

NELSON COUNTY BOARD OF ZONING APPEALS

June 2, 2014

MEETING MINUTES

Present: Gifford Childs, Linda Russell, Kim Cash, Goffrey Miles, and Ronnie Moyer

Absent: John Bradshaw

Staff: Stormy Hopkins, Secretary

Call to Order: Mr. Childs called the meeting to order at 7:34 P. M. in the General District Courtroom, County Courthouse, Lovington. There were five members present to establish a quorum.

Approval of Minutes:

Ms. Russell requested the following revisions:

Page 1 – Election of Officers / beginning with Mr. Childs stated since Mr. Bradshaw: change “is” to “was”.

Page 1 – Variance Request / 2nd full paragraph / 7th line down / beginning with Mr. Padalino stated the central issue: Change to read – The “**required**” side yard setback is a minimum...

Page 4 – (*go back and review tape for exact quote*) / 1st paragraph after motion / last sentence: put in quotes, Mr. Curro also said, “**that the other four got easements...deadlocked**”.

Page 6 – Election of Officers / put paragraph in quotes, starting after that: “**as a Board...**”.

Page 6 – After Mr. Moyer’s motion / last paragraph / 2nd sentence / beginning with Mr. Moyer stated that as long: after salary, change to read: “**he didn’t think the Board had to elect her**”.

Ms. Cash requested the following revisions:

Page 2 – 3rd paragraph down / beginning with Ms. Cash said the other issues... / last sentence: replace “**that**” with “**than**”.

Page 3 – 3rd paragraph / beginning with Ms. Cash stated that on the plat: put the following in quotes “**concrete parking area**”.

Page 6 – Election of Officers / last sentence / change “**its**” to **it’s**.

Page 6 – Election of Officers / 2nd paragraph / 6th sentence / beginning with Mr. Childs stated: remove “**being**” and change “**discussed**” to “**discussing**”.

Page 6 – After Mr. Moyer’s motion / last paragraph / 2nd sentence / beginning with Mr. Moyer stated that as long: change **Hopkins** to **Hopkins’**.

Ms. Russell indicated that it would be wise to include Mr. Padalino’s findings on the legal aspect of the Secretary. Noted as (***See attachment email***) and added as a separate attachment.

Ms. Cash made a motion that the Board approve the minutes of April 7, 2014 minutes as amended. A second was made by Mr. Moyer. The motion passed 5-0.

Ms. Cash asked that the corrected minutes go to the County Attorney for his file for the Court case.

Other Business:

Mr. Childs noted he had a conversation with Mr. Padalino and asked that he provide some educational materials for the Board to review and to keep on hand for when questions arise. Use the materials as a reference to understand the roles of the Board, what Variances are and other important information. Mr. Childs stated the materials are very similar to the ones he received during a three (3) day course that the County sent him to several years ago. Ms. Russell noted that the County used to pay to send the Planning Commissioners to school and asked if they did the same for the Board of Zoning Appeals members. Mr. Childs noted that in speaking with Mr. Padalino, it is not in the budget to do so at this time. Mr. Childs and Mrs. Russell noted that it is a very extensive and time consuming program but very well worth the effort.

Mr. Childs stated the other business that he had was in regards to the Zoning Ordinance and if the Board had an updated copies. Ms. Cash indicated that new copies were provided at the beginning of the meeting.

Ms. Cash indicated that the only other issue that she has is that she wants to be up-to-date on Court dates for the Curro's and updates on Mr. Artz. Mr. Childs indicated that the Board should be notified of the Court dates.

Ms. Russell suggests that Staff investigate and provide a report to the Board on driveways, particularly noting;

1. Are driveways subject to setbacks?
2. What does the Code say about driveways?
3. What does the County Ordinance say about driveways; parking in the front yard with or without a concrete pad or carport?
4. If a driveway is put in; what regulations have to be followed for a Virginia Department of Transportation (VDOT) permit or a Building permit?

Ms. Russell noted that a Building permit was issued for the Curro structure after it was constructed. Mr. Childs noted that the Curro's applied and paid a fee but the permit was not approved. Ms. Cash noted this was not the first parking structure that the Board has had that encroached on the right-of-way or has been in the front yard setback, noting the Board has been taken to Court before on these types of issues. Ms. Cash indicated that she agrees with Ms. Russell in regards for the need of a report to be able to know, for clarity purposes, what the Board can and cannot approve or allow.

Mr. Childs asked for suggestions on running the meeting efficiently, clearly and concisely. Mr. Childs stated that he thought that at the beginning of the meetings that he should make a general statement regarding the procedures of how the meeting will be conducted. Ms. Russell asked if anything was put at the back of the room for people coming in. Mrs. Hopkins' noted that agendas were placed in the back for the public. Ms. Russell suggested adding the procedures to the agenda. Mr. Moyer stated that he thinks people have a tendency to not read those types of materials and they need to be told by Mr. Childs what the procedures will be followed. Mr. Childs stated that there is a certain amount of formality that the Board wants to keep for the meetings; have a standard procedure and to follow it at every meeting.

Ms. Russell noted that when a person appeals the Board's decision, they are given the application. The first page of the application explains who the Board is and what authority the Board has. Ms. Russell indicated that this is one thing she doesn't feel the public understands.

Ms. Cash indicated that she would like to have the procedures shared with the entire Board so that each member follows that same procedure for the meetings. Mr. Childs indicated that he would share that with the Board.

Mr. Childs made note that he does not have email addresses for all the members of the Board. He asked Mr. Miles if he had an email address that could be used to communicate with him from time to time, if necessary. Mr. Miles provided an email address. It was noted that Mr. Bradshaw did not communicate using email.

Adjournment:

8:06 PM

Respectfully submitted,

Stormy V. Hopkins
Secretary