

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 TWENTY-SIXTH DAY OF FEBRUARY, NINETEEN HUNDRED AND EIGHTY-SEVEN,

1. ROLL CALL

Members Present

Mr. Ronald Rosenberg  
Mr. Claude Feigley  
Mr. David Hertzler  
Ms. Nancy James

Others Present

Mr. Bernard M. Farmer, Jr., Zoning Administrator  
Mr. Larry Davis, Assistant County Attorney  
Mr. John Hughes (speaking on behalf of Mr. Charles Gregory)  
Mr. and Mrs. Allen Fulford

2. MINUTES

The November 19, 1986 minutes were approved as presented.

3. OLD BUSINESS

There was a brief organizational meeting held. The following board positions were approved by all members present:

Mr. Ronald Rosenberg - Chairman  
Mr. Bernard M. Farmer, Jr. - Secretary  
Ms. Elizabeth Vaiden - Vice Chairman

The regular meeting date will remain on the fourth Thursday of each month.

Mr. Larry Davis informed the board that the 64 Associates Case will go to the Supreme Court of Virginia on appeal, but the brief has not yet been filed with the Court. Mr. Davis has filed an objection, which has not been addressed yet.

The Muffler Doctor has been given notice to remove the building in violation. According to Mr. Farmer the notice ran out on February 26, 1987. Appropriate action will be taken.

4. NEW BUSINESS

ZA-1-87. Allen Fulford

Mr. Farmer presented the staff recommendation. The applicant is requesting a variance from the side-yard requirements. An existing garage met the 5 foot side-yard setback requirements, but the house proposed to be built on the lot would make the garage part of the permanent structure. The per-

manent structure requires a 10 foot side-yard setback which the garage violates. Since Mr. Fulford has shown no legal hardship, the staff recommends the request be denied.

Discussion followed concerning the garage's proximity to the house. If an accessory structure is within 10 feet of a main structure, it is considered to be part of the permanent structure.

The public hearing was opened by Mr. Rosenberg.

Mr. Allen Fulford stated that he did not build the garage. The garage was on the property when he purchased it. Mrs. Fulford stated that they placed the house on the property so it would be easily accessible to the water.

Ms. James brought up the possibility of purchasing land from the lot to the left, but according to Mr. Fulford there is little possibility of that happening. Mr. Fulford also stated that the floor of the garage is concrete, and therefore is not mobile.

Mr. Hertzler made the motion to grant the variance.

Ms. James seconded the motion.

The motion to grant the variance was approved unanimously.

ZA-2-87. Charles Gregory

Mr. Farmer presented the staff recommendation. The applicant is requesting a variance of approximately 6 feet. The lot is a corner lot, so the house must meet the 35 feet setback from both streets. The house is specially designed for Mr. Gregory's handicap, and it will only fit on the lot if it is facing Bristol Circle. Mr. Gregory did attempt to face the house on Durham Court, but the developer had deed restrictions that prevented this. Since no legal hardship has been shown, the staff recommended denial of the variance request.

The public hearing was opened. Mr. John Hughes was present to speak on behalf of Mr. Gregory.

Mr. Hughes stated that Mr. Gregory suffers from Padgett's disease and future operations make a one-story house a necessity. The house must have a double car garage and a ramp due to the handicap. There must also be two master bedrooms.

Mr. Hertzler brought up the point that the house plans could easily be redrawn to accommodate this size house without encroaching on the setback lines.

There was a discussion about whether the driveway could be placed on the left side of the house. Mr. Farmer stated there was nothing to preclude this.

Mr. Davis stated that the subdivision was new, and this case may set a precedent for other builders in this same subdivision.

Ms. James made a motion to deny the variance request.

Mr. Hertzler seconded the motion.

The motion to deny the request passed by a unanimous vote.

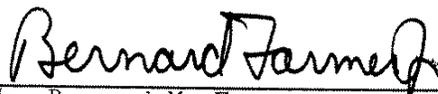
5. MATTERS OF SPECIAL PRIVILEGE

Mr. Farmer stated that the county administration wishes to begin placing placards on pieces of property that have variance, re-zoning, or special use cases pending. The placards will be two feet by three feet, and will be placed on metal stakes on the setback line of the property. The placards will be posted two weeks prior to the hearing and will be taken down one week after the hearing. The purpose of these placards is to call more attention to the cases than the present newspaper ads. The board has no objection to the placing of these placards.

6. ADJOURNMENT

The meeting was adjourned at 8:15.

  
\_\_\_\_\_  
Mr. Ronald Rosenberg  
Chairman of Board of Zoning Appeals

  
\_\_\_\_\_  
Mr. Bernard M. Farmer, Jr.  
Secretary to Board of Zoning Appeals