



AGENDA

**Madison County Board of Zoning Appeals
Madison County Administrative Auditorium
414 North Main Street, Madison, VA 22727
Tuesday, May 20, 2025 - 7:00 p.m.**

Call to Order

Adoption of Agenda

New Business

- Adoption of previous minutes from February 18, 2025
- Adoption of previous minutes from April 15, 2025

Public Hearings

(Case Number V-5-20-25) Robert K Swab Jr & Edith L Swab, 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 100' to 50'. The purpose of the request is to facilitate a new residence in a more desirable area of the subject property. The subject parcel is identified as Madison County tax map 38-20F, is zoned C-1 (Conservation), and contains 4.398 acres (survey).

Old Business

- None

Adjournment



MADISON COUNTY BOARD OF ZONING APPEALS

MADISON VIRGINIA 22727

The Madison County Board of Zoning Appeals met on Tuesday, January 21, 2025, at 7:00 p.m., in the Madison County Administrative Auditorium, 414 N. Main Street in the Town of Madison, Virginia. The board members present were Chairman Rodney Lillard, Members Sara Wills and Roger Clatterbuck, Secretary Janet Henshaw, Zoning Administrator Allen Nicholls and new members Kyle Knight and alternate Jessica Davis. Chairman Lillard called the meeting to order at 7:01 PM and determined there was a quorum, asked members if there were any additions or corrections to be made to the minutes from the previous meeting of January 21st, 2025. Member Clatterbuck moved to approve the minutes as submitted and member Wills seconded the motion. The minutes were approved by unanimous voice vote. Chairman Lillard welcomed new Members Kyle Knight who was sworn in and active and alternate Jessica Davis which we will be using her tonight and was also sworn in recently.

New Business

Adoption of previous minutes from January 21, 2024

Public Hearings

(1) (Case Number V-2-18-25) Matthew Fant has requested variances from Madison County 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" and Madison County Ordinance, Appendix 2, Article 2-2-17: "Lot, Corner. A lot abutting upon two or more roads at their intersection. The front of a corner lot shall be the side where the driveway entrance is or will be located as approved by the Virginia Department of Transportation. The setback on the side facing the side road shall be 35 feet or more for both main and accessory buildings". The variances are requested for property located at 3244 Ridgeview Rd and further identified as Madison County Tax Map 32-162. The front setback is requested to be reduced from 100' to 34', and the side setback is requested to be reduced from 35' to 13'. The purpose of the variance request is to allow a building that was recently constructed without a zoning permit, to remain within the setback area.

Chairman Lillard read two correspondence one from neighbor Mr. Hitt who has no problem with the garage. And the other is from Mr. Tickle who fully endorses the Madison County code of ordinances.

Member Suzanne Long commented...is a friendly neighbor of Mr. Fant, not at this property but at another where Mr. Fant grew up off Leon Road and recuses herself.

Member Kyle Knight is also stepping down because of a conflict of interest.

Jessica Davis will be used as an alternate and has agreed to do so.

Applicant Matthew Fant commented...didn't know he needed a permit. It was understood that a structure without power or water didn't need a permit.

Rodney Lillard questioned Matthew Fant's reason for hardship either being slope or grandfathered lots, swamps, etc.

Matthew Fant replied...if he put it any closer, he'd block his driveway or any further down water washes down the hill.

Member Roger Clatterbuck advised in October to stop work that you were in violation of the ordinance, it also says that you were still working on it in December, so you didn't stop working on it.

Matthew Fant replied...that is false.

Neighbor Marty Wheeler spoke up and said that he can confirm that he was not working on it in December.

Roger Clatterbuck questioned if the concrete was poured after he was told to stop work?

Matthew Fant replied...no sir.

Marty Wheeler commented...I sold Matthew the property and I live straight across the road.

Neighbor Collin Tucker commented...I am a neighbor, and he hasn't been working on the building.

Member Sarah Wills questioned...what is the foundation?

Matthew Fant replied...it is concrete on the top, since the well was close, we didn't want to do any digging.

Sarah Wills questioned...was there an issue with the distance to the well?

Rodney Lillard replied...yes.

Zoning Administrator Allen Nicholls commented...at the time of the complaint me and staff went out to property and observed the building being constructed. At the time when first spoke to the applicant there was gravel on the ground. Asked Mr. Fant to come in and get permits. Advised the Building Official and he promptly issued a stop work order. Next visit construction continued to include pouring concrete and installation of windows. I would recommend the variance not be approved as the hardship was self-imposed, could have been avoided if the applicant had gotten the appropriate permits and the property is large enough.

Matthew Fant replied...gravel was poured the same day in October.

Allen Nicholls commented...when we came out, there was no concrete, when we asked him to come and get permits.

Rodney Lillard commented...when the Zoning Administrator comes out and tells you, that's when you make a phone call to stop the concrete.

Allen Nicholls commented...when we were on the site that day, there was no concrete/mixing truck onsite. No desire to go back and forth on the matter.

Rodney Lillard asked if there were any comments or questions from BZA members.

Rodney Lillard asked if there were any comments from the public.

Marty Wheeler commented...there's nowhere else to really put it.

Rodney Lillard replied...I disagree, there are more options, opinion.

Matthew Fant's Mother Chrissy Jenkins commented...the letter was sent to her address and not Matthew's. Understands permits were needed, however it is a simple pole shed, which does not have electricity or plumbing. My son has put \$25,000 into this shed and now the county is telling him to take it down. That is a hardship for a 24-year-old person to just throw away. Questions the board if they had \$25,000 to just throw away.

Rodney Lillard responds and says...I wouldn't make that mistake ma'am.

Chrissy Jenkins comments...that the average person isn't aware that permits are needed for a pole shed. There are a lot of buildings in this county that are a lot more extravagant than this one and they don't have permits.

Roger Clatterbuck questions...it is all 4 sides.

Matthew Fant replied...it's 3 sides.

Chrissy Jenkins comments...it is no different than a run-in shed.

Roger Clatterbuck commented...I don't have concrete in my shed.

Matthew Fant replied that most people do have concrete in their shed.

Rodney Lillard replied...I disagree, most people don't. We are not going to argue.

Chrissy Jenkins commented...this was originally going to be used to put a couple 4H animals in for his brother. I am an average person and like many didn't realize he needed a permit. He just built a house and every step of the way, he got permits.

Rodney Lillard questioned if there were any comments or questions from the BZA members.

Member Jessica Davis questioned...why he didn't get an Ag Exemption?

Matthew Fant replied...was told I didn't have enough acreage. I don't have quite 5.

Rodney Lillard questioned...3.8 acres, correct?

Matthew Fant replied...yes.

Rodney Lillard questioned...is there an Ag Exemption, Allen?

Allen Nicholls replied...the Ag Exemption is under the Building Code; I don't render opinions on that, that is in the Building Officials hands. I understand that this is not an Ag Exempt building, it is not used in active farming operations.

Rodney Lillard commented...I would agree a 3-acre lot wouldn't qualify but I was under the assumption that there were Ag Exemptions.

Allen Nicholls replied...Ag Exempt buildings are exempt from inspections and requirements of the Building Code, but setbacks still apply.

Continued discussions.

Rodney Lillard questioned if there were any more questions or comments or motion.

Sarah Wills made a motion to deny the variance.

Roger Clatterbuck seconded the motion.

Aye: (0). Abstain: Long and Knight. Absent: (0). Nay: Wills, Clatterbuck, Lillard, and Davis.

Rodney Lillard commented...the motion has been denied.

Matthew Fant stood up, raised a commotion and used profanity.

Rodney Lillard commented...wanted to make everyone aware when making site visits, if 3 more people meet to discuss county matters then it is considered a committee meeting, if there are 2 then it is fine but if there are 3 then it should be treated as a committee. If 3 or more members then must be advertised, minutes must be done, and the public must be invited. Try to make it a habit of only 2, don't make it a group visit of 3 or more. Can be an issue, just want to make everyone aware.

Roger Clatterbuck questioned...does he have any recourse?

Allen Nicholls replied...yes, he can take us to court. The State Code says I must send a letter, whatever I am required to disclose as far as an appeal I will do so. What I believe to be correct is he will have 30 days to appeal, if longer than his appeal is over.

Rodney Lillard commented...I was on the Planning Commission for 17 years and have been on this board for 5 years and during that time I have never been cussed at like that before at a public meeting. That is very disturbing!

Allen Nicholls commented...we invited the deputy for a reason.

Suzanne Long questioned...if he does appeal, he will need to take that down?

Allen Nicholls replied...I am going to send a letter with instructions for him to do so. General attitude has been "make me do it." Time to appeal had technically expired when he filled out his application. I would give anyone the same type of grace.

Suzanne Long questioned...there is a concern about the residence on the site?

Kyle Knight commented...there was no concrete truck.

Allen Nicholls commented...we don't get mad at people; we just work it out.

Allen Nicholls commented...his zoning permit says for him to be 100 feet, if you notice his house is 78 feet. I tried to get him to remedy the building because I don't have an interest in making anyone move their home. A judge would have the power to make him move his home, however that is not our intention. The person that made the complaint, who shall remain confidential, noticed it because it was so close to the road.

Continued discussions.

Allen Nicholls commented...tried to be prompt in letting him know before he poured concrete but here, we are.

Rodney Lillard commented...someone not long ago bent over backwards to comply. He has a building permit for the home, correct?

Allen Nicholls replied...yes. Complies to the side setback but not the front.

Rodney Lillard questioned...Is there a meeting scheduled for March?

Allen Nicholls replied...as this time there is no one on the schedule. Most likely won't see everyone until April at the earliest.

There were public or other comments.

Old Business

None

Adjournment

Chairman Lillard asked if there was any further business for the board. There being none, Member Clatterbuck made a motion to adjourn the meeting. The motion was seconded by Member Wills. The motion was unanimously approved, the meeting ended at 7:35 PM.

Chairman-Rodney Lillard



MADISON COUNTY BOARD OF ZONING APPEALS

MADISON VIRGINIA 22727

The Madison County Board of Zoning Appeals met on Tuesday, April 15, 2025, at 7:00 p.m., in the Madison County Administrative Auditorium, 414 N. Main Street in the Town of Madison, Virginia. The board members present were Chairman Rodney Lillard, Members Sara Wills and Roger Clatterbuck, Kyle Knight, Suzanne Long, alternate Jessica Davis, Zoning Administrator Allen Nicholls. Chairman Lillard called the meeting to order at 7:00 PM.

New Business

Adoption of previous minutes from February 18, 2025

Chairman Lillard stated that since minutes from the February 18, 2025 meeting were not included in the packet, their approval would be moved to the next meeting.

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).

Chairman Lillard read the case and invited the applicant to explain his request.

Applicant, David Michaelson, explained that he is seeking the variance as a result of consideration of multiple options for development, and discussing the matter with county staff. When weighing whether a special use permit for a duplex or a variance for a subdivision would be a more appropriate option, he chose the variance in order to pursue an otherwise by-right subdivision and future use.

David Michaelson explained the process he undertook to work with the adjoining neighbor to the south to utilize an existing easement, which ultimately proved unsuccessful. He further explained that an existing carport is the closest structure to the easement.

Chairman Lillard clarified that access to the both the Applicant's property and the adjoining property to the south shares a single entrance.

The applicant confirmed the entrance is shared and went on to state that he has not yet engaged the services of a soil scientist to establish the feasibility of relocating the drainfield.

Chairman Lillard asked Allen Nicholls if there was anything to add.

Allen Nicholls responded that there are two surveys in the packet for review. The second is older and was provided by a member of the public to illustrate the location of a spring. Allen Nicholls went on to state that when viewed holistically, the proposal yields orderly development. It is essentially a by-right subdivision, and is appropriate. The applicant is aware that he will have to relocate the drainfield in order to subdivide. Health Department comments were delivered close to the meeting time, and are provided to Board review.

Allen Nicholls stated that VDOT has a standing letter stating that they do not wish to provide commentary on variance requests. However, it is likely that work will be required to increase the capacity of the entrance, if a third lot were to be created that utilizes this entrance.

Chairman Lillard clarified that the Planning Commission will not see a future subdivision application, and Allen Nicholls confirmed that this is a single lot subdivision, and can be administratively approved.

Further discussion between Chairman Lillard, the applicant, and Allen Nicholls regarding the details of the site.

Roger Clatterbuck asked clarifying questions regarding the entrance, and plans of future subdivision to the applicant.

The applicant explained further site details, as well as clarified the location of a spring on the neighboring parcel to the north.

Chairman Lillard asked the applicant about existing structures on the property. The applicant described the structures.

Roger Clatterbuck clarified that the applicant plans to relocate the drainfield, and discussed potential options for future development.

Further discussion continued regarding site details between Roger Clatterbuck, Suzanne Long, and the Applicant.

Chairman Lillard stated that he regrets that the Board of Supervisors changed the policy and removed subdivision review from the Planning Commission for single-lot subdivision applications.

Suzanne Long asked the applicant if the adjacent parcel to the west was improved with a residence. Discussion about the adjacent parcel followed.

Sara Wills asked about the trees that provide a visual buffer between the subject property and the adjacent property to the south. Discussion followed.

Roger Clatterbuck asked the applicant what his hardship was.

The applicant responded that the lot shape requires a variance to develop. The current plan is more conforming and less intrusive than the alternative of pursuing a special use permit for a duplex.

Sara Wills asked about alternative methods of road installation. Discussion followed.

Chairman Lillard opened the floor for public comment.

William Hunt, an adjacent property owner, spoke in opposition to the application. Primary concerns revolved around the removal of trees on the applicant's property. Mr. Hunt also objected to a future subdivision that would result in another home being constructed close to his home.

With there being no further public comment, Chairman Lillard closed the floor for further comments.

Chairman Lillard stated the only issue being considered is the setback issue.

Sara Wills made a motion to grant the variance.

Suzanne Long seconded the motion.

Aye: (5). Wills, Clatterbuck, Lillard, Long, Knight. Abstain: (0). Absent: (0). Nay: (0)

Following the vote, the applicant addressed William Hunt and stated that he was willing to discuss the particulars of the site to come to an agreeable plan.

Chairman Lillard addressed the Board and stated that the Board of Zoning Appeals does not have bylaws. He suggested the Board of Zoning Appeals take action regarding compensation. Discussion followed.

Suzanne Long made a motion to set compensation for Board of Zoning Appeals members to be compensation \$30 per meeting.

Roger Clatterbuck seconded the motion.

Aye: (5). Wills, Clatterbuck, Lillard, Long, Knight. Abstain: (0). Absent: (0). Nay: (0)

Allen Nicholls shared information regarding the modification of SB974 that was recently signed by the governor.

Roger Clatterbuck made a motion to adjourn the meeting

Sara Wills seconded the motion.

Aye: (5). Wills, Clatterbuck, Lillard, Long, Knight. Abstain: (0). Absent: (0). Nay: (0)

Chairman-Rodney Lillard



To: Madison County Board of Zoning Appeals

From: Allen Nicholls, Planning and Zoning Administrator

Subject: Robert K Swab Jr & Edith L Swab Variance Request

Date: May 20, 2025

Summary of Request

(Case Number V-5-20-25) Robert K Swab Jr & Edith L Swab, 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 100' to 50'. The purpose of the request is to facilitate a new residence in a more desirable area of the subject property. The subject parcel is identified as Madison County tax map 38-20F, is zoned C-1 (Conservation), and contains 4.398 acres (survey).

Items Required for Application

Application – April 14, 2025

Application Fee – \$250 , received April 18, 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 April 18th, 2025

Virginia Department of Transportation – Standing email declining comment

Madison County Building Official – Requested April 18th, 2025

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. *Mailed 4-14-25*
- ☒ 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. *David Lewis Survey*
- ☒ A copy of the current paid real estate tax receipt for the property (may be obtained from the Madison County Treasurer's Office). *Can provide cancelled check as needed*
- ☒ 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. *separate letter*

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: Robert K Swab Jr & Edith L Swab	Name:
Mailing Address:	Mailing Address:
449 Drayton Park Dr	
Kemersville, NC 27284	
Phone Number: 336-416-7922	Phone Number:
Email: bobswab@yahoo.com	Email:

- 2) E911 Address of Construction: TM 38-20F

- 3) Please provide detailed directions to the site: Parcel of land lying and being situated in Madison County, Virginia, about 4 miles west of Madison Court House, off of State Route 658, containing 4.398 acres. The property is located off of Ruth Road adjacent to the property located at 180 Ruth Hollow Fire Trail Madison, VA 22727.

- 4) Tax Map Number: TM 38-20F

- 5) Size of Property: 4.398 Acres

- 6) Is the parcel located in a subdivision? ☐ Yes ☒ No
If yes, which one: _____

- 7) Is the parcel located in the floodplain? ☐ Yes ☒ No

- 8) Is the proposed structure and/or building located in the floodplain? ☐ Yes ☒ No

- 9) Water and sewage disposal source for the property:

☒ Private Well ☒ Private Septic ☐ Public Water ☐ Public Sewer ☐ None

- 10) Is this application the result of receiving a notice of violation? ☐ Yes ☒ No

- 11) Please check which zoning district the parcel is located (If unknown, office staff can look this up for you):

☒ Conservation (C-1) ☐ Agricultural (A-1)
☐ Residential, Limited (R-1) ☐ Residential, General (R-2)
☐ Residential, Multiple Family (R-3) ☐ Business, General (B-1)
☐ Industrial, Limited (M-1) ☐ Industrial, General (M-2)

- 12) Current use of property (Ex: Vacant, Residence, Farming, etc.): Undeveloped acreage

- 13) List existing structures and/or buildings that are currently on the property:

None

- 14) It is desired and requested that the property be varied from 100 ft. set back feet to 50 ft. set back feet.
(If this question is not applicable, see #19).

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

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

17) Dimensions of Proposed Structure and/or Building (Please include dimensions of any proposed decks and/or porches, if applicable):
74 Ft. wide by 66 ft deep including all porches - see attached floor plan.

18) Height of proposed structure and/or building: 24 feet

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

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.

Roluth K. Swab / Edith L. Swab
Signature of Owner

4-14-25
Date

N / A
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.

Name

Mailing Address

Thomas H. Lowe

3383 Dunscroft Ct. Keswick, VA 22947

John R. Dunwoody

398 Ruth Hollow Fire Trail, Madison, VA 22727

Catherine M. Gillespie

11478 Rapidan Rd, Orange, VA 22960

Adjoining Property Owner Verification:

As applicant for this variance request, I (we) Robert K. Swab Jr & Edith L. Swab 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.

Robert W. Swartz Edith L. Swartz
Signature of Owner

Signature of Owner

4-14-25

Date _____

Signature of Lessee and/or Agent for Owner

Date _____

Bob & Edye Swab
449 Drayton Park Dr.
Kernersville, NC 27284

April 14, 2025

Madison County Building & Zoning Department
410 N Main Street
Madison, VA 22727

Subject: Request for Setback Variance for TM38-20F

Dear Zoning Board,

We are requesting a set-back variance for a home to be built on the parcel of land off Ruth Hollow Fire Trail (TM38-20F).

Specifically, we are requesting the set-back be reduced from 100 feet, as specified in the zoning ordinance, to 50 feet. Reasons for this request are:

- Irregular Borders: An unimproved gravel driveway has provided access to this property and one neighbor for more than 40 years. Due to the irregular curvature of this border/driveway around the property and a bifurcation of the lot by powerlines, the house should be placed more in the center of the property facing the east.
- Septic Drain Field Placement: The optimal location for the septic drain field and reserve (as recommended by CMW Soil Consultants) is on the slope where the property drops downward. Moving the home forward (further east) with less of a set-back would allow the drain field to coincide with the natural slope of the land.
- Age In Place: To the extent possible, the home is being constructed as a safe age-in-place structure. The more level the site the more conducive it is to smooth entrances and exits both front and back.
- Low Impact to Neighbors: There is one neighbor who lives further down this driveway and we believe this variance has little to no impact on him.

Finally, we've included a property survey completed by David Lewis with his recommendation for placing the home on the property.

We thank you for considering this request.

Sincerely,

Bob & Edye Swab



Madison County Building Department

410 N. Main St, Madison VA 22727; Phone: (540) 948-6102

Mailing address: PO Box 1206, Madison VA 22727

Website: www.madisonco.virginia.gov

To: Allen Nicholls

Date: 04-21-2025

Re: USBC comments for V-5-20-25

After reviewing the proposed variance request for TM 38-20F, the reduction in the setback will pose no issue with the Virginia Uniform Statewide Building Code.

If the variance is approved, the new dwelling will have to fully comply with the Virginia Uniform Statewide Building Code.

Please contact me with any questions.

Jamie R Wilks CBO

Madison County Building Official

NOTES:

1. No Title Report Furnished
2. Easements Not Shown May Exist
3. This Plat Is Based On A Field Survey Dated 27 March 2025
4. This Property Lies Inside The Area of Minimal Flood Hazard (Zone X) According to FEMA FIRM Panel 51113C0140D, Eff. 9/18/20
5. This Property Is Zoned Conservation C-1

Setbacks
100' Centerline
25' Side
50' Rear

Lowe
IN 21-0403
Plat: IN 22-1053
TM 38-20L

Dunwoody
IN 07-0713
Plat: DB 122-38
TM 38-20G

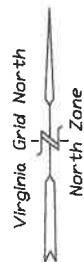
4.398 Ac.
IN 24-1663
Plat: DB 122-38
TM 38-20F

Swab
IN 21-0393
Plat: DB 122-38
TM 38-20K
+/- 190' to
Fire Trail
Then 0.2 Mi.
to Rte. 658

Lowe
IN 21-0403
Plat: IN 22-1053
TM 38-20L

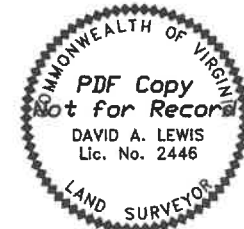
Unimproved Road
R/W DB 72-281
No Width

LINE	BEARING	DISTANCE
L1	N 26°37'43" E	70.00'
L2	N 64°38'43" E	133.94'
L3	S 77°46'17" E	117.34'
L4	N 69°01'43" E	117.79'
L5	N 81°05'43" E	22.56'
L6	S 73°39'17" E	42.00'
L7	S 54°08'17" E	97.55'
L8	S 15°53'13" W	72.50'
L9	S 46°12'13" W	113.39'
L10	S 39°27'43" W	65.04'
L11	S 45°05'43" W	138.98'



Boundary Survey of:
**ROBERT KENNETH SWAB, Jr. &
EDITH LOWE SWAB Property**
IN 24-1663, Tax Map 38-20F
Madison County, Va.
Scale: 1" = 100' 1 April 2025

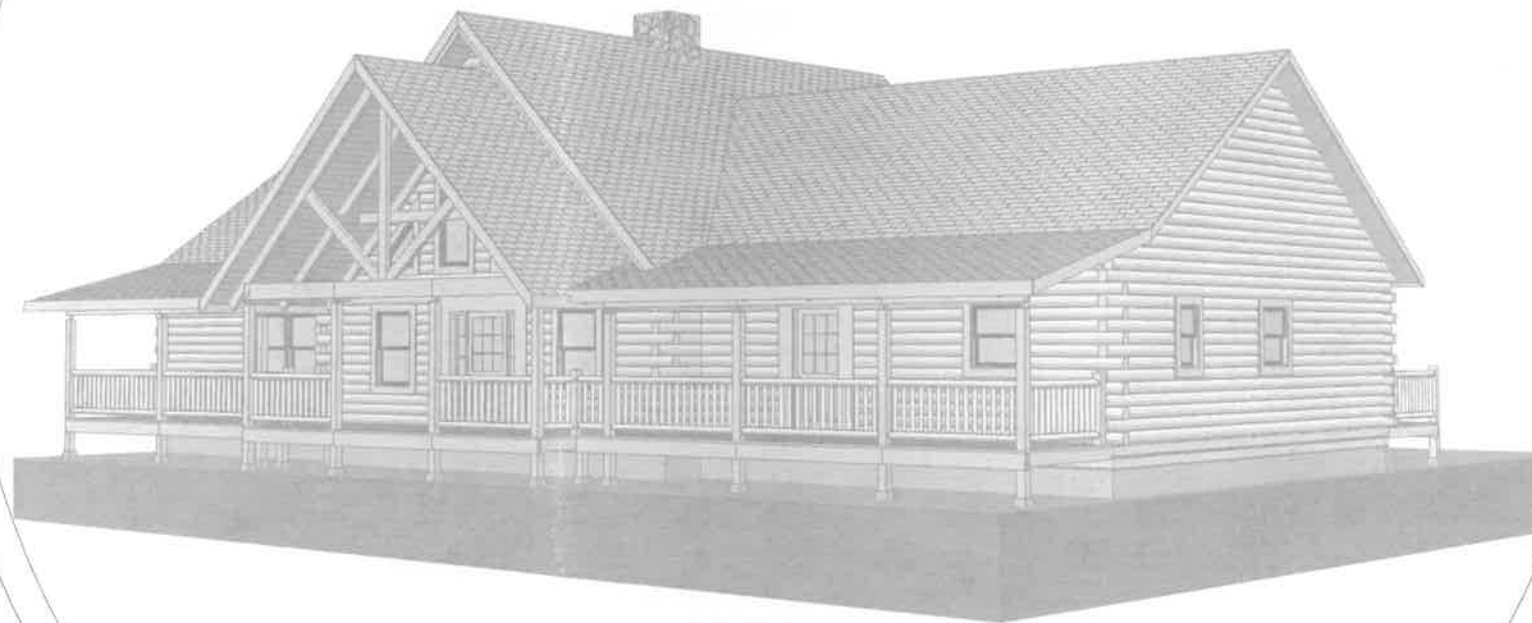
M0946



Lewis Surveying Inc.
David A. Lewis, L. S.
518 Graves Road
Graves Mill, VA 22727
(540) 948-7136
Copyright © 2025

[illegible]

Appalachian Log Structures
National Sales Office
234 Fair Oaks Way
P.O. Box 614, Ripley W.V.
25271
(304) 372-6410
1-800-280-2574



Quality Designed
Log Home
for
Robert & Edith Swab

1801338 Ruth Hollow Farm Trl
Madison VA 22117

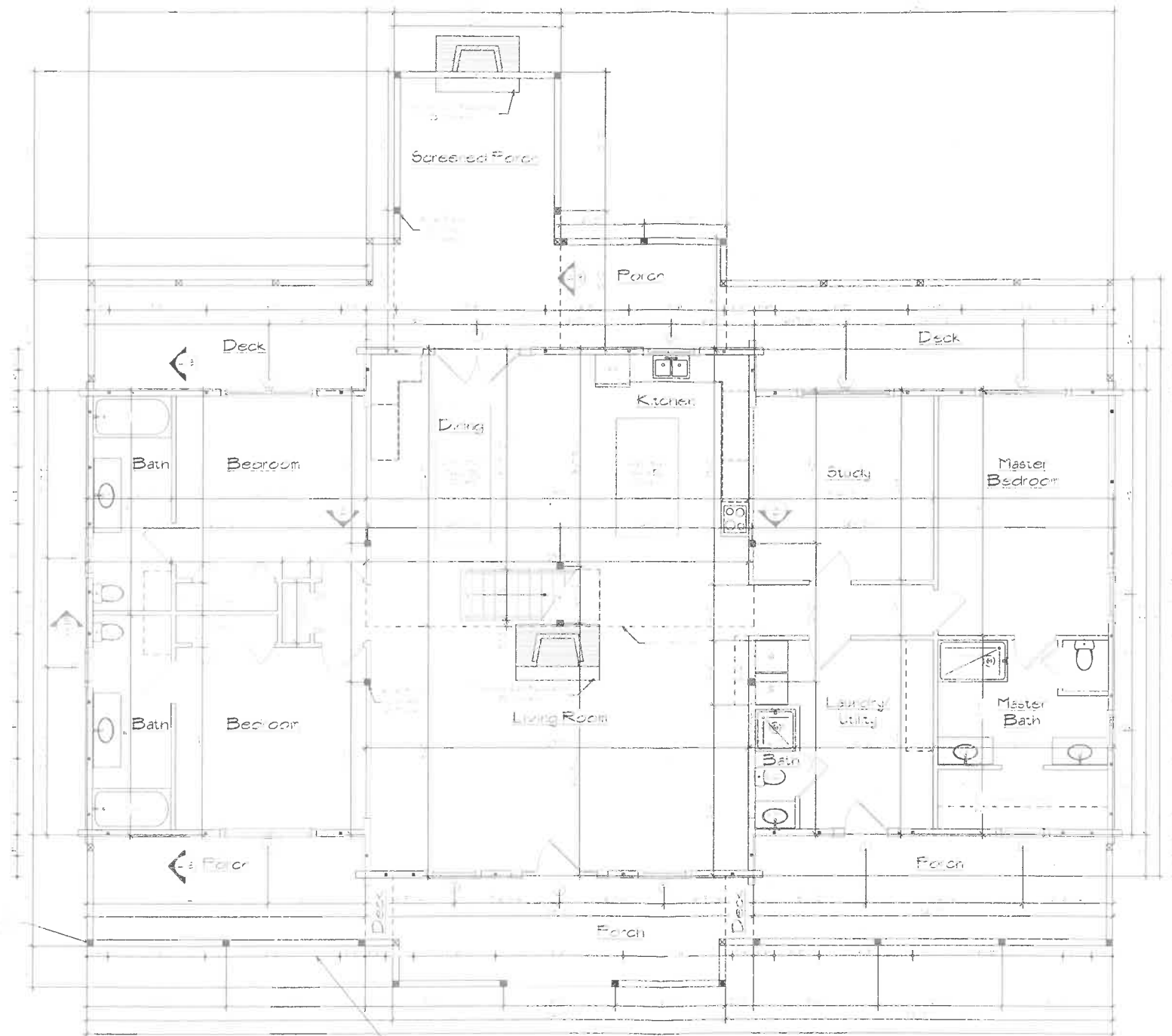


Member

NAHB Log and
Timber Homes
Council

This drawing is copyrighted, contains proprietary information and shall not be copied, altered or used for manufacturing of materials not supplied by, or without written consent from Appalachian Log Structures, Inc.

FLOOR PLAN GENERAL NOTES:
> All interior walls are nonbearing with 2x4 part bow studs. 16" o/c, type, cl or less otherwise noted. See details for assembly.
> of double top plate.
> Builder/owner responsible to hold cut wall anchor bolts on job site.
> The construction of the building represented by these plans shall comply with the current state or locally adopted version of the International Residential Code (IRC). ALSI is not responsible for issues of noncompliance.



Notes:
1. All dimensions are in feet and inches.
2. All dimensions are to the center of the wall unless otherwise noted.
3. All dimensions are to the finished surface unless otherwise noted.
4. All dimensions are to the exterior of the wall unless otherwise noted.
5. All dimensions are to the interior of the wall unless otherwise noted.
6. All dimensions are to the center of the window unless otherwise noted.
7. All dimensions are to the center of the door unless otherwise noted.
8. All dimensions are to the center of the staircase unless otherwise noted.
9. All dimensions are to the center of the chimney unless otherwise noted.
10. All dimensions are to the center of the foundation unless otherwise noted.



Appalachian Log Structures
National Sales Office
234 Fair Oaks Way
P.O. Box 614 Ripley W.V.
25271
804/572-6410
1-800-280-2574



TITLE	
LS #430E Custom Log Home for Robert & Emily Smith	
DRAWING	
First Floor Plan	
DRAWN BY - DATE	
DWF	1/3/2024
SCALE	
1/4" = 1'-0"	SHEET

John Dunwody
398 Ruth Hollow Fire Trail
Madison, VA 22727

April 30, 2025

Madison County Board of Zoning Appeals

RE: Letter of Support for Variance Request – Case Number V-5-20-25
Robert K. Swab Jr. & Edith L. Swab
Tax Map 38-20F

Dear Members of the Board,

I am writing to express my full support for the variance request submitted by Robert K. Swab Jr. and Edith L. Swab (Case Number V-5-20-25), regarding the reduction of the front setback requirement from 100 feet to 50 feet on their property identified as Madison County Tax Map 38-20F, zoned C-1 (Conservation), and comprising approximately 4.398 acres.

As a neighbor, the Swabs' request appears both reasonable and is consistent with the character of the neighborhood. The requested variance will allow them to site their new residence in a more suitable and desirable location on their property, without adversely affecting my property.

I believe granting this variance would represent a fair and appropriate accommodation under the circumstances. I respectfully urge the Board to approve this request. Please feel free to contact me if additional information or comment is needed.

Sincerely,



John Dunwody
(540)718-4859



Madison County
Building & Zoning Department
410 N Main St
Madison, VA 22727
(540) 948-6102
www.madisonco.virginia.gov

Zoning Permit

Permit Number	1200
Date	04/18/2025
Permit Type	VARIANCE

PROPERTY NUMBER

38 20F

STREET ADDRESS

Not Assigned

JURISDICTION

MADISON COUNTY

OWNER INFORMATION

NAME: ROBERT & EDITH SWAB

ADDRESS: 449 DRAYTON PARK CT

PHONE: 336-996-1480

APPLICANT INFORMATION

NAME: ROBERT & EDITH SWAB

ADDRESS: 449 DRAYTON PARK CT

PHONE: 336-996-1480

USE REQUESTED

VARIANCE

ZONE CODE

C-1

LOT ACREAGE

FIRM ZONE

AREA OF MINIMAL HAZARD

REMARKS

I, the undersigned, hereby agree to comply with all Zoning and-or Subdivision Ordinances. I understand that it is my responsibility to notify the Building & Zoning Office if the approved plans in my permit change, and that any change requires approval from the County. I further acknowledge that this Zoning Permit is valid for one (1) year from the date of issuance.

Allen Nicholls Zoning Administrator
Approving Official

Owner/Contractor

License Number

Date

04/18/2025

Application Number

P2025-659

Total Fees

\$250.00



Madison County
Real Estate Account 10018054
LOWE, THOMAS H TRUSTEE
1/1/2024 - 12/31/2024

Parcel/Account #: **38-20F**
Property Address: ***N/A***
MADISON, VA 22727
Third Party Payer:

Current Balance: **\$0.00**
Total Balance: **\$0.00**
Delinquent Balance: **\$0.00**
Last Payment Date: **10/16/2024**
Last Payment Amount: **\$127.65**

General

Mail To Name: **LOWE, THOMAS H TRUSTEE**
Mailing Address: **3383 DUNSCROFT CT**
KESWICK, VA 22947
Contact E-Mail:

Contact Phone:
Alternate Number:
Fax Number:

Parcel Number: **38-20F**
Physical Location: ***N/A***
MADISON, VA 22727
Previous Account Number: **1282**
Legal Description: **IN 210000403 4.398 AC**

Account Number: **10018054**
Deed Book: **Page 0**
Instrument Number: **210000403**
GPIN: **4472**
Subdivision:
Lot Size: **4.398 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:	<u>\$127.65</u>
Total Owed:	<u>\$127.65</u>
Payments:	<u>(\$127.65)</u>
Balance:	\$0.00

2024-1

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

Tax:	<u>\$127.65</u>
Total Owed:	<u>\$127.65</u>
Payments:	<u>(\$127.65)</u>
Balance:	\$0.00

Madison Co., VA

Inst. No. 240001663

Tax Assessed Value: \$34,500.00

Consideration: \$30,000.00

Tax Map No. 38-20F

Title Insurance Company: Old Republic National Title Insurance Company

✓ Prepared by: Jeffrey C. Early, VSB No.

EARLY & POWELL, PLC, MADISON, VA 22727

JS HUD presented to Clerk

Return
To:

THIS DEED made and entered into this 19th day of December, 2024 by and between **THOMAS H. LOWE, TRUSTEE OF THE THOMAS H. LOWE TRUST AGREEMENT DATED JUNE 11, 2019**, Grantor, and **ROBERT KENNETH SWAB, JR. and EDITH LOWE SWAB**, husband and wife, Grantees, whose mailing address is: 449 Drayton Park Ct., Kernersville, NC 27284.

WITNESSETH:

That for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, Thomas H. Lowe, Trustee of the Thomas H. Lowe Trust Agreement dated June 11, 2019, Grantor, does hereby GRANT, BARGAIN, SELL and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto Robert Kenneth Swab, Jr. and Edith Lowe Swab, husband and wife, as tenants by the entirety with full rights of survivorship, not as tenants in common, Grantees, the following described real estate, to-wit:

ALL THAT certain tract or parcel of land, lying and being situated in Madison County, Virginia, about 4 miles west of Madison Court House, off of State Route 658, containing 4.398 acres, more or less, shown as Parcel A-1, on a plat by R.O. Snow & Associates, dated March 27, 1974 recorded in the Clerk's Office of the Circuit Court of Madison County, Virginia, in Deed Book 122, page 38.

BEING the same property conveyed to Thomas H. Lowe, Trustee, or his successors in trust, under the Thomas H. Lowe Trust Agreement dated June 11, 2019, by deed from Thomas H. Lowe, deed dated February 19, 2021, recorded March 3, 2021, in the Clerk's Office of the Circuit Court of Madison County, Virginia, as Instrument No. 210000403.

This conveyance is made expressly subject to the easements, conditions, restrictions and reservations contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by a limitation of time contained therein or have not otherwise become ineffective.

Witness the following signatures and seals.

Thomas H. Lowe, Trustee [SEAL]
Thomas H. Lowe, Trustee of the Thomas H. Lowe
Trust Agreement dated June 11, 2019, Grantor

STATE OF VIRGINIA
CITY/COUNTY OF MADISON, to-wit:

I, a Notary Public in and for the State and County aforesaid, do hereby certify that Thomas H. Lowe, Trustee of the Thomas H. Lowe Trust Agreement dated June 11, 2019, whose signature is signed to the foregoing Deed, has this day acknowledged the same before me in my State and County aforesaid.

Given under my hand this 19th day of December, 2024.

Ce A. Hawkins
Notary Public

My commission expires: 12-31-27.

FOR INFORMATION PURPOSES ONLY:

Address: Lot 4.398 acres
Madison, VA, 22727
Tax Map No.: 38-20F
File No.: 24-448



INSTRUMENT 240001663
RECORDED IN THE CLERK'S OFFICE OF
MADISON CIRCUIT COURT ON
DECEMBER 19, 2024 AT 02:48 PM
\$30.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$15.00 LOCAL: \$15.00
LEETA D. LOUK, CLERK
RECORDED BY: JXK

Jamie K. Boyd, Dep. Clerk

3

of

3