

At a meeting of the Accomack County Board of Zoning Appeals held on the 2nd day of March, 2022 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:

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

Board of Zoning Appeals Members Absent:

Mr. Robert L. Nock, Chair

Others Present:

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

B. DETERMINATION OF A QUORUM

There being a quorum, Vice Chair Kerns called the meeting to order at 10:01 a.m.

2. ADOPTION OF AGENDA

Mr. Daley informed the Board that the applicant for Agenda Item 5D – SUSE-000314-2022: Angelika Cook – Tax Map # 83C-1-30, decided to withdraw the application and therefore it should be removed from the agenda.

On a motion made by Mr. Gayle and seconded by Mr. Bull, the Board of Zoning Appeals voted unanimously to adopt the agenda with the removal of Agenda Item 5D.

3. MINUTES

February 2, 2022: *On a motion made by Mr. Drewer and seconded by Mr. Gayle, the Board of Zoning Appeals voted unanimously to approve the February 2, 2022 meeting minutes as presented.*

4. OLD BUSINESS

There was no old business discussed at this meeting.

5. NEW BUSINESS (PUBLIC HEARINGS)

A. VAR-000283-2022: Jane Hall – Tax Map # 100B-1-A

A hearing initiated by Jane Hall to request a variance pursuant to Accomack County Code Section 106-82 which states that the minimum frontage for permitted uses shall be 100 feet at the “setback line” in the Residential Zoning District. Ms. Hall is requesting a variance of 50 feet to build a residence on her property. The parcel is located at Tax Map

100B-1-A located adjacent to 14291 Tobes Lane, Painter, VA, and is zoned Residential.

Mr. Daley gave an overview of the request presenting the case to the Board. Mr. Daley informed the Board that the accessory structures that are currently on the property will be removed to allow for the dwelling to be built. Mrs. Jane and Mr. Clay Hall were invited to speak and sworn in. Mrs. Hall stated that the plan is for her daughter to live there to be close to family. Mr. Gayle inquired as to where the Hall's live. Mrs. Hall stated that they live on the property adjacent to and N.E. of the parcel, and showed it on the map. Mr. Drewer stated he feels this is a pretty cut and dry application, and the other Board members agreed.

On a motion made by Mr. Gayle and seconded by Mr. Bull the Board of Zoning Appeals voted unanimously to grant a variance for case number VAR-000283-2022 for Tax Map # 100B-1-A, for a variance of 50 feet pursuant to Accomack County Code Section 106-82, which states that the minimum frontage for permitted uses shall be 100 feet at the setback line.

This variance is granted based on the following findings of fact:

- 1. When the parcel was created in 1986, a variance should have been obtained in order to account for the lack of road frontage.***
- 2. Other permitted dwellings in the area have similar road frontage conditions that do not conform to the current ordinance standard.***

B. VAR-000311-2022: John & Clara Chandler – Tax Map # 83B-1-6 & 83B-1-7

A hearing initiated by John & Clara Chandler to request a variance pursuant to Accomack County Code Section 106-81 which states Structures on all public right-of-ways shall be set back 50 feet or more from the edge of the right-of-way. Mr. Chandler is requesting a variance of 26.5 feet to build a residence. The parcel is located at Tax Map #'s 83B-1-6 & 83B-1-7 located adjacent to 15259 Russell Drive, Onancock and is zoned Residential.

Mr. Daley gave an overview of the request presenting the case to the Board. Mr. Chandler was invited up to speak and sworn in. Mr. Chandler informed the Board about the research he completed prior to applying for the variance and reference the ordinance standard of using the surrounding houses setback and an average for the setback. Mr. Bull inquired if Mr. Chandler has purchased the property. Mr. Chandler stated he hasn't yet, as he wanted to make sure they would receive this approval first. Mr. Bull expressed his gratitude for Mr. Chandler coming to the Board first instead of after the fact. Mr. Daley clarified that an administrative RPA waiver will be granted upon the variance approval by the Environmental Department.

On a motion made by Mr. Drewer and seconded by Mr. Bull the Board of Zoning Appeal voted unanimously to grant variance application VAR-000311-2022 for Tax Map # 83B-1-6 for a variance of 26.5 feet pursuant to Accomack County Code Section 106-81 which states that structures on all public right-of-ways shall be setback 50 feet or more from the edge of the right-of-way.

The variance is granted based on the following findings of fact:

- 1. This parcel was created prior to the adoption of the County's Zoning Ordinance.*
- 2. The entire parcel is located within the RPA and will be granted an administrative waiver from the Environmental Department that permits a 50 foot setback from the bulkhead upon the granting of this variance.*
- 3. Other permitted dwellings in the area have similar setbacks that do not conform to the current ordinance standard.*

C. SUSE-000313-2022: Charles River Laboratories, Inc. – Tax Map # 41-A-144

A hearing initiated by Charles River Laboratories, Inc. to request a Special Use Permit pursuant to Accomack County Code Section 106-53(7) which allows for light industry in the Agricultural Zoning District. Charles River Laboratories, Inc. would like to use the facilities on the premises for a processing, storage, and warehouse facility. The parcel is located at Tax Map # 41-A-144 located at 10073 Lankford Highway, Temperanceville, and is zoned Agricultural.

Mr. Daley gave an overview of the request presenting the case to the Board. Mr. Daley informed the Board that VDOT has reviewed the application and stated the only recommendation was to have the gate on the property left open during operational hours. Mr. Daley stated he spoke with the applicant who has agreed to this stipulation. Mr. David Glover with Charles River Laboratories, Inc. was invited up to speak and sworn in.

Mr. Glover stated that the approval of the Special Use Permit is crucial to the company's continuity plan. Mr. Glover informed the Board that the company does not harm the animal and that it is released back into its natural environment. Mrs. Kerns inquired as to how the horseshoe crabs will be harvested. Mr. Glover stated they will be harvested via a trough, and will not go to the bait market but back to the ocean after the blood is harvested. Mrs. Kerns inquired about the potential for injury or the mortality rate of the horseshoe crabs. Mr. Glover stated that using a trough for harvesting will be a new system for the company, and that their system in South Carolina uses hand harvesting. Mr. Glover stated that their potential harvester here on the Shore has stated it is about a 5%-10% mortality rate. Mr. Glover stated that they will not bleed an injured horseshoe crab and it will be released back into the water.

Mrs. Kerns inquired as to how using horseshoe crab blood was discovered. Mr. Glover gave a brief history as to the discovery and explained how the blood is used. Mr. Drewer inquired about the age range of the horseshoe crab. Mr. Glover stated that a crab need to be approximately nine (9) years old before they will come on the beach to spawn. Mr. Gayle inquired if the operation was reviewed by Marine Fisheries, and David stated that they are currently in the permitting process. Mr. Gayle inquired about the septic system and capacity. Mr. Glover stated he spoke with the owner of the property, and the owner felt comfortable the system could handle it. Mrs. Kerns verified the business hours of operation and that no crabs will be housed outside on site. Mr. Glover reviewed the business hours with the Board and confirmed that no horseshoe crabs will be kept outside.

On a motion made by Mr. Gayle and seconded by Mr. Drewer the Board of Zoning appeals voted unanimously to grant a Special Use Permit for application SUSE-000313-2022 for the establishment of a light industry, research and processing facility

at Tax Map # 41-A-144 located at 10073 Lankford Highway, Temperanceville, VA pursuant to Accomack County Code Section 106-53(7).

The Special Use Permit is issued with the following conditions:

- 1. Apply for and obtain a County business license, if required by the Commissioner of the Revenue.*
- 2. The site will be utilized from April through December, with the hours of operation being 5 days per week, Monday through Friday 7am - 6pm.*
- 3. The collected horseshoe crabs will be stored inside the building, with no storage of shellfish permitted outside.*

The Special Use Permit is granted based on the following findings of fact:

- 1. The Special Use Permit is granted based upon the application, site plan, and supporting information by Charles River Laboratories, Inc.*
- 2. There was a Special Use Permit previously granted for the parcel in September of 2016 for a commercial building.*
- 3. This approval will allow for job creation within the County of up to potentially 33 jobs per the applicant.*

D. SUSE-000314-2022: Angelika Cook – Tax Map # 83C-1-30

This case was withdrawn and the item removed from the agenda at the beginning of the meeting.

6. OTHER MATTERS

- Mr. Daley reviewed the potential number of cases for the April 6th meeting.
- Mrs. Kerns asked for additional information as to why case SUSE-000314-2022 was withdrawn. Mr. Daley informed the Board it was withdrawn due to the applicant not being able to move the trailer if needed, as well as not being ready to build a house.

7. NEXT MEETING

The next regular Board of Zoning Appeals meeting is scheduled for Wednesday, April 6, 2022 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

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 10:39 a.m.

Mrs. Elizabeth Kerns, Vice Chair

Prepared by Stephanie Woods
Planning & Zoning County of Accomack