



**PUBLIC NOTICE**  
**WILLIAMSBURG BOARD OF ZONING APPEALS**

The Williamsburg Board of Zoning Appeals will hold public hearings on Tuesday, June 4, 2019, 4:00 P.M. in the Council Workroom, Room #123, of the Stryker Center, 412 North Boundary Street, to consider the following:

**BZA#19-010:** Request of Joseph P. Marengi on behalf of the Marengi Trust for an appeal of the Zoning Administrators decision to deny the removal of a tree because it did not meet the criteria for approving its removal contained in Section 21-21-614(c)2 of the Zoning Ordinance. The Zoning Administrator has determined the tree cannot be removed because it is not dead, diseased or dying, is located in a Chesapeake Bay Resource Management Area and is shown on the approved landscape plan for Brandywyne Subdivision. The property is located at 513 Suri Drive, Williamsburg Tax Map Number 379-01-2B-023 and is zoned, PDR.

**BZA#19-011:** Request of Harmony J. Dagleish for a special exception pursuant to Section 21-605.2 of the Zoning Ordinance to approve the short-term rental of one room to transient visitors in a single-family detached dwelling. The property is located at 214 Matoaka Court, Williamsburg Tax Map Number 433-06-0A-009 and is zoned, Single-Family Dwelling District RS-2.

Additional information is available at <http://www.williamsburgva.gov/bzameetings>; and at the Planning Department [(757) 220-6130], 401 Lafayette Street. Interested citizens are invited to attend these hearings and present their comments to the Board.

If you are disabled and need accommodations in order to participate in the public hearings, please call the Planning Department at (757) 220-6130, (TDD) 220-6108, no later than 12:00 noon, Tuesday, May 28, 2019.

The Board will view the site as a group on June 4, 2019 at 3:30 p.m. at 214 Matoaka Court (BZA#19-011).

Heather I. Markle  
Zoning Administrator

The applicant  
has requested tabling BZA#19-010  
to the July 2, 2019 meeting date.



BOARD OF ZONING APPEALS  
WILLIAMSBURG PLANNING DEPARTMENT  
401 LAFAYETTE STREET  
WILLIAMSBURG, VIRGINIA 23185-3617  
(757) 220-6130 FAX (757) 220-6130

BZA# 19-010  
DATE 5-8-19

OWNER(S): J. P. MARENCHI (LOT 23) K. TOTH (LOT 22)  
ADDRESS: 513 SURI DRIVE, WMBG VA 23185 509 SURI DRIVE, WMBG, VA 23185  
PHONE/FAX NUMBER/E-MAIL: 757-565-1854 (H) 757-378-2102 (H)  
APPLICANT/REPRESENTATIVE: As Above  
ADDRESS: \_\_\_\_\_  
PHONE/FAX NUMBERS/E-MAIL: Josephp.marenchi@yahoo.com  
LOCATION OF THE REQUEST: BRANDYWYNE DEVELOPMENT LOTS 22/23

✓ ATTACH PLAT OR DETAILED DRAWING OF PROPERTY SHOWING EXISTING STRUCTURES, PROPOSED STRUCTURES, SET BACK LINES AND ENCROACHMENTS.

THE FOLLOWING REQUEST IS MADE TO THE BOARD OF ZONING APPEALS FOR:

AN APPEAL TO AN INTERPRETATION OF THE ZONING ORDINANCE, ZONING MAP, OR AN APPEAL OF AN ADMINISTRATIVE DECISION.

✓ Provide narrative statements describing the nature and purpose of the appeal and specifying the action requested of the Board of Zoning Appeals.

A VARIANCE RELATING TO Over-size Crane Myrtle in restricted area carrying services & utilities.

✓ Provide narrative statements demonstrating that the requested variance meets each of the following tests:

- ✓ 1. The property was acquired in good faith.
- ✓ 2. Narrowness, shallowness, topographic conditions, size of the property or shape of the property at the time of the effective date of the Zoning Ordinance or use/development of the property immediately adjacent creates a hardship.
- ✓ 3. The strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property.
- ✓ 4. The above described hardship does not result from the actions of the owner(s).
- ✓ 5. The degree of variance requested is the minimum needed to remove the hardship. If not, why is more needed?
- ✓ 6. Granting the variance would not adversely impact adjacent properties.

A SPECIAL EXCEPTION FOR Endangerment to all utilities & services.

✓ Provide narrative statements demonstrating that the requested special exception meets each of the following requirements:

- ✓ 1. It is designed, constructed and operated to adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property.
- ✓ 2. It does not unreasonably impair an adequate supply of light and air to adjacent property.
- ✓ 3. It does not increase public danger from fire or otherwise unreasonably restrict public safety.
- ✓ 4. It does not impair the established property values in surrounding areas.

Initials J.P.M.  
K.T.

BZA # 19-010

I/We, respectfully request that a determination be made by the Board of Zoning Appeals for the above-noted request which is true to the best of my/our knowledge and belief.

Kelley Lath  
Signature of Owner(s)

5/8/19  
Date

Sworn before me this 8 day of May, 2019.

Stefanie Ann Perticone  
Notary

2/28/21  
My Commission Expires



**FOR OFFICE USE ONLY**

TAX MAP NUMBER: 379-01-2B-023 ZONING: PDR

DATE OF PUBLIC HEARING: 6-4-19 NOTICES MAILED: 5-15-19  
(SEE ATTACHED SHEET FOR PERSONS NOTIFIED)

**DECISION:**

THE DECISION OF THE BOARD OF ZONING APPEALS MAY BE APPEALED TO THE CIRCUIT COURT WITHIN 30 DAYS AFTER THE FINAL DECISION OF THE BOARD.

\_\_\_\_\_  
ZONING ADMINISTRATOR

\_\_\_\_\_  
DATE

March, 2007

[FORMS\BZA APPLICATION FORM]

P. 8 of 9.

Quinal's [Signature]  
N.I.

BZA # A-010

I/We, respectfully request that a determination be made by the Board of Zoning Appeals for the above-noted request which is true to the best of my/our knowledge and belief.

Joseph P. Marengi  
Signature of Owner(s)

5/8/19  
Date

Sworn before me this 8 day of May, 2019.

Kelley Leigh Toth  
Notary

12/31/21  
My Commission Expires



**FOR OFFICE USE ONLY**

TAX MAP NUMBER: 379-01-2B-023 ZONING: PDR

DATE OF PUBLIC HEARING: 6-4-19 NOTICES MAILED: 5-15-19  
(SEE ATTACHED SHEET FOR PERSONS NOTIFIED)

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\_\_\_\_\_  
ZONING ADMINISTRATOR

\_\_\_\_\_  
DATE

March, 2007

[FORMS\BZA APPLICATION FORM]

P. 949.

Inmate JPM

Provide narrative statements describing the nature and purpose of the appeal and specifying the action requested of the Board of Zoning Appeals:

All utilities for both 513 and 509 Suri Drive lie in a 17 feet long shared stretch of the adjoining land between our two driveways narrowing from 12 feet to 7 feet, dominated by the most oversized variety of crape myrtle in such a location of any other home in our Brandywyne development. This is the subject of our appeal. Since both neighbors work, I have taken the lead since being retired, to pursue solutions in conjunction with them.

In addition to the utilities; water, electric, gas and Cox and Verizon cable boxes, there are sewage pipes from both homes entering this stretch of land and leading to the cul-de-sac grinder pump, and a sprinkler system. The huge canopy also covers large sections of both driveways reaching above the gutters and upstairs windows

A further issue is the sloping land between the homes leading to the cul-de-sac. In order to allow rain water and three roof drains to flow freely between the homes to the cul-de-sac, in 2005 a French drain was installed, worked well but now is being uplifted by the huge roots.

One of the three landscapers whom I consulted with suspected that some roots had stretched under the driveway and the cul-de-sac. I dug around to reveal the thickest roots. Of the four I uncovered, at least the thickness of my leg, one of which had been indeed pushing in that direction, and another to the neighbor's driveway. Another stretched under the electric box and a cable box that were pitching at an angle.

The purpose of the appeal and the action requested of the Board of Zoning Appeals. The maze of roots over fifteen years of rapid growth that we have witnessed makes it realistically too late and too dangerous to try to replace it with something more manageable and less damaging. To do nothing makes it an ever-increasing liability for the present owners and for any new buyer, if one could be found who does not get an engineer's report. It stands out like a sore thumb to anyone who sees it for the first time.

I confirmed with Berkeley Property Management, representing Brandywyne Owners Association, that it is the owners' responsibility to maintain, repair and safeguard the utilities and other services exterior to our residences; that is everything that is placed in danger by our oversized crape myrtle's root system. It is impossible to envisage the extent of excavation and replacement that would be required with such a concentration of utilities, services, and drainage in such a compact area. No home insurance would cover it to any adequate extent.

The action requested of the Board of Zoning Appeals is therefore to permit the removal of our crape myrtle to the base of the trunk so that the situation will not get any worse by further major root growth.

The Zoning map showing the six homes and trees (marked red) on the cul-de-sac, the parcels involved showing the extent of the canopy of the oversize crape myrtle, is attached.

Provide narrative statements demonstrating that the requested variance meets each of the following tests:-

1. The property was acquired in good faith:  
We rented an apartment for six months while 513 Suri Drive was still under construction. Although we were familiar with crape myrtles as they and bradford pears were the most popular flowering trees in Tulsa where we had lived, but of the smaller varieties, like the four feet bushes lining Oral Roberts University and the smallest trees on common areas around town. We had never seen or heard of the large varieties, and the narrow stretch of land should not pose a problem. So to that extent we acquired the property in good faith.
2. As the years passed our tree got larger than that on the center island of the cul-de-sac and the trunk had thickened. After the roots were well established, the tree grew rapidly and we got concerned. The arborist lady who sometimes had articles in the Daily Press covered the subject of crape myrtles in some depth and I was able to contact her. This was the first time I got to understand how huge the largest varieties could grow even in restricted areas, and found the largest variety in the Staples parking lot.
3. The strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property. There was no comparable situation in the development. Something had to be done and I learned that we had firstly to get permission from the Williamsburg Planning Department for any tree removal. It was not until I brought in a certified arborist and got further clarification from Ms. Heather Markle that I realized that what I was dealing with were not recognized in the strict application of the terms of the ordinance.  
To allow the condition to go uncorrected and advance unabated could certainly risk the properties being unlivable. If an engineering inspector was brought in to inspect and report on the property for a prospective buyer, it would soon be black-listed by realtors.
4. The above described hardship does not result from the actions of the owner.  
My eldest son, Joseph, custom designs/redesigns and builds homes in Northern California and my middle boy, Michael, is Project Director of sports facilities and grounds for the University of Michigan. However it happened, a serious mistake in specifying this size of a tree in such a restricted area, close to residences and being surrounded by and endangering their essential services, was made.
5. The degree of variance requested is the minimum needed to remove the hardship. If not, why is more not needed? The removal of the tree will prevent further growth. To try to remove the major roots could not be done without risking damage to buried pipe, cable and lines.
6. Granting the variance would not adversely impact adjacent properties.  
This action will be welcomed as this size of tree is so out-of-place on any cul-de-sac, and will eliminate any further damage risk to driveways and the cul- de-sac.

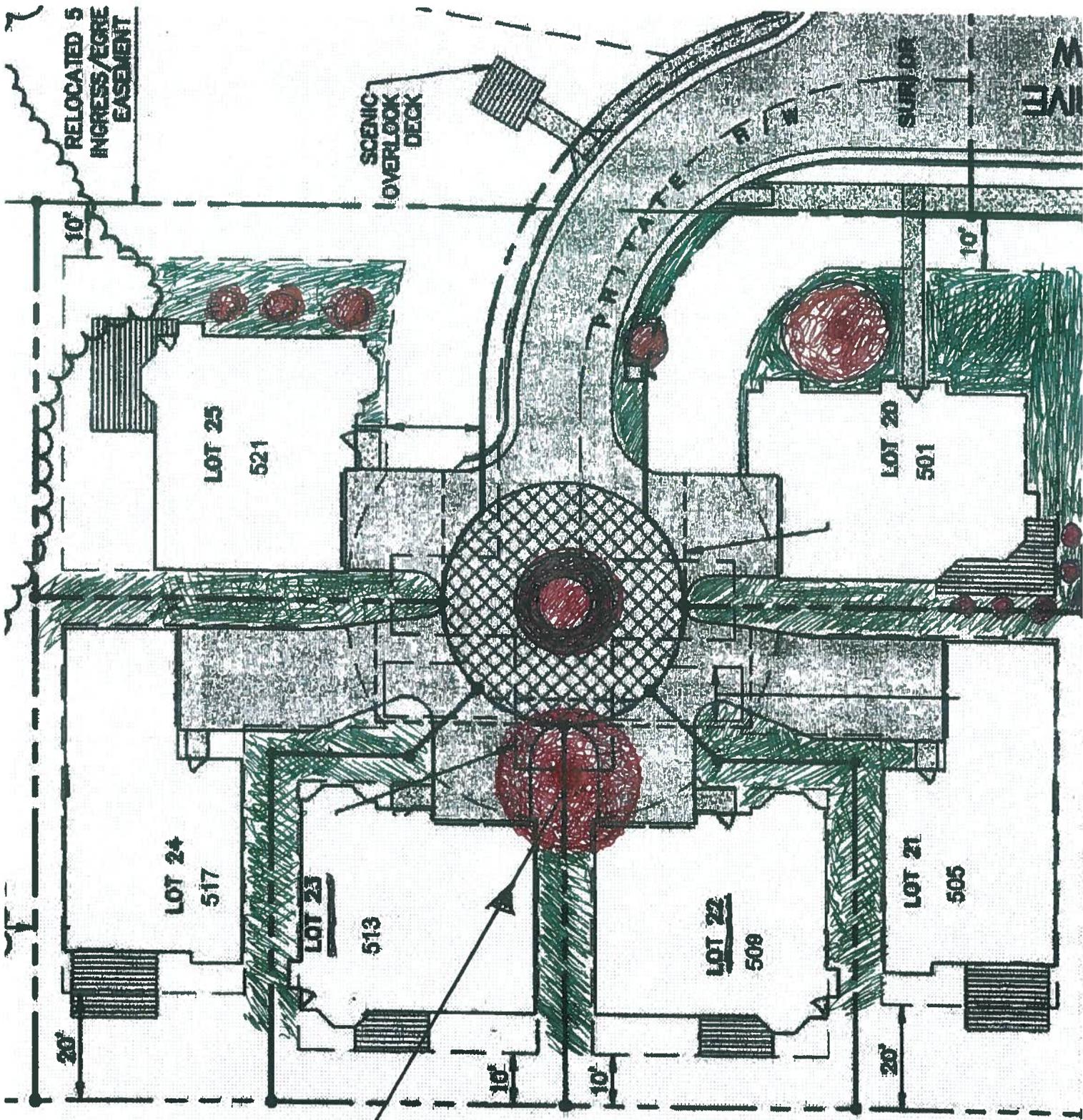
P 3 4 9 .

Initials JPM  
K.T

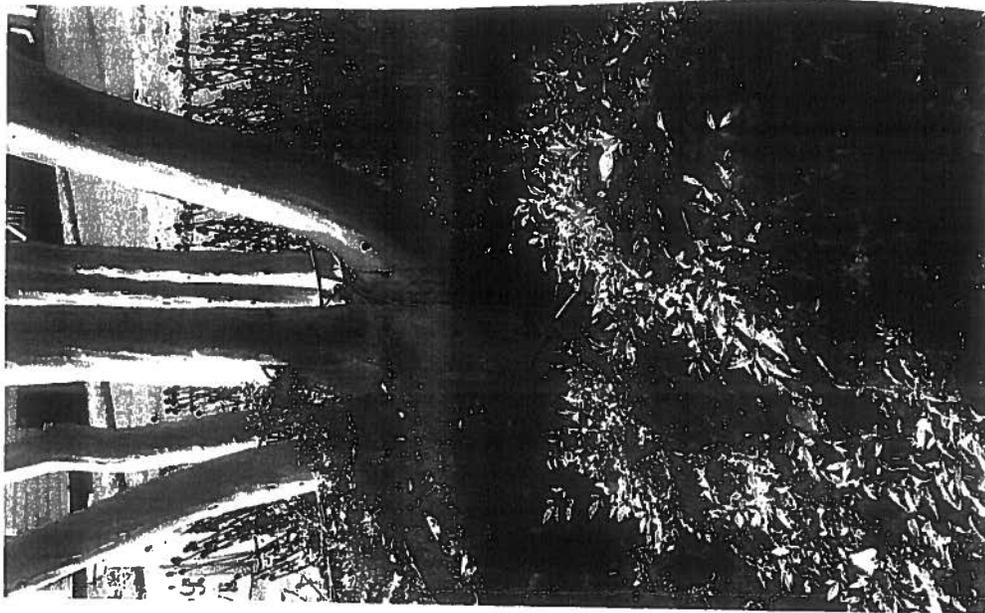
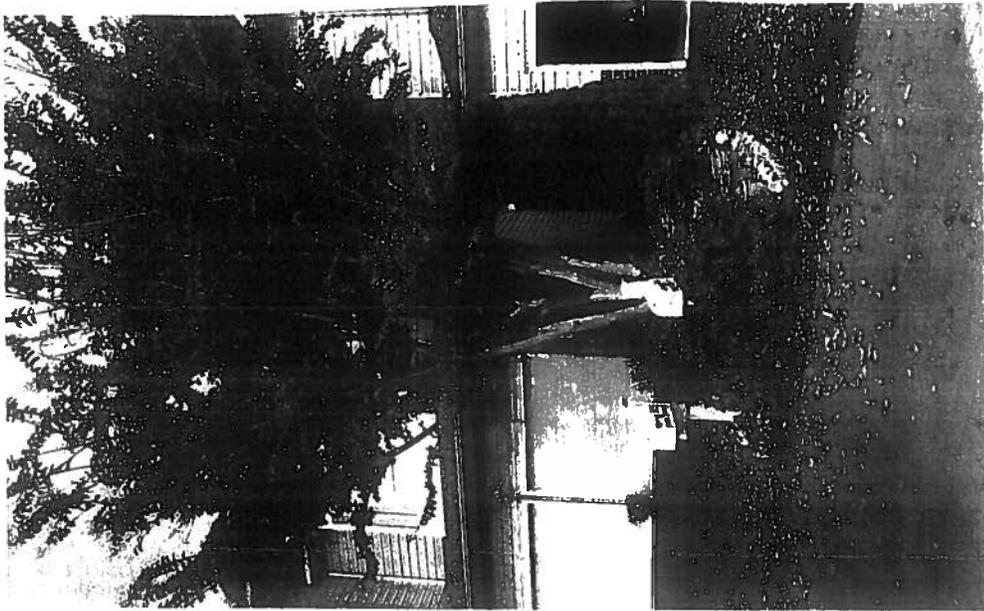
Provide narrative statements demonstrating that the requested special exception meets each of the following requirements:

1. The action eliminates the likelihood of major disruption that would have to accompany uncovering/repairing/replacing buried assets.
  2. The only partial shade eliminated will be to garage doors, 2 already insulated.
  3. The action removes the risk of any of six major downed tree limbs on homes.
  4. The action eliminates an eye-sore that gets unfavorable remarks.
-





Location of our towering crape myrtle.  
 Note there are no trees of any size on the five clearings separating all other cul-de-sac homes.



Trunk Circ 47"  
Trunk Dia 17"  
Hgt 40+ft.

P, 6(b)/9.

**Brandywyne Owners Association**  
**Berkeley Realty Property Management Inc**  
**150 Strawberry Plains Road Suite A-1**  
**Williamsburg, VA 23188**  
**757-229-6810** **757-229-8208**

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02/21/2019

Joseph & Catherine Marengi  
513 Suri Drive  
Williamsburg VA 23185

**RE: Request for Property Improvements at 513 Suri Drive**

Dear Joseph & Catherine Marengi:

The Architectural Review Committee for Brandywyne Owners Association has reviewed and approved your application for the following improvements:

**Application approved for tree removal.**

The application was approved with the following conditions:

**Approved with condition(s): Must submit City tree removal approval form for Brandywyne records.**

Please note that all work must be completed within twelve (12) months from the date of this letter, unless other permissions by the Board have been given. Please notify the Association Management office upon completion of work. Building permits for the improvements may be required, and the cost of any permits and the responsibility for obtaining such permits and subsequent County inspections, will be the responsibility of the homeowners. Any architectural approval is not intended to be, nor shall it be considered, as substitute for approval by the necessary and appropriate county or municipal agencies.

If you should have any questions or concerns, please contact my office at (757)229-6810ex209 or by email at [dclarcq@berkeley-realty.com](mailto:dclarcq@berkeley-realty.com).

Sincerely yours,

*Diane Clarcq*  
Diane Clarcq, CMCA®, AMS®, PCAM®  
Berkeley Realty Property Management  
Association Manager

P 7 of 9

Initials GM  
K.T.

## Brandywyne Notice from the Rules and Regulation Committee

From: Brandywyne Owners Association - Diane Clarcq (dclarcq@berkeley-realty.com)

To: josephp.marenghi@yahoo.com

Date: Monday, May 6, 2019, 5:10 PM EDT

The Rules and Regulations committee will be conducting our spring 2019 Brandywyne audit on Thursday May 9th, at 9am and meeting at the Brandywyne Clubhouse.

All homeowners/renters are welcome to "silently" join us as we canvas the neighborhood. We will be walking around homes, taking notes and photographs.

Best Regards,  
Bob Jennaro and the Rules and Regulations Committee.

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BZA Attachment

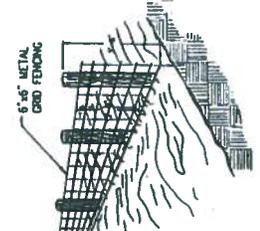
The above is a routine quarterly walk-through of the development to evaluate buildings and grounds' issues that require the owners' attention to maintain the upkeep and appearance of the development's 79 residences.

Of the ten cul-de-sacs with two homes in the identical locations as ours, there was nothing comparable to ours in the concentration of all utilities, sewage pipes to grinder pump, cable boxes, sprinklers, and surface drainage in such a confined space. There was no tree as large as ours with its spreading roots and largest of canopies. Several had no tree plantings.

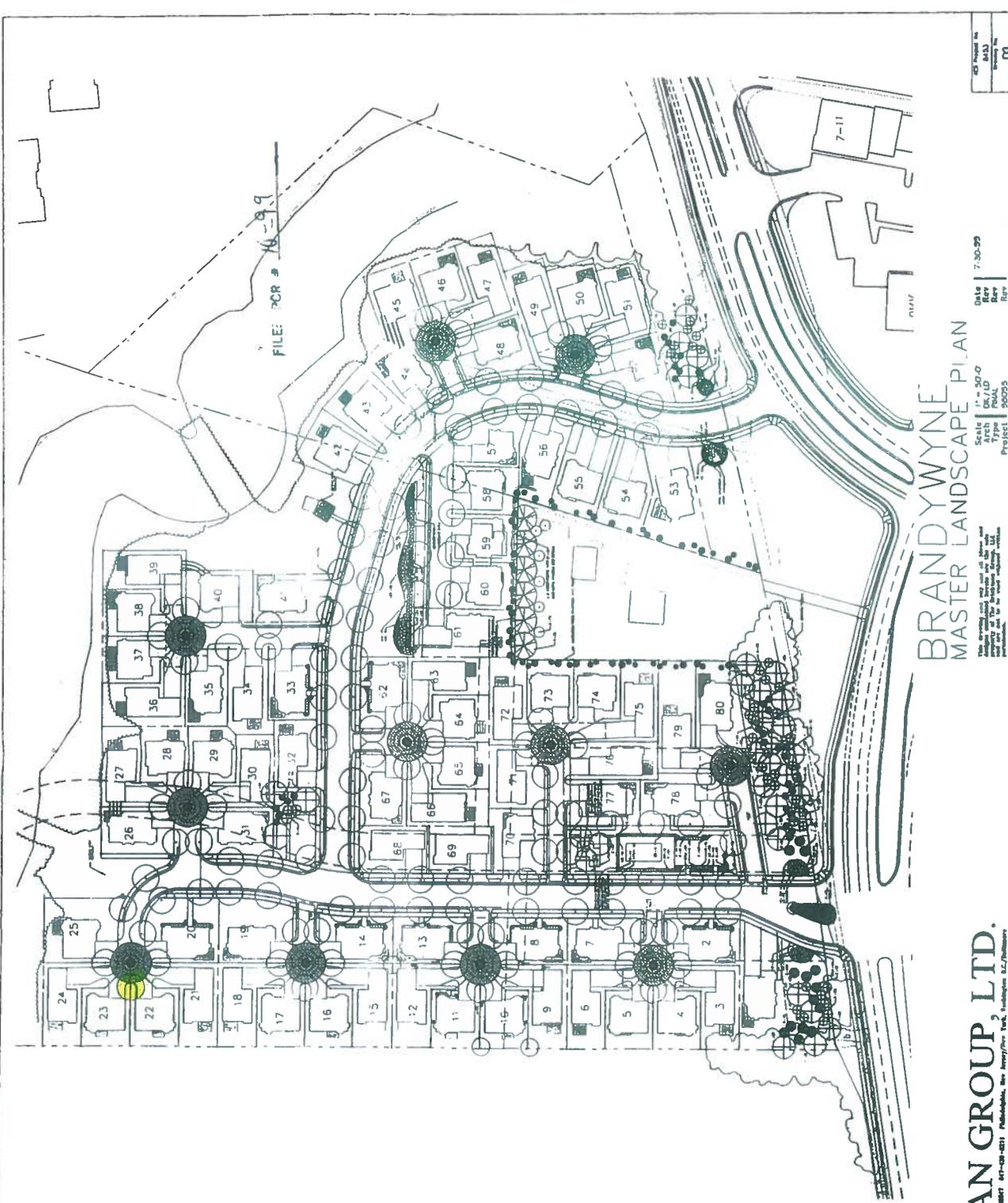
J.P. Marenghi  
5/4/19

**PLANT LIST**

SYMBOL	COMMON NAME	SIZE	STOCK
12	Bursera rickia	6-8" cal.	48
13	Acacia saligna	3-4" cal.	48
14	Liquidambar styraciflua	3-4" cal.	15
15	Quercus prinus	16-18"	48
16	Quercus prinus	3-3.5" cal.	47
17	Quercus prinus	8-10"	42
18	Quercus prinus	8-10"	42
19	Quercus prinus	8-10"	42
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79	Quercus prinus	8-10"	42
80	Quercus prinus	8-10"	42



**MAYNARD FENCE DETAIL**  
SCALE: 1/8" = 1'-0"



**BRANDYWYNE  
MASTER LANDSCAPE PLAN**

DATE: 7-30-99  
BY: [Signature]  
CHECKED BY: [Signature]  
PROJECT: 90095

Scale: 1/8" = 1'-0"  
Type: FINAL  
Project: 90095

THE BRICKMAN GROUP, LTD.  
Landscape Architecture/Architectural Services  
1000 Lakeside Drive, Suite 100  
Baltimore, MD 21201  
Tel: 410-528-8877  
Fax: 410-528-8878

**THE BRICKMAN GROUP, LTD.**  
Landscape Architecture/Architectural Services  
1000 Lakeside Drive, Suite 100  
Baltimore, MD 21201  
Tel: 410-528-8877  
Fax: 410-528-8878

Re: Tree removal request.  
513 Suri Drive, Lot 23  
Williamsburg, VA 23185

Property owners:  
Joseph and Catherine Marenghi

CC Dianne Clerq  
Berkeley Property Management

Williamsburg Planning Department  
Attn: Heather I. Markle  
Deputy Zoning Administrator  
401 Lafayette St.  
Williamsburg, VA 23185-3617

Dear Ms. Markle,

We have been following up on your response to our tree removal request of 1/19/19. On that basis we are now requesting permission to proceed.

- 1) I got a recommendation from Ruth Cobb to use a certified arborist from Bartlett Tree Service for an evaluation of our oversize crape myrtle. Ruth is our long-serving Brandywyne Owners Association committee member overseeing landscaping and plantings for our development.
- 2) The arborist, Dan, arrived 2/4/19. I showed him your response to our request and pointed out the dangers the tree presented; copy attached. He looked at the tree and said he had little experience with oversized crape myrtles, and didn't know any arborist who does.
- 3) He said that all he could report on is that the tree is not dead or diseased, but could not report on the hazards and reasons making it unsafe as stated, so was non-committal and would not write the letter as the City had requested.
- 4) Your 1/17/19 report following your inspection clearly states that permission to remove the tree can be agreed to if it is unsafe and being a hazard. That was the basis for my request to remove it in the first place, and was obvious to R.A. Coleman whom I was contracting with, and another well established company, Southern Grown Landscaping, from whom I asked a further evaluation. His contact info and evaluation :-

----- Forwarded message -----

From: **David Martin** <[southerngrownsgl@gmail.com](mailto:southerngrownsgl@gmail.com)>  
Date: Wed, Mar 27, 2019, 7:31 PM  
Subject: Crape myrtle  
To: <[josephp.marenghi@yahoo.com](mailto:josephp.marenghi@yahoo.com)>

*Joseph P. Marenghi*

Dear Mr. Marenghi,

It was a pleasure to meet you.

Unfortunately, in our professional opinion, the crape myrtle you asked us to evaluate really needs to be removed. The tree has become so large it is beginning to damage everything around it. The roots show evidence of damaging the sidewalk and driveway as well as all of the utilities that are located right beside it. Please, let us know how you would like to proceed.

Thank you,

David

David Martin  
Southern Grown Landscaping  
(757)585-1207

I am in receipt of your request to remove a Crepe Myrtle tree in front of your dwelling at 513 Surf Drive. Based upon my inspection of the tree on January 11, 2019, it does not appear to be dead, diseased or dying or a hazard. Since your property is located in the Resource Management Area (RMA) of the Chesapeake Bay Preservation Area, I cannot authorize its removal unless it is dead, diseased, dying or a hazard. You have the option to obtain a certified arborist to inspect the tree and determine if the tree is unsafe, diseased or dying and should be removed. If you provide a letter from an arborist certifying its removal is required based upon their expertise and inspection, I can authorize its removal. The crape myrtle can be trimmed back to reduce the canopy. If you have any questions, please contact me at (757) 220-6131.

Sincerely,

-Heather Markle

**Heather I. Markle**

Deputy Zoning Administrator

City of Williamsburg

(757) 220-6131

APPROVAL REQUEST FOR TREE REMOVAL.  
LOT 23, 513 SURI DRIVE, WILLIAMSBURG, VA.

OWNERS: JOSEPH P. AND CATHERINE M. MARENGHI  
(T)757 565 1854 joseph.marenghi@yahoo.com

2/15/19

Description

Planted prior to the time of property purchase in 2003, this largest of the Crepe Myrtle Family now measures a 47 inch girth, a diameter of 17 inches at base, and height of around 40 feet, with a wide canopy that needs trimming every 3-5 years to prevent roof overhang.

Location

Centered on a narrow strip of land sloping down to the cul-de-sac circle, 8 feet wide at the front, opening to 14 feet between this and the next door neighbor's home, where the slope continues to the rear back yard. The tree trunk is just over 4 feet to the driveways and to the cul-de-sac.

Concerns

. This is an inappropriate location choice for a tree of this stature. There is nothing to match it in the development so near residencies. Still a relatively young tree there is nothing stopping it from its rapid growth. Around the City of Williamsburg there are examples of older Crepe Myrtles of this variety that are massive.

. Rain plus four rain-water drains flowing down into this narrow stretch were needing a route to enter and exit the cul-de-sac. A buried french drain was installed the full length in 2005 to stop this drainage problem. With the roots up-swelling of the french drain over the years, serious puddling has been causing damage as seen in the base of the interior wall of the garage. It can be seen where the french drain has been pushed up.

. Utility lines are buried on this stretch of land. This narrow stretch of land has its heavy roots growing all over. One utility box is at an angle. I had a similar problem when living in Ben Avon, a district of Pittsburgh. A gas line had to be excavated and replaced from the basement through a tangle of tree roots that had caused the problem. (Note additional issues from David Markin).

Removing the tree to the base of the trunk will at least stop the problems from getting any worse; leaving it would be a potential disaster.

J.P. Marenghi



# CITY OF WILLIAMSBURG Tree Removal Request

RESET ALL

**Applicant:** Please complete sections I and II, sign, date, and return/mail to the Williamsburg Planning Department, 401 Lafayette Street, Williamsburg, Virginia 23185-3617 or fax to (757) 259-8050. Thank you.

### I. Applicant Information

Property Owner (Name): Joseph & Catherine Matenghi

Address: 513 SURI DRIVE, Wmbsg, VA 23185

Phone Number: 757-565-1854 E-Mail Address: Josephp.matenghi@yahoo.com

Tree Removal Contractor: R A COLEMAN INC. EST 1991.

Address: NEW KENT BRAVANE@RACOLEMANINC.COM

Phone Number: 757-719-0560 Fax Number: N/A?

WWW.RACOLEMANINC.COM

### II. Tree Removal Information

a. Number of trees to be cut? One { GIRTH AT BASE 47" }  
Size DIA 16"

b. Type (species) of trees to be cut? LARGEST of CREPE MYRTAL FAMILY.

c. Location: BETWEEN Lots 22 & 23 IN TIGHT SPACE,

(i) Please mark tree to be removed (Attached)

d. Reason for removal:

Diseased \_\_\_\_\_ Damaged \_\_\_\_\_ Other ENDANGERING UTILITIES.

If other explain: ROOTS EVERYWHERE, UPROOTING FRENCH DRAIN etc DRAINAGE.

Signature of Owner: J.P. Matenghi Date: \_\_\_\_\_

.....  
City Use Only

Inspection Date: 1/11/19 Approved: \_\_\_\_\_ Denied:

Inspectors Name and Signature: Heather Markle

Tree Removal Permit Number: \_\_\_\_\_

**City approval does not forfeit any tree removal process and requirement that is required by a Home Owner's Association.**

04/18/2017

# Brandywyne

McCarty/Radcliffe · Wonsey/Dicran@



513  
Sue!

CAPITOL LANDINGS RD

MEFFIAC TRAIL ROUTE 143

SNOW DRIVE

SHINDEL DRIVE

SUN DRIVE

WINTERHILL

MARSA

NOVACK

DONA

STEWART/FERRIS@

CHENCY

WILLIAMS/BARGET@

SOBO

MARTIN

HERTZBERG/BERNERO

SUPET/DODD@

HERTZBERG/WILLIAMS@

HERTZBERG

HERTZBERG

HERTZBERG

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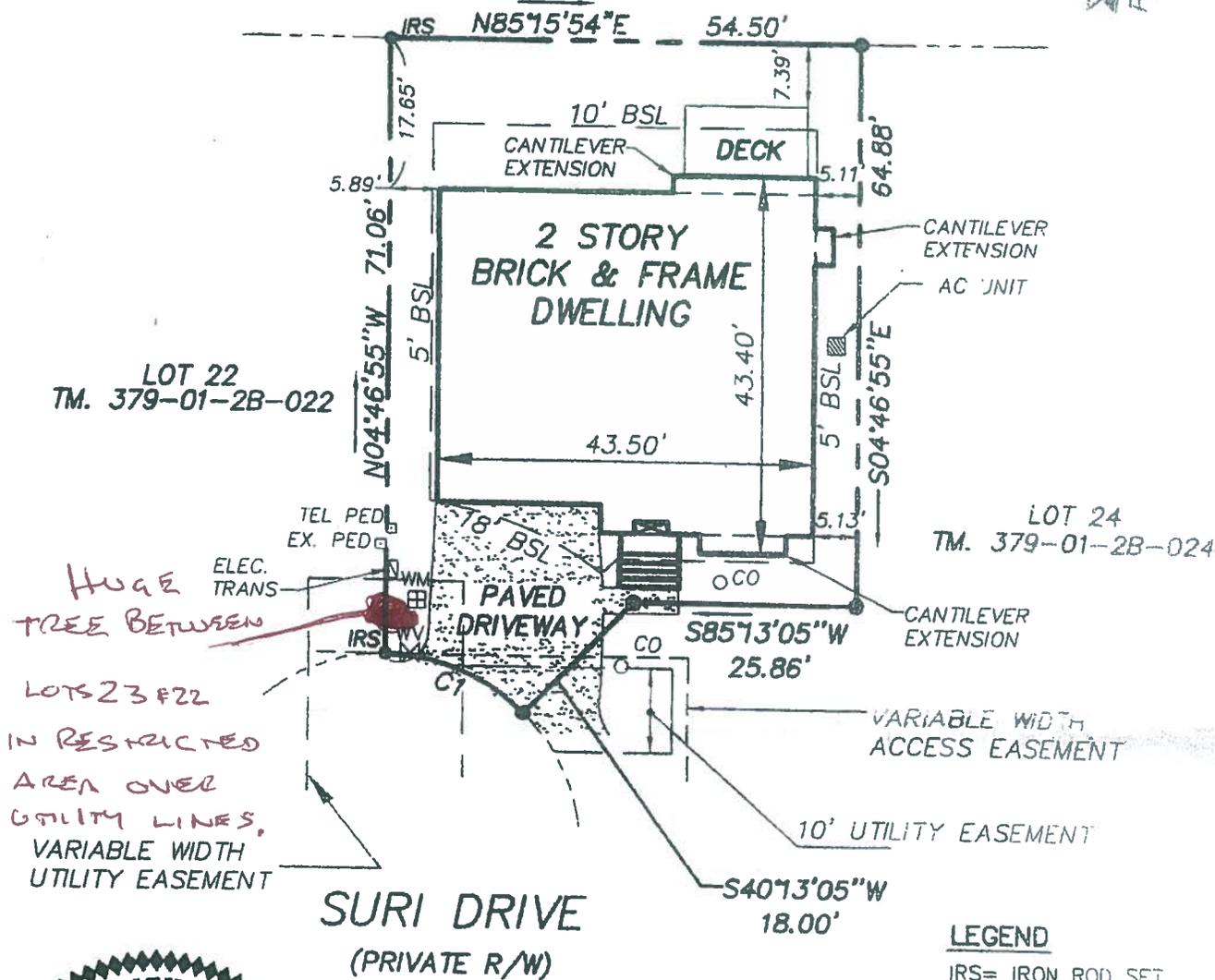
OF EASEMENTS.

NOTE:  
BUILDING TIES ARE TO  
FACE OF BRICK.

N/F  
THOMAS D. MAHONE  
DB. 55, PG. 13 Y.C.  
TM. 378-02-B

AREA OF LOT 23  
3748 S.F.±  
0.086 ACRES ±

RECORD MEMORANDUM  
PLAT BOOK 81, PAGES 91 & 92



- LEGEND**
- IRS= IRON ROD SET
  - B.S.L.= BUILDING SETBACK LINE
  - WM= WATER METER
  - WV= WATER VALVE
  - CO= SEWER CLEAN OUT

**CURVE TABLE**

NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CH. BEARING
C1	45°00'00"	22.50	17.67	9.32	17.22	N72°16'55"W

THIS PROPERTY LIES IN ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) PER F.I.R.M. #510294-0005 B, DATED 3/2/94.

TAX PARCEL: 379-01-2B-023  
STREET ADDRESS: 513 SURI DRIVE



NOTE:  
THIS PLAT IS BASED ON A CURRENT SURVEY AND WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

24523FL01.dwg

08.04.03-09:36

**R.A. COLEMAN, INC.**

*Serving Williamsburg since 1991*

Tree Removal  
Stump Grinding  
Lot Clearing

Irrigation Systems  
Stonework/Patio  
Planting & Designs  
Garden Ponds

Retaining Walls  
Topsoil/Gravel  
Grading

**BRYAN ENGSTROM**

(757) 719-0560

[bryane@racolemaninc.com](mailto:bryane@racolemaninc.com)  
[www.racolemaninc.com](http://www.racolemaninc.com)



## Heather Markle

---

**From:** Will Fidler  
**Sent:** Friday, January 11, 2019 3:10 PM  
**To:** Heather Markle  
**Subject:** RE: 513 Suri Tree Request

Unfortunately for the homeowner their request, in my opinion, would be denied. I imagine the tree was installed during the initial construction of the community as a requirement of the site plan. The crape myrtle can be trimmed back to reduce the canopy if that is something the homeowner is interested in.

Trees disrupting utilities has occurred and will continue to occur as long as we plant trees and place utilities underground. We do remove trees on large utility easements to minimize tree damage to the utilities. We, unfortunately, cannot establish set back on smaller sites that would prevent landscape plantings from coming in contact with utilities. So yes the tree could disrupt the utilities, but if we replicated that approach to Brandywine there probably wouldn't be a tree within the community. I feel we do a good job at being aware that tree roots can disrupt or damage foundations but I don't think we should maintain that similar level of risk towards underground utilities.

So recap, trim the tree (no permission from us, I think?) and when the services are disrupted does it warrant a tree removal, but I wouldn't recommend removal out of possible fear.

Will Fidler  
City of Williamsburg  
Landscape Superintendent

---

**From:** Heather Markle  
**Sent:** Friday, January 11, 2019 2:53 PM  
**To:** Will Fidler  
**Subject:** 513 Suri Tree Request

Hi Will,

I went over to 513 Suri today to look at a tree removal request. To me the tree is perfectly healthy and I cannot approve the removal. The home owner states that this tree is "too large" and is going to destroy the utilities located nearby. Any thoughts?

Thanks,  
Heather

**Heather I. Markle**  
Deputy Zoning Administrator  
City of Williamsburg  
(757) 220-6131

APPROVAL REQUEST FOR TREE REMOVAL.  
LOT 23, 513 SURI DRIVE, WILLIAMSBURG, VA.

OWNERS: JOSEPH P. AND CATHERINE M. MARENGHI  
(T)757 565 1854 josephp.marenghi@yahoo.com

Description

Planted prior to the time of property purchase in 2003, this largest of the Crepe Myrtle Family now measures a 47 inch girth, a diameter of 17 inches at base, and height of around 40 feet, with a wide canopy that needs trimming every 3-5 years to prevent roof overhang.

Location

Centered on a narrow strip of land sloping down to the cul-de-sac circle, 8 feet wide at the front, opening to 14 feet between this and the next door neighbor's home, where the slope continues to the rear back yard. The tree trunk is just over 4 feet to the driveways and to the cul-de-sac.

Concerns

. This is an inappropriate location choice for a tree of this stature. There is nothing to match it in the development so near residencies. Still a relatively young tree there is nothing stopping it from its rapid growth. Around the City of Williamsburg there are examples of older Crepe Myrtles of this variety that are massive.

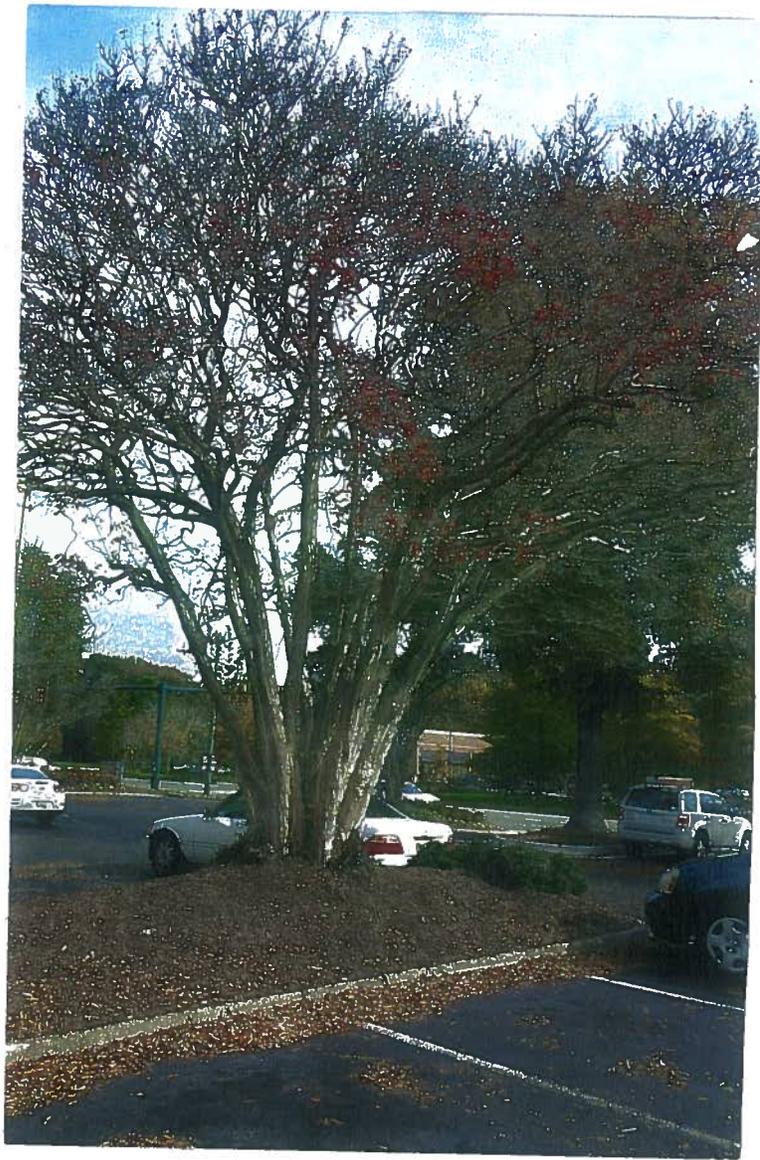
. Rain plus four rain-water drains flowing down into this narrow stretch were needing a route to enter and exit the cul-de-sac. A buried french drain was installed the full length in 2005 to stop this drainage problem. With the roots up-swelling of the french drain over the years, serious puddling has been causing damage as seen in the base of the interior wall of the garage. It can be seen where the french drain has been pushed up.

. Utility lines are buried on this stretch of land. This narrow stretch of land has its heavy roots growing all over. One utility box is at an angle. I had a similar problem when living in Ben Avon, a district of Pittsburgh. A gas line had to be excavated and replaced from the basement through a tangle of tree roots that had caused the problem.

Removing the tree to the base of the trunk will at least stop the problems from getting any worse; leaving it would be a potential disaster.

Joseph P. Marenghi.

Note:- Our neighbor, Kelly Toth, is in agreement with the removal of the tree for the above reasons, plus the ability to remove roots that interfere with seasonal plantings, plus the mess the tree makes, leaving a thick layer of leaves, more-so than any other tree close to residences.



Heather I. Markle  
Zone Administration  
City of Williamsburg.

2/15/19.

Dear Ms Harkle

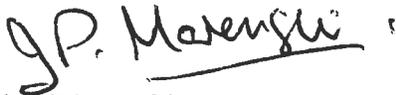
Thank you for your visit. I am sorry that I was not given the opportunity to explain the problems in full, and did as you required and called in a certified arborist from the Bartlett company.

He saw the reason for my concerns that related to drainage and the oversized tree for its location and its root system , but said he couldn't comment on that or the related issues, only that the tree was not dead and was not endangering the house structure.

I photographed an older crepe myrtle of the same family to illustrate what this tree could become. My conclusion of a potential disaster is no exaggeration. Repeatedly cutting back branches from the house really doesn't solve anything.

Please re-evaluate our request. We already have a 10 ft evergreen in the area.

Yours Sincerely,



Joseph and Catherine Marenghi.  
Owners.

## Heather Markle

---

**From:** Joseph P. Marengi <josephp.marengi@yahoo.com>  
**Sent:** Friday, April 5, 2019 12:10 PM  
**To:** Heather Markle  
**Subject:** Re: Tree Removal Request - 513 Suri Dr.

[**NOTICE:** This message originated outside of the City of Williamsburg mail system -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Heather,

Thank you for providing me with the exact wording for tree conditions that would satisfy permission to have it removed.

However this is, never the less, a quite different kind of danger, that will become ever more severe as it becomes ever more massive.

This has been explained, illustrated and clarified in my correspondence and recognized by well established landscapers who uniformly agree that a tree of this stature and root system was inappropriate for its location.

I have learned from the Bartlett arborist that this was outside the scope of certified arborists to evaluate for the City.

Something has to be done and I appreciate the option of appealing to the Board Zoning Appeals Board.

Please advise on the process and who to contact, if possible ASAP, as we will be traveling for five days over the Easter Weekend.

Thanking you for your time and attention.

Joe and Cathy Marengi.  
Home owners.

On Wednesday, April 3, 2019, 4:28:04 PM EDT, Heather Markle <HMarkle@williamsburgva.gov> wrote:

Mr. & Mrs. Marengi,

The ordinance defines hazard as:

*Tree, hazard* shall mean a damaged, diseased, dying or dead tree with a "target" within the falling distance of the tree or its part that fails. A "target" means people, livestock, vehicles, structures, roads, sidewalks.

The tree is not dead, diseased or dying or a hazard.

I cannot authorize its removal without a letter from a certified arborist stating that the tree is a hazard, diseased or dying and should be removed. You have the right to appeal this decision to the Board of Zoning Appeals. Please let me know if you would like more information about that process.

-Heather Markle

## Heather I. Markle

Zoning Administrator

City of Williamsburg

(757) 220-6131

**From:** Heather Markle  
**Sent:** Monday, January 14, 2019 10:08 AM  
**To:** 'josephp.marenghi@yahoo.com' <josephp.marenghi@yahoo.com>  
**Cc:** 'bryane@racolemaninc.com' <bryane@racolemaninc.com>  
**Subject:** Tree Removal Request - 513 Suri Dr.

Mr. & Mrs. Marenghi,

I am in receipt of your request to remove a Crepe Myrtle tree in front of your dwelling at 513 Suri Drive. Based upon my inspection of the tree on January 11, 2019, it does not appear to be dead, diseased or dying or a hazard. Since your property is located in the Resource Management Area (RMA) of the Chesapeake Bay Preservation Area, I cannot authorize its removal unless it is dead, diseased, dying or a hazard. You have the option to obtain a certified arborist to inspect the tree and determine if the tree is unsafe, diseased or dying and should be removed. If you provide a letter from an arborist

certifying its removal is required based upon their expertise and inspection, I can authorize its removal. The crape myrtle can be trimmed back to reduce the canopy. If you have any questions, please contact me at (757) 220-6131.

Sincerely,

-Heather Markle

**Heather I. Markle**

Deputy Zoning Administrator

City of Williamsburg

(757) 220-6131



**BOARD OF ZONING APPEALS  
WILLIAMSBURG PLANNING DEPARTMENT  
401 LAFAYETTE STREET  
WILLIAMSBURG, VIRGINIA 23185-3617  
(757) 220-6130 FAX (757) 220-6130**

BZA# 19-011  
DATE 5/13/19

OWNER(S): Harmony J Dalglish

ADDRESS: 214 Matoaka Court, Williamsburg, VA 23185

PHONE/FAX NUMBER/E-MAIL: 515-537-9501, hjdalglish@mac.com

APPLICANT/REPRESENTATIVE: Harmony J Dalglish

ADDRESS: 214 Matoaka Court, Williamsburg, VA 23185

PHONE/FAX NUMBERS/E-MAIL: 515-537-9501, hjdalglish@mac.com

LOCATION OF THE REQUEST: 214 Matoaka Court, Williamsburg, VA 23185

ATTACH PLAT OR DETAILED DRAWING OF PROPERTY SHOWING EXISTING STRUCTURES, PROPOSED STRUCTURES, SET BACK LINES AND ENCROACHMENTS.

**THE FOLLOWING REQUEST IS MADE TO THE BOARD OF ZONING APPEALS FOR:**

- AN APPEAL TO AN INTERPRETATION OF THE ZONING ORDINANCE, ZONING MAP, OR AN APPEAL OF AN ADMINISTRATIVE DECISION.**

Provide narrative statements describing the nature and purpose of the appeal and specifying the action requested of the Board of Zoning Appeals.

- A VARIANCE RELATING TO \_\_\_\_\_**

Provide narrative statements demonstrating that the requested variance meets each of the following tests:

1. The property was acquired in good faith.
2. Narrowness, shallowness, topographic conditions, size of the property or shape of the property at the time of the effective date of the Zoning Ordinance or use/development of the property immediately adjacent creates a hardship.
3. The strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property.
4. The above described hardship does not result from the actions of the owner(s).
5. The degree of variance requested is the minimum needed to remove the hardship. If not, why is more needed?
6. Granting the variance would not adversely impact adjacent properties.

- A SPECIAL EXCEPTION FOR short-term rental**

Provide narrative statements demonstrating that the requested special exception meets each of the following requirements:

1. It is designed, constructed and operated to adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property.
2. It does not unreasonably impair an adequate supply of light and air to adjacent property.
3. It does not increase public danger from fire or otherwise unreasonably restrict public safety.
4. It does not impair the established property values in surrounding areas.

Initials hjd

BZA # 19-011

I/We, respectfully request that a determination be made by the Board of Zoning Appeals for the above-noted request which is true to the best of my/our knowledge and belief.

[Signature]  
Signature of Owner(s)

5-13-19  
Date

Sworn before me this 13 day of May, 2019.

[Signature]  
Notary

5-31-23  
My Commission Expires

Pamela Jane Gros Mercer  
Notary Public  
Commonwealth of Virginia  
Reg. #7620768  
My Commission Expires 5-31-23

**FOR OFFICE USE ONLY**

TAX MAP NUMBER: 433-06-0A-009 ZONING: RS-2

DATE OF PUBLIC HEARING: 6-4-19 NOTICES MAILED: 5-15-19  
(SEE ATTACHED SHEET FOR PERSONS NOTIFIED)

**DECISION:**

THE DECISION OF THE BOARD OF ZONING APPEALS MAY BE APPEALED TO THE CIRCUIT COURT WITHIN 30 DAYS AFTER THE FINAL DECISION OF THE BOARD.

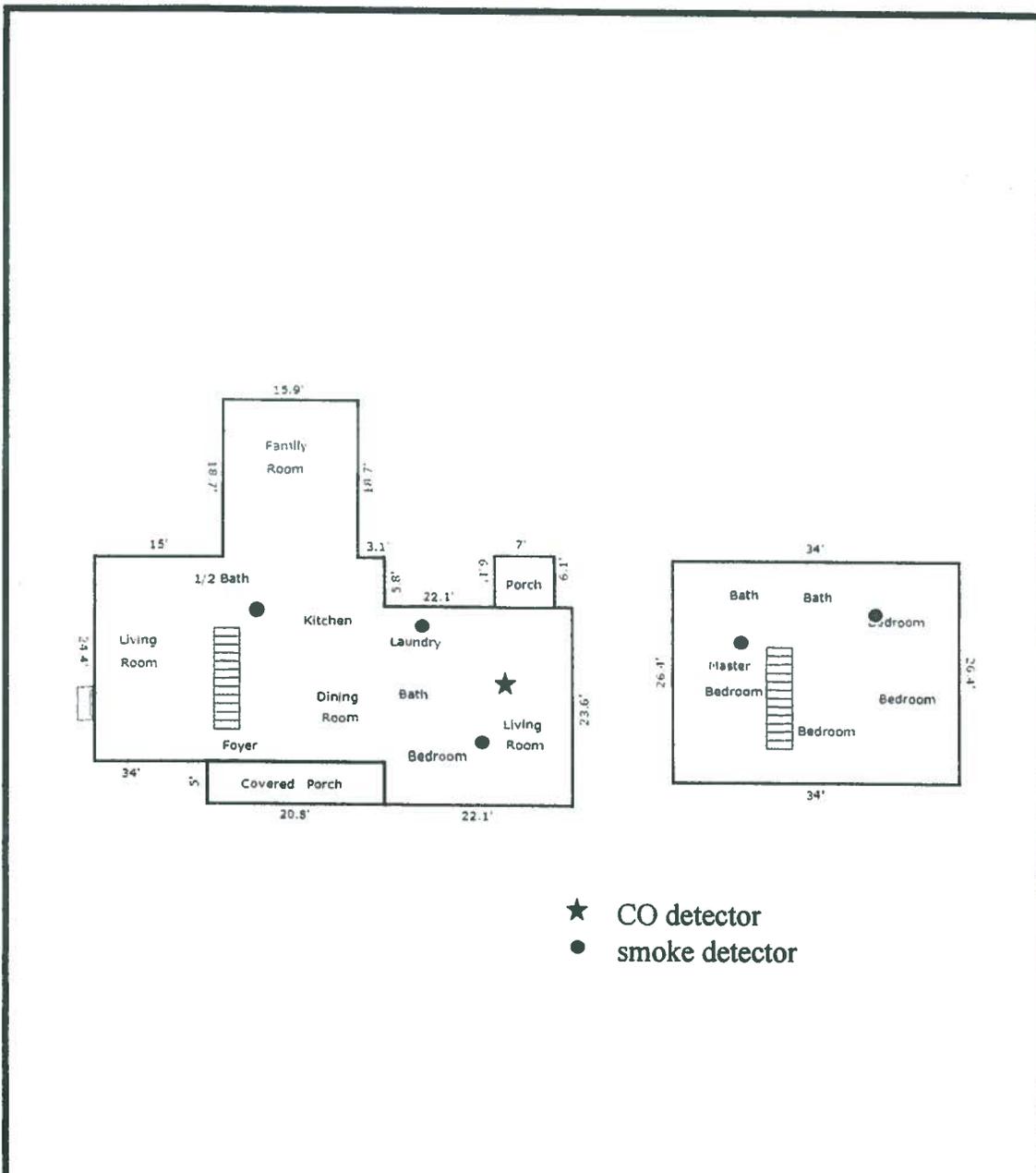
\_\_\_\_\_  
ZONING ADMINISTRATOR

\_\_\_\_\_  
DATE

March, 2007

### Building Sketch

Borrower	Harmony Dalglish		
Property Address	214 Matoaka Ct		
City	Williamsburg	County	City of Williamsburg
		State	VA
Lender/Client	Wells Fargo Bank NA	Zip Code	23185

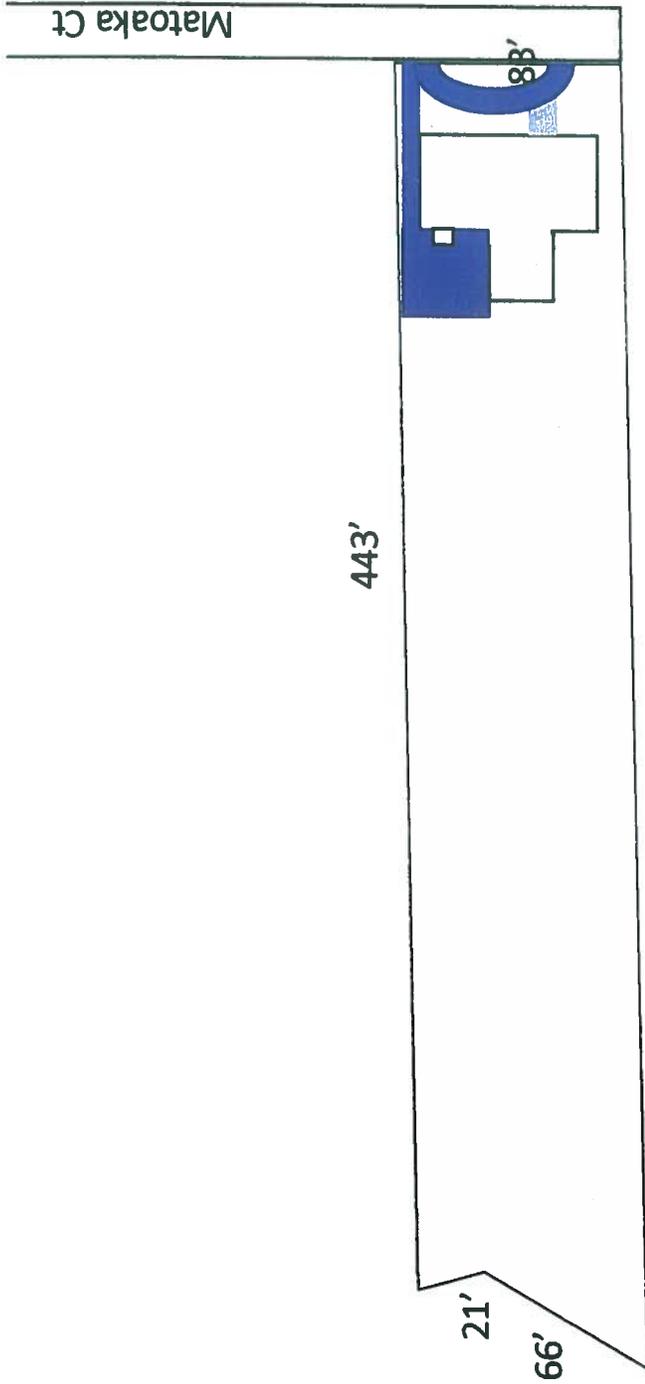


★ CO detector  
● smoke detector

TOTAL Sketch by a la mode, inc.

#### Area Calculations Summary

Living Area	Area Calculations Summary	Calculation Details
First Floor	1648.5 Sq ft	$23.6 \times 22.1 = 521.6$ $15.9 \times 18.7 = 297.3$ $34 \times 24.4 = 829.6$
Second Floor	897.6 Sq ft	$34 \times 26.4 = 897.6$
<b>Total Living Area (Rounded):</b>	<b>2546 Sq ft</b>	
<b>Non-living Area</b>		
Covered	104 Sq ft	$5 \times 20.8 = 104$
Open Porch	42.7 Sq ft	$7 \times 6.1 = 42.7$



Paved driveway & Parking

Paved walkway

House



**SHORT TERM RENTAL  
TITLE CERTIFICATE**

For: CITY OF WILLIAMSBURG

Re: RECORD OWNERSHIP FOR RENTAL OF ONE BEDROOM  
AS REQUIRED BY CITY CODE SECTION 21-605.2(d)(2).

Property  
Address: 214 Matoaka Court

Parcel  
Size: .98 ac.

I have examined the land records maintained in the Clerk's Office for the Circuit Court of the City of Williamsburg and County of James City. Insofar as the records of the Clerk's Office are properly kept and indexed, the fee simple owners of the above captioned property are as follows:

Name of Owner: Harmony J. Dalgleish as tenants by the  
entirety with the right of survivorship as at common-law.

By Deed dated April 12, 2019 from \_\_\_\_\_  
of record at Deed Book \_\_\_\_\_ page \_\_\_\_\_ Instrument # 192134

**SUBJECT TO THE LIENS, ENCUMBRANCES AND OTHER OBJECTIONS TO TITLE  
OF RECORD OR AS MAY BE DISCLOSED BY A CURRENT AND ACCURATE SURVEY  
OF THE PREMISES.**

CERTIFIED DOWN TO: 5/17/19 AT 8:49 (A.M./P.M.)  
Date Time

Virginia Leigh Major  
Attorney Signature

Virginia Leigh Major  
Attorney

44308  
Va. St. Bar #

POB 145  
Address

Charles City Va 23030

(804) 977-0333  
Phone



Member Company  
Erie Insurance Company

100 Erie Insurance Place • Erie, PA 16530  
814.870.2000 • erieinsurance.com

## ErieSecure Home<sup>®</sup> Insurance - VA

<b>Agent's Information</b>	<b>Policy Period</b>	<b>Policy Number</b>
TATE & ASSOCIATES DD1623 2501 W MERCURY BLVD HAMPTON, VA 23666-3103 (757) 258-4467	From: 05/13/2019 To: 05/13/2020	Q53-6305356

Fax (757) 603-6175  
tateassociates@yahoo.com

Policy period begins and ends at 12:01 AM standard time at the location of the insured property. Until terminated, this policy will continue in force for successive policy periods by payment of the required premium.

<b>Named Insured and Address</b>	<b>First Mortgagee</b>	<b>Loan Number</b>
HARMONY DALGLEIGH 214 MATOAKA CT WILLIAMSBURG VA 23185-2811	WELLS FARGO BANK ITS SUCCESSORS AND/OR ASSIGNS P O BOX 100515 FLORENCE, SC 29502-0515	0550548275

\* The amount of Insurance applying to the dwelling is the replacement cost at the time of the loss, subject to policy conditions and requirements. The estimated replacement cost of the dwelling is \$279,000

### Section I Property Protection

Coverage:	Dwelling	Other Structures	Personal Property	Loss Of Use
Amount of Insurance:	\$279,000 *With Guaranteed Replacement Cost	\$55,800	\$209,250	See Policy

Deductible that applies to Section I: \$1,000

### Section II Home And Family Liability

<b>Personal Liability</b> \$500,000 Each Occurrence	<b>Medical Payments To Others</b> \$1,000 Each Person
<b>Total Annual Premium</b> \$779.00	<b>Balance</b> \$779.00

*None*

Authorized Agent: \_\_\_\_\_  
(Not valid unless signed by an authorized agent of the ERIE)

## Management plan for short-term rental for 214 Matoaka Ct.

I am the sole owner of 214 Matoaka Court and live in the property full time. I plan to rent out one bedroom on the main floor on a short-term rental basis, not to exceed 104 nights per calendar year. I, or another adult family member, will be onsite to greet all renters to register them and appraise them of the house rules, which include quiet hours, no events, and no on-street parking. Renters will be allocated a parking spot on the paved driveway at the rear of the property and will enter and exit at the rear of the house. A maximum of 2 renters plus their minor children will be allowed to rent at any one time. The bedroom will only be rented when the house is also occupied. I will be responsible for clean-up, lawn care, and house maintenance.



## SHORT TERM RENTAL - CHECKLIST

### Application:

✓

Board of Zoning Appeals Application (typed or printed) filled out completely with a \$300 filing fee.

✓

Floor Plan to scale (11" x17" or smaller). The location of fully functioning smoke and carbon monoxide detectors must be shown on the floor plan.

✓

Survey Plat or drawing of property (to scale) to include all existing structures, curb cuts, on and off-street parking spaces.

### Supporting documents:

NA

Evidence of ownership as provided in Section 21-605.2(d) of the Zoning Ordinance.

✓

Copy of general liability insurance in the amount of at least \$500,000.

✓

Property management plan.

NA

HOA/POA written confirmation that the short-term rental is permitted if property is located in a subdivision governed by a HOA/POA.

### The Applicant acknowledges the following:

✓

Only one room in the principal dwelling may be rented.

✓

Rentals are limited to owner-occupied single-family detached dwellings and the owner must be physically present at the property during any rental period.

✓

The furnishing of meals is not permitted.

✓

No more than two transient visitors shall occupy a room at the same time, excluding minor children of the transient occupants unless otherwise reduced by the USBC and other applicable laws and regulations.

✓

A register of short term rentals must be kept by the owner for a period of two years and such register is subject to inspection upon written request by the Zoning Administrator. The names and addresses of all transient visitors occupying the property and the dates rented must be maintained in the register.

✓

The same transient visitor cannot occupy for a period of more than 30 days during any calendar year.

✓

No visible evidence of the conduct of a short term rental is allowed on the outside of the property.

✓

Event rentals are not permitted.

✓

Outdoor burning shall be in compliance with Chapter 5 of the Williamsburg City Code.

✓

Rentals are limited to not more than 104 nights per calendar year and no other rentals are allowed on the property.