

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

1. MEMBERS PRESENT

Mr. Gerald Mepham, Chairman
Mr. Joseph Abdelnour
Mr. David Hertzler
Mrs. Nancy James

OTHERS PRESENT

Mr. Bernard M. Farmer, Zoning Administrator
Mr. Larry Davis, County Attorney

2. MINUTES

The minutes of September 27, 1984 and November 15, 1984 were approved with added corrections.

3. UNFINISHED BUSINESS

There was no unfinished business for the Board to discuss.

4. NEW BUSINESS

ZA-28-84. Lacy Batton

Mr. Farmer gave the staff presentation and recommended that since no unnecessary hardship existed the decision of the Zoning Administrator as it pertains to Section 20-107 should be upheld in all respects.

Mr. Mepham opened the public hearing and asked if anyone would like to speak in favor of the request.

Mr. Lacy Batton stated that he had intended to build a storage room due to the fact that the old storeroom was inadequate because of its size and it was an unsafe structure. He stated that the present building did not conform to start with, and an existing slab was already there. He also stated that the new storage room would be a nice building.

Mr. Abdelnour asked Mr. Batton if he knew the distance from the paved surface to the structure.

Mr. Farmer replied that distance would be about 60 feet.

Mr. Hertzler asked Mr. Batton if his proposal for the addition would match the existing structure.

Mr. Batton explained that he was planning to build a wood framed structure with vinyl siding and an A-framed roof.

Mrs. James asked if any part of the proposed building would be visible from the road.

Mr. Batton replied yes, however, the only part visible would be the side.

Mr. Abdelnour asked Mr. Batton if he was the owner of the building.

Mr. Batton said that he was not the owner of the building, however, he was renting the building with an option of buy.

Mr. Abdelnour asked Mr. Batton if he had the owners permission to build the structure.

Mr. Batton said yes he did.

Mr. Abdelnour motioned that the Board grant the variance provided:

1. That the exterior of the building be brick to match the existing structure.
2. The pitch of the roof be brought in conformance with the roof of the main structure.

Mr. Mephram asked if there was any discussion on the motion and there being none, asked that the roll be called.

Roll call was as follows:

Mr. Abdelnour	Yes
Mr. Mephram	Yes
Mr. Hertzler	Yes
Mrs. James	Yes

Motion to grant the variance with stipulations that the exterior be of brick construction and the pitch of the roof be the same as the existing structure.

ZA-35-84. Bill Howard

Mr. Farmer gave the staff presentation and recommended that since no unusual characteristics pertaining to the lot existed, granting a variance would be giving the property owner a special privilege which would otherwise

be denied to people in the same district. However, a variance was granted in a previous case to Mr. William Hart in order to construct a structure directly across the street.

Mr. Abdelnour and Mr. Farmer had discussion over the Hart case and the distance which the Hart's structure would be from the right.

Mr. Mepham opened the public hearing and asked if anyone would like to speak in favor of the request.

Mr. Howard spoke on his behalf. He explained that due to surgery and medical recommendation he elected to enclose an existing deck. He stated that when he applied for a building permit he was told that he had a non-conforming structure and that if he enclosed his deck, he would be in violation of the setback requirements. Granting him a variance would allow him to increase the value of his property. He also stated that he had collected signatures from his neighbors on Shellbank Drive and they had no problems with the screening of his existing deck.

Mr. Abdelnour asked Mr Howard if he had plans for the design of the enclosure.

Mr. Howard replied yes he did.

Mr. Hart asked if any of the Board members had looked at the property in question.

Mr. Mepham stated that he had personally looked at the property on Shellbank Drive.

Mr. Hart stated that Mr. Howard had bought his home in good faith and he saw no harm in letting him enclose the existing deck.

Mr. Mepham closed the public hearing. He then stated that he did not envision the State ever requesting a wider right-of-way.

Mrs. James moved that the variance be granted.

Mr. Hertzler seconded the motion.

Mr. Mepham asked if there was any discussion on the motion and there being none asked that the roll be called.

Roll call was as follows:

Mr. Abdelnour	Yes
Mr. Mepham	Yes
Mr. Hertzler	Yes
Mrs. James	Yes

Motion was carried to grant the variance.

ZA-36-84. Mac Stolarski

Mr. Farmer gave the staff presentation and recommended that the decision of the Zoning Administrator be upheld and that Mr. Stolarski be required to adhere to the yard requirements and setbacks.

Mr. Mepham opened the public hearing and asked if anyone would like to speak in favor of the request.

Mr. Stolarski discussed a map that showed the lot and the surrounding streets. He explained that his lot was on the corner and there was conflict over what part of the lot would be considered the side and front. He then stated that the narrow part of the lot would be considered the front of the lot due to regulation in the Zoning Ordinance.

Mr. Mepham asked if there were any neighbors next to the lot.

Mr. Stolarski replied that there was a house on Hermitage Drive.

Mr Mepham closed the public hearing.

Mr. Hertzler asked Mr. Stolarski if he had thought about building the house in a different configuration.

Mr. Stolarski answered no.

Mr. Mepham asked if there was a motion from the Board.

Mr. Abdelnour stated that since he had represented Mr. Stolarski, he would abstain from voting.

Mr. Hertzler stated that since the house was not built and the house could be built in a different configuration he would motion to deny the request.

Mrs. James seconded the motion.

Roll call was as follows:

Mr. Abdelnour	Abstained
Mr. Hertzler	Yes
Mr. Mepham	Yes
Mrs. James	Yes

Motion was made and carried to deny the request for a variance.

ZA-37-84. Ronald Delaney

Mr. Farmer gave the staff presentation and recommended that since no hardship existed and the land was presently being placed into beneficial use by the presence of a single-family dwelling that the decision of the Zoning Administrator be upheld.

Mr. Mepham opened the public hearing and asked if anyone would like to speak in favor of the request.

Mr. Delaney spoke on his behalf. He stated that several mobile homes had been on the property before and existing mobile homes were on adjoining lots. He saw no reason why he could not place his mobile home on the property.

Mr. Mepham asked Mr. Delaney if he was planning to place the mobile home on the same location as previous owners had.

Mr. Delaney replied no he did not.

Mr. Mepham asked when was the last mobile home taken off the property.

Mr. Delaney replied 1972.

Mr. Abdelnour asked if the property in question was owned by Mr. Delaney.

Mr. Delaney stated that the property belonged to his mother.

Mr. Hertzler asked about the measurements from Centerville Road back to the proposed mobile home site.

Mr. Delaney stated that it was about 100 feet.

Mr. Mepham asked about the time limit for replacing a mobile home within the Zoning Ordinance.

Mr. Davis stated that there was a two year time limit.

Mr. Mepham closed the public hearing.

Mr. Abdelnour asked Mr. Farmer if he was sure about the width of the property in question.

Mr. Farmer replied that the measurements were scaled off the County Tax Map and were correct.

Mr. Abdelnour suggested to Mr. Delaney that he would allow him time to get the property surveyed.

Mrs. James asked if a lot was in existence prior to the ordinance, would setbacks apply.

Mr. Abdelnour asked if the property did not have anything on it, would the lot be totally unusable.

Mr. Farmer replied that the interpretations in previous cases allowed an initial structure to be placed on the lot if it were less in width or area. However, provisions do cover non-conforming lots. If a lot itself is non-conforming in width and area then you cannot allow unrestricted development to occur after the initial use.

Mr. Abdelnour motioned to deny the request.

Mr. Mephram seconded the motion and asked if there was any discussion on the motion.

Mr. Hertzler stated that he did not think it was right to deny Mr. Delaney the use of the property.

Mrs. James stated she had problems with the owner paying taxes on property and not being able to use it.

Mr. Farmer stated that the interpretations have been to allow the lot to be placed into use and to allow unrestricted development to occur would be inappropriate.

Roll call was as follows:

Mr. Abdelnour	Yes
Mr. Hertzler	No
Mr. Mephram	Yes
Mrs. James	No

Motion to deny the requested variance was tie; therefore, the decision of the Zoning Administrator was upheld to deny the request for a variance.

ZA-38-84. Valerie Wallace

Mr. Farmer gave the staff presentation and recommended that since no unusual characteristics which are peculiar to the lot exist, granting a variance would be giving a special privilege.

Mr. Mephram opened the public hearing and asked if anyone would like to speak in favor of the request.

Mr. William Bland, representing Mrs. Wallace, explained the history of the property and stated that the property had been in the family for four generations. Mr. Bland explained that in 1979 all of the heirs sold their interests in the 4.84 acres to three of the heirs. After the three remaining heirs acquired title to the property, the owners made attempts to subdivide the property. Mrs. Wallace wishes to build a home on the property depending on whether or not she can get a lot to build it on. The problem is she has enough land and not enough frontage.

Mr. Hertzler asked what section Mrs. Wallace was intending to build on.

Mr. Bland explained that Mrs. Wallace would acquire title to one section of the property and he did not know what section it was.

Mrs. James stated that the problem was not the acreage that Mrs. Wallace wished to build on, but the lot that Mrs. Berkeley's home was on.

Mr. Hertzler made a motion to grant the variance and Mrs. James seconded the motion.

Mr. Mepham asked if there was any further discussion and there being none, the roll was called.

Roll call was as follows:

Mr. Mepham	Yes
Mr. Hertzler	Yes
Mr. Abdelnour	Yes
Mrs. James	Yes

Motion was carried to grant the variance

5. MATTERS OF SPECIAL PRIVILEGE

There were no matters of special privilege to discuss.

6. ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

0185b

Joseph H. Mepham

Joseph A. Abdelnour
Sec.