



Mathews County Board of Zoning Appeals

Wednesday, May 11, 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 May 11, 2022 AT 7:00 PM.

Planning Commission

Members Present:

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

Members Absent:

Susan Thomas, Chair

Also Present:

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

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

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL / ESTABLISHMENT OF A QUORUM

MRS. THOMAS CALLED ROLL AND ESTABLISHED THAT A QUORUM WAS PRESENT.

5. APPROVAL OF MINUTES

A. February Meeting Minutes

6. REVIEW OF PUBLIC HEARING PROCEDURE

7. NEW BUSINESS

- A. **3-V-22: Claudia S. Goin, Et. Al, C/O C Thiel-Goin:** 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 five (5) feet. The property is identified as Parcel 11A4 (A) 197, 134 Bingo Blvd. and is zoned Residential-1 (R-1).

Mr. Knighton gave the staff report on the variance. Mr. Clendenin asked if there was a precedence or policy about where a right of way ends when it meets the water. Mr. Knighton answered where state owned bottom would start at mean low water.

Mr. Clendenin called Mr. Thiel-Goin or his representative to speak.

Mr. Thiel-Goin was asked by Mr. Fauver whether the possible drain field location marked on the plat would be constructed. Mr. Clendenin asked about the sequence of construction. Mr. Thiel-Goin answered that the drainfield had not been constructed yet. Mr. Clendenin asked whether the pier or drainfield would go in first. He also asked if the drainfield is constructed first and the pier is permitted at the southern location that the equipment used to construct the pier could potentially impact the drainfield. Mr. Thiel-Goin answered that it was correct. Mr. Clendenin asked if the pier would attach to the yard due to the steep bank. Mr. Thiel-Goin stated it would.

Mr. Clendenin called for speakers in favor of the application.

Frank Evans, Hayes, VA

Mr. Evans described the safety concerns about the pier location being moved.

Mr. Fauver asked about the temporary fencing around the back yard. Mr. Evans answered that it was from the current construction at the house.

Mr. Clendenin asked for speakers against this application.

Hollis Mugford, 77 Bingo Bld

Ms. Mugford discussed the safety issues regarding the pier being built so close to the property line. She added that it could potentially take away the value of their homes due to the pier being in sight.

Allan Goodman, 77 Bingo Blvd

Mr. Goodman discussed the safety concerns he had with the piers' proximity to the property line. Mr. Clendenin asked Mr. Goodman who owns the right of way. It is unknown.

Rusty Gilbert, 100 Sweet Gum

Mr. Gilbert stated his objection against the pier and his safety concerns for the swimmers.

Richard Kollar, 83 Sweet Gum

Mr. Kohlar expressed his safety concerns, value depreciation and size of the pier.

A.G. Bryant,

Mr. Bryant stated his safety concerns for his children swimming on the beach near the pier. Mr. Clendenin asked about other piers in in the area.

H.L. Barden, Jr, 73 Sweet Gum

Mr. Barden expressed his concerns about swimmers and others' access to the beach.

Venessa Barden, 73 Sweet Gum

Mrs. Barden stated the safety concerns of children swimming next to the pier.

Angela Letempio, 73 Sweet Gum

Ms. Letempio discussed safety concerns for parents with children and others swimming in close proximity to the pier.

Mr. Clendenin asked for any more speakers for or against. There were none.

Mr. Knighton clarified that the other side of the property would only have a 5' setback but due to the right of way on the front of the property it is 50'. He informed the board that we can not prevent Mr. Thiel-Goin from building a pier but there is the right of way setback requirement.

Mr. Fauver asked what Mr. Thiel-Goin had planned to build under the pier. Mr. Thiel-Goin answered that he would be installing the cables as fencing.

Mr. Clendenin closed the public hearing.

MOTION: On Motion to deny 3-V-22 by Mr. Doss, seconded by Fauver, the Mathews County Board of Zoning Appeals voted 3-0-0 as follows: three - aye; zero - nay.

Roll Call Vote:

Peter Clendenin, Vice Chair - Aye

Tim Doss, Member - Aye

Sonny Fauver, Member - Aye

8. OLD 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 his staff report from the prior meeting. Mr. Clendenin asked if the planning office would require mitigation. Mr. Knighton answered that it would be a requirement to mitigate.

MOTION: On Motion to approve 1-V-22 as amended by Mr. Fauver, seconded by Mr. Doss, the Mathews County Board of Zoning Appeals voted 3-0-0 as follows: None - aye; None - nay; with the 25' setback request changed to 29'.

Roll Call Vote:

Peter Clendenin, Vice Chair - Aye

Tim Doss, Member - Aye

Sonny Fauver, Member - Aye

9. OTHER MATTERS

Mr. Clendenin discussed being assigned a small amount for an attorney to represent the Board of Zoning Appeals separate from the county attorney. Mr. Doss stated it was a concern that the BZA does not have an attorney at the meetings.

10. PLANNING DIRECTOR'S REPORT

There were none

11. ADJOURNMENT

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