

**King and Queen County  
Board of Zoning Appeals  
Minutes  
June 15, 2009**

**MINUTES  
BOARD OF ZONING APPEALS  
JUNE 15, 2009**

The Board of Zoning Appeals (BZA) of King and Queen County met in the King and Queen County Courts and Administration Building on June 15, 2009, at 6:00 P.M., with public notice having been published in the *Tidewater Review* and *Rappahannock Times* and written notice mailed to interested parties, as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. The following Board members and staff were present:

Donna Graham  
Pam Ashley  
Robert Taylor  
Leland Wyatt

Donna Sprouse, Assistant Zoning Administrator

**IN RE:  
CALL TO ORDER**

Mr. Taylor called the meeting to order. Mrs. Sprouse determined that there was a quorum present with four members. (Pam Ashley, Robert Taylor, Leland Wyatt and Donna Graham were present)

**IN RE:  
APPROVAL OF MINUTES**

A motion was made by Mrs. Ashley and seconded by Mr. Wyatt to approve the February 17, 2009 minutes as written.

*Voting For: Ashley, Taylor, Wyatt  
Voting Against: None  
Abstain: Graham.*

**IN RE:  
APPROVAL OF AGENDA**

Mr. Taylor stated that he had skipped the approval of the agenda, however would like to discuss the amended By-Laws. A motion was made by Mr. Wyatt and seconded by Mrs. Ashley to approve the agenda with the addition of one item to review and discuss the By-Laws.

*Voting For: Ashley, Taylor, Wyatt, Graham  
Voting Against: None*

**IN RE:  
REVIEW AMENDED/APPROVED BY LAWS**

Mr. Taylor informed the fellow members of the Board of Zoning Appeals that as some may recall, at the last Board of Zoning Appeals meeting the board decided to change the meeting dates of the BZA from the third Tuesday of the month to the third Monday of the month. He also noted that the time was also changed from 7 p.m. to 6 p.m. He asked if any of the fellow members had any additional comments or questions. Hearing none, he informed the board that the amended approved By Laws were provided by Mrs. Sprouse before the start of the meeting tonight.

**VARIANCE  
VAR09-03, C. ROY TAYLOR, JR.**

**Applicant: C. Roy Taylor, Jr.**

**Subject:** The Planning and Zoning Department received an application to the Board of Zoning Appeals (“BZA”) on May 6, 2009 from C. Roy Taylor, Jr., requesting a variance from Zoning Ordinance, Article 5, Table 5.1, “Table of Minimum Dimensional Regulations for Primary Zoning Districts.”

**Premises:** The subject property is located on State Route 680, 1519 Hockley Lane, in the Buena Vista Magisterial District. The property is identified as County Tax Map Parcel No. 1623-133L-408E-1.

Mr. Taylor noted that the applicant was not in attendance to speak on behalf of his project and felt that he should have taken this request serious and should have been in attendance to plead his case to the Board. Mr. Taylor opened the public hearing.

Mrs. Sprouse provided the following background information: Mr. Taylor, Jr. requests a variance from Zoning Ordinance, Article 5, Table 5.1, Table of Minimum Dimensional Regulations for Primary Zoning Districts to meet the left and right side yard setback of 40’ feet for primary structures in the Agricultural Zoning District. Mr. Taylor, Jr. is

requesting the following: (1) a 16.9-foot variance to allow for a right side yard setback of 23.1 feet and (2) a 4-foot variance to allow for a left side yard setback of 36 feet. The proposed home illustrated on the site plan prepared by Mr. Gray, Land Surveyor is a 14' x 60' manufactured home, not a 14' x 65' manufactured home as requested in Mr. Roy Taylor's written request to the BZA. Mrs. Sprouse stated that the parcel is zoned Agricultural. Mr. Taylor stated that he assumed that the properties along the river were zoned Residential. Mrs. Sprouse stated that the parcel is zoned Agricultural.

Mr. Wyatt asked Mrs. Sprouse if Mr. Roy Taylor was notified of the meeting. Mrs. Sprouse stated that both the applicant/owner and adjoining property owners were sent notification by certified return receipt and stated that Mr. Taylor signed for his letter, for she received the return receipt.

Mr. Taylor asked Mrs. Sprouse if to her knowledge is staff aware of any similar approved variance in the past. Mrs. Sprouse stated no, not that she is aware. Mr. Taylor stated that though it is not before them as the BZA, he wanted to inform the members of the BZA that the project appears to be in the seaward 50' of the RPA. Mr. Wyatt stated that was something that was not before them tonight, they are to review setbacks. Mr. Taylor stated that he wanted to just inform the BZA that this project is also going before the Planning Commission for a Chesapeake Bay Exception in the upcoming weeks as well. Mr. Taylor stated that he had asked Mrs. Sprouse to investigate and find out if it would be possible to replace the 10' x 50' manufactured home with another 10' x 50' manufactured home. She had determined that Mr. Taylor is correct in that they no longer manufacture 10' wide homes; they are now a minimum of 14' wide.

Mr. Taylor stated that Article 17, Section 3-388 says a single family dwelling erected prior to August 12, 1986, with a state approved septic system and water supply may be replaced on the original building site. Such dwelling shall have required yards (setbacks) equal to or greater than those at the original date and site.

Mr. Taylor states that the home is damaged that this why the applicant is wishing to replace the home and noted that such request is addressed in Article 17, Section 3-389. Whenever a nonconforming building or a building devoted to a nonconforming use is damaged by any cause whatsoever to the extent of more than sixty percent of its most recent assessed taxable value, such building shall not be restored, repaired, or reconstructed except in conformance with the applicable provisions of the Ordinance, provided that the Board of Zoning Appeals shall have the authority to grant a special exception under the provisions of this Ordinance for the restoration, repair or reconstruction of such building to an extent that does not constitute any greater deviation from the provisions of the Ordinance than that which existed prior to the damage.

Mr. Taylor stated that the BZA should be careful with this one because they could be setting precedence with this one. He also stated that he feels that there are other ways to avoid this request. He stated that the applicant could build a smaller home so he is not encroaching within the RPA or the side yard setbacks.

Mr. Wyatt stated that many times he feels that people turn to manufactured homes over stick built homes because of the expense between the two. Many manufactured homes are affordable and can be installed fairly quickly.

Mr. Wyatt stated that in the past though it may not have always been right, the BZA has also tried to accommodate the citizen as much as we can and not go away from the ordinance.

Mr. Taylor stated that this has to be a land situation caused reason for the variance not because we feel bad for the guy. Mr. Taylor stated that it has to be a land based situation, not a financial situation to request or approve a variance request.

Mr. Wyatt stated that he still feels we should accommodate the citizen. Mr. Wyatt asked if the neighbors oppose of this request. Mrs. Sprouse stated that all adjoining neighbors were notified by certified return receipt and that the Planning and Zoning Office received the notification letter of the meeting back from Mildred Taylor and Betsy Harrison signed and stated that they both approved of the request. Mrs. Ashley stated that she noticed that it appears to be all family surrounding this parcel requesting such variance.

Ms. Graham asked if it was grandfathered.

Mr. Taylor opened public comment period, hearing none, he closed public comment period.

Mr. Taylor stated that it is a grandfathered non conforming building and is allowed as it currently sits, but once you change the size and location, it shall meet today's requirements as stated in the ordinance.

Mr. Wyatt stated that Mr. Taylor stated earlier that they no longer manufacture 10' x 50' manufactured homes, so it is impossible to replace it with one of the same size. He states that the applicant will be improving the value and appearance of the property by replacing the 1960 home with a 2009 home.

Mr. Taylor noted that the smallest manufactured home they make now is a 14' x 60'. Mrs. Sprouse stated that they actually make a 14' x 48' manufactured home. Mr. Taylor stated well if that is the case, the applicant could buy a 14' x 48' manufacture home and wouldn't need a variance at all. Mr. Wyatt and Mrs. Ashley both stated that then the BZA would be dictating what size home he can have on his property. Mr. Taylor stated that if the BZA doesn't approve his side yard setback variance, then he would have no choice if he wanted to replace what he currently has.

Mr. Taylor asked the BZA should they center up his request so that he doesn't encroach into one side more than the other with his new proposed home should they be leaning towards approving his request.

Mrs. Ashley stated that should they center his home on the lot, then he may not be able to use the existing porch on the home and they are not sure as to the location of the well on the lot to go moving the home on the lot.

Mr. Wyatt stated that he would make a motion that the board approves the request as submitted on the plan prepared by Mr. Gray, Land Surveyor, seconded by Ms. Graham.

*Voting For: Ashley, Wyatt, Graham*

*Voting Against: Taylor*

**IN RE:**

**BOARD MEMBER COMMENTS**

Mrs. Ashley stated she understands where Mr. Taylor was coming from with this project, but feels this would be best for everyone.

Mr. Taylor stated that the applicant should have been present to answer some of their questions and he should have felt it was important enough to attend.

Ms. Graham said that the applicant could have had a situation that prohibited him in attending the meeting.

Mr. Wyatt stated that it would have looked better on the applicant if he could not have made the meeting that someone came in his absence.

Mrs. Ashley stated that he could have called the office and informed staff of such as a courtesy.

**IN RE:**

**ADJOURN**

Mr. Taylor stated he would entertain a motion to adjourn the meeting. A motion was made by Mr. Wyatt, seconded by Mrs. Ashley.

*Voting For: Ashley, Wyatt, Graham, Taylor*

*Voting Against: None*

---

Robert Taylor, Chairman