ESSEX COUNTY BOARD OF ZONING APPEALS
MEETING OF September 22, 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:

Darla Odom – Berkley Group representative
Kelly McKnight – Planning and Zoning Office Manager

Call to Order

Chairman Crump called the September 22, 2022, meeting of the Essex County Board of Zoning Appeals to order.

Roll Call

Ms. McKnight called the roll. A quorum was met.

Approval of Minutes

Chairman Crump asked if there were questions on the minutes from the May 26, 2022, Board of Zoning Appeals. Vice Chairman Laffoon made a motion to approve the and Mr. Haile seconded the motion.
AYES: 4 NAYES: 0 ABSENT: 0

Public Comments

None.

Public Hearings

Application for Variance #V2200008

Mrs. Odom stated that the application is in the Central Magisterial District and is requested by Jeff Howeth. He is requesting a variance to allow accessory structures and a minor modification to an existing gravel driveway within the 50 ft landward portion of the Chesapeake Bay Preservation Act 100 ft resource protection area buffer. The property is zoned agricultural district limited A-2 and is part of the countryside comprehensive plan. The property is 24.54 acres and is known as 0 Richmond Rd off. The applicants are seeking approval for construction of two accessory structures a 1,760 sq ft deck to include a pool, a 1,582 sq ft frame deck and 177 sq ft modification to an existing gravel driveway. The zoning
ordinance section 15-1.15 provides guidance to the exceptions or variances to the limitations on uses and constructions within the RPA Buffers. The staff recommends you approve this request and authorize the chairman to approve this request subject to the conditions on page 2 of your staff report and impose those conditions. They limit the disturbance to just what is shown on the site plan that was submitted with the plan and the landscaping restoration prior to the Certificate of Occupancy is issued.

Mr. Jeff Howeth stated that there are topographic issues there with that property. Best use is the nole, it meets all the criteria for the Bay Act. Chairman Crump asked if the drainage was going to be engineered. Mr. Howeth stated that it would be as he would have to go down the hill and pump back up the hill.

Mr. Walters asked if this was considered a minor stormwater plan? Mr. Howeth stated that it is and in the landward 50ft side it is considered a minor. Mr. Walters also asked if they would maintain the gravel road that goes all the way down. Mr. Howeth said that it would be maintained, and the minor encroachment would have to be shifted slightly to the left. Mr. Walters asked about the number of trees does that take into account the number of trees you have to take out? Mr. Howeth said it takes into account the DEQ buffer restoration area with the calculation for what will be replaced.

Chairman Crump stated that the recommendation from the staff should be accepted as written. Vice Chairman Laffoon made the motion to approve the request as outlined in the staff report.

AYES: 4 NAYES: 0 ABSENT: 0

Application for Variance #V2200009

Was withdrawn.

Application for Variance #V2200010

Mrs. Odom stated that the application is in the South Magisterial District, Ronald Dolt, requests a variance to allow accessory structures which include a pool and patio within the 50 ft landward portion of the Chesapeake Bay Protection Act 100 ft Resource Protection Area Buffer. The property is zoned Residential District, Limited R-2 it is 2.2 acres and is known as 1383 South Hill Banks Drive. With this request Mr. Dolt is seeking approval to construct a 1357 Sq Ft patio that includes a 512 sq Ft pool in the 50 ft landward portion of the RPA buffer. The Staff recommends approval of the request subject to the conditions on Page 2. The conditions limit the development to the development on the site plan and would require the landscaping for restoration would be done before the Certificate of Occupancy is issued.

Mr. Walters stated that this due to a Drs. recommendation for hydrotherapy for their daughter.

Mr. Howeth stated that Mr. Dolt is in the 50 ft landward buffer. He is not sure the final grade but will probably need a 2 ft retaining wall.

Chairman Crump asked about the original drawing which was 52 ft into the buffer. Mr. Howeth stated that he drew the silk fence line, the other line is the disturbance line. The construction is 56 from the Jurisdictional wetlands.

Chairman Crump stated the recommendation from the staff be accepted and added that under no circumstance extend beyond 50 ft into the RPA Buffer.
Mr. Walters made the motion and Vice Chairman Laffoon Seconded.  
AYES: 4 NAYES: 0 ABSENT: 0

Old Business

None.

New Business

None

Miscellaneous

None

Adjourn

Having no further business, the meeting of September 22, 2022, was adjourned by Chairman Crump.