

**BOARD OF ZONING APPEALS
MINUTES**

The Winchester Board of Zoning Appeals held its regular monthly meeting on, July 9, 2008, at 4:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

PRESENT: Hurt, Wiley, Roberson and Phillips

ABSENT: Koneczny

VISITORS: Chad Enders, & Boy Scouts Troop 45

MINUTES

On motion by Mr. Phillips, seconded by Mr. Wiley, the minutes of the June 11, 2008 meeting were unanimously approved as presented.

CORRESPONDENCE

None

PUBLIC HEARINGS

BZA-08-20 Request of Clearbrook Builders, LLC, on behalf of the subject property, pertaining to a variance of rear yard setback, as required within Section 3-6-2 of the Winchester Zoning Ordinance at 1665 Fort Braddock Court (*Section 111, Double Circle 4, Lot 6*), which is zoned Low Density Residential (LR) District.

Mr. Grisdale presented the request of Clearbrook Builders, LLC, on behalf of Donald R. Anderson and Susan E. Maddux-Anderson, requesting a variance of rear yard setback to construct an elevated deck structure at 1665 Fort Braddock Court.

Initial discussions with Clearbrook Builders, LLC, revealed that there is a 20' waste water easement to the rear of the subject property, along with a 25' rear building setback line. The placement of the single-family detached dwelling on the irregularly shaped lot does not provide excessive land area for the installation of an expansive deck structure. Conversation with the City Engineer, Kelly Henshaw, P.E., revealed that no structure(s) shall be erected within the 20' waste water easement; therefore, limiting the extent to which the deck structure can be built and further limiting the extent of the dimensional variance that is requested.

Chairman Hurt opened the public hearing.

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Chad Enders for Clearbrook Builders explained that the original plan showed a 12 x 16 deck proposal, but due to the waste water issue, he has scaled it down to 7 x 18. This would allow for steps, giving access to the lower level providing room for a grill.

Chairman Hurt asked if the deck would be outside the easement.

Mr. Enders stated that it will be. The beam structure will only be 5 ft from the wall, which will be further away from the easement.

Mr. Wiley asked if there was any type of culvert present.

Mr. Enders stated that it is covered and topped with grass.

Chairman Hurt closed the public hearing.

Mr. Wiley, seconded by Mr. Roberson to approve BZA-08-20 because there are special circumstances applicable to the property which, if strictly enforced, will deprive such property of privileges enjoyed by other property of same classification in the same zoning district(s); and which were not self-imposed; and that this variance will not be a grant of special privilege to applicant.

1. That because of physical circumstances – such as, size, shape, topography, or other conditions, no reasonable use can be made of the property without this variance.
2. It will have no adverse affect.
3. Light or air will not be impaired to adjacent property.
4. Congestion will not be substantially altered.
5. Neighborhood property values will not be substantially impaired.
6. The amount of the variance is the minimum needed to afford relief.

Motion carried unanimously.

NEW BUSINESS

None

OLD BUSINESS

Review of Draft By-Laws and discussion of annual election of Chairman and Vice-Chairman positions.

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Mr. Phillips, seconded by Mr. Wiley motioned to table the discussion of the By-Laws and annual election positions until there is a full Board present.

Motion carried unanimously.

ADDITIONAL COMMENTS

Chairman Hurt asked if the troops had any questions about the case or BZA in general. Several of the boys and parents had questions which each member of the Board took time to answer.

Meeting adjourned: 4:35 PM