BOARD OF ZONING APPEALS
Tuesday, September 15, 2026 @ 7 PM
Town Hall – 2nd Floor, East Conference Room

AGENDA

CALL TO ORDER

ROLL CALL OF MEMBERS PRESENT

NEW BUSINESS

1. **Variance Application 2600456** submitted by ESC Homes LLC for a variance from the required corner lot side yard setback as set forth in Town Code §175-18.B for a vacant parcel of land located at the intersection of E. 13th Street and Warren Avenue, as identified by Tax Map 20A3, Section 4, Block 55, Parcel 24. The property is zoned R-1, Residential District. The requested variance would permit a corner lot side yard setback of fifteen (15) feet. The required side yard setback is thirty (30) feet.

ADJOURNMENT

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

BOARD OF ZONING APPEALS REGULAR MEETING
SEPTEMBER 15, 2026

APPLICATION #: 2600456	APPLICANT: ESC Homes LLC / Cheryl Spangler

APPLICATION SUMMARY:

The applicant ESC Homes LLC / Cheryl Spangler is requesting a variance from the required Corner Lot side yard setback as set forth in Town Code § 175-18.B for a vacant parcel of land located at the intersection of E. 13th Street and Warren Avenue, as identified by Tax Map 20A3-4-55-24. The property is zoned R-1, Residential District. The requested variance would permit a Corner Lot side yard setback of fifteen (15) feet. The required side yard setback is thirty (30) feet.

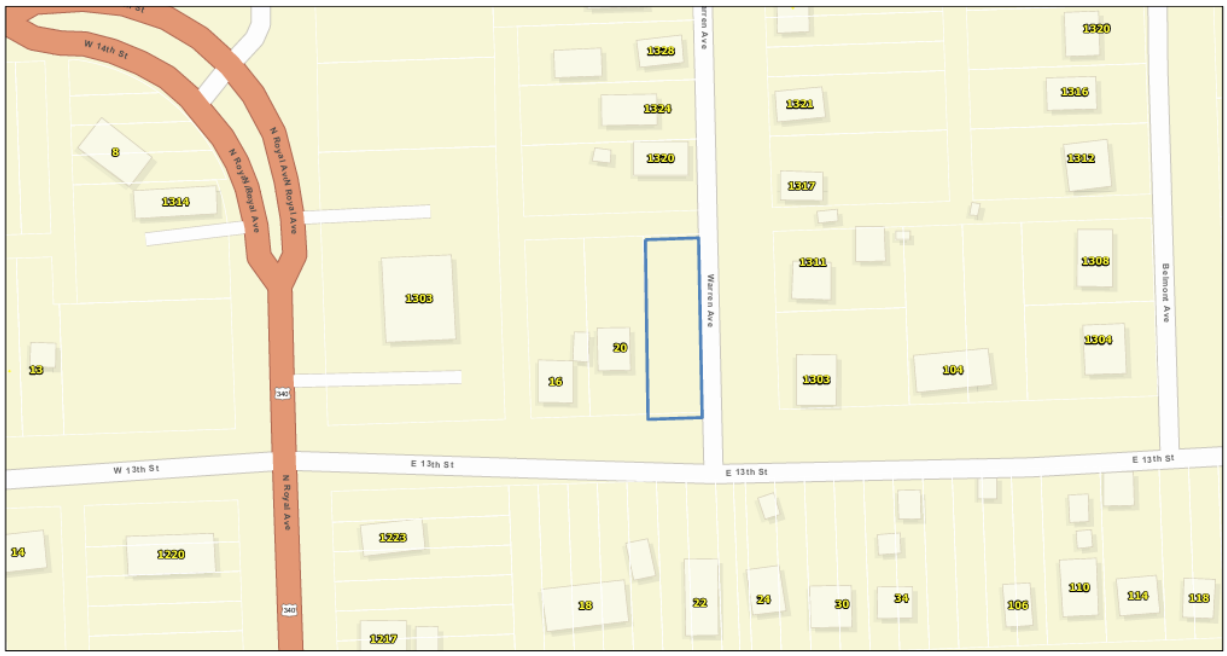
GENERAL INFORMATION:

Site Address	Intersection of E. 13th Street and Warren Avenue		
Zoning District	R-1, Residential District		
Overlay Districts	Historic Area – No	Floodplain – No	Entrance Corridor – No
Tax Identification	20A3-4-55-24		
Location	The parcels in question is located at the intersection of E. 13th Street and Warren Avenue.		
Existing Use	Vacant Lot		

Aerial Map – Vacant Lot E. 13th Street – Identified By Tax Map No. 20A3-4-55-24



Vicinity Map - Vacant Lot E. 13th Street - Identified by Tax Map No. 20A3-4-55-24



ADDITIONAL INFORMATION:

Background & Applicant's Statements	The subdivision, when recorded in 1891 established standard lots being fifty (50) feet wide and a depth of one hundred-fifty (150) feet, unless the lots were irregular shapes. Streets were designed with a Right-of-Way width of sixty (60) feet, with alleys being twenty (20) feet wide. Currently, the R-1 Residential District requires standard lots to have a minimum width at the setback line of seventy-five (75) feet (§ 175-13-C.1.1) and Corner Lots to a have minimum width at the setback line of one hundred (100) feet (§ 175-18-C). As a result, standard and Corner Lots in this subdivision are legally non-conforming. The side yard setback on the side facing the side street (Warren Avenue) is required to be thirty (30) feet or more for main buildings (§ 175-18.B) and the other side yard setback is required to be no less than ten (10) feet (§ 175-15.A); resulting in a total amount required side yard setbacks for Corner Lots to be forty (40) feet. With the Corner Lot only being fifty (50) feet wide and setback requirements utilizing forty (40) feet of the lot, it leaves the remaining building envelope to be only ten (10) feet wide. Coupled with Warren Avenue having a Right-of-Way width of sixty (60) feet and the actual driving lanes of the pavement shifted to the extreme east side (not centered in the of Right-of-Way), it gives the impression that the lot is larger than what it actually is. If Warren Avenue would ever be upgraded to the Local Streets Standards (§ 148-820-D.6) of thirty-six (36) feet of pavement width and aligned with existing curbing to the north, it would leave a distance of approximately seventeen (17) feet from the curb to the Right-of-Way line of this Corner Lot.

	The applicant believes the exceptional narrowness and the required setbacks of the Corner Lot that it creates an area (ten (10) feet wide) that is insufficient to reasonably accommodate a single-family home.
Town Code	VARIANCES Town Code § 175-139.B authorizes the Board of Zoning Appeals with the ability to issue variances, as stipulated below: "To authorize, upon appeal in specific cases, such variance from the terms of the chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of the chapter shall be observed, and substantial justice done, as follows: 1. When a property owner can show that his property was acquired in good faith and where, by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the chapter, or where, by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the chapter would effectively prohibit or unreasonably restrict the use of the property, or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the chapter. 2. No such variance shall be authorized by the Board, unless it finds: a. That the strict application of the chapter would produce undue hardship. b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity. c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance. 3. No such variance shall be authorized except after notice and hearing as required by Section 15. 2-2204 of the Code of Virginia as amended. 4. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned, or the intended use of the property

	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 chapter. 5. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guaranty or bond to ensure that the conditions imposed are being and will continue to be complied with. 6. In the event that a variance is not granted, the same variance application, or a variance application that is substantially the same, may not be submitted to the Board for consideration for a period of one (1) year from the date on which the variance request was denied.
State Code	Virginia Code § 15.2-2309.2 states the following in regard to Variances and the BZA: "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, 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.

No variance shall be considered except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required."

Based on Virginia Code § 15.2-2309(2), that went into effect on July 1, 2015, the BZA must grant a variance if the evidence shows that the strict application of the terms of the zoning ordinance would "unreasonably restrict the utilization of the property or that 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 the following:

(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." Virginia Code § 15.2-2309(2).

STAFF COMMENTS:

The Board needs to determine if the applicant has met the following criteria in order to issue the variance:

That the strict application of the chapter would produce undue hardship.

The Board needs to make a determination as to whether or not this constitutes a hardship because of the narrowness of the lot. (See Lot Size Comparison Drawing)

That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

There is no other vacant Corner Lots in this subdivision that would meet this criteria.

That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

Adding one single-family home to this neighborhood would not have a substantial impact.

ATTACHMENT:
1) BZA Variance Application
2) Applicant's Aerial Map
3) Applicant's Current Zoning Requirement
4) Applicant's Proposed with Variance Granted
5) Applicant's Current Survey Plat
6) Applicant's Historical Survey Plat



Lot Size Comparison
Lot: 20A3-4-55--24

0 80 160 Feet

Legend

- Lot in Question
- Required Corner Lot Size w/ No Variance

N

ATTACHMENT 1

Town of Front Royal
Department of Planning and Zoning
102 East Main Street
PO Box 1560
Front Royal, VA 22630

Main: 540.635.4236
Fax: 540.631.2727
planning@frontroyalva.com

Permit #: 2600456
Payment Type: CC
Date Paid: 8-18-2026
Date Received: 8-18-2026
Application Fee: $650.00

Board of Zoning Appeals - Application for Variance

Property Address: 0 E 13th St Front Royal, VA 22630 **Current Zoning:** R-1

Parcel Number 20A3 **Section:** 4 **Block:** 55 **Lot:** 24

Subdivision: _____ **(if applicable)**

Request for variance in order to build: Small-footprint Single Family Home 2BR/2BA

Fill in only the line(s) that apply to your request(s).	Code Section	Applicant has	Code requires	Variance requested
Total area	175-13.C	7,500 sf	10,000 sf	
Lot width	175-18.C	50 feet	100 feet	
Front yard setback	175-14	35 feet	35 feet	
Minimum side yard setback	175-15.A & 175-18.B	10 feet LEFT	30 feet RIGHT	15 feet RIGHT
Rear yard setback	175-15.B	30 feet	30 feet	
Public street frontage	75-18.C	50 feet	100 feet	
Other (write in)				

*** One (1) copy of a plan must be submitted with this application, showing size and location of the lot, dimensions and location of the proposed building or structure, and the dimensions and location of the existing structures on the lot.**

Applicant: ESC Homes LLC / Cheryl Spangler	**Representative:**
Address: 7371 Atlas Walk Way #142 Gainesville VA 20155	**Address:**
Phone: 703-216-1491 **Fax:**	**Phone:** **Fax:**
	email:

REASONS FOR VARIANCE

Property Location: 0 E 13th st Front Royal VA 22630 (Parcel: 20A3-455-24) .17 acre

If strictly adhered to, the Town Code Sections cited above would cause unnecessary hardship as follows:

1. My use of the property would be prohibited or unreasonably restricted because of the:

The property is an existing 50-foot-wide corner lot. Unlike an interior lot of the same width, it is subject to both a required 10-foot interior side-yard setback and a 30-foot street-side setback along Warren Avenue. Together, these setbacks leave only approximately 10 feet of buildable width, which is insufficient to reasonably accommodate a single-family residence despite the property's residential zoning.

The requested variance would reduce only the Warren Avenue street-side setback from 30 feet to 15 feet, creating approximately 25 feet of buildable width while maintaining the required 35-foot front, 30-foot rear, and 10-foot interior side setbacks. This would allow construction of a modest 24-foot by 32-foot single-family residence without increasing density or changing the permitted residential use of the property.

2. **A clearly demonstrable hardship* would result if a variance is not granted. Specify the hardship that would result from strict application of the ordinance.**

Without the variance, strict application of the corner-lot setbacks leaves only approximately 10 feet of buildable width, effectively preventing reasonable development of this existing residential lot for its permitted single-family residential use.

***NOTE: Financial burden or added cost in complying with the ordinance is not a hardship under the law.**

3. **My property was acquired in good faith, without foreknowledge of the restrictions upon it.**

☐ **Correct** ☑ **Incorrect**

The hardship outlined above is not shared generally by other properties in the same zoning district and the same vicinity.

Specify: The hardship is specific to this existing 50-foot-wide corner lot. Its corner location subjects the property to both the required 10-foot interior side-yard setback and the larger 30-foot street-side setback along Warren Avenue, leaving only approximately 10 feet of buildable width. Interior lots and other properties not subject to this same combination of lot width and corner setbacks do not experience the same restriction.

4. **Authorizing this variance will not result in substantial detriment or adverse impact to adjacent property.**

☑ **Correct** ☐ **Incorrect**

5. **The character of the district will not be changed by the granting of this variance request.**

☑ **Correct** ☐ **Incorrect**

Additional comments or justification may be attached on a separate sheet.

I hereby certify that all of the statements and information contained herein are, to the best of my knowledge, complete and correct. By signing this application, the owner authorizes the Board of Zoning Appeals and Town employees to enter the property during the normal discharge of their duties in regard to this request. I (we) agree to comply with any conditions for the variance required by the BZA.

_____ **Date:** 8/18/26

Owner's Signature

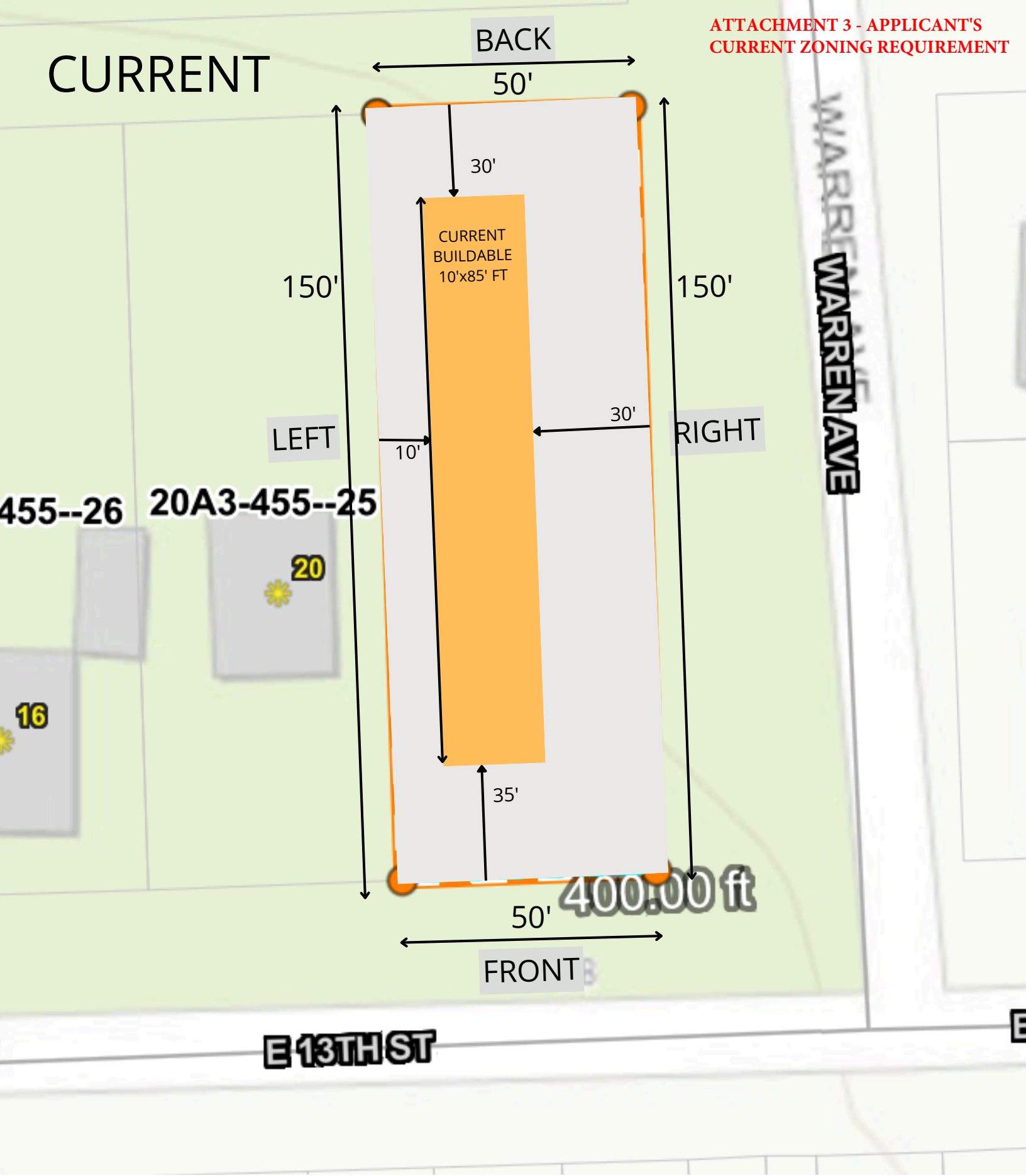
Cheryl Spangler on Behalf of ESC Homes LLC

Print Name

ATTACHMENT 2 - APPLICANT'S AERIAL MAP



ATTACHMENT 3 - APPLICANT'S CURRENT ZONING REQUIREMENT



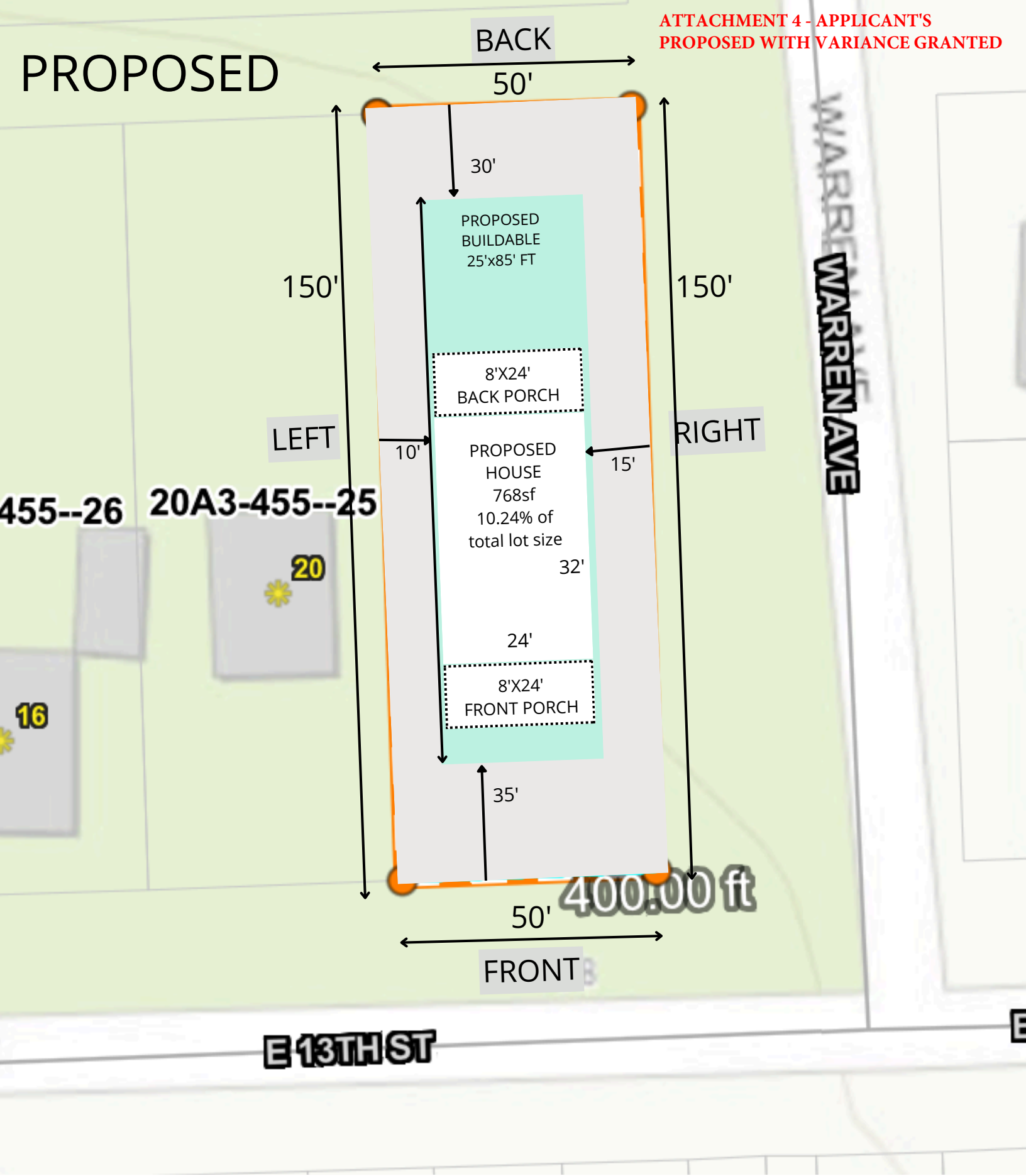
CURRENT LOT SIZE=7500SF | ZONED R-1 | BUILDABLE SPACE 30% OF TOTAL LOT SIZE

CURRENT CORNER SETBACKS: Street Side 30', interior lot side 10' (Leaves 85'x10' = 850sf buildable)

VARIANCE PROPOSED SETBACKS: Left/Right Total 25' (leaves 85'x25' = 2,125sf buildable

ATTACHMENT 4 - APPLICANT'S PROPOSED WITH VARIANCE GRANTED

PROPOSED

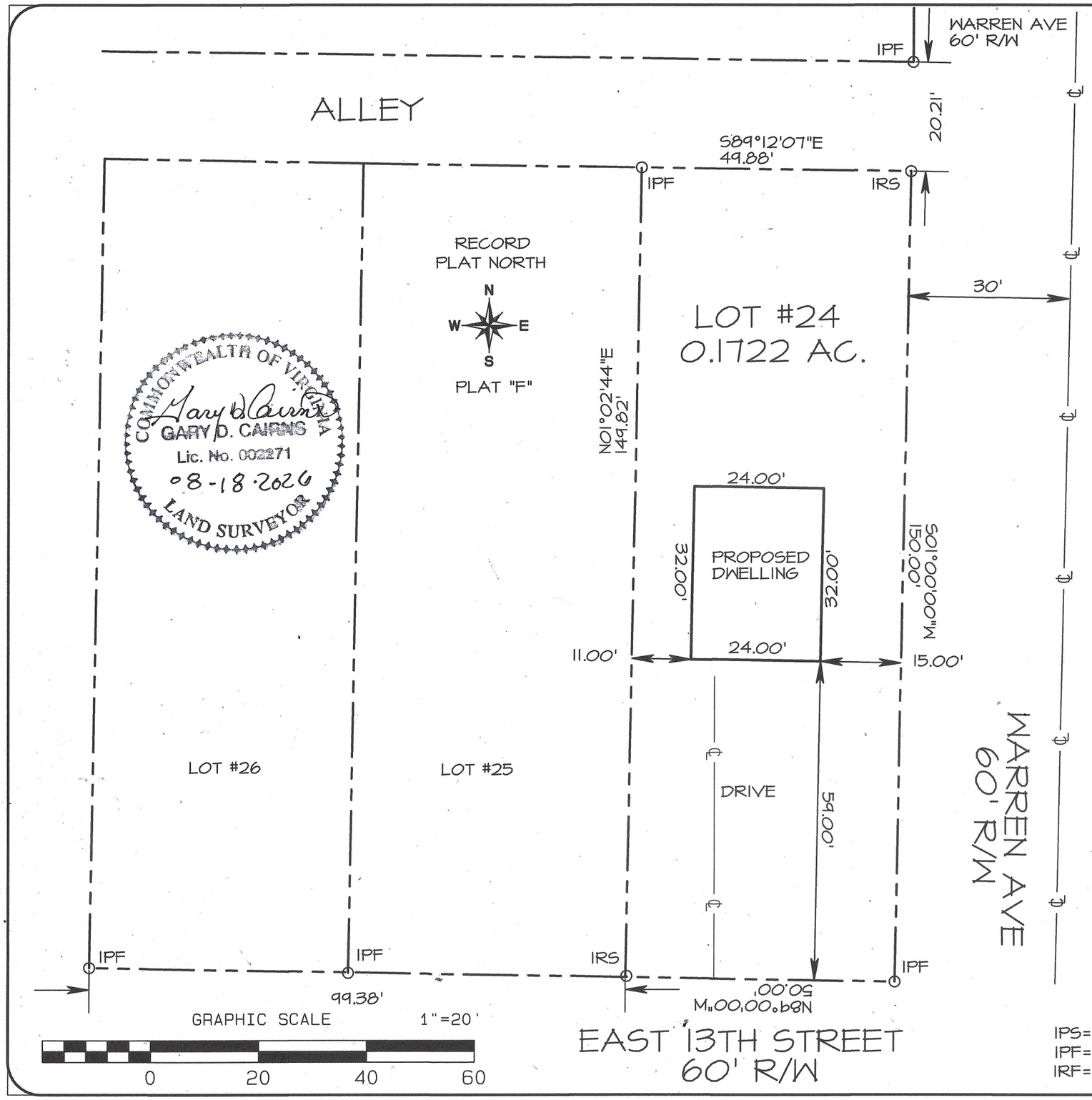


CURRENT LOT SIZE=7500SF | ZONED R-1 | BUILDABLE SPACE 30% OF TOTAL LOT SIZE

CURRENT CORNER SETBACKS: Street Side 30', interior lot side 10' (Leaves 85'x10' = 850sf buildable)

VARIANCE PROPOSED SETBACKS: Left/Right Total 25' (leaves 85'x25' = 2,125sf buildable

ATTACHMENT 5 - APPLICANT'S CURRENT SURVEY PLAT



PLAT SHOWING

LOT LOCATION SURVEY

WITH

PROPOSED DWELLING

OF THE LAND OF

ESC HOMES LLC.

TOWN OF FRONT ROYAL BLK 55 LOT 24
SHENANDOAH MAGISTERIAL DISTRICT
WARREN COUNTY, VIRGINIA

SURVEYOR'S CERTIFICATE

I GARY D. CAIRNS, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON IS NOW IN THE NAME OF ESC HOMES LLC.
AS RECORDED IN DEED INST.---------- AMONG THE LAND RECORDS OF WARREN COUNTY,VIRGINIA

THIS SURVEY IS BASED ON A CURRENT FIELD SURVEY.

MONUMENTS ARE AS SHOWN.

COMMONWEALTH OF VIRGINIA
GARY D. CAIRNS
Lic. No. 002271
08-18-2026
LAND SURVEYOR

GARY D. CAIRNS L.S #002271

THE PROPERTY SHOWN IS LOCATED ON ASSESSMENT TM.#20A3-455-24.

THE SUBJECT PROPERTY IS NOT LOCATED IN ANY FLOOD HAZARD AREA AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

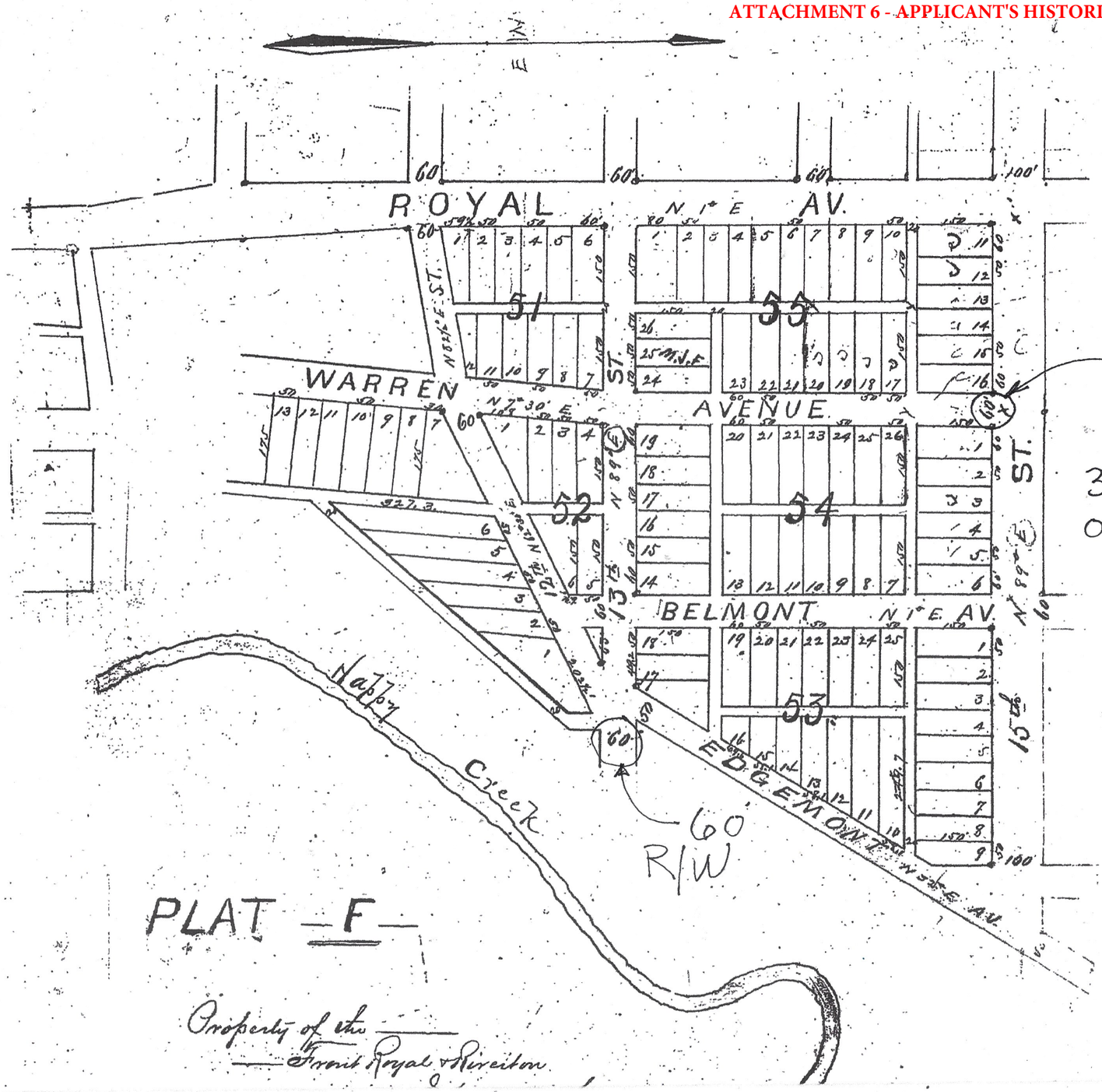
LEGEND
IPS=IRON PIPE SET
IPF=IRON PIN FOUND
IRF=IRON ROD FOUND

DATE : 08-18-2026
PROJECT : ROYALSPANGLER.PRO

SHEET 1 OF 1

CAIRNS SURVEYING
1583 NETHERS ROAD
SPERRYVILLE VA.
540-987-3101 22740

ATTACHMENT 6 - APPLICANT'S HISTORICAL SURVEY PLAT



PLAT —F—

Property of the
Front Royal & Riverton