

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 FOURTEENTH DAY OF APRIL,
NINETEEN HUNDRED AND SEVENTY-SIX.

1. ROLL CALL

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

OTHERS:

Craig G. Covey, Zoning Administrator

2. MINUTES

Upon a motion by Mr. Mephram, seconded by Mrs. Vaiden and passed unanimously the minutes of the meeting of January 27, 1976, were approved as presented.

3. APPEAL CASE NO. ZA-1-76. CONSIDERATION OF
an application of Jerry Morning for a
variance from the Zoning Ordinance, Chapter
20, Article IV, Section 20-61 & 20-63(a).
Property is located on Carriage Road in the
R-3 zoned district and is further identified
as parcel 128E on James City Real Estate Tax
Map 26.

The Chairman recognized Mr. Taylor to speak on behalf of Mr. Morning. Mr. Taylor gave an overview of the County's record concerning Mr. Morning's application for a building permit and the various communications from Mr. Somers including the stop work order pending the receipt of a variance. Three violations were stated as being recognized by Mr. Morning. These violations include: the side yard required is less than Code; the setback is less than Code; and the structure is not an accessory structure. Mr. Taylor stated that Mr. Morning comes on a hardship basis and if a variance is not granted, Mr. Morning cannot get a building permit for a residential use.

Mr. Covey was recognized to present his knowledge of the case. He presented a memorandum dated April 12, 1976 which is on file in Case File No. ZA-1-76 and is made a part of this record.

Next, residents of the neighborhood were recognized to speak.

Mrs. Clara Harris, an adjoining property owner, stated that she had been working for the betterment of the neighborhood with the CAA since 1968, and that what Mr. Morning was doing was not for the betterment of the neighborhood if it was going to be commercial like it got started. She indicated that the property contained an old cemetery and that Mr. Morning had filled some of it or built over it she thought.

Mrs. Marjory Gray spoke indicating that she and others in the neighborhood did not want another Triangle Cafe and that Mr. Morning should be required to go by the Codes.

Mr. Phil Harris mentioned the graveyard again and asked that its location be checked out before considering Mr. Morning's variance.

Mrs. Marie Brown asked that only a residential use be allowed; the commercial uses have fights and other activities not desired in the neighborhood.

Mr. Taylor stated that Mr. Morning's request was for more housing with ample parking and it would be a hardship on Mr. Morning if the Board required the standing structure to be destroyed. It was pointed out that the building cannot be moved.

Mr. Harris again spoke saying the neighborhood is clearly against an apartment or "flop-house" in their area.

At the close of comments from the audience, Mr. Roby asked if Mr. Morning got a residential permit would the neighbors be in agreement. Those present indicated a residential use for a single-family dwelling would be acceptable.

The Chairman suggested that plans for the dwelling be presented as evidence of what Mr. Morning intends to build.

Upon a motion by Mr. Mephram, seconded by Mr. Roby and passed unanimously, Case ZA-1-76 is hereby tabled until the next regular meeting when Mr. Morning is able to present a set of plans showing the single-family residence he intends to build. The date of May 5, 1976 was established as the next regular meeting.

4. APPEAL CASE NO. ZA-2-76. CONSIDERATION OF AN
application of Larry T. Waltrip, President, on
behalf of Larry's Marine Sales, Inc. for a
variance from the Zoning Ordinance, Chapter 20,
Article I, Section 20-12 & 20-12.1 and Article
IV, Section 20-84 & 20-85. Property is located
on Route 31 and is further identified as parcels
14A, 50C & 50D on James City Real Estate Tax
Map 31.

The Chairman noted the background for the request
as presented in Mr. Waltrip's application and March 12, 1976
letter to the Zoning Administrator.

Mr. Waltrip spoke briefly referring to his letter
and asking that his application be considered just as present-
ed. The Chairman noted that Mr. Waltrip's letter was made a
part of the record and is on file in Case File No. ZA-2-76.

Mr. Covey explained the Site Plan Review Committee's
recommendations to the Board as outlined in the minutes of
their meeting of April 13, 1976. The Committee's approval
subject to the Board of Zoning Appeals action was conditioned
upon:

1. When sewer is available for existing build-
ings connections must be made; before further
development may occur sewer must be brought
to the sight and connections made.
2. Erosion control measures must be installed
along Powhatan Creek where filling is being
conducted to provide parking spaces.
3. Approval by the Board of Zoning Appeals for
parking and perimeter landscape variances
necessary to accomplish site layout as shown.
4. Completion of entrance improvements in
accordance with the VDHT permit issued in
1972.

The Chairman noted from Mr. Waltrip's letter that
his property had been purchased in good faith before the
passage of the Zoning Ordinance and that several of the struc-
tures on the site were on the property line. The acquisition
of a wide right-of-way for Route 31 left the front buildings
without a front yard or perimeter area to landscape.

The site plan reviewed by the Site Plan Review
Committee was made a part of the record showing all existing
and proposed parking spaces. The uses proposed were also in-
dicated on the plan and directly related to parking spaces.

Upon motion by Mr. Brown, seconded by Mr. Roby and passed unanimously the variances requested in Case No. ZA-2-76 are hereby granted based upon the development plan the County dated March 18, 1976 recommended by the applicant's architect, Mr. William H. Phillips, Jr., and as conditionally approved by the Site Plan Review Committee at their April 13, 1976 meeting.

5. ADJOURNMENT

There being no further business to come before the Board the meeting was adjourned at 9 a.m.

Elizabeth H. Vaiden
Elizabeth Vaiden
Secretary

George A. Marston
George A. Marston
Chairman