

AT A MEETING OF THE MONTGOMERY COUNTY BOARD OF ZONING APPEALS HELD ON APRIL 6, 2021, AT 5:00 PM IN THE MULTIPURPOSE ROOM, SECOND FLOOR, MONTGOMERY COUNTY GOVERNMENT CENTER, CHRISTIANBURG, VIRGINIA:

CALL TO ORDER

Chair DiSalvo called the meeting to order at 5:03 p.m.

Present: Richard DiSalvo, Chair
Michael Reilly, Vice-Chair
Charles (Chuck) Shorter, Member
David Moore, Member
Bob Miller, Alternate Member
Brea Hopkins, Planning & Zoning Administrator
Kim Wright, Planning Coordinator

Ms. Hopkins introduced Ms. Wright to the group and updated the BZA members on staff changes including Dari Jenkins' retirement, and Ms. Hopkins promotion.

Mr. Reilly established the presence of a quorum.

ELECTION OF OFFICERS

The floor was opened for nominations. Chair DiSalvo announced his intent to not seek re-election as Chair.

Mr. Moore nominated Mr. Miller, who is not eligible as he serves on the Planning Commission, nomination was withdrawn.

Mr. Shorter nominated Mr. Reilly to serve as Chair, the motion was seconded by Chair DiSalvo, and upheld.

Mr. Shorter nominated Mr. Moore to serve as Vice Chair, the motion was seconded by Mr. Reilly, and upheld.

APPROVAL OF MINUTES

On a motion made by Mr. Shorter and seconded by Mr. Reilly and unanimously carried, the minutes of the December 4, 2018 meeting were approved.

OLD BUSINESS

None

PUBLIC HEARING

Chair DiSalvo welcomed all present and introduced the request by the property owner, Joy F Compton, for a Special Use Permit (SUP), with possible conditions, on approximately 33.397 acres in an Agricultural (A1) zoning district to allow an accessory structure exceeding the square footage and/or height of the principal structure per Code Section 10-41(1)(a). The proposed storage building is 40 feet x 60 feet, has an overall height of 12', and overall size of 2,400 square feet. The primary dwelling is 1,705 square feet. The proposed structure will be used to accommodate storage of furniture, mowing equipment and other

items necessary for upkeep of property and is for personal use only. The property is located at 2020 Ellett Road, and identified as Tax Parcel No. 080- A 6 (Parcel ID #004164), in the Shawsville Magisterial District; (Election District C).

Ms. Hopkins shared a brief report on the details of the applicant's SUP request to construct a 2400 sq ft Accessory Structure. The proposed structure exceeds the square footage of the primary dwelling which is approximately 1,786 sq. ft.

Ms. Hopkins presented maps and photos of the property. The parcel is designated as Rural and the request would be in compliance with the Comprehensive Plan.

Ms. Hopkins explained that staff originally received a Special Use Permit application from Ms. Compton to allow a Bed and Breakfast Inn with associated events; however, once it was reviewed with other departments and agencies, Ms. Compton decided it was not a financially feasible project. Her granddaughter will be moving to the property soon, and the accessory structure will be used for storage of furniture from the home, and property maintenance items.

Little to no significant impacts are anticipated, citing minimal visibility from any other existing dwellings nor by drivers on Ellett Road. Proposed setbacks are greater than 100 feet to the property lines, except the side to the South, which is requested to be 50 feet. There are no flood impacts anticipated due to the placement of the proposed structure.

The property is zoned A-1 with no agricultural activities onsite. It is mostly forested land to the rear. No commercial or residential use has been proposed with this application. Staff wants to note that the structure shall not be used as a public venue. Private Family events will be allowed, but may require event permits and will be evaluated per occasion.

Ms. Hopkins shared a letter submitted by Dorothy Shannon regarding the location of the structure, and confirmed the location of Ms. Shannon's property in relation to the applicant's property.

Ms. Hopkins stated that the staff recommends approval of the SUP request for an accessory structure with the following conditions:

1. The proposed accessory structure shall not exceed 2,400 sq. ft in total area. The overall height of the structure shall not exceed an overall height of 15 feet.
2. The side setback for the accessory structure shall be increased to a minimum of twenty-five (25) feet.
3. No commercial uses shall be permitted at the site and/or within the structure. This includes rental of and/or utilization of the structure as a venue for public events.
4. The structure shall not be used as a dwelling, accessory or otherwise, without obtaining the proper permits and approvals from the Zoning Administrator, Health Department, and Building Official.

Mr. Miller asked if Ms. Shannon visits or lives there on the adjacent lot. Ms. Hopkins responded that there is no dwelling on the Shannon property.

Chair DiSalvo noted that the proposed wall height is 12', the overall height may need to be adjusted both on the plans and in the conditions. Ms. Hopkins explained the measuring formula used to calculate height of structure. Chair DiSalvo asked the applicant if she knows the pitch of the roof and recommended that the overall height not exceed 20'.

Chair DiSalvo opened the public hearing.

With no one coming forward to comment, Chair DiSalvo closed the public hearing.

Mr. Shorter stated he did not see any problems with issuing the SUP.

Mr. Reilly stated he had visited the property and believes that the site cannot be seen from the road.

Mr. Shorter asked if this property was near where Ms. Compton lived, she explained it is her homeplace where she was raised. She further explained that her grand-daughter will be getting out of the Army the end of September and moving here, they will need the storage building for when they move in.

On a motion made by Mr. Reilly, seconded by Mr. Shorter and carried by vote of (5-0), the Board of Zoning Appeals approved the request for a Special Use Permit (SUP) to allow an accessory structure exceeding the square footage and/or height of the principal structure with the following recommended conditions, amended to allow for an overall height of no greater than 20 feet:

1. The proposed accessory structure shall not exceed 2,400 sq. ft in total area. The overall height of the structure shall not exceed an overall height of 20 feet.
2. The side setback for the accessory structure shall be increased to a minimum of twenty-five (25) feet.
3. No commercial uses shall be permitted at the site and/or within the structure. This includes rental of and/or utilization of the structure as a venue for public events.
4. The structure shall not be used as a dwelling, accessory or otherwise, without obtaining the proper permits and approvals from the Zoning Administrator, Health Department, and Building Official.

Ayes: DiSalvo, Reilly, Shorter, Moore, Miller
Nays: None
Abstain: None

NEW BUSINESS

Ms. Hopkins discussed the potential to change the BZA Meeting days and location. The first Tuesday is in conflict with the School Board meetings. By moving the meeting date to the first Wednesday or Thursday of the month the Board Room will be available for meetings. The Board discussed potential conflicts and determined Thursday was the best day.

A motion was made by Mr. Reilly, seconded by Mr. Shorter, and upheld to change the Bylaws to reflect meeting dates on the first Thursday of each month, as needed.

NEXT MEETING

The BZA will meet Thursday, May 6, 2021 in the Board of Supervisors Meeting Room.

With no additional business, Chair DiSalvo adjourned the meeting at 5:33 PM.