

BOARD OF ZONING APPEALS
April 27, 2005

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF ZONING APPEALS WAS HELD ON WEDNESDAY, APRIL 27, 2005, AT 7:30 P.M.

Those present were: Raymond Daughtry, Chairman
 Bob Runkle, Vice-Chairman
 Richard Herring, Member
 Janet Frye, Member
 Bart Svoboda, Zoning Official
 Marsha Alley, Secretary

The Chairman called the meeting to order stating that the first order of business would be the election of officers. He added that there would be one public hearing for a variance request.

ELECTION OF OFFICERS

Mr. Runkle made a motion nominating Raymond Daughtry as Chairman.

Ms. Frye seconded the motion.

The vote was taken by written ballot.

Mr. Daughtry was elected Chairman.

Mr. Herring made a motion nominating Bob Runkle as Vice-Chairman.

Ms. Frye seconded the motion.

The vote was taken by written ballot.

Mr. Runkle was elected Vice-Chairman.

Marsha Alley was appointed as Secretary to the Board of Zoning Appeals.

PUBLIC HEARING: Samuel Taylor—Variance Request #05-012

Mr. Daughtry asked Mr. Svoboda to read the request and give a report.

Mr. Svoboda read the request: Samuel Taylor & Susan Moskosky request a 45 ft. front yard variance from Article 4 of the Greene County Zoning Ordinance which requires a 75 ft. front yard setback. This request is on property that is identified on the County Tax Maps as 38-(A)-141 located on Keasley Lane containing 12.10 acres and is zoned A-1, Agricultural. (VAR#05-012) He also gave a powerpoint presentation describing the request.

Mr. Svoboda gave a staff report and a digital presentation.

Mr. Svoboda stated that the applicant is seeking a variance in order to replace the kitchen and dining area of the home to its original location. He added that the property is located off of Keasley Lane and is not served by public water or public sewer. He noted that the structure was built prior to 1960 and was originally located approximately 30 feet from the center of the asphalt road. He pointed out that the closest residences to this property are located 36 ft. and 41 ft. from the center of the asphalt road as well. He stated that the submitted plat has a note stating that the *deeds &/or plats citing width of right-of-way or easement along Keasley Lane as in DB 95 P198, DB 29 P 165, PB 2 P 130*. He added that staff is unable to confirm the actual location of the asphalt road with the right-of-way. He stated that staff visited the site and does appreciate the applicant's interest in restoring the structure and the significance that the property holds with the family but added that staff recommends denial of the request in that:

- a) the strict application of the ordinance would not produce an undue hardship given that there are 12.10 acres of land on which to locate a single family dwelling, and
- b) such hardship is shared generally by other properties in the zoning district and the same vicinity.

Mr. Daughtry swore in the speakers and opened the public hearing.

Samuel Taylor addressed the Board of Zoning Appeals and thanked them for the opportunity to appear. He stated that his family has lived in Greene County for five generations and added that it is his intent to remain a part of the county both in terms of person and spirit. He explained that he plans to retire in the next few years and spend more time in the county. He noted that only three houses remain from previous family homes in the area. He stated that he wants to reestablish the house in the original manner. He explained that he removed the kitchen/dining room portion without realizing that doing so would require this variance. He added that he has witnesses who can attest to the fact that the removed portion was originally located in the proposed location. He stated that he would like to replace this portion of the structure in its original location without protruding beyond the existing structure. He assured the Board that the structure would not be any closer to the road than the current structure.

Travenor "Jake" Harlow addressed the Board of Zoning Appeals stating that his son owns property at the end of Keasley Lane. He added that the roadway is rather close to the house and that the BZA should keep in mind that there is enough acreage there for more houses. He asked the BZA to keep in mind that if VDOT were to ever take the road into the state system a 50' right-of-way would be needed.

Travenor "Jake, Jr." Harlow, Jr. stated that he had more questions than comments. He asked if he understood correctly that the easement width could not be determined.

Mr. Svoboda explained that the width and location of the right-of-way cannot be verified.

Mr. Harlow, Jr. stated that he owns a rental property at the end of Keasley Lane and that he would like to make someone aware that silt screening was not used during clearing of the property and that he would like for that to be monitored during this construction. He added that he will be keeping an eye on it as well.

Mr. Daughtry asked Mr. Harlow, Jr. if he uses this easement for access to his property.

Mr. Harlow, Jr. stated that he does and added that the road is asphalt from just beyond the Noakes' property to the end and that he maintains it although it is not a S.L. Williamson job.

Charles Noakes had signed up to speak but declined as his concerns have been addressed.

Fred Chambers had signed up to speak but had no comment at this time.

Gene Strother addressed the Board stating that he could confirm that he had removed the portion of the house from the proposed relocation site.

William Hamilton addressed the Board stating that he could verify that the structure did exist prior to demolition. He added that he would be glad to answer any questions.

Mr. Herring asked Mr. Hamilton if he had any knowledge regarding the road width.

Mr. Hamilton stated that the existence of the 16' right-of-way was mentioned in a deed toward the service road, however, it does not cover the right-of-way all the way back to the Harlow property.

Mr. Herring stated that the road now appears to be entirely on the Taylor property.

Mr. Hamilton stated that Mr. Herring was correct.

Mr. Harlow stated that Mr. Tibbs owned the property in the 1950's when he purchased it from the Mays family and that he used that driveway.

Mr. Herring asked Mr. Svoboda if the applicant can improve the house in its present condition.

Mr. Svoboda stated that the house can be improved but added that the improvement in question had been removed and now would not be in compliance with the Zoning Ordinance.

Mr. Herring asked for clarification that the addition would not be any closer to the road

than the existing home.

Mr. Taylor stated that it would not be any closer than the existing home.

There was discussion on the location of the proposed addition. Mr. Chambers pointed out the features of the previous portion of the structure.

Mr. Herring asked what the harm would be in approving the request as the addition would not be any closer than it was originally and no closer than the remaining structure.

Mr. Daughtry agreed given that the house is to be restored.

Mr. Herring pointed out that Mr. Harlow's concern will be no different in regard to the road as the remaining structure is close to the road as it is.

Mr. Svoboda stated that staff agrees that there would be no detriment to adjoining properties.

There was discussion regarding the use of the right-of-way and the possibilities of future divisions on this property.

There being no further comment, the public hearing was closed.

Mr. Runkle asked Mr. Taylor if moving the road was a possibility.

Mr. Taylor stated that he was not in the position to do that at this time.

Mr. Svoboda added that the Knight property also has a structure on it and that he was not sure that moving the road would be the solution given the existence of that structure.

Mr. Runkle pointed out that it is desirable for the property owners to work out these types of details, noting that the future may bring more traffic to that road.

Mr. Taylor stated that if he should decide to develop his property, the road would not be an issue to property owners behind him because the access would not go that far.

There was discussion on the right-of-way and the future development possibilities.

Mr. Herring asked Mr. Svoboda if the variance could condition that no other structures may be built this close to the road.

Mr. Svoboda stated that conditions may be added to allow this particular addition only and that the variance would not apply as a blanket to the property.

Ms. Frye made a motion to approve variance request VAR#05-012 for a 45 foot front yard variance with the following conditions:

1. The variance is granted only for the construction of the 20' x 26' kitchen/dining room addition in its original location as shown on the submitted drawing, and
2. No other additions to the structure are allowed under this variance. Any future additions shall meet setback requirements or will require a separate variance.

Mr. Herring seconded the motion.

Mr. Daughtry asked Mr. Svoboda to call for the vote.

Mr. Svoboda called for the vote.

AYE

NAY

Ms. Frye
Mr. Runkle
Mr. Herring
Mr. Daughtry

The motion to approve carried by a 4-0 vote.

Mr. Taylor thanked the Board for their consideration.

OLD/NEW BUSINESS

Mr. Svoboda informed the Board that he had researched the previous question regarding the home on Rock Island Drive that seemed to be within the setback. He stated that an administrative variance was granted in that instance.

Mr. Runkle stated that Erosion & Sediment Control issues seem to be a general problem throughout the county.

Mr. Svoboda stated that he had noted the issues and would bring them to the attention of the County Engineer.

There was discussion on E & S issues and how they are addressed throughout the county.

MINUTES

Mr. Runkle made a motion to approve the minutes of November 18, 2004 as presented.

Ms. Frye seconded the motion.

The minutes of November 18, 2004 were unanimously approved.

OTHER MATTERS

Mr. Daughtry asked if the agenda was set for next month.

Mr. Svoboda advised that there will be two variance requests on the agenda for May.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley

Marsha Alley, Secretary