

**ACCOMACK COUNTY BOARD OF ZONING APPEALS
MINUTES OF JANUARY 2, 2019**

At a meeting of the Accomack County Board of Zoning Appeals held on the 2nd day of January, 2019, 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:

Mrs. Elizabeth Kerns, Vice Chair

Mr. Harvey A. Drewer, II

Mr. Lynn P. Gayle

Mr. W. Richard Bull, Jr.

Board of Zoning Appeals Members Absent:

Mr. Robert L. Nock, Chair

Others Present:

Mrs. Katie Nunez, Deputy Director of Planning & Zoning

Mr. Conrad Meil, Special Projects, Planning & Zoning

Mrs. Ava Gabrielle Wise, Planning & Zoning

DETERMINATION OF A QUORUM

There being a quorum, Vice-Chair Kerns called the meeting to order at 10:02 a.m.

1. ELECTION OF OFFICERS

On a motion made by Mr. Gayle and seconded by Mr. Bull, the Board of Zoning Appeals voted to elect Mr. Nock to serve as the Chair and Mrs. Kerns to serve as the Vice Chair for 2019.

2. ADOPTION OF AGENDA

On a motion made by Mr. Drewer and seconded by Mr. Gayle, the Board of Zoning Appeals voted to adopt the agenda.

3. MINUTES

A. October 3, 2018

On a motion made by Mr. Bull and seconded by Mr. Drewer, the Board of Zoning Appeals voted to approve the October 3, 2018 meeting minutes as presented.

4. OLD BUSINESS

There was no old business.

5. NEW BUSINESS (PUBLIC HEARINGS)

A. VAR-2018-011 – Blue Crow Antique Mall – Tax Map # 111-A-32 & 33E

Katie Nunez presented VAR-2018-011, a Variance application initiated by the applicant, Blue Crow Antique Mall who is represented by the property owner Len Cackowski. Applicant is requesting a 192-foot variance from the size requirements of the sign ordinance in accordance with Accomack County Code Section 106-178 (n)(1); the applicant is

proposing to retain the existing two-sided wooden sign on the premises but to relocate it from its current location to be incorporated with the electronic sign. The property is located at Tax Map #111-A-32 & 333E at 32124 Lankford Highway, Keller, VA and is located in the Agricultural Zoning District.

On June 20, 2018, the applicant filed an application with the County for an electronic sign, sized 5' x 10' and two-sided. The application was approved which required the wooden sign to be removed. When this application was approved, the staff did not calculate the size of both sides of the electronic sign, thus the initial application was in excess of the County ordinance which states that "one sign which shall not exceed 96 square feet". In November 2018, the applicant approached the County about retaining the wooden sign in addition to the electronic sign. He indicated that the wooden sign, less the blue crow figure is 8' x 12' and is two-sided, thus the total dimension of the wooden sign is 192 feet.

Mrs. Kerns opened the public hearing.

Mr. Cackowski would like to add the wooden sign on the existing poles for the electronic sign and it would be placed underneath the electronic sign, thereby allowing him to continuously display the name of the primary business and utilize the electronic sign to give more time specific and detailed business information.

Mrs. Nunez stated that there was no recommendation from the staff on the variance as there was some precedent to support a decision in the affirmative while the current enforcement of the code may suggest otherwise.

The applicant stated that the electronic sign is currently not functioning properly and is not large enough to convey the appropriate messaging for the business as he had hoped it would be when it was purchased. He also said that he was unaware of the current interpretation of the code that would not allow for him to use both sides of the wooden sign and wished to be permitted to do so as the sign has been in use for 16 years.

Mr. Bull suggested that the zoning ordinance may need to be re-evaluated for square footage allowances in the case of double-sided signage that is positioned for two-way traffic as opposed to signage that is one-side facing passing traffic. Mr. Drewer made a similar suggestion.

Mrs. Nunez noted that all return receipts but one had been received from adjacent property owners of this application.

There were no speakers present for comment.

As motioned by Mr. Drewer and seconded by Mr. Bull, the Board of Zoning Appeals moved to approve # VAR-2018-011 at Tax Map #111-A-32 & 33E to approve the VARIANCE for a 192-foot variance from the size requirements of the sign ordinance in accordance with Accomack County Code Section 106-178 (n)(1) without conditions.

B. VAR-2019-001 – Dykeya Newman – Tax Map #94-A-76

Mrs. Nunez presented VAR-2019-001, a variance application initiated by Dykeya Newman, requesting a 142-foot frontage variance in accordance with Accomack County Code Section 106-57. The property is a flag lot directly east of 25467 Logan Road, created by deed in 2006 and sold to Fred Wiegand Builders, Inc. in the same year. The applicant purchased the property in 2018 and then purchased a manufactured home from Atlantis Homes to put on the lot shortly thereafter. The lot in question is the last unimproved flag lot of three in the immediate neighborhood; each was created pre-2006 through deed partition and conveyance. The applicant purchased the property and the house in good faith, unaware of frontage requirements and under the assumption that there would be no potential conflicts given the fact that the other lots were already improved with valid 911 addresses.

Mrs. Nunez stated the recommendation of staff was to approve the request as applicant had acted in good faith and was unaware of the potential zoning issues.

Mrs. Nunez reported that 4 of the 6 green cards were returned in response to the adjacent property owner notification mailing.

Ms. Dykeya Newman, applicant, was sworn in and stated that she was told by both the realtor and the builder that there should be no problems with securing a building permit to locate her manufactured home on the property. She stated that she only learned when she applied for the permit that there might be an issue with the road frontage.

Mrs. Kerns opened the public hearing.

Jim Stark from Atlantis Homes was sworn in and spoke to the Board to state his support for the placement of the house on the property.

The Board discussed the application, noting that it was no fault of the applicant who had acted in good faith in acquiring the property.

As motioned by Mr. Gayle and seconded by Mr. Drewer, the Board of Zoning Appeals moved to approve VAR-2019-001 to grant a 142-foot frontage variance in accordance with Accomack County Code Section 106-57.

6. OTHER MATTERS

Mrs. Kerns inquired as to the appropriate process for review and evaluation of the code to address matters that may arise when there is a question about the code. Mrs. Nunez stated that staff would review and make appropriate recommendations for evaluation and consideration by the Board of Zoning Appeals and other appropriate bodies.

7. NEXT MEETING

The next regular Board of Zoning Appeals meeting is scheduled for Wednesday, February 6, 2019 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 10:40 a.m.

Mrs. Elizabeth Kerns, Vice-Chair

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