

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

LAW OFFICES
VOGEL & CROMWELL, L.L.C.
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13245 B.T. WASHINGTON HWY., SUITE B
HARDY, VA 24101

(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. Mr. and Mrs. Thomas declined to convey a portion of their property to bring Lot 3 into compliance. However, Mr. and Mrs. Thomas do not have any objection to the location of the home or the issuance of a variance.

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

February 3, 2020
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Very Truly Yours,

Vogel & Cromwell, LLC

A handwritten signature in black ink, appearing to read "G. I. Vogel, III", written over a circular stamp or seal.

George I. 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 Minniear
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:

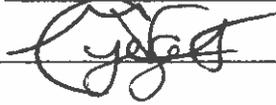
- A. Proposed Land Use: None
- B. Proposed Zoning: RC-1
- C. Size of Proposed Use: 0.648 acre
- Section of the Zoning Ordinance for which a variance is being requested: 25-272 (b)
(Zoning Code section must be correct and all applicable code sections included in request.)

I.

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: _____
Date Received by Planning Staff: _____
Time: _____
Clerk's Initials: _____

CHECK#: _____
RECEIPT #: _____
AMOUNT: _____

CURRENT OWNER - FRANK J. STECKELINE
DB 688, PG 1011

REFERENCE - TAX No. 38.4-3

LOT 3, SECTION 1, LOOKOUT POINTS
DB 464, PG 84

NOTICE:

ALL IRON RODS SET ARE 6/8" REBAR.

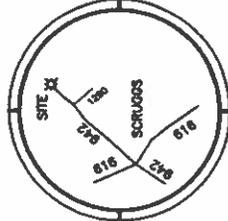
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

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 6104PC008D, DATED 1-9-10

THIS IS TO CERTIFY THAT ON NOV. 20, 2016, AN ACCURATE SURVEY WAS MADE OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO ENCUMBRANCES OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

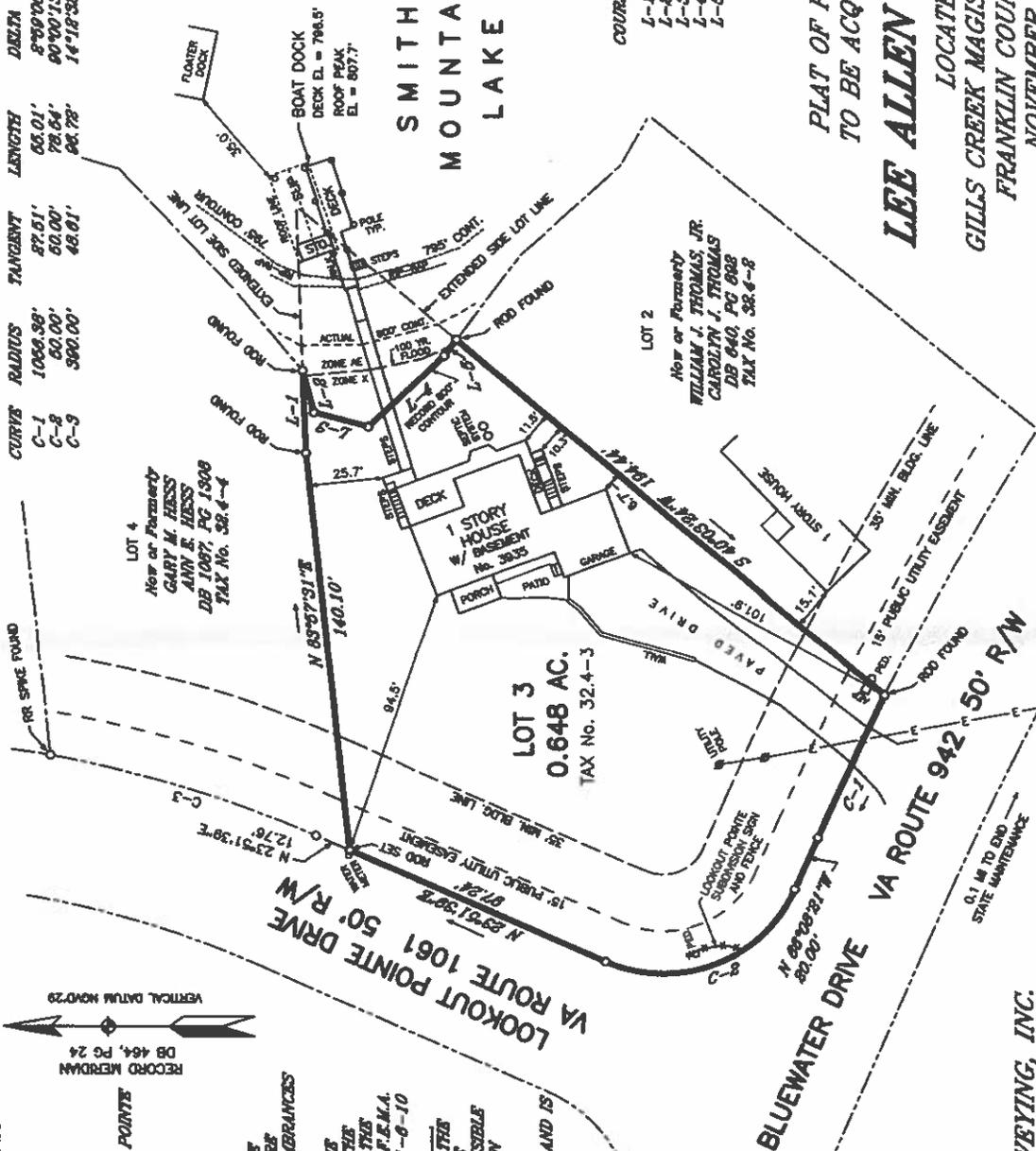
THIS IS A RE-SURVEY OF AN EXISTING LOT AND IS EXEMPT FROM THE FRANKLIN COUNTY SUBDIVISION ORDINANCE.

CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD	CELEBRATING
C-1	1066.38'	87.51'	65.01'	8°00'00"	65.00'	N 64°38'48"W
C-2	50.00'	50.00'	78.64'	90°00'15"	78.71'	N 21°08'53"W
C-3	300.00'	48.01'	66.78'	14°12'38"	66.47'	N 10°45'24"E



LOCATION MAP

SMITH MOUNTAIN LAKE



COURSE	BEARING	DISTANCE
L-1	N 87°55'53"E	22.84'
L-2	S 75°10'49"W	15.89'
L-3	S 14°48'05"W	12.60'
L-4	S 43°28'19"E	36.37'
L-5	S 59°59'57"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. 19328, DRAWING No. B-3577

RECORD MERIDIAN
DB 464, PG 24
VERTICAL DATUM NAVD29



CORNERSTONE LAND SURVEYING, INC.
280 SOUTH MAIN STREET
P. O. BOX 779
ROCKY MOUNT, VIRGINIA 24151
640-489-3690



**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**

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