

**BOARD OF ZONING APPEALS**  
**July 28, 2004**

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF ZONING APPEALS WAS HELD ON WEDNESDAY, JULY 28, 2004, AT 7:30 P.M.

Those present were:            Raymond Daughtry, Chairman  
                                         Bob Runkle, Vice-Chairman  
                                         Joel Snow, Member  
                                         Catherine Clossin, Planning Director  
                                         Marsha Alley, Secretary

The Chairman called the meeting to order adding that there would be one public hearing. He noted that the first order of business would be the election of officers.

Mr. Snow nominated Raymond Daughtry for Chairman.

Mr. Runkle seconded the nomination.

The nomination carried by a unanimous vote.

Mr. Snow nominated Bob Runkle for Vice-Chairman.

Mr. Daughtry seconded the nomination.

The nomination carried by a unanimous vote.

Mr. Snow made a motion to appoint Marsha Alley as Secretary.

Mr. Runkle seconded the motion.

The motion carried by a unanimous vote.

**PUBLIC HEARING: Marilyn Walter—Variance Request #04-002**

Mr. Daughtry asked Mrs. Clossin to give a report.

Mrs. Clossin reported that the 0.98 acre is zoned A-1 and located in Greene Acres. She added that a ten foot (10') side setback variance is being requested in order to construct a 16' x 20' addition to the existing home. She noted that the existing shed encroaches into the side setback and that the applicant has assured her that it will be moved. She stated that Planning staff recommends approval of the request with the following conditions:

1. The proposed addition shall be at least fifty (50) feet from any well, and
2. Any above ground foundation shall be at least ten (10) feet from any part of a septic system.

Mr. Daughtry swore in the speakers.

Marilyn Walter addressed the BZA stating that she and her husband have lived here for ten years and need more room. She added that they would like to add a living room with another door to the outside, noting that she is on oxygen and would like to be able to have the larger tank inside in the case of a power outage. She added that this is the only spot that would work. She stated that they are now financially able to construct the addition.

Mr. Daughtry stated that the BZA must consider each request for unusual circumstances. He asked if the addition could be placed on the other side of the house.

Mrs. Walter stated that the septic field is in that area.

George Walter addressed the BZA stating that they had always thought the property line was further away than it actually is due to the slope.

Mrs. Walter stated that they had asked the adjoining property owner if he would sell them the property but had never received an answer.

Mr. Daughtry explained that the variance would affect the entire side line of the property not just the area of the addition.

Mr. Runkle noticed that the plat sketch refers to a distance of ninety feet (90') from the rear property line to the well. He asked if that measurement was accurate, suggesting that there may be enough room there for the addition.

Mr. Daughtry asked if staff had considered this option.

Mrs. Clossin stated that a new person (Bart Svoboda) had come on staff but that this application had been scheduled for public hearing prior to his arrival.

Mr. Walter stated that it would be too expensive to put the addition on the rear and move interior walls.

Mrs. Walter stated that the rear addition would not meet the needs inside.

There was discussion on the distance from the house to the well.

Mr. Daughtry suggested that Mr. Svoboda meet with the Walters to examine other options that may not require a variance or may require less of a variance.

Mrs. Walter asked if it would be better for them to ask for less distance.

Mr. Daughtry explained that it is more difficult for the BZA to grant a larger variance.

Mr. Snow interjected and explained that if the BZA had to decide tonight, it may not grant the variance due to the other area around the house. He added that the Zoning Ordinance requires them to determine an undue hardship. He noted that he had visited the site and that the BZA must abide by the guidelines as much as possible. He agreed that it would be beneficial for the Walters to meet with Mr. Svoboda.

Mrs. Walter stated that they would be willing to do that and added that she was somewhat let down given that they had submitted everything that was required.

Mr. Runkle made a motion to table variance request #04-002 for one month.

Mr. Snow seconded the motion.

The vote was taken.

**AYE**

Mr. Runkle  
Mr. Snow  
Mr. Daughtry

**NAY**

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

There was discussion on the necessity of having a quorum and the vote of the majority of the Board.

**MINUTES**

Mr. Runkle made a motion to approve the minutes of March 26, 2003 as presented.

Mr. Snow seconded the motion.

The minutes of March 26, 2003 were unanimously approved.

There was discussion on approving the minutes in a more timely manner.

**OLD/NEW BUSINESS**

Mrs. Clossin reviewed recent variance cases which have been overturned in Virginia. She stated that now variances are only being granted when all beneficial uses of the property have been taken away.

There was discussion on this issue and the BZA's obligations.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*

Marsha Alley, Secretary