

Virginia: At a meeting of the Accomack County Board of Zoning Appeals, held in the Chambers of the Board of Supervisors on the 2nd day of November, 2016, A.D.

Members present:

Mr. Robert L. Nock
Mrs. Elizabeth Kerns, Vice Chairwoman
Mr. W. Richard Bull, JR
Mr. Harvey A. Drewer, II
Mr. Lynn P. Gayle

Others present:

Mr. Rich Morrison, Interim Zoning Administrator
Ms. Laurie K Perry, Recording Secretary

The meeting was called to order by Mr. Robert Nock, Chairman, at 10:04 a.m. and opened to a public hearing on the following zoning matters:

1.) A public hearing by Section 106-252(5) of the County Zoning Ordinance to review compliance with the terms of the Special Use Permit that was issued to William McCarter on May 6, 2015 for property located at 16620 Coal Kiln Road, Tax Map #119-A-101, near Painter, Virginia.

Mr. Rich Morrison stated that this is appeal of the Zoning Administrator so we are here to get additional information and this is a meeting to find out more facts. This is to review the terms and how you approved the application originally and with what terms if any. Back in 2015 this is really your meeting that you called to find additional facts and information. I recommend that you do not take action today.

Mr. Nock called Mr. William McCarter to speak about the original application as issued as he is the permit holder. He asked that Mr. McCarter tell the Board about the application and how it has been going since coming before the Board and getting approval in 2015. He wanted

Mr. McCarter to tell them if this was a business and if so what it is all about and wanted to know if there is a safety plan and if there had been any accidents or incidents during his time of operation.

Mr. McCarter stated that this is a business and stated that as he told the Board in the first meeting before the Board it is a hang gliding business where people pay money to be taken up in the air to hang glide. Mr. McCarter stated that he does have a safety plan in place and is the same as the one he had when he operated at the Accomack County Airport. Mr. McCarter stated that there have been no accidents or close calls or incidents since he has been operating.

The Board wanted to know if Mr. McCarter stays away from the homes in the area when he makes his flights because that is one of several complaints by adjoining property owners, as well as if there was a designated parking area for people to park when they come to hang glide also how many people are on your property and one given time, and how far he is away from the adjoining property owners when he takes off for flights also what are the days of the week you are opened and your hours of operation.

Mr. McCarter stated that he stays away from the adjoining property owners homes when they are in flight. As soon as I take off we climb up over the hanger on our property and stay on our property. We climb about 500 feet a minute by the time we are over trees on our property we are about 300-500 feet and then continue to climb to 5300 feet which is the typical height that most of our flights are. We do have a designated parking area, we are opened seven (7) days a week and our primary hours of operation are 10:00a.m. – 4:00p.m. We have had at the most 13 people at one time for flights. I can only fly two (2) people per hour. We have four (4) and sometimes (5) five people working for us.

Mr. McCarter also stated that he has sent several emails to Mr. Joynes on several different occasions telling him to come over and speak with him and discuss any problems and he has had no response from Mr. Joynes.

The Board asked if is there anything in place to restrict people that are there for hang gliding from going on the adjoining property owners property, what about noise complaints, and do people just show up or do they make appointments to hang glide, also how close are you from the Joynes' home when you take off and what about safety that seems to be a big concern.

Mr. McCarter stated that there is a 150 feet of privacy fence that he has put up for help with keeping people off the adjoining property. Most people call to schedule appointments for flights. A Sheriff's Deputy has been onsite to perform sound decimal check and he stated that the reading showed during operation 65 decibels that last 5-10 seconds; as a comparison, that is less noise than your grass being cut. The closest I have been to the Joynes property when I have taken off was/is 150 feet. Safety is a big concern and constant focus of ours in (2) two seasons we have conducted over 1500 flights with no accidents, with a combined 80 years flying experience, we do daily pre-flight inspections and Accomack County Airport is notified of our flights as well as Norfolk Airport.

Mr. McCarter stated that he would work to resolve the issues with adjoining neighbors in order to be a good neighbor he is in the process of getting approval for clearing another section of his property that will cost him \$11,000.00 dollars in order to move farther away from the neighbors with hopes of relocating where they take off for flights. He would also construct another hanger on that end of the property.

The Board stated Mr. McCarter has come before the Board today with a whole lot of paperwork on how he is going to make the property better and try to be a better neighbor. The Board wanted to know if any of what he has presented today would put Mr. McCarter or any of his customers' lives or his employees' lives in danger.

Mr. McCarter stated not one of the changes or improvements he has spoken about would put either one in danger.

Mr. Nock asked Mr. Robert Joynes to please come before the Board as they had some additional questions for him since the last meeting. The Board wanted to know from Mr. Joynes how close Mr. McCarter takes off from the property line between their properties; also wanted to know about the noise level; the number of people on the property; and safety concerns.

Mr. Joynes stated that Mr. McCarter drops off the glider within feet of the property line. He stated that he promised to stay away from the homes in the area but, is constantly flying over them. He stated that there have been more than 13 people there at a given time sometimes up to 30 people. Mr. Joynes stated that the airplane is at 77.1 decibels when at full throttle which causes vibration in my house and scares me pets, etc. Safety is a primary concern of ours as we have witnessed Mr. McCarter taking off twice during thunderstorms.

PUBLIC COMMENT PERIOD (not a public hearing)

Mr. Nock opened the floor for an additional public comment period, allowing those in attendance to speak on their concerns on this airstrip in Painter, Virginia.

The following persons signed up and spoke against Mr. McCarter's business, stated various reasons why such as safety, flying over and close to their homes and properties; it has caused some of them to lose out on the sales of their homes or properties; they complained of the noise

level; the hour of operations. It was also stated that when Mr. McCarter was operating from the Accomack County Airport that he did in fact have an accident on June 16, 2014 due to the airplane only having partial power and that there was major structural Damage to the aircraft.

- 1.) Robert Joynes**
- 2.) Arthur Joynes**
- 3.) Thomas Anglin**
- 4.) Sara Hearne**
- 5.) Paul Watson**
- 6.) Mary Browning**

During the public comment period these persons spoke in favor of Mr. McCarter's business and stated that they enjoy watching the flights; several of them stated that the noise level is no louder than the traffic on Lankford Highway or the railroad tracks when a train comes through. As well as that the time to appeal this application has since passed; also Mr. McCarter has tried to be a good neighbor yet certain neighbors continue to complain.

- 1.) William McCarter**
- 2.) Vicki Morris**
- 3.) Larry Morris**
- 4.) Ricky Rantz, Jr**
- 5.) Christopher Meuynial**
- 6.) Roger Rantz**
- 7.) Anita Johnson**
- 8.) Carl Bundick**

Mr. Morrison spoke before the Board and public to clarify that today's meeting was for fact finding and clarification on what the application was originally approved as and it in fact it was being carried out as it was approved by the Board and to answer any questions or concerns that the Board may have as to the operation. Mr. Morrison recommended that the Board take all the information and paperwork presented today and review and place on the agenda for the December 7, 2016 meeting and decide if they are ready to take action at that time.

The Board requested to be able to go down and take a look at the location and also to view and hear the plane take off and land from the Joynes' property themselves before the meeting in December.

ADJOURNMENT:

Mrs. Kerns made a motion to adjourn at 12:08 p.m. Mr. Drewer seconded the motion.

Ayes: Mr. Nock, Mrs. Kerns, and Mr. Drewer. Mr. Gayle, and Mr. Bull.

Mr. Robert Nock, Chairman