# Board of Zoning Appeals
## Public Hearing & Meeting
### Cape Charles Civic Center
### February 16, 2021
### 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, Dolores Blackburn, Jim Holloway, and Tom Weaver. Also, present were Interim Town Planner/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and the applicants. Allyson Finchum participated via telephone. There were no members of the public in attendance.

Bill Murphy welcomed and introduced the Interim Town Planner and Zoning Administrator, Katie Nunez and read the public hearing advertisement.

**PUBLIC HEARING**

A. *Hear public comment for a variance to allow a 3' encroachment into the 5' rear yard setback requirements in Section 4.2.E for a proposed detached accessory structure (garage and office) to be 2' from the alley line at 10 Randolph Avenue – tax map #83A3-2-2-78.*

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 stated that the main concern was if the setback was granted emergency and utility vehicles would not have adequate access.

Jim Holloway asked if code still required 15' between the main structure and accessory building. Allyson Finchum said that question needed to be answered by the applicants. Lysa and Clayton Newman, applicants, thought there was adequate space to move the accessory building. Tom Weaver agreed that there was enough space to move the structure without a variance.

Tom Weaver would like to know the required dimensions between the alley and a structure to allow for vehicles to pass through. Allyson Finchum was not for sure and mentioned that the other building could have been pre-zoning ordinance.

ii. *Applicant Statement*

Lysa and Clayton Newman presented additional photographs. (Please see attached.)
Clayton Newman stated the following: (i) the traffic issues were never brought to his attention; (ii) hardships, legalities, and statutes only presented an issue if a vehicle had to cross on the property; (iii) multiple violations were seen when anyone walked around the town; and (iv) emergency vehicles were not any larger than what was driven through currently.

iii. *Open Public Hearing*

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 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.

**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.**

**NEW BUSINESS**
A. *Zoning variance application – to allow a 3' encroachment into the 5' rear yard setback requirements in Section 4.2.E for a proposed detached accessory structure (garage and office) to be 2' from the alley line at 10 Randolph Avenue – tax map #83A3-2-2-78.*
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) Dolores 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.

**Motion made by Tom Weaver, seconded by Jim Holloway, to adjourn the Board of Zoning Appeals Public Hearing and Meeting at 10:42 a.m. The motion was approved by unanimous vote.**

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Chairman Bill Murphy

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Planning Technician