

FLUVANNA COUNTY BOARD OF ZONING APPEALS

Fluvanna County Administration Building

Morris Room

February 6, 2024

7:00 PM

Members Present: Harold Morris
Peter Von Keyserling
Ed Zimmer
James Winsett

Members Absent: Easton Loving

Staff Present: Jason Overstreet, Senior Planner
Dan Whitten, County Attorney
Valencia Porter-Henderson, Administration Programs Specialist

1. CALL TO ORDER:

Jason Overstreet, Senior Planner called the Board of Zoning Appeals meeting of February 6, 2024 to order at 7:00 pm.

2. Pledge of Allegiance, Moment of Silence

3. 2024 Organizational Meeting

MOTION:	I move to elect Mr. Morris as Chairman of the Fluvanna County Board of Zoning Appeals for the calendar year of 2024				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:				Motion	Seconded
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved				

MOTION:	I move to elect Mr. Keyserling as Vice Chairman of the Fluvanna County Board of Zoning Appeals for the calendar year of 2024				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:				Motion	Seconded
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved				

MOTION:	I move to elect Mrs. Porter-Henderson as Secretary of the Fluvanna County Board of Zoning Appeals for the calendar year of 2024				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:				Motion	Seconded
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved				

MOTION:	Board of Zoning Appeals Meeting Calendar 2024				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Motion		Seconded	
VOTE:	Yes	Yes	Absent	Yes	Yes
RESULT:	4-0 Approved				

MOTION:	Adoption of the Board of Zoning Appeals By-Laws and Rules of Procedures				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Motion			Seconded
VOTE:	Yes	Yes	Absent	Yes	Yes
RESULT:	4-0 Approved				

4. Minutes:

MOTION:	Board of Zoning Appeals Minutes of May 16, 2023				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:				Motion	Seconded
VOTE:	Yes	Yes	Absent	Yes	Yes
RESULT:	4-0 Approved				

5. PUBLIC HEARING:

Liberty Homes – BZA 23:02, Jason Overstreet – Senior Planner

Requests a ten (10) foot Variance to Section 22-4-3 (E) (2) to allow for the reduction of the minimum front setback from one hundred twenty-five (125) feet to one hundred fifteen (115) feet for an as-built, single-family detached dwelling on Tax Map 33 Section 11 Parcel 1. The subject property is zoned A-1, Agricultural, General District and is known as 4305 Cedar Lane Road and is located in the Rural Preservation Area and the Columbia Election District.

A special use permit remedy is not available for this violation. No zoning ordinance amendment has been proposed nor is there one in process for this section of the ordinance.

Chair Morris opened the Public Hearing at 7:11 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

Shawn Tuthill, representing Liberty Homes; stated that it was an honest mistake by the surveyor.

Devin Bib, representing Meridian Group LLC, stated that he’s here in support of Liberty Homes. Jason Overstreet, Senior Planner; we received the phone call from the surveyor the same day of discovery, letting us know about the setback.

Shawn Tuthill, representing Liberty Homes; stated that the surveyor admitted their mistake at the last minute right before their closing, and rightfully contacted Jason Overstreet to ask what is the proper way to handle this.

James Winsett: asked this doesn’t affect any other property owners other than just a setback? Jason Overstreet, Senior Planner; No sir.

With no one else wishing to speak in person, Chair Morris closed the Public Hearing at 7:14 pm.

MOTION:	I move to approve BZA 23:02 – a request for a ten (10) foot Variance to Section 22-4-3 (E) (2) to allow for the reduction of the minimum front setback from one hundred twenty-five (125) feet to one hundred fifteen (115) feet for an as-built, single-family detached dwelling on Tax Map 33 Section 11 Parcel 1.				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Motion		Seconded	
VOTE:	Yes	Yes	Absent	Yes	Yes
RESULT:	4-0 Approved				

Samuel Ross Jr – BZA 23:03 – Jason Overstreet, Senior Planner

Request a one hundred forty foot (140) Variance and a one hundred fifty foot (150) Variance to the minimum lot width of three hundred (300) feet at the minimum required setback under Section 22-4-3 (D); requests an eighty foot (80) Variance and a one hundred eighty-five foot (185) Variance to the minimum required three hundred foot (300) frontage under Section 22-4-3 (C) (b) for residential use on Tax Map 59 Section A Parcel 79. The subject property is zoned A-1, Agricultural, General District and is known as 2953 Bremono Road and is located in the Rural Preservation Area and the Fork Union Election District.

A special use permit process is not available to the applicant. No zoning ordinance amendment has been proposed nor is there one in process for this section of the ordinance.

Mr. Winsett, asked there is no negative results in this?

Mr. Overstreet, replied, no sir.

Mr. Zimmer, asked is there a home on Mr. Bourgeois’s property?

Mr. Overstreet, replied yes. On the other side of Mrs. Armstrong’s property there has been an applicant by a solar company that is inquiring about that large piece of property. The Boundary Line Adjustment will certainly help Mrs. Armstrong.

Mr. Zimmer, asked with the proper procedures has anyone come forward to speak adversely about this?

Mr. Overstreet, replied, no sir. So they are two separate processes so the boundary line adjustment would not allow for a division of the parcel to occur. You have to have a variance in order to meet all subdivision requirements.

Chair Morris opened the Public Hearing at 7:24 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

Samuel Ross Jr. stated he just wanted to handle things the proper way and the lady that would like to buy this parcel has already gotten approved for this land and a house.

Chairman Morris closed the Public Hearing at 7:25 pm and he called for a Motion.

Mr. Whitten, County Attorney; stated that regarding the boundary line adjustment, the board is allowed to impose conditions that are related to the variance, so you could add a condition that there needs to be a boundary line adjustment within a year or two years. You could do that condition because it would be related to the property owner and benefit the community that basically Mrs. Armstrong's house would be on her own parcel and not on another person's parcel.

Mr. Zimmer, asked would your legal recommendation be that we do that.

Mr. Whitten, County Attorney; yes.

MOTION:	I move to approve BZA 23:03 - request for a one hundred forty foot (140) Variance and a one hundred fifty foot (150) Variance to the minimum lot width of three hundred (300) feet at the minimum required setback under Section 22-4-3 (D); request for an eighty foot (80) Variance and a one hundred eighty-five foot (185) Variance to the minimum required three hundred foot (300) frontage under Section 22-4-3 (C) (b) for residential use on Tax Map 59 Section A Parcel 79 with a condition added that the boundary line adjustment with Tax Map 59 Section A Parcel 80 must be recorded within one year.				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Motion		Seconded	
VOTE:	Yes	Yes	Absent	Yes	Yes
RESULT:	4-0 Approved				

6. Unfinished Business:

None

7. New Business:

None

8. ADJOURNMENT:

MOTION:	Adjourn at 7:26 pm.				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Seconded		Motion	
VOTE:	Yes	Yes	Absent	Yes	Yes
RESULT:	4-0 Approved				

Minutes recorded by Valencia Porter-Henderson, Administration Programs Specialist.

Chairman Harold Morris
 Fluvanna County Board of
 Zoning Appeals