

BOARD OF ZONING APPEALS

JANUARY 24, 1991

A. ROLL CALL

Mr. Feigley
Mr. Ripley
Ms. James
Mr. Geidd

Absent:
Mr. Carr

Others Present:

Bernard M. Farmer, Jr., Zoning Administrator
Leo Rogers, Assistant County Administrator

B. MINUTES

The minutes of the December 27, 1990, meeting were approved as presented.

C. OLD BUSINESS

None

D. NEW BUSINESS

ZA-1-91. Kenneth Spencer - 4927 Hickory Sign Post Rd.
(47-2) (1-49)

Mr. Farmer presented the Staff report stating that Kenneth Spencer has requested the variance in order to be able to divide the property into two parcels, parcels A and B, as shown on the accompanying plat. Parcel A will retain the existing structure and is proposed to be almost 4 acres in size. Section 20-154 of the James City County Zoning Ordinance requires that lots greater in area than one acre have a width of 150 feet at the setback line. The proposed subdivision would not provide the necessary width for parcel A at the point where the house is presently located, resulting in the requested variance. As proposed parcel B would conform to the ordinance since it does not contain any development, would be less than one acre, and would have the required lot width. As it presently exists (without any subdivision) the entire property conforms to the ordinance.

The applicant has cited several reasons for desiring the subdivision in the manner shown. Primarily, subdividing the property in a fashion to conform to the ordinance would result in a house on parcel B which is further from the street than other existing development, would require a lift pump for the sewer service, and would result in a larger lot than presently proposed for parcel B. None of these reasons creates an undue hardship which renders the property practically unusable as a result of the zoning ordinance application.

It is the staff recommendation that the variance be denied. The property as it exists has been placed into beneficial use and conforms to the requirements of the zoning ordinance. Any expense or inconvenience which might result is caused by the owners desire to further develop the property and is self imposed. Since the intent of the ordinance is to require that new development conform to the requirements of the ordinance, it would not be consistent with state law or previous actions to grant a variance in this case.

Mr. Feigley opened the public hearing.

Mr. Kenneth Spencer spoke and explained why he had requested the variance and offered to answer questions.

Mr. Feigley closed the public hearing.

Mr. Ripley talked about what the lot width ordinance means.

Mr. Spencer said he understood the need for the ordinance but he needed somewhere to construct lower cost housing.

Mr. Giedd stated he felt alternatives to allowing the variance appear to be more of a problem. Situating the house further back would be inconsistent with other development.

Mr. Farmer pointed out the fact that the Board could condition any variance they might grant.

Mr. Ripley spoke about the unique conditions related to the property and what might be the basis for the variance. He also, stated he felt the property would look best with the dwellings placed at a uniform distance from the street.

Mr. Giedd asked about the area of the proposed parcel B and size of proposed new dwelling.

Mr. Farmer stated the size of the proposed parcel would be 20,000 square feet and the proposed dwelling would be 1400 square feet.

Mr. Ripley moved to deny the variance.

The motion was defeated.

Mrs. James moved to grant a variance to allow the subdivision of the property subject to the following condition: Any further development or subdivision of Parcel A would require that the entire parcel be brought into conformance with the ordinance at the time of development.

The vote for approval of the motion with the condition was unanimous.

D. MATTERS OF SPECIAL PRIVILEGE

The 1991 Calendar was approved.

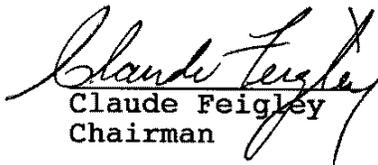
Ms. James moved to elect the same slate of officers as was elected for 1990.

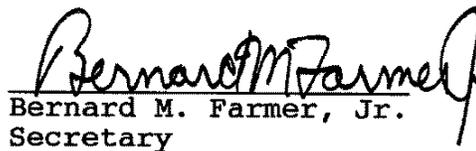
The motion was accepted unanimously.

Mr. Feigley spoke on the actions taken by the BZA in the year 1990, and congratulated Mr. Ripley on his attendance record.

E. ADJOURNMENT

The meeting was adjourned at 9:30 P.M.


Claude Feigley
Chairman


Bernard M. Farmer, Jr.
Secretary