

At a meeting of the Accomack County Board of Zoning Appeals held on the 4th day of May, 2022 in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

1. ELECTION OF OFFICERS

Mr. Daley welcomed the new Board of Zoning Appeals member Ms. Gracie Milbourne. Mr. Daley opened the floor for nominations for Chair.

On a motion made by Mr. Bull and seconded by Mr. Drewer the Board of Zoning Appeals voted unanimously to elect Mrs. Kerns as Chairwoman.

Chairwoman Kerns opened the floor for nominations for Vice Chair.

On a motion made by Mr. Bull and seconded by Ms. Milbourne the Board of Zoning Appeals voted unanimously to elect Mr. Drewer as Vice Chairman.

2. CALL TO ORDER

A. MEMBERS PRESENT AND ABSENT

Board of Zoning Appeals Members Present:

Mrs. Elizabeth Kerns, Chairwoman

Mr. Harvey A. Drewer, II, Vice Chairman

Mr. W. Richard Bull, Jr.

Ms. Gracie Milbourne

Board of Zoning Appeals Members Absent:

Mr. Lynn P. Gayle

Others Present:

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

Mr. Paul Seltzer, Deputy Director

B. DETERMINATION OF A QUORUM

Mr. Chris Daley, Zoning Code Enforcement Officer

There being a quorum, Chairwoman Kerns called the meeting to order at 10:00 a.m.

3. ADOPTION OF AGENDA

Mr. Daley requested to add an agenda item under Other Matters to discuss the procedure for the June meeting.

On a motion made by Mr. Bull and seconded by Mr. Drewer, the Board of Zoning Appeals voted unanimously to adopt the agenda with the addition under Other Matters.

4. MINUTES

April 6, 2022: *On a motion made by Mr. Drewer and seconded by Mr. Bull, the Board of Zoning Appeals voted unanimously to approve the April 6, 2022 meeting minutes as presented.*

5. OLD BUSINESS

There was no old business discussed at this meeting.

6. NEW BUSINESS (PUBLIC HEARINGS)

A. SUSE-000324-2022: Christopher McCabe – Tax Map # 83B-2-D-3

A hearing initiated by Christopher McCabe to request a Special Use Permit pursuant to Accomack County Code Section 106-78 (11) which allows for travel trailers, located outside of travel trailer parks, which are to be occupied for habitation. Mr. McCabe's clients, the Cicioni's, would like to use a travel trailer for habitation while they construct a dwelling on a neighboring parcel they own. The parcel is Tax Map # 83B-2-D-3, an unimproved parcel in the East Point development outside of Onancock, and is zoned Residential.

Mr. Daley gave an overview of the request presenting the case to the Board. Mr. Chris McCabe was invited up to speak and sworn in. Mr. McCabe provided an updated site plan to the Board members that was not previously provided to staff. Mr. McCabe also provided photos of both the proposed travel trailer and an image of what the finished home would look like. Mr. McCabe informed the Board that his clients, the Cicioni's are building a modular home, which can be built much faster than a stick built home.

Mr. McCabe gave a history of his clients, the Cicioni's purchase of the property and adjacent lots. Mr. McCabe stated that the travel trailer will not be for permanent habitation while the house is being built and placed on the property, as they intend for this to be used as a second home. The travel trailer will only need to be used intermittently as the Cicioni's come down to check the progress of the project. Chairwoman Kerns inquired as to the company that would be providing the modular home, and the timeframe for it to be built. Mr. McCabe informed the Board that Blue Ridge would be providing the modular home and that the home can be built in the factory while the foundation is being completed on site. Mr. McCabe informed the Board that they are still waiting on approval from the Department of Health for well and septic.

Mr. Drewer expressed his concern of past problems with using travel trailers for habitation and the lack of a timeframe from the Cicioni's on how long the travel trailer would be used. Mr. McCabe stated that he and his clients are willing to proffer to comply with the FEMA requirement of no longer than six (6) months. Mr. Bull inquired as to when the potential six (6) months would start. Mr. McCabe stated that it would be contingent upon acquiring the various approvals needed (Department of Health, Environmental, and Building).

Mr. Bull stated to the Board that he feels that they are being asked to approve something before it's approved by other required entities first. Mr. Drewer inquired if the community has been canvassed by the applicant to inquire if they would be ok with this. Ms. Zorylu Bonilla, adjacent property owner, stated she received a letter in the mail from the county and had several questions.

Chairwoman Kerns invited Ms. Bonilla up to speak and swore her in. Ms. Bonilla stated that the wind forces in the community are extremely strong and that anything built there would need to be built to those standards. Ms. Bonilla inquired as to where the construction workers would be entering the property. Mr. McCabe showed her on the

site plan that the construction workers would utilize the current driveway on the property. Ms. Bonilla inquired as to where exactly the trailer would be placed on the property, and Mr. McCabe showed her on the site plan.

Ms. Milbourne stated her agreement with the comments from Mr. Bull and Mr. Drewer concerning a timeline. Mr. Drewer inquired if the Cicioni's had driven the travel trailer down and set it up on the property yet. Mr. McCabe stated that they had not at this time. Chairwoman Kerns inquired as to what is needed for the building permit. Mr. McCabe informed the Board that there is an engineering process for this type of modular home, which is a timely process. Mr. McCabe offered to have the Board postpone the case to allow him to get approval from the required entities to give the Board a more accurate timeframe for the project. Chairwoman Kerns stated that if it was tabled that would allow more time for the application process to move forward. Mr. Bull stated he felt it would allow the applicant to get the proper approvals from other entities first. Chairwoman Kerns inquired as to Staff's opinion on tabling versus denying at this time. Mr. Daley stated he felt that tabling would be the best course of action at this time.

Chairwoman Kerns inquired of the Board if it would prefer to table or deny. Mr. Bull stated he is in favor of tabling the request, and Mr. Drewer and Ms. Milbourne stated their agreement. Mr. McCabe stated he would like to respectfully request then that they table the request until the July meeting.

On a motion made by Mr. Bull and seconded by Ms. Milbourne the Board of Zoning Appeals voted unanimously to table this request until the Board's July 6, 2022 meeting.

B. SUSE-000335-2022: George Riefler – Tax Map # 28B-2-5

A hearing initiated by George Riefler to request a Special Use Permit pursuant to Accomack County Code Section 106-53(27) which allows for a use not specifically listed as a use permitted by right or by special exception in the agriculture district regulations which is clearly similar and compatible with the uses listed therein. Mr. Riefler would like to place an 18' x 25' metal building on this unimproved parcel to store his lawn equipment. The parcel is Tax Map # 28B-2-5, is an unimproved parcel and is dual zoned Agriculture and Residential.

Mr. Daley informed the Board that the applicant was not present for the public hearing. Mr. Daley stated that the Board can choose to either postpone the case or to deny it, but that per the Zoning Administrator the Board cannot approve without the testimony of the applicant.

On a motion made by Ms. Milbourne and seconded by Mr. Drewer the Board of Zoning Appeals voted unanimously to postpone the application until its June 1, 2022 meeting.

C. SUSE-000336-2022: Keith Kellam – Tax Map # 113B-1-3

A hearing initiated by Keith Kellam to request a Special Use Permit pursuant to Accomack County Code Section 106-78(12) which allows any use of land and/or any

permanent or temporary location of any type of building or facility thereon which is not specifically permitted within this chapter. Mr. Kellam would like to use his parcel to park his commercially licensed tow truck on his residential parcel. The parcel is Tax Map # 113-1-3, is located at 22128 Willis Street Wachapreague and is zoned Residential.

Mr. Daley gave an overview of the request presenting the case to the Board, informing the Board of a small correction to the staff report. Mr. Keith Kellam was invited up to speak and sworn in. Mr. Kellam stated he is looking to apply for a license from the DMV to remove vehicles from people's property, and he needs a Special Use Permit in order to move forward with his business plan. Mr. Drewer inquired if Mr. Kellam had experience with this business before, and Mr. Kellam stated that yes he had. Mr. Kellam stated that there would be no vehicles stored on the property.

Staff informed the Board that a letter was received from an adjacent property owner, Ms. Jacqueline Nedab, and it was included in the packet. Ms. Cathy Nedab was invited up to speak and sworn in. Ms. Nedab stated that she lives on the corner of Drummondtwon Road and Willis Street and that it is a residential area. Ms. Nedab stated she feels Mr. Kellam would be better to place the vehicle in a Commercial Area. Ms. Nedab inquired if this was to be a 24/7 operation, and staff informed her it is not. Ms. Nedab expressed several other concerns she had in relation to the potential storage of the truck.

Chairwoman Kerns verified that Mr. Kellam will be collecting the vehicles and then taking them directly to the salvage yard. Mr. Kellam stated that there will be no junk vehicles stored on the property, just the truck. Chairwoman Kerns inquired about the days of operation. Mr. Kellam stated it would be 9 to 5 Monday thru Friday with potential for half a day on Saturday. Mr. Drewer verified that there would be no activity in Mr. Kellam's yard and Mr. Kellam stated that was correct. Mr. Bull stated that if they approve the request they need to specify hours of operation for the business and that no junk cars will be stored on the property, and kept up to DMV/VDOT regulations.

On a motion made by Mr. Drewer and seconded by Mr. Bull the Board of Zoning Appeals voted unanimously to grant a Special Use Permit for application SUSE-000336-2022 for the parking of a commercially licensed roll back and the operation of a Vehicle Removal Operator business in the Residential District, as authorized by Section 106-78(12) of the Zoning ordinance for Tax Map #113B-1-3

The Special Use Permit (SUP) is approved with the following conditions:

- 1. The applicant will not store any junk vehicles on the parcel.***
- 2. The applicant will comply with any DMV or VDOT regulations for the operation of the business.***
- 3. The applicant will keep the business hours of Monday thru Friday from 9 a.m. to 5 p.m. and Saturdays from 9 a.m. to 12 p.m.***

D. SUSE-000339-2022: MCAP Eastern Shore LLC – Tax Map # 85-2-2

A hearing initiated by MCAP Eastern Shore LLC to request a Special Use Permit pursuant to Accomack County Code Section 106-53(12) which allows for health care facilities. MCAP Eastern Shore would like to expand the current Commonwealth Senior

Living Facility by adding an 8-unit assisted living/memory care facility and an 18-unit independent living facility. The parcel is Tax Map # 85-2-2, is located at 23610 North St. Onancock and is zoned Agriculture.

Mr. Daley gave an overview of the request presenting the case to the Board. Mr. Kevin Willis on behalf of MCAP Eastern Shore LLC was invited to speak and sworn in. Mr. Willis gave an overview of the plan for what MCAP Eastern Shore LLC would like to accomplish with the expansion. Mr. Willis explained that the hope is to give more opportunity for folks to move in as more independent and then be able to smoothly transition to assisted living as necessary. Chairwoman Kerns inquired as to what the new independent living facility would look like. Mr. Willis stated it would be rooms within the building, and would be similar to what is currently there.

Chairwoman Kerns inquired if they felt the need for the expansion of the memory care within the facility. Mr. Willis stated yes they do and have already transitioned some rooms within the facility to allow for the increased numbers. Chairwoman Kerns verified that there will be no skilled nursing on site, and Mr. Willis stated that was correct. Mr. Drewer inquired if they will only be accepting residents from Accomack & Northampton Counties or if they would accept residents from other states. Mr. Willis stated anyone who wants to move in can.

On a motion made by Mr. Drewer and seconded by Mr. Bull the Board of Zoning Appeals voted unanimously to grant a Special Use Permit for application SUSE-000339-2022 for an expansion of a non-conforming health care facility, authorized by Section 106-53(12) of the zoning ordinance for Tax Map #85-2-2

The Special Use Permit (SUP) is approved with the following conditions:

- 1. The applicant applies for and obtains all the required permits to allow for the proposed additions.***
- 2. The proposed additions conform to the site plan that was submitted for this application.***

7. OTHER MATTERS

Mr. Seltzer informed the Board that Dreamland Acres LLC, has applied for both an Appeal of the Zoning Administrators decision and a Special Use Permit in the event the appeal is denied. Mr. Seltzer stated that both items will be brought before the Board at their June 1, 2022 meeting. The Board and Mr. Seltzer discussed how the meeting should run and other items concerning the proposals from Dreamland Acres LLC.

8. NEXT MEETING

The next regular Board of Zoning Appeals meeting is scheduled for Wednesday, June 1, 2022 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

9. ADJOURNMENT

On a motion made by Mr. Drewer and seconded by Ms. Milbourne the Board of Zoning Appeals voted unanimously to adjourn the meeting.

The meeting was adjourned at 11:24 a.m.

Mrs. Elizabeth Kerns, Chairwoman

Prepared by Stephanie Woods
Planning & Zoning County of Accomack

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