

STATEMENT OF JUSTIFICATION

The applicants, James B. and Deborah J. Daugherty own a 0.9065-acre parcel located at 9 Boundary Lane, PIN 6984-54-7099-00. See attached plat ("Plat")

The property is zoned R-6. Under Zoning Ordinance Section 3-4.3.4, the front setback is 20 feet. Under Zoning Ordinance Section 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.

Mr. and Ms. Daugherty are seeking a variance to allow them to place a six-foot black aluminum fence within the 20-foot setback. The fence would not obstruct visibility for those travelling on Boundary Lane; it is comprised of aluminum bars with a separation of a few inches between each bar. (Attached are pictures of the proposed fence; the only difference being that the gates will not be curved at the top.) Their front property line varies from 10 to 11 feet from the existing road. Their request is to put the fence 5 feet within this property line, or about 15 to 16 feet from the edge of the existing road. (See attached picture showing Mr. Daugherty standing at the approximate location where the applicants would like to put their fence.) The current fence lies between their property line and the existing road. (See attached pictures showing road, existing fence and boundary stakes.) Also, see attached GIS map showing the contours and the improvements, and a red-lined GIS map showing the parts of the front yard that would be rendered unusable by a fence with a 20-foot setback. Also attached is the Plat red-lined to show the 20-foot setback. Additional attached pictures show Mr. Daugherty standing approximately 20 feet back from the applicants' property line, and the slope of their property.

The applicants are visited by their children and their grandchildren who have large dogs. Rather than having the dogs tied up during the visits, they would like to have an area where the dogs and grandchildren could play together with the dogs running free within the yard. A six-foot wall is needed to assure that the dogs do not jump over the fence. With the lay of the land, the fence 20 feet back from the property would hinder mobility throughout the entire yard and would prevent them from using land with less of a slope than other parts of their front yard..

Section 11-3.11.1.1(a) of the Zoning Ordinance allows the Board of Zoning Appeals to grant a variance where the strict application of the terms of the Ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to the physical condition relating to the property or improvement.

Response: The strict application of the terms of the Ordinance would unreasonably restrict the full use of the property by restricting the area of the front yard that would be available for dogs running and children playing and by preventing the use of the part of their property having less of a slope. The property has a step incline which results in less of a useable yard. Allowing for the fence closer to the road would enhance the ability for travel from one section of the yard to another. The property has a very small back yard so full use of the front yard is important.

Section 11.3.11.1.2 of the Ordinance sets out the Standards for Variances and lists five factors to be considered.

- 1) The property interest on which the variance is being requested was acquired in good faith and any hardship was not created by the applicant of the variance.

Response: The applicants acquired the property, including the existing house, in 1991 and have lived there for about 30 years. They have not changed the property so as to create the hardship. The applicants simply want an area in which to enjoy their grandchildren and the dogs.

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

Response: The new fence would be placed five feet within their property line, considerably further from the existing road than the current fence is. Because the fence is open and not solid, there would be no disruption of sight lines for the neighbors or those persons travelling on Boundary Lane.

- 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.

Response: Their frontage on Boundary Lane is over 238 feet. Allowing for a smaller setback in front would provide a more continuous area for the dogs and grandchildren to play. This request should not become a recurring one and there would not be a need to formulate a general regulation.

- 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.

Response: There would be no change in the zoning classification and no different use. Dogs, children and grandchildren are part of the fabric of a residential neighborhood.

- 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.

Response: The only practicable relief or remedy is through a variance. There is no special use alternative and modifying the Ordinance would be cumbersome.

BOUNDARY ADJUSTMENT AND
VACATION PLAT

BK 0682 PG 1170

9209844

**JAMES B. DAUGHERTY,
ET UX PROPERTY**CENTER MAGISTERIAL DISTRICT
FAUQUIER COUNTY, VIRGINIA
SCALE: AS SHOWN JULY 29, 1992JAMES G. BUTLER, JR. & ASSOCIATES, P.C.
CIVIL ENGINEERING AND LAND SURVEYING
21 CULPEPER ST. WARRENTON, VA. 22186
(703) 347-2100

OWNER'S CONSENT

The boundary adjustment of this land is with the free consent
and in accordance with the desires of the undersigned owners.James B. DaughertyDeborah J. Daugherty

ACKNOWLEDGMENT

STATE OF VIRGINIA
COUNTY OF FAUQUIER, to wit:I, Patricia Anne Warren, a Notary Public for said County
of Fauquier, the State of Virginia do hereby certify
that James B. Daugherty and Deborah J. Daugherty
whose names are assigned to the foregoing state of consent dated
this 9 day of October, 1992, have acknowledged the
same before me in my aforesaid state. Given under my hand this
day of October, 1992.My Commission Expires: July 31, 1996

SIGNATURE PANEL

BOUNDARY ADJUSTMENT

This plat is authorized as
a Boundary Adjustment in
accordance with Section 3-15
of the Town of Warrenton
Subdivision Ordinance dated
March 15, 1991.Janice Miller
Zoning Administrator10/16/92
Date

VICINITY MAP SCALE: 1" = 2000'



N O T E: EASEMENTS, RIGHTS OF WAY, ETC., IF ANY, ARE NOT SHOWN.
TITLE REPORT NOT FURNISHED.
T.M. SECTION 72A - 26, PARCELS 8 & 9

PAGE 2 OF 2

8X0682PG1171

FLOOD HAZARD NOTE: BASED ON THE FEMA/HUD MAPS, IT APPEARS THAT THE DWELLING PLATTED HEREON DOES NOT LIE WITHIN THE BOUNDARY OF THE ZONE 'A' FLOOD HAZARD AREA, BASED UPON COMMUNITY-PANEL 510055 0285B, REVISED AUGUST 19, 1991.

0.3482 AC. IS HEREBY ADDED TO ADJOINING
0.5583 AC. TO CREATE ONE PARCEL OF
0.9065 AC. AND DOES NOT CREATE AN ADDITIONAL
BUILDING LOT.

BOUNDARY ADJUSTMENT

This plat is authorized as a Boundary Adjustment in accordance with Section 3-13 of the Town of Warrenton Subdivision Ordinance dated March 15, 1991.

James B. Daugherty
Zoning Administrator
10/16/92

LOT 1
N/F GRAHAM

N/F
CARTER

N/F
CHARBONNET

LOT 7
N/F SADLER

LOT 8
0.3482 AC.

LOT 9
0.5583 AC.

LOT 8A
0.9065
ACRE

LOT 10
N/F SPENCER



SURVEYOR'S CERTIFICATE

I, JAMES G. BUTLER, JR., A DULY CERTIFIED LAND SURVEYOR IN THE STATE OF VIRGINIA, HEREBY CERTIFY THAT THE PARCEL OF LAND SHOWN HEREON NOW STANDS RECORDED IN THE NAME OF JAMES B. DAUGHERTY, ET UX. PER D.B. 677 PG. 392 OF THE FAUQUIER COUNTY LAND RECORDS.

James G. Butler, Jr.
JAMES G. BUTLER, JR., # 9458

**BOUNDARY ADJUSTMENT AND
VACATION PLAT**

**JAMES B. DAUGHERTY,
ET UX PROPERTY**

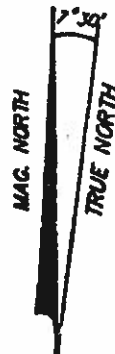
CENTER MAGISTERIAL DISTRICT

FAUQUIER COUNTY, VIRGINIA

SCALE: 1" = 50'

JULY 29, 1992

JAMES G. BUTLER, JR., & ASSOCIATES, P.C.
CIVIL ENGINEERING AND LAND SURVEYING
21 CULPEPER ST. WARRENTON, VA. 22186
(703) 347-2100



VA. RTE. 672
(40' R/W)

BK 0682 PG 1172

VIRGINIA: IN THE CLERK'S OFFICE OF FAULKNER CIRCUIT COURT, OCT 22 1992

This instrument was this day received in said office and
with certificate admitted to record at 12:35 P.m.

Tax of \$ _____ Imposed by Section 58.1-802 Paid _____

State Tax _____ County Tax _____

Transfer Fee _____ Clerk's Fee 13.00 Total 13.00

Teste:

Wm D Harris Clerk




























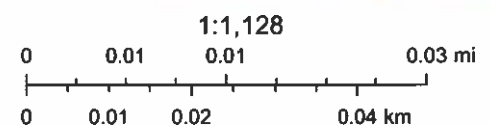


Tax Parcel Viewer - Property Report



5/21/2021, 4:17:28 PM

- | | | | |
|---|--------------------|---|------------------------------------|
|  | School Location_1K |  | Road Centerlines_without labels_1K |
|  | Municipal |  | MAJOR |
|  | Current |  | MINOR; RAMP |
|  | Railroad_1K |  | COUNTY |
|  | Encumbrances_1K |  | LOCAL |
|  | TaxParcel_1K |  | PRIVATE |
| | |  | 5' Contours |















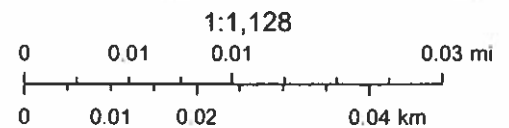
Maxar, Microsoft, VITA, Esri, HERE, Garmin, iPC, Bloomfield Township MI, Esri, Inc.

Tax Parcel Viewer - Property Report



5/21/2021, 4:33:58 PM

-  School Location_1K
-  Municipal
-  Current
-  Railroad_1K
-  Encumbrances_1K
-  TaxParcel_1K
-  Road Centerlines_without labels_1K
-  MAJOR
-  MINOR; RAMP
-  COUNTY
-  LOCAL
-  PRIVATE



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Janine P. Peltier
Zoning Administrator

10/16/92

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N/F
CARTER

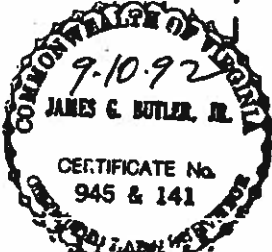
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Approx
20' back





