



**Grayson County Board of Zoning Appeals Agenda  
Grayson County Courthouse, Boardroom  
Thursday, August 17, 2023- 5:00 p.m.**

**5:00 p.m.**                      **Call to Order:** Jada Black, BZA Clerk

**Opening Business:**

- Pledge of Allegiance

**5:15 p.m.**                      **Opening Business (continued)**

- Approval of Agenda

**5:30 p.m.**                      **Old Business:**

- Approval of Meeting Minutes from February 1, 2023

**5:35 p.m.**                      **New Business:**

- Review Variance Request for

<b>Owner:</b>	<b>Robert and Amber Goad</b>
<b>Tax Map Number:</b>	<b>39-A-163</b>
<b>Address:</b>	<b>77 Mandolin Drive, Fries, VA 24330</b>
<b>Request:</b>	<b>Variance request of Article 3-8 (c) of the Grayson County Zoning Ordinance</b>
<b>Purpose:</b>	<b>Placement of a residential structure without required density</b>

**6:30 p.m.**                      **Adjourn**

**(Meeting Decorum is listed on the back)**

**- MEETING DECORUM -**

**All official meetings conducted within these chambers are to be observed by the following decorum:**

- Behavior during all official meetings shall be consistent with the behavior exercised in any court or legislative room found within the Commonwealth of Virginia; and,
- There shall be no outbursts, booing, heckling or other forms of disrespectful behavior by any individuals present within these chambers; and,
- Persons wishing to speak shall do so respectfully and in accordance with the applicable Rules of Procedures and/or at the specific direction of the presiding official; and,
- Out of respect for the official business being conducted, for those conducting the official business and for those present for the same purpose, there shall be no private conversations taking place in the audience or other forms of distractive behavior or nuisance; and,
- Please turn off cell phones and other such devices before entering these chambers.

# **Grayson County Board of Zoning Appeals**

## **February 1, 2023**

### **IN RE: Members in Attendance**

Dennis Cox, Ron Davis, Tony Goodman, Elizabeth Sherian, Gary Ballard, Austin Haga  
Absent: Marie Kivett  
Staff Present: Jada Black

### **IN RE: Call to Order:**

Jada Black, BZA Clerk, called the meeting of the 2023 Board of Zoning Appeals Annual Meeting to order. Staff led the meeting in the Pledge of Allegiance.

### **IN RE: Opening Business**

#### **Election of Chair**

Staff asked for nominations for Chair. Tony Goodman nominated Dennis Cox, seconded by Ron Davis. Mr. Cox voiced concern about the nomination, stating it was time for different leadership, and declined. Mr. Cox made a motion to elect Ron Davis as Chair. With a motion and a second on the floor, staff took a roll call vote from members to elect Dennis Cox as Chair.

Haga, aye, Sherian, nay, Goodman, nay, Ballard, nay, Cox, nah, Davis, nay. Motion failed 5-1.

A second motion was made to elect Ron Davis as Chair by Dennis Cox, seconded by Gary Ballard. After some discussion with Mr. Davis, he agreed to the nomination. A roll call vote was taken:

Haga, aye; Davis, aye; Cox, aye; Goodman, aye; Ballard, aye; Sherian, aye. Motion carried 6-0. Mr. Ron Davis was elected the 2023 BZA Chairman.

#### **Election of Vice-Chair**

Staff then asked for nominations for Vice-Chair; Ron Davis nominated Ms. Elizabeth Sherian, duly seconded by Dennis Cox. After some discussion with Ms. Sherian, she accepted. A roll call was taken:

Haga, aye; Davis, aye; Cox, aye; Goodman, aye; Ballard, aye; Sherdian, aye. Motion carried 6-0. Ms. Elizabeth Sherian was elected as the 2023 Vice-Chair by unanimous consent.

### **IN RE: Old Business**

Staff turned the meeting over to newly elected Chair Ron Davis to conduct the remaining portion of the meeting.

A review of December 15, 2022, minutes were discussed, and with no additions or corrections suggested, a motion from Gary Ballard to approve was seconded by Tony Goodman. December meeting minutes were approved by unanimous consent.

### **IN RE: New Business / 2023 Organizational Documents**

Organizational Documents were provided to the Board of Zoning Appeals prior to the annual meeting to consider for approval or changes. A brief discussion was had to determine whether no changes were needed, and a motion to approve the 2023 Organizational Documents was made by Gary Ballard, seconded by Austin Haga—a motion passed by unanimous consent.

### **IN RE: Zoning Updates**

Staff provided a Legislative Update from the VAZOs fall conference that would apply to the BZA. Discussed HB616 passed by the General Assembly in 2022. HB616 allows the zoning appeal board funding upon request by the BZA; a governing body shall consider the appropriation of funds so that the BZA may employ or contract with secretaries, clerks, legal counsel, consultants, and other technical and clerical services. The bill provides that if a BZA has needs that surpass the budgeted amount, the governing body shall review the BZAs request. Existing law allows such BZA expenditures within the limits of funds the governing body appropriates.

Also shared HB648 Comprehensive Plan; public hearing. Amends § 15.2-2232 of the Code of Virginia to clarify provisions related to where certain public facilities are substantially in accord with the adopted comprehensive plan by adding parks to the types of public uses that may, with certain types of land use applications, be excepted from the requirement for submittal to and approved by the planning commission or the governing body for the purpose of determining substantial accord. Additional approved legislative updates were provided HB1088 Planning; definition of subdivision, boundary line agreement, SB52 Utilities, certain; pro rata reimbursements for installation and SB537 Trees; replacement and conservation during the development process, powers of local governments none of which would apply to the BZA.

Staff shared with the BZA the Planning Commission will begin creating policies and regulations for renewable energy with the Berkley Group this month at the next PC meeting. Staff shared that the meeting is open to the public should the board members want to attend.

### **IN RE: Adjournment**

Gary Ballard made a motion to adjourn, seconded by Tony Goodman. Motion approved, meeting adjourned.

**Ron Davis**

Ron Davis, Chairman

08/17/2023

COPY



**Zoning Variance Application - Form 0400**  
 Department of Planning and Community Development  
 P.O. Box 217, Independence, VA 24348  
 Voice -276-773-2471 Fax-276-773-3673  
 www.graysongovernment.com

Last Name, First	Goad, Robert Alan + Amber Goad		
Mailing Address	221 Tanglewood Rd		
City	Fries	State VA	Zip Code 24330
Daytime Phone	276-233-9281	E-mail amwinty@gmail.com	
Property Owner If Different	77 Mandolin Drive	Tax Map Number 39-A-163	
911 Address/Site	77 Mandolin Drive	Acreage of Parcel .617	
City	Fries	State VA	Zip Code 24330

A variance is an authorized deviation from certain zoning requirements because of special characteristics of the property, a hardship not generally shared by property holders in the same district or vicinity, and granted because the hardship prohibits reasonable use of the property. The Board of Zoning Appeals will evaluate the application to ensure that the application meets these criteria. If the applicant cannot show that they meet these criteria then a variance may not be granted. Please use the space below to comment on why your application meets this criteria.

We need to move my mother close to us from Washington County. She has health and mobility issues but still desires some independence. We own this parcel of land that our daughter lives on in a small house; the lower section of this parcel already has a separate septic tank, water lines to the well, and a separate utilities pole. This section previously had a mobile home on it. Utilizing this property would be the quickest, most cost-effective way to house my mother in an affordable home where she could have help, assistance, and care from family. This property is 1/2 mile from me and next door to our daughter. We would like to place a newer manufactured home on this parcel.

A variance requires that a public hearing be held, that public notice be issued in the paper and that notices are sent to adjacent property owners. This informs the public of the variance request and allows them to issue comments. Variances must not be granted if the variance creates detriment to adjacent property or to the character of the zone district. Variances will run with the land and the property must have been acquired in good faith. Do you understand these requirements? If so please sign here:

Robert Alan Goad      Amber W Goad

Which Article of the Grayson County Zoning Ordinance is creating undue hardship?

acreage density





COPY

If the Board of Zoning Appeals grants the variance the applicant will be required to submit a zoning application for a zoning permit and acquire building permits when necessary. The variance will not allow a change in permitted uses of a zone district or create a rezone. A change in use or a zone change will require a Special Use Permit or a Rezone application.

It is the responsibility of the applicant to provide a site plan or legal survey of the property which accurately reflects the following characteristics. 1) Tax Map Number of lot on record in Grayson County 2) Parcel boundaries and relationship to adjacent parcels 3) Main access to the property, including street names and right of ways. Right of ways must show legal description and width reflected in feet. 4) General characteristics of the property including all structures existing and planned. 5) Other information which is deemed necessary for proper review. Please attach the site plan or survey to this application.

The Board of Zoning Appeals meets once a month. The application for a variance and a fee must be received in the Zoning Department at least three weeks prior to this meeting date to facilitate the public hearing notices in the paper. The fee for a variance is \_\_\_\_\_ and must be paid before the application is processed. The next available meeting date to hear the application is \_\_\_\_\_. The applicant will need to attend the Board of Zoning Appeals meeting. The decision of the Board of Zoning Appeals will be issued in writing. If the applicant wishes to appeal the decision of the Board of Zoning Appeals they must do so in accordance with State Code of Virginia, 1950. Do you understand these requirements? If so please sign here:

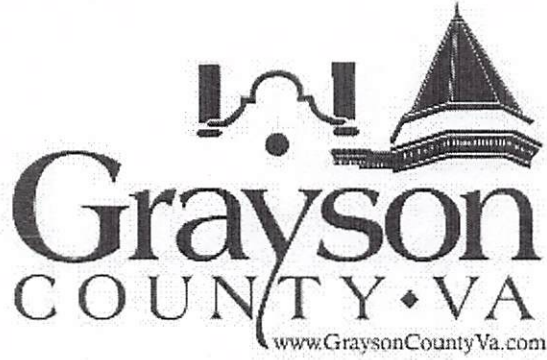
I certify that all information listed on this application is true and correct to the best of my belief and knowledge. Incorrect or misleading information provided by the applicant may invalidate any variances granted by Grayson County. By signing this application I grant permission for an agent of the Zoning Department to visit my site to prepare for the variance application on behalf of the Board of Zoning Appeals.

Date: 7/09/23 Signature (Property Owner): Robert Alan Gaad  
Amber W. Gaad

OFFICE USE ONLY - Zoning Variance Application - Form 0400 - Revised 05/07/12

Zoning District: <u>RURAL FARM</u>	Property Ownership Review: <u>YES</u>
Subdivision Review: <u>YES</u>	Floodplain Review: <u>YES / N/A</u>
Application Complete: <u>WAB</u> Fee \$ <u>115.00</u>	Health Dept Review: <u>YES</u>
Fee Paid On: <u>8/1/2023</u>	Public Hearing Notices Sent: <u>7/31/2023</u>
Building Official Consulted: <u>YES</u>	Paper Notified: <u>7/4/2023 / 8/2/23 + 8/9/23</u>
VDOT Review: <u>N/A</u>	BZA Ruling: <u>APPROVED</u>
Variance Permit Number: <u>70230120</u>	Date: <u>8/17/2023</u>

RECEIVED  
JUL 15 2023



### INVOICE

**Permit #:** 20230120  
**Applicant:** Goad, Robert & Amber  
**Address:** 77 Mandolin Drive  
**City, State, Zip:** Fries, VA 24330  
**Receipt #:** 259  
**Date:** 08/01/2023  
**Paid By:** Amber W Goad  
**Description:** Variance Fee  
**Payment Type:** Card  
**Payment Type Description:** Master Card  
**Accepted By:** Jada Black

# PAID

AUG 01 2023

Treasurer, Grayson Co.  
Independence, VA

#### Fees Paid

Fee Name	Description	Factor	Total Fee Amount	Amount Paid
VII-Zoning-B1. Variance (Enter Amount of certified letter to adjacent owners)	\$50.00 plus \$10.00 per certified letter to adjacent owners	5.00	115.00	115.00
<b>Total:</b>			<b>\$115.00</b>	



FIS  
Pay Direct

Thank you for your payment.

Please print this receipt and keep it for your records.

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Merchant Specific : 889 - Variance & Appeal

Property Location :

Owner Name :

Payment Amount: \$115.00

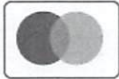
Service Fee: \$3.39

Total Payment Amount: **\$118.39**

Receipt Number: 3855654848

Transaction Date: 08/01/2023 02:33 PM

Payment Type:



Account Number: \*1000

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PAID

AUG 01 2023

Treasurer, Grayson Co.  
Independence, VA





## BOARD OF ZONING APPEALS STAFF REPORT

DATE: July 17, 2023 (BZA Mtg. 08/17/2023)  
TO: Grayson County Board of Zoning Appeals  
FROM: Jada C. Black, Director of Planning and Zoning  
SUBJECT: Variance Request Article 3-8 (c) of the Grayson County Zoning Ordinance

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Permit: 20230120  
Applicant: Robert A. and Amber Goad  
Property Address: 77 Mandolin Drive, Fries, VA 24330  
Acreage: .617  
Tax Map Parcel: 39-A-163  
Current Zoning: Rural Farm

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### SUMMARY OF CASE

The applicant is seeking a variance from Article 3, Section 3-8 (c) – Density of the Grayson County Zoning Ordinance which requires structures in the Rural Farm District (RF) to have .688 of residential density per single-family dwelling-detached per parcel on record; and shall not exceed three (3) dwellings. When more than one (1) single-family dwelling is proposed for a parcel on record, each additional dwelling unit must meet the minimum requirements below:

#### Article 3 §3-8

- a. Maintain a minimum distance of fifteen (15) feet between each residential structure.
- b. Meet the street and property setback requirements for the zone district
- c. **Meet the minimum lot size requirements for the zone district residential structure**
- d. Parcel on record shall meet the access requirements for a principal structure listed in Article 3-7a-e.

## **ATTACHMENTS**

The following are included:

- Application
- Location Map
- Pictures
- Boundary Line Adjustment Survey

## **PURPOSE OF THE STANDARD:**

As described in Article 1, Section 1-4 of the Grayson County Zoning Ordinance, the regulation of the zoning ordinance is for the purpose of promoting the health, safety, and or general welfare of the public in accordance with §15.2-2283 and § 15.2-2200 of the Code of Virginia.

More specific to this application, Section 4-6 Rural Farm (RF)

Generally, the rural farm district's purpose is to preserve and protect the existing rural character, natural amenities, agricultural and forest land, low-density residential uses and services with a mix of light industrial, low-impact commercial services, and outdoor recreational uses.

## **APPLICABLE CODE SECTIONS**

The Code of Virginia provisions which are relevant to this variance request are:

### **Sec. 15.2-2201. Definitions**

**"Variance"** means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by rezoning or by conditional zoning.

**Sec. 15-2-2309. Powers and duties of the boards of zoning appeals.**

The powers of Zoning Appeals have the authority to grant a variance as defined in §15.2-2201, provided that the burden of proof shall be on the applicant to prove by a preponderance of the evidence that his application meets the standard for variance as defined in §15.2-2201 and the criteria set out in this section.

"Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would 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, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not 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; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application. "

The Grayson County Code provisions, which are relevant to this variance request, are:

**2-47(c) Dwelling, Single Family – Detached:** A structure used as a residence by one family, containing one living unit which is entirely separated from structures on adjacent lots and which meets standards of the Building Official and Code Administrators International, Inc. (BOCA) Basic Building Code. This term included modular and manufactured homes.

**2-95 Nonconforming Use:** A use that lawfully occupied a building or land at the time this ordinance became effective, which has been lawfully continued, and which does not currently conform to the use of the regulation.

### **CASE ANALYSIS**

The applicant is seeking a variance to allow an additional residential structure to be placed on the .617 acres of land located at 77 Mandolin Drive, Fries (Route 648) and further identified as Tax Map numbers 39-A-163. The property is zoned Rural Farm and currently has one existing residential structure.

The Rural Farm Zone District requirements for a single-family dwelling. **4-6.3 Area of Lot** minimum lot size shall be 30,000 square feet of .688 acres. In this case, the current lot size is nonconforming to use, even with the existing residential house on the parcel. The parcel would require an additional .759 acres to comply with the zoning requirements. Thus, the request for the variance.

### **PARCEL HISTORY & ATTRIBUTES**

Although considered a nonconforming lot, this parcel, in addition to the existing residential structure, had a mobile home on site with a separate well and septic but has since been removed. According to the Commissioner's records, it was picked up as removed in the 2010 assessment. Aerials from the GIS show the home in place in 2002, 2007, and gone in 2011.

The Grayson County Zoning Ordinance regulates in 3-4 Existing Nonconforming Features and Uses that whenever a nonconforming use is discontinued for a period of more than twenty-four (24) consecutive months, whether or not equipment, or fixtures intended for such use are removed, vested rights will not apply, and any subsequent use or the property shall conform to the effective ordinance and current district regulations. Therefore, staff could not grant administrative approval for the request as the time frame for approval has expired.

Property Owner: Goad Real Estate, LLC

Applicant: Robert and Amber Goad

Location: 77 Mandolin Drive, Fries, VA 24330



Area: .617 Acres

Frontage: Approximately 373 feet on Mandolin Drive (Route 648)

Approximately 277 feet on Scenic Road (Route 94)

Subject property is considered a corner lot

Utilities: Private water and private sewer

Topography: Relatively flat with a 3-5% slope along Scenic Road (Route 94)

Zoning Classification: Rural Farm

Existing Development: One commercial operating convenience store below the residence known as D&R Grocery

Surrounding Development: Primarily residential subdivisions

North: Residential subdivision lots off of Rose Lane

East: Residential subdivision lots off of Robincrest Lane

South: Residential homes and agricultural productions

West: Subject parcel backs Scenic Road, a mobile home park, and a commercial garage known as Hines Tire and Automotive

### **AUTHORIZATION FOR GRANTING VARIANCES**

**The Code of Virginia, specifically Sec. 15.2-2309. Powers and duties of the boards of zoning appeals, states:**

The Board of Zoning Appeals has the authority to grant a variance as defined in §15.2-2201, provided that the burden of proof shall be on the applicant to prove by a preponderance of the evidence that his application meets the standard for variance as defined in §15.2-2201 and the criteria set out in this section.

"Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would 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, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not 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; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application. "

### **STAFF EVALUATION**

1. The subject parcel of .617 has existed since zoning was adopted on December 8, 1998. Deed research suggests the parcel existed before March 1989 and has not changed shape or size to date.
2. The property had a mobile home in the proposed location up until 2011 and was considered nonconforming then and is no more nonconforming by adding a manufactured home back.
3. Adding the home back is to relocate Ms. Goad's aging mother from Washington County, where she can be cared for by her family. A granddaughter lives next door in the residence located at 51 Mandolin Drive.
4. The proposed location of the manufactured home has been marked approximately in the location of the zoning vicinity map. Currently, a recreational vehicle is parked where the mobile home was and using the septic and electrical service pole.

5. The zoning ordinance requires 10-foot setbacks to the sides and rear of property lines and a 35-foot off-center line of public roads. Upon a site visit, these setback requirements can be met. There is enough density remaining that the proposed home could be removed around as such to comply with road setbacks of 35 feet.
6. With this primarily being a residential-type community, adding the additional dwelling to this property should not have detrimental impacts on the surrounding neighbors.

Strict application of the ordinance prevents the applicant from using the property as they would desire. And since the property has not changed in shape and size since 1989, the current deed and survey dated 2/24/1989 by D. B. Dudley show that the mobile home and residential home existed before the implementation of the Grayson County Zoning Ordinance.

Moreover, the current regulations do not allow the property owner to do what is otherwise allowed under the ordinance, creating a justifiable hardship.

Additionally, as part of the goals of the Comprehensive Plan. Chapter 3, Population and Housing, encourages various housing types for all income levels and supports the needs of the elderly and aging, where possible.

For this case, 20230120, staff recommends **APPROVAL** of the variance to allow the manufactured home to be replaced on the parcel as it can meet the setback requirements for yard, street, road frontage, and minimum distance between residential structures. The Code of Virginia states in 15.2-2309 that, notwithstanding any other provisions of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would 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

- (i) **the property interest for which the variance is being requested was acquired in good faith, and any hardship was not created by the applicant for the variance;**

The applicant did not create the hardship. The parcel was created before adopting the zoning ordinance in 1998.

- (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;**

In the event the variance is granted, there is no indication that the use will be of any detriment to the adjacent property owner, as the addition of the manufactured home will fall within the road and yard setbacks.

- (iii) the condition or situation of the property concerned is not 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;**

The situation would not be remedied with an amendment to the ordinance, specifically to the zoning map, by rezoning the portion of the property where the manufactured home would be located as the different zone that would allow the use to continue does not exist.

- (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and**

Granting the variance would not add or subtract from the legal uses of the property.

- (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.**

There is no relief in this situation offered by a special exception or the process for modification of the ordinance.



**BOARD OF ZONING APPEALS ACTION:**

The final statement of action would be similar to the following. If a BZA member chooses to make this motion, it should be read aloud:

I move that the Board of Zoning Appeals adopts the following resolution:

**WHEREAS**, the Code of Virginia, specifically § 15.2-2309, states that the Board of Zoning Appeals shall grant a variance if the evidence shows that the strict application of the terms of the ordinance would 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:

- (i) the property interest for which the variance is being requested was acquired in good faith, and any hardship was not created by the applicant for the variance;
- (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- (iii) the condition or situation of the property concerned is not 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;
- (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.

**WHEREAS, the Board (FINDS AS TRUE or DOES NOT FIND AS TRUE) the factual statements and rationale set forth in the staff report,**

**BE IT, THEREFORE RESOLVED THAT pursuant to Virginia Code Section 15.2-2309, after a full examination of the facts and law related to the case, the Board of Zoning Appeals finds the foregoing criteria are (MET or NOT MET) and the Board of Zoning Appeals (APPROVES or DENIES) variance request 20230120, to grant the request for a variance to allow the replacement of manufactured home on tax map parcel number 39-A-163.**

77 Mandolin Drive, Fries 39-A-163









# Grayson County Virginia

Grayson County  
Board of Zoning Appeals



Commonwealth of  
Virginia

## RESOLUTION

### VARIANCE REQUEST APPROVED TAX MAP NUMBER 39-A-163

**WHEREAS**, the Code of Virginia, specifically § 15.2-2309, states that the Board of Zoning Appeals shall grant a variance if the evidence shows that the strict application of the terms of the ordinance would 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:

- (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- (iii) the condition or situation of the property concerned is not 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;
- (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § [15.2-2309](#) or the process for modification



of a zoning ordinance pursuant to subdivision A 4 of § [15.2-2286](#) at the time of the filing of the variance application.

**WHEREAS**, the Board finds as true the factual statements and rationale set forth in the staff report,

**BE IT, THEREFORE RESOLVED** that pursuant to Virginia Code Section 15.2-2309, after a full examination of the facts and law related to the case, the Board of Zoning Appeals finds the foregoing criteria are met, and the Board of Zoning Appeals approves variance request 20230120, to grant the request to allow the replacement of manufactured home on tax map parcel number 39-A-163 without the required density.

Adopted by the Grayson County Board of Zoning Appeals on the 17<sup>th</sup> day of August 2023.

This measure was adopted upon the following vote of the Board:

Recorded Vote

Moved by: Elizabeth Sherian

Seconded by: Austin Haga

Yeas: 4

Nays: \_\_\_\_\_

By: Ron Davis  
Ron Davis, Chair

Grayson County Board of Zoning Appeals

Attest: Jada C. Black  
Jada C. Black, Clerk

Grayson County Board of Zoning Appeals