

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

**Sept. 5, 2013 - 7 p.m.**

**A. Roll Call**

**B. Old Business**

**C. New Business**

1. ZA-0007-2013. 8251 Croaker Road (Resolution)

**D. Minutes**

1. June 6, 2013

**E. Adjournment**



## MEMORANDUM

TO: Honorable Chairman and Members of the Board of Zoning Appeals  
FROM: John Rogerson, Senior Zoning Officer *[Signature]*  
DATE: September 5, 2013  
SUBJECT: **ZA-0007-2013 8251 Croaker Road**

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### FACTS:

Mr. Michael J. Hipple has applied for variances to: (1) Section 24-217(a), Yard Regulations, to reduce the left side setback from 15' to 10' to allow the continued placement of the existing dwelling; and (2) Section 24-215(a), Setback Requirements, to reduce the required front yard setback from 50' to 30' to allow the construction of a 510 square foot addition to the front of the existing dwelling. This property is currently zoned A-1, General Agriculture and can further be identified as JCC RE Tax Map No. 1430100021.

### FINDINGS:

According to James City County Real Estate records the existing dwelling has one bedroom, it was built in 1951, it is 680 square feet in size and the lot is .25 acres. Mr. Hipple would like to put an addition on the existing house. He is not able to put the addition on the rear of the house because of the location of the septic tank and drain field so his only other option is to add the addition to the front of the house. The existing house currently encroaches into the required 15' side yard setback by 5' and the existing house encroaches into the required 50' front yard setback by 1.9'.

The parcel is located at the convergence of the Cedar Point Lane and Croaker Road rights-of-way. The right-of-way extends approximately 41 feet from the existing edge of pavement to the property line. The 2009 Comprehensive Plan recommends widening Croaker Road between Richmond Road and Rose Lane (in front of the JCC Library); however, no improvements are envisioned for this portion of the road. The well shown on the survey dated May 13, 2013 is right on the front property line. However, there is an additional 41' from the well in the front yard to the edge of Croaker Road. So, when looking at the attached photographs it appears that almost half of the maintained front yard is within VDOT's right of way.

### 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, because of the extensive right-of-way that limits the development of the front of this property, there is an undue hardship in this case. This hardship is not generally shared by other properties in the A-1, General Residential zoning district since this lot is .25 acres in size and the minimum lot area currently in the A-1, General Agriculture zoning district is 3 acres. Staff acknowledges that the property owner acquired this lot in good faith and the authorization of this variance will not be of substantial detriment to the adjacent property and the character of the district.

will not be changed by the granting of the variance. Staff recommends the Board of Zoning Appeals approved both variance requests for this case.

**Attachments:**

**Survey**

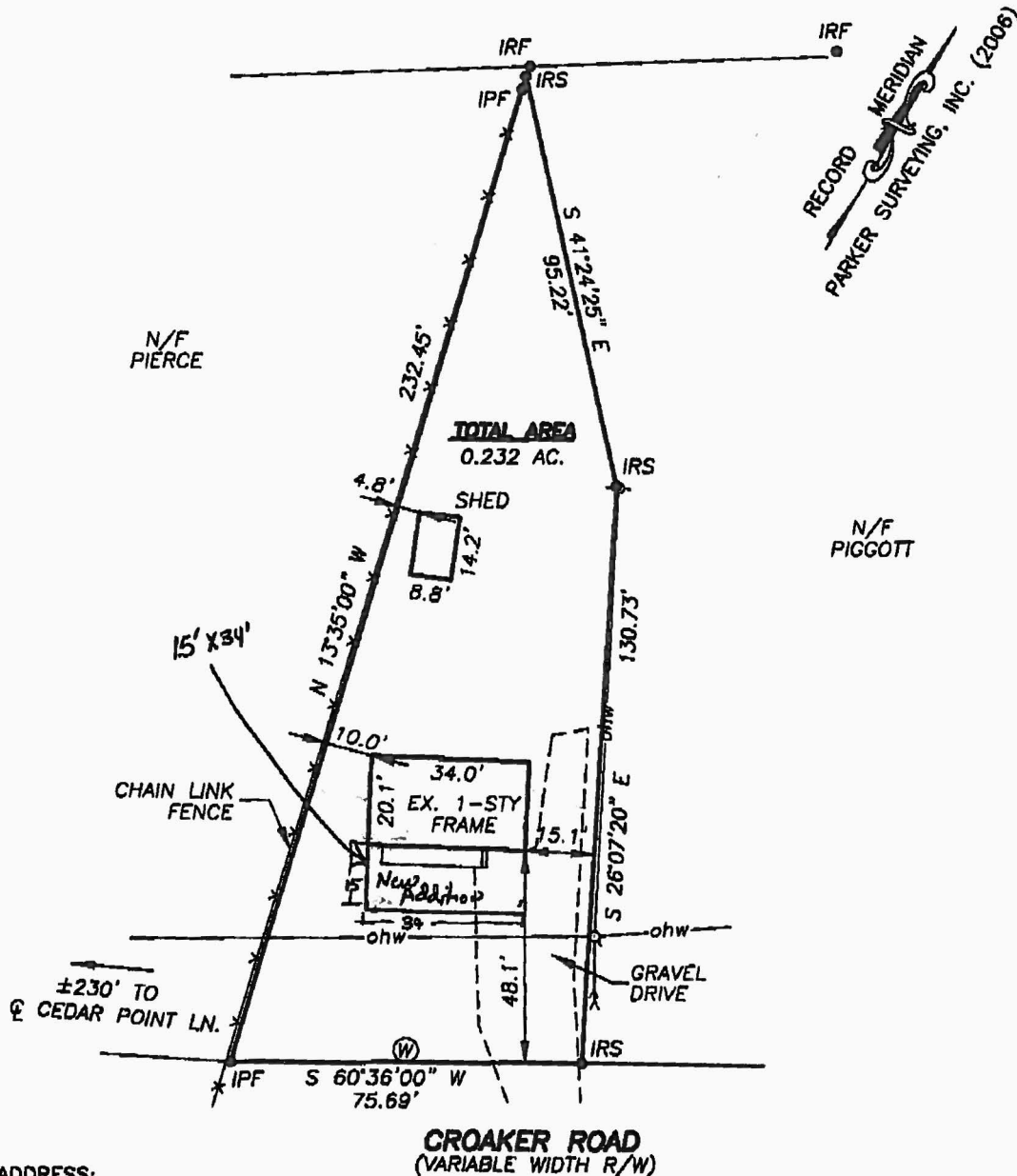
**Location Map**

**Aerial Photograph**

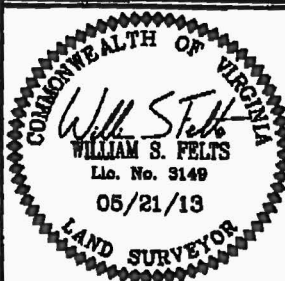
**Photos**

**Minutes from June 6, 2013 Meeting**

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
3. LOT LIES IN F.I.R.M. ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP #31095C0045C DATED SEPTEMBER 28, 2007.
4. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS SURVEY.
5. UNDERGROUND UTILITIES WERE NOT LOCATED.



ADDRESS:  
#8251 CROAKER ROAD  
JAMES CITY COUNTY, VIRGINIA



REFERENCES:  
UNRECORDED  
PLAT BY PARKER  
SURVEYING DATED  
JULY 8, 2006.

DATE: 05/21-13  
SCALE: 1"=30'  
JOB# 13-143  
CAD File  
13-143.dwg

PHYSICAL SURVEY OF TAX PARCEL  
#1430100021

JAMES CITY COUNTY

## VIRGINIA

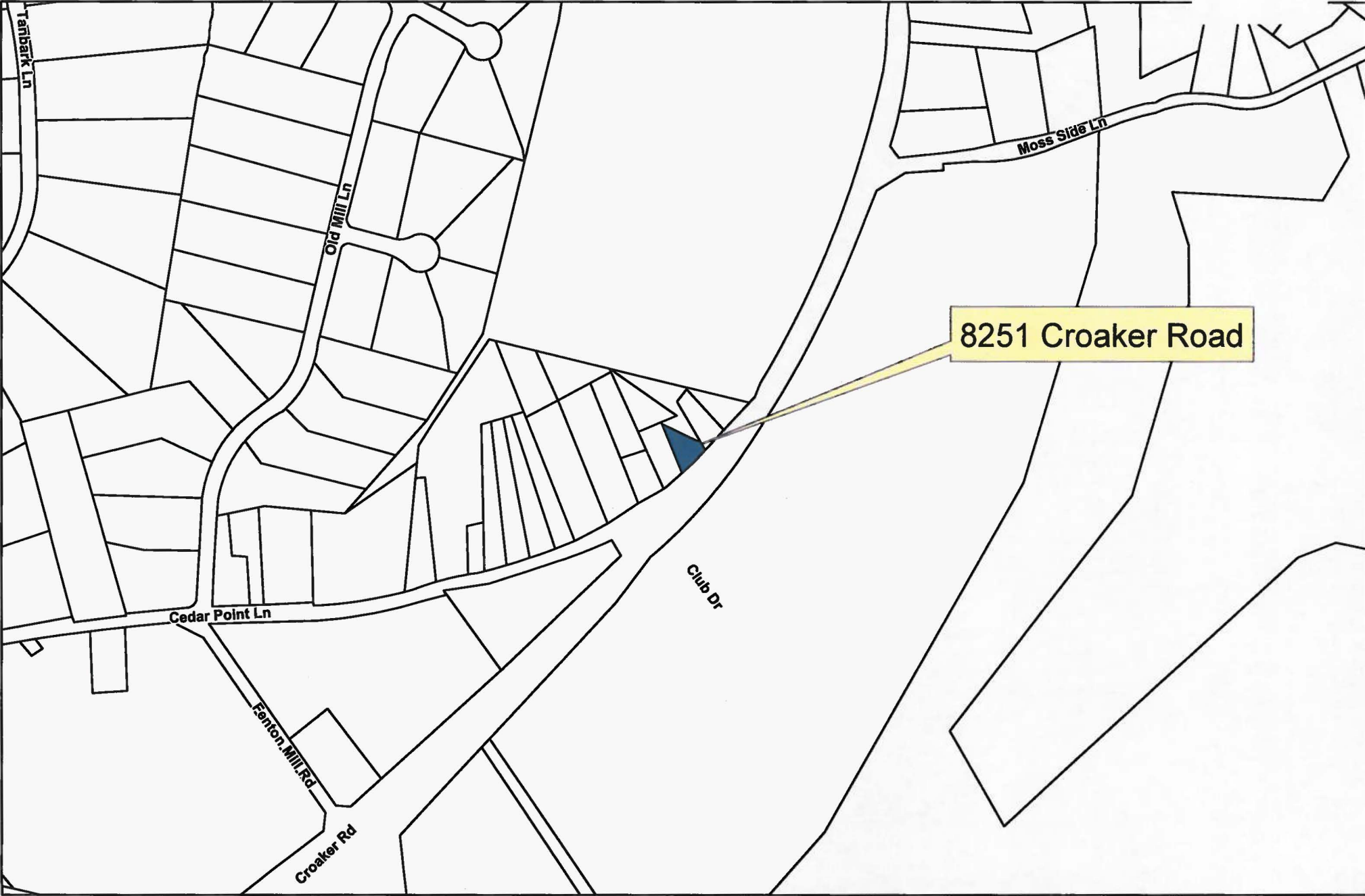
**LandTech Resources, Inc.**

Surveying • GPS • Engineering

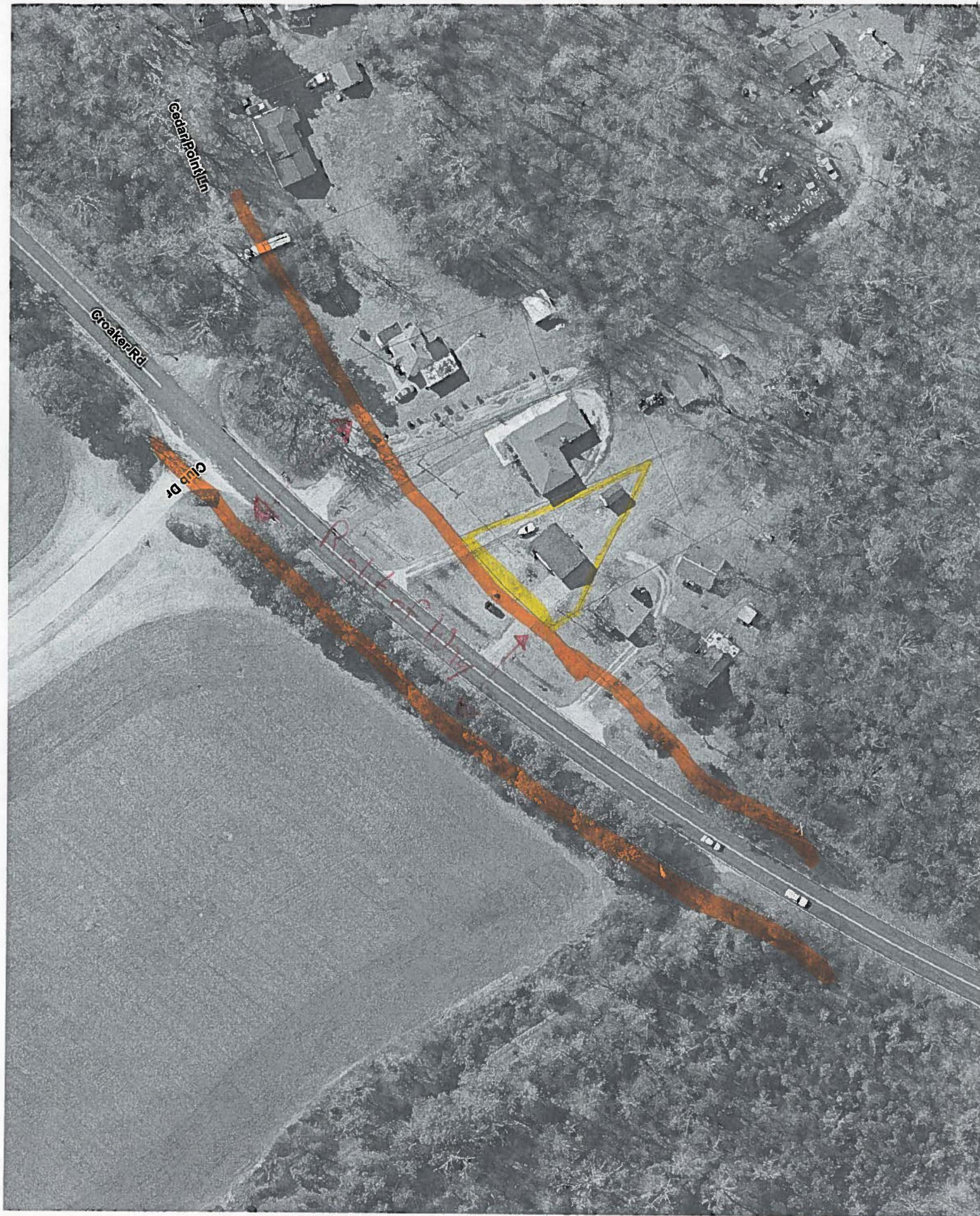
205 Bulifante Boulevard, Suite E, Williamsburg, Virginia 23188  
Telephone: 757-565-1677 Fax: 757-565-0782  
Web: [landtechresources.com](http://landtechresources.com)

Contact michelle with questions  
565-1725 Thanks!

8251 Croaker Road  
Tax Map #1430100021









8251 Croaker Road

Photo taken August 21, 2013







**BOARD OF ZONING APPEALS**  
**June 6, 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.  
Mr. Bill Geib

**Others Present:**

Mr. Jason Purse, Zoning Administrator  
Ms. Christy Parrish, Proffer Administrator  
Mr. Adam Kinsman, Deputy County Attorney  
Ms. Barbara Moody, Former BZA Member

**B. Introduction of New Appointed Member**

Mr. Jason Purse introduced and welcomed Mr. William "Bill" Geib to the Board of Zoning Appeals.

**C. Minutes**

Mr. Rodgers made one correction to the March 7, 2013 minutes. Mr. Otey made a motion to accept the minutes with the correction. Mr. Campana seconded the motion. The amended minutes were approved by a vote of 5-0.

**D. Recognition of Past Member**

Mr. Rhodes recognized and presented a "Certificate of Recognition" to Ms. Barbra Moody for her five years of invaluable service and dedication as a member of the Board of Zoning Appeals (2007-2012).

**E. Legislative Update**

Mr. Adam Kinsman gave a brief legislative update. He stated that there has not been any changes affecting the BZA in the last two years and offered to provide training on specific issues should the BZA find it necessary.

Ms. Christy Parrish provided the BZA with updated zoning ordinances and information regarding County e-mail addresses.

The Board discussed the need for swearing in witnesses at the meetings. Ms. Parrish stated she would contact other localities to see if other BZAs swear in witnesses and report back. Mr. Purse noted that this subject will be added to an upcoming agenda for further discussion.

**F. Adjournment**

There being no further business, the meeting was adjourned.

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Marvin Rhodes  
Chairman

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Jason Purse  
Secretary

R E S O L U T I O N   Z A - 0 0 0 7 - 2 0 1 3

GRANTING A VARIANCE ON JCC RE TAX PARCEL NO. (1430100021)

**WHEREAS**, Michael J. Hipple, property owner has appeared before the Board of Zoning Appeals of James City County (the “Board”) on September 5, 2013 to request variances on a parcel of property identified as JCC RE Tax Parcel No. (14-3) (01-0-0021) and further identified as 8251 Croaker Road (the “Property”) as set forth in the application ZA-0007-2013; and

**WHEREAS**, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record do move to grant variances to: (1) section 24-217 (a), Yard Regulations, of the James City County Zoning Ordinance to reduce the required 15’ side yard setback to 10’ to allow for continued placement of the existing dwelling shown on Physical Survey of Tax Parcel #1430100021 and dated 05/21/13; and (2) Section 24-215 (a), Setback Requirements, to reduce the required front yard setback from 50’ to 30’ to allow the construction of a 510 square foot addition to the front of the existing dwelling.

**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 Code of James City County (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 the Code of James City County (the “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.
8. In authorizing the variance, the following conditions regarding the location, character and other features of the proposed structure or use which have been determined to be in the public interest are imposed: **no further encroachment is permissible.**

ATTEST:

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Secretary

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Chair, Board of Zoning Appeals

September 5, 2013

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