

**BOARD OF ZONING APPEALS  
MINUTES  
APRIL 11, 2019**

**VIRGINIA**

A public hearing of the Board of Zoning Appeals for Amherst County, Virginia was held at 7:00 PM, on Thursday, April 11, 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  
Clarence Monday

**STAFF PRESENT:**

Dylan Bishop, Assistant Zoning Administrator/Planner  
Stacey Stinnett, Administrative Assistant

**STAFF ABSENT:**

Jeremy Bryant, Director of Planning /Zoning Administrator

**IN RE: CALL TO ORDER**

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

**IN RE: APPROVAL OF AGENDA**

The agenda was approved as submitted.

**Motion:** Bryan      I make a motion to approve the agenda.

**Second:** Woody

**The motion was carried by a 5-0 vote.**

**IN RE: PUBLIC HEARING - VARIANCE REQUEST BY 2019-018 TERRY THOMPSON**

**Request:**

Request by John S. Oblinger (Elon Ruritan Club) for approval of a variance from

Section 913.03. The purpose of the request is to build an attached porch within the Route 130 setback.

The requested variance is for an attached porch which will reduce the setback from the Route 130 right-of-way requirement of 100 feet to 73 feet.

The property is located at 2120 Elon Road and is further identified as tax map number 136-A-7.

**STAFF REPORT:**

Mrs. Bishop presented the staff report and stated that the Planning Commission made a recommendation to approve the case with a 5-0 vote on March 21, 2019. Mrs. Bishop stated that the Elon Ruritan Club was severely damaged by a tornado in April 2018, and was demolished in October of the same year. The property lies within the Route 130 Corridor Overlay Zone, and in this location has a minimum setback of 100 feet from the right-of-way (Section 913.03.1). The original structure was built in 1956, prior to the adoption of any zoning (1982) or building safety (1974) requirements in Amherst County, and is therefore considered a nonconforming structure. According to a drawing provided by the applicant, the setback of the original structure is 84 feet. The current grandfathered variance is 16 feet, and a building permit to reconstruct the Ruritan Club building in its existing footprint was issued in February 2019. This is permissible per Section 601.02.1:

*Any structure or portion thereof declared unsafe by the building inspector, or destroyed by any means, may be restored to a safe condition, provided that the requirements of this section are met, and the ownership remains the same as before such declaration or destruction.*

Additionally, a nonconforming structure may be enlarged or altered as necessary, provided such enlargements or alterations do not exceed a cumulative 50% of the floor area of the original nonconforming structure, and provided all yard and other appropriate requirements herein are met (Section 601.02.2).

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

1. The variance is granted for Tax Map Parcel 136-A-7 for an attached front porch that will reduce the setback from the Route 130 right-of-way requirement of 100 feet to 73 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 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.

**PROPONENTS' ARGUMENTS:**

Chairman Banton opened the public hearing.

John Oblinger, applicant, spoke in favor of the request and gave a brief description of his request.

Alan Nixon, contractor with Walls Construction for the applicant, spoke in favor of the request and stated that by adding the addition (porch) it would help with drainage, egress and handicap regulations.

Holcomb Nixon, resides at 123 Younger Drive in Madison Heights, VA., spoke in favor of the request.

**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 amongst the BZA members as to if the original footprint of the building included the flagpole and sidewalk. Staff responded that the foot print only consisted of the structure.

**BOARD OF ZONING APPEALS ACTION:**

**Motion:** Bryan Motion to deny variance 2019-059 for Elon Ruritan. 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 and make a motion to approve this request.

**Second:** Woody

**The motion was carried 4-0 (Wise abstained).**

**IN RE: NEW/OLD BUSINESS**

Staff notified the Board of Zoning Appeals that a public hearing for BZA Ordinance 2019-0002 would be held at the April 18, 2019 Planning Commission meeting.

**IN RE: APPROVAL OF MINUTES FOR FEBUARY 14, 2019**

**Motion:** Monday

Motion to approve the February 14, 2019 meeting minutes.

**Second:** Wise

**The motion was carried by a 5-0 vote.**

**IN RE: ADJOURNMENT**

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

**Second:** Woody

**The motion was carried by a 5-0 vote.**

There being no further business to discuss, the meeting was adjourned at 7:52 pm.



Chairman

/ss/7.30.19