

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BOARDROOM, GOVERNMENT CENTER, 101C MOUNTS BAY ROAD, AT 8:00 P. M. ON THE THIRTIETH DAY OF SEPTEMBER, NINETEEN HUNDRED AND EIGHTY-TWO.

1. ROLL CALL

Mr. Gerald H. Mepham, Chairman
Mr. Joseph Abdelnour
Mr. David Hertzler
Mr. Warfield Roby, Jr.
Ms. Elizabeth N. Vaiden

ALSO PRESENT:

Mr. Orlando A. Riutort, Director of Planning
Mr. Allen J. Murphy, Jr., Planner
Mr. Frank M. Morton, III, County Attorney

2. MINUTES

The minutes of the August 26, 1982 meeting were approved as presented.

3. CASE NO. ZA-9-82. PUBLIC HEARING FOR AN APPLICATION BY Mr. David W. Otey on behalf of Busch Entertainment Corporation for a variance from Section 20-12.B6, Design, of the Zoning Ordinance.

Mr. Murphy presented the staff report. He informed the Board that the purpose of the variance was to allow the construction of a parking lot with twenty foot wide traffic aisles between parking bays. The Zoning Ordinance requires a twenty-four foot wide traffic aisle with ninety degree parking bays. The parking lot to be constructed is an expansion of existing parking facilities serving Busch Gardens located on the southwest side of Route 60 East.

Mr. Murphy in presenting the staff report, which is appended hereto, stated that the staff was unwilling to recommend a lowering of parking lot design standards, as requested. He said the staff's position was that the current ordinance was in keeping with the minimum standards suggested by current literature. Further, he said the applicant had applied for a variance based on hardship, but the staff had observed no evidence of hardship, as defined by law.

Mr. Murphy also stated that the Planning Commission reviewed this request at a meeting on September 28, 1982. The Commission at that time voted to inform the Board of Zoning Appeals of its support of the Planning staff's recommendation for denial of this request.

Mr. Bryant Goodloe of Langley & McDonald demonstrated on a Busch Gardens Parking Master Plan which areas are involved in the request.

Mr. Abdelnour asked if the area would be completely repaved and relined.

Mr. Goodloe responded that it would be and that it would include parking lots at different levels with twenty foot aisles.

Mr. Mephram opened the public hearing.

Mr. David Otey, representing Busch Entertainment Corporation, spoke on behalf of the variance.

Mr. Otey said he "might first remind the Board of the functions of the Board of Zoning Appeals, in that the overall zoning laws as they are aware are not perfect and can hardly be made perfect; thus the necessity for the creation of Boards of Zoning Appeals. The purpose of these boards is, within the confines of the law, to vary specific terms of the Zoning Ordinances to the end that the intent of the zoning law may be effectuated, keeping in mind that the health, safety, morals, and general welfare of the public is the basis for such enactment of such laws." He said there may be a case for the previous stated.

Mr. Otey stated that a parking space at The Gardens is basically used once per day, and that parking on entering is controlled by parking lot attendants (called speed parking). He said studies show that it is much easier to back out of a parking space than it is to "get into it." He further stated that there are some hardships involved in going to sixty foot bays because of the nature of the topography. Mr. Goodloe, he said, would talk about the nature of the topography, particularly to the south and the area where they can expand. The Grove Interchange is going to take some of Busch Entertainment Corporation's land, thereby losing valuable property. Also, he said, they want to eliminate parking lot E, which is in York County on the opposite side of Route 60, because of the safety features that are involved. The only way to do that is by moving the parking over to the James City County side of the road. There is a financial hardship if more parking spaces are denied, which also should be considered, he said.

Mr. Otey stressed that the request was not a substantial detriment to the community or area. The request is totally within Busch's land and will not affect adjoining land and may even help them because visitors to the Gardens will be able to park faster. He further stated that it is Busch's desire to have satisfied customers -- not crowded or rumped fenders, and to be able to park them rapidly.

With the above stated reasons in mind, Mr. Otey said the initial request was to get a variance for the parking lot, but at this point they would like to ask the Board of Zoning Appeals to allow Busch Entertainment Corporation to convert 100 parking spaces in Hastings to the 56 foot parking module for the next four weekends until the closing of the Old Country. He said they would stripe them, mark them and use their own cars to run a test to determine if the requested variance would work. He asked that the County, along with Busch, observe the test. If, at the end of four weeks, it doesn't work, he said that would "be the end of it." If it does work, they will come back and ask for a variance or a change in the zoning code to take care of this particular situation.

Mr. Otey said the topography was an important feature of the hardship aspect. Mr. Goodloe addressed this subject, the benefits of the Grove Interchange, and the parking that will be eliminated by the interchange. He spoke of the very limited available area for expansion and the benefit of having an operation that can handle all the people in one location.

In response to Mr. Abdelnour's question regarding capacity, he said there are 2600 parking spaces on the York County side, and approximately 5800 at The Gardens, which is approximately 600 less than needed now. He further stated that an anticipated 7600 spaces will be needed at full development of The Gardens, including 170 for buses. However, if they must abide by the ordinance, there will be 7100 parking spaces. He said other localities were using reduced parking spaces; the City of Norfolk uses 58 foot parking space modules and the Hilton uses 56 foot modules.

Mr. Otey again stated his request for a four week test period.

Mr. Morton said, if the test period is successful, Busch would go to the Board of Supervisors rather than return to the Board of Zoning Appeals.

Mr. Harris Lee, an adjacent property owner, asked about traffic and traffic lights. Mr. Goodloe assured Mr. Lee that the new system would be more efficient in moving traffic.

Mr. Mepham closed the public hearing.

In a discussion regarding the relativity of the interchange to the traffic situation, Mr. Riutort informed the Board that a meeting has been scheduled at the Mt. Gilead Church in the Grove Community for October 12 at 7:00 to discuss the interchange, Route 60 East project, and Busch parking. The Grove Interchange is not in the Highway Department's Six Year Program though the County has been trying to get it into the program.

Mr. Goodloe said the alterations will be on a phase by phase basis taking 5-6 years.

Mr. Hertzler questioned why they had come to the Board of Zoning Appeals for an experiment.

Mr. Morton responded that they needed something in order to conduct an experiment and he thought a variance for a period of four weeks would best come from the Board of Zoning Appeals as opposed to the Board of Supervisors as they do not have any kind of vehicle to accomplish something like this.

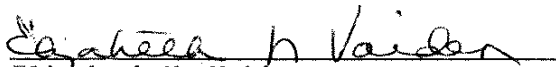
In response to Mr. Roby's inquiry as to why the staff report indicated a request for a variance and Mr. Otey was asking for an experiment, Mr. Morton stated Mr. Otey was asking that the request be amended to allow them to perform an experiment.

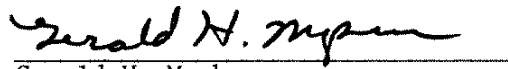
Mr. Hertzler made a motion, seconded by Mrs. Vaiden, that the Busch Entertainment Corporation be allowed to perform the requested experiment, with the County monitoring, for a four week period.

By roll call vote, the Board of Zoning Appeals by a 4-1 vote, with Mr. Roby voting nay, approved the motion.

4. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:45 P. M.


Elizabeth N. Vaiden
Secretary


Gerald H. Mepham
Chairman