



BOARD OF ZONING APPEALS
County of New Kent
COUNTY ADMINISTRATION BUILDING BOARD ROOM

MINUTES

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF ZONING APPEALS WAS HELD ON THE 22nd DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND FOURTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: CALL TO ORDER

Mr. Jim Hudson called the meeting to order at 6:00 p.m.

IN RE: ROLL CALL/DETERMINATION OF A QUORUM

Attendance:

Michael Salmon	Present
Thomas Minor, Sr.	Present
William Chandler	Present
David Paul	Present
David Frank	Present
Tony Wood-Alternate	Present
Lee Tyson-Alternate	Present

Also Present:

Kenneth H. Vaughan, Jr., Zoning Administrator
Michelle Gowdy, County Attorney
Jim Hudson, Attorney, Legal Counsel Board of Zoning Appeals
Cathy Williams, Recording Secretary

Mr. Hudson determined that there was a quorum.

IN RE: ELECTION OF SECRETARY

A motion was made by Mr. Frank and second by Mr. Paul to elect Cathy Williams as the Secretary of the Board of Zoning Appeals. The Board voted unanimously in favor of Cathy Williams.

IN RE: ELECTION OF CHAIRMAN – 2014/2015

A motion was made by Mr. Chandler to elect David Frank as the Chairman. The Board voted unanimously in favor of Mr. Frank.

IN RE: ELECTION OF VICE-CHAIRMAN – 2014/2015

A motion was made by Mr. Frank to elect Mr. Chandler as the Vice-Chairman. The Board voted unanimously in favor of Mr. Chandler.

IN RE: NEW BUSINESS

Mr. Hudson gave a brief overview of the expectations of the Board of Zoning Appeals (BOZ).

He said there are five members, two alternates, and a secretary. And the BOZ was created by the Commonwealth of Virginia statues. The terms are five years and the secretary notifies the Court at least 30 days in advance of the expiration of the term and would notify the courts if any vacancies occur. He referred to State Code 15.2-2308 for the secretary to review.

Mr. Hudson asked the Board if anyone held any public office or was part of any other Committee or Commission at the present time. There was none.

Mr. Hudson addressed the Board and made reference to the code that a member must notify the Chairman at least 24 hours prior to a meeting if they plan to be abstained or absent from a meeting. The Chairman would in turn select an alternate to serve in their place. The alternate will be allowed to vote on any application and be made part of the record.

Duties and Powers of Zoning Board:

Mr. Hudson stated the primary duties of the Zoning Board. He discussed the variance application process. He stated that the motivation behind requesting a variance is to give relieve to the applicant from the requirements of the County Code.

Mr. Hudson went over the history of variance applications and said that they are not requested as often as they used to be. He said that the Supreme Court had ruled that before you can be considered for a variance, you must prove hardship by stipulating that you could not use the land for any other use. If any other use was available, then you could not claim hardship and would not qualify to apply

for a variance. He stated that localities can provide Administrative Variances in their Ordinances, but the administrative authority is very limited.

Mr. Hudson said that at this time, the BOZ would most likely be hearing more appeals from decisions made by the Zoning Administrator, than variance applications. He stated that if appeals do come up before the BOZ, a finding would need to be made. Mr. Hudson said that he would go over the standards and procedures of the appeals process when an appeal comes up before the Board. Lastly, he said that according to code, this meeting would account as an organization meeting prior to an appeal taking place.

IN RE: ADJOURNMENT

With no other comments or questions from the Board, the meeting was adjourned.

Respectfully submitted:

Cathy Williams
Recording Secretary