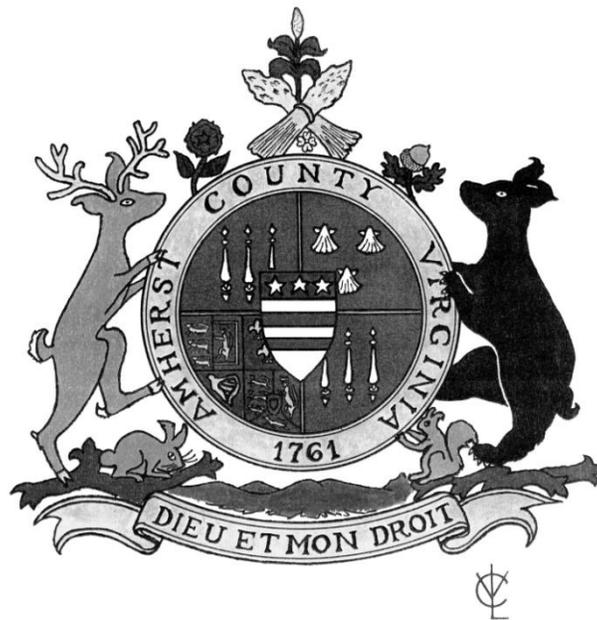

AMHERST COUNTY BOARD OF ZONING APPEALS



2013 ANNUAL REPORT

INTRODUCTION

The Code of Virginia states that the Board of Zoning Appeals shall submit report of its activities to the governing body at least once each year {Sec. 15.2-2308}. This report is a summary of the board's activities for 2012.

PERSONNEL

The Board of Zoning Appeals consist of five (5) members, who are residents of Amherst County, appointed by the circuit court of the county, with appointments for terms of five (5) years each.

<u>Member</u>	<u>Term Expiration</u>
George R. Banton - Chairman	February 3, 2016
George Wise - Vice-Chairman	February 3, 2013
Harry B. Stinnett, Jr.	February 3, 2017
Joyce Coleman	February 3, 2015
Barbara Woody	February 3, 2014
Jeremy Bryant – Director of Planning/Zoning / BZA Secretary	N/A

OPERATING PROCEDURES

The Board of Zoning Appeals is scheduled to meet on the second Thursday of each month in the Board of Supervisors meeting room at the Amherst County Administration Building at 7:00 PM.

The Board of Zoning Appeals has several duties and powers. The Board hears and decides appeals of any order, requirement, decision, of determination made by an administrative officer in the administration of the ordinance. The Board also has the power to authorize a variance from the requirements of the ordinance. A variance may only be issued if the all three (3) of the following conditions apply: (1) that the strict application of the ordinance would produce undue hardship; (2) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (3) that the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance. The Board also hears and decides appeals from the decision of the zoning administrator. Finally, the Board hears and decides applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. The powers and duties of the Board of Zoning Appeals are outlined in the Code of Virginia, Section 15.2-2309.

2013 Variances

11/14/2013 Meeting

Members present: Banton, Coleman, Stinnett, Wise, Woody

Application 2013A-01: Kinkle W. Toliver: Request by Kinkle W. Toliver, for approval of multiple variances from Sections 710.06 (1) and 804 of the Zoning & Subdivision Ordinance to reduce the setback from the stream setback requirement of seventy-five (75) feet to approximately sixty-five (65) feet and to reduce the setback from the frontage road easement (measured from centerline) of seventy-five (75) feet to approximately thirty-five (35) feet, to allow for an expansion of a porch to an existing single-family dwelling. The request is referenced by a drawing submitted by the applicant. The property is located at 129 My Way off of Route 778, and is further identified as being tax map parcel number 64-A-11.

There was discussion by the board that this was a case of hardship due to topography of the lot and there not being another feasible location for an addition.

Motion to approve the variance request carried by a 5-0 vote.

Application 2013A-02: Wayne D. & Brenda B. Carwile: Request by M. Taze Crowder, L.S. (applicant), and Wayne D. & Brenda B. Carwile (property owner) for approval of multiple variances from Section 804 of the Zoning & Subdivision Ordinance to reduce the setback from the front yard (Blue Bird Lane) from sixty-five (65) (measured from centerline) feet to approximately thirty-four (34) feet and to reduce the rear yard setback from twenty-five (25) feet to approximately eleven (11) feet and to reduce the setback measured from a frontage road easement (measured from centerline) from sixty-five (65) feet to forty-six (46) feet, to allow the replacement of a burned single family dwelling. The proposed new structure is a manufactured home that is transferred in two (2) or more sections and is approximately 466 square feet larger than the existing dwelling that was a non-conforming structure. The request is referenced by a drawing submitted by the applicant with an exhibit at enlarged scale with dimensions. The property is located at 438 Thomas Road, and is further identified as tax map parcel number 155-3-1.

There was discussion by the board that the lot was not buildable without a variance due to the orientation of the lot as a corner lot and the associated setbacks.

Motion to approve the variance request carried by a 5-0 vote.

5 –YEAR CASE HISTORY

Date	Case #	Tax Map # & Zoning	Request	Approved/ Denied
2/12/2009	2009A-01	15-A-13 A-1 Agricultural Residential District	Variance from the required minimum setback from the National Forest of 200 feet for an addition to a church of a restroom and handicap ramp. Request for variance of 102 feet of the required 200 foot setback.	Approved (4-1)
3/12/2009	2009A-02	39-A-15 A-1 Agricultural Residential District	Variance from the required minimum lot size in the A-1 Agricultural Residential District of one (1) acre. Request for variance of 0.139 acre such that the lot would be a total of 0.861 acre.	Approved (3-2)
9/10/2009	2009A-03	160A2-3-A B-2 General Commercial District	Appeal a decision by the zoning administrator to remove residents (cease the residential use) from property that is zoned B-2 General Commercial District.	Supported findings of the Zoning Administrator (4-0)
11/12/2009	2009A-04	122-A-16 R-1 Limited Residential District	Variance to allow an accessory structure to be placed in the front yard of a lot in the R-1 Limited Residential District.	Denied (4-1)
1/14/2010	2009A-05	26-A-4A A-1 Agricultural Residential District	Two (2) variances from the required minimum setback of 200 feet from the National Forest. A request for a variance of 135 feet of the 200 foot setback for a proposed dwelling and a variance of 100 feet of the 200 foot setback for a septic system and drainfield.	Approved (5-0)
6/10/2010	2010A-01	47-A-7 V-1 Village Center District	Variance from the required minimum side yard setback in the V-1 Village Center District of 15 feet for a building expansion. The request is for a variance of 1.1 feet of the required fifteen (15) foot side yard setback.	Approved (4-0)
7/8/2010	2010A-02	103-A-52A A-1 Agricultural Residential District	Variance from the required minimum setback along the Route 130 overlay district and from the minimum setback from the centerline of a frontage road easement for the placement of a manufactured home. Request for variance of 45 feet of the 125 foot required setback from Route 130 and 31 feet of the required 75 foot setback from Iron Post Road.	Approved (5-0)

8/12/2010	2010A-03	25-A-5, 5B A-1 Agricultural Residential District	Multiple variances from the required minimum setback of 200 feet from the National Forest. The proposed dwelling would be 75 feet from the front yard property line, 24 feet from the side property line, and 25 feet from the rear property line. A primary reserve drainfield and septic system would also be located within the 200 foot setback.	Postponed to later meeting
9/9/2010	2010A-04	157-A-159 A-1 Agricultural Residential District	Variance from required setback of 8 feet from the right-of-way of any public road for a sign. Request for a sign on church property 20 feet from the centerlines of Galts Mill Road and Brightwells Road and 0 feet from each right-of-way.	Denied (3-0)
10/10/2010	2010A-03	25-A-5, 5B A-1 Agricultural Residential District	Multiple variances from the required minimum setback of 200 feet from the National Forest. The proposed dwelling would be 75 feet from the front yard property line, 24 feet from the side property line, and 25 feet from the rear property line. A primary reserve drainfield and septic system would also be located within the 200 foot setback.	Approved (4-0)
10/10/2010	2010A-05	146B-2-24 A-1 Agricultural Residential District	Variance from the required setback of 50 foot from the front property line in the A-1 Agricultural District. Request for 7.5 feet of the 50 foot required setback to legitimize an existing structure.	Request Withdrawn
12/9/2010	2010A-05	146B-2-24 A-1 Agricultural Residential District	Variance from the required setback of 50 foot from the front property line in the A-1 Agricultural District. Request for 9 feet of the 50 foot required setback to legitimize an existing structure.	Approved (5-0)
4/14/2011	2011A-01	160A3-A-101 R-2 General Residential District	Multiple variances to allow four (4) accessory structures in the R-2 General Residential District.	
			Structure #1 (Garden Shed): Variance of one (1) foot of the required ten (10) foot setback from side property line and variance of eleven (11) feet of the required fifteen (15) foot setback from the main dwelling.	Approved (3-2)

			Structure #2 (Metal Carport): Variance of six (6) feet one (1) inch of the required ten (10) feet from side property line and variance of eight (8) feet, two (2) inches of the required fifteen (15) foot setback from the main dwelling.	Denied (3-2)
			Structure #3 (Shed with extended roof): Variance of 9.17 feet of the required ten (10) foot setback from side property line.	Approved (4-1)
			Structure #4 (White Shed): Variance of 5.25 feet of the required ten (10) foot setback from side property line.	Denied (3-2)
4/14/2011	2011A-02	155D-A-16B B-2 General Commercial District	Variance to increase the maximum allowable height of freestanding sign at the setback line from six (6) feet to 25 feet and enlarge the permitted sign from 58 sq. ft. to 78 sq. ft.	Denied (4-1)
10/13/2011	2011A-03	Norfolk Southern Railroad property right- of-way at Cedar Gate and Iron Bridge Roads M-1 Industrial District	Variance to increase the maximum permitted wireless communication tower height from 50 feet to 195 feet and decrease the required tower setback from 195 feet to 60 feet in order to construct a monopole cellular tower.	Tabled until next meeting, later withdrawn
12/8/2011	2011A-04	137-A-13&15 A-1 Agricultural Residential District	Variances to decrease the minimum permitted front property line setback from 50 feet to 28.4 feet and allow the existing non-conforming structure to be enlarged in excess of 50% of its original floor area for a new church sanctuary.	Approved (4-0)
7/12/2012	2012A-01	79-A-28A A-1 Agricultural Residential District	Variance to reduce the minimum permitted rear property line setback from 50 feet to approximately 28 feet to legitimize an existing non-conforming porch and deck.	Denied (2-1)
7/12/2012	2012A-02	Norfolk Southern Railroad property right- of-way at Cedar Gate and Iron Bridge Roads M-1 Industrial District	Variance to decrease the required tower setback from 195 feet to approximately 60 feet in order to construct a monopole cellular tower.	Approval failed (2-2), Deferred to next meeting (4-0) Variance not needed

10/11/2012	2012A-03	136-A-65 R-1 Limited Residential District	Variance to reduce the minimum permitted front property line setback from 100 feet from Route 130 to approximately 65 feet and the rear property line setback from 35 feet to approximately 33 feet.	Approved (5-0)
11/14/2013	2013A-01	64-A-11 A-1 Agricultural Residential District	Variances to reduce the setback from the stream setback requirement of 75 feet to approximately 65 feet and to reduce the setback from the frontage road easement (measured from centerline) from 75 feet to approximately 35 feet to allow for an expansion of a porch to an existing single-family dwelling.	Approved (5-0)
11/14/2013	2013A-02	155-3-1 R-2 General Residential District	Variances to reduce the setback from the front yard from 65 feet (measured from centerline) to approximately 34 feet and to reduce the rear yard setback from 25 feet to approximately 11 feet and to reduce the setback measured from a frontage road easement (measured from centerline) from 65 feet to 46 feet, to allow the replacement of a burned single-family dwelling.	Approved (5-0)