



Mathews County Board of Zoning Appeals

Wednesday, March 15, 2023 at 7:00 PM

MINUTES

1. CALL TO ORDER

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF MATHEWS COUNTY, VIRGINIA, HELD IN THE MATHEWS COUNTY HISTORIC COURTHOUSE ON MARCH 15TH, 2023 AT 7:00 PM.

Board of Zoning Appeals

Members Present:

Susan Thomas, Chair
Peter Clendenin, Vice Chair
Tim Doss, Member
Sonny Fauver, Member

Members Absent:

Tom Robinson, Member

Also Present:

James Knighton, Director of Planning & Zoning
Heather Thomas, Wetlands, Marine Projects, and Zoning Technician

THE MEETING WAS CALLED TO ORDER BY THE CHAIR OF THE BOARD OF ZONING APPEALS, FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

2. INVOCATION

A moment of silence was observed.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL / ESTABLISHMENT OF A QUORUM

Heather Thomas called roll and established that a quorum was present.

5. APPROVAL OF MINUTES

A. REVISIONS OF JANUARY 11TH MINUTES

MOTION: On Motion of Mr. Fauver, seconded by Mr. Clendenin, the Mathews County Board of Zoning Appeals voted 4-0-0 as follows: four - aye; zero - nay; to approve the revised minutes of the January 11th meeting.

Roll Call Vote:
Susan Thomas, Chair - Aye

Peter Clendenin, Vice Chair - Aye
David Fauver, Member - Aye
Tim Doss, Member - Aye

B. FEBRUARY 15TH MEETING MINUTES

MOTION: On Motion of Mr. Fauver, seconded by Mr. Doss, the Mathews County Board of Zoning Appeals voted 4-0-0 as follows: four - aye; zero - nay; to approve the minutes for the February 15th meeting

Roll Call Vote:
Susan Thomas, Chair - Aye
Peter Clendenin, Vice Chair - Aye
David Fauver, Member - Aye
Tim Doss, Member - Aye

6. REVIEW OF PUBLIC HEARING PROCEDURE

Mrs. Thomas reviewed the public hearing procedure.

7. NEW BUSINESS

- A. **6-V-23: Morris Ward**, Applicant requests a variance from the Mathews County Zoning Ordinance as follows: Section 175-5.4 A (1), to adjust the boundary line on two existing nonconforming lots in the Rural zoning district from 0.470 acres to 0.975 acres and 1.665 acres to 1.160 acres. The minimum lot size for the rural zoning district is 2.5 acres. The properties are identified as Parcel 28 (A) 38, 3340 East River Rd, and 29 (A) 39, 3376 East River Rd. Both parcels are zoned Rural (RU).

MOTION: On Motion of Mr. Fauver, seconded by Mr. Clendenin, the Mathews County Board of Zoning Appeals voted 4-0-0 as follows: four - aye; zero - nay; to approve the variance request 6-V-23 with the corrected parcel ID num.

Roll Call Vote:
Susan Thomas, Chair - Aye
Peter Clendenin, Vice Chair - Aye
David Fauver, Member - Aye
Tim Doss, Member - Aye

Mr. Knighton read the staff report.

Mrs. Thomas asked the board if they had any questions. Mrs. Thomas asked about the septic tank locations. Mr. Knighton answered that boundary line adjustments do not go to the health department. Mrs. Thomas asked about the side yard setback. Mr. Knighton stated that it was due to the topography of the lot.

Mrs. Thomas asked the applicant to speak. Mr. Ramsey stated that the intent was to clean up the lots and the ravine was used as the dividing line.

Mr. Thomas asked for speakers for, against and neither. There were none. The public hearing portion was closed.

Mr. Fauver stated that all six criteria are met. Mr. Doss and Mr. Clendenin agreed.

- B. **7-V-23: Mark A. Hill**, Applicant requests a variance from the Mathews County Zoning Ordinance as follows: Section 175-22.11, 16 to reduce the one hundred (100) foot resource protection area buffer to eighty-one (81) feet for the allowance of an existing impervious paver patio measuring 21 x 21.5. The property is identified as Parcel 39 (26) 1E, 499 Aldendale Lane and is zoned Residential-1 (R-1).

MOTION: On Motion by Tim Doss, seconded by David Fauver, the Mathews County Board of Zoning Appeals voted 4-0-0 as follows: four - aye; zero - nay; to deny the after the fact request for 7-V-23.

Roll Call Vote:

Susan Thomas, Chair - Aye

Peter Clendenin, Vice Chair - Aye

David Fauver, Member - Aye

Tim Doss, Member - Aye

Mr. Knighton read the staff report.

Mr. Clendenin asked for clarification on what a mechanical BMP is. Mr. Knighton answered.

Mrs. Thomas asked for the applicant to speak. Mr. Hill spoke on his variance request. Mr. Fauver asked about the sketch included in the packet. Mr. Hill answered that this was a suggested possibility. Mrs. Thomas stated that the board can not become a place where citizens ask for forgiveness rather than permission when it comes to after the fact permits. She asked about the sketch and mentioned keeping a five-foot section around the stair case.

Mrs. Thomas asked for speakers for, against or neither. There were none.

Mr. Knighton clarified that the proposal was to keep the patio in its entirety and he could give up RPA impervious cover to keep a portion of the patio that was in the RPA. The staff would be able to approve a deck in the RPA administratively per DEQ since the house was built prior to the bay act. The public hearing was closed.

Mr. Doss stated that he was concerned about approving the variance because of concerns about future after the fact permits. Mr. Clendenin repeated the same concerns. Mr. Fauver added that two of the six criteria he could not answer in the affirmative. Mrs. Thomas felt like a five-foot section could be kept with a variance granted around the stairs.

After the motion, Mr. Fauver asked if there was a route for Mr. Hill to keep a portion of the patio. Mr. Clendenin stated that conditions could be put on the patio. Mrs. Thomas added that you can deny it without prejudice so that he may come back later after removal to request a new one. Options were discussed by the board members then the motion was voted on.

8. OLD BUSINESS

- A. **1-V-23: Mark A. Hill**, Applicant requests a variance from the Mathews County Zoning Ordinance as follows: Section 175-22.11, 16 to reduce the one hundred (100) foot resource protection area buffer to sixty-seven (67) feet. The property is identified as Parcel 39 (26) 1E, 499 Aldendale Lane and is zoned Residential-1 (R-1).

MOTION: On Motion by Tim Doss, seconded by David Fauver, the Mathews County Board of Zoning Appeals voted 4-0-0 as follows: four - aye; zero - nay; to table 1-V-23 until the April 19th

meeting.

Roll Call Vote:

Susan Thomas, Chair - Aye

Peter Clendenin, Vice Chair - Aye

David Fauver, Member - Aye

Tim Doss, Member - Aye

9. PLANNING DIRECTOR'S REPORT

10. OTHER MATTERS

MOTION: On Motion by Susan Thomas, seconded by Tim Doss, the Mathews County Board of Zoning Appeals voted 4-0-0 as follows: four - aye; zero - nay; to create a nominating committee consisting of Mr. Fauver and Mr. Clendenin to report at the April 19th meeting.

Roll Call Vote:

Susan Thomas, Chair - Aye

Peter Clendenin, Vice Chair - Aye

David Fauver, Member - Aye

Tim Doss, Member - Aye

A nominating committee was created for the chair and vice chair of the BZA. Mr. Clendenin stated the by-laws state that the chair must make a nominating committee of two members. Mr. Fauver and Mr. Clendenin were appointed to the nominating committee.

Mr. Clendenin reported on his findings of other BZA code of ethics and his draft document. He asked that they be tabled until an attorney can review these items. Mrs. Thomas agreed. Mr. Clendenin asked about the origin of the Planning Commission's Code of Ethics. Mr. Fauver added that their code of ethics was specific to their duties and they should create one more suited to the BZA.

Mr. Knighton stated that the county attorney has provided contact information for counsel to represent the BZA. Mr. Doss asked if the attorney would be present at the next meeting. Mr. Knighton answered that the money allocated may not be sufficient.

11. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, ON A MOTION BY MR. DOSS AND SECONDED BY MR. FAUVER, THIS MEETING WAS DECLARED ADJOURNED.