

BOARD OF ZONING APPEALS

MINUTES

NOVEMBER 17, 1994

A. ROLL CALL

ABSENT:

Mr. Feigley
Mr. Ripley
Mr. Giedd
Mr. Carr

Ms. Wallace

Others Present:

Bernard M. Farmer, Jr. Zoning Administrator

B. MINUTES

The minutes of the October 27, 1994 meeting were approved.

C. OLD BUSINESS

ZA-21-94; Richard A. Costello, AES Consulting Engineers for Stadium Oil Sales

A request was made by Richard A. Costello, AES Consulting Engineers asking that the meeting be deferred until the next advertised meeting.

Mr. Feigley opened the public hearing.

No one wishing to speak, the public hearing remains open.

D. NEW BUSINESS

ZA-22-94; William and Debra Jordan

Mr. Farmer presented the staff report stating that William and Debra Jordan have applied for a 1.6 foot variance to the side yard requirement for an existing structure, for property located at 8613 Diascund Road in the A-1, General Agricultural district. William and Debra Jordan have recently purchased the property in question and had a recent survey done at the time of the sale that shows the existing house to encroach into the left side yard. Because no hardship has been demonstrated and no unusual characteristic or topography exists staff recommends denial of the variance.

Mr. Feigley opened the public hearing.

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Mr. Elliott Bondurant, Attorney for Mr. and Mrs. Hazelwood spoke on behalf of the application. He provided a memorandum stating his request for variance and two letters from adjacent property owners stating that they had no objection to the requested variance.

Mr. Giedd asked if there was a previous survey of the property.

Mr. Bondurant stated that there was not a previous survey.

Mr. and Mrs. Hazelwood stated that since they assumed the loan from the previous owner, a survey was not required at closing.

Mr. Feigley closed the public hearing.

Mr. Giedd moved to grant a 1.6 foot variance to side yard requirements.

Mr. Carr seconded the motion.

The motion carried unanimously.

ZA-23-94; Steven & Sylvia Hazelwood

Mr. Farmer presented the staff report stating that Mr. M. Anderson Bradshaw, on behalf of George and Marie Ambrester and Steven and Sylvia Hazelwood, has applied for a 4.2 foot variance to the front yard requirement and a .6 foot variance to the side yard requirement for an existing house and accessory building for property located at 3084 N. Riverside Drive in the R-2, General Residential district. Steven and Sylvia Hazelwood have recently purchased the property in question and a survey done at the time of the sale indicates that the existing dwelling and accessory structure both encroach into setbacks. Because no undue hardship has been demonstrated and no unusual topography or characteristic exists, staff must recommend denial of the variance request.

Mr. Feigley stated that there was also a .1 foot encroachment on the right side noted on the application submitted.

Mr. Farmer concurred.

Mr. Feigley asked if the structure in the front of the house would be considered an accessory structure.

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Mr. Farmer stated that it is an accessory structure, and although the ordinance does allow for these structures to be placed closer to adjacent property lines in the rear and side yards. Front yard requirements for accessory structures are not reduced.

Mr. Feigley opened the public hearing.

Mr. M. Anderson Bradshaw, attorney for Mr. and Mrs. Ambrester, previous owners and Mr. and Mrs. Hazelwood, current owners, spoke on behalf of the application. He provided an outline of his reasons for requesting the variances.

Mr. Feigley closed the public hearing.

Mr. Feigley moved to grant a .6 foot variance to the left side, a .1 foot variance to the right side, and a 4.2 foot variance to the front yard requirements.

Mr. Carr seconded the motion.

The motion carried unanimously.

E. MATTERS OF SPECIAL PRIVILEGE

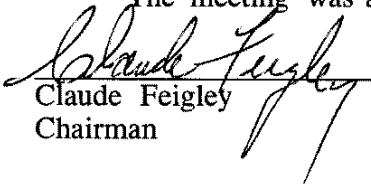
Mr. Feigley stated that he would like to hold the annual business meeting of the board where by officers are elected for the coming year at the December meeting.

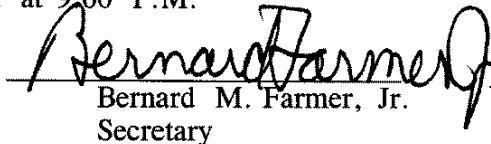
Mr. Feigley stated that there have been numerous cases before the Board due to the current zoning ordinance and its regulations on parking lot lights. The Board of Supervisors has headed up a task force to research this ordinance and see how it has or will affect development within the county.

Mr. Carr stated that he objected to staff recommendations on case memorandums. He disagreed with the reasoning pertaining to "undue hardship." Mr. Farmer offered to forward case files without any recommendation if the Board preferred. There was brief discussion on this matter.

F. ADJOURNMENT

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


Claude Feigley
Chairman


Bernard M. Farmer, Jr.
Secretary