

**BOARD OF ZONING APPEALS
MINUTES**

The Winchester Board of Zoning Appeals held its regular monthly meeting on, June 11, 2008, at 4:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

PRESENT: **Koneczny, Wiley, Roberson and Phillips**

ABSENT: **Hurt**

VISITORS: Perry Eisenach (City Engineer), Dave Jordan, Richard Oram, and Debra Johnson

MINUTES

On motion by Mr. Phillips, seconded by Mr. Wiley, the minutes of the May 14, 2008 meeting were unanimously approved as presented.

CORRESPONDENCE

None

PUBLIC HEARINGS

BZA 08-14 Request of Lafayette Plaza, LLC, on behalf of the subject property for a variance pertaining to compliance and liability within the Flood Plain (FP) overlay district, as per Section 14.1-2 of the Winchester Zoning Ordinance, at 119-129 North Loudoun Street (*Section 173, Double Circle 1, Block F, Lot 26*), which is zoned Central Business (B-1) District, with Historic Winchester (HW) District overlay.

Mr. Diem presented the request seeking relief from the Winchester Zoning Ordinance, regarding structural alterations and reconstruction to a structure that is currently located within the Flood Plain. He explained that no portion of the subject property is located within the floodway; and, at least half of the property is located within the 500-year flood plain, as opposed to, the 100-year flood plain. Additional concessions have been included in the design of the proposed renovation project, so as to minimize the impact of storm water drainage and run-off. These efforts will also serve to reduce the severity of flood waters on the subject property.

Mr. Diem explained the specific guidelines for granting variances of the Zoning Ordinance for structures and properties within the Flood Plain District.

Mr. Diem cited a report completed by a private firm, EHT Tracerics, Inc., that has been conducting a survey of Historic Winchester during the past several months. Specifically noting that the property is *Historic (50 years or older)*, that it was constructed circa 1845, and that it is considered to be a *Contributing* building based on the National Register.

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Mr. Diem concluded by saying that the City has received written correspondence from both the Preservation of Historic Winchester organization and the Virginia Department of Historic Resources, supporting the historical significance of the “Taylor Hotel” property.

Mr. Koneczny (acting in Chairman Hurt’s absence) opened the public hearing.

Dave Jordan, representing the applicant, stated that he was available for questions.

Mr. Koneczny asked if the entrance to the shops will be the same level as the walking mall or if they would follow the slanted elevation along the alley.

Mr. Jordan stated that the elevation wouldn’t follow the ramp but the ground will be pitched for storm runoff.

Mr. Koneczny asked if catch basins would be installed.

Mr. Jordan stated that they would be attached to the existing drains on the mall.

Mr. Koneczny stated that he is not qualified to discuss FEMA exceptions. He asked to hear from Perry Eisenach, specifically as to whether or not this would increase any endangerment of life, limb or property.

Mr. Eisenach felt that this situation is why FEMA created this option; for historic re-development. He stated that all the buildings on the walking mall are in the same situation and felt that this building wouldn’t increase any endangerment of life, limb or property.

Mr. Koneczny closed the public hearing.

Mr. Phillips, seconded by Mr. Roberson motioned to approve BZA-08-14 based on the following reasons:

- 1. That because of physical circumstances – such as, size, shape, topography, or other conditions, no reasonable use can be made of the property without this variance.*
- 2. It will have no adverse affect.*
- 3. Light or air will not be impaired to adjacent property.*
- 4. Congestion will not be substantially altered.*
- 5. Neighborhood property values will not be substantially impaired.*
- 6. The amount of the variance is the minimum needed to afford relief.*

Mr. Koneczny asked Mr. Diem to make sure that someone notify FEMA of the approval.

Motion passed 4-0.

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BZA-08-17 Request of David M. Burns and Svetlana N. Burns, for an appeal of the Zoning Administrator's determination, regarding permitted use and occupancy of a single family dwelling, pursuant to Sections 18-4, 18-4.1, and 20-2 of the Winchester Zoning Ordinance, at 1675 Fort Braddock Court (*Section 111, Double Circle 4, Lot 7*), which is zoned Low Density Residential (LR) District.

Item was **Administratively Tabled** because the applicant failed to meet the advertisement requirements.

BZA-08-19 Request of RED, Inc., on behalf of the subject property for a variance pertaining to compliance and liability within the Flood Plain (FP) overlay district, as per Section 14.1-2 of the Winchester Zoning Ordinance, at 101 North Loudoun Street (*Section 193, Double Circle 1, Block B, Lot 10*), which is zoned Central Business (B-1) District, with Historic Winchester (HW) District overlay.

Mr. Diem presented the request seeking relief from the Winchester Zoning Ordinance, regarding structural alterations and reconstruction to a structure that is currently located within the Flood Plain.

Mr. Diem read from a letter of request from Ms. Johnson and Mr. Oram indicating that the site, which is the location of the former "Union Bank" building, will undergo an extensive renovation effort. They intend to restore the building to its original appearance and will incorporate the cast iron façade that was part of the original design. The unique character of the building and the surrounding streetscape would be altered significantly, if there was a requirement to raise the floor elevation to accommodate the Flood Plain provisions.

Mr. Diem again cited the survey completed by EHT Tracerics, Inc., specifically noting that the property is *Historic (50 years or older)*, and that it was constructed circa 1870.

The City has received written correspondence from both the Preservation of Historic Winchester organization and the Virginia Department of Historic Resources, supporting the historical significance of the "Union Bank" property. In addition, a neighboring property owner has also forwarded an e-mail supporting this request. Copies of those letters are provided for your review and consideration.

Mr. Koneczny opened the public hearing.

Debra Johnson, applicant, stated that she was available for questions.

Mr. Koneczny asked Mr. Eisenach if he felt the same about this situation as BZA-08-14.

Mr. Eisenach stated that was exactly the same.

Mr. Koneczny closed the public hearing.

Mr. Roberson, seconded by Mr. Phillips motioned to approve BZA-08-19 based on the following reasons:

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1. *That because of physical circumstances – such as, size, shape, topography, or other conditions, no reasonable use can be made of the property without this variance.*
2. *It will have no adverse affect.*
3. *Light or air will not be impaired to adjacent property.*
4. *Congestion will not be substantially altered.*
5. *Neighborhood property values will not be substantially impaired.*
6. *The amount of the variance is the minimum needed to afford relief.*

Motion passed 4-0.

NEW BUSINESS

OLD BUSINESS

None

ADDITIONAL COMMENTS

Meeting adjourned: 4:25 PM