



**Nelson County Board of Zoning Appeals**

**MEETING AGENDA:**

**March 7, 2023**

**7:00 P.M.**

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

- I. Call to Order
- II. Approval of Minutes –
  - a. October 5, 2021
- III. Officer Elections
  - a. Chair
  - b. Vice Chair
  - c. Secretary
- IV. Other Business
  - a. Variance #845 – West/Taylor
- V. Next meeting to be determined

## Nelson County Board of Zoning Appeals

To: Board of Zoning Appeals

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: March 7, 2023

Re: Variance Application #845 – Request for Reduction of Front Setback

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**OWNER(S):** Katherine West & Timothy Taylor, 732 Craigtown Road, Shipman, VA 22971, 559-556-8466, katiectheog@gmail.com

**APPLICANT(S):** Elaine Woodson, 434-906-8663, ewd83@aol.com

**SUBJECT PROPERTY:** Tax Map # 68-A-39 / 44 Hilltop Lane / South District

**ACREAGE:** 0.68 acres

**ZONING:** A-1 Agricultural

**VARIANCE REQUESTED:** Reduction in minimum required front setback of 75 feet from the center of the road, to 25 feet from the center of the road.

**PURPOSE OF REQUEST:** Construction or placement of a single-family dwelling or a manufactured home.

**BACKGROUND:** Ms. Elaine Woodson initially contacted the Building Inspections Department in December 2022 to inquire about the requirements to build or place a new dwelling in the same location as the previous dwelling, which burned down in 2015. Article 11 (Nonconforming Ordinance) Section 11-1-3(G) states that unless the owner of a nonconforming structure rebuilds within two (2) years of the natural disaster or act of God, such building shall only be rebuilt in accordance with current provisions of the County's Zoning Ordinance. Section 11-1-3(J) states that the property owner shall have the right to seek a variance in order to bring a nonconforming structure into compliance.

After staff determined the date that the structure burned down (more than 2 years ago), and established that there is a 30' wide joint right of way through the subject property, staff notified Ms. Woodson that the granting of a variance would be required to construct or place the proposed dwelling in the same footprint as the previous one. Ms. Woodson submitted this request for variance on January 26, 2023.

**LEGISLATION:** Article 14, Board of Zoning Appeals, Nelson County Zoning Ordinance

“No such variance shall be authorized by the board unless it finds:

- (a) That the strict application of the ordinance would produce undue hardship;
- (b) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- (c) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance;
- (d) That no rise will be created in the water level during flood conditions in a floodway, as defined in Article 10, as a result of issuing a variance.”

**Attachments:**

Application  
Plat  
Draft Deed  
Pictures  
Virginia Code 15.2-2309 – BZA  
APO Letter / Listing  
Legal Notice



# Nelson County Board of Zoning Appeals

## APPLICATION *for* VARIANCE *or* APPEAL

This document describes the process for filing a case before the Board of Zoning Appeals (BZA). The County's Zoning Ordinance, forms, and additional information are available in the Planning & Zoning office and online: <http://www.nelsoncounty-va.gov/departments/planning-zoning/>

The BZA is a quasi-judicial body, comprised of five (5) members and one (1) alternate member appointed by the Nelson County Circuit Court Judges of the 24<sup>th</sup> Judicial Circuit Court to hear certain petitions and applications. Specifically, the BZA has the powers and duties to hear and decide cases as noted below:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.
2. To hear and decide requests for a variance from any requirement of the Zoning Ordinance.
3. To hear and decide appeals from the decision of the Zoning Administrator.
4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary.
5. To hear and decide applications for Special Use Permits where authorized in the Zoning Ordinance or Subdivision Ordinance, including but not necessarily limited to:
  - i. To hear and decide applications for Special Use Permits to erect an accessory building prior to the construction of the primary building on the same lot or parcel, pursuant to Zoning Ordinance Article 14-2-1a.
  - ii. To hear and decide applications for Floodplain Development Special Use Permits, pursuant to Zoning Ordinance Articles 10.13-A and 10.22.
6. To revoke a special exception previously granted by the Board of Zoning Appeals if the board determines that there has not been compliance with the terms or conditions of the permit.

### Application Requirements:

An application to the BZA involving a variance or other appeal must be accompanied by the following information to be considered complete:

1. A completed BZA application form;
2. A filing fee, in accordance with the fee schedule, to cover the costs of legal advertisements in the newspaper, mailing of letters to adjacent property owners, and review by County staff;
3. A plat drawn to scale (maximum paper size: tabloid or 11"x17") showing the parcel or property described in the application, location of existing and proposed buildings, alterations, or additions, all setback lines, and the specific dimensions and limits of any variance requested;
4. A location sketch of any property involved showing nearest road intersection(s), and a list of adjoining property owners.
5. Any applicable forms and/or documents, such as an Elevation Certificate.

The above information must be submitted and fee paid to the Zoning Administrator before the required legal advertisements, meeting of the Board, and public hearing can be scheduled.

At the public hearing, County staff will present each agenda item to the BZA; the applicant or petitioner shall address the BZA; the BZA will conduct the hearing to receive public comments; and the BZA will then discuss the request and take action to approve, deny, approve with conditions, or postpone the agenda item.

Any decision of the BZA is final; however, any person or persons jointly or separately aggrieved by any decision of the BZA may file an appeal with the Clerk of the Circuit Court within thirty (30) days after the final decision of the BZA.

**Attachments:**

1. Application Checklist (below)
2. Application
3. Code of Virginia Excerpt

## BOARD *of* ZONING APPEALS: APPLICATION CHECKLIST

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### Forms and Fees

- Completed Application
- Application Fee

### Appeal Request

- For an appeal of an action by an administrative officer, include a complete justification statement describing the property or site (if applicable), background information, and the rationale for the appeal.
- For an appeal of a notice of violation, include a description of the alleged violation, appropriate drawings showing applicable setbacks and other dimensions associated with the structure or use that is the subject of the violation, and the rationale for the appeal.

### Variance Request

- Drawing showing all existing and proposed improvements on the property, with dimensions and distances to property lines, all abutting streets, and any special conditions of the property that may justify the request.
- Justification statement describing how the request satisfies the criteria set forth in Code of Virginia - Section 15.2-2309 (provided in the Instruction Packet).

DMB

# BOARD of ZONING APPEALS: APPLICATION

**Instructions:** Please answer the following questions clearly. If additional space is needed to answer the questions, you may list "see attached" and attach the answers on a separate sheet of paper.

1. Please explain, in detail, why the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements.

see attached

2. Please explain, in detail, why the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance.

see attached

3. Please explain, in detail, why the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

see attached

4. Please explain, in detail, why the condition or situation of the property for which you are seeking a variance would not be more reasonably addressed by an amendment to the Zoning Ordinance or Subdivision Ordinance (due to the condition or situation either being so general in nature, or of such a recurring frequency).

see attached

5. Please explain, in detail, why the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.

see attached

6. Please explain, in detail, why the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of Section 15.2-2309 (Code of Virginia) or the process for modification of a zoning ordinance pursuant to subdivision A4 of Section 15.2-2286 (Code of Virginia) at the time of the filing of the variance application.

see attached

7. 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 Board of Zoning Appeals and County Staff to visit and view the subject property(s).

Signature: Katherine West Printed Name: Katherine West

Signature: Tim Taylor Printed Name: Tim Taylor

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

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

Elaine (434) 906-8663 ewd83@aol.com  
Woodson

Katherine West (559) 556-8466

9. 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 Board of Zoning Appeals deferment.

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

0 Completed application and fee (\$ 150 ) received on: 1/26/23

0 Legal Notice of Public Hearing published on: 2/23/23 and 3/2/23

0 Date of BZA Hearing: 3/7/23

BZA Action: \_\_\_\_\_

**Nelson County Planning & Zoning Department**

80 Front Street, Lovingson, Virginia | (Mailing Address) P.O. Box 558, Lovingson, Virginia 22949  
 (Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | (Fax Number) 434 263-7086  
<http://www.nelsoncounty-va.gov/departments/planning-zoning/board-of-zoning-appeals/>

Nelson County Board of Zoning Appeals

Application for Variance or Appeal

1. Please explain, in detail, why the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvement.

**Regarding 0.68 tract of land, Deed dated January 30, 2014, Instrument 140001460, Parcel ID: 68 A 39. 44 Hilltop Lane, Shipman, VA 22971**

Background: This property was purchased by my parents, James and Teresa West, I believe in October 2003. I, Katie West, lived in this home from July 2003 until April 2009 with my ex-husband. My mother, Teresa West, passed away in 2011, and I moved to California. My aunt and uncle, Kathy and Terry Warren, then purchased the home from my father, James West, for their son, Michael, who lived there starting in 2014. Unfortunately, the home burned to the ground in June of 2015.

*Right of way thru property, cannot meet required setbacks*

2. Please explain, in detail, why the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance.

Due to limited work availability in California, my husband, Tim Taylor and I decided to move back to Virginia to be near family and to rebuild on the family land mentioned above, 44 Hilltop Lane, Shipman, VA. My uncle, Terry Warren, and I both called and talked with the building inspections office and were both told on separate occasions that we could definitely build or put something back on the land to live in since it was a previously family owned property which already has a well and septic system (both of which had been checked out by Terry and Kathy Warren not long before the house fire. My Aunt Kathy and Uncle Terry Warren have signed the property over to me. As we are starting to look at options for something to put/build back on the property and have gotten estimates for cleanup of the housefire debris, my Aunt Elaine Woodson, contacted the Building Inspections office and was told that we need to apply for a variance due to the limited acreage. We were never told there was a 2-year time limit on building back after a fire and with the pandemic the inspections/zoning offices haven't been open for quite some time, as many other businesses were not either.

3. Please explain, in detail, why the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

We respectfully submit that this is family land which has previously been occupied and should in no way pose a problem to anyone in that neighborhood.

4. Please explain, in detail why the condition or situation of the property for which you are seeking a variance would not be more reasonably addressed by a amendment to the Zoning Ordinance or Subdivision Ordinance (due to the condition or situation either being so general in nature, or of such a recurring frequency.

This is a 0.68 acre property which has previously been occupied by family members and myself until it burned down in 2015. We simply want to put a home back on the property. As you are well aware, there are limited options for affordable housing or even rentals in Nelson County. We moved here from CA to build back on the property to be close to work and family.



5. Please explain, in detail, why the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.

We are simply trying to replace a home on previous family property so we can live in my hometown of Nelson County. There was a structure there previously and replacing it should not cause complications or changes.

6. Please explain, in detail, why the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 7 of Section 15.2-2309 (Code of Virginia) or the process for modification of a zoning ordinance pursuant to subdivision A4 of Section 15.2-2286 (Code of Virginia) at the time of the filing of the variance application.

We were not told, nor aware of, a 2 year time limitation on building back after a fire. We have been saving up to clear the land and rebuild for the past year in preparation for replacing the home.

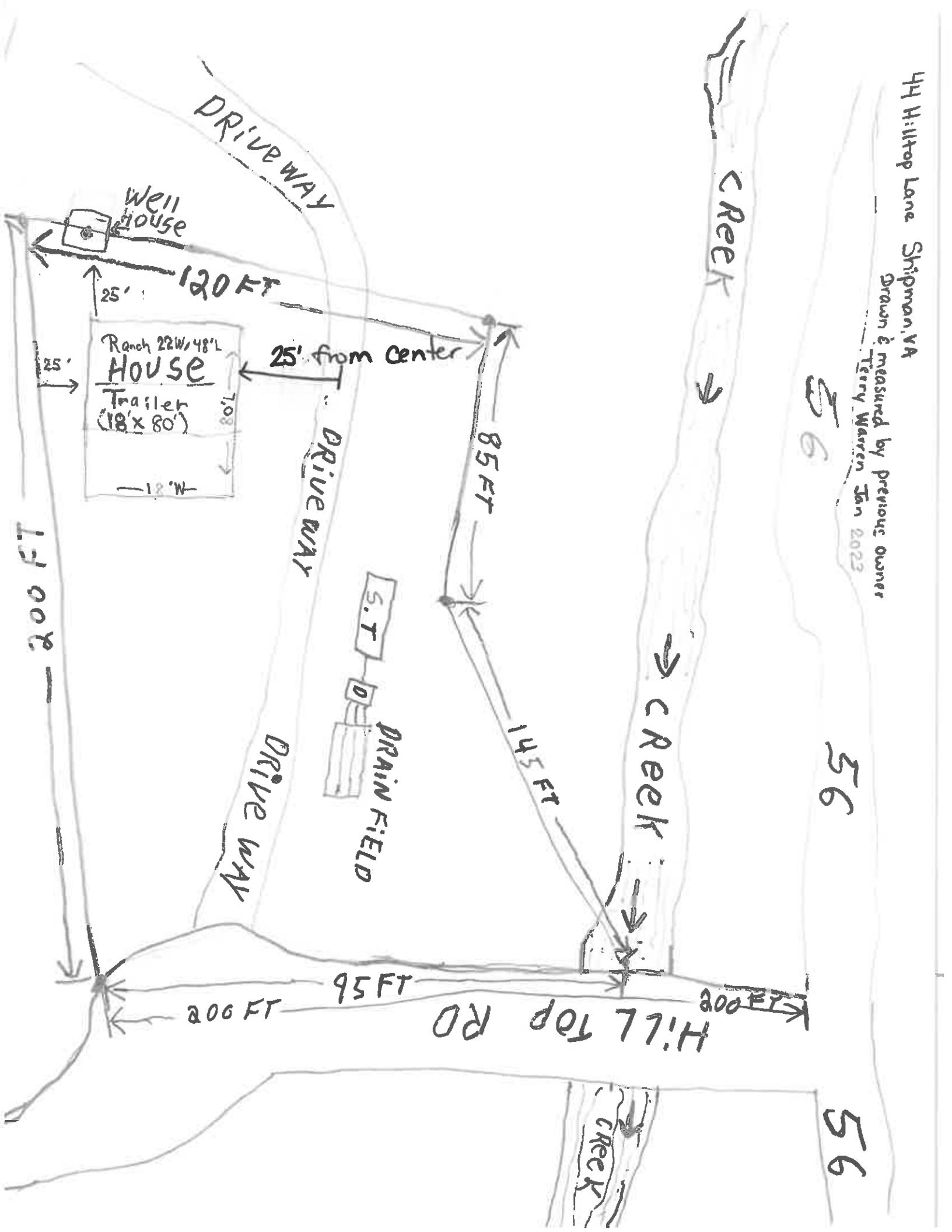
44 Hilltop Lane Shipman, VA

Drawn & measured by previous owner  
Terry Warren Jan 2022

56

56

56



1300 FT

HILLTOP RD

200 FT

200 FT

95 FT

145 FT

85 FT

120 FT

25'

25'

25' from center

Ranch 22W/48'L HOUSE

Trailer (18'x 80')

70'

18'

DRIVEWAY

DRIVEWAY

DRIVEWAY

DRAIN FIELD

S.T.

CREEK

CREEK

CREEK



Layers



HILLTOP LN

41

02



**Line 01/19/23 10:02**

**Distance** 266.5 yd **Elevation Gain** 18 ft **Elevation Loss** 17 ft

**Notes**

Notes field with a text input area and a 'Done' button at the bottom right.

Bottom navigation bar with a red 'Save' button.





[home](#) > [construction calculators](#) > [lawn & landscaping](#) >

## Acreage Calculator – Find Acres Using a Map or Land Dimensions

Calculate an area in acres by entering the length and width. For more complex shapes, use the map to calculate acreage by placing pins on the edges of the land to be measured.

**Find Area Using Measurements**

**Find Area Using a Map**

Length:  ft

Width:  ft

**CALCULATE**

**Advertisement**

**Total Acreage:**

Acres

Hectares

Square Feet

Square Meters

Square Miles

Square Kilometers

Perimeter in Feet

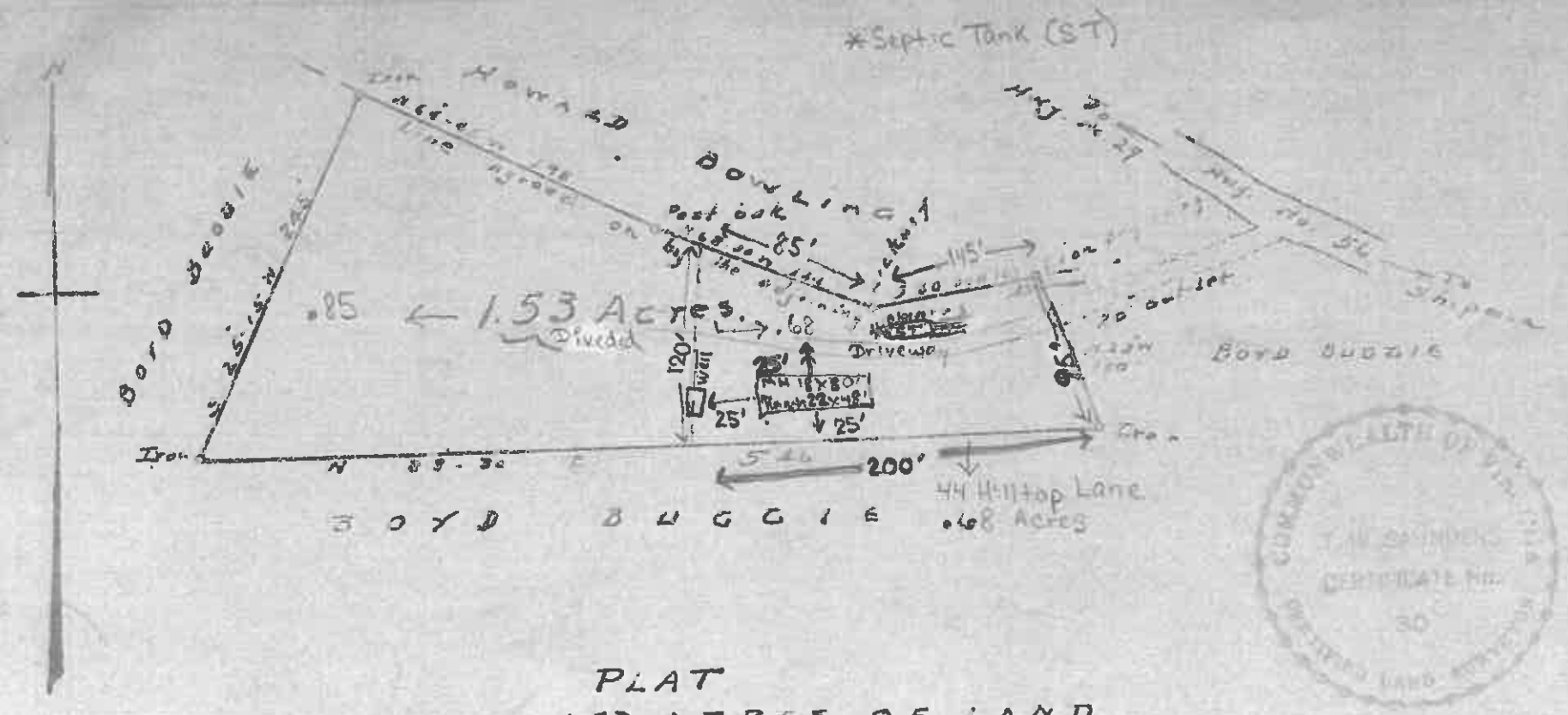
Perimeter in Meters

### On this page:

- [Acreage Calculator](#)
- [What is an Acre](#)
- [How Big is an Acre](#)
- [Size of One Acre](#)
- [How to Calculate Acres](#)
- [References](#)



7-109B



PLAT  
 SHOWING 1.53 ACRES OF LAND  
 IN NELSON COUNTY, BETWEEN  
 SHIPMAN AND LOVINGSTON  
 SURVEYED JUNE 9, 1968  
 FOR  
 ALFRED B LOVING  
 scale 1"=100' T.W Saunders C.L.S.  
 Magnetic Bearings

Note: Variance Request to replace old home site with either a mobile home or small ranch style home in same footprint of burned home.

RECORDED 6-10-61 SEE DMB-D.B. 96 PAGE 465  
 Tests: Guy S. Barnett Deputy Clerk

This Deed was prepared without  
the benefit of title examination by  
Seth E. Twery, P.C. – VSB #20031  
715 Court St., Second Floor  
Lynchburg, VA 24504  
www.sethtwery.com  
**Tax Map No. 68-A-39**  
Company Providing Title Insurance: N/A

*This deed is exempt from recordation taxes pursuant to §58.1-811D of the Code of Virginia, 1950, as amended.*

**THIS DEED OF GIFT**, made and entered into this 7th day of December, by and between **KATHY HARRIS WARREN**, party of the first part, GRANTOR; and **KATHERINE INELDA WEST and TIMOTHY LEON TAYLOR**, wife and husband, parties of the second part, GRANTEES; and **TERRANCE LEE WARREN**, party of the third part.

W I T N E S S E T H:

That for and in consideration of the love and affection the Grantor has for the Grantees, the Grantor hereby gives, grants and conveys with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, unto the said Grantees, as tenants by the entirety with rights of survivorship as at common law, the following described real estate, located in the County of Nelson, Virginia, to-wit:

All that certain lot or parcel of land, together with any buildings and improvements thereon and the privileges and appurtenances thereunto belonging, situate, lying and being in the Lovingson District of Nelson County, Virginia, containing 0.68 of an acre, more or less, including a 20-foot wide joint right of way to State Route 56, and subject to a 30-foot wide right of way for Roy B. Loving, about 1 mile west of Shipman, being the residue of the 1.53 acre tract conveyed unto Alfred Loving, et ux, by Boyd Buggie and wife by deed dated June 10, 1961, of record in the Clerk's Office of the Circuit Court of Nelson County, Virginia, in Deed Book 96, page 465, a plat of which is recorded in Plat Book 6, page 8, after deducting 0.85 of an acre conveyed unto Roy B. Loving, et ux, by deed dated December 7, 1972, recorded in the aforesaid Clerk's Office in Deed Book 129, page 113.

It being the same property conveyed unto Kathy Harris Warren, from James A. West, by Deed dated January 30, 2014, of record in the Office of the Clerk, Circuit Court, Nelson County, Virginia, as Instrument Number 140001460.

The party of the third part joins in this deed to waive and release any and all augmented estate rights that he may have in this property.

The property hereby conveyed is conveyed subject to all valid and existing conditions, easements, reservations and restrictions heretofore imposed upon said property by recorded deed or plat and now binding thereon.

WITNESS the following signatures and seals:

\_\_\_\_\_(SEAL)  
KATHY HARRIS WARREN

STATE OF \_\_\_\_\_,  
CITY/COUNTY of \_\_\_\_\_, to-wit:

I, \_\_\_\_\_, a Notary Public of the State of \_\_\_\_\_, at large, do hereby certify that KATHY HARRIS WARREN, whose name is signed to the writing above bearing date on the 7th day of December, 2022, has acknowledged the same before me in my State aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_.

My registration no.: \_\_\_\_\_.



\_\_\_\_\_(SEAL)  
TERRANCE LEE WARREN

STATE OF \_\_\_\_\_,  
CITY/COUNTY of \_\_\_\_\_, to-wit:

I, \_\_\_\_\_, a Notary Public of the State of \_\_\_\_\_,  
at large, do hereby certify that TERRANCE LEE WARREN, whose name is signed to the writing  
above bearing date on the 7th day of December, 2022, has acknowledged the same before me in my  
State aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_.

My registration no.: \_\_\_\_\_.

**Seth E. Twery, P.C.**  
**Attorney at Law**  
**715 Court Street**  
**Post Office Box 185**  
**Lynchburg, VA 24505-0185**

**Ph. (434)845-5285**

**Fax (434)845-5287**

Ms. Kathy Harris Warren

May 2, 2022

**INVOICE**

Warren to West&Taylor - Deed of Gift Preparation

\$N/C

Total:

\_\_\_\_\_  
\$N/C











## § 15.2-2309. Powers and duties of boards of zoning appeals

Boards of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.
2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.

No variance shall be considered except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public

interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

7. To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. If a governing body reserves unto itself the right to issue special exceptions pursuant to § 15.2-2286, and, if the governing body determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.

8. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

Code 1950, §§ 15-831, 15-850, 15-968.9; 1950, p. 176; 1962, c. 407, § 15.1-495; 1964, c. 535; 1972, c. 695; 1975, cc. 521, 641; 1987, c. 8; 1991, c. 513; 1996, c. 555; 1997, c. 587; 2000, c. 1050; 2002, c. 546; 2003, c. 403; 2006, c. 264; 2008, c. 318; 2009, c. 206; 2015, c. 597.

**Variance #845: West**

Owner(s):

Katherine West & Timothy Taylor  
735 Craigtown Rd  
Shipman, VA 22971

Tax Map Parcel(s):

68-A-39

**Adjoining/Adjacent Property Owners:**

Benjamin Yancey & Jessica Hite  
36 Hilltop Ln  
Shipman, VA 22971

68-A-40

Moses Bowling  
C/O Bessie Foster  
1796 Pacific St  
Brooklyn, NY 11233

68-A-38

Elizabeth Buggie  
C/O Nannie Miller  
3004 Oxon Run Ct  
Oxon Hill, MD 20748

68-A-49

Pamela Small & Others  
1817 Lakeview Ave  
Neptune, NJ 07753

68-A-41





February 17<sup>th</sup>, 2023

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:

**1. Variance # 845**

Consideration of a request from Katherine West and Timothy Taylor for a Variance to reduce the minimum required front setback of 75 feet from the center of the road, to 25 feet from the center of the road, for construction of a single-family dwelling or placement of a manufactured home. The subject property is zoned A-1 Agricultural and is owned by Katherine West and Timothy Taylor. The property contains 0.68 acres, is located at 44 Hilltop Ln in Shipman and further identified as Tax Map Parcel # 68-A-39.

Copies of the above files are available for review in the Dept. of Planning & Zoning office, 80 Front Street, Lovingston, Virginia, Monday through Friday, 8:00 a.m. to 4:00 p.m. Telephone inquiries may also be directed to the Dept. of Planning & Zoning, (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 advance request.

This application will be considered by the Nelson County Board of Zoning Appeals on **Monday, March 7<sup>th</sup> at 7:00 P.M.** in the General District Courtroom on the third floor of the County Courthouse, Lovingston.

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 "Dylan M Bishop".

DMB/ewh

**NOTICE:** In alignment with current COVID-19 guidelines, and to guard the health and safety of all meeting attendees, physical distancing and the wearing of face masks will be required for those unvaccinated in the courtroom. If you do not have a mask, one will be provided for you. Should current guidance change prior to the date of the meeting, the guidelines in place at the time will be adhered to.

If you are not able to attend the meeting due to COVID-19 precautions or restrictions, comments may be submitted (1) electronically, or (2) in writing, and will be accepted until 12:00 pm on March 7<sup>th</sup>.

(1) Electronically: ehjulstrom@nelsoncounty.org or dbishop@nelsoncounty.org

(2) In Writing: Dept. of Planning & Zoning, P.O. Box 558, Lovingston, VA 22949

**Please publish Thursdays February 18th and February 25th in the Nelson County Times:**

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-2204, §15.2-2309, and §15.2-2310 the **Nelson County Board of Zoning Appeals hereby gives notice that a Public Hearing is scheduled for Tuesday, March 7<sup>th</sup>, 2023 at 7:00 p.m. at the General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston, for the following:

**Public Hearing**

**1. Variance # 845**

Consideration of a request from Katherine West and Timothy Taylor for a Variance to reduce the minimum required front setback of 75 feet from the center of the road, to 25 feet from the center of the road, for construction of a single-family dwelling or placement of a manufactured home. The subject property is zoned A-1 Agricultural and is owned by Katherine West and Timothy Taylor. The property contains 0.68 acres, is located at 44 Hilltop Ln in Shipman and further identified as Tax Map Parcel # 68-A-39.

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Copies of the above files are available for review in the Dept. of Planning & Zoning office, 80 Front Street, Lovingston, Virginia, Monday through Friday, 8:00 a.m. to 4:00 p.m. Telephone inquiries may also be directed to the Dept. of Planning & Zoning, (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 advance request.