



AGENDA

**Madison County Board of Zoning Appeals
Madison County Administrative Auditorium
414 North Main Street, Madison, VA 22727
Tuesday, December 16, 2025 - 7:00 p.m.**

Call to Order

Adoption of Agenda

New Business

Public Hearings

- (Case Number V-10-25-2) Hiram Blakey, has applied for a variance of Madison County Code of Ordinance, Appendix 1, Article 5-3 “The minimum lot area for permitted uses shall be 1.5 acres (65,340 square feet) without public water and sewer systems, and one acre (43,560 square feet) with public water and sewer systems. All dwellings located on a parcel without public water and sewer shall require a minimum of 1.5 acres per dwelling; all dwellings located on a parcel with public water and sewer shall require a minimum of one acre per dwelling.”; Madison County Code of Ordinances, Appendix 2, Article 4-5-6 “Nonconforming Lots, Remnants or Outlots. No subdivision which creates a nonconforming lot shall be approved. All remnants of lots or outlots below the minimum size remaining after subdividing a tract must be added to adjacent lots rather than allowed to remain as unbuildable parcels.”; and Madison County Code of Ordinances, Appendix 2, Article 6-2-1: Road standards for private access easement and/or private road. A private access easement and/or private road may serve up to six lots and be privately constructed and maintained per article 4-8-1a, 4-8-1b, 4-8-1c, and 4-8-1d of this ordinance.” in order to create a non-conforming lot for a new single family dwelling, by subdividing property identified as 151 Blakeys Frye Ln, and further identified as Madison County tax map 49-31.
- (Case Number V-10-25-3) Edward Williams, has applied for a variance of Madison County Code of Ordinance, Appendix 1, Article 4-3 “The minimum lot area for permitted uses shall be three acres. All dwellings located on a single parcel shall require a minimum of three acres per dwelling.” And Madison County Code of

Ordinances, 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 Code of Ordinance, Appendix , Article 4-5 "The minimum frontage for permitted uses shall be 250 feet at the setback line, or measured at the location of the foundation of the subject parcel's principal dwelling or accessory building. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.", and Madison County Code of Ordinance, Appendix 1, Article 4-6-2 "Each main structure shall have a rear yard of 50 feet or more." property on Elly Road, and further identified as Madison County tax map 50-21.

Old Business

None

Adjournment



To: Madison County Board of Zoning Appeals
From: Allen Nicholls, Planning and Zoning Administrator
Subject: Hiram Blakey Variance Request
Date: December 5, 2025

Summary of Request

(Case Number V-10-25-2)

Hiram Blakey, has applied for three variances (listed below) in order to create a non-conforming lot for a new single-family dwelling, by subdividing property identified as 151 Blakeys Frye Ln, and further identified as Madison County tax map 49-31.

Items Required for Application

Application – September 29, 2025

Application Fee – \$250 received 10/08/2025

Survey/Plat/Site Plan – GIS maps are attached

A copy of the current paid real estate taxes – attached

Relevant Ordinances

Madison County Code of Ordinance, Appendix 1, Article 5-3

The minimum lot area for permitted uses shall be 1.5 acres (65,340 square feet) without public water and sewer systems, and one acre (43,560 square feet) with public water and sewer systems. All dwellings located on a parcel without public water and sewer shall

require a minimum of 1.5 acres per dwelling; all dwellings located on a parcel with public water and sewer shall require a minimum of one acre per dwelling.

Madison County Code of Ordinances, Appendix 2, Article 4-5-6

Nonconforming Lots, Remnants or Outlots. No subdivision which creates a nonconforming lot shall be approved. All remnants of lots or outlots below the minimum size remaining after subdividing a tract must be added to adjacent lots rather than allowed to remain as unbuildable parcels.

Madison County Code of Ordinances, Appendix 2, Article 6-2-1

Road standards for private access easement and/or private road. A private access easement and/or private road may serve up to six lots and be privately constructed and maintained per article 4-8-1a, 4-8-1b, 4-8-1c, and 4-8-1d of this ordinance.

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: BLAKELY, HIRAM L OR LANE-BLAKELY, ANGILIA MARIE	Name:
Mailing Address:	Mailing Address:
151 BLAKEYS FRYE LN	
MADISON VA 22727	
Phone Number: [REDACTED]	Phone Number:
Email: [REDACTED]	Email:

2) E911 Address of Construction: 288 BLAKEYS FRYE LN

3) Please provide detailed directions to the site:

[REDACTED]

[REDACTED]

4) Tax Map Number: 49-31

5) Size of Property: 2.656 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):

<input type="checkbox"/> Conservation (C-1)	<input type="checkbox"/> Agricultural (A-1)
<input checked="" 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.): Residence

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

House, Shed

14) It is desired and requested that the property be varied from N/A feet to N/A feet.
(If this question is not applicable, see #19).

**15) Proposed structure and/or building (Ex: New Home, Addition, Porch, Deck, Accessory Building, etc.):
Subdivision for new residence**

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

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: N/A feet

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

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.

 Signature of Owner

Signature of Owner

9/29/2025
Date

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.

Adjoining Property Owner Verification:

As applicant for this variance request, I (we) Hiram Lee Blakey 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.

Stran Lee Blot/
Signature of Owner

9/29/2025
Date

Signature of Lessee and/or Agent for Owner

Date

Madison County

Building & Zoning

410 N. Main Street

P.O. Box 1206

Madison, VA 22727

Subject: Property Variance

12 November 2025

To Whom It May Concern:

My wife and I have resided at 288 Blakes Frye Lane for over 30 years. I was recently diagnosed with advanced cancer. We are requesting a property variance to permit our daughter to construct a living dwelling so she may assist in my daily supervision and care.

Thank You in Advance,

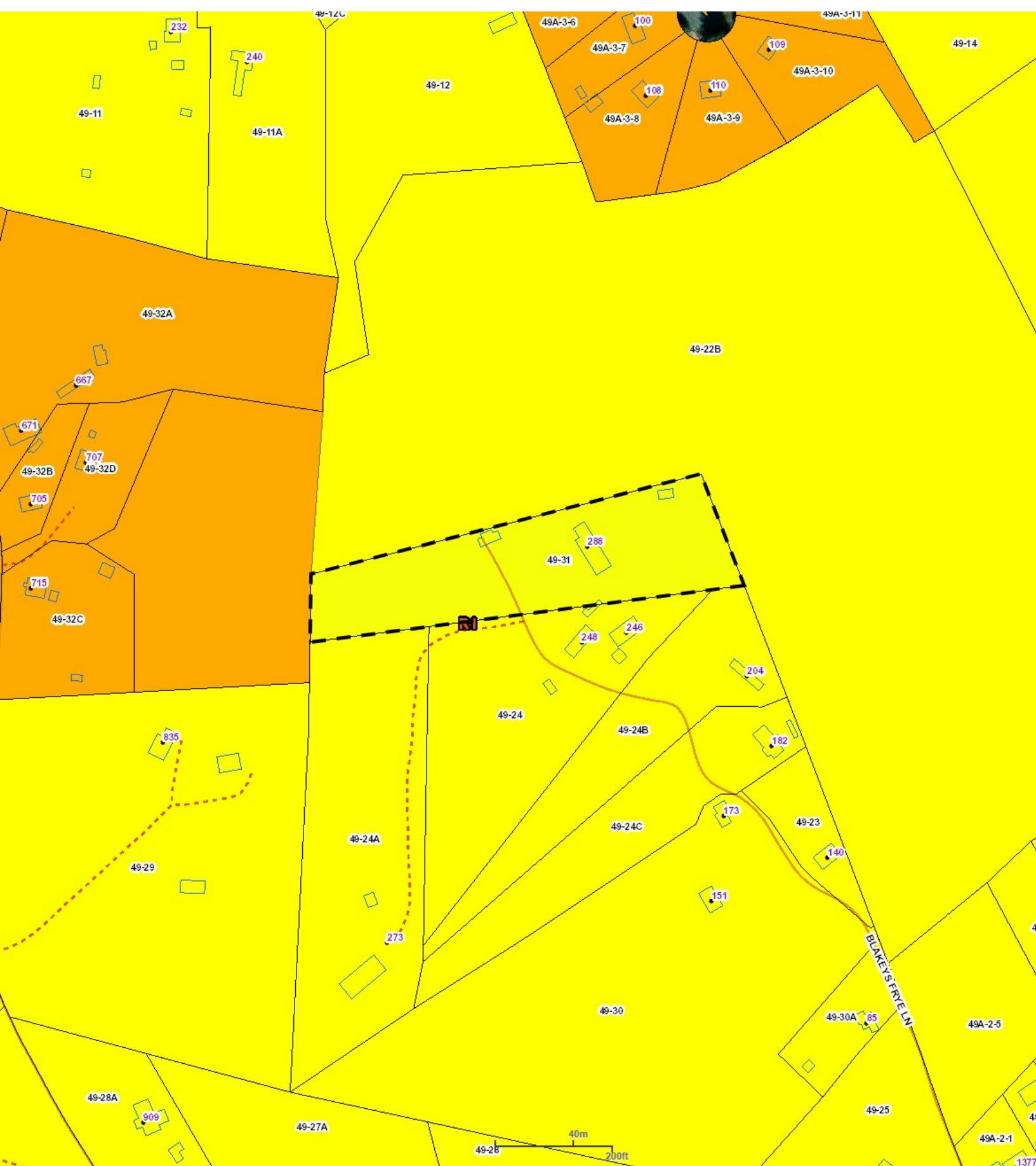


Hiram Lee Blakey

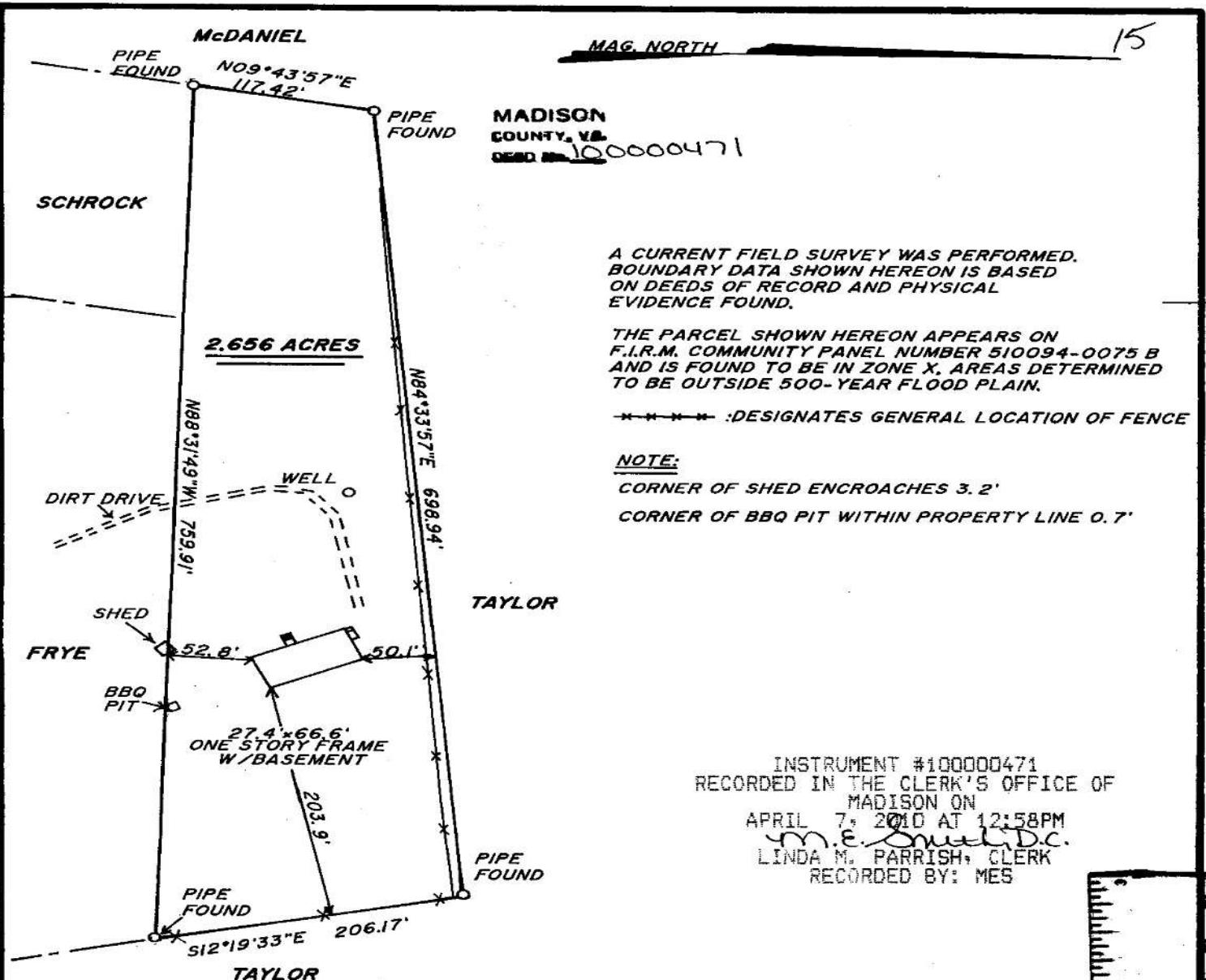
CC: Dr. Pranav D. Patel

Hiram Blakey is under my care for metastatic Prostate cancer

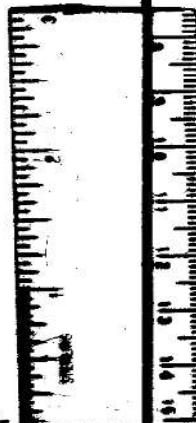

11/13/2025







INSTRUMENT #100000471
RECORDED IN THE CLERK'S OFFICE OF
MADISON ON
APRIL 7, 2010 AT 12:58PM
M. E. Smith, D.C.
LINDA M. PARRISH, CLERK
RECORDED BY: MES



**PLAT SHOWING PHYSICAL LOCATION SURVEY OF:
JEFF DAVIS MOBILE SALES, INC. PROPERTY**

FORMERLY RAPIDAN DISTRICT
MADISON COUNTY, VIRGINIA
SCALE: 1" = 100'

Angilia M. Lane-Blakley
Hiram Lee Blakley

JUNE 26, 1992, REVISED AUGUST 5, 1992

SEPTEMBER 29, 1992

T.M. 49-31, D.B. 216-94 08/04/92, 09/29/92

THIS IS TO CERTIFY THAT ON 06/17/1992 I MADE A FIELD SURVEY OF THE PREMISES SHOWN HEREON, THAT ALL IMPROVEMENTS AND EASEMENTS VISIBLE AND KNOWN TO ME, ARE SHOWN HEREON, THAT THERE APPEAR TO BE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES, OTHER THAN SHOWN HEREON. THE HOUSE SHOWN HEREON DOES NOT APPEAR TO BE LOCATED IN A HUD DEFINED FLOOD HAZARD AREA.

NO TITLE REPORT FURNISHED.

ALL UTILITIES ARE UNDERGROUND UNLESS OTHERWISE NOTED.

9-29-92
WILLIAM P. GIMBEL
Lic. No. 1395
WILLIAM P. GIMBEL, L.S.
P. O. BOX 745
MADISON, VIRGINIA 22727
(703) 948-3909
LAND SURVEYOR
(CH) 1992
PROJECT # 1842.2

MADISON

COUNTY, VA

DEED NO.

060003112DEED OF GIFT

THIS DEED OF GIFT, made this 29 day of November, 2006, by and between Angilia Marie LANE-BLAKEY, married, Grantor; and Hiram L. BLAKEY and Angilia Marie LANE-BLAKEY, husband and wife, Grantees.

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the natural love and affection, Grantor bear for Grantees, Grantor does hereby give, grant and convey unto the Grantees with General Warranty and English Covenants of Title, in fee simple, as tenants by the entirety with the common law right of survivorship, the following described property, situate, lying and being in the County of Madison, State of Virginia:

For complete legal description please see Exhibit "A"

This conveyance is made subject to easements, conditions and restrictions of record insofar as they may lawfully affect the Property.

Document Prepared By:

Whitson W. Robinson, Esquire
35 S. Fourth Street
Warrenton, VA 20186
File # 0611351

Grantees Address: 288 BlakeyFry Lane, Madison, VA 22727
Consideration: Tax Exempt pursuant to VA Code 58.1 – 810(3)
Tax Map# 49-31

1 of 3

Witness the following signature and seals:


(SEAL)
Angilia Marie Lane-Blakey

STATE OF VIRGINIA:

CITY/COUNTY OF Culpeper:

The foregoing instrument was acknowledged before me this 29 day of November, 2006, by
Angilia Marie Lane-Blakey.

My Commission Expires: 7-31-10

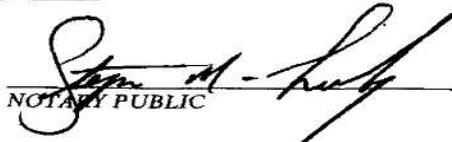
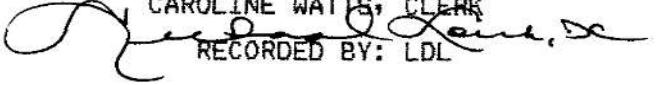

(SEAL)
NOTARY PUBLIC



Exhibit "A"

All that certain lot, parcel or tract of land, with all buildings and improvements thereon, with all rights and privileges thereto appurtenant, situate, lying and being within an area formerly known as Rapidan Magisterial District, just off of Virginia State Route 634, about one mile southeast of the Town of Madison, Virginia, in the County of Madison, Virginia, containing 2.716 acres, more or less, and designated as Tax Map #49-31 on the Madison County Tax maps. The property is bounded on the north and east by the land of now or formerly Taylor; on the south by the land of now or formerly Frye; and on the west by the land of now or formerly McDaniel.

INSTRUMENT #060003112
RECORDED IN THE CLERK'S OFFICE OF
MADISON ON
DECEMBER 4, 2006 AT 02:11PM
CAROLINE WATTS, CLERK
RECORDED BY: LDL



3



Madison County
Real Estate Account 10017797
BLAKELY, HIRAM L OR LANE-BLAKELY, ANGILIA MARIE
1/1/2025 - 12/31/2025

Parcel/Account #: 49-31
Property Address: 288 BLAKEYS FRYE LN
MADISON, VA 22727
Third Party Payer: VANDERBILT MORTGAGE AND
FINANCE, INC

Current Balance: \$0.00
Total Balance: \$0.00
Delinquent Balance: \$0.00
Last Payment Date: 10/21/2025
Last Payment Amount: \$547.48

General

Mail To Name: **BLAKELY, HIRAM L OR
LANE-BLAKELY, ANGILIA
MARIE**

Contact Phone: (540) 407-4281
Alternate Number:
Fax Number:

Mailing Address: **288 BLAKEYS FRYE LN
MADISON, VA 22727**

Contact E-Mail:

Parcel Number: **49-31**

Account Number: **10017797**

Physical Location: **288 BLAKEYS FRYE LN
MADISON, VA 22727**

Deed Book: **Page 0**

Instrument Number: **100000471**

GPIN: **4211**

Subdivision:

Lot Size: **2.656 Acres**

Real Estate Property Class: **Single Family Residential
(Suburban)**

Status: **Active**

Account Created On: **1/1/2001**

Account Closed On:

Third Party Payer: **VANDERBILT MORTGAGE
AND FINANCE, INC**

Note:

Bills

2025-2

Due: 12/5/2025 Status: Paid In Full Paper Bill: Sent On 10/3/2025 Bill Cycle: 2

Tax:	\$547.48
Total Owed:	\$547.48
Payments:	(\$547.48)
Balance:	\$0.00

2025-1

Due: 6/20/2025 Status: Paid In Full Paper Bill: Sent On 5/5/2025 Bill Cycle: 1

Tax:	\$547.49
Total Owed:	\$547.49
Payments:	(\$547.49)
Balance:	\$0.00



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

Zoning Permit

Permit Number	1898
Date	10/08/2025
Permit Type	VARIANCE

PROPERTY NUMBER	STREET ADDRESS	JURISDICTION
49 31	288 BLAKEYS FRYE	MADISON COUNTY

OWNER INFORMATION	APPLICANT INFORMATION
NAME: BLAKEY HIRAM L OR LANE-BLAKEY	NAME: BLAKEY HIRAM L OR LANE-BLAKEY
ADDRESS:	ADDRESS:

USE REQUESTED	ZONE CODE
VARIANCE FOR SUBDIVISION FOR NEW RESIDENCE	R-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	10/08/2025
Application Number	P2025-1018
Total Fees	\$250.00



To: Madison County Board of Zoning Appeals
From: Allen Nicholls, Planning and Zoning Administrator
Subject: Edwar Williams Variance Request
Date: November 18, 2025

Summary of Request

(Case Number V-10-25-3)

Edward Williams, has applied for variances of four ordinances (listed below) for his property on Elly Road, and further identified as Madison County tax map 50-21.

Additional Context

- On October 21, 2019, the BZA granted a setback variance for tax map 50-21, owned by McDaniel. The BZA imposed two conditions. (1) The home must be built in two years. (2) The variance is non-transferable.
- On October 19, 2021, the BZA considered a new application for the same setback variance on the same property, but with a new owner by the name of Williams. They imposed similar conditions (1) "The variance approval is valid for a two-year term. Therefore, the proposed dwelling must be permitted prior to October 21, 2023". (2) "The variance to construct the single-family home cannot be sold or transferred. Once the proposed dwelling is constructed, it (the parcel) then may be sold or transferred at your discretion".

- On October 17, 2025, Mr. Williams applied for a new variance (this application), since the previous one has expired.

The minutes from the previous Board of Zoning Appeal meetings in which the previous variances were granted are attached in the packet below.

Items Required for Application

Application – October 17, 2025

Application Fee – \$250 received 10/17/2025

Survey/Plat/Site Plan – GIS maps are attached

A copy of the current paid real estate taxes – attached

Relevant Ordinances

Madison County Code of Ordinance, Appendix 1, Article 4-3 “The minimum lot area for permitted uses shall be three acres. All dwellings located on a single parcel shall require a minimum of three acres per dwelling.”

Madison County Code of Ordinances, 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 Code of Ordinance, Appendix , Article 4-5 “The minimum frontage for permitted uses shall be 250 feet at the setback line, or measured at the location of the foundation of the subject parcel's principal dwelling or accessory building. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.”

Madison County Code of Ordinance, Appendix 1, Article 4-6-2 “Each main structure shall have a rear yard of 50 feet or more.”

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: <i>Donald Williams</i>	Name:
Mailing Address: <i>371 Windmill Rd Barbourville, VA 22923</i>	Mailing Address:
Phone Number: [REDACTED]	Phone Number: [REDACTED]
Email: [REDACTED]	Email: [REDACTED]

2) E911 Address of Construction: _____3) Please provide detailed directions to the site: _____

_____4) Tax Map Number: *50-21* 5) Size of Property: *0.446*6) 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.): *Vacant*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'* feet to *60'* feet.
(If this question is not applicable, see #19).

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

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

17) Dimensions of Proposed Structure and/or Building (Please include dimensions of any proposed decks and/or porches, if applicable): 48' x 24' +

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:

To construct a house in accordance with the terms of
the original variance.

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.

Edward Williams
Signature of Owner

10-17-25
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.

Adjoining Property Owner Verification:

As applicant for this variance request, I (we), Edward Williams 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.

Edward Williams
Signature of Owner

Signature of Owner

10-17-25
Date

Date

Signature of Lessee and/or Agent for Owner

Date



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

Zoning Permit

Permit Number	1952
Date	10/17/2025
Permit Type	VARIANCE

PROPERTY NUMBER	STREET ADDRESS	JURISDICTION
50 21	Not Assigned	MADISON COUNTY
OWNER INFORMATION		APPLICANT INFORMATION
NAME:	WILLIAMS EDWARD RANDOLPH OR DORIS	NAME:
ADDRESS:		ADDRESS:
USE REQUESTED	ZONE CODE	
VARIANCE APPLICATION	A-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	10/17/2025
Application Number	P2025-1045
Total Fees	\$250.00



Madison County
Real Estate Account 10015191
WILLIAMS, EDWARD RANDOLPH OR DORIS JEAN
1/1/2025 - 12/31/2025

Parcel/Account #: 50-21
Property Address: *N/A*
ARODA, VA 22709
Third Party Payer:

Current Balance: \$0.00
Total Balance: \$0.00
Delinquent Balance: \$0.00
Last Payment Date: 10/16/2025
Last Payment Amount: \$25.50

General

Mail To Name: WILLIAMS, EDWARD
RANDOLPH OR DORIS JEAN
Mailing Address: 371 WINDSONG RD
BARBOURSVILLE, VA 22923
Contact E-Mail:
Parcel Number: 50-21
Physical Location: *N/A*
ARODA, VA 22709
Previous Account Number: 72454
Legal Description: IN 210001736 0.446 AC

Contact Phone:
Alternate Number:
Fax Number:
Account Number: 10015191
Deed Book: Page 0
Instrument Number: 210001736
GPIN: 1494
Subdivision:
Lot Size: 0.446 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

2025-2

Due: 12/5/2025 Status: Paid In Full Paper Bill: Sent On 10/3/2025 Bill Cycle: 2

Tax:	<u>\$25.50</u>
Total Owed:	<u>\$25.50</u>
Payments:	<u>(\$25.50)</u>
Balance:	<u>\$0.00</u>

2025-1

Due: 6/20/2025 Status: Paid In Full Paper Bill: Sent On 5/5/2025 Bill Cycle: 1

Tax:	<u>\$25.50</u>
Late Payment Penalty:	<u>\$2.55</u>
Interest:	<u>\$0.47</u>
Total Owed:	<u>\$28.52</u>
Payments:	<u>(\$28.52)</u>
Balance:	<u>\$0.00</u>

Madison Co., VA

Inst. No. 210001736

Pursuant to §17.1-223 (B), of the Code of Virginia, the existence of title insurance is provided by Fidelity National Title Insurance Company for this instrument.

Prepared by Michael Hirsh, - Virginia Bar Number: 36569

Return to:

Property Address: Vacant land 0.466 Acres, Aroda, Virginia 22709

Tax ID: 50-21

Consideration: \$ 4,000.00

Assessed Value: \$25,000.00 ✓

THIS DEED, made this 19 day of August, 2021, by and between JOHN W. MCDANIEL, a married man, (hereinafter, "Grantor") and EDWARD RANDOLPH WILLIAMS and DORIS JEAN WILLIAMS, husband and wife, (hereinafter, "Grantee") whose tax mailing address is: 371 Wind Song Rd. Barboursville, Va. 24923

WITNESSETH:

That for and in consideration of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and or acceptance of which is hereby acknowledged, the said Grantor does hereby grant, bargain, sell, and convey, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE unto the said Grantee, as tenants by the entirety with right of survivorship as at Common Law, the following described property, to-wit:

ALL THAT CERTAIN tract or parcel of land together with all improvements thereon and all appurtenances, easements and privileges thereunto belonging, lying and being situated in the former Locust Dale Magisterial District, Madison County, Virginia, fronting on Virginia Secondary Route 607 (Elly Road), containing 0.446 acres, more or less, as more particularly shown and described on a plat of survey entitled: BOUNDARY SURVEY PROPERTY OF JOHN W. MCDANIEL, FORMER LOCUST DALE MAGISTERIAL DISTRICT, MADISON COUNTY, VIRGINIA" prepared by H. Aubrey Hawkins, Associates, Ltd., dated June 3, 2019, recorded in the Clerk's Office of the Circuit Court of Madison County, Virginia, in Plat Book 41, page 26.

Return: Michael Hirsh

1

ff

2

BEING a portion of the same property conveyed to John W. McDaniel, by Special Commissioner's Deed dated April 22, 2019, recorded as Instrument No. 190000558, in the Office of the Clerk of the Circuit Court of Madison County, State of Virginia.

This conveyance is made expressly subject to conditions, restrictions, reservations and easements of record, if any, constituting constructive notice.

This conveyance is made subject to all easements, and building or use restrictions of record, including, but not limited to, those for public roads and highways, restrictive covenants, utilities, railroads, and pipelines. The conveyance is also subject to all applicable zoning, ordinances, statutes, rules, or regulations, as amended.

WITNESS the following signature and seal:


JOHN W. MCDANIEL (seal)

STATE OF Virginia
CITY/COUNTY OF Madison to-wit:

I, the undersigned Notary Public, in and for the City/County and State aforesaid, do hereby certify that JOHN W. MCDANIEL has personally signed the same before me in the City/County and State aforesaid, on this 19 day of August, 2021.

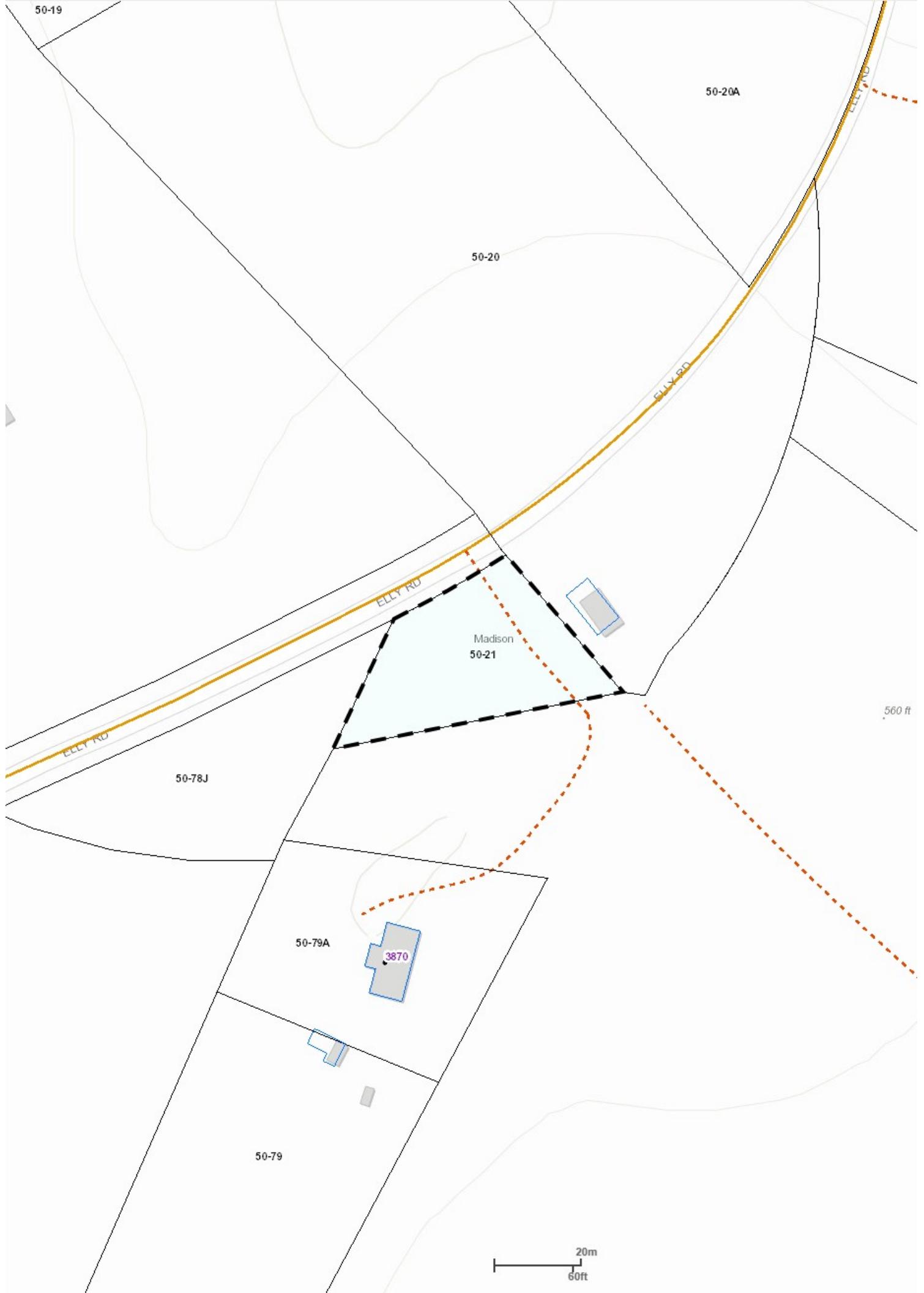
Nancy H. Knighting
Notary Public
Print Name: Nancy H. Knighting
Registration Number: 154954
My Commission Expires: Jan. 31, 2022



INSTRUMENT 210001736
RECORDED IN THE CLERK'S OFFICE OF
MADISON CIRCUIT COURT ON
AUGUST 20, 2021 AT 09:16 AM
\$25.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$12.50 LOCAL: \$12.50
LEETA D. LOUK, CLERK
RECORDED BY: CBM

Cheryl B. Myers, Dep. Clerk

2 of 2





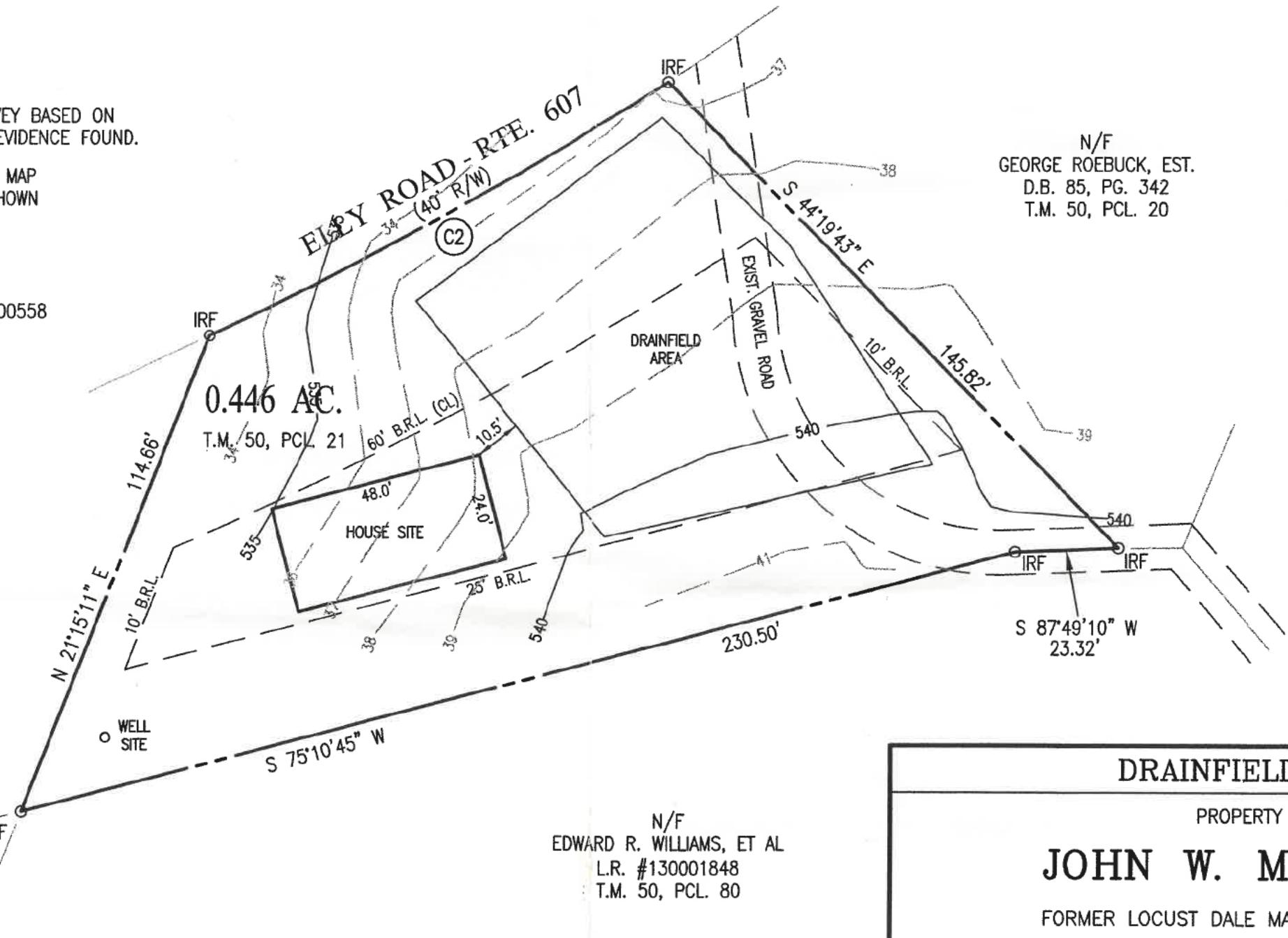
NOTES:

1. NO TITLE REPORT FURNISHED. PLAT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
2. THE PLAT REPRESENTS A CURRENT FIELD SURVEY BASED ON DEEDS AND PLATS OF RECORD AND PHYSICAL EVIDENCE FOUND.
3. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP FOR MADISON COUNTY, VIRGINIA, THE PROPERTY SHOWN HEREON APPEARS TO BE IN ZONE "X".
RE: FIRM #51113C0275C - JANUARY 5, 2007
4. RECORD OWNER: JOHN W. McDANIEL
INSTRUMENT NUMBER 190000558
TAX MAP 50, PARCEL 21
5. PROPERTY SHOWN HEREON IS ZONED R3.
6. IPF - DENOTES IRON PIPE FOUND
IRF - DENOTES IRON ROD FOUND
IRS - DENOTES IRON ROD SET

N/F
EDWARD R. WILLIAMS, ET AL
L.R. #130001848
T.M. 50, PCL. 78J

N/F
THERESA M. ANGUS
D.B. 208, PG. 748
T.M. 50, PCI. 78A

A circular blue ink stamp. The outer ring contains the text "COMMONWEALTH OF VIRGINIA" at the top and "LAND SURVEYOR" at the bottom. The center of the stamp contains the name "H. AUBREY HAWKINS" and "Lic. No. 1684". Below the name is a handwritten signature. At the bottom of the center is the date "25/8/04".



N/F
EDWARD R. WILLIAMS, ET AL
L.R. #130001848
T.M. 50, PCL. 80

DRAINFIELD PLAT
PROPERTY OF
JOHN W. McDANIEL
FORMER LOCUST DALE MAGISTERIAL DISTRICT
MADISON COUNTY, VIRGINIA



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

CURVE	ARC	RADIUS	DELTA	CHORD BRG	CHORD
C1	117.67'	860.53'	7°50'05"	N 60°50'07" E	117.58'

SCALE: 1"= 30'	DRAWN BY:	CHKD BY: AH	DATE: NOVEMBER 25, 2019
FILE: TM50-21.DWG	W.O.#: 19-0104-1	SHEET 1 OF 1	



MADISON COUNTY BOARD OF ZONING APPEALS

MADISON VIRGINIA 22727

The Madison County Board of Zoning Appeals met Monday, October 21, 2019, in the War Memorial Building in the General District Court Room in the Town of Madison, Virginia. The committee members present were Chairman Coppedge, members Aylor, Clatterbuck, and Lohr; alternate Mark Jenkins was present for member Lillard. Ligon Webb, County Planner, was also present. Chairman Coppedge called the meeting to order at 7:30 p.m. The minutes of the meeting on Monday, Monday, August 19, 2019, were approved by unanimous voice vote, on a motion by Member Aylor and second by Member Jenkins.

The Secretary read the following agenda:

1. Mr. John McDaniel requests a variance from Article 4-3 (area regulations), Article 4-4 (setback regulations), Article 4-5 (frontage regulations), 4-6-1 (side yard regulations) and 4-6-2 (rear, yard regulations) from the Madison County, Virginia Zoning Ordinance. The applicant is seeking to construct a single-family dwelling and requests a variance in order to apply the R3 (multiple family) area, setback, frontage, side and rear yard regulations to the parcel. The parcel is zoned A1 (general agriculture) and was created prior to the adoption of a County zoning and subdivision ordinance. The parcel is identified on Madison County's Tax Map # 50-21 and is located on Elly Road (Rt. 607).

Mr. John McDaniel appeared to represent the application. Chairman Coppedge asked Mr. McDaniel to tell the Board what he wants to do. Mr. McDaniel said that when he purchased the lot it was supposedly 1.7 acres, but when he had the survey done it was less than half an acre. McDaniel said he wants to be able to do something with it, and put something on it. McDaniel said it was recorded as a lot. Chairman Coppedge asked if the Health Department has looked at the parcel, and Mr. McDaniel said no. Member Aylor asked what size house McDaniel plans to build, and Mr. McDaniel said he doesn't know; he said he doesn't have an exact size yet. Member Aylor asked how wide the Right-of-Way that goes back to the other lots is, and Mr. McDaniel said it is not really a Right-of-Way; he said it is a prescriptive easement from years ago. McDaniel said it is how it is recorded as a "prescriptive easement." Member Aylor asked if there is a measurement for it, and McDaniel said no, it was done many years ago, by word-of-mouth. McDaniel said it is wide enough for a car to drive on it. Chairman Coppedge asked if it was ten feet, and Mr. McDaniel said he guessed so; he said he was not sure. McDaniel said he wants to straighten it out, instead of zig-zag. Member Jenkins asked if McDaniel plans to shift the easement over next to the property line, and Mr. McDaniel said yes. Member Aylor asked if there is any problem with the ones that use the easement with shifting over to the property line. McDaniel said he doesn't know; he said he hasn't checked with them. He said his opinion is that if they can still use it, what would be the difference where they go through it if he keeps it open. County Planner Webb said that if it is a prescriptive easement, how it lays is how it must stay and be used in the future. Mr. Webb said it is his opinion that McDaniel could stay off the prescriptive easement and still put a house in there. Mr. Webb said the road should stay it how it is and used as is. Planner Webb said he believes the standard is 13 years and this prescriptive easement has been used longer than that (over 50 years—from the audience); Mr. Webb said they have earned the prescriptive easement over continuous use. Member Jenkins asked if ten feet is enough of a setback from the easement. Planner Webb said yes, it is a driveway and the setback needs to be off the road. Webb said that it is a good driveway, well-maintained, and ten feet is adequate. Member Clatterbuck

asked if once the house is built, it would be 60 feet off the center of the road. Mr. Webb said yes. Member Aylor asked McDaniel if he had room to put a house there and meet the required setbacks, and McDaniel said he thought so, if it he could get the variance for the R3 setbacks. Members Aylor and Clatterbuck said we don't know the size of the house, which means we don't know if it would fit with the setbacks. Member Jenkins said that the Health Department could come in and turn it down. Chairman Coppedge asked if there were further questions from the Board. There were none. Chairman Coppedge asked if anyone from the audience would like to speak.

Member of the audience, Edward Carpenter, neighbor who uses the prescriptive easement, spoke. Mr. Carpenter said his property does not border the McDaniel property but he said we do use that prescriptive Right-of-Way. Mr. Carpenter said his family's main concern is that they retain access to the driveway to our homes in the back of the property. Mr. Carpenter said if the prescriptive easement is shifted as described by Mr. McDaniel, it appears that it is on Mr. Roebuck's property; he said he was confused about that. Chairman Coppedge said it was his opinion that it can't be shifted off Mr. McDaniel's property; Coppedge said he can't put it on someone else's property. County Planner Webb said that if the concern is the prescriptive easement, I believe the easy solution is for Mr. McDaniel to leave it alone. Mr. Webb said it is his opinion that those using the easement have the right to keep it where it is and use it how it has been used. Webb said that from Mr. McDaniel's perspective the question is is there room to put a house and stay off the easement by ten feet, because that easement can with the land and those using it have inherited that use. Mr. McDaniel said he would never move it onto someone else's land.

Member of the audience, Paul Porter also spoke. Mr. Porter said that as long as he and his family members have use of the Right-of-way to their property, they have no objections. County Planner Webb asked Mr. McDaniel if it was his intention to leave it where it is, and Mr. McDaniel said yes, it was never his plan to stop someone from using it. McDaniel said "I can't". Member Clatterbuck asked if McDaniel was planning to build soon. McDaniel said not right away because he has some other land for sale. McDaniel said he would welcome a time limit if that is the desire of the Board. McDaniel said that two years would be good and give him time to do what he needs to do. Chairman Coppedge said the Board could stipulate a time limit as well as make the variance non-transferable. Mr. McDaniel asked what that meant if he sold the property. Chairman Coppedge said that meant the new owner would need to come back to this Board for a variance. Chairman Coppedge said if the Board approves the application for variance, the approval would stipulate the variance is non-transferable and the build work would need to be completed within two years. County Planner Webb asked if the Board wanted to add a stipulation that the prescriptive easement would not be disturbed. Member Jenkins said that can't be moved anyway, so it isn't needed.

Member of the audience, Edward Williams asked if there is enough land to build the well and septic? County Planner Webb said, we'll see. He doesn't know now, but if this is approved, he will need to go to the Health Department to determine that. He won't get a building permit without that approval.

The vote was taken, and the variance was granted, 4 ayes and 1 nay. County Planner Webb asked if the vote was roll-call, and Chairman Coppedge said we haven't done that before. Clerk Long said the ballots are public record once the minutes are published and filed.

The ballots include the following stipulations: 1) Subject to building the home in 2 years; and 2) This variance is not transferable.

Chairman Coppedge asked if there was other business to be brought before the Board. Member Aylor said yes, if someone knows in advance they will not be able to attend a meeting, to let Chairman Coppedge know as soon as possible. Chairman Coppedge said with no further business to address, the meeting was adjourned.


Chairman Douglas Coppedge

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: John McDaniel

Date: October 21, 2019

Evidence of Hardship: (Check appropriate ones)

Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)

Exceptional topographic conditions

Extraordinary financial conditions (this alone is not evidence of hardship)

Exceptional situation which effectively unreasonably restricts the use of the property

Use of the property immediately adjacent

Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

YES

NO

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:

① subject to building home in

2 years

② this application is no transferable

I vote to DENY the variance:

Signed: Douglas Coppedge

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: John McDaniel

Date: October 21, 2019

Evidence of Hardship: (Check appropriate ones)

Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)

Exceptional topographic conditions

Extraordinary financial conditions (this alone is not evidence of hardship)

Exceptional situation which effectively unreasonably restricts the use of the property

Use of the property immediately adjacent

Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

YES NO

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:

I vote to DENY the variance:

*Non transferable
Build in 2 yrs*

Signed:

E. J. Leyland

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: John McDaniel

Date: October 21, 2019

Evidence of Hardship: (Check appropriate ones)

- Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
- Exceptional topographic conditions
- Extraordinary financial conditions (this alone is not evidence of hardship)
- Exceptional situation which effectively unreasonably restricts the use of the property
- Use of the property immediately adjacent
- Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

YES

NO

- 1. Strict application of the ordinance would produce undue hardship
- 2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- 3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:

I vote to DENY the variance:

Signed: Roger Catherwood

Approval subject to dwelling being within
2 years and approval non transferable.
Roger C.

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: John McDaniel

Date: October 21, 2019

Evidence of Hardship: (Check appropriate ones)

- Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
- Exceptional topographic conditions
- Extraordinary financial conditions (this alone is not evidence of hardship)
- Exceptional situation which effectively unreasonably restricts the use of the property
- Use of the property immediately adjacent
- Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

 YES NO

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:

I vote to DENY the variance:

Signed:



approval subject to dwelling construction in 2 yrs.

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: John McDaniel

Date: October 21, 2019

Evidence of Hardship: (Check appropriate ones)

- Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
- Exceptional topographic conditions
- Extraordinary financial conditions (this alone is not evidence of hardship)
- Exceptional situation which effectively unreasonably restricts the use of the property
- Use of the property immediately adjacent
- Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

YES

NO

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:

I vote to DENY the variance:

Signed:

James McDaniel



MADISON COUNTY BOARD OF ZONING APPEALS

MADISON, VIRGINIA 22727

The Madison County Board of Zoning Appeals met Tuesday, October 19, 2021, in the Madison County Administrative Auditorium, 414 N. Main Street in the Town of Madison, Virginia. The committee members present were Chairman Coppedge, members Aylor, Clatterbuck, Lillard, and Lohr, and Ligon Webb, Planner & Zoning Administrator. Chairman Coppedge called the meeting to order at 7:00 p.m. and asked members if there were any additions or corrections to be made to the minutes from the previous meeting of Tuesday, September 21, 2021. There being no corrections, Member Aylor moved to accept the minutes as submitted and Member Lohr seconded the motion. The minutes were approved by unanimous voice vote.

Chairman Coppedge asked Secretary Long to read the agenda.

A. James and Nana Ward request a variance to subdivide an existing five (5) acre R1 (limited residential) zoned parcel. The submitted family subdivision plat/survey creates a "new" three (3) acre parcel, and the residual parcel would be two (2) acres. In the R1 zoning district the minimum required lot size is one-and-a-half acres (1.5). The subject parcel is located on a private drive known as "Luther Lane"; and this private drive serves more than four (4) parcels/lots. Article 4-8-3 of the County's subdivision ordinance states "a private road shall serve no more than four (4) lots which use said private road for access to a public road or former county road." The applicants are seeking a variance from article 4-8-3 of the subdivision ordinance. The subject parcel is identified on Madison County's Tax Maps as 48-32G, and the parcel's existing dwelling has a postal address of 170 Luther Lane, Madison, Virginia.

Administrator Webb represented the application; he said he expected the applicant was going to show up. Administrator Webb said he did not realize that Luther Lane was a private drive when he was first presented with the proposed family subdivision. Webb said that in the past, these types of family subdivisions were approved. However, Webb said, our current ordinances do not make an exception for family subdivisions such as this one with the "four-in-one rule" on private drives. Webb said the irony is they could put another house on the lot without subdividing it because of the size. Member Clatterbuck noted that Luther Lane is very narrow. Member Lohr said this Lane comes out to O'Neals Road and he asked how many lots are on Luther Lane. He said he counts 8 lots from the picture provided. Administrator Webb said there are at least 10 lots on Luther Lane. Chairman Coppedge said that it seems to him this is more than just a family subdivision. Administrator Webb said the applicants want to divide their lot into a family subdivision with a shared family lane. Administrator Webb said that the private drive "pretty much stops" after this 170 Luther Lane dwelling. Member Lohr said in his opinion there needs to be a state road there. Member Clatterbuck asked what the right-of-way width was for the road and the lot. Administrator Webb said the survey doesn't indicate, but that mostly these roads are "prescribed." Member Lohr asked what would happen if someone along the Lane wanted to put

in a small business, like a body shop or car repair. Member Lillard said this makes a non-conforming lot even more non-conforming, and he does not like it. Administrator Webb noted that the lots exist and they can be built on in the future. Member Lillard made a motion to deny the variance; the motion was seconded by Member Clatterbuck. With no more discussion or input from the Board or audience, the vote was taken. Ballots were read, as follows:

Coppedge—Deny; Aylor—Deny; Lillard—Deny; Lohr—Deny; Clatterbuck—Deny.

Secretary Long read the second case:

B. Valerie M. Hall requests a variance from article 4-4-1 (setback regulations) of the County's zoning ordinance to construct a single-family dwelling to be located roughly 62 feet from the centerline of a public street; instead of the 100 feet from the centerline as required by article 4-4-1 of the County's zoning ordinance. This variance request is due to the location of the septic drainfield which necessitates the proposed dwelling to encroach on the front setback. The subject parcel is zoned A1 (agriculture) and is located on Main Uno Baptist Church Lane, Rochelle, Virginia. The parcel is identified on Madison County's Tax Maps as 64-51.

Administrator Webb represented the application. Mr. Webb said Main Uno Baptist Church Road is a private lane; he doesn't know the width of the road, but said it was probably a prescriptive width. Mr. Webb said the owners want to put the dwelling right in the center of the lot because the land slopes down in the back, but that ended up being where the drainfield needs to go, so they want to push the house closer to the road. Mr. Webb said the 100 feet was taken from the center because they didn't know the size of the right-of-way. Chairman Coppedge asked if they want to be 62 feet from the center of the right-of-way, and Administrator Webb said it looks like they want to be 62 feet from the edge of their front property line. Member Lohr asked if the owner hadn't considered this when she recently purchased this piece of property. Webb said that she didn't know where the septic was going to be. They called the zoning office and knew where all the setbacks needed to be, but then when they went to get it perked, the septic ended up being almost exactly where they had picked out the house site. Chairman Coppedge asked if that was the only spot on the whole property where the drainfield will work. Webb said that must be, because that is why they asked for the variance. Member Clatterbuck said that the survey shows that the lot slopes in the back. Member Clatterbuck said this is strictly a setback variance. Webb said, yes, the lot is there and they can build on it. Chairman Coppedge said that this lot existed before 1974, and it would be different if this was 62 feet from a state road. Coppedge said but this is 62 feet from a right-of-way, which to me means you have "x amount" of feet you can use; you're not to get out of it for any reason. Chairman Coppedge said he didn't see a problem; Member Clatterbuck agreed. Member Lohr referred to an email (in the staff package) from a neighbor who disagreed. Member Lillard asked if there were any homes built past this point on the road. Administrator Webb said it looks like there are some, and some of those are closer to the road than 62 feet. Member Lillard asked if it was a right-of-way or a lot that had "Fisher" on it on the plat. Administrator Webb said that he thinks Mr. Fisher owns a vacant lot that adjoins this parcel. Member Lillard wondered if he could get an easement at the back to add to the lot for a drainfield.

Member Clatterbuck made a motion to accept the variance. Member Lillard seconded the motion. Chairman Coppedge asked for a voice vote. All in favor of approving the variance say "aye", unanimous approval to accept the variance.

Clatterbuck—Approve; Aylor—Approve; Lillard—Approve; Lohr—Approve; Coppedge—Approve.

C. Edward R. Williams requests a variance from Article 4-3 (area regulations), Article 4-4 (setback regulations), Article 4-5 (frontage regulations), 4-6-1 (side yard regulations), and 4-6-2 (rear, yard regulations) from the Madison County Zoning Ordinance. The applicant is seeking to construct a single-family dwelling and requests a variance to apply the R3 (multiple family) area, setback, frontage, side and rear yard regulations to the parcel. The parcel is zoned A1 (general agriculture) and was created prior to the adoption of a County zoning and subdivision ordinance. The parcel is identified on Madison County's Tax Maps 50-21 and is located on Elly Road (Rt. 607).

Administrator Webb represented the application. He said this is a case that was brought before the Board of Zoning Appeals a couple years ago. Webb said Mr. Williams bought this parcel from Mr. McDaniel and Mr. Williams apparently forgot about the restrictions applied to the parcel. Webb said that Mr. Williams is looking for the same variance from the Board that Mr. McDaniel had received. Member Lillard asked how much acreage Mr. Williams has that adjoins this parcel. Mr. Webb he thinks the lot behind this one is 30-40 acres; "it is pretty big". Mr. Williams wants to put a small house on this small lot. When Mr. McDaniel originally purchased this lot he thought it was about 1.7 acres, but when it was surveyed it was .44 acres. Webb said he thought it had something to do with the road cutting off a portion of it at one time. Chairman Coppedge said it seemed to him that there was some type of a road going through the property. Administrator Webb said there is a little easement that went back through there. Member Lohr said his opinion is that the owner should make the lot legal by doing a boundary adjustment. Administrator Webb said he suggested that but that the owner didn't want to do that. Member Lillard said that he wasn't at the previous meeting, and he wouldn't have voted to approve the variance at that time with those conditions. However, Lillard said that since those conditions were approved for a previous owner, the Board should approve it for another owner. Administrator Webb said that the owner would have a pretty good case to expect a favorable ruling based on the prior approval. Chairman Coppedge said he was in favor of approving the variance with the same conditions. Member Lillard made a motion to approve the variance be approved with the same conditions as before, updated to reflect date change:

- *The variance approval is valid for a two (2) year term. Therefore the proposed dwelling must be permitted prior to October 21, 2023;*
- *The variance to construct the single-family home cannot be sold or transferred. Once the proposed dwelling is constructed, it (the parcel) then may be sold or transferred at your discretion.*

Member Clatterbuck seconded the motion. Member Lillard suggested that Mr. Williams add acreage to the lot to make it legal. The vote was taken by ballot. The ballot votes were read aloud as follows:

Lillard—Grant (the variance with conditions); Lohr—Deny; Aylor—Grant (the variance with conditions); Coppedge—Grant (the variance with conditions); Clatterbuck—Grant (the variance with conditions).

Administrator Webb thanked EJ Aylor for his service on the Board of Zoning Appeals, for 12 years of service. Webb introduced Sarah M. Wills, and recommended her to replace Member Aylor on the Board. The Board members welcomed her to the Board.

Chairman Coppedge adjourned the meeting with no further business to discuss.


Chairman Douglas Coppedge

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

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: James and Nana Ward

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

- Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
- Exceptional topographic conditions
- Extraordinary financial conditions (this alone is not evidence of hardship)
- Exceptional situation which effectively unreasonably restricts the use of the property
- Use of the property immediately adjacent
- Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

YES

NO

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:

I vote to DENY the variance:

Signed: Douglas Coppedge

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: James and Nana Ward

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

- Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
- Exceptional topographic conditions
- Extraordinary financial conditions (this alone is not evidence of hardship)
- Exceptional situation which effectively unreasonably restricts the use of the property
- Use of the property immediately adjacent
- Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

YES

NO

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:

I vote to DENY the variance:

Signed:



MADISON COUNTY BOARD OF ZONING APPEALS

Application of: James and Nana Ward

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

- Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
- Exceptional topographic conditions
- Extraordinary financial conditions (this alone is not evidence of hardship)
- Exceptional situation which effectively unreasonably restricts the use of the property
- Use of the property immediately adjacent
- Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

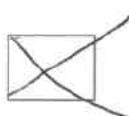
YES

NO

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

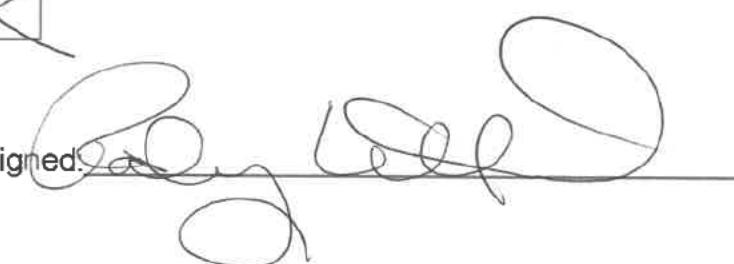
(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:



I vote to DENY the variance:

Signed:



MADISON COUNTY BOARD OF ZONING APPEALS

Application of: James and Nana Ward

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

- Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
- Exceptional topographic conditions
- Extraordinary financial conditions (this alone is not evidence of hardship)
- Exceptional situation which effectively unreasonably restricts the use of the property
- Use of the property immediately adjacent
- Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

YES

NO

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:

I vote to DENY the variance:

Signed:

James M. Loh

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: James and Nana Ward

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

- _____ Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
- _____ Exceptional topographic conditions
- _____ Extraordinary financial conditions (this alone is not evidence of hardship)
- _____ Exceptional situation which effectively unreasonably restricts the use of the property
- _____ Use of the property immediately adjacent
- _____ Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

YES

NO

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are “yes”, the variance may be granted.)

I vote to GRANT the variance:

I vote to DENY the variance:

Signed: Roger Cawood

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: Valerie M. Hall

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

- Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
- Exceptional topographic conditions
- Extraordinary financial conditions (this alone is not evidence of hardship)
- Exceptional situation which effectively unreasonably restricts the use of the property
- Use of the property immediately adjacent
- Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

YES

NO

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:

I vote to DENY the variance:

Signed

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: Valerie M. Hall

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)

Exceptional topographic conditions

Extraordinary financial conditions (this alone is not evidence of hardship)

Exceptional situation which effectively unreasonably restricts the use of the property

Use of the property immediately adjacent

Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

YES

NO

(If all findings are "yes", the variance may be granted.)

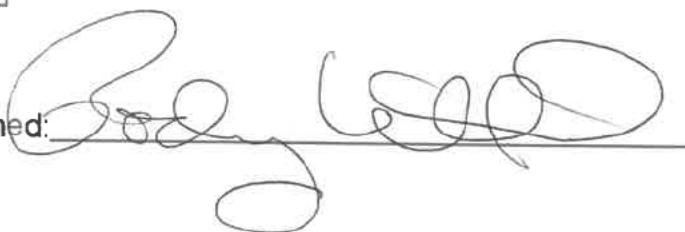
I vote to GRANT the variance:



I vote to DENY the variance:



Signed:



MADISON COUNTY BOARD OF ZONING APPEALS

Application of: Valerie M. Hall

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

- _____ Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
- _____ Exceptional topographic conditions
- _____ Extraordinary financial conditions (this alone is not evidence of hardship)
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- _____ Use of the property immediately adjacent
- _____ Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

YES

NO

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance.



I vote to DENY the variance:



Signed:

James M. John

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: Valerie M. Hall

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)

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FINDINGS:

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2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:



I vote to DENY the variance:



Signed: Douglas Coppedge

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: Valerie M. Hall

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

- _____ Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
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FINDINGS:

YES

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2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance.



I vote to DENY the variance.



Signed: Roger Cattell

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: Edward R. Williams

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)

Exceptional topographic conditions

Extraordinary financial conditions (this alone is not evidence of hardship)

Exceptional situation which effectively unreasonably restricts the use of the property

Use of the property immediately adjacent

Other clearly demonstrated hardship approaching confiscation (not a special privilege or convenience)

FINDINGS:

1. Strict application of the ordinance would produce undue hardship
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

YES

NO

(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:

I vote to DENY the variance:

Signed:



MADISON COUNTY BOARD OF ZONING APPEALS

Application of: Edward R. Williams

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

- _____ Exceptional narrowness, shallowness, size or shape of property at effective date of ordinance (1974)
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(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance.

1

I vote to DENY the variance:

✓

Signed:

James M. Lohn

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: Edward R. Williams

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

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(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:



I vote to DENY the variance.



Signed

E. D. H. J.

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: Edward R. Williams

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

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(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance.



I vote to DENY the variance.



Signed:

Douglas Coppedge

MADISON COUNTY BOARD OF ZONING APPEALS

Application of: Edward R. Williams

Date: October 19, 2021

Evidence of Hardship: (Check appropriate ones)

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(If all findings are "yes", the variance may be granted.)

I vote to GRANT the variance:

I vote to DENY the variance:

Signed: Roger Cawthon Jr.