

At a meeting of the Accomack County Planning Commission held on the 10th of May 2023, at the Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Planning Commission Members Present:

Mr. Leander Roberts, Jr, Vice Chairman
Mr. Lynn P. Gayle
Mr. Brantley Onley
Mr. Robert Hickman
Mr. Glen “Adair” Tyler
Mr. John Sparkman
Mr. Larry Giddens, Sr.

Planning Commission Members Absent:

Mrs. Angela Wingfield, Chairwoman
Mr. Kelvin Pettit

Introduction of New Member:

Larry Giddens, Sr.

Others Present:

Ms. Maxie Brown, Interim Zoning Administrator
Mr. Lee, Pambid, Deputy County Administrator
Ms. Shawnta McCain, Administrative Assistant II

DETERMINATION OF A QUORUM

There being a quorum, Vice Chairman Roberts called the meeting to order at 6:59 p.m.

2. ADOPTION OF AGENDA

On a motion made by Commissioner Gayle and seconded by Commissioner Tyler, the Planning Commission voted unanimously to adopt the agenda.

3. PUBLIC COMMENT PERIOD

Vice Chairman Roberts opened the public comment. Martha Sutherland wished to speak on general matters concerning the old Arcadia Nursing building. Mrs. Sutherland expressed her concerns about the nursing home possibly being turned into a foster care facility for undocumented aliens or an immigrant center. Mrs. Sutherland stated that if this were to go through a rezoning, it would be devastating for the County, the law system, the schools, jobs and public safety. Mrs. Sutherland indicated she heard about the immigrant center from hearsay and was not aware that this subject would be on the agenda but wanted to express her concerns on the matter. Mr. Pambid responded stating that the County has not received any applications regarding this matter but has received some unofficial inquiries.

There being no one else signed up to speak, Vice Chairman Roberts closed the floor for public comment.

4. MINUTES

- **April 12, 2023 Meeting Minutes**

On a motion made by Commissioner Tyler and seconded by Commissioner Gayle, the Planning Commission voted unanimously to approve the March 8, 2023 meeting minutes.

5. OLD BUSINESS

The Planning Commission will continue to discuss the proposed ordinance amendments to allow administrative approval of nonconforming lots created between May 1, 1973 through December 31, 2023, provided certain criteria are met. If the Commission determines the amendments are ready, a June 14th, 2023 public hearing may be authorized.

Ms. Brown gave an overview of the case, indicating there were (3) issues/questions raised from the work session meeting:

1. Will this process require all transactions to be reviewed?

- No, the process is primarily intended for the situations that arise during the review of a permit for construction. It is no intended to review all land transactions if a legal or illegal non-conforming lot is conveyed it will generally not be reviewed under this process.

2. Are there other cost to the applicants regarding plans submission? For example, must they hire a civil engineer or demonstrate adequate drainage or stormwater management?

- The main submission cost will be the survey itself. The basic design element such as drainage, stormwater, floodplain and other factors will be handled through the normal process. The main reason for reviewing this kind of lot is that somebody applied for a permit for a home, which does not typically require a civil engineer's service.

3. One question that was not asked but the Staff has since considered is the physical design standard for permanent access. Permanent access included the legal access (is there an easement?) and the physical access (what kind of street or road?)

- Access is most likely going to be private and not maintained by VDOT. Entrances may be subject to VOT review, especially if the access is new and/or serves multiple dwellings. Staff can provide additional guidance as needed.

Ms. Brown continued her overview stating, that the owner/applicant would still be required to meet all other County regulations/codes, such as, but not limited to, required improvements, design standards, use restrictions, environmental regulations, building standards, setback, or any other requirements of the Accomack County Code , other than minimum lot area, width and frontage. Further, a lack of minimum lot area, width or frontage shall not constitute a hardship for purposes of obtaining a variance as to setbacks or other requirements of Chapter 106 of this Code.

A summary of criteria for approval of lots would be:

- A complete application
- Paid review fee assessed by the County (amount to be determined);
- Subject lot has permanent access to a public road
- Subject lot is accessible by emergency vehicles to the satisfaction of the Department of Public Safety
- Subject lot will have adequate drainage and stormwater management
- Subject lot will be served by water and sewer

- A subdivision plat certified by a licensed surveyor or professional engineer and
- Recordation of plat after approval by the County Administrator or designee.

Commissioner Hickman asked if a person could receive administrative relief if they buy a lot knowing it is under a certain condition and/or nonconforming. Ms. Brown responded that the wording is confusing but the intent is that they would still need to meet certain other requirements even though the lot would not need to meet area width and frontage requirements. Commissioner Hickman stated that wording of the sentence is confusing and comes off as the applicant cannot meet the conditions. Mr. Pambid stated that a variance would be a different process and what this is intended to do is to grant the staff the administrative ability to look on a case by case basis at these lots as they come through the permitting process. Ms. Brown stated that in summary the statement is saying, that if a lot fails to meet the minimum lot area width or frontage it is not going to be subject to a variance as long as it can meet all other County codes.

Commissioner Gayle mentioned that in the past few years they have lightened up the language of a hardship. Vice Chairman Roberts asked Commissioner Gayle if he had any questions about the particular issues, because he is a part of the BZA board as well. Commissioner Gayle responded that there was nothing further to say, noting the BZA has one of these cases at least once a month, particularly with flag lots.

On a motion made by Commissioner Tyler and Commissioner Onley, the Planning Commission voted unanimously to schedule a public hearing for the June 14th, 2023 meeting.

6. NEW BUSINESS

There is no new business at this time.

7. SUBDIVISION AGENT REPORT

There was no report presented.

8. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS

- **VAR-000506-2023: Pierce Eichelberger for Oak Tree Corp – Tax Map #**
 - 19600 Block Quinby Bridge Road, Quinby. Variance from minimum frontage requirement (Section 106-82)
- **SUSE-000483-2023: Stas Cynkar for CBAY LLC – Tax Map #**
 - 18400 Block of Willowdale Drive, Painter. SUP for Wetlands mitigation bank.
- **SUSE-000508-2023: James Binder – Tax Map #**
 - 34000 Block of Watts Bay Drive, Wallops Island. SUP for a travel trailer.

9. STAFF REPORTS:

Deputy County Administrator, Lee Pambid

- Mr. Pambid addressed the staffing shortage across the 3 (three) areas that he is responsible for, which include Building Inspections, Economic Development and Planning, Zoning & Environmental. Mr. Pambid mentioned there are 7 (seven) vacancies at the present time.

Vice Chairman Roberts mentioned that on the building side, he has been trying to get some things done on time, and there is a lot of construction of new housing. Mr. Pambid responded, that there is a shortage of trades' persons across the board, not just with the County. Vice Chairman Roberts asked if there has been change in the number of new construction permits in the County. Mr. Pambid responded that it is about the same.

10. OTHER MATTERS

- **COMP PLAN**
 - Last review and update was done in 2018
 - Next update – 2023 per state code (5 year cycle)
 - Picking up discussion where we left off in the Fall 2022
 - Additional information and direction forthcoming
 - Possible June hearing on subdivision ordinance change
 - Separate work session

11. NEXT MEETING

The next Planning Commission meeting is Wednesday, June 14, 2023 at 7:00 p.m. in the Accomack County Board of Supervisors Chambers, Room 104.

12. ADJOURNMENT

On a motion made by Commissioner Tyler and seconded by Commissioner Sparkman, the Planning Commission voted unanimously to adjourn the meeting.

Angela Wingfield, Chairwoman

Shawnta McCain, Administrative Assistant of Building, Planning & Economic Development