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Via Hand Delivery

Rachel Hudson
Zoning Administrator, Stafford County
P.O. Box 339
Stafford, Virginia 22555-0339

Re: Request for Interpretation of Section 28-273 of the Stafford County Zoning Ordinance; Tax Map 30, Parcel 64

Dear Rachel:

Please consider this a request for an interpretation of Section 28-272 (a) of the Stafford County Zoning Ordinance as it pertains to the attached plans to convert the present structure on Parcel 30-64 (formerly the Cedar Post Restaurant) to an office. My client, Mr. Anthony Williams, plans to utilize the refurbished structure as his law office. The code section states as follows:

(a) A nonconforming building or structure, except for general advertising signs which are subject to Section 33.1-370.2 of the Code of Virginia (1950), as amended, shall conform to current zoning regulations whenever the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Virginia Uniform Building Code. The owner of a single family residential structure may enlarge or alter the structure including any proposed increase in square footage, provided that structure shall not further encroach into the nonconforming area except as provided in this section. Under all other situations, an applicant will be required to apply to the

BZA for a variance; however, any building or structure may be altered to decrease its nonconformity without the requirement for a special exception or variance.

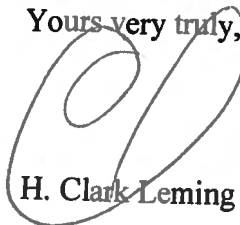
My reading of this section is that when a building or structure is enlarged or structurally altered, it must conform with the current zoning regulations. The owners of a single family home can apply to the Board of Zoning Appeals (BZA) for a Special Exception under certain circumstances. Under other circumstances a variance may be required if one can be obtained from the BZA. The exception cited by the ordinance states that a special exception or variance is not required **if a building or structure is altered so as to decrease the nonconformity.**

Five plats are attached to this letter, the first showing the structure as is and the next four each showing a reduction in the floor area of the present structure. Mr. Williams has not decided which plan to effect at this point and is looking at the cost of removing each of the four portions shown. To my knowledge the only present nonconformity is the setback from Courthouse Road. The ordinance requires forty feet and the structure is only two feet from the street.

In my view each of the plans presented reduces the present nonconformity, some to a greater extent than the others. In each case the overall square footage is reduced; thus there is no enlargement. Further the amount of the structure within the setback is reduced and so less of the building is nonconforming.

Would you please advise as to whether you concur with my reading of the ordinance. If so, I assume that any of the four options shown would be permissible. Please also advise as to whether you are aware of any other provision of the Zoning Ordinance that would serve as an impediment to the implementation of any of these plans.

Yours very truly,

A handwritten signature in black ink, appearing to be 'H. Clark Leming', written over a circular stamp or seal.

H. Clark Leming

Enclosure

cc: Anthony Williams, Esq.