

# **RICHMOND COUNTY BOARD OF ZONING APPEALS MEETING MINUTES**

**July 25, 2017**

The Richmond County Board of Zoning Appeals (BZA) held its meeting on Tuesday, July 25, 2017 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Elizabeth Burruss  
Harry F. Smith, Jr., Chairman  
R. Carter Wellford, III  
Judy Sydnor

Also present: R. Morgan Quicke, County Administrator  
D. Barry Sanders, Director of Code Administration  
Richard English, Code Compliance Officer  
Denise Dunaway  
Robert B. Pemberton  
Louisa Hammond

## **WELCOME**

Chairman Smith called the meeting to order at 7:07 p.m. and asked everyone to stand for a moment of silence. Chairman Smith led everyone in the Pledge of Allegiance.

## **FURTHER DISCUSSION ON TURNER VARIANCE REQUEST**

Chairman Smith reminded the members about the tabled Turner request described below:

- Bradley W. Turner, 1005 Horsepen Road, Henrico, VA 23229, seeks a variance from the provisions of Section 2-13-10-C-2-c of the Richmond County Zoning Ordinance, which states that an encroachment shall not extend into the seaward 50 feet of the buffer area. The variance request is to allow a 20-foot encroachment of a residential dwelling into the seaward 50-feet of the buffer on a R-1 zoned residential building lot which was created prior to the Bay Act. The property is located at 1224 Little Florida Road and is further identified as TM No. 42A-18.

Chairman Smith looked to Mr. Quicke for further discussion.

Mr. Quicke noted that since there was confusion with the variance request (mis-drawn line, letter from County Administrator, etc.), he felt it was only fair to gather more information and present this matter in a clearer way so that everyone understands the request. Since the last meeting, it has been determined that the letter provided in 2013

was incorrect as to the measurements described. This lot is a legal non-conforming lot and is the last undeveloped lot at Little Florida. The character of the neighborhood would not change and the home would measure up with the existing houses. The size of the house is 1800 sq. feet of roof space, which conforms with the neighborhood. Mr. Quicke asked for any questions from the members.

Mr. Wellford asked about a line on Mr. Howeth's plat being identified as jurisdictional wetlands. Mr. Wellford is not clear on the terminology since the lines are typically labeled as high water mark and low water mark. Mr. English noted that it is basically Mean High Water as described by the engineer at the May meeting.

Mr. Wellford noted that if the 100' buffer is observed from jurisdictional wetlands, the structure would be off of the lot. Mr. English added that the 50' RPA is being encroached upon and the variance is being requested.

Mr. Wellford asked if the landowner had made any effort to take the structure closer to compliance. Mr. Quicke noted that an alternate location for the home was offered but would not meet other requirements. Mr. Wellford is in hopes that the homeowner would be willing to bring the home closer to compliance by making the home smaller or adjusting the location. Mr. Quicke added that moving the home just five feet closer to Little Florida Road would put the home 20 ft. off of the road. Mr. Wellford asked what was being voted upon, the original application or the plan which moves the home five feet closer to the Road. Mr. Quicke answered that the plan being voted upon would be a part of the motion. Mr. Quicke continued to note that the homeowner intends to keep the home in line with the others in the neighborhood. Mr. Wellford does not think that the line of homes at Little Florida should be a deciding factor for this application. Mr. Quicke added that when building a development, having the homes in line is the typical way of construction.

Mrs. Sydnor asked what the impact would be if the home is moved five feet toward the road. She is concerned about the possibility of a wider road in the future.

Ms. Burruss asked about the number of other variances granted for this type of case. Mr. English noted that in seven years, he does not remember a case inside the 50' buffer. Mr. Quicke noted that the Little Florida lots are definitely the most challenging waterfront lots within the County.

Ms. Burruss noted that the whole reason for the Board is to look at cases like this and possibly grant variances. She added that the Board is supposed to determine exceptions to the zoning ordinances. The purpose of the Board is to look at variance applications from different points of view.

Mrs. Sydnor asked about the hardship of this variance request. Mr. Quicke noted that the lot was completely a buildable lot when platted before any regulations were placed upon it. This hardship was created by the zoning regulations put in place over the years. Mr. Quicke noted that this is a case that legally meets the variance guidelines. Mr. Wellford

added that he did not think the zoning ordinance was preventing the owner to use and enjoy the property. Mr. Quicke feels that the landowner wants to make an investment in the County by building a home in line with the community of Little Florida.

Mr. Smith stated that his feeling is that the Board needs to look at the request as the last lot in the Little Florida area and strongly consider the variance at hand.

Elizabeth Burruss made a motion to approve the original variance request as presented. Judy Sydnor seconded the motion. The motion passed with a 3-1 vote (*Elizabeth Burruss – yay; Harry F. Smith, Jr. – yay; R. Carter Wellford, III – nay; Judy Sydnor - yay*).

Mr. Smith thanked the Board and Mr. Quicke for their comments and work on the matter. Mr. Wellford thanked Mr. Quicke for the additional explanation provided.

### **REVIEW OF MINUTES FROM THE MAY 23, 2017 MEETING**

Carter Wellford made a motion to approve the minutes from the May 23, 2017 meeting, as written. Judy Sydnor seconded the motion. The motion passed with a 4-0 vote (*Elizabeth Burruss – yay; Harry F. Smith, Jr. – yay; R. Carter Wellford, III – yay; Judy Sydnor - yay*).

### **GENERAL BUSINESS**

Mr. Quicke advised the members that there is a pending case that will be advertised for a September or October meeting.

There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Hope Mothershead,  
Board of Zoning Appeals Secretary