

**BOARD OF ZONING APPEALS
MINUTES
OCTOBER 13, 2011**

VIRGINIA

A public hearing of the Board of Zoning Appeals for Amherst County Virginia was held at 7:00 PM, on Thursday, October 13, 2011 in the Board of Supervisors Room located in the Amherst Administrative Building on 153 Washington Street, Amherst, Virginia.

MEMBERS PRESENT: George Wise, Chariman
Barbara Woody
George Banton

MEMBERS ABSENT: Bonnie Limbrick, Vice-Chairman
Joyce Coleman

STAFF PRESENT: Matthew Rowe, Planner/Assistant Zoning Administrator
Stacey Stinnett, Planning/Zoning Administrative Assistant

STAFF ABSENT: Jeremy Bryant, Director of Planning /Zoning Administrator

IN RE: CALL TO ORDER

Chairman Wise called the meeting to order at 7:00 PM with a quorum present to conduct business.

IN RE: APPROVAL OF AGENDA

Motion: Banton I make a motion to approve the agenda as written.

Second: Woody

The motion was carried by a 3-0 vote.

Chairman Wise proceeded to explain the rules of procedure for the public hearing. Chairman Wise stated that each person wishing to speak, except for the applicant, would be allowed a total of three (3) minutes, and must state their name and physical address for the record. Chairman Wise stated that due to the fact that not all members were present an approved decision must be unanimous because state law states that an approved decision must receive the majority of the appointed BZA

members (3) votes. Chairman Wise also stated that the applicant has the right to withdraw the application at any time and wait for a full Board. Chairman Wise stated that any aggrieved person or persons may appeal any decision of the Board of Zoning Appeals within thirty (30) days to the Circuit Court, in accordance with the Code of Virginia.

IN RE: PUBLIC HEARING - ZONING CASE #2011A-03 - VARIANCE REQUEST BY GLOBAL TOWER PARTNERS # 2011A-03.

#2011A-03 Request by Global Tower Assets, LLC, for approval of a variance from Sections 914.03(6) and 914.03(7) of the Zoning & Subdivision Ordinance to increase the maximum permitted wireless communication tower height from fifty (50) feet to one-hundred and ninety-five (195) feet and decrease the required tower setbacks from one-hundred and ninety-five (195) feet to sixty (60) feet, in order to construct a monopole cellular tower. The request is referenced by a site plan submitted by Velocitel, Inc., dated 9/8/11. The property is located at the intersection of Cedar Gate Road and Iron Bridge Road in Monroe, VA, within the Norfolk Southern Railroad property right-of-way.

STAFF REPORT: Mr. Rowe gave the staff report and stated that the Planning Commission recommended approval unanimously at the Planning Commission Meeting held on Thursday, October 6, 2011.

Chairman Wise opened the public hearing.

PROPONENTS' AGRUMENTS:

Mr. Greg Tully, speaking on behalf of Global Tower Partners, addressed the Board. Mr. Tully began to read a report which was passed out to all members of the Board of Zoning Appeals. This report is attached for reference.

OPPONENTS' AGRUMENTS:

Mr. Rowe stated that he did receive a phone call today from Irene Allen, who resides at 240 Mount Cedar Rd. Ms. Allen was not in favor of the request due to the tower not being within the character of the neighborhood. She also was concerned with traffic and business use due to the tower.

Mr. Aubrey Wade, Jr. spoke in opposition of the request. Mr. Wade was concerned for the resale value of his 25 acres which borders the property where the tower is to be placed. Mr. Wade passed around to the Board of Zoning Members information concerning health risks that this tower could cause to humans and agricultural animals.

Chairman Wise closed the public hearing.

BOARD OF APPEALS DISCUSSION:

Mr. Wise and Mr. Banton didn't feel that this was a hardship.

Mr. Banton apologized that there wasn't a full Board, however, informed the applicant that the hearing could be tabled to be heard before a full Board.

Mr. Tully, applicant, requested that the meeting be tabled until a full Board was available.

BOARD OF ZONING APPEALS ACTION:

Motion: Banton	I make a motion that case number 2011A-03 be tabled until the next meeting.
Second: Woody	
The motion was carried by a 3-0 vote	

Mr. Rowe stated that he would be in touch with Global Tower Assets to determine if any changes were to be made and when the next meeting should be held.

IN RE: ELECTION OF OFFICERS:

Mr. Rowe advised the Board of Zoning Appeals to table this item, since most of the members were not present.

BOARD OF ZONING APPEALS ACTION:

Motion: Banton	Make a motion to table the election of officers until the next Board of Zoning Appeals Meeting.
Second: Woody	
The motion was carried by a 3-0 vote	

IN RE: OLD/NEW BUSINESS:

There was discussion regarding the status of the O'Reilly and Childrey legal cases.

IN RE: APPROVAL OF MINUTES FOR NOVEMBER 10, 2010 and JULY 14, 2011

BOARD OF ZONING APPEALS ACTION:

Motion: Banton Make a motion to approve the minutes for
November 10, 2010.

Second: Woody
The motion was carried by a 3-0 vote

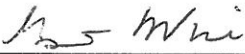
The minutes for July 14, 2011 could not be approved due to some members being absent that needed to vote.

IN RE: ADJOURNMENT

Motion: Woody I make a motion to adjourn the meeting.

Second: Banton
The motion was carried by a 3-0 vote.

There being no further business to discuss, the meeting was adjourned at 7:59 pm.



Chairman

/ss/11.29.11