

January 2, 2020

PRESENT: George A. Coyner, II
Thomas W. Bailey
Daisy A. Brown
Sandra K. Bunch, Zoning Administrator and Secretary
James R. Benkahla, County Attorney
John R. Wilkinson, Director of Community Development
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Justine D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 2, 2020 at 8:30 A.M., in the County Government Center, Verona, Virginia.

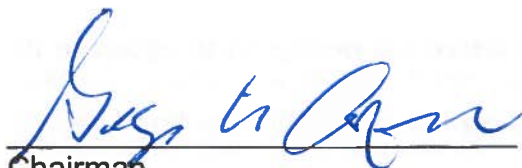
The staff briefing was held at 8:30 a.m. in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

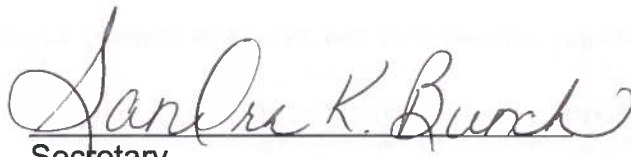
VIEWINGS

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

- **VICKIE PARSON - SPECIAL USE PERMIT**
- **JARED SIMMONS, AGENT FOR BELLE VISTA FARM, LLC - SPECIAL USE PERMIT**
- **CHARLES SCOTT AND CATHY F. BALSLEY, AGENT FOR CREATIVE WORKS FARM, INC. - SPECIAL USE PERMIT**
- **DALE W. HILL, AGENT FOR APEX TOWERS, LLC - 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.


Chairman


Secretary

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

ABSENT: Justine D. Tilghman, Vice Chair

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 2, 2020, at 1:30 P.M., in the County Government Center, Verona, Virginia....

ELECTION OF OFFICERS

Ms. Brown nominated Mr. Coyner as Chairman, Ms. Tilghman as Vice Chair, and Sandra Bunch as Secretary.

Mr. Bailey seconded the motion, which carried unanimously.

MINUTES

Mr. Bailey moved that the minutes from the December 5, 2019, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

CONSIDERATION OF 2020 RESOLUTION

Mr. Bailey moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2020 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

January 2, 2020

Ms. Brown seconded the motion, which carried unanimously.

VICKIE PARSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Vickie Parson, for a Special Use Permit to have a short term vacation rental on property she owns, located at 13 Mose Fitch Lane, Lyndhurst in the South River District.

Mr. Jack Parson stated they would like to use the site as an Airbnb when his son is not staying at the home.

Chairman Coyner asked who will look after the house when you are away?

Mr. Parson stated his wife, son, and himself.

Chairman Coyner asked if the house would be rented occasionally?

Mr. Parson stated yes.

Ms. Brown asked how close do you live from this site?

Mr. Parson stated he lives right next door on Mount Torrey Road.

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

There being none, Chairman Coyner declared the public hearing closed.

Chairman Coyner stated the Board visited the site this morning.

Mr. Bailey moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to lease the existing dwelling for short term vacation rental.
2. Be limited to no more than six (6) persons occupying the dwelling.
3. Applicant submit subsequent lease agreements within ten (10) days of signature when the lease changes.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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JARED SIMMONS, AGENT FOR BELLE VISTA FARM, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jared Simmons, agent for Belle Vista Farm, LLC, for a Special Use Permit to have horse shows, weddings, and other special events on property they own, located at 5654 Spring Hill Road, Mount Solon in the North River District.

Mr. Jared Simmons stated he is the owner of Simmons Sport Horses. He said he already does training and boarding of horses and would like to request a Special Use Permit for weddings and horse shows.

Chairman Coyner stated the Board visited the site this morning. He said the building is very nice. He asked if horses are boarded there?

Mr. Simmons stated yes.

Chairman Coyner asked if he would have horse shows and weddings?

Mr. Simmons stated yes. He said there is a level spot with a beautiful view so he would like to have some weddings. He hopes to start with a tent and restroom units and in the future possibly build something down the road.

Chairman Coyner asked if he has spoken to the neighbors about this?

Mr. Simmons stated yes.

January 2, 2020

Chairman Coyner stated this is a beautiful area.

Mr. Simmons said the horse shows would be outside in the arena. He stated there would be grass parking up top for the trailers.

Mr. Bailey asked if the applicant spoke with the Virginia Department of Transportation (VDOT)?

Mr. Simmons stated he did speak with Dale Driver with VDOT and they did have a little problem with the sight distance. He stated that he did move back the board fence and he will need to obtain a new permit through VDOT.

Chairman Coyner asked if there will be restroom facilities in the barn?

Mr. Simmons stated they do have a drainfield for when he puts in a restroom but right now they plan on using a portable unit.

Chairman Coyner stated the applicant will need to have a restroom facility installed within two (2) years.

Ms. Brown asked if the parking is above the arena?

Mr. Simmons stated yes, on the right.

Ms. Brown asked if they will have bleachers for horse show events?

Mr. Simmons stated he may rent bleachers or have people bring their own chairs.

Chairman Coyner asked if there would be many spectators for horse shows?

Mr. Simmons stated not many. He said they would mostly be grandparents or parents that are watching the kids in the show. He stated they may have fifty (50) horse entries for the entire day. He said Great Beginnings show is for younger kids and younger horses.

Chairman Coyner asked if he has any employees?

Mr. Simmons stated one (1) employee and family members help out.

January 2, 2020

Ms. Brown asked if the applicant lives near the site?

Mr. Simmons stated he lives in Bridgewater but his parents live up the hill from this site.

Chairman Coyner asked if there would be family present at all times?

Mr. Simmons stated yes.

Ms. Brown asked if all breeds of horses participate?

Mr. Simmons stated all breeds. He said all of the horses are pretty docile and trained well.

Ms. Brown asked about the material at the site piled up?

Mr. Simmons stated he ordered incorrectly and he needs to sell that material.

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

There being none, Chairman Coyner declared the public hearing closed.

Chairman Coyner stated this is a nice piece of property in a rural setting. He said the Board visited the site this morning.

Ms. Brown stated this is a beautiful piece of property and the applicant's parents live close by.

Mr. Bailey moved to approve the request with the following conditions:

Pre-Condition:

1. Obtain VDOT approval and provide a copy to Community Development.

Operating Conditions:

1. Applicant will install a sewage treatment system or upgrade the existing sewage disposal system approved by the Health Department and install permanent restroom facilities within two (2) years.

January 2, 2020

2. Be permitted to operate for two (2) years using a portable restroom trailer until the septic system is installed.
3. Be limited to twenty-four (24) events per year but no more than two (2) per month.
4. Be limited to a maximum of three hundred (300) people per event.
5. No amplified music after 11:00 P.M.
6. Events to cease by 11:00 P.M. and all persons off the property before midnight.
7. Applicants must be on the premises during events.
8. Site be kept neat and orderly.
9. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
10. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the Ordinance requirements of Article VI.A Outdoor Lighting.

Ms. Brown seconded the motion, which carried unanimously.

CHARLES SCOTT AND CATHY F. BALSLEY, AGENT FOR CREATIVE WORKS FARM, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Charles Scott and Cathy F. Balsley, agent for Creative Works Farm, Inc., for a Special Use Permit to add four (4) new structures including a windmill classroom, police station, pavilion and reflection hall, and a plane fuselage and train caboose for recreational use and have three (3) years to complete on property they own, located at 107 Creative Works Lane, Waynesboro in the Middle River District.

Mr. Scott Balsley stated he would like to add a pavilion, reflection hall, plane fuselage, and a caboose in the future. He stated he would like to build the pavilion right now. He said right now they are renting tents and paying \$1,200 for each tent. He said by building the pavilion they will save money. He said they have quite a few building supplies that were donated to them.

January 2, 2020

Chairman Coyner asked if they have the restrooms installed?

Mr. Balsley stated they are still working towards that. He stated they have started the fundraising for the septic system. He stated it is going to cost them quite a bit more for the septic system than what they originally thought. He hopes to have it completed by the end of the year. He said 198 children camp free of charge through events and private donations.

Chairman Coyner stated the applicant has done a nice job and he has heard good reports from all.

Ms. Brown stated this is only a day camp. She asked if they would have overnights?

Mr. Balsley stated not yet but they would like to have cabins and a dining hall in the future for overnights.

Ms. Brown asked about the church in the woods?

Mr. Balsley stated it is temporary. He said it is part of their Christmas Wonderland fundraiser.

Ms. Brown asked the applicant to tell the Board about Creative Works Farm.

Mr. Balsley stated Camp Lite is their day camp. He said they have also started an adult camp for anyone over eighteen (18). He has a Special Use Permit to have events for the Christmas Wonderland, Farming in the Valley, fall corn maze, educational field trips, car show, annual charity auction, birthday parties, and four (4) weddings. He hopes the pavilion will eliminate the need for them renting tents.

Ms. Brown asked how far do the kids come to go to the camp?

Mr. Balsley stated attendees come from a forty (40) mile radius for day camp. He said the overnights they would come from all over.

Ms. Brown asked about the number of employees?

Mr. Balsley said he does all this with one (1) employee and a lot of volunteers.

Ms. Brown asked what is done inside the barn?

January 2, 2020

Mr. Balsley stated they have an organic garden and a lift system.

Ms. Brown asked if the horses stay in the barn?

Mr. Balsley stated in the summer yes but all of the horses go back to their owners in the fall.

Ms. Brown asked about the swimming pool?

Mr. Balsley stated the pool was donated to them. He said they were able to get a huge pool that was worth \$55,000 for \$8,000.

Mr. Bailey said staff recommendation stated the sewage disposal system be completed within ninety (90) days. He asked if that would be possible?

Mr. Balsley stated he hoped to have it installed by the end of the year. He said his biggest issue is funding. He said he hoped to hookup to the County's pump station at half the cost but he has been told that is not a viable option. He said they did not realize the septic system would cost that much.

Ms. Bunch stated the original Special Use Permit said twelve (12) months to complete the septic system but it has not been done. She said the Health Department comments state that the septic permit expires in April.

Mr. Balsley stated they are able to get an extension for their Health Department permit for the septic system.

Chairman Coyner stated the septic system will need to be completed within one (1) year. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Raymond Gochenour, 186 Oakwood Drive, Waynesboro, stated Mr. Balsley works numerous hours to make all of this happen. He said the Board should come out during camp and see the little kids and the joy they bring to them. He said by adding the pavilion it will save them money.

Chairman Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Chairman Coyner declared the public hearing closed.

January 2, 2020

Ms. Brown stated the Board visited the site today and the property is well taken care of. She moved to approve the request with the following conditions:

Pre-Condition:

1. Submit an updated site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance including an updated Stormwater Management and Erosion and Sediment Control Plan to be approved by all appropriate departments and/or agencies.

Operating Conditions:

1. Applicant obtain all necessary permits and inspections.
2. Applicant be given three (3) years to construct the four (4) new structures including the 20' X 20' windmill classroom, 30' X 40' police station, 30' X 60' pavilion, and 30' X 40' recreation hall, and to place the plane fuselage and train caboose.
3. Applicant install a sewage disposal system by **December 31, 2020**.
4. All operating conditions of SUP #12-10 remain in effect.

Mr. Bailey seconded the motion, which carried unanimously.

DALE W. HILL, AGENT FOR APEX TOWERS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Dale W. Hill, agent for Apex Towers, LLC, for a Special Use Permit to construct a 199' wireless telecommunication tower on property owned by James Lee Kindig and Lucy K. Coyner, located at 3546 Stuarts Draft Highway, Waynesboro in the Beverley Manor District.

Mr. Dale Hill with Apex Towers, LLC presented a Power Point to the Board (copy is in the file). He stated they are proposing a 195' four (4) tenant telecommunications tower on the property of James Kindig. He stated the site received an FAA determination of no hazard to air traffic. He said the tower has been designed with no illumination. He said it would not be lit. He stated the compound has been greatly reduced because we

January 2, 2020

usually try a 100' x 100' compound area but this will only have a 50' x 50' compound area to reduce the impact. He said this would be fenced with a six (6') foot high fence with an anti-climb device on top which will remain locked at all times. He stated the site sits at the end of a 1,281' long aggregate access road from Stuarts Draft Highway which has been approved as a VDOT entrance. He stated the proposed site is within the 110% setback requirement to the adjacent property and also meets the residential structural setbacks. He stated the security fencing will be chain-link and there will be a buffer area and it will consist of 23 trees planted two (2') foot in height with an expected growth potential of six (6') foot and all of the planting procedures will follow the guidelines of the Association of Nurserymen. He said they contacted the County on areas which they would like to see photo simulations taken from and the County had no preference, therefore, we chose the areas where we thought it would be most visible. He stated out of the eight (8) areas chosen the tower will be visible from seven (7). He said the first would be from Stuarts Draft Elementary School but it is tough to see. He stated they chose a grey finish for the tower because it has been found to be the least obtrusive. He noted some towers at times were being designed as dark brown and green but they are much more obtrusive to the skyline. He stated this is a monopole tower. He said they did not do a lattice. He showed the Board another view from Stuarts Draft Middle School and from Alta Drive you can see the tower. He stated this is one reason we selected the monopole so it would be less obtrusive from this area. He said it is barely visible from Sherwood and Orchard Drive from the house peaks. He said the site was not visible from Harvest Road. He stated on the southwest side of Stuarts Draft Highway the tower will be visible. He stated from Millmont Greenhouses it is somewhat visible along the tree line. He said along with the carrier who has the need for the site due to propagation, the County determined in a 2016 study that showed this site as earmarked as one of the seven (7) sites which the County should promote at their own expense. He stated the site is 2.5 miles east of the elementary school and our proposed site is just 2.1 miles where you needed it to be. He stated we all understand about dropped calls but it does impact cellular with today's data usage. He said today as citizens are talking about data and having 3G, 4G, and 5G, you use more data. He said as voice becomes secondary and this tower as it is placed will fill in the gap in the areas with the schools both there and along Stuarts Draft Highway. He said as 4G and 5G expands the towers of this nature which we call white space areas are more needed.

Chairman Coyner asked if the applicant approached the County and the school about putting this on the school site?

Mr. Hill stated no. He showed the existing T-Mobile coverage in the area. He said you can see the white areas but when you see the darker green areas that is where the

January 2, 2020

better penetration is for indoor use. He said if the proposed tower were to get installed, he showed the Board the difference of coverage area.

Chairman Coyner asked what is the range of the tower?

Mr. Hill stated two (2) miles. He said the only area available on the Round Hill tower put the antennas below the tree line. He said it would not reach from there. He stated that was the first site that was viewed by T-Mobile.

Chairman Coyner asked if there was anyone wishing to speak in favor?

Mr. James Kindig stated he is the owner of the property where the tower is being proposed. He said that he was approached by Apex Towers and he initially wanted to know what they plan to do and they have been very informative. He said they have been a great contractor to work with. He said they really know this business as far as wireless communications go. He said their work to try to blend the tower into the area and basically the local community is first and foremost. He stated they are addressing the concerns that we all have had in the area as far as security, communication capabilities, and safety. He said this is one of the reasons to be sure that we have secure communications and help with the overall safety. He said that he can see towers all around him. He said the towers have not always been in the area. He said this would be a lot less intrusive than Target warehouse or McKee. He stated he has to look at those every day. He noted this would be a single monopole tower with a simple antenna array. He stated this will enhance the ability of the residences that it will serve to provide them with communications but also the data needs of 3G, 4G, and 5G.

Chairman Coyner asked if there was anyone else wishing to speak in favor of the request?

There being no one else wishing to speak in favor, Chairman Coyner asked Mr. Condyles to speak.

Mr. George Condyles, President, Atlantic Group of Companies, stated he will address the Board after the opposition speaks.

Chairman Coyner asked if there was anyone wishing to speak in opposition to the request?

Mr. Francis Beam, 79 Kinmont Drive, Waynesboro, stated he submitted letters from two other landowners. He said he is opposed and he is the closest landowner. He said the

January 2, 2020

view they were talking about is not looking from my house. He stated he is looking right at it because it is in his backyard. He has his wonders about the 400'. He stated this is 259' to his fence and his house sits on the bank there. He is very much opposed to it. He can't imagine it being in that neighborhood and looking good. He asked if the Board visited the site?

Chairman Coyner stated yes. He said we were out there in the field this morning.

Mr. Beam stated he is on the Route 340 side of the field in the white house. He said in this plan it says 58 acres but that is only 12-15 acres. He said it is not very far across that field. He stated Mr. Moneymaker is on the other side, just like me. He cannot imagine anyone putting that in our neighborhood. He stated the farm field looks great. He said if you are coming down the road, you will see the tower but we will be looking at the base of that thing with an eight (8') foot fence and generator and all of the facilities that it will take to run the tower. He stated they mentioned Round Hill and he thinks it will be a lot better location and he thinks something can be worked out there and he would beg of you to put mercy on his place. He cannot imagine this increasing his value. He stated that he has added a \$15,000 porch and he does not want to look at this.

Ms. Martha Moneymaker, 201 Alta Drive, Stuarts Draft, stated she has lived here since December of 1995. She said we are on the other side of the field from the Beams. She said the tower based on the surveyor stakes bisects their property from behind. She said we see things every day. She said when Mr. Kindig stood up and said that he sees Target every day, she does not think that view is available from Clifton, Virginia which is where his main residence is. She said his mother's home is on this property but Mr. Kindig's main residence has not been in Stuarts Draft for a number of years nor has Ms. Coyner. She said Mr. Kindig's mom is a lovely neighbor. She said this is a curious location that they are proposing. She said they own about sixty (60) acres along Route 340. She said they chose the lowest in elevation on this piece of property and it is far away from their mother's house probably so that her view is not as impacted as much as ours would be and the Beams will be. She said if this tower were to be allowed it would be the defining characteristic in our neighborhood. She said if you went to the field and not on Alta Drive you may have missed this.

Chairman Coyner stated they drove Alta Drive today also.

Ms. Moneymaker stated when you come up Alta Drive and you top that hill, you have the elementary school down in the bowl, and if that tower is going to be there it will define that street. She said she knows people that have said that we cannot say that it

January 2, 2020

will take away from property values so you have to use your imagination. She said when you come up looking for a house on the road and there are a lot of lovely houses up there, the first thing you see is an eyesore of an 199' tower. She said there will be a lot of people that are going to see that view and turn around and say let us look somewhere else. She said one of the best things about our location is that we are right beside the elementary school. She said they are right beside where the pre-kindergarten through second graders (younger students) playground is. She asked the Board to keep that in mind as well. She said for her it should not even be a judgement decision. She has not understood as she looked at the 2016 report that the County did because it seems as though Round Hill is invisible, but it is not invisible. She said when Sprint and Ntelos (now Sprint) and Verizon looked for the best location to serve Augusta Farms, to serve the Stuarts Draft school complex in its entirety and our area and probably the Stuarts Draft community in general and the established older part of Stuarts Draft they choose the primary location of Round Hill. She said why is that, the way I understand it, is that the apex of the hill is 200' above the ground level of the site that the Kindig's are proposing to put this tower. She said this does not make any sense. She said that means that a 125' tower on Round Hill is already that much higher than this tower could be at its tallest. She said it is not more than a mile aerially. She said in November of this past year, the FCC approved the merger of T-Mobile and Sprint. She said at some point there will be some kind of a decision in the merged company that only one type of antenna would be needed. She said there is already a Sprint antenna on Round Hill. She said if T-Mobile feels in the meantime that they need a new antenna than that location is available. She said they have been speaking with the owner of that tower and we understand that co-location there is absolutely possible. She said the gentleman said it was their first choice and it should be. She stated there has been some discussion of 911 and if that is needed up there the County should be talking to the Round Hill tower. She said this is an easy decision. She said you have a beacon on a hill and that has been the primary location for towers throughout our County. She said on the front of Kindig's land, there is a long standing bull that has kind of been the beacon coming into Stuarts Draft that people would talk about. She said as his neighbors we feel like we are getting worse than the back end of that bull. She said please, please use common sense, look at the colocation at Round Hill and say no to this project.

Mr. Randall Wolf, 114 Courtney Woods Lane, Stuarts Draft, stated he is not opposed to more cell towers and we need technology but what he is concerned about is using our elementary school students as guinea pigs. He said there are a number of studies that show motor skill loss, cognitive skill lost with their developing minds and bodies. He believes this tower sits about 500' from the elementary school. He said France has said no cell towers within 2 kilometers from schools and Turkey and Taiwan has

January 2, 2020

banned them and Canada is looking at banning them. He said this will be a serious health problem and potential help problem for elementary school kids. He knows Mr. Kindig owns a lot of property and he thanked us for getting the agenda right and saying that it is in the Beverley Manor and not South River District. He has other opportunities that he can place that tower that are not going to impact current landowners and not pose a risk to the elementary school kids.

Mr. Michael Moneymaker, 201 Alta Drive, Stuarts Draft, stated he looked through twelve years' worth of minutes from the Board of Zoning Appeals looking for Special Use Permits to look at what has been the practice for allowing cell sites. He said he worked at Ntelos and retired about eight years ago and is familiar with cell sites. He is familiar with why Apex Towers wants to build a tower. He said the question is why there vs. Round Hill vs perhaps a better location. He said they are in the business of building towers which their current plan is to develop 10-12 solid towers per year while selling towers as they mature. He said this is an absentee ownership here with their headquarters being in West Virginia. He said in their business plan it says to build and sell a tower but is it to build a tower for the best spot for our community. He said the best spot in his opinion is Round Hill. He said why do I say that, because I worked for Ntelos. He said on Round Hill there is a top spot that is 120' tall. He said the base of the tower is 200' higher than the proposed site. He said him and some of the other neighbors are on a higher ridge. He said in May of 2008 in the minutes, Verizon asked to construct a 310' tower and the consultant said they could get a range of 6-7 miles with a tower of this height and the consultant stated that if they were to use a smaller tower they would have to have two towers in the vicinity to accomplish the same thing that a taller tower would do. He said effectively that is what Round Hill does. He said the equivalent of that is like having a tower that is over 300', but you do not have the visual impact because the tower is 120' tall, the tree line is somewhere between 50' and 70' in height so you see a portion of the tower but not the entire tower. He said there are no trees and if you plant trees he will not see them in his lifetime. He stated there is an existing site and spoke with Mr. East on several occasions and he tells me that the tower could support a third user, in this case T-Mobile. He said the space is available at 90'. He stated Sprint and Verizon are higher and T-Mobile would be on that tower at 90' which they commented that they are in the tree line but 90' is above the tree line or they could cut down any trees in question. He stated in the County of Augusta Broadband Telecommunications Strategic Plan it says many times but not in all circumstances try to attach antenna arrays or other equipment directly on tanks, buildings or on existing radio towers can create more problems than perhaps just building a new tower. He said their own plan said that there are times instead of putting it on the existing tower than just build a new tower. He said it makes more sense all of the way around. He said this is line of sight technology and the higher you are the more

January 2, 2020

radius you will cover. He said Verizon who happens to have about 60%+ of the wireless base in the County indicated that in their request it would be significantly more and would have to go two cell sites that they could cover with the 300' tower. He said no one is asking for a 300' tower but the land level is what you are looking at. He said when you say that we are going to serve the Stuarts Draft area and the most dense populated area not counting the school system, Verizon and Sprint covers that today and it would not cover Augusta Farms, the most densely populated area in question here. He said if you look down on Alta Drive, you could not see from over the ridgeline. He said you would not get the kind of in building penetration on that site as you would get on Round Hill. He said why are the two largest carriers, Verizon and Sprint on Round Hill? He stated the County's survey states that 92% of residences have Verizon or Sprint and they indicated that was their carrier choice and why because there is excellent coverage there. He said there would be better coverage on a hilltop. He knows from his experience with Ntelos that most jurisdictions look for hilltops. He noted on July 3, 2008 the minutes state Mr. Coyner said "it is unusual to have a tower located at the bottom of the hill". He thought that was very interesting. He thought it was odd that we were considering a location at the bottom of the hill. He said clearly the signal would be better on Round Hill and the landowner in question is willing to work and the structural analysis indicated that it would support a third carrier. He said even if it would not support the service, and if you need to put in a new tower, your report said you could if the existing tower could not be made to work. He said in September 2016, 93.4% were Sprint and Verizon customers, leaving 4.9% being with AT&T. He said 98.3% are non-T-Mobile customers. He said the service can be provided at a better location and at a better height and radius. He stated that he is aware that you cannot consider the risk but why take any risk on that issue. He said they should work with a carrier with a stronger and taller tower. He hopes the Board gives this careful consideration but why take the certain risk. He said on September 2016 out of 2,666 that responded 93.4% of the respondents were Sprint and Verizon and another 4.9% was AT&T for a total of 98.3%. He said 98.3% of the people in question are non-T-Mobile customers in terms of coverage. He said broadband is provided, 4G is provided by Verizon and Sprint. He does look forward to T-Mobile providing that as well and they can provide that at a better location, at a better height, at a better radius on Round Hill than you can at the proposed site. He said Mr. Wolf commented about the risk and he knows you cannot consider the risk because the FCC says you cannot consider the risk. He said why take any risk on that issue because you have a visible solution whether it be on the existing tower and placing it 90' above the tree line or allowing the landowner in question to work with any of the carriers to replace that tower with a stronger taller tower. He said if the need is there and if T-Mobile has that need he hopes the zoning committee will give that careful consideration. He thinks there is a much better solution that addresses all of the concerns and again why take certain risks

January 2, 2020

and take it off the table and get a better location all the way around. He said on November 4, 2010 in the minutes state that the general standards of the Special Use Permit should conform with the Comprehensive Plan and policies of the County and no undo adverse impact on surrounding neighborhoods. He said that was a condition on the Special Use Permit when dealing with towers. He said you have heard neighbors express concern about values of their property, you cannot say that it is not going to be visual because you saw the site, there are no trees. He said hilltops often have trees. He stated if there are existing trees it will greatly decrease the visual impact and the fact that we already have a tower there it would greatly minimize the visual impact and provide the same broadband application and get a better radius and reduce the risk that the same parties are going to come in here and ask for another tower a couple months down the road. He stated they are limited by their distance and height in the dip rather than on top of a hill. He hopes the Board takes that into consideration and denies the request.

Mr. Joseph Noto, 225 Alta Drive, Stuarts Draft, stated this would be directly in his backyard. He presented a Power Point to the Board (copy is in the file). He showed the Board the Augusta Farms area which is a huge area. He said Round Hill supplies the area. He read Section 25-68 to the Board:

The purpose of this article is to provide wireless telecommunications service to the citizens throughout Augusta County by regulating the placement, construction, and modification of towers and base stations, and to promote and encourage colocation on existing telecommunication towers or base stations, and to minimize the proliferation of towers in the County.

Mr. Noto stated this is not the best place or avenue for this. He also read Section 25-68.4C.

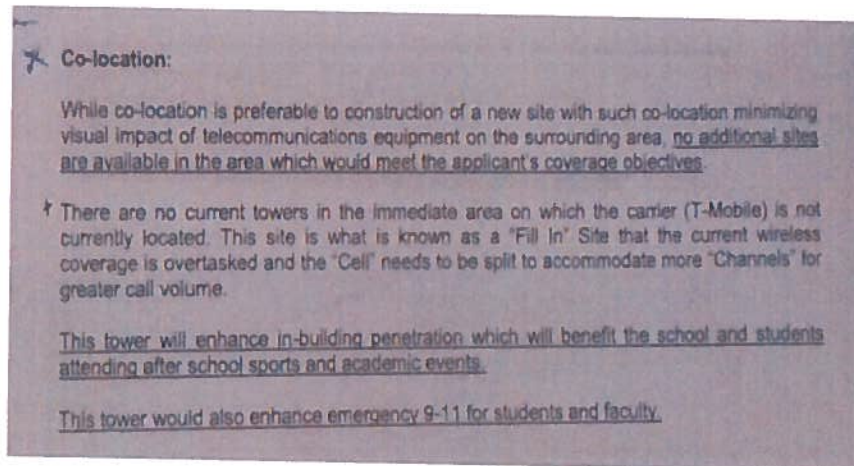
2. In order to apply for a new telecommunications tower, the applicant must demonstrate that no existing telecommunications tower or base station can be utilized to reasonably achieve the applicant's radio frequency coverage objectives.

Mr. Noto said Round Hill more than meets the needs and an additional cell site could be there. He said there is room for another carrier on that tower. He said Mr. East would consider T-Mobile going on the tower. He said that is not what you are looking at today but it is something for the future for him to ask you about after we deny this.

January 2, 2020

2. The location (latitude and longitude), structure height, name, address, and telephone number of the structure owner of all potential co-locatable structures within a three (3) mile radius of the proposed structure, and written discussion and documentation of why those opportunities were rejected.

Mr. Noto said he is not sure if they approached everybody. He said they might of initially. He stated he is not sure if they approached Mr. East. He presented the County's consultant review presented by Atlantic Technology Consultants to the Board:



Mr. Noto said that co-location is so much better than a new site. He said there is possibly one site that could meet the coverage objectives. He said T-Mobile is not on Round Hill. He said that statement is not correct and he hopes that could be looked at and revised. He also showed examples of other tower sites in the area as well as pictures where the tower will be. He said they could be on the Round Hill tower but are not. He said he does not like to see towers anywhere but he knows we need them. He said why not put the tower in an industrial area or area that would not be intrusive to the homeowners. He has lived at this site for over twenty-one (21) years and is happy with the area. He said the tower will be down in the bottom of the property, the lowest part and he does not know why that is. He said Round Hill is covering the entire area and the whole school system is complete. He said T-Mobile might reconsider and come over to Round Hill if this is denied. He said the purpose as outlined in Division A of the Zoning Ordinance says to promote and encourage co-location on existing towers, to promote and encourage co-location on existing base stations, and to minimize the proliferation of towers in the County. He asked the Board to consider their request to reject the permit. He presented fifteen (15) signatures of neighbors opposed to this who were unable to attend the meeting.

January 2, 2020

Ms. Pamela Dorman, 20 Kinmont Road, Waynesboro, stated her concern is the proximity of the tower to the school. She said the only comprehensive study that she could find that had any years to it was one from Germany and they showed 500 meters, 1,000 meters, 1,500 meters all the way out to 3,200 meters. She said what they found was the potential risk to not only farm animals had a 40% reduction in milk production but an increase in Cancer in a radius of 500 meters being the worst. She said they are putting their children at risk and for what value. She said they should find an alternate location that is already established which would meet the needs to potentially reduce our land value. She wants the Board to encourage them to find another location or an existing location that would not cause an impact.

Mr. Robert Roy, 273 Alta Drive, Stuarts Draft, stated he would like to reiterate what Mike and Joe said in regards to co-location. He said Alta Drive has an amazing panoramic view of the Blue Ridge. He said to have to stick this monolithic structure between everyone in between Route 340 is insane. He wished they would reconsider.

Ms. Linda Noto, 225 Alta Drive, Stuarts Draft, read a letter dated December 21, 2019, from Karen and Charlie Fairchilds of 253 Alta Drive, Stuarts Draft (copy is in the file).

"I have asked my neighbor, Joe or Linda Noto, to read this to you during the Public Hearing. We are on vacation and not in Virginia on January 2, 2020.

I am concerned about this request for a Special Use Permit. My reasons are listed below:

1. We have an existing tower located roughly a mile from the proposed site. Could an additional tower be installed there and eliminate this site? I have seen many tower "farms" with multiple towers on one site.
2. If you survey all of the existing tower locations in the County, are any as close to permanent residences as this proposal requests? There is no "vegetation/tree buffer" between my residence and the proposed tower.
3. In the 25 year development plan for the County, is this site currently considered as a potential residential building site/area?
4. If the elevation of the tower is important, why is it being placed at a low point on the property? I assume that since it is a 199' tower that the overall elevation is important.

January 2, 2020

5. Has anyone from the Augusta County Board of Zoning Appeals visited this site personally and looked at the surrounding residential area?
6. How many 911 calls have any of the area schools made in the last 10 years?

We are opposed to this request.”

Mr. Steven Roeglin, 271 Alta Drive, Stuarts Draft, stated his residence is on the right side facing the proposed tower. He is in the process of adding an addition with a screened porch to his home. He said his property would have a perfect view of this new cell tower. He is opposed to this plan and would hope that the Board consider rejecting it.

Ms. Carolyn Bragg, 113 Arrowhead Lane, Stuarts Draft, stated she is the former representative of the South River District Board of Supervisor. She said as you deliberate the fate of the proposed cell phone tower, I wanted to bring to your attention the Stuarts Draft Small Area Plan. She said this has been a long project that has been in the works but has been completed and is currently in with the Planning Commission. She said the small area plan is a document designed by the residents of a specific area that provides vision or a road map to what they would like your community to look like as it grows and develops over the next twenty (20) years. She said the Small Area Plan was made up from a group of Stuarts Draft residents from the South River, Beverley Manor, and Riverheads Districts as well as elected officials and staff members. She said this group met multiple times for 2 ½ years to come up with the vision statement and the plan that reflected desires and suggestions of the local citizens. She said during the process, several public meetings were also held to gather input from the residents of getting a better sense of what was important to them and what their vision was for the community. She said after adoption, this plan will become a subset of our overall County Comprehensive Plan. She said Fishersville was the first in our area to develop a small area plan with Stuarts Draft being the second. She said plans for other urban areas will follow. She said within the body of this plan, topics like transportation, agriculture, land use, development, natural resources, parks and recreation, business environment, public education, and public safety are all discussed. She said something that has also been brought up during the public meetings and during our committee meetings was the importance of maintaining a visually pleasing, rural flavor to the community. She said because of the importance of this sentiment, the group added a section related to the entrance corridors into the plan (Policy 1 – Entrance Corridors). She said it states to consider developing an entrance corridor overlay district for the main transportation corridors especially Route 340 by which vehicles and pedestrians enter the Stuarts Draft community. She said the entrance corridor overlay district may

January 2, 2020

include regulations for landscaping, pedestrian access, building heights, setbacks, access management, signage, etc. She said the intent of the overlay district shall not only be to preserve and enhance said place but to provide a well maintained aesthetically pleasing entrance to the community. She said as you are aware we have a number of factories in the Stuarts Draft area yet you do not see them from the main highways. She said over and over we receive comments that the County planners have used wisdom in having them constructed off the highway traveled community access points. She said this is an important part to our local citizens. She said the residents are very proud of their community and want it to remain an inviting welcoming area. She said a number of concerns have been communicated to me about the visual impact of an 199' cell tower would have on the area if it was allowed to be constructed in one of our main entrance corridors. She said that she has heard a number of comments on the impact on residential properties. She said there are other communication towers in the Stuarts Draft area that are off the main roads and that have only a minimal visual impact on the community. She said it is her understanding that the owners of the Round Hill tower and others are willing to work with this company seeking to install a tower in a less visual impactful location. She asked the Board to consider the voices of the community and deny the permit asking for permission to build on our visual entry corridor. She asked the Board to consider a co-location. She said that she has heard about Round Hill but there are other places. She said there is a cell tower facility on White Hill Road and also the landowners expressed an interest being considered for this and they do not have the houses around. She said there are areas that have forestry that would help shield this. She knows that visual impact is not a consideration for you but there are other options to really be considered in looking at the future of what Stuarts Draft will be.

Chairman Coyner asked if there was anyone else wishing to speak in opposition?

There being none, Chairman Coyner asked Mr. Condyles to speak regarding the request.

Mr. George Condyles, President, Atlantic Group of Companies, stated they are in a little bit of a time warp here. He said in the beginning of the meeting it was asked for us to turn our phones off or on silent. He said but do you have the line of sight technology that went away with 3G basically 10-12 years ago, it became not a factor for employment of cell technology and in addition to that when that ordinance was written many years ago it had to do with voice technology and the coverage thereof. He said so places like Round Hill and higher elevations, those were key for voice technology. He said but now with 5G on the cusp what the engineering philosophy is in building penetration using reflective power. He said radio signals bounce off of the walls

January 2, 2020

penetrating through materials to get through inside of the building. He said in this case what the applicant is asking for is for the homes that are around it, to the west of the proposed site, and to the school complex to the southwest from the proposed site is to try to get in building penetration for 5G data, broadband data. He stated he has visited this site twice. He said that is the goal objective. He said it is really not to provide voice service. He has traveled Route 340 for the last 45 years and when he first started traveling down Route 340, it truly was a farm community with farms on the right and farms on the left and very picturesque but as development happens and as property develops as commercial or residential there comes a greater need and level of providing electricity, water, sewer, gas and the like and communications follow right along with that. He said this really is just a reflection of where the community is going to. He said the Board cannot consider EMEF as part of the decision making matrix. He said in addition to that, the Commonwealth of Virginia has passed a law back in the fall from the Senate bill that has given the tower developers and carriers a little bit more leeway. He said we can thank our state legislators for that in all kinds of ways but basically aesthetics is one of the areas where we cannot choose to pass or fail an application. He said in reviewing this, the applicant actually went a little bit above and beyond what they needed to do while they submitted their propagation models. He said again in the new Virginia code that is not required and we cannot even ask for it but they provided it. He said our comment was that the network that is there now, the T-Mobile network is different than the Verizon network which is different than the Sprint network. He said they are not all co-located on the same sites. He said this site is like a fill in site heading east and west on Route 340 for their network. He said there has been a lot of comments about Round Hill and we certainly looked at that but these antennas that are for 5G need to be within a ½ mile from the target. He said the reason for that is to get that in building penetration. He said when he was a kid in the Richmond area we worried about nuclear war and crunched down underneath tables during drills but in 2020 the reality is we have school shootings. He said there are many schools and we are consultants for Bedford and many counties in Virginia that actually go to a football stadium and take down an existing light pole and put up another one with the antennas on top. He said they call this a drop and swap within the industry. He said there is a school complex several hundred feet away and the football stadium a little further away in the area but it is critical that the in building penetration issue for schools is to have that ability to dial 911 which I hope we never have to. He said from a commercial standpoint all of the neighborhoods in and around the area are the target of the wireless carriers. He said the ones that are up on the hill will come to this tower. He said they have the same physics that T-Mobile has. He said they need to be closer by so the affected radiated power of those antennas are able to penetrate the home, bounce off of the walls, and penetrate the materials and work within the home. He stated the comments here are very good and well thought out. He said

January 2, 2020

there is a case called AT&T vs. Virginia Beach and it was a case quite a few years ago, however, that did go up to the fourth circuit court and was upheld and that is no matter what the reason is that people stand up and say, if there is a predominance from the community that says that we do not want the tower, you have the ability to disapprove it. He said this was a federal case. He said what the public has to say is more important than what he has to say because they are citizens and are tax payers but there is a mechanism there to disapprove. He said he stands by his report but he feels for the citizens and that was one of the impressions that we got when we visited the first time is that the citizens are not going to be happy. He said they have been doing this for 25 years and he is pretty good at knowing where he would like to drink coffee and where he would not. He stated the application meets the criteria of what the County has prescribed in the ordinance and in the practices but if you decide to reject it, it would be because of the citizens input of their desire not to have it in the community.

Ms. Brown stated the tower will need to be a half mile away from any buildings in order to penetrate. She asked if Round Hill would do that?

Mr. Condyles stated Round Hill is outside of what they are considering. He said when we viewed this, we looked at Round Hill being totally independent and this would be the next site. He said the Round Hill folks will want to come down to this site and still operate at Round Hill. He said they are called community towers. He said this is used with high density areas and homes that are going to end up having their own tower to serve a ½ mile to a 1 mile radius.

Ms. Brown asked if this tower will not touch the rest of the community that is very dense.

Mr. Condyles stated it will. He said it will affect the homes on Alta Drive but it will also serve the community to the west.

Mr. Bailey stated you had mentioned about the possibility of putting it on the football field lighting pole. He asked if there is any possibility of that for this area?

Mr. Condyles stated yes. He said if you go to just about any college now that has light poles and many of the high schools do also. He said they have antennas on there. He said they would take the old pole down and put up a new pole that is taller. He stated it is a common practice.

Mr. Bailey stated it would have to be approved by the school.

January 2, 2020

Mr. Condyles stated it is property owned by the School Board and they would have to approved it and then they would come back to this Board here for final approval.

Chairman Coyner asked the applicant to speak in rebuttal.

Mr. Hill stated they are not talking about height of the tower, it is up on a mountain and not looking down in the valley. He said they are talking about white space. He said you can see the propagation map and the darker areas are how we are penetrating into the inside. He said the Round Hill tower is not sufficient to hit this white space area where the need is for Augusta County. He said however, with the proposed tower, it improves. He said that is what the placement of this tower is about. He stated that is why it is placed where it is on Mr. Kindig's field. He said this was the premier first choice location by not only the carrier but the County's study which was done. He stated Round Hill was looked at because we are asked by you to do so within a three (3) mile radius. He said it was not sufficient and it was not suitable for the location. He said they came back to Mr. Kindig's property to enable the next generation of data usage and as we increase in data usage and Mr. Condyles can confirm this, voice communication suffers. He said data takes precedence over that. He said we have to fulfill the need. He stated we talked a lot about Round Hill and it is just not suitable for this location. He said it does not take in the white space that we need. He said we are not trying to reach 5-10 miles, they are trying to reach this small radius.

Ms. Brown asked if they have checked around at the other locations so that we can have a comparison (this site versus another site other than Round Hill)?

Mr. Hill stated there is not another location in close enough proximity other than on Round Hill to offer an opportunity to even look at.

Ms. Brown asked if you have to be a half mile from the location you are trying to cover?

Mr. Hill stated they are within a mile and a half from that to get the propagation that they need. He said we talked about this being in a bowl but it does not matter on this one and that is why we are at 199' because we have a range that we are trying to infiltrate. He said there is not an outlining tower that would facilitate the need we have here. He said the photo that Mr. Noto provided showed Round Hill's bottom sector of the tower where you would be placing the antennas and it would be into the trees. He said when you look at that down into the trees when we aim it to the site they would even be further into the trees.

Ms. Brown asked if the trees interfere with the white space?

January 2, 2020

Mr. Hill stated they block us. He showed the Board the map with the white space area. He said this tower fills in the much darker areas. He said in the very dark areas it shows the ability to get inside the buildings and offer service.

Ms. Brown asked how much of an area is it?

Mr. Hill stated a mile and a half in the area. He showed the Board a map that displayed that it will penetrate even further. He said if they use the tower on Round Hill there would be extreme gaps in data service. He showed the Board the view from Alta Drive and the photos from them flying the balloon.

Ms. Brown stated it is data versus voice.

Mr. Hill stated he has grandchildren that will not call him but they will text him all day long and that uses data.

Mr. Moneymaker stated he thinks we are missing 4G versus 5G. He said 5G is a much shorter distance. He said to his knowledge they do not show 5G in the area in question, they show 4G. He said 5G is in the larger cities first. He said it has taken T-Mobile almost twenty (20) years to get here after Verizon and Sprint. He stated do you think Stuarts Draft will be number one on their list for 5G. He said to clarify the half mile away, if you are 5G there are mini-cells. He said telephone poles, building tops, silos, etc. He said true 5G is a mini-cell (if you read the reports) and you would not put a 199' tower. He said the mini-cells are shorter and more dense and simplify the approval process with the jurisdictions. He said there is a shorter, easier path for the zoning process for 5G as contemplated by the state. He said this is 4G, not 5G. He said Round Hill is less than one mile from the site in question and within this red circle. He said if you were to draw a line and show what the propagation is from Round Hill it would be that if not better. He said Verizon has already testified ten years ago that if you get up higher you get a better distance. He stated that they said that it is shorter because of 5G, we are not talking 5G. He said if it is a mile and a half away and it is 4G, the best location is Round Hill or some other location. He said if you are talking 5G then you are talking mini-cells. He stated the light on the football field is a great usage for 5G when you go that path. He said the evidence presented was going back and forth between 4G and 5G. He feels that what is before you today is 4G. He said within that mile and a half is 4G not 5G. He stated Round Hill site is within that radius in question.

January 2, 2020

There being no one else wishing to speak, Chairman Coyner declared the public hearing closed. He said in the past when there are controversial situations, they have tabled the request until they have all Board members present. He said they do value citizen input.

Ms. Brown moved to table the request until February 6, 2020.

Mr. Bailey seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

BOARD OF ZONING APPEALS ANNUAL REPORT 2019

Ms. Bunch presented the Board of Zoning Appeals Annual Report for the year 2019.

Mr. Bailey moved that the report be approved.

Ms. Brown seconded the motion, which carried unanimously.

STAFF REPORT

- 19-10 Greenville Baptist Church
- 19-11 John or Julie Hooe
- 19-12 Phillip Liskey
- 19-13 Rebecca R. Shreckhise, Trust Agreement
- 19-14 Bridge Christian Church
- 19-15 Yoder Investments
- 19-16 Kimball E. Stowers, Trustee
- 19-17 Kimball E. Stowers, Trustee

Ms. Bunch stated the site plan has not been submitted for SUP#19-10. She has sent the applicant a letter. She stated SUP#19-11 is in compliance. She stated SUP#19-12 was denied. She stated SUP#19-13 is under construction and they have been diligently pursuing the request. She stated SUP#19-14 is in compliance. She stated the applicant has not met the pre-conditions for SUP#19-15, therefore, staff sent them a

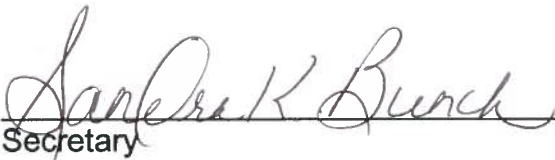
January 2, 2020

letter. She stated the applicant has not met the pre-conditions for SUP#19-16, therefore, staff has sent them a letter. She said SUP#19-17 is in compliance.

Mr. Benkahla discussed the court cases with the Board.

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


Chairman


Secretary

