

BOARD OF ZONING APPEALS

MINUTES

SEPTEMBER 22, 1994

A. ROLL CALL

ABSENT:

Mr. Feigley  
Mr. Ripley  
Mr. Giedd  
Ms. Wallace

Mr. Carr

Others Present:

Jacqueline White, Zoning Officer

B. MINUTES

The minutes of the August 25, 1994 meeting were deferred until the next scheduled meeting.

C. OLD BUSINESS

None.

D. NEW BUSINESS

ZA-19-94; Warren and Carol Harr

Jacqueline White presented the staff report stating that Sheila Silverman, of Patio Enclosures, on behalf of Mr. and Mrs. Harr, has requested a five foot variance to the rear setback requirement to allow for an enclosed patio for property at 109 King Henry Way in the R-2, General Residential district. The property is further identified as Parcel (3-9) found on James City County Real Estate Tax Map (32-4). Because no undue hardship exists and this lot does not exhibit any unusual topography, shape, or size that is not shared by like neighboring properties, staff recommends denial of this variance request.

Mr. Feigley opened the public hearing.

Sheila Silverman of Patio Enclosures, spoke on behalf of the Harr's regarding the variance application.

Mr. Ripley asked what dictated the size of the room which they proposed to construct.

Ms. Silverman stated that they wished to construct the enclosure on an existing concrete slab where sliding doors would provide access.

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Mr. Ripley asked if the room could be constructed and conform with the required setbacks.

Ms. Silverman stated that there is an electrical box and an air conditioning unit which would have to be relocated.

Mr. Giedd stated that it looks as if the enclosure would fit at the other end of the house without requiring a variance. There is also a door leading from a utility room which could provide access to the room or place the room around the corner of the home.

Mr. Feigley closed the public hearing.

Mr. Feigley motioned to deny the requested variance because the applicant had not demonstrated any undue hardship which was unique and not shared by like properties.

Mr. Ripley seconded the motion.

The motion carried unanimously.

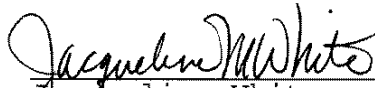
**E. MATTERS OF SPECIAL PRIVILEGE**

None.

**F. ADJOURNMENT**

The meeting was adjourned at 7:57 P.M.

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Claude Feigley  
Chairman

  
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Jacqueline White  
Zoning Officer