



Mathews County Board of Zoning Appeals

Wednesday, January 11, 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 January 11, 2023 AT 7:00 PM.

Board of Zoning Appeals

Members Present:

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

Members Absent:

Also Present:

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

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

2. INVOCATION

A moment of silence was noticed.

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. May Meeting Minutes

MOTION: On Motion of approval of minutes as amended by Mr. Fauver, seconded by Mr. Clendenin, the Mathews County Board of Zoning Appeals voted 5-0-0 as follows: five - aye; zero -

nay.

Roll Call Vote:

Susan Thomas, Chair - Aye

Peter Clendenin, Vice Chair - Aye

Tim Doss, Member - Aye

Sonny Fauver, Member - Aye

Tom Robinson, Member - Aye

6. REVIEW OF PUBLIC HEARING PROCEDURE

Mrs. Thomas reviewed the public hearing procedure.

7. NEW 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).

Mr. Clendenin made a motion to deny the application. The motion failed due to there being no second.

MOTION: On Motion to table the application to allow for revisions by Mr. Doss, seconded by Mr. Robinson, the Mathews County Board of Zoning Appeals voted 4-1-0 as follows: four - aye; one - nay.

Roll Call Vote:

Susan Thomas, Chair - Aye

Peter Clendenin, Vice Chair -nay

Tim Doss, Member - Aye

Sonny Fauver, Member - Aye

Tom Robinson, Member - Aye

Mr. Fauver asked Mr. Knighton if the applicant was able to find another viable location. Mr. Knighton stated he did speak with the applicant in a meeting and he still chose to proceed with the public hearing.

Mr. Clendenin asked for clarification on the DEQ exemption information included in the packet. Mrs. Thomas asked a question regarding the WQIA. Mr. Robinson asked if the patio could be included with approval.

Mark A. Hill, applicant

Mr. Hill reviewed the only possible location for the pool and addressed the patio that was built without a variance. Mr. Fauver asked if the location of the pool could be located outside of the RPA. Mrs. Thomas pointed out an area outside of the RPA for the pool. Mr. Hill stated that he would have to remove trees and upset his neighbor which he did not want to do. Mrs. Thomas answered that there is an area across the road on his property that is also outside of the RPA for the pool. Mr. Hill said that was not an ideal location. Mrs. Thomas asked if the real estate agent mentioned that the property was in the Chesapeake Bay Act or if he understood what that is. Mr. Hill stated that he has been a general contractor for 35 years and is well aware what the bay act is but that the survey given to him of the property did not show the RPA line. Mrs. Thomas read his narrative and asked about his due diligence of the property. Mr. Hill answered that at the time they

were raising two children and putting them through college but now that he is retired they could consider it. Mrs. Thomas stated that she asked those questions because you should always do your due diligence on the property. Mrs. Thomas asked what he meant by that it would not be cost effective to use the property to the east. Mr. Hill answered that running utilities there would be costly and at their age, walking that distance would be more difficult. Mrs. Thomas stated that others have had to build their pool out of the RPA and not where they preferred. Mr. Hill asked the board whether the location would be approved or not so that there was not any more time wasted. Mrs. Thomas stated that there are two more board members to ask questions. Mr. Doss asked if the process for the patio variance should be completed prior to making any decision on the pool. Mr. Clendenin asked if there was a HOA for the neighborhood and clarified that the area out of the RPA on the side of the house is not large enough for the requested pool.

Speakers for the project.

Bobby Smith, Pool Contractor

Mr. Smith discussed the pool and the previous bay act cases he has worked on. He suggested trying pervious pavers instead of concrete to offset the pool's impervious area.

Speakers against the project.

Richard Devour, 501 Aldendale Dr

Mr. Devour expressed his concern about how close the pool is to the easement and also how the rules of the bay act need to be followed.

Speakers neither for or against

Mike Walls, 57 Pinetta Dr

Mr. Walls addressed Mrs. Thomas on her questions that were asked.

David Jones, 10344 Buckley Hall Rd

Mr. Jones also addressed the questions Mrs. Thomas asked the applicant.

Mrs. Thomas stated that she felt her questions were pertinent to the case.

Mr. Knighton addressed the pervious pavers and the requirements that the board should look at when reviewing the case.

Mr. Hill asked for Google earth imaginary of his property to be displayed for the board to see.

B. CHANGE OF MEETING DATE

MOTION: On Motion by Mr. Fauver, seconded by Mr. Robinson, the Mathews County Board of Zoning Appeals voted 5-0-0 as follows: five - aye; zero - nay; to allow the public notice, to change the meeting date to the third Wednesday of every month.

Roll Call Vote:

Susan Thomas, Chair - Aye

Peter Clendenin, Vice Chair - Aye
Tim Doss, Member - Aye
Sonny Fauver, Member - Aye
Tom Robinson, Member - Aye

8. OLD BUSINESS

Mr. Doss asked about the time frame of when an attorney would be assigned to the BZA. Mr. Knighton answered that it was awaiting a response from the county attorney.

9. PLANNING DIRECTOR'S MEMO TO THE BOARD

10. OTHER MATTERS

Mr. Doss asked about revising the order of speakers for the public hearings.

The board discussed amongst themselves procedures, conduct and the manner in which they address the public.

11. PLANNING DIRECTOR'S REPORT

12. ADJOURNMENT

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