



## **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 wholistically, 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.

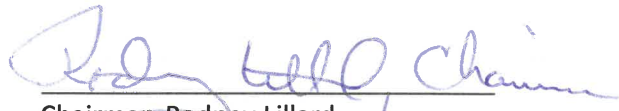
**Aye: (5). Wills, Clatterbuck, Lillard, Long, Knight. Abstain: (0). Absent: (0). Nay: (0)**

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