

**BOARD OF ZONING APPEALS  
MINUTES**

The Winchester Board of Zoning Appeals held a special meeting on, July 13, 2011, at 4:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

**PRESENT:** B Hester, C Koneczny, J Phillips, W Roberson and B Pifer (5)  
**ABSENT:** H Hurt, M Peter Lynch and D Crawford (3)  
**STAFF:** V Diem, A Grisdale and A Walsh (3)  
**VISITORS:** Lawton Saunders and Gary Oates

**MINUTES**

An amendment was made to page 3.

*Mr. Hester moved to approve the minutes of June 8, 2011 as amended. The motion was seconded by Mr. Pifer.*

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
<i>Mr. Koneczny</i>	<i>Yes</i>
<i>Mr. Pifer</i>	<i>Yes</i>
<i>Mr. Phillips</i>	<i>Yes</i>
<i>Mr. Hester</i>	<i>Yes</i>

**CORRESPONDENCE**

None

**ELECTION OF OFFICERS**

Post-poned until next month.

**PUBLIC HEARINGS**

**BZA 11-306** Request of Lawton Saunders dba North Loudoun Street Renovations LLC, for a variance pertaining to a modification/repair of an existing structure in a floodplain district pursuant to Section 14.1-16c of the Winchester Zoning Ordinance located at 146-148 N Loudoun St (*Map Number 173-01-O-10*) zoned Central Business (B-1) District within Historic District (HW) District overlay.

**Mr. Diem recused himself.**

Mr. Grisdale presented the request for a variance to the floodplain provisions to enable the modification/repair of an existing building. The subject property is located within the floodplain and the structure affected is noted as a historical structure.

Within the applicant's letter, dated May 23, 2011, a detailed description was provided pertaining to the proposed development plan for the property. The proposed use and occupancy of the structure will include retail on the ground floor and two dwelling units on the upper floors. The detached structure to the rear, which will be flood-proofed and not the subject of this variance request, will be entirely used for extended stay dwelling units.

No additions will be included into the rehabilitation and redevelopment of the original structure; therefore, nothing would be done that would increase the 100-year floodplain. The rear wall of the original structure is proposed to be flood-proofed and will be re-built to flood design standards in accordance with current code provisions.

The structure is eligible for a variance, pursuant to the Winchester Zoning Ordinance, as it has been certified by the Virginia Department of Historic Resources as a "Historic Structure," and nothing will be done to jeopardize or threaten the historic character of the building.

**Vice- Chairman opened the public hearing.**

Lawton Saunders stated that there has been some disagreement as to whether this property needed a variance at all.

Vice-Chairman Koneczny stated that in his opinion the variance would be needed as there have been other properties before this Board for the exact same thing.

Mr. Saunders stated that he would be available for questions.

**Vice-Chairman closed the public hearing.**

Mr. Roberson explained that his employer BB&T has been involved with this property but he did not feel that would influence his decision.

Mr. Hester was in favor of the request, stating that it would improve the downtown area.

Mr. Roberson agreed, stating that it was no different than what had been previously approved.

Mr. Phillips moved to grant the variance requested by the applicant for BZA 11-306, pertaining to floodplain standards at 146-148 North Loudoun Street because of the following circumstances:

1. The strict application of this Ordinance would produce a clearly demonstrable hardship. *The applicant is attempting to rehabilitate and redevelop an existing historic structure that is located in the floodplain. The denial of a variance or strict application of the ordinance would create a situation that would effectively prevent rehabilitation.*
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity. *Other properties in the immediate vicinity are similarly zoned; however, not all properties zoned B-1 are affected by Floodplain requirements.*
3. The authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance. *To the contrary, the character of the historic downtown area will be greatly enhanced through the proposed careful rehabilitation and redevelopment of the subject property.*

The motion was seconded by Mr. Pifer.

**MEMBER**  
*Mr. Koneczny*  
*Mr. Pifer*  
*Mr. Phillips*  
*Mr. Hester*  
*Mr. Roberson*

**VOTE**  
*Yes*  
*Yes*  
*Yes*  
*Yes*  
*Yes*

**BZA 11-364** Request of Greywolfe Inc. for a variance pertaining to corner side yard pursuant to Section 6-8 of the Winchester Zoning Ordinance located at 1440 Amherst St (*Map Number 150-10- -1 -A*) zoned Residential Office (RO-1) District.

Mr. Diem presented the request for a variance to the corner side yard setback requirements, to enable the construction of an addition to the existing building. The proposed addition would not encroach into either the front or corner side yard beyond the current building planes on either side of the structure.

The existing structure is a mixed-use, medical office building and apartment dwelling units. The proposed addition would consist of 10.5' x 27.5' and will be erected in a recessed corner that is situated on the southwest portion of the existing structure, facing the intersection of Fox Drive and Amherst Street. The current corner side yard that is provided amounts to 9.1' and the required corner side yard in the RO-1 district is 25'. The addition is proposed to be setback from the Fox Drive public right-of-way a distance of 9.4'; and therefore, is slightly recessed behind the existing building plane on the portion of the building facing Fox Drive. The original structure is well behind the required front setback of 35' and the proposed addition is slightly recessed behind the building plane on the portion of the building facing Amherst Street.

The applicant contends that the proposed addition will serve multiple purposes. First and foremost, it is intended to alleviate an ongoing stormwater drainage issue that is caused by a depressed finish floor and the addition will aid in channeling water away from the existing structure, while not increasing the amount of impervious surface coverage. Secondly, the proposed addition will aid in the overall improvement of the building façade and architectural aesthetic, which is particularly important along the continuously evolving and improving Amherst Street Corridor. Finally, the addition will provide additional required space for the existing building, while not jeopardizing or decreasing the off-street parking provided on-site.

The property was the subject of a previous BZA variance request in 2002. A variance to the corner side yard was granted to accommodate a change of use from residential to mixed-use.

Mr. Phillips was concerned that the addition would add to the parking issue that already exists at the site.

Mr. Diem explained that with the amendment to the Zoning Ordinance, it no longer requires them to add off-street parking to accommodate even a change of use, which would be a major change.

**Vice- Chairman opened the public hearing.**

Gary Oates of Greywolfe Inc. explained that the plan is to take away the patio and add a sunroom in order to add piping to fix the water drainage problem. Currently it is outdoor sitting, it would simply be enclosed.

**Vice-Chairman Konecany closed the public hearing.**

*Vice- Chairman Koneczny recused himself but stated he would still oversee the meeting.*

Mr. Roberson stated that the area is hard-scaped anyway. An addition already exists; they would just be putting it under roof.

Mr. Hester asked how long the patio has existed.

Mr. Oates stated that he was not sure exactly, but definitely more than 11 years.

Mr. Roberson moved to grant the variance requested by the applicant for BZA 11-364, pertaining to corner side yard at 1440 Amherst Street because of the following circumstances:

1. The strict application of this Ordinance would produce a clearly demonstrable hardship. *The applicant is attempting to mitigate a demonstrable and previously unresolved stormwater drainage issue.*
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. The authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance. *To the contrary, the character of the Amherst Street Corridor Enhancement District as demonstrated on the subject property, will be substantially improved as a result.*

The motion was seconded by Mr. Hester.

**MEMBER**

*Mr. Koneczny*  
*Mr. Pifer*  
*Mr. Phillips*  
*Mr. Hester*  
*Mr. Roberson*

**VOTE**

*Abstained*  
*Yes*  
*Yes*  
*Yes*  
*Yes*

**NEW BUSINESS**

None

**Meeting adjourned: 4:26PM.**