

BOARD OF ZONING APPEALS MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

December 13, 2012 - 7:30 P.M. – Council Chambers - Town Hall

CALL TO ORDER

AGENDA ADOPTION:

-
1. Approval of Minutes of September 13, 2012
 2. Public Participation
 3. Appeal 12-12-1 A request from Peter Bidoglio, 5309 Oak Drive, for a variance from Article 3, section 3.3.3.(2) of the zoning ordinance of the Town of Chincoteague. The applicant wishes to construct a screen porch to the rear of his residence. The screen porch will be 29' from the rear lot line. Current zoning requires a minimum 35' rear yard setback. The property is located in R-1 Single Family Residential.
 4. Adjourn:

MINUTES OF THE MEETING SEPTEMBER 13, 2012
CHINCOTEAGUE BOARD OF ZONING APPEALS

MEMBERS PRESENT:

Mr. Jesse Speidel
Mr. Robert Cherrix
Mr. Jack Gilliss
Mr. Edward Moran
Mr. Chuck Ward
Mr. Donald Thornton

Kenny L. Lewis, Staff Support
Jon Poulson, Attorney

MEMBERS ABSENT:

Mike McGee

1. Call to Order

Mr. Speidel called the meeting to order at 7:30 pm.

2. Approval of Minutes of July 12, 2012

Motion by Mr. Moran to approve the minutes of July 12, 2012 as presented.
Second by Mr. Thornton. All in favor. Motion carried. Mr. Ward did not vote on the approval of the minutes due to not being a member then.

3. Appeal 09-12-1 A request from Donna Martinelli, 4433 Main Street, for a variance from Article 4, section 4.7.31 of the zoning ordinance of the Town of Chincoteague. The petitioner wishes to make the existing fence from the rear of the main structure forward to the front of the structure a solid fence instead of the required 30% open. This property is located in C-3 Corridor Commercial.

4. Public Comments on Appeal

Mrs. Donna Martinelli spoke on her behalf. Mrs. Martinelli advised she is looking to have 0 % opening on the sides and 10% in the front for safety and esthetics purposes.

Mrs. Martinelli presented a new site plan which shows te adjoining Spangler house. She advised that the house if 47' from the rear bulkhead where their house is close to the bulkhead.

The main reason for the fence is because of dogs. She has her own dogs and the adjoining house is a pet friendly rental. She has had problems where the neighbors dogs go through her fence. She has had three dogs come into her house.

Mrs. Martinelli felt the fence goes with the character of the neighborhood.

5. Board Action on Appeal

Mr. Moran asked the height of the existing fence. Mrs. Martinelli advised 3 to 4 feet.

Mr. Ward questioned the answer to number three of the application. He stated the question asked "is the variance contrary to the intended spirit and purpose of the ordinance". Mr. Ward advised that she answered yes. He asked Mrs. Martinelli if she felt this is an issue that every person in the neighborhood would suffer from? Mrs. Martinelli advised that the neighbors on the other side would have the same problem if the dogs went on the other side.

Mr. Speidel questioned if the fence is on the lot line, also the rear of the neighbors house is close to the front of hers, so the neighbor could put a 6 ft fence up and comply with zoning. Mrs. Martinelli advised that was correct.

Mr. Thornton felt that a chain link fence could meet her needs. Mrs. Martinelli felt that a chain link fence would not with the neighborhood. Mr. Thornton advised a couple doors down are a couple of chain link fences, one on Quillen property and one on the Tarr property.

Mr. Thornton also advised that the town has a leash law. If the dogs are running at large then she should call the police department.

Mr. Gilliss felt if the fence would help keep dogs out of her yard for safety reasons he had no problem with the appeal.

Mr. Moran felt that allowing her to install more piles to the existing fence would be fine.

Mr. Ward questioned if this case is a land use hardship. Mr. Ward questioned Mr. Lewis if in 2002 was the 30% regulation in effect. Mr. Lewis advised yes, some minor changes have been made to the ordinance. Mr. Ward felt that if the fence was needed, maybe they should go to the Spangler family to see if they would put a solid fence up or go to the Council to see if the code can be changed.

Mr. Cherrix agreed with Mr. Thornton that a chain link fence could resolve her issues.

Mr. Speidel first felt that the appeal was not a hardship however if the neighbor can place a fence in the same location he has no problem with granting this approval.

Mr. Speidel motioned to approve the variance, second by Mr. Moran. Voting for: Mr. Speidel, Mr. Moran and Mr. Gilliss. Voting against: Mr. Thornton, Mr. Cherrix and Mr. Ward. Appeal denied.

6. Closed Session

Motion by Mr. Ward, second by Mr. Cherrix to go into executive session to discuss pending legal action. All in favor.

Motion by Mr. Ward, second by Mr. Moran to leave executive session and certify that only pending legal action was discussed. All in favor.

7. Adjournment

Mr. Speidel adjourned the meeting.

Jesse Speidel, Chairman

FAXED
November 21, 2012

Eastern Shore Post
P.O. Box 318
Tasley, VA 23441

Dear Sirs:

The Town of Chincoteague request the following notice of public hearing be published in the Eastern Shore Post on Friday November 30, 2012 and Friday December 7, 2012:

Public Notice

The Board of Zoning Appeals of the Town of Chincoteague will hold a public hearing on December 13, 2012 at 7:30 p.m. in the Council Chambers located at 6150 Community Drive to receive public comments and views on the following zoning matter:

Appeal 12-12-1 A request from Peter Bidoglio, 5309 Oak Drive, for a variance from Article 3, section 3.3.3 (2) of the zoning ordinance of the Town of Chincoteague. The applicant wishes to construct a screen porch to the rear of his residence. The screen porch will be 29' from the rear lot line. Current zoning requires a minimum 35' rear yard setback. This property is located in R-1 Single Family Residential.

Kenny L. Lewis
Zoning Administrator



CHINCOTEAGUE, VIRGINIA
APPEAL TO THE
BOARD OF ZONING APPEALS

*Paul
C. #
792*

APPEAL CASE NUMBER: 12-12-1 FEE: \$ 450.00

I, Peter Bidoglio,

AGENT FOR self WOULD LIKE TO FILE THE FOLLOWING APPEAL WITH THE BOARD OF ZONING APPEALS BASED UPON THE NOTED STATE CODE(S):

TITLE 15.2, CODE OF VIRGINIA, 1959 (AS AMENDED)

(CHECK ALL THAT APPLY)

1. () AN APPEAL OF AN OFFICER, REQUIREMENT, DECISION OR DETERMINATION OF AN ADMINISTRATIVE OFFICER.
2. () AN APPEAL OF A DECISION OF THE ZONING ADMINISTRATOR.
3. () AN INTERPRETATION OF THE DISTRICT ZONING MAP, IN THAT THERE IS AN UNCERTAINTY AS TO THE LOCATION OF A DISTRICT BOUNDARY.
4. (X) AN APPEAL FOR A VARIANCE. THE APPLICANT IS REQUIRED TO SHOW THAT A LAND USE HARDSHIP EXIST. SEE ATTACHED EXAMPLE SHEET FOR HARDSHIP CRITERIA.
5. () AN APPEAL FOR A VARIANCE OF THE FLOOD PLAIN MANAGEMENT ORDINANCE
6. () OTHER; RELIEF OF CONDITIONS, ETC.

BOARD OF ZONING APPEALS USE ONLY:

MEETING DATE: 12/13/12

APPEAL ACTION:

() APPROVED

() DENIED

() CONDITIONAL: _____

BZA, SECRETARY

DATE: _____

* 11/19/12 deadline to file

PLEASE PRINT

THE PROPERTY IN WHICH THIS APPEAL IS SUBMITTED IS LOCATED AT (911 ADDRESS)
5309 OAK DRIVE, TAX MAP # 31A-2-6F

THIS PROPERTY IS OWNED BY:

NAME: Peter & Marsha Bidoglio TR

ADDRESS: 463 County RT 12

CITY, STATE, ZIP: New Hampton NY 10958

PHONE: 914-850-1861 WORK PHONE: _____

HAS ANY PREVIOUS APPLICATION OR APPEAL BEEN FILED IN CONNECTION WITH THESE PREMISES?

- NO
- YES, EXPLAIN; _____

IS THIS APPEAL FILED DUE TO A ZONING VIOLATION IDENTIFIED BY THE ZONING ADMINISTRATOR?

- NO
- YES, IF THE VIOLATION HAS NOT BEEN CORRECTED, EXPLAIN WHY; _____

ARTICLE(S) AND SECTION(S) THAT APPLIES TO YOUR APPEAL:

(1.) ARTICLE: 3 SECTION: 3.3.3.(2)
REQUIRES: 35' REAR YARD SETBACK

(2.) ARTICLE: _____ SECTION: _____
REQUIRES: _____

(3.) EXPLAIN REASON FOR APPEAL
NEW SCREEN PORCH WILL BE PLACED 29FT FROM REAR LOT LINE

In order for the Board of Zoning Appeals to review your request for a variance, the threshold question for the BZA in considering an application for a variance "is whether the effect of the zoning ordinance upon the property under consideration, as it stands, interferes with all reasonable beneficial uses of the property, taken as a whole". If the answer is in the negative, the BZA has no authority to go further.

yes
 no

Please answer the following questions:

(1). Does the strict application of the ordinance result in unnecessary or unreasonable hardship to the property owner?

yes, Explain;

In Chincoteague a screened porch is as essential as any other part of the house. We are looking to correct an existing problem and make the house more functional and user friendly for my 99 year old mother.

no.

(2). Is the need for the variance shared generally by other properties?

yes, Explain;

Properties behind us have also experienced similar problems and are also closer than the recommended 35 feet to their respective rear property lines.

no

(3). Is the variance contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done.

yes, Explain;

I understand that in a perfect world the 35 foot requirement is an established standard but ultimately I believe the difference between 29' and 35', in this instance, is insignificant.

no

All of the above questions must be answered. Failure to complete the above questions shall result in your application not being processed.

Introductory Statement

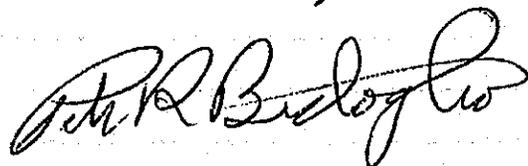
We have wanted to correct a situation, to our current back room, which has a 1 on 12 pitch, and should not have been permitted to be built (prior to our purchase). We have had a problem with it leaking from day one. In order to properly correct the problem, demolition and new (approved) construction, is the solution.

With that in mind we have decided to enlarge an extremely small unworkable kitchen which currently does not satisfy our needs and has many functional problems. The addition of a screened porch, in Chincoteague, is almost considered an essential element of any house. Truth be told, due to the mosquito problem, we really don't need more yard, we need more house that gives the illusion of the outdoors.

Finally several years ago my 99 year old mother, who lives with us, would use a screen porch as much as her bedroom, since elderly people can't handle air conditioning, on a constant basis.

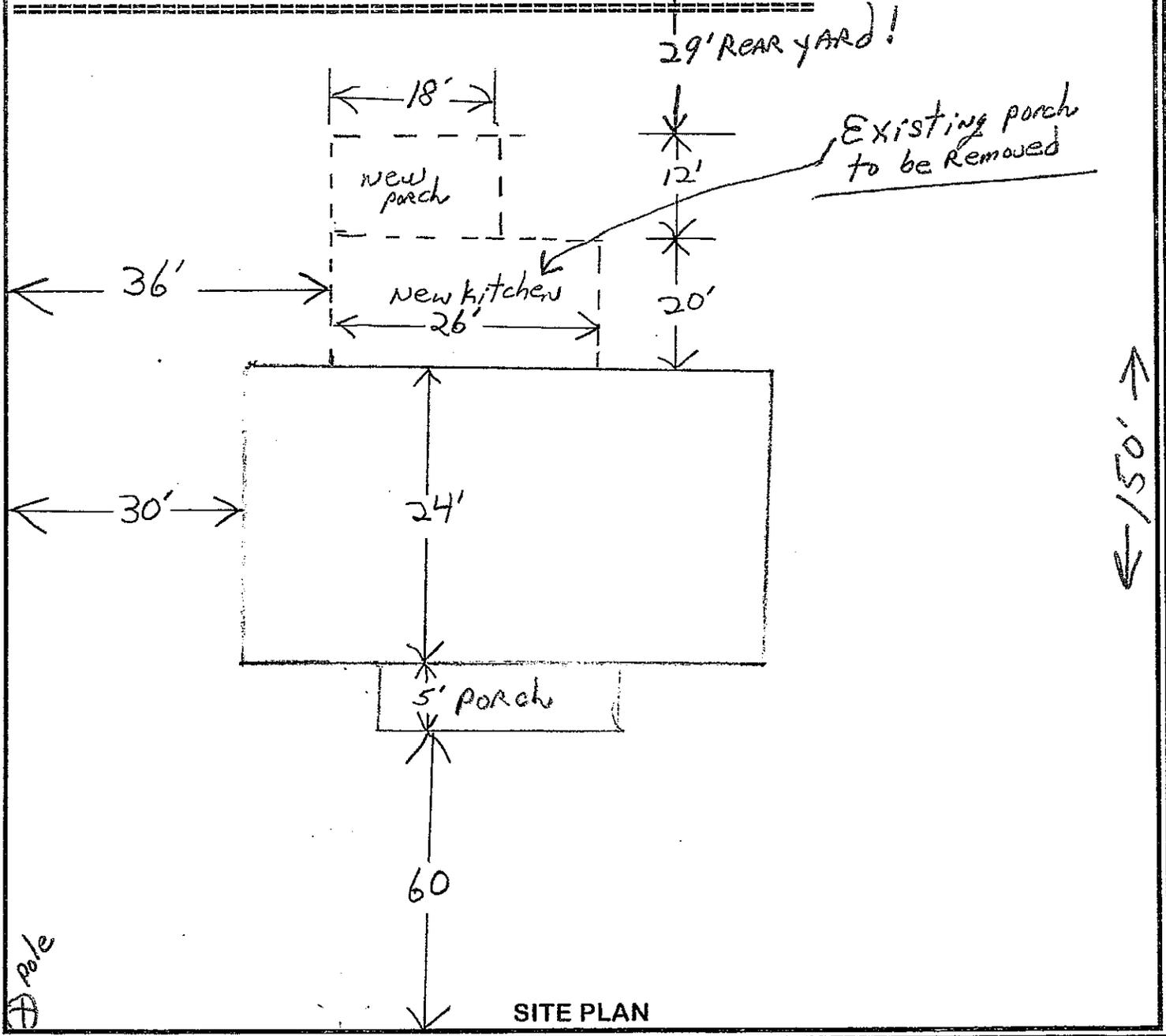
This is an expensive project that will also benefit local businesses not to mention an increase in local and county taxes. It is vital to the project, to go forward with it as planned.

Thank You in advance for your consideration on this issue.



(1). DRAW AN OUTLINE OF EXISTING BUILDINGS AND INDICATE DISTANCES FROM THE BUILDINGS TO THE FRONT, REAR AND SIDE PROPERTY LINES,

(2). DRAW AN OUTLINE OF THE PROPOSED STRUCTURE USING DASHED LINES AND INDICATE DISTANCES TO THE OTHER BUILDINGS AND TO ALL PROPERTY LINES.

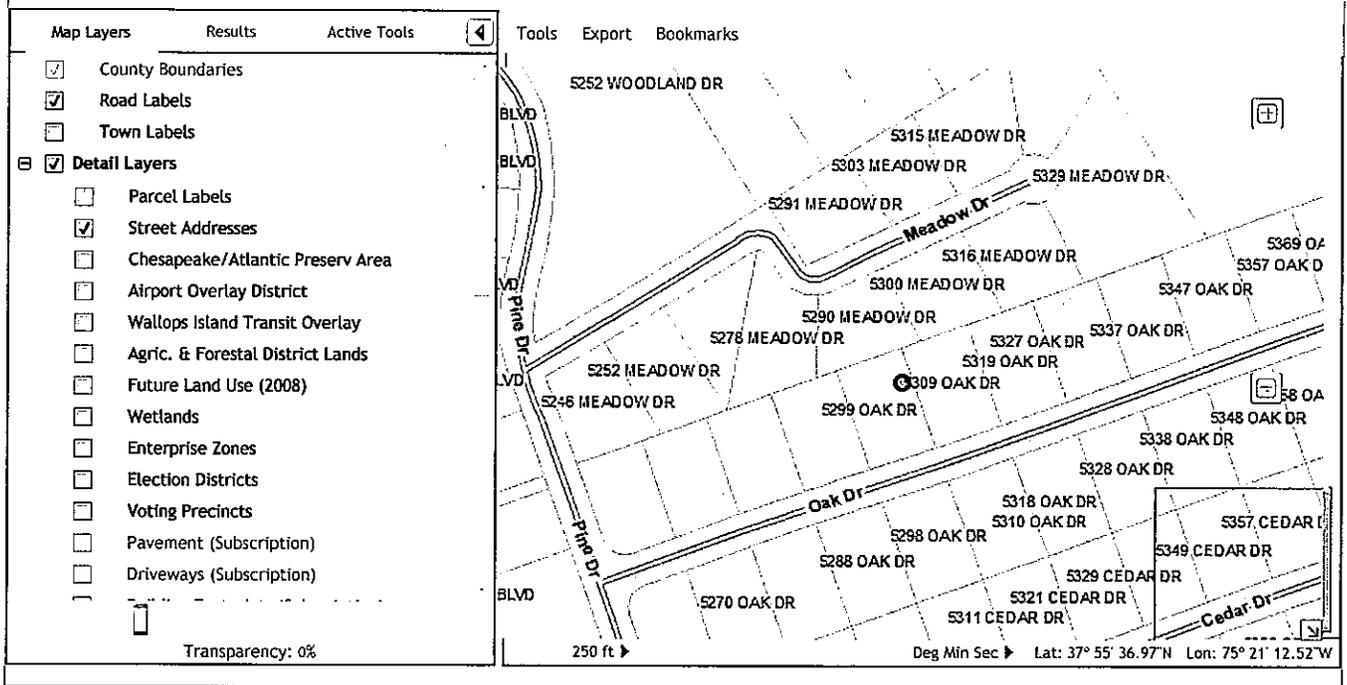


← OAK drive →
100'

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Search Criteria Search Results Property Sheet Map



PLEASE INDICATE YOUR APPROVAL OR DISAPPROVAL OF THE PROPOSED LAND USE AS STATED IN THE APPLICATION BY CHECKING THE APPROPRIATE SPACE. SPECIFY THE LOCATION OF YOUR PROPERTY; NORTH, EAST, SOUTH OR WEST OF THE APPLICANTS PROPERTY.

TAX MAP # 31A-2-6E LOCATION OF PROPERTY EAST - 5310 OAK DR.
NAME: JEFFREY OR DONNA SEIBERT
ADDRESS: 3627 COVINGTON LN DOYLESTOWN PA 18902 PHONE: _____
COMMENTS: _____
() APPROVE REQUEST () DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 31A-2-7F LOCATION OF PROPERTY NE - 5319 OAK DR
NAME: THEODORE W. KOWALUK
ADDRESS: 47-L Ridge Rd Greenbelt Md 20770 PHONE: _____
COMMENTS: _____
() APPROVE REQUEST () DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 31A-2-5F LOCATION OF PROPERTY SOUTH - 5399 OAK DR
NAME: LISA CUMMINGS
ADDRESS: 901 LINE Rd, JEFFERSON Township PA 18432 PHONE: _____
COMMENTS: _____
() APPROVE REQUEST () DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 31A-5-9 LOCATION OF PROPERTY WEST 5290 Meadow Dr
 NAME: Melvin & Dianne Olsen
 ADDRESS: 5290 Meadows Dr Chincoteague VA 23334 PHONE: _____
 COMMENTS: _____
 APPROVE REQUEST () DISAPPROVE REQUEST
 SIGNATURE: Mel Olsen DATE: 11-17-12

TAX MAP # 31A-5-8 LOCATION OF PROPERTY WEST - 5300 Meadow Dr
 NAME: STAVROS OR Jodie KASOTOS
 ADDRESS: P.O. BOX 918 Chincoteague VA 23336 PHONE: _____
 COMMENTS: _____
 APPROVE REQUEST () DISAPPROVE REQUEST
 SIGNATURE: [Signature] DATE: 11/16/12

TAX MAP # _____ LOCATION OF PROPERTY _____
 NAME: _____
 ADDRESS: _____ PHONE: _____
 COMMENTS: _____
 APPROVE REQUEST () DISAPPROVE REQUEST
 SIGNATURE: _____ DATE: _____

TAX MAP # _____ LOCATION OF PROPERTY _____
 NAME: _____
 ADDRESS: _____ PHONE: _____
 COMMENTS: _____
 APPROVE REQUEST () DISAPPROVE REQUEST
 SIGNATURE: _____ DATE: _____