

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 EIGHTEENTH DAY OF NOVEMBER, NINETEEN HUNDRED AND EIGHTY-SEVEN.

1. ROLL CALL

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

Others Present

Mr. Bernard Farmer, Code Compliance  
Mr. Larry Davis, Assistant County Attorney  
Ms. Tami Jo Vest, Code Compliance

2. MINUTES

The minutes of the October 22, 1987 meeting were approved as presented.

3. OLD BUSINESS - None

4. NEW BUSINESS  
ZA-17-87 NICE CONSTRUCTION

Mr. Farmer presented the staff report stating that Mr. Daniel Nice of Nice Construction had requested a variance of approximately 7.7 feet from the rear yard requirements for a structure at 4176 Rose Lane. Mr. Farmer further stated that staff recommended denial of this variance since no legal hardship peculiar to the property in question had been shown.

Mr. Rosenberg opened the public hearing.

1. Mr. Nice, the applicant, presented pictures to the board members to help the board members understand why the structure was moved from the original permitted location. Mr. Nice stated that they moved the structure in order to save trees on the property, without realizing they had encroached into the setback area.

Ms. Vaiden asked Mr. Farmer if applicants of corner lots could choose the front property.

Mr. Farmer stated that the ordinance only defines the front

as being the shorter of the two sides facing the street. Only lots which are symmetrical really present a choice. Mr. Farmer further stated that the direction which is chosen to face the building really has no effect on the zoning restrictions.

Ms. Vaiden asked Mr. Nice if 7 feet of the adjoining lot could be purchased.

Mr. Nice stated that this would not be possible due to the shape of the lot, and that is wasn't in his ownership.

A general discussion followed concerning how this variance distance mistake might be avoided in the future. Several ways were discussed. Among them are; when corner lots are purchased to notify purchasers of the code requirements; to acquire a survey be submitted with each permit; and during the footing inspection a more intense inspection be made to determine distance.

Mr. Robert Jones, the property owner, stated that he had known Mr. Nice for many years and felt that Mr. Nice had made an honest mistake. He further stated that he did not see any reason for the house to be destroyed because of this mistake.

Mr. Rosenberg closed the public hearing.

Mr. Feigley made a motion to deny the variance. No second was voiced.

Mr. Ripley made a motion to grant the variance as requested. Ms. Vaiden, seconded the motion.

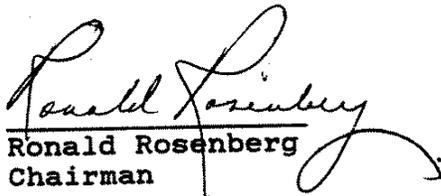
Roll call was as follows:

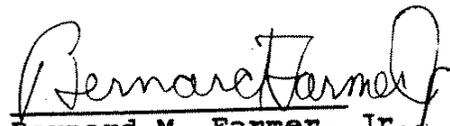
Mr. Rosenberg - Yes  
Ms. Vaiden - Yes  
Mr. Feigley - No  
Mr. Ripley - Yes

5. MATTERS OF SPECIAL PRIVILEGE - None

6. ADJOURNMENT

The meeting was adjourned at 8:18 p.m.

  
Ronald Rosenberg  
Chairman

  
Bernard M. Farmer, Jr.  
Secretary to the Board