

October 4, 2012

PRESENT: G. A. Coyner, II, Chairman
T. H. Byerly, Vice Chairman
D. A. Brown
S. F. Shreckhise
J. D. Tilghman
J. R. Wilkinson, Zoning Administrator & Secretary
T.K. Fitzgerald, Director of Community Development

ABSENT: Pat Morgan, County Attorney

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 4, 2012, at 10:00 A.M., in the County Government Center, Verona, Virginia.

* * * * *

The staff briefing was held at **10:00 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.

* * * * *

VIEWINGS

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **Dwight Craig, Eric Patterson, and Debbie Drinkwater Wood - Special Use Permit**
- **Lynn Kerner, agent for Global Tower Partners - Special Use Permit**
- **Julian Q. Moffett - 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

October 4, 2012

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

ABSENT: Pat Morgan, County Attorney

* * * * *

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 4, 2012, at 1:30 P.M., in the County Government Center, Verona, Virginia....

* * * * *

MINUTES

Vice Chairman Byerly moved that the minutes from the September 6, 2012, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

* * * * *

DWIGHT CRAIG, ERIC PATTERSON, AND DEBBIE DRINKWATER WOOD - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Dwight Craig, Eric Patterson, and Debbie Drinkwater Wood, for a Special Use Permit to have a Halloween event facility on property owned by David M. Bartley and Betty Sue Miller Bartley, etal, located at 221 Miller Road, Waynesboro, in the Wayne District.

Mr. Dwight Craig stated they have been holding Halloween haunt events since 2009 and they felt they needed to move forward with getting a Special Use Permit. He mentioned all proceeds go to St. Jude’s Children Hospital.

Chairman Coyner asked if they would operate for several weekends?

October 4, 2012

Mr. Craig stated they will operate on Friday and Saturday nights two weekends before Halloween and on Halloween night. He stated this year they will operate on the 19th, 20th, 26th, and 27th as well as Halloween night.

Chairman Coyner stated the Board visited the site this morning. He asked where are the customers going to park?

Mr. Craig stated they would park across from the barn and the event will be held in and around the barn.

Chairman Coyner asked if they would have someone directing traffic due to the hill at the site?

Mr. Craig stated they would have certified flagmen as per VDOT comments. He stated Commonwealth Excavating is certified to do the flagging.

Chairman Coyner asked if the events are well attended?

Mr. Craig stated the highest number they had was 170 to 180 people in one night.

Chairman Coyner asked if this is a family event?

Mr. Craig stated all groups are welcome. He stated they have a good group of people helping with the event. He mentioned they are all volunteers. He stated all of the proceeds go to St. Jude's Children Hospital.

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

Ms. Debbie Wood stated the events are all well organized. She mentioned they do not let anyone run around. She stated they make sure that everything is safe and the operation is run professionally.

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 mentioned the Board visited the site this morning. He stated the concerns about having flagmen have been addressed by the applicant.

October 4, 2012

Ms. Brown stated the applicant has taken care of all of the concerns, therefore, she moved that the request be approved with the following conditions:

Pre-Condition:

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

Operating Conditions:

1. Haunted barn events be permitted on Friday and Saturday nights in October and on Halloween night.
2. Hours be 7:00 p.m. until 10:30 p.m.
3. No outdoor music, amplified sound, or noise above 70 decibels after 10:00 p.m.
4. Flagmen will be provided during all events to direct parking of vehicles and to assist customers crossing Miller Road.
5. Porta-potties approved by the Health Department may be used for the events but must be removed within seven (7) days after Halloween.
6. Site be kept neat and orderly.

Mr. Shreckhise seconded the motion, which carried unanimously.

* * * * *

LYNN KERNER, AGENT FOR GLOBAL TOWER PARTNERS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Lynn Kerner, agent for Global Tower Partners, for a Special Use Permit to construct a new wireless telecommunications facility on property owned by Thomas Henry Curd, located at 282 Fishersville Road, Fishersville, in the Wayne District.

Mr. Dan Tully stated that he is a consultant with Global Tower Partners and is here on behalf of Mr. Kerner. He mentioned this will be a 199' non-lighted monopole tower on agriculture property. He stated they will meet all setback and landscaping plan requirements. He stated on the tower there is room for other co-locators and it will help to bring 4G coverage to the area.

October 4, 2012

Chairman Coyner asked how many carriers can be on the tower?

Mr. Tully stated there are four (4) total slots with AT&T being at the top. He mentioned the County will also have a spot on the tower.

Chairman Coyner stated there is another tower close to this area. He asked if that tower has reached the maximum capacity?

Mr. Tully stated the other tower in the area cannot support any more carriers.

Mr. Wilkinson stated the County typically asks for five (5) slots on the tower.

Mr. Tully stated their drawings show four (4) slots plus one (1) for the County.

Ms. Brown asked what would be the range of distance for the coverage?

Mr. Tully stated normally it is usually a mile of coverage area.

Ms. Brown asked if there were any concerns with the airport being nearby?

Mr. Wilkinson stated the preliminary FAA filing did not require this tower to be lit. He mentioned if this tower were to be approved the FAA would look at the request again to be sure that they would not require the tower to be lit.

Ms. Tilghman stated in the operating conditions it is recommended that the tower not be lit. She asked what if the FAA requires the tower to be lit when they review the request again?

Mr. Tully stated generally towers less than 200' are not required to be lit.

Vice Chairman Byerly stated the airport does not have a problem with this tower not being lit.

Mr. Wilkinson stated the ground elevation is higher for the other tower in Waynesboro. He stated they take everything into consideration such as the proximity to the airport and the interstate. He stated the applicant asked that it not be lit. He mentioned if the FAA changed their mind and required the tower to be lit then the applicant would have to come back through the process in order to advertise this request as a lighted tower.

Ms. Brown asked how far is the tower from Route 250?

October 4, 2012

Mr. Wilkinson stated the tower is 392' to the closest residence. He stated it would even be further than that from Route 250. He stated the fall zone of the tower needs to be at least 110%. He stated the engineer's report shows that as being the fall zone of the tower.

Chairman Coyner asked if the applicants plan on constructing the tower soon?

Mr. Tully stated yes. He mentioned they will need to get a temporary entrance from VDOT for the construction of the project as well as a site plan.

Vice Chairman Byerly asked could the Board add to the conditions that the tower not be lit unless it is required by the FAA?

Mr. Wilkinson stated in all of staff's materials it lists the tower as being non-lighted. He stated if the FAA required it to be lit the request would need to be advertised again.

Ms. Brown asked if this tower would bring 4G coverage to the area or would they need another tower?

Mr. Tully stated yes it would.

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

Mr. Thomas Curd, 282 Fishersville Road, Fishersville, stated that he is in favor of it.

Mr. Julian Moffett, 171 Annandale Farm Lane, Staunton, stated that his wife owns over thirty-five (35) acres across from the property and she has no objection to it.

Mr. James Curd, 147 Long Meadow Road, Fishersville, stated that he is an adjacent property owner and is in support of the request. He stated that he always loses coverage at his home. He stated the closest cell tower to them is full. He mentioned this site will allow co-location. He stated his children complain of not having good coverage. He stated this will provide 4G technology. He requests that the BZA approve this Special Use Permit.

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

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

Mr. Wilkinson stated Augusta County has a telecommunications consultant that reviews all applications to be sure all of the ordinance requirements are met. He mentioned that the

October 4, 2012

consultant reviews all of the technical data including the propagation maps in order to make sure the County puts the towers where it is needed. He stated the consultant found that this request met all of the criteria and they recommended approval of the request.

Ms. Tilghman stated this tower is needed in the area. She mentioned there was no one here to speak in opposition to the request. She 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 applicant will submit information necessary to comply with Section 25-68.7 "Bonding" of the Augusta County Zoning Ordinance.
3. The applicant will provide a copy of the Phase 1 NEPA/SHPO study and FAA Hazard Determination issued by the Federal Aviation Administration.

Operating Conditions:

1. Be permitted to construct a 199' monopole style telecommunications tower.
2. Tower design will allow a minimum of five (5) co-locators.
3. The tower will **not** be lighted.
4. The fenced compound area be screened by a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center and the trees be maintained at all times.
5. 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.
6. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.

October 4, 2012

7. 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.
 - Application submitted with equipment specifications.
 - Written no-rent license agreement between the County and Global Tower.
 - 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.

* * * * *

JULIAN Q. MOFFETT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Julian Q. Moffett, for a Special Use Permit to have outdoor storage of construction materials and a dirt sifting operation on property owned by Ellen L. Moffett, located on the north side of Fair Oaks Drive, just north of the intersection of Fair Oaks Drive and Hickory Nut Lane in the Wayne District.

Mr. Julian Moffett stated he is the Chief Executive Officer of Moffett Paving and Excavating. He stated his father-in-law bought this land in the 1950s and raised cattle on the land. He stated this is his wife's property and she is in favor of the request. He stated they have been hauling excess dirt to the site for over thirty (30) years. He mentioned the only access to the property was along Route 250 and Christians Creek until he bought some right-of-way along Briarwood Subdivision. He mentioned he has put non-usable dirt into the ravine and have been seeding it and putting it back into pasture and fill material for

October 4, 2012

jobsites. He stated sometimes jobs have too much or not enough dirt. He stated with the regulations they cannot take excess dirt unless they take it to an approved waste or borrow site. He stated this site is permitted and bonded for them to move and store dirt. He stated they sometimes sift the dirt as well. He stated they do not mine the property. He stated they have been doing this for thirty (30) years. He mentioned this benefits the land and is a benefit to the company. He mentioned this was done before any development was done in the area. He stated they are requesting a Special Use Permit from the County to store and remove dirt from the land. He stated they were just notified this summer that they needed a permit. He stated if the permit is granted they can move the site north about 300' to 400'. He mentioned in talking with the Fair Oaks Subdivision their concerns are traffic and dust. He stated the access is difficult to relocate. He stated Sangers Lane is not practical to build a road through the pasture field which would be about $\frac{3}{4}$ of a mile. He stated now they have an all weather access. He stated they have watered the road when trucks come in and out. He stated they want to be a good neighbor. He stated the dust can be eliminated by watering the road. He stated there would not be another access to get to the area. He stated there is a big ravine at the site and this material is suitable to fill the ravine in to make the area level. He stated this year they had about fifty (50) to sixty (60) trucks going in and out of the site. He stated sometimes they may bring in ten (10) trucks a day and then they may not be back for a couple of weeks. He stated they are not planning on having any increase in operation and they will not operate every day. He stated Idlewood Boulevard is not in good shape. He stated that road was built back in the 1960s. He mentioned Briarwood Circle is in the same condition as Idlewood Boulevard and they do not even drive on Briarwood Circle. He stated general traffic tears up the road. He requests the Board grant the Special Use Permit. He stated there are many more uses in agriculture that are far more detrimental to the residents than this. He stated he tries to be a good neighbor. He mentioned he will do whatever the Board requests him to do. He mentioned he will limit his operation to only Monday thru Friday during daylight hours. He stated it is very difficult to find areas where we can put dirt. He stated they need to abide by erosion and sediment control regulations. He hopes the Board approves the permit.

Chairman Coyner stated the Board visited the site this morning. He stated the Board was very disappointed that they could not get to the site because the gate was locked.

Mr. Moffett apologized that he did not go and unlock the gate. He stated the County inspects the site every two (2) weeks and he felt that communication would have been made and access would have been given.

Mr. Wilkinson stated that VDOT has submitted additional comments regarding this request. The comments are as follows:

October 4, 2012

“The proposed point of access requires travel from Route 250 onto Route 1316 (Idlewood Drive)--a part of Briarwood Subdivision and then onto a portion of Route 1316 (Idlewood Drive) a part of Hickory Run Townhomes, and finally onto Route 1375 (Fairoaks Drive). The portion of Route 1316 located in Briarwood Subdivision has a pavement structure of 10 inches of selected base material with a double prime & seal surface. The portion of Route 1316 built in conjunction with Hickory Run Townhomes has a pavement structure of 8 inches of 21A Aggregate Base Material and a 1½ inch asphalt surface. As indicated in my attached comment letter, Route 1375 has a pavement structure of 8 inches of 21B Aggregate Base with 2 inches of asphalt surface. None of the above pavement structures would be capable of supporting the proposed traffic load and strengthening of the existing pavement structures on these roadways would be required by the applicant.”

Mr. Shreckhise asked Mr. Fitzgerald to interpret those additional comments.

Mr. Fitzgerald stated the pavement situation on Idlewood Boulevard as well as Fairoaks Drive is not suitable for commercial traffic. He stated they are requesting that the pavement be strengthened the entire length through the subdivision to Route 250.

Mr. Moffett stated this is impractical to try to go back and rebuild a stone road for them. Mr. Shreckhise stated the applicant needs to look at these additional comments in order to see if this request would even be practical for them.

Mr. Moffett stated he is unsure if VDOT has the authority to make him repair existing roads.

Vice Chairman Byerly stated that the material coming in and out is from Moffett's property or on the jobsites. He stated he is not contracting with other companies.

Mr. Moffett stated this is not a commercial sifting operation. He stated they have a truckload done in about twenty (20) to thirty (30) minutes.

Chairman Coyner asked if the sifting operation is loud?

Mr. Moffett stated some neighbors think it is loud and some do not. He stated there is a hum when it is running.

Chairman Coyner asked if the trucks run sporadically throughout the day?

October 4, 2012

Mr. Moffett stated sometimes they have one (1) or none in a day and sometimes they have twenty (20) or thirty (30) in a day. He stated it depends on the type of job and what the needs are.

Ms. Tilghman asked what is the County checking when they go to the site?

Mr. Moffett stated about four (4) to five (5) years ago, the County required him to acquire an erosion and sediment control permit. He stated he paid an engineering firm to submit an erosion and sediment control manual which tells everything that he can do. He stated he is on the list for the erosion inspector to check the site every two weeks.

Ms. Tilghman stated the applicant dumps excess fill into the ravine.

Mr. Moffett stated the inspector looks at the site to be sure they control the runoff from the stockpile.

Ms. Tilghman asked if this is a new ravine?

Mr. Moffett stated yes. He stated he only wants to use his land in order to store and take dirt in and out. He stated currently he is 100' from the property line.

Chairman Coyner stated they have received complaints regarding dust. He asked if they would do things to minimize the dust on the road?

Mr. Moffett stated yes.

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

Mr. Jay Moffett, 170 Long Meadow Road, Fishersville, stated he is the President of Moffett Paving and Excavating. He would like to speak in favor of the permit. He stated this is essential to the business they conduct. He stated it is important to look at the specifications of the road. He stated they have only had approximately fifty (50) trucks coming down the road this year. He stated they are not operating a commercial truck terminal at the site which would increase the traffic count to the road. He stated garbage trucks go through the area at least twice a week which is 100 trips which would be twice what they will do. He stated VDOT's additional comments are a little far fetched to him. He stated the roads are designed to take a certain amount of traffic. He stated what they are doing is only operating on the roads under normal circumstances.

October 4, 2012

Mr. Bruce Pugh, 32 Hickory Nut Lane, Staunton, stated his main point is safety of the route. He stated every spring and fall they open their windows but when they do his wife hands him the dust cloth to start getting rid of the dust. He stated at least three (3) times a year they need to clean their windows to remove the dust that the trucks create. He stated the Homeowners Association has contracted with a power washing company. He stated he is a school bus driver and his main concern is safety. He stated in the apartments there are forty-five (45) children that get on the bus. He stated before the bus gets there the kids are playing. He stated if there is a fully loaded dump truck driving down the road it could be dangerous. He stated along Briarwood Circle and Idlewood Boulevard there are a lot of walkers, people riding bikes, and walking dogs. He stated the development is not fortunate to have sidewalks. He stated this could be an accident waiting to happen. He stated people are not expecting heavy equipment coming into the subdivision. He stated he is opposed to this permit.

Mr. CB Engleman, 99 Idlewood Boulevard, Staunton, stated he is concerned with the condition of the roads as well as the safety. He stated the ruts and ripples are horrible in the road. He asked how will the roads be fixed? He stated he has spoken with the Board of Supervisors once before and they had gotten Mr. Moffett to repair the road. He stated the stop sign was also moved. He stated on a warm day you could even see the road moving. He is also concerned with the safety of the kids and the walkers in the subdivision. He is opposed to this permit.

Ms. Pam Drummond Leech, 35 Hickory Nut Lane, Staunton, stated she submitted a detailed letter to the Board. She stated her main concern is the dust, dirt, and air pollution. She stated she is an adjacent property owner. She was taken back when she got the letter because this has been going on for at least five (5) to six (6) years. She stated the dust and dirt has gotten worse. She stated there are days that forty (40) trucks come in and out within a short amount of time. She has since developed allergies due to the dirt and dust. She stated she cannot open her windows in the spring. She stated the dirt sifting is 100' from their property line. She stated the dirt sifter does make noise and it runs on diesel. She stated the trucks create a lot of dust. She stated there also has been a lot of clearing going on. She stated gravel was put down at the site. She stated there is no source of water at the site. She stated the applicant may have brought water in every once in a while. She mentioned that she has never seen the applicant water the road. She stated when the trucks are dumping the dirt it does not meet any air quality standards. She stated that she has walked the site and have found concrete, asphalt, and dirt but she has also found steel. She stated the intersection is very busy right now. She stated there are businesses being built along Route 250 and many trucks come in and out of the Wilson Complex. She stated it is always impossible to get out onto Route 250. She stated the applicant owns adjacent property off of Sangers Lane. She stated this would be further for him to take the trucks

October 4, 2012

but it would help alleviate dust because it would be further from the subdivision. She mentioned that road would handle commercial traffic better. She stated the applicant does have a right to do business on his property but he does not have a right to place it as close to the subdivision when he would have easy access along Sangers Lane. She stated along Sangers Lane pollution, noise, or dust would not be a problem. She appreciated the County sending her the letter because she does not get the Staunton newspaper. She bought her property in 2002 and this was not happening. She stated within the last four (4) to five (5) years the traffic has picked up. She stated the stop signs were changed to help with the road condition.

Chairman Coyner asked if the site was moved further away, would it make the citizens happier?

Ms. Leech stated if the applicant moves the site further away it would be great but it would not alleviate the truck traffic coming in and out. She said they would still see the operation from her property.

Ms. Melissa Druff, 27 Hickory Nut Lane, Staunton, stated she is an adjacent property owner and secretary of the Homeowners Association. She stated she is here representing the Homeowners Association, the Perrys, and the Bass property. She stated she has mailed letters to all of the homeowners. She stated Charles Hurt owns Armstrong Farm, LLC and he opposes the Special Use Permit. She stated she has lived in Hickory Run or Fair Oaks since 1994. She stated the dirt pile was not there in 1994 and they have watched it get bigger and bigger. She stated they have pictures that were taken in 2007 and 2008 which was included in the Board's packet. She showed the Board a video of the site with the trucks coming down the road and the dust in the area that was taken in July 2008. She stated the gate was wide open this morning around 7:15. She stated it is relevant now because he has put shale down but this summer it did look like this at her home when they had the big wind storm. She stated Ms. Bass is concerned about the possible fire danger. She stated the wind blows at the site all of the time. She stated they live in North Carolina but they drove here today to show their opposition. She stated the Perrys feel that this will decrease the property values. She stated everyone walks in the neighborhood with their grandchildren and they are concerned about the safety issues. She thought the Board was going to be able to visit the property but they did not. She said some of the debris was removed when the neighbors got their letter from the County. She mentioned ten (10) to fifteen (15) dump truck loads of dirt were removed but she does not know what site the dirt was moved to. She stated the road is filled with ruts. She read the VDOT comments to the Board. She stated Idlewood Boulevard and Fair Oaks Drive are narrow roads. She stated they have to get into a ditch when the trucks are coming along the road. She stated once the roads are strengthened they need to be maintained. She

October 4, 2012

stated there are many health issues due to dirt and dust at the site. She stated others talked about safety of the children at the bus stop. She stated the site is located close to the property lines. She stated there are many reasons for opposing this request. She stated the Homeowners Association does encourage growth in the County but in properly zoned areas and not in their residential backyards.

Ms. Carol Sloan for Lois G. Sloan, 21 Hickory Nut Lane, Staunton, stated she wanted to attend the meeting today but having had major surgery two weeks ago, was unable to do so. She requested her daughter to read the following statement on her behalf:

“You have by now read my earlier letter. My concerns remain the same and include heavy and fast truck traffic on Idlewood Boulevard and Fair Oaks Drive; damage to property along the truck route; and especially dust and fumes which adversely affect the air quality.

When I moved into the Fair Oaks neighborhood in 2003, there were no issues with truck traffic and dust. Sometime after that, we noticed trucks driving through to the property behind us and dumping dirt and other trash on what we learned was the Moffett property. The explanation was that, on occasion, Mr. Moffett needed a place to dump dirt excavated from building sites. We didn't like it, but the traffic was not heavy and we lived with it.

In the past few years the traffic, dust, and damage have increased dramatically. Some days trucks come through, one after the other, for long periods of time. I suffer from severe bronchitis and, as stated in my earlier letter, have been hospitalized twice for asthmatic bronchitis. When I first moved into Fair Oaks, I spent entire days in the garden or sitting on my deck. Now I am forced to close myself into the house to avoid the dust and fumes. There are others in the neighborhood who also have allergies and other breathing problems and are not able to enjoy the outdoor space.

When Mr. Moffett visited my home this past Tuesday evening, he did not seem to be aware of the volume of traffic or the impact it has had on our community. He did mention that there was no plan to increase what was already being done. And yet his permit request mentions increasing the size of the operation from 3 acres to 16. When I suggested accessing his property from another route, he said that Fair Oaks Drive is “the only access to this particular parcel.” I assume he meant the only access if he does not move the facility, as there are other entry points.

October 4, 2012

At the end of his visit, he asked me what he could do to improve the situation, but was not interested in hearing any suggestion to move the operation. In fact, he said that if he didn't get the permit, he would rent the place out for pig farming! At least that would maintain the property as a farm community and not a commercial operation.

I must maintain my belief that it would be in the best interest of the neighborhood and the community to retain the residential nature of the area and keep commercial operations elsewhere. I believe that there are other, more appropriate areas for this commercial business on the Moffett property of well over 100 acres than right on the property line of an otherwise quiet neighborhood.

To close, I wonder if this dirt sifting business were located in Mr. Moffett's backyard how he would react to the situation.

Thank you for your time and attention to my concerns."

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 the applicant to speak in rebuttal.

Mr. Moffett stated dust is a big issue with citizens. He stated he did tell Ms. Sloan that there could be far more things that could be done in an agricultural area than storing dirt. He stated he is not in the pig farming business. He mentioned we are all concerned about safety. He stated his trucks drive in and among citizens every day. He stated all of his drivers have a CDL and are trained. He stated since they have been operating over the last thirty (30) years they have not had any problems with children. He stated can it happen yes, but he hopes not. He stated the video the Board saw was before he put the stone and shale down on the road. He stated he can move the operation 300' to 400' to the north. He stated he does not have a problem with limiting his storage to only soil. He mentioned that he does not think the dirt piles will catch on fire. He stated he does not know how an ongoing operation will decrease the values of the homes. He mentioned he wants to be a good neighbor. He stated that he cannot address VDOT's issues. He stated if the permit is granted then he would have to deal with their comments.

Chairman Coyner asked how the applicant would feel about moving the operation to a five (5) acre tract toward the rear?

October 4, 2012

Mr. Moffett stated he has no problem with limiting the size of the storage area. He stated he can store material there but the area does not allow him to fill in the ravine. He stated it is convenient for him to have his entire operation in the same place. He stated this would not eliminate the trucks going in and out though.

Mr. Wilkinson pointed to the aerial photo to show the Board the current operation as well as other potential areas.

Ms. Brown stated the applicant has two (2) pieces of property, therefore, the applicant would certainly have other options.

Mr. Moffett stated the other site would be at least a mile away. He stated Christians Creek runs onto the property. He stated they would have to build an all weather road and that would not be practical. He stated they have been using that road for quite some time. He stated Idlewood Boulevard and Briarwood Circle are both in the same condition. He stated the roads are broken up. He stated his trucks are not all to blame for the road condition. He mentioned they have not helped but have not caused all of the damage to the roads either.

Mr. Wilkinson asked if the applicant would like to propose the site near the berm?

Mr. Moffett stated the berm on the other property was put in to shield the treatment plant from future development. He stated that area will not grow grass.

Chairman Coyner asked if most of the moving of the soil is when they get paving jobs?

Mr. Moffett stated in the winter months they do far less earth moving. He stated they bid on contracts for development sites. He stated they need a place to take excess soil in order to have it to move to a job that will need the excess soil. He mentioned the dirt does not always come from this site.

Ms. Brown stated that she is concerned with the amount of dust that was displayed in the video. She stated many of the neighbors already have breathing issues and dust coming into their homes.

Mr. Moffett stated that he has done a lot to minimize the dust when they put the shale in the roadway. He would not say that it is totally gone but it is minimized greatly. He stated they could send a water truck to water the road in order to minimize the dirt and dust. He stated with one (1) truck it would not be practical bringing in a water truck but when they have many trucks coming down the road they could certainly haul the water in to minimize dust.

October 4, 2012

Ms. Tilghman stated the request for the BZA is only for the construction materials and dirt sifting being done at the site. She stated they need to look at how much dust is coming from the trucks as well as when operating the machinery. She felt that if the area is moved further away it would be better for the citizens.

Chairman Coyner declared the public hearing closed.

Mr. Shreckhise stated the Board did not get a chance to view the site in order to see what the applicant is proposing as well as other options. He stated it is important to see the site. He stated the applicant needs to get in touch with VDOT in order to get clarification on the additional comments they have provided staff. He moved that the request be tabled until the November 1, 2012 meeting.

Chairman Coyner stated he agrees with Mr. Shreckhise.

Vice Chairman Byerly stated that he is concerned that VDOT is asking the applicant to repair a forty (40) or fifty (50) year old street that has had normal wear and tear. He stated this being the case all users should contribute towards their share of the road. He stated the applicant needs to address those issues with VDOT. He seconded the motion, which carried unanimously.

Mr. Wilkinson stated should the permit be approved it is typical for the Board to add a pre-condition that the applicant get an approved commercial entrance from VDOT. He stated the applicant will need to get with VDOT regarding a bond, land use permit, or an entrance that may need to be moved. He stated it would be up to the applicant to get further clarification regarding the additional comments that VDOT is proposing. He stated he did not realize that our office had a key to the gate. He stated the Board will visit the site on November 1st.

* * * * *

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

* * * * *

Chairman

Secretary