**BOARD OF ZONING APPEALS**
**CITY OF FREDERICKSBURG, VIRGINIA**
**AGENDA**
**January 25, 2016**
**4:00 P.M.**
**COUNCIL CHAMBERS, CITY HALL**

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1. Call To Order
2. Determination Of A Quorum
3. Determine Public Notice Requirements Have Been Met
4. Disclosure Of Ex Parte Communication
5. Disclosure Of Conflicts Of Interest
6. Approval Of Agenda

   6.I. Agenda - January 25, 2016

   Documents: 2016-01-25 BZA AGENDA.PDF

7. Public Hearing Items

   7.I. V2015-02: 2217 Princess Anne Street

   Documents: 2016-01-15 BZA MEMO V2217PA.PDF, 2015-12-29 2217 PA APPLICATION AND SUPPORTING MATERIALS.PDF

8. Approval Of Minutes

   8.I. Minutes - November 16, 2015

   Documents: 2015-11-16 BZA MINUTES DRAFT.PDF

   8.II. Minutes - January 5, 2016

   Documents: 2016-01-05 BZA MINUTES DRAFT.PDF

9. Staff/Board Comments
10. Adjourn

# CITY OF FREDERICKSBURG
# BOARD OF ZONING APPEALS
# AGENDA
# January 25, 2016
# 4:00 p.m.

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1. Call to Order

2. Determination of a Quorum

3. Determine public notice requirements have been met

4. Disclosure of *Ex Parte* Communication

5. Disclosure of Conflicts of Interest

6. Approval of Agenda

7. Public Hearing Item

    a. Variance request – General Washington Executive Center – 2217 Princess Anne Street.

8. Review of Minutes

    a. November 16, 2015

    b. January 5, 2016

9. Staff/Board Comments

10. Adjourn

# MEMORANDUM

**TO:** Chairwoman Helen P. Ross and Board of Zoning Appeals members
**FROM:** Mike Craig, Zoning Administrator
**DATE:** January 15, 2016 for the January 25 meeting
**RE:** V2015-02: Variance request from UDO section 72-31.5b to permit ten 14 foot 6 inch wide multi-family units at 2217 Princess Anne Street (GPIN 7779-89-7284).

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## ISSUE

Should the BZA approve a variance permitting ten narrower multi-family units then are otherwise permitted at 2217 Princess Anne Street?

## RECOMMENDATION

Deny the variance request on the grounds that it does not meet the requirements for a variance set forth in Virginia State Code § 15.2-2201 and § 15.2-2309.

## BACKGROUND – NOVEMBER 16

2217 Princess Anne Street is a large lot in the Princess Anne Street corridor that contains two buildings. One building is a four story hotel dating to 1926. The other, called "Building C" by the Applicant, is a two story building on the southern portion of the lot close to the Princess Anne Street right-of-way. Building C dates to 1950.

2217 Princess Anne Street is zoned Commercial Highway (CH). Currently, both buildings contain office users. Building C, according to the Applicant, is primarily medical office.

Commercial Highway permits a variety of residential and non-residential uses including multi-family dwelling units. City Code § 72-32.4.C(1) states that, residential development in the CH Zoning District shall conform to R-12 Zoning District dimensional standards (§ 72-31.5.B). Here is a breakdown of how those standards apply to the development of multi-family dwelling units on the property:

| 2217 Princess Anne Street (2.8 acres) | | |
|---|---|---|
| **Standard** | **Multifamily** | **2217 Princes Anne Street By-Right** |
| Residential Density, Maximum | 12 units / acre | 34 units |
| Nonresidential FAR, Maximum | N/A | N/A |
| District Size, Minimum (acres) | 5 (may reduce with SE) | N/A (existing zoning) |
| Lot Area, Minimum (square feet) | None | N/A |
| Lot Width, Minimum (feet) | | |
| Interior Lot<br>Corner Lot | Each unit shall maintain a minimum width of 18 feet | Each unit shall maintain a minimum width of 18 feet |
| Front Setback, Minimum (feet) | 25 | 25 |
| Side Setback, Minimum (feet) | 25 | 25 |
| Rear Setback, Minimum (feet) | 35 | 35 |
| Setback from Other Districts, Minimum (feet) | 40 | 40 |
| Open Space Set-Aside, Minimum (%) | 25% | 25% |
| Height, Maximum (feet) * | 50 | 40* |

* Princess Anne Street Corridor Overlay limits height to 40'

## VARIANCE ANALYSIS

Variances are evaluated according to the criteria contained in the UDO, Section 72-22.8, as follows – "The BZA may authorize a variance from the zoning regulations in this Ordinance as not contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice be done." Responses to each criterion are contained in *italics*:

*The City contemplates residential use for the GWEC area. The Comprehensive Plan designates this property as General Commercial and has a specific recommendation that this property be part of a larger Planned Development-Mixed Use rezoning. The intent of the rezoning is stated to be "to provide more suitable land uses as well as provide transitional uses between the commercial activity along the road and the nearby residential neighborhoods" (Comprehensive Plan p 217).*
*However, the area has not been rezoned and the current zoning regulation requires that multifamily units be a minimum of 18 feet wide. The City Council intended this regulation to be one of a collection of tools that would "promote the health, safety, convenience, and general welfare of the public"*[1]*. Changing zoning tools requires a deliberate legislative act. In this case, as described in the Comprehensive Plan, the most appropriate means to change the zoning law at 2217 Princess Anne Street is through the zoning map amendment process outlined in § 72-22.4.*

Further, Virginia State Code section § 15.2-2201 and § 15.2-2309 sets the following criteria that must be met for the Board of Zoning Appeals approve a Variance request:

1. "that the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance."

*The request meets this criterion:*
*General Washington Executive Center was acquired in good faith.*

2. "the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area."

*It is not clear whether this request meets this criterion:*
*The variance would change the type of multifamily dwelling unit permitted in the zoning district. It is unclear what impact narrower units will have on the neighborhood. This policy change should be analyzed through a zoning map amendment or zoning text amendment process.*

3. "the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance."

*The request does not meet this criterion:*
*If granted, there would be no reason why any other property in the CH Zoning District would not also qualify for a variance from the minimum unit width standard. A policy change of that magnitude is rightly made through a text amendment legislated by the City Council following the procedures set forth in City Code §72-22.3.*

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[1] City Code § 72-12.0

*Additionally, there are zoning classifications, like PDMU, that would permit the development of the multifamily units as proposed. The purpose of the Board of Zoning Appeals' Variance process is to provide relief when, "owing to special conditions, a literal enforcement of the provisions will ersult in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done"*[2].

4. "the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property."

*The request meets this criterion:*
*The variance would not result in such change.*

5. "the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of §15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application."

*The request meets this criterion:*
*Special Exceptions from bulk requirements are only supposed to be considered in the context of a special use permit, special exception for use, or conditional rezoning application. However, while a Special Exception is not available the Applicant does have the ability to rezone his property to achieve his development goals.*

6. "the strict application of the ordinance would produce undue hardship relating to the property;"

*The request does not meet this criterion:*
*On Exhibit A, the Applicant states that without the requested Variance Building C could be developed as 28 units. With the Variance, Building C would only yield 22 units. Further, the Applicant has sufficient room on the site at 2217 Princess Anne Street (including building additional stories onto Building C) to construct or redevelop his other building into the full amount of residential units permitted by the existing zoning ordinance (34 units). The zoning regulation is not preventing the use of 2217 Princess Anne Street for multifamily units and therefore there is no undue hardship stemming from the zoning.*
*It is unclear how the Applicant's argument that the 18' width requirement is an undue hardship. Exhibit C and D purport to show that the 14' 6" wide unit requires less structural adjustment than the 18' wide units. The City's Construction Plan Reviewer, Jeff Bragg, reviewed Exhibit C and D and noted that:*

> "I understand that portions of these existing T-Section concrete floor panels need to be removed to allow access to the proposed 2nd floor of these units. The amount of the floor removed is initially dependent upon what is necessary to provide stairway access with proper head clearances. Depending on where the joints are located in the floor panels, and where the structural webs fall, it is also understandable that more of the floor structure may need to be removed than what is necessary for stairway access to the 2nd floor of each unit.
>
> The one difference I see is that the 18' wide units are shown with a considerable amount of floor structure proposed being removed, as opposed to what is shown being removed in the 14' wide units. Unlike the 14' units, more of these 18' units are shown with a wide open 1st floor plan

[2] City Code § 72-22.8.D

> without interior bearing which would naturally require larger beams to support these floor panels where they are supported. So in part there are definitely existing conditions that dictate the design, but the open floor plan shown in 'Exhibit D' seems to be exacerbating those conditions."

*The Applicant has also provided other scenarios (Rejected scheme B-1 and B-2) that would permit the redevelopment of Building C into multifamily units. The reason the Applicant has rejected these scenarios are aesthetic.*
*City Code § 72-31.5b does not prevent the reasonable use of the property. The site is currently in use as offices. There is ample room on-site and in existing buildings for the Applicant to develop the 34 multifamily units allowed under CH zoning without a variance.*

7. "the hardship is not shared generally by other properties in the same zoning district and the same vicinity;

*The request does not meet this criterion:*
*There is no hardship and therefore any variance granted to 2217 Princess Anne Street will also have to be granted to any other property in the CH zoning district. This type of change is supposed to be handled through an amendment to the zoning ordinance itself by the City Council.*

8. "the character of the district will not be changed by the granting of the variance."

*The request does not meet this criterion:*
*As discussed, the City's Comprehensive Plan envisions a change for this area from Commercial Highway to a Planned Development Mixed Use. Part of that transition may involve permitting narrower apartments. That type of legislative policy decision is the City Council's to make. The variance process is intended to provide relief when the strict interpretation of the zoning ordinance results in an undue hardship. As demonstrated above the Applicant is not suffering an undue hardship.*

**CONCLUSION:**

This request does not meet 4 of the 8 criteria that must be met in order for a variance to be granted by the Board of Zoning Appeals. It is unclear whether or not the proposal meets a fifth criterion. The requested variance should be denied.

**ATTACHMENTS:**

1. Application and Supporting Materials

**Fee ($300):_____ App No. _____**

**City of Fredericksburg**
**BOARD OF ZONING APPEALS**
**Community Planning & Building Department**
**715 Princess Anne Street, P.O. Box 7447**
**Fredericksburg, Virginia 22404**

# ZONING VARIANCE

**What is a variance?** A reasonable deviation from those provisions in the Zoning Ordinance regulating the size or area of a lot or parcel of land, or the size, area, bulk, or location of a building or structure when the strict application of the Zoning Ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of this article, and would result in substantial justice being done. It shall not include a change in use which could be accomplisehd by a rezoning, a conditional zoning, or a special use permit.

**Who can grant a variance?** The Board of Zoning Appeals (BZA) has the authority to grant variances in cases where strict application of the Zoning Ordinance would result in unnecessary hardship for the property owner.

**What is the Board of Zoning Appeals (BZA)?** The BZA is a five-member board comprised of City residents and appointed by the Circuit Court. The BZA will hear and consider requests for variances to the City of Fredericksburg Zoning Ordinance, and appeals of the Zoning Administrator's decisions.

**What is the basis for a variance?** The BZA must make the following three findings, as set forth in the Code of Virginia §15.2-2309(2), in order to grant a variance:

1. The strict application of the ordinance would produce undue hardship;
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

**How do I prove a hardship?** To prove hardship, a property owner must show that the strict application of the terms of the ordinance effectively prohibits or unreasonably restricts the use of the property. A variance may be justified by:

1. the exceptional size or shape of a property at the time of the effective date of the ordinance, or
2. the exceptional topographic conditions or other extraordinary situation of such property.

The BZA must be satisifed, upon the evidence heard, that granting a variance will alleviate a clearly demonstrated harship, as distinguished from a special privilege or convenience sought by the applicant.

**What is the application process?** Variance applications must be filed with the Community Planning & Building Department.

- A pre-submission conference is held between the applicant and a Planning Services Division staff member. A solution may be discovered without the need for a variance.
- A complete variance application with original signatures and all associated materials must be submitted with seven (7) copies of all material and the application fee ($300) by the established deadline. (Please provide an electronic version of accompanying materials, if possible.)
- The Planning Services Division will advertise the variance request as a notice of public hearing once a week for two consecutive weeks prior to the hearing date in the local newspaper. The notice will specify the date, time, and place of the hearing so persons affected may appear and present their views.
- The applicant will notifiy adjoining property owners of the requested variance and hearing date.
- A Planning Services Division staff member will prepare a staff report that will accompany the variance application and both will be forwarded to the members of the BZA for their review before the meeting date.

- At the public hearing the BZA will approve, deny, or defer the variance request until a later date after hearing the applicant and all interested parties.
- **The policy of the Board of Zoning Appeals is that members will not discuss variance cases with applicants prior to a scheduled public hearing of the Board of Zoning Appeals.**

**How long does a typical variance process take?** The average variance process is approximately four to six weeks from submission to action.

**What if I want to appeal the decision of the BZA?** Any one aggrieved by a decision of the BZA has thirty (30) days to appeal the decision to the Fredericksburg Circuit Court.

Name of Applicant: General Washington Executive Center, LLC

Telephone: 540-424-2076 Email tommymitchellleasing@gmail.com

Mailing Address: 614B Caroline Street, Fredericksburg, VA 22401

Interest in Property: Owner

If the Applicant is not the Property Owner, complete the Affidavit for Special Power of Attorney Owner Consent Form (attached).

Name of Property Owner (if different from applicant): n/a

Mailing Address: _____

_____ Telephone _____

**Property Description**

The property is described as follows: 58,000 sq. ft. office building built in the 1930s as the Stratford Hotel

Street Address: 2217 Princess Anne St Zoning District: CH

Tax Map ID 2858 GPIN No. 7779-89-7284

Legal Description (include subdivision and lot number): LT 1-16 19-28 31-34 BL 164-6-L1 & PT 17 & 18 Van Buren St. & 2217 PR Anne St 2.797

This is a request for a variance to Section 72-31.5 B of the Zoning Ordinance. Only those items previously listed in the definition of a variance may be requested.

Describe the proposed variance and the reason(s) such a variance is necessary. The following items must be specifically addressed for this application to be considered complete: (Use additional sheets, if necessary.)

1. How the strict application of the provisions of the Zoning Ordinance would create undue hardship.

Please see attached document.

2. What exceptional circumstances or conditions are applicable to the property, or to the intended use of the property, that do not apply generally to other properties in the same zoning district and the same vicinity.

Please see attached document.

3. How a variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed thereby.

Please see attached document.

4. Has any previous application or appeal been filed in connection with this property?

☒ **No** ☐ **Yes**

If yes, provide the date and type of application: _____

*If necessary, additional sheets may be used*

# AFFIDAVIT FOR SPECIAL POWER OF ATTORNEY
# OWNER CONSENT FORM

I, _____ the owner of the property located at

_____

Make, constitute, and appoint _____ , special power of attorney to do and perform all acts, and make all representation necessary, without any limitation whatsover, to make application for said variance. The rights, powers, and authority of said attorney-in-fact herein granted shall commence and be in force and effect on _____.

_____
Property Owner

**Commonwealth of Virginia**
**City of Fredericksburg**

Subscribed and sworn before me this _____ day of _____, 20_____ .

_____
Notary Signature

_____ _____
Registration Number Commission Expiration

# PUBLIC NOTIFICATION REQUIREMENTS

**Written Notice:** Written notice of an application initiated by a property owner or contract purchaser shall be provided to adjacent property owners by certified return receipt mail **by the applicant at least five calendar days prior** to the public hearing (not counting the date of the hearing) and **not more than 15 days prior** to the hearing. Applicants may use the notice form supplied with the application forms. In the event the application is deferred indefinitely, notification shall be given when the application is rescheduled.

Evidence of the receipt of such notice shall be provided to the Zoning Administrator prior to the public hearing. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

**The following notice documents must be submitted to the office of the Zoning Administrator at least 5 days prior to the public hearing:**

1. a copy of the notice letter sent
2. a list of the names and addresses of those persons to whom notice was sent
3. a copy of the post office receipts for the certified or return receipt mail
4. "Certification of Notice" form found at the back of this application

**Posted Notice:** **The applicant shall post a sign** provided by the Zoning Administrator on each parcel of land involved in an application for zoning map amendment (when 25 or fewer parcels are affected), **Posted notice shall be erected at least five days before the BZA public hearing and before the City Council public hearing**.

**Failure to send accurate or correct notices will result in deferral of the application to a later hearing date.** Property ownership information is to be obtained from the City Real Estate Office, Room 107, City Hall, 715 Princess Anne Street or online at Fredericksburgva.gov

**APPLICANT to mail this notice <u>by certified return receipt mail</u> to adjoining and abutting property owners between 15 and 5 days prior to the scheduled hearing.**

Dear Property Owner:

You are hereby notified of the following public hearing to be held by the City of Fredericksburg Board of Zoning Appeals on the issues described below.

**PUBLIC MEETING DATE:_____**

**AT**
**4:00 PM, CITY HALL**
**715 PRINCESS ANNE STREET**
**COUNCIL CHAMBERS (LOWER LEVEL)**
**FREDERICKSBURG, VA 22401**

**ISSUE**
**DESCRIPTION:_____**
**_____**
**_____**
**_____**
**_____**
**_____**
**_____.**

**PROPERTY**
**ADDRESS:_____**

**GPIN NUMBER:_____**

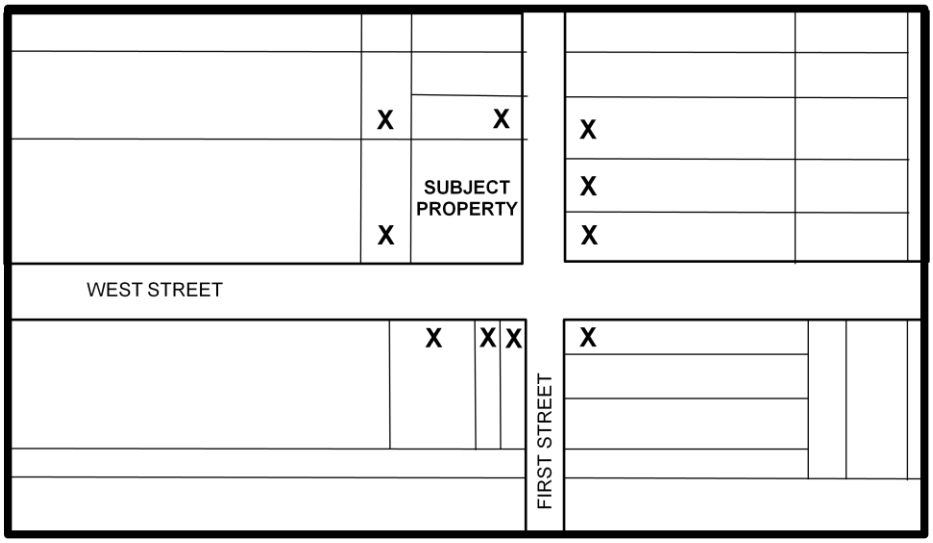
**As a citizen and party of interest, you are invited to attend the meeting and express your views concerning the above issue. If you have questions regarding the request, you can reach me at _____.**

**Sincerely,**

**_____** **_____**
**Applicant signature** **Applicant printed name**

**EXAMPLE DIAGRAM OF ADJOINING PROPERTY OWNERS**

X = Property owners to be notified




**PROPERTY OWNERS LIST**

2217 Princess Anne Street — 7779-89-7284

**SUBJECT ADDRESS** — **GPIN #**

Adjoining property owner names and addresses can be obtained by visiting the City website at www.fredericksburgva.gov and following the link to GIS, or by visiting the Office of Real Estate at City Hall, 715 Princess Anne Street, Room 107.

**Adjoining Property Owner's Name and Mailing Address**

| | | |
|---|---|---|
| **Property Address** | SEE ATTACHED | |
| **Owner Name** | | **GPIN NUMBER** |
| **Mailing Address** | | |
| **City, State, Zip** | | |

| | | |
|---|---|---|
| **Property Address** | | |
| **Owner Name** | | **GPIN NUMBER** |
| **Mailing Address** | | |
| **City, State, Zip** | | |

## Property Owners List

**Subject Address:** 2217 Princess Anne Street **GPIN:** 7779-89-7284

| Property Address | Owner Name & Mailing Address | GPIN |
|---|---|---|
| 2401 Princess Anne St | Larry Arlington Lancaster<br>229 Germania St<br>Fredericksburg, VA 22401 | 7779-89-4496 |
| 2400 Van Buren St | Donelson Rebecca M & Carol A Keith<br>718 Chiswick Park Rd<br>Henrico, VA 23229 | 7779-89-5572 |
| 2216 Caroline St | Fredericksburg Housing Associates II LP C/O Equity MGMT II LLC<br>8975 Guilford Rd STE 100<br>Columbia, MD 20814 | 7779-89-9415 |
| 2100 Caroline St & 2102 Caroline St | PADB C/O Downtown Properties<br>PO Box 1246<br>Fredericksburg, VA 22402 | 7779-99-0268 & 7779-99-1205 |
| 2104, 2106 & 2108 Caroline St | Upper Caroline Street LLC<br>614-B Caroline St<br>Fredericksburg, VA 22401 | 7779-99-1213, 7779-99-1231 & 7779-99-1250 |
| 208, 212, 214, 216 & 218 Hunter St | General Washington Executive Center LLC<br>C/O the Galleria<br>614-B Caroline St<br>Fredericksburg, VA 22401 | 7779-99-0190, 7779-99-0057, 7779-99-0014, 7779-89-9070 & 7779-88-9947 |
| 2113 Princess Anne St | General Washington Executive Center LLC<br>C/O the Galleria<br>614-B Caroline St<br>Fredericksburg, VA 22401 | 7779-88-8994 |
| 2100 Princess Anne St | Pitts Benj T Est<br>105 Amelia St<br>Fredericksburg, VA 22401 | 7779-88-8830 |
| 2200 Princess Anne St | Sponseller Paul N & Sagrario R Trs<br>132 Woodland Rd<br>Fredericksburg, VA 22401 | 7779-88-6986 |
| 2206 Princess Anne St | Doris G Eglevsky<br>205 Caroline St<br>Fredericksburg, VA 22401 | 7779-89-5070 |
| 2216 Princess Anne St | Medicorp Properties Inc.<br>Attn: MHS-General Accounting<br>2300 Fall Hill Ave #418<br>Fredericksburg, VA 22401 | 7779-89-4164 |

| | | |
|---|---|---|
| 2400 Princess Anne St | E R Morris<br>PO Box 1<br>King George, VA 22485 | 7779-89-3359 |
| 0 Hunter Street | City of Fredericksburg, Dora M. Clary et al, and Carrie Moncure et al<br>c/o City Manager<br>PO Box 7447<br>Fredericksburg, VA 22404 | 7779-89-9115 & 7779-89-9137 |

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| | | |
|---|---|---|
| **Property Address** | | |
| **Owner Name** | | **GPIN NUMBER** |
| **Mailing Address** | | |
| **City, State, Zip** | | |

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| **City, State, Zip** | | |

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| **Owner Name** | | **GPIN NUMBER** |
| **Mailing Address** | | |
| **City, State, Zip** | | |

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| **Property Address** | | |
| **Owner Name** | | **GPIN NUMBER** |
| **Mailing Address** | | |
| **City, State, Zip** | | |

**ATTACH ADDITIONAL SHEETS IF NECESSARY**

**NOTE: Applicant to return all notice documents at least five days or prior to the public hearing to: Office of the Zoning Administrator, 715 Princess Anne Street, Fredericksburg, VA 22401**

**Variance # _____**

# CERTIFICATION OF NOTICE

**TO:** **Zoning Administrator**
**715 Princess Anne Street**
**Fredericksburg, VA 22401**

**At least five days or prior to the public hearing, the applicant shall supply the Zoning Administrator with the following notice documents:**

1. **A copy of the notice sent**
2. **A list of the names of those persons to whom notice has been given**
3. **Copies of the post office receipts for certified or registered mail.**
4. **A certification statement that notice has been sent by certified or registered mail to those to whom notice is required to be given.**

**The applicant shall use the records and maps maintained in the City's office of real estate or GIS to determine the proper recipients of notice and reliance upon such records shall constitute compliance with the requirements of the UDO.**

**The undersigned hereby certifies that the notice to adjoining property owners (copy attached), as required, was sent to the attached list of property owners concerning the following issue on (DATE)_____.**

**PROPERTY**
**ADRESS:_____**
**ISSUE**
**DESCRIPTION:_____**

_____

_____

| | |
|---|---|
| _____ | _____ |
| **Applicant Signature** | **Applicant Printed Name** |
| _____ | _____ |
| **Telephone Number** | **Date** |

**NOTE: Applicant to return all notice documents at least five days or prior to the public hearing to: Office of the Zoning Administrator, 715 Princess Anne Street, Fredericksburg, VA 22401**

# SIGN POSTING PROCEDURES

Instructions
It is the applicant's responsibility to ensure that the sign(s) remain on the project site for the required time and are maintained in good/legible condition until after the public hearing date.

Site Posting Procedure
Sign(s) shall be posted at least five (5) business days before the public hearing/meeting. The applicant shall complete a notarized affidavit stating the sign(s) shall be posted in accordance with these procedures. Within three (3) days of posting the sign the applicant shall provide a photograph of the posted sign to the Community Planning and Building Department. **Failure to submit a notarized affidavit and/or photograph of the posted sign may result in the removal of the application from the scheduled meeting agenda.**

Information required on the sign(s) shall be completed by a member of the planning staff and provided to the applicant for posting. Signs shall be removed within three (3) days of the public hearing/meeting. Sign(s) should **not** be returned to the Community Planning & Building Department.

A minimum of one sign shall be placed along any adjacent arterial street. Signs should be posted every 600 feet when a street frontage adjacent to a project exceeds that distance. Sign(s) shall be placed parallel to the roadway.

Sign(s) shall be placed on the property in the most visible location available in such a manner that landscaping or other obstructions do not impair the visibility of the sign(s) from the street. The sign(s) shall not be placed on the public street right-of-way. The sign(s) should not be placed more than 10 feet behind the property line adjacent to the street.

The Community Planning and Building Department may vary any of the above guidelines where there are special circumstances in order to ensure that the sign(s) will be visible to the general public.

**The undersigned acknowledges that he/she has read this procedure and understands how and where to post the required sign(s).**

_____ _____

**Applicant Signature** **Date**

**Variance # _____**

# SIGN POSTING AFFIDAVIT

_____, being duly sworn, deposes and says as follows:
(Name of Affiant)

On the _____ day of _____, 20_____, public hearing/notice sign(s), as supplied by the Office of the Zoning Administrator, Community Planning and Building Department. shall be posted in accordance with City sign posting procedures as stated on the reverse of this affidavit, on the property that is the subject of this application. The sign(s) shall be maintained in good condition on said property until after the public hearing/meeting.

_____ _____
Signature of Affiant Date

_____Planning Commission meeting

_____City Council meeting

_____ARB meeting

_____BZA meeting

**Commonwealth of Virginia**
**City of Fredericksburg**

I, _____, a Notary Public in and for the State and City aforesaid, do hereby certify that _____ appeared before me and acknowledged the same.

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Signature_____

Notary Registration # _____

Commission expires: _____

**APPLICATION FOR VARIANCE**

**CITY OF FREDERICKSBURG, VIRGINIA**

**BOARD OF ZONING APPEALS**

| | |
|---|---|
| **Applicant/Owner:** | **General Washington Executive Center, LLC**<br>**Sole Member LLC, owned by Thomas Mitchell** |
| **Property:** | **GPIN 7779-89-7284, 2217 Princess Anne Street**<br>**City of Fredericksburg, VA** |
| **Variance Request:** | **Variance to Section 72-31.5 B of City UDO** |
| **Current Zoning:** | **Commercial Highway ("CH")** |
| **Date:** | **December 28, 2015** |

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**OVERVIEW**:

This variance request is being made pursuant to Section 72-22.8, et al., of the City's Uniform Development Code ("UDO"). The Applicant is requesting a variance to the minimum lot width requirements under Section 72-31.5 B. The subject Property is zoned Commercial Highway ("CH"), which allows by right, in relevant part, residential uses (R-12 standard) at a density not to exceed 12 units to the acre. The Applicant desires to redevelop a portion of the Property for multifamily purposes. The Property was originally a hotel, and is currently used as commercial office space. The adaptive re-use of the Property is consistent with the City's comprehensive plan and Section 3.3.1 of the City Design Guidelines for the Princess Anne Street Historic Corridor Overlay District.

This request is not contrary to the public interest and the literal enforcement of the subject ordinance will cause an unnecessary hardship upon the property owner; and approval of this variance request will be consistent with the spirit of the ordinance and provide a positive impact to the immediate community.

**I.** **Proposed Variances**: The proposed project includes a total of 22 proposed multifamily units, as shown on that certain attached "Exhibit C" prepared by James O. McGhee Architects, P.C., entitled "General Washington Executive Center, Building 'C' 2217 Princess Anne Street" ( "Exhibit C"). The request is to grant a variance for 12 of the 22 units allowing said 12 units to be constructed with a minimum lot width of 14'-6". The remaining 10 units will be 18'-10" in width.

Given the condition of the existing building, the Applicant believes this request is in accordance with Section 72-22-.8, et al, of the City UDO. In this regard, if the

Applicant were required to meet the minimum lot width requirements within the subject area shown on "Exhibit D" for the 18' wide units, there would likely be structural issues with this part of the building because the Applicant would have to remove certain support beams and other supporting material and improvements (refer to Exhibits A, B1, B2, and D). However, if allowed this variance, the Applicant would not have to remove said structural materials and supports. In addition, removing the said beams and other structural material would not be economically feasible for the owner, and thus would prohibit the applicant from redeveloping this portion of the Property. Thus, given all of the foregoing, and the current condition of the site, as acquired by the Applicant in good faith, this request is reasonable and without the variance would likely cause undue hardship to the property owner.

**II. How the strict application of the provisions of the Zoning Ordinance would create undue hardship.**

Response:

The subject Property was originally constructed in 1926 and utilized as a hotel. Most recently, the Property has been used as commercial office space. The Property is zoned CH, which allows residential units with a density of 12 units per acre. The City's Comprehensive Plan and accompanying design standards encourage an adaptive re-use of the Property. The market for commercial office space in this area is poor and overly saturated. There is also a need for additional residents in this area, especially those with disposable incomes. Thus, the Applicant properly evaluated a redevelop plan for a portion of the Property for residential uses. Pursuant to the Applicant's analysis for a portion of the site, it was determined that the Applicant may be able to develop by right 28 multifamily units with a minimum lot width of 18' (Exhibits B1,B2, and D) However, once the Applicant further analyzed the architectural and construction requirements for such a proposal, it was determined that "Exhibits B1, B2, and D" would likely cause structural challenges and require the Applicant to unnecessarily remove key structural(*) supports, materials and improvements. Thus, the Applicant reviewed a second proposal (Exhibit C) and this was to include only 22 multifamily units with 12 of those units at a minimum width of 14'-6", and 10 of those units at 18'-10", all as shown on the attached Exhibits. Thus, a variance in the lot minimum width under R-12 is necessary. Otherwise, the Applicant would be subject to an extreme modification of the structure, which could likely cause structural integrity challenges *(require removal of all structural floor elements and modifications to roof support structure). Further, if the Applicant was required to undertake such modifications, it would not be economically feasible for the Applicant to do so, and thus the Applicant would not be able to redevelop this section of the Property.

Thus, due to existing condition of the building on the Property within the area of the proposed renovations, the strict application of the ordinance would prohibit the owner from the reasonable and beneficial use of the property. The strict application of the ordinance would result in unnecessary or unreasonable hardship to the owner. The

subject property was purchased in good faith by the owner believing the current structure was suitable for the proposed use described herein.

**III. What exceptional circumstances or conditions are applicable to the property, or to the intended use of the property that do not apply generally to other properties in the same zone or neighborhood?**

The General Washington Executive Center is one of the most prominent properties on the Old Route 1 Highway District and along the Princess Anne Street corridor. Entirely unique in its architecture and four story scale, it stands apart from the "Machine Modern" style the rest of the corridor possesses. There are currently no existing renovation projects in the Old Route 1 Highway District addressing residential installations. Section 3.3.1 of the Design Guideline handbook for the Princess Anne Corridor clearly states that a project should "embrace opportunities for adaptive reuse of historic buildings", containing an illustration of the General Washington Executive as the clear example for this guideline. Converting the old medical facility in building C in to individual residential units will spearhead the corridor's rehabilitation effort s and set the standard for future rehabilitation projects. With only a few exterior alterations, the project will maintain its architectural integrity and only enhance the aesthetic beauty of Princess Anne Street.

Given the foregoing, the need for this variance is not shared generally by other properties. In fact, there are no similar uses (e.g. mix of commercial and residential) among other properties in this zoning area or surrounding neighborhood. Thus, we do not believe this type of specific request will be of a recurring nature and may be reasonably resolved through this application without the necessity of a general amendment to the zoning ordinance.

Further, the intended use of the Property with the proposed variance is not inconsistent or contrary to the spirit and purpose of the ordinance or City Comprehensive Plan.

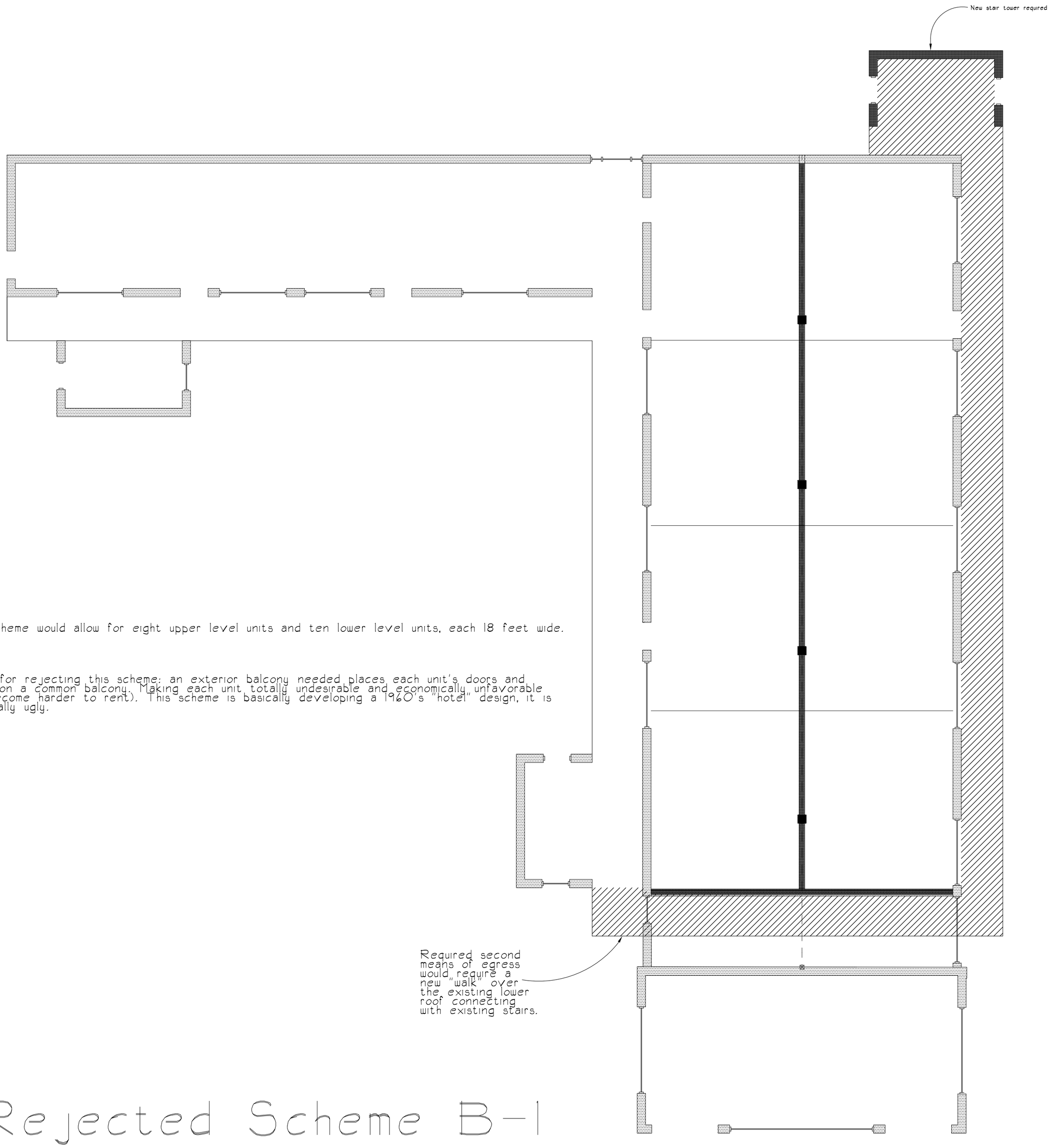
**IV. How a variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed thereby.**

As a reminder, the Property is zoned CH. The CH district allows residential uses with a density of no greater than 12 units per acre. The proposed use is consistent with these requirements and the intent of the CH zoning district.

It is our opinion that a variance to the adaptive reuse of Property (at Building C location), as shown on the attached Exhibit, will not be of any substantial detriment to adjacent properties and the character of the district will only be strengthened by the project. New residential units will add a diverse and unique parameter to the corridor and implement a substantial contribution to the "old meets new" guideline that district

needs. The project will also eliminate its position in the real estate market of a Medical Facility, thus alleviating strain from that particular marketplace and no longer being in competition with surrounding buildings on the 2200-2216 block of Princess Anne Street. The project will enrich the community and meet the ever-growing need for new, modern housing while maintaining the architectural splendor of Downtown Fredericksburg.

Given the foregoing, it is our position that this variance request will not be detrimental to the public welfare or injurious to the property or improvements in the zoned area and neighborhood.




Note 1:
This scheme would allow for eight upper level units and ten lower level units, each 18 feet wide.

Reason for rejecting this scheme: an exterior balcony needed places each unit's doors and windows on a common balcony. Making each unit totally undesirable and economically unfavorable (they become harder to rent). This scheme is basically developing a 1960's "hotel" design, it is esthetically ugly.

# Rejected Scheme B-1

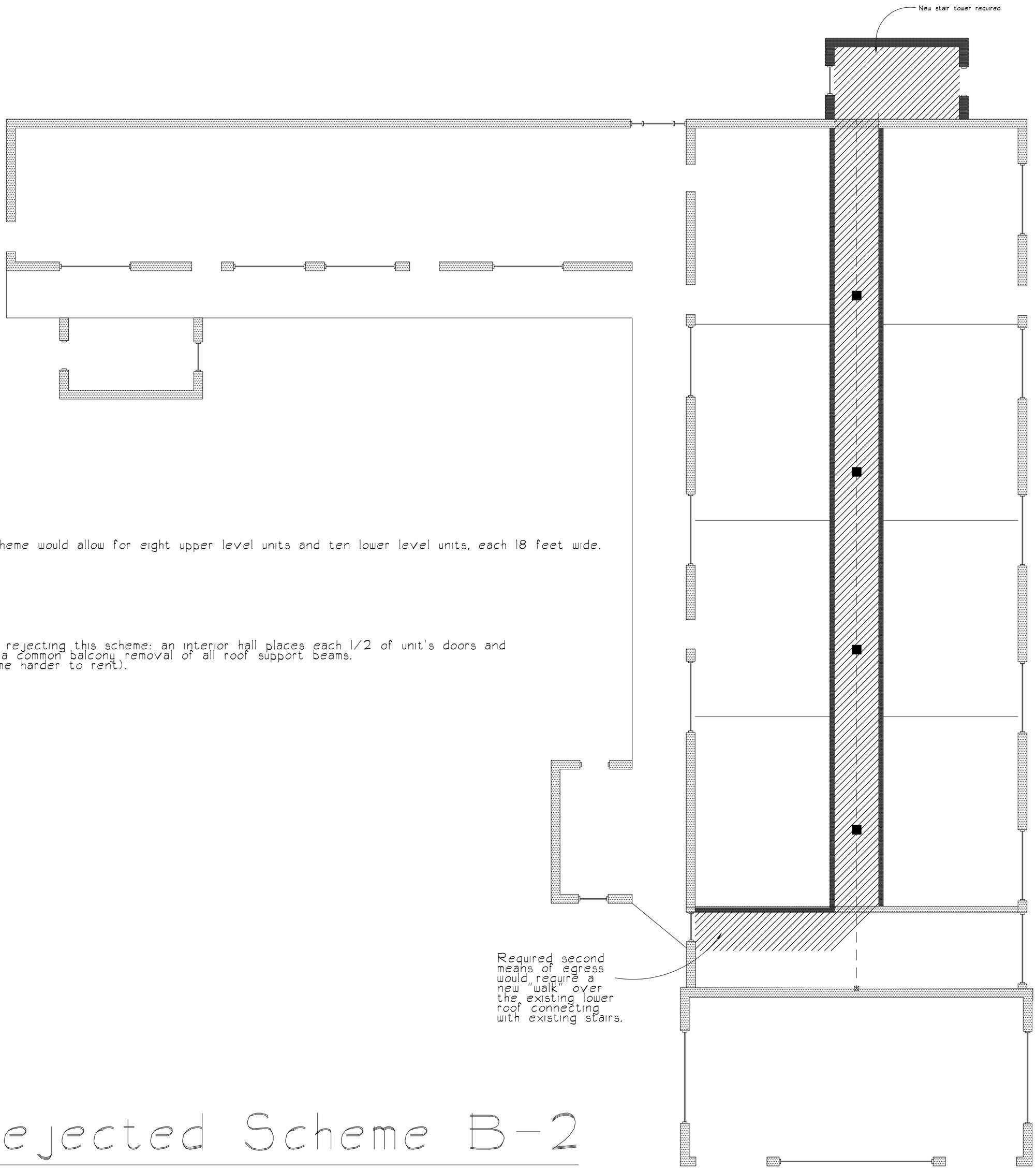
GPIN # 7779897284

GENERAL WASHINTON EXECUTIVE CENTER
BUILDING 'C'
2217 PRINCESS ANNE STREET

12-23-2015

JAMES O. McGHEE
ARCHITECTS, P.C.
600 CAROLINE STREET
FREDERICKSBURG, VIRGINIA 22401
Phone 540 371 1091 • Fax 540 371 5837

EXHIBIT B-1




Note 1:
This scheme would allow for eight upper level units and ten lower level units, each 18 feet wide.

Reason for rejecting this scheme: an interior hall places each 1/2 of unit's doors and windows on a common balcony removal of all roof support beams.
(they become harder to rent).
esthetical

# Rejected Scheme B-2

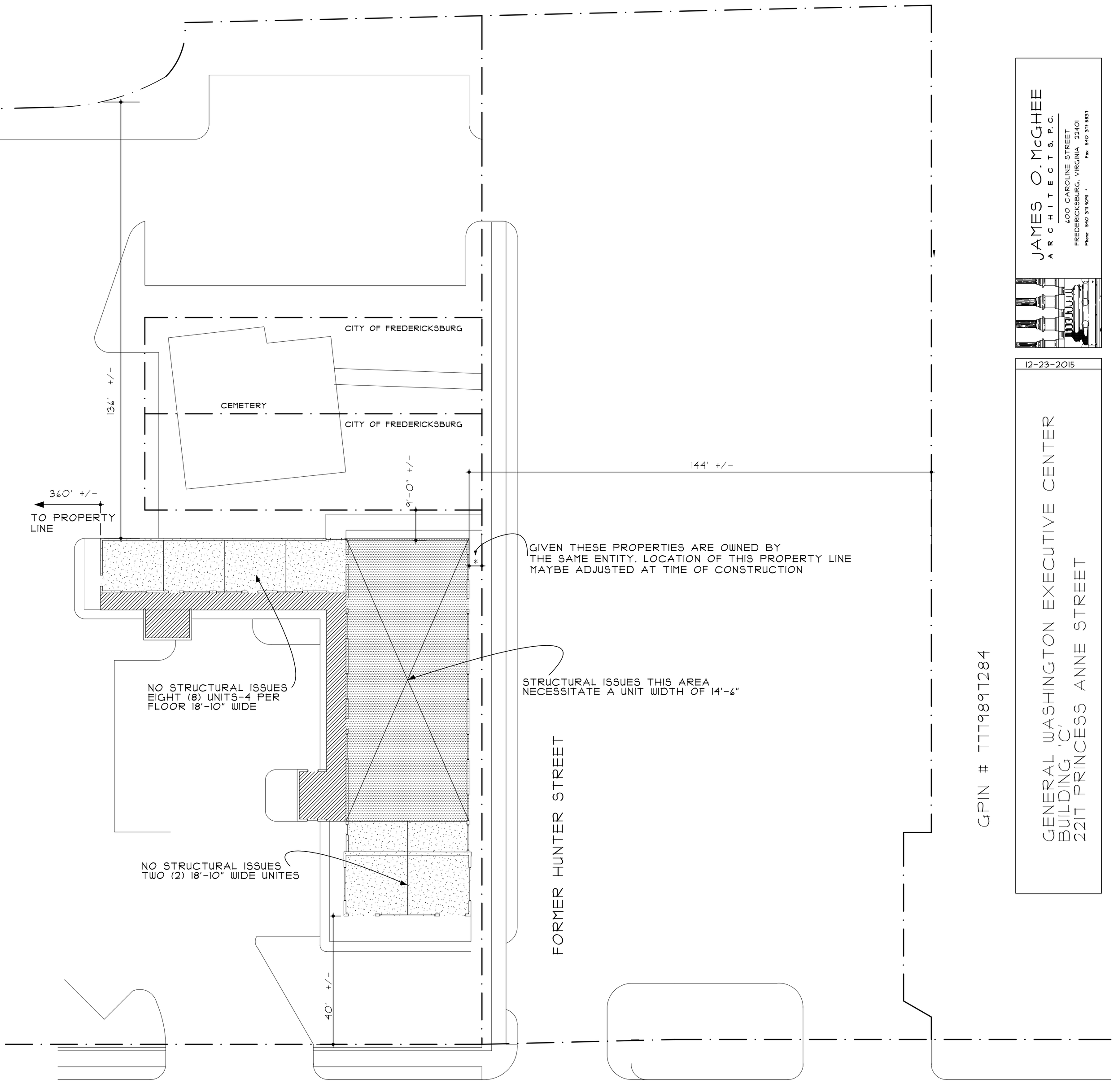
GPIN # 7779897284

GENERAL WASHINGTON EXECUTIVE CENTER
BUILDING 'C'
2217 PRINCESS ANNE STREET

12-23-2015

JAMES O. McGHEE
ARCHITECTS, P.C.
600 CAROLINE STREET
FREDERICKSBURG, VIRGINIA 22401
Phone 540 371 1091 • Fax 540 371 5837

EXHIBIT B-2




BUILDING 'C'

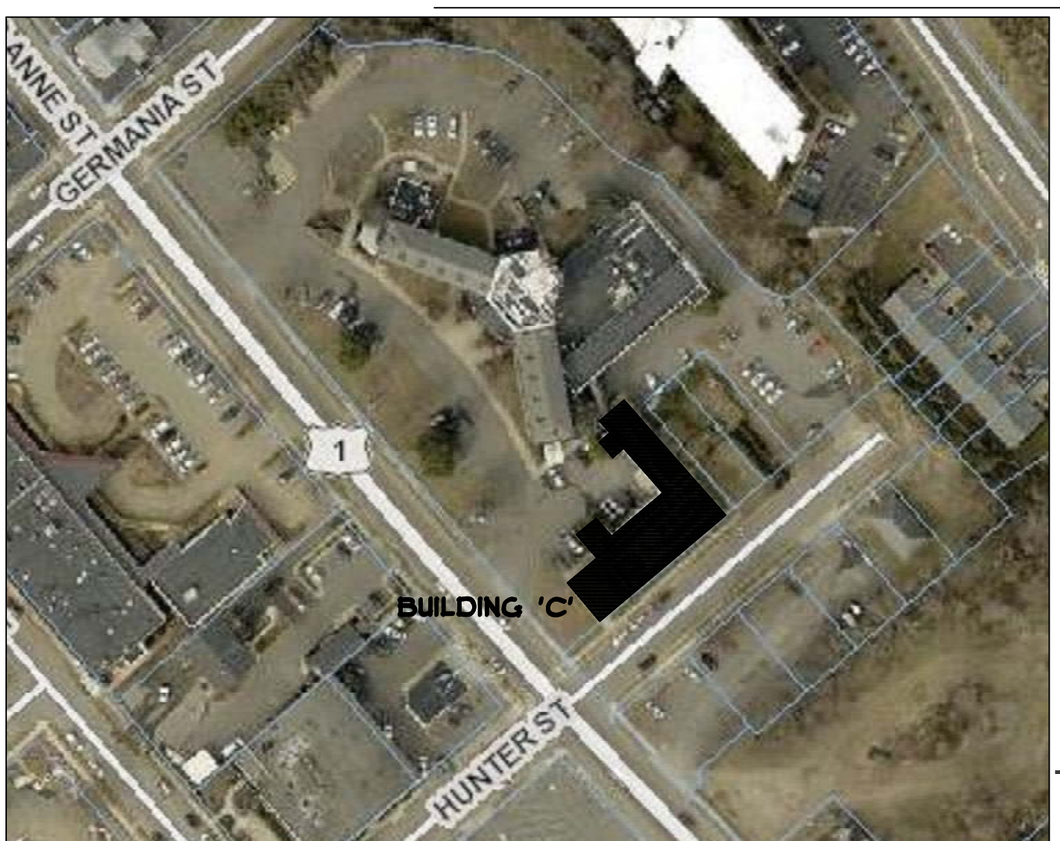
INFORMATIONAL SITE PLAN no scale

JAMES O. McGHEE
ARCHITECTS, P.C.
600 CAROLINE STREET
FREDERICKSBURG, VIRGINIA 22401
Phone 540 371 1091 • Fax 540 371 5831

12-23-2015

GENERAL WASHINGTON EXECUTIVE CENTER
BUILDING 'C'
2217 PRINCESS ANNE STREET

GPIN # 7779897284




## SITE INFORMATION

AREA = 2.8 ACRES
CH ZONING
ALLOWABLE RESIDENTIAL UNITS @ 12 PER ACRE = 33.6
ALLOWABLE HEIGHT = 40 FEET

INFORMATION FOR THE PORTION OF EXISTING STRUCTURE IN THIS REQUEST (SHADED AREA ON PLAN)

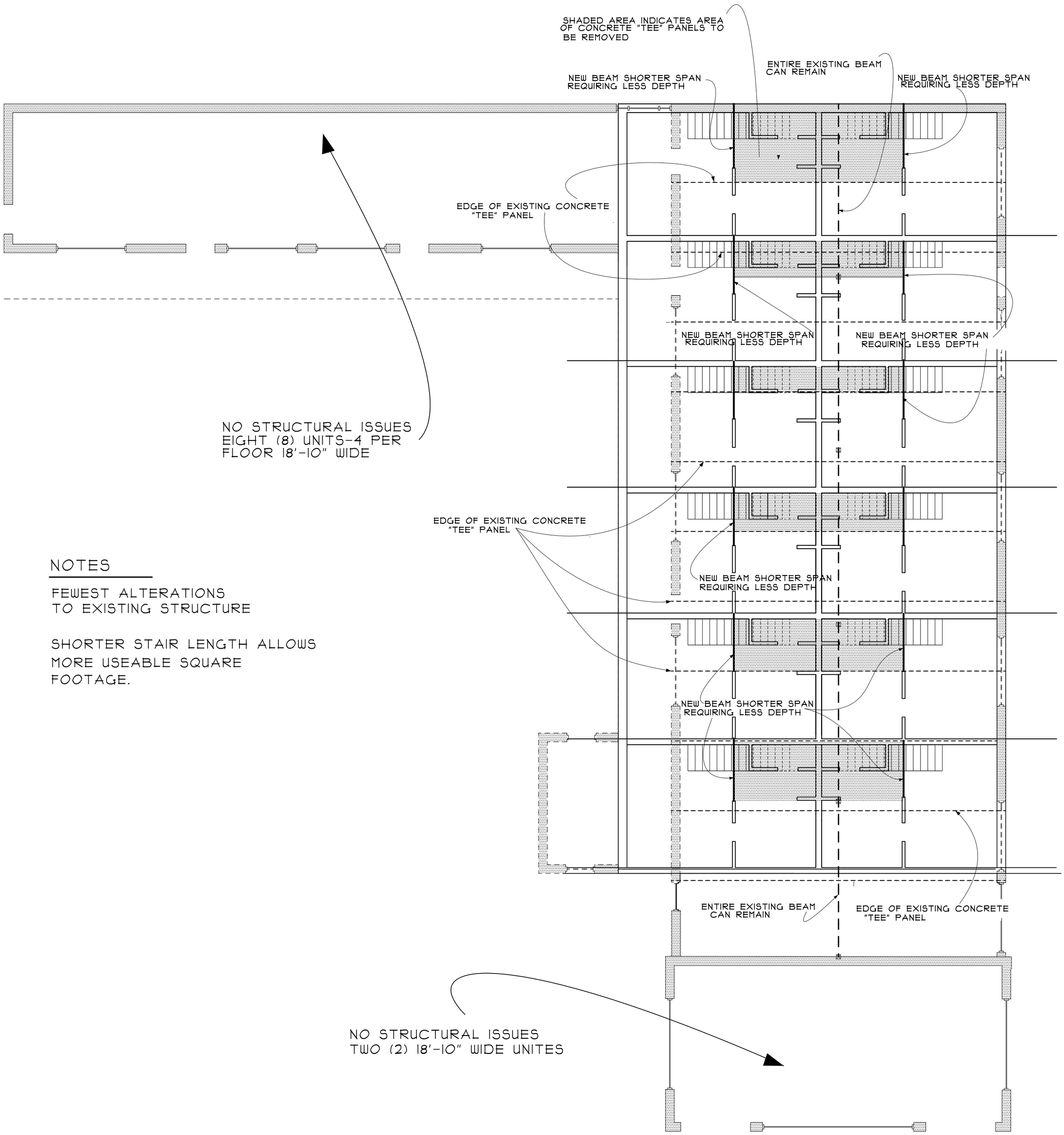
NUMBER OF RESIDENTIAL UNITS
WITHOUT APPROVAL = 28
WITH APPROVAL = 22

EXISTING HEIGHT = 22'
UNCHANGED

NOTE:
WITH APPROVAL

10 UNITS WILL BE 18'-10 WIDE
12 UNITS WILL BE 14'-6" WIDE

EXHIBIT A




## NOTES

FEWEST ALTERATIONS TO EXISTING STRUCTURE

SHORTER STAIR LENGTH ALLOWS MORE USEABLE SQUARE FOOTAGE.

# DIAGRAM OF REQUIRED STRUCTURAL ALTERATIONS

# 14' UNIT

GPIN # 7779897284

GENERAL WASHINGTON EXECUTIVE CENTER
BUILDING 'C'
2217 PRINCESS ANNE STREET

12-23-2015

JAMES O. McGHEE
ARCHITECTS, P.C.
600 CAROLINE STREET
FREDERICKSBURG, VIRGINIA 22401
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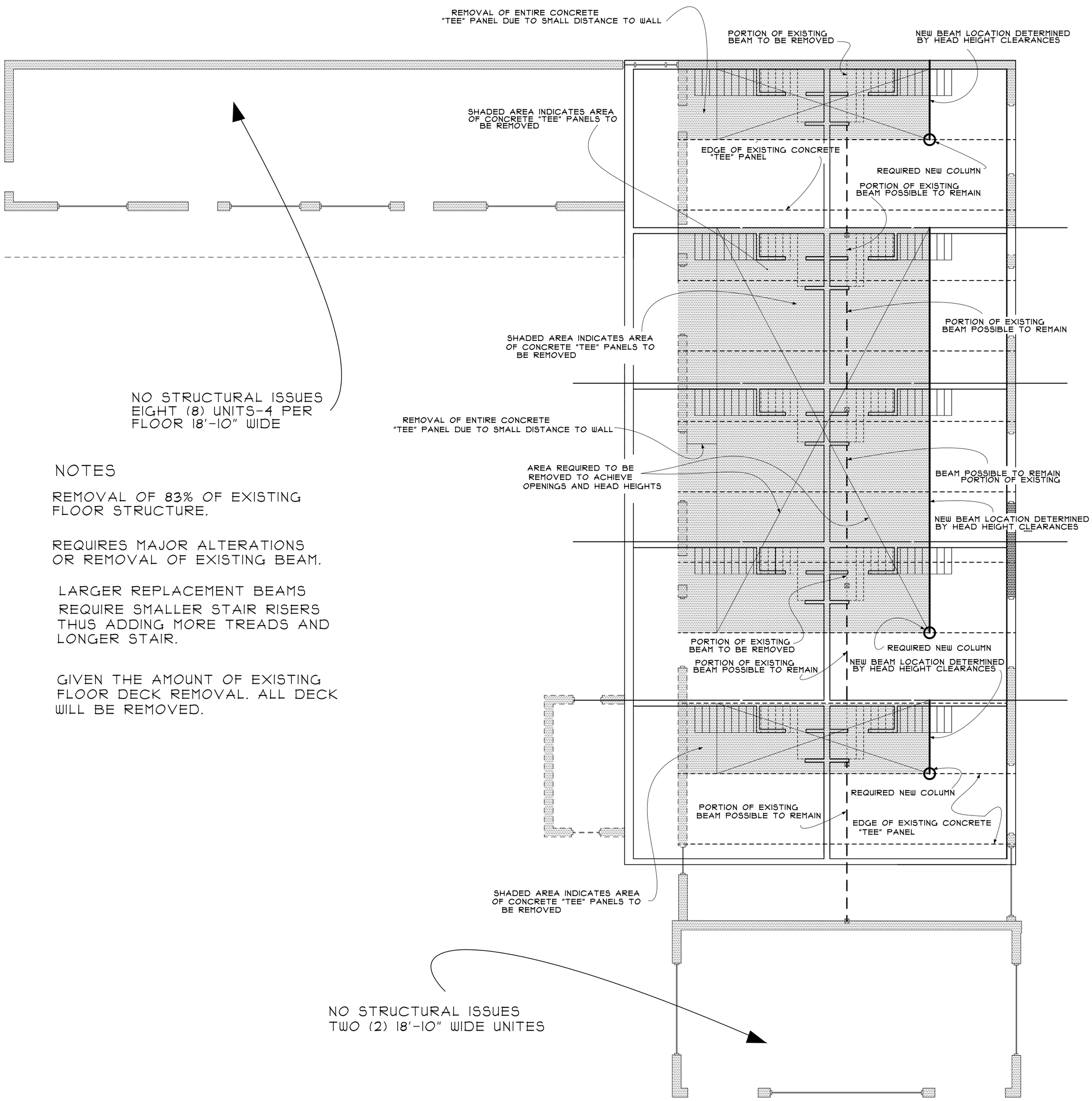
EXHIBIT C




## NOTES

REMOVAL OF 83% OF EXISTING FLOOR STRUCTURE.

REQUIRES MAJOR ALTERATIONS OR REMOVAL OF EXISTING BEAM.

LARGER REPLACEMENT BEAMS REQUIRE SMALLER STAIR RISERS THUS ADDING MORE TREADS AND LONGER STAIR.

GIVEN THE AMOUNT OF EXISTING FLOOR DECK REMOVAL. ALL DECK WILL BE REMOVED.

# DIAGRAM OF REQUIRED STRUCTURAL ALTERATIONS

# 18' UNIT

GPIN # 7779897284

GENERAL WASHINGTON EXECUTIVE CENTER
BUILDING 'C'
2217 PRINCESS ANNE STREET

12-23-2015

JAMES O. McGHEE
ARCHITECTS, P.C.
600 CAROLINE STREET
FREDERICKSBURG, VIRGINIA 22401
Phone 540 371 1091 • Fax 540 371 5837

EXHIBIT D

# Minutes
# Board of Zoning Appeals

November 16, 2015
Council Chambers, City Hall
Fredericksburg, Virginia

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF |
|---|---|---|
| Helen P. Ross, Chair | Brian Raska | Mike Craig, Zoning Administrator |
| Jay Jarrell III, Vice-Chair | Matthew Muggeridge | Rob Eckstrom, Assistant City Attorney |
| Beatrice Paolucci | Richard Conway, Alternate | Phaun Moore, Secretary |

Ms. Ross called the meeting to order at 4:01 p.m.

## OPENING REMARKS

Ms. Ross determined that a quorum was present and public notice requirements had been met.

## DISCLOSURE OF EX PARTE COMMUNICATIONS

Ms. Ross asked if any Board member had engaged in *ex parte* communications on any item before the Board.

Ms. Paolucci said that after the September 21, 2015 meeting, she had run into Nancy Collins at the grocery store. Ms. Paolucci said that she thanked Ms. Collins for attending the meeting, but they did not discuss the case.

## DISCLOSURE OF CONFLICTS OF INTEREST

Ms. Ross asked if any Board member had any conflicts of interest on any item before the Board. No one indicated that they had any conflicts of interest.

## APPROVAL OF AGENDA

There were no additions or changes to the agenda.

Ms. Paolucci made a motion to accept the agenda as presented. Mr. Jarrell seconded. The motion carried unanimously.

## PUBLIC HEARING ITEMS

**1. V15-01:** Mr. and Mrs. Strentz-McLaughlin – (owner) requests a Variance to allow a six foot high fence (including two feet of lattice work at the top) within the front yard along Littlepage Street at 814 Cornell Street (GPIN 7779-84-5870) in the R-4 Residential Zoning District. The Unified Development Ordinance limits fence height to a maximum of four feet in a front yard. 814 Cornell Street is a corner lot with front yards along both Cornell and Littlepage Streets.

Mr. Craig pointed out that there were only three members of the Board present and said that any decision made would require a unanimous vote.

Mr. Jarrell raised a point of order. He said that the BZA had previously stated that when there were only three members present, the Board could offer the applicant the opportunity to postpone to a later date when more members could be present.

The applicants' attorney, Jeannie P. Dahnk, commented that they had not been notified that the Board was not in compliance.

Mr. Jarrell clarified that the Board only needs three members present for a quorum. He explained that as a courtesy to Mr. and Mrs. Strentz-McLaughlin, the Board was offering them the opportunity to postpone, but the Board was not required to offer that option.

Ms. Dahnk had a brief discussion with Mr. and Mrs. Strentz-McLaughlin and said that they would like to postpone the hearing.

It was decided that both the City and the applicant would present their case so that anyone that wished to make public comment would be able to fully understand both sides. The Board would then continue the meeting and public hearing on Tuesday, January 5, 2016.

Mr. Craig presented his case.

Mr. Jarrell questioned the increased number of fences not in compliance.

Ms. Paolucci asked that a breakdown of permitted/not permitted fences be provided at the January 5, 2016 meeting. Mr. Craig agreed.

Ms. Dahnk presented her case.

Ms. Ross asked if there was any public comment.

Richard Hagenlocker – 810 Cornell Street spoke in favor.
Elsie Hagenlocker – 810 Cornell Street spoke in favor.
Leslie Leahy – 1106 Littlepage Street – spoke in favor.
Nancy Collins – 1109 Littlepage Street – spoke in favor.
Georgia Strentz – 922 grove Avenue – spoke in favor.
Ms. Ross reminded everyone that the public hearing would continue on January 5, 2016.

**REVIEW OF MINUTES**

The following corrections were made to the meeting minutes from September 21, 2015:

Mr. Jarrell said that the description for the public hearing item was incorrect. It was an appeal, not a variance.

Ms. Ross commented that on page 3, Ms. Paolucci's name was misspelled.

**STAFF / BOARD COMMENTS**

Ms. Paolucci made a motion to adjourn. Mr. Jarrell seconded. The motion carried unanimously.

Meeting adjourned at 5:01 p.m.

_____

Helen P. Ross, Chair

# Minutes
# Board of Zoning Appeals

January 5, 2016
Council Chambers, City Hall
Fredericksburg, Virginia

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF |
|---|---|---|
| Helen P. Ross, Chair | Jay Jarrell III, Vice-Chair | Mike Craig, Zoning Administrator |
| Beatrice Paolucci | Brian Raska | Kathleen Dooley, City Attorney |
| Matthew Muggeridge | | Phaun Moore, Secretary |
| Richard Conway, Alternate | | |

Ms. Ross called the meeting to order at 4:00 p.m.

## OPENING REMARKS

Ms. Ross determined that a quorum was present and public notice requirements had been met.

## DISCLOSURE OF EX PARTE COMMUNICATIONS

Ms. Ross asked if any Board member had engaged in *ex parte* communications on any item before the Board. No one indicated they had participated in any *ex parte* communications.

## DISCLOSURE OF CONFLICTS OF INTEREST

Ms. Ross asked if any Board member had any conflicts of interest on any item before the Board. No one indicated that they had any conflicts of interest.

## APPROVAL OF AGENDA

There were no additions or changes to the agenda.

Ms. Paolucci made a motion to accept the agenda as presented. Mr. Muggeridge seconded. The motion carried unanimously.

## PUBLIC HEARING ITEMS

**1. V15-01:** Mr. and Mrs. Strentz-McLaughlin – (owner) requests a Variance to allow a six foot high fence (including two feet of lattice work at the top) within the front yard along Littlepage Street at 814 Cornell Street (GPIN 7779-84-5870) in the R-4 Residential Zoning District. The Unified Development Ordinance limits fence height to a maximum of four feet in a

front yard. 814 Cornell Street is a corner lot with front yards along both Cornell and Littlepage Streets.

The applicants were not present.

Ms. Ross stated that the applicants had filed an appeal with the Circuit Court regarding the BZA's decision on September 21, 2015 and the City Attorney recommended that the Board table the variance application until the court case had been resolved.

Mr. Conway made a motion to table the variance application until the Circuit Court had ruled on the disposition.

Ms. Paolucci asked for clarification of whether to defer or table the variance application.

Ms. Dooley explained that due to the court case there would be no definite time frame if the variance application was deferred, and said that tabling it would be more appropriate. Ms. Dooley said that Ms. Dahnk, the applicants' attorney, concurred with that decision.

Ms. Paolucci seconded the motion to table the variance application. Motion carried unanimously.

**REVIEW OF MINUTES**

Ms. Paolucci made a motion to approve the corrected minutes from September 21, 2015. Mr. Conway seconded. Motion carried unanimously.

Ms. Paolucci made a motion to postpone review of the minutes from November 16, 2015, since Mr. Jarrell was not present. Mr. Conway seconded. Motion carried unanimously.

**STAFF / BOARD COMMENTS**

Mr. Craig informed the Board that there would be a public hearing for a new variance application on January 25, 2016

Meeting adjourned at 4:21 p.m.

_____

Helen P. Ross, Chair