



---

# TOWN OF SMITHFIELD

---

*"The Ham Capital of the World"*

December 5, 2016

**TO: BOARD OF ZONING APPEALS**

**FROM: JOSEPH R. REISH**  
**PLANNING TECHNICIAN**

**RE: DECEMBER MONTHLY MEETING**

The Smithfield Board of Zoning Appeals will hold its regularly scheduled monthly meeting on **Tuesday, December 20, 2016 at 7:30 pm** in Conference Rooms A & B at the Smithfield Center.

If you have any questions concerning the agenda, or are **unable** to attend the meeting; please contact Joseph Reish at (757) 365-4271.

Enclosures

cc: Town Council  
William H. Riddick, III, Town Attorney  
William G Saunders, IV, Zoning Administrator  
The Times  
The Daily Press  
File

**DEPT. OF PLANNING, ENGINEERING, AND PUBLIC WORKS**

310 Institute Street, P.O. Box 246 • Smithfield, VA 23431 • (757) 365-4200 • Fax (757) 357-9933  
[www.smithfieldva.gov](http://www.smithfieldva.gov) • Local Cable Channel 6

**Town of Smithfield  
Board of Zoning Appeals  
Agenda**

**December 20, 2016  
7:30 pm**

1. **Application for a Special Yard Exception under Article 12 Section D of the Town of Smithfield Zoning Ordinance: 92 Moonefield Drive, Dave Hare & Mary Mitchell, applicants, property owners (Staff Report, Application, Plat, Public notice)**
  
2. **Approve minutes from the November 15, 2016 Board of Zoning Appeals Meeting.** (Enclosed)

.....  
**NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH  
DISABILITIES ACT.** Reasonable efforts will be made to provide assistance or special  
arrangements to qualified individuals with disabilities in order to participate in or attend  
Board of Zoning Appeals meetings. ADA compliant hearing devices are available for use  
upon request. Please call (757) 365-4200 at least 24 hours prior to the meeting date so that  
proper arrangements may be made.  
.....

**STAFF REPORT FOR THE  
BOARD OF ZONING APPEALS**

**SPECIAL YARD EXCEPTION**

**December 20, 2016**

<b>Application Number</b>	BZA 16-03
<b>Applicant Name and Address</b>	Dave Hare & Mary Mitchell 13274 Queens Gate Terrace Carrollton, Virginia 23314
<b>Property Owner Name and Address</b>	Dave Hare & Mary Mitchell 13274 Queens Gate Terrace Carrollton, Virginia 23314
<b>Property Location and Description</b>	92 Moonefield Drive Empty lot on the North-East side of Moonefield Drive.
<b>Statistical Data (See Plat)</b>	
<b>Current Zoning</b>	N-R, Neighborhood - Residential
<b>Setbacks</b>	
<b>Front</b>	35 feet
<b>Rear, from edge of wetlands</b>	125 feet*
<b>Side</b>	15 feet
<b>Proposed Setbacks</b>	
<b>Front</b>	91.69 feet
<b>Rear, from edge of wetlands</b>	110 feet*
<b>Side (West)</b>	91.69 feet
<b>Side (East)</b>	126.57 feet
<b>Access</b>	Moonefield Drive
<b>Surrounding Land Uses/Zoning</b>	N-R, Neighborhood - Residential E-C, Environmental - Conservation

**Applicant Overview**

Under the provisions of Article 12, Section D of the Zoning Ordinance of the Town of Smithfield, the applicant is seeking a Special Yard Exception in order to approve construction of a new single family dwelling that will encroach approximately 15 feet into the required 125\* rear yard setback.

**Staff Comments**

Special Yard Exception would allow for the proposed new single family dwelling. \*The unimproved parcel is subject to both the Resource Protection Area 100 foot buffer zone from the edge of wetlands as required by the State of Virginia, as well as an additional 25 foot setback added to the 100 foot buffer zone as required by Town Ordinance for new construction primary structures adjacent to tidal wetlands. The applicants are seeking to encroach approximately 15 feet into the required 125 foot buffer/setback area. The total proposed distance from rear property line is approximately 138+- feet. If approved, the primary structure will meet the requirements of the Virginia Chesapeake Bay Act of 1989. The applicants are seeking to preserve as much of the indigenous vegetation on the lot as possible, meeting both the ordinance requirements on preservation of indigenous vegetation and tree canopy preservation standards.



# TOWN OF SMITHFIELD

310 Institute Street, P. O. Box 246 Smithfield, VA 23431  
(757) 365-4200 Fax (757) 357-9933

# 16-03

12-20-16

APPLICATION FOR: 7:30 pm

- Special Use Permit
- Variance
- Special Yard Exception
- Special Sign Exception
- CBPA Exception
- Other

Applicant(s) Name: Dave Hare & Mary Mitchell  
 Address: 13274 Queens Gate Terrace  
 City, State, Zip: Carrollton, VA 23314  
 Phone Number(s): 757-575-6993

Property Owner(s) Name: same as above  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone Number(s): \_\_\_\_\_

Property Address: 92 Moonfield Dr. Smithfield, Va.  
 Tax Map Number(s): 22D-02-5001  
 Property Description: residential infill lot at end of Moonfield Dr.

Zoning: N-R Acreage: Z+ Application Fee: \$150.00  
 Legal Reference: \_\_\_\_\_ Deed Book#: \_\_\_\_\_ Page#: \_\_\_\_\_

Proposed Use/Exception: Request is to encroach a maximum of 15 feet into the Town's 25 foot rear yard set back. Primary reason for request is for the purpose of minimizing impact of construction on "landmark" tree

Dave Hare  
 Applicant(s) Signature

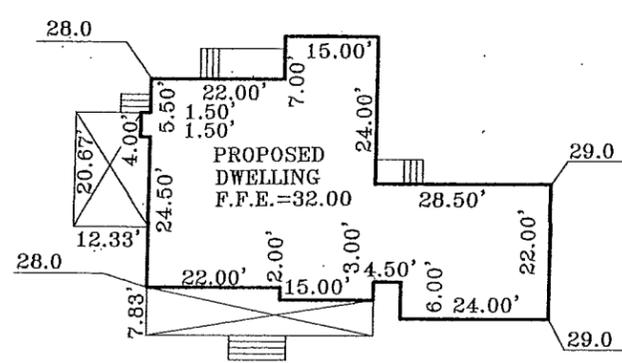
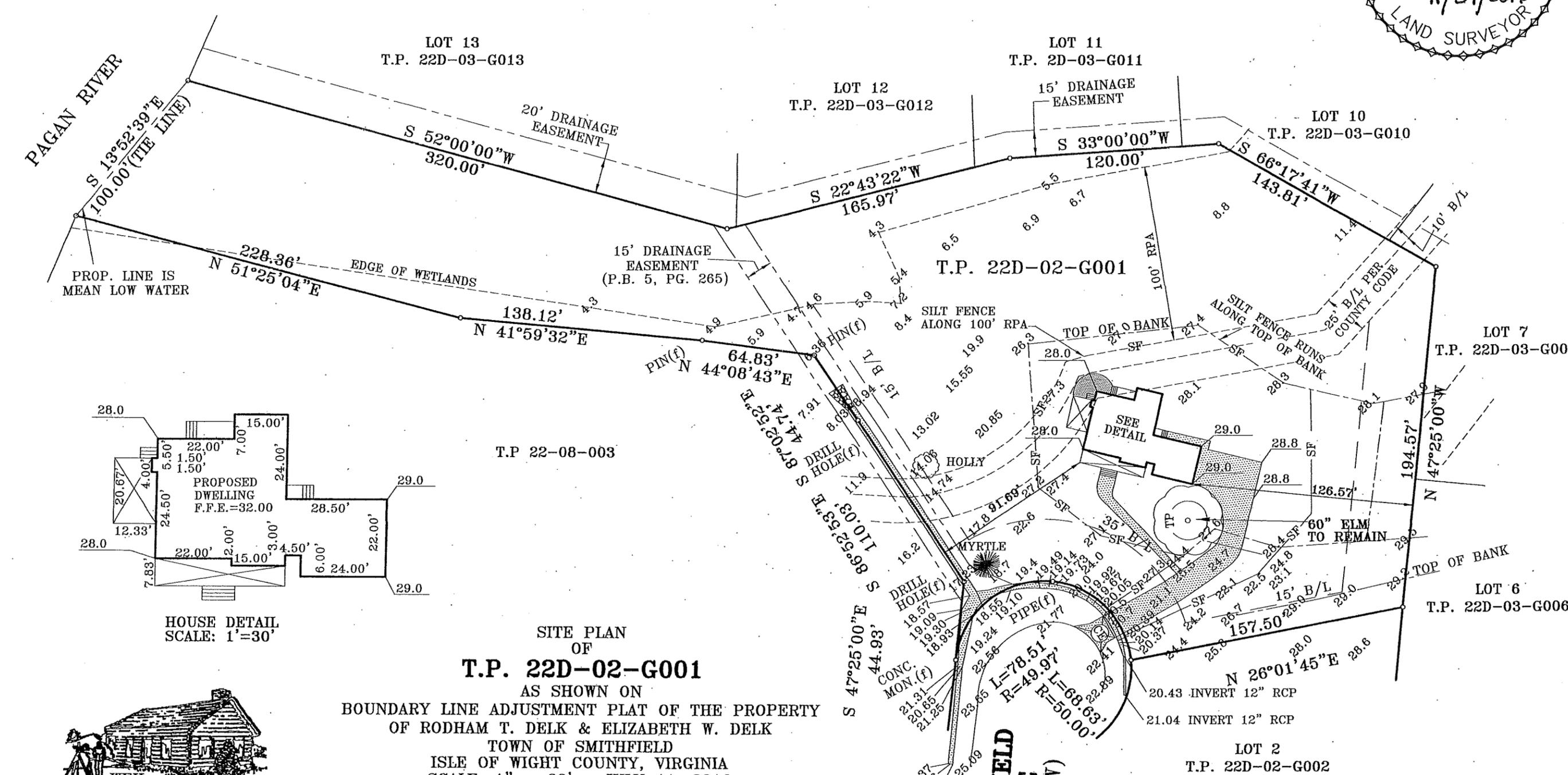
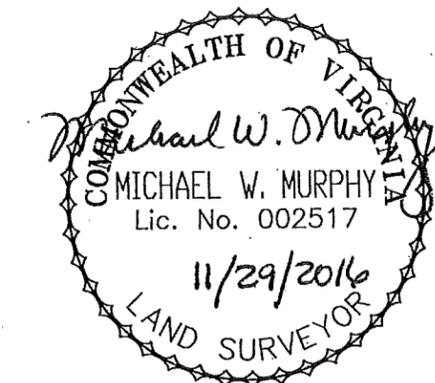
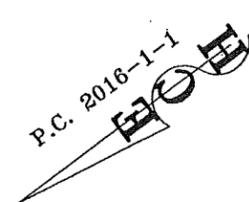
12/1/16  
 Date

Mary V. Mitchell  
 Applicant(s) Signature

12/1/16  
 Date

BZA meets at the Smithfield Center

THIS SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND CONSEQUENTLY MAY NOT DEPICT ALL MATTERS AFFECTING THE TITLE OF THE PROPERTY SHOWN HEREON. ENVIRONMENTAL CONSIDERATIONS ARE NOT A PART OF THIS CERTIFICATION. THIS SURVEY IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS WITHOUT THE WRITTEN APPROVAL OF THE SURVEYOR.



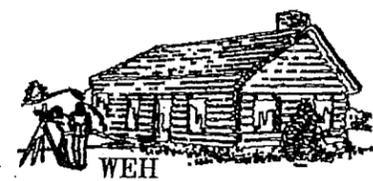
HOUSE DETAIL  
SCALE: 1"=30'

SITE PLAN  
OF  
**T.P. 22D-02-G001**

AS SHOWN ON  
BOUNDARY LINE ADJUSTMENT PLAT OF THE PROPERTY  
OF RODHAM T. DELK & ELIZABETH W. DELK  
TOWN OF SMITHFIELD  
ISLE OF WIGHT COUNTY, VIRGINIA  
SCALE: 1" = 60' JULY 11, 2016

REVISED: SEPTEMBER 14, 2016  
REVISED: SEPTEMBER 30, 2016  
REVISED: OCTOBER 11, 2016  
REVISED: OCTOBER 19, 2016  
REVISED: OCTOBER 28, 2016  
REVISED: NOVEMBER 28, 2016

SHEET 2 OF 2



ERNEST C. HAWKINS, JR. AND ASSOCIATES  
SURVEYORS AND PLANNERS  
1108 WILROY ROAD  
SUFFOLK, VIRGINIA  
PHONE: 393-6262 OR 934-0758  
Email: Hawkinsandassoc@hotmail.com

NOTICE OF PUBLIC HEARING  
THE TOWN OF SMITHFIELD BOARD OF ZONING APPEALS  
SPECIAL YARD EXCEPTION

Notice is hereby given that the Board of Zoning Appeals of the Town of Smithfield, Virginia, will hold a public hearing at the regular meeting of the Board of Zoning Appeals in the council chambers in The Smithfield Center, 220 N. Church Street, Smithfield, Virginia, in meeting room A, on Tuesday, December 20, 2016, at 7:30 p.m. to consider the application of David Hare and Mary Mitchell, owners, for a special yard exception under the provisions of Article 12, Section D of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter, in order to approve a proposed residential structure with a rear yard setback of 110 feet. The Special Yard Exception will cure the violation. The property is located at 92 Moonefield Drive. The minimum rear yard setback is 125 feet, as provided by the Zoning Ordinance. The unimproved parcel is subject to both the Resource Protection Area 100 foot buffer zone from the edge of wetlands as required by the State of Virginia, as well as an additional 25 foot setback added to the 100 foot buffer zone as required by Town Ordinance for new construction primary structures adjacent to tidal wetlands. The subject property is zoned N-R Neighborhood Residential District.

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the Zoning Ordinance of the Town of Smithfield and application for this special yard exception are available for inspection in the office of the Department of Planning, Engineering, & Public Works, 310 Institute Street, Smithfield, Virginia 23430.

BOARD OF ZONING APPEALS  
TOWN OF SMITHFIELD, VIRGINIA

By: William G. Saunders, IV  
Zoning Administrator

Publish: December 7 and 14, 2016