

**BOARD OF ZONING APPEALS**

**MINUTES**

**APRIL 27, 1995**

**A. ROLL CALL**

**ABSENT:**

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

**Others Present:** Bernard M. Farmer, Jr. Zoning Administrator

**B. MINUTES**

The minutes of the January 26, 1995 and the March 23, 1995 meeting were approved.

**C. OLD BUSINESS**

Mr. Farmer provided an update on the Stadium Oil Sales application per Mr. Feigley's request. The board unanimously agreed to place case number ZA-21-94; Stadium Oil Sales on the next meeting agenda for action.

**D. NEW BUSINESS**

**ZA-3-95; Joe Morgan on behalf of Kings Way Church**

Mr. Farmer presented the staff report stating that Mr. Morgan, on behalf of Kings Way Church, has requested a seventeen foot variance to the height limitation requirement to allow for a steeple to be located on a proposed church. The property is located at 109 Leon Drive in the R-1, Limited Residential Zoning District. Kings Way Church is proposing to construct a church on the property. The lot is a large rectangular property fronting on a side street parallel to John Tyler Highway. The lot gradually increases in elevation from the front to the back of the property. As proposed the church, including the steeple, has a height of 76'6" from grade; the church without the steeple stands at 40'; the steeple is 36'6". The R-1, Limited Residential zoning district, allows for buildings to be erected up to 60 feet from grade provided that the required front, side and rear yards are increased one foot for each foot in height over thirty five feet. As proposed this church would require side yard setbacks of 66'6"; and front and rear setbacks of 76'6". The lot is large enough to meet this requirement, while the topography of the lot does show an increase in elevation, as proposed the steeple would exceed the required height limits

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regardless of its location on the lot. Although it may not meet with the applicant's desire to obtain an aesthetically proportionate structure a smaller steeple could be placed on the structure and meet current requirements. Staff recommended the variance be denied.

Mr. Farmer stated for clarification that the ordinance states that the height shall be measured from the average elevation of the ground surface along the front of the building.

Mr. Feigley opened the public hearing.

Mr. Joe Morgan spoke on behalf of his application. He stated that he felt it was architecturally sound to have the steeple proportional to the size of the building.

Mr. Giedd asked if the structure could meet zoning requirements if it were turned to face the other direction.

Mr. Morgan stated that the proposed church could meet current zoning requirements if it were turned to face Leon Drive, but that they do not have access to the property from Leon Drive. He said that the proposed steeple adds to the aesthetic appearance of the church design.

Mr. Ripley again questioned the height of the steeple if the church were turned, stating that it appeared that it would still require a variance. Mr. Morgan stated that it would still be about five feet over the requirement.

Mr. Steve Suters of 104 Stanley Drive, a resident of the neighborhood and a member of the church spoke on behalf of the application.

Mr. Feigley closed the public hearing.

Mr. Ripley stated that he doesn't feel that the lot itself has any special characteristics which warrant a variance.

Mr. Feigley stated that he feels that a suitable steeple could be built in accordance with the ordinance. He stated that the hardship that exists in his opinion is self inflicted.

Mr. Carr referred to the United Methodist Church on Jamestown Road and its steeple height, and stated that he did not object to granting the variance because there are others that presently exist throughout the county. He stated that steeples were pleasing to him.

Mr. Giedd said that he didn't have a problem with the granting of the variance, other than he did not find reasonable hardship.

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Ms. Wallace stated she does not feel that a steeple is necessary on a church. She feels that too much emphasis is being placed on the building and it's aesthetic appearance, and the emphasis should be on what happens inside.

After further brief discussion, Mr. Giedd motioned to grant the 17 foot variance request.

Mr. Carr seconded the motion.

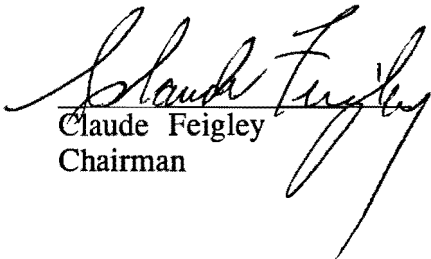
The motion was denied, with Mr. Giedd and Mr. Carr voting in favor.

**E. MATTERS OF SPECIAL PRIVILEGE**

None.

**F. ADJOURNMENT**

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

  
Claude Feigley  
Chairman

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Bernard M. Farmer, Jr.  
Secretary