

Virginia: At a meeting of the Accomack County Board of Zoning Appeals, held in the Chambers of the Board of Supervisors on the 21st day of December, 2016, A.D.

Members present:

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

Members absent:

Mr. W. Richard Bull, Jr

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 10:03 a.m.
and opened to a public hearing on the following zoning matters:

MINUTES:

Mr. Gayle made a motion to approve the minutes of the December 7, 2016 meeting as circulated. Mr. Drewer seconded the motion. Ayes: Mr. Nock, Mrs. Kerns, Mr. Drewer, and Mr. Gayle.

OLD BUSINESS

A.) Board of Zoning Appeals discussion of William McCarter's (Virginia Hang Gliding) Special Use Permit and possible revocation of the permit.

Materials are attached for your review, discussion, and possible action on the Special Use Permit that was issued to William McCarter (Virginia Hang Gliding) on May 6, 2015 for property located at 16620 Coal Kiln Road, Tax Map #119-A-101, near Painter, Virginia.

Mr. Nock asked Mr. Robert Joynes to come forward and be sworn in and he wanted to know if there had been any progress or communication made between Mr. Joynes and Mr. McCarter.

Mr. Joynes stated that there had been no communication and was adamant that there would be none as too many lies had been told and Mr. McCarter had been deceitful.

Mr. Nock called Mr. Rich Morrison to come forward and speak regarding this matter and what if anything has happened since the last meeting.

Mr. Morrison stated that a violation notice was issued after the last meeting and he had received an email from Mr. McCarter stating that he will come into compliance with what the Board originally approved.

The Board relied on the site plan that was submitted with the application for a 100 x 1200 airstrip. If the FFA approved something other than what was approved by the Board than that needs to be brought before the Board for approval.

Mr. Nock stated that he would like for the Board to do another site visit in the Spring when the business is in full operation and that no further decision will be made until then to see if the business is in compliance and if it is not than we will go down the path of revoking the permit at that time.

The Board would like for the County to watch over this and make sure that it does come into compliance.

After a brief discussion Mr. Gayle made a motion to continue this matter until another site visit can occur in the Spring 2017 to see the business in full operation. Mrs. Kerns seconded

the motion. Ayes: Mr. Nock, Mrs. Kerns, Mr. Drewer, and Mr. Gayle.

NEW BUSINESS

B.) Horace E. Kelley III

A request from Horace E. Kelley III, for a Special Use Permit pursuant to Article IV, Section 106-78-(12) for the location of a poultry operation on Horntown Road, Tax Map # 13-A-35, in Horntown, Virginia.

Mr. Nock asked Mr. Kelley to come forward and be sworn in and to explain to the Board his application and what he wants to do on this property.

Mr. Kelley explained that he wants to place (4) four poultry houses in the Residential section of this property which is 206 acres there is a small front section that zoned Residential and the rest is zoned Agricultural. This land has been in his family and farmed since back in 1927 and has always been farmed. There is an irrigation system already in place on the back section of the property because his son Ward Kelley currently farms the land. So he wants to locate the poultry houses that roughly take up to 700 feet per house in the Residential area that doesn't include road maintenance or electric to the property. The soil is good quality and will grow anything.

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 application for (4) four poultry houses to be located in Horntown, Virginia. The following persons signed up to speak:

During the public comment period these persons spoke against Mr. Kelley's application

The following persons signed up to speak:

1.) Barbara Harvey

2.) Milton Savage Jr

3.) Aaron Kane

4.) Joseph Valentine

5.) Miram Riggs

6.) Ann Violi

7.) Jay Ford

During the public comment period these persons spoke against Mr. Kelley's application for poultry houses in the Residential area of his property and stated various reasons why such as health concerns, run off, smell/odor, additional traffic, a decrease in property value, the environmental impact, air pollution, water concerns; concerned they may not be able to sell their homes or properties.

They also stated that they hope the Board will listen to their concerns and not allow poultry houses in the Residential area.

Mr. Morrison spoke before the Board and public about the recent poultry ordinance changes that took effect on February 3, 2016 and that the Planning Commission placed more regulations for those built in Agricultural zoning but, the regulations were not modified at that time for the Residential zoning.

Mr. Morrison stated that poultry houses are allowed in Residential zoning with a Special Use Permit that is why Mr. Kelley is before the Board today.

If the Special Use Permit is not approved today the property is still large enough with the remaining land that is zoned Agricultural Mr. Kelley could still place poultry houses on the

property; just want to make sure that the adjoining property owners understand that. There is also a possibility Mr. Kelley could request to do a rezoning of the property.

After a lengthy discussion Mr. Gayle made a motion to deny this application. Mr. Drewer seconded the motion. Ayes: Mr. Nock, Mrs. Kerns, Mr. Drewer, and Mr. Gayle.

C.) 2017 Draft of Zoning Appeals Meeting Schedule

Mrs. Kerns made a motion to approval the schedule. Mr. Drewer seconded the motion. Ayes: Mr. Nock, Mrs. Kerns, Mr. Drewer, and Mr. Gayle.

ADJOURNMENT:

Mrs. Kerns made a motion to adjourn at 11:08 a.m. Mr. Gayle seconded the motion. Ayes: Mr. Nock, Mrs. Kerns, Mr. Drewer, and Mr. Gayle.

Mr. Robert Nock, Chairman