

**BOARD OF ZONING APPEALS
MINUTES
MAY 14, 2015**

VIRGINIA

A public hearing of the Board of Zoning Appeals for Amherst County, Virginia was held at 7:00 PM, on Thursday, May 14, 2015 in the Board of Supervisors Room located in the Amherst Administrative Building on 153 Washington Street, Amherst, Virginia.

MEMBERS PRESENT:

George Banton, Chariman
George Wise, Vice Chairman
Harry Stinnett, Jr.
Barbara Woody

MEMBERS ABSENT:

Joyce Coleman

STAFF PRESENT:

Austin Mitchell, Assistant Zoning Administrator/Planner
Stacey Stinnett, Planning/Zoning Administrative Assistant

STAFF ABSENT:

Jeremy Bryant, Director of Planning /Zoning Administrator

IN RE: CALL TO ORDER

Chairman Banton called the meeting to order at 7:01 PM with a quorum present to conduct business.

IN RE: APPROVAL OF AGENDA

The agenda was approved as submitted.

Motion: Woody I make a motion to approve the agenda as submitted.

Second: Stinnett

The motion was carried by a 4-0 vote.

IN RE: PUBLIC HEARING - VARIANCE REQUEST BY CHARLES SCHRADER JR # 2015A-02

#2015A-02 Request by Charles S. Schrader Jr., for approval of two (2)

variances from the Amherst County Zoning & Subdivision Ordinance. The first variance is from Section 804(a), to reduce the setback from the centerline of Amber Ridge Drive, from seventy-five (75) feet to seventy (70) feet. The second variance is from Section 710.06(1) (a), to reduce the setback from a perennial stream on the rear of the property from seventy-five (75) feet to seventy (70) feet, to allow for the construction of a single-family dwelling. The request is referenced by a drawing submitted by the applicant. The property is zoned A-1 Agricultural Residential District and is located on lot 8 of Amber Ridge Subdivision and is further identified as tax map number 122-3-8.

STAFF REPORT: Mr. Mitchell presented the staff report and stated that the Planning Commission unanimously recommended approval at the meeting held on Thursday, April 16, 2015. Mr. Mitchell brought up the following key factors in this case.

- Applicant originally desired to construct dwelling on western half of the property.
- House plans were purchased that would have met required setbacks on the western half of the property.
- Applicant has become aware that construction of a dwelling on the western half of the property would require crossing a perennial stream in the protected watershed district which yields environmental concerns.
- In addition in further study of the property, the topography on the western part of the property is not conducive for the construction of a dwelling.
- The applicant now desires to build on the eastern part of the property and to split the 10 foot difference between the two 75 foot required setbacks.
- This is the narrowest lot in the subdivision in relation to the area between the stream and the street.
- **Due to the environmental and topographical concerns and the uniqueness of this lot in the subdivision, staff recommends approval.**

Should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:

1. The variance is granted for Tax Map Parcel No. 122-3-8 to reduce the setback from the centerline of Amber Ridge Drive, from seventy-five (75) feet to seventy (70) feet and from Section 710.06(1) (a), and to reduce the setback from a perennial stream from seventy-five (75) feet to seventy (70) feet, to allow for the construction of a single-family dwelling.
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 application, 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 provision of Federal, State or local regulations.

Chairman Banton opened the public hearing.

PROPONENTS' ARGUMENTS:

Mr. Charles Schrader Jr., applicant, spoke in favor of the request. Mr. Schrader stated that since the property is transversed by a perennial stream that splits the parcel into two halves he would have to have a thirty foot (30) culvert pipe in the stream and create a road. Mr. Schrader stated that that side of the stream would meet setbacks, however, the topography is very steep making it difficult to build a single family dwelling. Therefore, he must seek a variance to build on the other side of the stream.

OPPONENTS' ARGUMENTS:

There were none.

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

BOARD OF APPEALS DISCUSSION:

There was a brief discussion regarding vegetation and the location of drainfiled.

BOARD OF ZONING APPEALS ACTION:

Motion: Stinnett

I move to grant approval for variance request 2014A-02 Charles Schrader, Jr. (Tax Map # 122-3-8) with staff recommendations.

Second: Woody

The motion was carried 4-0.

IN RE: OLD/NEW BUSINESS

There was no old or new business to discuss.

IN RE: APPROVAL OF MINUTES FOR APRIL 9, 2015

Motion: Stinnett Motion to approve the November 13, 2014 minutes as submitted.

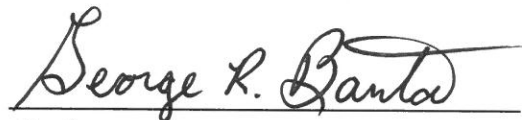
Second: Woody
The motion was carried 3-0. (Wise abstained, Coleman absent)

IN RE: ADJOURNMENT

Motion: Woody Motion to adjourn the meeting.

Second: Stinnett
The motion was carried by a 4-0 vote.

There being no further business to discuss, the meeting was adjourned at 7:35 pm.


Chairman

/ss/6.22.15