

At a regular meeting of the James City County Board of Zoning Appeals held thereof in the Courthouse, Williamsburg, Virginia, on the eleventh day of April, nineteen hundred and seventy-three 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 meeting of September 27, 1972, were read and approved.

RE: UNFINISHED BUSINESS

None

RE: HEARING OF CASES

RE: CASE #73-1 - LEONARD AND BEATRICE LEGUM

Mr. C.H. Anderson, attorney for Mr. Leonard presented Mr. Legum's case stating that due to zoning amendments, Mr. Legum's lot as described in appeal application 73-1 will not now accommodate the parking spaces required for the size building planned to be constructed by Legum.

Mr. Watkins, County Zoning Administrator stated that this application was legal. However, he advised that the site plan presented by Mr. Legum has not been submitted to or approved by the County Planning Commission and should not be considered as a final plan of development.

The following residents of the Norge area spoke in opposition to the granting of a variance from parking requirements stating that additional congestion at the intersection of Farmville Lane and Route 60 would add to the hazards which presently are in existence: Sherry Salyer, Roger Spearman, Kenneth Bick, Bill Dillard, and Mr. Mayor.

In rebuttal, Mr. Anderson questioned the possibility of the reduction of required green area. The Chairman advised that the Board of Zoning Appeals could not answer this question unless and until a positive request was made for such a variance and the Board of Zoning Appeals had the opportunity to review all of the factors involved with such a request.

There being no further comments, the hearing for case #73-1 was closed.

RE: CASE #73-2 LEROY B. BRADLY AND CASE #73-3 DOROTHY CAPEHART

Mr. Jim Hicks spoke for both Mr. Bradley and Mrs. Capehart explaining that in both cases the properties as described in the above styled cases were too narrow to accommodate a standard size single-family dwelling. Mr. Hicks further advised that the Health Department had granted approval for individual water and sewer disposal systems to serve the two properties.

Mr. Watkins, County Zoning Administrator, stated that these appeals were legal.

Mr. Abram Frink stated his opposition to the variances requested due to the close proximity of existing trailers in the area of the properties in question. Also, Mr. Frink explained that present septic tank sewage disposal conditions are extremely poor and that two additional septic tanks would only compound an existing problem area.

Mr. Covey, Assistant to the County Administrator for Planning and Development, stated that Mr. Hicks, due to his participation on the County Planning Commission should have been aware of ordinance requirements regarding setbacks and side yards prior to selling these properties to the two applicants. (Mr. Covey explained that it was his understanding

that Top, Inc. of which Mr. Hicks is President had sold the properties to the two applicants prior to requesting a variance from the terms of the County Zoning Ordinance.)

Mr. Bradley stated that it was his understanding that public sewer and public water would be available for use on his property prior to January, 1974 and he intended to connect to both once they were available.

In rebuttal, Mr. Hicks explained that due to financial arrangements both properties had to be sold to the applicants prior to their being able to make application for zoning variances.

A general discussion was held on the merits of structure placement between Mr. Hicks and the Board of Zoning Appeals.

There being no further comments, the hearings were closed.

The Board of Zoning Appeals on a motion by Mr. Brown, seconded by Mr. Mephram and passed without dissenting vote recessed to executive session to consider the cases presented.

Upon reconvening this meeting, the following business was transacted.

RE: NEW BUSINESS

RE: CONSIDERATION OF ZONING APPEAL #73-1

Upon motion by Mr. Mephram, seconded by Mr. Roby and passed without dissenting vote, the Board of Zoning Appeals of the County of James City, Virginia, ruled that this appeal did not constitute an undue hardship due to the possibility that the proposed building could be reduced in size thus allowing the site to meet all requirements of the Zoning Ordinance and therefore denies a variance as requested in above styled application.

RE: CONSIDERATION OF CASE #73-2

Upon motion by Mr. Brown, seconded by Mrs. Vaiden and passed without dissenting vote, the Board of Zoning Appeals ruled that the authorization of such a variance would be a substantial detriment to adjoining property and the character of the district would be adversely changed if such a variance were granted and therefore denies the variance as requested in the above styled zoning appeals application.

RE: CONSIDERATION OF CASE #73-3

Upon motion by Mr. Mephram, seconded by Mrs. Vaiden and passed without dissenting vote, the Board of Zoning Appeals ruled that the authorization of such a variance would be a substantial detriment to adjoining property and the character of the district would be adversely changed if such a variance were granted and therefore denies the variance as requested in the above styled zoning appeals application.

RE: ROBY REAPPOINTMENT

The Chairman advised the Board that Mr. Roby had been reappointed by the circuit court to the Board of Zoning Appeals for a term of five years commencing April 1, 1973.

RE: ELECTION OF OFFICERS

Upon motion by Mr. Brown, seconded by Mr. Roby and passed without dissenting vote, the Board of Zoning Appeals unanimously reelected the following officers: Mr. Marston, Chairman, Mr. Brown, Vice chairman and Mrs. Vaiden, Secretary.

There being no further business the meeting was adjourned.


Elizabeth N. Vaiden, Secretary


George A. Marston, Chairman