

**BOARD OF ZONING APPEALS**  
**February 1, 2007**

**A. Roll Call**

Present:

Absent:

Mr. Rhodes  
Mr. Wenger  
Mr. Fischer  
Mr. Pennock

Mr. Fraley

Others Present:

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

**B. Recognition of David Nice**

Mr. Rhodes recognized and presented a plaque to Mr. David Nice for his many years of service on the Board of Zoning Appeals.

**C. Adoption of the 2007 Board of Zoning Appeals Meeting Calendar**

Mr. Rhodes made a motion to accept the 2007 Board of Zoning Appeals Meeting Calendar as presented. Mr. Wenger seconded the motion. The calendar was unanimously approved by voice vote.

**D. Election of Officers**

The Election of Officers was deferred to the end of the meeting.

**E. Minutes**

Mr. Pennock made a motion to accept the minutes of the December 7, 2006 meeting. Mr. Fischer seconded the motion. The minutes were approved by voice vote (3-0-1) (Yes – Wenger, Fischer, Pennock; Abstain - Rhodes).

**F. New Business**

**ZA-1-07      3652 Marlbrook Drive**

Mr. Clifton Copley presented the staff report stating the applicant is requesting a variance to the front setback from 35 feet to 27 feet to permit the construction of a covered front porch at 3652 Marlbrook Drive. The property is currently in the R-1, Limited Residential Zoning District. The lot is roughly rectangular with an area of .57 acres. Adjacent parcels

are zoned R-1, Limited Residential. Staff understands that the property owners wish to have a covered porch at this location, but this does not constitute an undue hardship approaching confiscation. An undue hardship does not exist in this case because the owner has reasonable use of the property. Therefore, staff recommends denial.

Mr. Fischer asked whether the applicant had considered the back of the house for the covered porch.

Mr. Copley stated that he would defer that question to the applicant.

Mr. Wenger asked if the steps have to be within the setback.

Mr. Copley stated that steps can encroach up to three feet into the setback.

Mr. Rhodes asked how far the addition comes out from the home.

Mr. Copley stated that the addition was 8'x 60'.

Mr. Rhodes opened the public hearing.

Ms. Lisa Hile, sister of the applicant, stated that the modular home was supposed to be set back far enough on the lot by the contractor for the anticipation of this porch; however, this was not done.

Mr. Pennock asked if the covered porch would be similar to the existing deck.

Ms. Hile stated yes. It would be constructed with salt treated wood and matching shingles. She further discussed the details of the porch.

Seeing no further speakers, Mr. Rhodes closed the public hearing.

Mr. Wenger stated he was in favor of the porch and feels the request is reasonable.

Mr. Pennock stated that he concurred with Mr. Wenger and added that this request is small and it appears that less than 20% of the porch will encroach into the setback. He also added that the addition added value and aesthetics to the property.

Mr. Fischer stated he supported the variance.

Mr. Rhodes stated that while it does not fit the requirement of the Ordinance, it does add value to the existing house and neighborhood and said that he would support the variance.

Mr. Wenger moved to approve resolution ZA-1-07 to grant the variance on the property.

Mr. Fischer seconded the resolution.

Resolution passed (4-0). (Yes – Wenger, Fischer, Pennock, Rhodes)

**G. 2007 Election of Officers (January 2007 – January 2008)**

Mr. Adam Kinsman, Assistant County Attorney, conducted the 2007 Election of Officers.

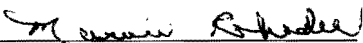
Mr. Fischer nominated Mr. Fraley as Chair.


Mr. Wenger nominated Mr. Rhodes as Chair. Mr. Pennock seconded the nomination. The nomination was unanimously approved by voice vote. (4-0) (Yes – Wenger, Fischer, Pennock, Rhodes)

Mr. Pennock nominated Mr. Wenger as Vice-Chair. Mr. Rhodes seconded the nomination. The nomination was unanimously approved by voice vote. (4-0) (Yes – Wenger, Fischer, Pennock, Rhodes)

**H. ADJOURNMENT**

Mr. Rhodes adjourned the meeting.

  
Marvin Rhodes  
Chairman

  
Melissa Brown  
Acting Zoning Administrator