

ESSEX COUNTY BOARD OF ZONING APPEALS
MEETING OF MAY 25, 2023, AT 7:00 P.M.
109 CROSS STREET
TAPPAHANNOCK, VIRGINIA 22560
MINUTES

Present:

Steven Laffoon –Chairman
Stephen Walters
Gamaliel Rose
Ned Stephenson

Also Present:

Kelly McKnight – Planning and Zoning Office Manager
Rob Hodges - Planning and Zoning Administrator

Absent

Edward Haile

Call to Order

Chairman Laffoon called the May 25, 2023, 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 Laffoon asked if there were questions on the minutes from the April 27, 2023, Board of Zoning Appeals. Mr. Rose made the motion to accept the minutes that were amended by Mr. Walters. The motion was made and seconded. AYES: 4 NAYES: 0 ABSENT: 1

Public Comments

None.

Public Hearings

V2300003 – R. Wayne and Patricia Allen

Mr. Hodges stated that Wayne and Patricia Allen, 1236 Cloverdale Road, request a front setback variance to Essex County Zoning Ordinance Sections 36.224.C.1.b to facilitate the construction of a 36' x 28' garage to replace, in the same footprint an existing garage at the front of the property. The variance

is for a 33' front setback variance to the 35' front setback requirement for the principal building setback. The staff recommendation is the Board approve the variance request.

Mr. Walters asked if the road was the egress road. Mr. Hodges stated that it is a private road.

Mr. Walters asked if it met VDOT standards? Mr. Hodges stated that is a private gravel road and it is not VDOT standards. The County has not asked VDOT to take over that road and is not a unique situation.

Mr. Woody Coffey, next door neighbor, handed out a map. The existing building has been there. The lots have been there since 1924. And the County has put in ordinances that don't fit this size lot. It is on a private road with a 15' easement. In his opinion all the houses face the river, and the kitchen is on the back which he classifies as an alley.

Chairman Laffoon asked a question about the property line and the easement for the property. We need to establish the boundaries and once the boundaries are set, we can record it properly.

Chairman Laffoon stated he is in favor of the motion, but it needs to be correct whether it is a 33' variance or a 34' variance.

Mr. Walters stated that we don't have a problem with them building the shed exactly where it sits now.

Mr. Stephenson asked if all variances that we approve, the burden is on the landowner to abide by the correct property line. He feels that we are trying to impose something that we don't do with other people. If a survey is required to ensure that he complies with the 33' setback that we have approved and if he violates that the burden is on him.

Mr. Rose stated that by approving it based on the predicate of the current location if it is misdrawn then it will be mis built.

Mr. Stephenson said it would seem that the approval could be for a 33' setback.

Chairman Laffoon asked what if they need a 34' setback? Mr. Stephenson stated he would need to come and present the evidence that he needs that.

Mr. Rose asked what is less onerous to him, we stipulate the existing footprint, subject to survey or we make him come back through this process.

Chairman Laffoon stated he did not want him to have to come back. He just feels that before the permit is issued it could be in our motion that we are approving it in the footprint where it is. Before the permit is issued it has to be shown on the proper documents as to where it is located.

Mr. Walters asked if they could do a conditional approval? We could move that we grant them permission to build in the same envelope that it is in right now conditional of them coming back with an accurate measurement of the property line to where the existing structure to get the proper setbacks.

Mr. Rose made the motion to allow construction of the shed on the existing footprint provided that the footprint be established and shown to be within the existing property lines before issuance of the building permit. Mr. Stephenson seconded the motion. AYES: 4 NAYES: 0 ABSENT: 1

**ESSEX COUNTY BOARD OF ZONING APPEALS
AGENDA ITEM**

Meeting Date: May 25, 2023

Case Number: V#2300003

SUBJECT:

Request for 1236 Cloverdale Road to allow for a 33' front setback variance.

BOARD OF ZONING APPEALS ACTION REQUESTED:

Staff recommends the Board of Zoning Appeals **APPROVE** the variance request and authorize the Chairman to approve the variance request for the following reasons:

- The requested variance is the minimum necessary to afford relief.
- Granting the variance will not confer, upon the applicant, any special privileges that are denied to other similarly situated properties.

ZONING AND LOCATION:

Within the Rappahannock Magisterial District, the subject property is zoned Low Density Residential, (R-2). The property is approximately +/- .6 acres consisting of Tax Map 61A_1_2.



SUMMARY OF PROPOSAL

Wayne and Patricia Allen request a front setback variance to Essex County Zoning Ordinance Sections 36.224.C.1.b to facilitate the construction of a 36' x 28' garage to replace, in the same footprint, an existing garage at the front of the property. The variance is for a 33' front setback variance to the 35' front setback requirement for the principal building setback.

CONCLUSION

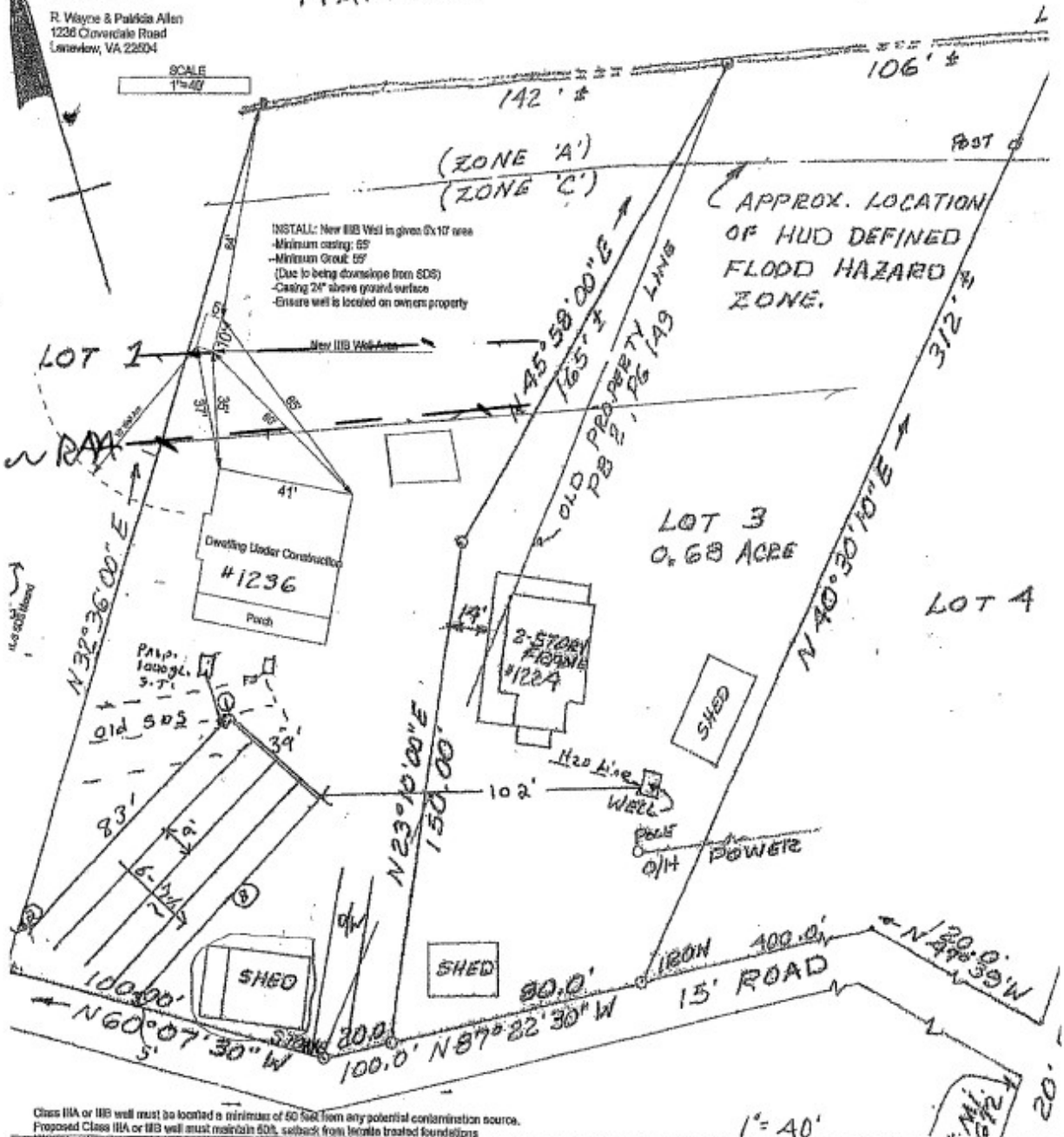
Staff recommends to APPROVAL of the 33' front setback variance request to the 35' front setback to the primary structure.

Construction Drawing:

HOID: 128-22-0047
Tax Map: 61A-1-2

R. Wayne & Patricia Allen
1238 Cloverdale Road
Lawrence, VA 22804

RAPPAHANNOCK RIVER



INSTALL: New IIB Well in given 6x10' area
 -Minimum casing: 55'
 -Minimum Grout: 15'
 (Due to being downslope from SDS)
 -Casing 2" above ground surface
 -Ensure well is located on owners property

Class IIA or IIB well must be located a minimum of 60 feet from any potential contamination source.
 Proposed Class IIA or IIB well must maintain 60% setback from leachate treated foundations.
 Existing Foundations within 50' E. of any existing or proposed wells may NOT be tampered located using chemical soil poisons.
 Tentative applications must follow GMP# 132 and #130**
 CALL MISS UTILITY BEFORE YOU DIG (DIAL 8-1-1).
 A satisfactory bacterial sample result must be submitted to the local health department prior to issuance of well approval.
 A Uniform Water Well Completion Statement or GW-2 form is required prior to issuance of well approval.
 It shall be the landowner's responsibility to ensure that the water well is properly located on the landowner's property.

V2300004- Essex County

Mr. Hodges stated that Essex County Parks and Recreation is requesting a 16-foot square variance for each sign. They want to put up two free standing signs at Poor House Park. The signs are 16' long and 9'tall. The staff recommends the approval of this variance.

Mr. Stephenson made the motion to approve. Mr. Rose seconded AYES: 4 NAYES: 0 ABSENT: 1

**ESSEX COUNTY BOARD OF ZONING APPEALS
AGENDA ITEM**

Meeting Date: May 25, 2023

Case Number: V#2300004

SUBJECT:

Request for 708 Poor House Road for two Sixteen (16) Square Foot Sign Area Variances

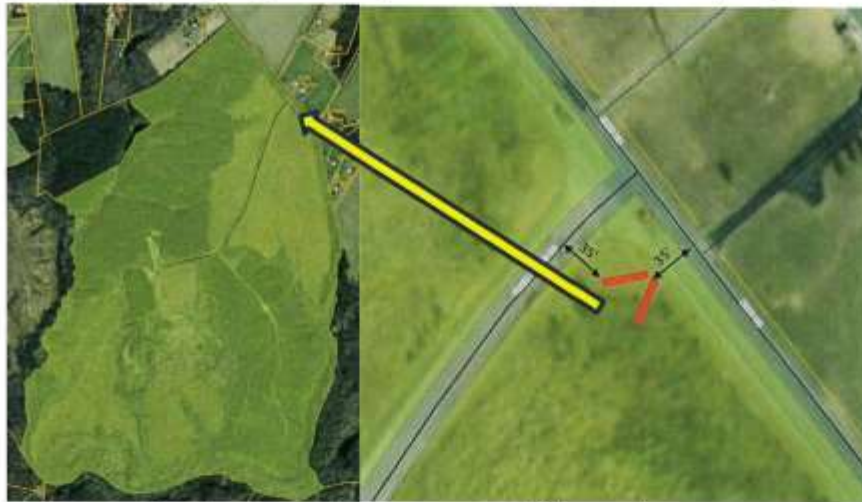
BOARD OF ZONING APPEALS ACTION REQUESTED:

Staff recommends the Board of Zoning Appeals APPROVE the variance request and authorize the Chairman to approve the variance request for the following reasons:

- The requested variance is the minimum necessary to afford relief.
- Granting the variance will not confer, upon the applicant, any special privileges that are denied to other similarly situated properties.

ZONING AND LOCATION:

Within the Central Magisterial District, the subject property is zoned Agricultural and Forestry, General, (A-2). The property is approximately 476 acres consisting of Tax Map 35_72.



Parcel

Diagram 1



- Signs are approximately 35' from the road centerlines (Poorhouse and Kino)
- 2 signs, max 16' long, max 9' tall similar to the image to the left.
- Mounting posts are treated timbers.

SUMMARY OF PROPOSAL

Essex County Parks and Recreation requests a 16' square foot (SF) freestanding sign variance to Essex County Zoning Ordinance Sections 36.441(b), table 36.14 to facilitate the construction of two information/directional signs that are approximately 16' long and 9' tall, per diagram 1. The variance is for a 16 SF area increase to the 16 SF area maximum for non-residential use signs. One sign is for frontage on Kino Road, the second sign for frontage on Poor House Road.

CONCLUSION

Staff recommends APPROVAL of the 16 SF' area increase for each sign.

New Business

None

Old Business

Mr. Walters stated that with the Planning Commission they discussed the LaGrange Industrial Park the Cul-de-sac they approved a holding area across the street from the Essex Recycling center. It was a change in zoning from I1 to I2. Coming up is a PUD in discussion next Tuesday.

Mr. Hodges stated that the change in zoning and the conditional use permit will also need to have variance approval from the BZA because of the fencing and the 150' setback.

Miscellaneous

None.

Adjourn

Having no further business, the meeting of May 25, 2023, was adjourned by Chairman Laffoon.

Stephen Laffoon - Chairman