

At a meeting of the Accomack County Board of Zoning Appeals held on the 3rd day of June, 2020 in Accomack County via an electronic meeting pursuant to the ordinance adopted by the Board of Supervisors on March 20, 2020.

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. W. Richard Bull, Jr.
Mr. Harvey A. Drewer, II
Mr. Lynn P. Gayle

Board of Zoning Appeals Members Absent:

Others Present:

Mrs. Katie Nunez, Deputy Director, Planning & Zoning
Mrs. Stephanie Woods, Administrative Assistant of Building, Planning & Economic Dev.
Mr. Richard Snook
Mr. Ace Seybolt
Mr. Steve Mallette
Mr. John Salm
Mr. John Custis
Mr. Miguel Merino de Jesus
Mr. Eduardo Cux
Mr. Kenneth Wozniack

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 Mr. Gayle, the Board of Zoning Appeals voted unanimously to adopt the agenda.

3. MINUTES

A. May 6, 2020: *On a motion made by Mrs. Kerns and seconded by Mr. Gayle, the Board of Zoning Appeals voted unanimously to approve the May 6, 2020 meeting minutes as presented.*

4. OLD BUSINESS

A. SUSE-000029-2020 – Black Dog Hunt Club

At the May 6, 2020 meeting, the Board held a public hearing on SUSE-000029-2020, an application for a special use permit pursuant to Accomack County Code Section 106-53 (14) with approval of the property owner, Sisters 1, LLC, for ten travel trailers to be utilized by the members of the Black Dog Hunt Club for all months except for June and July at Tax Map #85-A-11 located at 19254 Plantation Road, Onancock, VA. The property is zoned Agricultural.

Mrs. Nunez informed the Board that during the May 6th meeting there were several issues that were raised by the Onancock Fire Department that the Board requested staff to look into. Mrs. Nunez stated that staff met with the applicants and the Onancock Fire Department on May 13, 2020 at the site and discussed the issues at hand. Mrs. Nunez informed the Board that out of this meeting came an updated Site Plan from the applicant allowing for increased space between the travel trailers.

On a motion made by Mrs. Kerns and seconded by Mr. Gayle, the Board of Zoning Appeals voted to approve SUSE-00029-2020 with the following conditions:

- 1) A 10 person maximum occupancy limit for the house that is on the property.*
- 2) To make all necessary repairs & improvements to the house on the property as required by the Building Code to be approved by the Building Official no later than January 1, 2021.*

5. NEW BUSINESS (PUBLIC HEARINGS)

A. SUPV-000024-2020 – Pioneer Mobile Home Park

A public hearing initiated by Peninsula Real Estate Investments, LLC to request the following:

- 1) To amend Special Use Permit issued on May 18, 1994 for the Pioneer Mobile Home Park from 21 lots to 22 lots, correcting the existing lots within the Park;
- 2) A Special Use Permit pursuant to Accomack County Code Section 106-53 (13) and 106-231 to expand the Pioneer Mobile Home Park located at Tax Map #70-A-130 & 70-A-128A on Society Drive to the south onto Tax Map #70-A-128 with 8 lots and further identified as Phase I Expansion and to the east on Tax Map #70-A-141 and 70-A-142 with 22 lots and further identified as Phase II Expansion. Both expansions would be accessible from Society Drive;
- 3) A variance of up to 20 feet from the 50 ft. road standard pursuant to Accomack County Code Section 106-231 (b) for the existing Society Drive which will be utilized as the access to the new expansion areas; and
- 4) A variance of up to 35 feet from the perimeter boundary of the mobile park pursuant to Accomack County Code Section 106-231(a).

The property is zoned Agricultural.

Mrs. Katie Nunez presented the request to the Board stating that staff was in support of the request. Mrs. Nunez stated that it is a two phase expansion. The first phase is an expansion to the South with 8 lots and a playground area. The second phase is an expansion to the East with 22 lots. Mrs. Nunez stated that the road standards for the existing Society Drive cannot be upgraded due to the placement of the current lots and the applicant is seeking a Variance to those standards.

The Board invited Mr. Custis the attorney for the applicant to speak regarding the application. Mr. Custis informed the Board that there are several letters of support from current residents in the Pioneer Mobile Home Park. Mr. Custis informed the Board that the applicant had not informed the schools at this time about the expansion, but that there is a current waiting list for the new units and that those are all current County residents in the school system at this time. The Board inquired as to the reason behind moving the children's park from the front of the Mobile Home Park to the back. Mrs. Nunez replied

it was moved for safety purposes, so that it wasn't so close to the main road with the children playing.

On a motion made by Mr. Gayle and seconded by Mr. Bull, the Board of Zoning Appeals voted unanimously to approve SUPV-000024-2020 for a Special Use Permit pursuant to Accomack County Code Section 106-53 (13) and 106-231 to expand the Pioneer Mobile Home Park located at Tax Map #70-A-130 & 70-A-128A on Society Drive to the south onto Tax Map #70-A-128 with 8 lots and further identified as Phase I Expansion and to the east on Tax Map #70-A-141 and 70-A-142 with 22 lots and further identified as Phase II Expansion and further identified and in compliance with the BZA site Plan Sealed 4/29/2020 prepared by J.W. Salm Engineering, Inc. Both expansions would be accessible from Society Drive. This is approved with the following conditions:

- 1) Retroactively approve the original number of mobile home lots from 21 to 22.*
- 2) Provide documentation from the Health Department that proposed lots support well and septic on site.*

On a motion made by Mr. Gayle and seconded by Mr. Drewer, the Board of Zoning Appeals voted unanimously to approve SUPV-000024-2020 for a Variance of up to 20 feet from the 50 ft. road standard pursuant to Accomack County Code Section 106-231(b) for the existing Society Drive which will be utilized as the access to the new expansion areas. A Variance of up to 35 feet from the perimeter boundary of the mobile park from any structure pursuant to Accomack County Code Section 106-231(a).

Said motions are supported by items raised in the Ordinance Requirements to be Considered Sections of the Staff Report dated May 27, 2020.

B. SUSE-000033-2020 – Miguel Merino de Jesus – GT Tire Shop

A public hearing initiated by Miguel Merino de Jesus, applicant, with approval from the property owner Ruperto Gonzales Roblero, to request a Special Use Permit pursuant to Accomack County Code Section 106-53 (7) for an automobile repair shop and sell tires at Tax Map #79-A-32A located at 19336 Lankford Highway, Parksley, VA. The property is zoned Agricultural.

Mrs. Katie Nunez presented the request to the Board stating that staff was in support of the request. Mrs. Nunez informed the Board that the applicant will need to get a permit for the Change of Use as well as any renovations needed to bring the building up to code per the Building Code Official.

Chairman Nock invited Mr. Merino to speak. Mr. Merino stated he would like to open the business to provide a service to the community. He stated that he worked at a shop like the one he is trying to build before in Delaware and feels it could be beneficial to the area.

Mr. Drewer asked if there would only be tire work and no mechanical work. The applicant stated that he would be replacing and repairing tires and changing oil and he has the containers for handling of the used oil.

On a motion made by Mrs. Kerns and seconded by Mr. Gayle, the Board of Zoning Appeals voted unanimously to rescind the Special Use Permit issued on June 6, 2018 and to approve SUSE-000033-2020 for an automobile repair shop and to sell tires with the following conditions as well as the submitted site plan and narrative:

- 1) Apply for a building permit for a change of use of the building structure from retail space to automotive repair and make all required improvements and changes to the structure to comply with the requirements of the Building Code for this type of use and obtain a Certificate of Occupancy for an automobile repair shop and that no business can operate until said Certificate of Occupancy has been issued.*
- 2) Obtain annually a County Business License, if required pursuant to Accomack County Code Section 22-83 thru 22-89, from the Commissioner of Revenue.*
- 3) The acquisition of older vehicles or junk vehicles for salvage parts is not part of this application and is prohibited.*
- 4) Any old or used tires must be properly disposed of on a monthly basis.*

Said motion is supported by items raised in the Ordinance Requirements to be Considered Sections of the Staff Report dated May 27, 2020.

C. SUSE-000035-2020 - Wozniak

A public hearing initiated by Kenneth Wozniak to request a Special Use Permit pursuant to Accomack County Code Section 106-53 (14) for a travel trailer to be used for intermittent habitation while hunting at Tax Map #40-A-110A located at Savannah Rd approximately ¼ mile from the intersection of White Crossing Road and Savannah Rd. The property is zoned Agricultural.

Mrs. Katie Nunez presented the request to the Board stating that staff was in support of the request. Mr. Drewer verified that the travel trailer was strictly for familial use and not for rented use.

Chairman Nock inquired if the applicant, Mr. Wozniak, had any additional comments. Mr. Wozniak stated that he would just like to have the travel trailer there for him, his wife, and his children to come down to go hunting.

On a motion made by Mr. Drewer and seconded by Mr. Gayle, the Board of Zoning Appeals voted unanimously to approve SUSE-000035-2020 for a travel trailer to be used for intermittent habitation while hunting in accordance with the narrative and site plan and marked up aerial with the following condition: to apply and be issued a building permit for the placement of the travel trailer and obtain full compliance with any and all environmental requirements regarding the placement of said travel trailer on the property.

Said motion is supported by items raised in the Ordinance Requirements to be Considered Sections of the Staff Report dated May 27, 2020.

6. NEXT MEETING

The next regular Board of Zoning Appeals meeting is scheduled for Wednesday, July 1, 2020 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

7. **ADJOURNMENT**

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

The meeting was adjourned at 11:03 a.m.

Mr. Robert Nock, Chair

Prepared by Stephanie Woods
Planning & Zoning
County of Accomack