

**BOARD OF ZONING APPEALS MEETING  
THURSDAY, DECEMBER 09, 2010  
MINUTES**

**VIRGINIA**

A public hearing of the Board of Zoning Appeals for Amherst County was held on Thursday, December 09, 2010 in the Board of Supervisors Room located in the Administrative Building on 153 Washington Street, Amherst.

**MEMBERS PRESENT:** George Wise, Chairman  
Bonnie Limbrick, Vice-chairman  
Barbara Woody  
George Banton  
Joyce Coleman

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Jeremy Bryant, Director of Planning/Zoning Administrator  
Matthew Rowe, Planner/Assistant Zoning Administrator

**IN RE: CALL TO ORDER**

Chairman Wise called the meeting to order with a quorum present to conduct business.

**IN RE: APPROVAL OF AGENDA**

Mr. Bryant asked the Chairman to amend the agenda to add the County Attorney as Item #3 to give an update on the outcome of the Hooper court case.

Wise – So move to amend the agenda to add the County Attorney as Item #3.

AYES – Unanimous.

Ms. Bowyer gave an update on the David Hooper appeal to the Circuit Court for denial of his variance request. The Court ruled against the Board of Zoning Appeals. The judge did keep the conditions and that Mr. Hooper put up a wooden privacy fence and have an evergreen hedge. Mr. Bowyer had already talked to the Board of Supervisors concerning the outcome and the Board will not appeal this decision.

Board member Coleman requested that Mr. Bryant fax a copy of the Judge's order to her to look over.

**IN RE: PUBLIC HEARING – ZONING CASE #2010A-05 JAMES LINDSAY, JR.-VARIANCE REQUEST**

#2010A-05 Request by James Lindsay, Jr., for approval of a variance from Section 804 of the Zoning & Subdivision Ordinance to reduce the A-1 Agricultural Residential District's required fifty (50) foot front property line setback (Ralls Apple Road right-of-way) to forty-one (41) feet in order to legitimize an existing structure. The request is referenced by a plat submitted by Actual Surveyors, PLLC, dated 11/16/10. The property is located at 194 Ralls Apple Road and is further identified as tax map parcel number 146B-2-24.

**STAFF REPORT:** Mr. Bryant gave the staff report stating the most recent survey of the property shows the home is encroaching nine (9) feet into the front property line setback. The staff conditions of #1, 2, 3, and 4 are listed below:

- 1) The variance is granted for Tax Map Parcel #146B-2-24 to reduce the front property line setback from fifty (50) feet to approximately forty-one (41) feet to legitimize an existing, non-conforming single-family dwelling
- 2) The variance request shall become null and void if a zoning permit is not obtained within six (6) months from the date of approval
- 3) 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
- 4) 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.

Mr. Bryant stated that condition #2 could be eliminated by the Planning Department sending out a letter to the owner stating that the request had been approved by the Board of Zoning Appeals, should that be the case.

**PROPONENT'S ARGUMENTS:** Taze Crowder, Surveyor and owner of Actual Surveyors, PLLC. Mr. Crowder represented the applicant stating that he was present to ask the Board of Zoning Appeals to approve the variance and to answer any questions they may have.

Chairman Wise opened the public hearing.

Mr. Bryant stated that he had received one telephone call for information on what the request was actually for. The caller had no objections.

Libby Howell, Realtor, representing Mr. Lindsay. We have a contract due to close on December 15, 2010. I do need something from Mr. Bryant stating that the request was approved in order to remove the contingency from the contract.

**OPPONENT'S ARGUMENTS:** None present.

Chairman Wise closed the public hearing

**BOARD OF ZONING APPEALS ACTION:**

Limbrick – Due to public necessity, convenience, general welfare and good zoning practice I move to approve the request with the staff conditions of #1, #3, #4 and to remove condition #2.

Coleman – Seconded.

AYES – Unanimous.

Coleman – Mr. Bryant, you will write a letter to Mrs. Howell, correct?

Bryant – Yes. It will be addressed to Mr. Lindsay and a copy for Mrs. Howell.

**OLD/NEW BUSINESS**

There was no new or old business to discuss.

**IN RE: APPROVAL OF MINUTES**

There were no minutes to approve at this meeting.

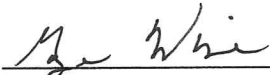
**IN RE: ADJOURNMENT**

Limbrick – I move to adjourn.

Woody – Seconded.

AYES – Unanimous.

There being no further business to discuss, the meeting was adjourned.

  
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CHAIRMAN

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