

BOARD OF ZONING APPEALS

MINUTES

JUNE 30, 1994

A. ROLL CALL:

Mr. Feigley
Mr. Ripley
Mr. Giedd
Ms. Wallace
Mr. Carr

ABSENT:

OTHERS PRESENT:

Bernard M. Farmer, Jr. Zoning Administrator

B. MINUTES

None.

C. OLD BUSINESS

ZA-11-94; Exxon Corporation

Mr. Farmer gave a brief update of the case which was continued from the May 26, 1994 meeting. The application requested a variance to the 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.

Mr. Feigley clarified that it was the ruling of the board that parcels B & C not be included in considering the total area of the project.

Mr. Ripley questioned Mr. Farmer about the commercial use of the parcel prior to the gas station.

Mr. Farmer stated that he was unsure of the prior use.

Mr. Tom Tingle of Guernsey Tingle Architects spoke on behalf of the application and offered a new proposal which would allow for the setbacks to remain as originally requested and 27.5% coverage of Parcel A. He said that he would like the board to reconsider including parcels B & C in the total lot area.

Mr. Tingle offered pictures to the board showing the site as it stands now and how it is currently used.

Mr. Feigley clarified with Mr. Tingle his request to have the setbacks remain as originally requested with the smaller building and the purpose for this request.

Mr. Tingle stated that he requested that the setbacks remain as originally requested so that he and County staff could work together to come up with a plan that would better serve Mr. and Mrs. White's needs.

Mr. Joe Phillips, representing Mr. Alfred Talbott, resident of Merrimac Trail and other residents of the surrounding neighborhood.

Mr. Carr questioned the elevation of the existing homes presently located on Government Road.

Ms. Nancy James spoke in opposition of the variance request.

Ms. Julia Wallace stated that she resides in the house located directly behind the parcel in question and is opposed to the variance request.

Mr. Robert White spoke on behalf of the application.

Mr. Talbott spoke in opposition of the variance request and stated that he plainly does not want this building being constructed.

Ms. Alice Randall of 1442 Government Road questioned what type business is to be conducted and stated that she is still in opposition.

Mr. Ronald C. Wallace representative for the neighborhood watch program spoke in opposition of the request.

Mr. Feigley closed the public hearing.

Mr. Feigley stated that coverage should be limited to only 25% of parcel A.

Mr. Giedd agreed but felt as if this case called for special consideration.

Mr. Farmer said that the board could place a condition of the permit not to allow development of parcels B and C.

Mr. Ripley spoke on the history of the parcel and said that it has potential to be parked on by eighteen wheelers, etc. He said that the property is zoned B-1 and that the architect had gone to great measures to provide landscaping to beautify the appearance.

Mr. Feigley moved to grant a 30 foot variance on Merrimac Trail, a 45 foot variance on Government Road and a 28 foot variance on Government Road was granted with the condition that the building coverage be limited to 27.5% of Parcel A.

Mr. Ripley seconded the motion.

The motion was carried with Mr. Carr and Ms. Wallace dissenting.

D. NEW BUSINESS

ZA-12-94; Audrey Bowman/Edythe Ashlock

Mr. Farmer presented the staff report stating that Ms. Bowman and Ms. Ashlock have requested a 30 foot variance to the setback requirement and a 7 foot variance to the rear yard requirement to allow for expansion of a nonconforming single family dwelling located at 4742 Riverview Road in the A-1, General Agricultural district.

Mr. Farmer recommended approval of the rear yard variance and that the front setback be established as 25.

Mr. Feigley opened the public hearing.

Mr. John Filichko, a friend of the applicant spoke on behalf of the application.

Mr. Feigley closed the public hearing.

Mr. Feigley moved to grant a 30 foot variance from the setback requirement and a 7 foot variance from the rear yard requirement.

Mr. Carr seconded the motion.

The motion carried unanimously.

ZA-13-94; Colonel Terry H. Hake

Mr. Farmer presented the staff report stating that Colonel and Mrs. Hake are requesting a variance to permit an entrance to an accessory apartment to be located in the front of a single family dwelling at 2721 Linden Lane in the Rolling Woods Subdivision. The property is in the R-2 General Residential district. The variance is requested for an addition of an accessory apartment, currently under construction (building permit #94-0782), to their 3700 square foot home built in 1991. Mr. Farmer stated that normally two front entrances would indicate that the building might be a duplex or rental apartment. Two family dwellings are only permitted in cluster developments or with a Special Use Permits in the R-2 zoning district. Rental of rooms, to a maximum of three, is also only permitted with a SUP. Staff recommends denial because a variance in this case would be contrary to the legislative intent.

Mr. Farmer stated that there was a condition placed on the original building permit that the door must be moved to the side or the rear of the dwelling.

Mr. Feigley opened the public hearing.

Mr. Bill Taylor, the contractor stated that he placed the door in the front of the dwelling because they needed to provide a handicap entrance to the accessory apartment. He stated that there is only one access door at present which is 2 foot wide through a bedroom in the main dwelling. Mr. Taylor explained that he did not intend to put the door there contrary to the permit, but would dfram it in if the BZA denied the variance.

Mr. Peter Spokowski of 2783 Linden Lane spoke in opposition of the requested variance.

Mr. Feigley closed the public hearing.

Mr. Feigley questioned future use of the accessory apartment.

Ms. Wallace said that she is concerned that a condition was placed on the original building permit and despite that condition the builder placed the door in the front of the dwelling.

Mr. Feigley motioned to deny the variance.

Mr. Carr seconded the motion.

The motion carried unanimously.

E. MATTERS OF SPECIAL PRIVILEGE

None.

F. ADJOURNMENT

The meeting was adjourned at 10:15 P.M.



Claude Feigley
Chairman



Bernard M. Farmer, Jr.
Secretary