

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF ZONING APPEALS HELD ON TUESDAY, FEBRUARY 22, 2022, IN THE BOARDROOM OF THE HISTORIC COURTHOUSE, SALUDA, VIRGINIA

Present: Joan Curtis
Henry Easton
Robin Wells

Absent: Emily Davies

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

CALL TO ORDER

Mr. Longest called the February 22, 2022 meeting to order at 6:00 P.M.

ORGANIZATIONAL MEETING

A. Nomination and Election of Chairman

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

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

On a motion by Ms. Curtis, seconded by Mr. Wells, Henry Easton was nominated and unanimously elected Chairman for calendar year 2022.

B. Nomination and Election of Vice-Chairman

On a motion by Ms. Curtis, seconded by Mr. Easton, Robin Wells was elected Vice Chairman for calendar year 2022.

C. Nomination and Election Secretary

On a motion by Mr. Easton, seconded by Ms. Curtis, Mr. Longest was elected Secretary for calendar year 2022.

D. Establishment of Meeting Time & Date

On a motion by Mr. Wells, seconded by Ms. Curtis, 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. Curtis, and carried by unanimous vote, the minutes of the August 16, 2021 meeting were accepted with corrections.

PUBLIC HEARING

1. **CBPA Exception No. 2021-09** submitted by Geoffrey Rohan, 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 After-The-Fact construction of a Nineteen (19) Foot by Twelve (12) Foot Deck connecting to the existing pier. The property for which the exception is requested is located at 96 Waterwich Lane, Deltaville, VA 23043; it is further identified as Tax Map Parcel # 40-82-23 in the Pinetop Magisterial District.

Chairman Easton introduced CBPA Exception No. 2021-09

Mr. Longest presented the staff report. Mr. Longest recommended approval of CBPA Exception #2021-09 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 the recorded 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.

Mr. Geoffrey Rohan, owner, addressed the Board and explained the need for the exception, citing, at high tide, he had no access to his dock. He built the deck for this reason.

Mr. Wells and Ms. Curtis began a brief period of questions and comments about the Bay act and what his plan would be to fix this once it is gone with Mr. Rowan.

Mr. Rowan said he was not aware of the Bay Act, and he would replace it.

Chairman Easton opened the hearing for comments from the public.

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

On a motion by Mr. Wells, seconded by Ms. Curtis, and carried by a unanimous vote, with one absent, CBPA Exception #2021-09 was approved as submitted by staff.

2. **CBPA Exception No. 2022-01** submitted by Wayne Savage, P.E. C/O Bay Design Group on behalf of Sadler-Martin Properties, LLC, 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 and pool deck. The property for which the exception is requested is located at 1667 Locust Grove Road, Topping, VA 23169; it is further identified as Tax Map Parcel # 29A-4-9A in the Saluda Magisterial District.

Chairman Easton introduced CBPA Exception No. 2022-01

Mr. Longest presented the staff report. Mr. Longest recommended approval of CBPA Exception #2022-01 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 BMPs shall be maintained according to the recorded 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.

Mr. Wayne Savage spoke on behalf of his clients. He said this was cut and dry. Marc did a good job on his staff report but would be happy to answer any other questions the Board might have.

Chairman Easton opened the hearing for comments from the public.

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

Mr. Wells said it met finding of facts.

On a motion by Mr. Wells, seconded by Ms. Curtis, and carried by a unanimous vote, with one absent, CBPA Exception #2022-01 was approved as submitted by staff.

3. **CBPA Exception No. 2022-02** submitted by Wayne Savage, P.E. C/O Bay Design Group on behalf of Jay Honse, III & Andrea Hill, 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 re-build of deck. The property for which the exception is requested is located at 95 Norhall Lane, Deltaville, VA 23043; it is further identified as Tax Map Parcel # 40-41-2 in the Pinetop Magisterial District.

Chairman Easton introduced CBPA Exception No. 2022-02

Mr. Longest presented the staff report. Mr. Longest recommended to revise plans as noted and approval of CBPA Exception #2022-02 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 BMPs shall be maintained according to Device Maintenance which is include 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.
 - a. Revisions showing tree protection
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.
6. Revised drawings to show the pool and pool decking shifted closer towards the home, eliminating the need for an Administrative Variance and to reduce the impervious cover.

Mr. Wells asked Mr. Longest if he had revised plans to share per his recommendations

Mr. Longest replied to Mr. Wells, no.

Mr. Wayne Savage spoke on behalf of Jay Honse, III & Andrea Hill. He added the clear area in front would be used for a reserve drain area if needed and instead of wood, they will use concrete for pool decking. He said we can move the pool over six feet and adjust for the drip line on the neighbor's property. We will have a BMP agreement and mitigation for trees removed. We understand what is asked of us and will try to comply.

Chairman Easton opened the hearing for comments from the public.

Rufus Ruark spoke on behalf of his mother Diane Ruark who is an adjoining property owner. He is concerned about the drip line and how it could affect her trees. He asked if anyone has taken consideration of this. He asked the Board to not approve this application until they review the new plan.

Mr. Wells asked Mr. Savage if his client would have a Horticulturist come out and give us a report on the trees.

Mr. Savage said they would and submit it with the new site plan.

The Board discussed concerns from letter's received by other neighbors regarding the project.

Mr. Savage asked the Board to table CBPA Exception #2022-02 until he could come back with a plan to make this work.

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

On a motion by Mr. Wells, seconded by Ms. Curtis, and carried by a unanimous vote, with one absent, CBPA Exception #2022-02 was tabled.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

With there being no further business, a motion to adjourn was made by Mr. Wells, seconded by Mr. Easton, and carried by unanimous vote. The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Marc Longest, Secretary

Date