



REAL ESTATE • WILLS • BUSINESS • TRIALS • FAMILY LAW

September 13, 2019

**VIA HAND DELIVERY**

Attn: Mr. Frank Hopkins  
Office of Community Development  
City of Harrisonburg  
409 South Main Street  
Harrisonburg, Virginia 22801

**Reference:** 990 Summit Avenue, Harrisonburg, Virginia

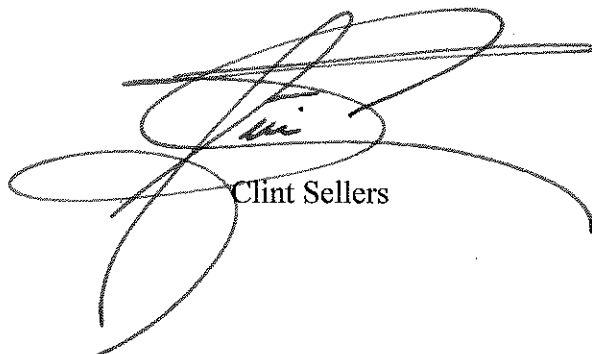
**Subject:** Application for Variance – Revised

Dear Mr. Hopkins:

As you and I discussed this week, I have prepared and enclosed an updated page one to the Application for Variance previously submitted on behalf of our clients Elizabeth and Michael Goertzen. I have also included a copy of the prior plat with the additional measurement notes your office needs, along with notes from Mr. Goertzen regarding these measurements noted on the plat.

If you need any information in addition to what we have provided in the application and its attachments, please call or write. Thank you for your time and help.

Very truly yours,



Clint Sellers

enclosures

cc: Mr. and Ms. Goertzen

Case No: \_\_\_\_\_

Date Application &amp; Fee Received By: \_\_\_\_\_

Application Fee: \$300

Reviewed By: \_\_\_\_\_

# Application for Variance

## Board of Zoning Appeals

### City of Harrisonburg, Virginia

[www.harrisonburgva.gov/variances-appeals](http://www.harrisonburgva.gov/variances-appeals)

#### PROPERTY INFORMATION

Location (Street Address):	990 Summit Avenue		
Tax Map Number	Sheet: 49	Block: A	Lot: 20
Existing Zoning District:	R-2		

#### PROPERTY OWNER INFORMATION

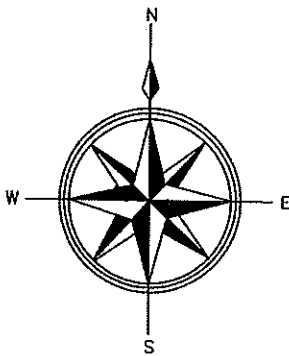
Property Owner's Name	Michael D. Goertzen and Elizabeth A. Goertzen		
Mailing Address:	990 Summit Avenue	Email:	mgoertzen@hotmail.com
City:	Harrisonburg	State:	Virginia
		Zip:	22802
Telephone	Work:	Fax:	Mobile: 540-471-9799

#### APPLICANT INFORMATION (IF DIFFERENT FROM PROPERTY OWNER)

Applicant's Name	_____		
Mailing Address:	_____	Email:	_____
City:	_____	State:	_____
		Zip:	_____
Telephone	Work:	Fax:	Mobile: _____

#### VARIANCE REQUESTED

Nature of Request (e.g. lot area, lot width, setback):	Code Section	Variance Requested
0.3-1.9 feet wide (2.8-4.4 feet incl. roof), total of <40 sq. feet (<90 sq feet incl. roof overhang).	10-3-41	Reduction of the side setback from 10 feet to 8.1-9.7 feet (5.6-7.2 feet incl. roof with 2.5' eave) along a 25-foot section of the northern border of Lot 15 as shown on the attached plat.
7 feet wide, total of 151 sq. feet (205.2 sq feet incl. roof overhang).	10-3-41	Reduction of the front yard setback from 30 feet to 23 feet (25.6 feet incl. roof with 2.5' eave) along a 21.6- foot section of the western border of Lot 15 as shown on the attached plat.



- 1 = BEARINGS ARE MAGNETIC
- 2 = SCALE 1" = 40'
- 3 = TAX MAP = 49-A-20
- 4 = DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND IS A CURRENT FIELD SURVEY.
- 5 = NO TITLE REPORT FURNISHED
- 6 = OTHER RIGHTS OF WAY AND EASEMENTS IF ANY, ARE NOT SHOWN

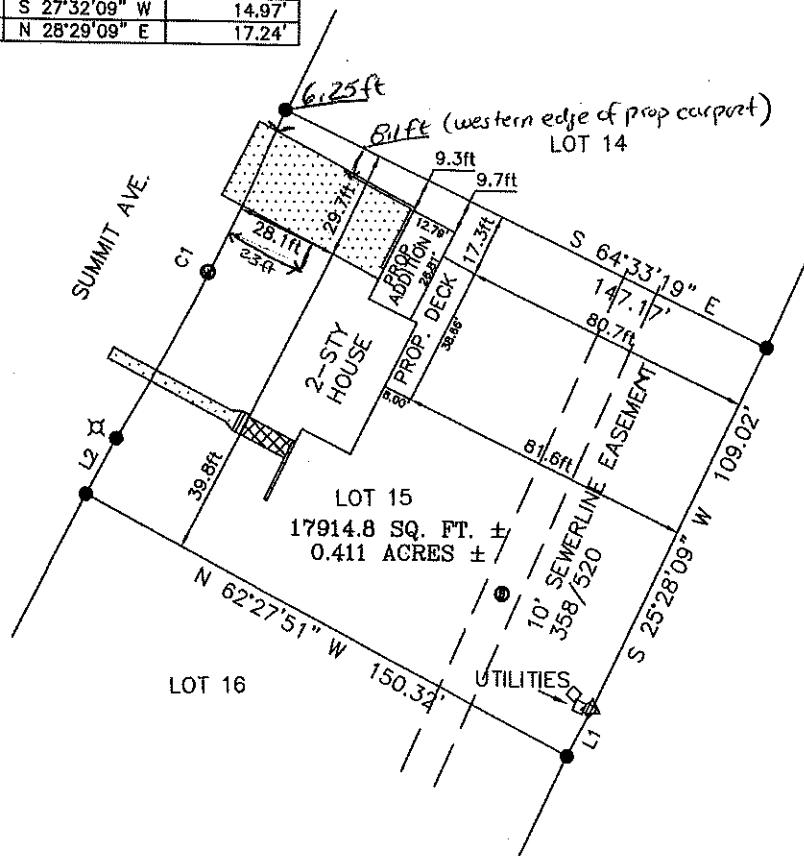
FLOOD ZONE "X"

LEGEND

- = IRON PIN FOUND
- ⊗ = WATER METER
- ⊕ = FIRE HYDRANT
- ⊙ = SEWER MANHOLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	694.66'	101.41'	101.32'	N 26°59'16" E

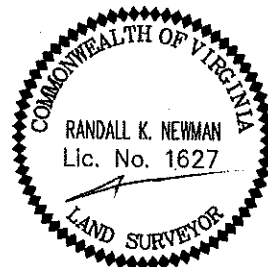
LINE	BEARING	DISTANCE
L1	S 27°32'09" W	14.97'
L2	N 28°29'09" E	17.24'



PROPOSED HOUSE ADDITION SURVEY OF LOT 15,  
PARK VIEW HEIGHTS, SEC. ONE

LOCATED IN THE CITY OF HARRISONBURG  
ROCKINGHAM COUNTY, VIRGINIA.

OWNER: MICHAEL D. AND ELIZABETH A. GOERTZEN  
REFERENCE: DEED BOOK 4450 PAGE 247



NEWMAN SURVEYING

Licensed Land Surveyor  
Mt. Jackson, Virginia 22842  
(540) 477-3730

JOB NO. H49-A-20

APRIL 22, 2019

Department of Planning and Community Development  
409 South Main Street  
Harrisonburg, VA 22801

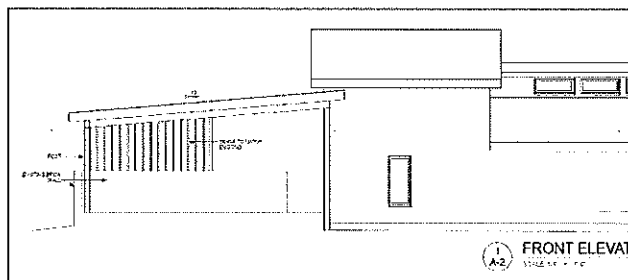
September 27, 2019

RE: Variance Request at 990 Summit Ave

Department of Planning and Community Development:

This cover letter serves to describe the intent and practical considerations contained in our current variance request for our property at 990 Summit Avenue in Harrisonburg. There are two connected projects we would like to accomplish that are important to practical aspects of our home. Both projects occur within our current established parking pad and shed structures and represent improvements in structure quality and appearance. However, since the current structures do not count as primary, we need a variance to pursue the improvements despite their positive contributions to the property overall. Here is a summary of each project to assist in your understanding when considering our request.

1. Cover our established parking area with a well-engineered and designed timber and post roof structure. We seek to better protect our vehicles while also making their presence more



aesthetically pleasing to our neighbors and neighborhood visitors. As can be seen in the plan excerpt above, the roof structure is to be completely contained within the established brick wall structure that is currently attached to our home, plus 2.5' of overhang for proper drainage. This requires a small setback variance to the side and street as the existing structure slightly encroaches. This appears to be consistent with established neighborhood structures. We prefer to add a well-designed structure as opposed to a portable, free-standing style roof structure. We believe the variance allows for greatly improved appearance and function of the roof.

2. Rebuild the existing storage shed to a nice attached mudroom. The current shed is attached to the back side of our parking area and would be improved to include main level living area and extending into the setback no more than the current structure.

All plans have been completed by a professional designer to fit within the architecture of the existing home. We strongly believe the quality and appearance of our home will be greatly improved without any impact to the current practical footprint of the home. We appreciate your thoughtful consideration.

Regards,

Michael & Elizabeth Goertzen  
990 Summit Ave  
Harrisonburg, VA 22802

## **HOW THE BOARD OF ZONING APPEALS EVALUATES CASES**

Per Section 15.2-2309 of the Virginia State Code to grant a variance, the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. The strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property.
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. 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.
4. The property for which the variance is being requested was acquired in good faith.
5. Any hardship was not created by the applicant for the variance.
6. The relief or remedy sought by the variance application is not available through any other process available in this chapter such as modifications to this chapter or through approval of a special use permit.

## **VARIANCE QUESTIONNAIRE**

The Board of Zoning Appeals can grant a variance only if the applicant proves certain legal requirements have been met. The following questions are intended to help the applicant show that granting a variance is appropriate. Please answer all five questions as completely as possible. Attach additional pages if necessary.

1. How does the zoning ordinance unreasonably restrict the use of this property?

Complying with the ordinance inhibits the development of the property and placing the addition elsewhere on the property would result in unreasonably high construction costs.

2. What physical conditions of the property make the variance necessary?

The topography of lot 15, as well as the characteristics of the existing improvements, make the location of the proposed addition — as displayed on the attached plat — the most reasonable location on the property for said addition.

3. Was the hardship created by the applicant?

No. The hardship exists due to the combination of the zoning statute and the characteristics of lot 15.

4. Is the condition or situation unique to this property, or is it common among other property in the area?

The property at issue is uniquely affected by the ordinance due to the wall along the southern edge of the property.

5. How would this variance affect the practical use or character of the neighborhood?

This requested variance will have no effect on the practical use or character of the neighborhood. It will enable the property to be used to its potential while maintaining the character and aesthetic of the existing improvements.

#### REQUIRED ATTACHMENTS

- ☐ Plat of the property drawn to scale showing all dimensions and the relation of the proposed improvement to existing or proposed conditions. The plat must be prepared by a surveyor, engineer, or other person duly authorized by the State of Virginia.

**Certification:** I certify that the information supplied on this application and on the attachments provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property.

Signature: \_\_\_\_\_

*[Handwritten Signature]*  
Property Owner

August 20, 2019  
Date

Signature: \_\_\_\_\_

Applicant  
(if different from Property Owner)

\_\_\_\_\_  
Date

#### FOR BOARD OF ZONING APPEALS USE ONLY

\_\_\_ Approved \_\_\_ Denied \_\_\_ Conditions Attached \_\_\_ Withdrawn

Recording Secretary \_\_\_\_\_

Date: \_\_\_\_\_

Chairman \_\_\_\_\_

Date: \_\_\_\_\_