

**BOARD OF ZONING APPEALS**

**May 1, 2003**

**A. ROLL CALL**

PRESENT:

Mr. Fischer  
Mr. Fraley  
Mr. Turnau  
Mr. Rhodes

ABSENT:

Mr. Nice

OTHERS PRESENT:

Melissa Brown, Zoning Officer  
John Rogerson, Zoning Officer  
Trey Davis, Development Management Assistant  
Mr. Bill McKnew, Applicant

**B. MINUTES**

On a motion by Mr. Rhodes, seconded by Mr. Fraley, the minutes of the March 6, 2003 meeting were unanimously approved.

**D. OLD BUSINESS**

**E. NEW BUSINESS**

**ZA-04-03                    26 Wallace Road**

The Board had no immediate questions for Ms. Brown. Mr. Fraley opened the meeting to public comment at 7:05PM.

Mr. Bill McKnew, the owner of the property and My Home, LLC, stated that given the peculiar shape of this lot, he felt the plan for the proposed house was the best possible one and that it would fit nicely will the surrounding properties.

Mr. Fischer asked how long Mr. McKnew had owned the property.

Mr. McKnew replied that he purchased the lot in question in December of 2002.

Mr. Turnau asked what the square-footage of the existing house was.

Mr. McKnew responded that it was just under 1,000 square feet and that he had recently renovated that house and installed central heat and air.

Mr. Turnau asked what the word “affordable” means in reference to houses in this County.

Mr. McKnew said that meant the house would be under \$100,000.

Ms. Brown added that the current County definition was \$97,300.

Mr. Turnau asked if the new house would be built for around \$70-\$80 per square foot.

Mr. McKnew replied that it would.

Mr. Turnau asked if any neighbors had given their input into this proposal.

Ms. Brown said the neighbors on the properties to the right and rear had called her for clarification about the application, but that none had lodged any complaints.

Mr. Fraley said he felt the neighborhood would like to see this type of construction.

Mr. McKnew said the proposed house would be the nicest of the new homes built in that area in the past decade.

Mr. McKnew noted that the entrance to the property is off Wallace Rd.

Mr. Turnau asked if the residents of 28 Wallace Road had any objection to the proposed house.

Mr. McKnew replied that they did not and that the possibility of having a new house constructed at 26 Wallace Rd. was noted in their lease.

Mr. Fraley stated that it was nice to see My Home LLC providing badly-needed affordable housing in James City County.

Mr. Fraley closed the public comment section of the meeting at 7:15PM.

Mr. Turnau noted that the minimum lot size for a house in the County is 10,000 square feet, and that this lot is about 6,000 square feet. He asked if there was precedence for granting such approvals.

Ms. Brown replied in the affirmative. The BZA has the ability to create setbacks for all non-conforming lots. She stated that this lot was created in 1955, prior to the Zoning Ordinance and the minimum lot size requirements.

Mr. Fraley said there is no way to make this lot conform to the code, but that the Board could grant a variance to the setbacks in order for the owner to utilize his property.

Mr. Turnau asked if there were many such lots in the County and whether granting a variance would create “clutter”.

Ms. Brown responded that most of the lots in that neighborhood are smaller than the 10,000 square foot standard, but that all new neighborhoods have larger lots. She noted that there were only 8 remaining undeveloped lots in this particular neighborhood.

Mr. Rhodes moved to grant the variance.

Mr. Fraley seconded the motion.

Ms. Brown read a RESOLUTION: The board grants variance to Section 24-258(b), Yard Regulations, of the James City County Zoning Ordinance. This variance reduces the required rear yard setback from 35 feet to 20 feet to construct the Lancaster model home as submitted with Mr. McKnew's application. There can be no further expansion into the rear yard setback.

Ms. Brown called for a vote.

The motion was approved 4-0.

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

Mr. Fraley expressed his desire to have a Zoning officer take members of the Board out to examine properties which apply for variances should the BZA be interested.

Mr. Rogerson responded that staff would be happy to do so and that it is staff's obligation to try and make these cases clear to the members of the Board. He said staff will be flexible to each member's schedule.

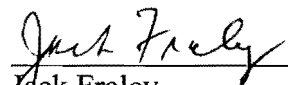
Mr. Davis noted that should 3 or more members of the Board meet, public notice must be given in advance.


The Board agreed that they would take trips to investigate properties individually or with only one other member at a time.

The Board and staff had a brief discussion about their respective roles in the variance process.

#### **F. ADJOURNMENT**

The meeting was adjourned at approximately 7:35 p.m.

  
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Jack Fraley  
Chairman

  
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Allen J. Murphy  
Secretary