

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE COURTHOUSE, WILLIAMSBURG, VIRGINIA, ON THE TWENTY-FIRST DAY OF AUGUST, NINETEEN HUNDRED AND SEVENTY-FOUR.

1. ROLL CALL

Mr. George A. Marston, Chairman
Mr. Joseph E. Brown, Vice Chairman
Mr. Gerald H. Mephram
Mrs. Elizabeth N. Vaiden
Mr. Warfield Roby, Jr.

OTHERS

Craig G. Covey, Assistant to the County Administrator

2. MINUTES

The minutes of the meeting of July 16, 1974, were approved as printed.

3. CASE NO. ZA-7-74. CONSIDERATION OF AN APPEAL BY ROBERT ROPER FOR A VARIANCE FROM SECTION 12-6 AND 8-4 OF THE ZONING ORDINANCE.

Mr. Marston recognized Mr. Roper and requested that he present his appeal to the Board.

Mr. Roper introduced Bill Philips, the Architect for the Woodlake Village shopping complex being constructed by James City Land Corporation near the intersection of Rt. 199 and Rt. 31 in a B-1 zone. Mr. Roper stated that in cooperation with the Site Plan Review Committee his shopping complex plans had been reviewed for parking and open space considerations and that the Committee had agreed to approve 394 parking spaces in a joint day and night use arrangement between the mall type shopping area, the grocery store, restaurant, bank and office building. Also, the Committee had agreed to allow the combination of grocery store and mall type shopping center into one building and create a property line through the common wall of the buildings and not require the perimeter green area. Mr. Roper indicated his request and appeal was based on the fact that the Zoning Ordinance does not provide a shopping mall zone and thus the combination of buildings and uses with parking arrangements characteristic of a shopping mall are difficult to achieve without first receiving variances.

Following Mr. Roper's presentation of his appeal the Chairman requested Mr. Covey's position on the matter and also the official recommendation of the Site Plan Review Committee. Mr. Covey substantially agreed with Mr. Roper and indicated his approval of the request and suggested the Board direct its attention to the memorandum from Nancy Sturgeon, Assistant Zoning Administrator, regarding the opinion and decision of the Site Plan Review Committee. The memo was read as follows:

"The Site Plan Review Committee of the Planning Commission has reviewed this proposal and recommends that the Board grant the requested variance. The Zoning Ordinance does not have a provision to cover shopping centers as the only provision is Section 12-6-9 which requires one space per 100 square feet of retail area. In a shopping center the size of the one proposed, this would mean approximately 500 parking spaces would be needed. It was generally agreed by the Committee that this would be an over abundance of unnecessary asphalt. The developer plans to retain as many trees as possible and is proposing a quality development. His parking proposal appears to be adequate from studies done by the rental firms for the proposed center and from the Site Plan Review Committee's research into the subject."

Upon motion by Mr. Brown, seconded by Mrs. Vaiden that the applicant's request be granted as follows:

1. Perimeter open space requirement of 10 feet between the grocery store and mall properties is waived. Likewise at the south corner of the restaurant courtyard, west corner of the bank and tree planters as shown on the July 15, 1974, landscape plan are approved as substitutes for the building perimeter open space at the mall and grocery building.
2. Parking for 394 vehicles is allowed with the understanding that a joint usage agreement between the mall and grocery store owners will be executed.

4. CASE NO. ZA-8-74. CONSIDERATION OF AN APPEAL BY
CRAIG GREEN ON BEHALF OF BUNKER HILL PROPERTIES
FOR A VARIANCE FROM ARTICLE 12, SECTION 14,
PARAGRAPH 3 (H) OF THE ZONING ORDINANCE.


The Chairman called upon Mr. Green to present his appeal to the Board. Mr. Green stated that his request was very simple. As indicated on his application, he desired one additional 32 sq. ft. sign to be placed on state property at Route 607 on the west bound side of Route 168. He stated his request was made due to traffic conditions caused by the State of Virginia which conditions made him move his entrance for the Howard Johnson's Campgrounds from its proposed location and ultimate location to where it is now located, off the east bound lane of Rt. 168. Mr. Green stated that due to terrain features, vegetation, and lane separation, motorists moving up Rt. 168 west could not see his temporary entrance and were confused as to how to reach the campgrounds. It appeared, therefore, a directional sign was needed to inform motorists of how to reach his entrance. Mr. Green stated that he understood that he could not have directional signs as provided for in the ordinance without first receiving a variance because he already fronts on a state primary road which gives principle access to his property. Mr. Green stated that the ordinance, Section 12-14-3(H), Paragraph 1 does provide for directional signs when properties are not visible from a state primary road and the property in question is clearly not visible from the west bound land at this time due to the topography, vegetation, and current highway construction activities adjacent to the campgrounds.

The Chairman requested Mr. Covey's opinion and position regarding the matter. Mr. Covey stated that the situation presented by Mr. Green does in fact exist and that Mr. Green's initial request which was denied by Mr. Covey was for a third on premise sign of 64 sq. ft. and would have been situated so that it would have been readable from the west bound lane of St. Rt. 168. The request was denied on the basis of only two on premise signs of 32 sq. ft. each being allowed under the ordinance for all properties in the A-1 General, Agricultural District. Mr. Green had already erected his two allowed signs. Mr. Covey further stated that in his letter of June 6, 1974, he had indicated to Mr. Green that his request for a third sign constituted a request for a special privilege or variance which is contrary to the intent of the ordinance and its uniform applicability to other properties in the vicinity and in the A-1 zoning district generally. Mr. Covey stated he had several meetings with Mr. Green and representatives of Bunker Hill Properties, Inc. at which time they had

discussed an alternative to signing which involved placing directional signs on state property along the west bound lane of St. Rt. 168. Thus, Mr. Green had presented his appeal on that basis but had requested a single sign of 32 sq. ft. which is in excess of the requirement of the ordinance section pertaining to directional sign sizes. Mr. Covey suggested one or two directional signs along St. Rt. 168 west bound lane would be a reasonable solution to the problem. The entire Board agreed and asked Mr. Green if the use of directional signs would be an acceptable solution to his problem. Mr. Green agreed that it would be and the Board requested Mr. Covey to immediately negotiate with the Highway Department in Mr. Green's behalf to see if up to three directional signs as provided for under the ordinance could be located on the state right-of-way in such a position to properly and safely direct traffic to the entrance of Howard Johnson's Campgrounds. There being consensus regarding this proposal, Mr. Mephram moved, seconded by Mr. Roby that the matter be handled in the manner discussed including the use of three directional signs, if needed. The motion passed unanimously.

5. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:40 P.M.


 Elizabeth N. Vaiden
 Secretary


 George A. Marston
 Chairman