

**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.  
.....

INFORMATION FOR THE MEETING OF:

BOARD OF ZONING APPEALS

December 20, 2016

7:30 start

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 ✓ Joseph Reish ✓	<del>Seeley</del> Absent ✓ Batten ✓ Bowden ✓ Briggs ✓ Gwaltney ✓	0 _____ _____ _____ _____ _____ _____	5			7:52 pm

752 PM end

**BOARD OF ZONING APPEALS**

**PUBLIC COMMENTS**  
**(For items not listed on the agenda)**

**December 20, 2016**

	<b>PRINTED NAME</b>	<b>ADDRESS</b>	<b>PHONE NUMBER (OPTIONAL)</b>
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**BOARD OF ZONING APPEALS**

**PUBLIC COMMENTS  
FOR SPECIAL YARD EXCEPTION**

(92 Moonefield Drive)

**December 20, 2016**

	<b>PRINTED NAME</b>	<b>ADDRESS</b>	<b>PHONE NUMBER (OPTIONAL)</b>
<b>1</b>	OSCAR RICHARDSON	1924 ELBOW RD. CHES. VA	(457) 401-8113
<b>2</b>			
<b>3</b>			
<b>4</b>			
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December 20, 2016

Board of Zoning Appeals

	Motion Made By:	Motion 2 <sup>nd</sup> By:	Faye Seeley Chair	Clem Battien Vice Chair	Catherine Bowden	Chris Gwaltney	Robert Briggs	Passed	Denied	Tabled
1) Special Yard Exception - 92 Moonefield Drive	Gwaltney	Briggs	Absent X	✓	✓	✓	✓	✓	✓	✓
2) Approve November 15, 2016 Minutes	Gwaltney	Briggs	X	✓	✓	✓	✓	✓	✓	✓

✓ = AYE

X = NAY

ABS = Abstained

**Rodham T. Delk, Jr.**  
**101 Moonefield Drive**  
**Smithfield, VA 23430**  
**757-357-4584**

December 12, 2016

Town of Smithfield Board of Zoning Appeals  
Smithfield, VA 23430

Attn: William G. Saunders IV, Zoning Administrator

Re: David Hare and Mary Mitchell Application  
Special Yard Exception  
Property Address: 92 Moonefield Drive

Dear Mr. Hopkins:

On December 20, 2016, the Board of Zoning Appeals will consider the application of David Hare and Mary Mitchell for a Special Yard Exception in connection of their construction of a single-family dwelling on the lot.

By way of full disclosure, my wife and I sold the lot to the applicants with full knowledge that they planned to construct a new dwelling on the property. The tree is a significant asset to the property

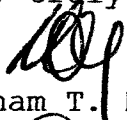
As I understand it, the rear yard and eastern sideyard setbacks are the subject of the application. The setback issues are the result of the applicants' attempts to save a very old and large tree, the extensive root system of which will be damaged by construction of the planned residence within the required setbacks.

I cannot speak to the requested 15-foot rear yard variance, but I do have comments as to the eastern sideyard setbacks. Tidal wetlands issues are minimal if not non-existent. The area in question suffered only minimal, if any, flooding in Hurricane Isabel, and I cannot see how the proposed footprint of the home could possibly adversely affect the area or the Town's interests in wetlands preservation.

My wife, Elizabeth W. Delk and I both support the granting of the relief sought by the applicants.

Thank you for your consideration.

Very truly yours,



Rodham T. Delk, Jr.



Elizabeth W. Delk

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



**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: 13774 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): ZZD-02-5001  
Property Description: residential infill lot at end of Moonfield Dr.

Zoning: N-R Acreage: 2+ 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

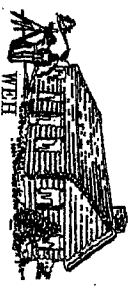
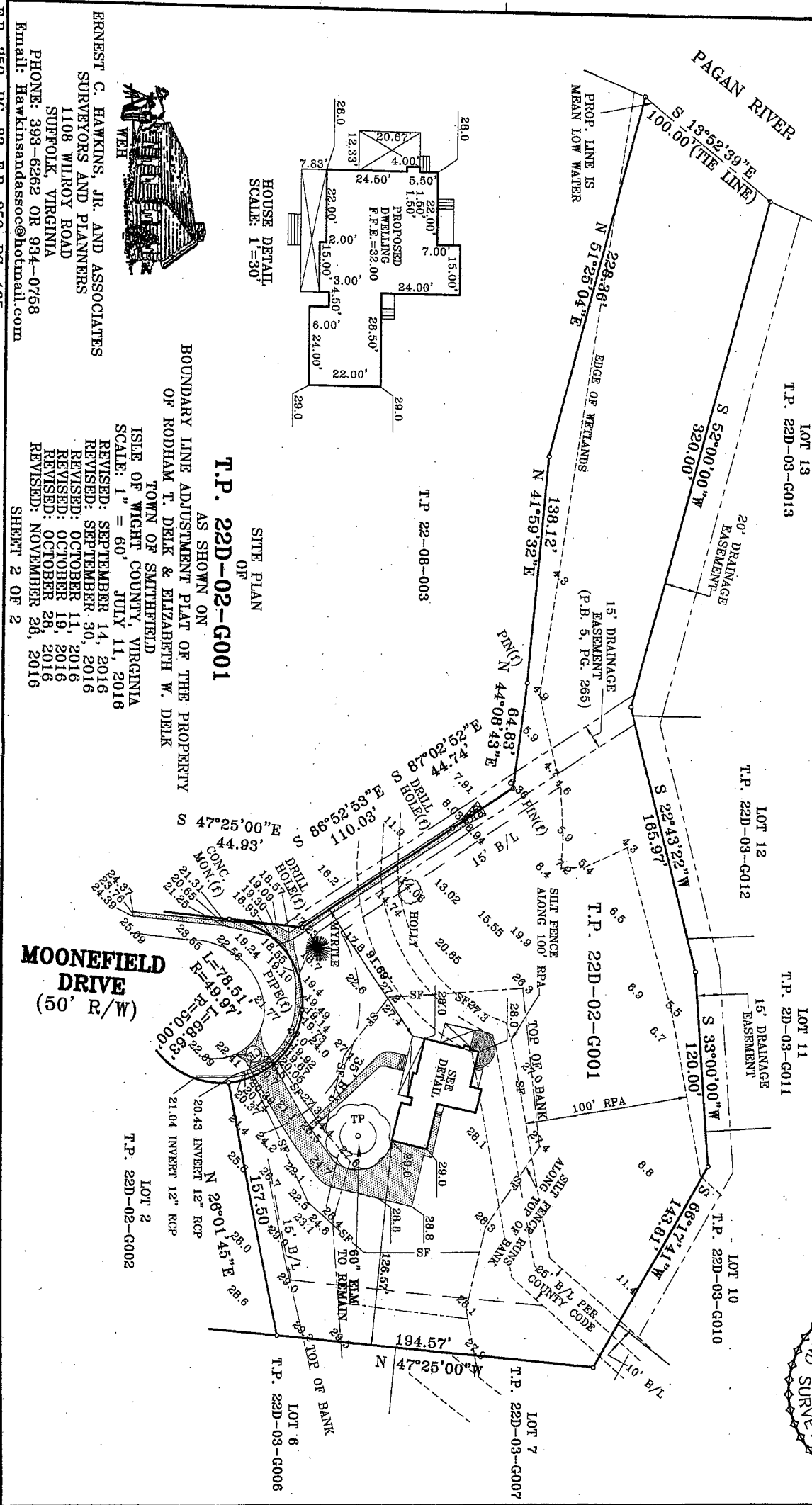
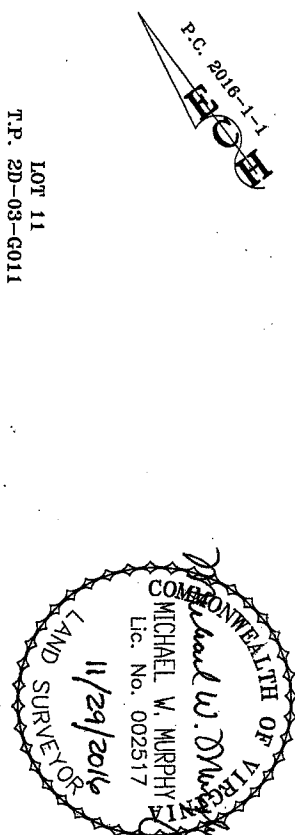
12/1/16  
Date

Mary V. Mitchell  
Applicant(s) Signature

12/1/16  
Date

B.Z.A 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

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

REVISSED: SEPTEMBER 14, 2016  
REVISSED: SEPTEMBER 30, 2016  
REVISSED: OCTOBER 11, 2016  
REVISSED: OCTOBER 19, 2016  
REVISSED: OCTOBER 28, 2016  
REVISSED: NOVEMBER 26, 2016  
SHEET 2 OF 2

ERNEST C. HAWKINS, JR. AND ASSOCIATES  
SURVEYORS AND PLANNERS  
1108 WILROY ROAD  
SUFOLOK, VIRGINIA  
PHONE: 393-6262 OR 934-0758  
Email: Hawkinsandassoc@icloudmail.com  
F.B. 259, PG. 82, F.B. 259, PG. 135

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SPECIAL YARD EXCEPTION

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BOARD OF ZONING APPEALS  
TOWN OF SMITHFIELD, VIRGINIA

By: William G. Saunders, IV  
Zoning Administrator

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