

GEORGE I. VOGEL, II
JAMES R. CROMWELL
GEORGE I. VOGEL, III
CHRISTIAN "KIRK" VOGEL

LAW OFFICES
VOGEL & CROMWELL, L.L.C.
204 McCLANAHAN ST., S.W.
ROANOKE, VA 24014

P.O. Box 18188, ROANOKE, VA 24014
(540) 982-1220
FAX (540) 982-0422

SMITH MOUNTAIN LAKE OFFICE
13245 B.T. WASHINGTON HWY., SUITE B
HARDY, VA 24101

(540) 721-3988
FAX (540) 721-1978

October 7, 2019

(VIA HAND DELIVERY)

Franklin County
Board of Zoning Appeals
c/o Steve Sandy
Director of Planning
1255 Franklin Street, Suite 103
Rocky Mount, VA 24151

**RE: Lot 122, Section II Park Place Subdivision
Variance from Side Lot Line Setback**

Dear Steve:

Enclosed please find an application for Variance on behalf of my clients, Michael J. Garcia and Tamara K. Garcia. This application is to correct a violation of the side lot line set back requirements of Section 25-182 of the Franklin County Code. I have attached a current survey of the property showing the property and the as-built dimensions of the home located on the property.

As you will see, the home is located 11.4' from the westerly lot line. The length of the road frontage on Park Way Avenue is 125'. Therefore, the set back requirement is 12' feet from the side lot line. The variance requests that the house be permitted to remain in its current location by reducing the side lot line set back to 11.4' as shown on the survey. The cost and hardship of correcting the violation greatly outweigh any damage as a result of the variance.

In an attempt to rectify this situation, the owner of Lot 121 Park Place was approached about moving the lot line to achieve the required set back. Mr. and Mrs. Groeber ultimately decided that they did not want to move the lot line and requested that we correct the problem by applying a variance. The Groebers do not have any objection to the location of the home or the issuance of a variance.

Thank you for your assistance with this matter. Please let me know if you need any additional information. Thank you.

October 7, 2019
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Very Truly Yours,

Vogel & Cromwell, LLC

A handwritten signature in blue ink, appearing to read "George F. Vogel, III", written over a horizontal line.

George F. Vogel, III

cc: Mr. and Mrs. Michael J. Garcia
375 Park Way Avenue
Moneta, VA 24121

**FRANKLIN COUNTY
APPLICATION
FOR VARIANCE
(Type or Print)**

I/We, George I. Vogel, III, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Zoning Appeals for a variance from requirements of the Zoning Ordinance as hereinafter described:

1. Applicant's Name: George I. Vogel, III
2. Property Owner's Name: Michael J. Garcia and Tamara K. Garcia
3. Address of Property: 375 Park Way Avenue, Moneta, VA 24121
4. Phone Number: 703-929-3589
5. Exact Directions to Property from Rocky Mount: Route 40 East; Left on VA St. Rte. 122; Right on Scruggs Road; Left on Bluewater Drive; Right on Saunders Farm Rd.; Right on Winding Waters Drive; Left on Park Way Drive; to property on left
6. Tax Map and Parcel Number: 32.8-129
7. Magisterial District: Gills Creek
8. Property Information:
 - A. Size of Property: 0.927 acre
 - B. Existing Land Use: Single Family Residential
 - C. Existing Zoning: A-1
 - D. Is property located within any of the following overlay zoning districts:
Corridor District Westlake Overlay District Smith Mountain Lake Surface District
 - E. Is any land submerged under water or part of a lake? Yes No
If yes, explain: The property is adjacent to Smith Mountain Lake and has appurtenances below the project boundary.
 - F. Describe how the strict application of the ordinance would unreasonably restrict the use of the property or how the granting of the variance would alleviate a hardship due to a physical condition of the property: The road frontage requires a set-back from the side lot lines of 12 feet. The builder of the home constructed the home 11.4 feet away from the westerly lot line. Moving the corner closest to the property line would require significant modifications. The owner of Lot 121 refused to modify the lot line but does not object to the issuance of a variance.

9. Proposed Development Information:

A. Proposed Land Use: Single Family Residential

B. Proposed Zoning: A-1

C. Size of Proposed Use: 0.927 acre

- Section of the Zoning Ordinance for which a variance is being requested: 25-182
(Zoning Code section must be correct and all applicable code sections included in request.)

1.

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

I certify that this application for a variance and the information submitted herein is correct and accurate.

Applicant's Name (Print): George I. Vogel, III

Signature of Applicant: 

Date: 9/27/2019

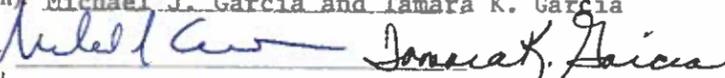
Mailing Address: 204 McClanahan Street, S.W.
Roanoke, VA 24014

Telephone: 540-982-1220

Email Address (optional): gvogel13@vogelandcromwell.com

Owner's consent, if applicant is not property owner:

Owner's Name (Print): Michael J. Garcia and Tamara K. Garcia

Signature of Owner: 

Date: 10/2/19

Date Received by Planning Staff: _____

Time: _____

Clerk's Initials: _____

CHECK#: _____

RECEIPT #: _____

AMOUNT: _____

CURRENT OWNER - RUSH L. & MARGARET E. LITTLE
DB 829, PG 890

REFERENCE - TAX No. 32.8-189
LOT 122, SECTION 2, PARK PLACE
DB 749, PG 2137 (PLAT)

NOTES:
ALL IRON RODS SET ARE 5/8" REBAR.
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
THIS IS TO CERTIFY THAT A PORTION OF THE PROPERTY SHOWN HEREON IS LOCATED IN THE 100 YEAR FLOOD PLAIN AS DETERMINED BY THE DEPARTMENT OF HOMELAND SECURITY AND F.E.M.A. ZONE X & AE, FIRM PANEL 61067C0295D, DATED 1/6/10
THIS IS TO CERTIFY THAT ON MAY 18 2019, AN ACCURATE SURVEY WAS MADE OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

THIS IS A RE-SURVEY OF AN EXISTING LOT AND IS EXEMPT FROM THE FRANKLIN COUNTY SUBDIVISION ORDINANCE.

CURVE TABLE		CURVE TABLE	
CURVE	RADIUS	TANGENT	LENGTH
A	547.88'	62.97'	125.40'
ALONG RECORD 800' CONTOUR		DELTA	CHORD
COURSE	BEARING		CH. BEARING
L-1	S 64°22'45"E		
L-2	N 88°09'51"E		
		73.04'	125.12'
		35.14'	S 76°39'43"W

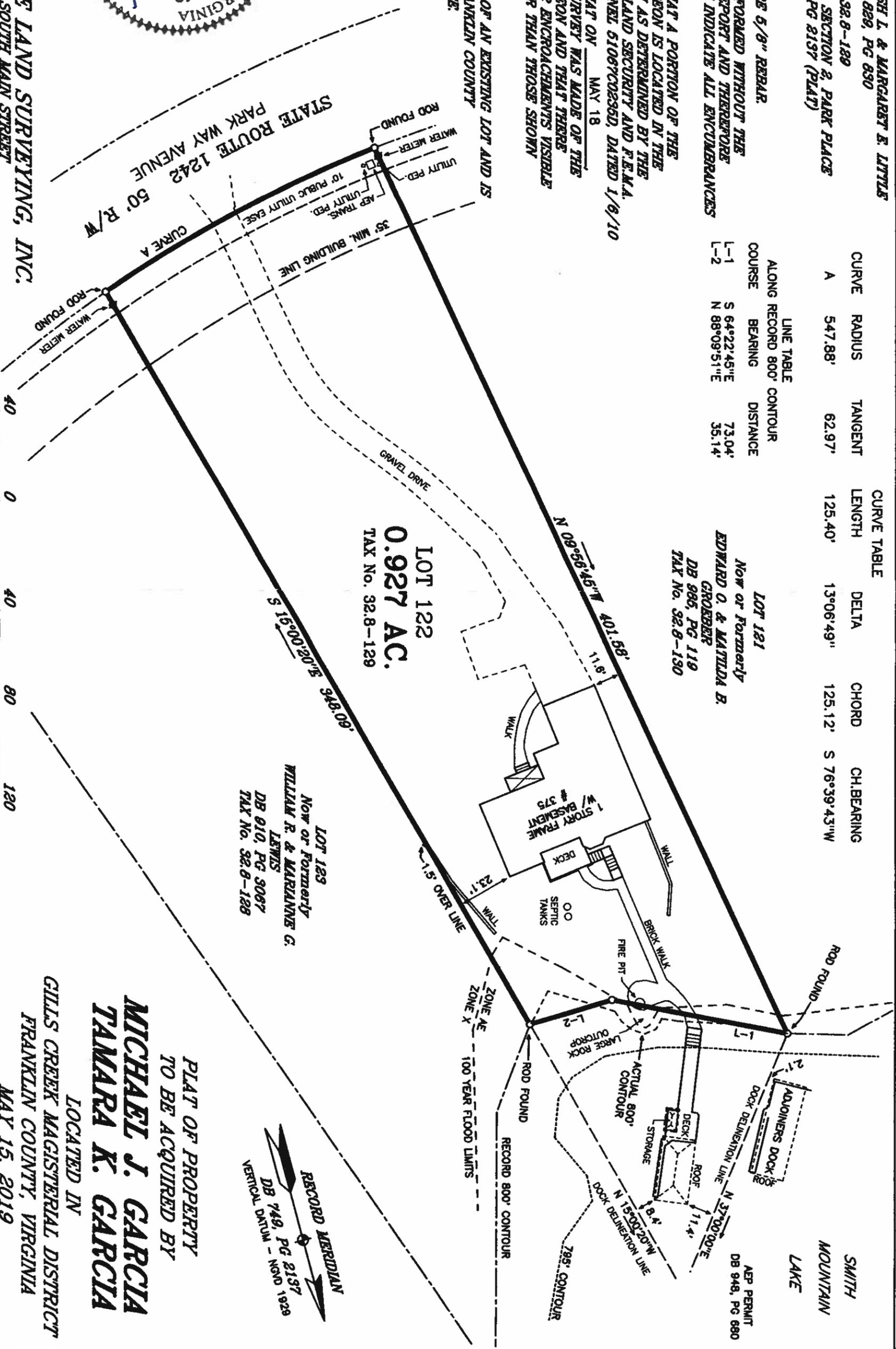
LOT 121
Now or Formerly
EDWARD O. & MATILDA B. GROEBER
DB 886, PG 119
TAX No. 32.8-130

LOT 122
0.927 AC.
TAX No. 32.8-129

LOT 123
Now or Formerly
WILLIAM R. & MARLANNE G. LEWIS
DB 910, PG 3067
TAX No. 32.8-128



CORNERSTONE LAND SURVEYING, INC.
250 SOUTH MAIN STREET
P. O. BOX 779
ROCKY MOUNT, VIRGINIA 24151
540-489-3590



PLAT OF PROPERTY
TO BE ACQUIRED BY
MICHAEL J. GARCIA
TAMARA K. GARCIA
LOCATED IN
GILLS CREEK MAGISTERIAL DISTRICT
FRANKLIN COUNTY, VIRGINIA
MAY 15, 2019
SCALE 1" = 40'



FIELD BK 707, JOB No. 19198, DRAWING No. B-3460