

**BOARD OF ZONING APPEALS
MINUTES
FEBRUARY 14, 2019**

VIRGINIA

A public hearing of the Board of Zoning Appeals for Amherst County, Virginia was held at 7:00 PM, on Thursday, February 14, 2019 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
Clarence Monday

STAFF PRESENT:

Dylan Bishop, Assistant Zoning Administrator/Planner
Stacey Stinnett, Administrative Assistant

STAFF ABSENT:

Jeremy Bryant, Director of Planning /Zoning Administrator

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: Monday

The motion was carried by a 5-0 vote.

IN RE: PUBLIC HEARING - VARIANCE REQUEST BY 2019-018 TERRY THOMPSON

Request by Terry Thompson for approval of a variance from Section 804. The purpose of the request is to allow a single-family dwelling within the front yard setback.

The requested variance is for a single dwelling which will reduce the setback from the front yard requirement of 50 feet to 32 feet. The property is located at 511 Dillard Hill Road and is further identified as tax map number 21-A-62.

STAFF REPORT: Mr. Bryant presented the staff report and stated that the Planning Commission made a recommendation to approve this case with a 4-0 vote on January 17, 2019. Should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:

1. The variance is granted for Tax Map Parcel 21-A-62 for a single-family dwelling that will reduce the setback from the front yard requirements of 50 feet to 32 feet.
2. The granting of this variance shall not be construed to vest in the applicant a right to a variance until all necessary local, State and Federal plan applications, 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.

PROPONENTS' ARGUMENTS:

Chairman Banton opened the public hearing.

G.W. Mays, resides at 661 Dillard Hill Road in Lowesville, spoke in favor of the request. Mr. Mays stated that the applicant was currently out of town and he was representing Mr. Thompson at tonight's meeting. Mr. Mays answered the committee's questions regarding distance's from setbacks of property lines, creeks and potential flooding. Mr. Mays stated that without the variance they had nowhere else on property to put the structure due to the topography.

Nellie Harris, resides at 572 Dillard Hill Road in Lowesville, did not speak in favor or in opposition to the request but wanted to comment on a statement she had heard. Mrs. Harris owns the property across the road from the applicant. Mrs. Harris stated that she had heard that the owner had made complaints about her car head lights at night shining into his home when she is exiting her driveway at night. Mrs. Harris stated that there was no way to avoid this issue.

OPPONENTS' AGRUMENTS:

There were none.

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

BOARD OF APPEALS DISCUSSION:

There was a brief discussion amongst the Board of Zoning Appeal members. Mr. Bryan stated that if this variance was granted then the lot would be an unusable lot which then is considered a hardship. Mr. Bryan also stated that this would be an improvement to the neighborhood.

BOARD OF ZONING APPEALS ACTION:

Motion: Woody Motion to approve variance 2019-018 for Terry Thompson as requested with staff recommendations.

Second: Bryan

The motion was carried 4-1 (Wise).

IN RE: NEW/OLD BUSINESS

There was a brief discussion regarding having the Town Hall, Planning Commission, and the Board of Zoning Appeals holding a training session with Mike Chandler on Board of Zoning Appeals variances on March 14, 2019 from 3:00 pm - 6:00 pm.

IN RE: APPROVAL OF MINUTES FOR JANUARY 10, 2019

Motion: Bryan Motion approve the January 10, 2019 meeting minutes.

Second: Monday

The motion was carried by a 4-0 vote. (Monday abstained)

IN RE: ADJOURNMENT

Motion: Monday Motion to adjourn the meeting.

Second: Woody

The motion was carried by a 5-0 vote.

There being no further business to discuss, the meeting was adjourned at 7:36 pm.


Chairman

/ss/2.25.19

