

PRESENT: Justine D. Tilghman, Chairwoman
George A. Coyner, II, Vice Chairman
Thomas W. Bailey
Daisy A. Brown
Steven F. Shreckhise
Sandra K. Bunch, Zoning Administrator and Secretary
James R. Benkahla, County Attorney
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

PUBLIC IN ATTENDANCE: Kent O'Donohue, Balzer and Associates
Jerry Kyckelhahn

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 3, 2019 at 8:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at 8:00 a.m. in the Board of Supervisors Conference Room where the Board reviewed the staff report for each request on the agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- ROBBIE D. KLINE - SPECIAL USE PERMIT
- GREGORY OR LINDA CLEMMER - SPECIAL USE PERMIT
- KEITH W. OR ELIZABETH S. DISHMAN - SPECIAL USE PERMIT
- JONATHAN P. ROGERS - SPECIAL USE PERMIT
- KERVIN YODER - SPECIAL USE PERMITS
- VYACHESLAV MALEVANIY - SPECIAL USE PERMIT
- ROGER WILLETS, AGENT FOR SUPERIOR CONCRETE - SPECIAL USE PERMIT

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.


Chairwoman


Secretary

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ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 3, 2019, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Vice Chairman Coyner moved that the minutes from the August 1, 2019 and September 5, 2019, meetings be approved.

Ms. Brown seconded the motion, which carried unanimously.

ROBBIE D. KLINE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Robbie D. Kline, for a Special Use Permit to expand a non-conforming dwelling on property he owns, located at 108 Neff Drive, Stuarts Draft in the South River District.

Mr. Robbie Kline stated he would like to add an addition to the back of the existing garage. He stated the addition will be 22 x 22 and will have enough space for his four (4) personal vehicles. I would like to keep the existing wall the same and no one would notice the addition. He said his land is consumed with the retention basin and utility easements.

Chairwoman Tilghman asked if the entrance would be the same for the garage?

Mr. Kline stated yes.

Ms. Brown asked if his property goes out to the back?

Mr. Kline stated yes but there is a retention area back there.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated this would be no closer to the property lines than what is existing. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant obtain a Building Permit for the 22' X 22' garage addition.
2. Applicant construct the addition no closer than the current survey shows.
3. Applicant submit a foundation survey to Community Development.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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GREGORY OR LINDA CLEMMER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Gregory or Linda Clemmer, for a Special Use Permit to have a short term vacation rental on property they own, located at 148 Old Stony Ridge Road, Afton in the South River District.

Ms. Linda Clemmer stated she has a three (3) bedroom home and would like to operate an Airbnb. She said she has had friends and family come to visit and has had fifty (50) overnight stays. I will not serve breakfast but will offer a clean room, private bath,

refrigerator with bottled water, and snacks. She stated she loves this area and loves sharing the house. She passed pictures out to the Board. She said they will only allow two (2) people to stay at the home. She stated they have a gazebo that the guests can use. She noted there is ample parking at the site.

Ms. Brown asked if there is a separate entrance?

Ms. Clemmer stated yes, her guests do not have to go through the entire house. She said they always greet their guests. She said there is also a separate bathroom, and they will have a small refrigerator and Keurig with some snacks.

Ms. Brown asked if she will be advertising on the internet?

Ms. Clemmer said she advertises through Airbnb. She said they also collect and pay the Virginia sales tax.

Ms. Brown asked what is the difference between an Airbnb and bed and breakfast?

Ms. Clemmer stated Airbnb started out with people using an air mattress and it took off from there. She said a bed and breakfast is fancier and breakfast is provided and possibly cocktails. She said an Airbnb is a space to sleep and that is it. She said a bed and breakfast is more for the experience.

Vice Chairman Coyner asked about the gravel lane?

Ms. Clemmer stated she provides detailed instructions on how to get to the property.

Ms. Brown asked if the guests are screened?

Ms. Clemmer stated Airbnb does a good job screening the people. She said they use the highest restrictions on their level of screening.

Chairwoman Tilghman asked when did you find out that the Special Use Permit was needed?

Ms. Clemmer said when she got the notice in the mail.

Ms. Brown asked if she will restrict the use to the weekend or during the week?

Ms. Clemmer stated she has a calendar and will mark what days are open for rental. She said they make their own restrictions. She said Airbnb does not require you to be there but we want to meet our guests at the site when they arrive.

Vice Chairman Coyner asked if they allow pets?

Ms. Clemmer stated no pets or children.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated the Board visited the site this morning. He said it is a nice place. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to lease one (1) bedroom for short term vacation rental.
2. Total occupancy of the dwelling does not exceed six (6) people per the Health Department comments.
3. Applicant must reside on premises.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

KEITH W. OR ELIZABETH S. DISHMAN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Keith W. or Elizabeth S. Dishman, for a Special Use Permit to have a short term vacation rental on property they own, located at 252 Twin Hills Lane, Fishersville in the Wayne District.

Mr. Keith Dishman stated he has not been up and running yet because he wanted to wait to get the permit to operate legally.

Ms. Brown asked if this will be in the basement?

Mr. Dishman stated yes in the basement and there is a separate entrance with a bedroom and bath, and he stated he will not provide food.

Vice Chairman Coyner asked if they will have access to the entire house?

Mr. Dishman stated there are doors separating the upstairs.

Vice Chairman Coyner stated the property has a good view. He asked if they would rent out the site on the weekends?

Mr. Dishman stated anytime unless he is not there but they are limited to only one (1) to two (2) people and no pets or children.

Ms. Brown asked if the applicant planned on being at the site?

Mr. Dishman stated yes.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Ms. Brown stated the Board visited the site today. She said there is a beautiful view and the site is well kept. She said this site has a separate entrance with a private bedroom and bath. She moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to lease one (1) bedroom and bath in the basement of the existing dwelling for short term vacation stays.
2. Be limited to a maximum of two (2) people occupying the rental unit.

3. Applicant must reside on premises.

4. Site be kept neat and orderly.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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JONATHAN P. ROGERS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jonathan P. Rogers, for a Special Use Permit to construct an accessory building in the front yard on property he owns, located at 292 Abington Road, Swoope in the Pastures District.

Mr. Jonathan Rogers stated he would like to build a detached garage in order to keep both of his cars out of the weather.

Chairwoman Tilghman asked if this spot is the only place for the garage?

Mr. Rogers stated yes.

Chairwoman Tilghman asked if it would have the same exterior as the home?

Mr. Rogers stated yes, it will have the same type of siding on the garage.

Chairwoman Tilghman stated she did not realize it was a log home. She said the Board visited the site today. She said if you were to use wood on the garage, no one will notice it.

Mr. Bailey asked if there were any other accessory buildings at the site?

Mr. Rogers stated no.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Ms. Brown stated the Board visited the site this morning. She said this site has a little over five (5) acres and is heavily screened by the woods and setback off the road. She

said this would be keeping in character with the way the house was built. She moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Be permitted to construct a 26' X 26' detached garage in front of the existing dwelling as shown on the BZA sketch.
- 2. Applicant obtain all building permits and necessary inspections.
- 3. No junk or inoperable vehicles be kept outside.
- 4. Site be kept neat and orderly.

Vice Chairman Coyner seconded the motion, which carried unanimously.

KERVIN YODER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kervin Yoder, for a Special Use Permit to continue to use the existing building for internet auctions and to have outside storage between the buildings on property owned by Maynard or Shirley Miller, located at 2177 Tinkling Springs Road, Stuarts Draft in the South River District.

Mr. Kervin Yoder stated Enlisted Auctions has operated since 2014. He noted that Ben Yoder is in the process of selling his business. I would like to transfer the Special Use Permit into my name. He said there are no change of operations planned.

Chairwoman Tilghman asked if he is requesting any changes or additional storage that is already there?

Mr. Yoder stated no. He said they do not use the area listed on the site plan as outside storage. He said that is their driveway. He noted that Sunrise Farms operates at this site also.

Ms. Brown asked where are the vehicles located?

Mr. Yoder stated he does not store vehicles there. He said parking is on the right side near the office between the buildings. He stated he does empty houses and bring the items to their site to take pictures for the online auction but the customers can also come to see the items in person. He said Monday the bidding ends and by Tuesday the buyers pickup items. He said it is primarily online but he does have preview hours.

Vice Chairman Coyner asked how many people come out and look at the auction items?

Mr. Yoder stated the majority of buyers do not. He said a lot of the people go on the photos we provide on the website.

Ms. Bunch stated the outdoor storage is supposed to be in between the two (2) buildings.

Mr. Yoder stated that is where the driveway goes through. He said the site is different now.

Vice Chairman Coyner asked if the applicant has outside storage there?

Ms. Bunch stated the storage area was used up when the driveway was changed.

Mr. Yoder stated they do not really store things outside but if they do it is not long term.

Ms. Brown asked if they auction off vehicles or farm equipment?

Mr. Yoder stated most of those are at the other facility or at the concrete apron near the building if he cannot fit it in the building. He said the buyers pick up the items usually within 24 hours but if not he can hold them for a week. He said they sell items on commission. He noted they discard any of the items that are not sold or not picked up. He said they only try to sell the items once.

Ms. Bunch stated there should be no storage in the front.

Chairwoman Tilghman asked how many employees are there?

Mr. Yoder stated it varies on the day of the week.

Chairwoman Tilghman asked where do they park?

Mr. Yoder stated in the gravel area near the office. He stated he leases the building from Sunrise Farms.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated the site appears to be neat and orderly. He said this is a valuable service and a good way to use the building. He would like to continue what has been done for the last five (5) years. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. The only outside storage permitted will be between the existing buildings as shown on the plan and the only items permitted outside will be vehicles, farm equipment, or items too large to fit inside the 60' x 100' building.
2. No other outside storage is permitted.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. No vehicles or equipment be brought to the site prior to **ten (10) days** before an auction event and all vehicles and equipment be removed within **ten (10) days** of an auction event and the site be returned to an agricultural state.
5. Porta-johns may be used to supplement the onsite restroom facilities but may be brought to the site no sooner than seven (7) days before an event and be removed no later than seven (7) days after an event.
6. Site be kept neat and orderly.
7. No Sunday work.

Ms. Brown seconded the motion, which carried unanimously. She stated there have been no complaints on this business for five (5) years. She said this is a great service for the community.

KERVIN YODER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kervin Yoder, for a Special Use Permit to continue to use the existing buildings for internet auctions and to amend Operating Condition #2 regarding the number of trailers stored onsite on property owned by Benjamin Eli Yoder located at 1210 Cold Springs Road, Stuarts Draft in the Riverheads District.

Chairwoman Tilghman stated the applicant will need to update their site plan because they have added more gravel.

Mr. Kervin Yoder stated Ben Yoder spoke to EGS and they are scheduled to come out and do a site visit next week.

Chairwoman Tilghman stated there is a pre-condition that it be done. She said there are sixteen (16) trailers and six (6) motorized vehicles at the site now.

Mr. Yoder stated yes.

Vice Chairman Coyner stated the applicant started off with only having six (6).

Mr. Yoder said Ben Yoder has bought a number of trailers over the years.

Chairwoman Tilghman stated they are supposed to have six (6) only but at the site, there are three times the number that is supposed to be there. She asked how many would the applicant like to increase it to?

Mr. Yoder stated we are at the maximum capacity. He said sixteen (16) is adequate. He stated he does not see them getting any more than what they have now unless we expand the building.

Chairwoman Tilghman asked if this is the site where a truck or car will be stored for sale?

Mr. Yoder stated when he brings them back here on the lot, they have a 10-14 day window.

Chairwoman Tilghman asked if this is where customers will come and look at vehicles?

Mr. Yoder stated yes.

Vice Chairman Coyner stated some vehicles look inoperable. He asked if those vehicles were brought in for an auction and sold?

Mr. Yoder stated they had some inoperable vehicles that were towed in.

Ms. Brown asked how many employees are at this location?

Mr. Yoder stated about 1-4 employees on average at this location. He said Wednesday is their pickup day. He said they move items from people's homes to this location. He said the trailers have items in them. He said sometimes they will combine sellers into one auction but it depends on the amount of floor space they have.

Chairwoman Tilghman stated the operating conditions state three (3) full-time employees. She stated if you need to change that, it would need to be talked about now?

Mr. Yoder stated he plans to have three (3) or less in a week span.

Chairwoman Tilghman stated the conditions state full-time.

Mr. Yoder stated they are fine with what they have now. He said they have some part-time staff.

Vice Chairman Coyner asked how many bidders participate in an auction?

Mr. Yoder said they have 300-600 bidders for an auction.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Ms. Brown stated this is a good service for the area.

Mr. Bailey said the Board visited the site this morning and it was very neat, and moved to approve the request with the following conditions:

Pre-Condition:

1. Submit an updated site plan and Erosion and Sediment Control/Stormwater calculations if additional impervious area since 1990 is greater or equal to 10,000 square feet.

Operating Conditions:

1. There be no outside storage other than company vehicles except that a maximum of six (6) motorized vehicles/equipment and sixteen (16) trailers may be kept in the trailer parking area behind the buildings as shown on the BZA sketch plan.
2. Be limited to three (3) full-time employees unless the applicant provides written approval from the Health Department and provides documentation to Community Development.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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VYACHESLAV MALEVANIY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Vyacheslav Malevaniy, for a Special Use Permit to have outdoor storage of tractor trailers on property owned by Leonid or Yelena Malevaniy, located on the east side of Little Run Road (Route 900) south of Snowflake Mill Road (Route 769) Weyers Cave in the Middle River District.

Chairwoman Tilghman stated the applicant would like to park their tractor trailer at the site.

Mr. Vyacheslav Malevaniy stated yes. He said in the future there may be more than one trailer just in case his business were to expand.

Chairwoman Tilghman said there are a lot of nice trees. She asked if they plan to leave the trees?

Mr. Malevaniy stated yes except for the driveway.

Chairwoman Tilghman said you do not notice the tractor trailers now because of the trees. She asked when do you take the tractor trailers out?

Mr. Malevaniy stated he leaves on Monday and comes back on Friday. He said when he takes the week off, it will be there all week.

Vice Chairman Coyner asked if the applicant will plant trees along the southwest side?

Mr. Malevaniy stated he can plant a row of trees there.

Mr. Bailey asked when the applicant has four (4) vehicles at the site, will either family members or employees be coming to the site to pick up the trucks?

Mr. Malevaniy stated yes. He said he will hire drivers if he has more trucks. He said they will drive to the property and leave their car at the site.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the site?

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated he has no problem with the request and it will not interfere with the traffic and moved to approve the request with the following conditions:

Pre-Condition:

1. Obtain VDOT entrance permit and provide a copy to Community Development.

Operating Conditions:

1. Be allowed to construct an 80' x 80' graveled parking area to park a maximum of four (4) semi-tractor trailers as shown on the site plan.

2. Natural vegetation remains along the front and eastern property lines and a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center be planted along the western property line for screening.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Site be kept neat and orderly.

Vice Chairman Coyner seconded the motion, which carried unanimously.

ROGER WILLETS, AGENT FOR SUPERIOR CONCRETE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Roger Willets, agent for Superior Concrete, for a Special Use Permit to have a concrete batching plant on property owned by PBR Associates, LLC, located at 100 Johnson Drive, Stuarts Draft in the Riverheads District.

Mr. Roger Willets stated he bought the property in 2009 and it is zoned General Industrial and in an industrial neighborhood. He said Superior Concrete has a contract to purchase eight (8) acres with the arrangement that he will build the road coming into the property and it will open up more industrial lots. He stated the road will exceed VDOT's specifications and at some point VDOT or the County may require that the road be taken over into the state system. He said this will be a \$340,000 road. He will upgrade the private road on Rt. 909 into the property. He noted by doing the upgrade, it will open up three (3) more industrial lots that will be ready to use. He would like to be sure to answer any concerns of the neighbors in the design of the plant. He said the neighbor to the east, Ms. Sumerlin, sent in a letter to the Board. He said that she is requesting trees be planted and he has agreed to do so. He said that Rexnord had questions with the dust and surface of the road and he has agreed to a set of conditions and has provided assurance that the road will be paved. He said there will be no open ground where the vehicles will travel.

Vice Chairman Coyner asked if they will come right to the property line?

Mr. Willets stated they worked it out with Rexnord and they are comfortable with it. He said Ray Burkholder with Balzer and Associates and Keith Wilt, Vice President of Operations, with Superior Concrete is here to answer any questions.

Ms. Brown asked how close to Rexnord and Hershey will you be?

Mr. Willets stated 800' from Rexnord and 1,200'-1,500' from Hershey with the railroad in between. He said they will bring sewer and water under the railroad.

Vice Chairman Coyner stated all raw materials will come in by truck.

Mr. Willets stated yes using the private entrance off Route 909.

Ms. Brown asked if there are four properties total?

Mr. Willets stated three properties and this one. He said the road will open up the property in the back. He said the house was built when Rexnord built the plant and the construction manager lived in it. He said this is a non-conforming house because it is in an industrial zoning and he cannot sell it and he cannot get financing for it. He said the house is forty (40) years old but it is in good shape.

Ms. Brown asked how many acres will be used for the cement plant?

Mr. Willets stated 8.5 acres.

Mr. Jeff Ward stated he is representing Rexnord Industries, LLC, who is most affected by the project. He said at first when they heard about it, they were against it, but if these proffers are part of the Special Use Permit, they can live with it. He said technology has changed a good bit.

Mr. Bill Hott with Rexnord said the plant is an environmental controlled facility with ac units that bring in a certain percentage of outside air. He said there is a concern about dust in the air. He said the plant has regulations on negative air pressure. He said they are constantly pulling it in from everywhere. He said the dust outside could pull inside if there is a lot of dust.

Chairwoman Tilghman asked if there was a concern with dust from the concrete by a potential plant or a farmer plowing a farm?

Mr. Hott said the dust from a plant would be different than plowing. He said there has not been agricultural activity for years, only pasture land.

Chairwoman Tilghman asked if he felt there could be a potential for dust if there was a hay making operating at the site?

Mr. Hott stated it could be but they are concerned about the dust from the cement. He said any major dust would be a problem.

Chairwoman Tilghman asked if the machines that are used are sensitive?

Mr. Hott stated they have a controlled environment. He said all of the doors are closed in order to have negative air pressure.

Ms. Brown asked if there are air system filters?

Mr. Hott stated yes, any additional dust would intern clog the filters. He said they change the filters two (2) times a year now but they are not sure if they can capture everything.

Mr. Ward stated there are 85 employees for Rexnord. He said they would like these terms added (working draft submitted to the Board):

- A) That the access road from Johnson Drive be built to VDOT standards or above, and that the developed (traffic and work areas) of the batch plant be asphalt or concrete surfaced;
- B) That as many of the trees and natural vegetation as possible be left in the areas between the concrete plant project and Rexnord's property;
- C) That Rexnord be provided with copies of all construction design and development documents that are submitted to Augusta County as the project proceeds;
- D) That the plant will be designed and built to lessen the impact on neighbors and in full accordance with DEQ; and
- E) Applicant, assigns, and successors commit to take prompt corrective action in the future if operations on the property "adversely impact"* the Rexnord property by excess dust and noise. (* from the County Code re: batching plants – Section 25-384)

Mr. Ray Burkholder with Balzer and Associates stated the Stuarts Draft site will work well with a good road. He said this is industrial zoned land. He said they will meet the State and County stormwater requirements. He said due to the 100' setback, the site plan submitted is actually for fourteen (14) acres. He said they needed five (5) acres to get the one hundred (100') foot setback around this. He said the Board of Supervisors are looking into adjusting that condition to the 100' buffer only against the General Agriculture zoned properties. He said they may have to buy more land in order to have the buffer. He said the contract is only for eight (8) acres.

Chairwoman Tilghman stated the footprint of the land will not change but only the amount of buffer and road.

Mr. Burkholder stated yes.

Ms. Brown asked what is the total acreage of the lot?

Mr. Burkholder stated close to fourteen (14) acres with the buffer.

Chairwoman Tilghman stated the Board of Supervisors are looking into changing the buffer on industrial zoned lots. She said we will not be able to take a buffer less than the restriction but we can make the buffer more restrictive.

Ms. Brown asked about the drainage?

Mr. Burkholder stated they will have the stormwater ponds in place and the water gets recycled in order to control the dust. He said VDOT will look at the 300 vehicles coming and going from the site per day.

Vice Chairman Coyner asked what would daylight hours of operation be?

Mr. Burkholder stated they will have daily hours during the daylight and during the night. He said they produce concrete for VDOT and those jobs are at night. He said the operating conditions should be amended because it should not be specific hours. He said there will be times at night or on the weekend. He said the hours will vary.

Vice Chairman Coyner asked what would the hours of operation be in a normal setting?

Mr. Burkholder stated 7:00 a.m. until 5:00 p.m. are normal business hours.

Vice Chairman Coyner stated the surrounding roads are certainly designed to accommodate that.

Chairwoman Tilghman asked how many employees would there be?

Mr. Burkholder stated five (5) to eight (8) employees. He said there are currently 2,500 trips on Johnson Drive currently.

Vice Chairman Coyner asked if this would create noise?

Mr. Burkholder said Jerry Kyckelhahn will talk about the noise.

Ms. Brown asked where will the water come from?

Mr. Burkholder stated some public water and some rain water will be settled and reused.

Vice Chairman Coyner asked if there is a basin to catch the water?

Mr. Burkholder stated yes.

Chairwoman Tilghman asked if they will have 300 batches per day? She said the average being eight (8) hours a day but with work from VDOT they potentially could have more hours.

Mr. Burkholder stated the batch number of hours vary with the number of hours you work. He said they take the peak day and base the number of trips with that.

Ms. Brown asked who is the concrete for?

Mr. Burkholder stated VDOT, homeowners, farmers, and businesses.

Chairwoman Tilghman asked them to explain the plant and how it works.

Mr. Keith Wilt with Superior Concrete said they were first established in 1953 in Harrisonburg. He said his dad purchased the business in 1982 and he and his brother moved up within the company. He said they have 63 employees. He said they want to continue his dad's vision for the company and that is the reason why they are looking at Stuarts Draft because it is appealing to them. He said this would be a satellite plant like Broadway and they will maintain the central location in Harrisonburg. He said concrete is a perishable product and cannot be good but so long. He has had customers ask about them having a plant in Augusta County. He would like to eliminate the traffic by having a site down here and eliminate some of the trips. He said the facility they have is not really pretty and it is dusty and dirty. He said they are closely monitored by DEQ. He said this plant will be the newest state of the art environmentally friendly plant around. He said most of our dust is because the lack of paving. He said there would be a good bit of watering. He said they have searched out an award winning engineer for this. He said they want to be a good neighbor to all.

Ms. Brown asked how long will the concrete in the trucks last?

Mr. Wilt stated about an hour or two but they may be able to extend that but there are a lot of different factors involved.

Vice Chairman Coyner stated the mileage is limited to the timeline.

Mr. Wilt stated they stay within a 1 ½ hour timeline.

Ms. Brown asked if they need this location because the concrete can only be on a truck for a certain time?

Mr. Wilt stated it will help us to serve this area better and be more efficient. He said they cannot bring fully loaded trucks on the Interstate.

Mr. Jerry Kyckelhahn stated he has won national rewards on the plants. He said they will give you the best plant. He presented a Power Point presentation to the Board (copy in the file). He said concrete plants are essential to economic growth. He said they are only allowed to discharge so much water and they have a certain criteria they need to abide by. He said they do not let the dust escape anymore.

Ms. Brown asked if DEQ will check the water?

Mr. Kyckelhahn stated yes, they test every thirty (30) days.

Chairwoman Tilghman asked about noise?

Mr. Kyckelhahn stated the maximum is 85-88 decibels on the plant. He said a train is 140-160. He said you will almost not hear the plant. He said the concrete plant has to operate 24 hours a day/7 days a week and there should be no restrictions. He said they put out fifteen (15) loads in an hour and an average load size is eight (8). He said the peak time will be about 8:30 a.m. He said with a cold climate like this, a slab is done in the morning and the basement walls are done in the afternoon.

Mr. Bailey asked if the plant is designed to have no waste at all on the site?

Mr. Kyckelhahn stated anything leftover from a job, is recycled back in.

Ms. Brown asked about the dust?

Mr. Kyckelhahn said the dust is all recycled and put back in the silos. He said it is blown back in.

Mr. Willets stated they are required to turn in test results every thirty (30) days. He said if they do not meet the standards, it is shut down. He said they never had a DEQ violation and it is important for them to meet the standard.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request? She said they received a letter today an hour before the meeting from Cozen O'Connor dated October 2, 2019 (copy is in the file).

Mr. Randy Brock, 1675 Owensfield Drive, Charlottesville, stated he is the Technology Manager at Hershey Company in Stuarts Draft. He said Hershey Company of Virginia owns land at 120 Harold Cook Drive, Stuarts Draft. For over 35 years, this location of The Hershey Company has been manufacturing candy. The Stuarts Draft location is Hershey's second largest United States plant and is the primary producer of peanut-related food products for Hershey's candies, including Reese's Peanut Butter Cups, Reese's Pieces, Reese's Shapes, Nutrageous. He said they are a food manufacturing facility and they have to follow the most rigorous food quality and food safety processes in the world. He said Hershey opened in 1982. Hershey employs more than 1,100 employees in Virginia, the majority of them in Stuarts Draft, and has invested over \$63 million in its Stuarts Draft plant. In addition, Hershey just celebrated in May 2019 the groundbreaking for a \$104 million expansion of the Stuarts Draft facility and it includes the peanut roasting facility and building expansion to accommodate three new production lines. Hershey also invests in the community, partnering with the Shenandoah Economic Development Board to conduct training, boot camps, and apprenticeships, and developing the Advanced Manufacturing Technology Industrial Mechatronics program with the Blue Ridge Community College, Valley Career and Technical Center and Massanutten Technical Center. He said there are mounds of dirt there this morning. He said they have enlarged their parking lot. He noted the peanut roasting center of excellence will be near this. He noted they plan on roasting their own peanuts onsite. He said the other expansion is in the southwest corner of the building. He noted the Hershey site abuts the location for Superior Concrete. He noted the employees will be exposed to dust from the batch site being so close by. He said this is one of the largest investments the company has made in the past nine (9) years in the United States. He said the air inlet roaster will be on the north side wall.

Chairwoman Tilghman asked why are they on that wall?

Mr. Brock said he was not involved in that process with the design. He said the truck traffic comes and serves that building which is why it is on the north side. He said the building ventilation is on top of the roof and could pose air pollutants if the Special Use Permit is approved. He said the existing building has seventy (70) air handling units. He said they object to putting this business there because of the air pollutants. He said they reviewed the average weather patterns in Stuarts Draft and the average winds come from the north and west. He said that is where our plant will be situated from the concrete plant. He said Hershey objects to this for the potential air contaminants that can be produced from this plant. He said they support development in this area but as a food

manufacturer they are stating their objection to ensure high quality food safety standards for the potential of air contamination.

Ms. Meridith Moldenhauer, Cozen O'Connor, 1200 19th Street, NW, Washington, DC, stated she only received a copy of the notice five (5) days ago and it did not give them a lot of time. She said they were not contacted by Mr. Willets. She said they are here to express their opposition to application 19-60. She said the applicant must comply with the Comprehensive Plan and have no undue adverse impact on neighboring properties and she believes here that the applicant cannot satisfy that standard. She looked into concrete plants and believe that there are multiple factors that will create an adverse impact no matter how potentially high quality it is built. She said the question is compatibility with abutting neighboring uses and here this is an industrial use but we have to be aware of what industrial use it is. She said they are a food, candy manufacturer so that is obviously a very specific issue that this Board needs to consider. She said we talk about batch plants and they have multiple types of aggregate, heavy aggregate and light aggregate. She said there are also different add agents and minerals that are used. She said all of these factors create possible chemical mixtures that are used which then create EPA requirements and create the potential for pollutants. She said no matter what you do this will never be a net zero facility. She said there will be particulate matter and fugitive dust that will come off of this facility. She said they are proposing to have the aggregate pretty much as close as possible to the Hershey site. She noted that is exposed to air and wind and no matter what you do there are a lot of mitigating factors that could be done but when a storm comes you cannot stop that aggregate material that is being located out into the open from going right into the new peanut roasting facility that is going to be built. She spoke about the EPA restrictions and regulations. She said they are not permitted by right, a batching plant has to go through the Special Use Permit process to comply with conformity of the Comprehensive Plan and policies. She said there should be no adverse impact on surrounding neighborhoods. She said these standards are 1) not adversely impacting neighboring areas characterized by residential, commercial, or industrial development; 2) ensuring traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing the said roads that onsite traffic flow will adequately and safely accommodate all traffic to and from the public highways; and 3) setting back all buildings, structures, and operations at least one hundred (100') feet from all property lines, unless the Board of Zoning Appeals determines that greater setbacks are necessary to adequately protect neighboring properties. She said here they are actually looking to get relief from the Board of Supervisors from this exact location allowing it to be even closer despite the fact that there is a large amount of land here to provide enough setbacks. She said the Augusta County Comprehensive Plan states in the Economic section of the plan that it is important to focus on economic issues that can be collaborative with each other. She said while this is industrial zoned land, it is industrially zoned land that is abutting a food and candy

manufacturer and so the fact that you would have pollutants or particulates in the air, would not be conforming with the proposed use or the existing use. The Comprehensive Plan specifically states as "Goal 1" of its "Economy" section "Promote business retention and attraction strategies that are complementary to both new and existing businesses." She said this is clearly not compatible with the existing Hershey facility that is located here. Further of this Goal 1, Objective A is to "retain and expand the business and industrial operations currently located in the County" and that the "primary focus of economic development efforts should be to retain the County's existing employers and facilitate their growth and expansion." She said they have done a great job with this and are encouraging growth and had a fantastic groundbreaking. She said they have been supportive of Hershey's expansions but the proximity of this request is not appropriate or compatible and it would be counterintuitive. She said Policy 1 also talks about maintaining the existing industrial program. She said the Comprehensive Plan talks about needing to look and encourage the industrial uses but anticipates the need and promotes the awareness of current workforce and current training programs. She said they need to look at balancing and when looking at the balance it shows that Superior Concrete needs to look at another site. She said in Objective B of Goal 1 is to create a "balanced industry base" by attracting businesses and industries that are compatible with and enhance the County's economic climate as well as its environment. She said Policy 2 talks about complimentary businesses. She said Objective C talks about the County's unemployment rates and encouraging wages. She said we heard from Mr. Brook that Hershey does provide 1,100 jobs and good paying wages that potentially would be exposed. She said even if Superior Concrete is doing everything possible there still will be fugitive and aggregate that is sitting there exposed to the wind and air. She noted on windy and rainy days when the gusts are coming, all of those employees that are parked in that area will be affected by the winds that are going in that direction. She said Policy 4 talks about educational alliances and Hershey is doing an amazing job on maintaining these training programs and maintaining these alliances. She said they also heard about the use of the softball field and that is a great program. She asked if this location is appropriate for this type of use where you have children running around on the field and having the air pollutant challenge and adverse impact. She noted the proposed use of a concrete batching plant will have adverse impacts to maintain the facility for the quality and food services they provide. She said it is not compatible. She said we talked about the trucks and the traffic impact here. She said they talked about possibly 600 trucks and heard no testimony about those trucks idling and emissions and those are all additional potential air pollutants for those trucks. She noted they are worried about the adverse impact on the community as well as employees at Hershey and the potential emissions that would be sucked into the air handling facilities at Hershey. She said they did not hear much as to the level of noise. She thinks the noise level given the proximity of the ball field and the facility would be an adverse impact. She also heard about their hours of operation not being limited and working in the evening, which gives us great concern. She

said if you are operating at night, how are you going to be able to see the dust. She said during those times it will create adverse impacts. She did not hear any information on providing mitigation for wind speed instruments or gauges. She said we also have to compare adverse impacts currently. She said yes there is a railroad track here but that is status quo and creating all of this additional emissions, not only the actual batching facility, the aggregate and fugitive dust and processing dust but there will always be some dust. She said it is not just the question of dust but what are the chemicals in that dust and what is that pollutant that will potentially get into food and also getting on 1,100 employees that are at the site and walking around near the picnic tables. She said the employees were outside today eating and they will be impacted by that and the noise. She said they are very supportive of industrial use and we have a concern that it will not be compatible with the neighboring uses at the site already. She said they would be willing to engage with the applicant and we have not yet been contacted by the applicant. She said based on the information that we were provided thus far, we would request that the Board deny the application.

Chairwoman Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chairwoman Tilghman asked the applicant to speak in rebuttal.

Mr. Willets stated Hershey has been a good neighbor. He apologized for not contacting Hershey. He said if you are in the food business he expects that they have filters to catch this and they are not just bringing in bad air. He said Rexnord has filters to catch it. He said there are EPA standards and they are well within the EPA standard. He said they have to perform a self-check report every thirty (30) days to be sure they are well within those standards. He said Hershey is stating there are going to be pollutants in the air that are going to be harmful but that it just an assumption and it is not fact. He said the trucks will unload inside the plant. He stated a tractor trailer inside the plant is wide open with diesel fumes coming out of the exhaust and I'm sure there are all kinds of protections to make sure that there are no pollutants coming inside the building. He said they have protections to comply with DEQ standards. He said our presentation was really in good faith. He said Jerry Kyckelhahn did a good job of explaining how we capture the dust. He said historically they have had a good record. He said no pollutants get into the food with the diesel trucks coming into the plant. He said they have to have a super filtration system in order to be sure no pollutants get into the plant. He said they want to be a good neighbor. He said they are not going to work 1,100 people but we will have trucks in and out like they do.

Chairwoman Tilghman stated 500-600 trucks a day is high and it is not a realistic number on the trucks per day.

Mr. Willets said he has to believe that Hershey being in the food business has a very sophisticated state of the art filter system like Rexnord. I am sure Hershey changes theirs often. I cannot believe being in that business Hershey does not have safeguards.

Mr. Shreckhise asked if the applicant can give us names and addresses of perhaps concrete plants so that we can contact them or the people near them.

Mr. Kyckelhahn stated Maschmeyer Concrete and Keys Concrete. He said he can give you the entire award documentation. He said they can get the information out to you. He said you cannot stop people from developing. He said she used the word potential in her presentation five times and she used the word possible impact at least twice and then she converted potential and possible into impact. He said there is a difference between a potential impact and an impact. He said never did she state a real impact.

Chairwoman Tilghman asked how many different things go in to making concrete?

Mr. Kyckelhahn stated there are large and medium aggregates and many different grades. He said rock, sand, cement, water, and added mixtures. He said all of the added mixtures are classified as non-hazardous. He said cement is the dust and concrete is the mixture.

Ms. Brown asked what is the added mixture?

Mr. Kyckelhahn stated it gives you different characteristics.

Chairwoman Tilghman stated the Board should continue the public hearing at the next meeting in order to find out more information.

Mr. Shreckhise moved to continue the public hearing at the November 7, 2019 meeting. He said the problem is that Superior Concrete is saying that they will not affect Hershey but Hershey is stating they will be affected by it. He would like research done and names provided of the concrete plants and possibly get statements of some of their neighbors in support. He suggested that Hershey should check out some of the places also.

Mr. Benkahla stated both cases can present new information to the Board.

Chairwoman Tilghman stated she is interested to see what comes up. She said even though this is an industry, a Special Use Permit is required because it is not the normal industry. She said we have cement everywhere. She said the company can only haul cement so far.

Mr. Shreckhise said this may not be good being beside a food processing facility.

Chairwoman Tilghman said it is to their advantage to be educated on this.

Vice Chairman Coyner seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

TAYLOR CARWILE, AGENT FOR SA HOLD CO., LLC - EXTENSION OF TIME

A request by Taylor Carwile, agent for SA Hold Co., LLC, for a Special Use Permit to continue the existing campground and to continue to rent out for recreational use the two bedroom cottages, two (2) three bedroom cottages, fourteen (14) room lodges, and to continue to have a seasonal restaurant within the beach house and to increase the number of extended stay sites occupied more than 240 days on property owned by Shen Acres Realty, LLC, located at 256 and 348 Lake Road, Stuarts Draft in the South River District.

Ms. Brown moved to approve a thirty (30) day Extension of Time.

Vice Chairman Coyner seconded the motion, which carried unanimously.

IRA BIGGS, AGENT FOR COUNTRY LANDMARKS, LLC - EXTENSION OF TIME

A request by Ira Biggs, agent for Country Landmarks, LLC, for a Special Use Permit to modify operating conditions of Special Use Permit #15-35 to allow additional storage area and to increase the number of trips per day on property it owns, located on the north side of Skyview Circle adjacent to the railroad, just east of the intersection of Lee Highway (Route 11) and Skyview Circle, Verona in the Beverley Manor District.

Mr. Shreckhise abstained from the vote on this request due to a conflict of interest.

Vice Chairman Coyner moved to approve a sixty (60) day Extension of Time.

Ms. Brown seconded the motion, which carried with a 4-0 vote with Mr. Shreckhise abstaining from the vote.

STAFF REPORT

18-51	Patricia A. Long
18-52	Kevin L. or Tara Stroop
18-53	Eddie D. and Sandra F. Shirley
18-54	Zachary Swanson
18-55	Taylor M. Cole

Ms. Bunch stated SUP#18-51 is in compliance. She noted that the building has been constructed for SUP#18-52 but there were inoperable vehicles at the site. She said staff sent the applicant a letter and they said they would remove the vehicles. She stated we also sent a letter regarding the inoperable vehicles for SUP#18-53. She noted we have sent the applicant a letter on SUP#18-54 asking that they submit the foundation survey to our office. She said we will work with their surveyor on getting that submitted. She stated SUP#18-55 is in compliance.

Mr. Benkahla presented the court cases to the Board.

There being no further business to come before the Board, the meeting was adjourned.



 Chairwoman



 Secretary

