

BOARD OF ZONING APPEALS

OCTOBER 9, 1997

A. ROLL CALL

PRESENT:

Ms. Wallace
Mr. Nice
Mr. Feigley

ABSENT:

Mr. Giedd
Mr. Fischer

OTHERS PRESENT:

Allen J. Murphy, Jr., Zoning Administrator
Scott Denny, Code Compliance Officer

B. MINUTES

The minutes of the September 6, 1997 meeting were approved with a correction being noted for Case ZA-10-97 to show the actual vote of each member on a split vote.

C. OLD BUSINESS

None

D. NEW BUSINESS

ZA-11-97. Paul B. Tubach, Jr.

Scott Denny presented the staff report saying that Mr. Paul B. Tubach, Jr., property owner, has requested a fourteen foot variance to the front setback requirement for his property located at 7511 Melissa Lane in the A-1, General Agricultural, zoning district. The property is further identified as parcel (2-1A) on James City County Real Estate Tax Map No. (25-2).

The variance request stems from the applicants desire to construct a 22' by 27' garage attached to the existing house. Other additions are planned but meet current setback requirements. Although the garage would be in line with the primary structure, the garage would encroach fourteen feet into the current front setback requirement for this property.

The house was constructed in 1987 and met the setback requirement from the street right of way of 35 feet. Setback requirements were changed in 1989 to 50 feet from any street right of way. The ordinance change made the house non-conforming. Any addition to a non-conforming home must meet current ordinance requirements.

Staff felt that the proposal would not have a greater impact on adjoining property than the existing building and that the variance would not be a detriment to adjacent property. A clearly demonstrable hardship as defined by the Zoning Ordinance does not exist; therefore, staff could not support this application.

Mr. Nice asked for clarification about whether or not the original setback requirement would allow this proposed addition.

Mr. Denny responded that the original setback requirements would allow the proposed addition.

Mr. Nice questioned the measurements shown on the plat for the property.

Mr. Allen Murphy clarified that the front setback measurement was made from the edge of the front porch stoop.

Mr. Feigley opened the public hearing.

Mr. Paul B. Tubach, Jr., property owner, explained his proposed additions to the Board, noting that his proposal makes best use of the property from a site planning standpoint. The front corner of the garage would not encroach into the setback any further than the rest of the existing house.

Mr. Feigley closed the public hearing.

Mr. Nice said that he would have no objection to granting a variance given that the proposed additions would not be a detriment to adjacent property.

Ms. Wallace stated that she had no objections.

Mr. Feigley made a motion to establish the front setback at 36 feet.

Ms. Wallace seconded the notion.

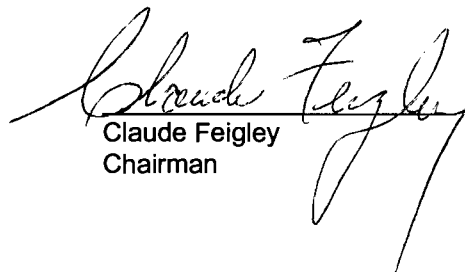
The motion was granted with a unanimous vote of 3-0.

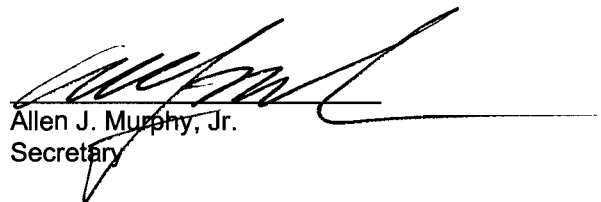
E. MATTERS OF SPECIAL PRIVILEGE

None

F. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.


Claude Feigley
Chairman


Allen J. Murphy, Jr.
Secretary