



## BOARD OF ZONING APPEALS PETITION

Please return to: City of Charlottesville  
Department of Neighborhood Development Services  
PO Box 911, City Hall  
Charlottesville, Virginia 22902  
Telephone (434) 970-3182 Fax (434) 970-3182

Please submit six (6) copies of this application and all attachments. For an appeal, please include \$100 fee. For a variance, please include \$250 fee. Checks payable to the City of Charlottesville. All petitioners must pay \$1.00 per required mail notice to property owners, plus the cost of the required newspaper notice. Applicants will receive an invoice for these notices, and project approval is not final until the invoice has been paid.

Project Name Rialto Street Setback Variance  
Physical Street Address/Location 1506 Rialto St Tax Map and Parcel 59-357

**A. Information on Property Appealed**  
Zoning of Parcel R1-S

**B. Reason for Petition (choose 1, 2 or 3)**  
1.  Administrative Review (Sec 34-137 of the Zoning Code), the Zoning Administrator has:  
 Denied a Building Permit  
 Denied a Provisional Use Permit  
 Denied a Sign Permit  
 Other  
Reasons for denial (City Code Sections): \_\_\_\_\_

2.  Variances (as outlined in Sec 34-136). The petitioner believes a variance should be granted for the following reasons:  
(a) Strict application of the ordinance would produce undue hardship.  
(b) The hardship is not shared generally by other properties in the same zoning district and vicinity.  
(c) The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by the granting of the variance, and  
(d) 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.

3.  Interpretation Zoning District Boundaries (as outlined in Sec 34-6).

**C. Petitioner Information**  
Name Bill and Margaret Fritz  
Address 1506 Rialto Street  
Charlottesville VA 22902  
Phone (W) \_\_\_\_\_ (H) 434-260-4482  
Email margaret.fritz63@gmail.com

**D. Property Owner Information (if not petitioner)**  
Name Same as above  
Address \_\_\_\_\_  
Phone (W) \_\_\_\_\_ (H) \_\_\_\_\_  
Email \_\_\_\_\_

**E. Attachments to be submitted by Petitioner:**  
A map of property showing the location of existing improvements and demonstrating the reason for the petition. The petitioner is also encouraged to provide any additional information, drawings, photographs, etc. that will help the Board understand the reason for the petition.

**F. Property Owner Permission (if not petitioner)**  
I have read this petition and hereby give my consent to its submission.  
Bill Fritz 4/18/23  
Margaret Fritz 4/18/23  
Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

**G. Petitioner's Signature**  
I hereby request that the Board of Zoning Appeals review this petition and that a decision on the above referenced Zoning Code sections be made. (Signature also denotes commitment to pay invoice for required mail notices.)  
Margaret Fritz 4/18/23  
Signature of Petitioner \_\_\_\_\_ Date \_\_\_\_\_

**For Office Use Only** BZA Case Number \_\_\_\_\_ BZA Action \_\_\_\_\_

**Board of Zoning Appeals Petition - Variance Request**  
**1506 Rialto Street Setback Variance**  
**4/19/2023**

**Background**

The house at 1506 Rialto Street was constructed in 1962. An undeveloped alley running from Rialto St. to Green St. runs along the north side of the property. (Highlighted in Figure 1) The property is non-conforming to front (west) and side (north) setbacks. A concrete patio and a metal awning were constructed prior to 1995 (figure 2) on the north side of the house. The current owners purchased the property in 2000. The concrete patio is now crumbling (figure 3), and the metal awning and supports are rusted and deteriorating (figure4). The front steps (west side of house, facing Rialto St.) are also deteriorating and have separated from the front landing.

- The north (side) wall of the house is 6.9' from the northern property line. The concrete patio extends .28' beyond the property line. The awning supports stand approximately on the property line. The slate path is 3' wide.
  - The current required side setback is 5'.
- The west (front) wall of the house is 8.93' from the property line. The front landing currently extends 5'2" from the front wall.
  - The current required front setback is 25'.

**Project Description**

The owners want to (Figure 5):

1. Replace the concrete patio on the north side of the house and the adjacent slate walk with pavers in the current location. This work would not increase the existing encroachment.
2. Replace the awning on the north side of the house at the same width and slightly increased length (parallel to the alley), and add a pergola extending toward the street (west) approximately 15.5'. The replaced awning and new pergola would maintain the existing encroachment into the side setback.
3. Remove the existing steps and build a new awning over the front landing, rebuild the steps parallel to the front wall, and build a pergola connecting the front landing and the new pergola on the north side.
  - NOTE: The Zoning Administrator has confirmed that rebuilding the steps on the front of the house in a way that does not project further than, or projects only minimally further than, the existing front landing is acceptable. This work on the front of the house does not require a variance.

**Variance reasoning:**

- a) Strict application of the ordinance would produce undue hardship.
  - The deteriorating side awning, side patio, and front steps require replacement for safety purposes. Strict application of setbacks would limit access to the residence and cover from weather.
- b) The hardship is not shared generally by other properties in the same zoning district and vicinity.
  - Other residences in the vicinity are not situated in a similar manner.
- c) The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by the granting of the variance, and
  - The authorization of the requested variance will not impact adjacent properties. Authorization of the requested variance will improve the appearance and value of the property.
  - Granting the variance will not reduce the ability to utilize the existing easement to any greater extent.
- d) 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.
  - Other residences in the vicinity are not situated in a similar manner.



I HEREBY CERTIFY THAT ON 8/22/95 I SURVEYED THE PROPERTY SHOWN HEREON AND THE IMPROVEMENTS ARE AS SHOWN ON THIS PLAT.

SUBJECT PROPERTY LIES WITHIN HUD FLOOD ZONE 0  
(NOT A FLOOD HAZARD AREA)

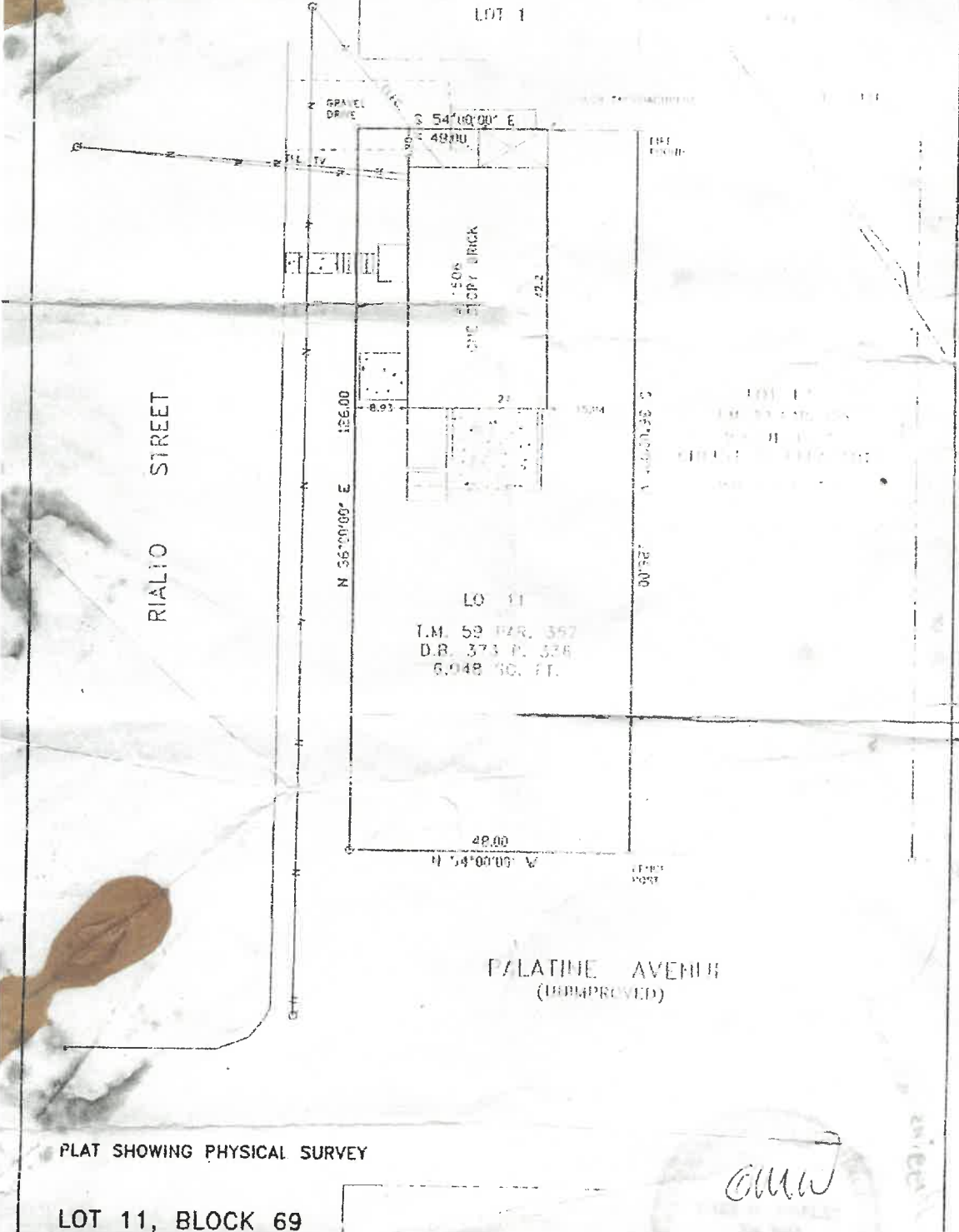


Figure 2: 1995 survey of property at 1506 Rialto Street.



Figures 3 and 4: Deteriorating awning supports and concrete patio

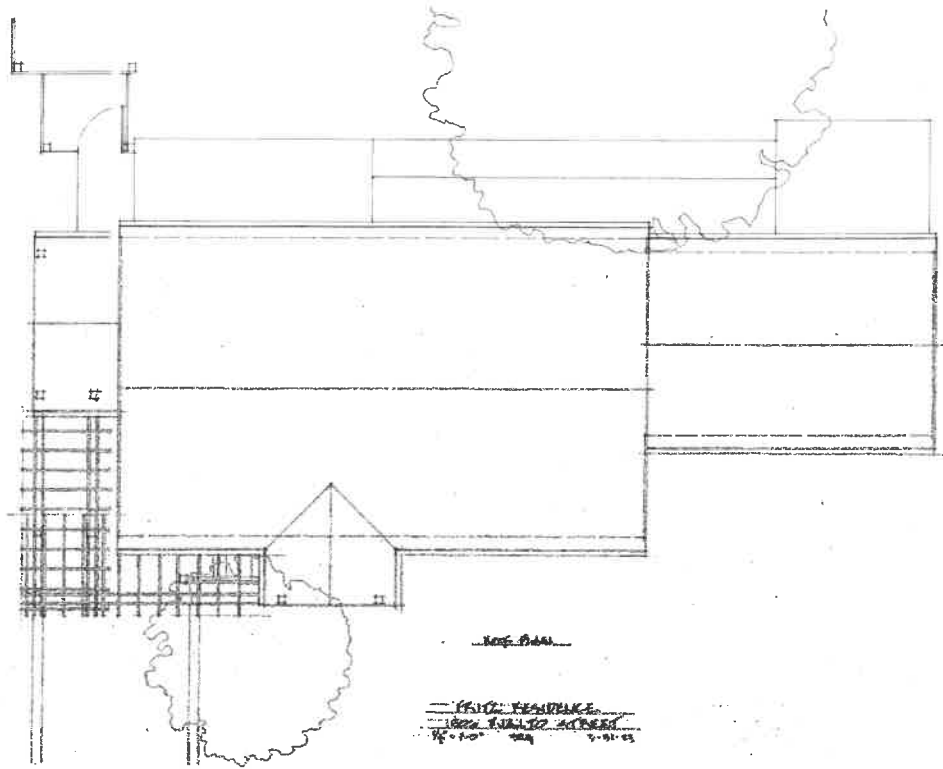


Figure 5: Draft plan of proposed improvements showing side patio with awning supports, rebuilt front steps, and connecting pergola.

**Additional photos of property at 1506 Rialto Street**



View of property from Rialto Street, looking southeast.



View of property from Rialto St. looking east across the alley.



View of north end of residence and side patio with awning, facing east from Rialto St.



View of side patio and awning from Rialto St. facing east.



View of side patio and awning facing east from driveway.



View east on alley.