

**BOARD OF ZONING APPEALS**

**November 7, 2002**

**A. ROLL CALL**

PRESENT:

Mr. Nice  
Mr. Fraley  
Mr. Fischer  
Mr. Turnau

ABSENT:

Ms. Wallace

OTHERS PRESENT:

Christy Parrish, Zoning Officer  
Trey Davis, Development Management Assistant

**B. MINUTES**

The minutes of the September 5, 2002 meeting were amended.

**D. OLD BUSINESS**

Mr. Fraley asked the board to read and review the minutes from the previous meeting and submit any changes to Ms. Parrish.

**E. NEW BUSINESS**

**ZA-13-02            111 Ware Rd.**

Mr. Fraley stated that Ms. Parrish has provided the facts and findings of this case and then asked Ms. Parrish if she had any additional comments she wish to make.

Ms. Parrish noted for the Board that the proposed addition would not extend past the existing, non-conforming building line of the applicant's dwelling. She added that a similar variance was previously granted for the house directly across the street.

Mr. Turnau asked for a clarification of the neighborhood covenants as compared to the Zoning Ordinance.

Ms. Parrish explained that when the home was constructed, the house met the 12 foot side yard setback line specified in the covenants. However, the Zoning Ordinance took effect in 1969 with required side yard setbacks of 15ft in the R-1, Limited Residential zoning district. The house then became legally non-conforming as it pre-dated the Zoning Ordinance.

Mr. Turnau asked how far the proposed addition was to extend.

Ms. Parrish responded that it would not exceed the current building line, but that it would encroach on the 15 ft. setback line.

Mr. Nice asked which of the applicant's two construction proposals was preferred by staff.

Ms. Parrish responded that the first proposal was preferred.

Mr. Fraley opened the meeting to public comment at 7:43PM.

Mr. Fraley explained the purpose of the Board of Zoning appeals and that the proposed variance would need three votes to pass.

Ms. Kathy Exton, the applicant, stated that she and her husband were among the first people to move into the Lakewood subdivision 38 years ago. She expressed her desire to create an office in this home for her husband, rather than move into a new, larger house.

Ms. Exton explained that most of the houses in that area were built prior to 1969 and that her home was on a pie-shaped lot that narrows away from the road. She explained that this configuration would make it impossible to add on to the house without encroaching on a setback line.

Mr. Fraley asked if the homeowner's association and adjacent property owners had expressed any concern over the proposed addition.

Ms. Parrish responded that they had not.

Mr. Fraley asked why the first proposal was not considered practical by the applicant.

Ms. Exton responded that the first proposal was drawn by a surveyor. She stated that proposal would eliminate windows in the existing sunroom and main bath and would also eliminate the crawl space below the house.

Mr. Turnau asked if the neighbor to the rear of the Exton's property had any concerns.

Ms. Exton stated that the neighbors to the rear of her property expressed approval for the proposed addition.

Mr. Turnau asked how far it was to the rear of the lot from the house.

Mr. Nice responded that it was approximately 80 feet.

Mr. Fischer asked where the entrance to the new room addition would be.

Ms. Exton responded that it would be off the master bedroom.

Mr. Fraley closed the meeting to public comment at 7:47PM.

Mr. Nice stated that the house and proposed addition clearly meet the original covenants and that they preserve the intent of the original ordinance.

Mr. Fischer stated he could not see hardship in this case, but stated he had no objections approving a variance.

Mr. Turnau agreed.

At the request of Mr. Fraley, Ms. Parrish read text for the variance.

Mr. Nice asked that the text be amended to allow for a 12 ft. setback on both sides of the property to prevent any future hearings.

Ms. Parrish read the amended text.

Mr. Nice moved to grant the variance.

Mr. Fischer seconded the motion.

Ms. Parrish read a RESOLUTION: The board grants variance to Section 24-238 (a) of the James City County Zoning Ordinance to reduce both side yard setbacks to 12 ft. for the construction of a room addition on the existing dwelling at 111 Ware Road.

Ms. Parrish called for a vote.

The motion was approved 4-0.

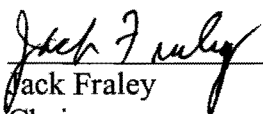
#### **E. MATTERS OF SPECIAL PRIVILEGE**


Mr. Turnau stated that the issues before the Board of Zoning Appeals seemed fairly straight-forward. He asked if the Board should meet only once or twice a year, rather than monthly, to hear cases.

Mr. Fraley responded that people need to have their cases heard in a timely manner and on a regular basis. He added that the number and complexity of cases reviewed can vary from meeting to meeting.

#### **F. ADJOURNMENT**

The meeting was adjourned at approximately 7:54 p.m.

  
\_\_\_\_\_  
Jack Fraley  
Chairman

  
\_\_\_\_\_  
Allen J. Murphy  
Secretary