

BOARD OF ZONING APPEALS

August 5, 1999

A. ROLL CALL

PRESENT:

Mr. Feigley
Mr. Fischer
Mr. Nice

ABSENT:

Mr. Giedd
Ms. Wallace

OTHERS PRESENT:

John Patton, Code Compliance Officer
Jim Breitbeil, Development Management Technician

B. MINUTES

The minutes of the July 1, 1999 meeting were approved as submitted.

C. OLD BUSINESS

None

D. NEW BUSINESS

ZA-4-99 7209 Otey Drive

Mr. John Patton presented the staff report stating that Mr. and Mrs. Danforth are requesting a variance to the minimum lot width required by Section 24-257, for a proposed single family dwelling. The property is located at 7209 Otey Drive. The property is 0.65 acres in size with approximately 80 feet of frontage on Otey Drive and widening out to a maximum of 145 feet toward the rear of the lot. Section 24-257 requires that lots of less than 1 acre have a minimum width at the setback line of 100 feet. In order to meet the lot width requirement on this particular lot, the building line is located 60 feet from the front property line. The proposed dwelling is only 56.55 feet from the front property line. At this point the lot is approximately 98 feet wide. Due to poor soil conditions on other lots in the area three septic drain fields were created on this property, one to serve the property and two to serve nearby lots that did not meet health department requirements for septic drain fields. Health Department requirements do not allow dwellings, including decks, to be within 10 feet of drain fields, distribution boxes, and septic tanks, further limiting the buildable area on this lot. Staff recognizes the constraints placed on this lot by the existing drainfields; however, by reducing the size of the house, eliminating the deck and moving the house to the right side property line it would be possible to place a dwelling on the lot.

Therefore, staff cannot support the variance request. The hardships are self-imposed by the developer. Should the Board grant the variance, staff requests that the yard with be no less than 95 feet wide at the building line and that a foundation survey be required to insure that any variance granted is strictly adhered to.

Mr. Feigley opened the public hearing.

Mr. David Tufty, of Country Contractors, stated he would be the one building the home for the applicants. He stated he doesn't think this is an unreasonable request considering the poor soil conditions and drain field limitations. The proposed home is their dream home and it is not oversized. The drain field cannot be moved and AES has looked at positioning the house differently on the lot but the proposed house is the best they can come up with. He asked the Board to grant this variance so they can get the project started.

Mr. Feigley asked why he couldn't move the house to the right.

Mr. Patton stated that if the deck was eliminated and the house was smaller and moved to the right, a variance would not be necessary. If the house were to be moved to the right, it would eliminate the garage.

Mr. Tufty stated that alternative plans for the garage location were also considered.

Mr. Nice asked if he explored alternative home designs.

Mr. Tufty stated that a 2-story home could be placed on the lot, but the applicants do not want to climb stairs due to health constraints.

Mr. Feigley stated that the proposed home is approximately 2000 square feet and any change to the home design would reduce it to approximately 1500 square feet.

Mr. Harry Danforth stated he is the hopeful owner of the house. He mentioned that this house would not be aesthetically damaging to the neighborhood and that there are already some existing houses that are closer to their front property line than his proposed home. He stated the home is a 1-story rancher that is not too fancy and it will be their retirement home.

Mr. Feigley closed the public hearing.

Mr. Feigley stated that this lot is typical of the Chickahominy Haven area and this house would not be a detriment to the area. He then stated that he sees no reason not to grant this variance request.

Mr. Nice stated he would second such a motion and applauded the builder and owner for doing their homework up front.

Mr. Fischer stated that he too would support this request and that he believes a property owner should be permitted to use their property to the fullest extent as long as it does no harm to the neighbors or the environment.

Mr. Feigley made a motion that the lot width at the building line shall be no less than 95 feet and that a foundation survey shall be required to insure that the variance is met.

Mr. Fischer seconded the motion.

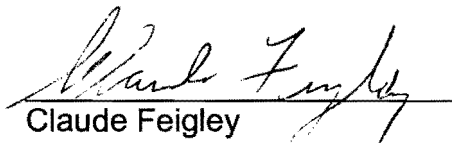
The motion was granted unanimously (3-0).

E. MATTERS OF SPECIAL PRIVILEGE.

John Patton stated that there are two cases on the agenda for the September meeting. One case involves a swimming pool that extends past the rear setback and was constructed without a building permit. He also stated that the Planning Division received its first case that falls under the new guidelines in the ordinance that permits the Zoning Administrator the ability to grant a variance of up to 18 inches.

F. ADJOURNMENT

The meeting was adjourned at approximately 8:00 p.m.



Claude Feigley
Chairman



Allen J. Murphy
Secretary