



Casey B.
Armstrong
Director

COUNTY of ROCKINGHAM
Department of Community Development

May 3, 2016

6:00 P.M. Call To Order

1. Pledge Of Allegiance And Invocation- Charles Dean
2. Approval Of Minutes
 - a. Minutes From March 1, 2016

Documents: [BZA 3-1-16.docx](#)

3. Public Hearing

- a. Zoning Variance

- i. VAR16-098

LCD Acquisitions, LLC, 455 EPPS Bridge Parkway, Suite 201, Athens, GA 30606 requesting an increase in road grade from 10% to 15% on two sections of road in a proposed subdivision located on the east side of Reservoir Street (Route 710) approximately 1800' north of Stone Spring Road (Route 280), Election District #3, zoned A-2 and pending an R-5 rezoning.

Documents: [Report.pdf](#), [GIS map.pdf](#), [application.pdf](#), [Email correspondence with F and R.pdf](#), [Letter of consent from BOSA.pdf](#)

4. Unfinished Business

5. Miscellaneous

6. Adjournment

20 E. Gay Street Telephone (540) 564-3030 PO Box 1252
Harrisonburg, VA 22802 Fax (540) 564-2922 Harrisonburg, VA 22803

Web Site: www.rockinghamcountyva.gov

Board of Zoning Appeals

MINUTES

March 1, 2016

The Rockingham County Board of Zoning Appeals met on Tuesday, March 1, 2016 in the Board of Supervisors Room in the Rockingham County Administration Center. Members present were Chairman Larry Bowman, Vice Chair Michael Harvey, Mr. Jon Ritenour, Mr. Henry Lilly, and Mr. Charles Dean. Staff members present were Zoning Administrator, Diana Stultz; Code Compliance Officer, Kelly Getz and Secretary Amanda Thomas.

At 6:00 p.m., Mr. Larry Bowman called the meeting to order.

Mr. Lilly offered the Pledge of Allegiance and Invocation.

MINUTES

On motion by Mr. Dean and seconded by Mr. Ritenour, the November 4, 2015, minutes were approved with a 5-0 vote.

ZONING VARIANCE

VAR16-028 Crossroads Farm LLC, PO Box 218, Penn Laird, 22846 requesting an increase in the road grade from 10% to 16% in one section of the subdivision located on the north side of Shen Lake Drive (Route 689) approximately 930' west of Woods Road (Route 686), zoned R-5. Election District #3. Tax Map #126-(A)-24

Chairman Bowman presented the request.

Mrs. Stultz presented the background information of the property.

At 6:01 p.m., Chairman Bowman opened the public hearing.

Mr. Seth Roderick, with Valley Engineering, and Mr. Ted Budd an owner of the development, were present to answer any questions. Mr. Roderick stated that the goal is to complete the existing master plan road section, so that emergency road entrances and a connection between the two sections were available. Without the variance the connection of sections becomes geographically impossible, which would create hardships. Mr. Roderick noted that the governing master plan was approved with allowing road grades up to sixteen percent (16%), which is what they are asking for.

Mr. Dean questioned how many feet of roadway was needed to connect the two sections. Mr. Roderick stated that he did not know the specific number, but he believes the section that would need the sixteen percent (16%) grade would be a couple hundred yards. The connection itself would be about eight hundred (800) linear feet, but only a few hundred would require the steeper grade.

In response to a question by Mr. Ritenour, Mr. Roderick stated that the connection would be between the current end-point of the pavement, to the top of the grade. He added that the actual length of the sixteen percent (16%) grade will likely be shorter than what is indicated in the Board's packet.

Mr. Dean asked what the new VDOT subdivision requirements were. Mr. Roderick replied that it was a generalized statement, which VDOT does allow up to a sixteen percent (16%) grade, depending on the terrain or an eighteen percent (18%) on mountainous terrain.

At 6:08 p.m., Chairman Bowman closed the public hearing.

Mr. Harvey stated that according to 15.2.2309, this applicant meets both parameters that are set out, as well as the five (5) that are required. As far as hardships due to physical condition, not being created by the applicant and is not affecting the adjoining properties, the applicant should be granted the variance.

Mr. Lilly stated that with Mrs. Stultz doing her research with the Fire and Rescue Department, the variance should be granted.

Mr. Ritenour added that the topographical hardship makes this request necessary. This is not a self-imposed hardship.

Mr. Ritenour motioned for the Board of Zoning Appeals to approve the proposed variance; Mr. Lilly seconded the motion

In response to a question by Mr. Dean, Mr. Roderick stated that with the variance the environmental impact would be lessened.

On a vote of 5-0 the Board of Zoning Appeals approved this variance.

UNFINISHED BUSINESS

There was no unfinished business.

MISCELLANEOUS

There were no miscellaneous items.

ADJOURNMENT

At 6:12 p.m., having no further business, the Board of Zoning Appeals adjourned.

Mr. Larry Bowman, Chairman

Amanda Thomas, Secretary

DRAFT

4. THE CRITERIA SET ASIDE BY THE STATE OF VIRGINIA FOR GRANTING A VARIANCE MUST BE MET. IF THAT CRITERIA CANNOT BE MET, THE VARIANCE SHOULD NOT BE GRANTED.

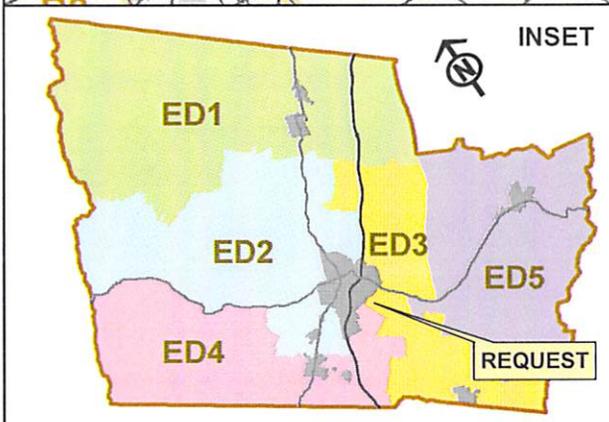
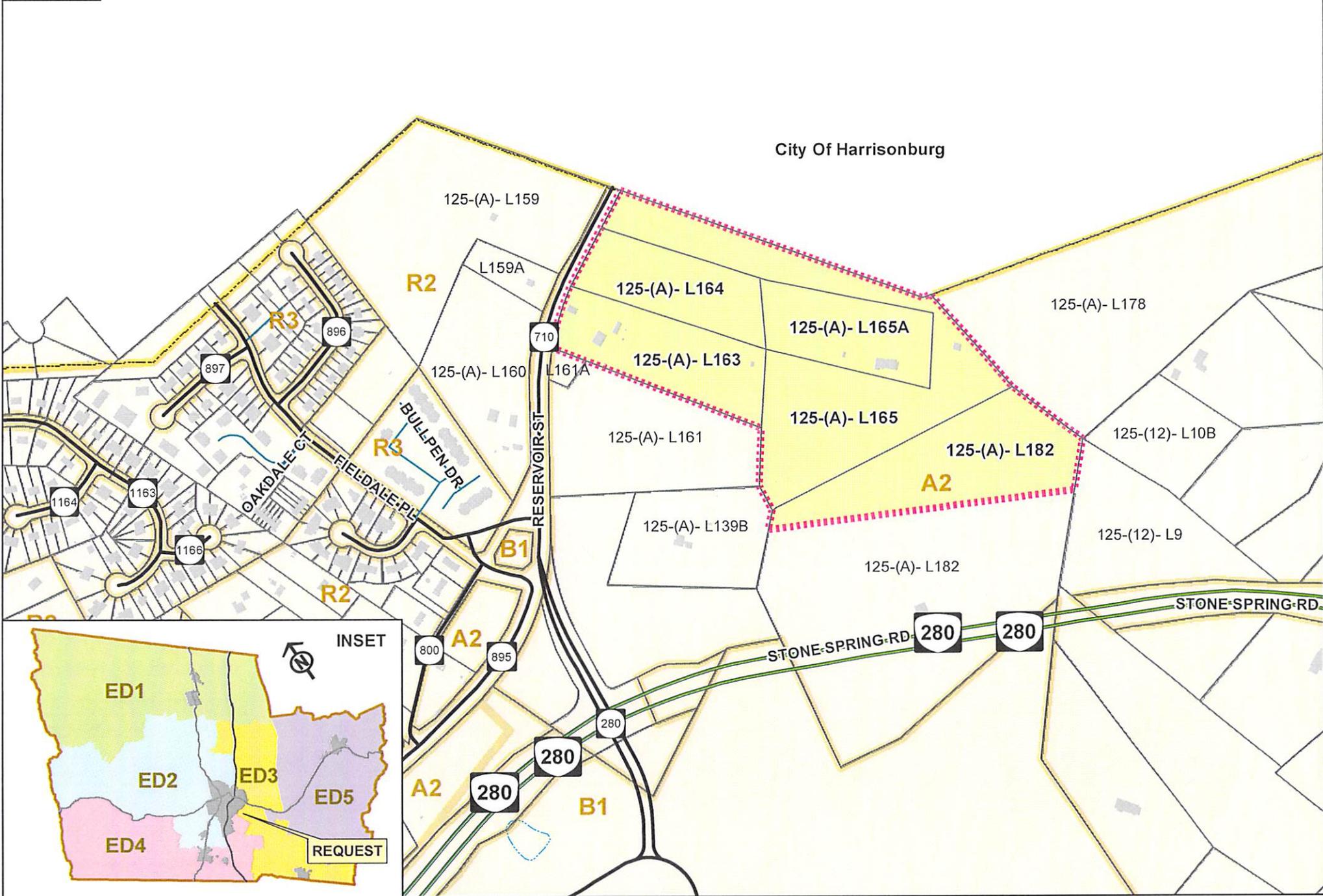


LCD Acquisitions LLC Variance Request



05/03/2016

VAR# 16-098



**ROCKINGHAM COUNTY
ZONING VARIANCE APPLICATION**

FOR OFFICE USE ONLY

FEE: \$350.00

DEADLINE DATE: _____

RECEIPT # _____

HEARING DATE: 5/3/16

DATE REC March 25, 2016

TAXES PAID yes

BZA # VAR16-098

APPLICANT: LCD ACQUISITIONS, LLC

ADDRESS: 455 EPPS BRIDGE PARKWAY, SUITE 201, ATHENS, GA 30606

CONTACT PERSON: SETH RODERICK, P.E.

Daytime No. (540)434-6365

Address: VALLEY ENGINEERING; 3231 PEOPLES DRIVE; HARRISONBURG, VA 22801

LOCATION: (N S E W) side of Road Name RESERVOIR STREET (Route Number) 710
approximately 1800 miles(feet) (N S E W) of Road Name STONE SPRING ROAD (Route
Number) 280 in the CENTRAL Magisterial District, Election District # 3

TAX MAP # 125-(A)-L163, 125-(A)-L164,
125-(A)-L165A, 125-(A)-L165,
125-(A)-L182 (PARTIAL) ZONING: CURRENTLY:A-2,
BEING REZONED
TO: R-5 ACRES: 36.81+/-

TO THE BOARD OF ZONING APPEALS:

I (We) respectfully request that the Board of Zoning Appeals decide our appeal for a variance. This appeal is for a variance to the Rockingham County Code and is relative to the: Area, Sideyard, Height, Use, Parking or x Other (specify other) 10% STREET GRADE LIMIT provisions of the Code; specifically

I (We) request to be allowed to use a maximum street grade of 15%, which conforms to VDOT standards, in the design of internal streets for the proposed "Retreat at Harrisonburg" development n the approximate areas depicted on the attached schematic. This request is a variance of §17-701.03.(b), which limits private streets to a 10% maximum street grade.

for the following reason(s): (1) The existing topography is excessive; 25% or steeper in the areas where a variance is being requested (2) Inter-parcel Connectivity: 15% road grades will allow for the proposed streets to connect to adjacent parcels 3) Viewshed Preservation: 15% road grades will reduce large cuts and preserve trees and the viewshed at the higher elevations of the property.

A previous appeal on this (has/has not) been filed on this property. My (Our) interest in this property is as (owner, lessee, contract purchaser)

VALLEY ENGINEERING
Owner's Agent / Engineer

By: [Signature] SETH RODERICK, P.E.

(SEE OTHER SIDE)

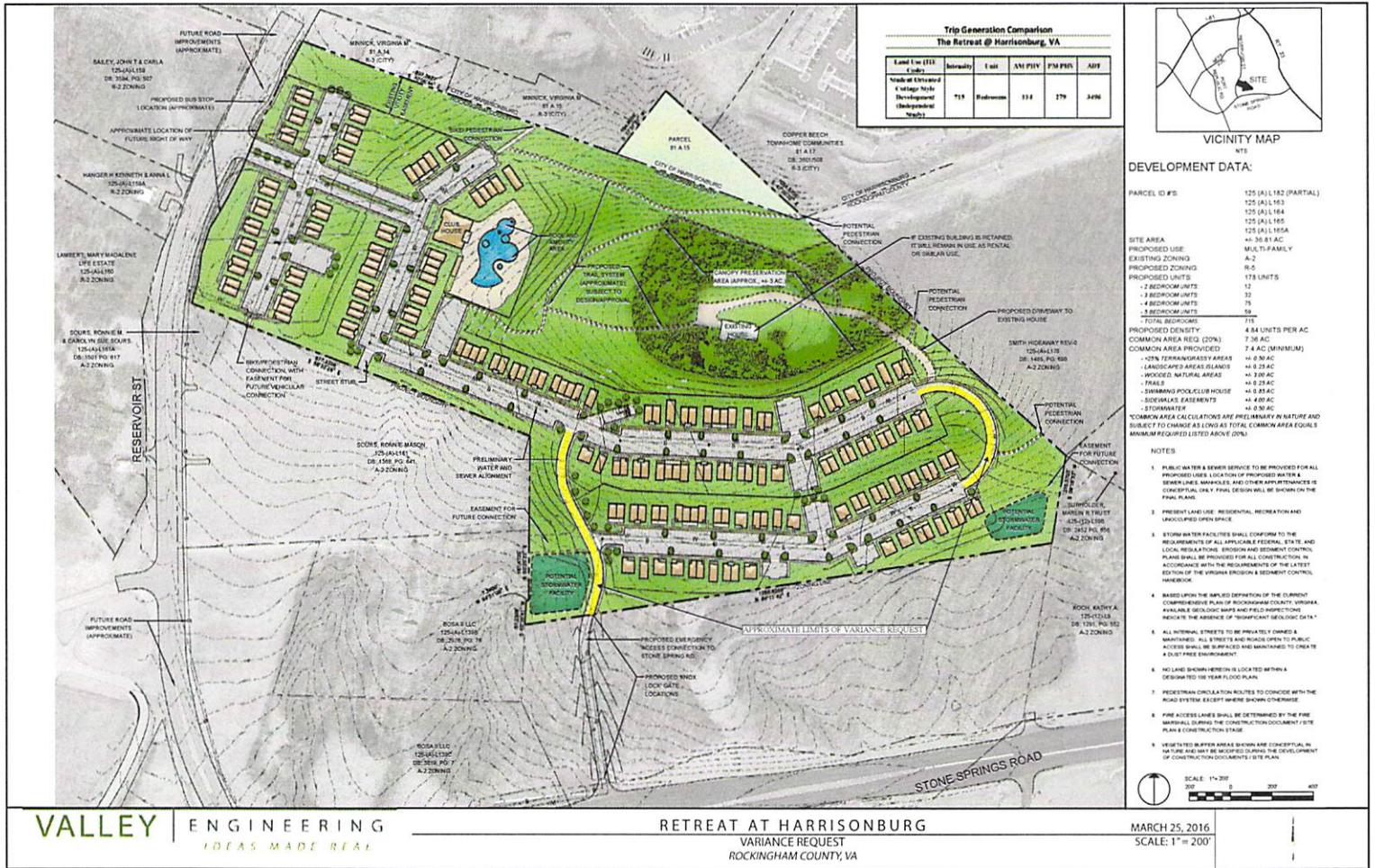
ADDITIONAL DETAILS REQUIRED WITH APPLICATION:

Attach a drawing on 8 1/2" x 11" plain paper showing the following:

- A. Size and Shape of property.
- B. Location of proposed or existing building - distance from public highway/street and from adjoining property.
- C. Size and shape of proposed or existing building.
- D. Show other buildings, driveway, septic, etc. located on the property.

NAMES AND COMPLETE MAILING ADDRESSES (USE E-911 ADDRESSES) OF ALL ADJACENT LANDOWNERS, INCLUDING LANDOWNERS ACROSS ANY ROAD. IF ADJACENT TO CITY, A TOWN, OR ANOTHER COUNTY, YOU NEED TO SUPPLY THOSE NAMES AND ADDRESSES ALSO. **Name of owners may be found in Real Estate and Land Use office located in the Rockingham County Administration Center. Complete mailing addresses are listed in Land Use Books in front of the Treasurer's Office also (located next to the Land Use Office).**

NAME	ADDRESS
1) SMITH, HIDEAWAY REV-O	560 NEFF AVE., SUITE #200, HARRISONBURG, VA 22801
2) BURHOLDER, MARLIN R TRUST	510 BOYERS ROAD, ROCKINGHAM, VA 22801
3) KOCH, KATHY A.	4634 SHEN LAKE DR, ROCKINGHAM, VA 22801
4) BOSA II LLC	2395 MASSANETTA SPRINGS RD., ROCKINGHAM, VA 22801
5) BOSA LLC	2395 MASSANETTA SPRINGS RD., ROCKINGHAM, VA 22801
6) SOURS, RONNIE MASON	2540 PORT REPUBLIC RD., ROCKINGHAM, VA 22801
7) SOURS, RONNIE M AND CAROLYN SUE SOURS	2540 PORT REPUBLIC RD., ROCKINGHAM, VA 22801
8) LAMBERT, MARY MADELENE LIFE ESTATE	2770 RESERVOIR ST., ROCKINGHAM, VA 22801
9) HANGER, H KENNETH AND ANNA L	2650 RESERVOIR ROAD, ROCKINGHAM, VA 22801
10) BAILEY, JOHN T AND CARLA	10845 QUAIL CREEL LN., MANASSAS, VA 20112
11) MINNICK, VIRGINIA M	916 GREENDALE RD. HARRISONBURG, VA 22801
12) MINNICK, VIRGINIA M	916 GREENDALE RD. HARRISONBURG, VA 22801
13) COPPER BEECH TOWNHOME COMMUNITIES	2590 PARK CENTER BLVD, SUITE 200, STATE COLLEGE, PA 16801



Trip Generation Comparison
The Retreat @ Harrisonburg, VA

Land Use (FTE Units)	Intensity	1 unit	1/10 PMF	PM PMF	AMF
Multi-Family (Development/Residential)	718	Residential	134	179	3496



DEVELOPMENT DATA:

PARCEL ID #S: 125 (A1142 (PARTIAL)), 125 (A1163), 125 (A1164), 125 (A1165), 125 (A1165A)

SITE AREA: 44.36 AC

PROPOSED ZONING: MULTIFAMILY

EXISTING ZONING: A-2

PROPOSED UNITS: 178 UNITS

PROPOSED UNITS: 12 (2-BEDROOM UNITS), 32 (3-BEDROOM UNITS), 75 (4-BEDROOM UNITS), 59 (5-BEDROOM UNITS)

TOTAL BEDROOMS: 713

PROPOSED DENSITY: 4.84 UNITS PER AC

COMMON AREA REQ (20%) : 7.36 AC

COMMON AREA PROVIDED: 7.4 AC (MINIMUM)

LANDSCAPE AREAS: 44.36 AC

WOODED NATURAL AREAS: 3.00 AC

TRAILS: 0.23 AC

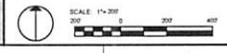
SHRIMPING POOL/CLUB HOUSE: 44.88 AC

SIDEWALKS/EASEMENTS: 44.88 AC

STORMWATER: 44.88 AC

*COMMON AREA CALCULATIONS ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE AS LONG AS TOTAL COMMON AREA EQUALS MINIMUM REQUIRED LISTED ABOVE (20%).

- NOTES:**
1. PUBLIC WATER & SEWER SERVICE TO BE PROVIDED FOR ALL PROPOSED LOTS. LOCATION OF PROPOSED WATER & SEWER LINES, MANHOLES, AND OTHER APPURTENANCES TO BE SHOWN ON THE FINAL DESIGN SHALL BE SHOWN ON THE FINAL PLANS.
 2. PRESENT LAND USE: RESIDENTIAL, RECREATION AND UNDEVELOPED OPEN SPACE.
 3. STORM WATER FACILITIES SHALL CONFORM TO THE REQUIREMENTS OF ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS. EROSION AND SEDIMENT CONTROL PLANS SHALL BE PROVIDED FOR ALL CONSTRUCTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST EDITION OF THE VIRGINIA EROSION & SEDIMENT CONTROL MANUAL.
 4. BASED UPON THE IMPLIED DEFINITION OF THE CURRENT COMPREHENSIVE PLAN OF ROCKINGHAM COUNTY, VIRGINIA. AVAILABLE GEOLOGIC MAPS AND FIELD OBSERVATIONS INDICATE THE ABSENCE OF "SIGNIFICANT GEOLOGIC DATA."
 5. ALL INTERNAL STREETS TO BE PRIVATELY OWNED & MAINTAINED. ALL STREETS AND TRAILS OPEN TO PUBLIC ACCESS SHALL BE SURFACED AND MAINTAINED TO CREATE A QUALITY ENVIRONMENT.
 6. NO LAND SHOWN HEREON IS LOCATED WITHIN A DESIGNATED 100-YEAR FLOOD PLAIN.
 7. PEDESTRIAN CIRCULATION ROUTES TO COINCIDE WITH THE ROAD SYSTEM, EXCEPT WHERE SHOWN OTHERWISE.
 8. FIRE ACCESS LINES SHALL BE DETERMINED BY THE FIRE DEPARTMENT DURING THE CONSTRUCTION DOCUMENTS/ SITE PLAN & CONSTRUCTION STAGE.
 9. VISITATED BUFFER AREAS SHOWN ARE CONCEPTUAL IN NATURE AND MAY BE REQUIRED DURING THE DEVELOPMENT OF CONSTRUCTION DOCUMENTS/ SITE PLAN.



Diana Stultz

From: Joseph A. Mullens
Sent: Monday, March 28, 2016 10:15 AM
To: Diana Stultz; Jeremy Holloway
Subject: RE: Variance request for increase to road grades

Diana,

We don't have any concerns with the variance request on this project from 10% to 15%. The areas that are highlighted I assume to be paved with gutter which helps. My only concern would be the emergency access road and if they are proposing gravel then the construction will be required to meet our private road and right of way specifications for 15% grade. Thanks.

Captain Joseph A. Mullens
Fire and Life Safety Division
Rockingham County Fire and Rescue
20 East Gay Street
Harrisonburg, Virginia 22802
jmullens@rockinghamcountyva.gov
Office: 540-564-3175
Fax: 540-564-1823

From: Diana Stultz
Sent: Monday, March 28, 2016 9:04 AM
To: Jeremy Holloway; Joseph A. Mullens
Subject: Variance request for increase to road grades

Our office has received another request for an increase in road grades. This one is for an increase from 10% to 15%. I am attaching a copy of the variance application. The areas in yellow show the areas for which they would like to increase the road grades. Our concern, naturally, is for accessibility for emergency services.

As you are aware, Crossroads Farm with granted a variance in March. However, in that case, the subdivision existed, they were trying to finish out the subdivision, and they made some changes to the road system that would work better for emergency services with regards to two ways in, etc.

In this case, this property has not yet been rezoned. It is scheduled to go before the Planning Commission next week. I received the variance request last week; and it is scheduled to go before the Board of Zoning Appeals in May. I wanted your input with regards to a variance to our regulations of 10% so I could inform the BZA. Additionally, the Planning Commission will be informed of this new information.

Please review the attached application and provide any comments back to me regarding this increase and how it will affect emergency services.

Thank you in advance.

Diana

Diana Cobb Stultz

ZONING ADMINISTRATOR/SUBDIVISION AGENT
dstultz@rockinghamcountyva.gov

Rockingham County Administration Center
Community Development Department
20 East Gay Street

BOSA II, LLC

April 13, 2016

Diana Stultz
Rockingham County – Planning & Zoning
20 East Gay Street
Harrisonburg, VA 22802

Reference: Retreat at Harrisonburg – Road Grade Variance Request

Dear Mrs. Stultz,

This letter is being provided to document our inclusion and support of the referenced variance request, submitted by LCD Acquisitions, LLC. This request delineates a section of potential roadway (emergency access with potential for full access) crossing parcel 125-(A)-L182, a portion of which is to remain in the possession of BOSA II, LLC following a successful rezoning application (a process that is currently ongoing, but has support of staff and the Planning Commission). In the event that this delineated roadway is utilized for full access, and not merely emergency access, the requested road grade variance will allow for less-intrusive grading on existing steep terrain within the referenced parcel, thus benefitting the surrounding viewshed. If and when the residual of the referenced parcel is developed, this roadway may be realigned, but the road grade variance will prove beneficial still in allowing inter-parcel connectivity without substantial constraints on new development options.

As a landowner affected by this variance request, I hereby include BOSA II, LLC in the previously submitted application for the variance. It is our hope that the Board of Zoning Appeals will approve this variance request, for the betterment of the affected parcels, and the betterment of the surrounding viewshed.

Sincerely,

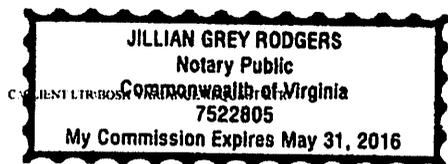


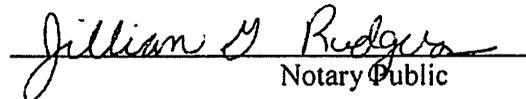
William O. Lam, III, Manager
BOSA II, LLC

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF Rockingham, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 13th day of April, 2016, by WILLIAM O. LAM, III, Manager of BOSA II, LLC.

My commission expires: May 31, 2016
Notary Registration Number: 7522805




Notary Public