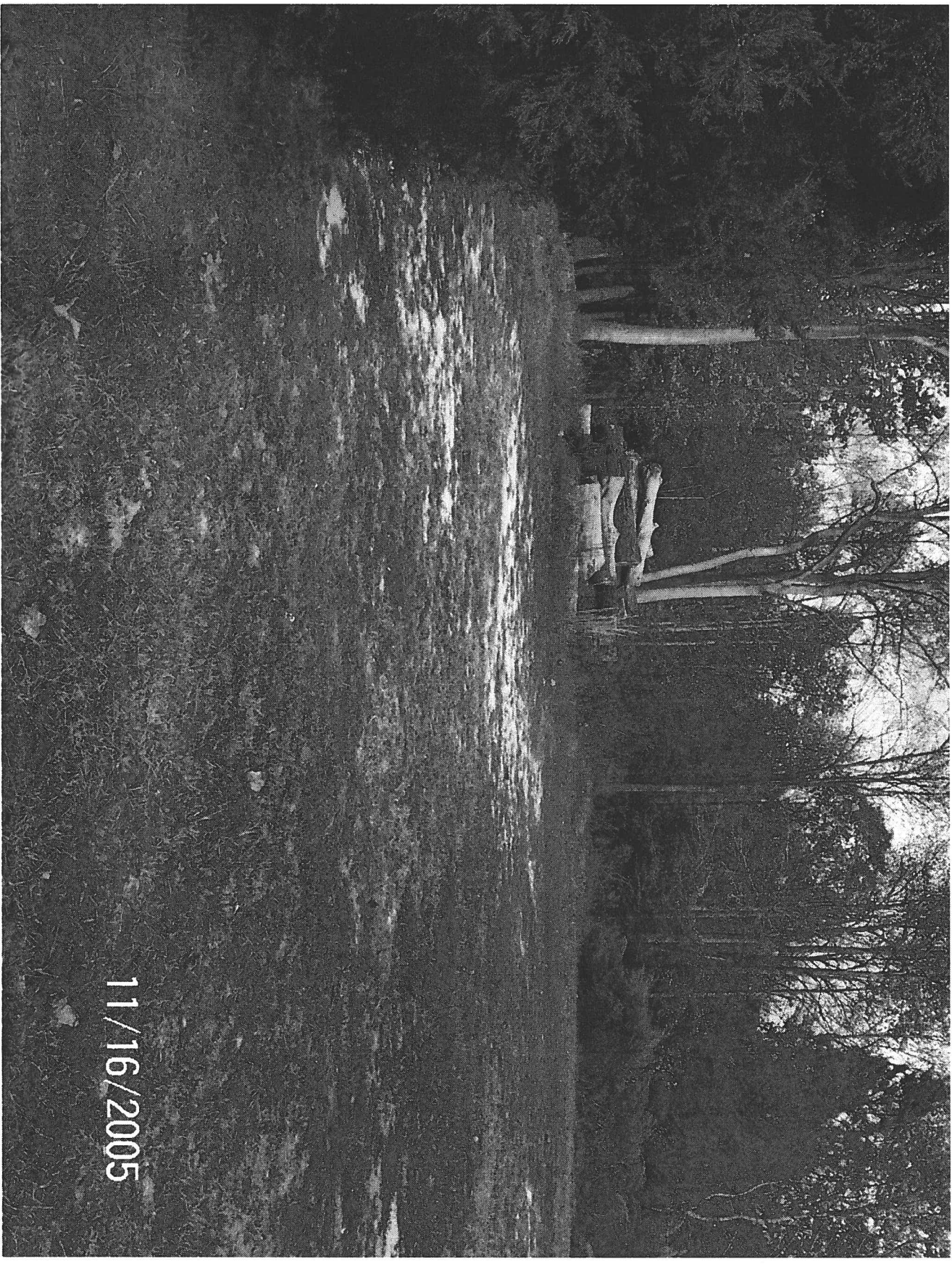


11/16/2005

**McComas site: right to left from Route 610**



**McComas site: right to left from Route 610**



11/16/2005

**McComas site: North west sideline and drainfield area**



**McComas site: drainfield area**



11/16/2005

**McComas site: drainfield area**



11/16/2005

**McComas site: edge of ravine adjacent to drainfield area**



**McComas site: ravine**



11/16/2005

**McComas site: ravine looking out**

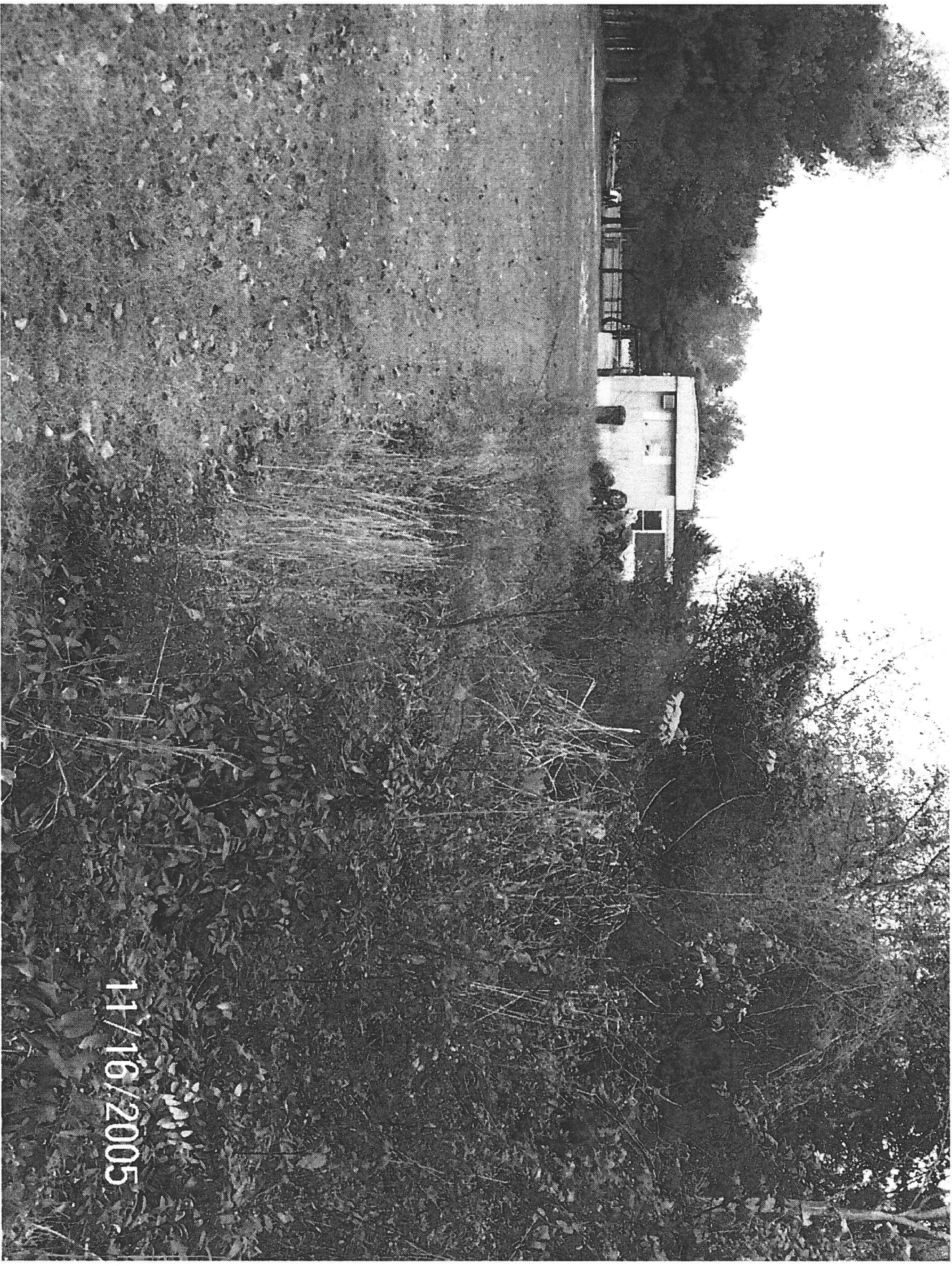


McComas site: ravine



**McComas site: ravine**

11/16/2005



11/16/2005

**McComas site: property north west along ravine edge**

**V-05-02**  
**Staff Analysis**

**Background:**

The applicant, Mrs. McComas, as contract purchaser, is acting as an agent for the owner. Mrs. McComas is requesting a 25 foot variance from the required 75 feet wide front yard setback for the lot identified as Tax Map 29-145B, on Old Pinetta Road, in the Suburban Countryside (SC-1) zoning district. The purpose of the request is to construct a 3 bedroom, 2 bath residence of approximately 1200 square feet of heated living space, a 22 feet by 22 feet (484 sq.ft.) attached garage, a 6 feet by 15 feet front porch, and a 14 feet by 10 feet rear deck. The floor plan for the proposed residence is included as an attachment to this report. The applicant states an existing steep ravine that consumes much of the 2.07 acre parcel requires the request for variance for construction of the proposed residence.

The staff site inspection confirms the existence of the ravine, and it's location as presented on the applicants plot plan prepared by The Sirine Group. Additionally, the location of the ravine and the approvable drainfield area limits the buildable area on the 2.07 acre site.

**Analysis:**

As the Board is aware, the following four points must all be in the affirmative for granting variances.

**1.) Does the strict application of the ordinance produce undue hardship?**

Staff notes the Zoning Code references to hardship in Section 14-13.4a) stating in part "*...where by reason of exceptional topographic conditions..., the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the utilization of the property, or where the Board is satisfied, upon evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.*" Further, Section 14-13.4b) states "*That special conditions or circumstances do not result from the actions of the applicant.*"

Staff review of the residence's proposed location indicates the ability of the applicant to shift the footprint as is, northerly to abut the sideyard setback as shown on Attachments #2,3,4 and 5 to this report. Attachment #2 would still result in the proposed front porch encroaching 6-7 feet into the front yard setback of 75 feet, but the style and arrangement of the floor plan would be considered by staff as conditions or circumstances resulting from the actions (choices) of the applicant in residence style and floor plan arrangement. Attachment #3 depicts a northerly shift with no front yard encroachment

utilizing the applicant's proposed floor plan. Staff also concludes that the attached garage represents a choice of the applicant, with a detached garage an option that would allow placement of the main structure with little or no encroachment in the front yard as indicated on Attachments #4 and #5. Of course detached garages, as accessory structures, can be as close as 5 feet to the side property line.

Therefore, staff concludes the existence of the ravine, albeit a bona fide topographic consideration, does not in this instance demonstrate an undue hardship approaching confiscation.

**2.) Is such a hardship not shared by other properties in the same zoning district and vicinity?**

Staff concludes the 'claimed' hardship of topography is not shared by other properties in the district and vicinity.

**3.) Will the authorization of such variance be of substantial detriment to adjacent property and the character of the district?**

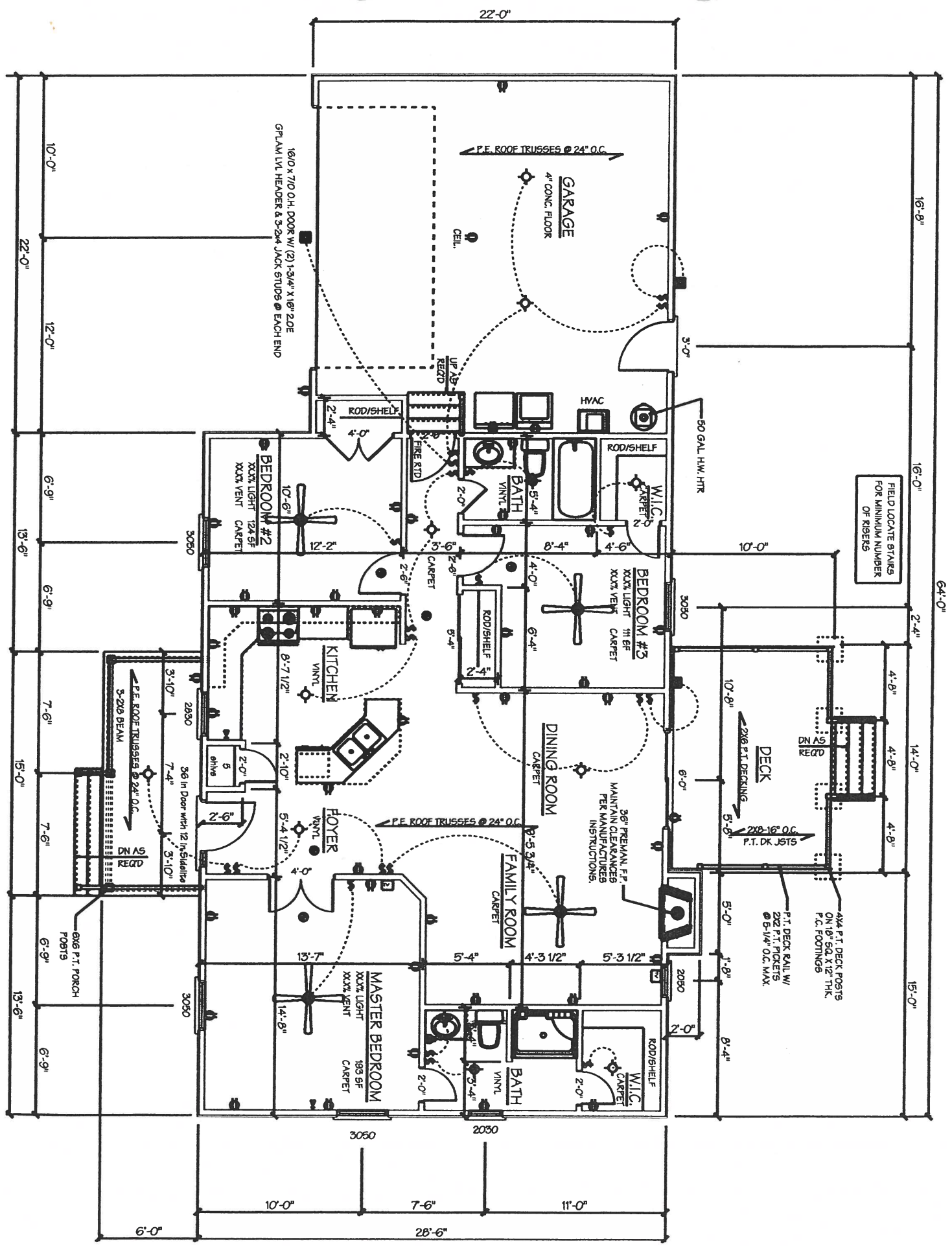
Staff notes several properties in the vicinity, including the mobile home on the northwestern property, exist as non-conforming and encroach no further into the front yard setback than the applicant proposes. Additionally, combined with a single additional non-conforming structure would not result in a substantial detriment.

**4.) Is the condition or situation of the property concerned not so general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance?**

Staff concludes the condition or situation is not so general or recurring.

**Recommendation:**

**Staff recommends disapproval of V-05-02, as it does not appear to meet the Standard #1 concerning undue hardship.**



INSET

SCALE: 1" = 30'

NOW OR FORMERLY  
LARRY SMITH &  
CAROL ANN SMITH



10' EASEMENT FOR  
PUBLIC STREET PURPOSES

PROPERTY LIES IN ZONE X,  
AS OUTSIDE 500-YEAR FLOOD) AS  
ON FLOOD INSURANCE RATE MAP FOR  
GLoucester County, Virginia, COMM.  
#10071, 0085 B, 8/4/87.

ALL BE THE RESPONSIBILITY OF THE  
OWNER/BUILDER TO VERIFY THAT THESE SITE  
DIMENSIONS ARE IN AGREEMENT WITH  
BUILDING PLANS PRIOR TO ANY CON-  
STRUCTION.

PARCEL "B", PLAT SHOWING SURVEY AND DIVISION OF A PORTION OF THE LAND OF

LARRY & CAROL ANN SMITH

FOR

VAN H. McCOMAS AND H. GWEN McCOMAS

PETSWORTH DISTRICT - GLOUCESTER COUNTY, VIRGINIA

ATTACHMENT # 2

SITE PLAN  
FOR VARIANCE

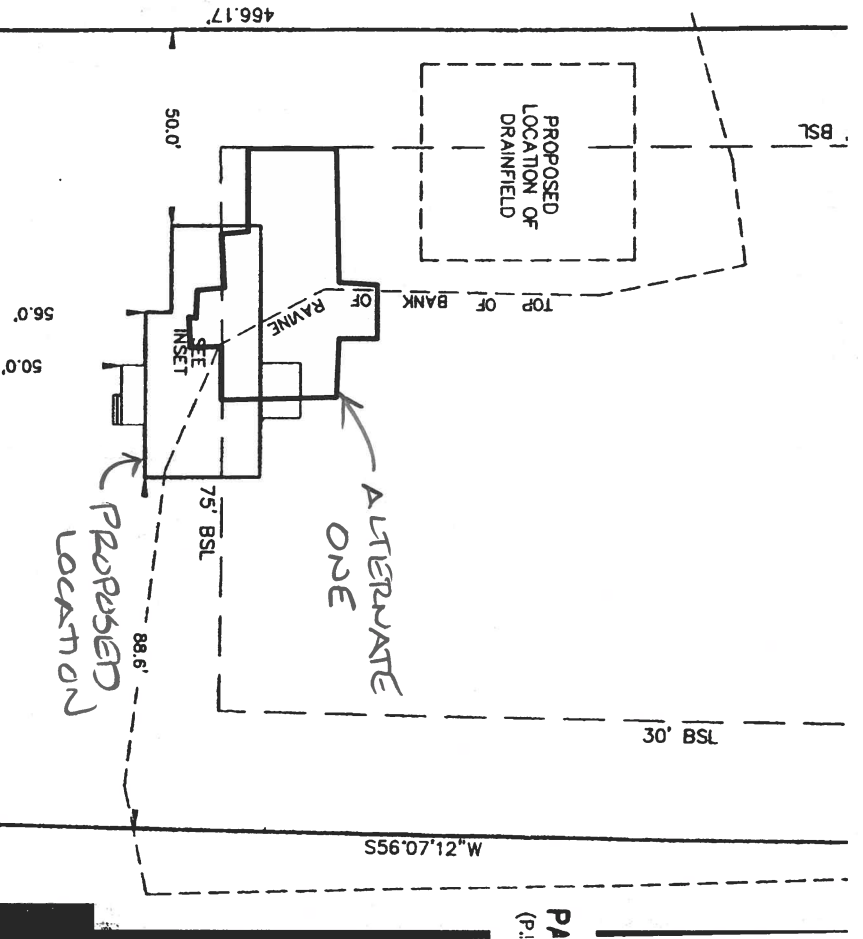
PROPERTY IS TAX MAP 29-145B.  
PROPERTY IS ZONED SC-1 (SUBURBAN C

(P.B. 15, P. 21)

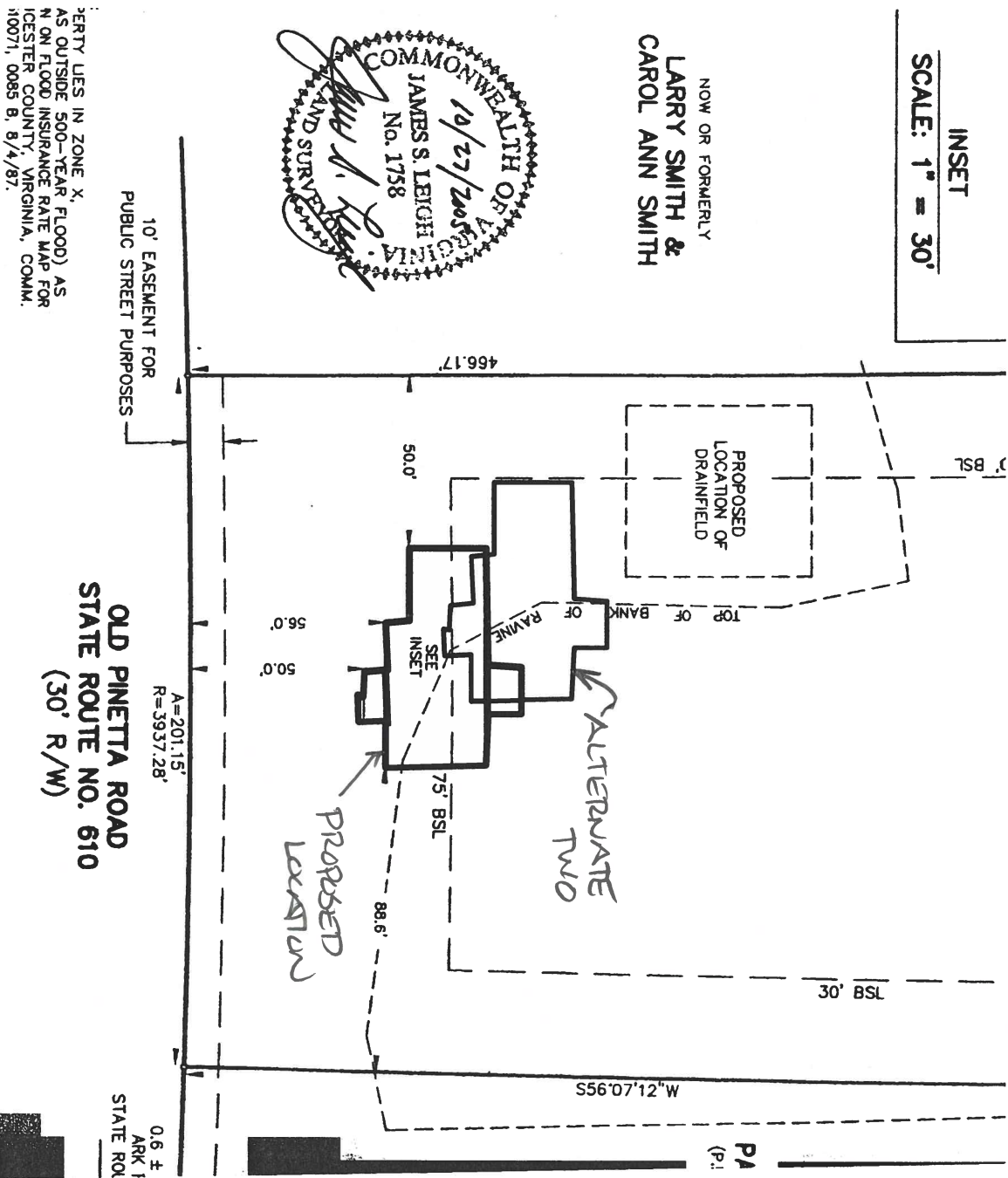
OLD PINETTA ROAD  
STATE ROUTE NO. 610  
(30' R/W)

A=201.15'  
R=3937.28'

0.6 ±  
ARK 1  
STATE RD



**SCALE: 1" = 30'**



ALL BE THE RESPONSIBILITY OF THE T/BUILDER TO VERIFY THAT THESE SITE DIMENSIONS ARE IN AGREEMENT WITH BUILDING PLANS PRIOR TO ANY CONSTRUCTION.

**SITE PLAN  
FOR VARIANCE  
OF**

PROPERTY IS TAX MAP 29-145B.  
PROPERTY IS ZONED SC-1 (SUBURBAN C

(P.B. 15, P. 21)

(P.B. 15, P. 21)

**VAN H. MCCOMAS AND H. GWEN MCCOMAS**  
**PETSWORTH DISTRICT - GLOUCESTER COUNTY, VIRGINIA**

ATTACHMENT # 3

INSET

SCALE: 1" = 30'

NOW OR FORMERLY  
LARRY SMITH &  
CAROL ANN SMITH



PROPERTY LIES IN ZONE X,  
AS OUTSIDE 500-YEAR FLOOD) AS  
ON FLOOD INSURANCE RATE MAP FOR  
GLoucester County, Virginia, COMM.  
#10071, 0085 B, 8/4/87.

ALL BE THE RESPONSIBILITY OF THE  
T/BUILDER TO VERIFY THAT THESE SITE  
DIMENSIONS ARE IN AGREEMENT WITH  
BUILDING PLANS PRIOR TO ANY CON-  
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PARCEL "B", PLAT SHOWING SURVEY AND DIVISION OF A PORTION OF THE LAND OF

LARRY & CAROL ANN SMITH

FOR

VAN H. McCOMAS AND H. GWEN McCOMAS

PETSWORTH DISTRICT - GLOUCESTER COUNTY, VIRGINIA

ATTACHMENT 4

SITE PLAN  
FOR VARIANCE

PROPERTY IS TAX MAP 29-145B.  
PROPERTY IS ZONED SC-1 (SUBURBAN C

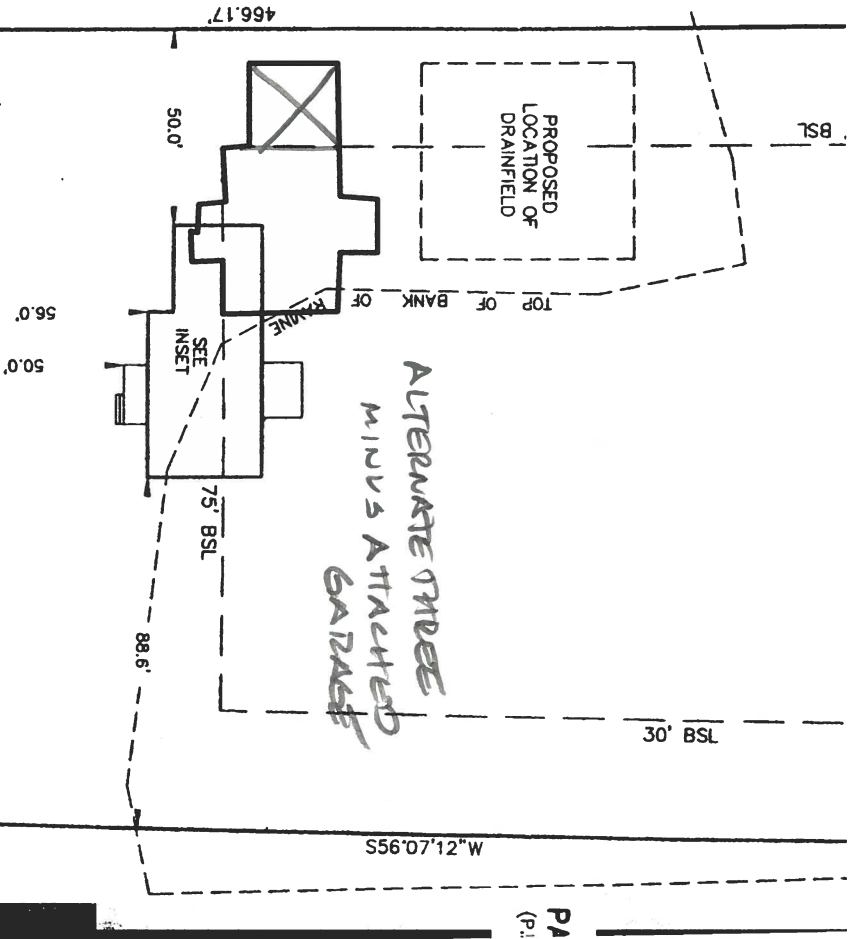
(P.B. 15, P. 21)

OLD PINETTA ROAD  
STATE ROUTE NO. 610  
(30' R/W)

10' EASEMENT FOR  
PUBLIC STREET PURPOSES

A=201.15'  
R=3937.28'

0.6 ±  
ARK 1  
STATE RD



INSET

SCALE: 1" = 30'

NOW OR FORMERLY  
LARRY SMITH &  
CAROL ANN SMITH



PROPERTY LIES IN ZONE X,  
AS OUTSIDE 500-YEAR FLOOD) AS  
ON FLOOD INSURANCE RATE MAP FOR  
GLoucester County, Virginia, COMM.  
#10071, 0085 B, 8/4/87.

ALL BE THE RESPONSIBILITY OF THE  
DRAWER/ENGINEER TO VERIFY THAT THESE SITE  
DIMENSIONS ARE IN AGREEMENT WITH  
BUILDING PLANS PRIOR TO ANY CON-  
STRUCTION.

PARCEL "B", PLAT SHOWING SURVEY AND DIVISION OF A PORTION OF THE LAND OF  
LARRY & CAROL ANN SMITH  
FOR

VAN H. McCOMAS AND H. GWEN McCOMAS  
PETERSWORTH DISTRICT - GLOUCESTER COUNTY, VIRGINIA

Attachment #5

SITE PLAN  
FOR VARIANCE

PROPERTY IS TAX MAP 29-145B.  
PROPERTY IS ZONED SC-1 (SUBURBAN C

OLD PINETTA ROAD  
STATE ROUTE NO. 610  
(30' R/W)

10' EASEMENT FOR  
PUBLIC STREET PURPOSES

A=201.15'  
R=3937.28'

0.6 ±  
ARROW  
STATE ROUTE

