

**MINUTES OF THE
BOARD OF ZONING APPEALS
MAY 11, 2023 AT 7:00 P.M.**

Members Present:

Mr. Robert Cherrix, Chairman
Mr. David Landsberger
Mr. Donald Thornton
Mr. Mike McGee
Mr. Ernest W. Smith, Jr.
Mr. Eddie Moran

Members Absent:

Call to Order

Chairman Cherrix called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Chairman Cherrix led in the Pledge of Allegiance.

Building and Zoning Administrator Bowden advised they will conduct an election of officers. He opened the floor for nominations for Chairman.

Mr. Thornton nominated Mr. Cherrix, and Mr. Moran seconded.

All were in favor of Mr. Cherrix as the Chairman.

Chairman Cherrix opened the floor for nominations for Vice Chairman.

Mr. McGee nominated Mr. Moran for Vice Chairman and Mr. Thornton seconded.

Mr. Smith nominated Mr. Landsberger.

Chairman Cherrix called for a vote for Mr. Landsberger and Mr. Moran. He declared it was a tie and he voted for Mr. Moran as the Vice Chairman.

Agenda Adoption

Mr. Smith motioned, seconded by Mr. Thornton to adopt the agenda as presented. All present were in favor and the motion was carried.

Public Participation

Chairman Cherrix advised that in order for the vote to be approved there has to have a majority vote of the members present. He also stated that she has 30 days to appeal the decision of the Board in Accomack .

Variance 230314-1

Building and Zoning Administrator Bowden read the appeal:

A request from Chincoteague Center, LLC for a variance from Article VII, Section 7.13.1 of the Zoning Ordinance of the Town of Chincoteague. The applicant wishes to create a mural on the north side of the structure known as Sunsatons located at 4110 Main Street, Tax Parcel #30A5-A-464. The property is zoned C-2, Old Town Commercial.

Ms. Cindy Faith thanked the Board for hearing her case. She explained that when the Showard Brothers building was demolished last year she realized that it would be a great space to do a mural. She advised that she spoke with local merchants to see if there would be support for this. She stated she also spoke with local artists to see if anyone would be interested in putting up a mural. She then reached out to a gentleman who would also speak tonight. She stated that he is a wonderful artist and is well-known for murals on the Eastern Shore. She reached out to restaurants, merchants, and hotel owners asking if they would agree on getting a variance for a mural on this space. She added that the downtown area businesses are struggling a bit with the older buildings that could be torn down soon. She feels this is an opportunity to revitalize the beautiful downtown. She thinks that once it gets approved there would be ample support for funding as it would help the merchants in the downtown area and something Chincoteague could be proud of. Ms. Faith showed a sketch of the mural explaining that it would be celebrating the working waterfront. She added that this is a great opportunity to tell the story on the wall about the people of Chincoteague. She hopes after they hear everyone tonight they will support this.

Mr. Thornton asked who would maintain the mural.

Ms. Faith advised that the artist will be addressing the longevity of the mural. She added that it has a lifespan. She advised there are currently 8 murals on the Island that are fading and chipping away.

Mr. Moran asked who will approve the artwork for the mural.

Ms. Faith explained the plan of the mural to include the historical downtown and the working waterfront with sea life below.

Mr. Thornton stated they have no say what goes on there.

Mr. Landsberger stated that it would have to be within community standards.

Ms. Faith stated that there wouldn't be anything they would be embarrassed by and there would be no verbiage.

Chairman Cherrix opened the public participation.

- Mr. Michael Rosatto, the mural artist, stated that the sketch is only a concept sketch of the possibilities. In every project he has done, he meets with community members who gave history. He stated that when you involve the community you get ownership of the mural. When people come to the Town, people see part of the building and the history of Chincoteague. It will transform a community. He addressed longevity stating that it's about quality materials with very little upkeep. The paints he uses are the highest quality with ultraviolet protection. He does

three layers of ultraviolet protection on it. It would take a long time to wear down to the actual paint. He also explained the process. He has 35 years of experience and takes pride in his work looking at every aspect of the mural. He also advised he lives on the Eastern Shore.

Mr. Landsberger asked how long it would take him to complete the mural.

Mr. Rosatto advised it takes about 2 months but depends on the help.

Mr. McGee stated that Chincoteague Island is known for its ponies and the seafood industry. He asked if he could add a horse to the mural.

Mr. Rosatto stated there is a possibility for everything. He added that he thought about this as well. He can add a horse to it.

- Mr. Tommy Clark, who is represented the Main Street Merchants, stated that they have jumped onboard with this to improve the downtown area and the general appearance of it. He stated they are working with Ms. Faith hand-in-hand on this project. He advised that Don's Seafood Restaurant has been there for 50 years across from Showard Brothers and when they tore it down it left a big hole. He feels when they take a ride through Town, they can see a big empty spot. He added that to be able to improve the area would be an asset to the downtown area. He sees people enjoying Ruby Lee's Park. He feels this would be a great opportunity and improvement.

- Mrs. Tina Zoller advised she is in support of this. She commented on Onancock who has beautiful Willie Crockett murals all along main Street. She described some of the murals. She agreed with Mr. Clark that the Main Street could use some sprucing up. She stated she was walking today and realized they have a boarded-up building. She's unsure what happened to the store, but someone broke a window leaving a very unattractive boarded up building. She stated they have community support, and everyone loves it.

- Mrs. Pat Farley who is an Island resident, a working artist, and part of the artist community. She advised that the artists are very excited about this. She stated that no one that she knows has the expertise to put up a mural and they are very fortunate to have a very experienced mural artist. She reported that she was a member of the Arts Commission in Pittsburgh. Their job was to approve primarily murals and sculptures. They were part of the Planning Department with a staff member who reviewed permissions from the neighbors, the design, along with maintenance, materials, and longevity. She stated that once the Art Commission approved it, the Planning Commission approved it, and then the City Council would approve it. She is unsure if that is the process here, but she feels it's something they need to do to create a system for doing these kinds of projects. Mrs. Farley stated it is well known that putting murals in commercial areas is a huge benefit as Mr. Clark mentioned. She advised that there is a bit of a struggle for the downtown merchants. A mural brings people together, tourists together, and Town people together. It is a boost for the businesses downtown. She encourages the Board to approve the variance. She hopes in the future it won't be a variance.

Town Manager Tolbert advised the boarded-up window was a result of a car accident last Saturday.

- Ms. Donna Leonard referred to the Downtown Revitalization and the Town worked with the ANPDC. One of the priorities was eliminating blight. She thinks this will add beauty and the historic story to the downtown. She referred to the Harriett Tubman mural in Cambridge. She feels this is noteworthy if you're looking for something that Mr. Rosatto has done. This comes with first class artistry in mind. She's sure if Ms. Faith has anything to do with it, it will be done right, and the history of Chincoteague will certainly be told. She added that during the Downtown Revitalization, the RCEC was formed at that time. She stated that if it needs to go in the direction of being changed from a sign to a mural and the Town is going to oversee how it's going to be done, she recommends that it be given to the RCEC. She feels this is exactly the kind of thing they were organized to do.

Chairman Cherrix closed the public participation. He asked for discussion.

Mr. Smith asked if there were letters sent to the property owners within the required distance from the property.

Building and Zoning Administrator Bowden advised it was included in the packet.

Mr. Smith asked if there were any responses.

Building and Zoning Administrator Bowden responded there were none.

Mr. Landsberger stated they are permitted to grant a variance for a larger sign and that's what they are there to do. He asked if they can be restrictive. He explained that if they grant a variance, they are granting a sign for a property owner. The owner can take the variance and put up a full-size billboard for his business after its approved and no one can stop it. He asked Building and Zoning Administrator Bowden if they could specify that this is to be a non-commercial mural.

Building and Zoning Administrator Bowden advised they could.

Mr. McGee stated that it's for everyone in the Town and he would go along with it, it's a great idea.

Mr. Thornton stated he wished Mr. Rosatto had brought some work with him so they could enjoy it.

Mr. Moran feels it's a great idea as long as it sticks with the character of Chincoteague. He asked if someone would give final approval on this.

Ms. Faith stated responded that whatever the Board asked them to do they're willing to do.

Mr. Landsberger stated that based on the variance, the Board's purview is not to decide what is on the mural, but the size. He feels they can approve the sign adding that it has to be non-commercial and represent historic Chincoteague.

Chairman Cherrix asked if they could put something in the motion to get the final approval of what goes on the mural to the Town Council.

Town Manager Tolbert advised that the Board of Zoning Appeals is appointed by the Circuit Court, the Town Council has no purview over the Board's decisions.

Mr. Landsberger stated that once the permission is granted the property owner can put anything within what they grant.

Mr. McGee stated they can make specifications.

Mr. Landsberger stated they can make it a non-commercial and historic requirement.

Chairman Cherrix commented that he would rather not have people on the mural.

Board Action on Appeal:

Mr. Landsberger motioned, seconded by Mr. Thornton to approve the variance provided the sign/mural is of historic nature with the history of Chincoteague and non-commercial. All present were in favor and the motion was carried. The motion was carried.

Ayes: Landsberger, Smith, Thornton, McGee, Moran

Nays: None

Abstain: None

Absent: None

Mr. Smith asked for minutes from the previous meetings within a month or two.

Building and Zoning Administrator Bowden stated he will email them.

Town Manager Tolbert stated that the minutes are posted on the website as well.

Adjourn

Mr. Thornton motioned, seconded by Mr. Moran to adjourn. Unanimously approved.