Accomack County
Board of Zoning Appeals

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, May 7, 2025 10:00 AM

1. CALL TO ORDER

A. Members Present and Absent

Board of Zoning Appeals Members Present:
Mrs. Elizabeth Kerns, Chairwoman
Mr. Gary Miller, Vice Chairman
Mr. Lynn Gayle
Ms. Gracie Milbourne

Board of Zoning Appeals Members Absent:
Mr. Jeff Holland

Others Present:
Paul Watson, Deputy Director of Code Administration
Sinjin Jones, Zoning/Code Enforcement
Pamela Dix, Administrative Assistant II

Remote Participation:
None

2. DETERMINATION OF A QUORUM

Chairwoman Kerns has called the Board of Zoning Appeals to order at 10:00 am.
a.m. We have a quorum present.

3. ADOPTION OF AGENDA

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

4. MINUTES

On a motion made by Ms. Milbourne and seconded by Vice Chairman Miller, the Board of Zoning Appeals voted unanimously to approve the April 2, 2025, meeting minutes.

5. PUBLIC HEARINGS

Mr. Sinjin Jones

Hi, everybody. For the record, I'm Sinjin Jones, Code Enforcement Officer for Zoning. The first one is going to be VAR-000037-2025, this is the Monroe accessory structure, and the variance request is from the one-story height restriction in the residential district. This is the background information. Lisa Monroe is the applicant. The Property location is 83B-1-12, and the address is 15225 Locust Street. The acreage is .37 acres. The current zoning is residential and the future land use recommendations is agricultural. This is a part of a subdivision, so there are single-family residences all around this property. This is the lot in question, zoned residential. The future zoning is agricultural. This map is actually kind of misleading in talking with our staff, the location is not in the RPA, so this map is incorrect. This is the floodplain map, it is in the flood zone. These are some pictures of the property. The top left, this is an existing shed, the garage will be going more or less in that location. The top right is a view from the street of the property. Bottom left is from the street, looking back towards where the garage will be, the bottom right is the same picture from the road looking towards the opposite end of the road. This is a site plan. We are five feet from the side lot line, 20 feet from the rear, 95 feet from the front. And this is the accessory structure they want to build. We see stairs going up to the second floor, there's the loft space, and it totals 19 feet, six and a half. Now we get into the questions with the strict application / unreasonable restriction versus alleviating hardship from a physical condition. The response is no, the garage is built in a way that necessitates variance. The applicant could build a structure that is one story tall without the loft space and still be in compliance. Number two, was the property acquired in good faith? Yes, the site appears to have been acquired in good faith. The property was created in 1948, before the zoning ordinance was adopted. It is the applicant's decision as to the size of the structure. Number three substantial detriment to adjacent properties. No detrimental effects to adjacent and nearby properties are anticipated. Is this a general or recurring nature to amend the zoning ordinance to alleviate the situation? The answer is this is not a generally recurring situation, high variances are unique to each case and does not necessitate a change in the ordinance. Number five, would this use result in a use not otherwise permitted? No, the property is zoned residential and accessory structures are allowed by right in that district if a primary structure is present on the site. Number six is the remedy sought available through special exemption, the answer is no. The notices were provided in the newspaper and to adjacent owners per state law, and no public comments were received for this application. Staff findings, therefore, the proposed accessory structure requires a variance to the one-story height requirement in residential zoning by being less than 30 feet from the property line. It is the owner's decision as to the location and height of the accessory structure. There are technically other options available that would not require a variance. Number three, there are no detrimental effects anticipated as a result of this project, and this variance case arises out of a building application, BLDR-000064-2025, that was applied for on January 16th, 2025, proposing the accessory structure. Staff does not typically make recommendations on variances. However, should the BZA grant the Variance, staff suggest the approval be subject to the following three conditions. Number one, the applicant shall obtain all required permits from the County Building Department, the Virginia Department of Health and the Virginia Department of Transportation for the proposed accessory structure. Number two, the building application must be consistent with the variance application. And number three, the applicant shall clearly flag all four corners of the property and the proposed footprint subset A of this delineation must be certified by a licensed surveyor to ensure compliance and accuracy. And B, the corner flags shall remain in place until the issuance of a certificate of occupancy. This

is the recommended motion, and I can answer any questions. Also, Ms. Monroe is here if you have any questions for her.

Mr. Gayle
What height would not require a variance?

Mr. Sinjin Jones
In residential zoning, I want to be clear. The way that the residential part of the zoning ordinance is written, it does not give amount of feet, it just gives one story, but let me look. This comes from section 106-84 (4), where no accessory building within 30 feet of any part of a lot line shall be more than one story high. We do not have a height amount in residential. We have one for Ag, we don't have one for residential. So, the strict application of zoning ordinances, if it's two floors, we need a variance, as an aside, this part of the ordinance we are looking at, because it does create an issue.

Vice Chairman Miller
So, if that same structure was built without a loft, we wouldn't be dealing with this.

Mr. Sinjin Jones
Yes. The way it's written out, yes, we wouldn't be dealing with this because it would be one floor.

Mr. Gayle
Or if it was built somewhere zoned agriculture?

Mr. Sinjin Jones
In agriculture, they would still need to come here for a Variance, if it was zoned agricultural, because it's 19 feet seven or 19 feet six, because the limit in Ag is 12 feet if you're within 10 feet of a property line. We would still need to come here for a Variance.

Mr. Gayle
I think the Planning Commission is currently addressing it.

Mr. Sinjin Jones
Yes, sir.

Ms. Milbourne
The structure they propose is a story and a half. If they were to construct it 30 feet from the line, would they need a variance?

Mr. Sinjin Jones
That is correct. However, if we go back to the site plan, you could see how putting it through. This lot is very small, it's .37 acres, East Point lots are very small. So could they build this in another area potentially, but you're running into there's a well here. The septic tanks here. You have the house here. So, I mean, it would be a tight squeeze. Thank you.

Chairwoman Kerns
Mr. Jones, thank you. Ms. Monroe, did you want to come up and speak? State your name.

Ms. Lisa Monroe
Lisa Monroe.

Chairwoman Kerns
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Ms. Lisa Monroe
Yes, ma'am.

Chairwoman Kerns
The structure you would like to build is going to take the place of that older structure.

Ms. Lisa Monroe
Yes, ma'am.

Chairwoman Kerns
The newer one would definitely look better.

Ms. Lisa Monroe
Oh, definitely. The house is so small and very limited on storage, and I have nowhere to park the vehicle. That's why I submitted the permit for the two stories to park my vehicle and use the remaining for storage.

Chairwoman Kerns
The second floor or loft would be used primarily for storage.

Ms. Lisa Monroe
Yes.

Chairwoman Kerns
All right, any other questions?

Mr. Gayle
I also assume additional elevation would give you room to store things and accommodate for potential flooding.

Ms. Lisa Monroe
Yes, that's correct.

Chairwoman Kerns
Any other questions? Okay, did anyone sign up to speak?

Vice Chairman Miller
I'll make a motion. I move that the Accomack County Board of Zoning Appeals approve a variance from the one-story height restriction in the residential district per Accomack County Code Section 106-84 (4) with the three conditions recommended by staff on tax parcel number 83B-1-12. This will allow for the construction of a 22 x 28 accessory structure with a height of 19 feet, seven inches.

Mr. Gayle
Second.

Chairwoman Kerns
A motion has been made and seconded. All in favor, aye. You're approved.

Ms. Lisa Monroe
Thank you, ma'am. Thank you, everybody. I so appreciate it. Thank you for your time.

Mr. Sinjin Jones
We've got the SUSE-000053-2025. This is for Mr. Mason's manufactured home. This manufactured home is in the general business district. This is the background information. Edlo Mason is the applicant, the property owner is Marilyn Sneed. The location is 85-A-53, and is at 21066 Fairgrounds Road outside of Onancock. The property is about one acre, the zoning is general business. The future land use recommendation is Village Development area. The previous use was residential and the proposed use is also residential. Adjacent zoning is general business, and the adjacent uses are for businesses and residential uses, single-family dwellings, that sort of thing. This is the property, zoned general business in the Village Development area for future land use. It is not in the RPA and not in a flood zone. And these are pictures of the property. The top left and the bottom left are pictures from the property. This is Fairgrounds Road going towards the roundabout. This is Fairgrounds Road going towards Onancock. This is a photo of the site where the dwelling is going to be located, and this is from one of the corners of the manufactured home looking back towards the road. This is the site plan for the proposed structure. And now we go into considerations for Special Use Permits number one, whether the proposed use will adversely impact the general character of the surrounding neighborhood. No adverse impact is anticipated. Number two, whether the proposed use will adversely impact public utilities? No adverse impact will result. In the interest of time, I'll paraphrase, no adverse impacts are anticipated as manufactured homes are allowed by Special Use Permit and business zoning. Granting the Special Use Permit would allow for the placement of a manufactured home where other residential structures were located. Also, this property previously had a residential structure on it. Notices were provided in the newspaper and to adjacent owners, per state law, no public comments were received. Staff findings, a permit was applied for in 2024 for the placement of the manufactured home. The property is zoned general business and residential uses are allowed by a Special Use Permit, and no adverse impacts will result from the placement of the manufactured home. Staff recommends approval of SUSE-000053-2025, a Special Use Permit pursuant to Accomack County Code Section 106-4037, which allows for single-family dwellings in the business district. Should the BZA approve the special use permit, the staff recommends the following two conditions. Number one, the applicant shall obtain a building permit from the County's Building Department. The applicant shall also comply with the Virginia Department of Transportation and the Virginia Department of Health. And number two, the building application shall be consistent with this application. That's your motion, and I can answer any questions you may have.

Chairwoman Kerns
Does anybody have any questions?

Mr. Sinjin Jones
Mr. Mason is also here if you want to talk to him.

Chairwoman Kerns
Mr. Mason, would you like to come up? Would you state your name?

Mr. Edlo Mason.
Edlo Mason.

Chairwoman Kerns
Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. Edlo Mason
Yes, I do.

Chairwoman Kerns
Alright, so you're looking to have a new home?

Mr. Edlo Mason
Yes, well, we already had it when we moved from Delaware to down here, so we had to remove their old home to put the new home on their property.

Chairwoman Kerns
Is there anyone else in the audience who wanted to speak?

Ms. Pamela Dix
There's no one signed up.

Mr. Gayle
You've done a lot of work to clean the site up. It looks good. Just one point of clarification. You're aware that this is zoned business, so businesses can locate in proximity to you and you're aware of the proposed development around there?

Chairwoman Kerns
Okay, anything further? Would anyone like to make a motion?

Ms. Milbourne
I move that the Accomack County Board of Zoning Appeals approved SUS0E-000053-2025 a Special Use Permit pursuant to Accomack County Code section 106-403 (7) which allows for single-family developments in a business district for tax map number 85-A-53 with the conditions recommended by staff.

Chairwoman Kerns
Motion has been made. Do I hear a second?

Vice Chairman Miller
Second.

Chairwoman Kerns
Okay. Motion has been made and seconded. All in favor, Aye. Okay, you are approved.

Mr. Sinjin Jones

The Thangavelu Sign Amendment. This is a SUSE-000041-2025. This is an amendment to an existing sign Special Use Permit. Okay, just give me one minute. Just give me five minutes. We're having some technical difficulties.

Okay, sorry about that. The next one is Thangavelu Sign Amendment, SUSE-000041-2025. Amendment to the Special Use Permit. Mr. Thangavelu is the applicant and the property owner. This encompasses two properties, 27-A-8 and 27-A-4, and it's 6176 Lankford Highway. The total of the two parcels is 19 acres. The zoning is General Business, the future land use recommendations, Ag. The adjacent zonings are General Business and the adjacent uses are business and residential. It's an outline of the property. It's not in an RPA. It's not in a flood zone. This is the future land use map showing Ag, and this is what it is now, which is business zoning for both parcels. It's this parcel and that parcel right there. These are some pictures of the billboards. They do front on Lankford Highway. The top left is the Southern billboard and the bottom left is the Northern billboard. This is also a close up of that Southern billboard from earlier and this is from the Northern billboard down Lankford Highway.

The reason for the amendment is site or a lot line adjustment plat. What the applicant wants to do is to incorporate the second billboard into 27-A-8 and 27-A-4 is up here. So he's taking this line and going like this to incorporate the second billboard onto one parcel. This is an amendment, but it will still go through the consideration for Special Use Permits. Number one, whether the proposed use will adversely impact the general character of the surrounding neighborhood, and no adverse impact is anticipated. The physical location of the billboards is not changing. Number two, whether the proposed use will adversely impact public utilities, no adverse impact will result. Number three, whether the proposed use will facilitate the preservation and creation of an attractive and harmonious community. Generally, billboards do not facilitate the preservation and creation of an attractive and harmonious community. In this case, the billboards were previously approved by the Board of Zoning Appeals, so no further impact to the community is anticipated. Number four, whether the proposed use will adversely impact the environment or scenic, historic and waterfront areas. No adverse impact will result, as the property is not located near any such areas. Number five, whether the proposed use will adversely impact property rights and values of adjoining and nearby property owners, no adverse impact is anticipated. And again, this was previously approved at a 2023 BZA hearing. Number six, whether the proposed use will promote the public health safety and general welfare, the use will neither hinder or promote the public health safety and general welfare. Number seven, whether the proposed use is in conformance with good zoning practices. Off-premises signs such as these are allowed by Special Use Permit. SUSE-000535-2023 and SUSE-000536-20 this should say 2023, allowed for one billboard on each parcel. So 27-A-4 and 27-A-8 got one parcel. Number eight, whether granting the Special Use Permit with or without conditions is justified by public necessity or convenience, allowing the SUP is not justified by public necessity or convenience. This request is specific to the owners of the billboards, with the caveat that this was previously approved in another BZA meeting. Public comment notices were provided in the newspaper and to adjacent owners. No public comments were received. We also have a zoning violation for a sign erected on 27-A-4 without a permit. Steps are being taken to bring the sign into compliance. He has applied for an after-the-fact building permit for the sign. That sign is allowed by right because it's advertising his business on the property. Staff findings there are three. The billboards on 27-A-8 and 27-A-4 were allowed by a Special Use Permit. The owner wishes to consolidate the two billboards onto 27-A-8, no detrimental effects are anticipated for the surrounding area. The staff recommends approval of SUSE-000041-2025, an amendment to SUSE-000536-2023, to allow for two billboards on 27-A-8, should the BZA approve this Special Use Permit.

The staff recommends the following five conditions. The applicant shall submit a plat and go through the approval process for the lot line adjustment. Aside to that, the reason we've decided to do a Special Use Permit hearing is because something was submitted to our office. The lot line adjustment plat was submitted to our office, and that's when we found out we probably need to come here for an amendment. Number two, the approval of this Special Use Permit SUSE-000041-2025 shall supersede all previous approvals for off-premises signs. And those two cases would be SUSE-000535-2023 and SUSE-000536-2023. Number three, the applicant shall bring the sign erected without a permit into compliance. Like I said, we're working through that. Number four, the sign shall be properly maintained at all times. The Special Use Permit shall be voided if the signs are found in disrepair. And number five, these signs shall have the special use permit case number affixed for identification purposes, a metal plate with three-inch adhesive letters and numbers shall be attached to the lower left-hand portion of the signs to display the case number for the Special Use Permit. There's the recommended motion, and I can answer any questions. Mr. Thangavelu is here if you have any questions for him.

Chairwoman Kerns
What is the advantage of doing this?

Mr. Sinjin Jones
That's a better question for Mr. Thangavelu. I am not sure.

Chairwoman Kerns
Hello. Would you state your name, and do you swear to tell the whole truth?

Mr.Rajkumar Thangavelu
Yes. The whole reason for me doing this is that I'm consolidating both the billboards in one parcel. They are now on two different parcels. I have to get two different insurances, for liability purposes, all of them legally wise, it's easy for me to maintain in one parcel. Better insurance, and I also in case of desire to sell one parcel, I can keep the billboard in one parcel makes more business sense. The other one is a trailer park, so I'm consolidating is my long-term holding of this parcel, so I want to keep I spent a lot of money putting those billboards and two billboards, since I wanted to give this as a long-term holding.

Chairwoman Kerns
Okay, thank you. Any other questions? I assume no one else signed up to talk. Would you like to make a motion?

Mr. Gayle
I move that to Accomack County Board of Zoning Appeals approve SUSE-000041-2025, an amendment to SUSE-000536-2023, to allow for two billboards for tax map parcel 27-A-8 with the five conditions recommended by staff.

Chairwoman Kerns
Oh, wait a motion has been made. We need a second.

Vice Chairman Miller
Second.

Chairwoman Kerns
A motion has been made and seconded. All in favor, aye. Now you are approved.

Mr. Paul Watson
Good morning. Paul Watson.

Chairwoman Kerns
Good morning, Mr. Watson.

Mr. Paul Watson
The next application is another amendment for CBAY-VA or the Nature Conservancy for their wetlands mitigation bank that was approved a few years ago. While we're fixing this, I can give the board some general information. This was actually in front of the Wetlands Board on Monday and was approved by the Wetlands Board. My understanding it's taken a while to get through the various regulatory processes for this Wetlands Mitigation Bank, and that's why the BZA originally heard it back in 2023. It's finally coming online, or is intended to come online sometime in the next month or two. Just general background for years, the policy with the Wetlands Board was to have what they call an in lieu fee of $18 a square foot. If you destroyed or affected wetlands, the square footage that you affected or destroyed would be paid into a fund that the County would administer and then use to create wetlands when the County had enough money accumulated to do so. It takes, I think, at least 100,000 or a few 100,000 to do a decent project. Within the past three or four months, the State of Virginia has adopted a new policy where the counties do not take in lieu fees, or at least it's way down the list. You have several other options before you get to that option. And I think the reasoning is we have a few dozen counties with 10 to 20, maybe $50,000 in accounts that have been sitting there for 10 years, 5 or 10 years, and nothing was done. So now the number one option is to pay the money into something called VARTF, which is a State of Virginia administered fund that will then accumulate all the money from all the counties and have enough money, obviously, with that accumulation of money to continuously be creating wetlands projects. And this is a VARTF project, which is to be used for, since it's on the eastern side of the Eastern Shore, to be used exclusively for Atlantic Ocean Area Wetland Mitigation. If you go on the Chesapeake side, that would be on the western shore of the Eastern Shore, which would be exclusively for Chesapeake Bay wetland mitigation. The purpose of this project is to create a bar to fund the local wetlands projects can buy credits. My understanding the credits are market driven, but will be a little higher than $18 a square foot, maybe somewhere in the low 20s a square foot now. The applicant is CBAY-VA and these are the property holders, HLB Holdings and CKHC. I believe these are all Nature Conservancy entities. And this is a 92-acre site presently used for farming. The field will still be a field, but the area closer to the creek will become the Wetlands Mitigation Bank. Adjacent zoning is agricultural, and there are a few houses in the vicinity, both east and west of the site. Here is a basic site map. You can see Painter in the top left-hand corner, and Cole Kiln Road that goes over to Seaside Road, and then in the outline, in red is the area for the Wetland Mitigation Bank. Here is a close up of it, these areas are the areas that will become wetlands and this area is for the spoils in that field. And this is obviously the creek with the outfalls. And the idea is that the tidal waters will be going in and out of these areas. These are some pictures I took. This is looking from the field, or at least close to that field, where the spoils will go back towards the road and the creek. And here's looking across the road into the creek, where the outfalls will go. Moving forward to the two requested amendments, the first is to extend the permit two years. It

would be expiring, I believe, June 7th, 2025 and they're asking for a two year extension of the permit to June 7th, 2027. The second request is that at the time the BZA. Here's looking out towards the creek over to the Atlantic Ocean side. And the second one is to remove condition number six. There was concern at the time, since the Nature Conservancy did not own an adjacent parcel, that the creation of additional wetlands would create additional buffer areas adjacent to the wetlands that would affect the neighbor. They now own that parcel, so there's no concern about the buffer area. The buffer is where you have to get special permission to build. So there's no concern anymore about an extension of a buffer area that might affect a neighbor's ability to build something, since they own the property. now. Notices were provided in the paper. We have not received any public comments, and would certainly be happy to address any of these individually, but with the type of request that we have here, I didn't see these requested amendments affecting any of the considerations, since this was already granted. If the board would like, if the board has any questions about these specifically, I'd be happy to answer them. Like I said before, on Monday, May 5, the Wetlands Board approved the project. They have now purchased the neighboring property, so the RPA buffer condition number six is no longer a concern, and we recommend approval of the requested amendments. The last thing I have to say is I did get an email from Mr. Stutz of the consulting firm that has been making these applications this morning, saying he had left Richmond, I'm not exactly sure where he was, but he was having car trouble and would not be able to be here this morning. Here is the suggested motion.

Mr. Gayle
I'll just make a comment that you know, in the Ag community, this is what our intent was to support, something like this. This is marginal land not suitable for farming anymore, being used for the Wetland Mitigation. Our opposition was when prime farmland was taken out of agricultural production for Wetland Mitigation.

Mr. Paul Watson
It has been represented to me that this was less than ideal land and had been flooded in the past, and had not been productive recently.

Mr. Gayle
In that regard, it's a positive use for the land. But when the Ag community rose in opposition to the case in Northampton County, that was because it was.

Chairwoman Kerns
Good farmland.

Mr. Gayle
Reasonably good farmland taken out of production.

Mr. Paul Watson
I was in Northampton at the time, there was quite a bit of debate.

Chairwoman Kerns
Any other questions? Do I have a motion?

Vice Chairman Miller
I move that the Accomack County Board of Zoning Appeals approve the requested amendments to SUSE-000483-2023, extending the expiration date to June 7, 2027, and eliminating condition number six, but keeping the first five conditions. Is that correct?

Mr. Paul Watson
That is correct.

Ms. Milbourne
Second.

Chairwoman Kerns
Motion has been made, and seconded. All in favor. Aye. It is approved.

Mr. Paul Watson
We have to load them individually now. Okay, and the final application for today is for St. George's Episcopal Church for the use of a parcel across the road from the church as a cemetery. The actual applicant is the trustees of St George's Episcopal Church. This is on Bobtown Road in Pungoteague, and it's about a 1.5-acre lot. It's zoned residential. Future land use is rural settlement area. It's a vacant lot, mostly cleared, but it is somewhat wooded. And there is residential, I guess you could say next door. I think there's a slender lot in between this parcel and a residence, but it's not too far away. Here is the aerial, it was wooded in 2021 it is no longer wooded to that extent. I'll have a survey a little later that will show exactly the extent of the cleared area. This shows the residential zoning and the future land uses rural settlement area. This shows any Chesapeake Bay Act considerations. It's not in an RPA and not in a flood zone. And here are pictures from the present graveyard looking directly across the street. That is the cleared parcel, they are requesting the cemetery to be placed on. And here's a view of more to the northeast, looking at that same parcel. And here is a survey showing the parcel. The church would be here and this is across the street from the church, showing the wood line and the cleared area. And here are the considerations. Of course, the church has a graveyard between the church and Bobtown Road already. This would be an additional cemetery area across the road from the church. Since there is already a graveyard there is no adverse impact anticipated for the general character of the neighborhood. There's no impact to public utilities. For an attractive and harmonious community, since there is this church and another church right beside it, and a graveyard across the street, I do not see any particular impact on the community. It does not adversely impact the environment, scenic, historic, or waterfront areas. Again, there's a graveyard right there across the street, and I do have a condition later about a little bit of a vegetated buffer. I don't anticipate any impacts to the community, nearby property owners, public health, safety, and general welfare. For condition number seven, this is a use as allowed by Special Use Permit. Generally, it allows for additional capacity for burials. The present graveyard does seem to be full. I'm not sure if it's full, but it certainly appears to be very full. Notices were provided, and no public comments were received. The BZA, about 22 years ago or so, granted a Special Use Permit for this exact same purpose. Nothing was done within two years so the permit expired, and this use is allowed as a Special Use Permit under the general category in residential zoning. We recommend approval with the following three conditions. First, if there's going to be any land disturbance, we of course, need a permit for that, for anything like a driveway or any other land disturbance on the parcel. They comply with VDOT, which would be the access to the state road and the Department of Health Regulations for burials. Finally, number three is

a suggestion to the board. I tried to make it very specific, so that there would be discussion about it, but that on the unvegetated side, that, of course, there's a neighbor on the unvegetated side, that there be a vegetated buffer, and this is merely a suggestion. If the representatives from St. George's had another suggestion or a particular issue with any of these elements. I'm just putting this up for discussion such that the one neighbor would have a vegetative buffer between the graveyard and their house. And finally, here is the suggested motion, and there are three representatives from St George's here today. And I'll toggle back to that if anybody wants to read that or discuss it any further.

Chairwoman Kerns
Okay, thank you. The members from the church. Would anybody like to speak? State your name?

Mr. Norman Thibodaux
Norman Thibodaux

Chairwoman Kerns
Okay, Mr. Thibodaux do you swear to tell the truth and help truth still help you there.

Mr. Norman Thibodaux
I do. In reference to the planting, which we weren't aware of until this morning. I would say that we're willing to work with the neighboring property owner. There's a 20 foot easement between the graveyard and her property. What we'd like to do is try to eliminate that easement and put the buffer into the easement, because if we take land from the cemetery, then we're going to lose 20 grave sites. So that's not appealing to us, but we were willing to work with the property owner next door and put in some sort of buffer, but we'd also like to look at the possibility of eliminating the easement.

Chairwoman Kerns
Okay? We don't have anything to do with eliminating easements.

Mr. Norman Thibodaux
No, but that's our idea. We understand that.

Chairwoman Kerns
Any other questions?

Mr. Gayle
Can we go back to the third recommendation up there? There you go, right there. It's my opinion that in the past, when we've dealt with these things, similarly, with poultry houses and recommending vegetative buffers. When we got into specifics like two staggered rows, one row, this and that, and the other you know, we're not landscapers and I've seen other cases where the people were able to do it, and particularly on this one, maybe just change it to suggest a vegetative buffer strip suited to the adjoining property owner, something like that, rather than be so specific as to say, the trees and everything, because I've seen it, where they tend to do a pretty good job on their own and leave that up to them.

Chairwoman Kerns
And I think they will work with the adjoining property owner.

Mr. Norman Thibodaux
Absolutely. If she has any objections, we would be glad to work with her, and if she prefers, we'll try to make this work out for her. She's been aware of it for the past four years. We supplied her with firewood.

Mr. Gayle
I mean, in one case we had where we put something in like that, and the property owner didn't want to it there. I'd just change the wordage to say we recommend, the applicant shall install a vegetative buffer on the southwest boundary and any future unwooded boundary, and leave it at that. With any dead or dying, the buffer planting shall be replaced. You know, that adds an element of regulatory compliance that burdens the County unnecessarily.

Chairwoman Kerns
I agree. Any other comments? Would you like to make the motion, Mr. Gayle?

Mr. Gayle
I move that the Accomack County Board of Zoning Appeals approve SUSE-000044-2025, a Special Use Permit pursuant to Accomack County Code section 106-7812 for a cemetery, for tax map 100-A-43 with the three conditions as amended and recommended by staff.

Chairwoman Kerns
Okay. Motion has been made, and can I get a second?

Mr. Gayle
Does that work as amended?

Mr. Sinjin Jones
We need the version. What are we changing?

Mr. Gayle
The third one is that we recommend that the applicant install—excuse me—a vegetative buffer on the southwest boundary and any future unwooded boundaries, or as desired by the adjoining property owner. It takes it off of us (BZA). As Mr. Thibodaux said, they have a good relationship with the joining property owner, and they may not have a problem with it.

Mr. Norman Thibodaux
We certainly want to be good neighbors.

Commissioner Gayle
When was the church founded?

Mr. Norman Thibodaux
1627.

Mr. Gayle
It's not like the church is going.

Mr. Norman Thibodaux
We were there first, and this is a place where people are dying to go.

Chairwoman Kerns
Gracie, did you have a comment?

Ms. Milbourne
I second the motion. The neighbors aren't here today and didn't hear a response.

Chairwoman Kerns
As long as they're willing to communicate and coordinate with them, I think they should be fine. Okay, motion has been made and seconded. All in favor. Aye. You are approved.

OTHER MATTERS
Mr. Paul Watson
That concludes the cases. We have four possible cases for next month. Some of them may not come together, but at least a few are ready to go. We will have a meeting.

Mr. Gayle
How many?

Mr. Paul Watson
There are a couple that are ready to go, and a couple are still coming together. They have a few days left.

6. **NEXT MEETING**
June 4, 2025, at 10:00 a.m.

7. **ADJOURNMENT**
On a motion made by Mrs. Gracie Milbourne and seconded by Mr. Gayle, the Board of Zoning Appeals voted unanimously to adjourn the meeting at 11:01 a.m.

Mrs. Elizabeth Kerns, Chairwoman

Prepared by
Pamela Dix, Administrative Assistant II