

September 2, 2021

PRESENT: Justine D. Tilghman, Chair
 George A. Coyner, II, Vice Chair
 Thomas W. Bailey
 Mark L. Glover
 Sandra K. Bunch, Zoning Administrator and Secretary
 James R. Benkahla, County Attorney
 John R. Wilkinson, Director of Community Development
 Kathleen Keffer, Assistant County Attorney
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Thomas V. Thacker

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 2, 2021 at 9:00 A.M., in the County Government Center, Verona, Virginia.

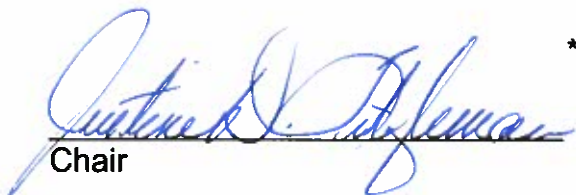
The staff briefing was held at 9:00 a.m. in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

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

- JEFF HOKE, AGENT FOR TRE DOGS RENTAL, LLC - SPECIAL USE PERMIT
- ELIZABETH JIMENEZ HUERTA - SPECIAL USE PERMIT
- AMOS H. SHOWALTER - SPECIAL USE PERMIT
- CHRIS KEMPTON, AGENT FOR SUN SHENANDOAH ACRES RV, LLC, C/O SUN COMMERCIAL TAX DEPARTMENT - SPECIAL USE PERMIT
- DEBBIE C. HENDERSON, AGENT FOR D.M. CONNER, INC. - SPECIAL USE PERMIT
- HEIDI ROBLES, AGENT FOR J MARTINEZ CONSTRUCTION, 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.


 Chair


 Secretary

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ABSENT: Thomas V. Thacker

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 2, 2021, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Coyner moved that the minutes from the August 5, 2021, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

CELIA WADE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Celia Wade, for a Special Use Permit to have an after school day care center within the existing activity building on property owned by Lighthouse an Independent Church Trustees, located at 5031 Morris Mill Road, Staunton in the Pastures District.

Ms. Celia Wade stated she would like to have an after school program at the site.

Chair Tilghman stated the applicant runs a daycare.

Ms. Wade stated yes, in the church building.

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Chair Tilghman asked what is the capacity of your facility? She said the Health Department comments state up to 45 children and staff.

Ms. Wade stated they have an application with the water department that is processing. She said childcare will be in the church building, but the after school program will be in the activity building. The activity building is 8,000 square feet and with a lot of the children having a lot of energy from being in school all day, we would like to be able to use that space.

Chair Tilghman asked if they will have two (2) part-time employees?

Ms. Wade stated yes.

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

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

Mr. Glover stated this is a much needed service in the area. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to operate an after school day care center within the existing activities building and be limited to a maximum of forty-five (45) persons total occupying the church and activities building including staff and children unless Health Department approval is obtained.
2. Be permitted to have two (2) part-time employees onsite.
3. Site be kept neat and orderly.
4. All other Operating Conditions of SUP#21-25 remain in effect.

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Mr. Coyner seconded the motion, which carried unanimously.

JOHN CHARLES STOLLERY, AGENT FOR WALNUT HILLS PROPERTY OWNER, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John Charles Stollery, agent for Walnut Hills Property Owner, LLC, for a Special Use Permit to continue the campground as a short term campground and short term recreational vehicle park and an extended stay campground and extended stay recreational vehicle park on property owned by Walnut Hills Property Owner, LLC, located at 484 Walnut Hills Road, Staunton in the Riverheads District.

Mr. John Stollery stated there is no change in the operation only a change in ownership so that is why we needed the Special Use Permit.

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

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

Mr. Coyner stated the campground has operated for years without any problems. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. The facility will comply with all conditions required in Section 25-74N and Section 25-74Q.
2. Applicant will keep a log tracking occupancy data for all sites.
3. Any expansion or new campsites or structures must be approved and meet current perimeter setbacks and second access requirement for emergency vehicles.

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- 4. No outdoor music after 11:30 p.m.
- 5. Obtain yearly outdoor music festival permit.
- 6. No junk or inoperable vehicles to be kept outside.
- 7. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

KERMIT A. OR GRACE W. STYER - SPECIAL USE PERMIT

A request by Kermit A. or Grace W. Styer, for a Special Use Permit to lease space for a woodworking and cabinet shop within an existing building on property they own, located at 1063 Knightly Lane, Mount Sidney in the Middle River District.

The applicants withdrew this request.

HEIDI ROBLES, AGENT FOR J MARTINEZ CONSTRUCTION, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Heidi Robles, agent for J Martinez Construction, LLC, for a Special Use Permit to have a contractor office with outdoor storage of equipment and materials and to lease office space on property owned by Shenandoah Shiloh Christian Center, Trustees of, located at 870 Parkersburg Turnpike, Swoope in the Pastures District.

The applicant was not present so the Board moved this agenda item to the end of the meeting.

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JEFF HOKE, AGENT FOR TRE DOGS RENTAL, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jeff Hoke, agent for Tre Dogs Rental, LLC, for a Special Use Permit to have a contractor office within an existing structure on property owned by Michael Wayne Chapman, located at 421 East Side Highway, Waynesboro in the Wayne District.

Mr. Jeff Hoke stated the plan is to convert the house into an office. He said he will have two (2) office employees.

Chair Tilghman asked if you plan on storing anything there?

Mr. Hoke stated no.

Chair Tilghman stated the Board visited the site today. We saw that the greenhouses are no longer there.

Mr. Coyner asked if there will be customers coming to the site?

Mr. Hoke stated no. We meet people at their house.

Chair Tilghman asked if the septic permit was obtained?

Mr. Hoke stated he obtained it two (2) days ago.

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

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

Mr. Coyner stated the Board visited the site this morning. This is a good use for the property because it will have a low amount of traffic. He moved to approve the request with the following conditions:

Pre-Conditions:

None

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Operating Conditions:

1. Be permitted to use the existing dwelling as an office for a contractor business.
2. No more than six (6) employees to come to the site.
3. Hours of operation be 7:00 a.m. to 5:00 p.m. Monday – Saturday.
4. No equipment, machinery, or materials for the business be kept onsite.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

ELIZABETH JIMENEZ HUERTA - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Elizabeth Jimenez Huerta, for a Special Use Permit to have an office for a cleaning business within the existing dwelling on property owned by H. Joseph or Lynn Hanger Hill, located at 296 Leaport Road, Mount Sidney in the North River District.

Ms. Elizabeth Jimenez Huerta stated her friend is allowing her to rent the office for the cleaning business.

Chair Tilghman asked if she plans on being at the site much?

Ms. Huerta stated no.

Chair Tilghman asked if she will have employees?

Ms. Huerta stated yes but they do not come to this site.

Mr. Bailey asked if they will have storage of supplies at this site?

Ms. Huerta stated no. All supplies are kept in the vehicle.

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

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

Mr. Bailey stated this should be compatible with neighboring properties. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Be permitted to have an office for a cleaning business within the dwelling.
- 2. Be limited to one (1) company vehicle at the site.
- 3. No employees coming to the site.
- 4. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

AMOS H. SHOWALTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Amos H. Showalter, for a Special Use Permit to have a short term vacation rental on property owned by Samuel J. or Amos H. Showalter, located at 338 Kindig Road, Waynesboro in the South River District.

Mr. Amos Showalter stated we plan to fix the house and use it for a short term vacation rental. His brother occupied the property before he passed away.

Chair Tilghman asked if the applicant lives close by?

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Mr. Showalter stated yes.

Mr. Coyner asked how do you plan to market this?

Mr. Showalter stated we are going to use some organization but have not really decided which one yet. We have friends that have done this in the past and they are guiding us. We do plan to use some kind of advertising agency.

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

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

Mr. Glover stated the Board viewed the site today. This is a nice rural setting and a good site for a vacation rental. He moved to approve the request with the following conditions:

Pre-Condition:

1. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to lease the entire dwelling for short term rentals.
2. Be limited to a maximum of eight (8) persons occupying the dwelling unless Health Department approval is for less.
3. Applicant to be available during rentals or provide contact information to adjacent neighbors.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

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CHRIS KEMPTON, AGENT FOR SUN SHENANDOAH ACRES RV, LLC, C/O SUN COMMERCIAL TAX DEPARTMENT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Chris Kempton, agent for Sun Shenandoah Acres RV, LLC, c/o Sun Commercial Tax Department for a Special Use Permit to renovate and expand the existing pavilion, add a 40' x 65' swimming pool, to place a 20' x 20' prefab building for food sales and to refurbish and expand the existing putt-putt golf course on property they own, located at 256 and 348 Lake Road, Stuarts Draft in the South River District.

Mr. Chris Kempton stated they already have the concrete slab for the pavilion and we would like to put a roof on that. The DJ box is pointed towards the residential so we want to point it toward the campground and away from the residential. The swimming pool will be going at the backside of the pavilion. The size is 40' x 65' and it will be camper exclusive. In between that and the pavilion there will be a 20' x 20' prefab building that is actually set up to sell hamburgers and hot dogs for campers only. They also want to expand the putt-putt golf course in the same location for campers and outside folks. It will be bigger than it is now.

Mr. Coyner asked if the applicant had a good year this summer?

Mr. Kempton stated yes.

Mr. Coyner asked if he would like the golf ready by next season?

Mr. Kempton stated yes. He hopes to have everything ready for next season.

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

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

Mr. Coyner stated Shenandoah Acres has been an icon for years. It is good to hear that the operation is doing well. All of these items requested will enhance the operation. He moved to approve the request with the following conditions:

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Pre-Conditions:

- 1. Submit updated Erosion and Sediment Control Plan and Stormwater Management Plan to Community Development.
- 2. Obtain a restaurant permit from the Health Department for the food sales in the pre-fab building and provide a copy to Community Development.

Operating Conditions:

- 1. Be permitted to extend the existing pavilion roof over the existing concrete pad (27' x 30'), to place a 20' x 20' pre-fab structure for food sales, install a 40' x 65' swimming pool, and refurbish and expand the existing putt-putt golf course to 73' x 206'.8" as shown on the site plans approved by the BZA.
- 2. Applicant obtain all building permits and provide copies to Community Development.
- 3. All operating conditions of SUP#20-55 and SUP#21-31 remain in effect.

Mr. Glover seconded the motion, which carried unanimously.

DEBBIE C. HENDERSON, AGENT FOR D.M. CONNER, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Debbie C. Henderson, agent for D.M. Conner, Inc., for a Special Use Permit to have a mining operation on a portion of the adjacent parcel and to remove the 200' setback requirement adjacent to the existing mining operation on property owned by Sharon G. Conner, located on the northeast side of Oak Lane north of the intersection of Oak Lane and Sycamore Path, Stuarts Draft in the South River District.

Mr. Steve Driver with Terra Engineering stated the use provides an important economic function in the County by providing important material needed for economic growth. The request here keeps the use the same, there is no change there. It only moves the area slightly to the east. Sharon Connor's dwelling is the need for the buffer adjustment. It moves no further south toward Gerties Lane or Pine Trail. Sharon's residence is about 870 feet to the east of the current mine. The property itself is about 1,320 feet wide from east to west. Due to the unique nature of this limited impact and economic need for the same product in the area, we respectfully request the Board support and approve the Special Use Permit.

Mr. Coyner asked if they will produce sand or gravel?

Mr. Driver stated Class B sand including rock so they can provide crushed gravel as a sale item.

Mr. Coyner asked if the footage is from the existing mine or the proposed?

Mr. Driver stated the existing and it will be 650 feet from the edge of the proposed mine.

Mr. Coyner asked if all materials move over to the current shale house?

Mr. Driver stated yes. They plan to use the existing entrance. There will be no impact on Gerties Lane.

Mr. Coyner asked how long would this piece of property last?

Mr. Benny Conner, 35 Dewey Lane, Waynesboro, stated it depends on the economy, possibly 8-10 years.

Mr. Coyner asked how deep?

Mr. Conner stated 40-50 feet. We dig it out with an excavator.

Mr. Driver stated this is consistent to what has been done in the past.

Mr. Bailey asked if they are only excavating? No storage or processing?

Mr. Driver stated no storage or processing.

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Mr. Coyner asked if the sand is washed?

Mr. Conner stated screened and washed.

Chair Tilghman stated we received several letters from contractors that use your product. Many companies said they got a particular dark rock that you mine that is not available just anywhere.

Mr. Conner stated landscape companies use it around the house and people use it in their driveways. They go to a 90 mile radius. The big dump trucks haul it. Class B is used in asphalt and Class A is used in concrete. It will need to pass VDOT specifications before it can be used.

Mr. Coyner asked when you are finished mining a section when does the reclaiming process start?

Mr. Conner stated when you are doing this type of activity, it is under the jurisdiction of DMME. Everything that is done is permitted and your operation needs to comply with that permit. State and federal inspectors come in two or three times a year.

Mr. Coyner stated what stage is the site near Oak Lane?

Mr. Conner stated we need to dig some more out. Once we get it all out, when you run the concrete or the masonry plant, you have to have a sediment pond. When the pond fills up, we haul it over once we get all the material to try to bring it back to the original height, then we have to reseed it.

Mr. Driver stated they have to follow a sequence, you cannot just reclaim it. It is not just one step. This is all covered by DMME.

Chair Tilghman said some of the areas look like they are in deep holes. Do they allow you to leave holes?

Mr. Conner stated they will eventually be filled in and they will get it as close to where it was before and then cover it with topsoil. We are going to save all the topsoil so when we finish a certain area, we can reseed it and plant pine trees.

Chair Tilghman asked have you started any mining on this land already?

Mr. Conner stated just cutting some trees down.

Chair Tilghman asked if the sand or gravel is more important?

Mr. Conner stated both are important but they sell more sand than concrete.

Mr. Coyner stated by your shop there is a huge pile of sand. Is it sand right out of the mine?

Mr. Conner stated that is ready to sell.

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

Mr. Nick Collins, 850 Hotchkiss Road, Churchville, stated over the last 38 years I have used sand and stone products that came from DM Conner. Weatherman Collins Contracting along with my partner Chuck Weathermen have an asphalt plant that uses the Grade B sand. In years past, there have been some requests that have been denied. But I want to tell you there are many local contractors and home builders that this sand is very important to us locally. If we are not able to produce these products, we would have to travel farther away. Many years ago I had to bring a lot of sand in by rail and it comes from a long ways away and it causes the product to be very expensive. I do not understand all the merits of what is being asked for today, I just ask that you look as favorably as you can on this local business because it also supports many other local businesses in this area.

Mr. John Golladay, 32 Sycamore Path, Stuarts Draft, stated we have had battles over property lines. If the owner of this property agreed to it, I think that is fine. I do not want to make it easy for next time when they try to come after my property, because they will. They do it every two years. Sharon's house will still be further from the digging. We agreed with the 500 foot setback last time. They have not reclaimed anything but the hole has gotten bigger and has been there forever.

Mr. Edgar Taylor, 120 Gerties Lane, Stuarts Draft, stated I agree with Mr. Golladay. Picture yourself sitting on the back porch and watching heavy equipment, seeing people digging, and listening to the noise. That is my concern. If they do not get any closer to the residences then they are right now, I do not have too much of a problem. One of these days I will want to sell this place. When I moved here in 1976, it was really quiet. What will this do to the value of my land?

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Ms. Shayla Branch, 79 Gerties Lane, Stuarts Draft, stated here we are again, every year or every two years they come back with some new issue. Businesses have to survive but not at the cost of people who live in the County. I caution the Board, five acres is not very big. This is a temporary solution to a long term problem. In 24 years, nothing has changed to the pit behind the house.

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

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

Mr. Driver stated Mr. Golladay is a good distance away from this. He said they used to dump garbage for the campground there, so obviously what is there today is a lot nicer than the garbage dump that was there in 1970. There is another pit beside Acres Sand and Stone but that is the one that would be more adjacent to Mr. Golladay.

Chair Tilghman declared the public hearing closed. The reclamation of the land is determined by the State and Federal government. I do not think they have reclaimed anything and cannot believe that all of those holes are needed. I know that the government does watch these operations.

Mr. Glover stated these are good concerns. For this particular application, I see it being closer to the Conner property than to other residents. I appreciate that and can understand the concerns that the opposition has brought today. This is something that I do believe that needs to be considered and looked at.

Chair Tilghman stated it is important that we keep the setbacks.

Mr. Coyner stated this is a unique spot. These products are needed for businesses especially local businesses.

Chair Tilghman stated the Board has no control over Operation Condition #7 which states: The site must be reclaimed as soon as possible, but no later than six (6) months after operations have ceased.

Mr. Benkahla suggested rewording the condition to: The applicant shall comply with all the rules and regulations set forth by the Department of Mines, Minerals and Energy.

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

Pre-Conditions:

1. Submit a copy of the DMME Mining Plan including the proposed depth of excavation and Reclamation Plan and the two hundred (200') foot buffer zone along all property lines or other setbacks determined by the Board, except the properties currently being mined.
2. Submit a boundary line adjustment survey combining the additional twenty (20) acres to this parcel to the Community Development Department within **thirty (30) days**.

Operating Conditions:

1. **No operations** in the new five (5) acre area can start until the boundary line adjustment in Pre-Condition #2 has been approved and recorded.
2. Only excavating at the site. All crushing, processing, and storage of materials to be done at the existing plant.
3. Access will be through the existing quarry with truck traffic confined entirely to Route 660 when entering and leaving site utilizing the existing fifty (50') foot right-of-way on the north side of Shenandoah Acres property.
4. No truck traffic on Sycamore Path or Oak Lane.
5. No mining operation within five hundred (500') feet of Coles Campers Subdivision. Existing wooded five hundred (500') foot buffer be left in its natural undisturbed state.
6. No buffer will be required between the property lines adjacent to the existing quarry operations on TM#84C(1)34, TM#91-19 and TM#91-21. The two hundred (200') foot minimum buffer will be required on all other property lines.
7. The applicant shall comply with all rules and regulations set forth by the Department of Mines, Minerals and Energy.

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8. Whenever the applicant amends the permit with the Department of Mines, Minerals and Energy, they must notify the Community Development Department.
9. Hours of operation be Monday-Friday, 7:00 A.M. to 6:00 P.M. and Saturday 7:00 A.M. to 12:00 Noon, and no Sunday operation.
10. All local, state and federal regulations must be complied with.
11. Debris, including residue rock and stone and other waste material stored on the property must have originated from the property and not be brought in from other sites.

Mr. Glover seconded the motion, which carried unanimously.

HEIDI ROBLES, AGENT FOR J MARTINEZ CONSTRUCTION, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Heidi Robles, agent for J Martinez Construction, LLC, for a Special Use Permit to have a contractor office with outdoor storage of equipment and materials and to lease office space on property owned by Shenandoah Shiloh Christian Center, Trustees of, located at 870 Parkersburg Turnpike, Swoope in the Pastures District.

Ms. Heidi Robles stated she is looking to purchase this property to have a contractor's office. There are two businesses there already.

Chair Tilghman stated the Board visited the site today and we saw two camper trailers. Who do they belong to?

Ms. Robles stated either the church or whoever had this before. They do not belong to us.

Ms. Bunch said they did send the current property owner a letter.

Mr. Coyner stated the campers would have to go. He asked if she will have their business in addition to the people that are currently at the site?

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Ms. Robles stated yes.

Chair Tilghman stated the 40 x 40 outdoor storage area will be behind the business and it should be shielded with a 10' tall fence.

Ms. Robles stated yes, a wooden fence.

Chair Tilghman stated you were looking at maybe one side using the existing trees but this is a busy heavily used road and I think we need the entire area fenced. It should not be open on the road side. In the recommended staff conditions, it states there will be seven (7) licensed trailers and six (6) company trucks/vans. What are the hours of operation?

Ms. Robles stated 8-5 Monday through Saturday. She said they may do office work on Sundays.

Mr. Coyner asked what is the total number of all vehicles on the property (yours and the other businesses at the site)?

Ms. Robles stated they lease space but do not have vehicles onsite overnight.

Chair Tilghman stated the Board would need the total number of vehicles that stay on the property overnight. You would need to work that out with your tenants.

Mr. Bailey asked if the fifteen (15) employees park there?

Ms. Robles stated no, they do not come to the site. They do not park there either. They come only to pick up their checks bi-weekly.

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

Ms. Jody Woodward, 45 Swoope Road, Swoope, stated she is here to speak on behalf of her parents who live at 20 Miss Phillips Road, Swoope. I would not classify myself as opposition, just concerned. Years ago, this was a church. The church left and it became vacant and since that time we have had some challenges with high grass, with the renters having mattresses and debris in the shed. The thrift store came in and then things improved a little bit but it has become very unsightly and actually probably a better description would be it is starting to look like a dump. There is a dresser that has

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been sitting there. There is also a brush pile and a huge pile of hot water heaters, air conditioning units, some kind of huge tall compressed air cylinder, and an old sign. It looks awful. I have had difficulty trying to contact people that own the land and they said it was in the process of being sold. So when I found out that a construction business may be coming, I was happy because I envisioned they are going to renovate the building. It would be better than a gas station or dance hall. So I was feeling better about it until I rode by their current location and saw the same thing. I do not know if it is their stuff, but they have a huge RV at the site. They have a huge trailer full of garbage that has been sitting there. I would love for a construction firm to go there if they improve the site because that building is really in need of some improvement. I would just end by saying that whoever occupies the property, my parents and I would greatly like to see the building renovated or repaired and it not become a lot full of RVs and trucks, trash and debris, and that the lawn stays mowed and it looks aesthetically pleasing.

Ms. Vicki Corbin, 854 Parkersburg Turnpike, Staunton, stated she purchased this house in 2018 and it is a nice quiet little neighborhood. Our concern is what type of lighting will be at the site. Our bedroom is right beside this building. We get up at three o'clock in the morning and go to work. We have had trouble with tractors and trailers parking there at night before and the trucks running, so we had to call the trucking company and say look you had a truck and trailer parked here overnight, running all night and the noise has kept us awake. Our concern is there not be any kind of trailers parked on the property and do not want the site to look tacky and trashy. We want it to stay kept up. We do not want to make the value of our home go down because of what all is going to be over there. We call this the community dumpster because everybody comes and brings their trash over to the dumpster. Everybody just pulls off the road and throws trash. We are concerned about how it is going to look. If it is going to be cluttered and trashed up and when she says, trailers and things we are concerned about that. We do not want to have the value of our home decrease.

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

There being none, Chair Tilghman asked the applicant to speak in rebuttal. She said these neighbors have legitimate concerns. We have a County Lighting Ordinance that controls lighting. What can you say to these neighbors about how you will take care of the property?

Ms. Robles said I am always getting on the guys to clean up. She stated that she does not want problems with the neighbors. She said they are renting their current location

that has an upholstery place downstairs and they have the RV and all that mess. They will comply with County regulations if they purchase this place. She does not like the way it looks now. They plan on making it look nice.

Chair Tilghman stated it is on a fairly heavily traveled road. This area is in an area that has neighbors and it is highly visible.

Mr. Coyner asked about the dumpster?

Ms. Robles stated that she does not know who owns the dumpster. Our dumpster will be hidden so that no one can use it. I do not even know if it is going to come with the purchase of the building.

Mr. Bailey said if you purchase the property and it is transferred it is the owner's responsibility to keep it neat and orderly. There should be no junk or inoperable vehicles at the site. That is one reason why we put stipulations on each of the permits that we grant. He asked if the applicant understands that when she purchases the property it is their responsibility?

Ms. Robles stated yes.

Mr. Coyner stated a fence along the rear is better because the neighbors will see the operation if there is not one.

Chair Tilghman stated where did the trailers come from because they should not be there.

Mr. Glover stated the biggest issue I have heard was just the things being brought in and junk being brought in with the trash. This is a busy road. I do believe that it would be beneficial to have a fence along that border to shield the visibility of different things that would be parked there. I would recommend that the fence be installed along that line.

Ms. Bunch stated any lights over 3,000 lumens has to meet our Outdoor Lighting Ordinance. There were no new lights being proposed.

Chair Tilghman asked if they the plan on asking for more lighting?

Ms. Robles stated no.

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Ms. Bunch stated we have to ensure that any lights they put up are directed down and do not spill over onto the neighboring properties or roads, more than half a foot candle. They would have to submit a Lighting Plan at the time the electrician gets the permits to install the lights.

Chair Tilghman declared the public hearing closed.

Mr. Coyner stated the property has been used for many different businesses over the years. They would be responsible for the property. He stated the fence should be included all around the perimeter an all four sides.

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

Pre-Conditions:

1. Obtain Health Department approval and provide a copy to Community Development.
2. Submit a complete Erosion and Sediment Control and Stormwater Management Plan.
3. Applicant construct a ten (10') foot high opaque privacy fence around the 40' x 40' outdoor storage area within **thirty (30) days**.

Operating Conditions:

1. All equipment, machinery, and materials for the business be kept inside the 40' x 40' screened area shown on the BZA sketch.
2. The ten (10') foot high opaque privacy fence must be maintained at all times.
3. Be limited to seven (7) licensed trailers and six (6) company trucks or vans at the site.
4. No refuse from the business to be brought to this site.
5. Hours of operation be 8:00 a.m. to 5:00 p.m. Monday – Saturday with occasional Sundays for office work only.

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- 6. Be limited to twenty (20) employees once Health Department approval is obtained.
- 7. Site be kept neat and orderly.
- 8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Glover seconded the motion, which carried unanimously.

CONSIDERATION TO CANCEL THE SPECIAL USE PERMIT - RANDY SHOWALTER

This being the date and time advertised to consider a request to cancel the Special Use Permit held by Randy Showalter for a motor vehicle repair operation and impound area on property owned by Kimberly A. Miller, located at 105 Shulls Lane, Mount Solon in the North River District.

Chair Tilghman stated the applicant is not able to be here today due to Covid.

Mr. Coyner moved to carry over the public hearing to the October 7, 2021 meeting.

Mr. Bailey seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

JESSICA L. WEINSTOCK – SPECIAL USE PERMIT

A request by Jessica L. Weinstock, for a Special Use Permit to have a short term vacation rental on property she owns, located at 17 Mount View Drive, Afton in the South River District. - Request to Cancel

Ms. Bunch stated the applicant is requesting to cancel the Special Use Permit.

Mr. Coyner moved to cancel the permit.

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Mr. Bailey seconded the motion, which carried unanimously.

STAFF REPORTS

- 20-43 Rebecca F. or Michael C. Breeding
- 20-44 Timothy D. or Tracey L. Cupp
- 20-45 Paul S. or June C. Terry
- 20-46 Lester P. or Mary A. Witmer
- 20-47 Kenneth R. or Sharon B. Troyer
- 20-48 Blue Ridge Flower Crops, LLC

Ms. Bunch stated SUP#20-43 applied for their building permit and are in compliance. Staff sent the applicant a letter for SUP#20-44 because they did not apply for their building permit. They plan on sending in an Extension of Time request. SUP#20-45 is in compliance. The applicant has not received Health Department approval for SUP#20-46. We sent the applicant a letter and they plan on asking for an Extension of Time. We sent the applicant a letter for SUP#20-47 due to having two inoperable vehicles at the site. SUP#20-48 is in compliance but the applicant plans on changing the location of the pad. They will need to apply before this Board to change the location.

Mr. Benkahla discussed the court cases with the Board.

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



 Chair



 Secretary

