

BOARD OF ZONING APPEALS

MINUTES

MAY 26, 1994

A. ROLL CALL:

Mr. Feigley
Mr. Carr
Mr. Giedd

ABSENT:

Mr. Ripley
Ms. James

OTHERS PRESENT:

Bernard M. Farmer, Jr. Zoning Administrator

B. MINUTES

The Minutes of April 28, 1994 were approved and adopted with corrections.

C. OLD BUSINESS

ZA-9-94; Hoyt and Janet Davenport

Mr. Feigley stated that the request was for a variance to the rear yard requirement for an expansion of an existing master bathroom and bedroom. He indicated that the case was carried over to allow the applicant opportunity for further submittals, but he did not appear to be present nor had anything else been submitted.

Mr. Feigley motioned to deny the variance request.

Mr. Giedd seconded the motion.

The motion carried unanimously.

D. NEW BUSINESS

ZA-10-94; K. Brian Thrush

Mr. Farmer presented the staff report stating that Mr. K. Bryan Thrush on behalf of Marriott Ownership Resorts, Inc. has applied for a variance to allow the use of metal halide lighting in the parking lot opposite the Manor Club project adjacent to St. Andrews Drive in the Ford's Colony Subdivision. A variance to Section 20-53 of the zoning ordinance is necessary to allow any new metal halide lighting fixtures to be erected. Since no undue hardship exists, staff recommends denial.

Mr. Bryan Thrush spoke on behalf of the application.

Mr. Giedd questioned future development of adjoining properties.

Mr. Drew Mulhare, President of Ford's Colony Homeowners Association, and adjacent property owner spoke on behalf of the application and stated that he is in favor of granting the requested variance.

Mr. Giedd questioned the possible need for variances in the future with more development.

Mr. Farmer said that he is uncertain, because it depends on the type development proposed. The provision in the ordinance was written exclusively for parking lot lighting referring to commercial sites, and did not apply to residential street lighting.

Mr. Feigley closed the public hearing.

Mr. Carr asked when this ordinance change came in effect.

Mr. Farmer said approximately July, 1990.

Mr. Carr moved that the variance be granted.

Mr. Giedd seconded the motion.

The motion carried unanimously.

ZA-11-94; Exxon Corporation

Mr. Farmer presented the staff report stating that Roxie H. White and Robert E. White, contract purchasers, have applied for a variance to the required building setback requirements and a variance to the allowable building coverage in relation to the total lot area for the property located at 7346 Merrimac Trail. The property is in the B-1, General Business, and R-2, General Residential, Zoning Districts. The lot in question is triangular in shape and approximately 23,735 square feet in area. Surrounded by streets on three sides of the property and the Route 199 access ramp on the other, the lot is virtually an island in the middle of streets. Under current setback requirements the buildable area is restricted to a triangular section approximately 1200 square feet in size (5% of the total lot area).

Mr. Farmer further stated that the proposed 9600 square foot building would comprise approximately 40% of the total lot area. The B-1 zoning district requires that building coverage not exceed

25% (5933.75 square feet) of the total lot area. While the current setback requirements may be restrictive, the building coverage requirement of 25% provides adequate area for the property to be put into reasonable use and would not effectively prohibit the business use of the property. Additionally, the 25% requirement provides that developments are within scale in relation to their lot size. The applicants have indicated in their tabular area calculations that the areas of remnant parcels should be included when determining the building area coverage. What are referred to as parcels B and C are remnants of the existing larger parcel of property. They were created when Government Road was relocated on the western edge. Staff disagrees with this reasoning. Except for their legal ownership, the remnants have no relationship to the larger triangular piece. They are separated by a road and appear to be placed partially in beneficial use by their adjacent parcel owners. The remnants are also zoned R-2, general residential. Because of the physical separation, zoning and use, staff feels the building to be placed on parcel "A" should be limited to 25% coverage of the B-1 Zoned Area, or 5934 square feet. However, whether or not to consider the area of the remnants is a judgement the Board may make in their deliberation. If the Board determines that the areas of remnants apply and should be counted then staff will propose conditions to limit building coverage on these remnants. The property exhibits unique dimensions, size and shape. The exceptional narrowness and limited buildable area cause the property to be unlike similarly zoned properties in the area. Granting a variance to allow reasonable buildable area would alleviate a demonstrated hardship and would be consistent with the intent and spirit of the ordinance. Should the Board decide to approve the variance, Staff would recommend approval to allow for 25% of the total lot area to be developed.

Mr. Farmer depicted for the board what a buildable space of 6000 square feet would be in relation to the total lot size.

Mr. Giedd asked that Mr. Farmer explain his reasoning regarding lot area.

Mr. Farmer clarified for the board why staff felt that parcels "B" and "C" should not be included in the total lot area.

Mr. Feigley opened the public hearing.

Mr. Tom Tingle of Guernsey Tingle Architects, representative for Mr. and Mrs. White spoke on behalf of the application.

Mr. Giedd asked if this building design allowed for any future expansion?

Mr. Robert White, owner of V.I.P. and Celebrity Limousines and contract purchaser spoke on behalf of his application. He said the purpose of the proposed building is to house vehicles and no further expansion will be necessary.

Ms. Lucille Williams spoke on an issue not pertaining to the variance request.

Ms. Julia Wallace of 1438 Government Road spoke in opposition to the variance request. She felt that the building is going to be too large for the lot. It will shield her home as well as other homes from the main roadway.

Ms. Alice Randall spoke in opposition to the variance request. She agreed with reasons offered by Ms. Wallace.

Ms. Nancy James of 7254 Merrimac Trail offered some of the communities background to the board for consideration and stated the proposed building would degrade or take away from the community. She felt that the board is being asked to create a buildable lot out of one that does not exist. She also requested that the variance not be granted.

Mr. Feigley closed the public hearing.

The board agreed unanimously that lots "B" and "C" should not be included in the total lot area.

Mr. Giedd stated that the lot configuration causes a hardship due to the lot being surrounded by roads on three sides.

Mr. White spoke up and stated that he would be willing to reduce his office square footage to reduce to the overall size of the building.

Ms. James remarked that this is a self induced hardship. The hardship was there prior to the purchase of the lot.

Mr. Feigley motioned to deny the requested variances.

Mr. Carr stated that he would like to allow them an opportunity to design a building using only 25% of parcel "A."

After further discussion among the board members, Mr. Feigley withdrew his previous motion.

Mr. Feigley re-opened the public hearing.

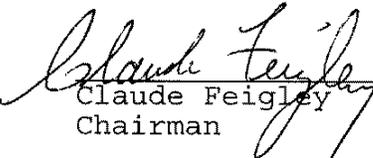
By acclimation the board deferred action until the next meeting of the Board of Zoning Appeals to allow the applicant opportunity to submit a revised request that scaled back the structure leaving the public hearing open.

E. MATTERS OF SPECIAL PRIVILEGE

None.

F. ADJOURNMENT

The meeting was adjourned at 9:30 P.M.



Claude Feigley
Chairman



Bernard M. Farmer, Jr.
Secretary