

**BOARD OF ZONING APPEALS
MINUTES**

The Winchester Board of Zoning Appeals held a regular meeting on Wednesday, July 10, 2013, at 4:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

POINTS OF ORDER:

PRESENT: Jack Phillips, Don Crawford, Phillip Lewis, Robbie Marchant
ABSENT: Brandon Pifer
STAFF: Aaron Grisdale, Catherine Clayton
VISITORS: Gary Oates, Harold Gelfond, Ray Glassman, Patricia Hott, Don Warren,
Bernard Schwartzman

CONSENT AGENDA:

Approval of Minutes of March 13, 2013

Acting Chairman Phillips called for a motion to table the approval of the minutes as there is not a quorum of senior Board members. Mr. Crawford moved to table the approval of the minutes. Ms. Marchant seconded the motion. Voice vote was taken and the motion passed, 4-0.

Reading of Correspondence

Mr. Grisdale advised that there is no correspondence.

Election of Chairman

Acting Chairman Phillips called for a motion to elect a temporary chairman for the meeting at hand in absence of a quorum of senior Board members. Mr. Crawford moved to elect a temporary Chairman for the meeting at hand and he nominated Mr. Phillips. Ms. Marchant seconded the motion. Hearing no objections, voice vote was taken and passed, 4-0.

PUBLIC HEARINGS:

BZA-13-338 Request of Grey Wolfe, Inc., on behalf of Beth-El Congregation, for a variance pertaining to required lot width pursuant to Section 3-4-2 of the Winchester Zoning Ordinance, for the property located at 520 Fairmont Avenue (*Map Number 153-01-B-36- > <01*) zoned Low Density Residential (LR) District. The applicant is seeking relief of the required lot width in order to construct a building addition.

Acting Chairman Phillips opened by asking for the staff report.

Mr. Grisdale presented the staff report to the Board stating that the applicant is seeking relief of the required lot width pursuant to Section 3-4-2 of the Winchester Zoning Ordinance in order to allow for an addition on the rear of the existing structure. He then presented the possible motions for the Board to consider. Mr. Grisdale concluded the staff report barring any questions from the Board.

Chairman Phillips thanked Mr. Grisdale and asked if anyone on the Board had any questions. Having none, Chairman Phillips opened the public meeting and invited anyone to speak, whether in favor of or in opposition to the request.

Don Warren, 516 Fairmont Avenue, was sworn in by Mr. Crawford and stated that he would like to find out the scope of the project with his house being to the right of the synagogue. Additionally, he asked that since this is going to be a major construction project, would there be anything done to alleviate the water and drainage problem that occurs from the parking lot. Mr. Warren stated that he does not really have any problem with the project but he does want to be sure that this water problem be taken care of. Mr. Crawford asked if the parking lot is owned by the synagogue to which Mr. Warren replied that it is.

Mr. Grisdale recommended that Mr. Oates, the applicant, come forward to address the concerns of Mr. Warren and to elaborate a little further on his request. Gary Oates, applicant, stepped forward and was sworn in by Mr. Crawford. He stated that the project is not going to encroach on the setbacks and that mitigating the stormwater issue will be addressed in the Site Plan. He then stated that he would be happy to answer any questions.

Chairman Phillips confirmed with Mr. Grisdale that the drainage issue would have to be addressed in the Site Plan as part of the entire project. Mr. Grisdale responded that it is as the applicant stated that before any work can be done, there must be a site plan submitted and takes in account various considerations such as stormwater management, off-street parking, lighting, etc.

Mr. Oates further stated that the addition on the rear is for an elevator so that the building can come in to compliance with ADA requirements.

Patricia Hott, Boyce, Virginia, was sworn in by Mr. Crawford. She addressed the Board and stated that she and her brother own the property to the north of the synagogue and that her major concern is that the property they own has original plaster molding that cannot be replaced. She stated that she is concerned about it cracking or breaking if there is blasting needed for the project.

Chairman Phillips advised Ms. Hott that this concern is something that can and should be addressed with the contractor as they are responsible to have and maintain a liability insurance policy. He also advised that she could have her property inspected before and then after the construction project to ensure there is no existing or subsequent damage. Mr. Lewis further added that all of the adjoining property owners would have to be

notified in advance of any blasting. Mrs. Hott stated that the problem is that no one makes or does that type of plaster molding work any more.

Chairman Phillips asked if there were any other individuals wishing to be heard. Hearing none, he closed the public hearing. He then called for questions and comments from the Board.

Mr. Crawford stated that he does not have a problem with the request and that the Board does not have the authority within their scope to guarantee or make requirements as to the water issue or blasting.

Hearing no other questions or comments from the Board, Chairman Phillips called for a motion. Mr. Crawford moved to grant the variance as submitted subject to the following conditions:

- The approval is only for the addition as presented in the application materials, and
- The previous variance and special exception remain valid.

Ms. Marchant seconded the motion.

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

NEW BUSINESS:

Mr. Grisdale advised that there is no new business before the Board.

OLD BUSINESS:

Mr. Grisdale advised that there is no old business before the Board.

ADJOURN:

With nothing further, Chairman Phillips adjourned the meeting at 4:20 p.m.