

June 4, 2009

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 4, 2009, at 9:30 A.M., in the County Government Center, Verona, Virginia.

VIEWINGS

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

- **O. Edmon Duncan, Jr. - Special Use Permit**
- **Russell Schmidt - Special Use Permit**
- **Kenneth V., Jr. or Carol C. Butler - Special Use Permit**
- **Jason C. or Amanda K. Linke - Special Use Permit**
- **James F. or Margaret E. Bosserman - Special Use Permit**
- **Perry D. Mace - 30 Day Extension of Time**

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

Chairman

Secretary

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PRESENT: S. F. Shreckhise, Chairman
J. W. Callison, Jr., Vice Chairman
C. E. Swortzel
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: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 4, 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 May 7, 2009 meeting be approved.

Mr. Swortzel seconded the motion, which carried unanimously.

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JOHN O. MARSH, MD - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John O. Marsh, MD, for a Special Use Permit to reopen the doctor's office within the existing building on property owned by William E. and Sara F. Brubeck, Trustees, located on the east side of Cherry Grove Road (Route 670), just south of the intersection of Cherry Grove Road (Route 670) and Middlebrook Village Road (Route 252) in the Riverheads District.

Mr. Wilkinson stated that the applicant is not present. He stated that the Board can hear this request later on in the meeting once the applicant arrives.

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O. EDMON DUNCAN, JR. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by O. Edmon Duncan, Jr., for a Special Use Permit to construct a wind energy system on property owned by Lisa A. Bukovac, located on the east side of Old Greenville Road (Route 613), just south of the intersection of Old Greenville Road (Route 613) and Whispering Oaks Drive in the Beverley Manor District.

Mr. O. Edmon Duncan, Jr. stated that he has been looking for opportunities and challenges with this economic downturn. He stated that he is a bio-tech engineer and has lived in Virginia for the last four (4) years. He stated that he partnered with the senior professor at UVA. He stated that this wind energy system does not look like anything that they have seen in the past. He stated that this system will supply adequate amounts of energy to rural areas that are dependent on large power. He stated that this will be the first prototype of his new venture. He stated that it will be designed to fit in with rural settings like his property. He stated that the system will support and supply energy. He stated that this is experimental and once constructed they will be able to demonstrate what it can and cannot do. He stated that they will use different materials, special technologies of magnetic levitation, designs out of NASA, and other items that they have not explored yet. He asked that the Board approve his Special Use Permit. He stated that he hopes this project will bring jobs to the County.

Mr. Swortzel asked what is the footage on the blades?

Mr. Duncan stated that the blades range in height. He stated that they do not have a final number yet. He stated that the system will be within the height restriction of the application. He stated that the entire system is 120'. He stated that the output would be fifteen (15) kilowatts. He stated that the speed will be 150 rpm.

Mr. Swortzel stated that the blades would be about 70'.

Chairman Shreckhise asked if there are any federal regulations on these wind energy systems?

Mr. Duncan stated that there are no federal restrictions on blade width or any guidelines. He stated that there is government funding on these types of systems. He stated that there are three (3) fundings that will support his venture.

Mr. Swortzel asked what is the pole made of?

Mr. Duncan stated carbon fiber with a steel inlay. He stated that they are looking at designing a brand new system. He stated that the base is five (5') to six (6') feet

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across. He stated that it will be a shaft within a shaft concept. He stated that the system will take energy and store it and use that to restart itself in provisional winds. He stated that he is using a premier science lab. He stated that the motor that they will be using will be made of advanced materials. He stated that they will make this system so that it will not be an eyesore. He stated that the generator will be at the bottom of the site. He stated that this type of system will not harm the birds or the bats.

Mr. Swortzel asked how many blades will the system have?

Mr. Duncan stated three (3) blades.

Mr. Swortzel asked what is the anticipated date of the development stage of the project?

Mr. Duncan stated that his target timeline is within twenty-four (24) months because they are getting federal money. He stated that he has been monitoring the wind at his property. He stated that he would like to provide this service and open the market up to the entire United States.

Mr. Coyner asked if the system will produce any noise?

Mr. Duncan stated that they are not far enough into the design of the system in order to give the Board more specific details. He stated that he will be certain that noise will not be a concern.

Dr. Paul O'Lare stated that vertical systems create less noise than the three (3) propeller systems. He stated that this system will run at a lower speed and less noise because it will be designed for Virginia's moderate winds.

Mr. Coyner asked if it would be designed to deal with hurricanes?

Mr. Duncan stated that the system will be designed to deal with ice, winds, etc. He stated that he has a team assembled to work with him on this project. He stated that they have a lot of criteria that they have to base this system on.

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

Ms. Wanda Fisher, 993 Old Greenville Road, stated that there are all small lots in the area. She stated that this area is a dense residential area. She stated that this is the wrong place for a wind tower. She stated that the system should be moved to a less densely populated area. She stated that this will be a commercial enterprise for the

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applicant. She stated that he will sell and produce other wind energy systems. She stated that she does not know what type of impact and noise this will cause to the area. She stated that this type of a system will lower property values. She stated that she feels that it is not necessary to place the system at this location because of all of the residential development in the area. She stated that it will be taller than power line structures. She stated that this is not the best location for this type of business.

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 if the applicant would like to speak in rebuttal?

Mr. Duncan stated that he would like to produce this type of system for the future. He stated that he chose his house because it would be an easy place for him to gather data. He stated that the infrastructure used today will not support the future throughout the United States. He stated that this will be a demonstration site. He stated that this request will create jobs. He stated that this will be a prototype. He stated that his goal is to make sure that they can use this in agricultural surroundings.

Chairman Shreckhise asked how far are the neighboring houses?

Mr. Duncan stated 90' to 100' from the barn. He stated that it is 200'+ from where the wind energy system will be. He stated that it will be 210' from their house. He stated that the system will be visible because it needs to be up above in order to catch the wind.

Chairman Shreckhise asked if the electric magnetism is dangerous?

Dr. Paul O'Lare stated that he is a professor at UVA. He stated that the system will not create any more of an electric field than you would have in an electric motor at your house. He stated that the magnetic field will not be seen. He stated that there would not be any field created by the system.

Chairman Shreckhise asked if the device will interfere with telecommunication towers?

Dr. O'Lare stated no.

Mr. Duncan stated that he welcomes all comments on the wind energy system.

Chairman Shreckhise asked what would the final design look like?

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Mr. O'Lare stated that the system will have an overall diameter of six (6') to ten (10') feet wide. He stated that it will look similar to an egg beater.

Mr. Swortzel asked if the system will be developed at this site?

Mr. Duncan stated that no developing or manufacturing of the product will occur at the site.

Mr. Wilkinson stated that the system will be tied to the grid.

Mr. Swortzel stated that the applicant would like to reduce the energy consumption.

Ms. Brown asked how many kilowatts will the system produce?

Mr. Duncan stated that his wind studies show that it may reduce the energy consumption all the way to zero.

Ms. Brown asked how high will the system be?

Dr. O'Lare stated that it will be above tree level and go up from that. He stated that it probably will be about fifty (50') feet above the trees. He stated that it will be shorter than a water tower or a cell tower.

Ms. Brown asked about the problems with wind energy systems and the bats and birds?

Dr. O'Lare stated that the large horizontal wind turbines create a lot of problems for the birds and bats. He stated that the vertical turbines don't seem to do that.

Mr. Coyner stated that the top of the tower will be six (6') feet wide with a fifty (50') foot blade. He asked how large will the pole be?

Dr. O'Lare stated eight (8") to ten (10") inches.

Mr. Swortzel asked if there would be a facility building at the bottom?

Mr. Duncan stated that the building would be no bigger than a 12' x 12'. He stated that they are not finished with the design. He stated that he will need batteries to store the power and use it when the wind is not blowing.

Ms. Brown asked if the wind system is good at his home site?

Mr. Duncan stated that it runs at a constant 5-15 at least 40% of the time.

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Ms. Brown asked what would the cost be to have this type of system?

Mr. Duncan stated that he has spent \$100,000 of his personal money on this project already. He stated that his goal is to manufacture and produce this product locally in Virginia so that they can put people back to work in the Valley.

Ms. Brown asked if the system needed to be on top of the hillside?

Mr. Duncan stated that his property is in the middle of a valley. He stated that there are creative ways of coming up with ideas to reduce energy consumption. He stated that this system will be designed so that it does not need to be on top of the hill.

Ms. Brown asked if this system will be affordable for the farmers in the area?

Mr. Duncan stated that there is a USDA grant which will help with half the cost. He stated that there are other grants and loan options available.

Chairman Shreckhise declared the public hearing closed.

Mr. Swortzel stated that this Board has not issued many wind turbine requests. He stated that they are seeing more and more of these types of requests. He stated that this will not be anymore unsightly than a cell or water tower.

Mr. Coyner stated that he would encourage this type of request for alternative energy.

Chairman Shreckhise stated that he would suggest that if the tower becomes in disuse within a year that it would be the owner's responsibility to have it removed from the site.

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

Pre-Condition:

1. Applicant will submit a BZA site plan drawn to scale including a boundary survey showing the exact location of the wind energy structure and distances to the property lines.

Operating Conditions:

1. Be limited to one (1) wind energy system on the property and it be a maximum of one hundred fifty (150') feet high.

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2. The wind energy system must be a minimum of one hundred fifty (150') feet from all property lines.
3. It is the owner's responsibility to have the wind energy system removed from the site within one (1) year of the date it is no longer used for wind energy production.

Mr. Swortzel seconded the motion, which carried unanimously.

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JOHN O. MARSH, MD - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John O. Marsh, MD, for a Special Use Permit to reopen the doctor's office within the existing building on property owned by William E. and Sara F. Brubeck, Trustees, located on the east side of Cherry Grove Road (Route 670), just south of the intersection of Cherry Grove Road (Route 670) and Middlebrook Village Road (Route 252) in the Riverheads District.

Dr. John Marsh stated that thirteen (13) years ago he applied for a Special Use Permit for the same building. He stated that currently he is located in the building with UVA. He stated that he does not appreciate the business or administrative side of today's medicine practices. He stated that there have been a lot of policy changes with UVA. He stated that when it comes to medical care he prefers the old way of doing business. He stated that he prefers working Saturdays, longer hours, and going on house calls if needed. He stated that UVA provides good services but he feels that the policies do not fit in with the Middlebrook area. He stated that he would like to leave UVA as an employee and purchase the new building. He stated that he would like to start his own practice. He stated that he needs to have a backup plan. He stated that he plans to open up his own practice in the building. He stated that the Brubecks agreed to rent the old building back to him. He stated that he plans to open the doctor's office in January of 2010. He stated that it takes approximately six (6) to eight (8) months to get the insurance contracts in place. He stated that in the meantime he would like to use the space as a free clinic.

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

Mr. Stephen Beecher, 3678 Middlebrook Village Road, stated that he is an adjacent property owner and he does not want to hinder Dr. Marsh's request. He stated that the traffic in Middlebrook is dangerous. He stated that it is unsafe to pull out of the property. He stated that he would hope the County can do something to get the drivers to slow down. He stated that he wishes Dr. Marsh the best with his practice. He stated that it will take law enforcement to get the folks to slow down in Middlebrook.

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Chairman Shreckhise stated that this Board does not have any control over the traffic issues in Middlebrook.

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

Mr. Perry Mace, 165 Howardsville Road, stated that he can see where things have changed in the medical field. He stated that Dr. Marsh is a great doctor and he hopes that the Board approves his request. He stated that there is a lot of traffic when the ball games are going on. He stated that there are no police present during those times.

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.

Chairman Shreckhise stated that Mr. Wilkinson should pass along the concerns of the citizens regarding the traffic issues to the appropriate person.

Mr. Coyner asked what would be the likelihood of UVA putting another doctor at the site?

Dr. Marsh stated that UVA has a hard time filling in all of their slots. He stated that he still plans on being a professor at UVA. He stated that he is going to try to come up with an agreement but he needed to apply for this Special Use Permit in order for him to have a backup plan. He stated that he agrees that there are traffic issues in the area. He stated that the entrance has been approved by the Virginia Department of Transportation. He stated that there have been no accidents related to the practice. He stated that speeding is always a concern in Middlebrook.

Chairman Shreckhise stated that this request will be good for the community.

Vice Chairman Callison stated that this is a good service to the community. He moved that the request be approved.

Mr. Swortzel seconded the motion, which carried unanimously.

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RUSSELL SCHMIDT - SPECIAL USE PERMIT

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This being the date and time advertised to consider a request by Russell Schmidt, for a Special Use Permit to have an e-bay retail store and vehicle display and sales lot on property owned by Doris S. Wright, located in the southeast quadrant of the intersection of Lee Highway (Route 11) and Whitehill Road (Route 654) in the Riverheads District.

Mr. Russell Schmidt stated that he has been operating an eBay buying and selling merchandise for ten (10) years. He stated that he has had over 2,000 transactions. He has been operating at 350 Lee Jackson Highway for the past thirty-eight (38) months. He has outgrown his current location. He stated that sharing the utilities at the facility makes it difficult at times. He stated that there have been businesses at this site for the last fifty (50) years. He stated that the property owners have put in a lot of money improving the site. He stated that they will have three (3) computers setup at the site. He stated that people bring in items for him to sell on eBay. He stated that some of the items include toys, musical instruments, timeshares, airplanes, etc. He stated that they store smaller items on shelves. He stated that once an item sells they pack the item up and ship it out. He stated that he usually goes to the site and takes pictures of the large items. He stated that occasionally vehicles are stored on the site. He stated that sometimes the buyer goes to the property to pick up the purchased item and sometimes it will be stored at the Wright property. He stated that most times the buyer goes to the site in order to pickup the merchandise. He stated that this location is convenient because he lives within half a mile down the road. He stated that this site will meet all of his needs.

Ms. Brown asked what size is the building?

Mr. Schmidt stated 930 square feet.

Ms. Brown asked if cars will be displayed at the site?

Mr. Schmidt stated not always. He stated that he will on occasion have one (1) to three (3) vehicles on display. He stated that if the customer is within two (2) to three (3) hours away. He stated they will come and take a look at the vehicle in person.

Ms. Brown asked how do clients find out about this type of business?

Mr. Schmidt stated that he advertises in the Daily News Leader, radio advertisements, flyers, and word of mouth.

Ms. Brown asked if the applicant would have any employees?

Mr. Schmidt stated that he has one (1) to one and a half (1 ½) employees depending on how busy they are. He stated his son also helps with the business.

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Ms. Brown asked if packages are sent out from this site?

Mr. Schmidt stated that FedEx and the Post Office comes to the site every day. He stated that he ships out one (1) to five (5) packages a day.

Chairman Shreckhise asked if he also sells real estate on eBay?

Mr. Schmidt stated yes. He stated that it is a very slow process. He stated that there is a \$150 fee for a thirty (30) day minimum listing. He stated that there is no final fee for selling land. He stated that he sells timeshares and real estate on eBay all the time.

Chairman Shreckhise asked if there would be a lot of traffic coming to the site?

Mr. Schmidt stated there will be very little traffic coming to the site. He stated that he has approximately two (2) to five (5) customers per day. He stated that one (1) customer can keep him busy for a number of days. He stated that some days no one comes to the site. He stated that the phone rings quite often. He stated that he would ask for a change in the operating conditions regarding the number of vehicles. He asked if the Board can change the number of vehicles or small boats from three (3) to five (5). He stated that if a vehicle sells and the buyer is coming from across the country it may take them a while to get the vehicle off of his display area. He stated that if he is limited to two (2) or three (3) he cannot have anything else on the lot until the sold vehicles are picked up.

Chairman Shreckhise stated that the Board limits the number of vehicles on the property because they do not want to see an accumulation of vehicles at the site.

Mr. Schmidt stated that the longest he has had a vehicle on the property has been about two (2) weeks.

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.

Chairman Shreckhise stated that he does not see any problems with this request.

Mr. Swortzel stated that the Board has seen a lot of permits for this site over the years. He stated that this is a good use for the location. He moved that the request be approved with the following conditions:

Pre-Condition:

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

Operating Conditions:

1. Be limited to outdoor storage of five (5) vehicles or small boats.
2. Site be kept neat and orderly.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Be limited to two (2) employees other than family members.

Vice Chairman Callison seconded the motion, which carried unanimously.

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KENNETH V., JR. OR CAROL C. BUTLER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kenneth V., Jr. or Carol C. Butler, for a Special Use Permit to construct an accessory building that will exceed the 700 square foot aggregate permitted and higher than fifteen feet on property they own, located in the northern quadrant of the intersection of Hampton Drive and Patton Farm Road (Route 633) in the South River District.

Mr. Kenneth Butler stated that he would like to construct a two (2) vehicle garage and storage for his tractor and mower. He stated that the size of the accessory building is 32' x 36'. He stated that he does not have a basement or an attic. He stated that he would like to store his items out of the weather. He stated that the accessory building will match the existing dwelling. He stated that the building will complement the dwelling. He stated that the garage will be toward the left of the house. He stated that it will not be out of proportion with the surrounding area or the house. He stated that he hopes that the Board will approve the request.

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

Mr. Lewis Motley, 8 Hampton Drive, stated that he lives across the street from this property. He stated that his zoning is General Agriculture. He stated that he is going to build a garage that is just as large but his zoning is different. He stated that the seven

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hundred (700) square foot limitation should not apply to larger lots. He stated that he supports this request.

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.

Chairman Shreckhise stated that the Board visited the site today. He stated that in this particular situation the building would not look bad aesthetically.

Mr. Swortzel stated that this request is not a problem. He stated that it is a good place for the building because there are other larger buildings in the surrounding area.

Mr. Coyner stated that the reason for this type of regulation is to determine if the proximity of the building will affect the character of the surrounding area. He moved that the request be approved with the following conditions:

Operating Conditions:

1. Be limited to one (1) 32' x 36' detached garage.
2. No further expansions of accessory structures on this lot.

Mr. Swortzel seconded the motion, which carried unanimously.

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JASON C. OR AMANDA K. LINKE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jason C. or Amanda K. Linke, for a Special Use Permit to construct a garage that will exceed the 700 square foot aggregate permitted on property they own, located on the south side of Ladd Road (Route 631), just west of the intersection of Ladd Road (Route 631) and Lyndhurst Road (Route 664) in the South River District.

Mr. Jason Linke stated that they just purchased the property a month ago. He stated that he has a couple of old cars that he works on. He stated that he would like to construct a 30' x 40' building. He stated that he would like to place the building behind the house in the woods. He stated that it will not be visible to the other neighbors in the area. He stated that across the road there is a field with a barn. He stated that the garage will match the house.

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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. He stated that the Board visited this site today. He stated that the garage will be concealed by the wooded area. He stated that the site is located in an agricultural area.

Mr. Swortzel stated that he feels this request would not create a problem for the neighbors or the surrounding area due to the fact that the garage will be in the woods.

Ms. Brown stated that the site is heavily wooded and there are other large buildings on the surrounding properties. She moved that the request be approved with the following conditions:

Operating Conditions:

1. Be limited to one (1) 36' x 40' detached garage located behind the house as shown on the site plan.
2. No further expansions of accessory structures on this lot.

Mr. Swortzel seconded the motion, which carried unanimously.

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JAMES F. OR MARGARET E. BOSSERMAN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by James F. or Margaret E. Bosserman, for a Special Use Permit to have a vehicle storage/junkyard for personal use on property they own, located on the west side of Horseshoe Lane, just north of the intersection of Horseshoe Lane and Quail Trail in the Riverheads District.

Mr. Wilkinson stated that he received a call late last night that Mr. Bosserman would not be able to attend the meeting because he has a family emergency. He stated that the applicant asked that the Board table the request to next month's meeting.

Chairman Shreckhise stated that the Board viewed the site this morning. He stated that the Board will go ahead and have the public hearing at this time. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

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Mr. Thomas Hulse, 706 Old White Hill Road, stated that he owns property across from the site. He stated that the Homeowner's Association by-laws state that there should be no junkyards allowed and no business at the site. He stated that Mr. Bosserman has not paid his dues for years. He requests that the Board deny the permit.

Mr. Michael Fallin, PO Box 185, Greenville, stated that he had sent an email for the Board to review. He stated that he is opposed to the permit. He stated that this request would be an inappropriate use for the 159 neighbors in the area. He stated that the runoff would contain toxins and contaminants polluting the stream and river. He stated that the forest view would be compromised. He stated that the fence would block the natural habitat of the forest animals. He stated that the applicant should move somewhere else in order to start the junkyard.

Mr. John Sherwood, 2812 Morris Mill Road, stated that he lived in Mountain View two (2) years ago. He stated that when he was president of the Homeowner's Association he made efforts to improve the community. He stated that they used the money to improve the roads for the community. He stated that it does not fit to have a junkyard in the middle of a residential area. He stated that this request is totally inappropriate for the area. He would ask that the Board deny the request.

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. Swortzel stated that the applicant is not doing a good job now with his property. He stated that he would not recommend approving the permit.

Chairman Shreckhise stated that he cannot support this request even if the applicant was here today. He stated that the Board can table the request or act on it today.

Mrs. Sherwood stated that when FEMA met with them they found junk from Mr. Bosserman's property in the streams. She stated that this is a very bad situation.

Mr. Coyner stated that this situation is not acceptable. He stated that the applicant is pushing the limit.

Mr. Wilkinson stated that the applicant has approximately twenty (20) vehicles at the site.

Vice Chairman Callison asked how long has the zoning staff been working with Mr. Bosserman?

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Mr. Wilkinson stated that he has been working with the Bosserman family since July 2007. He stated that they thought his property was in compliance at one point but when fall came and the leaves fell down they realized they pushed the inoperable vehicles to the back lots. He stated that the applicant has dispersed the vehicles onto the four (4) lots. He stated that there are at least four (4) to five (5) unlicensed vehicles on each of the lots.

Mr. Coyner stated that the applicant has been working the system.

Vice Chairman Callison stated that he sees no merit on waiting for next month to act on the request. He moved that the request be denied.

Mr. Swortzel seconded the motion, which carried unanimously.

Mr. Wilkinson stated that he will notify the applicant that the County will continue to enforce the zoning violation.

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WILLIAM BEAR III - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by William Bear III, for a Special Use Permit to expand the existing funeral home by adding a crematory and storage and have two years to complete the project on property owned by William T. Bear, II, located on the east side of Green Hill Lane (Route 836), just south of the intersection of Green Hill Lane and Buffalo Gap Highway (Route 42) in the Pastures District.

Mr. William Bear stated that he is requesting permission to raise a good part of the storage area and place underneath it a crematory and perhaps some secondary uses.

Mr. Coyner stated that the crematory is being used more and more lately.

Mr. Bear stated that they are being used more and more than in the past.

Mr. Coyner asked if they currently subcontract this service to others?

Mr. Bear stated that it would spare them having to subcontract this type of service. He stated that they would use this to serve their existing customer base.

Mr. Coyner asked if the applicant would proceed with this project soon?

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Mr. Bear stated yes.

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 moved that the request be approved with the following condition:

Operating Condition:

- 1. Obtain building permits.

Ms. Brown seconded the motion, which carried unanimously.

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WILLIAM BEAR III - VARIANCE

This being the date and time advertised to consider a request by William Bear III, for a Variance from the lot width requirement, and open space and landscaping requirement in order to create a separate lot for parking on property he owns, located in the southwest quadrant of the intersection of Buffalo Gap Highway (Route 42) and Green Hill Lane in the Pastures District.

Mr. Bear stated that he is requesting the changes to ease the transition into using this property as a parking lot. He stated that a good part of the area that is adjacent to the boundary is not going to be used for development. He stated that there is only one section of that property that is 150' in width and it was only for a few feet and there was never going to be an option of having a 150' width.

Mr. Wilkinson stated that in 2007 the Board of Zoning Appeals approved a Variance for this property in order to create a parking lot across the street in order to give the customers a place to park rather than along Route 42. He stated that the Planning Commission and Board of Supervisors approved the rezoning of the property to Single Family/General Business in order to make it available in order to install a parking lot. He stated that in doing so a zoning line was created around the drainfield area and the proposed property line would be less than 150'. He stated that the Zoning Ordinance has a requirement that you need a twenty-five (25') foot buffer between business and any other zoning classification. He stated that there is residential next to the property. He stated that the proposed site plan shows a ten (10') foot landscape strip instead of

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the required twenty-five (25') feet. He stated that the applicant will lose a couple parking spaces if the request is approved.

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. Swortzel stated the parking lot is a public safety issue and moved that the Variance be approved.

Ms. Brown seconded the motion, which carried unanimously.

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GUY W., III AND THERRESSA D. LANDRUM - SPECIAL USE PERMIT

A request by Guy W., III and Therressa D. Landrum, for a Special Use Permit to have a firewood business on property they own, located in the northern quadrant of the intersection of Bird Haven Lane and Buttermilk Spring Road (Route 703) in the Pastures District. - TABLED AT THE MAY 7, 2009 MEETING

Mr. Swortzel moved that this item be brought before the Board.

Mr. Coyner seconded the motion, which carried unanimously.

Mr. Wilkinson stated that the request was tabled so that the applicant can meet with the highway department regarding the site distance and the entrance. He stated that their comments were that they would not grant the applicant a commercial entrance because of the site distance. He stated that the applicant called yesterday and he was unable to get off of work today. He stated that the applicant has made several attempts to contact the highway department. He stated that the applicant is requesting more time.

Mr. Swortzel stated that the applicant will be operating the business on the weekends. He stated that this type of business will not create a lot of traffic. He moved that the request be tabled until the July 2, 2009 meeting.

Mr. Coyner seconded the motion, which carried unanimously.

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PERRY D. MACE - 30 DAY EXTENSION OF TIME

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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. Wilkinson stated that the Board was near the property today and was able to see the progress that the applicant was making.

Chairman Shreckhise asked what is the reason for the applicant needing the extension of time?

Mr. Perry Mace stated that he has had a staff change and his wife is very ill. He stated that he has not completely finished all of the pre-conditions that the Board put on his Special Use Permit. He stated that he has replaced all of the dead trees. He stated that he should be completed within fifteen (15) to thirty (30) days.

Mr. Coyner stated that the trees do not look like they are six (6') feet high.

Mr. Mace stated that he ordered six (6') feet tall trees. He stated that some did come in anywhere from five (5') to six (6') feet tall.

Chairman Shreckhise stated that some of the trees do look skimpy. He stated that the intent of the Board is to try to screen and conceal the property and not have applicants do the very minimum.

Mr. Mace stated that if there is a problem he can replace them all or he can wait until they grow. He stated that he was able to build up the berm.

Chairman Shreckhise stated that the objective of the Board is to conceal the site within the appropriate amount of time. He stated that he would suggest to staff about increasing the height and width in the standards of trees in order to have the applicants meet the Board's objectives. He stated that the height, width, and diameter should be listed in the conditions being put on the permits.

Mr. Wilkinson stated that the applicant needs to be sure that when the trees are replaced they need to be at least six (6') feet tall.

Mr. Coyner asked if the applicant will be able to complete the pre-conditions within thirty (30) days?

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Mr. Mace stated yes.

Vice Chairman Callison moved that the thirty (30) day Extension of Time request be approved.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

- 08-38 McCaskey, David I.
- 08-39 Allhiser, Alfred L., Jr. and Melanie J.
- 08-41 Shuey, Elizabeth B. and McNeal, Catherine S.
- 08-42 Sprouse, Gordon F. or Donna J.

Mr. Wilkinson stated that the pre-conditions have not been completed for SUP#08-38. He stated that staff will be sending a letter to the applicant. He stated that staff talked to the applicant regarding the number of licensed vehicles on the property for SUP#08-39. He stated that the property did look neat. He stated that SUP#08-41 and SUP#08-42 are both in compliance.

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Mr. Morgan 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