



**Board of Zoning Appeals
Minutes
November 30, 2020
Electronic Meeting**

You may view and listen to the meeting in its entirety by going to the Board of Zoning Appeals page on the City’s website:

<https://amsva.wistia.com/medias/swbe5fwyml>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Board of Zoning Appeals page.

MEMBERS PRESENT (Absent)

Frank Reyes, Chairman (electronic)
Dr. Roy Gratz, Vice Chairman (electronic)
Stephen Eubank (electronic)
Jay Jarrell III (electronic)
Matthew Muggeridge (electronic)

STAFF

James Newman, Zoning Administrator (live)
Cathy Eckles, Admin Specialist (electronic)

This meeting was held both in person in Council Chambers and electronically by “Go to Meeting” application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to attend this meeting with masks and social distancing required or access by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Reyes called the meeting to order at 4:30 p.m., explained electronic meeting procedures and did a roll call.

PUBLIC NOTICE REQUIRMENTS

Chairman Reyes determined that a quorum was present, and asked if public notice requirements had been met. Mr. Newman stated that public notice requirements had been met.

DISCLOSURE OF EX PARTE COMMUNICATIONS

Chairman Reyes asked if any Board member had engaged in *ex parte* communications on any item before the Board. No one indicated that they had participated in any *ex parte* communication.

DISCLOSURE OF CONFLICTS OF INTEREST

Chairman Reyes asked if any Board member had any conflicts of interest on any item before the Board. There were no disclosures.

APPROVAL OF AGENDA

Dr. Gratz motioned to approve the agenda as presented. Mr. Jarrell seconded. The motion carried 5-0.

APPROVAL OF MINUTES

Dr. Gratz motioned to approve the minutes of July 20, 2020, as submitted. Mr. Jarrell seconded. The motion carried 5-0.

Dr. Gratz motioned to approve the minutes of July 27, 2020, as submitted. Mr. Jarrell seconded. The motion carried 4-0-1 (Mr. Muggeridge abstained).

PUBLIC HEARING

Elizabeth and Raymond Dameron Jr., request a variance for 410 Canal Street and 1513 Prince Edward Street/GPINs 7779-96-6997/7779-96-6923. The applicant requests a variance from City Code section 72-31.3.B:

- A) Reducing the required minimum lot area from 7,500 sq. ft. to 4,826 sq. ft. for 1513 Pr. Edward St.
- B) Creation of a new lot at 410 Canal Street that is 2,985 sq. ft. in area, which is less than the required minimum lot size of 7,500 sq. ft.

Mr. Newman reviewed the staff report with a power point presentation (Att. 1). One public comment was received from Stephen Klein (Att. 2), who had questions about the request, but did not offer support or opposition. Mr. Newman noted that a vote on this matter would occur on December 7, 2020.

Charlie Payne, attorney for applicant, explained that for many years this was thought to be one parcel. The reason for the requested variance is to create two separate parcels. Discussion ensued regarding if granting this variance will create a precedent that may affect other parcels. Ms. Dooley said there may have been previous instances. Mr. Payne noted those properties were undeveloped.

Mr. Muggeridge asked for clarification as to why one lot is bigger than the other. Mr. Payne said due to the size of the house already on it.

Discussion ensued regarding the previous property tax actions on the property, other properties near the proposed variance, the plat inconsistencies with the deeds, the history of what transpired in 1941 and what was added in 1948 to increase 1513 Prince Edward property by 18 feet, the fact that the property can't be marketed as a home with a rental since Accessory Dwelling Units are not allowed in the City, the marketability of the property in its current state, and that possibility of building a driveway.

Clarification was made that the actual approval is for one variance request, but needs a vote on both reducing the required minimum lot area for Prince Edward Street and creation of a new lot at 410 Canal Street. Ms. Dooley said she would continue to work with Mr. Newman regarding a single record of decision regarding both matters.

Chairman Reyes deferred the vote to December 7, 2020.

GENERAL PUBLIC COMMENTS

No public present.

STAFF / BOARD COMMENTS

None.

ADJOURNMENT

Chairman Reyes adjourned the meeting at 5:16 p.m.

Efrain Reyes, Chairman

APPROVED: _____, 2022

DRAFT