

Franklin County Board of Zoning Appeals  
Agenda  
March 3, 2020

I. Call to Order

II. Roll Call

III. Consent Agenda

A) Approval of Minutes from January 7, 2020 meeting

IV. Public Hearing:

- 1) **APPLICATION for VARIANCE-** Application of George I. Vogel, III, Applicant, and Lee Allen Minniear, Owner, requesting a variance to Section 25-272 (b), Side Setback, of the Franklin County Code, on an approximate 0.65 acre property zoned RC-1, Residential Combined Subdivision District, and located at 3935 Bluewater Drive in the Gills Creek District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0320400300. The RC-1 zoning district requires a minimum side setback of twelve (12) feet from the side lot line. A side setback variance is requested to bring an existing side setback violation into conformance with Franklin County Code (Case # VAR-02-20-16508)
- 2) Staff Presentation (Terry Harrington)
- 3) Applicant Presentation
- 4) Public Comment

V. Citizen Comment

VI. Adjourn

# Department of Planning & Community Development



A public meeting of the Franklin County Board of Zoning Appeals was held January 7, 2020 at 6:00 p.m. in the Franklin County Board of Supervisors meeting room located in the Franklin County Government Center.

**THOSE PRESENT:**

William Lee, Chairman  
Eric Ferguson, Vice-Chairman  
Pamela Washington  
Billy Kingery  
Kevin Hunt  
Wayne Worley

**THOSE ABSENT:**

William Cooper

**OTHERS PRESENT:**

Terry Harrington, Senior Planner  
Lisa Cooper, Principal Planner  
Hannah Powell, Clerk

The meeting was called to order by Chairman Lee at 6:00 p.m. The first order of business was the roll call. The next item on the agenda was the approval of the minutes from the December 3, 2019 meeting. The December 3, 2019 minutes were approved by unanimous consent.

Chairman Lee announced the first item on the agenda and asked for the staff report.

**APPLICATION for VARIANCE-** Application of Philip C. Schirmer, Applicant and Owner, requesting a variance to Section 25-226 (a), Front Setback, of the Franklin County Code, on an approximate 0.527 acre property zoned R-1, Residential Suburban Subdivision and located at 1099 Highland Lake Road in the Union Hall District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0510203300. The R-1 zoning district requires a minimum front setback of thirty (30) feet from the Highland Lake Road right-of way line. A front yard setback variance of nineteen (19) feet is requested to allow for the construction of a two car garage (Case # VAR-12-19-16461).

Mr. Harrington began by explaining that the purpose of the variance request is to allow the construction of a 24' x 24' two-car garage in a location that is 11 feet from the Highland Lake Rd. R/W. The property is zoned R-1 Residential Suburban Subdivision District. The Franklin County Code requires a minimum front yard setback of 30 feet in R-1 zoning districts, thus a variance of 19 feet is requested to allow the construction of the two car garage in the location shown on the submitted concept plan.

Mr. Harrington said that the property is zoned for and is used for a single family dwelling. The 20 foot PUE, the 800 foot contour limitation and the location of the septic field, while limitations on development, do not unreasonably restrict the use of the property. The staff believes the garage could possibly be located closer to the home and reduced in size to meet the required setbacks or reduce the need for a nineteen (19) foot variance.

Mr. Harrington stated that the County Building Official has confirmed that no fire separation or fire rated materials are necessary unless the proposed garage is within 3 feet of the existing house. The staff does not believe that the factors needed to grant a variance are present to justify the approval of a variance as requested by the applicant.

Mr. Harrington concluded that staff believes the petition does not meet the criteria for variances set forth in Section 15.2-2309 of the Code of Virginia and recommends the Board of Zoning Appeals deny this request.

Mr. Harrington offered to answer any questions. Chairman Lee asked if anyone had questions for Mr. Harrington; no one did. Mr. Lee then asked to hear from the applicant.

1255 Franklin Street, Suite 103, Rocky Mount, Virginia 24151

Mr. Philip Schirmer, applicant and owner, said that he was a professional engineer and land surveyor so he is familiar with zoning. He said that he was asking for consent rather than forgiveness as is usually the case. He went on to say that Highland Ridge was one of the first subdivisions developed on the lake and that it had changed over the years by having many full time residents. Mr. Schirmer described the various public utilities as being located on poles so the PUE is currently vacant and he didn't see any expansion happening. He went on to say that while he would like to have as much front yard as possible, he is willing to settle for a smaller variance than nineteen (19) feet if the BZA would allow. He concluded stating that he felt his situation did meet the five (5) criteria required for a variance.

Chairman Lee asked if anyone had questions for Mr. Schirmer.

Mr. Ferguson asked if there was a particular reason why he required a two car garage instead of a one car garage.

Mr. Schirmer answered that he was consolidating two homes into one, therefore, he needed a lot of storage space.

Mr. Hunt asked for confirmation on the map as to where the garage would be built.

There were no more questions, therefore, Mr. Lee opened the public hearing and asked if there was anyone present that would like to speak; there was not. Chairman Lee then closed the public hearing and the members had discussion among themselves.

Mr. Lee made a motion to approve a ten (10) foot variance, stating that based on the fact the applicant has demonstrated the required variance criteria identified in Section 15.2-2309 of the Code of Virginia have been met, I move to approve a ten (10) variance to Section 25-226 (a) of the Franklin County Code for tax parcel # 0510020330.

Mr. Kingery seconded the motion.

The motion to approve a ten (10) foot variance was approved.

Voting on the motion was as follows:

|          |  |
|----------|--|
| AYES:    | Hunt, Washington, Worley, Kingery, Ferguson, Lee |
| NAYES:   | None   |
| ABSENT:  | Cooper   |
| ABSTAIN: | None   |

Mr. Lee announced the next item on the staff report and asked for the staff report.

**APPLICATION for VARIANCE-** Application of Alan M. Katz and Patrice Katz, Applicants, and Alan M. Katz, Owner, requesting a variance to Section 25-226 (a), Front Setback, of the Franklin County Code, on an approximate 0.443 acre property zoned R-1, Residential Suburban Subdivision and located at 139 Clement Drive in the Union Hall District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0530101700. The R-1 zoning district requires a minimum front setback of thirty (30) feet from the Clement Drive right-of way line. A front yard setback variance of fourteen (14) feet is requested to allow for the construction of a one car garage (Case # VAR-12-19-16462).

Mr. Harrington began by explaining that the purpose of the variance request is to allow the construction of a 16' x 24' one car garage with second level storage in a location that is setback 17 feet from the Clement Drive R/W. The property is zoned R-1 Residential Suburban Subdivision District. The Franklin County Code requires a minimum front yard setback of 30 feet in R-1 zoning districts, thus a variance of thirteen (13) feet is requested by the petitioner to allow the construction of the single car garage in the location shown on the submitted concept plan.

Mr. Harrington continued by saying that the property is zoned for and is used for a single family dwelling. The staff does not believe that the criteria are present to justify the approval of a variance as requested by the applicant. The granting of the variance would not alleviate a hardship due to the physical condition of the property or improvements thereon.

Mr. Harrington concluded that staff believes the petition does not meet the criteria for variances set forth in Section 15.2-2309 of the Code of Virginia and recommends the Board of Zoning Appeals deny this request.

Mr. Harrington offered to answer any questions; there were none.

Chairman Lee asked to hear from the applicant.

Laura Katz, representative for the applicant, began by stating that she was an architect and on the Planning Commission in Roanoke City. She went on to say that she sketched the concept plan to show that the garage would be behind the PUE. She explained that the Katzs' were in need of more storage and that the garage would fit within the perimeters of the existing open space. She said the space is completely surrounded by evergreens and that the garage would never be noticed by anyone.

Chairman Lee asked if there were any more questions; there was not.

Chairman Lee then opened the public hearing and asked if there was anyone present that would like to speak.

Kendall Preas said that she lived on the cul-de-sac of Clement Drive. She asked about the purpose of the setback.

Mr. Kingery answered that it is to keep properties from being built too close to the road.

Mrs. Preas confirmed that a thirty (30) foot setback is the standard rule in Franklin County, and Chairman Lee answered affirmatively.

Mrs. Preas asked that as a homeowner, would she be able to get a fourteen (14) foot variance.

Chairman Lee answered that variances are considered on a case by case basis.

Mrs. Preas said that she would like to build onto her house and that if one person is granted a variance it seems that everyone should be granted a variance.

Mr. Lee answered that each case is unique and that the variance criteria must be met in order for a variance to be granted.

Mr. Ferguson remarked that the County has an ordinance that creates the setback and the only way to get relief from that setback is to make a request to the BZA. He added that an ordinance amendment can be requested to the Board of Supervisors changing the setback requirements.

Barbara Murray said that she lives on the right side of the Katz property. She stated that the Katzs' had not told her about the hearing and that she had found out from other neighbors. Mrs. Murray showed the members a picture of what the existing shed looks like from her windows. She is concerned about the height of the proposed building.

Mrs. Cooper answered that the height restriction in the R-1 district is forty (40) feet but that the applicants were asking for eighteen (18) feet.

Chairman Lee asked if there were anymore questions. There was not, therefore, Chairman Lee then closed the public hearing and discussion between the members ensued.

Mr. Ferguson made a motion to deny, stating that he found that based upon the fact the applicant has not demonstrated the variance criteria identified in Section 15.2-2309 of the Code of Virginia have been met, I move to deny the variance requested for the proposed reduction in the required front yard setback for the proposed garage from thirty (30) feet to thirteen (13) feet.

Mr. Kingery seconded the motion.

The motion to deny the variance was approved.

Voting on the motion was as follows:

AYES: Hunt, Washington, Worley, Kingery, Ferguson, Lee  
NAYES: None  
ABSENT: Cooper  
ABSTAIN: None

Chairman Lee announced the next agenda item as citizen comment and asked if there was anyone present that would like to speak on any topic; there was not.

Mrs. Cooper informed Chairman Lee that elections for Chairman and Vice-Chairman are usually done at the beginning of the year. She asked if they would like to have the nominations tonight even though it was not on the agenda; Mr. Lee answered affirmatively.

Mr. Lee asked if there were any nominations for Chairman.

Mr. Kingery nominated Mr. Lee for Chairman. Mr. Ferguson seconded the nomination.

Mr. Lee was elected as Chairman. Voting on the motion was as follows:

AYES: Hunt, Washington, Worley, Kingery, Ferguson, Lee  
NAYES: None  
ABSENT: Cooper  
ABSTAIN: None

Mr. Lee asked if there were any nominations for Vice-Chairman.

Mr. Kingery nominated Mr. Ferguson for Vice-Chairman. Mr. Lee seconded the motion.

Mr. Ferguson was elected as Vice-Chairman. Voting on the motion was as follows:

AYES: Hunt, Washington, Worley, Kingery, Ferguson, Lee  
NAYES: None  
ABSENT: Cooper  
ABSTAIN: None

With no other business, the meeting was adjourned at 7:11 p.m.

\_\_\_\_\_, Clerk  
Franklin County Board of Zoning Appeals

\_\_\_\_\_  
Date

February 21, 2020

To: Franklin County Board of Zoning Appeals

From: Terrance L. Harrington, AICP  
Senior Planner

RE: Petition of George I. Vogel, III, applicant, on behalf of property owner Lee Allen Minniear; Variance Request to Section 25-272 (b) (Side Setback) of the Franklin County Code for property located at 3935 Bluewater Drive in the Gills Creek District of Franklin County. (Parcel #0320400300). (Case # VAR-02-20-16508)

**SUMMARY OF REQUEST**

This is a petition of George I. Vogel, III, applicant, on behalf of property owner Lee Allen Minniear to apply for a variance to Section 25-272 (b), (side setback) of the Franklin County Code to allow an existing house constructed in 1993 to retain a 6.70 foot side yard setback. The property is zoned RC-1 (Residential Combined Subdivision District). RC-1 districts require a minimum side yard setback of ten (10) percent of a lot's frontage with a maximum of twelve (12) feet. The property has in excess of 250 feet of frontage on Bluewater Drive and Lookout Point drive, thus a side yard setback of twelve (12) feet is required and a side yard setback variance of 5.3 feet is requested.

**RECOMMENDATION**

Staff believes the variance petition does not meet all the criteria for the granting of variances set forth in Section 15.2-2309 of the Code of Virginia and recommends the Board of Zoning Appeals deny this request.

**VARIANCES; DEFINITION AND CRITERIA FOR GRANTING**

Section 15.2-2201 of the Code of Virginia defines a variance as follows:

“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 a rezoning or by a conditional zoning.

A. Per the Code of Virginia, compliance with one of the two following criteria is required to grant a variance:

1. Strict application of the ordinance would unreasonably restrict the utilization of the property, or;
2. The granting of the variance would alleviate a hardship due to the physical condition of the property or improvements thereon.

B. In addition, the following five criteria shall be met:

1. The hardship imposed by the ordinance was not created by the applicant (property owner) for the variance; and
2. The granting of the variance will not be of substantial detriment to adjacent and nearby properties; and
3. The variance does not correct a problem or condition that is so general and recurring a nature that a general ordinance amendment is reasonably practical; and
4. The granting of the variance will not result in the establishment of a land use that is not otherwise permitted in the R-1 zoning district; and
5. The relief sought by the variance cannot be achieved thru a rezoning or special use permit process currently authorized by the ordinance.

### **CITIZEN COMMENTS**

The staff has received (2)) citizen calls regarding this request. Each caller was inquiring as to the purpose of the public hearing. No caller expressed any concern when told of the purpose of the public hearing.

### **STAFF ANALYSIS OF VARIANCE CRITERIA**

The staff does not believe that the granting of the variance would alleviate an unusual hardship. The Minniear lot has enough width to accommodate the size and style of home constructed on behalf of the original owners in 1993. Compliance with a twelve (12) foot side yard setback on each side was possible. If a hardship exists, it was created by the contractor who built the home on behalf of the original property owners, not the physical condition of the property.

The location of the home on the site has not been to the detriment of other homes in the neighborhood.

The granting of the variance will not alter the use of the property, nor the location of the home on the property.

Finally, a general ordinance amendment is not justified as most new construction in Franklin County is able to comply with code setback requirements without the need for a variance, and the use of a rezoning or special use permit process is not an appropriate strategy to rectify this setback deficiency.

### **RECOMENDATION**

Staff believes the petition does not meet all the required criteria for variances set forth in Section 15.2-2309 of the Code of Virginia and recommends the Board of Zoning Appeals deny this request.

### **SUGGESTED MOTIONS:**

The following suggested motions are sample motions that may be used.

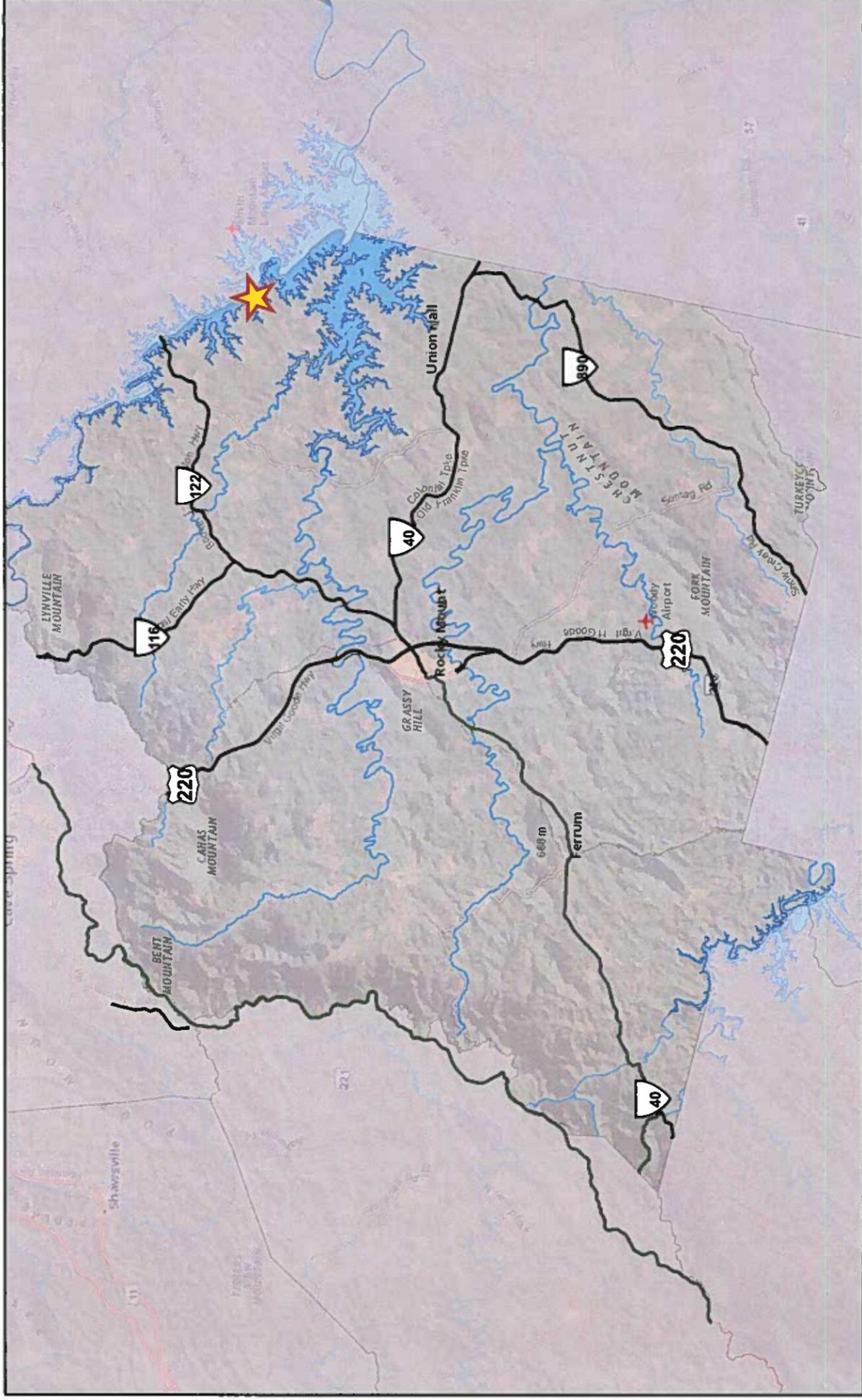
- A. Based upon the fact the applicant has not demonstrated the necessary variance criteria identified in Section 15.2-2309 of the Code of Virginia have been met, I move **to deny the variance** requested to Section 25-272 (b) of the Franklin County Code for the proposed reduction in the required side yard setback from 12 feet to 6.7 feet.

**OR**

B. Based on the fact the applicant has demonstrated the required variance criteria identified in Section 15.2-2309 of the Code of Virginia have been met, I move to **approve a variance** to Section 25- 272 (b) of the Franklin County Code, establishing a new minimum side yard setback of 6.7 feet.

**OR**

C. Based upon the following findings [state], *I am entering an alternate motion [state].*



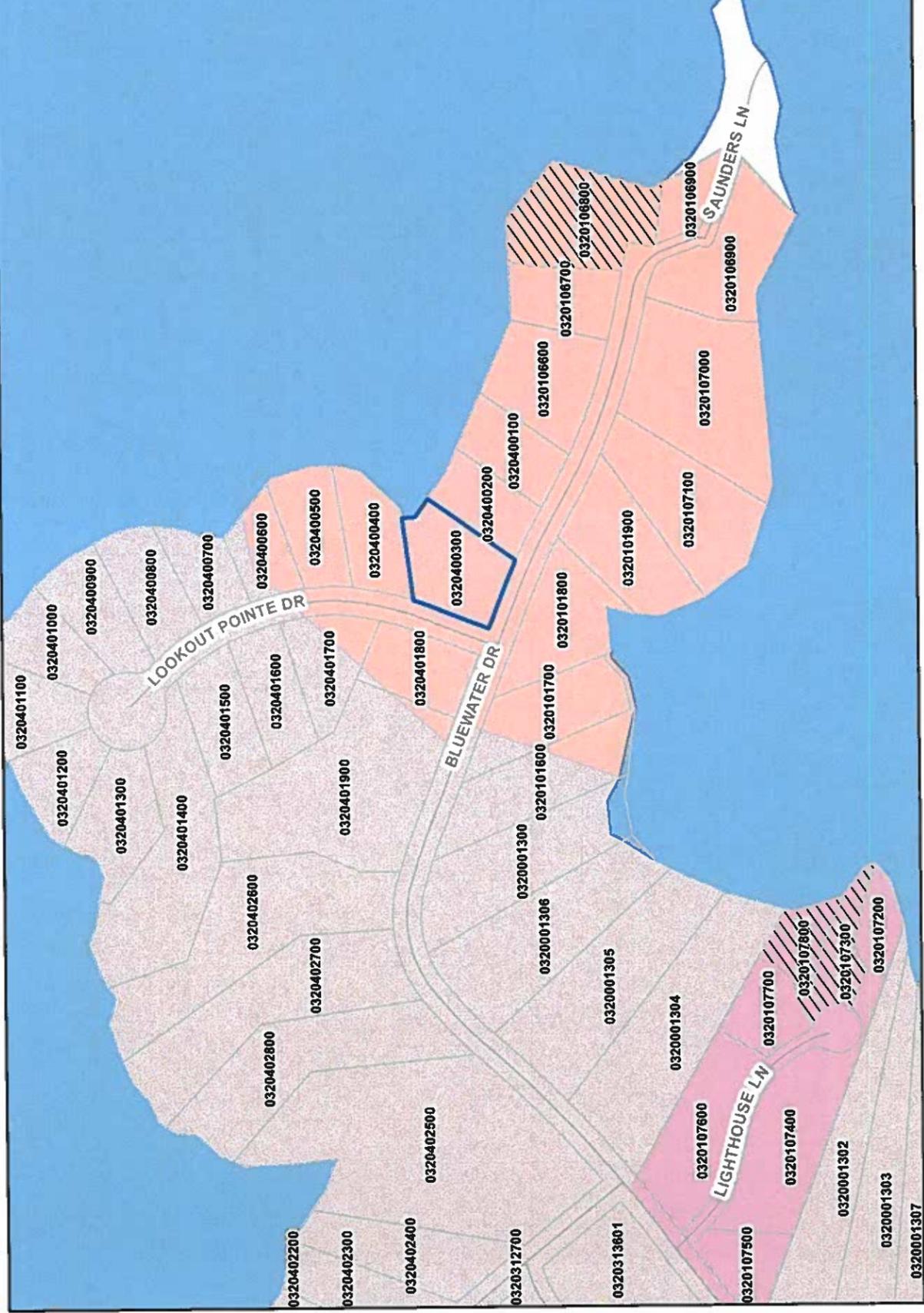
Subject Property Location

Tax Map #0320400300  
 VAR-02-20-16508  
 Minniear/Vogel



Date: 2/21/2020





**Tax Map #0320400300**  
**VAR-02-20-16508**  
**Minniear/Vogel**

**Legend**

- Subject Parcel
- Parcels
- Special Use Permit
- Smith Mtn Lake

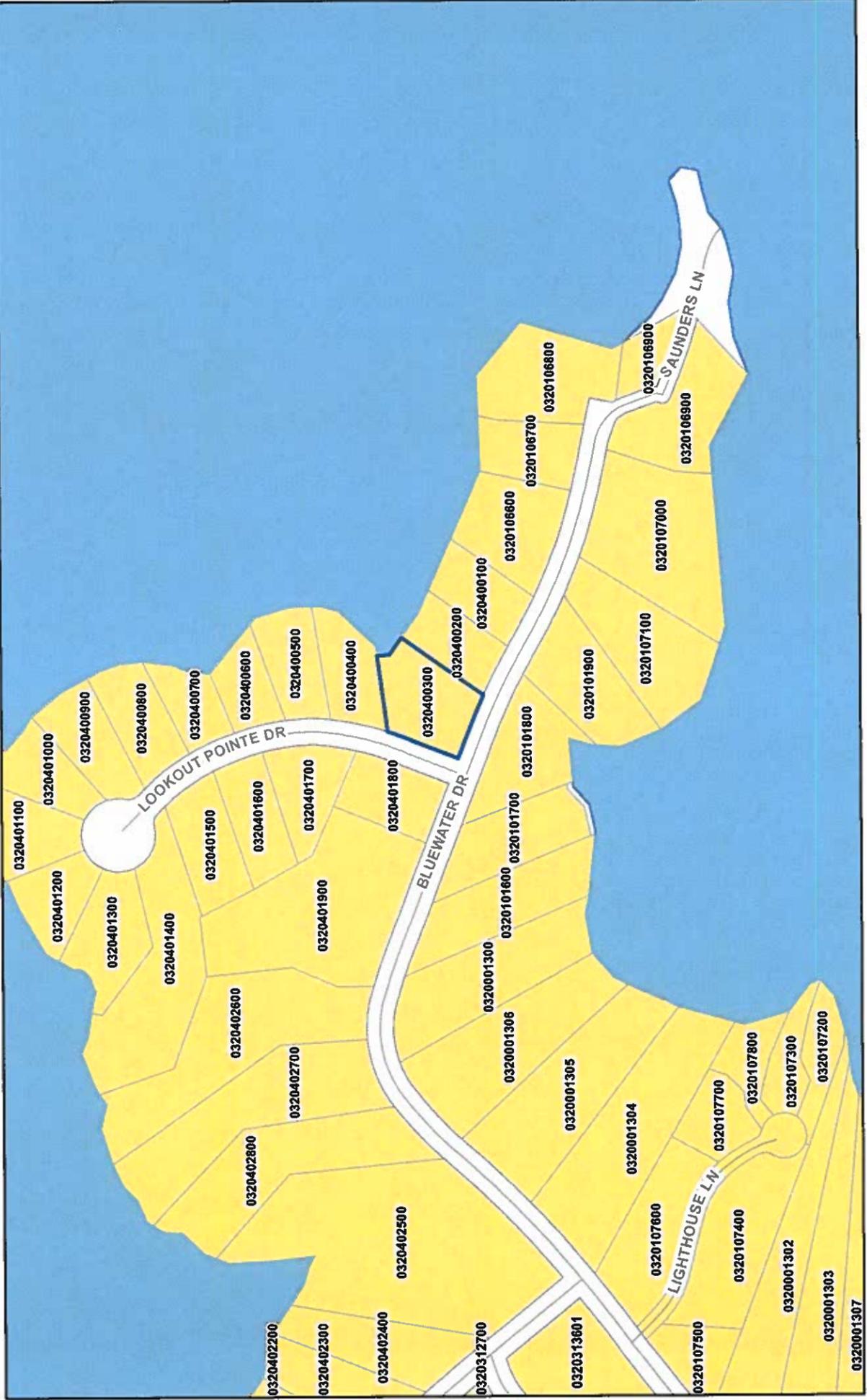
**Zoning Classifications**

- A1 - Agricultural
- RC1 - Residential Combined Subdivision
- RMF - Residential Multi-Family

**Scale:** 0 125 250 500 Ft

**North Arrow**

**Date:** 2/21/2020



Tax Map #0320400300  
 VAR-02-20-16508  
 Minniear/Vogel



Date: 2/21/2020



**Legend**  
 Parcels  
 Lakes



Tax Map #0320400300  
 VAR-02-20-16508  
 Minniear/Vogel



Date: 2/21/2020

**Legend**

- Subject Parcel
- Tax Parcels

2017 Pictometry Imagery



LAW OFFICES  
VOGEL & CROMWELL, L.L.C.  
204 McCLANAHAN ST., S.W.  
ROANOKE, VA 24014

SMITH MOUNTAIN LAKE OFFICE  
13245 B.T. WASHINGTON HWY., SUITE B  
HARDY, VA 24101

GEORGE I. VOGEL, II  
JAMES R. CROMWELL  
GEORGE I. VOGEL, III  
CHRISTIAN "KIRK" VOGEL

P.O. Box 18188, ROANOKE, VA 24014  
(540) 982-1220  
FAX (540) 982-0422

(540) 721-3988  
FAX (540) 721-1978

February 3, 2020

**(VIA HAND DELIVERY)**

Franklin County  
Board of Zoning Appeals  
c/o Terrance L. Harrington, AICP  
Senior Planner  
1255 Franklin Street, Suite 103  
Rocky Mount, VA 24151

**RE: Lot 3, Section 1 Lookout Point  
Tax Map # 32.4-3  
Variance from Side Lot Line Setback**

Dear Terry:

Enclosed please find an application for Variance on behalf of my client, Lee Allen Minniear. This application is to correct a violation of the side lot line set back requirements of Section 25-272(b) of the Franklin County Code. I have attached a current survey of the property showing the property and the as-built dimensions of the home located on the property. I have also attached a copy of the Deed whereby Mr. Minniear acquired the property.

As you will see, the southeast corner of the home is located 6.7' from the easterly lot line. The length of the road frontage on Bluewater Drive and Lookout Pointe Drive is 269.49'. Therefore, the set back requirement is 12' feet from the side lot line. The variance requests that the house be permitted to remain in its current location by reducing the side lot line set back to 6.7' as shown on the survey. The cost and hardship of correcting the violation greatly outweigh any damage as a result of the variance.

In an attempt to rectify this situation, the owner of Lot 2 Lookout Pointe was approached about moving the lot line to achieve the required set back. Unfortunately, it was determined that moving the lot line was most likely not feasible given the other dimensions of the lots and the improvements thereon.

Thank you for your assistance with this matter. Please let me know if you need any additional information. Thank you.

February 3, 2020  
Page # 2

Very Truly Yours,

Vogel & Cromwell, LLC

A handwritten signature in blue ink, appearing to read "G. Vogel", is written over the printed name below.

George J. Vogel, III

cc: Mr. Lee Allen Minniear  
3935 Bluewater Drive  
Moneta, VA 24121

**FRANKLIN COUNTY  
APPLICATION  
FOR VARIANCE  
(Type or Print)**

I/We, George I. Vogel, III, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Zoning Appeals for a variance from requirements of the Zoning Ordinance as hereinafter described:

1. Applicant's Name: George I. Vogel, III
2. Property Owner's Name: Lee Allen Minniar
3. Address of Property: 3935 Bluewater Drive, Moneta, VA 24121
4. Phone Number: 602-615-8891
5. Exact Directions to Property from Rocky Mount: RTE 40 East To Left on Route 122 To Right on Scruggs Road To Left on Bluewater Drive To Property At Intersection of Bluewater Drive and Lookout Pointe Drive
6. Tax Map and Parcel Number: 0320400300
7. Magisterial District: Gills Creek Magisterial District
8. Property Information:
  - A. Size of Property: 0.648 acre
  - B. Existing Land Use: None
  - C. Existing Zoning: RC-1
  - D. Is property located within any of the following overlay zoning districts:  
     Corridor District      Westlake Overlay District  Smith Mountain Lake Surface District
  - E. Is any land submerged under water or part of a lake? Yes  No       
If yes, explain: The subject property is adjacent to Smith Mountain Lake and has right to use the land below the project boundaries
  - F. Describe how the strict application of the ordinance would unreasonably restrict the use of the property or how the granting of the variance would alleviate a hardship due to a physical condition of the property: The house located on the subject property is believed to have been constructed in 1993 in its current form and has remained in its current location since then. Compliance with the Side Setback to The Easterly lot line would require demolition of portions of the house. The neighbors to the East do not object to the Variance.

9. Proposed Development Information:

- A. Proposed Land Use: None
- B. Proposed Zoning: RC-1
- C. Size of Proposed Use: 0.648 acre
- Section of the Zoning Ordinance for which a variance is being requested: 25-272 (b)  
(Zoning Code section must be correct and all applicable code sections included in request.)

1.

**Checklist for completed items:**

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

I certify that this application for a variance and the information submitted herein is correct and accurate.

Applicant's Name (Print): George I. Vogel, III

Signature of Applicant: 

Date: 1/31/2020

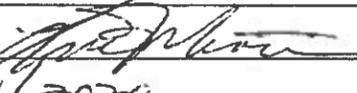
Mailing Address: 204 McClanahan Street, SW  
Roanoke, VA 24014

Telephone: 540-982-1220

Email Address (optional): gvogel13@vogelandcromwell.com

Owner's consent, if applicant is not property owner:

Owner's Name (Print): Lee Allen Minniear

Signature of Owner: 

Date: 1/31/2020

Date Received by Planning Staff: \_\_\_\_\_

Time: \_\_\_\_\_

Clerk's Initials: \_\_\_\_\_

CHECK#: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

AMOUNT: \_\_\_\_\_

**LIST OF NAMES, ADDRESSES, AND TAX MAP NUMBERS OF  
PROPERTY OWNERS THAT ABUT OR ARE DIRECTLY ACROSS  
THE PUBLIC RIGHT OF WAY TO 32.4-3**

| <b>TAX MAP #</b> | <b>NAMES</b>                                | <b>ADDRESS</b>                           |
|------------------|---|--|
| 32.4-4           | Gary M. Hess<br>Ann E. Hess                 | 3240 Falcon Lane<br>Dover, PA 17315      |
| 32.4-2           | William J. Thomas, Jr.<br>Carolyn J. Thomas | 3949 Bluewater Drive<br>Moneta, VA 24121 |
| 32.1-18          | R. Wayne Smith<br>Shelia W. Smith           | 1807 Wilkins Drive<br>Sanford, NC 27330  |
| 32.4-18          | Karl Brouck Hasenstab                       | 3891 Bluewater Drive<br>Moneta, VA 24121 |

BK 1132PG0703

Prepared by and return to:  
George I. Vogel, III  
VSB# 47503  
Title Insurance: Fidelity  
National Title Insurance Company  
Consideration: \$415,000.00  
Grantees address:  
5935 Bluewater Drive  
Moneta, VA 24121

Tax Map# 0320400300

2019 DEC 23 PM 3:21

190008311

THIS DEED, made and entered into this 18<sup>th</sup> day of December, 2019, by and between FRANK J. STECKLINE, by ANE MARR, as attorney-in-fact, Grantor; and LEE ALLEN MINNIEAR, Grantee.

W I T N E S S E T H:

THAT FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00) cash and other good and valuable consideration paid by the Grantee unto the Grantor, the receipt whereof is hereby acknowledged, the said Grantor does hereby BARGAIN, SELL, GRANT and CONVEY, with GENERAL WARRANTY and MODERN ENGLISH COVENANTS OF TITLE, unto the Grantee, LEE ALLEN MINNIEAR, all of that certain lot or parcel of land, located in the COUNTY OF FRANKLIN, VIRGINIA, and more particularly described as follows, to-wit:

Lot 3, Section 1, Lookout Pointe, as shown on map of Lookout Pointe, Section 1, prepared by Berkley Howell & Associates, P.C., dated February 2, 1990, and of record in the Clerk's Office of the Circuit Court of Franklin County, Virginia, in Deed Book 464, Page 24.

TOGETHER WITH any and all rights to use the land below the said contour line, the elevation of which is 800 feet, adjoining the land hereby conveyed, that were reserved in a certain Flowage Right and Easement Deed to Appalachian Power Company dated May 17, 1961, and of record in the aforesaid Clerk's Office in Deed Book 185, Page 514, and together with the right to use said property between the property conveyed herein to the water and in the waters of Smith Mountain Lake, including the right to construct, maintain and use boat docking and structures for recreations purposes only.

SUBJECT, HOWEVER, to a 15 foot public utility easement, and to the minimum building line as shown on the above referenced plat.

Vogel &  
Cromwell, L.L.C.

Roanoke VA

BK 1132PG0704

Being the same property conveyed unto Frank J. Steckline and Marie A. Steckline, husband and wife, by deed from Ben W. Perdue and Priscilla K. Perdue, husband and wife, and Jimmy D. Ratliff and Virginia L. Ratliff, husband and wife, dated September 8, 1993, recorded in the aforesaid Clerk's Office in Deed Book 528, Page 1011. The said Marie A. Steckline departed this life on August 23, 2002, title thereby vesting in Frank J. Steckline.

This conveyance is made subject to all recorded easements, reservations, restrictions and conditions affecting the conveyed property, specifically to those Restrictions of record in the aforesaid Clerk's Office in Deed Book 464, Page 26.

WITNESS THE FOLLOWING SIGNATURE AND SEAL:

Frank J. Steckline (SEAL)  
FRANK J. STECKLINE, by ANE MARR,  
as attorney-in-fact

STATE OF Virginia  
COUNTY OF Audubon

Ane Marr  
as attorney-in-fact

TO-WIT:

The foregoing instrument was acknowledged before me this 19 day of December, 2019, by ANE MARR, attorney-in-fact for FRANK J. STECKLINE.

Michelle Jorgensen  
Notary Public

My commission expires:

5-31-23

Reg. No. 326228

MICHELLE JORGENSEN  
NOTARY PUBLIC  
REGISTRATION # 326228  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
MAY 31, 2023

Vogel &  
Cromwell, L.L.C.

Roanoke VA

Receipt : 19000016510

COURT ADDRESS:  
P. O. BOX 567  
ROCKY MOUNT, VA. 24151  
PHONE # :540-483-3065



OFFICIAL RECEIPT  
FRANKLIN COUNTY CIRCUIT  
DEED RECEIPT

DATE : 12/23/2019      TIME : 15:38:12      CASE # : 067CLR190008311  
RECEIPT # : 19000016510      TRANSACTION # : 19122300088  
CASHIER : AMT      REGISTER # : B050  
INSTRUMENT : 190008311      BOOK : 1132      PAGE : 703      FILING TYPE : DBS      PAYMENT : FULL PAYMENT  
GRANTOR : STECKLINE, FRANK J      AT : 15:21  
GRANTEE : MINNIEAR, LEE ALLEN      EX : N      LOC : CO  
RECEIVED OF : VOGEL & CROMWELL      EX : N      PCT : 100%

ADDRESS : 3935 BLUEWATER DRIVE MONETA, VA 24121  
DATE OF DEED : 12/18/2019  
MULTI : \$3,326.33      CHECK/MO NUMBER : 6033  
DESCRIPTION 1 : L 3 S 1 LOOKOUT POINTE

NAMES : 0  
CONSIDERATION : \$415,000.00      AVAL : \$0.00

PAGES : 002      OP : 0

MAP : 0320400300

PIN :

| ACCOUNT CODE | DESCRIPTION                 | PAID       |
|--------------|-----------------------------|------------|
| 035          | VIRGINIA OUTDOOR FOUNDATION | \$1.00     |
| 036          | DEED PROCESSING FEE         | \$20.00    |
| 038          | STATE GRANTOR TAX           | \$207.50   |
| 039          | STATE GRANTEE TAX           | \$1,037.50 |
| 106          | TECHNOLOGY TRST FND         | \$5.00     |

| ACCOUNT CODE | DESCRIPTION                  | PAID     |
|--------------|------------------------------|----------|
| 145          | VSLF                         | \$1.50   |
| 212          | TRANSFER FEE                 | \$1.00   |
| 213          | COUNTY GRANTEE TAX           | \$345.83 |
| 220          | COUNTY GRANTOR TAX           | \$207.50 |
| 301          | CLERK RECORDING/INDEXING FEE | \$14.50  |

TENDERED : \$ 3,326.33  
AMOUNT PAID : \$ 1,841.33  
APPLIED TO NEXT CASE : \$ 1,485.00

PAYOR'S COPY

CLERK OF COURT : TERESA J. BROWN

RECEIPT COPY 1 OF 2

CURRENT OWNER - FRANK J. STECKLINE  
DB 528, PG 1011

REFERENCE - TAX No. 32.4-3

LOT 3, SECTION 1, LOOKOUT POINTE  
DB 464, PG 24

**NOTES:**

ALL IRON RODS SET ARE 5/8" REBAR.  
THIS SURVEY WAS PERFORMED WITHOUT THE  
BENEFIT OF A TITLE REPORT AND THEREFORE  
MAY NOT NECESSARILY INDICATE ALL ENCUMBRANCES  
UPON THE PROPERTY.

THIS IS TO CERTIFY THAT A PORTION OF THE  
PROPERTY SHOWN HEREON IS LOCATED IN THE  
100 YEAR FLOOD ZONE AS DETERMINED BY THE  
DEPARTMENT OF HOMELAND SECURITY AND F.E.M.A.  
ZONE X & AE, FIRM 51067C0295D, DATED 1-6-10

THIS IS TO CERTIFY THAT ON NOV. 20  
2019, AN ACCURATE SURVEY WAS MADE OF THE  
PREMISES SHOWN HEREON AND THAT THERE  
ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE  
ON THE GROUND OTHER THAN THOSE SHOWN  
HEREON.

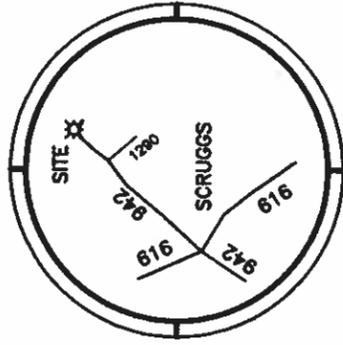
THIS IS A RE-SURVEY OF AN EXISTING LOT AND IS  
EXEMPT FROM THE FRANKLIN COUNTY  
SUBDIVISION ORDINANCE.



**CORNERSTONE LAND SURVEYING, INC.**  
250 SOUTH MAIN STREET  
P. O. BOX 779  
ROCKY MOUNT, VIRGINIA 24151  
540-489-3590



| CURVE | RADIUS   | TANGENT | LENGTH | DELTA     | CHORD  | CH. BEARING  |
|-------|----------|---------|--------|-----------|--------|--------------|
| C-1   | 1056.38' | 27.51'  | 55.01' | 2°59'00"  | 55.00' | N 84°38'48"W |
| C-2   | 50.00'   | 50.00'  | 78.54' | 90°00'13" | 70.71' | N 21°08'53"W |
| C-3   | 390.00'  | 48.61'  | 86.72' | 14°12'32" | 86.47' | N 16°45'24"E |

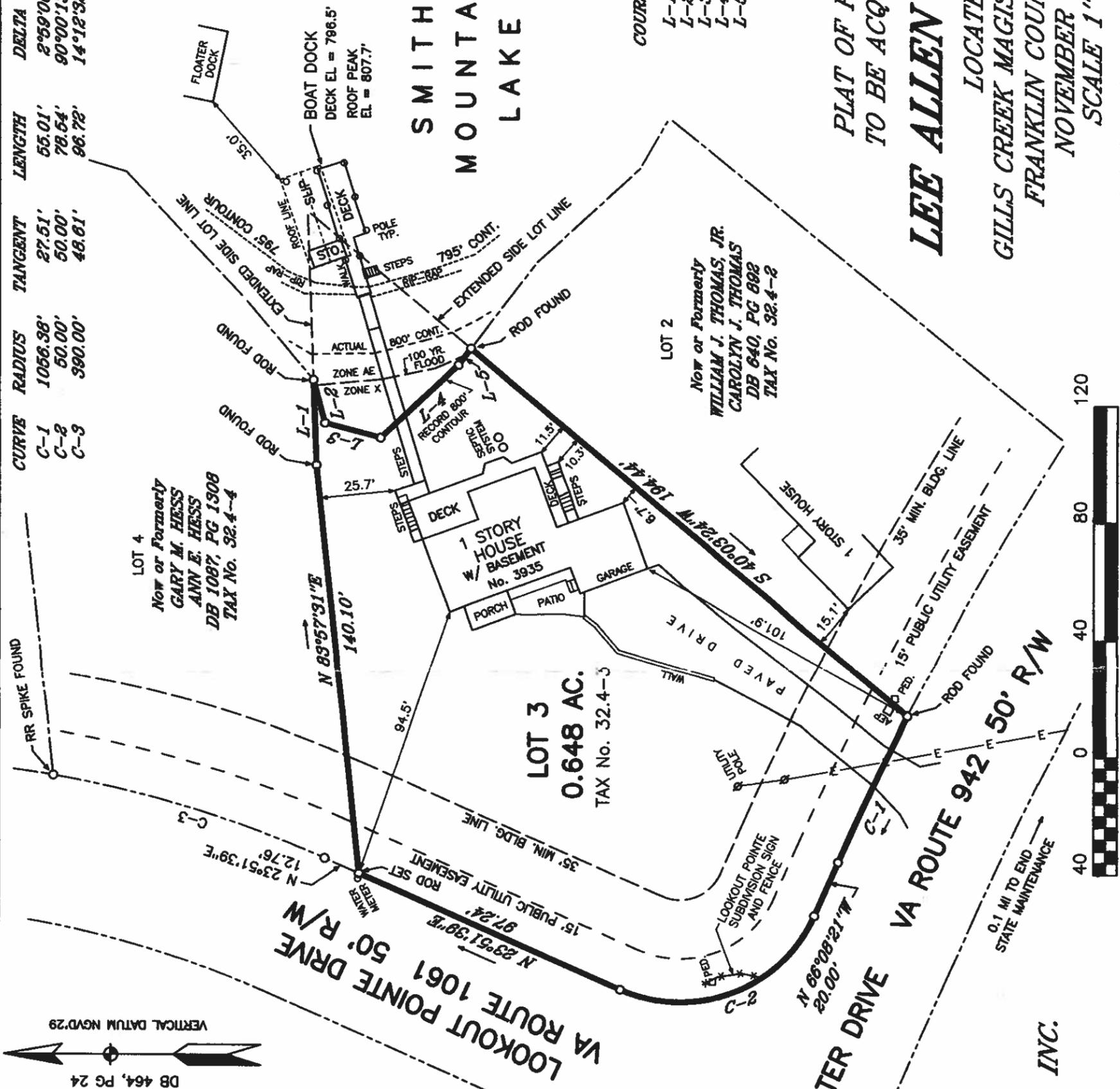


LOCATION MAP

**SMITH MOUNTAIN LAKE**

LINE TABLE

| COURSE | BEARING      | DISTANCE |
|--------|--------------|----------|
| L-1    | N 87°55'55"E | 28.24'   |
| L-2    | S 75°10'49"W | 15.28'   |
| L-3    | S 14°49'05"W | 18.56'   |
| L-4    | S 43°22'19"E | 56.97'   |
| L-5    | S 52°38'37"E | 6.99'    |



PLAT OF PROPERTY  
TO BE ACQUIRED BY  
**LEE ALLEN MINNIEAR**  
LOCATED IN  
GILLS CREEK MAGISTERIAL DISTRICT  
FRANKLIN COUNTY, VIRGINIA  
NOVEMBER 20, 2019  
SCALE 1" = 40'



FIELD BK 639, JOB No. 19322, DRAWING No. B-3577