

**BOARD OF ZONING APPEALS
MINUTES**

The Winchester Board of Zoning Appeals held a special meeting on, May 11, 2011, 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, J Phillips and B Pifer (5)
ABSENT: W Roberson (1)
STAFF: V Diem and A Walsh.
VISITORS: Thomas Mulvaney

MINUTES

Mr. Hester moved, seconded by Mr. Phillips, to approve the minutes of April 13, 2011 as presented.

Motion passed unanimously 5-0.

CORRESPONDENCE

None

PUBLIC HEARINGS

BZA 11-232 Request of Thomas Mulvaney for a variance pertaining to lot width pursuant to Section 10-4 of the Winchester Zoning Ordinance at 1819 S Loudoun St (*Map Number 252-06- - 1*) zoned Commercial Industrial (CM-1) District.

Mr. Diem presented the request seeking relief of the Zoning Ordinance, regarding the lot width requirement, for a commercial property currently containing one commercial building. The applicant is looking to change the use from mixed use retail, office and warehouse to mixed use retail and laundromat.

The property has previously been the subject before the Board of Zoning Appeals for variances of rear yard setback and lot width in 1982 and 2001, respectively.

In November 1982, the Board granted a 10-foot variance to the required rear setback requirement, allowing for a 15-foot rear setback. This variance was granted with no time restriction or limitation if the building changed use.

In August 2001, the Board granted a second variance for the lot width requirement. This variance was approved with conditions: (1) The variance applies only for the existing buildings on the site and not for future buildings or expansion of the current buildings; and, (2) *The variance applies only for the proposed uses on the property which consist of residential use in the front building and mixed office, retail and storage use in the rear building.*

Since 2001, the easternmost building, 1817 South Loudoun Street, containing a non-conforming residential use has been demolished. The mixed uses of office, retail and storage, previously utilized by G&M Music, have since ceased on the property. The applicant for this variance was requesting to change the use of the remaining building on the property to retail (convenience store) and a laundromat. This combination of mixed uses is different from the mixed uses approved in the 2001 variance, resulting in the previous variance to become void.

For this proposed change of use to take place a variance must be granted for the lot width deficiency. The ordinance requires that this property have a 125-foot minimum lot width for all permitted and conditional uses. The existing lot width is 111.15 feet on the rear property line and 103.18 feet along the South Loudoun Street right-of-way; therefore, if granted the variance would be for relief of 13.85 feet along the rear property line and 21.82 feet along the front property line.

Mr. Diem read an email received from Ms. Cave, a neighbor of the subject property on May 10, 2011 stating that she had no issue with the requested variance.

**Chairman Hurt opened the public hearing.
Hearing none, he closed the public hearing.**

Mr. Koneczny was concerned that the project could drag on it not given a timeframe.

Mr. Hester felt it would be a benefit to the area.

Mr. Koneczny moved, seconded my Mr. Hester, that the Board grant the requested variance identified in BZA-11-232, pertaining to minimum lot width, based on the following circumstances:

- 1. The Board finds that the strict application of the Ordinance would produce a clearly demonstrable hardship; and,*
- 2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and,*
- 3. That the authorization of such variance will not be of substantial detriment to adjacent properties and that the character of the district will not be changed by granting the variance.*
 - A. No further expansion; and,*
 - B. Application for permits has to be filed within ninety (90) days.*

<u>MEMBER</u>	<u>VOTE</u>
Mr. Koneczny	Yes
Mr. Pifer	Yes
Mr. Phillips	Yes
Mr. Hester	Yes
Mr. Hurt	Yes

NEW BUSINESS

None

Meeting adjourned: 4:09PM.