



**MADISON COUNTY BOARD OF ZONING APPEALS
MADISON VIRGINIA 22727**

Madison County Administrative Auditorium, 414 N. Main Street, Madison, VA

Agenda: Monday, November 20, 2023, 7 p.m.

1. Call to Order
2. Review of Meeting Minutes from September 18, 2023, BZA meeting
3. Public Hearings:
 - A) The applicant, Matthew Carozza (Edison Land LLC), has applied for a variance from articles 4-4-1 (front setback) and 4-6-2 (rear setback) of the zoning ordinance to construct a single-family dwelling on a 3.4-acre A1 (agriculture) zoned lot. The required front setback is 100 feet from the center of Stillhouse Drive (Rt. 727) and 50 feet from the rear property line. Due to the subject lot's irregular shape, the applicant is proposing to construct the dwelling 50 feet from the center of Stillhouse Drive and 25 feet from the rear property line. The proposed dwelling would meet all other zoning requirements. Property records show the subject lot has been on record with the County since September 4, 1940. The subject lot does not contain a postal address but is located on Stillhouse Drive (Rt. 727) and is identified Madison County's Tax Maps as 42-31A.
 - B) The applicant, Lori Foster, has applied for a variance from articles 4-4-1 (front setback) and 4-6-2 (rear setback) of the zoning ordinance to construct a single-family dwelling on a 0.93-acre A1 (agriculture) zoned lot. The required front setback is 100 feet from the center of Buggy Lane (Rt. 712) and 50 feet from the rear property line. Due to the lot's irregular shape, the applicant is proposing to construct a dwelling 21 feet from the center of Buggy Lane and 20 feet from the rear property line. Property records show the subject lot has been on record with the County since February 5, 1939. A former structure on the lot was addressed as 276 Buggy Lane and the lot is identified on Madison County's Tax Maps as 64-34A.
- 4) Adjournment



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The Madison County Board of Zoning Appeals met Monday, September 18, 2023, in the Madison County Administrative Auditorium, 414 N. Main Street in the Town of Madison, Virginia. The committee members present were Chairman Coppedge, members Clatterbuck, Lillard, Lohr, and Wills, and Zoning Administrator Ligon Webb. Chairman Coppedge asked members if there were any additions or corrections to be made to the minutes from the previous meeting of July 18, 2023. Member Lillard moved to approve the minutes as submitted and Member Clatterbuck seconded the motion. The minutes were approved by unanimous voice vote. Chairman Coppedge asked Secretary Long to read the agenda.

- A. The applicant, Michelle Leonard (Trustee for Barbara Frances Gibson), has applied to subdivide a non-contiguous 3.72-acre A1 (agriculture) zoned lot. For many years, County tax records indicated the subject lot, located at the intersection of Tinsley Drive (Rt. 696) and George James Loop (Rt. 684) was 1.48-acres and improved by a single-family dwelling. This dwelling is addressed as 1042 George James Loop, Radiant, Virginia. However, a 2018 survey showed the subject lot contained a 1.36-acre non-contiguous portion located roughly 425 feet to the east on George James Loop. The survey also showed the 1.48-acre lot portion was 2.36-acres. County tax records have been updated to reflect the increase in acreage. The applicant is requesting a variance from article 4-3 (area regulations) of the County's zoning ordinance to allow for the 1.36-acre non-improved portion of the lot to be subdivided as a separate "stand alone" lot. The subject lot is identified on Madison County Tax Maps as 58-39.

Chairman Coppedge asked if both of the lots were identified as 58-39. Administrator Webb said he has some background since he talked with Commissioner of the Revenue Brian Daniel. Administrator Webb said this lot has been on the record for a long time as this, and they knew it was two separate parcels under one tax number. The survey in 2018 revealed incorrect acreage on the primary lot (with dwelling) and incorrect acreage on the unimproved lot. Administrator Webb said that looking at the survey in the package; other lots around these parcels are similar in size and were all likely recorded at the same time, in/around 1949. Administrator Webb said, technically this is one lot. Member Lillard asked if all the lots (including those in between the applicants' lots) were recorded at the same time. Administrator Webb said that one was recorded in 1953 and they have been on record for a long time. Member Clatterbuck said that if you look at the tax map everything around there is fairly small. Administrator Webb said it is consistent with what is around there. Administrator Webb said he believes that at least a quarter of the lots in the County were recorded before there was a subdivision ordinance. Chairman Coppedge said this is to correct a County mistake from many years ago. Administrator Webb said that it wasn't until they did the 2018 survey that they really got everything straightened out, and changed the tax record with the

Commissioner's office. Member Lillard said it wasn't a mistake at the time they did it in 1949; it wasn't a problem until the ordinances were enacted in the 1970s. Member Lillard asked if the house on the primary parcel met the setbacks and everything. Applicant Leonard said yes, on the primary lot which is the larger one, 2.36 acres, there is a single-family rambler. Leonard said the other is a vacant lot that has turned into overgrown and brush. Leonard said she got the survey and had a soil engineer see if the lot perked; she said it did. Leonard said this is something that the owner (Barbara Frances Gibson) wanted to do, but Leonard said Ms. Gibson passed away in January. Ms. Leonard said that she is the executor and trustee for Ms. Gibson. Leonard said she finished the upgrades on the house that Ms. Gibson had planned. Member Lillard asked if Barbara had lived in the house on the larger lot, and Ms. Leonard said yes. Chairman Coppedge asked if the soil survey had identified sufficient space for a drainfield, and Ms. Leonard said yes, they marked where the well and drainfield would go. Member Lillard said it is shown on the plat, including with drainfield and backup. Ms. Leonard said there are lots around that are smaller than this one. She said this parcel has a big road frontage. Member Clatterbuck asked if this is something the County couldn't do. Administrator Webb said he felt it was better to do this as a variance since it is technically one lot. Mr. Webb said he spoke with Commissioner Daniel about this as well. Member Lillard said it might represent a title issue if it was done any other way.

Audience member Barbara Robinson said that when she bought her house in 2004, she was told there was a Madison County law that said you couldn't build on a lot less than 3 acres. Ms. Robinson asked if that is true, what could be done with this small lot. She asked if a house would be allowed on that. Member Lohr said that the lot is grandfathered, because it was recorded before 1974. Ms. Robinson said that her house was built in 1970 and she wanted to know if she could literally sell off part of her acreage. Member Lohr asked her which lot is hers, and she said 58-371. Member Lohr asked how many acres were in her lot. Ms. Robinson said it was over 3 acres. Chairman Coppedge said no, because she would be creating a new lot that is non-conforming. Coppedge said that the applicant's lot was created before the zoning regulations took effect, so it is grandfathered, and yes, they can build a house on this lot. Administrator Webb said this is an unusual situation because the parcels are not connected. Looking at it, it seems like it is a totally separate lot. Member Lillard said to Ms. Robinson that her interpretation is correct: you can't have less than 3 acres by current ordinance, unless you have a situation like this where it is grandfathered in. Member Lillard said that in order to be two lots you would have to have at least 6 acres. Member Clatterbuck said it looks like this lot slipped through the cracks and no one assigned a number to it. Member Lillard said in 1950, this was legitimate. Applicant Leonard said that the lot meets the setbacks and road frontage. Member Lillard said you cannot create a non-conforming lot. Applicant Leonard said they wanted to have a lot that you could do something with; she hopes someone will have the opportunity to enjoy the area.

Chairman Coppedge asked if there were any further comments. Audience member Bridgette Greene said her mother had property on 58-45 and her mother has a family cemetery in this area. Ms. Greene said she could not understand where these lots were in relation to the family cemetery. Applicant Leonard was able to show on the plat where the cemetery was.

With no more questions from the Board, the members voted on the application. Secretary Long read the ballots:

Coppedge—Yay; Lillard—Yay; Lohr—Yay; Clatterbuck—Yay; Wills—Yay.

Chairman Coppedge asked if there was further business for the Board. Member Lillard moved to adjourn the meeting, Member Lohr seconded. With no further business, the meeting was adjourned by Chairman Coppedge.

Chairman Douglas Coppedge

A recording of this meeting is available upon request from the Zoning Office.

DRAFT

Published in the Madison Eagle on Thursday, November 9, 2023, and Thursday, November 16, 2023.

PUBLIC NOTICE

Notice is hereby given that Madison County's Board of Zoning Appeals will hold a public hearing at the Madison County Administrative Auditorium, located at 414 N. Main Street, in the Town of Madison on **Monday, November 20, 2023, at 7:00 p.m.** to act on the following variance requests:

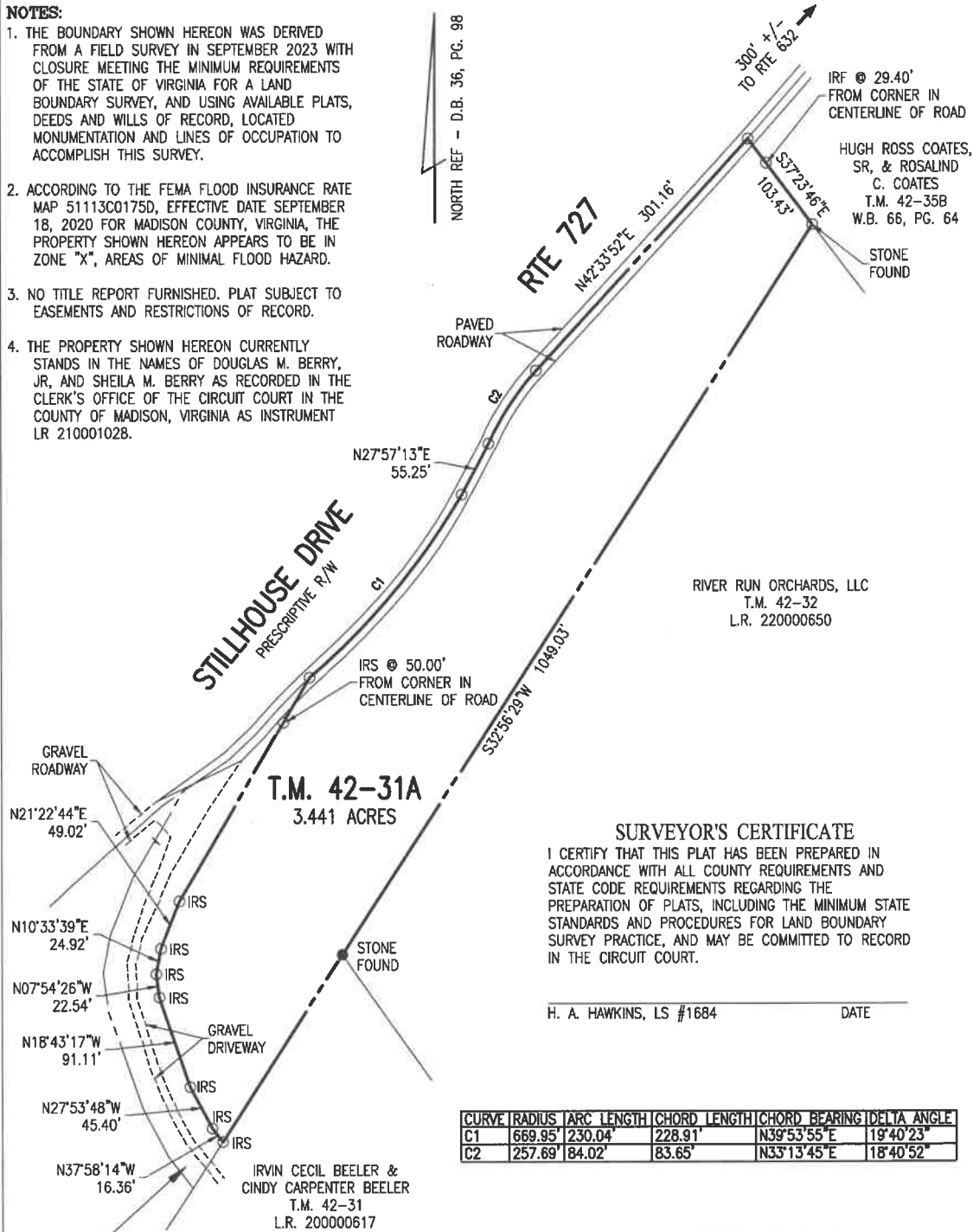
1. The applicant, Matthew Carozza (Edison Land LLC), has applied for a variance from articles 4-4-1 (front setback) and 4-6-2 (rear setback) of the zoning ordinance to construct a single-family dwelling on a 3.4-acre A1 (agriculture) zoned lot. The required front setback is 100 feet from the center of Stillhouse Drive (Rt. 727) and 50 feet from the rear property line. Due to the subject lot's irregular shape, the applicant is proposing to construct the dwelling 50 feet from the center of Stillhouse Drive and 25 feet from the rear property line. The proposed dwelling would meet all other zoning requirements. Property records show the subject lot has been on record with the County since September 4, 1940. The subject lot does not contain a postal address but is located on Stillhouse Drive (Rt. 727) and is identified Madison County's Tax Maps as 42-31A.
2. The applicant, Lori Foster, has applied for a variance from articles 4-4-1 (front setback) and 4-6-2 (rear setback) of the zoning ordinance to construct a single-family dwelling on a 0.93-acre A1 (agriculture) zoned lot. The required front setback is 100 feet from the center of Buggy Lane (Rt. 712) and 50 feet from the rear property line. Due to the lot's irregular shape, the applicant is proposing to construct a dwelling 21 feet from the center of Buggy Lane and 20 feet from the rear property line. Property records show the subject lot has been on record with the County since February 5, 1939. A former structure on the lot was addressed as 276 Buggy Lane and the lot is identified on Madison County's Tax Maps as 64-34A.

The public is invited to attend the hearing and comment. Copies of the County's ordinances and documents related to the cases are available for review in Madison County's Building & Zoning Office, 410 North Main Street, Madison, VA 22727; documents can be inspected Monday through Friday from 8:30 a.m. to 4:30 p.m. Comments or questions can be sent via email to lwebb@madisonco.virginia.gov or by calling 540-948-7513.

Mr. Ligon Webb, County Planner

NOTES:

1. THE BOUNDARY SHOWN HEREON WAS DERIVED FROM A FIELD SURVEY IN SEPTEMBER 2023 WITH CLOSURE MEETING THE MINIMUM REQUIREMENTS OF THE STATE OF VIRGINIA FOR A LAND BOUNDARY SURVEY, AND USING AVAILABLE PLATS, DEEDS AND WILLS OF RECORD, LOCATED MONUMENTATION AND LINES OF OCCUPATION TO ACCOMPLISH THIS SURVEY.
2. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP 51113C0175D, EFFECTIVE DATE SEPTEMBER 18, 2020 FOR MADISON COUNTY, VIRGINIA, THE PROPERTY SHOWN HEREON APPEARS TO BE IN ZONE "X", AREAS OF MINIMAL FLOOD HAZARD.
3. NO TITLE REPORT FURNISHED. PLAT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THE PROPERTY SHOWN HEREON CURRENTLY STANDS IN THE NAMES OF DOUGLAS M. BERRY, JR. AND SHEILA M. BERRY AS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT IN THE COUNTY OF MADISON, VIRGINIA AS INSTRUMENT LR 210001028.



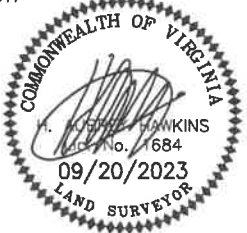
SURVEYOR'S CERTIFICATE
 I CERTIFY THAT THIS PLAT HAS BEEN PREPARED IN ACCORDANCE WITH ALL COUNTY REQUIREMENTS AND STATE CODE REQUIREMENTS REGARDING THE PREPARATION OF PLATS, INCLUDING THE MINIMUM STATE STANDARDS AND PROCEDURES FOR LAND BOUNDARY SURVEY PRACTICE, AND MAY BE COMMITTED TO RECORD IN THE CIRCUIT COURT.

H. A. HAWKINS, LS #1684 _____ DATE _____

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	669.95'	230.04'	228.91'	N39°53'55"E	19°40'23"
C2	257.69'	84.02'	83.65'	N33°13'45"E	18°40'52"

BOUNDARY PLAT
LOCATED ON STILLHOUSE DRIVE - RTE 727
TAX MAP PARCEL 42-31A

FORMER LOCUST DALE MAGISTERIAL DISTRICT
 MADISON COUNTY, VIRGINIA
 SCALE: 1" = 100' DATE: SEPTEMBER 20, 2023



H. Aubrey Hawkins Associates, Ltd.
 LAND SURVEYING LAND PLANNING DEVELOPMENT
 120 SYCAMORE STREET CULPEPER, VA 22701
 PHONE: 540-825-0238 FAX: 540-825-5616

TAX MAP NUMBER: T.M. 42-31A	CASE NAME: BERRY/EDISON LAND LLC	DRAFT BY: EDO
INSTR #: L.R. 210001028	WO#: 23-0125	CHKD BY: AH

MADISON COUNTY

ZONING OR SUBDIVISION REQUEST

- Zoning Permit Subdivision Family Subdivision Site Plan Variance
 Boundary Line Adjustment Special Use Permit Rezoning Temporary Housing

Owner Name: Guy and Lori Foster

Address: 3762 Lillard's Ford Road

City: Brightwood

State: VA

Zip Code: 22715

Phone Number: 540-272-2898

Email: _____

Applicant: Owner Agent Surveyor

Applicant Name: same as above

Address: _____

City: _____

State: _____

Zip Code: _____

Phone Number: _____

Email: _____

Property Information

Location/Address of request: 276 Buggy Lane, Rochelle, Virginia

Tax Map 64-34A

Zoning: A1

Lot Size: 0.93-acres

Setbacks: Front: 100'

#: Sides: 25'

Rear: 50'

Shrink-Swell Soils: Yes No

Moderate Severe

24" Footing

N/A

Floodplain on Parcel: Yes No

Structure located in floodplain? Yes No

Right-of-Way Created? Yes No

VDOT entrance permit obtained? Yes No N/A

Number of lots served by right-of-way: ____ For ROW and entrance info contact Willis Bedsaul @ VDOT (434) 293-0011

Virginia Department of Health Permit Obtained Yes No N/A Permit # Permit Pending

Purpose of Request: County records indicate the subject 0.9-acre lot was recorded on/before 1957. The applicants are requesting a variance from articles 4-4-1 (front setback) & 4-6-2 (rear setback), which requires 100 ft from center of road & 50 ft from rear property line respectively. The applicants are proposing a front setback of 21 ft from center of road, and 20 ft from rear property line.

Request Information – (Complete for all except zoning permits)

The owner/applicant of the described property hereby submits request as required by Article(s) 4-4-1 and 4-6-2 of the Madison County zoning Ordinance.

Existing Acreage: 0.9-acres

Acreage Covered by Request: 0.9-acres

Proposed # of Lots: N/A

A Soil & Erosion plan is required for disturbing more than 10,000 sq. ft. Verify with E&S Program Administrator.

Surveyor/Engineer Name: David Lewis, LS

Phone Number: 540-948-7136

I hereby certify that I have the authority to make the foregoing application and that the information given is correct. This request will conform to all applicable state and county regulations, Madison County Zoning and Subdivision ordinances.


Signature of Owner or Agent

10-17-23
Date

Office Use Only:

Approved Denied

Ligon Webb County Planner, or Designee

Date

Planning Commission: Approved Denied

Date: _____

Board of Supervisors: Approved Denied

Date: _____

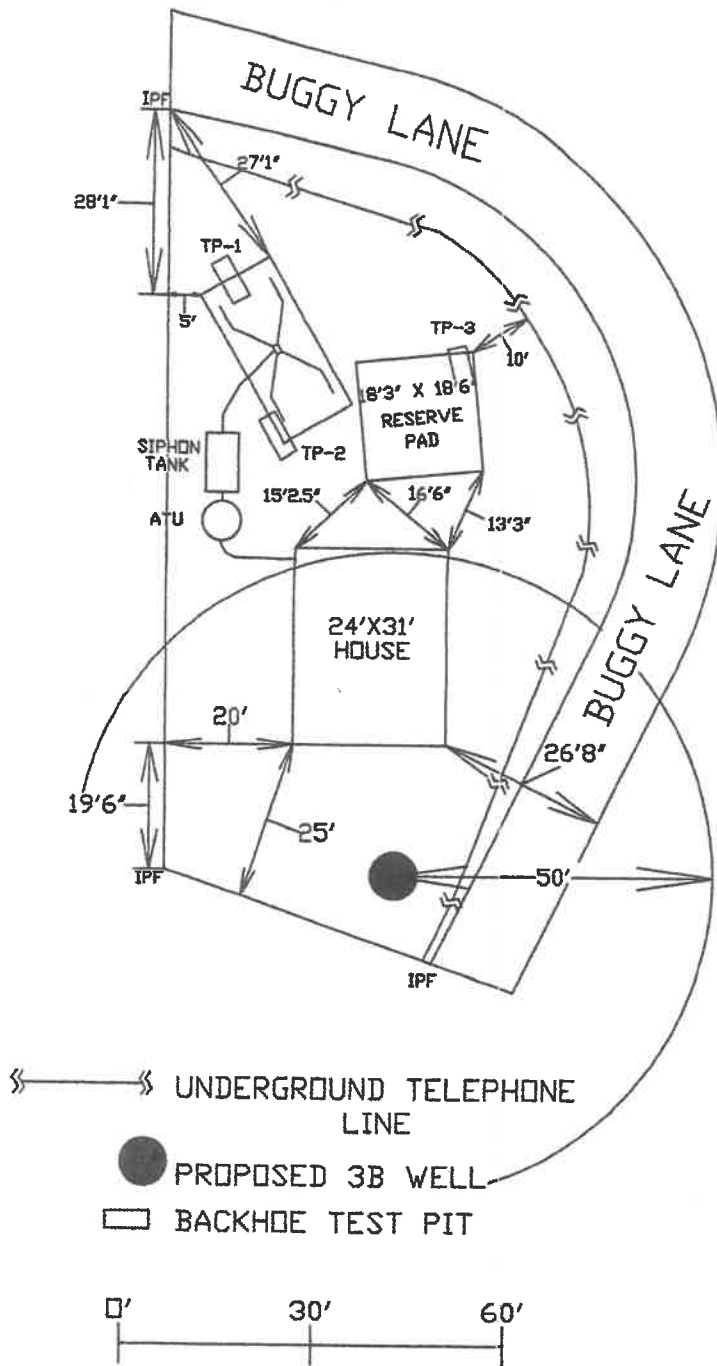
Conditions, if any: _____

Amount Due: \$ 250.00

Payment Type: check

Payment Date: 10/13/2023

Permit #: _____



NOTES:

1. THE DRAIN FIELD WILL CONSIST OF A 26.5' X 12.75' PAD LOCATED AS SHOWN ON THE LOT. THE PAD CORNERS, RESERVE CORNERS AND HOUSE CORNERS ARE FLAGGED IN THE FIELD.
2. PRETREATMENT WILL BE PROVIDED BY AN AQUASAFE MODEL AS 500 ATU. SEWAGE WILL FLOW TO AN ATU ON TO THE SIPHON TANK AND FINALLY THE PAD. THE BOTTOM OF THE PRIMARY PAD IS ON CONTOUR AND THE TOP OF THE RESERVE PAD IS ON CONTOUR
3. START BY LAYING OUT THE PAD. THE BOTTOM OF THE PAD IS TO BE LEVEL AND AT A DEPTH OF 78" FROM THE HIGHEST CORNER OF THE PAD. IN THIS WAY THE PAD WILL BE A MINIMUM OF 73" BELOW EXISTING GRADE AT THE SHALLOWEST POINT. AFTER EXCAVATING THE PAD, PLACE 10" OF #57 STONE IN THE BOTTOM OF THE PAD. A DISTRIBUTION BOX IS TO BE PLACED IN THE GRAVEL IN THE CENTER OF THE PAD. PERFORATED DRAIN TILE IS TO SPREAD THE EFFLUENT THROUGHOUT THE GRAVEL AS SHOWN. PLACE GEOTEXTILE FABRIC OVER THE GRAVEL BEFORE BACKFILLING.
4. THE SYSTEM SHALL BE INSTALLED IN DRY CONDITIONS ONLY. FOLLOW EROSION CONTROL METHODS AS REQUIRED BY THE COUNTY.
5. NO UNDERGROUND UTILITIES ARE TO BE PLACED WITHIN 10' OF THE DRAIN FIELD.
6. IF NEEDED, THE RESERVE IS A 18'4" X 18'6" PAD.
7. A 3C WELL IS LOCATED ON THE LOT AND WILL BE REPLACED WITH A 3B WELL. THE WELL LOCATION SHOWN IS WHERE THE EXISTING WELL IS. THE WELL CASING IS TO BE PULLED. IF THE NEW WELL CAN BE DRILLED THROUGH THE OLD WELL THAT CAN BE DONE. IF NOT, THE OLD WELL IS TO BE FILLED COMPLETELY WITH GROUT AND THE NEW WELL DRILLED WITHIN 5' OF THE OLD WELL.

CMW SOIL CONSULTANTS, LLC
 13235 MATTS LANE
 CULPEPER, VIRGINIA 22701
 TEL: (540) 937-6623
 FAX: (540) 937-6624

DATE: 9-5-23

SCALE: 1" = 30'

DRWN: JDT

CONCEPT PLAN
 TM 64-32 - MADISON COUNTY, VIRGINIA

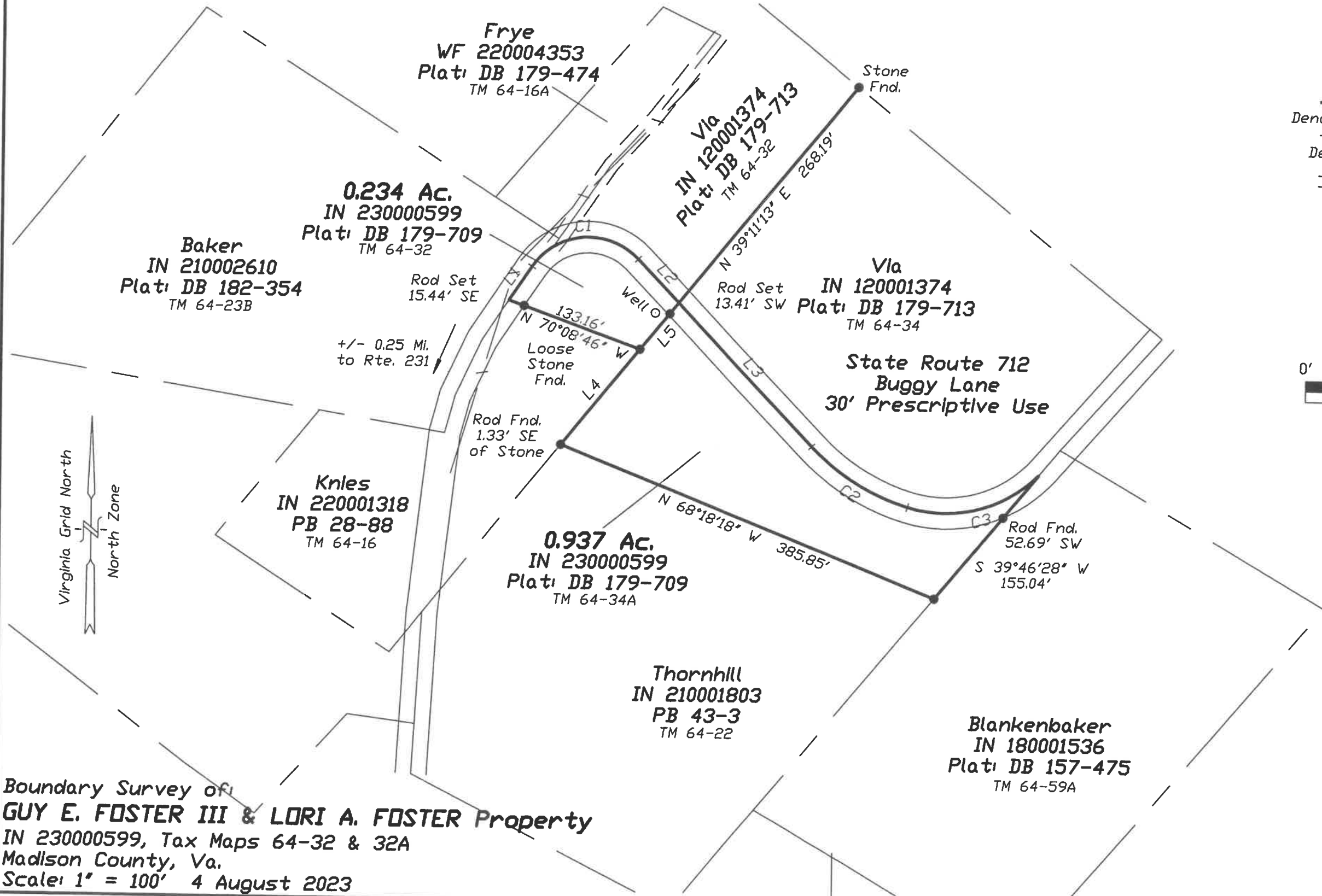
DWG. NO:

NOTES:

1. No Title Report Furnished
2. Easements Not Shown May Exist
3. This Plat Is Based On A Field Survey Dated 1 August 2023
4. Property Lines and Acreage are Based on the Current Location of Route 712

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	64.94'	102°37'20"	116.32'	N 85°09'18" E	101.38'
C2	209.45'	30°05'16"	109.99'	S 58°34'40" E	108.73'
C3	126.63'	61°23'58"	135.70'	N 75°40'43" E	129.30'

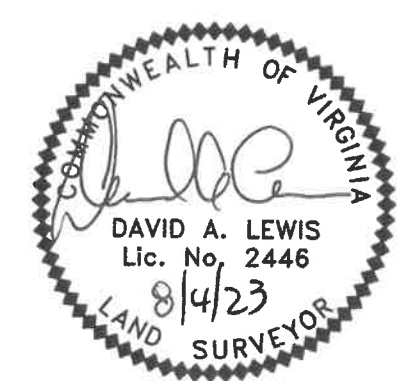
LINE	BEARING	DISTANCE
L1	N 33°50'38" E	38.76'
L2	S 43°32'02" E	56.83'
L3	S 43°32'02" E	186.86'
L4	N 38°51'14" E	118.30'
L5	N 39°11'13" E	57.77'



Denotes Rod Found Unless Stated
 Denotes Overhead Power Line
 Denotes Existing Road



APPROVED
MADISON COUNTY
BUILDING & ZONING
 Madison, VA



Boundary Survey of
GUY E. FOSTER III & LORI A. FOSTER Property
 IN 230000599, Tax Maps 64-32 & 32A
 Madison County, Va.
 Scale: 1" = 100' 4 August 2023

Blankenbaker
 IN 180001536
 Plat: DB 157-475
 TM 64-59A

Lewis Surveying Inc.
 David A. Lewis, L. S.
 518 Graves Road
 Graves Mill, VA 22727
 (540) 948-7136
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