

**HALIFAX COUNTY BOARD OF ZONING APPEALS**  
**Mary Bethune Office Complex**  
**1030 Mary Bethune Street, Room 201**  
**Halifax, VA**  
**Friday, January 22, 2021**  
**2:00 PM**

I. CALL TO ORDER

Mr. Detrick Easley called the meeting to order at 2:00 p.m.

II. INVOCATION

Board Mr. Willis Dunn gave the invocation.

III. ATTENDANCE

Board Members in attendance: Mr. Hunter Ford, Mr. Willis Dunn, Mr. Larry Clark and Mr. Gregory Scott.

Board Members absent: None

Staff members attending were Mr. Detrick Easley, Zoning Administrator and Ms. Janice Cole, Administrative Assistant.

IV. ELECTION OF OFFICERS

Mr. Detrick Easley presided over the Chairman election.

On motion by Mr. Larry Clark with second by Mr. Willis Dunn and unanimous vote by members, the Board of Zoning Appeals voted to retain Mr. Hunter Ford as Chairman.

**ROLL CALL VOTE:**

**Ayes:** Mr. Hunter Ford, Mr. Willis Dunn, Mr. Larry Clark, and Mr. Gregory Scott.

**Nays:** No one

**Abstained:** No one

**Absent During Vote:** No one

**Absent During Meeting:** No one

Mr. Easley turned the meeting over to Chairman Hunter Ford.

Chairman Ford presided over the Vice-Chair election.

On motion by Mr. Willis Dunn and second by Chairman Hunter Ford, Mr. Larry Clark was unanimous voted by members the Board of Zoning Appeals as Vice-Chairman.

**ROLL CALL VOTE:**

**Ayes:** Mr. Hunter Ford, Mr. Willis Dunn, Mr. Larry Clark, and Mr. Gregory Scott.

**Nays:** No one

**Abstained:** No one

**Absent During Vote:** No one

**Absent During Meeting:** No one

V. PUBLIC HEARINGS

A. VARIANCE – DISTRICT #7

Variance: District #7  
Applicant: South Dan Properties  
PRN: 34725  
Address: 1079 Bill Tuck Highway  
Proposed Use: Install new monopole sign

Detrick Easley says the first public hearing is for Mr. John Cannon with South Dan Properties. He is seeking a 2-foot set-back reduction to install a sign at the new storage facility on Highway 58. Mr. Cannon did pull a permit to install the sign and zoning ordinance requires a 10-foot setback. When the contractors came out to start construction on the sign they found out there were fiber optic lines within that 10-foot. He needs to move the sign up 2 feet due to this.

Mr. John Cannon says he finished the storage buildings on Highway 58, 1079 Bill Tuck Highway, in November. Part of the construction project is a \$18,000 sign that was supposed to be installed to advertise. Todd Nunn, the general contractor, contacted Miss Utility to mark utility sites. Later on during the project, the plumber also called Miss Utility to mark utility sites. There was no indication, at either time, of any fiber optics or communication cable where the sign was going. Miss Utility was called for a third time by the company contracted to install the sign. This time they found a dead communication cable. Mr. Cannon says he even tried moving the fence back that borders the storage buildings but that didn't work. That's when he decided to ask the Board of Zoning Appeals for a 2-foot variance. Mr. Cannon informed the Board that he had a drawing if they wanted to see it. Chairman Ford said they were provided a copy. Mr. Cannon told the Board that he has been in the construction business for over 50 years and he has always relied on Miss Utility but somehow they missed this one. He thinks they missed it because the fiber line isn't active. It's going back to the communication towers on the back of his property

but they still have to be look out for it and the 2-foot variance will take care of it. He asked the Board if they had any questions.

Chairman Ford opens the Public Hearing.

**COMMENTS IN SUPPORT**

None

**COMMENTS IN OPPOSITION**

None

Chairman Ford closes the Public Hearing.

Mr. Clark says based on the information provided to them and what Mr. Cannon just explained today, the mistake was made by Miss Utility and the property owner should not be held responsible and unless Mr. Easley tells them this is a danger he will motion to grant the variance.

Mr. Easley says he did check with VDOT to see if they would have an issue with the signed being moved 2 feet and they did not.

On motion by Mr. Larry Clark and second by Mr. Gregory Scott, the Board of Zoning Appeals voted to approved the variance set back reduction of two feet, as requested.

**ROLL CALL VOTE:**

**Ayes:** Mr. Hunter Ford, Mr. Willis Dunn, Mr. Larry Clark, and Mr. Gregory Scott.

**Nays:** No one

**Abstained:** No one

**Absent During Vote:** No one

**Absent During Meeting:** No one

**B. VARIANCE – DISTRICT #7**

Variance: District #7  
Applicant: Johnny & Judith Martinez  
PRN: 13770  
Address: 1050 Propst Trail  
Proposed Use: Install 14' x 30' porch

Detrick Easley says the second public hearing is for John and Judith Martinez of 1050 Propst Trail. Mr. Easley explains this is an existing home that does not meet the current setbacks of 75-feet. Per code, it's considered a non-conforming use. Code states that you cannot add on to a non-conforming use unless the addition meets the current setbacks. Mr. Easley reference the drawing of the project provided in the package. They would like to install a new porch which is indicated on the drawing. It is roughly 55' from the road so it does not meet the current 75-foot

setback. This is the reason they are applying for the variance reduction. Mr. Easley says Mr. Fitts, project contractor, is present and probably could explain a little better than he can.

Mr. Fitts says the home is located at the end of a state maintained road. The edge of the garage is already 29.23' from the edge of the road. The garage will be an additional 26' from the road. He said his clients will also have an addition added but that is not within the problem area. Mr. Fitts asked if they Board would like to look at his drawing. Chairman Ford says they have a copy.

Mr. Easley says the addition is going to go where the patio is now. Mr. Fitts says they are going to enclose the patio to make the addition and add a porch from that corner coming back towards the road about 3'. Which will make the porch 26' from the front corner.

Mr. Clark, referring to the drawing, says the proposed porch is going to come off the side of the house where the patio is now located.

Mr. Fitts says yes and the patio will be enclosed.

Mr. Clark asks if it will be an enclosed porch.

Mr. Fitts says no. It will be an addition to make the kitchen and family room larger with an egress from the porch.

Mr. Clark asks if the proposed porch will be further from the road than the current garage is now.

Mr. Easley says that is correct.

Mr. Clark asks if there are any neighbors around this residence that would object to this.

Mr. Easley says all of the adjoining property owners were notified of this request and of this meeting. If they had any issues, they could have attended this meeting to voice their concerns. He added, there were no response from any adjoining property owners.

Mr. Ford asks if the Martinez's own the property next to their home.

Mr. Fitts says yes.

Mr. Ford says he doesn't think anyone in that area would complain about this. He knows the area very well.

Chairman Ford opens the Public Hearing.

**COMMENTS IN SUPPORT**

None

**COMMENTS IN OPPOSITION**

None

Chairman Ford closes the Public Hearing.

On motion by Mr. Willis Dunn and second by Mr. Larry Clark, the Board of Zoning Appeals voted to approved the variance set back as requested.

**ROLL CALL VOTE:**

**Ayes:** Mr. Hunter Ford, Mr. Willis Dunn, Mr. Larry Clark, and Mr. Gregory Scott.

**Nays:** No one

**Abstained:** No one

**Absent During Vote:** No one

**Absent During Meeting:** No one

VI. OTHER MATTERS

None

VII. ADJOURN

Meeting adjourned by Chairman Hunter Ford.

**ATTEST TO:**

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Hunter Ford  
Chairman

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Detrick Easley  
Zoning Administrator