

BOARD OF ZONING APPEALS

JUNE 4, 1998

A. ROLL CALL

PRESENT:

Mr. Feigley
Mr. Giedd
Mr. Fischer
Ms. Wallace
Mr. Nice

ABSENT:

None

OTHERS PRESENT:

John Patton, Code Compliance Officer

B. MINUTES

The minutes of the May 7, 1998 meeting were approved as submitted.

C. OLD BUSINESS

None

D. NEW BUSINESS

ZA-5-98. Rick Hanson, Office of Housing & Community Development

John Patton presented the staff report stating that the James City County Office of Housing and Community Development has requested a variance to Sec. 24-237 (a), Side Yard Regulations, for a property located at 4921 Hickory Signpost Road. The property is zoned R-1, Limited Residential, and is further identified as parcel (1-48) on James City County Real Estate Tax Map No. (47-2).

The lot is forty feet across and two hundred feet deep and is nonconforming since the minimum width in the R-1 district is one hundred feet for lots less than one acre in size. The applicant requested that the side yard setbacks be reduced from fifteen feet to nine feet in order to build a new single family dwelling and shed on the property. The applicant had two nonconforming structures demolished and removed in order to erect a new dwelling for a participant in the County's Affordable Housing Incentive Program.

Staff felt that the strict application of the side yard setbacks does produce an undue hardship on this property and would only allow a building area width of eleven and a half feet at the front building setback line. The requested side yard setbacks seem to be a reasonable mitigation for putting this property into beneficial use consistent with the adjacent properties in the area. Staff recommended that the side yard setbacks be established at nine feet as requested by the applicant.

Mr. Fisher asked staff how many lots share similar dimensions in this particular area.

Mr. Patton responded that while there are many nonconforming lots in the immediate area, there are only two others that are as narrow as this lot.

Mr. Feigley opened the public hearing.

Mr. Vaughn Poller of the Office of Housing and Community Development stated that the property is owned by a couple. The husband recently passed away and the wife is currently living at Chambrel. Relatives of the property owners requested that Housing and Community Development take this property off of their hands in order to pay medical bills. The County recently had the property cleared and would like to include it in the Affordable Housing Incentive Program.

Mr. Feigley asked Mr. Poller to explain what his office does in the County.

Mr. Poller responded by stating that the Office of Housing and Community Development manages a program to promote affordable housing, home repair, and mortgage assistance. The program focuses on first time home buyers and counsels applicants about the responsibilities of home ownership.

Mr. Feigley questioned how the program participants are selected and qualify as homeowners.

Mr. Poller responded that the program currently has a pool of over eighty people and works on a first come, first served basis. The applicants must be employed and have completed a training program. The County offers applicants help with down payment and closing costs in exchange for a lien on the home. The applicants are fully responsible for maintenance of the property.

Mr. Feigley asked if anyone had expressed any concern over the proposed dwelling and shed.

Mr. Poller stated that several residents had inquired about the proposed dwelling and had come by his office to view the proposed plans but none expressed any opposition.

Mr. Feigley closed the public hearing.

Mr. Feigley stated that the proposed dwelling was a good use for the site and would support the granting of a variance.

Mr. Nice stated that the property does present a unique hardship and the proposal is a solid one on many fronts.

Mr. Fisher made a motion to grant a variance to reduce the side yard setbacks from fifteen feet to nine feet.

Mr. Nice seconded the motion.

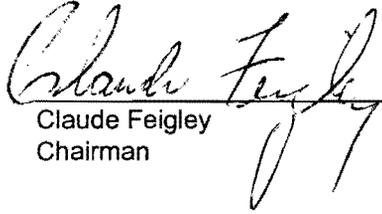
The variance was granted unanimously 5-0.

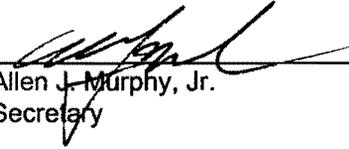
E. MATTERS OF SPECIAL PRIVILEGE

None

F. **ADJOURNMENT**

The meeting was adjourned at 7:55 p.m.


Claude Feigley
Chairman


Allen J. Murphy, Jr.
Secretary