

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 TWENTY-EIGHTH DAY OF MAY, NINETEEN HUNDRED AND EIGHTY-ONE.

1. ROLL CALL

Mr. Gerald H. Mephram, Chairman  
Ms. Elizabeth N. Vaiden, Secretary  
Mr. George A. Marston  
Mr. Joseph E. Brown

OTHERS:

Mr. Henry H. Stephens

2. MINUTES

Mr. Stephens indicated that the minutes of May 21, 1981 were not ready and would be presented at the Board's next meeting.

3. CASE NO. ZA-4-81. CONSIDERATION OF AN APPLICATION OF MR. W.L. Person, Jr., for a variance from Section 20-46 of the Zoning Ordinance to allow the vacation and resubdivision of lot 1 and 2 in The Colony Subdivision.

Mr. Stephens presented the staff report, appended hereto. He also distributed a letter of protest from an adjacent property owner. He explained that lot 1 was purchased and a home built on it by Mr. Person's father. Later lot 2 was purchased. The home on lot 1 encroaches upon lot 2. The encroachment was not discovered by two previous surveys but was recently discovered during an attempt by Mr. Person to sell the property. The error has placed a hardship upon Mr. Person from which the remedy of adjusting the lotlines can only be done by reducing the frontage at the 100 foot setback line, to approximately 89 feet. Topography and other zoning requirements prevent other configurations. The staff recognizes the hardships and recommends approval.

Mr. Mephram opened the Public Hearing on Case No. ZA-4-81.

Mr. Person, Jr. spoke in support of his application. He indicated that he had had Mr. Evans resurvey the line in question and except for very minor adjustments it was accurate. He passed out a plat which included those adjustments. Mr. Person then explained that he had bought the house from his father with the understanding that he was getting a house and a lot plus a vacant lot. He said that a contract of sale was now pending for the property and he could not produce clear title because of the encroachment.

Mr. Marston asked about the topography problem which prevented moving the setback further towards the rear to a place where the lot could be 100 feet wide.

Mr. Bull, Mr. Person's real estate agent, indicated on the plat the location of the severe drop off which went down to Lake Powell. Beyond that point one could not build a house.

Mrs. Vaiden asked Mr. Person if it was correct that the same person planned to purchase both lots.

Mr. Person said that that was correct; however, a condition for financing the purchase was that the encroachment be removed.

Upon a motion by Mr. Marston, seconded by Mrs. Vaiden, the variance was approved unanimously provided that the following condition was placed on the subdivision plat:

"Any structure built on lot 2 (Parcel B) must be at least as far from Route as the existing house on lot 1 (Parcel A)."

4. CONSIDERATION OF A REGULAR MEETING DATE

Mr. Stephens explained that it had been suggested that a monthly meeting date of the Board of Zoning Appeals be established. The purpose would be to prevent the clustering of meetings so close together which had resulted recently from the policy of meeting on call. He suggested that the fourth Thursday of the month be used as a regular meeting date. If no cases were filed before the first Thursday of the month, the meeting would be cancelled.

Upon a motion by Mrs. Vaiden, seconded by Mr. Marston, the fourth Thursday of the month was set as the regular meeting date of the Board of Zoning Appeals.

5. ADJOURNMENT

There being no further business, the May 28, 1981 meeting of the Board of Zoning Appeals of James City County was adjourned at 8:45 P.M.

Elizabeth N. Vaiden  
Elizabeth N. Vaiden  
Secretary

Gerald H. Mephram  
Gerald H. Mephram  
Chairman