

BOARD OF ZONING APPEALS

AUGUST 22, 1991

A. ROLL CALL

Mr. Feigley
Mr. Ripley
Ms. James
Mr. Giedd

ABSENT
Mr. Carr

Others Present:

Bernard M. Farmer, Jr., Zoning Administrator

B. Minutes

The minutes of the April 1991, meeting were approved as presented.

C. OLD BUSINESS

None

D. NEW BUSINESS

ZA-7-91. John & Maria Schisa

Mr. Farmer presented the staff report stating that John and Maria Schisa have requested a variance of 4.5 feet from the side yard requirements of the Zoning Ordinance for an existing deck at 1 Michelle Court in the Hunter's Creek Subdivision. The structure was built in 1989 by Helen A. Nachman and, at the time, no deck was shown on the site plan submitted with the permit application. Since the building plans are no longer available we cannot say absolutely that the deck was not part of the original construction. Evidently, the home was purchased by Mr. and Mrs. Schisa and they have not been able to obtain title insurance due to the encroachment. Section 20-155 of the Zoning Ordinance requires a side yard of 15 feet for this corner lot. The deck encroaches 4.48 feet into the required side yard. It is the staff recommendation that the variance be denied as no undue hardship has been demonstrated and the property has been placed into beneficial use.

Mr. Ripley asked if the original contractor was known.

Mr. Farmer stated that Helen Nachman was the owner/contractor for the property.

Mr. Feigley asked if the Nachman's were the only occupants of the property.

Mr. Farmer stated that he did not know who the previous occupants were.

Mr. Feigley opened the public hearing.

Ms. Schisa addressed the Board stating that the property was purchased in January 1991, and that they were the first occupants of the house. She also, stated that they became aware of the encroachment during the closing process but was told by the owner/ builder that it was nothing to worry about and that all she needed to do was apply for a variance.

Mr. Ripley asked if her family was presently occupying the house.

Ms. Schisa stated yes, she was able to close on the property but was unable to secure Title Insurance.

Mr. Giedd stated his surprise that the loan was able to be closed.

Ms. Schisa stated if the variance was denied she plans to seek help from the original owner/builder.

Mr. Ripley asked if the owner/builder was aware of the BZA meeting.

Ms. Schisa stated she had called and made them aware of the meeting.

Mr. Giedd asked the size of lots in Hunter's Creek Subdivision.

Mr. Farmer stated the lots generally range in size from 1/3 to 1/2 acre.

Ms. James asked what the owner/builder's response was to the encroachment.

Ms. Schisa stated that she was told there would not be a problem with acquiring the variance but if there was a problem that they would make the necessary changes to the deck.

Ms. James stated she felt uncomfortable with the homeowner getting involved in an existing encroachment.

Mr. Ripley stated his disappointment that the owner/builder did not attend the BZA meeting.

Mr. Farmer reminded the Board that they did have the authority to require a witness to attend the BZA meeting.

Mr. Ripley asked if a permit would be required to correct the encroachment.

Mr. Farmer stated that a Building Permit would be required to alter the existing deck.

Mr. Giedd asked the width of the deck.

Mr. Farmer stated approximately 12 feet.

Mr. Feigley asked the Board if they felt they should require the owner/builder to attend the September BZA meeting.

Mr. Ripley and Ms. James stated they felt the owner/builder should attend.

Ms. James moved to defer action on ZA-7-91 until September 26, 1991 in order to have the builder present at the next meeting. Mr. Feigley asked Mr. Farmer to have the builder present at the next meeting.

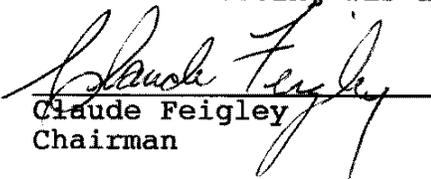
The vote for deferral was unanimous.

E. MATTERS OF SPECIAL PRIVILEGE

None

F. ADJOURNMENT

The meeting was adjourned at 8:30 P.M.



Claude Feigley
Chairman

Bernard M. Farmer, Jr.
Secretary