

**BOARD OF ZONING APPEALS
MINUTES**

The Board of Zoning Appeals held its regularly scheduled meeting on Wednesday, October 12, 2016, at 4:00p.m. in Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

POINTS OF ORDER:

PRESENT: Vice Chairman Crawford, Ms. Anderson, Mr. Whitacre and Mr. Hopkins
ABSENT: Chairman Pifer, Mr. Lewis, Ms. Marchant and Mr. Pahl
STAFF: Aaron Grisdale, Erick Moore and Carolyn Barrett
VISITORS: Nancy Sinback

Mr. Grisdale introduced two new board members, Kyle Hopkins, alternate, and Andrew Pahl, alternate. Vice Chairman Crawford designated Cheryl Anderson and Kyle Hopkins as voting members for today's meeting.

CONSENT AGENDA:

Approval of minutes of July 13, 2016

Vice Chairman Crawford called for corrections or additions to the minutes. Mr. Whitacre made a motion to approve the minutes. Ms. Anderson seconded the motion. Vice Chairman Crawford called for a vote. Voice vote was taken and the motion passed 4-0.

READING OF CORRESPONDENCE:

None.

PUBLIC HEARINGS:

None.

NEW BUSINESS:

BZA-16-583 Request of A Plus Property LLC, for a variance of the off street parking buffer pursuant to Section 18-6-3.2 of the Winchester Zoning Ordinance, for the property located at 625 Berryville Avenue (Map Number 195-7-S-133D- > <01), zoned Highway Commercial (B-2) with Corridor Enhancement (CE) District overlay. The applicant is seeking relief of the required parking buffer in order to utilize rear parking for employees, front parking for customers and side parking for shipping and receiving. Mr. Grisdale reviewed the staff report for the request. The subject property has areas on the north and rear sides which were converted to parking spaces without requisite

approvals. The new owner would like to correct the issue by obtaining a variance for the deficient development standard.

Ms. Anderson asked if grass-cretes could be used for parking in order to provide the required green space. Mr. Grisdale said there are alternate paving materials that can be used and are encouraged in many situations for storm water compliance. She asked if that would be an option in this situation since the City wants to take away a parking space. Mr. Grisdale said the applicant would like to add a space, not have one taken away. There was landscaping in the back but the previous owner converted it to parking. Staff is recommending one space so the minimum fifteen percent green space can be maintained since so much of the site is already impervious surface.

Vice Chairman Crawford opened the public hearing

Nancy Sinback read a statement from Mr. Ogletree. He stated he was proud of the interior and exterior changes and they have already had new customers come in to explore their services and comment on the interior. The property was originally a drugstore. There is currently three approved parking spaces and they have four employees. He would like to have two parking spaces in the back for employees and use the front parking spaces for customers. Without the open front spaces, it will be difficult for customers and there is no street parking. Making the one space green area would not be utilizing it to its full potential. He would like to propose landscaping along the fence and backside of the building. He would also paint the rear of the building and the neighbor's garage wall and stain their fence, with their permission, and this would dramatically improve the area.

Vice Chairman Crawford closed the public hearing

Ms. Anderson asked if the proposal for the green area is able to be done and give him a second parking space. Mr. Grisdale said he did not believe it would meet the fifteen percent minimum. Ms. Anderson said she did not want to see a potential problem with the parking spaces. Mr. Whitacre said one space in the back is what they should go towards. If they did not require the fifteen percent green space, it could start a slippery slope. He believed the staff's recommendation was correct.

Ms. Anderson made a motion to approve a variance of the Winchester Zoning Ordinance Section 18-6-3.2 pertaining to an off-street parking buffer at 625 Berryville Avenue (Map Number 195-7-S-133D) zoned Highway Commercial (B-2) district with Corridor Enhancement (CE) district overlay, with the following conditions:

- a. The variance applies to the current structure with its existing footprint.*
- b. Should the property become vacant for two (2) years or more the variance will expire.*
- c. The off-street buffer requirement is reduced to zero (0) for the two loading spaces on the north side of the structure.*

- d. *The area in the rear is limited to one (1) employee parking space, with a four (4) foot buffer provided adjacent to the rear property line, as depicted on the Planning Department exhibit included in the application materials.*

The variance is approved because the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property:

- 1) *The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;*
- 2) *The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;*
- 3) *The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;*
- 4) *The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and,*
- 5) *The relief or remedy sought by the variance application is not available through a special exception process or the process of an administrative modification at the time of the filing of the variance application.*

The motion was seconded by Mr. Whitacre. Roll call vote was taken and the motion passed 4-0.

OLD BUSINESS:

None

ADJOURN:

With no further business before the Board, the meeting was adjourned at 4:17pm.