

BOARD OF ZONING APPEALS

MINUTES

April 28, 1988

A. ROLL CALL

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

Absent
Ms. Nancy James

Others Present

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

B. MINUTES

The February 24, 1988 minutes were revised and approved.
The March 24, 1988 minutes will be reviewed at the next meeting
for approval.

C. OLD BUSINESS

None

D. NEW BUSINESS

1. ZA-8-88 Mary V. Johnson

Mr. Farmer stated Ms. Mary V. Johnson had requested a 5 foot variance from the front setback requirements of the James City County Zoning Ordinance to construct an addition to her single family dwelling. Mr. Farmer further stated that the applicant may have some extenuating circumstances requiring use of the setback area but no legal hardship had been demonstrated. Staff recommends denial as the property is presently placed in use, and granting the variance would amount to a special privilege otherwise denied similar properties in the same district.

Mr. Ripley asked Mr. Farmer about the location of the house in regard to the well.

Mr. Farmer stated that the well is located in the rear of the property and is not in use.

Mr. Rosenberg opened the public hearing.

Mr. Johnson stated that he needed 12 to 10 feet for the

addition.

Mr. Rosenberg closed the public hearing.

Mr. Rosenberg asked whether adjacent property owner letters had been mailed as the applicant had not listed any adjacent property owners on the application.

Mr. Farmer stated that there are copies of the adjacent property owner letters in the file and that one letter had been returned marked undeliverable to Jehovah's Witness.

Mr. Rosenberg and Mr. Feigley discussed the house and its dimensions in regards to the location to Route 60. They agreed that the home would not be affected if future widening occurred.

Mr. Feigley motioned to grant the variance as requested.

Ms. Vaiden seconded the motion.

Mr. Rosenberg stated that only the 5 foot variance is granted and that all other codes and requirements stand as required by the County.

The motion was carried unanimously.

2. ZA-9-88 Leonard Greenwood

Mr. Farmer stated Mr. Leonard Greenwood had requested a 25 foot variance from the front setback requirements of the James City County Zoning Ordinance in order to construct a single family dwelling. Mr. Farmer further stated that characteristics exist which make the property slightly more difficult on which to build but there is nothing unique which would distinguish this property from others within the subdivision. The topographic characteristics are not so severe as to render this property unusable as a result of the zoning setbacks. Staff recommends the variance be denied.

Mr. Rosenberg opened the public hearing.

Mr. Feigley stated that upon his inspection of the property, he took approximately 5 paces on the property and saw a 6 foot drop.

Mr. Greenwood stated that he planned on putting in a basement where the property slopes down. He further stated that the front of the house is approximately 50 feet long and will be aligned with adjacent property homes.

Mr. Rosenberg asked Mr. Greenwood if he had a plan showing the location of the house on the lot.

Mr. Greenwood stated he had a rough sketch, which he showed.

Ms. McGrann, neighbor, stated that she approved of the requested variance.

Mr. Feigley motioned that the variance be granted as requested.

Ms. Vaiden seconded the motion.

The motion was carried unanimously.

3. ZA-10-88 E.J. Campbell and John Mullenax

Mr. Farmer stated Mr. Joseph A. Abdelnour, attorney for the applicant, had requested a variance of 1.7 feet from the side yard setback requirements of the James City County Zoning Ordinance for a single family dwelling. Mr. Farmer further stated substantial financial hardship would result from having to move the structure but no legal hardship had been shown. Staff recommends the variance be denied.

Mr. Rosenberg opened the public hearing.

Mr. Abdelnour, attorney for the applicant, stated that Mr. Richard Smith, closing attorney, had requested that a survey be done. It was with this survey that the encroachment was found. Mr. Abdelnour further stated that the house is presently unoccupied and that a loan application is pending with FHA depending on the results of this meeting. Mr. Abdelnour also stated that there is approximately 50 feet between lots 12 and 13 and that those property owners have stated their approval of the requested variance.

Mr. R.J. Campbell stated that he realizes that he should have had the property surveyed and he takes full responsibility of the encroachment violation.

Mr. Rosenberg closed the public hearing.

Mr. Ripley motioned to grant the variance as requested.

Ms. Vaiden seconded the motion.

Mr. Feigley stated that he would like to know how the contractors could be notified about having surveys done. There was brief discussion among the Board concerning spreading the word to contractors.

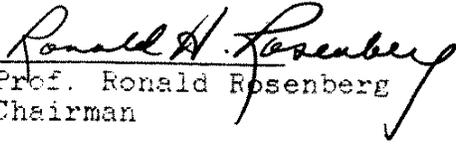
The motion was carried unanimously.

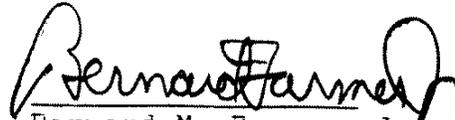
E. MATTERS OF SPECIAL PRIVILEGE

None

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.


Prof. Ronald Rosenberg
Chairman


Bernard M. Farmer, Jr.
Secretary to the Board