

BOARD OF ZONING APPEALS

Minutes for the meeting of November 2, 2000

A. ROLL CALL

PRESENT:

ABSENT:

Mr. Giedd
Mr. Fischer
Mr. Fraley
Mr. Nice

Ms. Wallace

OTHERS PRESENT:

Scott Denny, Code Compliance Officer
Andy Herrick, Assistant County Attorney
John Rogerson, Development Management Technician

B. MINUTES

The minutes of the October 5, 2000 meeting were approved.

C. OLD BUSINESS

None

D. NEW BUSINESS

Case No. ZA-17-00 134 King Henry Way

Mr. Scott Denny presented the staff report stating that Ms. Sherle Abramsom, the property owner has requested a variance to Section 24-258, Yard Regulations, to permit the continued placement of a carport at 134 King Henry Way. The carport currently encroaches .95 feet into the side yard setback.

Mr. Fraley asks why the carport was drawn to scale on the plat, but placed in a different location in the yard?

Mr. Denny stated that there was an accidental misplacement of the carport in the yard.

Mr. Fischer asks whom it was that placed to carport in the wrong location?

Ms. Abramsom stated that the contractor did not have a scaled drawing, and that led to the mistake. She said that it was difficult to determine the exact property line because of a row of bushes. She also stated that she had a letter from her neighbors stating that they had no problem with the current location of the carport.

Mr. Fischer ask where you measure from, the edge of the roofline or to the poles.

Mr. Denny stated that the measurement is to the vertical building line (the poles).

Mr. Giedd asks who was the one in the county that accidentally forgot to put on the building permit that a foundation survey was required?

Mr. Denny did not know the answer to the question.

Mr. Nice closed the public hearing.

Mr. Giedd made a motion to approve a variance of one foot for the continued placement of the carport, establishing a new side yard setback of four feet, with no further encroachment into that setback.

Mr. Fraley seconded the motion.

The motion was approved 4-0.

Case No. ZA-018-00 103 North Trace

Mr. Scott Denny presented the staff report stating that Mr. David Hoar is requesting a ten foot variance to the thirty-five foot rear yard setback requirement of Section 24-258 (b) of the James City County Code in order to add a room and a new deck to the existing dwelling located at 103 North Trace in the Season's Trace Subdivision.

Mr. Nice asks if the room was to be placed where the deck currently is?

Mr. Denny stated that the applicant was willing to remove the 1.7-foot side yard encroachment.

Mr. Denny stated that the front and rear yard setbacks were reversed when the Zoning Ordinance was changed in 1992 and that was the reason that the deck currently encroaches into the rear yard setback.

Mr. Hoar stated that a survey was never done on the property; he also stated that there would be no destruction of vegetation if the variance were granted.

Mr. Fraley stated that since the Zoning Ordinance changed, the entire neighborhood is likely to be in noncompliance.

Mr. Nice stated that there is no villain in this case.

Mr. Nice made a motion to establish the rear yard setback at twenty-five feet with the condition that the left side yard setback remains at ten feet with no further encroachment.

Mr. Giedd seconded the motion

The motion was approved 4-0

Case No. ZA-20-00 215 Sheffield Road

Mr. Scott Denny presented the staff report stating that Mr. Joe Morgan on behalf of Ms. Charlotte S. Chase, the property owner, has requested a variance to Section 24-259, Special Provisions for Corner Lots, and/or Section 24-258, Yard Regulations, of the James City County Code to construct a single-family dwelling unit at 215 Sheffield Road. The property is located in the R-2, General Residential Zoning District and can be further identified as Parcel No. (7-14) on James City County Real Estate Tax Map No. (32-3).

Mr. Giedd asks why the front yard is identified as the shorter of the two sides for corner lots.

Mr. Denny stated that this was done during the Subdivision Ordinance review.

Mr. Nice asks if Sheffield were the front, how far would the house encroach.

Mr. Denny stated that the house would encroach 14.8'.

Mr. Morgan the contractor stated that he assumed that Sheffield was the front, and his second building plan was rejected because of the minimum lot width at the setback.

Mr. Denny stated one of the reasons for the rules for corner lots is for the purpose of allocating addresses for the Fire and Police Departments. Real Estate assigns the final addresses and notifies the appropriate agencies.

In a letter from one of the adjacent property owner he expressed his concern with keeping the house as far from the road as possible to protect the character of the neighborhood.

Ms. Liz Ackard another adjacent property owner stated that her concern was with the removal of trees and the grading required to site the house.

Mr. Denny stated that if this variance is approved, the proposed language for that motion should be: The rear setback would be established at 21.2' feet as stated on the survey dated June 5, 2000, and that would accommodate the minimum lot width of 100 feet at the setback line.

Mr. Giedd made the motion to approve the variance as stated by Mr. Denny

Mr. Fraley seconded the motion.

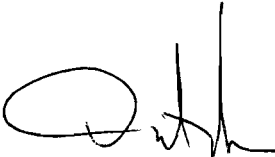
The motion was approved 4-0

E. MATTERS OF SPECIAL PRIVILEGE

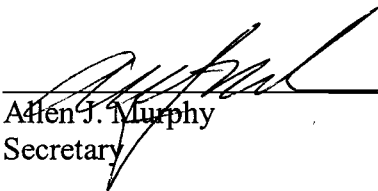
None.

F. ADJOURNMENT

The meeting was adjourned at approximately 8:40 p.m.



David Nice
Chairman



Allen J. Murphy
Secretary