

BOARD OF ZONING APPEALS

August 1, 2011

MEETING MINUTES

Present: Chair John Bradshaw, Members Gifford Childs, Linda Russell, Kim Cash, Goffrey Miles, and Alternate Ron Moyer

Staff: Fred Boger, Planning Director, and Wanda Staton, Secretary

Call to Order: Mr. Bradshaw called the meeting to order at 7:30 P. M.

Approval of Minutes May 2, 2011 – The following corrections were made to the May 2, 2011 minutes: Page 3, change Mr. Russell to Ms. Russell, change mass to mess, page 4, change there to where and motion vote change from 4-0 to 5-0. With the corrections being made Ms. Russell made a motion to approve the May 2, 2011 minutes as corrected. Ms. Cash provided the second and the motion passed 5-0.

Approval of Minutes June 6, 2011 – The following corrections were made to the June 6, 2011 minutes: Page 1, change Penny's to Pennys', Page 4, change delete and in 2nd paragraph and 5th paragraph change than to that. With the corrections being made Ms. Russell made a motion to approve the June 6, 2011 minutes as corrected. Mr. Childs provided the second and the motion passed 5-0.

Special Use Permit #2011-005 – David and Christine Comer

Applicants withdrew their application.

Special Use Permit #2011-004 – Kenneth and Karen Cowen

Mr. Boger reported that Mr. and Mrs. Cowen submitted a request for a Special Use Permit to permit the construction of a 25' x 20' garage on their property prior to the construction of the main building. The garage will be used to store tools while they construct the house. The property is located at the intersection of Little Mountain Lane and Fish Hatchery Lane and is further identified as Lot #3 in the Spy Rock Subdivision, Montebello, Virginia. Staff has received a response from Dr. Lee Albright and Mr. and Mrs. Bob Wille, adjoining property owners that they are in favor of granting the SUP. Staff has no major concerns with the application. As a result, there are no objections with granting the permit with the condition that construction on the main dwelling must start in one year.

The applicants were sworn in by Mr. Bradshaw.

Ms. Cowen stated that they are hiring someone from Powhatan who will be building their house. The house will be 31' x 31' post and beam. They have the septic field already installed and that has been approved by Tom Eick of the Health Department. They want to put up a garage so that they can store tools and lock them up.

Mr. Cowen stated that they currently live in Norfolk and they plan on moving here within the next couple of years. They have tools they want to leave here that are too large to carry back and forth. Mr. Childs asked the Cowens if they would have a problem meeting the deadline if a time limit is placed on the start of construction of the house. They responded that it would not be a problem. Ms. Cowen asked if they encounter any problems with the builder and his availability would they be able to apply for an extension. Mr. Childs stated that they can apply for an extension.

Ms. Russell asked if they currently have a camper on the property full time. Ms. Cowen stated that they

do stay in the camper when they come from Norfolk. She said in order to follow the camper laws they have installed the septic system.

Mr. Bradshaw opened the public hearing and with no comments from the public, the public hearing was closed.

Ms. Cash moved to approve Special Use Permit 2011-004, Karen and Kenneth Cowen, to construct a 25' x 20' garage on the property prior to the main building with 2 contingencies: 1) start construction of the main building within one year from the date of the permit 2) the garage will not be used for living facilities.

Mr. Miles provided the second.

Ms. Russell asked for discussion on the motion. She stated that in May 2011 an application was received from William Percy to construct a garage prior to the main dwelling and the contingencies the Board approved was for the building permit to be issued for the main dwelling within one year from the date of the permit. Ms. Cash amended the motion that a building permit must be issued for the main dwelling within one year of the date of this approval, August 1, 2011. Mr. Miles amended his second and motion passed 5-0.

Mr. Bradshaw declared the meeting adjourned at 7:55p.m.

Respectfully submitted,
Wanda Staton
BZA Secretary