

RICHMOND COUNTY BOARD OF ZONING APPEALS MEETING MINUTES

July 28, 2015

The Richmond County Board of Zoning Appeals (BZA) held its meeting on Tuesday, July 28, 2015 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Elizabeth Burruss
Harry F. Smith, Jr., Chairman
S. Louis Thompson
R. Carter Wellford, III

The following member was absent:

Bristow Balderson, Vice Chairman

Also present: R. Morgan Quicke, County Administrator
Joseph Quesenberry, Planning and Zoning Administrator
Mercedes Pierce, Secretary
Albert Jones, Jr.
Christopher Jones
Jeff Howeth, Project Engineer
Richard E. Thomas

Welcome

Chairman Harry F. Smith, Jr. called the meeting to order at 7:00 p.m. and asked everyone to stand for a moment of silence. Chairman Smith led everyone in the Pledge of Allegiance.

Public Hearing to consider the following:

Albert Jones, owner of Jones Brothers Excavating in Richmond County, located at 6231 History Land Highway, Farnham, Virginia 22460, also known as tax map 32-75, currently zoned M-1, has filed a request for a Variance regarding the ruling on setback regulation requirements in M-1 zones, found in section 2-7-4 of the Richmond County Zoning Ordinance. The section states that when an M-1 zone is adjacent to a residential lot or structure, a 100' setback is required.

Mr. Joseph Quesenberry read the Public Notice and informed everyone it was advertised in the Northern Neck News for two weeks and certified notices were sent to all adjoining property owners. Mr. Quesenberry then read over the Case Report, which presented

detailed information regarding the request and staff recommendations.

Mr. Jeff Howeth, Project Engineer, stated he had conversations with Albert Jones, Sr. regarding the neighbor's request for the Jones's to cut down the mature pine trees that were located on the common property line between the Jones's and Susa's properties. Mr. Howeth informed everyone the Jones's cut the trees down at the neighbor's request. Mr. Howeth requested the elimination of a landscaping plan so long as written agreements from the neighbors were provided and asked this serve as a condition of an approval.

Chairman Smith stated he does not have a problem with this agreement now, but wondered what would happen if someone were to purchase the adjoining properties in the future. Mr. Howeth suggested stipulating on the site plan what the landscaping plan would consist of in the future should a future neighbor request the buffers be replaced.

Mr. Quesenberry provided an example of language that could be added to the Variance approval, which read "Any adjacent property owner, in perpetuity as long as the establishment is in operation, can request the application of a landscaping plan."

Mr. S. Louis Thompson questioned if there was only one adjacent property owner. Mr. Howeth stated there were two adjacent property owners and they had already provided letters of support of the project. Mr. R. Carter Wellford, III asked if both parties agreed to the Jones's doing away with the landscaping plan. Mr. Howeth stated Mr. Albert Jones, Sr. feels both parties will agree to this.

Mr. Wellford asked when the Jones's became the property owners of the parcel. It was determined that the property owners changed in 1983. Mr. Wellford asked if there was a more recent plat on file because the survey they received a copy of was recorded in 1975. Mr. Quesenberry stated a deed had been recorded more recently, but no surveys have been recorded since June 1975.

Ms. Elizabeth Burruss asked if a site plan was created for the new building. Mr. Quesenberry stated the County had been working with the owners and Mr. Howeth on a site plan, but they have not finished because they first wanted to determine if the Variance would be approved. Ms. Burruss asked if they had any idea where the building would be located on the property. Mr. Howeth showed on his plans where the building would be located and stated there are stakes currently on the property marking where the building is to be constructed.

Mr. Quesenberry stated the Variance would be needed on both sides since the lot is so narrow.

There was discussion on the details of the plans Mr. Howeth shared with the BZA.

Mr. Wellford asked where the photos had been taken and it was stated they had been taken in the very back of the property.

Ms. Burruss and Mr. Howeth discussed the height of the proposed building. It will stand at a height of about 25' at its peak, around 22' at the edges and will be all metal.

Mr. Wellford questioned if the BZA were to deny the request, would the reasonable use of the property be affected. Mr. Albert Jones, Jr. stated their business has grown over the years and as a result, they have run out of storage room; it is becoming an inconvenience.

Mr. Wellford asked when the property became zoned M-1. Mr. Quesenberry stated he thinks around 1995 when the Zoning Ordinance was approved and the property has never changed uses or zoning classification.

Mr. Wellford, Mr. A. Jones and Mr. Howeth discussed the collection of machinery and parked vehicles located towards the rear of the lot and the Jones's contract with VDOT.

Chairman Smith opened the public comment period.

Mr. Richard Thomas stated his wife and he are neighboring property owners and are in full support of this project.

Mr. Wellford asked the Jones's if they have discussed the dimensions of the building with their neighbors and it was confirmed they have shared this information.

Mr. Wellford stated he wants to make sure future property owners are notified of their right to request landscaping plans for a buffer from the Jones's and suggested adding language informing of this right with the deeds when recorded.

Chairman Smith closed the public comment period.

Mr. Wellford suggested foregoing the setbacks and not requiring a landscaping plan at this time, so long as any new owners of adjacent properties are made aware of their right to request buffers in the future and as long as the Jones Brothers business is in operation. He also suggested receiving acknowledgement from the adjoining property owners that they currently do not request a landscaping plan for buffers from the Jones's.

Chairman Smith stated he understands the Jones's need for another building and wanting to keep the property "open" without trees for security reasons.

Mr. Wellford and Mr. Christopher Jones discussed the proposed distance between the building currently on the property and the proposed building. Mr. C. Jones stated because of the maneuverability of tractor trailers, the buildings will need to be about 125' apart.

R. Carter Wellford, III made a motion to accept the request. S. Louis Thompson seconded the motion.

Ms. Burruss requested clarification on whether or not the conditions regarding the signed agreements from adjoining property owners foregoing the right to request a landscaping

plan at this time and the recordation of a statement informing future property owners of their rights to request buffers be included as a part of the approval of the Variance. These conditions are to be added to the approval of the Variance.

The motion carried with a 4-0 vote (*Elizabeth Burruss – yay; Harry F. Smith, Jr. – yay; S. Louis Thompson – yay; R. Carter Wellford, III – yay*).

Review of Minutes from the January 27, 2015 Meeting

Elizabeth Burruss made a motion to approve the minutes from the January 27, 2015 meeting as written. R. Carter Wellford, III seconded this motion and they were approved unanimously.

General Business

There being no further business, the meeting was adjourned at 7:34 pm.

Respectfully submitted,

Mercedes Pierce
Board of Zoning Appeals Secretary