



Board of Zoning Appeals

MEETING AGENDA

Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
Regular Session

September 3, 2026

1:00 PM

Item

Page

1. **Call to Order- Chair Malone**
2. **Approval of Agenda**
3. **Approval of Minutes- May 7, 2026**
4. **Public Hearing- Variance**

Jordyn Hay, Applicant and Owner, is requesting a variance from Section 604.5 (c)(1), Minimum Yard Requirements to permit a front yard of 6 feet instead of 20 feet as required for an open front porch, premises known as 22 Josephine Street, identified as Tax map Parcel number 14A5-8-A-13 zoned DR-4 Detached Residential-4 District.
VR 02-26

5. **Other**
6. **Adjourn**

**BOARD OF ZONING APPEALS
TOWN OF BERRYVILLE
MINUTES OF ORGANIZATIONAL MEETING
Thursday, May 7, 2026**

The organizational meeting of the Berryville Board of Zoning Appeals was held on Thursday, May 7, 2026. The meeting was called to order by Terry Russell, Community Development Director, Zoning Administrator, at 1:00 p.m. in the Berryville – Clarke County Council Chambers located at 101 Chalmers Court in Berryville, Virginia.

ATTENDANCE

The members of the Board present were: Dandridge Allen, Gerald Dodson, Gwen Malone, Allen McWilliams

Absent: Jay Briggs

The following staff member was present: Terry Russell, Community Development Director, Zoning Administrator

Press: None

Mr. Russell called the meeting to order at 1:00 p.m.

ELECTION OF OFFICERS

Mr. McWilliams nominated Ms. Malone to be Chair. Mr. Dodson seconded the motion. The motion passed unanimously by voice vote.

Mr. McWilliams nominated Mr. Dodson to be Vice Chair. Chair Malone seconded the motion. The motion passed unanimously by voice vote.

APPROVAL OF AGENDA

Mr. McWilliams moved, seconded by Vice Chair Dodson, to approve the agenda as written. The motion passed unanimously by voice vote.

APPROVAL OF MINUTES

Mr. McWilliams moved, seconded by Vice Chair Dodson, to approve the minutes of the December 30, 2025 meeting as written. The motion passed unanimously by voice vote.

PUBLIC HEARING

Harold Rohde, Applicant, for Harold & Dorothea Rohde, Owners, is requesting a variance from Section 201.4 SETBACK REGULATIONS to place an accessory building (garage) less than 50 feet from the centerline of Treadwell Street, premises known as 114 Smith Street, identified as Tax Map Parcel number 14A1((A))12 zoned R-1 Residential District. VR 01-26

Chair Malone opened the public hearing.

The applicant, Harold Rohde, described the variance request. He noted that there are other structures setback from the centerline of Treadwell Street, similar to his request.

The BZA commented on the thoroughness of the research and the usefulness of the graphics provided.

There were no speakers. Mr. Russell said that the BZA had received no correspondence.

There being no other discussion, Chair Malone closed the public hearing.

Mr. McWilliams made the motion to approve the request for a variance for the setback of an accessory building, garage, from the centerline of Treadwell Street, as requested. The motion was seconded by Mr. Dodson. The motion was approved by voice vote.

OTHER

There was no other business.

ADJOURNMENT

There being no further business to come before the Board, on motion by Mr. McWilliams, seconded by Vice Chair Dodson, the meeting was adjourned at 1:12 p.m.

Gwendolyn Malone, Chair

Terry Russell, Recording Secretary

Jordyn Hay, Applicant and Owner, is requesting a variance from Section 604.5 (c)(1), Minimum Yard Requirements to permit a front yard of 6 feet instead of 20 feet as required for an open front porch, premises known as 22 Josephine Street, identified as Tax Map Parcel number 14A5-8-A-13 zoned DR-4 Detached Residential-4 District.

VR 02-26

The request before the BZA is for a variance from front setback requirements for a parcel in the DR-4 Residential zoning district.

The Code of Virginia identifies powers and duties of Boards of Zoning Appeals as follows in Section 15.2-2309. Powers and duties of boards of zoning appeals. (attached)

VA Code § 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.

Requested Action

The applicants are requesting a variance from Section 604.5(c)(1) of the Berryville Zoning Ordinance which establishes setback regulations as follows:

- 604.5** LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CONVENTIONAL LOTS
(1/93) (a) Lot area: Minimum--10,000 square feet; maximum - 30,000 square feet **(7/04)**.
(Refer to Section 614 regarding the impact of critical environmental areas on lot Size requirements.

5/94)

- (b) Minimum lot width
 - (1) Interior lot: 75 feet
 - (2) Corner lot: 90 feet
- (c) Minimum yard requirements
 - (1) Front yard: 20 feet for primary structures;
25 feet for garages, carports or other
structures used to house vehicles (7/04)
 - (2) Side yard: 10 feet
 - (3) Rear yard: 30 feet (residences)
 - (4) Accessory structure: 5 feet (rear and side setbacks)
- (d) Maximum building height: 35 feet

The variance is requested in order to construct an open porch on the front of the dwelling 6 feet from the front property line instead of 20 feet, as required.

Existing Conditions

This parcel, those across Josephine Street, and those on either side of the subject parcel are zoned DR-4 Residential District. The parcel behind the subject parcel is zoned L-1 Industrial District.

Advertisement

The public hearing notice published in the Winchester Star on Thursday August 20, and Thursday August 27, 2026. Staff has not received any comments.

Staff Comments

No additional non-conformance would be created by allowing the variance.

***In granting this variance, a precedent for future requests may be set.
It would be appropriate for the BZA to make a decision at this meeting.***

PLEASE NOTE:

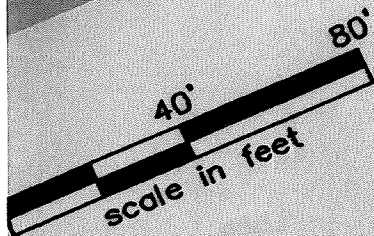
Please note that State Code requires that a majority vote of the Board (three) is necessary to grant a variance. If there are only three members present, all three would have to vote in the affirmative to grant the variance.

American Woodmark Corporation

D.B. 137, P. 459

TM 14A5-7-1

atement



Smith

D.B. 147, P. 468

TM 14A5-8-A-13A

Proposed Design:
Increase length by 5ft,
Increase width by 1ft.
Front of porch step to
now set 8' from front of
curb

13,139 sq. feet

American Woodmark Corporation

D.B. 137, P. 459

TM 14A5-8-A-12B

COMMONWEALTH OF MASSACHUSETTS

Josephine Street



WC

TOWN OF BERRYVILLE, VIRGINIA, PLANNING AND ZONING

APPLICATION FOR A ZONING VARIANCE

Applicant's Name Jordyn Hay

Address 22 Josephine St Berryville, Va 22601

Phone # 703-341-9473

Description of variance requested:

Lengthening front patio 5ft to the right and adding an additional 1 Ft in width, which will set the front step from 9 Ft to 8 Ft from front of curb.

For property located at 22 Josephine St Berryville, Va 22601

Map # 14A5-8-A-13

Property Owner's Name

Jordyn Hay

- (1) Please state how the strict application of the zoning ordinance creates an undue hardship for you. (Note: Financial loss, standing alone, does not establish an extraordinary or exceptional situation or hardship to justify granting a variance.)

Request for additional depth in front porch is for leisure. Not only for leisure but will compliment the overall exterior design of the historic cabin.

- (2) Please state how your hardship is not shared generally by other properties in the same zoning district and the same vicinity.

The wider front porch requested is very common on Josephine St, however due to the close proximity of 22 Josephine off the curb, this creates complications per the established zoning requirements.

- (3) Please state why the granting of a variance will not be of substantial detriment to adjacent property, and why the variance will not change the character of the district:

Granting this variance will cause no detriment to adjacent properties because there are currently no residential sidewalks in place that would be affected.

- (4) To your knowledge, is the condition or situation of your property so general or recurring that the Zoning Ordinance ought to be changed so as to eliminate the need for other property owners with the same condition or situation to apply for a variance? No If yes, please explain:

Signed Jordyn Hay

Date 8/3/26

PLEASE SUBMIT THIS FORM TO THE TOWN OF BERRYVILLE, 101 Chalmers Court, BERRYVILLE, VIRGINIA, 22611 WITH THE APPROPRIATE FEE(S). FOR FEE INFORMATION, PLEASE CALL (540) 955-4081.

TOWN OF BERRYVILLE BOARD OF ZONING APPEALS PUBLIC HEARING NOTICE

The Berryville Board of Zoning Appeals will hold a public hearing at 1:00 p.m., or as soon after as this matter may be heard, on Thursday, **September 3, 2026**, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Jordyn Hay, Applicant and Owner, is requesting a variance from Section 604.5 (c)(1), Minimum Yard Requirements to permit a front yard of 6 feet instead of 20 feet as required for an open front porch, premises known as 22 Josephine Street, identified as Tax Map Parcel number 14A5-8-A-13 zoned DR-4 Detached Residential-4 District.

VR 02-26

Copies of the variance application and related documents may be examined at the Town Business Office, Berryville/Clarke County Government Center (101 Chalmers Court), First Floor, Berryville, Virginia during regular business hours. Additional information may be obtained by calling Community Development Director Terry Russell at 540/955-4081. Any person desiring to be heard on this matter should appear at the appointed time and place.

The Town of Berryville does not discriminate against disabled persons in admission or access to its programs and activities. Accommodations will be made for disabled persons upon prior request.

Terry Russell, Zoning Administrator

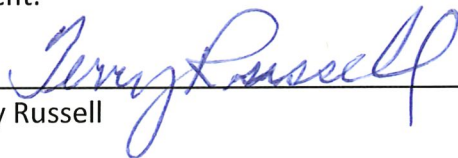
AFFIDAVIT

Mailing of Public Hearing Notices to Adjacent and Affected Property Owners

I, Terry Russell, Community Development Director and Zoning Administrator for Berryville, Virginia, hereby attest and certify that on August 17, 2026 I did cause to be mailed by First Class U.S. Mail, notices of a September 3, 2026 Berryville Board of Zoning Appeals public hearing regarding:

Jordyn Hay, Applicant and Owner, is requesting a variance from Section 604.5 (c)(1), Minimum Yard Requirements to permit a front yard of 6 feet instead of 20 feet as required for an open front porch, premises known as 22 Josephine Street, identified as Tax Map Parcel number 14A5-8-A-13 zoned DR-4 Detached Residential-4 District.
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Sent to all adjacent and affected property owners, mailed to their last known address as shown on the real estate tax lists of Clarke County and/or the Town of Berryville. The notice and complete mailing list are attached to this document.



Terry Russell

STATE OF VIRGINIA – COUNTY OF CLARKE
TOWN OF BERRYVILLE, to wit:

I, the undersigned, a Notary Public in and for the aforesaid jurisdiction, do hereby certify that Terry Russell, whose name is signed to the foregoing instrument, bearing the date of Aug 31, 2026, has this day personally appeared before me and acknowledge the same in the Town of Berryville, Virginia.

Given under my hand this 31 day of August 2026.

Notary Public Branden L Kelley

My Commission Expires 8/31/2028



Brianna Goodwin
20 Josephine Street
Berryville, VA 22611

Milton Mata
102 Josephine Street
Berryville, VA 22611

William Woodruff
1110 Eldon Street f110
Herndon, VA 20170

Justin Burke Butler
19 Josephine Street
Berryville, VA 22611

Sterling Davis Properties, LLC
22250 Shaw Road
Sterling, VA 20166

(4/92) SECTION 604 - DETACHED RESIDENTIAL-4 (DR-4) DISTRICT

604.1 PURPOSE AND INTENT

The Detached Residential-4 District is created to provide for single-family detached residences at higher densities than other single-family detached districts. A maximum of four (4.0) units per net developable acre establishes a medium- to low-density district for detached residences. The application of this district shall be to undeveloped tracts lying within the Town of Berryville and within the precincts of the Berryville Plan, as well as to “infill” lots within the existing stable neighborhoods, with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging housing of compatible scale and architectural character. Cluster residential development shall be encouraged and permitted, by right, so that specific environmental preservation and land-use goals may be promoted.

604.2 PERMITTED USES

- (a) Single-family detached dwellings, either a conventional “dispersed” layout or a clustered layout subdivision--a clustered subdivision requiring site plan approval.
- (b) Accessory uses, to include detached carports and garages, tool sheds, children’s playhouses, doghouses, private swimming pools and Temporary Family Health Care Structures as established in Section 323. **(11/10)**
- (c) Municipal utilities.

604.3 SPECIAL PERMIT USES

- (a) Bed and breakfast lodging occupying more than 300 square feet of residence.
- (b) Cemeteries.
- (c) Churches and shrines.
- (d) Community buildings, public and private.
- (e) Day care centers and nursery schools. **(10/94)**
- (f) Fire stations.
- (g) Home occupations as defined in Section 315. **(12/93)**
- (h) Libraries, museums, and historic markers.
- (i) Plant nurseries with no sale of nursery products permitted on premises.
- (j) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities.
- (k) Recreational uses such as public swimming pools, tennis courts, and golf courses.
- (l) Public schools, parks, playgrounds and related uses. **(3/09)**
- (m) Short-term rentals **(10/23)**

604.4 MAXIMUM DENSITY

- (a) Four (4.0) dwelling units per net developable acre.
- (b) A maximum floor area ratio of 0:15 shall apply to uses other than residential.

604.5 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CONVENTIONAL LOTS

- (1/93)**
- (a) Lot area: Minimum--10,000 square feet; maximum - 30,000 square feet **(7/04)**.
(Refer to Section 614 regarding the impact of critical environmental areas on lot Size requirements.

Section 604 Detached Residential-4 (DR-4)

- (b) Minimum lot width
 - (1) Interior lot: 75 feet
 - (2) Corner lot: 90 feet
- (c) Minimum yard requirements
 - (1) Front yard: 20 feet for primary structures;
25 feet for garages, carports or other
structures used to house vehicles **(7/04)**
 - (2) Side yard: 10 feet
 - (5/94) (3) Rear yard: 30 feet (residences)
 - (4) Accessory structure: 5 feet (rear and side setbacks)
- (d) Maximum building height: 35 feet

604.6 MINIMUM DISTRICT SIZE FOR CLUSTER SUBDIVISIONS

Minimum district size for cluster subdivision: two (2) acres.

604.7 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CLUSTERED LOTS

- (a) Minimum lot area: 7,500 square feet.
Maximum lot area: 20,000 square feet **(7/04)**
(Refer to Section 614 regarding the impact of critical environmental areas on lot size requirements.)
- (b) Minimum lot width
 - (1) Interior lot: 60 feet
 - (2) Corner lot: 75 feet
- (c) Minimum yard requirements
 - (1) Front yard: 15 feet for primary structures;
25 feet for garages, carports, or other
structures used to house vehicles **(7/04)**
 - (2) Side yard: 10 feet
 - (5/94) (3) Rear yard: 25 feet (residences)
 - (4) Accessory structure: 5 feet (rear and side setback)
- (d) Maximum building height: 35 feet

604.8 OPEN SPACE REQUIREMENTS FOR DETACHED RESIDENTIAL SUBDIVISIONS

- (a) In subdivisions approved for cluster development, twenty (20) percent of the net site area which excludes 100-year floodplain, sinkholes, and slopes exceeding twenty-five (25) percent and fifty (50) percent of land with slopes between fifteen (15) and twenty-five (25) percent shall be open space, dedicated to common usage and ownership.
- (b) In cluster subdivisions, at least one-fourth (1/4) of the required open space (five {5} percent of the net site area) shall be developed and designed for recreational and active community open space.

Section 604 Detached Residential-4 (DR-4)

604.9 ADDITIONAL REGULATIONS

- (a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.
- (b) Refer to Section 305 for off-street parking requirements.
- (c) Refer to specific Overlay Zoning Districts, where applicable.
- (d) Refer to Section 615 for special regulations relating to cluster subdivisions, critical environmental areas, and open space.
- (e) Refer to Section 317 Karst Features for additional requirements. **(7/04)**
- (f) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. **(12/14)**