

ACCOMACK COUNTY BOARD OF ZONING APPEALS MINUTES OF SEPTEMBER 6, 2017

At a meeting of the Accomack County Board of Zoning Appeals held on the 6th day of September 2017, in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Board of Zoning Appeals Members Present:

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

Board of Zoning Appeals Members Absent:

None

Others Present:

Mr. Rich Morrison, Director of Planning and Community Development
Ms. Jessica Taylor, Administrative Assistant

DETERMINATION OF A QUORUM

There being a quorum, Chairman Nock called the meeting to order at 10:00 a.m.

2. ADOPTION OF AGENDA

On a motion made by Mrs. Kerns and seconded by Mr. Bull, the Board of Zoning Appeals voted to approve the agenda as presented.

3. PUBLIC COMMENT PERIOD

Chairman Nock opened as closed the public comment as no one signed up to speak.

4. MINUTES

A. August 16, 2017

On a motion by Mrs. Kerns and seconded by Mr. Drewer, the Board of Zoning Appeals voted to approve the August 16, 2017 minutes as amended.

5. OLD BUSINESS – PUBLIC HEARING

A. Shore Aviation, LLC/Virginia Hang Gliding – Tax Map # 119-A-101

Staff informed the BZA that an adjoining property owner believed the request had not been properly notified as one (1) neighbor stated they had not received the request and the meeting date was not included in the notification.

Ms. Anita Johnson, attorney for Shore Aviation, requested a continuance on the matter due to the concern with notices and reported that MSA, the surveyor, had completed some work, but expected that it will take three (3) weeks to complete the survey and site plan.

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Ms. Johnson stated that both sides met at the General District Court and while some language was vague, Mr. Donnie Guynn had agreed to all items requested by the Mr. and Mrs. Joynes, except for numbers five (5) and six (6). She stated that she would like to have the survey and site plan completed before discussing the items further with Mr. Watson and the Joynes'.

1. The property will be used exclusively for towing hang gliders; all other activities are prohibited.
2. All flight activities are to take place within the area designated by the special use permit, and there will be no flying over any adjoining or nearby homes and/or properties by ANY aircraft affiliated with Virginia Hang Gliding and/or Shore Aviation.
3. The airstrip is to be clearly and permanently marked on all 4 corners.
4. The only aircraft to use the airstrip are the Dragonfly tow plane and the hang glider. Additionally, only 1 hang glider may be in the air at any one time.
5. No flights take place before May 15th and no flights after August 15th. Also, no flights are to start before 10 am, and all flights must end before 4 pm. Additionally, all flights must take place on Friday, Saturday and Sunday.
6. No more than 8 flights per day can take place.
7. No drones are to ever be flown on or over the airstrip, or fly over adjoining properties.
8. Proof of insurance and the Virginia Hang Gliding's Safety Plan must be provided to the Joynes and to the BZA, and this insurance shall remain in place for the duration of flight activities.
9. No pictures or videos of ours and surrounding properties will be posted on social media or elsewhere else on the World Wide Web.
10. The fence between our property and VA Hang Gliding will be modified so that all sections are joined in a straight line and that there are no gaps between sections.
11. No one affiliated with Virginia Hang Gliding is permitted to harass the neighbors in any way.
12. All applicable USHPA and FAA regulations be strictly adhered to. Any violation of these regulations will lead to revocation of the special-use permit.
13. There is to be no camping of any type taking place on the property.

After a brief discussion, Mr. Morrison recommended that the BZA continue the matter until its October meeting to allow time for the surveyor to complete work and the request to be properly noticed to adjoining property owners.

Chairman Nock instructed the attorneys and clients to meet again to find resolutions.

On a motion made by Mrs. Kerns and seconded by Mr. Bull, the Board of Zoning Appeals voted to continue the matter until its October 18, 2017 meeting.

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Mrs. Joynes requested to speak and Chairman Nock allowed. She stated that she had been harassed by Mr. Guynn and matters are worse after each meeting. She expressed that she has had no privacy at her home and noted concern with the flight patterns over her home.

6. NEW BUSINESS – PUBLIC HEARING

A. **Jacqueline and Daniel Douglas – Tax Map # 26-A-103C**

Mr. and Mrs. Jacqueline and Daniel Douglas, were sworn-in and requested to amend their Special Use Permit (SUP) issued on October 20, 2004, to allow the creation of a new parcel and have the current SUP cover the current mobile homes as required by Accomack County Code Section 106-78 (c). This property is located at: 29193 and 29189 Withams Road – Temperanceville, VA 23488. Tax Map # 26-A-103C.

Mrs. Douglas expressed that they purchased the farm year ago and would now like to build their own home on the property and also have the option to allow their children to later build homes on the property, if they chose to. Currently, the mobile homes on the property are occupied by family members.

Mr. Morrison explained that the front portion of the property is zoned Residential and when the request was before the BZA in 2004, the SUP was granted for the entire parcel instead of the area where the current mobile homes are located. He noted that the plans before the BZA include requests that do not require BZA approval as the SUP would only be on the front portion of the property.

On a motion made by Mrs. Kerns and seconded by Mr. Drewer, the Board of Zoning Appeals voted to amend the Special Use Permit issued to Jacqueline and Daniel Douglas to create two (2) new parcels for the mobile homes currently on the property with the standing condition that the mobile homes are only to be used for family members.

B. **Glen Salmon – Tax Map # 110-A-74**

Mr. Glen Salmon was sworn-in. He requested to amend SUP #110001 for a private air strip, issued on January 5, 2011 in order to remove condition number four (4). This property is located at 31368 Boggs Road – Painter, VA 23420. Tax Map # 110-A-74.

Mr. Salmon explained that he has a good relationship with his closest neighbor, Mr. Smith. He operates less than 30 flights a year, excluding training and activities to retain his licensure. Mr. Salmon coordinates with the County Airport and provides shelter for some pilots during inclement weather.

Mr. Salmon is requesting the removal of the condition as it states ‘This permit is valid until hangar space becomes available at the Accomack County Airport and offered to the applicant.’ As he has not received any concerns, but would address them if he did. He also maintains working relationship with the Airport.

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Mrs. Barbara Haxter, Accomack County Airport Manager, spoke and stated that Mr. Salmon operates safely, but the FAA had previously expressed concern with the private airstrip location close to the airport. She also noted that the Accomack County Airport does support Mr. Salmon's request.

After an in-depth discussion it was agreed upon to add a condition that Mr. Salmon would appear before the BZA every five (5) years to review the permit and its conditions. Any requested or needed changes may be made at that time.

Mr. Salmon wished to extend his appreciation to the Zoning Office and Ms. Taylor for her assistance as the process was much easier than when he originally applied six (6) years ago.

On a motion made by Mrs. Kerns and seconded by Mr. Drewer the Board of Zoning Appeals approved Glenn Salmon's request to remove condition number four (4) on Special Use Permit #110001 for a private air strip, issued on January 5, 2011 for 31368 Boggs Road – Painter, VA 23420. Tax Map #110-A-74. The following conditions were included on the Special Use Permit:

- 1. The air strip is limited to private use with no commercial or crop dusting businesses;**
- 2. An agreement with the Airport Commission must be established and maintained – a new operational letter of agreement with the Airport shall be provided;**
- 3. The airstrip is limited to daytime use only;**
- 4. The permit is contingent upon all Federal and State Authorities' safety regulations and approvals;**
- 5. No more than 50 flights will be conducted on the airstrip in one (1) year; and**
- 6. The permit will return before the Board of Zoning Appeals in five (5) years for review of all conditions, any requests or amendments will be heard at that time.**

7. OTHER MATTERS

Mr. Morrison reported the following:

- The items listed in the email from Mr. Paul Watson to Ms. Johnson contained many items that are beyond the purview of staff and the BZA. He will ask the attorneys to find another route to address the matters as they should not be included in the conditions of a SUP.
- Mr. Salmon's comments related to the help of Ms. Taylor are well deserved as she works hard.
- Due to another staff departure, Mr. Morrison requested that the BZA consider only holding one (1) meeting a month to allow staff to continue with thorough work.

On a motion made by Mr. Bull and seconded by Mrs. Kerns, the Board of Zoning Appeals agreed to hold one (1) meeting a month beginning in October 2017.

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8. NEXT MEETING

The next Board of Zoning Appeals meeting is scheduled for Wednesday, October 4, 2017 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

Pending receipt of new applications – staff will notify members.

The next Board of Zoning Appeals meeting is scheduled for Wednesday, October 18, 2017 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

9. ADJOURNMENT

On a motion made by Mr. Gayle and seconded by Mr. Drewer the Board of Zoning Appeals voted to adjourn the meeting.

The meeting was adjourned at 11:07 a.m.

Mr. Robert L. Nock, Chairman

Jessica L. Taylor, Administrative Assistant