

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF JAMES CITY COUNTY, VIRGINIA, IN THE BOARDROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE TWENTY-SECOND DAY OF MAY, NINETEEN HUNDRED AND EIGHTY-SIX.

1. ROLL CALL

Mr. Ronald Rosenberg, Chairman
Mr. David Hertzler
Mr. Claude Feigley
Ms. Elizabeth Vaiden

Others Present

Mr. Bernard M. Farmer, Jr., Director of Code Compliance
Mr. Larry Davis, Assistant County Attorney

2. MINUTES

The April 23, 1986 minutes were approved as presented.

3. NEW BUSINESS

ZA-7-85. Michael Manley

Mr. Farmer stated that Mr. Manley has requested a variance of 20.5 feet from the front yard requirements of Section 20-113 of the James City County Zoning Ordinance. The Manley's have a flag lot with a stem that goes forward to Fenton Mill Road. Their house was situated so that it does not face Fenton Mill Road, but does face the side lot line. Their desire is to add on to the end of the house which faces the road. However, that would require them to build in what is defined as the front setback area for that lot. The lot has been placed into beneficial use and there are no unusual topographical characteristics. Because no legal hardship was shown in this case and that the setbacks apply generally to all properties within this zoning district, the staff recommendation is that the variance request be denied.

Mr. Rosenberg stated that he was confused with the diagram that had been attached to the application. He did not see where Fenton Mill Road was.

Mr. Farmer indicated to Mr. Rosenberg the location of Fenton Mill Road. Mr. Hertzler asked if there was anything built on the lot adjacent to the Manley's lot.

Mr. Farmer stated that the lot was in ownership of an estate and there were a number of individuals involved. The Manley's have tried to acquire the property but had been unsuccessful.

Mr. Manley submitted a better illustration to the board members of the lot.

Mr. Rosenberg opened the public hearing and asked if anyone would like to speak in favor of the request.

Mr. Manley submitted some pictures of the lot. He stated that there were some large oak trees behind the house and the placement of the septic system prevented him from placing the addition elsewhere.

Mr. Rosenberg asked Mr. Manley if the septic system was behind the concrete patio at the end of the house.

Mr. Manley stated that the septic system was about 15 feet behind the concrete slab.

Mr. Rosenberg asked if the board had any questions.

Mr. Feigley asked Mr. Manley how he accessed the property.

Mr. Manley stated that access was obtained from Fenton Mill Road through the original 15 foot right-of-way.

Mr. Hertzler asked Mr. Manley if he was still trying to acquire the lot adjacent to his lot. Mr. Manley stated that he had tried but he had been unsuccessful. Mr. Hertzler asked if flag lots were addressed in the Zoning Ordinance.

Mr. Davis stated that flag lots were not addressed; but were treated the same as any other lot in that zoning district.

Mr. Feigley moved that the variance be granted. Mr. Hertzler seconded the motion.

Roll Call was as follows:

Mr. Vaiden	Yes
Mr. Feigley	Yes
Mr. Hertzler	Yes
Mr. Rosenberg	Yes

The variance of 20.5 feet was granted.

Case No. ZA-8-86. Lester Leonard

Mr. Farmer stated that Mr. Robert Ripley, the contractor, on behalf of the owner, Mr. Lester Leonard, has applied for a variance of 1.6 feet from the yard requirements of 35-feet. The property is located at 139 Old Field Road in The Meadows Subdivision. The error was not discovered until the lot was surveyed when the owner was going to closing. The applicant should show a legal hardship, although the encroachment is minor, the staff recommendation is for denial.

Mr. Rosenberg opened the public hearing and asked if anyone would like to speak in favor of the request.

Mr. Ripley stated that there was an error in staking off the lot. He was trying to save a large oak tree and he tried to position the house so the tree was saved and the error was made.

Mr. Ripley stated that since this error, he was having every foundation surveyed.

Mr. Rosenberg asked if there were any questions and moved that the variance be granted. Ms. Vaiden seconded the motion.

Roll call was as follows:

Ms. Vaiden	Yes
Mr. Feigley	Yes
Mr. Hertzler	Yes
Mr. Rosenberg	Yes

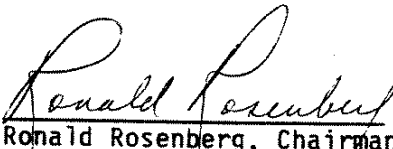
The variance of 1.6 feet was granted 4-0.

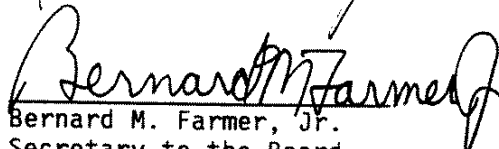
4. MATTERS OF SPECIAL PRIVILEGE

5. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

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Ronald Rosenberg, Chairman


Bernard M. Farmer, Jr.
Secretary to the Board