

A G E N D A
JAMES CITY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
James City County Government Center, Building F Board Room
101 Mounts Bay Road, Williamsburg VA 23185
August 3, 2023
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. OLD BUSINESS

D. NEW BUSINESS

1. Case No. BZA-23-0002. 196 The Maine

E. MINUTES

1. January 5, 2023, Meeting Minutes

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 8/3/2023

TO: The Board of Zoning Appeals

FROM: Taylor Orne, Senior Zoning Officer

SUBJECT: Case No. BZA-23-0002. 196 The Maine

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Existing Conditions	Exhibit
☐	Proposed Addition	Exhibit
☐	Location Map	Exhibit
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board of Zoning Appeals	Secretary, BZA	Approved	7/25/2023 - 11:31 AM
Publication Management	Daniel, Martha	Approved	7/25/2023 - 11:36 AM
Board of Zoning Appeals Secretary	Secretary, BZA	Approved	7/25/2023 - 11:41 AM

MEMORANDUM

DATE: August 3, 2023

TO: The Board of Zoning Appeals

FROM: Taylor B. Orne, Senior Zoning Officer

SUBJECT: Case No. BZA-23-0002. 196 The Maine

Project Description

Ms. Debra Hill and Ms. Camilla Buchanan have applied for a variance to Section 24-238(a), Yard requirements, to reduce the required side setback from 15 feet to 10.5 feet on the left side for the construction of a first-floor master bedroom addition. This property is currently zoned R-1, Limited Residential, and can be further identified as James City County Real Estate Tax Map Parcel No. 4540100071.

Parcel History and Ordinance Information

The property is located at 196 The Maine and is 0.59 acres in size. The existing dwelling was constructed in 1986 and is approximately 2,875 square feet in size.

The property is located in the First Colony neighborhood and backs up to the James River. The proposed addition is for a first-floor master bedroom that will encroach into the left side setback approximately 3.7 feet. The property owners are requesting a variance of 4.5 feet to account for any potential errors during the building process.

The property owners are requesting this variance be granted as a reasonable modification on behalf of a person with a disability. The proposed location of the addition is necessary to provide easier access to a bedroom and bathroom while also providing enough room for the potential use of a wheelchair.

The addition is proposed for the left side of the house, rather than the front or rear of the house, due to the current configuration of the house. Constructing the addition on the front or rear of the house would require structural work as well as completely removing existing features in the home. According to the property owners and their contractor, in order to construct the addition on the front or rear of the house, the entire left side of the house would have to be reconfigured to accommodate the proposed addition.

Virginia Code § 15.2-2309 states, “if a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the locality unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.”

Therefore, in accordance with Virginia Code § 15.2-2309, in order to allow for the construction of the proposed first-floor master bedroom addition as a reasonable modification, a variance from the Board of Zoning Appeals is required because the proposed addition would encroach into the left side setback.

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 the 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 or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability; 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.

Recommendation

While the strict application of the terms of the Zoning Ordinance does not restrict the utilization of the property, staff does find the request a reasonable modification on behalf of a person with a disability which will provide safety and enjoyment of the property.

Should the Board of Zoning Appeals find that the variance request will alleviate a hardship by granting a reasonable modification on behalf of a person with a disability, staff recommends approval of the variance request.

TBO/ap

BZA23-2_196Maine-mem

Attachments:

1. Existing Conditions
2. Proposed Addition
3. Location Map
4. Resolution





06/28/2023
14:58







*MEAN LOW WATER
LINE IS PROPERTY
LINE PER P.B.21 PG.9

JAMES RIVER

EDGE OF WATER @ TIME OF SURVEY

P.B. 21, PG. 9

ADDRESS:

196 THE MAINE
JAMES CITY COUNTY, VA

RIP RAP

ZONE "VE"

ZONE "X"

WOOD & MASONRY
WALL

GRAVEL

DECK

IRS

IRS

IRS

IRS

LOT 70

100' RPA FROM
EDGE OF WATER

21.3'

11.3'

212'

TO

IRS

10'

3 STORY VINYL
FRAME
w/WALKOUT
BASEMENT
#196

BRICK

LOT 72

145.9'

CONCRETE
DRIVEWAY

N 31°19'19" E 267.79' (TL)

LOT 71

±25,705 S.F.
0.590 AC.

15' EASEMENT
PER P.B. 21 PG.

IPF

5.6'

CONC.
PIPE

±267' TO
ARGALL TOWN LANE

Q OF
TRAVELWAY

THE MAINE
(50' R/W)

EDGE OF
PAVEMENT

- LEGEND**
- ⊞ WATER METER
 - ⊙ SEWER CLEAN OUT
 - ⊕ CABLE PEDESTAL
 - ⊞ TELEPHONE PEDESTAL
 - ⊞ HVAC UNIT
 - ⊞ UTILITY POLE
 - ⊞ OHP
 - ⊞ WATER VALVE
 - ⊞ FIRE HYDRANT
 - ⊞ GUY WIRE
 - ⊞ GENERATOR
 - ⊞ MAILBOX
 - IRF = IRON ROD FOUND
 - IRS = IRON ROD SET

CURVE	ARC LEN.	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LEN.
C1	107.84'	1248.24'	4°57'00"	S 56°12'11" E	107.81'



REFERENCES:
P.B. 21 PG. 9

PHYSICAL SURVEY OF LOT 71, SECTION THE
FIRST COLONY
For:
DEBRA HILL

JAMES CITY COUNTY

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. 21, PG. 9.
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" & VE(15) ACCORDING TO FLOOD INSURANCE RATE MAP #51095C0181D DATED DECEMBER 16, 2015.
4. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS SURVEY.
5. UNDERGROUND UTILITIES WERE NOT LOCATED.

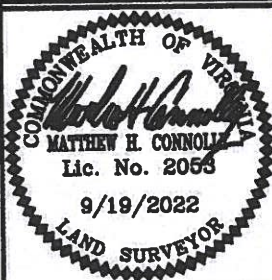
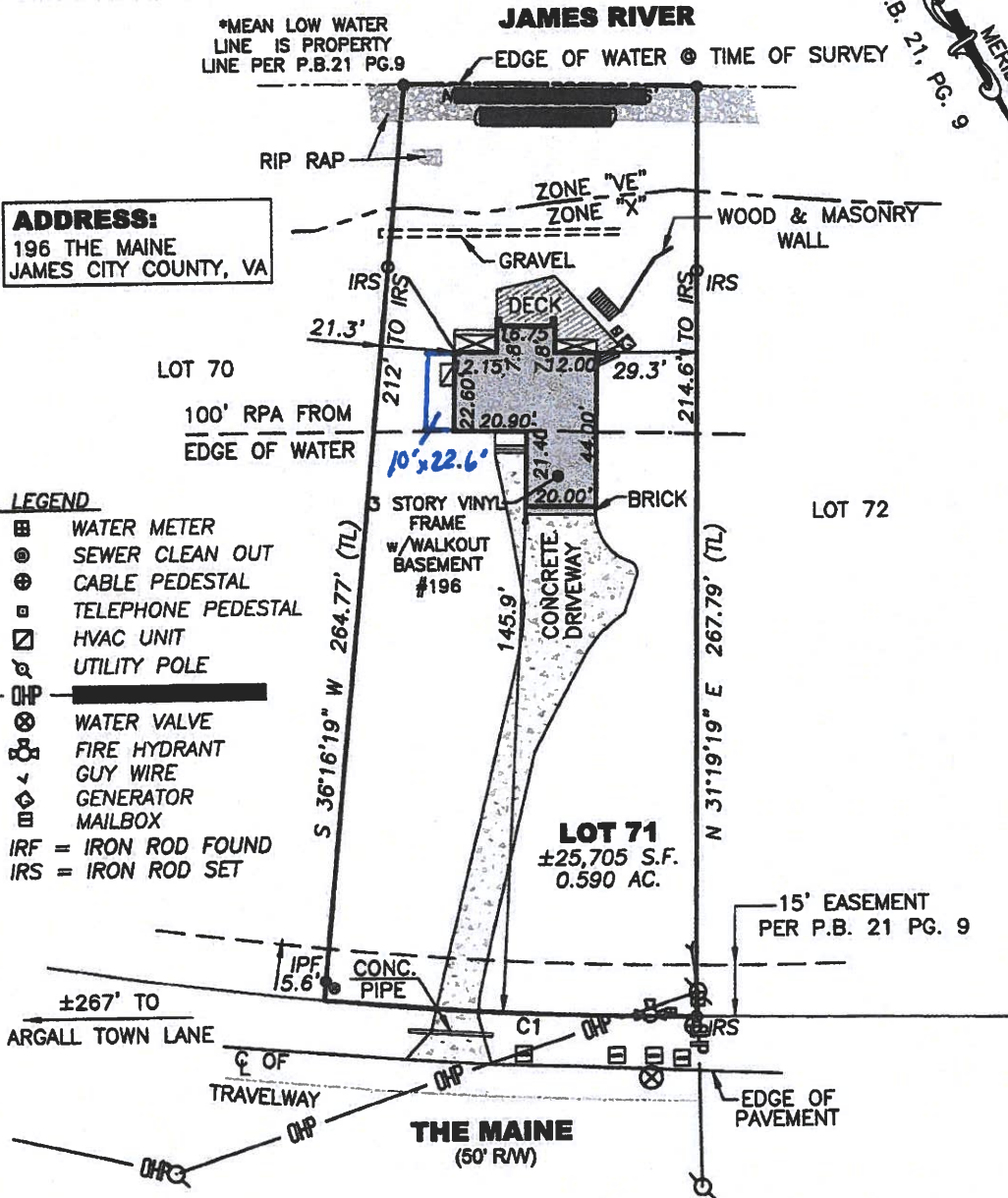
RECORD
P.B. 21, PG. 9
MERIDIAN

ADDRESS:

196 THE MAINE
JAMES CITY COUNTY, VA

LEGEND

- ⊠ WATER METER
- ⊙ SEWER CLEAN OUT
- ⊙ CABLE PEDESTAL
- ⊙ TELEPHONE PEDESTAL
- ⊠ HVAC UNIT
- ⊙ UTILITY POLE
- ⊙ WATER VALVE
- ⊙ FIRE HYDRANT
- ⊙ GUY WIRE
- ⊙ GENERATOR
- ⊙ MAILBOX
- IRF = IRON ROD FOUND
- IRS = IRON ROD SET



REFERENCES:
P.B. 21 PG. 9

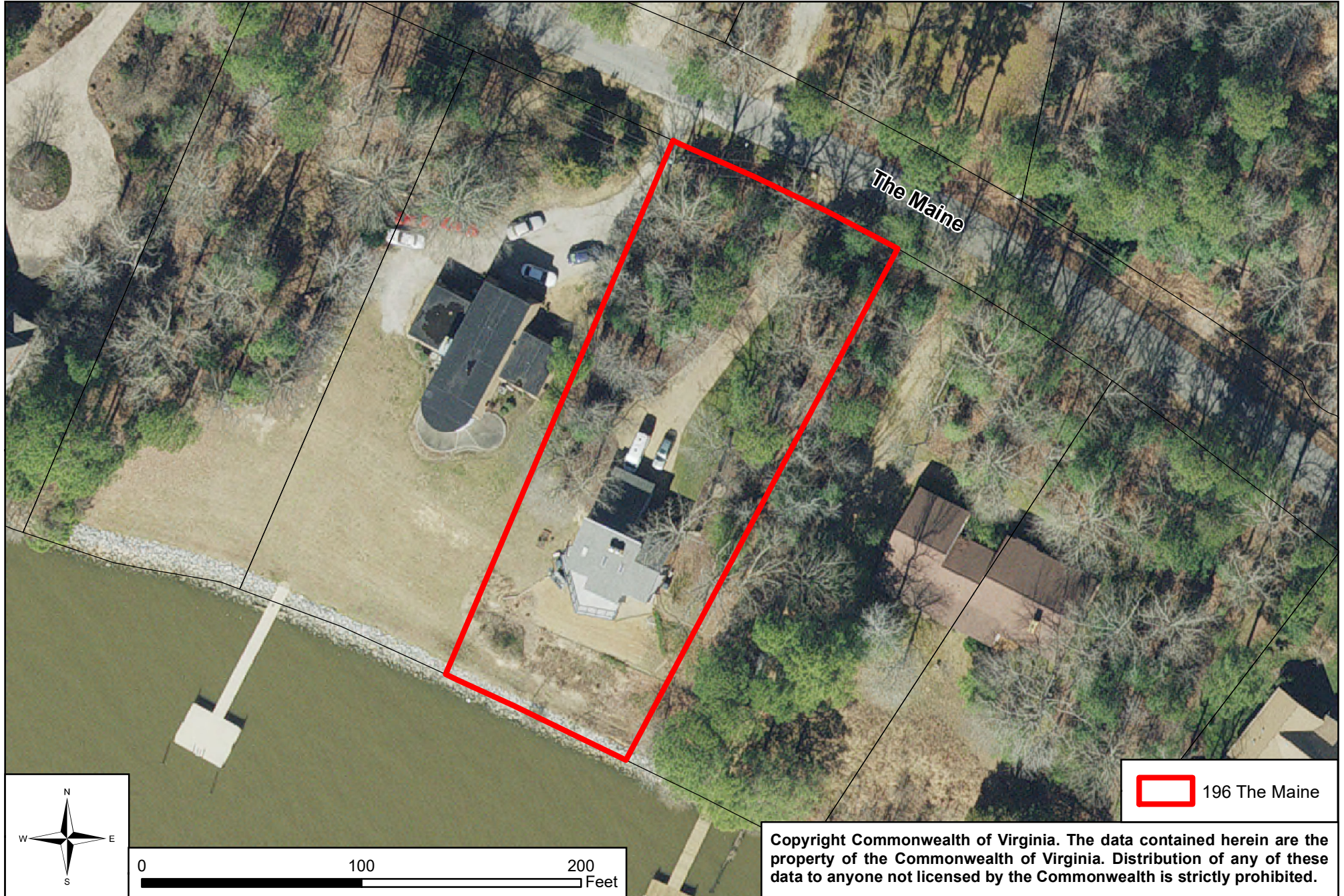
DATE: 9/19/22
SCALE: 1"=40'
JOB# 22-307
CAD File
22-307.dwg

PHYSICAL SURVEY OF LOT 71, SECTION THREE
FIRST COLONY
For:
DEBRA HILL
JAMES CITY COUNTY VIRGINIA

LandTech Resources, Inc.
Engineering and Surveying Consultants
205E Bulfants Blvd., Williamsburg, Virginia 23188
Telephone: 757-565-1677 Fax: 757-565-0782
Web: landtechresources.com

JCC BZA-23-0002

196 The Maine



RESOLUTION

CASE NO. BZA-23-0002. GRANTING A VARIANCE ON JAMES CITY COUNTY

REAL ESTATE TAX MAP PARCEL NO. 4540200071

WHEREAS, Ms. Debra Hill and Ms. Camilla Buchanan, property owners, have appeared before the Board of Zoning Appeals of James City County (the “Board”) on August 3, 2023, to request a variance on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 4540200071 and further identified as 196 The Maine (the “Property”) as set forth in the application BZA-23-0002; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record and discussed a motion to grant a variance to Section 24-238(a), Yard requirements, to reduce the required left side setback from 15 feet to 10.5 feet for the construction of a first-floor master bedroom addition. This property is currently zoned R-1, Limited Residential, and can further be identified as James City County Real Estate Tax Map Parcel No. 4540200071.

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

1. The strict application of Chapter 24 of the Code of James City County would unreasonably restrict the 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 or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability; 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; and
 - 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; and
 - 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; and
 - 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, Virginia, adopts the following resolution:

To grant a variance to Section 24-238(a), Yard requirements, to reduce the required left side setback from 15 feet to 10.5 feet for the construction of a first-floor master bedroom addition with no further encroachment. This property is currently zoned R-1, Limited Residential, and can further be identified as James City County Real Estate Tax Map Parcel No. 4540200071.

Mark Jakobowski
Chairman, Board of Zoning Appeals

ATTEST:

Christy Parrish
Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
DEAN	_____	_____	_____
OTEY	_____	_____	_____
JAKOBOWSKI	_____	_____	_____
GEIB	_____	_____	_____
CAMPANA	_____	_____	_____

Adopted by the Board of Zoning Appeals of James City County, Virginia, this 3rd day of August 2023.

BZA23-4_196Maine-res

ITEM SUMMARY

DATE: 8/3/2023

TO: The Board of Zoning Appeals

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: January 5, 2023, Meeting Minutes

ATTACHMENTS:

	Description	Type
📎	January 5, 2023, Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board of Zoning Appeals	Secretary, BZA	Approved	7/19/2023 - 4:10 PM
Publication Management	Daniel, Martha	Approved	7/19/2023 - 4:13 PM
Board of Zoning Appeals Secretary	Secretary, BZA	Approved	7/25/2023 - 11:19 AM

MINUTES
JAMES CITY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
James City County Government Center, Building A Large Conference Room
101 Mounts Bay Road, Williamsburg VA 23185
January 5, 2023
5:00 PM

A. CALL TO ORDER

Mr. Mark Jakobowski called the meeting to order at 5:02 p.m.

B. ROLL CALL

Ms. Christy Parrish called the roll:

Present:

Mr. Mark Jakobowski
Mr. David Otey, Jr.
Mr. William Geib
Mr. Ron Campana, Jr.

Absent:

Mr. Andrew Dean

Staff Present:

Ms. Christy Parrish, Zoning Administrator
Ms. Paxton Condon, Deputy Zoning Administrator

C. OLD BUSINESS

None.

D. NEW BUSINESS

1. Board of Zoning Appeals 2023 Meeting Schedule

Ms. Parrish presented the proposed Meeting Schedule for 2023.

Mr. Otey made a motion to Adopt the 2023 Meeting Schedule.

Mr. Campana seconded the motion.

On a voice vote, the Board of Zoning Appeals (BZA) voted unanimously to Adopt the 2023 Meeting Schedule.

2. Board of Zoning Appeals 2022 Draft Annual Report

Ms. Parrish presented the 2022 Draft Annual Report to be included in the 2022 Planning Commission Annual Report to be presented to the Board of Supervisors.

Mr. Geib made a motion to Approve the 2022 Draft Annual Report.

Mr. Jakobowski seconded the motion.

On a voice vote, the BZA voted unanimously to Approve the 2022 Draft Annual Report.

Mr. Geib asked if there were any suggested changes to the Zoning Ordinance that needed to be forwarded to the Board of Supervisors.

Ms. Parrish stated that she did not believe any recommendations were necessary since the BZA had very few cases this past year. She also stated that the variance requests brought before the BZA were typically unique in nature which demonstrated the effectiveness of the Zoning Ordinance.

E. MINUTES

1. October 6, 2022, Meeting Minutes

Mr. Otey made a motion to Approve the October 6, 2022, Meeting Minutes.

Mr. Geib seconded the motion.

On a voice vote, the BZA voted unanimously to Approve the October 6, 2022, Meeting Minutes.

F. MATTERS OF SPECIAL PRIVILEGE

1. Election of Officers for 2023

The BZA discussed the matter of Officers for 2023.

Mr. Campana made a motion to Elect Mr. Jakobowski as Chair.

Mr. Geib seconded the motion.

On a voice vote, the BZA unanimously Elected Mr. Jakobowski as Chair.

Mr. Jakobowski made a motion to Elect Mr. Campana as Vice Chair.

Mr. Otey seconded the motion.

On a voice vote, the BZA unanimously Elected Mr. Campana as Vice Chair.

G. ADJOURNMENT

There being no further business, Mr. Otey made a motion to Adjourn the meeting.

Mr. Geib seconded the motion.

On a voice vote, the BZA unanimously voted to Adjourn the meeting.

The meeting was adjourned at approximately 5:22 p.m.

Mark Jakobowski, Chairman

Christy Parrish, Secretary