



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
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Website: www.winchesterva.gov

**BOARD OF ZONING APPEALS
AGENDA
DATE - 4:00 P.M.
Council Chambers - Rouss City Hall**

1. POINTS OF ORDER

- A. Roll Call
- B. Approval of Minutes – July 13, 2016
- C. Reading of Correspondence

2. PUBLIC HEARINGS

3. NEW BUSINESS

BZA-16-583 Request of A Plus Property LLC, for a variance of the off street parking buffer pursuant to Section 18-6-3.2 of the Winchester Zoning Ordinance, for the property located at 625 Berryville Avenue (Map Number 195-7-S-133D- > <01), zoned Highway Commercial (B-2) with Corridor Enhancement (CE) District overlay. The applicant is seeking relief of the required parking buffer in order to utilize rear parking for employees, front parking for customers and side parking for shipping and receiving.

4. OLD BUSINESS

5. ADJOURN

CASE #: 110-583
 FEE AM'T: \$575.90
 DATE PAID: 9/19/2016



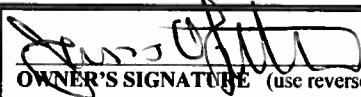
Rouss City Hall
 15 North Cameron Street
 Winchester, VA 22601
 540-667-1815
 TDD 540-722-0782

APPLICATION FOR BOARD OF ZONING APPEALS

Please print or type all information

540.550.2856 Telephone
handymanjimbo@yahoo.com E-mail address

A Plus Property, LLC Applicant
625 Berryville Avenue Street Address
Winchester City VA State 22601 Zip

 OWNER'S SIGNATURE (use reverse to list additional owners)
540.431.8373 Telephone
handymanjimbo@yahoo.com E-mail address

James R Ogletree Owner Name (as appears in Land Records)
224 Doe Trail Street Address
Winchester City VA State 22602 Zip

REQUEST TYPE CODE - Please mark type of request and complete information
 KEY: V = Variance; AM = Administrative Modification; I = Interpretation

REQUEST TYPE	ORDINANCE SECTION	PERTAINING TO:
<u>V</u>	<u>18-6-3.2</u>	<u>Off-street parking area buffer</u>

APPLICATION FEE: \$500 for 1st code section; \$100 for each additional code section
 Public hearing sign deposit fee: \$50

PROPERTY LOCATION
 Current Street Address(es) 625 Berryville Avenue, Winchester, VA 22601 Zoning B-2 (CE)


Tax Map Identification - (sections, blocks, lots) 195-7-S-133D

REQUIRED MATERIALS LIST

- 1 copy of application (this form completed)
- 10 copies of letter explaining request and grounds for request
- 10 Copies of plans/or drawings and surveys
- Fee (check made payable to the Treasurer, City of Winchester)
- List of adjacent property owners (public hearing items only). List must provide name and mailing address as appears in Land Records for owners of all properties within 300 feet of any portion of the subject site. If provided by staff, there is a \$25 fee.
- Disclosure of Real Parties in Interest (list all equitable owners)
- Public Hearing Sign Deposit Fee - \$50 (refundable upon return of sign)

All public hearing materials must be submitted at one time by 5:00 PM on the deadline date for the next regular meeting in order to be placed on the agenda. Only complete applications, which include the above materials, will be accepted.

I/we hereby certify that the above information is complete and correct and that public notification will be properly posted on the site not later than 14 days before the public hearing (if applicable) and that all delinquent real estate taxes have been paid per Section 23-9.

APPLICANT'S SIGNATURE  DATE 9/15/2016

CASE #: _____
FEE AM'T: _____
DATE PAID: _____

N/A

Additional Owner's Name

Address

City,

State,

Zip

Telephone

OWNER'S SIGNATURE

N/A

Additional Owner's Name

Address

City,

State,

Zip

Telephone

OWNER'S SIGNATURE

N/A

Additional Owner's Name

Address

City,

State,

Zip

Telephone

OWNER'S SIGNATURE

N/A

Additional Owner's Name

Address

City,

State,

Zip

Telephone

OWNER'S SIGNATURE



Jim Ogletree
224 Doe Trail
Winchester, VA 22602
Phone: (540) 550-2856
aplushandymanva@yahoo.com

City of Winchester
Board of Zoning Appeals
Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Board Members:

In May of 2016 A Plus Property, LLC purchased a building at 625 Berryville Avenue, Winchester, VA 22601. We have worked hard to renovate the interior and ready the building for us to move in. The main reason for purchasing the building was to have street frontage to encourage clients to come in and seek our services. At the time of purchase we presumed we would have access to the side and rear of the building for additional employee parking leaving the front spaces for clients. This assumption was born out by the attached appraisal report submitted prior to our purchase.

Unbeknownst to us until after we purchased the building, we learned the City will only allow us two front spaces and one side space. We have three full-time employees and one part-time employee. Clearly we do not have enough spaces for our office employees much less enough to encourage customers and potential clients to stop by our office.

We are seeking a variance of the off-street parking buffer so we may use the rear parking for staff and leave front spaces open for customers and use the side spaces for shipping and receiving.

Due to our building fronting Berryville Avenue, we will never have access to off-street parking so parking onsite is critical to us. Not having access to side and rear parking is a hardship on us when we are trying to grow our business.

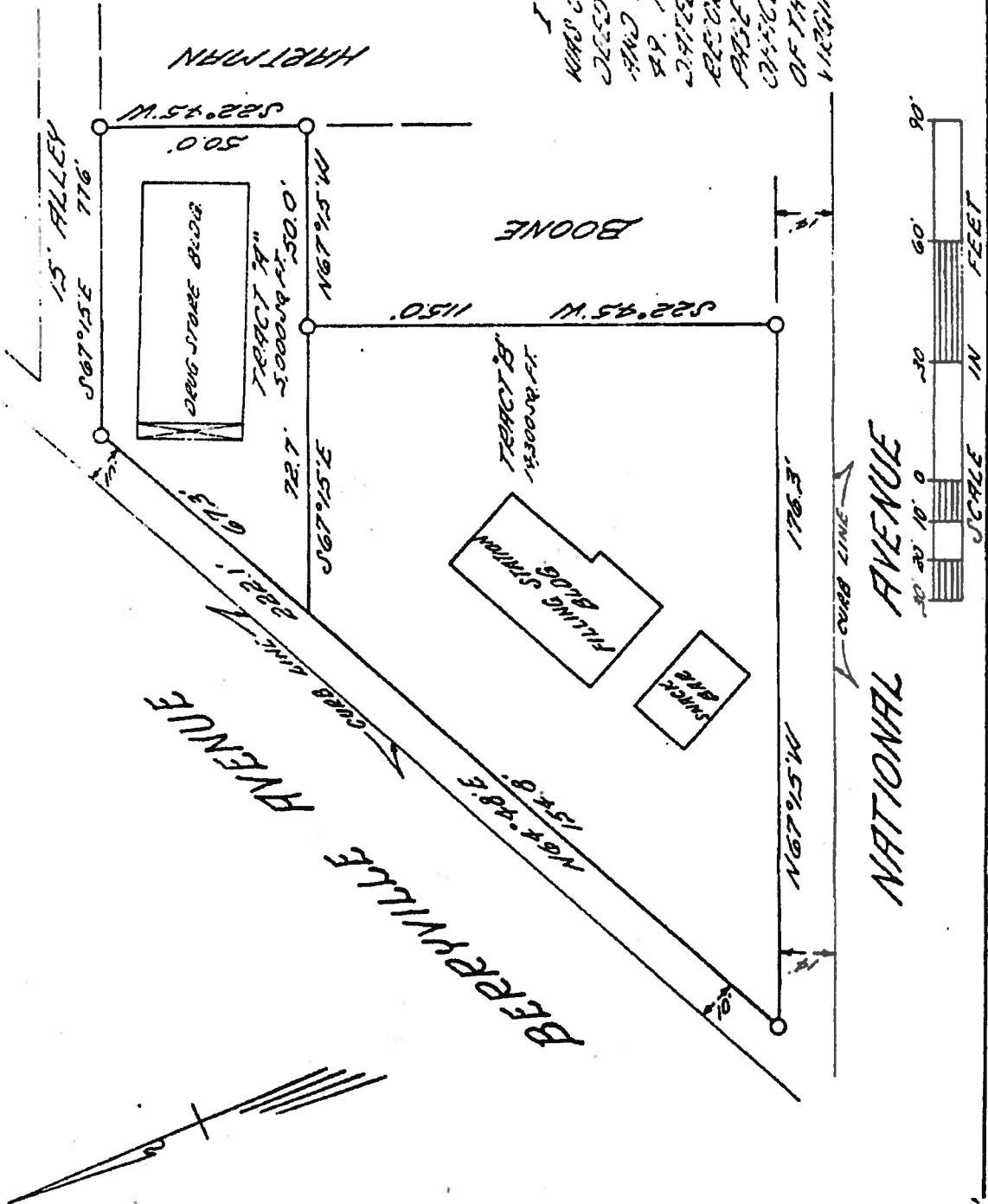
We have included with this letter:

- 1. One (1) copy of the application**
- 2. Ten (10) copies of our letter explaining our request**
- 3. Ten (10) copies of plans/drawings**
- 4. Application check for \$500**
- 5. Research check for \$25 for staff to research adjacent properties within 300 feet**
- 6. Disclosure of real parties of interest (none other than applicant)**
- 7. Public sign check for \$50 for public hearing notice**

We respectfully request a variance of Section 18-6-3.2 to increase the number of spaces to five (5) parking spaces using the side for shipping and receiving allowed based on the drawing submitted.

Respectfully,

James R. Ogletree
Owner



E. P. BEAN EST. LAND

LOCATED IN WINCHESTER, VA.

SUPERSEDED IN JUNE 1968
Richard U. Goode

RICHARD U. GOODE
CERTIFIED SURVEYOR
WINCHESTER, VIRGINIA

APPROVED BY COMMON COUNCIL, CITY
OF WINCHESTER, VA, P.L.C. 16, 19 68
CITY MANAGER

I CERTIFY THAT THIS LAND
WAS CONVEYED TO E. P. BEAN BY
DEED DATED 28 MARCH 1930
AND RECORDED IN DEED BOOK
49, PAGE 539 AND BY DEED
DATED 9 NOVEMBER 1952 AND
RECORDED IN DEED BOOK 70,
PAGE 225 IN THE CLERK'S
OFFICE OF THE CIRCUIT COURT
OF THE CITY OF WINCHESTER,
VIRGINIA. Richard U. Goode
CERTIFIED SURVEYOR

1147

CONNECTEXPLORER



map: Auto 12/20/2014 (2014) image 1 of 7



**WINCHESTER BOARD OF ZONING APPEALS
STAFF REPORT AND RECOMMENDATION**

ISSUE/BACKGROUND

Case: BZA-16-583

Applicant: A Plus Property, LLC

Location: 625 Berryville Avenue

Zoning: Highway Commercial (B-2) district with Corridor Enhancement (CE) district overlay

Future Land Use: Commercial.

Legal Notice: The request for variance was advertised in the *Winchester Star* on September 28, 2016, and October 5, 2016. The property was required to be posted with a public hearing sign and notices were mailed to property owners within 300' of the subject property.

Applicant's Request: Request of A Plus Property, LLC for a variance of the Winchester Zoning Ordinance Section 18-6-3.2 pertaining to a off-street parking buffer at 625 Berryville Avenue (Map Number 195-7-S-133D) zoned Highway Commercial (B-2) district with Corridor Enhancement (CE) district overlay. The applicant is seeking relief of the required parking buffer in order to utilize rear parking for employees, front parking for customers and side parking for shipping and receiving.

BACKGROUND

The subject property is located on the south side of Berryville Avenue is zoned Highway Commercial (B-2) district with Corridor Enhancement (CE) district overlay. The immediately surrounding properties on the north, east, and west are similarly zoned and consist of a convenience store, post office, and church. The properties directly to the east are zoned Medium Density Residential (MR) district and consist of single family residential uses.

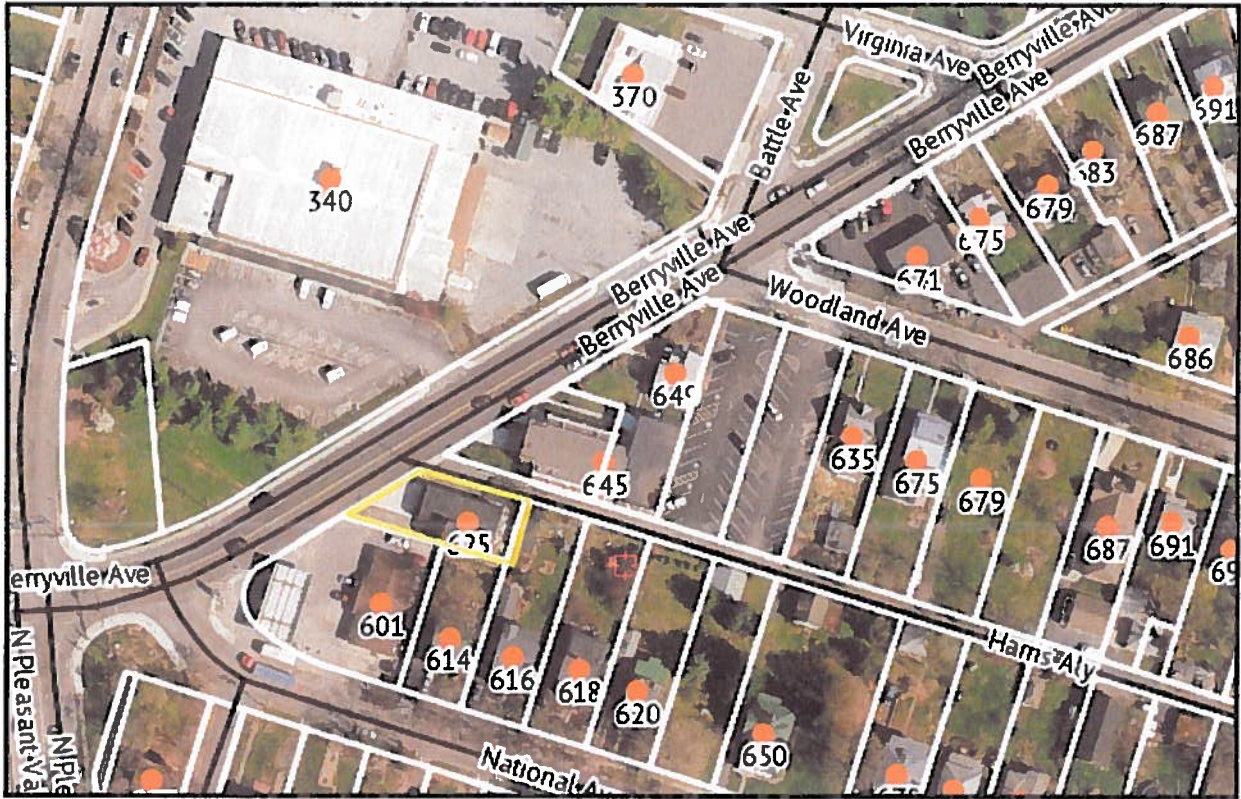


Exhibit A - Vicinity Map

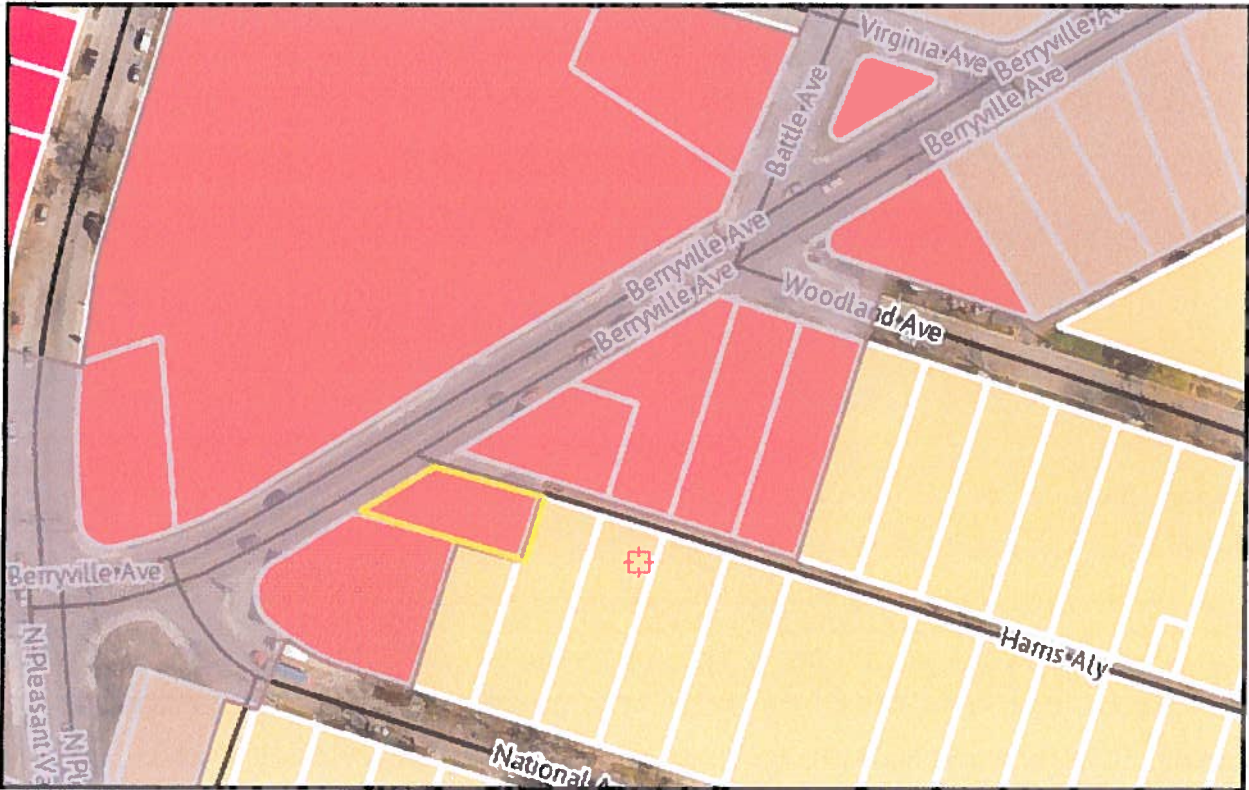


Exhibit B - Vicinity Zoning Map

The property currently consists of a commercial building housing a contractor's establishment. The applicant is requesting a variance from the off-street parking buffer of five (5) feet along the side and rear property lines. Under different ownership, the areas in question on the north side and rear side were converted to parking spaces without the requisite approvals. The new owner is attempting to correct this issue by obtaining a variance for the deficient development standard. On the north (alley) side of the property, the applicant is proposing an off-street parking buffer of zero (0) feet, in the rear the applicant is also proposing a buffer of zero (0) feet. This would result in two loading spaces along the alley, and two employee parking spaces along the rear of the building.

Prior to initial occupancy of the structure, the owner submitted site plan and completed enhancements to the front of the property. These enhancements included the creation of a landscaped strip along Berryville Avenue to better comply with zoning ordinance requirements and better define the grandfathered parking areas. Due to the space limitations on site, the owner is looking to preserve the front parking for primarily customers, have loading spaces on the north side of the building, and create employee parking in the rear.

STAFF ANALYSIS & CONCLUSION

There are several evaluation criteria that the Board must use to evaluate a variance request to determine if it may be granted.

The Zoning Ordinance requires that with variance requests, the burden of proof shall be on the applicant to prove by a preponderance of the evidence that his application meets the standard for a variance.

A variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition related to the property or improvements thereon at the time of the effective date of the ordinance. The request must satisfy all of the following:

- A. 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;

- B. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- C. 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;
- D. 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; and,
- E. The relief or remedy sought by the variance application is not available through a special exception process or the process of an administrative modification at the time of the filing of the variance application.

If the Board believes that the request does not satisfy each of the above considerations, then a variance cannot be issued.

Criterion	Staff Analysis
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	Staff believes the proposal is consistent with this criterion.
The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area	Staff believes the proposal is consistent with this criterion.
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	Staff believes the proposal is consistent with this criterion. This building was constructed prior to the adoption of the original 1960 Zoning Ordinance and current 1976 Zoning Ordinance, and is nonconforming in several respects. Due to the shape of the lot and building orientation, it is difficult to comply with all of the off-street parking standards.
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	Staff believes the proposal is consistent with this criterion.
The relief or remedy sought by the variance application is not available through a special exception process or the process of an	Staff believes the proposal is consistent with this criterion.

administrative modification at the time of the filing of the variance application	
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As a result of the above considerations, staff does believe that all five of the above required considerations have been met. However, staff believes that the level of relief, if granted, should be minimum along the rear of the property which historically been used as the landscaped/green area. Planning staff came up with a draft proposal which would allocate one parking space to the rear for employees, while also preserving the minimum amount of green space on the lot (15%). If the Board is inclined to support the request, staff's recommendation is to limit the parking at the rear of the building to two (2) spaces and allow for the two loading spaces on the north/alley side.

Note: Staff has not received any letters of support or opposition for this application.

POSSIBLE MOTION(S)

[Approve the variance]

1. **MOVE**, that the Board of Zoning Appeals **approve** a variance of the Winchester Zoning Ordinance Section 18-6-3.2 pertaining to a off-street parking buffer at 625 Berryville Avenue (Map Number 195-7-S-133D) zoned Highway Commercial (B-2) district with Corridor Enhancement (CE) district overlay, with the following conditions:
 - a. The variance applies to the current structure with its existing footprint.
 - b. Should the property become vacant for two (2) years or more the variance will expire.
 - c. The off-street buffer requirement is reduced to zero (0) for the two loading spaces on the north side of the structure.
 - d. The area in the rear is limited to one (1) employee parking space, with a four (4) foot buffer provided adjacent to the rear property line, as depicted on the Planning Department exhibit included in the application materials.

The variance is approved because the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property:

- 1) *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;*

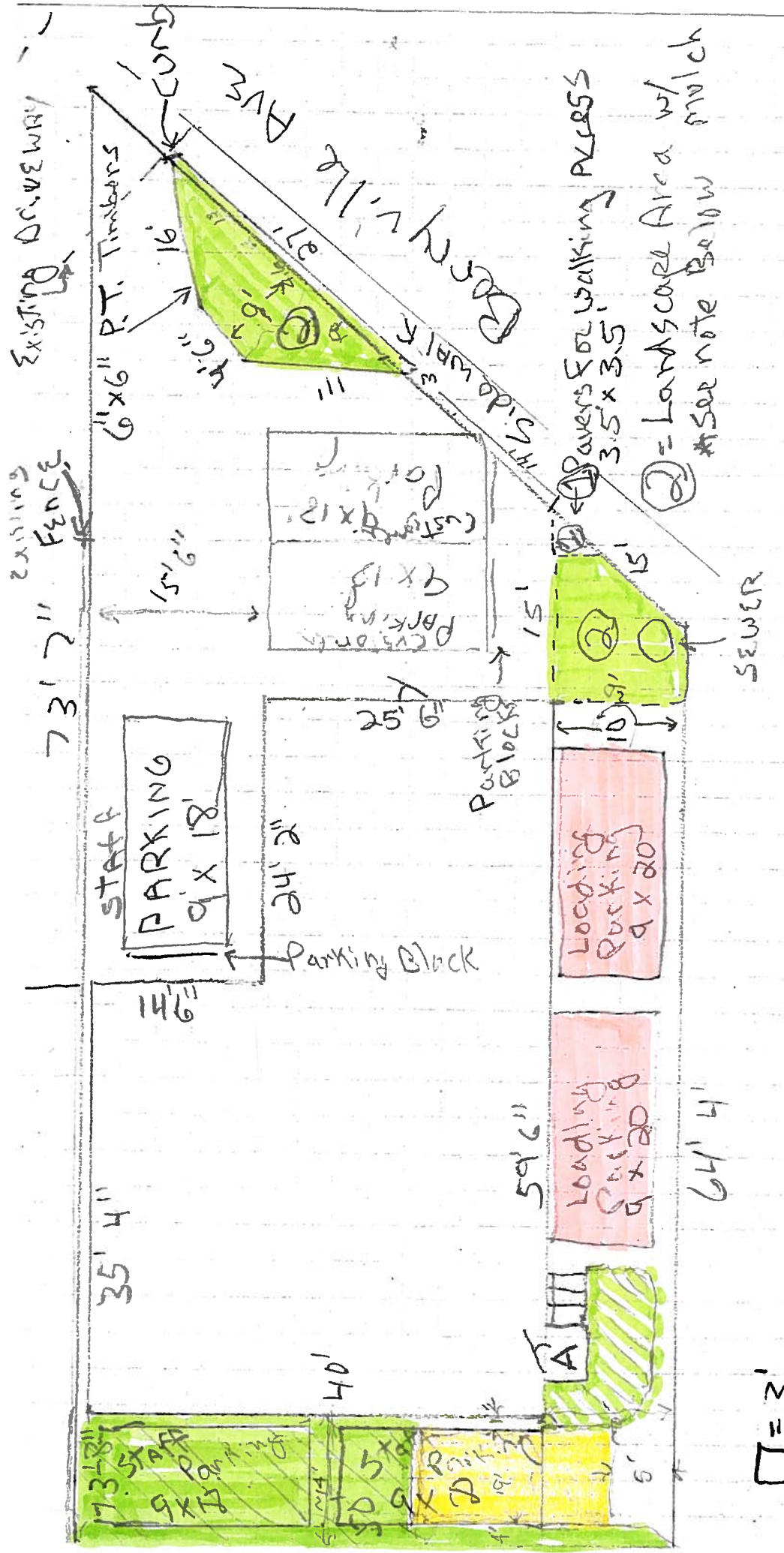
- 2) *The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;*
- 3) *The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;*
- 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; and,*
- 5) *The relief or remedy sought by the variance application is not available through a special exception process or the process of an administrative modification at the time of the filing of the variance application.*

[Deny the variance]

2. **MOVE**, that the Board of Zoning Appeals **deny** a variance of the Winchester Zoning Ordinance Section 18-6-3.2 pertaining to a off-street parking buffer at 625 Berryville Avenue (Map Number 195-7-S-133D) zoned Highway Commercial (B-2) district with Corridor Enhancement (CE) district overlay, for the following reasons:
 - a. *The strict application of this Ordinance would not produce a clearly demonstrable hardship.*
 - b. *(List any additional reasons)*



Aaron M. Grisdale, CZA
Director of Zoning and Inspections



A = Proposed Landings + steps see details next page

- LOADING SPACE
- PARKING SPACE

NOTES
 * Landscape Area - concrete + asphalt to be removed + re placed w/ top soil + mulch. Plants will be low lying up to 24" w/ A couple "feature" plants up to 36"