



FLUVANNA COUNTY BOARD OF ZONING APPEALS
Morris Room, Fluvanna County Administration Building
April 16, 2019
7:00 PM (Morris Room)

TAB	AGENDA ITEMS
REGULAR MEETING	
1	CALL TO ORDER: Harold Morris, Chairman
2	APPROVAL OF MINUTES
	Minutes of March 19, 2019
3	PUBLIC HEARINGS
	BZA 19:02 Virginia Properties – Brad Robinson, Senior Planner
4	UNFINISHED BUSINESS
	None
5	NEW BUSINESS
	None
6	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.*

PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

PUBLIC HEARING RULES OF PROCEDURE

1. **PURPOSE**
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. **SPEAKERS**
 - Speakers should approach the lectern so they may be visible and audible to the Commission.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Commission.
 - All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. **ACTION**
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Commission will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

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FLUVANNA COUNTY BOARD OF ZONING APPEALS

Morris Room, Fluvanna County Administration

Building March 19, 2019

7:00 PM (Morris Room)

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

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

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

CALL TO ORDER:

Senior Planner Brad Robinson called the Board of Zoning Appeals meeting of March 19, 2019 to order at 7:01 p.m.

ELECTION OF OFFICERS:

Senior Planner Brad Robinson 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 5-0 AYES: Loving, Von Keyserling, Morris, Walker, and Zimmer NAYS: None ABSTAIN: None ABSENT: None

Motion:

Walker made a motion to keep Peter Von Keyserling as vice chairman of the Board of Zoning Appeals, seconded by Loving. The election of Vice Chairman was carried with a vote of 5-0 AYES: Loving, Von Keyserling, Walker, Morris and Zimmer. NAYS: None ABSTAIN: None ABSENT: None

Adoption of the By Laws/Meeting Schedule:

Motion:

Von Keyserling made a motion to adopt the Fluvanna County Board of Zoning Appeals 2019 regular Meeting Calendar the November 2019 meeting. Seconded by Walker. The motion to approve was carried with a vote of 5-0 AYES: Von Keyserling, Loving, Morris, Zimmer and Walker. NAYS: None ABSTAIN: None ABSENT: None

APPROVAL OF MINUTES:

Von Keyserling made a motion to approve the minutes of the July 3, 2018 as presented. Seconded by Walker. The motion to approve was carried with a vote of 5-0 AYES: Walker, Zimmer, Von Keyserling, Morris and Loving NAYS: None ABSTAIN: None ABSENT: None

PUBLIC HEARING:

BZA 19:01—Todd and Casey Robinson—Holly Steele-- 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 front setback required along a public road, from 125 feet to 80 feet and, for the purpose of constructing an attached garage to their existing home and bringing the existing home into compliance with the front yard setback requirements for Tax Map 19, Section 13, Parcel 16.

- The applicants wish to construct a two-car garage addition onto their existing home
- Existence of flood plain on the property
- Location of the well/septic system
- Steep topography of parcel
- Home was not built in accordance with Fluvanna County's building setback regulations. There was existing encroachment when the Robinsons bought the home in 2017
- Owner's disability

Von Keyserling: My only question is that this addition is to accommodate it by your garage from the little bit of extension by the house foundation. Is that right?

Todd Robinson: Yes sir, it is to have it attached to the house for accessibility for her.

Von Keyserling: Yes sir that only would make more sense. I just wanted to make sure I understood.

Morris: Do you have any other additional comments?

Casey Robinson: I can assure you that my leg will not grow back.... (Laughing)

Morris: Other than that it seems to me like it's a genuine need so I don't think no one here is going to argue that.

Casey Robinson: I can just tell you that being out with the crutches, they are uneven to rain, wet....etc.

Morris: Yes, having this addition will be an ease.

Holly Steele, Planner: They do have some special conditions going on with their property. When they purchased the home in 2017, it was already not built to meet Fluvanna County standards because it was built in 2006.

Zimmer: The setbacks were existing in 2015?

Holly Steele, Planner: Right, so in 2006, I'm not sure how that made it through Planning, not sure as none of us were here in 2006. So somehow it was built and was not up for what our setbacks are.

Morris: So it has become a pre-existing condition.

Zimmer: These setbacks were established in 2004.

Holly Steele, Planner: Right.

Von Keyserling: They had a building permit approved before that.

Payne: It may have been but I was going to ask the same question but I don't know the answer for that.

Holly Steele, Planner: It's always a chance that the setbacks were put on all the building and planning forms, and it just wasn't built correctly. That's always a possibility as well.

Walker: I know that Joseph Burkhead in 1991 had the property, but he's deceased now so maybe sometime before that he presented plans for a house or something like that.

Morris: I have a question for Brad maybe you know that answer to: If a person had put in a request for a permit to build, and it was in before we changed things, which happened in the process, will the approval of the original one still hold, or would we go back to them and tell them they have to change it?

Brad Robinson, Senior Planner: What are we speaking of?

Morris: Like this house, let's assume that it was built at the 85 feet that shows on the map, and that was in compliance when the request for the building permit was made. Then shortly thereafter we changed the zoning in the county to 125 feet. Which would rule?

Brad Robinson, Senior Planner: The 85 feet would hold.

Payne: It depends on whether the landowner had obtained a vested right, and that would be if the significant act by the county, the building permit, would be such an action and then the owner followed up in due course and expended moneys, and that sort of thing.

Von Keyserling: So like if they have done anything to try and pursue it.

Payne: Maybe not like anything, that's possible.

Von Keyserling: Whether or not it was a well or septic or not.

Payne: In that case, it would be a long line form of use, that's possible.

MOTION:

Loving made a motion to approve BZA 19:01, 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 frontage required along a public road, from 125 feet to 80 feet, for the purpose of construction an attached garage to their existing home and bringing the existing home into compliance with the front yard setback requirements for Tax Map 19, Section 13, Parcel 16. Seconded by Von Keyserling. The motion carried with a vote of 5-0 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 March 19, 2019 at 7:30 p.m.

Minutes recorded by Valencia Porter, Senior Program Support Assistant

Chairman Harold Morris
Fluvanna County Board of
Zoning Appeals



COUNTY OF FLUVANNA

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Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

STAFF REPORT

To: Board of Zoning Appeals
Case Number: BZA 19:02
Tax Map: 5, Section 7, Parcel 9C

Staff: Brad Robinson
District: Columbia
Date: April 16, 2019

General Info: The Board of Zoning Appeals is scheduled to hear this request at 7:00 pm on Tuesday, April 16, 2019 in the Morris Room of the Fluvanna County Administration Building.

Applicant/Owner: Virginia Properties LLC

Representative: Shimp Engineering P.C.

Requested Action: 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.

Code Section: Fluvanna County Code Sec.22-11-6 of the Zoning Ordinance

Location: The affected property is located in the Columbia Election District at 136 Better Living Drive (Route 1024), approximately 0.45 miles southwest of the intersection with Richmond Road (U.S. Route 250) (Attachment B)

Existing Zoning: I-1, Industrial, Limited (Attachment C)

Existing Land Use: Industrial / Building materials supply store

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

Comprehensive Plan: Zion Crossroads Community Planning Area

Zoning History: This property was rezoned from A-1 to I-1 by ZMP 75:02. SDP 05:02 was approved in 2006 for a 112,000 square foot industrial building.

Analysis:

The applicant is requesting a variance to reduce the minimum setback required from an agricultural district in order to construct a shed for lumber storage. The subject property is zoned I-1 and adjoins A-1 zoning along the rear property line where the applicant desires to construct the shed. The shed will be a covered but unenclosed structure that will not require any plumbing facilities.

The subject property consists of 23.8 acres that are currently developed with seven (7) existing buildings and/or sheds occupied by Better Living, Inc. which supplies building materials and cabinetry. The company is located in Charlottesville and expanded into a second location on this property in 2007.

The applicant is requesting to reduce the required setback from the rear property line from 50 feet to 40 feet. The variance would result in a total reduction of 10 feet.

(Attachment A)

Sec. 22-11-6 of the Fluvanna County Zoning Ordinance states:

Sec. 22-11-6. Yard regulations.

When permitted uses adjoin agricultural, residential, or business districts the minimum yard requirements shall be fifty feet (50'). All parking lots shall be located not less than twenty-five feet (25') from any residential or agricultural district.

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 zoning of the subject property and adjacent properties existed prior to development of the subject property. The applicant has not created any hardship.

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

Three properties zoned A-1 adjoin the rear property line of the subject property. The property immediately adjacent to the proposed location of the shed does not contain agricultural or residential use but is the site of a solar farm which is classified as an industrial use (major utility). The solar farm was approved via special use permit SUP 16:09 in 2016 and commenced operation in 2018. The other two adjoining properties are located on either side of the solar farm and contain residential uses, but will not be in direct view of the proposed shed. Based on aerial imagery, existing vegetation on these properties could also assist with screening the proposed shed. Adjoining properties to the north and west of the subject property are similarly located within the Zion Crossroads Industrial Park and contain industrial uses.

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 that are zoned I-1 and adjoin agricultural districts. Much of the county's industrial zoning is located within the same vicinity of the subject property, which is an area targeted for economic development.

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 shed is an accessory use permitted by right in the I-1 zoning district and does 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 D)

Suggested Motion:

I move to approve/deny/defer 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.

Attachments:

- A – Application and APOs
- B – Aerial Vicinity Map
- C – Zoning Map
- D – Draft Resolution

Copy:

Applicant: Shimp Engineering via email – justin@shimp-engineering.com
John Nunley, Virginia Properties LLC via email – jnunleym5@betterlivingvirginia.com
File



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Variance Application (BZA)

Owner of Record: Virginia Properties LLC Applicant of Record: Owner
 E911 Address: 136 Better Living Dr. E911 Address: _____
 Phone: (434) 974-8111 Fax: (434) 817-5818 Phone: _____ Fax: _____
 Email: _____ Email: _____
 Representative: Shimp Engineering P.C. 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: 912 E. High Street
 Phone: (434) 227-6140 Fax: _____
 Email: justin@shimp-engineering.com
 Tax Map and Parcel(s): 5 7 9C Deed Book Reference: 71B 885 - 71B 888
 Acreage: 23.800 Zoning: 1-1 Deed Restrictions? ☐ No ☒ Yes (Attach copy)
 E911 Address of Parcel: 136 Better Living Dr.
 Description of Property: _____

Request for a variance from Section 22-11-6 of the Fluvanna County Code in respect to the requirement for
 in order to build Lumber Shed

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			
Minimum side yard setback			
Total side yard setback	<u>40'</u>	<u>50'</u>	<u>10'</u>
Rear yard setback			
Public road frontage			
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.

* John Hunter 03/04/19
 Owner/Applicant Name (Please Print) Date Owner/Applicant Signature

OFFICE USE ONLY	
Date Received: <u>3/4/2019</u>	PH Sign Deposit Received: <u>3/8/2019</u> Application #: <u>BZA 19-0002</u>
← \$550 plus mailing cost and fee paid: <u>✓ \$283.60</u> Mailing Costs: \$20.00 Adjacent Property Owner (APO) after 1st 15, Certified	
Election District: <u>Columbia</u>	Planning Area: <u>Zion Crossroads Community Planner</u>
Approved _____	Zoning Administrator: _____

Fluvanna County Department of Planning & Community Development • Box 540 • Palmyra, VA 22963 • (434) 591-1900 • 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: Virginia Properties, LLC
Address: 136 Better Living Drive
City: 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] 03/04/2019
Applicant Signature Date

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

OFFICE USE ONLY	
Application #: BZA 19 : 002 CPA : SUP : ZMP : ZTA :	
\$90 deposit paid per sign*: 3/8/19 Ck # 2837	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.

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.

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.

ADJACENT PROPERTY

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

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.)

Variance Application Narrative

TMP 5 7 9C | Better Living

Application Submitted: March 4, 2019

Revised Narrative Submitted: March , 2019

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.

This variance application is to allow for the construction of a new t-shed on TMP 5-7-9C. A t-shed is a simple covered structure used for lumber storage. An elevation of a t-shed is provided with this application.

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.

The property is where Better Living, a building materials supplier, is located. The property is located within an industrial park. The southeastern property boundary is adjacent to land zoned agricultural (A-1). The A-1 zoned land was recently converted to a solar farm and is not actively used for traditional farming or agricultural use.

Since the property is the site of an established business in Fluvanna County, there already exist structures on the property that are necessary to business operations. The addition of a t-shed on site would allow the business to continue to function without dramatically altering the site layout.

Unnecessary Hardship

Describe here how the literal interpretation and enforcement of Section 22-11-6 of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use or intended use or development of the properties involved by the applicant.

Per Sec.15.2-2309 of the Code of Virginia, literal interpretation and enforcement of Section 22-11-6 of the Zoning Ordinance would unreasonably restrict the utilization of the property for the following reasons:

- 1) The property is the site of an established business in Fluvanna County with an existing site layout that complies with applicable County regulations and that serves the needs of the business and customers. Strict interpretation of 22-11-6 would require alterations to the site layout to allow for the construction of a t-shed on the property. Allowing for the placement of the t-shed in accordance with the plan provided with this application will allow for the parking, general circulation, and loading to continue to function on the site as it has for years.**
- 2) A t-shed is a simple covered structure without plumbing facilities. The shed is not intended for human occupation and does not require significant infrastructure**

- improvements, if any infrastructure improvements. The shed is utilized for lumber storage and the structure will not have a significant impact on neighboring properties.
- 3) The site alterations necessary to accommodate the t-shed without the granting of a variance may result in greater land disturbance than if the shed were allowed to be constructed within the required 50' setback.

Adjacent Property

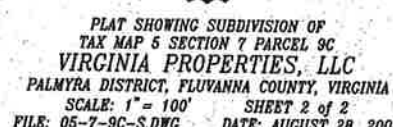
Describe the effects of this variance on adjacent property and the surrounding neighborhood. How will adjoining property owners be protected.

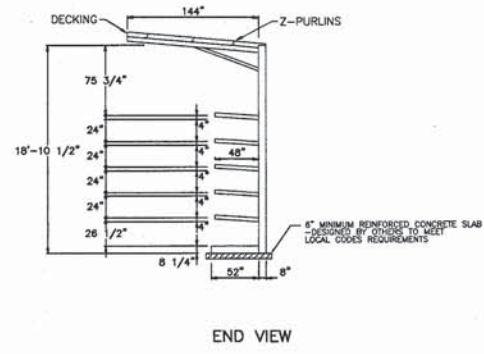
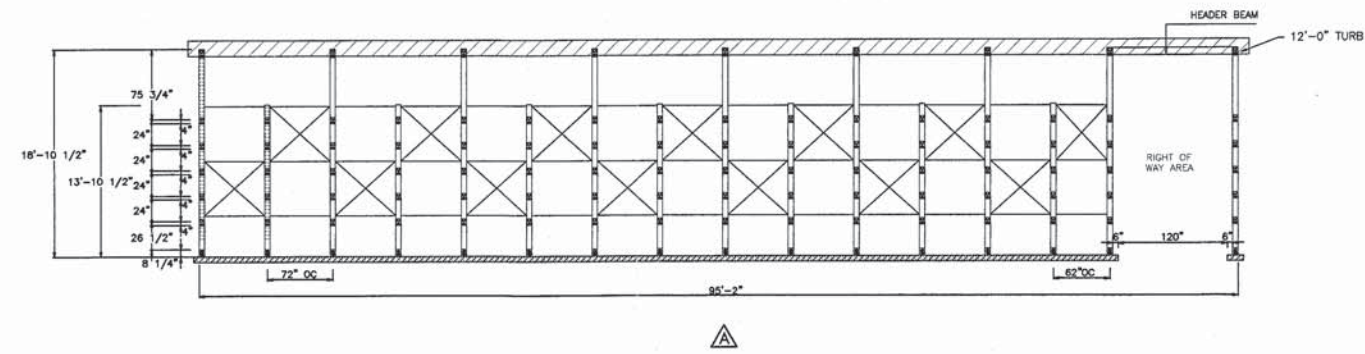
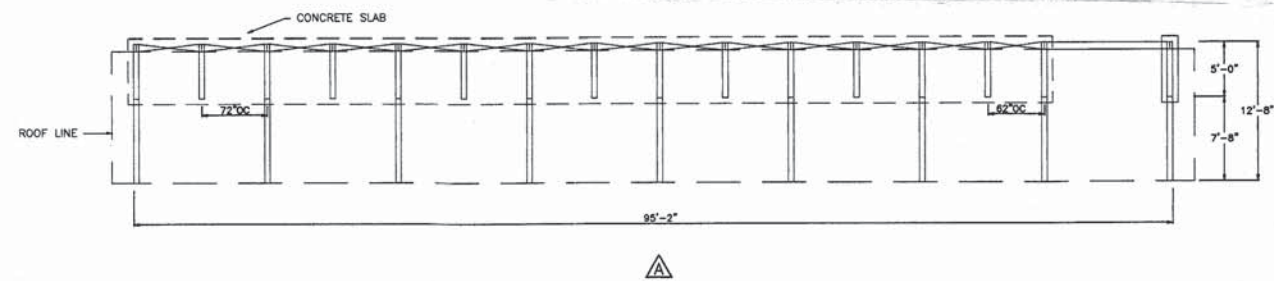
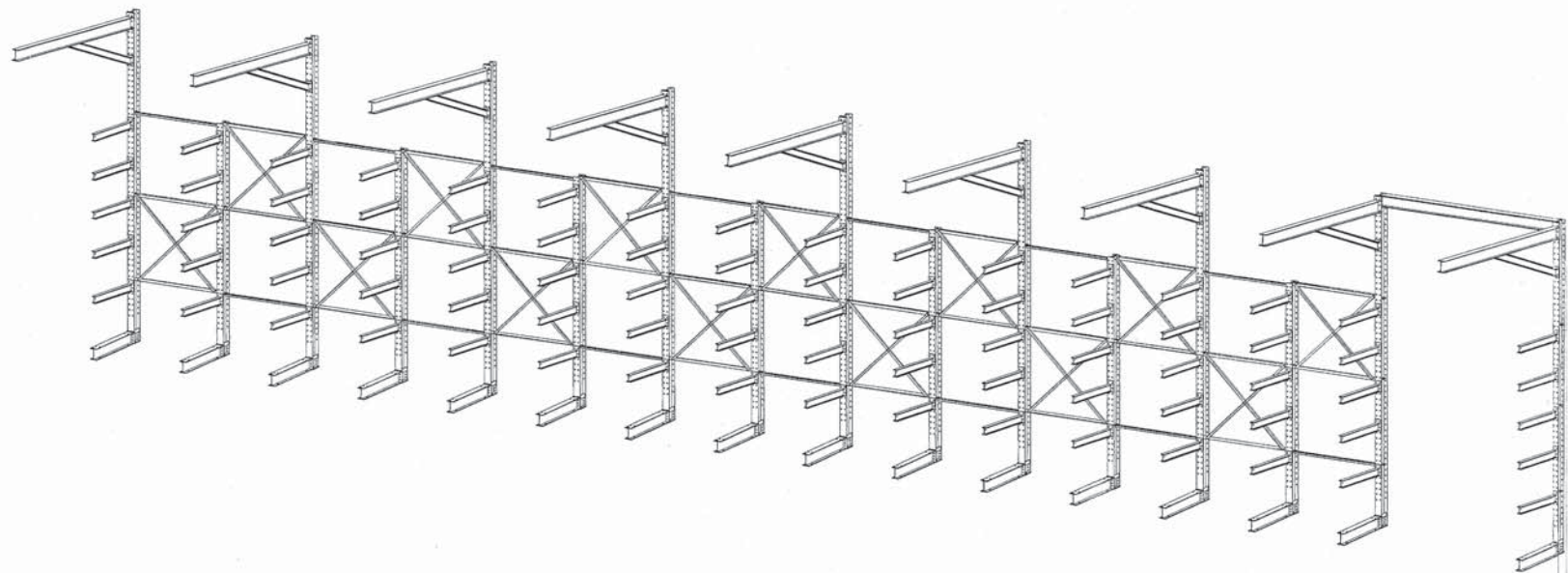
Adjacent properties will be protected in the following ways:

- 1.) The adjacent property to the southeast, zoned A-1, was recently developed as a solar farm. The property is located at Zion's Crossroads, an area that continues to develop as a community complete with residential, compatible industrial, business, and commercial uses, and the addition of a t-shed for lumber storage would not compromise the general health, safety, and welfare of the developing community.
- 2.) A 10' reduction in setback requirements, to a 40' setback from a 50' setback, will not compromise the property owner's ability to provide any required screening per Article 24 of the Fluvanna County Zoning Ordinance.

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.)





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(412) 935-6133

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2	02/07/97	J. DUGGAN	MISC. REVISIONS
1	09/23/96	J. DUGGAN	MISC. REVISIONS
#	DATE	REVISED BY:	REVISION

DATE:	03/04/96
SCALE:	1/8"=1'
FILENAME:	BETLVIS
DRAWN BY:	K. POLIGARDO
PROJECT MANAGER:	RUSSELL PARROTT
SHEET NUMBER:	1 OF 1

The Design & Installation Department of National Store Fixtures prepared this plan to demonstrate a general arrangement of fixtures and equipment in the Proposed Application for which it was drawn. All measurements shown are approximations, based on available information. Actual measurements must be verified on the job. This plan should not be used as an Installation Plan or construction guide. National Store Fixtures disclaims responsibility for work done by any contractors using this plan. This plan is an unpublished work to which National Store Fixtures reserves its common law rights pursuant to Title 17, Section 2 of the United States Code. Unauthorized copying, publishing or use of this plan is prohibited.



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MEMORANDUM

Date: April 4, 2019
From: Valencia Porter
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 April 16, 2019 Board of Zoning Appeals Meeting.



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NOTICE OF PUBLIC HEARING

April 1, 2019

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

Re: Public Hearing on BZA 19:02

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, April 16, 2019
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 19:02 – Virginia Properties LLC: 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 subject property is located in the Columbia Election District along Better Living Drive (Route 1024) approximately 0.45 miles southwest of the intersection with Richmond Road (U.S. Route 250). The property is zoned I-1, Industrial, Limited and is within the Zion Crossroads Community Planning Area.

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).

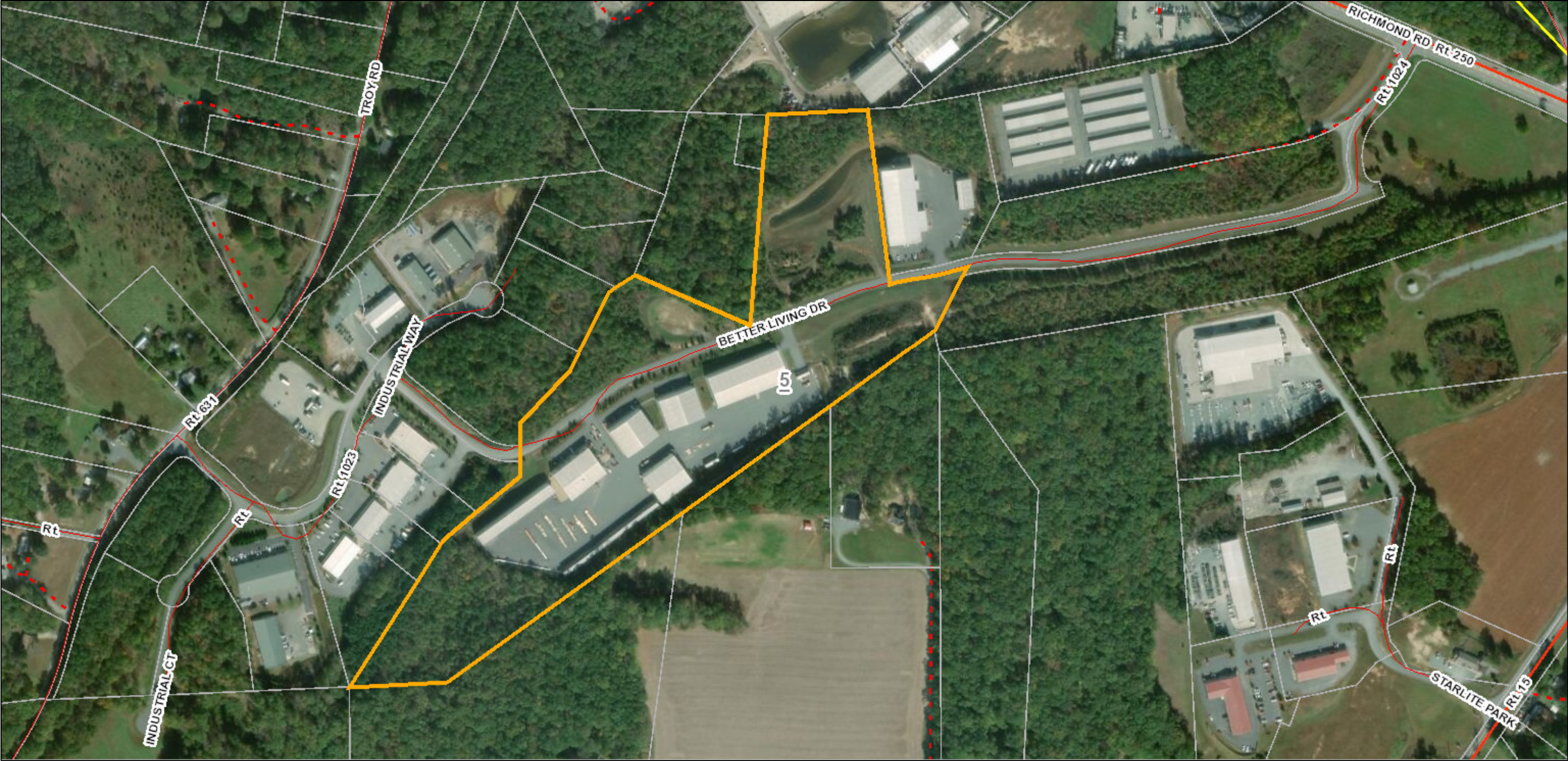
If you have any questions regarding this variance request or the Public Hearing, please contact me at 434-591-1910.

Sincerely,

Jason Stewart
Planning and Zoning Administrator

ADJACENT PROPERTY OWNERS BZA 19:02

[illegible]



April 11, 2019

Roads

- Interstate
- Primary
- Secondary
- Other
- Parcels

Place Names

- Town Boundary
- Railroads
- Driveways
- Tax Map Grid
- County Boundary

Surrounding Counties

Road Labels

- Interstate
- Primary
- Secondary
- Other

Tax Map Grid Labels

1:4,702

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

RESOLUTION APPROVING VARIANCE CASE NUMBER BZA 19:02

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 19:02 in the following respects:

BZA 19:02 – Virginia Properties LLC: 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 subject property is located in the Columbia Election District along Better Living Drive (Route 1024) approximately 0.45 miles southwest of the intersection with Richmond Road (U.S. Route 250). The property is zoned I-1, Industrial, Limited and is within the Zion Crossroads Community Planning Area.

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:
