

SMYTH COUNTY BOARD OF ZONING APPEALS AUGUST 1, 2006

The Smyth County Board of Zoning Appeals met Tuesday, August 1, 2006, at 7:00 P.M. in the Smyth County Office Building.

Attendance: Board members: John Saunders, Dan Blevins, Jimmy Frye, Newell Johnson, Mike May, E. P. Ogle, and Robert Shults; Staff: Clegg Williams and Shirley Spencer.

Chairman Saunders explained the duties of the Board and asked the members to introduce themselves. He read the notice as published in the *Smyth County News & Messenger* on July 19 and 26, 2006, and opened the hearing on the following:

An application from Barbara Ann Patton for a variance to the zoning ordinance Section 3-2.4(a)(2) requirement of forty feet for a front-yard setback for an accessory building. The lot is located at 1554 Rocky Hollow Road, Atkins, Virginia, in the Agricultural/Rural District and is identified by Tax Map Number 50-A-28D.

Mr. Williams said he received a complaint about abandoned vehicles and a newly placed accessory building at 1554 Rocky Hollow Road. After contacting the Pattons, it was determined that the accessory building did not comply with the front yard setback. Mrs. Patton filed for a variance and notice was mailed to adjoining property owners. Mr. Williams reported that the Planning Commission recommended granting the variance. He said that Section 3-2.4 and Article VII of the zoning ordinance applied to this application.

Mr. and Mrs. Patton spoke on behalf of their application. They said they were not aware of the requirement for zoning setbacks and that the dealer and contractor did not mention it to them. They stated that the slope of the terrain in the back yard prevented them from setting the building in the back, and that septic tank field lines limited the space in the front yard for the building. She added that the location did not interfere with traffic and was not a hazard to anyone.

Mr. Andy Williams, an adjoining property owner, spoke in favor of the application.

The following matters were discussed:

- The 12x20 building was constructed off-site by JZ Utility Barns. The site was graded and graveled by Tommy Reedy. JZ delivered the building to the site, and it was set on the ground on 4x4 runners.
- The site is about 12 to 15 feet above the road.
- The Pattons plan to remove the junk cars from the back yard.
- The Pattons have a rent-to-own agreement on the building. Discussed who the owner of the building was at the present time.
- The Pattons said they did not set the building in the back yard due to the terrain and because they would have to drive over the neighbor's yard to reach the back.

- A building permit is required because the building exceeds 150 square feet.
- Discussed whether the Health Department would allow the building to sit on top of the field lines or reserve area or if the building needs to be a certain distance from field lines and reserve area.
- Questioned whether the back yard could have been graded for the building.

Chairman Saunders closed the public hearing.

Mr. Frye made a motion to continue the matter until more information is provided to the BZA. Mr. May seconded the motion and it passed unanimously. Information requested included:

- (a) A copy of the rent-to-own agreement
- (b) Whether a contractor's license was required
- (c) How much ground was cut
- (d) More information from the Health Department on the location of the field lines and reserve area and how close the building can be to them.
- (e) Question seller on why the building was set without building and zoning permits.

Minutes: Mr. Johnson made a motion to approve the minutes of the June 6, 2006 meeting as distributed. Mr. Shults seconded the motion and it passed.

Training: Ms. Spencer reported that training was available in October and anyone interested in attending should contact Mr. Williams.

Meeting adjourned at 7:46 P.M.

Jimmy Frye, Secretary