

**BOARD OF ZONING APPEALS
TOWN OF BERRYVILLE
MINUTES OF CALLED MEETING
Thursday, August 16, 2018**

A called meeting of the Berryville Board of Zoning Appeals was held on Thursday, August 16, 2018. The meeting was called to order by Christy Dunkle, Town Planner, at 7:00 p.m. in the Berryville – Clarke County Council Chambers located at 101 Chalmers Court in Berryville, Virginia.

ATTENDANCE

The members of the Board present were: Dandridge Allen, Margaret Barthel, Wilson Kirby, Gwen Malone

Absent: None

The following staff member was present: Christy Dunkle, Town Planner

Others in attendance: Kurt and Sherry Leta

Press: None

Ms. Dunkle called the meeting to order at 7:00 p.m.

ELECTION OF OFFICERS

Ms. Malone nominated Ms. Margaret Barthel as Chair, seconded by Mr. Kirby, the motion passed unanimously by voice vote.

Ms. Malone nominated Dr. Allen for Vice Chair, seconded by Mr. Kirby, the motion passed unanimously by voice vote.

Chair Barthel continued the meeting.

APPROVAL OF AGENDA

Mr. Kirby moved, seconded by Ms. Malone, to approve the agenda as written. The motion passed unanimously by voice vote.

APPROVAL OF MINUTES

Ms. Malone moved, seconded by Mr. Kirby, to approve the minutes of February 5, 2016 meeting as written. The motion passed unanimously by voice vote.

The Chair opened the public hearing at 7:03pm.

PUBLIC HEARING – Variance

Kurt Leta, Owner, is requesting a variance from Section 202.1(I), Uses Permitted by Right (accessory structure setback requirement), of the Town of Berryville Zoning Ordinance in order to allow three accessory structures to be installed on the property line on the

parcel located at 217 West Main Street, identified as Tax Map Parcel number 14A4-((A))-36 zoned R-2 Residential. VR 02-18

Chair Barthel opened the public hearing and asked staff to describe the request. Ms. Dunkle described the request for a variance from a side setback for accessory structures under Section 202.1(l) of the Berryville Zoning Ordinance.

Chair Barthel recognized Mr. Leta. He said that he had placed three sheds on his property in order to store trash cans and other items. He said that he chose nice looking sheds and that the square footage of the accessory structures did not warrant Architectural Review Board approval but tried to take the location into account. He added that half of his property is in the floodplain and deemed unusable. Mr. Leta said the three sheds were each 4'x6'. He said there were a number of restrictions on the use of his property.

There was a discussion about the existing fence along the property line. Mr. Kirby asked about the petition that was submitted as part of the application. Mr. Leta said he asked several of the neighbors whether his property looked better with the structures or without and he indicated that all believed that it looked better with the structures. Mr. Kirby asked if there were any calls concerning the request. Ms. Dunkle said that there were four calls to her office requesting clarification on the request. She said she received several complaints but not relating to this request.

Ms. Malone asked for confirmation of the shed location and why the sheds couldn't be further south. Mr. Leta said he had a bucket truck that he has for sale adjacent to this area which would prohibit the placement of the sheds in that area.

Dr. Allen asked about the floodplain area. Ms. Dunkle told the Board the regulations for accessory structures within the floodplain area. There was a discussion about the installation of the structures. Mr. Leta said that he was not aware of any zoning requirements for sheds. He added that he received a zoning violation letter and said that he would obtain a zoning permit from the Town. He said he would donate or move the sheds if the decision was made to deny the variance.

There was a discussion about maintenance behind sheds and the reasoning behind the five foot setback requirements in residential areas. There was a discussion about the fence being located inside of the adjacent property by approximately two feet. Mr. Leta concluded that moving the sheds five feet off of the property line would not allow him to park or drive on the driveway.

Chair Barthel said that moving the sheds at the end of the driveway would make the sheds more visible. Mr. Leta said he could move the sheds in the front yard but his grandchildren would not have a place to play. Mrs. Leta added that the sheds were purchased to clean up the yard and driveway.

There was a discussion as to why the applicant bought three separate sheds rather than one larger one.

There being no further comments the Chair closed the public hearing at 7:22pm.

DISCUSSION – Variance Request

Chair Barthel asked for any additional discussion by members of the Board. She reminded members that maintaining consistent determinations is important for the BZA. Ms. Malone said she is hard pressed to see this as a hardship and is concerned about setting a precedent for similar requests in the future. Mr. Kirby said their job was to enforce the zoning ordinance.

There being no further discussion, Mr. Kirby made the motion that the Berryville Board of Zoning Appeals deny the request for a Variance to the accessory structure setback requirement under Section 202.1(l) of the Berryville Zoning Ordinance for the property located at 217 West Main Street, identified as Tax Map Parcel number 14A4-((A))-36 zoned R-2 Residential. The motion was seconded by Ms. Malone. The motion passed unanimously by voice vote.

OTHER

The Chairman called for other business. Ms. Dunkle said that Town Council had recommended that Ryan Tibbens be appointed to the BZA to fill Ms. Rodriguez’s unexpired term. She added he is a teacher in Loudoun County.

ADJOURNMENT

There being no further business to come before the Board, on motion by Ms. Malone, seconded by Mr. Kirby, the meeting was adjourned at 7:42p.m.

Margaret Barthel, Chair

Christy Dunkle, Recording Secretary