

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

July 16, 2015 - 7 p.m.

A. Roll Call

B. Old Business

C. New Business

1. ZA-0002-2015 4800 Riverview Road
2. ZA-0003-2015 5484 Olde Towne Road

D. Minutes - May 7, 2015

E. Matters of Special Privilege

F. Adjournment

MEMORANDUM

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

FROM: John Rogerson, Senior Zoning Officer

DATE: July 16, 2015

SUBJECT: ZA-0002-2015 4800 Riverview Road

PROJECT DESCRIPTION:

Darryl and Cecile Liechti, property owners, have applied for a variance to Section 24-215 (a), Setback Requirements, to reduce the required front setback from 100 feet from the centerline of Riverview Road to 80 feet. Riverview Road is currently a 30 foot right of way. This proposed variance request is to allow for the construction of an addition to the existing dwelling. This property is currently zoned A-1, General Agriculture, and can further be identified as JCC RE Tax Map No. 1420100029A.

PARCEL HISTORY AND ORDINANCE INFORMATION:

This parcel is currently 3.02 acres in size; the existing house was built in 1956 and is 1402 square feet in size. Darryl and Cecile Liechti, have applied for a variance to construct an addition on the right side of the existing dwelling, the proposed addition will also project forward approximately 8 feet towards Riverview Road lining up with the proposed covered front porch. In 2006 a boundary line adjustment was submitted and approved by James City County Planning Division to increase the lot size from .82 acres to 3.03 acres. When this boundary line adjustment was approved the front setback changed from 75 feet from the center of the right-of-way to 100 feet from the center of the right-of-way, causing a portion of the front of the existing dwelling to encroach into the required front setback. Nothing prevented the structure from remaining in its existing location after the boundary line adjustment, however, the new setback requirement made the structure non-conforming. Therefore, any further encroachments would be prohibited.

The applicants purchased the property in August of 2010. At the time of the purchase, the applicants were unaware of the existing encroachment of the dwelling into the front setback. In May of 2015 the property owners submitted a building permit application to build an addition to the existing dwelling. The addition consists of a master bedroom with a bathroom and walk-in closet on the right side of the dwelling and the construction of a covered porch along the front of the house. Health Department records show the existing septic tank and drain field are located behind the dwelling off the right rear corner of the existing dwelling, which may prevent expansion in that direction.

VARIANCE CRITERIA:

In order to have a variance granted, the applicant must prove by a preponderance of the evidence that the standard for a variance as defined in Virginia Code § 15.2-2201 has been met (that the strict application of the ordinance would unreasonably restrict the utilization of the property, the need for a variance is not shared generally by other properties, the variance is not contrary to the purpose of the ordinance, and the variance does not result in a change of

use) and that the following criteria are satisfied:

1. The strict application of Chapter 24 of the Code of James City County (the "County Code") would unreasonably restrict utilization of the property; or
2. The granting of a variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance; and
 - a. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
 - b. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 - c. The condition or situation of the property concerned 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;
 - d. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
 - e. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

The applicant provided a narrative explaining their case for meeting the requirements for granting a variance, and that document has been included in your packet as attachment #2. The applicant has stated that the house cannot be expanded to the rear of the property due to the existing location of the septic tank and drain field. Staff realizes that the septic tank and drain field are located directly behind the house.

The applicant has also stated that due to the existence of non-tidal wetlands it is not possible to relocate the septic tank and drain field on the property. No specific studies or documentation was submitted providing evidence that the soils located elsewhere on the property are unsuitable for a drain field.

Finally, the applicant has stated that granting the variance will not be a detriment to the surrounding area, out of the first eight homes on Riverview Road their house (4800 Riverview Road) is setback the farthest and out of the first 13 homes only one other is setback further. Staff recognizes that there are homes in this area that are nonconforming in regards to front setback requirements.

In this case, staff believes the strict application of the Zoning Ordinance would not unreasonably restrict utilization of the property, as the property has been put to use by the existence of a single-family residence. Furthermore, the physical conditions of this property are similar to other parcels in the A-1 zoning district. There are no distinguishing environmental features, or shape/size restrictions that constitute a hardship. However, there are other adjacent parcels, which are legally non-conforming in terms of lot size and setback requirements.

RECOMMENDATION:

The strict application of the terms of the Zoning Ordinance does not unreasonably restrict utilization of the property. The property has been put to use by the existence of a single family dwelling. Therefore, staff cannot support this application; however, should the Board wish to grant the variance to reduce the front setback for the construction of the proposed addition, staff feels the variance would not be a detriment to adjoining properties nor alter the character of the area.

Attachments

1. Application
2. Applicant letter
3. Survey
4. Septic tank and drain field location map
5. Adjacent structures cover sheet & map
6. Proposed addition location
7. Proposed construction layout
8. Location Map
9. Pictures



Board of Zoning Appeals Application

Date: 05/27/2015 ZA: -0002-2015 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: Addition to Liechti Residence

Address: 4800 Riverview Rd Zoning: A-1

Williamsburg, VA 23188 Is site in PSA? Yes _____ No x

Tax map and parcel ID: 1420100029A

2. Applicant/Contact Information

Name: Darryl and Cecile Liechti

Company: n/a Phone: 757-645-5994

Address: 4800 Riverview Rd Fax: n/a

Williamsburg, VA 23188 Email: clleva@aol.com

3. Property Owner Information

Name: same as applicant information ↑

Company: _____ Phone: _____

Address: _____ Fax: _____

_____ Email: _____

4. Variance

The above applicant respectively requests that the Board of Zoning Appeals grant a variance to Section 24 - 215(a) of the Zoning Ordinance.

The specific variance(s) requested are: to reduce the required 100' setback from the center of the right of way to 80' to the center of the right of way (Riverview Rd.) This would account for the current non-conformity of the requirement as well as the proposed addition.

Continue on separate page if necessary

The variance is requested for the following reasons: please see attached page.

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:

- ☐ an interpretation of Section 24- _____ of the Zoning Ordinance
☐ an interpretation of the Zoning Ordinance map
☐ an appeal of an administrative decision

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: _____

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: 5/27/15
Property Owner Signature: [Signature] Date: 5/27/15
Daryl Liechti / Cecile Liechti

BZA_APP

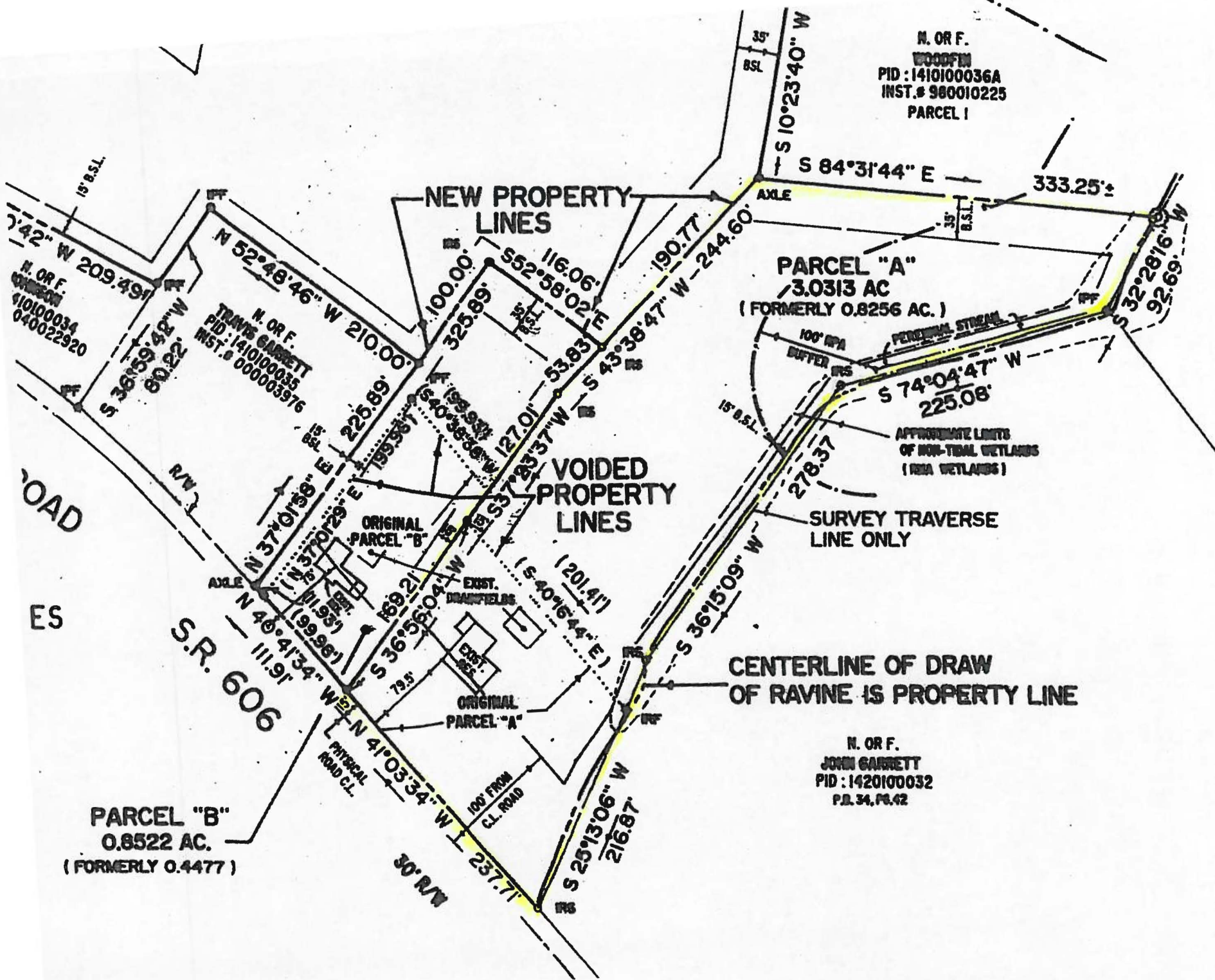
Rev 04_12

Question 4. Variance Cont.

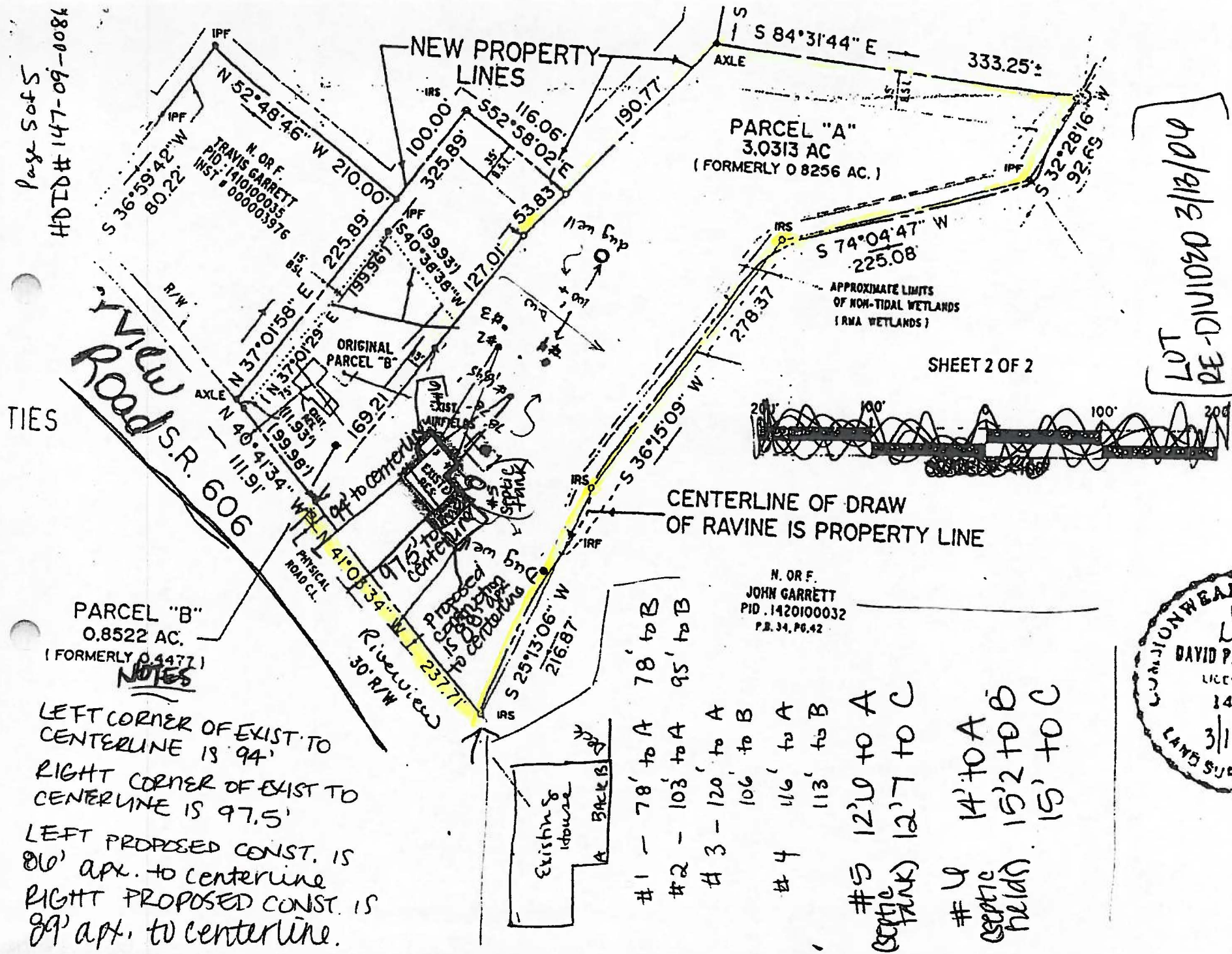
The variance is requested for the following reason(s):

Denying the variance would unreasonably restrict the utilization and cause a hardship to the homeowners of the property at 4800 Riverview Rd, due to the fact that the septic tank is currently located 12.5' from the existing residence and proposed construction and the septic field is located approximately 15' from the back of the residence, making construction onto the back of the structure impossible due to the health department requirements that the footers of any foundation remain 10' from any septic system components. If the variance were to be denied, there would be no other location on the structure in which an addition could be constructed. Furthermore, due to non-tidal wetlands on the property, relocating the septic system is also not possible. The property was acquired in good faith of the current homeowners and they did not create the hardship themselves; rather, it was created when the property was re-divided in 2006. The lot size was changed at that time from 0.80 acres to 3.03 acres, changing the setback requirement from 75' to 100'. This change forced the current structure out of compliance with the setback requirement by 6' at most. The homeowners have taken that measurement into account and included the current non-compliance as well as the proposed construction in the request. Also, when the home was constructed in 1956 the zoning ordinances were not in place. Granting the variance will also not create any detriment to the surrounding properties. Out of the first 8 homes on Riverview Rd., 4800 Riverview Rd is setback the farthest, and out of the first 13 homes, only one other residence is set back further. This will remain true even with the 80' variance being approved and the proposed construction being completed. Granting the variance also will not result in any use that is not otherwise permitted or change the zoning class of the property whatsoever. In conclusion, the homeowners will have to move if the variance is not granted as they do not have the room for their growing family to remain in the home at the current size. Based on the legislation that came into effect on July 1, 2015 section 15.2-2309, the homeowners feel that the variance they requested should be approved and the proposed addition be allowed.

(4800 RIVERVIEW RD. WMSbg VA 23188)



Page 5 of 5
HDTID# 147-09-0086



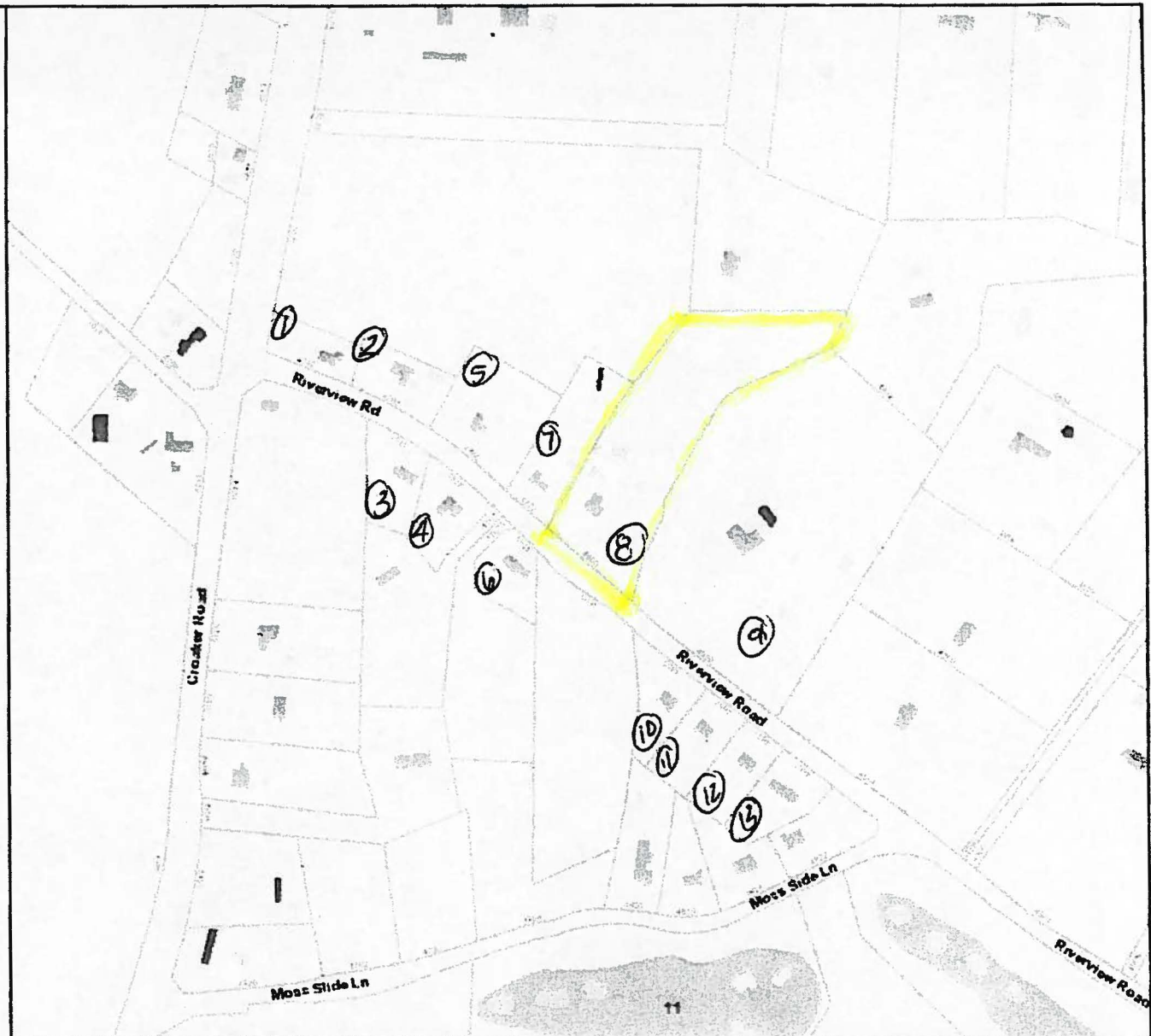
Existing Septic Tank and Drain Field Location

**Approximate distance to centerline of Riverview Rd for addresses 4742-4861 Riverview Rd.
(as obtained using property information via JCC website)**

	Address	Apx. Distance to Centerline in FT	
①	4742 Riverview Rd	38 ft	
②	4760 Riverview Rd	59 ft	
③	4761 Riverview Rd	75 ft	
④	4765 Riverview Rd	67 ft	
⑤	4766 Riverview Rd	63 ft	
⑥	4769 Riverview Rd	71 ft	
⑦	4772 Riverview Rd	65 ft	
⑧	4800 Riverview Rd	96 ft	*site in question (Proposed 80 ft to centerline)
⑨	4850 Riverview Rd	232 ft	
⑩	4855 Riverview Rd	79 ft	
⑪	4857 Riverview Rd	80 ft	
⑫	4859 Riverview Rd	78 ft	
⑬	4861 Riverview Rd	78 ft	

Legend

□ Parcels

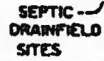


Feet
0 100 200 300 400
1:4.514 / 1"=376 Feet

Title: 4800 riverview rd

Date: 5/20/2015

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.



"SUBDIVISION OF THE ESTATE OF ROBERT H. GARRET
/ (P.B. 46, PG.97)

PROPERTY LINE

IRON PIPE FOUND

IRON ROD SET

BUILDING SETBACK LINE

N. OR F.
WOODFIN
PID : 1410100036A
INST. # 980010229
PARCEL 1

PARCEL "A"
3.0313 AC
(FORMERLY 0 B256 AC.)

5 74°04'47" W
225.08'

APPROXIMATE LIMITS
OF NON-TIDAL WETLANDS
(RMA WETLANDS)

**-SURVEY TRAVERSE
LINE ONLY**

CENTERLINE OF DRAW
OF RAVINE IS PROPERTY LINE

N. O. R.
JOHN GARRETT
PID. 1420100032
P. 34, P. 42

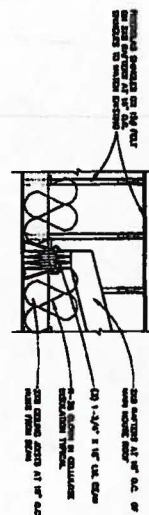
NEW ADDITIONS

97.5

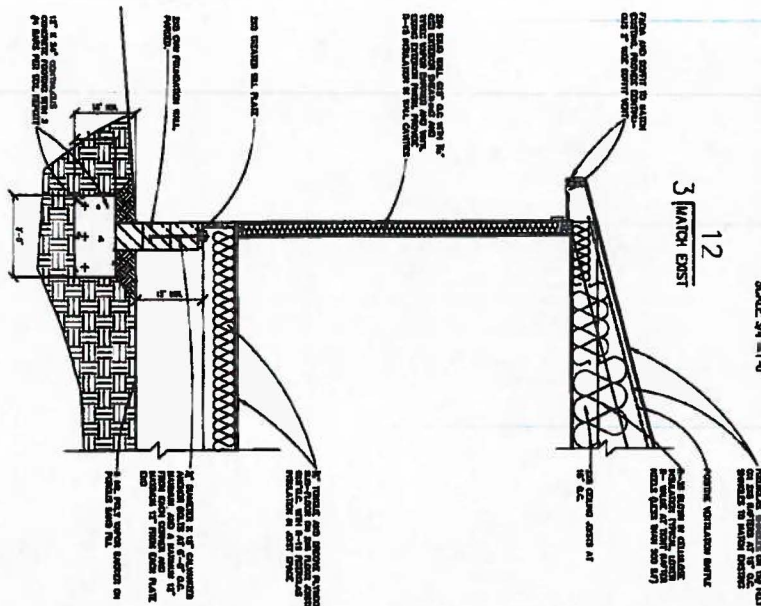
DARREL & CECILE LIECHT
4800 RIVERVIEW RD.
WILLIAMSBURG, VA

23188



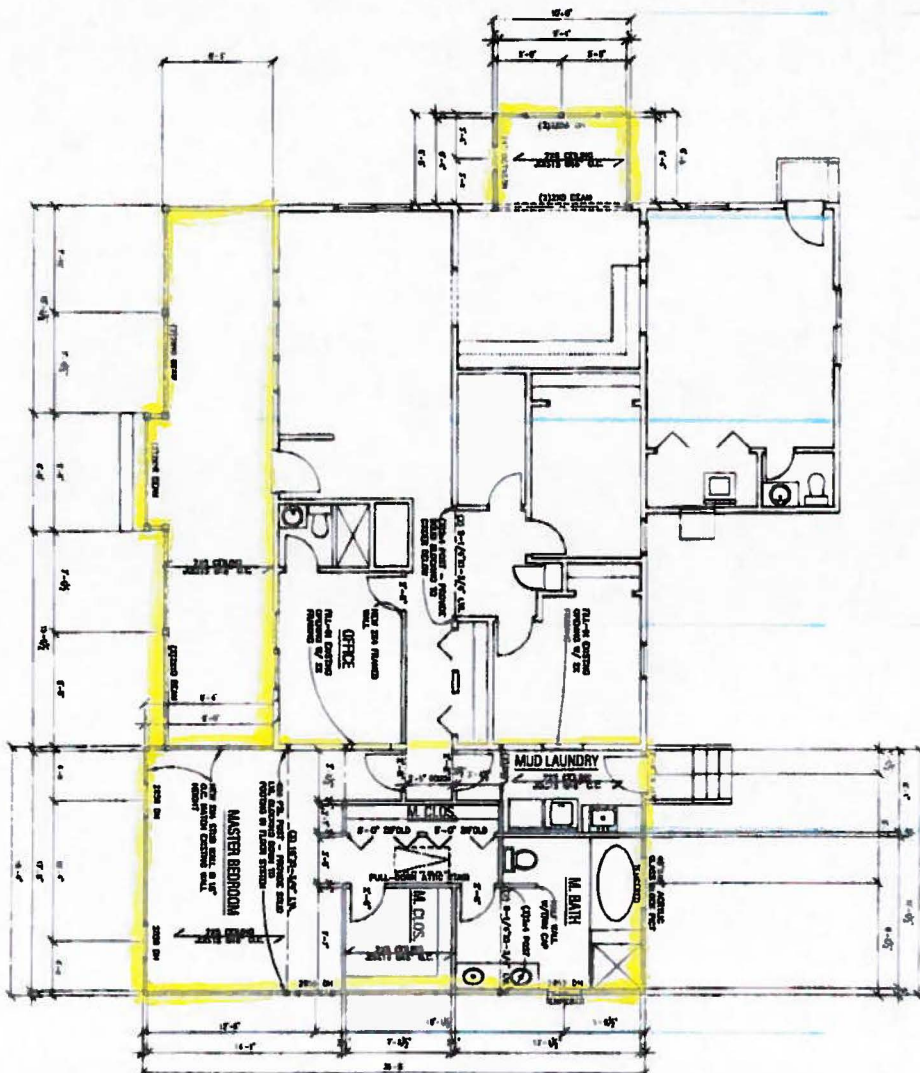


3 DTL @ M. BEDROOM BEAM
SCALE: 3/8" = 1'-0"



2 TYPICAL SECTION
SCALE: 3/8" = 1'-0"

Proposed addition



1 NEW FLOOR PLAN
SCALE: 1/8" = 1'-0"

SHEET NO
A2 OF 5

SHEET TITLE
NEW FLOOR
PLAN AND
TYP. SECTION

PROJECT TITLE
ADDITION TO RESIDENCE
DARRYL AND CECILE LIECHT
4800 RIVERVIEW ROAD
WILLIAMSBURG, VA 23188

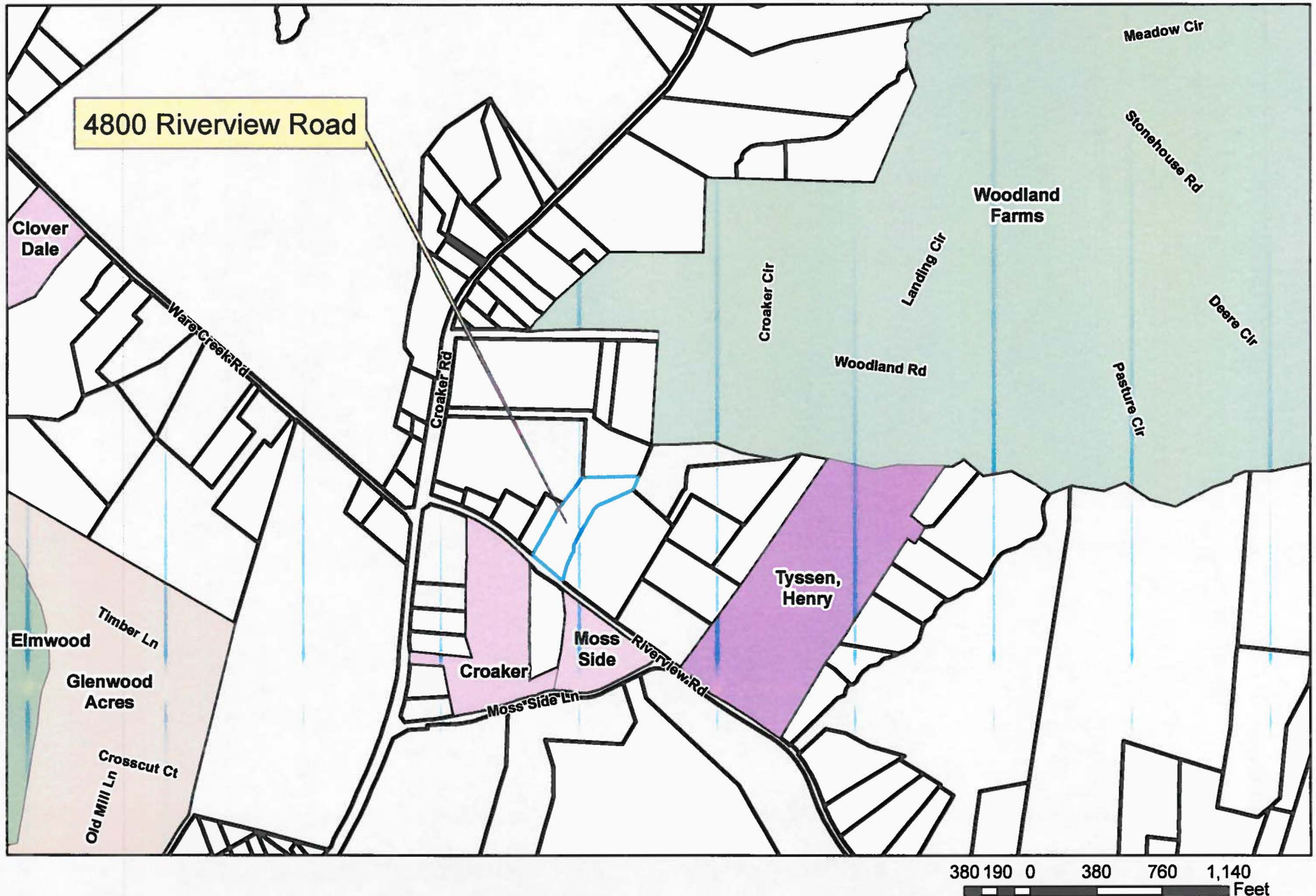
K M S ARCHITECTURAL DESIGNS
4404 EAGLEBROOK DRIVE
WILLIAMSBURG, VIRGINIA 23188
(757) 645-6498

DRAWN BY:
KMS
CHECKED BY:
KMS
DATE 5/4/2015
FILE:

REVISIONS

ZA-0002-2015 4800 Riverview Road

Tax Map #1420100029A



4800 Riverview Road
ZA-0002-2015







R E S O L U T I O N Z A - 0 0 0 2 - 2 0 1 5

GRANTING A VARIANCE ON JCC RE TAX PARCEL NO. 1420100029A

WHEREAS, Darryl and Cecile Liechti, property owners, have appeared before the Board of Zoning Appeals of James City County (the "Board") on July 16, 2015 to request a variance on a parcel of property identified as JCC RE Tax Parcel No. 1420100029A and further identified as 4800 Riverview Road (the "Property") as set forth in the application ZA-0002-2015; and

WHEREAS, the Board has listened to the arguments presented, has carefully considered all evidence entered into the record and discussed a motion to grant a variance to section 24-215(a), Setback Requirements, of the James City County Zoning Ordinance to reduce the required front yard setback from 100 feet from the center of Riverview Road to 80 feet as shown on subdivision plat entitled "Boundary line adjustment between the property of Shirly Garrett, the Estate of Robert H. Garrett and the Estate of Bettie Mae Garrett" recorded at the courthouse on September 13, 2006.

NOW THEREFORE, the Board of Zoning Appeals of James City County by a majority vote of its members finds that the applicants have proven by a preponderance of the evidence that the strict application of the ordinance would unreasonably restrict the utilization of the Property, their need for a variance is not be shared generally by other properties, the variance is not contrary to the purpose of the ordinance, and the variance does not result in a change of use (the standard for a variance as defined in Virginia Code § 15.2-2201). The Board further finds that the variance meets the following criteria:

1. The strict application of Chapter 24 of the Code of James City County (the "County Code") would unreasonably restrict utilization of the property; or
2. The granting of a variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance; and
 - a. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
 - b. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 - c. The condition or situation of the property concerned 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;
 - d. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
 - e. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

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

A variance to section 24-215(a), Setback Requirements, of the James City County Zoning Ordinance to reduce the required front yard setback from 100 feet from the center of Riverview Road to 80 feet as shown on subdivision plat entitled "Boundary line adjustment between the property of Shirly Garrett, the Estate of Robert H. Garrett and the Estate of Bettie Mae Garrett" recorded at the courthouse on September 13, 2006 which is attached hereto, made part hereof and incorporated into this resolution.

ATTEST:

Secretary

Chair, Board of Zoning Appeals

July 16, 2015

	Votes		
	Aye	Nay	Abstain
Rhodes	___	___	___
Otey	___	___	___
Rodgers	___	___	___
Campana	___	___	___
Geib	___	___	___

MEMORANDUM

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

FROM: Terry Costello, Senior Zoning Officer JC

DATE: July 16, 2015

SUBJECT: **ZA-0003-2015** **5484 Olde Towne Road**

PROJECT DESCRIPTION:

Mr. Raymond Johnson Jr., property owner, has applied for a variance to Section 24-258 (b), Yard Requirements, to reduce the rear yard setback to 22 feet to allow for the continued placement of an existing screen porch. This property is currently zoned R-2, General Residential, and can further be identified as JCC RE Tax Map No. 3240500003.

PARCEL HISTORY AND ORDINANCE INFORMATION:

The home located at 5484 Olde Towne Road was constructed in 1989 and the current lot size is 0.232 acres. At the time the home was constructed, the property was zoned R-3, General Residential. The R-3 setbacks at that time were 35 feet from the front property line, 25 feet from the rear property line and 10 feet from the side property lines. These distances are reflected on the original subdivision plat which is attached with this report. The property was then rezoned to R-2 General Residential in 1992 which changed the minimum setback requirements for this property. The current R-2 setbacks are 25 feet from a right-of-way 50 feet or greater, 35 feet from the rear property line and 10 feet from side property lines. This result of this rezoning made the existing dwelling in 1992 legally nonconforming for setbacks. All new construction or expansions must meet all current R-2 setbacks.

Mr. Johnson and his mother, Alice Johnson, purchased the home in 1989. The deck was built on the rear of the property in 1990 which encroached into the required 25 foot rear setback in R-3. Mr. Johnson stated that the contractor did not obtain a permit for the deck. The deck was later converted into a screened porch between 2000-2001 which was after the rezoning to R-2. There was also no permit obtained for the conversion. The screened porch is not classified as nonconforming because it was constructed after the rezoning and neither permits nor zoning approvals were given. Mr. Johnson is listed as the sole owner as of 2002.

There is also a small shed on the current survey that is shown over the rear property line. That shed has since been moved and shown in the pictures attached.

A survey was done on May 21, 2015 as part of an impending sale, and it was at this time that the encroachment was found. Currently there is a pending contract on the house awaiting the approval or denial of this variance.

VARIANCE CRITERIA:

In order to have a variance granted, the applicant must prove by a preponderance of the evidence that the standard for a variance as defined in Virginia Code § 15.2-2201 has been met (that the strict application of the ordinance would unreasonably restrict the utilization of

the property, the need for a variance is not shared generally by other properties, the variance is not contrary to the purpose of the ordinance, and the variance does not result in a change of use), and that the following criteria are satisfied:

1. The strict application of Chapter 24 of the Code of James City County (the "County Code") would unreasonably restrict utilization of the property; or
2. The granting of a variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance; and
 - a. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
 - b. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 - c. The condition or situation of the property concerned 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;
 - d. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
 - e. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

The applicant provided a narrative explaining their case for meeting the requirements for granting a variance and that document has been included in your packet as attachment #2.

The applicant stated that his mother occupied the home while he has resided in North Carolina and he was not aware of this situation until the survey was done in May 2015. The applicant estimates it will cost approximately \$6,000.00 to remove part of the screened porch to adhere to the rear setback regulations. He stated that the removal of the porch would prohibit the pending sale and would reduce the value of the home.

Finally, the applicant stated that granting the variance does not appear to be a detriment to the surrounding area. He also feels that due to the recent upgrades it would benefit the surrounding properties.

In this case, staff believes the strict application of the Zoning Ordinance would not unreasonably restrict utilization of the property, as the property has been put to use by the existence of a single-family residence. Furthermore, the deck and the screened in porch were built without obtaining permits or County approval and this hardship is viewed as being self-inflicted.

RECOMMENDATION:

The strict application of the terms of the Zoning Ordinance does not unreasonably restrict the use of the property. The property has been put to use by the existence of a single-family dwelling. Therefore, staff cannot support this application and recommends denial.

Attachments

1. Application
2. Applicant letter
3. Subdivision plat
4. Original plot plan
5. Current survey
6. Location map
7. Pictures
8. Resolution



PLANNING DIVISION

JUN 02 2015

Board of Zoning Appeals ApplicationDate: 6/2/15ZA: -0003-2015Receipt No.: 6637

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 InformationProject Name: Set-back EncroachmentAddress: 5484 Olde Towne Road
Williamsburg, Virginia 23188Zoning: R2 General ResidentialIs site in PSA? Yes X No Tax map and parcel ID: 3240500003**2. Applicant/Contact Information**Name: Raymond Johnson, Jr.Company: Phone: 704-609-4538Address: 2137 6th St. NWFax: Hickory, NC 28601Email: rayjay2137@yahoo.com**3. Property Owner Information**Name: Raymond Johnson, Jr.Company: Phone: 704-609-4538Address: 2137 6th St. NWFax: Hickory, NC 28601Email: rayjay2137@yahoo.com

4. Variance

The above applicant respectively requests that the Board of Zoning Appeals grant a variance to Section 24 - 256 of the Zoning Ordinance.

The specific variance(s) requested are: To allow existing porch/deck to encroachment in the setback

Continue on separate page if necessary

The variance is requested for the following reasons: Purchased home in 1989. Had deck built in 1990. Contractor did not get permit. Converted deck to screened porch around 2000-2001. Porch is 2 feet over line. Regarding 25 foot setback requirement.

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:

- ☐ an interpretation of Section 24- _____ of the Zoning Ordinance
☐ an interpretation of the Zoning Ordinance map
☐ an appeal of an administrative decision

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: _____

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

Applicant Signature: Raymond Johnson, Jr. Date: 6-2-15

Property Owner Signature: Raymond Johnson, Jr. Date: 6-2-15

BZA_APP

Rev 04_12

Terry Costello

From: Ray Johnson <rayjay2137@yahoo.com>
Sent: Tuesday, June 30, 2015 1:31 PM
To: Terry Costello
Cc: rayjay2137@yahoo.com
Subject: Variance Language

Ms. Costello,

I have taken the advice of my realtor and will pursue a variance exception during the BZA's July 16th meeting. In preparation for my written reply, your transparency and interpretations have been very much appreciated.

The following are my responses to the five(5)-part inquiry you had sent to me:

(i) False. The property was purchased in 1989 in good faith as I would interpret it. Originally, my mother and I were co-owners of the home though I've lived in North Carolina since 1965.

The hardship was created in 1990 when a deck was constructed off the back door of the home. As co-owner, I did not inquire about the contractor's building permit. About 15 years, the deck was converted to a covered, screened porch. However, the deck/porch was 2 feet too close to the property's setback line(23 vs. 25 feet) than the ordinance requires.

I was informed of this situation following a survey completed on May 21, 2015 as part of a pending sale of the home. Last fall, prior to placing the home on the market, I made a real effort to uncover and then have cured all identified impediments to the home's sale. This effort included the signing of a home improvement contract with a Lowe's, having an independent home inspection by Pillar To Post, and afterwards, signing with a reputable local realtor (Liz Moore Realtors).

A portion of the \$96k in recent repairs on the home has included the installation of a special weather-resistance roofing material over the porch as replacement for the existing shingles. Notwithstanding this, without a variance approval, I will be faced with either having to reduce the size of the porch by 2 feet or having to take down the entire porch. Even reducing the size of the porch would be quite costly (i.e. \$6k estimate) as a contractor has informed me. Removal of the porch will result both in the loss of another pending sale (scheduled to close on July 29th) - - - just as had occurred with the once pending May 29th sale - - - but will also undoubtedly reduce the home's market value.

Though I am not at all sure how much room exists for favorable consideration of my request for a variance approval, I do appreciate the BZA's deliberations on this matter.

(ii) True. It does not appear that adjacent properties will be adversely impacted by the approval of this variance request. More likely, in light of the recent dollars invested to upgrade the exterior and interior of the home, it is expected that nearby properties will be benefited as the appraised and tax values of this property is raised - - - though only about 50% of the \$96k spent.

(iii) True

(iv) True

(v) True

Thanks in advance for your placement of this response into the BZA process.

Regards,
Ray Johnson

LOT 2
THE HAMLET
SECTION I

LOT 5

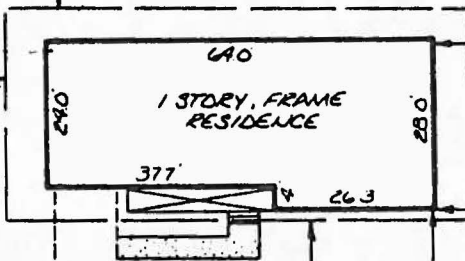
502°26'50"W
109.12

LOT 3
0.23 AC.

LOT 4

95.99' 306°23'25"E

25' SETBACK
15' SETBACK



96.00' N07°33'10"W

82.00' N02°26'50"E

OLDE TOWNE ROAD

Δ°00'08'30"
R=9723.48'
L=240.7'
T=12.04'
C=240.7'
CB=N02°31'21"E

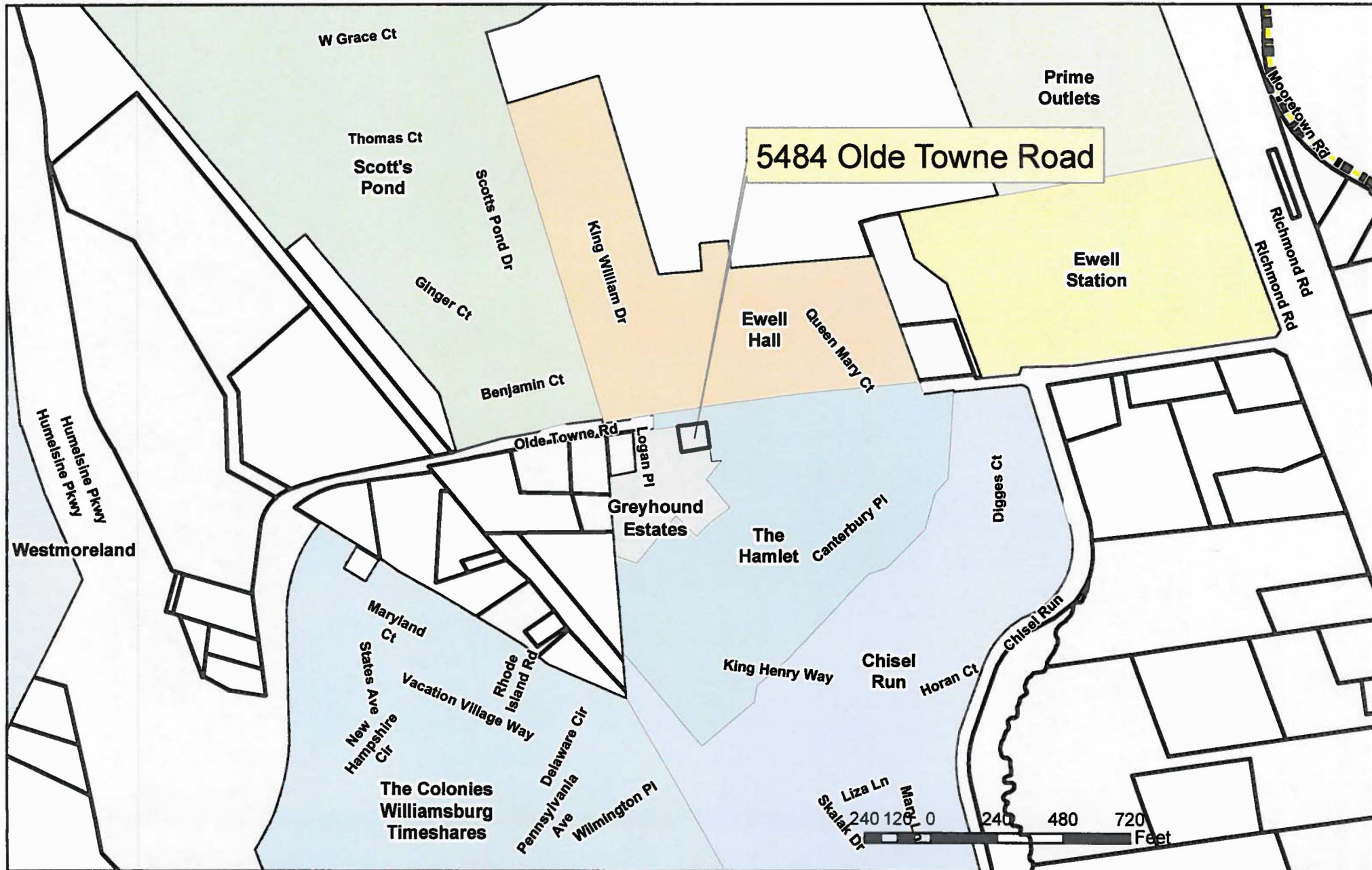
NOTES: THIS PROPERTY DOES NOT APPEAR TO LIE IN
FLOOD ZONE A, PER F.H.B.M. # 510201-0003 A
THIS PLOT PLAN DOES NOT REPRESENT AN
ACTUAL SURVEY & IS SUBJECT TO VERIFICATION ON
CONTRACTOR TO CONFIRM HOUSE DIMENSIONS
& ALIGNMENT.

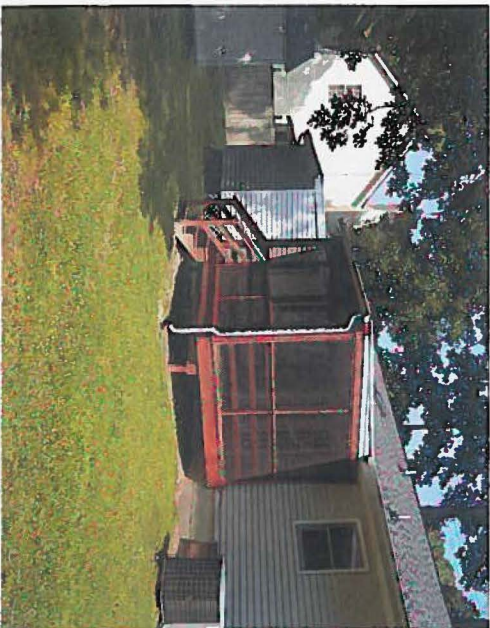
RECEIVED AMERICAN

APR 33/117

1 ORIGINAL	<h1 style="margin:0;">BUILDING PERMIT</h1> <h2 style="margin:0;">JAMES CITY COUNTY</h2>		4 TAX MAP NO	
2 REISSUE			5 PERMIT NO 105-0-0003-	
3 EXTENSION			88-0736-E	
INSTRUCTIONS TO PERMIT HOLDER	<p>1 <u>Plans and specifications</u>. 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.</p> <p>2 <u>Inspections required</u>. The Inspection Record Card issued with this permit lists 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.</p> <p>3 <u>Accessory permits</u>. Separate permits are required for electrical, mechanical (heating, ventilating, air conditioning) and plumbing work.</p> <p>4 <u>Revocation of permit</u>. 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.</p> <p>5 <u>When permit invalid</u>. 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.</p> <p>6 <u>Certificate of use and occupancy</u>. 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.</p>			
LOCATION	6 NUMBER AND STREET 7404 OLDE TOWNE ROAD WM 27.183		7. LOT NO. 10 SECTION 8003	
APPLICANT	9 SUBDIVISION NAME GREYHOUND EST 14. CONTRACTOR'S NAME HUNT-BROOKS, INC. 15. NUMBER AND STREET P.O. BOX 497 16. CITY, STATE, ZIP CODE LIGHTFOOT, VA 23095 18. TELEPHONE NO. (804) 545-0280 19. STATE CONTR. LIC. NO. OR COUNTY REG. NO. 025037A		12 ZONING DISTRICT 21 OWNER'S NAME HMHR INVESTMENTS 22. NUMBER AND STREET 114 FOREST COLONY DRIVE 23. CITY, STATE, ZIP CODE 25 TELEPHONE NO. 26. LESSEE'S NAME	
IMPROVEMENT DATA	27. TYPE OF IMPROVEMENT DWELLING, NEW SINGLE FAMILY 28. IMPROVEMENT CODE 01 33. LENGTH 0.0 34. WIDTH 0.0 35. HT. 0.0 36. TYPE OF CONSTRUCTION 5B 37. BASEMENT FOUNDATION WALLS (TYPE)		29 USE OF STRUCTURE SINGLE FAMILY RESIDENCE 31. USE GROUP CLASS R-1 32. OCCUPANCY LOAD 000 40. FIRE RESISTANCE RATING (HOURS) 000 41. FIRE SUPPRESSION SYSTEM REQUIRED? YES NO	
SITE DATA	42. LENGTH 96.00 43. AREA OF LOT (ACRES) 00000232 44. WIDTH 105.00 45.		46. WATER SUPPLY 47. SEWAGE DISPOSAL METHOD PUBLIC PRIVATE COMPANY INDIVIDUAL SYSTEM	
SIGNATURE	52 BUILDING OFFICIAL [Signature] 53 DATE 04/13/88		54 VALUATION OF WORK 55 PERMIT FEE \$52,000.00 56 VALIDATION OF PAYMENT \$104.16	

ZA-0003-2015 5484 Olde Towne Road
Tax Map #3240500003





R E S O L U T I O N Z A - 0 0 0 3 - 2 0 1 5

GRANTING A VARIANCE ON JCC RE TAX PARCEL NO. 3240500003

WHEREAS, Raymond Johnson Jr., property owner, have appeared before the Board of Zoning Appeals of James City County (the "Board") on July 16, 2015 to request a variance on a parcel of property identified as JCC RE Tax Parcel No. 3240500003 and further identified as 5484 Olde Towne Road (the "Property") as set forth in the application ZA-0003-2015; and

WHEREAS, the Board has listened to the arguments presented, has carefully considered all evidence entered into the record and discussed a motion to grant a variance to section 24-258(b), Yard Requirements, of the James City County Zoning Ordinance to reduce the required rear yard setback to 22 feet to allow for the continued placement of an existing screen porch. The property is currently zoned R-2 General Residential.

NOW THEREFORE, the Board of Zoning Appeals of James City County by a majority vote of its members finds that the applicants have proven by a preponderance of the evidence that the strict application of the ordinance would unreasonably restrict the utilization of the Property, their need for a variance is not be shared generally by other properties, the variance is not contrary to the purpose of the ordinance, and the variance does not result in a change of use (the standard for a variance as defined in Virginia Code § 15.2-2201). The Board further finds that the variance meets the following criteria:

1. The strict application of Chapter 24 of the Code of James City County (the "County Code") would unreasonably restrict utilization of the property; or
2. The granting of a variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance; and
 - a. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
 - b. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 - c. The condition or situation of the property concerned 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;
 - d. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
 - e. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

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

A variance to section 24-258(b), Yard Requirements, of the James City County Zoning Ordinance to reduce the required rear yard setback to 22 feet to allow for the continued placement of the screen porch. This property is zoned R-2, General Residential and can be further identified as JCC RE Tax Map No. 3240500003. This variance is granted in accordance with the attached survey by LandTech Resources, Inc. and dated May 21, 2015 titled "Physical Survey of Lot 3 Greyhound Estates for Paul J. Caracciolo, Sr. & Joanne M. Caracciolo" which is attached hereto, made part hereof and incorporated into this resolution, provided that no further encroachments within the 22 foot rear yard setback.

ATTEST:

Secretary

Chair, Board of Zoning Appeals

July 16, 2015

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

BOARD OF ZONING APPEALS
May 7, 2015

Mr. David Otey Jr. called the meeting to order at 7:00 p.m.

A. Roll Call

Present:

Mr. Marvin Rhodes
Mr. David Otey Jr.
Mr. Ron Campana Jr.
Mr. William Geib
Mr. Stephen Rodgers

Others Present:

Mr. Jason Purse, Zoning Administrator
Ms. Christy Parrish, Proffer Administrator
Mr. Maxwell Hlavin, Assistant County
Attorney

B. Old Business

None

C. New Business

None

D. Minutes – January 8, 2015

Mr. Rhodes made the following corrections to the January 8, 2015 meeting:

- Page 2 – replace “well lot” with utility lot
- Page 3 – correct “reopened the public hearing” to opened the public hearing
- Page 3 – correct “remains fixed” to remain fixed
- Page 4 – correct “incorporated of the resolution” to incorporated to the resolution

Mr. Campana moved to approve the minutes of the January 8, 2015 meeting as amended.

Mr. Rodgers seconded the motion.

On a voice vote, the minutes for the January 8, 2015 Board of Zoning Appeals meeting as amended were approved 5-0.

E. Matters of Special Privilege

1. 2014 Annual Report

Mr. Jason Purse presented the 2014 Annual Report. He stated that the annual report was similar to last year and upon approval would be forwarded to the Board of Supervisors.

After discussion, Mr. Rodgers moved to accept the 2014 Annual Report.

Mr. Geib seconded the motion.

On a voice vote, the 2014 Annual Report was accepted 5-0.

2. Legislative Update

Mr. Jason Purse and Mr. Max Hlavin discussed recent code changes approved by the General Assembly that concern the Board of Zoning Appeals.

§15.2-2201 Definitions.

§15.2-2308 Board of zoning appeals to be created; membership, organization, etc.

§ 15.2-2308.1 Board of zoning appeals, ex parte communications, proceedings.

§15.2-2309 Power and duties of board of zoning appeals.

§15.2-2314 Certiorari to review decision of board.

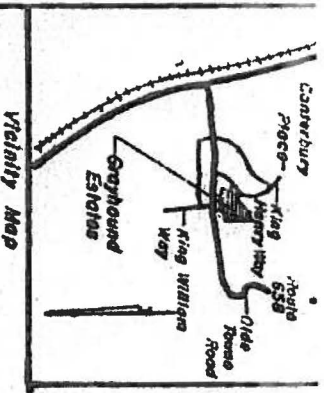
After discussion was concluded, Mr. Purse stated that the changes will go into effect July 1, 2015 and staff will submit applicable zoning ordinances amendments to the Board of Supervisors for approval that reflect the changes.

F. Adjournment

There being no further business Mr. Otey adjourned the meeting at 7:48 p.m.

David Otey
Chairman

Jason Purse
Secretary



This is to certify that to the best of my knowledge and belief, all the requirements as set forth in the ordinance for approving plats of subdivisions in James City County, Virginia, have been complied with. Given under my hand this _____ day of August 1979.

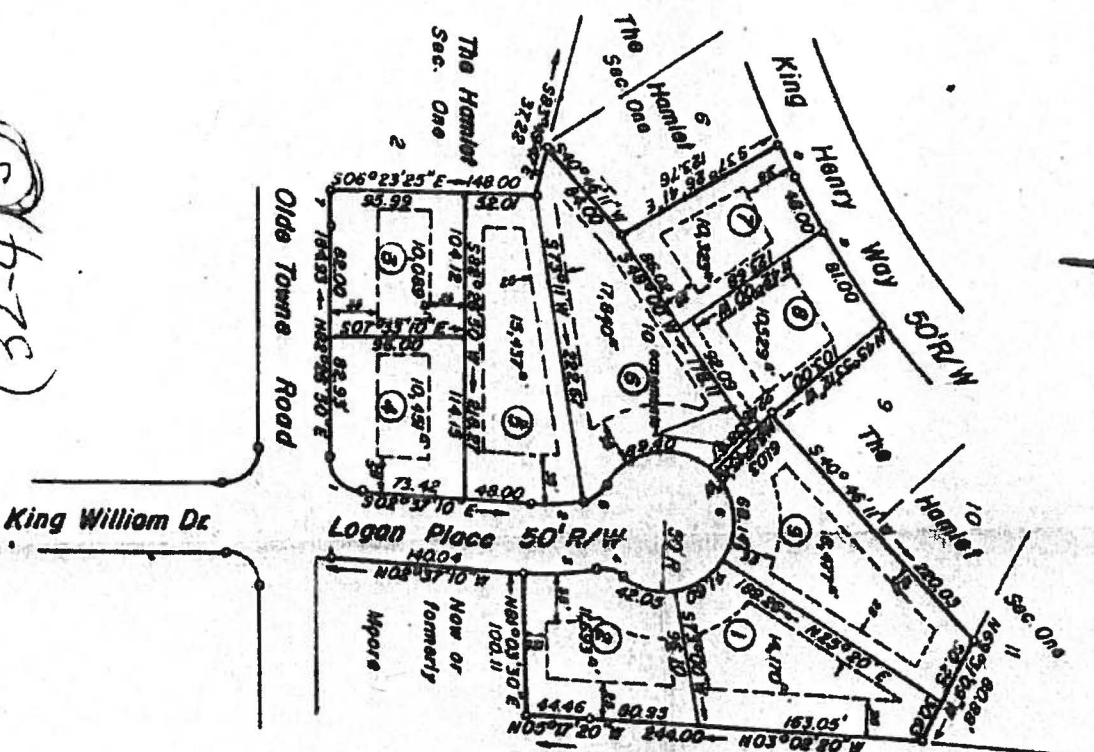
James K. Alvis, Jr.
Certified Land Surveyor

Lot area = 2.69 Acres
R/W area = 0.41 Acres
Total area = 3.10 Acres

Easements shown thus are for utilities and are to be conveyed to James City Services Authority

Curve		Data		Table		
No	Delta	Radius	Tangent	Arc	Chord	OID Bearing
1	35°04'00"	23.00	22.94	37.12	11.80	N39°34'30"E

(32-4)(3-1)
Old Number 21F
New Number
(32-4)(5)



RUDY JOHN



OFFICE OF THE
James City County, VA

James K. Alvis, Jr., Certified Land Surveyor
Newport News, Virginia
Scale: 1" = 100'
August 21, 1979

(32-4)(5-

This is to certify that the land embraced in this subdivision is in the name of Richard E. Blackard and acquired from Harold R. Bullard and Doris A. Bullard by deed dated April 8, 1979, and duly recorded in the clerk's office of the circuit court for the city of Williamsburg, James City County, Va., in deed book 193 page 368 dated April 20, 1979.

James K. Alvis, Jr.
James K. Alvis, Jr.

This subdivision is with free consent, and in accordance with the wishes and desires of the undersigned owners and proprietors

Richard E. Blackard

State of Virginia, James City County

I, _____, a Notary Public, do certify that the persons whose names are signed to the foregoing writing have acknowledged the same before me in my city and state aforesaid. Given under my hand this _____ day of August, 1979.

Notary Public
My commission expires April 1, 1985

State of Virginia, James City County

In the clerk's office of the circuit court for James City County, this map was presented and admitted to record as the law directs

Teste: _____, Clerk
Plat book 35 page 113 Date 11/27/79

Heard 11/27/79

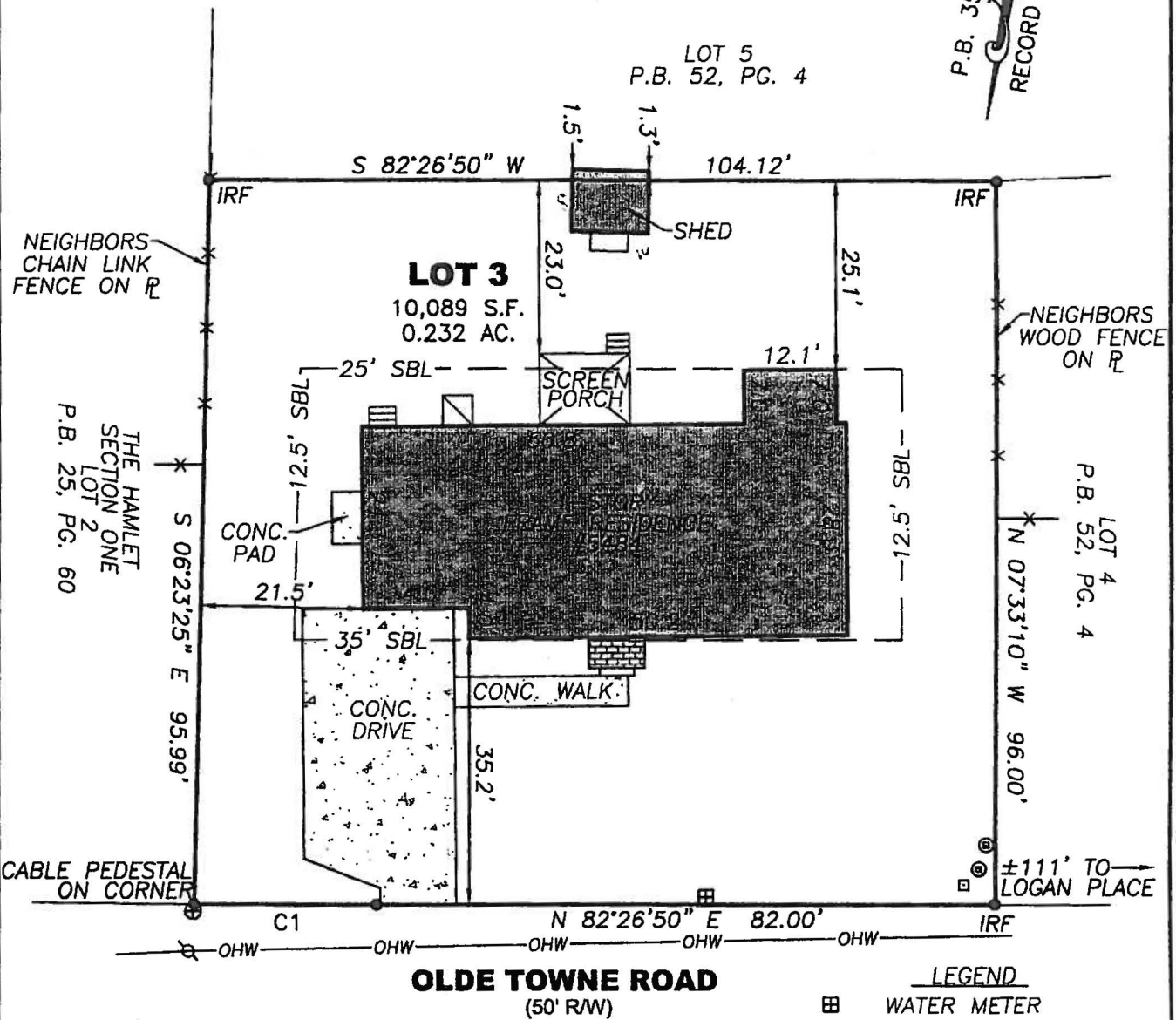
1979

Approved By

Date 11.19.79	FNH	Highway Engineer
Date 7	WCP	Health Officer
Date 3		Invent of Conventions Body

NOTES:

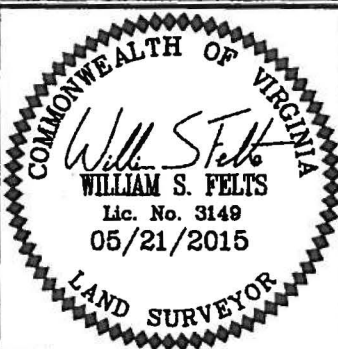
1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 35, PG. 113.
2. THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
3. LOT LIES IN F.I.R.M. ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP #51095C0130C, DATED SEPTEMBER 28, 2007.
4. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS SURVEY.
5. UNDERGROUND UTILITIES WERE NOT LOCATED.



ADDRESS:

5484 OLDE TOWNE ROAD
JAMES CITY COUNTY, VIRGINIA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	9723.48'	24.07'	24.07'	N 82°31'21" E	0°08'30"



REFERENCES:

P.B. 35, PG. 113

DATE: 5/21/15
SCALE: 1"=20'
JOB# 15-217
CAD File
15-217.dwg

PHYSICAL SURVEY OF LOT 3
GREYHOUND ESTATES

For:
**PAUL J. CARACCILO, SR.
& JOANNE M. CARACCILO**

JAMES CITY COUNTY

VIRGINIA

LandTech Resources, Inc.

Surveying • GPS • Engineering

3925 Midlands Road, Williamsburg, Virginia 23188
Telephone: 757-565-1677 Fax: 757-565-0782
Web: landtechresources.com