

RESOLUTION

CASE NO. BZA-22-0001. GRANTING A VARIANCE ON JAMES CITY COUNTY

REAL ESTATE TAX MAP PARCEL NO. 3221200264

WHEREAS, Mr. and Mrs. Goldstein, have appeared before the Board of Zoning Appeals of James City County (the "Board") on March 3, 2022, to request a variance on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3221200264 and further identified as 5719 Peter Van Wirt Way (the "Property") as set forth in the application BZA-22-0001; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record and discussed a motion to grant a variance to Section 24-258(b), Yard Requirements, to reduce the required rear setback of 35 feet to 32 feet for the continued placement of an above ground pool. This property is currently zoned R-2, General Residential, and can further be identified as James City County Real Estate Tax Map Parcel No. 32212000264.

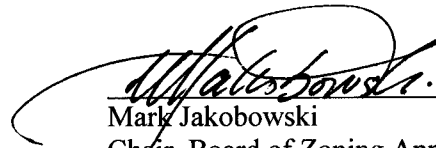
NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Appeals of James City County, Virginia, by a majority vote of its members FINDS that:

1. The strict application of Chapter 24 of the Code of James City County would unreasonably restrict the utilization of the Property; or
2. The granting of a variance would alleviate a hardship due to a physical condition relating to the Property or improvements thereon at the time of the effective date of the Ordinance or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability; and
 - a. The Property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; and
 - b. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; and
 - c. The condition or situation of the Property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance; and
 - d. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the Property; and


- e. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the Ordinance pursuant to Subdivision 6 of § 15.2-2309 or the process for modification of a Zoning Ordinance pursuant to Subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

WHEREUPON, the Board of Zoning Appeals of James City County, Virginia, adopts the following resolution:

To grant a variance to Section 24-258(b), Yard Requirements, to reduce the required rear setback of 35 feet to 32 feet for the continued placement of an above ground pool with no further encroachment. This property is currently zoned R-2, General Residential, and can further be identified as James City County Real Estate Tax Map Parcel No. 32212000264.


 Mark Jakobowski
 Chair, Board of Zoning Appeals

ATTEST:


 Christy Parrish
 Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
OTEY	✓	—	—
GEIB	✓	—	—
CAMPANA, JR.	✓	—	—
JAKOBOWSKI	✓	—	—

Adopted by the Board of Zoning Appeals of James City County, Virginia, this 3rd day of March, 2022.

BZA22-1_5719PtrVnWrtWy-res