

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-SIXTH DAY OF JANUARY, NINETEEN HUNDRED AND EIGHTY-FOUR.

1. ROLL CALL

Mr. Gerald Mepham, Chairman
Mr. Joseph Abdelnour
Mr. David Hertzler
Ms. Elizabeth Vaiden

2. MINUTES

The minutes of the October 26, 1983 meeting were accepted as presented.

3. CASE NO. ZA-15.83. THOMAS R. ROSCHE

Mr. Murphy presented the staff report, stating that Mr. Thomas R. Rosche applied for a variance from Section 20-55(a), Yard Regulations, of the Zoning Ordinance. The purpose of the request was to allow an attached garage addition to remain within the required sideyard setback.

Mr. Murphy explained that the addition had been constructed 7'-3" from the side property line, a violation of the 10 foot requirement of the R-2 zone. The plat submitted with the building permit application indicated a sideyard setback of 8'±. The building inspector approved the footing inspection following a "string out" check of the side property line that indicated a distance of only 7'-3". The garage addition has been completed.

Mr. Murphy further stated that this is a unique case in that there are extenuating circumstances due to errors made on the part of the Building Inspections Department. However, because a clear hardship does not exist in this case, the staff does not recommend approval.

Mr. Mepham opened the public hearing.

Mr. Larry Davis, attorney for the Rosches, spoke on their behalf, stating that not only the Rosches but their contractor, Mr. Kirtpatrick, were told by the City that the setback was 5 feet. Mr. Davis stated that there was a financial hardship and that the property would be damaged if the garage was torn down. He asked that the variance be granted.

There being no other speakers, the public hearing was closed. Upon a motion by Mr. Abdelnour and seconded, the board voted unanimously to approve the variance.

4. CASE NO. ZA-1-84. WILLIAM A. PETERSON

Mr. Gilbert A. Bartlett, attorney for the applicant, requested by letter that this case be deferred until March in order to pursue a negotiated adjustment of the property line that would bring Mr. Peterson's building into conformance.

Because the case had been advertised for public hearing, Mr. Murphy presented the staff report, which recommended denial, and the public hearing was opened.

Mr. Joseph Phillips spoke on behalf of the applicant in Mr. Bartlett's absence, confirming that an effort was being made to resolve the matter.

The Board agreed to defer the case until the March meeting.

5. MATTERS OF SPECIAL PRIVILEGE

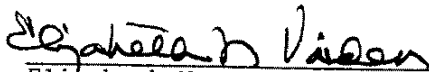
Mr. Murphy informed the Board that the Lonnie Logue case had been deferred until the February meeting.

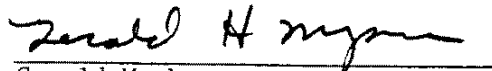
Mr. Mepham expressed his concern regarding the errors that are occurring that bring cases before the Board. Mr. Riutort informed the Board that measures had been taken to prevent these situations in the future, i.e. inspector instructed not to perform inspection if setbacks are not clear and to compare permit information with subdivision plat.

Mr. Mepham asked if the County could request that an applicant sign a form stating that he will be responsible for a structure being within the setback lines. Mr. Riutort said that he would check with the County Attorney. A brief discussion followed regarding the requirement of a survey and the contractors' responsibility.

6. ADJOURNMENT

Upon a motion by Mr. Abdelnour, seconded by Mr. Hertzler, the meeting was adjourned.


Elizabeth N. Vaiden
Secretary


Gerald Mepham
Chairman