



County of Roanoke
BOARD OF ZONING APPEALS

Mr. Carlton Wright, Chairman
Mr. Kevin Barnes, Vice-Chairman
Mr. Richard Jones, Jr.
Mr. Eric Thomas
Mr. Eldon Karr

Hollins District
Cave Spring District
Catawba District
Vinton District
Windsor Hills District

**ROANOKE COUNTY BOARD OF ZONING APPEALS
AGENDA**

Wednesday, January 18, 2012

BUSINESS MEETING ONLY: 4:30 p.m.

(Roanoke County Administration Center, Conference Room 215)

- A. Call to Order
- B. Approval of Agenda
- C. Approval of Minutes: September 21, 2011
- D. Election of Officers
- E. Approval of 2012 Schedule of Public Hearings
- F. Appointment of Alternates
- G. Comments of the Board and Staff
- H. Adjournment



County of Roanoke
BOARD OF ZONING APPEALS

**PUBLIC HEARING MINUTES
SEPTEMBER 21, 2011**

BZA Members Present: Mr. Carlton Wright, Chairman
Mr. Kevin Barnes
Mr. Richard Jones
Mr. Eldon Karr
Mr. Eric Thomas

Staff Present: Mr. John Murphy, Secretary
Mr. Joseph Obenshain, Senior Assistant County Attorney
Mr. Chris Patriarca
Ms. Susan Carter, Recording Secretary

CALL TO ORDER

Mr. Wright called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA

Mr. Jones made a motion to approve the agenda. Mr. Thomas seconded the motion, which passed 5-0.

APPROVAL OF MINUTES

Mr. Barnes made a motion to approve the January 19, 2011, minutes. Mr. Karr seconded the motion, which passed 5-0.

CHANGES TO CODE OF VIRGINIA AND ZONING ORDINANCE

Mr. Joe Obenshain provided a brief history of the statute changes regarding variance laws. He stated the Virginia General Assembly was concerned about the development standards and the term "approaching confiscation." He discussed case law, providing examples of issues with this law. He stated the General Assembly has now removed the verbiage regarding confiscation. He stated other findings will remain applicable. Mr. Barnes inquired about the potential result if a former case was heard again by the BZA. Mr. Obenshain discussed this issue, noting other standards would still need to be met.

PUBLIC HEARING

The petition of a variance requested by William J. Pinkerton of Section 30-41-3(B)1a of the Roanoke County Zoning Ordinance to reduce the minimum front setback for a primary structure from 30 feet to 25.6 feet. The purpose of this request is to construct a cover over an existing stoop creating a covered porch at 5428 Linda Lane, Windsor Hills Magisterial District. Mr. Chris Patriarca wrote the staff report and was present to answer questions regarding the variance request.

Mr. Scott Geddes, Esquire, stated the petitioner is requesting to reduce the front setback in order to prevent water damage at the front door and the foyer flooring inside the house.

Mr. William Pinkerton stated he bought the property approximately 19 years ago. He stated at the time the flooring inside the front entry way was spongy so they repaired the flooring. He stated the water continued to blow underneath the doorway so they replaced the door. He stated they thought a front porch would correct the issue. When the builder consulted the county for a permit they realized the setback was insufficient.

Mr. Thomas noted some other homes in the area have larger front yards. Mr. Pinkerton also stated other homes in the area have retaining walls due to topography.

Mr. Geddes presented pictures which illustrating similar coverings on adjacent and nearby homes. He reviewed the current statute changes. He stated granting the variance request will alleviate a clearly demonstrative hardship. He stated the existing stoop will not be modified only the covering over the porch. He stated the property is located on a curved lot which makes the setbacks smaller. He reviewed the damage which the petitioners have incurred as a result of water issue. He stated none of the neighbors have objections to the request for the variance. He stated the slope of the property has caused a hardship. He stated there would be no right-of-way infringements. He stated it will be unnoticeable to the other property owners.

Mr. Karr inquired about dimensions of canopy. Mr. Geddes discussed this issue, noting the canopy will not extend over stoop but instead cover it. Mr. Pinkerton stated the dimensions will be the same as the existing stoop.

Mr. Murphy and members discussed dimensions and setback requirements.

Mr. Wright opened the public hearing for public comment

With no citizens requesting to speak, Mr. Wright closed the public comment portion of the meeting.

Mr. Karr made a motion to approve the variance request based on the findings: the property was acquired by the owner in good faith, that the property is an unusual shape, topography, and is affected by the weather, a strict application of the zoning ordinance would affect the use of the property, such hardship is not shared generally by other properties in the same zoning district and the same vicinity, the authorization of the variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting the variance.

Mr. Jones seconded the motion which passed with the following vote:

AYES: Barnes, Jones, Karr, Thomas, Wright
NAYES: None
ABSTAIN: None

COMMENTS

Mr. Murphy stated there will not be a meeting in October 19, 2011.

There being no further business, Mr. Wright adjourned the meeting at 7:37 p.m.

Respectfully Submitted,

Susan McCoy, Recording Secretary
Roanoke County Board of Zoning Appeals

John Murphy, Secretary
Roanoke County Board of Zoning Appeals

DRAFT
ROANOKE COUNTY
BOARD OF ZONING APPEALS
SCHEDULE OF PUBLIC HEARINGS
2012

APPLICATION DEADLINES

DECEMBER 2, 2011

JANUARY 6, 2012

FEBRUARY 3, 2012

MARCH 2, 2012

APRIL 6, 2012

MAY 4, 2012

JUNE 1, 2012

JULY 6, 2012

AUGUST 3, 2012

SEPTEMBER 7, 2012

OCTOBER 5, 2012

NOVEMBER 2, 2012

DECEMBER 7, 2012

PUBLIC HEARINGS

JANUARY 18, 2012

FEBRUARY 15, 2012

MARCH 21, 2012

APRIL 18, 2012

MAY 16, 2012

JUNE 20, 2012

JULY 18, 2012

AUGUST 15, 2012

SEPTEMBER 19, 2012

OCTOBER 17, 2012

NOVEMBER 14, 2012

DECEMBER 19, 2012

JANUARY 16, 2013

ALL MEETINGS HELD IN THE BOARD MEETING ROOM
ROANOKE COUNTY ADMINISTRATION CENTER
5204 BERNARD DRIVE, ROANOKE
7:00 P.M.