

**BOARD OF ZONING APPEALS**  
**September 11, 2008**

**A. Roll Call**

Present:

Mr. Wenger  
Mr. Rhodes  
Ms. Moody

Not Present:

Mr. Pennock  
Mr. Fraley

Others Present:

John Rogerson, Senior Zoning Officer  
Adam Kinsman, Deputy County Attorney  
Brian Elmore, Development Management Assistant

**B. Minutes**

Mr. Wenger called the meeting to order at 7:00.

Ms. Moody moved to approve the minutes with amendments.

Mr. Rhodes seconded the motion for approval.

The August 7<sup>th</sup> minutes with amendments were approved by voice vote (3-0).

**C. Old Business**

There was no old business to discuss.

**D. New Business**

**ZA-0009-2008**

**426 Carriage Road**

Mr. Rogerson provided his staff report. He said Ms. Mary A. Watkins is applying for a variance to reduce side yard setbacks from 10 feet to 4.4 feet on the right side and 4.5 feet on the left side in order to set a modular home on the property.

Mr. Rhodes asked if the applicant was aware all three Board members needed to vote affirmative to grant a variance.

Mr. Rogerson stated the applicant and her representative were aware.

Mr. Rhodes asked if it was safe to prepare a survey without a current title report.

Mr. Rogerson stated there was a deed book page. He deferred any further questions to Mr. Geddy, representative of Ms. Watkins.

Mr. Rhodes asked if other similar lots in the area had homes on them.

Mr. Rogerson stated there was a mix of empty, abandoned, and occupied lots. He said the homes appeared to predate the Zoning Ordinance.

Mr. Rhodes asked about the width of the other homes.

Mr. Rogerson stated several nearby properties did not meet current setback requirements.

Mr. Wenger opened the public hearing.

Mr. Vernon Geddy, representative of Ms. Watkins, addressed the Board. Mr. Geddy stated the property had been in the Watkins family between 40 and 50 years, and had been subdivided before the current County Codes were in place. He said Ms. Watkins obtained favorable financing for a certain model modular home. He stated the lender would not allow the home to be placed with the side facing the street. He asked that if the Board did not wish to vote affirmative, to please defer the case until next month.

Ms. Moody asked if a front door could be placed on the side of the modular home that would face the street.

Mr. Geddy stated the model home in question could not be reconfigured.

Mr. Rhodes asked Mr. Geddy to address 'hardship approaching confiscation.'

Mr. Geddy stated the lot could not be created today with its dimensions. He said the narrowness of the lot created a hardship.

Mr. Wenger stated he was concerned about both the granting of a variance and Ms. Watkins ability to get financing. He said he was undecided and asked Mr. Geddy to help him in his decision.

Mr. Geddy stated Ms. Watkins had to be able to obtain financing to place anything on the lot. He said he had worked with the lenders, who were not flexible.

Ms. Moody asked if an applicant on that property, other than Ms. Watkins, would have trouble with financing.

Mr. Geddy stated unless someone had the resources to place a custom home on the site, they would face financing issues similar to Ms. Watkins.

Mr. Rhodes stated if the variance was granted, as a condition of approval, he would want the home's four corners pinned by a surveyor.

Mr. Geddy agreed. He said a title search on the property had been performed.

Mr. Wenger suggested the applicant may want to defer the case to wait for a full Board hearing.

Mr. Geddy agreed.

Ms. Moody stated that although she wished to see the area developed, she was unsure if the appeal rose to the level of hardship.

Mr. Kinsman stated the public hearing could be continued until the next meeting.

Mr. Geddy asked for a deferral to the October 2, 2008 Board of Zoning Appeals meeting.

Mr. Wenger continued the public hearing until October 2, 2008.

#### **E. Matters of Special Privilege**

Mr. Rhodes stated he would not be present at the November Board meeting.

Ms. Moody stated she would not be present at the December Board meeting.

Mr. Kinsman stated the upcoming Kingsmill case was deferred pending further testing.

#### **F. Adjournment**

Ms. Moody made a motion to adjourn.

Mr. Rhodes seconded the motion to adjourn.

Mr. Wenger adjourned the meeting at 7:32pm.



Mark Wenger  
Chairman



Melissa C. Brown  
Secretary