

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-FOURTH DAY OF SEPTEMBER, NINETEEN HUNDRED AND EIGHTY-ONE.

1. ROLL CALL

Mr. Gerald H. Mepham, Chairman  
Mr. Joseph E. Brown, Vice Chairman  
Mr. George A. Marston  
Ms. Elizabeth N. Vaiden, Secretary  
Mr. Warfield Roby, Jr.

OTHERS:

Mr. William C. Porter, Jr.

2. MINUTES

Upon a motion by Mr. Brown, seconded by Mr. Marston, the Minutes of May 21, May 28, and June 25, 1981 were approved as corrected. The correction was made to the May 28, 1981 meeting to show that Mr. Roby attended the meeting.

3. CASE NO. ZA-6-81. CONSIDERATION OF AN APPLICATION OF

Mr. Charles H. Burr on behalf of Mr. Carl M. Edwards for a variance from Section 20-33, paragraph (a) of the Zoning Ordinance to waive six feet of the required 15 foot side yard to allow a constructed carport to remain.

Mr. Porter presented the staff report which is appended hereto. He explained that the carport was 90% complete before the side yard encroachment was discovered based upon a citizen complaint. Mr. Porter further explained that the Building Official has issued the building permit in error. Based upon the erroneously issued building permit, the staff recommended approval of the proposed variance.

Mr. Mepham opened the Public Hearing on Case No. ZA-6-81.

Mr. Charles Burr, representing Mr. Carl Edwards, spoke in support of the application. Mr. Burr explained that Mr. Edwards thought he was in compliance with all County Ordinances when he obtained his building permit. Mr. Burr explained that Mr. Paul N. Carrithers owned the lot adjacent to Mr. Edwards' carport and that the lot was vacant.

Mr. Burr stated that the six foot variance to allow the carport to remain would not adversely affect the neighborhood. Mr. Burr explained that if Mr. Edwards had constructed a detached carport then he could have built it within five feet of the side lot line.

Mr. Burr presented a petition, which is appended hereto, signed by 21 of Mr. Edwards' neighbors in support of the variance and most of them were present at this meeting in support of Mr. Edwards.

Mr. Marston asked Mr. Edwards how much he had invested in the carport.

Mr. Edwards, the applicant, stated that he had approximately \$1,200 invested in the carport and that he could not detach it because of the way the carport was tied onto the house.

There being no further speakers, Mr. Mephram closed the Public Hearing.

Upon a motion by Mr. Marston, seconded by Mr. Brown, the Board of Zoning Appeals approved Case No. ZA-6-81 to permit a six foot side yard variance to allow the constructed carport to remain within 11 feet of the side yard.

4. CASE NO. ZA-7-81. CONSIDERATION OF AN APPLICATION OF  
Mr. James T. Wood.

Mr. Porter explained that Mr. Wood had not filed for the appeal of the Zoning Administrator interpretation within the 30 days required under Section 20-118 of the Zoning Ordinance.

Mr. Marston stated that he thought the 30 day period was awful short.

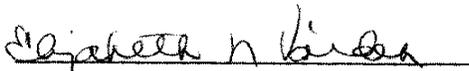
Mr. Porter stated that the 30 day period was straight from the State Enabling Legislation.

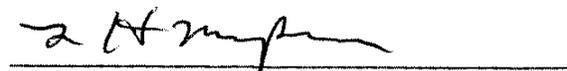
Mr. Mephram asked if there was any further business.

Mr. Porter stated that the Board would hear the appeal of the Zoning Administrator's interpretation of a definition of a family at the October 22, 1981 meeting.

5. ADJOURNMENT

There being no further business, the September 24, 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