Board of Zoning Appeals
Public Hearing & Meeting
Cape Charles Civic Center
August 26, 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 applicant. There was one member of the public in attendance.

Bill Murphy read the public hearing advertisement.

PUBLIC HEARING

A. *Hear public comment for a variance to allow for a 7' encroachment into the rear yard setback requirements in Section 3.6.E.4 for a proposed structure to be 3' from the rear property line and Section 2.5.1 Continuation of Non-Conforming Uses and Permits to allow a non-conforming building to be further extended into a setback at 730 Randolph Avenue – tax map #83A4-5-B.*

i. *Zoning Administrator Report*

Allyson Finchum read the variance request, the staff report, and the staff analysis. She continued by explaining that if the variance were not granted the applicant would have to remove asphalt for placement of the shed on another site of the parcel. The proposed placement was out of public view, not a detriment to adjacent properties, and crucial to have for the fire suppression system. Her concern was the applicant needed to prove that the system could not be placed inside the structure.

Allyson said a Conditional Use Permit was approved for residential units above commercial, but the plans and permits were not approved by the zoning administrator. There was some discussion on the original design being approved. Bill Murphy said that street level residential was not allowed per the zoning ordinance. Allyson Finchum affirmed that. This hearing was for a different matter.

Tom Weaver wanted to know why a 7' variance was needed. Allyson Finchum answered that a variance was needed from the rear setback's requirements.

ii. *Applicant Statement*

Andrew McCoy, applicant, said the structure was already in setback by 1'x3". The large tanks located in the back of his property were used by the dentist office and the variance would prevent destruction of them. The shed was needed for storage of the fire suppression system that was required per the building code for the sprinklers.

iii. *Open Public Hearing*

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

iv. *Close Public Hearing*

Motion made by Jim Holloway, seconded by Tom Weaver, 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.

CONSENT AGENDA

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

NEW BUSINESS

A. *Zoning variance application – to allow for a 7' encroachment into the rear yard setback requirements in Section 3.6.E.4 for a proposed structure to be 3' from the rear property line and Section 2.5.1 Continuation of Non-Conforming Uses and Permits to allow a non-conforming building to be further extended into a setback at 730 Randolph Avenue – tax map #83A4-5-B.*

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 said that the decision today was for the above matter and not the use of the building units. Fire suppression was needed and being stored inside was the best option to keep from freezing; (ii) There was some discussion on permits and deeds; and (iii) The board agreed the undue hardship was the placement of the proposed shed.

Motion made by Tom Weaver, seconded by Jim Holloway, to approve the zoning variance from the rear yard setback requirements in the Cape Charles Zoning Ordinance Section 3.6.E.4 to allow for a 7' encroachment for a proposed structure to be 3' from the rear property line and Section 2.5.1 Continuation of Non-Conforming Uses and Permits to allow a non-conforming building to be further extended into a setback at 730 Randolph Avenue as presented. The motion was approved by unanimous consent.

OTHER BUSINESS

There was no other business to discuss.

Bill Murphy adjourned the Board of Zoning Appeals Public Hearing and Meeting at 10:45 a.m. The motion was approved by unanimous consent.

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Chairman Bill Murphy

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Planning Technician