

**Town of Amherst**  
**Board of Zoning Appeals**  
**March 24, 2014**

A meeting of the Town of Amherst Board of Zoning Appeals was called to order by Chairman Mays at 6:00 PM on March 24, 2014 in the Council Chambers of the Town Hall. Members Marvin Hensley, William Iseman, Gary Mays and Teresa Tatlock were present. Member Kevin Akershoek was absent. Town Manager Jack Hobbs was present in his capacity as Secretary to the Board.

The Chair noted that a quorum was present, welcomed everyone to the meeting and asked for a moment of silence.

Mrs. Tatlock made a motion that was seconded by Mr. Hensley to dispense with the reading and approve the minutes from the May 3, 2012 meeting. The motion carried 4-0 with Messrs. Hensley, Iseman, and Mays and Mrs. Tatlock voting in favor; Mr. Akershoek was absent.

There was a discussion on the Board's bylaws and rules of procedure.

After some discussion, Mr. Mays asked the Secretary to chair the meeting during the election of a Chairman. Mr. Iseman nominated Mr. Mays to be the Chairman, and Mrs. Tatlock seconded the nomination. There being no other nominations, Mrs. Tatlock made a motion to close the floor to nominations and elect Mr. Mays Chairman by acclamation. The motion carried 4-0 with Messrs. Hensley, Iseman, and Mays and Mrs. Tatlock voting in favor; Mr. Akershoek was absent.

Mr. Mays resumed as Chairman by asking for nominations for Vice Chairman. Iseman nominated Mrs. Tatlock to be the Vice Chairman, and Mr. Hensley seconded the nomination. There being no other nominations, the Chair declared the floor closed to nominations and asked the Board to vote to elect Mrs. Tatlock Vice Chairman by acclamation. The motion carried 4-0 with Messrs. Hensley, Iseman, and Mays and Mrs. Tatlock voting in favor; Mr. Akershoek was absent.

Mrs. Tatlock made a motion which was seconded by Mr. Iseman and carried 4-0 to elect Mr. Hobbs to be the Board's Secretary. Messrs. Hensley, Iseman, and Mays and Mrs. Tatlock voted in favor of the motion and Mr. Akershoek was absent.

The recent change to § 15.2-2309 of the Code of Virginia which removed the "approaching confiscation" rule for variances was reviewed.

**Variance Application: Wimmer property - 115 Woodland Drive**

The Secretary reported that the Board has received an application from Ronald Wimmer for a variance for his property located at 115 Woodland Drive (TM#93A3-3-5), zoned Limited Residential District R-1. The application pertains to Section 18.1-804 of the Zoning and Subdivision Ordinance. If approved, an addition to Mr. Wimmer's existing dwelling at 115 Woodland Avenue could be built to within 3.5' of the right side property line instead of maintaining the 15' separation between the proposed construction and the adjacent lot as required by the Ordinance.

Mr. Wimmer came forward to explain his application.

Ms. Marceline Lotman, 117 Woodland Drive, came forward to explain that the proposed addition would not be out of character for the neighborhood.

Mr. Iseman made a motion that was seconded by Mrs. Tatlock to advertise the required public hearing on the application for April 15, 2014 at 6:00 PM. The motion carried 4-0 with Messrs. Hensley, Iseman, and Mays and Mrs. Tatlock voting in favor; Mr. Akershoek was absent. A copy of the advertisement is as follows:

**PUBLIC HEARING NOTICE**

The Town of Amherst Board of Zoning Appeals will hold a public hearing at 6:00 PM on April 15, 2014 in the Council Chambers of the Town Hall at 186 South Main Street.

The subject of the hearing is an application by Ronald Wimmer for property located at 115 Woodland Drive (TM#96A3-3-5, zoned Limited Residential District R-1) for a variance to Section 18.1-804 of the Zoning and Subdivision Ordinance. If approved, an addition to an existing dwelling could be built to within 3.5' of the right side property line instead of maintaining a 15' separation between the proposed construction and the adjacent lot as required by the Ordinance.

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

The Secretary gave a report on recent changes to the Zoning and Subdivision Ordinance affecting Parking requirements in the Central Business District (Sec. 18.1-602.08) and setbacks (Sec. 18.1-804)

in the Central Business District and in commercially zoned property that adjoins residential lots.

There being no further business to discuss, at 6:28 PM the meeting was adjourned on a motion by Mrs. Tatlock that was seconded by Mr. Hensley. The motion carried 4-0 with Messrs. Hensley, Iseman, and Mays and Mrs. Tatlock voting in favor; Mr. Akershoek was absent.

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Gary Mays  
Chairman

ATTEST:

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Secretary