

**Virginia:**     **At a meeting of the Accomack County Board of Zoning Appeals, held in the  
Chambers of the Board of Supervisors on the 21st day of October, 2015, A.D.**

**Members present:**

Mr. Robert Nock, Chairman  
Mr. Harvey Drewes II  
Mr. Lynn Gayle

**Others present:**

Ms. Gracie A. Milbourne, Zoning Administrator  
Ms. Laurie K Perry, Recording Secretary  
Mr. Rich Morrison, Director of Planning and Community Development  
Mr. Andrew McRoberts, Attorney for Accomack County

The meeting was called to order by Mr. Robert Nock, Chairman, at 10:00 a.m. and opened to a public hearing on the following zoning matters:

**1.) An appeal from Atlantic Town Center Properties LLC of the Zoning Administrator's decision that: 1) The County Zoning Ordinance requiring conditional use permit for a Water supply facility supersedes Chapter 21 of Title 15.2 of the Virginia Code, including but not limited to §15.2-2121 regarding regulations as to water facilities and Article 6 concerning Approval of Water Supply Systems by Counties; and 2) Atlantic Town Center Properties LLC must apply for an amendment to a Conditional Use Permit in order to construct a water supply facility on its property as outlined in a letter dated August 19, 2015.**

Mr. Rich Morrison Director of Planning and Community Development presented a brief history and overview on the appeal by Atlantic Town Center Properties LLC to the Board of Zoning Appeals.

Mr. Andrew McRoberts, Attorney for Accomack County discussed the appeal from a legal standpoint and listed reasons for the Zoning Administrator's determination. He also explained his findings of fact.

Mr. Mark Baumgartner, Attorney for Atlantic Town Center Properties LLC explained his client's reasoning for the appeal.

After a lengthy discussion, Mr. Gayle made a motion to adopt the findings of fact prepared by Andrew McRoberts dated October 21, 2015 and to deny the appeal by Atlantic Town Center Properties LLC. Mr. Drewer seconded the motion. Ayes: Mr. Nock, Mr. Gayle, and Mr. Drewer.

**2.) A request from Brandy Rill for a Special Use Permit pursuant to Article III, Section 106-53.22 for the location of an accessory dwelling behind 8053 Fleming Road, County Tax Map# 28B-3-5, Wattsville, Virginia.**

Ms. Brandy Rill appeared before the Board to represent this application. Certified letters were mailed to adjoining property owners and receipts presented.

Ms. Rill requested permission to place a mobile home on her property for an elderly gentleman whom she is a nurse to and is caring for that has health problems and eventually when he ceases to live there she would like to have her mother live there as she is getting older. The mobile home would meet all building code requirements if approved.

After a brief discussion, Mr. Drewer made a motion to approve this Special Use Permit with the stipulation that once the current occupant vacates the mobile home that only a family member would be allowed to occupy the residence. It could not be used for rental purposes.

Mr. Gayle seconded the motion. Ayes: Mr. Nock, Mr. Gayle, and Mr. Drewer.

**3.) A request from Nora Turcol for Special Use Permit pursuant to Article III, Section 106-53.22, a Variance from Section 106-55 (Area Regulations), and a variance from Section 106-238 (Multiple Dwellings on a single lot) at 21290 Hopkins Road, County Tax Map# 77A-A-25, near Parksley, Virginia.**

Mrs. Nora Turcol appeared before the Board to represent this application. Certified letters were mailed to adjoining property owners and receipts and letters presented.

Mrs. Turcol requested permission to convert an existing craft shop into an accessory dwelling to be used for her daughter to live in while taking care of her husband; he has several health problems and is 88 years old and requires 24- hour- a- day care.

Ms. Milbourne let the Board know that this was called in as a compliant that this craft shop was being used for habitation.

Mrs. Turcol stated that if she is approved she will meet building code and flood zone requirements as the property is in the flood zone in order to bring the building into compliance.

Mr. Gayle made a motion to approve this Special Use Permit for the occupancy of her daughter for the term that is necessary to provide assistance with the care of her husband. Mr. Drewer seconded the motion. Ayes: Mr. Nock, Mr. Gayle, and Mr. Drewer.

#### **MINUTES:**

Mr. Gayle made a motion to approve the minutes of the August 19, 2015 meeting as circulated. Mr. Drewer seconded the motion. Ayes: Mr. Nock, Mr. Gayle, and Mr. Drewer.

#### **ADJOURNMENT:**

Mr. Drewer made a motion to adjourn at 11:40 a.m. Mr. Gayle seconded the motion. Ayes: Mr. Nock, Mr. Gayle, and Mr. Drewer.

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Mr. Robert L. Nock, Chairman