

BOARD OF ZONING APPEALS

Special Meeting
MINUTES

July 6, 1989

- A. ROLL CALL
- | | |
|--------------------|-----------------|
| Mr. Bob Ripley | Ms. Nancy James |
| Mr. Claude Feigley | |
| Mr. Ken Giedd | |
| Mr. Baxter Carr | |

Others Present

Mr. Bernard Farmer, Secretary to the Board

B. MINUTES

None

C. OLD BUSINESS

None

D. NEW BUSINESS

1. ZA-7-89 BASF Corporation

Mr. Farmer stated that BASF Corporation had requested variances from the zoning provisions related to side yard, landscape perimeter, parking landscaping, setback, and connection to public utilities. The purpose of the variance request was to allow for a legal subdivision of existing property at 8961 Pocahontas Trail.

Mr. Farmer further stated that BASF Corporation had proposed a subdivision of their 700 acre parcel into four parcels, dividing out parcels 1, 2, and 3, with remaining property (residue) being the fourth for the purpose of selling their acrylic fibers production plants. This subdivision is considered new development and may be approved only if the property is arranged so as to meet the requirements of the Zoning Ordinance. This is a unique situation in the sense that the facilities presently exist and make it difficult to divide the property in such a manner that the lines do not present yard or setback violations.

Mr. Farmer further stated that the staff recommended that a variance from Section 20-386 regarding sewer service

for existing facilities on proposed Parcels 1, 2 and Residue be granted subject the following conditions:

1. That any new construction of buildings or structures connect to public sewer.
2. That this variance is void should the private treatment plant be declared an environmental or technical problem by the State Water Control Board necessitating the requirement to connect to public sewer.

The staff further recommended that all other variances be denied since no legal hardship had been demonstrated nor claimed.

Mr. Feigley stated that the purpose of the meeting was to consider the variances and not the actual subdivision. Mr. Feigley asked Mr. Farmer for clarification on the water situation. He wanted to know the staff position regarding public water and why wasn't a recommendation whether they should or should not be served.

Mr. Farmer responded that presently he does not consider BASF as being served by public water and in order for a subdivision to be approved without connecting into public water facilities, a variance would need to be granted from Section 20-386. Mr. Farmer further stated that practical reasons for continuing well water use exist, it is not efficient to transfer water from Chickahominy to the treatment center and back just to use at BASF. Since there was no legal hardship however, Mr. Farmer was unable to recommend a variance, but that it made good practical sense to allow continued well water use by BASF.

Mr. Ripley asked if this case was a one of a kind situation or were there other places in the county with the same problem realizing there is not a lot of industrial development in the area.

Mr. Farmer stated that there are a number of irrigation wells and other production facilities. Anheuser Busch brewery is connected to Newport News public water and Owens Illinois Bottling Plant is connected to public water.

Mr. Feigley asked if there were any other questions and opened the public hearing.

There were four representatives of BASF to speak. Mr. Victor Woodson, a surveyor, engineer, and planner showed exactly what was being proposed from a drawing with respect

to the subdivision. Mr. Woodson pointed out the landscaped perimeter areas and areas where variances would be required due to side yard requirements. Relative to Parcel 1, Mr. Woodson stated that the requirement for 10' landscaped area was met but they had four acres of a wooded, undeveloped area. A problem was noted with an existing parking lot that presently accommodates 70 people since the ordinance requires islands in parking areas. The perimeter green strip was addressed and Mr. Woodson stated that BASF realizes that the ordinance requires one tree per 50 feet. They have a tree line that generally follows the outside of the fence and the area around the building has well maintained grass. Mr. Woodson informed the Board members further about the other parcels under consideration.

Mr. Woodrow Pusey, an Attorney, and Mr. Prosant Aikat, Plant Manager, gave the Board members background information about BASF and its future plans. They emphasized it was the BASF desire to continue operation of the plant but the subdivision was absolutely necessary to do so.

Mr. John Keele, local textile union representative, stated his interest in attending the meeting and stressed he would like for the Board to consider the people who have been working at BASF all of their lives and were afraid of losing their jobs. He stated he supported the variance requests.

Mr. Feigley closed the public hearing.

The Board discussed the case further and decided the parcels would have to be considered separately as opposed to one variance being granted for all of the parcels.

Mr. Feigley moved to grant variances for Parcel One from the requirements for connection to public water and sewer and from the interior landscaping requirements pertaining to parking areas with the following conditions attached to the variances:

1. That any new buildings or structures must be served by public water and sewer.
2. That the variance related to sewer is void should the State Water Control Board require connection to an alternate sewer system.

Mr. Ripley seconded the motion.

The motion was carried unanimously.

Mr. Feigley moved to grant a variance for Parcel 2 from the requirements pertaining to Landscaped Perimeter Strips with the exception of the property line from Building 235 to the South end of building 223, and further variances from the requirements pertaining to landscaping in parking areas, connection to public water and sewer, side yard requirements, and front setback requirements with the following conditions attached to the variances:

1. That any new buildings or structures must be served by public water and sewer.
2. That the variance related to sewer is void should the State Water Control Board require connection to an alternate sewer system.

The motion was seconded.

The motion was carried unanimously.

Mr. Feigley moved that the Residue Parcel be granted variances from the landscape perimeter strip requirements where the residue parcel abuts the easterly side of parcel 2 and along the portion adjacent to the fuel oil storage tank, and further variances from the side yard requirements for buildings 27, 228, and 218, and from the requirements for connections to public water and sewer with the following conditions attached to the variances:

1. That any new building or structures must be served by public water and sewer.
2. That the variance related to sewer is void should the State Water Control Board require connection to an alternate sewer system.

The motion was seconded.

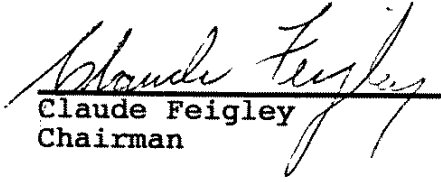
The motion was carried unanimously.

E. MATTERS OF SPECIAL PRIVILEGE

None

F. ADJOURNMENT

The meeting was adjourned at 9:00 P.M.



Claude Feigley
Chairman



Bernard M. Farmer, Jr.
Secretary