

Richlands Board of Zoning Appeals Public Hearing

January 5, 2022

Board Members Present:

Gene Hurst Jr., Chairman

George Brown

Bill Patton

Barry Alley

Larry Whited

Town Staff Present:

John O'Daniel

Nathan Keen

Mike Thomas

Gene-The meeting was called to order by Gene Hurst. The purpose of the meeting was for a variance request from The Richlands Tabernacle for properties located between 326 and 322 Floyd Avenue, Richlands, VA 24641 (Tax Map Number 105A4109 0009-0016) to Richlands Code Land Use Ordinance Chapter 154 Section 053 which states that structures shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the centerline of any street right-of-way less than 50 feet in width except that signs advertising sale or rent of property may be erected up to the property line. This shall be known as the setback line. (Ord. passed 11-8-2005). Mr. Horton requests a variance for a privacy fence next to roadway. Phillip I will let you all speak on this matter.

Phillip Horton- We have a family center and in our dining area. We have a door we closed up years ago and wish to reopen it to a playground area. Dr. Hudson made a challenge that if we raised money then he would match the money. We did very well. We want to build something here that we know our children will be safe using. The old neighborhood in our area used to be the best but is not what it use to be.

We want to come all the way out to the curb next to the road. Dr. Hudson has designed 21 things in this playground, and we need the room to do these. We are wanting a gazebo and solar panels with charging stations. We have all kinds of plans for our children. We understand a chain link fence would be accepted but we wanted a 6-foot vinyl privacy fence so no one could see our children on this playground. This would be completely closed off with the fence. We planned on putting a double 5-foot gate in next to the dumpsters in case there was a problem with water or sewer the town would have access to work on those. On the alley side we planned on putting a 5-foot gate there. Dr. Hudson has great plans. Would you share more of your plans with us?

Dr. Hudson- Hello. It has been a long time since I have seen a lot of you. I think the issue here is really safety. I have a rental house on Floyd Avenue. It is a good neighborhood and we are trying to improve it. I am wanting to build a safe playground for my church. We want the parents and kids to feel safe. This is a school and I feel it is important to note that.

Phillip- April just did the children's program for the church. We had over 30 children at our church for this children's musical. They were young teens. They have so much energy. We want to open a door with 1 way in or out, so we know our children are safe. We have 37 kids at this school currently. We think it is important to get outside in the sunshine to get vitamin D and run on actual grass. We appreciate any consideration you do give to us. Thank you very much.

Gene-Does anyone else want to speak? Anyone have any questions?

Barry-I have a question. Do you want the fence to go all the way to the curb? There is an 8-inch sewer main at this curb. Would the town have access to work on this in the future?

Phillip-Yes. That is why we are putting in the gates. I also wanted to say that most of our traffic would not be hindered with this fence. There are hardly any cars parked in this section. We are just wanting to give the kids more running space. We will make sure in the design that nothing will be build there to stop the town from digging up the lines to repair them.

Dr. Hudson-I assure you that there will not be anything placed there to cause you a problem with working on these utility lines. I spent my career working on the college working on fiber optics. We do not want to interfere with anything there. Mostly will be solar panels, and water barrels. Things that we know the kids are interested in. The biggest thing is the grass. That is what we want for the kids to enjoy.

Gene-Ok. Thankyou all for coming. We are going to discuss your request now. Nathan will call you tomorrow to let you know what we decide.

ZBA Board-Discussed the variance request in regard to problems with putting a privacy fence so close to the road and damages that could happen to the fence being that close. Also, talked about legal issues that could come back from other structures in town that would happen if this variance was granted. We must have room for public access and utilities.

Gene-Ok let us vote for the variance that they can build the 6-foot vinyl privacy fence by staying at least 10 feet away from the Floyd Avenue roadway. I make the motion.

Bill- I second that motion.

Gene- All in favor say aye.

All members "Aye".

Gene-Motion passed unanimously.

Barry made the motion to adjourn, seconded by Bill Patton; all members voted "aye" and the meeting was adjourned.

Submitted by: Nathan Keen