

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

**November 15, 2016
7:30 pm**

1. **Application for a Special Yard Exception under Article 12 Section D of the Town of Smithfield Zoning Ordinance: 505 Jordan Avenue, Randolph H. Pack, applicant, property owner** (Staff Report, Application, Letter from applicant, Plats, Public notice)

2. **Approve minutes from the May 17, 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.

INFORMATION FOR THE MEETING OF:

BOARD OF ZONING APPEALS

7:30 pm start.

November 15, 2016

STAFF MEMBERS PRESENT	BOARD MEMBERS PRESENT	MEDIA PRESENT (NAME & PAPER)	NUMBER OF CITIZENS PRESENT	CLOSED SESSION TIME IN:	CLOSED SESSION TIME OUT:	TIME MEETING ADJOURNED
Bill Riddick ✓	Seeley ✓ Batten ✓		1			
Joseph Reish ✓	Bowden ✓ Briggs ✓					
William Sanders ✓	Gwaltney ✓					

BOARD OF ZONING APPEALS

PUBLIC COMMENTS
(For items not listed on the agenda)

November 15, 2016

	PRINTED NAME	ADDRESS	PHONE NUMBER (OPTIONAL)
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BOARD OF ZONING APPEALS

**PUBLIC COMMENTS
FOR SPECIAL YARD EXCEPTION**

(505 Jordan Avenue)

November 15, 2016

	PRINTED NAME	ADDRESS	PHONE NUMBER (OPTIONAL)
1	RANDY PACK	505 Jordan Ave SMFD	620-7700
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November 15, 2016

Board of Zoning Appeals

	Motion Made By:	Motion 2 nd By:	Faye Seeley Chair	Clem Batten Vice Chair	Catherine Bowden	Chris Gwaltney	Robert Briggs	Passed	Denied	Tabled
1) Special Yard Exception - 505 Jordan Avenue	Briggs	Bowden	✓	✓	✓	✓	✓	✓		
2) Approve May 17, 2016 Minutes	Swalthey	Baths	✓	✓	✓	✓	✓	✓		

Both items approved as presented

0

✓ = AYE

X = NAY

ABS = Abstained

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

SPECIAL YARD EXCEPTION

November 15, 2016

Application Number	BZA 16-02
Applicant Name and Address	Randolph H. Pack 505 Jordan Avenue Smithfield, Virginia 23430
Property Owner Name and Address	Randolph H. Pack 505 Jordan Avenue Smithfield, Virginia 23430
Property Location and Description	505 Jordan Avenue Single family dwelling on the South side of Jordan Avenue
Statistical Data (See Plat)	
Current Zoning	N-R, Neighborhood - Residential
Setbacks	
Front	35 feet
Rear	35 feet
Side	15 feet
Existing Setbacks	
Front	31.56 feet
Rear	300 feet +
Side (West)	46.7 feet
Side (East)	80 feet + -
Access	Jordan Avenue
Surrounding Land Uses/Zoning	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 an approximately 45 foot by 35 foot attached garage addition to the existing residential structure that will not meet the current ordinance setback requirements. The existing residential structure has front yard setback of 31.56.

Staff Comments

Special Yard Exception would allow for the proposed addition. The current setback violation is of no fault of the current owners, as research shows that the primary structure was built in 1957. The proposed garage addition will encroach 18.83 feet into the required 35 foot front yard. The applicant also proposes to construct an 8 foot by 20 foot covered front porch addition that will encroach approximately 1 foot +/- into the required 35 foot front yard.



TOWN OF SMITHFIELD

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

APPLICATION FOR:

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

Applicant(s) Name: RANDOLPH H. PACK
 Address: 505 JORDAN AVE
 City, State, Zip: SMITHFIELD, VA 23430
 Phone Number(s): 757-620-7700

Property Owner(s) Name: SAME
 Address: _____
 City, State, Zip: _____
 Phone Number(s): _____

Property Address: 505 JORDAN AVE, SMITHFIELD, VA
 Tax Map Number(s): 21A-14-005
 Property Description: _____

Zoning: N-R Acreage: 3.08 Application Fee: \$150
 Legal Reference: _____ Deed Book#: _____ Page#: _____

Proposed Use/Exception: GARAGE ADDITION. SEE ATTACHED LETTER TO BOARD OF ZONING APPEALS, LETTER FROM NEIGHBORS AND ASSOCIATED PLATS.

Randolph H. Pack
 Applicant(s) Signature

10/27/16
 Date

Applicant(s) Signature

Date

October 26, 2016

Town of Smithfield, VA
Board of Zoning Appeals
PO Box 246
Smithfield, VA 23431

Dear Ladies and Gentlemen of the Board,

We are writing today to request a special yard exemption for our property at 505 Jordan Ave in Smithfield, VA. My wife and I are requesting a special yard exception to the front yard setback of 35 ft as we wish to construct an attached three car garage.

We believe there are three specific areas in Article 12 of the zoning ordinance where the BZA can allow for the front yard exception we are asking for:

1. Article 12 F, Section 1, Sub-Section A: to provide for adjustments in the relative locations of uses and buildings of the same or different classifications:
2. Article 12 F, Section 6, Sub-Section A: Special exception uses: The following buildings and uses are permitted as special exceptions under the terms and conditions specified hereinabove: a. A garage or other building accessory to a single family dwelling which building does not comply with the regulations of the district in which it is located
3. Article 12 F, Section 4: If the Board finds that the proposed establishment or use will not adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor increase public danger from fire or otherwise unreasonably affect public safety, nor impair the character of the district or adjacent districts, nor be incompatible with the general plans and objectives of the Town's Comprehensive Plan, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such establishment or use will be in substantial accordance with the general purpose and objectives of this ordinance, the Board shall grant the exception and authorize the issuance of a special exception permit.

The Smithfield Zoning Ordinance dated September 1, 1998, Board of Zoning Appeals Article 12: specifically gives the Board of Zoning Appeals the ability to make exceptions in Article 12 F-1-A "1. The Board shall have the power in specific cases to grant a special exception for special use, area, and yard exceptions from the application of the terms of this ordinance under the following provisions: a. to provide for adjustments in the relative locations of uses and buildings of the same or different classifications." In this case the ordinance specifically allows the BZA to provide adjustments in the yard exception for buildings of the same classification. We would suggest that as this garage is attached it shall be classified as an extension of our home and classified as such.

The ordinance goes on in the special exception use clause where it *specifically* allows for a garage which would not comply with regulations, in our case a front yard setback regulation, in section 12 F-6-A: "Special exception uses: The following buildings and uses are permitted as special exceptions under the


terms and conditions specified hereinabove: a. A garage or other building accessory to a single family dwelling which building does not comply with the regulations of the district in which it is located.”

Additionally, Section F-4 reads: “If the Board finds that the proposed establishment or use will not adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor increase public danger from fire or otherwise unreasonably affect public safety, nor impair the character of the district or adjacent districts, nor be incompatible with the general plans and objectives of the Town’s Comprehensive Plan, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such establishment or use will be in substantial accordance with the general purpose and objectives of this ordinance, the Board shall grant the exception and authorize the issuance of a special exception permit.”

We feel we meet all of the requirements listed in Section F-4. The proposed addition will not adversely affect the health safety or welfare of neither my family as occupants, nor the safety or welfare of my neighbors. This addition will not unreasonably impair an adequate supply of light or air to adjacent properties. This addition will not increase congestion in the streets (if anything it will reduce congestion as it will allow for parking vehicles indoors instead of driveway). It shall not increase public danger from fire nor be incompatible with the Town’s comprehensive plan. It will not impair the value of buildings in surrounding properties and in our opinion should make them more attractive and valuable. With all these items met, we hope that the board shall grant the exception and issue a special use permit.

Further, I have included a letter from all adjoining property owners in support of the special front yard setback exception. This addition will also result in a reduction of impact to the RPA by 112 square feet. My wife and I kindly ask of the BZA to favorably consider our request. The shape of our yard, how the home is situated on the lot and the layout of the house make it difficult/impossible to locate an attached garage in any other location than the area shown before you. While the lot is approximately 3 acres, the slope of the land and proximity to the water limit the building area. We believe that this final addition to our home will complete what we started 10 years ago. We strive to be good stewards of our community and strong neighbors. It is our belief that this addition, if allowed, will only improve the appearance of our home and the value of other homes in our neighborhood. We thank you for your consideration and are happy to answer any questions that may arise.

Respectfully yours,

A handwritten signature in cursive script that reads "Randy Pack". The signature is written in black ink and is positioned above the printed name.

Randy Pack

October 26, 2016

Town of Smithfield, VA
Board of Zoning Appeals &
Planning Commission
PO Box 246
Smithfield, VA 23431

Dear Ladies and Gentlemen of the board,

I am writing today in support of Randolph H. and Alysia E. Pack's proposed garage addition to their home at 505 Jordan Ave in Smithfield, VA. I am aware that they are requesting a special exception to the front yard setback of 35 feet as set forth in the Town of Smithfield's zoning ordinances. Additionally, I am aware of their request to minimally intrude inside of the Resource Protection Area as set forth in the Chesapeake Bay Protection Act.

I certify I am an adjacent property owner to Mr. and Mrs. Pack and am authorized to sign in support of their planned garage addition. We ask that you look favorably upon Mr. and Mrs. Pack's request and grant them the special exceptions they have requested.

Sincerely,



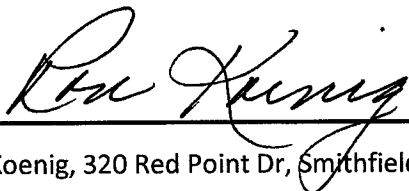
Bruce Cobb, 504 Jordan Ave, Smithfield, VA



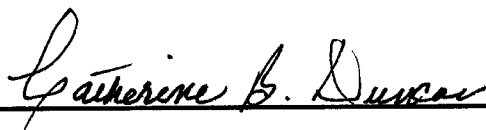
Al Casteen, 506 Jordan Ave, Smithfield, VA



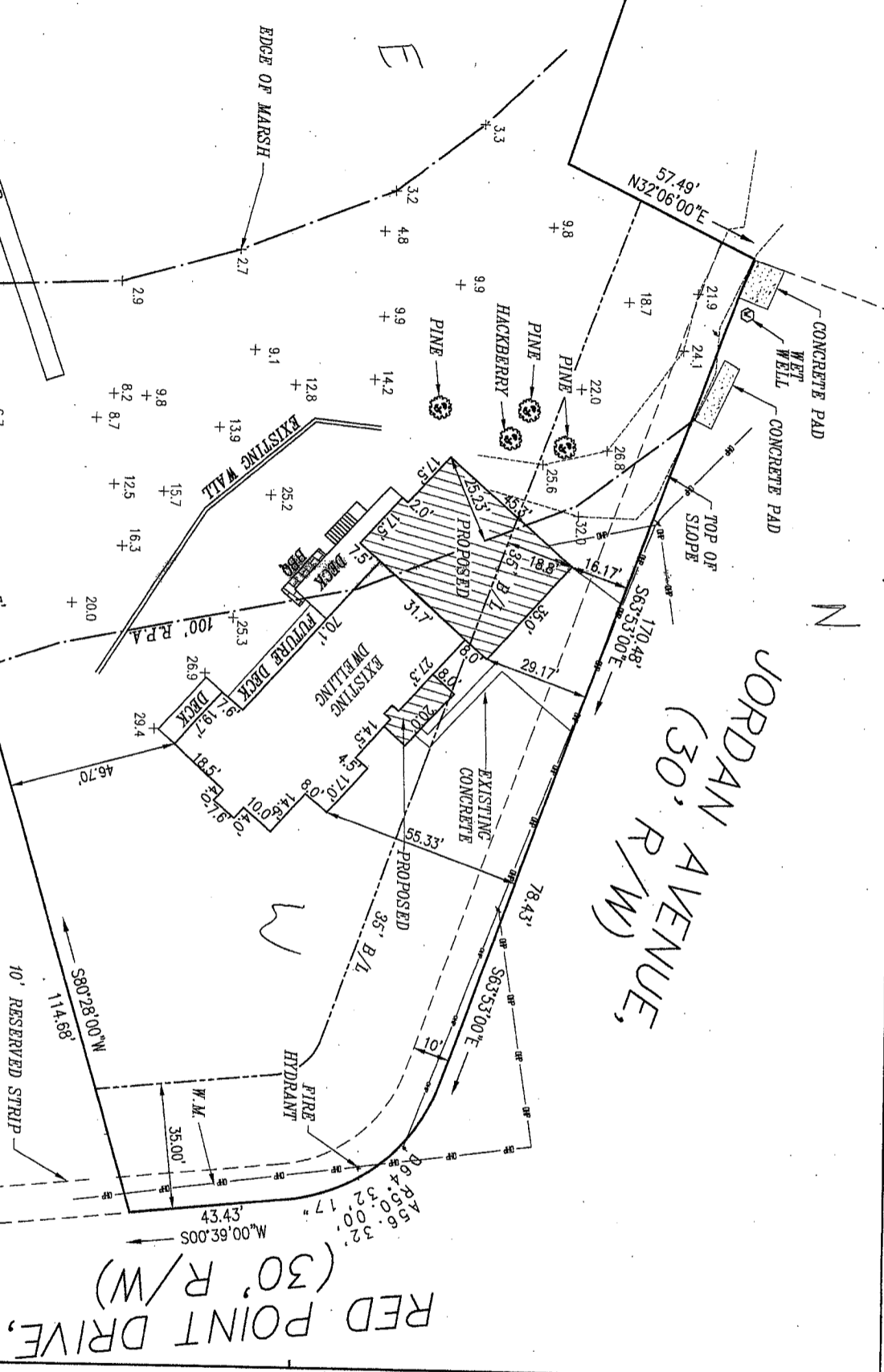
Ron Pack, 508 Jordan Ave, Smithfield, VA



Ron Koenig, 320 Red Point Dr, Smithfield, VA



Catherine Duncan, 319 Red Point Dr, Smithfield, VA



IMPERVIOUS INSIDE R.P.A. AREA (SHEET TWO) = 1,143.07 S.F.

THIS SURVEY HAS BEEN COMPLETED WITHOUT THE BENEFIT OF A TITLE SEARCH. THEREFORE, THIS SURVEY IS SUBJECT TO ANY ENCUMBRANCES, EASEMENTS, RIGHTS OF WAY, OR OTHER PERTINENT FACTS WHICH A TITLE SEARCH WOULD DISCLOSE.

REFERENCE - INQUIRY 03/68, P.C. 2-192-16
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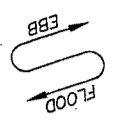
EXHIBIT PLAT
 SHOWING PROPOSED FEATURES
 PROPERTY OF

RANDOLPH H. PACK
 ALYSSIA ERIN PACK

LOCATED AT 605 JORDAN AVENUE
 TOWN OF SMITHFIELD



P.C. 2-192-16



PAGAN RIVER

WISCONSIN 20647 (MS)
HEAT TON WATER IS P/L

LOT 6
TAX PARCEL
214-14-006

LOT 5
TP 214-14-005
AREA 3.08 AC.
ZONED R-R

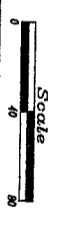
PARCEL B
TAX PARCEL
214-01-4823

LOT 3
TAX PARCEL
214-14-003

JORDAN AVENUE
(30' R/W)

RED POINT DRIVE
(30' R/W)

EXHIBIT PLAT
SHOWING EXISTING FEATURES
PROPERTY OF
RANDOLPH H. PACK
ALYSIA ERIN PACK
LOCATED AT 605 JORDAN AVENUE
TOWN OF SMITHFIELD
ISLE OF WIGHT COUNTY, VIRGINIA
OCTOBER 19, 2016
SCALE 1" = 40'



IMPROVEMENTS INSIDE R.P.A. AREA (SHEET ONE) = 1,255,14 S.F.
THIS SURVEY HAS BEEN COMPLETED WITHOUT THE BENEFIT OF
A TITLE SEARCH THEREFORE THIS SURVEY IS SUBJECT TO ANY
EASEMENT OF RECORD, LAND TRANSACTIONS AND OTHER
PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE

REFERENCE - INJ00003468, P.C. 2-192-16
LEGEND
- DANGER: IRON PIN OR PIPE FOUND

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, November 15, 2016, at 7:30 p.m. to consider the application of Randolph H. Pack, owner, 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 an existing residential structure with a front yard setback 31.56 feet. The applicant proposes to construct a garage addition to the dwelling house and a covered front porch which will not meet the current ordinance requirements. The proposed garage addition will encroach into the front yard a distance of 18.83+/- feet and the proposed covered front porch will encroach 1+/- foot. The Special Yard Exception will cure the violation. The property is located at 505 Jordan Avenue. The minimum front yard setback is 35 feet, as provided by the Zoning Ordinance. 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: November 2 and 9, 2016