

**BOARD OF ZONING APPEALS**  
**June 4, 2012**  
**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 Melissa Thompson, Secretary

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

**Minutes of meeting of February 6, 2012:** Ms. Cash made the motion that the minutes be approved. Ms. Russell provided the second and the motion passed 5-0.

Chair Bradshaw explained to those in attendance how board members are appointed, the court process and how the swearing-in process works.

**Variance #2012-001, Glen E. Michael**

Chair Bradshaw offered the swearing-in statement to Mr. Michael for his signature.

Mr. Boger reported that Mr. Glen E. Michael had submitted a petition for a variance to reduce the required setback along Stagecoach Road (Tax Map #3-A-10) from 75 feet from the center of the road to 47 feet to permit the replacement of a dilapidated and unsafe dwelling. He further stated that Mr. Michael planned to build the new home using the current basement. Mr. Boger presented the BZA members with a plat identifying the location of the proposed site.

Mr. Boger stated that the structure was built prior to the adoption of a county ordinance. He also stated that the septic field is located at the rear of the lot, significantly limiting the buildable area outside of the front yard setback. Mr. Boger stated that the parcel has challenging steep topography, with the only nearly level terrain being near the front of the lot at the site of the current home.

Mr. Glen Michael, the applicant thanked, Staff for a good job in presenting the variance request. He stated that the power line on the property was also an issue, restricting the location of the structure. Mr. Michael stated that a smaller structure would replace the current one. Ms. Cash asked Mr. Michael if he had acquired a contractor. Mr. Michael said he was waiting on a decision from the BZA.

The public was opened and closed with no public comment.

Ms. Russell made the following motion:

**“With respect to the application by Mr. Glen Michael and Lauren Penniman signed 3/29/2012, the Board of Zoning Appeals grants a variance of 47’ of front yard setback to allow replacement of the existing dwelling**

**unit with the following conditions, (a) the replacement dwelling unit may not be a single wide manufactured home, and (b) the replacement dwelling unit may be no larger than the existing footprint. The size, shape and topography of this parcel are unique to this property and would create undue hardship without variance.”**

Ms. Cash offered the second and the motion passed 5-0.

**Zoning Violation Appeal – Robert and Sandy Solar**

Chair Bradshaw offered the swearing-in statement to Robert Solar, Sandy Solar and Robert Solar, Jr. for their signatures.

Mr. Boger reported that Mr. and Mrs. Solar had submitted a petition to appeal the zoning violation issues for their property located at 176 Ridge Street, Lovingsston, VA Tax Map # 58B-1-D-2. Mr. Boger stated that the outside storage of a spraying rig and other items associated the tree care business is in violation of the Class A Home Occupation requirements Mr. Boger then presented a letter from James and Carole Linquist, a petition with fourteen signatures from the community and pictures of equipment on the property showing a truck with a spray rig attached in the front yard, an RV in the driveway, a travel trailer, and various items located outside a small shed in the rear of the property. Mr. Boger acknowledged that the violation cited only those items associated with Robert Solar, Jr.'s tree care business. Ms. Russell stated that the equipment pictured in the back yard was not the issue. Mr. Gifford Childs asked if the equipment parked on the property is parked there on a regular basis. Mr. Boger answered yes to each question.

Ms. Solar, the applicant, asked what the problem was with spray rig equipment being located on the property? Ms. Russell stated that the property is zoned R-2 (Residential) and that a public display of business equipment is not allowed per the county ordinance. Ms. Solar then asked if storage of the equipment would solve the problem. Chair Bradshaw stated the issue was much broader as the ordinance supports a home business but not the public display of that business on property zoned R-2.

Mr. Robert Solar, Jr. stated that he has had a business license and liability insurance since July 2011. He stated that he borrows a chipper from a friend and that it is sometimes parked on the property. He also stated he has a pickup truck and a travel trailer which he uses for business. Chair Bradshaw asked if Mr. Solar if he would have addressed the matter had he known about the complaint. Mr. Solar said he had never been approached by the community and did not know the equipment storage was an issue. Ms. Russell asked Mr. Solar how long it would take to remove the public display of the business. Mr. Solar asked if it would be a problem if the tank was left on the truck. Ms. Russell read the home occupation portion of the zoning ordinance and Mr. Childs stated that the zoning ordinance does not allow for public display of the business. He further stated that the storage tank would be a public display. Mr. Solar stated that he did not want to break the law and wished that people in the neighborhood had come to him with their concerns earlier. Mr. Solar then asked about continuing to park his pickup and if he could have a

magnetic sign on that pickup advertizing the business. Mr. Boger stated that he would have to speak with the county attorney concerning the sign.

Mr. Robert Solar, Sr. stated that the trailer on the property belonged to him. He further stated that it was going to take his son a lot of time to load and unload the spray rig equipment if it had to be stored at another location.

The public hearing was opened and the following person spoke:

**Evans Martin, 181 Ridge Street, Lovington**

Mr. Martin asked the Board why other issues were being discussed when the hearing was to address the zoning violation. Chair Bradshaw stated that addressing the zoning violation was the Board's intention but that sometimes other issues arise as they pertain to the violation.

The public hearing was closed.

Ms. Russell asked for the Board's ideas on the length of time be granted for removal of the equipment. The board members agreed on 30 days. Mr. Boger explained the appeal process. Ms. Russell made the following motion:

**This Board upholds the Planning and Zoning Director's finding that Robert and Sandy Solar are in violation of the Home Occupation section of the Zoning Ordinance at their property at 176 Ridge Street. We therefore require that all outside evidence of a tree business being conducted from the home be removed within 30 days.**

Mr. Childs offered the second and the motion passed 5-0.

**Adjournment:** Meeting was adjourned at 8:15 P. M.

**Next Meeting:** August 6, 2012

Respectfully submitted,

Melissa M. Thompson  
Planning Secretary

DEPARTMENT  
OF PLANNING



PLANNING COMMISSION  
BOARD OF ZONING APPEALS

The Board of Zoning Appeals in Nelson County is appointed by the Circuit Court Judges of the 24th Judicial Court. Under Section 14-3-3 of the Nelson County Zoning Ordinance, the chairman may administer oaths and compel the attendance of witnesses to assist the decision making process of the Board.

If you wish to present testimony of fact in the current appeal before the Board, please sign the oath below, indicating the date and case number. Thank you for your cooperation.

Do you swear or affirm that the information you give before the Nelson County Board of Zoning Appeals shall be the truth, the whole truth, and nothing but the truth, so help you God?

Date: 6-4-2012

Case Number: VARIANCE # 2012-001

Signature: 

Signature: \_\_\_\_\_

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Date: 6-4-2012

Case Number: # 2012-002 Appeal

Signature: Sandy S. Solar

Signature: Robert G. Solar Sr

Signature: Robert G. Solar Jr.

Signature: \_\_\_\_\_

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Date: 2-6-2012

Case Number: 2011-004

Signature: \_\_\_\_\_

