



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

A G E N D A

Fluvanna County Board of Zoning Appeals

October 11, 2016

Morris Room --County Administration Building

7:30 PM

- I. Call to Order: Harold Morris, Chairman
- II. Approval of Minutes- May 10, 2016
- III. Public Hearings

BZA 16:02 – James O. Toms: A request for a variance to Fluvanna County Code Sec.22-9-5(A) of the Zoning Ordinance to allow for the reduction of the minimum setback required from the public right-of-way from 50 feet to 13 feet, with respect to 0.944 acres of Tax Map 11, Section A, Parcel 42A.

- IV. Unfinished Business
- V. New Business
- VI. Adjourn

FLUVANNA COUNTY BOARD OF ZONING APPEALS
The Morris Room
MINUTES OF MAY, 10TH 2016
7:30 P.M.

Members Present: Mr. Harold Morris (**Chairman**)
Mr. Peter Von Keyserling (**Vice-Chairman**)
Mr. Ed Zimmer
Mr. R. Easton Loving
Mrs. Carol Walker

Staff Present: James Newman, Planner
Deidre Creasy, Senior Program Support Assistant

Members Absent: Mr. Jason Stewart, Planning and Zoning Administrator/ (**Secretary**)
Mr. Frederick Payne, County Attorney

CALL TO ORDER:

Planner James Newman called the Board of Zoning Appeals meeting of May 10, 2016 to order at 7:30 p.m.

ELECTION OF OFFICERS:

Planner, James Newman advised the Board of Zoning Appeal members that an election of officers was required before the start of the meeting.

MOTION:

Mr. Loving made a motion to return Harold Morris as Chairman of the Board of Zoning Appeals, seconded by Mr. Von Keyserling. The election of Chairman was carried with a vote of 4-0-0. AYES: Walker, Loving, Von Keyserling, Zimmer. NAYS: None. ABSTAIN: None.

Mr. Loving made a motion to return Peter Von Keyserling as Vice-Chairman of the Board of Zoning Appeals, seconded by Mrs. Walker. The election of Vice-Chairman was carried with a vote of 4-0-0. AYES: Walker, Loving, Morris, Zimmer. NAYS: None. ABSTAIN: None.

Mr. Morris made a motion to keep the Planning and Zoning administrator as Secretary to the Board of Zoning Appeals, seconded by Mrs. Walker. The election of Secretary was carried with a vote of 5-0-0. AYES: Walker, Zimmer, Loving, Von Keyserling, Morris. NAYS: None. ABSTAIN: None.

APPROVAL OF MINUTES:

MOTION:

Vice Chairman Von Keyserling made a motion to approve the minutes of the May 12, 2015 meeting as submitted. The motion was seconded by Mrs. Walker. The motion to approve was carried with a vote of 4-0-1. AYES: Walker, Loving, Von Keyserling, Morris. NAYS: None. ABSTAIN: Zimmer

PUBLIC HEARING:

BZA 16:01 – Antioch Baptist Church: A request for a variance to Fluvanna County Code Sec.3-5-2, and Sec. 3-6-1 of the January 1, 1974 Zoning Ordinance to allow for the reduction of the minimum side yard building setback from a corner lot setback required from 50 feet to 20 feet, to allow for the reduction of the setback from the center line of any street from 75 feet to 50 feet, and to allow for the reduction of the minimum rear yard setback from 50 feet to 22'.6” with respect to 9.295 acres of Tax Map 26, Section A, Parcel 15. The affected property is located in the Cunningham Election District at the intersection of State Route 620 (Rolling Road South), and State Route 637 (Antioch Road). The property is zoned A-1, Agricultural, General and is within the Rural Preservation Planning Area.

Planner Newman conducted a brief presentation and addressed Board

Public Hearing Comments

Chairman Morris opened the floor for the public hearing section of public comments and gave the applicant a chance to speak.

Applicant: Declined to speak unless there were questions by the Board.

Loving: Inquired what is the relationship between the entity that will manage perpetual care at the cemetery and the church?

Applicant: Gave an explanation of church by-laws and why the cemetery needs to be separated.

Gary Clore: Interjected and give a brief history on how this variance became an issue for the church and cemetery.

MOTION:

Mr. Von Keyserling moved to approve **BZA 16:01 Antioch Baptist Church** Mrs. Walker seconded. **The motion carried** with a vote of 5-0-0. AYES: Morris, Von Keyserling, Walker, Loving & Zimmer NAYS: None ABSTAIN: None

Unfinished Business: None

New Business: None

MOTION:

Mr. Loving moved to adjourn the 05-10-2016 meeting at 7:43 P.M. and Mr. Morris seconded. The motion carried with a vote of 5-0-0. AYES: Morris, Von Keyserling, Zimmer, Loving & Walker NAYS: None ABSTAIN: None

ADJOURNMENT:

There being no further business, Chairman Morris adjourned the Board of Zoning Appeals meeting of May 10, 2016 at 7:43 p.m.

Meeting recorded by Deidre Creasy.

Chairman Harold Morris
Fluvanna County Zoning Board of Appeals

Audio recordings of the minutes are available upon request



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STAFF REPORT

To: Board of Zoning Appeals
Case Number: BZA 16:02
Tax Map: 11, Section A, Parcel 42A

Staff: Brad Robinson
District: Palmyra
Date: October 11, 2016

General Info: The Board of Zoning Appeals is scheduled to hear this request at 7:30 pm on Tuesday, October 11, 2016 in the Morris Room of the Fluvanna County Administration Building.

Applicant: James O. Toms / Papa Jim's Soft Serve Treats

Owner: Deer Park Properties LLC

Requested Action: A request for a variance to Fluvanna County Code Sec.22-9-5(A) of the Zoning Ordinance to allow for the reduction of the minimum setback required from the public right-of-way, from 50 feet to 13 feet, with respect to 0.944 acres of Tax Map 11, Section A, Parcel 42A.

Code Section: Fluvanna County Code Sec.22-9-5(A) of the Zoning Ordinance

Location: The affected property is located in the Palmyra Election District at 19289 James Madison Highway (US Route 15), between the Troy Road (State Route 631) and Hunters Lodge Road (State Route 631) intersections.
(Attachment B)

Existing Zoning: B-1, Business, General

Existing Land Use: Commercial

Adjacent Land Use: Adjacent properties are zoned A-1, Agricultural, General and B-1, Business, General.

Comprehensive Plan: Rural Residential Planning Area

Zoning History: None

Analysis:

The applicant is requesting a variance to reduce the minimum setback of an existing structure from the public right-of-way (US Route 15), from 50 feet to 13 feet. The variance would permit an open carport that functions as a pavilion for customer seating in front of “Papa Jim’s Soft Serve Treats” to remain in its current location. The subject property also contains another business, “Troy Market Deli & Bakery”, in the adjacent building at 19321 James Madison Highway; this business is not a part of this variance request.

The applicant obtained a minor site plan approval (#SDP 11:03) in April 2011 to establish the subject business at its existing location, 19289 James Madison Highway. This approval included a 12’ x 24’ ice cream stand to be located 51.9’ from the public right-of-way (US Route 15) and an 18’ x 24’ carport for outdoor seating to be located to the rear of the ice cream stand. During development of the property, the carport was instead placed in front of the ice cream stand 13.7’ from the public right-of-way. (Attachment D)

Sec. 22-9-5(A) of the Fluvanna County Zoning Ordinance states:

“Buildings shall be located not less than fifty feet (50’) from any public right-of-way. This shall be known as the “setback line”. All parking lots shall be located not less than twenty-five feet (25’) from any public right-of-way.”

In July 2015, the applicant submitted a second minor site plan (#SDP 15:13) seeking approval to construct a 4’ x 12’ addition onto each side of the existing ice cream stand, as well as place a 12’ x 16’ shed to the rear (this shed is no longer proposed per latest conversation with the applicant). Due to the setback violation of the carport in front of the ice cream stand, this site plan has not been approved to date and the applicant was advised that a variance would be needed if he did not want to comply with the approved site plan. (Attachment E)

This variance request was forwarded to VDOT for review and comment who stated the following:

VDOT has a 66 ft. wide Right of Way at this location (33 ft. on either side of the center line of Rte. 15). The timber railroad tie border along Rte. 15 and part of the gravel parking lot is encroaching into VDOT Right of Way. The timber railroad tie border needs to be relocated outside of VDOT Right of Way and the portion of the gravel parking lot encroaching into VDOT’s Right of Way needs to be removed and the disturbed area restored in grass.

As stated in Section 22-18-2(B) of the Fluvanna County Code, the Board of Zoning Appeals must consider certain statutory considerations when reviewing a variance request. 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:

- i. 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;
- ii. the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- iii. 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;
- iv. 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
- v. 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.

The Board must make each of the above findings in order to grant a variance as required by the Code of Virginia. Approval of a variance that does not meet each finding would be unlawful. The Board may impose, as part of an approval, conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

After evaluation of the above factors, staff has the following comments:

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 subject property has some constraints due to its size and location, however the hardship was self-imposed by the applicant by erecting the structure in a location not approved by the original site plan. Because of the adjacent A-1 zoning at the rear, a minimum 50' setback is also required from this property line. Section 22-9-6 states "the minimum yard requirements for permitted uses adjoining or adjacent to a residential or agricultural district shall be fifty feet (50')." The subject property has a depth of approximately 125' from US Route 15, which leaves about 25' of buildable area to work with after accounting for 50' setbacks in the front and the rear.

The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area:

Since most of the adjoining properties are zoned A-1 and are already developed with residential uses, the character of the area is anticipated to remain unchanged. The existing store (Troy Market) on this same property was built before zoning regulations and is

located approximately 18'-20' from the public right-of-way. The store is a legal nonconforming structure while the subject carport is an illegal nonconforming structure.

A draft resolution is attached. (Attachment F)

Suggested Motion:

I move to approve/deny/defer BZA 16:02, a request for a variance to Fluvanna County Code Sec.22-9-5(A) of the Zoning Ordinance to allow for the reduction of the minimum setback required from the public right-of-way, from 50 feet to 13 feet, with respect to 0.944 acres of Tax Map 11, Section A, Parcel 42A.

Attachments:

A – Application and APOs

B – Aerial Vicinity Map

C – Zoning Map

D – Site Development Plan #SDP 11:03 and correspondence

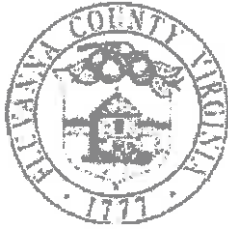
E – Site Development Plan #SDP 15:13 and correspondence

F – Draft Resolution

Copy:

Applicant: James O. Toms, via email – papagym007@gmail.com

Owner: Deer Park Properties LLC, 10992 Richardson Road, Ashland, VA 23005
File



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Variance Application (BZA)

Owner of Record: THOMAS SPROUSE

E911 Address: _____

Phone: 804-641-5560 Fax: _____

Email: homeenergystore@gmail.com

Representative: _____

E911 Address: _____

Phone: _____

Fax: _____

Email: _____

Tax Map and Parcel(s): 11 A 42A

Acreage: 0.944 Zoning: B-1

E911 Address of Parcel: _____

Description of Property: _____

Request for a variance from Section _____

22-9-5(A)

Applicant of Record: JAMES O. TOMS

E911 Address: 4016 S. Boston Rd, Troy

Phone: 434-981-3127 Fax: _____

Email: PAPA95M807@gmail.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Deed Book Reference: 687-764

Deed Restrictions? ☒ No ☐ Yes (Attach copy)

E911 Address of Parcel: 19289 JAMES MADISON HWY, TROY, VA. 22974

Description of Property: 1+ Acre Plot where Troy Mkt + Papa Jim's are on Rt 15

Request for a variance from Section 22-9-5(A) of the Fluvanna County Code in respect to the requirement for

in order to build

Fill in only the line(s) that apply to your request(s)	Applicant has	Code requires or permits	Variance requested
Total Area			
Lot Width			
Front yard setback <input checked="" type="checkbox"/>	<u>13.7'</u>	<u>50'</u>	<u>36.3'</u>
Minimum side yard setback			
Total side yard setback			
Rear yard setback <input checked="" type="checkbox"/>			
Public road frontage <input checked="" type="checkbox"/>			
Other (write in)			

Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned authorizes entry onto the property by County employees, the Planning Commission, the Board of Supervisors, and the Board of Zoning Appeals during the normal discharge of their duties in regard to this request.

All plans must be folded prior to submission to the Planning Department. Rolled plans will not be accepted.

Owner/Applicant Name (Please Print) James O. Toms

Date 7/12/16

Owner/Applicant Signature [Signature]

OFFICE USE ONLY

Date Received: 8-9-16

PH Sign Deposit Received: 1# 005-057

Application #: BZA 116: 002

\$550 plus mailing costs fee paid

Owner/Applicant Name (Please Print) James O. Toms Mailing Costs: \$20.00 Adjacent Property Owner (APO) after 1st 15, Certified

Election District: Palmyra

Planning Area: Rural Residential

Approved _____ Denied _____ Date: _____

Zoning Administrator: _____



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Variance Application (BZA)

Owner of Record: THOMAS SPROUSE

E911 Address: _____

Phone: 804-641-5560 Fax: _____

Email: homeenergystore@gmail.com

Representative: _____

E911 Address: _____

Phone: _____

Fax: _____

Email: _____

Tax Map and Parcel(s): ?

Deed Book Reference: ?

Acreage: ?

Zoning: B-1

Deed Restrictions? ☒ No ☐ Yes (Attach copy)

E911 Address of Parcel: 19289 JAMES MADISON HWY, TROY, VA. 22974

Description of Property: 2+ Acre Plot where Troy Mkt + Papa John's are on Rt 15

Request for a variance from Section _____ of the Fluvanna County Code in respect to the requirement for

in order to build

Fill in only the line(s) that apply to your request(s)	Applicant has	Code requires or permits	Variance requested
Total Area			
Lot Width			
Front yard setback <input checked="" type="checkbox"/>		50'	
Minimum side yard setback			
Total side yard setback			
Rear yard setback <input checked="" type="checkbox"/>			
Public road frontage <input checked="" type="checkbox"/>			
Other (write in)			

Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned authorizes entry onto the property by County employees, the Planning Commission, the Board of Supervisors, and the Board of Zoning Appeals during the normal discharge of their duties in regard to this request.

All plans must be folded prior to submission to the Planning Department. Rolled plans will not be accepted.

Owner/Applicant Name (Please Print) James O. Toms

Date 7/12/16

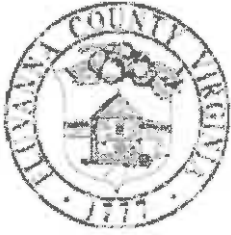
Owner/Applicant Signature _____

OFFICE USE ONLY

Date Received: _____	PH Sign Deposit Received: _____	Application #: BZA _____
Mailing Costs: \$20.00 Adjacent Property Owner (APO) after 1st 15, Certified		
Election District: _____	Planning Area: _____	
Approved _____	Denied _____	Date: _____
Zoning Administrator: _____		

Fluvanna County Department of Planning & Community Development * Box 540 * Palmyra, VA 22963 * (434)591-1910 * Fax (434)591-1911

This form is available on the Fluvanna County website: www.fluvannacounty.org



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: JAMES TOMS
Address: 19289 James Madison HWY
City: Troy
State: VA Zip Code: 22976

I hereby certify that the sign issued to me is my responsibility while in my possession.
Incidents which cause damage, theft, or destruction of these signs will cause a partial or full
forfeiture of this deposit.

James A. Toms 7/12/16
Applicant Signature Date

*Number of signs depends on number of roadways property adjoins. (27)

OFFICE USE ONLY

Application #: BZA 16 : 002 CPA : SUP : ZMP : ZTA :

\$90 deposit paid per sign*:

\$90.00

Approximate date to be returned:

IMPROVEMENTS PROPOSED

Describe the improvements proposed. State whether new buildings or structures are to be constructed, existing buildings or structures are to be used, or additions made to existing buildings or structures.

It will be stick built by Me, Facing current building (Papa Jim's) 4x12 feet on left side + 6x12 on right side

SPECIAL CONDITIONS

Relate here the special conditions or circumstances (topography, soil type, shape of property) peculiar to the above described land, building, or structure or to the intended use or development of the land, building or structure involved that do not apply generally to other property in the same district.

N/A

UNNECESSARY HARDSHIP

Describe here how the literal interpretation and enforcement of Section _____ of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use or intended use or development of the properties involved by the applicant.

Carport has been on property for 30 yrs and in current place in front of Papa Jim's for 4 1/2 years with no complaints from anyone on the State HWY.

ADJACENT PROPERTY

Describe the effects of this variance on adjacent property and the surrounding neighborhood. How will adjoining property owners be protected.

By a ^{8ft} fence on sides + Back

PLAN

? Plat Survey?

Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings and structures on the site, roadways, walks, off-street parking and loading space, landscaping and the like. (Architect's sketches showing elevations of proposed buildings and structures and complete plans are desirable and may be required with the application if available.)

See SPP 11:03 and SDP 15:13

8/22/2016

Fluvanna County Dept. of Planning and Community Development
P.O Box 540
Palmyra, VA 22963

RE: Authorization for Agent to Act on Behalf of Owner

Dear Fluvanna Planning,

As the owner of Parcel ID# 11A-42A in Troy, VA I BREAST C BRADSHAW and THOMAS E. SPANSE grant permission for Jim Toms of Papa Jims to act on our behalf for a variance request for Papa Jims.

Best Regards,

Sign



DATE

8-24-16

Sign



DATE

8-24-16

Memorandum

DATE: September 28, 2016

RE: Dqctf "qh\" qplpi "Cr r gcn"APO Letter

TO: Jason Stewart

FROM: Stephanie Keuther

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the Qexqdt 33, 2016 Dqctf "qh\" qplpi "Cr r gcn"J gctlpi .



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NOTICE OF PUBLIC HEARING

September 26, 2016

«Owner»
«Address»
«City_State» «Zip_Code»
TMP# «TMP»

Re: Public Hearing on BZA 16:02

Dear «Owner»:

This letter is to notify you that the Fluvanna County Board of Zoning Appeals will hold a public hearing on the above referenced item as noted below:

Purpose:	Board of Zoning Appeals Hearing
Day/Date:	Tuesday, October 11, 2016
Time:	7:30 PM
Location:	Morris Room, Fluvanna County Administration Building, Palmyra, VA

The applicant or applicant's representative will be present at the Board of Zoning Appeals meeting for a request for a variance that is described as follows:

BZA 16:02 – Deer Park Properties LLC: A request for a variance to Fluvanna County Code Sec.22-9-5(A) of the Zoning Ordinance to allow for the reduction of the minimum setback required from the public right-of-way from 50 feet to 13 feet, with respect to 0.944 acres of Tax Map 11, Section A, Parcel 42A.

You are welcome to attend the Public hearing and you will have an opportunity to comment, if desired. The tentative agenda and staff report for this action is available for public review on the County website at: <http://fluvannacounty.org/government/bza/agendasactionsminutes>. You can also view the report in the Fluvanna County Planning and Zoning Department during working hours (8:00 am – 5:00 pm, Monday through Friday).

If you have any questions regarding this variance request or the Public Hearing, please contact me at 434-591-1910.

Sincerely,

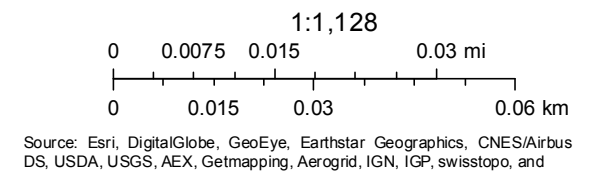
Jason Stewart
Planning and Zoning Administrator

BZA 16:02

<u>TMP</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY, STATE ZIP</u>
11A 17B	Craig G. & Brenda M. Shiflett	19283 James Madison HWY	Troy, VA 22974
11 A 44	Robert A & Barbara Ann Chambers	1133 Hunters Lodge Rd	Troy, VA 22974
11A 42D	David H. & Margaret J. Norford	19322 James Madison HWY	Troy, VA 22974



October 5, 2016



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and



**COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Site Development Application**

Owner of Record: Deer Park Properties

Applicant of Record: Jim Toms

E911 Address: 19321 James Madison Hwy. Troy, VA. 2974

E911 Address: 4016 S. Boston Rd. Troy, VA. 22974

Phone: 804-798-1127 **Fax:** 804-798-2749

Phone: 434-589-9680 **Fax:** _____

Email: tsprouse@creativeconservation.com

Email: papagym007@gmail.com

Representative: Thomas Sprouse / Bryant Broughton

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

E911 Address: 10992 Richardson Rd. Ashland, VA. 23005

Phone: 804-798-1127 **Fax:** 804-798-2749

Is property in Agricultural Forestal District? ☒ No ☐ Yes

Email: tsprouse@creativeconservation.com

If Yes, what district: _____

Tax Map and Parcel(s): 11 - A - 42 - A

Deed Book Reference: 687 - 764

Acreage: 1.5 **Zoning:** B-1

Deed Restrictions? ☒ No ☐ Yes (Attach copy)

Location: Troy, VA.

Description of Property: Building will set in the parking lot @ the Troy Market in Troy, VA.

Proposed Structure: Small Ice Cream Stand

Dimensions of Building: ~~20' x 20'~~ 12' x 18'

Lighting Standards on Site: ☒ No ☐ Yes

of Employees: 2

of Parking Spaces: ~~0~~ 7

Noise Limitations: No

I declare that the statements made and information given on this application are true, full and correct to the best of my knowledge and belief. I agree to conform fully to all terms of any certificate or permit which may be issued on account of this application.

James O. Toms

Applicant Name (Please Print)

James O. Toms
Applicant Signature and Date

OFFICE USE ONLY

Date Received:	Fee Paid:	Application #: <u>SDP 11 : 623</u>
Election District:	Planning Area:	Number of Lots:
Total Fees Due at Time of Submittal		
Sketch Plan: \$ 150.00 - Minor Plan: \$550.00 - Major Plan: \$1,100.00		
Additional Fees Due at Time of Review		
Health Department Subdivision Review:	\$250.00 + \$25.00 per lot	Existing System Review \$50.00
Street Sign Installation:	\$200.00 Per Intersection	
Amendment of Plan	\$150.00	
Outdoor Lighting Plan Review*	\$ 50.00	
Landscape Plan Review*	\$ 50.00	
Tree Protection Plan Review*	\$ 50.00	
* If not part of a Site Plan Review		



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

1601 ORANGE ROAD
CULPEPER, VIRGINIA 22701
VirginiaDOT.org

GREGORY A. WHIRLEY
COMMISSIONER

April 14, 2011

Mr. Steve Tugwell, Planner
Department of Planning and Community Development
County of Fluvanna
P.O. Box 540
Palmyra, VA 22963

Subject: Ice Cream Stand Minor Site Sketch Plan
SDP 11:03, Tax Map 11-A-42A, Route 15 Fluvanna County

Dear Mr. Tugwell:

VDOT has reviewed, approved, and signed the site plan for Toms Ice Cream Stand on Route 15 in Fluvanna County, dated, signed and sealed on April 6, 2011 and received by this office on April 14, 2011 subject to the following conditions:

- The existing paved commercial entrance that serves the country store will be shared by the 12' x 24' ice cream stand.
- There are several potholes in the existing paved commercial entrance that will be repaired by the owner with cold patch asphalt.
- The concrete sign foundation will be removed from the gravel driveway leading to the proposed ice cream stand location.
- The location of the "Proposed Sign" shown on the site plan will be field adjusted so that it is located outside of VDOT R/W.
- Post signage "Do Not Block Entrance" is required to ensure the free flow of traffic into/out of the existing gravel parking lot.
- If there are changes in the use or size of the operation, the site will be subject to a new site plan review by VDOT.

I am returning all three (3) signed copies of the approved site plan. Once the plan is signed by the County please return a set to this office for our records.

Sincerely,

J. Mark Wood, P.E., L.S.
Land Development Engineer
Culpeper District South
P.O. Box 1017
Troy, VA 22974
JMW/sw

Notes in Response to Chapter 22 of the Code of the County of Fluvanna

22-23-6

GENERAL:

1. 22-23-6.B. See plat
2. 22-23-6.C. See plat
3. 22-23-6.D. See plat
4. 22-23-6.T. Property is in Zone X as shown on FIRM 51065C0100C. There are no known wetlands on the property.
5. 22-23-6. See plat

BULK REQUIREMENTS:

1. 22-23-6.E. See plat
 2. 22-23-6.F. See plat
 3. 22-23-6.G. See plat
 4. 22-23-6.I. Proposed building to be used for ice cream stand. Building is 1 story, 8' high. Carport area to be used for outdoor seating.
 5. 22-23-6.J. No new fences proposed.
 6. 22-23-6.K. Site coverage
- Total area=40,814 Sq. Ft.
Gravel-10,220 Sq. Ft.-25%
Pavement-1800 Sq. Ft.-4%
Existing Buildings-3400 Sq. Ft.-8%
Proposed building-288 Sq. Ft.-1%
Open space-25,106 Sq. ft.-62%
7. 22-23-6.L- Topography shown based on assumed elevations. No Significant grading changes needed.

UTILITIES:

1. 22-23-6.M. See plat
2. 22-23-6.Y- New electric line location to be determined by contractor.

STREETS AND TRAFFIC:

1. 22-23-6.N- No new parking required
2. 22-23-6.N

PARKING:

1. 22-23-6.O- See plat
 2. 22-23-6.Z- No new parking area required.
- Existing parking shown on plat.

LANDSCAPING AND SCREENING

1. 22-23-6.P- Existing landscaping to be used for screening purposes.

LIGHTING AND SIGNAGE

1. 22-23-6.Q- No outdoor lighting proposed at this time.
2. 22-23-6.R- Proposed sign to meet all county requirements.

22-23-6.H- No items of particular historical, cultural, scientific significance found. The property is in the entrance corridor to Fluvanna County.

DEVELOPER:

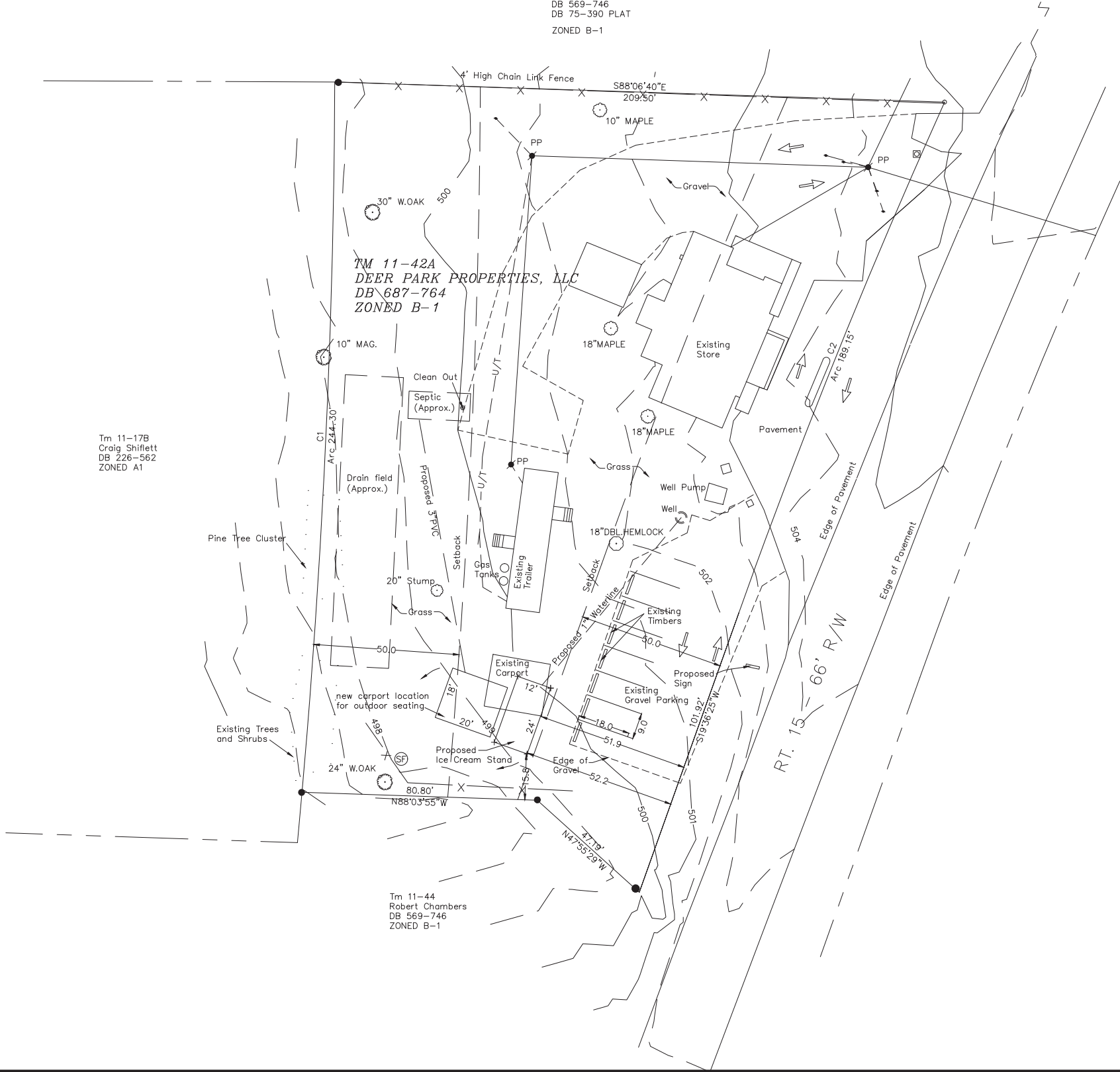
Jim Toms
4016 South Boston Road
Troy, Va 22974
540-421-7867

LEGEND

UT Underground Telephone
PP Power Pole
SF Silt Fence

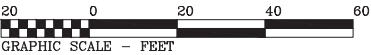
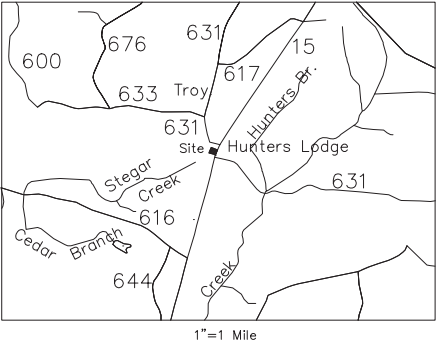
Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C1	2914.93'	122.22'	244.30'	4'48"07"	244.23'	N 02°38'19" E
C2	2324.83'	94.63'	189.15'	4'39'42"	189.10'	S 21°56'17" W

TM 11-A-44
CHAMBERS, ROBERT A. &
BARBARA ANN
DB 569-746
DB 75-390 PLAT
ZONED B-1

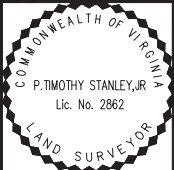


FLUVANNA COUNTY DIRECTOR OF PLANNING DATE

VDOT DATE



STANLEY LAND SURVEYS, PLC.
LAND SURVEYING-LAND PLANNING
PALMYRA OFFICE CENTER tim@stanleylandsurveys.com
POST OFFICE BOX 154 PHONE: (434) 680-6806
PALMYRA, VA 22965-0154 FAX: (434) 680-6827



Revisions:

NO.	DESCRIPTION	DATE

SITE PLAN
FOR TAX MAP 11 PARCEL 42A
PALMYRA DISTRICT, FLUVANNA COUNTY

Project Title:

SITE PLAN

Drawing Title:

File Name: 110042A-SP.dwg	Drawn By: JS	Checked By: PJS
Project No.: 0000	Date: 4-06-11	Drawing Scale: 1"=20'

Sheet No:

1 OF 1

Received

JUL 06 2015

Planning Dept.



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Site Development Application

Owner of Record:

Applicant of Record: Jim Toms

E911 Address:

E911 Address: 4016 South Boston Road Troy, VA 22974

Phone:

Fax:

Phone: 434-981-3127

Fax:

Email:

Email: papagym007@gmail.com

Representative: Stanley Land Surveys, PLC

E911 Address: 106 Crofton Plaza Suite 8 Palmyra, VA 22963

Phone: 589-8395

Fax: 589-6327

Email: tim@stanleylandsurveys.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Is property in Agricultural Forestal District? ☒ No ☐ Yes

If Yes, what district:

Tax Map and Parcel(s): 11-42A

Deed Book Reference: 687-764

Acreage: 0.94

Zoning: B-1

Deed Restrictions? ☒ No ☐ Yes (Attach copy)

Location: 19289 James Madison Hwy

Description of Property: see SDP 11-03

Proposed Structure: 12 x 16 Shed and 4' x 12 additions to existing store

Dimensions of Building:

Lighting Standards on Site: ☒ No ☐ Yes

of Employees:

of Parking Spaces:

Noise Limitations:

I declare that the statements made and information given on this application are true, full and correct to the best of my knowledge and belief. I agree to conform fully to all terms of any certificate or permit which may be issued on account of this application.

Applicant Name (Please Print)

Applicant Signature and Date

OFFICE USE ONLY

Date Received: 07/06/15	Fee Paid: \$660.00	Application #: SDP 15: 013
Election District: Palmyra	Planning Area: Rural Residential	Number of Lots:
Total Fees Due at Time of Submittal		
Sketch Plan: \$150.00	Minor Plan: \$550.00	Major Plan: \$1,100.00
Additional Fees Due at Time of Review		
Health Department Subdivision Review:	\$250.00 + \$25.00 per lot	Existing System Review \$50.00
Street Sign Installation:	\$200.00 Per Intersection	
Amendment of Plan	\$150.00	
Outdoor Lighting Plan Review*	\$ 50.00	
Landscape Plan Review*	\$ 50.00	
Tree Protection Plan Review*	\$ 50.00	
* If not part of a Site Plan Review		

Notes in Response to Chapter 22 of
the Code of the County of Fluvanna
22-23-6

GENERAL:

1. 22-23-6.B. See plat
2. 22-23-6.C. See plat
3. 22-23-6.D See plat
4. 22-23-6.T. Property is in Zone X as shown on FIRM 51065C0100C. There are no known wetlands on the property.
5. 22-23-6. See plat

BULK REQUIREMENTS:

1. 22-23-6.E See plat
2. 22-23-6.F See plat
3. 22-23-6.G See plat
4. 22-23-6.I Proposed building additions
to be used for ice cream stand.

Building is 1 story, 8' high. Proposed shed to be used for storage
 5. 22-23-6.J No new fences proposed. Existing fences shown.
 6. 22-23-6.L- Topography shown based on assumed elevations.
 No Significant grading changes needed.

UTILITIES:

1. 22-23-6.M See plat
2. 22-23-6.Y-See plat

STREETS AND TRAFFIC:

1. 22-23-6.N-No new parking required
2. 22-23-6.N

PARKING:

1. 22-23-6.0-See plat
2. 22-23-6.Z-No new parking area required.
Existing parking shown on plat.

LANDSCAPING AND SCREENING

1. 22-23-6.P-Existing landscaping to be used for screening purposes.

LIGHTING AND SIGNAGE

1. 22-23-6.Q-No outdoor lighting proposed at this time.
2. 22-23-6.R-No new sign proposed

22-23-6.H- No items of particular historical, cultural, scientific significance found. The property is in the entrance corridor to Fluvanna County.

DEVELOPER

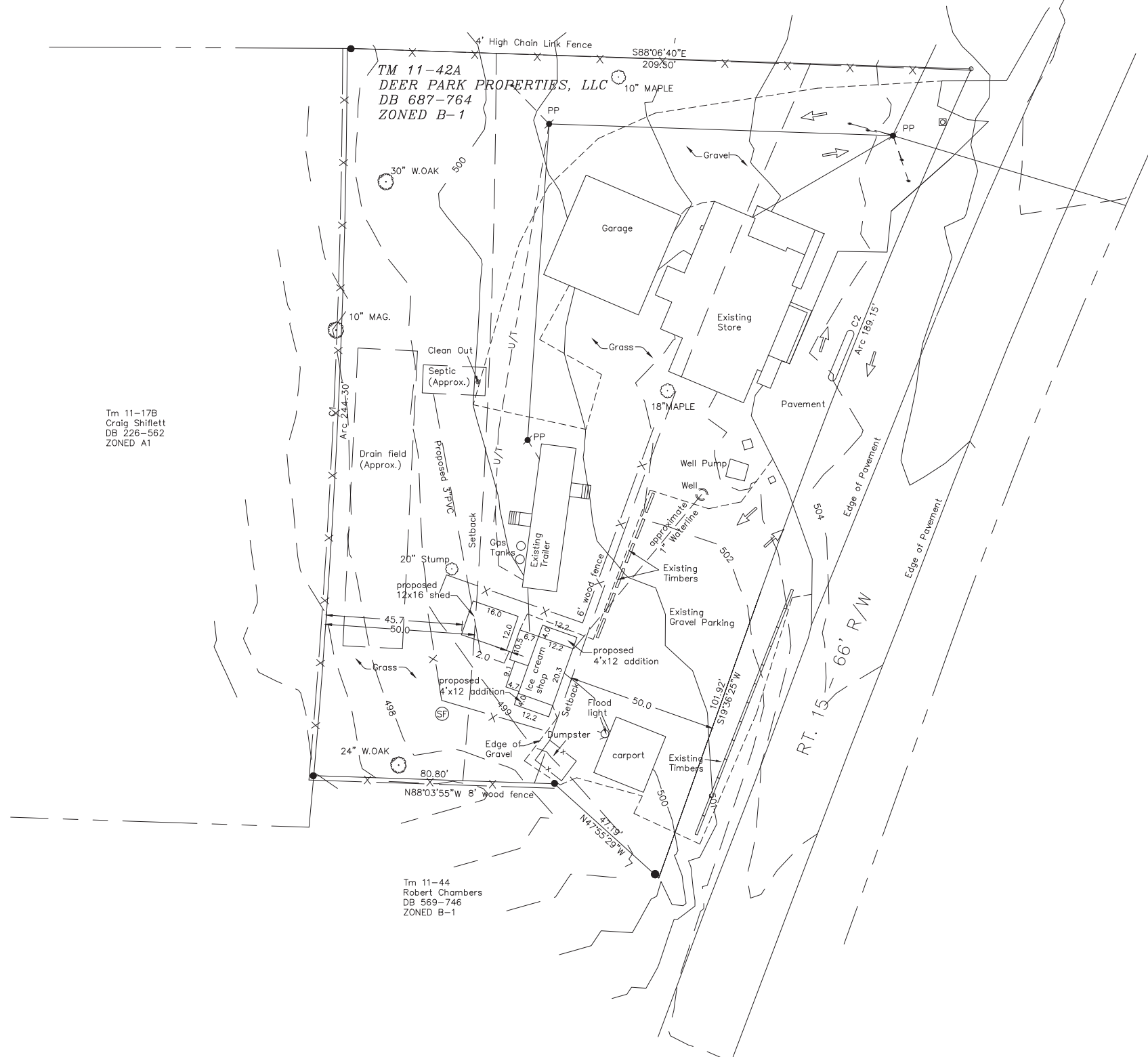
Jim Toms
4016 South Boston Road
Troy, Va 22974
434-981-3127

LEGEND

UT Underground Telephone
PP Power Pole
(SF) Silt Fence

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
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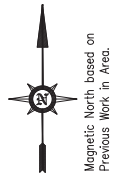
TM 11-A-44
CHAMBERS, ROBERT A. &
BARBARA ANN
DB 569-746
DB 75-390 PLAT
ZONED B-1



This is an amendment to the original site plan SDP 11-03

FLUVANNA COUNTY DIRECTOR OF PLANNING	DATE
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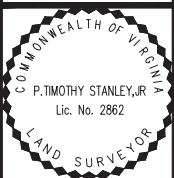
VDOT DATE



Magnetic North based on
Previous Work in Area.

STANLEY LAND SURVEYS, PLC.
LAND SURVEYING—LAND PLANNING
CROFTON PLAZA tim@stanleylandsurveys.com

SUITE 8
PALMYRA, VA 22963-0154
PHONE: (434) 589-8395
FAX: (434) 589-6327



Revisions:

NO.	DESCRIPTION	DATE

Site: **SITE PLAN AMENDMENT
FOR TAX MAP 11 PARCEL 42A
PALMYRA DISTRICT, FLUVANNA COUNTY**

Project Title:

Papa Jim's Soft Serve Treats

File Name: 110042A-SP.dwg
Project No.: 0000

Drawn By: TS
Checked By: PTS

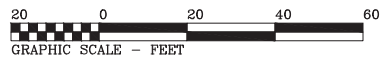
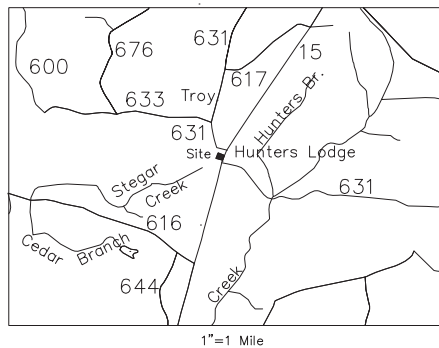
Project No.: 0000

Project No.: 0000

Drawing Title:

Sheet No:

1 OF 1





COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

August 12, 2015

Jim Toms
4016 S. Boston Road
Troy, VA 22974

Delivered via email

REF: **Re: SDP 15:13 Jim Toms Minor Site Plan (ice-cream stand site)**
Tax Map 11-A-42A

Dear Mr. Toms:

I have reviewed the minor site plan identified above and have the following comments:

1. There appears to have been some kind of wood enclosure added to this property that isn't shown on the site plan. This needs to be added to the plan.
2. The proposed 12x16 shed is not in compliance with the 50 foot setback requirement from the property line to the west.
3. The approved site plan we have on file dated April 20, 2011 shows the "new carport location for outdoor seating", however the carport appears to be placed in a different location than what the approved plan shows. Does the current location of the carport comply with the required building setback of 50 feet? **See attached copy of plan.**
4. There appears to be a business sign at this location that we do not have a record of a sign permit for.

Please submit three (3) copies of a revised plan to our office that addresses the comments above.

If you have any questions or comments, feel free to contact me at (434) 591-1910 or at stugwell@fluvannacounty.org.

Sincerely,

Steven Tugwell
Senior Planner
Dept. of Planning & Community Development

Copy: Tim Stanley via email
File

08/13/1503:01:01 PM

to Tim Stanley & Steve Tugwell

Response to Steve's email on Wednesday:

Carport: it is where it is because the county came and moved my building back twenty-five feet more from road than what I had been set for. this would not allow the car port to be in the proposed area.

New fencing on left side of Ice Cream stand, between me & Troy Market:

By adding four feet on the left side of my building as shown in plan, the dumpster (behind the fence) would block my employee parking in the rear. As you know I am very limited with parking. Both the store and I picked up 3 more parking spaces with the dumpster move. I was told that the county did not have a fence code.

The sign: may have been with the original site plan that Fluvanna misplaced and could not find the other day. I know I had one. I can fill out another form if the county so desires.

I hope this addresses all of Steve's questions in his email.

Respectfully

Jim Toms

in:sent

Gmail

Move to Inbox

COMPOSE

Inbox
Starred
Important
Chats
Sent Mail
Drafts
All Mail
Categories
Craig's List
Face Book Stuff
Flucco Chamber
Hi School
Medicare
Pa Pa Jim's
Staunton Foods
More

I will see you Tuesday morning

On Sep 4, 2015 10:58 AM, "Steven Tugwell" <stugwell@fluvannacounty.org> w

Hi Mr. Toms,

I'm not sure what you're referring to when you say the county moved your building back? I found the originally approved site plan from April 2011, shows then proposed carport in a different location than where it is placed today. Also, the proposed 12x16 shed on the current site plan isn't in compliance with the 50 foot setback requirement from the A-1 zoned parcel located to your west.

The zoning on your property is B-1 and there isn't a separate setback requirement for "accessory structures". The code simply says that buildings need to be placed 50 feet from any public right-of-way. The carport location on the original site plan is in compliance with this requirement. We're not sure why it appears to be located closer to the route 15 right-of-way.

One possibility to resolve this issue is for you (with the property owner's consent) to apply for a variance for non-compliance with the setback for the existing carport, and the proposed 12x16 shed. Typically variances are based on a hardship unique to your property that neighboring parcels do not share- hence the BZA may grant a variance if they decide you have a hardship that restricts the use of your property. If you perceive this to be the case you have a very limited area in which to accommodate your buildings, parking, etc., then let me know and we will explain the variance process to you. Now, my comment letter dated August 12, 2015 is still applicable.

Thanks,
Steve

RESOLUTION APPROVING VARIANCE CASE NUMBER BZA 16:02

BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF FLUVANNA COUNTY, VIRGINIA, that the strict terms of the Fluvanna County Zoning Ordinance be varied with respect to the property described as set forth in the application for case number BZA 16:02 in the following respects:

A request for a variance to Fluvanna County Code Sec.22-9-5(A) of the Zoning Ordinance to allow for the reduction of the minimum setback required from the public right-of-way, from 50 feet to 13 feet, with respect to 0.944 acres of Tax Map 11, Section A, Parcel 42A.

The Board, having considered the evidence presented to it as reflected in the record of this case, finding as facts 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:

- i. 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;
- ii. the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- iii. 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;
- iv. 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
- v. 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.

PROVIDED, HOWEVER, that the said variance be subject to the following conditions:
