

**Board of Zoning Appeals
James City County Government Complex
Board Room, Building F**

February 7, 2013 - 7 p.m.

A. Roll Call

B. Minutes – January 10, 2013

C. Old Business

D. New Business

1. ZA-0003-2012. 3492 Frederick Drive
2. ZA-0001-2013. Goodyear Tire Center

E. Matters of Special Privilege

F. Adjournment

BOARD OF ZONING APPEALS
January 10, 2013

Mr. Marvin Rhodes called the meeting to order at 7:00 p.m.

A. Roll Call

Present:

Mr. Marvin Rhodes
Mr. David Otey, Jr.
Mr. Stephen Rodgers
Mr. Ron Campana, Jr.

Others Present:

Mr. Jason Purse, Zoning Administrator
Ms. Christy Parrish, Proffer Administrator
Mr. John Rogerson, Senior Zoning Officer
Ms. Terry Costello, Zoning Officer

Mr. Rhodes stated that he would like to recommend action on the minutes until the end of the meeting. The Board agreed. Mr. Rhodes gave information on the purpose of the Board of Zoning Appeals.

B. Old Business

There was no old business.

C. New Business

ZA-0005-2012 328 Mill Stream Way

Mr. and Mrs. Mike Benson have applied for a variance to Section 24-238(b), Yard requirements, to reduce the required rear yard setback from 35 feet to approximately 21 feet. This proposed variance request is to allow the continued placement of a deck and hot tub that encroaches into the rear yard setback at 328 Mill Stream Way in the Settler's Mill Subdivision.

Mr. and Mrs. Benson purchased the property on January 24, 2012. Prior to the closing, they discovered that the deck and hot tub on the rear of dwelling were erected without building permits or approvals from James City County during the home inspection. Prior to the closing, the sellers indicated that they did not have adequate time to remedy the deck and hot tub issues and the Bensons did not want to delay the closing.

A portion of the deck and hot tub encroaches 13.4' into the required 35-foot rear yard setback. The adjacent property to the rear is owned by the Home Owners Association and is designated natural open space.

Upon closing on the property, the Bensons consulted with James City County staff from Building Safety and Permits, Engineering and Resource Protection and Zoning Enforcement. They have obtained building permits, installed safety railings, and received approvals from the Chesapeake Bay

Board for the continued placement of the deck and hot tub.

An unnecessary hardship exists when the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property. Staff finds no undue hardship in this case and cannot support the variance. Staff acknowledges the property owner acquired the property after the construction of the deck/hot tub and has worked with staff diligently to remedy the issues. However should the Board wish to grant the variance, staff feels the variance would not be a detriment to adjoining properties nor alter the character of the area. The Board may also add a condition to the variance that no further encroachment is permissible.

Mr. Rodgers asked what the time frame was between when the problem was discovered and the closing date on the sale of the property.

Ms. Parrish answered she was unsure of the time frame but that the homeowner was present to answer any questions. She also stated that staff became involved when the real estate agent contacted the County.

Mr. Otey asked about the restoration agreement that is required as part of the approval from the Chesapeake Bay Board.

Ms. Parrish did not have that information but deferred to the homeowner.

Mr. Otey asked how long the deck was there before the violation was discovered.

Ms. Parrish stated she did not know when the deck was constructed.

Mr. Otey asked if the notice of this case was sent to homeowners across the ravine.

Ms. Parrish stated that the notice went to the homeowner's association since they own the property directly behind this parcel. Also notified were the property owners adjacent to the parcel.

Mr. Rhodes asked if the deck in question was attached to the structure.

Ms. Parrish explained the difference between detached and attached, and accessory structures. If the structure is within 10 feet of the main structure, even if detached, normal setbacks would need to be adhered to. She also stated that the permit for the deck was obtained after the fact and cannot receive final approval until approval is received from the Board of Zoning Appeals.

Mr. Rhodes asked if the deck met the requirements set forth by the Building Safety and Permits Division.

Ms. Parrish stated that she believed it did and that final inspection was contingent on this Board's approval of the setback modifications.

Mr. Rodgers asked a question concerning the conservation easement swap that was a requirement from the Chesapeake Bay Board.

Ms. Parrish stated that there is a natural open space easement on top of this portion of the property. There are two options, either some portion of land on the side can be deemed as open space, or the County Engineer can allow the encroachment. It will be decided as to which option after this case has been decided.

Mr. Otey wanted clarification that the footprint of the deck would not be changed if this modification is approved. He wanted to change the wording of the resolution so that the deck could not be expanded horizontally across the back of the house, being that the current wording changes the rear yard setback. He suggested attaching the plat to the resolution to ensure for no further encroachment. Mr. Otey stated that when the plat is referred to, it should be stated as such “attached hereto and made a part hereof and incorporated herein.”

Mr. Rhodes opened the public hearing.

Mr. Benson, the homeowner, stated currently he resides in Maryland, and that this purchase will be his retirement home. He stated that when the permits were obtained for the safety railings it was discovered that there was not a permit obtained for the deck itself and hot tub. It was roughly two weeks before closing Mr. Benson stated that the house was built in 2004 and his guess would be that the deck was built in 2006/2007. He also stated that the Homeowner’s Association was aware of the deck and approved it. Mr. Benson stated that he took a risk by purchasing this home and trying to get all of the necessary approvals for the deck and hot tub. He also stated that he is required to install some plantings as part of the restoration agreement. Mr. Benson stated that he was waiting for this approval before investing in the plantings. He thanked everyone in the County for assisting him throughout this process.

There being no further comments, Mr. Rhodes closed the public hearing.

Mr. Rodgers stated that he was in favor of the modification with the added language suggested by Mr. Otey.

Mr. Otey made a motion for approval, but wanted to change the language to just allow for the deck.

Mr. Rodgers suggested adding the word “solely”. It should read as follows “to reduce the required 35 foot rear yard setback to 21.6 feet solely to allow the continued placement of a deck and hot tub as shown as the plat entitled physical survey Lot 18 Section 6 Settlers Mill for Mike and Michelle Benson dated October 2012 which is attached to and made a part hereof.”

Mr. Rhodes stated that under item no. 5, “approaching confiscation” needs to be deleted.

Mr. Rodgers seconded the motion.

In a roll call vote the motion was approved. (4-0)

ZA-0007-2012 140 Point O’Woods

Mr. Craig Wilson on behalf of property owners Mr. & Mrs. Stackhouse has applied for a variance to Section 24-238(b), yard requirements, to reduce the required rear yard setback from 35 feet to approximately 20 feet. The rear property line is the edge of the existing lake known as Mirror Lake. This proposed variance request is to allow the continued placement of a portion of the existing dwelling and for the construction of a proposed sunroom. This property is zoned R-1, Limited Residential and can further be identified as JCC RE Tax Map No. 1340800001.

On July 31, 2003, a building permit application was submitted and approved for the placement of a modular home located at 140 Point O'Woods. The proposed development plan originally included a detached garage on the left side of the house, a deck on the back left of the house, and a screened porch on the back right of the house. At that time, the detached garage and the screened porch was omitted. On that development plan, the distance from the rear of the house to the edge of the water was identified at 40 feet. The proposed location of the house met all setback requirements.

In July 2004, the property owner made application to construct a detached garage to the left of the house. That survey showed the rear of the house as being 22.8 feet from the edge of the water, the edge of Mirror Lake had moved approximately 18 feet closer to the house. In December 2004, a foundation survey was done as part of the process and that survey showed the rear of the house as being 24 feet from the edge of the water.

An unnecessary hardship exists when the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property. Staff would recommend that a variance be granted for the existing portion of the house that is located in the setback to clear up the setback issues associated with the existing house caused by the varying water levels in Mirror Lake. Staff cannot support further encroachment into the rear yard setback for the proposed sunroom since the property has been put to use by the existence of the current dwelling. However, should the Board wish to grant the variance for the sunroom, staff feels the variance would not be a detriment to adjoining properties nor alter the character of the area.

Mr. Rhodes questioned the fact that the setback was established by a moving boundary.

Mr. Rogerson stated that this was a unique case and there is a spillway under Point O'Woods that goes into a ravine. Mr. Rogerson stated that there was no work done in that area that would have changed the elevation of the inlet.

Mr. Rhodes asked what happens if the water level changes again.

Mr. Rogerson suggested having language that states "no further encroachment."

Mr. Otey suggested tailoring the variance to reflect the footprint of the house with the sunroom added instead of referring to the distance to the lake. He suggested having language that said "reducing the rear setback is reduced to allow for the continued placement of the house and the proposed sun room as shown on the survey dated December 16, 2004 with no further encroachment." It was also noted to add the dimensions of the sunroom.

Mr. Rhodes stated that under item no.5 to delete "approaching confiscation."

Mr. Rhodes opened the public hearing.

Mr. Craig Wilson spoke on behalf of the owners. He stated that the sunroom was part of the original plan and if the rear setback had not moved it would have been allowed. He stated that the surrounding lots have banks around their property where this property slopes directly into the water. Mr. Wilson feels that this is a hardship. He showed pictures of other properties along the water and their property lines.

There being no further comments Mr. Rhodes closed the public hearing.

Mr. Rodgers made a motion for approval with the changes that the resolution references the survey.

In a roll call vote the application was approved. (4-0)

Mr. Stackhouse, the owner, thanked the Board for their consideration and their time.

D. Minutes

April 1, 2010

Mr. Rhodes stated that the roll call should be the first item listed, not the second.

In a voice vote, the minutes were approved with changes. (2-0, Rodgers and Campana abstained)

November 4, 2010

In a voice vote, the minutes were approved. (2-0, Rodgers and Campana abstained)

February 2, 2012

Mr. Rodgers corrected the spelling of his last name. (4-0)

In a voice vote, the minutes were approved with corrections.

June 7, 2012

Mr. Rhodes asked to delete comment at the bottom of page 4.

In a voice vote, the minutes were approved with changes. (4-0)

E. Matters of Special Privilege

Election of Officers

Mr. Otey nominated Mr. Rhodes for chairman of the Board of Zoning Appeals.

Mr. Rhodes stated that his term expires March 2013. He stated that if he is re-appointed he is willing to serve as chairman.

Mr. Campana seconded the nomination.

In a roll call vote, Mr. Rhodes was voted chairman.

Mr. Campana nominated Mr. Otey as vice-chairman with a second from Mr. Rodgers.

In a roll call vote, Mr. Otey was elected as vice-chairman.

2013 Meeting Schedule

Mr. Rodgers stated that the February meeting may be a problem for him but as of right now he should be in attendance.

Ms. Parrish stated that staff is still searching for a fifth member.

Introduction of New Zoning Administrator

Ms. Parrish introduced Mr. Jason Purse who has been appointed as the new Zoning Administrator. He has been with the County for eight years and was a Senior Planner II for the Planning Division.

E. Adjournment

There being no further business, the meeting was adjourned 8:25 at p.m.

Marvin Rhodes
Chairman

Jason Purse
Secretary



MEMORANDUM

TO: Honorable Chairman and Members of the Board of Zoning Appeals

FROM: Jason Purse, Zoning Administrator

DATE: February 7, 2013

SUBJECT: **ZA-0001-2013 Goodyear Tire Center**

FACTS:

Mr. Jason Grimes, of AES Consulting Engineers, has applied for a variance to Section 24-57, Parking lot design, to extend the maximum length of the parking bay between landscape islands from 90 feet to approximately 99 feet. This proposed variance request is to allow the continued placement of an open space island that, because of its placement, makes the parking bay more than 90 feet between the next island. This property is located at 4830 Monticello Avenue, is currently zoned MU, Mixed-Use and can further be identified as JCC RE Tax Map No. 3831800003C.

FINDINGS:

The zoning ordinance requires parking lots to be constructed so that spaces are grouped into bays. At the end of each bay, a landscape island of at least nine feet in width and 15 feet in length shall be built to separate the bays from each other or from traffic lanes. A parking bay may not be constructed to a length of more than 90 feet without constructing a landscape island. The site plan for Goodyear was approved on June 8, 2012. On the approved site plan, all of the parking islands were located in the correct locations, with none of the parking bays being more than 90 feet.

During construction, a Dominion Resources power pole, with associated guy wire, was unable to be relocated onsite as originally planned. The guy wire was located in the middle of what was to be a parking space. Since the guy wire was required to hold the power pole a landscape island was moved one space over during construction, which resulted in the length of the parking bay exceeding 90 feet. Since landscape islands, by definition, are considered open space by section 24-2, the BZA can grant a variance in this limited instance to section 24-57 of the Parking lot design section of the ordinance. The definition of open space reads as follows:

Open space. Space suitable for recreation, gardens or landscaping which may include areas left in their natural state, trails, ponds, stream banks, recreation areas, areas of excessive slopes, low-lying areas and marshes and landscaped areas required by this chapter. Such space must be free of automobile traffic and parking and be readily accessible to all those for whom it is required.

Practically speaking, the shift of the nine feet does not appear to be noticeable in the field.

RECOMMENDATION:

This open space variance request will not lessen the amount of open space on-site, but will result in the movement of the required open space by nine feet. Staff acknowledges the property owner only became aware of the potential conflict during construction and has worked with staff diligently to remedy the issue. An unnecessary hardship exists when the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property. Staff finds no undue hardship in this case and therefore does not support the application. However should the Board wish to grant the variance, staff feels the variance would not be a detriment to adjoining properties nor alter the character of the area. Furthermore, given the specific issue of the existing guy wire on this parcel and other unique factors associated with this proposal, a decision to approve the variance request would not create precedent for future cases.

Attachments:

Resolution

As Built Survey

Location Map

ZA-0001-2013

Goodyear



R E S O L U T I O N Z A - 0 0 0 1 - 2 0 1 3

GRANTING A VARIANCE ON JCC RE TAX PARCEL NO. 3831800003C

WHEREAS, Mr. Jason Grimes of AES Consulting Engineers, has appeared before the Board of Zoning Appeals of James City County (the “Board”) on February 7, 2013 to request a variance on a parcel of property identified as JCC RE Tax Parcel No. 3831800003C and further identified as 4830 Monticello Avenue (the “Property”) as set forth in the application ZA-0001-2013; and

WHEREAS, the Board has listened to the arguments presented, has carefully considered all evidence entered into the record and discussed a motion to grant a variance to section 24-57, Parking lot design, of the James City County Zoning Ordinance to extend the maximum length of the parking bay between landscape islands from 90 feet to approximately 99 feet, as shown on the plan entitled “As Built Survey Goodyear 4830 Monticello Avenue” dated December 17, 2012 which is attached hereto, made part hereof and incorporated into this resolution.

NOW THEREFORE, the Board of Zoning Appeals of James City County by a majority vote of its members FINDS that:

1. The strict application of Chapter 24 of the Code of James City County (the “County Code”) would produce undue hardship.
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
4. By reason of the exceptional narrowness, shallowness, size or shape of the Property, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the Property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of Chapter 24 of the Code of James City County (the “County Code”) would effectively prohibit or unreasonably restrict the utilization of the property.
5. Granting the variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant.
6. The variance will be in harmony with the intended spirit and purpose of Chapter 24 of the County Code.
7. The condition or situation of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

WHEREUPON, THE BOARD OF ZONING APPEALS OF JAMES CITY COUNTY ADOPTS THE FOLLOWING RESOLUTION:

A variance to section 24-57, Parking lot design, of the James City County Zoning Ordinance to extend the maximum length of the parking bay between landscape islands from 90 feet to approximately 99 feet, as shown on the plan entitled “As Built Survey Goodyear 4830 Monticello Avenue” dated December 17, 2012 which is attached hereto, made part hereof and incorporated into this resolution.

ATTEST:

Secretary

Chair, Board of Zoning Appeals

February 7, 2013

| | Votes | | |
|---------|-------|-------|---------|
| | Aye | Nay | Abstain |
| Rhodes | _____ | _____ | _____ |
| Otey | _____ | _____ | _____ |
| Rodgers | _____ | _____ | _____ |
| Campana | _____ | _____ | _____ |

MEMORANDUM

TO: Honorable Chairman and Members of the Board of Zoning Appeals
FROM: John Rogerson, Senior Zoning Officer
DATE: February 7, 2013
SUBJECT: **ZA-0003-2012 3492 Frederick Drive**

FACTS:

Mr. Luis Maldonado has applied for a variance to Section 24-258(b), Yard requirements, of the Code of James City County to reduce the required rear yard setback from 35 feet to approximately 20' 6". This proposed variance request is to allow the continued placement of a deck that encroaches approximately 14' 6" into the rear yard setback. This property is currently zoned R-2, General Residential and can further be identified as JCC RE Tax Map No. 1220600054.

FINDINGS:

Mr. Luis Maldonado constructed a deck on the rear of his residence that encroached approximately 14' 6" into the required 35' rear yard setback. It is my understanding that Mr. Maldonado started the construction of the deck and was then told he needed a building permit. On March 13, 2012 Mr. Maldonado came down to the County Offices and applied for a building permit for his deck. As part of the approval process Mr. Maldonado came to get approval from Zoning. I reviewed the application for the deck and noticed that the rear of the house was right on the required 35' rear yard setback. As a result of that, I advised Mr. Maldonado that he did not have room on the rear of the house for a deck and still meet the required 35' rear yard setback requirement. It is my understanding that the applicant had signed a contract with a builder for the construction of the deck and since he was half the way through the construction he decided to complete it prior to receiving all necessary building permit approvals.

The property is a flag lot and the rear of the house backs up to common area that is in a Conservation Easement. The property behind his home can never be built on because of the Easement. The lot is unusually wide but very shallow so that the front of his house is right on the front setback line and the rear of the house is right at the rear setback line. Mr. Maldonado tried to do a boundary line adjustment to make his lot deeper to accommodate the deck he built. However, the homeowner's Association would not approve the proposed boundary line adjustment.

RECOMMENDATION:

An unnecessary hardship exists when the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property. The strict application of the terms of the Zoning Ordinance does not produce an undue hardship nor does it effectively prohibit or unreasonable restrict the use of the property in this case. This hardship is entirely self-inflicted. Staff recommends denial of this application.

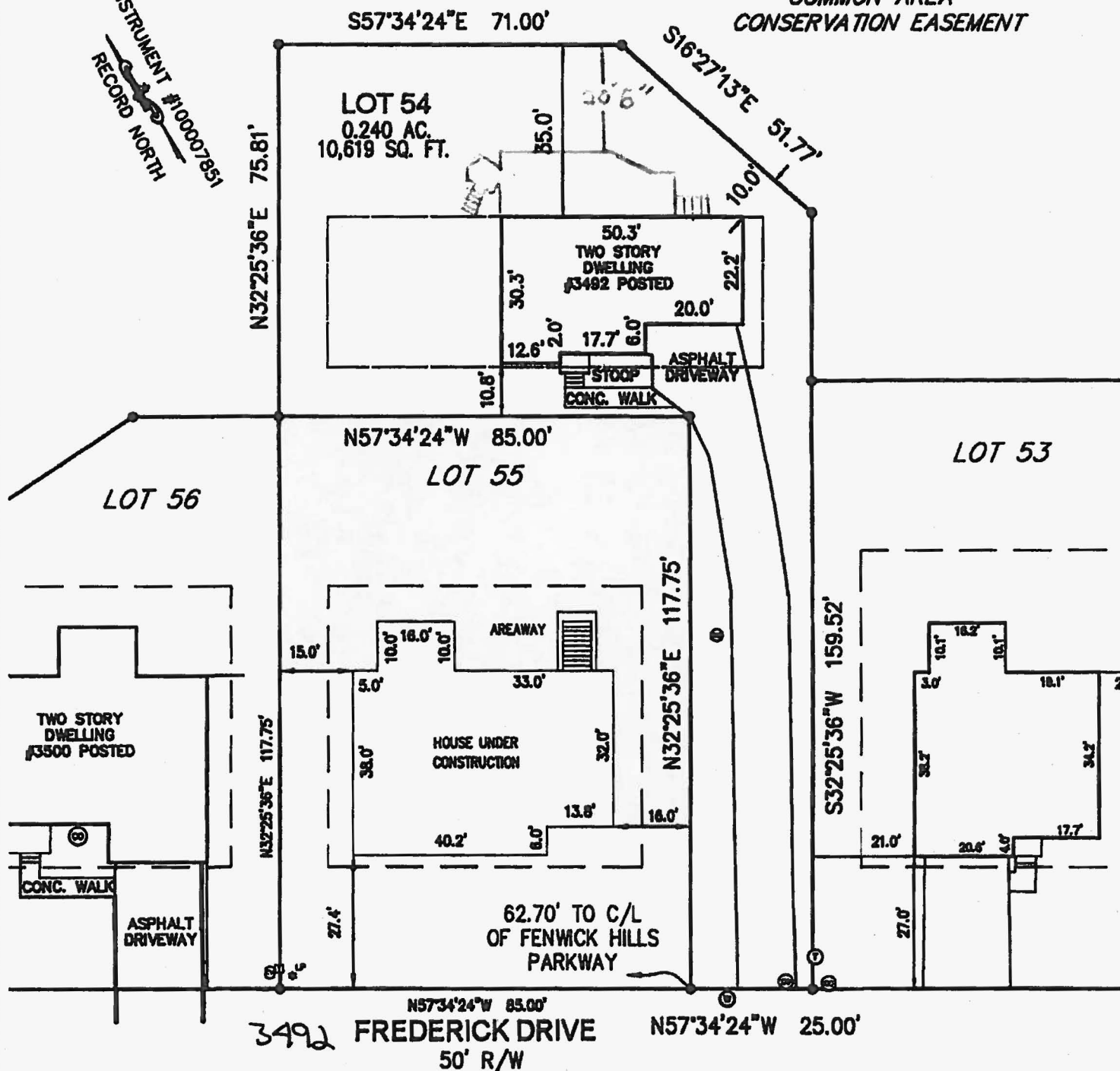
Attachments

Survey
Location map
Resolution
Pictures
Application

B 11-0810

INSTRUMENT #10007851
RECORD NORTH

COMMON AREA
CONSERVATION EASEMENT



Zoning Approved [Signature]

NOTES:

1. NO TITLE REPORT FURNISHED.
2. THIS PROPERTY IS IN ZONE "X" (AREA OF MINIMAL FLOODING), AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY PANEL NO. 510201 0045 C, EFFECTIVE DATE SEPTEMBER 28, 2007.
3. BUILDING SETBACK:
FRONT: 25'
REAR: 35'
SIDE: 10'
4. ZONING: R2- GENERAL RESIDENTIAL.



FINAL 8/18/2011



1101 PROFESSIONAL DRIVE, SUITE B
WILLIAMSBURG, VIRGINIA 23185
(757) 345-2866 - (757) 345-2877 (FAX)

PHYSICAL IMPROVEMENT SURVEY
LOT 54
SECTION FOUR
FENWICK HILLS
INSTU.# 100007851
STONEHOUSE DISTRICT
JAMES CITY COUNTY, VIRGINIA

| | |
|----------------|--------------|
| Date | 5/2/2011 |
| Scale | 1" = 30' |
| Cad File Name | 10-001-FINAL |
| Project Number | 10-001 |

R E S O L U T I O N Z A - 0 0 0 3 - 2 0 1 2

GRANTING A VARIANCE ON JCC RE TAX PARCEL NO. (12-2) (06-0-0054)

WHEREAS, Luis Maldonado, property owner has appeared before the Board of Zoning Appeals of James City County (the "Board") on February 7, 2013 to request a variance on a parcel of property identified as JCC RE Tax Parcel No. (12-2) (06-0-0054) and further identified as 3492 Frederick Drive (the "Property") as set forth in the application ZA-0003-2012; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record and discussed a motion to grant a variance to Section 24-258(b), Yard requirements, of the Code of James City County to reduce the required rear yard setback from 35' to 20' 6". This proposed variance request is to allow the continued placement of a deck that encroaches approximately 14' 6" into the rear yard setback as shown on the plat entitled "Physical improvement survey lot 54 section four Fenwick Hills and dated June 18, 2011 which is attached hereto, made part hereof and incorporated into this resolution. This property is currently zoned R-2, General Residential and can further be identified as JCC RE Tax Map No. 1220600054.

NOW THEREFORE, the Board of Zoning Appeals of James City County by a majority vote of its members **FINDS** that:

1. The strict application of Chapter 24 of the Code of James City County (the "County Code") would produce undue hardship.
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
4. By reason of the exceptional narrowness, shallowness, size or shape of the Property, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the Property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of Chapter 24 of the Code of James City County (the "County Code") would effectively prohibit or unreasonably restrict the utilization of the property.
5. Granting the variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant.
6. The variance will be in harmony with the intended spirit and purpose of Chapter 24 of the County Code.
7. The condition or situation of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

WHEREUPON, THE BOARD OF ZONING APPEALS OF JAMES CITY COUNTY ADOPTS THE FOLLOWING RESOLUTION:

To Grant of a variance to section 24-258(b), Yard Regulations, of the James City County Zoning Ordinance reducing the required 35' rear yard setback to 20'6". This variance is to allow the continued placement of a deck that encroaches approximately 14' 6" into the rear yard setback with no further encroachment as shown on the plat entitled "Physical improvement survey lot 54 section four Fenwick Hills and dated June 18, 2011 which

is attached hereto, made part hereof and incorporated into this resolution. This property is currently zoned R-2, General Residential and can further be identified as JCC RE Tax Map No. 1220600054.

Chair, Board of Zoning Appeals
February 7, 2013

ATTEST:

Secretary

| | Votes | | |
|---------|-------|-------|---------|
| | Aye | Nay | Abstain |
| Rhodes | _____ | _____ | _____ |
| Otey | _____ | _____ | _____ |
| Rodgers | _____ | _____ | _____ |
| Campana | _____ | _____ | _____ |

File:
ZA-0003-2012
1220600054

3492 Frederick Drive

ZA-0003-2012







Board of Zoning Appeals Application

Date: 5/18/12 ZA: 03-12 Receipt No.: 6136

Please complete all sections of the application. Call 757-253-6671 if you have any questions, or go online to jamescitycountyva.gov/zoning/board-zoning-appeals-procedures

Please note that before accepting this application, County staff will verify that all real estate taxes owed for the subject properties have been paid in full in accordance with Section 24-24. If you are unsure if your payments are up-to-date, please contact the County Treasurer at 757-253-6705.

The applicant must provide the following information to support this application:
1. A plat of the property drawn to scale showing dimensions and locations of all structures, wells, septic systems and easements associated with the property.
2. A location sketch of the property showing all adjacent roads or right-of-ways and showing the nearest road intersection.
3. Building elevation drawings and/or topographical map if appropriate to request.

1. Project Information

Project Name: 3492 Frederick Drive Deck

Address: 3492 Frederick Drive _____ Zoning: R-2
_____ Is site in PSA? Yes No _____

Tax map and parcel ID: 12-2-06-0-0054 _____

2. Applicant/Contact Information

Name: Luis Maldonado _____

Company: _____ Phone: 757-544-3226 _____

Address: 3492 Frederick Drive _____ Fax: _____

Town VA 23168-9361 Email: _____

3. Property Owner Information

Name: Same as Applicant _____

Company: _____ Phone: _____

Address: _____ Fax: _____

_____ Email: _____

PLANNING DIVISION

MAY 18 2012

RECEIVED

4. Variance

The above applicant respectively requests that the Board of Zoning Appeals grant a variance to Section 24 – 258 (b)___ of the Zoning Ordinance.

The specific variance(s) requested are: Reduce the rear yard setback from the require 35 feet to 21 feet to allow the continued placement of the existing deck

Continue on separate page if necessary

The variance is requested for the following reasons: The existing lot is so shallow that there is not enough room for a deck. Adjacent properties do not share this same hardship, they have enough room to have a deck.

Continue on separate page if necessary

5. Appeal

The above applicant respectively requests that the Board of Zoning Appeals review the decision made on _____ date.

The following action is requested:

- _____ an interpretation of Section 24- _____ of the Zoning Ordinance
- _____ an interpretation of the Zoning Ordinance map
- _____ an appeal of an administrative decision

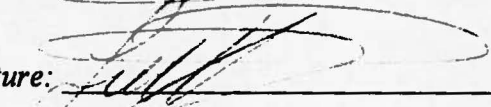
Explanation of appeal: _____

Has the applicant previously filed an appeal in connection with the property? (If yes, give the date of appeal.) _____

Explanation of purpose to which property will be put: _____

The undersigned declares that the above statements and those contained in any exhibits transmitted to the Board of Zoning Appeals are true.

Applicant Signature:  Date: 05/19/12

Property Owner Signature:  Date: 05/18/12

BZA_APP

Rev 04_12