

BOARD OF ZONING APPEALS

SEPTEMBER 3, 1998

A. ROLL CALL

PRESENT:

Mr. Feigley
Mr. Fischer
Ms. Wallace
Mr. Giedd

ABSENT:

Mr. Nice

OTHERS PRESENT:

Scott Denny, Code Compliance Officer
John Patton, Code Compliance Officer

B. MINUTES

The minutes of the August 6, 1998 meeting were approved with a correction being noted for case ZA-7-98 to a statement made by Mr. Feigley regarding setback measurements.

C. OLD BUSINESS

None

D. NEW BUSINESS

ZA-8-98. Gary & Geraldine Moore, 158 & 162 Forest Heights Road

Scott Denny presented the staff report stating that Mr. & Mrs. Gary Moore, contract purchasers, have requested a variance to Sec. 24-257, Setback Requirements, and to Sec. 24-259 (b), Yard Regulations, to permit the construction of a single family home on two lots at 158 & 162 Forest Heights Road. The property is zoned R-2, General Residential, and is further identified as parcels (4-25) and (4-28) on James City County Real Estate Tax Map No. (32-2).

The zoning ordinance requires that where the street right of way is less than fifty feet in width, structures shall be located a minimum of fifty feet from the centerline of the street. The majority of homes on Forest Heights Road appear to be approximately twenty to twenty-five feet from the road. Under the current zoning ordinance, the property is unbuildable and may not be put into its intended use as the required front and rear setback overlap by two and a half feet leaving no buildable area.

The proposed variance would not be a detriment to adjacent properties or compromise the character of the surrounding area. A strict interpretation of the correct setbacks does present a clear hardship. Staff recommends that a variance of fifteen feet be granted that would establish the rear setback at twenty feet and a variance of twenty-two and a half feet be granted that would establish the front setback at twenty feet. Staff recommends that this variance be granted with the condition that the common property line between the two parcels be extinguished.

Mr. Feigley opened the public hearing.

Mr. Gary Moore, contract purchaser, stated that he intends on building a modest home on the middle of the two lots once the common boundary line is extinguished. The home would be the last home on the street.

Mr. Feigley asked what the dimensions of the proposed home would be.

Mr. Moore stated that the home would be approximately twenty-six feet by fifty-six feet.

Mr. Giedd asked when the common boundary line between the two properties would be extinguished.

Mr. Moore stated that a subdivision application is currently under review in the Planning office to extinguish the common boundary line between the two properties.

Mr. Feigley closed the public hearing.

Mr. Fisher stated that lots that were legally platted prior to the County having a zoning ordinance should be exempt from having to come before the BZA to obtain a variance.

Mr. Feigley asked staff whether the applicant in this case was charged the new variance application fee of \$250 or was charged the old \$100 fee.

Mr. Denny responded that the Mr. Moore submitted his variance application and \$100 fee before the administrative fees were changed.

Mr. Feigley made a motion to establish the front setback at twenty feet and the rear setback at twenty feet with the condition that the common property line be extinguished.

Ms. Wallace seconded the motion.

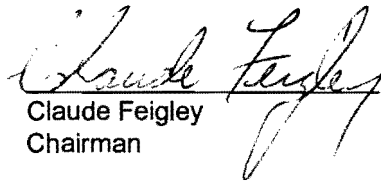
The motion was granted unanimously (4-0).

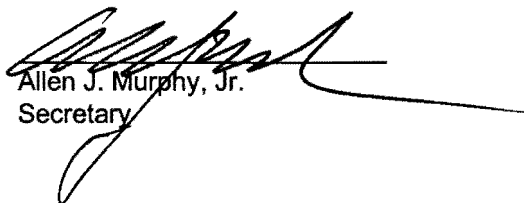
E. MATTERS OF SPECIAL PRIVILEGE

None

F. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.


Claude Feigley
Chairman


Allen J. Murphy, Jr.
Secretary