

BOARD OF ZONING APPEALS

FEBRUARY 26, 1992

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 November meeting were approved as presented.

C. OLD BUSINESS

None

D. NEW BUSINESS

ZA-1-92. Robert Spang

Mr. Farmer presented the staff report stating that on February 18, 1992, the Board of Supervisors amended parts of the zoning ordinance. The R-3 zoning district regulations were combined with the R-2 district and a new R-2 General Residential District was created. The required setbacks in the new R-2 district from roads are now a minimum of twenty-five feet from any street right-of-way which is fifty feet or greater in width. The application for this case was submitted prior to the ordinance change and references sections in the old R-3 district regulations, and the applicant has requested a variance of 25 feet, rather than 15 feet as is now necessary due to the change.

Mr. Farmer provided a brief summary of events which occurred pertaining to the case. He indicated that it was possible that staff could have prevented the encroachment but that other factors also influenced the case.

Since no demonstrable legal hardship has been shown to exist in this case, it is the staff's recommendation that the variance be denied.

Mr. Feigley opened the public hearing.

Mr. David Hertzler spoke indicating he was the builder. He stated that the structure was brick and that he felt a substantial hardship would occur if he had to remove the building.

Mr. Robert Spang spoke and indicated his desire to keep the structure where it existed.

Mr. Feigley closed the public hearing.

Board members discussed the location of the building, screening provided by landscaping and the fence.

Mr. Ripley moved to grant a 15 foot variance for the existing shed.

Mr. Farmer restated the motion for clarification.

The vote for approval was unanimous.

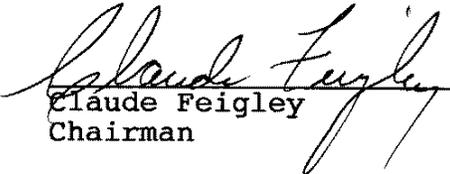
E. MATTERS OF SPECIAL PRIVILEGE

Mr. Farmer provided a brief update regarding actions pertaining to case ZA-12-91, University Square.

By unanimous consent Claude Feigley is to remain Chairman, Bob Ripley Vice-Chairman and Bernard Farmer Secretary.

F. ADJOURNMENT

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


Claude Feigley
Chairman

Bernard M. Farmer, Jr.
Secretary