

BOARD OF ZONING APPEALS
December 7, 2006

A. Roll Call

Present:	Absent:
Mr. Wenger	Mr. Rhodes
Mr. Fraley	
Mr. Fischer	
Mr. Pennock	

Others Present:

John Rogerson, Senior Zoning Officer
Adam Kinsman, Assistant County Attorney
Christy Parrish, Administrative Services Coordinator

B. Minutes

Mr. Fraley made a motion to accept the minutes of the July 6, 2006 meeting. Mr. Fischer seconded the motion. The minutes were approved by voice vote (3 yes, 1 abstain).

Mr. Fischer made a motion to accept the minutes of the September 7, 2006 meeting. Mr. Fraley seconded the motion. The minutes were unanimously approved by voice vote

C. New Business

ZA-12-06 York River Baptist Church

Mr. John Rogerson stated the Board was provided a staff report in their packet and he would be happy to answer any questions they may have.

Mr. Fraley inquired about the setback on Cedar Point Lane.

Mr. Rogerson discussed that the required setback from all street right-of-ways is 50 feet.

Mr. Wenger opened the public hearing.

David Coe, York River Baptist Church Building Committee Chairman, spoke in favor of the requested variance. He began by stating that he has had a very positive experience with staff during this variance request. Letters were sent to all adjacent property owners inviting them to view and discuss the expansion plans. No one showed up for the meeting. The overall plan is to tear down the existing preschool building, which is in very poor conditions, and replace it with a new 3,000 square foot building. He also

discussed other location options for the expansion. However, all other locations imposed various safety concerns for the children.

Mr. Fraley inquired if the plan was to tear down what was there now and replace it.

Mr. Coe stated that that existing building was approximately 1,400 square feet and it would be replaced with a 3,000 square foot building. The new building would be connected to and look similar to the church building.

Mr. Wenger closed the public hearing.

Mr. Fraley asked if staff was contacted by any adjacent property owners.

Mr. Rogerson stated that one adjacent property owner contacted staff to clarify what the variance was for.

Mr. Rogerson also stated that he contacted the Virginia Department of Transportation concerning any proposed plans to expand Cedar Point Lane. VDOT could not confirm any such plans.

Mr. Wenger asked if there were any plans to expand Croaker Road.

Mr. Rogerson stated he did not inquire with VDOT relating to Croaker Road because the proposed expansion was on the opposite side.

Mr. Fischer stated he supported the variance because it fronted on a minor road.

Mr. Pennock stated he agreed with Mr. Fischer and thought that 30 feet was still a good buffer and rear setback for the expansion.

Mr. Fraley stated that he supported the variance and believes it is not detrimental to adjacent property owners. Due to the existing layout of the Church, he believes that this variance is in harmony with the intended spirit and purpose of Chapter 24 of the James City County Zoning Ordinance.

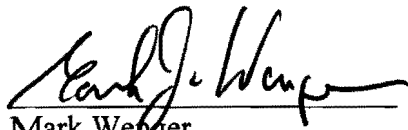
Mr. Fraley moved to approve resolution ZA-12-06 to grant the variance on the property.

Mr. Pennock seconded the resolution.

Resolution passed (4-0). (Yes – Fraley, Wenger, Fischer, Pennock)

D. ADJOURNMENT

Mr. Wenger adjourned the meeting.



Mark Webger
Vice-Chairman



Melissa Brown
Acting Zoning Administrator