

Community Development

Written Policy #01-09, Setback Compliance Policy

Purpose:

To ensure compliance with the Louisa County regulations governing setbacks and minimum yard areas in zoning districts.

Discussion:

In recent years there have been several occurrences of noncompliance with buildings and structures related to deficient setbacks and minimum yard areas. Too often when these violations are detected by County Staff, the building or structure has already been substantially completed. This results in a situation which requires a significant amount of County resources to resolve, as well as expense to the property owner.

The current permitting process relies heavily on the property owner to ensure compliance with setbacks. Minimum setback and yard distances are documented on all building permits as notice to property owners. In addition, plats are requested at the time of permitting and the applicant is required to show where the structure will be located on the property. At the time of application, Staff ensures that the structure is proposed in a location that complies with setback and yard area regulations. However, the review process has limited engagement with the applicant to stress the importance of setbacks, and no process currently exists, other than observance by County Staff, beyond the initial review at the time of application.

There does not appear to be any single cause for past setback and minimum yard area violations. Indeed, the current process is usually effective in ensuring compliance. However, it is recognized that more can be done to ensure compliance in the future.

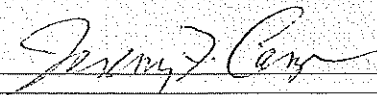
A relatively recent incident of a house being built significantly inside of the front setback is an example of what can go wrong. In this instance, the applicant proposed the house in a compliant location. However, the applicant then built the house in a different location, possibly due to an error in measuring from the ROW. Staff discovered the violation, but not until mid construction of the house.

Numerous challenges exist for Staff under the current process in ensuring compliance of setbacks. Some of these challenges may include the lack of a plat of the property; difficulty in knowing where property lines are, or where the VDOT ROW begins; limited training of inspectors in zoning regulations; lack of professional qualifications to measure setbacks; disregard of regulations by some builders; and miscommunication between contractors and the owner, as well as between contractors and inspectors at a job site.

Recommended Policy:

The following additional steps in the permitting process are recommended to be administered by Community Development Staff in the future to ensure setback compliance:

- 1) Applications will be required to include a plat of the property. In cases where no plat exists, a survey of the property shall be required to provide an accurate plat of the property. An exception may be granted for nonresidential accessory structures at the discretion of the Zoning Administrator.
- 2) Applications shall include a site plan sketch of the proposed building(s) and/or structure(s) with dimensional lines showing the proposed distance to front, side, and rear property lines. Distances from other structures on the same parcel shall also be shown. The sketch shall account for decks, stoops, steps, ramps, or similar structures. When buildings are modified, a new site plan sketch shall be required.
- 3) In addition to the minimum required setbacks, building permit applications shall document the proposed setbacks.
- 4) When a building or structure is shown on the site plan sketch within 20 feet of the minimum setback a setback survey shall be required for foundations. In addition, a minimum of a setback certification report shall be required for such structures prior to the issuance of a final approval of the building permit. Surveys and setback certifications shall be prepared by a licensed Virginia surveyor. The applicant may also choose to require additional measures to be taken, such as a survey for footings. The cost of surveys and setback certifications shall be paid for by the permit applicant.
- 5) A copy of the site plan sketch shall be attached to all building plans.
- 6) Inspectors will be trained in zoning practices to understand site plan sketches.
- 7) When a survey is required for a foundation (See #4), a hold will be placed on the inspection process after foundation inspection until zoning approval is granted. Zoning review will verify that the foundation is constructed in compliance with setbacks.
- 8) The permitting process shall require that a final inspection accompany zoning approval when a setback certification report is required. Zoning review will verify that the structure is constructed in compliance with setbacks.

APPROVAL	
Comments:	<u>Approved by Board (5-2 vote) on 7/6/2009</u>
Director:	<u></u>
	Date: <u>7/8/2009</u>