

MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

OCTOBER 16, 2007

The October meeting of the Loudon County Board of Zoning Appeals was called to order immediately following the RPC meeting. Present were Mr. Harrison, Mr. McEachern, Ms. Terry, Mr. Brown and Mr. Brooks.

Motion to approve the minutes for the September 18, 2007 meeting was made by Mr. Brooks, seconded by Mr. McEachern and approved 5-0.

Agenda Item A: Request consideration of approval of 3' side yard setback variance (from 15' to 12') for accessory structure on property located at 8741 Antioch Church Road E, referenced by Tax Map 36, Parcels 4.00 & 5.00, Zoned A-1, Agriculture-Forestry District, 3rd Legislative District. Owner: Ross Tallent [07-09-210-SU-CO]

Mr. Reynolds described the property and location for the Board, noting the property owner was moving property lines to better encompass the existing structures. All but one of the structures fall outside the setbacks, and that structure is on an existing property line. Staff recommended approval.

Mr. Brooks made the motion to approve, Mr. McEachern seconded, and motion was approved 5-0.

Agenda Item B: Request consideration of approval of 3' front yard setback variance (from 30' to 27') for existing structure on property located at 870 Shipley Lane, referenced by Tax Map 7, Parcel 58.01, Zoned R-1, Suburban Residential District, 5th Legislative District. Owner: Robert Easterly [07-09-219-SU-CO]

Mr. Reynolds explained that this is for an existing structure that is located too close to the front property line. Staff recommended approval.

Mr. Brooks made the motion to approve, Mr. McEachern seconded, and motion was approved 5-0.

Agenda Item C: Request consideration of approval of 14' front yard setback variance (from 30' to 16') and approval of accessory structure in front yard for addition of detached garage at 6199 Old Midway Road, referenced by Tax Map 16, Parcel 116.00, Zoned R-1, Suburban Residential District, 6th Legislative District. Owner: Lora McCormack

Mr. & Mrs. McCormack were present.

Mr. Reynolds described the property and location for the board, noting it is a large property with a small strip of frontage on Old Midway Road. There is an existing house, and the maps that were handed out showed an accessory structure which has been removed. The former location of the accessory structure is where the McCormack's want to build their new garage, but it would be too close to what the McCormack's had considered a side property line since their house does not face the road. The problem occurred at the time the building inspector came to inspect the footers.

Mr. McCormack stated there is a flood area on most of their property, and a swimming pool had been filled in on what would be considered the rear yard and they do not want to build over that. They also need to install a handicap ramp for a family member, and they need the garage on the side of the house where the entrance to the house is.

Mr. Newman noted there were not a lot of options for the new garage, and recommended approval of the variance requests.

Mr. Brooks made the motion to approve, Mr. Brown seconded, and motion was approved 5-0.

Agenda Item D: Request consideration of lot frontage variance of 25' (from 25' to 0') and lot size variance for Lot 2 of .28 acres (from 1 acre to .72 acres) for property located on Fox Hunter Road, referenced by Tax Map 22, Parcels 13.00 & 15.00, Zoned A-2, Rural Residential District, 6th Legislative District. Owner: Martel Utilities [07-09-218-SU-CO]

Mr. Reynolds handed out to the Board aerial photos of the property showing the utility structure and the house. Martel Utilities needed more area around their structure, so they purchased the house and land next door. They are going to re-divide the parcels and sell the house. A lot size variance is required because the parcel they will be using for utilities is smaller than the required one acre.

Mr. Brooks made the motion to approve the variances, subject to the condition of a plat note on Parcel 13 stating that it is a non-buildable lot and may be used for utilities only. Mr. McEachern seconded and motion was approved 5-0.

Agenda Item E: Request consideration of appeal of Building Commissioner's decision to deny a building permit to replace existing residential structure at 1076 Fox Hunters Road because existing parcel does not have required frontage on a county road. Referenced by Tax Map 22, Parcel 4.00, Zoned A-2, Rural Residential District, 6th Legislative District. Owner: Mike Coates

Mr. Coates and Ms. Brenda Sharp, his realtor, were present.

Mr. Reynolds described the property and location for the board, noting the owners want to sell the property but need to be able to have a building permit to remove the existing mobile home and replace it with a new unit on the property. The house has been in existence since 1982, and Mr. Coates does not own a right-of-way to the property.

Mr. Coates said the road has been there since the 1940's, but the county would not take it over.

Mr. Newman said Mr. Coates would have a prescriptive easement to his property.

Mr. McEachern noted that this would still not be a clean sale as far as a bank or title attorneys are concerned, because the property would still be landlocked.

Mr. Cox said he had asked for a legal document to show access to the property before he issued a building permit.

Mr. Coates said he had talked to the neighbors and there should be no problem doing that.

Mr. Newman suggested Mr. Coates have the property surveyed and have an easement document written up by an attorney.

Ms. Sharp said they wanted everything done right, but at this time Mr. Coates just wants a building permit. She has done research on this property at the Register of Deeds office and cannot find a reference to an access, but the adjacent property refers to a 25' road right of way. Even if Mr. Coates keeps the property, a building permit would allow him to change the building out. At this time the residents keep the road up themselves. She said she could not tell where the road ends, but the Road Commissioner said it is where the pavement ends.

Mr. McEachern asked if the Board could approve a building permit being issued.

Mr. Newman said they could, and it would be the simplest solution, but it won't resolve the problems. All of the problems need to be straightened out to allow Mr. Coates to sell the property.

Mr. McEachern made the motion to grant a building permit to Mr. Coates to replace the existing mobile home with a new structure. Mr. Brooks seconded and motion was approved 5-0.

Additional public comments

None

Announcements and/or comments from Board/Commission

None

With no further business the meeting was adjourned at approximately 7:30 PM

Signed

Dated