

February 5, 2009

PRESENT: S. F. Shreckhise, Chairman
D. A. Brown
J. R. Wilkinson, Zoning Administrator & Secretary

ABSENT: J. W. Callison, Jr., Vice Chairman
G. A. Coyner, II
C. E. Swortzel
S. K. Shiflett, Zoning Technician I

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 5, 2009, at 9:15 A.M., in the County Government Center, Verona, Virginia.

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VIEWINGS

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

- **Perry D. Mace - Special Use Permit**
- **Benjamin R. Gee - Special Use Permit**
- **Mack Wyatt, agent for Warehouses, Ltd. - Special Use Permit**
- **Glen and Brianna Harlow - 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.

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Chairman

Secretary

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PRESENT: S. F. Shreckhise, Chairman
J. W. Callison, Jr., Vice Chairman
G. A. Coyner, II
D. A. Brown
J. R. Wilkinson, Zoning Administrator & Secretary
S. K. Shiflett, Zoning Technician I
Pat Morgan, County Attorney
B.B. Cardellicchio-Weber, Administrative Secretary

Absent: C. E. Swartzel

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 5, 2009, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Coyner moved that the minutes from the January 8, 2009 meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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KIM SELZ, AGENT FOR ALLTEL COMMUNICATIONS, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kim Selz, agent for Alltel Communications, Inc., for a Special Use Permit to construct a new telecommunications facility on property owned by Randy J. or Patricia L. Miller, located in the northern quadrant of the intersection of China Clay Road (Route 634) and Howardsville Turnpike (Route 610) in the South River District.

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Ms. Kim Selz stated that the tower will be a 195' monopole structure with a four (4') foot lightning rod. She stated that there will be a 60' x 60' compound. She stated that there will be a twelve (12') foot gravel road leading to the site. She stated that the tower will support five (5) additional co-locators. She stated that they searched for other areas to place the tower. She stated that one of the sites did not want a tower and the other property owner backed out. She stated that this tower will fill the coverage gap between Mt. Torrey Road and Howardsville Turnpike. She stated that they would like to move the site toward the western property line in order to get the area out of the stream. She stated that they will be staying within the leased area and using the vegetation as a buffer.

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

Mr. Randy Miller stated that he is the owner of the property. He stated that there is no cell service in this area.

Mr. Wilkinson asked if Mr. Miller's home will be behind the proposed site for the tower?

Mr. Miller stated yes. He stated that he would be the one who sees the tower.

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

There being none, Chairman Shreckhise asked George Condyles, the County's consultant, to give his recommendation to the Board.

Mr. George Condyles stated that he is the President of Atlantic Technology Consultants. He stated that he reviewed the site and the submission and feels that the site has merit. He stated that by having the tower in the Sherando Lake community it will give the citizens in that area a choice between providers for wireless internet and other services. He stated that he is fine with the applicant moving the site. He stated that he is in favor of this request.

Ms. Brown asked how far will the signal reach?

Mr. Condyles stated that it may reach two and a half to four miles depending on where your property is located.

Chairman Shreckhise declared the public hearing closed.

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Mr. Wilkinson stated that staff recommended the tree buffer be installed around the 60' x 60' compound.

Chairman Shreckhise stated that the tower will be in the woods. He stated that the existing tree buffer should not be removed.

Mr. Wilkinson stated that instead of the applicant planting the buffer that the Board could require that only the trees necessary to install the compound be removed. He stated that typically the Board requires equipment on the ground to be screened.

Chairman Shreckhise stated that the evergreen trees may not survive on this property.

Mr. Coyner stated that the screening will need to remain as a condition. He stated that the tower will help with the coverage in the area. He moved that the request be approved with the following conditions:

Pre-Conditions:

1. The applicant will submit the \$25,000 removal bond described in (3) below.
2. The applicant will submit a site plan showing the location of the compound and 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. The height of the tower shall not exceed 199'.
2. Tower design will allow a minimum of five (5) co-locators.
3. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunications purposes. The tower shall be disassembled and completely removed from the site within ninety (90) days of such notification. Pursuant to Section 15.2-2309, paragraph 6 of the Code of Virginia: "The applicant shall provide bond with appropriate surety in the amount of \$25,000 to insure compliance with this stipulation. The applicant will ensure the bond shall remain in effect until at least six (6) months following notice to the Augusta County Community Development Department that wireless telecommunications have been discontinued.

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4. The applicant will comply with all FCC regulations.
5. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.
6. Tower will be a monopole structure with a matte non-buffed, non-reflective type finish or stealth structure where appropriate.
7. The County will have the option of co-locating Public Safety communications equipment and antenna on this site for future growth and upgrade of the radio system, including law enforcement communications.
8. The fenced compound area be screened by a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center and be maintained.

Ms. Brown seconded the motion, which carried unanimously.

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HOME PRIDE SERVICES, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Home Pride Services, Inc., for a Special Use Permit to add a lawn maintenance and fertilizer operation to an existing fertilizer mill/farm shop on property owned by Ag Venture, LLC, located on the north side of Fadley Road (Route 646), approximately .4 of a mile west of the intersection of Fadley Road (Route 646) and Burkes Mill Road (Route 749) in the North River District.

Mr. Steve McCoy stated that he is the owner of Home Pride Services. He stated that he would like to operate his business at this location. He stated that they service 700 lawns in Augusta and Rockingham County.

Mr. Coyner asked if this would be his satellite office?

Mr. McCoy stated that their current office is in Rockingham County but they would like to move their business to Augusta County.

Mr. Coyner stated that the condition of the site has improved and it looks very good.

Mr. McCoy stated that he intends to keep the site neat and orderly. He stated that Mr. Kanode has done a good job cleaning the site.

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Chairman Shreckhise asked if they use a drain and wash tank?

Mr. McCoy stated that there is a current fertilizer business on the property that uses the same system which they will be sharing with one another. He stated that they use a rinse aid system.

Ms. Brown asked where does the liquid go?

Mr. McCoy stated that Mr. Kanode may be able to explain that to the Board.

Mr. Hahns Kanode stated that he has a vested interest in their property. He stated that they do not release any liquid on site. He stated that they use a rinse aid recovery system. He stated that there is a pad containment tank underground which captures everything.

Mr. Coyner asked if the applicant wants to start operating this spring or summer?

Mr. McCoy stated yes.

Mr. Coyner asked how long has the applicant owned the business?

Mr. McCoy stated that the business was established in 1989 and he has owned it for twelve (12) years. He stated that they do not mow property. He stated that they only control weeds and take care of pests.

Ms. Brown asked how many employees will the applicant have?

Mr. McCoy stated four (4) employees on site. He stated that sometimes the employees use a ride-on applicator and sometimes a hand sprayer depending on the size of the property. He stated that one of the reasons why he chose this site is because that they do not have to replicate the systems because they are already in place.

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

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

Mr. Coyner stated that the property is in good condition. He stated that the applicant may need to have more than four (4) vehicles if they are anticipating growing in a year or so.

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Mr. McCoy stated that he hopes that the business does grow. He stated that he may want to add two (2) vehicles. He asked the Board if they would consider increasing the number of vehicles to six (6).

Mr. Wilkinson stated that the Board puts stipulations on the permits and if the applicant wants to expand the request in the future he will then have to come back before the Board.

Mr. Coyner stated that he is familiar with this property. He stated that the property is looking good. He stated that it is great that the applicant wants to utilize a facility that already has the equipment setup for the business. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to six (6) Home Pride company vehicles at the site.
2. Site be kept neat and orderly.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Ms. Brown seconded the motion, which carried unanimously.

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MACK WYATT, AGENT FOR WAREHOUSES, LTD. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mack Wyatt, agent for Warehouses, Ltd., for a Special Use Permit to have outdoor storage of motor vehicles, RVs, campers, boats, and portable storage units on property it owns, located on the east side of the intersection of Dunsmore Road (Route 818) and Laurel Hill Road (Route 612) in the Beverley Manor District.

Mr. Mack Wyatt stated that he would like to have seventy (70) spaces to store motor homes, RVs, campers, and boats. He stated that he would like to have thirty-four (34) spaces to store portable storage units (PODS).

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Ms. Brown asked about the stripped down Volkswagon and the wrecker that was at the site?

Mr. Wyatt stated that belongs to his grandson. He stated that his grandson takes the parts home as he needs them. He stated that the wrecker belongs to Mr. White. He stated that is temporarily stored there.

Mr. Wilkinson stated that in the future this site may continue to be developed into mini-warehouses.

Mr. Coyner asked if the site is visible from Interstate 81?

Mr. Wyatt stated that the site is visible from Skyview Subdivision.

Mr. Wyatt stated that he will plant trees.

Mr. Wilkinson asked if the existing vegetation is on the applicant's property?

Mr. Wyatt stated yes.

Ms. Brown stated that the site is not screened very well from the residential property.

Mr. Wyatt stated that he will plant a double row of staggered white pine trees either eight (8') or ten (10') feet on center.

Chairman Shreckhise asked if the trees will be inside the fence?

Mr. Wyatt stated that he will plant the trees on his property.

Mr. Wilkinson stated that the PODS should be in a single row and not double stacked.

Mr. Coyner asked if there is a lot of movement with the PODS?

Mr. Wyatt stated that he is not sure. He stated that this will be a new venture for him.

Ms. Brown asked who would be responsible to purchase the PODS?

Mr. Wyatt stated that he will be responsible for purchasing them.

Mr. Wilkinson stated that Augusta County has an ordinance that the PODS can only be for temporary use. He stated that PODS normally are used for moving. He stated that they are not permitted to stay at a home site for long periods of time.

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Ms. Brown asked if the PODS are transferred by a flatbed and if the applicant was responsible for transporting the PODS from location to location?

Mr. Wyatt stated that is correct.

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

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

Vice Chairman Callison stated that the applicant will get a lot of motor vehicles on the site if they are not careful. He stated that the applicant will need to abide by the stipulations on the permit.

Mr. Wilkinson stated that the Volkswagon is considered an inoperable vehicle. He stated that it will need to be stored inside the warehouse.

Vice Chairman Callison moved that the request be approved 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 to be approved by all appropriate departments and/or agencies, showing parking spaces for vehicles, RVs, campers, and portable storage units (PODS) and aisle way widths.
2. The outdoor storage area be screened by a double row of eight (8') foot high staggered evergreen trees planted ten (10') foot on center **within six (6) months** along the rear property line **and** the property line to the east adjacent to residential zoning and trees must be maintained at all times.

Operating Conditions:

1. The area for portable storage units (PODS) be limited to the western property line adjacent to Meade Trucking.
2. Be limited to a maximum of sixty (60) spaces for vehicles, boats, and campers at the site and they be kept within the last 110' of the lot adjacent to the rear property line and this area be clearly marked on the ground.

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3. No junk RVs, junk boats, or campers, or parts of vehicles, RVs, boats, campers, or equipment be kept outside.
4. Site be kept neat and orderly.
5. No tractor trailers.
6. Permit be issued for five (5) years.

Mr. Coyner seconded the motion, which carried unanimously.

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PERRY D. MACE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Perry D. Mace, for a Special Use Permit to continue the garage and wrecker service with outdoor storage of vehicles and to add outdoor storage of rock, natural stone, pallets, and equipment on property he owns, located on the south side of Lee Jackson Highway (Route 11), just south of the intersection of Lee Jackson Highway (Route 11) and Swartzel Shop Road (Route 694) in the Riverheads District.

Mr. Perry Mace stated that he would like to reopen the garage and the towing business on the back side of the property between the storage pen. He stated that the tree line is within the interstate. He stated that there are trees on the right side. He stated that he will operate within the normal business hours. He stated that he will be closed on Sunday. He stated that he will have three (3) employees. He stated that he will have someone that answers the phone, a couple of mechanics, and someone that the tows the vehicles.

Ms. Brown asked what are the total number of employees?

Mr. Mace stated up to four (4) employees. He stated that he put in a commercial entrance on the back side.

Ms. Brown asked if the citizens use the road?

Mr. Mace stated that some citizens come through the property from time to time.

Mr. Coyner stated that the applicant cleared away the buffer requirements from the previous Special Use Permit.

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Mr. Mace stated that he cleared the underbrush in the lower part of the property. He stated that he did not realize that the property needed a buffer at the time he purchased it. He stated that he did not know until Mr. Wilkinson told him.

Mr. Coyner stated that the applicant is stating that he was not privy to the previous requirements. He stated that the buffer will need to be put back on the property.

Chairman Shreckhise stated that the applicant removed more than the underbrush. He stated that the applicant removed the screening.

Mr. Wilkinson stated that Albert Conner applied for a Special Use Permit in 1989 to operate a wrecker and garage service and to have storage along the back property. He stated that one of the requirements on the permit was that the vegetation remain to provide natural screening. He stated that in 2004, Mr. Mace applied for a permit to operate the rock business next door. He stated that his approved site plan showed the natural buffer on the south side of his property to screen the rock business. He stated that buffer was also removed by Mr. Mace. He stated that the requirements were that there be six (6') foot pine trees on the other three sides of the property to provide screening.

Chairman Shreckhise stated that the trees needed to be maintained at least six (6') feet high.

Mr. Mace stated that he will get the trees from Mr. Fauber who has a tree farm.

Ms. Brown stated that the trees looked like they were four (4') feet tall.

Mr. Mace stated that the fence is at least four (4') feet high.

Mr. Wilkinson stated that the applicant needs to meet the requirements of the current Special Use Permits. He stated that there needs to be a double row of trees in order to provide screening. He stated that the Board of Zoning Appeals sets the requirements on the permits. He stated that if the applicant would like to change a requirement they will need to go back before the Board.

Mr. Mace stated that he has no problem putting the trees back. He stated that he will replace all of the trees that were cleared out.

Mr. Coyner asked how soon would the screening be completed?

Mr. Mace stated by the spring.

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Mr. Coyner stated that the screening will need to be maintained and replaced if the trees die.

Mr. Mace stated yes.

Mr. Wilkinson explained the areas that needed to have a buffer. He stated that the Board will decide what type of buffer is needed for the property. He stated that the Board noticed that there was a gravel parking lot on the old Conner property.

Mr. Mace stated that the lot was smoothed out yesterday. He stated that the gravel was used to fill the holes.

Mr. Wilkinson asked about the pallets of stone/rock near the pond?

Mr. Mace stated that one of his employees may have moved it there.

Ms. Brown stated that behind the garage there are boulders.

Mr. Mace stated that he can remove them and put them behind the garage.

Ms. Brown asked if the vehicles that are brought to the property from the wrecker service are kept outside?

Mr. Mace stated that all of the vehicles will be behind the fence. He stated that the vehicles will be screened with the natural surroundings.

Chairman Shreckhise stated that all of the screening was removed.

Mr. Mace stated that he can screen the shop on the right side of the fence and across from the cell tower.

Mr. Wilkinson stated that there needs to be screening from the Campbell's property since the natural buffer was removed.

Mr. Mace stated that he can put some pine trees down the creek. He stated that he assumed that the trees only needed to be kept at six (6') feet.

Mr. Coyner stated that the pine trees needed to be planted and they should be maintained so that they grow well.

Mr. Mace stated that he did not want the trees blocking the sign.

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Chairman Shreckhise stated that the applicant needed to come back to the Board with an application before making changes to a site under Special Use Permit.

Mr. Wilkinson stated that the zoning department does not regulate the actual height of signs. He stated that Mr. Mace will need to comply with building code regulations.

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

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

Mr. Coyner stated that he has received calls from citizens that were concerned about the buffer being removed.

Chairman Shreckhise stated that the applicant needs to meet the conditions that are on the current Special Use Permits. He stated that the neighbors are upset that the screening was removed. He stated that the Board should take another look at the site before making a decision.

Vice Chairman Callison stated that screening is a very big issue. He stated that the screening should be along the boundaries of both properties.

Mr. Coyner stated that there needs to be significant screening on the property. He moved that the request be tabled to the March 5, 2009 meeting.

Chairman Shreckhise stated that staff should revisit the property and make suggestions to the applicant regarding screening.

Ms. Brown seconded the motion, which carried unanimously.

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GLEN AND BRIANNA HARLOW - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Glen and Brianna Harlow, for a Special Use Permit to have a dog kennel on property they own, located in the northern quadrant of the intersection of Wilda Road (Route 652) and Cold Springs Road (Route 608) in the Riverheads District.

Ms. Brianna Harlow stated that all of her dogs are her pets.

Ms. Brown asked how many dogs does the applicant have?

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Ms. Harlow stated ten (10) adult dogs and two (2) dogs that are under six (6) months of age.

Ms. Brown asked if she breeds the dogs?

Ms. Harlow stated that she does not breed the dogs as a business. She stated that is her hobby. She stated that if one dog gets in heat she sometimes cannot help it. She stated that seven (7) dogs are kept inside the house. She stated that there is an 8' x 8' building and two (2) runs with dog doors. She stated that there is a heater and straw inside and outside the kennel. She stated that she also has an 8' x 6' kennel with a six (6') foot high chain link fence.

Ms. Brown asked if all of the dogs are a small breed?

Ms. Harlow stated yes.

Ms. Brown asked if all of the dogs are her pets?

Ms. Harlow stated yes. She stated that her daughter owns the Maltase and the two (2) Pomeranians.

Mr. Coyner stated that there are a lot of dogs on this piece of property. He asked if the kennel could be moved to the rear property?

Ms. Harlow stated that property is her husband's uncle. She stated that they are now evicting their own sister from the house. She stated that would not be an option. She stated that most of the females are all kept inside so that she can keep an eye on them.

Mr. Wilkinson stated that one of the standards in the ordinance is that the minimum size property for a kennel be at least five (5) acres unless the Board of Zoning Appeals feels otherwise.

Ms. Harlow stated that this is an indoor facility. She stated that her son helps her with the dogs. She stated that the neighbors do not hear the dogs.

Mr. Coyner asked if the neighbor across the road had any problems with the kennel request?

Ms. Harlow stated that they have no problems with the dogs.

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Mr. Coyner asked why would the applicant apply now if she has had the dogs for quite some time?

Ms. Harlow stated that she had a miniature poodle for sale. She stated that someone had called Animal Control on her.

Ms. Brown asked how many times does the applicant breed the dogs?

Ms. Harlow stated that she does not breed each dog every year. She stated that she does not breed the dogs back to back. She stated that she retired one of her female dogs.

Mr. Wilkinson asked when the dogs are retired does the applicant spay or neuter the dogs?

Ms. Harlow stated that the one dog just turned four (4). She stated that has talked about doing that. She stated that majority of her puppies are gone before they are even born.

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

Ms. Alexandria Jones stated that she lives in Iowa. She stated that she has known the applicant for ten (10) years now. She stated that the applicant takes really good care of the dogs and they are all well fed. She stated that all of the dogs' shots are up to date. She stated that all of the dogs get water. She stated that most of the dogs are inside most of the time.

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

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

Mr. Coyner stated that all of the applicant's dogs are small but they still will create a lot of noise.

Chairman Shreckhise stated that the site is not a good place to have the dogs. He stated that the property is beside the road.

Vice Chairman Callison stated that the dogs are not bothering the neighbors.

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Mr. Wilkinson stated that Animal Control notified his office regarding the number of dogs that the applicant has.

Mr. Coyner asked the applicant how many dogs she anticipates having?

Ms. Harlow stated that she will not bring in any more dogs onto the site. She stated that two (2) of the dogs she is trying to sell.

Mr. Coyner asked if the applicant goes out with the dogs when they exercise?

Ms. Harlow stated yes. She stated that sometimes at night if they see a coyote or wolf they sometimes bark.

Chairman Shreckhise asked how many adult dogs does the applicant have?

Ms. Harlow stated ten (10) adult dogs.

Mr. Coyner asked how many females does the applicant have?

Ms. Harlow stated six (6) female dogs.

Mr. Coyner stated that five (5) dogs have the opportunity to have puppies.

Ms. Brown stated that the applicant stated that this is a hobby but if she continues to breed then to sell is considered a business.

Chairman Shreckhise stated that the dogs should not be replaced once they pass on. He stated that if the Board approves the request there will be a limit on the number of dogs that the applicant can have. He stated that the applicant will need to reduce the number of dogs by two (2).

Ms. Brown asked how will the applicant control the number of times the dogs breed?

Ms. Harlow stated that the males are in the crates inside the house. She stated that she does this as a hobby.

Mr. Coyner stated that the applicant needs to reduce the number of dogs at the site.

Ms. Brown stated that this site should not have a kennel on it.

Chairman Shreckhise stated that the Board will put stipulations on the request in order to protect the neighbors.

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Mr. Coyner moved that the request be approved with the following conditions:

Pre-Condition:

- 1. Applicant submit a revised BZA sketch plan in conjunction with the Zoning Administrator showing the enlarged or improved kennel structure and detailing the soundproofing measures.

Operating Conditions:

- 1. Maximum of eight (8) adult dogs be kept at this site at any time. The dogs must be small breed types that are fifteen (15) pounds or under.
- 2. **Applicant be given one (1) year to reduce the number of adult dogs to eight (8).**
- 3. All dogs be confined within the enclosed soundproofed dog kennel or within the applicant's home at all times except when being exercised until 8:00 p.m. to 7:00 a.m.
- 4. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.
- 5. No off premise advertising signs associated with the business.
- 6. Kennel be inspected once a year.
- 7. Permit be issued for one (1) year and renewed if all conditions are met.

Ms. Brown seconded the motion, which carried unanimously.

OLD BUSINESS

BENJAMIN R. GEE - SPECIAL USE PERMIT

A request by Benjamin R. Gee, for a Special Use Permit to display carports for sale, to construct an addition to the garden center, to increase the size of the greenhouse, and to construct a building for a shop and equipment storage on property he owns, located

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in the northwest quadrant of the intersection of Churchville Avenue (Route 250) and Eagle Rock Lane (Route 721) in the Pastures District. - TABLED AT THE DECEMBER 4, 2008 MEETING

Mr. Coyner moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Benjamin Gee stated that he worked hard to correct the issues that the Board wanted him to resolve. He stated that the brush pile is being burnt. He stated that he cleaned up all of the items that Mr. Wilkinson asked him to cleanup. He stated that there is a box van that has storage tools inside it. He stated that Brenneman Engineering is working on a plan with the Building Inspection department to keep the items there. He stated that if there is no plan completed then he will move the building.

Mr. Wilkinson stated that the Board visited the site today. He stated that he met with Mr. Gee on January 23, 2009. He stated that there are materials in the floodplain. He stated that there was also a guardrail on the ground. He stated that the rocks passed the entrance are not in the floodplain. He stated that those were not shown on the previous Special Use Permits. He stated that if Mr. Gee wanted to add that to the site plan the Board will need to consider it at a separate meeting because it was not advertised.

Mr. Gee stated that he thought that everything not in the floodplain would be considered as a storage area. He stated that he would like to put a guardrail on the road so that it will prevent anyone from driving off the side of the road. He stated that it is there for a reason.

Chairman Shreckhise stated that it would be quite costly to put the guardrail up. He stated that he neighbors do not want to be looking at the guardrail for five (5) years until it is put up. He stated that if there is something on the property that has not been approved by the Board then the applicant will need to come back before the Board to add it to the permit.

Mr. Wilkinson stated that staff will work with the applicant because the Board wants the business to be successful. He stated that the applicant can meet with him to go over all of the plans and the areas that need to be advertised for a Special Use Permit.

Chairman Shreckhise stated that the Board approves a specific plan and the applicant needs to abide by the items shown on the site plan.

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Mr. Wilkinson stated that the applicant cannot have anything subject to movement in the floodplain area. He stated that the only areas that should have outside storage are the ones that are shown on the site plan. He stated that he will work with the applicant in order to get the site into compliance. He stated that the applicant will need to make application on the other items and it will need to be re-advertised for a public hearing.

Mr. Gee stated that it is his preference to move forward with this application today. He stated that he will cleanup the site. He stated that he will get with Mr. Wilkinson in order to make application on the expansion of his permits.

Mr. Coyner moved that the request be approved with the following conditions:

Pre-Conditions:

- 1. A revised site plan be submitted showing the approved expansions.
- 2. Applicant be given **sixty (60) days** to remove all prohibited items from the floodplain.

Operating Conditions:

- 1. Be allowed to display a maximum of two (2) carports for sale.
- 2. Be allowed to construct a 40' x 40' addition to the garden center.
- 3. No further expansions of the retail operation.
- 4. All other operating conditions of SUP#03-43 and SUP#05-64 remain in effect.
- 5. Applicant be given two (2) years to complete the expansion.

Ms. Brown seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

STANLEY M. OR DEBORAH J. HORST - ONE YEAR EXTENSION OF TIME REQUEST

A request by Stanley M. or Deborah J. Horst, for a Special Use Permit to construct additional rental cabins on property owned by John M. and Charlotte Hodge, located in

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the western quadrant of the intersection of Creekwood Lane and Reeds Gap Road (Route 664) in the South River District.

Mr. Wilkinson stated that the applicant would like to construct additional rental cabins. He stated that they are asking for an additional year to complete the cabins due to the economy.

Mr. Coyner stated that the applicant has done a nice job with the property.

Vice Chairman Callison moved that the one (1) year Extension of Time request be approved.

Ms. Brown seconded the motion, which carried unanimously.

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DAVID W. OR ELLEN B. FITZGERALD - ONE YEAR EXTENSION OF TIME REQUEST

A request by David W. or Ellen B. Fitzgerald, for a Special Use Permit to construct two wind energy systems on property they own, located on the south side of Wayne Avenue (Route 639), approximately .4 of a mile east of the intersection of Wayne Avenue (Route 639) and Draft Avenue (Route 608) in the South River District.

Mr. Wilkinson stated that he spoke with the applicant. He stated that the applicant attended another conference on the types of wind energy systems. He stated that the smaller size systems have a higher efficiency. He stated that the applicant will like to have another year to work on the permit.

Mr. Coyner moved that the one (1) year Extension of Time request be approved.

Vice Chairman Callison seconded the motion, which carried unanimously.

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STAFF REPORT

08-14	Shenandoah Valley Electric Cooperative
08-15	Arbaugh, John J., II or Sharon R.
08-16	Mt. Pisgah United Methodist Church
08-17	Flint, Jeffery
08-18	Plecker, Timmy W.
08-19	Bibb, William G. or Sharon E.

February 5, 2009

Mr. Wilkinson stated that Shenandoah Valley Electric Cooperative is trying to get the site plan completed for SUP#08-14. He stated that staff sent Mr. Arbaugh a letter for the VDOT entrance permit for SUP#08-15 in order to complete the pre-condition. He stated that Mrs. Arbaugh brought the entrance permit in the other day. He stated that SUP#08-16, SUP#08-17, and SUP#08-18 are all in compliance. He stated that Mr. Shumate has the site plan nearly complete for SUP#08-19.

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Mr. Wilkinson passed out the court cases for the Board to review.

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

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Chairman

Secretary