



Mathews County Board of Zoning Appeals

Wednesday, February 8, 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 FEBRUARY 8TH, 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 observed.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL / ESTABLISHMENT OF A QUORUM

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

5. APPROVAL OF MINUTES

A. January Meeting Minutes

Mr. Doss made a motion to approve the minutes as presented. Mr. Fauver seconded it. After discussion the motion failed and the following was presented:

MOTION: On Motion of Mr. Doss, seconded by Mr. Clendenin, the Mathews County Board of

Zoning Appeals voted 5-0-0 as follows: five - aye; zero - nay; to table the approval of the January minutes until the March 15th meeting to allow for revisions.

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. **2-V-23: Robert and Bonnie Jones:** Applicant requests a variance from the Mathews County Zoning Ordinance as follows: Section 175-22.11 and Section 175-22.16 to reduce the one hundred (100) foot resource protection area buffer to fifty-five and seven tenths (55.7) feet for the purpose of constructing a 12' x 20' addition to the existing primary structure. The property is identified as Parcel 10E (6) 2, 95 Idyll Acres Rd and is zoned Residential-1 (R-1).

MOTION: On Motion of Mr. Doss, seconded by Mr. Robinson, the Mathews County Board of Zoning Appeals voted 5-0-0 as follows: five - aye; zero - nay; to approve 2-V-23 as submitted with staff conditions.

Roll Call Vote:

Susan Thomas, Chair -aye

Peter Clendenin, Vice Chair-aye

Tim Doss, Member-aye

Sonny Fauver, Member-aye

Tom Robinson, Member-aye

Mr. Knighton read the staff report.

Wayne Savage, Bay Design Group, addressed the board and reviewed the project.

Mrs. Thomas asked for speakers in support of the project.

Mark Hill, 499 ALdendale Lane

Mr. Hill asked what the difference between this project and his was.

Mrs. Thomas asked for speakers against the project.

Richard Smith, Aldendale Lane

Mr. Smith stated that the rules should be followed in all cases.

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

Mrs. Thomas provided information to the board on what the bay act defines as encroachment and what it allows.

- B. **5-V-23: Richard and Eugenia Elder:** Applicant requests a variance from the Mathews County Zoning Ordinance as follows: Section 175-22.11 and Section 175-22.16 to reduce the one hundred

(100) foot resource protection area buffer to six-four (64) feet. Section 175-6.4 (B), to reduce the fifty (50) foot front yard setback to thirty-six (36) feet for the purpose of constructing a 24' x 35' garage. The property is identified as Parcel 22 (A) 117B, 38 Rigby Lane and is zoned Residential-1 (R-1).

MOTION: On Motion of Mr. Robinson, seconded by Mr. Clendenin, the Mathews County Board of Zoning Appeals voted 5-0-0 as follows: five - aye; zero - nay; to approve 5-V-23 with the amended condition to obtain a verification letter from a surveyor of the front property pin locations in lieu of a survey.

Roll Call Vote:

Susan Thomas, Chair -aye

Peter Clendenin, Vice Chair-aye

Tim Doss, Member-aye

Sonny Fauver, Member-aye

Tom Robinson, Member-aye

Mr. Knighton read the staff report.

Mr. Clendenin commented on the wetlands on the front side of the property. Mr. Knighton explained the process of approval for tidal versus non-tidal wetlands.

Mr. Elder spoke to the board. The board had no questions.

Mrs. Thomas asked for speakers for the proposed project.

Curtis Van Cleve, 756 Whites Creek Dr

Mr. Van Cleve expressed his approval of the project.

Mrs. Thomas asked for speakers against the proposed project.

Mark Hill, 499 Aldendale Lane

Mr. Hill stated that he was against the approval of this project due to the issues he had with his personal project.

Richard Smith, 501 Aldendale Lane

Mr. Smith expressed his opinion that there should be no variances to the bay act.

Mrs. Thomas asked for speakers neither for or against.

Mr. Knighton stated that they could amend the variance to request a letter from the surveyor about the front pinned site.

8. OLD BUSINESS

A. Meeting Date Change

MOTION: On Motion of Mr. Fauver, seconded by Mr. Doss, the Mathews County Board of Zoning Appeals voted 5-0-0 as follows: five - aye; zero - nay; to approve the change of 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

- B. **1-V-23: Mark A. Hill**, Applicant requests a variance from the Mathews County Zoning Ordinance as follows: Section 175-22.11 and Section 175-22.16 to reduce the one hundred (100) foot resource protection area buffer to sixty-seven (67) feet for the purpose of installing a pool with impervious surround. The property is identified as Parcel 39 (26) 1E, 499 Aldendale Lane and is zoned Residential-1 (R-1).

MOTION: On Motion of Mr. Doss, seconded by Mr. Fauver, the Mathews County Board of Zoning Appeals voted 5-0-0 as follows: five - aye; zero - nay; to table the application to the March 15th meeting.

Roll Call Vote:

Susan Thomas, Chair -aye

Peter Clendenin, Vice Chair-aye

Tim Doss, Member-aye

Sonny Fauver, Member-aye

Tom Robinson, Member-aye

Mr. Knighton stated he spoke with the applicant about the pool with the unpermitted patio and came to the conclusion that the application for the after the fact patio request will be heard in March.

Mr. Clendenin stated minimal encroachment into the RPA was possible but fifty feet was much more tremendous. Mr. Knighton stated he also went back out to the property with the applicant and looked at other locations for the pool. Mr. Doss asked about the pool variance request and whether, if it was heard tonight, would the patio request come next month. Mr. Knighton answered that he would not recommend hearing the variance case tonight.

Mr. Hill spoke to the board. He stated the original location is still his first choice but does have another location. He discussed the patio and its location.

Mr. Fauver asked if a motion needed to be made to continue tabling the application. Mr. Knighton stated he recommends tabling it to the next meeting.

9. PLANNING DIRECTOR'S REPORT

Mr. Knighton informed the board there have been two more variance requests. Mr. Clendenin stated that there is usually an annual report.

10. OTHER MATTERS

Board Conduct

Mr. Clendenin stated that he will look at other BZA's in surrounding counties to create a BZA code of conduct.

Mr. Doss stated his agreement. Mr. Fauver added that an attorney is needed for the cases heard.

The board and Dave Jones, Board of supervisors, discussed options for an attorney and concluded that the Board of Supervisors would find one for the Board of Zoning Appeals since funds had been allocated for that.

11. ADJOURNMENT

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