



Casey B.
Armstrong
Director

COUNTY of ROCKINGHAM
Department of Community Development

August 2, 2016

6:00 p.m.

6:00 P.M. Call To Order

Pledge Of Allegiance And Invocation- Jon Ritenour

Approval Of Minutes

1. Minutes From March 1, 2016

Documents:

[BZA 3-1-16.pdf](#)

Public Hearing

1. Zoning Variance

- a. VAR16-196

Kirk D. Becchi, 2991 Barrington Drive, Rockingham VA 22801 requesting a variance for a rearyard reduction from 35' to 30.8' to enclose a portion of a deck into a 24' x 12' screened-in porch on property located on the south side of Barrington Drive (Route 1014) approximately 600' east of Boyers Road (Route 704), Election District #3, zoned R-2C, tax map #125H-(5)-18.

Documents:

[Application.pdf](#)

[GIS map.pdf](#)

[Staff report.pdf](#)

Unfinished Business

Miscellaneous

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 Bud 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 effecting 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

ROCKINGHAM COUNTY
ZONING VARIANCE APPLICATION

FOR OFFICE USE ONLY

FEE: \$350.00

DEADLINE DATE: _____

RECEIPT # _____

HEARING DATE: 8/2/16

DATE REC July 6, 2016

TAXES PAID yes

BZA # VAR16-196

APPLICANT: Kirk D. Becchi

ADDRESS: 2991 Barrington Dr. Rockingham County Va. 22801

CONTACT PERSON: Kirk D. Becchi Daytime No. (540) 421-9021
Address: 2991 Barrington Dr. Rockingham County Va. 22801

LOCATION: (N S E W) side of Road Name Barrington Dr. (Route Number) 1014
approximately 700 miles/feet (N S E W) of Road Name Boyers Rd (Route
Number) 704 in the Central Magisterial District, Election District # 3

TAX MAP # 125(17)18 ZONING: R-2 conditional ACRES: .47

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 Other (specify other) set back provisions of the Code; specifically

I (We) request to be able to screen approximately 24' x 12' of an existing deck.

for the following reason(s): see attached

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).

(Firm or Corporation)
By: Kirk D. Becchi

(SEE OTHER SIDE)

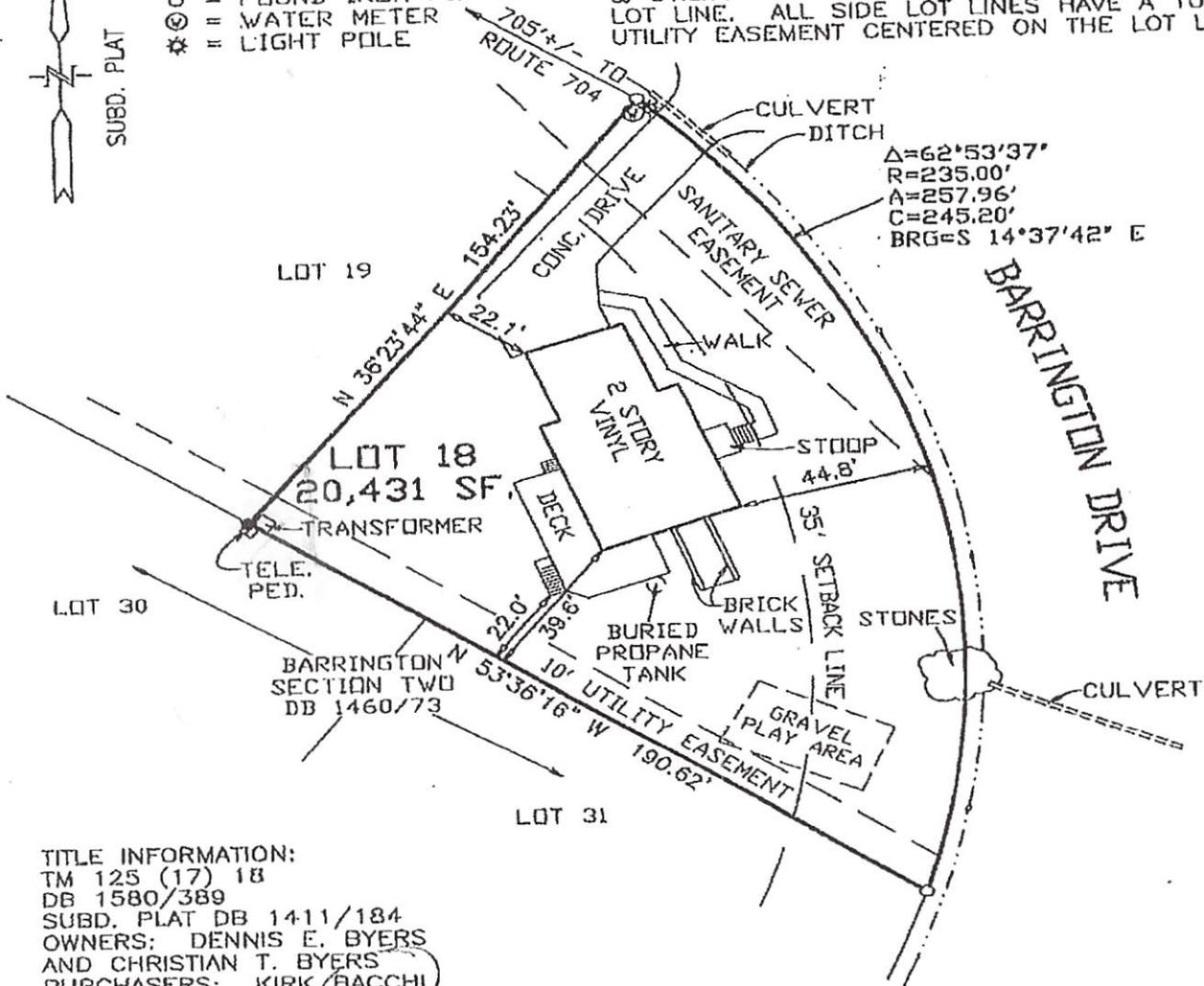
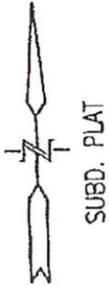
REASONS FOR VARIANCE REQUEST

1. We are only seeking to screen a portion of a deck, which has been in place since at least 2003 (when we purchased the home) and likely since 1997, when we understand the home was built.
2. The requested variance will not encroach one inch further into the setback than the existing deck and the deck location was seemingly code compliant when the home was built circa 1997.
3. The unusual pie shape of our property makes our situation unique. The designated rear property line results in our property having a front, a rear and one side (as opposed to two sides).
4. If the point where the two side lines (lot 30/lot 31 and lot 19 property lines) meet was treated as our rear property line, our home, including the planned screened porch, would be fully outside of all applicable setbacks.
5. The affected adjacent property owners, Sipe and Budd, consent the variance request. The screened porch will not be visible from the Sipe property due to topography and foliage along the property line.
6. We are not seeking to build “livable space,” e.g. an addition or even a sun room. Instead, we are seeking to build a seasonal occasional use screened porch, without walls.
7. The southwest exposure of our deck, and the biting insect population on our property, make our deck essentially unusable.

JUNE 13, 2003
SCALE: 1"=40'

- = IRON PIN SET
- = FOUND IRON PIN
- ⊙ = WATER METER
- * = LIGHT POLE

THIS LOT IS IN FLOOD ZONE C.
NOTES:
NO TITLE OPINION WAS SUPPLIED FOR THIS SURVEY.
ALL FRONT LOT LINES HAVE A 10' DRAINAGE & UTILITY EASEMENT ON THE INSIDE OF THE LOT LINE. ALL SIDE LOT LINES HAVE A 10' UTILITY EASEMENT CENTERED ON THE LOT LINE.



TITLE INFORMATION:
TM 125 (17) 18
DB 1580/389
SUBD. PLAT DB 1411/184
OWNERS: DENNIS E. BYERS
AND CHRISTIAN T. BYERS
PURCHASERS: KIRK BACCHI
AND CYNTHIA A. BACCHI
ADDRESS: 2991 BARRINGTON DRIVE
HARRISONBURG, VA 22801

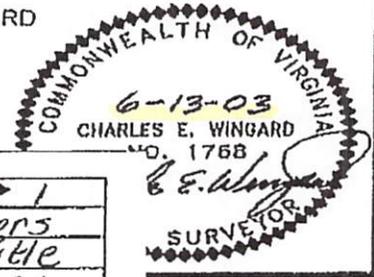
PHYSICAL SURVEY OF LOT 18

BARRINGTON, SECTION ONE

CENTRAL DISTRICT, ROCKINGHAM COUNTY, VIRGINIA

SURVEYOR'S CERTIFICATE:
TO ALL PARTIES INTERESTED IN TITLE TO PREMISES SURVEYED
THIS SURVEY WAS ACTUALLY MADE ON THE GROUND AS PER RECORD
DESCRIPTION AND IS CORRECT. THERE ARE NO ENCROACHMENTS
EITHER WAY ACROSS PROPERTY LINES, EXCEPT AS SHOWN.
GIVEN UNDER MY HAND THIS 13th DAY OF JUNE, 2003

BENNER & ASSOC., INC.
3061 SOUTH MAIN STREET
HARRISONBURG, VA 2280
540 434-0267
REF# 061095-18

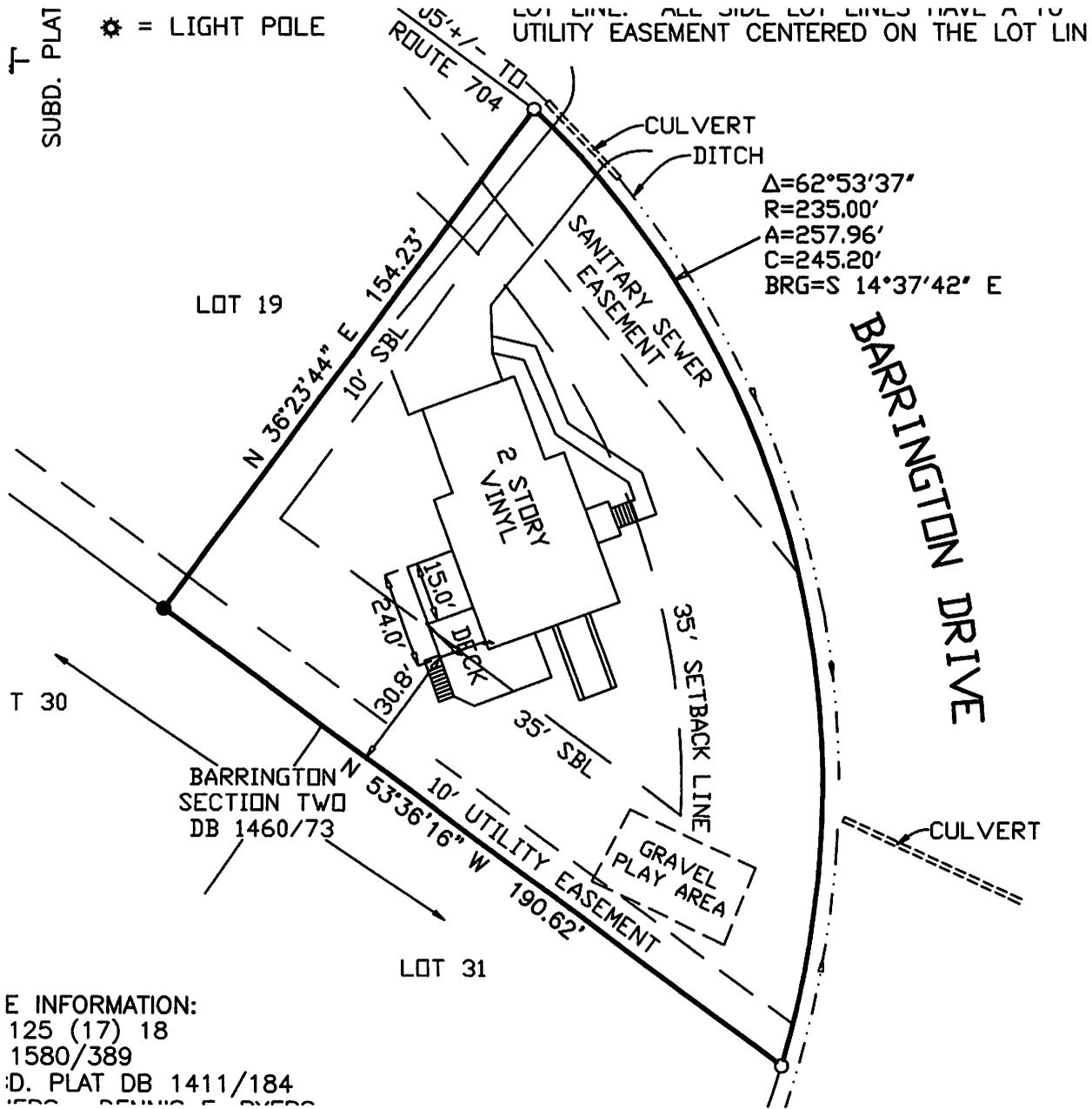


Post-it® Fax Note	7671	Date	6-23	# of pages	1
To	Kurt Bacchi	From	Jane Nabers		
Co./Dept.		Co.	Valley Sav. Title		
Phone #		Phone #	434-8571		
Fax #	434-9452	Fax #	434-5854		

T
SUBD. PLAT

* = LIGHT POLE

LOT LINE. ALL SIDE LOT LINES HAVE A 10' UTILITY EASEMENT CENTERED ON THE LOT LINE



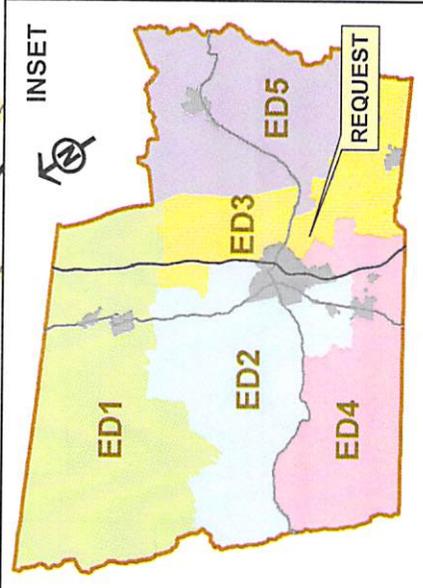
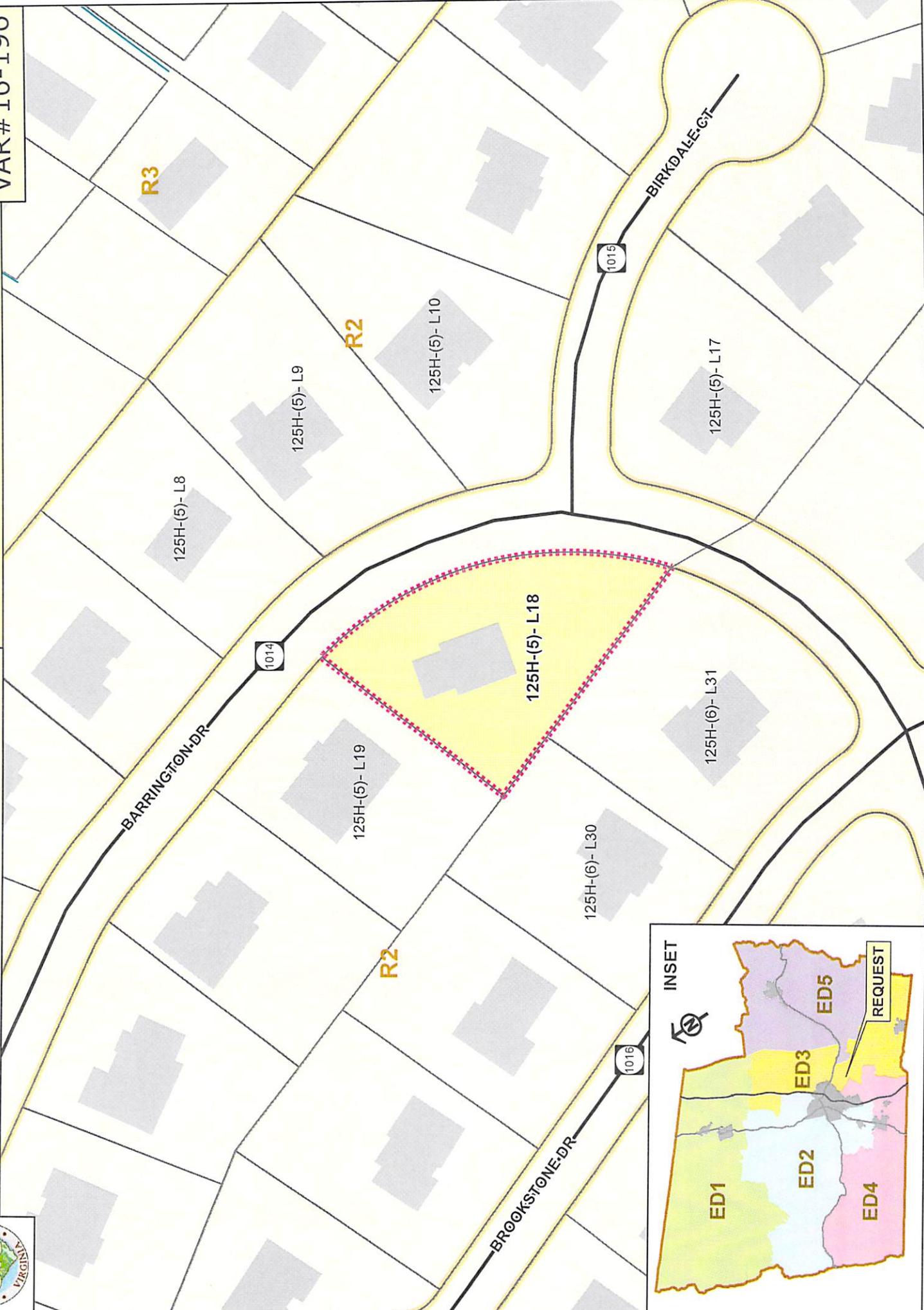
E INFORMATION:
 125 (17) 18
 1580/389
 D. PLAT DB 1411/184
 1580



Kirk D Becchi Variance Request

08/02/2016

VAR # 16-196



ZONING APPEAL STAFF REPORT
BZA# VAR16-196

APPLICANT: KIRK D. BECCHI
ADDRESS: 2991 BARRINGTON DRIVE
ROCKINGHAM, VA 22801

AMOUNT OF LAND: .47 ACRE **ZONING:** R2-C
TAX MAP NO.: 125H-(5)-18
DESCRIPTION: (existing use of property) according to tax records:
Single-family dwelling

HISTORY: The existing residence was constructed in 1998. In 2001 a 24' x 12' deck was added to the rear of the house. At that time, decks and screened-in porches were allowed to encroach 50% into the rear yard setback. In the 2014 rewrite of the zoning ordinance, that stipulation was removed, and the Code required decks and screened-in porches to meet main building setbacks. This deck was considered a legal, non-conforming use. However, staff cannot approve a change that would make a non-conforming use more non-conforming by allowing the deck to become a screened-in porch.

Applicant could enclose a 15' x 12' area of the deck and meet the 35' setback.

REQUEST: Rear yard reduction from 35' to 30.8' to allow a portion of a deck to be enclosed into a screened-in porch.

THINGS TO CONSIDER:

1. Is there a topographical hardship?
2. If there is not a topographical hardship, is there a hardship approaching confiscation?
3. Is this request a necessity or is it a convenience to the applicant?
4. Is this a self-imposed hardship brought about by the applicant?
5. Does the applicant have an alternative that could be used which would bring the property into compliance with the law?

POINTS TO REMEMBER:

1. **THE BURDEN OF THE PROOF IS ON THE APPLICANT. IT IS NOT UP TO THE BOARD TO FIND A WAY TO GRANT THE VARIANCE. IT IS UP TO THE APPLICANT TO PROVE TO THE BOARD WHY THE VARIANCE SHOULD BE GRANTED.**
2. **THE BOARD SHOULD BASE ITS DECISION ON THE EVIDENCE PRESENTED TO IT.**
3. **FINANCIAL HARDSHIP CANNOT BE THE SOLE REASON USED FOR GRANTING A VARIANCE.**
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.**