

**BOARD OF ZONING APPEALS  
MINUTES  
OCTOBER 13, 2016**

**VIRGINIA**

A public hearing of the Board of Zoning Appeals for Amherst County, Virginia was held at 7:00 PM, on Thursday, 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  
Steve Thomas  
Barbara Woody

**MEMBERS ABSENT:** Harry Stinnett, Jr.

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

**STAFF ABSENT:** Austin Mitchell, 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 amended by adding the May 14, 2015 Meeting Minutes under Old/New Business.

**Motion:** Wise I make a motion to approve the amended agenda.

**Second:** Thomas

**The motion was carried by a 4-0 vote.**

**IN RE: ELECTION OF OFFICERS**

**Motion:** Woody Motion to reelect existing officers. Mr. George Banton as the Chairman. Mr. George Wise as Vice-Chairman and Jeremy Bryant as Secretary.

**Second:** Wise

**The motion was carried by a 4-0 vote.**

**IN RE: PUBLIC HEARING - VARIANCE REQUEST BY MARY MCDANIEL # 2016A-01**

Request by Mary McDaniel for approval of a variance from Section 804 of the Amherst County Zoning Ordinance. The requested variance will reduce the setback from the side yard requirement of twenty-five (25) feet to fourteen (14) feet. The purpose of the request is to allow for an additional bedroom. The request is referenced by a drawing submitted by the applicant. The property is located at 535 Toytown Road and is further identified as being tax map parcel number 83-5-9.

**STAFF REPORT:** Mr. Bryant presented the staff report and stated that should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:

1. The variance is granted for Tax Map Parcel No. 83-5-9 to reduce the twenty-five (25) foot side yard setback to fourteen (14) feet to allow for an expansion of the existing bedroom.
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.

Mr. Bryant concluded by stating that the Planning Commission unanimously recommended approval at the meeting held on Thursday, September 15, 2016.

Chairman Banton opened the public hearing.

**PROPONENTS' ARGUMENTS:**

Ms. Mary McDaniel, applicant, spoke in favor of the request. Ms. McDaniel stated that this was an existing bedroom that she was making bigger. Ms. McDaniel also stated that she has to get a bigger bed because she has medical issues and trouble lying flat and the current room did not have adequate space for the bigger bed.

**OPPONENTS' ARGUMENTS:**

There were none.

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

**BOARD OF APPEALS DISCUSSION:**

There was a brief discussion regarding the size of the lot and clarification that this was an addition to an "existing" bedroom that was necessary due to a medical condition.

**BOARD OF ZONING APPEALS ACTION:**

**Motion:** Banton Motion to grant the variance for 2016A-01 Mary McDaniel to allow provisions recommended by staff to reduce the setback from the side yard requirement of twenty five (25) feet to fourteen (14) feet. The granting of this variance shall not be construed to vest in the application a right to the variance until all necessary local, State and Federal plan application, review and approval processes have been completed. 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.

**Second:** Thomas  
**The motion was carried 4-0.**

**IN RE: OLD/NEW BUSINESS**

Approval of Minutes for May 14, 2015

**Motion:** Woody                      Motion to approve the May 14, 2015 Board  
of Zoning Appeals Meeting Minutes.  
**Second:** Wise  
**The motion was carried by a 3-0 vote. (Thomas abstained)**

Mr. Wise asked Mr. Bryant to check into what defines the front and side yard setbacks.

**IN RE: APPROVAL OF MINUTES FOR JULY 9, 2015**

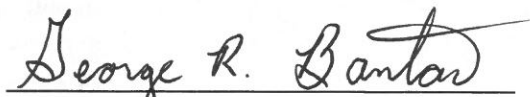
Approval of Minutes for July 9, 2015

**Motion:** Thomas                      Motion to approve the July 9, 2015 Board  
of Zoning Appeals Meeting Minutes.  
**Second:** Woody  
**The motion was carried by a 4-0 vote. (Wise abstained)**

**IN RE: ADJOURNMENT**

**Motion:** Banton                      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 7:25 pm.

  
Chairman

/ss/10.17.16