

At a meeting of the Accomack County Board of Zoning Appeals held on the 2nd day of June, 2021 in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

1. CALL TO ORDER

A. MEMBERS PRESENT AND ABSENT

Board of Zoning Appeals Members Present:

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

Board of Zoning Appeals Members Absent:

Mrs. Elizabeth Kerns, Vice Chair

Others Present:

Mr. Rich Morrison, Deputy County Administrator
Mrs. Stephanie Woods, Administrative Assistant of Building, Planning & Economic Dev.
Mr. Chris Daley, Zoning Code Enforcement Officer

B. 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 Mrs. Bull and seconded by Mr. Gayle, the Board of Zoning Appeals voted unanimously to adopt the agenda as presented.

3. MINUTES

A. May 5, 2021: *On a motion made by Mr. Gayle and seconded by Mr. Drewer, the Board of Zoning Appeals voted unanimously to approve the May 5, 2021 meeting minutes with minor edits.*

4. OLD BUSINESS

A. SUSE-000141-2021: Ryan Brady – Tax Map # 41-A-123

A request initiated by Ryan Brady to request a Special Use Permit pursuant to Accomack County Code Section 106-53(13) which allows for mobile home parks in which lots are rented or sold. Mr. Brady would like to build a 20 unit mobile home park on property located at Tax Map # 41-A-123 at 10180 Gray Farm Road, Temperanceville, VA and is zoned Agricultural.

Mr. Morrison gave a brief overview of the case and the previous discussion. Mr. Morrison informed the Board that Mr. Brady and Mr. Wilkins were in attendance to speak, as well as members of the local community. Chairman Nock stated that the Board would like to hear from the members of the community first.

Mr. Terry Holden and Mrs. Hannah Holden, adjacent property owners, were invited up to speak and sworn in. Mr. Holden stated his concerns for safety due to the old hog farm buildings and lagoons in the back of the property. Mr. Holden stated his concern about

water toxicity with the drain fields located near the houses and with storm flooding. Mrs. Holden stated her concerns are the same.

Ms. Cecilia Baker, adjacent property owner, was invited up to speak and sworn in. Ms. Cecilia Baker stated her agreement with Mr. Holden on the concerns for potential water toxicity. Ms. Baker expressed her concerns about crime, stating that her house has already been broken into once. Ms. Baker also expressed concerns about the old hog farm lagoons and their potential to be dangerous to the inhabitants of the proposed mobile home park. Ms. Baker stated that she is opposed to the mobile home park development.

Mr. Ernest Doughty, adjacent property owner, was invited up to speak and sworn in. Mr. Doughty stated that he lives in the house that is in the middle of the proposed drain field locations. Mr. Doughty expressed his concerns with the location of the drain fields as they surround his house. Mr. Doughty stated that the parcel in question is currently being used for farming and that he would hate to see that taken away. Mr. Doughty stated that he feels that 20 trailers is a lot and will be a lot of people. Mr. Doughty expressed his concerns if the proposed mobile home were to be sold and change hands, and stated he would feel a lot better if Mr. Brady were to live on site.

Mr. Garland Taylor, adjacent property owner, was invited to speak and sworn in. Mr. Taylor stated that he feels that they (the community) do not need trailers placed there. Mr. Taylor expressed his concern about crime and traffic. Mr. Taylor stated he feels it would be better if the proposed mobile home park were to be placed elsewhere.

Mr. Harry Shrieves, adjacent property owner, was invited up to speak and sworn in. Mr. Shrieves stated that he spent 17 years of his life living in a trailer park and spoke to the potential dangers. Mr. Shrieves stated that the issue isn't the people who live in the park, but the people who come and visit those that do. Mr. Shrieves stated that he no longer has to worry and feels peace being out of a trailer park and being able to have his grandchildren come visit him at his house. Mr. Shrieves expressed his understanding for the need for housing, but doesn't understand putting the mobile home park in an already developed community. Mr. Shrieves stated that he understands Mr. Brady will be doing thorough background checks for tenants however he will be unable to do so for any visitors for the park.

Ms. Tasha Holden, adjacent property owner, was invited up to speak and sworn in. Ms. Holden stated that she and her husband purchased the house they live in to get her kids out of a trailer park. Ms. Holden stated that there is no peace with a trailer park, from her personal experience. Ms. Holden stated that she has lived on Saxis Road her whole life and her current house for 15 years and that she doesn't want to have a trailer park in her back yard.

Mr. Nicholas Pulinice, adjacent property owner, was invited up to speak and sworn in. Mr. Pulinice stated that he has lived on Saxis Road for 20 years and that he is opposed to the request. Mr. Pulinice stated that with a trailer park you never truly know who will be in and out of it.

Staff informed the Board that an email was received from Mr. John Darby an adjacent property owner. Chairman Nock requested to have Mrs. Woods read the letter for the record.

Mr. Brady was invited to speak and sworn in. Chairman Nock asked Mr. Brady to speak to as many issues raised by the community as possible. Mr. Brady stated he prepared a statement that spoke to what he would like to do for the project. Mr. Brady stated he feels he is building more of a subdivision than a trailer park. Mr. Brady spoke to the fact that he currently owns and rents three mobile homes and how well they are doing. Mr. Brady stated that he has already had people express interest in living in the proposed mobile home park. Mr. Brady spoke to the screening process he will be using for his potential tenants. Mr. Brady stated that he plans to phase in four units at a time over the next several years, and that he plans to put in a walking trail and will beautify the old hog lagoons into ponds.

Mr. Wilkins was invited to speak and sworn in. Mr. Wilkins spoke to the issue of stormwater runoff stating that the preliminary plan is to have swales along the road to possibly lead down to the lagoons. Chairman Nock inquired about the potential beautifying of the park. Mr. Brady stated he wants to put in a walking trail and a garden, and wants to use the old lagoons as ponds with benches to make a nice space for tenants.

Mr. Drewer stated that his concern is with the fact that the land is sloping towards the other homes in the area, and towards the road. Mr. Drewer asked Mr. Brady how he intends to contain the water so it does not go into the neighbor's yards or in the road. Mr. Brady stated that the water already drains to the southeast of the property, and that they are looking to put in swales to continue to direct the water away from the other properties. Mr. Bull inquired if they have done any site work drawings, and Mr. Wilkins stated that they have not at this time. Mr. Bull inquired about the location of the old hog farm lagoons and how deep they are. Mr. Brady showed the Board the location of the lagoons on the aerial map and stated they are approximately four feet deep.

Mr. Morrison informed the Board that it is early for a stormwater management plan, and stated that if it is the only issue at this time, that staff can involve the Environmental Department concerning the stormwater plan to ensure that it will not cause issue with the neighboring properties. Mr. Morrison reviewed the changes made to the site plan for the Board and stated that staff express concerns of the right in/right out only entrance for the park. Mr. Morrison informed the Board that after listening to staff's concerns Mr. Brady decided that if the project is approved he will be putting in a full entrance to the mobile home park. Mr. Morrison informed the Board that the drain fields are ultimately the Health Department's concern and that the Health Department has not approved any of this project at this time. Mr. Morrison stated that he feels Mr. Brady has attempted to address the concerns by the neighborhood as best as he can but there is only so much he can do.

Mr. Gayle stated that Mr. Brady gives a very compelling argument and is very articulate. Mr. Gayle stated that it is an odd shaped parcel in a tough location prone to flooding. Mr. Gayle stated that he knows Mr. Brady has good intentions, but that he has heard equally compelling arguments and discussion regarding the neighborhood. Mr. Gayle stated that he thinks Mr. Brady's plan is a good idea, but that the proposed location is not the correct location. Mr. Bull stated his agreement with Mr. Gayle that it is a good idea, but the wrong location.

Chairman Nock inquired about the requirements for a playground area in regards to the mobile home park. Mr. Morrison stated the ordinance requires 10,000 square feet for a playground area, but it does not specify what needs to be in that area.

Chairman Nock requested to have the applicant Mr. Brady come back up to the podium and stated that he too feels that it is a wonderful idea but it is in the wrong place, and asked Mr. Brady to speak to that issue. Mr. Brady spoke to the potential for stormwater management and that the drain fields have to pass a nitrogen output test which he stated he will monitor. Mr. Bull inquired about the road to be put in, and Mr. Brady stated that it will be an 18 x 20 road with two foot shoulders, and will meet VDOT standards. Mr. Bull expressed his concern that this will not be enough room for a school bus to turn around if there are children within the mobile home park.

On a motion made by Mr. Gayle and seconded by Mr. Drewer the Board of Zoning appeals voted unanimously to deny application SUSE-000141-2021 finding that the proposed development is not in keeping with the character of the neighborhood as required by Accomack County Code Section 106-252(5) which states "...Before issuance of a special use permit the board of zoning appeals shall consider the general character of the surrounding neighborhood in order to facilitate the preservation and creation of an attractive and harmonious community..."

5. NEW BUSINESS (PUBLIC HEARINGS)

A. VAR-000169-2021: Long Rows LLC, Rick Hall – Tax Map # 95-A-13

A hearing initiated by Rick Hall with Long Rows LLC to request a variance of 150 feet pursuant to Accomack County Code Section 106-57 which states the minimum frontage for permitted uses shall be 150 feet at the setback line and a variance of 2 acres from Accomack County Code Section 106-55 which states the minimum lot size in the Agriculture District is 5 acres. The applicant wants to split an old farm house from an existing farming operation that once split would not have the required frontage or lot size. The property is located at Tax Map # 95-A-13 located at 27005 Drummondtown Road, Onley, VA and is zoned Agricultural.

Mr. Daley gave a brief overview of the request. Staff informed the Board that a letter was received from the potential buyers of the house and Chairman Nock requested Mrs. Woods to read the letter aloud for the record. Chairman Nock invited Mr. Hall to speak and swore him in. Mr. Hall gave the history of the property and why he is looking to carve out the house. Mr. Drewer inquired about the farm road for use, and Mr. Hall verified that he will be giving an easement for the home owners to use the farm road for access.

On a motion made by Mr. Drewer and seconded by Mr. Bull the Board of Zoning Appeals voted unanimously to approve application VAR-000169-2021 from Long Rows LLC, Rick Hall, for a variance of 150 feet pursuant to Accomack County Code Section 106-57, and a variance of two (2) acres pursuant to Accomack County Code Section 106-55.

B. SUSE-000170-2021: Steven Story – Tax Map # 42-11-9

A hearing initiated by Steven Story to request a Special Use Permit pursuant to Accomack County Code Section 106-53(27) which allows for a use of land not specifically listed as a use permitted by right or special exception-special use in the

agricultural district regulations, which is clearly similar and compatible with the uses listed therein. Mr. Story would like to place a 12' x 24' prebuilt shed on the parcel to store items for property maintenance prior to the dwelling being built. The property located at Tax Map # 42-11-9 located at the end of Bogues Bay Drive, Temperanceville, VA and is zoned Agricultural.

Mr. Daley gave a brief overview of the request. Chairman Nock invited Mr. Story to speak and swore him in. Mr. Story gave a brief over of the request stating he wants to use a shed to store lawn maintenance materials until he builds a house on the lot. Mr. Drewer inquired if there will be water or electric run to it. Mr. Story stated that he is not planning to, but in the meantime he may get the well and septic placed on the property.

On a motion made by Mr. Drewer and seconded by Mr. Gayle the Board of Zoning Appeals voted unanimously to approve application SUSE-000170-2021 from Steven Story, for a Special Use Permit to place a 12' x 24s prebuilt shed on the parcel prior to the dwelling being built pursuant to Accomack County Code Section 106-53(27).

C. SUSE-000171-2021: Brooke Rodgers – Tax Map # 103A-3-2A

A hearing initiated by Brooke Rodgers to request a Special Use Permit pursuant to Accomack County Code Section 106-78(11) which allows for the use of a travel trailer, located outside of travel trailer parks, which are to occupied for habitation or storage. Ms. Rodgers residence recently burned down and would like to use a travel trailer for habitation while she builds a new residence. The property is located at Tax Map # 103A-3-2A located at 28025 Drummondtown Road, Onley, VA and is zoned Residential.

Mr. Daley gave an overview of the request informing the Board that staff is now unsure if the dwelling will be used as a primary or secondary dwelling. Ms. Brooke Rodgers was invited up to speak and sworn in. Ms. Rodgers verified that the dwelling will be used as her primary residence and stated that the well and septic are intact, so she will be connecting the travel trailer to them. Chairman Nock inquired as to the timeline for the new house Ms. Rodgers plans to build. Ms. Rodgers stated that she has a background in building and that she would like to get something built by the fall.

Mr. Bill Nickel, adjacent property owner, was invited to speak and sworn in. Mr. Nickel stated that the situation between himself, his wife, and Ms. Rodgers has become friendly. Mr. Nickel stated that he is hopeful that the Board will put a performance bond on the time for clean up as well as a time limit for the camper to be on the property. Mr. Nickel stated that he is aware the previous home was within the setback regulations, but requested if the new home could be further from the property line.

Mrs. Diane Nickel, adjacent property owner, was invited to speak and sworn in. Mrs. Nickel stated that she has lived on the property for over 70 years and would like peace and for everyone to get along. Mrs. Nickel informed the Board that after she sent in her letter, she was able to take time to sit down and speak with Ms. Rodgers and were able to work things out. Mrs. Nickel stated that it is her understanding that after the travel trailer is placed and connected to the well and septic the port-a-potty on the property will be removed.

Chairman Nock invited the applicant back to the podium and expressed his happiness that Ms. Rodgers and Mrs. Nickel were able to communicate and work things out.

Chairman Nock inquired about the placement of the travel trailer and Mr. Daley informed the Board that Ms. Rodgers will be placing the travel trailer close to the septic for connection. Mrs. Nickel informed the Board to the fact that water gathers on the southeast corner of the property, and Ms. Rodgers stated she plans to stay away from that area.

Mr. Gayle informed the applicant that the Board receives these applications often, and that they have been putting time limits on them. Ms. Rodgers stated that her family gifted her the camper to help her get back on her feet and that she is fine with a time limit.

Mr. Bull stated for the record that the Board does not handle damages.

On a motion made by Mr. Gayle and seconded by Mr. Drewer the Board of Zoning Appeals voted to approve application SUSE-000171-2021 from Brooke Rodgers, for a Special Use Permit for the temporary dwelling of a travel trailer during construction as authorized by Section 106-78(11) of the zoning ordinance for Tax Map 103A-3-2A with the following conditions:

- 1. The Special Use Permit is granted based upon the application, site plan, and supporting information provided by Brooke Rodgers, including the fact that the dwelling located on the site was destroyed by fire in January 2021.***
- 2. The travel trailer is to be occupied for no more than twelve (12) months, beginning on June 2, 2021.***
- 3. Remove the "Porta-Jon" that is currently located on the parcel.***
- 4. The travel trailer will hook to the existing well and septic.***
- 5. Apply for and obtain the necessary permits for the demolition of the structure destroyed by fire no later than six (6) months from today's date.***

D. VAR-000176-2021: Accomack-Northampton Planning District Commission Tax Map # 101C-A-23 & 101C-A-10

A hearing initiated by the Accomack-Northampton Planning District Commission to request a variance of 30 feet pursuant to Accomack County Code Section 106-58(b) which states each main structure shall have a rear yard of 35 feet or more. As well as a variance of 7 feet pursuant to Section 106-56 which states that structures on all public rights-of-way shall be set back 50 feet or more from the edge of the right-of-way. The applicant is looking to replace the home on parcel 101C-A-23 into a smaller foot print due to the fact that it is currently partially on parcel 101C-A-10. The property is located at Tax Map # 101C-A-23 & 101C-A-10 and is located at 30082 Lankford Hwy, Melfa, VA and is zoned Agricultural.

Mr. Daley gave a brief overview of the request and informed the Board that the shape of the parcel has been changed from the triangle shape to a rectangle shape which is why there is a need for the variance. Chairman Nock invited Mr. Bruce Herbert from ANPDC to speak and swore him in. Mr. Herbert informed the Board as to the history of the parcel and why the request is being made. Chairman Nock inquired about the size of the home being placed on the parcel. Mr. Herbert stated that it is a 24' x 32' standard

size. Mr. Herbert stated that if given relief from the setback requirement there will be nothing built behind the proposed dwelling.

On a motion made by Mr. Drewer and seconded by Mr. Bull the Board of Zoning Appeals voted unanimously to approve application VAR-000176-2021 from the Accomack-Northampton Planning District Commission for a variance of 30 feet from the rear setback requirement pursuant to Accomack County Code Section 106-58(b), and a variance of seven (7) feet from the front setback requirement pursuant to Accomack County Code Section 106-56.

E. VAR-000177-2021: Dawn Hurley – Tax Map # 56-A-36A

A hearing initiated by Dawn Hurley to request a variance of 150 feet pursuant to Accomack County Code Section 106-57 which states the minimum frontage for permitted uses shall be 150 feet at the setback line. Ms. Hurley's current residence is in disrepair and she would like to replace it with a new manufactured home in a larger footprint. The property is located at Tax Map # 56-A-36A and is located at 32408 Holland Farm Road, Temperanceville, VA and is zoned Agricultural.

Mr. Daley gave a brief overview of the request. Ms. Dawn Hurley was invited to speak and sworn in. Ms. Hurley stated that she is in desperate need of new housing as her current mobile home is in severe disrepair. Ms. Hurley stated that she has a degenerative disease that could put her in a wheelchair in the near future and that is why they are putting in a doublewide versus a replacement singlewide.

Ms. Trina Bradshaw, adjacent property owner, was invited to speak and sworn in. Ms. Bradshaw stated that she has been in communication with Ms. Hurley often concerning getting a grant for a new home as the state of her current one is barely habitable. Ms. Barbara Hurley was invited to speak and sworn in. Ms. Barbara Hurley stated that Ms. Dawn Hurley is in desperate need of a new home as there is no electricity in her current home to allow for heat or air conditioning.

On a motion made by Mr. Drewer and seconded by Mr. Gayle the Board of Zoning Appeals voted unanimously to approve application VAR-000177-2021 from Dawn Hurley for a variance of 150 feet from the frontage requirement pursuant to Accomack County Code Section 106-57.

F. SUSE-000179-2021: Brenden Kettner – Tax Map # 28-A-31A

A hearing initiated by Brenden Kettner to request a Special Use Permit pursuant to Accomack County Code Section 106-403(4), which allows for the manufacturing, compounding, packaging of bakery goods, beverages (including bottling plants), candy, cosmetics, and perfumes. Mr. Kettner plans to build a coffee roasting, bakery, and packaging facility. The property is located at Tax Map # 28-A-31A and is located at the corner of Chincoteague Road and Mill Dam Road, Wattsville, VA and is zoned General Business.

Mr. Morrison gave an overview of the request and informed the Board that the Special Use Permit is required for the roasting and baking. Mr. Kettner was invited to speak and sworn in. Mr. Kettner stated that he and his wife own Amarin Coffee which is currently located on Chincoteague and they are looking to expand. Mr. Kettner stated that he and his wife are looking to expand to make pastries, bagels, and bread, as well as expanding

the coffee business as they sell to local businesses. Mr. Drewer inquired about the road on the parcel and what will be the entrance and exit. Mr. Kettner stated the primary entrance will be off of Mill Damn Road and that he has spoken to VDOT, and they have stated it is ok.

On a motion made by Mr. Drewer and seconded by Mr. Gayle the Board of Zoning Appeals voted unanimously to approve application SUSE-000179-2021 from Brenden Kettner for a Special Use Permit to allow for the manufacturing, packaging of bakery goods, and beverages pursuant to Accomack County Code Section 106-403(4).

6. OTHER MATTERS

No other matters were discussed.

7. NEXT MEETING

The next regular Board of Zoning Appeals meeting is scheduled for Wednesday, July 7, 2021 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. Drewer the Board of Zoning Appeals voted unanimously to adjourn the meeting.

The meeting was adjourned at 12:21 p.m.

Mr. Robert Nock, Chair

Prepared by Stephanie Woods
Planning & Zoning
County of Accomack