

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF JAMES CITY COUNTY, VIRGINIA, HELD ON THE TWENTY-SEVENTH DAY OF AUGUST, NINETEEN HUNDRED AND EIGHTY-SEVEN AT 7:30 P. M. IN THE COUNTY GOVERNMENT CENTER BOARDROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Ms. Elizabeth Vaiden, Vice-Chairman
Ms. Nancy James
Mr. Claude Feigley
Mr. Robert Ripley

ALSO PRESENT

Mr. Bernard M. Farmer, Jr., Director of Code Compliance
Mr. Larry Davis, Assistant County Attorney

2. MINUTES

The Minutes of the July 23, 1987 meeting were approved as presented.

3. OLD BUSINESS

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

4. NEW BUSINESS

CASE NO. ZA-13-87. HOWARD SHELDON

Mr. Farmer presented the staff report stating that Mr. Howard Sheldon, Sheldon Lumber Company, had requested a variance of nine feet from the sideyard requirements of Section 20-355 for construction of a storage building on property located at 7812 Richmond Road.

Mr. Farmer further stated that in November, 1986, Mr. Sheldon received site plan approval to construct two additions, an office to be completed in February, 1987, and a showroom to be completed during the summer, 1987. A third building was also planned and footings were poured without a permit, site plan approval or inspection, at the same time as footings were poured for the showroom addition. On June 23, 1987, the owner was notified of the violations and a request was made for an engineer's certification on the permitted structure. On June 30, 1987, Mr. Sheldon was told not to proceed with the third structure until proper permits had been obtained. Upon application of site plan approval, Mr. Sheldon was informed of the setback violation.

Mr. Farmer further stated that staff recommended denial of the requested variance as the parcel in question contained more than 20 acres with only a small portion currently developed. Mr. Farmer stated that the applicant had shown no legal hardship and the granting of this variance would be a special privilege denied to other property owners in the same district and serve only as a convenience to alleviate the existing violation.

Ms. Vaiden opened the public hearing.

Mr. Glen Williams, representing the applicant, stated that Mr. Sheldon was not present when the footings were poured. Mr. Williams further stated this building would be used for the storage of doors and windows.

There being no further speakers the public hearing was closed.

Following a brief discussion, upon a motion by Ms. James, seconded by Mr. Feigley, the Board of Zoning Appeals voted 4-0 to deny the requested variance.

CASE NO. ZA-14-87. DAVID HERTZLER

Mr. Farmer presented the staff report stating that Mr. Hertzler had requested a variance of 15 feet from the setback requirements of Section 20-332 of the Zoning Ordinance for the side adjacent to Adams Road on property located at 7214 Merrimac Trail. Under existing regulations requiring a 50 foot setback, approximately 1600 square feet or 8% of the total site is buildable for a rectangular building 900-1200 square feet in size. The requested variance would provide a 35 foot setback allowing approximately 3000 square feet of buildable area. Mr. Farmer further stated that staff recommended approval of the requested variance as application of the regulations in this case provides an unreasonable restriction on the use of the property and prevents its beneficial use under B-1 zoning.

Ms. Vaiden opened the public hearing.

Mr. Thomas Sutton, Hertzler Enterprises, was present to answer questions.

Mr. Charlie Morrell inquired about future use of the property and stated if no known use for the building exists then he considered it too general to vote on.

Mr. Sutton stated that site plan approval would be required prior to construction on the site.

Mr. Davis stated that Board approval applied only to the variance and site plan approval would be required.

There being no further speakers the public hearing was closed.

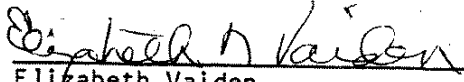
Upon a motion by Mr. Feigley, seconded by Mr. Ripley, the Board voted 4-0 to approve the requested variance.

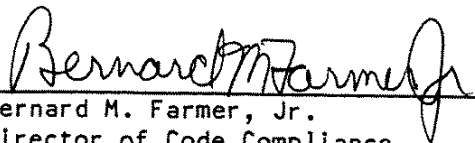
5. MATTERS OF SPECIAL PRIVILEGE

No discussion.

6. ADJOURNMENT

The August 27, 1987 Board of Zoning Appeals meeting was adjourned at 8:15 P. M.


Elizabeth Vaiden
Vice-Chairman


Bernard M. Farmer, Jr.
Director of Code Compliance