

BOARD OF ZONING APPEALS
11-27-23 @ 6:00 P.M.

Board Members: Michael Bagley, Chairman
Tyler Scott
Monica Hazelwood-Frisby
Ifetayo Tun
Allen Queen

Staff: Philip Vannoorbeeck, Town Manager; Jennifer Daniel, Town Clerk

Also Present: Lacey Huband, Rock River Homes
Jeff LaVelle, JL Surveying

Chairman Bagley called the Board of Zoning Appeals Meeting to order.

VARIANCE REQUEST – 109 ROLLING ACRES LANE

*NOTICE OF PUBLIC HEARING
TOWN OF BLACKSTONE
BOARD OF ZONING APPEALS*

*The Town of Blackstone Board of Zoning Appeals shall hold a Public Hearing on November 27, 2023 at 6:00 p.m. in the Blackstone Town Council Chambers, 100 W. Elm Street, Blackstone, Virginia. The applicant, **Rock River Homes, Inc.** requests a variance to Section 3.5 Setback Regulations, of the Blackstone Zoning Ordinance. The request, if granted, would permit a variance to the front setback of a single-family home. The standard front setback is 100 feet and the applicant requests a variance to 73 feet. This variance request specifically applies to property known as Nottoway County Tax Map Number 50A42-2-5. This property is also known as 109 Rolling Acres Lane and is currently zoned RS, Residential Suburban District. The Board of Zoning Appeals may approve this request following this public hearing. Any individual desiring to address the board should attend the public hearing at the above stated date and time.*

Manager Vannoorbeeck said the applicant has made a request for a Building Permit. He said the current setback in the R1-S District is 100' frontage, and the building line is where the width of the lot becomes 150'. He said this lot is compliant, the issue is 100' off the right of way.

Manager Vannoorbeeck said this particular lot has a transmission power line at the rear of the property, and the variance request is to move the house forward so the back porch or other accoutrements on the back are not literally under the power line. He said the request is to move the house up 27' closer to the cul-de-sac.

Board Member Allen asked if this was known to the owners when they purchased the lot. Manager Vannoorbeeck said he did not know what their knowledge was.

Chairman Bagley opened the Public Hearing and asked if there was anyone here to speak for or against the Variance request.

Mr. Jeff LaVelle

Mr. LaVelle said the reason for moving the house forward, it was purchased as a recorded lot and was approved. He said the lot has a design challenge with the power line. He said by moving the house forward it will allow for more of a backyard. He said in that cul-de-sac, this house will line up close enough with the other houses.

Manager Vannoorbeeck said Rock River purchased these lots already subdivided.

Mr. LaVelle believed if this Variance was not approved, they may not build the house, because it may be a hard sell with no backyard. He said Variance requests are for this reason.

Manager Vannoorbeeck said the definition of a Variance is a hardship not typically shared by adjoining properties.

Board Member Scott asked how much this house would sell for. Mr. LaVelle gave a guess at \$400,000.00.

Board Member Scott said it doesn't seem safe having a house near power lines. Mr. LaVelle said if the house cannot be moved forward, they may not build, or it may be a rental property.

Manager Vannoorbeeck did not believe there were any covenants recorded, meaning house sizes.

Chairman Bagley asked what the back yard size would be. Mr. LaVelle said from the back of the house to power line would be roughly 40', to the easement. He said the back yard would not be under the power line, nor in the easement.

Board Member Frisby said this is a beautiful home, lots of money being invested, and moving it forward would make it more appealing, but what are the health risks. Mr. LaVelle said he did not know, and personally he wouldn't want to live there.

Board Member Frisby said that becomes her concern, if this is something we personally wouldn't want to do, and just looking this information up, it says there is a higher risk of a child having leukemia. She said are we putting someone at risk because they are seeing this beautiful home, and have kids, and not really aware. Manager Vannoorbeeck said this would get the house further from the power lines, so maybe that is healthier.

Board Member Scott was concerned about building homes all over the County near power lines. Manager Vannoorbeeck said again, not really our bailiwick.

Mr. LaVelle said it is an approved lot. Manager Vannoorbeeck said a Building Permit had already been issued to build a home. Mr. LaVelle said it is a buildable lot, we are just asking for a Variance to make it a better lot.

Board Member Tun asked if the lot would be self-contained, how will someone get to the power lines. Manager Vannoorbeeck said there is a power line easement, and at a 90 degree angle from College Road they can enter, or use Route 40 to enter. He said there would not need to be an access easement granted.

Chairman Bagley closed the Public Hearing.

Board Member Scott made a motion to approve the Variance for 109 Rolling Acres Lane and allow the house to be moved forward 26.5'. The motion was seconded by Board Member Frisby.

Board Member Scott said she was not so sure she wanted these developers coming in taking lots to make a silk purse out of a sow's ear.

Manager Vannoorbeeck asked to stay with the purview, he said the people here tonight were not here for opinions on their professional lives, they are here to have a house moved up 26.5'. He said the request makes imminent sense, and would be a shame to make a decision based on a personal preference, rather than a factual decision. He added, when someone brings a raw piece of land to subdivide, that's when this opinion is right on.

Manager Vannoorbeeck said typically when buying a home, you have to get Title Insurance, and the last thing we want to do is have a house outside the 100' because it could be picked up on a plat exception, and would make financing difficult. He said this request meets the definition of a Variance, a hardship.

Board Member Tun asked when they walk out their front door, how far are they from the road. Manager Vannoorbeeck asked from the pavement or right of way. He said roughly 80-90' from the pavement.

Manager Vannoorbeeck said the lots in this subdivision are over an acre, but in reality, they could be half acre lots.

VOTE:

Chairman Bagley:	Aye
Board Member Queen:	Nay
Board Member Tun:	Aye
Board Member Hazelwood-Frisby:	Nay
Board Member Scott:	Aye

MINUTES:

Chairman Bagley made a motion to dispense with reading and approve as presented minutes from the Board of Zoning Appeals Meeting on August 28, 2023. The motion was seconded by Board Member Tun.

VOTE:

Chairman Bagley:	Aye
Board Member Queen:	Aye
Board Member Tun:	Aye
Board Member Hazelwood-Frisby:	Aye
Board Member Scott:	Aye

Manager Vannoorbeeck said he had received an application for a Variance, on a 55' lot on S. Main Street, to build a home.

Board Member Scott asked if there were any conditions for building on Main Street, in terms of appearance. Manager Vannoorbeeck replied no.

Board Member Queen asked if this request would be for a rental. Manager Vannoorbeeck did not know.

There being no additional business, the meeting was adjourned at 6:43 p.m.

Michael Bagley CHAIRMAN
OF THE BLACKSTONE BOARD OF ZONING APPEALS

June 3, 2024 APPROVED AND ADOPTED

Jennifer S. Daniel TOWN CLERK
OF THE TOWN OF BLACKSTONE, VIRGINIA