

**Board of Zoning Appeals
James City County Government Complex
Board Room, Building F**

March 7, 2013 - 7 p.m.

A. Roll Call

B. Minutes - February 7, 2013

C. Old Business

D. New Business

1. ZA-0002-2013. 126 Lake Drive

E. Matters of Special Privilege

1. 2012 Annual Report

F. Adjournment

BOARD OF ZONING APPEALS
February 7, 2013

Mr. Marvin Rhodes called the meeting to order at 7:00 p.m.

A. Roll Call

Present:

Mr. Marvin Rhodes
Mr. David Otey, Jr.
Mr. Stephen Rodgers
Mr. Ron Campana, Jr.

Others Present:

Mr. Jason Purse, Zoning Administrator
Mr. John Rogerson, Senior Zoning Officer

Mr. Rhodes gave information on the purpose of the Board of Zoning Appeals.

B. Old Business

There was no old business.

C. New Business

ZA-0003-2012 3492 Frederick Drive

Mr. Luis Maldonado has applied for a variance to Section 24-258(b), Yard requirements, of the Code of James City County to reduce the required rear yard setback from 35 feet to approximately 20' 6". This proposed variance request is to allow the continued placement of a deck that encroaches approximately 14' 6" into the rear yard setback. This property is currently zoned R-2, General Residential and can further be identified as JCC RE Tax Map No. 1220600054.

Mr. Maldonado constructed a deck on the rear of his residence that encroached approximately 14' 6" into the required 35' rear yard setback. He started the construction of the deck without first obtaining a building permit. Once he was advised of the requirement of a building permit, he proceeded with the necessary paperwork.

Upon reviewing the building permit application, zoning staff realized that the rear of the house was on the 35' rear yard setback line. There was no additional room for the construction of the deck. Staff advised Mr. Maldonado that he did not have room for a deck at the rear of the house. The applicant stated that he had a contract for the construction of the deck and since the job had started, he decided to complete the project without the necessary approvals.

The property is a flag lot and the rear of the house backs up to a common area that is in a Conservation Easement. The property behind his home can never be built on due to the easement. Mr. Maldonado's lot is unusually wide but very shallow so that the front of his house is right on the front

setback line and the rear of the house is right at the rear setback line. Mr. Maldonado attempted to do a boundary line adjustment to accommodate the deck he built. However, the Homeowners' Association would not give their approval.

An unnecessary hardship exists when the strict application of the term is of the ordinance would effectively prohibit or unreasonably restrict the use of the property. The strict application of the terms of the Zoning Ordinance does not produce an undue hardship nor does it effectively prohibit or unreasonably restrict the use of the property in this case. This hardship is entirely self-inflicted. Staff recommends denial of this application.

Mr. Stephen Rodgers asked about the shape of the lot.

Mr. Rogerson answered that it was a uniquely shaped flag lot. When the subdivision plat was approved, it was determined that the rear lot line was opposite and most parallel to the front lot line. As a result the diagonal property line on the back right of the lot was determined to be a side lot line for the purpose of setback application.

Mr. Rodgers asked if everything outside the sliding glass door was effectively in the setback.

Mr. Rogerson stated that was correct.

Mr. Ron Campana asked what was at the sliding glass door before the deck was built.

Mr. Rogerson stated that there was nothing outside of the sliding glass door.

Mr. Marvin Rhodes asked about how much of the deck was complete staff was aware of the situation.

Mr. Rogerson stated that Mr. Maldonado came to the office and met with Mr. Rogerson and his co-worker to discuss the process. He also provided pictures showing that the deck was already partially constructed.

Mr. Rodgers asked about the boundary line adjustment.

Mr. Rogerson stated that the property adjacent in the rear is owned by the Homeowners' Association and is also a conservation easement. The Homeowner's Association would have the ability to trade a portion of their property for a portion of Mr. Maldonado's property. It would have made his deeper to accommodate the deck. But the parties involved could not make it work. Mr. Rogerson stated that the applicant will be able to provide more information.

Mr. Rhodes opened the public hearing.

Mr. William Holt, of Kaufman and Canoles, was representing the applicant. Mr. Holt thanked Mr. Rogerson for all his help on this case which has evolved over seven or eight months. He showed a diagram of the area showing Mr. Maldonado's lot in comparison to the subdivision. His lot was exactly 30 feet deep. Mr. Holt made the comparison that a mobile home is 28 feet. Mr. Holt also stated that the

home was built with sliding glass doors with a five foot drop off. There was no way to use this exit without constructing something there. He felt that this was a fire and safety issue.

Mr. Holt stated that when his client bought the home he did not understand what a setback was or a variance was. He stated that his client decided to finish the deck and work with the County to correct the problem. On a recommendation from the County, they tried to do a boundary line adjustment and were not able to. Mr. Holt explained how they were trying to work with the Homeowners' Association but they would not approve the adjustment. This was due to an issue with steep slopes on their property and the fact that a walking trail would have to be relocated. Mr. Holt also stated that the Homeowners' Association fined Mr. Maldonado (\$15 per day for 90 days). This is not a hardship that is shared by others, not is there any deterrent to the community. This situation was caused by the shallowness of the lot.

Mr. Rodgers asked about the fine from the Homeowners' Association.

Mr. Holt stated the fine was due to Mr. Maldonado not securing the necessary approvals and permits, as well as not receiving approval from their architectural review board.

Mr. Campana asked about the relocation of the walking trail.

Mr. Holt showed on the diagram where the trail is currently, and where they proposed that it could be moved.

Mr. Campana asked about the steep slopes.

Mr. Holt stated that the Homeowners' Association felt that there would be erosion issues if the trail was relocated. The client hired a contractor to show where it could be done with erosion maps but it still was denied. The Homeowners' Association also wanted to require handrails and a bond in case the trail needed to be repaired or replaced.

Mr. Campana asked how many properties in that area have decks on them.

Mr. Holt did not have the exact figure, but would estimate about half of the properties have decks.

Mr. David Otey asked how the homeowner became aware of the need for a building permit.

Mr. Holt answered that he thought a resident has brought it to the Homeowners' Association that it had not received their approval.

Mr. Otey asked where the homeowner stood with the Homeowners' Association now.

Mr. Holt answered that the Association has fined the homeowner the maximum allowed under the State Code (\$1350). They also received notice of this hearing. He stated that they have not heard of any opposition so he is assuming that they are in agreement with this variance.

Mr. Otey asked about their separate permitting process.

Mr. Holt answered that the plan would need to go before their architectural review board for approval. He stated that there were some concerns about the gazebo on top of the deck.

Mr. Rhodes stated that the variance could be granted but there would still be an issue with the Homeowners' Association to resolve. He stated that the Association may request some changes to the plan.

Mr. Jason Purse stated that the variance could be granted with conditions with a specific distance. The Association could approve something smaller, but they would have to stay within the stated setbacks.

Mr. Otey understands the costs that the homeowner has incurred in trying to resolve this issue. He stated that the property is not being restricted being that it is used as a single family use. He asked what recourse is there against the contractor for working without a permit, and if there is any other access outside besides the front.

Mr. Holt stated that there is the door to the garage, the front and the sliding glass doors. He was unsure as to whether the contractor was licensed. At this time the homeowner has not pursued any action against the builder.

Mr. Rodgers asked how close the trail was to the house.

Mr. Holt answered that the trail was approximately twenty-one feet from the deck, but that the homeowner has plans to put up a fence to shield the view of the deck as well as the trail from his house.

Mr. Nesmith of 3496 Frederick Drive stated that he was in favor of the application and just wanted him to be able to enjoy his property.

Mr. Maldonado stated that he did not mean to build the deck without the proper approvals. This situation has caused him and his family much stress. When he purchased the house there was a fence in front of the sliding glass doors. This is why he wanted to build a deck.

There being no further comments, Mr. Rhodes closed the public hearing.

Mr. Campana stated he could approve this application subject to the approval of the Homeowners' Association.

Mr. Rodgers agreed. He feels that with the sliding glass doors there needs to be something there. The size is very small and does not support anything structure at these doors.

Mr. Rhodes understands that Mr. Maldonado was unaware of the requirements of a building permit, but felt that it is inexcusable for continuing to build the deck without seeking the appropriate approvals. A deck could be constructed on the left side of the house, although less desirable. He felt that a ground level patio could be constructed. The homeowner has reasonable use of the property

therefore a hardship does not exist. Mr. Rhodes stated that he felt any hardship was created by the homeowner. Granting a variance would be giving a special privilege that is not available to other property owners. In looking at other lots in the subdivision there are many instances where the home occupies a substantial portion of the building envelope. Granting a variance runs with the property and in the long term could prove detrimental to the community. Mr. Rhodes suggested that if the BZA grant the variance, the homeowner should be required to obtain a current survey of the property, and make the survey part of the variance.

Mr. Otey stated that he understood the homeowner's situation, but felt that not knowing the law does not excuse you from complying with it. If the application is approved, it needs to have the approval of the Homeowner's Association.

Mr. Rhodes re-opened the public hearing.

Mr. Holt stated that they would be in agreement in obtaining approval from the Association. Any restrictions imposed by the Board would be acceptable. It was his understanding the Association issue was that the County had not approved the permit.

Mr. Otey asked how a certificate of occupancy could be issued with the sliding glass doors give feet off the ground.

Mr. Rhodes stated that other localities issue them; bars are just placed across the doors.

Mr. Campana asked if the deck was in compliance with building code.

Mr. Holt stated that building, safety and permits will not review the permit until it has zoning approval.

Mr. Purse clarified that the consensus of the Board was if this application is approved, it would be with the conditions of obtaining a building permit, and meeting the building code requirements.

Mr. Rhodes also suggested a current and correct survey.

Mr. Holt stated that the survey submitted would capture the deck's location.

Mr. Purse stated that it does not need a special condition; it is done as part of the application.

Mr. Otey clarified that this reasoning is that if the deck does not meet the building code requirements, then the option to correct it or rebuild is not given. He would like to approve the variance if it meets the building code requirement.

Mr. Rhodes closed the public hearing.

Mr. Rodgers stated that he feels that the back of the house needs something outside the sliding glass doors.

The Board then discussed their concern with granting a blanket variance to allow something else to be built on the rear of the house. The Board stated that they would be willing to grant the variance for this deck only and if the deck was removed then nothing else could be rebuild.

The Board agreed that they would be willing to grant a variance for this deck only as shown on the plat titled “Physical survey of lot 54, Section 4, Fenwick Hills for Luis Maldonado & Lizbeth Ortiz provided by LandTech Resources and dated February 2, 2013. The property owner is required to obtain a building permit from Building Safety and Permits and received a final inspection.

Mr. Rogers made a motion to grant variance a variance to Section 24-258 (b), Yard Regulation of the James City County Zoning Ordinance to reduce the required 35;’ setback to 20’ 6” to allow the existing deck to remain with the condition that the variance was for the existing deck only as shown on the plat titled “Physical survey of lot 54, Section 4, Fenwick Hills for Luis Maldonado & Lizbeth Ortiz provided by LandTech Resources and dated February 2, 2013. The property owner is required to obtain a building permit from Building Safety and Permits and received a final inspection.

The motion was seconded by Mr. Campana

On a roll call vote the application was approved (3-1) with Mr. Rhodes voting Nay.

ZA-0001-2013 Goodyear Tire Center

Mr. Jason Purse presented the staff report and stated that Mr. Jason Grimes, of AES Consulting Engineers, has applied for a variance to Section 24-57, Parking lot design, to extend the maximum length of the parking bay between landscape islands from 90 feet to approximately 99 feet. This proposed variance request is to allow the continued placement of an open space island that, because of its placement, makes the parking bay more than 90 feet between the next island. This property is located at 4830 Monticello Avenue, is currently zoned MU, Mixed-Use.

He further noted that this open space variance request will not lessen the amount of open space on-site, but will result in the movement of the required open space by nine feet. Staff finds no undue hardship in this case and therefore does not support the application. However should the Board wish to grant the variance, staff feels the variance would not be a detriment to adjoining properties nor alter the character of the area. Furthermore, given the specific issue of the existing guy wire on this parcel and other unique factors associated with this proposal, a decision to approve the variance request would not create precedent for future cases.

Mr. Rhodes opened the public hearing.

Mr. Jason Grimes, of AES Consulting Engineers, spoke on behalf of the applicant. Mr. Grimes explained the circumstances that lead to the variance request. He stated that due to factors associated with Dominion Power policies, placement of the sidewalk, location of the right-of-way, and cost associated with relocation, that moving the pole was not feasible. He stated that he had worked diligently with staff to find a solution to the problem, but the variance was the only recourse. He requested the Board grant the variance to allow more than 90 feet between landscape islands in the

parking bay.

Mr. Rhodes closed the public hearing.

There being no further discussion, Mr. Otey motioned and Mr. Rodgers seconded approval of the variance to section 24-57, Parking lot design, of the James City County Zoning Ordinance to extend the maximum length of the parking bay between landscape islands from 90 feet to approximately 99 feet, as shown on the plan entitled "As Built Survey Goodyear 4830 Monticello Avenue" dated December 17, 2012 which is attached hereto, made part hereof and incorporated into this resolution.

On a roll call vote the application was approved by a vote of 4-0.

D. Minutes

January 20, 2013

Mr. Rhodes made minor modification suggestions for the minutes. On a roll call vote, the amended minutes were approved by a vote of 4-0.

E. Matters of Special Privilege

F. Adjournment

There being no further business, the meeting was adjourned

Marvin Rhodes
Chairman

Jason Purse
Secretary



MEMORANDUM

TO: Honorable Chairman and Members of the Board of Zoning Appeals

FROM: Terry Costello, Zoning Officer

DATE: March 7, 2013

SUBJECT: **ZA-0002-2013** **126 Lake Drive**

FACTS:

Mr. Sheldon M. Franck, Esquire has applied on behalf of Kensett Teller, Trustee, for a variance to Section 24-238(b), Yard requirements, to reduce the required rear yard setback from 35 feet to approximately 29 feet. This proposed variance request is to allow the continued placement of the decks that encroaches into the rear yard setback. This property is currently zoned R-1, Limited Residential can further be identified as JCC RE Tax Map No. 4740800032.

FINDINGS:

On June 14, 1988 a building permit application was submitted by Mr. and Mrs. Michael Teller and approved for the building of a single family dwelling located at 126 Lake Drive, Lot 32 in the Lakewood Subdivision. On September 8, 1988 a revision was submitted to include the addition of deck to the home. Neither a site plan nor drawings were submitted as part of the application. Staff could not verify whether the decks encroached as part of the original plan or whether the plan was changed during construction. On the building permit the rear setback was stated as 36 feet. Therefore at the time, and according to paperwork submitted, the proposed location met all the setback requirements.

On May 4, 2011 a boundary line extinguishment was approved for Lots 31 and Lot 32 in the Lakewood Subdivision. According to the plat that was submitted at that time it was noted that a portion of the rear deck and a portion of the deck on the right side of the property encroached into the rear setback.

The property is now for sale and a contract has been submitted by a buyer. In the course of closing on the property it was noticed that a portion of the rear deck and a portion of the deck on the right side of the property encroached into the rear setback. The deck on the back encroaches 5 feet while the side deck encroaches 6 feet. Mr. Franck, attorney for the Tellers, notified the County and was informed that a variance would be needed. A survey showing the existing decks and the encroachments has been attached. At the time of this writing, staff has received one letter from a neighbor at 124 Lake Drive that is in support of the variance.

RECOMMENDATION:

An unnecessary hardship exists when the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property. Staff finds no undue hardship in this case and

cannot support the variance. Staff acknowledges that the property owners were not aware of the situation and have worked with staff diligently to remedy the issues. However should the Board wish to grant the variance, staff feels the variance would not be a detriment to adjoining properties nor alter the character of the area. The Board may also add a condition to the variance that no further encroachment is permissible.

Attachments:

Resolution

Variance Application

Location map

Photos

Original Building Permits dated 06-14-1988 and 09-08-1988

Original Subdivision Plat dated 01-06-1987

Survey dated 04-02-2011

R E S O L U T I O N Z A - 0 0 0 2 - 2 0 1 3

GRANTING A VARIANCE ON JCC RE TAX PARCEL NO. (47-4) (08-0-0032)

WHEREAS, Kensett Teller, Trustee, has appeared before the Board of Zoning Appeals of James City County (the "Board") on March 7, 2013 to request a variance on a parcel of property identified as JCC RE Tax Parcel No. (47-4) (08-0-0032) and further identified as 126 Lake Drive (the "Property") as set forth in the application ZA-0002-2013; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record and discussed a motion to grant a variance to section 24-238 (b), Yard Regulations, of the Code of James City County (the "County Code") to reduce the required thirty five (35') foot rear yard setback to twenty nine (29') feet solely to allow for the continued placement of the decks shown on the plat entitled "Physical Survey of Lot 32, Section 2 Lakewood for Kensett Teller, Trustee" dated April 2, 2011 which is attached hereto, made part hereof and incorporated into this resolution.

NOW THEREFORE, the Board of Zoning Appeals of James City County by a majority vote of its members FINDS that:

1. The strict application of Chapter 24 of the County Code would produce undue hardship.
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
4. By reason of the exceptional narrowness, shallowness, size or shape of the Property, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the Property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of Chapter 24 of County Code would effectively prohibit or unreasonably restrict the utilization of the Property.
5. Granting the variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant.
6. The variance will be in harmony with the intended spirit and purpose of Chapter 24 of the County Code.
7. The condition or situation of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

WHEREUPON, THE BOARD OF ZONING APPEALS OF JAMES CITY COUNTY ADOPTS THE FOLLOWING RESOLUTION:

A variance to section 24-238(b), Yard Regulations, of the County Code reducing the required thirty-five foot (35') rear yard setback to twenty nine feet (29'). This variance is to allow the continued placement of the decks that encroach into the rear yard setback with no further encroachment as shown on the plat entitled "Physical Survey of Lot 32, Section 2 Lakewood for Kensett Teller, Trustee, and dated April 2, 2011" which is attached hereto, made part hereof and incorporated into this resolution.

ATTEST:

Secretary

Chair, Board of Zoning Appeals

March 7, 2013

	Votes		
	Aye	Nay	Abstain
Rhodes	_____	_____	_____
Otey	_____	_____	_____
Rodgers	_____	_____	_____
Campana	_____	_____	_____

ZA-0002-2013

126 Lake Drive

JCC RE Tax Map 4740800032



DRIVE
LATE

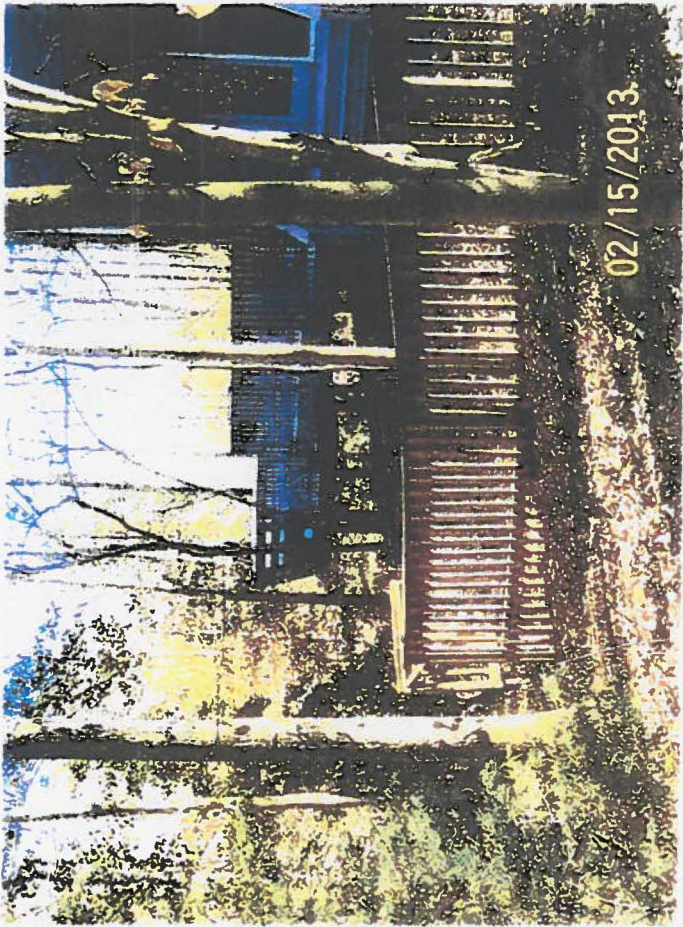
VIEW FROM

CIRCLE

VIEW FROM









Board of Zoning Appeals Application

Date: _____ ZA: _____ Receipt No.: _____

Please complete all sections of the application. Call 757-253-6671 if you have any questions, or go online to jamescitycountyva.gov/zoning/board-zoning-appeals-procedures

Please note that before accepting this application, County staff will verify that all real estate taxes owed for the subject properties have been paid in full in accordance with Section 24-24. If you are unsure if your payments are up-to-date, please contact the County Treasurer at 757-253-6705.

The applicant must provide the following information to support this application:

1. A plat of the property drawn to scale showing dimensions and locations of all structures, wells, septic systems and easements associated with the property.
2. A location sketch of the property showing all adjacent roads or right-of-ways and showing the nearest road intersection.
3. Building elevation drawings and/or topographical map if appropriate to request.

1. Project Information

Project Name: Lot 31 and Lot 32 Section 2 Lakewood Subdivision

Address: 126 Lake Drive Zoning: R2

Williamsburg, Virginia 23185 Is site in PSA? Yes No

Tax map and parcel ID: 541753 474080032

2. Applicant/Contact Information

Name: S. M. Franck

Company: Geddy, Harris, Franck & Hickman, LLP Phone: 757 220 6500

Address: 1177 Jamestown Road Fax: 757 253 8953

Williamsburg, Virginia 23185 Email: sfranck@ghflaw.com

3. Property Owner Information

Name: Kensett F. Teller, Trustee

Company: _____ Phone: 757 253 0769

Address: 126 Lake Drive Fax: _____

Williamsburg, Virginia 23185 Email: _____

PLANNING DIVISION

FEB 12 2013

RECEIVED

4. Variance

The above applicant respectively requests that the Board of Zoning Appeals grant a variance to Section 24 - 258 of the Zoning Ordinance.

The specific variance(s) requested are: 258 as shown on plat dated 2/18/2009, revised 9/14/2009 and 4/18/2011 entitled "Plat of Consolidation on Property Being Lots 31 & 32, Section 2 Lakewood Located in James City County, Virginia" made by HIS Land Surveying and recorded as Instrument Number 110010777 in the Clerk's Office of the Circuit Court of James City County

Continue on separate page if necessary

The variance is requested for the following reasons: See attached

Three horizontal lines for additional reasons.

Continue on separate page if necessary

5. Appeal

The above applicant respectively requests that the Board of Zoning Appeals review the decision made on _____ date.

The following action is requested:

- Three checkboxes with corresponding options: an interpretation of Section 24- _____ of the Zoning Ordinance, an interpretation of the Zoning Ordinance map, and an appeal of an administrative decision.

Explanation of appeal: _____

Horizontal line for explanation of appeal.

Has the applicant previously filed an appeal in connection with the property? (If yes, give the date of appeal.) _____

Explanation of purpose to which property will be put: _____

Horizontal line for explanation of purpose.

The undersigned declares that the above statements and those contained in any exhibits transmitted to the Board of Zoning Appeals are true.

Applicant Signature: [Signature] Date: 2-13-13

Property Owner Signature: [Signature] Date: 2-13-13 Trustee

BZA_APP

Rev 04_12

•Item 4 Variance application of Kensett F. Teller, Trustee

The Tellers constructed their residence on Lot 32, Section 2, Lakewood Subdivision in 1989. At that time, Lot 32 was separate from Lot 31. They relied on their contractor to site the house and other improvements, including decks. They have no knowledge or record of whether a foundation survey was done at the time the house was constructed. The initial project included a substantial deck which exists today and has remained in the same location since the house was constructed.

In 2009, Ms. Teller decided to combine Lot 31 and Lot 32. Attached to this application is a plat prepared by HIS Surveying and submitted to James City County for approval in 2011. The plat shows the encroachment of a deck over the rear set back line and a different encroachment of the same deck into the RPA. Ms. Teller understood that the RPA encroachment was grandfathered at the time the plat was submitted and approved by James City County in May of 2011. She did not notice and was unaware of the setback line encroachment.

The 2011 plat is recorded in the land records of James City County. Ms. Teller recently contracted to sell Lot 31 and Lot 32. Her buyer sought verification from the County that the encroachments were grandfathered or permitted. That led to investigation of the matter by the Zoning Department, which has concluded that the encroachment over the rear set back line was neither grandfathered nor permitted.

Strict application of the zoning ordinance would produce undue hardship because it would require removal of a portion of the deck which has been in place more than 20 years. This hardship arises because of the unusual configuration of the combined lot, which is not shared generally by lots in the same vicinity. Authorization of the variance will not be a substantial detriment to adjacent property owners who have co-existed with the deck encroachment without complaint for decades.

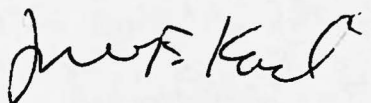
February 18, 2013

RE: Case no. ZA-0002-2013, 126 Lake Drive

James City County Zoning Administrator:

We are writing in regard to the above case concerning rear yard setback. We are the immediate neighbors to Kensett Teller, whose property is involved in this case. We would like to submit for record that we have no concerns if a variance is issued to allow the continued placement of the current decks that encroach into the rear yard setback. The decks are well maintained, are aesthetically pleasing, and do not hinder access to the shared rear yard boundary.

Sincerely,



James F. Karol & Mary H. Karol

124 Lake Drive

APPLICATION FOR BUILDING PERMIT
JAMES CITY COUNTY



6-14-88
230
Contractor Information

State Contractors License #
Company Name CHISPER
Phone

88-600
OFFICE USE ONLY
Permit # 88-1363
Improvement 1599 01
Zoning R11
District R1
Lot Depth 136
Lot Width 131
Dist. HL Prop. Line 60 Front 55
Li. 28 Rear
Occ. Load N/A
Structure Used As SFD
Use Group R4
Const. Type SB
Standpipe System yes no
Fire Supp. System yes no
Date Plan Review 6/16/88

Description of Work

residential
3,000 square ft. house

Was a Site Plan Submitted For This Work? yes attached
no
sp
Is Plat Plan Attached? yes XXXXX
no

Location of Work

(.47-4)(3-32)
Real Estate Parcel # Lot 32
Street Address 162 Lake Drive
Subdivision Lakewood
Property is Zoned residential R1

Owner Information

Name Michael C. Jeller and Kenneth Jeller
Address 1654 Jamestown Road
Phone 9804 253-0769

Building Information

Stories 2 - finished attic area
Rooms 9
Baths 2
Ext. Finish cedar/stained sheetrock
Int. Finish
Flooring wood/1st floor/carpets 2nd/3rd
Roofing asphalt shingle
Heat Type heat pump

Grinder Pump
Septic Public Sewer XXX
Well Public H₂O XXXX
No. Fireplaces 1
Air Conditioning Type heat/pump
Eldr Area (sq. ft.) 3,000 2985
Bmt. Area (sq. ft.)
Garage (sq. ft.)
Est. Value \$200,000.00
(Do not include lot #)

Applicant Information

Name Michael C. Jeller
Signature
Application Made by:
Owner
Contractor

OFFICE USE ONLY
Permit Fee 179.10
Received by:

AFFADAVIT

I HEREBY AFFIRM THAT UNDER THE PROVISIONS OF TITLE 54-113 OF THE CODE OF VIRGINIA, I AM NOT SUBJECT TO LICENSURE AS A CONTRACTOR OR SUBCONTRACTOR. BY THIS AFFADAVIT I ASSUME FULL RESPONSIBILITY FOR COMPLETION OF THE PROPOSED WORK FOR PERMIT 88-1345 IN ACCORDANCE WITH ALL APPLICABLE BUILDING CODES AND LAW.

SIGNATURE

[Handwritten Signature]

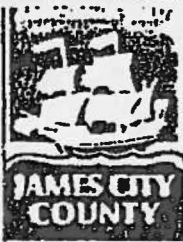
DATE

6/14/88

COPIES FROM JOB

SEP 07 2003

RECEIVED BY THE ENGINEER



Revision to 48-1265

98-88
12:30

APPLICATION FOR BUILDING PERMIT

101 Mounts Bay Road P.O. Box JC Williamsburg, VA. 23187-3627 (804) 253-6626

Office Hours: Mon-Fri 8:30 a.m. - 5:00 p.m.

CONTRACTOR INFORMATION

License # 60000
Company Name _____
Phone # _____
Signature _____

OWNER INFORMATION

Name Mr. Michael C. Teale
Address 1654 SAMESTOWN RD
Phone # 729-7720 253-0769
Signature _____
Agent A. Williams

DISCRIPTION OF WORK

Addition of deck to house

Site Plan # _____ Plat Plan Submitted Yes No _____

LOCATION OF WORK

Real Estate Tax Map # _____ Zoned R-1 Residential GEO
Street Address LOT 32 126 LAKE DR Subdivision LAKWOOD

BUILDING INFORMATION

Stories 2 Grinder Pump _____
Rooms 9 Septic _____ Public Sewer _____
Baths 2 1/2 Well _____ Public H₂O _____
Exterior Finish Cedar/STAINED # Fireplace _____
Interior Finish Sheet rock Air Conditioning Type _____
Flooring Wood / 12" floor / carpet 2x3 Floor Area (sq.ft.) 953
Roofing Asphalt shingle (Do not include Bsmt & Garage)
Heat Type heat pump Basement Area (sq. ft.) _____
Estimated Value _____ Garage Area (sq. ft.) _____
(Do not include Lot \$)

OFFICE USE ONLY	
Permit # _____	Improvement Code <u>02</u>
Lot Width _____	Structure Used As <u>SP</u>
Lot Depth _____	Use Group <u>D4</u>
Front Property Line _____	Occupancy Load _____
Right Property Line <u>15'</u>	Type Construction <u>EP</u>
Left Property Line _____	Zoning Approved <u>160</u>
Rear Property Line _____	Zoning Disapproved _____
PERMIT FEE <u>4765</u>	PLAN REVIEW FEE <u>100</u>
Date Plan Reviewed <u>9-13</u>	LINE NO. <u>88-430</u>

A F F A D A V I T

I HEREBY AFFIRM THAT UNDER THE PROVISIONS OF TITLE 54-113 OF
THE CODE OF VIRGINIA, I AM NOT SUBJECT TO LICENSURE AS A CONTRACTOR OR
SUBCONTRACTOR. BY THIS AFFADAVIT I ASSUME FULL RESPONSIBILITY FOR
COMPLETION OF THE PROPOSED WORK FOR PERMIT 80-1365 IN ACCORDANCE
WITH ALL APPLICABLE BUILDING CODES AND LAW.

SIGNATURE

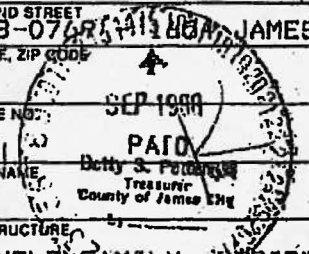
Amos Williams

DATE

9/8/89

1 ORIGINAL	BUILDING PERMIT JAMES CITY COUNTY		47-4-10-0-0032	
2 REISSUE			5 PERMIT NO.	
3 EXTENSION			88-1265 0	
INSTRUCTIONS TO PERMIT HOLDER 1 Plans and specifications. A copy of the plans and specifications which bear the official stamp of the Building Official shall be retained in the Building Official's office. A certificate of approval is issued by the Building Official. 2 Inspections required. The Inspection Record Card issued with a permit shall be inspected at the work authorized by this permit at the request of the Building Official at the stages of construction are reached that require an inspection. See the Inspection Record Card for request an inspection telephone 253-6675 a hour. 3 Accessory permits. Separate permits are required for electrical, mechanical, heating, ventilating, air conditioning, and plumbing work. 4 Relocation of permits. This permit may be relocated by the Building Official in case of any late state, political representation or conflict in the application or other inspection which is not based. 5 When permit lapsed. This permit becomes invalid if the authorized work is not commenced within six (6) months after the date of permit is noted above or the authorized work is suspended abandoned for a period of six (6) months after the date of commencing the work. 6 Certificate of use and occupancy. The work authorized by this permit shall not be used or occupied until a certificate of use and occupancy is issued by the Building Official.			7 LOT NO 0032	
			6 NUMBER AND STREET 126 LAKE DRIVE WM 23185	
9 SUBDIVISION NAME 304 LAKEWOOD GEO: 304			12 ZONING DISTRICT 417	
14 CONTRACTOR'S NAME HOMEOWNER			21 OWNER'S NAME TELLER, MICHAEL & KENSETT	
<input type="checkbox"/> CONTRACTOR (ARCHITECT, ENGINEER)			22 NUMBER AND STREET 253-0768 JAMESTOWN RD	
<input checked="" type="checkbox"/> OWNER (LESSEE)			23 CITY, STATE, ZIP CODE 25 TELEPHONE NO. SEP 1988 PAID Betty S. Pettigrew Treasurer County of James City	
15 NUMBER AND STREET			26 LESSEE'S NAME	
16 CITY, STATE, ZIP CODE			27 TYPE OF IMPROVEMENT DWELLING, NEW SINGLE FAMILY	
18 TELEPHONE NO			29 USE OF STRUCTURE SINGLE FAMILY RESIDENCE	
19 STATE CONTR LIC. NO. OR COUNTY REG. NO 100000C			31 USE GROUP CLASS R4	
28 IMPROVEMENT CODE 01			32 OCCUPANCY LOAD	
30 NO. OF DWELLINGS 000			36 TYPE OF CONSTRUCTION 5B	
33 LENGTH 0.0			37 BASEMENT FOUNDATION WALLS (TYPE)	
34 WIDTH 0.0			40 FIRE RESISTANCE RATING (HOURS) 000	
35 HT. 0.0			41 FIRE SUPPRESSION SYSTEM REQUIRED? YES	
38 NO. OF STORIES 02.0			42 LENGTH 136.00	
39 GROSS FLOOR AREA (SQ. FT.) 3898			43 AREA OF LOT (ACRES) 00000380	
40 FIRE RESISTANCE RATING (HOURS) 000			44 WIDTH 131.00	
41 FIRE SUPPRESSION SYSTEM REQUIRED? YES			45 UTILITIES (X two boxes)	
42 LENGTH 136.00			46 WATER SUPPLY X	
43 AREA OF LOT (ACRES) 00000380			47 SEWAGE DISPOSAL X	
44 WIDTH 131.00			METHOD PUBLIC	
45 UTILITIES (X two boxes)			PRIVATE COMPANY	
46 WATER SUPPLY X			INDIVIDUAL SYSTEM	
47 SEWAGE DISPOSAL X			54 VALUATION OF WORK \$255,000.00	
48 FRONT 35.00			55 PERMIT FEE \$225.75	
49 SIDE, RIGHT 60.00			56 VALIDATION OF PAYMENT	
50 REAR 36.00			51 SIDE, LEFT 28.00	
51 SIDE, LEFT 28.00			FEE	
52 BUILDING OFFICIAL B. Farmer			53 DATE 09/15/83	

REVISION



[Handwritten initials]

**JAMES CITY COUNTY, VIRGINIA
DEPARTMENT OF CODE COMPLIANCE
INSPECTION REQUEST FORM**

2
c/o 0

OFFICE OF RECORDS MGMT.

PERMIT NO: 13605

DATE INSPECTION REQUESTED: _____ DATE COMPLETED: 7/22/89

BUILDING _____ ELECTRICAL _____ OTHER
 PLUMBING _____ MECHANICAL

TYPE OF INSPECTION: Principal (1/20 1) I

STRUCTURE: _____ POWER RELEASE: _____

CONTRACTOR: None owner SUBCONTRACTOR: _____

OWNER'S NAME: Jules 253-0769

LOT NO.: 132 HOUSE NO.: 270-1590/26

STREET: Lake Dr

SUBDIVISION: Lakewood

APPROVED: REJECTED: _____ CITE CODE VIOLATION: _____

Subject to:
(1) cut & cap sewer cleanout by street;
(2) seal around drains under sinks, do for washer;

REMARKS:
(3) Remove paper/cardboard etc from crawl & install door.
(4) Reentry with quadrants or equivalent to be installed by owner.

INSPECTED BY: A. Williams

REQUEST TAKEN BY: 2/22 (IF) TIME REQUEST TAKEN: _____

INSPECTION OFFICE HOURS 7:30 - 8:00 AM & 3:00 - 3:30 PM
MUST HAVE PERMIT NUMBER, IF CONTACTING OFFICE. PHONE 253-8828
INSPECTORS COPY

1	ORIGINAL
2	REISSUE
3	EXTENSION

INSTRUCTIONS TO PERMIT HOLDER

LOCATION

APPLICANT

CONTRACTOR (ARCHITECT, ENGINEER)

OWNER (LESSEE)

IMPROVEMENT DATA

SITE DATA

SITE PLAN?

YES NO

SIGNATURE

ORIGINAL	CERTIFICATE OF USE AND OCCUPANCY JAMES CITY COUNTY	147-11-03-0-0032-)
CHANGE IN USE		BUILDING PERMIT NO
TEMPORARY <small>See Special Conditions</small>		03-1368-9

This certificate is issued pursuant to the requirements of Section 117 B of the Virginia Uniform Statewide Building Code and it (1) certifies that at the date of issuance this structure as identified below is deemed to be in compliance with the applicable provisions of the Virginia Uniform Statewide Building Code as they apply to the following use and occupancy and (2) authorizes the use and occupancy as described below

OFFICE OF RESOURCE MGMT

(The expiration date of a Temporary Certificate appears beside Special Conditions)

STRUCTURE	LOCATION	6 NUMBER AND STREET		LOCATION CHARACTERISTIC		YES	NO
		126 LAKE DRIVE WM 23185		9 PRIMARY SERVICE AREA		<input checked="" type="checkbox"/>	
		7 CITY AND ZIP CODE WMSBURG 23185		10. OVERLAY DISTRICT		<input checked="" type="checkbox"/>	
	USE	8 PROJECT NAME 304 LAKEWOOD		11. FLOODPLAIN			<input checked="" type="checkbox"/>
		12 PURPOSE FOR WHICH STRUCTURE MAY BE USED SINGLE FAMILY RESIDENCE		13 ZONING DISTRICT 417			
		SPECIAL CONSIDERATION (PLACE CASE NUMBER IN BOXES)					
ACTION		YES	NO	ACTION		YES	NO
14 SPECIAL USE PERMIT			<input checked="" type="checkbox"/>	15 SITE PLAN			<input checked="" type="checkbox"/>
16 CONDITIONAL USE PERMIT			<input checked="" type="checkbox"/>	17 VARIANCE			<input checked="" type="checkbox"/>
IMPROVEMENT DATA	18 USE GROUP CLASSIFICATION R4		19 TYPE OF CONSTRUCTION 5B				
	20 TYPE OF IMPROVEMENT DWELLING, NEW SINGLE FAMILY						
OWNER	21 NAME TELLER, MICHAEL & KENSETT						
	22 NUMBER AND STREET 253-0769 - 1654 JAMESTOWN RD						
	23 CITY AND STATE			24 ZIP CODE			
SPECIAL CONDITIONS	25 LIST DETAILS OF SPECIAL CONDITIONS						
SIGNATURE	26 BUILDING OFFICIAL <i>Bernard F. ...</i>			27 DATE OF ISSUE 03/17/89			

JAMES CITY COUNTY

JAMES CITY SERVICE AUTHORITY

DIVISION

CONTRACT FOR WATER SERVICE

CONTRACT FOR SEWER SERVICE

Residential Business Multi-Family Other New Existing

ACCOUNT NO. 214-100150000

LOCATION 14X 100 (7-1) (3-02)
 LOT NUMBER 32 Sec. 11
 SUBDIVISION Lakewood
 STREET NAME 120 Lake Drive
 UNIT DESCRIPTION 2 1/2 bdr
 OTHER INFORMATION COPY FROM JCC

WATER
 DATE 3/12/88
 NEWPORT NEWS TAP FEE _____
 AVAILABILITY CHARGE 1500.00 Sys Fac Chg
 CREDITS 1500.00 For Fac Chg
 BALANCE _____
 PAYMENTS _____
 BALANCE _____

A PERMIT TO MAKE THIS WATER/SEWER CONNECTION SHALL BE OBTAINED BY YOUR PLUMBER FROM THE OFFICE OF THE JAMES CITY COUNTY BUILDING OFFICIAL

SEWER
 DATE _____
 AVAILABILITY CHARGE 1500.00 Sys Fac Chg
 CREDITS 10000 Inspec
 BALANCE _____
 PAYMENTS 300.00 1/850
 BALANCE 54,700.00 Pd. 7/12/88, # 8867

METER NUMBER _____
 SIZE 5/8" cf

It is agreed that the charges for water/sewer service at the above address shall be paid at rates established by the County or Authority Boards and that service is to be rendered in accordance with their rules and regulations. The charges for services shall begin the day following connection to the system or systems or the day following the expiration of the mandatory connection period if applicable, whichever occurs first. It is agreed that applicant will pay all penalties, reconnection fees, lien fees, deposits or other charges as established by the District/Authority for late payments, reconnection fees for non-payment, or service calls. It is agreed that notice of discontinuance of service shall be given to James City County Office of Finance and that quarterly bills for service shall accrue until such notice is given. It is understood failure to pay quarterly charges shall result in an assessment of full availability charges for reconnection. It is agreed that the District/Authority shall place a lien on such real estate owned by me served by such sewer or water for any delinquent charges. It is further agreed that by this contract authority is given to the District/Authority to have access to its meter at all times without any other permit, and further that the water and sewer service furnished through these facilities shall not extend to any other property nor the water therefrom resold in any manner. It is understood and agreed that the District/Authority does not guarantee continuous service for any specific water pressure. Ownership of service pipe and/or meter hereinbefore applied for, when installed is hereby vested in District/Authority subject to jurisdiction of and control by same. Location of grades for top of meter box shall be furnished by applicant, it is agreed that if raising or lowering of meter is necessary after initial installation, a service charge shall be applicable. I agree that no downspouts or gutters from roofs, catch basins or farm tiles and lawns, footing drains or any other drains used to carry storm water will be allowed to discharge into the Sanitary Sewer, and if such conditions exist at any time, I hereby agree to have same remedied at my expense upon notice thereof.

please print full name of owner

Richard C. Toller
1, 1/2, Box 1197
Chilhowie, VA 24314

BY: _____ signature

mailing address to which bills are to be sent

TELEPHONES: Residence 775-8000 Business 253-0700

WHITE—Office

GREEN—Treasurer's

CANARY—Building Official

PINK—Customer

GOLDENROD—File

NOR. P. CO.

We Have
Made In
Virginia.

39242

HAMPTON ROADS SANITATION DISTRICT
SEWAGE DISPOSAL FACILITIES CHARGE RECEIPT
"TAP FEE"

DATE July 12, 1988

RECEIVED OF Michael C. Teller \$ 390.00

Three hundred ninety and none DOLLARS

SERVICE ADDRESS Lakewood Sec. II Lot 32
126 Lake Drive

CONTRACTOR'S/ P. O. Box 1497
OWNER'S Wmsbg., VA 23187
ADDRESS

CASHIER Wendy Wiggs
METER SIZE 5/8" cf

PHONE NUMBER H 253-0803 W 253-0769

NO. OF UNITS 2 1/2 Baths

SDFC CERTIFICATION YES NO

RESIDENTIAL COMM./INDUST.

Payment of above tap fee will not assure connection after one (1) year from date of issue. The holder of this receipt, upon written request within three years from date of issue, shall be eligible for refund only: (a) when the size of water service (meter) is decreased, (b) when building permits are denied or cancelled, (c) when construction has not or will not begin within one (1) year from date of issue, or (d) when collection was made in error.

CUSTOMER'S COPY

STATE OF VIRGINIA

I, Paul G. Small, P.E., C.L.S., A NOTARY PUBLIC
 DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED
 TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME
 BEFORE ME IN MY CITY AND STATE AFORESAID.

WITNESS UNDER MY HAND AND THIS 22 DAY OF May, 1986
 MY COMMISSION EXPIRES May 12, 1989

STATE OF VIRGINIA, COUNTY OF JAMES CITY

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE
 COUNTY OF JAMES CITY THE DAY OF
 19 May, THIS MAP WAS PRESENTED AND ADMITTED TO THE
 RECORD AS THE LAW DIRECTS.

TESTE: _____ CLERK
 PLAT BOOK _____ PAGE _____

CERTIFICATE OF APPROVAL

THIS SUBDIVISION MAP AS
 LAID OUT BY MECCA DEVELOPMENT CORPORATION
 IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH
 EXISTING SUBDIVISION REGULATIONS AND MAY BE COMMITTED
 TO RECORD.

DATE 5-22-86 HEALTHY Heathly
 DATE 5-23-86 HEALTHY Heathly
 DATE 5-23-86 HEALTHY Heathly
 AGENT OF OPENING BOOK

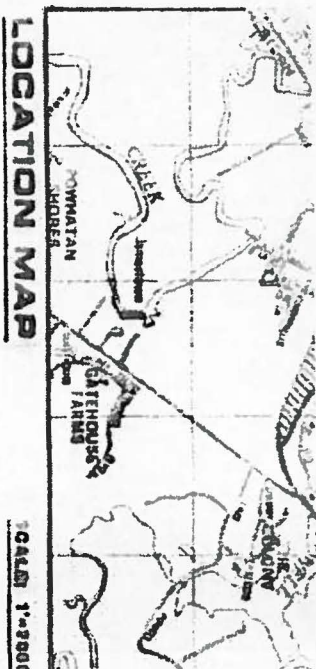
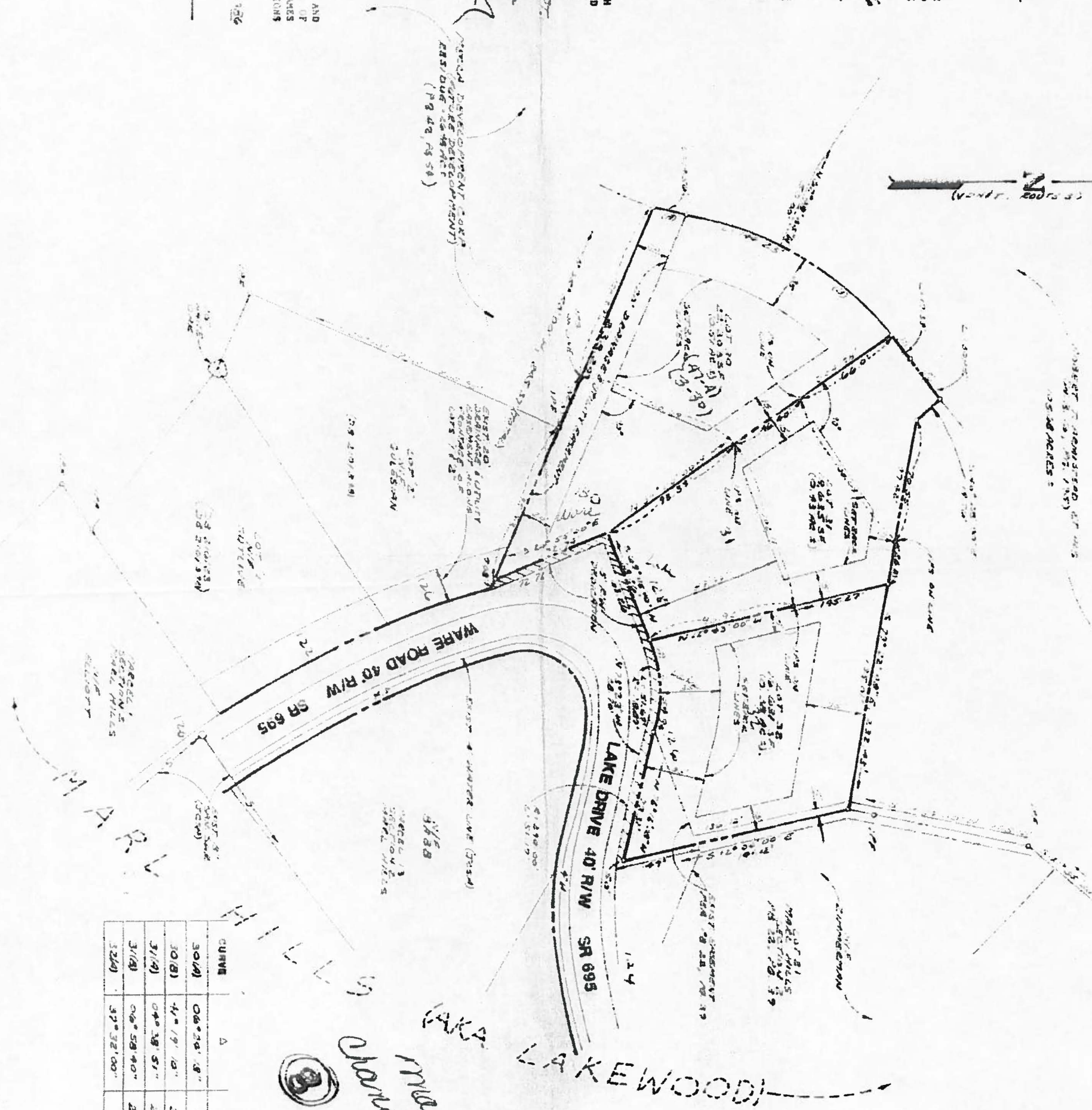
ENGINEER'S & SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND
 BELIEF, ALL OF THE REQUIREMENTS OF THE BOARD OF
 SURVEYORS AND ORDINANCES OF THE COUNTY OF JAMES
 CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS
 WITHIN THE COUNTY HAVE BEEN COMPLIED WITH.

GIVEN UNDER MY HAND THIS 22 DAY OF May, 1986

BY: Paul G. Small, P.E., C.L.S.

1987



GENERAL NOTES
 1. PROPERTY IS A PORTION OF THE ORIGINAL
 40-10-2-11 AND IS ZONED R-1, LIMITED
 RESIDENTIAL.
 2. PUBLIC WATER AND SEWER SERVICES ARE
 TO BE PROVIDED TO EACH LOT BY THE
 OWNER AND TYPICALLY BY THE
 JAMES CITY SEWER AUTHORITY.
 3. THE SERVICES OF THE JAMES CITY
 SEWER AUTHORITY SHALL BE UNDER
 THE DIRECTION OF THE JAMES CITY
 SEWER AUTHORITY (SEE MAP)

AREA TABULATION

LOT 30, 31 & 32	1.1288
R/W DEMONSTRATION	0.0230
TOTAL AREA SUBDIVIDED	1.1518
RESIDUE OF MECCA	28.6878
TOTAL AREA OF MECCA	27.5360

*map # 10 for 6/15/86
 changed pg 5 by pmf/sgc
 per 5/10/86*

CURVE DATA TABLE

CURVE	Δ	R	L	T	Q	Q.B.
30(A)	08°58'18"	125.00'	19.52'	1.791'	19.55'	N 13°54'13" E
30(B)	41°19'10"	200.00'	144.25'	75.41'	141.13'	N 30°57'34" E
31(A)	04°58'51"	200.00'	17.39'	8.70'	17.28'	N 50°02'35" E
31(B)	06°58'40"	250.00'	30.75'	15.24'	30.43'	N 53°00'40" E
32(A)	37°52'00"	53.87'	54.94'	28.50'	53.98'	S 32°57'00" W

FINAL ADDRESS (ESI)
 RECEIVED 4/1/87
 CODED pmf

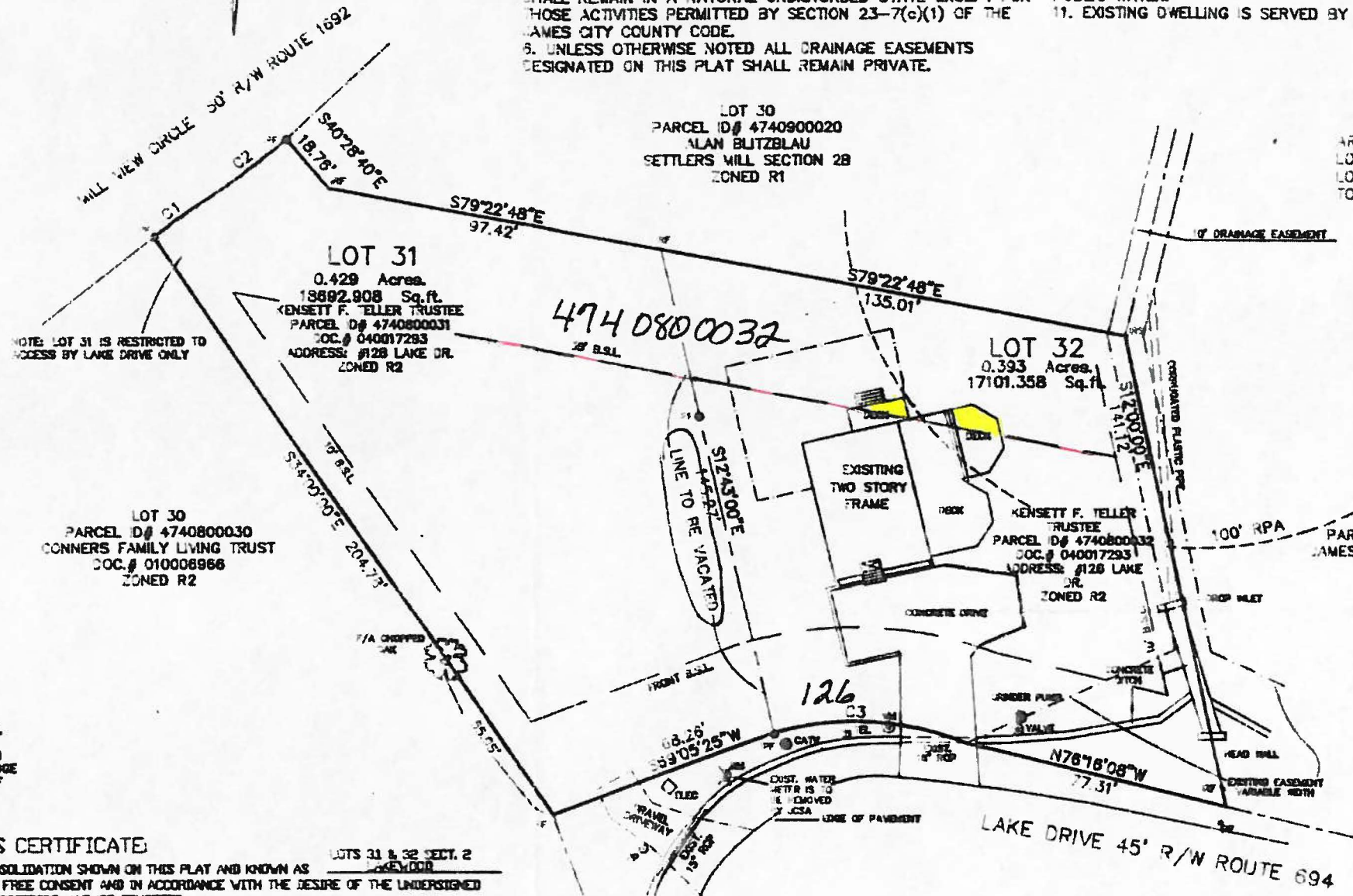
PLAT OF CONSOLIDATION
ON PROPERTY BEING
**LOTS 31 & 32, SECTION 2
LAKEWOOD**

LOCATED IN JAMESTOWN DISTRICT
JAMES CITY COUNTY, VIRGINIA
SCALE: 1"=30' DATE: 02/18/2009
J.N. 342.1
JCC CASE #S-0071-2007
REVISED: 09/14/2009
REVISED: 04/18/2011



1. THE PROPERTY SHOWN HEREON IS STANDING IN THE NAME OF KENSETT F. TELLER, TRUSTEE AND WAS CONVEYED BY DOCUMENT # 040017293 DATED 07/12/2004, AND RECORDED IN THE CIRCUIT COURT OF JAMES CITY COUNTY.
2. THIS LOT CONSOLIDATION DOES NOT ADVERSELY IMPACT THE IMPROVEMENTS SHOWN HEREON.
3. THIS SURVEY REPRESENTS AN IN THE FIELD BOUNDARY SURVEY.
4. WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREA SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 23-7(c)(1) OF THE JAMES CITY COUNTY CODE.
5. UNLESS OTHERWISE NOTED ALL DRAINAGE EASEMENTS DESIGNATED ON THIS PLAT SHALL REMAIN PRIVATE.

6. 50' FROM CENTERLINE OF LAKE DRIVE
7. 10' SIDE YARDS
8. LOT 31 IS RESTRICTED TO ACCESS TO LAKE DRIVE ONLY.
9. ANY EXISTING OR UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
10. ALL PARCELS SHALL BE SERVED BY PUBLIC SEWER AND PUBLIC WATER.
11. EXISTING DWELLING IS SERVED BY A GRINDER PUMP.



AREA SUMMARY:
LOT 31 0.429 ACRES
LOT 32 0.393 ACRES
TOTAL 0.822 ACRES

MARL HILLS
SECTION 2
PB. 22, PG. 39

CERTIFICATE OF SOURCE OF TITLE
THE PROPERTY SHOWN HEREON WAS CONVEYED BY MICHAEL C. TELLER V TO KENSETT F. TELLER BY DOCUMENT DATED 7/12/2004 AND RECORDED IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF JAMES CITY COUNTY IN DOCUMENT# 040017293.

SURVEYORS CERTIFICATION
I HEREBY CERTIFY THAT TO THE BEST OF MY BELIEF OR KNOWLEDGE, THIS PLAT COMPLIES WITH ALL OF THE ORDINANCES OF JAMES CITY COUNTY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY. I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

Jeanne Raynes 4/2/2011
JEANNE RAYNES CLS #1633 DATE

OWNER'S CERTIFICATE
THE LOT CONSOLIDATION SHOWN ON THIS PLAT AND KNOWN AS LOTS 31 & 32 SECT. 2 LAKEWOOD IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND/OR TRUSTEES

May 3, 2011
DATE
Kensett F. Teller Trustee
SIGNATURE
Kensett F. Teller Trustee
NAME PRINTED

CERTIFICATE OF NOTARIZATION
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF JAMES CITY I, *Beth Klapper*, A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FORGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID.

GIVEN UNDER MY NAME THIS 3rd DAY OF May, 2011

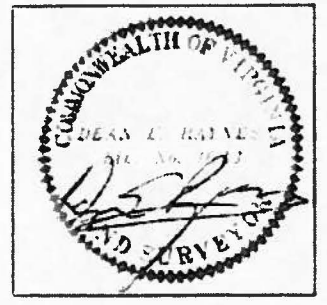
Beth Klapper
SIGNATURE
MY COMMISSION EXPIRES December 31, 2012

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	4°58'50"	17.39'	200.00'	S54°00'35"W	17.38'
C2	6°58'42"	30.45'	250.00'	N53°00'40"E	30.43'
C3	39°18'20"	38.07'	33.87'	N87°01'14"W	35.03'

delete 4740800031

APPROVAL
APPROVED 4/28/11
J. Klapper

CERTIFICATE OF APPROVAL
THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.
Christina
DATE
LICENSURE AGENT OF JAMES CITY COUNTY



HIS Land Surveying, Inc.
P.O. Box 100
Providence Forge, Virginia 23140
Phone: 804-966-7017

12/6
2011



Board of Zoning Appeals 2012 Annual Report

Note from the Chair

Please find attached, the Board of Zoning Appeals 2012 Annual Report.

During 2012, applications for variances to the Zoning Ordinance have been significantly reduced in comparison to previous years. Three applications were filed for consideration by the BZA, all of which were approved. There were no appeals of decision by the Zoning Administrator.

Two members were appointed to the BZA during 2011 to complete the terms of members that resigned. Both are commended for their diligent effort and willingness to serve. Also, during 2012, Ms. Barbara Moody resigned and that position remains open. We understand that the Board of Supervisors continues to search for a candidate to recommend for appointment by the Judge of the Circuit Court. The Zoning Ordinance requires three affirmative votes for approval of variances and appeals of the Zoning Administrator.

At the present time, the BZA is not aware of any recurring issues with the Zoning Ordinance that require the Board of Supervisors review for possible change.

I would like to thank my associates on the BZA as well as the members of the County staff for their support and dedication in behalf of the citizens of James City County. It has been a privilege to serve as the Chair in 2012

Marvin Rhodes, Chairman

James City County Board of Zoning Appeals

2012 Board of Zoning Appeals Members

Marvin Rhodes – Chairman

David Otey, Jr.

Ron Campana, Jr.

Stephen Rodgers



Zoning Division Staff

Jason Purse, AICP, Zoning Administrator

Christy Parrish, CZA, Proffer Administrator

John Rogerson, CZA, Senior Zoning Officer

Terry Costello, CZA, Zoning Officer

** Virginia Certified BZA Member

AICP – American Institute of Certified Planners

CZA – Certified Zoning Administrator

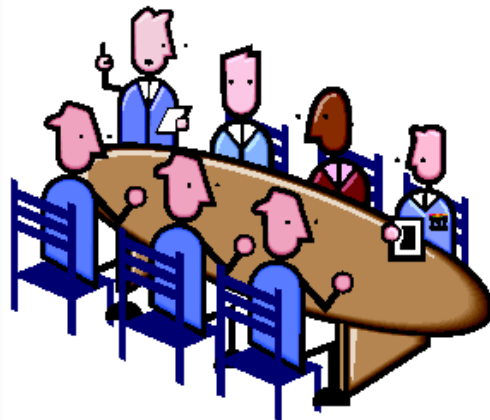
Introduction

The James City County's Board of Zoning Appeals (BZA) is a five-member, quasi-judicial body appointed by the local circuit court to serve five-year terms. Any community adopting a zoning ordinance must also establish an appeals board for review of circumstances where landowners may be unjustly burdened by the zoning ordinance.

The Board conducts public hearings to consider requests for variances to the County's Zoning Ordinance, as well as appeals of decisions made by the Zoning Administrator. The Board must find that the strict application of the Zoning Ordinance would produce undue hardship to grant a variance, and may impose conditions regarding issues such as the location, character and other features of a proposed structure when granting a variance. Any decision made by the Board may be appealed to the James City County Circuit Court within thirty days.

Meetings

The James City County BZA is scheduled the first Thursday of every month at 7 p.m. in Building F at the James City County Government Complex. However, due to the low volume of appeals submitted, the BZA met twice during 2012.



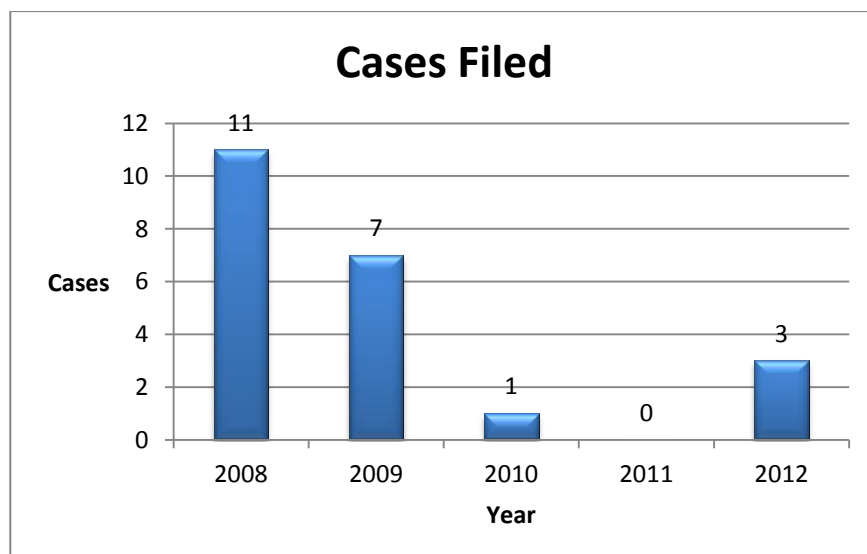
Variations

Three application variations were received in 2012. One was for an administrative variation and two applications went before the BZA. All three applications were approved. They are as follows:

ZA-0001-2012, 10100 Sycamore Landing Road – This was an application for a variation to Section 24-215, Setback Requirements, to reduce the required front yard setback from 50 feet to 35 feet, and a variation to Section 24-216, Minimum Lot Width and Frontage, to reduce the required minimum lot width from 150 feet to 130 feet. This application was approved by the BZA on June 7, 2012.

ZA-0002-2012, 8428 Croaker Road – This was an application for a variation to Section 24-215, Setback Requirements, to reduce the required front yard setback from 75 feet from the center of the right-of way to 50 feet. This application was approved by the BZA on June 7, 2012.

ZA-0004-2012, 4704 Captain John Smith – This was an application for an administrative variation of 1.3 feet to allow for the existence of the home in its present as-built location. This application was approved by the Zoning Administrator on September 6, 2012.





James City County Board of Zoning Appeals



(From left to right: Stephen Rodgers, Ron Campana, Jr. David Otey, Jr. Marvin Rhodes)

Zoning Enforcement Division of Development Management

101-A Mounts Bay Road
Williamsburg, Virginia 23185

Phone: 757.253.6671

Fax: 757.253.6822

Email: zoning@jamescitycountyva.gov

Website: www.jamescitycountyva.gov/zoning