

**BOARD OF ZONING APPEALS**

**MINUTES**

**MARCH 23, 1995**

**A. ROLL CALL**

**ABSENT:**

Mr. Feigley  
Mr. Giedd  
Mr. Ripley

Mr. Carr  
Ms. Wallace

Others Present:

Bernard M. Farmer, Jr. Zoning Administrator

**B. MINUTES**

The minutes of the January 26, 1995 meeting were deferred.

**C. OLD BUSINESS**

None.

**D. NEW BUSINESS**

**ZA-24-94; Jack P. Kirtland**

Jacqueline White presented the staff report stating that Mr. Kirtland, owner, has requested a variance to the sign ordinance to relocate an existing internally illuminated sign for property at 1208 Jamestown Road in the B-1, General Business district. Mr. Kirtland is requesting a five foot variance to the setback requirement as well as a variance to maintain an internally illuminated sign along a designated greenbelt. Mr. Kirtland currently has an internally illuminated free standing sign located in the Virginia Department of Transportation right of way along Jamestown Road. A sign permit was issued for the sign in 1980. The Virginia Department of Transportation's plans to widen Jamestown Road in this area necessitates that the Berkeley Cleaners sign be relocated. Virginia Department of Transportation is planning to begin work in the spring of 1995 and will require their five foot right of way and an additional five feet for a temporary easement during construction. The property is along the Williamsburg /James City County border and fronts on Jamestown Road. Mr. Kirtland is proposing

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to relocate the current sign to a location immediately inside the property line with no setback distance between the front property line and the sign. He is also proposing to maintain the internal illumination of the sign. Adequate area is provided on the property to locate the sign within current setback requirements. The sign can be adequately lit externally and meet current zoning requirements. Although parking may or may not need to be altered to accommodate the sign and an additional expense may be incurred to externally illuminate the sign, no undue hardship has been demonstrated.

Mr. Feigley opened the public hearing.

Mr. Jack Kirtland spoke on behalf of his application. He explained that he felt that relocating the sign within the required setbacks would cause increased difficulty in maneuvering and parking in the parking lot. Mr Kirtland explained that even as it is presently situated the sign has been hit several times by vehicles attempting to get out of the lot. Mr Kirtland further explained that if he located the sign along the Williamsburg / James City County border the sign would not be visible from one direction (east) because of the overloaded utility pole and trees along the fence. Mr Kirtland went on to express his desire to retain the internal illumination of the sign. Mr Kirtland felt that since he VDOT was requiring his sign to be moved he should be able to retain this feature. He went on to explain that because of the lack of lighting in the evening in that area, in his opinion the internal illumination was necessary. Mr Kirtland further presented a map he had received from VDOT and explained that properties on this side of Jamestown Road were the only ones being affected by the VDOT's widening.

There was discussion between Mr. Kirtland and the Board Members about the proposed expansion of Jamestown Road and how it would affect the location of the sign.

Mr. Feigley closed the public hearing.

Mr. Feigley discussed his recent participation on the lighting task force, a group developed to study lighting issues in the county. He further stated that as result of that participation and the issues discussed he had no problem with granting the permit for the internally illuminated sign. He feels that there have been some hardships created due to the widening of Jamestown Road.

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Mr. Ripley said that he agrees that hardship has been inflicted.

Mr. Feigley moved to grant a variance to move the existing internally illuminated sign with variances granted from the realigned North front and the existing West side property lines.

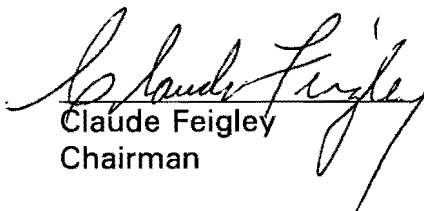
The motion carried unanimously.

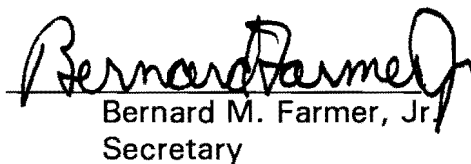
**E. MATTERS OF SPECIAL PRIVILEGE**

Mr. Feigley informed the Board of a discussion he had earlier in the day with Bernie Farmer in reference to the delay in receiving case packets, minutes, etc. Board members are to be sent copies of Public Hearing Notices three weeks prior to the meeting so that they are aware of upcoming meetings. There was discussion on whether or not attendance is required. Some concern was expressed with the lack of regular attendance by some members, some felt it was a hinderance to others. Mr Feigley discussed appointing alternates to serve on the Board when members are absent. Mr. Feigley will discuss this with Bernie Farmer .

**F. ADJOURNMENT**

The meeting was adjourned at 8:40 P.M.

  
Claude Feigley  
Chairman

  
Bernard M. Farmer, Jr.  
Secretary