



COUNTY of ROCKINGHAM

Department of Community Development

Rhonda H. Cooper
Director

Board of Zoning Appeals

February 5, 2020

6:00 p.m.

Call to Order

Pledge of Allegiance and Invocation- Mike Harvey

Approval of Minutes

Minutes from February 5, 2019 meeting

Election of Officers

PUBLIC HEARING

Zoning Variances

VAR19-280 T. C. & Barb Frye, 3387 Mesinnetto Springs Road, Rockingham 22801 requesting a rear yard variance from 25' to 24' 3" on property located on the southwest side of Mesinnetto Creek Drive (Route 1073) approximately 200' west of Massanetta Springs Road (Route 687), Election District #3, zoned R-3. Tax Map #125C-(19)-10A.

Zoning Appeal

ZAP19-312 Robert L. Dudley, 3451 Happy Valley Road, Keezletown 22832 appealing the determination that he is in violation of Section 17-106 of the Rockingham County Code by having an accumulation of inoperable vehicles (automobile graveyard) on property located on the west side of Happy Valley Road (Route 758) approximately 2400' east of Mt. Valley Road (Route 620), Election District #3, zoned A-2. Tax Map #111-(A)-34.

Unfinished Business

Miscellaneous

Adjournment

ZONING APPEAL STAFF REPORT
BZA# VAR19-280

APPLICANT: T.C. & BARB FRYE
ADDRESS: 3387 MESINETTO CREEK DRIVE
ROCKINGHAM, VA 22801

AMOUNT OF LAND: .221 Acre **ZONING:** R-3
TAX MAP NO.: 125C-(19)-10A
DESCRIPTION: (existing use of property) according to tax records:
Single-family dwelling

HISTORY: Applicants purchased the property in 2019. They then learned that they are 9" too close to the property line at the southeast corner of the garage while trying to obtain a permit for a swimming pool.

REQUEST: Applicants are requesting a rear yard reduction from 25' to 24'3".

THINGS TO CONSIDER:

1. Is there a topographical hardship?
2. If there is not a topographical hardship, is there a hardship approaching confiscation?
3. Is this request a necessity or is it a convenience to the applicant?
4. Is this a self-imposed hardship brought about by the applicant?
5. Does the applicant have an alternative that could be used which would bring the property into compliance with the law?

POINTS TO REMEMBER:

1. **THE BURDEN OF THE PROOF IS ON THE APPLICANT. IT IS NOT UP TO THE BOARD TO FIND A WAY TO GRANT THE VARIANCE. IT IS UP TO THE APPLICANT TO PROVE TO THE BOARD WHY THE VARIANCE SHOULD BE GRANTED.**
2. **THE BOARD SHOULD BASE ITS DECISION ON THE EVIDENCE PRESENTED TO IT.**
3. **FINANCIAL HARDSHIP CANNOT BE THE SOLE REASON USED FOR GRANTING A VARIANCE.**
4. **THE CRITERIA SET ASIDE BY THE STATE OF VIRGINIA FOR GRANTING A VARIANCE MUST BE MET. IF THAT CRITERIA CANNOT BE MET, THE VARIANCE SHOULD NOT BE GRANTED.**

ROCKINGHAM COUNTY
ZONING VARIANCE APPLICATION

FOR OFFICE USE ONLY

FEE: \$350.00

DEADLINE DATE: _____

RECEIPT # _____

HEARING DATE: 1/7/20

DATE REC _____

TAXES PAID YES

BZA # VAR19-280

APPLICANT: T.C. & BARB FAYE
ADDRESS: 3387 MESINETTO CREEK DR ROCKINGHAM, VA

CONTACT PERSON: T.C. FAYE Daytime No. 540-578-5000
Address: 121 HUBBARD CT. ROCKINGHAM VA 22861

LOCATION: (N) (S) (E) (W) side of Road Name Mesinnetto Creek Dr (Route Number) 1073
approximately 400 miles/feet (N) (S) (E) (W) of Road Name MASS. SP. RD. (Route Number) 687 280 in the _____ Magisterial District, Election District # 3

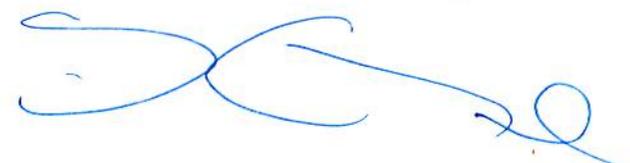
TAX MAP # 125C (19) 10A ZONING: R-3 ACRES: 44.221

TO THE BOARD OF ZONING APPEALS:

I (We) respectfully request that the Board of Zoning Appeals decide our appeal for a variance. This appeal is for a variance to the Rockingham County Code and is relative to the: _____ Area, _____ Sideyard, _____ Height, _____ Use, _____ Parking or Other (specify other) Rearyard _____ provisions of the Code; specifically

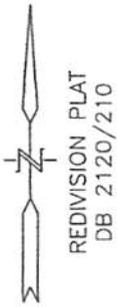
I (We) request A VARIANCE OF 9" AT THE S.E. CORNER OF GARAGE

for the following reason(s): TO RECEIVE A BUILDING PERMIT TO CONSTRUCT A SWIMMING POOL.

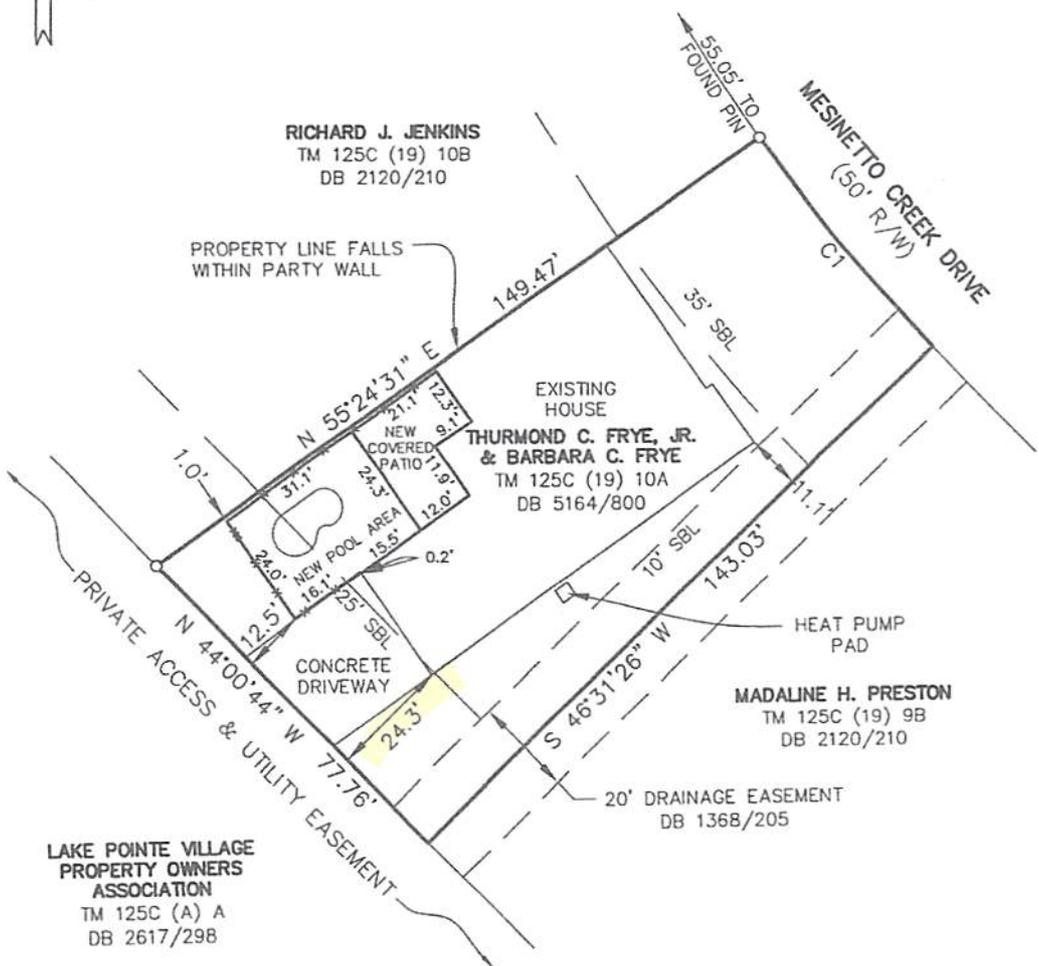
11/15/19


A previous appeal on this (has/has not) been filed on this property. My (Our) interest in this property is as (owner, lessee, contract purchaser).

NOVEMBER 4, 2019
 SCALE: 1"=30'
 o = FOUND PIN
 SBL = SET BACK LINE



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	383.28'	54.86'	54.81'	S 39°22'17" E	8°12'02"



SITE PLAN

OF LOT 10A, SECTION TWO, LAKE POINTE VILLAGE

ASHBY DISTRICT, ROCKINGHAM COUNTY, VIRGINIA

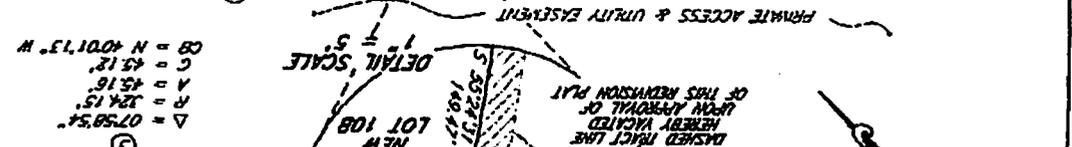
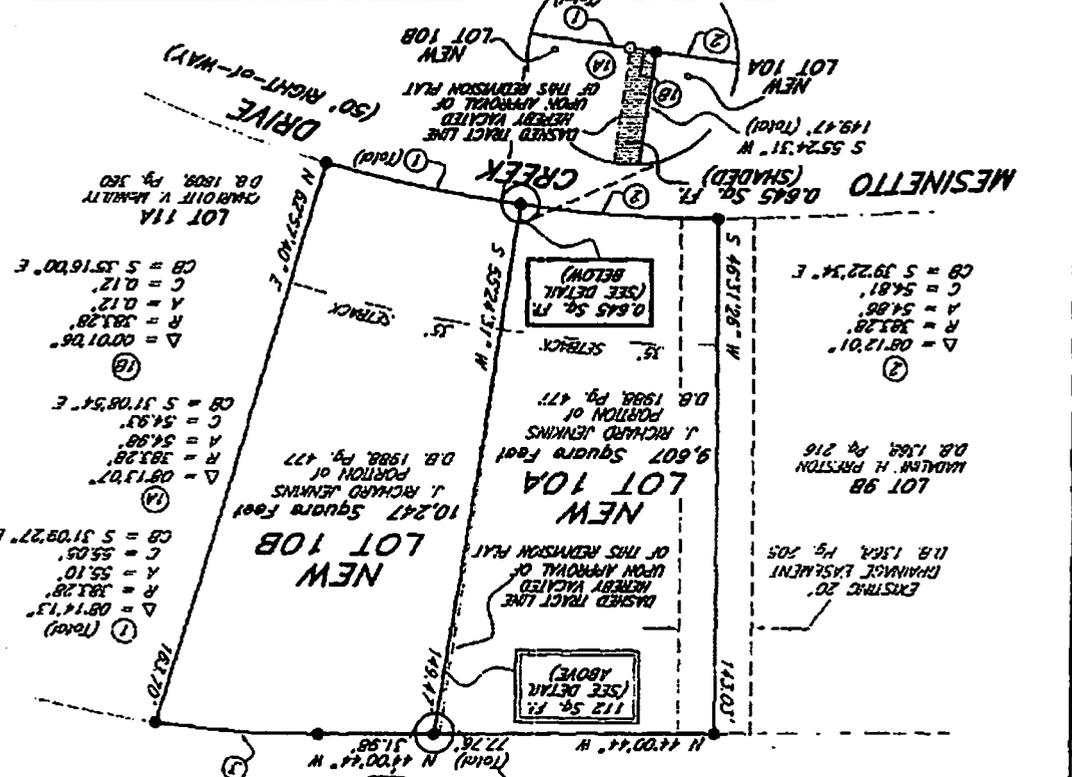
BENNER & ASSOC., INC.
 8 PLEASANT HILL ROAD
 HARRISONBURG, VA 22801
 540 434-0267
 REF# 102319
 DRAWING: 102319.dwg
 CRD: 102319



Handwritten initials in red ink, possibly 'R' and 'A'.

VALLEY
 SCALE 1" = 30'
 OWNER / DEVELOPER - J. RICHARD JENKINS
 ASHBY DISTRICT, ROCKINGHAM COUNTY, VIRGINIA

FINAL PLAN
 REDIVISION OF
 LOTS 10A AND 10B, SECTION TWO,
 LAKE POINTE VILLAGE



NOTES:

1. DATE AS SHOWN HEREON IS ACCORDING TO RECORD INFORMATION AND A CURRENT FIELD SURVEY.
2. THIS PROPERTY IS SHOWN AS TAX MAP PARCELS 125 (14) 10A & 10B.
3. SUBDIVISION PLAN RECORDED IN D.B. 1582, PG. 205.

LEGEND:

- FROM PLAN SET
- POINT

VICINITY MAP
 SCALE 1" = 2000'

1 HERBY CERTIFY THAT IN THE BEST OF MY KNOWLEDGE AND BELIEF ALL OF THE REQUIREMENTS OF THE BOARD OF SURVEYORS AND COMMISSIONERS OF THE COUNTY OF ROCKINGHAM COUNTY, VIRGINIA RELATING TO THE PLANNING OF SUBDIVISIONS WITHIN THE COUNTY HAVE BEEN COMPLIED WITH.

COMMONWEALTH OF VIRGINIA
 COMMISSIONER OF SURVEYING
 MICHAEL W. HARRIS
 No. 1918
 LAND SURVEYOR

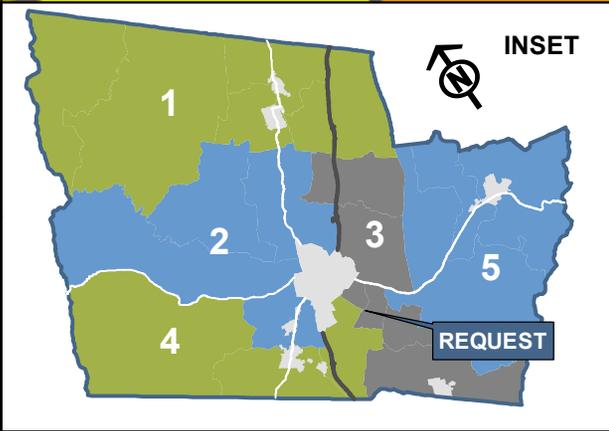
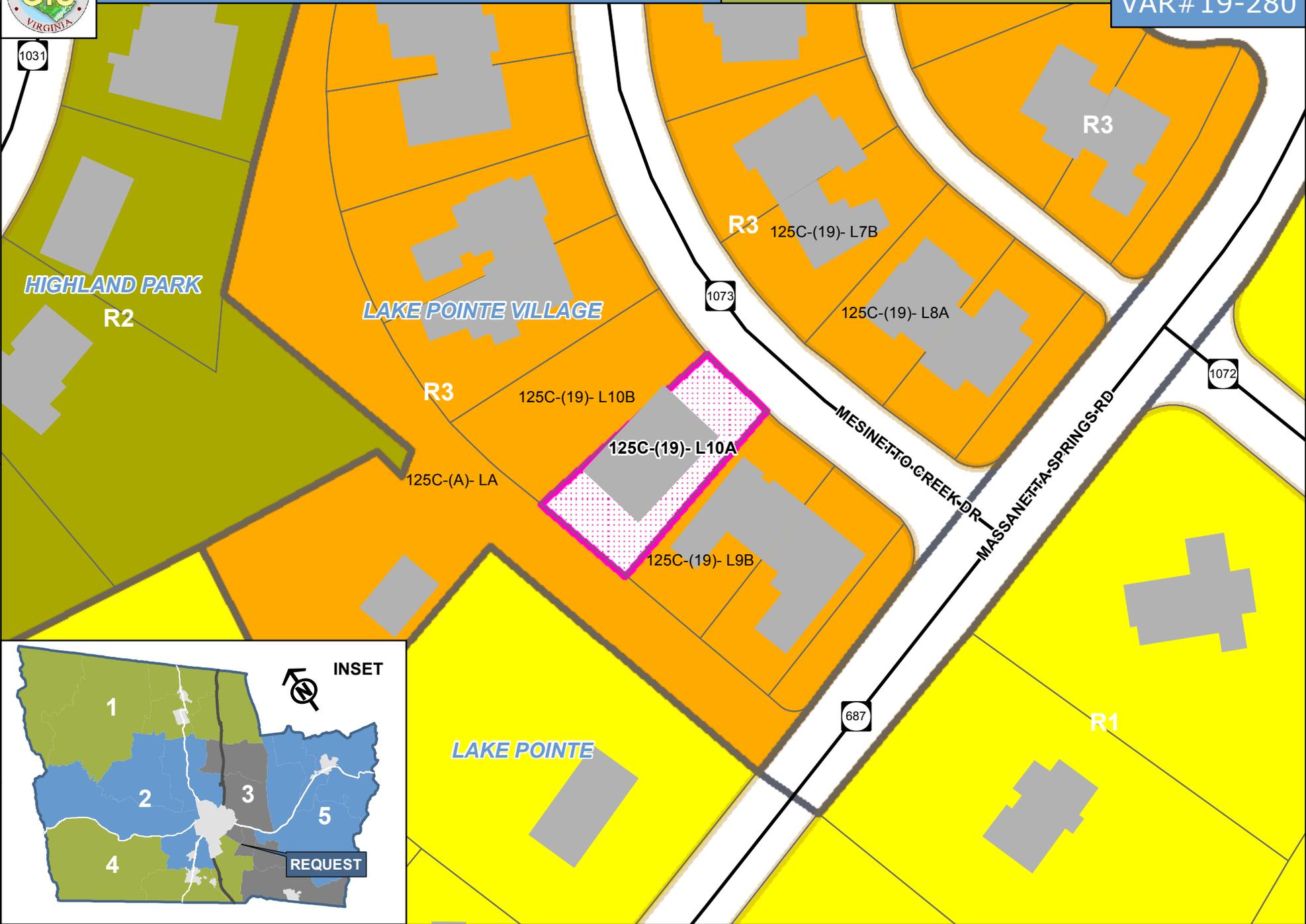
REL 17425-1 EXP. 1/2004-5 SHEET 1 OF 2



T.C. & Barb Frye Variance Request



VAR#19-280



ROCKINGHAM COUNTY ZONING APPEAL APPLICATION

FOR OFFICE USE ONLY

FEE: \$250.00

DEADLINE DATE:

RECEIPT #

HEARING DATE: ~~2/1/20~~ 2/4/20

DATE REC Pd

BZA # ZAP19-312

APPLICANT: Robert L. Dudley

ADDRESS: 3451 Happy Valley Rd. Keezletown, VA 22832

CONTACT PERSON: "Bob" Daytime No. 540 8102448
Happy Valley Rd.

LOCATION: SE side of Route # 758 approximately 2400 miles/feet (N SE W) of Route # 20
in the Magisterial District, Election District # 3

TAX MAP # 111-A-L44 ZONING: A-2 ACRES: 18 1/2

TO THE BOARD OF ZONING APPEALS:

I (We) respectfully request that the Board of Zoning Appeals decide our appeal for an interpretation/decision of the Zoning Administrator made on 11-18, 2019

I (We) appeal Violation Rockingham Section 17-106

for the following reason(s): I do not operate an auto grave yard/junk yard. I am a car collector and restore as I have time and money. I currently own 21 vehicles

A previous appeal on this (has/has not) been filed on this property. My (Our) interest in this property is as (owner, lessee, contract purchaser). See attached

If applicant does not own property, the landowner's signature must be obtained.

Signature of Landowner: Robert L. Dudley

Applicant or Agent

3 tractors and several pieces
maintenance equipment and in the
process of purchasing another unit
which will be licensed and driven. Per DMV
Farm use vehicles do not need to
be licensed if not used on public
roads. Insurance is needed if driven
on public roads.

Been at this property 25 years. Neighbor
built next to property line but with
trees can not see units without coming
across fence. These units are personal
use and no parts or stripping of
any vehicle has ever taken place,
or been sold, or given away

- 58 Jeep
 66 Chev. PU
 48 Dodge 1 ton truck } parked other locations. All run
 55 Ford PU. to be restored
 69 VW Beetle 1 owner 16,000 original miles
 69 Corvette 54,000 miles (Not on premises)
 * 84 Ford 4x4 PU - Farm use as needed
 * 86 Ford 4x4 PU - Sold to be removed
 * 89 Ford 4x4 PU - Farm use as need
 95 Ford 4x4 PU. driven daily. No
 * 74 Ford F700 Dump - Farm use as needed
 94 Miata Convertible. driven daily. (Not on premises)
 86 Chev. 4x4 P.U. 1 owner 56,000 miles (Not on premises)
 97 GMC 4x4 P.U. (Not on premises)
 * 87 Ford 1 ton truck - Farm use as needed
 90 Ford Thunderbird 35th anniversary Runs
 86 Pontiac Trans AM to be restored - Runs
 77 Ford F250 Pickup 429 engines - Runs
 95 Chev. Conversion Van - Runs To be restored
 72 Cadillac 38,000 original miles to be restored
 90 16 passenger Van - Needs engine Runs
 2 Tractors - brush Hog. Scraper blade
 other implements. Farm use as
 needed
 1 tractor not on premises. Farm use as needed
 several lawn mowers and attachments
 for premises maintenance

* Per DMV Farm use vehicles do not need to be licensed if not used on public roads

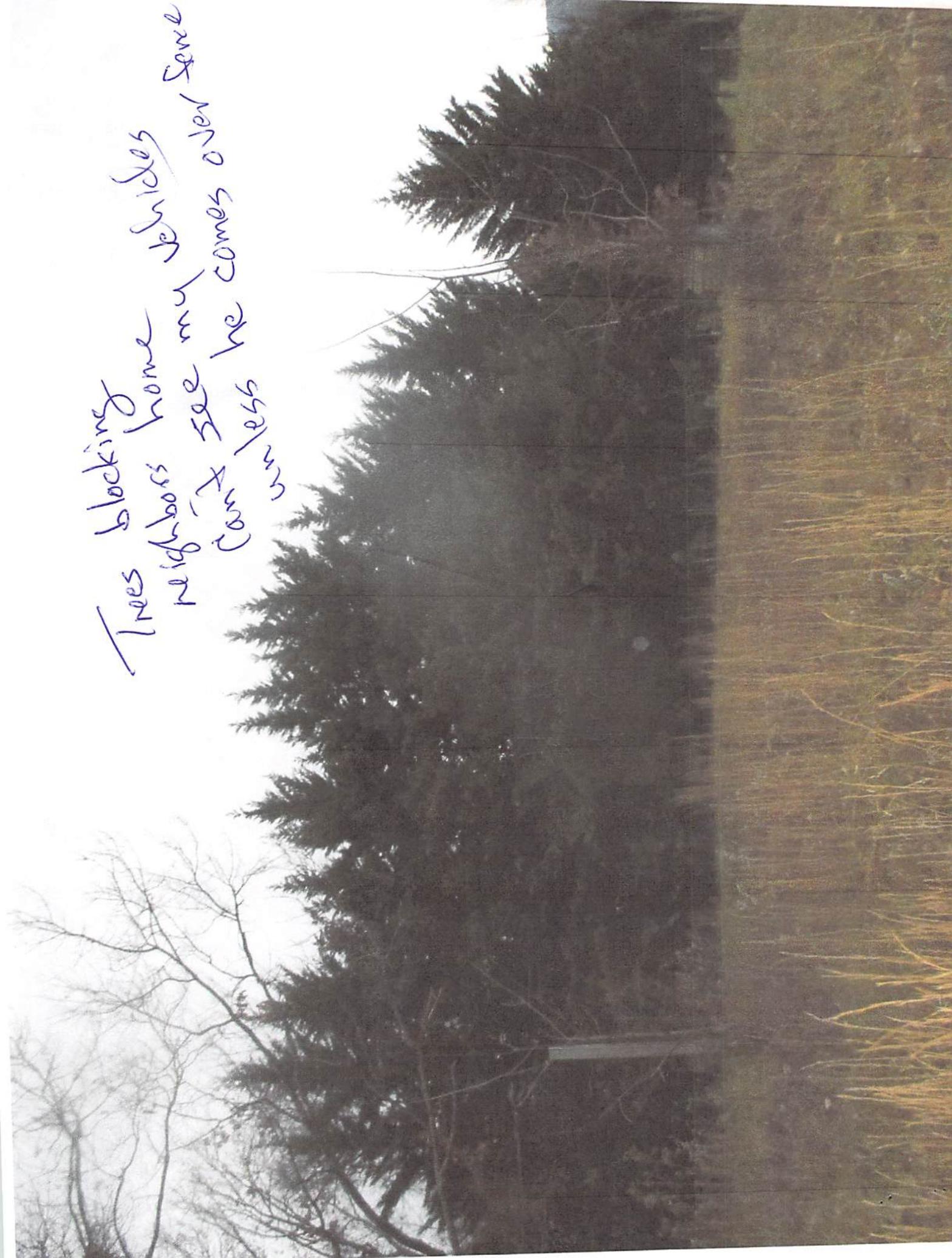
units parked
here

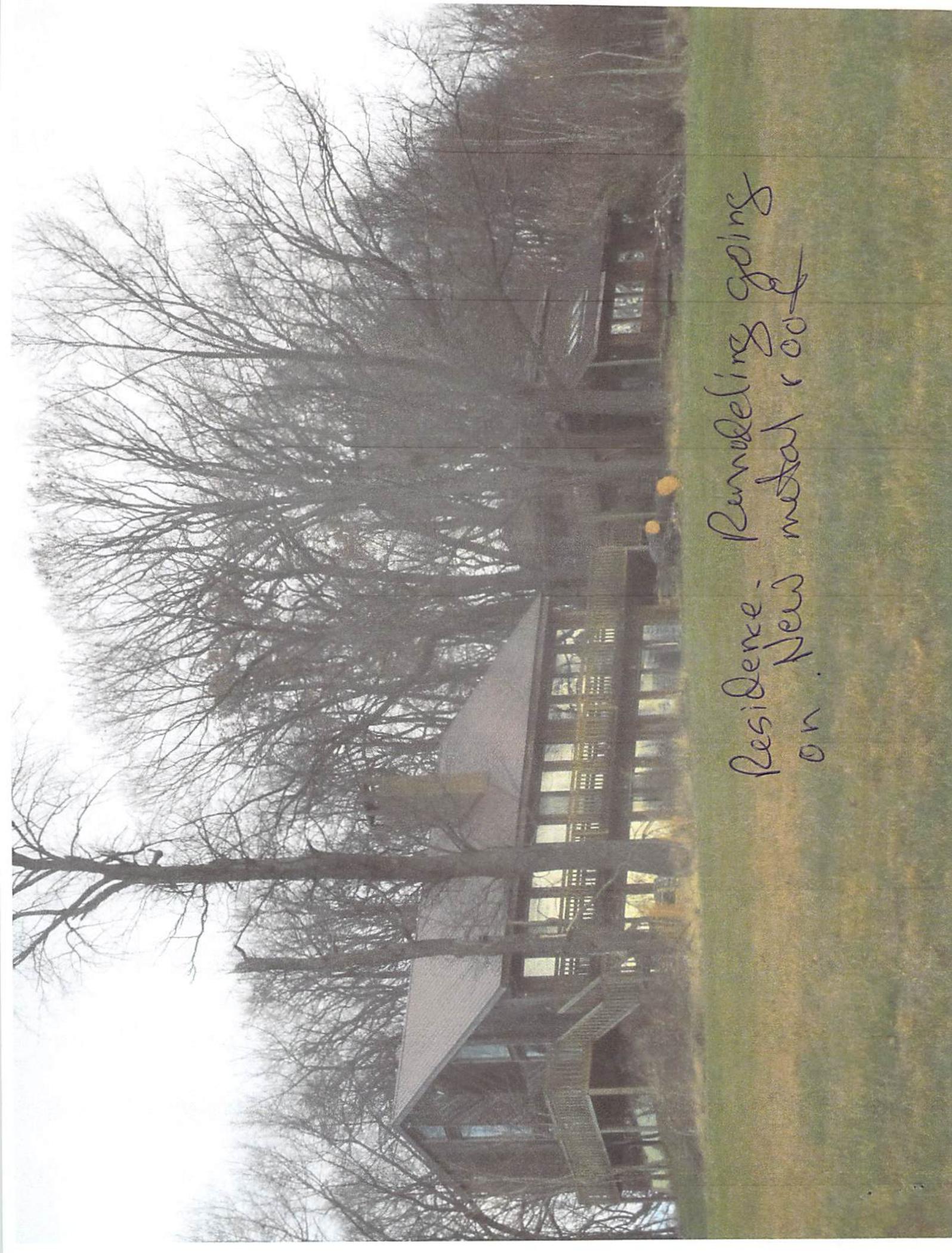


View of property of land from
from main road
see from
beginning of
Acres

18 plus

Trees blocking
neighbors home
can't see my slides
unless he comes over
serve





Residence - Remodeling going
on. New metal roof

A photograph of a red pickup truck stuck in tall, dry grass. The truck is partially obscured by the grass and has a white vehicle visible in the background. Handwritten text is overlaid on the side of the red truck. The text reads: "Friends veh
Gone when tow
truck can get tow
truck in. Ground wet".

Friends veh
Gone when tow
truck can get tow
truck in. Ground wet

CAR COVER

SEMI-CUSTOM

- Full Elastic Hem
- UV Treated
- Water Repellent
- Includes Antenna Patch





COUNTY of ROCKINGHAM

Department of Community Development

Rhonda H. Cooper
Director

November 18, 2019

DUDLEY ROBERT L
PO BOX 268
HARRISONBURG, VA 22803

Dear Mr. Dudley:

Zoning Violation Notice; Rockingham County Code, Section 17-106; prohibited uses, auto graveyards/junkyards not permitted in A2 zoning.

Case number: CEZ20190000062
Property tax map number: 111-(A)- L44
Property address: 3451 HAPPY VALLEY RD, KEEZLETOWN, VA 22832
Property location: 3451 Happy Valley Rd.
Property owner of record: DUDLEY ROBERT L
Property Zoning: A2 - General Agricultural District

cover up
86 Trans Am
72 Caddy
Have car covers

After receiving a complaint, Zoning Administrator Diana Stultz and I visited the above-described property on November 15, 2019 and found multiple junked and/or inoperable vehicles and refuse around the site. County Code defines an auto graveyard as "Any lot or area which is exposed to the weather upon which more than three (3) inoperable motor vehicles of any kind are located." The property is zoned A2-General Agricultural and auto graveyards and junkyards are not permitted in this zoning district.

This letter is to notify you of this violation of the Rockingham County Code, section 17-106.03 which states that "uses not specifically identified as permitted in a zoning district either by right or by special use shall be prohibited."

This notice gives you thirty (30) days from the date of this letter to correct the violation, to avoid possible court action. If you disagree with this decision of violation, you have thirty (30) days from the date of this letter to appeal the decision to the Rockingham County Board of Zoning Appeals, in accordance with Section 15.2-2311 of the Code of Virginia. If not appealed within those thirty (30) days, the decision shall be final and not appealable. There is a fee of \$250.00 to file an appeal of decision with the Board of Zoning Appeals and applications are available from the Zoning Administrator.

If you have any questions, or believe the information in this letter is not correct, please call me at 540-564-6063.

Sincerely,

Kelly Getz
Deputy Zoning Administrator
5405646063
kgetz@rockinghamcountyva.gov





SUNRISE
ASSISTED LIVING
(800) 774-9971

Champion

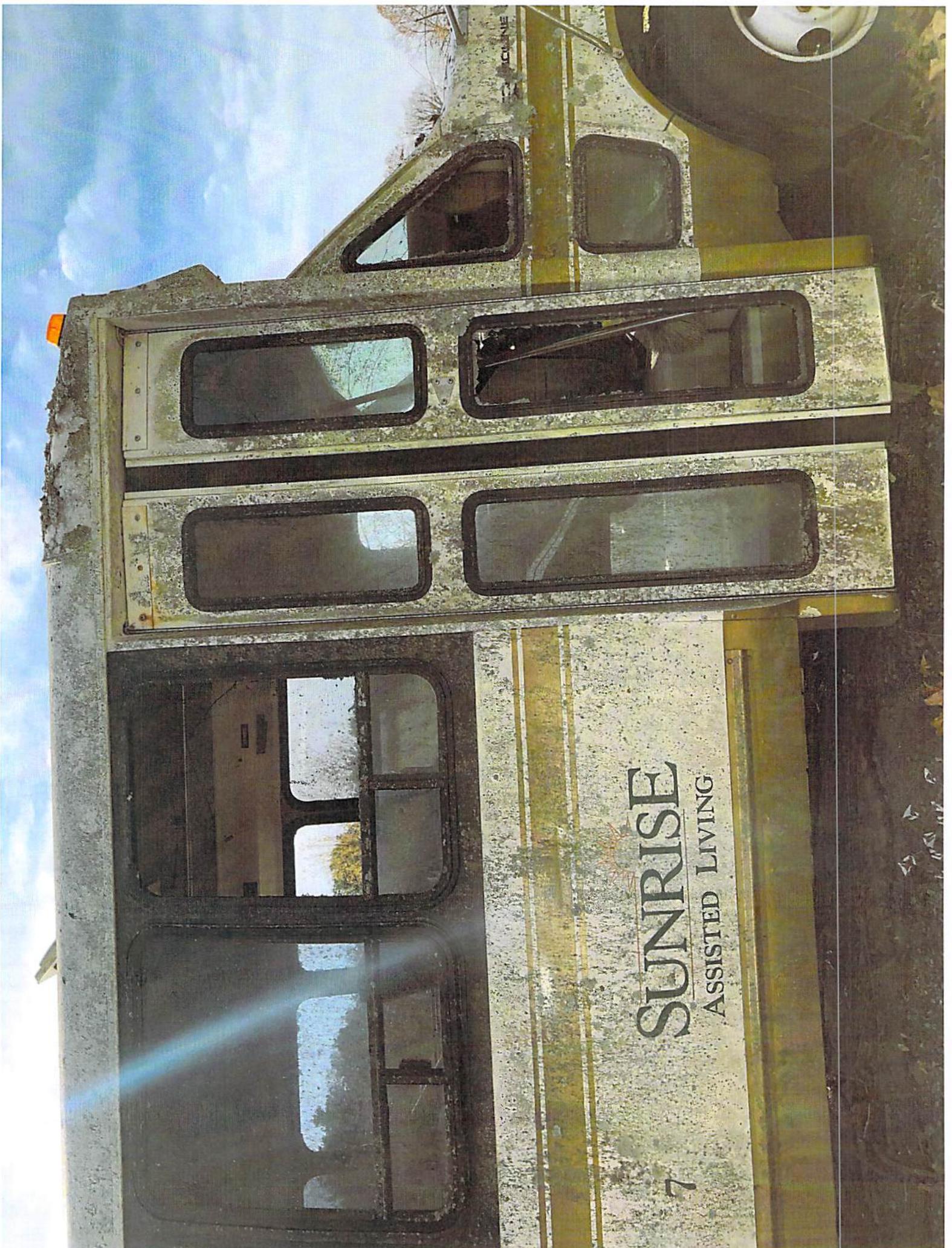
A National Quality Care
Affiliated Franchise

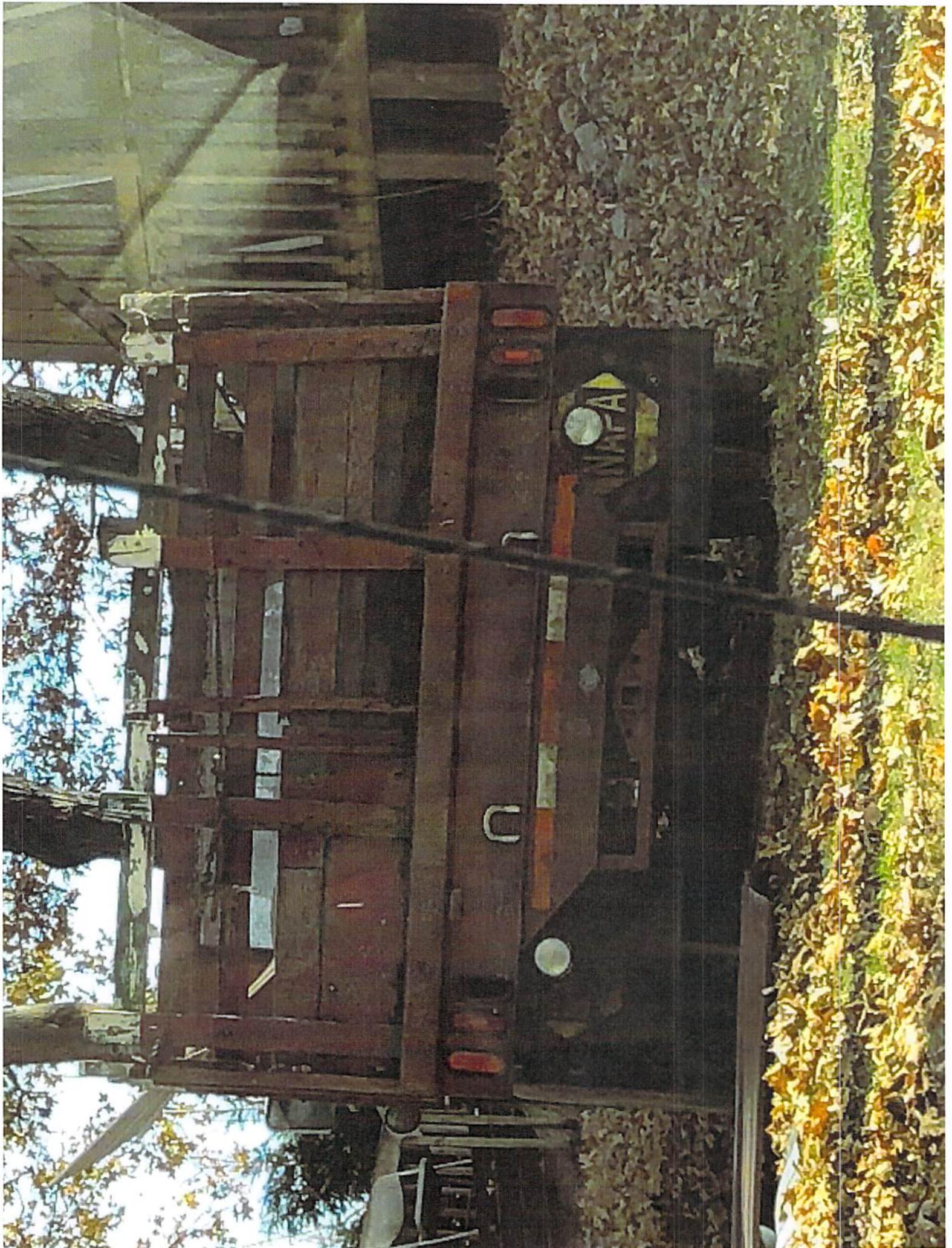
SUNRISE
ASSISTED LIVING

SUNRISE
ASSISTED LIVING

7

SCIENCE





Tura Inc

JOE BOWMAN

CHEVROLET

1st VIRGINIA 110
JGT-7605
1687 • 1988 • 1989 • 1990 • 1991

300

