

**BOARD OF ZONING APPEALS  
MINUTES  
APRIL 10, 2014**

**VIRGINIA**

A public hearing of the Board of Zoning Appeals for Amherst County, Virginia was held at 7:00 PM, on Thursday, April 10, 2014 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  
Joyce Coleman  
Harry Stinnett, Jr.  
Barbara Woody

**STAFF PRESENT:**

Jeremy Bryant, Director of Planning /Zoning Administrator  
Austin Mitchell, Assistant Zoning Administrator/Planner  
Stacey Stinnett, Planning/Zoning Administrative Assistant

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

**Second:** Stinnett

The motion was carried by a 5-0 vote.

**IN RE: PUBLIC HEARING - VARIANCE REQUEST BY COREY D. SHRADER # 2014A-01**

#2014A-01 A request by Corey D. Shrader, for approval of multiple variances from Sections 710.06 (1) and 602.02 (2) of the Zoning & Subdivision Ordinance to reduce the setback from the stream setback requirement of seventy-five (75) feet to approximately

fifty-nine (59) feet and to expand the existing nonconforming structure by greater than fifty (50) percent of the original nonconforming structure, to allow for the addition 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 1349 Kenmore Road Route 643), and is further identified as being tax map parcel number 94-A-16A.

**STAFF REPORT:** Mr. Mitchell presented the staff report and stated that the Planning Commission recommended approval unanimously at the Planning Commission Meeting held on Thursday, April 3, 2014.

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

1. All construction must be flood proofed in accordance with the Building Code.
2. The variance is granted for Tax Map Parcel No. 94-A-16A to reduce the seventy-five (75) foot setback to approximately fifty-nine (59) feet and to expand the existing nonconforming structure by greater than fifty (50) percent of the original nonconforming structure, to allow for the addition of a porch to an existing single-family dwelling.
3. The proposed porch shall be in general compliance with the submitted plot plan.
4. 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.
5. 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. Wise asked Staff if a variance was necessary to expand the existing nonconforming structure by greater than fifty (50) percent since according to the code the definition of a floor area exempts porches that are not more than fifty (50) percent of the perimeter enclosed.

Mr. Shrader stated that the porch was less than fifty (50) percent enclosed.

Mr. Bryant replied to Mr. Wise that the variance to expand the existing nonconforming structure by greater than fifty (50) percent would not need to apply for this case and would be removed from staff's conditions.

Chairman Banton opened the public hearing.

**PROPOSERS' ARGUMENTS:**

Mr. Corey Shrader, applicant, spoke in favor of the request. Mr. Shrader stated that he would also be planting trees as a buffer making the cabin more secluded. Mr. Shrader stated that he is very active in keeping the stream and banks well preserved.

**OPPOSERS' ARGUMENTS:**

There were none.

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

**BOARD OF APPEALS DISCUSSION:**

Mr. Wise asked the applicant if the property had ever flooded before. Mr. Shrader replied that his neighbor, who has resided in the area since 1970, said that he should not have to worry about flooding.

Mr. Wise replied that as a geologist you should always worry because you never know what type of weather may be in the future.

**BOARD OF ZONING APPEALS ACTION:**

**Motion:** Wise

I move to grant approval for variance request 2014A-01 Corey Shrader to reduce the seventy-five (75) foot setback to approximately fifty-nine (59) due to the need to access the house with staff's conditions (with discussed modifications to condition number two 2).

**Second:** Coleman

**The motion was carried 5-0.**

**IN RE: OLD/NEW BUSINESS**

Mr. Bryant stated that staff would be getting in touch with the Information Technology Department to confirm that the BZA members county email address were active and the members would also receive written instructions on how to access the email addresses.

**IN RE: APPROVAL OF MINUTES FOR NOVEMBER 14, 2013**

Several changes were made to the minutes.

**Motion:** Coleman Motion to approve the minutes with changes.

**Second:** Woody  
The motion was carried 5-0.

**IN RE: ADJOURNMENT**

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

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

There being no further business to discuss, the meeting was adjourned at 7:23 pm.

  
Chairman

/ss/4.15.14