BOAR

June

CALL TO ORDER

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4.

AGENDA ADOPTION

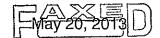
3. Appeal 13-1 Pinewood Way, for a stordinance of the Towr!

sites. The sites will be. 3 Mixed Use Resident

Approval of

Public Parti

Adjourn:



Eastern Shore Post P.O. Box 318 Tasley, VA 23441

Dear Sirs:

The Town of Chincoteague request the following notice of public hearing be published in the Eastern Shore Post on Friday May 24, 2013 and Friday June 7, 2013:

Public Notice

The Board of Zoning Appeals of the Town of Chincoteague will hold a public hearing on June 13, 2013 at 7:00 p.m. in the Council Chambers located at 6150 Community Drive to receive public comments and views on the following zoning matter:

Appeal 13-06-1 A request from Kruno Filipic, agent for Pinewood Park, 6170 Pinewood Way, for a Special Use Permit from Article 6, section 6.5.8 of the zoning ordinance of the Town of Chincoteague. The applicant wishes to create 7 additional sites. The sites will be used for double wide mobile homes. This property is zoned R-3 Mixed Use Residential.

Kenny L. Lewis
Zoning Admini

Zoning Administrator

MINUTES OF THE MEETING MAY 9, 2013 CHINCOTEAGUE BOARD OF ZONING APPEALS

MEMBERS PRESENT:

MEMBERS ABSENT:

Mr. Mike McGee

Mr. Jessi Speidel

Mr. Robert Cherrix

Mr. Edward Moran

Mr. Jack Gilliss

Mr. Chuck Ward

Mr. Donald Thornton

Kenny L. Lewis, Staff Support

1. Call to Order

Mr. Cherrix called the meeting to order at 7:30 pm.

Approval of Minutes of April 11, 2013

Motion by Mr. Gilliss to approve the minutes of April 11, 2013 as presented. Second by Mr. Ward. All in favor. Motion carried.

Appeal 13-05-1 A request from Raymond Britton, agent for Chincoteague Inn & Chincoteague Sunsets LLC, 6262 Marlin Street, for a variance from Article 7, sections 7.13.1, 7.13.1.7, 7.13.1.11, 7.11 and 7.13.1.6 of the zoning ordinance of the Town of Chincoteague. The applicant wishes to install 2 additional signs on said parcel. Current allows a maximum of 2 signs. The current zoning allows a maximum of 100 sq.ft. of signs. The applicant wishes to install an additional 222 sq. ft. of signage. The applicant wishes to install a second freestanding sign on said parcel. Current zoning currently allows one freestanding sign. Maximum area of a freestanding sign is 64 sq. ft. in area. Applicant wishes to install a 96 sq. ft. sign., Maximum sign height is 12'. Applicant wishes to install a freestanding sign 16' in height. Changeable letter signs shall not exceed 15 sq. ft. or 1/3 of the main sign or 10.67 sq. ft. Applicant wishes to install 64 sq. ft. of changeable letter sign. Zoning requires a minimum 10' setback on the freestanding sign. Applicant wishes to place the sign 6' from front lot line. Zoning limits a roof sign to 32 sq. ft. in area. Applicant wishes to install 126 sq. ft. roof sign. This property is zoned C-2 Old Town Commercial.

4. Public Comments on Appeal

Mr. Ray Rosenberger advised the Board that the Mayor and Town Council was going to have a joint public hearing with the Planning Commission last Monday regarding proposed new sign regulations. However the newspaper did not advertise as needed and the public hearing was postponed. Mr. Rosenberger advised that there is no specific language decided on.

Raymond Britton spoke on his behalf. Mr. Britton advised that he can not afford to wait until the Council changes the law, that would take to July. Mr. Britton advised that when the motel applied for signs, Mr. Lewis made him take his signs down. The sign company would not make the signs until the permit was issued.

Mr. Britton advised that Mr. Lewis told him he could have a 2' x 4' sign. Then he found out that the 2' x 4' sign can only be a sandwich board sign and was fined \$200.00. Mr. Britton feels that this problem is the Town's fault.

Mr. Britton felt he is at the Board's mercy for signage. Mr. Britton advised the Board that they knew what was there before.

Mr. Britton advised he was not interested with the letters on the building. Mr. Britton advised that the plans are to tear down the structure in October or November.

Mr. Britton advised the reason he is asking for a 6' setback is because of the real estate business and the Bernstein business would block the sign.

Mr. Jim White, an adjoining neighbor next to Dr. Baczek's old office, spoke regarding the amount of signage requested. Mr. White advised that the Chincoteague Beacon advertises with full page adds and the fact the Chincoteague Inn is well known. Mr. White was disappointed that the public hearing set for Monday was cancelled, they were going to allow for a freestanding sign 64 square feet in area.

Mr. White advised that the applicant says on his application that a land use hardship exist. Mr. White read the section of the zoning ordinance that identifies hardship. Mr. White felt that the information on the application does not show undue hardship and appears to be asking for special privileges for convenience. Mr. White felt that the variance should be denied.

Nancy Lane, property owner located across the street from the Chincoteague Inn. Her family has 4 lots that front the Inn. Mrs. Lane felt that the Planning Commission and the Council have come up with a good solution to allow the Inn to have a sign. She felt that each business should have a sign but it should comply with all other zoning regulations should apply. Mr. Lane felt that if you are going to give variances for everyone that wants a sign, do away with the sign ordinance.

Mr. Britton felt the Town and the Planning Commission overlooked the problems with 2 separate buildings on one lot.

Board Action on Appeal

Mr. Thornton questioned if this will be a temporary sign. Mr. Britton advised yes. Mr. Thornton questioned if the lot lines were vacated.

Mr. Moran questioned what happen to the old sign. Mr. Lewis advised zoning made him take them down.

Mr. Cherrix questioned the Board if each appeal should be reviewed separately or as a whole.

Mr. Ward felt that the appeal 7.13.1 is mute because the ordinance already allows 2 signs per business. It does limit the square footage of signage to 100 sq. ft. Mr. Ward felt this was a civil matter between the property owner and Mr. Britton.

Mr. Gilliss felt that there are two separate businesses, each pay taxes, food taxes and liquor taxes and each should be able to have a sign.

Mr. Moran felt that the usage of the sq footage of the allowable signage should have been worked out between owners. The changes in the zoning ordinance for signs needs to be with the Planning Commission and Council. Mr. Moran the sign issues is between Mr. Britton and Fairfield Inn.

Mr. Thornton advised that the Fairfield Inn is installing a smaller sign. The sign that Mr. Britton had has been removed. Mr. Thornton advised that no one had any problems with the old sign or the roof sign. Mr. Thornton felt that the small sign that is out there now is a safety hazard. People slowing down trying to read this sign. Mr. Thornton felt the proposed sign is big enough for people to see. Once the people come on the property they need to see the sign on the building.

Mr. Thornton felt that Mr. Britton need relief now. The signs are not hurting anybody. Mr. Thornton would like to see the variance given for one year. This would allow for the sign regulation be changed and his business would not suffer.

Mr. Ward advised that the power of this Board is not to grant relief. Mr. Ward felt that if Mr. Britton had appealed the decision of the Zoning Administrator over taking the signs down prior to the erection of the new signs he likely would have granted such. Mr. Ward felt the Board has no authority to change numerical numbers. Mr. Ward felt there is no hardship. If the Board changed the numerical number of 100 square feet then everyone would like the same. Mr. Ward advised Mr. Britton that the sign ordinance allows for temporary banners to be placed for up to 30 days twice a year.

Mr. Thornton questioned Mr. Ward if he should have been told that before he spent his \$450.00 to appeal. Mr. Ward felt that the new application would address

the issue. Mr. Lewis advised that he has a legal right to make an appeal to the BZA. Mr. Britton advised that his attorney, Jon Poulson advised him to make an appeal. Mr. Thornton advised that Mr. Britton could put a boat or a truck on the property with a sign attached on it.

Mr. Cherrix stated that any business located on the island needs a sign. People need to know where their business is located.

Mr. Cherrix questioned Mr. Lewis that the address on the application is on Steven Decatur Highway. Is the appeal for Mr. Britton or does it go with the property. Mr. Lewis thought the variance would go with the property unless the appeal is just for Mr. Britton.

Mr. Thornton quested Mr. Britton if he would be happy with a 64 square foot sign. Mr. Britton advised, at this time, he would be satisfied.

Mr. Thornton advised the Board that if the buildings were attached then more signs would be permitted as that at the circle on Maddox. Mr. Lewis advised for one building with multiple businesses can have 20 or 25 square feet of signs.

Mr. Moran questioned Mr. Britton on when the building will be torn down. Mr. Britton advised that the plans are for November. The new structure will cost millions.

Mr. Moran would like to see the Board approve 100 sq. ft of signage for the restaurant with 64 square foot free standing sign and the remainder going on the building until December 31, 2013. This would allow for him to advertise during this season and people could see the business from the road. Once the season is over then Fairfield Inn can do what needs to get done for signs.

Motion by Mr. Moran, second by Mr. Gillis to approve the following; a maximum of 100 square feet of signage. Of the 100 sq. ft, a 64 square ft sign may be freestanding. All signs must comply with current zoning and must be removed no later than December 31, 2013.

Adjournment
 Mr. Cherrix adjourned the meeting.

Robert Cherrix, Vice-Chairman

CHINCOTEAGUE, VIRGINIA



APPLICATION TO THE BOARD OF ZONING APPEALS FOR A SPECIAL USE PERMIT

MAY 15 2013

	PECIAL USE	1
CASE NUMBER:	/ ····	FEE:\$ 4

AGENT FOR PINEWOOD PARK WOULD LIKE TO FILE AN APPLICATION FOR A SPECIAL USE PERMIT WITH THE BOARD OF ZONING APPEALS BASED UPON THE NOTED STATE CODE:

TITLE 15.2, CODE OF VIRGINIA, 1959 (AS AMENDED)



REQUEST FOR A SPECIAL USE PERMIT.

BOARD OF ZONING	APPEALS USE ONLY:	gradient besteht der ger	
MEETING DATE: _	June 13,2013		
APPEAL ACTION:			
() APPROVED			
() DENIED			
() CONDITIONAL:			
	BZ Ą	SECRETARY D	

PLEASE PRINT

_ TH	E PROPERTY IN WHICH THIS APPEAL IS SUBMITTED IS LOCATED AT (911 ADDRESS)
الع	170 Pinecessa Way, TAX MAP # PB 91 PG 255
TH	IS PROPERTY IS OWNED BY:
NA	ME: Truno Pilipia
AD	DRESS: 6170 Pinewood Way
CIT	Y, STATE, ZIP: Chincateague VA, 23336
PH	ONE: 757-336-1721 WORK PHONE: 894-0959
	S ANY PREVIOUS APPLICATION FOR AN SPECIAL USE PERMIT OR AN APPEAL TO THE ARD OF ZONING APPEALS BEEN FILED IN CONNECTION WITH THESE PREMISES?
ιX) NO
() YES, EXPLAIN;
IS T	HIS APPLICATION FOR A SPECIAL USE PERMIT FILED DUE TO A ZONING VIOLATION NTIFIED BY THE ZONING ADMINISTRATOR?
(X) NO
()	YES, IF THE VIOLATION HAS NOT BEEN CORRECTED,
	EXPLAIN WHY;
ART	ICLE AND SECTION # THAT APPLIES TO YOUR SPECIAL USE PERMIT APPLICATION:
(1.)	ARTICLE: 6
	SECTION: 6.5.8
	REQUIRES: ENLArgement of mobile Home PK be approved by B2.
	REQUIRES: ENLArgement of mobile Home PK be approved by B2. REASON FOR YOUR APPLICATION: Change from 28 mobile home to 7 double wide homes.

I applied for a permit in 1974 to build a Irailor Parkon Chincoteague, Va. The county requires 10 acres for the park.

I received the permit and was allowed to proceed with the park providing I started the with-in 12 months.

In 12 months the electric, water, phone line and Cable was Completed on all 10 acres. In the 1980's I hired George young III

(soil Engineer) to check the remaining 5 acres of soil for 25 lots. After checking the soil for some time he found the water table to be very high and I was unable to obtain a sewage permit.

I contacted the Health Dept. and Boggs Sewage Company and they were able to approve 8 lots. All tanks were installed in The 1990's.

Now I would like to use the balance of the park.

KRUNO FILIPIC & SON

Owner

4/17/13

Town of Chincoteague

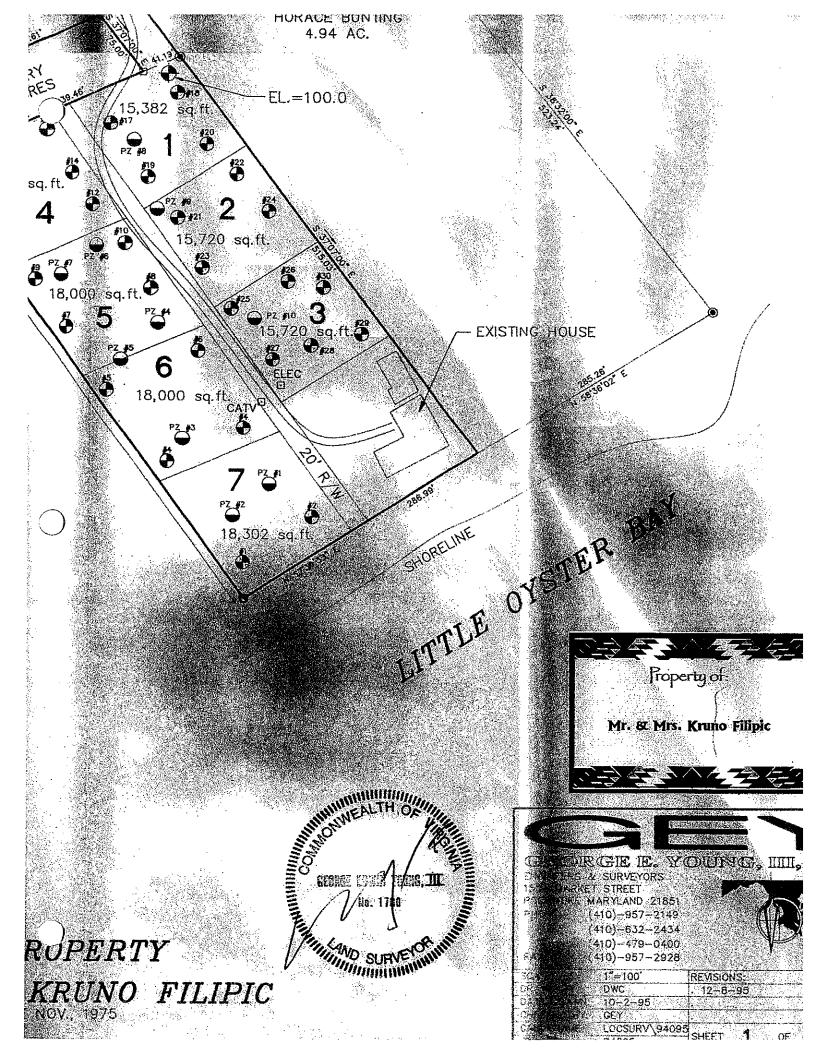
I would like to apply for a change in permit, From 28 mobbe home late of 5000 S.F. pr.lat, to 7 lauble wide homes of 15,000 to 21,000 S.F. pr. lot.

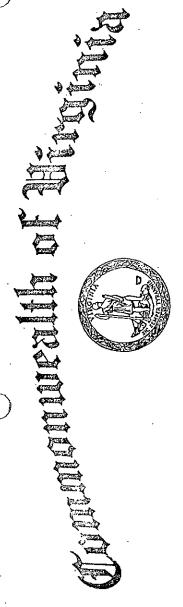
Do to regulation changes of Dept of Health are seen on permit and plans from 1974 to late 90's when tanks were put in,

Kruno Pilipie

Seashore Piaza (store rental)
Pinewood Adult Park (kit rental)
Residental & Commercial
757-336-1721
Chincoteague Va. 23336
Kruno102@verizon.net
License- Class A







OF HEALTH		is bereby granted permission trading as LITTLE BAY TRAILER PARK	, in accordance	. This permit is not transferable.	Until DECEMBER 31 1976	Thek of Shaller	STATE HEALTH COMMISSIONER	
DEPARTMENT OF HEALTH	PERM	PIC	IA	with State and Local laws and rules and regulations. This permit is not transferable.	From JANUARY 1 1976	Dalla bl. Lucas Do bl. Local Healis Director Local Healis Director Samiarian	Permit No. 16-0038	

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See Reverse for Instruc

PS Form 3800, August 2006

© 199 Wagner Lane Chincoteague, VA May 16, 2013

Mr. K. Lewis Chincoteague, VA

Mr. Lewis,

Recently we received a letter/notice related to construction of residential structures on the lot adjacent to ours. Unfortunately, we are unable to provide any affirmative comment or agreement at this time. This is because the correspondence contained insufficient information:

- It did not contain any sketch, map or plat of the proposed structure(s)
- It did not state the distance of the proposed structure(s) from our property line or our residential structure
- It not contain any sketch, map or plat of the of the access roads to be used during construction of the proposed structure(s)
- It not contain any sketch, map or plat of the of the access roads that will be used, or put into place, once the proposed structure(s) have been completed

We would be glad to consider the proposed construction once the above information is available and provided. Until that time, we would have to disagree with allowing any proposed construction, based on insufficient information.

Could you let us know in writing if an official sketch, map or plat for the proposed construction has been filed with the City of Chincoteague or Accomack County? If so, could you mail it to us? Thanks for your time.

Sincerely,

Raymond C. Collett
Raymond C Collett

Edda A. Collett

Felely A Settle

$\overline{}$	TAX MAP # 3/82-5-2A LOCATION OF PROPERTY
	NAME: JACK NUGENT & GAIL NUGENT
ノ	ADDRESS: 79 Fordham Rd Penusville NJ 08070 PHONE: 856-678-3561
	COMMENTS: We approve as long as drainage remains as is AND does No
	(1) APPROVE REQUEST () DISAPPROVE REQUEST effect adjoining proper ties
	SIGNATURE: David C. N. W. M. DATE: 5-20-13
	Mari Taugana V
	TAX MAP # 30A6 12-2 LOCATION OF PROPERTY 6250 Wagner
i	NAME: Thomas & Jally Dick
	ADDRESS: 123 Hummer La, Cournbrook PA 15924 PHONE:
	COMMENTS:
	() APPROVE REQUEST SIGNATURE: Jally Dick, Thim M. Dick DATE: 5/19/13
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	TAX MAP # 30A6 12-1 LOCATION OF PROPERTY 6250 Wagner
	NAME: Thomas = Sally Dick
	ADDRESS: 123 Hummer LN, Cournbrook PA 15924 PHONE:
	COMMENTS:
j	() APPROVE REQUEST () DISAPPROVE REQUEST
	SIGNATURE: Solly Dick 12m m. D. DATE: 5/17/13

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	TAX MAP # 30A6-12-2 LOCATION OF PROPERTY 6250 Wagner
	NAME: Thomas = Sally Dick
	ADDRESS: 123 HUMMER LN, COURDBrook PA 15924 PHONE:
ļ	COMMENTS:
	() APPROVE REQUEST () DISAPPROVE REQUEST
	SIGNATURE: Jally Dick, 15 mmm.) M DATE: 5/17/13
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٠.	TAX MAP # 30A 7 - 13 A LOCATION OF PROPERTY
	NAME: EMENSON LISCUM
	ADDRESS: 4148 Sungwood or Chincolessus PHONE:
\bigcirc	COMMENTS: OK
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	SIGNATURE: DISAPPROVE REQUEST DATE:
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<i>(</i> ;	
	TAX MAP # 30 A.7 - /3 - 8 LOCATION OF PROPERTY
	NAME: Emerson Liseum
	ADDRESS: 4148 Junywood Dr PHONE:
	COMMENTS: OK
	(V) APPROVE REQUEST () DISAPPROVE REQUEST
~	SIGNATURE: Concession & Liseum DATE:

- 1		
	TAX MAP # 3/82-A-3C LOCATION OF PROPERTY	
	NAME: GAry! WickenheissER	
	ADDRESS: 11 Sharlene Rd Notley NJ 07110 PHONE:	
	COMMENTS:	
	APPROVE REQUEST (/) DISAPPROVE REQUEST	
	SIGNATURE: Jary Wilhell DATE: 5/28/13	
L		
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•	TAX MAP # 30A7-A-98 LOCATION OF PROPERTY 6435 Dogwood Lane	
	NAME: ALICE KAY ANDrews Life	
	ADDRESS: 6435 Dogwood Ly Chinesterque VA PHONE: 757336-6517	
<u> </u>	COMMENTS:	
مر.	(火) APPROVE REQUEST () DISAPPROVE REQUEST	
	SIGNATURE: alice K. androws DATE: 5-25-13	
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ר	TAX MAP # 31-A-31B LOCATION OF PROPERTY 5184 Deep Hole Rd	
N	NAME: John & Kay WRIght	
م	ADDRESS: P.O. BOX 901 DAGLACEN VA 22448 PHONE:	
COMMENTS:		
,	IGNATURE: Mag DATE: 5/18/2013	
DATE: 5//8/2013		

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	TAX MAP # 3/82-5-28 LOCATION OF PROPERTY
	NAME: HERBERT BACON : YVONNE BACON
	ADDRESS: 27 PENN BEACH Dr PENNSVIlle NJ PHONE:
	COMMENTS:
	(> APPROVE REQUEST () DISAPPROVE REQUEST
İ	SIGNATURE: Hebet Balon & yronni Balon DATE: 5-28-13
٠.	
	TAX MAP # 3/82 - 5 - 4 LOCATION OF PROPERTY
	NAME: <u>SANDRA Peters</u>
	ADDRESS: 1834 12th STREET Bethlehen PA 1862.0
	COMMENTS:
	(X) APPROVE REQUEST
$\overline{}$	SIGNATURE: Sandra Peters DATE: 5/24/13
- 	
	TAX MAP # 30A7-A- /3/ LOCATION OF PROPERTY
	NAME: DAVID Fetterman FJOAN FETTERMAN
	•
	ADDRESS: 517 Kings HWY M. / FORD DE 19963 PHONE:
	COMMENTS:
	(X) APPROVE REQUEST () DISAPPROVE REQUEST
	SIGNATURE: DATE: 5/15/2013
J.L	

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1	AX MAP # 3/82-A-18 LOCATION OF PROPERTY
١	AME: Michael Bision
AL	DDRESS: 23 Amber Creek SAN ANTONIO TX PHONE:
CC	DMMENTS: STRONG DETE
() APPROVE REQUEST (DISAPPROVE REQUEST
SIC	GNATURE: DATE: 3/13/13
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TA:	X MAP # 3/82-5-5 LOCATION OF PROPERTY
ır	ME: Michael BiNION
IJ	DRESS: 23 Amber Creek SAN ANTONIO TX 78232
IJ	MMENTS:
	APPROVE REQUEST NATURE: DATE: 15/13/13
SIG	NATURE: DATE: DATE:
)	
	STRONGLY OBJECT!
T,	AX MAP # 3182-A-8A LOCATION OF PROPERTY 5258/5260 Deep Hole
	AME: Gerald & Borbara Messick
jj.	DDRESS: 38113 Old STAGE Rd Delmor DE 19940PHONE:
	OMMENTS:
41 '	ONATURE: Flald C. Wessick DATE: 5/10/2013
11917	GNATURE: Africal & Messick DATE: 5/10/2013
	/ /

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	TAX MAP # 30A7 - A - 97 LOCATION OF PROPERTY
\bigcirc	NAME: Robert & CAtherine Ross
	ADDRESS: 5174 DEEphole Rd PHONE:
	COMMENTS:
	() DISAPPROVE REQUEST
	SIGNATURE: _ / when F. L. Por DATE: 5-15-2013
į	
	TAX MAP # 30 A7-A- 116 LOCATION OF PROPERTY 6341 CIFCLE Dr.
	NAME: EMMA DERRICKSON LIFE
	ADDRESS: 6341 CINCLE Dr Chincotague PHONE: (157) 386-6677
	COMMENTS:
	APPROVE REQUEST () DISAPPROVE REQUEST
\bigcirc	SIGNATURE: Emma H. Derrichson DATE: 5/9/2013
<u>기</u>	
· - ·	
	TAX MAP # 3/82-7-2 LOCATION OF PROPERTY 5210 Deep Hole Rd
i	NAME: Thomas & SANdra Schilson
	NAME: Thomas & JANSVA Schilser ADDRESS: 5333 Hibiseus Dr Chines VA PHONE: 757-336-5658
	COMMENTS:
	(V) APPROVE REQUEST
	SIGNATURE: DATE: 5/12/13
	Aandra & Acluster 5/13/13

•	
•	TAX MAP # 3/82-7-1 LOCATION OF PROPERTY 5212 Deep Hole Rd
	NAME: MICHAel BANACH
\bigcirc	ADDRESS: 4271 White CAIS Rd PALADISE PHONE: 717-687-8704
	COMMENTS: Need mure information
	() APPROVE REQUEST (i) DISAPPROVE REQUEST
	SIGNATURE: Mill Bank DATE: 6-3-13
i	TAX MAP # 30A6-A-121A LOCATION OF PROPERTY 6246 Wagner Lane
	ONCZEN
	ADDRESS: 8224 Princy ST Ventura CA 93004 PHONE: 7578940427
	COMMENTS:
	APPROVE REQUEST () DISAPPROVE REQUEST
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چا 	
	TAX MAP # 30A7-15-A
	NAME: DANIEL FERNANDEZ
	ADDRESS: P.O. BOX 1141 Chincotensur PHONE
- 4	COMMENTS:
	APPROVE DECUES
	DATE: $5-18-13$
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•	TAX MAP # 30A6-A-121 LOCATION OF PROPERTY 376246 Wagher Lane
\bigcap	NAME: _ COM BACZEK
J	ADDRESS: 8224 PUINCY ST VENTURA CA 93004 PHONE: 757 8940427
	COMMENTS:
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