

BOARD OF ZONING APPEALS MEETING A G E N D A

TOWN OF CHINCOTEAGUE
May 9, 2013 - 7:30 P.M. – Council Chambers - Town Hall

CALL TO ORDER

AGENDA ADOPTION:

1. Approval of minutes of April 11, 2013

2. **Appeal 13-05-1** A request from Raymond Britton, agent for Chincoteague Inn & Chincoteague Sunsets LLC, 6262 Marlin Street, for a variance from Article 7, sections 7.13.1, 7.13.1.7, 7.13.1.11, 7.11 and 7.13.1.6 of the zoning ordinance of the Town of Chincoteague. The applicant wishes to install 2 additional signs on said parcel. Current allows a maximum of 2 signs. The current zoning allows a maximum of 100 sq.ft. of signs. The applicant wishes to install an additional 222 sq. ft. of signage. The applicant wishes to install a second freestanding sign on said parcel. Current zoning currently allows one freestanding sign. Maximum area of a freestanding sign is 64 sq. ft. in area. Applicant wishes to install a 96 sq. ft. sign., Maximum sign height is 12'. Applicant wishes to install a freestanding sign 16' in height. Changeable letter signs shall not exceed 15 sq. ft. or 1/3 of the main sign or 10.67 sq. ft. Applicant wishes to install 64 sq. ft. of changeable letter sign. Zoning requires a minimum 10' setback on the freestanding sign. Applicant wishes to place the sign 6' from front lot line. Zoning limits a roof sign to 32 sq. ft. in area. Applicant wishes to install 126 sq. ft. roof sign. This property is zoned C-2 Old Town Commercial.

3. Public Participation

4. Board Action on Appeal

5. Meeting Adjourned

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

FAXED
April 18, 2013

Dear Sirs:

The Town of Chincoteague request the following notice of public hearing be published in the Eastern Shore Post on Friday April 26, 2013 and Friday May 3, 2013:

Public Notice

The Board of Zoning Appeals of the Town of Chincoteague will hold a public hearing on May 9, 2013 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 13-05-1 A request from Raymond Britton, agent for Chincoteague Inn & Chincoteague Sunsets LLC, 6262 Marlin Street, for a variance from Article 7, sections 7.13.1, 7.13.1.7, 7.13.1.11, 7.11 and 7.13.1.6 of the zoning ordinance of the Town of Chincoteague. The applicant wishes to install 2 additional signs on said parcel. Current allows a maximum of 2 signs. The current zoning allows a maximum of 100 sq.ft. of signs. The applicant wishes to install an additional 222 sq. ft. of signage. The applicant wishes to install a second freestanding sign on said parcel. Current zoning currently allows one freestanding sign. Maximum area of a freestanding sign is 64 sq. ft. in area. Applicant wishes to install a 96 sq. ft. sign., Maximum sign height is 12'. Applicant wishes to install a freestanding sign 16' in height. Changeable letter signs shall not exceed 15 sq. ft. or 1/3 of the main sign or 10.67 sq. ft. Applicant wishes to install 64 sq. ft. of changeable letter sign. Zoning requires a minimum 10' setback on the freestanding sign. Applicant wishes to place the sign 6' from front lot line. Zoning limits a roof sign to 32 sq. ft. in area. Applicant wishes to install 126 sq. ft. roof sign. This property is zoned C-2 Old Town Commercial.

Kenny L. Lewis 
Zoning Administrator

MINUTES OF THE MEETING APRIL 11, 2013
CHINCOTEAGUE BOARD OF ZONING APPEALS

MEMBERS PRESENT:

Mr. Jesse Speidel
Mr. Mike McGee
Mr. Robert Cherrix
Mr. Jack Gilliss
Mr. Chuck Ward
Mr. Donald Thornton

Kenny L. Lewis, Staff Support

MEMBERS ABSENT:

Mr. Edward Moran

1. Call to Order

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

2. Approval of Minutes of December 13, 2012

Motion by Mr. Ward to approve the minutes of December 13, 2012 as presented.
Second by Mr. Gilliss. All in favor. Motion carried.

3. Appeal 04-13-1 A request from Ben Hamm, 7363 Andrews Lane, for a variance from Article 3, section 3.9.3 (1) of the zoning ordinance of the Town of Chincoteague. The applicant wishes to construct a screen porch to the front of his residence. The minimum side yard setback is 10'. The new screen porch will be 6'6" from the side lot line. This property is located in R-3 Mixed Use Residential.

4. Public Comments on Appeal

Mr. Hamm spoke on his behalf. Mr. Hamm advised that his house was built in the late 40's. The house was built for the owners child prior to town zoning.

The house is currently located 4.5' from the side lot line. He advised that he would like to add a screen porch to the front of his house.

Mr. Hamm advised that his mother-in-law visits with them during the summer months. He would like to have a setting area where she can enjoy in a covered porch. Currently he has a gazebo in the back yard which is a good distance from the house.

Mr. Hamm advised that his mother-in-law uses a walker to get around and is blind.

5. Board Action on Appeal

The Board felt that a hardship exist and the appeal should be granted.

Mr. Ward felt that the case should not have gone to the Board because of section 6.4 of the Town zoning. Mr. Ward advised that the section allows additions to non-conforming structures.

Mr. Lewis advised that section of the Code allows additions to a non-conforming structure provided the addition does not exceed the outer most plane of the structure as existed on August 6, 2001.

Mr. Ward felt the appeal is not a hardship. However he would not vote against the appeal if the other Board members allowed it.

Motion by Mr. Thornton, second by Mr. Gillis to approve the variance as presented. All in favor except Mr. Ward. Motion carried.

6. BZA Application Review

Mr. Speidel recommended to the Board a revised BZA application to be used in the future. Motion by Mr. Gilliss, second by Mr. Ward to approved the new application provided the Town's Attorney approves the application.

7. Meeting Time

Mr. Lewis advised the Board that all the evening meetings with the Town start at 7:00 p.m.. Mr. Lewis requested that after the May meeting, the time be changed from 7:30 p.m. to 7:00 p.m. The Board agreed.

8. Adjournment

Mr. Speidel adjourned the meeting.

Jesse Speidel, Chairman

CHINCOTEAGUE, VIRGINIA
APPEAL TO THE
BOARD OF ZONING APPEALS

PKH
CHK# 19206

APPEAL CASE NUMBER: 05-13-1

FEE: \$ 450.00

I, Raymond Britton (Chincoteague Inn Rest),

AGENT FOR Chincoteague Sunsets LLC 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. 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: MAY 9, 2013 * DEADLINE to File April 15

APPEAL ACTION:

() APPROVED

() DENIED

() CONDITIONAL: _____

BZA, SECRETARY

DATE: _____

(1.) RULES AND REGULATIONS TO FILE FOR APPEAL:

(A.) APPLICANTS OR THEIR AGENTS SHALL NOT CONTACT ANY BOARD MEMBER TO DISCUSS THE CASE PRIOR TO THE SCHEDULED PUBLIC HEARING OF THEIR APPEAL.

(B.) FAILURE OF APPLICANT OR AGENT TO APPEAR BEFORE THE BOARD MAY BE REASON FOR DENIAL.

(C.) APPLICANT MUST POST APPEAL NOTICE FURNISHED BY THE ZONING ADMINISTRATOR ON SAID PROPERTY, VISIBLE FROM THE STREET.

(D.) APPLICANT SHALL SUBMIT A PLOT PLAN, TO SCALE, OF THE SAID PROPERTY IDENTIFYING THE FOLLOWING:

- 1. ALL EXISTING STRUCTURES LOCATED ON SAID PROPERTY.**
- 2. PROPOSED NEW STRUCTURES.**
- 3. SETBACKS FROM FRONT, SIDES AND REAR PROPERTY LINES.**
- 4. LOCATION OF EXISTING SEPTIC, DRAIN FIELDS OR CESSPOOLS.**
- 5. LOCATION OF EASEMENTS, RIGHT-OF-WAYS AND PUBLIC ROADS THAT ADJOIN OR ENTER SAID PROPERTY.**

(E.) THE CHINCOTEAGUE BOARD OF ZONING APPEALS HAS SEVEN (7) MEMBERS. TO OBTAIN APPROVAL FOR A VARIANCE OR SPECIAL USE PERMIT, FOUR (4) MEMBERS MUST VOTE IN YOUR FAVOR.

(F.) ANY DECISION OF THE BOARD OF ZONING APPEALS MAY BE APPEALED TO THE CIRCUIT COURT OF ACCOMACK COUNTY WITHIN 30 DAYS OF RECEIPT OF THE DECISION MADE.

(G.) THE BZA MAY IMPOSE SUCH CONDITIONS REGARDING THE LOCATION, CHARACTER AND OTHER FEATURES OF THE PROPOSED STRUCTURE OR USE AS IT MAY DEEM NECESSARY IN THE PUBLIC INTEREST.

(2.) NOTIFICATION OF PROPERTY OWNERS:

ALL APPLICATIONS SHALL BE ACCOMPANIED BY WRITTEN COMMENTS FROM OWNERS OF REAL ESTATE AS FOLLOWS:

(A.) VARIANCE:

APPLICANTS SHALL SUBMIT WRITTEN COMMENTS FROM ALL ADJOINING PROPERTY OWNERS INCLUDING THE PROPERTY OWNERS ACROSS THE STREET(S) OR ACROSS BODIES OF WATERS ADJACENT TO OR DIVIDING TWO PROPERTIES. THE BZA MAY REQUIRE THE APPLICANT TO SUBMIT WRITTEN COMMENTS FROM ADDITIONAL PROPERTY OWNERS.

(B.) WRITTEN NOTIFICATION OF APPEAL:

PROPERTY OWNERS NOT AVAILABLE FOR WRITTEN COMMENT SHALL BE NOTIFIED OF THE PROPOSED REQUEST BY CERTIFIED MAIL.

A COPY OF THE REGISTERED MAIL AND THE CERTIFIED MAIL RECEIPT MUST BE SUBMITTED AT THE TIME OF FILING THE APPEAL.

RETURN RECEIPT OF THE CERTIFIED MAIL MUST BE GIVEN TO THE ZONING ADMINISTRATOR A MINIMUM OF 5 DAYS PRIOR TO THE MEETING DATE.

PLEASE PRINT

THE PROPERTY IN WHICH THIS APPEAL IS SUBMITTED IS LOCATED AT (911 ADDRESS)

6262 marion st, TAX MAP # _____

THIS PROPERTY IS OWNED BY:

NAME: Chino Teague Sunsets LLC

ADDRESS: 9494 Stephen Decatur Hwy.

CITY, STATE, ZIP: Berlin md 21811

PHONE: 410-263-1901 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: _____ SECTION: _____
REQUIRES: _____

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

SEE ATTACHED

(3.) EXPLAIN REASON FOR APPEAL

Town zoning doesn't allow for 2 signs
on one property, there are 2 separate businesses on property
with 2 entrances

1. Article 7, section 7.13.1 allows a maximum of 2 signs on a lot. Application wishes to install 2 additional signs.
2. Section 7.13.1 allows a maximum of 100 sq. ft. of signage. Applicant wishes to install an additional 222 sq. foot of signage. Total signage on lot would be 322 sq. foot.
3. Section 7.13.1.7 Only one freestanding sign permitted. Applicant wishes to install a second freestanding sign. Maximum area of a freestanding shall not exceed 64 sq. ft. Applicant wishes to install a 96 sq. ft. sign.
4. Section 7.13.1.7 Maximum height of a freestanding sign is 12'. Applicant wishes to install a sign 16' in height.
5. Section 7.13.1.11 Changeable letter sign shall not exceed 15 sq. ft. or 1/3 of the main sign which ever is less. The permitted changeable sign is 10.67 sq. ft in area. The applicant wishes to install 64 square footage of signage.
6. Section 7.11 requires a minimum 10 ft. setback from the front lot line. The applicant wishes to place freestanding sign 6 ft. from lot line.
7. Section 7.13.1.6 limits a roof sign to 32 sq. ft. in area. Applicant wishes to place a roof sign 126 sq. ft. in area.

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;

ChinwoTeague is allowed No sign of any kind
New motel has taken sign previously used by
ChinwoTeague Inn Rest.

no

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

yes, Explain;

Any property that has 2 Businesses NOT
connected together is allowed only one sign.

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;

Will Explain at hearing about
Justice

no

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



TOWN OF CHINCOTEAGUE SIGN PERMIT APPLICATION

PERMIT NUMBER _____

PERMIT FEE \$ _____

PROPERTY OWNER/TENANT: Chincoteague Sunsets LLC
 ADDRESS: 6262 Marlin St. PHONE: 757-834-1122

CONTRACTOR: B&C Inc
 ADDRESS: P.O. Box 909 Chincoteague VA PHONE: 757-894-0414

ESTIMATED COST: \$ 5,000. SIGN MATERIAL: wood/alum/
 ADVERTISEMENT: Chincoteague DNR Rest

AREA OF SIGN: 8' X 12' = 96 TOTAL SQUARE FEET
 SIGN WILL BE: FREE STANDING FIXED TO STRUCTURE
 FRONT FOOTAGE OF (LOT: 60 FEET) (BUILDING: 150 FEET)
 (TOTAL SQUARE FOOTAGE OF EXISTING SIGNS: 772 SQUARE FEET
would like to replace Chincoteague DNR letters on building which was 18" tall

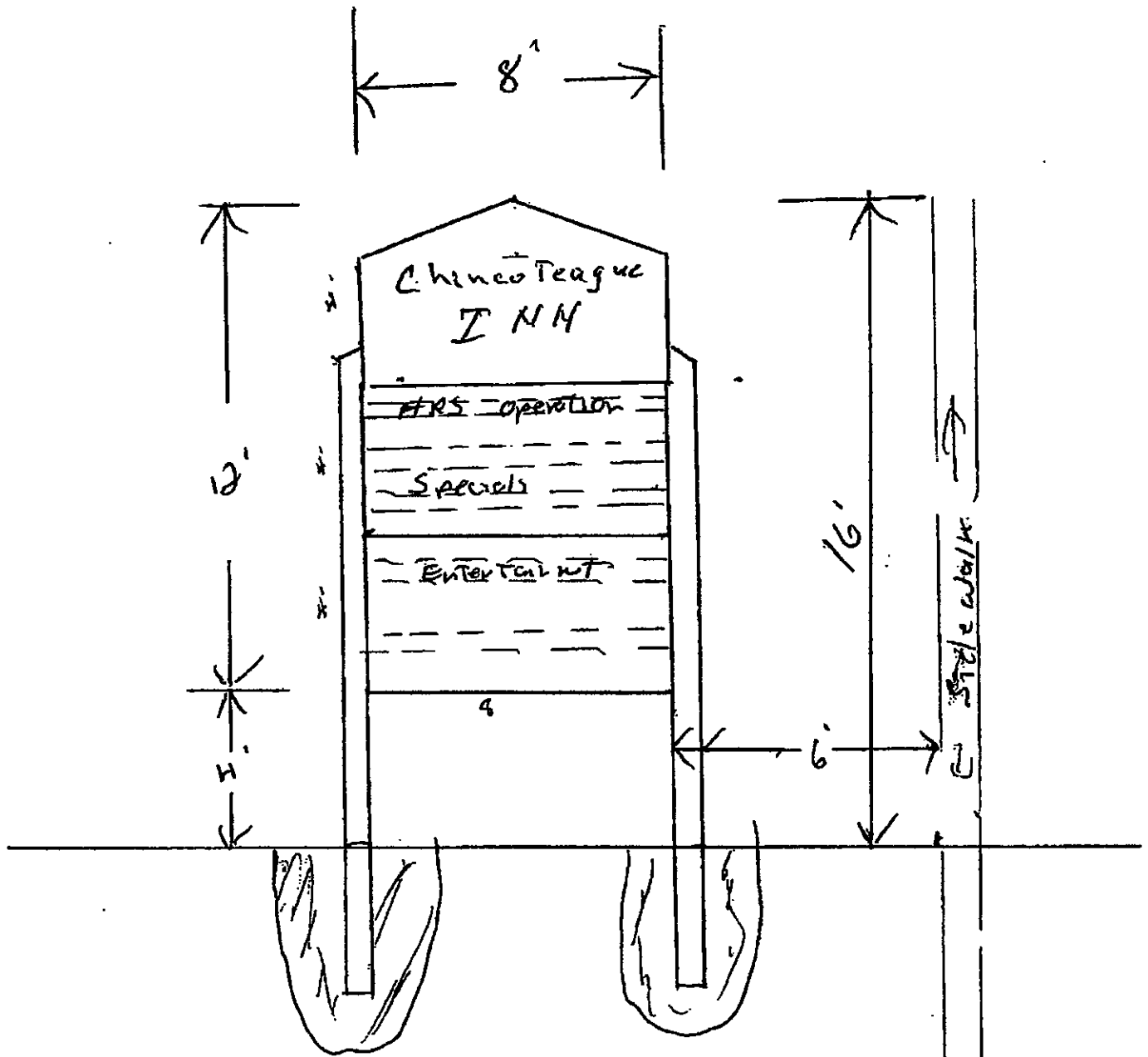
APPLICANT SIGNATURE: [Signature] DATE: 2/18/13

BUILDING/ZONING: APPROVED/DENIED _____ DATE: _____

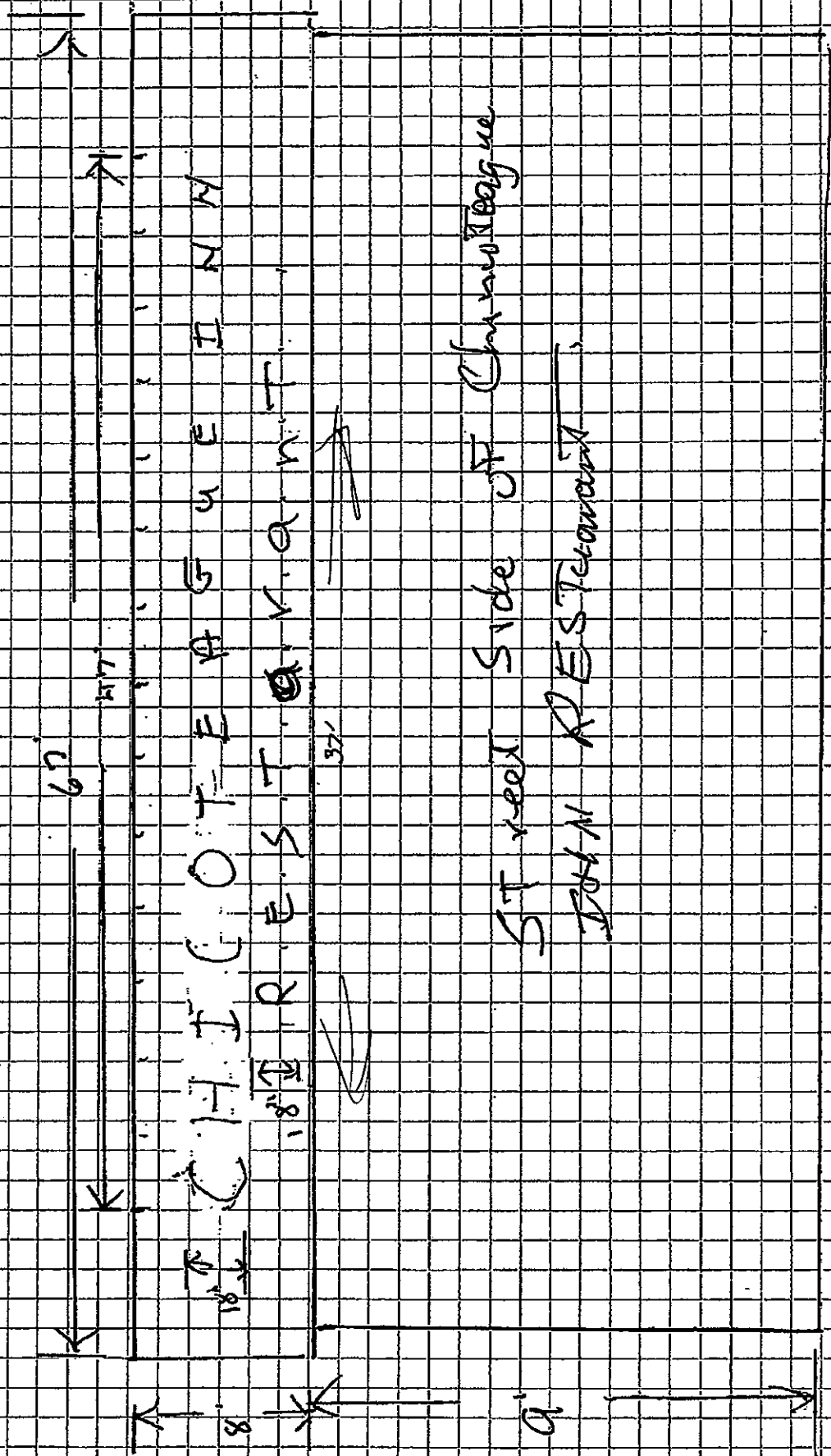
PLEASE COMPLETE SITE PLAN ON NEXT PAGE

18" X 47' wood sign 70.5 sq. FT
 18" X 37' wood sign 55.5 sq. FT
 126.0

plus
↓



Sign 92 SF.



100.5
 55.5

 156.0

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Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 46.31	04/09/2013

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29 W Myrtle St.
 City, State, ZIP+4® *Alexandria, VA 22301*

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Total Postage & Fees	\$ 46.31	04/09/2013

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Maribeth M. Lane's care
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 City, State, ZIP+4® *Chancelague VA 23336*

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Total Postage & Fees	\$6.31	

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Chincoteague, VA 22336

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