



MADISON COUNTY BOARD OF ZONING APPEALS

MADISON VIRGINIA 22727

Agenda: Tuesday, August 18, 2020 at 7:30 p.m. Madison County Administrative Auditorium

1. Call to Order
2. Pledge of Allegiance
3. Review of Minutes from July 20th, 2020 - Public Hearing
4. Public Hearing:
 - A) Mary & Michael Payne requests a variance from Article 3-3 (area regulations) from Madison County's Zoning Ordinance. The applicant is seeking to construct a single-family dwelling on a C1 (conservation) zoned parcel. The parcel is roughly 2.51 acres in size and in the C1 zoning district the minimum required lot size is ten (10) acres. The parcel was created prior to the adoption of a County zoning and subdivision ordinance. The parcel is identified on Madison County's Tax Maps as 36B-23 and is located on Long Point Lane (a private drive), Madison, VA. The property does not presently have a postal address.
 - B) Ellen Underwood requests a variance from Article 3-3 (area regulations) from Madison County's Zoning Ordinance. The applicant is seeking to construct a single-family dwelling on a C1 (conservation) zoned parcel. The parcel is roughly 7.6 acres in size and in the C1 zoning district the minimum required lot size is ten (10) acres. The parcel was created prior to the adoption of a County zoning and subdivision ordinance. The parcel is identified on Madison County's Tax Maps as 13-6A and is located on Weakley Hollow Road (Rt. 600), Madison, VA. The property does not presently have a postal address.
5. Adjournment

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 **Tuesday, August 18, 2020 at 7:30 p.m.** to act on the following variance request:

1. Mary & Michael Payne requests a variance from Article 3-3 (area regulations) from Madison County's Zoning Ordinance. The applicant is seeking to construct a single-family dwelling on a C1 (conservation) zoned parcel. The parcel is roughly 2.51 acres in size and in the C1 zoning district the minimum required lot size is ten (10) acres. The parcel was created prior to the adoption of a County zoning and subdivision ordinance. The parcel is identified on Madison County's Tax Maps as 36B-23 and is located on Long Point Lane (a private drive), Madison, VA. The property does not presently have a postal address.
2. Ellen Underwood requests a variance from Article 3-3 (area regulations) from Madison County's Zoning Ordinance. The applicant is seeking to construct a single-family dwelling on a C1 (conservation) zoned parcel. The parcel is roughly 7.6 acres in size and in the C1 zoning district the minimum required lot size is ten (10) acres. The parcel was created prior to the adoption of a County zoning and subdivision ordinance. The parcel is identified on Madison County's Tax Maps as 13-6A and is located on Weakley Hollow Road (Rt. 600), Madison, VA. The property does not presently have a postal address.

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. 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 BOARD OF ZONING APPEALS

MADISON VIRGINIA 22727

The Madison County Board of Zoning Appeals met Monday, July 20, 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 Monday, June 1, 2020 needed any additions or corrections. Hearing none, Member Aylor moved to accept the minutes as distributed, Member Clatterbuck seconded the motion, and the previous minutes were approved.

Chairman Coppedge asked Planner Webb to review the agenda for the meeting.

Planner Webb read the agenda for the case, as follows:

1. Bonnie & Douglas Coffey request 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 feet 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).

Planner Webb noted that a letter from an adjoining property owner was received and copies of that letter were passed out to Board members and as a part of the file record. Planner Webb summarized the letter from Mr. and Mrs. Lawson, stating that the Coffeys knew that the lot was non-compliant when they purchased it and the Lawsons asked the BZA to deny the variance. Mr. Webb referred to the deed which said the lot as described was conveyed in 1963, so obviously the lot has been in existence for a long while. Planner Webb said that he would assume if on that half-acre they would be able to find good perk sites that some type of acceptable septic could be constructed in order to build the house. Ms. Bonnie Coffey was present to represent the application. Chairman Coppedge asked Ms. Coffey about the drainfield site, and if she had talked with the Health Department about that. Ms. Coffey said she had not talked with them, but she feels there is plenty of room for that. Coffey said she and her husband feel like they have a good spot on the lot for the house. Ms. Coffey said she is a real estate agent and is familiar with the setback requirements. Clerk Long asked Ms. Coffey to move up to the front of the room to be near the recorder. Chairman Coppedge asked Ms. Coffey to restate her comments about the drainfield site. Coffey said there's a hillside and both the house and the drainfield will be on a knoll. She said the drainfield will be on the left where it goes down a little. Chairman Coppedge said the well had to be 100 feet from the drainfield, and Ms. Coffey said,

“Right.” Member Clatterbuck said you have to have reserve for the drainfield too, and Ms. Coffey said, “Yes” and she said she is sure they have plenty of room for that. Coffey said the lot is 210-feet long and the house is going to be 40-feet long. Chairman Coppedge said everything is contingent on if you can make it work on this small lot, and Ms. Coffey said “Right.” She said they have already had it surveyed, and it will all fit. Member Clatterbuck asked if they plan to live there after they build it, and Ms. Coffey said she and her husband were going to build it and then sell it. She said as a real estate agent she knows housing is limited in Madison County, and their plans are to build this and sell it. She said her husband is the builder. Ms. Coffey said there is a house beside this one that was also built on a half-acre lot, and it sits closer to the road than hers will. Member Lillard asked if she was referring to a house on lot 16A, and Ms. Coffey said, “yes.” She said there were two half-acre lots there previously belonging to Treasure Arrington’s mom. Treasure built the brick house, but his brother, owner of the other lot, never built a house on his lot. Member Lillard said that going by the tax map, there is a house on lot 16C also. Member Lillard asked if there was a house on the lot behind the Coffey’s lot. Ms. Coffey said “yes; I believe that one sits on 12 acres.” From the audience, Mr. Chad Figgins, said he was the owner of lot 54-16C, it is 12.2 acres, and that the building behind the Coffey’s proposed dwelling is a shed. Ms. Cathy Figgins said they are concerned about the Coffey’s drainfield being drained onto their property. Member Aylor said that would be brought up to the Health Department, so you don’t have to worry about your property and the Board of Zoning Appeals doesn’t address that. Chairman Coppedge asked if this lot sits on Seville Road, and Ms. Coffey said, “Yes, it is on a high knoll above the road.” Member Lillard asked what the required set-backs were, and Planner Webb said 50 feet from the rear and 250 in lot width.

Chairman Coppedge asked if there were further questions from the Board. There were none. Chairman Coppedge asked if there were further comments from the audience. Mr. Chad Figgins said the proposed drainfield is not 50 feet from his yard. He said he doesn't want anybody right there in his view area. Ms. Cathy Figgins said the septic will be too close to her property and she feels it is unsanitary for her children running around in the yard. Chairman Coppedge said this is a pre-existing lot and explained that the septic working properly will not drain into anyone’s lot. Chairman Coppedge said the drainfield must go on virgin soil, not fill dirt. Member Lillard said that any building must be built according to Health Department standards, and these are more stringent than before. Member Lillard said he has no problems with a pre-existing lot; his opinion is that if it meets the setback requirements it is acceptable. However, Lillard said, that isn’t the case here. Ms. Coffey asked if it was just the frontage requirements it didn’t meet. Planner Webb said, no, there are deficiencies meeting the requirements for width, rear, and the overall lot size. Planner Webb said, as far as the drainfield goes, what Chairman Coppedge said is correct. You won’t know for sure until you go out and perk the site. The smaller the lot, the more problems there are with finding a good perk site. Ms. Coffey said the drainfield will not be on the Figgins’ side of the property. Planner Webb said he feels like it could work, but that is why we’re having this hearing. Member Lillard restated that he had no problem with a grandfathered ½-acre lot as long as it meets the setbacks. He said to Ms. Coffey maybe you can reconfigure and build a different sized house and make it work. Audience Member Mr. Cameron Lawson said he is unhappy that she bought a piece of property knowing she couldn’t build on it, and then went out to get a variance to do so. Mr. Lawson said one of the reasons he built where he did was because the adjoining lot couldn’t be built on.

There being no other comments or questions, the vote was taken. Voting was completed by ballot, and Clerk Long read the results:

Coppedge—Aye; Aylor—Aye; Clatterbuck—Aye; Lillard—No; Lohr—No. The application for variance was approved, 3-2.

Chairman Coppedge asked if there were other issues to be brought before the Board. Hearing none, the meeting was adjourned.

Chairman Douglas Coppedge

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

DRAFT

MADISON COUNTY
ZONING PERMIT APPLICATION

Date: 7/27/2020

Permit #:

Property Owner:

Name: Mary & John Payne
Address: 17551 Barron Heights Road, Dumfries, VA
Phone No.: 571-334-8118
E-Mail: Virginiajackson2LLL@gmail.com

Applicant :

Name: Mary & John Payne
Address: SAME
Phone No.: _____
E-Mail: _____

Tax Map: 36B-23 Zoning: C-1 Subdivision Name: Garth Run Mountain Lot Size: 2.51 acres

Location/Address of Parcel for Zoning Permit: TBD Long Point Lane

Reason for Permit: To construct a single family dwelling on a C1 zoned lot.

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: Yes

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'** 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.

Virginia K. Jackson for Mary Payne
Signature of Owner or Agent

7/27/2020
Date

Virginia K. Jackson
Print Name

571.334.8118
Daytime phone number of Signatory

~~APPROVED~~
Denied

~~APPROVED BY ZONING OFFICE~~

[Signature]
Ligon Webb, County Planner

Date: 7/27/2020

April Clements, Zoning Technician

Date: _____

Permit Fee \$50.00 Date Paid: 7/27/2020 Payment Type: CASH

FOR OFFICE USE ONLY:

Zone: **C1**

Map No: **20-3F**

By who? **Virginia Jackson (Daughter)**

Fee Amount: **\$350**

Date Paid: **7/27/2020**

17551 Barron Heights Road

Receipt #:

Check #: **155**

Dumfries, VA 22025



**MADISON COUNTY
APPLICATION FOR VARIANCE**

Date: **7/27/2020**

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: PAYNE, MARY A & PAYNE, MICHAEL J & STEINHIBEL, VICKI L TRUSTEES

Address: 17551 Barron Heights Road, Dumfries, VA 22025

Phone No.: 571-334-8118

E-Mail: Virginiajackson2LLL@gmail.com

TAX MAP: **36B-23** ZONED: **C1-Conservation**

OF ACRES TO BE COVERED BY VARIANCE: **2.51**

LOCATION/ADDRESS OF PROPERTY FOR VARIANCE: **TBD Long Point Lane, Madison, VA 22727**

NATURE OF VARIANCE REQUESTED: The applicant(s) are seeking to construct a single family dwelling on a C1 (conservation) zoned property which is 2.51 acres; in this zoning district the minimum lot size is 10 acres. The subject lot was created prior to a County wide zoning ordinance (see attached deeds). The proposed dwelling can meet all front, rear and side yard setback requirements.

Virginia Jackson for Mary Payne
Property Owner(s) Signature or Agent

7/27/2020
Date

Virginia K. Jackson
Print Name

571.334.8118
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 Mary & John Payne to Construct a Single-family Dwelling on a C1 Zoned Lot which is Less than the Required Minimum Lot Size.

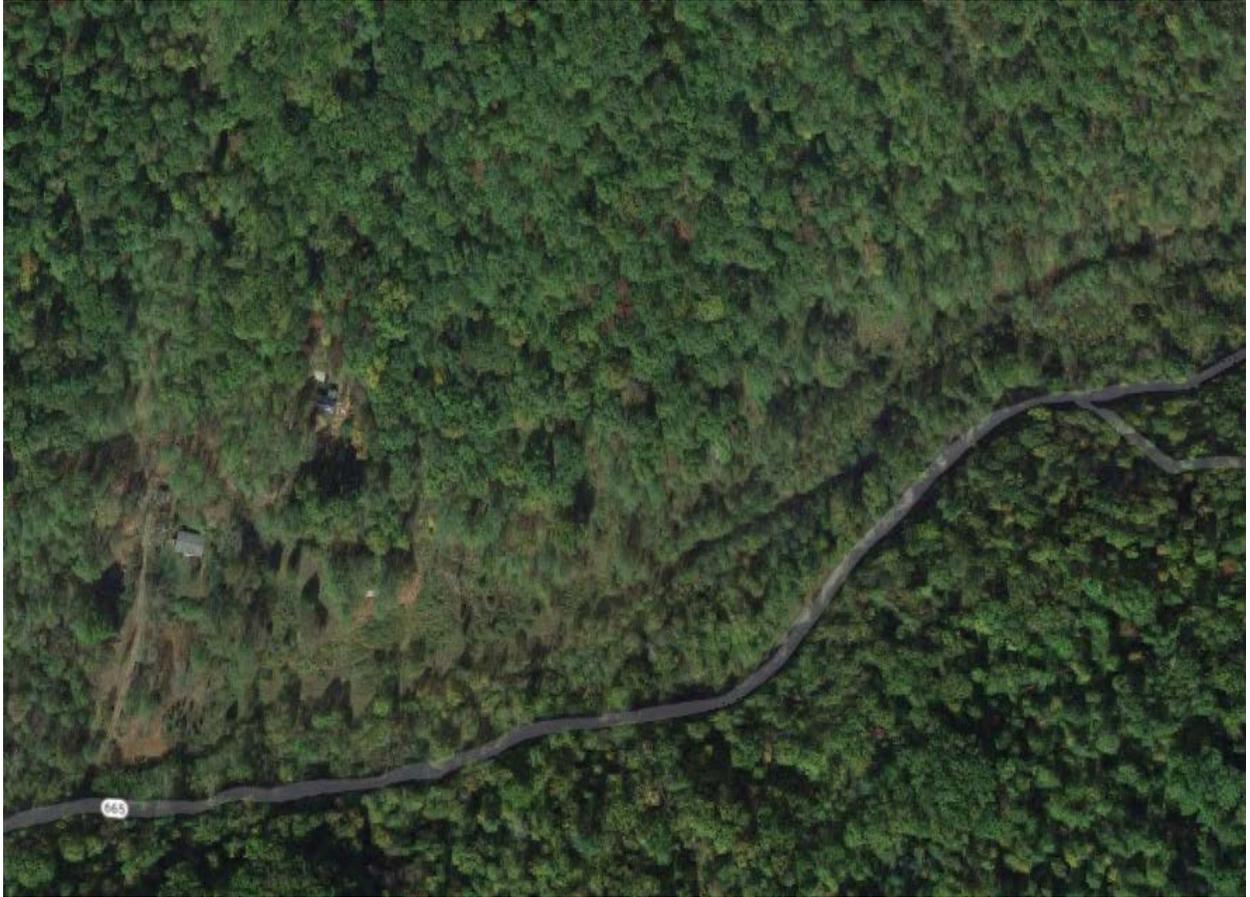
Background – The applicants, Mary and John Payne, have applied for a variance from article 3-3 (area regulations) of the Madison County Zoning Ordinance. The subject parcel is zoned C1 and in this district the ordinance states the following:

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)

The subject lot, located in the Garth Run Mountain Subdivision, was recorded on May 7, 1969.

Visuals –





Madison Co., VA

Inst. No. 200000437

Prepared By:

Thomas James Ross II, Esquire

VSB#22360

Return:

✓ Morrison, Ross and Whelan, P.L.L.C.

✓ 31 Garrett Street

✓ Warrenton, VA 20186

Grantees address: 17551 Barron Heights Road, Dumfries, VA 22025

\$0; Tax Map Pin No. 36-B- -- 23

Title Insurance Underwriter known to preparer

This Deed is exempt from recording taxes pursuant to Section 58.1-811 (12) of the Code of Virginia, as amended.

THIS DEED

made and entered into this 13th day of March 2020, by and between JOHN T. PAYNE, JR. and MARY A. PAYNE, husband and wife, GRANTORS; and MARY A. PAYNE MICHAEL J. PAYNE and VICKI L. STEINHIBEL, Trustees, or their successors, of the MARY A. PAYNE REVOCABLE LIVING TRUST, created U/A/D March 13, 2020., GRANTEE with a mailing address of 17551 Barron Heights Road, Dumfries, VA 22025 ;

WITNESSETH :

that for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the GRANTORS do hereby GRANT and CONVEY with GENERAL WARRANTY unto the said GRANTEE, all the following described real property located in Madison County, Virginia, to-wit:

All that certain tract or parcel of land with all improvements thereon and appurtenances thereto belonging, containing 2.51 acres, more or less, situate in the Rapidan Magisterial District of Madison County, Virginia, in Garth Run Mountain Subdivision, about 3 ½ miles northwest of Wolfstown, and set out and described by metes and bounds as Lot No. 23 in the Garth Run Mountain Subdivision in a plat and survey thereof recorded in the Madison County, Virginia, Clerk's office in Deed book 99 at page 57.

AND BEING the same property conveyed to John T. Payne, Jr. and Mary A. Payne, his wife, as tenants by the entirety, by Deed recorded in Deed Book 103 at page 325 among the land records of Madison County Virginia.

LAW OFFICES

MORRISON,

ROSS AND WHELAN

31 GARRETT STREET

WARRENTON, VIRGINIA 20186

TELEPHONE: (540) 347-1000

FAX: (540) 349-4422

1 of 4

This conveyance is subject expressly to easements, restrictions, and rights-of-way of record.

TO HAVE AND TO HOLD the said land and premises, together with all rights, ways, appurtenances and easements thereto belonging, or in anywise appertaining unto the said GRANTEE, in fee simple, upon the trusts and for the uses and purposes set forth herein and in that certain Trust Agreement which GRANTEE has with the Trust's beneficiary, including the following:

Full power and authority is hereby granted to the Trustees and their successors to protect and conserve the property; to sell, contract to sell and grant options to purchase the property and any right, title or interest therein on any terms; to exchange the property or any part thereof for any other real or personal property upon any terms; to convey the property by deed or other conveyances to any grantee, with or without consideration; to mortgage, execute a deed of trust on, pledge or otherwise encumber the property or any part thereof; to lease, contract to lease, grant options to lease and renew, extend, amend and otherwise modify leases on the property or any part thereof from time to time, for any period of time, for any rental and upon any other terms and conditions; and to release, convey or assign any other right, title or interest whatsoever in the property or any part hereof.

No party dealing with the Trustee in relation to the property in any manner whatsoever, and (without limiting the foregoing) no party to whom the property or any part thereof or any interest therein shall be conveyed, contracted to be sold, leased or mortgaged by the Trustee, shall be obliged (a) to see to the application of any purchase money, rent or money borrowed or otherwise advanced on the property, (b) to see that the terms of this trust have been complied with, (c) to inquire into the authority, necessity or expediency of any act

of Trustee, or (d) be privileged to inquire into any of the terms of the Trust Agreement. Every deed, mortgage, lease or other instrument executed by the Trustee in relation to the property shall be conclusive evidence in favor of every person claiming any right, title or interest thereunder; (a) that at the time of the delivery thereof this trust was in full force and effect, (b) that such instrument was executed in accordance with the trusts, terms and conditions thereof and of the Trust Agreement and is binding upon all beneficiaries thereunder (c) that the Trustee was duly authorized and empowered to execute and deliver every such instrument, and (d) if a conveyance has been made to a successor or successors in trust, that such successor or successors have been properly appointed and are fully vested with all the title, estate, rights, powers, duties and obligations of its, his or their predecessor in trust.

The Trustee shall have no individual liability or obligation whatsoever arising from Trustee's ownership as Trustee of the legal title to said property, or with respect to any act done or contract entered into or indebtedness incurred by said Trustee in dealing with said property, or in otherwise acting as Trustee, except only so far as said trust property and any trust funds in the actual possession of the Trustee shall be applicable to the payment and discharge thereof.

The interest of every beneficiary hereunder and under the Trust Agreement and of all persons claiming under any of them shall be only in the earnings, avails, and proceeds arising from the rental, sale or other disposition of the property. Such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any right, title or interest, legal or equitable, in or to the property, as such, but only in the earning, avails and proceeds thereof as provided in the Trust Agreement.

This Deed is governed by and is to be read and construed with reference to Section

55.1-117 of the Code of Virginia of 1950 as amended and now in force.

The GRANTORS covenant that they have the right to convey said land, that the GRANTEE will have quiet possession of the same, free from all encumbrances, and that they, the GRANTORS, will execute such further assurances as may be deemed requisite, and that they have done no act to encumber the said land.

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

John Thompson Payne, Jr. (SEAL)
 JOHN THOMPSON PAYNE, JR.

Mary A. Payne (SEAL)
 MARY A. PAYNE

STATE OF VIRGINIA
COUNTY OF FAUQUIER, to-wit:

The foregoing instrument was acknowledged before me this 13th day of March 2020, by JOHN THOMPSON PAYNE, JR. and MARY A. PAYNE, husband and wife.

Alison Marie Kane

 Notary Public

My Commission Expires: 6-30-2023
 Registration ID#: 7777399



INSTRUMENT 200000437
 RECORDED IN THE CLERK'S OFFICE OF
 MADISON CIRCUIT COURT ON
 MARCH 26, 2020 AT 12:00 PM
 LEETA D. LOUK, CLERK
 RECORDED BY: JXK
Jamie K. Boyd, Dep. Clerk

**MADISON COUNTY
ZONING PERMIT APPLICATION**

Date: 7/27/2020

Permit #: 2020-0649

Property Owner:

Name: Ellen Underwood
Address: 1941 MANOR CIRCLE SE , WINTER HAVEN FL 33880
Phone No.: 561-294-2627
E-Mail: epu@bellsouth.net

Applicant :

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

Tax Map: 13-6A Zoning: C-1 Subdivision Name: N/A Lot Size: 7.6 acres

Location/Address of Parcel for Zoning Permit: TBD Weakley Hollow Road (Rt. 600)

Reason for Permit: To construct a single family dwelling on a C1 zoned lot.

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: Public Road

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'** 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.

Ellen P. Underwood
Signature of Owner or Agent

7/27/2020
Date

Ellen Pratt UNDERWOOD
Print Name

561-294-2627
Daytime phone number of Signatory

APPROVED BY ZONING OFFICE

Ligon Webb, County Planner

Date: _____

April Clements, Zoning Technician

Date: _____

Permit Fee \$50.00	Date Paid: <u>8/04/2020</u>	Payment Type: <u>Cu 655</u>
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FOR OFFICE USE ONLY:

Zone: C1

Map No: 13-6A

By who? Ellen Underwood

Fee Amount: \$350 *250-*

Date Paid: 7/27/2020

1941 MANOR CIRCLE SE

Receipt #:

Check #: *655*

Winter Haven, Florida 33880



MADISON COUNTY APPLICATION FOR VARIANCE

Date: 7/27/2020

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: Ellen Underwood
Address: 1941 Manor Circle SE, Winter Haven, Florida 33880
Phone No.: 561-294-2627
E-Mail: epu@bellsouth.net

TAX MAP: 13-6A ZONED: C1-Conservation

OF ACRES TO BE COVERED BY VARIANCE: 7.6 acres

LOCATION/ADDRESS OF PROPERTY FOR VARIANCE: TBD Weakley Hollow Road, Syria, VA 22743

NATURE OF VARIANCE REQUESTED: The applicant is seeking to construct a single family dwelling on a C1 (conservation) zoned property which is 7.6 acres; in this zoning district the minimum lot size is 10 acres. The subject lot was created prior to a County-wide zoning ordinance (see attached deeds). The proposed dwelling can meet all front, rear and side yard setback requirements.

Ellen P. Underwood
Property Owner(s) Signature or Agent

7/27/2020
Date

Ellen Pratt Underwood
Print Name

561-294-2627
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: _____

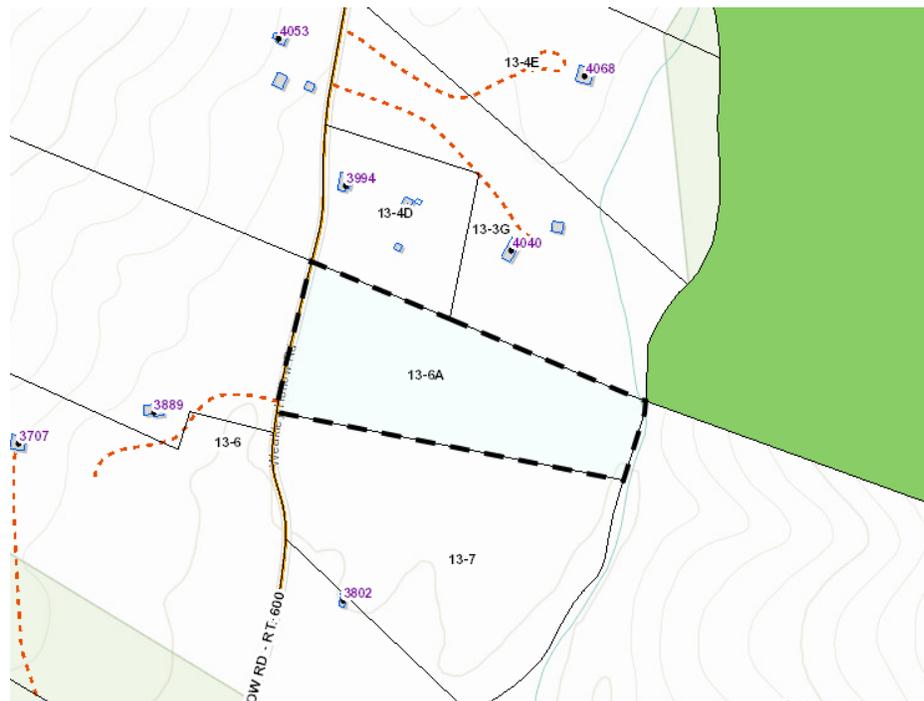
Variance Request by Ellen Underwood to Construct a Single-family Dwelling on a C1 Zoned Lot which is Less than the Required Minimum Lot Size.

Background – The applicant, Ellen Underwood, has applied for a variance from article 3-3 (area regulations) of the Madison County 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)

The property's most recent deed states the subject parcel was recorded on 10/13/1952.

Visuals –



MADISON

COUNTY, VA.

RECORD NO. 120001698

46

Prepared by:
Return - Jeffrey C. Early
VSB# 23471
Madison, VA 22727

Assessed value: \$139,400.00

Tax Map # 13-6A

This deed was prepared without the benefit of a title examination.

THIS DEED OF GIFT, made and entered into this 30th day of November, 2012, by and between MARGARET H. UNDERWOOD, a married woman, Grantor, and ELLEN PRATT UNDERWOOD, Grantee, whose address is: 1941 Manor Circle SE, Winter Haven, FL 33880, and OSCAR WILDER UNDERWOOD, Party of the Third Part.

WITNESSETH:

That for and in consideration of the natural love and affection between the parties, and further in consideration of the premises, the said Margaret H. Underwood, a married woman, Grantor, does hereby GIVE, GRANT and CONVEY unto Ellen Pratt Underwood, Grantee, the following described real estate, with all improvements thereon and appurtenances thereunto belonging, located in Madison County, Virginia, to-wit:

All that certain lot or parcel of land with all improvements thereon and appurtenances thereto, lying and situate in the former Robertson Magisterial District of Madison County, Virginia, fronting on Virginia State Route 600, containing 7.601 acres, more or less, being more particularly on a plat of survey by Thomas D. Blue, C.L.S., dated March 20, 1980, recorded October 17, 2000 in the Clerk's Office of the Circuit Court of Madison County in Deed Book 283, page 672.

AND BEING the same property in which a one-half interest was conveyed to Margaret H. Underwood, by deed of Virginia S. Hale, formerly Virginia S. Zehmer, and Oron J. Hale, her husband dated August 23, 1978, recorded in the aforesaid Clerk's Office in Deed Book 144, Page 598.

AND BEING the same property in which a one-half interest was conveyed to Atcheson L. Hench and Virginia M. Hench, husband and wife, by deed of George B. Zehmer and Virginia S. Zehmer, husband and wife,

1 9 7

dated October 13, 1952, recorded in the aforesaid Clerk=s Office in Deed Book 68, Page 413.

Virginia B. M. Hench died on August 29, 1971. By virtue of the subject property being owned with survivorship, title vested in her husband, Atcheson L. Hench. Atcheson L. Hench died on August 9, 1974, testate. His will is of record in the Clerk's Office of the City of Charlottesville, Virginia in Will Book 18, page 435. Pursuant to the terms of the will, the subject real estate was devised to his daughter, Margaret H. Underwood, the grantor herein. A copy of this will is attached as Exhibit A.

Oscar Wilder Underwood, Party of the Third Part, joins in this deed to convey all his right, title and interest to the subject property.

This conveyance is made expressly subject to all restrictions, covenants and easements of record as the same may lawfully apply.

WITNESS the following signatures and seals.

Margaret H. Underwood [Seal]
Margaret H. Underwood

Oscar W. Underwood III [Seal]
Oscar Wilder Underwood

STATE OF FLORIDA
CITY/COUNTY OF Polk, to-wit:

The foregoing deed was subscribed and sworn to before me the 03 day of December, 2012, by Margaret H. Underwood.

My commission expires: Oct 25, 2013

 JUDITH ANN BOGGS
MY COMMISSION # DD 935455
EXPIRES: October 25, 2013
Bonded Through Budget Notary Services

Judith Ann Boggs
Notary Public

STATE OF FLORIDA
CITY/COUNTY OF Polk, to-wit:

The foregoing deed was subscribed and sworn to before me the 03 day of December, 2012, by Oscar Wilder Underwood.

My commission expires: Oct 25, 2013



JUDITH ANN BOGGS
MY COMMISSION # DD 936455
EXPIRES: October 25, 2013
Bonded Three Hundred Notary Services

[Signature]
Notary Public



