Wednesday, February 4, 2026
Board of Zoning Appeals Meeting 10 a.m.
Regular Meetings held are the first Wednesday of each month in the Board Chambers (Room 104) located within the County Administration building located at 23296 Courthouse Avenue - Accomac, VA 23301.
To listen to the live audio, please visit: https://www.co.accomack.va.us/how-do-i/listen-to-meeting-audio

1. CALL TO ORDER

Subject :	A. Members Present and Absent
Meeting :	Feb 4, 2026 - Board of Zoning Appeals Meeting 10 a.m.
Category :	1. CALL TO ORDER
Type :	

Public Content

Key Points: Routine item to determine attendance.

Staff Contact: Pamela Dix, Administrative Assistant II

Subject :	B. Determination of Quorum
Meeting :	Feb 4, 2026 - Board of Zoning Appeals Meeting 10 a.m.
Category :	1. CALL TO ORDER
Type :	

Public Content

Key Points: Routine item. A majority of the members (3) shall constitute a quorum. The Board of Zoning Appeals is a five-member body. Each member has one vote.
Staff Contact: Paul Watson, Deputy Director of Code Administration
Pamela Dix, Administrative Assistant II, Community & Economic Development

Subject :	C. Consider Allowing Remote Participation of Board Member(s) (if warranted)
Meeting :	Feb 4, 2026 - Board of Zoning Appeals Meeting 10 a.m.
Category :	1. CALL TO ORDER
Type :	

Public Content

Key Points: The BZA has adopted a remote participation policy in accordance with Virginia state law. Should the need arise, the below script is used to document the BZA's consent to allow a member to participate remotely.

Chair Script for Remote Participation

- BZA Member_____ notified me earlier today that he would like to participate in this evenings meeting remotely because he is _____.
- Our adopted Remote Participation Policy requires that all requests from Board members to remotely participate in a public meeting must be received by the Chair in writing on or before the day of the meeting and subject to approval by the Board.
    - I can attest that the request to participate remotely was received by me in writing on __/__/__
- It is my understanding that BZA Member_____is currently connected via Zoom to this meeting.
    - BZA Member _____ can you hear me?
- For the record, BZA Member_____, would you state the reason you wish to participate remotely and the exact location from where you are participating?
- Members of the Board, since we have a quorum physically assembled here tonight, would someone like to make a motion to allow BZA Member_____ to remotely participate in todays meeting in accordance with our Board-adopted remote participation policy?

"I move that we allow BZA Member_____ to remotely participate in todays meeting in accordance with our Board-adopted remote participation policy."

2. ADOPTION OF AGENDA

3. MINUTES

Subject :	A. Minutes from the January 7, 2026 Regular BZA Meeting
Meeting :	Feb 4, 2026 - Board of Zoning Appeals Meeting 10 a.m.
Category :	3. MINUTES
Type :	Minutes

Public Content

Key Points: BZA Regular Meeting Minutes

Staff Contact:

Pamela Dix, Administrative Assistant II, Building, Community & Economic Development

Number of Attachments & Description: One attachment, BZA Meeting Minutes January 7, 2026.

File Attachments

2026.01.07. Draft Minutes.docx (111 KB)

4. PUBLIC HEARING(S)

Subject :	A. SUSE-000184-2025 and VAR-000192-2025 - Robert and Josette Wheatley-RV for Temporary Habitation-15467 Pungoteague Road, Pungoteague
Meeting :	Feb 4, 2026 - Board of Zoning Appeals Meeting 10 a.m.
Category :	4. PUBLIC HEARING(S)
Type :	

Public Content

Key Points:

Identification and Location Information

Applicant	Robert and Josette Wheatley
Property Owner	Robert and Josette Wheatley
Location	15467 Pungoteague Road, 100-A-15
Election District	District 8, Donald L. Hart Jr.
Acreage	62 Acres
Zoning	Residential
Future Land Use Recommendation	Rural Settlement Area, Agricultural
Overlays	CAPA
Adjacent Zoning	Residential, Agricultural

Adjacent Uses	Single Family Homes
Staff Contact	Sinjin Jones, Code Enforcement Officer-Zoning Phone: 757-787-5711 / Email: sjones@co.accomack.va.us

Background

The applicant requests a Special Use Permit pursuant to Accomack County Code Section 106-78(a)(11) for travel trailers, located outside of travel trailer parks, which are to be occupied for habitation or storage of chattels. The applicant has placed and RV for habitation while a home is being constructed. Further, the applicant requests a variance of 4 from the 36 maximum travel trailer length pursuant to Accomack County Code Section 106-1. The approximately 62-acre site is located at 15467 Pungoteague Road near Pungoteague, approximately 1350 south east of its intersection with Waterfield Street and is on Tax Map # 100-A-15. The property is zoned Residential. This is an after the fact application.

Staff recommends the approval of SUSE-000184-2025 due to the temporary nature of the RV while the home is finishing construction.

Staff does not typically make recommendations for variances. However, the applicant has not met the threshold for approval of the variance.

Should the BZA approval the special use permit and variance, staff recommends the following conditions:

1. The applicant shall obtain all required permits from the Countys Community and Economic Development Department.
2. The applicant shall be in full compliance with the application and plot plan as submitted.
3. The special use permit shall become null and void should the property be sold or transferred.
4. The approval is for one unit and is only for the applicant or his family.
5. This special use permit shall expire either one year from the date of issuance or with the issuance of a certificate of occupancy for the house.
6. The approval does not include short-term rental of the site.
7. The property shall be properly maintained at all times while the travel trailer is on-site.
8. The applicant shall allow the county to perform inspections of the site at any time while the special use permit is active.
9. A violation of any of these conditions shall render the special use permit null and void.

Staff Contact:

Sinjin Jones, Code Enforcement Officer-Zoning

Phone: 757-787-5711 / Email: sjones@co.accomack.va.us

Number of Attachments & Description:

One attachment. Staff report containing report, maps, application and site photos.

File Attachments

SUSE-000184-2025 and VAR-000192-2025 Staff Report Optimized.pdf (4,639 KB)

Subject :	B. SUSE-000189-2025 - Paul Froehlich on behalf of Harland Garvie- 199' Tower-16400 Hopeland Road, Parksley
Meeting :	Feb 4, 2026 - Board of Zoning Appeals Meeting 10 a.m.
Category :	4. PUBLIC HEARING(S)
Type :	

Public Content

Key Points:

Identification and Location Information

Applicant	Paul Froehlich
Property Owner	Garland Harvie
Location	68-A-188A, 16400 Hopeland Road
Election District	District 4, Jeffrey A. Parks, Sr.
Acreage	16 Acres
Zoning	Agricultural
Future Land Use Recommendation	Agricultural
Overlays	None
Adjacent Zoning	Agricultural
Adjacent Uses	Agricultural, Residential
Staff Contact	Sinjin Jones, Code Enforcement Officer-Zoning

	Phone: 757-787-5711 / Email: sjones@co.accomack.va.us

Background

The applicant requests a Special Use Permit pursuant to Accomack County Code Section 106-53(26) for antennas and towers over 100 feet in height. The applicant intends to locate a 199 monopole tower on the property. The approximately 16-acre site is located at 16400 Hopeton Road near Parksley, approximately 2400 north east of its intersection with Dennis Drive and is on Tax Map # 68-A-188A. The property is zoned Agricultural.

Staff recommends approval of SUSE-000189-2025.

Should the BZA approved the special use permit, the staff recommends the following conditions:

1. The applicant shall apply for a building permit with the countys Community and Economic Development Department.

2. The applicant shall comply with the relevant Virginia Department of Health and Virginia Department of Transportation regulations.

3. The building application shall be consistent with this application.

4. The property shall be properly maintained while the structure is being constructed and shall not be allowed to fall into disrepair after construction. A violation of the condition will render the Special Use Permit null and void.

5. The applicant shall comply with Section 106-237 as it relates to tower regulations.

6. The Special Use Permit is valid for two years

7. A violation of any of these conditions shall render the special use permit null and void.

Staff Contact:

Sinjin Jones, Code Enforcement Officer-Zoning

Phone: 757-787-5711 / Email: sjones@co.accomack.va.us

Number of Attachments & Description: One attachment. Staff report containing report, maps, images, site plan and building plans.

File Attachments

SUSE-000189-2025 Staff Report Optimized.pdf (2,525 KB)

Subject :	C. SUSE-000190-2025 and VAR-000193-2025 - Norman Pitt - Accessory Dwelling - 28080 Block of Phillips Drive-Melfa
Meeting :	Feb 4, 2026 - Board of Zoning Appeals Meeting 10 a.m.
Category :	4. PUBLIC HEARING(S)
Type :	

Public Content

Key Points:

Identification and Location Information

Applicant	Norman Pitt
Property Owner	Norman Pitt
Location	Tax Map # 102-6-B4, 28080 Block of Phillips Drive
Election District	8, Donald L. Hart Jr.
Acreage	.50
Zoning	Agricultural
Future Land Use Recommendation	Agricultural
Overlays	None
Adjacent Zoning	Agricultural
Adjacent Uses	Residential, Agricultural
Staff Contact	Sinjin Jones, Code Enforcement Officer-Zoning Phone: 757-787-5711 / Email: sjones@co.accomack.va.us

Background

The applicant requests a Special Use Permit pursuant to Accomack County Code Section 106-53(22) for dwelling, accessory, on lots with a minimum area of five acres, or on nonconforming lots with a minimum area of 60,000 square feet recorded in the land records as of June 28, 2006. The applicant intends to place two dwellings on a single lot. Further, the applicant requests a variance of 90 from the 140 minimum separation distance pursuant to Accomack County Code Section 106-238. Further, the applicant requests a variance of 599 square feet from the 1200 square foot maximum house size pursuant to Accomack County Code Section 106-1. Further, the applicant requests a variance of 37,950 square feet from the 60,000 square foot minimum for lots pursuant to Accomack County Code Section

106-53(22). The approximately .50 acre site is located at the 28080 Block of Phillips Drive near Melfa, approximately 550 south east of its intersection with Big Farm Road and is on Tax Map # 102-6-B4. The property is zoned Agricultural.

Staff recommends approval of the Special Use Permit portion of this project.

Staff does not typically make recommendations on variances. However, the applicant has not met the threshold to be approved for the variance.

Should the BZA approve the Special Use Permit and Variances, staff recommends the following conditions:

1. The applicant shall obtain all required permits from the Countys Community and Economic Development Department.
2. The applicant shall be in full compliance with the application and plot plan as submitted.
3. Short-term rental is prohibited.
4. The special use permit shall be valid for two years.
5. The property shall be properly maintained at all times while the special use permit is active.
6. The applicant shall allow the County to make inspections of the site at any time while the special use permit is active.
7. The applicant shall consult with the GIS Coordinator for appropriate private road name.

8. The applicant shall clearly flag all four corners of the property and the proposed footprint.

a. This delineation must be certified by a licensed surveyor to ensure compliance and

accuracy.

b. The property corner flags shall remain in place until the issuance of a certificate of

occupancy.

9. A violation of any of these conditions shall make the special use permit null and void.

Staff Contact:

Sinjin Jones, Code Enforcement Officer-Zoning

Phone: 757-787-5711 / Email: sjones@co.accomack.va.us

Number of Attachments & Description:

One attachment. Staff report containing report, aerial maps, application and public comment letters

File Attachments

SUSE-000190-2025 and VAR-000193-2025 Staff Report Optimized Updated 1-28-2026.pdf (4,661 KB)

Subject :	D. SUSE-000191-2025 and VAR-000194-2025 - Norman Pitt - Accessory Dwelling - 28080 Block of Phillips Drive-Melfa
Meeting :	Feb 4, 2026 - Board of Zoning Appeals Meeting 10 a.m.
Category :	4. PUBLIC HEARING(S)
Type :	

Public Content

Key Points:

Identification and Location Information

Applicant	Norman Pitt
Property Owner	Norman Pitt
Location	Tax Map # 102-6-B5, 28080 Block of Phillips Drive
Election District	8, Donald L. Hart Jr.
Acreage	.50
Zoning	Agricultural
Future Land Use Recommendation	Agricultural
Overlays	None
Adjacent Zoning	Agricultural
Adjacent Uses	Residential, Agricultural
Staff Contact	Sinjin Jones, Code Enforcement Officer-Zoning Phone: 757-787-5711 / Email: sjones@co.accomack.va.us

Background

The applicant requests a Special Use Permit pursuant to Accomack County Code Section 106-53(22) for dwelling, accessory, on lots with a minimum area of five acres, or on nonconforming lots with a minimum area of 60,000 square feet recorded in the land records as of June 28, 2006. The applicant intends to place two dwellings on a single lot. Further, the applicant requests a variance of 90 from the 140 minimum separation distance pursuant to Accomack County Code Section 106-238. Further, the applicant requests a variance of 599 square feet from the 1200 square foot maximum house size pursuant to Accomack County Code Section 106-1. Further, the applicant requests a variance of 37,950 square feet from the 60,000 square foot minimum for lots pursuant to Accomack County Code Section

106-53(22). The approximately .50 acre site is located at the 28080 Block of Phillips Drive near Melfa, approximately 550 south east of its intersection with Big Farm Road and is on Tax Map # 102-6-B5. The property is zoned Agricultural.

Staff recommends approval of the Special Use Permit portion of this project.

Staff does not typically make recommendations on variances. However, the applicant has not met the threshold to be approved for the variance.

Should the BZA approve the Special Use Permit and Variances, staff recommends the following conditions:

1. The applicant shall obtain all required permits from the Countys Community and Economic Development Department.
2. The applicant shall be in full compliance with the application and plot plan as submitted.
3. Short-term rental is prohibited.
4. The special use permit shall be valid for two years.
5. The property shall be properly maintained at all times while the special use permit is active.
6. The applicant shall allow the County to make inspections of the site at any time while the special use permit is active.
7. The applicant shall consult with the GIS Coordinator for appropriate private road entrance.

8. The applicant shall clearly flag all four corners of the property and the proposed footprint.

a. This delineation must be certified by a licensed surveyor to ensure compliance and

accuracy.

b. The property corner flags shall remain in place until the issuance of a certificate of

occupancy.

9. A violation of any of these conditions shall make the special use permit null and void.

Staff Contact:

Sinjin Jones, Code Enforcement Officer-Zoning

Phone: 757-787-5711 / Email: sjones@co.accomack.va.us

Number of Attachments & Description:

One attachment. Staff report containing report, aerial maps, application and public comment letters

File Attachments

SUSE-000191-2025 and VAR-000194-2025 Staff Report Optimized Updated 1-28-2026.pdf (2,956 KB)

Subject :	E. APPL-000168-2025- Nishana Morgan on behalf of NKM, Inc.- Appeal - 24070 Tall Pines Drive - Onancock
Meeting :	Feb 4, 2026 - Board of Zoning Appeals Meeting 10 a.m.
Category :	4. PUBLIC HEARING(S)
Type :	

Public Content

Key Points:

Background

NKM, Inc. (NKM) purchased 24070 Tall Pines Drive on March 13, 2023 for $226,000, and NKM listed the property for sale for $534,900 with sale pending to a purchaser who contacted the County. When NKM purchased the property, assessment records show that the house was not occupied and in very poor condition. The real estate broker informed the county that the house had been vacant for about 20 years. NKM renovated the house without obtaining any building or zoning permits. This work included a new roof, new HVAC, new flooring, painting, new appliances, new bathroom fixtures, new kitchen fixtures, conversion of a garage to a bedroom with a master bathroom, new wiring, new plumbing and a new deck. Notices of violation were issued for failure to obtain a building permit for this work. NKM claims that some of the garage conversion work was started by a previous owner, but it does not matter if this work was done by NKM or a previous owner because no building permit was issued.

NKM allowed inspectors to enter the house to make an initial assessment of what needed to be included on the building permit application, and they were not able to observe obstructed areas such as the attic, covered electrical and plumbing and crawl spaces. They observed the new work as well as PVC pipe and electrical wiring date-stamped with dates after NKM purchased the property. The County requested further inspections of the property, and these requests were denied. The building application submitted by NKM only included the conversion of one door to a window. The County has requested in writing that NKM submit a complete building application six times. The County also asked repeatedly for cost information relating to the improvements so that a determination could be made concerning application of the floodplain ordinance. After about seven months of trying to get the requested application and cost information from NKM, the County issued the zoning determination on October 22, 2025. NKM then filed this appeal.

Zoning Ordinance Discussion

NKM is not in compliance with the Flood Hazard Overlay District provisions of the Accomack County Zoning Ordinance and the Virginia Uniform Statewide Building Code. The newly converted living space in the garage must comply with the elevation requirements of the Flood Hazard Overlay District. The entire structure must comply with these elevation requirements if substantial improvements were made to the residence, as explained blow.

Section 106-369 of Article XV of the Accomack County Zoning Ordinance applies to existing structures in a Special Flood Hazard Area, and it states The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this article and shall require the entire structure to conform to the VA USBC and this article. The valuation is of the structure separate from the value of the underlying land.

Also, even if there is not a substantial improvement to the structure in general the garage conversion must conform as Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than 50 percent of its market value shall conform to the VA USBC and this article. Accomack County Code §106-369(1).

The structure is located in an AE Zone with a FEMA Base Flood Elevation of 6 feet. The Virginia Uniform Statewide Building Code (VA USBC) requires 1 foot of freeboard. The County Zoning Ordinance requires 2 feet of freeboard. According to the Flood Elevation Certificate supplied by NKM, the floor of the existing structure is non-compliant with the Zoning Ordinance and Building Code.

In many instances improvements to a structure do not meet the 50% threshold. Staff looks at this prior to permits being issued. The closer the improvements are to the 50% threshold, the more detailed information the County requires to evaluate whether or not the project meets the substantial improvement standard. Particular areas of concern are the applicant not disclosing all the work being done, vague costs or costs appearing lower than normal costs for similar work. In a normal case this is all reviewed prior to a permit being issued. We start with the value of the improvement and the assessed value of the structure itself. If the property has multiple types of improvements, we only use the value of improvement to the residence, garage (if attached), and the well/septic and we exclude the improvements such as detached garages, pool, sheds, dock and bulkhead.

NKM contends their 2024 reassessment proves that the work done was not a substantial improvement, but the 2024 reassessment was part of a general reassessment based on sales in the area and not one based on the improvements completed without a permit. It is the building permit being closed that triggers the Assessors Office to visit a property to complete a reassessment based on new improvements. With no building permit, the Assessors Office did not include the improvements in the 2024 reassessment.

In accordance with FEMA guidance, the County requested that County Assessor Brent Hurdle review the changes and estimate the increase in value due to NKMs improvements based on the following:

1. Information in the MLS listing;

2. The more than 242% increase of the listing price over the purchase price;

3. The fact that the County was informed the only work completed was changing a door to a window compared to the real estate listing stating many new improvements;

4. The value of the improvements given to us by NKM undervalued the work completed (i.e., the cost of completely renovating two bathrooms and adding a third was only $7,000.); and

5. NKM stating they were unable to provide a breakdown of costs, despite their needing that information for tax purposes for flipping the residence.

Findings and Recommendations

Using industry-accepted methods to determine market value, the County Assessor Brent Hurdle estimated the value of the structure after the improvements at $302,700. This is 123% higher than the assessed preconstruction value of $135,900 and much higher than the 50% threshold required under the Zoning Ordinance as well as the VA USBC as a substantial improvement. Thus, the entire structure must be brought into compliance with the 8-foot elevation requirement in the Flood Hazard Overlay ordinance.

Staff Contact:

Sinjin Jones, Code Enforcement Officer-Zoning

Phone: 757-787-5711 / Email: sjones@co.accomack.va.us

Number of Attachments & Description:

One Attachment-

1.Staff report containing rationale, photos and related correspondence.

File Attachments

APPL-000168-2025 Staff Report Optimized.pdf (9,127 KB)

5. OTHER MATTERS

Subject :	A. Staff Report
Meeting :	Feb 4, 2026 - Board of Zoning Appeals Meeting 10 a.m.
Category :	5. OTHER MATTERS
Type :	

Public Content

Subdivision Agent

Zoning Administrator

Deputy County Administrator

Staff Contact: Leander N. "Lee" Pambid, Deputy County Administrator, Community & Economic Development

Number of Attachments & Description: No attachments.

6. NEXT MEETING

Subject :	A. March 4, 2026
Meeting :	Feb 4, 2026 - Board of Zoning Appeals Meeting 10 a.m.
Category :	6. NEXT MEETING
Type :	

Public Content

Key Points: The next regularly scheduled meeting is **Wednesday,March 4, 2026at 10 am** in 23296 Courthouse Avenue, Room 104, P.O. Box 388,Accomac, Virginia 23301.

Handicapped Assistance isavailable. Please contact Pamela Dix at (757) 787-5794 or pdix@co.accomack.va.us.

Staff Contact: Pamela Dix, Administrative Assistant II

Number of Attachments & Description: No attachments.

7. ADJOURNMENT