

**Virginia: At a meeting of the Accomack County Board of Zoning Appeals, held
in the Chambers of the Board of Supervisors on the 7th day of
January, 2009, A.D.**

Members present:

Mr. Robert L. Nock, Chairman
Mrs. Elizabeth Kerns, Vice Chairwoman
Mr. Willie L. Holland, Jr.
Mr. Harvey A. Drewer

Members absent:

Mr. J. William Mapp

Others present:

Mr. David A. Fluhart, Zoning Administrator
Ms. Gracie A. Milbourne, Recording Secretary

The meeting was called to order by Mr. Robert L. Nock, Chairman, at 10:02 a.m. and turned over to Mr. David Fluhart, acting as Chairman pro-tem. Mr. Fluhart called for nominations for Chairman and Vice Chairman for Year 2009. Mr. Holland made a motion to nominate Mr. Nock as Chairman and Mrs. Elizabeth Kerns as Vice Chairwoman. Mr. Drewer seconded the motion. Ayes: All. Mr. Fluhart turned the meeting over to Mr. Nock who opened the public hearing on the following zoning matters:

TABLED FROM DECEMBER 17, 2008

A request from C&G Investments LLC for a Special Use Permit pursuant to Article III, Section 106-53.6 for the location of a mobile home that does not display a HUD label at 6170 Valerie DR, Lot# A27, formerly Bob Parks Mobile Home Park, County Tax Map# 26-A-5B, New Church, Virginia.

A request from C&G Investments LLC for a Special Use Permit pursuant to Article III, Section 106-53.6 for the location of a mobile home that does not display a HUD label at 6080 Brittany DR, Lot# B4, formerly Bob Parks Mobile Home Park, County Tax Map# 26-A-5B, New Church, Virginia.

Mr. Richard Stephens appeared before the Board to represent both applications and presented additional pictures and inspection reports of the mobile homes as requested at the last meeting.

Mr. Holland commented on the improvements in this park, but was concerned about setting a precedent if the non-HUD labeled mobile homes were approved since they were brought in the County from another jurisdiction.

No one appeared nor signed in opposition to this request.

After a lengthy discussion, Mrs. Kerns made a motion to approve both Special Use Permits with the following conditions:

- 1) No further non-HUD labeled mobile homes will be approved for this park;
- 2) This approval is for a 10-year period. At the end of this period, the mobile homes shall be removed or re-evaluated for a new permit;
- 3) Both mobile homes shall not be used as rent-to-own units.

Mr. Drewer seconded the motion. Ayes: Mr. Nock, Mrs. Kerns, and Mr. Drewer. Nays:

Mr. Holland.

NEW BUSINESS

1). A request from Joe Zager for a Variance from Article XVI, Section 106-384c, Chesapeake Bay Preservation Overlay District, for the location of a detached garage at 14264 Dogwood Lane, County Tax Map# 118A-5-3, Belle Haven, Virginia.

Mr. Joe Zager appeared before the Board to represent this application. The

certified receipts of the adjoining property owners were submitted prior to this hearing.

Mr. Zager asked for the approval of this variance and explained that the odd-shape of his lot and location of the septic system limits where the proposed structure can be situated.

Mr. Norman Pitt, Accomack County Environmental Planner, appeared before the board to discuss the staff report. According to his site visit, the proposed location of the detached garage would encroach approximately 20-25 feet into the landward side of the 100-foot buffer for a total of approximately 720 square feet with a portion of that area covered by an impervious (asphalt) surface.

No one appeared nor signed in opposition to this request.

After a brief discussion, Mr. Holland made a motion to approve this application with the following stipulations:

- 1) The RPA 100-foot buffer must be restored with native plants according to the criteria of the Riparian Buffer Modification & Mitigation Guidance Manual from the Department of Conservation and Recreation Restoration Table A as follows:
 - a) Two canopy trees;
 - b) Four understory trees or two understory trees and six large shrubs;
 - c) Six small shrubs or woody groundcover;
- 2) A French drain system must be installed to redirect the roof runoff away from the creek;
- 3) No further exceptions shall be granted for this parcel.

Mrs. Kerns seconded the motion. Ayes: Mr. Nock, Mrs. Kerns, Mr. Holland, and Mr. Drewer.

IN RE MINUTES:

There were no minutes circulated at this meeting.

ADJOURNMENT:

Mrs. Kerns made a motion to adjourn at 10:45 a.m. Mr. Drewer seconded the

motion. Ayes: Mr. Nock, Mrs. Kerns, Mr. Drewer, and Mr. Holland.

Robert L. Nock, Chairman