

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF THE COUNTY OF JAMES CITY, VIRGINIA, IN THE COUNTY GOVERNMENT CENTER BOARDROOM, 101C MOUNTS BAY ROAD, AT 7:30 P. M. ON THE TWENTY-SIXTH DAY OF APRIL, NINETEEN HUNDRED AND EIGHTY-FOUR.

1. ROLL CALL

Mr. Gerald Mepham, Chairman  
Mr. Joseph Abdelnour  
Mr. David Hertzler  
Ms. Nancy James  
Ms. Elizabeth Vaiden

Also present:  
Mr. Orlando A. Riutort  
Mr. Allen J. Murphy, Jr.

2. MINUTES:

The Minutes of the March 29, 1984 meeting were approved as presented.

3. CASE NO. ZA-2-84. AN APPLICATION BY MR. DANIEL DOMINGUEZ  
of Hewitt Home Improvement Company on behalf of Mr. Major W. Jordan for variances from Section 20-107, Expansion or Enlargement, and Section 20-84, Setback Requirements, of the Zoning Ordinance. The purpose of the variance is to allow the construction of a room and bathroom addition onto a single-family house.

Mr. Murphy presented the staff report stating that the house is located in the B-1 district within the required setback. The proposed addition, which measures 19.5' x 8', is to be added to an existing dwelling located at a distance of 5.7' from the street right-of-way. The ordinance requires all structures to be set back a distance of at least 50' from the street right-of-way.

Mr. Murphy further stated that although the addition will not encroach into the setback any further than the existing dwelling, a clear hardship had not been presented and, therefore, the staff had no alternative but to recommend denial.

Mr. Mempham opened the public hearing. Mr. Jordan addressed the Board stating that his wife's physical condition created the necessity for the addition; she is unable to use stairs. Mr. Jordan further stated land acquisition for improvement to Route 143 created the nonconformance. The family must continue to live in this house and a hardship would exist if the addition was not permitted. Mr. Jordan asked the Board to grant the variance based upon these circumstances.

Mr. Mephram closed the public hearing.

Upon a motion by Ms. Vaiden, seconded by Ms. James, the Board by roll call vote, voted unanimously to grant the variance.

4. CASE NO. ZA-3-84. AN APPLICATION BY M. ANDERSON BRADSHAW  
on behalf of Mr. & Mrs. Gerald Ainsworth for a variance from Section 20-107, Expansion or Enlargement, and Section 20-33(a), Yard Regulations, to allow the expansion of a single family dwelling with the required side yard setback.

Mr. Murphy presented the staff report stating that the applicant wishes to close-in an existing screened porch and extend it by building a 9'x6' addition. The addition would not conform to current A-1 side yard and setbacks in that it has a width of only 75 feet and the minimum required width in the current ordinance is 100 feet at the building setback line. The lot was recorded prior to 1976.

Mr. Murphy further stated that Section 20-108 of the Zoning Ordinance empowers the Board of Zoning Appeals to determine the setback, as well as side and rear requirements for nonconforming lots:

"Any lot of record May 10, 1976, which is less in area or width than the minimum required by this Chapter, may be used when the requirements of the Board of Zoning Appeals regarding setbacks, side and rear yards are met."

Mr. Murphy said that the staff is of the opinion that the authorization of the variance would not seriously change the character nor impose substantial detriment to neighboring properties. A clear hardship may not exist since the applicant is using his property. However, the applicant applied, not for a hardship variance, but for the establishment of side yard requirements for a nonconforming lot. Since the request would not result in a change in character of the neighborhood and no negative comments have been received, the staff recommends that the side yard be established.

Mr. Mephram opened the public hearing.

Mr. Bradshaw spoke briefly before the Board, requesting approval of the variance.

Mr. Mephram closed the public hearing.

Following a brief discussion, upon a motion by Ms. James, seconded by Mr. Hertzler, the Board by roll call vote, voted unanimously to grant the variance.

5. INTRODUCTION

Mr. Riutort introduced Mr. Richard Bain who is acting head of the Department of Code Compliance.

6. NOMINATION OF OFFICERS

The following slate of officers was unanimously elected.

Chairman, Mr. Gerald Mephram  
Vice-chairman, Ms. Elizabeth Vaiden  
Secretary, Mr. Joseph Abdelnour

7. ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

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Joseph A. Abdelnour  
Secretary

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Gerald H. Mephram  
Chairman