



MADISON COUNTY BOARD OF ZONING APPEALS

MADISON VIRGINIA 22727

Agenda: June 1st, 2020 at 7:00 p.m.

1. Call to Order
2. Review of Minutes from March 16th, 2020 Meeting
3. Public Hearings :
 - A) Christine & Richard Bradley request a variance from Article 3-3 (area regulations) from Madison County's Zoning Ordinance. The applicants are seeking to construct an additional dwelling on a C1 (conservation) zoned property which contains one (1) existing dwelling on 5.4 acres. In the C1 zoning district, the code states "all dwelling(s) located on a single parcel shall require a minimum of ten (10) acres per dwelling." The parcel is identified on Madison County's Tax Maps as 20-3F and its address is 699 Finks Hollow Road, Syria, VA.
 - B) Running Cedar LLC (John Williams) request a variance for a boundary line adjustment (BLA) between two (2) adjoining properties which he owns. The parcels are zoned A1 (general agriculture) and are identified on Madison County's Tax Maps as 22-29E and 22-28. Parcel 29E contain a single-family dwelling and is 12.43 acres; and parcel 28 is 15 acres. The proposed BLA would result in parcel 29E containing 2.64 acres and parcel 28 containing 24.77 acres. Because the BLA presented to County staff results in a diminution of parcel 29E below the required three (3) acre minimum lot size in the A1 zoning district, the survey/plat submitted for administrative approval was denied. The applicants are seeking a variance from article 4-3 (area regulations) of the zoning ordinance. If the variance is granted staff would sign/approved the BLA. The postal address for parcel 29E is 2122 S. FT Valley Road, Banco, VA.
 - C) Mr. Scott Lohr requests a variance from Article 4-3 (area regulations) from Madison County's Zoning Ordinance. The applicant is seeking to construct a single-family dwelling on an A1 (general agriculture) zoned parcel. The parcel is roughly 1.9 acres in size and in the A1 zoning district the minimum required lot size is three (3) acres. The parcel was (apparently) created prior to the adoption of a County zoning and subdivision ordinance. The parcel is identified on Madison County's Tax Maps as 57-62D and is located on Beautiful Run Road (Rt. 621), Aroda, VA. The property does not presently have a postal address.

- D) Shuman Builders Inc. (Chris Shuman) requests a variance from Article 4-3 (area regulations) from Madison County's Zoning Ordinance. The applicant is seeking to construct a single-family dwelling on an A1 (general agriculture) zoned parcel. The parcel is roughly 2.97 acres in size and in the A1 zoning district the minimum required lot size is three (3) acres. The parcel was (apparently) created prior to the adoption of a County zoning and subdivision ordinance. The parcel is identified on Madison County's Tax Maps as 30-105 and is located on Williamsburg Pike, Madison, VA. The property does not presently have a postal address.
- E) Mr. Michael Shifflett requests a variance from Article 3-4-1 (setback regulations) from Madison County's Zoning Ordinance. The applicant intends to construct a detached garage in the property's side yard. Due to the presence of a swale in the property's rear, a variance is requested to allow for the proposed garage's front setback to be 80 feet from the center of Blue Ridge Turnpike (Rt. 670), instead of the required 100 feet setback; all other setbacks can be met. The property is zoned C1 (conservation) and is identified on Madison County's Tax Maps as 20-8B. The property's postal address is 4579 Old Blue Ridge Turnpike, Madison, VA.

4) Adjournment

§ 15.2-2309. Powers and duties of boards of zoning appeals.

Boards of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application. Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities

Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the locality unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.

No variance shall be considered except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

7. To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. If a governing body reserves unto itself the right to issue special exceptions pursuant to § 15.2-2286, and, if the governing body determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.

8. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.



MADISON COUNTY BOARD OF ZONING APPEALS

MADISON VIRGINIA 22727

The Madison County Board of Zoning Appeals met Tuesday, March 16, 2020, 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, Lillard, and Lohr. Ligon Webb, County Planner, was also present. Chairman Coppedge called the meeting to order at 7:00 p.m. Chairman Coppedge asked if the minutes from the previous meeting of Tuesday, January 21, 2020 were approved. Member Lillard moved to accept the minutes as distributed, Member Clatterbuck seconded the motion.

Clerk Long read the agenda, as follows:

Travis & Sarah Harris have submitted a variance request for a boundary line adjustment (BLA) between two (2) adjoining properties which they own. The parcels are zoned A1 (general agriculture) and are identified on Madison County's Tax Maps as 65-12A and 65-12C; both parcels contain single-family dwellings. The postal addresses are 432 & 412 Bootons Lane, Orange, VA. Parcel 12A contains 2.12 acres and the proposed BLA would result in the property containing 1.24 acres; parcel 12C contains 3.67 acres and the proposed BLA would result in the property containing 4.56 acres. Because the proposed BLA increases the nonconforming status of a parcel (12A) the survey/plat submitted for administrative approval was denied. The applicants are seeking a variance from article 4-3 (area regulations) of the zoning ordinance. If the variance is granted staff would sign/approve the BLA.

Mr. Harris appeared to represent the application. Member Clatterbuck noted that there was a typographical error on the ballot ("graining" instead of "granting"); Clerk made a note and will correct future ballots. Chairman Coppedge asked Mr. Harris to explain what he wants to do. Mr. Harris said his grandparents owned the land originally, and he and his wife purchased the land in 2009. Mr. Harris said he has since built a house on the back side of the property. Mr. Harris explained that his grandfather hadn't really worried about boundary lines when he built a workshop many years ago. Chairman Coppedge asked if that is along the line that goes through the shed, and Mr. Harris said "Yes". Mr. Harris said he didn't get it resurveyed when he bought it; he just took where his grandfather said the lines were a kept those. Mr. Harris said he turned what was originally a workshop into a horse barn because his kids were "getting into horses" and fenced in the property line. Now he says he has too many hooves on a small piece of land and wants to sell the property. Mr. Harris said he tried to sell the property last spring with the two houses as one sale, but that didn't sell. Mr. Harris says he is now trying to move the Boundary Line so he can sell them separately. Mr. Harris says he currently rents the front house and personally lives in the back house. Member Lillard asked which house was which on the plat, and Mr. Harris pointed them out with explanations on the plat. Mr. Harris said the rental house is the house his grandparents lived in and there was nothing on the other lot. Member Lillard asked when the small lot was created. Mr. Harris said the house was built in the 1950's. He said they "cut a lot off" in 1976 and this is when they divided the lots. Member Lillard asked if the property was already fenced, and Mr. Harris said "yes, it is". He said, "I put up the horse barn for the kids, as a hobby." Member Lillard asked if the reserves and the drainfield are sufficient as it currently exists. Mr. Harris pointed those out on the plat and said, "There are no encroaching lines. I want to make sure there was no problem with that." Member Aylor asked when the houses were built. Mr. Harris said he built his house in 2014. Member Aylor asked where

the drainfield was for that house, and Mr. Harris said it is in the back. Member Aylor asked where the drainfield was for the other house, and Mr. Harris pointed that out on another plat, saying, "This comes from my grandmother's files". Member Lillard asked if all the set-backs will still meet the requirements if the BLA is made, and Mr. Harris said "yes". Member Clatterbuck clarified that this survey show those setbacks and Mr. Harris said "yes, we hit all those setbacks". Member Lohr asked if the plan was to sell both lots, and Mr. Harris said "yes". Member Clatterbuck asked if he tried to sell them separately, and Mr. Harris said "no". He said legally, he couldn't because one building is on both lots. Member Aylor asked how big one dwelling was (the rental house), and Mr. Harris said "It is relatively small. There are two bedrooms, about 1100 square feet." Member Aylor said "I have a problem with the drainfield for the smaller house, because there is a permit for that somewhere." Member Aylor asked where the drainfield and reserve is for the smaller lot. Planner Webb asked Mr. Harris, "Do you know where the drainfield is?" and Mr. Harris said, "Yes, you can actually see it." Planner Webb asked, "It is on the property, right?" and Mr. Harris said yes. Member Aylor asked, "But where is the reserve?" Planner Webb said "It is not uncommon, and I used to work in Real Estate, you could buy a house and it doesn't have a reserve" and Member Aylor said, "Back in that year, it was." Planner Webb said, "If I want to buy that house and I need a reserve, I'm going to negotiate with him for some land in the adjoining lot." Member Aylor said it is our duty to ensure that it is all there, now. Planner Webb said "My perspective is that you're taking a non-conforming lot and making it even more non-conforming, but is there a negative impact to the public interest? I think not really. With regard to the septic, it has a drainfield, you know where it is, but if it fails, that is an issue for the buyer and seller. This is an unusual situation. He openly admits that he didn't think out all the possibilities when he built his house, and now things have changed. So now the situation has changed." Member Aylor said "I think that is a problem for the County, because the Health inspector says you have to have a proposed site plus a reserve". Member Aylor said there is a permit somewhere for this. Mr. Harris said Mr. Dixon searched for this permit and couldn't find anything, including the paperwork my grandmother had saved. Mr. Harris showed on the plat where the drainfield and reserve sit on the survey. Member Aylor asked "How far is the drainfield off the 50' right-of-way?" Mr. Harris said they allowed his reserve right along that right-of-way when they inspected for his new house. Member Lillard said "I don't understand how they got a non-conforming lot in 1976" and added if it was approved in 1976, it should be fine. Mr. Harris added "I'm not changing anything for the drainfield."

Chairman Coppedge said "I'm not seeing a hardship here." Mr. Harris said "I would have to give away the rental house to sell my house." Member Aylor asked did you build both houses. Mr. Harris said, no, he built the one in the back, not the front house (the little house was his grandparents' house). Member Lohr asked if all four of the lots were family divisions, and Mr. Harris said "I really don't know." Member Aylor asked how long has this easement driveway been there? Mr. Harris said, "Probably since 1976. I drove my 4-wheeler on that land before any houses were built (and I was born in 1976)." Member Clatterbuck asked if there were other houses on the access/egress. Mr. Harris said there are only three of them on that access/egress because the rental house has its own off Bootens Lane.

Member Clatterbuck said you can't put a drainfield on that easement. Planner Webb said "My opinion is that if you will block the easement by building something on it that prevents someone driving on it. Most easement language is pretty vague. Having a drainfield lot that touches the easement is probably not a problem." Mr. Harris said the Health Department approved his building in 2014 and he wasn't too concerned about interfering with the easement with the perc test holes. Member Lillard said your road wasn't going over the road or the drainfield, but it could. Member Aylor said "There is a stipulation on the easement that you can't put your drainfield at that cut." Chairman Coppedge asked if there were any further questions. Member Aylor asked if this case had been before another board before the BZA, and Mr. Harris said "no". Planner Webb said this was administratively denied. Chairman Coppedge asked if the Board was ready to vote and all replied yes. The vote was taken and the variance was denied, 3 against and 2 in favor.

Chairman Coppedge asked if there was other business to be brought before the Board. A member of the audience introduced himself as representing the Blue Ridge Independent newspaper, and asked for a roll-call vote. Chairman Coppedge read the ballot votes:

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

Chairman Coppedge said with no further business to address, the meeting was adjourned.

Chairman Douglas Coppedge

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

DRAFT

PUBLIC NOTICE

Notice is hereby given that Madison County's Board of Zoning Appeals will hold a public hearing at the Madison County Administrative Auditorium located at 414 N. Main Street, Madison, Virginia on **Monday, June 1st, 2020 at 7 p.m.** to act on the following variance request:

1. Christine & Richard Bradley request a variance from Article 3-3 (area regulations) from Madison County's Zoning Ordinance. The applicants are seeking to construct an additional dwelling on a C1 (conservation) zoned property which contains one (1) existing dwelling on 5.4 acres. In the C1 zoning district, the code states "all dwelling(s) located on a single parcel shall require a minimum of ten (10) acres per dwelling." The parcel is identified on Madison County's Tax Maps as 20-3F and its address is 699 Finks Hollow Road, Syria, VA.
2. Running Cedar LLC (John Williams) request a variance for a boundary line adjustment (BLA) between two (2) adjoining properties which he owns. The parcels are zoned A1 (general agriculture) and are identified on Madison County's Tax Maps as 22-29E and 22-28. Parcel 29E contain a single-family dwelling and is 12.43 acres; and parcel 28 is 15 acres. The proposed BLA would result in parcel 29E containing 2.64 acres and parcel 28 containing 24.77 acres. Because the BLA presented to County staff results in a diminution of parcel 29E below the required three (3) acre minimum lot size in the A1 zoning district, the survey/plat submitted for administrative approval was denied. The applicants are seeking a variance from article 4-3 (area regulations) of the zoning ordinance. If the variance is granted staff would sign/approved the BLA. The postal address for parcel 29E is 2122 S. FT Valley Road, Banco, VA.
3. Mr. Scott Lohr requests a variance from Article 4-3 (area regulations) from Madison County's Zoning Ordinance. The applicant is seeking to construct a single-family dwelling on an A1 (general agriculture) zoned parcel. The parcel is roughly 1.9 acres in size and in the A1 zoning district the minimum required lot size is three (3) acres. The parcel was (apparently) created prior to the adoption of a County zoning and subdivision ordinance. The parcel is identified on Madison County's Tax Maps as 57-62D and is located on Beautiful Run Road (Rt. 621), Aroda, VA. The property does not presently have a postal address.
4. Shuman Builders Inc. (Chris Shuman) requests a variance from Article 4-3 (area regulations) from Madison County's Zoning Ordinance. The applicant is seeking to construct a single-family dwelling on an A1 (general agriculture) zoned parcel. The parcel is roughly 2.97 acres in size and in the A1 zoning district the minimum required lot size is three (3) acres. The parcel was (apparently) created prior to the adoption of a County zoning and subdivision ordinance. The parcel is identified on Madison County's Tax Maps as 30-105 and is located on Williamsburg Pike, Madison, VA. The property does not presently have a postal address.

Published in the Madison Eagle on Thursday, May 21st & Thursday, May 28th, 2020

5. Mr. Michael Shifflett requests a variance from Article 3-4-1 (setback regulations) from Madison County's Zoning Ordinance. The applicant intends to construct a detached garage in the property's side yard. Due to the presence of a swale in the property's rear, a variance is requested to allow for the proposed garage's front setback to be 80 feet from the center of Blue Ridge Turnpike (Rt. 670), instead of the required 100 feet setback; all other setbacks can be met. The property is zoned C1 (conservation) and is identified on Madison County's Tax Maps as 20-8B. The property's postal address is 4579 Old Blue Ridge Turnpike, Madison, VA.

The public is invited to attend the hearing and comment. However, due to Covid-19 comments may be submitted by email or in writing beforehand. The meeting will be livestreamed online via multiple platforms. The public may go to the following website for information regarding livestream access and to view documents related to the cases: www.madisonco.virginia.gov/meetings Copies of the County's ordinances and documents related to the cases are available for review in Madison County's Building & Zoning Office; documents can be inspected Monday - Friday from 8:30 a.m. to 4:30 p.m. These documents can also be sent electronically by request. Comments or questions can be sent by email to lwebb@madisonco.virginia.gov, or by calling 540-948-7513.

Mr. Ligon Webb, County Planner



May 8, 2020

**To: Christine & Richard Bradley
699 Finks Hollow Lane
Syria, VA 22743**

From: Ligon Webb, County Planner

RE: Denial of Zoning Permit Application for Additional Dwelling on a C1 Zoned Parcel

Christine & Richard –

Your recent zoning permit submitted to the County was denied. The subject 5.47 acre parcel (TM# 20-3F) is the location of an existing single-family home in which you live. As discussed, the desire is to construct an additional dwelling/single-family home on the parcel. This additional dwelling would be occupied by a parent.

However, the County's zoning ordinance (specifically article 3-3) states "all dwelling(s) located on a single parcel shall require a minimum of ten (10) acres per dwelling.."; and as stated the subject parcel contains 5.47 acres and therefore the permit was denied. In order to be in compliance with the zoning ordinance the subject parcel would be required to be 20 acres.

Your application to the Board of Zoning Appeals has been received, and a hearing is scheduled for Monday, June 1st at 7 p.m. at the Madison County Administrative Auditorium.

If you have any question or concerns, please do not hesitate to contact me.

Regards,

A handwritten signature in blue ink, appearing to be "L. Webb", written over a horizontal line.

**MADISON COUNTY
ZONING PERMIT APPLICATION**

Date: 5/6/2020

Permit #:

Property Owner:

Name: Christine & Richard Bradley
Address: 699 Finks Hollow Lane, Syria, VA 22743
Phone No.: 540.987.9228
E-Mail: christinenbradley@gmail.com

Applicant :

Name: Christine Bradley
Address: SAME
Phone No.: _____
E-Mail: _____

Tax Map: 20-3F Zoning: C-1 Subdivision Name: N/A Lot Size: 5.47 acres

Location/Address of Parcel for Zoning Permit: 699 Finks Hollow

Reason for Permit: To construct an accessory dwelling (single-family dwelling) on a C1 zoned parcel that contains an existing primary dwelling.

Is there a right-of-way on either side of your property? Yes No

Have you obtained your VDOT entrance permit? Yes No (If No, please contact VDOT @ 540-829-7500)

If private road, when was right-of-way recorded in the Clerk's Office of Madison County: N/A

Deed attached Plat attached Sketch attached

Are there any shrink-swell soils? Yes No Moderate Severe 24" Footing

Floodplain on parcel Yes No Structure located in floodplain? Yes No

SETBACKS: Front setback: 50' Side yard: 25' Rear yard: 35'

I hereby certify that I have the authority to make the foregoing application, that the statements made and information given is correct and the construction of any building or location of any structure of the tract or lot which is the subject of this application will conform with the regulations in the Zoning Ordinance, and private building restrictions, if any, which may be imposed upon the above property by deed.

Christine N. Bradley
Signature of Owner or Agent

5.6.2020
Date

Christine N. Bradley
Print Name

540.987.9228
Daytime phone number of Signatory

~~APPROVED BY ZONING OFFICE~~

Denied
[Signature]
Ligon Webb, County Planner

Date: 5/6/2020

April Clements, Zoning Technician

Date: _____

Permit Fee \$50.00 Date Paid: _____ Payment Type: _____

* Code Required each dwelling in C1 be assigned 10 acres per dwelling

2020-0337

FOR OFFICE USE ONLY:

Zone: C1

Map No: 20-3F

By who? Christine Bradley

Fee Amount: \$200.00

Date Paid: 5/6/2020

699 Finks Hollow Lane

Receipt #:

Check #: 155

Syria, VA 22743



**MADISON COUNTY
APPLICATION FOR VARIANCE**

Date: 5/6/2020

TO: MADISON COUNTY BOARD OF ZONING APPEALS
Madison, Virginia

The undersigned owner of the following described property hereby applies for a variance from the provision of Article(s) 3-3 of the Zoning Ordinance of Madison County, Virginia.

Property Owner:

Name: Christine & Richard Bradley

Address: 699 Finks Hollow Lane, Syria, VA

Phone No.: 540-987-9228

E-Mail: christinenbradley@gmail.com

TAX MAP: 20-3F ZONED: C1-Conservation

OF ACRES TO BE COVERED BY VARIANCE: 5.47 acres

LOCATION/ADDRESS OF PROPERTY FOR VARIANCE: 699 Finks Hollow Lane, Syria, VA

NATURE OF VARIANCE REQUESTED: The applicants are seeking to construct an additional dwelling on the subject property. However, the code states "all dwelling(s) located on a single parcel shall require a minimum of ten (10) acres per dwelling." The subject parcel contains 5.4 acres, and in order to construct a second dwelling the subject parcel would be required to have/contain 20 acres.

Christine N. Bradley

Property Owner(s) Signature or Agent

5-6-2020

Date

Christine N. Bradley

Print Name

540-987-9228

Daytime phone number of Signatory

NOTE: THIS PERMIT APPLICATION IS NOT VALID UNLESS SIGNED AND DATED BY ALL PROPERTY OWNER(S).

Have all the necessary statements, plats, plans and other pertinent information been submitted? Yes No

APPROVED: Conditions, if any: _____

DENIED:

MADISON COUNTY BOARD OF ZONING APPEALS

Date: _____

Variance Request by Christine & Richard Bradley to Construct an Additional Dwelling on a C1 (conservation) Zoned Parcel which is less than the required minimum lot size.

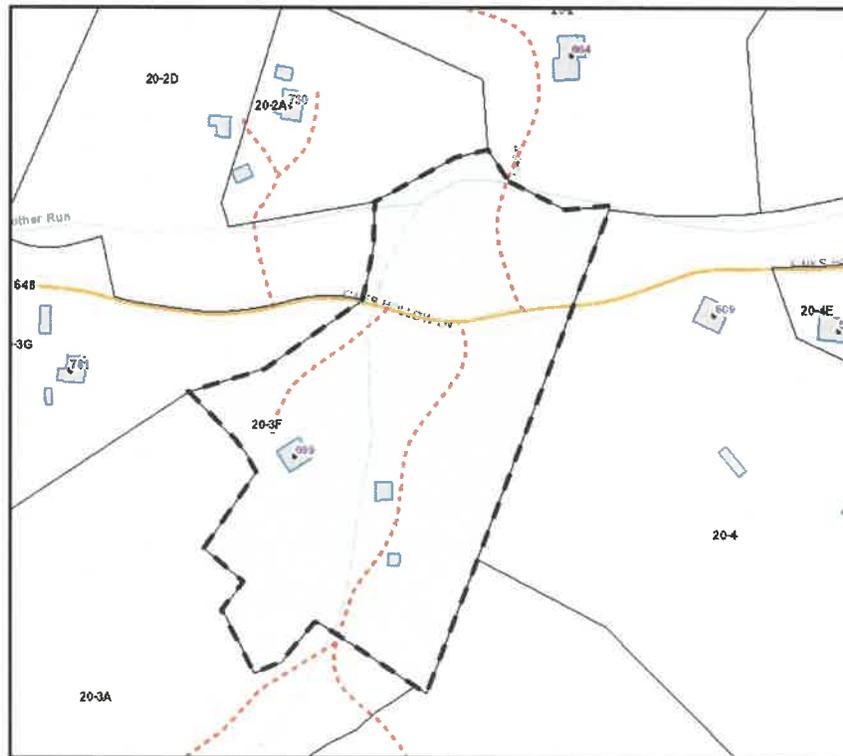
Background – The applicants, Christine & Richard Bradley, have applied for a variance from article 3-3 of County’s zoning ordinance. The subject parcel is zoned C1 and in this district the ordinance states the following:

Area Regulations: *The minimum lot area for permitted uses shall be ten (10) acres, except for an outdoor archery range which shall be three (3) acres. All dwelling(s) located on a single parcel shall require a minimum of ten (10) acres per dwelling. (Amended March 2020)*

Per the submitted zoning permit, the applicants confirm the proposed dwelling can meet all setback regulations, but the parcel does not meet the required minimum lot size for two (2) dwellings which would be twenty (20) acres. The applicants have also indicated the dwelling would have its own individual septic system, and be significantly smaller than the parcel’s existing dwelling.

The applicants have indicated the additional dwelling would be for a parent allowing for independence in close proximity to their home.

Visuals –







March 18, 2020

**To: Running Cedar LLC (John Williams & Jennifer Sisney)
PO Box 317
Sperryville, Virginia 22740**

From: Ligon Webb, County Planner

RE: Denial of Boundary Line Adjustment (BLA)

John & Jennifer –

Recently a BLA was submitted to this office between two (2) parcels which you both own. The two parcels are identified on Madison County's Tax Maps as 22-29E and 22-28 and both parcels are zoned A1 (agriculture); parcel 29E is the location of a single-family dwelling and its postal address is 2122 S. FT. Valley Road.

As noted in your letter (attached to this report), when you purchased parcel 29E a survey completed in 1954 indicted this parcel (29E) was 13.4 acres. However, a recent survey completed as part of the BLA showed the parcel was instead 12.3 acres. Obviously had the older survey been accurate the need for a variance likely would not have resulted.

Of course, article 4-3 in the A1 district requires a minimum lot size of three (3) acres, and the BLA submitted would result in parcel 29E being 2.62 acres; therefore the BLA was denied.

Your application to the Board of Zoning Appeals has been received, and a hearing is scheduled for Monday, June 1st at 7 p.m. at the Madison County Administrative Auditorium.

If you have any question or concerns, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to be "Ligon Webb", is written over the "Regards," text.

Running Cedar LLC
PO Box 317
Sperryville, Virginia 22740

March 17, 2020

RE: Boundary Line Adjustment for TM22-29E

To Whom It May Concern:

In 2016, John Williams and I, purchased property under the name Running Cedar LLC, as directed by counsel. The 80-acre parcel, that we purchased, was in two lots 22-26B and 22-28, is located off of route 231 and is contiguous to the parcel requesting variance.

In 2017, we purchased TM22-29E a parcel with a house and 13.4 acres according to a survey/plat from 1954. We purchased this property because of the land. When my farm sold, we remodeled the house and currently reside in this home. Our intent was to keep 10 acres and sell the home with 3 acres.

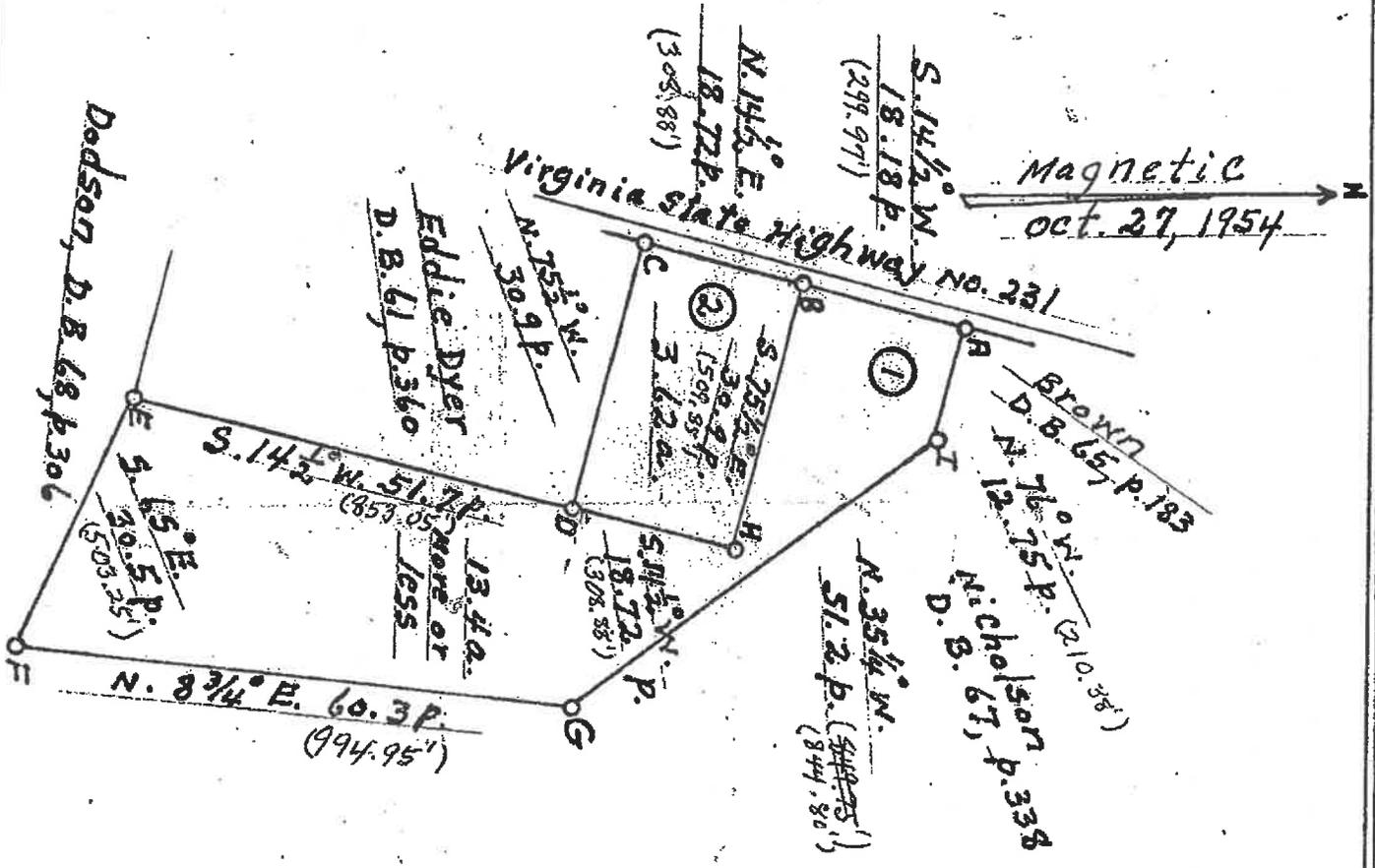
After obtaining a survey, by Lewis Surveying, our 13.4 acres became 12.393 acres. It was always our intention to do a boundary line adjustment at the narrow point (H), assuming that we would easily have 3 acres at that point. Our neighbor at 22-29G shows 3.62 acres with similar lines on paper by looking at the current tax maps and old plats.

We are asking the county to consider giving us a variance. We would like TM22-29E to be approved for 2.662 acres and the additional 9.771 acres would be added to TM22-28 for a total of 24.771 acres. As you can see in some of the photos, the old logging trail behind the house is very steep and cutting off the property line at the narrow alley, point (H) as indicated on the 1954 plat, makes sense for the property. Having to add an additional 0.338 acres would not only create an odd shaped lot but intrude on a fences line and access trail to our additional acreage. If we were in an open field this would not be prudent, but our "top" of the mountain is very narrow and the current trails are steep and would be very difficult to move.

Other properties, within a short distance of our home have less than three acres. Including the neighboring property 22-29 with 0.631 acres, 22-5C sits down the street with 0.531 and next to that 22-5A has 0.882 acres. With the mountain behind the house and the fact that the house sits only 40' from the centerline of 231. It already comes across as being a home with small acreage and I believe that even though we are asking to allow less acreage than is currently required, it would not appear to affect the county standards. I hope that you will take this into consideration while making your decision.

Thank you for your consideration.

John Williams and Jennifer Sisney



This plat represents a Survey, with subdivision, of a tract of land belonging to Vander Dyer. It is a part of the land described in D.B. 60, p. 406 and plat book 3, p. 22. This land is located about 2-miles N.W. of Banco, Madison County, Virginia.

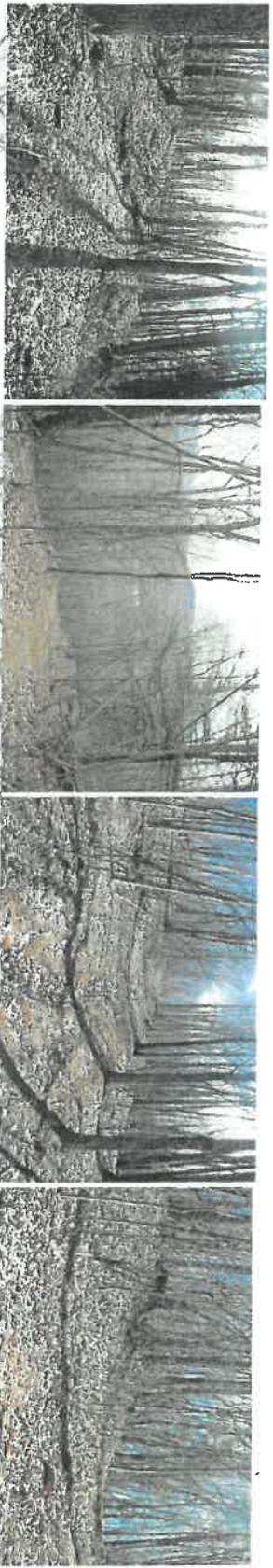
Surveyed: Oct 27, 1954.
Scale: 1 in. = 20 poles
Surveyor: M.W. Aylor, M.C.S.



1. View looking North on Route 231; Parcels 22-5C (0.531 acres) and 22-5A (0.882 acres)
2. Parcel 22-29E driveway and neighbor to North, which shares a boundary line, parcel 22-29A (0.631 acres)
3. View looking South on Route 231; Parcels 22-29G (3.62 acres)



1. Street View
2. Rear View
3. Parking Area behind house leading to old logging trail as marked on proposed BLA plat



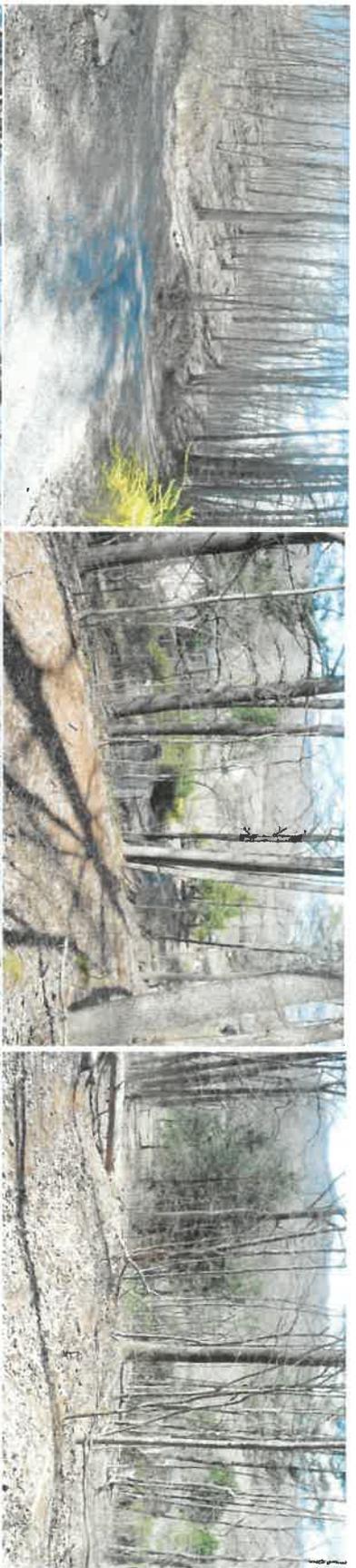
The top four photos are the higher elevations leading to the proposed property line, along the old logging road.

The bottom photo shows the new rods set for point (H) on the 1954 survey and the new rod set between points (I) and (G), located approximately 415.40' from point (I).

The rods set, allows a very narrow passage way to the additional 9.770 acres and according to the new survey, the old logging road is not on the property, where this photo is taken.



View of the new rods set. Point (H) on the 1954 Survey, is the closer stake in the photo.



Lower elevation views from old logging trail to proposed property line.
Larger photo is looking down at point (I) marked on 1954 Survey, near tan house with red door.

FOR OFFICE USE ONLY:

Zone: **A1**

Map No: **22-29E**

By who? **Jennifer Sisney**

Fee Amount: **\$200.00**

Date Paid: **3/17/2020**

Po Box **317**

Receipt #:

Check #: **1069**

Sperryville, VA **22740**



**MADISON COUNTY
APPLICATION FOR VARIANCE**

Date: **3/17/2020**

TO: MADISON COUNTY BOARD OF ZONING APPEALS
Madison, Virginia

The undersigned owner of the following described property hereby applies for a variance from the provision of Article(s) 4-3 of the Zoning Ordinance of Madison County, Virginia.

Property Owner:

Name: Running Cedar, LLC (Jennifer Sisney & John Williams)

Address: PO Box 317

Phone No.: 540-923-4310

E-Mail: runningcedar@hotmail.com

TAX MAP: **22-29E** ZONED: **A1**

OF ACRES TO BE COVERED BY VARIANCE: **2.6**

LOCATION/ADDRESS OF PROPERTY FOR VARIANCE: **Parcels 22-29E and 22-28; 2122 South Ft. Valley Road, Madison, VA**

NATURE OF VARIANCE REQUESTED: The postal address of the variance request (Map # 22-29E) is 2122 S. Ft. Valley Road, Madison, VA; the applicants own two adjoining parcels and submitted a Boundary Line Adjustment (BLA) between the two parcels (22-29E & 22-28); prior to having the two parcels surveyed, public records (and an older survey) indicated parcel 29E was 13.4 acres. However, a recent survey (3/15/2020) showed parcel 29E to be 12.43 acres, roughly an acre less than anticipated. Due to the loss in acreage, the BLA between the two parcels leaves parcel 22-29E with 2.62 acres and parcel 22-28 would be 24.77 acres. The applicants have provided a copy of the previous survey. Because the BLA presented to county staff is a diminution below the required three (3) acre minimum lot size in the A1 zoning district, the BLA was administratively denied

Jennifer R. Sisney
Property Owner(s) Signature of Agent

March 17, 2020
Date

Jennifer Sisney
Print Name

540-923-4310
Daytime phone number of Signatory

NOTE: THIS PERMIT APPLICATION IS NOT VALID UNLESS SIGNED AND DATED BY ALL PROPERTY OWNER(S).

Have all the necessary statements, plats, plans and other pertinent information been submitted? Yes No

APPROVED: **Conditions, if any:** _____

Variance Request by Running Cedar LLC for a Boundary Line Adjustment (BLA) resulting in a parcel's lot size being under the minimum requirement in the A1 (agriculture) zoning district.

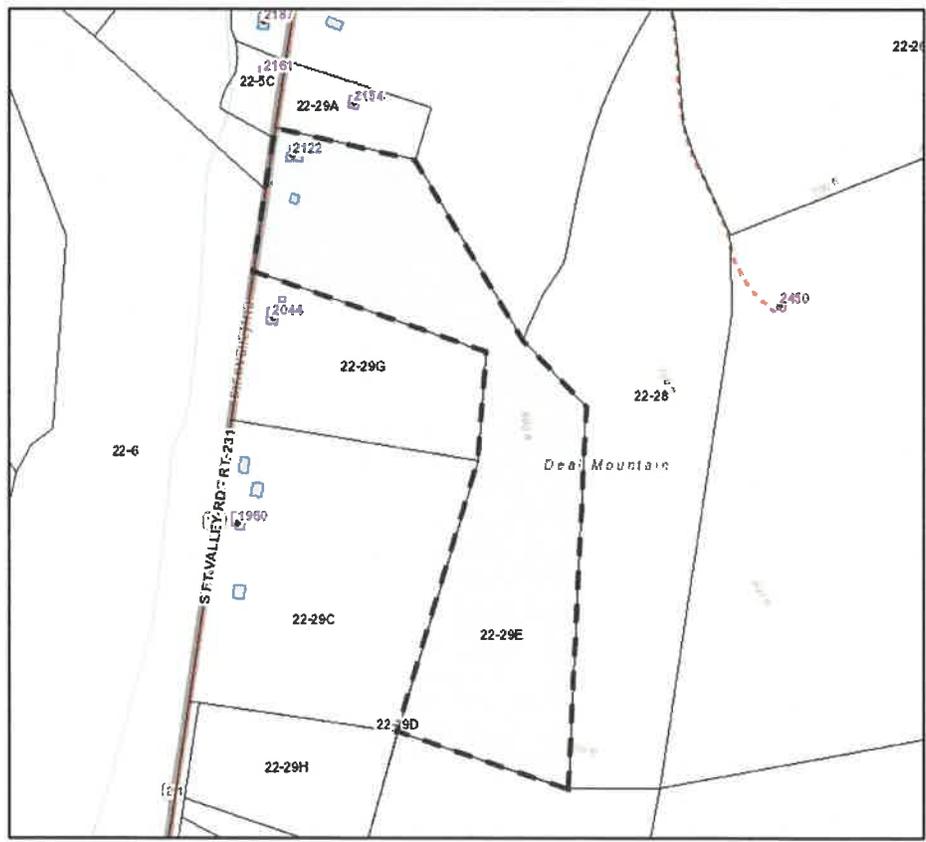
Background – The applicant, Running Cedar LLC (John Williams & Jennifer Sisney), has applied for a variance from article 4-3 of the County's zoning ordinance. The subject parcel is zoned A1 and in this district the ordinance states the following:

Area Regulations: The minimum lot area for permitted uses shall be three (3) acres. All dwelling(s) located on a single parcel shall require a minimum of three (3) acres per dwelling. (Amended March 2020)

The BLA submitted between two (2) parcels owned by Running Cedar LLC (Tax Maps 22-29E & 22-28) would result in parcel 22-29E being 2.62 acres. When the applicant purchased the parcel, a survey dated from 1954 indicated the parcel (29E) was 13.4 acres; however, a recent survey for the BLA indicated parcel 29E was 12.3 acres, a loss of 1.3 acres.

The applicant's BLA was done in "good faith" based on the prior survey; thought this survey was found to be inaccurate.

Visuals –



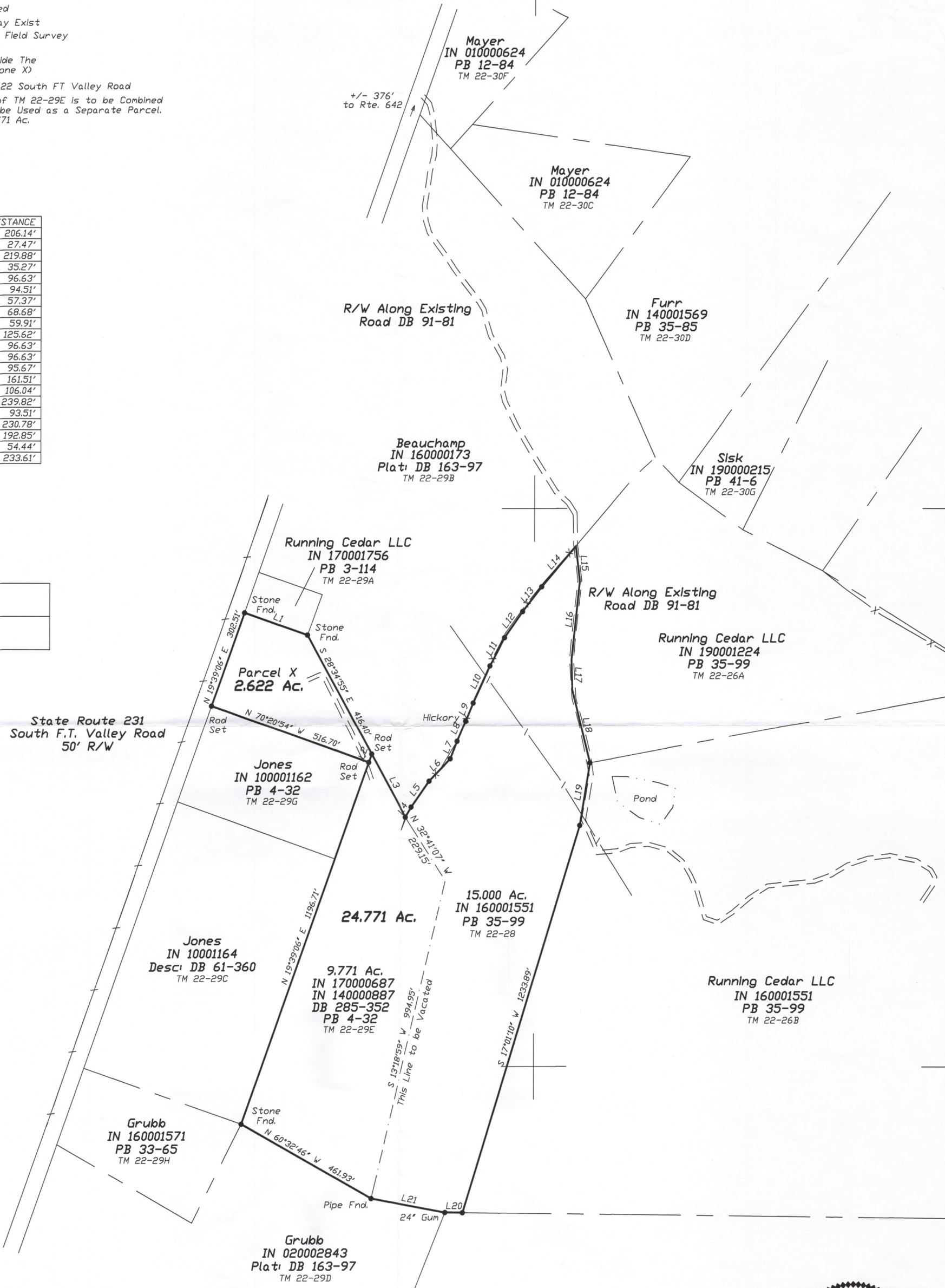


NOTES:

1. No Title Report Furnished
2. Easements Not Shown May Exist
3. This Plat Is Based On A Field Survey Dated 4 March 2020
4. This Property Lies Outside The 500 Year Flood Zone (Zone X)
5. 911 Address Parcel X 2122 South FT Valley Road
6. The 9.771 Ac. Portion of TM 22-29E Is to be Combined with TM 22-28. Not to be Used as a Separate Parcel. Total New Acreage 24.771 Ac.

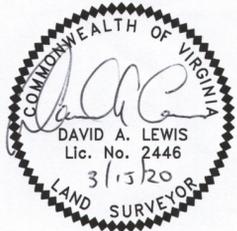
LINE	BEARING	DISTANCE
L1	S 70°59'37" E	206.14'
L2	S 19°39'06" W	27.47'
L3	S 28°34'55" E	219.88'
L4	N 30°20'48" E	35.27'
L5	N 35°05'48" E	96.63'
L6	N 43°34'51" E	94.51'
L7	N 21°42'26" E	57.37'
L8	N 22°52'32" E	68.68'
L9	N 22°38'51" E	59.91'
L10	N 24°08'51" E	125.62'
L11	N 27°53'51" E	96.63'
L12	N 35°08'51" E	96.63'
L13	N 37°53'51" E	95.67'
L14	N 40°38'52" E	161.51'
L15	S 06°46'41" E	106.04'
L16	S 06°00'35" W	239.82'
L17	S 01°37'28" E	93.51'
L18	S 13°43'11" E	230.78'
L19	S 09°10'24" W	192.85'
L20	N 89°20'57" W	54.44'
L21	N 79°21'50" W	233.61'

Approvals
County Agent



Boundary Adjustment Survey of:
RUNNING CEDAR LLC Property
 IN 160001551, Tax Map 22-28
RUNNING CEDAR LLC Property
 IN 170000687, Tax Map 22-29E
 Madison County, Va.
 Scale: 1" = 200' 14 March 2020

Moncure
 IN 170001544
 PB 40-14
 TM 22-23



Lewis Surveying Inc.
 David A. Lewis, L. S.
 518 Graves Road
 Graves Mill, VA 22727
 (540) 948-7136
 Copyright © 2020



May 8, 2020

**To: Mr. Scott G. Lohr
2347 Beautiful Run Road
Aroda, VA**

From: Ligon Webb, County Planner

RE: Denial of Zoning Permit Application for a Single-family Dwelling in an A1 Zoning District

Scott –

Your recently submitted zoning permit to construct a single-family dwelling on a 1.9 acre parcel was denied. The subject 1.9 acre parcel (TM# 57-62D) is vacant and zoned A1 (agriculture); and in the A1 zoning district (per Article 4-3 of the zoning ordinance) the minimum lot size for all uses is three (3) acres.

As discussed, the subject parcel was legally created prior to the adoption of a County-wide zoning and subdivision ordinance. My research at the Clerk's Office indicates the subject parcel was created in 1944, or before. Though the legal basis for considering the subject lot to be "grandfathered", and therefore "buildable" has merit, it is my opinion that a variance is the most appropriate course of action in such cases.

Your application to the Board of Zoning Appeals has been received, and a hearing is scheduled for Monday, June 1st at 7 p.m. at the Madison County Administrative Auditorium.

If you have any question or concerns, please do not hesitate to contact me.

Regards,

A handwritten signature in blue ink, appearing to be "L. Webb", is written below the text "Regards,".

FOR OFFICE USE ONLY:

Zone: A1
Fee Amount: \$50.00
Receipt #:

Tax Map No: 57-62D
Date Paid: 5/4/2020
Check #:

By who? Scott G. Lohr
2347 Beautiful Run Rd, Aroda, VA 22709



**MADISON COUNTY
APPLICATION FOR ZONING PERMIT**

Date:

Property Owner:

Name: Scott G. Lohr
Address: 2347 Beautiful Run Rd, Aroda, VA
Phone No.: 540-212-3771
E-Mail: clorh4@yahoo.com

Applicant :

Name: Scott G. Lohr
Address: Same as above
Phone No.: _____
E-Mail: _____

TAX MAP: 57-62D ZONING: A1 SUBD. NAME: NA LOT NO.: 62D

LOCATION/ADDRESS OF PARCEL OR TRACT FOR ZONING PERMIT:

PROPERTY SERVED BY: State Road Private Road Acreage: 1.95

REASON FOR BUILDING PERMIT: To construct a single-family home

Is there a right-of-way on either side of your property? Yes No

Width of right-of-way on road whether state or private road: 30' (Lot of Record

Have you obtained your VDOT entrance permit? Yes No (If No, you will need to contact Anthony Hurlock @ VDOT @ 540-829-7498).

If private road, when was right-of-way recorded in the Clerk's Office of Madison County:

Deed attached Plat attached Sketch attached

Are there any shrink-swell soils? Yes No Moderate Severe 24" Footing

Floodplain on parcel Yes No Structure located in floodplain? Yes No

SETBACKS

Front setback: 50' Side yard: 25' Rear yard: 35'

I hereby certify that I have the authority to make the foregoing application, that the statements made and information given is correct and the construction of any building or location of any structure of the tract or lot which is the subject of this application will conform with the regulations in the Zoning Ordinance, and private building restrictions, if any, which may be imposed upon the above property by deed.

Scott G. Lohr
Signature of Owner or Agent

5/4/2020
Date

G. Scott Lohr
Print Name

Daytime phone number of Signatory

APPROVED BY ZONING OFFICE

Betty G. Crayson
Betty G. Crayson, Zoning Administrator

5/4/2020
Date

Carol Ann Davis
Carol Ann Davis, Assistant Zoning Administrator

Date: _____

* Lot A-1 zoned & NOT 3.0 acres (1.9 acres)

FOR OFFICE USE ONLY:

Zone: **A1**

Map No: **57-62D**

By who? **Scott Lohr**

Fee Amount: **\$200.00**

Date Paid: **5/4/2020**

Receipt #:

Check #: **4171**



**MADISON COUNTY
APPLICATION FOR VARIANCE**

Date: **5/4/2020**

TO: MADISON COUNTY BOARD OF ZONING APPEALS
Madison, Virginia

The undersigned owner of the following described property hereby applies for a variance from the provision of Article(s) 4-3 of the Zoning Ordinance of Madison County, Virginia.

Property Owner:

Name: Scott G. Lohr
Address: 2347 Beautiful Run Road, Aroda, VA
Phone No.: 540-212-3771
E-Mail: sclorh4@yahoo.com

TAX MAP: **57-62D** ZONED: **A1**

OF ACRES TO BE COVERED BY VARIANCE: **1.9 acres**

LOCATION/ADDRESS OF PROPERTY FOR VARIANCE: **The subject property/lot is located on Beautiful Run Road and has a shared right-of-way. Currently the lot is vacant and the owner is requesting a variance.**

NATURE OF VARIANCE REQUESTED: **The lot is 1.9 acres, and in the A1 zoning district the minimum lot requirement is 3.0 acres. The lot appears to have been created prior to the adoption of a county wide zoning ordinance.**

Scott Lohr
Property Owner(s) Signature or Agent

5/4/2020
Date

G Scott Lohr
Print Name

540-212-3771
Daytime phone number of Signatory

NOTE: THIS PERMIT APPLICATION IS NOT VALID UNLESS SIGNED AND DATED BY ALL PROPERTY OWNER(S).

Have all the necessary statements, plats, plans and other pertinent information been submitted? Yes No

APPROVED: Conditions, if any: _____

DENIED:

MADISON COUNTY BOARD OF ZONING APPEALS

Date: _____

Variance Request by Scott Lohr to Construct an Single-family Dwelling on a A1 Zoned Lot which is Less than the Required Minimum Lot Size.

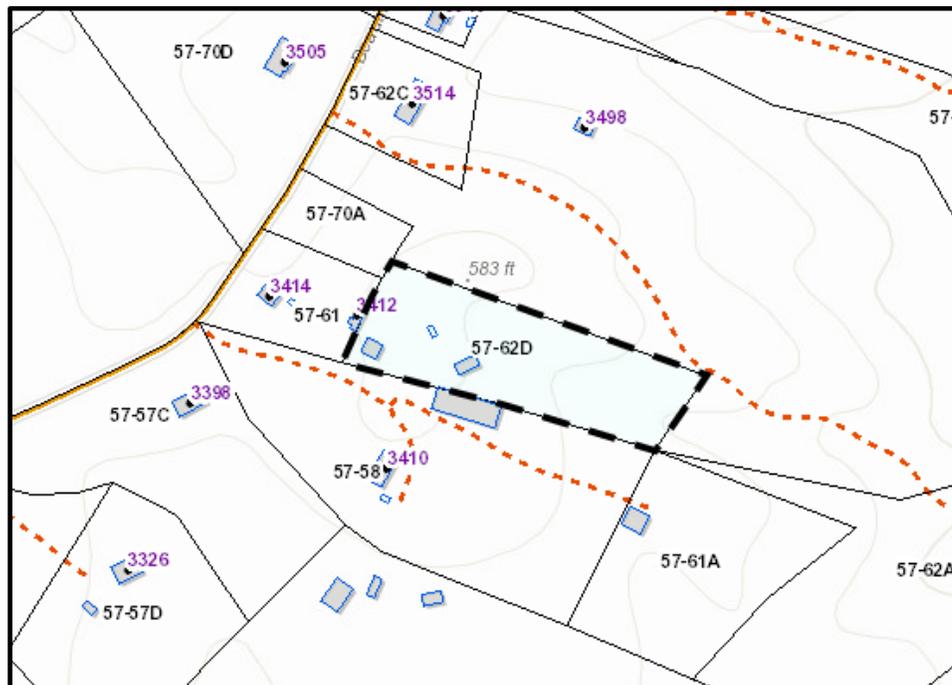
Background – The applicant, Scott Lohr, has applied for a variance from article 4-3 of County’s zoning ordinance. The subject parcel is zoned A1 and in this district the ordinance states the following:

Area Regulations: The minimum lot area for permitted uses shall be three (3) acres. All dwelling(s) located on a single parcel shall require a minimum of three (3) acres per dwelling. (Amended March 2020)

Per the zoning permit, the applicant confirms the proposed dwelling can meet all setback regulations, but the parcel does not meet the required minimum lot size of three (3) acres. The subject parcel was created prior to the adoption of a County-wide subdivision or zoning ordinance (see attached deeds).

Though the legal basis for considering the subject lot to be “grandfathered”, and therefore “buildable” has merit, it is the County Planner’s opinion that a variance is the most appropriate course of action in such cases.

Visuals –





Virginia,
 In the office of the
 5th day of August 1965, this instrument
 annexed, admitted to record at 9:30 o'clock A. M.
 Teste: Charles J. Ross, Clerk
 * * * * *

THIS DEED made and entered into this 6th day of August, 1965, by and between
 Soreanamo Evans, widow, party of the first part, and Stanley W. Marshall and Mary
 Dennis Marshall, husband and wife, parties of the second part,
 WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS cash in hand paid to
 the party of the first part by the parties of the second part at and before the
 sealing and delivery of this deed and other good and valuable consideration, the
 receipt of which is hereby acknowledged, the party of the first part doth hereby
 grant, bargain, sell and convey, with GENERAL WARRANTY OF TITLE, unto the party
 of the second part who take hereby as tenants by the entireties with right of
 survivorship as at common law, all that certain tract of land with all improvements
 thereon and appurtenances thereto, containing 2.00 acre, more or less, situated

Locust Dale Magisterial District, Madison County, Virginia, about one mile west of
 Radiant, being further set out and described according to a plat and survey thereof
 made by M. W. Aylor on July 23, 1965, as follows, to-wit:

Beginning at "A", a chestnut oak, a corner with the land Stanley W. Marshall
 purchased from Soreanamo Evans; thence N 67 1/4° W 262.1 feet to "B", a white oak,
 a corner with said Marshall and with Acy Gaar; thence N 32 1/2° E 162.5 feet to "C",
 a stake, a corner with Soreanamo Evans; thence S 67 1/4° E 536.1 feet to "D", a
 stake, a new corner with said Evans; thence S 32 1/2° W 162.5 feet to "E", a stake
 in said Marshall's line, a corner with said Evans; thence N 67 1/4° W 274 feet to
 "A", point of beginning, containing 2.00 acres, more or less.

This land is a part of the land of which Wallace Roebuck died, seized and
 possessed, he having departed this life intestate on November 18, 1944, leaving as
 his sole heirs at law, three daughters, Soreanamo Evans, Flora Roebuck and Elganyer
 Roebuck. Elganyer Roebuck died on October 13, 1944 and Flora Roebuck died on Nov-
 ember 24, 1946, both intestate, unmarried and without issue, leaving as their sole
 heir at law, Soreanamo Roebuck Evans. For derivation of title to said lands,
 reference is made to deeds of record in the Madison County, Virginia, Clerk's Office
 from Emily V. Yowell to Wallace Roebuck, Deed Book 27, page 31, Deed Book 29, page
 166 and Deed Book 29, page 197, and also to a deed from Ida Reddish et als to
 Wallace Roebuck, Deed Book 41, page 574.

The aforesaid grantor covenants that she has the right to convey said lands to
 the grantee; that she has done no act to encumber said lands, that the grantees
 shall have quiet enjoyment of said lands, free from all liens and encumbrances, and
 that she will execute such further assurances of title as may be requisite.

WITNESS the following signature and seal:

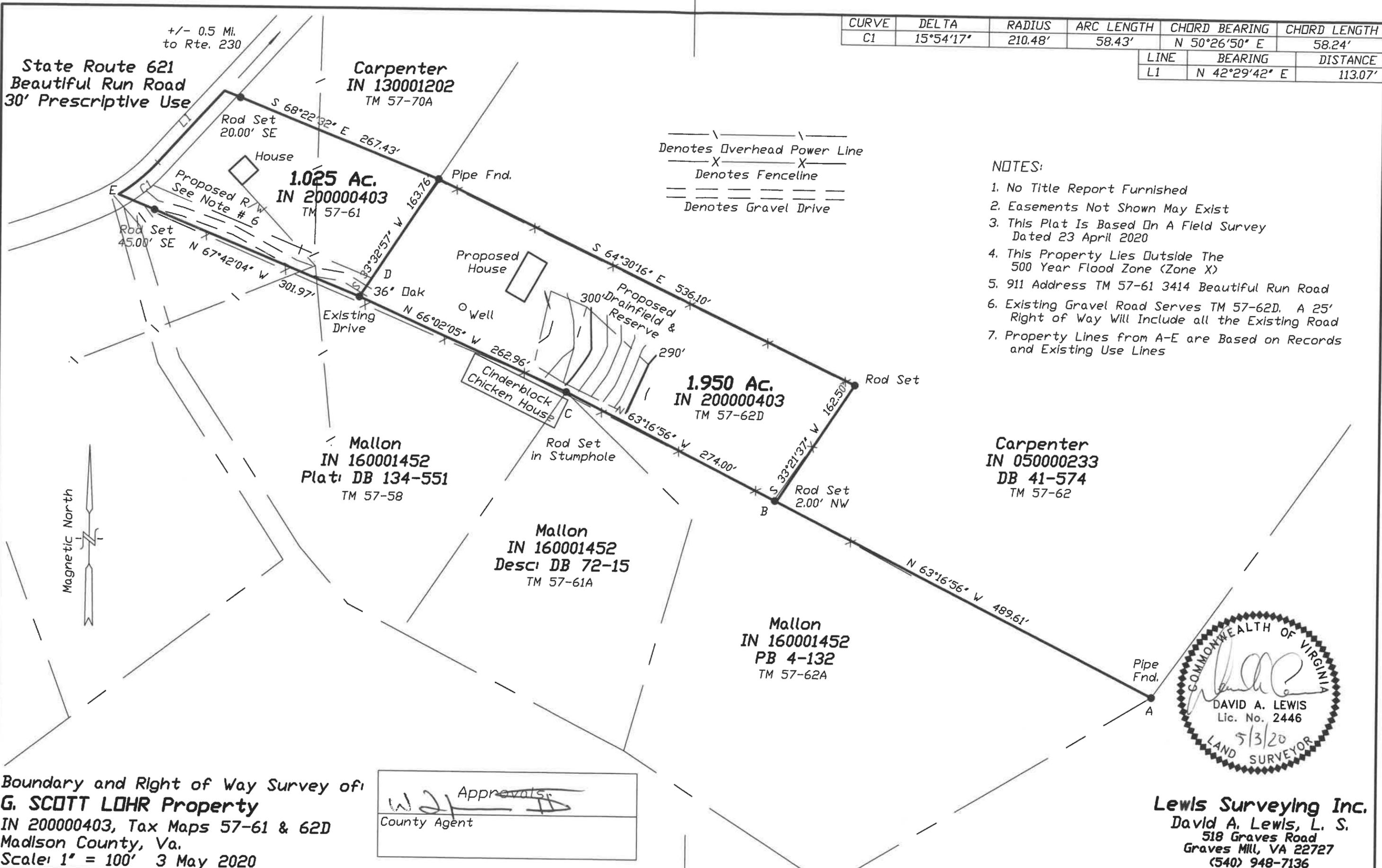
Stamp \$0.55
 Soreanamo Evans (SEAL)
 Soreanamo Evans

STATE OF VIRGINIA
 COUNTY OF MADISON, to-wit:

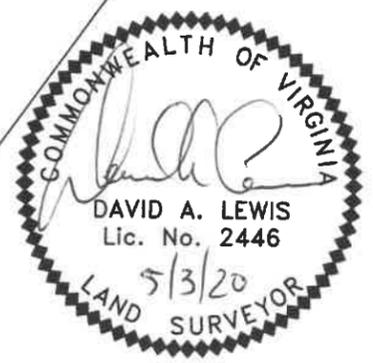
See Plat Book 8 page 25

CURVE	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	15°54'17"	210.48'	58.43'	N 50°26'50" E	58.24'

LINE	BEARING	DISTANCE
L1	N 42°29'42" E	113.07'



- NOTES:
1. No Title Report Furnished
 2. Easements Not Shown May Exist
 3. This Plat Is Based On A Field Survey Dated 23 April 2020
 4. This Property Lies Outside The 500 Year Flood Zone (Zone X)
 5. 911 Address TM 57-61 3414 Beautiful Run Road
 6. Existing Gravel Road Serves TM 57-62D. A 25' Right of Way Will Include all the Existing Road
 7. Property Lines from A-E are Based on Records and Existing Use Lines



Approvals:
W. J. [Signature]
 County Agent

Boundary and Right of Way Survey of
G. SCOTT LOHR Property
 IN 200000403, Tax Maps 57-61 & 62D
 Madison County, Va.
 Scale: 1" = 100' 3 May 2020

Lewis Surveying Inc.
 David A. Lewis, L. S.
 518 Graves Road
 Graves Mill, VA 22727
 (540) 948-7136
 Copyright © 2020



May 8, 2020

**To: Shuman Builders Inc., Chris Shuman
150 James Madison Highway
Culpeper, VA 22701**

From: Ligon Webb, County Planner

RE: Denial of Zoning Permit Application for a Single-family Dwelling in an A1 Zoning District

Scott –

Your recently submitted zoning permit to construct a single-family dwelling on a 2.97 acre parcel was denied. The subject 2.97 acre parcel (TM# 30-105) is vacant and zoned A1 (agriculture); and in the A1 zoning district (per Article 4-3 of the zoning ordinance) the minimum lot size for all uses is three (3) acres.

As discussed, the subject parcel was legally created prior to the adoption of a County-wide zoning and subdivision ordinance. My research at the Clerk's Office indicates the subject parcel was created in/around the early 1900s, or before. Though the legal basis for considering the subject lot to be "grandfathered", and therefore "buildable" has merit, it is my opinion that a variance is the most appropriate course of action in such cases.

Your application to the Board of Zoning Appeals has been received, and a hearing is scheduled for Monday, June 1st at 7 p.m. at the Madison County Administrative Auditorium.

If you have any question or concerns, please do not hesitate to contact me.

Regards,

MADISON COUNTY
ZONING PERMIT APPLICATION

Date: 04/30/2020

Permit #:

Property Owner:

Name: SHUMAN BUILDERS INC (CHRIS SHUMAN)
Address: 150 JAMES MADISON HWY, CULPEPER VA 22701
Phone No.: 540.825.5184
E-Mail: SHUMANBUILDERS@GMAIL.COM

Applicant :

Name: SAME
Address: _____
Phone No.: _____
E-Mail: _____

Tax Map: 30-105 Zoning: A-1 Subdivision Name: N/A Lot Size: 2.97

Location/Address of Parcel for Zoning Permit: WILLIAMSBURG PIKE (NO 911 ADDRESS)

Reason for Permit: NEW SINGLE FAMILY DWELLING

Is there a right-of-way on either side of your property? Yes No

Have you obtained your VDOT entrance permit? Yes No (If No, please contact VDOT @ 540-829-7500)

If private road, when was right-of-way recorded in the Clerk's Office of Madison County:

Deed attached Plat attached Sketch attached

Are there any shrink-swell soils? Yes No Moderate Severe 24" Footing

Floodplain on parcel Yes No Structure located in floodplain? Yes No

SETBACKS: Front setback: **100' FROM CENTER OF STREET ROW** Side yard: **25'** Rear yard: **50'**

I hereby certify that I have the authority to make the foregoing application, that the statements made and information given is correct and the construction of any building or location of any structure of the tract or lot which is the subject of this application will conform with the regulations in the Zoning Ordinance, and private building restrictions, if any, which may be imposed upon the above property by deed.

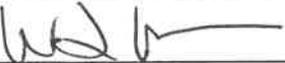

Signature of Owner or Agent

CHRIS SHUMAN
Print Name

4-30-20
Date

540 825-5184
Daytime phone number of Signatory

~~APPROVED BY ZONING OFFICE~~
Denied


Ligon Webb, County Planner

Date: 4/30/2020

April Clements, Zoning Technician

Date: _____

Permit Fee \$50.00 Date Paid: 4/30/20 Payment Type: check

MADISON COUNTY
Variance Request Application

To: Madison County Board of Zoning Appeals

Date: 4/30/20

Permit #:

The undersigned owner of the following described property hereby applies for a variance from the provision of Article(s) 4-3 listed within the Zoning Ordinance of Madison County, Virginia.

Property Owner:

Name: Shuman Builders, Inc.
Address: 150 James Madison Hwy. Culpeper, VA 22701
Phone No.: 540-825-5184
E-Mail: shumanbuilders@gmail.com

Tax Map: 30-~~105~~ Zoning: Subdivision Name: N/A Lot Size: 2.97 acres

Location/Address of Parcel for Variance: Williamsburg Pike

Acreeage to be covered under variance: 2.97

Reason for Request: Lot under 3 acres in A1 zoning district; lot appears to predate zoning.

Have all the necessary statements, plats, plans and other pertinent information been submitted Yes No

I hereby certify that I have the authority to make the foregoing application, that the statements made and information given is correct and the construction of any building or location of any structure of the tract or lot which is the subject of this application will conform with the regulations in the Zoning Ordinance, and private building restrictions, if any, which may be imposed upon the above property by deed.

Christopher E. Shuman
Signature of Owner

4/30/20
Date

Christopher E. Shuman
Print Name

540-825-5184
Daytime phone number of Signatory

APPROVED: Conditions, if any: _____

DENIED:

Madison County Board of Zoning Appeals

Date: _____

Permit Fee \$50.00	Date Paid: _____	Payment Type: _____
--------------------	------------------	---------------------

Variance Request by Shuman Builders (Chris Shuman) to Construct a Single-family Dwelling on a A1 Zoned Lot which is Less than the Required Minimum Lot Size.

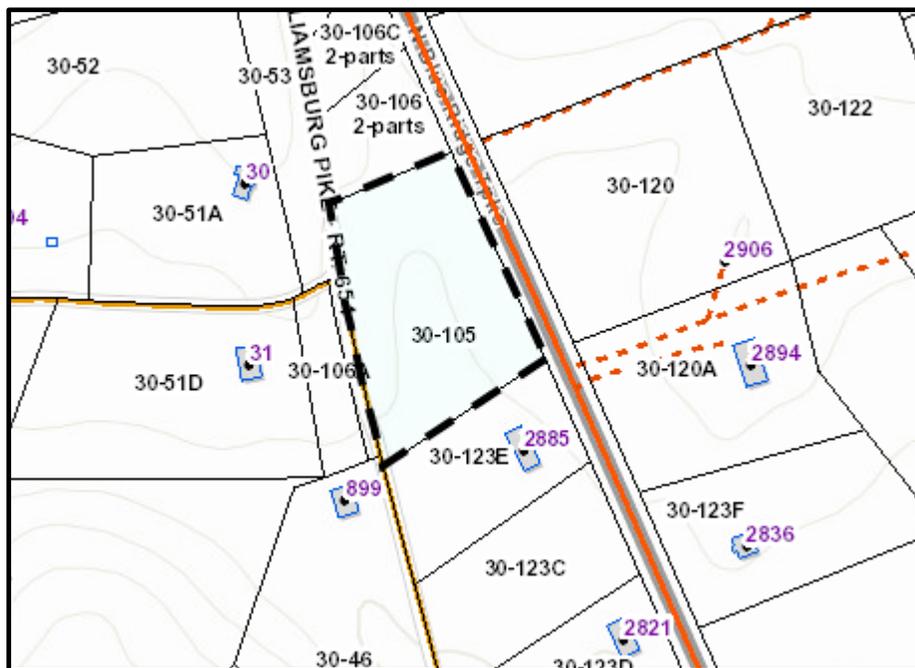
Background – The applicant, Chris Shuman, has applied for a variance from article 4-3 of County’s zoning ordinance. The subject parcel is zoned A1 and in this district the ordinance states the following:

Area Regulations: *The minimum lot area for permitted uses shall be three (3) acres. All dwelling(s) located on a single parcel shall require a minimum of three (3) acres per dwelling. (Amended March 2020)*

Per the zoning permit, the applicant confirms the proposed dwelling can meet all setback regulations, but the parcel does not meet the required minimum lot size of three (3) acres. The subject parcel was created prior to the adoption of a County-wide subdivision or zoning ordinance (see attached deeds).

Though the legal basis for considering the subject lot to be “grandfathered”, and therefore “buildable” has merit, it is the County Planner’s opinion that a variance is the most appropriate course of action in such cases.

Visuals –





D E E D

BOOK 119 PAGE 185

MADISON
COUNTY
VA.
2016

THIS DEED, made this 24 day of July, 1973, by and between James Robert William Willis, unmarried, party of the first part, and Lutrelle F. Parker, Jr., unmarried, party of the second part.

Mad. Lutrelle Fleming Parker, only
2016 and Billman Street
Arlington, Va. 22204

WHEREAS ERNESTINE WILLIS departed this life intestate on March 4, 1918, seized and possessed of a certain tract or parcel of land located, situated, and being in Madison County, Virginia, of which the land hereinafter conveyed forms a part, having acquired the same by deed recorded in Deed Book 43 at Page 278 among the land records of said county,

WHEREAS the said Ernestine Willis left surviving her demise her husband, Benjamin F. Willis, who died a widower on May 24, 1928, intestate, and a son, James Robert William Willis, party of the first part hereto, and

WHEREAS JAMES ROBERT WILLIAM WILLIS, the party of the first part hereto has sold the hereinafter described land to the party of the second part and now desires to make conveyance of the same.

NOW THEREFORE THIS DEED WITNESSETH: That for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the party of the first part does hereby grant, bargain, and sell unto the party of the second part, with general warranty of title, all of the following described parcels of land located, situated and being in the County of Madison, Virginia and more particularly described as follows:

Western side of State Route No. 231:
Beginning at an iron pipe in the western right of way line for State Route No. 231 and said point being a corner with Carey; thence with Carey's line S 74 57 56 W and 276.97 feet to an iron pin on the eastern side of /State Route No. 654 (old Blue Ridge Turnpike); thence with the eastern side of State Route No. 654, N 07 18 45 W and 196.42 feet to an iron pin; thence N 01 46 40 W and 198.19 feet to an

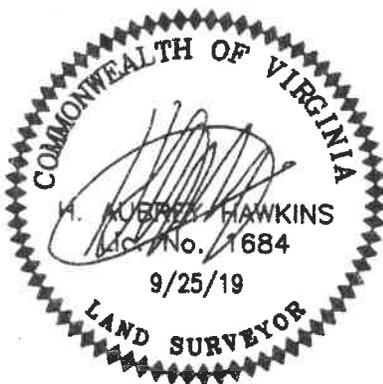
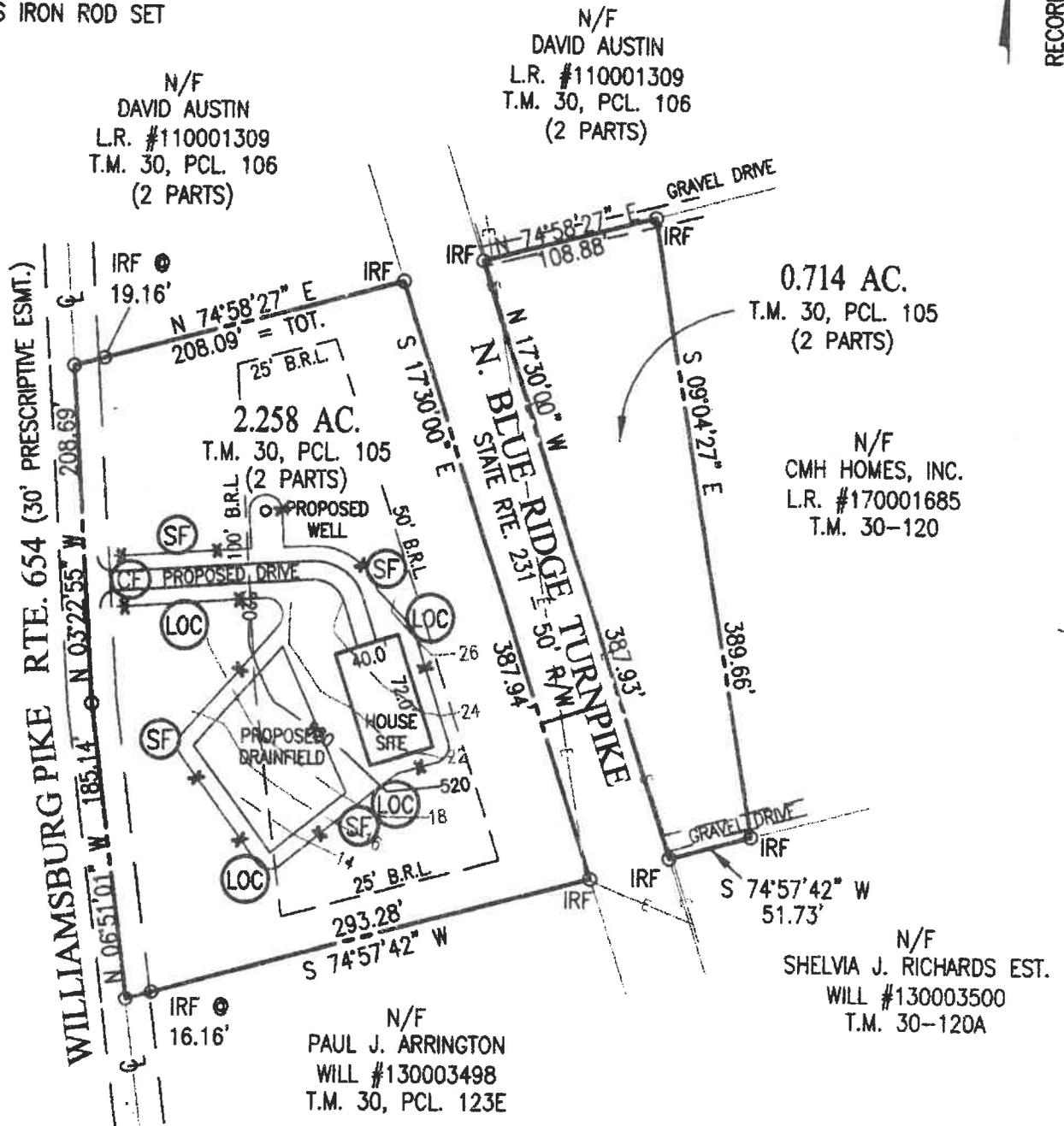
NOTES:

1. THIS PLAT REPRESENTS A CURRENT FIELD SURVEY BASED ON PHYSICAL EVIDENCE FOUND AND DEEDS AND PLATS OF RECORD.
2. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP FOR MADISON COUNTY, VIRGINIA, THE PROPERTY SHOWN HEREON APPEARS TO BE IN ZONE "X".
3. NO TITLE REPORT FURNISHED, PLAT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. IPF - DENOTES IRON PIPE FOUND
IRF - DENOTES IRON ROD FOUND
IRS - DENOTES IRON ROD SET

LEGEND

- 260 — — EXISTING CONTOUR
- (CE) TEMPORARY CONSTRUCTION ENTRANCE
- (SF) SILT FENCE
- (LOC) LIMITS OF CLEARING

RECORD NORTH - D.B. 119, PG. 187



**DRAINFILED PLAT
PROPERTY OF
LUTRELLE F. PARKER, JR.**

FORMER ROBERTSON MAGISTERIAL DISTRICT
MADISON COUNTY, VIRGINIA

SCALE: 1" = 100'

DATE: SEPTEMBER 25, 2019

SURVEYOR'S CERTIFICATE

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



H. Aubrey Hawkins Associates, Ltd.

LAND SURVEYING LAND PLANNING DEVELOPMENT
120 SYCAMORE STREET CULPEPER, VA 22701
PHONE: 540-825-0238 FAX: 540-825-5616

TAX MAP 30, PARCEL 105
DEED BOOK 119, PAGE 185

CASE NAME: SHUMAN
WO#: 19-0255 F.B. PG.

DRAFT BY: HCM
CHKD BY: AH



May 11, 2020

**To: Michael Shifflett
4579 Old Blue Ridge Turnpike
Madison, VA 22727**

From: Ligon Webb, County Planner

RE: Denial of Zoning Permit Application for a Structure Located Closer to a Street/Right-of-Way Center Line with a Width of Less than 50 Feet

Michael –

Your recently submitted a zoning permit to construct a garage denied. The subject 2.3 acre parcel (TM# 20-8B) is the location of a single-family dwelling and zoned C1 (conservation); and the C1 zoning district (per Article 3-4-1) states all structures “shall be located fifty (50) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or one hundred (100) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.” And because Old Blue Ridge Turnpike’s right-of-way is less than 50 feet, the proposed garage is required to be 100 feet from the road’s center.

As discussed, the subject parcel contains a swale in the rear which makes placing the proposed garage further/closer to the lot’s rear impractical; therefore you have requested a variance from Article 3-4-1 and have proposed placing the garage 80 feet from Old Blue Ridge Turnpike’s center.

Your application to the Board of Zoning Appeals has been received, and a hearing is scheduled for Monday, June 1st at 7 p.m. at the Madison County Administrative Auditorium.

If you have any question or concerns, please do not hesitate to contact me.

Regards,

A handwritten signature in blue ink, appearing to be "Ligon Webb", is written below the text "Regards,".

**MADISON COUNTY
ZONING PERMIT APPLICATION**

Date: 05/07/2020

Permit #:

Property Owner:

Name: Shifflett, Douglas or Linda
Address: 3 Kirkley Pl., Fredericksburg VA 22406
Phone No.: _____
E-Mail: _____

Applicant :

Name: Michael Shifflett
Address: 4579 Old Blue Ridge Tpke., Madison VA 22727
Phone No.: 703.965.4874
E-Mail: mshifflett1088@gmail.com

Tax Map: 20-8B Zoning: C-1 Subdivision Name: _____ Lot Size: 2.327

Location/Address of Parcel for Zoning Permit: 4579 Old Blue Ridge Tpke

Reason for Permit: Construct 30x40 detached garage

Is there a right-of-way on either side of your property? Yes No

Have you obtained your VDOT entrance permit? Yes No (If No, please contact VDOT @ 540-829-7500)

If private road, when was right-of-way recorded in the Clerk's Office of Madison County:

Deed attached Plat attached Sketch attached

Are there any shrink-swell soils? Yes No Moderate Severe 24" Footing

Floodplain on parcel Yes No Structure located in floodplain? Yes No

SETBACKS: Front setback: **100' FROM CENTER OF STREET ROW** Side yard: **10'** Rear yard: **10'**

I hereby certify that I have the authority to make the foregoing application, that the statements made and information given is correct and the construction of any building or location of any structure of the tract or lot which is the subject of this application will conform with the regulations in the Zoning Ordinance, and private building restrictions, if any, which may be imposed upon the above property by deed.

Doug Shifflett
Signature of Owner, or Agent
Doug Shifflett
Print Name

5-8-20
Date
540-604-7325
Daytime phone number of Signatory

~~APPROVED BY ZONING OFFICE~~
Ligon Webb
Ligon Webb, County Planner

Date: 5/7/2020

April Clements, Zoning Technician

Date: _____

Permit Fee \$50.00 Date Paid: 5/7/2020 Payment Type: Credit card

About Leg... Leg...

Basemaps

Layer Opacity

Preset Views

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21an/Planning

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230kV Proposed Routes

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Churches

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Orthophotography (VGIN 2013)

Orthophotography (VGIN 2009)

Orthophotography (VGIN 2002)

21voting

21zoning

Details hide

Parcels

Map Number: 20-8B
Account Number: 0004831
Owner: SHIFFLETT, DOUGLAS OR LINDA
3 KIRKLEY PL
FREDERICKSBURG VA 22406

Acres: 2.327

Land Use Code: 2

Occupancy Code: DW Mobile Home

Building Value: \$105,900

Land Value: \$61,300

Total Value: \$167,200

Year Built: 1996

Year Sold: 1999

Sell Price: \$65,000

Deed Book: 276 Pg: 707

Grantor: MEADOWS, BERTHA V

Legal Description 1: DB 276/707 2.327 AC

Legal Description 2: RT 670

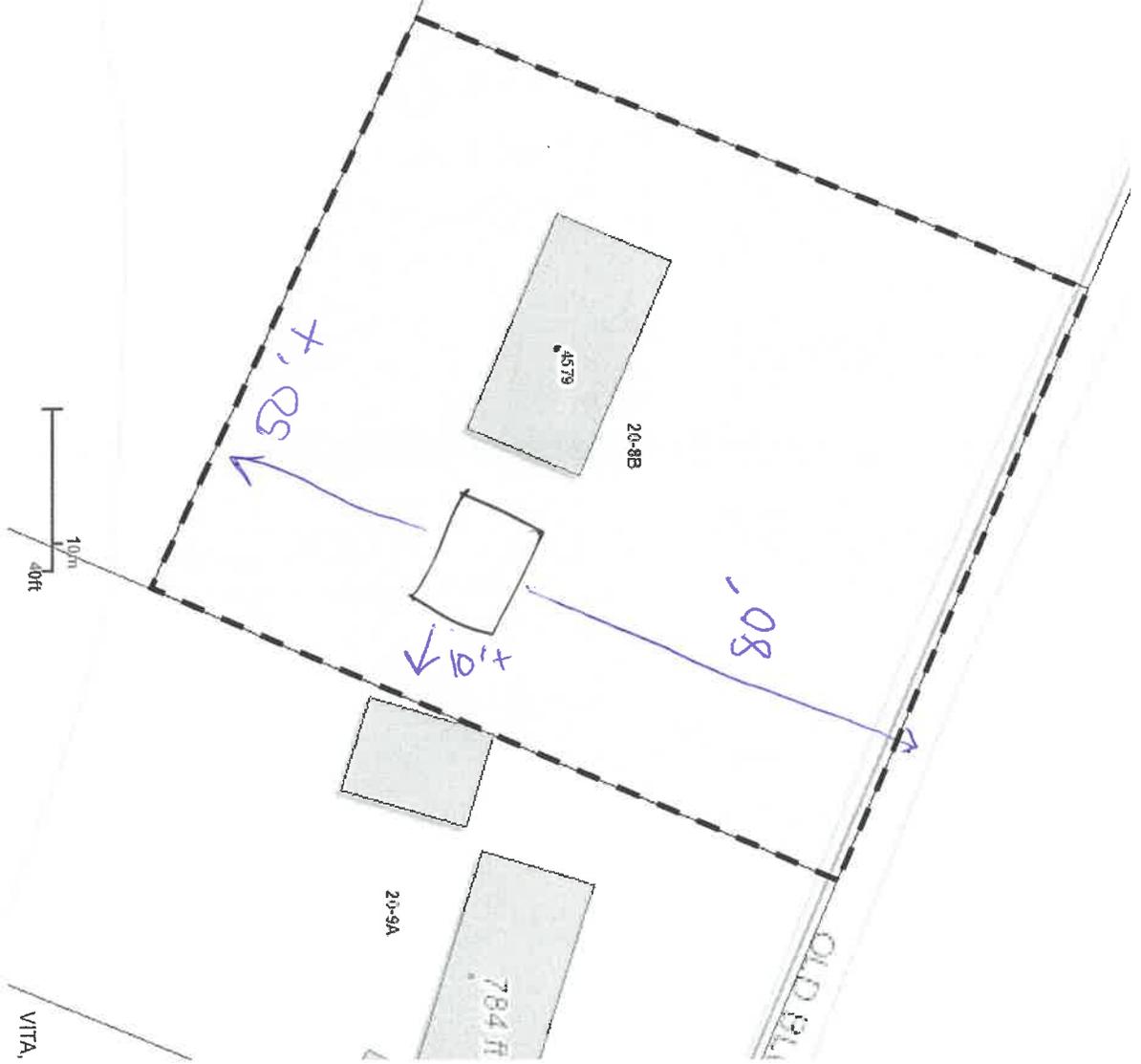
Source: Imagery

Attributes at point: N: 6863081, E: 11528004

Voting Districts

Name: CRIGLERSVILLE PRECINCT
Polling Location: CRIGLERSVILLE SCHOOL COTTAGE
Polling Address: 1120 OLD BLUE RIDGE TURNPIKE

Results
N: 6863025, E: 11527912
Lat: 38°29' 38.7", Lng: -78°20' 34.0"



2020-0346

FOR OFFICE USE ONLY:

Zone: **C1**

Map No: **20-8B**

By who? **Michael Shifflett**

Fee Amount: **\$200.00**

Date Paid: **5/7/2020**

4579 Old Blue Ridge Turnpike

Receipt #:

Check #:

Syria, VA



**MADISON COUNTY
APPLICATION FOR VARIANCE**

Date: **5/7/2020**

TO: **MADISON COUNTY BOARD OF ZONING APPEALS**
Madison, Virginia

The undersigned owner of the following described property hereby applies for a variance from the provision of Article(s) 3-4-1 of the Zoning Ordinance of Madison County, Virginia.

Property Owner:

Name: **Douglas Shifflett**

Address: **3 Kirkley Place, Fredricksburg, VA 22406**

Phone No.: **540-604-7325**

E-Mail: **dshifflett62@gmail.com**

TAX MAP: **20-8B** ZONED: **C1**

OF ACRES TO BE COVERED BY VARIANCE: **2.3 acres**

LOCATION/ADDRESS OF PROPERTY FOR VARIANCE: **4579 Blue Ridge Turnpike, Syria, VA**

NATURE OF VARIANCE REQUESTED: Mr. Douglas Shifflett intends to sell the subject property to his nephew, Mr. Michael Shifflett. Michael intends to construct a 30' x 40' detached garage on the property's side yard. However, due to the presense of a swale directly behind the property's house, the garage can not extend past the rear of the house; but will extend closer to the road (see sketch). This will result in the garage being closer to the road than the required front setback of 100' from the road's center (Blue Ridge Turnpike), the garage is proposed to be 80' from the center of the road.

Doug Shifflett
Property Owner(s) Signature or Agent

5-8-20
Date

Doug Shifflett
Print Name

540-604-7325
Daytime phone number of Signatory

NOTE: THIS PERMIT APPLICATION IS NOT VALID UNLESS SIGNED AND DATED BY ALL PROPERTY OWNER(S).

Have all the necessary statements, plats, plans and other pertinent information been submitted? Yes No

APPROVED: Conditions, if any: _____

DENIED:

MADISON COUNTY BOARD OF ZONING APPEALS

Date: _____

Variance Request by Michael Shifflett to Construct a Structure Located Closer to a Street/Right-of-Way Center Line with a Width of Less than 50 Feet

Background – The applicant, Michael Shifflett, has applied for a variance from article 3-4-1 of County’s zoning ordinance. The subject parcel is zoned C1 and in this district the ordinance states the following:

Setback Regulations: Structures shall be located fifty (50) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or one hundred (100) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

Per the zoning permit, the applicants confirm the proposed garage can meet side and rear setback regulations, but not the front setback. The applicant has indicated the presence of swale in the property’s rear makes meeting the front setback burdensome.

Visuals –

