

**FLUVANNA COUNTY BOARD OF ZONING APPEALS**  
Morris Room, Fluvanna County Administration  
Building February 20, 2018  
**7:00 PM (Morris Room)**

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

**Staff Present:** Brad Robinson, Senior Planner  
Frederick Payne, County Attorney  
Stephanie Keuther, Senior Program Support Assistant

**Members Absent:** Jason Stewart, Planning and Zoning Administrator/**Secretary**

**CALL TO ORDER:**

Senior Planner Brad Robinson called the Board of Zoning Appeals meeting of February 20, 2018 to order at 7:00 p.m.

**ELECTION OF OFFICERS:**

Senior Planner Brad Robinson informed the Board of Zoning Appeal members that an election of officers was required before the start of the meeting.

**Motion:**

Loving made a motion to keep Harold Morris as Chairman of the Board of Zoning Appeals, seconded by Von Keyserling. The election of chairman was carried with a vote of 4-0-1 AYES: Loving, Von Keyserling, Walker, and Zimmer NAYS: None ABSTAIN: Morris ABSENT: None

**Motion:**

Loving made a motion to keep Peter Von Keyserling as vice chairman of the Board of Zoning Appeals, seconded by Walker. The election of Vice Chairman was carried with a vote of 4-0-1 AYES: Loving, Walker, Morris and Zimmer. NAYS: None ABSTAIN: Von Keyserling ABSENT: None

**Motion:**

By consensus, a motion was made by Von Keyserling to keep Jason Stewart, Planning and Zoning Administrator, as Secretary of the Board of Zoning Appeals. The election of Secretary was carried with a vote of 5-0-0 AYES: Loving, Walker, Morris, Zimmer and Von Keyserling. NAYS: None ABSTAIN: None ABSENT: None

**Adoption of the By Laws/Meeting Schedule:**

**Motion:**

Von Keyserling made a motion to adopt the Fluvanna County Board of Zoning Appeals 2018 regular Meeting Calendar, with one change: the November 2018 meeting would be held on the 27<sup>th</sup> the 4<sup>th</sup> Tuesday of the month due to the Thanksgiving holiday. Seconded by Loving. The motion to approve was carried with a vote of 5-0-0 AYES: Von Keyserling, Loving, Morris, Zimmer and Walker. NAYS: None ABSTAIN: None ABSENT: None

**APPROVAL OF MINUTES:**

Loving made a motion to approve the minutes of the January 10, 2017 as presented. Seconded by Zimmer. The motion to approve was carried with a vote of 5-0-0 AYES: Walker, Zimmer, Von Keyserling, Morris and Loving NAYS: None ABSTAIN: None ABSENT: None

**PUBLIC HEARING:**

**BZA 18:01 Bella Terra Farm LLC – Brad Robinson, Senior Planner**

A request for a variance to Fluvanna County Code Sec.22-4-3(C) of the Zoning Ordinance to allow for the reduction of the minimum frontage required along a public road, from 300 feet to 296.59 feet, for the purpose of subdividing 8.869 acres from an existing 11.558 acre parcel being Tax Map 4, Section A, Parcel 38. A Special use permit SUP 14:01 was approved in May 2014 for a landscaping materials supply business. The applicant desires to subdivide property to have business on one parcel and construct a home on the other parcel.

**Von Keyserling:** I understand in terms of financing the home, the bank is requesting this change because they don't want the house and the business on the same piece of property they're going to finance.

**Applicant, Tim Reese:** Yes, I didn't realize when I first bought the property I would have to do this. My lawyer and accountant advised me at the time of purchase to deed as an LLC. I thought the family division would be fine but I can't divide a family division with a business.

**Pam Gregory:** I live at 2171 across from Mr. Reese's. Will the driveway stay where it is for your business?

**Applicant, Tim Reese:** Yes, I don't think VDOT would allow further south.

**Pam Gregory:** My other question is can you sell this to another business later on? Because we're across from the driveway and we don't want to have to revisit this again possibly in (4) four years with a special use permit to someone else who will collect trash or condense cars if you decide you want to move.

**Loving:** That's a better question for the county attorney or the Planning department. Because the special use permit is unique for this particular business.

**Payne:** First question is the subdivision: it creates two lots. There's nothing that constrains this owner to keep these two lots as they are. He could change his mind over the years. If it was sold, that is another question. It could be a special use permit applied or rezoned. We can't guarantee what would happen to it.

**Pam Gregory:** So whoever bought it would have to have a special use permit if they did anything other than put a home on it.

**Mr. Gregory:** The reason we ask is because this is a residential community. He built this business in a residential community and we don't want any other business or traffic here.

**Pam Gregory:** I will say we have been pleasantly surprised with the business across the street. The employees have been quiet, and there has been no trash. The only complaint we have is the screening.

**Zimmer:** There are businesses that have by right in agricultural areas. However, they would have to have a special use permit.

**Mr. Gregory:** Is the driveway going to be on the existing lot?

**Loving:** That would be for the transportation of department to review

**Walker:** If there were another business, there would be conditions that would have to be met.

**Von Keyserling:** We can't address something that could be of future use. Were only supposed to address the footage.

**Zimmer:** Does this special use permit convey to this?

**Payne:** It would go to both.

**Von Keyserling:** Are you sure, it would go to both?

**Payne:** It's the same land; the permit goes with the land

**Loving:** I interpret the SUP as unique to Bella Terra.

**Payne:** No, it runs with the land not the business.

**Zimmer:** No, it's specific to the uses.

At this point, Mr. Payne Listed examples that don't require SUP by right.

**Von Keyserling:** Does this answer you?

**Mr. Gregory:** I understand, we just want to make sure we didn't lead to a something similar to the 2014 debacle

**Loving:** In your letter to Brad you tried to seek another remedy.

**Applicant, Tim Reese:** Yes, I asked both of our neighbors to purchase a piece of their property. Nevertheless, it was not an option for them to do so. The other option is re-deed everything in my name but it would call the note on the loan.

**MOTION:**

**Von Keyserling made a motion to approve BZA 18:01, a request for a variance to Fluvanna County Code Sec. 22-4-3(C) of the Zoning Ordinance to allow for the reduction of the minimum frontage required along a public road, from 300 feet to 296.59 feet, for the purpose of subdividing 8.869 acres from an existing 11.558 acre parcel being Tax Map 4, Section A, Parcel 38. Seconded by Loving. The motion carried with a vote of 5-0-0 AYES: Loving, Von Keyserling, Walker, Zimmer and Morris NAYS: None ABSTAIN: None ABSENT: None**

**Unfinished Business:**

None

**New Business:**

None

**ADJOURNMENT:**

There being no further business, Chairman Morris adjourned the Board of Zoning Appeals meeting of February 20, 2018 at 7:29 p.m.

Minutes recorded by Stephanie Keuther.

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**Chairman Harold Morris  
Fluvanna County Board of  
Zoning Appeals**