

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF THE COUNTY OF JAMES CITY, VIRGINIA, IN THE COUNTY GOVERNMENT CENTER, 101C MOUNTS BAY ROAD, BOARD ROOM, AT 7:30 P. M. ON THE TWENTY-SEVENTH DAY OF JANUARY, NINETEEN HUNDRED AND EIGHTY-THREE.

1. ROLL CALL

Mr. Gerald H. Mepham, Chairman
Mr. David Hertzler
Mr. Warfield Roby, Jr.
Mr. Joseph A. Abdelnour

OTHERS:

Mr. Orlando A. Riutort
Mr. Henry H. Stephens
Mr. Frank M. Morton, III

2. MINUTES

The minutes of the December 22, 1982 meeting were not approved in order to re-number pages and to check the first sentence under Case No. Z-14-82. Corrected minutes will be submitted at the February meeting.

3. CASE NO. ZA-12-82. Windy Hill Mobile Homes Estates. This case was deferred at the request of the applicant until the next meeting.

4. CASE NO. ZA-¹³~~17~~-82. Mr. Richard Costello on behalf of Mr. David Hooker. This case was deferred at the request of the applicant until the next meeting.

5. CASE NO. ZA-15-82. Mr. Gary M. Massie, on behalf of Jack L. Massie Contractor, Inc., applied for a variance from Section 20-107, Expansion or Enlargement of the Zoning Ordinance. The purpose of this variance is to allow the expansion of the Jack L. Massie Contractor, Inc. office and maintenance shop building which is a nonconforming structure.

Mr. Stephens presented the staff report. The building became nonconforming as a result of setback regulations in a Zoning Ordinance adopted after it was built. Only a small corner of the building is encroaching upon the required setback. This situation or hardship is not shared generally by other properties in the same zoning district and the same vicinity, he said. The additions proposed will meet current Zoning Ordinance requirements. Mr. Stephens further stated that the staff believes that the authorization of such a variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of this variance. For the above reasons, Mr. Stephens said the staff does not oppose the request.

It was pointed out that adjacent property owners had been notified but no communication had received from them.

Mr. Mepham opened the public hearing. There being no speakers the public hearing was closed.

A motion was made by Mr. Hertzler, seconded by Mr. Abdelnour, that the request for variance be granted noting that the building became nonconforming as a result of setback regulations adopted after it was built, and because the property had remained under the original ownership. The County Attorney felt this was a classic hardship case.

The motion was passed by unanimous roll call vote.

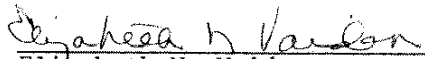
6. CHANGE IN BY-LAWS

Following a brief discussion, Mr. Abdelnour made a motion, seconded by Mr. Hertzler, that the by-laws be changed to reflect that the Board of Zoning Appeals hold future meetings on the fourth Thursday of every month at 7:30 P. M.

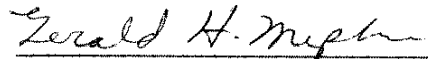
The motion was passed by unanimous roll call vote.

7. ADJOURNMENT

There being no further business, the meeting was adjourned.



Elizabeth N. Vaiden
Secretary



Gerald H. Mepham
Chairman