

A regular meeting of the Westmoreland County Board of Zoning Appeals was held on Monday, February 27, 2023 in the George D. English, Sr. Memorial Building, 111 Polk Street, Montross, Virginia. Those members present were Lonnie Thurston, John O'Neil, Matthew Beard, and Margaret Campbell. Kelly De Jesus, Planner and Beth McDowell, Zoning administrator was also present.

CALL TO ORDER

Ms. McDowell opened the meeting. Election of officers was deferred until next meeting and Mr. Beard nominated Chairperson Campbell as alternate chairperson for the day, Mr. Thurston seconded; the motion carried with a unanimous vote

Chairman Campbell called the meeting to order at 9:02 a.m. The roll was called and a quorum was declared.

PRIOR MINUTES

Chairperson Campbell motioned that the September 2022 meetings be approved, Mr. Thurston seconded; the motion carried with a unanimous vote.

CASE #2302-V-01 - RONALD R. & SHARLA D. HALL OF 2071 CHINA HILL ROAD, WARSAW, VA 22572 REQUEST A VARIANCE TO ALLEVIATE THE FRONT SETBACK REQUIREMENT FOR AN ADDITION TO THE PRINCIPAL STRUCTURE. THE PROPERTY IS LOCATED AT 45 NEPTUNE LANE IN NOMINI BOAT CLUB ESTATES SUBDIVISION, TM 36B-1-44 & 45, MONTROSS MAGISTERIAL DISTRICT.

Ms. De Jesus referred to the Code of Virginia stating that there must be findings the Board of Zoning Appeals must establish before granting a variance; 1.) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; 2.) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; 3.) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; 4.) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and 5.) The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § [15.2-2309](#) or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § [15.2-2286](#) at the time of the filing of the variance application.

After board comment and public portion of the meeting, because the conditions onsite greatly restrict the regulatory established area of construction, and the proposed project makes reasonable use of the property, staff believes granting a variance is an appropriate course of action, as this case meets the requirements for issuance as determined by the state, then Mr. Beard moved to approve **CASE #2302-V-01** as presented with following conditions;

1. The development shall be in general conformance with the site plan drafted by J. L. Howeth, P.C. dated December 6, 2022.
2. The applicant shall record the notice of the Board of Zoning Appeals' decision as furnished by the Land Use Administration with the Westmoreland County Clerk of the Circuit Court. A copy of the recorded instrument shall be submitted to the Land Use Administration prior to issuing any permits for this construction.
3. This variance shall become effective immediately after the decision of the Board of Zoning Appeals. However, no permits shall be granted until the Westmoreland County Land Use Administration receives a copy of the recordation described in item 2 above and provided all provisions of the decision have been complied with.
4. The applicant is aware that any person aggrieved by the decision of the Board of Zoning Appeals may file an appeal within 30 days of this decision in accordance with Section 15.2-2314 of the Code of Virginia. Any construction performed prior to this appeal date is at the owners' risk of potential litigation on this project.
5. No additional development will be permitted on the property except in compliance with the Zoning Ordinance.
6. All necessary local, state, and federal plan application(s), review, and approval processes shall be complied with and adhered to.
7. Failure to abide by these requirements or conditions will result in the immediate revocation of the variance.

Mr. Thurston seconded, the motion carried with a unanimous vote.

Chairperson Campbell reminded the applicant that in accordance with the provisions of §15.2-2285 of the Code of Virginia 1950, as amended there was a 30 day period in which they could appeal this decision to the Circuit Court of Westmoreland County. She added that failure to file an appeal within the stated time shall validate this decision and make it unappealable.

ADJOURNMENT

There being no other business to come before the Board, Mr. Thurston moved that they adjourn, Mr. Beard seconded, the motion carried by unanimous vote with the meeting adjourning at 9:25 a.m.

CHAIRMAN