

Minutes
Northampton County
Board of Zoning Appeals
Nov. 6, 2012

This was a regular meeting of the Northampton County Board of Zoning Appeals (BZA) held on Tuesday, November 6, 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 9:35 a.m., established a quorum, and then introduced Board members and staff to the public.

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 had visited the property described below prior to the meeting this day.

Exception 2012-01: Virginia Faye Deering has applied for an exception of 586 square feet and 90 linear feet of encroachment into the required resource protection area buffer to construct paved areas, ramps and decks to provide handicap access to an existing single-family dwelling. The property has frontage on the Chesapeake Bay and is located at 16256 Smith Beach Road (SR 666). The parcel is zoned ECC Existing Cottage Community District and described as Tax Map 56, double circle A, 16256.

The staff report was read into the record by Ms. Kellam as follows.

Recommendation:

It is the opinion of staff that the applicant's request for an exception to construct: (1) a 251 square foot deck (including the steps); (2) 180 square feet of ramps and a wooden structure to gain handicap accessibility; and (3) 155 square feet of pavers to gain handicap accessibility, does meet the criteria for an exception to be considered by the Board of Zoning Appeals. A survey of the size of decks of the adjacent property owners shows the average size to be 250 square feet. The range in deck sizes surveyed was 60 square feet to 536 square feet.

Staff would consider the request for 335 square feet of ramps and pavers to gain handicap accessibility to be a reasonable request and recommends approval of these items. The Northampton County Zoning Ordinance also provides for certain modifications to allow for ADA structures that would work in conjunction with any exception that may be approved by the Board of Zoning Appeals related to these items. Staff would consider a request to construct a deck a

reasonable request and recommends that the Board of Zoning Appeals use the average and range of adjacent deck sizes to determine the appropriate size deck for this specific property.

Ms. Kellam explained that the application does not involve a variance; therefore, it does not have to meet hardship criteria. However, it does have to meet the Chesapeake Bay Act exception criteria.

Mr. Ed Truitt, agent for the applicant, stated that Ms. Deering proposes to use a more permeable type of paver that will help reduce stormwater runoff. The purpose of the project is to provide accessibility for an immediate family member.

Ms. Kellam explained that there is no shoreline setback on this parcel as it was created prior to the Bay Act and that the only encroachment will be in the 100-foot buffer. She also explained that an administrative waiver can be issued for the first 50 feet of landward encroachment into the buffer; however, an approved exception must be obtained for any encroachment beyond the last 50 feet of intrusion waterward.

Mr. Truitt explained that the project would incorporate handicap accessibility into the deck to better enable access the house and shower area.

During discussion, Ms. Kellam noted that the administrative approval can be granted for the pathway needed. However, parking and the driveway must be approved by the BZA.

Mr. Dennis Deering, son of the applicant, stated that he needs access from a vehicle on a solid, level surface in order to access the deck and house.

There being no other comments the hearing was closed.

Action:

Motion was made by Mr. Coburn to approve the application as submitted since the project was not a detriment to the public welfare and is deemed a reasonable request to meet the needs of the homeowner. Second was made by Ms. Nottingham and the motion carried unanimously.

Ms. Kellam informed Mr. Deering and Mr. Truitt that there is a 30 day appeal period before a building permit can be issued for the project.

Statements from the Public: none.

Old Business: none.

New Business: none.

Zoning Administrator's Report

Ms. Kellam reported that there are no pending applications at this time. However, there may be one filed in the near future for a lot in the Vaucluse Shores Subdivision.

Consideration of Minutes

The minutes of the August 7, 2012 meeting were unanimously accepted as written upon motion by Mr. Bannister and second by Mr. Coburn.

Adjourn

There being no other business the meeting was adjourned at 10:00 a.m.

Chair

Secretary