



Board of Zoning Appeals

Public Hearing & Meeting

Cape Charles Civic Center

August 13, 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 Pete Baumann, Jim Holloway, and Tom Weaver. Also present were Town Planner Allyson Finchum, Planning Technician Tracy Outten, and the applicants. There were seven members of the public in attendance.

Bill Murphy read the public hearing advertisement and introduced Allyson Finchum as the new Town Planner.

PUBLIC HEARING

A. *Hear public comment for a variance to allow a boundary line adjustment resulting in reduction in size of a parcel to 4,560 square feet from the minimum lot size requirements in Section 3.2.F.1 on lot 337 on Tazewell Avenue – tax map #83A3-1-337.*

i. *Zoning Administrator Report*

Allyson Finchum read the variance request, the staff report, and the staff analysis.

Questions were as follows: (i) Tom Weaver asked if an easement was granted how long it for was and did it carry over if the property was sold. Allyson Finchum answered that the easement details were based on the how the attorney wrote them; (ii) Tom Weaver wanted to know if the driveway could be closer to the house or was there a requirement. Allyson Finchum said there were not any driveway width restrictions and it could be closer to the house; (iii) Jim Holloway asked if the alley way could be stretched to Fig Street for access. Allyson Finchum said they have a connection easement; and (iv) Bill Murphy wanted to know if the owners had entrance and exit rights; yes.

ii. *Applicant Statement*

Sarah and John Severs, owners, said this application was strict and it was very hard to produce a hardship. Sarah Severs continued by saying when the property was purchased the driveway was included. She continued by stating that they were trying to sell the home and would like to cut off 2' of the driveway; moving closer to the house would not work because passengers could not exit the car.

Discussion and questions were as follows: (i) Pete Baumann asked if there was an opening on Nectarine Street; yes; (ii) Bill Murphy asked if the present driveway location had an in and out and if ingress and egress were currently okay; yes. He also wanted to know if the variance was granted would this close off access for buyers or the garbage truck. Sarah Severs said no and the garbage trucks do not come down the alley; (iii) When asked if there were any issues with the current easement, Sarah Severs answered no that they would like to prevent any in the future. Bill Murphy suggested giving the buyers an easement as to not make a lot non-conforming; and (iv) Bill Murphy asked if the board granting or denying this variance would have an outcome on the sale of the lot; yes. He recommended granting the buyers access to the alley. Sarah Severs said that has not been discussed.

iii. *Open Public Hearing*
Ed Wells, 202 Strawberry Street

Mr. Wells agreed with the staff recommendation to deny this variance for the reasons stated.

Diane D'Amico, 602 Jefferson Avenue

Ms. D'Amico concurred with the staff recommendation to deny and said moving the driveway was an option.

She informed the board that the Planning Commission was working hard on the comprehensive plan update and affordable housing.

Tom Weaver added that granting the variance would make the lot non-conforming and prevent it from becoming affordable housing.

Tracy Outten read comments that were submitted prior to the meeting. (Please see attached.)

Sarah Severs addressed Mr. and Mrs. Monarch's questions and concerns as follows: (i) Trash pick-up was a non-issue because an easement could be granted; (ii) The adjacent property would not become a parking lot for the rental. The traffic would not increase. The buyers were retired, and this would be their home; and (iii) The alley was not being closed.

Laura Klingel, 622 Monroe Avenue, informed the board that the garbage truck backed down the alley to collect the trash cans; no one dragged them anywhere.

Paul Grossman said he understood the applicants desire to add parking and this did not prevent another owner from doing the same. A potential parking lot could be an option.

Charlene Dix, 611 Tazewell Avenue, said traffic was extremely high and they speed through. She was afraid if the variance were granted traffic would increase and that would add concerns for her family.

iv. *Close Public Hearing*

Motion made by Jim Holloway, seconded by Pete Baumann, 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 Tom Weaver, seconded by Pete Baumann, to accept the agenda format as presented. The motion was approved by unanimous consent.

The Board reviewed the minutes from the March 3, 2020 Public Hearing and Meeting and from the June 16, 2020 Public Hearing and Meeting.

Bill Murphy said Jay Wiegner did not attend the June 16, 2020 Public Hearing and Meeting so therefore did not make the motion to close the public hearing.

Motion made by Pete Baumann, seconded by Jim Holloway, to approve the minutes from the March 3, 2020 Public Hearing and Meeting as presented and to approve the minutes from the June 16, 2020 Public Hearing and Meeting as amended. The motion was approved by unanimous consent.

NEW BUSINESS

- A. *Zoning variance application – to allow a boundary line adjustment resulting in reduction in size of a parcel to 4,560 sq. ft. from the minimum lot size requirements in Section 3.2.F.1 on lot 337 on Tazewell Avenue – tax map #83A3-1-337.*

Bill Murphy gave an overview of the application being presented and explained to the applicant that the board had strict criteria to follow for a variance to be granted.

Discussion and questions were as follows: (i) Bill Murphy thought this application did not meet the criteria and was not clear on what the applicants wanted to do; (ii) Jim Holloway was not in favor of approving a variance that would make a lot non-conforming. He added that the buildable lot inventory in the historic district was decreasing every day; (iii) Pete Baumann agreed with Jim Holloway, adding that there was no undue hardship; (iv) Tom Weaver said if the variance was granted a precedence would be set and agreed with the town planner that an easement could be done; (v) Bill Murphy said the applicants had several options to get what they want. He does try to look at the issues from both side but the board had to follow the law; and (vi) Pete Baumann thought it would be a detriment to create a non-conforming lot just for a matter of convenience.

Bill Murphy said this request has failed to meet any of the three criteria.

Motion made by Pete Baumann, seconded by Jim Holloway, to deny the zoning variance request from the minimum lot size requirements in the Cape Charles Zoning Ordinance Section 3.2.F.1 to allow a boundary line adjustment resulting in the reduction in size of a parcel to 4,560 square feet on lot 337 on Tazewell Avenue due to a failure to meet the criteria. The motion was approved by unanimous consent.

OTHER BUSINESS

There was no other business to discuss.

Motion made by Tom Weaver, seconded by Jim Holloway, to adjourn the Board of Zoning Appeals Public Hearing and Regular Meeting at 11:02 a.m. The motion was approved by unanimous consent.

Chairman Bill Murphy

Planning Technician

**Public Comments submitted in writing
August 13, 2020 Board of Zoning Appeals Public Hearing & Meeting**

Jill and Ken Monarch
8/13/2020

To the Cape Charles Board of Zoning Appeals,
We are Jill and Ken Monarch. We own the properties adjacent to the Severs on Tazewell Avenue. Our lot numbers are 340, 341, 339B and 342B. In regards to the Severs request for a variance, we would like the board to know that we agree with the recommendations of the town staff to deny the variance.

We did have some questions that we believe should be answered if the town is considering granting the variance.

1. If the variance is granted how would trash pick-up work for the non-conforming lot as it would not have access to the alley where trash is picked up?
2. What is the Severs intent for the alley and adjacent property? Is this area to become a parking lot for their rental property and will that increase the traffic in the alley?
3. Since the Severs are requesting the alley easement be deleted, will they be closing down the alley to control the additional traffic?

We would like to thank you for your time and consideration of our thoughts.

Jill and Ken Monarch
615 Tazewell Avenue

Laurie Klingel
August 13, 2020

Dear Members of the Board of Zoning Appeals,

My name is Laurie Klingel. My husband, daughter, and I reside at 622 Monroe Avenue. We have been full-time, year-round residents of the Town of Cape Charles for over 20 years. We share a back lot-line with the applicant. As an adjacent property owner, we have one primary concern regarding the requested variance.

The rental market in Cape Charles, as you know, is rather robust. As one of the largest rentable homes, 629 Tazewell swells with visitors the entire season. These visitors have anywhere from a few vehicles to entire fleets of SUVs, trailers, and golf carts. We are concerned that an adjusted boundary line will serve to increase the parking potential along the back lot-line, as opposed to the west (lot 337) where the rental visitors have parked for the last few years and where there is plenty of space to come and go freely. If the applicant retained this lot (337), there would be no hardship, and no need for any of these variances.

The alley is currently used for garbage pick-up. It is also used for the ingress and egress of homeowners, contractors, and as a common route for neighborhood children and pets. The sheer volume of through traffic from the 629 rental as it stands, is significant. Shoe-horning large-volume parking for the sake of a commercial interest at the back lot line would potentially degrade the quiet, family-friendly, and safe atmosphere that is the backbone of our neighborhood. There is barely enough space to accommodate the existing rental visitors during the summer season as it stands. Tight parking constraints, along with the future activities of new owners of lot 337 will serve to exacerbate the current conditions.

We ask that you consider the year-round, permanent residents, children, and pets on this block carefully as you deliberate this application.

Thank you for your consideration. As always, our family aims to live harmoniously, helpfully, and respectfully with all of our neighbors, including the Severs, whom we hold in the highest regard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Laurie Klingel', with a stylized, cursive script. The signature is positioned above the printed name.

Laurie Klingel