



**CITY OF WINCHESTER, VIRGINIA**

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Rouss City Hall  
15 North Cameron Street  
Winchester, Virginia 22601  
[www.winchesterva.gov](http://www.winchesterva.gov)

Telephone: (540) 667-1815  
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**BOARD OF ZONING APPEALS  
AGENDA  
August 12, 2015 - 4:00 P.M.  
Council Chambers - Rouss City Hall**

**1. POINTS OF ORDER**

- A. Roll Call
- B. Approval of Minutes June 10, 2015
- C. Reading of Correspondence

**2. PUBLIC HEARINGS**

**3. NEW BUSINESS**

**BZA-15-381** Request of Gorianadis, LLC for a variance pertaining to a rear yard setback pursuant to Section 7-6-2 of the Winchester Zoning Ordinance for the property located at 300-302 North Kent Street (*Map Number 174-01-G-1 - > <01*), zoned Residential Business (RB1) district. The applicant is proposing to subdivide the subject parcel into three lots.

**4. OLD BUSINESS**

**5. ADJOURN**

**BOARD OF ZONING APPEALS  
MINUTES**

The Board of Architectural Review held its regularly scheduled meeting on Wednesday, June 10, 2015, at 4:00p.m. in Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

**POINTS OF ORDER:**

**PRESENT:** Chairman Pifer, Mr. Crawford, Ms. Marchant, Ms. Anderson, Mr. Lewis

**ABSENT:** None

**STAFF:** Aaron Grisdale, Erick Moore, Carolyn Barrett

**VISITORS:** David Durbin

**CONSENT AGENDA:**

Approval of Minutes for April 8, 2015:

Chairman Pifer called for corrections or additions to the minutes. Ms. Marchant made a motion for a correction to the minutes. She was not present at the April 8, 2015 meeting. Mr. Crawford seconded the motion. Chairman Pifer called for a vote. Voice vote was taken and the motion passed 5-0.

**READING OF CORRESPONDENCE:**

None.

**PUBLIC HEARINGS:**

**BZA-15-297** Request of David Durbin for a variance of the Winchester Zoning Ordinance Section 10-8 pertaining to corner side yard and Section 10-6-2 pertaining to rear yard at 563 North Cameron Street (*Map Number 153-01-G-9*) zoned Commercial Industrial, CM-1 District. The request is to grant variances of deficient setback requirements and allow for re-use of an existing structure with a permitted by-right use and remove existing variance approval conditions.

Mr. Grisdale reviewed the request and staff report. The southernmost building is the subject of the request. It is a 14,000 square foot building and the corner side yard and rear yard setbacks are less than the CM-1 district requires. In 2006, the BZA granted a variance for the Habitat For Humanity Re-Store when they proposed an adaptive reuse of the property to allow for the store. The variance was approved solely for that purpose. Since 2006, Habitat For Humanity relocated and the property has been vacant for several years. Since the proposed use is separate and distinct from the Habitat Re-Store use, it has to come back before the Board to revisit the zoning variances. Staff believes the applicant is making a bare minimum request to have reasonable use of the property. The property has been improved according to the zoning ordinance requirements in terms of off street parking and landscaping.

**Chairman Pifer opened the public hearing**

Mr. Durbin spoke about his request. His business, Long Valley Traders, deals in antiques, architectural salvage and estate items. The property fits into his vision for his business and he looks forward to moving into that area. He would like to open his business early in July 2015. His lease is one year to start with the possibility of a four year lease.

**Chairman Pifer closed the public hearing**

The Board talked about the property becoming unusable if they did not grant the variance.

*Mr. Lewis made a motion to approve variances of the Winchester Zoning Ordinance Section 10-8 pertaining to corner side yard and Section 10-6-2 pertaining to rear yard at 563 North Cameron Street (Map Number 153-01-G-9) zoned Commercial Industrial, CM-1 District, with the following conditions:*

- a. The variances are limited to retail and warehouse uses.*
- b. Any future changes to the site layout shall be approved in the form of a site plan by the Planning Director, when deemed necessary by the Director.*

*The variances are approved because:*

- a. The strict application of this Ordinance would produce a clearly demonstrable hardship.*
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.*
- c. That the authorization of such 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.*

*Roll call vote was taken and the motion passed 5-0.*

**NEW BUSINESS:**

Mr. Grisdale introduced Dan Whitaker as the newest Board member.

**OLD BUSINESS:**

None.

**ADJOURN:**

With no further business before the Board, the meeting was adjourned at 4:09pm.



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

**ISSUE/BACKGROUND**

Case: BZA-15-381

Applicant: Gorianadis LLC

Location: 300-302 North Kent Street

Zoning: Residential Business (RB-1) District

Future Land Use: 3 Single Family Lots.

Legal Notice: The request for variance was advertised in the *Winchester Star* on July 29, 2015, and August 5, 2015. 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 Gorianadis, LLC for a variance pertaining to a rear yard setback pursuant to Section 7-6-2 of the Winchester Zoning Ordinance for the property located at 300-302 North Kent Street (Map Number 174-01-G-1 - > <01), zoned Residential Business (RB1) district. The requested variance will grant relief of a deficient rear yard created by planned subdivision of the parcel.

**BACKGROUND**

The subject property is located on the east side of North Kent Street and is zoned Residential Business (RB-1) district. The immediately surrounding properties on the north, south, and west are similarly zoned. The property directly to the east is conditionally zoned Residential Business (RB-1) and properties to the southwest are zoned Central Business (B-1) district. The properties in the immediate vicinity are composed of a mix of single family and two family dwellings.

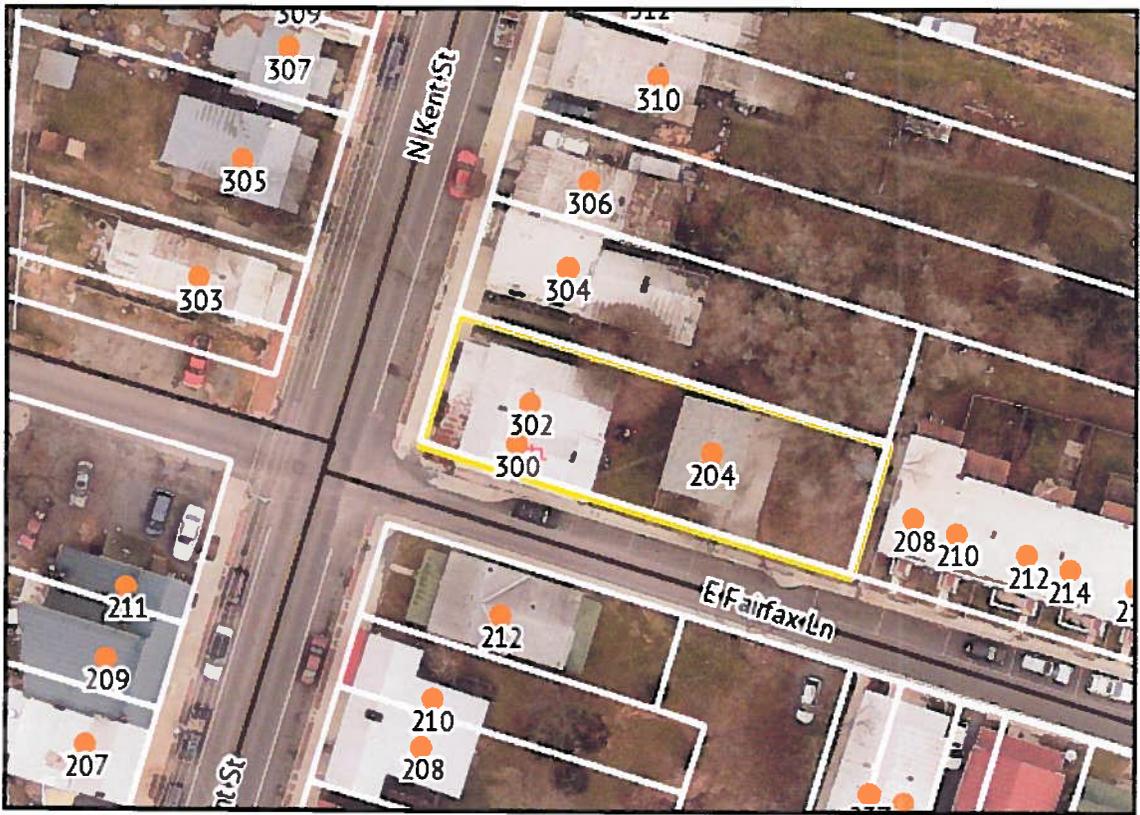


Exhibit A - Vicinity Map

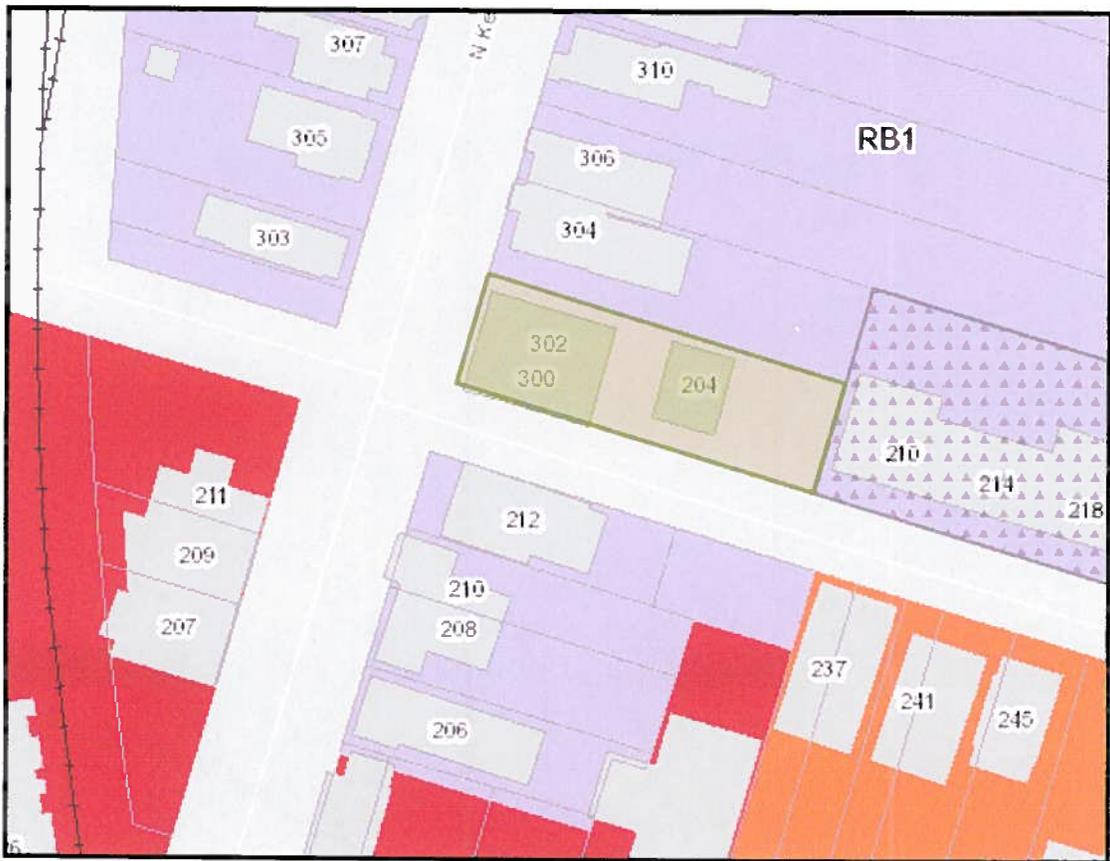


Exhibit B - Vicinity Zoning Map

This property currently consists of two main buildings. The first structure 300-302 North Kent Street is a nonconforming 4-unit residential building. The second building on the same parcel is 204 East Fairfax Lane and consists of a single family dwelling. The current density on the property is higher than otherwise permitted by the Zoning Ordinance with a total of five (5) dwelling units when only three (3) are permitted.

In 2013 the 4-unit residential building was damaged by fire and has been uninhabitable ever since. In the interim, Zoning & Inspections staff has been working with the property owner to resolve outstanding property maintenance issues. Since 300-302 North Kent Street has been vacant for more than 2 years, the previous legal residential density nonconformity has lapsed. Any future occupancy of the structure will need to result in a maximum of two dwelling units.

As part of a rehabilitation plan for the entire property, the owner has agreed to resolve the property maintenance issues on site. The abatement plan consists of subdividing the parcel to separate the single family dwelling oriented towards Fairfax Lane and then subdivide the 300-302 North Kent Street structure into two single family residential lots, for a total of three parcels.

Due to the current layout of the property, the front yard is the frontage oriented towards North Kent Street, with Fairfax Lane being a corner side yard, the northern property being a regular side yard, and the east property line a rear yard. Presently, the single family dwelling at 204 East Fairfax Lane conforms to the side setback requirement with a setback of 3.1 feet. However, with the proposed subdivision the yard definitions for 204 East Fairfax Lane will change. What was previously a side yard with an existing setback of 3.1 feet, now becomes a rear yard with a setback requirement of 15 feet. This results in the need for a variance of 11.9 feet from the rear yard requirement.

#### **STAFF ANALYSIS & CONCLUSION**

According to Section 20-2 of the Ordinance, the Board of Zoning Appeals is required to make three (3) specific findings in order to approve a variance request. These findings are based on evidence, testimony, and demonstration of certain criteria, which are further defined in Section 20-2-3.1 of the Ordinance.

Section 20-2-3.1:           When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the Ordinance, or where by reason of exceptional topographic conditions or other

extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance.

1. **That the strict application of this Ordinance would produce a clearly demonstrable hardship.**
2. **That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.**
3. **That the authorization of such 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 variances.**

Staff believes that overall the applicant is making a bare minimum request to have reasonable use of the property. The proposed subdivision and reduction of residential density will result in greater conformity of Zoning Ordinance provisions.

Staff supports this variance and recommends the Board approve the request.

*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 to Gorianadis, LLC, pertaining to a rear yard setback pursuant to Section 7-6-2 of the Winchester Zoning Ordinance for the property located at 300-302 North Kent Street (Map Number 174-01-G-1), zoned Residential Business (RB1) district, with the following conditions:
  - a. A complete application for the proposed subdivision must be submitted to the Subdivision Administrator within one year.
  - b. The variance is limited to the subdivision as proposed on the survey by Marsh & Legge Surveyors, P.L.C dated June 30, 2015.

*This variance is approved because:*

- a. The strict application of this Ordinance would produce a clearly demonstrable hardship.*
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.*
- c. That the authorization of such 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.*

*[Deny the variance]*

2. **MOVE**, that the Board of Zoning Appeals **deny** a variance to Gorianadis, LLC, pertaining to a rear yard setback pursuant to Section 7-6-2 of the Winchester Zoning Ordinance for the property located at 300-302 North Kent Street (Map Number 174-01-G-1), zoned Residential Business (RB1) district, 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



CASE #: 15-381  
 FEE AM'T: \$575.00  
 DATE PAID: 7/6/15

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

571-239-8916 Telephone

GORIANADIS, LLC Applicant

204 EAST FAIRFAX LANE Street Address

WINCHESTER City VA State 22601 Zip

GEORGE STATHOPOULOS (PA) OWNER'S SIGNATURE (use reverse to list additional owners)

571-239-8916 Telephone

GORIANADIS LLC Owner Name (as appears in Land Records)

P.O. Box 710445 Street Address

WINCHESTERVA1953@gmail.com E-mail address HERNDON City VA State 20171 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>7-6-2</u>	<u>REAR YARD SETBACK</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) 204 EAST FAIRFAX LANE Zoning RB1

Tax Map Identification - (sections, blocks, lots) PIN 174-01-G-1

**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 [Signature] DATE 7/3/15

**Date:** July 3, 2015  
**From:** Gorianadis, LLC (George Stathopoulos (PA) and Manager)  
**To:** Winchester Board of Zoning Appeals  
**Subject:** Variance request for 204 East Fairfax Lane

**MEMO:**

We are requesting a variance for 204 East Fairfax Lane which currently has the dwelling located 3.1 feet from the northern property line of the subject parcel. This 3.1 foot distance (setback) is currently the side yard of the subject parcel.

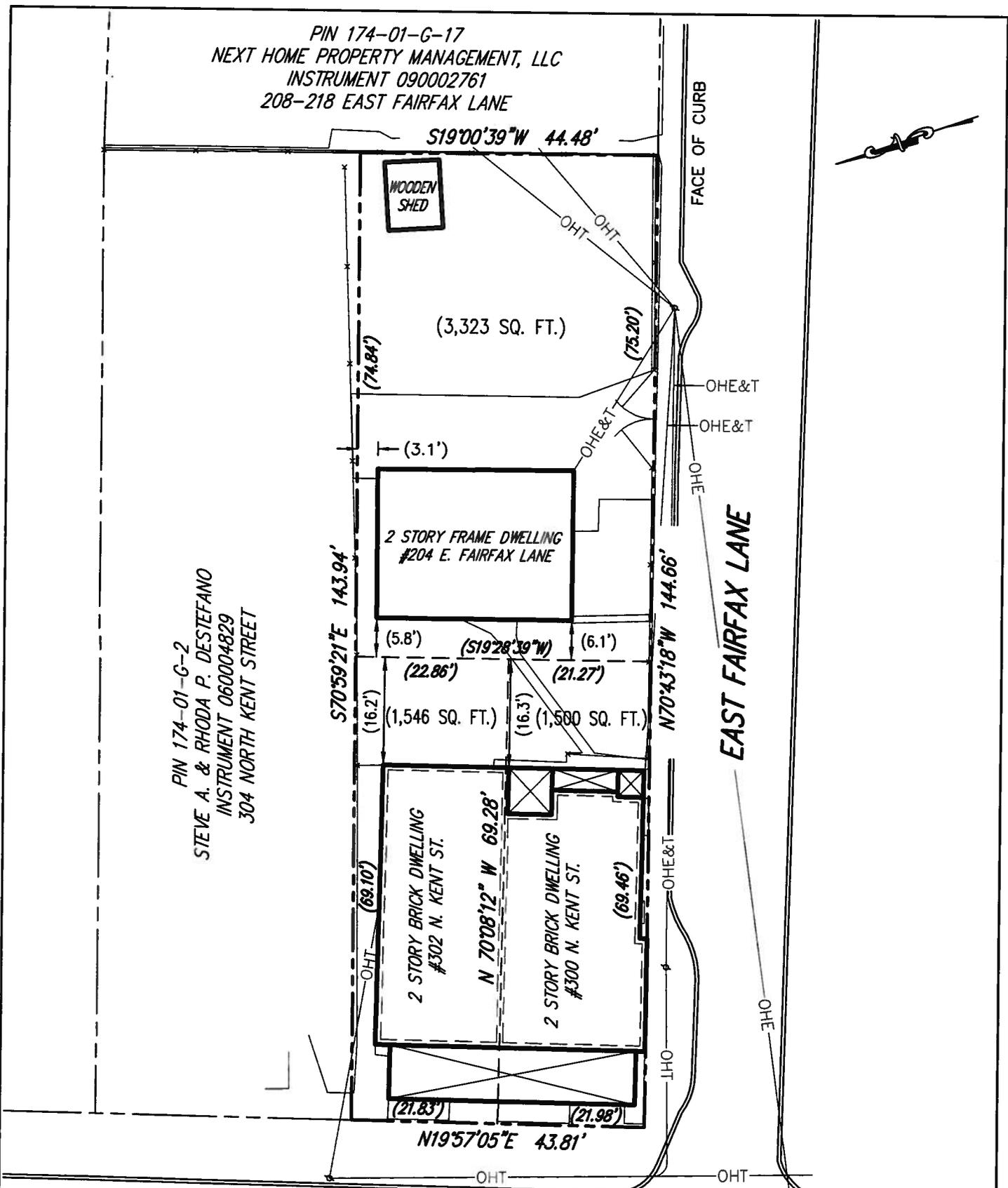
The two story brick dwelling of this parcel located at 300-302 North Kent Street was subject to fire damage in June 2013. The brick dwelling has remained untenable since that time.

We are attempting to subdivide the subject parcel (PIN 174-01-G-1) into three lots. By doing so, it would allow us to market the 3323 square foot lot which houses the dwelling at 204 East Fairfax Lane to provide working capital for the restoration of the two story brick building.

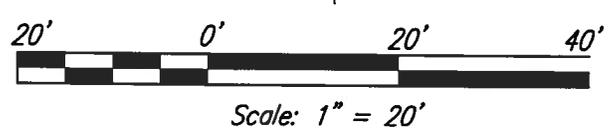
If the subdivision is approved, the 3.1 foot setback (current side yard) would become the rear setback of this newly created parcel, therefore a variance to the 15 foot rear yard setback (Winchester Zoning Ordinance 7-6-2) is requested for this new parcel.

PIN 174-01-G-17  
 NEXT HOME PROPERTY MANAGEMENT, LLC  
 INSTRUMENT 090002761  
 208-218 EAST FAIRFAX LANE

PIN 174-01-G-2  
 STEVE A. & RHODA P. DESTEFANO  
 INSTRUMENT 060004829  
 304 NORTH KENT STREET

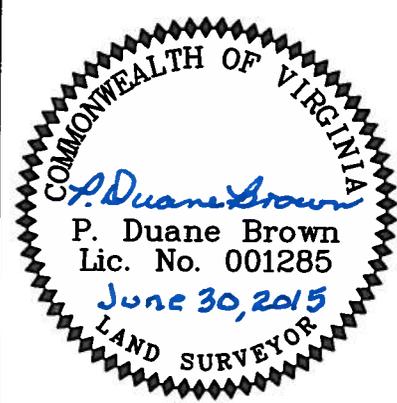


FACE OF CURB  
**NORTH KENT STREET**



THE PROPERTY IS ZONED RB1

SITE IMPROVEMENTS AND PROPOSED MINOR SUBDIVISION  
 OF THE PROPERTY OF  
**GORIANADIS, LLC**  
 PIN 174-01-G-1  
 INST. 120001418  
 CITY OF WINCHESTER, VIRGINIA



DATE: 06/30/15      SCALE: 1" = 20'      SHEET 1 OF 1



**Marsh & Legge Land Surveyors, P.L.C.**

560 NORTH LOUDOUN STREET ~ WINCHESTER, VIRGINIA 22601

PHONE (540) 667-0468 ~ FAX (540) 667-0469 ~ EMAIL office@marshandlegge.com

DRAWN BY: HBK

ID 9911-MRS-BZA