

BOARD OF ZONING APPEALS  
May 2, 2011  
MEETING MINUTES

Present: Chair John Bradshaw, Members Gifford Childs, Linda Russell, Kim Cash, Goffrey Miles, and Alternate Ron Moyer

Staff: Fred Boger, Planning Director, and Wanda Staton, Secretary

Call to Order: Mr. Bradshaw called the meeting to order at 7:30 P. M.

Minutes of March 7, 2011 – Ms. Cash made a motion to approve the minutes as presented, Mr. Miles provided the second, and motion passed 5-0.

There was no meeting in April.

Special Use Permit # 2011-002 – William Percy

Mr. Boger reported on August 2, 2010, the Nelson County Board of Zoning Appeals approved Special Use Permit #2010-005 to place a 12' x 16' storage shed on property located on Fortunes Cove Lane owned by Mr. William Percy prior to construction of the primary residence. The Conditions of approval were:

1. Permit for the primary residence is to be obtained within one year of the date of the meeting (August 2, 2010). (If an extension is needed, please request this prior to August 2011.)
2. Storage shed is not to be used for residential purposes.

In the original application, it was stated that "this is the first structure to be built on the property, for storage of tools and materials to be used in building the primary (residence) structure during the fall months of this year. The shed will be approximately 40 feet from the property line near the northeast corner per attached site plot"

Mr. Percy is now requesting an extension of the Special Use Permit, plus asking for an increase in the size of the structure. The new shed would be 16' x 24' to permit the parking of a vehicle in the shed.

Staff has reviewed this request and our comments are:

1. We have no objections to granting a one year extension.
2. The purpose of the shed has changed, and at this time, we cannot support increasing the size of the shed. If construction of the dwelling has not started within the time period approved by the Board, then the shed must be removed. The purpose of the shed is for storage of tools while building the house, not for storing a vehicle.

Mr. Bradshaw had Mr. Percy to read and sign that he would tell the truth.

There were no questions from the Board. Mr. Percy stated that he wanted to increase the size of the shed to hold his belongings while he was working on building his house. He has brought a 30 foot long trailer with him with some of his things in it but that is only for temporary use. He stated that he wanted to build the shed bigger to store the items out of the trailer. He stated that he is a licensed contractor and he

appreciates the importance of going thru the process of getting a permit and the necessary approvals before you build something.

Ms. Cash asked Mr. Percy to define the type of trailer that he has brought to the property to store his belongings in. He stated that the trailer is 8 foot wide and 30 foot long and it's covered. He also stated that it is only temporary and as soon as he can get the shed built so that he would have somewhere to store the contents, he could return the trailer back to Chesapeake. Ms. Cash also asked if he was going to hook up electric to the shed. Mr. Percy stated yes. He stated that it should have been completed in the last week but Bobby Baker, who is working on his septic and field lines has not been able to complete that project and that must be complete before the power company will come and turn on the electricity. Ms. Cash asked if he had pictures of what the shed was going to look like. Mr. Percy stated that he had a picture out of a magazine. He showed the picture to the Board. Ms. Cash asked Mr. Percy if his intention was when he finished the house that this shed would be a tool shed or a garage. He stated that he may store a tractor or a lawn mower in the shed. Ms. Cash asked if he was intending on storing a vehicle in this shed now and he stated that he was not. Ms. Cash asked if he owned the trailer that he had now using for storage and he stated that he did not and he had to take it back to Chesapeake. Ms. Cash stated she wanted to make sure that the trailer was not stored on the property after he was finished with it. Ms. Cash asked Mr. Percy was there any reason he was applying for an extension to his permit sooner than the original expiration date in August of 2011. Mr. Boger stated that Planning and Zoning office asked him to go ahead and ask for his extension and increase in size when he called in to ask about it. Ms. Russell asked Mr. Percy to discuss the septic system. He stated that Bobby Baker was installing the system and they discussed with Mr. Tom Eick at the Health Department. They reviewed two locations and due to the weather Mr. Baker hadn't been able to put the septic in. Ms. Russell asked that while the construction of the shed was being done, would he have an electric supply and a sewer system and Mr. Percy replied that he would. Mr. Childs asked Mr. Percy when he thought he would be able to start the main residence and Mr. Percy replied that he would hopefully be able to start in July or August of 2011. He stated that he and his wife are looking at a few different possibilities, one being a modular home. Mr. Bradshaw asked Mr. Percy to state everything that he is planning on putting in this building especially the extension. Mr. Percy stated that primarily he would be storing tools that he would use to build his residence. Secondary to that would be the things that come out of his house that he has sold. His wife's house is also on the market to sale and he has household goods in transition but they are in boxes for temporary storage until he gets the house built and then he would move them into the house. He also has some furniture that he would need to store as well. Mr. Bradshaw asked if the Board had any additional questions. There were no other questions and Mr. Bradshaw opened the public hearing.

Mr. James Ruffner, 600 Fortunes Cove Lane, stated that he is an adjoining property owner to Mr. Percy on two sides of his property. He is concerned about Mr. Percy using a RV for a residence. He is interested in where Mr. Percy is planning on putting these structures on his land and what the site plan is. He is concerned that the camper or trailer may get parked on his property line. He said he would like to see some actual plans for the house. He is also concerned about a lot of temporary things coming in to the property and gradually becoming a permanent mess. He feels that Mr. Percy's plans need to be more finalized before granting a waiver.

Ms. Cash asked Mr. Ruffner if he could see the 8 x 30 foot trailer from his house and he replied no. Mr. Percy is asking for something that is not allowed by right. Ms. Cash stated that if the Board has the opportunity to mitigate impact on a neighbor. Ms. Cash feels like Mr. Percy should work with his neighbor to minimize the impact on him. Mr. Percy said he didn't know that Mr. Ruffner had any problems with what he was doing until now. Ms. Cash stated she is also concerned about things showing up there, like the trailer and now a RV. She stated the drawings that Mr. Percy submitted in the past are not accurate anymore.

Mr. Childs agreed with Ms. Cash that the Board is unsure now of what he is going to do. Mr. Percy wants to live in his RV and is asking for an extension and also requesting additional space to be added to the shed and there's no site plan in place to show what he is going to do.

Mr. Bradshaw closed the public hearing.

Mr. Percy stated that since they had already approved a 12 x 16 shed and he is asking for a 16 x 24, is there something in between those two sizes that would be suitable. Ms. Cash stated she was more concerned now that everything seems to be changing. Since last year, Mr. Percy has moved in a 8 x 30 foot trailer, a RV to live in, septic, well, and electric being hooked up. She stated that if Mr. Percy is going to ask for an extension and a great increase to the size of the building. She would personally like to see a plan where he is planning on putting these things. She asked was there any reason that he didn't want to submit a plat and he stated there was no reason except for the extension of time. He knows where the shed is going to be because he has already put the block there. Ms. Russell stated the plat needs to be to scale and show where the house is going to be and show where the driveway is going to be as well. Mr. Percy stated that the driveway plan is tentative because he didn't know if the landowner was going to let him have the right of way needed to put in the driveway. Ms. Russell asked if it was going to be a problem getting the RV up to the property. Mr. Percy stated that it may or may not be. Ms. Russell asked what would happen to his wife's contents of her house once her house was sold and Mr. Percy stated that those items would go into storage. She feels that a better site plan is needed to scale and get with his neighbor to decide on a spot that would be satisfactory to both of them. Mr. Percy stated he would talk to his neighbor and work out a location for his shed. Mr. Ruffner stated that he would like to have a surveyor come out and would not prefer to step off the distance.

Mr. Bradshaw asked if Mr. Percy would consider going with the original 12 x16 foot shed that has already been approved by the Board and his neighbor Mr. Ruffner was not involved would they consider approving the extension he was asking for. Ms. Cash stated what he was asking for now was not the same as what he originally was asking for. Ms. Russell stated that he was going to have a RV on the property to stay in while doing construction. Mr. Boger stated that the RV was going to be there while he was doing construction on the house. The RV would have to be connected to the septic and electric and he would have to obtain a permit for temporary use for 3 years.

Mr. Percy amended his application and decided to go with the original size of the shed, 12 x 16 foot and in addition, the original extension was still being asked for. The Board accepted his decision. The extension would be granted from August 2, 2011 to August 2, 2012.

Mr. Childs made a motion to grant a one year extension to Special Use Permit 2010-005 for William Percy to allow construction of a storage shed, 12' x 16' in size, on property located on Fortunes Cove Lane, with the following conditions:

- 1.) A building permit be granted for the main house within one year from August 2, 2012.
- 2.) The storage shed will not be used for residential purposes.

Ms. Russell provided the second and motion passed 5-0.

Mr. Boger stated that he would put in the acknowledgement letter that a permit must be obtained for the RV.

#### Adjournment

At 8:30 o'clock P.M., Mr. Bradshaw declared the meeting adjourned.

Next meeting – June 6, 2011

Respectfully submitted,  
Wanda L. Staton