

At a Public Hearing of the James City County Board of Zoning Appeals, held thereof in the Courthouse, Williamsburg, Virginia, on the twentieth day of August, nineteen hundred and sixty-nine, there were present: MR. GEORGE A. MARSTON, Chairman, MR. MAYO W. WALTRIP, Vice-Chairman, MR. GERALD H. MEPHAM, Secretary, MR. JOSEPH E. BROWN, AND MR. WARFIELD ROBY, JR.

Mr. Hooker of Winston Corporation, presented his appeal for a variance stating the following facts:

1. Due to Health Department requirements for a septic tank, the proposed single family dwelling, to be located on lot 54 would have to be placed in part of the rear yard, therefore, violating the Zoning Ordinance.
2. Even though the proposed dwelling would be near the rear property line, the closest dwelling which it would be located near would be 85' distance.
3. As all of the dwellings adjoining this lot are owned by the Winston Corporation, no citizen would be encroached upon without prior knowledge of the location of this dwelling.

Mr. John W. Watkins, Zoning Administrator for James City County stated Winston Corporation could not be issued a permit to build without a variance for the following reason:

1. Winston Corporations proposed rear yard is 20'.
Residential 2 zoning requires 35'.

Further, Mr. Watkins stated that the property line of the lot in question was the center of a open storm sewer with an open ditch of at least 15'. This would cause the

proposed dwelling to be 15' or less from the top of the ditch.

Mr. Hooker reaffirmed the position of Winston Corporation and requested the variance be granted.

The Board informed Mr. Hooker they would reach their decision within thirty (30) days.

The Board adjourned the Public Hearing and went into Executive Session.

After a general discussion, a roll call vote was taken to grant the variance to Winston Corporation. The following vote is recorded:

Mr. Marston	-	Yea
Mr. Waltrip	-	Yea
Mr. Mepham	-	Yea
Mr. Brown	-	Yea
Mr. Roby	-	Yea

The following reasons were given for granting the variance:

1. A hardship does exist due to the required location of the septic lines.
2. The Health Department apparently had no objection to the dwelling being located near the open storm sewer.
3. All adjoining property is owned by Winston Corporation, thus causing no hardships to other citizens at this time.

There being no further business, the meeting was adjourned.

G. H. Mepham
Mr. Gerald H. Mepham, Secretary

G. A. Marston
Mr. George A. Marston, Chairman