At a meeting of the Caroline County Board of Zoning Appeals held Thursday, March 14, 2019, located in the Community Services Center Auditorium, 17202 Richmond Turnpike, Milford, Virginia.

Present

W. Leo Satterwhite
George Spinner
Patricia Parker
Joseph Pack
David Rababy
Janette Washington

Absent

Michael Crist

Staff

Rebecca Bradford, Secretary
Craig Pennington, County Planner

1. CALL REGULAR MEETING TO ORDER

Chairman Satterwhite called the regular meeting to order at 7:00 p.m.

2. APPROVAL OF MINUTES (JANUARY 10, 2019)

Mr. Spinner moved and Mr. Rababy seconded to approve the Minutes of January 10, 2019 as presented.

Voting yea: Parker, Pack, Rababy, Satterwhite, Spinner, Washington

* Motion carries *

Chairman Satterwhite explained the procedure for the Public Hearing.

Mr. Rababy read the following declaration into the record:

"I, Dave Rababy, hereby publicly declare and disclose that I own a residence in Lake Caroline and I am employed as the Executive Manager of the community's Property Owner’s Association. As such, I am employed by a business that may be directly or indirectly affected by the application for a variance that will be discussed at this meeting and voted on by the BZA. I further declare that I am able to participate in this discussion and vote, fairly, objectively, and in the public interest."

Public Hearings:

3. V-01-2019 – Cates, Harold, II & Christine, Owner/Applicant: Request a variance to Article XV, Supplemental Regulations, Section 4 (Accessory Building & Uses), Paragraph 3, on Tax Map #67A5-1-1841, consisting of 1.5 acres, more or less, zoned R-1, Low-Density Residential. This property is located at 150 Lake Caroline Drive, Lot 1841 Lake Caroline Development, Ruther Glen, Madison Voting District. Proposed Variance: To allow an accessory structure (detached garage) to be constructed in the front yard of a single family dwelling lot where it is prohibited.

Craig Pennington, Planner, gave the following Staff Report:
Request

The applicant is requesting a variance to allow a detached garage to be built in the front yard of the parcel on which a single family dwelling is located. Accessory structures are required by Section 4, Article XV of the Caroline County Zoning Ordinance to be located in the rear or side yard.

Discussion

The applicant is requesting a variance to allow a detached garage to be built in the front yard of the parcel on which a single family dwelling is located in the Lake Caroline subdivision.

The applicant would like to construct a 32’ x 50’ detached garage for the storage of their personal vehicles and other items. According to the survey provided by the applicant, there is RPA (Resource Protection Area) to the rear of the single family dwelling. Resource protection areas have a buffer of 100’ that should not be encroached upon. There is also a steep slope that surrounds the dwelling as the land slopes towards Lake Caroline. The applicant is proposing that the detached garage will meet all other setbacks for the property and is only requesting a variance for the structure to be located in the front yard.

§ 15.2-2201 OF THE CODE OF VIRGINIA STATES THAT A “Variance” means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

EXCERPT FROM THE CAROLINE COUNTY ZONING ORDINANCE, ARTICLE VIII, BOARD OF ZONING APPEALS: SECTION 4, VARIANCES, SUB-SECTION B. AUTHORIZATION AND STANDARDS

Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201 of the Code, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 of the Code and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of this ordinance, and

(i) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
(ii) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
(iii) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
Chairman Satterwhite asked if Staff received any additional comments from adjacent property owners voicing any opposition or in favor of the request.

Mr. Pennington said there were no additional comments from adjacent property owners.

Chairman Satterwhite asked if Staff received any input from legal counsel for either the Board or from the County.

Mr. Pennington said there was no additional input from legal counsel.

Chairman Satterwhite declared the Public Hearing open on V-01-2019, Cates, Harold, II & Christine, Owner/Applicant.

Harold Cates, Applicant, stated the reason he was requesting the variance was because he literally cannot put the garage behind the house. He said the location where they are proposing to put the garage will meet all of the setbacks requirements and variances. He said he has the lot on the side and he would like to use it for storage.

There were no further comments and Chairman Satterwhite declared the Public Hearing closed.

Mr. Rababy stated this case is very similar to the last case they had in Lake Caroline and he was familiar with the Cates’ yard. He said as has been pointed out, many of the yards, especially the water front yards, they drop off very steeply to the water. He said with the 100’ setback that the County imposes and the 110’ setback that Lake Caroline imposes, it is impossible to put a garage anywhere there.

He said he personally was in support of Mr. Cates’ presentation tonight and recommend voting in favor of the variance.

Mr. Spinner said the site as described appears to be particularly large, 32 x 50, and is a size that you can put at least four cars in. He asked Mr. Cates why this structure is going to be so large in the front of the house.

Mr. Cates said that he wants to fit his pontoon boat and trailer in there.

Chairman Satterwhite stated that he reviewed the documentation provided and it appears that sometime in the past, there was a consolidation of lot line vacation between what was at one time, 1841 and 1842, and he looked at that with some curiosity but once he looked at that, it makes the lot the size that it is.

He said there are certainly some topographical issues that are unique to this property which would give the Board some ability to consider the request from those angles. He opened the floor back up to the Board for further questions and discussion.

Mr. Spinner stated the Applicant has listed on one of the plats that a gravel driveway will be used for the garage.

Mr. Cates said the gravel drive will be used for the garage.
Mr. Spinner said so there will basically be two entrances to the property.

Mr. Cates said that was correct.

Mr. Spinner said he is assuming that since nobody is here from Lake Caroline to oppose this, that it is alright with them to have two driveways.

Mr. Rababy moved and Ms. Washington seconds to approve the request for the variance based on topographical restrictions of the property and unique site conditions that are unique to this particular lot.

Voting yea: Parker, Pack, Rababy, Satterwhite, Spinner, Washington

* Motion carries *

**ANY & ALL MATTERS**

Mr. Pennington advised that there will be another meeting of the Board of Zoning Appeals in April, 2019.

There were no other matters.

**ADJOURNMENT**

Mr. Spinner moved and Mr. Rababy seconded to adjourn the Board of Zoning Appeals Meeting at 7:15 p.m.

Voting yea: Parker, Pack, Rababy, Satterwhite, Spinner, Washington

* Motion carries *

Respectfully Submitted,
Michael A. Finchum
Director of Planning & Community Development