

Minutes
Northampton County
Board of Zoning Appeals
August 7, 2012

This was a regular meeting of the Northampton County Board of Zoning Appeals (BZA) held on Tuesday, August 7, 2012 in the Board Chambers located at 16404 Courthouse Road in Eastville, Va.

Members present were Chair Susan Henderson, Kevin Kellam, Bonnie Nottingham, Eugene Bannister and Douglas Coburn.

Also in attendance were Melissa Kellam, Zoning Administrator; Katrina Hickman, Zoning Inspector; and Kay Downing, Administrative Assistant.

The Chair called the meeting to order at 11:00 a.m., established a quorum, and then introduced Board members and staff to the public. Mr. Kellam was welcomed as the latest appointee.

Public Hearing:

The scheduled public hearing was called to order and all those wishing to speak at today's meeting were sworn in by the Chair.

It is noted for the record that Ms. Kellam and the Board, with the exception of Mr. Kellam, had conducted a field visit to the Henderson property this day just prior to the meeting.

Variance 2012-01: James & Cynthia Henderson have filed for a front yard variance of 50 feet from the standard 60-foot setback and a side yard variance of 14' from the standard 15-foot setback in order to construct a one-story addition to an existing single-family dwelling. The property is located at 5440 Holly Point Lane and zoned A/RB Agriculture/Rural Business District. The property is described as Tax Map 13, double circle A, parcel 64 containing 0.412 acres of upland.

Ms. Kellam read the staff recommendation as follows:

Recommendation: *When the setbacks and buffer area are applied to this lot a small building envelope exists of approximately 900 square feet. The applicant has made a request to construct a one story addition and a screened porch with steps onto an existing 1,052 square foot dwelling. The size of the existing dwelling was taken from the Northampton County tax map cards. On the adjacent property, which is owned by the same property owners who are subject of the requested variances, are located two sheds and a garage. The proposed addition and porch with steps is approximately 788 square feet. None of the existing 1,052 square foot dwelling is located within the existing building envelope. If the project is approved and constructed, the total building footprint will be 1,840 square feet. It is staff opinion that this total building footprint is a reasonable size. Additionally, the placement of the addition is reasonable based on the current floor plan of the existing*

dwelling. If the lot were undeveloped and the applicant were to utilize the existing 900 square foot building envelope for a 1,840 square foot building footprint a hardship would exist and a variance(s) would be necessary for construction. Because the existing dwelling is not located within the existing building envelope the degree and possibly the number of variances has increased. It is staff recommendation that because it is no longer required to prove that a hardship exists which approaches confiscation that a hardship exists based on the facts that only a small building envelope exists, that this situation does not generally occur in this zoning district, the granting of the requested variances will not be of substantial detriment to adjacent property (who are currently the applicants themselves) and that the character of the zoning district will not be changed by the granting of the variance.

Ms. Kellam noted that the staff report should be corrected to reflect a 15-foot setback and not a 25-foot setback making the parcel building envelope larger. She informed the Board that a correction to that affect would be placed in the file. She also noted that an adjacent property owner had written a letter in support of the variance request.

Mr. Tommy Arnold, contractor and agent for the applicants, stated that he and the property owners had worked diligently on the building plans to incur as little disturbance as possible. He stated that the septic system is located on the opposite side of the existing dwelling. The proposed location is the most logical place for the addition creating the least impact to Nassawadox Creek. He stated that placing a two-story addition above the main house is not an option since the original construction would not support such an addition.

Mr. Coburn asked when the property was purchased. Mr. Henderson responded last year.

There being no other public comments, the hearing was closed.

At this time, the Chair stated that she would be abstaining from discussion and voting on this matter since the applicants are family relatives.

Action:

Motion was made by Mr. Coburn that the variance be approved based on the following hardships: (1) location of the existing dwelling; (2) size of the parcel; (3) shape of the parcel; (4) existing terrain; and (5) location of the existing septic system. Second was made by Mr. Bannister and the motion carried by a majority vote of 4 "yes" and 1 abstention by the Chair.

Mrs. Downing explained to the applicants that after the required 30-day appeal period the building permit can be issued if all other approvals have been obtained.

Statements from the Public: none.

Old Business: none.

New Business

Election of officers: Mr. Coburn nominated Ms. Henderson as Chair which was affirmed by Mr. Bannister; Mr. Bannister then nominated Mr. Coburn as Vice-Chair which was affirmed by Ms. Nottingham. There being no other nominations Ms. Henderson was selected Chair and Mr. Coburn as Vice-Chair by unanimous consent.

The 2011 Annual Report was reviewed and then approved by consensus for benefit of the Board of Supervisors.

Zoning Administrator’s Report

Mr. Kellam confirmed that the Board will meet again in September as she anticipates the filing of an appeal related to a decision of the Zoning Administrator.

Consideration of Minutes

The minutes of the September 6, 2011 meeting were unanimously accepted as written.

Adjourn

There being no other business the meeting was adjourned at 11:12 a.m.

Chair

Secretary