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October 19, 2010

H. Clark Leming, Esq.

Leming & Healy P.C.

P. O. Box 445

Garrisonville, Virginia 22463

Subject: Zoning Administrator Determination

Application 1000234 – Interpretation of Section 28-273, Stafford County Code

Tax Map 30 Parcel 64

Dear Mr. Leming:

This letter is in response to a Zoning Administrator Determination request submitted by you dated August 19, 2010 on behalf of your client, Cedar Post Enterprises, LLC. Your request is for an interpretation of Stafford County Code, Section 28-273, "Nonconforming Structures", specifically the language in Section 28-273(a), "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".

The code does not require a special exception or a variance to decrease nonconformity; although it states "a nonconforming building or structure shall conform to current zoning regulations whenever the building or structure is structurally altered as provided in the Virginia Uniform Statewide Building Code". Until an architectural concept is proposed I would not know if this existing nonconforming building would be structurally altered.

This determination may be appealed to the Board of Zoning Appeals within thirty (30) days of this decision, in accordance with 15.2-2311 of the Code of Virginia, or this decision shall be final and unappealable.

Sincerely,

Rachel T. Hudson

Zoning Administrator

Cc: Anthony Romanello, County Administrator
Mike Neuhard, Deputy County Administrator
Joseph Howard, County Attorney
Jeff Harvey, Director of Planning & Zoning
Cedar Post Enterprises, LLC

