



Nelson County Board of Zoning Appeals

MEETING AGENDA:

June 6, 2016

7:30 P.M.

**General District Courtroom
84 Courthouse Square, Lovingson, Virginia**

- I. Call to Order
- II. Approval of Minutes – December 7, 2015
- III. Special Use Permit #2016-02 – Mr. Timothy Arnold
- IV. Other Business
- V. Adjournment

Next Meeting: July (as may be necessary)

Draft: 12/10/15
Updated: 12/15/15 TMP

NELSON COUNTY BOARD OF ZONING APPEALS
December 7, 2015
MEETING MINUTES

Present: Carole Saunders, Goffrey Miles, Gifford Childs, Mary Kathryn Allen

Absent: Ron Moyer

Staff Present: Tim Padalino, Director of Planning and Zoning and Anna Birkner, Secretary

Call to Order: Mr. Childs called the meeting to order at 7:31 p.m. in the General District Courtroom, County Courthouse, Lovingston. There were four members present to establish a quorum. Mr. Childs provided an overview of the meetings procedures and purpose for the public.

Approval of Minutes (September 14, 2015): Mr. Childs asked if there were any questions or comments on the minutes. No changes were made.

Mr. Miles made the motion to approve the minutes. Mrs. Saunders provided the second; the vote 3-1, with Mrs. Allen abstaining.

1. Special Use Permit #2015-16 (“Accessory Structure”) – (Mr. Wesley S. Korab):

Mr. Padalino presented Mr. Wesley S. Korab’s Application, received by County Staff on November 12, 2015. He stated that Mr. Korab is requesting a Special Use Permit (SUP) to authorize the construction of an accessory structure prior to the establishment of a permissible primary structure. He noted that the subject property is Tax Map Parcel #31-6-7, which is a 2.29-acre property zoned Agricultural (A-1), and which is located on Rhue Hollow Road in Roseland within the Horseshoe Mountain Subdivision.

Mr. Padalino then explained that the Applicant has applied for Special Use Permit (SUP) #2015-16 to, *“Build a 26’x 32’ shed/garage...prior to building [a] 3 bedroom home,”* and the home proposed by Mr. Korab is permissible by-right in the Agricultural A-1 District (pursuant to Z.O. 4-1-1). He also explained that the proposed garage would be permissible (pursuant to Z.O. 4-1-12) as an accessory structure to a primary structure, but only after the primary structure has been established. Until the primary use structure is built, the garage is permissible only as a special use (pursuant to Z.O. 14-2-1a “accessory building prior to the construction of the primary building on the same lot or parcel”).

Mr. Padalino then noted that Mr. Korab wrote a letter on November 12, 2015 requesting a waiver from the requirement (contained in Zoning Ordinance Article 13, Section 4) that a Minor Site Plan be prepared by a “qualified person” and “certified by an architect, landscape architect, engineer, or land surveyor licensed or certified to practice by the Commonwealth of Virginia.” Mr. Padalino explained that he accepted this request because the ultimate use of the property (for dwelling and accessory garage) would not otherwise require a site plan, if the dwelling were to be constructed first; and also because

the site plans drawn and submitted by Mr. Korab were full-size copies of a scaled, highly legible site plan drawing.

Mr. Padalino then showed photos of the property including a Land Disturbing Activity Permit obtained by Mr. Korab.

Mr. Padalino went on to explain that whenever the County reviews any request for a Special Use Permit, four criteria must be evaluated. These criteria are laid out in Zoning Ordinance Article 12, Section 3-2. He then stated that it is his opinion that this request is "satisfactory and acceptable, and that the proposed project would not represent any unacceptable deviation from the required evaluation criteria;" and that he recommends Special Use Permit #2015-16 be approved by the Board of Zoning Appeals.

Mrs. Saunders asked if Mr. Korab would be living in the garage while he plans to build the home and what exactly is his intent for this structure.

Mr. Padalino stated that the question would be best answered by Mr. Korab, but it was his understanding that the topography made it inefficient to build the house first and then have to go uphill to build the garage, as far as grading the site and building the retaining walls. The reason was mainly construction efficiency.

With no further questions for staff, Mr. Childs asked the applicant to please come forward. The applicant was then sworn in by Mr. Childs and proceeded to sign the oath.

Wesley S. Korab: Mr. Korab stated that he would not be living in the garage. He noted that if construction on the house went until late in the night, he may stay one night; but it would not be his permanent dwelling. He explained that he is a carpenter, and he and his wife just moved here from Illinois and are currently residing in an apartment in Charlottesville. He noted that they wanted to build the garage at that location mostly because of the view - they did not want the garage to obstruct the scenery from their dwelling. He also explained that the placement of the garage will be 25 feet from the road and 25 feet from the house; he would not want to grade the whole site, build the house, and then have to re-grade the site for the construction of the garage. Mr. Korab then noted he has a contract with Virginia Frame to frame the shed and he will personally do the trim. His intent for the garage is to move in his possessions from Illinois so he may begin building the house.

Mrs. Allen stated their main concern in issuing a Special Use Permit is that this garage will not be his permanent dwelling.

Mr. Childs asked if Mr. Korab would have an issue if they made certain stipulations, as in building the house and obtaining the needed permits within a certain period of time, as well as him not making the shed a residence. Mr. Childs explained that doing so would allow them to be consistent with the other Special Use Permits that have been granted in the past. Mr. Korab stated this would not be a problem, and that he already obtained a septic permit that needed to be completed in 2016.

Mrs. Saunders asked about the locations of the primary and reserve drain fields. Mr. Korab explained the location of the reserve is up the hill. Mr. Childs stated it was fine as long as staff signs off on it.

Mr. Childs opened the public hearing at 7:46 p.m. No comments were made; the public hearing was closed at 7:47.

Mrs. Allen made a motion to approve Special Use Permit #2015-16 requested by Mr. Wesley S. Korab and Mrs. Holly B. Korab, for Tax Parcel #31-6-7, with the completed application that was received on November 12, 2015 with two conditions: the first being that the garage shall not be used as a dwelling while the house is being built; and the second being that they would have two years to complete the certificate of occupancy for the house. Mr. Miles provided the second; the vote 4-0.

2. Special Use Permit #2015-17 (“Floodplain Development”) – (Mr. Thomas S. “Sid” Carpenter)

Mr. Padalino presented Mr. Carpenter’s Application, received by County Staff on November 17, 2015. He noted that Mr. Carpenter is requesting a Special Use Permit (SUP) to formally authorize an existing structure located within a 100-year floodplain.

Mr. Padalino reported that the subject property is Tax Map Parcel #35-3-A, which is a 5.72-acre parcel zoned Agricultural (A-1) and General Floodplain (FP), and which is located on Buck Creek Lane in Faber. He then specified that the applicant has applied for Special Use Permit (SUP) #2015-17 to, *“approve [an] already-built structure to get access to build [a] house.”* Mr. Padalino explained that the majority of the property does not have vehicular access to the roadway, and that the applicant has noted the structure is necessary for accessing the property to construct a home (“single-family detached dwelling”), pursuant to Z.O. §4-1-1.

Mr. Padalino then stated that the applicant is seeking SUP approval to remedy the Notice of Violation issued on August, 19th 2015.

Mr. Padalino then noted that Mr. Carpenter has explained there was no ill intent to circumvent the Zoning Ordinance or any other regulations. Mr. Padalino went on to relate that there were some miscommunications and disconnect with the county procedures. Mr. Carpenter came in and spoke to Mr. David Thompson (Nelson County Building Official) and did obtain a Land Disturbing Permit on April 10, 2015. This allowed the applicant to undertake grading and site preparation activities before requesting an actual Building Permit to construct the dwelling. At the time of his interaction with the Building Inspections Department, Mr. Carpenter was not referred to the Planning and Zoning Department because Land Disturbing Permits were not automatically sent to Planning and Zoning for review – and therefore no setback requirements or floodplain regulations were reviewed for compliance with Zoning Ordinance regulations.

Mr. Padalino also noted that county staff have since corrected this inter-departmental issue by creating a new form that will be sent automatically from Building Inspections staff to Planning and Zoning staff for review whenever an application for a Land Disturbing Permit is made. He then stated that staff from both departments are aware that all proposed construction projects, no matter the permit type, are to be reviewed by Planning and Zoning staff for compliance with floodplain regulations and setback requirements.

Mr. Padalino then went on to show photos of the structure, which he described as three very large culverts encased in concrete. He briefly compared it to a previous Special Use Permit granted for a structure that is downstream to this one, also on Buck Creek Lane, and explained that Mr. Carpenter’s structure is rated to withstand very heavy loads, including construction vehicles or emergency vehicles. He showed grading around the structure where it has been seeded and straw was placed.

Mr. Padalino stated that for SUP requests for Floodplain Development, the County relies pretty heavily on some of the other environmental regulators. Specifically, he explained that the applicant has been working directly with Mr. Pero of the U.S. Army Corps of Engineers. The Corps went out to inspect how the structure was originally constructed, and then gave the applicant instructions on what would need to be modified in order to gain Army Corps approval. Mr. Padalino then stated that the applicants have gone ahead and constructed those improvements, including filling in another pipe that previously had been there in order to ensure the creek would pass through the three large culverts as intended. He then explained that the Army Corps of Engineers returned to the subject property to inspect the improvements and modifications, and subsequently approved this structure.

Mr. Padalino then stated that, in consideration of the fact that the Army Corps has issued their individualized permit for this structure, and given that this SUP request is essentially a good faith effort by the applicant and property owner to get back into compliance, Mr. Padalino recommends that this SUP request be approved by the Board of Zoning Appeals.

Mr. Childs mentioned the previous bridge on Buck Creek Lane that was granted a Special Use Permit, and asked what the standard procedure will be for future bridges built in floodplains. Mr. Padalino explained that the applicant would need to submit a SUP application and a site plan which has been prepared by an engineer and which shows where the base flood elevation is; and if it is a structure not designed to be physically located within the creek, then the site plan would have to demonstrate that the structure is at least 12 inches above that base flood elevation. He noted that if the proposed structure were to be something intended to be located within the waterway (like the applicant's structure), then it would be okay to be physically located within the stream if it is constructed properly and approved by all necessary agencies.

Mr. Childs then asked if either bridge would be allowed. Mr. Padalino answered yes, but both require different specifications. The standard procedure would be a site plan is prepared, permit application submitted, everything is reviewed, and once approved they can go ahead and start construction whether it's a bridge (above the water) or a culvert (within the waterway).

Mr. Miles asked if there is currently a house built on this property. Mr. Padalino explained that there is no house right now, but the applicants intend to build one and that this bridge is designed and constructed to be able to sustain large cement trucks and heavy machinery, unlike the previous bridge that was approved.

With no further questions, Mr. Childs asked the applicant to please come forward. The applicant was then sworn in by Mr. Childs and proceeded to sign the oath.

Mr. Carpenter stated he was in favor of this bridge and asked if there were any questions for him.

Mrs. Saunders questioned with such an extensive and expensive project why he conceived a permit was not necessary. Mr. Carpenter stated he meant no ill will and didn't wish to do it this way, but he felt like he never received a direct answer. He met with the Army Corps of Engineers and followed up with their requirements to receive a permit from them, which included filling in the banks previously damaged by loggers to ensure all the water would flow through the culvert. Mr. Childs stated it has become a problem in the past couple year that bridges have been washing out. Mr. Carpenter stated this bridge is

designed to have the water pass over it if it floods, and that he believes it is able to withstand a great deal of high water.

Mr. Childs opened the public hearing at 8:06 p.m.

John Hesselbart: Mr. Hesselbart stated he lives on Buck Creek Lane and owns property on both sides of the stream, one property begins about 60 feet away from this structure. He stated that he has no concern that this will affect his property. He explained that there is another culvert upstream that is about half this size, and that culvert has never been a problem. He then noted that the areas upstream and downstream of this structure are in pasture for cows and horses. Mr. Hesselbart stated he is the citizen who would be most potentially affected, and that he would like to see this approved.

With no further comments, Mr. Childs closed the public hearing at 8:09 p.m.

Mrs. Allen made a motion to approve Special Use Permit #2015-17 requested by Mr. Thomas S. "Sid" Carpenter, Tax Parcel #35-3-A, and noted that Mr. Vincent D. Pero of the U.S. Army Corps of Engineers recommends the approval of this special use permit; Mrs. Saunders provided the second; the vote 4-0.

Other Business:

Mrs. Saunders introduced Mrs. Shelby Bruguiere as the new alternate for the Board of Zoning Appeals and asked Mr. Padalino to provide the training documents for her.

Mr. Child stated they would like to go over the bylaws. Mr. Padalino stated a draft of the bylaws has been completed and will be sent out via e-mail sometime next week. A notice will be sent out before the next meeting so all members can review the bylaws to have it fresh in their minds. Mr. Padalino noted that the Variance and Appeal application forms need to be updated, but this has not been done yet.

Mr. Childs stated that since it is the end of the year it is necessary to produce an annual report, which would be for public viewing and reference but also for staff to look back on to see previous decisions and outcomes. He noted that it does not have to be extensive or include the meeting minutes, but he would like it to include a summary of all the cases reviewed this year. He suggested possibly looking at other counties to see what their BZA annual report encompasses. Mr. Padalino suggested possibly producing annual reports for the previous few years, as well; and that staff will work on this.

Mrs. Saunders questioned approving applications without first knowing if it is wanted in the subdivision; and said she knows this is not our call, but she would not want to approve something incorrectly. Mrs. Allen stated if they had contacted the subdivision and they had not wanted this approved it probably would not have changed her vote, but we may consider contacting them in the future. Mr. Childs and Mrs. Allen stated they do not get into the subdivision covenants, but it could put the applicant in a predicament on how to proceed if the covenants and ordinance requirements are different.

Mrs. Saunders then explained a situation that happened in 2009 on Walkers Mountain where the surveyor divided a lot incorrectly, and a house was built and brought forth to the Planning Commission and approved. The Home Owners Association fought it because it was done illegally. Mr. Childs thought that this would not reach the Board of Zoning Appeals, but would be for the Planning Commission. Mr. Padalino added that once a parcel has been subdivided and the Zoning Administrator has approved it

and the plat is recorded in the clerk's office, it is an official parcel of record – and whether it was created correctly or not may be immaterial at that point, but it is something to think about in the future.

Adjournment:

Mr. Childs adjourned the meeting at 8:26 p.m.

Please publish on Thursday, May 26th, 2016 in the Nelson County Times

Please publish on Tuesday, May 31st, 2016 in the Daily Progress

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

In accordance with Section 15.2 of the Code of Virginia, 1950, as amended, and pursuant to Sections 15.2-2285, 5.2-2310, and 15.2-2204 of the Code of Virginia, as amended, the **Nelson County Board of Zoning Appeals** hereby gives notice that a Public Hearing is scheduled for **Monday, June 6, 2016, at 7:30 p.m.**, in the General District Courtroom on the third floor of the Nelson County Courthouse located at 84 Courthouse Square in Lovingston, for the following:

1. Special Use Permit #2016-02 – Mr. Timothy A. Arnold

The BZA will consider a request by Mr. Arnold for a Special Use Permit pursuant to Article 10, Section 13 of the Nelson County Zoning Ordinance, which requires a Special Use Permit for all uses, activities, and development within any floodplain district. Specifically, the applicant seeks approval *“to build a small agricultural building/shed (12’ x 16’) in a 100 year floodplain area. This building will be a water friendly structure built on an open piling foundation for free flow with a finished floor 1’ 9” above base flood elevation.”* This application is for a 7.66-acre property which is owned by the applicant and which is located on Carter Road in Schuyler. The subject property is further identified as Tax Map Parcel #71-8-1, which is zoned Agricultural District (A-1) and General Floodplain District (FP).

After the hearing, the Board may vote to approve, deny, or approve with conditions the requested Special Use Permit.

Copies of the above files are available for review in the Nelson County Department of Planning and Zoning, located at 80 Front Street, Lovingston, Virginia, Monday through Friday, 9:00 a.m. to 5:00 p.m. Alternately, you may call the Planning and Zoning Office at 434 263-7090 or toll free at 888-662-9400, selections 4 and 1.

Nelson County does not discriminate on the basis of handicapped status in admission or access to its programs and activities. Accommodation will be made for handicapped persons upon prior request.

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

May 23, 2016

Dear Property Owner:

The following petition has been made to the Nelson County Board of Zoning Appeals (BZA) regarding a tract of land adjacent to or near property you own in Nelson County:

Special Use Permit #2016-02 / Mr. Timothy A. Arnold

Consideration by the BZA of a request from Mr. Arnold for a Special Use Permit pursuant to Article 10, Section 13 of the Nelson County Zoning Ordinance, which requires a Special Use Permit for all uses, activities, and development within any floodplain district. Specifically, the applicant seeks approval “to build a small agricultural building/shed (12’ x 16’) in a 100 year floodplain area. This building will be a water friendly structure built on an open piling foundation for free flow with a finished floor 1’ 9” above base flood elevation.” This application is for a 7.66-acre property which is owned by the applicant and which is located on Carter Road in Schuyler. The subject property is further identified as Tax Map Parcel #71-8-1, which is zoned Agricultural District (A-1) and General Floodplain District (FP).

This application will be considered by the Nelson County Board of Zoning Appeals on Monday, June 6, 2016 at 7:30 P.M. in the General District Courtroom on the third floor of the County Courthouse, Lovingson.

As required by law, this notice is provided to inform adjoining property owners of this request. If you wish to learn more about this request, review the application materials, and/or submit comments, you may contact and/or visit the Department of Planning & Zoning, and/or attend the meeting. Please contact staff with any questions and/or requests for assistance.

Sincerely,

A handwritten signature in black ink that reads "Timothy M. Padalino". The signature is written in a cursive style.

Timothy M. Padalino
Director of Planning & Zoning

TMP/svh

Copy to: Mr. Timothy A. Arnold

Parcel ID	Parcel Address	Owner Name	Mailing Add1	Mailing Add2
71-8-1		Timothy A & Cynthia D Arnold	1104 Maple Street	Forest, VA 24551
71-8-2		Leonard & Carrie Lyon	4481 Lee Avenue	Virginia Beach, VA 23455
71-8-5		Benedict P Smith	8338 Quincy Street	Norfolk, VA 23518
71-3-1		Clarence C Young Jr & Janet M	6020 Old Phillips Road	Norfolk, VA 23502
71-A-23a		Nannie C Baber	247 Circle C Farm Drive	Dillwyn, VA 23936



PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit (BZA) # 2016-02
application type application number

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- | | |
|---|---|
| <input type="checkbox"/> Rezoning from _____ to _____ | <input type="checkbox"/> Conditional Rezoning from _____ to _____ |
| <input type="checkbox"/> Subdivision – Preliminary | <input type="checkbox"/> Site Plan – Preliminary (optional) |
| <input type="checkbox"/> Subdivision – Final | <input type="checkbox"/> Site Plan – Final |
| <input type="checkbox"/> Major Site Plan | <input checked="" type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Other: _____ |

- Pursuant to Article 10, Section 13; 22 of the Nelson County Zoning Ordinance.
 Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

Reason(s) for request: To build A small agricultural building / SHED (12x16) IN A 100yr flood PLAIN AREA. This building will be A water friendly structure built ON AN OPEN piling foundation for free flow with A finished floor 1'9" above base flood elevation.

(Please use reverse or attach additional sheet if more space is needed.)

2. Applicant(s) and Property Owner(s):

(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Timothy A. Arnold
 Mailing Address: 1104 MAPLE ST. Forest, VA 24551
 Telephone # 434-942-9874 E-mail Address: here4awile@GMAIL.COM
 Relationship (if applicable): _____

Applicant Property Owner Name: _____
 Mailing Address: _____
 Telephone # _____ E-mail Address: _____
 Relationship (if applicable): _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3.) Location and Characteristics of Subject Property:

a. Address of property (specific location, route numbers, street names, voting district, etc.):

Carter Rd Schuyler, VA 22969

b. Official tax map number: 71-8-1

c. Acreage of property: 7.66

d. Present use: Rural land, Agriculture, hunting

e. Present zoning classification: _____

f. Zoning classification of surrounding properties: _____

4. Names of Adjacent Property Owners: Leonard + Carrie Lyon, Benedict P. Smith
Clarence C Young Jr + Janet M, NANNIE C Baber

5) Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: Timothy A Arnold Printed Name: Timothy A. Arnold

Signature: _____ Printed Name: _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

6. Additional information: *(Please attach separate sheet for additional details, explanations, etc.)*

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

..... TO BE COMPLETED BY PLANNING & ZONING STAFF

o Completed application and fee (\$ 200.00) received on 5-19-16

o Hearing Notice published on May 26th (NCT) & May 31st (Daily Progress), 2016

BZA ~~Planning Commission~~ action: Date of Meeting / Hearing: June 6th, 2016

Recommendation: _____

o **Board of Supervisors action:** Date of Hearing: _____ Date of Decision: _____

Action: _____

To the Zoning Administrator,

I am writing to you regarding to And Asking for A minor site plan waiver. Due to the fact that there will be no required improvements on the site for my project, And the only Aspect up for consideration is for the Allowance of the flood plain usage, in which I have included a site map of the building site, flood plains, And required set backs.

Also, the project will not adversely effect public health, safety, welfare, or conveniences, or even change Any flows of excess waters. The project will not have necessity of Any type of additional parking requirements. This project also falls way short of the land disturbance of 5000 sqft.

Again, the small 12x16 structure will exceed All height requirements to the documented base flood elevation And will be within All required set backs for A water friendly Agricultural Shed/Building. Thankyou for your time And help in this matter.

Timothy A Arnold

May 19 2016



Date: 5-18-2016

Nelson County Department of Planning & Zoning
80 Front Street, Lovingson, VA 22949 | P.O. Box 558 (mail) | 434-263-7090 (office) | 434-263-7086 (fax)

ZONING / SITE PLAN APPROVAL

Owner: Timothy ARNOLD

Applicant: owner

Applicant Address: Property on Carter Rd, Schuyler

Phone: _____

Tax Map Parcel: 71-8-1 Acres: 7.66

Description: Build 12x16 Agricultural Bldg/BARN

For Planning & Zoning Use

Zoning District: A-1

Floodplain on Property: YES NO _____

Structure in Floodplain: YES NO _____

Minimum Required Setbacks:	
Front: <u>75'</u>	<input checked="" type="checkbox"/> 75' From Road Centerline
	<input type="checkbox"/> 50' From Edge of R.O.W
Rear: <u>50'</u>	
Side: <u>50'</u>	(min. total of left + right setbacks)
Right: <u>20'</u>	Left: <u>30'</u>
<input type="checkbox"/> Accessory: 15' from all property lines and behind front yard setback line	

CONDITIONS:

Must meet all minimum required setbacks as stated above.

* Requires Special Use Permit. *

ZONING APPROVAL: _____

Date

Director of Planning & Zoning

APPLICATION FOR HOBBY FARM AGRICULTURAL BUILDING PERMIT

To the office of planning and zoning of Nelson County. A little over a year ago, we purchased a 7.66 acre parcel of raw land in the Agricultural district of your county. Our home is in Forest, VA. After working, over the years, in Nelson County, I grew to really like the country feel of the area. Due to the small amount of yard we have in Forest, we've never been able to do much farming activities there. One of the main reasons we purchased this land here was to be able to work the land and due several projects we've always wanted to do. Kind of a plant, fruit, and vegetable hobby farm. Along with this we also enjoy Beaver Creek that borders it. We can swim, fish, and even kayak it. Just a great place to enjoy and harness nature. I also enjoy being able to black powder hunt the land during hunting season. We find our selves at the property a couple times a month, on the weekend to enjoy a day picnicing, hiking, creek dwelling, and camping. A great way to recharge the batteries.

The projects we are planning to start very soon are farming several apple and plum trees, raspberries, blackberries, christmas trees, and a garden of different long term vegetables like corn, watermelons, greens, and pumpkins. Several of these items we will grow to harvest, fortify nature, preserve, sell, or just simply to have the satisfaction of working with the land. What ever the deer enjoy will also supply us with the venison I will put in my freezer in the fall. The christmas trees will be for us and extended friends and family to enjoy a day coming out and picking a tree together. We will replant as we go.

Due to the nature of the work we will do, we will need a lage variety of products, tools and equipment , such as a mower, tiller, auger, chainsaw, weed eater, shovels, rakes, etc etc. Since we dont have a home there, we also will have to camp out some which means we need a place for all of our camping equipment, grill, kayaks, tents, etc. This is why we are building a small 12x16 Hobby Barn/ Agricultural Building. In this building we wil also have a built in work bench supplied with tools for maintaning the equipment.

The area of our land outside of the 100 yr flood plain is very marshy and swampy. Although the flood plain would flood a little in a 100 yr event, it constantly remains dry and solid. The area outside of the flood plain has standing water and has flooded every time we have had a rain event. I have the pictures of this and the Surveyors witness of this. We have hired professional surveyor Steve Key to preform a topograhical survey to calculate and establish an official base flood elevation at the chosen site of this 12x16 agricultural building. He have also verified our bulding plans to have it on an open piling foundation where the floor of the building will be 1 ft. 9 inches above base flood elevation and a complete foot area of free board, that will give the 1 ft 3 inch base flood elevation all the room it needs to flow freely under the structure with little to no flow pressure and no water damage to it. Additionally the entire floor framing will be made from pressure treated lumber.

We want to thankyou for working with us and your time and permission to build the small agricultural building and are excited to getting started with all the projects we have. Again, we love are land that we have and enjoy spending time in your county.

Sincerely, Tim and Cyndi Arnold and family

S.L. Key, Inc.

May 11, 2016

Re: Arnold Property

Grant Massie
Planning and Zoning
PO Box 558
Lovingston, VA 22949

Dear Grant,

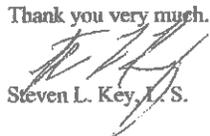
I hope this letter finds you well. On May 10, 2016 I visited the Timothy Arnold property near the intersection of Aerial Lane and Carter Lane. The purpose of the visit was to determine a flood elevation for the area of a proposed cabin.

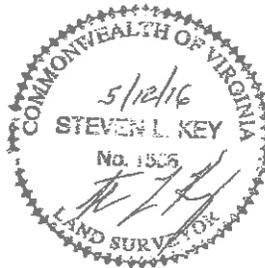
Prior to determining an elevation for the cabin I walked the portion of the lot that is out of the flood zone. It is very marshy and has standing water on that portion of the lot I walked; also the access to this area would have to come through the flood plain and marshy area. I do not believe this area is suitable for a cabin and access. Tim Arnold has pictures of this area that should give you an idea of what we saw.

The selected spot for the cabin although in the flood plain is dry and accessible along an existing power line right of way. I located two photo recognizable points, one on either side of the cabin site that I could shoot an elevation on. The two shots varied in elevation by a tolerable expected amount and were averaged to obtain a base flood elevation at the cabin site.

I am attaching a copy of the FEMA map and a cabin sketch to this letter. The elevations shown are based on an arbitrary 1000.00 initial elevation and are not USGS elevations.

Thank you very much.

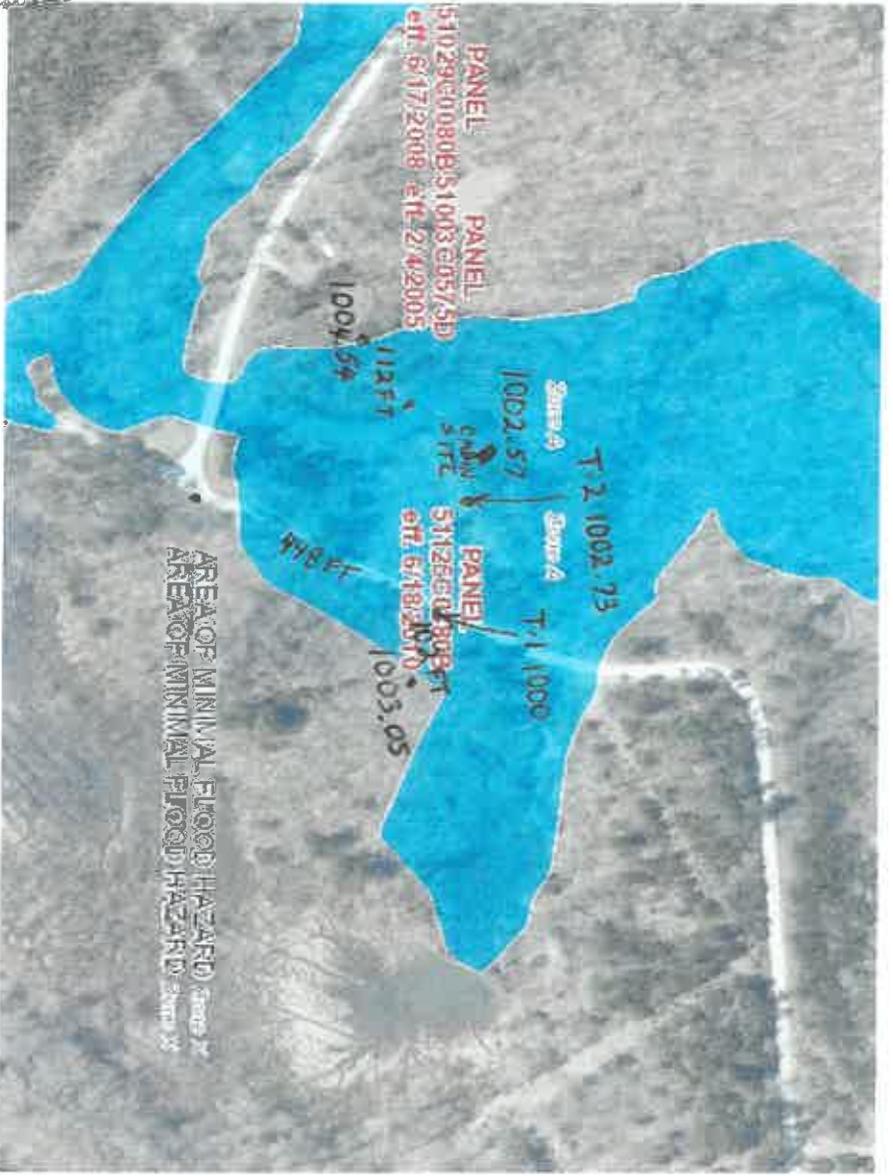

Steven L. Key, L.S.



P.O. Box 522
Nellysford, VA 22958
Ph.: (434) 361-2507
Fax: (434) 361-1038

TBM- TOP SQ NAIL IN POLE 1003.55
BASE FLOOD ELEV = 1003.80
BASE FLOOD DEPTH AT GBW SITE 1.23 FT

Timothy A. Arnold
1104 MAPLE ST
Forest, VA 24551



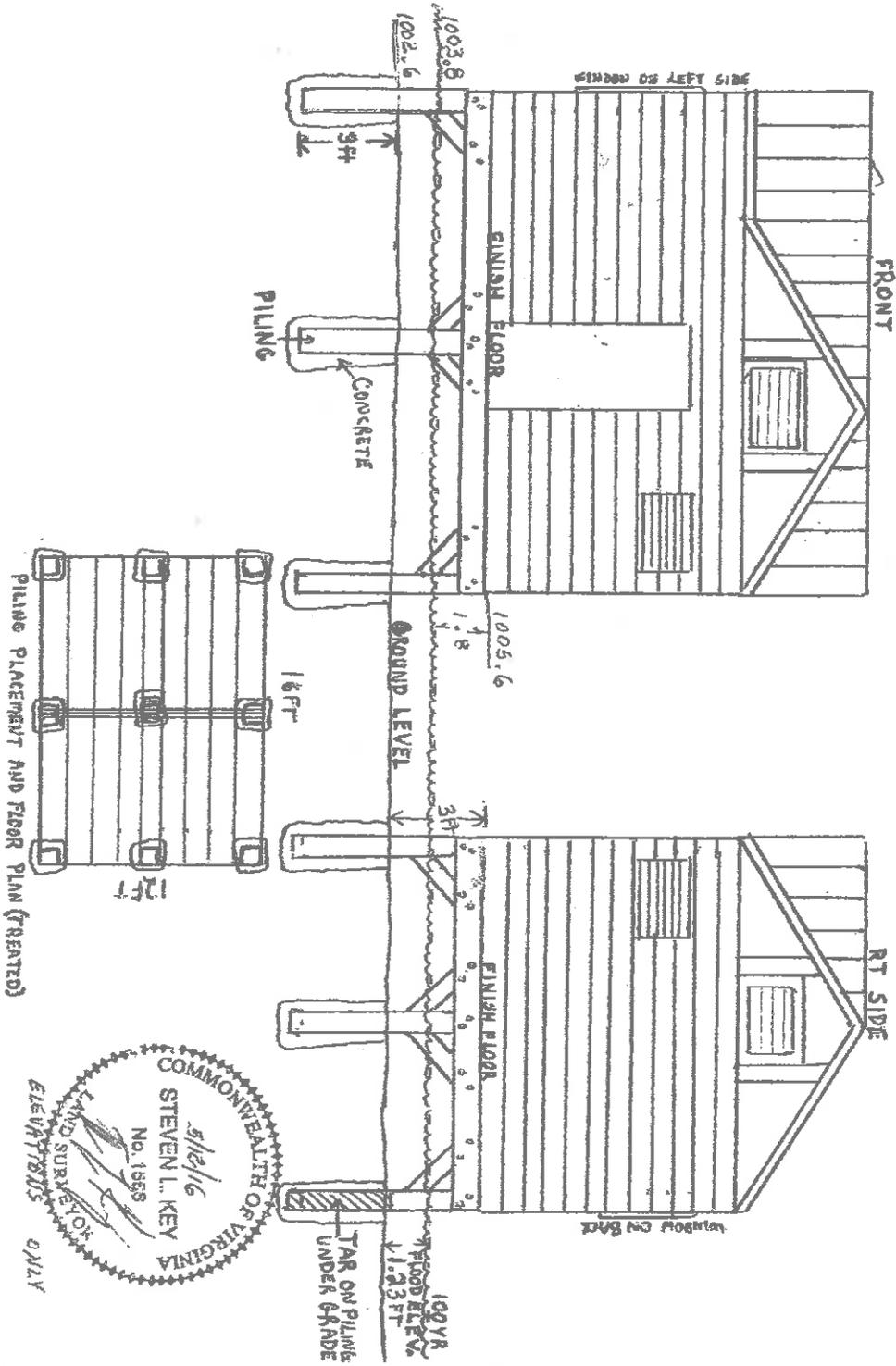
FEMA MAP

Zone A No base flood elevations determined

April 30, 2016



1:1,128
0 0.0075 0.015 0.03 mi
0 0.015 0.03 0.06 km
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aergrid, IGN, IGP, swisstopo, and



OPEN FOUNDATION WITH PILING AND 45° BRACING
 WATER IS FREE TO FLOW WITH NO RESTRICTIONS
 MINIMAL FLOW PRESSURE AND NO DAMAGE TO STRUCTURE





SS 3001
LS 9001
AN 1001









