



FLUVANNA COUNTY BOARD OF ZONING APPEALS
Morris Room, Fluvanna County Administration Building
March 18, 2025
7:00 PM

TAB	AGENDA ITEMS
	REGULAR MEETING
1	CALL TO ORDER: Harold Morris, Chairman
2	ADOPTION OF AGENDA
3	APPROVAL OF MINUTES Minutes of January 21, 2025
4	PUBLIC HEARINGS BZA 25:01 Calderone, Jason Overstreet, Senior Planner
5	UNFINISHED BUSINESS BZA Bylaws Update
6	NEW BUSINESS None
7	ADJOURN

Planning/Zoning Administrator Review

Fluvanna County...The heart of central Virginia and your gateway to the future!

*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.*

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.

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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FLUVANNA COUNTY BOARD OF ZONING APPEALS

Fluvanna County Administration Building
 Morris Room
January 21, 2025
7:00 PM

Members Present: Harold Morris
 Peter Von Keyserling
 Easton Loving

Members Absent: Ed Zimmer
 James Winsett

Staff Present: Jason Overstreet, Senior Planner
 Dan Whitten, County Attorney
 Margie Bamford, Admin Program Assistant

1. Call to Order:

Senior Planner Jason Overstreet called the Board of Zoning Appeals meeting of January 21, 2025 to order at 7:03 pm.

2. Pledge of Allegiance, Moment of Silence

3. Election of Chair:

- Harold Morris Was nominated as Chair by Mr. Loving

MOTION:	Motion to vote Harold Morris as Chair				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Absent	Absent
RESULT:	3-0 Approved				

4. Election of Vice-Chair:

- Peter H. von Keyserling was nominated as Vice Chair by Mr. Loving.

MOTION:	Motion to vote Peter H. von Keyserling as Vice Chair				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:	Second		Motion		
VOTE:	Yes	Yes	Yes	Absent	Absent
RESULT:	3-0 Approved				

5. Election of Secretary:

- Margie Bamford was nominated by Mr. von Keyserling

MOTION:	Motion to vote Margie Bamford as Secretary				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Absent	Absent
RESULT:	3-0 Approved				

6. Adoption of the 2025 Meeting Schedule:

- Members changed November 18 meeting to November 25 due to the PC Meeting.

MOTION:	Motion to adopt the 2025 meeting calendar with changes				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Absent	Absent
RESULT:	3-0 Approved				

7. Adoption of the By Laws and Procedures:

- Mr. Whitten explained there would be changes to the by laws at the next meeting

MOTION:	Motion to adopt the 2025 By Laws and Procedures				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Absent	Absent
RESULT:	3-0 Approved				

8. Adoption of Agenda:

MOTION:	To Adopt the Agenda for January 21, 2025				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Absent	Absent
RESULT:	3-0 Approved				

9. **Approval of Minutes:**

MOTION:	Board of Zoning Appeals Minutes of October 15, 2024				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:	Second	Motion			
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	3-0 Approved				

10. **Public Hearing:**

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.

The Senior Planner presented the request to the Board and informed them that the requested variances could be altered if necessary. Mr. von Keyserling questioned that this was bringing it more into conformity with the county code. Mr. Overstreet confirmed that it was. Mr. Overstreet went over the existing conditions.

MOTION:	I move to adopt Resolution 01-2025 for 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.				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Absent	Absent
RESULT:	3-0 Approved				

11. **Unfinished Business:**

None

12. **New Business:**

None

13. **Adjournment:**

MOTION:	Adjourn at 7:19 pm by consent.				
MEMBER:	Morris	Keyserling	Loving	Zimmer	Winsett
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Absent	Absent
RESULT:	3-0 Approved				

- Meeting Minutes were recorded by Margie Bamford, Secretary to the Board of Zoning Appeals

Chairman Harold Morris
Fluvanna County Board of
Zoning Appeals



COUNTY OF FLUVANNA

"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 25:01 Variance
Date: March 18, 2025, 2025

From: Jason Overstreet, Senior Planner
District: Cunningham District
Tax Map: 47 Section A Parcel 42

General Info:

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

Applicants:

Alfonso Calderone

Request:

BZA 25:01 – Alfonso Calderone: A request for a seventy-nine (79) foot Variance to Section 22-4-3 (C) (1) (a) of the Fluvanna County Code to allow for the reduction of the required minimum frontage from five hundred (500) feet to four hundred and twenty-one (421) feet with respect to 11.04 acres of Tax Map 47, Section A, Parcel 42. The subject property is zoned A-1, Agricultural, General, and is located in the Rural Residential Planning Area and in the Cunningham Election District. (Attachment A)

Code Section:

Fluvanna County Code Sec. 22-4-3 (C) (1) (a)

Location:

The subject property is located in the Cunningham Election District on the north side of West River Road, Route 6, and is approximately 0.6 miles east from its intersection with Paynes Landing Road, Route 611. (Attachment B)

Existing Zoning:

A-1, Agricultural, General

Existing Land Use:

Agriculture/Undeveloped - Residential

Adjacent Land Use:

Vacant or Single Family Suburban - Residential

Comprehensive Plan:

Rural Residential Planning Area

Analysis:

The applicant is seeking a variance of seventy-nine feet (79') from the required five hundred foot (500') minimum frontage on West River Road. The parcel has approximately 421 feet of frontage and is considered nonconforming. The parcel's frontage was established prior to the adoption of any zoning ordinance requirements.

The applicant has provided documentation of email communications with a previous Planning Director that indicated the viability of performing a family subdivision on the parcel. Family subdivisions are not required to contain road frontage and are only required to have a 20' access easement to a public road. They have previously been approved without requiring the residual parcel to meet all current regulations including road frontage. However, Sec. 22-16-7 of the Code of Fluvanna prohibits the creation of lots below width and area requirements. In order to divide a nonconforming lot, it is first required to obtain a variance.

22-4-3 (C) (1) (a)

Minimum frontage required on U.S. Route 250, U.S. Route 15, VA. Primary Routes 6, 53, and VA. Secondary Route 616: 500 feet

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 Family Subdivision process should be reviewed and potentially amended in order to clarify the requirements as they relate to other zoning and subdivision requirements.

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 25:01 – Alfonso Calderone: A request for a seventy-nine (79) foot Variance to Section 22-4-3 (C) (1) (a) of the Fluvanna County Code to allow for the reduction of the required minimum frontage from five hundred (500) feet to four hundred and twenty-one (421) feet with respect to 11.04 acres of Tax Map 47, Section A, Parcel 42.

Attachments:

- A – Application
- B – Aerial Map
- C –Plats



COMMONWEALTH OF VIRGINIA
 COUNTY OF FLUVANNA
 Variance Application (BZA)

Owner of Record: ALFONSO CALDERONE Applicant of Record: ALFONSO CALDERONE

E911 Address: 4203 WEST RIVER ROAD, SCOTTSVILLE E911 Address: 4203 WEST RIVER ROAD

Phone: 434-529-7884 Fax: 24590 Phone: 434-529-7884 Fax: _____

Email: ROCCO8CR8@GMAIL.COM Email: ROCCO8CR8@GMAIL.COM

Representative: BRIAN RAY 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: 663 BENKMAN CT, CHARLOTTESVILLE VA 22901

Phone: 434-293-3195 Fax: _____

Email: BRIAN@RAYSURVEYING.COM

Tax Map and Parcel(s): 47-A-42 Deed Book Reference: 230002636 + 20000454

Acreeage: 11.04ac. Zoning: A-1 Deed Restrictions? No Yes (Attach copy)

E911 Address of Parcel: 4203 WEST RIVER RD

Description of Property: 11.04 ACRES LOCATED ON STATE ROUTE 60

Request for a variance from Section 22-4-3(C)(1)(a) of the Fluvanna County Code in respect to the requirement for in order to build

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			
Minimum side yard setback			
Total side yard setback			
Rear yard setback			
Public road frontage	<u>421.66'</u>	<u>500'</u>	<u>79.34'</u>
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) ALFONSO CALDERONE Date 09/24/2025 Owner/Applicant Signature MURO ROSSELLA

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

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



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: ALFONSO CALDERONE
Address: 4203 WEST RIVER ROAD
City: SCOTTSVILLE
State: VA Zip Code: 24590

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

[Signature] 01/27/2025
Applicant Signature Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY

Application #: BZA _____ : CPA _____ : SUP _____ : ZMP _____ : ZTA _____ :

\$90 deposit paid per sign*:

Approximate date to be returned:

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 FAMILY DIVISION FOR SON.

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 EXISTING PARCEL HAS LESS THAN THE MINIMUM

FRONTAGE REQUIRED FOR ROUTE 6. WHEN PURCHASING THE

ADDITIONAL PROPERTY IN 2023, THE COMMUNITY DEVELOPMENT DIRECTOR

ADVISED THAT THIS COULD BE DIVIDED USING FAMILY DIVISION.

UNNECESSARY HARDSHIP

Describe here how the literal interpretation and enforcement of Section 22-4-3 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 PROPERTY WAS PURCHASED WITH THE INTENT TO PROVIDE

FAMILY DIVISION AND THE COMMUNITY DEVELOPMENT DIRECTOR

STATED THIS COULD HAPPEN. SEE EMAIL DATED SEPT. 7, 2023.

ADJACENT PROPERTY

(COPY OF EMAIL IS ATTACHED)

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

THE FAMILY DIVISION WILL USE THE EXISTING DRIVEWAY

AND THE SETBACKS FROM THE DRIVEWAY AND STATE ROUTE 6

WILL INSURE THAT THE HOUSE WILL BE AWAY FROM

PLAN

NEIGHBORING PROPERTIES.

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.)

SEE ATTACHED MAP



UNIMPROVED ROAD

T.M. 37-A-45B

T.M. 47-2-B

#4203

CEMETERY (UNMARKED HEADSTONES)

ONE HALF ACRE RESERVATION FOR GRAVEYARD FOR JOHNSON HEIRS RECORDED IN D.B. 2-219 & 220 (MISS. SUE JOHNSON 1888-1925) (MRS. ADA SUDDARTH 1860-1924)

T.M. 47-A-42 ALFONSO CALDERONE & ROSELLA MURO INST. #230002636 PLAT INST. #200000454 PLAT D.B. 958-678 PLAT

PROPOSED FAMILY DIVISION LOT 3.0 ACRES

T.M. 47-A-43C

S73°53'09"W 207.47'

100' SETBACK

IS AT 6" MAPLE

50' PRIVATE RIGHT-OF-WAY (I.N. 230002636)

NEW 50' RIGHT-OF-WAY

T.M. 47-A-39

T.M. 47-A-40

T.M. 47-A-41

OVERHEAD UTILITY LINE

POLE

CENTERLINE

WEST RIVER ROAD

STATE ROUTE 6 FRONTAGE = 421.66'

N62°55'58"E 170.11'

R99.45'
129.34'

S77°58'55"E 349.66'

S50°24'16"E 102.77'

506.90'
N106°18'11.90N

A25.71'

96.10'

N06°16'02"W 130.00'

100.33'

S47°52'24"E 121.05'

S02°18'43"W 210.25'

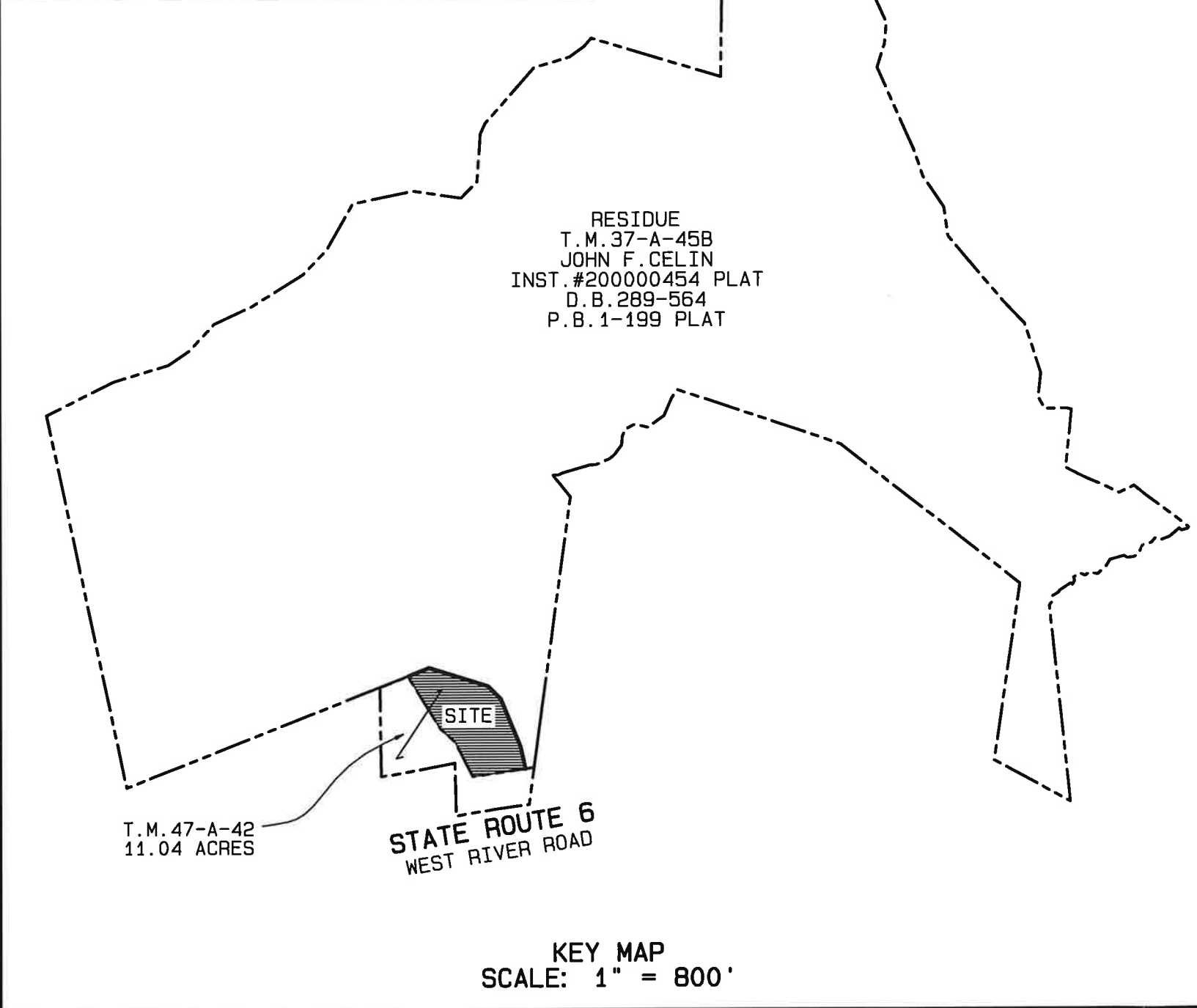
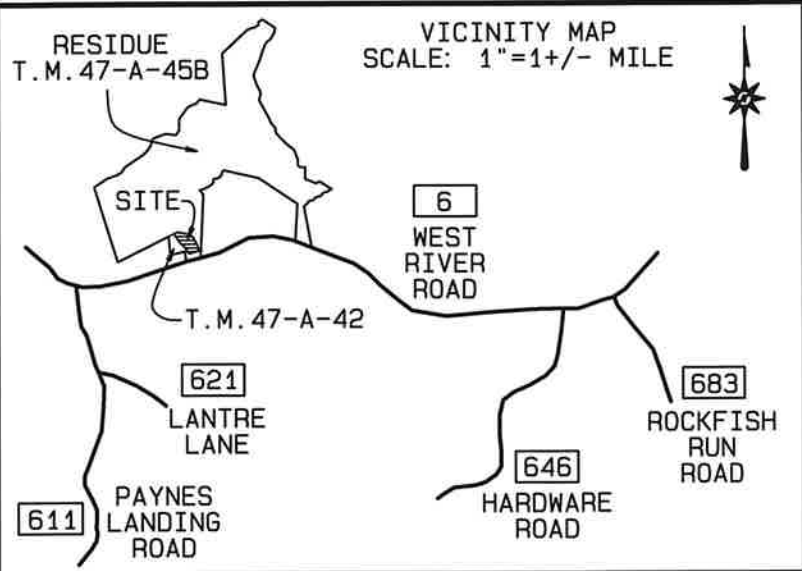
Δ = 3°06'33"
E = 7770.00'
L = 421.66'
L = 210.88'
L = 421.66'
CB = S75°41'39"W



**BZA 25:01
Variance Request
TMP 47-A-42**



Date: 3/13/2025



RESIDUE
T.M. 37-A-45B
JOHN F. CELIN
INST. #200000454 PLAT
D.B. 289-564
P.B. 1-199 PLAT

T.M. 47-A-42
11.04 ACRES

STATE ROUTE 6
WEST RIVER ROAD

KEY MAP
SCALE: 1" = 800'

THE DIVISION AND/OR REDIVISION OF LAND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER(S), PROPRIETORS, AND/OR TRUSTEES.

FOR REVIEW

JOHN F. CELIN

APPROVED FOR RECORDATION :

FOR REVIEW

DIRECTOR OF PLANNING

DATE



NOTES:

1. T.M. 47-A-42 & T.M. 37-A-45B ARE ZONED A-1.
2. THE BOUNDARY DATA SHOWN HEREON FOR THE NEW DIVISION LINES BETWEEN REVISED T.M. 47-A-42 AND THE RESIDUE OF T.M. 37-A-45B IS BASED ON A CURRENT FIELD SURVEY. ALL OTHER BOUNDARY DATA SHOWN HEREON WAS TAKEN FROM A PLAT BY THIS FIRM, DATED AUGUST 9, 2019, RECORDED IN INSTRUMENT #200000454, ROTATED TO GRID NORTH, AND WAS NOT RESURVEYED THIS DATE. (2019) DENOTES YEAR MONUMENTATION WAS PREVIOUSLY FOUND OR SET BY THIS FIRM.
3. ACREAGES BEFORE THIS BOUNDARY LINE ADJUSTMENT:
T.M. 47-A-42 = 6.04 ACRES (INST. #200000454 PLAT)
T.M. 37-A-45B = 357.93 +/- ACRES (INST. #200000454 PLAT)
4. T.M. 37-A-45B IS SUBJECT TO A CEMETERY RESERVATION BY J.W. HARDING, HIS HEIRS & ASSIGNS IN D.B. 25-412 AND A ONE HALF ACRE RESERVATION FOR GRAVEYARD FOR JOHNSON HEIRS RECORDED IN D.B. 2-219 & 220.
5. NO TITLE REPORT FURNISHED. NO EASEMENTS SHOWN. THIS PROPERTY IS SUBJECT TO ANY CONDITIONS, UTILITIES, EASEMENTS, AND/OR COVENANTS THAT MAY EXIST.

BOUNDARY LINE ADJUSTMENT PLAT
PARCEL X, CONTAINING 5.00 ACRES
A PORTION OF T.M. 37-A-45B
THE PROPERTY OF JOHN F. CELIN
BEING ADDED TO AND COMBINED WITH T.M. 47-A-42
THE PROPERTY OF ALFONSO CALDERONE & ROSELLA MURO
AND
NEW 50' PRIVATE RIGHT-OF-WAY
LOCATED ON STATE ROUTE 6 (WEST RIVER ROAD)
ABOUT FOUR MILES WEST OF KIDDS STORE
CUNNINGHAM MAGISTERIAL DISTRICT
FLUVANNA COUNTY, VIRGINIA
SCALE: 1" = 100' DATE: MAY 8, 2023

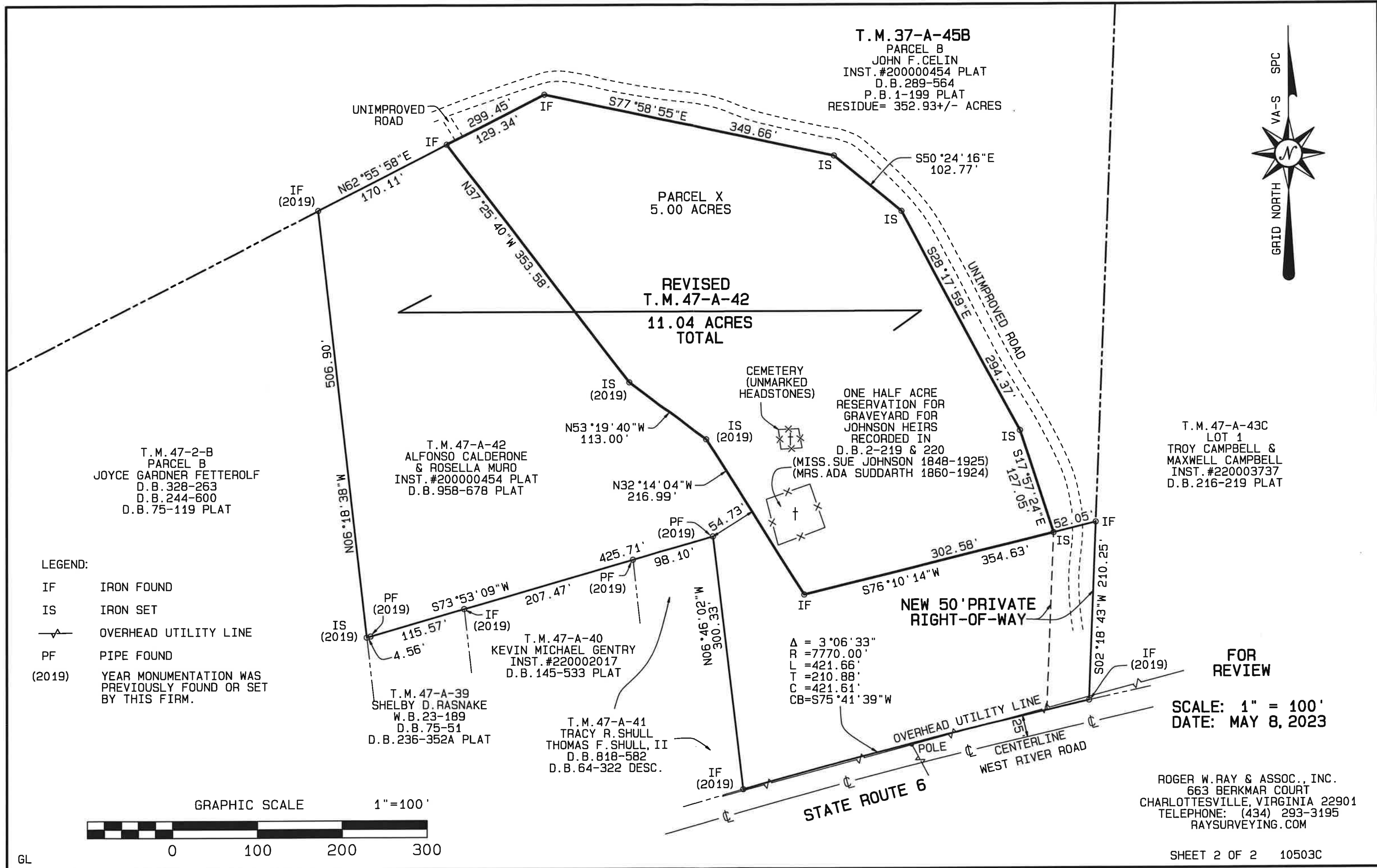
FOR:
ROBERTO CELIN AND JOHN CELIN

ROGER W. RAY & ASSOC., INC.
663 BERKMAR COURT
CHARLOTTESVILLE, VIRGINIA 22901
TELEPHONE: (434) 293-3195
RAYSURVEYING.COM

RECEIVED

MAY 31 2023

Fluvanna County
Planning Dept.



T.M. 37-A-45B
 PARCEL B
 JOHN F. CELIN
 INST. #200000454 PLAT
 D.B. 289-564
 P.B. 1-199 PLAT
 RESIDUE= 352.93+/- ACRES

PARCEL X
 5.00 ACRES

REVISED
T.M. 47-A-42
 11.04 ACRES
 TOTAL

T.M. 47-2-B
 PARCEL B
 JOYCE GARDNER FETTEROLF
 D.B. 328-263
 D.B. 244-600
 D.B. 75-119 PLAT

T.M. 47-A-42
 ALFONSO CALDERONE
 & ROSELLA MURO
 INST. #200000454 PLAT
 D.B. 958-678 PLAT

T.M. 47-A-40
 KEVIN MICHAEL GENTRY
 INST. #220002017
 D.B. 145-533 PLAT

T.M. 47-A-39
 SHELBY D. RASNAKE
 W.B. 23-189
 D.B. 75-51
 D.B. 236-352A PLAT

T.M. 47-A-41
 TRACY R. SHULL
 THOMAS F. SHULL, II
 D.B. 818-582
 D.B. 64-322 DESC.

ONE HALF ACRE
 RESERVATION FOR
 GRAVEYARD FOR
 JOHNSON HEIRS
 RECORDED IN
 D.B. 2-219 & 220
 (MISS. SUE JOHNSON 1848-1925)
 (MRS. ADA SUDDARTH 1860-1924)

T.M. 47-A-43C
 LOT 1
 TROY CAMPBELL &
 MAXWELL CAMPBELL
 INST. #220003737
 D.B. 216-219 PLAT

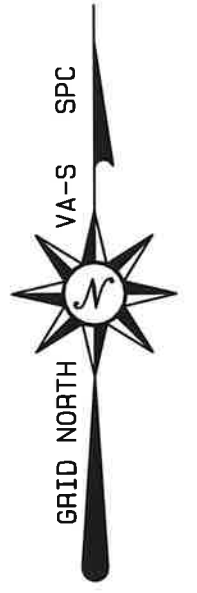
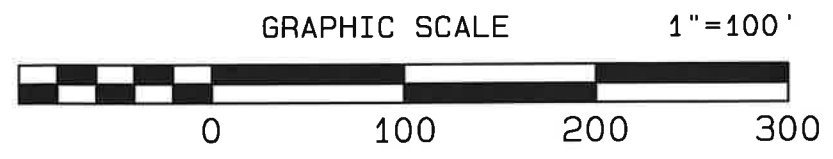
- LEGEND:
- IF IRON FOUND
 - IS IRON SET
 - OVERHEAD UTILITY LINE
 - PF PIPE FOUND
 - (2019) YEAR MONUMENTATION WAS PREVIOUSLY FOUND OR SET BY THIS FIRM.

Δ = 3°06'33"
 R = 7770.00'
 L = 421.66'
 T = 210.88'
 C = 421.61'
 CB = S75°41'39"W

FOR REVIEW

SCALE: 1" = 100'
 DATE: MAY 8, 2023

ROGER W. RAY & ASSOC., INC.
 663 BERKMAR COURT
 CHARLOTTEVILLE, VIRGINIA 22901
 TELEPHONE: (434) 293-3195
 RAYSURVEYING.COM



BOARD OF ZONING APPEALS
Resolution No. 01-2025

A RESOLUTION APPROVING VARIANCE CASE NUMBER BZA 25:01

WHEREAS a request for a seventy-nine (79) foot Variance to Section 22-4-3 (C) (1) (a) of the Fluvanna County Code to allow for the reduction of the required minimum frontage from five hundred (500) feet to four hundred and twenty-one (421) feet with respect to 11.04 acres of Tax Map 47, Section A, Parcel 42. The subject property is zoned A-1, Agricultural, General, and is located in the Rural Residential Planning Area and in the Cunningham Election District; and;

WHEREAS, the Board, having considered the evidence presented to it as reflected in the record of this case, finding as facts 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,

WHEREAS, 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 granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; 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 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 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.

NOW THEREFORE BE IT RESOLVED, by the Board of Zoning Appeals, that the strict terms of the Fluvanna County Zoning Ordinance be varied with respect to the property described as set forth in the application for case number BZA 25:01.

The foregoing resolution was duly and regularly adopted by the Fluvanna County Board of Zoning Appeals on this eighteenth day of March 2025.

Attest:

Harold Morris, Chair
Fluvanna Board of Zoning Appeals



BY - LAWS
FLUVANNA COUNTY BOARD OF ZONING APPEALS

Amended March 18, 2025

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 1st 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 February 6, 2023.

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 an 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, 12th Edition.

VII. POLICY FOR REMOTE PARTICIPATION OF MEMBERS OF THE FLUVANNA COUNTY BOARD OF ZONING APPEALS AT MEETINGS OF THE BOARD

A. Authority and Scope

1. This policy shall govern participation by an individual member of the Board of Zoning Appeals of Fluvanna County, Virginia, by electronic communication means in public meetings of the Board of Zoning Appeals of Fluvanna County, Virginia, and any closed session of the Board held in accordance with applicable law, from and after the date of adoption of this policy.
2. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code § 2.2-3700 et seq.
3. Any reference to a specific provision of federal, state, or local law referenced in this policy shall mean such provision of law, as amended from time to time, or as set forth in any successor provision dealing with substantially the same subject.

B. Definitions

1. **“Caregiver” means a caregiver as defined by Va. Code § 2.2-3701.**
2. “Member” means any member of the Board of Zoning Appeals
3. “Remote participation” means participation by an individual member of the Board by electronic communication means in a public meeting where a quorum of the Board is physically assembled, as defined by Va. Code § 2.2-3701. **For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver as defined in Va. Code § 2.2-3701 and uses remote participation counts toward the quorum as if the individual was physically present.**
4. “Meeting” means a meeting as defined by Va. Code § 2.2-3701.
5. “Notify” or “notifies,” for purposes of this policy, means verbal or written notice that is reasonable under the circumstances, with written notice, such as by email or letter, being the preferred means of notice. Notwithstanding the foregoing, notice does not include text messages or communications via social media.
6. “VFOIA” means the Virginia Freedom of Information Act, Va. Code § 2.2-3700, et seq.

C. Mandatory Requirements

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

1. A quorum of the Board must be physically assembled at the primary or central meeting location; and
2. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.
3. **For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver and uses remote participation counts toward the quorum as if the individual was physically present.**

D. Process to Request Remote Participation

1. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Board Chair (or the Vice-Chair if the requesting member is the Chair) that such member is physically unable to attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, **or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance,** (iii) such member's principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.
2. If the requesting member is unable physically to attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter and that such matter renders the requesting member unable physically to attend. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i) - (iii) above.
3. The requesting member is not obligated to provide independent verification regarding the reason for such member's nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents the member's physical attendance at the meeting.
4. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether the request is in conformance with this policy, and therefore approved or disapproved.

E. Process to Confirm Approval or Disapproval of Participation from a Remote Location

When a quorum of the Board has assembled for the meeting, the Board shall vote to determine whether:

1. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and
2. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

F. Recording in Minutes

1. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, **or the member is a caregiver who must provide care for a person with a disability**, or because the member's principal residence is located more than 60 miles from the meeting location the Board shall record in its minutes (1) the foregoing circumstance due to which the member is participating remotely; (2) the Board's approval of the member's remote participation; and (3) a general description of the remote location from which the member participated.
2. If the member is allowed to participate remotely due to a personal matter, the Board shall record in its minutes (1) the specific nature of such personal matter that renders the requesting member unable to attend stated by the requesting member; (2) how many times the member has attended remotely due to a personal matter; (3) the Board's approval of the member's remote participation; and (4) a general description of the remote location from which the member participated.
3. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

G. Closed Session

If the Board goes into closed session, the member may continue to participate remotely in the closed session, and shall ensure that no third party is able to hear or otherwise observe the closed meeting.

H. Strict and Uniform Application of this Policy

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Unless independently received by County staff, the Chair (or Vice-Chair) shall provide County staff with copies of the member's written request

to participate remotely and the written response, as applicable, if the request or response is in writing, to be retained by County staff for a period of one year, or other such time required by records retention laws, regulations, and policies.

I. Meetings Held Through Electronic Communication Means During Declared States of Emergency

1. In addition to the foregoing, pursuant to the Code of Virginia Section 2.2-3708.2(A)(2) the Board of Zoning Appeals may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with the Code of Virginia Section 44-146.17, or Fluvanna County has declared a local state of emergency pursuant to Code of Virginia Section 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency provide for the continuity of operations of the Board or the discharge of its lawful purposes, duties, and responsibilities. The Board of Zoning Appeals when convening a meeting in accordance with this subdivision (I) shall:
 - a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Board of Zoning Appeals conducting the meeting;
 - b. Make arrangements for public access to such meeting through electronic communication means;
 - c. Provide the public with the opportunity to comment at those meetings of the Commission when public comment is customarily received;
 - d. Otherwise comply with the provisions of the Code of VFOIA; and
 - e. State in its minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.
- J. Nothing in this Section VII shall be construed to prohibit the use of interactive audio or video means to expand public participation.

VIII. 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.

IX. 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.

X. 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.

XI. 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.