

January 7, 2010

PRESENT: G. A. Coyner, II, Chairman
J. W. Callison, Jr., Vice Chairman
S. F. Shreckhise
D. A. Brown
C. E. Swortzel
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, January 7, 2010, at 8:45 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:

- **Cindy T. Cash Chandler - Special Use Permit**
- **Benjamin Howell - Special Use Permits**

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

Absent: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 7, 2010, at 1:30 P.M., in the County Government Center, Verona, Virginia....

ELECTION OF OFFICERS

Mr. Swortzel nominated Mr. Coyner as Chairman and Mr. Callison as Vice Chairman, and John R. Wilkinson as Secretary.

Ms. Brown seconded the motion, which carried unanimously.

MINUTES

Mr. Swortzel moved that the minutes from the December 3, 2009 meeting be approved.

Vice Chairman Callison seconded the motion, which carried unanimously.

CONSIDERATION OF 2010 RESOLUTION

Mr. Swortzel moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2010 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

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Vice Chairman Callison seconded the motion, which carried unanimously.

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ROSALINE BURKHOLDER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Rosaline Burkholder, for a Special Use Permit to have a daycare center on property owned by Dennis L. Bradley, located on the north side of Stuarts Draft Highway (Route 340), opposite the intersection of Stuarts Draft Highway (Route 340) and Gloucester Road (Route 1512) in the Beverley Manor District.

Ms. Rosaline Burkholder stated that she would like to have a day care center at this location. She stated that she has a part-time helper as needed. She stated that she resides at the property. She has been approved for twelve (12) children as per Social Services.

Chairman Coyner asked if she would only operate during the daylight hours?

Ms. Burkholder stated that they would like to operate around the clock.

Ms. Brown asked if there is an age limit?

Ms. Burkholder stated infant to twelve (12) years old.

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

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

Mr. Swortzel stated that there is a need for this type of service in the area. He moved that the request be approved with the following condition:

Pre-Conditions:

None

Operating Conditions:

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1. Be limited to twelve (12) children.

Ms. Brown seconded the motion, which carried unanimously.

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GEORGE B. SWANSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by George B. Swanson, for a Special Use Permit to structurally alter a non-conforming building into a dwelling on property he owns, located on the southwest side of Jefferson Highway (Route 250), just west of the intersection of Jefferson Highway (Route 250) and Antrim Road (Route 1314) in the Wayne District.

Mr. George Swanson stated that he had an upholstery shop in which he would like to convert to a dwelling.

Chairman Coyner asked if the applicant is planning on residing at the house?

Mr. Swanson stated yes.

Chairman Coyner stated that the shop had been there for years.

Mr. Swanson stated since 1963.

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

There being none, Chairman Coyner declared the public hearing closed. He stated that the applicant has been a long time resident of Fishersville.

Ms. Brown moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

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1. The applicant to obtain Building Permits.
2. The structural alterations will not extend any closer to the side or rear lot lines than the existing structure.

Vice Chairman Callison seconded the motion, which carried unanimously.

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WALTER V., JR. OR KENNALYN EGGLESTON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Walter V., Jr. or Kennalyn Eggleston, for a Special Use Permit to have a motor vehicle repair operation within an existing building and to have a vehicle storage area on property they own, located on the north side of Spottswood Road (Route 620), approximately .3 of a mile northwest of the intersection of Spottswood Road (Route 620) and Taylor Lane in the Riverheads District.

Mr. Walter Eggleston stated that he would like to operate a motor vehicle repair operation.

Mr. Swortzel asked if this would be a full-time venture?

Mr. Eggleston stated he plans on making it full-time.

Chairman Coyner asked if the applicant is requesting storage of vehicles?

Mr. Eggleston stated yes. He stated that in the future he would like to have a storage area for vehicles that he is working on.

Chairman Coyner asked if he would have any employees?

Mr. Eggleston stated his son-in-law will be helping him with the business.

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

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

Vice Chairman Callison moved that the request be approved with the following conditions:

Pre-Conditions:

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

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Operating Conditions:

1. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
2. Be limited to five (5) vehicles to be kept inside the building or the 40' x 40' vehicle storage area.
3. All inoperable vehicles to be kept outside.
4. The 40' X 40' vehicle storage area be screened by an eight (8') foot high opaque vinyl privacy fence and the fence be maintained at all times.
5. Hours of operation be 8:00 a.m. to 9:00 p.m.
6. No Sunday work.
7. No employees other than one (1) family member.
8. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.

Mr. Swortzel seconded the motion, which carried unanimously.

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CINDY T. CASH CHANDLER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Cindy T. Cash Chandler, for a Special Use Permit to have a kennel on property owned by Eddie N. or Lucille P. Marion, located on the west side of Hermitage Road (Route 254), opposite the intersection of Hermitage Road (Route 254) and Henkel Road (Route 827) in the Wayne District.

Ms. Cindy Cash Chandler stated that she would like to have a kennel at their new location.

Ms. Brown asked what type of dog would the applicant be breeding?

Ms. Chandler stated AKC registered Yorkies.

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Chairman Coyner stated that the applicant has been in business for years. He asked if she would continue to operate as she is currently?

Ms. Chandler stated yes. She stated that she would breed the puppies and she has someone that flies them to their new homes. She stated that she has a website.

Chairman Coyner asked how does the applicant get her customers?

Ms. Chandler stated mostly from her website and by word of mouth. She stated that the gentleman that flies the puppies to their new home is here today. She stated that she meets him in Waynesboro and drives to Charlottesville to get on the plane so that he can hand deliver the puppy to the new owner. She stated that the puppies have two (2) sets of boosters and they get a health guarantee. She stated that she will not let the puppies go until they are twelve (12) weeks old and checked by Dr. Bowman.

Chairman Coyner stated that the applicant sounds like she is raising dogs correctly.

Ms. Chandler stated that Dr. Bowman checks all of her dogs before they are bred and if there is any kind of fault with that dog it is not bred. She stated that it is placed in a pet home. She stated that she retires her dogs at about five (5) years old and then they are spayed or neutered. She stated that she breeds the female once a year. She stated that they usually have two (2) to four (4) puppies. She stated that they are going to have vinyl siding on the building. She stated that the building will have heating and air condition. She stated that it will have indoor and outdoor runs.

Mr. Shreckhise stated that the building would need to be located fifty (50') feet.

Ms. Chandler stated that she was hoping to put the building a little closer because they want it to be close to the house but not too close to the neighbors. She stated that the power line and the water line goes through there. She stated that VDOT has approved the right-of-way. She stated that Mr. Driver stated that she would not need a commercial entrance because she will not have people in and out of the property.

Chairman Coyner stated that half of the puppies are delivered by plane?

Ms. Chandler stated approximately $\frac{3}{4}$ of the puppies are delivered by plane. She stated that she currently does not even have a dog bred right now. She stated that she will wait until the spring season. She stated that she has fourteen (14) dogs counting the young ones. She stated that sometimes she keeps some of the dogs to breed.

Chairman Coyner stated that recently they have had poor experiences in the County.

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Ms. Chandler stated that she is inspected by the American Kennel Club at least once a year. She gave that report to the Board.

Ms. Brown asked how do you join the American Kennel Club?

Ms. Chandler stated that you start out by owning the breed.

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

Mr. Don Nicely, 1133 New Hope Road, Waynesboro, stated that he has known the applicant for twenty (20) years. He stated that he has been flying the puppies to their new owners for a year. He stated that Ms. Chandler is very professional and the dogs are always groomed.

Ms. Michelle Lawrence, 1143 Jennings Gap Road, Churchville, stated that when Ms. Chandler is away she and Patricia Ralston takes care of the dogs. She stated that the dogs are well taken care of.

Ms. Patricia Ralston, 1367 Goose Creek Road, Fishersville, stated that the dogs do not run loose on the property. She stated that dogs are well behaved.

Ms. Deane Dozier, 180 N. Bear Den Road, Waynesboro, stated that she has designed her website and she is also Ms. Chandler's former neighbor. She stated that the applicant has always said that if the dogs bothered them to let her know. She stated that the applicant really tends well to her puppies.

Mr. Daniel Shifflett, 3107 Hermitage Road, Waynesboro, stated that he does not have a problem with the request.

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

There being none, Chairman Coyner asked if there was anyone wishing to speak in opposition to the request?

Mr. Paul Prince, 3067 Hermitage Road, Waynesboro, stated that he lives on the right side of the site. He is concerned with the property value. He stated that he is opposed to the request. He stated that he spoke with a real estate agent who mentioned that the house values will decrease due to a kennel operation. He stated that this request does not fit with the character of the neighborhood.

Mr. Shreckhise asked how far is the house from the proposed kennel?

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Mr. Prince stated approximately 250 feet from the corner of the house. He stated that there are very few trees on the property.

Chairman Coyner stated that the Board visited the site this morning. He asked if there was anyone else wishing to speak in opposition to the request?

There being none, Chairman Coyner asked if the applicant would like to speak in rebuttal?

Ms. Chandler stated that they picked the location so that they would be further away from Mr. Prince's property. She stated that she did discuss the kennel with him before they put a contract on the house and Mr. Prince did not seem to have a problem with the kennel. She stated that she will be landscaping the property with pine trees around the kennel as well as a fence.

Mr. Vernon Lucas stated that they are purchasing the property. He stated that they have bought the property and it is very valuable to them. He stated that they would not want their property values to decrease. He stated that this kennel will be landscaped along with barriers. He stated that this kennel will be an improvement to the land.

Chairman Coyner declared the public hearing closed. He asked if the Board receive letters of support?

Mr. Wilkinson stated that they received two (2) letters of support regarding the request and a positive inspection from Animal Control.

Chairman Coyner stated that Ms. Chandler has a professional operation. He stated that the Board has had experienced with Ms. Chandler's kennel operation at several other locations and there has never been any problems.

Mr. Swortzel stated that the kennel will look better than the current building at the site.

Mr. Shreckhise stated that he is concerned that the kennel may not be screened from the neighbors.

Mr. Lucas stated that the flags are twenty (20') feet from the line. He stated that they want to keep the kennel as far back from the adjacent houses as possible.

Mr. Swortzel asked if the power line serves the building?

Mr. Lucas stated yes.

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Mr. Shreckhise stated that he is concerned about the kennel being in view from the other neighbors.

Ms. Brown stated that she feels the applicant has done a great job at her other locations. She moved that the request be approved with the following conditions:

Pre-Conditions:

1. All kennel structures and runs be located at least fifty feet (50') from any property line and an updated site sketch be provided to Community Development within ninety (90) days of approval by the Board of Zoning Appeals.
2. Obtain VDOT entrance permit and provide a copy to Community Development.

Operating Conditions:

1. Maximum of twenty (20) adult dogs kept at this site at any time.
2. Applicant must reside on premises.
3. Dogs be kept inside from 10 p.m. until 6 a.m.
4. Animal Control to inspect the site every twelve (12) months.
5. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.

Mr. Shreckhise seconded the motion, which carried unanimously.

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KRYSTAL A. BOOTH - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Krystal A. Booth, for a Special Use Permit to have a kennel on property owned by Guy S. Booth, located on the northwest side of Deerfield Valley Road (Route 629), approximately .2 of a mile north of the intersection of Deerfield Valley Road (Route 629) and West Augusta Road (Route 716) in the Pastures District.

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Ms. Krystal Booth stated that she fosters dogs. She stated that she owns four (4) personal dogs. She stated that she was not aware that they needed a kennel when she fosters a dog. She stated that she is asking the Board for a total of seven (7) dogs. She stated that all dogs are kept inside at night and during bad weather. She stated that during nice weather the two (2) beagles are kept outside in the 10' x 10' kennel. She stated that they also have an electric fence. She stated that because they do not have five (5) acres they have permission from the neighbors in order to exercise the dogs on their property as well as they can use the 875 acres of Charles Scott's property.

Chairman Coyner stated that the area is quite remote. He asked how long could a dog be fostered for?

Ms. Booth stated she has had foster dogs for a week or a month at a time. She currently has a dog that she fosters who is one class away from being a therapy dog. She stated that she has grown quite attached to this dog. She stated that the Virginia German Shepherd Rescue gets the dogs from many places including other shelters or strays. She stated that she also gets dogs that are abused or neglected. She stated that they have two (2) small children and she refuses to take a dog that will be aggressive. She stated that she has turned down dogs due to the fact that they may not be good with children.

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

Dr. Steven Guerrier, 731 Deerfield Valley Road, West Augusta, stated that he has lived at the property for twenty-one (21) years. He stated that he strongly approves of the fostering of the dogs. He welcomes the use of their property in order to exercise the dogs.

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

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

Mr. Wilkinson stated that he did receive a letter in opposition from William Graham. He stated that Mr. Graham is concerned with the kennel disturbing the property. He stated that they use the property for cutting wood and hunting. He hopes that the Board denies this request.

Ms. Booth stated that she has always been respectful of hunting on the property. She stated that she has lived there for three (3) years. She stated that she has never met Mr. Graham. She stated that they do not trespass on his property. She stated that she tried to contact Mr. Graham but they do not have a phone number in order to contact him. She stated that the dogs are not let out unless they are with them during the hunting season.

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Mr. Swortzel stated that this area is well secluded and well screened.

Vice Chairman Callison moved that the request be approved with the following conditions:

Pre-Conditions:

- 1. None

Operating Conditions:

- 1. The applicant be limited to no more than seven (7) dogs on the property.
- 2. Site be kept neat and orderly.
- 3. Dogs be kept inside from 9 p.m. until 7 a.m.
- 4. Applicant must reside on premises.
- 5. No on or off premise signs be permitted.

Mr. Swortzel seconded the motion, which carried unanimously.

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BENJAMIN HOWELL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Benjamin Howell, for a Special Use Permit to have outside storage of concession stands and an office trailer on property owned by Elizabeth J. Howell, located on the north side of Indian Ridge Road (Route 657), east of the intersection of Indian Ridge Road (Route 657) and Offlitter Road (Route 656) in the Riverheads District.

Mr. Benjamin Howell stated that he is requesting to leave the office trailer and concession stands in the auction field. He stated that previously the Board approved eight (8) auctions per year and everything be moved out of the field. He stated that it is very foolish to move these concession stands that belong to the Greenville United Methodist Church because it will create a zoning violation somewhere else on another piece of property. He stated that he would like everything in the field. He stated that they have been onsite for over two (2) years sitting in the exact same location.

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

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Ms. Mary Alford, 2202 Old Greenville Road, Staunton, stated that she is the youth group leader at Greenville United Methodist Church and the stands are owned by their church. She stated that the youth group runs the concession stands at each of the auctions as a fundraiser for their youth group. She stated that after the first sale they did move the stands to Greenville ball field. She stated that they have to pay someone every time they move the stands in and out which cuts down on their proceeds. She stated that Mr. Howell allows them to leave them in the field since they do not cause any problems with the animals. She stated that the stands are painted white. She stated that if they are not stored on this site they would need to be moved somewhere else. She stated that there is no electricity to the concession stands. She stated that they bring in a generator for the sales and then take the generator home with them at the end of the day.

Mr. Wilkinson stated that staff has contacted Mr. Howell on a couple of occasions due to the fact that he has been in violation of the conditions of the permit. He stated that the last several months with the previous two (2) auctions the applicant did not remove the vehicles within ten (10) days, vehicles parked along the public road during an auction, equipment was brought to the site prior to seven (7) days, and Mr. Howell had more than one (1) offsite advertising sign.

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

Mr. David Fitzgerald, 147 Wayne Avenue, Stuarts Draft, stated that he is in support of this request. He stated that the site is kept neat and orderly. He stated that it is really good that the concession stand and the office is in the same location. He stated that it is great that the youth is working hard to raise money. He stated that it is not economical to move the stands in and out.

Mr. John Rollice stated that he farms in Augusta County and sets up auctions across Virginia and North Carolina. He stated that he has been to the site and the applicant has done a great job. He stated that he has been to the site and inspected it numerous times. He stated that the applicant has a very nice clean site.

Mr. Phillip Howell, 1973 Indian Ridge Road, Stuarts Draft, stated that he owns adjacent land. He stated that he runs livestock and cattle. He stated that having a market for livestock machinery is a very good advantage.

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

There being none, Chairman Coyner asked if there was anyone wishing to speak in opposition to the request?

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Ms. Elizabeth Howell stated that she is the owner of the property. She stated that she is concerned about her land use permit because this is turning more into a business operation.

Mr. Wilkinson stated that he has received five (5) letters in support of the auctions and one (1) letter in opposition.

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

There being none, Chairman Coyner asked if Mr. Howell would like to speak in rebuttal?

Mr. Howell stated that the next request is somewhat related to this. He stated that he has done the best job that he knows how. He stated that his family has always done auction sales. He stated that he regrets not adhering to the Board's stipulations. He stated that he had no idea that putting a directional sign on White Hill Road would have anything to do with him being in violation of this request. He stated that he had no knowledge of anyone bringing something to the site prior to the seven (7) day limit. He stated that when he noticed that there was a piece of equipment brought in, he took it, and removed it. He stated that he has had sales throughout the area. He stated that he has had the auctions at his place for four (4) years and since then only one (1) resident of Augusta County voiced their disapproval. He stated that now that resident comes by and takes pictures of his property. He stated that if there is going to be these many problems he may stop doing the auctions.

Mr. Swortzel stated that the two (2) concession stands and office trailer was in violation. He stated that the rest of the site looks nice. He stated that when the Board visited the site last month there were items that were not supposed to be on the property. He asked how long did it take for the applicant to get the site in an orderly fashion?

Mr. Howell stated three (3) weeks. He stated that there were items on the site a week in violation. He stated that normally he does keep the site locked.

Chairman Coyner stated that we need a sale like this in Augusta County but it is a highly visible place. He stated that the applicant just needs to adhere to the stipulations.

Mr. Howell stated that he did not realize that the directional sign is a violation.

Mr. Wilkinson stated that the stipulation that the Board put on the permit was one (1) sign to be kept at the church.

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Mr. Shreckhise stated that the Board is not permitted to allow more signs because that was not advertised in order to change the stipulations on the Special Use Permit or any other amendment to the permit.

Mr. Howell stated that this is the last time he pays his money. He stated that he will move the auctions somewhere else.

Chairman Coyner stated that the concession stands and trailer are both neat and orderly. Ms. Howell stated that there is so much traffic going in and out and a lot of times the gates are left open. She stated that her horses have even been in the road. She stated that the trailer has electric going to it even though it is agricultural. She stated that this seems to have gone way beyond what she was expecting.

Mr. Shreckhise asked if Ms. Howell had any objection to him leaving the concession stand and trailer at the site?

Ms. Howell stated that the trailer should be removed. She stated that the concession stand should be allowed to stay on the property.

Chairman Coyner declared the public hearing closed.

Mr. Shreckhise stated that the applicant provides a needed service but this property is not zoned business. He stated that he has no objection with the two (2) concession stands but the property owner even objects to having a trailer at the site. He stated that he is opposed to Mr. Howell having directional signs on the day of the auction.

Mr. Wilkinson stated that the applicant can keep a personal trailer at his home.

Mr. Swortzel stated that this is a major asset to the farmers.

Mr. Shreckhise stated only the concession stands should remain at the site. He stated that the office trailer needs to be removed from the site after a sale. He stated that Ms. Howell does not want the site looking like a commercial venture except for on the days of the auctions. He moved that the request be approved with the following condition:

Pre-Conditions:

None

Operating Condition:

1. The office trailer be removed within ten (10) days after each auction.

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Mr. Swortzel stated that he does not see any problem with the trailer remaining onsite.

Ms. Brown seconded the motion, which carried with a 4-1 vote with Mr. Swortzel being in opposition to the motion.

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BENJAMIN L. OR TERESA H. HOWELL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Benjamin L. or Teresa H. Howell, for a Special Use Permit to have outside storage of equipment and vehicles and to display vehicles and equipment for sale on property they own, located on the south side of Indian Ridge Road (Route 657), .5 of a mile west of the intersection of Indian Ridge Road (Route 657) and Offlitter Road (Route 656) in the Riverheads District.

Mr. Ben Howell stated that he would like to have vehicles and equipment for sale on his property. He has always had this type of outside storage on the property since he moved there in 1973. He stated that he enjoys selling farm equipment. He stated that he needs something to supplement the farm income. He stated that he lives in an industrial part of the County. He stated that he would like to park the equipment at his site because he cannot seem to adhere to the seven (7) days in and ten (10) days out. He stated that he would like to put it in a place where it is out of sight and out of mind. He stated that his sister is irritated with the equipment that he has on her property. He would like to have storage behind the barn. He stated that currently he has six (6) pieces of equipment. He stated that there is only one (1) house in Augusta County that could see the equipment.

Chairman Coyner stated that the Board viewed the site today. He asked what is Mr. Howell going to do with the dump truck?

Mr. Howell stated that he uses it to haul firewood to his house and his son's house. He stated that the truck has farm use tags on it. He stated that the gates will be sold.

Mr. Swortzel asked about the equipment being moved?

Mr. Howell stated that it is part of his contract to remove the equipment from the site. He stated that he even charges \$10.00 per day but he has not really enforced that with his clients. He stated that if the items are kept at his home they will get either sold or removed.

Mr. Swortzel asked how many pieces of equipment could be kept at the site?

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Mr. Howell stated twenty-four (24) pieces at the rear of the property.

Mr. Shreckhise stated that he is opposed to this request because the Board has allowed the applicant a site to have auctions year round. He stated that the Board has already given the applicant a business location in a rural area and now the applicant is requesting another.

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

Mr. David Fitzgerald, 147 Wayne Avenue, Stuarts Draft, stated that the County needs to support farming. He stated that the applicant may not have enough time to remove the equipment. He feels the Board should allow him more time.

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

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

Mr. Swortzel stated that it will be hard to determine equipment for sale or personal farm equipment.

Mr. Wilkinson stated that the Board received a letter from Ray Cooley suggesting possible conditions.

Chairman Coyner asked about the applicant having a sign?

Mr. Howell stated that he does not need a sign at his home.

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

Pre-Conditions:

None

Operating Conditions:

1. All equipment, machinery, and materials for the business be kept inside the twenty-four (24) spaces behind the barn or the eleven (11) spaces to the side of the barn shown on the sketch plan, and eight (8) vehicles or pieces of equipment may be displayed for sale in the eight (8) spaces in front of the barn as shown on the sketch plan.

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- 2. If any expansion of the use is requested or required, the business must be moved to a Business zoned district.
- 3. No Sunday sales.
- 4. No on or off premise signs be permitted.

Mr. Shreckhise stated that he is opposed to having a display area in front of the barn.

Vice Chairman Callison seconded the motion, which carried with a 4-1 vote with Mr. Shreckhise being opposed.

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BOARD OF ZONING APPEALS ANNUAL REPORT 2009

Mr. Wilkinson presented the Board of Zoning Appeals Annual Report for the year 2009.

Mr. Swortzel moved that the report be approved.

Vice Chairman Callison seconded the motion, which carried unanimously.

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STAFF REPORT

09-9 Weyers Cave Professional Properties

Mr. Wilkinson stated that SUP#09-9 is in compliance.

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

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Chairman

Secretary