

BOARD OF ZONING APPEALS

DECEMBER 27, 1990

A. ROLL CALL

Mr. Feigley
Mr. Ripley
Ms. James

Absent:
Mr. Geidd
Mr. Carr

Others Present:

Bernard M. Farmer, Jr. Zoning Administrator

B. MINUTES

The minutes of the October 25, 1990, meeting were approved as presented.

C. OLD BUSINESS

None

D. NEW BUSINESS

ZA-22-90. John & Evi Oakley - 2864 Hidden Lake Drive.
(48-1) (13-16)

Mr. Farmer presented the staff report stating that Mr. Roger McLellon, Builder, has applied on behalf of the owners, John & Evi Oakley, for a one and one quarter inch variance from the side yard requirements for an existing single family dwelling located at 2864 Hidden Lake Drive. On July 20, 1990, Mr. McLellon received a permit to construct a single family dwelling at 2864 Hidden Lake Dr. At the time the permit was issued a condition of the permit was that a surveyor stake the setbacks. According to Mr. McLellon he failed to fully inform his surveyor he intended to construct a brick house rather than one with aluminum or vinyl siding. The surveyor set pins for the foundation and Mr. McLellon's placement of brick added five or more inches to the house, resulting in the encroachment. It is our understanding the structure was located to the left side of the property to avoid the drainage area on the right side. There are no unusual or unique features of the property which prevents its beneficial use. It is the staff recommendation that this variance be denied as no undue hardship has been demonstrated.

Mr. Feigley opened the public hearing.

Mr. McLellon addressed the Board and stated he was embarrassed by the need for a variance. He stated the problem was caused by missed communication between him and the surveyor and that he moved the house to the left to avoid the drainage ditch.

Mr. Don Davis, surveyor spoke stating he reviewed the plans and left several inches extra and found the encroachment on the final survey. He also stated the encroachment is not possible to see without physical survey due to the trees left on the lot.

Mr. Feigley closed the public hearing.

Mr. Feigley stated he was glad the lot was staked by a surveyor and that he had visited the site.

Mr. Ripley moved to grant a one and on quarter inch variance from the side yard requirements.

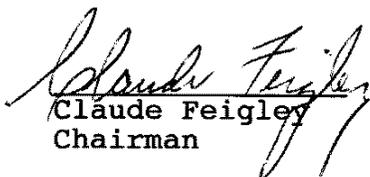
The vote for approval of the motion was unanimous.

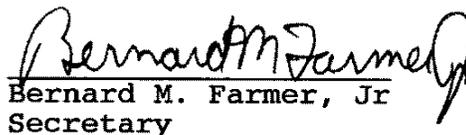
D. MATTERS OF SPECIAL PRIVILEGE

None

E. ADJOURNMENT

The meeting was adjourned at 8:50 P.M.


Claude Feigley
Chairman


Bernard M. Farmer, Jr
Secretary