

The Greensville County Board of Zoning Appeals held a meeting on Tuesday, December 18, 2018, 6:00 p.m. at the Greensville County Government Building, 1781 Greensville County Circle, Emporia, Virginia.

PRESENT

L. Allen Little, Chairman
Craig Allen
Barry Rae

STAFF PRESENT

Lin Pope
Treva C. Pernell

ABSENT

James Edwards

OTHERS PRESENT

Roger Dale Gibson
Steve Williams

The chairman called the meeting to order. The secretary called the roll.

Mr. Pope stated that Mr. James Edwards had issued his letter of resignation from the BZA.

In Re: Approval of Agenda

Chairman Little asked for a motion to approve the agenda.

Mr. Rae made a motion, seconded by Mr. Allen, all voted aye to approve the agenda.

In Re: Approval of the Minutes – December 4, 2018

Chairman Little asked for a motion to approve the December 4, 2018 minutes. Mr. Allen made a motion, seconded by Mr. Rae, with all voting aye to approve the minutes.

In Re: Public Hearing

Mr. Rae moved to go into public hearing. Mr. Allen seconded the motion. All voted aye to go into public hearing.

In Re: V-2-18 Roger Dale Gibson

Mr. Pope stated that this applicant requested a variance seeking relief from Article 3, Section 3-4-1 of the Greenville County Zoning Ordinance that prohibits the placement of an accessory structure within the property's front yard setback. He stated that Mr. Gibson constructed this garage 32' from the centerline of the Brink Road right-of-way. He also stated that the Ordinance stated that "*accessory buildings or structures shall not be located in a front yard of any district*".

Mr. Pope stated that Section 17-2-2 states that no variance shall be authorized by the board unless it finds that the strict application of this ordinance would produce undue hardship.

Mr. Pope stated that staff recommended denial of this request for a variance because it did not confiscate use of the property.

Chairman Little stated that Mr. Gibson was welcome to come forward at that time to address the Board during Public Hearing.

Mr. Gibson addressed the Board and stated that he had approached someone with the County approximately four (4) years ago about a permit. He stated that he told them he was planning to build a shed to house a garden tractor; he was told he did not need a building permit. He stated that he did not ask any other questions.

Mr. Pope stated that since Mr. Gibson came in several years ago, the Code had changed the definition of a "farm building or structure".

Mr. Gibson stated that the area he used to construct the garage was an ideal spot for him because it did not bother his garden spot. He stated that if he had known it was a problem, he could have built it in a different location. He also stated that now he has approximately \$20,000 tied up in the garage and it would be hard to move.

Commissioner Allen asked Mr. Gibson when he purchased an electrical permit to wire the garage and install and heat pump as stated in his letter dated November 15, 2018 to the Planning Commission. Mr. Gibson stated that it was purchased in August of 2018.

Chairman Little asked, when the inspector came out, was there any conversation about the placement of the garage. Mr. Pope stated that, after that electrical inspection, it was reported to him about the area where the garage was built.

Mr. Steve Williams addressed the Commission on behalf of Mr. Gibson. He stated that he had discussed the letter Mr. Gibson received from the County Planning Department. He also stated that this matter had weighted heavily on his friend's mind. He further stated that the structure is well built, does not obstruct the view of the road and none of the neighbors have any complaints about where it is located. He asked the Commission to take in account that Mr. Gibson thought he was doing things the proper way and to use common sense to make their decision.

Chairman Little stated that each case is different. However, residents cannot build a structure wherever they wish and come in later to purchase a permit.

The chairman entertained a motion to go into Regular Session. Mr. Rae made a motion, seconded by Mr. Allen, all voting aye, motion carried.

In Re: Regular Session

Re: V-2-18 – Roger Dale Gibson

Chairman Little entertained a motion for V-2-18 – Roger Dale Gibson. He asked if there were any questions of the staff.

Commissioner Rae stated that when someone comes into the Building Department to ask about permits more information should be ascertained before it is determined whether a permit is necessary.

Commissioner Allen stated that he could see both sides of the situation. He stated that a contractor working on this structure should have asked about the setbacks of the building.

Chairman Little stated that the Commission could deny this request, approve with conditions or defer the decision until further information is discussed.

Commissioner Rae made a motion to defer a decision on V-2-18 Roger Dale Gibson until the next meeting (January 15, 2019), Commissioner Allen seconded the motion, with all voting aye to defer the variance request.

Commissioner Rae made a motion to adjourn the meeting. Commissioner Allen seconded the motion. All voted aye to adjourn.

L. Allen Little, Chairman