

PATTERN MOTION TO APPROVE VARIANCE

VARIANCE
JAMES AND DEBORAH
DAUGHERTY
BZA #2021-0377

BZA MEETING DATE:
JULY 6, 2021

In Application BZA #2021-0377, 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 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
2. 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
3. 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
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; and
5. 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 modification to 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 general 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 fence shall be designed so as to maintain line of site clearance for vehicles and pedestrians on or entering onto Boundary Lane. A solid 6-foot privacy fence is not permitted within the front setback of the property.
3. _____

PATTERN MOTION FOR DENIAL

VARIANCE
JAMES AND DEBORAH
DAUGHERTY
BZA #2021-0377

BZA MEETING DATE:
JULY 6, 2021

In Application BZA #2021-0377, 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. That the property interest for which the variance is being requested was not acquired in good faith and any hardship was created by the applicant for the variance; and
2. That the granting of the variance will be of substantial detriment to the adjacent property and nearby properties in the proximity of that geographical area; and
3. That the character of the district will be changed by the granting of the variance; and
4. That the variance is contrary to the intent and purpose of the Zoning Ordinance; and
5. That the granting of the variance does not result in substantial justice being done.
6. The strict application of the Ordinance does not unreasonably restrict the utilization of the property or 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.
7. The existing single family detached dwelling may continue to remain and be used as such. The additional fence height in the front setback is denied; however, the applicant may install a fence as permitted under the Zoning Ordinance Article 2-19.1.
8. _____