

MINUTES
PAGE COUNTY BOARD OF ZONING APPEALS
February 19, 2019

MEMBERS PRESENT:

Phillip Mims, District 1
Danny Comer, District 4

John Coleman, District 2
William J. Turner, District 5

MEMBERS ABSENT:

Kevin Moyer, District 3

STAFF PRESENT:

Tracy Clatterbuck

CALL TO ORDER:

Chairman Coleman called the meeting to order of the Page County Board of Zoning Appeals at 10:00 a.m., in the Board of Supervisors Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia.

ADOPTION OF AGENDA:

Mr. Turner made a motion to adopt the agenda as presented. The motion was seconded by Mr. Comer. The motion passed unanimously.

PUBLIC HEARING:

A. Walter, Sharon, & Allen Lucas- Variance Request

Chairman Coleman opened the public hearing at 10:01 a.m. Ms. Clatterbuck presented the following staff report:

Walter, Sharon, & Allen Lucas have filed an application for a variance for property located at 152 Pasture View Lane, Luray, VA, and further identified by tax map # 51-A-87. This parcel currently contains 44.036 acres and is zoned as Agriculture (A-1). Pursuant to § 100-4 (Exceptions), the applicants are requesting that an exception/variance be granted to subdivide the subject parcel that is served by an existing 16 foot right-of-way instead of a 50 foot right-of-way as required by § 100-3 B.(3)(a) of the Page County Subdivision of Land Ordinance. The owners purchased the property in January 2016. The applicants would like to subdivide 1.75 acres with the residue property containing 42.286 acres. There is already an existing dwelling located on this property. The existing property (along with other lots) is currently served by a 16 foot right-of-way known as Pasture View Lane (*Exhibit 1*).

The applicant would be allowed to do a non-family division under the Page County Subdivision of Land Ordinance; however, § 100-3 B.(3)(a) requires that "any streets, roads or right-of-way providing means of ingress and egress for the tract to be subdivided shall be a minimum width of 50 feet to a dedicated recorded public street" (*Exhibit 2*). The existing 16 foot right-of-way (Pasture View Lane) is not considered a public street, and the property does not have direct access to Mill Creek Road. As you will see in the attached photos (*Exhibit 3*), the front of the property is bordered by the Norfolk and Western Railroad. The owners do not own the area of land between the Railroad and Mill Creek Road.

On March 10, 2015, the Board of Zoning Appeals was presented a variance request from Nina Long for property identified by tax map # 51-A-87A which is located behind the subject property. The request was similar in that the owner wanted to subdivide the parcel of land but could not obtain the 50 foot right-of-way. The Board granted the request and the owner was able to subdivide the land using the existing 16 foot right-of-way known as Pasture View Lane (*Exhibit 4*).

The applicants have reached out to the Page County Health Department, the Page County Building Department, and the Virginia Department of Transportation for comments on the variance request. All departments/agencies have returned no objections/concerns with the request (**Exhibit 1**). Copies of adjoining property comments have been included in your packet for review.

Robert Janney- Mr. Janney stated he was the attorney representing the Lucas family. He explained where the property was located. Due to the railroad, there is no way to get an additional right-of-way. He further explained the uses of properties that surround the subject property. He concluded to note he or the applicants were available for questions.

The public hearing was closed at 10:06 a.m.

Mr. Mims made a motion to approve the variance request as requested. The motion was seconded by Mr. Turner. The motion passed unanimously (4-0).

B. Edmund Davis- Variance Request

Chairman Coleman opened the public hearing at 10:10 a.m. Ms. Clatterbuck presented the following staff report:

Edmund Davis has filed an application for a variance for property located at 525 Riverside Drive, Luray, VA, and further identified by tax map # 30A1-14-356. The property contains .251 of an acre and is zoned as Residential (R). Pursuant to § 125-16 A.(3)(b) of the Page County Zoning Ordinance, the required side setback is 15 feet. The applicant is requesting that a variance be granted to allow for a 13 foot side setback to allow for an 18x24 addition (already constructed) onto an existing accessory building (**Exhibit 1**).

The owner of the property was notified on November 3, 2017, December 5, 2017, and April 26, 2018 that a zoning permit was required pursuant to § 125-50 of the Page County Zoning Ordinance for the accessory structure that had been placed on the property without the proper permits (**Exhibit 2-4**).

On May 14, 2018, Mr. Davis submitted a zoning permit application for an 18x24 addition onto an existing accessory building (**Exhibit 5**). Minimum setbacks required were provided to the applicant as required by § 125-16 A.(3)(b) of the Page County Zoning Ordinance (**Exhibit 6**). Staff spoke to him the day the application was submitted about being required to stake the property lines off so that inspection of minimum setbacks required could be verified. Mr. Davis indicated this was not his permanent residence and he would need to attempt to locate the property lines and call staff for a zoning inspection once that was done. Staff informed him that if the property lines could not be located, he would need to hire a Virginia licensed surveyor.

Had Mr. Davis placed the metal addition onto the existing wood framed building and not encroached into the existing setback anymore than it already is, the zoning permit could have been approved based on § 125-46 A.(*Non-conforming structures or buildings*) of the Page County Zoning Ordinance. Because Mr. Davis placed the addition two more feet into the setback, the zoning permit cannot be approved (**Exhibit 7**). Mr. Davis was informed that he would need to relocate the structure to where it met the setbacks, apply for a variance, or appeal the decision.

Mr. Davis later indicated he did not want to relocate the metal addition onto the existing building and was considering application for a variance. On September 17, 2018 a follow-up notice was sent to the applicant (**Exhibit 8**) and on October 1, 2018 an incomplete variance application was received. Staff spent several months working with the applicant and owner on obtaining the required signatures on the application. Due to

Board of Zoning Appeals- Minutes
February 19, 2019

this not being their permanent home and medical issues with the owner, Ms. Dianne Bullach (Mr. Davis' sister), it took some time to obtain the required information.

The applicant has reached out to the Page County Health Department and the Virginia Department of Transportation, both of whom have no objections to the request. The applicant has also reached out to the Page County Building Official who is requiring that since this structure is located in the floodplain, the applicant will be required to install flood louvers, screens, or similar devices on the sides of the building. The applicant is required to obtain a building permit, at which time, the Building Official will provide guidance as to how and where they are to be installed (*Exhibit 1*).

Chairman Coleman closed the public hearing at 10:15 a.m.

Mr. Turner made a motion to approve the variance request as requested. The motion was seconded by Mr. Comer. The motion passed unanimously (4-0).

Unfinished Business

None

New Business

A. Approval of Minutes- August 21, 2018

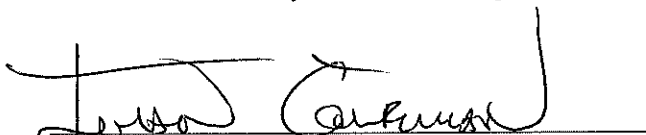
Mr. Turner made a motion to approve the August 21, 2018 minutes as presented. The motion was seconded by Mr. Mims. The motion passed unanimously (4-0).

B. Election of Officers- (Chairman, Vice Chairman, & Secretary)

Mr. Turner made a motion to keep all positions the same (Chairman- John Coleman, Vice-Chairman- Danny Comer, Secretary- Tracy Clatterbuck). The motion was seconded by Mr. Mims. The motion passed unanimously (4-0).

Adjourn

Chairman Coleman adjourned the meeting at 10:22 a.m.


John Coleman, Chairman

