



Board of Zoning Appeals

Public Hearing & Meeting

Cape Charles Civic Center
March 3, 2020
10:00 a.m.

At approximately 10:00 a.m. in the Cape Charles Civic Center, Chairman Bill Murphy called to order the Board of Zoning Appeals Public Hearing and Meeting. In attendance were Board members Jim Holloway, Tom Weaver and Jay Wiegner. Pete Baumann arrived after roll call. Also present were Councilman Paul Grossman, Deputy Clerk Tracy Outten, and the applicants. There were no members of the public in attendance.

Bill Murphy read the public hearing advertisement.

PUBLIC HEARING

- A. *Hear public comment on proposed zoning variance from the side yard setback requirements for a proposed single-family detached home in the Residential – 1\Historic District on lots 169D and 172D Plum Street.*

There were no comments to be heard nor any written comments submitted prior to the meeting.

- B. *Close public hearing*

Motion made by Jay Wiegner, seconded by Jim Holloway, to close the public hearing. The motion was approved by unanimous consent.

Bill Murphy led the Board in the recitation of the Pledge of Allegiance.

PUBLIC COMMENTS

There were no comments.

CONSENT AGENDA

Motion made by Jay Wiegner, seconded by Jim Holloway, to accept the agenda format as presented. The motion was approved by unanimous consent.

The Board reviewed the minutes from the December 17, 2019 Public Hearing and Meeting.

Motion made by Jay Wiegner, seconded by Tim Weaver, to approve the minutes from the December 17, 2019 Public Hearing and Meeting as presented. The motion was approved by unanimous consent.

NEW BUSINESS

- A. *Zoning variance application – to allow variance from the side yard setback requirements for a proposed single-family detached home in the Residential – 1\Historic District on lots 169D and 172D Plum Street.*

Bill Murphy gave an overview of the application being presented and explained to the applicant that the board had strict criteria to follow in order to grant a variance.

Discussion and questions were as follows: (i) Jim Holloway asked where was the 8' alley way. Bill Murphy answered the alley way could have been on an old county map; and (ii) Jay Wiegner said if the variance was granted there would be a 1' encroachment and wanted to know if this would be an issue if one of the lots were sold. Barry Gabler, applicant, said the buyers would be given this information.

After reviewing the application and discussing the conditions that needed to exist, the board agreed with the staff recommendation that the application met the criteria as follows: (i) procured undue hardship; (ii) the hardship was not shared generally by other properties in the same zoning district and vicinity; and (iii) the authorization of such variance would not be a substantial detriment to adjacent property and that the character of the district would not be changed by granting the variance.

Motion made by Jim Holloway, seconded by Jay Wiegner, to approve the zoning variance from the side yard setback requirements for a proposed single-family detached home in the Residential - 1\Historic District on lots 169D and 172D Plum Street as submitted. The motion was approved by unanimous consent.

OTHER BUSINESS

Jay Wiegner informed the board that he was resigning from the Board of Zoning Appeals.

Motion made by Tom Weaver, seconded by Jim Holloway, to adjourn the Board of Zoning Appeals Public Hearing and Regular Meeting at 10:20 a.m. The motion was approved by unanimous consent.

Chairman Bill Murphy

Deputy Clerk