

BOARD OF ZONING APPEALS

MINUTES

OCTOBER 27, 1994

A. ROLL CALL

ABSENT:

Mr. Ripley
Mr. Carr
Ms. Wallace

Mr. Feigley
Mr. Giedd

Others Present:

Jacqueline White, Zoning Officer

B. MINUTES

The minutes of the August 25, 1994 and September 22, 1994 meeting were approved.

C. OLD BUSINESS

None.

D. NEW BUSINESS

ZA-20-94; Marriott Ownership Resorts

Jacqueline White presented the staff report stating that Mr. K. Bryan Thrush on behalf of Marriott Ownership Resorts, Inc. has applied for a variance to allow the use of metal halide lighting in the parking lot of the Manor Club project adjacent to St. Andrews Drive in the Ford's Colony Planned Residential Community. The property is located at 101 St. Andrews Drive and is further identified as parcel (1-52) found on James City County Real Estate Tax Map (31-3). The property is located in the R-4, Planned Residential Community Zoning District. Because no undue hardship has been shown which effectively prohibits the property from being used, staff recommends that the variance be denied. A desire for uniformity is not adequate justification.

Mr. Ripley opened the public hearing.

Mr. Bryan Thrush, representative of Marriott Ownership Resorts and Construction Manager on the project explained the application. He stated that Mr. Drew Mulhare, president of Ford's Colony Home Owner's Association, was in agreement with their request and very much opposed to putting a high pressure, sodium type light in this area because this type lighting does not exist elsewhere in Ford's Colony.

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Mr. Ripley closed the public hearing.

Mr. Ripley asked when the previous variance was granted.

Mr. Carr stated that the reason he voted to grant the variance for the previous variance request was because the entire subdivision of Ford's Colony has metal halide lighting.

Mrs. White stated that the previous variance was granted in May.

Mr. Carr asked Mr. Thrush his reason for not including his present request with the previous request.

Mr. Thrush stated that he was still in the process of redesigning and had not completed this plan at that time

Mr. Carr motioned to grant the requested variance.

Mr. Ripley seconded the motion.

The vote was 2 to 1 with Mrs. Wallace dissenting, therefore the variance request was denied.

ZA-21-94; Richard A. Costello, AES Consulting Engineers, for
Stadium Oil Sales

Jacqueline White presented the staff report stating that Mr. Costello, of AES Consulting Engineers, on behalf of the owner, Stadium Oil Sales, has requested variances to landscape requirements, setback requirements, and requirements for establishments selling vehicular fuels for a proposed automobile fuel station at 7877 Richmond Road in the B-1, General Business zoning district. The property is further identified as Parcel (2-26) found on James City County Real Estate Tax Map (12-4). Stadium Oil Sales is proposing to build a 2400 square foot gas station with a convenience store at the above mentioned property along Richmond Road. The property is somewhat square with streets on three of four sides and is 24,715 square feet in size. Section 20-86C (2c) of the zoning ordinance requires that a landscape area be provided adjacent to any existing or planned public road right of way. Section 20-85 (B5) provides that the Commission or Planning Director may modify, transfer or permit substitutions to the landscape requirements.

Ms. White further stated that Section 20-38 (34) requires that the width of curb openings shall not exceed 35 feet, except that where

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required for the safe maneuvering of trucks, the curb openings may be increased to a width of 60 feet. Stadium Oil Sales is also requesting a 40 foot variance from the setback requirement off of Chesapeake Ave to the proposed rear of the structure. Section 20-393 requires that structures shall be located 75 feet or more from the center line of the street where the street right of way is less than 50 feet in width. Although the property does possess the unusual character of having three abutting streets, it has not been demonstrated that the proposed structure cannot be built without a variance. Because no hardship has been demonstrated, staff must recommend denial of the variance.

Mr. Ripley asked for clarification of the alternatives to obtaining two of these variance requests through the planning department.

Mr. Ripley opened the public hearing.

Mr. Richard Costello, of AES Consulting Engineers spoke on behalf of the application.

Mr. Costello provided a copy of a map to the Board and indicated that the map was the exhibit that was submitted with the Special Use Permit in early May showing the building as it could be placed on the lot. He stated that after discussion with staff members, the planning department was not happy with the proposed building and stated that a building that was square to the road would better fit in with the neighboring community and this decision generated his application for the variances.

Mr. Ripley asked why the building could not be moved forward of the property.

Mr. Costello stated that would interfere with the parking requirements, and the plan for the location of the pumps.

Mr. Carr asked if they would be providing access from Chesapeake Avenue.

Mr. Costello said that they would not provide access from Chesapeake Avenue, but will provide a screen for the adjacent neighborhood by landscaping.

Mr. Ripley proposed moving the proposed building forward and relocating the building canopies to the left of the building.

Mr. Ripley referred to a case where they allowed for a building which would allow for 25% coverage on the lot.

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Ms. White explained that that case was different.

Mr. Costello stated that he is trying to allow for proper spacing between gas pumps for maneuvering ability.

Mr. Ripley reiterated that the landscaping and the curb cut could be handled through the planning department.

Mr. Carr stated that he would like to see all viable options of placing the structure on the lot.

Mr. Costello that the Highway Department requires a 150 foot taper in front of the site and this is another requirement that they must meet.

Mr. Costello offered to come back with more options for location of the building.

Mr. Ripley stated that what they are concerned about is the actual placement of the building on the property and therefore he motioned to defer action on the case until the next advertised meeting leaving the public hearing open.

E. MATTERS OF SPECIAL PRIVILEGE

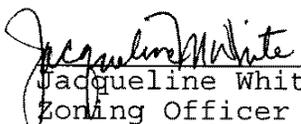
None.

F. ADJOURNMENT

The meeting was adjourned at 8:30 P.M.



Robert Ripley
Vice-Chairman



Jacqueline White
Zoning Officer