

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-NINETH DAY OF OCTOBER, NINETEEN HUNDRED AND EIGHTY-SIX.

1. ROLL CALL

Members Present

Mr. Ronald Rosenberg
Mr. David Hertzler
Mr. Claude Feigley
Mrs. Elizabeth Vaiden

Others Present

Mr. Bernard M. Farmer, Jr., Zoning Administrator
Mr. Larry Davis, Assistant County Attorney

2. MINUTES

The September 30, 1986 minutes were approved as presented.

3. OLD BUSINESS

Case No. ZA-19-86. The Muffler Doctor.

Mr. Davis stated that a motion was made to reconsider the case and it was tabled at the last meeting. If the board decided to open the public hearing the case would have to be re-advertised.

Mr. Farmer stated that there wasn't any new evidence.

Mr. Rosenberg asked the wishes of the board.

Mr. Feigley asked Mr. Sternberg why he didn't have representation at the meeting.

Mr. Sternberg stated that he was not aware the case was being heard that particular night.

Mr. Davis stated that the clerk in the Code Compliance Office did recollect telling Mr. Sternberg at the time application was made of the date and time of the next board meeting.

Mr. Hertzler made a motion to rehear the case. Ms. Vaiden seconded the motion.

Roll call was as follows:

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

Motion was carried to reopen the case. Mr. Farmer stated he would re-advertise the case so the public hearing could be opened.

Mr. Rosenberg moved to table the case until the next meeting.

Mr. Feigley seconded the motion.

4. NEW BUSINESS

Case No. ZA-22-86. Alice Lee

Mr. Farmer stated that Alice Lee, the owner, had applied for two variances from the James City County Zoning Ordinance in order to place a structure on her property at 112 Carriage Road. The first, is a 10-foot variance from Section 20-194, which requires structures to be located 35 feet from any street right-of-way; and the second, is a variance of 18 feet from the rear property line. The applicant presently has an existing non-conforming mobile home on the property which is sixty feet long. She desires to purchase a replacement mobile home for the property that is sixty-eight feet long. Section 20-194 of the James City County Zoning Ordinance requires that structures be placed a minimum of 35 feet from any street right-of-way. The applicant has requested to 10 foot variance from this requirement. Section 20-196 of the James City County Zoning Ordinance requires that each main structure have a rear yard of 25 feet minimum. The applicant has requested an eighteen foot variance from this provision. Staff understands that the applicant has investigated purchasing a double wide mobile home which would more closely meet the zoning ordinance. Mrs. Lee evidently was unable to do this due to the financial requirements of that type of home.

Staff agrees that a new mobile home on the property would be an improvement over the existing mobile home on the property. However, since the property is presently is use, no hardship has been demonstrated. Regrettably, the recommendation must be for denial.

Mr. Rosenberg opened the public hearing.

Alice Lee spoke on her own behalf.

Mrs. Vaiden asked Mrs. Lee who lived behind her. Mrs. Lee's daughter stated that the lot was vacant behind her mothers.

Mr. Rosenberg closed the public hearing.

Mrs. Elizabeth Jimmerson, an adjacent property owner, stated that she did not object to Mrs. Lee's replacement mobile home.

Mr. Feigley made a motion to grant the variance and Mr. Rosenberg seconded the motion.

Roll call was as follows:


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

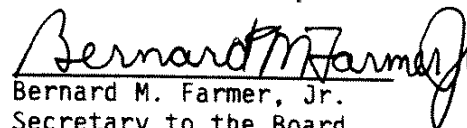
The variance was granted 4-0.

5. MATTERS OF SPECIAL PRIVILEGE

6. ADJOURNMENT

The meeting was adjourned at 8:05 p.m.


Ronald Rosenberg, Chairman


Bernard M. Farmer, Jr.
Secretary to the Board