

2019-059



APPLICATION FOR VARIANCE/
MAP INTERPRETATION/APPEAL
Amherst County, Virginia

The undersigned applicant wishes to petition Amherst County Board of Zoning Appeals for a Variance/Map Interpretation/Appeal. Please refer to Section 1006 and 1402 of the zoning ordinance regarding the proper procedure. Please call the Department of Planning and Zoning at 434-946-9303 if you have any questions regarding the County Board of Zoning Appeals duties.

Applicant / Property Owner Information

John S. Oblinger V.P. ELON RURITAN CLUB
Applicant Name

463 Johns Creek Rd. Madison Heights Va 24572
Applicant Address City/Town State Zip Code

434-384-3037 434-941-3412 jsoblinder@marl.com
Applicant phone number Applicant ~~fax~~ number Applicant E-Mail
cell

You are the () property owner; () agent for the property owner.

If you are the agent for the property owner, do you have consent of the owner attached? Please circle one: Yes/No

ELON RURITAN CLUB
Property Owner Name

2120 ELON ROAD MADISON HEIGHTS, Va. 24572
Property Owner Mailing Address City/Town State Zip Code

N/A N/A N/A
Property owner telephone number Property owner fax number Property owner E-Mail

Location of Property

2120 ELON ROAD 136-A-7
Street Address Tax parcel ID number

General Description of Property

SEE ATTACHED

When and how did you acquire the property?

SEE ATTACHED

Current Use(s) of Property

CLUB Meetings, Community + Social events. See Attached

Proposed Use(s) of Property

SAME AS ABOVE

Total Acreage: 2.95

Check all categories that apply:

Public water Private wells _____
 Public sewer _____ On-site septic systems Mass drainfield(s) _____

Current Zoning:

(Please circle all that apply)

P-1 A-1 **(R-1)** R-2 R-3 V-1 B-2 M-1 FH WS
 130 Overlay District Other _____

Request for variance in order to: _____

Fill in only the line(s) that apply to your request	Code Section	Applicant has	Code requires	Variance requested
Total area:				
Lot width:				
Front yard setback:	#1 913.03		100 ft.	23 ft.
Side yard setback:				
Rear yard setback:				
Public street frontage:				
Other (write in):				

Section 15.2-2309 of the Code of Virginia requires the Board of Zoning Appeals to make the following findings before a variance can be granted. Please read the factors listed below carefully and in your own words, describe how your request meets each factor. If additional space is needed, use an additional sheet of paper. Justification shall be based on the following three (3) criteria:

1. That the strict application of this ordinance would produce undue hardship.

See attached

2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

see attached

3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

see attached

Has the BZA heard a request for this property within twelve (12) months of the date of this application? Yes No

Proffers and Conditions

List any proffers or conditions currently associated with this property.

None

Application fee and other requirements

A \$300.00 application fee must be paid to the County of Amherst upon submission of this application for the cost of advertising and for expenses of notifying the adjacent property owners and incidental to reviewing, publishing, and processing the application (Section 1009, Administrative Fee Structure).

A survey plat of the property by a certified land surveyor must accompany this application. The scale should be 1"=100'.

Signatures

The undersigned Applicant hereby affirms that all information contained herein is accurate to the best of his/her knowledge and confirms that he/she has read the Application and its Instructions and has paid all fees currently due and is aware of costs which may be assessed to Applicant related to this Application process. The undersigned Applicant (and Landowner, if applicable) also authorizes entry onto the subject property by the Zoning Administrator, Planning Director and/or PC or BZA during the normal discharge of their duties regarding the above Applicant.

John S. O'Brien 2/6/2019 Bonnie Walker 2/6/2019
Property Owner Signature Date Property Owner Signature Date
V.P. & trustee of ELON Ruritan Club

Agent Signature Date

Agent Signature Date

*****DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY*****

For use by the County of Amherst Department of Planning and Zoning

Case No. _____

Actions Taken:

County Official Receiving Application _____

_____ Date

Public Hearing fee received by _____

_____ Date

Application returned for correction/additional information _____

_____ Date

Amended application received by _____

_____ Date

Public Hearing advertised in _____

_____ Date(s)

Adjacent property owner(s) notified by mail _____

_____ Date

Action by Planning Commission (if applicable) _____

_____ Date

Action by Board of Zoning Appeals _____

_____ Date

Attachment to Application for Variance of Front Yard Setback for Elon Ruritan Club

Date: 2/3/2019

General Description of Property:

The property is approximately 2.95 acres located on state route 130 approximately 5 miles west of state route 29 business just east from the village of Elon. The property contained a building that was approximately 2,064 sq. ft. on first floor and an approximately 1,920 sq. ft. unfinished basement. The building that was built in 1955/1956 was used for club meetings, community events, social events and fund raising activities, among other community type activities. The main building was at or very close to the current 100 ft. front yard set-back requirements while the 12' X 12' foyer on the front midsection of the building was mostly or completely an exception to the later mandated 100 ft. setback by at least 12'.

The building was "grandfathered" with respect to the 100' setback requirements, with the variance of approximately 12'. In April 2018, the building was severely damaged by a tornado, and was demolished in October 2018, in preparation to rebuild. The plan is to rebuild the building with the same (or very close) front yard setback as the original building with respect to the main structure and the entrance foyer, which is grandfathered. The specific change that mandates this request for additional front yard setback variance is the request for addition of an 8' deep X 12' wide porch in front of the foyer. This is an additional 8' variance beyond the already existing grandfathered variance. The specific total variance requested is no more than 23', or a maximum of 77' front yard set-back.

The 77' front yard set back (23' variance) is requested because I cannot determine the exact location of the original foundation since it has been demolished, so the variance requested is measured to be a worst case scenario. Actual variance will probably be slightly less and front yard set-back will probably be slightly greater than that requested.

There is a site plan attachment to this document showing projected front yard dimensions, as well as approximate set-backs of two adjacent properties, which have much greater variances (grandfathered) than we are requesting herein.

There is Plat of the subject property attached to this document, surveyed by T.W.Saunders dated March 15, 1947. This plat is not known to be recorded, but is addressed in the deed of the property.

When and how did you acquire the property: In 1955, the property was deeded to The American Legion Post 100. They built a club building which was completed in 1956. In later years, they shared the building/property with the Elon Ruritan Club. In 2002, American Legion Post 100 disbanded due to low membership and deeded the property over to the Elon Ruritan Club. The deed is recorded in deed book 885, page 841. A copy of the deed is attached.

1. That the strict application of this ordinance would produce undue hardship:

The original building had serious issues due to water run-off from the front of the building, causing repeated water damage to the basement and items stored in the building. The proposed contractor believes that a front porch positioned in front of the main entrance foyer, significant front grading modifications, raising the building slightly higher than the original building, and improved wall sealing/drainage would eliminate the water run-off problems experienced in the original building. The addition of the porch area on the grade would make the grade to building transition more practical and efficient.

The front porch would also protect the entrance, provide inclement weather protection for people entering the building, and would add an aesthetically pleasing value to the front of the building. Attached is a copy of proposed architect's view of the front of the building.

The building cannot be set back further on the property because currently there is just enough room for a narrow driveway behind the building before the bank drops off significantly. Also, the existing septic tank, distribution tank and drain field are on the slope after the drop-off.

2. That such a hardship is not shared generally by other properties in the same zoning district and the same vicinity:

The two properties west of our property do not share the same water run-off issues because 1) they have no full basement, and 2) they are closer to the road (approximately 50 ft' front yard set-backs), which are relatively flat building areas before significant inclines/drop-offs behind those building.

Buildings/homes across the highway are basically flat lots and likely do not have similar water run-off issues.

3. That the authorization of such variance will not be of substantial detriment to adjacent property and the the character of the district will not be changed by the granting of the variance:

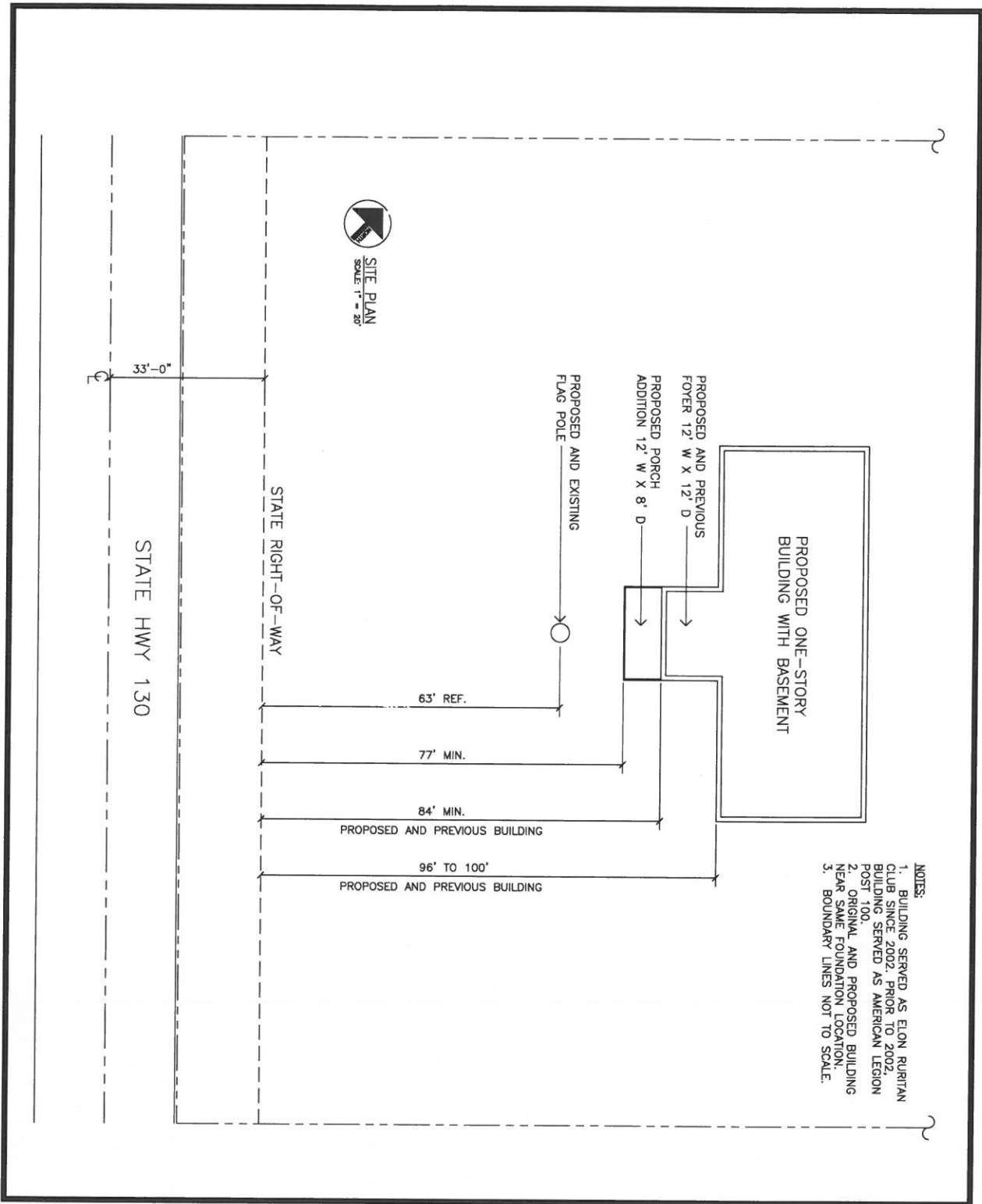
The additional front yard variance of 8' beyond the already ~12' front yard variance grandfathered in original building only applies to a 12' width span of the otherwise allowed parameters for re-building.

Character and detriment to adjacent property should not be impacted at all since the variance requested remains within the functionality boundaries of the original building, i.e., within the boundary determined in relationship to the flag pole and yard. Character of the district may even show an improvement, since the addition of the porch with columns will improved the appearance of the building, enhancing the character of the neighborhood.

Adjacent properties immediately west of our property all have less set-back from the state right-of-wqy, i.e., approximately 50' vs. our proposec 77'. Buildings to the east of us are a significant distance away and should experience no impact.



Prepared by John S. Oblinger



- NOTES:
1. BUILDING SERVED AS ELON RURITAN CLUB SINCE 2002. PRIOR TO 2002, BUILDING SERVED AS AMERICAN LEGION POST 100.
 2. ORIGINAL AND PROPOSED BUILDING NEAR SAME FOUNDATION LOCATION.
 3. BOUNDARY LINES NOT TO SCALE.

WALL
CONSTRUCTION, LLC
161 Dillard Road, Madison Heights, VA 24572
phone: 434-929-0366 website: wallconstructionva.com

ELON RURITAN CLUB
MADISON HEIGHTS, VIRGINIA

SITE PLAN

REVISIONS
1.

DATE: 2-4-2019
DRAWN: JBR
CHECKED:

SITE PLAN - FRONT YARD VARIANCE REQUEST - EDDO RUITIM CLUB

ROUTE 130 WEST

STATE RIGHT-OF-WAY

33'

63' REF.

84' MIN
proposed + previous building

EXISTING AND PROPOSED LOG POLE

Additional 18' D x 12' W porch proposed

12' x 12' FOYER - previous and proposed

ELLOW RUITIM BUILDING - Since 2002
(Previous Member League Post/rod)
ORIG + REBUILD SHAR
Saw Foundation location

48'

CYNTHIA TYLOR PROPERTY (Formerly HOWARD SHELTON)

~50'

~46'

FRAUD JAMES PROPERTY

FOUNDATION

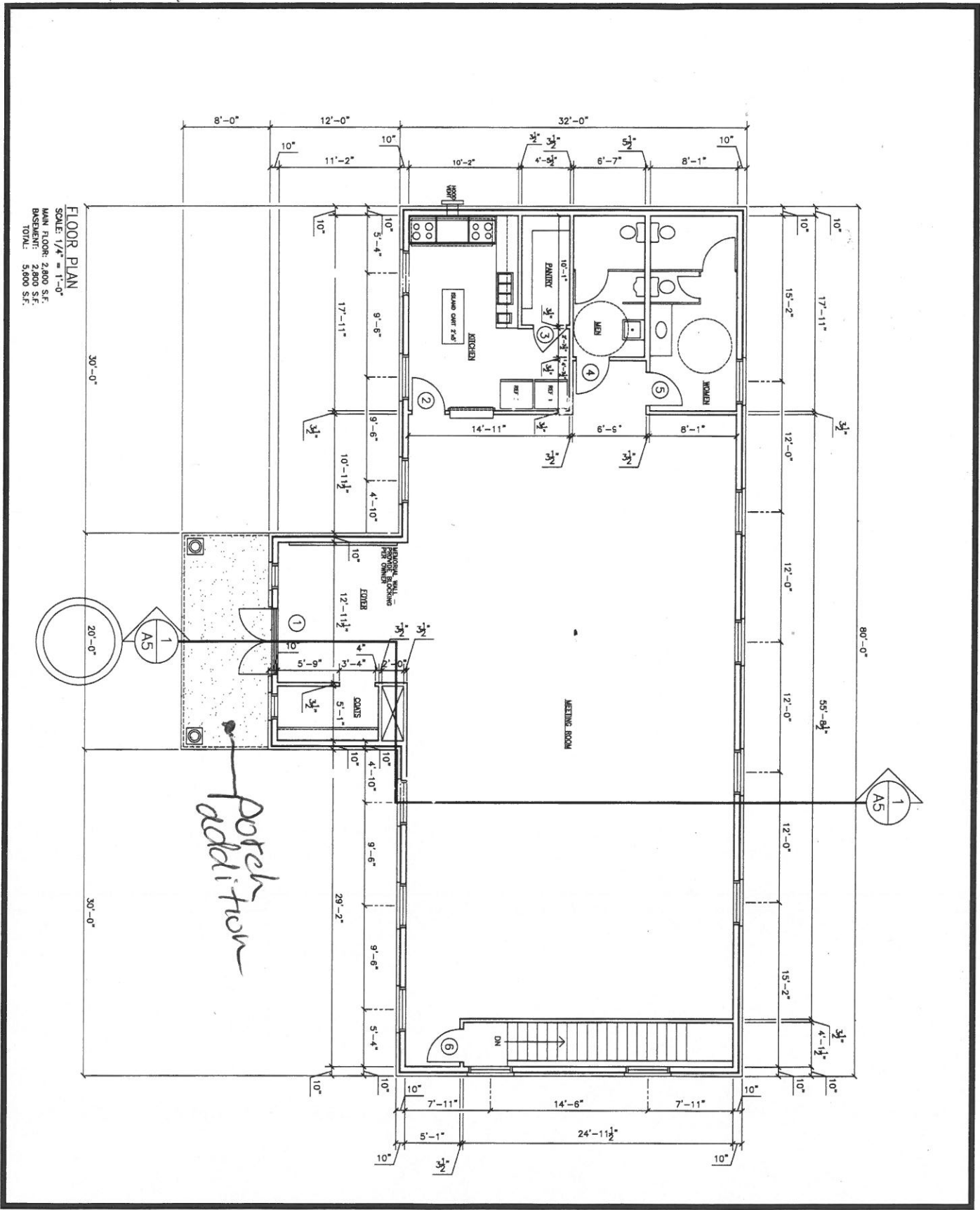
Front 100' 50'

NOT TO SCALE

National Brand
13,782 500 SHEETS, FILLER, 5 SQUARE
42,381 50 SHEETS, EVEREASER, 5 SQUARE
42,382 100 SHEETS, EVEREASER, 5 SQUARE
42,382 200 SHEETS, EVEREASER, 5 SQUARE
42,382 100 RECYCLED WHITE, 5 SQUARE
42,399 200 RECYCLED WHITE, 5 SQUARE
MADE IN U.S.A.

Prepared by John O'Brien

12/28/18



FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 MAIN FLOOR: 2,800 S.F.
 BASEMENT: 2,800 S.F.
 TOTAL: 5,600 S.F.

Porch addition

A1

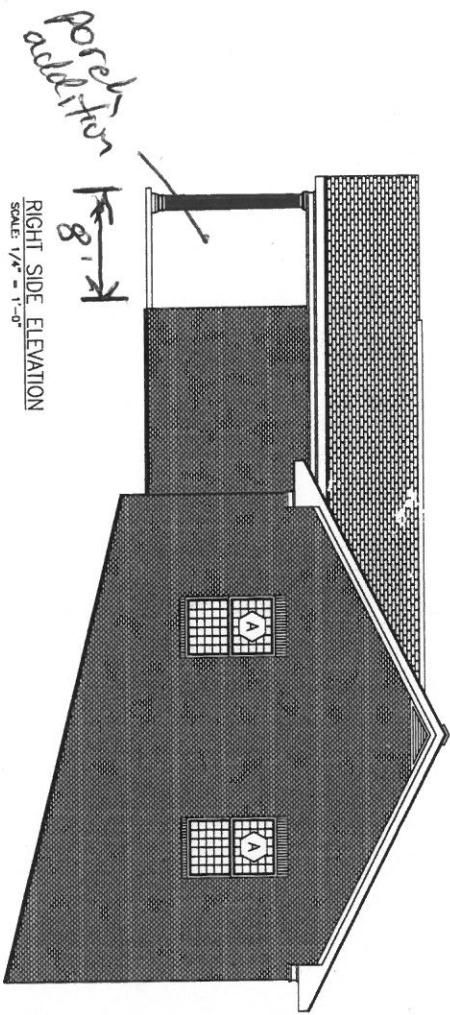
WALL
 CONSTRUCTION, LLC
 161 Dillard Road, Madison Heights, VA 24572
 phone: 434-929-0366 website: wallconstructionva.com

ELON RURITAN CLUB
 MADISON HEIGHTS, VIRGINIA

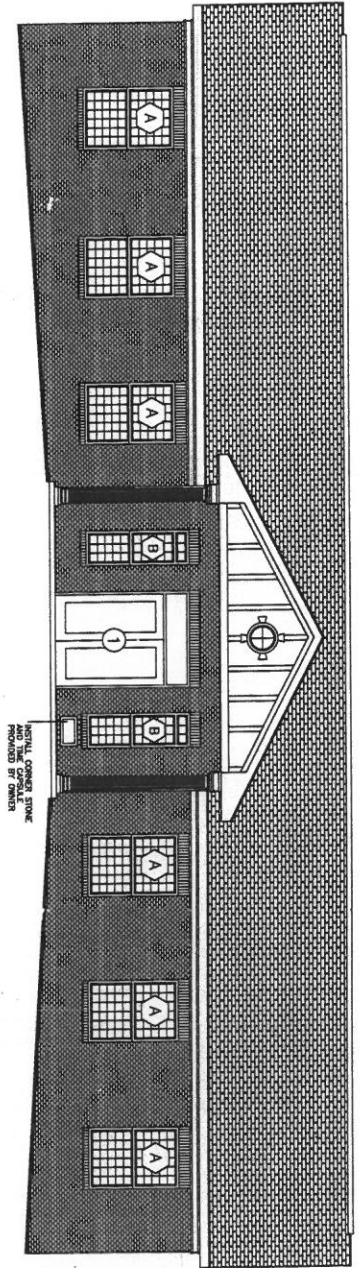
MAIN FLOOR PLAN

DATE: 11-16-18
 DESIGNED: [blank]
 DRAWING: TSK
 CHECKED: [blank]

REVISIONS
1. 12-28-2018



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

WINDOW SCHEDULE

MARK	ORDERING SIZE	WINDOW MAT'L	TYPE	NOTES
A	48" W x 36" H	WOOD/PNC	DOUBLE HUNG	
B	27" W x 80" H	WOOD/PNC	FIXED CASHEMINT DOUBLE HUNG	

NOTES:
 FINISH AND SET
 1" COMPANION GRILLS-BETWEEN-THE-GLASS
 INTERIOR FINISH: WHITE
 EXTERIOR FINISH: WHITE

A3

WALL
 CONSTRUCTION, LLC
 161 Dillard Road, Madison Heights, VA 24572
 phone: 434-929-0366 website: wallconstructionva.com

ELON RURITAN CLUB
 MADISON HEIGHTS, VIRGINIA

EXTERIOR ELEVATIONS

DATE: 11-16-18
 DESIGNED: [blank]
 DRAWN: TSB
 CHECKED: [blank]

REVISIONS
 1. 12-28-2018

4849

Prepared by:
Peter C. Sackett, Esq.
Martin, Taylor & Perrow
P. O. Box 1017
Lynchburg, VA 24505

TIN: 136-A-7

THIS DEED OF GIFT, made and entered into, pursuant to Virginia Code §58.1.811(D), this 23rd day of July, 2002, by and between **EDWARD W. TAYLOR, ELMER H. LOVING and THEDFORD R. HARRIS**, Trustees of Elon Post Number 100 of The American Legion of Amherst County, Virginia, duly appointed as such by order of the Circuit Court for the County of Amherst, Virginia, entered on July 3, 2002 and recorded in the Chancery Order Books of the Clerk's Office of the Circuit Court of Amherst County, Virginia, parties of the first part ("Grantors"); and **GEORGE W. WISE, JAMES C. MAYS, JR., JOHN S. OBLINGER, EDWARD W. TAYLOR, THEDFORD R. HARRIS and GARLAND H. HUFFMAN**, Trustees of Elon Ruritan Club, duly appointed as such by the aforesaid Order, parties of the second part ("Grantees");

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said parties of the first part do hereby grant and convey, with **GENERAL WARRANTY AND ENGLISH**

COVENANTS OF TITLE, unto the said parties of the second part in fee simple, the following described real estate, to-wit:

That certain tract or parcel of land, situated, lying and being in the Elon Magisterial District, Amherst County, Virginia, adjoining the lands of Howard Shelton, the Shelton Brothers, W. P. Wills and Lena T. Wills and State Highway No. 130, and being more particularly described as follows: beginning at a stake on the east right of way line of State Highway No. 130 leading to Elon, corner of land of Howard Shelton; thence with the east right of way line of State Highway No. 130, S. 36° E. 210 feet to an iron pin; thence for two new division lines through lands of Wills, N. 60.75° E. 494 feet to a stake and N. 13.25° E. 302 feet to a locust; thence partly along lands of Shelton Brothers and partly along lands of Howard Shelton, S. 60.75° W. 729 feet to the point of beginning, containing 2.95 acres, more or less, according to a survey made March 15, 1947, by T. W. Saunders, S.A.C.

It being the same identical tract or parcel of land which was conveyed to W. P. Wills, W. P. Martin, Jr., J. Lyle Foster, E. H. Loving, Jr., and E. G. Morris, Jr., Trustees of Elon Post Number 200 of the American Legion of Amherst County, Virginia, by D. H. Dillard and Rosa V. Dillard, husband and wife, by deed dated April 19, 1955, of record in the Clerk's Office of Amherst County, Virginia, in Deed Book 174, page 236, which latter reference is here made to better identify the property herein conveyed.

This conveyance and the warranties and covenants herein contained are made subject to all valid and existing reservations, restrictions, conditions and easements now binding thereon. Furthermore, this conveyance is expressly made subject to the following restrictions which shall run with the land and be binding upon all successors-in-interest:

1. The members of Elon Post Number 100 of the American Legion of Amherst County, Virginia shall always be able to meet at the herein conveyed real estate without cost.
2. Should the Elon Ruritan Club ever disband, its members would continue to be responsible for preserving the facilities located on said real estate for the benefit of the Elon community.

4849

WITNESS the following signatures and seals:

Edward W. Taylor (SEAL)
Edward W. Taylor

Elmer H. Loving (SEAL)
Elmer H. Loving

Thedford R. Harris (SEAL)
Thedford R. Harris

STATE OF VIRGINIA)
) TO-WIT:
CITY OF LYNCHBURG)

The foregoing document was acknowledged before me this 23rd day of July, 2002, by Edward W. Taylor, Trustee of Elon Post Number 100 of the American Legion of Amherst County, Virginia.

My commission expires: 9-30-2002

Marion W. Cozzetta
Notary Public

STATE OF VIRGINIA)
) TO-WIT:
CITY OF LYNCHBURG)

The foregoing document was acknowledged before me this 23rd day of July, 2002, by Elmer H. Loving, Trustee of Elon Post Number 100 of the American Legion of Amherst County, Virginia.

My commission expires: 9-30-2002

Marion W. Cozzetta
Notary Public

4849

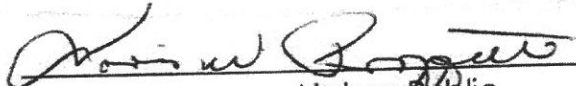
STATE OF VIRGINIA

)
) TO-WIT:
)

CITY OF LYNCHBURG

The foregoing document was acknowledged before me this 23rd, day of July, 2002, by Thedford R. Harris, Trustee of: Elon Post Number 100 of the American Legion of Amherst County, Virginia.

My commission expires: 9-30-2002

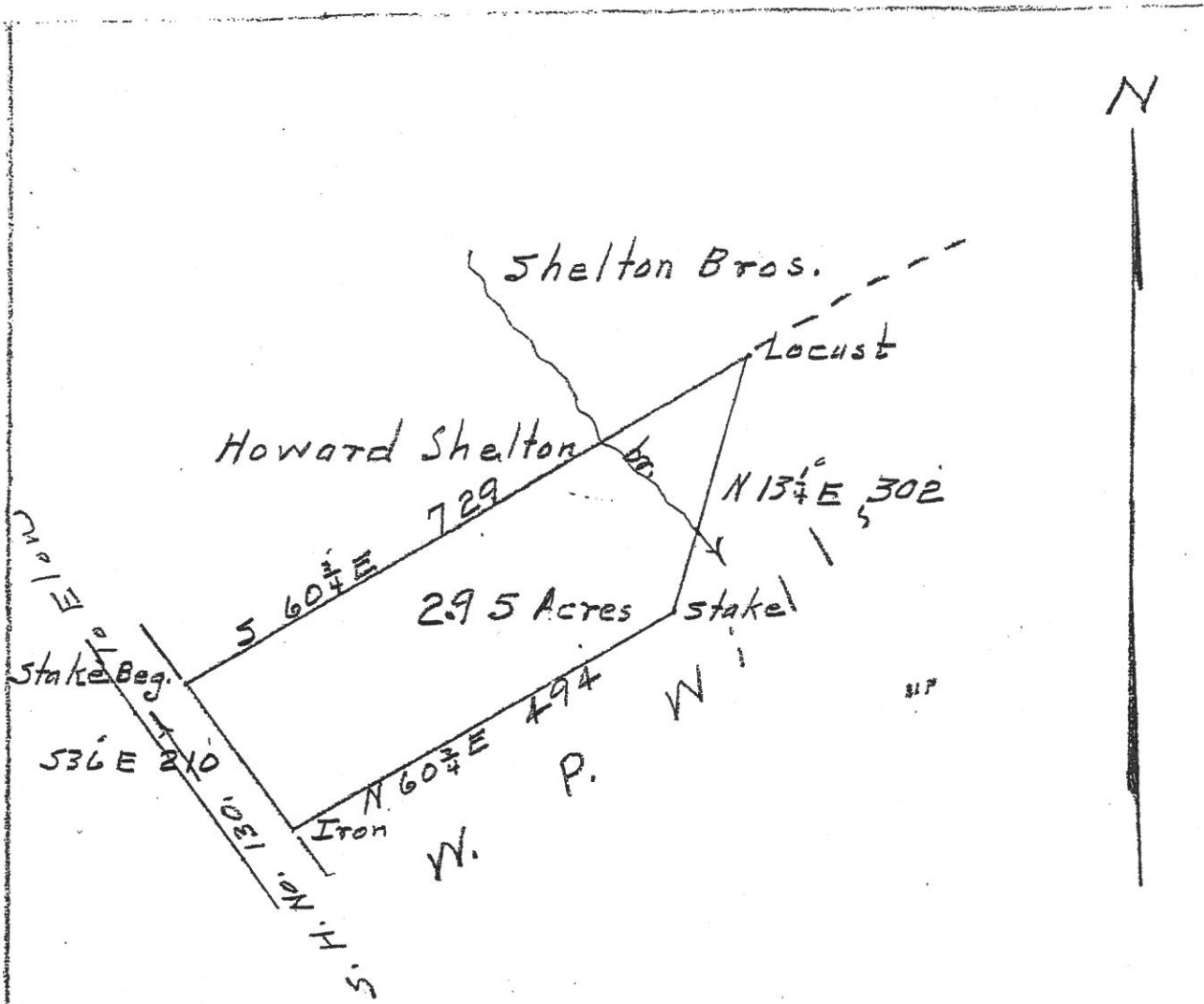

Notary Public

State Tax 039	\$	_____
County Tax 213	\$	_____
Transfer Fee	\$	<u>1.00</u>
VSLF 145	\$	<u>1.50</u>
Clerk's Fee	\$	<u>17.50</u>
Plats	\$	_____
State Tax 038	\$	_____
County Tax 220	\$	_____
Total	\$	<u>20.00</u>

VIRGINIA: in the Clerk's Office of the Circuit Court of Amherst County Aug 14 2002. This writing was admitted to record at 10:59 o'clock A. M. and the tax imposed by Sec. 58.1-802 of the Code in the amount of \$ _____ has been paid.

TESTE: ROY C. MAYO, III Clerk

By Deborah L. Spey Mozingo Deputy Clerk



PLAT
 SHOWING 2.95 ACRES OF LAND
 situated in Amherst County, Near
 Elon.

Surveyed March 15, 1947,
 for

TERRELL STINNETT,

Scale 1"=200'

T.W. Saunders, S.A.C.

Magnetic Bearings

Plat copied from the files of T.W. Saunders
 on file @ Saunders' Surveys, Inc. 329
 Crabtree Falls Hwy, Roseland, Va. 22967
 434-277-0574 - Not For Recordation -