

**BOARD OF ZONING APPEALS
MINUTES**

The Board of Zoning Appeals held its regularly scheduled meeting on Wednesday, April 8, 2015, at 4:00p.m. in Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

POINTS OF ORDER:

PRESENT: Chairman Pifer, Mr. Crawford, Ms. Anderson, Mr. Lewis

ABSENT: Ms. Marchant

STAFF: Aaron Grisdale, Erick Moore, Carolyn Barrett

VISITORS: Steve Stolipher, Sherif Kaiser, Jim Deskins, Chris Oldham, Jeff Jovan

CONSENT AGENDA:

Chairman Pifer asked to designate Ms. Anderson as a voting member. Voice vote was taken and the designation was approved.

Approval of Minutes of November 12, 2014:

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

READING OF CORRESPONDENCE:

None.

PUBLIC HEARINGS:

BZA-15-145 Request of Saint Marina Coptic Orthodox Church for a variance pertaining to enlargement of non-conforming structures pursuant to Section 17-2-2 of the Winchester Zoning Ordinance for the property located at 1905 Henry Avenue (Map number 231-04-N-9 - ><01), zoned Medium Density Residential (MR) district. The applicant is seeking to remove a restriction from a previous variance that limits the use of the building to a Montessori school.

Mr. Grisdale presented the staff report and spoke about the parking situation. He outlined the options for a motion on the request.

Chairman Pifer opened the public hearing

The board members asked the applicant questions about the parking available and the parking lot across the street from the property. They also asked about whether the other lot owners had been approached about the parking.

Chairman Pifer closed the public hearing

Chairman Pifer called for discussion from the Board.

Mr. Grisdale pointed out that with the recusal, all three members would have to vote in the affirmative to pass the motion.

The board members discussed the number of parking spaces and the times that parking is available. As long as the church could secure the small lot across the street, the parking situation would not bother the neighbors.

Hearing no further questions or discussion from the Board, Chairman Pifer called for a motion.

Mr. Lewis made a motion that the Board of Zoning Appeals approve a variance to Saint Marina Coptic Orthodox Church for a variance pertaining to enlargement of non-conforming structures pursuant to Section 17-2-2 of the Winchester Zoning Ordinance for the property located at 1905 Henry Avenue (Map Number 231-04-N-9 -><01), zoned Medium Density Residential (MR) district, with the following conditions:

- a. All previous variances for this property are hereby null and void.*
- b. The applicant must provide all required parking by a combination of parking provided both on-site as well as through off-street parking agreements pursuant to Section 18-6-3.1 and 18-6-3. 7.*
- c. A site plan be submitted to and approved by the Planning Director to reflect the change in use and document the off-street parking requirements being met.*
- d. The variance is limited to permitted by-right or conditional uses that will not generate a parking requirement in excess of 18 spaces.*

This variance is approved because:

- a. The strict application of this Ordinance would produce a clearly demonstrable hardship.*
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.*
- c. 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.*

Ms. Anderson seconded the motion. Roll call vote was taken and the motion passed 3-0. Chairman Pifer recused himself from the vote.

BZA-15-150 Request of Milam Landscapes, LLC for variances pertaining to a minimum lot area, minimum lot width and fence regulations pursuant to Sections 10-3-1, 10-4-1 and 18-9-2.8 of the Winchester Zoning Ordinance for the property located at 607 North Cameron Street (Map Number 154-01-A-2 - > <01) zoned Commercial Industrial (CM-1) district. The applicant is proposing to use the property for contractor and landscaping storage.

Mr. Gridale presented the staff report outlining the zoning ordinance and variances requested. He also gave background information concerning the case.

Chairman Pifer opened the public hearing

Jim Deskins was sworn in as the representative of Jeffrey Jovan who owns 6.6 acres adjacent to the lot and the Zero Pak building. He spoke about Mr. Jovan's improvements to the property he owns. Mr. Jovan believes it is detrimental to continue to allow non-conforming use for the empty lots. There are several lots in the area that are not large enough to develop.

Mr. Oldham spoke about trying to use the space accordingly. He felt that a storage facility would be a conforming use for that area. No utilities would be needed. Ms. Anderson asked if the fence would be the same as the one on North Loudoun. Mr. Oldham said it would be.

Mr. Jovan spoke about his plans for the properties. He stated that there are issues with parking and traffic. Mr. Lewis asked what the potential use of the building would be. Mr. Deskins said it would be mixed use.

Chairman Pifer closed the public hearing

Chairman Pifer called for discussion from the Board.

Mr. Crawford asked about by right use. Mr. Gridale said the issue at hand is the parcel itself. At the time it was legally platted, it was under different zoning standards and does not meet today's requirements.

Mr. Crawford pointed out there are plenty of properties in the City where owners had said they were going to improve them yet they still stand vacant. Mr. Lewis said he was all for re-development but he did not see anything happening at this point. Mr. Gridale pointed out there were three different motions to consider in the staff report. Ms. Anderson said anything done with the landscaping would be an improvement. Chairman Pifer said there needs to be some kind of barrier.

Mr. Crawford made a motion that the Board of Zoning Appeals approve variances to Milam Landscapes, LLC, pertaining to minimum lot area, minimum lot width, and fence regulations pursuant to Sections 10-3-1, 10-4-1, and 18-9-2.8 of the Winchester Zoning Ordinance for the property at 607 N Cameron Street (Map Number 154-01-A-2 - > <01) zoned Commercial Industrial (CM-i) district, with the following conditions:

a. A site plan be submitted to and approved by the Planning Director to reflect the change in use, and all site improvements be completed prior to occupancy of the lot.

b. The variance is limited to contractor storage yards as permitted in Section 10-1-13(c) of the Zoning Ordinance.

This variance is approved because:

a. The strict application of this Ordinance would produce a clearly demonstrable hardship.

b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

c. 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.

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

NEW BUSINESS:

None

OLD BUSINESS:

Ms. Anderson asked about the Roberts Rules of Order retreat. Mr. Grisdale said staff would be organizing it. He asked about member's availability. Mr. Lewis said no Mondays or Fridays.

Mr. Grisdale Introduced Erick Moore as the new Deputy Zoning Administrator starting March 10, 2015.

ADJOURN:

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