

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**O-20-07**

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 24<sup>th</sup> day of September, 2007:

<u>Present:</u>	<u>Vote:</u>
D. M. Sparks	Aye
James Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
Stran L. Trout	Aye

---

Motion was made by Mr. Burrell, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE AMENDING THE NEW KENT  
COUNTY ZONING ORDINANCE TO AUTHORIZE  
THE ZONING ADMINISTRATOR TO GRANT  
MODIFICATIONS FROM CERTAIN PROVISIONS  
CONTAINED IN THE ZONING ORDINANCE**

WHEREAS, the purpose of this zoning ordinance amendment is to authorize the Zoning Administrator to grant administrative modifications from certain provisions contained in the zoning ordinance; and

WHEREAS, the New Kent County Board of Supervisors (herein after referred to as "the Board") forwarded an initiating resolution to the Planning Commission (herein after referred to as "the Commission") to consider the proposed ordinance amendment; and

WHEREAS, within the timeframes established by the Code of Virginia and New Kent County Code, the Planning Commission scheduled and conducted a

formal and duly advertised public hearing on 17 September 2007, and carefully considered the public comment received; and

WHEREAS, this application has been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, the adoption of the proposed amendment supports the public necessity, convenience, general welfare and good zoning and land development practices in the County of New Kent; and

NOW THEREFORE BE IT ORDAINED this, the 24<sup>th</sup> day of September 2007, by the New Kent County Board of Supervisors that Chapter 98 of the New Kent County Code be amended to read and provide as follows:

**Sec. 98-1028. Administrative modification**

- (a) Pursuant to section 15.2-2286.A.4., Code of Virginia, the zoning administrator may grant a modification from provisions contained in this chapter with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure or improvements upon finding in writing all of the following:
  - (1) The strict application of the chapter would produce undue hardship;
  - (2) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
  - (3) The authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.
- (b) Prior to the granting of a modification, the zoning administrator shall give all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within twenty-one (21) days of the date of the notice. Notice shall be sent by first class mail and an affidavit of such mailing shall be kept in the file.
- (c) The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph.

- (d) The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, Code of Virginia and may be appealed to the board of zoning appeals as provided by Section 98-1023.

\* \* \* \*



---

John A. Budesky  
County Administrator



---

Stran L. Trout  
Chairman