

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

ABSENT: S. K. Shiflett, Zoning Technician I

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 5, 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:

- **Gregory Wilson - Special Use Permit**
- **Orlando L. Mitchell, III - Special Use Permit**
- **Drew C. Richardson - 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.

 Chairman

 Secretary

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Pat Morgan, County Attorney
J. R. Wilkinson, Zoning Administrator & Secretary
Timothy K. Fitzgerald, Director of Community Development
B. Cardellicchio-Weber, Administrative Assistant

ABSENT: S. K. Shiflett, Zoning Technician I

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 5, 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 July 1, 2010 meeting be approved.

Mr. Swortzel seconded the motion, which carried unanimously.

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ROBERT A. HARRIS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Robert A. Harris, for A Special Use Permit to construct an addition to the existing building for the pallet repair business, located on the west side of Liberty School Road (Route 616), approximately .2 of a mile west of the intersection of Liberty School Road (Route 616) and Todd Road (Route 746) in the North River District.

Mr. Wilkinson stated that the Harris request has been withdrawn from the agenda. He stated that Mr. Harris will continue to operate under his current Special Use Permit.

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KARL STOLTZFUS, AGENT FOR DAVID ALAN INDUSTRIES, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Karl Stoltzfus, agent for David Alan Industries, Inc. for a Special Use Permit to use an existing building for business storage and have overflow parking for a funeral home on property owned by Bernard L.C., c/o Lindsay Funeral Homes, Inc., located on the north side of Keezletown Road (Route 750), just east of the intersection of Keezletown Road (Route 750) and Brendan Lane in the Middle River District.

Mr. Karl Stoltzfus, Jr. stated that they own property immediately adjacent to the property. He stated that they went to the owners and asked them if they would like to sell the property and they are in the process of negotiating it for purchase. He stated that they need the Special Use Permit in order to subdivide the property. He stated that they would like to purchase the five (5) acres so that he can protect his property from adverse development. He stated that they have no development intentions at this point. He stated that part of the land is under lease from the funeral home. He stated that the Special Use Permit is needed in order to allow the overflow parking for the funeral home. He stated that they will also be purchasing the building which they will use for personal and business equipment. He stated that they are asking to continue the existing uses.

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 this is an ideal use for the site. He moved that the request be approved with the following conditions:

Operating Conditions:

1. The area designated on the site plan be used for overflow parking for the funeral home.
2. Site be kept neat and orderly.
3. No junk or inoperable vehicles to be kept outside.

Mr. Shreckhise seconded the motion, which carried unanimously.

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SCOTT LANGSTON, AGENT FOR KARL PROTIL & SONS, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Scott Langston, agent for Karl Prottil & Sons, Inc. for a Special Use Permit to continue the wood working shop within the existing building on property owned by Clemmer-McGuffin Post No. 13 American Legion, Inc., located on the north side of Cedar Green Road (Route 693) just east of the intersection of Cedar Green Road (Route 693) and William Cousins Road (Route 704) in the Pastures District.

Mr. Scott Langston stated that his dad worked at the site for forty (40) years and they had an office in Staunton as well as a business license through the City of Staunton. He stated that he was asked to take over a portion of the business and in the process of getting his business license he discovered they did not have a permit to work from the site.

Chairman Coyner asked if the applicant would like to continue the present use?

Mr. Langston stated yes. He stated that he needs his business license through the County instead of the City.

Mr. Wilkinson asked if this would be a three (3) man operation?

Mr. Langston stated yes.

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 existing business has been at the site for years.

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

Operating Conditions:

1. All equipment, machinery, and materials for the business be kept inside the existing building.
2. Be limited to three (3) employees.
3. Hours of operation be Monday – Friday 8:00 a.m. to 4:30 p.m. 8:00 a.m. until noon on Saturday. No Sunday hours.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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WILLIAM G., JR. AND RHONDA S. DUDLEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by William G., Jr. and Rhonda S. Dudley, for a Special Use Permit to have a personal kennel on property they own, located on the east side of Buckeye Lane, approximately .2 of a mile southeast of the intersection of Buckeye Lane and Deerfield Valley Road (Route 629) in the Pastures District.

Ms. Rhonda Dudley stated that she would like to get the number of dogs legal. She stated that her dogs are bird dogs. She stated that she has had the dogs at this site for years. She stated that no one has ever complained.

Chairman Coyner stated that there are not many neighbors nearby. He asked if the applicant would like to continue their operation?

Ms. Dudley stated yes.

Mr. Wilkinson asked if the applicant is planning on breeding?

Ms. Dudley stated no. She stated that most of the dogs are older and they are not able to be bred.

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

Mr. Denny Snyder, 240 Buckeye Lane, West Augusta, stated that the dogs are well cared for. He stated that the Dudleys are good folks and they have good dogs.

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. He stated that this is an ideal place for a kennel.

Ms. Brown stated that the applicant has had dogs at the site for years without any complaints. She moved that the request be approved with the following conditions:

Operating Conditions:

1. Maximum of ten (10) adult dogs kept at this site at any time.
2. All dogs be confined within the designated area on the site plan or under control of the owner.
3. Site be kept neat and orderly.
4. Applicant must reside on premises.

Mr. Shreckhise seconded the motion, which carried unanimously.

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GREGORY WILSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Gregory Wilson, for a Special Use Permit to have motor vehicle repair onsite on property owned by Barbara E. Davis ½ and Gregory S. or Leah J. Wilson, located on the east side of Tinkling Spring Road (Route 608), approximately .2 of a mile north of the intersection of Tinkling Spring Road (Route 608) and Twin Springs Lane in the Beverley Manor District.

Mr. Gregory Wilson stated he drives a FedEx truck and delivers fifty (50) hours a week. He would like to do afternoon maintenance on FedEx trucks. He stated that once the other drivers found out that he was capable of doing maintenance on FedEx trucks they were asking him to work on their trucks. He would work on one (1) to two (2) trucks a week possibly three mostly on Saturdays and occasionally in the evening. He stated that he would be working on minor repairs including repairing the lights and brakes and oil changes on the FedEx trucks. He stated that this is a small time operation.

Mr. Shreckhise asked if the applicant would work on vehicles other than FedEx trucks?

Mr. Wilson stated that occasionally he will work on family and friends' cars about once or twice a month. He stated that he does not have time or energy for motor or transmission work.

Chairman Coyner stated that the Board noticed several unlicensed vehicles this morning.

Mr. Wilson stated that there is one (1) unlicensed vehicle which his friend asked him to take a look at it. He stated that his son will be taking the convertible to college which he just purchased.

Mr. Swortzel stated that there are nine (9) vehicles at the site. He asked how many are personal vehicles?

Mr. Wilson stated that he has four (4) children. He stated that six (6) vehicles are his personal vehicles. He stated that he has construction going on. He stated that the two (2) vehicles are for his construction contractors and will be gone after construction is complete.

Mr. Swortzel stated that most of the vehicles are his family's vehicles.

Chairman Coyner asked about the FedEx trucks?

Mr. Wilson stated that one of the FedEx trucks has a brake light problem and the other one needs to be serviced.

Chairman Coyner stated that obviously the FedEx truck cannot go in the garage. He asked if they will be repaired on the concrete pad?

Mr. Wilson stated yes.

Mr. Shreckhise stated that six (6) vehicles are his personal vehicles. He stated that if the Board allows the applicant to keep five (5) vehicles at the site that will make a total of eleven (11) vehicles all at one time which will give the impression of a commercial business in the country. He stated that the Board would like to avoid this type of look to be compatible with the neighborhood.

Mr. Wilson stated that this is a very unusual situation going on due to the construction. He stated that there are three (3) vehicles at the site that are not normally there.

Mr. Shreckhise asked where would the vehicles normally be parked?

Mr. Wilson stated in the driveway and in front of the garage. He stated that he works on the vehicles one at a time.

Mr. Wilkinson asked if there is room to park the vehicle where the construction is going on?

Mr. Wilson stated yes. He stated that there is room for one (1) vehicle. He stated that they keep one next to the house on the left.

Ms. Brown asked what the applicant planned on doing with the dirt on the left side?

Mr. Wilson stated that the dirt was moved out from the addition. He stated that they used it to level off that area for the kids to play.

Mr. Wilkinson stated that there is normally six (6) family vehicles and two (2) FedEx trucks at the site.

Mr. Wilson stated that he will be selling one of the vehicles.

Chairman Coyner stated that one of the trucks the applicant drives for FedEx and the other one needs to be worked on. He stated that there should never be five (5) FedEx trucks at the site.

Mr. Wilson stated that he would tell them that he could not work on anymore FedEx trucks if he has more than two (2) on his property.

Ms. Brown asked what would be stored in the two-bay garage?

Mr. Wilson stated that currently it is storage for items for his addition and once it is emptied he will store vehicles on the one side and work on the vehicles on the right side.

Ms. Brown asked about the mowers on the back of the property?

Mr. Wilson stated that he has two (2) ride-on mowers and a couple of push mowers. He stated that all of those are his personal mowers.

Mr. Shreckhise stated that the site is not the neatest place. He stated that if the applicant is requesting a Special Use Permit the area needs to be tidy and organized so that it does not look like a garage in a commercial setting.

Mr. Wilson stated that it will be organized and he does not want it to look like a garage. He stated that this is a small time operation.

Chairman Coyner asked if he plans on working on more FedEx trucks or cars?

Mr. Wilson stated that he will repair the FedEx trucks on a regular basis. He stated that he will only operate car repair to help out his friends and family. He stated that he does make extra money servicing the FedEx trucks.

Vice Chairman Callison stated that there is no license on one of the vehicles. He stated that it has been sitting there for quite some time. He stated that there are rotors stored on the site. He stated that the site needs to look better. He stated that there are a lot of old parts lying along the side of the building.

Mr. Wilson stated that he just found out that he can recycle the parts in order to get cash. He stated that is why he is stacking them up to bring them all at once.

Mr. Wilkinson stated that the applicant must keep them in the building or behind a privacy fence.

Mr. Swortzel stated that the applicant can use the privacy fence around the back of the garage. He stated that it is more attractive if there is some kind of screening.

Mr. Wilson stated that would not be difficult for him to do.

Chairman Coyner stated that eleven (11) or twelve (12) vehicles at the site would look like a busy operation. He stated that there is a lot going on at the site.

Mr. Wilson stated that there are three (3) vehicles at the site that would not normally be there due to the construction going on. He is asking for five (5) vehicles at the site.

Chairman Coyner asked if the applicant would work on one (1) vehicle at a time?

Mr. Wilson stated yes.

Mr. Shreckhise stated that the number of vehicles should be reduced.

Chairman Coyner asked if four (4) vehicles total would be sufficient? He stated that two (2) could be vehicles for repair and two (2) FedEx trucks at the site.

Mr. Wilson stated yes.

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

There being none.

Mr. Wilkinson stated that staff received a letter from an adjacent property owner, Phillip and Carol Barber. He stated that they raised the same issues as the Board already addressed.

Chairman Coyner declared the public hearing closed. He stated that this is an unusual situation due to the building project going on at the site.

Mr. Swortzel stated that once the project is complete the Board can revisit the site and the applicant can designate where the FedEx trucks will be parked.

Vice Chairman Callison stated that the Board can limit the applicant to four (4) vehicles total at the site.

Mr. Shreckhise stated that the Board should ask for a revised site plan with more detail showing where the vehicles would be parked.

Ms. Brown asked if the applicant should be required to store items inside the fence?

Mr. Wilkinson stated that the applicant can store the rotors inside or behind the privacy fence.

Mr. Wilson stated that he would be glad to store the rotors in the fenced in area.

Mr. Shreckhise stated that the applicant does have the option to store the rotors inside the building or inside the privacy fence. He moved that the request be approved with the following conditions:

Pre-Conditions:

1. Obtain letter of approval from Building Inspection Department and provide a copy to Community Development.

- 2. Submit a revised BZA sketch plan showing the four (4) spaces for the repair vehicles.

Operating Conditions:

- 1. Be limited to a maximum of four (4) vehicles onsite for the vehicle repair operation and of those a maximum of two (2) can be FedEx trucks.
- 2. Oil changes or brake work on the FedEx trucks may be done on the concrete pad beside the garage. All other work must be done inside the two-bay garage.
- 3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 4. No employees.
- 5. Hours of operation on Saturdays 8:00 a.m. to 5:00 p.m. and Monday – Friday evenings from 5:00 p.m. to 9:00 p.m.
- 6. No Sunday work.
- 7. Applicant must reside on premises.
- 8. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.
- 9. Permit be issued for one (1) year and renewed if all conditions are met.

Ms. Brown seconded the motion, which carried unanimously.

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ORLANDO L. MITCHELL, III - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Orlando L. Mitchell, III for a Special Use Permit to continue the motor vehicle repair garage on property owned by Alfred L., Jr. and Melanie J. Allhiser, located on the south side of Rock Mountain Lane (Route 616), just west of the intersection of Rock Mountain Lane (Route 616) and Cottontail Lane in the Middle River District.

Mr. Orlando Mitchell stated that he is asking for a Special Use Permit to operate the old Allhiser shop. He stated that he is in the process of purchasing the shop and house from Mr. Allhiser. He stated that he is requesting to put up a small privacy fence for extra car storage. He stated that he would have three (3) cars in the buildings and five (5) on the premises.

Chairman Coyner stated that the site looked great this morning. He stated that it needs to be kept neat and orderly.

Mr. Mitchell stated that he does not like disorder. He stated that he likes to keep everything neat and orderly.

Chairman Coyner asked if the applicant works alone?

Mr. Mitchell stated that his fiancé would work from home doing paperwork and he has one (1) employee at the shop.

Mr. Swortzel asked if one (1) employee would be adequate?

Mr. Mitchell stated yes.

Chairman Coyner stated that now is the time to decide because any increase in the operating conditions the applicant would need to go back before the Board.

Mr. Mitchell stated that one (1) employee is all he needs. He stated that they both work well together.

Vice Chairman Callison asked if the applicant would like to start operating at the site now?

Mr. Mitchell stated yes.

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

Ms. Terree Rinaca stated that she owns the land across the road. She stated that the site is all cleaned up because the previous user has packed everything up. She stated that this is the third Special Use Permit in the last four (4) years. She stated that when Mr. Allhiser ran the garage it was kept clean and it could not have been operated any better. She stated that the second gentleman that ran the business was horrible. She stated that there were cars parked on her land and junk and tires were piled up around the site. She stated that she did not have any complaints on the gentleman after him.

She stated that she did check into Mr. Mitchell's current site in Staunton and there were a pile of fifteen (15) to twenty (20) cars where he operates out of now. She stated that she does not want the property to look like a junkyard. She stated that the previous business is in the City. She stated that was one of the reasons that he was asked to leave because he does not keep it clean. She stated that he does not keep the site looking clean and orderly. She stated that she does not want to live near a junkyard and she does not want them riding on her land. She stated that she does not want this business to bring her property values down. She stated that she is really concerned about this request.

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 the applicant would like to speak in rebuttal?

Mr. Mitchell stated that he did have a lot of cars at his site in the City. He stated that there were way more cars than what he had wanted at the site. He stated that they would get the estimates for the work to be done, contacted the owner, and the owner needed to get the money to have the vehicle fixed. He stated that he is in the process of moving all of the cars back to their owner's piece of property. He stated that he knows he cannot have cars sitting around. He stated that he was made very clear on the rules of the County. He stated that his shop is very clean. He assured the Board that this will not be a problem at the site.

Chairman Coyner stated that the Board puts limits on the permit. He stated that the Board will not tolerate violations of the permits.

Mr. Swortzel stated that the applicant should make an effort to make the neighbors happy.

Mr. Mitchell stated that the shop does not look the greatest but they are taking care of the problem as we speak.

Mr. Swortzel stated that the applicant needs to address it instantly. He stated that the neighbors will not be happy if they are parking the cars on other pieces of property. He stated that the County was not aware of the vehicles parking on the neighbor's property which is very wrong.

Chairman Coyner declared the public hearing closed.

Chairman Coyner stated that this is a good spot for this type of business. He stated that it needs to be operated correctly.

Ms. Brown suggested reviewing this permit in a year.

Vice Chairman Callison stated there has been a repair shop at this site for many years. He stated that the last applicant operated the site correctly. He moved that the request be approved with the following conditions:

Pre-Condition:

1. The vehicle storage area be constructed within six (6) months.

Operating Conditions:

1. Be limited to a maximum of five (5) licensed vehicles outside the garage.
2. The 35' x 40' vehicle storage area be screened by a six (6') foot high opaque vinyl privacy fence and be setback thirty-five (35') feet from the right-of-way as shown on the sketch plan.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. All work to be done inside the garage.
5. Site be kept neat and orderly.
6. Be limited to one (1) employee other than the applicant.
7. Hours of operation be Monday – Saturday 7:00 a.m. to 7:00 p.m.
8. No Sunday work.
9. The only sign to be permitted for this business is one (1) on premise business sign not to exceed thirty-two (32) square feet.
10. Permit be reviewed in six (6) months and one (1) year.

Mr. Swortzel seconded the motion, which carried unanimously.

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RANDY MORRIS, AGENT FOR LEONARD ALUMINUM UTILITY BUILDINGS - SPECIAL USE PERMIT

A request by Randy Morris, agent for Leonard Aluminum Utility Buildings, for a Special Use Permit to have outdoor storage of buildings on property owned by First Republic Group Realty, LLC, located in the northern quadrant of the intersection of Lee Jackson Highway (Route 11) and Frontier Drive (Route 644) in the Beverley Manor District. - TABLED AT THE JULY 1, 2010 MEETING

Mr. Swortzel moved that the request be brought forward.

Mr. Shreckhise seconded the motion, which carried unanimously.

Chairman Coyner stated that notification was not sent to all adjacent property owners. He stated that the public hearing was held but he wanted to give the opportunity for the citizens to speak. He asked if there was anyone here to speak that was not aware of the request last month? There was none.

Mr. Randy Morris asked the Board if it would be possible to extend the permit for two (2) years. He stated that he is planning on doing this in the future if it is fine with the mall. He stated that this has been a great venture for his business.

Mr. Wilkinson stated that staff did not make a recommendation on limiting the timeframe of the permit.

Mr. Shreckhise stated that staff can review the permit annually for compliance.

Mr. Swortzel stated that this is a good, viable business location. He moved that the request be approved with the following conditions:

Operating Conditions:

1. All outdoor storage be kept in the designated twenty (20) parking spaces shown on the site plan.
2. All buildings be kept at least twenty-five (25') feet from the edge of pavement of the public streets.
3. No partial buildings or parts of buildings be kept outside.
4. Site be kept neat and orderly.

5. Permit be reviewed annually.

Mr. Shreckhise seconded the motion, which carried unanimously.

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FRANCIS CHESTER - SPECIAL USE PERMIT

A request by Francis Chester, for a Special Use Permit to have outdoor storage in conjunction with the sale of produce, farm products, and baked goods on property owned by First Republic Group Realty, LLC, located in the northern quadrant of the intersection of Lee Jackson Highway (Route 11) and Frontier Drive (Route 644) in the Beverley Manor District. - TABLED AT THE JULY 1, 2010 MEETING

Mr. Shreckhise moved that the item be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Coyner stated that notification was not sent to all adjacent property owners. He stated that the public hearing was held but he wanted to give the opportunity for the citizens to speak. He asked if there was anyone here to speak that was not aware of the request last month? There was none.

Mr. Francis Chester stated that he has been operating under an Administrative Permit. He stated that he would like his permit to be extended to locate his business at the Staunton Mall. He also would like to operate until the end of the year. He stated that he would like to sell Christmas trees at the site subject to the mall approval, therefore, he is asking the operating condition be changed to May 1st to December 31st. He stated that he would have produce from May to October. He stated that from November to December he would sell wool finished products and trees. He stated that the display of Christmas trees would be a good attraction.

Chairman Coyner asked after December 31st would the applicant pack up and come back to the mall property next spring?

Mr. Chester stated yes.

Mr. Wilkinson asked if he would be setup where the canopy is?

Mr. Chester stated yes. He stated that the building is provided to him by Byler’s Storage Building. He asked if he could leave the building at the site when he closes up for the season.

Mr. Wilkinson stated that if the building is kept at the site it would need to be anchored and hooked up to the electric, and if it is at the site a year or more then it would be a commercial permanent building. He stated that the building would need to meet the fifty (50’) foot setback and meet all building codes. He stated that if it is kept onsite a year or longer than it is considered a permanent structure.

Mr. Swortzel stated that the applicant may be better off removing the building due to the possibility of it being vandalized.

Mr. Chester stated that he would move the building in and out each year. He stated that this site has been a wonderful location for his business. He stated that the manager of the Staunton Mall is here today and she has received positive feedback.

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

Operating Conditions:

1. Be limited to one 12’ x 20’ storage building, one 10’ x 20’ canopy, and one farm wagon under the canopy, and they be kept at least twenty-five (25’) feet from the edge of pavement of Route 11, and they can stay onsite from May 1st thru December 31st.
2. All outdoor storage be kept in the designated areas shown on the site plan.
3. No new outside lighting.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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DREW C. RICHARDSON - SPECIAL USE PERMIT

A request by Drew C. Richardson, for a Special Use Permit to have a landing strip for an ultra-light craft on property he owns, located on the south side of High Meadow Lane, just west of the intersection of High Meadow Lane and Stover School Road (Route 662) in the Riverheads District. - TABLED AT THE JUNE 3, 2010 MEETING

Mr. Shreckhise moved that the item be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Coyner stated that the request was tabled in order to hold a demonstration. He stated that the public hearing has already been held at the June 3, 2010, meeting and there is no need for additional input. He stated that the Board was at the demonstration this morning. He asked if that unit was the applicant's specific unit?

Mr. Drew Richardson stated yes.

Mr. Shreckhise asked if the applicant is in the process of getting his license?

Mr. Richardson stated that he is in the process of obtaining training.

Mr. Shreckhise stated that the Board will limit the use to the applicant and/or family members. He asked how often will the applicant fly?

Mr. Richardson stated that it depends on his schedule and the weather. He stated that he would be very fortunate to be able to fly fifty (50) hours a year.

Mr. Swortzel asked how long would the applicant fly?

Mr. Richardson stated forty-five (45) minutes to an hour.

Mr. Swortzel stated that December through February the applicant would not be using the equipment.

Mr. Richardson stated that it depends on the precipitation and wind conditions. He stated that you could fly with snow on the ground.

Chairman Coyner stated that the wind conditions this morning is about as windy as the applicant may want it to get.

Mr. Richardson stated yes.

Mr. Swortzel asked if the applicant would be out of the area where the neighbors are located?

Mr. Richardson stated yes. He will not be flying immediately over the farms. He stated that he wants to fly and see the countryside and be away from the surrounding farms.

Chairman Coyner asked if once they were up in the air would the applicant just use a cruise mode and slow down?

Mr. Richardson stated that it depends on the weather conditions. He may be able to turn the engine off all together if he catches some thermal energy.

Ms. Brown asked how far will the applicant be flying?

Mr. Richardson stated that the ultra-light can hold five (5) gallons. He stated that he can fly anywhere from four (4) to five (5) hours. He stated that he could fly a substantial distance. He stated that he probably will fly ten (10) to fifteen (15) miles and then return.

Mr. Dell Schanze stated that he is from Saratoga Springs, Utah. He stated that he did the demonstration today for the Board. He trains pilots and passes off other instructors. He stated that the other unit is totally unrelated to this unit. He stated that the powered parachute weighs 475 lbs. and this unit weighs 47 lbs and requires only five (5) horsepower. He stated that the powered glider does not need a motor at all. He stated that he knew that there would not be a problem with the horses. He stated that the launch portion is only twenty (20) seconds of time. He stated that the landing is totally silent. He stated that when the ultra-light is cruising it only uses five (5) horsepower which is quiet. He stated that Mr. Richardson would never fly over the horses. He stated that he was closer than what Mr. Richardson would ever be. He stated that this is a fun sport. He stated that no one has ever died on this particular aircraft. He stated that this is one of the safest aircrafts. He stated that the horses were never bothered by the demonstration and they never even stopped eating.

Chairman Coyner asked what is the normal altitude for a ten (10) mile flight?

Mr. Schanze stated 1,000' to 1,500' up to 5,000' to 6,000' and not cruise at lower altitudes. He stated that he would never ever skim the trees. He stated that he can use the thermals to rise in the air. He stated that he shuts the motor off and uses the thermals to rise. He stated that you pull the cord to start up the small motor. He stated that the engine is not noisy. He stated that all you hear is air with the propeller once the throttle is hit.

Ms. Brown asked how are the turns controlled?

Mr. Schanze stated that the aircraft is controlled by leaning. He stated that the aircraft can be flown without any hands.

Ms. Brown asked what is done if there is a problem with the wind?

Mr. Schanze stated that as part of Mr. Richardson's training is learning about the weather. He stated that they should never be put in that scenario. He stated that the aircraft can fly in 200 mph wind. He stated that you do not want to land in 200 mph wind. He stated that you use the faster moving air to travel longer distances.

Ms. Brown asked about the airspace for the airplanes?

Mr. Schanze stated that there is no airspace even remotely close until 18,000'. He stated that Mr. Richardson's area is wide open and is completely unrestricted airspace.

Ms. Brown asked if there is a two-seater ultra-light?

Mr. Schanze stated yes but it is more for the instructors.

Chairman Coyner stated that the Board has already had the public hearing.

Vice Chairman Callison stated that this is in his area of the County. He stated that as he stated at the previous meeting sixty (60) days ago, there was a resident about a couple of hundred yards from this location that had an ultra-light aircraft. You would see him occasionally when the weather was almost perfect late in the evenings. He stated that he could see him from where he lives and it was not objectionable at all. He stated that he could not see where this activity could be any real detriment to any adjoining landowners. He moved that the request be approved with the following conditions:

Operating Conditions:

1. Only ultra-light aircraft may takeoff or land on this property.
2. All takeoffs and landings be from either property.
3. Only the applicant or family members may takeoff or land.
4. The ultra-light must be kept at least one hundred (100') feet above homes or livestock.
5. Applicant must reside on premises.
6. Permit be issued for one (1) year and renewed if all conditions are met.

Ms. Brown seconded the motion.

Chairman Coyner asked if there was any further discussion?

Mr. Shreckhise stated that the main concern of the Board was the noise factor and safety concerns for the adjoining property owners. He stated that the demonstration showed that these were not a real problem. He stated due to the concerns that were raised, the Board went the extra effort to hold the demonstration and that the demonstration was very good which reinforced that there would be no problems.

Chairman Coyner stated that the horses were all around the trees when the Board came in and they saw no movement from the horses after the demonstration was done.

Ms. Brown stated that she was impressed with the takeoff and once the ultra-light was up in the air she could not hear anything. She stated that it did not look dangerous. She stated that the animals next to the property just continued to eat the grass.

Chairman Coyner called for the vote.

The motion carried unanimously.

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STAFF REPORT

- 09-48 The Factory Holding Company, LLC
- 09-49 Murphy, Laura L.
- 09-50 Senger, Jonathan P. and Barbara G.
- 09-51 Zickefoose, Charles R. or Bonnie R.

Mr. Wilkinson stated that SUP#09-48 is in compliance. He stated that staff sent the applicant a letter asking if an Extension of Time is needed for SUP#09-49. He stated that construction has started on the butcher shop for SUP#09-50. He stated that the tower has been delivered and it should be up and running shortly for SUP#09-51.

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

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August 5, 2010¹⁴⁹

Chairman

Secretary