

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 3, 2011, at 9:30 A.M., in the County Government Center, Verona, Virginia.

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Vice Chairman Callison moved to go into closed session in accordance with Section 2.2-3711 A 5 of the Code of Virginia to discuss a prospective business or industry not previously announced to have interest in locating in the Greenville area of Augusta County.

Mr. Shreckhise seconded the motion, which carried unanimously.

Mr. Shreckhise moved to reconvene in open session.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Shreckhise moved to certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

Ms. Brown seconded the motion, which carried unanimously.

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The staff briefing was held in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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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:

- **Stacey L. or Heather B. Eppard - Special Use Permit**
- **Maynard Miller and Mark Smucker - 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
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 T. H. Byerly
 Pat Morgan, County Attorney
 J. R. Wilkinson, Zoning Administrator & Secretary
 Timothy K. Fitzgerald, Director of Community Development
 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, February 3, 2011, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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ELECTION OF OFFICERS

Ms. Brown nominated Mr. Shreckhise as Chairman and Mr. Coyner as Vice Chairman, and John R. Wilkinson as Secretary.

Mr. Byerly seconded the motion, which carried unanimously.

Mr. Callison moved that the nominations be closed.

Ms. Brown seconded the motion, which carried unanimously.

MINUTES

Vice Chairman Coyner moved that the minutes from the December 2, 2010 meeting be approved.

Mr. Callison seconded the motion, which carried unanimously.

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CONSIDERATION OF 2011 RESOLUTION

Mr. Callison moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2011 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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Chairman Shreckhise welcomed Mr. Byerly onto the Board. He thanked Mr. Swortzel for his years of service on the Board.

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DENNIS AND DANA CROSS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Dennis and Dana Cross, for a Special Use Permit to reopen a bed and breakfast on property they own, located in the western quadrant of the intersection of Keezletown Road (Route 276) and Dices Spring Road (Route 768) in the Middle River District.

Mr. Dennis Cross stated that he wants to reopen the bed and breakfast.

Vice Chairman Coyner asked if this would be a family venture?

Mr. Cross stated yes. He stated him and his wife live at the site.

Ms. Brown asked how would someone know where you are located?

Mr. Cross stated on the internet and through the Chamber of Commerce.

Ms. Brown asked if the applicant would serve breakfast and dinner?

Mr. Cross stated they would serve only breakfast. He stated they have already gotten Health Department approval.

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

There being none, Chairman Shreckhise declared the public hearing closed. He stated this is a continuation of what was previously granted.

Ms. Brown stated that there was a bed and breakfast at the site before. She stated it would be a great asset to the area. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to four (4) bedrooms for the bed and breakfast.
2. Site be kept neat and orderly.
3. Applicant must reside on premises.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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STACEY L. OR HEATHER B. EPPARD - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Stacey L. or Heather B. Eppard, for a Special Use Permit to have a firearms sales business on property they own, located on the west side of Lime Rock Lane, just south of the intersection of Lime Rock Lane and Spring Meadows Lane in the Riverheads District.

Mr. Stacey Eppard stated he is fine with all of staff's recommended stipulations. He stated this business would be low impact and will not have any affect on the area. He stated he will be placing special orders.

Chairman Shreckhise asked if he planned on displaying merchandise or accessories?

Mr. Eppard stated no.

Chairman Shreckhise stated that there will be a limited amount of traffic.

Mr. Eppard stated that his client will fill out the paperwork and then he will order the merchandise.

Vice Chairman Coyner asked how does one find out about the business?

Mr. Eppard stated that he plans to order guns for family and friends and for the people in his hunting club. He stated he just does it to make a little extra money.

Vice Chairman Coyner asked if this would be a hobby or side business?

Mr. Eppard stated yes, a business.

Ms. Brown asked if first the client comes to the site to fill out the paperwork and then they will come back to the site in order to pickup the merchandise?

Mr. Eppard stated yes. He stated that the hunting clothing he brings directly to his customers.

Vice Chairman Coyner stated that the weapons that are ordered will come directly to the applicant.

Mr. Eppard stated that the client fills out the proper paperwork, he does the background check, orders the merchandise, and then the client will pick it up. He will only be ordering once a month. He will only have an inventory of one (1) or two (2) guns.

Chairman Shreckhise stated the applicant will not have any display inventory, he will only order merchandise.

Vice Chairman Coyner asked if he will be ordering sporting guns?

Mr. Eppard stated he will order shotgun rifles. He will not order pistols.

Ms. Brown asked what would be the most powerful gun that the applicant would order?

Mr. Eppard stated 454 and 338 rifles.

Ms. Brown asked how does the applicant conduct the background check?

Mr. Eppard stated that he calls the state police over the phone.

Vice Chairman Coyner asked if the applicant would be getting his gun dealer license?

Mr. Eppard stated yes if the Special Use Permit gets approved. He stated that he has two (2) children and he will not want to put anyone in danger. He stated that all of the guns are locked up. He stated that he does have a security system.

Vice Chairman Coyner stated this is a nice, quiet neighborhood.

Mr. Byerly asked how many gun sales per month would the applicant anticipate?

Mr. Eppard stated that he does not anticipate very many at all. He mentioned this would be a low key business. He stated he does not advertise. He cannot say if there will be one or two or five or ten.

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

Mr. Gene Arey, 38 Lime Rock Lane, Staunton, stated he has some letters that were sent to him with other neighbors opposing this request. He mentioned this is a private lane that is maintained by the homeowners association. He asked if there is excess traffic and the road gets damaged, who will pay for it. He mentioned that his biggest concern is traffic coming in and out of the subdivision. He stated this is a quiet neighborhood. He mentioned the road is a dead end road.

Ms. Brown asked how many homes are in the neighborhood?

Mr. Arey stated there are eight (8) homes on the road.

Chairman Shreckhise asked if the major concern is the traffic problem?

Mr. Arey stated yes. He stated it is a one (1) lane road. He mentioned in certain places vehicles can pull over. He does not want people pulling over on the front yard.

Mr. David Perkins, 163 Spring Meadows Lane, Staunton, stated that he owns the red house on the hill. He mentioned that he is a firearms owner and they need to be handled responsibly. He is concerned with the additional traffic. He is afraid that if one client gets a good deal then the business will blossom more than the applicant anticipates at this time. He is concerned also about the traffic coming in and out. He has nothing against someone trying to make a living.

Mr. Richard Stogdale, 112 Spring Meadows Lane, Staunton, stated that he concurs with the first two gentlemen's statements. He asked that the applicant will not sell semi-automatic weapons which he does appreciate. He mentioned that the lane is a one lane road. He further stated that the dwelling is not connected to public water and sewer. He

asked if the County has the authority to do an onsite inspection of the property periodically.

Mr. Wilkinson stated the application does state that the County does have the authority to go onsite for an inspection.

Mr. Daniel Folk, 111 Spring Meadows Lane, Staunton, stated that he lives on the corner. He opposes this request for many of the same reasons. He stated the applicant stated he does not know what the scope of the business is. He stated that right now it would only be special order but it could grow beyond that. He stated that there will be two (2) trips by each client. He stated the first trip would be for the background check and to order the firearm and the next trip would be to pickup the gun. He asked if the Board approves the request staff's recommendation is to limit to no more than two (2) trips per day. He asked the Board to look at the possibility of only granting two (2) vehicles per month since Mr. Eppard would only order once a month. He has children and does not want someone of a criminal nature to come into the development which is centered along Route 11 and Interstate 81. He would like to see the traffic kept down to a minimum for that very reason. He stated there are many children in this development. He stated Mr. Eppard may not intend to have a major inventory but if someone knows that he is a gun dealer they may think he does. He stated this presents a higher probability of a burglary or theft for him and for the applicant. He mentioned those are his major concerns. He stated he is opposed to the idea but not opposed to Mr. Eppard having a business. He feels that there is a better place for it.

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

There being none, Chairman Shreckhise asked the applicant to speak in rebuttal.

Mr. Eppard stated that this will be a low impact business. He does not foresee a difference in the amount of traffic. He stated that there have not been any issues with the road so far. He will be able to control what he is doing.

Chairman Shreckhise asked if the applicant would be advertising?

Mr. Eppard stated no.

Chairman Shreckhise stated the applicant's intention is to be able to obtain guns and firearms for family and friends.

Ms. Brown asked what the price range would be for the firearms?

Mr. Eppard stated \$100 to \$1,000-\$2,000.

Mr. Wilkinson stated if the Board restricts the applicant to no assault style weapons or pistols as Mr. Eppard suggested, would that be fine with the applicant.

Mr. Eppard stated that he will not be ordering any assault or high clip weapons.

Mr. Byerly asked how old are the applicant's children?

Mr. Eppard stated ages two (2) and six (6) years old.

Mr. Byerly stated the reason for his question is that teenagers will also create a lot of traffic as we all know.

Chairman Shreckhise declared the public hearing closed. He mentioned the main concern of the neighbors is the traffic volume and gun sales.

Vice Chairman Coyner stated that there was no local support for this request. He is all for entrepreneurial spirit but this is a nice area with a narrow road. He moved that the request be denied.

Mr. Callison stated that businesses can grow tremendously through word of mouth. He stated one of the neighbors on Spring Meadows Lane made a comment about the business growing. He stated he is unsure of how much traffic there will be associated with the business. He stated that it is his judgment that the business will grow and staff's recommendations referred to that. He shares Vice Chairman Coyner's feelings in the matter. He stated this is a residential neighborhood. He seconded the motion, which carried unanimously.

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MAYNARD MILLER AND MARK SMUCKER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Maynard Miller and Mark Smucker, for a Special Use Permit to expand and reconstruct the building used for an existing metal roofing business and to construct an addition to the building used for the existing feed mill business on property owned by Maynard or Shirley Miller, located on the west side of Tinkling Spring Road (Route 608), just north of the intersection of Tinkling Spring Road (Route 608) and Yoder Circle in the South River District.

Mr. Maynard Miller stated that he would like to construct an addition to the feed mill. He would like to load the truck without being in the weather. He would also like to expand the building for his metal roofing business and it will be also be used for his farm operation.

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

There being none, Chairman Shreckhise declared the public closed. He stated that the Board visited the site and the Board commented on how tidy the site was.

Vice Chairman Coyner stated that the feed mill and the farm machinery are all kept neat and orderly. He stated the applicant does a good job at the site. He stated that they provide a valuable service to the community. He mentioned they have not received a complaint on what is being done at the site. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to enlarge or reconstruct the building used for the metal roofing business to 60' x 100' and to construct a 14' x 32' addition to the feed mill building.
2. Be limited to three (3) employees other than family members.
3. All equipment, machinery, and materials for the roofing business be kept inside the building.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Hours of operation be Monday – Saturday 7:30 a.m. to 6:00 p.m.
6. No Sunday work.
7. No further expansion of the roofing business.

Ms. Brown seconded the motion, which carried unanimously.

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STEPHEN WALLER, AICP, AGENT FOR VERIZON WIRELESS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Stephen Waller, AICP, agent for Verizon Wireless, for a Special Use Permit to construct a wireless telecommunications facility including a tower and associated ground equipment, on property owned by Daniel F. and Harlan Lee Shinaberry, located approximately 2/3 of a mile south of the intersection of Deerfield Valley Road (Route 629) and Marble Valley Road (Route 600) in the Pastures District.

Ms. Lori Schweller stated she is the representative for Verizon Wireless. She stated that there is no coverage in the Deerfield area. She displayed for the Board the propagation map for the current coverage and the proposed coverage in the Deerfield area. She stated that green is excellent, yellow is good, and red is less than good coverage. She stated that Verizon Wireless Services include: cell phone, text, page, email, wireless high-speed internet, down/uploading documents, streaming video, and 911 accessibility which is the most important of all. She stated that this tower will be an asset to the area. She mentioned there will be room on the tower for other carriers to co-locate including the County. She stated there would be a right of way along the road. She stated that this Special Use Permit conforms to the Comprehensive Plan and the policies of the County. She mentioned that it will not have an adverse impact on the surrounding neighborhood. She stated that this will include high speed internet which will help the library and community center as well as the local schools. She stated that this site will be a rent free co-location for the County. She stated that the operating conditions would be the same as the Skyline Drive site.

Vice Chairman Coyner asked what is the elevation on the tower?

Ms. Schweller stated that it is on a slope. She stated that it will be visible only for one side.

Vice Chairman Coyner stated that it will be over 200', therefore, it would need to be lit.

Ms. Schweller stated that the tower will be 289' including the four (4') foot lightening rod.

Vice Chairman Coyner asked if the tower would be painted?

Ms. Schweller stated that it will be a stainless steel surface.

Ms. Brown asked if lattice or the monopole would be the strongest?

Ms. Schweller stated the lattice is strongest for this height. She mentioned the monopole towers would not be useful over 200' and all equipment with four (4) co-locaters would require lattice because of all the weight.

Ms. Brown asked how far would the signal go?

Mr. Stephen Waller explained the different frequencies and technologies. He stated that the ideal situation would be further than three (3) miles. He stated that 4G service will come down the road in about a year or two. He stated the higher populated areas are the test markets but all of the infrastructure will be put in place. He anticipates it being nationwide in 2012.

Mr. Wilkinson stated that the ground elevation is 2,200'.

Ms. Brown asked if this would be the tallest tower in the County?

Mr. Wilkinson stated that there are a couple other towers that are taller.

Ms. Schweller stated that this tower complies with all regulations except for the 110% of the height of the tower fall zone requirement. She stated that if approved they are proposing to get a boundary line adjustment so that they will comply with the fall zone requirements of the tower. She stated that currently the lots are owned by the same property owner and the boundary line adjustment will not be a problem. She stated that the owners prefer not to do that but she thinks it is the best solution.

Vice Chairman Coyner stated that currently both properties are owned by the same owner. He mentioned that may not always be the case.

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

Mr. George Condyles stated that he is the President of Atlantic Technology Consultants in Mechanicsville. He stated that he has been the County's consultant for a few years now. He stated that the Deerfield area service is very poor. He stated that the entire Deerfield area is without service of any carrier. He stated that once the tower is built and Verizon will be on top, then other carriers like AT&T, Cingular, US Cell, etc. will co-locate. He stated that the Fire and Rescue control station is at 2,200'. He stated that this is a great site for the County's 911 equipment. He stated that this tower would be a great addition to the County. He stated that he has reviewed the plans and this tower is a good thing as well as the boundary line adjustment.

Vice Chairman Coyner asked how heavy are the monopole towers?

Mr. Condyles stated every bit of a ton. He stated the tower moves with the wind and it needs to be supported. He stated that typically you do not see a monopole over 200'. He stated that carriers will come out once the tower is placed. He stated that this is a very positive thing for the County. He stated that the lighting will be a soft red beacon and not a high intensity strobe that you would see near an airport.

Ms. Brown asked if 911 would still have good coverage?

Mr. Condyles stated that this tower is very important because they will have greater coverage. He stated that a civilian can dial 911 on their cell phone. He stated that this tower creates a greater opportunity to respond as well as quicker response times. He stated that on a scale of 1 to 10, Augusta County is a ten (10) with their tower services. He stated that they have received good applications, the citizens want the coverage, and the requests serve the entire community. He stated this County has had logical growth. He stated this will help with economic development.

Chairman Shreckhise thanked Mr. Condyles for the good job he has done. He stated this Board is more comfortable with these types of requests because of their consultant work. He feels they have come a long way since the first request. He asked if there was anyone else wanting to speak in favor, or in opposition to the request?

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

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

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. The property owner will submit a boundary line adjustment as shown on the site plan and meeting the requirements of Article II "Minor Subdivisions" of the Augusta County Code to be approved by all appropriate departments and/or agencies in order to meet all setback requirements.
3. The applicant will submit information necessary to comply with Section 25-68.7 "Bonding" of the Augusta County Zoning Ordinance.

Operating Conditions:

1. Be permitted to construct a 289' lattice style telecommunications tower.
2. No additional landscaping or buffering is required.
3. Tower design will allow a minimum of five (5) co-locators.
4. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunications purposes. The tower shall be disassembled and completely removed from the site within 180 days of such notification.
5. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.
6. Augusta County shall be allowed, at its request, to use a mutually agreed upon location on the monopole for County emergency communications, subject to the following conditions:
 - Rent-free if solely for use by the County police, fire, rescue, and/or other emergency communication services.
 - In accordance with the *Verizon Wireless Collocation Guidelines* (included with the application).
 - Application submitted with equipment specifications.
 - Written no-rent license agreement between the County and Verizon Wireless.
 - Subject to space availability and structural capacity without the need for extensions or structural modifications (unless approved by and installed by Applicant at the County's sole cost and expense); provided, however, that when only one space for collocation remains on the monopole, the County shall have the right of first refusal before any additional carrier is allowed to collocate, including ground space, not to exceed 10' x 10', for its communication needs, without any charge. This otherwise perpetual reservation may be waived at the discretion of the County Administrator, and this right of first refusal shall expire upon the earlier to occur of the tower (a) being removed; or (b) reaching full capacity.

Ms. Brown seconded the motion, which carried unanimously.

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BOARD OF ZONING APPEALS ANNUAL REPORT 2010

Mr. Wilkinson presented the Board of Zoning Appeals Annual Report for the year 2010.

Vice Chairman Coyner moved that the report be approved.

Mr. Callison seconded the motion, which carried unanimously.

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STAFF REPORT

- 10-10 Godley, Lynne
- 10-11 Henderson, Jerry M. or Casandra M.
- 10-12 Armstrong, Rosalee K.
- 10-13 Hall, Philip C. or Teena V.
- 10-14 Shuler, Jackie H. – **Withdrawn**
- 10-15 Defibaugh, Gary S.
- 10-16 Klein, Leonard C.
- 10-17 Clemmer, J. Frank
- 10-18 Hostetter, Larry W.
- 10-19 Meadows, Eugene D. or Mary B.
- 10-20 Wilkinson, Richard K. or Jill R.
- 10-21 Kennedy, Larry E.
- 10-22 Yankey, Terry R. or Melodie K.
- 10-23 Irvine, Beverley A.
- 10-24 Young, Robert D. or Ann M.
- 10-25 Turn Key Properties, LLC

Mr. Wilkinson stated that all Special Use Permits are in compliance with their operating conditions. He stated that SUP#10-19 will be coming before the Board next month in order to increase the number of events to at least one a year. He stated that the civil war events were quite a success last year.

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

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

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Chairman

Secretary