**MINUTES OF THE**

**BOARD OF ZONING APPEALS**

**MARCH 10, 2016 AT 7:00 P.M.**

**Members Present: Members Absent:**

Jesse Speidel, Chairman

Chuck Ward Mike McGee

Jack Gillis

Robert Cherrix

Donald Thornton

**Call to Order**

Chairman Speidel called the meeting to order at 7:00 p.m.

**Agenda Adoption**

1. **Approval of the September 10, 2015 Regular Meeting Minutes**

Mr. Cherrix motioned, seconded by Mr. Gilliss to approve the minutes. All in favor.

Motion carried.

**2.** **Appeal 16-03-1** A request fromKathleen Keller, 4031 Main Street for a variance from Article 4, section 4.6.5 (2) & 6.6.1 (8) of the zoning ordinance of the Town of Chincoteague. The applicant wishes to place a mobile food unit 5.5’ from the right-of-way leading to the Town boat ramp. Current zoning requires a minimum of a 15’ setback from said right-of-way. Additionally, the applicant request one 9’ x 14’ parking space. Current zoning requires a minimum 9’ x 18’ parking space. The property is located in C-2 Old Town Commercial.

**3. Public Participation**

Mr. Lewis advised the Board that on Wednesday he met with a member of the Legion, Mike Bradds. Mr. Bradds showed the location of the property pins for their property. The three spaces the applicant identified on the site plan does not go with her property but that of the Legion.

Mrs. Kathleen Keller spoke on behalf of herself. She had looked at the property and felt it would be a good location for her business. Originally she wished to place the concession stand in the parking space. However the unit was to long and would not fit. That’s why she turned it to be parallel with the road.

Mr. Bradds advised that the little stretch of road is heavily congested especially in the summer time. Mr. Bradds advised that most of the parking area at the ramp is for boat trailer parking.

Mr. Bradds felt that their customers will be parking in the decoy and laundry mat parking spaces anlong with the legion.

Mr. Ray Rosenberger questioned if the location of the food trailer would block the site tri-angle getting onto Main Street. Mr. Ward advised the house sticks out further now than what the trailer will be.

**4. Board Action on Appeal 16-03-1**

Mr. Gilliss voiced his concerns about how much more congested is that area going to be. Currently the roadway is used for the ramp, the parking lot and the Legion.

Mr. Thornton questioned Mr. Lewis if the town parking lot could be used for her business. Mr. Lewis advised that the existing building was grandfathered because it was used as a commercial business prior to 1979 and could use the town’s lot. However the food trailer is a new use on the property and would require the extra parking.

Mr. Cherrix questioned when the door is in the up position, how far will it encroach into the 5.5’ setback. She advised about 3’. Mr. Cherrix was concerned that that only left a couple of feet to the property line.

Mr. Cherrix asked if she was renting the structure also. She advised only the parking area. Mr. Cherrix felt the area is congested now, cars are having to wait for cars to leave the right-of-way so they can turn onto the property. Additionally, when the door is open on the trailer that only leaves 2.5’ from the right-of-way. Mr. Cherrix was concerned that people backing out of the laundry mat may not see the door and hit it.

Mr. Gilliss question why the town did not approve the request. Mr. Lewis advised because it is violation of town zoning.

Mr. Thornton voiced his concerns that if the business does well, the customers will be standing in the right-of-way.

Mr. Speidel felt that the area is to congested. He felt this is not the place for her operation.

Mr. Ward felt that Mr. Lewis is applying zoning laws to a vehicle.

Motion by Mr. Thornton to deny the appeal. Mr. Thornton based his decision on the fact that customers would be standing in the roadway. Second by Mr. Gilliss. All in favor. Motion carried.

**5. Adjourn**

Chairman Speidel motioned second by Mr. Cherrix to adjourn the meeting.

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Jessie Speidel, Chairman