

July 2, 2020

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 2, 2020 at 9:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at 9:00 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:

- BENJAMIN E. YODER OR MELANIE D. GREGOIRE - SPECIAL USE PERMIT
- DAVID OR CATHERINE MARIE RICCIONI - SPECIAL USE PERMIT
- JONATHAN D. KERN OR CAROL TURRENTINE - SPECIAL USE PERMIT
- BILL HENSON, AGENT FOR MEADE MOBILE HOME PARK, LC - SPECIAL USE PERMIT
- ERIN J. MURPHY, AGENT FOR QUEEN CITY BIRTH SERVICES LLC - SPECIAL USE PERMIT
- BRETT CLARKSON - 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



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ABSENT: None

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

JEREMIAH JENKINS, AGENT FOR BLACK BEAR PRODUCTIONS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jeremiah Jenkins, agent for Black Bear Productions, LLC, for a Special Use Permit to have a short term campground and special event performances on property owned by Z Lot, LLC, located north of Howdysshell Lane, behind Natural Chimneys, Mount Solon in the North River District.

Mr. Jeremiah Jenkins stated he would like to apply for a Special Use Permit to have overflow camping during the Red Wing Roots Festival in mid-July each year at Natural Chimneys Park. He said they bring in temporary facilities to accommodate overflow camping for that event.

Chairman Coyner asked if the event will take place this year?

Mr. Jenkins stated the event was cancelled due to Covid-19.

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

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

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

Pre-Condition:

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

Operating Conditions:

- 1. Be permitted one (1) festival per year for three (3) consecutive days and be permitted to use this property for camping and performances for the Red Wing Festival.
- 2. No camping outside of the approved site plan area.
- 3. Be permitted to use portable restroom facilities on a temporary basis defined as no more than four (4) days in any thirty (30) day period of time. If camping is allowed for more than four (4) days in any thirty (30) day period a sewage treatment system will need to be installed and a bathhouse will need to be constructed.
- 4. No outdoor amplified music after 11:00 p.m.

Ms. Brown seconded the motion, which carried unanimously.

COLLINS HUFF AND MICAH HUFF, AGENTS FOR C. RODGERS HUFF TRUSTEE & ETAL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Collins Huff and Micah Huff, agents for C. Rodgers Huff Trustee & Etal, for a Special Use Permit to have a short term campground, trail riding, hiking, mountain biking, weddings and special events on property they own, located at 425 Shenandoah Mountain Drive, West Augusta in the North River District.

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Mr. Collins Huff stated they would like to have campers, primarily horse enthusiasts, hikers, and mountain bikers giving them a place to camp with access to the National Forest.

Chairman Coyner asked if this would be seasonal?

Mr. Huff stated being outdoors would be seasonal but it would be available year round for rugged types.

Ms. Tilghman stated the applicant will need to construct a bathhouse. She asked if it would be utilized by the campers?

Mr. Huff stated yes.

Ms. Brown asked how many people would be at the wedding and special events?

Mr. Huff stated he is fine with the recommended two hundred fifty (250) by staff.

Chairman Coyner stated fifty (50) events a year is a little excessive. He asked if he read the staff's recommendations?

Mr. Huff stated he is agreeable with the staff recommendations.

Chairman Coyner asked if the applicant plans on starting this year?

Mr. Huff stated he will need to do the site plan first. He said the bathhouse may take some time. He is hoping to start operating spring of 2021.

Ms. Brown asked if he will reside there in the dwelling?

Mr. Huff stated his brother resides there already and will continue to do so.

Chairman Coyner asked where would all of the clients come from?

Mr. Huff stated possibly all over the east coast.

Ms. Tilghman stated the bathhouse will need to be completed before you start operating.

Mr. Huff stated yes.

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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.

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

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance including Erosion and Sediment Control and Stormwater Management for the disturbed acreage to be approved by all appropriate departments and/or agencies.
2. Obtain Health Department campground permit and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to operate a short term campground consisting of ten (10) tent sites and ten (10) recreational vehicle/horse trailer sites and a 15' x 30' bathhouse as shown on the site plan.
2. Applicant install a sewage treatment system approved by the Health Department prior to operation of any portion of this request.
3. Applicant obtain a building permit for the 15' x 30' bathhouse and provide a copy to Community Development.
4. No portable restroom facilities allowed for any portion of this request.
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.
6. Be limited to thirty (30) events per year but no more than three (3) per month.
7. Be limited to two hundred fifty (250) people per event.
8. No outdoor amplified music after 9:00 p.m.

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9. Events cease by 10:00 p.m. and all persons off the property by 11:00 p.m.
10. Applicant reside on premise.
11. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

BENJAMIN E. YODER OR MELANIE D. GREGOIRE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Benjamin E. Yoder or Melanie D. Gregoire, for a Special Use Permit to have weddings and special events on property they own, located at 77 Singing Hill Lane, Waynesboro in the Wayne District.

Mr. Benjamin Yoder stated due to Covid-19 they felt the need to share their property in order to provide weddings free of charge for people in 2020. He said he filed the application with the County and would like to offer weddings in the future for profit. He said there are some entrance issues and the line of sight is not available there. He would like to continue to offer weddings this year free of charge. He said he does have three (3) events already scheduled and about twenty (20) people per event. He said this year it would not be for profit. He would appreciate the need to operate in the future also.

Chairman Coyner stated the Board visited the site this morning. He said the site is neat and orderly. He asked if there are two (2) dwellings at this site?

Mr. Yoder stated one of those houses is not on this parcel. He stated those neighbors are fine with it.

Ms. Brown stated the site is beautiful. She asked where will the cars be parked?

Mr. Yoder stated there is a gravel area for parking.

Ms. Brown asked where will the venue be located?

Mr. Yoder stated in the open field to the right of the house.

Chairman Coyner stated the applicant needs to control the amplified music.

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Mr. Yoder stated they will be respectful to the neighbors and follow the County ordinance. He said he does not plan to have a huge amount of people. He said he had hoped to provide a small wedding package.

Mr. Thacker stated the staff's recommended conditions state a maximum of fifty (50) people per event.

Mr. Yoder stated he is thinking much smaller at twenty (20) people maximum.

Mr. Thacker asked if this is a shared drive with your neighbor?

Mr. Yoder stated yes.

Mr. Bailey stated VDOT said the line of sight is not enough.

Mr. Yoder said he would have to correct the line of site which is impossible because of a curve. He said unfortunately VDOT will not be able to approve this.

Ms. Tilghman stated maybe VDOT would approve the sight distance if the applicant changed the number of guests.

Mr. Yoder said he is not sure because he has not talked with VDOT.

Mr. Bailey stated if the applicant does not receive VDOT approval, there is no way to issue the Special Use Permit.

Mr. Yoder stated VDOT said there is no way they can approve this.

Ms. Bunch stated the applicant will not be able to operate without that approval.

Ms. Tilghman stated the applicant is anticipating smaller weddings.

Chairman Coyner stated he does not see the road ever getting improved. He asked if there was anyone wishing to speak in favor or in opposition to the request?

Mr. Jonathan Stanley, 119 Zion Church Road, Waynesboro, stated he lives on the property across the gravel road. He said he is concerned about the traffic coming from the road. He stated he is unsure how this request would coincide with Kari Davis' operation. He said his property is in between two businesses. He said Kari just got approved for an increase to twenty-four (24) events. He was not able to attend the

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meeting last month. He is concerned about the noise at the events. He said he has not seen the staff report regarding VDOT comments.

Ms. Bunch said the staff report to the Board indicates the applicant does not have adequate sight distance per VDOT.

Mr. Stanley stated it will be a dust bowl from all the vehicles because people will be coming in from both directions.

Ms. Kari Davis, 106 Zion Church Road, Waynesboro, stated she is across the street from the Stanley property. She is super excited the Yoders moved to the neighborhood. She said her Special Use Permit was approved three (3) years ago with guidelines. She said her issue is with the traffic. She hopes their stipulations are not overlooked because of another business going in.

Ms. Shari Stanley, 119 Zion Church Road, Waynesboro, stated she shares some of the same concerns. She said originally there was only one business that had fifteen (15) events originally and now she can have twenty-four (24) and the business is growing. She said the view is beautiful. She said they have had small gatherings and she can see a lot of people married there. She stated this is my home and she is worried about living in between two businesses. She said they live close to the gravel road and there are people walking there and talking to their neighbors along the road. She said she does not want this area ruined. She said it is difficult to think about living in between two (2) different businesses.

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

There being none, Chairman Coyner asked the applicant to speak in rebuttal.

Mr. Yoder said he has no further comments.

Chairman Coyner said this is a beautiful area that is nice and quiet. He said this is a gravel road and should be a low impact business.

Mr. Bailey stated if the Board approves the request, the applicant would still need to get VDOT approval.

Mr. Benkahla stated the Special Use Permit will need to comply with VDOT requirements.

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Ms. Bunch stated VDOT may be able to approve the entrance on a lesser amount of cars.

Chairman Coyner said the applicant should contact VDOT regarding the entrance.

Ms. Tilghman stated she would prefer the applicant talk with VDOT first before the Board votes on this matter.

Ms. Brown moved to continue the public hearing on August 6, 2020.

Ms. Tilghman seconded the motion, which carried unanimously.

DAVID OR CATHERINE MARIE RICCIONI - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by David or Catherine Marie Riccioni, for a Special Use Permit to have firearms and ammunition sales and gunsmithing on property they own, located at 1676 Newport Road, Raphine in the Riverheads District.

Mr. David Riccioni stated he is reapplying for the permit. He said he did not get his business going a few years ago but now he is ready and this request is the same as the previous time. He said he would like to remanufacture ammunition for wholesale and deliver it to gun stores. He stated that he does not want a storefront at his house. He does not anticipate a lot of traffic coming to the house.

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 applicant applied for this several years ago.

Ms. Brown stated the site is isolated and up against the mountain.

Ms. Tilghman stated the Board will be limiting the number of test firings and none being done on Sundays. She stated the applicant needs to obtain VDOT approval.

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

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Pre-Condition:

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

Operating Conditions:

- 1. No employees other than family members.
- 2. Test firing of guns be limited to daylight hours and limited to ten (10) test firings per week.
- 3. All test firing be done in the area designated on the site sketch.
- 4. No test firing on Sundays.
- 5. No customers coming to the site unless VDOT approval is obtained and submitted to Community Development.
- 6. Applicant reside on premise.
- 7. Site be kept neat and orderly.
- 8. Maintain all applicable State, Federal, or Local Licensing and regulatory requirements.

Ms. Brown seconded the motion, which carried unanimously.

JONATHAN D. KERN OR CAROL TURRENTINE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jonathan D. Kern or Carol Turrentine, for a Special Use Permit to have a dog kennel for personal dogs on property they own, located at 823 Wagon Shop Road, Middlebrook in the Riverheads District.

Mr. Jonathan Kern stated they would like to have a kennel in order to have two (2) more dogs. He said these would be his personal dogs. He stated he will not breed the dogs. He said he adopts dogs or picks up strays.

Chairman Coyner stated the Board visited the site this morning. He said the property is very nice. He 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. He said this is a quiet well attended piece of property.

Ms. Brown stated this is low key. She said the property is isolated. She stated Animal Control did not have any complaints on this use. She said they will have small breeds and the property is 7.6 acres. She moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Maximum of six (6) adult dogs kept at this site at any time.
- 2. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
- 3. All dogs be confined within the fenced area or inside the dwelling.
- 4. Site be kept neat and orderly.
- 5. Animal Control to inspect the site **yearly**.

Mr. Bailey seconded the motion, which carried unanimously.

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BILL HENSON, AGENT FOR MEADE MOBILE HOME PARK, LC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Bill Henson, agent for Meade Mobile Home Park, LC, for a Special Use Permit to replace a nonconforming manufactured home in a manufactured home park with a larger unit on property owned by J.R. Ridenour, located at 90 Meade Park Circle, Lot 52, Verona in the North River District.

Mr. Bill Henson stated he is the agent for Meade Mobile Home Park. He stated they are asking for a Special Use Permit to replace the manufactured home with a newer, bigger home.

Chairman Coyner stated the Board visited the site today. He said the park has really improved. He asked if this would be completed soon?

Mr. Henson stated yes.

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. He said the park has really improved.

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

Pre-Condition:

- 1. Applicant obtain a Placement Permit from Building Inspection.

Operating Condition:

- 1. Replacement home be no closer than twenty-two (22') feet to the side of the adjacent homes as shown on the BZA sketch plan.

Ms. Brown seconded the motion, which carried unanimously.

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ERIN J. MURPHY, AGENT FOR QUEEN CITY BIRTH SERVICES LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Erin J. Murphy, agent for Queen City Birth Services LLC, for a Special Use Permit to have a midwifery birth center on property owned by Worley Family Properties, LLC, located at 1610 Goose Creek Road, Fishersville in the Wayne District.

Ms. Erin Murphy stated she is here today requesting a permit for a birth center. She stated she is a licensed midwife and a certified professional midwife. She said they do not have one in this area. She said she will provide a safe cost effective service. She said Augusta County residents would benefit from this. She said there has been studies that there has been no increase in adverse outcomes. She stated this is a very safe option for women. She said there are benefits when giving birth out of a hospital. She stated they want to be a good neighbor. She stated this site was an animal hospital for the last forty (40) years. She noted this would be a lower volume use. She said she may only have four (4) to six (6) clients every month. She noted that she would not have employees but would like to have independent contractors help with her current volume. She would like to have the option of two (2) to three (3) once she is operational. She said she offers full service to include pre-natal, birth, and postpartum care. She will have two (2) to three (3) clinic days a week.

Chairman Coyner asked where is the closest facility?

Ms. Murphy stated Harrisonburg.

Ms. Brown asked how long have you been a midwife?

Ms. Murphy stated eighteen (18) years but she started Queen City Birth Service in 2018.

Ms. Tilghman stated the staff conditions state no employees so the Board would need to change that. She stated the Board already discussed about the applicant having employees. She said this is a much needed service and she is glad to see someone offering this type of service.

Ms. Murphy stated this is a safe out of the hospital option but they will be located close to a hospital if necessary.

Ms. Brown asked how long do the clients stay at the site?

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Ms. Murphy stated once they are in active labor she said they normally release after a couple of hours of giving birth once stable, normally 2-4 hours later.

Ms. Brown asked if there are complications are you associated with the hospital?

Ms. Murphy stated there are protocols in place to transport and call EMS if necessary.

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

Ms. Bethany Lloyd, 3683 Rockfish Road, Grottoes, stated she supports Queen City Birth Service. She has done research on midwifery and it has been done in the United States since the 16th century. She has witnessed it and is touched by the entire experience. She stated this is a perfect option in a safe, affordable, natural setting. She said this site is just six (6) minutes from Augusta Health in case of an emergency. She stated this is appropriate and necessary and it will appeal to many families.

Ms. Jody Sipe, 157 Kiddsville Road, Fishersville, stated she is a member of the Worley Family Properties. She said this used to be her ex-husband's animal hospital. She said this would be less of an impact on the neighbors than what has been there for forty (40) years. She said there has been no complaints in the past. She said the applicant has discussed this with the neighbors and they are in support of it. She noted there is ample parking. She said with this use there would not be any noise.

Ms. Tilghman asked how many employees did you have at the animal hospital?

Ms. Sipe stated five (5) to six (6) over the years.

Ms. Cara Shanks, 520 Swoope Road, Swoope, stated she is in favor of this request. She delivered her second daughter at the Harrisonburg midwifery and the experience is so moving. She said this is a calmer and safer way to help women deliver babies. She said we are going to need this type of service here in Augusta County. She discussed the cesarean rates of the area hospitals.

Ms. Leah Rhodes, 775 North Mountain Road, Swoope, stated she is in support of the birthing center. She had one child at the hospital and one by a midwife. She said the difference is amazing. She felt safe the entire time at the midwifery. She noted this is a good viable option for Augusta County and Rockbridge County.

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

There being none, Chairman Coyner declared the public hearing closed. He said we visited the site today.

Ms. Tilghman stated the Board visited the site and she agrees that this would be a good use of the building. She said there would be less traffic with this than the veterinarian office. She stated this is a needed service in our area and they are just down the road from the hospital if an emergency happens. She would like to change operating condition #2 to allow the applicant three (3) employees. She moved to approve the request with the following conditions:

Pre-Conditions:

- 1. Obtain Health Department approval.
- 2. Obtain all necessary permits and inspections as required by the Uniform Statewide Building Code.

Operating Conditions:

- 1. Site be kept neat and orderly.
- 2. Applicant be limited to three (3) employees coming to the site.
- 3. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
- 4. No more than two (2) on premise advertising signs not to exceed thirty-two (32) square feet.

Ms. Brown seconded the motion, which carried unanimously.

BRETT CLARKSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brett Clarkson, for a Special Use Permit to have a landing strip for personal use on property owned by Deon

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E. or Carrie P. Gibbons, located at 124 Hampton Drive, Stuarts Draft in the South River District.

Mr. Brett Clarkson stated he has lived in this area for ten (10) years and he has been flying there all this time. He said he is a licensed pilot. He noted the aircraft is the size of a small car and sounds like a dirt bike. He said that he did want to fly at the airport but they closed the grassy airstrip. He said it is dangerous because his only flies 25 mph and incoming aircraft are at 125 mph. He showed the Board where he takes off on the property. He said it takes two hundred fifty (250') feet to take off and seventy-five (75') feet to land. He stated that he makes a point not to fly over anyone else's property. He goes around the neighborhood. He said he does fly over Mr. Liptrap's property with permission and his horses like it. He said he takes off and lands safely. He stated the neighbors here today are not here about the aircraft. He has had many civil issues with being harassed by the neighbors. He said Mr. Liptrap witnessed him when he landed that day and on the ground it was 7 mph but above the tree line it was gusty. He stated he had to fly out and land into the wind to be safe. He said that he has the right to land anywhere to be safe. He noted that he did not almost crash into a house.

Chairman Coyner asked if the applicant flies frequently?

Mr. Clarkson stated no. He said he can only fly when the winds are 7 mph. He said it is usually the hour before sunset for about forty-five (45) minutes. He said he uses the fields and is not near the neighborhood. He stated he tries to stay as far away as he can. He said that he flies four (4) times a month.

Ms. Tilghman asked if the applicant can take off from the Waynesboro airport?

Mr. Clarkson stated no. He said he sold his fixed wing aircraft. He said that he wants to be a good neighbor but he can only take so much harassment.

Mr. Thacker asked if this is the safest way to come in and out?

Mr. Clarkson stated yes. He stated the parachute is not loud and when he comes down it does not have a motor.

Mr. Bailey asked if the applicant will loan out the aircraft?

Mr. Clarkson stated no.

Mr. Bailey asked if the aircraft would accommodate another passenger?

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Mr. Clarkson stated yes but he does not have enough runway to do that here. He said he will not do something that is unsafe. He said his glider weighs 635 pounds and it cost \$30,000. He noted that safety is his top priority. He has spent 460 hours in it.

Ms. Tilghman asked if a special license is required to fly the aircraft?

Mr. Clarkson stated yes. He flies safe and does not want to harm anyone.

Ms. Tilghman asked if this type of aircraft requires a different requirement for licensing?

Mr. Clarkson stated it took thirty (30) years for him to get his pilot license. He said this license is different than a fixed wing. He stated he has had to take classes. He said that he has a \$1,000,000 liability policy.

Chairman Coyner stated we have several in the County and to his knowledge he has never heard of an issue.

Mr. Clarkson stated when he is seventy-five (75') feet in air, he is under FAA regulations. He said he has to follow the FAA laws.

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

Mr. David Smith, 131 Hampton Drive, Stuarts Draft, stated he is in favor of the request. He said that Mr. Clarkson is a good neighbor and he has a well-established sense of safety. He noted as little as Mr. Clarkson flies this is not a big deal. He said that he does have some questions that he would like to submit for Mr. Clarkson to respond to. He stated Mr. Clarkson is a good citizen and a good neighbor and this should be approved.

Ms. Wanda Clarkson, 62 Hampton Drive, Stuarts Draft, stated Brett never does anything dangerous. She said that he did not even come close to where they live, he landed safely.

Mr. Neal Motley, 8 Hampton Drive, Stuarts Draft, stated he has three letters from residents of the Hamptons. He said one is from the new house that is being built and they are also in opposition to this. He submitted another letter from Mr. and Mrs. Norcross and Jim Perry in opposition to this. He stated on May 3, 2020, it was 3:00 p.m. and a clear sunny day and the National Weather Advisory said there was wind 20-25 mph. He stated it took him three (3) to four (4) times to land properly on Mr. Gibbons

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property and the engine stalled and it pushed the aircraft sideways, which cannot be safe. He said when he saw that he contacted the Zoning Department and they sent a letter out. He said that Mr. Clarkson does not believe the rules apply to him. He stated they have deed restrictions that need to comply with the covenants of Hamptons. He said that he did not believe it is safe to operate any aircraft even though this is a parachute but it carries five (5) gallons of gasoline. He said Eagles Nest does not allow them to fly there anymore because of safety and insurance reasons. He stated that most times people fly on top of people's houses. He stated the Hamptons is a golf cart area. He said he would take off and land from the fourth lot from the entrance and he will pass 90% of the traffic. He said this is a residential area. He said they have to rely on pilot judgement or their ability and they are also susceptible to any weather conditions. He said winds are bad in Stuarts Draft. He said Mr. Clarkson was lucky on May 3rd. He said if the Board grants him the permit, they would be left with nothing but prayer.

Mr. Stephen Tallent, 57 Kennedy Ridge Court, Stuarts Draft, stated if he had to live close to the perimeters of this, he would not be happy about this. He said there is another house in between being built. He stated he is not affected but he does not agree with this.

Ms. Amie Trinca, 997 Patton Farm Road, Stuarts Draft, stated she has a rescue farm there and he has flown over the field and have scared the animals and caused them to be anxious. She stated this is not the right area for him to do this.

Ms. Candace Smith, 131 Hampton Drive, Stuarts Draft, stated he passed them twice. She said he is taking off and landing in the whole area. She said he comes down the road and turns into Gibbons driveway. She asked if it will be paved, gravel, or a grassy field?

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

There being none, Chairman Coyner asked the applicant to speak in rebuttal.

Mr. Clarkson stated he has never flown over the property on Patton Farm Road. He said the day they are referring to, he only made a few attempts to land due to the wind. He stated he does like to fly the aircraft but he does not want to harm anyone. He said he only needs two hundred fifty (250') feet to takeoff and seventy-five (75') feet to land.

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Chairman Coyner read the questions presented by David Smith:

Your use or others?
Who maintains the strip?
Would this convey to you personally?

Mr. Clarkson stated he will be the only one using the aircraft. He stated Mr. Gibbons would maintain the landing strip. He stated Mr. Gibson mows the grass and it will stay grass. He stated the house in the middle has no problem with him taking off and landing. He said he can find another way or direction. He stated no one else will fly and he only does it at a minimum. He said it is his responsibility as a pilot. He stated there are no requirements in a neighborhood with the FAA.

Ms. Brown asked how many days a week will you fly?

Mr. Clarkson stated four (4) times a month if the winds are not right, he cannot fly. He said he would only fly during the day. He stated flying at the airport puts him at risk with the gliders and he cannot take that risk.

Ms. Brown asked how long have you been flying?

Mr. Clarkson stated ten (10) years. He stated he has worked hard to buy this aircraft which costs \$30,000. He said that he has put in a lot of time on this. He noted they built the house in 2010.

Mr. Thacker asked what time of day would you fly?

Mr. Clarkson stated the summer it would be a later flight, one (1) hour before dark for about forty-five (45) minutes.

Mr. Thacker asked if he would fly only in warm months?

Mr. Clarkson stated he would only fly when the winds are 7 mph and in warm weather. He stated that he would not abuse what the Board grants him. He said when it is cold, he will not fly.

Mr. Thacker stated this location is a lot safer than you using your own property.

Mr. Clarkson stated yes, that is why he asked Mr. Gibbons to use his property.

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Chairman Coyner asked how far away from the Hamptons will you fly to?

Mr. Clarkson stated Greenville as long as the winds are fine.

Chairman Coyner declared the public hearing closed. He stated the Board received three (3) letters in opposition for the file. He stated there are others in the area and we have not had any problems with.

Mr. Thacker stated landing and taking off at this site is a safer alternative for him.

Ms. Brown stated the applicant has been doing this for ten (10) years. She said we have not received complaints on any other operation similar to this.

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

Pre-Conditions:

None

Operating Conditions:

- 1. The landing strip be used only by the applicant.
- 2. No Sunday flights.

Ms. Brown seconded the motion, which carried unanimously.

JOHN WILKINSON, AGENT FOR APPALACHIAN AGGREGATES - RECONSIDER A VARIANCE

This being the date and time advertised to consider a request by John Wilkinson, agent for Appalachian Aggregates, to reconsider a Variance from the required setback for a mining operation, on property owned by Spottswood Farms, LLC, located on the east side of Interstate 81 in the Riverheads District.

Mr. John Loehr, 4024 Ballards Mill Road, Free Union, stated he is the attorney for Appalachian Aggregates. He stated Mr. Wilkinson is also here to address any questions from the Board. He said they appealed the denial to the Circuit Court and are now asking

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the Board to reconsider their decision. He stated Doug Wolfe, County Engineer, and Tom Bibb from DMME met to discuss this matter and prepared this map. He passed out a memo to the Board. He explained the area for the Variance request to the Board.

Mr. Benkahla stated the Variance is only from Interstate 81.

Chairman Coyner asked what is the depth of the quarry now?

Mr. John Wilkinson stated about one hundred (100') feet.

Chairman Coyner stated they were concerned about the southern side and not being close to the neighbors.

Ms. Tilghman asked if there will be another lake?

Mr. Loehr stated the mine plan says you have a big area to catch that water.

Ms. Tilghman stated she was concerned before about mining near the neighbors and not so much Interstate 81. She said we were worried about the neighbors.

Mr. Loehr stated he did not think we made that clear last time.

Chairman Coyner stated it looks like this project will be underway soon.

Mr. Wilkinson stated there is a small spring project in 2021 but all of the major work will be done in 2023.

Chairman Coyner asked if they plan on using the fill for the 2021 project?

Mr. Wilkinson stated yes, it is possible. He stated there is still a lot of preliminary work to do.

Ms. Tilghman asked if there is a timeframe on the permit?

Ms. Bunch stated the Special Use Permit is valid for five (5) years.

Ms. Tilghman asked if they would need additional time?

Mr. Wilkinson stated probably another five (5) years because they have one job in 2026.

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Ms. Bunch stated they would need to come back and apply again.

Ms. Brown asked if all of the jobs are during the same time?

Mr. Wilkinson stated they normally stagger them.

Chairman Coyner asked what is the methodical way they are doing projects?

Mr. Wilkinson stated he does not know the answer to that question but he would think they would look at what would benefit Virginia the most from a safety aspect.

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

Mr. Martin Chittum, 20 Old B & O Road, Spottswood, stated he owns property beside this and he is not for or against it. He asked what will happen to the road? He said he also wanted to be sure that his well is taken care of which was his main concern.

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

There being none, Chairman Coyner asked the applicant to address the question.

Mr. Wilkinson stated the road is gravel currently. He said they plan on upgrading the road and widening it also. He stated they have to maintain the road. He said they have to repair or replace any damage to the well by law.

Chairman Coyner declared the public hearing closed. He said it is great to come to an agreement that they feel comfortable with and not excavate in the 200' setback.

Ms. Tilghman moved to approve the Variance with the following conditions:

Pre-Condition:

None

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Operating Conditions:

1. The required two hundred (200') foot setback be reduced to one hundred (100') foot **only** in the **hatched areas** along Interstate 81 and the southern portion of the property line as shown on the BZA sketch plan.
2. No excavation of rock and material along the hatched area along the southern setback line.
3. The site plan required for SUP #19-23 be revised to reflect this Variance.

Ms. Brown seconded the motion, which carried unanimously.

STAFF REPORT

19-48	GRE A Properties Staunton, LLC
19-49	GRE A Properties Staunton, LLC
19-50	Carlos R. Gum
19-51	Fowl Ball, LLC
19-52	Goldwrench Enterprises, LLC

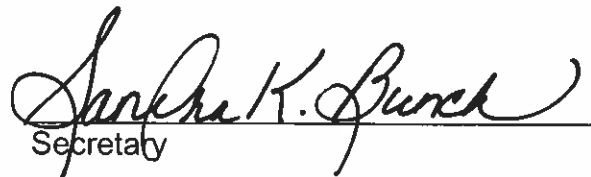
Ms. Bunch stated SUP#19-48 and SUP#19-49 are both in compliance. She stated SUP#19-50 received their Certificate of Occupancy and is in compliance. She stated SUP#19-51 is in compliance. She said SUP#19-52 never submitted their site plan. She noted she sent the applicant a letter asking if they plan on applying for an Extension of Time.

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



Handwritten text, possibly a signature or name, located at the bottom left of the page.