

BOARD OF ZONING APPEALS

July 1, 2004

A. ROLL CALL

PRESENT:

Mr. Fraley
Mr. Rhodes
Mr. Fischer
Mr. Wenger

ABSENT:

Mr. Nice

OTHERS PRESENT:

John Rogerson, Zoning Officer
Trey Davis, Planner

B. MINUTES

On a motion by Mr. Fraley, seconded by Mr. Rhodes, the minutes of the May 6, 2004 meeting were unanimously approved.

C. OLD BUSINESS

Mr. Fraley suggested that in the absence of the full Board, the discussion of the bylaws should be carried over to the September meeting.

D. NEW BUSINESS

ZA-08-04 137 Forest Heights Road

Mr. Rogerson stated that an application of the current R-2 setbacks to this lot would create a negative building envelope. The variance requested would create a buildable lot similar to others in the same neighborhood and previously approved variances on Neighbors Drive as well.

Mr. Fischer asked Mr. Rogerson for an explanation of Housing Partnerships.

Mr. Rogerson replied that the program existed to assist qualified people with demonstrated housing needs. Ms. Anderson, the property owner, had told Mr. Rogerson that it had been a lengthy process to date.

Mr. Fischer asked why the resident needed a 2-story house to replace the existing one story house.

Mr. Rogerson explained that the footprint would actually be smaller for the new house, but that a second story provided needed room to house additional family members. The total square footage would be about 1,200 square feet.

In response to a question from Mr. Rhodes, Mr. Rogerson said the existing house and lot were both legally non-conforming and had been built in the 1950s, prior to the implementation of the County zoning ordinance.

Mr. Fraley asked whether the BZA might expect to see similar requests in the future.

Mr. Rogerson replied that it was highly likely, given that most lots in that area are of a similar size. He explained that the Zoning Administrator would not want to grant a blanket variance for a particular area and that the BZA needs to have control of each one on a case by case basis to ensure that the spirit of the ordinance is followed each time.

Mr. Rhodes asked that Mr. Murphy review the ordinance and discuss it with the Board of Supervisors.

General discussion of the merits of examining the ordinance with the Assistant County Attorney and thinking of ways to amend it to address non-conforming lots such as those on Forest Heights Road followed. Mr. Fraley asked that the issue be placed on the agenda for the September meeting for further discussion.

Mr. Fraley opened the meeting to public comment at 7:25PM.

There being no public comment, Mr. Fraley closed the meeting to public comment at 7:26PM.

Mr. Fraley asked Mr. Rogerson for wording for the variance.

Mr. Rogerson read a RESOLUTION: The board grants a variance to Section 24-256, Setbacks, and Section 24-258 (b), Yard Regulations, of the James City County Zoning Ordinance. This variance reduces the required front yard setback from 50 feet to 23 feet from the centerline of the street and reduces the required rear yard setback from 35 feet to 23 feet.

Mr. Fischer moved to grant a variance.

Mr. Rhodes seconded the motion.

Mr. Fraley called for a vote.

Mr. Davis read the roll.

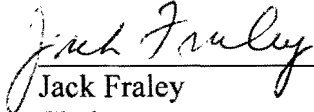
The motion was approved 4-0.

E. MATTERS OF SPECIAL PRIVILEGE


Mr. Fraley reminded the Board that the review of the BZA bylaws would be carried forward to the September meeting.

F. ADJOURNMENT

The meeting was adjourned at approximately 7:30 PM.



Jack Fraley
Chairman



Allen J. Murphy
Secretary