

BOARD OF ZONING APPEALS

OCTOBER 24, 1991

A. ROLL CALL

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

Others Present:

John Patton - Code Compliance Officer
Leo Rogers - Assistant County Attorney

B. MINUTES

The minutes of the September 26, 1991 meeting were deferred.

C. OLD BUSINESS

ZA-9-91. George and Judith Ewart

Mr. Farmer presented the staff report stating that George and Judith Ewart have requested a variance of 8 feet 10 inches from the side yard requirements of the zoning ordinance to construct a carport addition to their existing home at 117 Kingspoint Drive. Mr. Farmer stated that the Board had deferred a decision on this case at the last meeting due to a question concerning the decision of the Kingspoint Architectural Review Committee. The Board does at this time have a letter from the Committee which addresses these questions.

Mr. Giedd asked for clarification of the issues that the Board had questions on.

Mr. Feigley clarified the issues for those members who were absent at the previous meeting.

Mr. Carr asked about the letter from the York County Physicians Association.

Mr. Feigley explained that Ms. Ewart has a chronic back problem which makes it difficult for her to use the attached one car garage which is presently on the property.

Mr. Sheldon Franck, attorney, requested and received permission to address the Board.

Mr. Franck spoke and explained Ms. Ewart's medical problem and

presented a letter form the Kingspoint Community Association which gave support to the variance request. He also stated that the variance request was not a matter of convenience but that a hardship exist with Ms. Ewart's problem and the possibility of the elderly parent coming to live at the house. He stated that the Ewart's were willing to construct an enclosed garage rather than the requested carport as originally requested.

Mr. Feigley stated that the variance request was for a carport and that is what the Board must address.

Ms. James asked for clarification of the drainfield in relationship to the proposed location.

Mr. Feigley explained the location.

Mr. Feigley stated in his opinion the requested variance is for the convenience of the applicant and no evidence has been presented which proves a legal hardship.

Mr. Giedd ask if the reason for requesting the variance at this time was related to the new roof which is being placed on the house.

Mr. Feigley explained that the Ewart's had hoped to construct the carport and have it roofed at the same time.

Mr. Feigley moved to deny the variance as requested.

The vote for denial of the variance was four to one.

D. NEW BUSINESS

ZA-12-91. University Square Associates

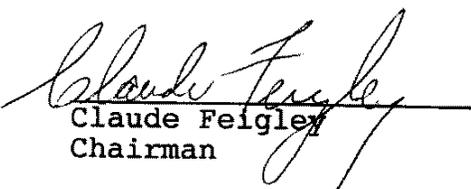
{NOTE: The verbatim account of this case as transcribed by a court reporter is on file in the Code Compliance Office with the case record and constitutes minutes of this case.}

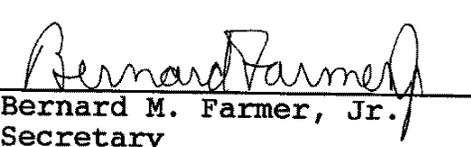
E. MATTERS OF SPECIAL PRIVILEGE

None

F. ADJOURNMENT

The meeting was adjourned at 10:00 P.M.


Claude Feigley
Chairman


Bernard M. Farmer, Jr.
Secretary