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BZA tackles Marsh Island parking

Chincoteague Beacon

By Stephen Furness

The issue of parking on Marsh Island entangled the Chincoteague Board of Zoning Appeals during last Thursday night's monthly meeting.

A proposed community pier on the island was deemed a private marina by Zoning Administrator Kenny Lewis, which would require 14 additional parking spaces in the commercial C-1 area.

A Pocomoke City, Md., developer, Carlton Mason, requested an appeal of Lewis' decision, which was voted down by the board during the meeting.

Mason, along with Accomac attorney David Rowan, proposed to the appeals board that a 14-unit townhouse on Marsh Island be allowed a community pier with 14 boat slips restricted to Marsh Island residents and their guests.

Lewis said that the town's current zoning states that there should be provided at least one parking space for each slip or mooring.

"Certainly to me, what they were installing is not a community pier," Lewis said. "A pier is what would go out to the channel, basically used for crabbing and fishing and recreational purposes."

Rowan stated to the board that the term "community pier" was coined by permits issued by the Army Corps of Engineers and the Virginia Marine Resource Commission. He said that the VMRC's permit restricted the sale of the boat slips to the owners of the complex, or the owner of a slip could only sell it to another resident of the townhouse unit.

Board member Robert Tye asked Rowan what would happen if an owner of a unit did not wish to own a slip. Rowan said that by the VMRC's permit, if the people in the 14 units do not wish to purchase the slip, there would be no way to resell them.

"They were very meticulous on how they gave me the permit to do this," Mason said. "They were worried about it becoming a marina ... we told

them we would have no parking, no boat ramps, no facilities like pump-out stations or fish-washing areas."

Mason also said that boat trailers would be restricted on the property, which is a covenant restriction by the townhouse association. Town zoning, however, allows for boat trailer parking.

Lewis reminded the board that Mason did not apply for a variance, but an appeal on his decision.

Board member Donald Thornton said that the Town Attorney Jon Poulson, along with Mayor Jack Tarr backed Lewis' ruling on the issue and he, too, agreed with the decision.

"The whole concept looks wonderful to me ... but we're here to either appeal the decision of the zoning administrator or leave it alone," Thornton said. "From what I've read and from what Mr. Poulson has said, Kenny was right. That's the way I see it."

During a public participation period, Virginia Beach attorney Kevin Martingayle, representing the Marsh Island Homeowners Association, addressed the board with concerns over Mason's motives.

"(Parking is) an overhead expense for a developer," Martingayle said. "And so they don't like parking because you can't make a lot of money on parking. So if you're a developer, your incentive is to build as much as you can, structure-wise, with as little grass as possible and have no parking."

Marsh Island resident Jim Rauth told the board that extra parking was made available to the townhouses, but when a septic system had to be changed, the extra parking was removed so that the system could be installed.

He also said that a commercial boat was parked in the area right now, which opposes Mason's earlier statement that no public access would be permitted.

"I don't think you have any assurances that this area will be used for non-public use," Rauth said. "I agree with the administrator's decision ... the parking spaces are needed."

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