

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF ZONING APPEALS HELD ON DAY, August 16th, 2021, IN THE BOARDROOM OF THE HISTORIC COURTHOUSE, SALUDA, VIRGINIA

Present: Joan Curtis
Henry Easton
Emily Davies
Robin Wells

Marc Longest - Environmental Planner and Codes Compliance Officer
Heather Lewis – County Attorney

CALL TO ORDER

Henry Easton called the meeting to order at 6:04 p.m.

Mr. Longest made a Roll Call and all Four (4) Board Members were present.

APPROVAL OF MINUTES

On a motion by Mr. Wells, seconded by Ms. Davies, and carried by unanimous vote, the minutes of the June 21st, 2021 meeting were accepted.

PUBLIC HEARING

1. **CBPA Exception No. 2021-17** submitted by Wayne Savage, P.E. C/O Bay Design Group on behalf of Mark Christopher Wilburn, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4.A of the Chesapeake Bay Preservation (CBP) District for an exception from the minimum 100' setback requirement for the construction of a pool, pool deck, and walkway connecting to dwelling. The property for which the exception is requested is located at 265 Molly's Way, Saluda, VA 23149; it is further identified as Tax Map Parcel # 20D-1-5 in the Saluda Magisterial District.

Chairman Easton introduced Variance Application #2021-0017

Mr. Longest presented the staff report for Application #2021-0017

Wayne Savage was present to speak on behalf of the owners of 265 Molly's Way. Agent felt that the site did meeting the findings of fact and that this was not self-imposed. Agent did state they could move the project closer to the home. These were tight lots, no buildable area, but they were applying significant treatment with improvement in water quality.

Chairman Easton began a brief period of questions and comments between the Board.

Ms. Curtis asked if the owners were aware of the restrictions and when did they purchase the property -- 2 years ago and that they were unaware of the restrictions.

Mr. Wells stated that the maintenance would be a separate issue and agent was willing to comply with DEQ requirements for inspection. Also stated that the owners are responsible for knowing the restrictions on the property.

Ms. Davies questions the covenants of the area – yes, needed the approval of the HOA, but could not get an above ground pool, they were originally in DC, but needed the pool for low impact exercising.

Mr. Wells stated there was a neighborhood pool. It was for slip owners – 129 slips – not good for the exercise he needed. Mr. Wells questioned if it was busy on the weekend only – no, bust all the time per owner.

Owner states that all neighbors are okay with the installation of the pool.

Ms. Davies questions the movement of the pool and if they could not get the pool would he abandon the idea of a pool. Owner states they could move the pool and there was not a lot of area left to build.

Agent states there is no way to avoid the impact, will still mitigate the site.

Joan Curtis asked if this was private use – yes.

Ms. Davies did not think this met the findings of fact.

Agent stated this was the smallest they could go.

Ms. Davies requested if any complaints or concerns were received by staff – no.

Chairman Easton opened the hearing for comments from the public 6:40 P.M.

There being no comments, the public portion of the hearing was closed.

Ms. Davies concern was that if this was approved, they may not be able to deny any after this.

Chairman stated this was a hard case, setbacks are there, but needs to meet the five findings of fact.

There being no further questions or comments from the Board, Chairman Easton asked for disposition of the application.

On a motion by Mr. Wells, that the project did not meet the findings of fact and to move to reject the application, seconded by Ms. Davies, and carried by 3-0-1 Abstaining, Variance Application #2021-17 was denied.

OLD BUSINESS

None

NEW BUSINESS

Ms. Davies would like a copy, for the board, of the BMP Agreement and details. Board would like copies of most recent Zoning Ordinance.

Closed Session:

Ms. Lewis presented the request for a closed session
1st by Joan Curtis
2nd by Robin Wells
Unanimous vote to move to a closed session

Pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members pertaining to the appeal of the Board's decision in the Lauro matters, In Re: June 21, 2021 Decision of the Board of Zoning Appeals of Middlesex County, BZA Applications CPBA # 2021-11 and CBPA# 2021-12, now before the Middlesex Circuit Court.

Ms. Lewis presented a request to move out of the closed session
1st by Robin Wells
2nd by Emily Davies
Unanimous vote to move out of a closed session

ADJOURNMENT

With there being no further business, a motion to adjourn was made by Ms. Davies, seconded by Ms. Curtis, and carried by unanimous vote.

Respectfully submitted,

Marc Longest, Secretary

Date