

The Christiansburg Board of Zoning Appeals met on Thursday, February 5, 2015 at 100 East Main Street, Christiansburg to conduct a Public Hearing. Present were James Stewart, Chairman; Tacy Newell, Secretary; James L. Kirk, member; Earnest Wade, member; Karen Drake, member; Nichole Hair, Planning Director ; and Sara Morgan, Planning Department staff member.

The meeting was called to order at 7:32 pm by Chairman Stewart.

The Public Hearing was opened to receive information on an application submitted by David E. Maranz on January 5, 2015 for a variance to Section 42-95 of Chapter 42 "Zoning" of the Christiansburg Town Code for property at 4415 Cumberland Drive, S.E. (tax parcel 503-(3)-24) in the R-1 Single Family Residential District .

Section 42-95 to setbacks and states: "Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street." The requested variance is to allow an attached carport with a front setback of approximately 30 feet (rather than 35 feet).

The property does not lie within the 100-Year and 500-Year Flood Hazard Areas nor within a Historic District. Adjoining properties are zoned R-1 Single Family Residential and A Agricultural. Adjoining properties contain residences and a cemetery.

Margaret Slusser of 4385 Cumberland Drive stated she was an immediate neighbor and had no issues with the variance being granted.

Applicant Mr. Maranz stated he had made inquiries to neighbors for a referral for having a contractor construct a detached carport cover. Based on this information he contracted on a "complete job basis" and indicated town officials had since inspected the structure, which qualified as detached. He stated he was assured by contractor that all necessary permits, inspections, licenses and regulations were in compliance.

Ted Dean of Windmill Hills stated the applicant was his father in law and stated his belief the applicant had acted in good faith.

Pascal Slusser of 4385 Cumberland Drive stated he was an immediate neighbor and supported the variance request. He also noted this neighborhood was in a part of town which was annexed from the county, zoning set back regulations had changed, and that the street had several curves which affected lot frontage with property lines not holding straight to the street due to these radius changes. He also stated he couldn't understand why the non-compliant contractor couldn't be located by town staff since "he lived across the street" from the applicant and had been a (presumably licensed) contractor for a town building project.

There being no other speakers, Chairman Stewart closed the public hearing at 7:47 pm. All board members indicated they had conducted a visit to subject property.

Ms. Hair indicated staff had not been aware of the personal or business location of the contractor and that numerous efforts to locate the contractor had been attempted. She confirmed that staff had confirmed the structural independence and was in compliance with all other town code or permitting requirements.

Ms. Newell stated the applicant had already paid additional costs, in the form of variance and permitting fees, above and beyond what he thought the project would cost. She noted that there appeared to be other code violations visible from the street, such as recreational vehicles being stored on the roadway and unpaved front yards being used for automobile storage or parking, as well as numerous accessory buildings and modifications to primary residences.

Ms. Hair indicated staff was seeing a trend in citizens purchasing accessory buildings or prefabricated carports, with reports that purchasers were being told by the seller's no permits or inspections were required. Ms. Newell stated it was unfortunate that correct information was not required to be posted by sellers, just like town business licenses are to be posted. Ms. Hair stated that a water/sewer billing insert included in November 2014 statements had generated more calls and that frequently it appeared the elderly were disproportionately impacted.

Mr. Stewart asked if there were any other questions or comments from the board, and requested a motion be made.

Member Kirk made the motion to grant the variance due to demonstrable hardship in that the applicant had contracted for turn-key project in good faith, without knowledge the contractor was non-compliant with town permitting, inspection and business licensure requirements. Member Wade seconded the motion. There being no further discussion, motion was unanimously approved.

Ms. Hair introduced Ms. Drake, the newest member to the board, and staff member Ms. Morgan. She indicated there had been an informal poll of members prior to the meeting by Ms. Newell in regards to changing meeting times from 7:30 pm to 7:00 pm, noting most other public meetings had shifted to this start time. Members agreed that 7:00 pm was acceptable, allowing the public time to attend after normal business hours, and might be easier on staff.

Ms. Hair informed the board she had received another similar application for a variance for property located on Kimball Lane. Board consensus was to schedule this public hearing for Thursday, March 5, 2015 at 7:00 pm. Ms. Hair indicated this provided ample time for public notices to be distributed or published.

There being no further business, the meeting was adjourned at 7:59 pm.

Respectfully submitted by:

Tacy L. Newell, Secretary
10-February-2015