

RICHMOND COUNTY BOARD OF ZONING APPEALS MEETING MINUTES

September 26, 2017

The Richmond County Board of Zoning Appeals (BZA) held its meeting on Tuesday, September 26, 2017 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Harry F. Smith, Jr.
Judy Sydnor
John Heaggans

Members Absent: R. Carter Wellford, III
Elizabeth Burruss

Also present: R. Morgan Quicke, County Administrator
D. Barry Sanders, Director of Code Administration
Richard English, Code Compliance Officer
Hope Mothershead
Cory Atack

WELCOME

Chairman Smith called the meeting to order and asked everyone to stand for a moment of silence. Chairman Smith led everyone in the Pledge of Allegiance.

PUBLIC HEARING:

- Attack Properties, Inc., 4130 Innslake Drive, Glen Allen, VA 23060, seeks a variance from provisions of Section 2-3-7 of the Richmond County Zoning Ordinance, which states that corner lots must meet the front yard requirements along each street that the lot fronts on. The variance request is to allow a 25-foot setback from Riverview Road (Route 672) instead of the required 50-foot setback. The property is located at the intersection of Riverview Road and Level Green Landing and is further identified as TM No. 29(5)1.

Mr. Sanders read the staff report as follows:

Variance request to allow a 25-foot setback from Riverview Road (Route 672) instead of the required 50-foot setback required by Residential Limited (R-1) Zoning District under Section 2-3-7. Such section of the zoning ordinance states that corner lots must meet the front yard requirements along each street that the lot fronts on.

BACKGROUND:

Atack Properties, Inc. acquired the subject property in February of 2001 and subdivided in November of 2001. As can be seen on the attached plat, the 2.237 acre parcel is situated as a corner lot, forcing any dwelling constructed on said property to observe at least a fifty (50) feet setback from the edge of the right of way on two sides. Once all setbacks are observed, as shown on the plat, the remaining area is too restrictive to allow for construction of a home in a manner consistent with other surrounding parcels.

A similar variance was granted unto Oscar E. Delano (TM No. 29(4)1) in 2001. In order to construct a single family home, Mr. Delano received a variance to encroach into the required setback along Riverview Road.

Riverview Road is a dead-end road that stops at the Rappahannock River. County staff has been working with VDOT over the past year with plans to abandon this section of road, which would lead to the property in question no longer needing to meet such restrictive setbacks. The VDOT issue at this time, and the reason this section of road has not been properly abandoned, has to do with the VDOT requirement for a state approved turn-around that has to be constructed prior to abandonment.

RECOMMENDATIONS:

Staff recommends approval of the variance request for the following reasons:

- 1. With adoption of the Richmond County Zoning Ordinance, the parcel in question has extraordinary site conditions as to warrant the issuance of a variance.*
- 2. The condition of the parcel in question is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the ordinance.*
- 3. Authorization of the variance will not be of substantial detriment to adjacent property; the character of the zoning district will not be changed by the granting of the variance; and the variance will be in harmony with the intended purposes of the ordinance and in keeping with the public interest.*

Mr. Sanders noted that all adjoining property owners were notified by certified mail and no responses had been received.

Mr. Cory Atack addressed the members on behalf of Atack Properties, Inc. and noted that the property in the area was purchased for development. Over the years since the purchase, he has installed a boat ramp and built his personal home. Mr. Atack wants to get the property to it's highest and best use and hence asked for a variance. The only traffic going past the subject property would be those using the boat ramp. Mr. Atack noted that the boat ramp is not for public use and is only used by those residents of the neighborhood together with those who have been granted permission slips.

Mrs. Sydnor inquired where the home would be located on the lot. Mr. Atack noted that the property is certified for a five-bedroom home that would most likely be placed as close to the water as possible. Mrs. Sydnor added that she felt the placement would allow adequate room between this future home and the adjoining property. Mr. Heaggans noted that since the same type of variance was granted in the past, he felt it should be allowed.

Chairman Smith opened the public comment period.

After no public comment, Chairman Smith closed the public comment period.

John Heaggans made a motion to approve the variance request. Judy Sydnor seconded the motion. The motion passed with a 3-0 vote (*Harry F. Smith, Jr. – yay; Judy Sydnor – yay; John Heaggans - yay*).

REVIEW OF MINUTES FROM THE JULY 25, 2017 MEETING

Judy Sydnor made a motion to approve the minutes from the July 25, 2017 meeting, as written. John Heaggans seconded the motion. The motion passed with a 3-0 vote (*Harry F. Smith, Jr. – yay; Judy Sydnor – yay; John Heaggans - yay*).

GENERAL BUSINESS

There being no further business, the meeting was adjourned.

Respectfully submitted,

Hope Mothershead
Board of Zoning Appeals Secretary