At a meeting of the Caroline County Board of Zoning Appeals held Thursday, August 8, 2019, located in the Community Services Center Auditorium, 17202 Richmond Turnpike, Milford, Virginia.

Present
Joseph Pack
Patricia Parker
W. Leo Satterwhite
George Spinner
Janette Washington
Andrea Erard, Erard Law, Counsel for the Board of Zoning Appeals

Absent
David Rababy

Staff
Michael Finchum, Director of Planning & Community Development
Chris Mackenzie, County Attorney
Craig Pennington, County Planner
Lisa Zech, Administrative Assistant/Planning Tech.

1. **CALL TO ORDER**
Chairman Satterwhite called the regular meeting to order at 7:00 p.m.

2. **APPROVAL OF MINUTES (APRIL 11TH & MAY 9TH)**

Mr. Pack moved and Ms. Washington seconded to approve the Minutes of April 11, 2019 as presented.

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

* Motion carries *

Mr. Spinner moved and Ms. Parker seconded to approve the Minutes of May 9, 2019 as presented.

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

* Motion carries *

3. **PUBLIC HEARING**
Mr. Satterwhite outlined the general procedure for Public Hearings.

3A. **V-04-2019 – Edmisten, Jeff & Carla, Owner/Applicant:** Request a variance on Tax Map #51A6-1-B-381, consisting of 0.30 acres, more or less, zoned R-1, Residential (Low Density). This property is located at 695 Welsh Drive, Lot B381, Lake Land’Or Development, Rutherglen, Virginia, Western Caroline Voting District. **Proposed Variance:** A variance to Article XII, Lot Area & Other Dimensional Requirements, to allow a 29’ rear setback for a principal structure, when a 35’ rear setback is required. **Purpose:** To allow a 10’ x 24’ pre-existing, non-conforming deck to remain and to allow the construction of a 10’ x 16’ sunroom on a portion of the deck.

Craig Pennington, Planner, provided the following Staff report:

**Request:**

The Applicant is requesting a variance to Article XII of the Caroline County Zoning Ordinance regarding the rear setback of 35 feet.
Discussion:

The Applicant is requesting a variance to allow an existing non-conforming 10x24 deck on the rear of the dwelling to remain on the property and to construct a 10x16 sunroom on a portion of the existing deck. Decks and porches are attached to and are part of a principle structure and must meet the required setback. The deck sits 29 feet from the rear property line where a 35’ rear setback is required.

The Applicant’s medical condition will confine her to a wheelchair in the future and the sunroom addition, which will be constructed on a portion of the deck, is to create an accessible avenue to the kitchen of the home and provide a dining area that is wheelchair accessible.

Building permit data from that time period is not available. Therefore, no information regarding the permitting and/or inspection of the existing deck is available. The Applicant has stated the deck was in place when they purchased the house in 1994.

Planning files contain a zoning permit issued in December 1989 for a single family dwelling but details about the structure such as decks and porches are not available. The setbacks noted on the zoning permit were 45’ from the front, 73’ from the rear. It is obvious from the house location survey provided by the Applicant (included in the packet) that the dwelling was not built on the lot as shown on the original permit.

The property to the north and east of the subject lot is Lake Land ‘Or common area and a single family dwelling is located on Lot B-382 to the south of the parcel. A site map (aerial view) of the property created by Staff is included with this packet.

Chairman Satterwhite asked if Staff received any written or oral comments from any adjacent property owners.

Lisa Zech said no, Staff did not receive anything written or verbally.

Chairman Satterwhite asked if there were any comments from counsel. There were no comments from Counsel.

Chris Mackenzie, County Attorney, Sands, Anderson Law Firm, introduced himself as counsel for Staff.

Photographs from the Applicant were distributed to members of the Board of Zoning Appeals.

Chairman Satterwhite opened the Public Hearing on V-04-2019, Edmisten, Jeff & Carla, Owner/Applicant. There were no speakers and Chairman Satterwhite declared the Public Hearing closed.

Jeff Edmisten, Owner/Applicant, stated that if they had any perception that this would impact anyone, they would not ask for the variance. He said there is only one residence within sight of the rear of his property and he could not perceive that this would have any impact on anyone. He said there is greenway and a privacy fence. He stated the deck was there when they bought the house.

Mr. Spinner stated that the sunroom was designed by The Champion Company. He said it has been his understanding, and he has looked at those rooms, they are not year around rooms. He said they are sunrooms, basically. He said maybe at the most, three season rooms. He said he was just wondering, since in the proposal, Mr. Edmisten stated he was using this so his wife could get around in the home better. He said if this is not a year around room, how does Mr. Edmisten propose to use this during winter?
months and is he planning to modify it so it will be able to be used as a year around room.

Mr. Edmisten said obviously, they have talked about maybe using space heaters and that sort of thing, but in the colder months it will be just a transportation venue for her when she becomes confined to a wheelchair. He said his wife has brittle bone disease and they watched her parents and grandparents live with the same disease.

Mr. Spinner asked if it would be open to the rest of the home year around.

Mr. Edmisten said there will be a sliding glass door that will seal it off from the rest of the house.

Mr. Spinner said he was not sure that changed anything as far as it being a change from a sunroom to a part of the actual house.

Chairman Satterwhite asked if the variance is granted and it needed to be changed to a full addition, could that be done.

Mr. Pennington said yes, if it is attached to the house it is part of their primary structure and must meet the setbacks. He said if the deck is granted and the sunroom is granted and they make any interior alterations to that structure, it would not change anything.

Mr. Spinner said this is going to be set up on a deck that is currently there. He said his question is, has this deck been inspected.

Mr. Pennington said no, the deck was not inspected because they do not have a permit on file for that; however, construction of the sunroom would require reinforcement of the deck and with that building permit should this be granted, then the deck would be inspected.

Mr. Spinner said so any alterations to the deck would mean that the deck would have to come into compliance with the setback rules.

Mr. Pennington that is why they are requesting a variance.

Mr. Spinner said this was going to be a lot of weight and asked if the deck was strong enough to bear that weight that is going to be added to it by adding on the sunroom.

Mr. Pennington stated they would have to reinforce the deck, which is part of the building permit that the Building Official would look at.

Mr. Spinner said if they are modifying the deck in any way, does that not then make it that they would have to conform to the current setback rules unless the BZA gives them a variance on that.

Mr. Pennington said that is why they are requesting the variance.

Mr. Edmisten stated that the package from Champion has plans to reinforce the flooring.

Mr. Spinner said his concern is the fact that they would hate to have this thing built and then 5 or 10 years from now, it starts to collapse because the structure can no longer hold it up.

Mr. Pennington stated that is part of the building permit.

There were no further questions and Chairman Satterwhite opened the floor for discussion by members of the Board in regard to the request and to ultimately receive any motions to be brought in regard to the request.
Ms. Erard asked if the Public Hearing was closed.

Chairman Satterwhite said yes, the Public Hearing is closed and the floor is now open for discussion between the Board members in regard to the request and to ultimately receive any motions in regard to the request.

Mr. Spinner stated that this is a unique situation and he understands the relevance of needing this room. He said as long as everything is brought up to Code, he does not have a problem with it.

Ms. Erard asked if they would like her assistance with a Motion.

Mr. Spinner said they need to give the other members a chance to speak.

Ms. Parker stated that she was happy to see that no one is behind them and the greenway and privacy fence back there makes it a little easier for her to say that she can accept this.

Mr. Spinner asked on the plat that Mr. Edmisten gave them, is the common area behind the house being used for anything.

Mr. Edmisten said no, at the border of their property, there is a privacy fence erected by Lake Land’Or, behind that is a greenway and behind the greenway is a REC powerline and then the basketball court for the apartments.

Mr. Spinner asked if Lake Land’or opposed this.

Mr. Edmisten stated they are aware, but would not consider it until they received approval from the County.

Ms. Parker said there was no complaints from the one neighbor.

Mr. Edmisten said that was correct.

Chairman Satterwhite said he only had one concern, it states that the deck is currently 29 feet from the property line and they are making the variance exactly to the current deck. He asked if there was any reason to consider that maybe an additional one foot variance could be added if they granted the variance.

Ms. Erard stated that would require re-advertising.

Mr. Mackenzie stated they are requesting the absolute minimum that they need to do.

Mr. Spinner asked if there were any additions to the deck, they are not making the deck any larger.

Mr. Edmisten said no.

Mr. Spinner moved and Ms. Parker seconded to approve the request for V-04-2019, pursuant to Virginia Code Section 15.2-23 of 9, to alleviate a hardship to grant a reasonable modification on behalf of a person with a disability.

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

* Motion carries *
4. **ANY AND ALL MATTERS**

Chairman Satterwhite stated that they did have some additional information provided by Staff as to the vacancy. He said it is anticipated to be filled but probably will not be active until October.

Ms. Zech stated, it will more than likely not be active until sometime in December, maybe January because the class needs to be completed which isn’t until December.

5. **ADJOURNMENT**

Mr. Pack moved and Ms. Washington seconded to adjourn the Board of Zoning Appeals Meeting at 7:25 p.m.

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

* Motion carries *

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