



AGENDA

**Madison County Board of Zoning Appeals
Madison County Administrative Auditorium
414 North Main Street, Madison, VA 22727
Tuesday, April 15, 2025 - 7:00 p.m.**

Call to Order

Adoption of Agenda

New Business

- Adoption of previous minutes from February 18, 2025

Public Hearings

(Case Number V-4-15-25) David Michaelson, on behalf of Sarah Dan LLC, has requested a variance from Madison County Zoning Ordinance, Appendix 1, Article 4-4-1 “Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width, or 100 feet or more from the center line of any street right-of-way less than 50 feet in width.” The applicant is requesting the setback be reduced from 50’ to 32’. The purpose of the request is to facilitate a right-of-way for a proposed subdivision. The subject parcel is identified as Madison County tax map 50-60, is zoned A-1 (Agricultural), and contains 6.291 acres (GIS).

Old Business

- None

Adjournment



To: Madison County Board of Zoning Appeals
From: Allen Nicholls, Planning and Zoning Administrator
Subject: Sarah Dan LLC Variance Request
Date: April 15, 2025

Summary of Request

(Case Number V-4-15-25) David Michaelson, on behalf of Sarah Dan LLC, has requested a variance from Madison County Zoning Ordinance, Appendix 1, Article 4-4-1 “*Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width, or 100 feet or more from the center line of any street right-of-way less than 50 feet in width.*”. The applicant is requesting the setback be reduced from 50’ to 32’. The purpose of the request is to facilitate a right-of-way for a proposed subdivision. The subject parcel is identified as Madison County tax map 50-60, is zoned A-1 (Agricultural), and contains 6.291 acres (GIS).

Items Required for Application

Application – Submitted March 12, 2025

Application Fee – \$250 collected March 12, 2025

Survey/Plat/Site Plan – GIS maps, Plat, and Site Plan are attached

A copy of the current paid real estate taxes – Attached

Agency Comments

Madison County Health Department – Requested March 31, 2025

Virginia Department of Transportation – Standing email declining comment

Madison County Building Official – Requested March 31, 2025

Background

MADISON COUNTY BUILDING & ZONING DEPARTMENT

410 N Main Street, Madison, VA 22727

Phone: (540) 948-6102

www.madisonco.virginia.gov

VARIANCE APPLICATION INSTRUCTIONS

IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE THIS PACKET IN ITS ENTIRETY AND AS PRECISELY AS POSSIBLE. VARIANCE APPLICATIONS ARE CONSIDERED BY THE BOARD OF ZONING APPEALS. SEE ARTICLE 17 OF THE MADISON COUNTY ZONING ORDINANCE AND SECTION 15.2-2309 OF THE CODE OF VIRGINIA FOR FURTHER INFORMATION.

This packet is considered complete when the following have been received:

- Variance application (attached).
- A \$250.00 non-refundable fee is due when this application is submitted to our office.
- A placement survey plat and/or a drawn site plan must be submitted with this application. On the plat or plan, you must identify the location of any proposed or existing structures and/or buildings, any existing or proposed roads/rights-of-way/easements, entrance location to the property, and measurements to all property lines.
- A copy of the current paid real estate tax receipt for the property (may be obtained from the Madison County Treasurer's Office).
- You may be required to provide a copy of the deed to the property if staff cannot locate it in the clerk's office.
- Staff must have written comments from the following departments/agencies on the variance request prior to the scheduling of the public hearing. Also, staff may work with you on obtaining all comments except for the Property Owners Association which is the responsibility of the owner/applicant:
 - The Madison County Health Department
 - The Virginia Department of Transportation
 - The Madison County Building Official
 - The Property Owners Association- President, Vice President, or Secretary (*if in a subdivision*)
- Any other evidence or exhibits the applicant desires to be reviewed by the Board of Zoning Appeals should be submitted along with this application.

If you have any questions, please call the Madison County Building and Zoning Office at (540) 948-6102, Monday through Friday, 8:30 a.m. to 4:30 p.m.

*****ADDITIONAL INFORMATION MAY BE REQUIRED IF THE PLANNING & ZONING ADMINISTRATOR DETERMINES IT NECESSARY TO ENSURE CONFORMANCE AND TO PROVIDE ENFORCEMENT OF THE ORDINANCE(S). *****

MADISON COUNTY BUILDING & ZONING DEPARTMENT

410 N Main Street, Madison, VA 22727

Phone: (540) 948-6102

www.madisonco.virginia.gov**VARIANCE APPLICATION TO THE BOARD OF ZONING APPEALS**1) The applicant is the: Owner Lessee Agent for Owner

Owner	Lessee or Agent for Owner (if applicable)
Name: Sarah Dan LLC	Name:
Mailing Address: 1005 Vineyard Path Road Barboursville, Va.22923	Mailing Address:
Phone Number: [REDACTED]	Phone Number:
Email: [REDACTED]	Email:

2) E911 Address of Construction: 1529 John Tucker Rd Roade, Va. 227273) Please provide detailed directions to the site: _____

_____4) Tax Map Number: 50-60 5) Size of Property: 6.2916) Is the parcel located in a subdivision? Yes No
If yes, which one: _____7) Is the parcel located in the floodplain? Yes No8) Is the proposed structure and/or building located in the floodplain? Yes No9) Water and sewage disposal source for the property:
Private Well Private Septic Public Water Public Sewer None10) Is this application the result of receiving a notice of violation? Yes No11) Please check which zoning district the parcel is located (If unknown, office staff can look this up for you):

<input type="checkbox"/> Conservation (C-1)	<input checked="" type="checkbox"/> Agricultural (A-1)
<input type="checkbox"/> Residential, Limited (R-1)	<input type="checkbox"/> Residential, General (R-2)
<input type="checkbox"/> Residential, Multiple Family (R-3)	<input type="checkbox"/> Business, General (B-1)
<input type="checkbox"/> Industrial, Limited (M-1)	<input type="checkbox"/> Industrial, General (M-2)

12) Current use of property (Ex: Vacant, Residence, Farming, etc.): Residential13) List existing structures and/or buildings that are currently on the property:House, garage and 2 storage sheds14) It is desired and requested that the property be varied from 50 feet to 32 feet.
(If this question is not applicable, see #19).

15) Proposed structure and/or building (Ex: New Home, Addition, Porch, Deck, Accessory Building, etc.):
N/A

16) The proposed structure and/or building will be used for the following (Residence, Farm Use, Household Storage, etc.):
N/A

17) Dimensions of Proposed Structure and/or Building (Please include dimensions of any proposed decks and/or porches, if applicable):
N/A

18) Height of proposed structure and/or building: _____ feet

19) Please explain the reason for the variance request and add any additional comments you may have:

We are seeking a variance for the setback of the access road to a new lot on an existing 6 plus acre plot.

Want to SEE Attached

I (we), the undersigned, do hereby certify that the above information is true and correct. I (we) further understand that in granting approval of this application, the Board of Zoning Appeals may require that I (we) comply with certain conditions and that such approval shall not be considered valid until these conditions are met.

Dul R. Whill

Signature of Owner

3/12/2025

Date

Signature of Lessee and/or Agent for Owner

Date

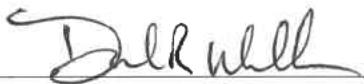
Please list names and mailing addresses of all adjoining landowners, including landowners across any road or right-of-way. Names and addresses of owners may be found on the Madison County website (www.madisonco.virginia.gov) under the GIS link.

<u>Name</u>
Richard Cromwell
Ada Patterson
Roger Boykin
William Hunt
Graystone Homes
Benny Barnes

<u>Mailing Address</u>
1571 John Tucker Rd Ashada, VA 22727
1525 John Tucker Rd Ashada, VA 22727
1465 John Tucker Rd Ashada, VA 22727
1623 John Tucker Rd Ashada, VA 22727
1202 Orange Rd Culpepper VA 22701
1522 John Tucker Rd Ashada, VA 22727

Adjoining Property Owner Verification:

As applicant for this variance request, I (we) SARAH DAN LLC hereby acknowledge that I (we) have faithfully and correctly provided names and complete mailing addresses of all of my adjoining property owners and those directly across the road or right-of-way. I (we) understand that failure to provide all adjoining property owners will leave me liable for additional cost for re-advertisement and notices mailed, and that my request may be delayed until proper notification has been given to all adjoining property owners and those property owners across the road or right-of-way.


Signature of Owner

3/12/2025
Date

Signature of Lessee and/or Agent for Owner

Date

1529 John Tucker Road
Aroda, Virginia 22727
Request for Access Road Variance
March 12, 2025

Reason for Requesting of Variance

1529 John Tucker Road is a six plus acre lot in an Agricultural Zoning District. Thus, by right it can be subdivided into two (2) three-acre parcels. With this assumption Sarah Dan LLC., the owner's contracted with Edward Burke Surveying to evaluate what the options were for accomplishing the creation of the division of this property into two 3-acre plots.

As there is an access road to the property with a deeded access easement to 1525 John Tucker Road owned by Ada Patterson our first approach to accomplishing this subdivision explored utilizing the existing road access between the existing properties and to obtain a road maintenance agreement from Ms. Paterson. There were two objectives in this approach one was to provide access to the subdivision, the second was to create a road maintenance agreement as one does not currently exist between 1529 and 1525 John Tucker Road. We have met several times with Ms. Paterson to discuss these matters, but she has declined to grant the access easement we proposed across her property, and she has also declined to enter into a road maintenance agreement.

Given these facts we requested a meeting with the Madison County Zoning staff to discuss our options. A meeting was held with Allen Nicholis of the County, and we discussed the following:

1. Creating a duplex (2-unit dwelling by special exemption) at the existing garage which would have required the creation of a non-conforming lot to allow for the installation of the septic system required and to have sufficient acreage to create a 3-acre lot.
2. We discussed creating two lots with an access road to the north of the existing property
3. We discussed creating two lots with an access road hugging the southern property line along Ms. Patterson's Property.

Staff expressed that each of these options would more than likely require a variance and that the preferred option would be to have two conforming lots instead of the duplex which would create a non-conforming lot. It was clearly expressed that it was our decision as to how to proceed and that no outcomes for a variance could be assumed.

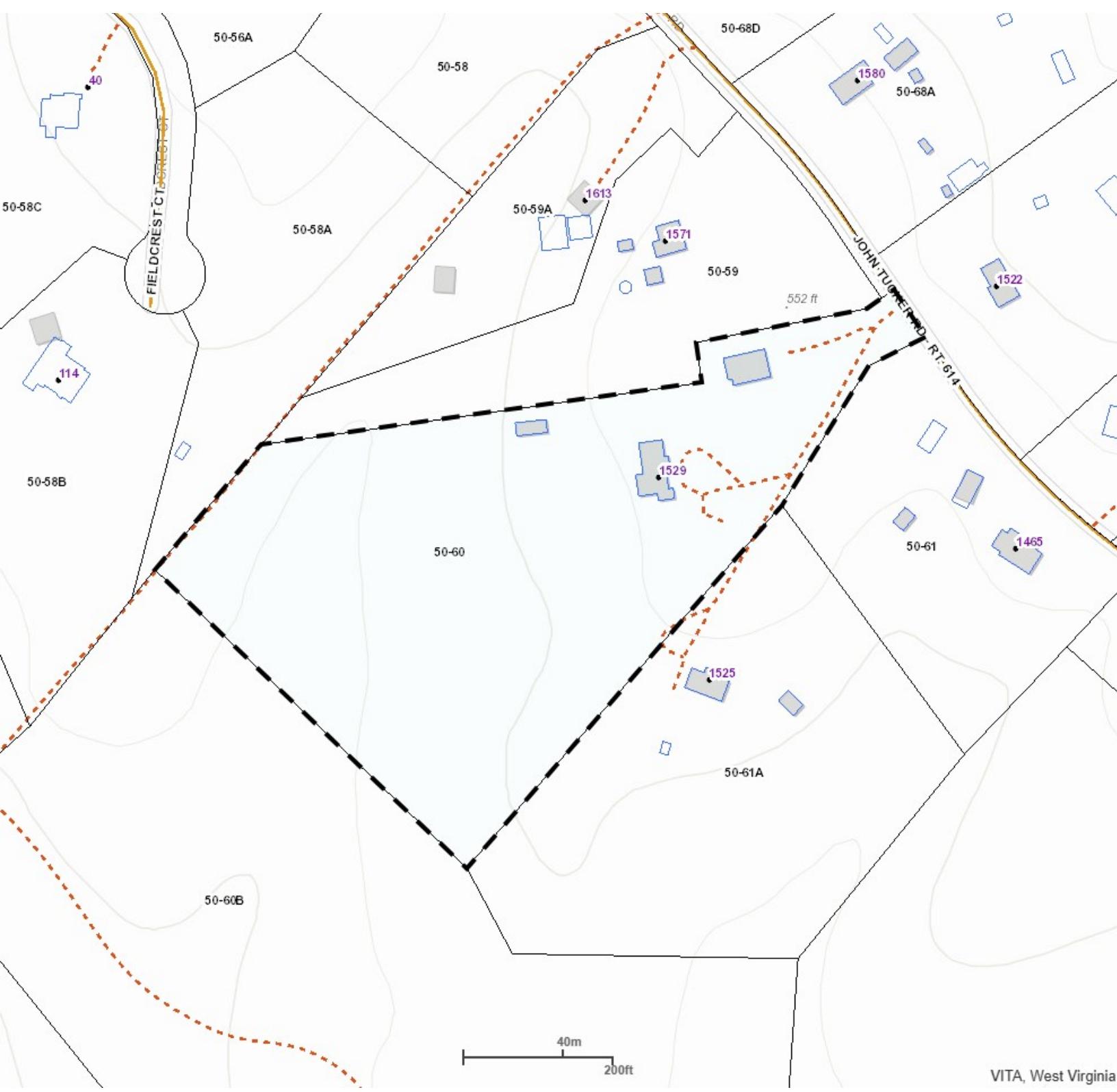
After the meeting we met again with E.J. Burke, our surveyor, and discussed the outcome of the meeting with County Staff. Based on this meeting he has prepared what we believe would be the most prudent way to subdivide the property which we hope will be accepted. This option would create an access road to the south of the property that would be 45.2' feet from the house and 32.4' feet from the carport. This is illustrated in the attached plan he prepared and is the basis of our request.

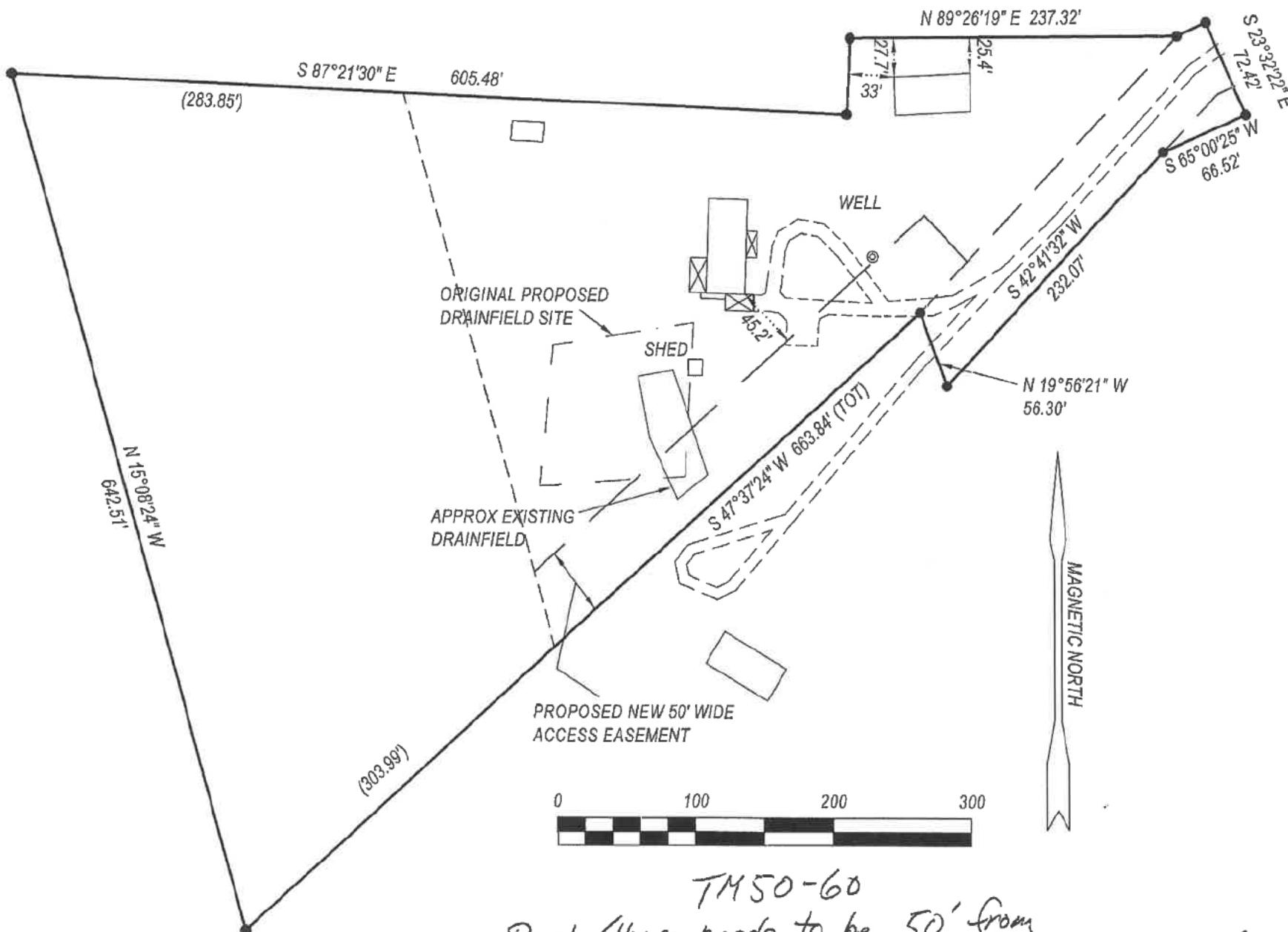
Respectfully Submitted

David R. Michaelson/Managing Member

Sarah Dan LLC.







TM50-60
 Porch/House needs to be 50' from
~~R/W~~ line. House is 45.2' and
 carport is 32.4'

240001490

PREPARED BY:
WILLIAM P. BRAY - VSB #93405
BRAY KNICELY LAW PLLC
487 McLaws Circle, Suite 2
Williamsburg, VA 23185

RETURN TO:
CLOSURE TITLE & SETTLEMENT COMPANY
3510 Remson Court, Suite 201
Charlottesville, VA 22901

Consideration: \$267,500.00
Assessed Value: \$220,900.00

Parcel ID #50-60
Title Insurer: Old Republic National Title Insurance Company

DEED OF BARGAIN AND SALE

THIS DEED OF BARGAIN AND SALE is made this 25th day of October, 2024,
by and between and **MARY A. JENKINS** a/k/a **MARY ANNA SISK JENKINS**, widow,
party of the first part, **Grantor**, and **SARAH-DAN, LLC**, a Virginia limited liability
company, party of the second part, **Grantee**, whose mailing address is 1005 Vineyard
Path Road, Barboursville, VA 22923.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand
paid, and other good and valuable consideration, the receipt and sufficiency of which is
hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey, with
GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the Grantee, the
following described real property, to-wit:

SEE EXHIBIT "A" ATTACHED

HERETO AND MADE A PART HEREOF

WITNESS the following signature and seal:



MARY A. JENKINS
A/K/A MARY ANNA SISK JENKINS

STATE OF VIRGINIA

CITY/COUNTY OF Madison, to-wit:

The foregoing Deed was acknowledged under oath before me this 31 day of October, 2024, by MARY A. JENKINS A/K/A MARY ANNA SISK JENKINS.



Notary Public

My Commission Expires: Feb 28, 2025
Notary Registration Number: 7804436



AFFIX SEAL

**THIS DEED WAS PREPARED AT THE REQUEST OF THE GRANTOR AND WITHOUT THE
BENEFIT OF A TITLE EXAMINATION.**

EXHIBIT "A"
(Legal Description)

All that certain tract or parcel of land with all improvements thereon and all appurtenances thereunto belonging, situate, lying and being in the former Locust Dale Magisterial District of Madison County, Virginia, containing 6.291 acres, more or less, comprised of Parcel C (5.913 acres, more or less), and Parcel E (0.378 acres, more or less), as shown on a plat by Bruce W. Parker, L.S., dated April 11, 1995 which plat is recorded in the Clerk's Office of Madison County, Virginia, in Plat Book 19 at page 92.

TOGETHER WITH the non-exclusive use of utility easement fifteen feet in width running to Virginia State Route 614 as shown on the aforementioned plat.

Subject to the easements, conditions and restrictions of record insofar as they may lawfully affect the Property.

IT BEING the same property conveyed to James A. Jenkins and Mary A. Jenkins, husband and wife, tenants by the entirety with the common law right of survivorship, from Barbara L. Delage, widowed and not remarried, by Deed dated December 15, 2011, and recorded in the Clerk's Office of the Circuit Court for Madison County, Virginia, on December 16, 2011, as Instrument Number 110001768. The said James A. Jenkins having departed this life on June 19, 2022, thereby vesting full title in his widow, Mary A. Jenkins, who is also known as Mary Anna Sisk Jenkins.

For informational purposes only, the address of the property is: 1529 John Tucker Road, Aroda, Virginia 22709.

INSTRUMENT 240001490
RECORDED IN THE CLERK'S OFFICE OF
MADISON CIRCUIT COURT ON
NOVEMBER 6, 2024 AT 10:09 AM
\$267.50 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$133.75 LOCAL: \$133.75
LEETA D. LOUK, CLERK
RECORDED BY: JXK



**Madison County
Real Estate Account 10015569
JENKINS, JAMES A OR MARY A
1/1/2024 - 12/31/2025**

Parcel/Account #: **50-60**
Property Address: **1529 JOHN TUCKER RD
ARODA, VA 22709**
Third Party Payer:

Current Balance: **\$0.00**
Total Balance: **\$0.00**
Delinquent Balance: **\$0.00**
Last Payment Date: **11/12/2024**
Last Payment Amount: **\$817.33**

General

Mail To Name: JENKINS, JAMES A OR MARY A	Contact Phone:
Mailing Address: 1529 JOHN TUCKER RD ARODA, VA 22709	Alternate Number:
Contact E-Mail:	Fax Number:
Parcel Number: 50-60	Account Number: 10015569
Physical Location: 1529 JOHN TUCKER RD ARODA, VA 22709	Deed Book: Page 0
Previous Account Number: 75342	Instrument Number: 110001768
Legal Description: IN 110001768 6.291 AC	GPIN: 1893
	Subdivision:
	Lot Size: 6.291 Acres
	Real Estate Property Class: Single Family Residential (Suburban)
	Status: Active
	Account Created On: 1/1/2001
	Account Closed On:
	Third Party Payer:

Note:

Bills

2024-2

Due: **12/5/2024** Status: **Paid In Full** Paper Bill: **Sent On 10/1/2024** Bill Cycle: **2**

Tax:	\$817.33
Total Owed:	\$817.33
Payments:	(\$817.33)
Balance:	\$0.00

2024-1

Due: **6/5/2024** Status: **Paid In Full** Paper Bill: **Sent On 4/29/2024** Bill Cycle: **1**

Tax:	\$817.33
Late Payment Penalty:	\$40.87
Interest:	\$3.75
Total Owed:	\$861.95
Payments:	(\$861.95)
Balance:	\$0.00

DATE: 3/12/2025

TIME: 04:22 PM

CASHIER: sjenkins

DRAWER # 12214

PMT #: 65380



MADISON COUNTY
Receipt For Transactions Paid

Stephanie G. Murray

PO Box 309 410 N.Main St, Madison, Virginia 22727
Phone: 540-948-4409 www.madisonco.virginia.gov

DATE: 3/12/2025

TIME: 04:22 PM

CASHIER: sjenkins

DRAWER # 12214

PMT #: 65380

Item #	Description	Amount
1	BUILDING PERMITS BUILDING PERMIT NUMBER: P2025-569	\$250.00
	TOTAL TRANSACTIONS	\$250.00
	PAYMENT METHOD/AMOUNT	
	CREDIT CARD #2644, DAVID MICHAELSON	\$250.00
	TOTAL PAYMENT RECEIVED	\$250.00
	CHANGE DUE	\$0.00