

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BOARDROOM, GOVERNMENT CENTER, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, AT 8:00 P. M. ON THE TWENTY-SIXTH DAY OF AUGUST, NINETEEN HUNDRED AND EIGHTY-TWO.

1. ROLL CALL

Mr. Gerald Mepham, Chairman  
Mr. Joseph Abdelnour  
Mr. David Hertzler  
Mr. Warfield Roby  
Ms. Elizabeth Vaiden

OTHERS:

Mr. Orlando A. Riutort, Director of Planning  
Mr. Allen J. Murphy, Jr., Planner  
Mr. Daniel C. Waltrip, Building Official  
Mr. Frank M. Morton, III, County Attorney

3. ELECTION OF OFFICERS

Mr. Mepham turned the chair over to Mr. Morton during the election of officers.

Upon a motion by Ms. Vaiden and seconded, Mr. Mepham was nominated for Chairman.

Upon a motion by Mr. Mepham and seconded, Mr. Roby was nominated for Chairman. Mr. Roby declined.

The nominations were closed.

Mr. Mepham was elected by acclamation.

Upon a motion by Mr. Abdelnour and seconded, Mr. Roby was nominated for Vice-chairman.

The nominations were closed.

Mr. Roby was elected Vice-chairman by acclamation.

Upon a motion by Mr. Abdelnour and seconded, Mrs. Vaiden was nominated for secretary.

The nominations were closed.

Mrs. Vaiden was elected secretary by acclamation.

4. MINUTES

The minutes of the May 27, 1982 meeting were approved as presented.

5. CASE NO. ZA-8-82. A PUBLIC HEARING FOR CONSIDERATION OF AN application of Mr. Ronald L. Lassiter for a special exception from Section 20-51, Permitted Use, and a variance from Section 20-55(b), Yard Regulations, of the Zoning Ordinance. The purpose of the special exception is to allow a mobile home (which has been constructed on a solid foundation) to remain within the R-2 zone where it is not a permitted use. The purpose of the variance is to permit the structure to remain with less than the minimum rear yard setback. Section (20-55(b) requires that each main structure have a minimum rear yard setback of 35 feet.

Mr. Murphy presented the staff report recommending denial of the requested special exception and variance. The public hearing opened.

Mr. Ronald Lassiter, applicant, said he had put a shingle roof on his mobile home and a foundation around it, and was told that he needed an electrical permit. The electrician told him he could not put a mobile home on the lot. Mr. Lassiter said he and his daughter, Mary Lassiter Williams, both called the county and were told they did not need a permit. Mrs. Williams spoke on her father's behalf and made the same statement.

Mr. Waltrip informed the board that the structure in question is considered a mobile home and not a modular home. Mr. Waltrip also told the board he had no knowledge of the phone call referred to by Mr. Lassiter and Mrs. Williams.

The public hearing was closed and a brief discussion followed.

Mr. Roby made a motion that a special exception from Section 20-51 and a variance from Section 20-55 be approved, permitting Mr. Lassiter's mobile home to remain at its present location and distance from the rear property line.

The motion passed by a 4-1 roll call vote with Mr. Hertzler voting nay.

Mr. Lassiter was instructed to acquire a building permit from the Building Inspections Department. Mr. Lassiter agreed.

6. CASE NO. ZA-5-82. A PUBLIC HEARING FOR CONSIDERATION OF AN application of Mr. Angelo Mageras to allow structural alteration and expansion of a sign located at the intersection of Route 5 and Route 615. The expansion of the sign is requested so that the messages of several non-conforming signs to be removed can be consolidated onto one sign.

Mr. Murphy presented the staff report stating that the staff recommends denial because a clearly demonstrated hardship has not been presented. Mr. Murphy also showed slides of the billboard sign.

Mr. Mephram opened the public hearing. There being no speakers, the public hearing was closed.

Following a brief discussion, upon a motion by Mr. Hertzler, the board voted unanimously to deny the requested variances.

7. CASE NO. ZA-6-82. A PUBLIC HEARING FOR CONSIDERATION OF AN application of Mr. Angelo Mageras for variances to allow structural alteration and expansion of a sign located on Route 31. The purpose of these variances is to allow the raising of the height and/or relocating of existing non-conforming billboard to improve its visibility.

Mr. Murphy presented the staff report stating that the staff recommends denial because there is no evidence of undue hardship. Mr. Murphy showed a slide of the sign.

Mr. Mephram opened the public hearing. There being no speakers the public hearing was closed.

Following a brief discussion, upon a motion by Mr. Hertzler the board voted unanimously to deny the requested variances.

8. CASE NO. ZA-7-82. A PUBLIC HEARING FOR CONSIDERATION OF AN application of Mr. John S. Heslink for a variance to allow a partially built single family dwelling, which has been constructed within the required sideyard setback, to remain.

Mr. Murphy presented the staff report stating that adequate evidence of an undue hardship, as defined by the code, has not been presented. Therefore, the staff recommends denial.

Mr. Mephram opened the public hearing.

Mr. Heslink, the applicant, presented to the board a certified plat of the property and pictures of the house in question. He said he bought the land believing the boundary lines of the property were where the realtor told him. He did not have a survey performed prior to construction. There were stakes on three corners of the property. He felt that during a conversation with the adjacent property owner, the property line of the fourth corner was determined. He stated that the violation was unintentional and to correct it would mean tearing down brick work and part of the garage.

Mr. Hertzler asked Mr. Heslink if he could buy the property needed from the adjacent property owner, but Mr. Swanson, the adjacent property owner said he was not interested in selling any of his property. Mr. Swanson asked that Mr. Heslink be prevented from putting additional structures on the remaining portion of his property. The Board informed Mr. Swanson that they did not know if Mr. Heslink could be prevented from building on the remaining portion of his property.

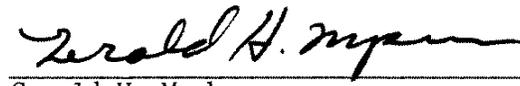
A brief discussion followed during which Mr. Abdelnour stated that a hardship did exist since the adjacent property owner would not sell property to the applicant.

Upon a motion by Mr. Abdelnour, the board voted 4-1, with Mr. Hertzler voting nay, to grant the variance from Section 20-33(a) permitting the partially built single family dwelling to remain.

9. ADJOURNMENT

The Board of Zoning Appeals meeting of August 26, 1982 was adjourned at 9:00 P. M.

  
Elizabeth N. Vaiden  
Secretary

  
Gerald H. Mephram  
Chairman