

Board of Zoning Appeals

Public Hearing & Special Meeting Agenda

Cape Charles Civic Center – 500 Tazewell Avenue
via Electronic Communications
June 16, 2020 10:00 A.M.

1. Call to Order
 - a. Roll call and establish a quorum
2. Public Hearing
 - a. An application for a variance from the rear yard setback requirements in Section 3.2.G.1.c for a proposed single-family detached home on lot 198B on Madison Avenue (tax map #s 83A1-1-198B).
 - b. Close public hearing
3. Public Comments re: Agenda Items Only
4. Consent Agenda
 - a. Approval of agenda format
5. Special Meeting Order of Business
 - a. An application for a variance from the rear yard setback requirements in Section 3.2.G.1.c for a proposed single-family detached home on lot 198B on Madison Avenue (tax map #s 83A1-1-198B).
6. Adjourn

Notice of Public Hearing

The Cape Charles Board of Zoning Appeals will hold a virtual public hearing on Tuesday June 16, 2020 at 10:00 am in Cape Charles, VA, to receive public comment on a request for a variance from the rear yard setback requirement in Section 3.2.G.1.c of the zoning ordinance on lot 198B on Madison Avenue, tax map # 83A1-1-198B. Any public comment should be submitted to Tracy Outten at tracy.outten@capecharles.org prior to the meeting if possible. The Board of Zoning Appeals will hold a virtual meeting immediately following the public hearing to consider the request. The application is available for public review on our website at www.capecharles.org. Please contact Code Official Jeb Brady at 757-331-2176, or by email at codeofficial@capecharles.org if you have any questions or require additional information.



BOARD OF ZONING APPEALS

STAFF REPORT

Meeting Date: June 10, 2020

Item #: 6A

Prepared By: Jeb Brady – Code Official
Site Address: Lot 198B on Madison Avenue (tax map #s 83A1-1-198B)
Applicant: Jeffrey & Linda Schroeder
Owner: Jeffrey & Linda Schroeder
Proposed Development: An application for a variance from the rear yard setback requirements in Section 3.2.G.1.c for a proposed single-family detached home.
Current Zoning: Single-Family Residential (R-1); Historic District Overlay

Site Description:

The subject property consists of a vacant parcel that equals an approximately 40'x87' lot.

Description of Proposed Project:

The applicant is requesting a variance from the rear yard setback requirements in Section 3.2.G.1.c to allow the proposed home to be set into the setback 7'. The applicant wants a screened in porch which by the zoning ordinance is part of the structure therefore cannot encroach into the setback.

Staff Analysis:

Per Section 2.6.2 of the Zoning Ordinance, no variance shall be authorized by the board unless it finds **all of** the following conditions exist:

1. That the strict application of the ordinance would procure undue hardship.
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. That the authorization of such 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.

That such strict application of the ordinance would procure undue hardship.

The application of the ordinance could procure undue hardship on this property due to the non-conforming size of the lot (40'x87'), however a deck or similar structure less than 16" in height would be permitted to encroach into the setback but the applicant wants a porch.

That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

The proposed house could be reduced in size and still meet the minimum square footage requirement of 960 square feet in the R-1 zoning district. This would allow for a the minimum 25' rear yard setback to be maintained. However, with this being a non-conforming lot at 40' wide and 87' in length, such hardship is not generally shared by other properties in the same zoning district and the same vicinity.

That the authorization of such 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.

The authorization of a variance from the setback requirements would reduce the setback by 7' from the rear of the property, which could produce a detriment to the adjacent property. The character of the district, however, would not be changed by granting the variance. There are many houses in the district that are located closer than 25' from the rear property line on non-conforming lots.

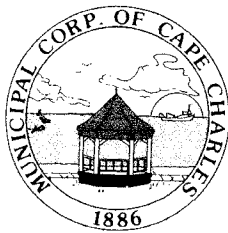
Staff Recommendation:

Staff recommends disapproval of the variance request. Per Section 2.6.2 of the Zoning Ordinance requires that all three conditions exist. Condition 1 is not met because there are options such as a deck of less than 16" in height could be built in the same location and would be permitted to extend into the setback. Condition 2 is not met because the applicants could shrink their house to allow for a covered porch. Condition 3 is met because it will not affect the character of the district.

Attachments:

Attachment 1 – Application and Documents

Attachment 2 – Location Maps



VARIANCE APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

codeofficial@capecharles.org

PERMIT CHECKLIST - all documents can be emailed to the above email

- | | |
|--|---|
| ☒ Completed application | ☐ Photos/elevations of existing structure |
| ☒ Letter of intent clearly explaining project | ☐ Photos/elevations of proposed project |
| ☒ Existing site plan or survey | ☒ Payment of fees (single-family detached \$450, all others \$750, each additional variance request on same application \$50) |
| ☒ Proposed site plan or survey (if applicable) | |

Deed into Schroeders

PROJECT INFORMATION

Name of Project: Schroeder Build
Property Address: 227 Madison Ave, Cape Charles
Brief Description of Project: A home build by Village Builders
Zoning District: _____ Current Use: _____ Proposed Use: home build

OWNER INFORMATION

Name and Company: Jeffrey + Linda Schroeder
Mailing Address: 601 W. Jackson St.
Phone Number 607-724-0585 Email: jschro309@comcast.net
607-724-3685

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

CERTIFICATION OF APPLICANT

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

Signature of Applicant: [Signature] Date: 5/5/2020

[Signature]

Town of Cape Charles Planning & Zoning Department
2 Plum St. • Cape Charles, VA 23310 • 757-331-2036 • capecharles.org

Jeffrey & Linda Schroeder
601 N Jackson St
Media, PA 19063

5/5/2020

RE: 227 Madison Ave, Cape Charles
Variance Application

Dear Board Members,

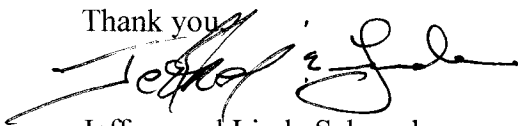
We have been thinking about building a home in Cape Charles since 2017! Our family built a house in Bay Creek, facing the beautiful Chesapeake Bay, in 2014. Since then we have been visiting them and enjoying all Cape Charles has to offer. After being showcased on HGTV two times, we knew we had to move fast to buy an affordable lot. Due to the fact that Jeffrey had not yet retired from the International Brotherhood of Electrical Workers, we could not yet access his annuity money without severe penalties. So, my sister, Lisa Guzzardo and her husband, Chip Moore, lent us the funds to buy the lot at Strawberry and Madison. We have been discussing our build with Bill Doughty of Village Builders over the past 2-3 years. Our excitement is building and Bill has been extremely helpful every step of the way.

Now that the lot has been transferred to our names, we are ready to go!! We have included our house plans and site plan completed by Marshall Parks. Upon review by Marshall and Bill we realized that the plans exceeded the rear set back lines by approximately 7 feet due to the back screened porch.

As you well know, standard lots in Cape Charles are 40 x 140, ours is 40 x 87. With set back lines of 20' in the front and 25' in the rear our building envelope is much smaller than would be on a standard lot. We are asking for a change of the set back line variance so that we can build a screened in porch off of our master bedroom which is on the back of the house. This is the only specific item that Jeffrey has asked for in this new home. We are trying our hardest to conform to all details for your approval and the approval of the Historic Review Board so that we can continue with the home building process and begin our retirement in Cape Charles.

Please consider our request and think of all the times that you've enjoyed time on a screened porch. It's definitely something that we look forward to experiencing with a glass of iced tea in our future!

Thank you



Jeffrey and Linda Schroeder


$$F^{\infty}(\mathbb{F}) = F^{\infty}(\mathbb{F}[A]) \cap F^{\infty}(\mathbb{F}[B]) = F^{\infty}(\mathbb{F}[A, B])$$

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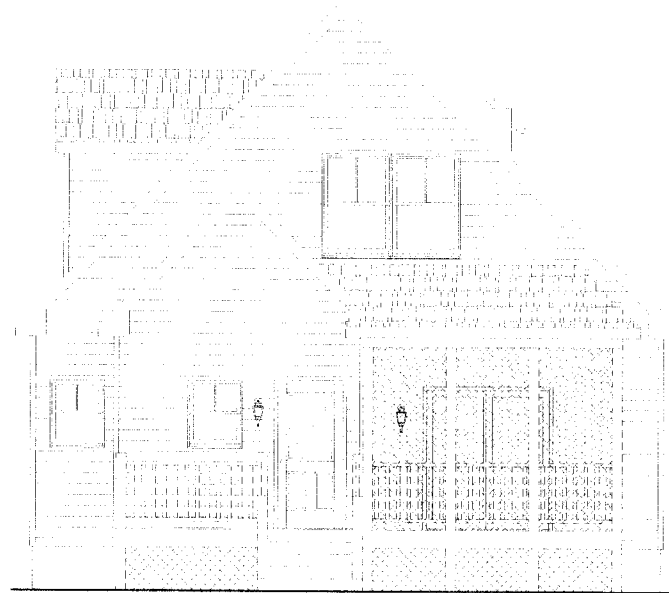
$$(\mathbb{R}^n)^* = \mathbb{R}^n, \quad \langle v, v \rangle = |v|^2$$

JLA

EV1



ICON
LEGACY
EST. 1987
CORPORATE, MIDDLE & HIGH SCHOOL
LLC



REAR ELEVATION

NOT TO SCALE FOR EXISTING BUILDING

NOT PROVIDED BY
ICON LEGACY CUSTOM
MODULAR HOMES, LLC ("ICON")

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SCALE: 1/4" = 1'-0"

NOT TO SCALE
FOR EXISTING BUILDING
ONLY

jea

0#9115

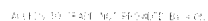
EV2

246 SAND HILL ROAD
SELINGROVE, PA 17870
PHONE: (570) 374-3280
FAX: (570) 374-1122
WWW.ICONLEGACY.COM

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CUSTOM HOMES, LLC



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EV3



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$$S_{\text{eff}} = \frac{1}{2} \int d^4x \left[\frac{1}{2} (\partial_\mu \phi)^2 - \frac{1}{2} m^2 \phi^2 - \frac{1}{4} F_{\mu\nu}^2 - \frac{1}{4} G_{\mu\nu}^2 \right]$$

1. 因本局所轄各機關、學校、團體及工廠、商店等未上門登記，經本局人員分赴各該機關、學校、團體及工廠、商店等處，逐戶逐戶進行登記，並將登記結果彙編成冊，呈報本局核辦。

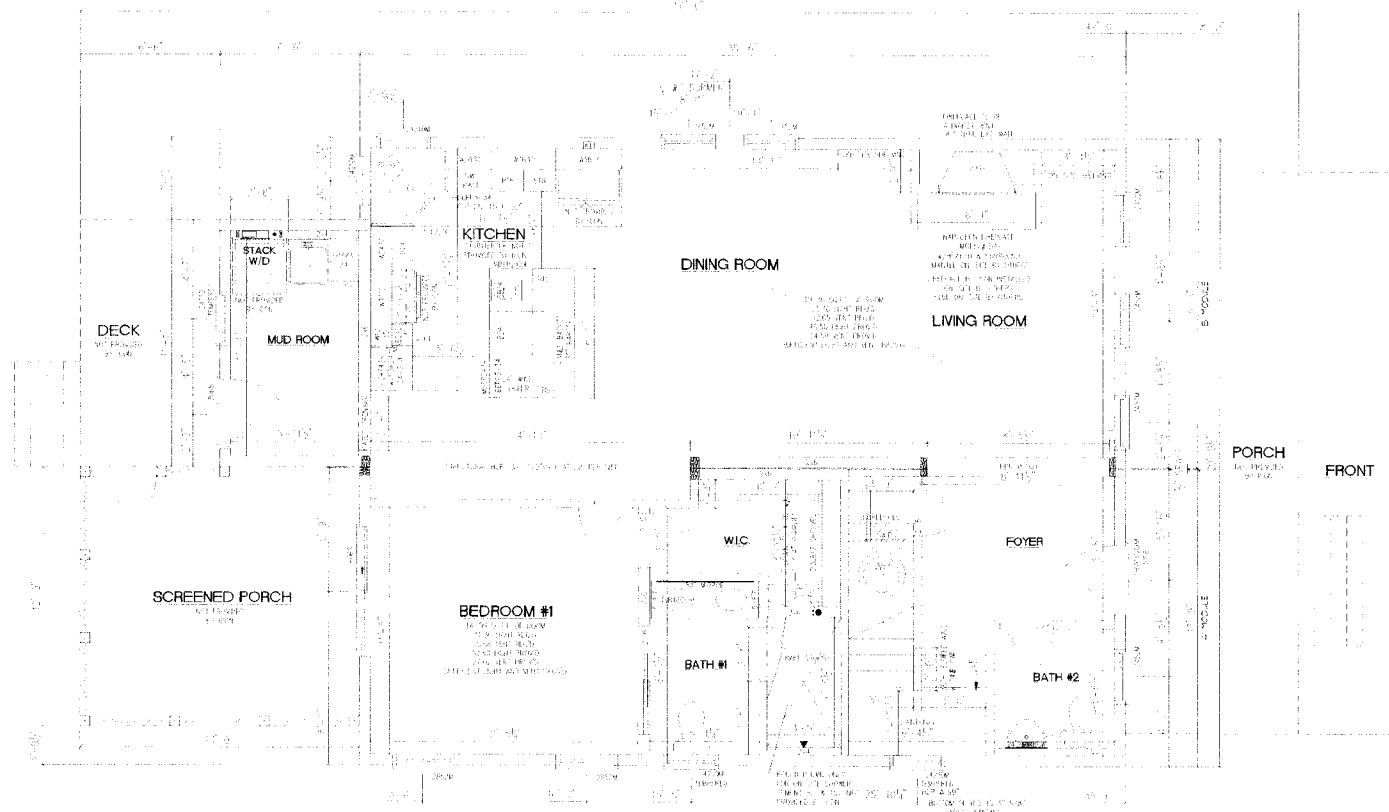
SCALE: 1/4" = 1'-0"

JLA

O#9115

EV4

1. COMPLETE ALL INFORMATION ON THE DRAWING BEFORE PROCEEDING TO THE NEXT STEP.
 2. THE DRAWING IS FOR INFORMATION ONLY. IT IS NOT A CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
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 ICON LEGACY CUSTOM
 MODULAR HOMES, LLC ("ICON")

FOUNDATION (BASE, POSTS, PIER, ANCHOR BOLTS, etc.) SHALL BE OBTAINED FROM THE LOCAL AUTHORITY.
 EXTERIOR WALLS, ROOFING, INSULATION, FLOORING, PAINT, ETC. SHALL BE OBTAINED FROM THE LOCAL AUTHORITY.
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SCALE 1/4" = 1'-0"

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LEA

O#9115

FP1

246 SAND HILL ROAD
 SELINGROVE, PA 17870
 PHONE: (570) 374-3280
 FAX: (570) 374-1122
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ICON
THE LEGACY



1. 在 100 个数据中, 找出最大值, 并输出其值。
 2. 在 100 个数据中, 找出最小值, 并输出其值。
 3. 在 100 个数据中, 找出最大值和最小值的差。
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 5. 在 100 个数据中, 找出最大值和最小值的乘积。
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 7. 在 100 个数据中, 找出最大值和最小值的平方和。
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 9. 在 100 个数据中, 找出最大值和最小值的平方积。
 10. 在 100 个数据中, 找出最大值和最小值的平方商。

JLA

FP2

GENERAL NOTES:

1. OWNERS: ~~STEPHEN DOUGLAS ROBINSON~~
~~& MARY WILLIAMS ROBINSON~~

2. TAX PARCEL: 83A1-1-198B

3. SOURCE OF TITLE:
 INST #160002007

4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN DECEMBER 2017 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.

5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.

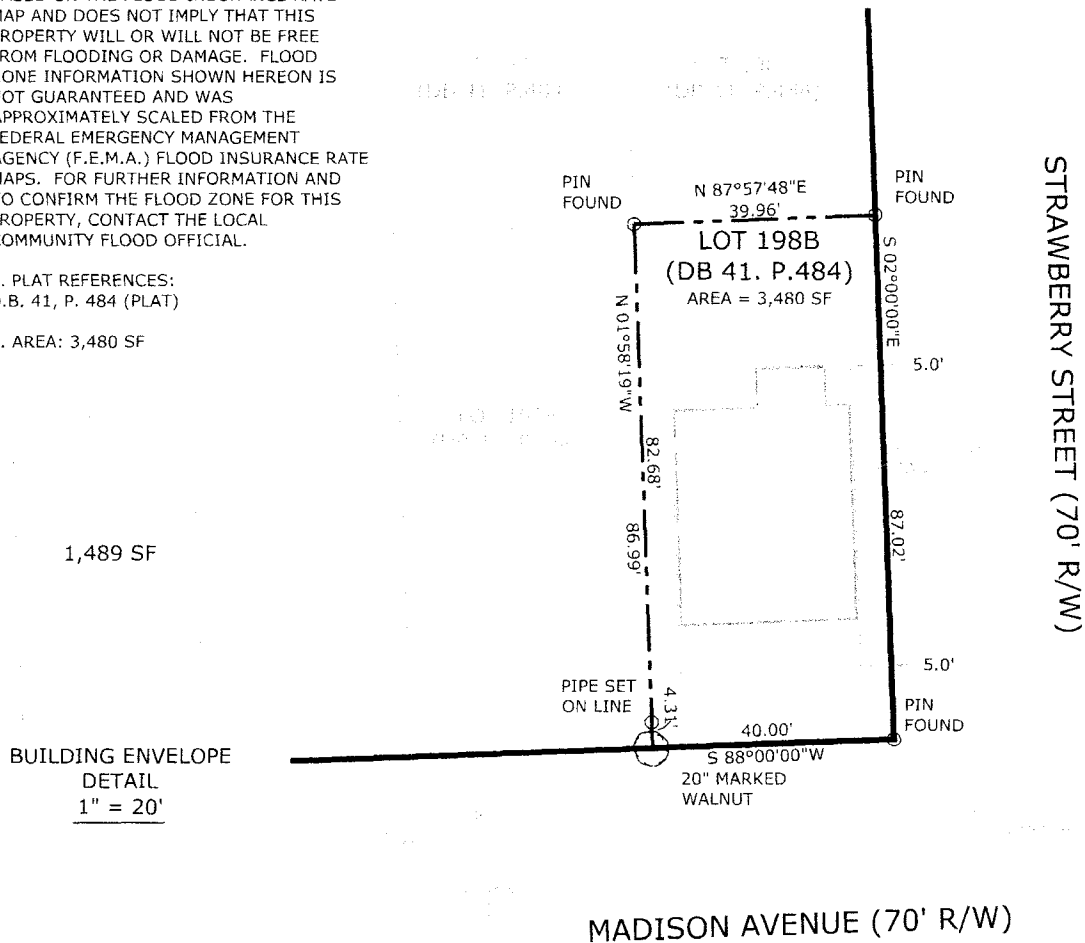
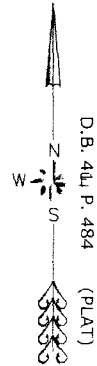
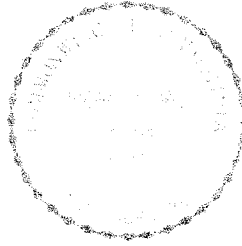
6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C0295F, DATED 03-02-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONES X. ANNUAL CHANCE. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAPS. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

7. PLAT REFERENCES:
 D.B. 41, P. 484 (PLAT)

8. AREA: 3,480 SF

SURVEYORS CERTIFICATION

I, MARSHALL B. PARKS, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.



SITE PLAN
 PART OF LOT 198
 MAP OF THE TOWN OF
CAPE CHARLES

(DEED 41, PAGE 484)
 CAPEVILLE DISTRICT
 NORTHAMPTON COUNTY, VIRGINIA
 MARCH 15, 2020
 MADE FOR:
 LINDA SCHROEDER

ACCOMACK-NORTHAMPTON SURVEYING & MAPPING PLLC

36308 Lankford Highway, Belle Haven, Virginia 23306
 Mail Address: 11403 Heron Drive, Machipongo, Virginia 23405
 Phone: (757) 709-4192

DRAWN BY: PARKS	SCALE: 1" = 20'
CHK'D BY: PARKS	BACK TRAV. BY: CROCKETT
FIELD BOOK: CPC1, P. 47	JOB NUMBER: 696

This instrument prepared by:
C. A. Turner, III, Esquire
Virginia State Bar #27856
P O Box 878
Eastville VA 23347

Tax Parcel ID#83A1-1-198B
RPC #:1941
For Identification Purposes Only

Consideration: \$64,000.00
Actual Value: \$64,000.00

THE EXISTENCE OF TITLE INSURANCE IS UNKNOWN TO THE PREPARER.

This instrument has been prepared without the benefit of a title examination.

THIS DEED OF BARGAIN AND SALE, made this 25th day of February, 2020, by and between Lisa C. GUZZARDO and Earl W. MOORE, III, Grantors, and Jeffrey C. SCHROEDER and Linda G. SCHROEDER, husband and wife, Grantees, having an address of 601 N. Jackson Street, Media PA 19063.

WITNESSETH: That the Grantors, for and in consideration of the sum of SIXTY-FOUR THOUSAND AND NO/100 DOLLARS (\$64,000.00), cash paid at and before the sealing and delivery of these presents, and other good and valuable consideration, the receipt of which is hereby acknowledged, do give, grant, bargain, sell and convey with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE unto Jeffrey C. SCHROEDER and Linda G. SCHROEDER, husband and wife, as tenants by the entireties with full rights of survivorship as at common law, and not as tenants in common, the following described real estate, to-wit:

All that certain lot or parcel of land, together with the improvements thereon, and all rights, privileges, easements and appurtenances thereunto belonging or in anywise appertaining, situate in the Town of Cape Charles, Northampton County, Virginia, on the North side of Madison Avenue and West side of Strawberry Street, being forty feet (40 feet) wide and eighty-seven feet (87 feet) of Lot Number 198, according to a map or plat of the town of Cape Charles, of record with a deed from William J. Scott and wife to William Bauman, in the Clerk's Office of the Circuit Court of Northampton Count, Virginia, in Deed Book 41, page 483-485, unto which deed reference is hereby expressly made. It being the purpose of this deed to convey the most Southerly eighty-seven feet of Lot 198.

AND BEING all and the same real estate conveyed to Grantors by deed dated December 8, 2017 from Stephen Douglas Robinson and Mary Williams Robinson, Trustees, et als, recorded as Instrument Number 170002061.

TOGETHER WITH the privileges and appurtenances unto said lot or parcel of land belonging or in anywise appertaining.

This conveyance is made expressly subject to all the easements, conditions, covenants, restrictions, and reservations contained in duly recorded deeds and plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed which have not expired by limitation of time or otherwise become ineffectual.

WITNESS the following signatures and seals:

 (SEAL)
Lisa C. GUZZARDO

 (SEAL)
Earl W. MOORE, III

STATE OF Virginia,

CITY/COUNTY OF Northampton, to-wit:

The foregoing instrument was acknowledged before me this 27th day of March 20~~February~~, 2020, by Lisa C. GUZZARDO and Earl W. MOORE, III.

My Commission Expires:

03/31/2021

Rebecca Espinosa
Notary Public
Registration #: 7574596



INSTRUMENT 200000525
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY CIRCUIT COURT ON
MARCH 31, 2020 AT 02:29 PM
\$64.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$32.00 LOCAL: \$32.00
TRACI L. JOHNSON, CLERK

A handwritten signature in black ink, appearing to be 'TJ' or 'Traci L. Johnson', written over the printed name.

Receipt : 20000001988

Page 1 of 1

COURT ADDRESS:
5229 THE HORNES P.O. BOX 36
EASTVILLE, VA 23347-0036
PHONE # :757-678-0465



OFFICIAL RECEIPT
NORTHAMPTON COUNTY CIRCUIT COURT
DEED RECEIPT

DATE : 03/31/2020 TIME : 14:29:56 CASE # : 131CLR200000525
RECEIPT # : 20000001988 TRANSACTION # : 20033100007
CASHIER : TLJ REGISTER # : A585 FILING TYPE : DBS PAYMENT : FULL PAYMENT
INSTRUMENT : 200000525 BOOK : PAGE : RECORDED : 03/31/2020 AT : 14:29
GRANTOR : GUZZARDO, LISA C EX : N LOC : CO
GRANTEE : SCHROEDER, JEFFREY C EX : N PCT : 100%
RECEIVED OF : SCHROEDER, JEFFREY C
ADDRESS : 601 N JACKSON STREET MEDIA, PA 19063
DATE OF DEED : 02/25/2020
CHECK : \$320.33 CHECK NUMBER : 8040
DESCRIPTION 1 : SOUTHERLY PORTION OF LOT 198 CAPE CHARLES PAGES : 005 OP : 0
NAMES : 0
CONSIDERATION : \$64,000.00 A/VAL : \$64,000.00 PIN OR MAP : 83A1-A-198B

ACCOUNT CODE	DESCRIPTION	PAID	ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$1.00	145	VSLF	\$1.50
036	DEED PROCESSING FEE	\$20.00	212	TRANSFER FEES	\$1.00
038	STATE GRANTOR TAX	\$32.00	213	COUNTY GRANTEE TAX	\$53.33
039	STATE GRANTEE TAX	\$160.00	220	COUNTY GRANTOR TAX	\$32.00
106	TECHNOLOGY TRST FND	\$5.00	301	CLERK RECORDING/INDEXING FEE	\$14.50

TENDERED : \$ 320.33
AMOUNT PAID : \$ 320.33

PAYOR'S COPY

CLERK OF COURT : TRACI L. JOHNSON

RECEIPT COPY 1 OF 3

Circuit Court Deed Calculation for NORTHAMPTON COUNTY CIRCUIT COURT

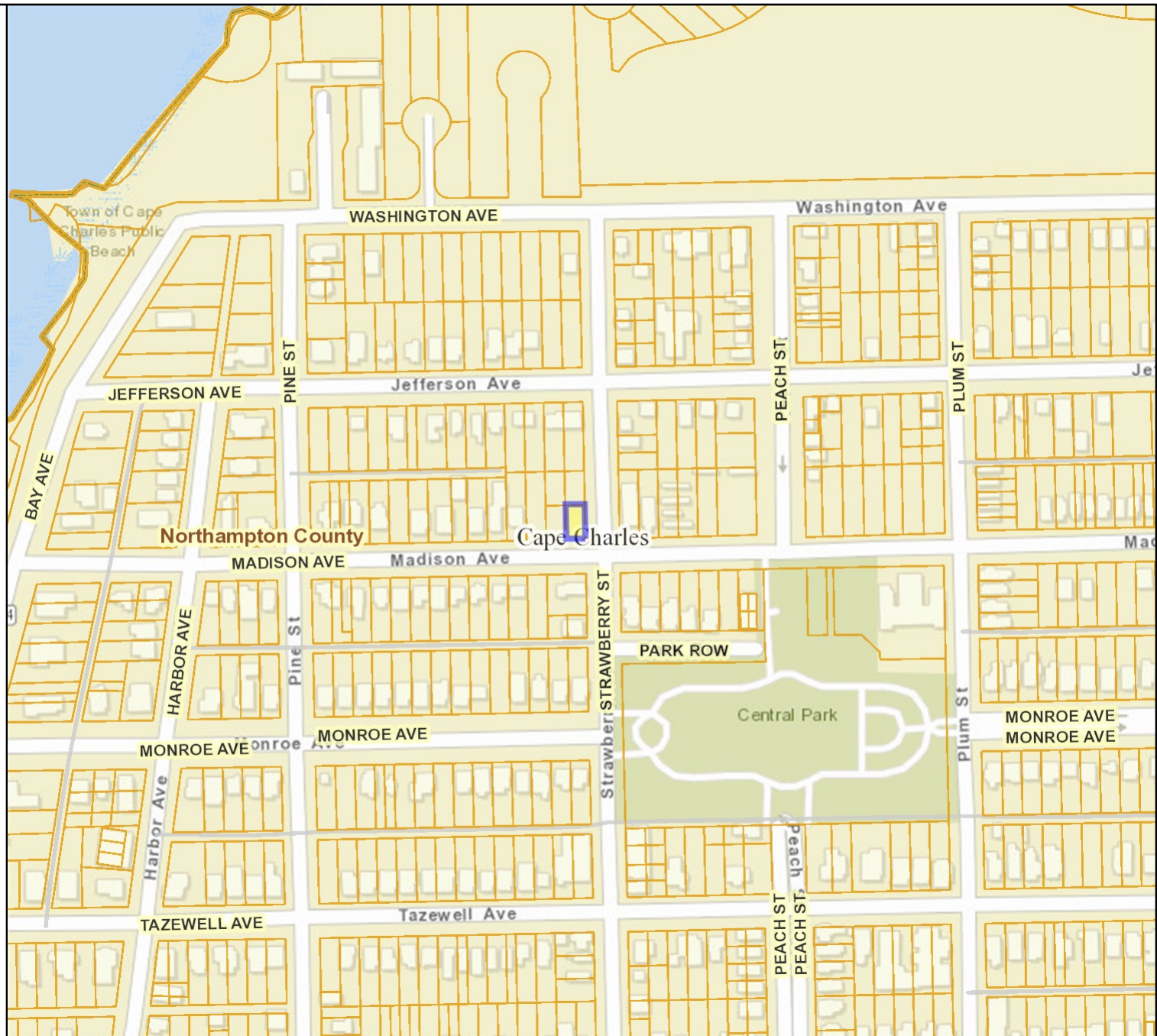
Deed Type:	DBS --> DEED BARGAIN AND SALE
Grantor Exempt:	N
Grantee Exempt:	N
Consideration Amount:	\$64,000.00
Assume/Value Amount:	\$64,000.00
Locality Percent:	100 %
Pages:	4
O/P:	0
Date:	2/25/2020

<u>Fee</u>	<u>Amount</u>
VIRGINIA OUTDOOR FOUNDATION (035);	1.00
DEED PROCESSING FEE (036);	20.00
STATE GRANTOR TAX (038);	32.00
STATE GRANTEE TAX (039);	160.00
TECHNOLOGY TRST FND (106);	5.00
VSLF (145);	1.50
TRANSFER FEES (212);	1.00
COUNTY GRANTEE TAX (213);	53.33
COUNTY GRANTOR TAX (220);	32.00
CLERK RECORDING/INDEXING FEE (301);	14.50
Total:	\$320.33
*Clerk and Deed Processing Fees do not apply to any agency of the Commonwealth of Virginia. **The Technology Trust Fund fee does not apply to any federal, state, or local government.	

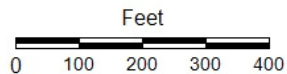
Northampton County, Virginia

Legend

-  County Boundaries
-  Town Names
-  Route Numbers
-  Road Labels
-  Parcels
-  Driveways



Map Printed from Northampton
<http://northampton.mapsdirect.net/>



Title: 198B Madison Avenue Property Map

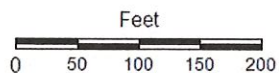
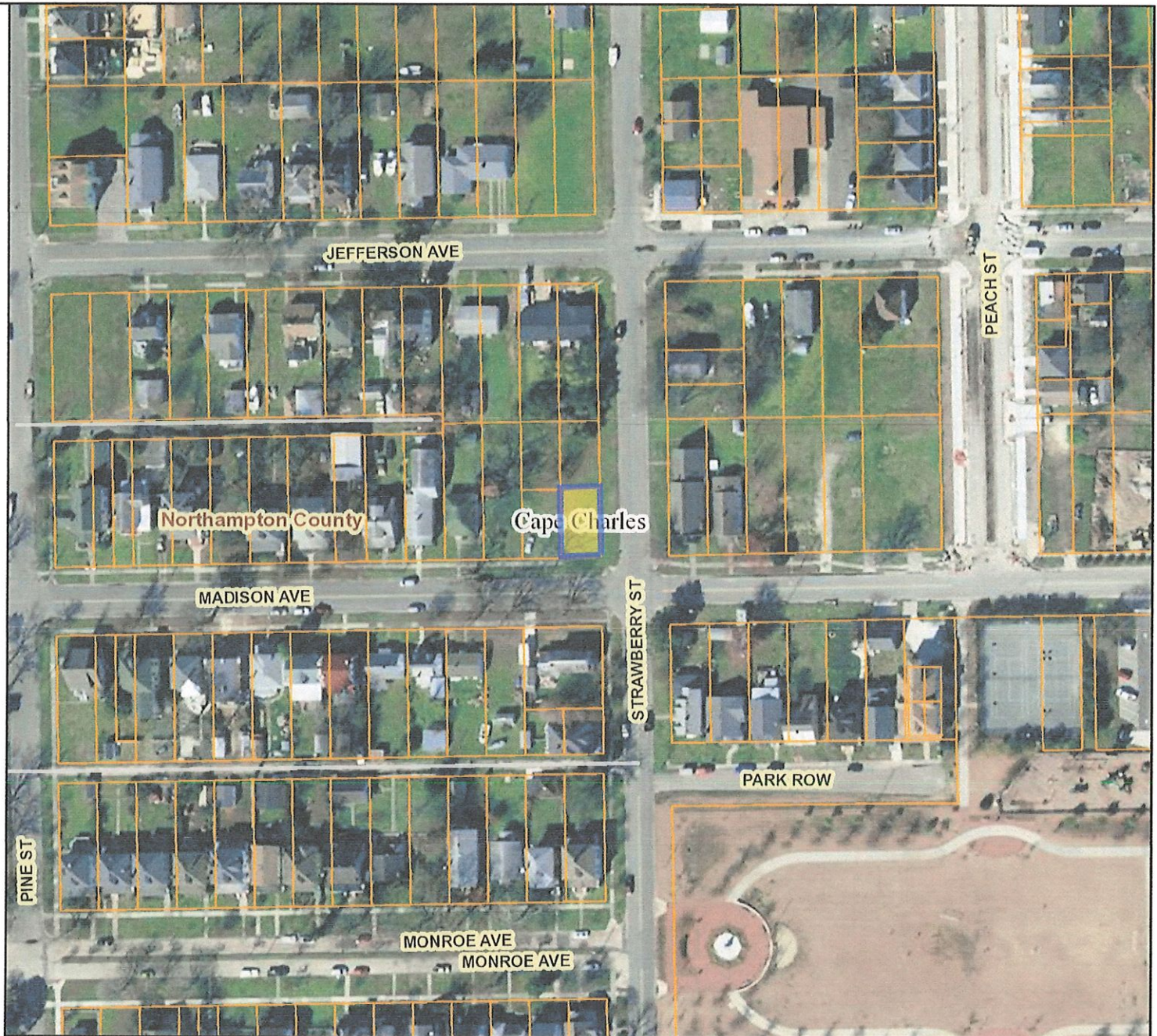
Date: 6/2/2020

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 Northampton County is not responsible for its accuracy or how current it may be.

Northampton County, Virginia

Legend

- County Boundaries
- Town Names
- Route Numbers
- Road Labels
- Parcels
- Driveways



Title: Parcels

Date: 6/10/2020

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