



## **Board of Zoning Appeals**

### **AGENDA**

**Wednesday, April 24, 2024, 4:00 PM**

Council Chambers, City Hall, 114 North Broad Street

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1. Call to Order
2. Pledge of Allegiance
3. New Business

A. **Variance Request**

Hold public hearing to consider the request of Donna L. Musgrave, property owner, for a variance from Section 106-202.3(B)(1) of the City of Salem Zoning Ordinance pertaining to site development regulations, for the property located at 805 Honeysuckle Road, Tax Map # 45-2-1. Section 106-202.3(B)(1) requires the front yard setback to be twenty-five (25) feet. The petitioner is therefore requesting a variance of sixteen (16) feet of front yard setback to allow the construction of an attached garage. As advertised in the April 11, and 18, 2024, issues of the Salem Times Register. **STAFF REPORT**

4. Adjournment

**CASE NUMBER:2024-002:****APPLICANTS: Donna L. Musgrave, 805 Honeysuckle Road****STAFF  
ANALYSIS****Board of Zoning Appeals (BZA)****Public Hearing Date:  
April 24, 2024****Community Development  
Zoning Administration  
Division  
21 South Bruffey Street  
(540) 375-3032****SALEM, VIRGINIA****805 Honeysuckle Road****APPLICANTS' REQUEST**

The request of Donna L. Musgrave, property owner, for a variance from Section 106-202.3(B)(1) of the City of Salem Zoning Ordinance pertaining to site development regulations, for the property located at 805 Honeysuckle Road, Tax Map # 45-2-1. Section 106-202.3(B)(1) requires the front yard setback to be twenty-five (25) feet. The petitioner is therefore requesting a variance of sixteen (16) feet of front yard setback to allow the construction of an attached garage.

**BACKGROUND INFORMATION**

805 Honeysuckle Road is zoned RSF, Residential Single Family District. The property currently is comprised of 0.608 acres and contains a 3,442 square foot 1.5 story brick and vinyl home, constructed in 1958. This parcel is a part of the Honeysuckle Bluff subdivision platted in 1956 and is considered legally conforming.

The petitioner would like to build a 24' x 24' garage attached by a breezeway to the main house. According to Section 106-202.3, Site development regulations, the front yard setback of the principal structure shall be 25 feet. Because of the challenging topography associated with the rear portion of the parcel (see map on next page), it would be extremely challenging to locate a garage such that it meets the relevant site development regulations. As a result, the petitioner's request is to allow the construction of an attached garage to be located approximately 10 feet from the front property line at its closest point to Honeysuckle Road (a sixteen feet variance would ensure the construction of garage with any necessary guttering/overhang). Finally, the applicant's front property line sits further back from Honeysuckle Road than it appears in-person, providing additional buffering.

## RELEVANT EXCERPTS FROM ZONING ORDINANCE

Sec. 106-202.3. - Site development regulations.

The following are general development standards for the RSF Residential Single Family District. For additional, modified or more stringent standards see article III, use and design standards.

(B) Minimum Setback Requirements.

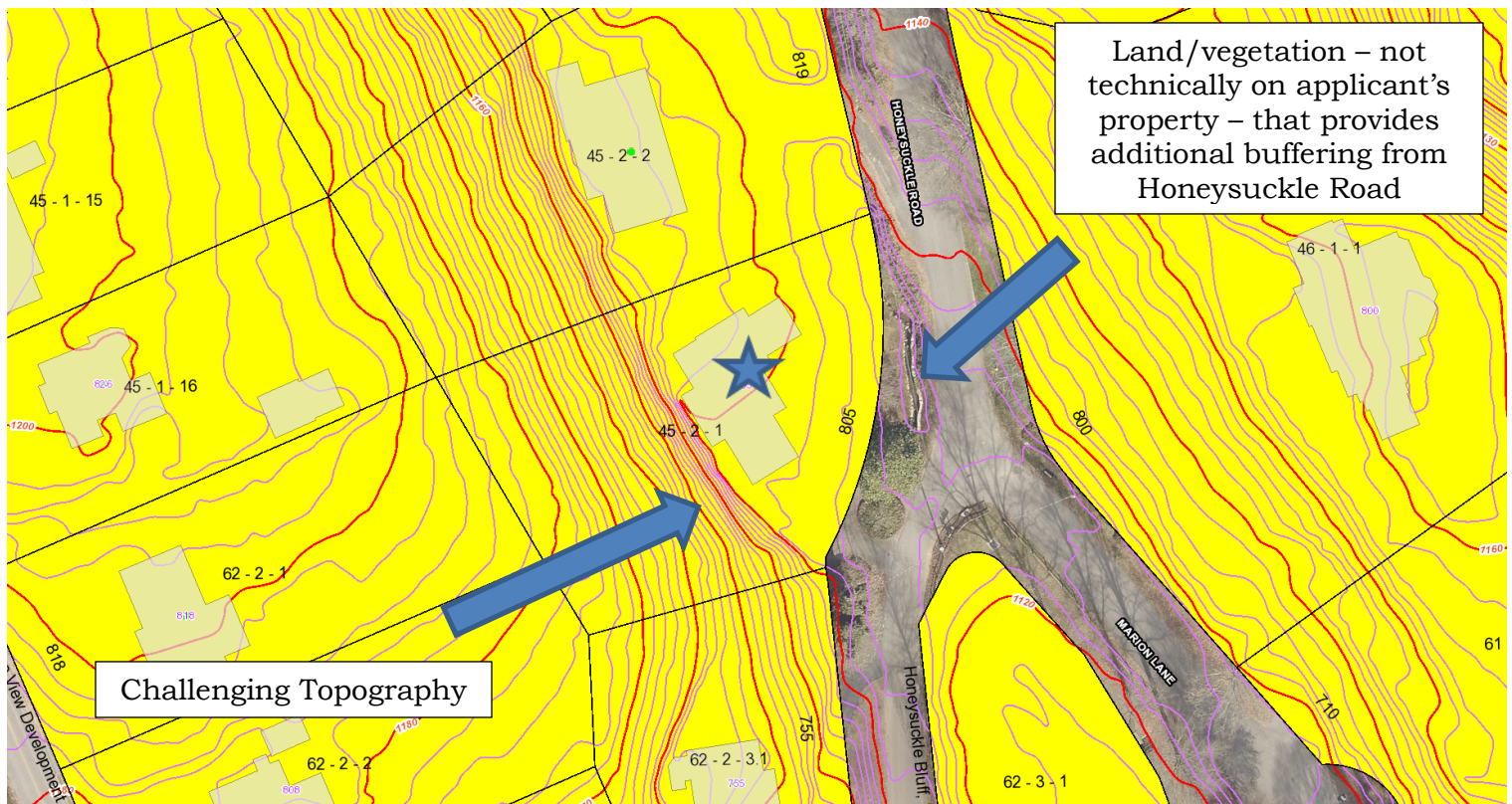
1.Principal Structure:

Front Yard: 25 feet, if right-of-way is 50 feet or greater in width; 50 feet from the centerline of any right-of-way less than 50 feet in width. However, if an adjoining lot is developed, no principal structure shall be required to have a front yard greater than that observed by an existing building on an adjoining lot.

Side Yard: Any side yard shall be a minimum of ten percent of lot width. However, under no circumstances shall either side yard be required to exceed 25 feet.

Rear Yard: 25 feet.

## NEIGHBORHOOD VIEW OF PROPERTY





## PETITION TO THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals is a five-member board recommended by City Council and appointed by the Circuit Court. The Board has the authority to a) hear and decide appeals from any written order, requirement, decision, or determination of the Zoning Administrator, b) authorize variances from the zoning ordinance.

- A. If you disagree with a decision of the Zoning Administrator, you may file an appeal. **The appeal must be filed in writing within thirty days of the date of the Zoning Administrator's decision.**
- B. If you want relief from a provision of the zoning ordinance, you may apply for a variance. A variance may be applied for at any time.

For a variance or appeal, you must:

1. Fill out and sign the attached application form,
2. Provide a letter detailing the justification for the request, including any supporting documentation,
3. Provide a detailed scale drawing of the property and the proposed project, with a location map,
4. Email one copy of all application materials to the Department of Community Development. You may call and pay the \$200 application fee or mail a check. (Make checks payable to "Treasurer of City of Salem"):
5. Agree to and submit payment for all legal notice fees as required by state law.

The Board of Zoning Appeals meets on the fourth Thursday of each month on an as needed basis. Applications must be received on or before the last Monday of the month in order to be processed and heard at the next month's meeting. (Example: Applications received by the last Monday in January will be heard at the February meeting.)

### Rules Governing Justification for Variance:

In writing your justification for a variance request, you should carefully consider and select one or both of the following. Section 106-528.1(C) of the Code of the City of Salem states that the Board of Zoning Appeals shall base its required findings upon the particular evidence presented to it in each specific case where the property owner can provide proof to the satisfaction of the BZA that:

1. The strict application of the terms of the ordinance would **unreasonably restrict** the use of the property.
- or
2. That the granting of the variance would alleviate a hardship due to the **physical condition** relating to the property at the time of the effective date of the ordinance or 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.

In either case the following criteria must be met:

- ☐ 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;
- ☐ The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- ☐ The condition or situation of the property concerned 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;
- ☐ The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- ☐ The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.



# BOARD OF ZONING APPEALS PETITION APPLICATION

## OWNER INFORMATION

USE CURRENT CONTACT INFORMATION FOR ALL PROPERTY OWNERS. (AN ADDITIONAL SHEET MAY BE ATTACHED FOR MULTIPLE OWNERS)

Name: Donna L. Musgrave

Mailing address: 805 Honeysuckle Road

City: Salem

State: VA

ZIP Code: 24153

Phone: 540-293-4947

Email: donna.musgrave57@gmail.com

## AGENT INFORMATION

Name:

Corporation:

Mailing address:

City:

State:

ZIP Code:

Phone:

Email:

Fax:

## APPLICATION DETAILS

Application For:

Appeal of Zoning Decision: ☐

Variance: ☒

Appeal Details:

Date of Decision:

Regarding: 805 Honeysuckle Road, Salem, VA  
lot 1, Block 1 Honeysuckle Bluff

Variance Details:

Section of Zoning Ordinance:  
Ch 106, Art II, Sec 106-202

To Allow: Construction of a garage

Variance Request basis:

- ☒ Unreasonable Restriction  
☒ Hardship due to Physical Condition of the Property

Garage will be attached to the house by a breezeway

## PROPERTY INFORMATION

Address of Property: 805 Honeysuckle Road, Salem, VA 24153

Tax Map #: 45-2-1

Legal Description: lot 1, block 1 Honeysuckle Bluff

Zoning District: RSF

Present Use: residence

## APPLICATION CHECKLIST

- ☒ Letter detailing justification for request (Variance & Appeals)  
☒ A scale drawing of the property & proposed project, with location map  
☒ Application Fee  
☒ Submit application & associated materials via email to mewines@salemva.gov → on paper

## SIGNATURES

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. I further agree to submit payment to the newspaper for costs associated with the legal advertisement of the above request. In addition, I hereby grant permission to the agents and employees of the City of Salem to enter the above property for the purposes of processing and reviewing the above application. Also, the petitioner understands that a "Notice of Zoning Request" sign will be posted by the City on any property which is involved with a petition

Signature of Owner: Donna L. Musgrave MD

Date: 3/26/2024

Signature of Owner:

Date:

Signature of Agent:

Date:

The Board of Zoning Appeals can grant a variance only if certain legal requirements have been met. The following questions are intended to help the applicant show that a variance is appropriate.

**Please answer all questions as completely as possible. Attach additional pages if necessary.**

1. Does the zoning ordinance **unreasonably restrict** the use of the property? If so, how is the zoning ordinance unreasonable?

The zoning ordinance requires a 25 ft offset from the property line. The property line is 15 feet away from the road and the location of the garage is limited by a steep bluff.

2. Is there a **hardship** related to the physical conditions of the property? If so, what physical conditions make the variance necessary? Were those physical conditions present when the ordinance was adopted?

The hardship is the steep bluff which prevents construction of a garage 25 feet back from the property line. This physical condition was present at the time that the ordinance was adopted.

3. Is a variance necessary to make a reasonable modification to the property or improvements requested by, or on behalf of, a **person with disability**? If so, describe what modification is needed, and why.

No.

4. If there is a hardship, was it created by the applicant?

No.

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

The bluff runs behind the two homes west of this property, however those property lines extend to Honeysuckle Road.

6. Would the variance have a negative effect on other property in the area?

No. It would not impede traffic and would not lower the value of other homes in the area.

Donna L. Musgrave  
805 Honeysuckle Road  
Salem, VA 24153

March 26, 2024

Board of Zoning Appeals  
City of Salem, VA

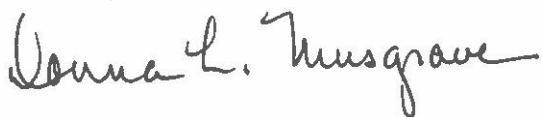
Dear members of the Board of Zoning Appeals,

I am writing to request a variance from the zoning regulations in Chapter 106, Article II, sections 106-202 for the City of Salem, VA as they apply to my property at 805 Honeysuckle Road in Salem, VA. I would like to build a two-car garage adjacent to my house over the deepest portion of my existing driveway. Zoning regulations require a 25 ft offset from the property line to the edge of the building. When I had my property surveyed, I was surprised to find out that even though my planned garage would be at least 25 feet back from Honeysuckle Road, the first 15 feet of my driveway are outside my property line. I also have a very steep bank behind my house held back by a 10 ft. high retaining wall. Therefore, in order to satisfy the 25 ft offset from my property line, I would have to excavate several feet into the bank, resulting in an almost 20 ft high retaining wall.

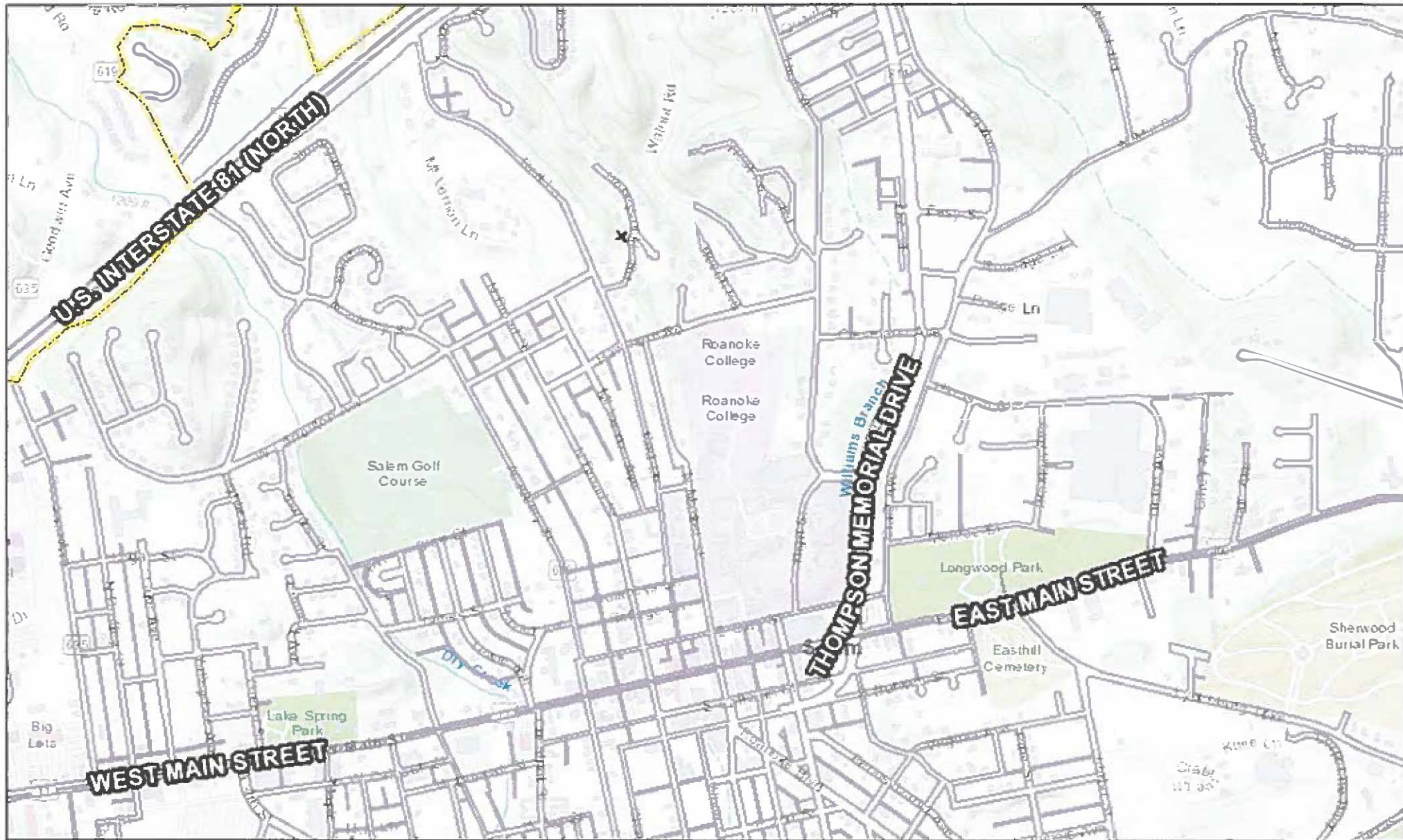
I feel that the strict application of the terms of the ordinance would unreasonably restrict my ability to build my garage and granting the variance would alleviate the hardship imposed on my use of my property due to the constraints of the steep bluff behind the house and the property line located so far back from Honeysuckle Road. The detailed scale drawing submitted with this request shows an offset from Honeysuckle Road of 25 feet even though it does not satisfy the strict criteria of being 25 feet back from the property line. I humbly request that you grant my request for a variance from the zoning ordinance so that I may build my garage.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Donna L. Musgrave". The signature is written in a cursive, flowing style with a large initial 'D'.

# City of Salem ArcGIS web map



3/27/2024, 10:45:28 PM

Road Centerlines

ACCESS

ALLEY

HEAVY

INTERSTATE

LIGHT

MEDIUM

OFF RAMP

ON RAMP

PAPER

PRIVATE

PRIVATE - NO ACCESS

TURN LANE

UNIMPROVED

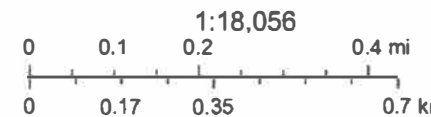
UNOPENED

VACATED

RightofWay

Railroads

City Limits

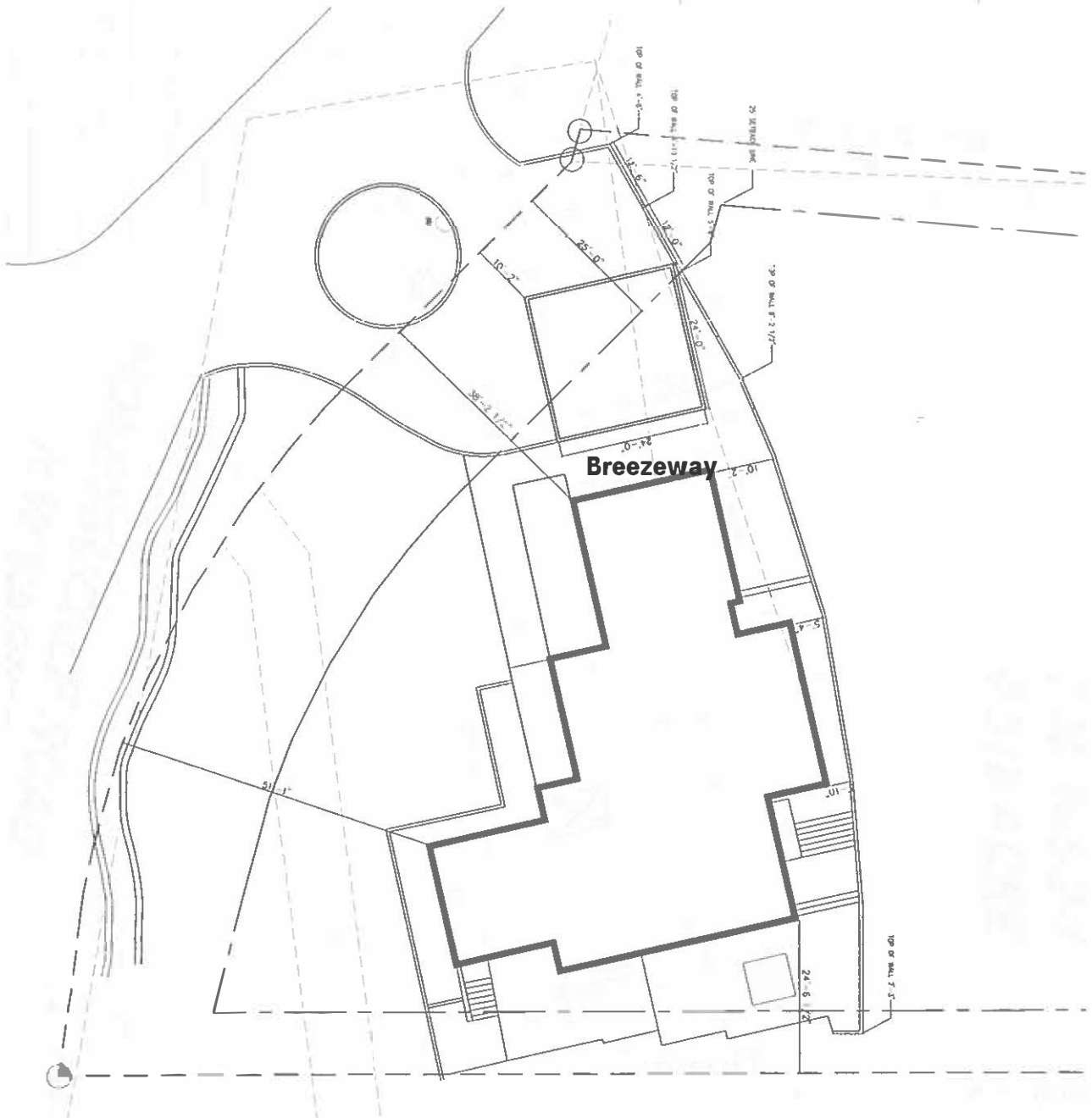
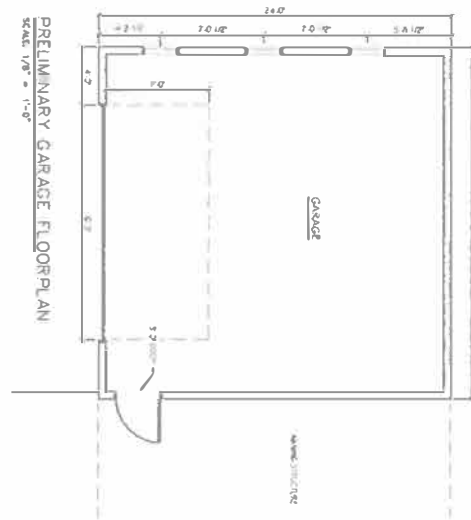


VITA, West Virginia GIS, Esri, HERE, Garmin, INCREMENT P, US NASA, EPA, USDA

Web AppBuilder

VITA, West Virginia GIS, Esri, HERE, Garmin, INCREMENT P, USGS, METINASA, E

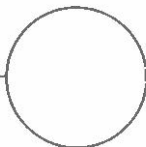




DRAWN BY  
DS  
ISSUE  
03.20.24  
PROJECT NO.  
2347

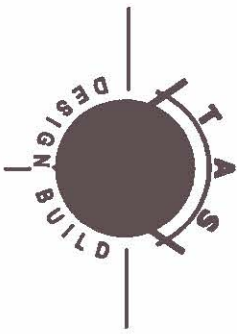
**SITE PLAN**  
**TAX ID: 45-2-1**  
**LT 1**

**REVISIONS**  
1-



**TAS DESIGN, INC**  
2507 BLUFF ROAD  
ROANOKE, VA 24014  
Tel: 540.400.7889





**PAYMENT DATE**  
03/29/2024  
**COLLECTION STATION**  
Engineering/Inspections  
**RECEIVED FROM**  
Donna Musgrave  
**DESCRIPTION**  
805 Honeysuckle Rd Variance Request

**City of Salem**  
P.O. Box 869  
Salem, VA 24153

**BATCH NO.**  
2024-00005366  
**RECEIPT NO.**  
2024-00103089  
**CASHIER**  
Krystal Graves

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
CD LAND USE	Land Use Application Fees 805 Honeysuckle Rd Variance Request	\$200.00
	<div><div>Total Cash\$0.00</div><div>Total Check\$200.00</div><div>Total Charge\$0.00</div><div>Total Wire\$0.00</div><div>Total Other\$0.00</div><div>Total Remitted\$200.00</div><div>Change\$0.00</div><div>Total Received\$200.00</div></div>	
Total Amount:		\$200.00

Customer Copy

Customer Copy