

**ACCOMACK COUNTY BOARD OF ZONING APPEALS
MINUTES OF SEPTEMBER 5, 2018**

At a meeting of the Accomack County Board of Zoning Appeals held on the 5th day of September, 2018, in the Accomack County Administration Building Board Chambers, Room # 104, in Accomac, Virginia.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Board of Zoning Appeals Members Present:

Mr. Robert L. Nock, Chair
Mrs. Elizabeth Kerns, Vice Chair
Mr. Harvey A. Drewer, II
Mr. Lynn P. Gayle
Mr. W. Richard Bull, Jr.

Others Present:

Mrs. Katie Nunez, Deputy Director of Planning & Zoning
Mrs. Amanda Paoletti, Assistant Planner

DETERMINATION OF A QUORUM

There being a quorum, Chairman Nock called the meeting to order at 10:00 a.m.

2. ADOPTION OF AGENDA

On a motion made by Mr. Bull and seconded by Mrs. Kerns, the Board of Zoning Appeals voted to adopt the agenda.

3. MINUTES

A. August 1, 2018

On a motion made by Mrs. Kerns and seconded by Mr. Drewer, the Board of Zoning Appeals voted to approve the August 1, 2018 meeting minutes as presented.

4. OLD BUSINESS

A. SUP-2018-009 – Patrick Luckenbach – Tax Map #92B-A-14

Katie Nunez stated that since the hearing last month and in response to comments from the neighbors and the Board members, the applicant had retained Mike Starling to verify the location of the 100 year Floodplain line on the property. With that properly marked and identified, the placement of the structure was able to be located 30 feet further back on the property than the original proposal. Mrs. Nunez summarized from the last meeting that the size of the building was now proposed as 30' x 30' (900 square feet total) with 12' eaves for a total of 18'6" in height. The applicant was proposing 2 barn doors – one at 12' and one at 8' – and he had made improvements to the building by adding elements that were more house like, including the addition of windows on each side and adding a regular door in addition to the barn doors. She stated that the driveway for this structure will now be placed directly from the applicant's primary residence and it is marked on the revised drawings relative to the existing culvert.

Mrs. Nunez stated that with the reduced size of the structure from the original proposal the staff review and analysis of the structure is now being done as a true accessory structure and not as a primary building, thus the setback considerations are now based upon the accessory structure standard in the ordinance. With the relocation of the building further back on the lot, the structure now meets all setbacks without a need for any variances.

Mrs. Nunez also stated that the applicant had provided a copy of the building specs and has indicated a Cypress colored siding as well as white corner moldings. Staff is recommending that there be some additional landscaping be required to provide additional screening.

The applicant indicated that the roofing material will be 26 gauge metal roofing and it will be vinyl siding. He provided a color sample of the vinyl siding for the Board to see.

Mrs. Nunez confirmed that the public hearing was held at last month's meeting and was closed after all public comment was received. The Board could allow additional testimony if they wished and she noted that written comments had been received and provided to the Board as part of the agenda package.

Mr. Gayle motioned to approve SUP-2018-009 for Parcel 29B-A-14 pursuant to Accomack County Code Section 106-78(a) (12) to permit a boat shed on a parcel without a primary residence based upon the revised building plans, building plans, building specs and site plans with the following conditions:

- 1) The colors of the structure be neutral (i.e. brown/gray/green)***
- 2) A mature landscaped buffer remains around the perimeter of the property.***
- 3) All applicable building permits are obtained prior to construction of the structure.***
- 4) The structure is not to be used for any residential purpose.***
- 5) The height of the structure is limited to 18'6"***
- 6) Six understory trees, no smaller than 1 inch in caliper, be installed on the property line nearest the Ford residence by November 15, 2018.***
- 7) Building is limited to the proposed Building Specs per the list provided by the applicant.***

Mr. Bull seconded the motion and the motion was carried unanimously.

B. VAR-2018-006 – Patrick Luckenback – Tax Map #92-A-14

Mr. Luckenback stated that he is withdrawing his application for variances for his property.

5. NEW BUSINESS (PUBLIC HEARINGS)

A. SUP-2018-010 – Cellco Partnership dba Verizon Wireless – Tax Map #87-A-10B

Amanda Paoletti presented the Special Use Permit application of Cellco Partnership dba Verizon Wireless pursuant to Accomack County Code Section 104-403(1) to construct a cell phone tower in excess of 100 feet in height in the General Business (B-1) zone. The proposed height of the tower is 199 feet. The property is located at the North West corner of Lankford Highway and Baylys Neck Road, adjacent to 22520 Lankford Highway.

Mr. Steven Blevins and Ms. Claire Novak were present and represented the applicant, Cello Partnership. They had no additional information and felt that the staff report represented the application sufficiently. They indicated that this tower would enhance cellular service and data service in the area.

Upon a question from the Board, the applicant representative indicated that the tower would be designed to accommodate up to four (4) total carriers.

The Chairman opened the hearing, there were no public comments received, and the hearing was closed.

Mr. Gayle stated that the county supported these towers. They are important to our public safety agencies for data transmission, especially for ambulance transports.

Mrs. Kern motioned to approve SUP-2018-010, the application by Cellco Partnership dba Verizon Wireless to locate a tower in excess of 100' in the General Business Zone pursuant to Accomack County Code Section 106-403 (1). Mr. Drewer seconded and the motion was carried unanimously.

C. VAR-2018-009 – Betty Hrubes – Tax Map #109-6-5A

Mrs. Paoletti presented VAR-2018-009 and explained that the applicant, Mrs. Betty Hrubes, was requesting a 20' variance from front yard setback requirements pursuant to Accomack County Code Section 106-56 to construct a 480 square foot addition to her house. The property is zoned Agricultural and is located at 13175 Nandua Road in Painter.

Mrs. Paoletti noted that the applicant is seeking to remove an existing addition and is looking to construct a slightly larger addition. The applicant had indicated that the existing addition had some mold damage due to a leaking roof. Mrs. Paoletti stated that the existing addition has been part of the home for over 36 years even though it was built in nonconformance with the zoning ordinance, specifically the front yard setback requirements. Staff would be supportive of the variance request but could not support the increased square footage of the new addition since that would increase the nonconforming use.

Scott Smith, the applicant's contractor, was sworn in and asked about the variance and the layout of the property.

The Chairman opened the hearing, there were no public comments received, and the hearing was closed.

Mr. Drewer motioned to approve VAR-2018-009, the request of Betty Hrubes for a 20' variance from front yard setback requirements in accordance with Accomack County Code Section 106-56 with the following condition:

- 1) The structure not exceed the size of the current addition.*

Mrs. Kerns seconded and the motion was carried unanimously.

6. OTHER MATTERS

There were no other matters to report.

7. NEXT MEETING

The next regular Board of Zoning Appeals meeting is scheduled for Wednesday, October 3, 2018 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

8. ADJOURNMENT

On a motion made by Mr. Gayle and seconded by Mr. Bull the meeting was adjourned at 10:52 a.m.

Mr. Robert L. Nock, Chair

Prepared by Katie H. Nunez
Deputy Director of Planning & Zoning