



**BOARD OF ZONING APPEALS
AGENDA
August 19, 2024
4:00 P.M.**

Live streaming available during meetings and archived meeting videos are also available. [View Meeting Stream](#)

Agenda

1. Call To Order

Members of the public have been invited to attend in person or access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at [WWW.FACEBOOK.COM/FXBGGOV](https://www.facebook.com/fxbggo).

2. Determination Of A Quorum

3. Determine Public Notice Requirements Have Been Met

3.A. BZA August 19, 2024 Public Notice

Documents:

[2024-07-29 - BZA PUBLIC HEARING AD.PDF](#)

4. Disclosure Of Ex Parte Communication

5. Disclosure Of Conflicts Of Interest

6. Approval Of Agenda

6.A. BZA August 19, 2024 Agenda

Documents:

[2024-08-19 AGENDA.PDF](#)

7. Approval Of Minutes

7.A. BZA October 16, 2023 Minutes

Documents:

[2023-10-16 BZA MINUTES - DRAFT.PDF](#)

8. Public Hearing Items

Citizens who wish to comment on the public hearing without attending the meeting will be able to send their comments in writing by (1) delivering to the Community Planning and Building office located at 601 Caroline Street - 4th Floor, (2) U.S. Mail at PO Box 7447, Fredericksburg, VA 22404, or (3) email to planning@fredericksburgva.gov. Comments must be received by 1:00 p.m. the day of the meeting. These comments will be read out loud during the public comment portion of the Board of Zoning Appeals meeting. The standard rules apply to public comments: the person must identify himself or herself by name and address, including zip code; limit his or her remarks to 5 minutes or less (read aloud); and address the topic of the public hearing. Public comments submitted during the meeting, through the Facebook Live streaming video, will not be considered part of the official public comments of the meeting.

8.A. Variance FY25-01

James Slaymon of Triumph Signs and Consulting, on behalf of Agree Convenience No. 1, LLC., is requesting a variance to modify Section 72-59.5A(2) of the Unified Development Ordinance to construct a wall mounted electronic variable message sign, associated with gasoline sales, on the canopy of 501 A Emancipation Highway (GPIN 7779-69-8182). The Unified Development Ordinance only permits electronic variable message signs on freestanding signs. The proposed sign would replace the freestanding sign that has been removed due to VDOT construction along Emancipation Highway. The property is currently occupied by Valero Gas and is located at the corner of Fall Hill Avenue and Emancipation Highway. The parcel is in the Commercial-Highway (C-H) Zoning District and the property owner is Agree Convenience N0. 1, LLC.

Documents:

[1 STAFF REPORT.PDF](#)
[2 DRAFT RECORD OF DECISION.PDF](#)
[3 APPLICATIONNARRATIVEPLANS.PDF](#)

9. Other Business

10. General Public Comments

A general public comment period is provided at each regular meeting for comments by citizens regarding any matter related to Board of Zoning Appeals business that is not listed on the agenda for public hearing. The Chair will request that speakers state their name, address and zip code; observe the three-minute limit, and yield the floor when the Clerk indicates their time has expired. No dialogue between speakers will be permitted.

Citizens who wish to make general public comments without attending the meeting will be able to send their comments in writing by (1) delivering to the Community Planning and Building office located at 601 Caroline Street - 4th Floor, (2) U.S. Mail at PO Box 7447, Fredericksburg, VA 22404 (3) email to planning@fredericksburgva.gov. Comments must be received by 1:00 p.m. the day of the meeting. The plan is to read these comments out loud during the public comment portion of the Board of Zoning Appeals meeting. The standard rules apply to public comments: the person must identify himself or herself by name and address, including zip code; limit his or her remarks to 3 minutes or less (read aloud); and address a topic of City business. Public comments submitted during the meeting, through the Facebook Live streaming video, will not be considered part of the official public comments of the meeting.

11. Staff/Board Comments

12. Adjournment

August 19, 2024
4:00 P.M.

Notice is hereby given that the Board of Zoning Appeals of the City of Fredericksburg, Virginia, will hold a public hearing in Council Chambers of City Hall (715 Princess Anne Street) beginning at 4:00 p.m. on **August 19, 2024**, on the following application. The meeting can be viewed live on Cox Channel 84 and Verizon Channel 42, on the City's Facebook page, and at <https://www.regionalwebtv.com>.

- **Variance FY25-01** – James Slaymon of Triumph Signs and Consulting, on behalf of Agree Convenience No. 1, LLC., is requesting a variance to modify Section 72-59.5A(2) of the Unified Development Ordinance to construct a wall mounted electronic variable message sign, associated with gasoline sales, on the canopy of 501 A Emancipation Highway (GPIN 7779-69-8182). The Unified Development Ordinance only permits electronic variable message signs on freestanding signs. The proposed sign would replace the freestanding sign that has been removed due to VDOT construction along Emancipation Highway. The property is currently occupied by Valero Gas and is located at the corner of Fall Hill Avenue and Emancipation Highway. The parcel is in the Commercial-Highway (C-H) Zoning District and the property owner is Agree Convenience NO. 1, LLC.

The application may be examined online on the City's website at <https://www.fredericksburgva.gov/1098/Public-Notices>, or by request for a mailed copy. Contact 540-372-1179 to request a mailed copy. Additional information will be available on the City website, by close of business on August 12, 2023. Please check the Public Information page <https://www.fredericksburgva.gov/AgendaCenter>.

The Board of Zoning Appeals public hearing will be held as an in person meeting. Written comments on the hearings may be submitted in one of the following ways:

- (1) Dropping them in the drop box located in the lobby of the Executive Plaza - 601 Caroline Street,
- (2) U.S. Mail (PO Box 7447, Fredericksburg, VA 22404), or
- (3) e-mail to Planning@fredericksburgva.gov.

Comments received before 1:30 p.m. on the day of the meeting will be read into the record at the Planning Commission meeting.



**BOARD OF ZONING APPEALS
AGENDA
Regular Meeting
August 19, 2024
4:00 P.M.
Council Chambers
715 Princess Anne Street
(entrance on Hanover Street)**

1) CALL TO ORDER

Members of the public have been invited to attend in person or access this meeting by public access television Cox Channel 84, Verizon Channel 42, or online at www.regionalwebtv.com.

2) DETERMINATION OF A QUORUM

3) DETERMINATION PUBLIC NOTICE REQUIREMENTS HAVE BEEN MET

4) DISCLOSURE OF EX PARTE COMMUNICATION

5) DISCLOSURE OF CONFLICTS OF INTEREST

6) APPROVAL OF AGENDA

7) Approval of Minutes

A. October 16, 2023 Minutes

8) PUBLIC HEARING

A. **Variance FY25-01** – James Slaymon of Triumph Signs and Consulting, on behalf of Agree Convenience No. 1, LLC., is requesting a variance to modify Section 72-59.5A(2) of the Unified Development Ordinance to construct a wall mounted electronic variable message sign, associated with gasoline sales, on the canopy of 501 A Emancipation Highway (GPIN 7779-69-8182). The Unified Development Ordinance only permits electronic variable message signs on freestanding signs. The proposed sign would replace the freestanding sign that has been removed due to VDOT construction along Emancipation Highway. The property is currently occupied by Valero Gas and is located at the corner of Fall Hill Avenue and Emancipation Highway. The parcel is in the Commercial-Highway (C-H) Zoning District and the property owner is Agree Convenience NO. 1, LLC.

9) OTHER BUSINESS

10) GENERAL PUBLIC COMMENT

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time limit; and yield the floor when the Clerk indicates that their time has expired. No dialogue between speakers will be permitted.

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11) STAFF / BOARD COMMENTS

12) ADJOURNMENT



You may view and listen to the meeting in its entirety by going to the Board of Zoning Appeals page on the City's website: <https://amsva.wistia.com/medias/916pgsck4v>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Board of Zoning Appeals page. <https://www.fredericksburgva.gov/225/Board-of-Zoning-Appeals>

MEMBERS PRESENT

Stephen Eubank, Vice Chairman
John Mell
Helen Ross

STAFF

Kelly Machen, Zoning Administrator
Caroline Hieber, Administrative Specialist

1. CALL TO ORDER

Members of the public were invited to attend this meeting or access by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or on Facebook live at www.facebook.com/FXBGgov.

Vice Chairman Eubank called the meeting to order at 4:00 p.m.

2. DETERMINATION OF A QUORUM

Vice Chairman Eubank called roll. Three members were present so there was a quorum.

3. PUBLIC NOTICE REQUIREMENTS

Vice Chairman Eubank asked if the public notice requirements had been met, and Ms. Machen confirmed that they had been met.

4. DISCLOSURE OF EX PARTE COMMUNICATION [00:13]

Mr. Mell stated that he had previously spoke with Mr. Farmer regarding the property and was welcomed on site. They did not discuss this application specifically and he believed his participation was appropriate.

5. DISCLOSURE OF CONFLICTS OF INTEREST

None.

6. APPROVAL OF AGENDA [00:13]

Mr. Mell motioned to approve the agenda as presented, Ms. Ross seconded. The motion carried 3-0.

7. APPROVAL OF MINUTES [03:05]

Mr. Mell motioned to approve the March 20, 2023 minutes as written. Ms. Ross seconded and the motion passed 3-0.

8. PUBLIC HEARING [03:55]

A. VAR FY24-0001

Ms. Machen presented [power point included as Attachment 1] the requested variance to reduce the rear yard setback from 24 feet to 17 feet, for a reduction of 7 feet at 1106 Winchester Street.

Ms. Machen summarized the application and recommended approval. Ms. Machen also noted that the Planning Commission reviewed the application and agreed with the recommendation of approval.

Ms. Elaine Farmer was present to represent the applicant and to participate in the discussion.

Ms. Ross asked if they considered other alternative that would increase the building square footage such as adding a second floor to the entire house

Ms. Farmer stated that they explored that as an option. Unfortunately, that alternative wasn't feasible and the contractor advised against it.

Ms. Ross agreed that expansion to the rear of the property was the practical solution.

There were no public comments.

Mr. Mell compared the application to 1108 Winchester Street, which does not infringe on the property.

Ms. Ross stated that the proposed changes are compatible with the neighborhood.

Mr. Mell motioned to approve the variance request and that the record of decision is adopted as presented by staff. Ms. Ross seconded and the motion carried 3-0.

9. OTHER BUSINESS

None.

10. GENERAL PUBLIC COMMENTS [19:05]

Theron Keller, 1108 Winchester Street spoke in support of staff and stated that a lack of variance requests meant that the City is doing a great job and thanked the staff for their work.

11. STAFF/BOARD COMMENTS [20:21]

Ms. Machen reminded the Board that they welcome to attend the Board Appreciation Event on December 14, 2023 at the Fred Nats Stadium.

12. ADJOURNMENT

Vice Chairman Eubank adjourned the meeting at 4:22 p.m.

Matthew Muggeridge, Chairman

APPROVED: _____, 2023

1106 Winchester Street

Variance request to reduce rear yard setbacks

Board of Zoning Appeals
October 11, 2023



Overview

- Issue: Should the Board of Zoning Appeals approve the variance request to reduce the rear setback for 1106 Winchester Street?
- Staff recommendation: Recommend **approval**

Planning Commission

- Reviewed request at October 12th meeting
- Discussion included a need to allow for some flexibility in the city to accommodate a variety of housing needs within existing neighborhoods
- Recommended approval 5/0 of the variance

Location – 1106 Winchester Street



Request

- Proposed two-story addition with ramp on rear of existing one-story single family dwelling built circa 1959
- Zoned Residential R-4
- Rear yard setback is 24 feet
- Requested rear yard setback is 17 feet (7 foot variance)
- Proposed addition is 18 feet deep (approx. 465 sqft footprint)
 - Accessible primary bedroom/bathroom on 1st floor
 - Office/storage on second floor
- Ramp is allowed up to the property line by-right

Proposed Elevation & Plat

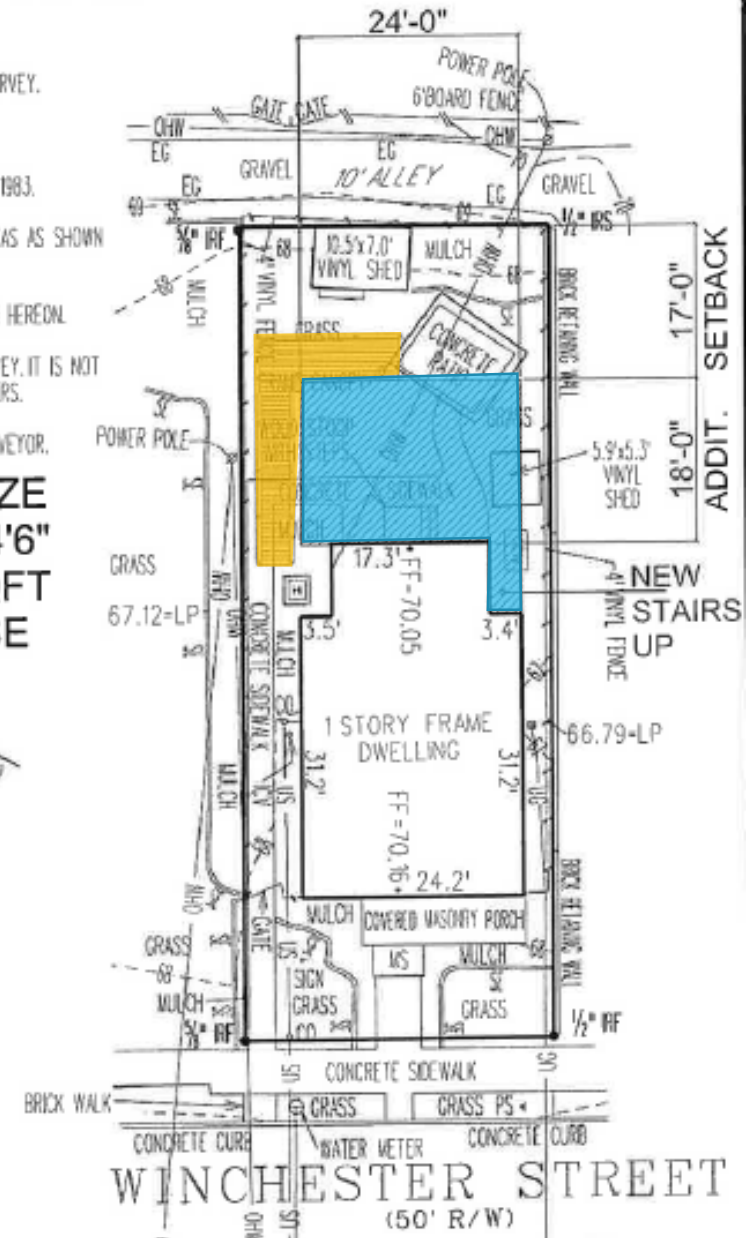


1106 Winchester Street
 Proposed Addition
 1/8" = 1'-0"
 08-31-2023

TOPOGRAPHIC SURVEY.
 EXIST.
 AMERICAN DATUM 1983.
 OTHER FLOOD AREAS AS SHOWN
 EPT 19, 2007.
 PROPERTY SHOWN HEREON.
 USER OF THE SURVEY, IT IS NOT
 SUBSEQUENT OWNERS.
 SIGNATURE OF SURVEYOR,
LOT SIZE
90' x 34'6"
872 SQFT
HOUSE

79TH (NAD 83)

LVE



Analysis

Request must meet the definition of a Variance:

- *“a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure...”*
- Multiple houses in the vicinity with rear yard setback less than 24 feet due to text amendment increasing in rear setback from 18 to 24 feet in 2020.
- Request is within 1 foot of previous 18 foot setback
- Similar lots in neighborhood reviewed to determine reasonableness:

Address	Rear Setback	Lot Size
1108 Winchester Street	22.4	3,060
1110 Winchester	18.15	3,330
1107 Douglas Street	21	3,640
605 Amelia Street	21	3,952
603 Amelia Street	21	3,952
601 Amelia Street	8	3,914
Requested Setback	17	3,106

Analysis

Request must meet **one of three general tests** showing that strict application of the terms of the ordinance would:

1. Unreasonably restrict the utilization of the property
 - Criterion not met. Current single-family dwelling not impacted by setbacks.
2. That the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance
 - Criterion not met. No unique topographical or lot challenges.
3. 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
 - **Criterion met.** Request is to provide accessible in-home care accommodations and office space to permit working from home when additional care is needed.

Analysis

Request must meet **five specific tests (all)**:

1. “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”
 - No hardship was created by the applicant
2. “Granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area” and “the character of the district will not be changed by the granting of the variance”
 - Request maintains portion of rear yard comparable to nearby yards
 - Variance will preserve existing house

Analysis

Request must meet **five specific tests (all)**:

3. “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” and “the hardship will not be shared generally by other properties;”
 - Reduction on behalf of a person with a disability makes this a unique request not generally shared by other properties
 - Existing house is 872 sq ft and has 1 bedroom/bathroom, which limits the ability to make accessible renovations within existing footprint

Analysis

Request must meet **five specific tests (all)**:

4. “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”
 - The R-4 District allows single-family detached dwellings by-right
5. “the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.”
 - A Special Use Permit, Special Exception, or Administrative Modification cannot reduce setbacks beyond what is already permitted

Recommendation

Recommendation of approval

- Draft record of decision includes a provision that, **“the addition be constructed in substantial conformance with the exhibit included in the application.”**

Questions?



MEMORANDUM

TO: Chairman Muggeridge and Board of Zoning Appeals Members
FROM: Kelly Machen, Zoning Administrator
Mike Craig, Principal Planner
Chuck Johnston, Community Planning & Building Director
DATE: August 13, 2024 for the August 19, 2024 meeting
RE: VAR 2024-01 (FY25-01): Variance to reduce construct a electronic variable message sign as a wall sign at 501 A Emancipation Highway

ISSUE

Should the Board of Zoning Appeals approve the variance request?

RECOMMENDATION

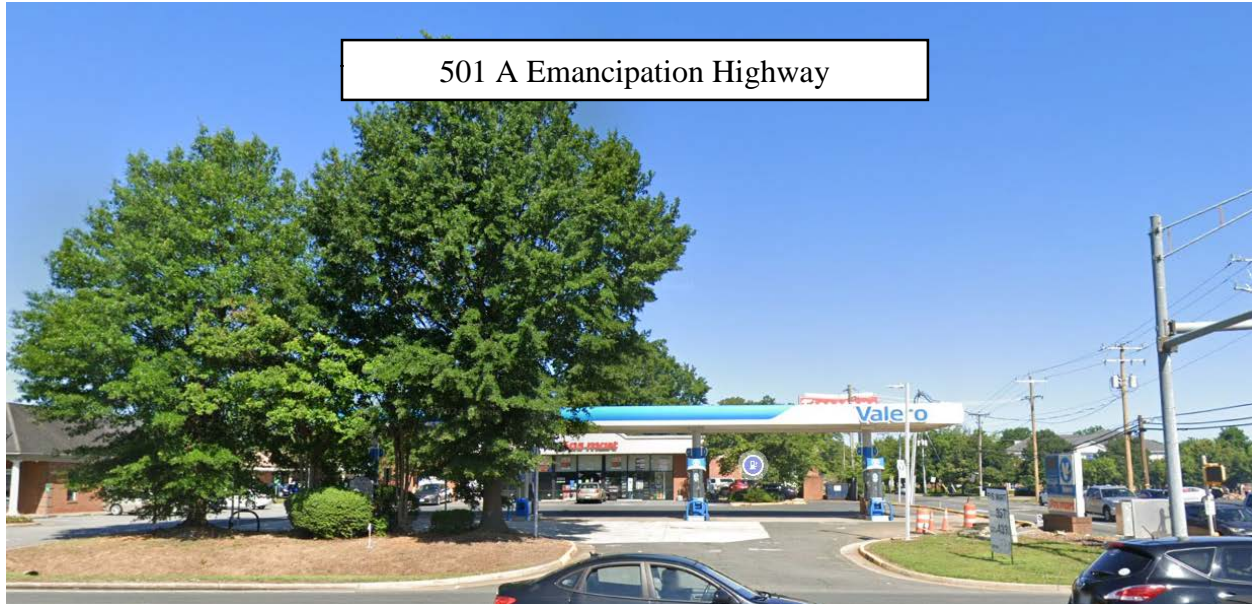
Approve the variance with the following conditions:

1. The electronic variable message sign shall be in substantial conformance with the site plan GPM #50 and Canopy Pricer exhibits.
2. The electronic variable message sign shall be used consistently with the other requirements of City Code §72-59.5.A, including but not limited to the restrictions on changes in display.
3. The electronic variable message sign shall be removed upon approval to construct any freestanding sign on the property.

PROPERTY DESCRIPTION

501 A Emancipation Highway is located at the southwest corner of Emancipation Highway and Fall Hill Avenue. The property is zoned Commercial-Highway (C-H) with C-H zoning on three sides and Residential R-2 zoning to the east across Emancipation Highway (James Monroe High School). The purpose of the C-H District is to provide for automobile oriented commercial and service uses along heavily traveled roads. The property currently contains a Valero gas station and a 'Fas mart' convenience store, which is considered a Convenience Store with Gasoline Sales use in the Unified Development Ordinance (UDO) Use Table.

There are no existing special exceptions, special use permits, or rezoning proffers associated with this property. There are no known current zoning violations on the site.



VARIANCE REQUEST

James Slaymon, of Triumph Signs and Consulting, is requesting a variance on behalf of the property owner Agree Convenience No. 1, LLC. The request is to modify Section 72-59.5.A.(2) of the UDO to construct a wall mounted electronic variable message sign, associated with gasoline sales, on the canopy of 501 A Emancipation Highway.

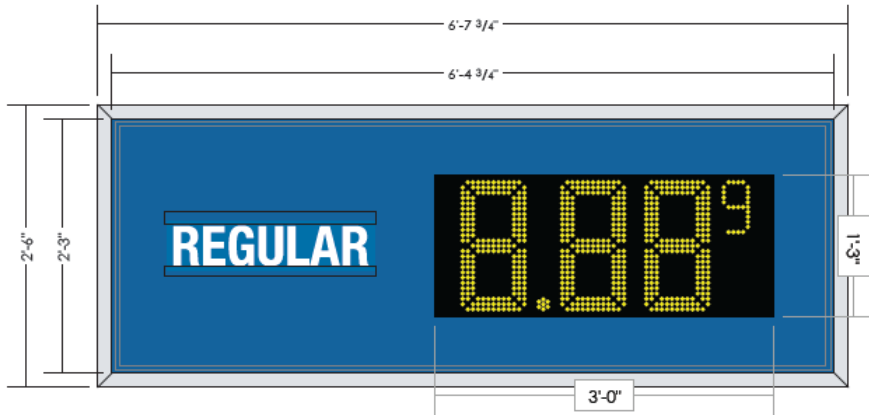
The UDO only permits electronic variable message signs on freestanding signs. The existing freestanding sign is to be removed by VDOT for intersection expansion of Fall Hill Avenue and Emancipation Highway. The property is limited in its ability to construct a freestanding sign to replace the one to be removed by VDOT due to property constraints including: easements, existing trees/landscaping requirements, existing structures, and setback requirements (discussed further below).

The proposed wall sign would replace the electronic variable message sign portion of the freestanding sign that is to be removed. The proposed sign otherwise meets all zoning requirements for electronic variable message signs, freestanding sign height/setbacks, illumination, and wall sign requirements (UDO Sections 72-59.5 and 72-59.6.A.(1)).

Existing Freestanding Sign



Proposed Sign



VARIANCE ANALYSIS

City Code § 72-22.8 states that in order for a variance to be approved, the BZA must make certain findings in accordance with the Code of Virginia. The Code of Virginia states that the burden of proof is on the applicant to prove by a preponderance of the evidence that the application meets the definition of a variance found in § 15.2-2201 and the criteria stipulated in § 15.2-2309:

A. § 15.2-2201 defines a Variance in part as “a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure...”

The request meets this criterion as a reasonable deviation. The proposed variance would permit a change in the location/sign type for the proposed electronic variable message sign from on a freestanding sign to on a canopy/wall sign. The sign would be located on the north side of the existing canopy, have 15 feet of clearance.

The proposed electronic variable message sign is 15 in. by 36 in. or 3.75 square feet (maximum size permitted) and would be within a 16.61 square feet sign cabinet (79 in. by 30 in.). The proposed electronic variable message sign is 1.25 square feet larger than the previously approved sign (12 in. by 30 in. or 2.5 square feet). However, it is also setback further from the property line than the freestanding sign (14.75 feet vs 8 feet). The setback requirement for a freestanding sign is 1/2 the sign height (17.9 feet in this instance), making the required setback 8.95 feet, if the proposed sign was a freestanding sign.

The total amount of signage would meet the setback and height requirements for a freestanding sign (though it would be a wall sign). The sign would also meet the UDO standards for wall signs including as size, clearance, and illumination.

Under the Code of Virginia § 15.2-2309.2 a variance shall be granted if it meets one of three tests. *"Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the Ordinance would*

1. Unreasonably restrict the utilization of the property, or

The request does not meet this criterion. Ultimately, the use of the property as a Convenience Store with Gasoline Sales does not change with the removal of the electronic variable message sign. However, there is an expectation that a gas station would be able to provide motor fuel pricing details to customers because every gas station within the City of Fredericksburg has pricing signage on a freestanding sign. The inability to provide motor fuel pricing signage to customers could impact the gasoline sales use of the property in the long-run.



2. Alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or

The request meets this criterion. The existing freestanding sign was permitted by the City in 2019. In 2020, VDOT completed the STARS corridor study for the US 1/Emancipation Highway corridor in Fredericksburg. Using the STARS plan, VDOT has proposed a utility, drainage, and signal easements along the majority of the road frontage for the property to enable expansion of the lanes on the north side of the intersection. The freestanding sign is

VDOT STARS Plan Proposed Improvements



Route 1 and Fall Hill Avenue intersection improvements

Considering the constraints listed above, the remaining location available for a freestanding sign would be within the drive isles, which would negatively impact circulation. These constraints are both physical, legal, and regulatory conditions that create a hardship for the property owner.

3. *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.*

The request does not meet this criterion.

In addition to one of the three tests above, no variance shall be authorized by the Board of Zoning Appeals unless it is determined that the request meets a second set of five criteria, all of which must be met in order to approve a Variance request. The § 15.2-2309 criteria are similar to criteria established under the definition of a variance found in § 15.2-2201. Additional definitional criteria from § 15.2-2201 have been included as appropriate.

1. *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 request meets this criterion. No hardship was created by the applicant as VDOT has imposed new easements on the property that has resulted in the removal of the existing freestanding sign, and limit the ability to construct a freestanding sign with an electronic variable message sign.

2. *§ 15.2-2309 states that, “the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area” and § 15.2-2201 states that, “the character of the district will not be changed by the granting of the variance.”*

The request meets this criterion. The proposed sign would be on an existing canopy, facing another commercial property, and would otherwise meet UDO requirements for electronic variable message signs, wall signs, and freestanding signs.

3. *§ 15.2-2309.2 states that, “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” and § 15.2-2201 states that, “the hardship will not be shared generally by other properties;”*

The request meets this criterion. The easements on the property, existing structures, and UDO requirements makes this a unique request not generally shared by other properties.

4. ***“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.”***

The request meets this criterion. The proposed sign would not change the use of the property as a Convenience Store with gasoline sales.

5. ***“the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.”***

The request meets this criterion. A Special Use Permit, Special Exception, or Administrative Modification cannot permit the construction of an electronic variable message sign as a wall sign.

CONCLUSION

The proposal is for a variance to permit the construction of an electronic variable message sign as a wall sign on the existing gas canopy of the Valero gas station at 501 A Emancipation Highway. The request is a reasonable modification in consideration of the constraints on the property.

In granting a variance, the BZA may impose such conditions regarding a proposed structure's location, character, and other features or use as it may deem necessary in the public interest. Approval of the requested variance is recommended subject per the draft record of decision. The draft record of decision includes a provision requiring that the proposed sign be removed should an application for a freestanding sign be approved in the future.

ATTACHMENTS

- A. Draft Record of Decision
- B. Application

Fredericksburg Board of Zoning Appeals

Record of Decision

Variance FY25-01 /BZA2407-0001

501 A Emancipation Hwy

The Fredericksburg Board of Zoning Appeals heard the property owner's (Agree Convenience No. 1 LLC.) application for a variance from the requirement of City Code §72-59.5A.2 (Electronic Variable Message Signs Shall be limited to freestanding signs) at its meeting on August 19, 2024. Upon consideration of the record as a whole, the Board of Zoning Appeals adopts this Record of Decision approving the variance.

Findings of Fact

- A. The property owner Agree Convenience No. 1 LLC., is the current owner of a commercial property located at the corner of Fall Hill Avenue and Emancipation Highway, comprised of 0.1691 acres of land, at 501 A Emancipation Highway, Fredericksburg, Virginia (the Property). The use of the property is a convenience store with gasoline sales use, and the property fronts on U.S. Route 1.
- B. The lot area, dimensions, and current conditions of the Property are shown on an exhibit entitled "GPM #50," drawn by RB, dated February 7, 2022. The Property is zoned Commercial Highway (C-H).
- C. The applicant has requested a variance to modify City Code §72-59.5.A.2 of the Unified Development Ordinance, in order to permit the construction of a wall mounted (electronic variable message sign), which shall be setback 14.75 feet from the property line and shall be 15" x 36" in size as shown in the submitted exhibit. The reason for the request is that the existing freestanding monument price sign is being removed due to VDOT construction plans.
- D. City Code §72-59.5.A permits the use of electronic variable message signs in association with gasoline sales uses that are located on properties fronting on U.S. Route 1; however, electronic variable message signs must be freestanding signs. City Code does not permit an electronic variable message sign at this location to be a wall mounted sign, as proposed by the applicant.

- E. The existing freestanding sign for the property, approved on November 22, 2019 by the Community Planning and Building Department, is to be removed by VDOT as part of improvements to Emancipation Highway and Fall Hill Avenue.
- F. The location of a VDOT utility easement, drainage easements, access easement, existing structures (traffic signal pole, light poles, flag pole, historic sign, vent pipes, and water meter), existing trees, and Unified Development Ordinance setbacks/landscape requirements limit the ability of the owner to replace the existing freestanding sign with a new freestanding sign on the Property.
- G. The proposed variance would permit a wall sign on the existing gas canopy in lieu of a freestanding sign. The Electronic Variable Message Signs dimensions and location are shown on an exhibit entitled "Canopy Pricer," drawn by Triumph Signs and Consulting, dated July 18, 2024.

Conclusions of Law – Approval of Variance:

1. The proposed variance is a reasonable deviation from the electronic variable message sign requirements. The strict application of the sign requirements would unreasonably limit the property owner's ability to replace their electronic variable message sign. The need for the variance is not shared generally by other properties.
2. The application meets the requirements of Virginia Code §15.2-2309 in that (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties; (iii) the condition or situation of the property is not of so general or recurring nature as to make reasonably practical the formulation of a general regulation to be adopted; (iv) the granting of the variance does not result in a use that is not otherwise permitted on the property or a change in zoning classification of the property; and (v) the relief sought by the application is not available through the special exception process or the process for amending the zoning ordinance.
3. Although Virginia Code §15.2-2309 permits the expiration of a variance granted to provide a reasonable modification to a property requested by, or on behalf of, a

person with a disability, the expiration of the requested variance is not feasible and this variance is granted without expiration.

Therefore, the Fredericksburg Board of Zoning Appeals approves the requested variance, with the following conditions:

1. The electronic variable message sign shall be in substantial conformance with the site plan GPM #50 and Canopy Pricer exhibits.
2. The electronic variable message sign shall be used consistently with the other requirements of City Code §72-59.5.A, including but not limited to the restrictions on changes in display.
3. The electronic variable message sign shall be removed upon approval to construct any freestanding sign on the property.

Fredericksburg Board of Zoning Appeals

By: _____
_____, Chair

Date: _____

July 18, 2024

VARIANCE REQUEST NARRATIVE

Zoning Administrator,

Please see response below to the BZA Variance Request review comments in relation to the property at 501 A Emancipation Highway. The property is currently operating as a Fas Mart convenience store/Valero gas station.

A variance is requested to modify **72-59.5.A(2)** of the Unified Development Ordinance to permit the construction of a **wall mounted digital display**, which shall be setback **14.9** feet from the property line and shall be **15" x 36"** in size as shown on **the submitted Valero Canopy Pricer art rendering**.

Our customer is seeking a variance for a digital wall mounted price sign as the existing freestanding monument price sign is being removed due to the VDOT construction plans. Per the additionally provided narrative calling out the hardships, the existing monument sign will not be able to be relocated on the existing property due the new VDOT easements and the City's setback requirement for signage. See the hardship narrative for more details.

The owner of the property would like to proceed with relocating their price sign display on the gas station canopy. This is the easiest solution to give the gas station the allowed gasoline sales electronic price display.

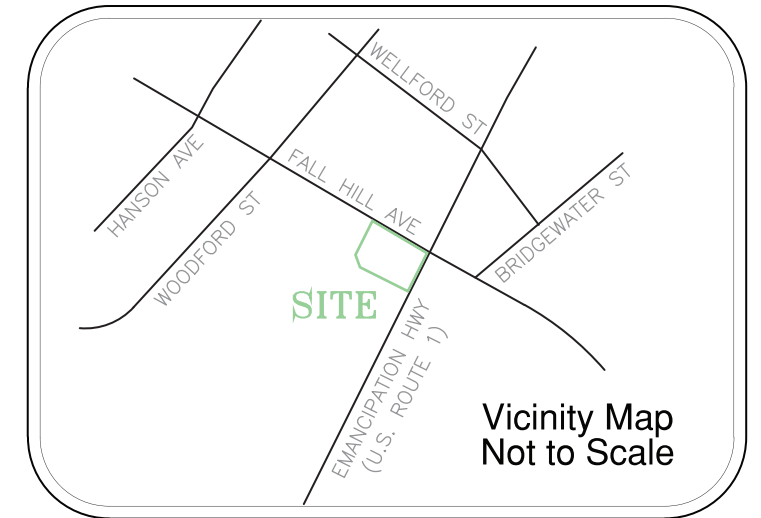
See provided artwork for the details of the proposed sign. This shows dimensions, square footage, clearance and location. The site plan shows the setback distance.

Thanks

James Slaymon
Triumph Signs and Consulting
480 Milford Pkwy
Milford, OK. 45150
317-403-6547
jslaymon@triumphsigns.com

HARDSHIPS FOR RELOCATING MONUMENT SIGN

- *The monument sign is 10ft tall and would require a minimum 5' setback from the ROW/property line.
- *The 5' setback rules out a vast majority of the landscaped/grassy areas.
- *The land along Falls Hill Ave is not wide enough to relocate the monument to, due to the signs 10' width. The widest spot along that strip behind the setback is around 3' wide from setback to the curb.
- *The landscaped/grassy area where the sign was originally installed is no longer valid as the VDOT notice the property owner received states "the area encumbered by the proposed Permanent Drainage Easement is restrictive since the surface area must remain free and clear of any obstruction". The notice also states the same for the Permanent Signal Easement and the Permanent VDOT Utility Easement.
- *A VDOT official suggested we could relocate the sign to any of these easements if we like, but stated any future work the City or VDOT would need to do in the area could require the sign to be removed. Obviously, not something the Owner would want to have to do again.
- *The landscaped area between the entrances along Emancipation Highway is also not a viable option. The setback requirement rules out approximately 90% of that area immediately. The area of land between the setback and the curb is between 4'-5'.
- *There are several tree/bushes, a flagpole, vent pipes for the gas tanks, a protective horseshoe bollard, and a historical marker all in the area in all could factor into installing in this area.
- *A recent site visit determined that the best possible relocation spot for the monument sign would require a tree and a light pole to be removed.



ZONING DATA

ZONING ITEM	REQUIRED	PARKING REQUIREMENTS
ZONING DESIGNATION	"CH"	FOR CONVENIENCE STORE (WITH GASOLINE SALES) USES, ONE (1) PARKING SPACE IS REQUIRED PER EVERY 250 SF OF FLOOR AREA. AS SUCH, NINE (9) PARKING SPACES ARE REQUIRED AT THE PROPERTY
MINIMUM LOT AREA (SQ.FT.)	20,000 SF	
MAX FLOOR AREA RATIO	0.7	
MAX BUILDING HEIGHT	40'	
BUILDING SETBACKS		
FRONT	25'	
SIDE	15'	
REAR	20'	
NOTES: "CH" – COMMERCIAL HIGHWAY		CONTACT: AEI CONSULTANTS REPORT DATE: 02/07/2022 REPORT #: 454729

LEGAL DESCRIPTION

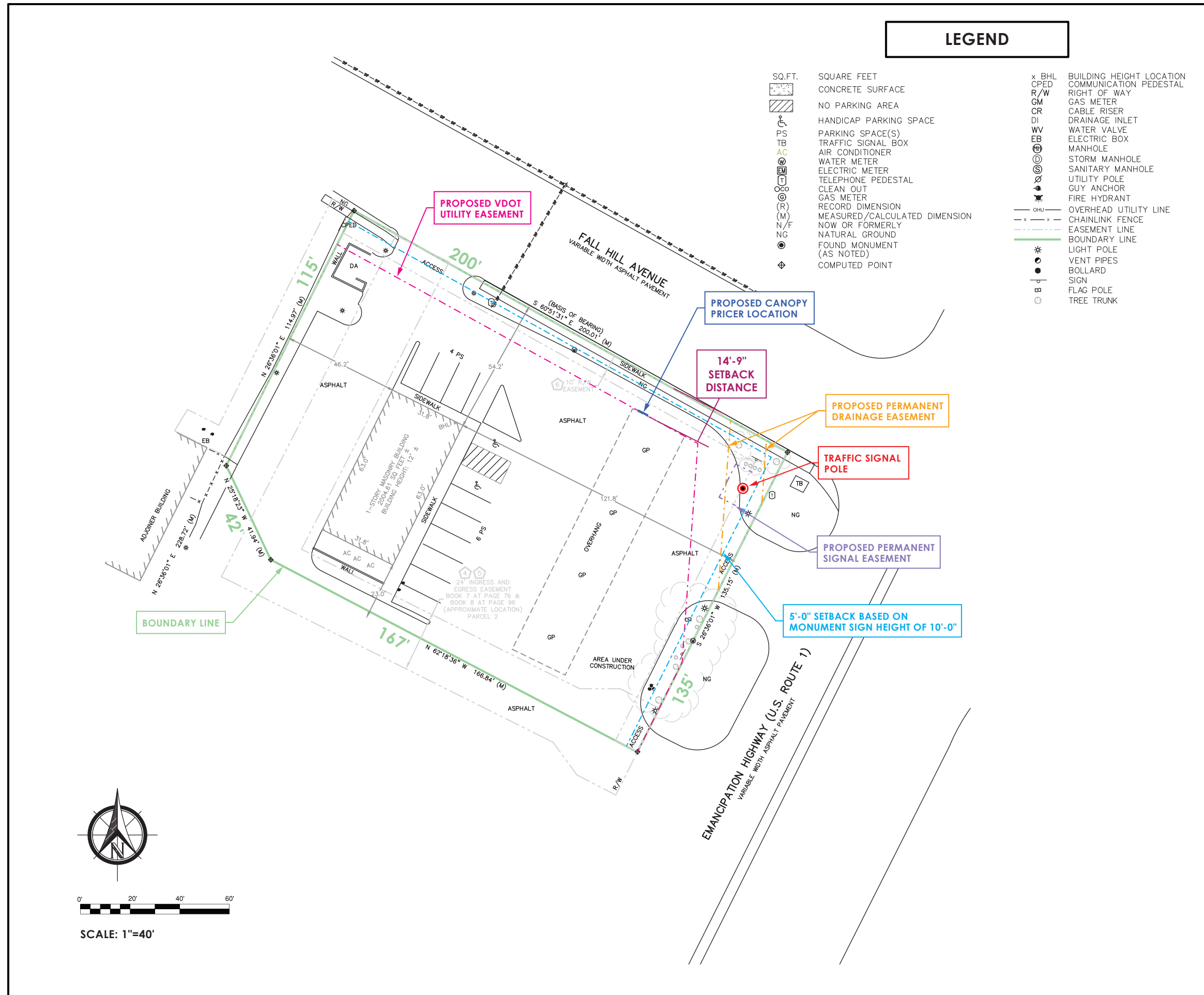
All that certain lot or parcel of land together with all improvements thereon located and being in the City of Fredericksburg, VA and being more particularly described as follows:

PARCEL 1:

All that certain lot, piece or parcel of land, situate, lying and being in the City of Fredericksburg, Virginia, containing 0.622 acres, more or less, and known, numbered and designated as Parcel A-R, as shown on subdivision plat entitled "Property Line Adjustment Plat of Parcel A and Parcel B at the Inx of U Avenue," made by Darrell M. Caldwell, Reid, Bagby & Caldwell, P.C., dated August 1996, and recorded in the Clerk's Office of the Circuit Court of the City of Fredericksburg, Virginia, in Plat Book 8 at Page 96.

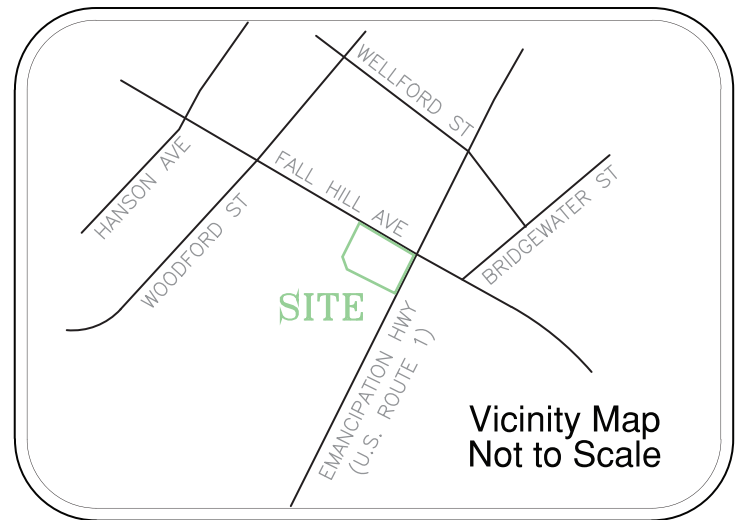
LAND AREA	PARKING
27094± SQUARE FEET 0.622± ACRES	REGULAR= 10 HANDICAP= 2 TOTAL= 12

SCALE: 1"=40'	GPM #50 501 EMANCIPATION HIGHWAY, FREDERICKSBURG, VA 22401
DRAWN BY: RB	
1	MISC



LEGEND

- SQ.FT. SQUARE FEET
- [Pattern] CONCRETE SURFACE
- [Pattern] NO PARKING AREA
- [Symbol] HANDICAP PARKING SPACE
- PS PARKING SPACE(S)
- TB TRAFFIC SIGNAL BOX
- AC AIR CONDITIONER
- [Symbol] WATER METER
- [Symbol] ELECTRIC METER
- [Symbol] TELEPHONE PEDESTAL
- [Symbol] CLEAN OUT
- [Symbol] GAS METER
- [Symbol] RECORD DIMENSION
- [Symbol] MEASURED/CALCULATED DIMENSION
- [Symbol] NOW OR FORMERLY
- [Symbol] NATURAL GROUND
- [Symbol] FOUND MONUMENT (AS NOTED)
- [Symbol] COMPUTED POINT
- x BHL BUILDING HEIGHT LOCATION
- CPED COMMUNICATION PEDESTAL
- R/W RIGHT OF WAY
- GM GAS METER
- CR CABLE RISER
- DI DRAINAGE INLET
- WV WATER VALVE
- EB ELECTRIC BOX
- [Symbol] MANHOLE
- [Symbol] STORM MANHOLE
- [Symbol] SANITARY MANHOLE
- [Symbol] UTILITY POLE
- [Symbol] GUY ANCHOR
- [Symbol] FIRE HYDRANT
- OHU OVERHEAD UTILITY LINE
- x- CHAINLINK FENCE
- - - EASEMENT LINE
- [Symbol] BOUNDARY LINE
- * LIGHT POLE
- VENT PIPES
- BOLLARD
- SIGN
- FLAG POLE
- TREE TRUNK



ZONING DATA

ZONING ITEM	REQUIRED	PARKING REQUIREMENTS
ZONING DESIGNATION	"CH"	FOR CONVENIENCE STORE (WITH GASOLINE SALES) USES, ONE (1) PARKING SPACE IS REQUIRED PER EVERY 250 SF OF FLOOR AREA. AS SUCH, NINE (9) PARKING SPACES ARE REQUIRED AT THE PROPERTY
MINIMUM LOT AREA (SQ.FT.)	20,000 SF	
MAX FLOOR AREA RATIO	0.7	
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BUILDING SETBACKS		
FRONT	25'	
SIDE	15'	
REAR	20'	
NOTES: "CH" – COMMERCIAL HIGHWAY		CONTACT: AEI CONSULTANTS REPORT DATE: 02/07/2022 REPORT #: 454729

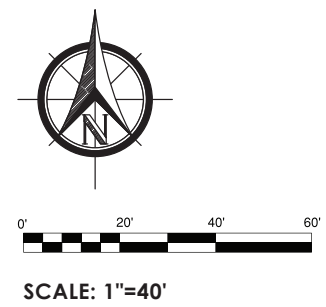
LEGAL DESCRIPTION

All that certain lot or parcel of land together with all improvements thereon located and being in the City of Fredericksburg, VA and being more particularly described as follows:

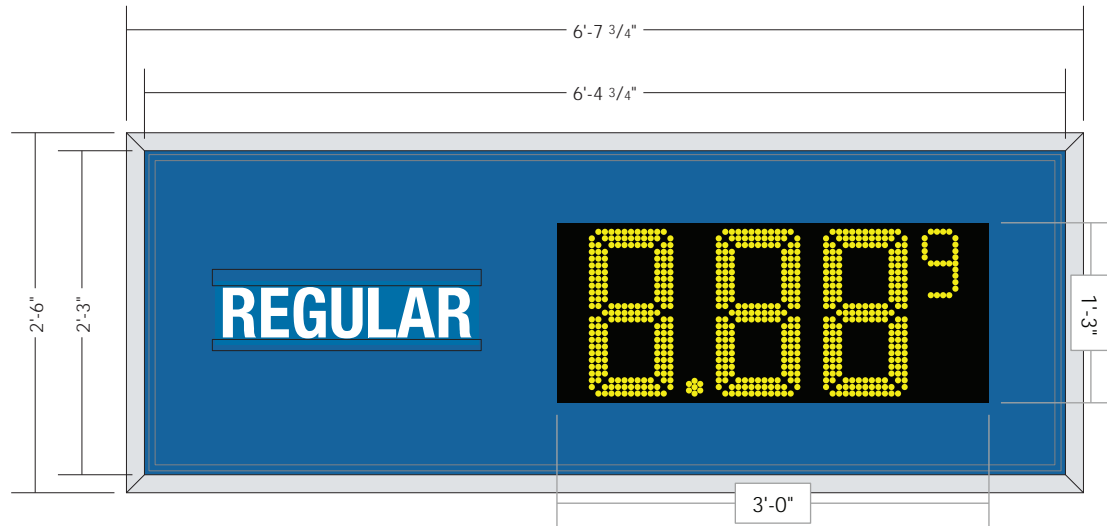
PARCEL 1:
All that certain lot, piece or parcel of land, situate, lying and being in the City of Fredericksburg, Virginia, containing 0.622 acres, more or less, and known, numbered and designated as Parcel A-R, as shown on subdivision plat entitled "Property Line Adjustment Plat of Parcel A and Parcel B at the Inx of U Avenue," made by Darrell M. Caldwell, Reid, Bagby & Caldwell, P.C., dated August 1996, and recorded in the Clerk's Office of the Circuit Court of the City of Fredericksburg, Virginia, in Plat Book 8 at Page 96.

LAND AREA	PARKING
27094± SQUARE FEET 0.622± ACRES	REGULAR= 10 HANDICAP= 2 TOTAL= 12

SCALE: 1"=40'	GPM #50 501 EMANCIPATION HIGHWAY, FREDERICKSBURG, VA 22401
DRAWN BY: RB	
1	SITE PLAN



NOTE: The proposed sign shall be compliant with the following Articles: 72-58.2B, 72-58.2D, 72-59.5.A(3)(b) & 72-59.5.A(4-6)



EXISTING



PROPOSED

(1) SINGLE-FACE PRICER SIGN

SCALE: 3/4"=1' | 16.6 SQ. FT.

- CABINET SIZE: 2'-6"H x 6'-7 3/4"W x 6"D
- CABINET TO BE PAINTED VALERO LIGHT GRAY.
- FACE CUT SIZE: 2'-5 3/4"H x 6'-7 1/2"W
- V.O.: 2'-3"H x 6'-4 3/4"W
- PAN-FORMED FACE
- DIGIT TYPE: LUMIDIGIT 4E (PAN FACE), AMBER 14", RIGHT
- GRADE PLACARD: 5.2845"H x 21.9857"W
- COMPLETED SIGN MOUNTED TO CANOPY AS SHOWN.
- (2) 120V 20 AMP CIRCUITS REQUIRED.
- LED INTERNALLY ILLUMINATED.
- QTY. (1)



480 Milford Parkway • Milford, OH 45150
Phone 513-574-8090 • Fax 513-574-8095

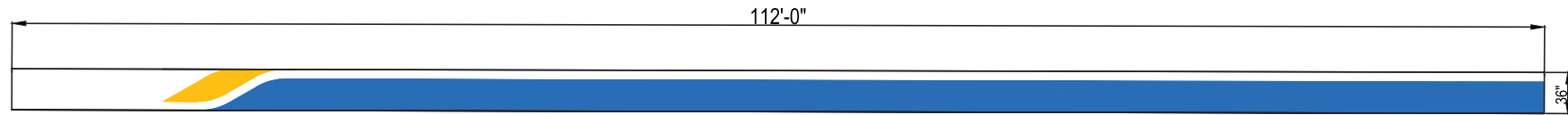
START DATE:	REVISION DATES:		
5-21-24	1. 7-17-24	3. 7-29-24	5. _____
	2. 7-18-24	4. 8-2-24	6. _____

Canopy Pricer

GPM #50
501 Emancipation Highway
Fredericksburg, VA 22401

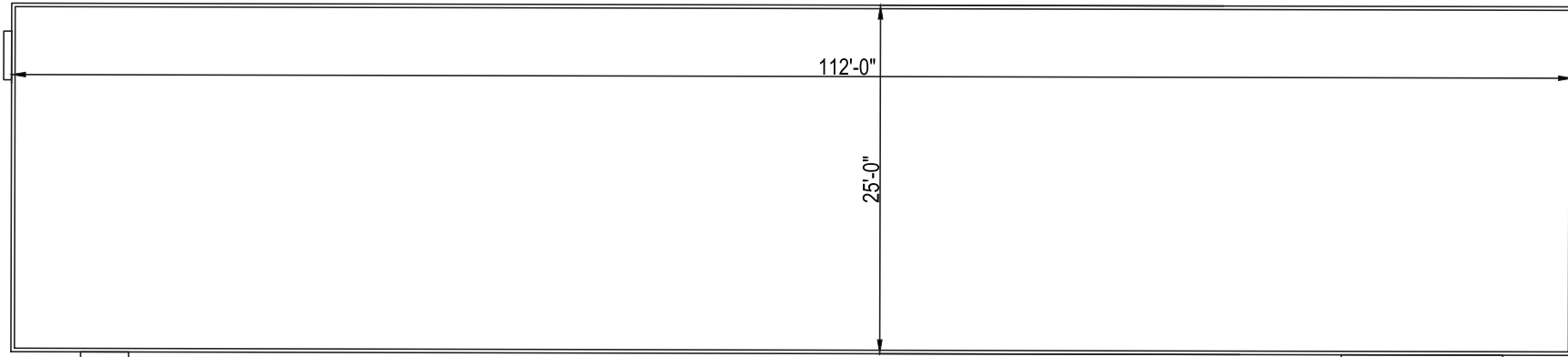
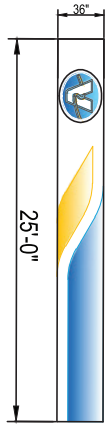
SALES: TJ MANAGER: JPS DESIGN: IM
APPROVED BY: _____ DATE: _____

SIDE A

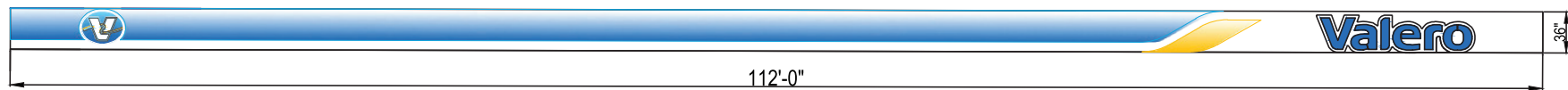


PROPOSED LOCATION
OF DIGITAL DISPLAY
ON EXISTING CABINET

SIDE B



SIDE D



SIDE C

FREDERICKSBURG, VA 3357 - 36" RADIUS FASCIA CANOPY-SCHEMATIC
112'-0" L x 25'-0" W x 36" H



480 Milford Parkway • Milford, OH 45150
Phone 513-574-8090 • Fax 513-574-8095

START DATE: 5-21-24	1. 7-17-24	3. 8-2-24	5. _____
	2. 7-18-24	4. _____	6. _____

REVISION DATES:

Canopy Pricer

GPM #50
501 Emancipation Highway
Fredericksburg, VA 22401

SALES: TJ MANAGER: JPS DESIGN: IM

APPROVED BY: _____ DATE: _____

Sign Documentation Exhibit

Name and Address of Business	Fas Mart/Valero, 501A Emancipation Hwy
Updated:	8/1/24

Part 1 - Building Signage Summary

Tenants (List name and address of each)	Square Feet of Signs				Total Sign Area
	North Side	South Side	East Side	West Side	
Valero Logo - 501A Emancipation Hwy	9.6	0	0	0	9.6
Valero Logo - 501A Emancipation Hwy	0	9.6	0	0	9.6
Valero Logo - 501A Emancipation Hwy	0	0	9.6	0	9.6
Valero Wordmark - 501A Emancipation Hwy	0	0	32	0	32
Valero Ground Sign - 501A Emancipation Hwy	50.8	0	0	0	50.8
Fas Mart Building Sign - 501A Emancipation Hwy	0	0	20	0	20
Existing Signage Total	60.4	9.6	61.6	0	131.6

B. Existing Signage To Be Removed

Tenants (List name and address of each)	North Side	South Side	East Side	West Side	Total Sign Area
Valero Ground Sign - 501A Emancipation Hwy	50.8	0	0	0	50.8
Existing Signage to Be Removed Total	50.8	0	0	0	50.8

C. Proposed Signage

Tenants (List name and address of each)	North Side	South Side	East Side	West Side	Total Sign Area
Valero Pricer - 501A Emancipation Hwy	16.6	0	0	0	16.6
Proposed Signage Total	16.6	0	0	0	16.6

D. Total Building Signage after Changes

	North Side	South Side	East Side	West Side	Total Sign Area
Total Building Signage After Changes	26.2	9.6	61.6	0	97.4

Part 2 - Proposed Individual Signage Summary

A. Proposed Building Sign Dimensions	Length (inches)	Width (Inches)	Individual Sign Size (Square Feet)	# of Signs	Total Sign Area (Square Feet)
Valero Pricer - 501A Emancipation Hwy	79.75	30	16.61458333	1	16.61458333
	0	0	0	0	0
			0		0
Total			16.61458333	1	16.61458333

B. Proposed Freestanding Sign Dimensions	Length (inches)	Width (Inches)	Individual Sign Size (Square Feet)	# of Signs	Total Sign Area (Square Feet)
N/A	0	0	0	0	0
			0		0
Total			0	0	0

Tips:

Part 1.

1. Work with property owner to obtain all existing sign measurements for existing signs on multi-tenant buildings.
2. Changes to existing signs, including face replacements, are considered as "removed" and then "proposed".
3. The information in Part 1C. Proposed Signage should match Part 2A Proposed Building Sign Dimensions Totals.
4. Add new lines, as needed. Be sure to double check formulas.

Part 2.

1. To complete Part 2 - Use the Sign Designations (example Sign A) to correspond with sign locations shown on building and site location details.
2. Add new lines, as needed. Be sure to check formulas.
3. The information in Part 1C. Proposed Signage Total should match Part 2A Proposed Building Sign Dimensions Total.