

Board of Zoning Appeals
Minutes
February 15, 2005

At about 9:00 a.m. on February 15, 2005 Board member Pete Baumann called to order the meeting of the Board of Zoning Appeals. In addition to Mr. Baumann, the following people were present: Board members Julia Parr, Tom Bonadeo, Pete Bauman and Steve Hairfield. Also present was Cela Burge, acting Town Planner.

Members of the public present: 1

Mr. Baumann led the invocation and all participated in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Tom Bonadeo, seconded by Steve Hairfield and unanimously passed to approve the minutes of December 28, 2004 as presented and to approve the agenda as presented.

Hearings on the matters of:

Cape Charles Historical Society – Lots 22/23, 814 Randolph Ave: Cela Burge gave a brief overview of the application. The museum is in a C-3 commercial zone which does not have language pertaining to accessory use; therefore, to place this historical outbuilding on the Museum's lot, a special exception must be granted by the Board as indicated in section 2.62 under Powers and Duties of the Board of Zoning Appeals. Cela introduced Jan Neville who gave a brief history of the building as having been a switch house for control the lights on the beach jetty. He indicated there is no specified use other than possibly a display house related to the Museum. Limited discussion was held between board members.

Motion was made by Tom Bonadeo and seconded by Julia Parr to determine that the intent of this building is to be part of the museum therefore falls under the permitted uses in the C-3 zone which are the same allowed uses as C-1 and C-2 including museums.

Barbara Brown – Zoning Variance – lot 632A, 226 Randolph Ave: Board member Bonadeo recused himself as the applicant's designee. He suggested anything he said would be as part of the general public. Cela Burge presented the request for the variance request where a portion of the porch area now extends into the side yard set-back. Tom Bonadeo was called upon to make a short presentation. The house is built right to the lot line but is ten feet from the house next door due to an easement. Neither house may encroach on the easement giving the appearance of a set-back. The structure on the other side is also built right on the lot line. The easement on that side is eight feet.

Formerly a shed was built in the back corner on the lot line, but since has been removed. A concrete pad is left onto which a patio will be built. A free standing second story balcony directly above the patio is planned. This request is to build this balcony. This balcony will not encroach any further than the original shed did. Limited discussion between board members was held.

Motion made by Steve Hairfield to approve the variance because the setbacks and location of the house produce a hardship to build anywhere but out of the back of the house. Strict application of the ordinance would produce undue hardship. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance. The motion was seconded by Pete Baumann and unanimously approved.

Motion to adjourn the meeting was made by Julia Parr and seconded by Steve Hairfield.

Pete Baumann - Acting Chairman

Town Clerk