

# PLAN DETAILED REPORT VAR-06-2024-18024 FOR FRANKLIN COUNTY

<b>Plan Type:</b> Variance Request	<b>Project:</b>	<b>App Date:</b> 06/24/2024
<b>Work Class:</b> None	<b>District:</b> Gills Creek	<b>Exp Date:</b> 06/23/2029
<b>Status:</b> Under Review	<b>Square Feet:</b> 0.00	<b>Completed:</b> NOT COMPLETED
<b>Valuation:</b> \$0.00	<b>Assigned To:</b>	<b>Approval</b>
<b>Description:</b>		<b>Expire Date:</b>

<b>Parcel:</b> 0482003100	Main	<b>Address:</b> 317 Harbour Crossing Dr	Main	<b>Zone:</b> RPD(Residential Planned Unit Developme
		Moneta, VA 24121		

<b>Owner</b>	<b>Applicant</b>
JOHN PAUL (TRUSTEE) & BOWSER MARY KATHRYN MACK 140 SPINNAKER SAIL CT MONETA, VA 24121 Mobile: 7039800465	JOHN PAUL (TRUSTEE) & BOWSER MARY KATHRYN MACK 140 SPINNAKER SAIL CT MONETA, VA 24121 Mobile: 7039800465

Type of Hold	Created By	Date Created	Comments	Active
Parcel Notification From EnerGov 8.5	Tina Franklin	08/24/2017	STORM WATER PERMITTING REQUIRED	Yes
Parcel Notification From EnerGov 8.5	Tina Franklin	06/22/2018	SEE REZONE # 2807 AND SUP #' 2808 AND 2809...	Yes

Invoice No.	Fee	Fee Amount	Amount Paid
00056721	Variance	\$200.00	\$200.00
Total for Invoice 00056721		\$200.00	\$200.00
Grand Total for Plan		\$200.00	\$200.00

# PLAN DETAILED REPORT (VAR-06-2024-18024)

Condition	Description	Date Created	Satisfied
CONDITIONS	SUP FOR PRIVATE ROADS (SOUTH HARBOUR)	08/23/2017	No
<p><b>Comments:</b> 1. The private roads shall be developed in substantial conformance with the approved concept plan AND ALSO WITH the specifications of conditions as shown on sheet 7 on file in the Franklin County Planning Office titled "Amos Estates", dated June 24, 2008, as prepared by Phillip W. Nester, with the Item #2 shown on Sheet 7 amended as follows:</p> <p>a. ITEM 2. The developer shall record a document in the land records of the Clerk of the Circuit Court at the time of recording the subdivision plat obligating the property owners to pay for upkeep and maintenance of the private roads on a pro-rata share or other basis as determined.</p>			
PROFFERS	A1 TO RPD (SOUTH HARBOUR)	08/23/2017	No
<p><b>Comments:</b> 1. The property shall be developed in substantial conformance with the approved concept plan on file in the Franklin County Planning Office titled "Amos Estates", dated June 24, 2008, as prepared by Phillip W. Nester.</p> <p>2. The existing mobile homes shall be removed within one (1) year from the date of rezone approval by the Board of Supervisors. No residential building permit may be issued for proposed Lots 2, 4, 11, 12, 23, 24, 26, or 28 until the existing mobile home unit located on any portion of the lot for which the permit is sought is removed.</p> <p>3. No hardwood or other deciduous trees larger than eight (8) inches in diameter measured at 6' on grade level shall be cut or removed within the proposed open space areas subject to the following conditions:</p> <p>A. The right to removed all existing vegetation adjacent to the existing right of way of Dudley Amos Road (Route 601) to increase the visibility and sign distance for the proposed entrance and for the required twenty foot public utility easement, and as may be desirable for the Developer and/or Homeowners Association to enhance the development of the property.</p> <p>B. The right to remove existing vegetation for the grading of any slope maintenance or drainage easement required for the construction of the proposed private roads together with the required twenty foot public or private utility easements.</p> <p>C. The right to remove any vegetation required for the installation of any future public or private utility/recreation areas and/or the installation of replacement drain fields.</p> <p>D. The right to remove vegetation between the off-water lots from the proposed private right of way to the rear of each lot (designated as Lot 29 through Lot 40) in order to provide access to the open space areas and also allow removal for replacement landscaping subject to approval by the developer or the homeowner's association in order to provide a more uniform appearance with the residential lots.</p> <p>E. The right to remove any vegetation adjacent to the existing buildings that may be damaged during demolition or otherwise remove the same so as not to create an odd appearance of trees.</p> <p>F. The right to prune and/or remove any diseased or damaged trees within the open areas.</p> <p>Deviations:</p> <p>1. To Section 25-308(1) to allow a typical detail unit to satisfy requirement to show individual driveways and off-street parking.</p> <p>2. To Section 25-308(4) to eliminate screening and buffering along the perimeter of the project.</p> <p>3. To Section 25-101(b) perimeter landscaping as required adjacent to A1, RE, R1, R2, and RC1 zoning districts.</p>			
CONDITIONS	SUP FOR REC. VEHICLE AND BOAT STORAGE AREA	08/23/2017	No
<p><b>Comments:</b> 1. The recreational vehicle and boat storage yard/area shall be developed in substantial conformance with the approved concept plan and also with the specifications or conditions as shown on Sheet 6 on file in the Franklin County Planning Office titled "Amos Estates", dated June 24, 2008, as prepared by Phillip W. Nester.</p>			



Information Panel	
(1 of 1)	<a href="#">Clear</a>
<a href="#">Zoom to</a>	...
Parcels: 0482003100	
Primary Details	
Parcel ID	0482003100
Map Number	048.20
Parcel Number	031.00
Owner	MACK JOHN PAUL (TRUSTEE) & BOWSER MARY KATHRYN
Owner Address	140 SPINNAKER SAIL CT
City	MONETA
State	VA
Zip Code	24121
Physical Address	317 HARBOUR CROSSING DR 24121
Legal Description 1	SOUTH HARBOUR
Legal Description 2	LOT 31
Zoning	RPD
District	GILLS CREEK
Acreage	0.46
Land Value	\$60,000.00
Building Value	\$0.00
Assessed Total	\$60,000.00
Land Use Value	\$0.00
Grantor	DALESSIO JOSEPH & CONSTANCE
Consideration	\$92,000.00
Consideration Date	2/9/2023, 7:00 PM
Instrument Yr	2023
Instrument No	713
Subdivision	SOUTH HARBOUR
Deed Book	1195
Deed Page	1139
Plat Book	952
Plat Page	1852
Property Card	<a href="#">View Card</a>



**FRANKLIN COUNTY**  
**VARIANCE REQUEST APPLICATION**

I/We John Mack & Mary Bawser 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 on the property described below:

Petitioner's Name: John Mack  
Petitioner's Address: 155 27<sup>th</sup> St SW Roanoke VA 24014  
Petitioner's Phone Number: 703.980.0465  
Petitioner's Email Address: johnpmack@aol.com  
Property Owner's Name: Same  
Property Owner's Address: "  
Property Owner's Phone Number: "  
Property Owner's Email Address: "

**Property Information:**

- A. Proposed Property Address: 317 Harbour Crossing Dr.  
Moneta VA 24121
- B. Tax Map and Parcel Number: 48.20-31
- C. Election District: Gills Creek Magisterial District
- D. Size of Property: 0.461 Acres
- E. Existing Zoning: RPD
- F. Existing Land Use: private home construction
- G. Is the property located within any of the following overlay zoning districts:  
☐ Corridor District ☐ Westlake Overlay District ☐ Smith Mountain Lake Surface District
- H. Is any land submerged under water or part of Smith Mountain Lake? ☐ YES ☒ NO
- I. If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Proposed Variance Request Information:**

- J. Describe how the strict application of the Zoning 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. Attach additional information if needed.

The 30-ft rear set back restricts our proposed pool construction. While we understand previous advise from the zoning office in 2023 is not accurate, we none the less used that advise in locating the home which is currently under construction.

We specifically request that the 18-ft set back, approved by our POA, be approved by the county.

K. Proposed Land Use: \_\_\_\_\_

house under construction and pool.

L. Size of Proposed Use: 17 ft 6 in x 34 ft 485 sqft per National Pools

M. Section of the Zoning Ordinance for which a variance is being requested:

section 25-298(c)

(Zoning Code section must be correct and all applicable code sections included in the request.)

Checklist for Completed Items:

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

I certify that this application for a variance request and the information submitted is herein complete and accurate. I authorize County staff to access this property for purposes related to the review and processing of this application.

Petitioner's Name (Printed): John Mack

Petitioner's Signature: \_\_\_\_\_

Date: 6/24/2024

Mailing Address: 155 27th St. SW  
Roanoke VA 24014

Phone Number: 703.980.0465

Email Address: johnpmack@aol.com

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

Owner's Name: John Mack / Mary Bawser

Owner's Signature: John Mack Mary Bawser

Date: 6/24/2024

Date Received by Planning Staff: Lisa M Cooper 6/24/2024

June 24, 2024

Dear Board of Zoning Appeals - Franklin County, VA,

The use of the property is for a single family home under construction. The reason for this request is to accommodate an 18 foot set back for construction of a pool in the back yard as approved by the South Harbour POA, pending approval by the county. We understand errors are made, however all of our construction and plans were based on the advise we received from the county which was a 12 foot set back from the rear property line. The POA has approved an 18 foot set back from the rear property line, pending approval by the county. We now understand that we are in a different zoned community that we were unaware of when we purchased the property in January 2023. Our simple request, which affects no other homeowners, is to allow an 18 foot set back from the rear property line. All the property behind the lot is open, owned by the POA and does not ever allow for construction of homes as it is being utilized as drain fields.

Sincerely yours,

The block contains two handwritten signatures in blue ink. The first signature, on the left, is 'John Mack' and the second, on the right, is 'Mary Bowser'. Both are written in a cursive, flowing style.

John Mack and Mary Bowser





December 4, 2023

RE: ARCHITECTURAL REVIEW APPLICATION  
LOT 31, SOUTH HARBOUR

Dear John,

This will serve as a formal approval of your house plan, site plan and builder, previously submitted, for Lot 31. Also, approved is an exception of the 15 ft side yard setback to 12.6 ft on the front left corner of the house per our discussion and on-site review.

Please contact me if there will be any deviation from the plans as approved.

Please advise your builder that a port -a-john is required and the construction site: the street must be kept clean from mud and debris, a dumpster for construction debris-such as a roll-off container, must be on-site: and burning is not allowed on site with the exception of a warming barrel. No open burning is allowed for any reason.

Please refer to the Association "Restrictions" to answer questions you may have going forward. Foremost among those restrictions is that no vinyl or aluminum products are approved for use. These restrictions are to be referred to during the construction process as well as any future architectural changes or renovations.

Please feel free to contact me with any questions.

Welcome to South Harbour!

Sincerely,

David Abbruzzese  
ARC Chairman  
336-972-1199



June 21, 2024

RE: Rear Yard Variance Application-Franklin County  
LOT 31, SOUTH HARBOUR

Dear John,

Per your request, the South Harbour ARC will allow an 18 ft. Rear yard setback for your pool, pending approval by the county. This applies to the pool only and does not apply to any other structures.

Please contact me if there will be any deviation from the plans discussed and approved or if you have any additional questions.

Sincerely,

David Abbruzzese  
ARC Chairman  
336-972-1199



From: Ann Faddis [ann@nationalpools.com](mailto:ann@nationalpools.com)  
Subject: RE: POOL-05-2024-66332 (317 HARBOUR CROSSING DR MONETA,  
VA 24121)  
Date: Jun 3, 2024 at 12:02:45 PM  
To: Fenner, Megan [Megan.Fenner@franklincountyva.gov](mailto:Megan.Fenner@franklincountyva.gov),  
[johnpmack@aol.com](mailto:johnpmack@aol.com)  
Cc: Franklin, Tina [Tina.Franklin@franklincountyva.gov](mailto:Tina.Franklin@franklincountyva.gov)

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**This is the letter we have in our file.**

**From:** "Franklin, Tina" <[Tina.Franklin@franklincountyva.gov](mailto:Tina.Franklin@franklincountyva.gov)>  
**Date:** February 17, 2023 at 3:07:10 PM EST  
**To:** [JOHNPMACK@aol.com](mailto:JOHNPMACK@aol.com)  
**Subject:** **SETBACK INFORMATION FOR SOUTH HARBOUR**

John,

The required minimum setbacks as far as the County are as follows:

Front: 55' from the centerline of the roadway or 30' from the edge of  
the right of way

Sides: 10% of road frontage distance; no less than 10' and no more  
than 12' is required

Rear: 30' unless it is an accessory structure less than 576sf, then the  
structure, pool, etc. can be 12' from the rear property line

Should you have further questions please do not hesitate to contact me.

Thank you,

**Tina H. Franklin, CZA**  
**Development Review Specialist I**  
**1255 Franklin Street, St. 103**  
**Rocky Mount, Virginia 24151**  
**540-483-3027, ext. 2427**

Thanks so much!

Ann

Ann Faddis

CURRENT OWNER - JOHN PAUL MACK, TRUSTEES OF THE JOHN PAUL MACK  
 REVOCABLE TRUST DATED FEBRUARY 1, 2008 (70%)  
 MARY KATHRYN BOWSER (30%)  
 DEED BK 1195, PG 1139

REFERENCE - TAX No. 48-20-31

LOT 31, SOUTH HARBOUR  
 DB 952, PG 1852 (PLAT)  
 (FORMERLY "THE LAKEWATCH CLUB")

NOTES:

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

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.

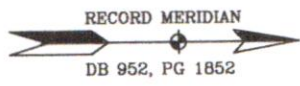
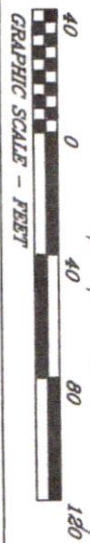
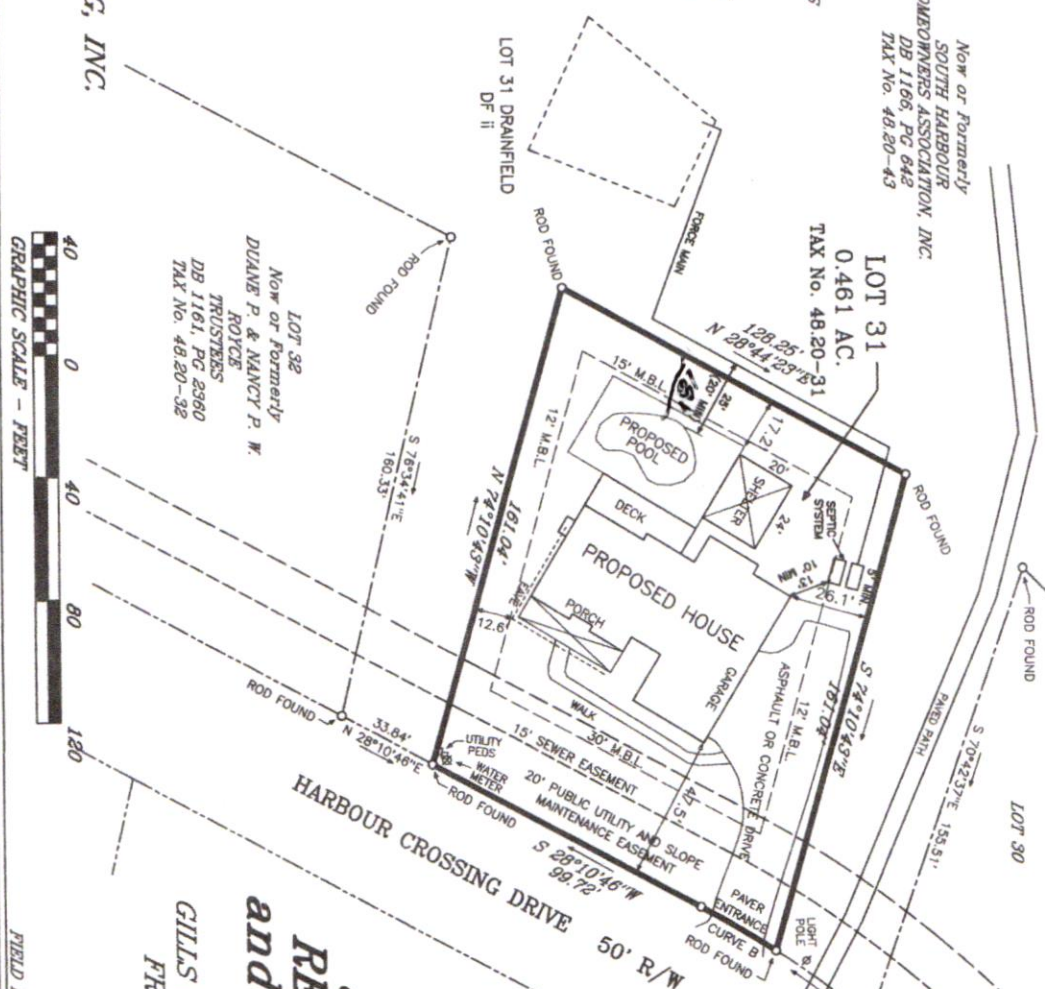
THIS IS TO CERTIFY THAT THE PROPERTY  
 SHOWN HEREON IS NOT LOCATED WITHIN  
 THE 100 YEAR FLOOD ZONE AS DETERMINED BY THE  
 DEPARTMENT OF HOMELAND SECURITY AND F.E.M.A.  
 ZONE X, FIRM PANEL 510670245D, DATED 1/13/23

THIS IS TO CERTIFY THAT ON JANUARY 13,  
 2023, 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.



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

CURVE TABLE			
CURVE	RADIUS	TANGENT	LENGTH
A	325.00'	19.05'	38.06'
B	325.00'	14.29'	28.56'
			5'02.06"
CHORD			
			38.04'
			28.55'
			S 36°34'12"W
			S 30°41'48"W



SITE LAYOUT  
 PREPARED FOR  
**JOHN P. MACK**  
**REVOCABLE TRUST**  
**and MARY K. BOWSER**  
 LOCATED IN  
 GILLS CREEK MAGISTERIAL DISTRICT  
 FRANKLIN COUNTY, VIRGINIA  
 JANUARY 13, 2023  
 SCALE 1" = 40'  
 REVISED: 9-21-23  
 FIELD BK 695, JOB No. 23008, DRAWING No. B-4241A





AA

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Study | Mack

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Messages

DIVISION 7. - RE...

# Franklin County, VA

Search or jump to

NOTIFICATIONS SIGN IN HELP

Select Language

Franklin County, Virgin... / Chapter 25 - ZONING / ARTICLE III. - DISTRI... / DIVISION 7. - RESID... / Sec. 25-298. - Minim...

SHOW CHANGES Q MORE

VERSION: AUG 28, 2023 (CURRENT)

Sec. 25-170. - Establishment of districts.

Secs. 25-171—25-176. - Reserved.

> DIVISION 1. - AGRICULTURAL DISTRICT (A-1)

> DIVISION 2. - RESIDENTIAL ESTATES DISTRICT (RE)

> DIVISION 3. - RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT (R-1)

> DIVISION 4. - RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT (R-2)

> DIVISION 5. - RESIDENTIAL COMBINED SUBDIVISION DISTRICT (RC-1)

> DIVISION 6. - RESIDENTIAL MULTIFAMILY DISTRICT (RME)

> DIVISION 7. - RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT (RPD)

Sec. 25-293. - Purpose.

Sec. 25-294. - Permitted uses.

Sec. 25-295. - Special use permits.

Sec. 25-296. - Area regulations.

Sec. 25-297. - Maximum height of buildings.

Sec. 25-298. - Minimum dimensions.

## Sec. 25-298. - Minimum dimensions.

(a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.

(b) *Side setback.* The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building) shall be ten (10) percent of the road frontage distance, with a minimum of ten (10) feet and a maximum of twelve (12) feet.

(c) *Rear yard.* The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building) shall be a minimum of thirty (30) feet. For property bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level. Rear yard requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet for single-family detached dwellings only. In no case shall any structure be located on or below the eight-hundred-foot contour. Walkways and steps are exempt from rear yard requirements.

(d) *Minimum distance between main buildings.* For fire protection in rural areas, it is required that principal structures be no less than twenty (20) feet apart.

(e) *Corner lots.* The minimum setback distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge right-of-way, whichever is greater, for property adjacent to all other roads.

(Ord. of 5-25-88; Res. No. 22-11-92, 11-17-92)

## Sec. 25-299. - Floor area requirements.

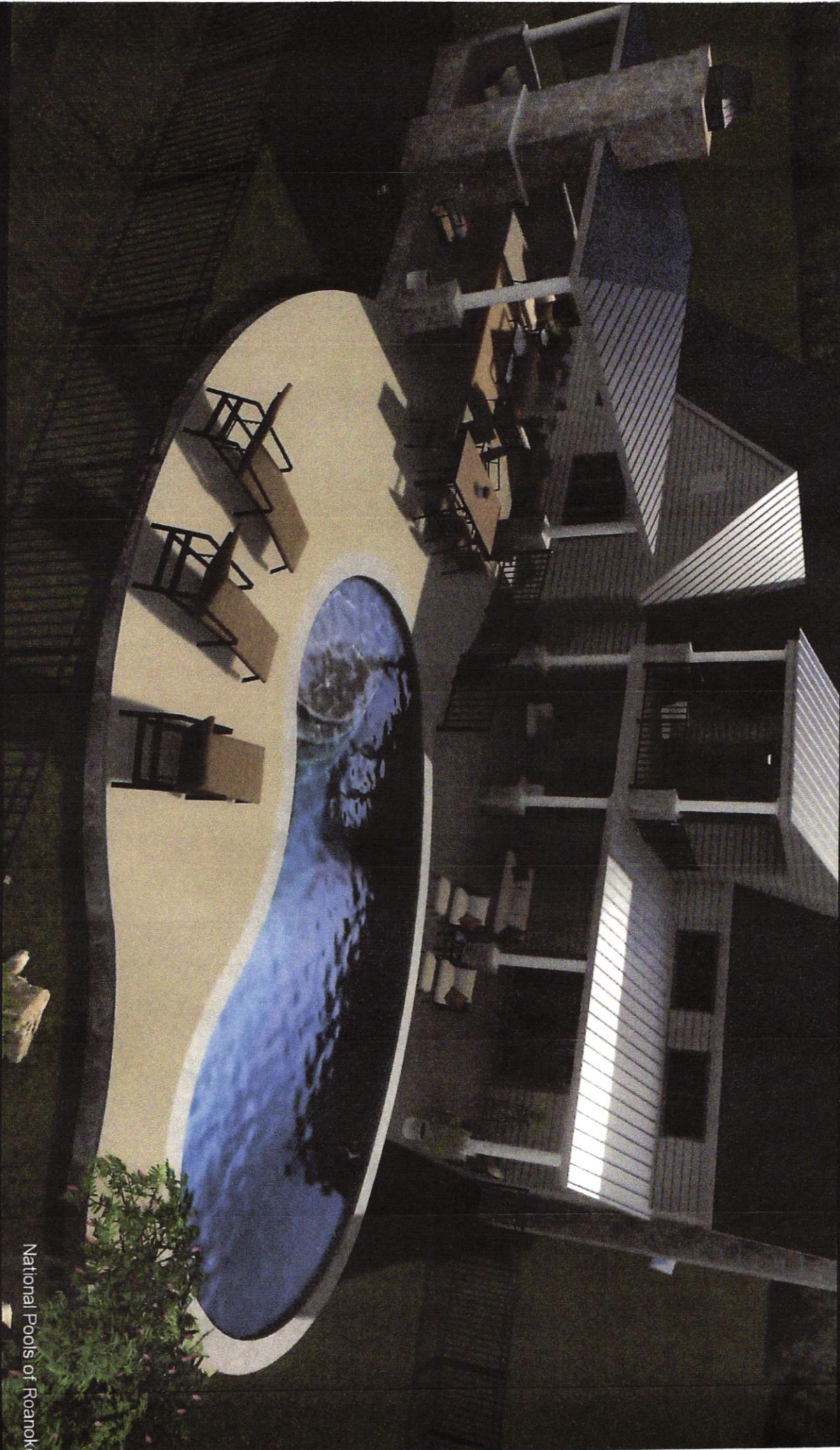
Not regulated.

(Ord. of 5-25-88)

## Sec. 25-300. - Minimum off-street parking space.





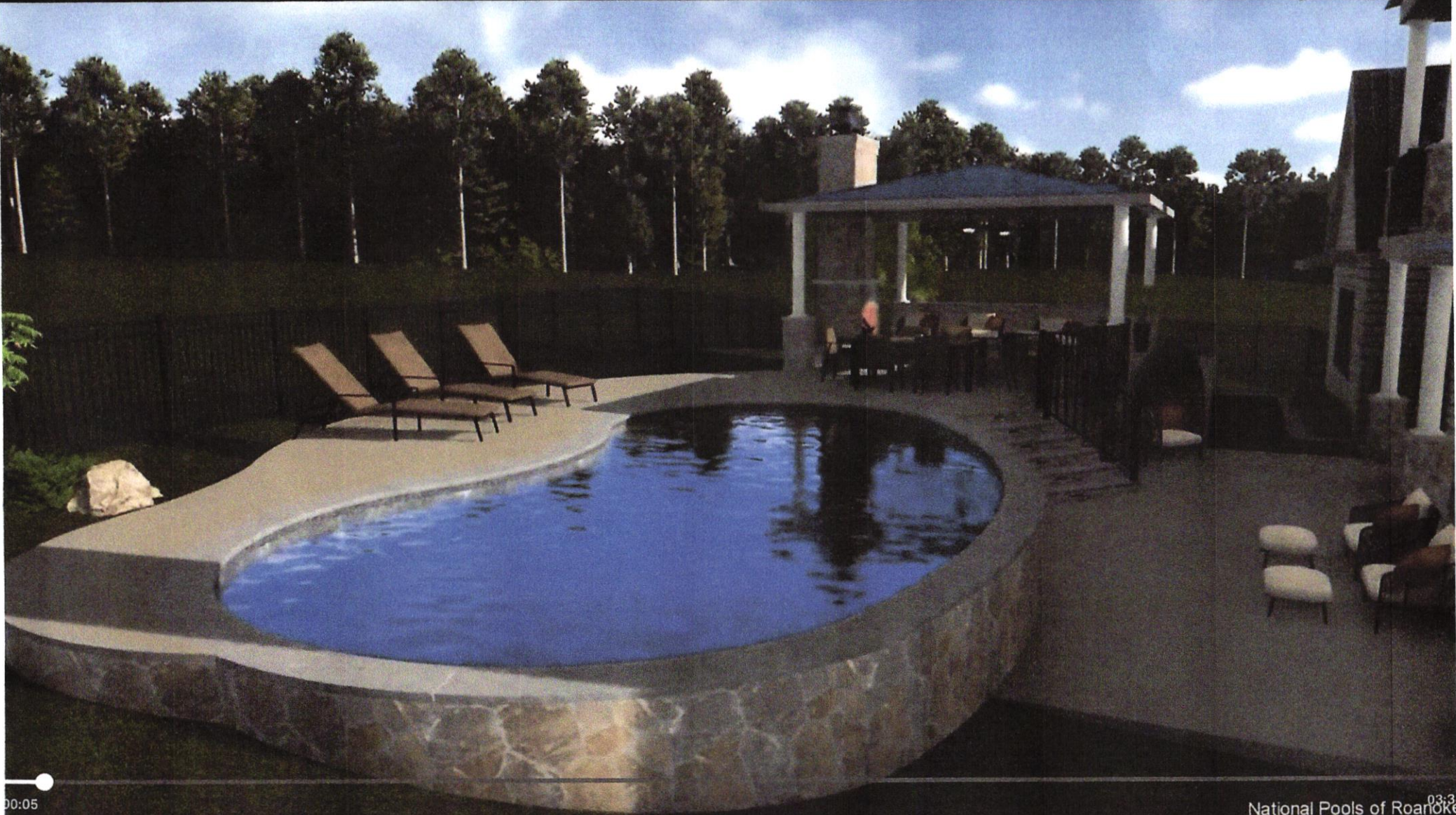


National Pools of Roanoke



Cancel

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