

**King and Queen County  
Board of Zoning Appeals  
Minutes  
July 19, 2010**

**MINUTES  
BOARD OF ZONING APPEALS  
JULY 19, 2010**

The Board of Zoning Appeals (BZA) of King and Queen County met in the King and Queen County Courts and Administration Building on July 19, 2010, at 6:00 P.M., with public notice having been published in the *Tidewater Review* and *Rappahannock Times* and written notice mailed to interested parties, as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. The following Board members and staff were present:

Pamela Ashley  
Robert Taylor  
James Dabney  
Leland Wyatt

Donna Sprouse, Assistant Zoning Administrator

**IN RE:  
CALL TO ORDER**

Mr. Taylor called the meeting to order. Mrs. Sprouse determined that there was a quorum present with four members. (Pamela Ashley, Robert Taylor, Leland Wyatt and James Dabney were present)

**IN RE:  
APPROVAL OF AGENDA**

Approval of the agenda was ratified by all saying "Aye".

**IN RE:  
APPROVAL OF MINUTES**

Approval of the April 19, 2010 minutes was ratified by all saying "Aye".

**IN RE:  
NEW BUSINESS**

**VARIANCE**

**VAR10-04, Gordon L Williams & William J. Jowers, Jr. (Tropical Trailers)**

**Applicant:** Linda Williams

**Owner:** Gordon L. Williams & William J. Jowers, Jr.

**Subject:** The Planning and Zoning Department received an application to the Board of Zoning Appeals (“BZA”) on June 4, 2010 from Mr. Gordon Williams (site plans submitted on June 15, 2010 from Progress Engineers, P.C.), requesting a variance from Zoning Ordinance, Article 5, Table 5.1, Minimum Dimensional Regulations for Primary Zoning Districts. Mr. Gordon Williams & Mr. William Jowers have also submitted an application request to rezone the said parcel from Agricultural to General Business. Mr. Williams has also submitted on the face of his plan, setback requirements for his merchandise on display from the front property line and a limited number of items to be on the parcel at any given time.

**Premises:** The property is located at 315 Lewis B. Puller Memorial Hwy. in the Buena Vista Magisterial District. The property is identified as County Tax Map Parcel No. 1623-64L-216C.

Mrs. Sprouse noted that Mr. Williams & Mr. Jowers are requesting a Variance (concurrent with a rezoning request to change the zoning from Agricultural to General Business) from Zoning Ordinance, Article 5, Table 5.1, “Table of Minimum Dimensional Regulations for Primary Zoning Districts,” to (1) allow a 26 foot front yard setback vs. the required 100 foot front yard setback for an existing non-conforming retail building (2) allow a 56.5 foot front yard setback for an existing residence (to be used as a commercial office) vs. the required 100 foot front setback (3) allow a 32.8 foot right side yard setback for an existing residence (to be used as a commercial office) vs. the required 50 foot side yard setback in the General Business zoning district. She added that the property is presently zoned Agricultural (A) however, the owner has submitted a complete application for a rezoning request to be placed before the Planning Commission to rezone the property to General Business (GB).

Pursuant to Zoning Ordinance, Title II, Article 5, Table 5.1, there must be at least a 100-foot front yard setback and a 50-foot side yard setback in the General Business zoning district when an adjacent property’s zoning district permits residential uses.

Mrs. Sprouse stated that the existing non-conforming retail building was built in the early 1980’s & residential home was built in 1984 (according to the Commissioner of Revenue’s land records), thus before the adoption date of the King & Queen County Zoning Ordinance. The front setback was also affected by the widening of State Route 33 completed by Virginia Department of Transportation in 1979 creating a 109’ (and

variable) right of way. There was another widening project on Route 33 at the Gloucester/King & Queen County line in 1991 which increased the right of way from 109' to 174' (and variable). It is recommended that the BZA approve the Variance request based on the facts provided in this report and with the requirements set forth pertaining to the location and limited number of items stored on the property for retail as depicted on the attached site plan prepared by Bill Rosenbaum with Progress Engineers, P.C.

Mr. Taylor opened the public hearing and asked if there was anyone in the audience to speak either for or against the project.

Property owner, William Jowers, Jr. stated that he would like to have a family run, utility trailer retail business in King & Queen County that he could have as an asset that he could someday pass to his children. He stated that he presently have their business in Gloucester County.

Mr. Taylor asked if everyone adjoining the property were properly notified. Mrs. Sprouse stated that they were sent notification via certified return receipt. Mrs. Ashley asked if any were returned. Mrs. Sprouse stated that none were returned, however 2 notices were not returned for the returned receipt by the post office. She also noted that proper notification was placed in the Rappahannock Times and Tidewater Review for two consecutive weeks as prescribed in the Code of Virginia.

After hearing no other comments from the audience, Mr. Taylor closed the public hearing.

Mr. Wyatt stated that since VDOT had acquired the land for the widening project of Route 33, the variance is necessary and reasonable. After no additional comments were made among the Board, Mr. Taylor stated that he would accept a motion to either approve or deny the variance request. He reminded the Board that should they not approve the request, they must state their reasons why. Mr. Dabney made a motion to approve the Variance request as submitted, seconded by Mrs. Ashley. Mr. Taylor asked Mrs. Sprouse to take a vote.

*Voting For: Ashley, Taylor, Dabney, Wyatt*

*Voting Against: None*

*Abstain: None*

*The request was approved by a unanimous vote.*

**IN RE:  
BOARD MEMBER COMMENTS**

Mr. Dabney stated that he would like some rain. Mr. Wyatt stated that Mrs. Sprouse did a great job with the material for the variance request. Mr. Taylor stated that the past few hearings have been pretty easy for the board.

**IN RE:  
ADJOURN**

Mr. Taylor stated he would entertain a motion to adjourn the meeting. A motion was made by Mrs. Ashley. Adjournment was ratified by all saying "Aye".

---

Robert Taylor, Chairman