

**BOARD OF ZONING APPEALS**  
**November 18, 2004**

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF ZONING APPEALS WAS HELD ON THURSDAY, NOVEMBER 18, 2004, AT 7:30 P.M.

Those present were:            Raymond Daughtry, Chairman  
   Bob Runkle, Vice-Chairman  
   Janet Frye, Member  
   Bart Svoboda, Zoning Administrator  
   Marsha Alley, Secretary

The Chairman called the meeting to order adding that there would be one public hearing for a variance request.

**PUBLIC HEARING: Neal & Karen Goodloe—Variance Request #04-009**

Mr. Daughtry asked Mr. Svoboda to read the request and give a report.

Mr. Svoboda read the request: Neal and Karen Goodloe request a 25 ft. front yard variance from Article 4 of the Greene County Zoning Ordinance which requires a 75 ft. front yard setback. This request is on property that is identified on the County Tax Maps as 19A-(5)-8 located in Dogwood Valley containing 2.7 acres and is mixed zoned A-1, Agricultural/C-1, Conservation. (VAR#04-009)

Mr. Svoboda gave a staff report and a digital presentation. He reported that there was a typographical error in the staff report under the proposed use section, noting that 75 feet “to” 25 feet should be 75 feet “of” 25 feet down to 50 feet. He pointed out that Rock Island Drive is a dead end road serving 13 lots. He added that steep topography, narrow lot shape, and septic site location limits the building site options. He noted that the lower site would disturb less ground than the mountainous site. He reviewed the color drawing referencing the site options. He stated that staff recommended approval of the request with the condition that a septic pump station be included to meet Health Department concerns. He added that other lots in the area do not share the same type of situation and that approval of the request would not cause substantial detriment to the area.

Mr. Daughtry asked if anyone had visited the site.

Mr. Runkle stated that he had visited the site on Sunday.

Mr. Daughtry stated that he had tried to visit the site on two occasions and found the gate locked. He added that he did view the site from another point of reference.

Mr. Daughtry swore in the speakers.

Neal Goodloe addressed the Board. He stated that he had purchased the property about 9 years ago. He added that he had planned on beginning his home at that time but decided to raise their family in Albemarle County. He noted that he had begun the permitting process 9 years ago but that many factors required him to abandon the

project at the time. He pointed out that now is the time to complete the cabin project and he noticed that there were other homes in the area now which are closer to the road. He stated that he was attracted to the parcel for the beautiful views and the pristine river and added that he does not want to disturb the property unnecessarily. He noted that the upper site would impact the land and stream in regard to erosion issues. He added that ecologically the lower site would be the better option. He stated that he had spoken with some neighbors and that they had no complaints in regard to the request. He stated that he is requesting the variance based on the environmental issues and the building site location being best suited in the flat terrain.

Mr. Runkle asked what the width of the flood plain would be in that area.

Mr. Svoboda stated that the width varies but that the flood plain does not cross the road. He added that the flood plain affected the road setback as well.

Mr. Runkle stated that the swale seems to be an alternate river bed and that it seems that it could hold a lot of water during bad weather.

Mr. Svoboda agreed noting that the swale seems to disappear into the mountain.

Mr. Runkle asked if only one septic site had been approved.

Mr. Svoboda stated that the septic site was determined by the Health Department.

Mr. Runkle asked if a reserve area was considered.

Mr. Svoboda stated that the septic site on the color drawing represented both the drain field and the reserve area.

Mr. Runkle asked how other homes in the area were built closer to the road than allowed.

Mr. Svoboda stated he was not aware of the history of the structures in the area but that he would be willing to follow up on that issue if the Board desired.

There was discussion on how those structures were permitted to be built closer to the road.

Mr. Daughtry stated that it seems as if the lower portion of the parcel is zoned A-1 and the steep portion is zoned C-1.

Mr. Svoboda agreed. He added that the C-1 area is based upon the steep topography.

Mr. Runkle asked if the ribbons that he saw on the site represented the layout of the house.

Mr. Goodloe stated that the house is staked out with ribbons. He added that he intends to keep a buffer area between the home and the road within his ability.

Mr. Daughtry asked if electricity was available to the site.

Mr. Goodloe stated that it is.

Mr. Runkle asked if the house is 50 feet from the center of the road.

Mr. Svoboda stated that it is 50 feet from the center of the road right-of-way noting that the house will be 25 feet from the edge of the road right-of-way.

Mr. Daughtry stated that it is obvious that Rock Island Drive will never become a boulevard.

Mr. Runkle stated that there is a public use area for hunting, fishing, etc. and noted that there should be an access to it.

Mr. Daughtry stated that due to the lay of the land he would have no problem granting this variance request.

Ms. Frye made a motion to approve the request for a 25 foot front yard variance (VAR#04-009) from Section 4-3-1 of the Greene County Zoning Ordinance.

Mr. Runkle stated that he was concerned that action on this parcel would affect potential action on lots upstream from it, noting that he feels like some parcels upstream may be in violation. He reluctantly seconded the motion.

Mr. Daughtry stated that without knowing the history of the other properties, they cannot be considered in tonight's request. He added that the Board of Zoning Appeals should be making considerations on a case by case basis.

There was discussion on Mr. Runkle's concerns.

Mr. Daughtry asked Mr. Svoboda to call for the vote.

Mr. Svoboda called for the vote.

AYE  
Ms. Frye

NAY

Mr. Runkle  
Mr. Daughtry

The motion to approve carried by a 3-0 vote.

Mr. Goodloe addressed Mr. Runkle stating that he understood his concerns and that he aims to do the least damage possible to the area.

Mr. Runkle stated that the plans look very nice.

Mr. Goodloe thanked the Board of Zoning Appeals.

### **MINUTES**

Mr. Runkle made a motion to approve the minutes of August 25, 2004 as presented.

Ms. Frye seconded the motion.

The minutes of August 25, 2004 were unanimously approved.

### **OLD/NEW BUSINESS**

Mr. Svoboda informed the members that there would be no meeting scheduled for December.

Mr. Svoboda reminded the Board that he could follow up on the issue regarding the lots on Rock Island Drive.

There was discussion on these concerns.

### **OTHER MATTERS**

There were no other matters for discussion.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*  
Marsha Alley, Secretary