

**BOARD OF ZONING APPEALS
FEBRUARY 22, 2006**

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF ZONING APPEALS WAS HELD ON WEDNESDAY, FEBRUARY 22, 2006, AT 7:30 P.M.

Those present were:

- Raymond Daughtry, Chairman
- Joel Snow, Vice-Chairman
- Bob Runkle, Member
- Janet Frye, Member
- Richard Herring, Member
- Bart Svoboda, Zoning Administrator
- Kelly Clay, Secretary

Mr. Daughtry called the meeting to order and said that there is one public hearing on the agenda for a variance request. He asked Mr. Svoboda to read the request and give a report.

Mr. Svoboda read the request: Crystal Morris/Crystal Fisher requests a variance from Article 5 of the Greene County Zoning Ordinance regarding Area Regulations. This request is on property that is identified on the County Tax Maps as 50-(31)-C located on Spotswood Trail containing 2.005 acres and is zoned R-1, Residential (VAR#06-001)

Mr. Svoboda gave a staff report using an overhead presentation. He said there is no public water or sewer and there is a letter in the member's packet from RSA addressing this. He said that the allowable lot size in the R-1 district is 2 acres and the minimum lot size without being served by public water or sewer. He said the applicant is requesting a variance to have one acre lot size and place two houses on this particular parcel. He said the plat is also included in the packet. He used the overhead for the plat presentation. Mr. Svoboda said that staff recommends denial based on this hardship is shared with other R-1 properties within the district. He said that it doesn't meet our guidelines. He said the applicant is here to speak if there are any questions.

Mr. Daughtry swore in Mr. Frank Morris.

Mr. Frank Morris said the reason for applying for this variance is that his daughter's mother-in-law is getting up in age. He also used the overhead to point out property that has not been utilized. He said that he understands the County has certain guidelines that have to be met. Mr. Morris said that RSA has said that there is water supply in that area. He said that the property has been looked at and there is sufficient room for septic with the way that the double-wide is situated on the property. He said that he asked for approval for two family residential homes.

Mr. Snow asked if Mr. Morris lived nearby.

Mr. Morris said that he lives in Albemarle County. He said that he spoke with joint property owners and they have no objections to this variance taking place.

Mr. Herring said that he has known Mr. Morris for a long time and would like to help him out. He asked Mr. Morris if he was going to divide the property.

Mr. Morris said that he is not asking for the property to be divided and that it is to remain the 1 parcel. He said that he is only asking to build a house for his daughter who could accommodate her mother-in-law.

Mr. Herring addressed a question to Mr. Svoboda. He asked why is it in this venue instead of being a hardship case with the Board of Supervisors.

Mr. Svoboda said that the hardship applies to a mobile home and that he and the applicant discussed putting a home on this parcel.

Mr. Herring said that the requested variance is to have two homes on less than 16 acres.

Mr. Svoboda said that this would be two homes on less than 3 acres if you have public water and less than 4 acres if you have private water (well). He said that in R-1 district you need 2 acres per use without public utilities. He said that you would need a minimum of 1.5 acres if you had public water but not sewer.

Mr. Herring asked Mr. Svoboda if there had been other similar circumstances that have been acted on.

Mr. Svoboda said that the closest or similar to this one is Virginia Snow where she wanted to divide the property and it was zoned A-1.

Mr. Morris said that he has known that the County in the past has granted a similar scenario to his.

Mr. Snow asked if this piece of property is serviced by RSA now and if water and sewer is available.

Mr. Svoboda said that this is not serviced by RSA and that sewer is not available.

Mr. Morris said he spoke with RSA and they reported to him that it would be awhile before sewer would be available. He said water is available.

Mr. Svoboda said that if water and sewer were available and the lot size was 20,000 square feet then we would not be having this discussion tonight because you would have 2 acres.

Mr. Herring said that Mr. Morris couldn't still build on it because he wouldn't have the road frontage.

Mr. Svoboda said yes but there isn't anything in R-1 that prohibits the additional dwelling. He said that would only happen in A-1 and C-1.

Mr. Herring asked why the BOS restrict A-1 and C-1 from having a second dwelling and leave R-1 where you could.

Mr. Svoboda said that he would have to look into that due to the fact that it occurred before his time.

Mr. Snow commented that typically A-1 and C-1 have larger areas.

There was discussion as to how many acres are needed for each zoning division. Requirements for each were also discussed. Mr. Svoboda said that two houses can be served by 1 well per the Health Department.

Mr. Daughtry asked Mr. Morris the age of the mother-in-law.

Mr. Morris said that she is in her sixties. He said that she wants a place close by where she will not be a burden on her son.

Mr. Daughtry asked if the mother-in-law could take care of her own household and needs.

Mr. Morris answered yes.

Mr. Daughtry asked if there was a way to put on an addition. He said that he realizes a kitchen could not be included as they would make the dwelling a duplex which is not permitted.

Mr. Svoboda said that we have not reached a way to modify the hardship regulation and or add the apartment clause.

Mr. Snow asked what the conditions would be if this was reversed. He asked what if a primary residence was to be built, then add the double-wide and then go before the BOS for a Special Use Permit for a hardship.

Mr. Svoboda said that could be done. He said that the reason the applicant was going this route was to avoid airing personal business that goes along with a hardship.

Mr. Herring asked Mr. Morris if any preliminary work had been done for the drainfill.

Mr. Morris said there should be no problem for putting septic in and that all setbacks are in order.

There was discussion about the size/width of the property using the overhead presentation.

Mr. Svoboda said there was a letter in the member's packet from the Health Department.

Mr. Snow asked Mr. Morris if he had explored the possibility of purchasing property from the adjacent property owner.

Mr. Morris said no that he had not explored that possibility. He said that the property had originally belonged to Mrs. Snow. He said that he wasn't sure if she was able to sell anymore because she had given property to her daughter and son.

Mr. Daughtry asked if there were any other comments or questions from anyone. He said if there were no more comments or questions he was looking for a motion.

Mr. Runkle made a motion to deny VAR#06-001 due to the fact that hardships are shared by other properties in the R-1 zoning district and there is no hardship approaching confiscation.

Mrs. Frye seconded the motion.

A vote was taken.

AYE

Janet Frye
Bob Runkle
Joel Snow
Raymond Daughtry

Mr. Herring abstained from voting.

VAR#06-001 was denied.

Mr. Daughtry said that the applicant may want to explore other possibilities to purchase more property adjacent to the parcel.

Mr. Svoboda said the other option could be to have the ordinance amended. He said the applicant could ask to have the ordinance amended through the BOS. Mr. Svoboda said instead of amending all the hardship regulations, the applicant may be able to request the accessory apartment to be an addition to uses in R-1.

Mr. Snow agreed with the above comments. He said that tonight may not be the end. He said that he feels our hands were tied due to the rules that the committee has to adhere to. Mr. Snow said he would like to recommend that the applicant get back with Mr. Svoboda and explore the options mentioned.

There was discussion about the applicant going the hardship route with the BOS.

There was discussion about hardships and personal data being exposed for public record. Mr. Svoboda gave several scenarios for hardships. Mr. Daughtry also discussed a past scenario of hardship saying that hardships work both ways.

Mr. Snow asked if there is a solution or something that could be put in place to accommodate situations like was reviewed tonight.

Mr. Svoboda said that he spoke to Mr. Morris and if they were able to do a 600 square foot addition to the existing home then this case would not have come forward tonight.

There was discussion about granny apartments. There was continued discussion about zoning district policies.

There was more discussion about the applicant's property layout.

Mr. Snow suggested that he would like to see an independent person (not affiliated with the County) study these types of scenarios then report back to the County and the County accept that person's recommendation on his findings.

OLD/NEW BUSINESS

There was no new business for discussion.

MINUTES

Mr. Snow made a motion to approve the minutes of 01/25/2006 with the addition to include the date of the minutes.

Mrs. Frye seconded the motion.

The minutes of 01/25/2006 were unanimously approved.

OTHER MATTER

There were no other matters for discussion.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Kelly Clay, Secretary