

At a meeting of the Accomack County Board of Zoning Appeals held on the 3rd day of March, 2021 in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia. **This was a Hybrid - Electronic (Conference Call) and In-Person Meeting due to the restrictions put in place due to the COVID-19 pandemic.**

1. CALL TO ORDER

A. MEMBERS PRESENT AND ABSENT

Board of Zoning Appeals Members Present:

Mr. Robert L. Nock, Chair

Mr. Lynn P. Gayle

Board of Zoning Appeals Members Participating Electronically:

Mrs. Elizabeth Kerns, Vice Chair

Mr. W. Richard Bull, Jr.

Board of Zoning Appeals Members Absent:

Mr. Harvey A. Drewer, II

Others Present:

Mr. Rich Morrison, Deputy County Administrator

Mrs. Stephanie Woods, Administrative Assistant of Building, Planning & Economic Dev.

Mr. Bryan Peeples, Applicant Representative (Electronically)

Mr. Creigh Harris, Applicant (Electronically)

Mr. Jonathan Wroblewski, Applicant (Electronically)

B. DETERMINATION OF A QUORUM

There being a quorum, Chairman Nock called the meeting to order at 10:02 a.m.

2. ADOPTION OF AGENDA

Mr. Morrison requested that Item C – Discuss referring Special Use Permits to the Planning Commission be added to the agenda.

On a motion made by Mr. Bull and seconded by Mr. Gayle, the Board of Zoning Appeals voted unanimously to adopt the agenda with the additions of Item C – Discuss referring Special Use Permits to the Planning Commission.

3. MINUTES

A. February 3, 2021: *On a motion made by Mrs. Kerns and seconded by Mr. Gayle, the Board of Zoning Appeals voted unanimously to approve the February 3, 2021 meeting minutes with minor edits.*

4. OLD BUSINESS

A. VAR-000079-2020: Creigh Harris – Tax Map # 104-2-1A

A request made by Creigh Harris for a variance of 100 feet pursuant to Accomack County Code Section 106-57 which states that the minimum frontage for permitted uses shall be 150 feet at the setback line. The parcel is located at Tax Map # 104-2-1A which is northeast from 24164 Bellevue Circle, Onley, VA and is zoned Agricultural. This case was postponed at the February 3, 2021 meeting.

On a motion made by Mr. Gayle and seconded by Mrs. Kerns the Board of Zoning Appeals voted unanimously to close the December 2, 2020 public hearing.

Mr. Morrison stated that he feels it is best at this time for the Board to have discussion concerning viable options. Mr. Nock invited Mr. Peeples, Mr. Harris' representative, to speak. Mr. Peeples stated that he and Mr. Harris are working to create a solution for the issue at hand. Mr. Peeples stated that they are working with the land owner to the North, Mr. Nickel to purchase property for additional frontage. Mr. Peeples informed the Board that this option would then create the need for a total of three (3) variances. Mr. Peeples then inquired if this is something that the Board would entertain for approval. Chairman Nock inquired about the timeline for this solution. Mr. Peeples stated that they are still in the negotiation phase with Mr. Nickel; and if there is nothing more concrete by the April meeting that they will bring any updates to the Board at that time and move forward with the request.

Chairman Nock opened the floor for any questions or comments from the Board members. Mr. Gayle stated that Mr. Peeples indicated that they are making a good faith effort to meet the Board's desires, and that this is a unique situation. Mr. Gayle stated that the Board should take that into consideration and potentially offer relief in its decision. Mrs. Kerns stated that she agrees with Mr. Gayle and appreciates that they are showing an effort to make the situation work. Mr. Bull stated that he is happy with the progress being made, but that he is unsure where he stands about the potential of needing three (3) variances versus two (2). Chairman Nock stated that he doesn't want the Board to go down a path that would give the applicant confidence that the BZA would be unable to carry through on. Chairman Nock stated he would like to see them stay away from three (3) variances if they can.

Mr. Morrison reiterated that there seems to be two (2) Board members who would be open to the idea and two (2) that seem unsure of the idea of three (3) variances. The Board agreed with this statement.

On a motion made by Mr. Gayle and seconded by Mr. Bull the Board of Zoning Appeals voted unanimously to postpone VAR-000079-2020 until the April 7, 2021 meeting at the request of the applicant's representative.

B. VAR-000078-2020: Jonathan Wroblewski – Tax Map # 104-2-1B

A request made by Jonathan Wroblewski for a variance of 100 feet pursuant to Accomack County Code Section 106-57 which states that the minimum frontage for permitted uses shall be 150 feet at the setback line. The parcel is located at Tax Map # 104-2-1B which is northeast from 24164 Bellevue Circle, Onley, VA and is zoned Agricultural. This case was postponed at the February 3, 2021 meeting.

On a motion made by Mr. Gayle and seconded by Mrs. Kerns the Board of Zoning Appeals voted unanimously to close the December 2, 2020 public hearing.

Chairman Nock invited Mr. Wroblewski to speak. Mr. Wroblewski gave a brief reminder that his lot is sandwiched between both Mr. Harris' lot and Ms. Irene Lewin's lot. Mr. Wroblewski stated that he has been working with Mr. Harris and Mr. Peeples to try to

come up with a solution to the issue at hand. Chairman Nock inquired if the Board members had any further questions for Mr. Wroblewski.

There being no further questions, Chairman Nock stated that he feels there is enough information and opened the floor to the Board for comments. Mrs. Kerns stated that not committing to the potential third variance, and that the Board was just discussing the option at this time. Mr. Gayle stated that he feels progress is being made in a positive direction and as far as a potential third variance, that he is not opposed to it as part of the total package solving the issue. Mr. Bull stated that he feels that if it is a small purchase of land that doesn't make much of a difference, that it doesn't make much sense to do three (3) variances.

On a motion made by Mr. Gayle and seconded by Mr. Bull the Board of Zoning Appeals voted unanimously to postpone VAR-000079-2020 until the April 7, 2021 meeting at the request of the applicant.

5. NEW BUSINESS (PUBLIC HEARINGS)

There were no public hearings conducted during this meeting.

6. OTHER MATTERS

A. Auto Repair Shops Discussion

Mr. Morrison stated that the information prepared was originally put together for the Planning Commission during its February 10th meeting. Mr. Morrison informed the Board that staff is still planning a combined meeting between the BZA and the Planning Commission once it is safe to do so. Mr. Morrison showed the BZA a series of photos of several different Auto Repair Shop locations to show the rising concern of excessive parking. Mr. Morrison stated staff is raising the issue because it appears that there is a need for the storage of vehicles at this sites, and that there is a need to address the storage of vehicles for any new SUP requests that may come in.

Mr. Gayle stated that he was involved with all three (3) of the shops that were approved for a Special Use Permit that were shown. Mr. Gayle informed the Board that he recalled the storage of vehicles was discussed, and it was stated that it would not happen, and received a commitment as such. Mr. Gayle suggested if possible doing a survey of the local auto repair shops to inquire as to what has changed and why the need for car storage has arose. Mr. Morrison stated that staff wanted to bring awareness to the situation, as the situation continues to be pursued.

B. Variance Standards Discussion

Mr. Morrison stated he would like discuss with the Board to develop some general points for the BZA to use when reviewing the items received in the packet before the meeting.

Mr. Morrison gave the following questions as examples:

- What's the context that is being presented?
- Is it something that is old, new, or proposed?
- What is the merit of the individual case?
- Where is it located?
- Is there a lot of nonconforming structures/uses in its proximity?
- Is it generally in compliance with the ordinance?
- What are the things you see as Board members that warrant the granting or denial of a variance?

- How to distinguish one item from another?
- How do you separate/differentiate one case from another?

Mr. Morrison stated that this is all to ensure that the Board does not set precedence because there is no case that is identical to another. Chairman Nock agreed, stating, that variances are something he has stumbled over for years because of the concern of setting a precedence. Mr. Morrison stated that it may be a good idea to go through the standards of the ordinance as the cases continue to get harder. Chairman Nock stated there needs to be a time for the BZA members to be trained, and to refresh on these items. Mr. Morrison stated he will look into potentially having work sessions every now and then, and to look into the various ways for training.

C. Referral for Special Use Permit to Planning Commission Discussion

Mr. Morrison stated that most of the applications brought before the BZA are not broader land use issues. Mr. Morrison informed the Board that there are several cases coming up that the BZA may want the Planning Commission to look at, which is an option should the BZA wish to pursue it. Mr. Gayle inquired if the Planning Commission would be able to make its consideration in one meeting. Mr. Morrison stated the review wouldn't be the normal detailed review for the Planning Commission, but a simple review to give the BZA items of concern if any.

On a motion made by Mr. Gayle and seconded by Mr. Bull the Board of Zoning Appeals unanimously voted to have the upcoming and subsequent Special Use Permit applications of this nature to go before the Planning Commission for review before the Board of Zoning Appeals conducts a public hearing.

7. NEXT MEETING

The next regular Board of Zoning Appeals meeting is scheduled for Wednesday, April 7, 2021 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

Mr. Morrison stated typically staff is aware of applications that are coming through the door, however recently we have been receiving applications with no prior contact. Mr. Morrison stated that the April meeting is looking to be stacked with quite a few cases. Mr. Morrison stated that this may be a time to look at going back to two (2) meetings a month. Mr. Gayle stated that if the BZA is aware ahead of time that the meeting will go for several hours, that it would be good to schedule in a break. Mr. Bull stated that he feels that it seems a lot more efficient when it is only one (1) meeting a month.

8. ADJOURNMENT

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

The meeting was adjourned at 11:35 a.m.

Mr. Robert Nock, Chair

Prepared by Stephanie Woods
 Planning & Zoning
 County of Accomack