

At a public hearing of the James City County Board of Zoning Appeals, held thereof in the Courthouse, Williamsburg, Virginia, on the twenty-sixth day of August, nineteen hundred and seventy, 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.

RE: PUBLIC HEARING - ANDERSON-STOKES CONDITIONAL USE PERMIT

Mr. D. R. Taylor, representing the applicants, introduced Mr. Eugene McCall, legal counsel for the applicants.

Mr. McCall moved for a continuance of the hearing, stating he had not had time to review completely the case which he was representing. This motion was denied.

Mr. McCall stated that he was then ready to present a case. He stated that it was the Board of Appeals responsibility only to interpret the Zoning Ordinance to ascertain as to whether the permit in question was issued in accordance with the Zoning Ordinance and not to overrule any action of the Board of Supervisors.

Further, he stated that he had reviewed all minutes of Board meetings from the time of passage of the Zoning Ordinance up to the date a conditional use permit was issued to Anderson-Stokes. This review revealed that the Board had not granted, in a public meeting, the permit in question. He noted sections of the Zoning Ordinance which require conditional use permits to be granted by the Board of Supervisors. Also noted, were sections of the State Code which require all actions of a Board of Supervisors to be taken in a meeting open to the public and at which minutes are kept.

In conclusion, Mr. McCall stated that with the facts in mind that a conditional use permit must be granted by a Board of Supervisors and that there is no record of any such permit being issued to Anderson-Stokes, Inc., the Board of Zoning Appeals could only find that such

permit must be invalid and therefore revoked.

Mr. Garland L. Wooddy, who acted as Zoning Administrator in the issuance of the permit, stated that no official action was taken by the Board of Supervisors in a public meeting. Further, he stated that all of the Board members were aware of the application for the permit.

Mrs. Irene Douglas stated that she attends all public meetings of the County and that she first knew of the permit when it was reported by the press.

Mr. McCall offered no rebuttal.

The meeting was recessed by the Chairman for thirty minutes.

Upon²⁵ convening the meeting the following motion was presented:

On a motion by Mr. Waltrip, seconded by Mr. Brown and passed by the following roll call vote:

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

The Board of Zoning Appeals of James City County, hereby declares the conditional use permit issued to Anderson-Stokes, Inc., for an 880 space mobile home park to be invalid thus causing the permit to be revoked.

Further, the following reason is given for revoking the permit:

1. The permit was not issued in accordance with the provisions of the Zoning Ordinance which requires a conditional use permit to be granted by the Board of Supervisors.

RE: MINUTES

The minutes of the previous meeting were read and approved.

RE: ELECTION OF OFFICERS

On a motion by Mr. Roby, seconded by Mr. Waltrip and passed by a unanimous vote the Board of Zoning Appeals of James City County hereby retains its present officers for the forthcoming year.

Mr. Woody requested the Board of Zoning Appeals to furnish the Board of Supervisors with a copy of the minutes of this meeting.

There being no further business, the meeting was adjourned.

Gerald H. Mephram
Gerald H. Mephram, Secretary

G. A. Marston
George A. Marston, Chairman