



Board of Zoning Appeals

Public Hearing & Meeting

Cape Charles Civic Center

July 12, 2022
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 Laura Weigand. Also, present were, Interim Town Planner/Zoning Administrator Katie Nunez and Planning Technician Tracy Outten. The owner/applicant participated via telephone. There was one member of the public in attendance.

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 consent agenda as presented. The motion was approved by unanimous vote.

OLD BUSINESS/MATTERS DEFERRED FROM PREVIOUS MEETINGS

There was no old business to discuss.

NEW BUSINESS - PUBLIC HEARING

- A. *An application from Spencer & Lauren Custis at Lot 100 Washington Avenue (Tax Map #83A1-1-100) in the Residential-1 Zoning District for a variance from Cape Charles Zoning Ordinance Section 3.2 (B) to allow an accessory structure (existing shed) to remain on premise without a principal use of a main dwelling unit.*
Bill Murphy read the public notice and asked the applicant if there was any additional information.

Lauren Custis, owner, thought the application covered the reasoning for needing the variance and was obliged to answer any questions.

Discussion and questions were as follows: (i) Bill Murphy asked if a principal structure had to be on a property in order for the Town to assign an address. Katie Nunez answered yes, that was the reason the applicants were not in compliance with the Cape Charles Zoning Ordinance (CCZO). Bill Murphy then wanted to know if the variance was granted, could an address be assigned, no. (ii) Bill Murphy asked the applicant how long the shed had been on the lot. Lauren Custis answered about one year. (iii) Bill Murphy confirmed that all setback requirements were met. Katie Nunez reiterated that (iv) Some discussion ensued on the alley located behind this property and a property located a few yards down that was owned by the applicants. Lauren Custis said the accessory structure could not be placed behind the principal structure that it was being used for because it would not fit due to the setbacks from the alley. Katie Nunez suggested the applicant apply for a variance from those setbacks. (v) Pete Baumann thought the application was insufficient when arguing the criteria, the board was supposed to meet when granting a variance and did not see a reason for any consideration of hardships. (vi) Katie Nunez explained that Spencer Custis, the applicant, was contacted and informed that the accessory structure was in violation of the zoning ordinance. The planning and zoning office has been busy with the commission and various boards that sending out violation notices was put on the do it later list. Then, Mr. Custis applied for an electrical permit through the Building Department, and he was contacted by Katie Nunez and reminded that an accessory structure could not be on a lot without a main dwelling unit and gave him some options. The office decided to hold off on issuing the violation letter of action until the decision for the variance was made as this was the route the applicant decided to take. (vii) Jim Holloway asked if any plans been received for a principal structure, no. (viii) Lauren Custis saw some other sheds located on lots without a main house in the picture that was provided in the staff report. She continued by saying that this should be allowed since not everyone can access a shed on their neighboring lot and that they cannot build within the next year that was unreasonable. Lastly, they did not mean to do anything wrong. (ix) Laura Weigand said that some of the lots that had only sheds left standing did once have houses that may have fallen down. She asked if they were grandfathered in. Katie Nunez could

not answer that without doing further research. and (x) Bill Murphy said though they felt for the applicants this board was tightly governed by the Code of Virginia and the Cape Charles Zoning Ordinance, and this variance application did not meet the requirements of the criteria for a hardship and the definition of an accessory building was clear in the ordinance. Laura Weigand added that if more definitive plans were on the table, she would be more inclined to make an exception. Pete Baumann said the criteria was not meant no argument was given in the application and the issues were not relevant.

Motion made by Laura Weigand, seconded by Dolores Blackburn, to deny the Variance Application from Spencer Custis at Lot 100 on Washington Avenue (Tax Map #83A1-1-100) for a use variance to allow an accessory structure without a principal structure (or single-family dwelling) pursuant to Cape Charles Zoning Ordinance Section 3.2 (B) as an accessory structure is defined in Section 2.9 of the Cape Charles Zoning Ordinance as written with a condition that a thirty-day stay be granted before any enforcement of action for removal began to give the applicant time to make arrangements for the accessory structure to be moved to 204 Washington Avenue (Tax Map #83A1-1-108). The motion was approved by unanimous vote.

OTHER BUSINESS

There was no other business to discuss.

NEXT MEETING

Tuesday, August 9, 2022 at 10:00 a.m. – Bill Murphy informed the board he would be out of town.

Motion made by Jim Holloway, seconded by Laura Weigand, to adjourn the Board of Zoning Appeals Public Hearing and Meeting at 10:50 a.m. The motion was approved by unanimous vote.

Chairman Bill Murphy

Planning Technician