

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

1. ROLL CALL

Mr. Gerald H. Mepham, Chairman  
Mr. David L. Hertzler  
Mr. Warfield Roby, Jr.

OTHERS PRESENT

Mr. Orlando A. Riutort  
Mr. Allen J. Murphy, Jr.  
Mr. Henry H. Stephens

2. MINUTES

The minutes of the August 25, 1983 meeting were accepted with the correction to the sixth paragraph on page 5 to read "Mr. Mepham stated that Mr. Logue...".

3. CASE NO. ZA-12-83. MR. & MRS. LONNIE LOGUE

Mr. Murphy reviewed the history of the case and explained the letter received from Mr. Robert Byron, Mr. Logue's neighbor.

The Members discussed the location of the drainfield, driveway and house in relation to the property line. Mr. Harris, Mr. Logue's lawyer, explained the location of Mr. Logue's house on the property. He noted that the part of the house that would have to be moved in order to put the house in compliance with setback regulations was not a garage or porch that might be easily changed. Mr. Harris also explained the difficulties Mr. Logue would encounter in securing permanent financing if a variance was not granted.

Mr. Harris concluded that it was the financial hardships for Mr. Logue that would make having to comply with the setback regulations a hardship for him. Efforts to move the house which is a tri-level brick structure would be very costly if it were even possible to move it.

Mr. Hertzler asked if any of Mr. Logue's neighbors had objections to the location of Mr. Logue's house. Mr. Riutort responded that the staff had received no comments objecting to the location of the house on the lot.

Mr. Harris noted that Mr. Logue had moved the drainfield and the driveway and was in the process of obtaining insurance against possible legal action by residents of Deerwood Hills because he was in violation of the restrictive covenants for that subdivision.

Mr. Hertzler inquired about the value of lots in the area and how many had houses on them. He was advised that lots cost approximately \$16-18,000 and that there are empty lots in the area of Mr. Logue's property.

Mr. Riutort stated that the only resident of the area who had expressed any concern about Mr. Logue's situation was Mr. Byron who wanted anything that encroached on his property removed.

Mr. Hertzler asked if the case could be put on hold while Mr. Logue tried to purchase additional property from the owner of lot four. This could be an alternative because it would only require a boundary line adjustment rather than a resubdivision.

Mr. Harris said he would accept the case's being deferred to the next meeting so that Mr. Logue could contact Mr. Byron about changing the lot line.

Mr. Roby made a motion, seconded by Mr. Hertzler, to defer this case to the next meeting in order to give Mr. Logue time to contact Mr. Byron.

The motion carried unanimously.

4. CASE NO. ZA-13-83. MR. L. B. AUGUST, JR.

Mr. Murphy made the staff report which recommended denial of the requested variance.

Mr. Mepham opened the public hearing.

Mr. August stated he had thought he had made a good decision when he had extinguished the line between the two lots; however, since he was not able to sell the lot, he wants to return it to the way it was originally. This would have no impact on anyone. The Health Dept. has advised him there are no problems with the drainfield and well if their four conditions are met. There is presently a garage on the property and he assured the Board that his plans will not require his requesting a variance from them in the future.

Mr. August advised the Board that he still had the original two deeds for the lots and the instrument recording the extinguishment of the line between the lots had never been recorded.

Mr. Mepham closed the public hearing.

A motion was made and seconded that Mr. August be allowed to resubdivide his lot with the provision that he comply with the Zoning Ordinance when he builds on the property and that he comply with the requirements of the Health Department.

The motion carried unanimously.

5. CASE NO. ZA-14-83. WILLIAMSBURG MEMORIAL PARK

Mr. Murphy made the staff report which recommended approval of the requested special exception. He explained exactly where the expansion would occur.

Mr. Mepham opened the public hearing.

Mr. Crain gave a brief description of the plans for the present and future expansion of the cemetery including from whom the land for the expansion will be purchased.

Mr. Mepham closed the public hearing.

A discussion of present and future needs for a buffer zone were discussed. Mr. Crain stated there was no need at the present time for a buffer but when the need for one arose, it would be provided.

Upon a motion by Mr. Hertzler, seconded by Mr. Roby, the Board voted unanimously to approved the special exception.

MATTERS OF SPECIAL PRIVILEGE

Mr. Stephens explained the changes that had been proposed as part of the Zoning Ordinance review which would affect the Board of Zoning Appeals. These included deleting the authority of the Board to grant special exceptions because this authority was also given to the Board of Supervisors and the Board of Supervisors wanted to reserve this authority for itself as it was primarily a legislative activity. The other change was to delete the requirement that a member of the Planning Commission be appointed to the Board of Zoning Appeals. Mr. Stephens invited members of the Board of Zoning Appeals to submit their comments on these changes to the subcommittees of the Planning Commission which have been formed to review the proposed Zoning Ordinance changes. There was also a review of the nonconforming use section.

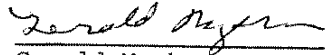
The Board also requested copies of the nonconforming use section of the proposed Zoning Ordinance so that they could review it.

6. ADJOURNMENT

Upon a motion by Mr. Hertzler, seconded by Mr. Roby, the meeting adjourned at approximately 8:30 p.m.

---

Elizabeth N. Vaiden  
Secretary

---

Gerald Mepham  
Chairman