

**BOARD OF ZONING APPEALS
MINUTES**

The Winchester Board of Zoning Appeals held its regular monthly meeting on, August 12, 2009, at 4:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

PRESENT: B Hester, H Hurt, C Koneczny and W Roberson (4)
ABSENT: J Phillips (1)
STAFF: V Diem and A Walsh
VISITORS: Debra Hodgson, James Cintron and Linda Long Jackson

MINUTES

Mr. Koneczny moved, seconded by Mr. Hester, to approve the minutes for both June 10, 2009 and July 8, 2009 as presented.

Motion passed unanimously 4-0.

COORESPONDENCE

None

PUBLIC HEARINGS

BZA 09-184 Request of Winchester Academy for a variance pertaining to side yard setback for nonresidential use, pursuant to Section 6-6-1 of the Winchester Zoning Ordinance, at 1317 S Pleasant Valley Rd (*Section 233, Block 01, Lot 2*), which is zoned Residential Office (RO-1) District.

Mr. Diem presented the relief of the minimum required side yard setback of a nonresidential use (25') to accommodate the change of use for a nonconforming building that provides a side yard setback of no more than 22.4'.

He explained that Winchester Academy, intends to occupy a portion of an existing church (Mt. Carmel Baptist Church) with elementary school classrooms. The classrooms and accessory offices would be located within the existing Sunday school and administrative offices of the church. No intentions to change the exterior appearance of the property or footprint of the building have been proposed by the applicant. However, due to a nonconforming setback of 22.4' from the side property line, a variance of 2.6' is required to accommodate the change of use that is proposed.

Chairman Hurt opened the public hearing

Deborah Hotson, representing the applicant, intends to be open for classes the day after Labor Day. They are currently on 915 S.Cameron Street and plan to maintain that property also.

James Cintron also with the Winchester Academy stated that they are only shy of the 25' requirement, he requested the variance be granted.

Chairman Hurt closed the public hearing.

Mr. Koneczny stated that he is very familiar with this property. He felt the requests was reasonable.

Mr. Hester moved, seconded by Mr. Koneczny, to approve BZA 09-184 for the following reasons:

- i. That because of physical circumstances – such as, size, shape, existing building setbacks, or other conditions, the variance is necessary to afford relief.*
- ii. It will have no adverse affect.*
- iii. Light or air will not be impaired to adjacent property.*
- iv. Congestion will not be substantially altered.*
- v. Neighborhood property values will not be substantially impaired.*
- vi. The amount of the variance, 10.4%, is the absolute minimum amount necessary to afford relief.*

<u>MEMBER</u>	<u>VOTE</u>
Mr. Hester	Yes
Mr. Koneczny	Yes
Mr. Roberson	Yes
Chairman Hurt	Yes

Motion passed unanimously 4-0.

NEW BUSINESS

None

ADDITIONAL COMMENTS

None

OLD BUSINESS

None

Meeting adjourned: 4:13PM.