

BOARD OF ZONING APPEALS
March 2, 2006

A. ROLL CALL

PRESENT:

ABSENT:

Mr. Wenger
Mr. Rhodes
Mr. Fraley
Mr. Nice

Mr. Fischer

OTHERS PRESENT:

John Rogerson, Senior Zoning Officer
Adam Kinsman, Assistant County Attorney
Jennifer Lyttle, Paralegal
Leanne Reidenbach, Development Management Assistant

B. MINUTES

Mr. Fraley made a motion to accept the minutes of the January 5, 2006 meeting. Mr. Nice seconded the motion. The minutes were unanimously approved by voice vote. (4-0)

C. OLD BUSINESS

There was no old business to discuss.

D. NEW BUSINESS

ZA-02-06 Park Inn Canopy Addition

Mr. John Rogerson, Senior Zoning Officer, presented the staff report for the variance to Section 24-393, Setback Requirements of the James City County Zoning Ordinance to reduce the front setback from the required fifty (50) feet to seventeen (17) feet for the construction of a canopy addition to the front of the Park Inn Hotel, 7135 Pocahontas Trail. Following its review of the application, staff was unable to find a hardship approaching confiscation and therefore recommended denial of the variance request.

Mr. Rhodes opened the public hearing.

Mr. Richard Ivy of Architectural Innovations, P.C., applicant, discussed the variance request. He stated that adjacent property was owned by family members and by the Colonial Williamsburg Foundation. He also stated that the addition of the canopy was spurred by demands from both customers and the franchise, Country Inn Suites.

He clarified that the size of the canopy on the submitted plan had been reduced from the size on the original request.

Mr. Nice asked what would happen to the hotel if they were unable to meet the franchise demands for a canopy.

Mr. Ivy stated that the franchise may not approve the project or allow their name on the hotel.

Mr. Dean Canavos of Canavos Properties, LLC, co-owner of the Park Inn, discussed the reasons for needing the canopy including that it was required by the hotel franchise and that customers now expect hotels to have well-lit canopies for safety and weather reasons so the canopy was a necessity to stay competitive. He also said that the original hotel was built in 1985, when customers did not expect canopies, and showed photos of other recently built hotels in the area that included canopies.

Mr. Fraley asked what, if any, improvements the applicant had recently made to the hotel.

Mr. Canavos responded that they made a significant monetary investment and installed a new roof, gutted the interior, and put in all new fixtures, flooring, and furniture.

Mr. Rhodes asked if there were other hotels in the area without canopies.

Mr. Canavos replied that all immediate competitors had canopies.

Mr. Rhodes asked if that was the minimum encroachment possible which would still meet the franchise standards.

Mr. Canavos said that it was.

Seeing no further speakers, Mr. Rhodes closed the public hearing.

Mr. Rhodes asked for discussion from the Board.

Mr. Fraley stated he supports the variance because of the significant capital investment, the ability to remain competitive with surrounding hotels, and that the strict interpretation of the Zoning Ordinance could interfere with the beneficial use of the property.

Mr. Nice stated he supports the variance because the plan is compatible with its surrounds.

Mr. Wenger agreed.

Mr. Rhodes made a motion to grant the variance.

Mr. Rogerson read the resolution stating that the variance would be to Section 24-393, Setback Requirements, to reduce the required 50 foot front setback to 17 feet for the construction of the canopy over the entrance to the lobby of the Hotel located at 7135 Pocahontas Trail with the condition that there is no further encroachment into said setback.


The variance was granted on a roll call vote. The vote was YES: Wenger, Rhodes, Fraley, Nice (4). NO: (0).

E. MATTERS OF SPECIAL PRIVILEGE


Mr. Adam Kinsman, Assistant County Attorney, updated the Board concerning a pending lawsuit and handed out the most recent documents filed by the opposing counsel.

F. ADJOURNMENT

Mr. Rhodes adjourned the meeting at 7:25 pm.



Marvin Rhodes
Chairman



Allen J. Murphy
Secretary