

FLUVANNA COUNTY BOARD OF ZONING APPEALS

Morris Room, Fluvanna County Administration

Building

April 16, 2019

7:00 PM (Morris Room)

Members Present: Harold Morris (Chairman)
Peter Von Keyserling (Vice-Chairman)
Carol Walker
Ed Zimmer

Staff Present: Brad Robinson, Senior Planner
Frederick Payne, County Attorney
Valencia Porter, Senior Program Support Assistant

Members Absent: Jason Stewart, Planning and Zoning Administrator/Secretary
Easton Loving, Board Member
Holly Steele, Planner

CALL TO ORDER:

Chairman Mr. Morris called the Board of Zoning Appeals meeting of April 16, 2019 to order at 7:00 p.m.

APPROVAL OF MINUTES:

Von Keyserling made a motion to approve the minutes of March 19, 2019 as presented. Seconded by Zimmer. The motion to approve was carried by a vote of 4-0 AYES: Walker, Zimmer, Von Keyserling, and Morris NAYS: None ABSTAIN: None ABSENT: Loving

PUBLIC HEARING:

BZA 19:02—Virginia Properties—Brad Robinson, Senior Planner

A request for a variance to Fluvanna County Code Sec.22-11-6 of the Zoning Ordinance to allow for the reduction of the minimum yard required from an agricultural district, from 50 feet to 40 feet, for the purpose of constructing a lumber storage shed with respect to 23.8 acres of Tax Map 5, Section 7, Parcel 9C.

- The applicant is requesting a variance to reduce the minimum setback required from an agricultural district, from 50 feet to 40 feet
- The variance would allow for the construction of a proposed lumber storage shed

The Board may grant a variance 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:

- 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;
- The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- 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;
- 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
- The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.

Discussion:

Walker: The storage building that is there right now is not the building but the new building will come out a few more feet?

Brad Robinson, Senior Planner: That's correct.

Walker: It's just going to come 10ft further than the building that we see there.

Zimmer: So that existing building, is that the 50ft setbacks, it's conforming to the zoning code?

Brad Robinson, Senior Planner: My understanding is that it is not going to be attached or connected to the existing building in the photo. The proposed shed is not going to be attached, but there will be some separation from the building and the shed.

Morris: This building is going to be open on both ends?

John Nunley, Applicant: No sir, it's going to be closed on three sides, the back and the two sides will be closed. The picture in the presentation shows how it's going to look, with both sides closed.

Zimmer: How deep is this new building?

John Nunley, Applicant: 10 Feet.

Zimmer: I'm not clear on why you need this, what is the problem in conforming to the setback, and how will that be a hardship on to do that. Because I understand you'd love to use more space, but I'm curious on what's the obstacle is to do that.

John Nunley, Applicant: We've moved all of our shipping material to our Zions Crossroads location and closed down that Route 29 location, so now instead of doing 50% of deliveries there we are doing now 100%. Another thing is that the composite decking market has begun to get huge. You used to have treated decks and now you have all sorts of different material. To have a safer environment.

Walker: Instead of coming directly out from the existing building, and making it look like a wing like the other one, you can't push it further into the payment instead of going back 10 ft towards the bank?

John Nunley, Applicant: Yes ma'am, so we have more product and more traffic.

Walker: Plus can't you use the other exist to deliver materials out that other side. Is it easier that way than going through the building?

John Nunley, Applicant: We opened this in November 2007, long range goal is to have customer activity in the main two buildings. We have a card reader on each gate, and every truck has a card.

Once we can justify another gate person then we can have people going out of that gate also.

Kelsey Schlein, Applicant's Representative: A major utility A-1 is a (Special use I-1), no rear setback.

Motion:

Von Keyserling made a motion to approve BZA 19:02, a request for a variance to Fluvanna County Code Sec.22-11-6 of the Zoning Ordinance to allow for the reduction of the minimum yard required from an agricultural district, from 50 feet to 40 feet, for the purpose of constructing a lumber storage shed with respect to 23.8 acres of Tax Map 5, Section 7, Parcel 9C. Seconded by Walker. The motion carried by a vote of 4-0. AYES: Loving, Von Keyserling, Walker, Morris, NAY: None ABSTAIN: None ABSENT: Loving

Unfinished Business:

None

New Business:

None

ADJOURNMENT:

There being no further business, Chairman Morris adjourned the Board of Zoning Appeals meeting of April 16, 2019 at 7:30 p.m.

Minutes recorded by Valencia Porter, Senior Program Support Assistant

**Chairman Harold Morris
Fluvanna County Board of
Zoning Appeals**