

FLUVANNA COUNTY BOARD OF ZONING APPEALS

Morris Room, Fluvanna County Administration

Building March 19, 2019

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
Holly Steele, Planner
Frederick Payne, County Attorney
Valencia Porter, 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 March 19, 2019 to order at 7:01 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 5-0 AYES: Loving, Von Keyserling, Morris, Walker, and Zimmer NAYS: None ABSTAIN: None ABSENT: None

Motion:

Walker made a motion to keep Peter Von Keyserling as vice chairman of the Board of Zoning Appeals, seconded by Loving. The election of Vice Chairman was carried with a vote of 5-0 AYES: Loving, Von Keyserling, Walker, Morris and Zimmer. 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 2019 regular Meeting Calendar the November 2019 meeting. Seconded by Walker. The motion to approve was carried with a vote of 5-0 AYES: Von Keyserling, Loving, Morris, Zimmer and Walker. NAYS: None ABSTAIN: None ABSENT: None

APPROVAL OF MINUTES:

Von Keyserling made a motion to approve the minutes of the July 3, 2018 as presented. Seconded by Walker. The motion to approve was carried with a vote of 5-0 AYES: Walker, Zimmer, Von Keyserling, Morris and Loving NAYS: None ABSTAIN: None ABSENT: None

PUBLIC HEARING:

BZA 19:01—Todd and Casey Robinson—Holly Steele-- Planner

A request for a variance to Fluvanna County Code Sec.22-4-3(E) of the Zoning Ordinance to allow for the reduction of the minimum front setback required along a public road, from 125 feet to 80 feet and, for the purpose of constructing an attached garage to their existing home and bringing the existing home into compliance with the front yard setback requirements for Tax Map 19, Section 13, Parcel 16.

- The applicants wish to construct a two-car garage addition onto their existing home
- Existence of flood plain on the property
- Location of the well/septic system
- Steep topography of parcel
- Home was not built in accordance with Fluvanna County's building setback regulations. There was existing encroachment when the Robinsons bought the home in 2017
- Owner's disability

Von Keyserling: My only question is that this addition is to accommodate it by your garage from the little bit of extension by the house foundation. Is that right?

Todd Robinson: Yes sir, it is to have it attached to the house for accessibility for her.

Von Keyserling: Yes sir that only would make more sense. I just wanted to make sure I understood.

Morris: Do you have any other additional comments?

Casey Robinson: I can assure you that my leg will not grow back.... (Laughing)

Morris: Other than that it seems to me like it's a genuine need so I don't think no one here is going to argue that.

Casey Robinson: I can just tell you that being out with the crutches, they are uneven to rain, wet....etc.

Morris: Yes, having this addition will be an ease.

Holly Steele, Planner: They do have some special conditions going on with their property. When they purchased the home in 2017, it was already not built to meet Fluvanna County standards because it was built in 2006.

Zimmer: The setbacks were existing in 2015?

Holly Steele, Planner: Right, so in 2006, I'm not sure how that made it through Planning, not sure as none of us were here in 2006. So somehow it was built and was not up for what our setbacks are.

Morris: So it has become a pre-existing condition.

Zimmer: These setbacks were established in 2004.

Holly Steele, Planner: Right.

Von Keyserling: They had a building permit approved before that.

Payne: It may have been but I was going to ask the same question but I don't know the answer for that.

Holly Steele, Planner: It's always a chance that the setbacks were put on all the building and planning forms, and it just wasn't built correctly. That's always a possibility as well.

Walker: I know that Joseph Burkhead in 1991 had the property, but he's deceased now so maybe sometime before that he presented plans for a house or something like that.

Morris: I have a question for Brad maybe you know that answer to: If a person had put in a request for a permit to build, and it was in before we changed things, which happened in the process, will the approval of the original one still hold, or would we go back to them and tell them they have to change it?

Brad Robinson, Senior Planner: What are we speaking of?

Morris: Like this house, let's assume that it was built at the 85 feet that shows on the map, and that was in compliance when the request for the building permit was made. Then shortly thereafter we changed the zoning in the county to 125 feet. Which would rule?

Brad Robinson, Senior Planner: The 85 feet would hold.

Payne: It depends on whether the landowner had obtained a vested right, and that would be if the significant act by the county, the building permit, would be such an action and then the owner followed up in due course and expended moneys, and that sort of thing.

Von Keyserling: So like if they have done anything to try and pursue it.

Payne: Maybe not like anything, that's possible.

Von Keyserling: Whether or not it was a well or septic or not.

Payne: In that case, it would be a long line form of use, that's possible.

MOTION:

Loving made a motion to approve BZA 19:01, a request for a variance to Fluvanna County Code Sec. 22-4-3(E) of the Zoning Ordinance to allow for the reduction of the minimum frontage required along a public road, from 125 feet to 80 feet, for the purpose of construction an attached garage to their existing home and bringing the existing home into compliance with the front yard setback requirements for Tax Map 19, Section 13, Parcel 16. Seconded by Von Keyserling. The motion carried with a vote of 5-0 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 March 19, 2019 at 7:30 p.m.

Minutes recorded by Valencia Porter, Senior Program Support Assistant

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