

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-EIGHTY DAY OF JANUARY, NINETEEN HUNDRED AND EIGHTY-TWO.

1. ROLL CALL

Mr. Gerald H. Mephram, Chairman
Mr. Joseph E. Brown
Mr. Warfield Roby, Jr.
Ms. Elizabeth N. Vaiden

OTHERS:

Mr. William C. Porter, Jr.
Mr. Allen J. Murphy, Jr.

2. MINUTES

Upon a motion by Mr. Brown, seconded by Ms. Vaiden, the minutes of the November 25, 1982 meeting were approved as presented.

5. CASE NO. ZA-14-81. A PUBLIC HEARING TO CONSIDER AN APPLICATION of Mr. James T. Wood, on behalf of Mr. James R. Deal, for a variance from Section 20-56(d), Height Limits, of the Zoning Ordinance. The purpose of this variance is to allow an accessory building which exceeds the main structure in height, and which exceeds the maximum one story height limit to remain.

Mr. Murphy presented the staff report.

Mr. Porter emphasized that during the time that the permit was issued the Planning Department and Building Inspections Department were not as coordinated as they are now.

Mr. Mephram opened the public hearing on Case No. ZA-14-81.

Mr. John R. Fletcho of Toano spoke in support of Mr. Deal's request.

Mr. Dwight Dansby standing in for Mr. James T. Wood, spoke on behalf of Mr. Deal. Mr. Dansby emphasized that Mr. Deal did everything possible to seek guidance and to comply with the Building Inspections codes. He also stated that this was not a self inflicted hardship.

Mr. Mel Bryant stated that he had no objections to the structure remaining.

Mr. Creek spoke in support of Mr. Deal's request.

Mr. Jim Deal spoke in reference to his request.

There being no further speakers, Mr. Mephram closed the public hearing on Case No. ZA-14-81.

Upon a motion by Mr. Brown, seconded by Mrs. Vaiden, the request for a variance for Case No. ZA-14-81 was granted.

6. CASE NO. ZA-15-81. A PUBLIC HEARING TO CONSIDER AN APPLICATION of Mr. Jesse M. Hilton, Jr., for a variance from Section 20-65(d), Height Limits, of the Zoning Ordinance. The purpose of this variance is to allow an accessory building which exceeds the main structure in height, and which exceeds the maximum one story height limit to remain.

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

Mr. Mephram opened the public hearing for Case No. ZA-15-81.

Mr. Hilton spoke in reference to his request.

There being no further speakers, Mr. Mephram closed the public hearing on Case No. ZA-15-81.

Upon a motion by Mr. Roby, seconded by Mr. Brown, the request for a variance for Case No. ZA-15-81 was granted.

3. CASE NO. ZA-12-81. A PUBLIC HEARING TO CONSIDER AN APPLICATION of Mr. Philip O. Richardson for a variance to Section 20-84 of the Zoning Ordinance to allow the construction of additions to the Sheraton Patriot Inn within the required 50' setback from Patriot Lane.

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

Mr. Brown asked why was this case a hardship.

Mr. Porter stated that Mr. Richardson did not bring this situation upon himself.

Mr. Mephram opened the public hearing on Case No. ZA-12-81.

There being no speakers, Mr. Mephram closed the public hearing on Case No. ZA-12-81.

Upon a motion by Mr. Brown, seconded by Mr. Roby, the variance for Case No. ZA-12-81 was granted.

4. CASE NO. ZA-13-81. MR. SAMUEL POWELL, ON BEHALF OF MOUNT Pleasant Associates, has requested that the above referenced case be deferred for a ninety (90) day period.

Mr. Porter presented the staff memorandum.

Mr. Mepham asked whether or not the case would have to be re-advertised if the deferral was granted.

Mr. Porter replied that it would, and the adjacent property owners would also be notified again.

Mr. Mepham asked if Mr. Powell would be required to pay an additional fee.

Mr. Porter stated that he would not.

Mr. Porter also stated that the first deferral is usually approved.

Mr. Porter stated that the staff has notified Mr. Powell that the staff has recommended denial of this case, and that Mr. Powell was looking for other ways to handle the situation.

Mr. Murphy stated that Mr. Powell's request is to subdivide a development which he has an approved site plan for.

Mr. Brown asked whether Mr. Powell is still building while negotiating.

Mr. Porter stated that he was and at his own risk.

Mr. Mepham asked what would happen if he came back after 90 days with a violation. He also stated that it seemed that Mr. Powell is in strict violation by continuing his construction.

Mr. Mepham requested that this discussion be recorded in the minutes.

Mr. Porter stated that he would inform Mr. Powell of this discussion.

7. MATTERS OF SPECIAL PRIVILEGE

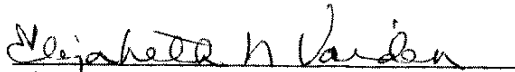
Mr. Mepham asked Mr. Porter if he felt that the Building Inspections Department is geared now such that there would be fewer of these violations.


Mr. Porter stated that the department was doing two things now; one: at the time of the footings, the yard requirements are checked to insure compliance with the Zoning Ordinance; and second: the building inspectors are looking at the plans to make sure that it is a one story building and it is not a verbal okay for a second story building being constructed.

Mr. Mepham stated that the building inspectors should be more careful.

8. ADJOURNMENT

There being no further business, the January 28, 1982 meeting of the Board of Zoning Appeals was adjourned at 8:30 P.M.


Elizabeth N. Vaiden
Secretary


Gerald H. Mephan
Chairman