

**FLUVANNA COUNTY
BOARD OF ZONING APPEALS**

MINUTES

December 1, 2009

Members Present: Mr. Harold Morris
Mr. Michael Lawson
Mr. William Anderson
Mr. Wendell Pollard

Members Absent: Ms. Mary Leland

Staff Present: Mr. Darren Coffey, Planning Director

CALL TO ORDER:

Mr. Harold Morris, Vice-Chairman called the Board of Zoning Appeals meeting of December 1, 2009 to order at 7:00 p.m.

APPROVAL OF MINUTES:

Mr. Anderson made a motion seconded by Mr. Pollard to approve the minutes of the June 2, 2009 meeting as presented. The motion to approve was carried with a vote of four (4) to zero (0).

PUBLIC HEARINGS:

BZA 09:02 – Gary & Thelma Sipe: A request for a variance to Fluvanna County Code Section 22-4-3.(e)(1) to allow for the reduction in the minimum setback required from a public road from 200 feet to 122.87 feet with respect to 2.0 acres of Tax Map 39, Section A, Parcel 101A. The affected property is located in the Cunningham Election District on the northern side of Route 6 (West River Road) approximately 0.37 miles east of Route 620 (Rolling Road South). The property is zoned A-1, Agricultural, General and is within the Rural Preservation Planning Area.

Mr. and Mrs. Gary Sipe, were present as applicant on this request.

Vice-Chairman Morris opened the public hearing.

With no one wishing to speak, Vice-Chairman Morris closed the public hearing.

Board of Zoning Appeals Discussion:

Mr. Anderson stated that he thought this issue regarding the expansion of non-conforming structures had been addressed previously with a zoning text amendment to allow for it to legally occur without a variance.

Mr. Pollard stated that he thought the County had dropped the ball on this issue and that it should be rectified immediately. The citizens have to pay for variances due to the ordinance not having been changed as it was requested and intended by the BZA (with regard to non-conforming uses).

The following motion was offered:

MOTION:

Mr. Pollard made a motion to *approve* BZA 09:02 as a variance of 77.13' to allow for 122.87' setback from a public road, seconded by Mr. Lawson.

Mr. Anderson stated that he felt that not granting the variance would result in an unreasonable restriction and a hardship. Granting the variance would be an action that applied directly to the property involved with no detrimental impact to the surrounding area.

The motion to *approve* carried with a vote of four (4) to zero (0).

NEW BUSINESS:

ADJOURNMENT:

There being no further business, the Board of Zoning Appeals adjourned unanimously at 7:19 p.m.

Minutes recorded by Darren Coffey and transcribed by Mary Weaver.

Vice-Chairman Harold Morris
Fluvanna County Board of Zoning Appeals

APPROVED