



**DEPARTMENT OF
COMMUNITY DEVELOPMENT**

**Planning & Zoning
Board of Zoning Appeals**

Board Meeting Room 250, Goochland County Administration Building

Monday, March 21, 2016

Audio amplification headphones are available upon request

3:00 P.M.

A. CALL TO ORDER & DETERMINATION OF QUORUM

B. VARIANCE HEARING

BZA-2016-00001: Application filed by Gibson Wright on behalf of Flemings Quarter, LLC requesting a variance to allow a single-family residence to be built on 1.322 acres on Hermitage Road (Route 676) instead of the required three acres as required by Article 3 Section 5 Goochland County Zoning Ordinance. The subject property is identified as Assessor's Parcel No. 58-1-0-33-0 (GPIN 7715-23-9061) located at the intersection of Hermitage Road (Route 676) and Manakin Road (Route 621) in the Dover Magisterial District. The subject property is zoned A-2 (Agricultural, Limited) and the 2035 Comprehensive Plan designates this area as Single Family Residential, Low Density.

1. PRESENTATIONS:

- a) Brief description of the case
- b) Hear from applicant
- c) Hear from County
- d) Public Hearing
- e) Applicant rebuttal (if needed - limited to 3 minutes)
- f) County rebuttal (if needed - limited to 3 minutes)
- g) Questions from the Board

2. BOARD ENTER INTO CLOSED SESSION (if needed): In accordance with the provisions of Sections 2.2-3711 and 2.2-3712 of the Code of Virginia, I move that the Goochland County Board of Zoning Appeals convene in Closed Meeting for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice pertaining to the variance filed by Gibson Wright on behalf of Flemings Quarter, LLC to the Goochland County Board of Zoning Appeals, as permitted by Section 2.2-3711(A)(7) of the Code of Virginia.

3. CERTIFICATION (if needed): I hereby move for certification pursuant to Section 2.2-3712(D) of the Code of Virginia that the Goochland County Board of Zoning Appeals, to the best of each member's knowledge, heard, discussed or considered (i) only public business matters lawfully exempted from open meeting requirements by the Freedom of Information Act in the Closed Meeting of this date, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Goochland County Board of Zoning Appeals.

4. RESUME SESSION – Additional questions from the Board & discussion

5. FINDINGS OF THE BOARD

D. OTHER BUSINESS – Update the Board on any new cases filed

E. REVIEW/APPROVAL OF MINUTES – January 25, 2016

F. ADJOURNMENT

AT A MEETING OF THE BOARD OF ZONING APPEALS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON MARCH 21, 2016, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Resolution [Approving/Denying] a Variance for Property Located at the Intersection of Hermitage Road (Route 676) and Manakin Road (Route 621) on Assessor's Parcel Number 58-1-0-33-0 (GPIN 7715-23-9061)

Whereas, Gibson Wright on behalf of Flemings Quarter, LLC did file an application with the Board of Zoning Appeals for a variance from Article 3 Section 5 of the Goochland County Zoning Ordinance; and

Whereas, said application requests permission to allow a single-family residence to be built on 1.322 acres on Hermitage Road (Route 676) instead of the required three acres as required by the Zoning Ordinance for Assessor's Parcel No. 58-1-0-33-0 (GPIN 7715-23-9061) located at Intersection of Hermitage Road (Route 676) and Manakin Road (Route 621) Dover Magisterial District and Election District Five (5); and

Whereas, the hearing was conducted after proper notice and advertising and in accordance with Sections 15.2-2309, 15.2-2310, and 15.2-2204 of the Code of Virginia (1950, as amended); and

Whereas, the Board of Zoning Appeals has given due consideration to the interest of the general public and to the interest of the neighborhood and the criteria delineated in Article 26 Section 6 of the County Zoning Ordinance; and

Now Therefore, Be It Resolved pursuant to Article 26 Section 6 of the Goochland Zoning Ordinance and § 15.2-2309 of the Code of Virginia (1950, as amended), the Goochland County Board of Zoning Appeals makes the following findings related to granting of this variance:

- 1) That the strict application of the terms of the ordinance [would/would not] unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance; and
- 2) That the property interest for which the variance is being requested [was/was not] acquired in good faith and any hardship [was/was not] created by the applicant for the variance; and

- 3) That the granting of the variance [will/will not] be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; and
- 4) That the condition or situation of the property concerned [is not/is] of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; and
- 5) That the granting of the variance does [not result/result] in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- 6) That the relief or remedy sought by the variance application [is not/is] available through a special exception process that is authorized in the ordinance or the process for modification of a zoning ordinance at the time of the filing of the variance application.

Now Therefore, Be It Further Resolved by the Goochland County Board of Zoning Appeals this 21st day of March 2016 that the variance applied for by Gibson Wright on behalf of Flemings Quarter, LLC to allow a single-family residence to be built on 1.322 acres on Hermitage Road (Route 676) instead of the required three acres as required by Article 3 Section 5 of the Goochland County Zoning Ordinance for Assessor's Parcel No. 58-1-0-33-0 (GPIN 7715-23-9061) is hereby [granted/denied].

Done this 21st day of March 2016

GOOCHLAND COUNTY BOARD OF ZONING APPEALS

Ayes:

Nays:

Abstain:

Absent:

A copy, teste:

Secretary, Goochland County Board of Zoning Appeals

Goochland, VA 23063

**APPLICATION FOR VARIANCE
FROM ZONING ORDINANCE**

Application No. BZA-2016-00001

Date Application Filed 2-19-2016

Date and Time of Meeting

Name of Applicant

FLEMINGS QUARTER, LLC

Name of Representative

BIBBON M. WRIGHT

Address:

1503 SANTA ROSA ROAD

Address:

(SAME AS APPLICANT)

SUITE 103, PENTON 23225

Phone No.

804 677-7707

Phone No.

Location:

WEST LINE OF HERMIDEX RD
AT NORTHERN INTERSECTION W/ MANDALAY RD.

Public Road Access

YES

Owner/Lessee

FLEMINGS QUARTER LLC

Subdivision

NA

Parcel No.

69. N 7715-23-901

Acreage

1.322

Section

Block

Lot

Deed Book

DB 103, p 71

Plat Book

Are there any deed restrictions?

If "yes", attach copy. NO

Acquired

11/17/65

Zoning

A-2

Date restrictions expires:

ND

The applicant requests a Variance from Article 3 Section 5 of the County Zoning Ordinance. Describe here: (1) what is intended to be done; and (2) the provision of the Ordinance from which relief is sought so that what is intended to be done can be done. Then, complete the applicable line or lines in the area below:

6/16/16

	Applicant's Property	Required by Ordinance	Requested by Applicant
Total Area	<u>1.322 Acres</u>	2 <u>3 Acres</u>	1.322 <u>1.322 Acres</u>
Width	<u>423'</u>	200'	<u>200'</u>
Setback	<u>75'</u>	<u>75'</u>	<u>75'</u>
Side Yard	<u>20'</u>	<u>20'</u>	<u>20'</u>
Rear Yard	<u>35'</u>	<u>35'</u>	<u>35'</u>

Describe briefly the improvements proposed. State whether new buildings or structures are to be constructed, existing buildings or structures are to be used or additions made to existing building or structures.

NEW SINGLE FAMILY DWELING

Relate here the special conditions or circumstances (topography, soil type, shape of property) peculiar to the above described land, building or structure or to the intended use or development of the land, building or structure involved that do not apply generally to other property in the same district.

THIS PARCEL WAS CUT OFF FROM THE PARENT TRACT WHEN HERMITAGE ROAD (# 676) WAS WIDENED AND RELOCATED BACK IN 1974, RESULTING IN A PARCEL THAT IS LESS THAN 2 ACRES.

Have any of the special conditions or circumstances related herein resulted from actions of the applicant? _____ yes no

Describe here how the literal interpretation and enforcement of Section 5 of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use or intended use or development of the property involved by the applicant.

WITHOUT A VARIANCE THE PARCEL IS UNUSABLE.

Describe the effects of this Variance on adjacent property and the surrounding neighborhood. How will adjoining property owners be protected?

IT SHOULDN'T AFFECT THE SURROUNDING NEIGHBORHOOD. WE ARE ONLY REQUESTING A SLIGHT VARIANCE OF 33% OF THE LOT AREA. THE ADJOINING NEIGHBORS WILL BE PROTECTED BY CONFORMING WITH ALL OF THE SETBACK REQUIREMENTS.

Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings and structures on the site, roadways, walks, off-street parking and loading space, landscaping and the like. Architect's sketches showing elevations of proposed buildings and structures and complete plans are desirable and should be filed with application.

Remarks:

STATE OF VIRGINIA) to wit
COUNTY OF GOOCHLAND)

I, GIBSON M. WRIGHT, being duly sworn, depose and say that I am the Lessee/Owner of the property involved in the application. If I am not the Lessee/Owner, I will produce a copy of a contract to purchase the property or I will present written certification from the owner granting me the right to submit this application. I further declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application and that the foregoing statements and answers provided herein are in all respects true and correct to the best of my knowledge and belief.

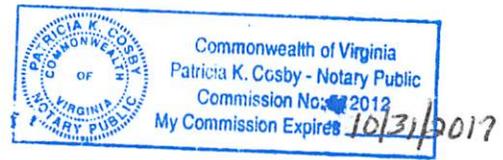
I have read this application, understand its intent, and freely consent to its filing. Furthermore, I have the power to authorize and hereby grant permission to Goochland County officials and other authorized government agents on official business to enter the property as necessary to process this application. I hereby agree to have a sign placed on my property, notifying the public of my application.

Signed Gibson M. Wright
GIBSON M. WRIGHT
FLEMING'S QUARTER, LLC, MANASSAS

Phone No. 801 677-7707
1503 SANTA ROSA RD, SUITE 107
Mailing Address of Applicant Richmond, VA 23225

Subscribed and sworn to before me this 19th day of February, 2016.

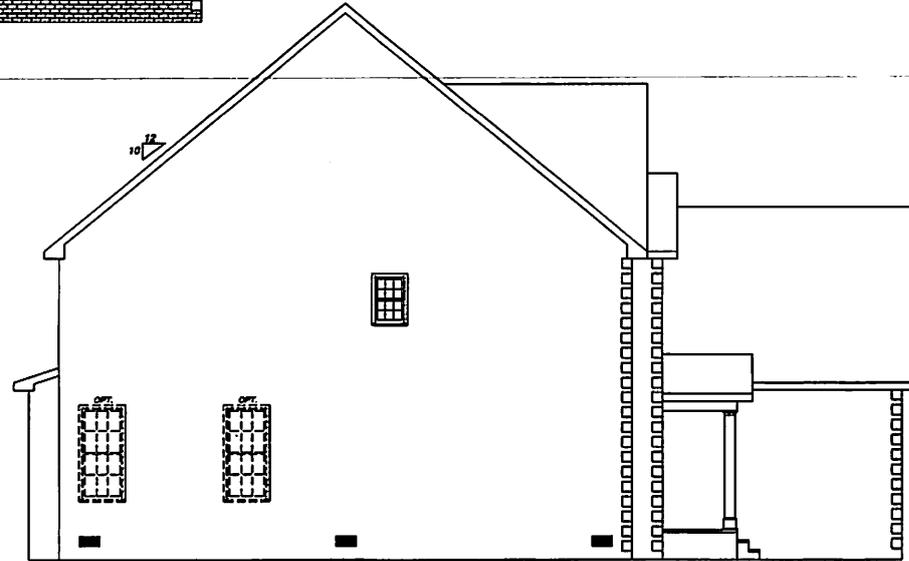
October 31, 2017
My Commission Expires
Patricia K. Cosby
Notary Public





FRONT ELEVATION

SCALE 1/8"=1'



LEFT ELEVATION

SCALE 1/8"=1'

DRAWN BY:
 STRUCTURAL CONNECTIONS
 11551 NUCKOLS RD. SUITE R
 GLEN ALLEN, VA 23059
 PHONE: 804-270-2711 FAX: 804-270-2603

ROYAL DOMINION HOMES
 11551 Nuckols Rd. Suite R Glen Allen, VA 23059
 Phone : 804-270-2711 Fax : 804-482-2603

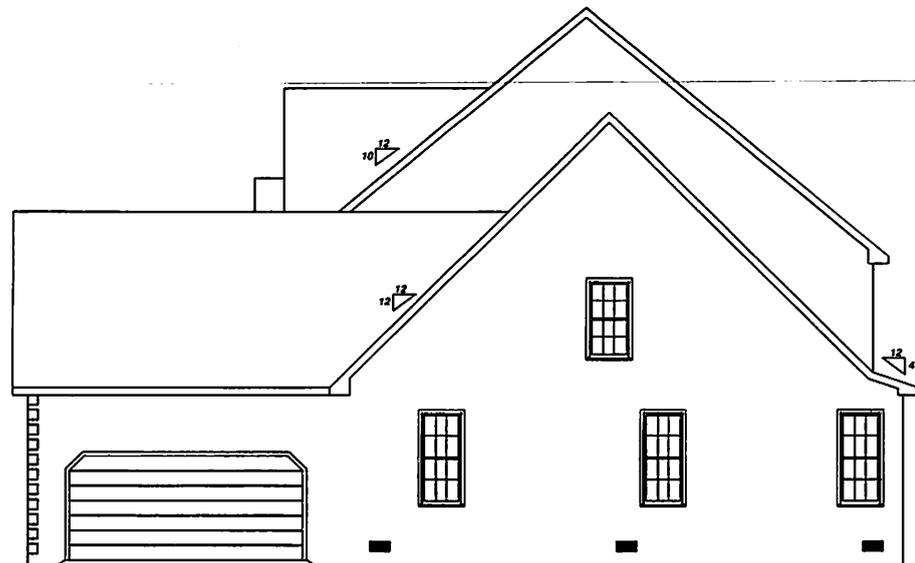
THE ROANOKE LIESFIELD

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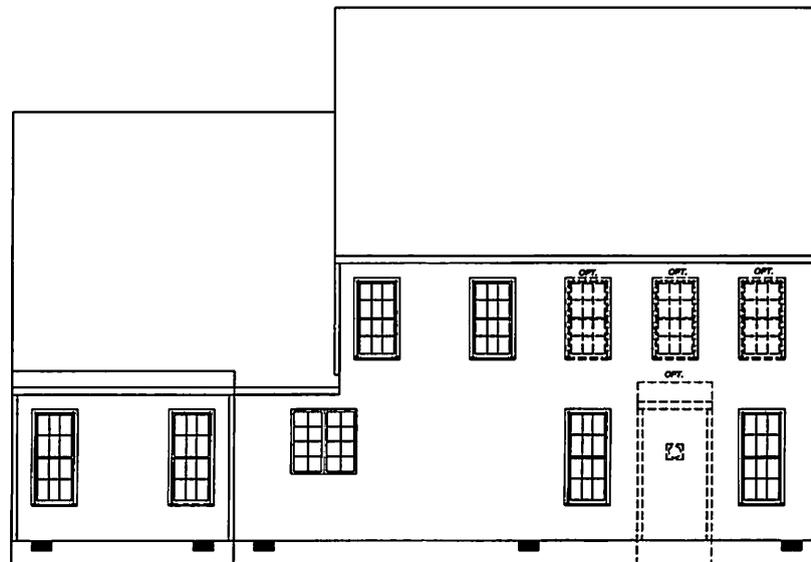
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 1/04/13
 DATE REVISED
 9/04/13

SHEET NO.:

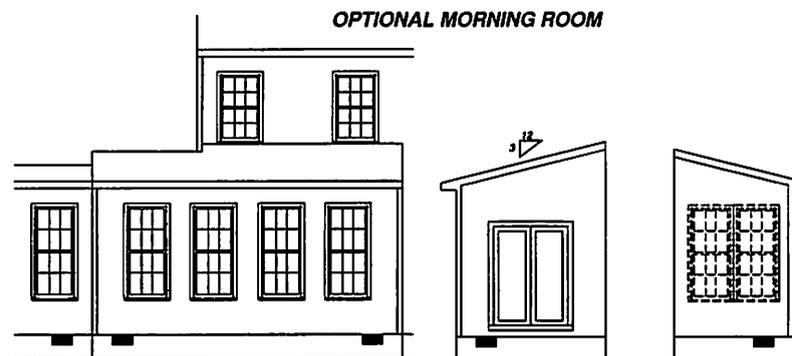
1a/6



RIGHT ELEVATION
SCALE 1/8"=1'



REAR ELEVATION
SCALE 1/8"=1'

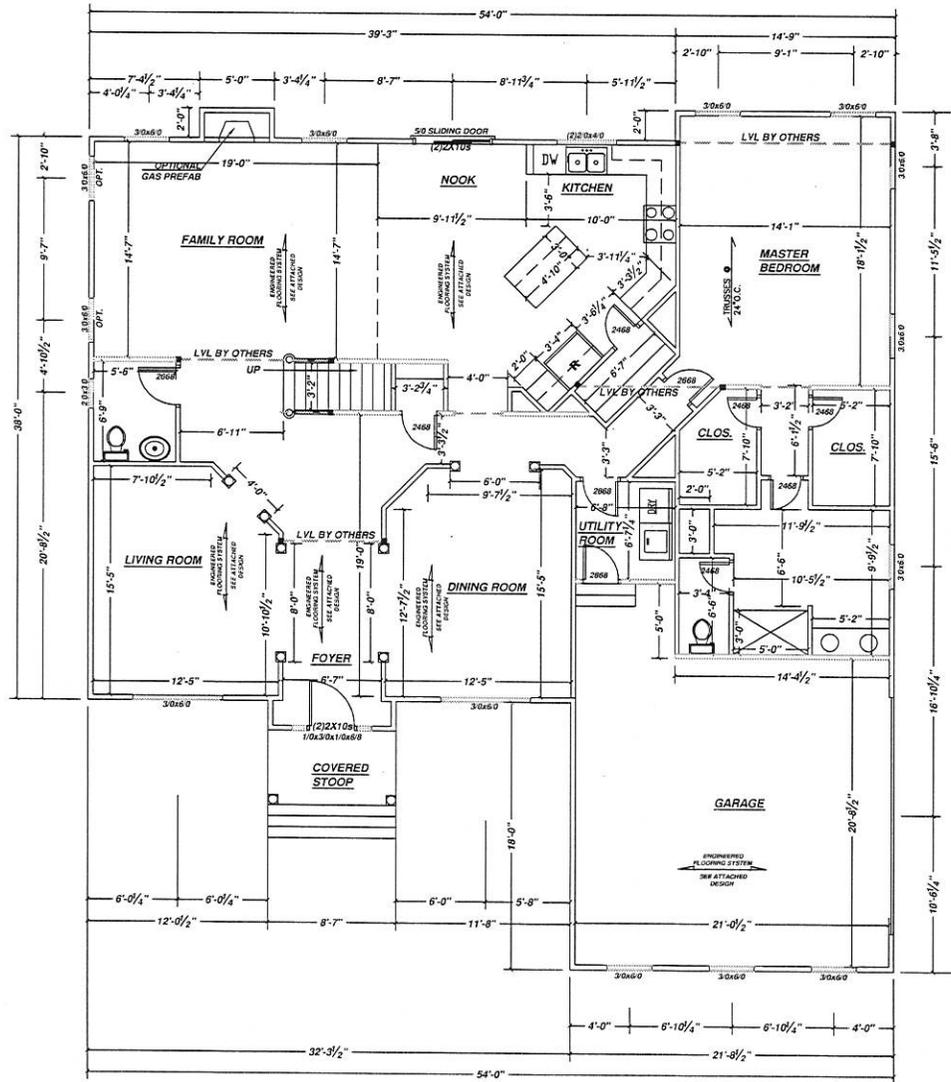


OPTIONAL MORNING ROOM
REAR LEFT RIGHT

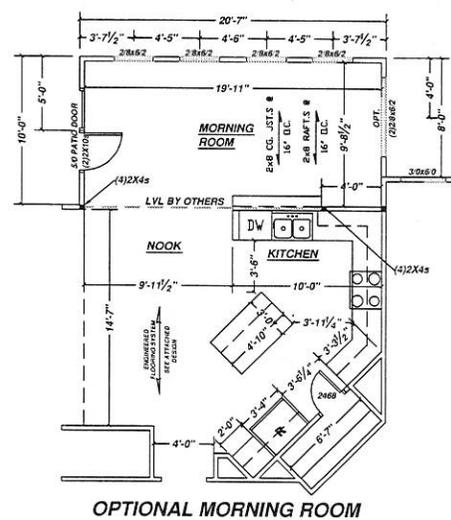
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 STRUCTURAL CONSTRUCTION
 MANUFACTURING PRODUCTS
 800-271-0618
 ROYAL DOMINION HOMES
 11551 Nuckols Rd. Suite R Glen Allen, VA 23059
 Phone : 804-270-2711 Fax : 804-482-2603
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DATE DRAWN:
 1/04/13
 DATE REVISED:
 9/04/13
 SHEET NO.:
 1b/6

THIS PLAN IS DESIGNED UNDER IRC 2009 CODE.



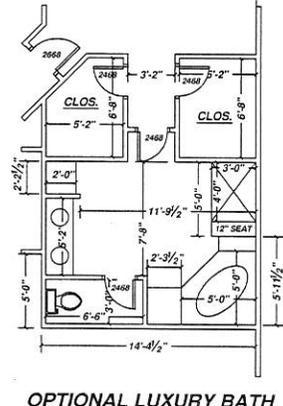
FIRST FLOOR
SCALE 1/8"=1'



INTERIOR BEARING WALL
9' CEILINGS—FIRST FLOOR
8' CEILINGS—SECOND FLOOR
LENGTHEN CASED OPN JACKS TO 92 1/2" AS INDICATED.*

NOTE:
-2X6X6# HEADER OVER WINDOWS AND DOORS UNLESS OTHERWISE INDICATED.

KEEP JOISTS CLEAR OF TOILET AND SHOWER DRAIN



OPTIONAL LUXURY BATH

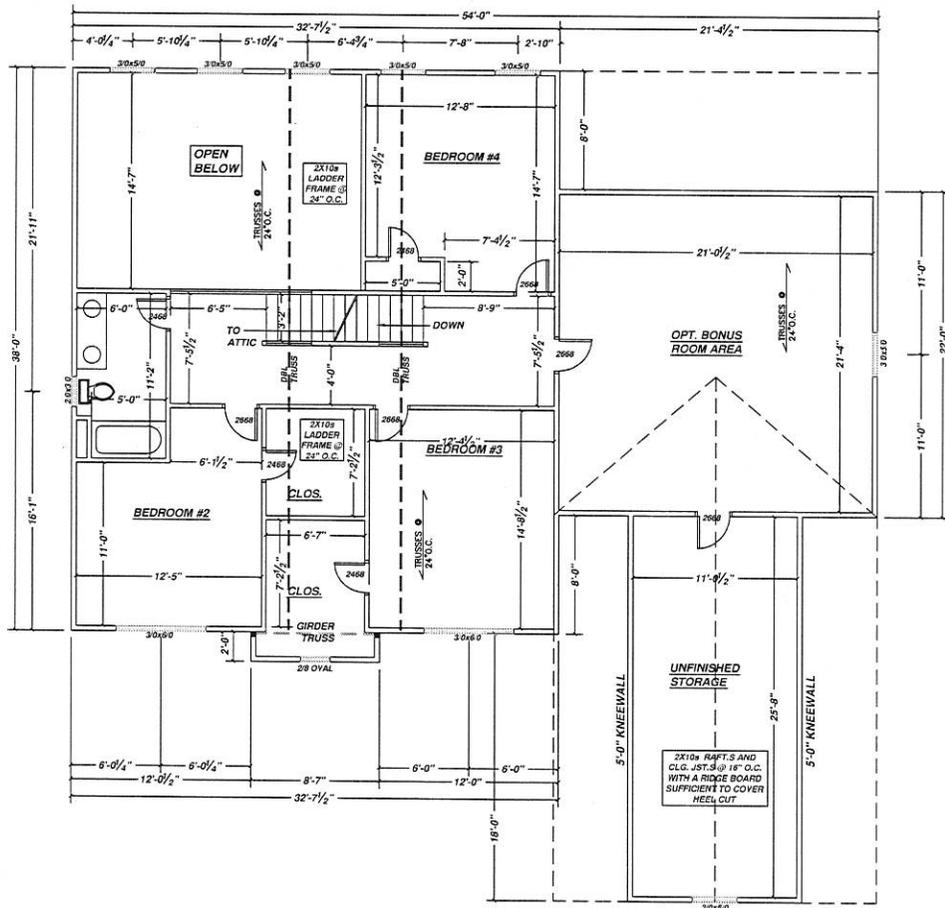
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STRUCTURAL COORDINATOR
ARCHITECTURAL DRAFTER
DATE: 1/10/13
REV: 7/27/11 (0) REV: 2/12/08

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Phone : 804-270-2711 Fax : 804-482-2603

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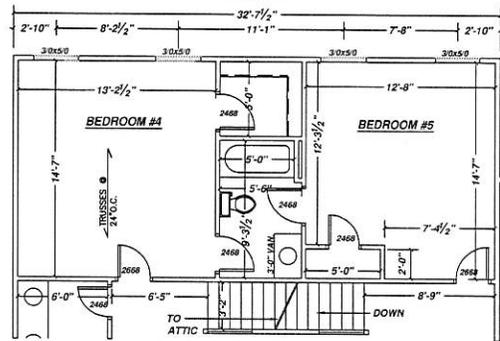
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1/04/13
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9/04/13
SHEET NO.:
3/6

THIS PLAN IS DESIGNED UNDER IRC 2009 CODE.



SECOND FLOOR
SCALE 1/8"=1'

OPTIONAL BEDROOM LAYOUT WITH JACK AND JILL BATH



DESIGN BY:
STRUCTURAL COORDINATOR:
GUY HANCOCK, INC.
401.270.2711 OR 813.239.8999

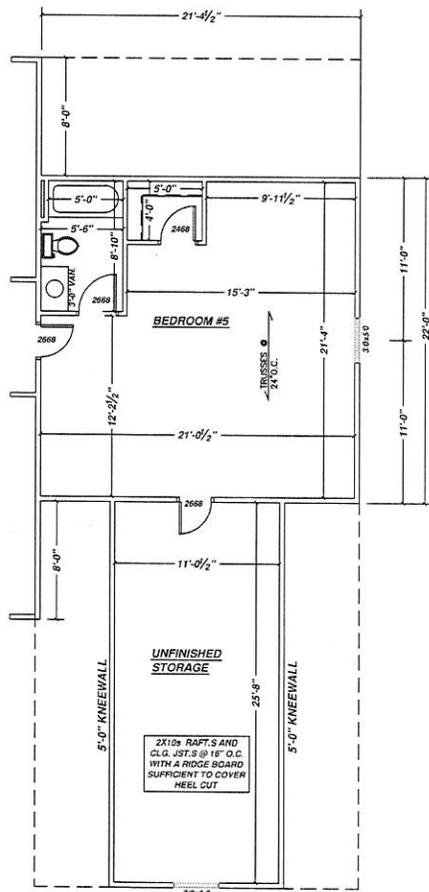
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11551 Nuckols Rd. Suite R Glen Allen, VA 23059
Phone : 804-270-2711 Fax : 804-482-2603

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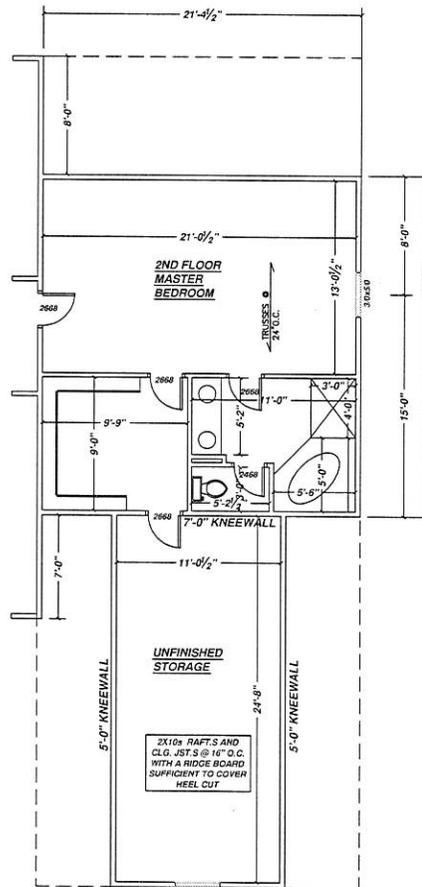
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9/04/13

SHEET NO.:
4/6



OPTIONAL BEDROOM #5 WITH OPTIONAL BATH



OPTIONAL SECOND MASTER WITH OPTIONAL LUXURY BATH

ERRATA:
 STRUCTURAL COORDINATOR
 RYAN GILMOR DRAFTSMAN
 401-270-2711 OR 804-271-5898

ROYAL DOMINION HOMES
 11551 Nuckolls Rd. Suite R Glen Allen, VA 23059
 Phone : 804-270-2711 Fax : 804-482-2603

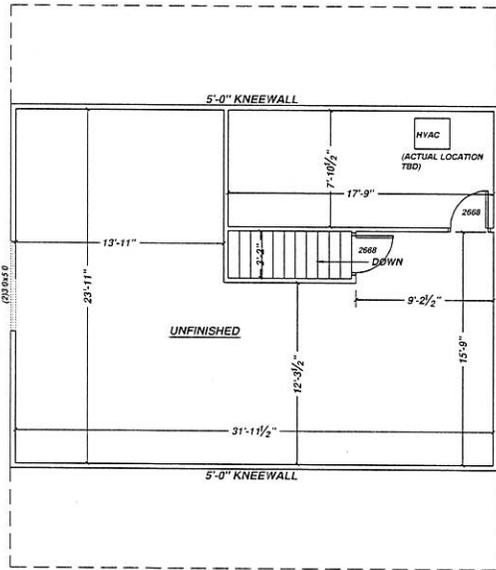
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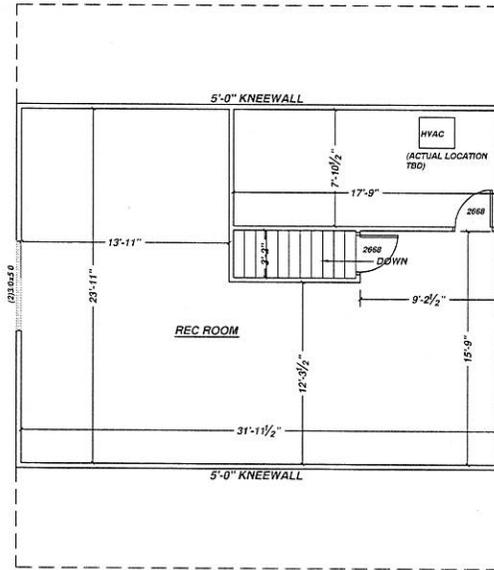
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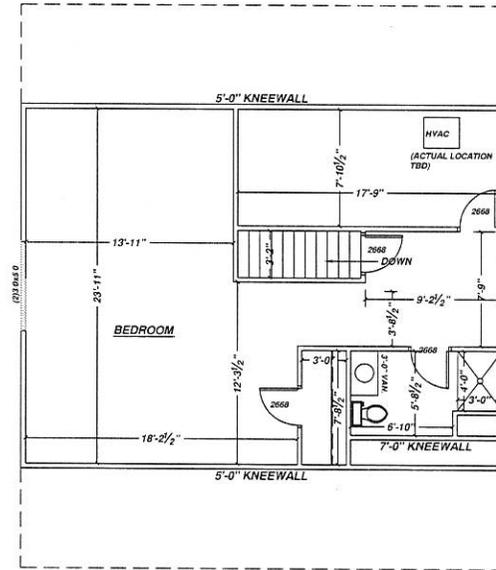
4/6



THIRD FLOOR UNFINISHED
SCALE 1/8"=1'



THIRD FLOOR REC ROOM
SCALE 1/8"=1'



THIRD FLOOR BEDROOM WITH BATH
SCALE 1/8"=1'

DRAWN BY:
STRUCTURAL COORDINATOR:
MECHANICAL DRAFTSMAN:
DATE: 1/20/13 08:44:21 858

ROYAL DOMINION HOMES
11551 Nuckolls Rd, Suite R, Glen Allen, VA 23059
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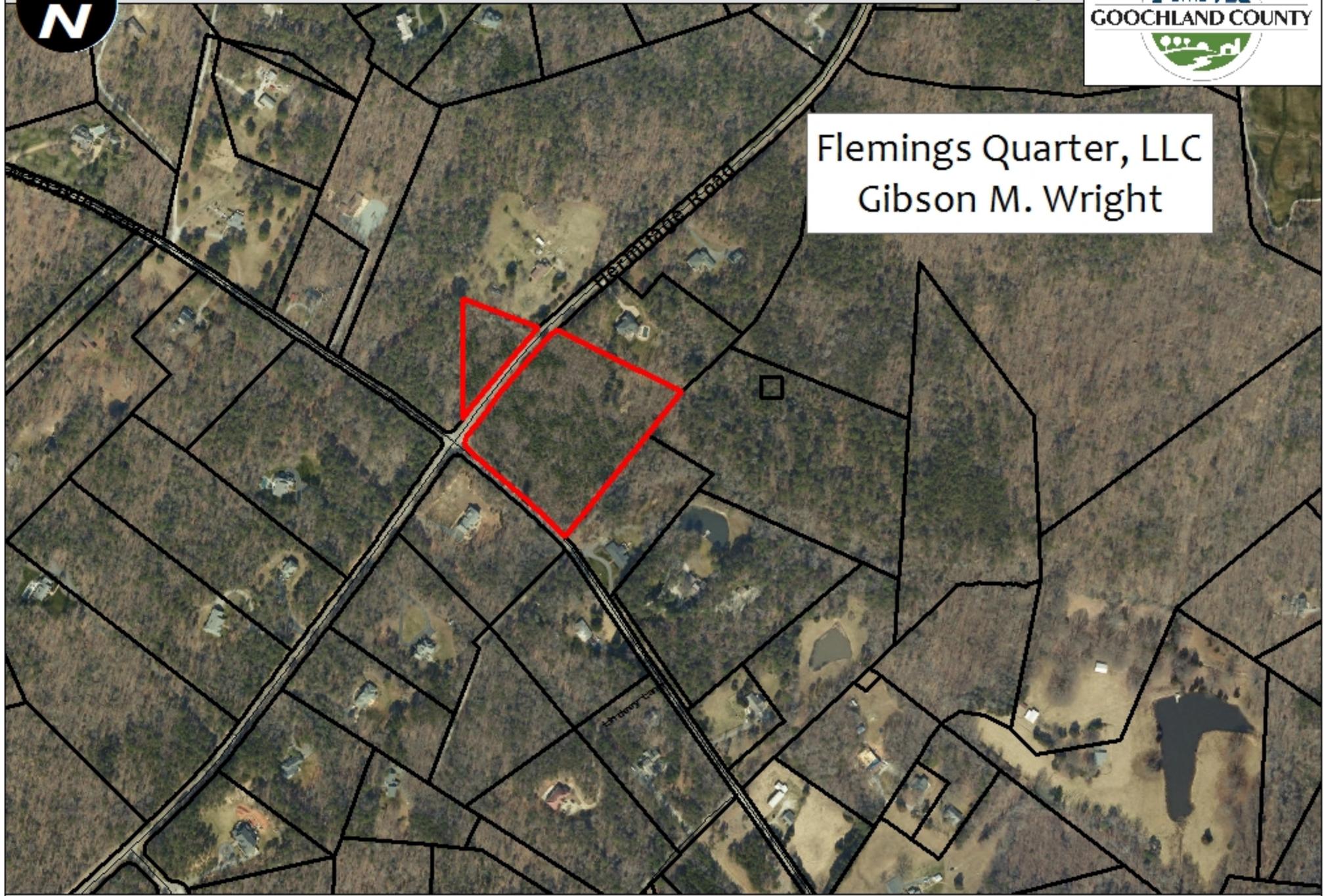
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Flemings Quarter, LLC
Gibson M. Wright

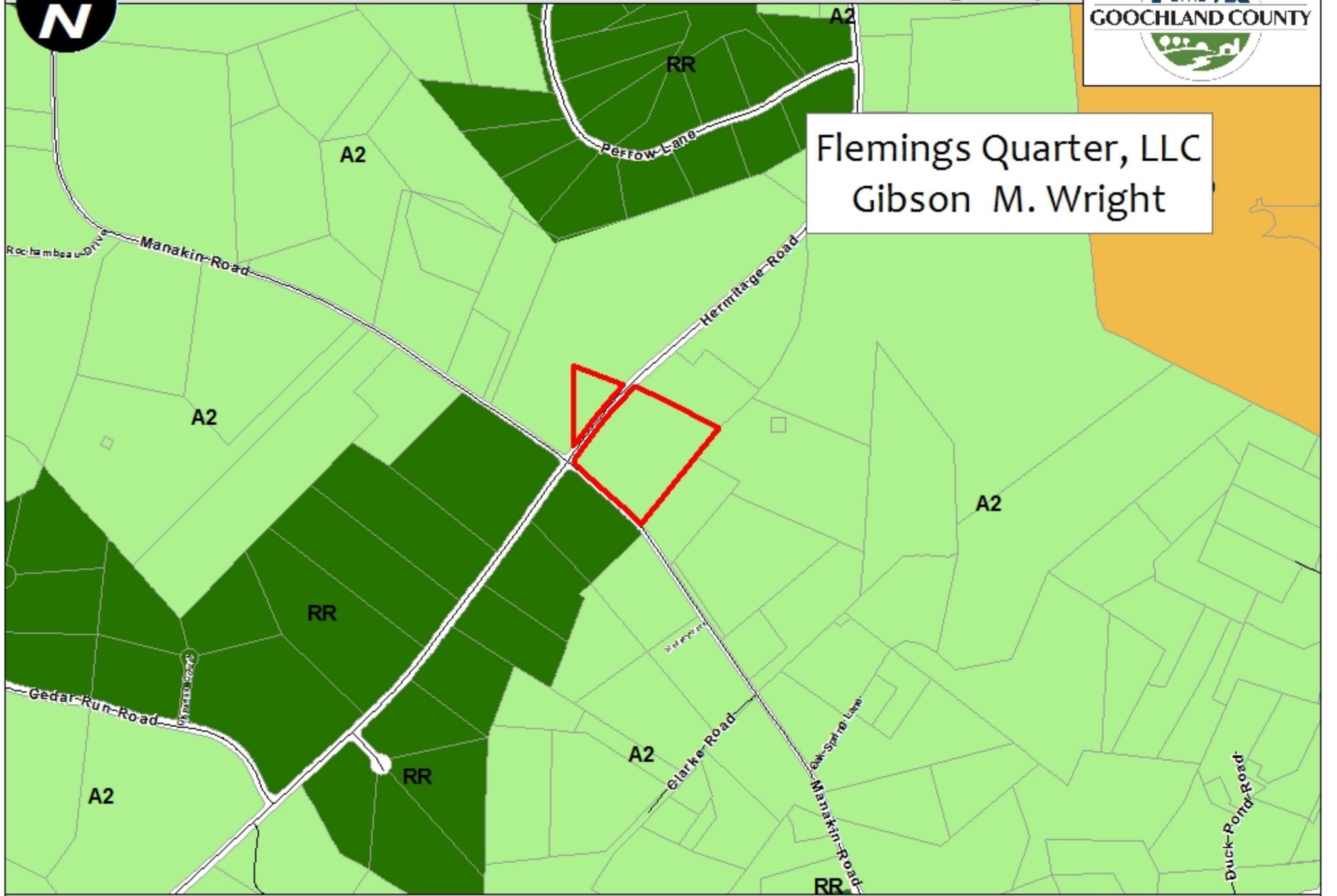




Zoning Map



Flemings Quarter, LLC
Gibson M. Wright





P.O. Box 103
1800 Sandy Hook Road
Goochland, VA 23063

Phone: 804-556-5863
Fax: 804-556-5654
E-mail: abarnes@co.goochland.va.us

TO: BOARD OF ZONING APPEALS
FROM: ANITA F. BARNES, ZONING ADMINISTRATOR
SUBJECT: STAFF REPORT – BZA-2016-00001 – FLEMINGS QUARTER, LLC (GIBSON WRIGHT)
DATE: MARCH 3, 2016
CC: DAN SCHARDEIN

Application filed by Gibson Wright for Flemings Quarter, LLC, requesting a variance to allow a single-family residence to be built on 1.322 acres on Hermitage Road (Route 676). Article 3, Section 5 of the Goochland County Zoning Ordinance requires a minimum acreage of three acres for a single-family residence. The subject property is identified as Assessor's Parcel No. 58-1-0-33-0 (GPIN 7715-23-9061) and is located at the intersection of Hermitage Road (Route 676) and Manakin Road (Route 621) in the Dover Magisterial District. The subject property is zoned A-2 (Agricultural, Limited) and the 2035 Comprehensive Plan designates this area as Single Family Residential, Low Density.

Flemings Quarter, LLC, applied for a variance seeking relief from the requirement of a three (3) acre minimum on A-2 zoned property. The property consists of 9.39 acres with Hermitage Road separating the property with a 1.322 acres on the West side of Hermitage Road and 7.35 acres on the East side of Hermitage Road.

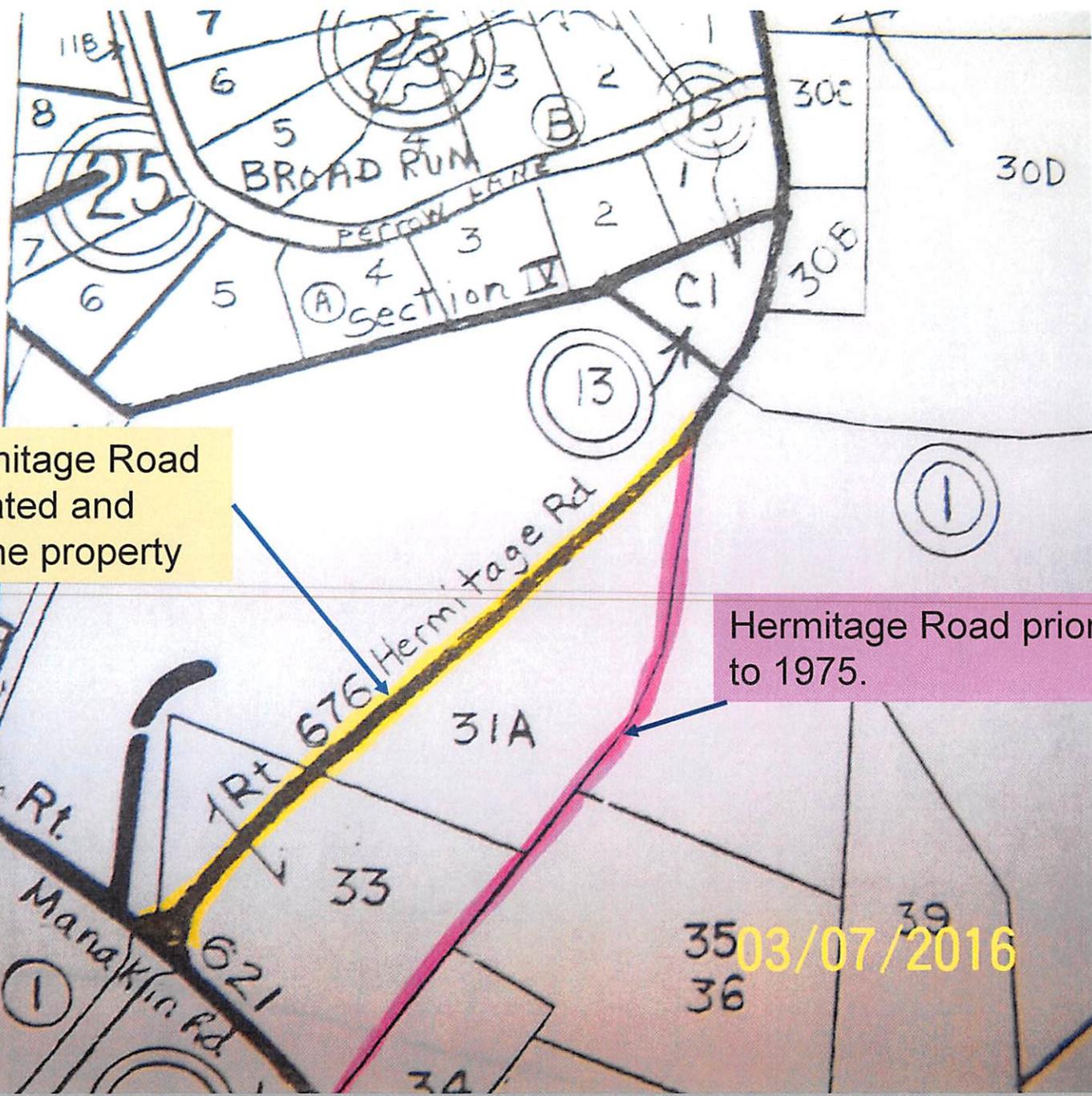
The applicant submitted documentation showing that in March 1975, the State Highway and Transportation Commissioner acquired the right-of-way from the property owner for realigning Hermitage Road per Deed Book 139 Page 457 recorded at the Goochland County Clerk's Office in the Record Room. This conveyance of the right-of-way caused the property to be divided by the road and leaving the 1.322-acre portion across the road from the bulk of the property. Reviewing the official zoning map, between the time frame of 1970 and 1985 the maps do show that the road shifted to the west.

Flemings Quarter, LLC, seeks this variance to partition the 1.322-acre portion from the 7.35-acre portion of the property across the road. Further, Flemings Quarter, LLC, intends, if granted the requested variance and allowed to subdivide the property, to construct a single-family residence on the 1.322-acre portion.

Flemings Quarter, LLC, had a soil report done on the 1.322-acre parcel which does show a primary and secondary drainfield site. The proposed house site will meet the required setbacks per A-2 zoning district.

On March 3, 2016 the Planning Commission unanimously voted to recommend approval of the variance request to the Board of Zoning Appeals.

Based on the information submitted and our findings, staff can support the applicant request for a variance.



1975 Hermitage Road was relocated and bisected the property

Hermitage Road prior to 1975.

03/07/2016

DARVIN E. SATTERWHITE
ATTORNEY AT LAW
P. O. BOX 325
3013 River Road West
GOOCHLAND, VIRGINIA 23063

804-556-4012
FAX 556-4849

E-mail: darwin@dsatterwhite.com
www.dsatterwhite.com

March 9, 2016

BY HAND DELIVERY

Goochland County Board of Zoning Appeals
c/o Sara H. Worley, Clerk
Department of Community Development
1800 Sandy Hook Road, Suite 280
P. O. Box 103
Goochland, VA 23063

Re: Application for Variance filed by Flemings Quarter, LLC

Dear Sara:

I will be representing Flemings Quarter, LLC at the Board of Zoning Appeal's hearing regarding its Application for Variance. I would appreciate it if you would file the following documents as part of this case that we will be using at the hearing:

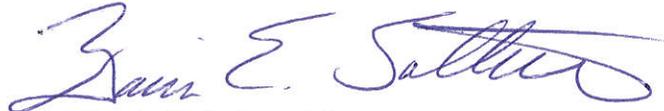
- Original configuration of the subject property containing 10 acres as shown on a plat dated 1867 and recorded in the Clerk's Office of the Goochland Circuit Court in Deed Book 47, page 181.
- The 1963 deed recorded in Deed Book 103, page 71 conveying the same 10 acres to the heirs of George and Mary Woodson.
- Legal description from our present title commitment of the same 10 acres showing that it was acquired by Robert I. Nunnally, et al. in 1965, and that later in 1975 the State Highway Department extended a public roadway through the property taking 0.61 acres and leaving the subject 1.322 acre remnant pursuant to the highway Certificate filed in Deed Book 139, page 457.
- The Certificate recorded by the State Highway and Transportation Commissioner recorded in Deed Book 139, page 457 regarding the above referenced highway expansion that bisected the subject property.
- A copy of the plat recorded in State Highway Plat Book No. 4 showing the Highway Department's taking of the strip outlined in red that bisected the property leaving the present 1.322 acre remnant. This plat was referenced for recordation in the Certificate recorded in Deed Book 139, page 457 as indicated above.

- The Order Confirming Report of Commissioner in the case of the State Highway and Transportation Commissioner of Virginia v. Robert I. Nunnally, et al. as recorded in the Clerk's Office of the Goochland County Circuit Court in Deed Book 143, page 362 reflecting the property described in the aforementioned Certificate.
- Plat entitled, "PLAT SHOWING FOUR PARCELS OF LAND LYING NORTH OF THE INTERSECTION OF HERMITAGE ROAD AND MANAKIN ROAD," dated January 12, 2016 prepared by Jenning Stephenson, P. C. showing the subject property as Parcel 1, containing 1.322 acres.
- "Parcel 1 Schematic Site Plan," prepared by Parker Consulting, LLC, showing the potential building layout for the subject property.
- Aerial photo from Goochland GIS showing subject property an surrounding area.

In additional to these documents, we will also rely upon the attachments that were submitted along with the Application for Variance.

Thank you very much for your cooperation.

Very truly yours,



Darvin E. Satterwhite

DES/ele

Enclosure

cc: Flemings Quarter, LLC
c/o Gibson Wright, Manager

*Manak St to Smith Jr.
120 W. 1st St.
Richmond Va 23219*

P. A. L. SMITH, Jr.
Special Commissioner
to
Heirs of George Woodson,
et als

WHEREAS, in a certain suit in chancery filed in the Circuit Court of the County of Goochland, Virginia, on November 2, 1963, by the decedents and heirs of George Woodson and Mary Woodson, his wife, both deceased, for the securing of a legal title to a tract of ten acres with improvements thereon, situated near Manakin, Goochland County, Virginia, the said property having been contracted to be purchased from Elizabeth A. Willis and Pleasant Willis, her husband, they having been paid for the land but left the County of Goochland some seventy years ago without executing any deed to the said George Woodson or his wife, and

Deed #815
Fee \$5.00

WHEREAS, pursuant to Order of Publication duly published in the Goochland Gazette, a newspaper published in the County of Goochland, and the editor thereof having filed a certificate thereto, and

WHEREAS, BY THE depositions duly taken and filed in said cause, the plaintiffs named in the said suit established the said contract for the sale of the said land against the defendants named therein, and whereas by decree entered by the Circuit Court of the County of Goochland on November 13, 1965, it was adjudged, Ordered and Decreed that the plaintiffs therein named are the owners in fee simple of the said real estate and that they are entitled to the possession of the same and to hold it free from any adverse claims and that the title to the said land shall be forever vested in the said plaintiffs and their heirs, but the interests of the plaintiffs as between themselves were not before the court and were not determined in this suit, and

WHEREAS, the Court appointed P. A. L. Smith, Jr., Special Commissioner to execute to the plaintiffs in said suit and directed that upon the payment of all costs and receipts therefor filed with the papers in this cause, the said Special Commissioner should execute and deliver to the plaintiffs a deed of special warranty conveying to them the title to the real estate described in the said suit, and whereas the said Special Commissioner in compliance with said decree, doth hereby convey the said real estate by Deed of Special Warranty to the said plaintiffs, namely: Roberta I. Nunnally, Josephine Woodson, George Woodson, Marian Woodson Butler, Celia Woodson Hudson, and Jake Ingram.

NOW, THEREFORE, this deed made this 17th day of November, 1965, between P. A. L. Smith, Jr., Special Commissioner as aforesaid, party of the first part, and the heirs of the said George Woodson and Mary Woodson, his wife, the plaintiffs herein, whose names are above set forth, parties of the second part.

WITNESSETH: For and in consideration of the provisions of the said decree of November 13, 1965, and in further consideration of the sum of \$1.00 cash in hand paid, receipt whereof is hereby acknowledged, the said P. A. L. Smith, Jr., as Special Commissioner, doth hereby grant and convey with Special Warranty of Title to the said parties of the second part, the following described real estate:

All that certain tract or parcel of land lying in Dover District, Goochland County, Virginia, near Manakin, lying on the road from Little Store to Manakin, containing ten acres with all improvements thereon, the boundaries, metes and bounds thereof as shown on a plat of survey made May 7, 1867, of the estate of Pleasant Willis, made by Benjamin B. Pleasants, Surveyor, containing twenty acres, the said ten acres being designated as Lot No. 1. on said survey and recorded in the Office of the Clerk of the Circuit Court of the County of Goochland, on May 18, 1891, and a copy thereof filed with the papers in this cause, which said ten acres was assigned to the said Elizabeth A. Willis and sold to the said George Woodson, deceased.

WITNESS the following signature and seal.

P. A. L. Smith, Jr. (SEAL)
P. A. L. SMITH, JR.
Special Commissioner

STATE OF VIRGINIA
CITY OF RICHMOND, to-wit:

I, Shirley J. Langley, a Notary Public in and for the City of Richmond, State of Virginia, do certify that P. A. L. Smith, Jr., Special Commissioner, whose name is signed to the foregoing writing bearing date on the 17th day of November, 1965, has this day acknowledged the same before me in my city aforesaid.

My commission expires February 15, 1969.

Given under my hand this 18th day of November, 1965.

Shirley J. Langley
Notary Public

Virginia, Goochland County, to-wit:

In the Office of the Clerk of the Circuit Court for the County of Goochland, the 19 day of November, 1965; This Deed was presented and with the certificate annexed, admitted to record at 10:00 o'clock A.M.

TESTE:

Harry W. Baldwin
.....
Clerk

LEGAL DESCRIPTION
EXHIBIT "A"

Parcel 1: ALL that certain tract or parcel of land, lying in Dover District, Goochland County, Virginia near Manakin, lying on the road from Little Store to Manakin, containing ten acres with all improvements thereon, as show on a Plat of Survey made May 7, 1867, of the Estate of Pleasant Willis, by Benjamin B. Pleasants, Surveyor, 10 acres more or less, designated as Lot No. 1, on said survey recorded May 18, 1891 in the Clerk's Office, Circuit Court, Goochland County, Virginia in Deed Book 47, Page 81.

LESS and EXCEPT 0.61 acres conveyed to the Commonwealth of Virginia by Certificate of Take dated September 19, 1974 recorded February 27, 1975 in Deed Book 139, Page 457 and confirmed by Order entered December 29, 1975 in Deed Book 139, Page 457 and confirmed by Order entered December 29, 1975, in Deed Book 143, Page 362.

BEING the same real estate conveyed to the heirs of George Woodson and Mary Woodson, his wife, namely Robert I. Nunnally, Josephine Woodson, George Woodson, Marian Woodson Butler, Celia Woodson Hudson and Jake Ingram by deed from P.A.L. Smith, Jr., Special Commissioner, dated November 17, 1965, recorded November 19, 1965 in the aforementioned Clerk's Office in Deed Book 103, Page 71. (TMN 58-1-33)

139/457
mail: State Hwy Dept
Rich VA
3-15-75

#188

H/W-31
Revised 7-1-74

No. G-25253 Book 133 PAGE 457 \$ 1,475.00

CERTIFICATE

This is to certify that \$ 1,475.00 is estimated by the State Highway and Transportation Commissioner of Virginia to be the fair value of the land hereinafter described, or interest therein, and damages to the remainder, if any, owned in whole or in part by Robert T. Nunnally and husband, if married; Josephine Woodson and husband, if married; George Woodson and wife, if married; Marion Woodson Butler and husband, if married; Cecelia Woodson Hudson and husband, if married; and Jake Ingram and wife, if married; or their interest may appear, which the said State Highway and Transportation Commissioner of Virginia has directed to be taken in conjunction with the construction, reconstruction, alteration or maintenance of Route 676 - State Secondary System identified as Project 0676-037-133, M-501, as shown on Sheet 2 & 2A of plans for said Project on file with the Virginia Department of Highways and Transportation. The amount above specified, or so much thereof as may be directed by the Court, will be paid by the State Treasurer of Virginia, pursuant to the order of the Circuit Court of Goosland County, as provided by Title 33.1, Chapter 1, Article 7 of the 1950 Code of Virginia, as amended. The land, or interest therein, taken lies in Dover Magisterial District of Goosland County, and is described as follows:

See Order
in DBA 143
p. 362

Being as shown on Sheet 2 of the plans for Route 676, State Highway Project 0676-037-133, M-501, and lying on both sides of and adjacent to the proposed Route 676 survey and Office Revised Centerline, from the center of present Route 621 at approximate Station 2+35, to the lands of John H. Snod at approximate Station 7+35, and containing 0.61 acre, more or less, land, of which 0.02 acre is included in the existing right of way, and 0.59 acre, more or less, is additional land.

For a more particular description of the land, or interest therein, taken, reference is made to photo copy of said Sheet 2, showing outlined in RED the land taken in fee simple, which photo copy is hereto attached as a part of this Certificate and recorded simultaneously herewith in the State Highway Plat Book, at pp. 113-114.

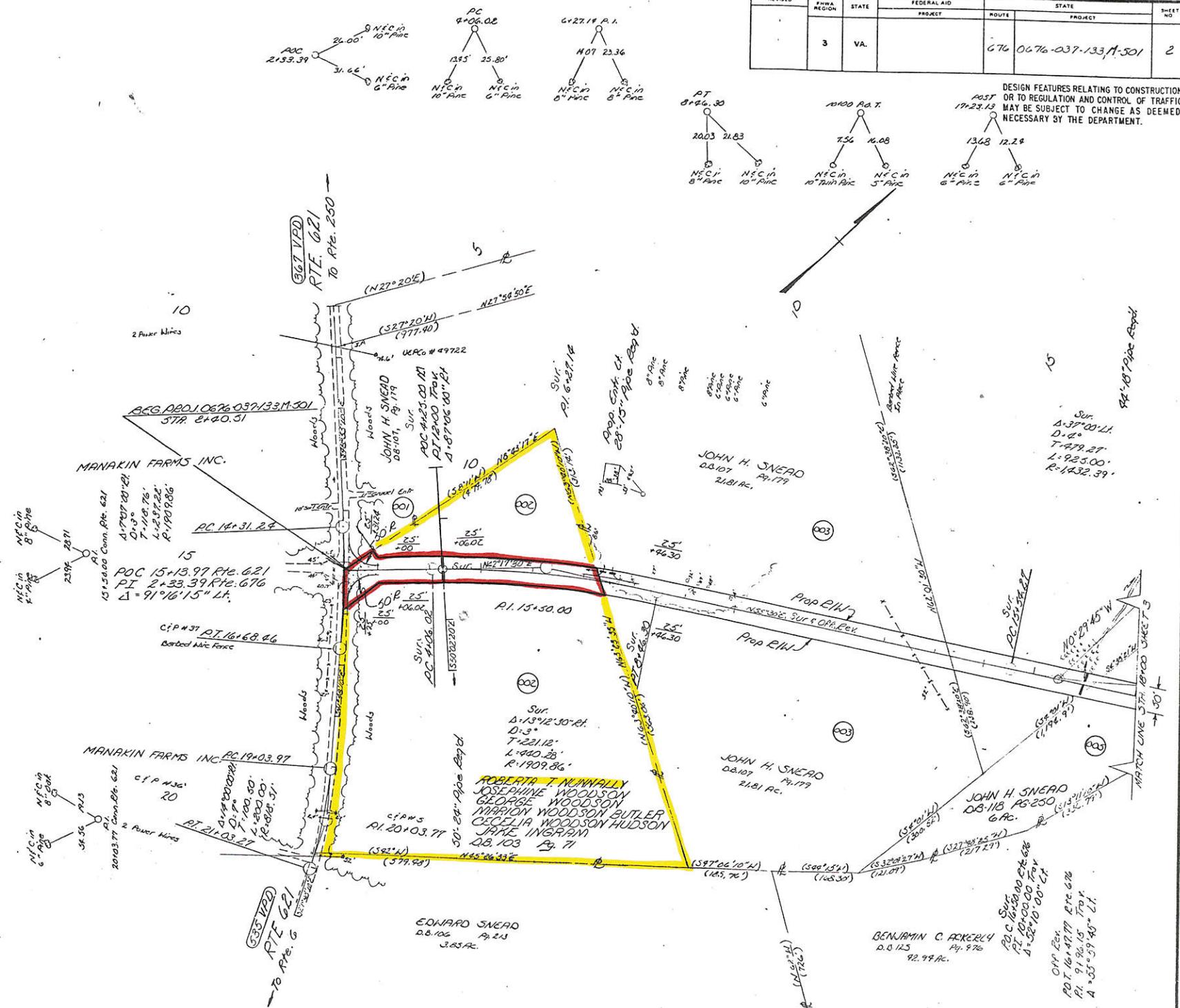
Dated at Richmond, Virginia:
September 19, 1974

[Signature]
Deputy State Highway and Transportation Commissioner of Virginia
Countersigned
[Signature]
Deputy Treasurer of Virginia

Copy for: State Highway and Transportation Commissioner (2)
Treasurer of Virginia
Attorney at Law

REVISED	FHWA REGION	STATE	FEDERAL AID PROJECT	ROUTE	STATE PROJECT	SHEET NO
	3	VA.		676	0676-037-133M-501	2

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT.



143/362

BOOK 143 PAGE 362

#1505

VIRGINIA
IN THE CIRCUIT COURT OF GOOCHLAND COUNTY

STATE HIGHWAY AND TRANSPORTATION
COMMISSIONER OF VIRGINIA
Petitioner

v.

ROBERT T. NUNNALLY and husband, if
married; JOSEPHINE WOODSON and
husband, if married; GEORGE WOODSON
and wife, if married; MARION WOODSON
BUTLER and husband, if married;
CECELIA WOODSON HUDSON and husband,
if married; and JAKE INGRAM and wife,
if married; as their interests may appear
Defendants

ORDER CONFIRMING REPORT OF COMMISSIONERS

This day came the State Highway and Transportation
Commissioner of Virginia, by counsel, and it appearing to the
Court that the Report of the Commissioners hereinbefore
appointed with the certificate of the Clerk of this Court
administering the oath to the said commissioners, was, on the
7th day of November, 1975, duly returned to and filed by the
Court herein and that no exceptions have been filed to the
said report by any of the parties herein and that more than
ten (10) days have expired within which exceptions might be
made, the report is accordingly confirmed.

And it appearing to the Court that the Commissioners
ascertained that the value of the land together with improvements
thereon taken herein was \$1,475.00 and that there were no
damages to the residue by reason of the taking, making a total
award of \$1,475.00, the Court doth approve, ratify and confirm
said report in all particulars and doth confirm unto the
Commonwealth of Virginia absolute and indefeasible fee simple
title to the following property:

Being as shown on Sheet 2 of the plans for Route 676,
State Highway Project 0676-037-133, M-501, and lying
on both sides of and adjacent to the proposed Route
676 survey and Office Revised Centerline, from the
center of present Route 621 at approximate Station
2+35, to the lands of John H. Sned at approximate

BOOK 143 PAGE 362

C-25659 in and to the Commonwealth of Virginia and doth direct that this Order be spread in the current deed book in the Clerk's Office of this Court with reference to be made to the deed book and page number wherein this Order is recorded on the deed book and page where Certificate No. C-25659 is spread.

And it further appearing to the Court that the State Highway Commissioner of Virginia has filed check No. 11035515 in the amount of \$1,450.00 the total payment called for in the aforementioned Agreement, payable to the Clerk of the Circuit Court of Goochland County, it is ORDERED that the Clerk of this Court endorse the said check to the order of "Carrington W. Waldrop and Palma S. Waldrop" and to transmit the said check to C. Champion Bowles, Jr., Esq., P.O. Box 145, Goochland, Virginia 23063, attorney for defendants.

The Court doth further ORDER that upon compliance with the directions of this Order, the State Highway Commissioner of Virginia and the State Treasurer of Virginia shall be relieved of all further obligations by virtue of having filed Certificate No. C-25659 in the amount of \$1,450.00 in the Clerk's Office of this Court.

It is further ADJUDGED, ORDERED and DECREED that upon compliance with directions in this Order, and there being nothing further to be done herein, this proceeding shall be dismissed.

ENTER:
Herold H. Russell
Judge
12-29-75

I ask for this:
B. N. D. J.
Of Counsel for the State Highway
Commissioner of Virginia

Seen:
C. Champion Bowles Jr.
Attorney for Defendants

BOOK 143 PAGE 363

Station 7+35, and containing 0.61 acre, more or less, land, of which 0.02 acre is included in the existing right of way, and 0.59 acre, more or less, is additional land.

For a more particular description of the land, or interest therein, taken, reference is made to photo copy of said Sheet 2, showing outlined in RED the land taken in fee simple; which photo copy is attached to and made a part of Certificate No. C-25253 and recorded simultaneously therewith in the State Highway Plat Book.

And it appearing to the Court that the State Highway Commissioner of Virginia has heretofore caused to be recorded in the Clerk's Office of this Court Certificate No. C-25253 for \$1,475.00 and that title to the aforesaid real estate thereby vested in the Commonwealth of Virginia, in accordance with the provisions of Section 33-70.1 and 33-70.4 of the Code of Virginia of 1950, as amended, the Court doth ADJUDGE, ORDER and DECREE that the State Highway Commissioner of Virginia pay to the Clerk of this Court on behalf of Roberta T. Munnally, et al., the sum of \$1,475.00, being the amount represented by the aforesaid Certificate of Deposit; and the Court doth further ORDER that the Commonwealth of Virginia, upon compliance with the directions set forth in this Order, be, and it is hereby released from any and all liability whatsoever by virtue of the recording of the Certificate of Deposit aforesaid; and it is further ORDERED that the proceedings herein be recorded and indexed as provided by Section 30-67.1 of the Code of Virginia of 1950, as amended, with reference to be made showing the book and page number of such recordation on the margin of the page where Certificate No. C-25253 is spread.

And the Court doth further ORDER and DIRECT that the costs herein shall be paid by the State Highway Commissioner of Virginia and the same shall be charged and taxed by the Clerk of this Court as part of the costs herein, as provided

DOCKET 143240 302

by law, including \$20.00 each plus mileage to the following Commissioners serving herein: Graydon E. Martin, Harry Briesmaster, Jr., J. H. Scales, George L. Mitchell, Durwood B. Siddons; and \$10.00 each, plus mileage, to the following Commissioners who appeared but did not serve: Willis N. Cobb, Lindsey N. Hamner, William T. Tucker, Fred R. Allen and Charles S. Giles.

And it further appearing to the Court that there has been no appearance by the defendants, in person or by counsel, and the Court not being advised as to the person or persons entitled to the award rendered herein and confirmed by the Court, the Clerk of this Court is hereby directed to endorse State Warrant No. 843150 in the amount of \$1,475.00 and to deposit the same in the Bank of Goochland to the credit of the Court in this cause.

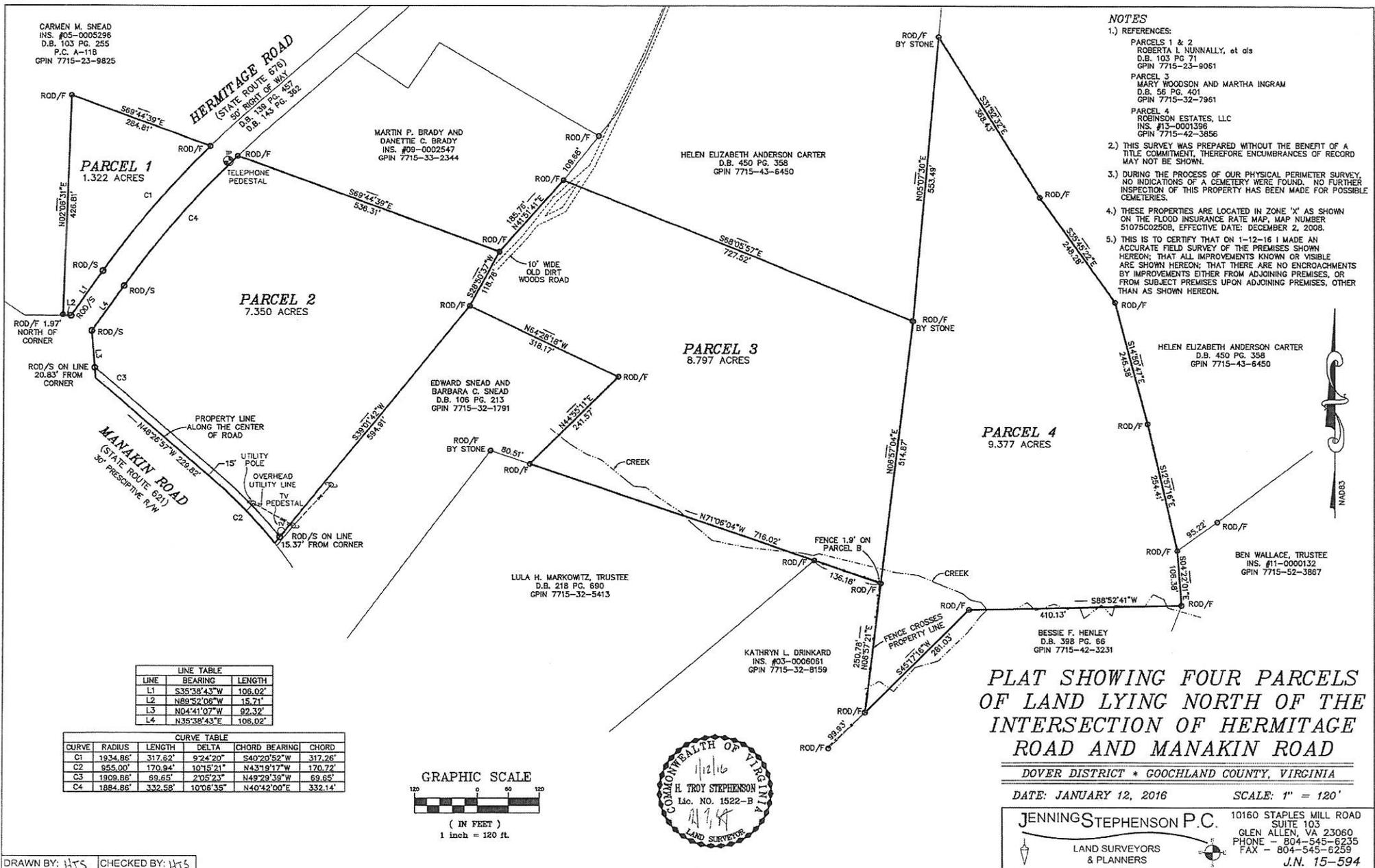
And nothing further remaining to be done in this cause, the same is hereby ORDERED to be stricken from the docket of this Court and placed among the ended causes in the Clerk's Office.

ENTER:

Arnold H. Powell
Judge
12-29-75

I ask for this:

B. H. B. 21
Attorney for the State Highway
Commissioner of Virginia



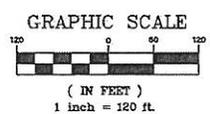
- NOTES**
- 1.) REFERENCES:
 PARCELS 1 & 2
 ROBERTA L. NUNNALLY, et als
 D.B. 103 PG 71
 GPIN 7715-23-9061
 PARCEL 3
 MARY WOODSON AND MARTHA INGRAM
 D.B. 56 PG. 401
 GPIN 7715-32-7961
 PARCEL 4
 ROBINSON ESTATES, LLC
 INS. #13-0001386
 GPIN 7715-42-3856
 - 2.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, THEREFORE ENCUMBRANCES OF RECORD MAY NOT BE SHOWN.
 - 3.) DURING THE PROCESS OF OUR PHYSICAL PERIMETER SURVEY, NO INDICATIONS OF A CEMETERY WERE FOUND. NO FURTHER INSPECTION OF THIS PROPERTY HAS BEEN MADE FOR POSSIBLE CEMETERIES.
 - 4.) THESE PROPERTIES ARE LOCATED IN ZONE 'X' AS SHOWN ON THE FLOOD INSURANCE RATE MAP, MAP NUMBER 5107500250B, EFFECTIVE DATE: DECEMBER 2, 2008.
 - 5.) THIS IS TO CERTIFY THAT ON 1-12-16 I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT ALL IMPROVEMENTS KNOWN OR VISIBLE ARE SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES, OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON.

LINE TABLE

LINE	BEARING	LENGTH
L1	S35°38'43"W	106.02'
L2	N89°52'08"W	15.71'
L3	N04°41'07"W	92.32'
L4	N35°38'43"E	106.02'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
C1	1934.86'	317.62'	9°24'20"	S40°20'52"W	317.26'
C2	955.00'	170.94'	10°15'21"	N43°19'17"W	170.72'
C3	1809.88'	69.65'	2°05'23"	N49°29'39"W	69.65'
C4	1884.86'	332.58'	10°08'35"	N40°42'00"E	332.14'

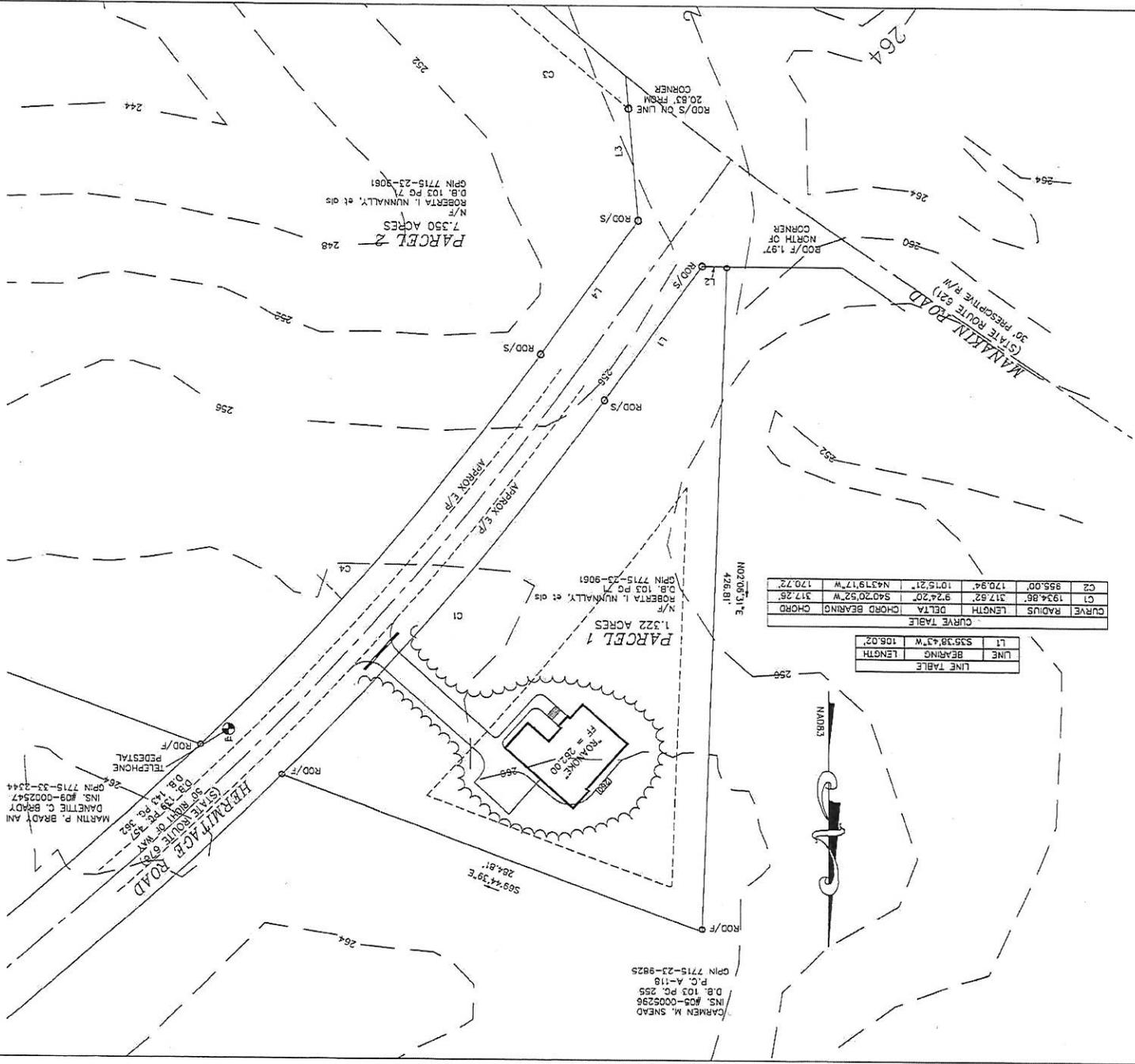


PLAT SHOWING FOUR PARCELS OF LAND LYING NORTH OF THE INTERSECTION OF HERMITAGE ROAD AND MANAKIN ROAD

DOVER DISTRICT * COOCHLAND COUNTY, VIRGINIA
 DATE: JANUARY 12, 2016 SCALE: 1" = 120'

JENNINGSTEPHENSON P.C.
 LAND SURVEYORS & PLANNERS
 10160 STAPLES MILL ROAD
 SUITE 103
 GLEN ALLEN, VA 23060
 PHONE - 804-545-6235
 FAX - 804-545-6259
 J.N. 15-594

DRAWN BY: HTS CHECKED BY: HTS



PARCEL 1
SCHEMATIC SITE PLAN
MANAKIN ROAD AT HERMITAGE ROAD
DOVER DISTRICT
GOOCHLAND COUNTY, VIRGINIA

PARKER CONSULTING, LLC
 12511 HIDDEN OAKS COURT
 HERMITAGE, VIRGINIA 23053
 TEL (804) 398-4443 FAX (804) 398-2170
 parker@parkerconsulting.com

DATE: 02/19/18
REVISION:

DATE: 02/19/18
 SCALE: 1"=40'
 DRAWN BY: PFP
 COMPUTED BY: PFP
 CHECKED BY:
 FILE: PARCEL 1
 PARCEL 1 OF 1

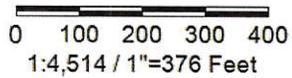
Legend

-  County Political Boundary
-  Parcel Tax Map Labels
-  Parcels
-  Road Labels
-  Village Boundaries



GOOCHLAND COUNTY

Feet



Title:

Date: 3/9/2016

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Goochland is not responsible for its accuracy or how current it may be. Contact (804) 556-5832 with questions



**Goochland County
Board of Zoning Appeals Meeting
Monday, January 25, 2016
Administration Building
1800 Sandy Hook Road, Goochland VA 23063
Board Meeting Room**

The Goochland County Board of Zoning Appeals held a meeting on Monday, January 25, 2016, 1:00 p.m. in the Board Meeting Room. Members present were: Hamad, Phillips, Springman, Coe, and Parker. Others present were: Maynard Sipe – BZA Counsel, Can Laz – Appellant, Whitney Marshall – Assistant County Attorney, Anita Barnes – Zoning Administrator, David Lloyd – Deputy Zoning Administrator, and Sara Worley – BZA Secretary.

Chairman Hamad called the meeting to order and Ms. Worley declared a quorum.

Election of Officers

The BZA secretary indicated that the Board will need to elect officer positions before proceeding with the appeal hearing. She indicated that both Yasmine Hamad and Dee Phillips can stand for reelection. She asked for a motion to elect the Chair. Dr. Phillips motioned to elect Ms. Hamad as Chair. There were no other nominations from the floor. Mr. Springman seconded the motion and the motion passed with a 5-0 vote (all ayes). The Secretary asked for a motion to elect Vice-chair. Ms. Hamad motioned to elect Dr. Phillips as Vice-chair. There were no other nominations from the floor. Mr. Springman seconded the motion and the motion passed with a 5-0 vote (all ayes). The Secretary asked for a motion to elect the Secretary. Ms. Hamad motioned to elect Sara Worley as Secretary. There were no other nominations from the floor. Mr. Springman seconded the motion and the motion passed with a 5-0 vote (all ayes).

BZA-2015-00002 – Appeal Hearing – Can Laz

The Secretary stated that the Board will now hear an application for appeal filed by Can Laz with the Goochland County Board of Zoning Appeals. The applicant is requesting an appeal of the October 14, 2015 notice of zoning violation by the Deputy Zoning Administrator relating to his interpretation of the building set-back requirements set forth in Article 3, Section 4 of the County Zoning Ordinance as applied to an accessory structure. The notice of violation specifically relates to a shed. The subject property is identified as Assessor's Parcel No. 32-5-0-B-0 (GPIN 6778-86-0972) and consists of 3.0 ± acres in the Election District Three (3). The subject property is zoned A-2 (Agricultural, Limited) for which accessory structures in conjunction with residential dwellings is allowed by-right. The 2035 Comprehensive Plan shows this area as appropriate for Rural Enhancement.

Anita Barnes, Zoning Administrator, gave a presentation outlining the location of the property, the timeline of events leading up to the hearing, and photographs of the shed and property lines.

Dr. Phillips questioned what prompted the County to investigate? Ms. Barnes responded that the County received a complaint in May 2015 that prompted the investigation. Dr. Phillips questioned who complained? Ms. Barnes responded that an adjoining property owner complained.

Ms. Hamad questioned if the slab got bigger and on which side of the property? Ms. Barnes responded that some records show a slab, but in speaking with the surveyor who did the survey 1996, there was no record of the slab at that time.

Ms. Hamad stated that in looking at the 1985 survey it does not appear to be an encroachment, and the 1996 survey does not show the slab. Ms. Barnes responded that in speaking with the surveyor, he could not find any record of a slab.

There were no further questions of Ms. Barnes. Chair Hamad called upon the Appellant. Can Laz of 2477 Dog Gone Road was sworn in by the Chair. Mr. Laz apologized and gave the history of how the shed was built as follows: Mr. Laz stated that he moved to the property in 1996 and cleaned up the property. He then asked his neighbor for the location of the property line because he did not have a survey. His neighbor indicated that the property line was along a fence. He then asked the neighbor if he could build a shed on an existing 10x12 or 12x12 slab. The neighbor gave his permission and Mr. Laz proceeded to build a 16x24 shed. Two years later, new neighbors moved into the property and Mr. Laz offered to help them clean up their property. A couple of months later, the neighbors asked for a survey and determined that the shed was on their property. After a couple of weeks, Mr. Laz received a letter from an attorney. Mr. Laz then consulted an attorney, found out that it would be expensive to argue adverse possession, and that shed is not worth the cost of an attorney.

Chair Hamad stated that the Board can only allow what is within the law.

Dr. Phillips questioned if Mr. Laz had been the owner of the property since 1996? And if so, who is Mustafa Tercumen? Mr. Laz replied that he is Mustafa Tercumen and explained why he had to change his name when emigrating from his home country.

Dr. Phillips questioned if Mr. Laz had added onto the shed since 1996? Mr. Laz responded that he has not added onto the shed since 1996 and when building in 1996 he did not encroach any further on the neighbor's property than the existing slab.

Ms. Coe questioned if Mr. Laz obtained a survey in 1996 when he bought the property? Mr. Laz responded that he does not know, but a couple of years ago he refinanced the house and got a survey.

Chair Hamad questioned if the survey done when he refinanced shows the shed as an encroachment? Mr. Laz responded that it does.

There were no further questions of Mr. Laz. Chair Hamad called upon the County. Whitney Marshall, Assistant County Attorney stated that the issue before the Board is simple – to determine whether the Deputy Zoning Administrator was correct in his determination that the placement of the shed does not meet setback requirements. She went on to say that the Deputy Zoning Administrator's determination is given the presumption of correctness and it is the appellant's burden to prove that the determination is incorrect. She stated that while listening very carefully

to the appellant's presentation, she did not hear any evidence presented that would contradict Mr. Lloyd's determination. She stated that she has witnesses available for questioning.

Chair Hamad stated that there is no question that the shed is over the property line, but does question why the Assessor's office divided the shed into two buildings? Ms. Marshall replied that it is her understanding that the shed is actually two buildings pushed together. She went on to say that the Assessor's office does not evaluate for zoning when doing their assessments. She further stated that Goochland County is complaint driven and investigates based on complaints received in the zoning office. She stated that there are three things that needs to be determined when citing a violation: 1) the owner of the property 2) the zoning of the property 3) whether a violation actually exists. Mr. Lloyd visited the site and consulted a survey that shows that the shed is located on the adjacent property. She went on to say that Mr. Laz gave testimony that supports the fact that the shed does not meet the setbacks.

Chair Hamad questioned if timing matters since it has been located on the property since 1996? Ms. Marshall replied that since Mr. Laz had permission to build the shed, it would negate any adverse possession claim. She went on to say that even if he did claim adverse possession of the footprint of the shed, it is still not five back from the property line. She stated that mere time cannot make an illegal use legal and the doctrine of laches does to apply to Counties enforcing zoning ordinances. In addition, State code dictates that every day there is a violation on the property, it is considered a new violation for that day.

Chair Hamad questioned if the title policy on either property would cover? Ms. Marshall replied that there would need to be a suit filed, but that it would be an issue for both titles and would affect title and marketability.

Dr. Phillips questioned what are the options for Mr. Laz to remediate the violation? Ms. Marshall replied that any part of the shed that is within five feet of the property line needs to be removed, but how he accomplishes that is as his discretion.

Chair Hamad questioned if a variance was an option? Ms. Marshall replied that variances are granted on unique circumstances that prevent the applicant from building on any other portion of the property which is not the case in this situation. Mr. Laz would have a hard time arguing that an accessory structure is required to be built in violation of the ordinance when he has three acres.

Ms. Coe questioned if a building permit was required for the shed? Ms. Marshall responded that a building permit would be required, but was not obtained.

Chair Hamad questioned if the neighbor survey was done to install a fence? Ms. Marshall replied that Mr. Kefalas, the neighbor, could best answer that question.

George Kefalas of 2467 Dog Gone Road was sworn in by the Chair. He stated that he obtained a new survey because he had two sheds on his property and wanted to combine them or put up a new one.

Chair Hamad questioned if Mr. Kefalas could offer any solutions for the location of the shed. Mr. Kefalas stated that he cannot sell his property if he were to lose the property around the shed.

Mr. Springman questioned if Mr. Kefalas was actively trying to sell his property? Mr. Kefalas stated that is not selling now, but would not be able to sell if the shed was located on his property and if adverse possession was granted, it would reduce his property to less than three acres.

Ms. Marshall questioned if Mr. Kefalas could speak to any fences that were on his property when he purchased. Mr. Kefalas replied that there as a shed with a dog run that is much further away from the shed in question. There were no further questions of Mr. Kefalas.

Chair Hamad questioned if Mr. Laz had any rebuttal. Mr. Laz stated he has been paying taxes for twenty years and the Assessor's office has come out every year to assess the property and he was never notified of this issue until now. Chair Hamad stated that it would not be right for everyone to have the ability to construct a structure and hope that the County does not find out for twenty years to keep the land. She went on to say that the Board can only act within the law and that the appellant does have other options to check with title policies, insurance policies or mortgage companies.

Chair Hamad stated that she would like to ask Michael Parrish a question. Michael Parrish of 3900 Courthouse Circle was sworn in. Chair Hamad questioned if he pulled old surveys to use and if the 1985 & 1996 survey's showed the slab? Mr. Parrish responded that he does use old surveys and that the first one he pulled was in 1975 and second in 1985. He stated that the survey of the Kefalas property in 1985 did not show the encroachment on the property and that he did not have a 1996 survey because it may not have been recorded in the Courthouse.

Chair Hamad questioned if the survey could be incorrect? Mr. Parrish responded that there is no way that the survey is incorrect. Ms. Coe stated that the 1996 survey located irons at all the corners. Mr. Parrish stated that his crews staked the property line in 2015 to make sure that the shed was an encroachment.

Chair Hamad asked if Mr. Parrish was aware of the encroachment issue when he was asked to do the survey. Mr. Parrish responded that he was not aware if the issue.

Chair Hamad asked if the County had a rebuttal. Ms. Marshall reiterated that the assessment staff does not do zoning enforcement action and are not trained to look for zoning issues.

Chair Hamad asked if there were any closing statements. Mr. Laz questioned why he received a letter regarding the number of vehicles stored on his property when 30% to 40% of the County has the same issues. Chair Hamad stated that he has the option and the right to file a complaint in the zoning office if he thinks that there may be a zoning violation on a property.

Dr. Phillips asked if Mr. Laz agrees that his shed is on his neighbor's property? Mr. Laz expressed his agreement. Dr. Phillips asked what does he want the Board to do? Mr. Laz replied that everybody has enough land and would like to leave it, but if he must remove it, he would like

additional time to move it. Chair Hamad asked how long would he like to move it? Would April 30th be sufficient? Mr. Laz responded that he would like until May. Chair Hamad stated that the County typically gives thirty days and April 30th would be double that time.

Ms. Marshall stated that the issue before the Board is whether the Deputy Zoning Administrator's interpretation that the shed was in violation of the setbacks is correct. She went on to say that the County has shown through multiple exhibits and admission by the appellant that the shed is actually over the property line, which means that he cannot meet the setbacks. She stated that the amount of time that the shed has been there or adverse possession claims are irrelevant to whether the shed meets setbacks. She asked that the Board find that the determination that the shed does not meet setbacks as correct and asked that the Board order the removal of the shed including foundations within a specified amount of time.

It was the consensus of the Board that they did not need to enter into closed session for legal counsel.

Chair Hamad stated that she proposes that the Board order the removal of the shed by April 30, 2016 due to the weather and his request.

Mr. Parker stated that is a shame, an honest mistake, and a bad sequence of events, but that the shed is an encroachment.

Dr. Phillips stated that the shed is not in compliance with the County zoning and needs to be brought into compliance. She stated that there did not seem to be an urgent need so April 30th seems to be sufficient.

Mr. Springman motioned that the Board hereby upholds the decision of the Deputy Zoning Administrator as correct, finding the shed located on property at 2477 Dog Gone Road does not meet the setbacks requirements set forth in in Article 3, Section 4 of the Goochland County Zoning Ordinance and that the shed needs to be brought into zoning compliance by April 30, 2016. Dr. Phillips seconded the motion and the motion passed with the 5-0 vote. All ayes.

AT A MEETING OF THE BOARD OF ZONING APPEALS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON JANUARY 25, 2016, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Resolution Upholding a Zoning Violation for Property Located at 2477 Dog Gone Road on Assessor's Parcel Number 32-5-0-B-0 (GPIN 6778-86-0972)

Whereas, on October 14, 2015, the Deputy Zoning Administrator for Goochland County issued a notice of zoning violation to Can Laz (also known as Mustafa Tercumen) and Hatice Tercumen for property located at 2477 Dog Gone Road relating to the building setback

requirements for a shed as set forth in Article 3, Section 4 of the Goochland County Zoning Ordinance; and

Whereas, on November 12, 2015, Can Laz (“Appellant”) filed an appeal of the Deputy Zoning Administrator’s notice of violation on October 14, 2015; and

Whereas, the Appellant requested that the Board of Zoning Appeals of Goochland County (“Board”) reverse the decision of the Deputy Zoning Administrator; and

Whereas, the Board held an appeal hearing on January 25, 2016, during which the Board heard presentations from the Appellant and the attorney representing the County of Goochland, Ms. Whitney Marshall; and

Whereas, the Board, at the hearing on January 25, 2016, also heard testimony under oath from various witnesses; and

Whereas, the hearing was conducted after proper notice and advertising and in accordance with Sections 15.2-2311 and 15.2-2312 of the Code of Virginia (1950, as amended); and

Whereas, there was testimony and evidence presented, in briefs and at the hearing held by the Board, as to whether the Appellant’s shed was in violation of the setbacks as set forth in Article 3, Section 4 of the Goochland County Zoning Ordinance; and

Whereas, members of the Board asked questions and held discussion regarding the testimony and evidence presented;

NOW, THEREFORE BE IT RESOLVED, in light of the foregoing and after review of all the written briefs, exhibits, and other materials submitted in this matter, and after considering all statements, testimony and arguments made before the Board on January 25, 2016, the Board of Zoning Appeals hereby upholds the decision of the Deputy Zoning Administrator as correct, finding the shed located on property at 2477 Dog Gone Road does not meet the setbacks requirements set forth in Article 3, Section 4 of the Goochland County Zoning Ordinance and further, the Board hereby holds that the Appellant shall take action to remedy the zoning violation issued on October 14, 2015, not later than April 30, 2016.

Done this 25th day of January 2016

GOOCHLAND COUNTY BOARD OF ZONING APPEALS

Ayes: Hamad, Phillips, Coe, Springman, Parker

Nays: None

Abstain: None

Absent: None

Approval of Minutes – August 31, 2015

On a motion by Dr. Phillips seconded by Mr. Springman, the minutes of the August 31, 2015 meeting were unanimously approved as written.

Adjournment

Being no further business before the Board, the meeting was adjourned at 2:00 p.m.