

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 TWENTY-EIGHTH DAY OF MARCH, NINETEEN HUNDRED AND EIGHTY-FIVE.

1 ROLL CALL

MEMBERS PRESENT

Mr. Gerald Mepham, Chairman  
Mr. David Hertzler  
Mr. Ronald Rosenberg  
Ms. Nancy James  
Ms. Elizabeth Vaiden

2. MINUTES

The February 28, 1985 minutes were approved as presented.

3. OLD BUSINESS

Mr. Farmer stated that he was asked by the County Attorney to indicate what was going on concerning the Ribock and Hutchens cases, which had been appealed to the District Court. Mr. Farmer stated that hearings would be conducted on Tuesday, April 2, 1985, on non-substantive matters. In the Ribock case the judge was to determine if additional evidence would be admitted. In the Hutchens case the matter to be determined was whether or not the first four of the five items could be heard or whether the statute of limitations would prevent their appeal. Mr. Farmer said he would provide further information to the Board after the hearings.

Mr. Mepham inquired about the Leggum case. Mr. Farmer replied that the case had gone before Judge Carneal and he had determined not to admit any additional evidence.

4. NEW BUSINESS

Case ZA-4-85. Neill P. Watson

Mr. Farmer stated that Mr. Neill Watson had applied for a variance from Section 20-55 of the James City County Zoning Ordinance to construct a carport which is adjacent to his single family resident on Chestnut Drive. Mr. Watson

had indicated in an application for building permit that he desired to construct his carport as an accessory structure and separate the carport 6 inches from his main structure, however, the carport would still have extended to within 2-1/2 feet of the side lot line. Mr. Farmer stated that in order to justify granting the variance a hardship must be demonstrated which otherwise prevented use of the land. Granting a variance would be conferring a special privilege to the applicant. Mr. Farmer recommended that the decision of the Zoning Administrator be upheld.

Mr. Mephram opened the public hearing and asked if anyone would like to speak.

Mr. Watson stated that before making this appeal to the Board he had talked to his neighbors and they had no objection to the carport. Mr. Watson stated that because of the placement of his house to the neighbors house there is no restriction of light or air to the house.

Mr. Hertzler asked Mr. Watson if he had a drawing of the carport.

Mr. Farmer stated that he had a partial drawing and indicated that he did receive a letter from the adjacent property owner to Mr. Watson and the property owner did indicate that they had no objection to the placement of the structure within 2-1/2 feet of the lot line.

Mr. Rosenberg asked Mr. Farmer if there was any other easement other than the sanitary easement on the back of the lot.

Mr. Farmer stated that the drawing was accurate to his knowledge there was no easement running down the side lot line.

Mr. Hertzler asked Mr. Farmer how far would the carport have to be detached before it would be considered detached.

Mr. Farmer replied that he could not answer for every case with a single answer, and said he must look at each case based upon its own merit to make such a determination. Mr. Farmer stated that in this case, placing the carport six inches away was clearly an attempt to circumvent to Ordinance requirements. Mr. Farmer considered this carport part of the main structure.

Mr. Rosenberg noticed on Mr. Watson's application that there was an area for storing combustible materials (gasoline) and asked if there was any concern about the safety of the structure.

Mr. Farmer answered that in a single-family residence if a homeowner were to attach a garage or carport, separation requirement would only be a one hour fire wall from the living space.

Ms. Vaiden asked if the house was bricked. Mr. Farmer answered that it was a brick house.

Mr. Hertzler stated that the owner could easily reduce the size of the carport.

Mr. Watson replied that he wanted a carport large enough to hold two cars.

Mr. Rosenberg asked what was the normal size of a two-car garage. Mr. Hertzler replied that a normal size would be 20 x 20 feet.

Mr. Mepham closed the public hearing.

Ms. James asked Mr. Watson how close this structure would be the next structure.

Mr. Watson replied 26 feet.

Mr. Rosenberg asked if this was 10 feet from the side lot line.

Mr. Farmer explained the closest point of the two structures would be the front corner of the carport Mr. Watson is building.

Mr. Rosenberg asked if there were similar carports in the neighborhood.

Mr. Watson replied that there were similar carports in the area.

Ms. James asked if there were any trees between the Mr. Watson's property and his neighbors.

Mr. Watson replied that there were a few trees right down the property line.

Mr. Mepham asked the wishes of the Board.

Ms. James motioned that the request be granted. Mr. Rosenberg seconded the motion and asked Mr. Farmer what alternatives he suggested to Mr. Watson.

Mr. Farmer said he discussed the possibility of placing the drive around to the rear of the property and creating a free standing garage, but because of trees and the property dropping off behind the house Mr. Watson choose not the take this route.

Mr. Hertzler said he would like to change the motion to state that the carport be placed five (5) feet away from the property line. Mr. Rosenberg asked if the carport would have a uniform width.

Mr. Farmer answered that as designed it would be, but the amendment would cause the carport to be narrower in the rear.

Mr. Rosenberg asked if this structure was being designed as a rectangle 19.5 feet in the front and back and 25 feet on both sides. Mr. Farmer stated that there was about six (6) feet of the structure to the rear that will be a storage shed and the front portion will be the open carport.

Ms. James amended her last motion to place the carport five (5) feet away from the property line.

Roll call was as follows:

Mr. Hertzler	Yes
Ms. James	Yes
Mr. Mephram	Yes
Mr. Rosenberg	Yes
Ms. Vaiden	Yes

The vote was 5-0 to accept the application as an accessory structure and to allow it to come within five (5) feet away from the lot line.

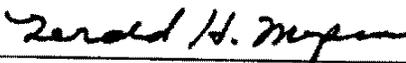
5. MATTERS OF SPECIAL PRIVILEGE

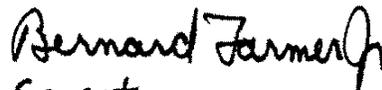
Mr. Rosenberg stated that there was much litigation over the question of what is an accessory structure, and asked that in the future that drawings of any proposed structure be presented to the Board members.

6. ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

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Gerald Mephram, Chairman

  
Secretary