



**Board of Zoning Appeals
Public Hearing & Meeting
Cape Charles Civic Center
January 7, 2015
4:00 p.m.**

At 4:00 p.m. in the Cape Charles Civic Center, Chairman Gene Kelly called to order the Board of Zoning Appeals Public Hearing and Meeting. In attendance were Board members Pete Baumann, Bill Murphy and Jay Wiegner. There was currently one vacancy on the Board. Also present were Interim Town Manager Bob Panek, Assistant Town Clerk Amanda Hurley and applicant Don MacLennan. There were no members of the public in attendance.

Gene Kelly led the Board in the recitation of the Pledge of Allegiance.

PUBLIC COMMENTS

There were no public comments to be heard nor any additional written comments submitted prior to the meeting.

CONSENT AGENDA

Motion made by Jay Wiegner, seconded by Gene Kelly to accept the agenda format as presented. The motion was approved by unanimous consent.

The Board reviewed the minutes from the April 7, 2014 meeting and the April 14, 2014 reconvened meeting.

Motion made by Pete Baumann, seconded by Gene Kelly, to approve the minutes from the April 7, 2014 and April 14, 2014 meetings as presented. The motion was unanimously approved.

NEW BUSINESS

Variance Application – Bay Creek Nicklaus Golf Course

Holes 4 and 5 of the Bay Creek Nicklaus Golf Course had sustained substantial erosion from various storms and needed to be reinforced to prevent further loss. This section of the golf course was within the Resource Protection Area (RPA) governed by Article VII – Chesapeake Bay Preservation Area Overlay District of the Cape Charles Zoning Ordinance. As this was not a water dependent facility, it was not permitted in the RPA. However, the project could be considered via the exception process, § 7.15 of the Zoning Ordinance.

The applicant was proposing to build a bulkhead to protect the area from further damage. The estimated cost of the project was \$1.2M.

Mr. MacLennan pointed out that plans were submitted to the Town for erosion control measures and approval could only be made by the Board of Zoning Appeals.

Gene Kelly stated that he did not have any objections.

Bill Murphy asked if there had been any other requests for bulkheads from waterfront property owners within the Town. Bob Panek responded that there had been two offshore breakwaters, but they were constructed on State property.

Bill Murphy pointed out that there were many limitations on what could be done on the Bay Creek beach due to the Northeastern Beach Tiger Beetles. Mr. MacLennan stated that this project would have no impact to the beach.

Mr. MacLennan stated that the pile driven bulkhead would be underground in some areas and would be covered by vegetation in others.

Bob Panek clarified that this application was not an appeal, it was an exception to the Zoning Ordinance.

Motion made by Gene Kelly, seconded by Jay Wiegner, to approve the variance application for Bay Creek Nicklaus Golf Course as presented. The motion was approved by unanimous consent.

Motion made by Gene Kelly, seconded by Pete Baumann, to adjourn the Board of Zoning Appeals Meeting. The motion was approved by unanimous consent.

Chairman Gene Kelly

Assistant Town Clerk