

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE COURTHOUSE, WILLIAMSBURG, VIRGINIA, ON THE FOURTH DAY OF DECEMBER, NINETEEN HUNDRED AND SEVENTY-FOUR.

1. ROLL CALL

Mr. George A. Marston, Chairman
Mr. Gerald H. Mephram
Mr. Warfield Roby, Jr.
Mrs. Elizabeth N. Vaiden

OTHERS

Craig G. Covey, Assistant to the County Administrator

2. MINUTES

The minutes of September 18, 1974, were approved with the addition of Miscellaneous Business "The Board requested Mr. Covey to always notify adjacent property owners (parties of interest) as provided for in Section 13-6."

3. APPEAL CASE NO. ZA-11-74. CONSIDERATION OF AN APPEAL of Don Carter on behalf of Pinelake Landscapes, Ltd., for a variance from Article 8, Section 8-3 of the James City County Zoning Ordinance for property located on the east side of Route 31 at its intersection with Route 681. Property further identified as part of Parcel 50, James City County Tax Map, page 31.

Mr. Carter was recognized to speak and stated that his appeal was simply a request for a variance to allow a reduced setback of 18 feet from Route 681. He stated his reason was because the Planning Commission in approving the site plan had recommended an entrance and parking layout which necessitates placing the building in the back right corner of the site as one faces the site from Route 31.

When asked by the Chairman to comment on the case, Mr. Covey reported that the Site Plan Review Committee concurred in the request made by Mr. Carter and he also added his personal recommendation that the Board allow the reduction in the setback to the 18 feet requested.

Upon motion by Mr. Mepham, seconded by Mr. Roby and passed unanimously a variance is hereby granted to Mr. Don Carter on behalf of Pinelake Landscapes, Ltd., to allow a 18 foot setback from Route 681 as opposed to the 50 foot setback requirement.

4. APPEAL CASE NO. ZA-12-74. CONSIDERATION OF AN APPEAL of Schiller & Associates on behalf of Stuckey's Pecan Shoppe, Williamsburg, Inc., for a variance from Article 12, Section 14-3(a). Property is located at the southwest corner of the intersection of Interstate 64 and State Route 168. Property is further identified as part of Parcel 20, James City County Tax Map, page 3.

The Chairman recognized Mr. Robert Groom speaking on behalf of Stuckey's Pecan Shoppe. Mr. Groom presented his position as being a request for a variance because of the inability of engineering his site so that a conforming sized sign would be readable from up and down I-64. He stated it is particularly important to him to have a high, large size which is readable from a mile or so because the traveling motorist has about eleven seconds to see his sign and site from a Norfolk approach before he is past the turn off at the intersection. He indicated more time was available coming from Richmond where, of course, 80% of the traffic originates. Mr. Groom indicated he did not have to have the exact sign he was requesting if there were other alternatives which would do as well or better in meeting his needs. He indicated that such an alternative would be a logo type sign on I-64 similar to the way signs are done on the northern leg of I-95.

Mr. Covey was called upon for his comments on the matter. He made the following statements:

"Stuckey's of Williamsburg (Rt. 168) is relocating to a new facility at the SE corner of I-64 and Route 168. Mr. Groom the owner from Arlington, Virginia, has obtained 2.76 acres for the firm on which will be located a Stuckey's Store and Texaco gas pump facility similar to the typical national chain.

The subject of the appeal is an on-premise 428.5 square foot, 64 foot high sign which they desire to erect on the front of their property. I denied their request because it is clearly in violation of Section 12-14-3(a) (Sign Ordinance) of the Zoning Ordinance. Our Ordinance allows 32 square feet and a height up to 20 feet. These provisions are almost identical to the ordinances

of Williamsburg and York County. York County allows 40 square feet. Upon adoption of the Ordinance in September, 1973, the intent of the staff, Planning Commission and Board of Supervisors was to create a reasonable sign ordinance compatible with the majority of our urban development needs while at the same time preserving the scenery of the County and recapturing its interpretative value as a gateway to our nationally prominent heritage exhibited in the Jamestown-Yorktown-Williamsburg historical triangle.

During their initial considerations of the Sign Ordinance neither the Planning Commission nor the Board of Supervisors overlooked the fact that we have an interstate interchange in the County. But rather they decided that it, as all other sites in the County, should operate under the same sign size and height requirements.

The Texaco Station's sign directly across the highway from the Stuckey's site has an on-premise sign that conforms to the Sign Ordinance. Equity under the law prescribes that Mr. Groom should abide by the Ordinance the same as his neighbor unless Mr. Groom can show that the variance which he requests is, in fact, not a special privilege but rather is a clearly demonstrable hardship approaching confiscation.

My considered opinion to date is that Mr. Schiller on behalf of Mr. Groom is requesting a special privilege as opposed to demonstrating a justified hardship. I recommend denial of Mr. Groom's appeal."

Mr. David Ware was recognized by the Chairman to speak in support of Mr. Groom's request. Mr. Ware stated he did not object to the sign size or height since it is a typical interstate sign. Mr. Ware indicated that the sign at the I-64/Rt. 168 interchange needs to be thoughtfully considered because of its influence on motorists who he would like to see directed down Route 60 to Williamsburg and to his and other businesses on Route 60. Mr. Ware's principal concern was the highway type directional signs which are located on the interstate indicating a principal access to business areas and special attractions.

The Chairman recognized Mr. Bill Koschell speaking from a Stuckey's manager's view indicating that the sign as proposed would be most helpful to the business.

Mr. Groom, recognized again by the Chairman, stated that the Sign Ordinance appears reasonable and he agrees with it for the more urban parts of the County but felt it is not best for the rural area where Stuckey's will be located along I-64. He

further stated he would be willing to have a time limitation placed on the variance up to two years at which time he would agree to have the situation reviewed and possibly the sign removed if another alternative could be found. He further suggested that the Board of Zoning Appeals should make a recommendation for amendments to the Sign Ordinance which would make it more adaptable for interstate traffic orientated businesses.

When the discussion ended the Chairman called for a motion. Upon motion by Mr. Roby, seconded by Mrs. Vaiden that the Board go into executive session to consider the appeal. The motion carried.

Upon returning from executive session Mr. Mephram moved, seconded by Mr. Roby and passed unanimously ZA-12-74 is hereby disapproved. The Board further directed Mr. Covey to work with Mr. Groom to pursue all possible channels to secure a logo type sign system for the interchange. If the attempt to obtain a logo type sign failed Mr. Groom was advised to work with Mr. Covey on an application for a variance to the directional sign provisions of the Ordinance.

5. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:20 P.M.


 Elizabeth N. Vaiden
 Secretary


 George A. Marston
 Chairman