



# Accomack County Planning Commission

Angela Wingfield, Chair, District 2  
Leander Roberts, Jr. Vice-Chair, District 8  
John Sparkman, District 1  
C. Robert "Bob" Hickman, District 3  
Kelvin Pettit, District 4  
Brantley "Pete" Onley, District 5  
Glen "Adair" Tyler, District 6  
Lynn Gayle, District 7  
Larry Giddens, Sr., District 9

County Administration Building, Board Chambers, Room 104, 23296 Courthouse Avenue, Accomac, VA

## Minutes for Wednesday, June 14, 2023, 7:00 PM

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### 1. CALL TO ORDER

#### MEMBERS PRESENT AND ABSENT

##### **Planning Commission Members Present:**

Mrs. Angela Wingfield, Chairwoman  
Mr. Leander Roberts, Jr, Vice Chairman  
Mr. Lynn P. Gayle  
Mr. Robert Hickman  
Mr. John Sparkman  
Mr. Larry Giddens, Sr.

##### **Planning Commission Members Absent:**

Mr. Glen "Adair" Tyler  
Mr. Brantley "Pete" Onley

##### **Others Present:**

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 7:00 p.m.

#### **REMOTE PARTICIPATION**

Commissioner Pettit, located in Roanoke, VA, requested to participate in the meeting electronically due to being away for a conference previously scheduled.

*On a motion made by Commissioner Hickman and seconded by Commissioner Roberts, the Planning Commission voted unanimously to all Commissioner Pettit to participate remotely.*

### 2. ADOPTION OF AGENDA

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

### 3. PUBLIC COMMENT PERIOD

Chairwoman Wingfield opened the public comment period. There being no one signed up to speak, Chairwoman Wingfield closed the public comment period.

### 4. MINUTES

*On a motion made by Commissioner Hickman and seconded by Commissioner Gayle, the Planning Commission voted unanimously to approve the May 10, 2023 minutes as presented.*

5. **OLD BUSINESS**

There was no old business.

6. **NEW BUSINESS**

There was no new business presented.

7. **PUBLIC HEARING**

**A. Proposed amendments to Chapter 78 of the Accomack County Code entitled “Subdivisions,” by amending Section 78-1 thereof, and adding Section 78-13 thereto, to authorize the administrative approval of nonconforming lots created by unapproved divisions of land occurring between May 1, 1973 and December 31, 2022, provided stated criteria are met.**

Mr. Pambid gave an overview of the case, stating that those would be the lots eligible for potential review. Adding section 78-13 basically lays out the eight (8) criteria that applicants have to meet. Here is the review process for the 8 criteria:

1. A complete application required.
2. Paid review fee (that amount is to be determined). Staff is recommending to the County Attorney and the Board of Supervisors is a fee of \$250. This is the cost of a family subdivision but is less than a Variance.
3. The Lot has permanent access to a public road.
4. The Lot is accessible by emergency vehicles to Department of Public Safety’s satisfaction.
5. The Lot will have adequate drainage and stormwater management.
6. The Lot will be served by water and sewer approved by the Health Department.
7. A subdivision plat certified by a licensed surveyor or professional engineer.
8. Recordation of plat in the Clerk’s Office of the Accomack County Circuit Court after approval by the County Administrator or designee.

This process is happening because someone previously tried to apply for a building permit. Staff conducted their reviews and determined that the lot was essentially not legal. This is an administrative process, which does not include the Planning Commission or the Board of Supervisors. The Staff does not go out and look for these properties; they come to us through the permitting process. This usually happens after the permits are filed and reviewed. The decision scheduled was started back in March 2023 with the Board of Supervisors resolution to start the whole process. This decision has been in review since April and May and now on June 14, 2023 for the public hearing it is being requested to issue a recommendation for the Board of Supervisors. Next week the Board will authorize their public hearing after they discuss what has happened in tonight’s meeting and hopefully a decision is prepared for July 19<sup>th</sup>, 2023.

Commissioner Hickman asked a question that if an application or situation becomes too complicated and needs to go to the BZA, will the applicant get their \$250 back? Mr. Pambid responded that Staff would ask applicant to pay the difference with the \$150. No money would be given back because of the work that Staff has already done. Mr. Pambid stated that it would

not be fair to charge the applicant an additional \$400 for the BZA when the difference could be applied from the \$250.

Chairwoman Wingfield asked a question about criteria #5: The lot will have adequate drainage and stormwater management. She stated that it is clear that the applicant needs to come up with the paperwork, instead of Staff making a decision. Mr. Pambid responded by stating that if the Staff is doing their part and asking the right questions, it should be a smooth process. If additional paperwork is needed the Staff will ask the applicant for the appropriate information, which is determined in the review process. Chairwoman Wingfield, had some concerns with the language around #5 of the criteria process. Mr. Pambid stated that sites are reviewed on a case by case basis.

Chairwoman Wingfield opened the floor for public comments, with no one signed up Chairwoman Wingfield closed the floor to public comments.

***On a motion made by Commissioner Gayle and seconded by Commissioner Roberts, the Planning Commission voted unanimously to move that the Board of Supervisors amend Chapter 78 entitled "Subdivisions," by:***

- 1. Amending Section 78-1 thereof and adding Section 78-13 thereto, to authorize the Administrative approval of nonconforming lots created by unapproved divisions of land occurring between May 1, 1973 and December 31, 2022, after an application is made; and***
- 2. Add Section 78-13 to validate certain unapproved lots that meet stated criteria on a case-by-case basis.***

## **8. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS**

### **9. STAFF REPORTS**

- Subdivision Agent – there is no information at this time.
- Zoning Administrator – Maxie Brown is currently holding this position but possibly in the near future it will revert to Mr. Lee Pambid.
- Deputy County Administrator –
  - There are 7 vacancies; there are hopes to fill these vacancies
  - Shawnta McCain, Administrative Assistant II, will be on leave for the next few months.
  - Willowdale Wetlands approval has been a key moment for the BZA and for this new process that just been approved.

### **10. OTHER MATTERS**

- **Comp Plan Scope** - Mr. Pambid gave a quick overview of the Comp Plan. He mentioned it has been recently updated back in 2018. All localities regardless of size need to have a Comprehensive Plan; it is stated in the Code of Virginia and also it states that Comp Plans have to be reviewed every 5 years. It doesn't state that it needs to be amended or revised every 5 years, just that it needs to be reviewed. Since the last amended version from 2018 was completed, nothing else has been done. No wholesale revision has taken place since then. There have been multiple discussions in the past year, and there was a memo last June and July. There were new conditions to consider since 2008 such as:
  - The housing crisis
  - New infrastructure (HRSD sewer and ESVBA fiber optic)
  - Economic Development

- Environmental considerations
- **Certified Planning Commission Program** – Mr. Pambid encouraged the Planning Commission to consider the CPC. The next opening session is two days, July 27- 28 and two closing sessions September 28-29 located in Richmond. The next session is from October 12 and December 15 which would be virtual. Staff can accommodate Planning Commission if they are seeking to attend the Richmond location. The website for the CPC is: <https://cura.vcu.edu/land-use-education/>

Commissioner Hickman asked a question about a previous public comment pertaining to a citizen question about the old Arcadia Nursing Home being used as a facility to house undocumented persons. Mr. Pambid referred to an article in the Post from the County Administrator stating that the Board of Supervisors will not be entertaining an amendment to the Zoning Ordinance to allow the use in question.

Commissioner Sparkman asked a question about a previous case that was approved for a Battery Plant and Mr. Pambid stated, he is aware of the application and has reviewed for the Staff reports but he does not know the status of the plan. He stated he would look into in more and get back with Commissioner Sparkman regarding any information on where this project stands.

#### **11. NEXT MEETING**

The next Planning Commission Meeting is scheduled for Wednesday, July 12, 2023 at 7:00 p.m. in the Accomack County Board of Supervisors Chambers, Room 104.

#### **12. ADJOURNMENT**

*On a motion made by Commissioner Hickman and seconded by Commissioner Sparkman, the Planning Commission voted unanimously to adjourn the meeting at 8:01 p.m.*