

**BOARD OF ZONING APPEALS  
MINUTES**

The Winchester Board of Zoning Appeals held its regular monthly meeting on, July 8, 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:** None

**MINUTES**

Chairman Hurt announced that the minutes would be reviewed at the next scheduled meeting.

**PUBLIC HEARINGS**

None

**NEW BUSINESS**

Mr. Diem opened discussion for the nomination of officers.  
Mr. Koneczny, seconded by Mr. Hester nominated Hunter Hurt as Chairman.  
Motion passed unanimously.

Chairman Hurt, seconded by Mr. Roberson nominated Mr. Koneczny as Vice Chair.  
Motion passed unanimously.

Mr. Diem informed the board that the amendment for alternate members will be before City Council later this month.

He had an opportunity to attend a recent seminar that was informative. The most applicable information was a legal discussion where the words “approaching confiscation” was removed from the criteria. It reduces the amount of burden on the applicant by requiring a clear demonstrable hardship be found.

Mr. Koneczny explained that if there is any reasonable beneficial use of the property or some value in it, the board is justified in denying it. He felt that this has not been exercised in the past. He gave an overview on the Cochran vs. Fairfax case.

Mr. Diem brought up the fact that state code requires that a report be filed to the Planning Commission of all cases. It’s not something that has been done in the past but will be implemented administratively.

Mr. Roberson suggested that the Planning Commission give an opinion on each case so the board knows where they stand.

**ADDITIONAL COMMENTS**

None

**OLD BUSINESS**

Mr. Diem read through the amended By- Laws from the last meeting.

Mr. Koneczny moved, seconded by Mr. Hester, to approve as amended.  
Motion passed unanimously 4-0.

**Meeting adjourned: 5:10 PM.**