

Richlands Board of Zoning Appeals Public Hearing

September 6, 2023

Board Members Present:

Gene Hurst Jr., Chairman

Bill Patton

Glayde Brown

Phillip Cook

Town Staff Present:

Clarence Monday

Billy Shelton

Nathan Keen

Mike Thomas

Others Present:

Rachel Burks

Gene-The meeting was called to order by Gene Hurst. The purpose of the meeting was for a variance request in regard to The Town of Richlands Code of Ordinances **154.073** Setback Regulations which requires 35 feet or more of land from the centerline of any town street and a new structure. Based on the plans submitted a variance is required to place a privacy fence structure for the property located at 420 South Center Street, Richlands, VA 24641 (Tax Map Number 105A813 0102-0103). This request was denied by the Zoning Administrator and has been appealed to the Board of Zoning Appeals. Rachel, I will let you all speak on this matter.

Rachel-We had the fence put up around the end of July. It was contracted with Lowes and LGL put it up. At the time I did not know we would need permits for this fence. So, it ended up being too close to the road. The Town did come and mark the water lines to make sure it was not interfering with any of that. I have spoken with all of my neighbors, and they are ok with where it is at. This fence structure is on the side of my yard where the street dead ends. What I would like is to leave the privacy fence where it is. This fence was put up so my two daughters would have somewhere to play without running into the road. Sorry I cry when I am nervous. My neighbor Ginger helps cats and runs a nonprofit. They also have yard sales and stuff with a lot of traffic coming in and out. We put up a privacy fence because my daughters are six and four and play in the pool back there in the summers. They are wild and prefer no clothes. At this time, it would be better for us to keep the fence where it is. I understand I may have to move it but if it does the twenty-five feet from the centerline of the road would line up with our home. I don't know if we will be able to afford to move the fence. I did talk to all my neighbors. None of them are here. One had a heat pump blow. There have been a few things happen today. No one had any complaints about this new fence. The trash truck has been able to do its duties. Also, this road does not get scrapped because of the number of houses on this dead end street.

Gene-Has anybody got any questions?

Phillip-I have one. You have a neighbor located behind you that shares this street, but they go into a driveway past your fence?

Rachel-Yes. It is not quite a driveway. Like I said it is a dead end street and they park on the Town road. They did have off-street parking but have placed a pool there. They did not have any problem with my

fence, but she just recently sold it, and I have not talked to the new neighbor. I would imagine if she had a problem then she would not have purchased the home.

Phillip-When did you install this fence?

Rachel-At the end of July this year.

Gene-Unless anyone else has questions Rachel, we will let you go so we can talk more about this variance request. The Town will contact you tomorrow with our decision.

Clarence-We will give you a call, Ms. Burks.

Rachel-Ok. Thank you.

All-Talked about the issues with the privacy fence being so close to the roadway. Spoke about how so many fences in Town are "grandfathered" and if replaced would have to follow the Town Code. Also, how some people had received a variance for structures that were built closer than allowed by Code. Talked about the differences in a chain link fence and privacy fence. A structure is defined as anything constructed having a permanent foundation that cannot be seen through or that blocks your vision like a privacy fence structure, etc. To us a chain link fence is not considered a structure because it does not block your vision.

Gladye- I make the motion to approve a variance for The Burks to leave the privacy fence where it is located at two feet from the edge of the road.

Phillip- I second that motion.

Gene- All in favor say aye.

All members present "Aye".

Gene-Made motion passed unanimously.

Mike-Ok. Other business we need to discuss is who you want to be vice chairman and secretary.

Gene-Well The Town always provided a secretary for us before. I think Nathan should be our secretary. Can we have a vote?

All members present "Aye".

Gene-Does anyone here wish to be the Vice Chairman? I feel like Barry should be our vice chairman.

Phillip-I second the motion.

All members present "Aye".

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

Submitted by: Nathan Keen