

**Town of Amherst  
Board of Zoning Appeals  
July 12, 2010**

A meeting of the Town of Amherst Board of Zoning Appeals was called to order by Chairman Mays at 7:00 PM on July 12, 2010 in the Council Chambers of the Town Hall. Members Willie Diggs, William Iseman, William Hopkins, Gary Mays and Teresa Tatlock were present. Town Manager Jack Hobbs was present in his capacity as Secretary to the Board.

The Chair noted that a quorum was present and welcomed everyone to the meeting. Mr. Diggs gave an invocation.

Mr. Hopkins made a motion that was seconded by Mr. Diggs to dispense with the reading and approve the minutes from the May 15, 2007 meeting. The motion carried 5-0 with Messrs. Diggs, Hopkins, Iseman, Mays and Mrs. Tatlock voting in favor.

**Election of Officers**

It being over three years since the Board had met, Chairman Mays opened the floor for nominations for a one-year term for the office of Chairman. Mr. Diggs nominated Mr. Mays and the nomination was seconded by Mr. Hopkins. There being no other proposals, the floor was declared closed to nominations. Chairman Mays asked Mr. Hobbs to preside over the election. On a 5-0 vote, Mr. Mays was elected Chairman for a one-year term.

Chairman Mays opened the floor for nominations for a one-year term for the office of Vice Chairman. Mr. Diggs nominated Mr. Hopkins and the nomination was seconded by Mr. Iseman. There being no other proposals, the floor was declared closed to nominations. On a 5-0 vote, Mr. Hopkins was elected Vice Chairman for a one-year term.

Chairman Mays opened the floor for nominations for a one-year term for the office of Secretary. Mr. Diggs nominated Mr. Hobbs and the nomination was seconded by Mr. Iseman. There being no other proposals, the floor was declared closed to nominations. On a 5-0 vote, Mr. Hobbs was elected Secretary for a one-year term.

**Variance Application: Berkey - 180 Waughs Ferry Road**

The Secretary reported that Randy Berkey has applied for a variance to Section 18.1-901 of the Zoning and Subdivision Ordinance as follows:

If approved, a new detached two-car garage could be located behind the house at 180 Waughs Ferry Road as close as 5' to the side property line, 5' to the rear property line and 5' from the house. This property (TM# 95-10-3) is zoned Limited Residential District R-1 which requires a minimum side yard of 15', a rear yard of 15' and a accessory building to main building separation of 15'.

The inconsistency between the Code of Virginia (§15.2-2309) and the Town Code (§18.1-1402.02a) was discussed. The state recently repealed its hardship criteria, but the same hardship criteria is still in the Town Code although adjustment of this clause to achieve conformity with the Code of Virginia is underway and has been recommended to the Town Council by the Planning Commission after a public hearing on July 7.

The Secretary reported that, per §18.1-1006.02 of the Town Code, this application had been transmitted to the Planning Commission for its review and on July 7 the Planning Commission voted to recommend that the Board on Zoning Appeals deny this request due to concerns that it might set a precedent for this part of the Town and possibly other parts of the Town.

Randy and Tracey Berkey came forward to discuss the application with the Board.

By consensus, the Board agreed to hold a public hearing on the Berkey application per this advertisement:

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### **PUBLIC HEARING NOTICE**

The Town of Amherst Board of Zoning Appeals will hold a public hearing at 6:00 PM on August 4 2010 in the Council Chambers of the Town Hall at 186 South Main Street.

The subject of the hearing is an application by Randy Berkey for a variance to Section 18.1-901 of the Zoning and Subdivision Ordinance. If approved, a new garage behind the dwelling at 180 Waughs Ferry Road (TM# 95-10-3) could be built as close as 5' to the side property line, 5' to the rear property line and 5' from the dwelling. This property is zoned Limited Residential District R-1 which requires a minimum side yard of 15', a minimum rear yard of 15' and a minimum accessory building to main building separation of 15'.

Documents relating to the request are available for public inspection in the Town Hall during normal working hours.

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There being no further business to discuss, Mr. Iseman made a motion that was seconded by Mr. Diggs to adjourn the meeting at 7:40 PM. The motion carried 5-0 with Messrs. Diggs, Hopkins, Iseman, Mays and Mrs. Tatlock voting in favor.

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Gary Mays  
Chairman

ATTEST:

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Secretary