

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-FIFTH DAY OF JUNE, NINETEEN HUNDRED AND EIGHTY-ONE.

1. ROLL CALL

Mr. Joseph E. Brown, Vice Chairman  
Ms. Elizabeth N. Vaiden, Secretary  
Mr. Warfield Roby

OTHERS:

Mr. Henry H. Stephens

2. MINUTES

Upon a motion by Mrs. Vaiden, seconded by Mr. Roby, consideration of the minutes were deferred until the next meeting.

3. CASE NO. ZA-5-81. CONSIDERATION OF AN APPLICATION OF UNITED Virginia Development Corporation for a variance from Section 20-45 of the Zoning Ordinance to allow a front setback of 32 feet instead of the required 35 feet.

Mr. Stephens presented the staff report which is appended. He said that the house built on lot 12 of Gatehouse Farms subdivision was constructed with a specially modified garage to accommodate a vehicle for the handicapped. When laying out the house on the lot the contractor followed the same plans as a conventional home. The failure to account for the oversized garage resulted in a 2.8 foot intrusion into the front yard setback. Mr. Stephens said that it appeared that the error was unintentional and that the remedies of moving or tearing down the house would be impractical and a hardship. He said that since there did not seem to be any adverse effect on adjacent properties, and because of the hardship that would result from tearing down or moving the house, he recommended approval of the variance. The error was made by those constructing the house and not by the individual for whom the house was constructed.

Mr. Brown opened the Public Hearing on Case No. ZA-5-81.

Mrs. Gilley, an adjacent property owner, expressed support for the application.

Mr. Small, the applicant's engineer, explained that his firm had laid out the house just as it had others within the subdivision. Modifications were made to the garage on this house that expanded the length and width of the garage to accommodate a vehicle for the handicapped. When the contractor laid out the house on the lot he held the back line of the structure and not accounting for the oversized garage in the front. The error was not discovered

until the final survey for the loan closing was done. He said that because the house is in a curve he doubted if the 2.8 foot intrusion into the front yard could be noticed from the adjacent lots.

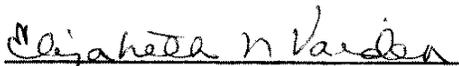
Mr. Brown asked Mr. Stephens if any comments had been received from the neighbors.

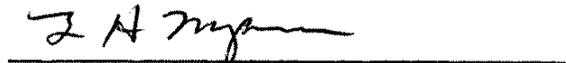
Mr. Stephens indicated that none had been received.

Upon a motion by Mr. Roby, seconded by Mrs. Vaiden the variance request to allow a 32 foot setback on lot 12 of Gatehouse Farms was approved unanimously.

4. ADJOURNMENT

There being no further business, the June 25, 1981 meeting of the Board of Zoning Appeals of James City County was adjourned at 8:30 P.M.

  
Elizabeth N. Vaiden  
Secretary

  
Gerald H. Mephram  
Chairman

HHS:rs