



Accomack County Board of Zoning Appeals

Elizabeth Kerns, Chairwoman
Lynn P. Gayle
Jerrey L. Holland
Gracie Milbourne
Gary L. Miller

At a meeting of the Accomack County Board of Zoning Appeals in the County Administration Building,
Board Chambers, Room 104, 23296 Courthouse Avenue, Accomac, VA

Minutes for Wednesday, July 12, 2023, 10:00 AM

DRAFT

1. CALL TO ORDER- Chairwoman Kerns called the meeting to order at 10:00am.

A. Members Present and Absent

Board of Zoning Appeals Members Present:

Ms. Elizabeth Kerns, Chairwoman
Mr. Harvey Drewer II, Vice Chairman
Mr. Lynn P. Gayle
Ms. Gracie Milbourne

Board of Zoning Appeals Members Absent:

None- Mr. Bull resigned June 13, 2023.

Others Present:

Mr. Chris Daley, Code Enforcement Officer II
Mr. Lee Pambid, Deputy County Administrator
Mr. Paul Seltzer, Deputy Director
Ms. Chontese Ridley, Environmental Programs Permit Specialist

2. DETERMINATION OF A QUORUM

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

3. ADOPTION OF AGENDA

On a motion made by Mr. Gayle and seconded by Mr. Drewer, the Board of Zoning Appeals voted unanimously to approve the agenda.

4. MINUTES

On a motion made by Mr. Gayle and seconded by Mr. Drewer, the Board of Zoning Appeals voted unanimously to approve the June 7, 2023 meeting minutes.

5. NEW BUSINESS (PUBLIC HEARINGS)

A. SUSE-000508-2023: James Binder - Tax Map #43-5-8

A hearing initiated by James Binder to request a Special Use Permit per Accomack County Code Section 106-53(14) which permits Travel Trailers, located outside of travel parks, which

44 are to be occupied for habitation or storage of chattels. The applicant wishes to store a travel
45 trailer on this unimproved parcel. The parcel is zoned Agriculture and is located partially or
46 wholly within the Chesapeake/Atlantic Preservation Area RPA, and the Airport Overlay
47 District. The 4.27 acre site is located along the south line of Watts Bay Drive (private road),
48 approximately 2,730 feet east of its intersection with Atlantic Road and is Tax Map #43-5-8.
49 Mr. Chris Daley gave an overview of the case stating that the application is the result of a
50 Zoning violation that was issued on March 31, 2023, for the storage of a travel trailer on an
51 unimproved parcel. Section 106-53(14) of the Accomack County Code of Ordinances requires
52 a Special Use Permit for the storage of a travel trailer on an unimproved parcel. According to
53 the applicant's narrative, he wishes to store the travel trailer on this unimproved parcel year
54 round, so that he can use it at various campgrounds and parks. The applicant has indicated
55 that he does not have the room at his home to store this travel trailer.

56
57 Mr. Daley said the 4 acre parcel is located in the "Watts Bay Section I" subdivision, which
58 was platted in 1992. Staff was unaware of any HOA restrictions that would prohibit this type
59 of use. The surrounding neighborhood has several improved parcels with dwellings and
60 accessory buildings located on them. There does not appear to be any parcels being used solely
61 for the storage of possessions. The applicant has not indicated how long he would like to use
62 the parcel for the storage of the travel trailer or if he intends to develop this parcel in the future.

63
64 Mr. Daley stated that Staff understands the rights for property owners to be able to utilize their
65 property in a manner they see fit. However, staff also understood that the County does not
66 want unimproved parcels located in residential areas to be used as storage yards for the
67 owner's belongings. Mr. Daley added that there were several mini-storage businesses
68 throughout the County that offer outdoor storage for boats and RV's, which can accommodate
69 those types of situations.

70
71 Mr. James Binder was called up and sworn in. Mr. Binder explained that the property was
72 purchased for his fifteen year old son, and that he was storing his travel trailer there until he
73 was ready to use it. Mr. Binder added that it was a convenience for him because he has electric
74 there for the camper. He could keep his battery charged and start his refrigerator a few days
75 before he went camping. Mr. Binder said he put a lane in and that he keeps the property up.
76 The camper was tagged, had license and taxes were current.

77
78 Chairwoman Kerns asked Mr. Binder how often he went camping. Mr. Binder maybe 10 – 15
79 times a year.

80
81 Mr. Gayle asked Mr. Binder if he ever intended to use the camper at the location. Mr. Binder
82 said he had never lived in or use the camper on site. Mr. Binder only stores the camper on the
83 property. It just sits until needed or if it needed to be worked on. It was an inconvenience to
84 store the camper at storage facility, because there was no way to keep the batteries charged.
85 There would be no access to electricity unless he used a generator.

86
87 Ms. Milbourne asked Mr. Binder were he currently lived. Mr. Binder said he lived on
88 Chincoteague, and did not have space there to store the camper.

89
90 Chairwoman Kerns asked if the permit were approved, would it be agreeable to him if they
91 did on a term of two years. It would not be a forever thing. If Mr. Binder wished to continue

92 the travel trailer on the parcel after the two year time limit he could reapply for another Special
93 Use Permit. Mr. Binder said he understood and agreed.

94
95 ***On a motion made by Mr. Gayle and seconded by Ms. Milbourne, the Board of Zoning***
96 ***Appeals approves Special Use Permit SUSE-000508-2023 for travel trailers, located outside***
97 ***of travel trailer camps for the storage of chattels, as authorized by Section 106-53(14) of the***
98 ***Zoning Ordinance for Tax Map #43-5-8.***

99
100 ***The Special Use Permit (SUP) is approved with the Staff's recommended conditions:***

- 101 ***1. The applicant is permitted to store the travel trailer on the parcel for no longer***
102 ***than 2 years.***
- 103 ***2. If the applicant wishes to continue storing the travel trailer on the parcel after the***
104 ***2 year time limit, he must make a new SUP application at least 2 months prior to***
105 ***the expiration date.***
- 106 ***3. The travel trailer shall not be used for habitation on this parcel.***

107
108 **B. SUSE-000512-2023: Franci Hric - 6256 Lankford Hwy, New Church**

109
110 A hearing initiated by Franci Hric to request a Special Use Permit per Accomack County Code
111 Section 106-179 which states it shall be unlawful to erect a billboard, as described in section
112 106-1 of this chapter, anywhere within the jurisdiction of the county without first obtaining a
113 special use permit from the board of zoning appeals. The applicant wishes to place a billboard
114 on this parcel to advertise an off-premise business. The .99 acre site is located at 6256
115 Lankford Hwy, New Church and is Tax Map #27-A-16. This parcel is zoned General
116 Business.

117
118 Chris Daley gave an overview of the case stating that the applicant wishes to place a
119 billboard on this parcel to advertise an off-premise business.

120
121 Mr. Daley said the applicant was requesting this Special Use Permit to place an 8'x8'
122 billboard on the parcel to advertise an off-premise business that the applicant runs with her
123 husband. VDOT requires any billboard placed along Lankford Highway be placed on a
124 parcel that is zoned General Business. The parcel in question is located in the General
125 Business District, on the southbound side of Lankford Hwy.

126
127 Mr. Daley said there is a business located approximately 150' to the south with a Stuckey's
128 billboard located on the far southern end of that parcel. VDOT requires a minimum 300'
129 separation distance between billboards and based on the supplied site plan, the proposed
130 billboard meets that separation distance. The proposed billboard would be 8'x'8 in size,
131 which totals 64 square feet, which is 28 square feet less than the 96 square feet maximum
132 size business sign that is allowed in the County's Sign Ordinance.

133
134 Mr. Daley said there was a derelict building on the parcel, and the applicant's narrative
135 indicates that they intend to repair the dwelling and rent it out as office or a dwelling. Staff
136 has spoken to the applicant about what the Ordinance will require to turn it into a dwelling

137 or office since it is a non-conforming structure based on its location and the setback distance
138 off of Lankford Highway.

139
140 Mr. Daley said the last billboard SUP that was awarded was at the December 2022 meeting.
141 That was for a rentable billboard south of Onley. This billboard will be advertising an off-
142 premise business that the applicants own. If the business was located on this parcel, the
143 proposed sign would be a use-by-right in the district.

144
145 Ms. Franci Hric was called up and sworn in. Ms. Hric said they wanted to put up a billboard
146 to promote her husband's business.

147
148 Chairwoman Kerns asked Ms. Hric about the derelict building on the property and if she
149 planned on doing something with it at some point.

150
151 Ms. Hric said they wanted to rebuild it and use it as either an office space or a rental house,
152 but had not decided.

153
154 Chairwoman Kerns asked Ms. Hric where her home was and Ms. Hric told her in Quinby.

155
156 Ms. Milbourne asked if it could be explained where in New Church the parcel was. Ms. Hric
157 said it was located across from The Peace Token. Chairwoman asked if it was also near
158 Stuckey's and Ms. Hric said no, just the sign.

159
160 Mr. Gayle asked about the sizing of the billboard. Mr. Daley said that 96 square feet was the
161 largest permitted size in the sign ordinance by right for an on premise business sign. Since
162 the business was not located on premise it was classified as a billboard. Mr. Gayle asked if
163 they could grant it for 96 square feet. Mr. Daley said the site plan showed an 8 feet by 8 feet
164 sign, but they could allow them to go up to the 96 square feet. Mr. Daley said he did not add
165 that as one of the conditions, but a maximum size of 90 square feet could be added.

166
167 Mr. Gayle said that way no one would have to go out and measure. Mr. Drewer said that
168 would not have to use the 96 square feet if they did not want to. Mr. Daley added if they
169 ever moved the business to the parcel they would have a sign that was the maximum
170 allowable size for on premise.

171
172 ***On a motion made by Mr. Drewer and seconded by Ms. Milbourne, the Board of Zoning***
173 ***Appeals approves Special Use Permit SUSE-000512-2023 for a Billboard, located in the***
174 ***General Business District on Lankford Hwy., as authorized by Section 106-179 of the***
175 ***Zoning Ordinance for Tax Map #27-A-16***

176 ***The Special Use Permit (SUP) is approved with the Staff's recommended conditions:***
177 ***1. The applicant apply for and obtain all the required permits to build the billboard in***
178 ***the General Business District.***

- 179 2. *This billboard is for advertising the applicants own off-premise business. It will*
180 *not be used for rental purposes.*
- 181 3. *This SUP is awarded for 2 years. If the applicant wishes to continue the use, an*
182 *application must be submitted at least 2 months prior to the expiration of this SUP.*
- 183 4. *The billboard is approved for 96 square feet*

184
185 **C. SUSE-000515-2023: Arthur Vancil - 32000 Block of Pennyville Rd, Painter**
186

187 A hearing initiated by Arthur Vancil to request a Special Use Permit per Accomack County
188 Code Section 106-53(2) which permits camping facilities, including travel trailer camps. The
189 applicant wishes to open a 7 site commercial campground. The 1.82 acre site is located along
190 the west side of Pennyville Rd, approximately 1,914 feet north of its intersection with Shell
191 Bridge Rd. and is Tax Map #110-11-4. This parcel is zoned Agriculture.

192
193 Mr. Daley gave an overview of the case stating the applicant was requesting this Special Use
194 Permit to use the parcel for a commercial 7 site RV/travel trailer campground. Based on the
195 applicant's narrative the campground will be in operation from April through October,
196 however there was no estimate given on the number of campers that the applicant anticipates
197 per year. There is an existing garage located on the parcel that will be utilized as restroom and
198 laundry facility.

199
200 Mr. Daley said the property was located on Pennyville Rd, which is a 2 lane road, and based
201 on VDOT's measurements it has a 30' right of way. This parcel is part of a 4 lot subdivision,
202 which adjoins a 14 lot subdivision to the west. There are 8 dwellings in the surrounding area.
203

204 Mr. Daley said they sent the plans out to VDOT for their review and provided comments that
205 will need to be addressed before VDOT approval can be obtained. These comments were sent
206 to the applicant via email. Staff has not been informed by the applicant about the status of
207 addressing these comments.
208

209 Mr. Daley said there are proposed septic areas shown on the site plan, however Staff has not
210 received any approvals from Virginia Department of Health for the proposed systems. Given
211 the nature of this project, Staff recommends that this matter should be tabled until the applicant
212 has provided the required information and received approvals for the entrance from VDOT.
213 During that time, the applicant must also obtain approvals from VDH for the proposed well
214 and septic systems on the parcel.
215

216 Mr. Arthur Vancil was called up and sworn in. Mr. Vancil said he would like to open up his
217 2 acre property up for camping to tourist who have not been able to find camping sites. Mr.
218 Vancil said he would like to open a quiet respectful site where people come have a retreat in
219 nature. Mr. Vancil added that his objective was the promotion of people being able to camp
220 in a natural setting.
221

222 Mr. Vancil said he had the property for two years and felt it was a good site for that type of
223 thing, and that the wooded area provided a quite setting for people to come and respectfully
224 do their camping. Mr. Vancil he planned to operate as a regular campground week to week
225 and charge people for the use of the campground.
226

227 Mr. Vancil agreed that he needed to get with VDOT and that he had engaged the engineering
228 firm to help he define the VDOT requirements for the entrance on Pennyville Road. Mr.
229 Vancil said he had already applied, received, and installed water and septic systems that were
230 adequate for the campground. Mr. Vancil said he would get the engineer to clarify that and
231 get the approval from the Department of Health.

232
233 Mr. Brett Mariner was called up and sworn in. Mr. Mariner said he was speaking on behalf of
234 his mother and her property was south of the proposed campground. Mr. Mariner said they
235 objected the project even though the project narrative stated otherwise. Mr. Mariner said their
236 objection was based on lack of safety, protection, and noise.

237
238 Mr. John Seaman was called up and sworn in. Mr. Seaman said he was 350 square feet from
239 the applicant's property. Mr. Seaman asked that the board not table, but deny the application.
240 Mr. Seaman said it was a quiet residential neighborhood surrounded by agriculture and this
241 would destroy the character of the neighborhood forever.

242
243 Mr. Seaman said after the permit was granted that Mr. Vancil could sell the property. Mr.
244 Seaman added that Pennyville Road was a very narrow road, it was hard for two cars two cars
245 to pass on that road, and adding this campground would add to those problems.

246
247 Mr. Seaman said in his expert opinion, the 1.8 acres would not support 20-30 people. Mr.
248 Seaman said the system would fail, it would affect the surrounding wells, and there will be a
249 mess 5 feet off the road.

250
251 Mr. Seaman said the narrative the applicant says that he would have a security guard there,
252 because of intruders and rowdy tenants. Mr. Seaman said that he (the applicant) recognized
253 the solution that none of them (the residents) wanted. Mr. Seaman also mentioned that the
254 only nature in the area was that of the residents, and that the tenants would be on their
255 properties.

256
257 Mr. Ira Higbee was called up and sworn in. Mr. Higbee said that when he purchased his
258 property he signed a paper saying that he would not put a trailer there, have a certain type of
259 house, it had to be so many feet from the road, and that was fine with him. Mr. Higbee said
260 he knew it was agriculture land, but it was a residential area.

261
262 Mr. Higbee said he could not imagine why someone would start building anything like that
263 before having it approved unless they were trying to go around the board.

264
265 Mr. Anthony Pennino was called up and sworn in. Mr. Pennino said according to Mr. Vancil's
266 narrative the neighbor's to the north and south were in favor of the campground, but no one
267 in the neighborhood was to his knowledge. Mr. Pennino said he was against the project for
268 the same reasons the others had spoken on.

269
270 Mr. Pennino said everyone was worried about their property values and added that He and his
271 wife purchased their home in February of 2021. They bought the home due to its seclusion,
272 safety, and the neighborhood atmosphere. Now their future investment was in jeopardy. All
273 the future plans for the campground were "could be's" and nothing was set in stone.

274

275 Mr. Pennino said he fear was that when the campground was not successful, it would turn into
276 permanent trailer housing. Needing to have an on-site security guard was also a concern with
277 people coming in from different places. Mr. Pennino also spoke on how far the nearest water
278 access/beach were to prove that the location did not make sense, and how they would be
279 bringing in RVs and boats. This will cause more than a minimum impact as Mr. Vancil stated.

280
281 Mr. James Wheatley was called up and sworn in. Mr. Wheatley said he was speaking for the
282 property adjacent to the applicant's property. Mr. Wheatley said his two children and their
283 mother live there. Mr. Wheatley said it was a quiet, safe and a close nit neighborhood.

284
285 Mr. Wheatley said he researched six campgrounds on the Eastern Shore and there were 1,686
286 camp sites, not including tents or cabins. To say this was going to be an overflow for those
287 campsites was far off. That also did not include Trails End.

288
289 Mr. Wheatley said that his fear was that when someone becomes unruly, (even though there
290 is supposed to be someone on site 24/7), with limited law enforcement available it may take
291 longer than expected to get to the incidents. Mr. Wheatley also stated that the property was
292 not isolated as other campgrounds were on the shore, and there was also a greater chance of
293 fires from unattended campfires. Mr. Wheatley said with those concerns they do not support
294 the neighboring property being converted into a campground no matter how small it was.

295
296 Ms. Nicole Wheatley was called up and sworn in. Ms. Wheatley she had two young children
297 that reside in her home that was north of the proposed campground. Ms. Wheatley said since
298 the new owner had removed almost all of tree line on his side of the property meaning the
299 campers would be up against her property line, (80-100 feet away from her house).

300
301 Ms. Wheatley said that she had an inground pool and was concerned that if they had unruly
302 campers she would had a liability at stake. There was nothing in between the campground and
303 pool to keep campers from getting in it and injuring themselves. Ms. Wheatley said this was
304 a privacy issue, and that she was never contacted by Mr. Vancil to give her thoughts. Ms.
305 Wheatley said she did not support the campground in any way.

306
307 Ms. Jared Marsh was called up and sworn in. Mr. Marsh said he lived about 100 miles
308 northwest of the property. Mr. Marsh said the road was the worst road for anyone to get down,
309 and driving out you have to go 25mph due to all the bumps. There was no room for RVs.

310
311 Mr. Marsh said he and his wife purchased their house based on its location. It was secluded,
312 away from town and away from tourism. Mr. Marsh mentioned people coming in with animals
313 could cause issues with the neighborhood animals. Mr. Marsh also added that to the southwest
314 there was a trailer park and every so often he could hear music blaring through his walls. To
315 have a campground, (less than 120 yards away), with 20-30 people and no one known if they
316 were going to play music or not. Mr. Marsh said due to his job and having to get up early,
317 sleep was important to him.

318
319 Chairwoman Kerns asked Mr. Marsh how far the trailer park was from his home. Mr. Marsh
320 said 1 mile to the southwest.

321
322 Mr. Gayle said the BZA needed to consider the general character of surrounding
323 neighborhood, area, and community in order to facilitate the preservation or creation of an

324 attractive harmonious community. Within 500 square feet of this parcel there were 13 parcels
325 and 8 of them have dwellings located on them.

326
327 Mr. Gayle said the BZA also needed to consider the environmental effect on scenic, historic,
328 and waterfront areas including property rights, values of adjoining and nearby property
329 owners.

330
331 Mr. Gayle said the BZA also needed to consider any other factors that may be deemed
332 necessary to ensure public health and safety, convenience, and welfare of the general public
333 within the district.

334
335 Mr. Gayle said this project failed on every one of those things. Mr. Gayle said he was not
336 saying that there could not be more room for campgrounds, but not in residential community.

337
338 Mr. Drewer said what had his attention was that before anything had been done, they are
339 suggesting to have a security guard on site. Mr. Drewer said that told him what the surrounding
340 neighborhood would be like if they were to put the campground there.

341
342 Mr. Vancil said he was grateful to his neighbors for coming in and expressing their concerns.
343 Mr. Vancil said he shared a lot of their concerns and he hoped that they had seen that in the
344 narrative. He was trying to protect every one's interest and be a good neighbor.

345
346 Chairwoman Kerns agreed this maybe a good place somewhere, but it was not the right thing
347 for this place.

348
349 ***On a motion made by Mr. Gayle and seconded by Ms. Milbourne, the Board of Zoning***
350 ***Appeals denied Special Use Permit SUSE-000515-2023 camping facilities, including travel***
351 ***trailer camps as authorized by Code Section 106-53(2) of the Zoning Ordinance, located in***
352 ***the Agriculture District along the west side of Pennyville Rd., for Tax Map #110-11-4.***

353
354 **D. SUSE-000516-2023: Daniel Kelley - 9000 Block of Neal Parker Rd, Temperanceville**

355
356 A hearing initiated by Daniel Kelly to request a Special Use Permit per Accomack County
357 Code Section 106-53(14) which permits Travel Trailers, located outside of travel trailer parks,
358 which are to be occupied for habitation or storage of chattels. The applicant wishes to use a
359 travel trailer as an office for the tree farm located on the parcel. The 72.14 acre site is located
360 along the east line of Neal Parker Rd., approximately 400 feet north of its intersection with
361 Saxis Rd. and is Tax Map #41-A-1A. This parcel is zoned Agriculture and is located partially
362 within the Special Flood Hazard Area, Zones 8BFE.

363
364 Mr. Daley gave an overview of the case stating that the applicant wishes use a travel trailer as
365 an office for the tree farm located on the parcel.

366
367 Mr. Daley said the applicants were currently in the process of planting fruit trees on this parcel,
368 which they intend to sell the fruit once the trees mature. The applicants' first inquired about
369 putting a pole barn on the parcel and were informed that since the parcel was being utilized as
370 an agriculture operation, they would qualify for an Ag exemption that would allow the
371 construction of a pole barn without requiring a building permit.

372

373 Mr. Daley said the applicants' decided they wanted to obtain a Special Use Permit to utilize a
374 travel trailer as an office, since that would not require them to invest heavily into the parcel
375 prior to finding out if the tree operation is profitable.
376

377 Mr. Daley said typically, the BZA has been issuing SUP for travel trailers to either be used
378 for hunting or camping. The BZA has not issued any SUP's for travel trailers that will be
379 used as an office. Mr. Daley added that staff understood the applicant's desire to use the travel
380 trailer they already own in this capacity, however, staff also doesn't want the County's
381 farming operations to be using travel trailers as a substitute for approved Agriculture
382 structures, such as pole barns and equipment sheds.
383

384 Ms. Laura Kelley was called up and sworn in. Ms. Kelley said he and her husband had started
385 pawpaw tree farm. The trees did not require pesticides or irrigation. Ms. Kelley said they are
386 a lost tree, but they were able to find some seeds. They have been cultivating the seeds for the
387 last ten years. Ms. Kelley said have put up to 100 trees in and they were thriving, however, it
388 takes 10-15 years to bear fruit.
389

390 Ms. Kelley said they put in a pad, there was electric, and they had a Airstream Camper during
391 covid that they bought down to use as an office to get out of the sun. Ms. Kelley said they
392 planned on putting in a pole building once they know the trees are settled in. Ms. Kelley asked
393 if they could continue to use it until they knew.
394

395 Chairwoman Kerns asked Ms. Kelley how long would it take. Ms. Kelley said she thought
396 they were in good shape. They have flowers on them and would know within a couple of
397 years.
398

399 Ms. Kelley said she met some of the neighbors, but was not sure if any of them had issues.
400

401 Mr. Gayle asked why they were using a travel trailer and not an office trailer. Ms. Kelley said
402 they owned the Airstream, it was nice and looked better than the office trailers. However, Ms.
403 Kelley said, they do not have to use it, but it was a convenience for them. They were not going
404 to live there and there was no well or septic.
405

406 Mr. Drewer asked how long the trees took to mature. Ms. Kelley said if you were lucky, 10-
407 12 years.
408

409 Ms. Deborah Wharton was called up and sworn in. Ms. Wharton said she understood what
410 Ms. Kelley was saying in regards to the Special Use Permit. Ms. Wharton said she learned of
411 this through the certified letter sent about the property. She and her husband have owned their
412 property since 1977 and that it bordered Ms. Kelley's property on three sides.
413

414 Ms. Wharton said she was there to speak on not advocating for the permit to be approved
415 and that she would like for it to be denied for several reasons. Ms. Wharton said travel
416 trailers belonged on the road, they were not designed to be an office unit, and they were used
417 for recreational purposes. They lived in an agricultural area and travel trailers were not
418 permitted outside of travel trailer parks.
419

420 Ms. Wharton said another reason for not wanting this permitted was because of the adverse
421 impact it would have on the value of the property. It was a vehicle, vehicles depreciate, and

422 it would add no value to the community. Ms. Wharton went on to talk about other items,
423 (poultry farm and convenience center), that had already lowered the property values in the
424 area. Ms. Wharton said they did not have a say in any of those things, but this time they do.
425 Ms. Wharton said herself, her husband and all of her neighbors, (those who were present and
426 were not), did not want the board to approve the permit.

427 Chairwoman Kerns asked Mr. Wharton if where she was located was in site of the trailer.
428 Ms. Wharton stated that she was adjacent on three sides of the property.

429 Mr. Drewer asked Ms. Wharton if the trailer was not there if she would have any objection
430 to the applicant moving forward with the project as far as growth. Ms. Wharton said that
431 was not her right, because it was zoned agriculture.

432
433 Ms. Dorothy Jones was called up and sworn in. Ms. Jones said it was directly in the back of
434 her. It was about 15 feet between her property line on the right that leads to the field. Ms.
435 Jones said that was an area that she has to pay extra for when having her grass cut, because
436 the applicant would not cut it. Ms. Jones said that she has asthma and the tall grass bothers
437 it.

438
439 Ms. Jones said on the back end of her property, about 10 feet, was the tree line. Ms. Jones
440 said the applicant had a partial part of the field in the back were they could have put the trees
441 instead of putting them on the edge of their line.

442
443 Ms. Dawn Thomas was called up and sworn in. Ms. Thomas said that she was a great
444 granddaughter of a farmer so she was not new to farming, and was used to it being done
445 behind their dwelling. Ms. Thomas said she had questions about the travel trailer. In the
446 letter she received it stated for habitat or storage. It was not being used right now, but who
447 was to say in the future the applicant would not want to use the travel trailer for habitation.
448 Ms. Thomas said they were not in agreement with that.

449
450 Ms. Thomas said the letter also said “trailers”, and she had a question about that. Would just
451 that one travel trailer be allowed to be there or would there be multiple.

452
453 Ms. Thomas also wanted to know how their property values would be affected. Ms. Thomas
454 said they were not against the fruit trees, she was looking forward to what the applicant had
455 to produce, but she did have questions about anything that would cause her property value to
456 go down.

457
458 Ms. Thomas also asked if there was another way. Ms. Kelley previously stated that she had
459 planted trees at her home and on Chincoteague, and Ms. Thomas wanted to know why the
460 trailer could not be put on Chincoteague instead of where they live. Ms. Thomas said there
461 would be years to wait, but Ms. Kelley also spoke on building a commercial building. Ms.
462 Thomas said they were not in agreeance with a commercial building being constructed in
463 their neighborhood.

464
465 Ms. Kelley said they had no desire to make any neighbors upset by what they were doing,
466 and if it meant moving the trailer, they would move the trailer. Ms. Kelley said in terms of
467 the grass, they were not good at keeping it cut low, but they would happy to pay for the extra
468 that Ms. Jones had been paying.

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Ms. Kelley said in terms of the Wharton’s property, no one was living there currently, but still wanted to make sure they were doing the right thing.

Ms. Kelley said on the commercial side she envisioned it being something where they would get the crop picked and processed there, or somewhere else. It would be a quick pick season, 3-4 weeks, and not something where people would be coming out all the time. They would not be camping or living there.

Mr. Gayle said he understood Ms. Kelley, but they weigh heavily on what adjoining property owners say. Mr. Gayle said 10 years was a long time to wait for some type of economic return, but he gathered that was not their plan. Ms. Kelley said it was for their grandchildren.

Ms. Milbourne stated to Mr. Daley that she was not sure that travel trailers met the criteria, per the building code, for an office. Mr. Daley said he did not look at that. Ms. Milbourne said it would have to meet the industrialized building code from what she remembered.

Mr. Gayle asked to confirm that office trailers were not considered travel trailers. That was correct. Mr. Daley said they were basically like a mobile home. Mr. Daley said it was not specifically spelled out in the ordinance to where an office trailer was a use by right in the agriculture district, but he assumed they could do it like the poultry farms. The use of the property is the agriculture and the office is an accessory to that use.

Ms. Milbourne asked to confirm that the travel trailer would not have met the criteria. Mr. Daley said that was correct.

On a motion made by Ms. Milbourne and seconded by Mr. Dewer, the Board of Zoning Appeals denied Special Use Permit SUSE-000516-2023 for a travel trailer to be used as an office trailer located near the intersection of Saxis Road and Neal Parker Road for Tax Map #41-A-1A.

D. SUSE-000520-2023: Daniel Wood - 26000 Block of Martin Rd, Harborton

A hearing initiated by Daniel Wood to request a Special Use Permit Accomack County Code Section 106-53(2) which permits camping facilities, including travel trailer camps. The applicant wishes to create a 3 site personal campground to be used by friends and family. The 5.98 acre site is located along the west side of Martin Rd, approximately 2,249 feet north of its intersection with Hacksneck Rd and is Tax Map #99-A-116. This parcel is zoned Agriculture and is located wholly within the Special Flood Hazard Area, Zones 5BFE and 6BFE.

Mr. Daley gave an overview of the case stating that the applicant is requesting this Special Use Permit to use this unimproved parcel as a private 3 site campground. This 5.98 acre unimproved parcel is located on Martin Rd, to the west of Harborton. The applicant indicated that he intends to use the parcel several times a year to camp with his family and friends.

517 Mr. Daley stated that there were no water or septic facilities located on the parcel. The
518 narrative indicated that a well be installed at a later date and all of the septic needs will be
519 handled off site, with the travel trailers being pumped out at an approved facility. There are
520 no dwellings on any of the adjoining parcels.

521
522 Mr. Daley said the parcel was located in a 5BFE and 6BFE flood zone. The applicant had
523 been made aware of the requirement that travel trailers are not allowed to be parked in a
524 flood hazard zone for longer than 180 consecutive days.

525
526 Mr. Daley pointed out that the applicant's narrative did not indicate how many times per
527 year this parcel will be used as a campground nor did it indicate how long he was looking to
528 use this parcel in this capacity.

529
530 Mr. Daley added that several Special Use Permits awarded for hunting/camping have been
531 awarded in the past years. Most of those SUPs were given a 3-5 year time frame, with the
532 option of re-applying when the SUP expires.

533
534 Mr. Daniel Wood was called up and sworn in. Mr. Wood gave some background
535 information on the property stating it would now be a sixth generation property. Mr. Wood
536 said he had Mr. Marshall Parks to have a survey done prior to purchasing the property. From
537 there Mr. Wood discovered an old road on the property through the woods. Mr. Wood said
538 he then contacted Mr. Dale Pussey at VDOT, obtained a VDOT permit, and had the
539 entrance put there.

540
541 Mr. Wood said the reasoning for the 40 square feet variance was due to the roads being
542 narrow and not wanting to affect the neighbors. There would be plenty of room to get his
543 camper in without effecting traffic.

544
545 Mr. Wood said that he had no idea that he needed a permit from Accomack County. Mr.
546 Wood said that any camper placed on a site temporarily would be weekend bases.

547
548 Chairwoman Kerns, asked to confirm, that this was not for commercial use and just for
549 personal family. Mr. Wood confirmed that.

550
551 Mr. Wood said he did not come down here to hunt. The property was purchased because it
552 previously belonged to his great grandfather, and planned to pass it down to his son. Mr.
553 Wood said as far as how many times they were going to use it, he did not know. Mr. Wood
554 said he had just been diagnosed with stage four cancer and said he would see how it worked
555 out, but he wanted to camp as much as he could while he could.

556
557 Mr. Dennis Baker was called up and sworn in. Mr. Baker, (adjacent property owner), said he
558 had hunting blinds and trails there and was concerned if it became heavily used on a lot of
559 weekends there would be people trespassing. Mr. Baker was also concerned that, with the
560 trailer there, he would need to move his hunting blinds. Mr. Baker asked if any fences were
561 going to be put up to separate the two.

562
563 Mr. Wood said he had no plans on putting in a fence and did not have plans on camping in
564 the winter. Mr. Wood said his camper was not a winter camper.

565

566 Mr. Gayle wanted to confirm that Mr. Wood would be bringing the trailers down, use them,
567 and then take them back. Mr. Wood said yes.

568
569 ***On a motion made by Mr. Gayle and seconded by Mr. Drewer, the Board of Zoning***
570 ***Appeals approves Special Use Permit SUSE-000520-2023 for personal camping facilities,***
571 ***including travel trailer camps, as authorized by Section 106-53(2) of the Zoning***
572 ***Ordinance for Tax Map #99-A-116.***

573
574 ***The Special Use Permit (SUP) is approved with the Staff's recommended conditions:***
575 ***1. This SUP is valid for 3 years. If the applicant wishes to continue the use, an application***
576 ***must be submitted at least 2 months prior to the expiration date.***
577 ***2. There shall be no discharge of any waste water on the parcel.***
578 ***3. The travel trailers are not permitted to remain on the parcel for any longer than 180***
579 ***consecutive days.***

580
581 **E. VAR-000520-2023: George Young III for Robert Martin - 32305 Powers Ln, Atlantic**
582

583 A hearing initiated by George Young III for Robert Martin to request a Variance of 1604
584 square feet from the 20,000 square foot minimum lot requirement per Section 106-80 of the
585 Accomack County Code. The applicant is gifting a portion of his property that contains a
586 cemetery to the church which is adjoining. The 19,584 square foot site is located at 32305
587 Powers Ln, Atlantic and is Tax Map #42A1-A-21. This parcel is zoned Residential.

588
589 Mr. Daley gave an overview of the case stating that applicant was gifting a portion of his
590 property that contained a cemetery to the church which is adjoining at 10084 Atlantic Rd, to
591 the east.

592
593 Mr. Daley said applicant wanted to place a modular home on this parcel. When making the
594 application, he was told that a mortgage could not be obtained since there were some graves
595 located on this parcel. Those graves were part of the Atlantic Baptist Church, which this
596 parcel adjoins. Staff could not determine when these graves were placed at this location.
597 The applicant wished to survey off approximately 1100 square feet of land area and give to
598 the Atlantic Baptist Church, which already has a cemetery located on it.

599
600 Mr. Daley said the parcel is already under the current 20,000 square feet lot size
601 requirement, however aerial photos show that this parcel had a dwelling located on it in
602 2002, which was removed sometime prior to 2007. The supplied site plan showed that there
603 was a well and septic tank currently located on the property.

604
605 Mr. Daley said there are 4 parcels directly to the west which currently have dwellings
606 located on them. Only one of those parcels meets the 20,000 square foot area requirement
607 for lots in the Residential District. The average lot size for the other 3 lots is 16,105 sqft. If
608 this variance application is granted, the new size of the applicant's lot will be 18,396 square
609 feet. The new parcel will not be out of character for the surrounding neighborhood.

610
611 Mr. Shawn Taylor was called up and sworn in. Mr. Taylor said that the owner was looking
612 to install a house for his residence. During the process of submitting the drawings to

613 Oakwood Homes they discovered that their finance agent would not let the house go on the
614 lot because of the cemetery lots.

615
616 Mr. Taylor said they just wanted to convey those off so that Mr. Martin could start
617 construction.

618
619 Mr. Mickey Merritt was called up and sworn in. Mr. Merritt said the applicants had
620 maintained the property for many years. Mr. Merritt said the vision was to someday build a
621 one story home for their needs. Mr. Merritt said it was his hope that the board would
622 approve this.

623
624 Ms. Milbourne asked Mr. Daley to confirm, that all the lot on that road were grandfathered
625 non-conforming lots. Mr. Daley confirmed that was correct.

626
627 Mr. Taylor said the new house would be sitting over the front yard setback and apologized
628 about not mentioning it sooner. Mr. Taylor asked if that was something that could be
629 approved now as well. Mr. Daley said no, but it could probably be done administratively.

630
631 ***On a motion made by Ms. Milbourne and seconded by Mr. Drewer, the Board of Zoning***
632 ***Appeals approves a Variance of 1604 square feet, pursuant to Accomack County Code***
633 ***Section 106-80 which states the minimum lot size for parcel in the residential district shall***
634 ***be 20,000 square feet for Tax Map #42A1-A-21.***

635
636 **6. NEXT MEETING**

637 The next regular Board of Zoning Appeals meeting is scheduled for **Wednesday, September**
638 **6, 2023** at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

639
640 **7. ADJOURNMENT**

641 ***On a motion made by Ms. Milbourne and seconded by Mr. Drewer, the Board of Zoning***
642 ***Appeals voted unanimously to adjourn the meeting at 11:45 a.m.***

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645
646
647
648 _____
649 Mrs. Elizabeth Kerns, Chairwoman

Prepared by
Chontese Ridley, Planner I