

At a regular meeting of the James City County Board of Zoning Appeals, held thereof in the Courthouse, Williamsburg, Virginia, on the twenty-first day of June, nineteen hundred and seventy-two, there were present: MR. GEORGE A. MARSTON, Chairman, MR. JOSEPH E. BROWN, Vice-Chairman, MRS. ELIZABETH N. VAIDEN, Secretary, MR. GERALD H. MEPHAM and MR. WARFIELD ROBY, JR.

RE: MINUTES

The minutes of the September 22, 1971, meeting were approved as read.

RE: UNFINISHED BUSINESS

None

RE: HEARING OF CASES

RE: CASE #72-1 - ANNETTE ASHBY

Mr. Watkins, Zoning Administrator, briefed the Board on the above reference case advising that a Lot of record has been made by Mrs. Turner, mother of Mrs. Ashby, prior to a County Subdivision or Zoning Ordinance and its width is only 47.25'. The size single family dwelling that Mrs. Ashby desires to build would violate the total side yard requirements of twenty-five (25') feet, as prescribed by R-3 Zoning. Further, Mr. Watkins advised that it is requested that a variance be granted to allow the total side yard requirements of 25' to be reduced to no less than twenty (20') feet.

Mr. Bland, Attorney for Mrs. Ashby, acknowledged Mr. Watkins' statements and advised that the side yard requirement could be met with a smaller size home, but due to family size, the larger size is desired.

After a brief discussion, the following motion was presented:

On a motion by Mr. Mepham, seconded by Mr. Brown and passed by unanimous vote, the Board of Zoning Appeals of the County of James City hereby grants a variance to Mrs. Annette Ashby from the requirement of

a total side yard of twenty-five (25') feet and allows a total side yard of no less than twenty (20') feet. The following reasons were given for granting this variance:

1. Strict application of the ordinance would produce an undue hardship.
2. The variance would not be detrimental to adjacent property nor would the character of the district be changed.

RE: NEW BUSINESS

RE: ELECTION OF OFFICERS

Mr. Marston was nominated for the office of Chairman by Mr. Mepham. There were no other nominations and Mr. Marston was elected by unanimous vote.

Mr. Brown was nominated for the office of Vice-Chairman by Mr. Roby. There were no other nominations and Mr. Brown was elected by unanimous vote.

Mrs. Vaiden was nominated for the office of Secretary by Mr. Mepham. Mr. Mepham declined nomination for the office by Mrs. Vaiden. There were no other nominations and Mrs. Vaiden was elected without dissenting vote.

RE: ZONING DISTRICT LINE DISPUTE

Mr. Watkins advised that an interpretation of the Zoning District Line around the Topping Estate on Route 60 East adjacent to the City limits had been requested of his office. His interpretation was that a small portion of this property was in an A-2 Zone although the owners believed all of the property had originally been zoned B-1. Due to this dispute he had been requested by the owners to seek an interpretation of the Zoning Map from the Board of Zoning Appeals. The Board agreed that the District line did appear to leave a small portion of the Topping Estate in an A-2 Zone. Mr. Mepham, the Planning Commission representative to the Board, stated that at the time the Planning Commission drew

the Zoning Map it had been requested that all of the Topping Estate be included in B-1 Zoning and without benefit of a plat of the property, the Planning Commission drew what they thought to be the Topping Boundary to include all of that Estate in a B-1 Zone.

After a general discussion and review of the Zoning Map and a plat of the Topping Estate, the following motion was presented:

On a motion by Mr. Mephram, seconded by Mrs. Vaiden and passed by unanimous vote, the Board of Zoning Appeals of the County of James City hereby rules that all of the Topping Estate as evidenced by a plat of survey by R. B. Cartwright dated March 1, 1962, is zoned B-1.

There being no further business, the meeting was adjourned.

Elizabeth N. Vaiden
Elizabeth N. Vaiden
Secretary

George A. Marston
George A. Marston
Chairman