

BOARD OF ZONING APPEALS
January 5, 2006

A. ROLL CALL

PRESENT: ABSENT:

Mr. Fraley None
Mr. Rhodes
Mr. Fischer
Mr. Wenger
Mr. Nice

OTHERS PRESENT:

Clifton Copley, Zoning Officer
John Rogerson, Senior Zoning Officer
Adam Kinsman, Assistant County Attorney
Christy Parrish, Administrative Services Coordinator

B. ELECTION OF OFFICERS

Mr. Fraley stated that the Election of Officers will be moved to the end of the meeting.

C. MINUTES

Mr. Fraley made a motion to accept the minutes of the September 1, 2005 and the October 20, 2005 meetings. The minutes were unanimously approved by voice vote. (5-0)

D. OLD BUSINESS

None

E. NEW BUSINESS

ZA-01-06 8404 Attleborough Way

Mr. Clifton Copley, Zoning Officer, presented the staff report and recommended denial of the variance due to no hardship approaching confiscation found in the variance request.

Mr. Fraley opened the public hearing.

Mr. Vincent Clifton, applicant, discussed the variance request including safety concerns with the limited rear access from the house. He stated that his adjacent

neighbors were in support of the variance as long as it stayed within the perimeter of the existing concrete patio.

Mr. Edwin Oseneko, 8408 Attleborough Way, spoke in support of the variance.

Seeing no further speakers Mr. Fraley closed the public hearing.

Mr. Fraley asked for discussion from the Board.

Mr. Nice stated he supports the variance because the lots in this subdivision are very small. He also stated that he feels that it is an absolute fire hazard that the owner does not have rear access from main floor area which merits the deck.

Mr. Fischer agreed that the fire hazard is a real problem.

Mr. Wenger stated that he did not feel that the rear access issue was a code violation but sees this situation as a burden and supports the variance.

Mr. Rhodes stated that this variance request does not show a hardship that approaches confiscation and does not support the variance.

Mr. Fraley stated that he supports the variance.

Mr. Fraley made a motion to grant a variance to Section 24-238(b), Yard Regulations, to reduce the required rear yard setback from 35 feet to 24 feet to permit the construction of a deck with no further encroachment.

Mr. Nice seconded the motion.

On a roll call vote, the vote was: YES: Nice, Wenger, Fischer, Fraley (4). NO: Rhodes (1).

F. MATTERS OF SPECIAL PRIVILEGE

BZA Calendar for 2006

The Board accepted the calendar for 2006.

Attorney Commentary on Minute Format

Mr. Adam Kinsman, Assistant County Attorney, discussed changing the format of the minutes to action only.

Mr. Jack Fraley motioned that the minutes for the Board of Zoning Appeals shall be in action format beginning this meeting.

Mr. Wenger seconded the motion.

The motion was unanimously approved by voice vote. (5-0)

Mr. Kinsman also updated the Board concerning the two cases appealed to the Circuit Court.

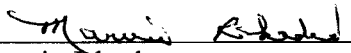
G. ELECTION OF OFFICERS

Mr. Fraley nominated Mr. Rhodes as Chair. Mr. Fischer seconded the nomination. The nomination was unanimously approved by voice vote. (5-0)

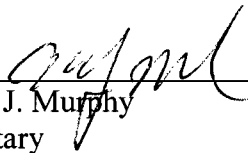
Mr. Fraley nominated Mr. Nice as Vice-Chair. Mr. Fischer seconded the nomination. The nomination was unanimously approved by voice vote. (5-0)

H. ADJOURNMENT

Mr. Fraley adjourned the meeting at 7:23 pm.



Marvin Rhodes
Chairman



Allen J. Murphy
Secretary