

The Cape Charles Board of Zoning Appeals will hold a public hearing on Wednesday, August 5, 2015 at 10:00 a.m. at the Cape Charles Civic Center located at 500 Tazewell Avenue to receive public comment regarding a proposed variance for Tax Map Number 83A1-1-84C, located at 309 Jefferson Avenue.

The proposed variance will be discussed at a meeting immediately following the public hearing and brought to a vote by the Board of Zoning Appeals.

Information on the proposed variance is available for review in the Planner's Office at 2 Plum Street, online at www.capecharles.org, under Agendas, or obtained by phone at 757-331-2036.

Libby Hume, Town Clerk



MUNICIPAL CORPORATION OF CAPE CHARLES, VIRGINIA

Application for Zoning Variance

Date 6/1/2015

Permit No. _____
Fee: \$250.00

Applicant John L. Hanson Signature John L. Hanson
Address 23148 Parson's Circle Cape Charles, VA 23310 Telephone 443-221-9160

Owner John L. Hanson, Dawn Hanson, Carol Selby
Address 23148 Parson's Circle City Cape Charles State VA ZIP Code 23310

Contractor Owner
Address See above City _____ State _____ ZIP Code _____
Town License No. _____ State License No. _____

Location of Improvement 309 Jefferson Ave, Cape Charles, VA 23310
Lot No. 84C Block No. _____ Lot Size 46(L) x 34(W) Lot Area 1360 sq ft
Type of Improvement Renovation
Proposed Use Restaurant
Estimated Construction Costs \$150,000.00

Dimension of Structure or Improvement Width 29'9" Length 32'6" Height 12'
Total Square Footage _____

Structure or Improvement will be set back
_____ 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 John L. Hanson

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 _____

Application for Zoning Variance

July 6, 2015

Submitted by the Applicants:

John Hanson, Dawn Hanson & Carol Selby
23148 Parsons Circle
Cape Charles, VA 23310
443-221-9160

To the Cape Charles Board of Zoning Appeals:

1. Statement of Ownership and Interest
 - a. The applicants are the owners of the property situated at 309 Jefferson Ave., Cape Charles, VA. The applicants also own the adjacent lot (no street number assigned).
 - b. The legal description of 309 Jefferson Ave. is as follows:

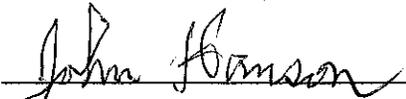
“Beginning at the northeast corner of Strawberry Street and Jefferson, thence running in a northerly direction thirty-four feet (34 ft.) along Strawberry Street to a certain stob, thence in an easterly direction forty feet (40 ft.) to Lot No. 81, thirty-four feet (34 ft.)to Jefferson Ave., and thence in a westerly direction along Jefferson Ave. to the point beginning [from deed].”
 - c. The applicants acquired the above-described property on June 1, 2015, property is owned, in whole, without a mortgage.
 - d. The business use of the property for more or less of fifty years has been as a barber shop; according to residents the barbershop moved in August 2014. Current owners see the potential to open a restaurant selling food items such as: ice cream products, snow balls, cold sandwiches, pizza and soft drinks.
 - e. The building consists of a cinder block section and a wooden section; the roof is rotten through, the applicants plan includes renovation of the block section, tear-down with replacement of the wooden section and a new roof over both sections.
2. The applicants request the following variances:
 - a. Section of Zoning Ordinances concerned: Section 2.5 Non-Conforming Uses:
 - i. Section 2.5.1 Continuation of Existing Non-Conforming Uses and Permits;
 - ii. Section 2.5.4 Change of Use.
 - b. Description of proposed use restrictions sought to be varied:
 - i. Waiver allowing for the continuation of non-conforming use variance;
 - ii. Waiver for change of use from barbershop to restaurant.
 - c. Statement of variance sought: To obtain approval to continue the current non-conforming use variance and permits and to allow a change of use to restaurant.
3. Reason for the request:
 - a. The strict applications of the above referenced provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Zoning Ordinance of the Town of Cape Charles.
 - i. None of the applicants are licensed barbers; while the applicants could hire a barber; the business generated would not provide adequate income for the applicants.

- ii. Many businesses must depend on the tourist season to support themselves for the rest of the year; the tourist season doesn't provide a similar customer base for a barbershop.
 - iii. The on-going goals of Cape Charles include the support for new business growth that will in turn contribute to the financial well-being of the town.
- b. The extraordinary conditions applying to the property involved relate to the continuation of use of the property as a barbershop; this condition is exceptionally restrictive to the opening of an equally suitable business on the property that is of benefit to the local community and also a tourist satisfier.
- c. The granting of a variance to allow the use of the property as a restaurant will not be of a substantial detriment to public interest, or to the property or improvements in the zoning area concerned and the character of the district will not be changed by the granting of the variance.
 - i. It is expected that the majority of customers will travel the 2 blocks from the beach to the property by foot.
 - ii. At the suggestion of the Town Planner, the owners will use the adjacent lot for off-street parking.
 - iii. The planned operating hours of the restaurant are mid-morning to early evening and as such would not contribute to unusual traffic and activity in the community.
- d. Section of the Zoning Ordinances affected:
 - i. Section 2.5.1 (B) Non-Conforming Uses;
 - ii. Section 2.5.4 Change of Use.
- 4. The applicants request a continuation of the current non-conforming use variance for 309 Jefferson Ave. The applicants request a change of use from barbershop to restaurant. The applicants believe that the plan to open a restaurant at this location is in line with the town's goals to increase retail business ownership and provide limited food services to the tourists and residents on the north-end of the beach.
- 5. Property improvements to be made on granting of non-conforming use & change of use variances; all improvements will be made to meet or exceed building codes.
 - A. Exterior
 - a. Remove the wooden section of the building and leave the cinder block section;
 - b. Rebuild new section on existing footprint, replacement will have a door and a window that matches the existing window on Jefferson Ave;
 - c. Remove heating system chimneys located on block section;
 - d. Across the front of the 2 sections, apply brick façade approximately 3 feet high; continue the brick on the Strawberry St. side. Add 12" brick pillars above the brick wall, at the right and left side-edges of the front of the building facing Jefferson Ave.;
 - e. Stucco in a neutral color will be applied to the front of both sections of the building facing Jefferson Ave. and the side facing Strawberry St.;
 - f. Back of building and the side facing the church will be painted a neutral color in keeping with the community;
 - g. The 3rd window back on the church side and the window on the back closest to the church will be closed in.
 - B. Interior
 - a. Renovate interior of the block section of the building, replace sheet rock on walls and ceiling;

- b. Update the plumbing and electrical service for restaurant use;
- c. Update the existing bathroom in the block section;
- d. As per health inspector visit; add required smooth, cleanable surface on walls in designated food prep area;
- e. Replacement structure to include:
 - i. Handicapped accessible bathroom for customers;
 - ii. Sheet rock on walls and ceilings;
 - iii. Tiled floors;
 - iv. HVAC system for air conditioning and heating.

The Town of Cape Charles is a unique setting that combines activities of daily life with the excitement of a large tourist population in the summertime. We believe that the addition of a restaurant that provides cooling summer refreshments to the tourists on the north-end of the beach and to the community year round is needed in this underutilized section of town.

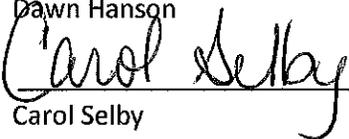
Respectfully,



John Hanson



Dawn Hanson



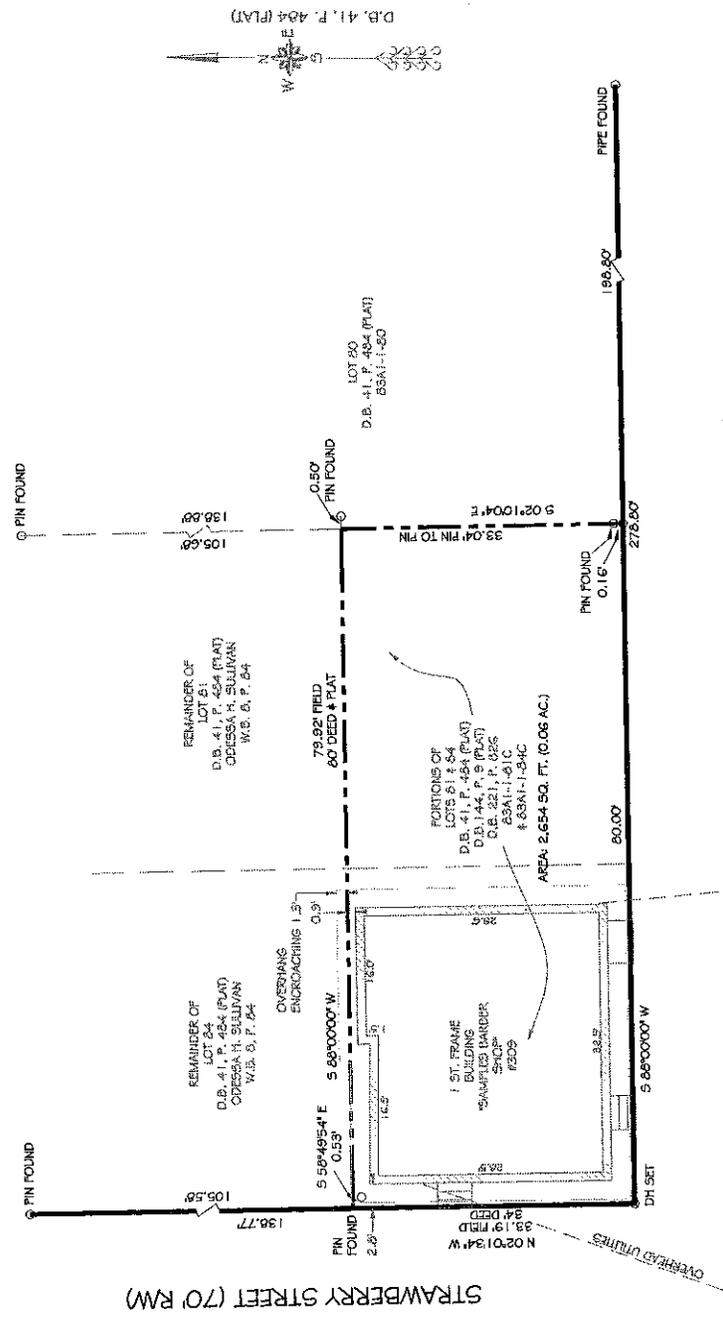
Carol Selby

GENERAL NOTES:

1. TAX PARCEL: 63A1-1-81C & 83A1-1-84C
2. OWNERS: JOHN L. HANSON JR & DAWN M. HANSON
3. SOURCE OF TITLE: INST # 150000734.
4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN JULY 2015 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY BE SUBJECT TO UNDISCOVERED ENCUMBRANCES, EASEMENTS, RIGHTS OF WAY, RIGHTS OF WAY OR WETLANDS, ENVIRONMENTAL HAZARDS, CONVEYANCES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.
6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C 0295 E, DATED 8-28-2008, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED BY THE MAPPING AGENCY AND DOES NOT CONSTITUTE A WARRANTY OR CONTRACT. CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL FOR FLOOD ZONE INFORMATION.
7. PLAT REFERENCES:
- A) MAP OF THE TOWN OF CAPE CHARLES (D.B. 41, P. 464 - PLAT)
- B) PROPERTY TO BE CONVEYED BY ROSS SAWYER WILSON TO JOHN SAMPLE, JR. (D.B. 144, P. 09)

SURVEYORS CERTIFICATION

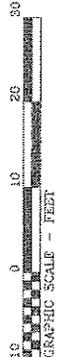
I, MARSHALL B. PARKS, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEYED LAND AND IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS.



JEFFERSON AVENUE (70' RM)

ACCOMACK-NORTHAMPTON SURVEYING & MAPPING
 18094 Mettampkin Road Blenheim Va 23308
 Mail Address: P.O. Box 4 Modest Town, VA 22412
 Phone: (757) 709-4192

DRAWN BY: CROCKETT SCALE: 1" = 10'
 CHECK BY: CROCKETT BACK TRA BY: CROCKETT
 FIELD BOOK: JOB NUMBER: 348



PHYSICAL SURVEY
 PORTIONS OF
 LOTS 81 AND 84
 MAP OF THE
 TOWN OF
CAPE CHARLES
 CAPEVILLE DISTRICT
 NORTHAMPTON COUNTY, VIRGINIA
 MADE FOR: JOHN L. HANSON JR & DAWN M. HANSON
 JULY 4, 2015