

**King and Queen County
Board of Zoning Appeals
Minutes
September 18, 2017**

**MINUTES
BOARD OF ZONING APPEALS
SEPTEMBER 18, 2017**

The Board of Zoning Appeals (BZA) of King and Queen County met in the King and Queen County Courts and Administration Building on September 18, 2017, 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:

Pamela Ashley
Robert Bland, IV
Bruce Taylor
Robert Coleman, Jr.

Donna Sprouse, Assistant Zoning Administrator
Thomas J. Swartzwelder, County Attorney

**IN RE:
CALL TO ORDER**

Mrs. Pamela Ashley called the meeting to order. Mrs. Sprouse determined that there was a quorum present with four members. (Pamela Ashley, Bruce Taylor, Robert Bland, IV and Robert Coleman, Jr. were present)

**IN RE:
APPROVAL OF AGENDA**

Mrs. Ashley stated she would entertain a motion to approve the agenda. A motion was made by Mr. Bland to approve the agenda as presented, seconded by Mr. Taylor.

Voting For: Ashley, Bland, Taylor, Coleman

Voting Against: None

Abstain: None

IN RE:

WELCOME NEWLY APPOINTED MEMBER – ROBERT COLEMAN, JR.

Mrs. Ashley welcomed newly appointed BZA member, Robert Coleman, Jr. Mr. Coleman stated that he is looking forward to serving on the BZA and noted that he is a current member of the Planning Commission.

IN RE:

2017 CHAIR & VICE CHAIR NOMINATIONS

A motion was made by Mr. Taylor to nominate Mrs. Ashley as Chair, seconded by Mr. Bland.

Voting For: Ashley, Bland, Taylor, Coleman

Voting Against: None

Abstain: None

A motion was made by Mrs. Ashley to nominate Mr. Taylor as Vice-Chair, seconded by Mr. Bland.

Voting For: Ashley, Bland, Taylor, Coleman

Voting Against: None

Abstain: None

IN RE:

APPROVAL OF MINUTES

A motion was made by Mr. Bruce Taylor to approve the minutes as written, seconded by Mrs. Ashley. The October 19, 2015 minutes were approved.

Voting For: Ashley, Bland, Taylor

Voting Against: None

Abstain: Coleman

IN RE:

NEW BUSINESS

VARIANCE

VAR17-01, Woodland Construction and Landscaping, LLC – C/o James Edwin Woodland, III

Applicant: James Edwin Woodland, III

Owner: Woodland Construction and Landscaping, LLC

Public Hearing Notice provided in the Tidewater Review and Rappahannock Times (August 30th & September 6th). Adjoining land owner notification provided by certified return receipt on August 25, 2017.

Subject: The Planning and Zoning Department received an application to the Board of Zoning Appeals (“BZA”) on August 8, 2017 from James Edwin Woodland, III on behalf of Woodland Construction and Landscaping, LLC, requesting a variance from Zoning Ordinance, Article 5, Table 5.1, Minimum Dimensional Regulations for Primary Zoning Districts. The applicant states that in order to locate a manufactured home on the said parcel, such request must be granted.

Premises: The subject property is located off of State Route 620, Powcan Road, in the Newtown Magisterial District. The property is identified as County Tax Map Parcel No. 1625-43R-237A.

Mrs. Sprouse noted that Mr. Woodland requests a variance from Zoning Ordinance, Article 5, Table 5.1, Table of Minimum Dimensional Regulations for Primary Zoning Districts. His request is to install/construct a 14’ x 72’ singlewide manufactured home with a front 4’ x 4’ stoop and rear 10’ x 16’ deck. Mr. Woodland is requesting the following: (1) a 36.02-foot variance to allow for a front yard setback of 63.98 feet.

Pursuant to Zoning Ordinance, Title II, Article 5, Table 5.1 the required front yard setback for primary structures in the Agricultural Zoning District is 100 feet.

Mrs. Sprouse noted that the findings that the BZA must make is on page two of their meeting packet.... Article 20, Appeals...

“Section 3-462(B)(2) of the Zoning Ordinance, a variance may be granted when the property owner demonstrates the property was acquired in good faith and (a) the exceptional size or shape of the property existed when the Zoning Ordinance became effective [8-12-1986]; (b) due to physical conditions of the property, or the use or development of an adjoining property, strict application of the terms of the Ordinance effectively would prohibit or unreasonably restrict use of the property; or (c) where the BZA finds that granting the variance would alleviate a clearly demonstrable hardship approaching a “taking,” as opposed to the applicant seeking a special privilege or convenience.”

“Section 3-462(B)(3), the BZA may grant the variance if it finds that (a) strict application of the Ordinance would produce an undue hardship; (b) the hardship is not shared generally by adjoining properties; and (c) granting the variance will not be substantially detrimental to adjoining properties, and the character of the district will not be changed by granting the variance.”

Mrs. Sprouse also reminded the Board that should the request be approved, the property owner has one year to start construction, or such approval is null and void.

Mrs. Sprouse also added that the one acre parcel was cut from a 4 acre parcel in 1980 by deed. The 3 acre parcel that remained, is the parcel in which the brick home is located on the road frontage and in front of the one acre parcel. The division was created by way of deed in DB88 page 564.

Mrs. Ashley opened the public hearing and asked if there was anyone in the audience that would like to speak.

Mr. Woodland, owner, stated that he is looking to place a manufactured home on the property, and noted that he is not asking for a larger home, but a modest one that will better fit the parcel. He noted that this home will be occupied by a friend of the family.

Mr. & Mrs. Rogers, neighbors, noted that they were against the proposal, as they were both concerned about the 16' right of way. They questioned how the applicant could get a 14' singlewide down a 16' right of way without running the risk of taking down their trees along the property line. They also noted that they made an offer on the property and their offer was rejected, though they offered the same price that Mr. Woodland purchased it for. Mr. & Mrs. Rogers expressed concern about it being visible, although not from their single wide but from their property line. They also expressed concern that it would be visible from the adjoining parcel owned by the family of Ms. Wood and that they had contacted her and asked her to object.

NOTE: No objection was received and she did not attend the hearing to voice any concerns.

Mr. Woodland noted that he is in the business of setting modular and manufactured homes. He can assure the Rogers that he will not take down their trees and will not touch their property.

Hearing no further comments, Mrs. Ashley closed public comment period.

Mr. Coleman asked staff if the plat of the property was approved by the County. Mrs. Sprouse noted that the plat was a boundary survey, and boundary surveys are not required to be signed/approved by the Zoning Office. Mrs. Sprouse noted that it was a legally created parcel of its time.

Mrs. Ashley asked Mrs. Sprouse if she understood correctly that the parcel was created in 1980, 6 years prior to the county adopting its zoning ordinance. Mrs. Sprouse noted that she was correct.

Mrs. Bland noted that though he doesn't agree with an acre parcel, understanding that it was conforming at that time, something has to be permitted on the parcel.

Mrs. Ashley asked if any of the other members had any comments.

Mr. Taylor noted that though he understands the applicant and the neighbor's dilemma and concerns, the parcel is what it is. Mr. Taylor noted that considering that the lot was a legal lot at the time and the applicant is proposing a reasonably sized home, the applicant has a right to have something there.

Mrs. Ashley made a motion to approve the variance request as submitted, seconded by Mr. Taylor.

Voting For: Ashley, Bland, Taylor

Voting Against: Coleman

Abstain: None

**IN RE:
BOARD MEMBER COMMENTS**

Mr. Taylor and Mr. Bland both noted that they had a difficult decision to make but considering the shape of the parcel, something had to be approved. Mr. Coleman noted that he voted "no" because he feels that the parcel could have been used in other ways, rather than a residence.

Mrs. Ashley thanked everyone for coming.

**IN RE:
ADJOURN**

Hearing no further comments, Mrs. Ashley stated the meeting was now adjourned.

Pamela Ashley, Chair