

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

Oct. 3, 2013 - 7 p.m.

A. Roll Call

B. Old Business

C. New Business

1. ZA-0008-2013. 3506 Fieldcrest Court

D. Minutes - Sept. 5, 2013

E. Adjournment

MEMORANDUM

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

FROM: Terry Costello, Senior Zoning Officer

DATE: October 3, 2013

SUBJECT: **ZA-0008-2013, 3506 Fieldcrest Court**

FACTS:

Mr. and Mrs. Walter S. Felton, property owners, have requested a variance to section 24-238 (b) of the James City County Zoning Ordinance for (1) the continued placement of a deck and porch; and (2) allow for the conversion of the porch into a bedroom addition located at 3506 Fieldcrest Court in the Fieldcrest subdivision. The variance request is to reduce the rear yard setback from 35 feet to 23 feet. This property can also be identified as Parcel (05-0-0007) on the James City County Real Estate Map (45-2). This property is located in the R-1, Limited Residential Zoning District.

FINDINGS:

Mr. & Mrs. Felton made application for a building permit to construct a bedroom addition that would replace their screened-in porch. Upon reviewing the application, Zoning noticed that the existing deck and porch encroached into the required rear yard setback of 35 feet by approximately 12 feet. Because of the encroachment, Zoning was not able to approve the building permit application. Expansion/Improvements to nonconforming uses of the James City County Zoning Ordinance states in part that:

Expansion of the dwelling and new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard and setbacks, for the zoning district in which they are located or the R-1 zoning district if such dwelling is not located in a zoning district where a residential use is permitted. In no case shall a nonconforming one-family dwelling be modified to accommodate additional dwelling units.

Therefore the proposed expansion on the porch must meet the current rear yard setback requirements.

The original building permit stated that the house would be built 48 feet from the rear property line and 39 from the front property. No deck or porch was shown on the plan at that time. The survey dated July 8, 1996; shows the house was actually constructed approximately 39 from the rear property line and 47.86 from the front, leaving only approximately four feet for construction inside the rear setback. No building permit for

the deck and porch could be located in County files. The applicants stated that the deck and porch were there when they bought the house, as demonstrated on the survey dated July 8, 1996.

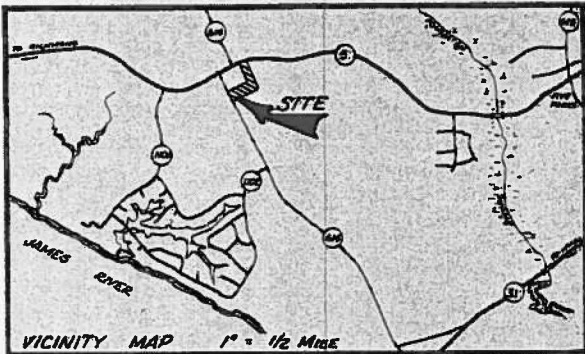
RECOMMENDATION:

Staff acknowledges that the current property owners purchased the property in good faith. Staff would also like to note that the property behind 3506 Fieldcrest Court is owned by James City County and no development is anticipated. Staff does not feel that the strict application of the James City County Code would effectively prohibit or unreasonably restrict the use of the property. Staff does not feel that a demonstrable hardship exists in this case; therefore, staff cannot support the request variance of 12 feet from the required 35 foot rear yard setback for the construction of a bedroom addition on the existing screened in porch. However, should the Board wish to grant this variance, two resolutions have been attached for your reference: (1) would allow continued placement of the deck and porch, but would not allow for enclosure; or (2) would allow both continued placement of the deck and porch, and enclosure into a living space, with no further encroachment.

Attachments:

Attachments:

Survey dated July 8, 1996
Subdivision Plat dated October 24, 1985
Location Map
Aerial Map
Building Permit dated October 3, 1986
Building Permit dated April 28, 1992
Accessory Permit dated May 13, 1992
Photographs
Letter from neighbors
Resolution (2)



NOTE: FRONT BUILDING SETBACKS & 10' UTILITY EASEMENT WILL BE AS SHOWN FOR LOTS 4, 5, 6 & 7 UNLESS SUCH TIME AS THE TEMPORARY COL-DE-SAC IS ABANDONED; THE 50' R/W EXTENDED MATCHED AREAS WOULD BECOME USABLE SPACE AT THIS TIME & REVERT BACK TO THEIR RESPECTIVE LOT'S 15' FRONT BUILDING SETBACK & 10' UTILITY EASEMENT WILL BE MADE PARALLEL TO 50' R/W

OTHER LANDS OF DAVID M. MURRAY

ON SCENIC EASEMENT TO BE MAINTAINED (NO CLEARING OF TREES OR ERECTION OF STRUCTURES IS ALLOWED)

OWNERS CONSENT & DEDICATION

THIS SUBDIVISION AS APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS.

NOTARIZATION

I, Patricia L. Goodwin, a NOTARY PUBLIC IN AND FOR THE STATE OF VIRGINIA, City of Williamsburg, DO HEREBY CERTIFY THAT THE ABOVE NAMED PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY STATE AND City AFORESAID GIVEN UNDER MY HAND THIS 30th DAY OF April 1986

MY COMMISSION EXPIRES October 30, 1987

SOURCE OF TITLE
THIS IS TO CERTIFY THAT THE LAND EMBRACED IN THIS SUBDIVISION IS THE NAME OF C. LEWIS WALTRIP JR. AND WAS ACQUIRED AS FOLLOWS FROM DAVID M. MURRAY BY DEED DATED APRIL 9, 1984 AND RECORDED IN DEED BOOK 899 PAGE 279

SURVEYOR'S CERTIFICATE

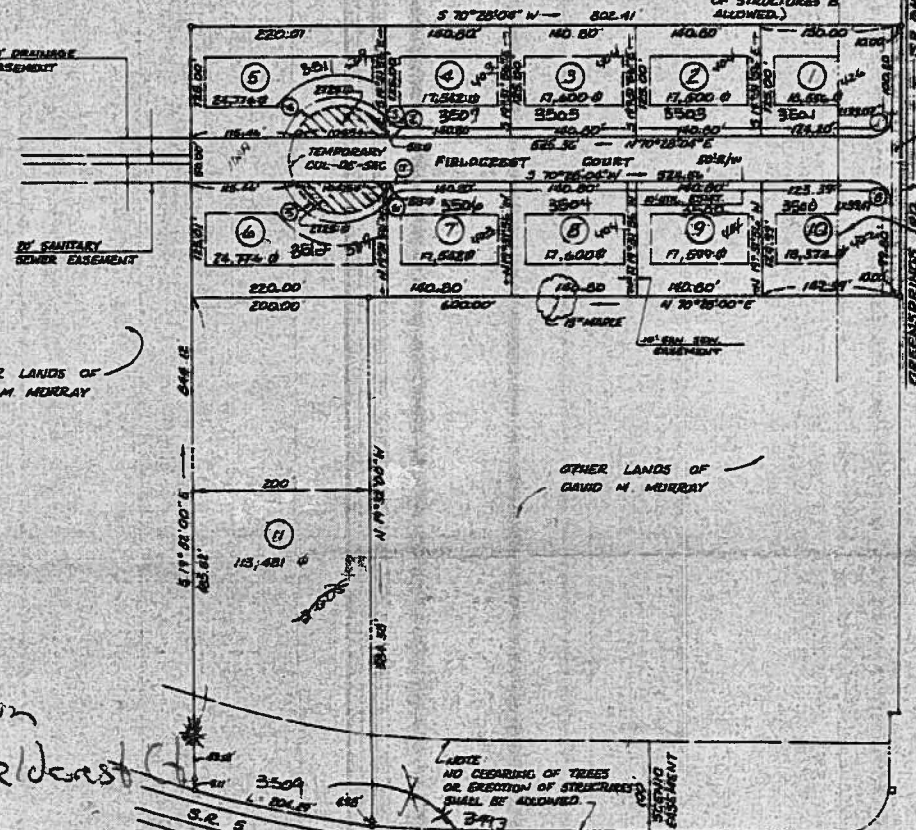
HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY HAVE BEEN COMPLIED WITH

CERTIFICATE OF APPROVAL

THIS SUBDIVISION KNOWN AS _____ IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD

DATE 4-23-86 HIGHWAY DEPARTMENT
DATE 4-23-86 HEALTH DEPARTMENT
DATE _____ PLANNING DEPARTMENT

STATE OF VIRGINIA, JAMES CITY COUNTY
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF JAMES CITY THE DAY OF _____ 1986
THIS MAP WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW.
D RECTS IN PLAT BOOK _____ PAGE _____
TESTE _____ CLERK



TOTAL AREA 353,836 SF, 8.123 AC.
R/W AREA 42,824 SF, 1.170 AC.
LOT AREA 311,012 SF, 7.013 AC.
NO. OF LOTS 11
AVE. LOT SIZE 28,274 SF, 0.658 AC.
ZONING A-2
BUILDING SETBACKS:
FRONT 35'
SIDE 15'
REAR 35'
MIN. LOT AREA 17,500 S.F.

CURVE DATA

A = 10°28'30"
R = 181.00'
L = 204.29'
T = 102.43'
CH = 204.01'
CB = 18°51'00"E



CURVE DATA

| NO. | Δ | RAD. | ABC | TAN | CH. | CH. BRG. | DESCRIPTION |
|-----|-----------|--------|---------|--------|---------|--------------|-------------|
| 1 | 89°32'25" | 25.00' | 30.07' | 24.20' | 35.21' | N 25°41'32"E | LOT 1 |
| 2 | 45°05'06" | 30.00' | 23.57' | 12.45' | 22.99' | S 67°00'24"E | LOT 4 |
| 3 | 07°16'48" | 30.00' | 3.81' | 1.97' | 3.81' | S 60°50'30"E | LOT 5 |
| 4 | 17°45'21" | 40.00' | 123.24' | 99.25' | 102.70' | N 63°56'45"E | LOT 5 |
| 5 | 07°45'21" | 50.00' | 123.24' | 99.25' | 102.70' | S 76°59'26"W | LOT 6 |
| 6 | 07°16'48" | 30.00' | 3.81' | 1.97' | 3.81' | S 21°46'35"W | LOT 6 |
| 7 | 45°05'06" | 30.00' | 23.57' | 12.45' | 22.99' | S 47°56'32"N | LOT 7 |
| 8 | 90°21'35" | 25.00' | 39.47' | 25.20' | 35.50' | N 66°18'09"W | LOT 10 |

FINAL ADDRESS (ES)
RECEIVED 4/24/86
GHT

Wade Crison
3506 Fieldcrest

85-75



THE DEYOUNG-JOHNSON GROUP INC.
ENGINEERS ARCHITECTS SURVEYORS
P.O. BOX 197 WILLIAMSBURG, VIRGINIA 23187 (804) 253-0673

REV. 4-12-84
REV. 6-20-84

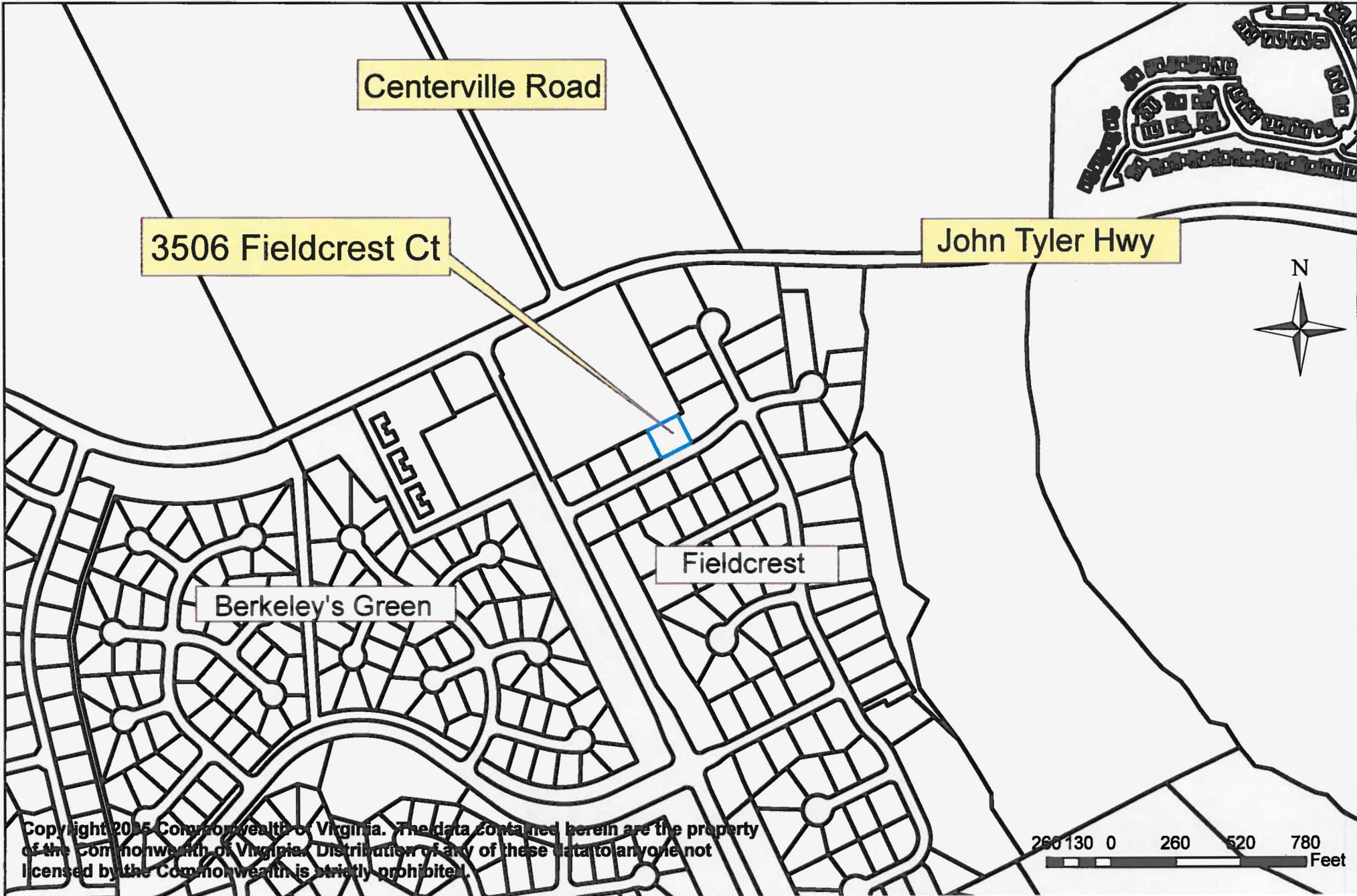
FIELDCREST (45-2) (5)
LEWIS WALTRIP OWNER/DEVELOPER
JAMES CITY COUNTY, VA

1 of 5

DATE 10/24/85 DESIGNED L/D/E DRAWN T/C/S CHECKED

S-125-85

ZA-0008-2013 3506 Fieldcrest Court Tax Map #4520500007



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260 130 0 260 520 780 Feet

ZA-0008-2013 3506 Fieldcrest Court
Tax Map #4520500007



BUILDING PERMIT

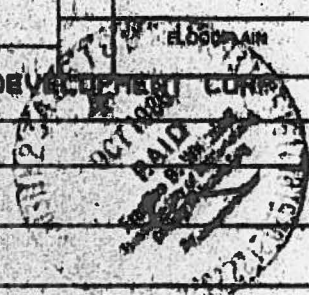
JAMES CITY COUNTY

43-2-105-0-0007

36-1851-E

INSTRUCTIONS
TO
PERMIT
HOLDER

36-1851-B

| | | | | | | | |
|--|---|----------------------------------|--|--|--|-------------------------------------|--|
| LOCATION | 6 NUMBER AND STREET 3506 FIELOCREST DRIVE | | 7 LOT NO 0007 | | * APPROPRIATE BOXES | | |
| | 9 SUBDIVISION NAME FIELOCREST EST. | | 16 SECTION | | 8 PSA | | |
| APPLICANT | 14 CONTRACTOR'S NAME CLASSIC DEVELOPMENT CORP. | | 17 ZONING DISTRICT | | 11 OVERLAY DISTRICT | | |
| | 15 NUMBER AND STREET P.O. BOX 3401 | | 21 OWNER'S NAME CLASSIC DEVELOPMENT CORP. | | 12 FLOODPLAIN | | |
| <input checked="" type="checkbox"/> CONTRACTOR (ARCHITECT/ENGINEER) <input type="checkbox"/> OWNER (LESSEE) | 18 CITY, STATE, ZIP CODE WILLIAMSBURG, VA 23187 | | 22 NUMBER AND STREET | |  | | |
| | 19 TELEPHONE NO (804) 568-2786 | | 23 CITY, STATE, ZIP CODE | | | | |
| | 18 STATE CONTR. LIC. NO. OR COUNTY REG. NO. 026790A | | 24 TELEPHONE NO | | | | |
| | 25 LESSOR'S NAME | | 26 LESSEE'S NAME | | | | |
| IMPROVEMENT DATA | 27 TYPE OF IMPROVEMENT DWELLING, NEW SINGLE FAMILY | | 29 USE OF STRUCTURE SINGLE FAMILY DWELLING | | | | |
| | 28 IMPROVEMENT CODE 01 | | 30 NO. OF DWELLINGS 000 | | 31 USE GROUP CLASS R-2 | | |
| | DIMENSIONS OF STRUCTURE | 33 LENGTH 0.0 | | 34 WIDTH 0.0 | | 32 OCCUPANCY LOAD | |
| | | 35 NO. OF STORIES 02.0 | | 36 GROSS FLOOR AREA (SQ. FT.) 2849 | | 37 BASEMENT FOUNDATION WALLS (TYPE) | |
| SITE DATA | 42 LENGTH 124.00 | | 43 AREA OF LOT (ACRES) | | UTILITIES (*X* two boxes) | | |
| | 44 WIDTH 140.00 | | 45 | | | | |
| | 46 FRONT 39.00 | | 47 SIDE, RIGHT 40.00 | | | | |
| | 48 REAR 48.00 | | 49 SIDE, LEFT 48.00 | | | | |
| YARD SETBACK DIMENSIONS <input type="checkbox"/> YES <input type="checkbox"/> NO | 48 FRONT 39.00 | | 47 SIDE, RIGHT 40.00 | | 46 WATER SUPPLY X | | |
| | 48 REAR 48.00 | | 49 SIDE, LEFT 48.00 | | 47 SEWAGE DISPOSAL X | | |
| SIGNATURE | 52 BUILDING OFFICIAL B. James | | 53 DATE 10/03/84 | | 54 VALUATION OF WORK \$51,000.00 | | |
| | | | | | 55 PERMIT FEE \$170.94 | | |
| | | | | 56 VALIDATION OF PAYMENT | | | |

| | |
|---|-----------|
| 1 | ORIGINAL |
| 2 | REISSUE |
| 3 | EXTENSION |

BUILDING PERMIT

JAMES CITY COUNTY

| |
|-----------------------------------|
| 4 TAX MAP NO 11-01 (25 0 0007) |
| 5 PERMIT NO 92-0932-1 |

INSTRUCTIONS TO PERMIT HOLDER

1. **Plans and specifications.** A copy of the plans and specifications which bear the approval stamp of the Building Official shall be retained on the building site until a certificate of use and occupancy is issued by the Building Official.

2. **Inspections required.** The Inspection Record Card issued with this permit lists the inspections required of the work authorized by this permit. It is the responsibility of the permit holder to notify the Building Official when the stages of construction are reached that require an inspection listed on the Inspection Record Card. To request an inspection, telephone 253-6625 at any hour.

3. **Accessory permits.** Separate permits are required for electrical, mechanical (heating, ventilating, air conditioning) and plumbing work.

4. **Revocation of permit.** This permit may be revoked by the Building Official in case of any false statement or misrepresentation of fact in the application or on the plans upon which this permit is based.

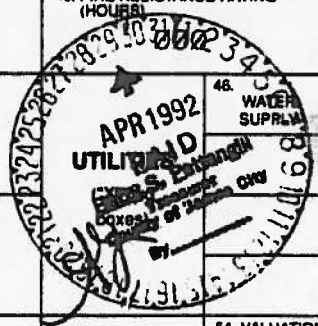
5. **When permit expires.** This permit becomes invalid if the authorized work is not commenced within six (6) months after the date of permit noted below, or the authorized work is suspended or abandoned for a period of six (6) months after the date of commencing the work.

6. **Certificate of use and occupancy.** The work authorized by this permit shall not be used or occupied in whole or in part until a certificate of use and occupancy is issued by the Building Official.

| | | | |
|--|--|----------------------------------|------------------------------|
| LOCATION | 6. NUMBER AND STREET 3506 FIELDCREST CT YORKTOWN VA 23185 | 7 LOT NO 0007 | "X" APPROPRIATE BOXES |
| | 9. SUBDIVISION NAME FIELDCREST GEO: 3S5 | 10. SECTION | |
| APPLICANT | 14. CONTRACTOR'S NAME STAPLES, R. A. CONSTR., CO. | 12. ZONING DISTRICT 440 | |
| | 15. NUMBER AND STREET 100 LOOKOUT POINT | 21. OWNER'S NAME LANDI, JAMES | 11. OVERLAY DISTRICT |
| <input checked="" type="checkbox"/> CONTRACTOR (ARCHITECT, ENGINEER) | 18. CITY, STATE, ZIP CODE YORKTOWN, VA 23692 | 23. CITY, STATE, ZIP CODE | 13. FLOODPLAIN |
| | 18. TELEPHONE NO. (804) 898-4114 | 25. TELEPHONE NO. | |
| <input type="checkbox"/> OWNER (LESSEE) | 19. STATE CONTR. LIC. NO. OR COUNTY REG. NO. 018598A | 28. LESSEE'S NAME | |

| | | | | | |
|---------------------------|---|-------------------------------------|------------------|---|--|
| IMPROVEMENT DATA | 27. TYPE OF IMPROVEMENT DWELLING, ALTERATION SINGLE FA | | | 29. USE OF STRUCTURE SINGLE FAMILY RESIDENCE | |
| | 28. IMPROVEMENT CODE 03 | 30. NO. OF DWELLINGS 1 | | 31. USE GROUP CLASS R4 | 32. OCCUPANCY LOAD |
| | DIMENSIONS OF STRUCTURE | 33. LENGTH 0.0 | 34. WIDTH 0.0 | 35. HT. 0 | 36. TYPE OF CONSTRUCTION 5B |
| 38. NO OF STORIES 00.0 | | 39. GROSS FLOOR AREA (SQ. FT.) 0 | | 40. FIRE RESISTANCE RATING (HOURS) | 41. FIRE SUPPRESSION SYSTEM REQUIRED? YES/NO |

| | | | | |
|--|--------------------------------|-------------------------------------|-------------------|--------------------------------------|
| SITE DATA | LOT DIMENSIONS | | 46. WATER SUPPLY | 47. SEWAGE DISPOSAL METHOD PUBLIC |
| | 42. LENGTH 0.00 | 43. AREA OF LOT (ACRES) 00000403 | | |
| | YARD SETBACK DIMENSIONS | | 48. FRONT 0.00 | |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | | 50. REAR 0.00 | | 51. SIDE, LEFT 0.00 |
| | | 54. VALUATION OF WORK \$8,000.00 | | 55. PERMIT FEE \$60.00 |



| | | | | |
|------------------|--|----------------------|-----|---------------------------|
| SIGNATURE | 52. BUILDING OFFICIAL <i>B. Pritchard</i> | 53. DATE 04/28/92 | FEE | 56. VALIDATION OF PAYMENT |
| | | | | |



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 # 18598
Company Name RON STAPLES
Phone # 8384114
Signature Ronald Q. Staples

OWNER INFORMATION

Name JAMES LANDI
Address 3506 FIELDCREST COURT
Phone # 229 3995
Signature Ronald Q. Staples
Agent Ronald Q. Staples

DESCRIPTION OF WORK

INSTALL ROOF + SCREEN-IN PORCH OVER EXISTING DECK

Site Plan # _____ Plat Plan Submitted Yes _____ No X

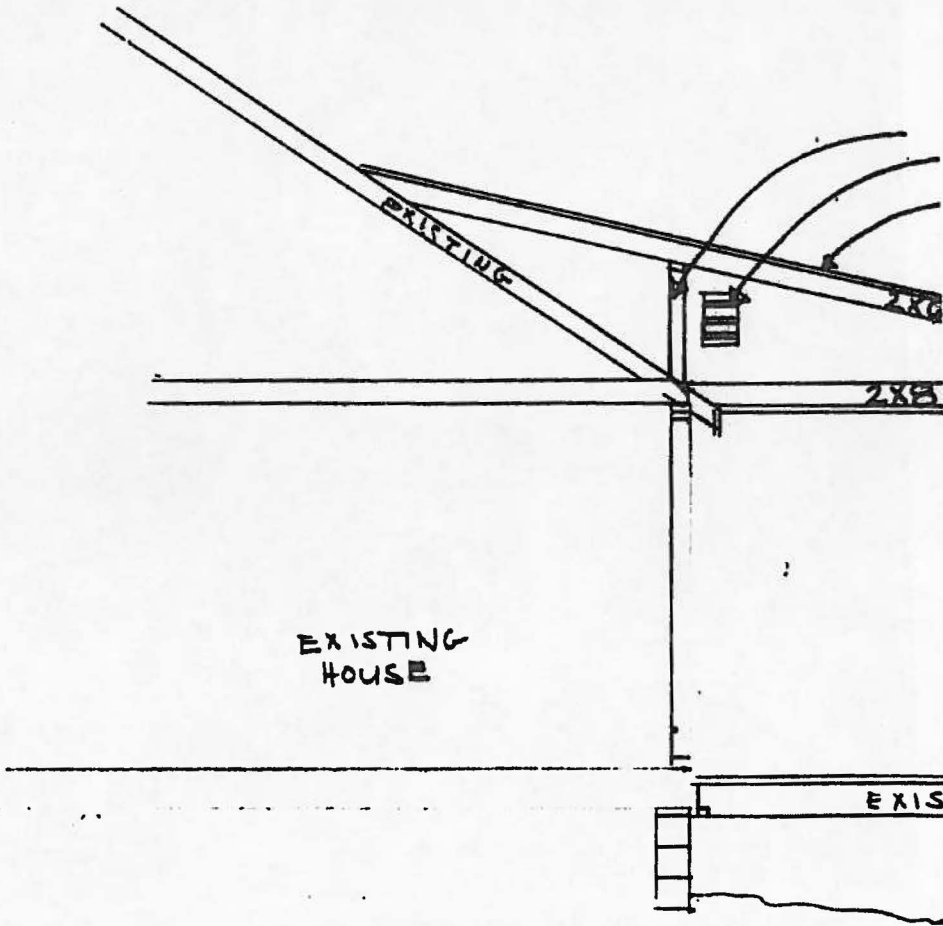
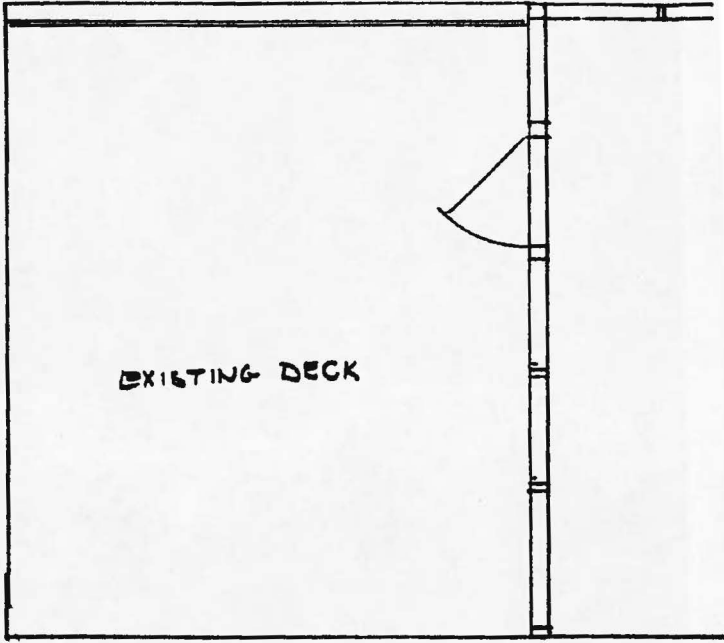
LOCATION OF WORK

Real Estate Tax Map # (45-2) (5-7) Zoned _____
Street Address 3506 FIELDCREST COURT Subdivision FIELDCREST

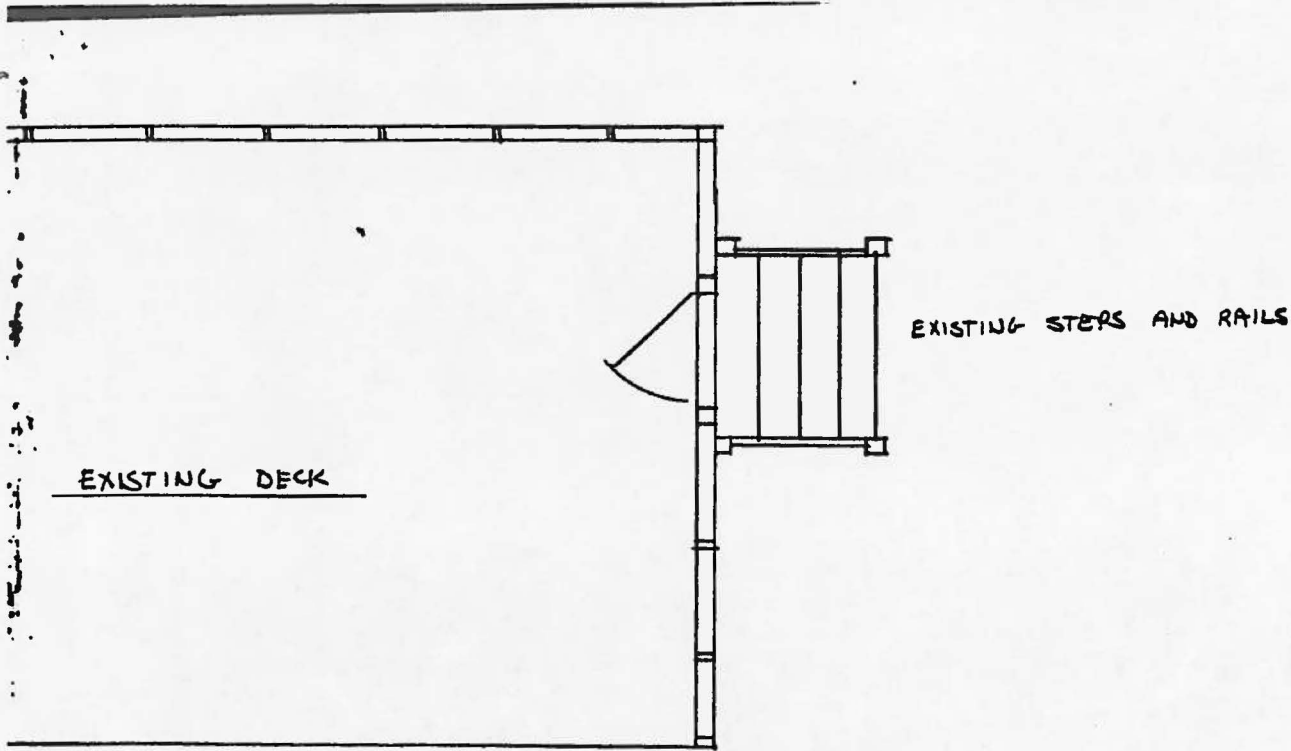
BUILDING INFORMATION

Stories _____ Grinder Pump _____
Rooms _____ Septic _____ Public Sewer _____
Bath Fixtures _____ # Baths _____ Well _____ Public H₂O _____
Exterior Finish PAINT # Fireplace _____
Interior Finish PAINT Air Conditioning-Type _____
Flooring EXISTING Floor Area (sq. ft.) _____
Roofing ASPHALT SHINGLES (Do no include Bsmt & Garage)
Heat Type N/A Basement Area (sq. ft.) _____
Estimated Value 6,000 Garage Area (sq. ft.) _____
(Do not include Lot \$)

| OFFICE USE ONLY | |
|-----------------------------------|------------------------------------|
| Permit # _____ | Improvement Code <u>4203</u> |
| Lot Width <u>NA AUTOCALC</u> | Structure Used As <u>RESIDENCE</u> |
| Lot Depth _____ | Use Group <u>R-4</u> |
| Front Property Line _____ | Occupancy Load <u>NA</u> |
| Right Property Line _____ | Type Construction <u>EB</u> |
| Left Property Line _____ | Zoning Approved <u>4/28/92</u> |
| Rear Property Line _____ | Zoning Disapproved _____ |
| PERMIT FEE _____ | PLAN REVIEW FEE _____ |
| Date Plan Reviewed <u>4/28/92</u> | LINE NO. _____ |

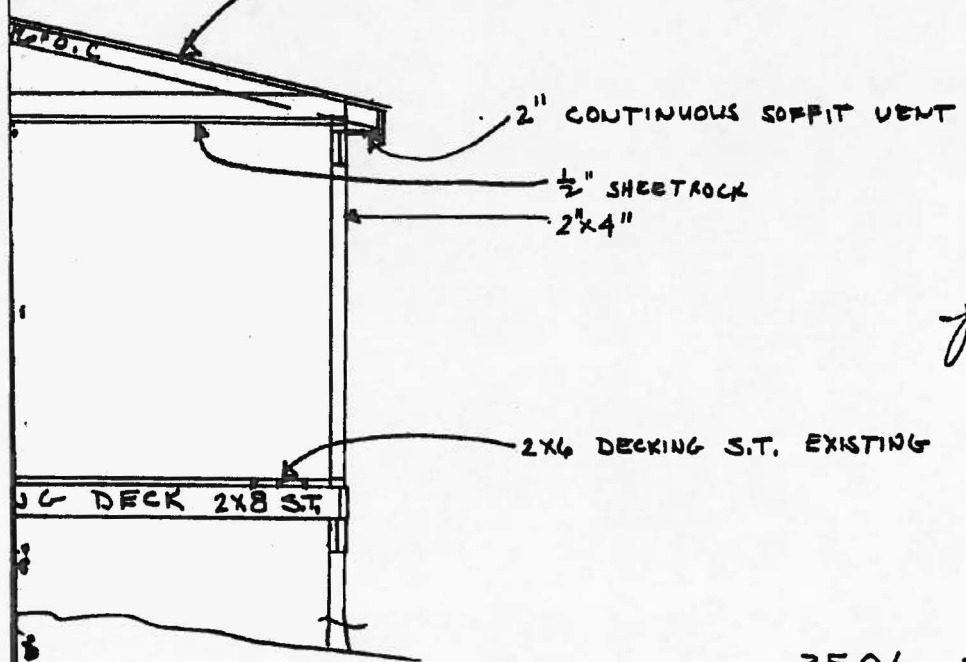


EXISTING DECK PART OF OR
HOME CONSTRUCTION PER K



1 SUPPORTS 16" O.C.
1" x 18" LOUVER

PLYWOOD, FELT, ASPHALT SHINGLES
ADD SCREEN PORCH ROOF OVER EXISTING DECK



app'd.
for Gen Conf
USBC
Joe Basler
4/28/92

FINAL NEW
N STAPLES

4/28/92

3506 FIELDCREST COURT

RON STAPLES
100 LOOKOUT PT.
8984114

| | | | | | |
|---|-------------------|---|-----------|---|-------------------------------|
| 1 | ELECTRICAL | 4 | ORIGINAL | ACCESSORY PERMIT JAMES CITY COUNTY | 7 TAX MAP NO 05-2105-0-007 |
| 2 | MECHANICAL | 5 | REISSUE | | 8 PERMIT NO 02-0937-E |
| 3 | PLUMBING | 6 | EXTENSION | | |

INSTRUCTIONS TO PERMIT HOLDER

1. Plans and specifications. A copy of the plans and specifications which bear the approve stamp of the Building Official shall be retained on the building site until a certificate of use and occupancy is issued by the Building Official.

2. Inspections required. The Inspection Record Card issued with this permit sets the inspections required on the work authorized by this permit. It is the responsibility of the permit holder to notify the Building Official when the stages of construction are reached that require an inspection listed on the Inspection Record Card. To request an inspection, telephone 253 6625 at any hour.

3. Accessory permits. Separate permits are required for electrical, mechanical (heating, ventilation, air conditioning) and plumbing work.

4. Revocation of permit. This permit may be revoked by the Building Official in case of any false statement or misrepresentation of fact in the application or on the plans upon which this permit is based.

5. When permit voids. This permit becomes invalid if the authorized work is not commenced within six (6) months after the date of permit noted below or the authorized work is suspended or 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 in whole or in part until a certificate of use and occupancy is issued by the Building Official.

REPLACE ROOF AND SCREEN IN EXISTING PURCH

| | | | |
|-----------------|---|--------------------------|--|
| LOCATION | 9 NUMBER AND STREET 3506 FIELDCREST CT WM 28185 | 10 LOT NO 0007 | 11 ZONING DISTRICT 440 |
| | 12 SUBDIVISION NAME FIELDCREST | 13 SECTION | 14 IN FLOODPLAIN? YES <input type="checkbox"/> NO <input type="checkbox"/> |

| | | | | |
|------------------|--|--|--------------------|-------------------------------|
| APPLICANT | 15 CONTRACTOR'S NAME GLOUCESTER ELECTRIC COMPANY | 22 OWNER'S NAME LANDI, JAMES | | |
| | 16 NUMBER AND STREET RT 4, BOX 2291 | 23 NUMBER AND STREET | | |
| | 17 CITY GLOUCESTER, VA | 18 STATE, ZIP CODE 23061 | 24 CITY | 25 STATE, ZIP CODE |
| | 19 TELEPHONE NO (804) 693-6775 | 26 TELEPHONE NO | 27 LESSEE'S NAME | |
| | 20 STATE CONT LIC NO 22647 A | 21 COUNTY REG NO | | |

CONTRACTOR (ARCHITECT, ENGINEER)
 OWNER (LESSEE)

| ELECTRICAL | | MECHANICAL | | PLUMBING | |
|------------------------------|---------------|--|----------------------------|---|----|
| 30 TEMPORARY SERVICE | POLE UNGRD | 40 1 NEW EQUIPMENT | 40 2 REPLACEMENT EQUIPMENT | 50 FIXTURES | NO |
| 31 MOBILE HOME RECONNECTION | | 41 HVAC | \$ | 51 TRAPS, INTERCEPTORS, BACKWATER VALVE | NO |
| 32 RESTORATION OF SERVICE | | 42 WOOD STOVE INSTALLATION | | 52 DRAIN, ROOF AND STORM (ON-SITE) | NO |
| 33 RELOCATION OF SERVICE | | 43 REFRIGERATION | | 53 APPLIANCES | NO |
| 34 NEW SERVICE TO PANEL ONLY | | 44 GAS, LIQUID, SOLID FUEL PIPING, EQUIP | | 54 SMOKE LOW PREVENTION DEVICES | NO |
| 35 NEW SERVICE | AMPS | 45 LPG TANK, PIPING | | 55 CROSS-CONNECTION PROTECTIVE DEVICE | |
| 36 INCREASE SERVICE | AMPS | 46 TANK, PIPING (FLAM. LIQUID) | | 56 WATER SERVICE AND DISTRIBUTION PIPES | |
| 37 ADDITIONAL OUTLETS | NO 4 | 47 TANK REMOVAL (FLAM. LIQUID) | | 57 BUILDING SEWER AND DRAINAGE SYSTEM | |
| 38 APPLIANCE INSTALLATION | NO | 48 FIRE SUPPRESSION SYSTEM | | 58 SEWAGE DISPOSAL INDIVIDUAL SYSTEM | |
| 39 SIGN, EXTERIOR | | 49 ELEVATOR, CONVEYOR | | 59 WATER - INDIVIDUAL WELL | |

| | | | |
|----------------------------|--|------------|--------------------------------------|
| TYPE OF IMPROVEMENT | 60 DESCRIPTION AND CODE | FEE | 63 VALUATION OF WORK \$150 |
| | 61 BUILDING OFFICIAL <i>[Signature]</i> | | 62 DATE 5-13-97 |
| SIGNATURE | | | 65 VALIDATION OF PAYMENT |

| | | |
|--|---|---|
| 1 ELECTRICAL 2 MECHANICAL 3 PLUMBING | JAMES CITY COUNTY ACCESSORY PERMIT APPLICATION | 7 TAX MAP NO 8 PERMIT NO <div style="font-size: 24pt; font-weight: bold;">92-0932</div> |
|--|---|---|

INSTRUCTIONS TO PERMIT HOLDER

1. Plans and specifications. A copy of the plans and specifications which bear the approval stamp of the Building Official shall be retained on the building site until a certificate of use and occupancy is issued by the Building Official.

2. Inspection records. The Inspection Record Card issued with this permit lists the inspections required in the work authorized by this permit. It is the responsibility of the permit holder to notify the Building Official when the stages of construction are reached that require an inspection listed on the Inspection Record Card. To request an inspection telephone 353-6623 at any hour.

3. Accessory permits. Separate permits are required for electrical, mechanical, heating, ventilating, air conditioning, and plumbing work.

4. Revocation of permit. This permit may be revoked by the Building Official in case of any false statement or misrepresentation of fact in the application or on the plans upon which this permit is based.

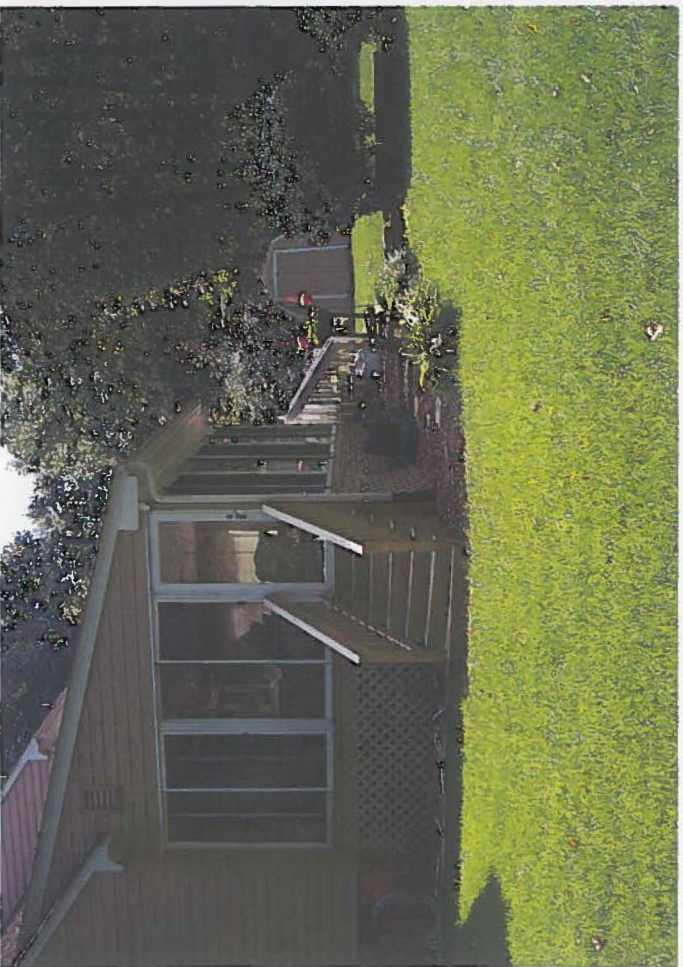
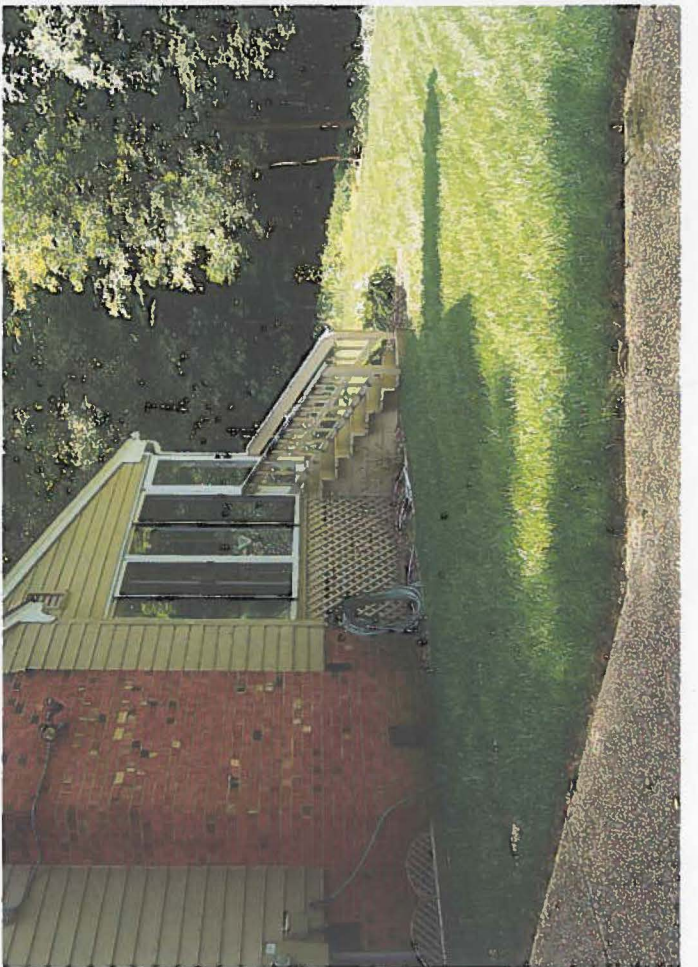
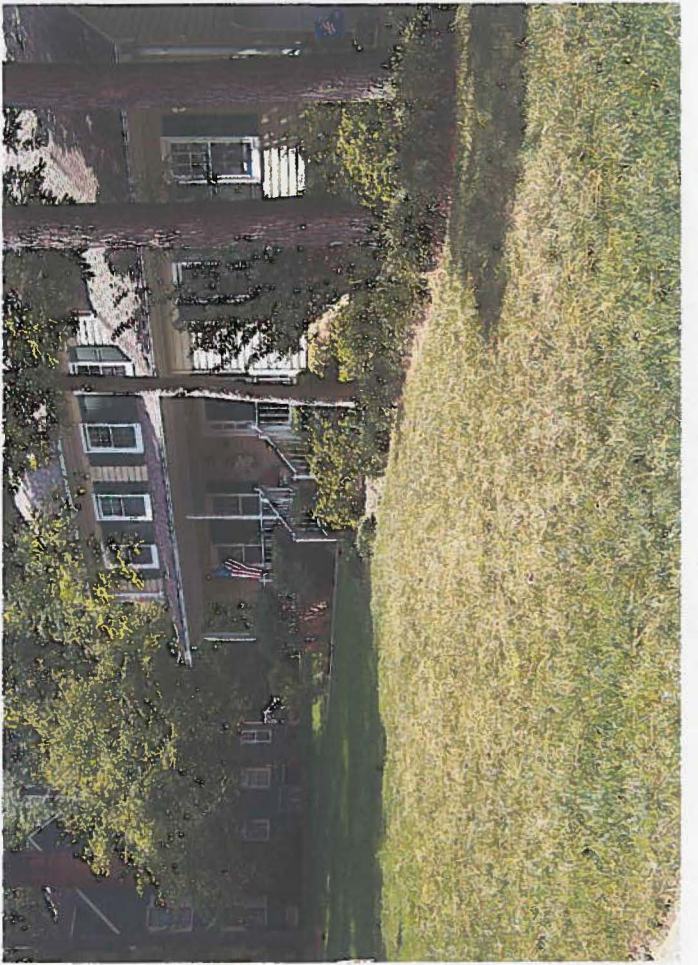
5. When permit expires. This permit becomes invalid if the authorized work is not commenced within six (6) months after the date of permit noted below or the authorized work is suspended or abandoned for a period of six (6) months after the date of commencing the work.

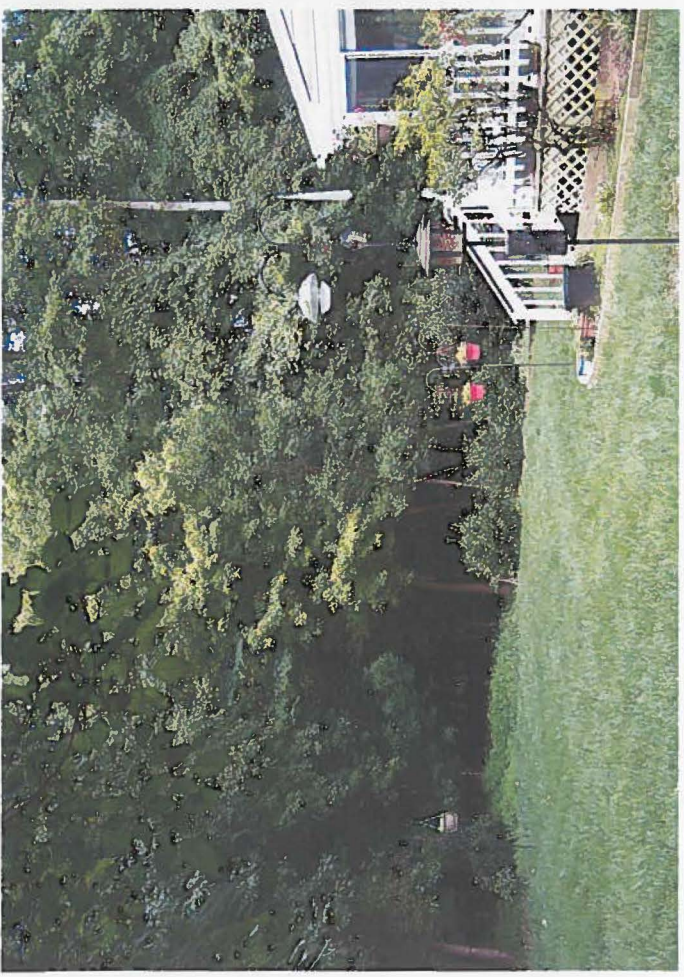
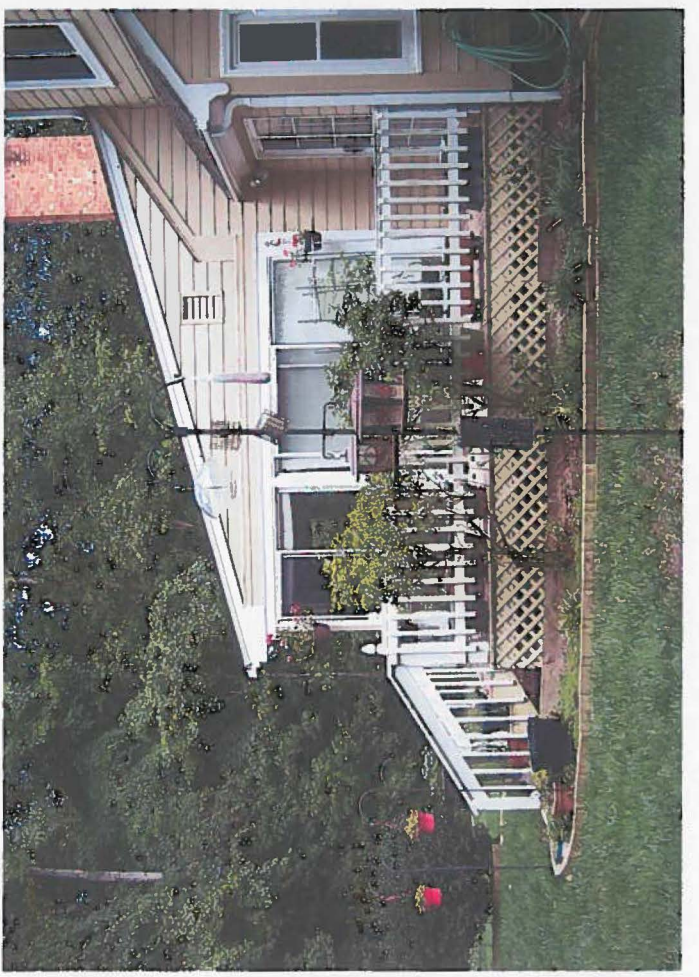
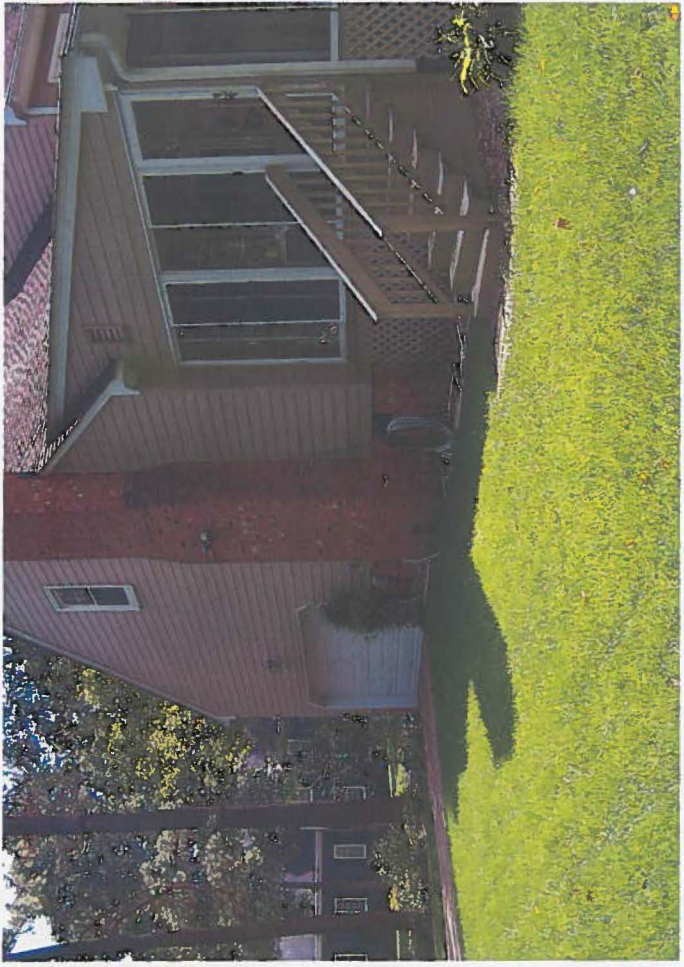
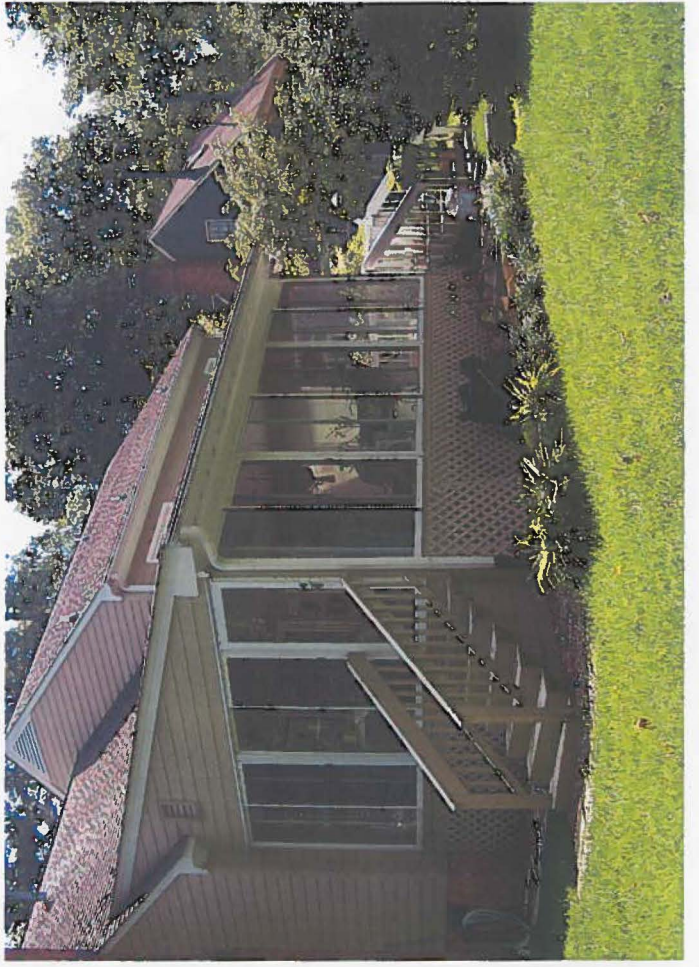
6. Certificate of use and occupancy. The work authorized by this permit shall not be used or occupied in whole or in part until a certificate of use and occupancy is issued by the Building Official.

| | | | | |
|---|--|----------------------------|---|------------------------------|
| WORK LOCATION | 9 NUMBER AND STREET 3506 Fieldcrest Ct, | 10 LOT NO | | |
| | 12 SUBDIVISION NAME Fieldcrest | | | |
| APPLICANT | 15. CONTRACTOR'S NAME Gloverston Electric Co, | | 22 OWNER'S NAME / CUSTOMER'S NAME Stuyvesant | |
| | 16. NUMBER AND STREET Rt 4 Box 2291 | | 23. NUMBER AND STREET 100 Hookout Wy, | |
| | 17. CITY Gloverston, VA | 18 STATE ZIP CODE 23061 | 24 CITY Yorketown, VA | 25. STATE, ZIP CODE 23092 |
| | 19. TELEPHONE NO 693-6975 | | 26. TELEPHONE NO 693-6975 | |
| | 20. STATE CONT. LIC. NO 032647 | | 21. COUNTY REG NO | |
| <input type="checkbox"/> CONTRACTOR (ARCHITECT, ENGINEER) | | | | |
| <input type="checkbox"/> OWNER (LESSEE) | | | | |

| <input checked="" type="checkbox"/> ELECTRICAL | <input checked="" type="checkbox"/> MECHANICAL | <input checked="" type="checkbox"/> PLUMBING |
|--|--|--|
| 30. TEMPORARY SERVICE | 40.1 NEW EQUIPMENT | 50. FIXTURES |
| POLE | 40.2 REPLACEMENT EQUIPMENT | NO. |
| UNGRD | 41. HVAC | 51. WATER HEATER |
| 31. MOBILE HOME RECONNECTION | \$ | NO. |
| 32. RESTORATION OF SERVICE | 42. WOOD STOVE INSTALLATION | 52. DRAINS, ROOF AND STORM (ON-SITE) |
| 33. RELOCATION OF SERVICE | 43. REFRIGERATION | NO. |
| 34. NEW SERVICE TO PANEL ONLY | 44. GAS, LIQUID, SOLID FUEL PIPING, EQUIP. | 53. APPLIANCES |
| 35. NEW SERVICE | 45. LPG TANK, PIPING | NO. |
| 36. INCREASE SERVICE | 46. TANK, PIPING (FLAM. LIQUID) | 54. BACKFLOW PREVENTION DEVICES |
| 37. ADDITIONAL OUTLETS | 47. TANK REMOVAL (FLAM. LIQUID) | NO. |
| NO. 4 | 48. FIRE SUPPRESSION SYSTEM | 55. CROSS-CONNECTION PROTECTIVE DEVICE |
| 38. APPLIANCE INSTALLATION | 49. ELEVATOR, CONVEYOR | 56. WATER SERVICE AND DISTRIBUTION PIPES |
| NO. | | 57. BUILDING SEWER AND DRAINAGE SYSTEM |
| 39. SIGN, EXTERIOR | | 58. SEWAGE DISPOSAL INDIVIDUAL SYSTEM |
| | | 59. WATER - INDIVIDUAL WELL |
| | | |
| 150.00 | | |

| | | | |
|----------------------------|----------------------------------|--------------------|--------------------------|
| TYPE OF IMPROVEMENT | 60. DESCRIPTION AND CODE | FEE | 64 PERMIT FEE |
| SIGNATURE | 61 APPLICANT Kenneth A. Stone | 62 DATE 5-12-92 | 65 VALIDATION OF PAYMENT |





September 12, 2013

Concerning our neighbors, Walter and Kathryn Felton's home at 3506 Fieldcrest Court, Williamsburg, Virginia:

We have no objection to their converting their existing sun porch into a small bedroom and bath and extending the area a few feet on the side of the driveway. The extension on the side of the driveway will be within legal bounds.

We understand that the back of the existing sun porch does extend over the rear set-back line, but this porch was there when the house was purchased in 1996. The foundation of the sun porch was not built to meet appropriate standards, and the rebuilding will update the foundation appropriately for the land in this area.

We support their application for a variance to allow for this renovation.

Michelle Cauchary
3504 Fieldcrest
220-1711

William E Wallace
575-2633 ; 3512 Fieldcrest C

Laurence Lemir
229-9743
3507 Fieldcrest Court

Raph Stephens
3502 Fieldcrest Court

R E S O L U T I O N Z A - 0 0 0 8 - 2 0 1 3

GRANTING A VARIANCE ON JCC RE TAX PARCEL NO. (4520500007)

WHEREAS, Walter S. Felton, Jr. and Kathryn A. Felton, property owners has appeared before the Board of Zoning Appeals of James City County (the "Board") on October 3, 2013 to request variances on a parcel of property identified as JCC RE Tax Parcel No. (4520500007) and further identified as 3506 Fieldcrest Court (the "Property") as set forth in the application ZA-0008-2013; 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 24-238 (b), Yard Regulations, of the James City County Zoning Ordinance to reduce the required 35' rear yard setback to 23' to allow for continued placement of the existing deck and porch; as shown on Physical Survey of Tax Parcel # (4520500007) and dated 07/08/1996 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 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:

Secretary

Chair, Board of Zoning Appeals

October 3, 2013

R E S O L U T I O N Z A - 0 0 0 8 - 2 0 1 3

GRANTING A VARIANCE ON JCC RE TAX PARCEL NO. (4520500007)

WHEREAS, Walter S. Felton, Jr. and Kathryn A. Felton, property owners has appeared before the Board of Zoning Appeals of James City County (the "Board") on October 3, 2013 to request variances on a parcel of property identified as JCC RE Tax Parcel No. (4520500007) and further identified as 3506 Fieldcrest Court (the "Property") as set forth in the application ZA-0008-2013; 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 24-238 (b), Yard Regulations, of the James City County Zoning Ordinance to reduce the required 35' rear yard setback to 23' to allow for continued placement of the existing deck and porch; and (2) allow for the conversion of the porch into a bedroom addition as shown on Physical Survey of Tax Parcel # (4520500007) and dated 07/08/1996 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 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:

Secretary

Chair, Board of Zoning Appeals

October 3, 2013

Notes this is survey

*THIS PROPERTY LIES WITHIN THE FEMA
DEFINED FLOOD ZONE X AS NOTED ON
COMMUNITY-PANEL NUMBER 510201 0040 B.
EFFECTIVE DATE FEBRUARY 6, 1991.



LOT 6

10' UTILITY
EASEMENT

VA. PWR
TRANSF

ST. LIGHT

S19°31'56"E

124.99'

NOT SET

15' B/L

CONC

47.86'

*LOT 7
3506 FIELDCREST CT.
17,600 SF.
0.404 AC.

PORCH

DECK

TWO STORY FRAME
DWL 26' x 52'

35' B/L

WM

140.80'

FIELDCREST COURT 50' R/W

140.80'

N70°28'00"E

IRF

35' B/L

47.50'

140.80'



15' B/L

38.10'

S70°28'04"W

IRF

Δ Δ C&P

N19°31'56"W

124.99'

LOT 8

THE WOODSON COMPANY SURVEYING & MAPPING 5251-18 JONAH TYLER HIGHWAY #359, WILLIAMSBURG, VIRGINIA 23185 1-800-306-6113

PLAT OF SURVEY, LOT 7, FIELDCREST, SECTION 1
FOR CONVEYANCE TO: WALTER S. JR., & KATHRYN ANN FELTON
JAMES CITY COUNTY, VIRGINIA

BOARD OF ZONING APPEALS
September 5, 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
Ms. Christy Parrish, Proffer Administrator

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-0007-2013 8251 Croaker Road

Mr. Otey stated that he has a business relationship with the applicant and that he intend on abstaining from the discussion and vote.

Mr. Rogerson presented his staff report:

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.

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 21, 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.

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 Agriculture 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.

Mr. Rodgers asked if the existing septic field could be move.

Mr. Rogerson said that the septic field could be moved at some expense.

Mr. Rodgers asked about the location of the existing overhead wires and if there was any issue with the distance from the overhead wires and the proposed addition to the front of the house

Mr. Rogerson stated that that the addition would be close to the overhead power lines but if the power company wanted to upgrade the overhead wires it would be the County's preference to put the wires underground.

Mr. Rodgers asked about the relationship of the adjacent dwellings and the distance to the edge of pavement. He stated that the dwellings to the right were currently even with the existing dwelling located at 8251 Croaker Road and once the addition was built on the house it would be closer to the road than the other houses in the area.

Mr. Rodgers asked if there was any concern by the adjacent property owner about this situation.

Mr. Rogerson said that all adjacent property owners were notified and none of them had called with additional questions or concerns.

Mr. Rhodes asked if the applicant was the owner of the property.

Mr. Rogerson stated yes.

Mr. Rhodes asked if the side yard setback was grandfathered since the house was built in 1951.

Mr. Rogerson stated yes and then explained that since we were coming before the Board for the variance

to the front setback that he included the side yard setback into the variance request.

Mr. Rhodes then asked about the shed and why that was not included into the variance application.

Mr. Rogerson said that he did not notice that the shed did not meet setbacks until after the public hearing as had went to the paper.

Mr. Rhodes asked if the shed was movable since it does not meet the current setback requirements.

Mr. Rhodes stated that the GIS map does not match up with the survey.

Mr. Rogerson explained that GIS was only a tool and the survey is likely more correct.

Mr. Rhodes asked about the usage of the right side of the property by the adjacent property owners and if there was an issue with eminent domain.

Mr. Rogerson asked if Mr. Rhodes was talking about adverse possession.

Mr. Otey stated that he did not think adverse possession was an issue here.

Mr. Rhodes asked if staff had a map of where the existing drain field was located.

Mr. Rogerson stated that he did not but maybe the applicant did.

Mr. Rhodes said he did not have any further questions.

Mr. Rhodes opened the public hearing

Mr. Hipple the property owner introduced himself.

Mr. Hipple explained that the septic tank and drain field was directly behind the house and near the shed. He said there is not enough room to relocate the drain field on the lot.

Mr. Hipple explained that he wants to put the addition on the house and sell it to his pastor's daughter and her new husband. But the house is too small to start a family in.

Mr. Hipple explained that the perspective owners had been to the adjacent property owner to discuss their plans and there were no objections from any of them.

Mr. Hipple said the shed is 4'8" from the property line and is an original structure it has a concrete and cinder block base. He would have to look at whether or not it could be move. He said that the drain field is located very close to the shed so the Health Department might not let him move it over to meet the required setbacks because of the septic lines.

Mr. Rodgers asked about the power lines again.

Mr. Hipple said he was not sure about the power line but would look into it before he starts construction.

Mr. Hipple again explained that he did not even know that half of the front yard was in the right of way until he got the survey done. He said that once he submitted the plans to the County that is when he realized that there might be a problem.

Mr. Rhodes suggested we include the shed in the variance request to clear all of the issues up while we are here.

Mr Purse stated that as the Zoning Administrator we could bring the shed into compliance with an Administrative Variance since the shed was not included in the public hearing ad. That would keep us from re-advertising for the public hearing.

Mr. Rhodes asked if there was anyone else that would like to speak.

Mr. Ben Rothwell introduced himself and said he and his wife are the ones that will be moving into the house. He stated that he spoke to the neighbors and got some of them to sign a letter saying that they did not have any objection to the proposed addition. Mr. Rhodes suggested that Mr. Rothwell provide to staff the letters that he got signed by the adjacent property owners so staff could include them in the case file.

Mr. Rhodes closed the public hearing

Mr. Campana stated that since the house was an original structure he had no objection to granting the variance.

Mr. Rhodes said he could support the variance.

Mr Rodgers made a motion to approve the variances as requested.

Mr. Campana seconded to motion.

On a roll call vote the variance requests were approved 3-0 in favor with Mr. Otey abstaining from the vote.

D. Minutes

June 6, 2013

Mr. Rhodes asked if there were any corrections need for the minute from the June 6, 2013 meeting.

Mr. Campana said the minutes from the June 6, 2013 meeting seemed accurate.

Mr. Otey made a motion to approve the minutes

Mr. Rodgers seconded the motion.

The minutes were approved by a voice vote 4-0.

E. Matters of Special Privilege

Mr. Rhodes asked what the status of the County email accounts for the Board members was.

Ms. Parrish explained that the Board members now have email accounts and that she would go over the procedure for activating those accounts after the closes of the meeting.

Ms. Parrish said since Mr. Geib was not present the Board would discuss having applicants sworn in at the next meeting.

F. Adjournment

There being no further business, the meeting was adjourned

Marvin Rhodes
Chairman

Jason Purse
Secretary