

**BOARD OF ZONING APPEALS
MINUTES
APRIL 12, 2018**

VIRGINIA

A public hearing of the Board of Zoning Appeals for Amherst County, Virginia was held at 7:00 PM, on Thursday, April 12, 2018 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

MEMBERS ABSENT: Steve Thomas

STAFF PRESENT: Jeremy Bryant, Director of Planning /Zoning Administrator
Stacey Stinnett, Administrative Assistant

STAFF ABSENT: Dylan Bishop, Assistant Zoning Administrator/Planner

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: Wise

The motion was carried by a 4-0 vote.

IN RE: PUBLIC HEARING - VARIANCE REQUEST BY 2018-63 HYANGNAN SUPERNAW

Request by Hyangnan Supernaw for approval of three variances from Section 714.12(1)(C) and Section 804. The purpose of the request is to construct an addition to an existing building that will be used as a bathroom and to allow the applicant to increase the value of the structure greater than fifty percent of its market value.

The first requested variance is for a bathroom addition which will reduce the setback from the front yard requirements of 40 feet to 7 feet and the second requested variance will reduce the rear yard setback of 25 feet to 12 feet.

The purpose of the third variance is to allow the applicant to increase the value of the structure greater than fifty percent of its market value. The request is referenced by a drawing submitted by the applicant. The property is located at 535 River Road and is further identified as tax map number 155-5-5B

STAFF REPORT: Mr. Bryant presented the staff report and stated that the Planning Commission made no recommendation for or against this case with a 5-1 vote on March 15, 2018. Should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:

1. The variance is granted for Tax Map Parcel 155-5-5B for a bathroom addition which will reduce the setback from the front yard requirements of 40 feet to 7 feet and the third variance is to allow the applicant to increase the value of the structure greater than fifty percent of its market value.
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.
4. The structure shall meet all regulations of the statewide Building Code.

PROPONENTS' ARGUMENTS:

Chairman Banton opened the public hearing.

Hyangnan Supernaw, applicant spoke in favor of the request and answered the Board of Zoning Appeals questions. Ms. Supernaw stated that currently the site was an eye sore and she wants to beautify the property. She stated that the property is small and a bathroom would need to be added along with an addition to make the property livable.

OPPONENTS' AGRUMENTS:

Dennis Wilson, resides at 534 River Road in Madison Heights, VA. Spoke in opposition to the request. Mr. Wilson stated that the construction has been a nuisance from the beginning from burning of construction debris that included lead paint, not building the structure to state wide building codes and causing numerous safety issues to the community.

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

BOARD OF APPEALS DISCUSSION:

There was a brief discussion regarding the property being in the flood zone, possible flooding in the future and safety concerns because the structure would be too close to the road. There was discussion that instead of putting an addition onto existing building for the bathroom that the bathroom could be built inside the existing structure.

BOARD OF ZONING APPEALS ACTION:

Motion: Wise Motion to deny variance request #2018-63 Hyangnan Supernaw for a bathroom addition by reducing the setback from the front yard requirements of 40 feet to 7 feet and also denying a variance to allow the applicant to increase the value of the structure greater than fifty percent of its market value.

Second: Bryan
The motion was carried 4-0.

IN RE: NEW/OLD BUSINESS

Mr. Bryant welcomed Clarence Monday as the new Board of Zoning Appeals Member that would be replacing Steve Thomas by the next meeting date.

Mr. Bryant stated that it may be a good idea since the Board of Zoning Appeals has had a couple new members to reach out to Dr. Michael Chandler for a training session on BZA rules and regulations.

IN RE: APPROVAL OF MINUTES FOR JULY 13, 2017 & OCTOBER 18, 2017

July 13, 2017 Meeting Minutes

Motion: Woody Motion approve the July 13, 2017 meeting minutes.
Second: Wise
The motion was carried by a 3-0 vote. (Bryan abstained Thomas absent)


October 12, 2017 Meeting Minutes

Motion: Bryan Motion approve the October 12, 2017
Second: Wise meeting minutes.
The motion was carried by a 3-0 vote. (Woody abstained Thomas absent)

IN RE: ADJOURNMENT

Motion: Banton Motion to adjourn the meeting.
Second: Bryan
The motion was carried by a 3-0 vote.

There being no further business to discuss, the meeting was adjourned at 8:05 pm.


Chairman

/ss/4.13.18