

NELSON COUNTY BOARD OF ZONING APPEALS
October 3, 2016
MEETING MINUTES

Present: Gifford Childs, Goffrey Miles, Ron Moyer, and Carole Saunders

Absent: Mary Kathryn Allen and Shelby Bruguiere

Staff: Tim Padalino, Director, Planning & Zoning, and Stormy Hopkins, Secretary

Call to Order: Mr. Childs called the meeting to order at 7:03 P. M. in the General District Courtroom, County Courthouse, Lovingson. There were six members present to establish a quorum.

Approval of Minutes (June 6, 2016): Mr. Childs asked for any corrections or comments on the minutes. No changes were made.

Mr. Moyer made the motion that the meeting minutes be approved. Mr. Miles provided the second; the vote 4-0.

Mr. Childs then provided an overview of the meeting procedures for the public.

1. Special Use Permit #2016-04 – Ms. Shantina Hash and Mr. Mark Privigy

Mr. Padalino noted this review is for a Special Use Permit (SUP) to erect an accessory structure prior to the existence or prior to the construction of the primary building on the same parcel. This is a use that is not permissible by-right, it is a use that requires a SUP from the Board of Zoning Appeals (BZA). The application was submitted by Ms. Shantina Hash (co-owner of the subject property), along with Mr. Mark Privigy stating *“We would like to put up a shed to control theft and secure tools, mowers, and building materials. We also would like to store extra personal items currently stored in Colleen.”* Based on the applicant’s submitted materials, there are no apparent plans to construct or locate a dwelling on the property at this time or in the future. Mr. Padalino further noted that a Minor Site Plan was not submitted with the SUP (as required by the Zoning Ordinance). Instead, the applicants submitted a written request for a “Waiver of Requirements for a Site Plan” (as provided in the Z.O). Based on the justification and details of the proposal, the “Waiver” was accepted. Therefore, this SUP application is complete and eligible for BZA review and public hearing.

Mr. Padalino showed slides of the subject property. He noted that the parcel is located on Keys Church Road, which is located in the Shipman area and is approximately 13-acres. It is further identified as Tax Map Parcel #80-A-8B and is zoned Agricultural (A-1).

Mr. Padalino showed additional slides of the property showing an existing deck, a travel trailer/camper, and an existing shed. There is a foundation for a new dwelling, with a building permit issued in 2010. He noted that he is not clear if the building permit is still active or has been closed. Mr. Childs asked where the foundation was located. Mr. Padalino noted that it is adjacent to the deck. Mr. Padalino then showed a slide of the hand-drawn Site Plan sketch provided by the applicant. He also showed slides of photographs that he had taken during a site visit to the property. He noted that the proposed (12’x40’) shed had already been placed on the property and believes it will be leased as opposed to being purchased. He further noted that there is a significant accumulation of materials on the property such as: building materials which seem to be valuable for reuse (tiles, windows, doors); other materials which seem to be junk or possibly scrap materials (appliances, siding); and a collection of tires (a junkyard as specified in the Z.O.).

Mr. Padalino then stated that, as described in the Staff Report (dated September 22, 2106 – see attached), there are certain evaluation criteria (as specified in Z.O. 10-22) that the BZA must use when reviewing any SUP

application. Mr. Padalino noted that the request does not necessarily “match up” with these criteria. He further noted that in his Staff Report, he recommended approval for this request. However, after visiting the site, he is reconsidering his previous recommendation. Specifically, he feels it’s necessary for County staff and the BZA to better understand the answers to the following questions:

1. Do the applicants intend to construct a dwelling on this property, and if so, what might that timeline be?
2. Is the property currently being used for a residence – either in the travel trailer/camper, or in the accessory structure?
3. What is the state of the existing well and septic system, and have they been properly permitted by the Virginia Department of Health (VDH)?
4. What is going on with all the building materials, appliances, and other items that are accumulated in such large volume?

Mr. Childs asked Mr. Padalino the following questions:

1. *Is the temporary travel trailer permit current or not?* Mr. Padalino indicated there are previously issued travel trailer permits for this property under the same owner’s name. The permit was granted in 2009 and was limited to one-year (Z.O. allows for a maximum of three (3) years). In 2010 it was extended for an additional year. Therefore, these permits are not currently valid.
2. *Is there a SUP in place for the older shed that is on the property?* Mr. Padalino indicated that there is no SUP for that existing accessory structure. He further noted that there was previously a dwelling on the property, which would indicate that the “old” accessory structure would have been permissible as an accessory structure to the former dwelling.
3. *Is the accessory structure (shed) permissible since the dwelling is no longer on the property?* Mr. Padalino noted that he’s not sure if it is acceptable to keep it there since the primary dwelling has been removed; but it may be permissible as a non-conforming accessory structure.

Mrs. Saunders indicated that she would like to know more about the well and septic status from the applicant.

Mr. Childs asked that the applicant come forward and present. The applicant was sworn in by Mr. Childs before the Board, and asked to sign the oath.

Shantina Hash: Ms. Hash noted that the property was purchased seven (7) years ago. At that time, there was a three (3) bedroom and two (2) bath trailer on the property. She noted that in 2009-2010, the County condemned the trailer and was told it needed to be removed. She further noted that they have all the well and septic permits for a three (3) bedroom dwelling. They have a building permit to put the house in, as well as a permit for the travel trailer. They lived in the travel trailer for two (2) years.

Ms. Hash noted that they purchased a house in Charlottesville, which is currently for sale. The shed that is on the property is 150 SF and does not require a permit. It was used for washing clothes and storage while they were living in the travel trailer. The foundation is the only thing that has been done for the primary dwelling. She also noted they have had issues with items being broken, busted, and stolen from the property. She further noted that the tires were on the property when they purchased it.

Ms. Hash concluded by stating that they have moved out of the house in Charlottesville and are renting a home in the Roseland area. Some of the building materials are being stored at the storage center in Colleen. There is excess building material in the house in Charlottesville. They would like to move all the materials from those locations to the subject property. She noted that they have a one-year lease on the property they are renting but that could be extended (if necessary). She indicated that once the house in Charlottesville is sold, they will proceed with building the home on the subject property.

Members of the board had the following questions/concerns/comments:

1. *Mrs. Saunders asked if the new building on the property was recently placed there or if it has been there for a while?* Ms. Hash indicated that was recently set there. When she applied for the SUP, she was under the impression that there would be a meeting within two-weeks. She proceeded to order the accessory

- structure (shed) to have it delivered within a month. She noted that if the company held the shed, they would charge a storage fee in addition to the monthly fee. She is leasing the building from Old Hickory Buildings in Zion Crossroads. The company will move the building for a \$300.00 fee. She stated that if the building has to be removed, she will do so. She also noted that the travel trailer will be removed.
2. *Mrs. Saunders asked what will be done with the tires and other materials.* Ms. Hash noted that the tires need to be removed. The deck will be removed. Some of the tiles, window and doors will be stored. She also noted that people have dumped items there and have also taken things from there as well.
 3. *Mrs. Saunders noted that there are several vehicles with expired license there and asked what will be done with those?* Ms. Hash noted that one of the vehicles belonged to her step-son (deceased). Mark (Mr. Privigy) wants to keep the pickup that's on the property. He also wants to keep the Tahoe (parts vehicle).
 4. *Mr. Childs noted that he doesn't feel the building will be very secure.* Ms. Hash indicated that they will padlock the door of the building.
 5. *Mrs. Saunders asked how long the storage unit in Colleen has been used.* Ms. Hash noted that it has been used for about eight (8) months. There are building materials, some windows, a few personal effects, and a wood stove.
 6. *Mr. Childs noted that the BZA has granted SUP in the past for this type of request but they have only been approved with conditions (owner agrees to build within one-year). A precedent has been established, so what is a realistic timeframe to bring the property into compliance and obtain a building permit?* Ms. Hash noted that they have the current building permit but they have "reworked" the house plans for submission for approval in order to obtain a new building permit. They hope to start this spring.
 7. *Mr. Childs noted there would be two (2) conditions should the request be approved: the building cannot be used as a residence; and the primary dwelling has to be started.* Ms. Hash indicated that within the next three weeks, she would be able to get the approval for the new "foot plan" of the house.
 8. *Mr. Childs asked Mr. Padalino if he was correct in noting the conditions in the past.* Mr. Padalino noted that the BZA has extended the one-year condition in similar situations, and added that such extensions have included a required deadline for completion date which was defined by the County's issuance of a certificate of occupancy.
 9. *Mrs. Saunders asked if the house would be stick built or if it would be a double-wide manufactured home?* Ms. Hash noted that it would be a stick built home.
 10. *Mrs. Saunders asked about the leasing of the building.* Ms. Hash indicated that it was a lease-to-own, should she decide to do so.
 11. *Mrs. Saunders asked if the shed was on blocks.* Ms. Hash indicated that the company brings the building in and completes the set-up and it is set on concrete blocks.
 12. *Mr. Childs asked if there is electricity to the building.* Ms. Hash indicated that there is no electricity in the building. She also noted that she does have electricity out to that area and wants to put up flood lights.

Mr. Childs opened the public hearing at 7:34 p.m. No comments were given; the public hearing was closed.

Mrs. Saunders asked if the building permit posted is active. Mr. Padalino apologized for not clarifying the status of the permit with Mr. David Thompson (Building Inspections Official) before the meeting.

Mr. Childs asked if the travel trailer could be kept on the property for storage. Mr. Padalino indicated that it could be kept on the property for on-site storage only and that it cannot be lived in.

Mrs. Saunders asked if the travel trailer is connected to water/sewer. Mr. Padalino noted that he is not sure of the utilities concerning the travel trailer.

Mr. Childs indicated that he feels that the property needs to be brought into compliance regarding the junkyard and automobile graveyard. Mr. Padalino indicated that the Ordinance requires those issues to be resolved; and recommends/suggests that, if the BZA grants any SUP approval with a deadline or time limit condition, that the applicant **be** provide the County with a status update within six-months concerning compliance with junkyard removal.

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Mr. Miles affirmed that the tires are a problem, but noted that he does not consider three (3) vehicles a problem. Mr. Padalino noted that in the Agricultural District (A-1) a property can have up to five (5) inoperative vehicles, but they do have to meet the setback regulations and they have to be screened. Currently, the vehicles are highly visible from the roadway.

Mr. Childs made a motion to approve the application for Special Use Permit #2016-04 for the accessory building to be placed on the property before the dwelling with the following conditions:

- 1. The 12'x40' storage building shall not be used for residential purposes;**
- 2. The primary dwelling shall be started within a period of 18-months;**
- 3. The property shall be brought into compliance with the junkyard ordinance and automobile graveyard ordinance within a period of 18-months; and**
- 4. The applicant must provide County staff with a progress report within 6-months.**

Mr. Miles provided the second; the vote 4-0.

Review of the revised BZA Application: The application was discussed and no changes were made.

Mr. Moyer made a motion that the Board of Zoning Appeals application be approved. Mrs. Saunders provided the second; the vote 4-0.

Other Business:

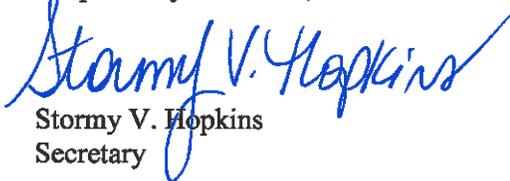
Mr. Padalino noted that there may be an application forthcoming for the November meeting. It is a Floodplain Development Special Use Permit for a residential property. At this time the application is pending/incomplete.

Mr. Childs noted that he would like for the board to be kept apprised of any of the on-line webinars that may be available. He and other members of the board thought those were very useful.

Adjournment:

Mr. Childs adjourned the meeting at 7:58 P.M.

Respectfully submitted,


Stormy V. Hopkins
Secretary