



MADISON COUNTY BOARD OF ZONING APPEALS

MADISON VIRGINIA 22727

Agenda: July 20th, 2020

1. Call to Order
2. Pledge of Allegiance
3. Review of Minutes from June 1st, 2020 Meeting

4. Public Hearing:

Bonnie & Douglas Coffey requests a variance from Article 4-3 (area regulations), Article 4-5 (lot width) and Article 4-6-2 (rear setback) of Madison County's Zoning Ordinance. The applicant is proposing to construct a single-family dwelling (26' x 40'). The proposed dwelling would be located on a 0.51 acre parcel with 200.13 ft of lot width and a rear setback of 25.2 feet. 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 54-16B and is located on Seville Road (Rt. 621).

5. Adjournment



MADISON COUNTY BOARD OF ZONING APPEALS

MADISON VIRGINIA 22727

The Madison County Board of Zoning Appeals met Monday, June 1, 2020, in the County Auditorium in the County office building at 414 N. Main Street 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 7:30 p.m. Chairman Coppedge asked if the minutes from the previous meeting of Tuesday, March 16, 2020 were approved. Member Lillard moved to accept the minutes as distributed, Member Clatterbuck seconded the motion, and the previous minutes were approved on voice vote.

Planner Webb remarked that scheduled case "A"—Christine and Richard Bradley—has been withdrawn from the agenda for tonight.

Clerk Long read the agenda for the first case, as follows:

- B. Running Cedar LLC (John Williams) requests 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 contains 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/approve the BLA. The postal address for parcel 29E is 2122 S. FT Valley Road, Banco, VA.

Planner Webb agreed to represent the applicant, who was not present. Planner Webb said this case is very similar to the last one the Board heard last month. He said where he thinks this is different from last month's, is that when they purchased this property they had an older survey which showed approximately 13 acres. So they were under the assumption that when they moved the property line there would be no problem and they would definitely have 3 acres. But with a current survey they found out they had an acre-or-so less than was required. That is where the hardship had come in. Webb suggested they might move the boundary line to a different location, but the way the land lays, their proposed line is the one that makes sense. Planner Webb said they wrote a letter explaining their case, which is in the package. Looking at the two surveys, Webb said there is a loss of 1.3 acres between the two surveys. He said they really thought there would be no issue with setting aside a new 3-acre lot. Member Clatterbuck

asked if the resulting parcel was shy 0.33 acres, and Planner Webb said "yes." Chairman Coppedge said he has an issue creating a non-conforming lot when there is enough acreage to do it right. Planner Webb said this is how they want to do it, based on how the land lays. He said they felt the hardship was that they purchased this with the understanding of a survey being correct of a larger lot, and they felt they were on solid ground. Member Lillard said he understood that and said that is the risk you take when you purchase property with an old survey. Mr. Lillard asked why they couldn't use the residue to make up the difference; he said he didn't see the hardship. Planner Webb said the lot is a little oddball with a strange access to 231 and narrow at the middle and then widens back out. Chairman Coppedge asked why they didn't use that widened area to get the acreage they need, and Planner Webb said he suggested that, but that the applicant didn't want to do that. Chairman Coppedge asked if there were further questions. There were also no comments from the public. There being no other comments or questions, the vote was taken. Chairman Coppedge read the vote results: the application for variance was denied, unanimously.

Clerk Long read the agenda for the next case, as follows:

- 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.

Mr. Scott Lohr appeared to represent the application. Chairman Coppedge asked him to explain what he wants to do. Applicant Lohr said it is pretty basic: the lot was created before zoning and he doesn't have enough acreage for a building. Applicant Lohr said he has all the necessary setbacks and that he wants to put up a spec house on the lot. Member Lillard asked if the Health Department had approved the plans for the drainfield, and applicant Lohr said yes, but not by the Health Department. Chairman Coppedge asked if the property was served by a right-of-way (ROW) and applicant Lohr said yes. Member Lillard asked when the lot was recorded, and Planner Webb said it looks like it has been around for a while; well before zoning.

Member Lillard asked if these cases were dealt with administratively, and Planner Webb said after a discussion with County Attorney Sean Gregg it was his opinion this was the best approach to take this to the Board of Zoning Appeals. Chairman Coppedge agreed this was the best approach for cases like this. Member Lohr asked how long ago the applicant had purchased the lot. Applicant Lohr said not long, just a few months ago. Member Lohr asked him if he knew at the time it wasn't the right size, and he asked if applicant Lohr could buy some of the neighboring property to make this the right size. Applicant Lohr said he hadn't tried to purchase any additional property.

Member Lillard said his opinion is that the only fair thing to do if you have a lot that was created before zoning existed and it could meet setback requirements, Health Department requirements and had access, then this ought to be done administratively. Member Lillard said he knows that

Mr. Gregg has given a legal position on this, but apparently the previous County Attorney had a different legal position. Member Lillard said his personal opinion is that if he had a building lot created in 1944 he would be disappointed having to go to BZA for approval to build. There is a huge precedent in Madison County for this to be administratively done.

Member Lohr asked what the assessed value of the lot was. Member Lohr asked if it assessed as a building lot. Planner Webb said many other things were taken into account in an assessment, so there is no standard assessment for a building lot. It varies based on location, recent land sales, and no single "per acre" price.

Chairman Coppedge asked if there were any further questions from the Board. A member of the audience asked about developing lots on his farm. The vote was taken, and the application for variance was approved unanimously.

Clerk Long read the agenda for the next case, as follows:

- 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.

Planner Webb represented the application for Shuman Builders, Inc. Mr. Webb noted that the deeds are dated 1973, prior to the zoning ordinance creation. Webb said that part of the property is located on the opposite side of Blue Ridge Turnpike, so somehow it was split by the road. Chairman Coppedge asked if the owners could make everything work on the small lot on the one side, and Planner Webb said, yes, they've got everything ready to go. Member Lohr said he was worried about them coming back at a later date and asking to put a house on the other side of the road. Planner Webb said that wouldn't work because that lot is too small for the setbacks and couldn't subdivide it. Member Lillard said this lot is very close to the minimum requirements of 3 acres. Chairman Coppedge asked if the Board was ready to vote. The application for variance was approved unanimously.

Clerk Long read the agenda for the next case, as follows:

- 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.

Planner Webb appeared to represent the application for Mr. Shifflett. Planner Webb said he has the space to build a garage but behind the house he has a ravine that makes it very difficult to

build the garage there. The only way to build the size of the garage he wants is to move it forward on the lot. That is his hardship. Otherwise the proposed garage is 80 feet from the center of the road. Member Lillard asked if Mr. Webb had looked at the property and confirmed there is a swale there; Planner Webb said there is and it cannot be built on. Mr. Webb said this garage won't be closer to the road than some of the houses already on the road. Chairman Coppedge asked if there were any other questions or comments from the public or the Board. The vote was taken and the variance was approved, unanimously.

Chairman Coppedge asked if there were other issues to be brought before the Board. Planner Webb asked if the Board meetings could continue at the County Auditorium because there was a little more space, it is more convenient to the zoning office, and other Board meetings are held here. Chairman Coppedge said that is fine. 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.

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, 414 N. Main Street, in the Town of Madison on **Monday, July 20, 2020 at 7:30 p.m.** to act on the following variance request:

1. Bonnie & Douglas Coffey requests a variance from Article 4-3 (area regulations), Article 4-5 (lot width) and Article 4-6-2 (rear setback) of Madison County's Zoning Ordinance. The applicant is proposing to construct a single-family dwelling (26' x 40'). The proposed dwelling would be located on a 0.51 acre parcel with 200.13 ft of lot width and a rear setback of 25.2 feet. 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 54-16B and is located on Seville Road (Rt. 621).

The public is invited to attend the hearing and comment. Due to health concerns, written comments may be submitted prior to the meeting; written comments will be placed into the official staff packet and read aloud during the meeting. The meeting will also be streamed live on the County's Official Youtube channel. Copies of the County's ordinances and documents related to the cases are available for review in Madison County's Building & Zoning Office, 414 North Main Street, Madison, VA 22727; documents can be inspected Monday through Friday from 8:30 a.m. to 4:30 p.m. Comments or questions can be sent via email to lwebb@madisonco.virginia.gov or by calling 540-948-7513.

Mr. Ligon Webb, County Planner

MADISON COUNTY
ZONING PERMIT APPLICATION

Date: 6/18/2020

Permit #: 2020-0475

Property Owner:

Name: Bonnie & Douglas Coffey
Address: 545 Crawford Lane, Rochelle, VA 22738
Phone No.: 540-270-5362
E-Mail: Bonniecoffeyrealestate@gmail.com

Applicant :

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

Tax Map: 54-16B Zoning: A-1 Subdivision Name: N/A Lot Size: 0.51 acres

Location/Address of Parcel for Zoning Permit: TBD Seville Road, Madison, VA

Reason for Permit: To construct a 26' x 40' single-family dwelling on a parcel

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: **25.2'**

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.

Bonnie Coffey
Signature of Owner or Agent
Bonnie Coffey
Print Name

6-18-2020
Date
540-270-5362
Daytime phone number of Signatory

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

Date: 6/18/2020

April Clements, Zoning Technician

Date: _____

Permit Fee \$50.00	Date Paid: _____	Payment Type: _____
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2020-0476

FOR OFFICE USE ONLY:		
Zone: A1	Map No: 54-16B	By who? Bonnie & Douglas Coffey
Fee Amount: \$200.00	Date Paid: 5/6/2020	545 Crawford Lane
Receipt #:	Check #: 1228	Rochelle, VA 22738



**MADISON COUNTY
APPLICATION FOR VARIANCE**

Date: **6/18/2020**

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, 4-5, & 4-6-2 of the Zoning Ordinance of Madison County, Virginia.

Property Owner:

Name: Bonnie & Douglas Coffey

Address: 545 Crawford Lane, Rochelle, VA

Phone No.: 540-270-5362

E-Mail: bonniecoffeyrealestate@gmail.com

TAX MAP: **54-16B** ZONED: **A1-Agriculture**

OF ACRES TO BE COVERED BY VARIANCE: **0.51 acres**

LOCATION/ADDRESS OF PROPERTY FOR VARIANCE: **TBD Seville Road, Madison, VA 22727**

NATURE OF VARIANCE REQUESTED: The applicants are seeking to construct a single family home on a parcel which is below the minimum lot size required in the A1 zoning district. The parcel was created in 1963 prior to the adoption of a County zoning ordinance. The variance request is for lot size (4-3), lot width (4-5) and rear setback (4-6-2)

Bonnie Coffey
Property Owner(s) Signature or Agent

6-18-2020
Date

Bonnie Coffey
Print Name

540-270-5362
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 Bonnie & Douglas Coffey to Construct an Single-family Dwelling on a A1 Zoned Lot which is Less than the Required Minimum Lot Size.

Background – The applicants, Bonnie & Douglas Coffey, has applied for a variance from articles 4-3 (area regulations), 4-5 (lot width) and 4-6-2 (rear setback) 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.

Lot width: The minimum frontage for permitted uses shall be two hundred fifty (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.

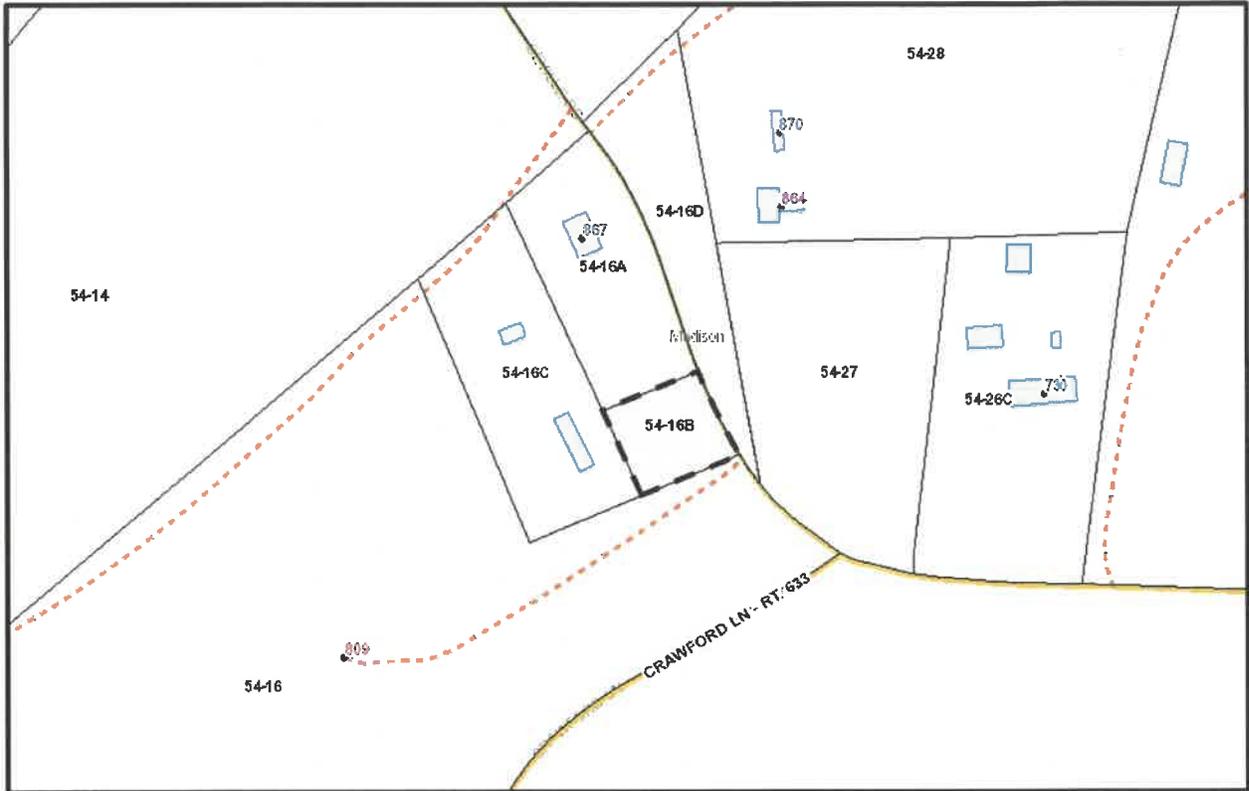
Rear Setback: Each main structure shall have a rear yard of fifty (50) feet or more.

The submitted survey shows a 26’ x 40’ building “envelop” for a single-family home with a 56.7 ft front setback, 25.2 ft rear setback and side setbacks of 59.8 ft and 102.2 ft.

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.

The attached deed states **“the property conveyed is the same lot or parcel of land that was conveyed to Grantor by deed from Chassie Gibbs dated October 31, 1963 and recorded in Deed Book 82, Page 221.”**

Visuals –



TAX MAP NO: 54-16B
CONSIDERATION: \$ 5,500.00
ASSESSED VALUE: \$ 5,400.00
TITLE INS. UNDERWRITER: CHICAGO TITLE INSURANCE CO.
GRANTEES' ADDRESS: 545 CRAWFORD LANE
ROCHELLE, VA 22738

Prepared by:
Stephen P. Will - VSB #16024
Davies, Barrell, Will, Lewellyn & Edwards, PLC
122 W. Cameron Street, Culpeper, VA 22701
Phone: (540) 825-6000 Fax: (540) 825-1989
E-mail: swill@dbwle.com

THIS DEED, made and entered into this 16th day of April, 2020, by and between John D. CARTER, hereinafter called Grantor, and Douglas D. COFFEY and Bonnie S. COFFEY, husband and wife, as tenants by the entireties with full common law rights of survivorship, hereinafter called Grantee.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand, and other good and valuable consideration paid by Grantee to Grantor, the receipt of which is acknowledged, the said Grantor does hereby bargain, sell, grant, transfer and convey with GENERAL WARRANTY OF TITLE and with ENGLISH COVENANTS OF TITLE unto the Grantee, all that certain lot or parcel of land, together with all buildings and improvements thereon and privileges and appurtenances thereunto belonging, situated, lying and being in Madison County, in the former Rapidan Magisterial District, on State Secondary Route 621 near its intersection with Route 633, more particularly described as follows, to-wit:

Beginning in State Highway Route 621, corner with the lot this day conveyed to Treasure Arrington at a point 210 feet southwesterly from the line of Cole Herndon; thence 210 feet southeasterly along said highway right of way line; thence southwesterly 105 feet, a new corner with Chassie Gibbs; thence northwesterly 210 feet to a corner with Treasure Arrington aforesaid; thence along the line of Treasure Arrington northeasterly 105 feet to the point of beginning, containing one-half acre, more or less.

The property conveyed is the same lot or parcel of land that was conveyed to Grantor by deed from Chassie Gibbs dated October 31, 1963, and recorded in Deed Book 82, Page 221.

Reference is made to the aforesaid deed(s), plat(s) of survey and to the references contained therein for a more complete and accurate description of the real estate conveyed. All

RETURN TO
DAVIES & BARRELL

references are to the Clerk's Office of the Circuit Court of Madison County, Virginia.

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

WITNESS the following signature(s) and seal(s):

John D Carter (SEAL)
JOHN D. CARTER

STATE OF MARYLAND,

CITY/COUNTY OF Prince George's to-wit:

The foregoing instrument was acknowledged before me this the 17th day of April, 2020, by John D. Carter.

My commission expires: 06/28/2021



Karen M. Presley
NOTARY PUBLIC
Prince George's County
State of Maryland
My Commission Expires
June 28, 2021

K. Presley
Notary Public

Registration No: _____

INSTRUMENT 200000568
RECORDED IN THE CLERK'S OFFICE OF
MADISON CIRCUIT COURT ON
APRIL 22, 2020 AT 02:04 PM
\$5.50 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$2.75 LOCAL: \$2.75
LEETA D. LOUK, CLERK
RECORDED BY: CBM

Cheryl B. Myers, Dep. Clerk

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of