



Mathews County Board of Zoning Appeals

Wednesday, February 9, 2022 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 9, 2022 AT 7:00 PM.

Board of Zoning Appeals

Members Present: James Small, Chair
Susan Thomas
Capt. Williams Story
Tim Doss

Members Absent: Peter Clendinin

Also Present: Thomas D. Jenkins, Director of Planning & Zoning
James Knighton, Planner/Marine Project Coordinator
Heather Thomas, Administrative Assistant

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

2. INVOCATION

Mr. Small gave the invocation.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Mr. Small called the roll and established that a quorum was present.

5. REVIEW OF PUBLIC HEARING PROCEDURE

Mr. Small reviewed the public hearing procedure.

6. NEW BUSINESS

- A. **1-V-22: Christopher and Donna Washnock**, Applicant requests a variance from the Mathews County Zoning Ordinance as follows: Section 175-6.4B to reduce the front yard setback from fifty (50) feet to twenty-six (26) feet and Section 175-22.11, 16 to encroach into the RPA buffer up to

one hundred (100) feet. The property is identified as Parcel 42 (A) 173, 499 White Point Lane and is zoned Residential-1 (R-1).

Mr. Knighton reviewed the staff report for the requested variance. Mrs. Thomas asked about the RPA versus non-tidals being contiguous and the grandfather period on the original structure. Mr. Knighton explained the staff's reasoning on why this is being considered a new single family encroachment into RPA and the tidal/non-tidal delineation results. Mrs. Thomas asked for plans showing the wetlands delineations. Mr. Knighton stated that a condition could be added that they approve it pending a plan of development. Mr. Small asked about the distance the house would be from the watercourse and the eastern boundary. Mr. Knighton answered that it would be well over 100' from the actual watercourse and no variance had been requested for the eastern boundary because they could meet that setback. Mr. Doss asked if the new home would be in the same footprint as the original, the circumstances of the request and to include the wetlands information in the future if available. Mr. Knighton answered that the new home is larger than the original and the variance had to be requested because the two-year "grandfather" period was over.

Mr. Small asked for public comment. Mr and Mrs. Wasnock spoke on the property and the request they have submitted. Mrs. Thomas asked about the concrete pad and shed location. Mr. Washnock stated that both structures are located outside of tidal and non-tidal wetlands.

Mr. Small asked for any more public comments. There were none.

Mr. Small asked for discussion from the board. Mrs. Thomas asked to table this variance to get more information on dimensions and RPA measurements. Mr. Small stated that the dimensions would have to be satisfied through the plan of development process and would be inclined to keep the 26' frontyard setback along with the RPA measurements. Mrs. Thomas asked that the RPA encroachment be verified. Mr. Doss stated that if he had the measurements it would not change the decision for him. Mrs. Thomas added that it would help to have the dimensions in case there were ever any issues.

Mrs. Thomas made a motion to table the variance up to sixty days so that the applicant can provide a survey sited plan that includes dimensions. Mr. Doss seconded it. All in favor. The vote was 4-0 as follows: Mr. Small-aye; Mr. Story-aye; Mrs. Thomas-aye and Mr. Doss-aye.

- B. **2-V-22: Rick Shaheen 12894 John Clayton Memorial Highway, parcel 18 (A) 15** - Applicant requests a variance from the Mathews County Zoning Ordinance as follows: §175-9.5 A-2-B, reduce the minimum lot size in the Business-2 district from 0.5739 acres to 0.40 acres, and §175-15.7-A & 15.7-B, reduce the minimum setback between a commercial building and an adjacent residential property line from 50' to 11'. The property is identified as Parcel 18 (A) 15, 12894 John Clayton Memorial Highway and is zoned Business-2.

Mr. Jenkins read the staff report for the requested variance. Mrs. Thomas asked if the twenty foot setback was from the foundation of the house to the foundation of the store and if there was a separate septic tank for each feature. Mr. Jenkins stated he believed it was from the foundation to the house to the proposed property line and there are two separate septic tanks for each structure. Mr. Small asked about the acreage and Mr. Jenkins confirmed this. Mrs. Thomas asked what businesses are permitted by right in business-2. Mr. Jenkins reviewed this. Mr. Small stated the rezoning of the residential property would go through the Board of Supervisors.

Mr. Small stated the applicant could come up to speak.

Rick Shaheen, North River Commercial

Mr. Shaheen gave the history of the property and the reasons behind why he is choosing to request

the variance for the subdivision. Mrs. Thomas asked why he didn't keep the minimum B-2 acreage and asked for the variance on the residential side. Mr. Shaheen stated he would consider that if it was necessary. Mrs. Thomas asked about the buffer required for businesses adjacent to residential areas. Mr. Jenkins read the ordinance. The distances between the house and the proposed property lines were discussed. Mrs. Thomas asked about adding the garage to the business side of the proposed subdivision. Mr. Shaheen stated it would be more benefit to the residence.

Mr. Small asked for any public comments on this variance request. There were none. Mr. Jenkins stated that they had been working on this with Mr. Shaheen for a couple months now and this is the path the office could offer. Mrs. Thomas asked if there were some uses by right in rural zoning that could be used for businesses. Mr. Jenkins listed them.

Mr. Doss made a motion to grant the variance with the included conditions made by staff. Mrs. Thomas seconded it. All in favor. The vote was 3-0 as follows: Mr. Small-aye; Mrs. Thomas-aye and Mr. Doss-aye.

7. APPROVAL OF MINUTES

A. August 13, 2020 Board of Zoning Appeals Meeting Minutes

Mrs. Thomas made a motion to approve the minutes. Mr. Small seconded it. All in favor. The vote was 3-0 as follows: Mr. Small-aye; Mrs. Thomas-aye and Mr. Doss-aye.

8. RECOGNITION OF SERVICE

A. Resolution for Board member William Small

Mr. Jenkins read the recognition of service. Mr. Small spoke on his time with Board of Zoning Appeals.

9. NOMINATING COMMITTEE

Mrs. Thomas and Mr. Clendenin were assigned to the nominating committee.

10. RECESS or ADJOURNMENT

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