

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF ZONING APPEALS HELD ON WEDNESDAY, FEBRUARY 22, 2023, IN THE BOARDROOM OF THE HISTORIC COURTHOUSE, SALUDA, VIRGINIA

Present: Henry Easton
Robin Wells
Cathy Wilson

Absent: Ryan Ingram
Joan Curtis

Marc Longest- Environmental Planner and Codes Compliance Officer
Jody Collier – Office Manager, Community Development/Building

CALL TO ORDER

Mr. Longest called the February 22, 2023 meeting to order at 6:00 P.M.

ORGANIZATIONAL MEETING

A. Nomination and Election of Chairman

Ms. Wilson nominated Mr. Easton for the office of Chairman of the BZA.

Mr. Wells nominated Ms. Wilson for the office of Vice Chairman of the BZA.

On a motion by Mr. Wells, seconded by Ms. Wilson, Henry Easton was nominated and unanimously elected Chairman for calendar year 2023.

B. Nomination and Election of Vice-Chairman

On a motion by Mr. Wells, seconded by Mr. Easton, Cathy Wilson was elected Vice Chairman for calendar year 2023.

C. Nomination and Election Secretary

On a motion by Mr. Easton, seconded by Ms. Wilson, Mr. Longest was elected Secretary for calendar year 2023.

D. Establishment of Meeting Time & Date

On a motion by Mr. Wells, seconded by Ms. Wilson, the Board of Zoning Appeals unanimously voted to have the monthly meeting date on the third Monday of every month at 6:00 p.m., in the Boardroom of the Historic Courthouse, Saluda, Virginia.

APPROVAL OF MINUTES

On a motion by Mr. Wells, seconded by Ms. Wilson, and carried by unanimous vote, the minutes of the August 15, 2022 meeting were accepted.

PUBLIC HEARING

1. **CBPA Exception No. 2022-32 submitted** by Wayne Savage, P.E. C/O Bay Design Group on behalf of Melinda & Joshua Hartman, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4-A.4, Chesapeake Bay Preservation (CBP) District for the construction of a pool, pool decking, and steps. The application requests approximately Twelve Hundred Forty-Four (1244) square foot of impervious area and a Fifty (50) foot exception from the minimum One Hundred (100) foot Resource Protection Area (RPA) setback requirement of Zoning Ordinance Section 4A-7, Chesapeake Bay Preservation (CBP) District. The property for which the exception is requested is located at 175 Mizpah Road, Locust Hill, VA 23092; it is further identified as Tax Map Parcel # 28-137 in the Saluda Magisterial District.

Chairman Easton introduced CBPA Exception #2022-32

Mr. Longest presented the staff report for CBPA Exception #2022-32 recommending approval with the following conditions:

1. Clearing and grading shall be limited to areas shown on the proposed plan of development.
2. A CBPA BMP Agreement shall be recorded with the Middlesex County Clerk's Office prior to issuance of a building permit.
3. All storm water management BMP's shall be maintained according to Device Maintenance which is included in the recorded BMP Agreement.
4. All necessary erosion and sediment controls shall be installed prior to any land disturbance and shall remain in place and properly maintained until the project is complete.
5. The applicant shall obtain a Building and Zoning Permit within one (1) year of approval of the Board of Zoning Appeals per Section 4A-15.F of the Zoning Ordinance.

Gordon Jones, with Bay Design Group, addressed the Board on behalf of Melinda & Joshua Hartman. He said Mr. Longest presented his report well and was available for any questions.

Chairman Easton opened the hearing for comments from the public.

There being no comments, Chairman Easton closed the public hearing.

A motion was made by Mr. Wells, seconded by Ms. Wilson and carried by a unanimous vote, CBPA Exception #2022-32 was approved as submitted by staff.

2. **CBPA Exception No. 2022-43 submitted** by Robbie Nelson, C/O Engineering Design Associates on behalf of Cassandra Daniel, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4-A.2 & C, Chesapeake Bay Preservation (CBP) District for the construction to rebuild existing house resulting in additional encroachment in the RPA. The application requests approximately Twenty-Four Hundred Forty-Two (2442) square foot of impervious area, an increase of Nine Hundred Twelve (912) square foot of the original impervious area. Owner is requesting to construct at Seventy (70) foot, a reduction of Thirty (30) foot from the Minimum One Hundred (100) foot Resource Protection Area (RPA) setback requirement of Zoning Ordinance Section 4A-7, Chesapeake Bay Preservation (CBP) District. The property for which the exception is requested is located at 198 Montgomery Cove Road, Deltaville, VA 23043; it is further identified as Tax Map Parcel # 41-108 in the Pinetop Magisterial District.

Chairman Easton introduced CBPA Exception #2022-43

Mr. Longest presented the staff report for CBPA Exception #2022-43 recommending approval with the following conditions:

1. Clearing and grading shall be limited to areas shown on the proposed plan of development.
2. A CBPA BMP Agreement shall be recorded with the Middlesex County Clerk's Office prior to issuance of a building permit.
3. All storm water management BMP's shall be maintained according to Device Maintenance which is included in the recorded BMP Agreement.
4. All necessary erosion and sediment controls shall be installed prior to any land disturbance and shall remain in place and properly maintained until the project is complete.
5. The applicant shall obtain a Building and Zoning Permit within one (1) year of approval of the Board of Zoning Appeals per Section 4A-15.F of the Zoning Ordinance.

Robbie Nelson, addressed the Board on behalf of Cassandra Daniel. He did not have anything to add to the staff report but could answer any questions that the Board may have.

Chairman Easton opened the hearing for comments from the public.

There being no comments, Chairman Easton closed the public hearing.

Mr. Wells said they have met the five findings of fact and the staff has done a good job.

A motion was made by Mr. Wells, seconded by Ms. Wilson and carried by a unanimous vote, CBPA Exception #2022-43 was approved as submitted by staff.

3. **Variance Application No. 2023-01** submitted by James H. Ward, Jr. on behalf of Thomas Spencer & Eleanor H. Williamson, IV. The application request is to be *Twenty and Nine Tenths* (20.9) foot, a reduction of *Fourteen and One Tenths* (14.1) foot from the minimum *Thirty-five* (35') foot setback requirement of Zoning Ordinance Article 9, Section 9-5.1 Residential (R) District. The purpose is a variance of 20.9' of the setback from the western edge of the "20' Right-of-Way" (Private) as depicted on a "Plan of Development Tax Map 46 Parcel (7) – 69" prepared by Alistar J. Ramsay, L.S., P.C. dated 06/03/2022. The property for which the variance is requested is located at 11 Stove Point Road, Deltaville, VA 23043; it is further identified as Tax Map Parcel # 46-7-69 in the Pinetop Magisterial District.

Chairman Easton introduced Variance Application #2023-01

Mr. Longest presented the staff report recommending approval of Variance Application #2023-01.

James Ward spoke to the Board on behalf of Thomas Spencer & Eleanor H. Williamson. He thanked Mr. Longest and said he did a good job presenting his staff report. He said all neighbors are ok with this and could answer any questions the Board may have.

Mr. Wells said based on the property, it seems they have no choice but to ask us for a Variance.

A motion was made by Mr. Wells, seconded by Ms. Wilson and carried by a unanimous vote, Variance Application #2023- was approved as submitted by staff.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

With there being no further business, a motion to adjourn was made by Mr. Wells, seconded by Ms. Wilson, and carried by unanimous vote. The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Marc Longest, Secretary

Date