

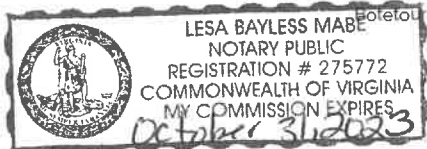
1. April 2023 Board Of Zoning Appeals Information Package
Application for upcoming public hearing.

Documents:

[BZA_VAR-23-00056 NEW HOPE VAR APP.PDF](#)



Variance Request		
I/We request a variance(s) to Section 25- <u>126</u> of the Botetourt County Zoning Ordinance.		
Property Information (USE LIMITATIONS)		
Physical Address: <u>37,66 ± 71 LOVE VIEW LN</u>	City: <u>ROANOKE VA</u>	Zip: <u>24012</u>
Tax Map Number: <u>108-72A</u>	Acreage: <u>2.9</u>	Zoning: <u>R-1</u>
Magisterial District: <u>BLUE RIDGE</u>		
Instrument Number of Deed Book/Page #: <u>090000703</u>		
This property contains conditions from the Board of Supervisors: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
This property has a previously approved variance from the Board of Zoning Appeals: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Owner Information		
Name: <u>NEW HOPE BAPTIST CHURCH</u>	Phone #:	
Mailing Address: <u>2315 BLUE RIDGE BLVD ROANOKE VA 24012</u>	Email:	
Applicant Information (if different from above)		
Name: <u>PASTOR DAVID MCNEILL</u>	Phone # <u>540-769-7484</u>	
Mailing Address: <u>SAME</u>	Email: <u>KNDMCNEILL@GMAIL.COM</u>	
Representative Information (if different from above)		
Name:	Phone #	
Mailing Address:	Email:	
Property Owner Statement & Notarized Signatures		
I/We, <u>David McNeill</u> am/are the current property owner(s) and have read the above-referenced information and understand the submission requirements. By signing below, signature(s) indicate consent for county officials to conduct site reviews on this property. I/we further understand that incomplete applications will result in a delay in the process.		
<u>David McNeill</u> Signature and printed name of property owners		<u>2/27/2023</u> Date
_____ Signature and printed name of property owners		_____ Date
State of Virginia County of Botetourt to Wit:		
The foregoing instrument was acknowledged before me this <u>27</u> day of <u>Feb</u> <u>2023</u> by <u>David McNeill</u> Printed name of property owners		
My commission expires: <u>October 31, 2023</u> Date		
<u>Lesla Bayless Mabe 275772</u> Notary Public printed name and registration number		<u>Lesla Bayless Mabe</u> Notary Public signature



Zoning Variance Application

Community Development | Planning & Zoning Division
57 S. Center Drive, Daleville, VA 24083
P: 540.928.2080
E: planning@botetourtva.gov



The following questions are intended to help the applicant show that a variance is appropriate. Please provide a statement of justification which addresses each of the following questions.

1. How does the zoning ordinance unreasonably restrict the use of this property?
2. What hardship would the requested variance alleviate? Are there physical conditions that make the variance necessary? Were those physical conditions present when 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 a disability? If so, describe what modification is needed and why.
4. If there is a hardship, was it created by the applicant?
5. What physical conditions of the property make the variance necessary?
6. Is the condition or situation unique to this property, or is it common among other property in the area?
7. Would the variance have a negative effect on other property in the area?

Zoning Variance Application

Community Development | Planning & Zoning Division
57 S. Center Drive, Daleville, VA 24083
P: 540.928.2080
E: planning@botetourtva.gov



What is a Zoning Variance?

A variance is a deviation from the requirements of the zoning ordinance. Applications for variances are reviewed by the Board of Zoning Appeals (BZA), a body of five citizens appointed by the Circuit Court. The BZA may grant a variance if it finds that, because of some physical characteristic of the property or the buildings or structures on it, the strict application of the zoning ordinance would unreasonably restrict the use of the property, or that granting a variance would alleviate a hardship.

How does the BZA evaluate a request for variance?

The BZA will consider the below criteria when determining if the zoning ordinance unreasonably restricts the use of the property:

- A. 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;
- B. The granting of the variance would not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- C. 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;
- D. 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
- E. The relief or remedy sought by the variance application is not available through a special exception permit.

What is the application process?

Step 1: Initial submittal requirements/checklist

Once an application is submitted, Staff will review for completeness. An application must be complete before it is officially accepted. If an application is deemed incomplete, a letter specifying the deficiencies will be emailed to the property owner or designated agent. The following elements constitute a complete application:

- Payment in the amount of \$150.⁰⁰ payable to the Treasurer of Botetourt County.
- A copy of the recorded deed to the property, indicating the current, legal ownership.
- One hardcopy of a certified plat prepared by a licensed land surveyor, which includes the layout and location of all existing structures, any proposed structures and the setbacks from all property lines (front, sides and rear).
- Include photographs of the property (with property identification, and vantage point from which the photos were taken).
- The variance application, including a statement of justification, must be filled out completely, signed and notarized by the owner of the subject property.

Step 2: Final submittal requirements/checklist

- If staff requires revisions, resubmit the application for review. If no revisions are required, submit the final variance application, certified plat, photos and any other supporting documentation. They must be assembled into two (2) separate hardcopies; one (1) digital PDF is also required.

Step 3: Notification process

After the complete application and supporting documents have been submitted to the Zoning Administrator, these steps will be followed by the Planning and Zoning Department:

Zoning Variance Application

Community Development | Planning & Zoning Division
57 S. Center Drive, Daleville, VA 24083
P: 540.928.2080
E: planning@botetourtva.gov



- A. The Board of Zoning Appeals public hearing will be scheduled. Applicants will be notified of the date, time and location.
- B. Notice shall be given of the public hearing in accordance with the requirement of the Code of Virginia (Title 15.2-2204). A legal advertisement will be prepared and submitted to The Fincastle Herald to run for two (2) consecutive weeks prior to the public hearing.
- C. Adjacent property owners and the applicant shall be notified in writing via certified mail as to the date, time and location of the public hearing. **The applicant will pay all costs associated with certified mail notification to adjacent property owners. An invoice will be sent to the applicant following the mailing of the certified letters.**

Step 4: Public hearing

- A. The Board of Zoning Appeals shall hold a public hearing, which meets on the second Tuesday of the month. The applicant and/or his/her representative **must appear** at this meeting.
- B. During the public hearing, staff will present the application and take questions from the Board of Zoning Appeals
- C. The applicant will then present their request, and answer questions from the Board of Zoning Appeals. The owner/applicant may be accompanied by legal or other representatives, such as an engineer, architect or surveyor.
- D. The public hearing is then opened to receive any public comments. Adjacent property owners and all other interested parties may appear in person and present their views/opinions or may submit written comments via phone, mail, or email.
- E. Afterwards, the public hearing will be closed. The Board of Zoning Appeals may discuss the application, then approve, deny, or partially approve a variance request.
- F. Upon denial of any application filed, no subsequent application concerning any or all of the same property shall be filed in less than twelve (12) months from the time of the denial by the Board of Zoning Appeals. [§25-551(f)]

Step 5: Letter of Decision.

- A. Following the public hearing, a Board of Zoning Appeals decision letter will be mailed to the property owner/applicant containing the final decision. The letter will be mailed to the address shown on the application.

000159

0900703

BOTETOURT COUNTY TAX MAP NO. 108-72A
CONSIDERATION: \$280,000.00
TITLE COMPANY: Investors Title Ins. Co.

THIS DEED, made and entered into this 4th day of February, 2009 by and between Thomas E. ZURINSKAS and Bonnie H. ZURINSKAS, as Trustees of the Thomas E. Zurinkas and Bonnie H. H. Zurinkas Revocable Trust under Agreement dated February 20, 2004, Grantors, parties of the first part, and NEW HOPE BAPTIST CHURCH through its Trustees, namely Troy Leon SMITH, Tommy MILLER, and Vernon MILLER, Grantee, party of the second part;

W I T N E S S E T H:

THAT FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00) cash in hand paid by the party of the second part to the parties of the first part, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties of the first part do hereby GRANT, BARGAIN, SELL and CONVEY, with Covenants of Special Warranty of Title, unto New Hope Baptist Church through its Trustees, namely Troy Leon Smith, Tommy Miller and Vernon Miller, all that certain tract or parcel of land lying and being situate in the County of Botetourt, State of Virginia, and more particularly described as follows, to-wit:

Prepared by &
return to:

C & O Real Estate
Law Firm, PLLC
Attorneys at Law
1881 Peachtree Road, NW
P. O. Box 13286
Atlanta, VA. 30316
(404) 942-6234

000160

See Attached Exhibit "A"

This conveyance is made subject to all easements, restrictions, and conditions of record affecting the hereinabove described property

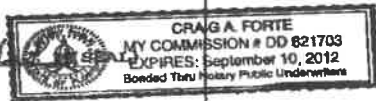
WITNESS the following signatures and seals:

THE THOMAS E. ZURINSKAS AND BONNIE REVOCABLE TRUST UNDER AGREEMENT DATED FEBRUARY 20, 2004

By: *[Signature]*
Thomas E. Zurinkas, Trustee



By: *[Signature]*
Bonnie H. Zurinkas, Trustee



STATE OF Florida
COUNTY OF Palm Beach, TO-WIT:

The foregoing instrument was acknowledged before me this 7 day of Feb, 2009, by Thomas E. Zurinkas and Bonnie H. Zurinkas, as Trustees of the Thomas E. Zurinkas and Bonnie H. Zurinkas Revocable Trust Under Agreement dated February 20, 2004.

My commission expires: 09/10/2012
[Signature]
Notary Public



C & O Real Estate
Law Firm, PLLC
Attorneys at Law
1401 Palm Beach Blvd, SW
P. O. Box 1220
Beverly Hills, VA 22815
(540) 922-8226

000:151

EXHIBIT "A"
SITUATE IN THE COUNTY OF BOTETOURT, STATE OF VIRGINIA:

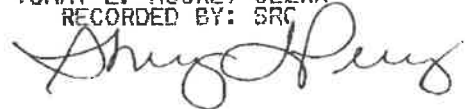
BEGINNING at a point at the Northwest intersection of U. S. Route 460 and Knoll Drive, corner (1) on the hereinafter described plat; thence with the Northeasterly line of Knoll Drive, N. 49 deg. 22' 30" W. 270.67 ft. to a pin set at corner (2); thence with the Southeasterly line of Knollwood, Block 2, Section 2, N. 30 deg. 15' 36" E. 574.62 ft. to a pin set; thence S. 56 deg. 14' 07" E. 99.06 ft. to an axle set; thence S. 20 deg. 07' 09" W. 303.06 ft. to a pin set; thence S. 71 deg. 50' 23" E. 163.56 ft. to a pin set on the Northwest right-of-way of U. S. Route 460, thence with the Northwest right-of-way of U. S. Route 460, S. 38 deg. 25' 10" W. 357.90 ft. to Corner (1), the point and place of BEGINNING and Being New Parcel "A", containing 2.900 acres, as shown on Subdivision for Evelyn U. Murray, made by T. P. Parker & Son, Engineers-Surveyors-Planners, dated May 8, 1990, and a copy of which is recorded in Plat Book 13, page 134.

BEING the same property conveyed unto Thomas E. Zurinskas and Bonnie H. Zurinskas, as Trustees of the Thomas E. Zurinskas and Bonnie H. Zurinskas Revocable Trust under Agreement dated February 20, 2004, by Deed dated September 4, 2004, from Thomas E. Zurinskas and Bonnie H. Zurinskas, husband and wife, and recorded in the Clerk's Office of the Circuit Court of the County of Botetourt, Virginia, as Inst. No. 050002237.

C & O Real Estate
Law Firm, PLLC
Attorneys at Law
1401 Franklin Road, SW
P. O. Box 12088
Roanoke, VA 24006
(800) 963-6004

INSTRUMENT #090000703
RECORDED IN THE CLERK'S OFFICE OF
BOTETOURT ON
FEBRUARY 11, 2009 AT 03:27PM
\$280.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$140.00 LOCAL: \$140.00

TOMMY L. MOORE, CLERK
RECORDED BY: SRC



ADMINISTRATIVE INFORMATION

PARCEL NUMBER
15112
Parent Parcel Number
Property Address
71 LOVE VIEW LN
Neighborhood
3000 BLUE RIDGE / 460 EAST
Property Class
2 2-Single Family Sub(.01-19.99)

OWNERSHIP

NEW HOPE BAPTIST CHURCH
2315 BLUE RIDGE BLVD
ROANOKE VA 24012
WELCHES RUN NEW PARCEL "A"

Tax ID 108-72A

Printed 2/13/2023

Card No. 1 of 1

TRANSFER OF OWNERSHIP

Date
02/11/2009 ZURINSKAS THOMAS E & BONNIE H TRUSTE \$280000
Doc #: 090000703
01/01/1999 Bk/Pg: 374, 3920 \$152000

RESIDENTIAL

VALUATION RECORD

TAXING DISTRICT INFORMATION
Jurisdiction 012
Area 001
District BLURDG

Assessment Year	01/01/2002	01/01/2006	01/01/2010	01/01/2011	01/01/2016	01/01/2020
Reason for Change						
2002 Reval	2006 REVAL	2010 REVAL	NC Compl	2016 REVAL	2020 REVAL	
VALUATION	L	43500	72500	72500	72500	72500
0	B	184800	275000	284300	287200	274100
	T	228300	347500	356800	359700	346600
						408300

Site Description

Topography:
Level
Public Utilities:
Electric, Sewer, Water
Street or Road:
Unpaved
Neighborhood:
Zoning:
R-1
Legal Acres:

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
Soil ID	Acreeage		--or--	Rate	Rate	Value	Factor	
--or--	Effective	Effective	Depth Factor					
Actual	Frontage	Depth	--or--					
Frontage			Square Feet					
1	Homesite	2.9000	1.00	25000.00	25000.00	72500		72500

DESC:
4 HOUSES ON SAME WELL
GOOD SITES
FR GAR HAS DIRT FLOOR
DWLS 1 & 4 HAVE NEW
REPLACEMENT WINDOWS
DWLS 1, 3 & 4 HAVE NEW ROOFS
NEW: NEW CONSTRUCTION
FIN INSP 9-21-10 ON BP 1892-REMOVE CONCRETE DECK
W/REPLACE W/10 X 10 DECK . ALREADY COVERED.

Supplemental Cards	Supplemental Cards
MEASURED ACREAGE	2.9000
TRUE TAX VALUE	72500
Supplemental Cards	
TOTAL LAND VALUE	72500

IMPROVEMENT DATA

15112

Property Class: 2
71 LOVE VIEW LN

PHYSICAL CHARACTERISTICS

Style: 135 Ranch
Occupancy: Single family
Story Height: 1.0
Finished Area: 910
Attic: None
Basement: Full

ROOFING

Material: Asphalt shingles
Type: Gable
Framing: Std for class
Pitch: Medium 5/12-8/12

FLOORING

Slab B
Sub and joists 1.0
Carpet 1.0

EXTERIOR COVER

Cinder block B
Vinyl siding 1.0

INTERIOR FINISH

Unfinished B
Drywall 1.0

ACCOMODATIONS

Finished Rooms: 4
Bedrooms: 2
Fireplaces:

HEATING AND AIR CONDITIONING

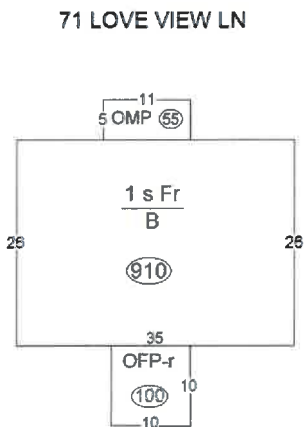
Primary Heat: Heat pump
Lower Full Part
/Bsmt 1 Upper Upper
Air Cond 0 910 0 0

PLUMBING

3 Fixt. Baths 1 3
Kit Sink 1 1
Water Heat 1 1
TOTAL 5

REMODELING AND MODERIZATION

Amount Date



Construction	Base Area	Floor	Finished Area Sq Ft
1 Wood frame	910	1.0	910
6 Concrete	910	Bsmt	0

SPECIAL FEATURES

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Stry Hgt	Const Type	Grade	Year Constr	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
D : FI	0	D	DWELL	0.00		C-10	1945	1945	AV	0.00	Y	0.00	0	94270	32	37	0	100	72500
SWL-PWS	5000	01	FR GARAG	0.00	1	C	2000	2000	F	0.00	N	12.00	19x20	4560	0	20	SV	100	3700

Data Collector/Date	Appraiser/Date	Neighborhood	Supplemental Cards	TOTAL IMPROVEMENT VALUE
KC 10/22/2018	JL 12/27/2018	Neigh AV		76200

IMPROVEMENT DATA

15112

Property Class: 2
71 LOVE VIEW LN

PHYSICAL CHARACTERISTICS

Style: 112 Conventional
Occupancy: Single family
Story Height: 1.0
Finished Area: 985
Attic: None
Basement: Full

ROOFING

Material: Asphalt shingles
Type: Gable
Framing: Std for class
Pitch: Medium 5/12-8/12

FLOORING

Slab B
Sub and joists 1.0
Hardwood-std oak 1.0
Carpet 1.0

EXTERIOR COVER

Cinder block B
Vinyl siding 1.0

INTERIOR FINISH

Unfinished B
Drywall 1.0

ACCOMODATIONS

Finished Rooms: 4
Bedrooms: 2
Fireplaces:

HEATING AND AIR CONDITIONING

Primary Heat: Heat pump
Lower Full Part
/Bsmt 1 Upper Upper
Air Cond 0 985 0 0

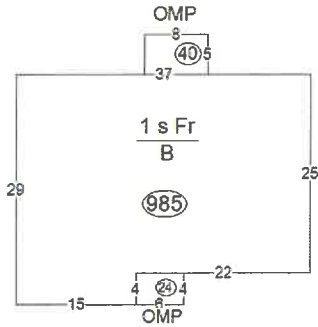
PLUMBING

3 Fixt. Baths 1 3
Kit Sink 1 1
Water Heat 1 1
TOTAL 5

REMODELING AND MODERIZATION

Amount Date

66 LOVE VIEW LN



Construction	Base Area	Floor	Finished Area Sq Ft
1 Wood frame	985	1.0	985
6 Concrete	985	Bsmt	0

SPECIAL FEATURES

Description	Value	ID	Use	Stry Hgt	Const Type	Grade	Year Constr	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
D : SWL-PWS	5000	D	DWELL	0.00	C-10		1983	1983	AV	0.00	Y	0.00	0	97870	13	20	0	100	95500

SUMMARY OF IMPROVEMENTS

Data Collector/Date	Appraiser/Date	Neighborhood	Supplemental Cards
KC 10/22/2018	JL 12/27/2018	Neigh AV	TOTAL IMPROVEMENT VALUE 95500

IMPROVEMENT DATA

15112

Property Class: 2
71 LOVE VIEW LN

PHYSICAL CHARACTERISTICS

Style: 135 Ranch
Occupancy: Single family
Story Height: 1.0
Finished Area: 918
Attic: None
Basement: Full

ROOFING
Material: Asphalt shingles
Type: Gable
Framing: Std for class
Pitch: Medium 5/12-8/12

FLOORING
Slab B
Sub and joists 1.0
Hardwood-std oak 1.0

EXTERIOR COVER
Cinder block B
Brick 1.0

INTERIOR FINISH
Unfinished B
Drywall 1.0

ACCOMODATIONS
Finished Rooms: 4
Bedrooms: 2
Fireplaces:

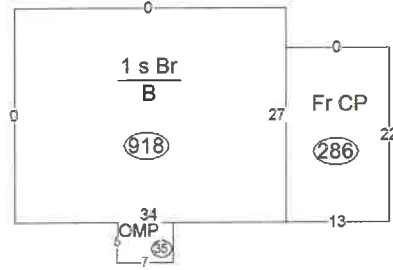
HEATING AND AIR CONDITIONING
Primary Heat: Heat pump
Lower Full Part
/Bsmt 1 Upper Upper
Air Cond 0 918 0 0

PLUMBING

3 Fixt. Baths 1 3
Kit Sink 1 1
Water Heat 1 1
TOTAL 5

REMODELING AND MODERIZATION
Amount Date

37 LOVE VIEW LN



Construction	Base Area	Floor	Finished Area Sq Ft
1 Wood frame	918	1.0	918
6 Concrete	918	Bsmt	0

SPECIAL FEATURES

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Stry Hgt	Const Type	Grade	Year Constr	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
D : SWL-PWS	5000	D	DWELL	0.00		C-10	1960	1960	AV	0.00	Y	0.00	0	99790	24	30	0	100	85200
G01			ICP	0.00	1				AV	16.00	N	16.00	13x 22	4580	0	0	0	100	0

Data Collector/Date	Appraiser/Date	Neighborhood	Supplemental Cards	TOTAL IMPROVEMENT VALUE	85200
KC 10/22/2018	JL 12/27/2018	Neigh AV			

IMPROVEMENT DATA

15112

Property Class: 2
71 LOVE VIEW LN

PHYSICAL CHARACTERISTICS

Style: 135 Ranch
Occupancy: Single family
Story Height: 1.0
Finished Area: 962
Attic: None
Basement: Full

ROOFING

Material: Asphalt shingles
Type: Gable
Framing: Std for class
Pitch: Medium 5/12-8/12

FLOORING

Slab B
Sub and joists 1.0
Carpet 1.0

EXTERIOR COVER

Cinder block B
Brick 1.0

INTERIOR FINISH

Unfinished B
Drywall 1.0

ACCOMODATIONS

Finished Rooms: 4
Bedrooms: 2
Fireplaces:

HEATING AND AIR CONDITIONING

Primary Heat: Heat pump
Lower Full Part
/Bsmt 1 Upper Upper
Air Cond 0 962 0 0

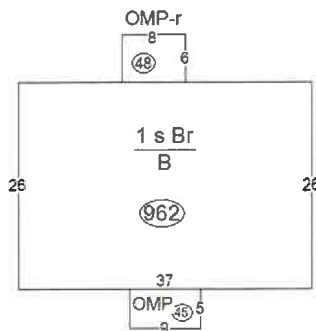
PLUMBING

	#
3 Fixt. Baths	1 3
Kit Sink	1 1
Water Heat	1 1
TOTAL	5

REMODELING AND MODERIZATION

Amount Date

107 LOVE VIEW LN



Construction	Base Area	Floor	Finished Area Sq Ft
1 Wood frame	962	1.0	962
6 Concrete	962	Bsmt	0

SPECIAL FEATURES

Description	Value	ID	Use	Sty Hgt	Const Type	Grade	Year Constr	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value	
D : FI	0	D	DWELL	0.00		C-10	1950	1950	AV	0.00	Y	0.00	0	99550	29	35	0	100	78900	
SWL-PWS	5000																			

SUMMARY OF IMPROVEMENTS

Data Collector/Date	Appraiser/Date	Neighborhood	Supplemental Cards	TOTAL IMPROVEMENT VALUE
KC 10/22/2018	JL 12/27/2018	Neigh AV		78900