



FLUVANNA COUNTY BOARD OF ZONING APPEALS

ORGANIZATIONAL MEETING

Fluvanna County Morris Room
132 Main Street, Palmyra, VA 22963

Tuesday
March 19, 2024

7:00 PM

TAB AGENDA ITEMS

1– CALL TO ORDER: Jason Overstreet, Senior Planner

2 - PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE

3 – MINUTES

Minutes of February 6, 2024

5 – PUBLIC HEARING

BZA24:01 Robert & Andrea Nickels - request a ten (10) foot Variance to Section 22-4-3 (E) (1) to allow for the reduction of the minimum front setback from two hundred (200) feet to one hundred ninety (190) feet for an as-built, tasting room structure; request a forty (40) foot Variance to Section 22-4-3 (E) (1) to allow for the reduction of the minimum front setback from two hundred (200) feet to one hundred sixty (160) feet for an addition to an as-built, tasting room structure on Tax Map 48 Section 1 Parcel 3. The subject property is zoned A-1, Agricultural, General District and is known as 5199 West River Road and is located in the Rural Residential Planning Area and the Cunningham Election District.

6 – UNFINISHED BUSINESS

None

7 – NEW BUSINESS

None

8 – ADJOURN

Jason Overstreet

Jason Overstreet, Senior Planner
Zoning Administrator Review

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.

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

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.

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.***

FLUVANNA COUNTY BOARD OF ZONING APPEALS

Fluvanna County Administration Building
 Morris Room
February 6, 2024
7:00 PM

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

Members Absent: Easton Loving

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

1. **CALL TO ORDER:**
 Jason Overstreet, Senior Planner called the Board of Zoning Appeals meeting of February 6, 2024 to order at 7:00 pm.
2. **Pledge of Allegiance, Moment of Silence**
3. **2024 Organizational Meeting**

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

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

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

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

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

4. **Minutes:**

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

5. **PUBLIC HEARING:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Overstreet, replied, no sir.

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

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

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

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

order to meet all subdivision requirements.

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

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

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

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

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

Mr. Whitten, County Attorney; yes.

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

6. **Unfinished Business:**

None

7. **New Business:**

None

8. **ADJOURNMENT:**

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

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

Chairman Harold Morris
Fluvanna County Board of
Zoning Appeals



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

BOARD OF ZONING APPEALS STAFF REPORT

To: Board of Zoning Appeals
Case: BZA 24:01 Variance
Date: March 19, 2024

From: Jason Overstreet, Senior Planner
District: Cunningham Election District
Tax Map: 48 Section 1 Parcel 3

General Info:

The Board of Zoning Appeals is scheduled to hear this request on Tuesday, March 19, 2024 at 7:00 pm in the Morris Room of the County Administration Building.

Applicants:

Robert and Andrea Nickels

Request:

BZA 24:01 – Robert and Andrea Nickels - request a ten (10) foot Variance to Section 22-4-3 (E) (1) to allow for the reduction of the minimum front setback from two hundred (200) feet to one hundred ninety (190) feet for an as-built, tasting room structure; request a forty (40) foot Variance to Section 22-4-3 (E) (1) to allow for the reduction of the minimum front setback from two hundred (200) feet to one hundred sixty (160) feet for an addition to an as-built, tasting room structure on Tax Map 48 Section 1 Parcel 3. The subject property is zoned A-1, Agricultural, General District and is known as 5199 West River Road and is located in the Rural Residential Planning Area and the Cunningham Election District. (Attachment A)

Code Section:

Fluvanna County Code Sec. 22-4-3. (E) (1) of the Zoning Ordinance

Location:

The subject property is located in the Cunningham Election District on the north side of Route 6, West River Road. (Attachment B)

Existing Zoning:

A-1, Agricultural, General

Existing Land Use:

Agricultural enterprise - Hardware Hills Vineyard, single-family dwelling

Adjacent Land Use:

Vacant or Residential

Comprehensive Plan: Rural Residential Planning Area

Analysis:

Sec. 22-4-3. – Residential density; minimum lot size; dimensional requirements.

(E) Minimum setback required (as measured from edge of right-of-way):

(1) U.S. Route 250, U.S. Route 15, VA. Primary Routes 6, 53, and VA.
Secondary Route 616: 200 feet

An existing appurtenant building that is currently used as a tasting room was built on the property in 2012. This structure is noncompliant due to its encroachment into the required setback off of Route 6 by approximately five feet (5'). The nonconforming condition existed when the applicants purchased the property.

The applicants are also seeking a variance of forty feet (40') to allow for an addition to the existing as-built tasting room. The applicant's recently received approval for a special use permit (SUP23:02) allowing an agricultural enterprise and event facility to be operated on the property. A sketch plan indicating the location of additions to be built upon approval were submitted with the SUP application. The plans for the addition were prepared using incorrect setback measurements that were provided by the Fluvanna Planning Department. (Attachment C) This erroneous data resulted from measuring the required setback distance based on the current alignment of Route 6. This measurement did not account for an increased right of way due to a realignment of Route 6 that did not include vacating the old right of way. This error was not discovered until the applicant received an updated survey indicating the proposed addition's encroachment into the setback. (Attachment D)

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 property was acquired in good faith and the nonconforming condition of the existing tasting room building existed when the property was purchased by the applicants. While technically the variance sought is for the addition of a new structure, the location of the structure was determined to be compliant with setback regulations based on data provided by the Fluvanna Planning Department.

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

The granting of the variance will have no impact on the adjacent and nearby properties.

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 encroachment of a structure into the setback for new construction is uncommon.

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:

Granting of the requested variance would not result in a change to the zoning classification nor would it result in a use that is not permitted.

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 use permit solution or process is not available for this particular variance application. No zoning ordinance amendment has been proposed nor is there one in process for this section of the ordinance.

Suggested Motion:

I move to (approve/deny/defer) BZA 24:01 – a request for a ten (10) foot Variance to Section 22-4-3 (E) (1) to allow for the reduction of the minimum front setback from two hundred (200) feet to one hundred ninety (190) feet for an as-built, tasting room structure; a request for a forty (40) foot Variance to Section 22-4-3 (E) (1) to allow for the reduction of the minimum front setback from two hundred (200) feet to one hundred sixty (160) feet for an addition to an as-built, tasting room structure on Tax Map 48 Section 1 Parcel 3.

Attachments:

- A – Application, narrative and letters of support
- B – Aerial Map
- C – Setback Exhibit

RECEIVED



COMMONWEALTH OF VIRGINIA
 COUNTY OF FLUVANNA
Variance Application (BZA)

FEB 27 2024

Fluvanna County
 Planning Dept

Owner of Record: Robert and Andrea Nickels

Applicant of Record: Robert Nickels (Hardware Hills Vineyard)

E911 Address: 5911 W River Rd, Scottsville, VA 24590

E911 Address: 5911 W River Rd, Scottsville, VA 24590

Phone: 3013994771 Fax: _____

Phone: 3013994771 Fax: _____

Email: rbnickels@gmail.com

Email: rbnickels@gmail.com

Representative: _____

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: _____

Phone: _____ Fax: _____

Email: _____

Tax Map and Parcel(s): 48-1-3

Deed Book Reference: _____

Acreage: 42.85 **Zoning:** A-1

Deed Restrictions? No Yes (Attach copy)

E911 Address of Parcel: 5199 W River Rd, Scottsville, VA 24590

Description of Property: _____

Rural Residential (Farm/vineyard, home and winery business)

Request for a variance from Section _____

of the Fluvanna County Code in respect to the requirement for

Hardware Hills Vineyard

in order to build **Winery Tasting Room & Wine Production Expansion**

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 165' from W River Rd	195/165/175	200	5/40/30
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 plans must be folded prior to submission to the Planning Department. Rolled plans will not be accepted.

Owner/Applicant Name (Please Print) Robert Nickels/Andrea Nickels

Date 2/27/24

Owner/Applicant Signature *[Signature]*

OFFICE USE ONLY

Date Received: 02/27/24

PH Sign Deposit Received: 02/27/24

Application #: BZA 24 : 01

\$550 plus mailing cost and fee paid: check 10362

Mailing Costs: \$20.00 Adjacent Property Owner (APO) after 1st 15, Certified

Election District: Cunningham

Planning Area: Rural Residential

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

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.

Addition to existing Winery Tasting Room and Wine Production 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.

We are limited in available area to expand due to grade and proximity to existing vines and necessary dimensions to accomplish business needs and goals. Our Proposal is to build an addition on the back side of the current building toward W River Rd. to allow for an expanded tasting room and wine production capacity. - see attached for additional information.

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.

By enforcing the setback requirement (from W River Rd), we will either have to cancel our business expansion plans or revise the design in an attempt to meet setback requirements. This will change the form and function of the project and will add significant additional design cost.

ADJACENT PROPERTY

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

This will have no affect on adjacent properties. The proposed addition is in the direction of West River Road which borders the existing property. A wooded area and open area will be maintained as a visual and physical buffer between the new building and W River Rd.

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.)

<attached>

10363

Hardware Hills LLC
5199 W River Rd
Scottsville, VA 24590
434-268-4710

HH

DATE 27 Feb 2024

68-426/514

PAY TO THE ORDER OF

Fluvanna County

\$ 90⁰⁰

Ninety and 00/100

DOLLARS

TRUIST 

Andrew Hill S

FOR _____

⑈00010363⑈ ⑆051404260⑆ 1470013323631⑈

10362

Hardware Hills LLC
5199 W River Rd
Scottsville, VA 24590
434-268-4710

HH

DATE 27 Feb 2024

68-426/514

PAY TO THE ORDER OF

Fluvanna County

\$ 550⁰⁰

Five hundred fifty and 00/100

DOLLARS

TRUIST 

Andrew Hill S

FOR _____

⑈00010362⑈ ⑆051404260⑆ 1470013323631⑈

RECEIVED

FEB 27 2024

Fluvanna County
Planning Dept

**COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Variance Application (BZA)**

ADDENDUM

**Property: Hardware Hills Vineyard
Tax Map & Parcel: 48-1-3, Zoning A-1
Owners & Applicants: Robert and Andrea Nickels
02/25/2024**

Additional hardships / special considerations include:

- We will maintain a wooded barrier and significant open area between W River Rd and the new building addition. The wooded area is 50 ft wide with an additional 50 ft wide open grassy area and a 70 ft gravel lot and drive. The new building would be set back 168 ft from the road.
- VDOT upon constructing the new W River Rd bridge over the Hardware River and moving W River Rd accordingly did not update the property setbacks.
- The current (original) tasting room building that was constructed by the previous property owners violates the required 200 ft setback from W River Rd. The new plan is to tie an addition into the existing building which is not feasible given the current setback requirement.
- In our SUP review with the County Review Board, we were shown that the proposed building was approximately 235 ft from the road (meeting the setback requirement). We therefore proceeded with building design and contractor estimates based on the information that was reviewed with county officials.



RECEIVED

FEB 27 2024

Fluvanna County
Planning Dept

COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: Robert Nickels
Address: 5199 W River Rd
City: Scottsville
State: VA Zip Code: 24590

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.

[Handwritten Signature]
Applicant Signature

2/24/24
Date

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

OFFICE USE ONLY

Application #: BZA 24 : 01 CPA : SUP : ZMP : ZTA :

\$90 deposit paid per sign*: check 10363

Approximate date to be returned:

NOTES

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT OR COMMITMENT AND THEREFORE MAY NOT SHOW ALL LEGAL ENCUMBRANCES UPON THE PROPERTY.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A ZONING REPORT OR LETTER AND THEREFORE MAY NOT SHOW ALL LAND USE RESTRICTIONS UPON THE PROPERTY.
3. BOUNDARY LINES SHOWN ARE BASED UPON PLATS OF RECORD AND FIELD EVIDENCE. A BOUNDARY SURVEY HAS NOT BEEN PERFORMED FOR THIS PROPERTY.
4. EXISTING SITE CONDITIONS AS SHOWN ARE BASED UPON A FIELD SURVEY CONDUCTED JANUARY 21, 2024.
5. THIS SURVEY WAS PREPARED FOR RIVERWOOD DESIGN & BUILD, LLC
6. UTILITIES SHOWN ARE BASED UPON FIELD OBSERVATION ONLY.
7. THE PROPERTY SHOWN IS CURRENTLY ZONED A-1 (AGRICULTURAL DISTRICT).
8. ELEVATION CONTOURS ARE SHOWN AT TWO FOOT INTERVALS, WITH A TEN FOOT INDEX INTERVAL, BASED UPON AN ASSUMED VERTICAL DATUM.
9. THE AREA OF THE PROPERTY SHOWN APPEARS TO BE LOCATED WITHIN ZONE X (AREAS NOT SUBJECT TO THE 0.2% ANNUAL CHANCE FLOOD); BASED UPON A SCALD LOCATION ON FIRM PANEL #51065C0149C, EFFECTIVE MAY 16, 2008. A FLOOD STUDY WAS NOT CONDUCTED AS PART OF THIS SURVEY.

PARCEL 48-A-94
N/F THUNDER CLOUD, LLC
DEED BOOK #90, PAGE 453

SETBACKS
FLUVANNA COUNTY
ZONING ORDINANCE SECTION 22-4-3
ZONING: AGRICULTURAL (A-1)

FRONT YARD
• 200' FROM EDGE OF ROUTE 6
RIGHT-OF-WAY PER §22-4-3(E)(1)

SIDE YARD
• 50' FEET PER §22-4-3(F)

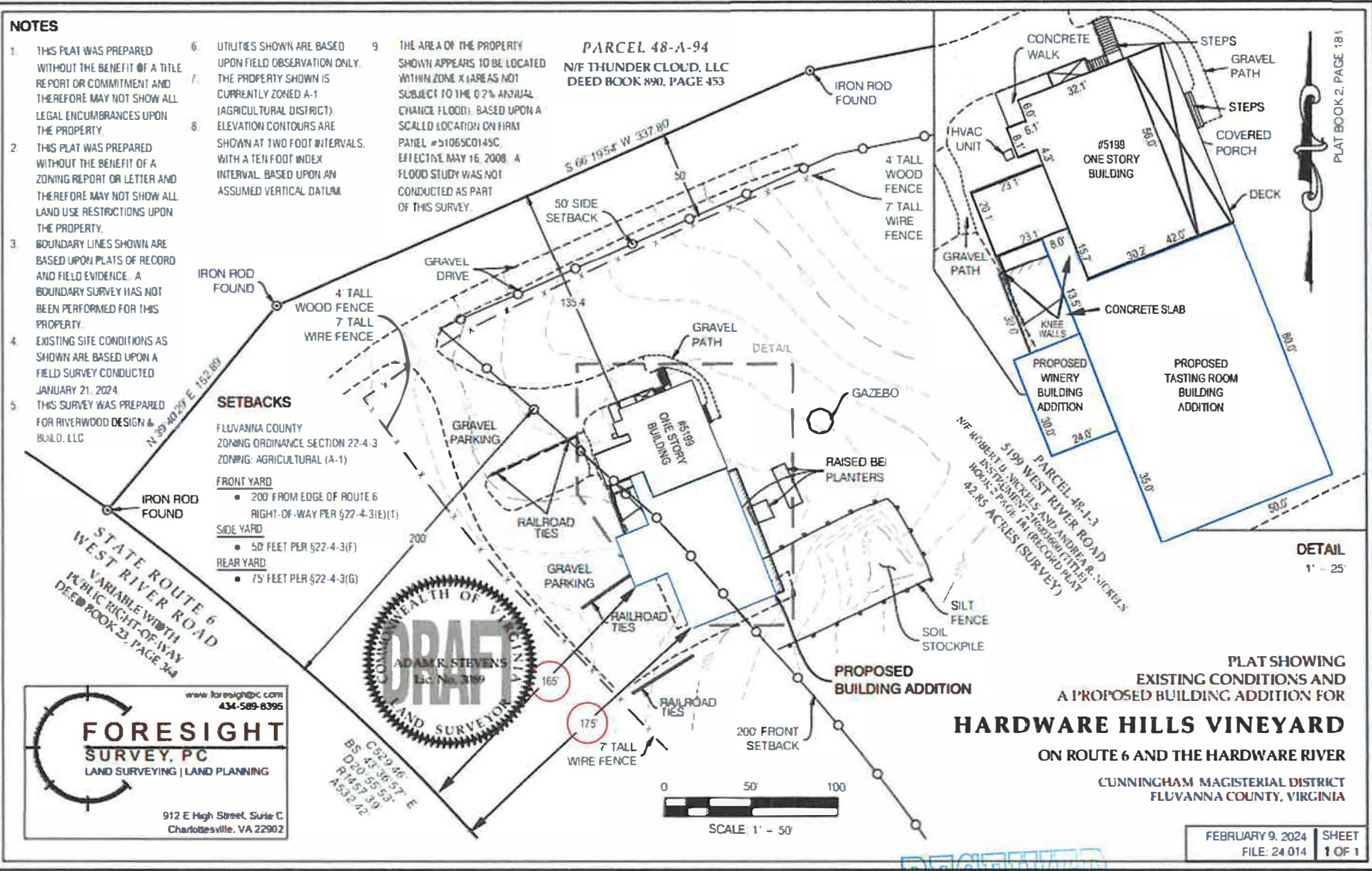
REAR YARD
• 75' FEET PER §22-4-3(G)



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434-589-8395

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LAND SURVEYING | LAND PLANNING

912 E High Street, Suite C
Charlottesville, VA 22902



PLAT SHOWING EXISTING CONDITIONS AND A PROPOSED BUILDING ADDITION FOR
HARDWARE HILLS VINEYARD
ON ROUTE 6 AND THE HARDWARE RIVER
CUNNINGHAM MAGISTERIAL DISTRICT
FLUVANNA COUNTY, VIRGINIA

FEBRUARY 9, 2024 | SHEET
FILE: 24.014 | 1 OF 1

RECEIVED

FEB 27 2024

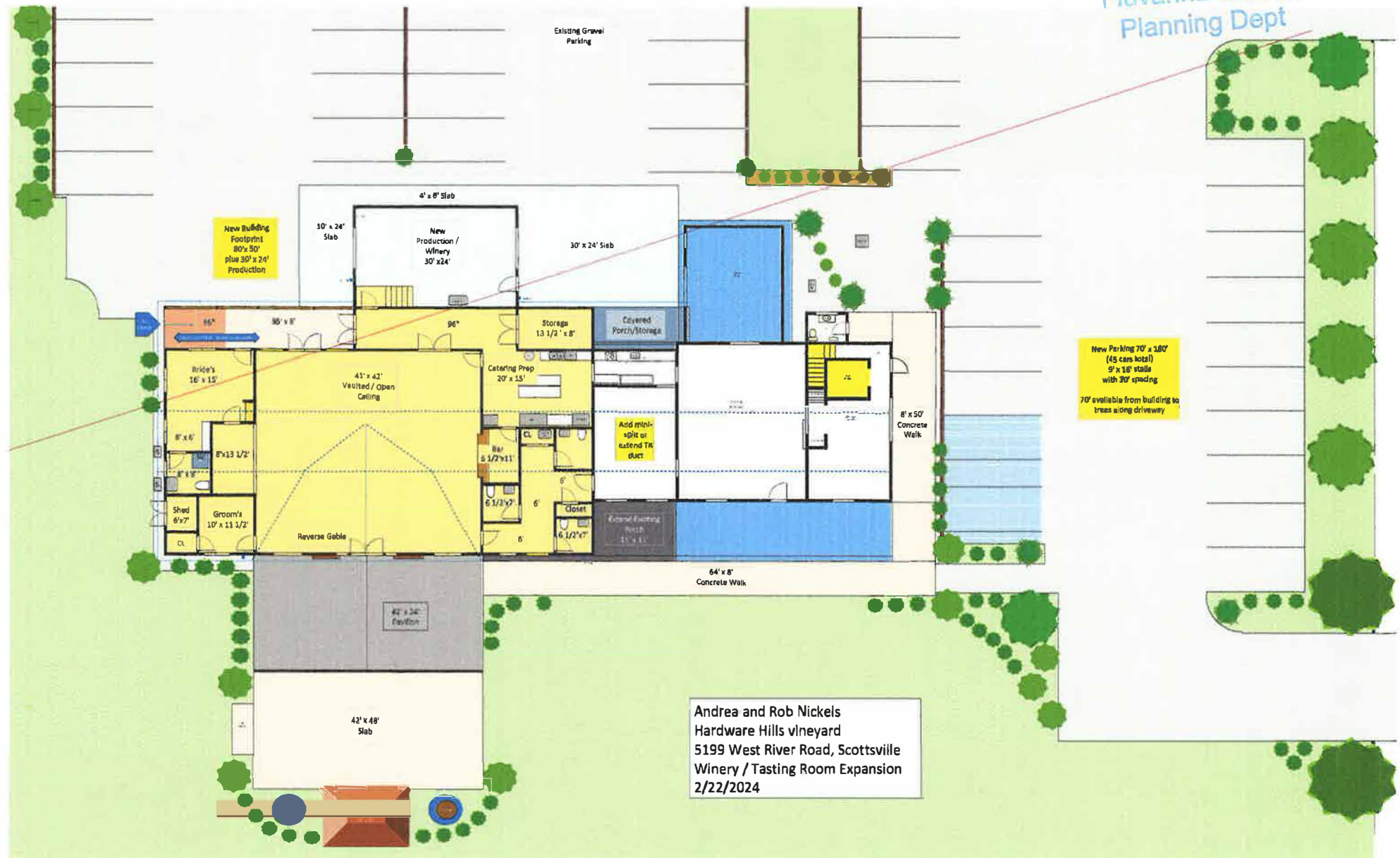
Fluvanna County
Planning Dept

PLAT BOOK 2, PAGE 181

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FEB 27 2024

Fluvanna County
Planning Dept

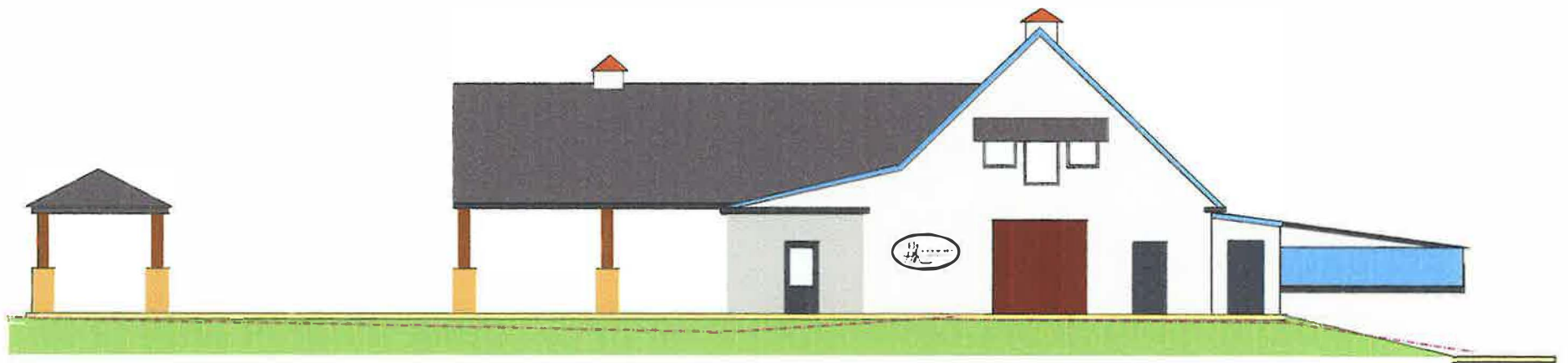
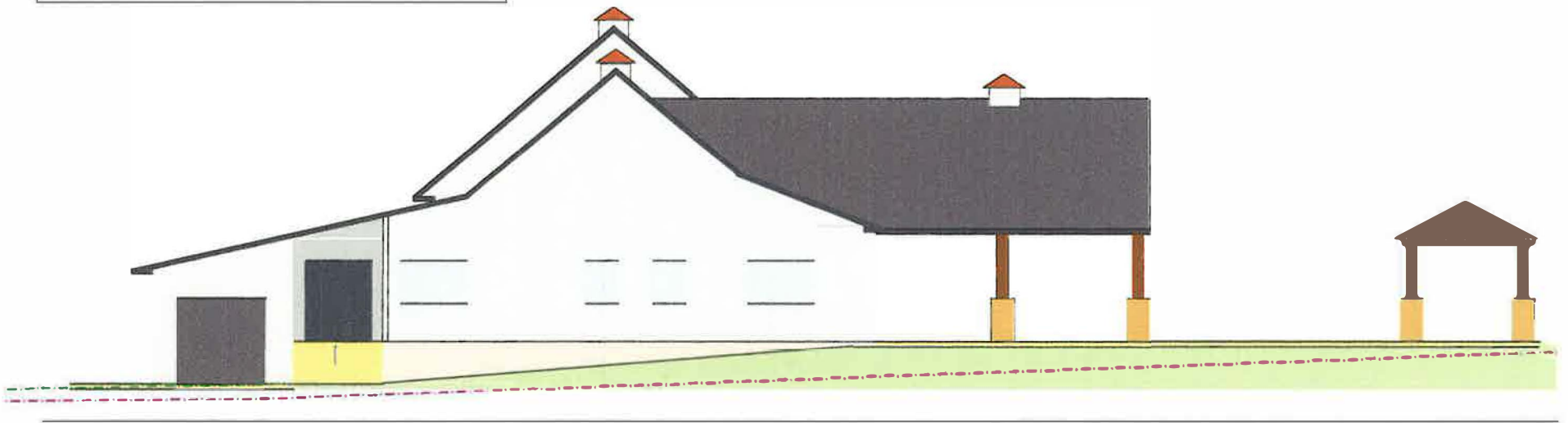


New Building Footprint 80' x 50' plus 30' x 24' Production

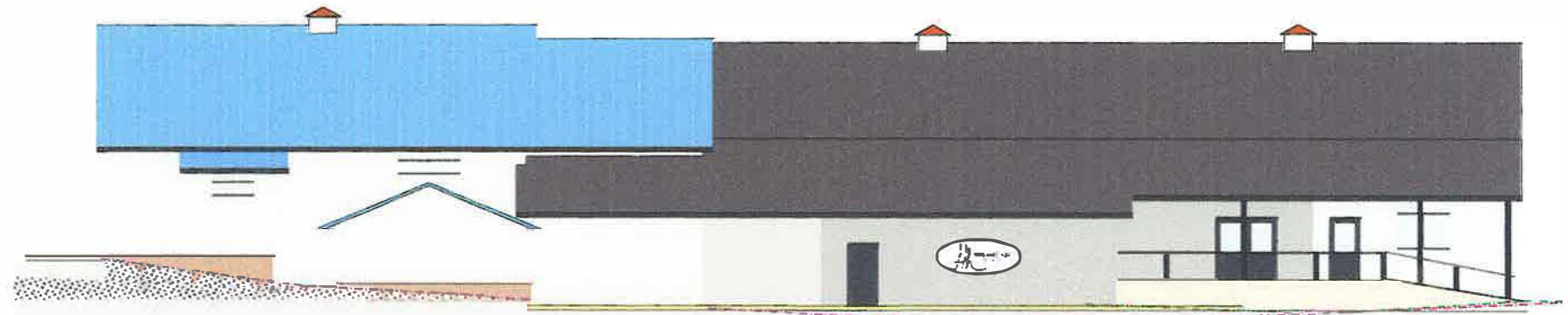
New Parking 70' x 180' (48 cars total) 9' x 18' stalls with 30' spacing
70' available from building to trees along driveway

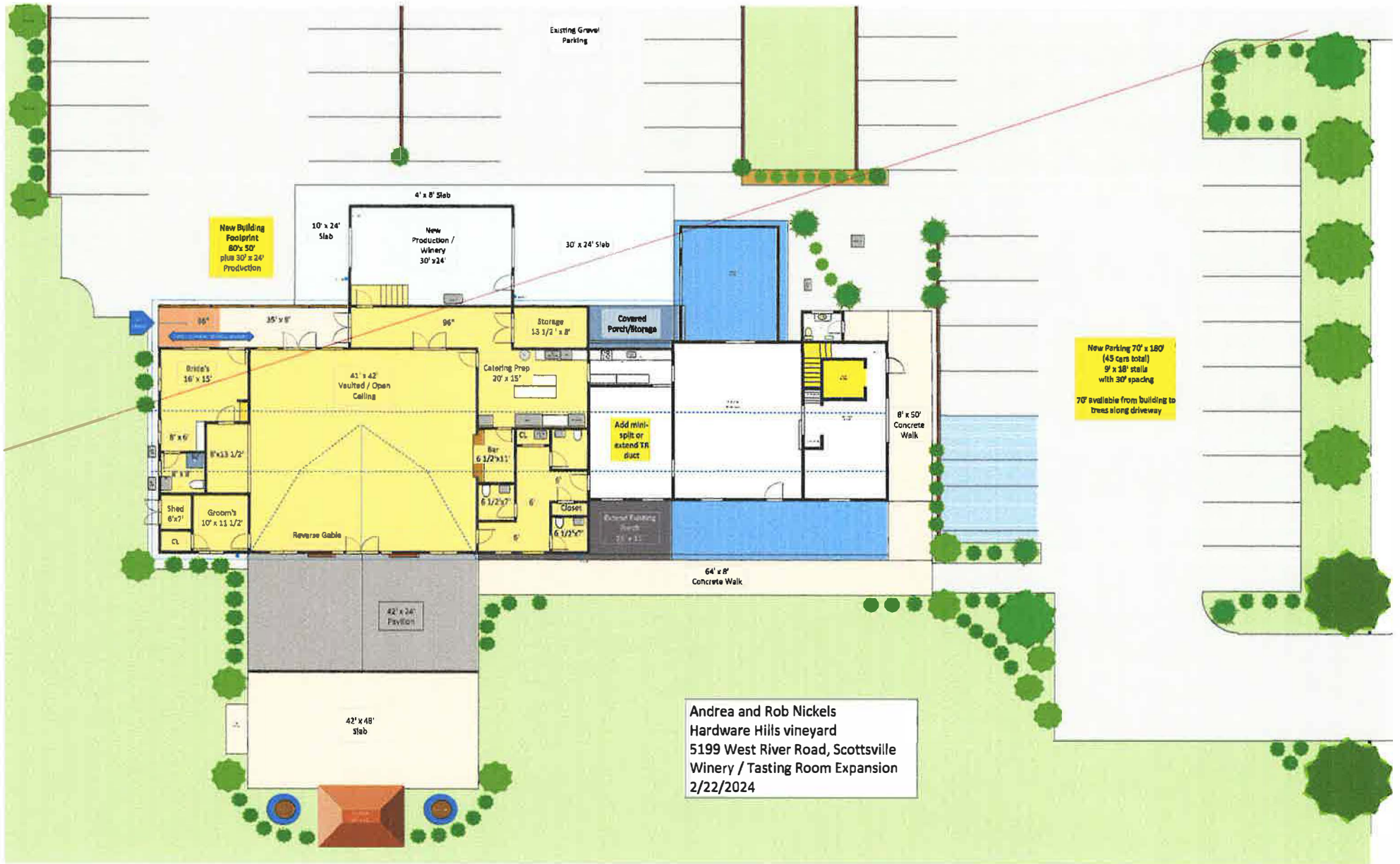
Andrea and Rob Nickels
Hardware Hills vineyard
5199 West River Road, Scottsville
Winery / Tasting Room Expansion
2/22/2024

Andrea and Rob Nickels
5199 West River Road, Scottsville
Winery/Tasting Room Expansion
02/25/2024



Andrea and Rob Nickels
5199 West River Road, Scottsville
Winery/Tasting Room Expansion
02/25/2024



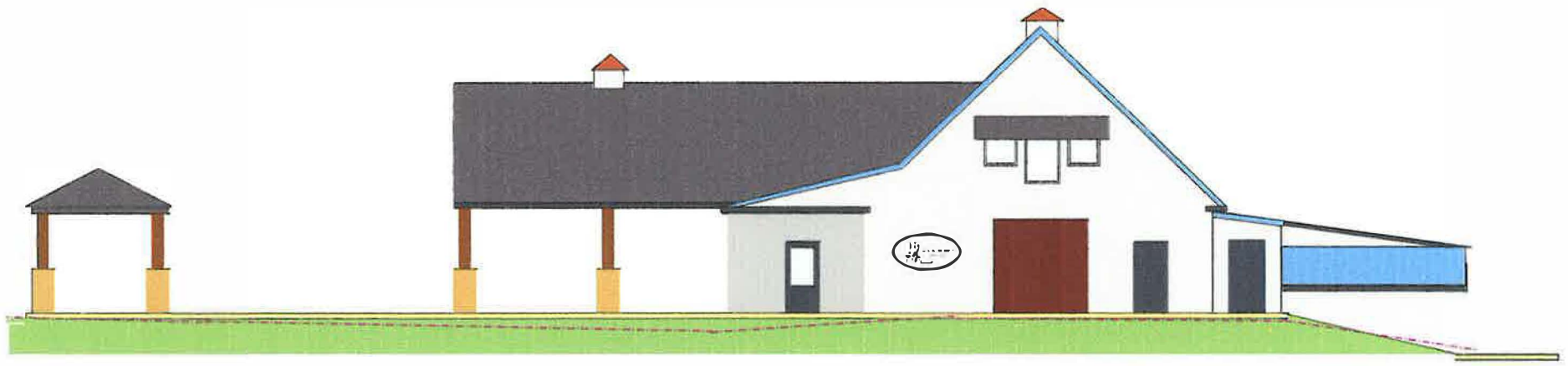
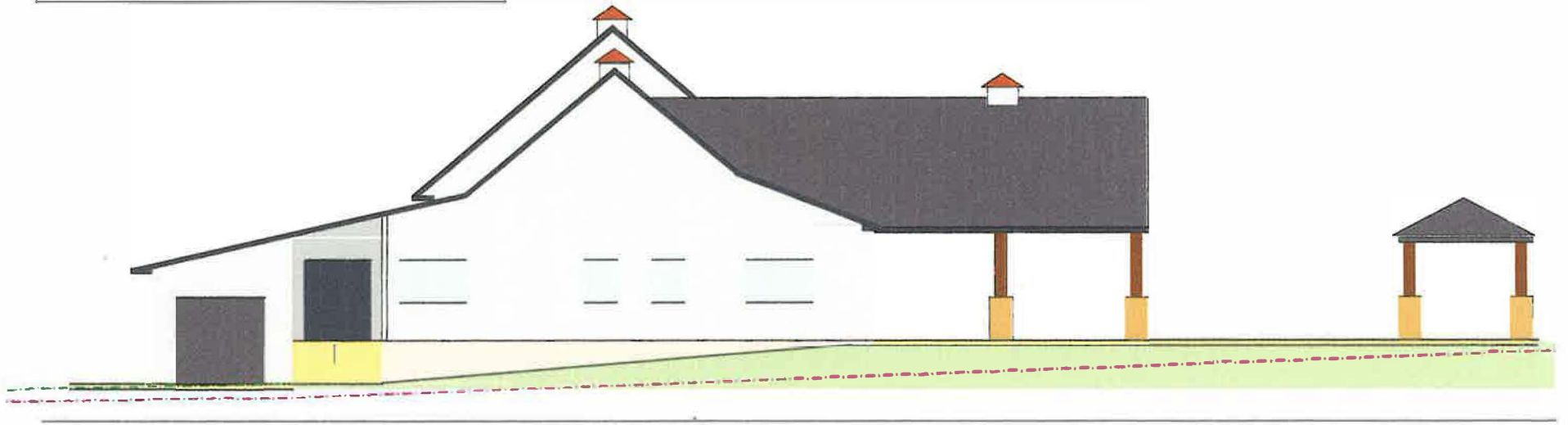


New Building Footprint
80' x 50'
plus 30' x 24'
Production

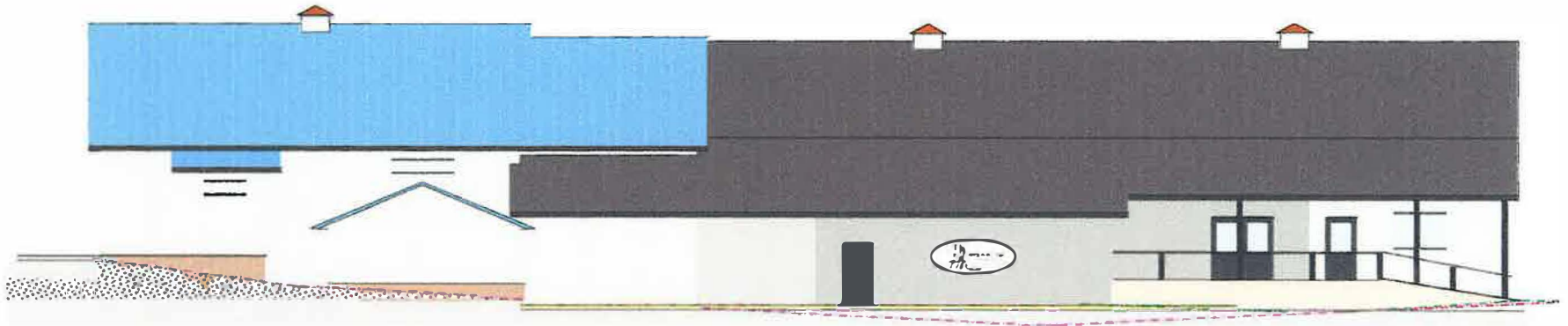
New Parking 70' x 180'
(45 spots total)
9' x 18' stalls
with 30' spacing
70' available from building to
trees along driveway

Andrea and Rob Nickels
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5199 West River Road, Scottsville
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Andrea and Rob Nickels
5199 West River Road, Scottsville
Winery/Tasting Room Expansion
02/25/2024



From: [Wanda Wright](#)
To: [Jason Overstreet](#)
Subject: BZA 24:01 -- Nickels -- Variance Request Appeal for Approval
Date: Thursday, March 14, 2024 9:17:54 AM

[EXTERNAL EMAIL] USE CAUTION.

Good Morning: I am writing in favor of the variance referenced above.

As a resident of Fluvanna County I feel this project is an asset in so many ways.

Firstly, the growth of agritourism in our County... It's wonderful for our residents to not have to go to Albemarle County to enjoy a high quality winery and with this project Fluvanna will also have a beautiful venue to utilize for private, corporate and community events bringing people and revenue to our county and not surrounding municipalities.

Hardware Hills is an esteemed member of the Monticello Wine Trail which was recently named Wine Region of the Year by Wine Enthusiast... again bringing new people and revenue to Fluvanna County.

Lastly, the setback overlap will have a zero negative impact on traffic or neighboring properties and will allow for additional production space for expansion of this business... again a win win for our County!

Best Regards,

--

Wanda Wright

Palmyra, VA 22963

From: [Julie Dwyer](#)
To: [Jason Overstreet](#)
Subject: BZA 24:01--NICKELS--VARIANCE REQUEST FOR APPROVAL
Date: Friday, March 15, 2024 10:20:15 AM

[EXTERNAL EMAIL] USE CAUTION.

To the Members of the Fluvanna County Zoning Appeals Board:

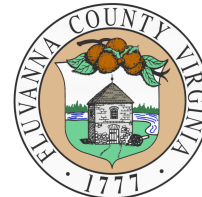
Our names are Joseph and Julieanna Dwyer and we reside at 16 Blacksmith Terrace, Palmyra, VA. We are writing to encourage you to approve the request for the zoning variance submitted by Rob and Andrea Nickels at Hardware Hills Winery.

It is important that you approve the variance because Hardware Hills is such an important business for Fluvanna County. It encourages the growth of agritourism in our county without infringing on neighbors' property or traffic. In addition, it is a wonderful place for families and friends to gather. By increasing the event space, it will allow for private, corporate, and community events to bring additional business to Fluvanna County.

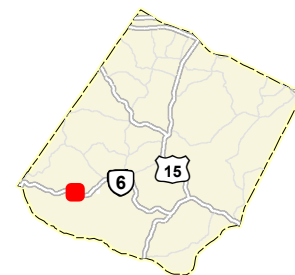
Hardware Hills is owned and operated by Rob and Andrea Nickels who are outstanding and responsible business owners in our county.

Thank you for considering our request.

Sincerely,
Julie and Joel Dwyer



**BZA 24:01
Variance Request
TMP 48-1-3**



Date: 3/15/2024

Attachment C

Setbacks – Fluvanna Planning Department



SUP23:02 - Sketch Plan Setbacks

Hardware Hills Vineyard Property Setbacks
Andrea and Rob Nickels
5199 West River Road, Scottsville

02/07/2023

253'

Existing Tasting Room with New 48 x 80 Barn

Hardware Hills Winery

22x28 Winery

32x26 Functional Area

32x54 Patio

46x80 Event Barn

238'

226'

253'

234'

253'

NOTES

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT OR COMMITMENT AND THEREFORE MAY NOT SHOW ALL LEGAL ENCUMBRANCES UPON THE PROPERTY.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A ZONING REPORT OR LETTER AND THEREFORE MAY NOT SHOW ALL LAND USE RESTRICTIONS UPON THE PROPERTY.
3. BOUNDARY LINES SHOWN ARE BASED UPON PLATS OF RECORD AND FIELD EVIDENCE. A BOUNDARY SURVEY HAS NOT BEEN PERFORMED FOR THIS PROPERTY.
4. EXISTING SITE CONDITIONS AS SHOWN ARE BASED UPON A FIELD SURVEY CONDUCTED JANUARY 21, 2024.
5. THIS SURVEY WAS PREPARED FOR RIVERWOOD DESIGN & BUILD, LLC.
6. UTILITIES SHOWN ARE BASED UPON FIELD OBSERVATION ONLY.
7. THE PROPERTY SHOWN IS CURRENTLY ZONED A-1 (AGRICULTURAL DISTRICT). ELEVATION CONTOURS ARE SHOWN AT TWO FOOT INTERVALS WITH A TEN FOOT INDEX INTERVAL BASED UPON AN ASSUMED VERTICAL DATUM.
9. THE AREA OF THE PROPERTY SHOWN APPEARS TO BE LOCATED WITHIN ZONE X (AREAS NOT SUBJECT TO THE 0.2% ANNUAL CHANCE FLOOD). BASED UPON A SCALED LOCATION ON FIRM PANEL #51063C0145C EFFECTIVE MAY 16, 2008. A FLOOD STUDY WAS NOT CONDUCTED AS PART OF THIS SURVEY.

PARCEL 48-A-94
N/F THUNDER CLOUD, LLC
DEED BOOK #90, PAGE 453

IRON ROD FOUND

SETBACKS

- FLUVANNA COUNTY ZONING ORDINANCE SECTION 22-4-3 ZONING: AGRICULTURAL (A-1)
- FRONT YARD**
- 200 FEET FROM EDGE OF ROUTE 6 RIGHT-OF-WAY PER §22-4-3(E)(1)
- SIDE YARD**
- 50 FEET PER §22-4-3(F)
- REAR YARD**
- 75 FEET PER §22-4-3(G)

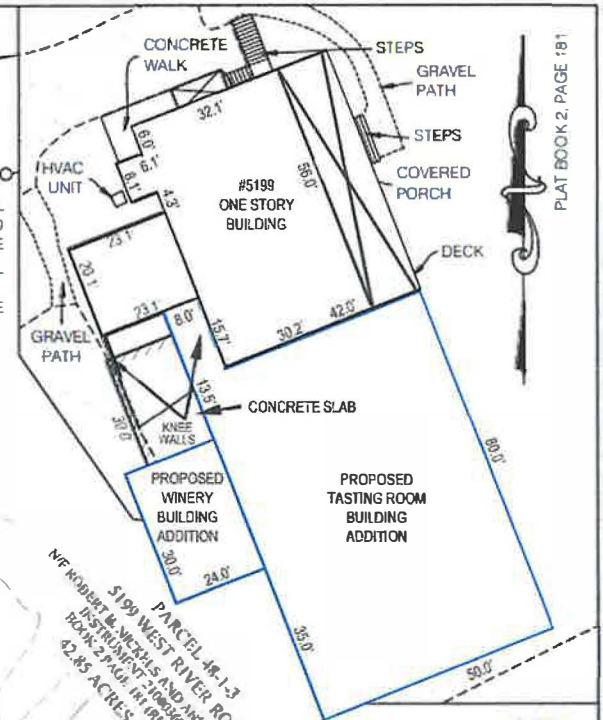


C 0249 46
D 20 55 55
R 1457 39
A 532 42

www.foresightpc.com
434-589-8395

FORESIGHT SURVEY, PC
LAND SURVEYING | LAND PLANNING

912 E High Street, Suite C
Charlottesville, VA 22902



PLAT BOOK 2, PAGE 781

DETAIL
1" = 25'

PLAT SHOWING EXISTING CONDITIONS AND A PROPOSED BUILDING ADDITION FOR
HARDWARE HILLS VINEYARD
ON ROUTE 6 AND THE HARDWARE RIVER
CUNNINGHAM MAGISTERIAL DISTRICT
FLUVANNA COUNTY, VIRGINIA