

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF JAMES CITY COUNTY, VIRGINIA, IN THE BOARDROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE TWENTY-THIRD DAY OF MAY, NINETEEN HUNDRED AND EIGHTY-FIVE.

1. ROLL CALL

Members Present

Mr. David Hertzler
Mr. Ronald Rosenberg
Ms. Elizabeth Vaiden
Ms. Nancy James

Others Present

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

2. MINUTES

The April 25, 1985 minutes were approved as presented.

3. OLD BUSINESS

The being no old business to discuss, the Board moved on to new business.

4. NEW BUSINESS

Case No. ZA-8-85. Steven Murphy.

Mr. Farmer explained that Mr. Steven Murphy had applied for a variance of seven feet from the setback requirements of Section 20-49 of the Zoning Ordinance in order to construct a garage addition, and breezeway. Mr. Farmer stated that there was no basis for granting a variance other than a convenience to the property owner, and that the location of the structure as desired could constitute a safety hazard since Sabre Drive curves towards Mr. Murphy's lot. The staff recommendation must be for denial. Mr. Farmer also presented, as part of the case file, a copy of the subdivision plat of St. George's Hundred.

Ms. Vaiden opened the public hearing and asked if anyone would like to speak in favor of the case.

Mr. Murphy spoke on his own behalf. He said he no longer desired to construct the breezeway, just the garage. and he did not know all the restrictions for a corner lot when he built the house. He also said if he placed the garage back parallel with the front of the house he would have to cut down several trees and go around a fire hydrant with his drive.

Mr. Rosenberg asked Mr. Murphy to point out the location of the fire hydrant on the subdivision plat.

Ms. Vaiden asked Mr. Murphy why he decided against building the breezeway.

Mr. Murphy stated that he no longer desired a breezeway. He explained that he originally wanted to build one, but the lot was insufficient in size and he was unable to place one on the lot.

Mr. Farmer stated that he did check the subdivision plat and Mr. Murphy's lot was sufficient in size to meet all the Code requirements.

Mr. Rosenberg asked about a propane tank that appeared on Mr. Murphy's plat plan.

Mr. Farmer explained that Mr. Murphy did build a concrete pad and had a propane tank installed illegally and was cited in March. So there is no confusion or conflict with the two issues, the Code Compliance Office will pursue with legal action to have that propane tank removed after the decision concerning the garage is resolved. Granting a variance only compounds what presently is a safety hazard in Mr. Murphy's lot.

Ms. Vaiden asked for the wishes of the Board. Mr. Hertzler stated that Mr. Murphy could redesign the placement of the garage, so as to not need a variance, and motioned to deny the request. Ms. James seconded the motion.

Roll call was as follows:

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

Motion to deny the request carried 4-0.

Case No. ZA-9-85. Esquire III, Ltd.

Mr. Farmer stated that Bob Layer, on behalf of Esquire III, Ltd., had requested a variance of three feet from Section 20-84 of the James City County Zoning Ordinance as it pertained to setback requirements; a variance from the required 10-foot landscaped strip of Section 20-84, and an appeal of the decision of the Zoning Administrator as it pertains to the width of paved aisles necessary for vehicular access.

Mr. Rosenberg asked that each item be addressed separately to avoid confusion.

Item One. Setback Requirements.

Mr. Farmer explained that the applicant had placed his structure along the front of the lot and at one point the structure came within 47 feet of the road right-of-way instead of the required 50-feet. He stated that granting a

variance would be extending a special privilege to the applicant, and allowing a development that would otherwise be denied, therefore, the staff recommendation must be for denial.

Ms. Vaiden asked if anyone would like to speak in favor of the case.

Mr. Bob Layer stated that the size of the lot combined with the jog in the property line made this case very unusual. He stated that he was not trying to overdevelop the property and he had tried to meet all the setback requirements, and that he could not move the building that encroached back because they were all attached.

Mr. Rosenberg asked Mr. Layer to show how the measurement was taken to show the 47 feet. Mr. Layer showed Mr. Rosenberg how the measurement was obtained.

Ms. James asked how two different measurements in the setback line were obtained. Mr. Farmer explained that the Ordinance states that structures would require 50-feet from any street right-of-way and the site plan, when reviewed, showed a corner of Building A at the northern part of the site was approximately three feet into the setback area.

Mr. Layer stated that the mini storage area would require a minimal amount of traffic flow, the road density would be low.

Mr. Rosenberg moved to grant the variance as requested. Ms. James seconded the motion.

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

Item Two. Perimeter Landscaped Open Strip.

Mr. Farmer stated that a minimum ten-foot open space strip was required adjacent to buildings as stated in the Zoning Ordinance, and it appeared that the applicant had purposefully limited the landscaped strip in order to maximize the size of the building. He also stated that the fact that placement of the required landscaped strip would interfere with traffic flow was an argument that bore no merit, and only served to maximize the size of the structure. Mr. Farmer stated that fully waiving landscaped strips would allow a development that would otherwise be denied similar properties in the same district, and stated that economic considerations did not constitute sufficient grounds on which to grant a variance. He stated that the staff recommendation was that the variance be denied and that the landscaped strips be required as shown on the drawings.

Ms. Vaiden opened the public hearing.

Mr. Layer stated that the architect was trying to save some very old trees and was not going beyond what was allowed by law, which was 8,200 square feet (25% of the site).

Ms. Vaiden asked if the landscaped strip would cause any problems with security. Mr. Layer stated that an office manager would be at the site.

Mr. Rosenberg stated that a lot of old trees had already been cut down for this project and asked if all the doors were locker style.

Mr. Layer said yes there were.

Mr. Rosenberg asked Mr. Layer had discussion over the the adjacent project around the property.

Mr. Rosenberg asked Mr. Farmer for a definition of landscaped open strips. Mr. Farmer stated that Section 2-2 of the Ordinance describes landscaped open space strip as an area containing living plant material including flowers, trees, shrubs or grass. Landscaped areas may include pedestrian walks, ornamental objects, decorative planting, lawns and wooded areas, but at least 50% of the area must be vegetated.

Mr. Jack Kirtland stated that at the Site Plan Committee Meeting they said they could not vote on the landscaped strips because of the new Zoning Ordinance. Mr. Kirtland stated that the Board of Zoning Appeals really shouldn't be hearing this issue.

Mr. Larry Davis stated that he was at the meeting and the new Zoning Ordinance had nothing to do with what happened at the Site Plan Meeting, and the Zoning Administrator has to make any interpretations of the Zoning Ordinance, and the site plan that was brought before the Site Plan Review Committee was brought there at the request of the applicants.

Ms. Vaiden asked for the wishes of the Board.

Mr. Hertzler stated that he had a problem separating items two and three. He stated that that the site plan looked very nice. Mr. Hertzler asked Mr. Farmer to explain what the Board was trying to decide on.

Mr. Farmer stated that the applicant had failed to address a specific requirement of the Zoning Ordinance by not placing the ten-foot perimeter landscaped strip around the building.

Ms. Vaiden closed the public hearing and asked for the Board's wishes:

After discussion, the Board decided to table item 2 until after item 3.

Item 3. Paved Aisle Width

Mr. Farmer explained that the applicant wished to appeal the decision of the Zoning Administrator. The applicant has proposed an aisle width along the side of Building-C of 14 feet. It was the staff's opinion that the aisle width of 14-feet would effectively mean that any vehicle that stopped in that 14-foot paved area to off-load would block passage, and would limit the area only single-lane traffic. The staff determined that this it was not an

appropriate design for this type of development. It is the staff's opinion that at least 18-feet as the bare minimum in order to allow two-way traffic. Section 20-12.1 states in part that off-street loading spaces shall in all cases be separate from travel lanes, which provides for a specific requirement that travel way be separated from any off-loading area.

Mr. Rosenberg asked Mr. Farmer what sections had he referred to in the Zoning Ordinance.

Mr. Farmer stated that Sections 20-12.1 and 20-20 of the Zoning Ordinance were used in his interpretation.

Mr. Rosenberg asked what was the size of minimum alley widths. Mr. Farmer stated that no State Highway Standard was less than 20-feet.

Mr. Layer showed photos of the alley width while two automobiles were side-by-side. Mr. Layer also stated the area was intended for one-way traffic, that visitation to these storage facilities was very low, and that visitors would be asked not to leave their vehicles parked while at the facility.

Ms. Vaiden asked if there were any questions. Mr. Farmer stated that he had looked into several other storage facilities and they all provided wider travel lanes than Mr. Layer had proposed. Mr. Farmer furnished pictures and information to the Board concerning these similar developments.

Mr. Layer stated that Esquire III, Limited was a very little operation and they only had 8,000 square feet to work with.

Mr. Doug Haller stated that he didn't want to overdevelop, this was a practical design, was economical, and he thought he had a good design.

Mr. Rosenberg asked if the area was flat. Mr. Haller stated that the area was extremely flat.

Ms. Vaiden closed the public hearing and asked for the wishes of the Board.

Ms. James stated concern with cars passing in such a small area.

Ms. James motioned to deny the request regarding paved aisle widths. Mr. Rosenberg seconded the motion. The Zoning Administrator's interpretation of a travel lane was upheld.

Roll call was as follows:

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

Mr. Hertzler made a motion to accept the requested variance on item 2, pertaining to perimeter landscaped open strip space.

Ms. James seconded the motion.

Mr. Rosenberg and Mr. Davis had discussion over the clarity of the Zoning Ordinance as it pertained to this landscaped open strips.

Ms. James was also concerned about the issue as well.

Roll call was as follows:

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

Motion 4-0 carried to grant the variance as requested regard item 2, Perimeter Landscaped opened space strips.

Case No. ZA-10-85. Reginald White.

Mr. Farmer explained that Mr. White had applied for a variance of six feet from the sideyard requirements of Section 20-63 in order to construct an accessory apartment addition to his single-family dwelling.

Ms. Vaiden opened the public hearing.

Mr. White explained that he wanted to provide a place for his mother, who was ill, and that was why he wanted this addition to his home. He also stated that there were some trees on his property which limited the placement of the apartment addition.

Mr. Hertzler asked if he could build behind the house instead. Mr. White explained that there was a basement behind the house which made the alternative impossible.

Ms. James asked if the addition was going to be an apartment. Mr. White explained that all he wanted to build was a bedroom and bathroom.

Ms. Vaiden asked the wishes of the Board.

Mr. Rosenberg moved that the Board accept the requested variance.

Roll call was as follows:

Ms. James Yes
Mr. Hertzler No
Mr. Rosenberg Yes
Ms. Vaiden Yes

Motion was carried 3-1 to grant the requested variance.

5. MATTERS OF SPECIAL PRIVILEGE

6. ADJOURNMENT

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

Elizabeth Vaiden, Acting Chairman

Bernard Farmer
Secretary to the Board

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