

**BOARD OF ZONING APPEALS  
MINUTES  
DECEMBER 8, 2011**

**VIRGINIA**

A public hearing of the Board of Zoning Appeals for Amherst County Virginia was held at 7:00 PM, on Thursday, December 8, 2011 in the Board of Supervisors Room located in the Amherst Administrative Building on 153 Washington Street, Amherst, Virginia.

**MEMBERS PRESENT:**

George Wise, Chariman  
Bonnie Limbrick, Vice-Chairman  
Barbara Woody  
George Banton

**MEMBERS ABSENT:**

Joyce Coleman

**STAFF PRESENT:**

Jeremy Bryant, Director of Planning & Zoning  
Matthew Rowe, Planner/Assistant Zoning Administrator  
Stacey Stinnett, Planning/Zoning Administrative Assistant

**IN RE: CALL TO ORDER**

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

**IN RE: APPROVAL OF AGENDA**

Motion: Limbrick                      I make a motion to approve the agenda as  
written.  
Second: Banton  
The motion was carried by a 4-0 vote.

Chairman Wise proceeded to explain the rules of procedure for the public hearing. Chairman Wise stated that each person wishing to speak, except for the applicant, would be allowed a total of three (3) minutes, and must state their name and physical address for the record. Chairman Wise stated that any aggrieved person or persons may appeal any decision of the Board of Zoning Appeals within thirty (30) days to the Circuit Court, in accordance with the Code of Virginia.

**IN RE: PUBLIC HEARING - ZONING CASE #2011A-04 – VARIANCE REQUEST BY RISING SUN MISSIONARY BAPTIST CHURCH.**

#2011A-04 Request by Rising Sun Missionary Baptist Church, for approval of a variance from Sections 804 and 601.02.2 of the Zoning & Subdivision Ordinance to decrease the minimum permitted front property line setback from fifty (50) feet to twenty-eight and one-half (28.4) feet and allow the existing non-conforming structure to be enlarged in excess of fifty (50) percent of its original floor area through a non-conforming addition, in order to construct a new sanctuary for the existing church. The request is referenced by a site plan submitted by Acres of Virginia, Inc., dated 10/18/11. The property is located at 230 Rising Sun Circle in Monroe, VA, and is further identified as being tax map parcel numbers 137-A-13 & 15.

**STAFF REPORT:** Mr. Rowe gave the staff report and stated that the Planning Commission recommended approval unanimously at the Planning Commission Meeting held on Thursday, December 1, 2011. Should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:

1. The variance is granted for Tax Map Parcel No. 137-A-13 to reduce the front property line setback from fifty (50) feet to approximately twenty-eight and one-half (28.4) feet and allow the existing non-conforming structure to be enlarged in excess of fifty (50) percent of its original floor area through a non-conforming addition, in order to construct a new sanctuary for the existing church.
2. The church addition shall be located as shown in the "Site Plan" for Rising Sun Missionary Baptist Church, certified by Thomas C. Brooks Sr., and dated October 18, 2011.
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 provisions of Federal, State or local regulations.

Mr. Brooks, owner of Acres of Virginia, spoke on behalf of Rising Sun Missionary Baptist Church. He asked everyone on behalf of Rising Sun Missionary Baptist Church to stand. Mr. Brooks stated that the new addition would be used for worship services and that the old sanctuary would be remodeled and used for a multi-purpose fellowship hall.

Mr. Banton asked if the building could be shifted over to be able to meet setbacks. Mr. Brooks replied that due to the topography of the land this was not able to be done.

Mr. Banton asked if there would be a basement. Mr. Brooks replied that there may be a basement in the future, but for now half of the first level would be a crawl space.

Ms. Limbrick felt that if the applicant wanted to install a basement then perhaps that should be considered.

Mr. Wise asked if the Virginia Department of Transportation had been asked to abandon the right-of-way. Mr. Brooks replied that this had not been discussed.

Chairman Wise opened the public hearing.

**PROPONENTS' AGRUMENTS:**

Mr. Brooks acknowledged that all individuals had stood earlier in favor of the request.

**OPPONENTS' AGRUMENTS:**

There were none.

Chairman Wise closed the public hearing.

**BOARD OF APPEALS DISCUSSION:**

Ms. Limbrick commented that the church would increase property value to the surrounding areas.

Mr. Wise commented that when churches are building additions it's due to growth needed for membership expansion.

Ms. Woody asked what the difference was in the seating in the old church versus the new church. Mr. Brooks replied that the old sanctuary consists of one hundred fifty (150) seats and the new sanctuary would consist of two hundred fifty (250) seats and the new parking would consists of sixty-nine (69) parking spaces.

Mr. Brooks stated that the most detrimental effect this would have on the church is that the church members would not have a fellowship hall.

**BOARD OF ZONING APPEALS ACTION:**

Motion: Banton

I make a motion that due to the size, shape and terrain of this lot that we grant a variance to the 50 foot front yard setback to 28.4 ft and waive the fifty (50) percent increase to the size of the non-conforming structure.

The motion failed due to the lack of a second.

Motion: Banton

I make a motion that due to the size, shape and terrain of this lot that we grant two (2) variances. A variance to the 50 foot front yard setback to 28.4 ft and grant a variance to waive the fifty (50) percent increase to the size of the non-conforming structure.

Second: Woody

The motion was carried by a 4-0 vote

**IN RE: ELECTION OF OFFICERS:**

The Election of Officers for the year of 2012.

Motion: Limbrick

I make a motion that we nominate Mr. Banton as Chairman and Mr. Wise as Vice-Chairman.

Second: Woody

The motion was carried by a 4-0 vote

Motion: Wise

I make a motion that Mr. Bryant be nominated as Secretary.

Second: Limbrick

The motion was carried by a 4-0 vote.



IN RE: OLD/NEW BUSINESS:

Mr. Rowe stated that Global Tower Assets, LLC had withdrawn their application and they have up to one (1) year to bring back to the Board of Zoning Appeals. Mr. Bryant stated that he would get the withdrawal in writing from Global Tower Assets, LLC.

There was some discussion on the status of the O'reilly Auto Parts Case and the Childrey Case. Mr. Bryant stated that there has been no change or correspondence since the last meeting.

Mr. Wise thanked Ms. Limbrick for her service as Board of Zoning Appeals Member for District 2.

**IN RE: APPROVAL OF MINUTES FOR JULY 14, 2011 and OCTOBER 13, 2011**

The July 14, 2011 minutes were approved as submitted.

**BOARD OF ZONING APPEALS ACTION:**

Motion:   Banton                 Make a motion to approve the minutes for  
July 14, 2011.

Second: Limbrick

The motion was carried by a 3-0 vote (Woody abstained)

The October 13, 2011 minutes were approved as submitted.

**BOARD OF ZONING APPEALS ACTION:**

Motion: Woody                      Make a motion to approve the minutes for  
October 13, 2011.

Second: Banton

The motion was carried by a 3-0 vote (Limbrick abstained)

**IN RE: ADJOURNMENT**

Motion: Wise I make a motion to adjourn the meeting.

Second: Woody  
The motion was carried by a 4-0 vote.

There being no further business to discuss, the meeting was adjourned at 7:53 pm.



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Chairman

/ss/1.4.12