

**STAFFORD COUNTY BOARD OF ZONING APPEALS**

**AGENDA**

**ADMINISTRATION CENTER  
BOARD CHAMBERS  
1300 COURTHOUSE ROAD**

**APRIL 26, 2011  
REGULAR MEETING  
7:00 P.M.**

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- A. Call to Order by Chairman
- B. Roll Call
- C. Determination of a Quorum
- D. Declarations and Disqualifications

**PUBLIC HEARINGS**

- 1. **V11-2/1100102 - GINA M SMITH** - Requests Variances from Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", A-1 Agricultural and Section 28-273, "Nonconforming Structures", further reducing the front yard requirement to allow a three (3) acre subdivision with an existing nonconforming single family dwelling. The property is zoned A-1, Agricultural, located on Assessor's Parcel 40-31, at 2344 Courthouse Road.

**UNFINISHED BUSINESS**

- 2. **V11-1/1100060 - JEFFREY R. & JILL B. SCOTT** - Requests a Variance from Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", A-1, Agricultural, of the front yard requirement to construct a new single-family dwelling on Assessor's Parcel 49-37E. The property is zoned A-1, Agricultural, and is located at 442 Wood Landing Road.

**OTHER BUSINESS**

- 3. **Draft Variance Applications**

**ADOPTION OF MINUTES**

- 4. **March 22, 2011**

**ZONING ADMINISTRATOR REPORT**

**ADJOURNMENT**

**Board of Supervisors**

**Mark Dudenhefer**

Chairman

**Paul V. Milde, III**

Vice Chairman

**Harry E. Crisp, II**

**Gary F. Snellings**

**Cord A. Sterling**

**Susan B. Stimpson**

**Robert "Bob" Woodson**



**County Administrator**

Anthony J. Romanello, ICMA CM

April 26, 2011

**MEMORANDUM TO:** Stafford County Board of Zoning Appeals

**FROM:** Melody Musante  
Zoning Manager

**SUBJECT:** *V11-2/1100102; Assessor's Parcel 40-31*

**ATTACHMENTS:**

- |   |   |
|---|---|
| 1. Application                              | 5. Plat of survey by Farmer Surveys Dated 5/22/07 |
| 2. Application Affidavit                    | 6. Proposed subdivision dated 12/14/10            |
| 3. Owner's consent form                     | 7. Copies of Sec. 22-167(b) & 22-212              |
| 4. Plat prepared by Aubrey Hawkins 12/20/10 |   |

**ISSUE:**

The Board of Zoning Appeals is to consider a request for variances from Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", A-1 Agricultural and Section 28-273, "Nonconforming Structures", further reducing the front yard requirement to allow a three (3) acre subdivision with an existing nonconforming single family dwelling. The property is zoned A-1, Agricultural, located on Assessor's Parcel 40-31, at 2344 Courthouse Road.

**PARCEL INFORMATION:**

**Location:** 2344 Courthouse Road

**Election District:** Aquia

**Parcel Size:** 88.242 Ac



Memorandum to: *Stafford Board of Zoning Appeals*

April 26, 2011

Page 2

Property Owners: Assessor's Parcel 40-31  
Douglas F. Jones ETALS  
C/O Gina Smith  
PO Box 3008  
Stafford, VA 22555

Applicants: Gina M. Smith  
2411 Courthouse Road  
Stafford, VA 22554

Agent: None

Current Use: Residential

Proposed Use: Residential

Application Date: March 21, 2011

Comprehensive Plan: Agricultural

Abutting Properties:

<u>Location</u>	<u>Zoning</u>	<u>Parcel</u>	<u>Use</u>	<u>Land Use Plan</u>
North	A-1	40-53	Residential	Agricultural
South	A-1	40-24	Residential	Agricultural
East	A-1	40-55	Residential	Agricultural
West	A-1	40-34	Residential	Agricultural

APPLICABLE BACKGROUND:

The applicant is requesting a variance of twenty-nine feet three inches (29.3) of the front yard setback to subdivide this 88.242 AC of A-1 zoned property into two parcels. There is an existing two story single family dwelling on the property that is non-conforming in front setback, therefore, no further development may be done. The applicant is requesting a variance of the front yard requirement to proceed with the subdivision of the property. Stafford County Subdivision Ordinance, Section 22-167 (b), "Right-of-way additions" states when a new subdivision abuts one side of an existing or platted road or street, the subdivider shall be required to dedicate at least half of the right-of-way necessary to make the street comply with the minimum right-of-way width prescribed by this chapter. Per Section 22-212, "Right-of-way width", states width for streets shall not be less than fifty (50) feet. According to the survey prepared by H. Aubrey Hawkins & Associates, the existing front yard setback from the single family dwelling to the centerline of road is forty-five feet seven inches (45.7). After dedicating the ten (10) feet additional required right-of-way, the new front yard setback will be twenty feet seven inches (20.7) therefore requiring the twenty-nine feet three inch (29.3) front yard variance.

*Memorandum to: Stafford Board of Zoning Appeals*

*April 26, 2011*

*Page 3*

Zoning History

Single Family Dwelling built in 1945. Conditional Use Permit approved November 20<sup>th</sup>, 2001 for a Communication's Facility on a portion (.23 Acres) of the property.

Existing Conditions



**EVALUATION CRITERIA:**

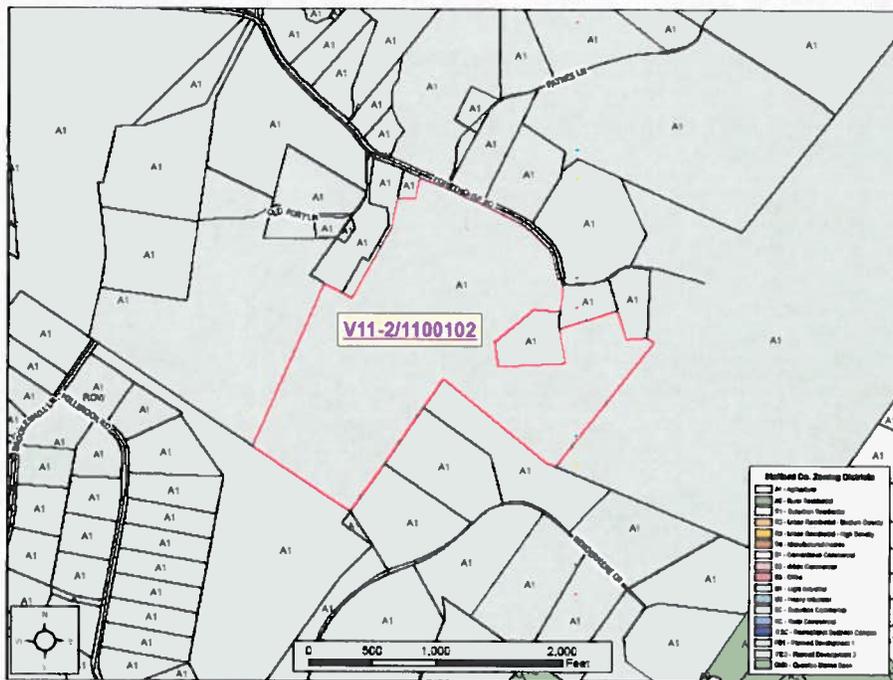
Per Section 28-350 (c) No variance shall be authorized by the Board of Zoning Appeals unless it finds:

1. That the strict application of the provisions of this chapter would produce undue 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 shall 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;
4. That the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

**STATED HARDSHIP PER APPLICANT:**

The applicant states after research and expert advice from various realtors, it is virtually impossible to sell the house on 88 acres. The current real estate market will most likely result in a sale if the property is subdivided with the house and 3 acres. Due to the location of the house on the property, subdividing the property will not change the proximity of the house to the road but due to the required dedication of right-of-way of additional ten (10) feet it will increase the nonconformity. The existing home was built in 1945 and currently vacant. Due to the age of the home, maintenance is constant. The property is owned by four (4) owners. Three (3) out of four (4) of the owners are living in different states making the maintenance of the home almost impossible. Authorization of this variance will not change the character of the area as the state road ends just past the property and will never be continued so there is no through traffic.

TAX MAP



VICINITY MAP



STAFFORD COUNTY  
Department of Planning and Zoning  
VARIANCE APPLICATION



RECEIVED BUT NOT OFFICIALLY SUBMITTED  
DATE: 3-21-11 INITIALS MM  
OFFICIALLY SUBMITTED  
DATE: 3-23-11 INITIALS MM

VARIANCE  
TYPE OF APPLICATION

1100102  
APPLICATION NUMBER

APPLICANT INFORMATION

Gina M. Smith  
NAME  
2411 Courthouse Road  
STREET ADDRESS  
Stafford Va 22554  
CITY STATE ZIP  
540-288-9522 540-220-7944  
PHONE CELL  
FAX outcastone@hotmail.com  
EMAIL

OWNER INFORMATION

Gina M. Smith  
NAME  
2411 Courthouse Rd Stafford Va 22554  
ADDRESS CITY STATE ZIP  
540-288-9522 540-220-7944  
PHONE NUMBER CELL FAX NUMBER  
outcastone@hotmail.com  
EMAIL ADDRESS

PROPERTY INFORMATION

40-31 88.242 AC  
TAX MAP SECTION PARCEL/LOT# LOT SIZE  
SUBDIVISION Agric  
ZONING DISTRICT  
Agricultural Residential  
EXISTING USE PROPOSED USE  
COMPREHENSIVE PLAN DESIGNATION  
MAGISTERIAL DISTRICT

FOR OFFICE USE ONLY

APPLICATION APPROVED BY V11-2 DATE 1100102  
CASE # 1100102 APPLICATION #  
FEES PAID:  YES  NO





March 20, 2011

RE: Variance Justification 2344 Courthouse Road, Stafford VA 22554

To Whom It May Concern:

I (we) the owners of 2344 Courthouse Road in Stafford, VA am requesting a variance in regard to the current setback. Our goal is to subdivide the house and 3 acres from the 88 acre parcel. There are many hardships and factors which prompt this request.

First, the alignment of Courthouse Road in relation to the house has been in place before a zoning ordinance was created by Stafford County. Due to the location of the house on the property, subdividing the property will not change the proximity of the house to the road.

Second, the current real estate market will most likely result in a sale if we can sell the house on three acres versus the house on 88 acres. According to our research and expert advice from various Realtors, it will be virtually impossible to sell the house on 88 acres. The value of the house on 3 acres is about \$165,000. The value of the house on 88 acres is almost \$888,000. The value of 85 acres without the house is \$852,000. It is more profitable to subdivide.

Third, the house was originally built in 1945 and it is currently vacant. The maintenance of this 66 year old house is constant. Given there are four owners of this property and ¾ of them are living in different states, it's become almost impossible to maintain the house.

Finally, the authorization of this variance won't be of substantial detriment to adjacent property, nor character of the district. The state road also ends just past the property and will never be continued so there is no through traffic.

requesting 29.3 foot front yard  
variance.

Sincerely,



Property Owners of 2344 Courthouse Road

### APPLICATION AFFIDAVIT

This form to be filed with:

**BOARD OF ZONING APPEALS  
1300 COURTHOUSE ROAD  
STAFFORD, VIRGINIA 22555**

Internal Use Only	
Project Name:	<u>Smith</u>
A/P #:	<u>100102</u>
Date:	<u>4-26-11</u>

All applicants for a special exception, a special use permit, conditional use permit, amendment to the zoning ordinance or variance shall make complete disclosure of the equitable ownership of the real estate involved in the application, including in the case of corporate ownership, limited liability company ownership or similar business ownership, the name of stockholders, officers, managing partners, general partners, owners and members, and in any case the names and addresses of all of the real parties in interest. The requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the event the ownership of the involved real estate changes in any respect during the time the application is pending, the applicant shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein. If the applicant is a contract purchaser, the ownership information required herein shall be provided for the contract purchaser in addition to the owner of the real estate involved in the application. This section applies to applications before the board of supervisors, planning commission and board of zoning appeals.

See Section 15.2-2289 for State Enabling Authority

#### 1. Applicant information

Name of Applicant Gina M. Smith  
Name of Company \_\_\_\_\_  
Address of Applicant 2411 Courthouse Rd  
Stafford, VA 22554  
Applicant's Signature Gina M. Smith  
Name of Agent \_\_\_\_\_  
Address of Agent \_\_\_\_\_

#### 2. Type of Application

- |   |  |
|---|--|
| <input type="checkbox"/> Conditional Use Permit | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Rezoning               | <input type="checkbox"/> Special Exception   |

Application Affidavit  
Page 2

Project Name:	Smith
A/P #:	B-26-11

Applicant: Smith

3. Property Information

Assessors Parcel(s) 40-31

Address 2344 Courthouse Rd  
Stafford, Va 22554

\* 4. Unless the equitable ownership is a corporation, limited liability company or similar business ownership, list all equitable owners of the property.

<u>Name of owners</u>	<u>Address</u>
<u>Jack Jones</u>	<u>878-Bellard Road Meadows of Dan, Va 24120</u>
<u>Jordan Jacobs</u>	<u>519 Shice Chase, New Port News, Va 23602</u>
<u>Jane Ziback</u>	<u>1054 Tigua Lane, San Jose, CA 95138</u>
<u>Gina Smith</u>	<u>2411 Courthouse Rd Stafford, Va 22554</u>

5. If the equitable ownership of the property is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders.

Name of Members

<u>/</u>	<u>/</u>

6. Unless the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all individuals involved with the purchase of the property.

Name of owners

Address

<u>/</u>	<u>/</u>

**Application Affidavit**

Page 3

Applicant: Smith

Project Name: <u>Smith</u>
A/P #: <u>4-26-11</u>

7. If the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders

Name of Members

~~\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~

~~\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~

8. Have all individuals listed on this affidavit been notified of the purpose of the application?

Yes

No

9. If #8 is No, list all individuals who have not been notified about this application plus submit the cost required for the Department of Planning and Community Development or Code Administration to send certified letters notifying those listed below of this application prior to the public hearing.

Name

Address, including zip code, no P.O. Box please

~~\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~

~~\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~

Number of owners to be notified: \_\_\_\_\_ X

Cost for certified letters \$ \_\_\_\_\_ (cost as of the day of submittal)

Total due: \$ \_\_\_\_\_ (Make checks payable to County of Stafford)

Please submit a check in the amount due with this application to cover the cost of serving the individuals listed in this section.

Application Affidavit

Page 4

Applicant: Gina Smith

Project Name: _____
A/P #: _____

10. Affirmation & Witness

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief. In the event the ownership of the involved real estate changes during the time the application is pending, I shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein.

Printed name of Signer June L. Zibnack

Corporate Office of Signer \_\_\_\_\_

Signature June L. Zibnack

Date 3/8/11

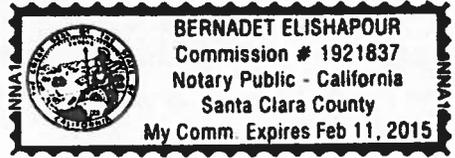
State of California  
~~COMMONWEALTH OF VIRGINIA~~  
COUNTY OF STAFFORD, to-wit: Santa Clara.

The forgoing affidavit was acknowledged before me this 8<sup>th</sup> day of March, 2011 by

June L. Zibnack owner/applicant who proved to me on basis of satisfactory evidence to be the person who appeared before me.

My commission expires: Feb 11, 2015

Bernadet Elshapour  
Notary Public



Application Affidavit

Page 4

Applicant: \_\_\_\_\_

Project Name: _____ A/P #: _____
---

10. Affirmation & Witness

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief. In the event the ownership of the involved real estate changes during the time the application is pending, I shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein.

Printed name of Signer JACK A. JONES

Corporate Office of Signer \_\_\_\_\_

Signature Jack A Jones

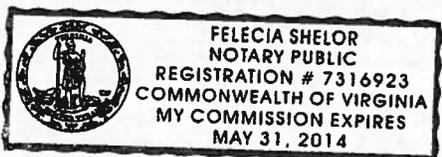
Date 3-7-11

COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD, to wit:

The forgoing affidavit was acknowledged before me this 7 day of March, 2011 by

Jack Jones owner/applicant.

My commission expires: May 31, 2014



Felecia Shelor  
Notary Public

**Application Affidavit**

Page 4

Applicant: \_\_\_\_\_

Project Name: \_\_\_\_\_

A/P #: \_\_\_\_\_

**10. Affirmation & Witness**

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief. In the event the ownership of the involved real estate changes during the time the application is pending, I shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein.

Printed name of Signer

JO ANN JACOBS

Corporate Office of Signer \_\_\_\_\_

Signature

*Jo Ann Jacobs*

Date

3-7-11

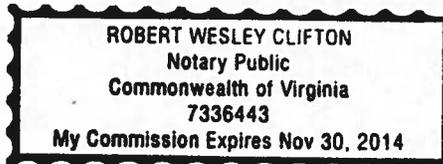
COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD, to wit:

The forgoing affidavit was acknowledged before me this 7 day of March, 2011 by

Jo Ann Jacobs owner/applicant.

My commission expires: November 30, 2014

*Robert Wesley Clifton*  
Notary Public



**Application Affidavit**

**Page 4**

**Applicant:** \_\_\_\_\_

**Project Name:**

A/P #: \_\_\_\_\_

**10. Affirmation & Witness**

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief. In the event the ownership of the involved real estate changes during the time the application is pending, I shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein.

**Printed name of Signer** Gina Smith

**Corporate Office of Signer** \_\_\_\_\_

**Signature** Gina Smith

**Date** 3-21-11

COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD, to wit:

The forgoing affidavit was acknowledged before me this 21 day of March, 2011 by Gina Smith owner/applicant.

My commission expires: 10-31-2012

Judy C. Barnes  
Notary Public



# Owner's Consent Form

I/We, the Owner(s) of the property listed below, hereby grant permission for the

Applicant, Gina Smith to seek a

Variance Approval as requested in the

Board of Zoning Appeals application relating to property located at \_\_\_\_\_

2344 Courthouse Rd Stafford VA On Assessor's

Parcel's MND # 40-31

3-21-11  
Date

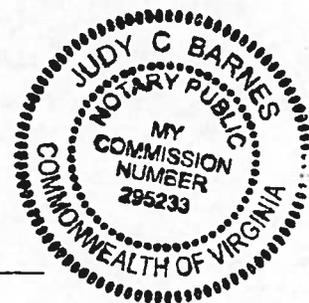
Gina Smith  
Signature

Gina Smith  
Printed Name

## ~Notary~

SUBSCRIBED & SWORN TO Before me this 21 day of March, 2011

Judy S. Barnes  
Notary Public



My Commission Expires: 10-31-2012

# Owner's Consent Form

I/We, the Owner(s) of the property listed below, hereby grant permission for the

Applicant, Gina Smith to seek a

Variance & APPROVAL as requested in the

Board of Zoning Appeals application relating to property located at \_\_\_\_\_

2344 Courthouse Rd Hafford, Va On Assessor's

Parcel's Map # 40-31.

3-7-11

Date

[Signature]

Signature

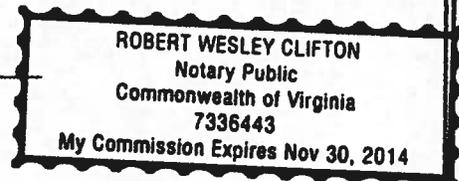
JO ANN JACOBS

Printed Name

## ~Notary~

SUBSCRIBED & SWORN TO Before me this 7 day of March, 2011

[Signature]  
Notary Public



My Commission Expires: November 30, 2014

# Owner's Consent Form

I/We, the Owner(s) of the property listed below, hereby grant permission for the

Applicant, Gina Smith ~~\_\_\_\_\_~~ to seek a

Variance Approval as requested in the

Board of Zoning Appeals application relating to property located at \_\_\_\_\_

2344 Courthouse Rd Stafford, Va On Assessor's

Parcel's Tax Map 40-31

3-7-11  
Date

Josh A. Jones  
Signature

Josh A. Jones  
Printed Name

## ~Notary~

SUBSCRIBED & SWORN TO Before me this 7 day of March, 2011

Felecia Shela  
Notary Public



My Commission Expires: May 31, 2014

# Owner's Consent Form

I/We, the Owner(s) of the property listed below, hereby grant permission for the

Applicant, Gina Smith to seek a

VARIANCE APPROVAL as requested in the

Board of Zoning Appeals application relating to property located at \_\_\_\_\_

2344 Courthouse Rd, Stafford, VA 22554 On Assessor's

Parcel's TAX MAP 40-31.

3/8/11  
Date

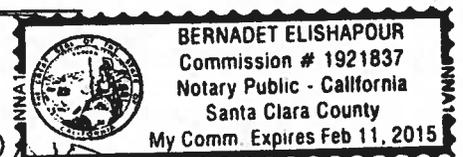
June L. Zibnack  
Signature

JUNE L. ZIBNACK  
Printed Name

## ~Notary~

SUBSCRIBED & SWORN TO Before me this 8<sup>th</sup> day of March, 2011  
By June L. Zibnack who proved to me on basis of  
Satisfactory evidence to be the person who appeared before me,

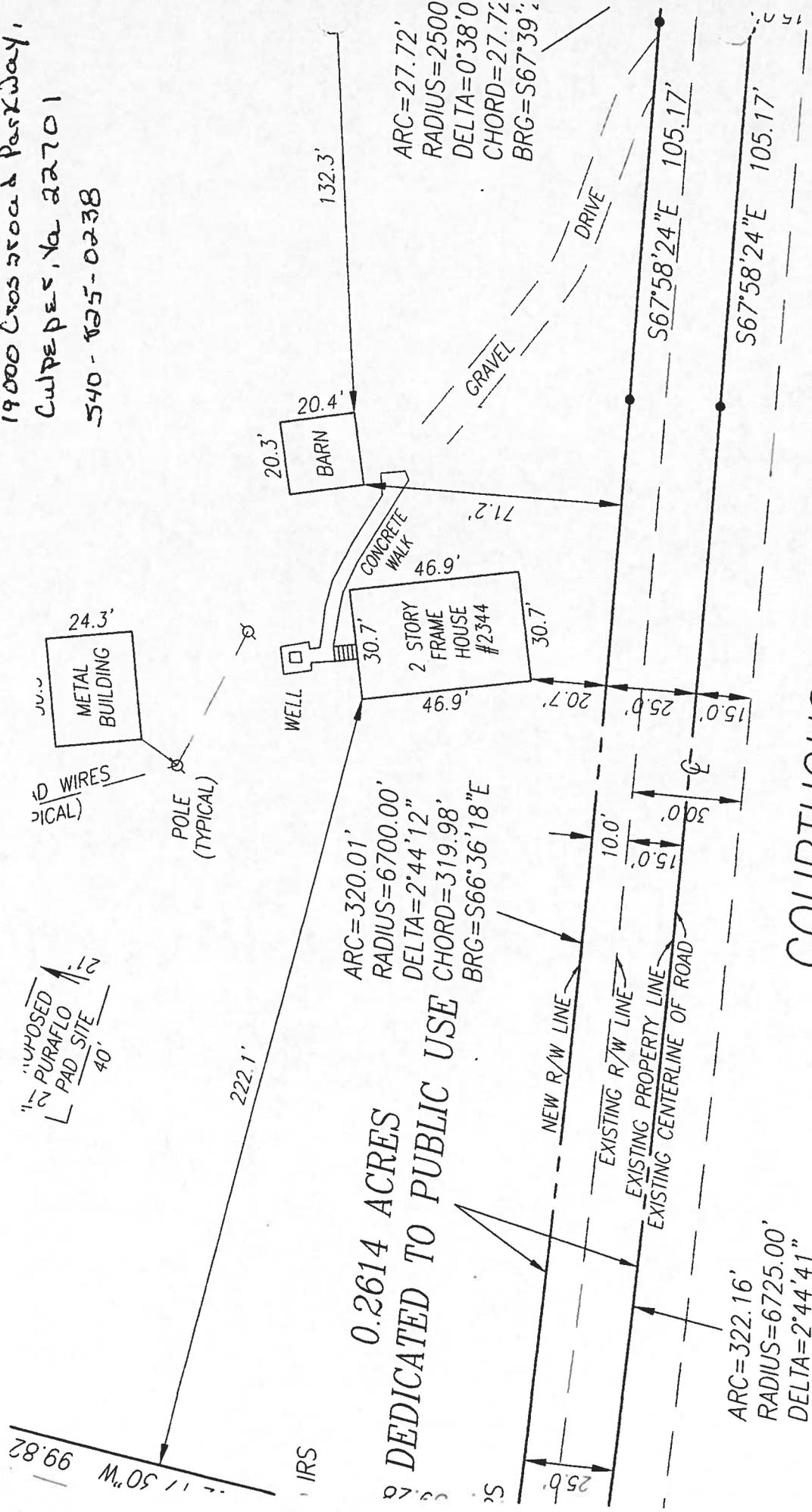
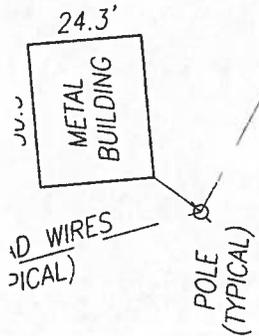
BernaDET Elshapour  
Notary Public



My Commission Expires: Feb 11, 2015

H. Aubrey Hawkins & Associates  
 1900 Crossroads Parkway,  
 Culpeper, Va 22701  
 540-625-0238

UNIMPOSED  
 PURA/FLO  
 PAD SITE  
 40'



ARC=30  
 RADIUS=  
 DELTA=  
 CHORD=  
 BRG=S

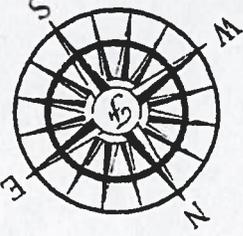
# COURTHOUSE ROAD ROUTE 630

30' PRESCRIPTIVE & VARIABLE R/W

**HOUCK PROPERTIES, LLC**  
 N/F  
 LI 060508503  
 IM 40-34

**WROOKES MILL ESTATES**  
 PM 030000206  
 N/F SYG ASSOC.  
 INSTR #030002011  
 TM 4C-24

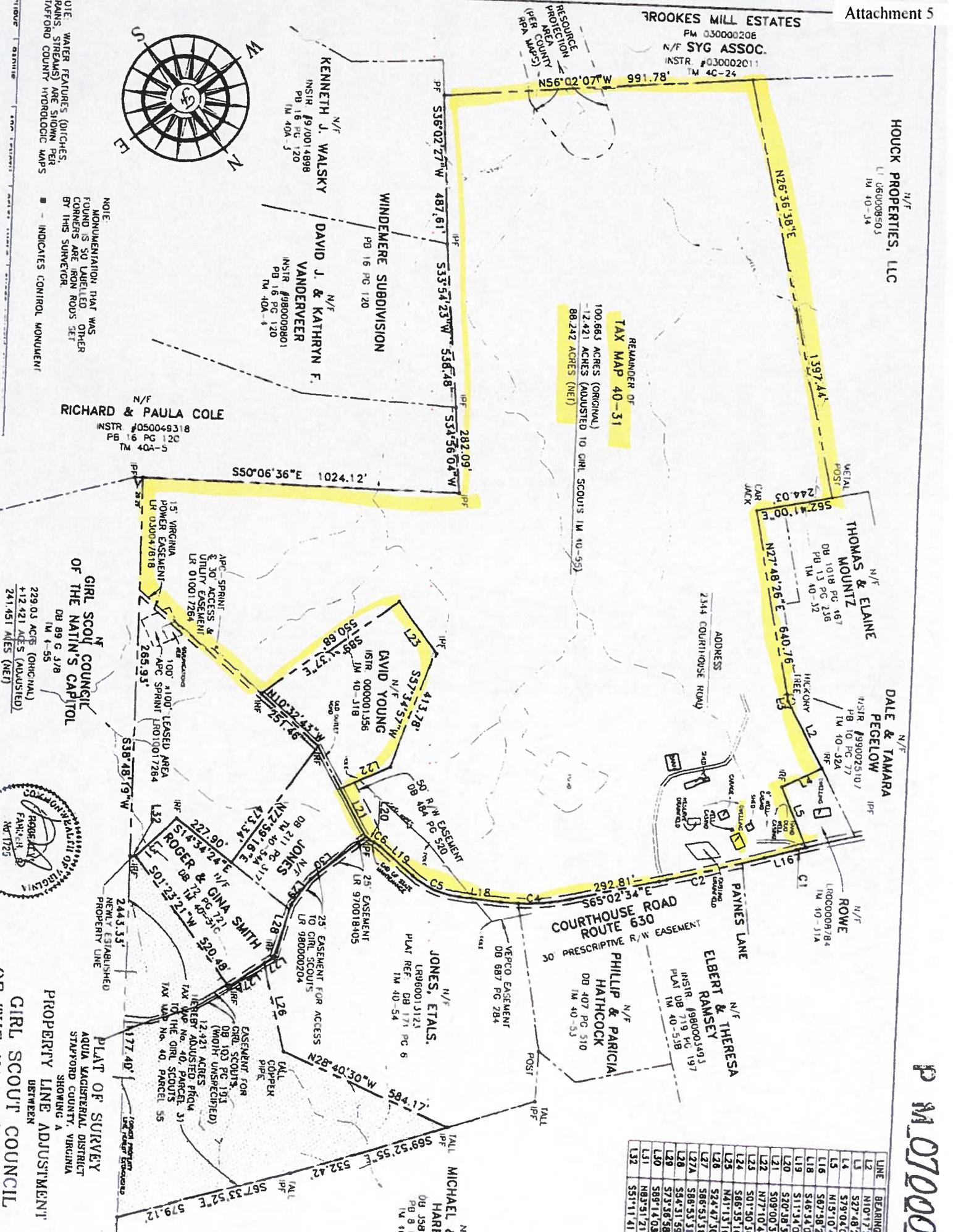
RECORDING  
 PROJECT  
 (PER COUNTY  
 PER MAPS)



NOTE: WATER FEATURES (DITCHES,  
 DRAINS, STREAMS) ARE SHOWN PER  
 STAFFORD COUNTY HYDROLOGIC MAPS

NOTE:  
 MONUMENTATION THAT WAS  
 FOUND IS SO LABELLED. OTHER  
 CORNERS ARE IRON RODS SET  
 BY THIS SURVEYOR.  
 ■ INDICATES CONTROL MONUMENT

REMAINDER OF  
**TAX MAP 40-31**  
 100.663 ACRES (ORIGINAL)  
 -12.421 ACRES (ADJUSTED TO GIRL SCOUTS' IM 40-55)  
 88.242 ACRES (NET)



LINE	BEARING
L2	N10°17'23"
L3	S27°48'26"
L4	S79°04'04"
L5	N18°10'40"
L6	S87°38'24"
L7	S46°34'05"
L8	S11°34'02"
L9	S20°38'53"
L10	S09°00'58"
L11	N07°10'45"
L12	N07°50'38"
L13	S01°50'38"
L14	S68°35'10"
L15	N41°13'10"
L16	S24°42'10"
L17	S68°53'58"
L18	S68°53'58"
L19	S54°31'59"
L20	S73°58'58"
L21	S89°14'03"
L22	N83°31'21"
L23	S31°11'41"



**GIRL SCOUT COUNCIL**  
 OF THE NATION'S CAPITOL  
 229.04 ACRES (ORIGINAL)  
 +12.421 ACRES (ADJUSTED)  
 241.461 ACRES (NET)

**GIRL SCOUT COUNCIL**  
 OF THE NATION'S CAPITOL  
 PROPERTY LINE ADJUSTMENT  
 BETWEEN  
 AQUA VAGIFERAL DISTRICT  
 STAFFORD COUNTY, VIRGINIA  
 SHOWING A

P M 070000



## **Excerpt from Subdivision Ordinance**

### **Sec. 22-167. - Right-of-way additions.**

(a)

Where the comprehensive plan indicates a proposed right-of-way greater than that existing along the boundaries of a subdivision or lot, the additional right-of-way shall be dedicated for public use when the plat is recorded.

(b)

When a new subdivision abuts one side of an existing or platted road or street the subdivider shall be required to dedicate at least half the right-of-way necessary to make the street comply with the minimum right-of-way width prescribed by this chapter

### **Sec. 22-212. - Right-of-way width.**

The right-of-way width for streets shall not be less than fifty (50) feet. In subdivisions with all lots less than twenty thousand (20,000) square feet on streets with a permanent cul-de-sac that serve no more than thirty-five (35) lots, the right-of-way width shall not be less than forty (40) feet



# ***MEMORANDUM***

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## *Department of Planning and Zoning*

**TO:** Board of Zoning Appeals Members

**FROM:** Rachel Hudson, Zoning Administrator *RTH*

**SUBJECT:** 1100060 – Jeffrey and Jill Scott

**DATE :** April 26, 2011

Attached are new items submitted by Jeffrey Scott regarding the variance application that you heard on March 22, 2011.

RTH

April 12, 2011  
Stafford County, Virginia  
BZA Application Plat Notes

1. The distance from the access easement to the nearest point on the house has been increased from 10 feet to 19.9 feet. This places the nearest point of the home approximately 30' from the edge of the paved road. The original variance request was forty feet. We are able to amend this request to 32 feet. This change was made possible due to modifications in the floor plan of the house (narrower), repositioning the proposed septic pre-treatment system and modifications in the configuration and location of the drain field reserve area (detail below).
2. The drain field reserve, which is required by the Va. Health Department (HD), is a key driver in the placement of the house and use of the property. With the efforts of our soil scientists and the HD, we were able to modify the configuration and location of the reserve to allow the house to be moved back on the site (less variance needed). There are multiple considerations which effect the final determination of the reserve location. These include:
  - The westernmost part of the reserve must be 100 feet from a well located on the adjacent lot (currently Paul Scott's);
  - The reserve cannot be moved south because of the existing septic field and the associated setback;
  - The reserve cannot be moved east because the presence of the existing septic tank renders that area "disturbed," per the vernacular of the HD, which disqualifies its placement into the reserve; Also, the adjacent east parcel (Morecock) has a well located close to the mutual sideline which has a 100 foot setback.
  - The minimum size allowable by the HD is 325 square feet. The proposed reserve has an area of 330 square feet;
  - The reserve has a setback boundary of 10 feet around the entire circumference;
  - The soils located in the reserve must be tested and approved to be within the acceptable drainage limits as established by the HD;
  - In this case, the utilization of a pretreatment system is mandatory, which may not be located closer than ten feet.
3. The first floor footprint of the proposed home is shown on the plat; the dotted lines represent the covered porches on the second floor.
4. The floodplain extends approximately eight feet from the waterline into the property on each of the Potomac Creek and Black Swamp borders per Stafford County records.

5. The entire west, east and south parameter of the property will be bordered with five to ten feet of plants, shrubs and trees native to Virginia.
6. The front open steps depicted on the plat are not governed by the setback requirements.
7. The Resource Protection Area (RPA) boundary lines have been adjusted to more restrictive locations per Stafford County official's inspection and measurements at the site.

If you have any questions or want to view the property please call or email.  
I will be pleased to meet any member who wishes at the site.

Thank you,

Jeffrey Scott  
1208 Washington Avenue  
Fredericksburg, Virginia 22401  
540.371.7640 (w); 540.371.6048 (h); 540.847.7419 (c)

[jscott@advantagem-a.com](mailto:jscott@advantagem-a.com)

**(8) Permitted encroachments.**

- a. In measuring yards, the following additional principles shall be applied: Porches, balconies, chimneys, eaves, outside basement entrances, and like architectural features may project not more than six (6) feet into any required yard; provided that no such features shall be located closer than six (6) feet to any lot line.
- b. Attached sheds on townhouses may project no more than six (6) feet into the required rear yard, provided that such sheds are used for storage only, have no interior access to the main dwelling, are no more than one story in height, and no more than eighty (80) square feet of such shed may project into the required rear yard.

- c. The following shall apply to any deck attached to a single-family detached dwelling:

Any deck with no part of its floor higher than four (4) feet above finished grade level may extend into minimum required yards as follows:

1. *Front yard:* Six (6) feet, but not closer than fourteen (14) feet to a front lot line and not closer than six (6) feet to any side lot line.
2. *Side yard:* Six (6) feet, but not closer than six (6) feet to any side lot line.
3. *Rear yard:* Fifteen (15) feet, but not closer than six (6) feet to any side or rear lot line.

Any deck with any part of its floor higher than four (4) feet above finished grade level may extend not more than twelve (12) feet into any required rear yard; provided that no such deck shall be located closer than six (6) feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line.

- d. The following shall apply to any deck attached to a single-family attached dwelling:

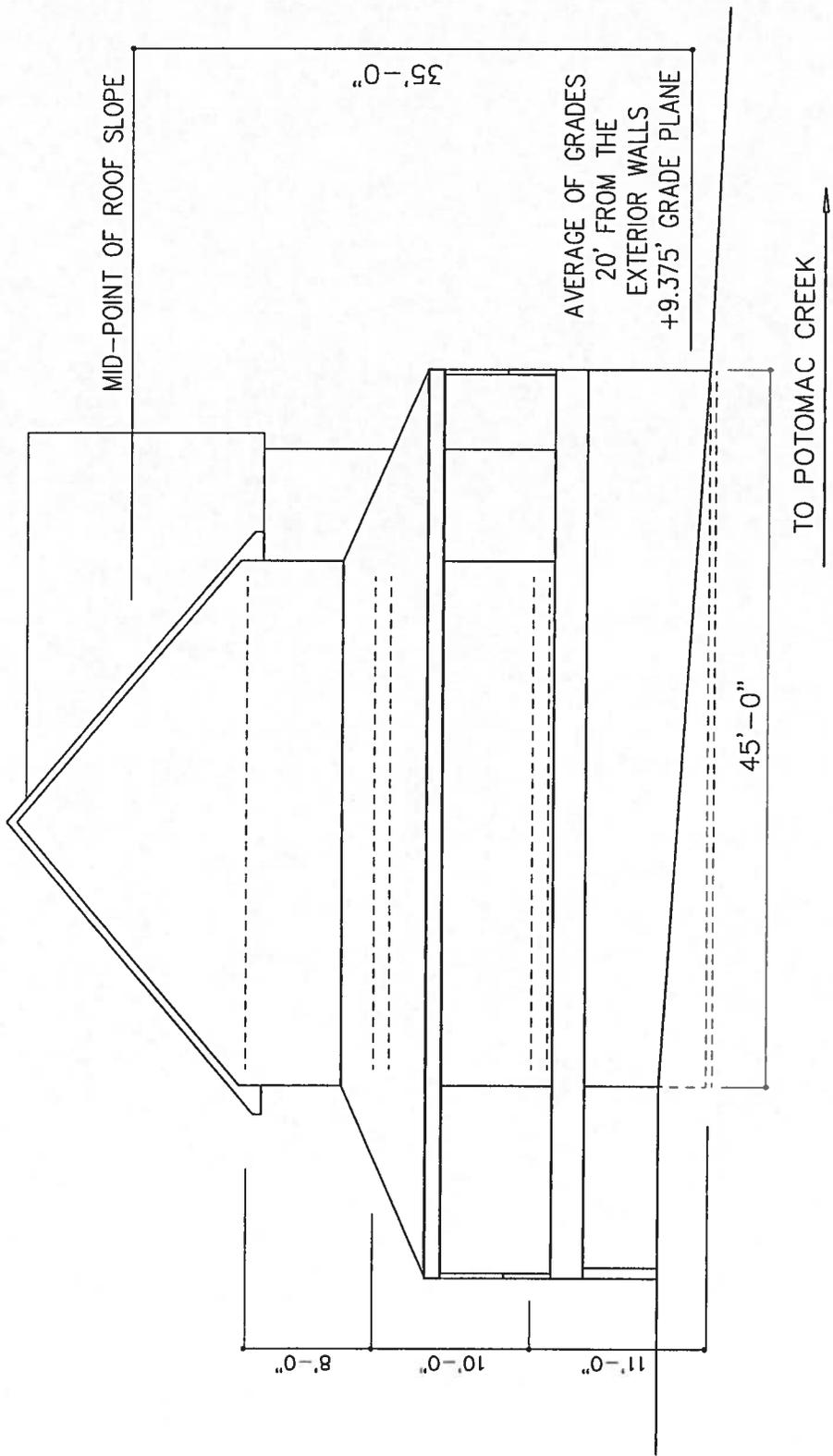
*Front yard:* No extension.

*Side yard:* No extension.

*Rear yard:* Twelve (12) feet, but not closer than six (6) feet to the rear lot line and not closer to any side lot line than a distance equal to the minimum required side yard.

- e. Attached vestibules in the B-1, B-2, B-3, M-1, and M-2 zoning districts, no greater than sixty-five (65) square feet, may project into any required setback provided that the vestibule is no closer than twenty-five (25) feet from a road right-of-way
- f. No building or structure shall be permitted within any public easement or right-of-way without written consent by the holder of the easement or right-of-way.

(Ord. No. 094-29, § 28-204, 8-9-94; Ord. No. 095-10, 3-7-95; Ord. No. 096-45, 10-1-96; Ord. No. 001-57, 11-20-01; Ord. No. 005-23, 6-21-05; Ord. No. 008-38, 6-17-08)



GRADE PLAN BUILDING SECTION  
 PROPOSED RESIDENTIAL USE BUILDING  
 JEFF SCOTT RESIDENCE  
 TM 49037E  
 WOOD LANDING ROAD

SCOTT HOUSE  
DATE: 04-04-2011  
SHEET: A 100  
1 OF 1 ARCHITECTURAL

PROPOSED RESIDENCE  
SCOTT HOUSE  
WOODS LANDING ROAD  
STAFFORD COUNTY, VIRGINIA

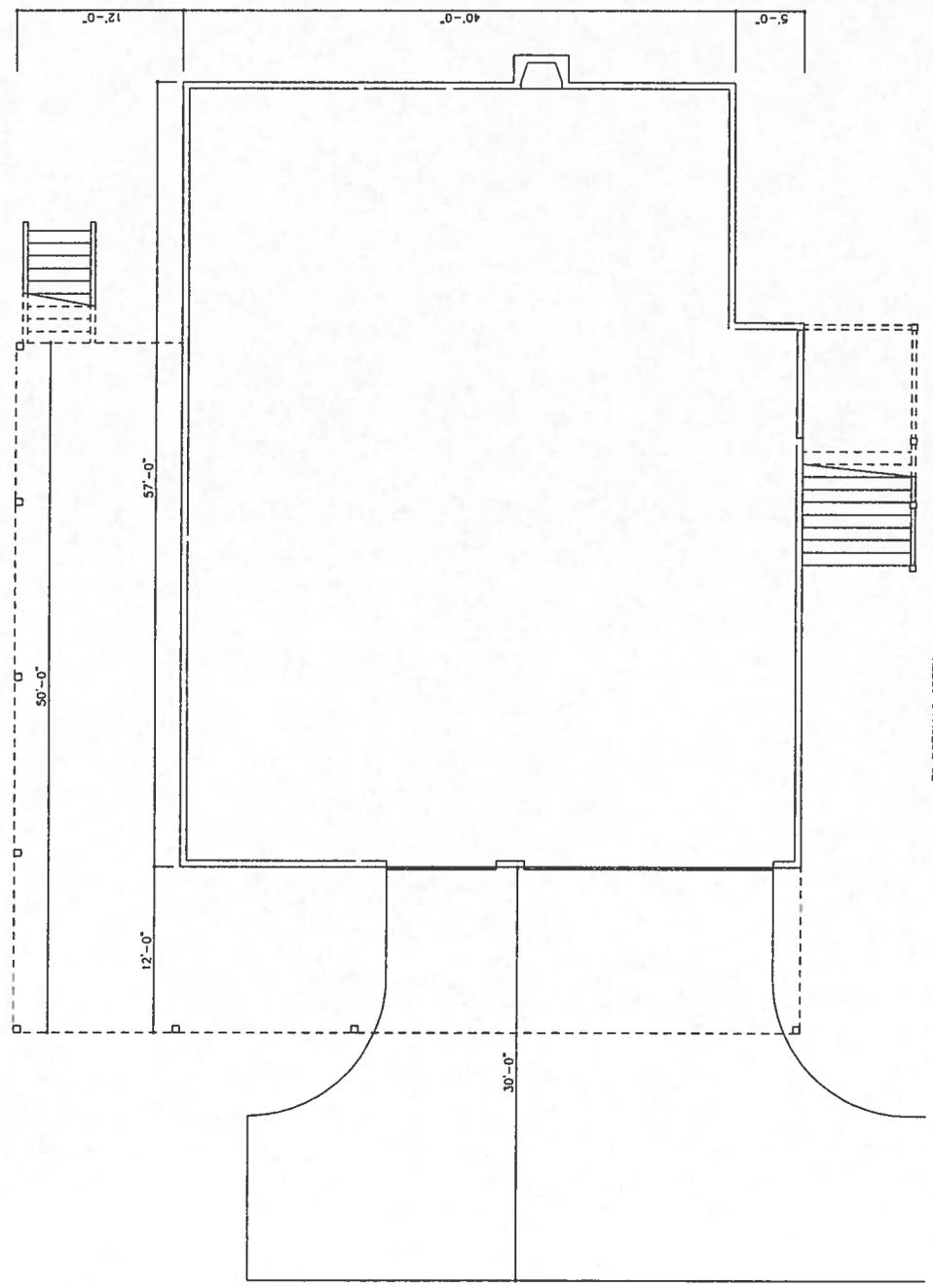


GEORGE K. SOMERS  
ARCHITECT  
111 WALNUT RIDGE DRIVE  
STAFFORD COUNTY, VIRGINIA  
TEL: 540-703-1025 FAX: 540-702-1026

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AND IS NOT TO BE REPRODUCED  
OR USED FOR ANY OTHER PROJECT  
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EXPRESS WRITTEN PERMISSION

1ST FLOOR PLAN  
1/8" = 1'-0"

TO POTOMAC CREEK



DATE: 04-04-2011