



FLUVANNA COUNTY BOARD OF ZONING APPEALS
Fluvanna County Administration Building, Morris Room
June 18, 2019
7:00 PM (Morris Room)

TAB	AGENDA ITEMS
REGULAR MEETING	
1	CALL TO ORDER: Harold Morris, Chairman
2	APPROVAL OF MINUTES Minutes of May 21, 2019
3	PUBLIC HEARINGS None
4	UNFINISHED BUSINESS BZA 19:03 Keith Bray—Holly Steele, Planner BZA 19:04 Greenberry's—Brad Robinson, Senior Planner
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
May 21, 2019
7:00 PM (Morris Room)

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

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

Members Absent: Eric Dahl, DCA/Interim Director of Community Development

CALL TO ORDER:

Chairman Mr. Morris called the Board of Zoning Appeals meeting of May 21, 2019 to order at 7:00 p.m.

APPROVAL OF MINUTES:

Von Keyserling made a motion to approve the minutes of April 16, 2019 as presented. Seconded by Walker. The motion was carried by a vote of 5-0 AYES: Walker, Zimmer, Von Keyserling, Loving and Morris NAYS: None ABSTAIN: None ABSENT: None

PUBLIC HEARING:

BZA 19:03—Keith Bray—Holly Steele, Planner

A request for a variance to Fluvanna County Code Sec.22-4-3(G) of the Zoning Ordinance to allow for the reduction of the minimum rear setback, from 75 feet to 51 feet, for the purpose of constructing a new 42' x 70' garage building with a gable roof with respect to 2.5 acres of Tax Map 8, Section 6, Parcel 2.

Variance Request Analysis:

- Improvements Proposed
 - The applicant would like to remove the lean to on the existing carport and build a 42' x 70' garage with a gable roof.
- Special Conditions
 - Determination of the garage as being the primary structure on the property due to its being larger than the home.
 - Location of power lines through the property
 - Frontage on both a private and public road.
- Impact on Adjacent Property Owners
 - The dense tree line that surrounds the property will shield the garage from adjacent property owners and Lake Monticello Rd. Additionally, the home and natural slope of the property will largely shield the garage from Lake Monticello Rd.

MOTION:

Von Keyserling made a motion to defer BZA 19:03 to the next BZA meeting if needed. Seconded by Walker. A reduction of the minimum required rear setback, from 75 feet to 51 feet, for the purpose of construction a new 42' x 70' garage building with a gable roof with respect to 2.5 acres of Tax Map 8, Section 6, Parcel 2.

PUBLIC HEARING:

BZA 19:04—Greenberry’s—Brad Robinson, Senior Planner

A request for a variance to Fluvanna County Code Sec.22-11-5 of the Zoning Ordinance to allow for the reduction of the minimum building setback required from a street right-of-way, from 50 feet to 25 feet, for the purpose of constructing a light manufacturing facility with respect to 1.095 acres of Tax Map 5, Section 24, Parcel 6.

Variance Request Analysis:

- Subject property is a corner lot located at the intersection of Zion Station Road and Zion Station Court.
- The applicant is requesting to reduce the required setback from the street right-of-way of both adjacent streets from 50 feet to 25 feet.
- The variance would allow for the construction of a larger light manufacturing facility for Greenberry’s Coffee Co.
- SDP 17:07 sketch plan approved by Planning Commission on October 10, 2017 for an 8,050 square foot building.
- The applicant now desires to reposition the building on the site along the property line of Lot 5 in order to include potential future offices (480 sq. ft.) and warehouse/production expansion (1,248 sq. ft.) in an effort to plan for future growth and expansion.

MOTION:

Von Keyserling made a motion to defer this BZA 19:04 to the next meeting. Seconded by Loving. A request for a variance to Fluvanna County Code Sec.22-11-5 of the Zoning Ordinance to allow for the reduction of the minimum building setback required from a street right-of-way, from 50 feet to 25 feet, for the purpose of constructing a light manufacturing facility with respect to 1.095 acres of Tax Map 5, Section 24, Parcel 6.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

ADJOURNMENT:

There being no further business, Chairman Morris adjourned the Board of Zoning Appeals meeting of May 21, 2019 at 8:05 p.m.

Minutes recorded by Valencia Porter, Senior Program Support Assistant

**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
www.fluvannacounty.org

STAFF REPORT

To: Board of Zoning Appeals
Case Number: BZA 19:03
Tax Map: 8, Section 6, Parcel 2

Staff: Holly Steele
District: Palmyra
Date: June 18, 2019

General Info: The Board of Zoning Appeals is scheduled to hear this request at 7:00 pm on Tuesday, June 18, 2019 in the Morris Room of the Fluvanna County Administration Building.

Applicant: Keith Bray

Owner: Julie A. Negri

Requested Action: A request for a variance to Fluvanna County Code Sec.22-4-3(G) of the Zoning Ordinance to allow for the reduction of the minimum rear setback, from 75 feet to 51 feet, for the purpose of constructing a new 42' x 70' garage building with a gable roof with respect to 2.5 acres of Tax Map 8, Section 6, Parcel 2.

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

Location: The subject property is located in the Palmyra Election District at the intersection of Lake Monticello Road (Route 618) and White Oak Drive. (Attachment B)

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

Existing Land Use: Dwelling

Adjacent Land Use: A-1, Agricultural, General and R-4, Residential, Limited

Comprehensive Plan: Rivanna Community Planning Area

Zoning History: None

Analysis:

The applicant is requesting a variance to reduce the minimum required rear building setback in order to construct a 42' x 70' garage with a gable roof. The subject property currently consists of an existing home, a carport, and another accessory building on 2.5 acres with an approximate 93 foot setback from the carport to the property line. The applicant wishes to remove the lean-to on the back of the carport and attach the new garage building to the existing carport. The edge of the new garage would lie 51 ½ feet from the rear property line.

During several meetings and phone calls with Mr. Bray, the former Director of Community Development made the determination that this structure would be considered the primary structure on the property since it will be larger than the home. Based on this interpretation, Mr. Bray is being asked to meet the primary setbacks as opposed to the less stringent accessory setbacks. This application is to reduce the rear setback and is not an appeal of the director's determination. No official zoning letter was requested by Mr. Bray to be appealed.

(Attachment A)

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

(G) Minimum rear yard: 75 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:

This property was acquired by Mr. Bray and Ms. Negri in good faith. One side of the property fronts on a public road and another side of the property fronts on a private road, thus creating more stringent setback requirements for the property than would otherwise be required. Additionally, there are powerlines that intersect the property and the applicant is not permitted to build on the utility easement area. However, the applicant is choosing to construct a garage that is larger than his dwelling on the property and this decision lead the former zoning administrator to determine this structure would be considered the primary structure on the property.

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

Adjoining properties, Lake Monticello Road, and White Oak Drive will be largely shielded from the structure by trees. Additionally, both the home and the downward slope of the property will prevent this structure from being visible from Lake Monticello Road and adjoining property owners in the Lake Monticello subdivision. (Attachment D)

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:

Though all properties that are zoned A-1 are required to meet the same setback requirements per the ordinance, it is relatively uncommon for a property to have frontage on both a public and a private road. This decreases the amount of buildable land that Mr. Bray has to construct his garage on.

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 accessory use for a garage is a permitted use 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 E)

Board of Zoning Appeals History

BZA 19:03 was initially heard by the Board of Zoning Appeals on Tuesday, May 21, 2019. The Board voted to defer this case until July 9, 2019 and advised the applicant to seek a new zoning determination.

On May 22, 2019, Keith Bray contacted the Planning Department and requested a new zoning determination be made regarding his proposed garage. The zoning administrator determined that the structure is an accessory structure and, therefore, is permitted to meet the accessory setback requirements for the A-1, Agricultural zone.

(Attachment F)

Suggested Motion:

I move to declare moot BZA 19:03, a request for a variance to Fluvanna County Code Sec. 22-4-3(G) of the Zoning Ordinance to allow for the reduction of the minimum rear setback from 75 feet to 51 1/2 feet, for the purpose of constructing a 42' x 70' garage with respect to 2.5 acres of Tax Map 8, Section 6, Parcel 2; due to the determination of the structure as an accessory building in the A-1 zone.

Attachments:

- A – Application and APOs
- B – Aerial Vicinity Map
- C – Zoning Map
- D – Photos of Property
- E – Draft Resolution
- F- Zoning Determination

Copy:

Applicant: Keith Bray, via email – keithbray@comcast.net
File



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Variance Application (BZA)

Owner of Record: Julie A Negri

Applicant of Record: Keith Bray

E911 Address: 955 Lake Monticello Rd

E911 Address: 955 Lake Monticello Rd

Phone: 434-284-2560 Fax: _____

Phone: 434-284-2356 Fax: _____

Email: _____

Email: keithbray@comcast.net

Representative: Keith Bray

E911 Address: 955 Lake Monticello Rd

Phone: 434-284-2356 Fax: _____

Email: keithbray@comcast.net

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.

Tax Map and Parcel(s): B-6-2

Deed Book Reference: Book 478 Page 244

Acreage: 2.5 Zoning: A1

Deed Restrictions? ☐ No ☐ Yes (Attach copy)

E911 Address of Parcel: 955 Lake Monticello Rd Palmyra Va.

Description of Property: Our Residence

Request for a variance from Section _____ of the Fluvanna County Code in respect to the requirement for 75'
Rear Yard (Primary Bldg) vs 35' in order to build Larger garage for Camper and Shop space
ac. Home / Storage

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 <u>Existing</u>	<u>None 89' 7 1/2"</u>	<u>100'</u>	<u>10' 4 1/2"</u>
Total side yard setback			
Rear yard setback	<u>51'</u>	<u>75' for Primary 35' for Accessory</u>	<u>24'</u>
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 plats must be folded prior to submission to the Planning Department. Rolled plans will not be accepted.

Owner/Applicant Name (Please Print) Julie A Negri

Date 3-26-19

Owner/Applicant Signature _____

OFFICE USE ONLY

Date Received: <u>3/27/2019</u>	PH Sign Deposit Received: _____	Application #: <u>BZA 19 : 0003</u>
\$550 plus mailing cost and fee paid: <u>check 2767</u>		Mailing Costs: \$20.00 Adjacent Property Owner (APO) after 1st 15, Certified
Election District: <u>Palmyra</u>	Planning Area: <u>Fluvanna Community Planning Area</u>	
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: Keith Bray
Address: 955 Lake Monticello Rd
City: Palmyra
State: Ver. Zip Code: 22963

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.

Keith Bray 3/26/2019
Applicant Signature Date

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

OFFICE USE ONLY

Application #: BZA _____ : CPA _____ : SUP _____ : ZMP _____ : ZTA _____ :

\$90 deposit paid per sign*:

Check # 27666 3/27/19

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.

I would like to build Remove lean to on back of carport and replace with a larger gable roof the new building being 42'x70'. This is a accessory use as it is not house. under Sec. 22-22-1

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.

This Property has a road on 3 sides Power lines Diagonally and now want to Build garage space on back of carport and told it is a primary Building with a Rear yard requirement of 75' vs/ 35' by code so I Am Asking This To Be Defined as Asserory UNNECESSARY HARSHIP As per Code

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.

The interpretation of a garage larger than House is now the Primary Bldg. with a Set Back of 75' vs/ 35' means i cannot store my camper inside want Extra Space for metal work tools for my Hobby.

ADJACENT PROPERTY

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

Property adjoining rear property line has said he has no problem with the building. It is there Side yard with a 50' set back. Heavy timber from building to Property line

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.)

Attachments Provided

8-14-87
8-14-87

Fred. Collier @ Dominion Energy
.com

179 562

Original Plat filed with deeds dated 7-31-87.

OWNER'S APPROVAL

The subdivision of the land described herein is with the free consent of the undersigned owner, trustees, or proprietors.

Harold C. Beverage

to wit the foregoing instrument was acknowledged before me this

13 day of MAY 1986

R. Hilton Patterson

My Comm. exp. DEC-8-1988

STATEMENT OF TITLE

The land shown here was obtained by Harold Beverage D.B. 128/359 and to the best of my knowledge meets all the requirements regarding the platting of subdivisions.

Robert L. Lunn

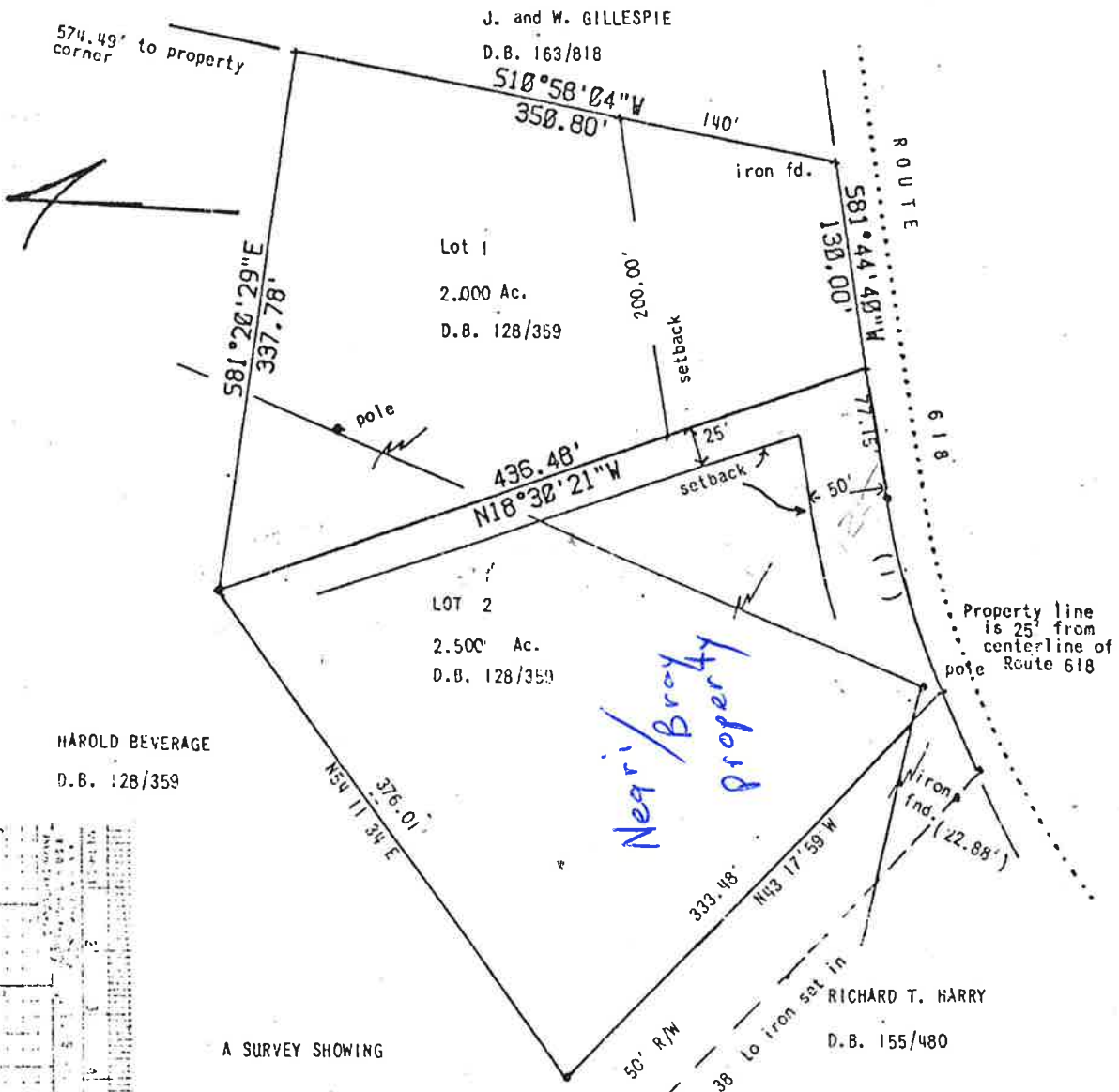
T.E. Purnum
Board of Superv.

COUNTY SANIT.

A soil study shows this subdivision is generally suitable for septic tank and sub-surface sewage disposal. However, each lot is to be determined on an individual basis.

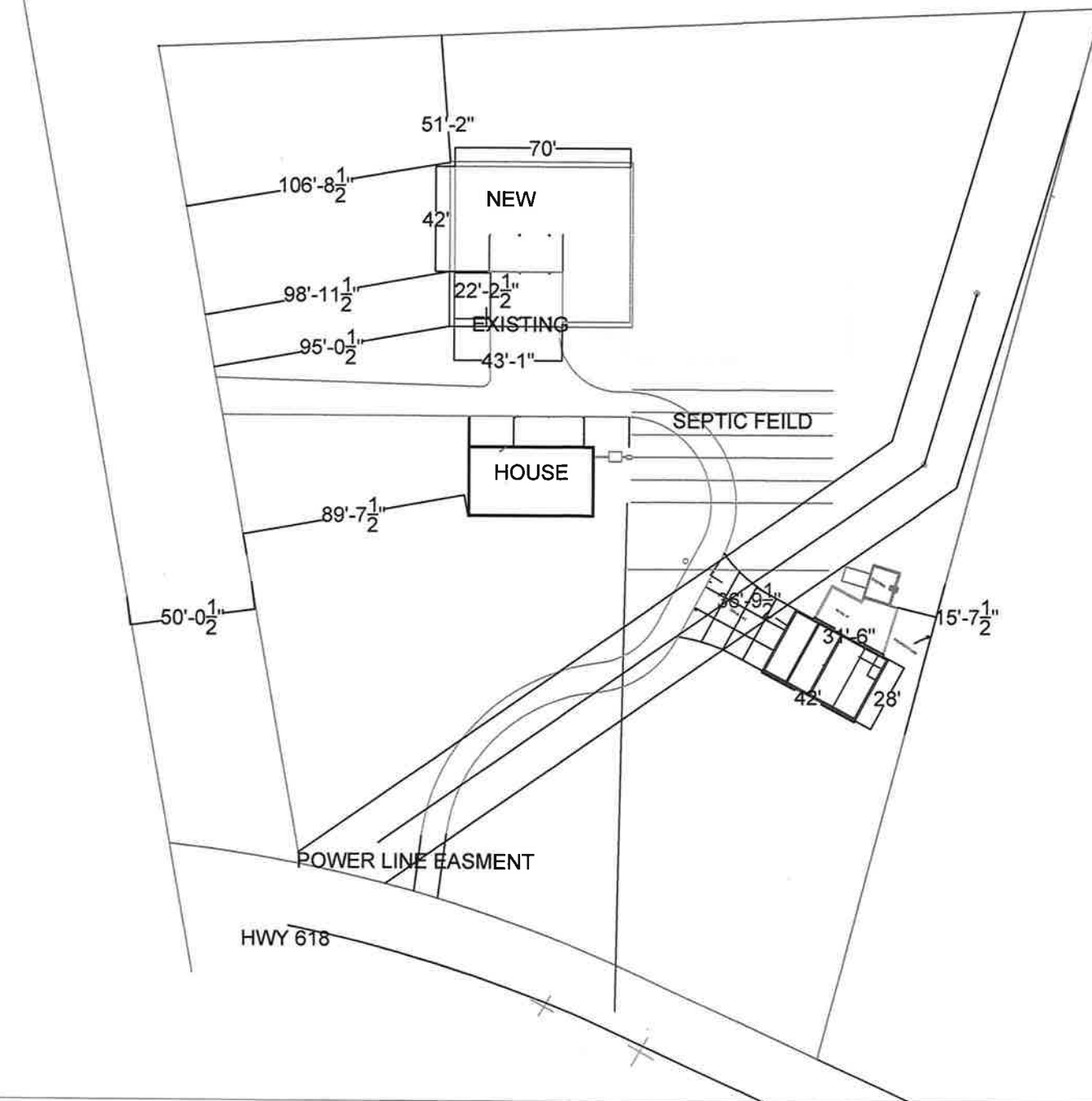
John Hutcherson
JOHN HUTCHERSON

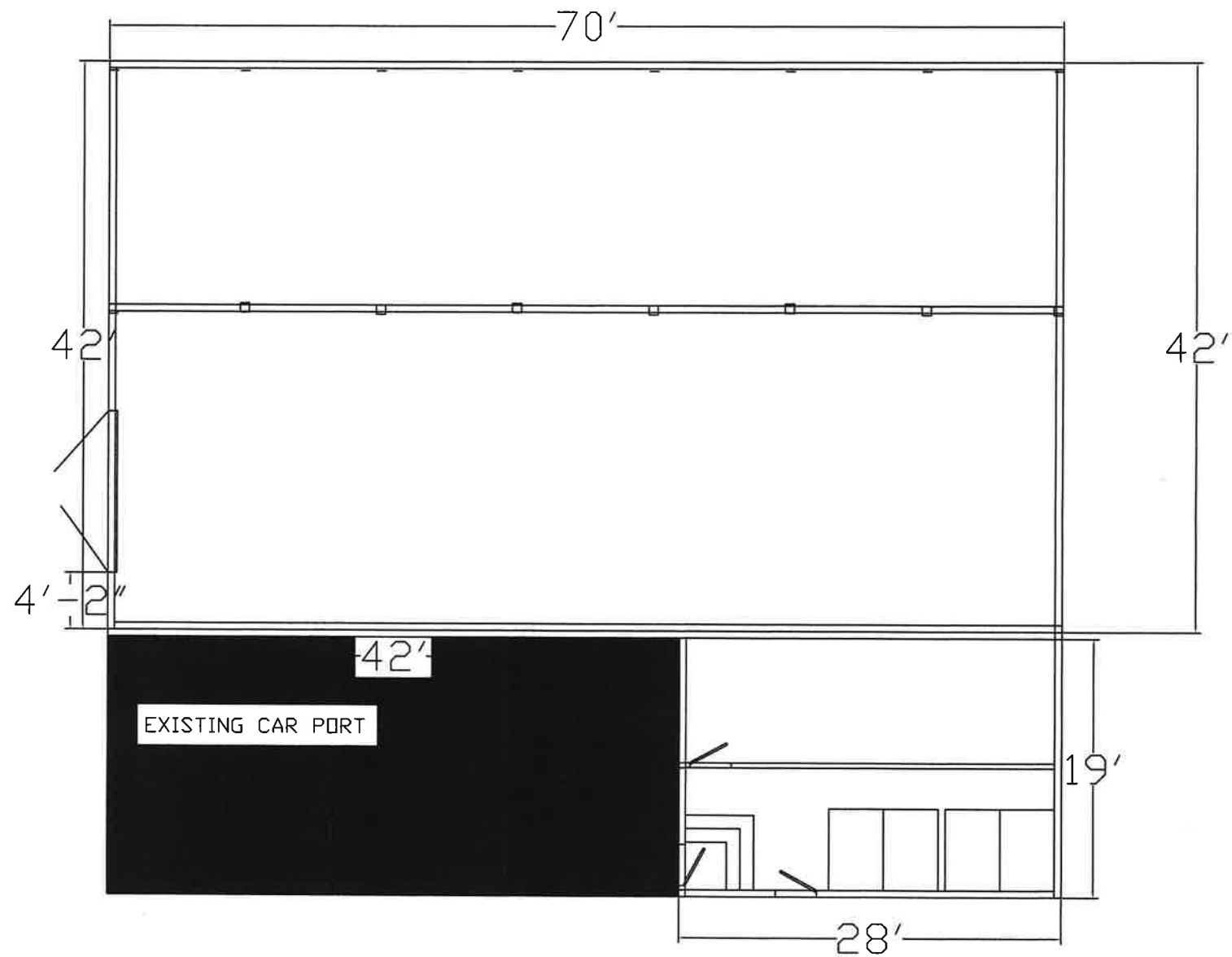
	DELTA	RADIUS	ARC	TANGENT	CHORD BEARING	CHORD
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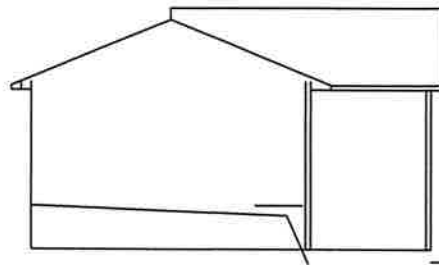


A SURVEY SHOWING

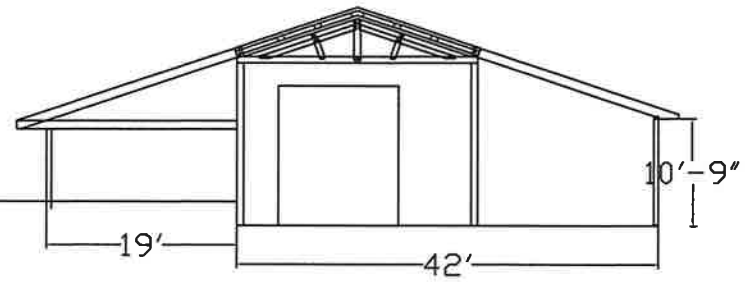
TAX MAP 8 A PORTION OF PARCEL 29







SHOWS ADDITION TO CARPORT IN RELATION TO HOUSE



ASPHALT
SHINGLES

42'

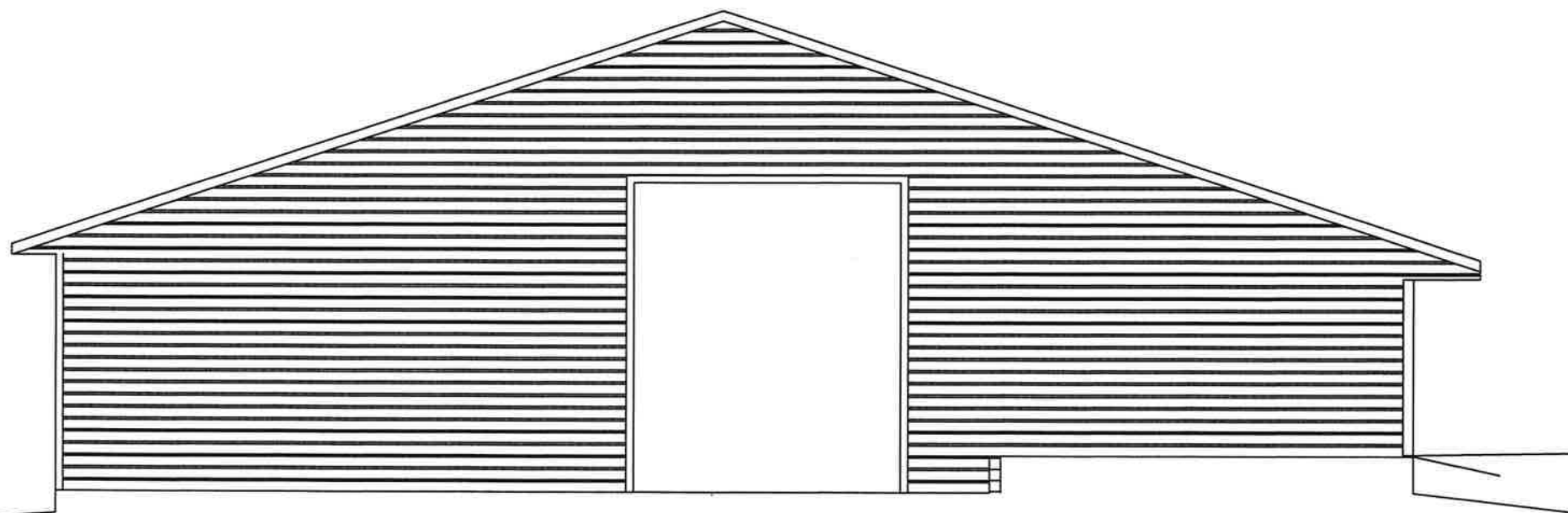
11'-11"

14'-4"

11'-9"

4' 5 $\frac{1}{2}$ " 28'

HOUSE VIEW



ENTRANCE OFF WHITE OAK DRIVE



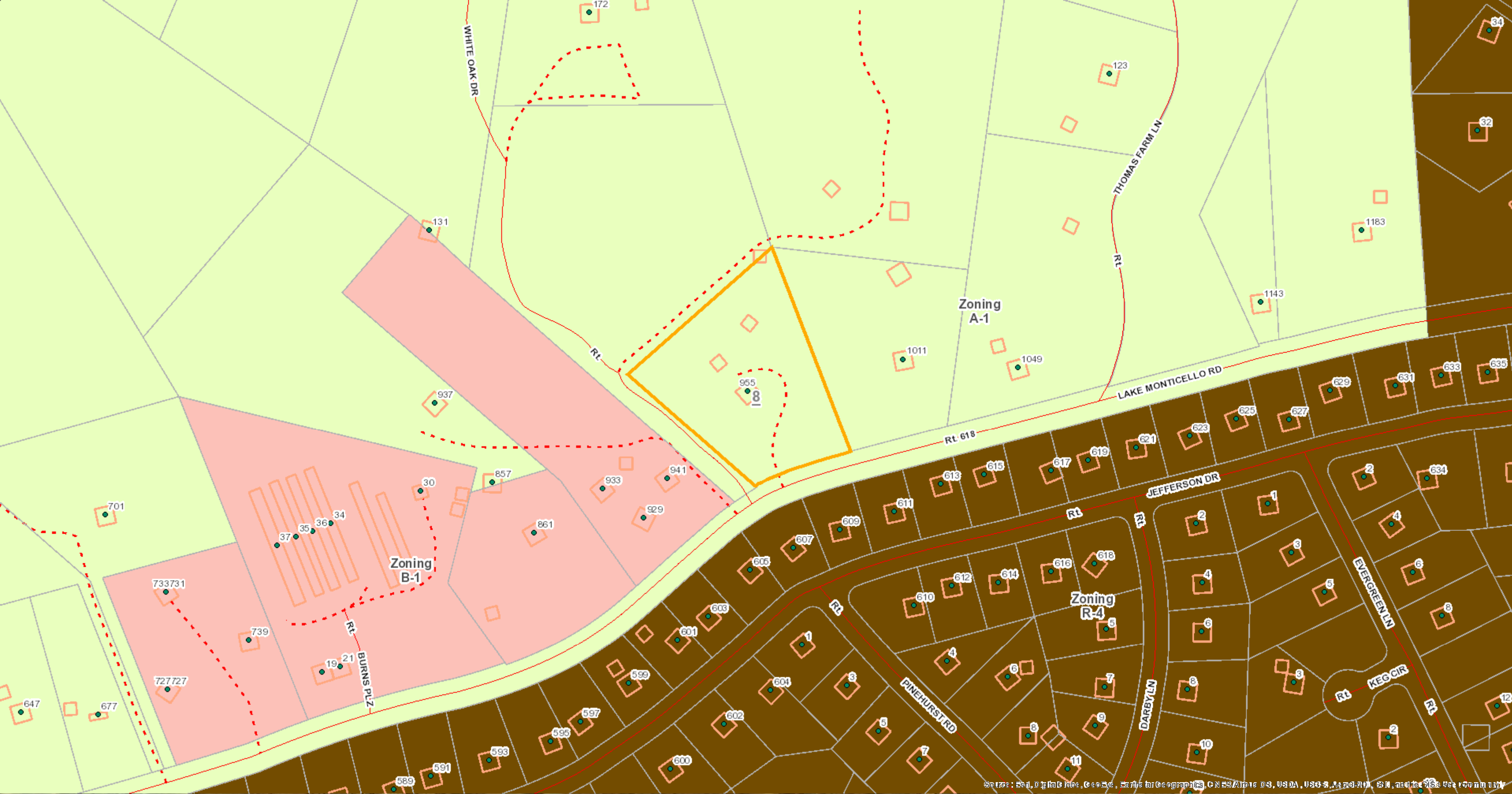
ASPHALT
SHINGLES

REAR YARD VIEW

ADJACENT PROPERTY OWNERS BZA 19:01

[illegible]









WHITE OAK DR

Apartment
For Rent
2 Bed Room 1 Bath
Call 434-962-5786











RESOLUTION APPROVING VARIANCE CASE NUMBER BZA 19:03

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 19:03 in the following respects:

A request for a variance to Fluvanna County Code Sec.22-4-3(G) of the Zoning Ordinance to allow for the reduction of the minimum rear setback, from 75 feet to 51 feet, for the purpose of constructing a new 42' x 70' garage building with a gable roof with respect to 2.5 acres of Tax Map 8, Section 6, Parcel 2.

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:



COUNTY OF FLUVANNA

"Responsive & Responsible"

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

May 31, 2019

Delivered via email to keithbray@comcast.net

Keith Bray
955 Lake Monticello Road
Palmyra, VA 22963

RE: 955 Lake Monticello Road
Tax Map 8-6-2

Dear Mr. Bray:

Thank you for your request for a zoning determination request regarding the property located at 955 Lake Monticello Road. Please be advised of the following information:

Based upon our research, this lot is zoned A-1; Agricultural, General. In this zone, accessory uses are permitted by right. Per Section 22-22-1 of the County of Fluvanna Zoning Ordinance, accessory uses are defined as *"A use or structure subordinate to the main use or structure on the same lot and serving a purpose naturally incidental to the main use or structure. When an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered a part of the main structure."*

Furthermore, per Section 22-17-13 of the County of Fluvanna Zoning Ordinance, *"Except as otherwise expressly provided in this chapter, in the A-1, R-1 and R-2 districts, no accessory building shall be located within twenty-five feet (25') of any rear lot line or within fifteen feet (15') of any side lot line."*

Based on the use of your proposed garage for storage and space for metal working tools, this structure is considered an accessory structure. This use is naturally incidental to the primary use of the property, which is a dwelling. This structure will be required to meet the aforementioned accessory setbacks required in the A-1 zone. Provided that the proposed garage is able to meet the above setbacks, no variance is required.

You are hereby advised that you have thirty (30) days from this letter in which to appeal this decision to the Board of Zoning Appeals, in accordance with §15.2-2311 of the Code of Virginia and Section 22-18 of the Fluvanna County Zoning Ordinance, or this decision shall be final and not capable of appeal. Such appeal must be in writing and must be filed with the Board of Zoning Appeals at the Fluvanna County Planning Department. Said appeal shall indicate in specific terms

the grounds for the appeal and must be accompanied by a filing fee of five hundred fifty dollars (\$550.00) and any additional mailing costs.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Dahl", written over a horizontal line.

Eric M. Dahl

Interim Director of Community Development



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 19:04
Tax Map: 5, Section 24, Parcel 6

Staff: Brad Robinson
District: Columbia
Date: June 18, 2019

General Info: The Board of Zoning Appeals is scheduled to continue this request at 7:00 pm on Tuesday, June 18, 2019 in the Morris Room of the Fluvanna County Administration Building.

Applicant: Greenberry's

Owner: Holding Tree Ventures II

Representative: Collins Engineering

Requested Action: A request for a variance to Fluvanna County Code Sec.22-11-5 of the Zoning Ordinance to allow for the reduction of the minimum building setback required from a street right-of-way, from 50 feet to 25 feet, for the purpose of constructing a light manufacturing facility with respect to 1.095 acres of Tax Map 5, Section 24, Parcel 6.

Code Section: Fluvanna County Code Sec.22-11-5 of the Zoning Ordinance

Location: The affected property is located in the Columbia Election District within the Zion Station industrial subdivision at the intersection of Zion Station Road (Route 1021) and Zion Station Court (Route 1022) (Attachment B)

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

Existing Land Use: Vacant / undeveloped

Adjacent Land Use: Adjacent properties are zoned I-1, I-2, Industrial, General and B-1, Business, General.

Comprehensive Plan: Zion Crossroads Community Planning Area

Zoning History:

This property was rezoned from A-1 to I-1 on August 5, 1985 (ZMP 85:02). A sketch plan for SDP 17:07 to establish an approximately 8,000 sq. ft. building and associated parking for Greenberry's light manufacturing operation was approved by the Planning Commission on October 10, 2017.

Analysis:

The applicant is requesting a variance to reduce the minimum setback required from a street right-of-way in order for Greenberry's Coffee Co. to construct its headquarters and manufacturing operation on the property. Greenberry's is currently headquartered in Charlottesville with several stores in Virginia and D.C. Greenberry's desires to relocate its headquarters to Fluvanna County in the Zion Station industrial subdivision. The subject parcel is Lot 6 of Zion Station which was approved in 2007 and contains a total of 12 lots. Approximately six (6) lots have been developed to date. Lot 6 is a corner lot located at the intersection of Zion Station Road (Route 1021) and Zion Station Court (Route 1022).

Site development plan SDP 17:07 was submitted August 7, 2017 for Greenberry's to establish an 8,050 square foot building (115' x 70') on the subject parcel. The Planning Commission approved the associated sketch plan on October 10, 2017. The sketch plan proposed the building towards the center of parcel meeting the minimum 50-foot setback required from both adjacent streets. It is important to note that only a 50-foot setback is required as opposed to the standard 100-foot setback of the I-1 district because the adjacent streets are an access road *"within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only."*

In an effort to plan for future growth and expansion, the applicant now desires to reposition the building on the site along the property line of Lot 5 in order to include potential future offices (480 sq. ft.) and warehouse/production expansion (1,248 sq. ft.) which can be accommodated only by encroaching the minimum setback. The initial building size is still 8,000 square feet as approved by the SDP 17:07 sketch plan, but the total size would be 9,728 square feet at full buildout.

The applicant is requesting to reduce the required setback from the street right-of-way of both adjacent streets from 50 feet to 25 feet which is the minimum setback required for parking areas (the proposed parking area complies with the 25-foot setback requirement). The variance would result in a total reduction of 25 feet. A minimum setback from all other property lines is not required since the subject parcel does not adjoin agricultural, residential or business districts in these areas.

(Attachment A)

Sec. 22-11-5 of the Fluvanna County Zoning Ordinance states:

Sec. 22-11-5. Setback regulations.

Buildings and accessory uses shall be located not less than one hundred feet (100') from any street right-of-way and all parking lots shall be located not less than fifty feet (50') from any street right of way except that:

(A) Buildings and accessory uses may be located less than one hundred feet (100'), but not less than fifty feet (50'), from a street right-of-way, provided that said street:

(i) is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only;

(ii) is a cul-de-sac or an interior road; and

(B) All parking lots shall be located not less than twenty-five feet (25') from any street right of way.

This shall be known as the "building setback line."

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 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:

All adjoining properties are also located within the Zion Station industrial subdivision and most are already developed with similar light industrial uses. Lot 3 to the south across Zion Station Road is currently undeveloped but has a site development plan under review. Lot 7 to the west across Zion Station Court is zoned B-1 and contains a civic use (Lafayette School). Much of the county's industrial zoning is located within the vicinity of the subject property which is an area targeted for economic development.

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 subject property is the smallest lot in Zion Station and is situated at the intersection of two streets, which requires additional area for front setbacks from each street unlike parcels that have frontage along only one street. Zion Station contains three corner lots altogether which include Lots 1, 6 and 7. Lot 7 is currently developed while Lots 1 and 6 are still vacant.

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 use of the property is 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. A zoning ordinance amendment was not in progress at the time of submittal of this application.

A draft resolution is attached. (Attachment D)

Update:

The Board of Zoning Appeals initially heard this request on May 21, 2019. No citizens spoke during the public hearing. After discussion and county attorney comments, the Board of Zoning Appeals voted to defer this request by a vote of 5-0. Mr. Von Keyserling motioned to defer, and Mr. Loving seconded.

On June 5, 2019, the Board of Supervisors approved by a vote of 5-0 a resolution to initiate a zoning text amendment to amend Chapter 22 of the Fluvanna County Code for yard setback regulations of the I-1, Industrial, Limited and I-2, Industrial, General zoning districts, and to schedule a future public hearing for formal Planning Commission consideration and recommendation to the Board of Supervisors. The Board of Supervisors agreed by majority to call a special meeting and have a joint public hearing with the Planning Commission on July 9, 2019 to consider this text amendment.

Suggested Motion:

I move to [approve/deny/defer] BZA 19:04, a request for a variance to Fluvanna County Code Sec.22-11-5 of the Zoning Ordinance to allow for the reduction of the minimum building setback required from a street right-of-way, from 50 feet to 25 feet, for the purpose of constructing a light manufacturing facility with respect to 1.095 acres of Tax Map 5, Section 24, Parcel 6.

Attachments:

A – Application and APOs

B – Aerial Vicinity Map

C – Zoning Map

D – SDP 17:07 sketch plan approval letter, staff report and application

E – Zion Station recorded plat (PB 2, Pages 284-285)

F – Email from applicant, June 14, 2019

G – Draft Resolution

Copy: Scott Collins, Collins Engineering via email – scott@collins-engineering.com

Sean Simmons, Greenberry's via email – sean@greenberrys.com

File



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Variance Application (BZA)

Received
APR 01 2019
Fluvanna County

Owner of Record: Holding Tree Ventures II

Applicant of Record: Greenberry's

E911 Address: Zion Station Court; Fluvanna County

E911 Address: 1610 Quail Run, Charlottesville, VA

Phone: 434-964-1655 Fax: _____

Phone: 434-964-1655

Fax: _____

Email: sean@greenberrys.com

Email: scott@collins-engineering.com

Representative: Collins Engineering

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: 200 Garrett Street, Charlottesville, VA

Phone: 434-293-3719 Fax: _____

Email: scott@collins-engineering.com

Tax Map and Parcel(s): 5-24-6

Deed Book Reference: 781 - 656

Acreage: 1.095 **Zoning:** I-1

Deed Restrictions? ☒ No ☐ Yes (Attach copy)

E911 Address of Parcel: Zion Station Court

Description of Property: Vacant property located within the Zion Station Business Park

Request for a variance from Section 22-18-2 11-5 **of the Fluvanna County Code in respect to the requirement for**

50' bldg. setback from public roads in order to build the propose Greenberry's facility

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 Bldg. Setback	25' front bldg setback	50' setback from public roads	25' front bldg setback reduction
Minimum side yard setback			
Total side yard setback			
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 plats must be folded prior to submission to the Planning Department. Rolled plans will not be accepted.

Owner/Applicant Name (Please Print) Scott Collins

Date 4/1/19

Owner/Applicant Signature [Signature]

OFFICE USE ONLY

Date Received: <u>4/1/2019</u>	PH Sign Deposit Received: _____	Application #: <u>BZA 19 : 0004</u>
\$550 plus mailing cost and fee paid: <u>check #3711 \$550</u>		
Election District: <u>Columbia</u>	Planning Area: <u>Zion Crossroads Community Planning Area</u>	
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: Scott Collins - Collins Engineering

Address: 200 Garrett Street, Suite K

City: Charlottesville

State: VA Zip Code: 22902

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.

 4/1/19
Applicant Signature Date

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

OFFICE USE ONLY

Application #: BZA 19 : 004 CPA _____ : SUP _____ : ZMP _____ : ZTA _____ :

\$90 deposit paid per sign*:

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.

Greenberry's is proposing to construct their headquarters and manufacturing operation on this property. A sketch plan was approved about 1 year ago and they have recently purchased the property from JA-ZAN LLC. Over the past year, they have been working on a plan that will allow the building to be constructed for the present needs of Greenberry's, but allow for future expansion. The original sketch plan would not allow for future expansion. The attached plan is now proposed for the Greenberry's facility on the property, which would accommodate the current needs and future expansion of the facility. However, in order to fit the proposed building on the site, a reduction of the building setback from the public street is necessary to accommodate the proposed building.

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 shape of the property makes it very challenging to develop the property for future expansion. With (2) sides adjacent to public streets, the available area to construct the proposed building on the 1.095 acre site is 0.42 acres (outside the current required setbacks). Then, with the location of the access points onto the property and circulation for a tractor-trailer, the shape of the property with the current 50' building setbacks drastically affects the size and location of the building, and limits the ability to expand the facility over the current 8,000 SF building for the current use. Comparing the original sketch plan to the proposed layout, the modification of the front building setbacks would greatly enhance the overall development of the site.

UNNECESSARY HARDSHIP

Describe here how the literal interpretation and enforcement of Section 22-11-5 of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use or intended use or development of the properties involved by the applicant.

Adhering to the setback regulations for I-1 development would restrict the future expansion for the proposed facility. Greenberry's is hesitant to construct a facility on this property that can not be expanded in the future for their growing needs. The original building (8,000 SF) that was designed a year ago included expansion. Now, as they are getting ready to move forward with the building process, the 8,000 SF building meets the current demand, and they need to ensure that they can construct a building that can be expanded in the future.

ADJACENT PROPERTY

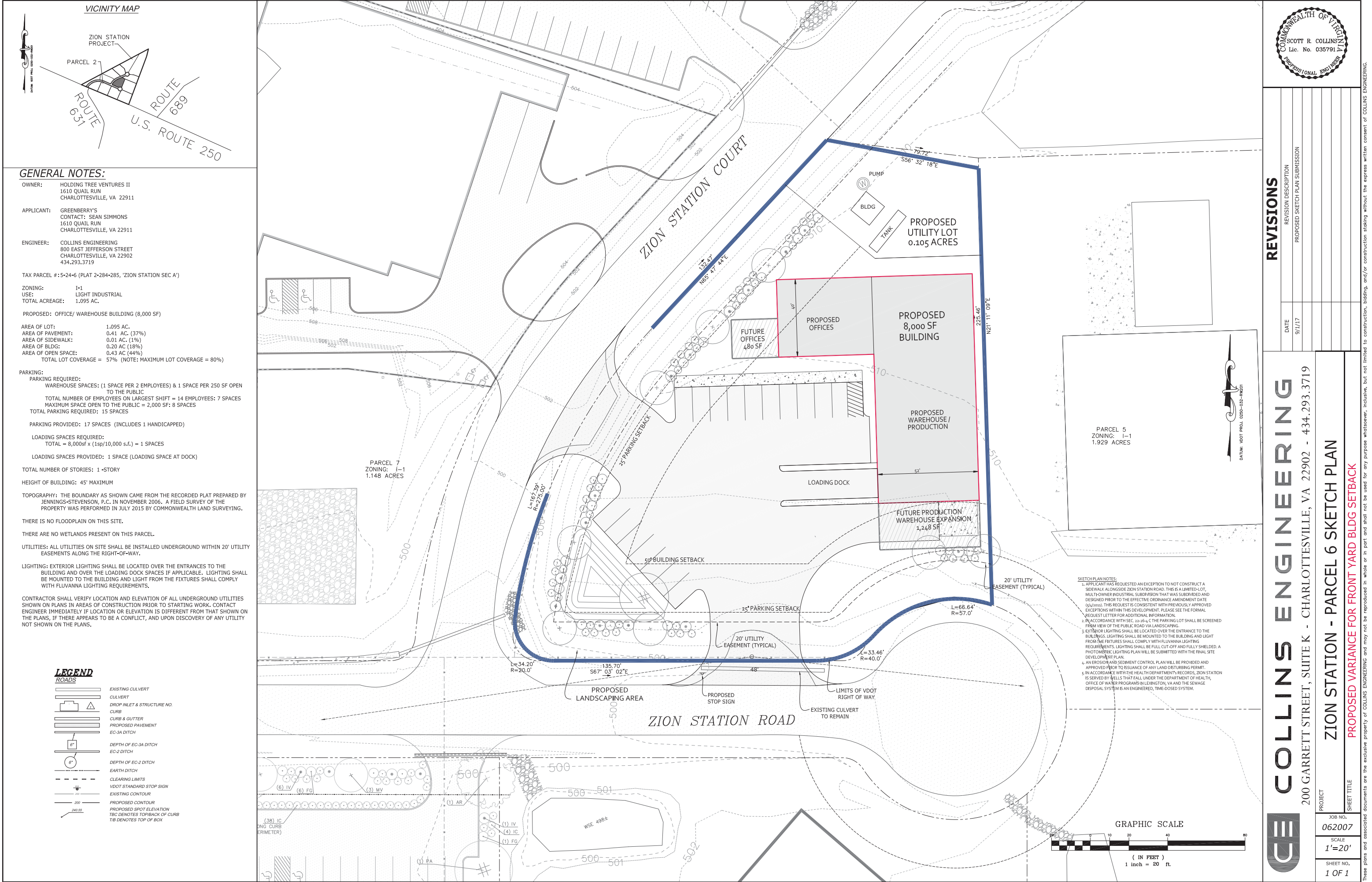
Describe the effects of this variance on adjacent property and the surrounding neighborhood. How will adjoining property owners be protected.

The proposed front yard reduction along the public internal streets will not have an adverse affect on the surrounding neighborhood. Constructing the building close to the roads within these (2) areas will not negatively affect the current or future uses of the adjacent properties or the properties across the public streets.

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.)

See the (2) attached sketch plans.





COUNTY OF FLUVANNA

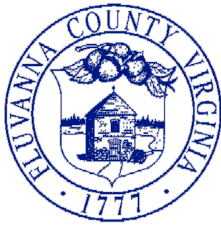
"Responsive & Responsible Government"

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

MEMORANDUM

Date: May 6, 2019
From: Valencia Porter
To: Eric Dahl
Subject: Board of Zoning Appeals

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the May 21, 2019 Board of Zoning Meeting.



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NOTICE OF PUBLIC HEARING

May 6, 2019

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

Re: Public Hearing on BZA 19:04

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, May 21, 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 19:04 – Greenberry's: A request for a variance to Fluvanna County Code Sec.22-11-5 of the Zoning Ordinance to allow for the reduction of the minimum building setback required from a street right-of-way, from 50 feet to 25 feet, for the purpose of constructing a light manufacturing facility with respect to 1.095 acres of Tax Map 5, Section 24, Parcel 6. The subject property is located in the Columbia Election District within the Zion Station industrial subdivision at the intersection of Zion Station Road (Route 1021) and Zion Station Court (Route 1022). 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.

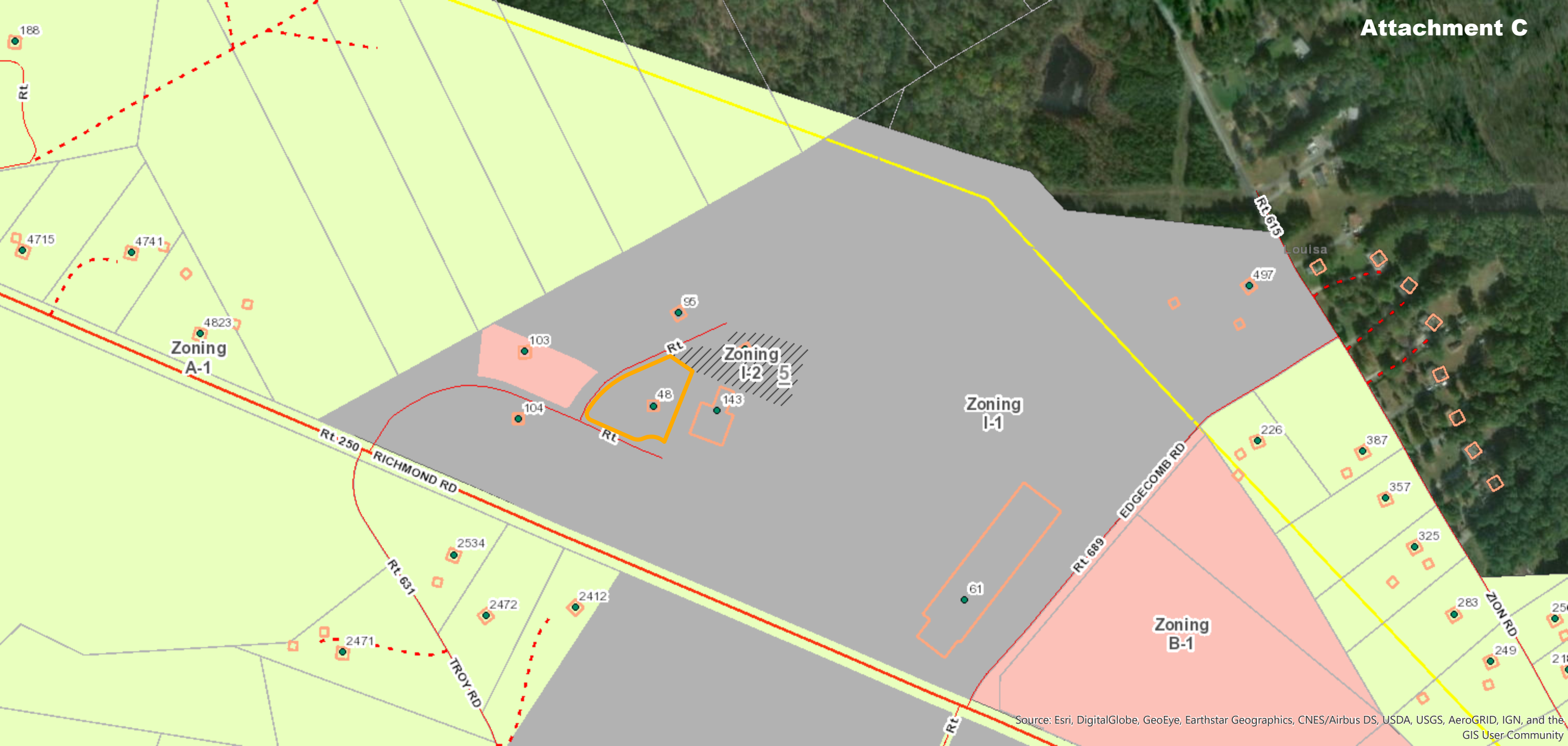
Sincerely,

Jason Stewart
Planning and Zoning Administrator

ADJACENT PROPERTY OWNERS BZA 19:04

[illegible]







COUNTY OF FLUVANNA

"Responsive & Responsible Government"

Attachment D

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

October 11, 2017

Sean Simmons
1610 Quail Run
Charlottesville VA, 22911

Delivered via email to sean@greenberrys.com

Re: SDP 17:07- Greenberrys Coffee Roasters Inc.
Tax Map 5, Section 24, Parcel 6

Dear Mr. Simmons

Please accept this letter as notification of the action taken on October 10, 2017 by the Planning Commission in regard to the request referenced above. This request was **approved** (4-0 with one absent) to establish an approximately 8,000 sq. ft. building and associated parking for a light manufacturing operation with respect to 1.095 acres of Tax Map 5, Section 24, Parcel 6 subject to the following three conditions:

1. Meeting all final site plan requirements which include, but are not limited to, providing parking, landscaping, and screening;
2. Meet all required Erosion and Sedimentation Control regulations;
3. Meet all VDOT requirements

Your sidewalk waiver was also **approved** 4-0 (with one absent).

You may now submit final plats for agency review. Our Site Development Final Plat checklist can be found online at <https://www.fluvannacounty.org/planning/page/site-development-forms>.

If I may be of any further assistance, please feel free to contact me at jnewman@fluvannacounty.org or at 434 591 1910.

Sincerely,

James Newman
Planner
Dept. of Planning & Community Development

Copy: File



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

Attachment D

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

STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: SDP 17:07
Tax Map: Tax Map 5, Section 24, Parcel 6

From: James Newman
District: Columbia
Date: October 10, 2017

General Information: This item is scheduled to be heard by the Planning Commission on Tuesday October 10, 2017 at 7:00 p.m. in the Circuit Courtroom of the Fluvanna County Courts Building.

Owner: JA-ZAN LLC.

Applicant/Representative: Sean Simmons of Greenberrys Coffee Roasters Inc.

Requested Action: A site development plan request to establish an approximately 8,000 sq. ft. building and associated parking for a light manufacturing operation with respect to 1.095 acres of Tax Map 5, Section 24, Parcel 6. (Attachment A)

Location The properties is zoned I-1, Industrial, Limited, and is located at the intersection of Zion Station Court and Zion Station Road. The property is located within the Zion Crossroads Community Planning Area and is in the Columbia Election District. (Attachment B)

Existing Zoning: I-1, Industrial, Limited

Existing Land Use: Vacant

Adjacent Land Uses: Adjacent properties are zoned I-1, Industrial, Limited; I-2, Industrial, General; and B-1 Business, General

Comprehensive Plan: Zion Crossroads Community Planning Area

Zoning History: None

Analysis:

A site development plan request to establish an approximately 8,000 sq. ft. building and associated parking for a light manufacturing operation. The building will act as a coffee-bean roasting facility, training center, and offices for Greenberrys.

Utility Lot

The sketch plan shows a proposed subdivision for a utility lot. This subdivision would not be approved as part of the site plan process, but would instead need to go through the normal application channels. A note on the final plan stating this will be required.

Parking/Roads

The site would be accessed from Zion Station Road, although final plans may have access from Zion Station Court as well, depending on the final grading achieved. VDOT would have to approve the final site plan, as usual.

The sketch plan shows 18 parking spaces, of which one is handicap designated. Section 22-26-4.B.3 requires that there be at least 2 handicap parking spaces if there are over 5 parking spaces in total. The current sketch plan does not meet this requirement; the applicant was notified during the TRC meeting that additional handicap spaces are required, and they have stated that they will rectify the situation.

Landscaping/Screening

The sketch plan shows landscaping on the sides of the property facing public roads, as well as adjacent to parking areas. There are no apparent issues at this time with the sketch plan proposed landscaping.

Stormwater Management

An erosion and sediment control plan would also be required for review and approval prior to the issuance of any land disturbing permit.

Exception requested to not construct a sidewalk:

Per Sec. 22-11-11 of the Zoning Ordinance, the applicant is requesting an exception from the Planning Commission to not install sidewalks along the parcel's road-frontage on Zion Station Court. Staff recommend approval. (Attachment C)

This is a limited-lot, industrial subdivision that was designed prior to the effective ordinance amendment date (5-4-2011) that requires sidewalks “on both sides of all roadways, public and private”. In lieu of not installing sidewalks with this development, staff has advised the applicant to ensure that the final site development plan provides for safe and convenient internal

pedestrian access to and from the building's main entrance, placing particular emphasis on handicapped parking spaces.

Technical Review Committee

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, September 14, 2017:

1. Planning Staff: Parking will require one more handicap space. Please show lighting on the plan. Note 1 on the sketch plan stated you were seeking a sidewalk waiver; please provide a written waiver request.
2. Fire Chief: Any hazardous materials on site? Applicant responded that bean roasting process would be fueled by liquid propane stored in two 1,000 gallon underground tanks. Fire Chief requested that bollards be placed near the caps.
3. The Department of Forestry stated they have no comments
4. Environmental Health Dept: Will require permit from engineer. Engineered septic system is in place, but permits are required for tanks, pumps, lines etc. Old Dominion Engineering in Waynesboro, VA has issued previous permits and is monitoring hookups so as not to exceed the system design.
5. The Chamber of Commerce stated they have no comments
6. School Board representative had no comments.
7. Erosion and Sediment Control: No comments at this time; separate E&SC plans will need to be submitted.
8. VDOT: As of this time, VDOT has not given any comments.

(Attachment D)

Conclusion:

The submitted sketch plan appears to broadly meet the sketch plan requirements of Section 22-23-8.A of the Fluvanna County Zoning Ordinance, though some changes are required (specifically in regards to handicap parking spaces). Prior to final approval, a site development plan that meets the requirements of Sections 23, 24, 25 and 26 of the Fluvanna County Zoning Ordinance must be submitted for staff review and approval.

Recommended Conditions:

1. Meeting all final site plan requirements which include, but are not limited to, providing parking, landscaping, and screening;
2. Meet all required Erosion and Sedimentation Control regulations;
3. Meet all VDOT requirements;

Suggested Motion:

I move to approve/deny/defer SDP 17:07, a sketch plan to establish an approximately 8,000 sq. ft. building and associated parking for a light manufacturing operation with respect to 1.095 acres of Tax Map 5, Section 24, Parcel 6 subject to the three (3) conditions listed in the staff report.

I move to approve/deny/defer a sidewalk waiver to SDP 17:07, a sketch plan to establish an approximately 8,000 sq. ft. building and associated parking for a light manufacturing operation with respect to 1.095 acres of Tax Map 5, Section 24, Parcel 6, pursuant to County Code Section 22-23-6.6.A

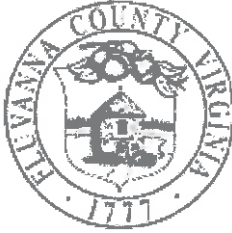
Attachments:

- A – Application
- B – Aerial Vicinity Map
- C -- Sidewalk Waiver Request
- D – TRC Letter

Copy:

File

Sean Simmons at sean@greenberrys.com



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

Owner of Record: JA-Zan LLC **Applicant of Record:** Same as Representation

E911 Address: P.O. Box 9035, Culpeper, VA 22906 **E911 Address:** _____

Phone: _____ **Fax:** _____ **Phone:** _____ **Fax:** _____

Email: _____ **Email:** _____

Representative: Greenberry's Coffee Roasters Inc. **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: 1610 Oval Rd, Charlottesville, VA 22901 **Is property in Agricultural Forestal District?** ☐ No ☐ Yes

Phone: 434-242-5937 **Fax:** 434-984-0163 **If Yes, what district:** _____

Email: Sean@Greenberrys.com

Tax Map and Parcel(s): 5-24-6 **Deed Book Reference:** 781-656

Acres: 1.095 **Zoning:** I-1 **Deed Restrictions?** ☐ No ☐ Yes (Attach copy)

Location: _____

Description of Property: Zion Station Industrial Lot

Proposed Structure: Metal Bldg. 8,000 SF

Dimensions of Building: 70 x 115 **Lighting Standards on Site:** ☒ No ☐ Yes

of Employees: 12 **# of Parking Spaces:** 15 + 2 Handicap

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.

M. Sean Simmons / Greenberry's Coffee Roasters Inc. M. Sean Simmons Permit
Applicant Name (Please Print) **Applicant Signature and Date**

OFFICE USE ONLY

Date Received: <u>8/7/17</u>	Fee Paid: <u>150.00</u> <u>✓ 8802</u>	Application #: <u>SDP 17 : 007</u>
Election District: <u>Columbia</u>	Planning Area: <u>Zion Crossroads CRA</u>	Number of Lots: _____
Total Fees Due at Time of Submittal		
Sketch Plan: <u>\$150.00</u>	Minor Plan: \$550.00	Major Plan: \$1,100.00
Additional Fees Due at Time of Review		
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		



REVISIONS

DATE	REVISION DESCRIPTION
9/1/17	PROPOSED SKETCH PLAN SUBMISSION

COLLINS ENGINEERING

200 GARRETT STREET, SUITE K - CHARLOTTESVILLE, VA 22902 - 434.293.3719

ZION STATION - PARCEL 6 SKETCH PLAN

GREENBERRY'S SITE DEVELOPMENT SKETCH PLAN

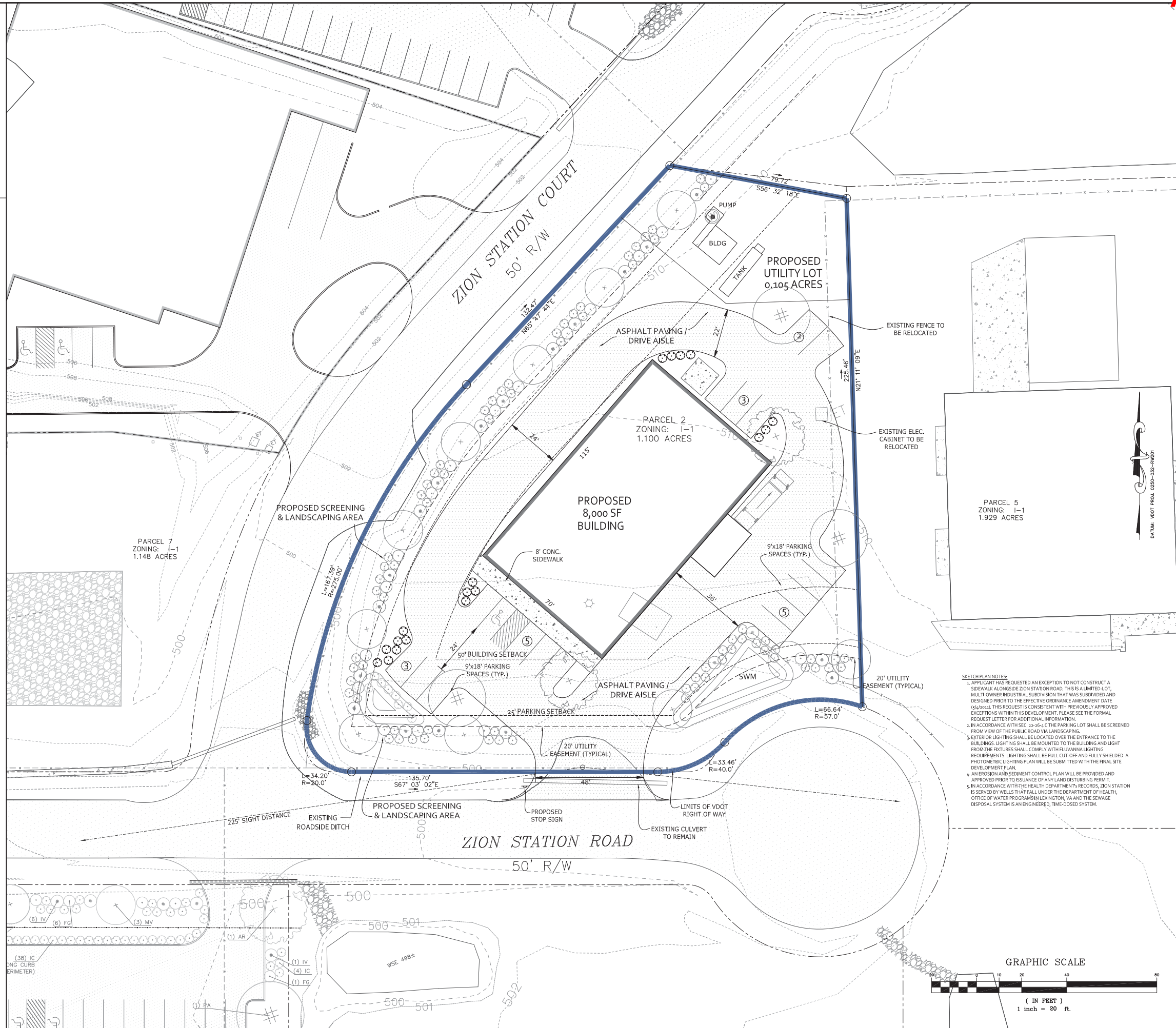
PROJECT

JOB NO.
062007

SCALE
 $1' = 20'$

SHEET NO.
1 OF 1

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SUBDIVISION CERTIFICATE

THE PLATTING AND SUBDIVISION OF 22.873 ACRES OF LAND LYING IN THE PALMYRA DISTRICT FLUVANNA COUNTY VIRGINIA OWNED BY JA-ZAN, LLC BY DEED RECORDED IN INSTRUMENT NUMBER 0603097 IN THE CLERKS OFFICE OF FLUVANNA CIRCUIT COURT AND ALSO INSTRUMENT NUMBER 06006107 IN THE CLERKS OFFICE OF LOUISA COUNTY CIRCUIT COURT AND DESIGNATED AS ZION STATION SECTION 'A', IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY; THAT ALL STREETS SHOWN ON THE PLAT ARE HEREBY IRREVOCABLY OFFERED FOR DEDICATION TO PUBLIC USE.

JA-ZAN, LLC - OWNER
JA-ZAN LLC - OWNER

TRUSTEE

COMMONWEALTH OF VIRGINIA

County OF Fluvanna TO WIT:

I, Amy H. Hall, A NOTARY PUBLIC IN AND FOR THE

County OF Fluvanna COMMONWEALTH OF VIRGINIA,

DO HEREBY CERTIFY THAT:

Michael W. Harding

WHOSE NAME IS SIGNED TO THE SUBDIVISION CERTIFICATE HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY AND COMMONWEALTH AFORESAID

GIVEN UNDER MY HAND AND SEAL THIS 24 DAY OF April, 2007

NOTARY PUBLIC MY COMMISSION EXPIRES 9/10/2008

COMMONWEALTH OF VIRGINIA

OF TO WIT:

I, A NOTARY PUBLIC IN AND FOR THE

OF COMMONWEALTH OF VIRGINIA,

DO HEREBY CERTIFY THAT:

WHOSE NAME IS SIGNED TO THE SUBDIVISION CERTIFICATE HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY AND COMMONWEALTH AFORESAID

GIVEN UNDER MY HAND AND SEAL THIS DAY OF 2007

NOTARY PUBLIC MY COMMISSION EXPIRES

SUBDIVISION AGENT

THE SUBDIVISION SHOWN HEREON HAS BEEN REVIEWED AND APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING REGULATIONS, AND MAY BE COMMITTED TO RECORD.

4/24/07
SUBDIVISION AGENT DATE

SOURCE OF TITLE

THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SUBDIVISION WAS CONVEYED

PARCEL 'A'
TO JA-ZAN, LLC, A VIRGINIA LIMITED LIABILITY COMPANY FROM FLUVANNA HOLDINGS, LLC, A VIRGINIA LIMITED LIABILITY COMPANY, BY DEED DATED MAY 26, 2006 AND RECORDED MAY 31, 2006 IN INSTRUMENT NUMBER 0603097 AS RECORDED IN THE CLERKS OFFICE, CIRCUIT COURT, FLUVANNA COUNTY, VIRGINIA

PARCEL 'B'
TO JA-ZAN, LLC, A VIRGINIA LIMITED LIABILITY COMPANY FROM FLUVANNA HOLDINGS, LLC, A VIRGINIA LIMITED LIABILITY COMPANY, BY DEED DATED MAY 26, 2006 AND RECORDED MAY 31, 2006 IN INSTRUMENT NUMBER 06006107 AS RECORDED IN THE CLERKS OFFICE, CIRCUIT COURT, LOUISA COUNTY, VIRGINIA

CURVE TABLE					LINE TABLE		
CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD	LINE	BEARING	LENGTH
C1	273.39'	376.35'	N58°45'38"E	267.42'	L1	N37°56'59"E	28.65'
C2	218.74'	375.48'	S83°44'23"E	215.66'	L2	S59°48'41"E	62.54'
C3	29.36'	20.00'	N70°53'28"E	26.80'	L3	S56°32'18"E	79.72'
C4	209.67'	325.00'	N47°18'51"E	206.05'	L4	N16°06'39"W	106.87'
C5	33.46'	40.00'	N41°49'59"E	32.49'	L5	S85°43'04"E	109.38'
C6	274.43'	57.00'	S24°12'16"E	76.39'	L6	N65°47'44"E	206.08'
C7	33.46'	40.00'	S89°45'29"W	32.49'	L7	S65°47'44"W	206.08'
C8	167.39'	275.00'	S48°21'30"W	164.81'	L8	S67°07'20"E	91.87'
C9	34.20'	20.00'	S18°03'53"E	30.18'	L9	N59°54'00"W	74.47'
C10	33.46'	40.00'	N88°59'13"E	32.49'	L10	S52°56'23"E	84.80'
C11	274.43'	57.00'	S22°56'58"W	76.39'	L11	N64°48'19"E	39.16'
C12	33.46'	40.00'	N43°05'17"W	32.49'	L13	N49°14'31"W	232.14'
C13	189.61'	325.48'	N83°44'23"W	186.94'	L14	N21°27'58"W	32.91'
C14	230.22'	326.35'	S59°21'44"W	225.48'	L15	N51°40'57"W	33.88'
C15	46.37'	25.00'	S13°59'05"E	40.00'			
C16	32.72'	25.00'	N75°26'59"E	30.44'			
C17	16.95'	10.00'	N78°30'58"E	14.99'			
C18	10.87'	10.00'	S84°04'02"E	10.34'			



APPROVED
VIRGINIA DEPARTMENT OF TRANSPORTATION
APPROVED
STATE HEALTH DEPARTMENT

NOTES:

OWNER: JA-ZAN, LLC
P.O. BOX 5384
CHARLOTTEVILLE, VA 22905
PHONE: (434)962-0808

DEVELOPER: HASBROUCK REAL ESTATE CORPORATION
P.O. BOX 5384
CHARLOTTEVILLE, VA 22905

D.B. 685 PG. 213
TAX PCL.: 5-10-1 & 5-10-7

NUMBER OF LOTS: 12
AREA IN LOTS: 19.957
AREA IN ROADS: 2.099 ACRES
COMMON AREA: 0.817 ACRE
TOTAL AREA: 22.873
ZONING: I-1

DURING THE PROCESS OF OUR PHYSICAL PERIMETER SURVEY NO INDICATIONS OF A CEMETERY WAS FOUND. NO FURTHER INSPECTION OF THE PROPERTY HAS BEEN MADE FOR POSSIBLE CEMETERIES.

THIS PROPERTY LIES IN ZONE 'C' OF THE HUD DEFINED FLOOD HAZARD AREA AS SHOWN ON COMMUNITY PANEL NUMBER 510058 0050 A, DATED 8-15-78.

THIS PROPERTY IS GENERALLY WOODED AREA, WITH EXCEPTION TO THE CLEARING FOR THE EXISTING BUILDING, ENTRANCE DRIVEWAY, AND THE EXISTING UTILITY LINES.

FINAL SITE PLAN SHALL INCLUDE THE RIGHT TURN LANE DESIGN.

SURVEYOR'S CERTIFICATE

TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF FLUVANNA COUNTY VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY, HAVE BEEN COMPLIED WITH.

JENNINGS STEPHENSON P.C.

ZION STATION
SECTION 'A'

PALMYRA DISTRICT • FLUVANNA COUNTY, VIRGINIA

DATE: MARCH 12, 2007 SCALE: 1" = 100'

JENNINGS STEPHENSON, P.C.

LAND SURVEYORS
& PLANNERS

10160 STAPLES MILL ROAD
SUITE 103
GLEN ALLEN, VA 23060
PHONE - 804-545-6235
FAX - 804-545-6259
J.N. 06-569

Brad Robinson

From: Sean Simmons <sean@greenberrys.com>
Sent: Friday, June 14, 2019 12:12 PM
To: Brad Robinson
Subject: Board of Zoning Appeals

Brad,

I respectfully submit the following comments for consideration at the next meeting on our requested appeal.

1. An important fact for consideration that makes our lot unique as it relates to the set back rules in Fluvanna County. To the best of our knowledge, our lot is the only lot within an industrial park in Fluvanna County that has more than 50% of its total land area that can not have a building placed on it. The 50' setback combined with the size and shape of our lot reduces our buildable area to a very small percentage of the land. This is a very unique hardship for our lot that is not seen anywhere else in the county. The result of this is that we can only build a smaller building that is less than what we need for our business. It also requires that we place the building in the middle of the property and will create very difficult access routes for our delivery trucks. We have multiple deliveries each day.

1. I would also like to comment on the five points raised in the meeting with regard to Code Section 22-18-2(B).

I. This hardship was not created by the applicant

li. No adjacent properties will be negatively impacted by our request. In fact the variance will allow us to set the building back further.

lii. As stated above, this is a very unique situation , not found elsewhere in the county.

Iv. Our use is granted by right.

V. as this situation is unique , it would be best addressed by a one time variance. This will speed up our development of the property and allow us to locate our business to Fluvanna County more quickly.

Sincerely,

Sean Simmons
CEO/Owner



Sean Simmons
President
Greenberry's Corporation
1610 Quail Run
Charlottesville, VA 22911

(434) 984-0151 office

(434) 984-0153 fax

(434) 242-5937 cell

sean@greenberrys.com

RESOLUTION APPROVING VARIANCE CASE NUMBER BZA 19:04

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 19:04 in the following respects:

BZA 19:04 – Greenberry’s: A request for a variance to Fluvanna County Code Sec. 22-11-5 of the Zoning Ordinance to allow for the reduction of the minimum building setback required from a street right-of-way, from 50 feet to 25 feet, for the purpose of constructing a light manufacturing facility with respect to 1.095 acres of Tax Map 5, Section 24, Parcel 6. The subject property is located in the Columbia Election District within the Zion Station industrial subdivision at the intersection of Zion Station Road (Route 1021) and Zion Station Court (Route 1022). 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:
