

BOARD OF ZONING APPEALS
Minutes for the meeting of May 3, 2001

A. ROLL CALL

The meeting came to order at approximately 7:28 p.m.

PRESENT:

ABSENT:

Mr. Ken Giedd
Mr. Emeric Fischer
Mr. Jack Fraley
Ms. Gloria Wallace

Mr. David Nice

OTHERS PRESENT:

John Rogerson, Code Compliance Officer
Jim Breitbeil, Code Compliance Officer
Charlie Petersen, Development Management Technician

B. ELECTION OF OFFICERS

The follow Board members were nominated and elected to serve in the below mentioned capacities for a period of one year from May 3, 2001.

Mr. Ken Giedd, Chairman
Ms. Gloria Wallace, Vice Chairman
Mr. Allen Murphy, Secretary

C. MINUTES

The minutes of the November 2, 2000 meeting were approved.

D. OLD BUSINESS

None

E. NEW BUSINESS

Case No. ZA-07-01 143 Clark Lane

Mr. John Rogerson stated Ms. Alicia Brown Jones, the property owner, has applied for a 2.23' foot variance to the thirty-five foot rear setback requirement of Section 24-238 (b) of the James City County Zoning Ordinance in order to permit the replacement of an existing manufactured home with a new doublewide manufactured at 143 Clark Lane.

Mr. John Rogerson stated that in February of 1996 massive road improvements took place on Clark Lane. Prior to this date, Clark Lane was a dirt and gravel road with a collection of shallow and irregular shaped lots. Since the road improvements, the Board

of Zoning Appeals has approved five variances to four addresses along Clark Lane to accommodate modest single-family dwellings. The Virginia Department of Transportation right of way acquisition along Clark Lane has made some lots even more irregular in shape as well as decreasing the depth of the building envelope. Variances were approved for two lots located at 131 and 149 Clark Lane due to this unique situation. It is the applicant's intention to replace the existing manufactured home, which is approximately fourteen feet (14') by sixty feet (60') with a 2001 manufactured home that is twenty-eight feet (28') by fifty-six feet (56'). The Virginia Department of Transportation's right of way acquisition along Clark Lane did not affect the parcel in question. However, the lot depth for 143 Clark Lane is 85.77' feet, front setback is twenty-five (25') feet, and the rear yard setback is thirty-five (35') feet. This makes for building envelope for this parcel (25.77') deep.

Mr. Rogerson stated that currently the property owner is pursuing a Special Use Permit from the Board of Supervisors for the replacement of the manufactured home. The applicant's intent is to replace an older mobile home with a more modern doublewide manufactured home. The Special Use Permit will not be processed until the Board of Zoning Appeals takes action on this matter. Staff acknowledges the fact that this variance will not be a substantial detriment to neighboring properties nor will the character of the district be changed. Because of the shallow building depth of the lot, the application of the current setback requirements does create a hardship and staff recommends approval of this application. In this case the staff recommends that the rear setback be established at thirty-one feet (31') to allow for any minor differences in future surveys or slight error in the placement of the manufactured home.

Mr. Ken Giedd asked the purpose of obtaining a Special Use Permit in this case.

Mr. John Rogerson explained that new manufactured homes are not permitted in R-2 General Residential Zoning Districts so a Special Use Permit is required to replace the existing structure.

Ms. Gloria Wallace asked if there would be a problem granting approval.

Mr. John Rogerson stated that there is no foreseen problem granting approval.

Mr. Ken Giedd asked how their decision would effect the final approval of a Special Use Permit.

Mr. John Rogerson stated that if the board chooses not to grant the variance then that would only affect the type of replacement structure. If approval is granted then case will be presented to the Board of Supervisors at their next meeting.

Mr. Ken Giedd opened the public hearing.

Ms. Alicia Brown Jones, the property owner, had nothing to say regarding this case.

Mr. Ken Giedd closed the public hearing.

Mr. Ken Giedd asked the other board members for comments.

Mr. Fischer stated that that this case meets the ordinance definition of a real hardship and recommended granting of the variance recommended by the staff.

Ms. Gloria Wallace agreed. She felt that this was one of the very few times there has been a variance request where staff has recommended approval. She stated that she was in favor of granting the variance.

Mr. Ken Giedd stated that he has been on the board during all the cases concerning variance requests on Clark Lane, and did not think the board has seen the last of them.

Mr. Jack Fraley made a motion to establish the rear setback at thirty-one feet (31') for the replacement of the manufactured home.

Mr. Emeric Fischer seconded the motion.

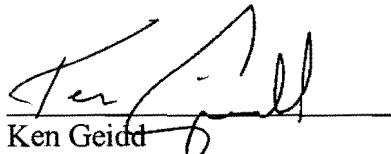
The motion was approved 4-0

E. MATTERS OF SPECIAL PRIVILIGE

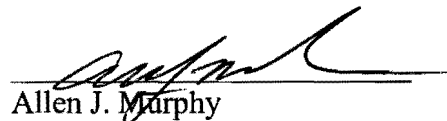
None.

F. ADJOURNMENT

The meeting was adjourned at approximately 7:46 p.m.



Ken Geidd
Chairman



Allen J. Murphy
Secretary