

Preliminary Packet
for
BZA Meeting
February 4, 2020 at 2 pm



Albemarle Coun

Planning Application

Community Development Department
4011 ... re Road Charlottesville, VA 22902-4596
... : (434) 296-5832 Fax : (434) 972-4126

PARCEL / OWNER INFORMATION

TMP **05000-00-00-04900**

Owner(s): **BUFTON, EVELYN & JOHN R MAUS**

Application # **VA201900001**

PROPERTY INFORMATION

Legal Description **ACREAGE**

Magisterial Dist. **Rivanna**

Land Use Primary **Residential -- Single-family (incl. modular homes)**

Current AFD **Not in A/F District**

Current Zoning Primary **Rural Areas**

APPLICATION INFORMATION

Street Address **7380 GORDONSVILLE RD GORDONSVILLE, 22942**

Entered By

Application Type **Variance**

Buck Smith

11/26/2019

Project **BUFTON AND MAUS PLC LAW OFFICE**

Received Date **11/26/19**

Received Date Final

Submittal Date **12/02/19**

Total Fees

Closing File Date

Submittal Date Final

Total Paid

Revision Number

Comments

Legal Ad

SUB APPLICATION(s)

Type

Sub Applicatio

Comment

APPLICANT / CONTACT INFORMATION

ContactType	Name	Address	CityState	Zip	Phone	PhoneCell
Owner/Applicant	BUFTON, EVELYN & JOHN R MAUS	P O BOX E	GORDONSVILLE	22942		

Signature of Contractor or Authorized Agent

Date

Parcel Property Information

TMP **05000-00-00-04900** Legal Description **ACREAGE**
 Parent TMP **- - -**
 Tax Map **05000** Section **00** Block **00** Parcel **04900** GPIN **555050928191**
 Major Subdiv. **Acreage** Total Acres **2.40** **TMP Inactive?**

E-911 STREET ADDRESS INFORMATION

House Num	Street Name	Apartment /	City	State	Zipcode
7380	GORDONSVILLE RD		GORDONSVILLE	VA	22942
7380	GORDONSVILLE RD		GORDONSVILLE	VA	22942
7382	GORDONSVILLE RD		GORDONSVILLE	VA	22942

OWNER INFORMATION

Name	Street Address	City / State	Zip
BUFTON, EVELYN & JOHN R MAUS	P O BOX E	GORDONSVILLE VA	22942

ADDITIONAL PROPERTY INFORMATION

Agricultural Forest District: **Not in A/F District** High School District: **Monticello**
 Traffic Zone: **Not In TAZ** Middle School District: **Burley**
 Voter Precinct: **Keswick** Elem. School District: **Stone-Robinson**
 Magisterial District: **Rivanna** Census Block Group: **2**
 Metro Planning Area? Census Tract: **104.01**
 CATS Area?
 Public Water Sewer: **No Service** Water Supply Protection Area? Other Rural Land?
 Watershed: **Happy Creek** Development Area?

Historical Significance

World Heritage Site National Historic Landmark Virginia Landmark Register National Register of Historic Places

Parcel Has Proffers

Parcel Has Easements

Current Land Use

	Number of Structures	Number of Dwelling Units
Primary: Residential -- Single-family (incl. modular homes)	1	1
Secondary: Open	0	0
Minor: Unassigned	0	0

Comprehensive Plan Land Use

Plan Area: **Rural Area 2**

Primary: Rural Area	Other2: Unassigned
Secondary: Unassigned	Other3: Unassigned
Minor: Unassigned	Other4: Unassigned
Other: Unassigned	Other5: Unassigned

Zoning

Current Zoning

Zoning Adopted 12/1980

Zoning Prior to 12/1980

Primary: Rural Areas	Rural Areas	Agricultural
Secondary: Unassigned	Planned Industrial Park	Scenic Highway Overlay
Minor: Unassigned	Planned Industrial Park	Unassigned
Other: Unassigned	Natural Resource Extraction Overlay <input type="checkbox"/>	Flood Hazard Overlay <input type="checkbox"/>
	Airport Impact Area <input type="checkbox"/>	Entrance Corridor Overlay <input checked="" type="checkbox"/>
		Scenic Stream Overlay <input type="checkbox"/>

ACTIVITY INFORMATION

PLANNING ACTIVITIES

BUILDING ACTIVITIES

ApplicationNum	CurrentStatus	SpecialConditions
VA201900001	Under Review	
HO201900233	Denied	BUfton & Maus PLC
AP201900004	Overturned	


ApplicationNum	CurrentPermitSt	SpecialConditions
B2018008320M	CO Issued	
B2017027510M	Completed - No	
B201702431NNR	CO Issued	
B2016006080P	Completed - No	
B201501553AR	CO Issued	

FOR OFFICE USE ONLY VA # _____ SIGN # _____
 ZONING ORDINANCE SECTION: _____
 Fee Amount \$ 528 Date Paid 11/24/19 By who? Bufton & Maus Receipt # 119988 1187 By DM

App Fee Rec # 120103
 LCK # 1187

Application for Variance

COPY
 (12/4/19) - 8435 adv. fee
 Lic # 1189



Variance = \$538 to be paid once application is deemed complete

Initial notice fee to be provided in conjunction with an application, for preparing and mailing notices and published notice = \$435

FEES for re-advertisement and notification of public hearing after advertisement of a public hearing and a deferral is made at the applicant's request

▷ Preparing and mailing or delivering each notice after fifty (50)	\$215
▷ Preparing and mailing or delivering each notice after fifty (50)	\$1.08 for each additional notice + actual cost of first-class postage
▷ Published notice (published twice in the newspaper for each public hearing)	Actual cost based on a cost quote from the publisher (averages between \$150 and \$250)

Project Name: Bufton and Maus PLC law office
 Parcel ID Number: 05000-00-00-04900 Zoning: Rural Areas (RA)
 Physical Street Address (if assigned): 7382 Gordonsville Road, Gordonsville, Virginia 229442

Contact (who should the main contact about this project): John R. Maus
 Street Address 7380 Gordonsville Road
 City Gordonsville State Virginia Zip Code 22942
 Phone Number 540-894-1006
 Email jackmauslaw@gmail.com

Owner of Record: Evelyn Bufton and John R. Maus
 Street Address 7380 Gordonsville Road
 City Gordonsville State Virginia Zip Code 22942
 Phone Number 540-894-1006
 Email jackmauslaw@gmail.com

Applicant (if different from the owner): Same as owners
 Street Address _____
 City _____ State _____ Zip Code _____
 Phone Number _____
 Email _____

RECEIVED
 by fax
 DEC 10 2019

FOR OFFICE USE ONLY VA # 201900001 SIGN # _____
 ZONING ORDINANCE SECTION: _____
 Fee Amount \$ _____ Date Paid _____ By who? _____ Receipt # _____ Ck# _____ By: ms

Application for Variance



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Parcel ID Number: 05000-00-00-04900 **Zoning:** Rural Areas (RA)

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Street Address _____
City _____ **State** _____ **Zip Code** _____
Phone Number _____
Email _____

Variance is defined as follows

A variance is defined as a reasonable deviation from those provisions regulating the shape, size or area of a lot, or the size, height, area, bulk or location of a structure when the strict application of this chapter would unreasonably restrict the utilization of the property, and the need for the variance would not be shared generally by other lots, and provided that the variance is not contrary to the purpose of this chapter, provided that a variance shall not include a change in use. (Albemarle County Code Chapter 18 Section 3)

REQUIRED ATTACHMENTS & OTHER INFORMATION TO BE PROVIDED for THE APPLICATION TO BE CONSIDERED COMPLETE AND OFFICIALLY SUBMITTED

- Nine (9) folded copies of any and all plans or additional information
- One (1) copy of a recorded plat or boundary survey of the property requested for the variance. If there is no recorded plat or boundary survey, please provide legal description of the property and the Deed Book and page number or Plat Book and page number.
- Drawings showing all existing and proposed improvements on the property, with all dimensions and distances to property lines, and any special conditions on the property that may justify the request.
- Written description of your request (include dimensions, measurements or sizes in feet). **This is to also include evidence as noted below.**
- As the owner/applicant I certify that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, which are owed to the County of Albemarle and have been properly assessed against the subject property, **have been paid.**

Please be aware that the board shall grant a variance if the evidence shows:

- (i) That strict application of the terms of the ordinance **would unreasonably restrict the utilization of the property;**
- (ii) That granting the variance would alleviate a **hardship due to**
a physical condition relating to the property or
due to improvements thereon at the time of the effective date of the ordinance; or
- (iii) That granting the variance would alleviate a **hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability**
and
- (iv) All of the following:
 1. **Good faith acquisition and hardship not self-inflicted.** 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. **No substantial detriment.** Granting the variance will not be a substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.
 3. **Condition of situation not general or recurring.** The condition or situation of the property 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. **Use variance prohibited.** Granting the variance does not result in a use that is not otherwise permitted on the property or a change in the zoning classification of the property.
 5. **Special use permit or special exception not available.** The relief or remedy sought by the variance application is not available through a special use permit or special exception authorized by this chapter when the application is filed.

Please be aware that the evidence required above needs to be provided by the applicant and should be provided with the written description as noted above.

Owner/Applicant Must Read and Sign

I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner in filing this application. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge. By signing this application I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

Signature of Owner/Applicant

John R. Maus

Print Name

11/26/19

Date

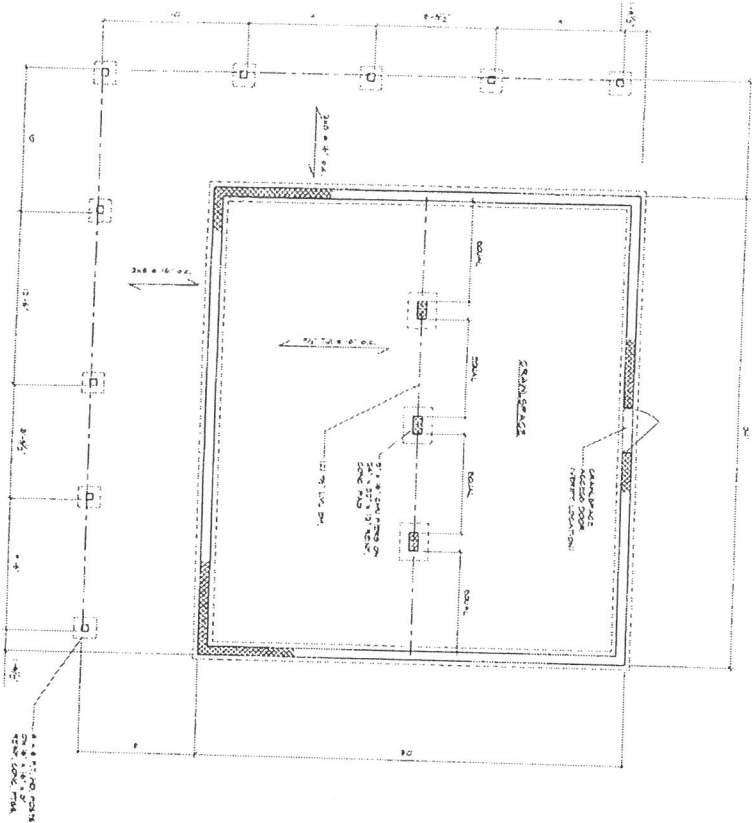
540-894-1006

Daytime phone number of Signatory

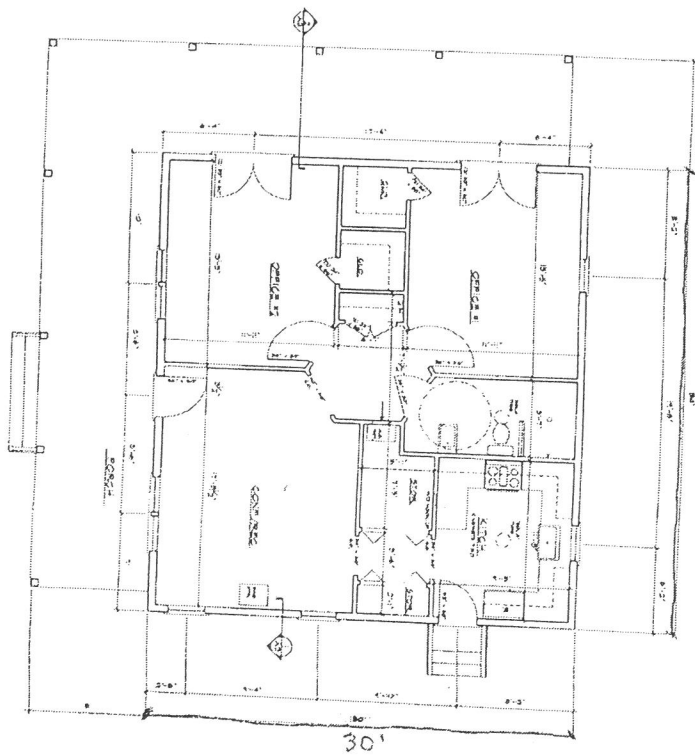
Board of Zoning Appeals Action/vote: _____

Board of Zoning Appeals Chairman's signature: _____ Date: _____

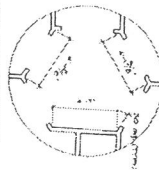
1 FOUNDATION PLAN



2 FLOOR PLAN



3 TRUCK HALLWAY DETAIL



34'

30'

Gross square footage 34' x 30'
or 1020 SF.

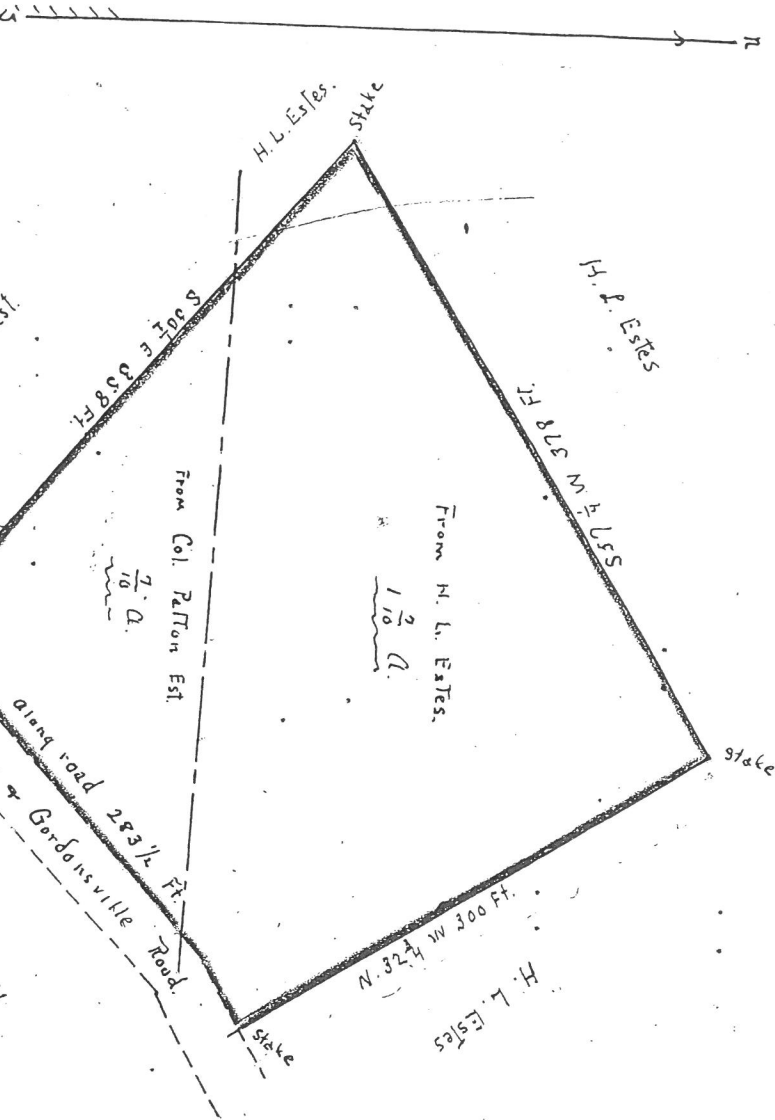
A1

DATE: 10/10/10

Plans

BUFTON & MAUS LAW OFFICE

Alberta, BC, Canada, Victoria



Scale 100 Ft. = 1 inch

In the Clerk's office of Albemarle Circuit Court Sept. 22, 1917.
 This deed was presented to me in said office and with certificate annexed and plat attached admitted to record.

Teste: *H. L. Estes*
 Clerk.

WRITTEN DESCRIPTION OF REQUEST FOR VARIANCE

The owners request a variance from any and all of the provisions of the Albemarle County Code that would prevent them from using the law office constructed on their property for a Major Home Occupation.

As far as the owners know, the applicable provisions of the Code are (1) Albemarle County Code §18-10.4, which provides that the side setback for primary structures in Rural Areas is 25 feet, and (2) Albemarle County Code §18-5.2A, which provides, in relevant part, that “[A]ny accessory structure that does not conform to the applicable setback and yard requirements for primary structures shall not be used for a home occupation.”

There may be additional provisions of the Albemarle County Code on which the County Attorney’s Office may rely on in order to oppose the owners’ right to use their law office for the purpose for which it was always intended, namely to conduct a law practice that involved, among other things, meeting with clients and other professionals in their office.

At its nearest point to the side fence (which is presumed to be the property line), the owners’ law office is 14½ feet from the property line. At its farthest point, the law office (which parallels the house rather than the property line) is 30½ feet from the side fence line.

Evidence in Support of Request for Variance

Under Sec. 34.4(i) of the County’s Zoning Ordinance, the applicable criteria for the Board of Zoning Appeals to grant a variance are:

1. The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property,
2. The property interests for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance,
3. Granting the variance will not be a substantial detriment to adjacent property and nearby properties in the proximity of that geographical area,
4. The condition or situation 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,

5. Granting the variance does not result in a use not otherwise permitted on the property, and
6. The relief or remedy sought is not available through a special use permit or special exception authorized by the Code.

The owners adopt all of the evidence that they previously submitted to the Board of Zoning Appeals on October 1, 2019 in connection with their appeal of the adverse decision of the Zoning Administrator denying them a zoning clearance for a Major Home Occupation. Furthermore, the owners state that:

1. It is self-evident that the owners' inability to use a 1020 square foot office building, the floor plans for which included a conference room and two offices as a place at which to meet clients and other professionals in connection with their practice of law, would unreasonably restrict the owners' utilization of their property,
2. As previously proven to the Board, the property interest for which the variance is being requested WAS acquired by the owners in good faith reliance on a building permit issued by Albemarle County. Any hardship was not created by the owners,
3. Granting the variance will not be a substantial detriment to the adjacent property or nearby properties. When the owners initially appealed to the Board of Zoning Appeals, notices were sent to all adjoining landowners and none voiced any objection to using the subject property for a major home occupation. The property on the other side of the fence to which the County alleges that the owners' building is too close is a cow pasture,
4. The condition or situation is the result of miscommunication with the County's Department of Community Development that the owners hope is not so recurring in nature that a general regulation should be adopted by amending the zoning ordinance,
5. Granting the variance does not result in a use not otherwise permitted on the property. The County has conceded that, if the owners' law office were no closer to the property line than 25 feet, the owners would be entitled to pursue a Major Home Occupation, and
6. The remedy or relief sought is not available through a special use permit or special exception.