

At a regular meeting of the James City County Board of Zoning Appeals, held in the Courthouse, Williamsburg, Virginia, on the twenty-second day of September, nineteen hundred and seventy-one, there were present: Mr. George A. Marston, Chairman; Mr. Mayo W. Waltrip, Vice-Chairman; Mr. Gerald H. Mephram, Secretary.

RE: MINUTES.

The minutes of the previous meeting on August 4, 1971, were read and approved.

RE: PUBLIC HEARING - MRS. DOROTHY C. TIBBS APPEAL # 71-2.

The Chairman opened the Public Hearing.

Mr. Robert C. Kidd of TOP, Inc. represented Mrs. Tibbs. Mr. Kidd explained that it was desired to deed the lot involved to Mrs. Tibbs' nephew, Mr. Cary, for building of a single family dwelling. While the lot was 62 feet by 108 feet Mr. Cary's grandmother, Mrs. Eva Ludy, would be willing to give additional land at the rear of the lot to increase the size to 62 feet by 175 feet. The Health Department has indicated that a septic tank and well could be accommodated on the lot if it were 62 feet by 175 feet.

In response to questions, Mr. Kidd stated that a single family dwelling twenty-four (24) feet by forty (40) feet with the septic tank in the front of the house was planned. Also, it was planned to build the house with a setback of about seventy-five (75) feet to conform to the setback of the houses on either side. Mr. Kidd stated that the well and septic tank would not interfere with that of the adjacent property owners.

The Zoning Administrator stated that the matter involved variances within the purview of the Board.

There being no further comments the public hearing was closed.

On a motion by Mr. Waltrip, seconded by Mr. Mephram, and passed by a unanimous vote, the Board of Zoning Appeals of James City County, Virginia, hereby grants a variance as follows:

- a. Frontage of sixty-two (62) feet
- b. Area of not less than ten thousand eight hundred and fifty (10,850) square feet (62' x 175').
- c. Side yard on one side at least seven (7) feet and on the other side at least fourteen (14) feet.
- d. Setback at least as much as the lesser of the houses on either side.

The following reasons were given for granting this variance:

1. Strict application of the ordinance would produce an undue hardship which is not shared by other property within the area.
2. Authorization of the variance would not be detrimental to the adjacent property nor would the character of the district be changed.
3. An increase in depth of the existing plot from one hundred and eight (108) feet to one hundred seventy-five (175) feet required for feasibility of a septic tank.

RE: ADJOURNMENT.

There being no further business, the meeting was adjourned at 8:35 P.M.

Gerald H. Mephram
Gerald H. Mephram, Secretary

George A. Marston
George A. Marston, Chairman