

BOARD OF ZONING APPEALS

APRIL 23, 1992

A. ROLL CALL

Mr. Feigley
Mr. Ripley
Mr. Carr

ABSENT:

Mr. Giedd
Ms. James

Others Present:

Bernard M. Farmer, Jr. Zoning Administrator

B. MINUTES

The minutes of the March meeting were approved as presented.

C. OLD BUSINESS

Mr. Farmer stated that VDOT was in the process of purchasing the property from Mr. Davis and when the sale is completed it would settle the matter of litigation in case ZA-12-91.

D. NEW BUSINESS

ZA-3-92 Benny Lacks

Mr. Farmer presented the staff report stating that Mr. Benny Lacks has requested a variance to construct an attached garage addition to a house located at 119 Pleasant Point Road. Prior to purchasing this property in 1989 Mr. Lacks applied to the Board of Zoning Appeals and received a variance of 0.8 feet from the right side yard requirements (Case ZA-9-8). Mr. Lacks also requested and was denied a variance of about 12 feet for an attached garage in Case ZA-13-91. His modified proposal now submitted would require a variance of approximately five feet at one corner and would encroach into the required side yard 1.5 feet at the rear corner. The zoning ordinance requires a side yard of 15 feet.

The property does slope steeply toward the marsh at the rear but there is about 40 feet of level area beyond the dwelling which could be used as a building site. It appears that it would be possible to construct a detached garage of approximately the proposed dimensions in the area behind the existing house and be within current zoning regulations. A one story detached garage, located more than ten feet from the main structure, could be placed within five feet of the side property line. A detached structure more than one story would be required to be fifteen feet from the side property line. There appears to be more than adequate

buildable space on the property at the rear to construct either a one or two story detached garage. The option of using alternative designs of an attached garage exists to allow the desired expansion. Numerous residents of the neighborhood have contacted the office to voice their concerns regarding the variance. It is the staff recommendation that the variance be denied. No undue hardship has been shown and the property has been placed into beneficial use. Granting a variance in this case would constitute a special privilege for the convenience of the applicant, a privilege otherwise denied like zoned and situated properties. It would also be contrary to the previous finding of the Board of Zoning Appeals that no grounds for a variance on this property exists. The applicant has numerous alternatives available to expand the area of the dwelling consistent with the existing zoning ordinance.

Mr. Feigley opened the public hearing.

Mr. Lacks addressed the Board stating that he appreciated the support given to him by the Board. However, the circumstances surrounding his problems were not of his making and but his error was in not foreseeing the need for the present variance request earlier. He also, presented a flyer to the Board which was circulated in the Riverview Plantation Subdivision. He further stated he needs the variance to construct the garage to house the new HVAC system he was hoping to install.

Mr. Feigley discussed the 8 foot variance which was granted previously .

Mr. Feigley asked what type of heating system is in the dwelling at this time.

Mr. Lacks stated electric base board.

Mr. Ripley asked if a smaller structure could be built to house the HVAC system.

Mr. Lacks answered yes, but he wanted something more aesthetically pleasing.

Mr. Ripley asked if he was planning to add an oil system.

Mr. Lacks replied yes, and stated he was planning to place the washer and dryer in the proposed garage also.

Mr. Ripley asked if the adjacent property owner had commented on the variance request.

Mr. Lacks referred to the letter included with the application.

Mr. Feigley closed the public hearing.

Mr. Farmer stated he was unaware of the existence of the flyer presented to the Board by Mr. Lacks. He also stated he does not nor does the Code Compliance Staff make any comment or predications

regarding the actions of the Board of Zoning Appeals. He stated that Mr. Lacks has done an excellent job with the renovations to the house on Pleasant Point Drive. He further stated that the last sentence was in error and he assured the Board that the Code Compliance staff ask the name and address of all callers.

Mr. Ripley stated that there seems to be an alternative to granting the variance, but if Mr. Lacks desires a garage a 2 foot variance is more acceptable than what was earlier requested.

Mr. Feigley stated his opposition to granting the variance since alternatives exist and the reasons for requesting the variance do not meet the requirements of a hardship.

Mr. Carr stated he feels the house is much better than it was before Mr. Lacks purchased it and feels the garage would be an improvement.

Mr. Lacks presented to the Board a drawing depicting the proposed garage.

Mr. Feigley closed the public hearing.

Mr. Ripley stated that Mr. Lacks desiring to place the HVAC system in a garage does not constitute a hardship.

Mr. Carr moved to grant 2 foot variance from the side yard requirements of the Zoning Ordinance.

Mr. Ripley seconded the motion.

Mr. Feigley suggested a condition be added to the variance that the proposed garage would not be used for living space.

Mr. Carr and Mr. Ripley disagreed with the proposed condition.

The vote for approval was unanimous.

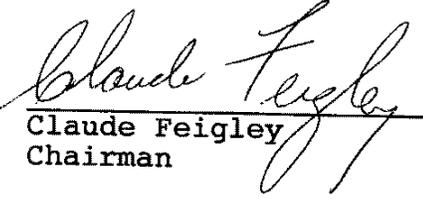
E. MATTERS OF SPECIAL PRIVILEGE

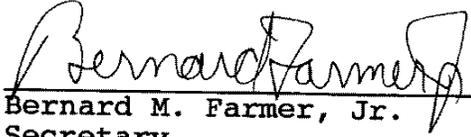
Mr. Farmer presented information regarding multiple BZA applications.

A brief discussion followed.

F. ADJOURNMENT

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


Claude Feigley
Chairman


Bernard M. Farmer, Jr.
Secretary