

**BOARD OF ZONING APPEALS
MINUTES
AUGUST 8, 2019**

VIRGINIA

A public hearing of the Board of Zoning Appeals for Amherst County, Virginia was held at 7:00 PM, on Thursday, August 8, 2019 in the County Administration Meeting Room located in the Amherst Administrative Building on 153 Washington Street, Amherst, Virginia.

MEMBERS PRESENT: George Banton, Chairman
George Wise, Vice Chairman
Peter Bryan
Barbara Woody

MEMEBERS ABSENT: Clarence Monday

STAFF PRESENT: Jeremy Bryant, Director of Community Development
Tyler Creasy, Assistant Zoning Administrator/Planner
Stacey Stinnett, Administrative Assistant

IN RE: CALL TO ORDER

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

IN RE: APPROVAL OF AGENDA

The agenda was approved as submitted.

Motion: Wise I make a motion to approve the agenda.

Second: Bryan

The motion was carried by a 4-0 vote.

Mr. Bryant introduced Tyler Creasy as the new Assistant Zoning Administrator/Planner in the Community Development Department.

IN RE: PUBLIC HEARING - VARIANCE REQUEST BY 2019-299 MASTEN BASTEN

Request:

Request by Mason Basten for approval of a variance from Section 804 of the Amherst County Zoning Ordinance. The requested variance from Section 804 of the Amherst County Zoning Ordinance will reduce the setback from the front yard requirements of 50 feet to 0 feet. The purpose of the request is to connect two existing buildings. The request was referenced by a drawing submitted by the applicant. The property is located at 122 and 124 Rocky Hill Road and is further identified as being tax map parcel number 160A3-A-23,24.

STAFF REPORT:

Mr. Bryant presented the staff report and stated that the Planning Commission made a recommendation to approve the case on July 18, 2019. Mr. Bryant stated that Staff's biggest concern had to do with lack of parking in the vicinity. Staff felt that if the applicant is able to address parking, the request to connect the two buildings in staff's opinion is not a substantial detriment to the adjacent property. Should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:

1. The variance is granted for Tax Map Parcels 160A3-A-23,24 for an addition to connect the two existing buildings that will reduce the setback from the front yard requirements of 50 feet to 0 feet.
2. The granting of this variance shall not be construed to vest in the applicant a right to the variance until all necessary local, State and Federal plan applicant, review and approval processes have been completed.
3. This approval may be revoked by the County of Amherst or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provisions of Federal, State or local regulations.

PROPONENTS' ARGUMENTS:

Chairman Banton opened the public hearing.

Mr. Mason Basten spoke in favor of the request and informed the BZA that they were building their cliental because the business was growing and is in a great location being within close proximity to the James River. Mr. Basten stated that he purchased the property in 2008 and since then his business has continued to grow. Mr. Basten stated that he is in a great location being on the James River, however, he felt that his situation was a hardship because he needed to expand his building to take on the extra clientele but can't expand due to the topography of his property. His solution was to vacate the interior property line and combine the buildings with a new addition. Mr. Basten

stated that the new layout of the building would make it easier for manufacturing by bringing boats in from one end of the building and shipping out at the other end of the building.

OPPONENTS' ARGUMENTS:

Mr. Jesse Stevens owner of the previous 29 Market, owns the property at 111 Rocky Hill Road, spoke in opposition of the request. Mr. Stevens expressed safety concerns with building onto a structure that already did not meet setbacks to the road. Mr. Stevens stated that parking for Mr. Basten's business has always been a problem and that Mr. Basten continues to use his property for parking boats, trailers, etc. without his permission. Mr. Stevens stated that when he confronted Mr. Basten, Mr. Basten got a protective order against him. Mr. Stevens stated that the Sheriff's Department is well aware of the situation because complaints have been made about Mr. Basten's equipment in the road and using his property to park boats, trailers, etc. Mr. Stevens asked the question as to how was Mr. Basten going to use one side of the building as an egress/ingress when he didn't have the property to do that, and if he did, he would be using his property and he was not going to allow that. Mr. Stevens stated that Mr. Basten owned the property across the road and he should be using that for parking instead of building onto the building in an area that he didn't have enough room as it already is.

Mr. Michael Martineau, Planning Commission member, stated that he was absent at the Planning Commission meeting for this request on July 18, 2019, however, he stated that he was surprised the Planning Commission made a recommendation. Mr. Martineau stated that he was at tonight's meeting to observe the Board of Zoning Appeals process.

There being no further speakers, Chairman Banton closed the public hearing.

BOARD OF APPEALS DISCUSSION:

There was a brief discussion amongst the BZA members as to if this case was considered to be a hardship.

Mr. Wise stated that the business could continue without this request as it is, therefore, based on his interpretation of the law he did not see this as a hardship.

The Board of Zoning Appeals agreed that this was not a hardship.

BOARD OF ZONING APPEALS ACTION:

Motion: Bryan Motion to deny variance 2019-299 for Mason Basten.
Since I have not been convinced that the application of the zoning ordinance upon this property interferes with all reasonable beneficial uses of the property, I believe the Board has no authority to go further. Because of these factors I make a motion that the request for variance 2019-299 Mason Basten be denied.

Second: Wise
The motion was carried 4-0

IN RE: NEW/OLD BUSINESS

Staff notified the Board of Zoning Appeals that member Clarence Monday will not be renewing his term as a Board of zoning appeals, therefore, staff will begin advertising for his position.

IN RE: APPROVAL OF MINUTES FOR APRIL 11, 2019

Motion: Wise Motion to approve the April 11, 2019 meeting minutes with the one change.
Second: Woody **The motion was carried by a 4-0 vote.**

IN RE: ADJOURNMENT

Motion: Woody Motion to adjourn the meeting.
Second: Bryan
The motion was carried by a 4-0 vote.

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


Chairman

/ss/9.9.19