

**BOARD OF ZONING APPEALS  
MINUTES**

The Board of Zoning Appeals held its regularly scheduled meeting on Wednesday, April 12, 2017, at 4:00p.m. in Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

**POINTS OF ORDER:**

**PRESENT:** Vice Chairman Crawford, Mr. Lewis, Ms. Marchant,  
Mr. Whitacre, Ms. Anderson, Mr. Pahl  
**ABSENT:** None  
**STAFF:** Aaron Grisdale, Erick Moore and Carolyn Barrett  
**VISITORS:** Randy Kepler

**CONSENT AGENDA:**

Vice Chairman Crawford designated Cheryl Anderson as a voting member for today's meeting.

Approval of minutes of March 8, 2017

Vice Chairman Crawford called for corrections or additions to the minutes. Ms. Marchant made a motion to approve the minutes as submitted. Mr. Whitacre seconded the motion. Voice vote was taken and the motion passed 5-0.

**READING OF CORRESPONDENCE:**

None.

**PUBLIC HEARINGS:**

**BZA-17-152** Request of Greenway Engineering on behalf of Shenandoah University, property owner, for a variance of the Winchester Zoning Ordinance, Section 14.1-16, pertaining to placement of a sign in the floodway at 1460 University Drive (*Map Number 254-01- -2 - > <01*) zoned Higher Education District (HE-1). The applicant is requesting a variance in order to be able to place a wayfinding sign near the intersection of University and Lowry Drives within the main campus.

Mr. Grisdale reviewed the staff report and requirements for a variance. The applicant has stated that the location is the only appropriate location for the sign since it is directional and at the intersection near the primary entrance to the university.

Mr. Pahl asked if the placement of the sign will cause the 100 year floodplain to rise half an inch. Mr. Grisdale said that was what the engineering analysis demonstrated.

Ms. Marchant asked how much of a rise would be caused by the sign. Mr. Grisdale said it would be .04078 feet which is roughly half an inch.

**Vice Chairman Crawford opened the public hearing**

Randy Kepler, Greenway Engineering, spoke about the location and modifications made to the sign. They did a flood study which showed half an inch in the floodplain. This location was the best path they found for the sign.

Vice Chairman Crawford asked if the half-inch was limited to the footprint of the sign. Mr. Kepler said the half-inch is associated with the floodplain line that they had drawn in the study. The impact is entirely within the Shenandoah University property. Vice Chairman Crawford asked if they were spreading dirt over the entire floodplain to raise the sign up the half-inch. Mr. Kepler said they were not, the only impact was the footprint of the sign. The footprint is roughly 18 inches by 5 feet long. It is long and narrow to keep the impact as minimal as possible. They looked at other options but they were unrealistic.

Mr. Pahl asked about putting the signage on the light post next to the sign location. Mr. Kepler said that with the size of the sign and the number of things it needed to say, the light post does not have the support required. The problem with the floodplain is it narrows down between buildings and goes up both sides of the road. There is no way to get it out of the floodway and actually have it serve its purpose.

Ms. Anderson asked if the sign in the picture was already on site. Mr. Kepler said that was just for illustrative purposes.

**Vice Chairman Crawford closed the public hearing**

Mr. Lewis said the flood plain regulations are antiquated and he did not see an issue with just a sign especially if there are no adjacent properties affected. Vice Chairman Crawford said half an inch wasn't really anything and the benefit to the community to have instructions about where to go on campus was good.

Ms. Marchant made a motion to approve a variance of the Winchester Zoning Ordinance, Section 14.1-16, pertaining to placement of a sign in the floodway at 1460 University Drive (Map Number 254-01- -2 - > <01) zoned Higher Education District (HE-1), with the following conditions:

- a. The variance is only for the sign as proposed within the application materials, and does not include any future alterations or alternatives to the sign other than a sign re-facing.
- b. If the sign is removed in the future the variance will expire.

- c. The variance will expire if the sign is not installed within two years of the date of approval.

*The variance is approved because the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property:*

- 1) *The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;*
- 2) *The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;*
- 3) *The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;*
- 4) *The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and,*
- 5) *The relief or remedy sought by the variance application is not available through a special exception process or the process of an administrative modification at the time of the filing of the variance application.*

*Furthermore, the issuance of this variance (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance*

Mr. Whitacre seconded the motion. Voice vote was taken and the motion passed 5-0.

**NEW BUSINESS:**

None.

**OLD BUSINESS:**

None.

Mr. Grisdale said the Board will be receiving a letter from Zoning staff concerning an administrative modification request. Please call him if there are any questions. It has been several years since this type of request has been made. As long as there are no concerns from the Board, it will remain an administrative request. Any member of the Board can ask for the request to move into full review. There is a 21 day period to review the request and make that decision.

**ADJOURN:**

With no further business before the Board, the meeting was adjourned at 4:16pm.