



# CITY OF BUENA VISTA BOARD OF ZONING APPEALS

**AGENDA**

5/27/2026 | 5:30 PM

Council Chambers – 2039 Sycamore Avenue

**ADG #1: CALL TO ORDER**

**ADG #2: PUBLIC HEARING**

1. Special Exception – 1434 Maple Ave reduction of minimum frontage

**ADG #2: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

**ADG #3: REVIEW AND ADOPTION OF MINUTES**

**ADG #4: OLD BUSINESS**

1. None

**ADG #5: NEW BUSINESS**

1. Election of officers
2. Special Exception – 1434 Maple Ave reduction of minimum frontage

**ADG #8: REPORT OF SECRETARY**

1. None

**ADJOURNMENT**





## BOARD OF ZONING APPEALS

MINUTES of August 2<sup>nd</sup> 2023

### Members of the Board of Zoning Appeals

- Dennis Hawes, Chairman
- Jamie Green
- Patricia Mays
- J. Todd Jones

The meeting was called to order at 6:00 PM by Mr. Hawes, and four of the five current members were present. Mrs. Tina Himes was absent. There was a quorum.

### Minutes

Mr. Jones motioned to approve the minutes as presented. Ms. Green seconded, all voted yes except Ms. Green and Mrs. Mays abstained because they were not at that meeting.

### Introduction and Officers

Mr. Hawes began a round of introductions because there were two new members on the Board and it had been several years since they had met. Each person introduced him or herself, giving personal and professional background.

Next Mr. Hawes led nomination of officers. Mr. Jones nominated Mr. Hawes as chair, Ms. Green seconded, and all voted yes. Ms. Green nominated Mr. Jones as vice-chair, Mrs. Mays seconded, and all voted yes. The Commission voted unanimously to appoint Mr. Roberts as Secretary.

**Public Comment** - None

**Report of Secretary** - None

### New Business

*Special Exception permit to reduce minimum frontage requirement for two parcels in the 200 block of East 3rd St, 52-1-1-40-13 and 15.*

Mr. Tom Roberts began by explaining the overall proposal illustrated best with the plat included in the staff report. The BZA's role is one small piece of the zoning review for this project. The BZA is only considering a reduction in the minimum required frontage for the three proposed house lots. In other words, is it okay to have lots that are slightly narrower than would otherwise be required. He explained that the lots would meet the minimum lot area because this project will also involve abandonment of this block of Poplar Avenue, so that the lots would encompass what is now the ROW for Poplar Ave. The ROW has not yet been abandoned.

Mrs. Mays asked what kind of houses would be built here, and Mr. Tom Roberts replied that they would be typical single family homes. The R2 zone has a minimum dwelling unit square

footage of 1200 sf. He also noted that Planning Commission will be reviewing other elements of this project when it is approving the site plan, including whether the overall configuration of the lots and the private street is appropriate and whether storm water is being adequately managed. He noted that even if the BZA approves the frontage reduction, the site plan or the abandonment might be denied and the project might not move forward.

Mr. Jones asked about the street abandonment. The developer of this project (Raymon Holguin) would get half and the property owner on the other side, Eason Roberts, would get the other half. At this point, Mr. Roberts has indicated he would allow Mr. Holguin to purchase his half so that the new development could own the full width of the street ROW.

Ms. Green asked about streets and frontage. Mr. Tom Roberts explained that the two interior houses would face onto the new private street, but the one closest to 3<sup>rd</sup> St would front on 3<sup>rd</sup> St. Thus the private street would not need to meet VDOT standards because it does not meet the threshold of 3 or more houses/lots.

Mr. Hawes spoke up and stated that he disagreed, and believes that the private street needs to meet the VDOT standard because the house closest to 3<sup>rd</sup> St will want to use the street regardless of actual frontage. Ms. Green and Mrs. Mays stated that they agreed with Mr. Hawes about the private street. Mr. Tom Roberts replied that the street design would be part of the site plan review by Planning Commission and he would make a note of this.

Mr. Jones noted that at the other end of this block, the boundaries of lots 9A and 9B (fronting on 2<sup>nd</sup> St) were changed long ago and those lots have frontages less than what is proposed by Mr. Holguin. He stated that he believes the reduced frontage is appropriate. He also asked Mr. Tom Roberts to confirm that the ROW is 50' and not 60'. Mr. Tom Roberts replied that he had double-checked and it is 50'. There was a brief discussion with Mr. Eason Roberts from the audience about the specifications for pavement width and lane width street ROW width.

Mr. Hawes opened the public hearing.

Mr. Eason Roberts spoke. He lives at 220 Poplar Avenue and owns the property directly across the undeveloped portion of Poplar Ave from the subject property. He asked about the abandonment process and there was a brief discussion of the process. Mr. Eason Roberts stated that he had been maintaining for 14 years a portion of the bank which is located in the Poplar ROW to be abandoned, as well as a portion of the ROW of 3<sup>rd</sup> St in the curve. Mr. Eason Roberts stated that he had measured off Mr. Holguin's proposed boundaries, and he is concerned about how far over the road will be located (close to him), and is concerned about storm water management. He does not want any additional runoff coming onto his property.

Mr. Eason Roberts also asked about the size and spacing of the houses, to which Mr. Tom Roberts replied that the minimum house size would be 1200 sf and the side setbacks are 15' on each side. The details of the site plan have not been presented yet. The storm water management plan has not been developed yet either. Mr. Eason Roberts thinks that these items need to be figured out prior to development approval. He also stated that he has heard that there may be issues connecting to the sanitary sewer line in 3<sup>rd</sup> St near Pedlar Gap Run. He heard that when the stream channel had been modified, there was an agreement that no one else could tie into that sewer.

Mr. Tom Roberts explained that the proposed street would be on Mr. Holguin's side of what is now the Poplar Ave ROW not on the side of Mr. Eason Roberts. Both Mr. Roberts have discussed leaving a vegetated buffer on the east half of what is now the Poplar Ave ROW at the top of the bank, separating Mr. Eason Roberts from the proposed development.

Mr. Eason Roberts in passing mentioned curb and gutter on the new private street. Mr. Tom Roberts noted that this private street will not be required to have curb and gutter, and will most likely be gravel. (New curb and gutter will be required on 3<sup>rd</sup> Street.) There will be ditches on either side to capture the runoff. Mr. Eason Roberts is concerned about these ditches washing out.

Mr. Hawes and Mr. Jones stated that these are issues to be dealt with in site plan review and Erosion & Sediment Control review.

Mr. Clarence Roberts spoke. He lives nearby. He asked about the low spot that is on the property that now collects runoff. He is concerned about the storm water management, and that there have been multiple mistakes by the City in storm water management. He also noted that there has been significant sediment accumulation in Pedlar Gap Run, reducing its ability to carry water in storm events.

Mr. Hawes emphasized that through the ESC and site plan process the developer will have to do engineering in order to manage the stormwater runoff, so those issues will be addressed later.

Mr. Jones stated that he thinks the lot width reduction is appropriate and should be approved. He suggested that the approval be contingent on figuring out storm water management. Ms. Green agrees with Mr. Jones. Mr. Hawes suggested a series of conditions: 1) completion of private road per Section 507 of the Buena Vista Land Development Regulations before any certificate of occupancy is issued; 2) the road is built and Erosion & Sediment Control measures are installed; 3) that deed covenants and maintenance agreements are recorded for the lots.

Mr. Jones stated that he does not think that those specific conditions are required. He made a motion to approve as presented contingent on street abandonment and the private street being built.

Mr. Eason Roberts asked about how the project would be impacted if he wanted to purchase his half of the street ROW. There was brief discussion and Mr. Tom Roberts replied that the proposed lots would still be greater than the minimum lot size in R2.

Ms. Green motioned to approve with the contingencies listed by Mr. Hawes. Mrs. Mays seconded and all voted yes.

### **Adjournment 6:40 PM**

Approval: \_\_\_\_\_





# STAFF REPORT

TYPE: Special Exception – Reduction of Minimum Frontage  
PROJECT: 1434 Maple Ave  
DATE: 5/5/2026

## SYNOPSIS

Applicant Stephanie Hardy seeks to adjust boundary between two lots and create a lot that has less than the minimum frontage.

### Summary

- House at 1434 Maple Ave encroaches 5 feet onto adjacent lot, so applicant proposes to adjust lot line to fix this
- Proposed lot would be 45' wide instead of 50', which is the minimum for R3 Residential Limited zone
- Size of each lot will remain equal (6,250 sq ft)

## ANALYSIS

### Overview

The house at 1434 Maple Ave was likely originally built as an accessory building to 1436 Maple Ave, but has been used as a separate dwelling for decades. The applicant owns both properties but wishes to sell them separately. 1434 Maple encroaches onto the lot of 1436 Maple by 5 feet. The applicant proposes to adjust the lot line so that each house is on its own lot.

The boundary adjustment keeps the lot size equal, which means the frontage cannot be equal. 1434 Maple would have 45' of frontage and 1436 Maple would have 55' of frontage. The minimum for the R3 Residential Limited Zone is 50'.

### Applicable Code

Property owners may request a reduction of the minimum frontage for a lot by Special Exception. Typically this would occur in conjunction with new construction, but here the applicant is requesting a boundary adjustment. The City cannot create or modify lots so that they are non-conforming, so this boundary adjustment is coming to the BZA. The applicable code section is copied below.

*507.04 Minimum frontage.*

*507.04-1 Except as otherwise stated, no principal building, structure, or use may be erected or established on any lot which does not possess the minimum street frontage specified for said building, structure, or use by this ordinance or by an approved plan of development. Street frontage requirements may be found in section 630.00 Table of setbacks, or elsewhere in this ordinance.*

*507.04-2 The minimum street frontage for any use in any zone, if not otherwise specified elsewhere in this code or in an approved plan of development, shall be 25 feet.*

*507.04-3 Minimum street frontage requirements may be reduced by a special exception approved by the board of zoning appeals. The following conditions apply:*

*507.04-3.1 Adequate access to buildings and property for emergency responders and emergency vehicles must be provided.*

*507.04-3.2 The configuration of lots and streets shall be consistent with the development of a well-connected street grid as promulgated in the comprehensive plan. The creation of cul-de-sacs and dead-ends should respond to terrain features such as steep slopes or streams, or to other features that make extension of public streets infeasible.*

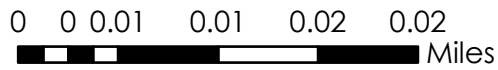
*507.04-3.3 The configuration of lots or their access shall not hinder or obstruct construction of future private or public streets. The board of zoning appeals may consider the existence of access easements and future roadway reservations.*

***Analysis and Recommendation***

The code above provides conditions that can guide the BZA in considering whether a frontage reduction is appropriate or not. Staff believe that the proposed boundary adjustment adheres to the three conditions in the code, and will not negatively impact the pattern or spacing of houses on this block. Furthermore, staff believe that the proposed boundary adjustment is a common-sense way to resolve a decades-old encroachment of a building onto an adjacent lot. Staff recommend approval.



Virginia Geographic Information Network (VGIN)

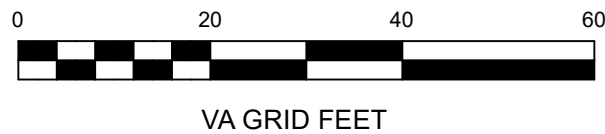


# 1434-1436 Maple Ave Proposed Boundary Adjustment

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND, THEREFORE, MAY NOT, NECESSARILY, INDICATE OR SHOW ALL ENCUMBRANCES OR IMPROVEMENTS ON THE PROPERTY.

A PORTION OF THIS PROPERTY LIES WITHIN OR ADJACENT TO THE TRAVELED WAY OF MAPLE AVENUE AND A PUBLIC ALLEY, IS SUBJECT TO ANY PUBLIC OR DEEDED RIGHTS NORMALLY ASSOCIATED WITH A ROAD AND, OTHER RIGHTS OR RESTRICTIONS REVEALED BY A TITLE REPORT.

THIS PROPERTY LIES IN FLOOD ZONE "X" ("AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN") AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR ROCKBRIDGE COUNTY, VIRGINIA AND INCORPORATED AREAS. MAP NUMBER 51163C0401 C; EFFECTIVE DATE: APRIL 6, 2000.



LINE	BEARING	DISTANCE	
L1	S 19°12'27" W	8.35'	
L2	N 19°12'27" E	4.93'	
L3	N 81°06'39" E	21.42'	NEW LINE
L4	S 72°35'04" E	30.97'	NEW LINE

APPROVED BY:

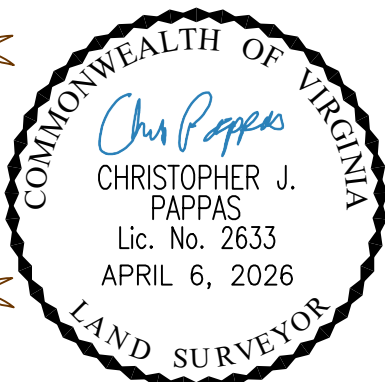
BUENA VISTA CITY SUBDIVISION AGENT

DATE

**LEGEND**

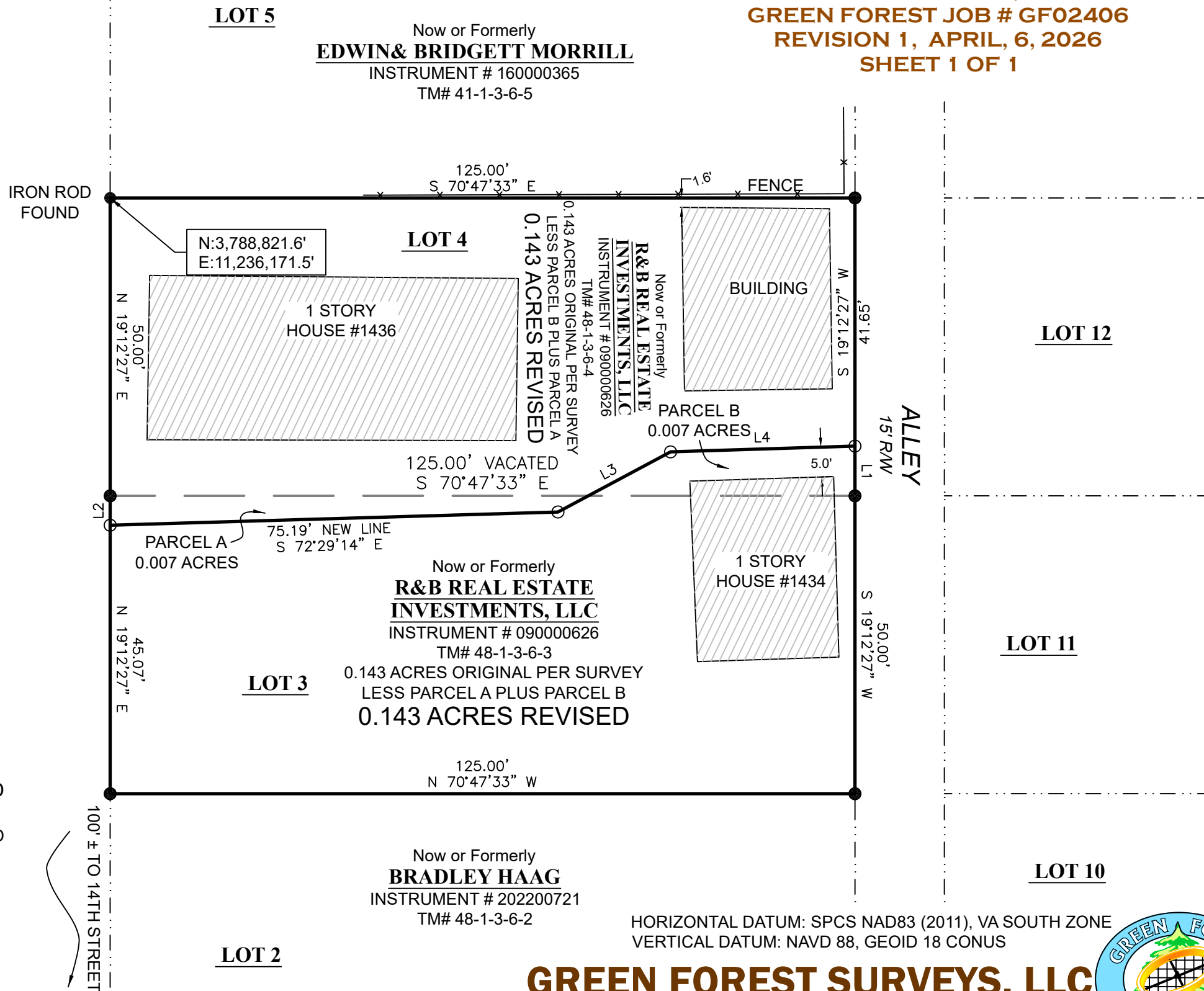
(TYPICAL UNLESS NOTED OTHERWISE)

- IRON ROD OR PIPE FOUND
- IRON ROD SET
- POINT



**BOUNDARY LINE ADJUSTMENT SURVEY OF  
LOTS 3 & 4**

**TAX PARCELS 48-1-3-6-3 & 4  
CITY OF BUENA VISTA  
ROCKBRIDGE COUNTY, VIRGINIA  
GREEN FOREST JOB # GF02406  
REVISION 1, APRIL, 6, 2026  
SHEET 1 OF 1**



HORIZONTAL DATUM: SPCS NAD83 (2011), VA SOUTH ZONE  
VERTICAL DATUM: NAVD 88, GEOID 18 CONUS

**GREEN FOREST SURVEYS, LLC**

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