

The Christiansburg Board of Zoning Appeals met on Thursday, August 6, 2015 at 100 East Main Street, Christiansburg to conduct a Public Hearing. Present were James Stewart, Chairman; James Kirk, Vice Chairman; Tacy Newell, Secretary; and members Earnest Wade and Karen Drake. Planning Director Nichole Hair was also present.

The meeting was called to order at 7:03 pm by Chairman Stewart. Secretary Newell confirmed that each member had conducted a site visit prior to the meeting.

The Public Hearing was opened to receive information on a request submitted on June 23, 2015 by George Gray for a variance to Section 42-130 of Chapter 42 "Zoning" of the Christiansburg Town Code for property at 45 Clearview Drive (tax parcel 526-(A)-46) in the B-3 General Business District, said section applies to setbacks and states: "Structures shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. Parking lots shall have a minimum setback of 15 feet from any street right-of-way." The requested variance is to allow a detached garage with a setback from Bower Street right-of-way of approximately 18 feet (rather than 30 feet).

Mr. Jerry Dudley of 65 Bower Street asked to see the suggested location of proposed garage and distance from property line. He complained of issues with an adjacent garage and asked if stored vehicles which he said were non-compliant would still be visible if the garage were built and had pavement on either side of the structure.

Applicant George Gray explained his desire to have garage for he and his son's hobby interests (working on vehicles) while maintaining as much rear yard as possible for his grandchildren to play, indicating traffic on Clearview was a concern. He stated he and his wife had previously lived in the home as renters and later purchased the property. He stated they had made many improvements and he planned to install a privacy fence. Mr. Gray questioned the measuring point for the right-of-way since some existing structures were closer than 30 feet and said Bower was originally an alley. Ms. Hair explained the formula for establishing averages.

Mr. Jack Trump of 55 and 65 Clearview Drive (duplex owner) stated he pulled into his driveway and already had to look at a lot of "junk" and was concerned about number and types of additional vehicles this application would allow, if approved.

Nancy Dudley of 65 Bower Street stated that there were untagged, uninspected vehicles on this property and that she had given up property to have Bower paved. She stated the property was zoned for business and use of proposed garage could change and would be allowed by right, and that Bower Street could not handle additional traffic or congestion. She said paving on both sides of the proposed garage increased parking on the property and felt too many vehicles were already on site.

Chairman Stewart closed the Public Hearing at 7:38 pm and opened the floor for discussion by Board of Zoning Appeals members.

Ms. Drake asked staff if the subject property was served by town water and sewer and Ms. Hair confirmed it was. Ms. Drake asked whether all vehicles on site were up to Code and Ms. Hair stated staff had just become aware they were not in compliance and would be addressing that concern with the owner.

Mr. Wade noted the property allowed placement of a garage closer to the residence and asked if the applicant's only reason for placing it to the rear was to maintain a larger yard. The applicant indicated this was correct. Mr. Wade stated he saw no hardship being placed on applicant.

Chairman Stewart asked applicant to confirm when he had purchased the property. Mr. Kirk again asked staff how the averages were determined and Ms. Hair went through the process again, clarifying that entire lots of all properties along Bower Street were reviewed. Mr. Stewart asked applicant if he had specific future plans, versus requesting variance for hobby, and Mr. Gray stated his son may one day want to start a business there.

Ms. Newell asked for clarification of side setbacks as regards proposed paving for parking spaces and Ms. Hair confirmed these, noting a site plan review, erosion and sediment plans, grease traps, landscaping and storm water control plans would need to be submitted if a business was to be established.

Mr. Wade made a motion to deny the variance request, seconded by Ms. Drake. Motion carried 3:2 (Wade, Drake, Newell in support of motion to deny; Stewart and Kirk opposed to denial). Applicant Gray said he understood the decision and thanked the Board and staff for their time.

There being no further business, Chairman Stewart adjourned the meeting at 8:00 pm.

Respectfully submitted by

T.L. Newell, Secretary