

**BOARD OF ZONING APPEALS  
MINUTES**

The Winchester Board of Zoning Appeals held its regular meeting on Wednesday, March 12, 2014, at 4:00 p.m. in Council Chambers, Rouss City Hall, 15 N. Cameron Street, Winchester, Virginia.

**POINTS OF ORDER:**

**PRESENT:** Chairman Phillips, Mr. Pifer, Ms. Marchant, Mr. Crawford  
**ABSENT:** Mr. Ridgell, Mr. Lewis  
**STAFF:** Aaron Grisdale, Catherine Clayton  
**VISITORS:** Eric Lowman

**CONSENT AGENDA:**

Approval of Minutes of February 12, 2014.

Chairman Phillips called for corrections or additions to the minutes. Hearing none, he called for a motion. Mr. Pifer moved to approve as submitted. Ms. Marchant seconded the motion. Voice vote was taken and the motion passed 4-0.

**READING OF CORRESPONDENCE:**

None.

**PUBLIC HEARINGS:**

**BZA-14-95** Request of Oakcrest Properties for a variance pertaining to off-street parking requirements pursuant to Section 18-6-5 of the Winchester Zoning Ordinance, for the property located at 609 S. Kent Street (Map Number 213-01-G-15 - > <01), zoned Limited High Density Residential (HR-1) District. The applicant is seeking this variance to eliminate the off-street parking requirement of one (1) space.

Mr. Grisdale presented the staff report stating that the request is for a variance of off-street parking requirements for a proposed single family dwelling. The applicant is seeking to construct a single family dwelling that is similar in size and orientation as the previous dwelling that was demolished in 2011 under the spot blight program. The lot is legally nonconforming and the dwelling may be constructed by right on the parcel provided the minimum development setback standards are met. He further advised that the parcel was subject to a previous Board of Zoning Appeals action in 2009 which involved the relief of side yard setback requirements. The Board granted the variance conditioned on a footing survey be completed when the SFD is constructed and the structure meeting the fire separation requirements of the Uniform Statewide Building Code. He concluded by stating that the previous single family dwelling was situated closed to the street and did not provide off-street parking which is the same as the applicant is

now requesting. He then advised that staff has not received any correspondence to this application either positive or negative and that he is available for any questions.

Chairman Phillips called for questions and discussion from the Board.

Mr. Pifer asked if the HR zoning and the off-street parking requirements have anything to do with the number of bedrooms a property has. Mr. Grisdale responded that the current parking standards do not take in to account the number of bedrooms a single family dwelling has rather it is strictly off the use as a single family dwelling so it is just one (1) space required for that type of use.

### **Chairman Phillips Opened the Public Hearing**

Mr. Eric Lowman of Oakcrest Properties was sworn in by Mr. Crawford. Mr. Lowman stated that he is in favor of the project and that Oakcrest is looking to construct a single family dwelling to re-establish a little beauty in the South Kent Street area. He then thanked the Board.

Chairman Phillips called for questions from the Board.

Mr. Pifer asked if the property is to be sold or rented to which Mr. Lowman stated that everything is for sale. He added that builders will be building it but that he is not sure if Oakcrest will be actively selling it on the market. Mr. Lowman added that if it does not sell, it may be sold internally to their properties division for rental. Mr. Pifer then asked if the previous structure was a two (2) or three (3) bedroom to which Mr. Lowman stated that he is not aware of that information. Mr. Pifer then added that the plans show a four (4) bedroom dwelling and that he is concerned about parking because with a four (4) bedroom home, an additional parking space may be needed. He also added that parking seems tight as it is now on South Kent Street. He is concerned that if you add another bedroom, you will potentially be adding another vehicle to the street and eliminating an additional off-street parking space. Since the frontage is on the 32-foot side, that is only enough parking for about two (2) cars and with more bedrooms you may take a space from a neighbor.

Ms. Marchant asked Mr. Grisdale about the 2009 variance and whether his office helps an applicant determine if there are other variances that may be needed or has the zoning changed since 2009. Mr. Grisdale responded that the zoning designation for the property has not changed and typically in these types of development scenarios, staff may walk through the application process and advise if there are any specific variances or deficiencies to the application. He said that he cannot speak to the application at that time because it was under a previous Zoning Administrator and that he was not privy to the conversations.

### **Chairman Phillips Closed the Public Hearing**

Chairman Phillips called for discussion from the Board.

Chairman Phillips asked if the Board could restrict the number of bedrooms that would be allowed as it relates to this variance request. Mr. Grisdale stated that is within the Board's

purview if they choose to do so. Chairman Phillips then asked if the Planning Commission would be reviewing this application to which Mr. Gridale stated no, that this is a permitted by right use so it only requires an application for a building permit, staff review and issuance. The only reason that this has to go before the Board of Zoning Appeals is because of the deficiency for proposed parking.

Mr. Pifer stated that he is concern about the lack of parking for a four (4) bedroom dwelling especially if it is used as a rental. Mr. Lowman then addressed this concern stating that if it is leased, it would be done as a single-lease rental. Mr. Crawford said that if the Board proposed a three (3) bedroom limitation on the request, he could support it. Ms. Marchant commented about the number of bedrooms stating that since it is a single family dwelling, whether it has three (3) bedrooms or four (4) bedrooms, and whether the applicant decides to rent it out, really should not be of concern to the Board. It would be the applicant's concern about parking or the lack thereof. She further added that she is not sure if the Board should restrict this.

Chairman Phillips called for further discussion. Hearing none, he called for a motion.

Mr. Pifer moved to grant a variance to BZA-14-95 because the strict application of this Ordinance would produce a clearly demonstrable hardship; that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and that 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. The approval is contingent upon the following conditions:

- 1.The issuance of this variance is approved only for the proposed use of single family residential; any other uses established on the property will need to meet the established parking requirements.
- 2.The previously issued variance (09-199) shall remain valid.
- 3.The issuance of this variance is granted conditioned upon the construction of not more than a three (3) bedroom, single family dwelling.

Mr. Crawford seconded the motion.

Roll call vote was taken and the motion passed 4-0.

**NEW BUSINESS:**

None.

**OLD BUSINESS:**

None

**ADJOURNMENT:**

With no further business before the Board, the meeting adjourned at 4:17 p.m.