BOARD OF ZONING APPEALS MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

DECEMBER 9, 2010 - 7:30 P.M. – Council Chambers - Town Hall

CALL TO ORDER

AGENDA ADOPTION:

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1. Approval of Minutes of July 10, 2010

2. Public Participation

3. **Appeal 12-10-1** A variance request from Thomas Clark, 7466 Lighthouse Lane, parcel # 30A2-21-1. The applicant request to subdivide said parcel and convert the use of the structure to residential use. Current zoning requires a minimum 25' front yard setback. The existing commercial structure is located 10' from said lot line. This property is conditionally zoned Commercial District C-1.

4. Adjourn:

FAXED 11-17-10

November 17, 2010

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 26, 2010 and Friday December 2, 2010.

Public Notice

The Board of Zoning Appeals of the Town of Chincoteague will hold a public hearing on December 9, 2010 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 12-10-1 A variance request from Thomas Clark, 7466 Lighthouse Lane, parcel # 30A2-21-1. The applicant request to subdivide said parcel and convert the use of the structure to residential use. Current zoning requires a minimum 25' front yard setback. The existing commercial structure is located 10' from said lot line. This property is conditionally zoned Commercial District C-1.

Kenny L. Lewis
Zoning Administrator

MINUTES OF THE MEETING JULY 8, 2010
CHINCOTEAGUE BOARD OF ZONING APPEALS

MEMBERS PRESENT:

Mr. Jessi Speidel
Mr. Robert Cherrix
Mr. Jack Gilliss
Mr. Edward Moran
Mr. Mike McGee
Mr. Donald Thornton

MEMBERS ABSENT:

Mr. Arthur Leonard

Kenny L. Lewis, Staff Support

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

2. Approval of Minutes of Meeting Held February 11, 2010
Mr. Moran motioned, seconded by Mr. Gilliss, to approve the minutes as presented. The motion was unanimously approved.

3. Appeal 07-10-1 A variance request from Stephanie McCall, 6369 Circle Drive. The applicant request to place a 6' solid fence 7' forward of the rear of the main structure. Section 3.7.16.(1) of the Town's zoning ordinance prohibits said type of fence to extend forward of the rear of the main structure. The property is zoned Residential District R-3.

4. Public Comments
Mrs. McCall advised that she is limited to where the proposed swimming pool can go. She desires not to place the pool in the front yard.

Mrs. McCall advised that the swimming pool is a 52" above grade pool.

Mr. McGee felt the fence would allow for some privacy for Mrs. McCall and her children.

Mr. Moran questioned if a fence will be on the back side of the pool. Mrs. McCall advised that a fence already exist.

Mr. Thornton advised that most nights on TV it shows where a small child has drowned because there was no fence.

Mr. Speidel felt that the fence should come down if the swimming pool is removed. Mrs. McCall did agree that if the swimming pool was removed then the fence would be brought into compliance.

5. Board action on appeal

Motioned by Mr. Thornton, seconded by Mr. Cherrix to approve the appeal. All in favor. Motion carried.

6. Adjournment

Mr. Speidel adjourned the meeting.

_____

Jessi Speidel, Vice-Chairman

CHINCOTEAGUE, VIRGINIA
APPEAL TO THE
BOARD OF ZONING APPEALS

Ck # 911

APPEAL CASE NUMBER: 12-10-1 FEE:$ 450.00

I, THOMAS CLARK, 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. (XX) 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: DECEMBER 9, 2010

APPEAL ACTION:
( ) APPROVED
( ) DENIED
( ) CONDITIONAL:_____

_____ BZA, SECRETARY DATE: _____

*DEADLINE TO FILE IS NOVEMBER 15TH, ALL PAPERWORK AND FEES MUST BE PAID BY SAID DATE

PLEASE PRINT

THE PROPERTY IN WHICH THIS APPEAL IS SUBMITTED IS LOCATED AT (911 ADDRESS)
LIGHTHOUSE LANE, **TAX MAP # 30A2-21-1**

THIS PROPERTY IS OWNED BY:

NAME: Tommy CLARK
ADDRESS: 7466 LIGHTHOUSE LANE
CITY, STATE, ZIP: CHINCOTEAGUE VA 23336

PHONE: 757-336-1945 WORK PHONE: 757-990 3422

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

( ) NO
(X) YES, EXPLAIN; To GET SEAFOOD OPERATION

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

( ) NO
(X) YES, IF THE VIOLATION HAS NOT BEEN CORRECTED, EXPLAIN WHY;
The USE AT PRESENT IS STILL COMMERICAL SO The SETBACK IS OK

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

(1.) ARTICLE: **3** SECTION: **3.9.2**

REQUIRES: **MINIMUM 25' FRONT YARD SETBACK FOR RESIDENTIAL USE**

(2.) EXPLAIN REASON FOR APPEAL :

EXISTING COMMERCIAL BUILDING IS LOCATED 10' FROM FRONT LOT LINE. WISH TO SUBDIVIDE LOT AND RESALE PARCELS FOR RESIDENTIAL USE.

GUIDELINES USED BY THE BOARD OF ZONING APPEALS IN GRANTING A VARIANCE

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.

(x) 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?

(x) Yes, explain. Will not allow the use of a lot to be used as a residential lot without tearing down a good structure. The building was built according to commercial setbacks. The lay of the lot dictated the position for loading trucks. Still it met setback lines until the flagging.

( ) no

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

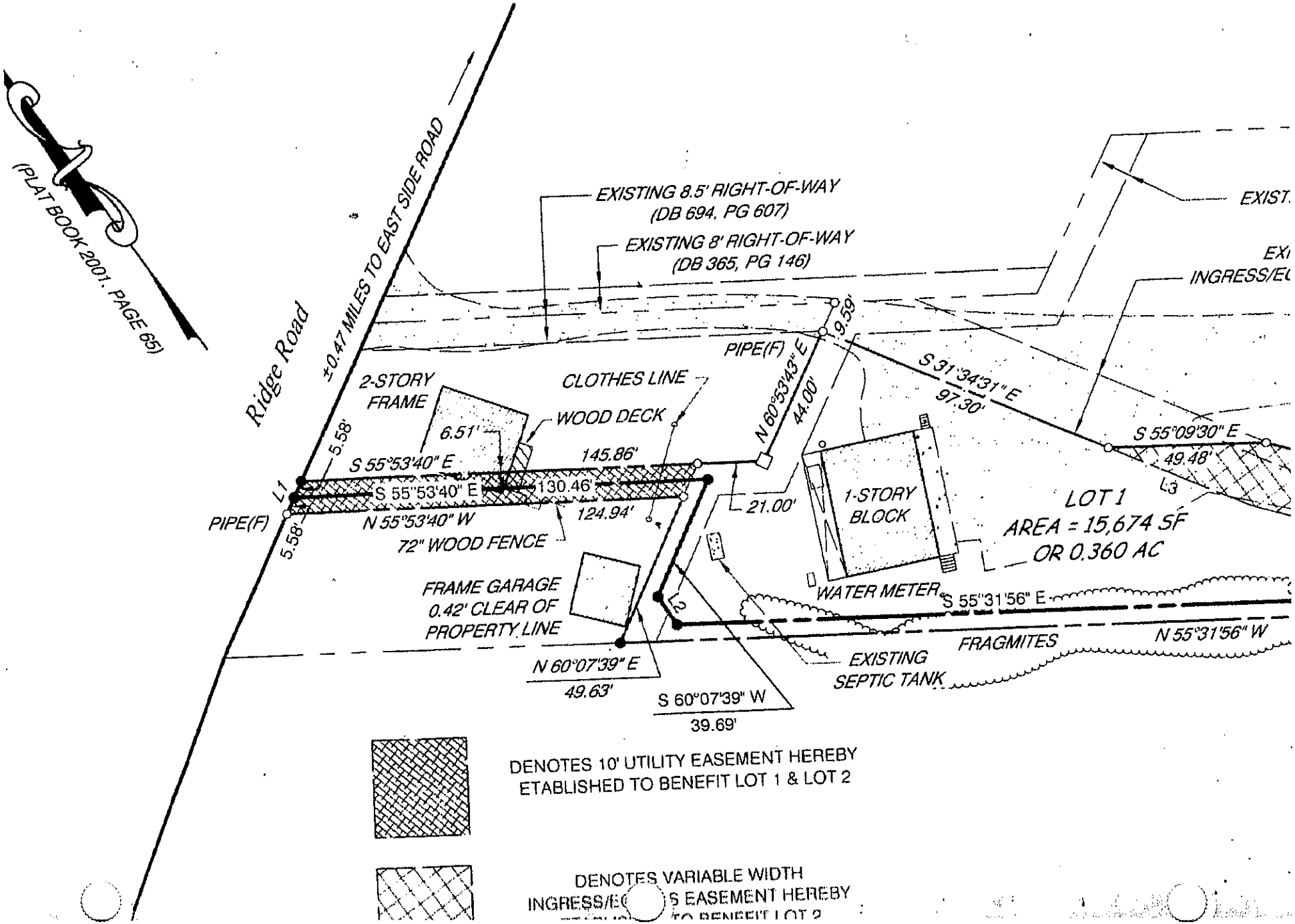
( ) yes, explain;
(x) no

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

(x) Yes, explain. In the area in question the property line in question is a narrow jib to small to build a primary structure on. As shown on the enclosed plat Toms cove clam house is located away from all other structures and meting or exceeding all other setbacks. The building is positioned in such a way as to give the most side and rear yard open room.

( ) no.

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


(PLAT BOOK 2001, PAGE 65)
Ridge Road
±0.47 MILES TO EAST SIDE ROAD
EXISTING 8.5' RIGHT-OF-WAY
(DB 694, PG 607)
EXISTING 8' RIGHT-OF-WAY
(DB 365, PG 146)
EXIST.
EXI
INGRESS/E
2-STORY
FRAME
CLOTHES LINE
WOOD DECK
6.51'
5.58'
S 55°53'40" E
145.86'
S 55°53'40" E
130.46'
124.94'
N 55°53'40" W
72" WOOD FENCE
L1
PIPE(F)
5.58'
PIPE(F)
9.59'
N 60°53'43" E
44.00'
S 31°34'31" E
97.30'
S 55°09'30" E
49.48'
L3
21.00'
1-STORY
BLOCK
LOT 1
AREA = 15,674 SF
OR 0.360 AC
WATER METER
S 55°31'56" E
FRAGMITES
N 55°31'56" W
EXISTING
SEPTIC TANK
FRAME GARAGE
0.42' CLEAR OF
PROPERTY LINE
L2
N 60°07'39" E
49.63'
S 60°07'39" W
39.69'
DENOTES 10' UTILITY EASEMENT HEREBY
ETABLISHED TO BENEFIT LOT 1 & LOT 2
DENOTES VARIABLE WIDTH
INGRESS/E
S EASEMENT HEREBY

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City, State, ZIP+4 Alexandria, Va. 22307
PS Form 3800, August 2006 See Reverse for Instructions

TAX MAP # 30A2-A-216 LOCATION OF PROPERTY NORTH

NAME: ELGER & ELIZABETH HAWKINS

ADDRESS: 3334 RIDGE ROAD CHINCOTEAGUE VA 23336 PHONE:

COMMENTS: No objection

( ) DISAPPROVE REQUEST (✓) APPROVE REQUEST

SIGNATURE: DATE: 1-11-10

TAX MAP # 30A2-A-221 LOCATION OF PROPERTY SOUTH

NAME: KENNETH L. BURTON

ADDRESS: 8299 BEEBE RD CHINCOTEAGUE VA PHONE: 336-6498

COMMENTS:

(✓) APPROVE REQUEST ( ) DISAPPROVE REQUEST

SIGNATURE: DATE: 11-5-10