

# **BOARD OF ZONING APPEALS**

## **Agenda**

**September 24, 2013**

**4:00 P.M.**

- 1. Call to Order; Roll Call**
- 2. Election of Officers** – There is currently no chairperson for the Board of Zoning Appeals, we will need to nominate and vote on a Chair and Vice-Chair for the Board
- 3. Public Hearing**
  - A. Hear public comment on the proposed variance for Lot 35, 510 Brass Ring Circle
  - B. Close Public Hearing
- 4. Invocation and Pledge of Allegiance**
- 5. Public Comments**
- 6. Consent Agenda**
  - A. Approval of Agenda Format
  - B. Approval of Minutes of April 29, 2010
- 7. New Business**
  - A. Variance Application – 510 Brass Ring Ave – New Home with chimney encroachment into the side yard.
- 8. Adjourn**

# Board of Zoning Appeals Staff Report

From: Rob Testerman

Date: September 18, 2013

Item: N/A

Attachments: Zoning Ordinance Section 2.6

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For your benefit, since the Board of Zoning Appeals meets on such an infrequent basis, I have attached Section 2.6 of the Cape Charles Zoning Ordinance as a reminder of the powers, duties and purpose of the Board of Zoning Appeals.

## **Town of Cape Charles**

### **ARTICLE II**

#### **General Provisions**

##### **Section 2.6 Appeals and Variances**

###### **Section 2.6.1 Board of Zoning Appeals**

In accordance with Sections 15.2-2308 through 15.2-2314 of the Code of Virginia, any municipality which has enacted or enacts a zoning ordinance shall therefore create a Board of Zoning Appeals. The Town of Cape Charles Board of Zoning Appeals will consist of five members who shall be appointed by the circuit court of Northampton County. Members of the board shall hold no other public office in the municipality except one may be a member of the Planning Commission. The term of office shall be for five years each without pay.

- A. Vacancies shall be filled for unexpired terms. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall only be for the unexpired term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the county or town except one may be a member of the local planning commission. A member whose term expires shall continue to serve until his/her successor is appointed or qualified. The board may make, alter, and rescind rules and forms for its procedures, consistent with ordinances of the town and general laws of the state. Board members may be removed for cause upon written charges and after a public hearing held at least fifteen days after notice. Removal shall be based on malfeasance, misfeasance, or non-feasance in office or other just cause by the court which appointed them. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body at least once a year.
- B. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, and other technical clerical services.

The board shall be governed by these provisions and any provisions set forth in Sections 15.2-2308 through 15.2-2314 of the Code of Virginia. The board shall annually choose its own chairman and vice-chairman, who shall serve in the absence of the chairman.

###### **Section 2.6.2 Powers and Duties of the Board of Zoning Appeals**

The Board of Zoning Appeals shall have the following powers and duties in accordance with Section 15.2-2309 of the Code of Virginia:

- A. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative office in the administration or enforcement of this ordinance;
- B. To authorize upon appeal, or original application in specific cases, such variance as defined in Section 15.2-2201 of the Code of Virginia from the terms of the ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship provided that the spirit of the ordinance shall be observed and substantial justice done, as follows.

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of specific piece of property at the time of the adoption of this ordinance, or where by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of this ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrated hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant. All variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds all of the following conditions exist:

1. That the strict application of the ordinance would produce undue hardship.
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No such variance shall be authorized unless the board finds that the conditions 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.

In authorizing a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee to ensure that the conditions imposed are being and will continue to be complied with.

- C. To hear and decide appeals from the decision of the Zoning Administrator. No such appeal shall be heard until after such notice and hearing as provided in Section 15.2-2204 of the Code of Virginia.
- D. To hear and decide applications for interpretation of the district map where there is an uncertainty as to the location of a district boundary. After notice to the owners of the property affected by such question, and after public hearing with notice as required, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.
- E. No provision of this section shall be construed as granting any board the power to rezone property.
- F. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee to ensure that the conditions imposed are being and will continue to be complied with. No special exception may be granted except after notice and hearing, as required.
- G. To revoke a special exception if the board determines that there has not been compliance with the terms and conditions of the permit. No special exception may be revoked except after notice and hearing as required.

### **Section 2.6.3 Applications for Special Exceptions and Variances**

Applications for special exceptions and variances may be made by any property owner, tenant, with owner's approval, government official, department, board, or bureau. Such application shall be made to the Zoning Administrator in accordance with the rules adopted by the board. The application along with accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board to be placed on the agenda and acted upon by the board. No such special exception or variance shall be authorized except after notice and hearing as required. The Zoning Administrator shall also transmit a copy of the application to the local planning commission which may send a recommendation to the board or appear as a party at the hearing. The Board of Zoning Appeals will not consider the same application which has previously been denied within a period of one year.

### **Section 2.6.4 Appeals and Procedure of Appeals**

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by an officer, department, board, or bureau of the county or municipality affected by any decision of the Zoning Administrator or Administrative Officer in the administration or enforcement of this ordinance. The decision may be appealed within thirty days thereof by filing a notice of appeal specifying the grounds of the appeal. Said appeal shall be

filed with Zoning Administrator and with the Board of Zoning Appeals. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

The board shall fix a reasonable time for the hearing of an application for appeal, give the public notice thereof as well as due notice to the parties in interest, and decide the same within sixty days of the filing of the application for appeal. In exercising its powers, the board may reverse or affirm wholly or in part or may modify an order, requirement, decision, or determination of an administrative officer or decide in favor of the applicant on any matter which it is required to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the Zoning Administrator and shall be public record. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

In accordance with Section 15.2-2313 where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected, or abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the Board of Zoning Appeals.

### **Section 2.6.5 Certiorari to Review Decision of the Board of Zoning Appeals**

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals or any taxpayer or any officer, department, board, or bureau of the municipality may present to the circuit court of the county a petition specifying the grounds on which aggrieved within thirty days after the filing of the decision in the office of the board.

Upon presentation of such petition the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application, on notice to the board, and on due cause shown, grant a restraining order.

The board shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and the material to show the grounds of the decision appealed from and verification.

If, upon hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the

determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event that a decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ.

#### **Section 2.6.6 Fee for Appeals and Applications for Variance**

Every appeal to the Board of Zoning Appeals from a determination of the Zoning Administrator and every application for a variance shall be accompanied by a fee governed by ordinance set forth by the Town Council of the Town of Cape Charles.

#### **Section 2.6.7 Expiration of Variances *[revision adopted by Town Council 6/2010]***

If any variance granted by the Board of Zoning Appeals is not acted on in accordance with the conditions and stipulations required by the Board, then the variance shall be null and void and of no force and effect.

#### **Section 2.6.8 Tax Payments Required**

Pursuant to Section 15.2-2286.B of the Code of Virginia, prior to the initiation of an application for a special exception, special use permit, variance, rezoning, zoning clearance, building permit, or other land use permit, the applicant for same must produce satisfactory evidence that any and all delinquent real estate taxes owed to the Town of Cape Charles which have been properly assessed against the subject property have been paid in full.

#### **Section 2.6.9 Reserved**

The Cape Charles Board of Zoning Appeals will hold a public hearing on Tuesday, September 24, 2013 at 4:00pm in the Town Hall at 2 Plum Street, Cape Charles to receive comment on a proposed variance for Tax Map Number 90-17-35, located on Brass Ring Avenue.

Information on the proposed variance can be viewed in the Planner's Office at 2 Plum Street, obtained by phone at 757-331-3259 x15 or online at [www.capecharles.org](http://www.capecharles.org).

For handicap assistance, please call the number above at least 48 hours in advance.



**DRAFT**  
**Board of Zoning Appeals**  
**Reconvened Meeting**  
**Town Hall**  
**April 29, 2010**  
**4:00 p.m.**

At 4:25 p.m. in the Town Hall, Chairman Roger Munz called to order the Board of Zoning Appeals Reconvened Meeting. In attendance were board members Pete Baumann, Julia Parr and Jay Wiegner. Board member Steve Hairfield was not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no other members of the public in attendance.

**PUBLIC COMMENTS**

There were no comments to be heard.

Tom Bonadeo explained that he had received an email from the applicant notifying him that with the affirmation of their previous, existing variance, the new variance was no longer needed and therefore withdrew the current variance application. Tom Bonadeo stated that the email was included in the agenda packet and would be discussed with the Old Business.

**CONSENT AGENDA**

**The agenda format was approved by unanimous consent.**

The Board reviewed the minutes from the March 31, 2010 meeting.

**Motion made by Jay Wiegner, seconded by Pete Baumann, to approve the minutes from the March 31, 2010 meeting as presented. The motion was unanimously approved.**

**OLD BUSINESS**

*Continuation of Tabled Variance Application – 607 Pine Street – New Home Plan with Porch Encroachment into the Rear Yard Setback*

Roger Munz stated that upon review of the memorandum from legal counsel, the time limitation was not a factor in that the Virginia Code § 15.2-2309 does not explicitly provide for any time limitation being attached to a variance and implies that the variance is permanent as it states that the property “shall be treated as conforming.” Tom Bonadeo added that the Planning Commission would review the Zoning Ordinance to remove the time limitation. The Board directed Tom Bonadeo to implement the original variance. Roger Munz added that based on the discussion and the applicants’ withdrawing of the new variance application, the issue has been resolved.

**Hearing no objections, Roger Munz adjourned the meeting of the Board of Zoning Appeals by unanimous consent.**

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Chairman Roger Munz

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Town Clerk

DRAFT

# Board of Zoning Appeals Staff Report

From: Rob Testerman  
Date: September 5, 2013  
Item: 7A - Variance Application – 510 Brass Ring Avenue  
Attachments: Application, plan, pictures of the lot

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## Background

The home in question is near completion. In April of 2013, the lot was issued a zoning clearance and a building permit, after receiving a complaint made by the adjacent property owner in June, it was discovered that the zoning clearance was approved in error.

## Application Specifics

Section 9.8(B)4 of the PUD ordinance states that *“chimneys which do not extend more than 24 inches into the yard are allowed.”* The site plans that were approved called for the chimney to extend into the side yard 2’4”, or 28 inches. Side yards in the PUD Village District are required to be 5 feet, with an allowed 2 foot encroachment by chimneys, thus leaving a side yard of 32” rather than the allowed 36” in the area of the chimney (approximately 5 feet long).

Upon receiving the complaint, the Code Official, Jeb Brady, Town Manager, Heather Arcos, and I met to review and discuss as follows:

- The placement of the chimney does not conform to the zoning regulations; the builder was working under an approved site plan (albeit a mistakenly approved plan). An error made by the zoning administrator.
- The chimney encroaches into the side yard by 4 inches further than provided for in the PUD Document.
- The chimney does not encroach onto adjacent property.
- To determine if the 4 inches of encroachment was a justified reason to make the builder comply at the expense of tearing down what was already built on the foundation and framing of the chimney, based on the Town approved site and building plan.

In addition, the homeowner’s title company is requesting clarification on this matter.

## Variance Criteria

Section 2.6.2 B of the Zoning Ordinance provides the following guidance in determining the need to grant variances:

*“No such variance shall be authorized by the board unless it finds all of the following conditions exist:*

1. *That the strict application of the ordinance would produce undue hardship.*
2. *That such hardship is not shared generally by other properties in the same zoning district and the same vicinity*
3. *That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.”*

It is the opinion of staff that:

1. The nearly completed home was built consistent with building and site plans approved by the Town. Requiring the builder to adhere to regulation will require the chimney to be torn down and rebuilt. Had the Town not mistakenly approved the plans, this would be the required action. However, since the Town approved the plans, enforcement of the regulation would create an undue hardship to the homeowner and builder.
2. The hardship is not shared by other properties in the vicinity, because the hardship was created by an erroneous plan approval by the Town.
3. Granting of the variance would allow the chimney to remain as it currently stands, which extends 4 inches farther than allowed into the side yard setback. The chimney does not extend onto any adjacent property, and does not create a substantial detriment to the adjacent property. Granting the variance to allow the chimney to extend the extra 4 inches will not change the character of the district.

In addition, the PUD ordinance defines a variance as: a relaxation of the terms of the PUD Document where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the PUD Document would result in unnecessary and undue hardship.

It is staff's further opinion that:

1. The proposed variance would not be contrary to the public interest, as the proposed variance would merely allow the chimney to remain as stands, extending 4 inches further than is provided for in Section 9.8 of the PUD Documents.
2. The conditions are peculiar to the property, as the Town approved this plan in error, and wasn't realized until receiving the citizen complaint. The violation is also not a result of the actions of the applicant, as the home is being built to the Town approved plans.
3. As mentioned above, it is our feeling that requiring the chimney to be torn down, and rebuilt 24 inches into the side yard setback, rather than the current 28 inches would be an unnecessary and undue hardship, as the plans were approved by the Town.

Recommendations

1. Determine if all three of the conditions outlined in Section 2.6.2 B of the Zoning Ordinance exist, and if the proposed variance meets the definition in Article 2 of the PUD Document.
2. Determine if the Board of Zoning Appeals will issue a variance for the rear yard setback.

MUNICIPAL CORPORATION OF CAPE CHARLES, VIRGINIA

Application for Zoning Variance

Date 8/30/13

Permit No. \_\_\_\_\_

Fee: \$250.00 WAIVED

Applicant SIMPSON BUILDERS Signature [Signature]

Address PO BOX 1101 510 ROSS RING AVE Cape Charles, VA 23310 Telephone \_\_\_\_\_

Owner MARK + ROSEMARY PIDDIE

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Contractor SIMPSON BUILDERS

Address PO BOX 1101 City NORFOLK State VA ZIP Code 23517

Town License No. \_\_\_\_\_ State License No. \_\_\_\_\_

Location of Improvement 510 ROSS RING AVE

Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_ Lot Size 95' x 40' Lot Area 3820

Type of Improvement Chimney Encroach

Proposed Use \_\_\_\_\_

Estimated Construction Costs \_\_\_\_\_

Dimension of Structure or Improvement Width 30 Length 49± Height \_\_\_\_\_

Total Square Footage 2158

Structure or Improvement will be set back

- 5' 8" from front property line
- \_\_\_\_\_ from side property line
- \_\_\_\_\_ from side property line on corner lot
- \_\_\_\_\_ from rear property line

Town Water Permit \_\_\_\_\_ Town Sewer Permit \_\_\_\_\_

CERTIFICATION OF APPLICANT

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer, and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

Signature of Owner/Agent [Signature]

BUILDING PERMIT

Issuance of the Zoning Variance in itself does not permit the applicant, owner, or contractor to proceed with the improvements noted above. Improvements can proceed only after issuance of a building permit from the Cape Charles Building Official, whose office is in the Municipal Building at 2 Plum Street in Cape Charles and who can be reached at 757-331-2176.

Date Approved \_\_\_\_\_ Date Denied \_\_\_\_\_

Zoning Administrator \_\_\_\_\_

## Robert Testerman

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**From:** Riddle, Mark S <Mark.Riddle@gdit.com>  
**Sent:** Tuesday, September 17, 2013 5:07 PM  
**To:** planner@capecharles.org  
**Subject:** Variance Request ICO Mark & Rosemary Riddle

Dear Sir:

Thank you for taking the time to meet with me yesterday. As you understand, Simpson Builders and Bay Creek Development Corp., acting somewhat on my behalf, are seeking approval for a variance regarding a 4" encroachment on the setback of the property line between Lots 34 and 35 of Bayside Village within Bay Creek. I am the property owner of Lot 35 and understand that the Developer and the town of Cape Charles approved construction plans, showing a 4" encroachment of the chimney towards the bayward end of Cassatt Green. I also understand that, procedurally, the encroachment requires approval of a variance, the guidelines for approval, excerpted from the Zoning Ordinance, are addressed below along with facts that I offer for consideration as the board reviews the subject variance request.

No such variance shall be authorized by the board unless it finds all of the following conditions exist:

1. That the strict application of the ordinance would produce undue hardship.
  - Construction of my home on Lot 35 is very near completion and is being funded via a construction loan on an interest only note. The mortgage company has informed me that I will be unable to convert the construction note to a permanent mortgage, at a lower interest rate, until this issue is resolved. This is costing me additional interest charges as I'm unable to lock in a rate for the permanent loan as mortgage rates continue to increase. Additionally, until this issue is resolved, I will be unable to obtain a certificate of occupancy as the title is uninsurable. Less tangibly, unable to occupy my Bay Creek home, I am being denied the lifestyle which owning a home in Cape Charles represents.
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
  - Mine is the first house to be constructed and sold on Cassatt Green, based on the developer's revised vision of that street. The minor error that occurred in reviewing the plans is highly unlikely to recur on subsequent plans and construction projects.
3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
  - Boytos & Boytos, the owners of Lot 34 and the complainant, was previously offered a trade to a larger, upgraded lot by the Developer in return for Lot 34 on Cassatt Green, an offer which they rejected clearly indicating that there is not a financial consideration. The 4" encroachment of my chimney toward the lot boundary does not result in any actual or perceived reduction in Lot 34's value, does not impact or impede full development of Lot 34, and is but one of the first steps in defining the character of the developer's vision of Cassatt Green.

Thank you for the opportunity to bring my concerns to the attention of the board. Should you require anything of me, please do not hesitate to contact me.

Sincerely yours,

Mark S. Riddle

## SECTION 9.8

### YARDS, SETBACKS

- A. All required yards shall be unobstructed by any structure or other improvement which exceeds 16 inches in height as measured from finished ground elevation; provided, however, the following improvements may be located in a yard:
1. In-ground swimming pools and associated pool decks may extend up to 5 feet from any side or rear property line, provided however, that no in-ground swimming pool or associated pool deck shall extend into any required yard adjacent to a street.
- B. The following improvements may be located in a yard without regard to height unless regulated by other sections of this ordinance.
1. Fences, walls;
  2. Roof overhangs or eaves which do not extend more than 5 feet into the yard;
  3. Residential heating and cooling equipment; and
  4. Chimneys which do not extend more than 24 inches into the yard. -
- C. No provision of this section shall be interpreted to permit the construction of a Jacuzzi, hot tub or similar apparatus in any yard regardless of height; nor shall this section be interpreted to mean that any structure or improvement listed above need not comply with other sections of these regulations pertaining to height limitations and obstruction of visibility. In addition, certain other structures, uses or accessories may be prohibited in certain yards as set forth in the applicable District or Land Use Classification regulations.
- D. As an exception to the requirements above, where transportation plans have been approved and adopted by the Town Council, all yard requirements shall be measured from the ultimate right-of-way line established on said transportation plan or the street frontage line, whichever is the greater distance from the established center line of the street or road in the transportation plan.
- E. Unless specifically authorized in this section, no portion of any garage, or other accessory structure shall occupy any required front, side or rear yard.
- F. Each zoning lot shall comply with all yard and bufferyard requirements specified by the PUD.



# Town of Cape Charles

# Building Permit No: PB130041

Building Department  
Phone: (757) 331 3259

2 Plum Street  
Fax: (757) 331 4820

Cape Charles, VA 23310

**510 Brass Ring Avenue** Location  
0090-17-035

Mark & Rosemary Riddle Owner  
3335 Stone Road  
Cape Charles VA 23310

Issued: 04/09/13  
Const value \$210,000  
Zoning: Sec. No.  
**PLEASE CALL (757) 331-2176  
FOR AN INSPECTION 24 HOURS IN ADVANCE**

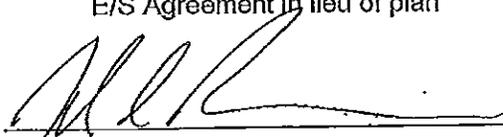
Simpson Builders Contractor  
P.O. Box 11101 Ph# (757) 640 1124  
Norfolk VA 23517

Work Description: New S/F Residence

### Stipulations:

Permit Item	Work Type	Fee Basis	Item Total
Residential, one and two family- 5	Valuation	2,158.00	\$1,500.93
Garage- 5B	Valuation	280.00	\$98.78
Residential decks & porches- 5B	Valuation	262.00	\$52.82
STATE TAX.	State Tax	1,652.53	\$33.05
Residential Site Plan Review	Review	150.00	\$150.00
Residential Building Plan Revi	Review	150.00	\$200.00
Landscape Plan Review	Review	100.00	\$100.00
Water Plan Rev	Plan Review	50.00	\$50.00
Sewer Plan Rev	Plan Review	50.00	\$50.00
Res. Sewer Connection	Miscellaneous	875.00	\$875.00
Res. Sewer Facility	Miscellaneous	6,600.00	\$6,600.00
Res. Water Connection	Miscellaneous	875.00	\$875.00
Res. Water Facility	Miscellaneous	4,000.00	\$4,000.00
E/S Agreement in lieu of plan	Miscellaneous	150.00	\$150.00

Fee Total: \$15,000.83  
Amount Paid: \$15,000.83  
**Balance Due: \$0.00**

  
\_\_\_\_\_  
Building Official

I agree this permit is only for the work described, and does not grant permission for additional or related work which requires separate permits. I understand that this permit will expire, and become null and void if work is not started within 180 days, or if work is suspended or abandoned for a period of 180 days at any time after work has commenced; and, that I am responsible for assuring all required inspections are requested in conformance with the applicable code.  
I hereby certify that the proposed work is authorized by the owner, and that I am authorized by the owner to make this application as his authorized agent. I agree to conform to all applicable laws of the State of Virginia and Cape Charles. All information on the permit application is accurate to the best of my knowledge.  
**Payment of permit fee constitutes acceptance of the above terms.**



# Town of Cape Charles

# Building Permit No: PB130041

Building Department  
Phone: (757) 331 3259

2 Plum Street  
Fax: (757) 331 4820

Cape Charles, VA 23310

**510 Brass Ring Avenue** Location  
0090-17-035

Issued: 04/09/13  
Const value \$210,000  
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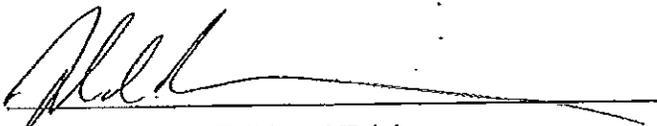
Mark & Rosemary Riddle Owner  
3335 Stone Road  
Cape Charles VA 23310

Simpson Builders Contractor  
P.O. Box 11101 Ph# (757) 640 1124  
Norfolk VA 23517

Work Description: New S/F Residence

Stipulations:

Permit Item	Work Type	Fee Basis	Item Total
Sewer Tap Insp	Inspection	50.00	\$50.00
Water Tap Insp	Inspection	50.00	\$50.00
Fire Dept Fee	Miscellaneous	1,652.53	\$165.25

  
Building Official

Fee Total: \$15,000.83  
Amount Paid: \$15,000.83  
Balance Due: \$0.00

I agree this permit is only for the work described, and does not grant permission for additional or related work which requires separate permits. I understand that this permit will expire, and become null and void if work is not started within 180 days, or if work is suspended or abandoned for a period of 180 days at any time after work has commenced; and, that I am responsible for assuring all required inspections are requested in conformance with the applicable code.  
I hereby certify that the proposed work is authorized by the owner, and that I am authorized by the owner to make this application as his authorized agent. I agree to conform to all applicable laws of the State of Virginia and Cape Charles. All information on the permit application is accurate to the best of my knowledge.  
**Payment of permit fee constitutes acceptance of the above terms.**

APPLICATION FOR RESIDENTIAL BUILDING PERMIT

Town of Cape Charles Building Department

Municipal Building

2 Plum Street

Cape Charles, VA 23310

(757) 331-3259 Fax: (757) 331-4820

Date 3/26/13

A permit is hereby requested for the following construction at:

Street address: 510 Brass Ring Avenue Lot #/Suite #: Lot 35

Is there a current Sewer/Water Account open at this address?  Yes  No BRASSRING DRIVE

MARK + Rosemary Riddle

BAYSIDE VILLAGE

CAPE CHARLES

Owner/Occupant Name: ~~Mark Riddle~~ Owner/Occupant Phone #: 757 331-8742

Owner Address: 3335 Stone Road Cape Charles VA 23310

Contractor Name: Simpson Builders State Registration # (Class A, B or C): 2705 029598A

Address: P.O. Box 1101 Norfolk VA 23517 Phone #: 640-1124 Fax #: 640-1139

Type of Work to Be Done:  New  Alteration  Addition  Demolition

Specific Type of Work to be done:

- Carport
- Gazebo
- Porch
- Siding
- Sunroom/ porch enclosure
- Deck
- Mobile Home
- Roofing/Reroof
- Single Family Residence
- Swimming Pool
- Garage ATTACHED detached garage
- Moved Residence
- Screened Porch Alt
- Storage Shed
- UST/AST New/Alteration/ Demolition

Additional Information: \_\_\_\_\_

Area of New Construction (Square Feet):

Living Area: 2158 Garage and un-Heated Area: 280 Porch/Sunroom: 262<sup>2</sup> Deck: 0 Sheds: 0

Floors: 2 Bedrooms: 4 Baths: 3 1/2

Cost of Construction: \$ 210,000 Cost of Alteration: \_\_\_\_\_

Site Plan Required: \_\_\_\_\_

Zoning Clearance: \_\_\_\_\_ Setbacks: Front: \_\_\_\_\_ Sides: \_\_\_\_\_ Corner: \_\_\_\_\_

District: \_\_\_\_\_ Rear: \_\_\_\_\_

For New Homes Only: Responsible Land Disturber: WARD HOLMES LANDSCAPE/PC

Mechanic's Lien Agent Name: NORTH TITLE Phone #: 757-4801230

Address: 421 Grandy St. Norfolk, VA 23513

None Designated:

I understand this permit is granted only for the work shown and described in this application. Any change of contractor, falsification, misrepresentation or misleading information given VOIDS this permit.

Applicants Name (Please Print): HOWARD J SIMPSON Applicant's Signature: Howard J Simpson

ALL MATERIALS MUST BE STORED ON EXISTING IMPERVIOUS SURFACE. ANY DISTURBED AREAS MUST BE REGRADED AND/OR RE-VEGETATED PRIOR TO FINAL BUILDING INSPECTION

\$15,000. 83

1. THIS SURVEY WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT SHOW ALL EASEMENTS, RESTRICTIONS OR NON-VISIBLE ENCROACHMENTS AFFECTING THIS PARCEL. THIS SURVEY IS REFERRED TO THE PLAT FOUND AT PAGE 82-85 IN PLAT BOOK 39.
2. NO WETLAND DELINEATION MARKERS WERE OBSERVED DURING THIS SURVEY. THIS DOES NOT INDICATE THE NONEXISTENCE OF WETLANDS ON THIS OR ADJACENT PARCELS. OWNERS SHOULD CONTACT A WETLANDS SCIENTIST WITH QUESTIONS OR CONCERNS.
3. THIS PARCEL APPEARS TO BE IN FLOOD ZONE X-SHORED AS SHOWN FROM THE FEMA FURN 510106 0410 E DATED AUGUST 28, 2008. THE EXCLUSION OF FLOOD DATA HEREON DOES NOT INDICATE THE NEED OR LACK OF NEED FOR FLOOD INSURANCE. PARCEL OWNERS OR DEVELOPERS SHOULD CONTACT THEIR LOCAL FLOOD OFFICIAL.

**PROPOSED ELEVATIONS**

PROPOSED FINISHED FLOOR ELEVATION 13.50'  
 PROPOSED GARAGE FINISHED FLOOR 10.30'

THE PROPOSED ELEVATIONS INDICATED ARE IN ACCORDANCE WITH THE GRADING PLAN FOR THIS SUBDIVISION ON FILE WITH THE TOWN OF CAPE CHARLES. ELEVATIONS ARE REFERRED TO TWD 88.

**510 BRASS RING AVENUE**

**APPROVED**

*Handwritten:* APPROVED  
 312 ZONING  
 4-9-13

**PARCEL INFORMATION**

GPN# 90-17-35  
 OWNER: BAY CREEK SOUTH, L.L.C.  
 REFERENCES:  
 INSTRUMENT#: 08-470  
 PLAT: P.B. 39, PG. 82-85  
 ZONING: R-2  
 SET BACKS:  
 FRONT 5'  
 REAR 5'  
 INTERIOR SIDES 5'  
 AREA: 3,820 S.F./ 0.088 ACRES

**HOUSE PLAN NOTE**

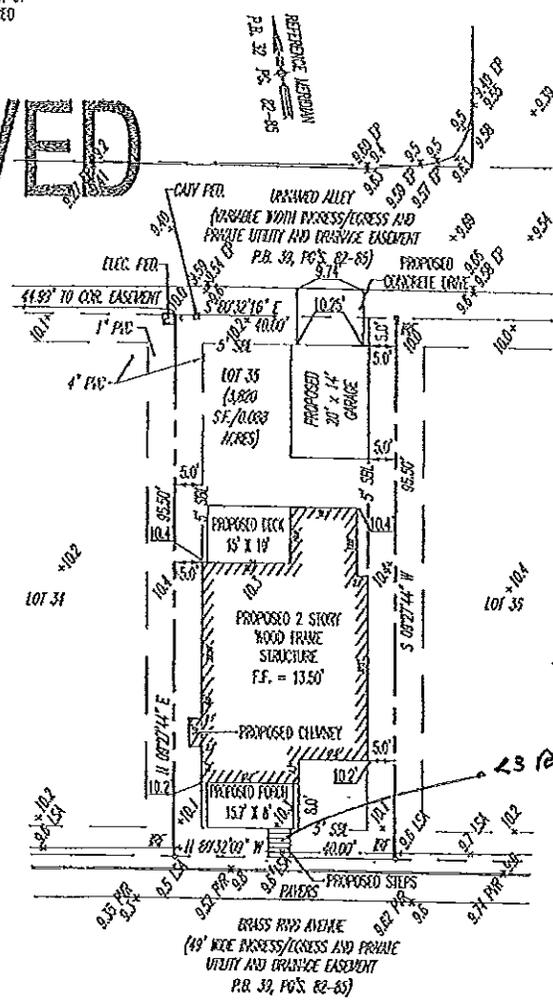
MONTAGNE SURVEYING AND LAND DESIGN, INC. IS NOT A PARTY TO ANY ARCHITECTURAL OR STRUCTURAL DESIGN FOR THE PROPOSED STRUCTURE INDICATED HEREON.

**ABBREVIATIONS AND LEGEND**

- RF = RAIL ROAD FUND
- P.B. = PLAT BOOK
- AND 83 = NORTH ANGLE
- VERTICAL DATUM OF 1988
- PC = PACE
- SBL = SET BACK LINE
- YL = YARD LIGHT
- GV = GAS VALVE
- WV = WATER VALVE
- C/O = CLEAN OUT
- CSH = CABLE TENSION
- PER. = PERISOL
- ELEC. = ELECTRIC

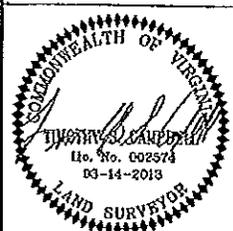
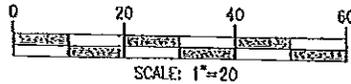
**EROSION AND SEDIMENTATION NOTE**

THE BUILDER IS RESPONSIBLE FOR INSTALLING AND KEEPING IN GOOD ORDER ALL EROSION AND SEDIMENTATION CONTROL DEVICES, AS REQUIRED BY THE TOWN OF CAPE CHARLES.



**SURVEY INFORMATION**

THIS SURVEY WAS PERFORMED DURING THE WEEK OF 03-03-2013. THE ELEVATIONS INDICATED HEREON ARE BASED ON TWD88.



PLAT PLAN OF  
 LOT 35 - SECTION II  
 BAYSIDE VILLAGE  
 (PLAT BOOK 39, PAGE 82-85)  
 TOWN OF CAPE CHARLES, VIRGINIA  
 03-14-13  
 SCALE: 1" = 20'

MAS-LD JOB # 13014.0  
 DRAWN BY: TSC



**MIDATLANTIC**

200 EXPRESSWAY COURT  
 VIRGINIA BEACH, VA 23462  
 www.mas-ld.com

PHONE: 757-557-0888 / FAX: 757-557-6776





# Municipal Corp. of Cape Charles

Date Completed: \_\_\_\_\_

Name: SIMPSON BUILDERS

Cape Charles Service Address: 500 BOASS ROAD AVENUE

Billing Address (if different): P.O. BOX 11101 NORFOLK, VA. 23517

Date Service Desired: 04/09/2013 (Applicable fees must be paid prior to connection of services.)

**NEW UTILITY SERVICE  
CONNECTIONS REQUIRED  
(WHERE SERVICE HAS NEVER EXISTED)**

**SERVICE REQUEST**

Establish Water, Sewer,

Garbage Service & Account

\_\_\_\_\_ \$0.00

Meter Deposit

\_\_\_\_\_ ✓ ~~\$50.00~~ 150.00

Water Connection Fee

\_\_\_\_\_ ✓ \$875.00

Water Facility Fee

\_\_\_\_\_ ✓ \$4,000.00

Sewer Connection Fee

\_\_\_\_\_ ✓ \$875.00

Sewer Facility Fee

\_\_\_\_\_ ✓ \$6,600.00

Meter Purchase

\_\_\_\_\_ \$Market Price

W/S Inspection

\_\_\_\_\_ ✓ \$100.00

W/S Review

\_\_\_\_\_ ✓ \$100.00

Total Fees: \$ 12,700.00

Signature: \_\_\_\_\_

Date Fees Paid: 04/09/13 Amount Received: 12,700.00 Check#: 23824

	<u>Date</u>	<u>Initials</u>
Routed to Public Utilities & Building Department	_____	_____
Public Utilities' Responsibilities Completed:	_____	_____
Building Department's Responsibilities Completed:	_____	_____
Account Set-Up Completed:	_____	_____

Temporary Water Meter  
Installation Request/Work Order

Section A

Cape Charles Property Address where Meter(s) will be installed:

510 BRASS RING AVENUE

Section B: Owner Information

Property Owner Name: SIMPSON BUILDERS (CONTRACTOR)

Property Owner Mailing/Billing Address P.O. Box 11101

NOFOLK, VA. 23517

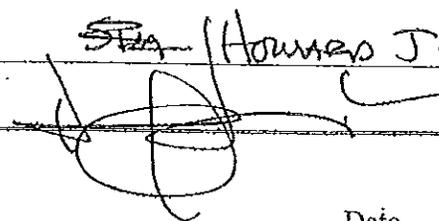
Property Owner Daytime Telephone No. 757. 640. 1124

Part C Account Holder to Read and Sign

As a temporary water hook up, this service is to be used for construction purposes only and any form of hook up or supply line either permanent or temporary to the residence will result in a service fee of \$250.00. This fee to be due and payable before permanent service is installed or certificate of occupancy can be issued. Any use of drain lines before installation of sewer vacuum valve will result in same \$250.00 service fee.

Account Holder (Print Name) ~~STW~~ Howard J. Simpson Jr

Account Holder (Sign)



Date

4/9/13



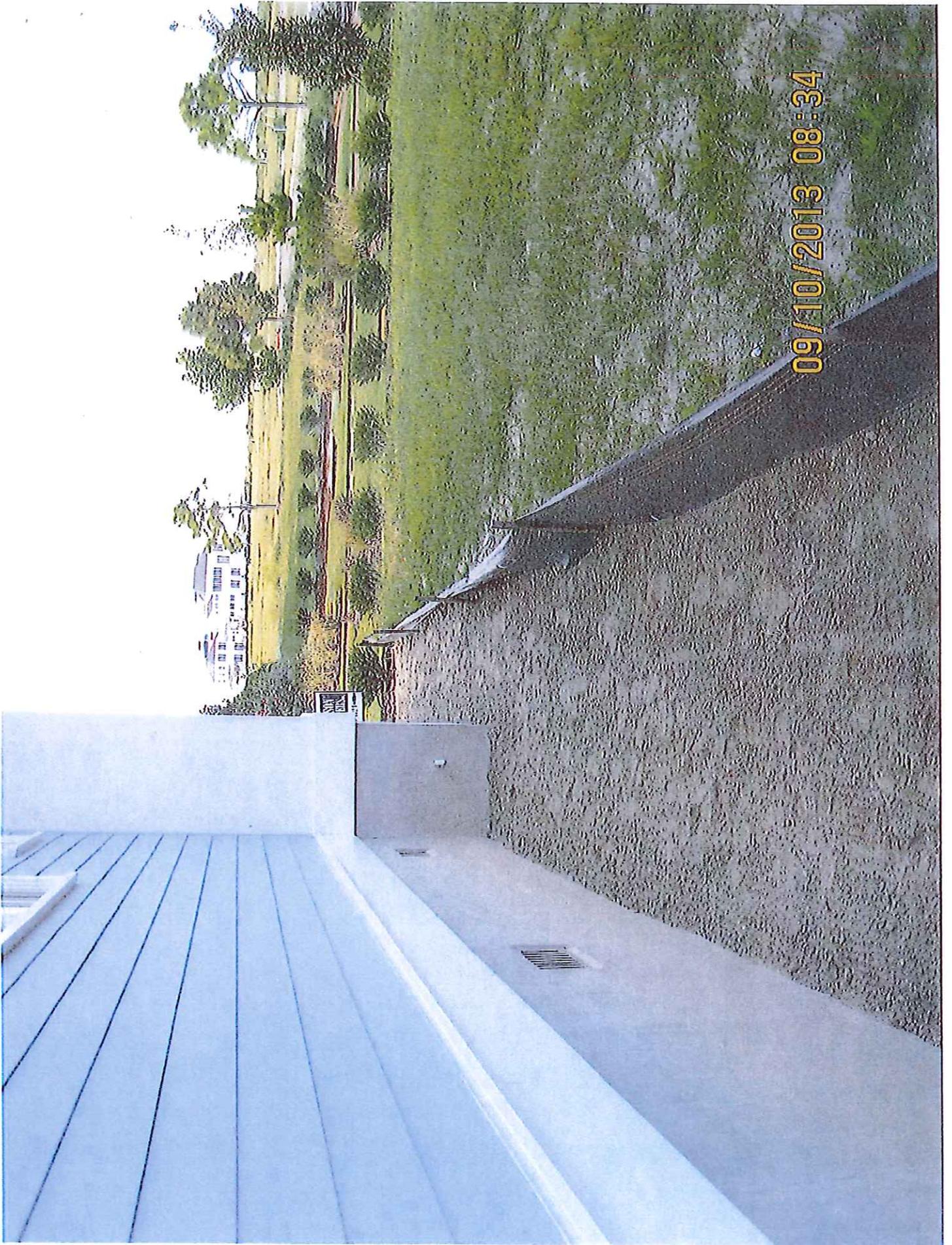
09/10/2013 08:36

SIMPSON BUILDERS  
610 251-1111

24"

24"

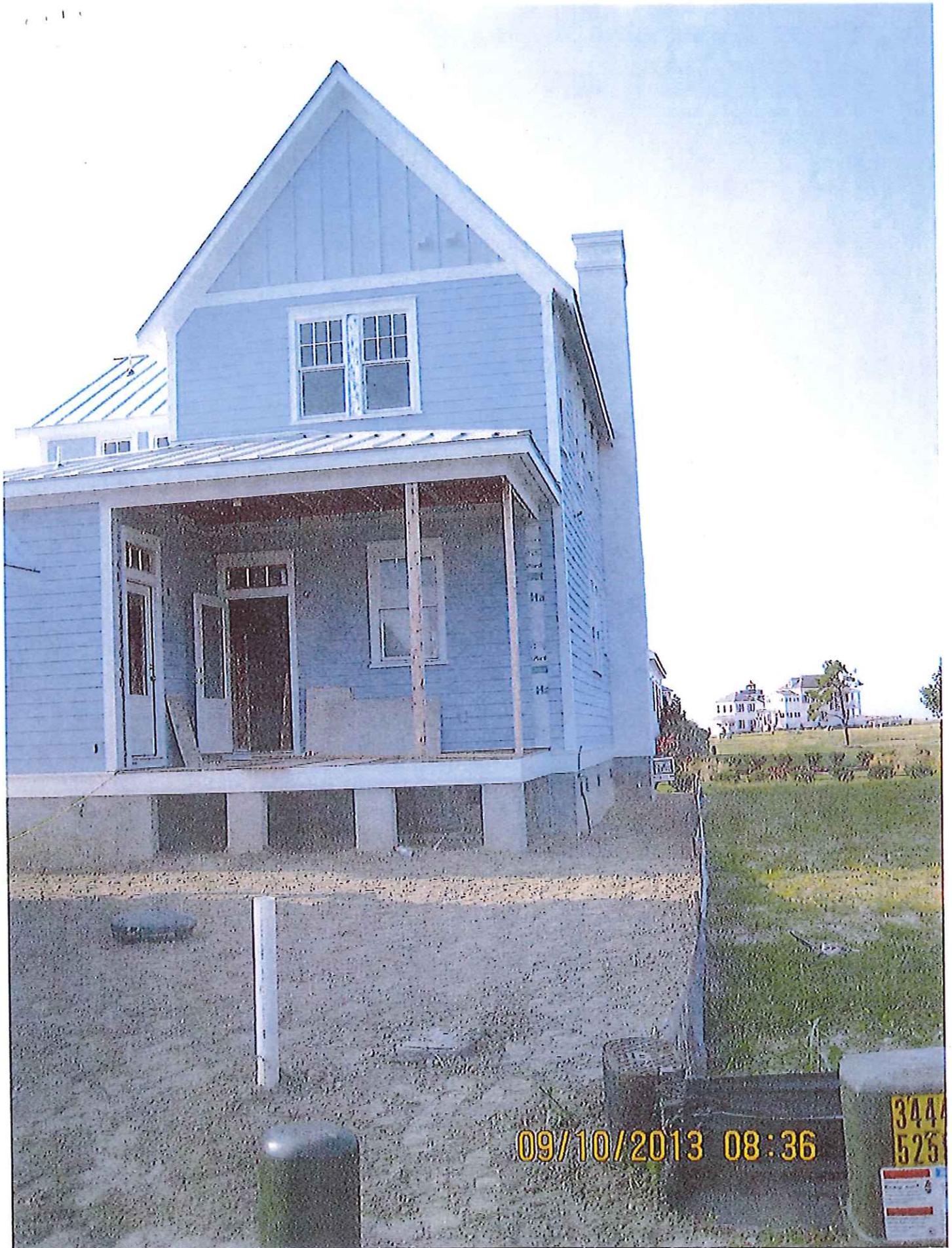
30"



09/10/2013 08:34



09/10/2013 08:35



09/10/2013 08:36

344  
525