

BOARD OF ZONING APPEALS
May 3, 2007

A. Roll Call

Present:

Absent:

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

Others Present:

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

B. Minutes

Mr. Wenger made a motion to accept the minutes of the February 1, 2007 meeting with one addition to clarify that staff conducted the 2007 BZA Elections. Mr. Pennock seconded the motion. The minutes were approved by voice vote (5-0).

C. New Business

ZA-4-07 8600 Croaker Road

Mr. John Rogerson presented the staff report and background information concerning the case. He explained that the property fronted on two roads and the existing house would remain on the property until the new house was completed. The existing house will be demolished before the final Certificate of Occupancy is issued.

Mr. Fisher commented on the placement of the proposed house at its location parallel to Woodland Road and asked if there were any houses on Woodland Road that were similar.

Mr. Rogerson stated that there were.

Mr. Fraley commented that the A-1 zoning district will likely be changed this year due to the efforts of the Rural Land Committee. He then asked what the typical setbacks were in residential districts.

Mr. Rogerson gave an overview of the setbacks in the R-1 and R-2 zoning districts.

- R-1:
 - Front setback: 35 feet if the right-of-way is 50 feet or greater.
 - Rear setback: 35 feet
- R-2:
 - Front setback: 25 feet if the right-of-way is 50 feet or greater.
 - Rear setback: 35 feet

Mr. Fraley and Mr. Rogerson discussed the location of the existing privacy fence on the property.

Mr. Rhodes asked whether this proposed house could be oriented on the property without the need for a variance.

Mr. Rogerson stated that it appeared the proposed house would fit within the current setbacks if the property were vacant.

Mr. Rhodes opened the public hearing.

Mr. Gene Whitehead of Jim Walter Homes asked the Board to consider that the building lot area is 20,773 square feet and when the setbacks are subtracted the building envelope is 4,715 square feet resulting in the loss of an estimated two thirds of the property. The proposed placement of the new house is due to the existing drain field and driveway's location as well as the father of the property owner wishing to live in the existing house until the new house is completed.

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

Mr. Pennock stated he supports the variance because the proposed house is reasonably sized and the footprint is centered on the lot.

Mr. Fisher stated there is a financial need due to the father needing a place to live while the construction is in process.

Mr. Wenger stated that the proposed house is a modest structure and feels that there would be the need for a setback reduction anywhere the house was placed.

Mr. Fraley stated that the request is consistent with the area and surrounding properties and feels the proposed home would not impede on adjacent property owners due to the privacy fence in the rear.

Mr. Rhodes stated that the request seems reasonable and supportable.

Mr. Wenger moved to approve resolution ZA-4-07 to grant the variance to reduce the required setback from Woodland Road under Section 24-215 (a) of the Zoning Ordinance from 50 feet to 35 feet for the construction of a new single family dwelling with the

condition that the existing dwelling is demolished prior to the final Certificate of Occupancy of the new dwelling.


Mr. Fraley seconded the resolution.

Resolution passed (5-0). (Yes – Wenger, Fischer, Pennock, Fraley, Rhodes)


D. ADJOURNMENT

Mr. Fraley made a motion to adjourn the meeting. Mr. Wenger seconded the motion. The motion was approved by voice vote (5-0).

Mr. Rhodes adjourned the meeting.



Marvin Rhodes
Chairman



Allen Murphy
Zoning Administrator