

ESSEX COUNTY BOARD OF ZONING APPEALS  
MEETING OF JANUARY 13, 2022 AT 7:00 P.M.  
109 CROSS STREET  
TAPPAHANNOCK, VIRGINIA 22560  
MINUTES

**Present:**

John Crump, III - Chairman  
Steven Laffoon – Vice Chairman  
Stephen Walters  
Edward Haile

**Also Present:**

Bart Nuckols – Outgoing Temporary Zoning Administrator - virtually  
Rob Hodges – Incoming Temporary Zoning Administrator - virtually  
Kelly McKnight – Planning and Zoning Office Manager

**Call to Order**

Chairman Crump called the January 13, 2022 meeting of the Essex County Board of Zoning Appeals to order. He welcomed the two new members to the Board, Mr. Walters and Mr. Haile. A quorum was met.

**Agenda**

Chairman Crump wished to add Elections of Officers to the agenda. There were no other changes.

**Approval of Minutes**

Chairman Crump asked for a motion to approve the minutes of the last Board of Zoning Appeals meeting as written. Mr. Laffoon so moved and Mr. Crump seconded the motion. The minutes were approved as presented.

**Public Comments**

None.

**Public Hearings**

**Application for Variance #V2100003**

Mr. Nuckols introduced the first variance request. The Application for Variance #V2100003 was submitted by Mark E. Milstead. The request is for a variance at 252 LaGrange Industrial Drive, Tax Map 36-45E. The property is zoned M-2 (Manufacturing-2). The request is for a front yard setback variance from Section 14.5 – Yard and Setback Standards, of the Essex County Zoning Ordinance. The required front setback requirement is 50 feet. The proposed reduction would be to 23.2 feet for the purpose of

constructing a new building. The new construction replaces an existing structure which currently encroaches into the setback 31 feet. The adjacent property is zoned M2. Mr. Nuckols' opinion is if a hardship can be determined as per Virginia Code, then a variance could be granted. Chairman Crump asked if the Planning Commission has made a recommendation. Mr. Nuckols said he sent the information to the Planning Commission but has not heard back.

Jeff Howeth, licensed professional engineer, spoke on behalf of Mr. Milstead. He said the building is the existing Service Master building. The adjacent storage building predates existing zoning laws, therefore, creates a hardship. The drain field is behind the building. The lot is level so it does not present a hardship due to the topography.

Mr. Milstead spoke next. He said he bought the property before the industrial park was created. He granted right of way to the County of Essex to run water pipes across his property. He has outgrown his existing building but would like to remain at the site. He has a lot of equipment and needs the storage space. The new building will be a nice building. The old one was originally a tractor shed. He has been in business for 27 years in Essex County. He has tried to be a good business partner and provide jobs for the community. He said there is an old cemetery on an adjacent lot that dates back to the civil war. Mr. Haile asked Mr. Milstead if there would be a new foundation for the new building and he responded that there would be. Mr. Haile asked if Mr. Milstead could rotate the new building 90 degrees to accommodate the setback requirement. Mr. Milstead answered that it would not make the new building as operational as he would like as well as other considerations.

Chairman Crump asked if anyone would like to speak in favor or in opposition to the variance request. As no one spoke up, Chairman Crump expressed his opinion that he is in favor of granting the variance. Mr. Laffoon made a motion to approve Variance Request #V2100003 and Mr. Haile seconded the motion. AYES: 4, NAYES: 0, ABSENT: 0

#### Application for Variance #V2100004

Chairman Crump asked Mr. Nuckols to introduce the variance request. Application for Variance #V2100004 was submitted by Jeffrey L. Howeth. The request is for a variance at 0 LaGrange Industrial Drive, Lots 8&9, Tax Map 36-7. The property is zoned M-1 (Manufacturing-1) the request is for a front yard setback variance from Section 14.5 – Yard and Setback Standards, and from Section 14.6-5 – Requirements for Permitted Uses, junk, salvage, automotive yards not permitted within 300 feet of a public street, of the Essex County Zoning Ordinance. Mr. Nuckols' opinion is if a hardship can be determined as per Virginia Code, then a variance could be granted.

Mr. Howeth, the owner of the property, stated that Lot 7 was sold to two Northern Virginia gentlemen for a towing business. These two gentlemen have a contract with Mr. Howeth to purchase Lots 8 and 9. There is a good size ravine on lot 9 causing a topographical hardship. Lot 9 consists of 2.9 acres. Lot 8 consists of 14 acres with a long 50 ft. wide strip between lots 7 and 9 that fronts on the cul-de-sac at the end of the Lagrange Drive and extends back to a large area behind lots 7 and 9. Both 8 and 9 are zoned M1. Matt Farmer, a former Zoning Administrator has previously signed off on the forms for a salvage yard per Mr. Howeth.

Chairman Crump asked if the 50 foot strip is part of lot 8. Mr. Howeth answered in the affirmative and there is an easement on this strip for access to lot 7. Chairman Crump said the variance would block the

easement. Mr. Howeth said he is OK with a variance for just Lot 9 and take out Lot 8, if that would please the Board.

Chairman Crump asked what the reference to the drain field was. Mr. Howeth answered that the locations are "possible drain fields" not actual ones and were needed to record the plats.

Chairman Crump asked if anyone would like to speak either in favor or opposed to the variance request. Raymond Parker, speaking virtually, indicated that junk cars is not a permitted use in the LaGrange Industrial Park. Chairman Crump stated that it is a permitted use. Mr. Parker asked the Board to read State Statue 15.2.2201. Chairman Crump stated that junk yards are permitted under section 14.2.14 and 14.2.15 under the Essex County Ordinance, provided there is a 300 foot setback. Mr. Parker said that if we grant Mr. Howeth a variance to reduce the setback from 300 ft. to 100 ft., we would be changing the zoning of that portion of the property and the BZA does not have the authority to do so. He said that we should send the application request back to the Planning Commission for their input. Chairman Crump replied that Mr. Nuckols had stated that the Planning Commission had been sent the request, but had not responded. Chairman Crump said that both lots 8 and 9, as well as the adjacent properties are all zoned M1 for heavy industrial use that permits the placement of automobile wrecking and open and enclosed junk within 300 ft. of a public street. Granting a variance to reduce the setback from 300 to 100 ft. does not change the permitted use of zoning. Chairman Crump asked Mr. Nuckols for his input. Mr. Nuckols read State Statue 15.2.2201. He stated that the entire property is zoned M1 and allowing a variance in setback would not be considered a rezoning of any of the property. Mr. Haile asked Mr. Howeth how he arrived at 100 feet who answered that the regular setback is 50 feet so 100 feet seemed reasonable.

Mr. Laffoon made a motion to approve Variance Application #V2100004 as presented and Mr. Walters seconded the motion. AYES: 4, NAYES: 0, ABSENT: 0

### **Old Business**

None.

### **New Business**

Per Ms. McKnight, as of this date, there are no Variance Applications to review for next month. Mr. Nuckols stated that Mr. Hodges will be replacing him in the next week or so.

### **Election of Officers for 2022**

Mr. Laffoon made a motion to re-elect Chairman Crump to Chairman and Mr. Haile seconded the motion. AYES: 4, NAYES: 0, ABSENT: 0

Mr. Crump made a motion to elect Mr. Laffoon to Vice Chairman and Mr. Walters seconded the motion. AYES: 4, NAYES: 0, ABSENT: 0

### **Adjourn**

Having no further business, the meeting of January 13, 2022 was adjourned.

