

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 SEVENTH DAY OF NOVEMBER, NINETEEN HUNDRED AND SEVENTY-NINE.

1. ROLL CALL

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

OTHERS:

Mr. W. C. Porter, Jr.

2. MINUTES

Upon a motion by Mr. Marston, seconded by Mr. Brown, the minutes of the September 26, 1979 meeting were approved as presented.

3. CASE NO. ZA-8-79. CONSIDERATION OF AN APPLICATION OF Mr. John Stephens on behalf of Atlantic Homes Corporation for a variance to Section 20-47 of the Zoning Ordinance to allow a residential structure within the minimum required side yard.

Mr. Porter presented the staff report which is appended hereto.

Mr. Mepham opened the public hearing for Case No. ZA-8-79.

Mr. John Stephens, representing the applicant, stated that it was his understanding that the builder rather than a surveyor staked out the house and that the builder appears to have used a VEPCO easement instead of a property line stake. Mr. Stephens explained that he felt that it would pose an unnecessary hardship to require Atlantic Homes to move the home which is 90% complete.

Mr. Stephens further explained that denial of the variance would also be an unnecessary hardship on the Whites who are the contract purchasers of the home. Mr. Stephens explained that the Whites have sold their home in the Valley and are presently living in the home under a Temporary Occupancy Permit pending the outcome of the requested variance.

Mr. Stephens stated that the owner of the adjacent lot, Solar, Inc. has submitted a letter stating no objections to the requested variance.

Mr. Marston asked if the County checked the yard requirements.

Mr. Porter explained that the yard requirements were correctly shown on the building permit. The error was made in the field and was caught by the Building Inspector after the home was 90% complete.

Mr. Porter further explained that the Building Inspector is now checking the yard requirement when the footing inspections are made.

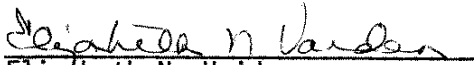
Mr. Mepham closed the public hearing.

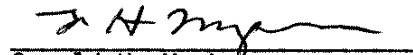
Upon a motion by Mr. Marston, seconded by Mrs. Vaiden, the Board of Zoning Appeals voted unanimously to approve Case No. ZA-8-79, Atlantic Homes Corporation.

Mr. Porter informed Mr. Stephens that the approval of the variance did not relieve the applicant of any restrictive covenants.

4. ADJOURNMENT

There being no other business, the November 7, 1979 meeting of the James City County Board of Zoning Appeals was adjourned at 8:15 P.M.


Elizabeth N. Vaiden
Secretary


Gerald H. Mepham
Chairman