

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF JAMES CITY COUNTY, VIRGINIA, IN THE BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE NINETEENTH DAY OF NOVEMBER, NINETEEN HUNDRED AND EIGHTY-SIX.

1. ROLL CALL

Members Present

Ms. Elizabeth Vaiden
Mr. Claude Feigley
Mr. Ronald Rosenberg

Others Present

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

2. MINUTES

The October 29, 1986 minutes were approved as presented.

3. OLD BUSINESS

ZA-19-86. The Muffler Doctor.

Mr. Rosenberg asked Mr. Farmer to present the case. Mr. Farmer stated that the applicant had constructed an addition that was encroaching into the setback area. The applicant was asking for a variance. The staff recommends that the variance be denied since the applicant has failed to demonstrate any hardship.

Mr. Rosenberg asked what would be the applicant's next step be if the variance was denied.

Mr. Farmer stated that Mr. Sternberg would have to remove the structure.

Mr. Rosenberg opened the public hearing.

Mr. Sternberg stated that he had taken an old business and had enhanced its appearance and the appearance of that particular intersection. He stated that a hardship did exist because his storage space was limited and this addition was to store large pipes. He stated that he wasn't aware of the setback requirement when the structure was planned. He asked the board to grant the variance.

Mr. Feigley asked if the owner submitted a site plan would it make any difference. Mr. Davis stated it would not. The structure could not be placed so close to the rear property line.

Mr. Rosenberg asked Mr. Sternberg if he realized the structure was too close to the property line. He stated that he found it hard to believe Mr. Sternberg was not aware of the requirements and stated that there were other alternatives for placement of the structure.

Mr. Sternberg stated that it was the best location for the structure since it was in the rear of the building. He stated that there were not too many alternatives.

Mr. Feigley asked if this structure was a storage shed.

Mr. Sternberg stated that the structure was to be used for large, extra auto parts.

Mr. Rosenberg asked Mr. Sternberg if he was the owner of the building. Mr. Sternberg stated that he only had a lease to the building.

Mrs. Vaiden stated that the business seemed to be a thriving, neat business, and that Mr. Sternberg had improved the property.

Mr. Rosenberg closed the public hearing.

Mr. Rosenberg stated as he understood the request, the applicant was asking for a variance of 44 feet.

Mr. Feigley stated that one thing the board would have to take into consideration was setting a precedent. He stated that in reviewing this case a hardship must be demonstrated. The applicant has not shown one. This is just a shed for the convenience for the applicant.

Mr. Sternberg stated that the business has grown so much there was a need for the extra storage space.

Mr. Rosenberg asked if the structure could be detached. Mr. Sternberg stated that it would be difficult, but maybe it could be done.

Mr. Rosenberg and Mr. Farmer discussed the setback requirement from the street, relating to detached structures.

Mrs. Vaiden made a motion to grant the variance as requested.

Mr. Feigley seconded the motion.

Roll call was as follows:

Mrs. Vaiden	Yes
Mr. Feigley	No
Mr. Rosenberg	No

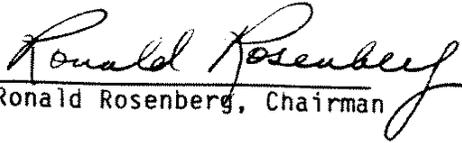
The motion was denied 2-1.

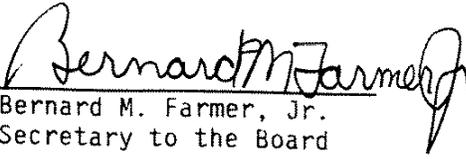
4. NEW BUSINESS

5. MATTERS OF SPECIAL PRIVILEGE

6. ADJOURNMENT

The meeting was adjourned at 8:15 p.m.


Ronald Rosenberg, Chairman


Bernard M. Farmer, Jr.
Secretary to the Board

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