

Board of Zoning Appeals

MINUTES

November 4, 2015

The Rockingham County Board of Zoning Appeals met on Wednesday, November 4, 2015 in the Board of Supervisors Room in the Rockingham County Administration Center. Members present were Chairman Larry Bowman, Mr. Jon Ritenour, Mr. Henry Lilly, and Mr. Charles Dean. Staff members present were Zoning Administrator, Diana Stultz; Code Compliance Officer, Kelly Getz and Secretary Amanda Thomas.

At 6:02 p.m., Mr. Larry Bowman called the meeting to order.

Chairman Bowman offered the Pledge of Allegiance and Invocation.

MINUTES

On motion by Mr. Lilly and seconded by Mr. Ritenour, the September 1, 2015, minutes were approved with a 4-0 vote.

ELECTION OF OFFICERS

Mr. Dean motioned for the Board of Zoning Appeals to elect Mr. Bowman to Chairman; Mr. Ritenour seconded the motion.

On a vote of 4-0, the Commission elected Mr. Bowman to Chairman.

Mr. Dean motioned for the Board of Zoning Appeals to elect Mr. Harvey to Vice Chairman; Mr. Bowman seconded the motion.

On a vote of 4-0, the Commission elected Mr. Harvey to Vice Chairman.

Chairman Bowman appointed Amanda Thomas to secretary of the Board of Zoning Appeals.

ZONING VARIANCE

Chairman Bowman presented the request.

VAR15-249 Gerald & Judy Messier, 2251 Airport Road, Bridgewater 22812 requesting a side yard variance from 15' to 5' for an existing storage building on property located on the southwest side of Airport Road (Route 727) approximately 1 mile east of Warm Springs Pike (Route 42), Election District #4, Zoned A-2. Tax Map #136-(A)-58

Mrs. Stultz presented the background information of the property.

At 6:13 p.m., Chairman Bowman opened the public hearing.

Mr. Messier, the applicant, stated that he purchased the property in 2005 and at the time had the need for a larger detached garage. Mr. Messier hired a contractor by the name of Russ Showalter. Mr. Showalter applied for a building permit, but was unable to be listed as the contractor due to having only a Class C license. Mr. Messier was living out of the area at the time, and chose to list himself as his own contractor, but allow Mr. Showalter to do the work. It was not until a month prior that Mr. Messier was informed, by a realtor, that the building was too close to the property line. Mr. Messier stated that he was unaware for the last ten years that he was encroaching on the neighboring property. He also stated that there were no records kept, either by him or the Community Development Department. Mr. Messier stated that there was a permit issued and there were inspections that were done by County employees, but no one mentioned that it was too close to the property line. The property line itself, had a tree line and was easy to spot. Mr. Messier stated that the building was finished in 2006.

Mr. Ritenour questioned if the contractor had surveys done. Mrs. Stultz stated that surveys were not required at that time. Mrs. Stultz added that building inspectors only inspect the building itself. They do not know what setbacks need to be met.

Mr. Messier questioned if the County sent anyone out to check the setbacks. Mrs. Stultz stated that the County does not check setbacks at the property itself. It is the responsibility of the applicant and/or contractor to provide the correct information.

In response to a question by Mr. Dean, Mr. Messier stated that the lane beside his property is owned by a Mr. Tim Shifflett. Mr. Messier stated that he has had a good relationship with both of his adjoining neighbors and that they do not mind the encroachment.

At 6:23 p.m., Chairman Bowman closed the public hearing.

Mr. Dean questioned if there would be a hardship with trying to sell the property. Mr. Messier stated that he was unsure that it would be a hardship until his realtor pointed out the possible encroachment. Mr. Messier stated that he has had two contracts fall through to this point, including a contract by Mr. Tim Shifflett.

Mr. Ritenour questioned if it were a possibility to purchase enough land from the adjoining landowners to meet the setbacks. Mr. Messier stated that he had previously tried to purchase land from Mr. Shifflett to straighten out the property line, which would have taken care of one setback. The other adjoining property owner is not likely to sell any property due to a large

underground tank. Mr. Messier stated that he does not think the adjoining landowners would be willing to sell any property.

Mr. Ritneour stated that with staying inside of the bounds of the law, there are no options but to deny the request.

Mr. Ritenour motioned for the Board of Zoning Appeals to deny the proposed variance; Mr. Dean seconded the motion

On a vote of 4-0 the Board of Zoning Appeals denied this variance.

UNFINISHED BUSINESS

There was no Unfinished Business.

MISCELLANEOUS

There were no Miscellaneous items.

ADJOURNMENT

At 6: 30 p.m., having no further business, the Board of Zoning Appeals adjourned.

Mr. Larry Bowman, Chairman

Amanda Thomas, Secretary