

## FLUVANNA COUNTY BOARD OF ZONING APPEALS

### ORGANIZATIONAL MEETING

Fluvanna County Morris Room  
132 Main Street, Palmyra, VA 22963

Tuesday  
January 21, 2025  
**7:00 PM**

TAB	AGENDA ITEMS
<b>1– CALL TO ORDER: Harold Morris, Chair</b>	
<b>2 - PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE</b>	
<b>3– 2025 ORGANIZATIONAL MEETING:</b>	
	Election of the 2025 BZA Officers
	Adoption of 2025 Meeting Schedule
	Adoption of the 2025 By Laws and Procedures
<b>4 – MINUTES</b>	
	Minutes of October 10, 2024
<b>5 – PUBLIC HEARING</b>	
	<b>BZA 24:03 – Bruce Patterson:</b> A request for a twenty (20) foot Variance to Section 22-5-4 of the Fluvanna County Code to allow for the reduction of the required minimum front setback from seventy-five (75) feet to fifty-five (55) feet with respect to 0.588 acres of Tax Map 51A, Section A, Parcel 49. The subject property is zoned R-1, Residential, Limited, and is located in the Fork Union Community Planning Area and in the Fork Union Election District.
<b>6 – UNFINISHED BUSINESS</b>	
	None
<b>7 – NEW BUSINESS</b>	
	None
<b>8 – ADJOURN</b>	

*Jason Overstreet*

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Jason Overstreet, Senior Planner  
Zoning Administrator Review

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*For the Hearing-Impaired – Listening device available in the Board of Supervisors Room upon request. TTY access number is 711 to make arrangements.  
For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 591-1910.*

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## **PLEDGE OF ALLEGIANCE**

I pledge allegiance to the flag  
of the United States of America  
and to the Republic for which it stands,  
one nation, under God, indivisible,  
with liberty and justice for all.

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### **ORDER**

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

### **PUBLIC HEARING RULES OF PROCEDURE**

1. PURPOSE
  - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
  - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
  - Speakers should approach the lectern so they may be visible and audible to the Commission.
  - Each speaker should clearly state his/her name and address.
  - All comments should be directed to the Commission.
  - All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
  - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
  - Speakers with questions are encouraged to call County staff prior to the public hearing.
  - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
  - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
  - The Commission will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
  - Further public comment after the public hearing has been closed generally will not be permitted.

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# 2025 Board of Zoning Appeals

**Board of Zoning Appeals  
Meeting Dates at 7:00 pm**

- January 21, 2025
- February 18, 2025
- March 18, 2025
- April 15, 2025
- May 20, 2025
- June 17, 2025
- July 15, 2024
- August 19, 2025
- September 16, 2025
- October 21, 2025
- November 18, 2025
- December 16, 2025

BZA meetings may be subject to cancellation throughout 2025.

Fluvanna County Adm. Building  
132 Main Street—Morris Room  
Palmyra, Virginia 22963

JANUARY							FEBRUARY							MARCH							APRIL							
SU	MO	TU	W	TH	FRI	SA	SU	MO	TU	WE	TH	FRI	SA	SU	M	TU	WE	TH	FRI	SA	SU	M	TU	WE	TH	FRI	SA	
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5	6	7	8	9	10	11	2	3	4	5	6	7	8	2	3	4	5	6	7	8	6	7	8	9	10	11	12	
12	13	14	15	16	17	18	9	10	11	12	13	14	15	9	10	11	12	13	14	15	13	14	15	16	17	18	19	
19	20	21	22	23	24	25	16	17	18	19	20	21	22	16	17	18	19	20	21	22	20	21	22	23	24	25	26	
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MAY							JUNE							JULY							AUGUST							
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4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	
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SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER							
SU	M	TU	W	TH	FR	SA	S	MO	TU	WE	TH	FRI	SA	SU	MO	TU	WE	TH	FRI	SA	SU	MO	TUE	W	TH	FRI	SA	
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14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20	
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28	29	30					26	27	28	29	30	31		23/ 30	24	25	26	27	28	29	28	29	30	31				

**BY - LAWS**  
**FLUVANNA COUNTY BOARD OF ZONING APPEALS**

**I. OBJECTIVES; READOPTION AND AMENDMENT**

This Board of Zoning Appeals, established pursuant to an ordinance adopted by the Fluvanna County Board of Supervisors and effective on the 1<sup>st</sup> day January 1974, adopted the following provisions in order to facilitate its powers and duties in accordance with (Chapter 11, Title 15, Article 8, Section 15.1-495 Code of Virginia, 1950 as amended). These Bylaws are hereby amended and readopted pursuant to Title 15.2, Subtitle II, Ch. 22, Art. 7 of the Code of Virginia (1950), as amended, and are effective on and after January 10, 2017.

**II. TITLE**

The official title of this board shall be the Fluvanna County Board of Zoning Appeals.

**III. RULES FOR MEMBERS**

Members having any interest or personal concern over a case shall so state and shall disqualify themselves from acting on that case; and shall, in all cases, comply with the Code of Virginia regarding conflicts of interests (Title 2.2, Subtitle I, Part E, Ch. 31) .

**IV. SELECTION OF OFFICERS**

The officers of the Board of Zoning Appeals shall consist of a chairman, vice chairman, and a secretary who shall be elected by the board in accordance with Virginia Code Sec. 15.2-2308-C.. The secretary may or may not be a member of the board.

Each officer shall be elected for a term of one year and may be reelected; except that the secretary, if not a member of the board, may be appointed for an indefinite term and continue office during the pleasure of the board.

Nominations shall be made by members from the floor at the first regular meeting of each calendar year. A candidate receiving a majority vote of the entire membership of the board shall be declared elected and take office immediately and serve for one year or until his successor shall take office. Vacancies in office shall be filled immediately by regular election procedures.

**V. DUTIES OF OFFICERS**

The chairman shall be a citizen member of the Board of Zoning Appeals and shall preside at all meetings for the board; sign all actions passed by the board certifying that the same were duly adopted. After his signature is affixed to any action, the same shall be considered immediately entered as a public record.

The vice chairman shall be a citizen member of the board and shall act in the absence or inability of the chairman to act; and shall have the powers to function in the same capacity of the chairman in cases of the chairman's inability to act.

The secretary shall keep a written record of all business transacted by the board; Notify all members and other parties as the chairman may direct on all meetings;

Keep a file of all official records and reports of the board;  
Certify all maps, records and reports of the board;  
Serve notice of all hearings and public meetings; attend to correspondence of the board as hereinafter prescribed;  
Keep a set of minutes as hereinafter prescribed, together with a verbatim record of all proceedings of the board; and  
Prepare and be responsible for the publishing of notices and advertisements relating to public hearings in section VI of these By- Laws.

## VI. MEETINGS

Regular meetings of the Board of Zoning Appeals shall be held the Third Tuesday of the month beginning at 7:00 P.M except as provided by a majority vote of the board.

When a meeting date falls on a legal holiday, the meeting shall be held on the following day unless otherwise designated by the chairman.

Special meetings may be called at the request of a quorum of the membership or by the chairman when appropriate work load require same to be held. Written notice of meetings shall be given to each member at least five days prior to such meetings and shall state the purpose and time of the meeting. Such notice may be delivered by regular mail or by electronic transmission, to the extent authorized by the addressee.

All regular hearings, records, and accounts shall be open to the public as provided by law. Closed meetings may be held in accordance with the Virginia Freedom of Information Act (Title 2.2, Subtitle II, Part B, Ch. 37).

A majority of the membership of the board shall constitute a quorum. The board shall fix a reasonable time for the hearing of a application or appeal, give public notice thereof pursuant to Virginia Code Sec. 15.2-2311, shall, in addition, cause such notice to be advertised in accordance with the provisions of Virginia Code Sec. 2204, and shall decide the same within ninety(90) days. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. The concurring vote of a majority of all members shall be necessary to reverse any order, requirement, and decision, or determination of an administrative officer or to decide in favor of the applicant or any matter upon which it is required to pass under the ordinance or to effect any variance from the zoning ordinance. Voting shall be by roll call, and a record of the vote shall be kept as a part of the minutes.

Except as otherwise expressly provided by these Bylaws or by law, procedures for meetings of the board shall be governed by Robert's Rules of Order, 11<sup>th</sup> Edition.

## VII. ORDER OF BUSINESS

The order of business for a regular meeting shall be:

1. Call to order by the chairman;
2. Roll call;
3. Determination of quorum;
4. Approval of minutes;

5. Report of the secretary;
6. Report of special committees (if any);
7. Unfinished business;
8. Public hearings;
9. Closed meeting (if any);
10. Adjournment

The secretary shall take down motions as accurately as possible to reflect the intent of the board. Any member may require that the secretary read back each motion before a vote is taken. The names of the persons making and seconding motions shall be recorded by the secretary.

The Board of Zoning Appeals shall keep a set of all minutes for all regular, adjourned and special meetings as well as committee meetings.

The secretary shall sign all minutes and certify copies following the adoption of the minutes with any corrections.

### **HEARINGS**

In addition to those required by law the board may at its discretion hold public hearings when it decides such hearings will be in the public's interest.

The chairman of the board may administer oaths and compel the attendance of witnesses the secretary shall notify the parties in interest and the Zoning Administrator of its decision.

### **CORRESPONDENCE**

It shall be the duty of the secretary to draft and sign all correspondence necessary for the Board. It shall be the duty of the secretary to communicate by writing, by telephone or by electronic communication as authorized by these Bylaws or by law whenever necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

All official papers and plans involving the authority of the board shall bear the signature of the chairman or acting chairman. Copies of same shall be certified by the secretary.

### **AMENDMENTS**

These rules may be changed by a majority vote of the entire membership.

The board may temporarily suspend any of the rules by a unanimous vote of members present.

**FLUVANNA COUNTY BOARD OF ZONING APPEALS**

Fluvanna County Administration Building

Morris Room

**October 15, 2024**

**7:00 PM**

**Members Present:** Harold Morris  
Peter Von Keyserling  
Ed Zimmer  
James Winsett  
Easton Loving

**Members Absent:** None

**Staff Present:** Jason Overstreet, Senior Planner  
Dan Whitten, County Attorney  
Todd Fortune, Planning Director

**1. CALL TO ORDER:**

Chair Harold Morris called the Board of Zoning Appeals meeting of October 15, 2024 to order at 7:00 pm.

**2. Pledge of Allegiance, Moment of Silence**

**3. Adoption of Agenda:**

<b>MOTION:</b>	To Adopt the Agenda for October, 15 2024				
<b>MEMBER:</b>	Morris	Keyserling	Loving	Zimmer	Winsett
<b>ACTION:</b>	Second		Motion		
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0 Approved</b>				

**4. Election of Secretary:**

The Board was informed that the position of Secretary needed to be updated as the current Secretary no longer works for the Planning Department. The Board elected the Senior Planner, Jason Overstreet to the position.

<b>MOTION:</b>	To Elect Senior Planner as Secretary October 15, 2024				
<b>MEMBER:</b>	Morris	Keyserling	Loving	Zimmer	Winsett
<b>ACTION:</b>	Second		Morris		
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0 Approved</b>				

**5. Approval of Minutes**

<b>MOTION:</b>	Board of Zoning Appeals Minutes of February 4, 2024				
<b>MEMBER:</b>	Morris	Keyserling	Loving	Zimmer	Winsett
<b>ACTION:</b>	Second	Motion			
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0 Approved</b>				

**6. PUBLIC HEARING:**

**BZA 24:02 – Clyde Nuckols: A request for a seventy-five (75) foot Variance to Section 22-4-3 (E) (2) of the Fluvanna County Code to allow for the reduction of the minimum front setback from one hundred (125) feet to fifty (50) feet, and a request for a thirty (30) foot Variance to Section 22-4-3 (F) of the Fluvanna County Code to allow for the reduction of the minimum side yard from fifty (50) feet to twenty (20) feet with respect to 3.4 acres of Tax Map 3, Section 30, Parcel 6. The subject property is zoned A-1, Agricultural, General, and is located in the Zion Crossroads Community Planning Area and in the Palmyra Election District.**

The Senior Planner presented the request to the Board and informed them that the requested variances could be altered if necessary. The Board asked if the variance would have any detrimental effect on public use. The Senior Planner explain that it would not, there was a large slope on the property and the only effect it would it have would be is that it would make is closer to another house on an adjoining property. Th Board had questions about the 2001

setbacks and the Senior Planner was able to show the information on the submitted plat. The Senior Planner advised the board that the variance met all 5 requirements as listed on the conditions and will not cause any problems to adjacent properties. The board had questions about the topography effecting the buildable space. The board questioned the senior planning if the Planning Department thought this was necessary and the Senior Planner did advised the Planning Department did.

Chair Morris opened the Public Hearing at 7:10 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

- Clyde Nuckols, 28 Ridgeway Farm Court, conveyed to the Board that due to his wife’s recent passing that he wishes to downsizing his property interests and that due to the current setback requirements he has been unable to sell the property.

With no one else wishing to speak in person, Chair Morris closed the Public Hearing at 7:12 pm.

<b>MOTION:</b>	I move to (approve/deny/defer) BZA 24:02 – A request for a seventy-five (75) foot Variance to Section 22-4-3 (E) (2) to allow for the reduction of the minimum front setback from one hundred twenty-five (125) feet to fifty (50) feet, and a request for a thirty (30) foot Variance to Section 22-4-3 (F) to allow for the reduction of the minimum side yard from fifty (50) feet to twenty (20) feet with respect to 3.4 acres of Tax Map 3, Section 30, Parcel 6.				
<b>MEMBER:</b>	Morris	Keyserling	Loving	Zimmer	Winsett
<b>ACTION:</b>		Second	Motion		
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0 Approved</b>				

**7. Unfinished Business:**

None

**8. New Business:**

None

**9. ADJOURNMENT:**

<b>MOTION:</b>	<b>Adjourn at 7:16 pm by consent.</b>				
<b>MEMBER:</b>	Morris	Keyserling	Loving	Zimmer	Winsett
<b>ACTION:</b>			Motion	Second	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0 Approved</b>				

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Chairman Harold Morris  
Fluvanna County Board of  
Zoning Appeals





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# COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

132 Main Street  
P.O. Box 540  
Palmyra, VA 22963  
(434) 591-1910  
Fax (434) 591-1911  
www.fluvannacounty.org

## BOARD OF ZONING APPEALS STAFF REPORT

**To:** Board of Zoning Appeals  
**Case:** BZA 24:03 Variance  
**Date:** January 21, 2025

**From:** Jason Overstreet, Senior Planner  
**District:** Fork Union District  
**Tax Map:** 51A Section A Parcel 49

**General Info:** The Board of Zoning Appeals is scheduled to hear this request on Tuesday, January 21, 2025 at 7:00 pm in the Morris Room of the County Administration Building.

**Applicants:** Liberty Homes VA, Inc

**Request:** **BZA 24:03** – Bruce Patterson: A request for a twenty (20) foot Variance to Section 22-5-4 of the Fluvanna County Code to allow for the reduction of the required minimum front setback from seventy-five (75) feet to fifty-five (55) feet with respect to 0.588 acres of Tax Map 51A, Section A, Parcel 49. The subject property is zoned R-1, Residential, Limited, and is located in the Fork Union Community Planning Area and in the Fork Union Election District. (Attachment A)

**Code Section:** Fluvanna County Code Sec. 22-5-4

**Location:** The subject property is located in the Fork Union Election District on the west side of James Madison Highway, US Route 15, near the intersection with Pettit Foster Lane, Route 652. (Attachment B)

**Existing Zoning:** R-1, Residential, Limited

**Existing Land Use:** Single Family Suburban - Vacant

**Adjacent Land Use:** Vacant or Commercial

**Comprehensive Plan:** Fork Union Community Planning Area

**Analysis:**

The applicant is seeking a variance of twenty feet (20') from the required seventy-five foot (75') minimum front setback off of James Madison Highway.

This 0.588-acre parcel predates the zoning ordinance which when adopted effectively made both the lot and the single-family dwelling nonconforming. The lot contained a single-family dwelling that was destroyed by fire on June 27, 2024. Per section 22-16-8(A) of the County Code, where in any zone, a conforming structure devoted to a non-conforming activity or a nonconforming structure is destroyed or damaged in any manner, whether wholly or partially, either may be repaired or restored provided such repair or restoration is started within twelve (12) months from the date of damage or partial destruction. Such restoration shall not exceed two hundred percent (200%) of its size in square footage when destroyed. Any such expansion exceeding one hundred percent (100%) of the original structure shall conform with the yard requirements of this ordinance.

Sec. 22-5-4. – Setback regulations.

Structures shall be located seventy-five feet (75') or more from any street right-of-way. This shall be known as the "setback line."

As stated in Section 22-18-2(B) of the Fluvanna County Code, the Board of Zoning Appeals must consider certain statutory considerations when reviewing a variance request.

The Board may grant a variance if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and:

- i. the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- ii. the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- iii. the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
- iv. the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- v. the relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.

The Board must make each of the above findings in order to grant a variance as required by the Code of Virginia. Approval of a variance that does not meet each finding would be

unlawful. The Board may impose, as part of an approval, conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

After evaluation of the above factors, staff has the following comments:

***The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance:***

The property was acquired in good faith and the hardship was not created by the applicant.

***The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area:***

The granting of the variance will have limited if any impact on the adjacent and nearby properties.

***The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance:***

The conditions affecting this property, while not necessarily limited to this parcel, are not of so general a nature to require a new regulation.

***The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property:***

Granting of the requested variance would not result in a change to the zoning classification nor would it result in a use that is not permitted.

***The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application:***

A special use permit solution or process is not available for this particular variance application. No zoning ordinance amendment has been proposed nor is there one in process for this section of the ordinance.

**Suggested Motion:**

I move to (approve/deny/defer) BZA 24:03 – Bruce Patterson: A request for a twenty (20) foot Variance to Section 22-5-4 of the Fluvanna County Code to allow for the reduction of the required minimum front setback from seventy-five (75) feet to fifty-five (55) feet with respect to 0.588 acres of Tax Map 51A, Section A, Parcel 49. The subject property is zoned R-1, Residential, Limited, and is located in the Fork Union Community Planning Area and in the Fork Union Election District.

**Attachments:**

A – Application

B – Aerial Map

C –Plats



**COMMONWEALTH OF VIRGINIA  
COUNTY OF FLUVANNA  
Variance Application (BZA)**

**Owner of Record:** Bruce Patterson **Applicant of Record:** Liberty Homes VA, INC

E911 Address: P. O. Box 278, Fork Union, VA E911 Address: 8249 Crown Colony Pkwy, Ste 100, Mechanicsville, VA

Phone: NA Fax: NA Phone: 804-972-0215 Fax: NA

Email: NA Email: st2@libertyhomesva.com

**Representative:** Meridian Civil Survey, PLLC **Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.**

E911 Address: 195 Riverbend Dr, Ste 4, Charlottesville, VA

Phone: 434-882-0112 Fax: NA

Email: Tmiller@meridianwbe.com

**Tax Map and Parcel(s):** 51A-A-49 **Deed Book Reference:** DB 365 PG 342

**Acres:** 0.588 **Zoning:** R-1 **Deed Restrictions?**  No  Yes (Attach copy)

E911 Address of Parcel: 4635 James Madison Highway

Description of Property: North Side of Route 15 and 200' northeast of Route 652

Request for a variance from Section 22-5-4 of the Fluvanna County Code in respect to the requirement for

**Minimum Setback** in order to build **a new dwelling**

Fill in only the line(s) that apply to your request(s)	Applicant has	Code requires or permits	Variance requested
Total Area			
Lot Width			
Front yard setback	<u>55'</u>	<u>75'</u>	<u>20'</u>
Minimum side yard setback			
Total side yard setback			
Rear yard setback			
Public road frontage			
Other (write in)			

Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned authorizes entry onto the property by County employees, the Planning Commission, the Board of Supervisors, and the Board of Zoning Appeals during the normal discharge of their duties in regard to this request.

**All plats must be folded prior to submission to the Planning Department. Rolled plans will not be accepted.**

Owner/Applicant Name (Please Print)	Date	Owner/Applicant Signature
<b>OFFICE USE ONLY</b>		
Date Received:	PH Sign Deposit Received:	Application #: <b>BZA</b> _____ :
\$550 plus mailing cost and fee paid:		<b>Mailing Costs:</b> \$20.00 Adjacent Property Owner (APO) after 1st 15, Certific
Election District:	Planning Area:	
<b>Approved</b> <b>Denied</b> <b>Date:</b> _____	<b>Zoning Administrator:</b>	

Fluvanna County Department of Planning & Community Development \* Box 540 \* Palmyra, VA 22963 \* (434)591-1910 \* Fax (434)591-1911

This form is available on the Fluvanna County website: [www.fluvannacounty.org](http://www.fluvannacounty.org)

**IMPROVEMENTS PROPOSED**

Describe the improvements proposed. State whether new buildings or structures are to be constructed, existing buildings or structures are to be used, or additions made to existing buildings or structures.

Proposed construction of a new dwelling. The existing dwelling has been demolished.

**SPECIAL CONDITIONS**

Relate here the special conditions or circumstances (topography, soil type, shape of property) peculiar to the above described land, building, or structure or to the intended use or development of the land, building or structure involved that do not apply generally to other property in the same district.

The parcel is zoned R-1 and has an area of 0.588 acres. The R-1 zoning district has a minimum area of 1.00 acres. The smaller area of this parcel does not allow for a front setback of 75'.

**UNNECESSARY HARDSHIP**

Describe here how the literal interpretation and enforcement of Section 22-5-4 of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use or intended use or development of the properties involved by the applicant.

The distance between the 75' front and 50' rear setback is 21.9', which is not enough to construct a new dwelling, consequently, preventing the intended use of the parcel.

**ADJACENT PROPERTY**

Describe the effects of this variance on adjacent property and the surrounding neighborhood. How will adjoining property owners be protected.

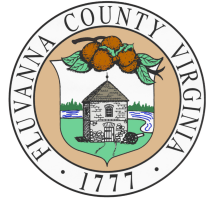
The plat in DB 168 PG 771 shows the exiting dwelling that was demolished was 30.7' from the front property line. The proposed dwelling will be 66.7' from the front property line. This will be an improvement for the adjacent property owners.

**PLAN**

Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings and structures on the site, roadways, walks, off-street parking and loading space, landscaping and the like. (Architect's sketches showing elevations of proposed buildings and structures and complete plans are desirable and may be required with the application if available.)

The application plan shows the required information.





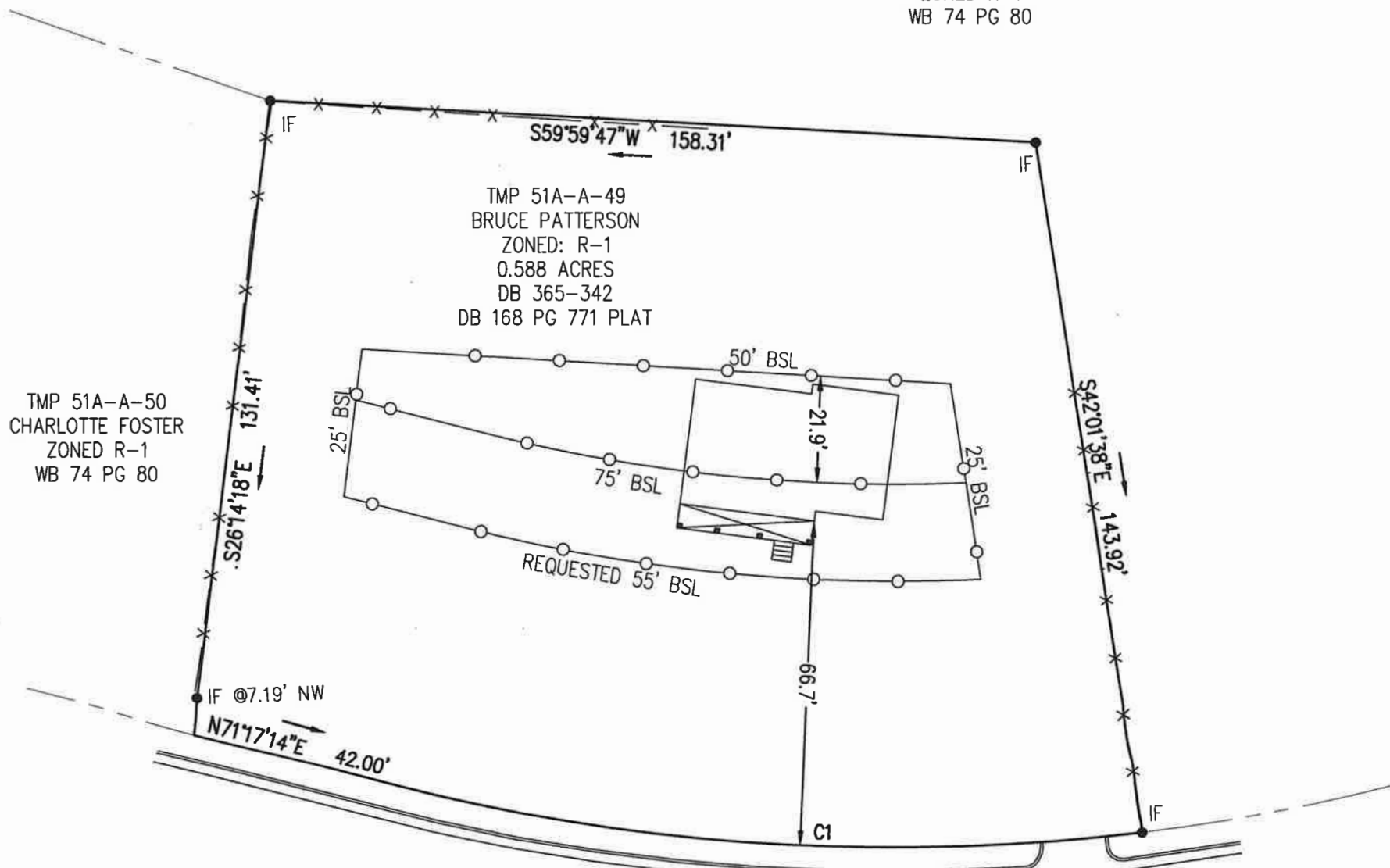
**BZA 24:03  
Variance Request  
TMP 51A-A-49**



**Date: 1/17/2025**

RECORD NORTH  
DB 1956 PG 353

TMP 51A-A-48  
CHARLOTTE FOSTER  
ZONED R-1  
WB 74 PG 80

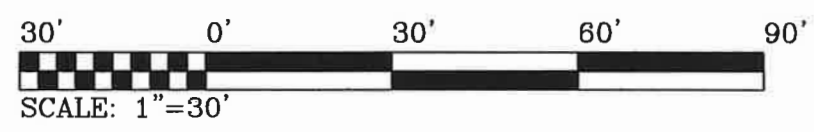


TMP 51A-A-49  
BRUCE PATTERSON  
ZONED: R-1  
0.588 ACRES  
DB 365-342  
DB 168 PG 771 PLAT

TMP 51A-A-50  
CHARLOTTE FOSTER  
ZONED R-1  
WB 74 PG 80

JAMES MADISON HWY  
ROUTE 15  
65' PUBLIC R/W

LEGEND  
BSL BUILDING SETBACK LINE  
IF IRON FOUND



**MERIDIAN**  
CIVIL - SURVEY, PLLC  
195 Riverbend Drive, Suite 4  
Charlottesville, VA 22911  
www.meridianwbe.com

APPLICATION PLAN  
REQUEST FOR FRONT SETBACK VARIANCE  
TAX MAP 51A, SECTION A, PARCEL 49  
4635 JAMES MADISON HWY  
FLUVANNA COUNTY, VA  
SHEET: 1 of 1  
FILE: F-51A-49-BPP.DWG  
DATE: NOVEMBER 27, 2024



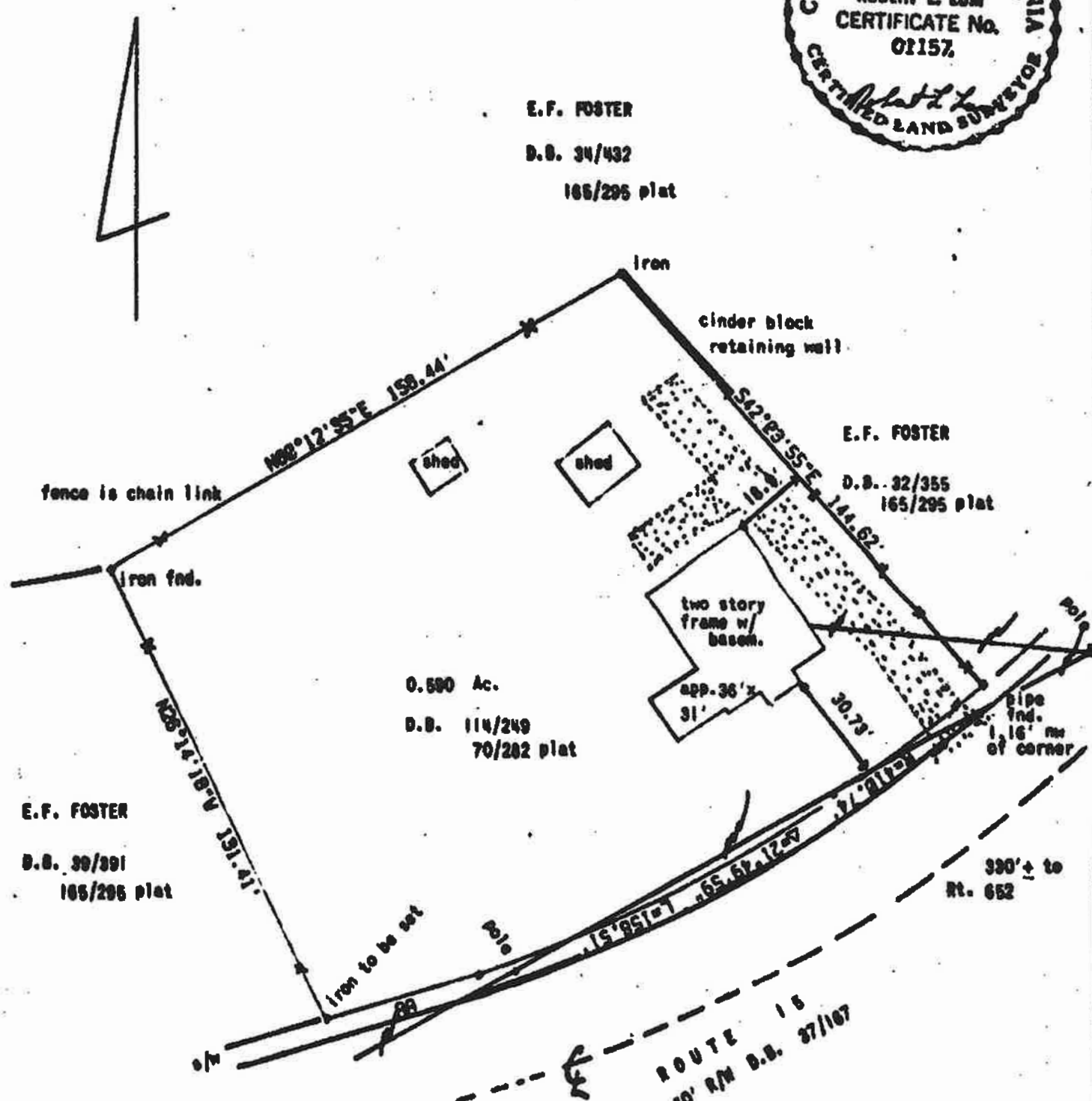
168 771

This is to certify that on August 5, 1906 I surveyed the property shown on this plat and that the title lines and walls of the building are as shown.

Notes: Irons at all corners.

The property shown hereon falls outside the 100 year flood zone as shown on the Dept. of U.S.D. Flood Hazard Map.

*Robert L. Lum*  
ROBERT L. LUM

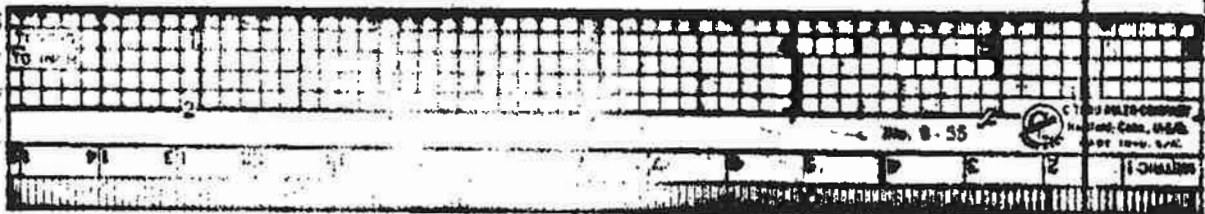


PHYSICAL SURVEY SHOWING  
TAX MAP 61A PARCEL 49  
FORK UNION DISTRICT FLUVANNA COUNTY VIRGINIA

BEARING AA S 79 22 26 W  
DISTANCE 42.00'

THE WILLIAM H. MILLER PROPERTY

DATE: August 6, 1906  
SCALE: 1"=40'



ROBERT L. LUM LAND PLANNING/ SURVEYING PALMYRA, VA.  
VIRGINIA CLERK'S OFFICE OF THE CIRCUIT COURT OF FLUVANNA COUNTY.  
Sl. R. Tax  The foregoing instrument with acknowledgment  
Co. R. Tax  was admitted to record on Aug 8 1906  
Transfer 1000 at 130 P.M. in D.B. 114/249 768-771  
City 1200 Transfer only paid on shown  
Greater Tax 500  
Total \$ 1700 with fees and costs