

MINUTES

BOARD OF ZONING APPEALS

March 26, 1987

1. ROLL CALL

Present

Ms. Nancy James
Ms. Elizabeth Vaiden
Mr. Ronald Rosenberg
Mr. Claude Feigley
Mr. Bob Ripley

Others Present

Bernard M. Farmer, Jr., Secretary
Mr. Larry Davis, County Attorney
Mr. & Mrs. Warren Ellis
Mr. Michael D'Orso

2. MINUTES

The February 26, 1987 minutes were approved as revised.

3. OLD BUSINESS

Mr. Davis told the board that the 64 Associates Case petition to appeal was not filed with the Supreme Court of Virginia. It was his opinion that the board's decision will stand.

The building involved in the Muffler Doctor case has not been removed. A summons has been issued, and there has been no response as yet.

4. NEW BUSINESS

ZA-3-87. Traditional Homes of Williamsburg

Mr. Farmer presented the staff recommendation. This request was for a five foot variance from the rear yard requirements for a deck that extends over the setback line. This deck was added during construction, and it was not indicated on the original plans. The deck is considered to be part of the main structure. Since no hardship exists, the staff recommends to deny the request.

General discussion about the lot followed. The other houses on adjacent lots are generally in line with this house, and there is a shed on the back of this lot.

Since the house was given a certificate of occupancy on May 1, 1986, we have no site plan or plat plan. Code Compliance is only required to keep that information for two years. We do have the building drawings, and there is no mention of a deck on them.

only required to keep that information for two years. The building drawings were checked, and there is no mention of a deck on them.

Discussion followed about the Code Compliance Office procedures for issuing permits and inspecting buildings. The county doesn't obtain a survey of the lot unless an infraction is known about. About one year ago a new procedure was started where the plans are taken out twice during the inspection phase and compared to the actual building.

Mr. Rosenberg opened the public hearing.

Mr. D'Orso stated that he purchased the home with the deck already attached. He discovered the encroachment when applying for a shed permit. The builder, who put up the deck, is apparently involved in several disputes and has left the state. Unless the variance is granted, the owner will assume all of the cost of removing the deck, which should be the builders responsibility.

The adjacent property owner to the rear of this lot was present, and he had no objection to the placement of the deck. He urged that the board grant the variance.

The public hearing was closed.

Ms. Vaiden made a motion to grant the variance for the deck structure as it now exists. This variance does not apply to any other structures.

Mr. Feigley seconded the motion.

The motion carried by a unanimous vote.

ZA-4-87. Mr. & Mrs. Warren Ellis

The staff recommendation was presented by Mr. Farmer. This request is for a variance in order to construct an addition entirely within the rear yard area (adjacent to residential property). The variance is to construct a building to be used as an antique workshop. There was one previous variance for a parking lot granted at this same lot. The staff recommends that the variance be denied, because the applicant has not shown any legal hardship or peculiar characteristics of the property.

If the variance is granted, there will be no need for additional parking. The structure was there before the industrial zoning of this area.

The Geddy property is to the rear of this parcel and is zoned PUD (Planned Unit Development) Residential. PUD can be either Residential or Commercial. In this case the resi-

dential portion of the PUD abuts the property.

A discussion followed concerning the alley separating the Geddy property and the Ellis property. According to Mr. Davis, the alley is not a public right-of-way. It is an easement belonging to the Geddy PUD.

Mr. Rosenberg mentioned the fact that he found no mention of accessory structures in the M-1 section of the zoning ordinance. An amendment will be heard April 6, 1987 to permit accessory structures within ten feet of a landscape.

The public hearing was opened.

Mr. and Mrs. Ellis spoke and said they purchased the building in November of 1985, and this workshop is absolutely necessary to their business. The option of putting the workshop closer to the main structure is not possible, since they need access to the back of the building to unload supplies.

The public hearing was closed.

Mr. Rosenberg made a motion that a variance be granted from section 20-355(b) to permit construction of the proposed one story frame structure, that is on the plat plan attached to the petition, that comes no closer than ten feet to the rear lot line boundary.

Ms. Vaiden seconded the motion.

The motion carried by a unanimous vote.

Mr. Feigley made a motion to grant a variance of ten feet from the required 20 foot perimeter landscape requirement of section 20-356(b), and that the landscaping in the perimeter strip be approved during the site plan review process.

Ms. James seconded the motion.

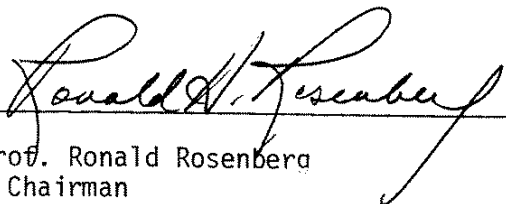
The motion carried by a unanimous vote.

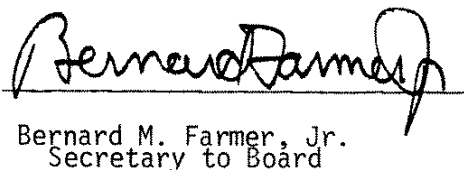
5. MATTERS OF SPECIAL PRIVILEGE

There were no matters of special privilege.

6. ADJOURNMENT

The meeting adjourned at 8:40.


Prof. Ronald Rosenberg
Chairman


Bernard M. Farmer, Jr.
Secretary to Board