

CITY OF HARRISONBURG
**COMMUNITY
DEVELOPMENT**

Board of Zoning Appeals

Application for Variance

<https://www.harrisonburgva.gov/zoning>

A variance in the yard and lot area requirements in any district as to relieve practical difficulties or particular hardships in cases where by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or the use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the utilization of the property.

PROPERTY INFORMATION

561 OTT ST
571 OTT ST
Property Address

#26 R 16
#26 R 17
Tax Map Parcel/ID

PROPERTY OWNER INFORMATION

LESTER S MINTZER
Property Owner Name

540-421-2694
Telephone

571 OTT ST
Mailing Address

les330@aol.com
E-Mail

HARRISONBURG VA 22801
City State Zip

APPLICANT INFORMATION (IF DIFFERENT FROM PROPERTY OWNER)

SAME AS ABOVE
Applicant Name

Telephone

Mailing Address

E-Mail

City State Zip

VARIANCE REQUESTED

Nature of Request (e.g. lot area, lot width, setback):	Code Section	Variance Requested
LOT WIDTH	10-3-35	25' variance from the required 80'
Lot Area	10-3-35	12,000 ^{sq} variance from the required 10,000 ^{sq}

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?

SEE ATTACHED LETTER

2. What physical conditions of the property make the variance necessary?
3. Was the hardship created by the applicant?
4. Is the condition or situation unique to this property, or is it common among other property in the area?
5. How would this variance affect the practical use or character of the neighborhood?

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: _____

Property Owner

10/5/2020
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: _____

CERTIFICATION

By signing below, I certify that I am, or I have the permission from the property owner and I will be operating a short-term rental at the address listed above. I certify that all the information on this form is complete and correct to the best of my knowledge and belief. I understand that not maintaining compliance with this form when short-term rental guests are present is a violation of the condition of the approval of the short-term rental special use permit. I also understand that the completion of this form only addresses Zoning requirements and that the property may require building and trade permits for compliance with the Building Code.

APPLICANT OR PROPERTY OWNER SIGNATURE

DATE

TO BE COMPLETED BY PLANNING & ZONING DIVISION10/5/2020
Date Form ReceivedRachel [Signature]
Form Received By

Application Fee: \$300 ✓

Les Mintzer
571 Ott Street
Harrisonburg, VA 22801
les330@aol.com
540-421-2694

Board of Zoning Appeals
City of Harrisonburg

Re: Hardship Zoning Variance
Map #26 R 16 & 17

I believe this letter will answer all the questions on page #2 of the zoning appeals application.

The variance I am requesting is as follows:

- 1) A variance of 25 feet from the required 80-foot lot width per Zoning Ordinance Section 10-3-35.
- 2) A variance of ~~1200~~ 1200 square feet from the required 10,000 square feet of lot area per Zoning Ordinance Section 10-3-35.

Perhaps of little importance, the two lots have been in my family since April, 1948. My parents built the house and we moved in in August of 1949. I have moved back to Harrisonburg in 2000 to take care of my mother and have lived there since. We are the only family to live there.

I am currently trying to sell the lot at 561 Ott and as you will see, I will face a severe hardship should this request be denied. I believe it is important to note that I have a perspective buyer and they have no problem with the variance. They fully realize that a lot of 55 feet will only give them a measure of 45 feet to build their house and they are good with that. John Sallah, the perspective buyer, and I will both speak in favor of this variance. We both feel it would be a hardship for both of us not to approve this request which I will explain below.

Enclosed you will find my application for a zoning variance, a recently done Boundary Survey of both lots, a picture of how close the boundary line is to my

side egress, and a copy of the 5' Variance location. On approval by the zoning board I will have another Boundary Survey done to mark the new property line.

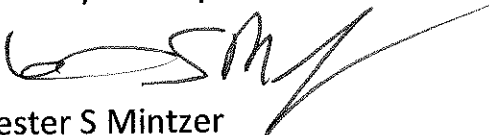
As you will be able to clearly see from the attached photograph, where the tent pole marks the boundary line between the 2 lots, there is no room for a side egress. I need the extra agreed to 5 feet so that I will have room to relocate my current fence and be able to egress from my side porch and walk to our back yard. Without this variance, it will be extremely difficult to sell either property separately. For me it would be a hardship that if I ever decide to downsize, I believe it would be much more difficult to sell my house with the current property line being approximately 2" from the side egress should this request not be approved.

I will not sell my lot without being able to take this 5-foot variance. Even if the buyer would agree this variance should my request not be approved, it would certainly be a hardship for the buyers as they would be paying property tax on the 5 feet of property he owns but has no control over or access to. These 5 feet would represent over an 8% increase on their Real Estate Taxes for property they would own but do not control. I am not certain the sale will proceed if this request should not be approved. They have already agreed to the 5' variance and your approval would make the fence line permanent.

I certainly believe this variance will in NO WAY affect the character of our neighborhood or bring any harm to my neighbors. As there are no other vacant lots at all on Ott Street between the cul-de-sac to at least Campbell Street, this is a unique situation regarding the 2 properties.

In summary, this requested variance has been agreed to by both buyer and seller; approval in no way will affect the character of our neighborhood or adversely affect my neighbors; it will ease the hardship for both buyer and seller; both parties will be able to pay the correct amount of property tax; and as it is a unique situation, there should not be any more such requests.

Thank you for your consideration. I await your decision.


Lester S Mintzer

BOUNDARY SURVEY

561 & 571 OTT STREET
HARRISONBURG, VIRGINIA

SCALE: 1"=80'
DATE: 16 MAR 20

LOT 5 - J.C. STAPLES ESTATE
168/368
26-R-18
N 40° 24' 46" E

1200
PI
ST

60.00'

2
CORRECTED MAP OF THE SIBERT ADDITION
BLOCK 4
180/87

9608'

9602'

N 49° 56' 49" W
160.00'

S 49° 56' 48" E
160.18'

West View Street
N 49° 56' 50" W
100.00'

HOSE
5.0'

26-R-16

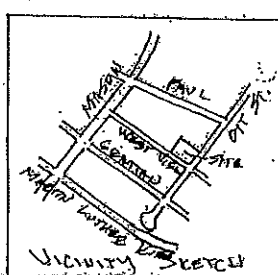
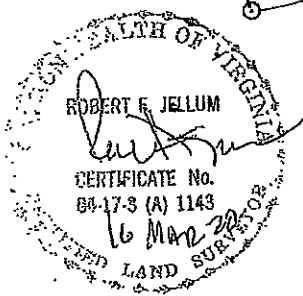
561'

26-R-17

571

60.00' S 40° 30' 10" W

OTT STREET



BOUNDARY SURVEY 561 & 571 OTT STREET HARRISONBURG, VIRGINIA

SCALE: 1"=20'
DATE: 16 MAR 20

51604
P.U.
SET

ESTATE

LOT 5 - J.C. STAPLES
168/368
26-E-18

N 40° 24' 46" E
60.00'

60.00'

2 SIBERT ADDITION
COLLECTED MAP OF THE
BLOCK &
180/87

9608 #

9602 #

N 49° 56' 49" W
160.09'

S 49° 56' 48" E
160.19'

West View Street

N 49° 56' 50" W
160.00'

HOUSE

5.0'

26-R-17
571

26-R-16
561

60.00' S 40° 30' 10" W

OTT STREET

