



FLUVANNA COUNTY BOARD OF ZONING APPEALS
Morris Room, Fluvanna County Administration Building
February 20, 2018
7:00 PM (Morris Room)

TAB	AGENDA ITEMS
REGULAR MEETING	
1	CALL TO ORDER: Brad Robinson, Senior Planner
2	2018 Organizational Meeting <ol style="list-style-type: none">Election of OfficersAdoption of the By – Laws/Meeting Schedule
3	APPROVAL OF MINUTES <p>Minutes of January 10, 2017</p>
4	PUBLIC HEARINGS <p>BZA 18:01 Bella Terra Farm LLC – Brad Robinson, Senior Planner</p>
5	UNFINISHED BUSINESS <p>None</p>
6	NEW BUSINESS <p>None</p>
7	ADJOURN



Planning/Zoning Administrator Review

Fluvanna County...The heart of central Virginia and your gateway to the future!

For the Hearing-Impaired – Listening device available in the Board of Supervisors Room upon request. TTY access number is 711 to make arrangements.
For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 591-1910.

MOTION: I move to elect _____ as Chairman of the Fluvanna County Board of Zoning Appeals for the calendar year of 2018.

MOTION: I move to elect _____ as Vice Chairman of the Fluvanna County Board of Zoning Appeals for the calendar year of 2018.

AGENDA **Board of Zoning Appeals** **February 20, 2018**

SUBJECT: Election of Officers

TIMING: Routine

DISCUSSION: As has been your practice in the past, the Senior Planner opens the meeting and calls for the nomination and election of the Chairman.

Upon the election of the Chairman, the elected chairman will then call for the nomination and election of the Vice Chairman.

The Annual or Organizational meeting of the Board of Zoning Appeals will be conducted first and then move to the Regular meeting and conduct of business.

Staff: Jason Stewart, Planning Director

Planning Director's Use Only

Jason Stewart, Planning Director



2018

Board of Zoning Appeals

Meeting Dates

(Every third Tuesday of the month with the exception of November.)

January 16, 2018

February 20, 2018

March 20, 2018

April 17, 2018

May 15, 2018

June 19, 2018

July 17, 2018

August 21, 2018

September 18, 2018

October 16, 2018

November 27, 2018

December 18, 2018

Located In the Morris Room of the County Administration Building.

Meetings start at 7pm

JANUARY							FEBRUARY							MARCH							APRIL						
SU	MO	TU	W	TH	FRI	SA	SU	MO	TU	WE	TH	FRI	SA	SU	M	TU	WE	TH	FRI	SA	SU	MO	TU	WE	TH	FRI	SA
	1	2	3	4	5	6					1	2	3					1	2	3	1	2	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10	8	9	10	11	12	13	14
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21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24	22	23	24	25	26	27	28
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31	29	30					
MAY							JUNE							JULY							AUGUST						
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13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
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SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
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FLUVANNA COUNTY BOARD OF ZONING APPEALS
The Morris Room
MINUTES OF JANUARY 10, 2017
7:30 P.M.

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

Staff Present: Brad Robinson, Senior Planner
James Newman, Planner
Frederick Payne, County Attorney (Arrived at 7:39)
Stephanie Keuther, Senior Program Support Assistant

Members Absent: Jason Stewart, Planning and Zoning Administrator/**Secretary**

CALL TO ORDER:

Planner James Newman called the Board of Zoning Appeals meeting of January 10, 2017 to order at 7:30 p.m.

ELECTION OF OFFICERS:

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

Motion:

Loving made a motion to keep Harold Morris as Chairman of the Board of Zoning Appeals, seconded by Von Keyserling. The election of chairman was carried with a vote of 4-0-1 AYES: Loving, Von Keyserling, Walker, and Zimmer NAYS: None ABSTAIN: Morris ABSENT: None

Motion:

Loving made a motion to keep Peter Von Keyserling as vice chairman of the Board of Zoning Appeals, seconded by Walker. The election of Vice Chairman was carried with a vote of 4-0-1 AYES: Loving, Walker, Morris and Zimmer. NAYS: None ABSTAIN: Von Keyserling ABSENT: None

Motion:

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

Adoption of the By Laws/Meeting Schedule:

Motion:

Von Keyserling made a motion to approve the Adoption of the By-Laws/Meetings schedule change of every third Tuesday of the month at 7:00 p.m. with the exception of the November meeting which would be held the second Tuesday of the month seconded by Loving. The motion to approve was carried with a vote of 5-0-0 AYES: Von Keyserling, Loving, Morris, Zimmer and Walker. NAYS: None ABSTAIN: None ABSENT: None

APPROVAL OF MINUTES:

Walker made a motion to approve the minutes of the October 11, 2016 seconded by Von Keyserling. The motion to approve was carried with a vote of 4-0-1 AYES: Walker, Von Keyserling, Morris and Loving NAYS: None ABSTAIN: Zimmer ABSENT: None

PUBLIC HEARING:

BZA 16:03 James Newman, Planner - A request for a variance to Fluvanna County Code Sec. 22-4-3 (E) of the Zoning Ordinance to allow for the reduction of the minimum setback required from the public right-of-way, from 125 feet to 50 feet in regards to an existing nonconforming single family dwelling, for the purposes of subdividing approximately 2.13 acres from an existing approximately 21.2 acres parcel Tax Map 23, Section A, Parcel 40. The existing nonconforming structure cannot currently meet the setback requirements for the proposed new parcel. The affected property is located in the Columbia

Election District at 6147 Venable Road (State Route 601). This is located at the intersection of Venable Road and Covered Bridge Road (State Route 604).

Zimmer: Is the set back to the side property line currently correct?

Applicant Paul Sheridan: Yes

Zimmer: Make sure when subdividing that you still have at least 50 ft. for your side setbacks.

Von Keyserling: Just keep that in mind so not to have to come back for another variance later for a shorter distance.

Applicant: I'm keeping everything together here; I'm not selling any land. The only reason I'm here is to refinance and in order to do so the bank would prefer that two homes not be on the same parcel.

Public Hearing Comments:

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

Mike Clark: I'm the property owner to the west. There were other homes that were built prior to the setbacks being adopted. I support him wanting to split this property.

Mell Sheridan: I live across the street; (Mr. Sheridan gave a brief description of the history of the home that was built in 1962). Paul is in a catch twenty-two, He can't move the road or the house so what is he to do? He cannot refinance without this approval. Paul is my son and my wife and I do support this and hope for an approval.

Von Keyserling: Has the house always been occupied?

Mel Sheridan: Yes

Jerry Custer: I live across the street; someone has always lived in this home except when being renovated. This home has never been an eye sore and it's always been kept up in good condition. Paul is just looking to make more improvements. We are for approval of this variance.

Loving: When looking at the staff report there's really nothing out of the ordinary for us. If anything, this is bringing him in compliance with the code sections that states there should only be one home on each parcel (Code Section 22-4-4.A).

Von Keyserling: If this was separated before the ordinance it would have been grandfathered. I don't any objections with this.

Loving: I would like to recommend we approve with no conditions.

MOTION:

Loving made a motion to Approve with resolution that there are no conditions on BZA 16:03

Von Keyserling seconded. The motion carried with a vote of 5-0-0 AYES: Loving, Von Keyserling,

Walker, Zimmer and Morris NAYS: None ABSTAIN: None ABSENT: None

Unfinished Business:

None

New Business:

None

ADJOURNMENT:

There being no further business, Chairman Morris adjourned the Board of Zoning Appeals meeting of January 10, 2017 at 7:48 p.m.

Minutes recorded by Stephanie Keuther.

Chairman Harold Morris
Fluvanna County Board of Zoning Appeals



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

To: Board of Zoning Appeals
Case Number: BZA 18:01
Tax Map: 4, Section A, Parcel 38

Staff: Brad Robinson
District: Palmyra
Date: February 20, 2018

General Info: The Board of Zoning Appeals is scheduled to hear this request at 7:00 pm on Tuesday, February 20, 2018 in the Morris Room of the Fluvanna County Administration Building.

Applicant: Timothy C. Reese / Bella Terra Farm LLC

Owner: Bella Terra Farm LLC

Requested Action: A request for a variance to Fluvanna County Code Sec.22-4-3(C) of the Zoning Ordinance to allow for the reduction of the minimum frontage required along a public road, from 300 feet to 296.59 feet, for the purpose of subdividing 8.869 acres from an existing 11.558 acre parcel being Tax Map 4, Section A, Parcel 38.

Code Section: Fluvanna County Code Sec.22-4-3(C) of the Zoning Ordinance

Location: The affected property is located in the Palmyra Election District at 2100 Paynes Mill Road (Route 600), at the intersection with Mechunk Creek Road (State Route 634).
(Attachment B)

Existing Zoning: A-1, Agricultural, General (Attachment C)

Existing Land Use: Commercial / Landscaping materials supply

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

Comprehensive Plan: Rural Residential Planning Area

Zoning History: SUP 14:01 was approved on May 21, 2014 with eleven conditions. SDP 15:11 was approved on June 9, 2015.
(Attachment D)

Analysis:

The applicant is requesting a variance to reduce the minimum frontage required along a public road in order to subdivide and create a second parcel. The subject property currently consists of 11.558 acres with 596.63 feet of frontage along Paynes Mill Road (Route 600). The applicant desires to subdivide 8.869 acres from the property and leave 2.689 acres with the residue.

The parcel does not have enough road frontage to allow both the desired parcel and the residue to each have 300 feet of frontage as required by the A-1 District regulations. Therefore the applicant is requesting a variance to reduce frontage for the desired 8.869 parcel from 300 feet to 296.59 feet. The variance would result in a total reduction of 3.41 feet for the second parcel. The residue is proposed to have 300.04 feet which complies with the minimum frontage requirement.

The applicant obtained a special use permit (#SUP 14:01) in May 2014 to establish a landscaping materials supply business (Bella Terra Landscapes) on the subject parcel. The property currently contains an existing barn/storage building associated with this use. When purchasing the property the applicant had also planned to eventually construct a home adjacent to the business. Due to difficulties obtaining a loan to have both a commercial and residential use on the same parcel, the applicant desires to subdivide the property so that each use can be on its own parcel. However the property cannot be conventionally subdivided without approval of a variance.

(Attachment A)

Sec. 22-4-3(C) of the Fluvanna County Zoning Ordinance states:

- (C) Minimum frontage required:
 - (1) Existing or proposed public roads, except as otherwise provided:
 - (a) U.S. Route 250, U.S. Route 15, VA. Primary Routes 6, 53, and VA. Secondary Route 616: 500 feet
 - (b) All other public roads: 300 feet
 - (2) Private roads: 200 feet

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 existed prior to purchase by the applicant in 2014 and currently complies with the A-1 District lot size and dimensional requirements. Subdivision of the subject property is not necessary in order to obtain a building permit for a single family home per the regulations of the Fluvanna County Zoning Ordinance. The application appears to be based upon the considerations of the residential lending terms of financial institutions in regards to the business use being located on the subject property along with the potential proposed residential use.

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

All adjoining properties contain single-family residential uses. The addition of a dwelling to the subject property would be compatible with the character of the area. However the variance would result in the creation of a nonconforming lot in regards to its road frontage.

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 applicant's situation is shared by all properties in the county zoned A-1. While the minimum frontage required on public roads used to be 200 feet, this requirement was increased to 300 feet (noting that properties on Routes 250, 15, 6, 53 and 616 have a greater requirement of 500 feet).

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:

The proposed single-family residential use is permitted by right in the A-1 District and would not necessitate a change in the property's zoning classification.

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:

A special exception process is not available to the applicant and no zoning ordinance amendment is currently in progress.

A draft resolution is attached. (Attachment F)

Suggested Motion:

I move to approve/deny/defer BZA 18:01, a request for a variance to Fluvanna County Code Sec. 22-4-3(C) of the Zoning Ordinance to allow for the reduction of the minimum frontage required along a public road, from 300 feet to 296.59 feet, for the purpose of subdividing 8.869 acres from an existing 11.558 acre parcel being Tax Map 4, Section A, Parcel 38.

Attachments:

- A – Application and APOs
- B – Aerial Vicinity Map
- C – Zoning Map
- D – SUP 14:01 Approval Letter & Concept Plan
- E – Draft Resolution

Copy:

Applicant: Timothy C. Reese, via email – timreese77@gmail.com
File



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Variance Application (BZA)

Owner of Record: TIMOTHY C. REESE (BELLATERRA FARM, LLC) Applicant of Record: TIMOTHY C. REESE
 E911 Address: 2100 PAYNES MILL ROAD, TROY, VA 22974 E911 Address: 17 LONG LEAF LANE, PALMYRA, VA 22963
 Phone: 434-979-0802 Fax: 22974 Phone: 434-872-3198 Fax: 22963
 Email: TIMREESE77@GMAIL.COM Email: TIMREESE77@GMAIL.COM
 Representative: TIM REESE 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: 17 LONG LEAF LANE
 Phone: 434-872-3198 Fax: 22963
 Email: TIMREESE77@GMAIL.COM
 Tax Map and Parcel(s): 4-A-38 Deed Book Reference: 919-315
 Acreage: 11.558 Zoning: A-1 Deed Restrictions? ☐ No ☐ Yes (Attach copy)
 E911 Address of Parcel: 2100 PAYNES MILL RD. TROY, VA 22974
 Description of Property: Bella Terra Farm LLC / landscape contractor
 Request for a variance from Section 22-4-3 (c) of the Fluvanna County Code in respect to the requirement for in order to build subdivide

Fill in only the line(s) that apply to your request(s)	Applicant has	Code requires or permits	Variance requested
Total Area	11.558 Ac.		
Lot Width			
Front yard setback			
Minimum side yard setback			
Total side yard setback			
Rear yard setback			
Public road frontage	596.63'	300'	296.59'
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.

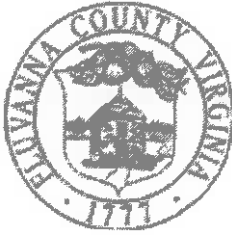
All plats must be folded prior to submission to the Planning Department. Rolled plans will not be accepted.

TIMOTHY C. REESE 1/3/18
 Owner/Applicant Name (Please Print) Date Owner/Applicant Signature

Date Received: <u>1/5/18</u>	PH Sign Deposit Received: <u>90.00</u> <u>1/6/18</u>	Application #: <u>BZA 18-01</u>
\$550 plus mailing cost and fee paid: <u>550.00</u> <u>1/5/18</u>		
Election District: <u>Palmyra</u>	Planning Area: <u>Rural Res.</u>	
Approved _____	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: TIMOTHY C. REESE (BELLA TERRA FARM, LLC)
 Address: 2100 PAYNES MILL RD. TX
 Qty: TROY
 State: VA Zip Code: 22974

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.

[Signature] Date 1/3/18
 Applicant Signature

* Number of signs depends on number of roadways property adjoins.

Application #: BZA <u>18</u> : <u>01</u> CPA : SUP : ZMP : ZTA :	
\$90 deposit paid per sign*: <u>90.00 1/5/18</u>	Approximate date to be returned:

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.co.fluvanna.va.us

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.

ONCE THE PROPERTY IS SUBDIVIDED, THE PLANS TO PUT A PERSONAL RESIDENCE ON THE PROPERTY. THE HOUSE BUDGET IS ROUGHLY \$400-\$450K AND IS TO BE CONSTRUCTED BY CELIL COBB.

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.

THERE ARE NO SPECIAL CONDITIONS I AM AWARE OF. EXCEPT FOR THE ROAD FRONTAGE IS 3.37' SHORT OF A SUBDIVISION REQUIREMENT, HENCE THE REASON FOR THIS VARIANCE REQUEST.

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.

WHEN I PURCHASED THE PROPERTY IN 2015, IT WAS MY INTENTION TO MOVE MY BUSINESS AND BUILD A HOME. I DID NOT REALIZE IT WOULD BE THIS CHALLENGING. EACH NEIGHBOR HAS ^{DENIED} PURCHASE OF THEIR LAND FOR 4-A-38 TO BE PROVIDED WITHOUT A VARIANCE REQUEST.

ADJACENT PROPERTY

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

THE VARIANCE SHOULD HAVE LITTLE, TO NO, EFFECT ON ADJACENT PROPERTIES.

PLAN

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.)

I HAVE PROVIDED A SKETCH DRAWN BY TIM STANLEY WHICH SHOWS DESIRED SUBDIVISION BOUNDARIES.

Timothy C. Reese
17 Long Leaf Lane
Palmyra, VA 22963

January 3, 2018

Fluvanna County Planning & Zoning
c/o Brad Robinson
132 Main Street
Palmyra, VA 22963

To Whom It May Concern:

Thank you for taking the time to hear my family's variance request for subdividing our property at 2100 Paynes Mill Road in Troy, VA (TM - 4 A 38, DB - 919-315, 11.558 acres).

In 2015, I purchased the property from Eugene Proffit with the intention of moving my business and building a house in the near future. I successfully received the SUP for my business and started the moving process immediately, starting with the business. Now, I'd like to consider doing the second half of the original plan - to build a house and move my family to the property. However, I did not realize how much of an undertaking the process would be.

I certainly understood the bank's need for the property to be subdivided, having collateral associated with a loan, but I did not think much of it because I felt certain this type of thing happened all the time. Once it came time for me to fully vest my time and effort into the process, I understood there to be two types of divisions - a Family Division and a Subdivision.

The Family Division sounded like what I needed. However, I could not divide a property that is deeded in a business name (the property is deeded in Bella Terra Farm, LLC because of the advice of my accountant and lawyer at the time of purchase). In order for me to successfully achieve a family division on the property, I would have to re-deed the property into a personal name, then split the property. However, the bank who carries the loan for the construction of my pole barn would see this as a transaction and would call the note to be paid. I do not have \$175,000.00 to make this work and it would go against the sole reason to why I deeded the property in a separate LLC to begin with - to separate liability.

The next option is a Subdivision. At first glance, this seemed like the right course for parcels much bigger than mine with a much different objective. But after asking many people who know more about this than me, it sounded like my only option. Until I realized that I am 3.37' short of the county requirement for each parcel to be 300' after division. Currently, my parcel has exactly 596.63' of road frontage. I have been advised to ask each of my neighbors if they would be willing to sell me four feet of their property but neither were willing.

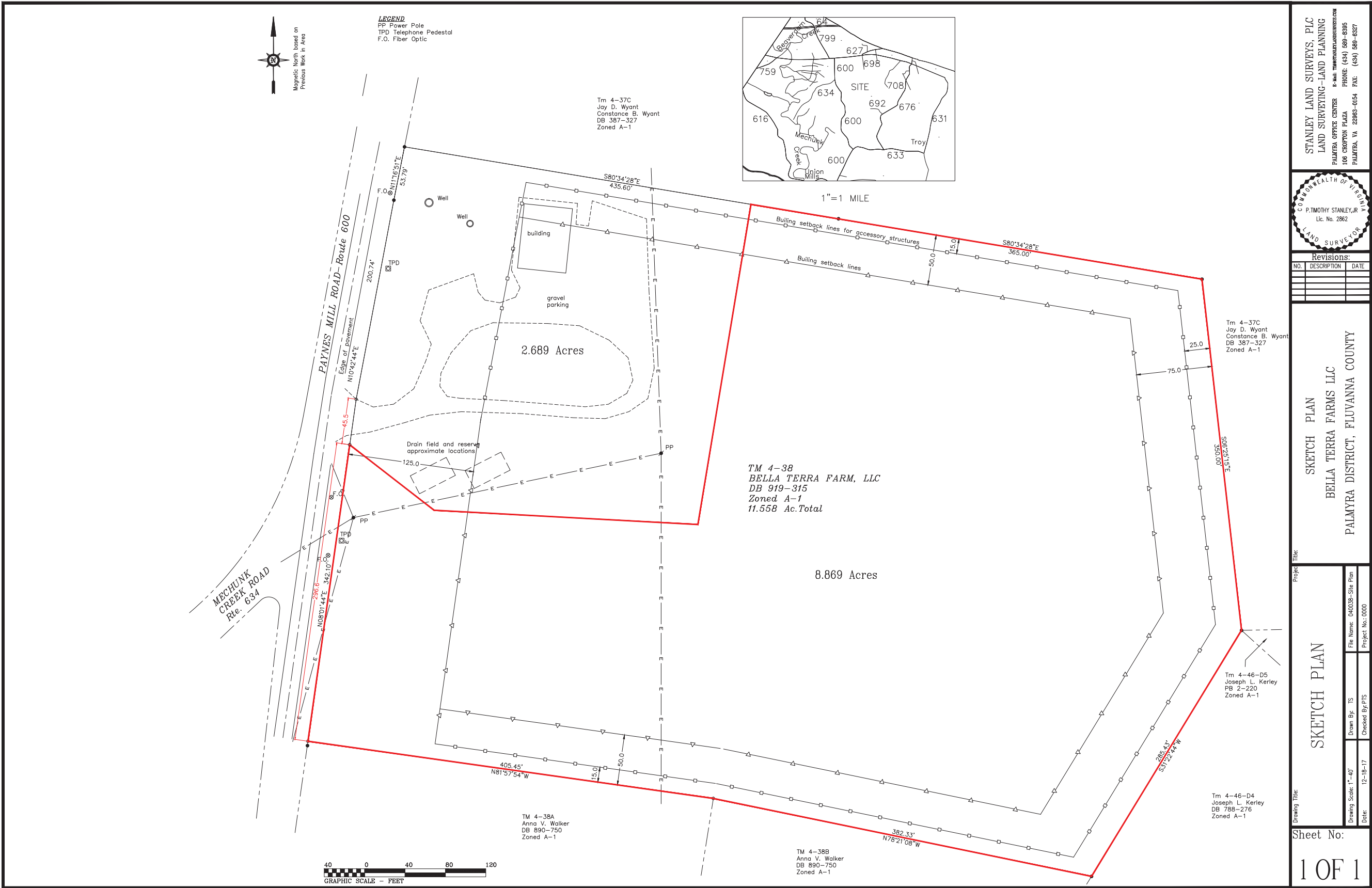
Currently before you is my variance application and the sketch Tim Stanley has drawn for me which shows the proposed property lines. Like I have previously stated, I had no idea I would encounter this challenge from the beginning. Had I known, I think I would have done things a bit differently. As far as I know, none of my neighbors, or any adjacent property will be adversely affected.

Warmest,



Timothy C. Reese

Received
JAN 10 2018
PLANNING & ZONING
COUNTY CLERK





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

MEMORANDUM

Date: February 5, 2018
From: Stephanie Keuther
To: Jason Stewart
Subject: Board of Zoning Appeals APO Letter

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the February 20, 2018 Board of Zoning Appeals Meeting.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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NOTICE OF PUBLIC HEARING

February 5, 2018

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

Re: Public Hearing on BZA 18:01

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, February 20, 2018
Time:	7:00 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 18:01 – Bella Terra Farm LLC: A request for a variance to Fluvanna County Code Sec.22-4-3(C) of the Zoning Ordinance to allow for the reduction of the minimum frontage required along a public road, from 300 feet to 296.59 feet, for the purpose of subdividing 8.869 acres from an existing 11.558 acre parcel being Tax Map 4, Section A, Parcel 38.

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/meetings>. 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

ADJACENT PROPERTY OWNERS BZA 18:01			
TAX MAP	NAME	ADDRESS	CITY/STATE/ZIP
	JAY D & CONSTANCE B WYANT	2266 RICHMOND RD	TROY VA 22974
	JANIE B & RICHIE D ESTES	2131 PAYNES MILL RD	TROY VA 22974
	ANTOINETTE WELLS ET AL CO EX	5335 16TH ST NW	WASHINGTON DC 20011
	RONNIE L. MORRIS	2207 PAYNES MILL RD	TROY VA 22974
	JOSEPH L KERLEY	1224 MONTICELLO RD	CHARLOTTESVILLE VA 22902
	ANNA V WALKER	2064 PAYNES MILL RD	TROY VA 22974
	DAVID E. & PAMELA L. GREGORY	2171 PAYNES MILL RD	TROY VA 22974
	SUSAN L FIDLER	1936 PAYNES MILL RD	TROY VA 22974

Fluvanna County, VA WebGIS Parcels - PIN: 4 A 38



February 16, 2018

● Address Points

▬ Roads

— Interstate

— Primary

— Secondary

— Other

▬ Parcels

● Place Names

▬ Town Boundary

▬ Railroads

⋯ Tax Map Grid

▬ County Boundary

▬ Surrounding Counties

● Address Point Labels

▬ Road Labels

— Interstate

— Primary

— Secondary

▬ Other

Tax Map Grid Labels

World Imagery

Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

A horizontal scale bar. The top scale is in miles, with markings at 0, 0.05, 0.1, and 0.2. The bottom scale is in kilometers, with markings at 0, 0.075, 0.15, and 0.3. Above the scales, the text "1:4,514" indicates the map's scale.

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,



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

May 22, 2014

Mr. Timothy Reese
589 Jefferson Drive
Palmyra, VA 22963

Re: SUP 14:01 Timothy Reese Landscaping Materials Supply Business
Tax Map: 4-A-38

Dear Mr. Reese:

Please accept this letter as notification of the action taken on May 21, 2014 by the Board of Supervisors with regard to SUP 14-01. This request was **approved** by the Board of Supervisors by a vote of 5-0, with the following eleven (11) conditions:

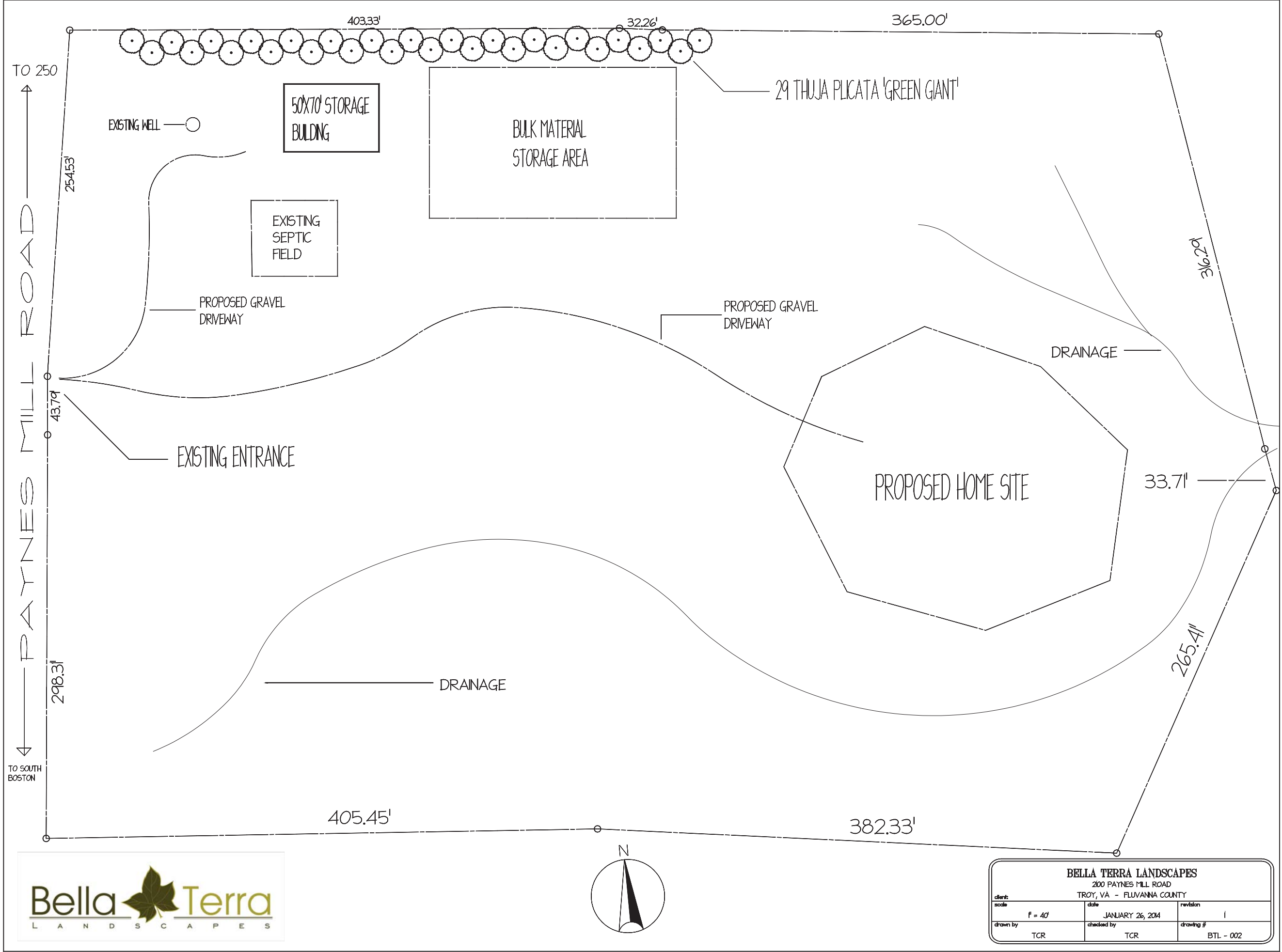
1. Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, must be submitted for review and approval.
2. The site must meet all Virginia Department of Transportation requirements.
3. The site must meet the requirements set forth by the Virginia Department of Health.
4. The property shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
5. Hours of operation shall be Monday through Saturday 7:00 a.m. to 6:00 p.m.
6. No retail sales permitted on-site.
7. No greenhouse or cultivation of irrigated plants on-site.
8. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.
9. Any noise generated by the activity on this site shall be limited to the maximum decibel level allowed by Sec. 15.1-9 A. d. of the County Code.
10. All outdoor landscaping supply materials storage areas shall be screened from the view of public roads, rights-of-way, and adjacent properties as required by Sec. 22-24-7 3. iii of the Zoning Ordinance.
11. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

If you have any questions or concerns, please do not hesitate to call me at 591-1910, or email me at stugwell@fluvannacounty.org.

Sincerely,

Steve Tugwell
Senior Planner

Copy: Mr. Eugene H. Proffitt, Sr., 1321 Paynes Mill Road, Troy, VA 22974
File



RESOLUTION APPROVING VARIANCE CASE NUMBER BZA 18:01

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 18:01 in the following respects:

A request for a variance to Fluvanna County Code Sec.22-4-3(C) of the Zoning Ordinance to allow for the reduction of the minimum frontage required along a public road, from 300 feet to 296.59 feet, for the purpose of subdividing 8.869 acres from an existing 11.558 acre parcel being Tax Map 4, Section A, Parcel 38.

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:
