

PRESENT: S. F. Shreckhise
D. A. Brown
C. E. Swortzel
J. R. Wilkinson, Zoning Administrator & Secretary
S. K. Shiflett, Zoning Technician I

ABSENT: G. A. Coyner, II, Chairman
J. W. Callison, Jr., Vice Chairman
Timothy K. Fitzgerald, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 6, 2010, at 9:00 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:

- **Richard L. or Sherri H. Heffner - Special Use Permit**
- **Donna Fix - Special Use Permit**
- **Scott and Dixie Stromberg - Special Use Permit**
- **Franklin or Jean Debrot - 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

PRESENT: G. A. Coyner, II, Chairman
 J. W. Callison, Jr., Vice Chairman
 C. E. Swortzel
 S. F. Shreckhise
 D. A. Brown
 J. R. Wilkinson, Zoning Administrator & Secretary
 Timothy K. Fitzgerald, Director of Community Development
 Pat Morgan, County Attorney
 S. K. Shiflett, Zoning Technician I
 B. Cardellicchio-Weber, Administrative Assistant

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 6, 2010, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Vice Chairman Callison moved that the minutes from the April 1, 2010 meeting be approved.

Mr. Swortzel seconded the motion, which carried unanimously.

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DONNA FIX - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Donna Fix, for a Special Use Permit to have outside storage on property owned by O. Randall Meade, located in the northern quadrant of the intersection of Quicks Mill Road (Route 612) and Lee Highway (Route 11) in the Beverley Manor District.

Ms. Donna Fix stated that she is the Safety Director for Meade Trucking. She stated that they are requesting outdoor storage for railroad ties and materials. She stated that Randy Meade is here today to answer any questions that the Board has.

Chairman Coyner asked if the railroad ties will be stored on site until they are moved out?

Mr. Randy Meade stated that they come in a bundle and the forklift moves them out.

Chairman Coyner asked if they would be operating as they have in the past?

Mr. Meade stated yes and they will be cleaning up the corner a little bit.

Chairman Coyner asked if the railroad ties will be sold to local citizens?

Mr. Meade stated yes if they would like to buy them.

Chairman Coyner stated that the property must be kept neat and orderly. He asked if the applicant spoke with the neighbors?

Mr. Meade stated yes.

Chairman Coyner asked about their entrance?

Mr. Meade stated that the state is closing the first entrance and they will allow them to use the second entrance.

Mr. Swortzel asked if the tractor trailers will be able to get in and out?

Mr. Meade stated yes.

Chairman Coyner stated that the applicant can only keep so many ties on site.

Mr. Meade stated they can store approximately 4,000 to 5,000 ties and other railroad materials. He stated that they do work for CSX when there are derailments.

Mr. Wilkinson stated that they are unloaded and then brought down with a fork truck.

Mr. Meade stated that it would be safer to unload on the lower end then lifting them over a wall.

Mr. Wilkinson stated that they do not want trucks backing into the site.

Mr. Meade stated that a good truck driver can do it.

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 this is going to be the same type of operation.

Mr. Shreckhise stated that this will be a continuation. He stated that they are doing a good job at keeping it neat. He 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.
2. The entrance located closest to the intersection with Lee Highway (Route 11) be closed per VDOT's comments.
3. The 20' x 50' fenced storage area be screened by an eight (8') foot high opaque fence or an eight (8') foot high vinyl privacy fence be installed along the northern side of the outside storage area.

Operating Conditions:

1. No tractor trailers are permitted to back in or out of the lot.
2. All outdoor storage be kept in the designated areas shown on the site plan. The only materials to be in the 50' x 88' outside storage area are railroad ties and rails.
3. All other equipment, machinery, and materials for the business be kept inside the existing building or 20' x 50' fenced area.
4. No junk or inoperable vehicles, equipment, machinery, or parts of vehicles or equipment or machinery be kept outside.
5. Site be kept neat and orderly.

Mr. Swortzel seconded the motion, which carried unanimously.

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RICHARD L. OR SHERRI H. HEFFNER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Richard L. or Sherri H. Heffner, for a Special Use Permit to have an excavating, landscaping, and mowing business on property they own, located on the west side of Mount Solon Road (Route 607), approximately .2 of a mile north of the intersection of Mount Solon Road (Route 607) and Old Quarry Road (Route 741) in the North River District.

Ms. Sherri Heffner stated that they would like to construct a 30' x 60' building to hold excavation equipment including a dozer, skid steer, dump truck, etc.

Chairman Coyner asked if this is their livelihood?

Ms. Heffner stated yes.

Chairman Coyner asked if the applicant is requesting to have any employees?

Mr. Richard Heffner stated none at this time. He stated that they would not have employees come to the site if they were to ever hire an employee.

Chairman Coyner stated that if the applicant thinks that they would ever want to have employees they should request that today. He asked if the equipment is returned every evening?

Mr. Heffner stated that they put the equipment and trailer in the building and lock it up.

Chairman Coyner asked if the building would be a pole barn type structure?

Mr. Heffner stated yes with three (3) garage doors.

Ms. Brown asked what equipment does the applicant have?

Ms. Heffner stated a dump truck and trailer, skid steer, backhoe, and bulldozer.

Ms. Brown asked if the garage would be on the right side?

Mr. Heffner stated yes. He stated that when the garage is constructed the equipment will be kept inside.

Mr. Swortzel asked when do you anticipate starting construction?

Mr. Heffner stated hopefully within six (6) months.

Chairman Coyner asked if it was conceivable to have the building completed within a year?

Mr. Heffner stated yes.

Mr. Wilkinson asked if the applicant spoke with the neighbor building the house?

Ms. Heffner stated the house that is being built is from the same owner that they purchased their property from. She stated that the neighbor knows that they operated a business in Rockingham County. She stated that the only item that they wanted was a building to store their materials in.

Mr. Shreckhise stated that the applicants should get a survey done so that they know the dimensions of their property and that all setbacks are met.

Ms. Brown asked about employees?

Mr. Heffner stated that they currently are not including a restroom in the building for employees. She asked if they would need a different septic permit?

Mr. Wilkinson stated that the applicant can always come back to modify the permit and ask the Health Department what they need in order to have employees.

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

There being none, Chairman Coyner declared the public hearing closed. He stated that the site is very neat.

Ms. Brown stated that the site was neat this morning. She moved that the request be approved with the following conditions:

Pre-Condition:

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

Operating Conditions:

1. No employees other than family members.

2. Be limited to two (2) company vehicles outside at the site.
3. All other equipment, vehicles, machinery, and materials for the business be kept inside the 30' x 30' area in the garage.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.
6. No Sunday work or maintenance of equipment on Sunday.
7. Applicant must reside on premises.

Vice Chairman Callison seconded the motion, which carried unanimously.

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SCOTT AND DIXIE STROMBERG - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Scott and Dixie Stromberg, for a Special Use Permit to have a bed and breakfast operation in the existing dwellings and an office for wine tours on property they own, located in the northern quadrant of the intersection of Pops Lane and Ridge Road (Route 699) in the North River District.

Mr. Scott Stromberg stated that they would like to use their home as a bed and breakfast and an office for wine tours. He stated that there will be no employees. He stated that they will offer guests and people in the surrounding areas a tour to the wineries.

Mr. Swortzel stated that they will use other facilities for the tours?

Mr. Stromberg stated yes.

Ms. Brown asked if they will use a van for the wine tours?

Mr. Stromberg stated yes. He stated that they do not currently have a van but they will purchase one.

Ms. Brown asked if there are three (3) bedrooms?

Mr. Stromberg stated yes. He stated that they will convert the basement to a living area.

Chairman Coyner asked if the applicant has ever done this before?

Mr. Stromberg stated no.

Ms. Brown asked if the cottage out back has an attachment?

Mr. Stromberg stated it is all one dwelling. He stated that the area is a kitchen now but it will not be when we are done. He asked if the Board would grant him five (5) rooms. He stated that he would like to convert one to a fifth bedroom.

Ms. Brown asked how will the applicant advertise?

Mr. Stromberg stated that they advertise on bed and breakfast.com, on Google, and in the newspaper.

Chairman Coyner asked if they would be a member of the association?

Mr. Stromberg stated yes. He stated that will increase the advertising power.

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. Shreckhise stated that if the Board grants the applicants five (5) rooms there could be a problem with the Health Department.

Mr. Wilkinson stated their request would be pending Health Department approval.

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

Pre-Conditions:

1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be limited to five (5) rooms for the bed and breakfast.
2. Site be kept neat and orderly.
3. Applicant must reside on premises.

Vice Chairman Callison seconded the motion, which carried unanimously.

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CAROLYN AVALOS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Carolyn Avalos, for a Special Use Permit to rent the house out as a vacation home on property she owns, located on the north side of Hammond Lane (Route 647), approximately .5 of a mile east of the intersection of Hammond Lane (Route 647) and Christians Creek Road (Route 648) in the Beverley Manor District.

Ms. Carolyn Avalos stated that she does not live on site. She stated that she would like to use the home as a vacation house.

Chairman Coyner asked how long would the rentals be for?

Ms. Avalos stated two (2) to three (3) months hopefully. She stated that it could be a little longer or shorter. She stated that it would depend on what people wanted. She stated that the home is furnished. She stated that a company could use their rental house for employees that are in town on 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. He stated that this is a nice piece of property.

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

Pre-Condition:

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

Operating Conditions:

1. Be limited to six (6) people staying in the house per Health Department comments.
2. Site be kept neat and orderly.

Ms. Swortzel seconded the motion, which carried unanimously.

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FRANKLIN OR JEAN DEBROT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Franklin or Jean Debrot, for a Special Use Permit to have a one bedroom bed and breakfast within the existing home on property they own, located on the south side of Spottswood Road (Route 620), just east of the intersection of Spottswood Road (Route 620) and Old Providence Road (Route 620) in the Riverheads District.

Ms. Jean Debrot stated that she is proposing to have a one (1) bedroom bed and breakfast at the existing home. She stated that she plans on renting it out to vacationers. She stated that there will be a separate entrance. She stated that she has a nice sunroom and kitchenette area. She stated that the guests prepare their own breakfast. She stated that she is offering a breakfast basket.

Chairman Coyner asked how would people find out about your bed and breakfast?

Ms. Debrot stated that she will advertise online because there are many directories online. She stated that she has her VDOT entrance permit.

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-Condition:

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

Operating Conditions:

1. Be permitted to use one (1) bedroom for a bed and breakfast operation.
2. Applicant must reside on premises.

Mr. Swortzel seconded the motion, which carried unanimously.

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CONSIDERATION TO CANCEL A SPECIAL USE PERMIT FOR HOWELL AND SONS, INC.

This being the date and time advertised to consider the **cancellation** of a Special Use Permit for Howell and Sons, Inc., to have farm equipment and vehicle auctions, on property owned by Elizabeth J. Howell, located on the north side of Indian Ridge Road (Route 657), just east of the intersection of Indian Ridge Road (Route 657) and Offlitter Road (Route 656) in the Riverheads District.

Mr. Wilkinson stated Mr. Howell appeared before the Board in August of 2009. He stated that the Special Use Permit was approved with pre-conditions and operating conditions for the property. He stated that the main problem is operating condition #4 which is no vehicles or equipment be brought to the site prior to seven (7) days before an auction event and all vehicles and equipment be removed within ten (10) days after an auction event and the site be returned to an agricultural state. He stated that there were issues with operating condition #5 which states portable toilets may be brought to the site no sooner than seven (7) days prior to an auction and be removed within seven (7) days after the auction is held. He stated that at the January 7, 2010 meeting the Board considered Mr. Howell's modifications to the permit to allow outdoor storage of the concession stand and office trailer on site which was heard by Board and approved that the office trailer be removed within ten (10) days of the auction and he was allowed to keep the concession stand at the site.

Mr. Ben Howell, Jr. stated that he has lived there thirty-seven (37) years. He stated that his mother, Mozell Howell, has lived on Indian Ridge Road all her life. He stated that his sister, Jane Howell, and he has an arrangement so that they can use the field for auctions. He stated that it is highly improbable that the field will ever be used for agriculture unless it is really intensive agriculture. He stated that he does not wish to explore intensive agriculture. He stated that his family has held auctions at the site for over sixty (60) years before zoning was even in place. He stated that his first auction sale he ever did was fifty (50) years ago in this same field. He stated that his mother will attest to that. He stated

that he has spent over \$1,000 in fees with this administration in order to find the proper location for his auctions. He stated that he has tried several locations for his auctions. He stated that this is a large event and it is on the order of a fair. He stated there have been one thousand vehicles that have come to the site. He stated that sometimes people do not intend to buy anything, they just come to have fun and eat a grilled hot dog. He stated that seven-one (71) pages of people get a card in the mail every time he gets ready to have a sale. He stated that it costs him \$1,000 to send out postcards and it costs \$3,000 to send them a brochure in the mail when he is ready to have a sale. He stated that he brought some of the sale ads from his auctions. He stated that he has always had auctions at the site and there has only been one resident that has ever voiced any opposition about having the auctions. He stated that over \$8,000,000 in the past eight (8) years alone has been returned to the residents of this state and the adjoining state from this particular field in Augusta County. He stated that not one penny of County services have ever been used. He stated that they have never had any reason to call fire rescue. He stated that there has never been an accident due to the auctions being held. He seeks this Board's help and cooperation to develop a policy that will allow the auctions to operate. He hopes that the Board will work with him instead of against him. He stated that the Board should ask him how to run the business instead of telling him. He stated that it is unsafe to pull the office trailer unlicensed and uninsured into the road. He stated that it is unsafe to pull other people's machinery and unlicensed vehicles up to his farm on a narrow Indian Ridge Road. He stated that it does not make sense to adhere to something that does not make one bit of common sense. He stated that he has twenty (20) spots that he has laid out for the Board. He stated that he is the only continuous sale in this area and the nearest one is in Bristol, Tennessee and York, Pennsylvania.

Mrs. Howell stated she is Mr. Howell's mother. She stated that there have been auction sales for the last sixty (60) years. She hopes the Board will allow him to continue to operate the auctions at the site.

Ms. Elizabeth Howell stated that she is the owner of the property and she would like to see the sales continue.

Chairman Coyner stated that Augusta County needs these sales but the reason that Mr. Howell is here today is to discuss some issues. He stated that this sale is supposed to be an agricultural sale and there was a notice in the newspaper stating the sale of automobiles and guns. He asked how those items are related to agriculture?

Mr. Howell stated that he never made a comment to this Board that he would not sell anything that is brought to the site. He stated he does not solicit cars or household furniture but he does not want to turn items away. He stated that he has sold a number of good tires. He stated that he has never said that he would not have sales of vehicles and antique items. He mentioned that he never heard from anyone that he could not sell the

vehicles. He stated that he knows that he cannot sell disabled vehicles but all farm equipment that he sells is disabled. He never has heard that he was restricted to the types of items that he sells.

Mr. Wilkinson stated that the application in 2009 described the request to have farm equipment and vehicle auctions. He stated that at the public hearing on August 6, 2010, Mr. Coyner asked the applicant if he would auction off farm equipment and construction equipment. He stated that Mr. Howell stated yes that he will not have any cars or furniture at the site. He will be auctioning off farm equipment including small excavators and dozers. He stated that the application was for farm equipment and not a general auction site.

Mr. Howell stated that farmers have guns and cars. He stated that the minutes are incorrect. He stated that he would not solicit other things and that is the word he used. He stated that he solicits farm equipment, trucks, and construction equipment. He stated that people come from over 100 miles away to sell items. He stated that if he is restricted to sell something the Board needs to give him something in writing because he has never seen anything in print.

Mr. Wilkinson stated that somehow it has gone from the original request to have farm equipment and vehicle auctions to a general auction. He stated that there is a difference between a general auction and farm equipment sale. He stated that the auctions seem to have grown with different items being advertised in the newspaper.

Mr. Howell stated that he will sell whatever people bring him on a commission basis except for furniture. He stated that there is a table at the site waiting to be sold.

Chairman Coyner stated that the Board felt that this is a farm equipment auction and not a general auction site.

Mr. Howell stated that he never said that he would not solicit them. He stated that he has someone from Richmond bringing him seventy (70) pieces of landscape equipment.

Mr. Wilkinson stated that somehow this site has turned into a general auction. He stated that there is a difference from general auctions and farm equipment sales. He stated that the sales are growing and they include a variety of different items.

Mr. Howell stated that he sells very little or no construction equipment and he sells whatever people bring him except for furniture. He stated that someone wanted him to sell household items but he told them no.

Chairman Coyner stated that he understands the challenges of the economy.

Mr. Howell stated that he does the best to try and get people to move the items off of his property. He stated that he tows the items to the landfill. He stated that there is a sign posted. He stated that he does his best but he does not have time to move things around.

Mr. Swortzel asked why Mr. Howell did not turn the items away?

Mr. Howell stated that he thought those items would be sold.

Mr. Swortzel stated that the gates need to be locked seven (7) days before and ten (10) days after. He stated that the biggest problem is that the items need to be removed. He felt that these auctions were going to be agricultural sales.

Mr. Howell stated that it is not practical to drag items on Indian Ridge Road in violation of state laws. He pleaded with the Board to not restrict the items that he sells at the auctions. He stated that for sixty (60) years they have had auctions and have been doing a good job. He stated that he would like to have ten (10) days and twenty (20) places on the hill to park items. He stated next week the office trailer will be in Orange County. He asked that the Board not have him move it. He stated that the office trailer only stays at the site during the time there is equipment there or if there is a back to back sale.

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

Mr. Gary Brown, 186 Avis Road, Greenville, stated that he has been a neighbor for twenty (20) years. He stated that he rides by this site twice a day. He stated that he has no problem with this request. He stated that he attended some of the sales. He stated that he does a great service to the community. He stated that these auctions generate jobs for the County as well as income. He stated that it does not matter what Mr. Howell sells because he does a great service to the County. He stated that we need to get rid of equipment that is old which is what is being done during the auctions.

Mr. John Earhart, 784 Indian Ridge Road, Greenville, stated that this is a great thing for the County. He stated that he has a large house on Indian Ridge Road and this request does not bother him. He stated that he was the original developer of Cranberry Hills. He stated that the neighbors need to understand that this is a farming community. He stated that he told people when they bought those houses that this is an agricultural area. He stated that Mr. Howell is doing a great thing. He stated that it does not matter if the office trailer sits on the property. He stated that the auctions bring in people to the County. He stated that after the auction sales he has a number of people that come in to his real estate business and ask about real estate.

Ms. Donna Fix, 436 Dogwood Street, Waynesboro, stated that her family was in need of a vehicle and someone told her about the auctions and she bought three (3) vehicles at Mr. Howell's auction. She stated that they feel the auctions are a legacy and not a business. She stated that if he can do something to help the farmers keep their farms and if he can do something to keep businesses open, then it is a good recycle place. He stated that their fifteen (15) year old got to see an auction take place.

Mr. Doug Campbell, 21 Killdeer Lane, Stuarts Draft, stated that he is the owner of KPD and KWC. He stated that they provide the porta-johns for Mr. Howell. He stated that the porta-johns have not stayed on site for any significant time except for once when there is a lot of snow. He stated that there are other porta-johns sitting out all over the County on expensive job sites. He pulled his records for pickup and delivery and they are as follows:

<u>Delivered</u>	<u>Pickup</u>
03/27/09	03/30/09
04/03/09	04/06/09
04/17/09	04/20/09
05/08/09	05/11/09
06/19/09	06/22/09
10/01/09	10/05/09
11/13/09	11/16/09

Mr. Campbell stated that seven (7) out of the eight (8) times the porta-johns were picked up within three (3) days. He stated that there were some extreme cases of snow this year and they were not aware of the ten (10) day exit strategy. He stated that he does not know where the complaint came from. He stated that Mr. Howell sold an old junk truck for him. He stated we need this type of sale in this area and in the state of Virginia. He stated that these events were an important part of the community. He stated that they go by there every day and have no problem with this request. He does not understand why we are trying to do away with this in Augusta County.

Mr. Roger Strader, 200 Brandon Circle, Waynesboro, stated that he took some items for Mr. Howell to sell. He stated that the two (2) food booths serve the youth. He stated that he does not see any problem with the trailer sitting there. He hopes the Board takes into consideration what Mr. Howell is trying to do for the community and not pull his Special Use Permit.

Mr. Ralph Resch, 167 Falling Rock Drive, Stuarts Draft, stated that Mr. Howell provides a service that is needed in this area. He stated that the Board should open up the auction sales to a more general usage because with the economy people need to sell items. He stated that the ministry needed to buy a van and bought one at one of Mr. Howell's auction

sales. He stated that Mr. Howell is honest and he goes out of his way to help people. He stated that as far as a timeline on setting up and items being removed, the land is not being used for anything else. He feels that it is not necessary to impose a timeline. He stated that equipment is being laid out neatly. He stated that there is a mess on Howardsville Turnpike that looks like a junkyard. He hopes that Mr. Howell will continue to serve the community.

Mr. Ryan White, 22 Wayne Avenue, Stuarts Draft, stated that he is working with Mr. Howell on advertising the auctions. He stated that he also helped him with a television commercial. He stated that Mr. Howell sells majority of farm equipment which is about 90% of the auctions and the other stuff comes in the day before. He stated that Mr. Howell is a good man and when he was unemployed he gave him work. He stated that he is doing a great thing for the community. He stated that many people attend the auctions. He stated that the church volunteers their time. He stated that this impacts the community. He stated that many people stop and get gas and snacks at the gas station. He stated that he does not seek out cars and guns. He stated that Mr. Howell's "bread and butter" is farm equipment. He stated that when he advertises he includes all farm equipment and at the very bottom it states miscellaneous farm equipment. He stated that he does his best to adhere to the rules. He stated that he does his part to have the people remove the equipment from the property. He stated that he does not feel that it is fair for the Board to punish him just because the person does not have the means to remove the equipment from the site.

Mr. Roger Rowel, 2640 Cold Springs Road, Greenville, stated that he has known the family all his life. He stated that he has helped the community. He stated that there have been old cars sitting around the road that Mr. Howell has helped clean up. He stated that he volunteers his service to help him in anyway. He stated that people bring little kids to see the auctions. He stated that Mr. Howell is helping the County.

Mr. David Fitzgerald, 147 Wayne Avenue, stated that he has known Mr. Howell for quite sometime. He stated that he is a regular at his sales. He stated that he is concerned about the last sentence of the staff comment sheet. He stated that staff feels the actions of the applicant clearly show they are unwilling or unable to comply with the operating conditions of the permit and recommend revocation of the permit. He stated that Mr. Howell has worked long hours to get things moved off. He stated that there has been a neighbor of his that has been in violation for three (3) years now and the County has not even been out to look at their property for the installation of a fence as stated on their Special Use Permit. He stated that there is a string along the driveway as a way to enter into the ballfield instead of them using his driveway. He stated that children get onto the railroad tracks. He stated that there are many sites that have a porta-john on their property 365 days a year. He asked the Board why they are looking at cancellation on this Special Use Permit and not others in the County that are in violation as well.

William and Patricia Carter, 156 Cranberry Drive, Stuarts Draft stated that Mr. Howell has not adhered to the conditions of his permit and they feel the permit should be cancelled. Mrs. Carter stated that the auctions are supposed to be for farm equipment and farm vehicle auctions. She stated that the minutes reflect Mr. Howell's statement that he will only sell farm equipment and not have any cars or furniture at the site. She stated that she was present at the meeting and that is exactly what the minutes reflect. She stated that Mr. Howell has advertised a boat, computer monitors, etc. She stated that during the March 27, 2010 auction, he auctions the following items not permitted by the Special Use Permit: pleasure boat, vehicles, large commercial size equipment (not small size excavators and dozers), computer monitors, and associated pieces of equipment. She stated that this is a large commercial event and he is ignoring the terms and conditions on his permit. She stated that in an advertisement from May 8th Mr. Howell lists guns, ATVs, air conditioners, golf carts, bicycles, sedans, landscaping materials, etc. She stated that Mr. Howell agreed to the conditions that the Board put on his Special Use Permit and now he would like them changed. She stated that there is a place for farm equipment auctions but the rules of this permit are not being adhered to. She stated that the site is a commercial auction site straying from the intent of the Special Use Permit.

Chairman Coyner asked if the Carters ever attended the auctions?

Mr. Carter stated no. He stated that all of the vehicles are visible from Cranberry Drive. He stated that the Board put limitations on his permit and Mr. Howell has continuously violated the operating conditions. He stated that the equipment migrate from across the road. He stated that the trailer sat in the field for two (2) months unmoved. He stated that if the Special Use Permit's conditions are changed it will not maintain the agricultural view and the property will end up being a junkyard. He stated that now Mr. Howell is even doing television advertisements and he is getting bigger and bigger. He stated that these auctions are outgrowing this location. He stated that he feels that this is not an appropriate location to hold auctions.

Mr. Swortzel asked if Mr. Carter is aware that this is a rural area?

Mr. Carter stated that they were aware of this area as being rural. He stated that he sold a farm in Vermont when he moved here. He stated that livestock being around is perfect. He stated that the character of the area has changed dramatically due to the auctions.

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 speak in rebuttal?

Mr. Howell stated that he would like to know what way does the auctions impact the Carters. He was never visited by the Carters nor did they ever speak with him except for here. He stated that the auctions were going on a long time before the Carters moved here. He stated that he does not see that there has ever been a problem. He stated that no one has ever come to him and said that there was a problem. He stated that he cannot see the vehicles from Cranberry Hill. He stated that he has been trying to do the best he can with working with the Board.

Mr. Wilkinson stated when anyone would like to have a business that is not permitted such as a commercial auction site on agriculture property they need to apply for a Special Use Permit and they are asking for a special exception in which the Board puts operating conditions limiting the applicant. He stated that the applicant must adhere to those conditions. He stated that there is a list of nine (9) operating conditions that were put on Mr. Howell's permit back in August of 2009. He stated that staff has sent Mr. Howell violation letters stating that he is not adhering to the operating conditions. He stated that he did not here anything from Mr. Howell. He stated that after the third letter staff advertised to bring Mr. Howell's permit up for cancellation.

Chairman Coyner declared the public hearing closed. He stated that the County does need this type of service.

Mr. Shreckhise stated that the applicant was aware of the conditions of the permit and he stated that he could operate under those conditions. He stated that the Board cannot have conditions that are violated. He stated that many of the citizens brought up good points today but this is not a meeting to change the operating conditions. He stated that it is a meeting to decide whether to cancel the Special Use Permit. He stated that he does feel that Mr. Howell does do a good service to the community. He stated that the Board may want to make some kind of arrangement where Mr. Howell can apply to reduce the conditions because the Board cannot continually have Mr. Howell be in violation of the conditions that are on his permit. He stated that the Board can give Mr. Howell the opportunity to resubmit his request with different restrictions.

Chairman Coyner asked how soon will the next auction be?

Mr. Howell stated that he generally skips the summer months. He stated that he is holding an auction this weekend.

Mr. Shreckhise stated that Mr. Howell should reapply or obey the conditions within a month or two (2). He stated that if he cannot come up with a revised request then the Board will reconsider the cancellation of the request.

Chairman Coyner stated that it is the Board's intent that the applicant be successful.

Mr. Swortzel stated that porta-johns are all over the County. He stated that the applicant is getting rid of a lot of items that have been sitting around.

Mr. Shreckhise moved that the request for cancellation be tabled until the July 1, 2010 meeting. He stated that the applicant should either submit the request to change the operating conditions by the July meeting or bring the site into compliance.

Mr. Wilkinson stated that if Mr. Howell would like to have general auctions and a longer period of time it would need to be advertised for public hearing.

Chairman Coyner stated that the County spent \$380 to advertise the cancellation today.

Mr. Swortzel seconded the motion, which carried unanimously.

Mr. Shreckhise stated that Mr. Howell can reapply in order to reduce the conditions of the current permit, meet the current conditions, or not do anything and the Board will cancel the permit. He stated that Mr. Howell should contact Mr. Wilkinson regarding these options.

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O. EDMON DUNCAN, JR. - SIX MONTH EXTENSION OF TIME REQUEST

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. Wilkinson stated that Mr. Duncan is getting close to starting construction. He stated that he is requesting a six (6) month Extension of Time.

Mr. Swortzel moved that the six (6) month Extension of Time be approved.

Ms. Brown seconded the motion, which carried unanimously.

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EDWARD TREADWAY, AGENT FOR POUNDING MILL QUARRY CORPORATION - ONE YEAR EXTENSION OF TIME REQUEST

A request by Edward Treadway, agent for Pounding Mill Quarry Corporation, for a Special Use Permit to have a quarry and manufacture crushed stone on property owned by Carolena M. McClure (Life) c/o Finley McClure, located on the east side of Interstate 81, between Interstate 81 and Fauberitaville Lane in the Riverheads District.

Mr. Edward Treadway stated that it seems like something is finally happening. He stated that they are in the process of negotiations. He stated that hopefully by that time they are able to start their operations.

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

Mr. Swortzel 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. David Fitzgerald stated that he is looking at different turbines. He stated that energy produced needs to match energy used. He stated that they are not to the point where they are able to construct anything just yet.

Mr. Swortzel 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

09-25	Augusta County Company, LLC
09-26	HGC Limited Partnership
09-31	VonArnswaldt, Ernst C. or Kelli S.
09-32	Simmons, Allen B., Jr.
09-33	Brown, Andrew
09-35	Augusta County Company, LLC

- 09-36 Sorrells, Tony L. or Amanda S.
- 09-37 Howdyshell, Dustin L. or Marleen T.

Mr. Wilkinson stated that he received the Extension of Time requests for SUP#09-25 and SUP#09-26. He stated that SUP#09-31 is in compliance. He stated that staff sent Mr. Simmons a letter for SUP#09-32 due to no activity. He stated that SUP#09-33 is in compliance. He stated that the site plan for the sports park is pending final approval from the Health Department for SUP#09-35. He stated that they hope to open June 1, 2010. He stated that SUP#09-36 and SUP#09-37 are both 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