



Board of Zoning Appeals

Public Hearing & Meeting

Cape Charles Civic Center
November 24, 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, Delores Blackburn, and Tom Weaver. Jim Holloway was not in attendance. Also present were Town Planner Allyson Finchum and Planning Technician Tracy Outten. The applicants participated via telephone. There was one member of the public in attendance.

Bill Murphy welcomed and introduced the newest board member, Delores Blackburn; and read the public hearing advertisement.

PUBLIC HEARING

A. *Hear public comment for a variance to allow a 5.5' encroachment into the 25' rear yard setback requirements in Section 3.2.G.2 at 324 Jefferson Avenue – tax map #83A1-20-A.*

i. *Zoning Administrator Report*

Allyson Finchum gave a brief history of the lot and read the variance request, the staff report, and the staff analysis. She continued by stating that after speaking with the adjacent property owner her recommendation had changed from granting the variance to denying it. The property owner thought if the variance were granted it would be a detriment to other property owners.

Tom Weaver did not think public comments should change an opinion nor did he agree with the zoning administrator making a recommendation as she was supposed to uphold the zoning ordinance. Bill Murphy complimented Allyson Finchum on the depth of her report and appreciated the zoning administrator making a recommendation.

ii. *Applicant Statement*

Tracy Meadows, owner, informed the board that other location where the porch could be built was a driveway.

Discussion and questions were as follows: (i) Pete Baumann asked if there had been previous difficulty with the opposing neighbor. Tracy Meadows answered they have been trying to work out an agreement with the neighbor; including buying the property but the owner did not want to sell it; (ii) Bill Murphy said this was a very unfortunate circumstance and wanted to know if a reason was given for not wanting to sell. Tracy Meadows said that they wanted to keep it in the family and added that the title company was at fault. She has not spoken with the neighbor because the title company had been handling this since it was their error. Bill Murphy said the biggest change if the variance were granted was that if the opposing property owner built on the lot the house would have to front Peach Street not Jefferson Avenue; and (iii) Tom Weaver has trouble understanding that the applicant did not know where the lot lines were located before buying the property. The property was purchased on an online auction.

iii. *Open Public Hearing*

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

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

iv. *Close Public Hearing*

Motion made by Tom Weaver, 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 to be heard nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Motion made by Pete Baumann, seconded by Tom Weaver, to accept the consent agenda as amended. The motion was approved by majority vote with Delores Blackburn abstaining.

Bill Murphy pointed out that under the public hearing comment at the August 13, 2020 Public Hearing and Meeting minutes Laura Klingel should be spelled Laurie Klingel.

NEW BUSINESS

- A. *Zoning variance application – to allow a 5.5’ encroachment into the 25’ rear yard setback requirements in Section 3.2.G.2 at 324 Jefferson Avenue – tax map #83A1-20-A.*

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 the only future detriment was that if the adjacent lot was built on the house would have to front Peach Street not Jefferson Avenue. He did not see a problem granted the variance; (ii) Delores Blackburn thought the encroachment would be minimal and understood Robert Mack’s past agreement; (iii) Allyson Finchum said Robert Mack felt bullied and was not informed of all the details; (iv) Pete Baumann thought granting the variance would help improve the neighborhood; and (v) Tom Weaver agreed with all board member comments. He added that all information was not given to the applicants or the adjacent property owner. Tom Weaver thought Robert Mack wanted to get even for something previously agreed to.

Motion made by Pete Baumann, seconded by Tom Weaver to approve the zoning variance request to allow a 5.5’ encroachment into the 25’ rear yard setback requirements in the Town of Cape Charles Zoning Ordinance Section 3.2.G.2 at 324 Jefferson Avenue. The motion was approved by unanimous consent.

OTHER BUSINESS

There was no other business to discuss.

Chairman Bill Murphy adjourned the November 24, 2020 Board of Zoning Appeals Public Hearing and Regular Meeting at 10:42 a.m.

Chairman Bill Murphy

Planning Technician

**Public Comment submitted in writing
November 24, 2020**

Robert Mack

Subject: Board of Zoning Public Hearing (November 24, 2020)

Dear Ms. Finchum: My name is Robert Mack. I reside in Savannah, Georgia. I received a letter from the Board of Zoning Appeals on 11/07/20 in reference to a Public Hearing pertaining to an application for a rear setback variance for a rear porch on a nonconforming lot submitted by Jay and Tracy Meadows at 324 Jefferson Avenue. This application is for a variance to allow a 5.5' encroachment into the 25' rear yard setback requirements in Section 3.2.G2 for a proposed attached structure (porch) to be 19.5' from the rear property line at 324 Jefferson Avenue (Tax Map #83A1-20-A).

I just completed a case with the Meadows pertaining to realignment of the property lines for Lots 184 and 185. All paperwork to do so was approved by the Town of Cape Charles Officials and recorded. Exactly what is the problem now in layman terms? Is Lot 184 involved? If so, what are the options as far as the Board is concern in this matter? Why is a Public Hearing required? Do I need to file an appeal with the Board of Zoning? If so, is there a specific format I must submit?

I am sorry for all the questions, but I want to insure that I follow all the protocols to protect my property. I got married in Cape Charles in 1969 and I want to continue to retain my property free without issues. I have been paying taxes on this property for 29 years. Never late or missed a payment. I am 74 and a retired United States Vietnam Army Veteran of 22 years of active duty. If necessary, you've my permission to utilize any part of these comments as an appeal in voting "NO" to the application approval if it involved encroachment on my property.