

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-FIFTH DAY OF JULY, NINETEEN HUNDRED AND EIGHTY-FIVE.

1. ROLL CALL

Members Present

Mr. David Hertzler  
Ms. Elizabeth Vaiden  
Ms. Gerald Mepham

Others Present

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

2. MINUTES

The May 23, 1985 minutes were approved as presented.

3. OLD BUSINESS

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

4. NEW BUSINESS

Case No. ZA-11-85. Carl E. Meadows.

Mr. Farmer explained that AES, a professional corporation, on behalf of Carl E. Meadows, had applied to subdivide a lot located at 3123 Forge Road and had applied for either:

1. Variances to Section 20-30 and 20-32 of the James City County Zoning Ordinance, or
2. An overturning of the Zoning Administrator's ruling that the proposed subdivision for Mr. Meadows did not have preliminary approval prior to April 8, 1985.

Mr. Farmer stated that it was Mr. Meadow's desire to subdivide one lot from a 16.1 acre parcel, and prior to adopting the present Zoning Ordinance, the Board of Supervisors adopted a resolution stating that no development plan would have vested rights unless it received preliminary approval prior to the date of adoption of the new Zoning Ordinance text. Mr. Meadow's proposed subdivision was in conformance with the requirements of the Zoning Ordinance in effect prior to April 8. Mr. Meadows had proposed a lot of 26,000 square feet in area and 110 feet wide. However, the minimum size presently required

for lots in the A-1, General Agricultural District by Section 20-30 of the Zoning Ordinance, is 40,000 square feet and the minimum width required by Section 20-32 is 150 feet.

The staff's determination is that no hardship exists to justify a variance and the use of the land has not been unnecessarily restricted. Therefore, granting the applicant his request would amount to a special privilege, which is denied similar properties in the same district. It is also the staff's opinion that though informal discussions occurred, the subdivision proposal did not receive what would normally constitute preliminary approval. The staff recommends that the decision of the Zoning Administrator as it pertains to subdivision approval be upheld.

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

Mr. Davis stated that the subdivision did not have preliminary approval prior to April 8, 1985, and that decision of approval was not the decision of the Zoning Administrator but the Subdivision Agent.

Mr. Paul Small, AES, stated that because of workloads the the subdivision plan was not submitted until after the new Zoning Ordinance came into effect although Mr. Meadows secured the firm to do the subdivision back in January. He stated that this was a hardship for Mr. Meadows.

Mr. Mephram asked for the sizes of the lots 1 and 2.

Mr. Small stated that they were basically the same size.

Mr. Hertzler motioned to approve the variance. Ms. Vaiden seconded the motion.

Roll call was as follows:

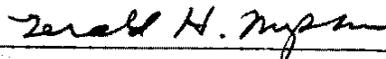
Mr. Mephram	Yes
Mr. Hertzler	Yes
Ms. Vaiden	Yes

Variance was granted 3-0.

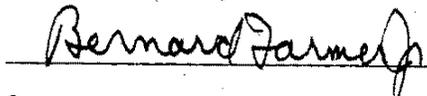
5. MATTERS OF SPECIAL PRIVILEGE

6. ADJOURNMENT

The meeting was adjourned at 8:00 p.m.



Gerald Mephram, Chairman



Secretary to the Board