

BOARD OF ZONING APPEALS
November 16, 2017

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF ZONING APPEALS WAS HELD ON THURSDAY, NOVEMBER 16, 2017 AT 7:30 P.M.

Those present were: Richard Herring, Chairman
 Frank Morris, Vice-Chairman
 Bob Runkle, Member
 Lyle Durrer, Member

Those absent were: Bill Schmidt, Member
 Brent Wilson, Alternate Member

Staff present were: Bart Svoboda, Zoning Administrator
 Shawn Leake, Zoning Officer
 Marsha Alley, Secretary

CALL TO ORDER

The Chairman called the meeting to order.

PLEDGE OF ALLEGIANCE & PRAYER

Mr. Herring lead the Pledge of Allegiance.

Mr. Morris offered a prayer to begin the meeting.

DETERMINATION OF QUORUM

The Chairman asked Mr. Svoboda to determine a quorum by roll call.

Mr. Svoboda took roll and determined a quorum.

PUBLIC HEARINGS

Clayton Homes of Charlottesville/Scott Borrelli request a 1 ft. front setback variance from Article 4 of the Greene County Zoning Ordinance which requires a 75 ft. front setback. This request is on property that is identified on the County Tax Maps as 45-(A)-25A4 located at 123 Wildview Lane containing approximately 3.21 acres and is zoned A-1, Agriculture. (VAR#17-002)

Mr. Svoboda reviewed the request and offered a brief description of the setback issue. He reviewed the information regarding the setback requirements and the requested variance and presented a plat, maps, photos, and other information to demonstrate the setback issue. He pointed out that one of the unusual features of this lot is that all of the 40 ft. right-of-way is located on this parcel. He stated that the structure is currently located 74.8 ft. from the property line and a 1 ft. variance is being requested. He read

the criteria listed in the Code of Virginia relating to the granting of a variance. He commented that the applicant could describe the topography of the site. He offered the history of the zoning inspections and the finding of the structure not meeting the setback which led to the request for a variance.

The Chairman swore in the speakers.

Britt Kelly, representing Clayton Homes of Charlottesville, addressed the Board. He stated that Mr. Svoboda had covered the information very well. He stated that he had placed the house and the mistake was his. He added that he did not know how this happened and that he had pushed the structure as far against the cliff as he could and thought there was enough space. He noted that he was as surprised as anyone when this discovery was made. He reviewed the topography of the parcel, noting that there are steep drop-offs behind the house which have been filled in at this time. He stated that if the house had moved back further, then it would have resulted in additional roof height.

The Chairman opened the public hearing.

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

Mr. Morris stated that he could understand the topography being an issue on the site. He noted that his experience as a builder would suggest that moving the structure into the steeper slope may require an engineer and additional costs.

Mr. Kelly agreed that an engineer would have been required.

Mr. Herring added that it appears that the house could have been moved at least the four inches.

Mr. Kelly agreed that he would have done that had he known.

Mr. Herring noted that the house looks a lot further away from road than it measures.

Mr. Svoboda stated that the surface of the road is more than 75 ft. from the structure because the driving surface is not centered in the right-of-way.

Mr. Herring pointed out that several properties use the access. He noted that this question had nothing to do with the request but asked if the property that is served by this driveway could be divided for future lots.

Mr. Svoboda stated that there is potential for divisions.

Mr. Herring stated that upstream a road could be created for access but thought there might be a limitation of the number of parcels that can be off of a private driveway.

Mr. Svoboda explained that the road requirements are based on how the lots are created.

There was discussion regarding the potential for the subdivision of the property along the access and the area topography.

Mr. Svoboda stated that the applicant has followed process and have provided the information that was requested.

Mr. Morris made a motion to approve the request for a 1 ft. front yard setback variance (VAR#17-002) along Wildview Lane.

Mr. Durrer seconded the motion.

The vote was taken.

AYE

Mr. Runkle
Mr. Durrer
Mr. Morris
Mr. Herring

NAY

ABSTAIN

The motion to approve variance request (VAR#17-002) carried by a 4-0 vote.

OLD/NEW BUSINESS

Mr. Svoboda stated that there are no cases for next month and there will be no meeting in December. He added that the next meeting will be held on January 24, 2018.

Mr. Svoboda stated that Mr. Chandler is available in January for training sessions. He reviewed the dates and times of availability.

There was discussion regarding the preferred date and time for training.

MINUTES

Mr. Morris made a motion to approve the minutes of October 25, 2017 as presented.

Mr. Durrer seconded the motion.

The vote was taken and the minutes of October 25, 2017 were approved by a 4-0 vote.

OTHER MATTERS

There were no other matters for discussion.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley

Marsha Alley, Secretary



BZA Chairman/Vice-Chairman Date