

**BOARD OF ZONING APPEALS  
MINUTES  
MAY 11, 2017**

**VIRGINIA**

A public hearing of the Board of Zoning Appeals for Amherst County, Virginia was held at 7:00 PM, on Thursday, May 11, 2017 in the County Administration Meeting Room located in the Amherst Administrative Building on 153 Washington Street, Amherst, Virginia.

**MEMBERS PRESENT:** George Banton, Chariman  
George Wise, Vice Chairman  
Barbara Woody

**MEMBERS ABSENT:** Harry Stinnett, Jr.  
Steve Thomas

**STAFF PRESENT:** Jeremy Bryant, Director of Planning /Zoning Administrator  
Stacey Stinnett, Planning/Zoning Administrative Assistant

**STAFF ABSENT:** Austin Mitchell, Assistant Zoning Administrator/Planner

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

**Second:** Wise

**The motion was carried by a 3-0 vote.**

**IN RE: PUBLIC HEARING - VARIANCE REQUEST BY #2017A-02 EARL A. & BARBARA T. WOOD**

Request by Earl A. & Barbara T. Wood, for approval of multiple variances from Sections 804 and 601.02(2) of the Zoning & Subdivision Ordinance to reduce the front yard setback from the centerline of Flossie Drive from seventy-five (75) feet to twenty-four (24) feet and to expand the existing nonconforming structure by greater than fifty (50) percent of the original nonconforming structure, to allow for an addition to an existing single-family dwelling. The request is referenced by drawings submitted by the applicant. The property is located at 135 Flossie Drive (Private Street), and is further identified as being tax map parcel number 152-A-20.

**STAFF REPORT:** Mr. Bryant presented the staff report and stated that the Planning Commission unanimously recommended approval at the meeting held on Thursday, April 20, 2017. Should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:

1. The variance is granted for Tax Map Parcel No. 152-A-20 to reduce the front yard setback from the centerline of Flossie Drive from seventy-five (75) feet to approximately twenty-four (24) feet and to expand the existing nonconforming structure by greater than fifty (50) percent of the original nonconforming structure, to allow for an addition to an existing 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. Earl Wood, applicant, spoke in favor of the request. Mr. Wood stated that his wife and his two daughters have health issues and that over time could cause them to become handicapped. Currently the home is very small and not handicap accessible. Mr. Wood stated that the doorways needed to be bigger to accommodate wheelchair accessibility, a handicap ramp would need to be constructed, and bedrooms and bathrooms would need to be larger for wheelchair accessibility. Mr. Wood briefly explained the drainage issues they have with the older home and how the basement floods when it rains and this would also be repaired. Mr. Wood stated that when he purchased the home he was unaware of the setback issues. Mr. Wood mentioned that

the private road is on his property and not maintained by Virginia Department of Transportation.

**OPPONENTS' AGRUMENTS:**

There were none.

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

**BOARD OF APPEALS DISCUSSION:**

There was a brief discussion regarding an updated survey of the property, location of the road and establishing a hardship based on the facts presented.

**BOARD OF ZONING APPEALS ACTION:**

**Motion:** Banton Because I have been convinced that this hardship is not generally shared by other properties in this zoning district nor is the hardship so general in nature that the BZA would recommend an amendment to the ordinance. The property was acquired in good faith without existing violations. The granting of this variance will not change the character of the neighborhood. The particular size, shape and topography of this property and the extents of the required setbacks reduce the area available to expand this legal non-conforming residence to meet the current handicap accessible needs of the owner's family. The strict application of the zoning regulations unreasonably restricts the utilization of this property in light of their unique needs. Therefore, I make a motion that two variances be granted for Tax Map Parcel No. 152-A-20 to allow for an addition to an existing single-family dwelling. The first variance is to reduce the front yard setback from the centerline of Flossie Drive from 75 feet to 24 feet. The second variance is to allow the expansion of this legal nonconforming structure by greater than 50% of the existing stricture. The following provisions apply: 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. 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 for federal, stated, or local regulations.

**Second:** Wise

**The motion was carried 3-0.**

**IN RE: OLD/NEW BUSINESS**

Mr. Wise stated that he would like to see a proposed code change referencing the definitions to setbacks.

A consensus was made by the Board of Zoning Appeals to have the next meeting on Wednesday, June 7, 2017 at 7:00 pm.

**IN RE: APPROVAL OF MINUTES FOR APRIL 13, 2017**

**Motion:** Wise Motion to approve the April 13, 2017 minutes.

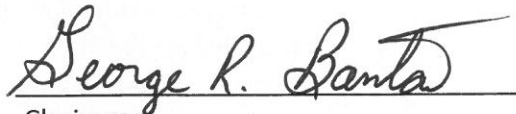
**Second:** Woody  
**The motion was carried 3-0. (Stinnett and Thomas absent)**

**IN RE: ADJOURNMENT**

**Motion:** Banton Motion to adjourn the meeting.

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

There being no further business to discuss, the meeting was adjourned at 7:43 pm.

  
Chairman

/ss/5.18.17