

December 1, 2011¹⁰⁴

PRESENT: S. F. Shreckhise, Chairman
G. A. Coyner, II, Vice Chairman
T. H. Byerly
J. R. Wilkinson, Zoning Administrator & Secretary
Pat Morgan, County Attorney
Timothy K. Fitzgerald, Director of Community Development
B. Cardellicchio-Weber, Administrative Assistant

ABSENT: D. A. Brown

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 1, 2011, at 8:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:30 a.m.** 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:

- **John Michael Chapple - Special Use Permit**
- **Jonathan Yates, agent for Beacon Towers and AT&T - Special Use Permit**
- **Nick Collins, agent for Weatherman-Collins Contracting, LLC - Special Use Permit**
- **Craig Williams, agent for The Churchville Volunteer Fire Department - 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: S. F. Shreckhise, Chairman
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 Pat Morgan, County Attorney
 Timothy K. Fitzgerald, Director of Community Development
 B. Cardellicchio-Weber, Administrative Assistant

ABSENT: D. A. Brown

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 1, 2011, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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Chairman Shreckhise requested that there be a brief moment of silence for Board of Zoning Appeals member Waller Callison who passed away.

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Mr. Byerly moved that the minutes from the November 3, 2011, meeting be approved.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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JOHN MICHAEL CHAPPLE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John Michael Chapple, for a Special Use Permit to have a beer brewery on property he owns, located at 769 Pine Bluff Road, Waynesboro, in the Middle River District.

Mr. John Michael Chapple stated he is interested in establishing a small brewery on his property. He mentioned his vision is three fold. He stated during difficult economic times malt beverages have done very well. He would like to engage the local economy and with this enterprise the brewery will produce ten (10) barrels a month maximum. He stated the materials come from the farm and distributed by him. He mentioned there will not be any

retail traffic. He stated this would be the first brewery in the County in a long time. He is starting the operation as small as possible. He will be composting used materials and using it for chicken feed but the vast majority will be used for certain types of gourmet mushrooms. He stated it is their intention to move to a farm offsite in the future. He stated they have an agreement with a local farmer to grow the barley seeds. He stated this site would be a second operational site. He stated there will be no environmental impacts. He mentioned the noise levels will be less than 30 decibels and the waste products will be composted materials and water. He stated his facility uses propane equipment. He stated there are no greenhouse gases and there are solar panels located on the building. He stated with this being his home and the church nearby, there will be no commercial traffic or no employees. He stated it is his intention to move out to a commercial facility when the time is appropriate to do so. He mentioned malted beverages are opportunities, we as an agriculture base can enjoy. He would like to expand this idea because no one is growing hops in the County. He stated locally grown products in the Shenandoah Valley are well accepted and it becomes an icon.

Vice Chairman Coyner asked if there would be any impact with odors?

Mr. Chapple stated no odors.

Vice Chairman Coyner stated the Board visited the site this morning and asked why the applicant would put the operation so close to the southeast property line.

Mr. Chapple stated a portion of the small blue building will be used as the brewhouse. He stated the structure is eighty (80') feet from the closest residential structure. He stated the other building was there when he bought the property.

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

Mr. Richard Crawford, 409 Smith Street, Waynesboro, stated that he opposes the request. He mentioned in 1945 he became a member of the Mt. Bethel Baptist Church. He stated the church has always been teaching about growth and alcohol to the young people. He stated if the children knew what was going on next door they would not be able to teach them about alcohol. He stated this should not happen for the church. He stated youth come on Wednesday night. He stated the applicant should wait until they have another location to start this business. He stated they have school Sunday morning. He is opposed to this request.

Mr. Calvin Woodson, 1109 Alston Court, Waynesboro, stated he is the trustee of Mt. Bethel Baptist Church. He stated the church has been there for 141 years and it has done major renovations in the last year. He stated we need what the church teaches in Augusta

County. He stated the church teaches children what is right in this world. He stated this request is eighty-five (85') feet from the church. He stated there will be fumes from the brewery. He asked how would the Board like a brewery next to their property. He stated the church has invested in this property. He stated the applicant has six (6) acres. He questioned why would he put it eighty (80') feet away from the house. He stated this request is wrong and they oppose it. He stated if the Board permits this request, he would request that the applicant be required to put up a six (6') foot quality fence as a buffer.

Ms. Joann King, 733 Chestnut Ridge Road, Staunton, stated she is a member of the church. She heard about the brewery and saw two articles in the newspaper. She understands what farmers are up against to increase their revenue in the County but they only have a little rail fence that separates their church property from the Chapple's property. She stated they use well water at the site. She asked where the water is going. She stated grain is combustible. She mentioned New Hope Fire Department is not always at their site. She stated this is the first brewery site. She stated this is a test site and the Board needs to look at it and get it right for the church and anyone else in the community. She stated that there will be a problem with the water supply and grain. She also suggested that the fire department should have an input with this request. She is opposed to this until they come up with solutions.

Mr. Richard Woodson, 225 Hickory Hill Lane, Fishersville, stated he is a member of the church for approximately fifty (50) years. He is here today to oppose this site for the brewery. He stated they tell youngsters to stay away from drugs and alcohol. He does not think they will send a clear message if there is a brewery next door. He stated it does not matter how much he is brewing but what is brewing can sneak in their door. He stated perception goes a long ways with children. He stated youth is at the site on Sunday and Wednesday evening. He stated the alcohol can be consumed fifty (50') to eighty (80') feet from their property. He stated they are trying to teach children there is another way to go. He stated it would be wrong to have this type of operation so close to the church property. He stated they requested that the brewery be moved to a more appropriate site. He stated they don't want the perception that it is right to brew beer on Sunday as well as the remainder of the week.

Ms. Willie Washington, PO Box 747, Fishersville, stated that she is the pastor of the church. She does not see anything Christian about having a brewery near the church. She stated Mr. Chapple did not respect the church on Sundays when he was building and how do we know that he is going to now. She stated Mr. Chapple should wait until he has another site. She mentioned why would he want to be this close to a church.

Mr. Richard David Crawford, Jr., 31 Jester Court, Stuarts Draft, stated he strongly opposes the Special Use Permit. He stated this has already started to impact the church. He stated that Mr. Chapple was outside building, sawing, and hammering the proposed brewery site.

He sees this every Sunday morning. He stated the number of services has increased for the church. He stated that Baptism pool is also behind the church. He mentioned Sunday school sometimes takes place outside. He stated it is not fair to the congregation to see this brewery. He suggested a quality fence be put up if the request is approved. He mentioned the applicant can already brew for his personal use and the maintenance of the building will continue. He stated the children of the congregation could wonder over to the site just out of curiosity. He stated someone could potentially bring the beer onto their property. He would highly oppose the request.

Chairman Shreckhise asked if there were activities on Sunday morning?

Mr. Crawford stated at least the last three (3) Sundays he arrived at church and Mr. Chapple was working in the brewery.

Chairman Shreckhise asked if the church was able to continue with their services?

Mr. Crawford stated that they do have people on the outside listening and it is hard for them to hear. He stated Mr. Chapple's activities do impact the church.

Mr. Stephen Kennamer, 457 Pine Top Road, Fort Defiance, stated that he is the owner of the property adjacent to the church and they are currently renting the property. He stated the church has always been a good neighbor to him. He stated that Mr. Chapple has always been a good neighbor as well. He stated the church only has one service on Sunday. He feels Mr. Chapple can agree to keep quiet on Sundays. He stated the applicant is not requesting a new building. He stated the applicant will create no odors. He stated noise would be the only concern to him. He would not have an objection if no new building is being built. He asked if there would be a sign on Pine Bluff Road.

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. Chapple stated the noise on Sunday was due to the construction of the house. He stated Mr. Crawford is correct, he was trying to finish the larger barn to get a room on it. He stated that he is using the small building as a brewhouse. He would stop working on Sundays and will not produce any noise. He stated they will not have signage or traffic. He stated this is not a retail facility. He stated that he will not promote abuse of alcohol or encourage it. He stated there is a large area of woods for privacy and he has also started planting a hedge row. He is interested in the growth of the church and he is committed to being a good neighbor.

Chairman Shreckhise asked how many acres is the site?

Mr. Chapple stated six (6) acres total.

Chairman Shreckhise declared the public hearing closed. He stated that it is a shame that the applicant did not cut down on noise while the church services were going on. He is not sure that this is the right place for it. He stated that Mr. Chapple has the right to brew a certain amount of his beer for personal use and drink it on Sunday but they are here because the applicant is requesting a commercial operation.

Vice Chairman Coyner stated the Board visited the site this morning. He feels this request is in close proximity to the church. He stated the applicant owns six (6) acres of property. He stated the building is right on the property line. He mentioned this is not the best thing to do.

Mr. Byerly stated the proximity of the brewhouse to the property line is his biggest concern. He suggested another location, perhaps to the rear of the property line would be best.

Chairman Shreckhise stated the Board is not leaning toward granting the request. He asked if the applicant would like the opportunity to table the request until next month so that the discussion can be continued with the other Board member.

Mr. Chapple stated he does not have a problem with that but asked why they are concerned because the building is eighty (80') feet from the church.

Vice Chairman Coyner asked if the applicant would be able to move the operation?

Mr. Chapple stated that it is not cost effective for him at this time to move the building. He mentioned it would be an expensive undertaking.

Chairman Shreckhise asked if the applicant would like to table the request?

Mr. Chapple stated yes.

Chairman Shreckhise stated that hopefully they will have a full Board for the next discussion.

Mr. Byerly asked if the opposition should attend the meeting?

Chairman Shreckhise stated that sometimes the Board has opened the request up again for public comment but the Board is not required to. He stated they will hear briefly from

the applicant. He stated if the opposition would like to have a representative to speak that would be fine. He stated there is a lot of opposition with this request.

Vice Chairman Coyner moved that the request be tabled until January 5, 2012.

Mr. Byerly seconded the motion, which carried unanimously.

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JONATHAN YATES, AGENT FOR BEACON TOWERS AND AT&T - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jonathan Yates, agent for Beacon Towers and AT&T, for a Special Use Permit to construct a new wireless telecommunications facility on property owned by D. Perry and Emily L. Hostetler, located at 95 Sulfur Pump Road, Weyers Cave, in the Middle River District.

Mr. Jonathan Yates stated he is the agent for Beacon Towers and AT&T. He stated this is the first time working on a project with Mr. Wilkinson. He mentioned Mr. Wilkinson has been an incredible help through the process as well as George Condyles. He mentioned AT&T has a tower on Interstate 81/Weyers Cave Road and in Grottoes but they are left with coverage deficits. He mentioned they would like to provide wireless and advanced broadband. He stated they were working with the airport consultants. He stated that they can go up to 209' tall but they are only asking for 150'. He stated they are even going forty-nine (49') feet lower than what was approved with the airport consultants. He mentioned this location met coverage objectives. He stated the tower will be a good size distance away from any property lines. He mentioned 750' from the front, 495' to the rear, 780' to the north, and 424' to the south property lines. He stated the closest dwelling is 495'. He stated they will lease a 90' x 90' area with a 60' x 60' fenced area that is six (6') feet tall with three (3) strands of barbwire. He stated the engineer certified the fall zone of the tower. He mentioned the tower can withstand 95 mph basic wind speed. He stated they will plant fifty (50) Leyland Cypress trees in two (2) staggered rows. He stated the FAA approved the tower for 150' with air navigation lighting due to the proximity of the airport. He stated traditionally these have been white strobe lights but they will be using a dual mode light which is white during the day and soft red at dusk. He stated the way the tower is designed it will not have any affect on surrounding properties. He mentioned they have met all of the ordinance requirements. He stated they have met and have gone above all of the requirements with the tower. He stated they do have customers in the County that have a deficit area with AT&T. He stated this was not an easy placement. He stated this technology is 21st century infrastructure. He would request an opportunity to table if there needs to be more questions answered. He stated this request is vital to the area.

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

Mr. Kevin Ward, 1627 Weyers Cave Road, Weyers Cave, stated that he is the closest parcel to the tower. He stated that extra income is helpful and technology is needed in the County. He is unsure if this is needed in the community or just for a few people. He stated his family uses Ntelos which is an Augusta County Company. He has no problem getting cell phone and internet using Ntelos. He stated that his daughter's best friend uses Verizon and his sister has AT&T and they have never had a problem in the area. He does not understand the need for this tower. He stated there are already towers in place that are working. He went on the internet and located the site called antennasearch.com and it located ten (10) towers within four (4) miles of his address. He stated two (2) towers are within .79 miles from his address. He asked why is there a need for another one. He stated his front door faces the proposed tower site. He has been there twenty (20) years and this will impact him the most. He stated Mr. Hostetler did not come to him to tell him about the tower. He spoke with staff and they said there would not be a light and now they are finding out the tower needs to be lighted. He can even see a blinking light from the airport. He stated even really low light could be a bothersome thing. He asked when the tower goes up will property values go down. He asked a realtor if their property values would go down or stay the same and they said in their opinion, it would be harder to sell the property once there is a tower and they would have to get less money for their property. He mentioned in Germany and Israel the government has done studies that the towers create an increase for Leukemia and Cancer. He stated our government says there is no proof of that. He stated years ago our government said asbestos is ok but we know better now because asbestos does have health concerns. He does not want to be the guinea pig for the government. He stated the County should be willing to keep the residents safe and out of harm's way. He wants it to be safe for all. He stated that Mr. Hostetler, AT&T, and the County will possibly gain money from this but the community will lose on all sides.

Ms. Dorothy Rowe, 202 Sulfur Pump Road, Weyers Cave, stated her property is in the northwest corner across Mr. Hostetler's property. She tried to call him but his phone is disconnected. Her first concern is the historic affect of the property. She stated there is an octagonal barn down on Snowflake Road. She stated there is only one other octagonal barn in Virginia. She stated the property over the river is significant because Stonewall stayed there after battle. She stated her property is where Hotchkiss and JD Craig had dinner on June 26, 1962. She stated JD Craig owned her property. She stated they are not on the historic registry. She stated that it will be a terrible mistake to put further ugly things on their farm. She stated it will take away from the beauty. She stated they only checked the historic society on a national level. She does not think they checked on a state or county level. She stated they were probably not even aware of the three (3) historic houses significance or maybe even the octagonal barn. She stated this tower will decrease property values. She stated there are plenty of farmers that would be glad to

entertain a site on their property for income. She stated with Verizon in the area there are no dead spots and the phone service is good. She stated broadband is in bad shape. She still uses dial up on AOL. She feels they have a need for broadband. She does have a problem with AT&T because they notified her that they would no longer be providing long distance service to the area. She stated AT&T does not have the best reputation. She stated the consultant is giving a recommendation of approval, something is not right when he is soliciting business in the same letter. She stated pine trees have a tendency to have trouble with diseases. She stated the Crown tower in Grottoes has little brown Christmas trees. She stated there is no provision to have them watered. She stated the trees need to have a source of water in order for them to grow. She mentioned Mr. Hostetler will have a five (5) year contract with them and it would automatically be renewed nine (9) more times. She asked who would take the tower down if Beacon Tower sells it. She asked if the property owner would be responsible. She cannot envision the Hostetler's taking down this tower if it is no longer in use. She asked the Board to think about this a little more before approving it. She would hate for this to reduce the property value of the surrounding sites. She stated they already have cell phone service and they may not do broadband right away. She stated they may be able to move it to another site. She would suggest if the tower is placed on this property, it be moved forward so that it is not so close to Mr. Ward.

Mr. Alvah Mattox, Jr., 1432 Weyers Cave Road, Weyers Cave, stated the Weyers Cave to Grottoes area is very pretty. He stated that this is the first time that he has found out about the blinking light since he got the notice in the mail. He stated the tower will sit right behind his house. He stated the blinking light will affect a lot of people. He stated they were told that the tower would be non-lighted. He has major concerns if the blinking light is shining in their bedroom.

Mr. Wilkinson clarified that the original proposal was for a non-lighted tower in both the Administrative and Special Use Permits. He stated on November 28, 2011, they received a revised letter from the FAA requiring the tower to be lighted due to the close proximity of the airport. He stated the FAA changed their mind and now is requiring the lighting.

Mr. Mattox stated that his only concern is that it was not going to be in front of the house but now he has some major objections with the tower having a blinking light. He stated many of the neighbors did not come because of the tower not having lighting. He is disappointed with the application change. He stated this will reduce property values. He mentioned again, the blinking light is a major objection.

Mr. George Condyles stated he is the President of Atlantic Technology Consultants and he is the County's tower consultant. He stated there is Verizon and Ntelos cell phone coverage in the area. He stated the future is wireless broadband. He stated the tower will dictate the number of subscribers and the capacity. He mentioned that it is news to him

too that the tower will need to be lit. He stated as a historian he is in tune to historic preservation. He stated there are several steps they take and one is a NEPA analysis. He stated there is a ten (10) question checklist studied by an independent consultant and then given to the state historical preservation office and they make the ruling on whether they feel it does or does not have any impact. He stated the study for this tower came back that it would have no adverse impacts. He stated the octagonal barn is the only one other than in Mount Vernon, Virginia. He stated in their report on page seventeen it shows a 150' silo. He stated that the tower may be camouflaged as a silo to lessen the visual impact to the neighbors. He stated the communications equipment would be on the other side. He feels that this would be the middle ground that they should seek. He stated this tower will tie into other towers or a fill in tower in order to bring broadband to the community.

Chairman Shreckhise asked if the study should be resubmitted due to the fact of the FAA is now requiring a light?

Mr. Condyles stated that he does not think the light will impact the historic significance but they can look at what is the maximum height they can have without the tower being lit and it could also be camouflaged as well.

Chairman Shreckhise stated the Board cannot take the health impact under consideration.

Mr. Condyles stated that health impact is not this Board's consideration. He stated the Board cannot use that as criteria for making their decision. He explained there are two (2) types of exposures, public and occupational. He stated the FCC has strict guidelines on measuring a facility. He stated this Board cannot use that as a decision making tool. He stated this tower meets all of the standards of the ordinance.

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

There being none, Chairman Shreckhise asked Mr. Yates to speak in rebuttal.

Mr. Yates stated there is an irrevocable letter of credit or surety to ensure removal of the tower. He stated that if Beacon goes away the County has the bond to remove the tower. He stated that AT&T does have a deficit here and want to bring broadband to the area. He stated that the alternative site shown on the search did not work out. He stated due to the proximity of the airport the FAA is requiring the 150' tower to be lit. He stated the lights will not be the same as an aviation tower. He asked if the Board can table the request for thirty (30) days in order to give Beacon and AT&T time to do a little more work and possibly some modification to the tower.

Chairman Shreckhise asked if there is another location on the site for this tower?

Mr. Condyles stated the proposed tower is being placed in the best location and gives the best signal for the community. He mentioned they look at other tower sites and they visit all potential locations. He stated that they went to all of the tower sites and this is the best location. He stated that it is located on a downhill slope about thirty (30') to forty (40') feet below the center line. He stated that it could not be seen all that much. He feels the solution is to camouflage the tower for the least impact. He would not have a problem with them even moving it 100' in one direction.

Chairman Shreckhise asked if the historical impacts should be readdressed due to the FAA requiring the tower to be lit?

Mr. Condyles stated he does not think that the preservation office would be dealing with lighting. He stated they can eliminate lighting by dropping the tower down ten (10') feet and possibly camouflaging it and no one will no it is even there.

Chairman Shreckhise declared the public hearing closed.

Mr. Byerly stated that he has no problem supporting the request. He has a 400' tri-pole next to him in sight of his mother's historic home. He stated that after a year you do not even notice it. He feels the monopole would be much better than a 150' silo.

Chairman Shreckhise stated that he would like to see better communication between the neighbors and applicant. He stated this needs to be thoroughly researched.

Vice Chairman Coyner stated the neighbors had a lot of good questions. He moved that the request be tabled to the January 5, 2012 meeting.

Mr. Byerly seconded the motion, which carried unanimously.

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NICK COLLINS, AGENT FOR WEATHERMAN-COLLINS CONTRACTING, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Nick Collins, agent for Weatherman-Collins Contracting, LLC, for a Special Use Permit to reopen and continue the existing asphalt plant on property owned by Abner N. Johnston, IV, located at 5045 Cold Springs Road, Raphine, in the Riverheads District.

Mr. Nick Collins stated that he is representing Weatherman-Collins Contracting, LLC of Staunton to request a Special Use Permit to modernize and reopen an existing asphalt

plant located on Route 608 near Steeles Tavern/Vesuvius/Raphine in southern Augusta County. He is accompanied by his partner Chuck Weatherman who resides at 124 Baldwin Lane. He stated they are both Augusta County residents and have worked their entire careers with local asphalt and concrete businesses. He stated that they have entered into an agreement with Abner N. Johnston, IV to purchase the physical asphalt plant and to lease the property at the current location. He stated their initial plan was to purchase, disassemble, and relocate to another site. He mentioned after evaluation, they determined that it was more practical to renovate and modernize this location and to let future market conditions dictate if it should be relocated. He stated their primary objective is to manufacture asphalt for their own internal use. He stated currently they must purchase asphalt from other producers who are also their competitors. He stated their second objective will be to sell products to other installation contractors and possibly the State of Virginia (VDOT) for maintenance applications. He stated pending the outcome of this hearing, he will submit an application to the Department of Environmental Quality (DEQ) to acquire an air permit for asphalt plants. He stated this application will address all technical and environmental elements related to the operation of this plant and the DEQ will be the frontline regulatory authority. He stated typical months of operation will be March to December with the highest demand for asphalt occurring from April to November. He mentioned in limited situations asphalt can be produced and laid in January and February. He stated the operation of this facility will create three (3) additional jobs which are plant operator, laboratory technician, and yardman. He stated the proposed hours of operation will be 7:00 a.m. to 7:00 p.m. Monday through Friday. He would request that the Board amend staff's recommendation regarding Saturday hours and allow operation of the plant from 7:00 a.m. to 4:00 p.m. He stated during the current year of 2011, they have worked a total of three (3) Saturdays. He stated in regard to truck traffic, if you take the tons of asphalt that they have purchased this year from other vendors which is approximately 8,000 tons and divide it by the number of working days from March to November (235 days), you will calculate that this would add an average of three (3) trucks per day. He mentioned if they use the seventy (70) loads per day at maximum the plant output they could haul this year's asphalt purchases in about eight (8) straight days. He stated neither of these examples represents true reflections of daily production demands. He stated it is challenging to analytically analyze this data considering all of the variables that could apply. He stated what it does illustrate is that truck traffic, while increasing, will not create an overbearing scenario in regard to highway use. He stated that staff has recommended one way ingress using Route 56. He feels that Route 667 provides a safer travel for both ingress and egress. He would request you consider amending this recommendation to allow unrestricted ingress and egress. He stated the folks at Weatherman-Collins Contracting are good Augusta County people and he pledges to the residents of southern Augusta County that they will be good neighbors and environmental stewards as they operate the business.

Mr. Wilkinson stated that there have been a lot of changes in the last couple of years to the state road system. He stated there is a new sign prohibiting the use of Route 56. He stated that stipulation was on the old permit. He stated the Board visited the site today. He stated the applicant cannot use that route any further.

Mr. Collins stated they would access the plant on Route 667 which has been improved over the years.

Chairman Shreckhise asked what the maximum load per day would be?

Mr. Chuck Weatherman stated they will not go over seventy (70) loads per day.

Vice Chairman Coyner asked about night time hours?

Mr. Collins stated they prefer to work during day light hours. He stated they did work in Richmond and Wal-Mart in Lexington during the evening hours and the mixed was supplied by a vendor in Lexington.

Vice Chairman Coyner asked if they will have the ability to control unruly drivers?

Mr. Collins stated they will have complete control of the drivers.

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

Mr. Gray Brooks, 639 Dabneys Road, Raphine, stated the quarry has been there for twenty (20) years. He has never known of an accident on Route 667. He stated they control the trucks good.

Mr. Abner Johnston, 733 Dabneys Road, Raphine, stated that he is the owner of the property and operator of the quarry. He is in favor of all of this. He stated there is only one other asphalt plant in the County. He stated the number of trucks has been addressed. He stated the first week in May they had 141 tickets in a week but that was their busiest week.

Mr. Larry Cash, 2774 Old Greenville Road, Staunton stated that he is the owner of Tonka Excavating. He stated this venture will create jobs in Augusta County and spur growth in the southern part of the County. He stated this is a good tax base as well. He stated they will be good neighbors.

Ms. Belinda Wilhite, 562 Dabneys Road, Raphine, stated that they say there will only be seventy (70) loads per day. She stated the old stipulation stated one way in and one way

out. She stated there is a good amount of residential property in the area. She stated there have been no accidents but a lot of close calls. She stated there were times when she called about drivers. She stated this community is a quiet area and she is not convinced the stipulations will be abided by. She stated that there was a time when the previous asphalt plant was running 125 per day and she could see that they were running more than that. She does not want this. She would like the community to be safe. She has heard that the rock is running out. She mentioned why would they not operate at another place.

Mr. Kevin Nolley, 4758 Cold Springs Road, Raphine, stated that he has prepared a presentation for the Board. He stated that many impacts like traffic, noise, or pollution are obvious. He stated the process of making asphalt should be in an industrial zone. He stated that other impacts are not so obvious. Augusta County is a tourist visiting area and visitors spend a significant amount of dollars. He stated this facility if it's approved will sit near all of these tourism assets. He stated the facility sits at St. Mary's River which is a scenic river as well as the Mt. Joy Pond nature preserve which has a wildflower that is being endangered by the state of Virginia. He stated this is a popular hiking destination and bike route. He has submitted a petition with sixty-seven (67) signatures. He stated the community does not want this. He stated the asphalt plant has not been operated for years and there is old equipment at the site.

Mr. Zeb Harry, 6372 Lee Jackson Highway, Steeles Tavern, stated that he is downstream from the proposed plant and he has concerns of the disposition of bad byproducts of the asphalt. He stated Route 56 is not suitable for large trucks. He stated there have been standstills on the road.

Mr. Alex Sproul, 5715 Lee Jackson Highway, Greenville, stated that he is on the west side of Route 11 opposite Route 667 and he can see it all. He stated it starts at 6:30 a.m. He stated the intent is to maintain the rural area. He stated the County did not provide water and sewer in that area. He stated that the homes are on wells and septic systems. He stated that when the MeadWestvaco site came in, the number of trucks on the road increased as well as light pollution. He stated this business involves transit material coming in and out. He is glad to see Route 56 pulled off the plan due to the fact that it is an accident waiting to happen. He stated that Dabneys Road is not much better. He would hate to see that much traffic on the road. He stated the plant was supposed to move to an industrial location rather than in this site. He mentioned the plant has been closed for twenty (20) years.

Ms. Belinda Wilhite, 562 Dabneys Road, Raphine, asked if Mr. Collins would only sell to the public or to other companies?

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. Collins stated majority will be an internal use but he does intend to sell to other contractors or possibly VDOT. He stated the office is on New Hope Road and the property is not zoned properly for an asphalt plant. He stated that the water will not be an issue. He stated there will be no water runoff. He stated that asphalt plants itself are regulated by DEQ and they will modify the plan and put in new dust collectors.

Chairman Shreckhise asked if anything goes in the creek or river?

Mr. Collins stated no.

Mr. Weatherman stated the asphalt is stored in an aboveground tank. He stated they did away with containment. He stated that there has been a lot of changes with DEQ since the asphalt plant was open twenty (20) years ago.

Vice Chairman Coyner asked in the morning how long will it take to get a batch for the trucks and get them ready to go?

Mr. Weatherman stated twenty (20) minutes in the colder months and five (5) minutes in the warmer months.

Vice Chairman Coyner asked if there would be an odor?

Mr. Weatherman stated that you can smell it within 150' to 200'. He lived within a quarter of a mile of the asphalt plant and he could not smell it.

Chairman Shreckhise stated that he is familiar with the asphalt plant behind Luck Stone and the volume they produce.

Mr. Weatherman stated they produce double the capacity then what they would be able to do.

Mr. Collins stated on an average day they will produce forty (40) to one hundred (100) tons and have six (6) or seven (7) trucks to haul.

Chairman Shreckhise declared the public hearing closed.

Vice Chairman Coyner stated that it is good to hear there has never been an accident with a truck. He stated the truck drivers will work for the applicant. He stated they will take the steps necessary to stay off Route 56. He stated that Route 667 has been improved. He stated were the business to increase then it would need to be moved to somewhere that is more centrally located. He stated it takes a neighbor to be a neighbor and he feels they will do the right thing.

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

Pre-Conditions:

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

Operating Conditions:

- 1. Be permitted to add a 30' X 30' dust collection house.
- 2. Asphalt plant be limited to a maximum of seventy (70) loads per day.
- 3. Hours of operation be Monday – Friday, 7:00 a.m. to 7:00 p.m. and Saturday, 7:00 a.m. to 4:00 p.m.
- 4. Be permitted night time hours only when required by State, Federal, or Municipal road projects.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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CRAIG WILLIAMS, AGENT FOR THE CHURCHVILLE VOLUNTEER FIRE DEPARTMENT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Craig Williams, agent for the Churchville Volunteer Fire Department, for a Special Use Permit to enlarge and extend an existing nonconforming structure on property it owns, located at 3829 Churchville Avenue, Churchville, in the Pastures District.

Mr. Craig Williams stated that he is the Lieutenant for Churchville Fire Department. He would like to expand the new structure and renovate the current structure. He stated they are the largest volunteer facility and have the second largest coverage area. He stated the structure they are looking to build will be attached to the current location and the location of

attachment will be closest to the road. He stated the current structure has a five (5') foot difference from the right to left side. He stated they are building in the floodplain. He stated they will need a significant amount of fill. He stated they need enough space for the drive-thru bays and need enough clearance to make the turn. He stated they have certainly outgrown the space they are in. He feels with these additions they will not outgrow this facility. He stated they consider themselves a hub site.

Vice Chairman Coyner asked what is their timeframe to complete the additions?

Mr. Williams stated they will be completed in multiple phases. He stated they have received approval from the Board of Supervisors for the project, architectural fees, and excavation. He stated they close on the property on December 5, 2011. He stated appraisals have come in later than expected. He stated that Blackwell Engineering is working on the site plan as well as the Jennings Branch study. He hopes to have the excavation done in January or February and the demolition of the building in March. He stated midyear he would hope to complete the gravel. He stated they have gone through leaps and bounds to get to where they are today. He stated that this project also depends on funding.

Mr. Byerly asked what is the projected cost of the project?

Mr. Williams stated \$1.8 million to \$2 million.

Vice Chairman Coyner stated with the cost of this project, would it not be better to find another site possibly across the road?

Mr. Williams stated that the large majority of Churchville is in the floodplain. He stated the left side of Route 42 and on Route 250 in Deerfield all have floodplain issues. He stated this site is the perfect location for them to access all points and serve the community.

Mr. Byerly asked if they will seek financing?

Mr. Williams stated the Board of Supervisors and investors will be putting some money into the project and they will take out a loan but they will also rely on fundraising efforts.

Mr. Byerly applauds the efforts of Mr. Williams. He stated this is an ambitious campaign. Mr. Williams stated they contacted Bear Funeral Home to see if they would sell them some property but they refused to sell. He stated there is no visibility passed Route 42. He stated Route 250 is a busy road. He stated they are working hard with the hand that they got dealt. He appreciates all the community input.

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

Mr. Bobby Guin, 3820 Churchville Avenue, Churchville, stated that he owns the house across the road. He stated the ditch to the left side of the road is an open ditch which has water running down there. He stated there needs to be a big pipe there.

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

There being none, Chairman Shreckhise asked Mr. Williams to speak in rebuttal.

Mr. Williams stated that they are working with Blackwell Engineering and VDOT on that issue. He stated that currently it is not adequate to carry the water. He stated that is part of their project to address the drainage issues. He stated their options are a box culvert or a larger pipe under the ground. He stated they want to redirect the water flow all back to Jennings Branch.

Chairman Shreckhise stated that it sounds like the problem is being addressed. He declared the public hearing closed.

Vice Chairman Coyner stated the Board visited the site this morning. He stated the Board will need to give them time to construct the additions and come up with the funding. 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. Submit a boundary line adjustment plat to combine the lots.

Operating Conditions:

1. Be permitted to construct the addition to the firehouse as depicted on the BZA review plan.
2. Applicant be given five (5) years to complete the project.

Mr. Byerly seconded the motion, which carried unanimously.

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CRAIG WILLIAMS, AGENT FOR THE CHURCHVILLE VOLUNTEER FIRE DEPARTMENT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Craig Williams, agent for the Churchville Volunteer Fire Department, for a Special Use Permit to enlarge and extend an existing nonconforming structure and alter or reconstruct a second nonconforming structure on property owned by Doris L. Siron (Life), located at 3841 Churchville Avenue, Churchville, in the Pastures District.

Mr. Wilkinson stated that there are two (2) properties involved with these requests. He stated the applicant has a contract to purchase the property. He stated the building addition will extend over the property line.

Chairman Shreckhise stated that this was previously addressed. He stated the applicant is taking the appropriate measures to address all concerns. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

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

Mr. Byerly 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. Submit a boundary line adjustment plat to combine the lots.

Operating Conditions:

1. Be permitted to construct the addition to the firehouse and reconstruct the existing garage as shown on the BZA review plan.
2. Applicant be given five (5) years to complete the project.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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OLD BUSINESS AND MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

TERRY ARGENBRIGHT - SPECIAL USE PERMIT

A request by Terry Argenbright, for a Special Use Permit to have a sports park facility with outdoor and indoor recreation including a motocross track, BMX track, skate park, soap box derby track, overnight recreational vehicle parking, outdoor stage events, and a paintball facility on property owned by Augusta County Company, LLC, located on the northwest side of Lee Jackson Highway (Route 11), approximately .1 of a mile south of the intersection of Lee Jackson Highway (Route 11) and Peyton Hill Road (Route 659) in the Riverheads District. - **TWO YEAR EXTENSION OF TIME REQUEST AND CANCELLATION REQUEST**

Mr. Wilkinson received a written request from Mr. Argenbright on November 14, 2011, to immediately cancel the permit. He has cancelled the permit but left this item on the agenda to go over the item during the public hearing.

Vice Chairman Coyner moved that he supports the request to cancel the permit and acknowledges the decision of the Zoning Administrator that the request is cancelled. He stated that Mr. Argenbright will still be responsible for the cleanup of the site.

Mr. Byerly seconded the motion, which carried unanimously.

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STAFF REPORT

- 11-6 David L. or Kimberly D. Hepler
- 11-7 James F. or Laura K. Vines
- 11-8 Bonnie P. Macrae
- 11-9 Brian C. or Jennifer L. Hoke
- 11-10 Eugene D. or Mary B. Meadows
- 11-11 Linda S. Rexrode
- 11-12 David L. Gardner
- 11-13 B & S Contracting, Inc.

Mr. Wilkinson stated that SUP#11-6 is in compliance. He stated that the Vines building is under construction and as soon as it is completed the Board has been invited to visit SUP#11-7. He stated that SUP#11-8 is in compliance. He stated that SUP#11-9 withdrew their request. He stated that SUP#11-10 is in compliance. He stated that SUP#11-11 was sent a letter due to the fact that the pre-condition was not completed. He stated the Board

approved a new request for SUP#11-12. He mentioned that SUP#11-13 is in compliance.

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

Mr. Morgan stated no change in the court cases except that Jabelle will be heard by the Judge on December 8, 2011.

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Chairman Shreckhise asked if there were any matters to be presented from the public.

Ms. Rachel Ashby, 188 Indian Ridge Road, Greenville, stated that the permit is cancelled but they still saw them playing paintball. She saw at least ten (10) to fifteen (15) people using the paintball facility. She would like clarification that they will remove and cease the operation and bring the property to an agricultural state.

Mr. Wilkinson stated that he notified the applicant that he has ninety (90) days to remove the structures under Special Use Permit including fencing, above ground watering system, and paintball. He stated that the Argenbrights lease the property and if they can provide a letter from the property owner that they will use the paintball for their personal use then they would be permitted to do so. He stated the site cannot be open to the public and they cannot charge anyone to use the site. He stated they can bring their children to ride or use the paintball facility.

Ms. Ashby stated this was a specialty track that was created and it was not at the site before the permit was granted.

Chairman Shreckhise stated the applicant still has to take the fence down. He asked since the applicant cancelled the request does he still have to remove all of the items?

Mr. Wilkinson stated that he is waiting for the landowner to give permission for them to personally use the paintball. He stated if they could not remove the items, Community Development would move forth in perusing legal action.

Chairman Shreckhise said what if the owner wants to keep the fence up too. He would like clarification on this.

Mr. Morgan asked for a chance to look at the legalities to continue using the site personally.

Vice Chairman Coyner stated these folks have a good point.

Ms. Cynthia Williams, 326 McClures Mill Road, Greenville, stated that she would like to be notified of the decision that Mr. Morgan and Mr. Wilkinson come to. She will wait to be notified.

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

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Chairman

Secretary