

M E M O R A N D U M

DATE: October 13, 1981

TO: The Honorable Chairman and Members of the  
Board of Zoning Appeals

FROM: William C. Porter, Jr., Director of Planning

SUBJECT: Case No. ZA-8-81. The Reverend H. Morton Whitman

---

Mr. George Douglas has filed an application to appeal the Zoning Administrator's interpretation of the definition of the term "family" in Section 20-2 of the County Zoning Ordinance, as the definition applies to permitted uses listed in Division 4, R-1, Limited Residential District, Section 20-43. The purpose of this case is to permit the Board of Zoning Appeals to rule on my interpretation of the definition of a family. The interpretation set forth in this memorandum is the same as I have been using since the adoption of the revised definition of a family in March 1979.

Section 20-2 of the James City County Zoning Ordinance defines a family as:

One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding three (3), living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

For your information, I have attached all written documentation of the Rev. H. Morton Whitman's case to show how I derived at my interpretation. I have interpreted the definition of a family to mean:

1. Any number of persons related by blood, adoption, or marriage who are living and cooking together as a single housekeeping unit. Such a family would share the same kitchen and bathroom facilities.
2. Up to three unrelated persons living and cooking together as a single housekeeping unit. Such a group would share the same kitchen and bathroom facilities.
3. A combination of the related and unrelated persons where the number of unrelated people does not exceed three. Such a family would share the same kitchen and bathroom facilities.

To interpret the definition of a family any other way would be to restrict the living arrangement of people far beyond what is necessary for the protection of health, safety, and the public's welfare. To interpret the definition of a family any other way would prevent families from taking in foreign exchange students.

---

The same would be true in the case of a family that let the child of a friend live with them while attending William & Mary. The purpose of defining a family in the Zoning Ordinance was not to restrict the example that I just raised. The purpose of the definition was to try to protect single family neighborhoods from abuses where one individual would rent buy a home and bring any number of unrelated people to live in that home. Such conditions resulted in overcrowding of the units, traffic problems (on and off street parking), and did not meet the intent of the single family districts set forth in the Zoning Ordinance.

---

William C. Porter, Jr.

WCP/js