



Board of Zoning Appeals

MEETING AGENDA

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

ORGANIZATIONAL MEETING

PUBLIC HEARING

May 7, 2026

1:00 PM

Item

Page

1. **Call to Order**
2. **Election of Officers- Chair, Vice Chair**
3. **Approval of Agenda**
4. **Approval of Minutes- December 30, 2025**
5. **Public Hearings**

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 as required, premises known as 114 Smith Street, identified as Tax Map Parcel number 14A1((A))12 zoned R-1 Residential District. VR 01-26

6. **Other**
7. **Adjourn**

**BOARD OF ZONING APPEALS
TOWN OF BERRYVILLE
MINUTES OF ORGANIZATIONAL MEETING
Thursday, December 30, 2025**

The organizational meeting of the Berryville Board of Zoning Appeals was held on Thursday, December 30, 2025. The meeting was called to order by Terry Russell, 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, Jay Briggs, Gerald Dodson, Gwen Malone, Allen McWilliams

Absent: None

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

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. Briggs seconded the motion. The motion passed unanimously by voice vote.

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. McWilliams moved, seconded by Mr. Briggs, to approve the minutes of May 23, 2024 meeting as written. The motion passed unanimously by voice vote.

PUBLIC HEARING

Eric and Susan Jenkins Snyder, Agents, for 10 Swan LLC, Owner, are requesting a variance from Section 202.5, minimum lot width for an interior lot, of the Town of Berryville Zoning Ordinance in order to allow a boundary line adjustment of the properties located at 8 and 10 Swan Avenue, identified as Tax Map Parcel number 14A5((A))-27 zoned R-2 Residential District. VR 01-25

Chair Malone opened the public hearing.

The applicant, Eric Snyder, described the variance request and stated that the existing house at 10 Swan Avenue would be demolished and a new dwelling would be erected in its place. The new structure will be designed to meet the setbacks required by the Zoning Ordinance. The variance would reduce the width of the lot at 10 Swan Avenue. The variance would allow a boundary line adjustment for the lot at 8 Swan Avenue and increase the west side yard of the structure on that lot.

Mr. Gary Jenkins, the owner of 8 Swan Avenue spoke in favor of the variance request.

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 lot width 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 1:15 p.m.

Gwen Malone, Chair

Terry Russell, Recording Secretary

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 as required, premises known as 114 Smith Street, identified as Tax Map Parcel number 14A1((A))12 zoned R-1 Residential District. VR 01-26

The request before you is for a variance from street setback requirements for a parcel in the R-2 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 202.4 of the Berryville Zoning Ordinance which establishes setback regulations as follows:

202.4 SETBACK REGULATIONS

Structures shall be located thirty (30) feet or more from any street right-of-way fifty (50) feet or greater in width (5/94), or forty-five (45) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the “setback line.” (10/00)

The variance is requested in order to construct an accessory building (garage) 25 feet from the centerline of Treadwell Street instead of 45 feet, as required. This would place the structure 5 feet from the property line/right-of-way line on Treadwell Street.

Existing Conditions

This parcel and all adjacent properties are zoned R-2 Residential District.

Advertisement

The public hearing notice published in the Winchester Star on Thursday April 23, and Thursday April 30, 2026. Staff has not received any comments.

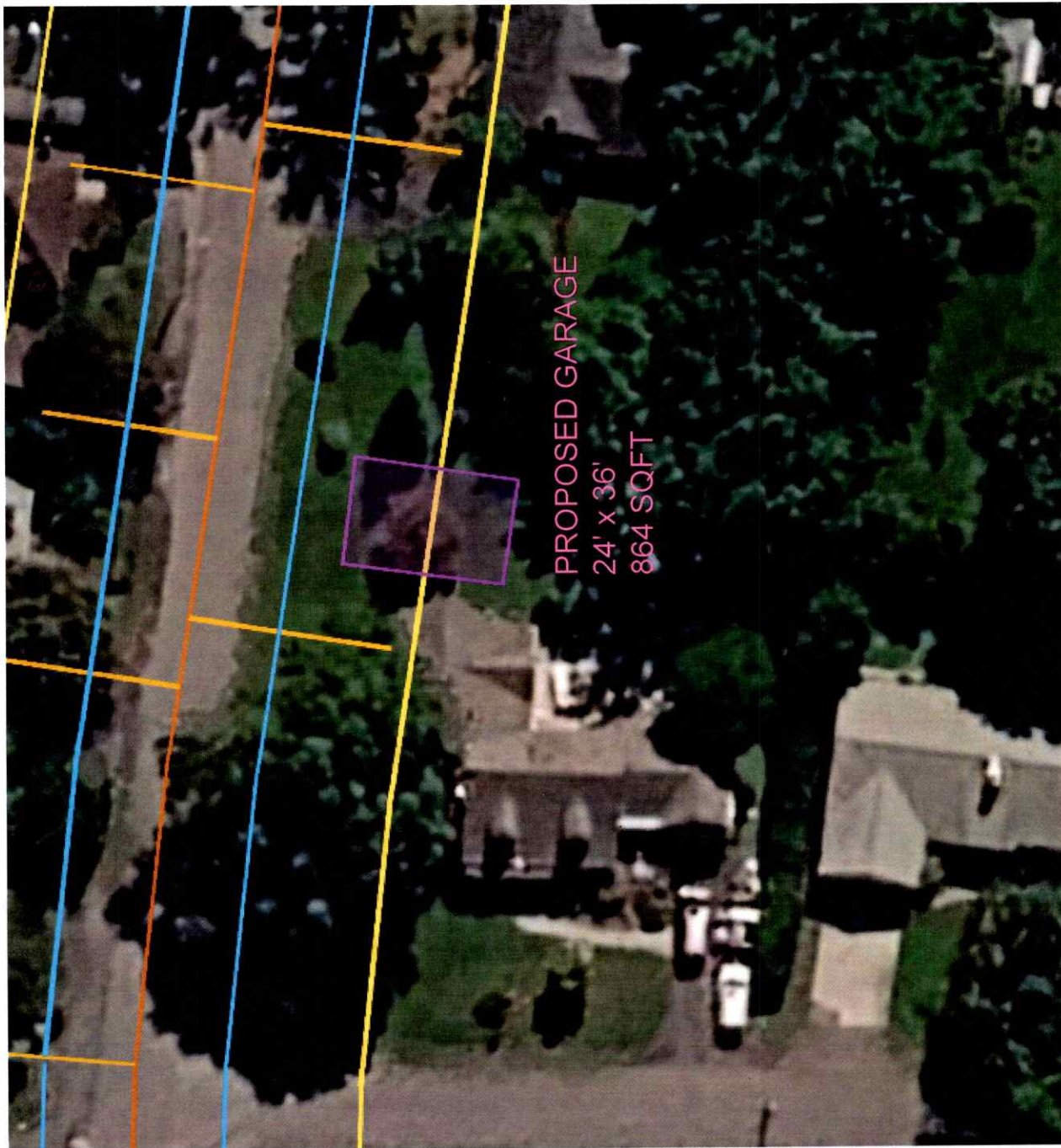
Staff Comments

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

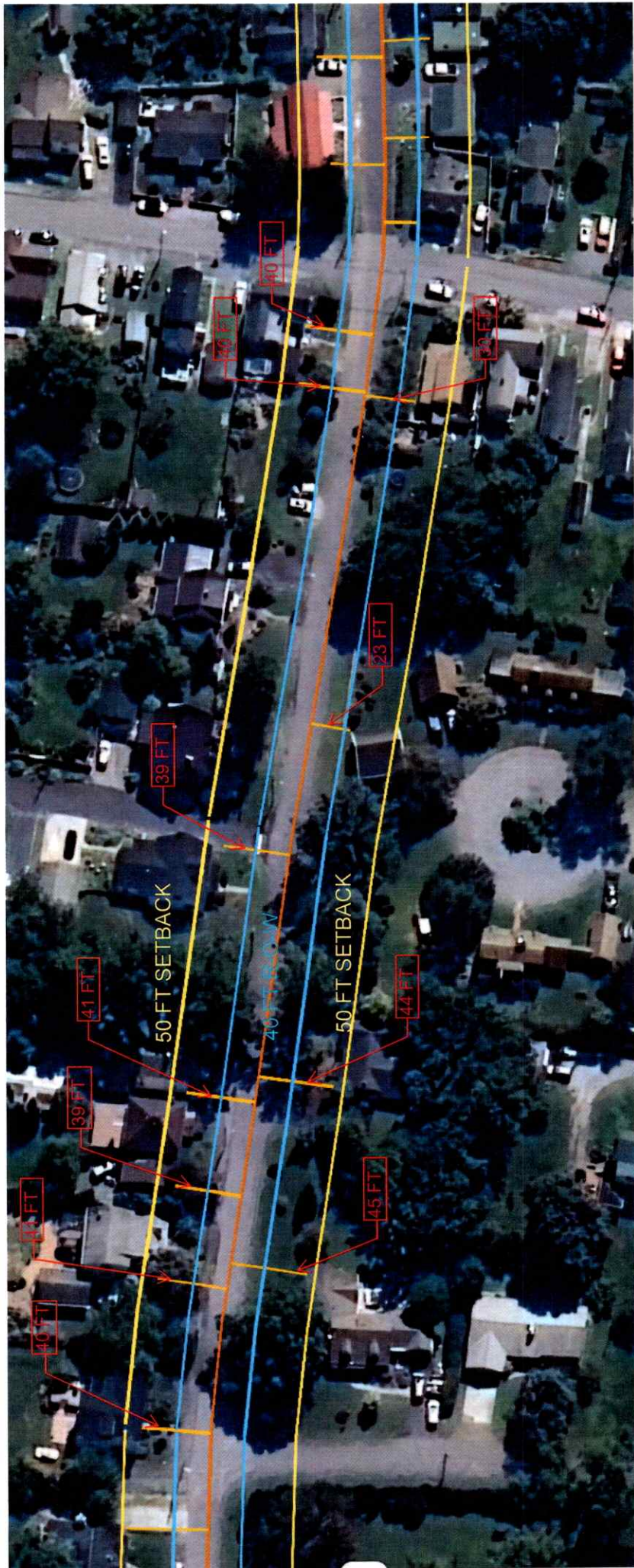
***In granting this variance, a precedent for future requests may be set.
It would be appropriate for the BZA to make a decision at this meeting.***

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.



PROPOSED GARAGE
114 SMI TH ST
270009, 030302001



EXISTING HOUSE OFFSETS
LESS THAN 50' FROM ϕ



Freadwell St looking East from Smith St.



Location of proposed garage.



Property corner at neighbor's house to the east.



Garage on Academy Ct. Showing garage in relation to property line/Right of Way.

Harold Rohde

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Legal Notices

**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, May 7, 2026**, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

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

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

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Website: Familytrustnumis.com
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CLOSED: Weekends
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Help Wanted

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Send resume to jrosier@snyderservices.com
Office located 270 Industrial Blvd, Kearneysville, WV

Tourism Council (Part-Time) Clear Brook, VA
The Virginia Tourism Corporation is seeking a Tourism Counselor. Virginia Welcome Center at Clear Brook, VA. Willing to work a minimum of 5 days per month throughout the year. The center is open 7 days a week from 8:30 am to 5:00 pm. This individual will provide travel information and assistance to the public, including brochures, racks, and other materials.

SECTION 202 - R-2 RESIDENTIAL DISTRICT

202 STATEMENT OF INTENT

The R-2 District is composed of medium density residential uses and open areas where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the essential character of the area so designated, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. Development is, therefore, limited to low-to-medium density, and permitted uses are limited to single- and two-family dwellings plus selected additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district.

202.1 USES PERMITTED BY RIGHT

Only one use and its accessory buildings and/or uses may be erected on any lot or parcel of land in the Residential R-2 District.

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Rooming houses.
- (d) Tourist homes.
- (e) Boarding houses.
- (f) Schools.
- (g) Churches.
- (h) Playgrounds
- (i) Home occupations.
- (j) Public, semi-public, or governmental buildings.
- (k) Off-street parking for permitted uses in the district as set forth in Section 305.
- (l) Accessory buildings and Temporary Family Health Care Structures permitted as defined; however, garages and other accessory structures, such as carports, porches, and stoops attached to the main building shall be considered part of the main building. Accessory buildings shall not be located closer than five (5) feet from any property line or to any other structure. **(11/10)**
- (m) Public utilities: poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage systems.
- (n) Signs as set forth in Section 307.
- (o) Travel trailers, which shall not be stored within the front setback area, and which shall be prohibited from occupancy.
- (p) Fences as set forth in Section 303.

202.2 USES PERMITTED BY SPECIAL PERMIT

- (a) Nursing, convalescent, or rest homes, pursuant to Section 311.
- (b) Professional offices as set forth in Section 312. **(10/94)**
- (c) Day care centers, barber, and beauty shops. **(5/95)**
- (d) Short-term rentals **(10/23)**

202.3 AREA REGULATIONS

- (a) The minimum lot area shall be eight thousand (8,000) square feet for all permitted uses.
- (b) Each unit in a two-family structure arranged side by side shall be given four thousand (4,000) square feet of lot area.

202.4 SETBACK REGULATIONS

Structures shall be located thirty (30) feet or more from any street right-of-way fifty (50) feet or greater in width (5/94), or forty-five (45) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line." (10/00)

202.5 FRONTAGE REGULATIONS

The minimum lot width at the setback line shall be eighty (80) feet.

202.6 YARD REGULATIONS

- (a) Side - Each side yard for structures less than three (3) stories shall be at least ten (10) feet. Each side yard for three-story buildings shall be at least fifteen (15) feet.
- (b) Rear - The minimum rear yard shall be twenty-five (25) feet.

202.7 LOT COVERAGE

Any structure, or structures, shall not occupy more than thirty-five (35) percent of the total area of the lot.

202.8 HEIGHT REGULATIONS

- (a) Buildings may be erected up to three (3) stories, but not exceed thirty-five (35) feet in height.
- (b) A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade, provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- (c) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- (d) Accessory buildings over one story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

202.9 SPECIAL PROVISIONS FOR CORNER LOTS

- (a) Of the two sides of a corner lot fronting on streets, the shortest shall be deemed to be the front.
- (b) Each corner lot shall have a minimum width at the setback line of ninety (90) feet.