

VIRGINIA: MINUTES OF THE REGULAR MEETING FOR THE DINWIDDIE COUNTY BOARD OF ZONING APPEALS HELD IN THE BOARD MEETING ROOM OF THE DINWIDDIE COUNTY GOVERNMENT CENTER BUILDING ON THE 19^H DAY OF NOVEMBER, 2025 AT 7:00 P.M.

PRESENT:	TRACY SHEETS	CHAIRMAN	DISTRICT #3
	LANCE EVERETT		DISTRICT #4
	WILLIAM SEAY		DISTRICT #5

ABSENT:	WILSON YAGER	VICE CHAIRMAN	DISTRICT #1
	DONNIE BOSTIC		DISTRICT #2

OTHERS:	MATTHEW CULBREATH	ASST. PLANNING DIRECTOR
	MICHAEL DREWRY	ASST. COUNTY ATTORNEY

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:06 p.m.

IN RE: ROLL CALL

The Chairman called the meeting to order and all members were present.

IN RE: APPROVAL OF AGENDA

The Chairman asked if there were any additions or corrections to the agenda. She said since there are none she would entertain a motion to accept the agenda as presented. Mr. Everett made a motion to accept the agenda as presented. Mr. Seay seconded it and with Mr. Everett, Mr. Seay, and Ms. Sheets voting “Aye” the agenda was accepted as presented.

IN RE: APPROVAL OF MINUTES

The Chairman said you have the minutes from the January 15, 2025 organizational and regular meeting before you. She asked if there were any corrections. She said since there are none she would entertain a motion to accept the minutes as presented. Mr. Everett made a motion to accept the minutes as presented. Mr. Seay seconded it and with Mr. Everett, Mr. Seay, and Ms. Sheets voting “Aye” the minutes were accepted as presented.

IN RE: CITIZEN COMMENTS

The Chairman opened the citizen comment period of the meeting and asked if anyone had signed up to speak. She said since there is no one she was closing the citizen comments portion of the meeting.

Staff Report
Board of Zoning Appeals
November 19, 2025

File:	V-25-1
Applicant:	Dione Fields
Property Location:	22181 Jordan Heights Dr. North Dinwiddie, VA 23803
Acreage:	0.46 acres
Tax Map Parcel:	33D-1-33
Current Zoning:	Residential, Limited, District R-1

SUMMARY OF CASE

The applicant, Dione Fields, is seeking a variance from Zoning Ordinance Section 22-116. – Setback, which requires structures in the Residential, Limited, District R-1 to be located 65 feet or more from the centerline of any street right-of-way. The grandfathered plat requires a 35 foot setback from the front property line. The applicants are requesting to reduce the building setback line by 15 feet to 20 feet from the front property line. The subject parcel is located on Jordan Heights Drive, North Dinwiddie, Virginia, and is designated as Tax Map Parcel 33D-1-33, which is currently zoned as Residential, Limited, District R-1.

ATTACHMENTS

The following are included:

- Application
- Location Map
- Original Plat
- Most Recent Survey

PURPOSE OF THE STANDARD

As described in Section 22-2 of the Dinwiddie County Zoning Ordinance, the regulations of the zoning ordinance are “for the purpose of promoting the health, safety and general welfare of the public.” These regulations are also a planning tool utilized by the County for improving the orderly development of land.

More specific to this application, Sec. 22-113., of the Zoning Ordinance states that “*Residential, limited, district R-1 is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district.*”

APPLICABLE CODE SECTIONS

The Code of Virginia provisions relevant to this variance request include:

Sec. 15.2-2201. Definitions

"Variance" means, in the application of a zoning ordinance, 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 when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Sec. 15.2-2309. Powers and duties of boards of zoning appeals.

Boards of zoning appeals shall have the following powers and duties:

2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

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 unreasonably restrict the utilization of the property or 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, or 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, and (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 for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) 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; (iv) 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 (v) 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 Dinwiddie County Code provisions relevant to this variance request include:

Sec. 22-116. - Setback.

Structures in residential, limited, district R-1 shall be located 65 feet or more from the centerline of any street right-of-way, except that signs may be erected up to the property line, however, such signs shall not block the view of traffic from a roadway. This shall be known as the "setback line."

CASE ANALYSIS

The applicants are seeking a variance from the front setback requirements of the R-1 District in order to construct a single-family dwelling on 22181 Jordan Heights Dr., Tax Map Parcel 33D-1-33. There is an active building permit to construct a single family dwelling that was approved and meets all applicable zoning requirements. The subject property is 0.46 acres. The R-1 District requires a minimum front setback of 65 feet from the centerline of Jordan Heights Dr. (Route 1102). However, the Lake Jordan Subdivision was subdivided under previous guidelines of the Dinwiddie County Zoning Ordinance that was amended in 2008. Under the previous ordinance that the Lake Jordan Subdivision was designed from, the front setback requirement was 35 feet from the front property line. Since Lake Jordan was designed under the previous ordinance, the front setback requirement of 35 feet is grandfathered. An attached plat shows the 35 foot front setback.

Due to the topography of the subject property and an existing 16' sewer easement, the applicant is requesting to reduce the minimum front setback by 15 feet to 20 feet from 35 feet. The topography from the front to the rear of the property drops 30 feet in elevation with approximately 20 feet of that elevation change being located where the sewer easement starts. The buildable area of the lot has approximately 10 feet of elevation change from front to back. A plat attached from 2024 describes an allowable building area that meets all zoning setbacks as approximately 4,488.49 square feet or approximately 0.103 acres. Additionally, staff consulted the Dinwiddie County Building Official who stated multiple homes on Lake Jordan Dr. were constructed with engineered footings to counteract the elevation change.

Strict application of the ordinance, or requiring the dwelling to comply with the grandfathered minimum setback of 35 feet would not prevent a dwelling from being constructed or restrict utilization of the property. The topography of the property and the sewer easement is a not physical hardship that prevents a dwelling from being constructed or restrict utilization of the property.

For case, V-25-1, staff recommends **DENIAL** of a variance of 15 feet from the front setback requirement for a proposed single-family dwelling, due to the topography of the property not restricting development, the existing sewer easement does not restrict development, and the plat showing an approximate building area of 4,488.49 square feet. Sec. 15.2-2309 of the Code of Virginia states that, 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 unreasonably restrict the utilization of the property or 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, and:

- (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 for the variance;”**

The applicant did not create the hardship as the topography on the rear of the property is naturally occurring and the sewer easement with infrastructure was in place before the property was purchased.

- (ii) **“the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;”**

There is no indication that the granting of the variance will be of any detriment to the adjacent property owners. The proposed dwelling will still comply with the minimum side yard setback of 15 feet with the total width of the two required side yards being 35 feet and rear yard setback of 35 feet, respectively.

- (iii) **“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;”**

The topography of the subject property and the existing sewer easement is generally shared and recurring with properties along Jordan Heights Drive. Adjacent and neighboring properties were able to develop in compliance with the zoning ordinance with these features present.

- (iv) **“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”**

Granting of the variance will not result in a use that is not permitted on the property nor change the R-1 zoning classification of the property.

- (v) **“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 A4 of § 15.2-2286 at the time of the filing of the variance application.”**

Relief is not available by a special exception process and a modification of the ordinance is not in progress at this time.

BOARD OF ZONING APPEALS ACTION

The final statement of action should be similar to the following. If a BZA member chooses to make this motion, it should be read aloud:

I move that the Board of Zoning Appeals adopts the following resolution:

WHEREAS, the Code of Virginia, specifically § 15.2-2309, states that the Board of Zoning Appeals shall grant a variance if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or 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, and:

- 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 for the variance;
- ii. the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- iii. 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;
- iv. 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
- v. 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 A4 of § 15.2-2286 at the time of the filing of the variance application; and

WHEREAS, the Board (FINDS AS TRUE or DOES NOT FIND AS TRUE) the factual statements and rationale set forth in the staff report,

BE IT THEREFORE RESOLVED THAT pursuant to Virginia Code Section 15.2-2309, after full examination of the facts and law related to the case, the Board of Zoning Appeals finds the foregoing criteria are (MET or NOT MET) and the Board of Zoning Appeals (APPROVES or DENIES) variance request V-25-1, to grant the request for a variance of 15.0 feet from the front setback of 35.0 feet.

Mr. Culbreath asked if there were any questions from the Board Members.

There was some general conversation about the current front setback number compared to the setback number allowed when the subdivision was plated.

Mr. Seay asked if the applicant knew about the setback situation when she purchased the property.

Mr. Culbreath said the applicant was aware of that.

The Chairman said if there are no more questions for Mr. Culbreath would the applicant like to come forward and add anything.

Ms. Dione Fields living at 6012 Restingway Lane, North Chesterfield, VA came forward and said she would answer any questions you may have.

Mr. Seay asked how long had she owned the lot and if she knew she would have problems building on it.

Mr. Fields said she has owned the lot since May of 2024. She said she knew the slope was there and after talking to several contractors, she understood that the house would need a reinforced foundation because of the slope.

There was some general conversation about the slope of the lot in the rear and its close proximity to the sewer easement in the rear of the property.

The Chairman said if there are no more questions for the applicant, she was opening the public hearing portion of the case. She asked if anyone had signed up. Hearing that no one had signed up, she closed the public hearing portion. She asked the members if they had any more questions. She said if not she would entertain a motion.

Mr. Everett made a motion and read the following:

WHEREAS, the Board FINDS AS TRUE the factual statements and rationale set forth in the staff report,

BE IT THEREFORE RESOLVED THAT pursuant to Virginia Code Section 15.2-2309, after full examination of the facts and law related to the case, the Board of Zoning Appeals finds the foregoing criteria are NOT MET and the Board of Zoning Appeals DENIES variance request V-25-1, to grant the request for a variance of 15.0 feet from the front setback of 35.0 feet.

It was seconded by Mr. Seay and with Mr. Everett, Mr. Seay and Ms. Sheets voting "AYE" V-25-1 was disapproved.

IN RE: OLD BUSINESS

Mr. Culbreath said he did not have any old business.

IN RE: NEW BUSINESS

Mr. Culbreath said he did not have any new business.

IN RE: BOARD MEMBER COMMENTS

The Board members did not have any comments.

IN RE: ZONING ADMINISTRATOR/SENIOR PLANNNER COMMENTS

Mr. Culbreath thanked the members for coming out tonight.

IN RE: ADJOURNMENT

The Chairman said since there is nothing else she would entertain a motion for adjournment. Mr. Seay made a motion to adjourn and Mr. Everett seconded it. With all members, present voting "AYE" the meeting adjourned at 6:25 p.m.

Respectfully submitted:

Matthew Culbreath
Assistant Planning Director/
Zoning Administrator

Signed: _____
Tracy Sheets, BZA Chairman

Dated: _____