

PRESENT: T. H. Byerly, Chairman
S. F. Shreckhise, Vice Chairman
G. A. Coyner, II
D. A. Brown
J. D. Tilghman
Pat Morgan, County Attorney
J. R. Wilkinson, Zoning Administrator & Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 7, 2013, at 8:30 A.M., in the County Government Center, Verona, Virginia.

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.

VIEWINGS

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

- **Dwight D. or Mary F. Wood - Special Use Permit**
- **Stephen Lynn and Jackie J. East - Special Use Permit**
- **Karen Holmes - Special Use Permit**
- **Cecil C. or Patricia S. Lawson - Special Use Permit and Variance**

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

PRESENT: T. H. Byerly, Chairman
 S. F. Shreckhise, Vice Chairman
 G. A. Coyner, II
 D. A. Brown
 J. D. Tilghman
 Pat Morgan, County Attorney
 J. R. Wilkinson, Zoning Administrator & Secretary
 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 7, 2013, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Coyner moved that the minutes from the January 3, 2013, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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DWIGHT D. OR MARY F. WOOD - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Dwight D. or Mary F. Wood, for a Special Use Permit to have weddings or special events on property they own, located at 709 North Mountain Road, in the Pastures District.

Mr. Dwight Wood stated he has lived all of his life on the family farm. He stated when he retired as Captain from the Sheriff's Office he started operating a trail riding business which is called North Mountain Outfitters. He stated his family farm is important to him. He asked that the Board allow weddings and special events on his property. He stated this type of operation will help him continue his family farm. He stated this type of business will help Augusta County.

Mr. Coyner stated the Board visited the site this morning. He stated the site is quite unique and very well done. He stated the site adjoins the national forest.

Mr. Wood stated he adjoins the Virginia Game Commission. He stated they have plans to operate there and across Route 42 in the George Washington National Forest.

Chairman Byerly asked if the operating conditions are adequate?

Mr. Wood stated yes. He mentioned most gatherings they would have only 75-150 people but they wanted to ask for 200 because you never know if they would have more than 150 people.

Chairman Byerly asked about the applicant having only ten (10) events?

Mr. Wood stated he would like to have fifteen (15) events.

Ms. Brown asked how he advertises his business?

Mr. Wood stated they have a website and most of their clientele is from the internet.

Ms. Brown asked if they use the bunkhouse for overnight stays?

Mr. Wood stated most of clients are at the site a half a day or an overnight stay. He stated if they stay overnight they go into the George Washington National Forest to spend the night.

Ms. Brown asked if the site adjoins the mountain?

Mr. Wood stated yes.

Mr. Coyner stated if the applicant has fifteen (15) events than they should be permitted more than two (2) per month.

Mr. Wood stated once it gets cold he will not have special events. He mentioned after November, he will not have the events until the spring time. He noted he would have two (2) to three (3) at the most per month.

Ms. Brown asked if fishing is also included?

Mr. Wood stated yes. He stated this gives his customers a place to relax and enjoy the area. He stated most clientele are from northern Virginia and the DC area and they want to relax.

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

Mr. Robert Burnes, 443 North Mountain Road, Swoope, stated that his property is adjacent to this site. He mentioned he is in support of Mr. Wood's undertaking. He stated he did see the white tent and horses when his daughter got married. He would be delighted to see more of it.

Ms. Edith Wilson stated her daughter lives in the two story brick home before Mr. Wood's driveway. She presented a letter from her daughter, Christina Wilson, to the Board, which Mr. Wilkinson read (a copy is in the file). She stated they do make hay and have cattle which she hopes will not be disturbed from these events. She hopes people from northern Virginia don't come here and disrupt their operation because they don't know how to drive on country roads. She stated she also went to the wedding but she feels they should take appropriate steps so that it will not affect their farm. She does not want extra traffic in the area and she asked that Swoope be kept untouched.

Chairman Byerly asked what size is the lot they farm on?

Ms. Wilson stated nine (9) acres.

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

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

Mr. Wood stated the property is close to the driveway which they have had for fifty (50) years. He mentioned their residence will not be affected by the events. He stated the road is 0.60 of a mile away. He noted he is in agreement with no amplified music after 10:30 p.m. He stated the Wilsons live a good distance away and will not be affected.

Chairman Byerly declared the public hearing closed.

Ms. Brown stated the Board visited the site this morning. She stated the site is beautiful and this venture would be a wonderful addition to Augusta County.

Vice Chairman Shreckhise stated he did not see that traffic would be a disturbance. He stated the applicant is not going to have many events going on.

Mr. Coyner stated the applicant has a rural advantage and he would not want to take that away from the experience.

Chairman Byerly stated this is an agricultural area. He commends the applicant for having such a pristine piece of property and that it is an asset to Augusta County.

Ms. Brown moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to fifteen (15) events per year but no more than three (3) per month.
2. Be limited to a maximum of two hundred (200) people per event.
3. No amplified outdoor music after 10:30 p.m.
4. Porta-johns may be used to supplement the onsite restroom facilities but may be brought to the site no sooner than seven (7) days before an event and be removed no later than seven (7) days after an event.
5. Site be kept neat and orderly.
6. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
7. Applicant must reside on premises.

Mr. Coyner seconded the motion, which carried unanimously.

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STEPHEN LYNN AND JACKIE J. EAST - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Stephen Lynn and Jackie J. East, for a Special Use Permit to have lawn mowing, landscaping, and trash pickup on property they own, located at 28 East Lane in the North River District.

Mr. Stephen East stated he was asked to take care of the Staunton Country Club as a part-time job in the evenings. He stated he will keep a dump trailer and a closed in trailer at the site. He will keep his property looking neat and orderly.

Mr. Coyner asked if he would have semi-trailers?

Mr. East stated no. He mentioned his trailer is a sixteen (16') foot closed in-pull behind trailer. He stated he has spoken with most of his neighbors regarding the permit.

Mr. Coyner asked if he would have any employees?

Mr. East stated no, only family members helping him.

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

Mr. Robert Moore, 20 Turtle Creek Lane, Waynesboro, stated Mr. East is a good man. He noted he always keeps his yard looking immaculate.

Ms. Shirley Carter, 27 Middle River Drive, Verona, stated she owns the farm land opposite the East land. She has had trouble with him running four-wheelers over her hayfield. She would request that he survey the property. She stated there were survey markers in place but now they have been removed. She stated there will be trash on the land and for that reason she feels the permit should not be approved. She stated they caused us trouble before.

Mr. Robert Spiggle, 632 Salem Church Road, Mt. Sidney, stated he is Ms. Carter's son. He stated he is the caretaker of Seawright Springs. He stated they are concerned about trash coming onto the Seawright Springs property. He is also concerned about water runoff.

Chairman Byerly asked how far is the applicant's property from Seawright Springs?

Mr. Spiggle stated it is the adjacent land over to the north side.

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

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

Mr. East stated they just bought this property. He stated his brother used to own the property. He stated the trash will get dumped at the landfill and will not be brought to the site. He stated he will not bring any mulch to the site. He stated the trailer will come back to the site empty. He mentioned that he does have a survey of the property.

Chairman Byerly declared the public hearing closed.

Mr. Coyner stated the property dispute of surveying is a civil matter between the property owners. He stated there has been many part-time lawn mowing permits and they all have worked out very well.

Vice Chairman Shreckhise stated the opposition's concerns were addressed in the stipulations that staff is suggesting on the permit. He stated no work should be done onsite.

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

Pre-Condition:

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

Operating Conditions:

1. Be limited to three (3) trailers and one (1) company vehicle at the site.
2. All trailers and vehicles for the business be kept inside the 50' x 65' storage area shown on the site plan.
3. No debris, materials, or trash can be brought to this site.
4. No employees other than family members.
5. Site be kept neat and orderly.
6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
7. Applicant must reside on premises.
8. Permit be issued for one (1) year and renewed if all conditions are met.

Ms. Tilghman seconded the motion, which carried unanimously.

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KAREN HOLMES - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Karen Holmes, for a Special Use Permit to have general retail sales within the barn and outside display and storage on property owned by Cestari Sheep and Land Company, LLC, located at 3581 Churchville Avenue in the Pastures District.

Ms. Karen Holmes stated she has lived in Augusta County for 28 years. She stated she has operated a business in Churchville and is in need of more space. She stated she sells dolls, signs, jewelry, pottery, art, candles, and baskets that are all made by local people. She stated nothing will change with the barn.

Mr. Coyner asked if the customers are local people?

Ms. Holmes stated she has many local customers. She stated customers come from Harrisonburg, Charlottesville, Crozet, and other local areas.

Ms. Brown asked how she advertises?

Ms. Holmes stated she advertises on the local radio stations.

Mr. Wilkinson asked if the applicant is proposing to use the first level of the barn?

Ms. Holmes stated yes.

Ms. Brown asked if she would be the only person working at the site?

Ms. Homes stated her husband will help and she will occasionally have a part-time person helping.

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

Mr. Jonathan Luster stated he is Karen's husband. He stated this would be a viable use of the building. He stated they are not going to change it. He stated this is not a strip mall type business. He stated they have received a lot of requests to expand their products to include equestrian type items and they had no room at their other site. He stated they would not have much outside except for flowers in the spring. He stated nothing will change except for them adding their name to the sign.

Mr. Francis Chester stated he is the owner of Cestari Sheep and Land Company. He stated he lives in Augusta Springs and raises sheep and raises crops at his Churchville

location. He stated the store and a beautiful showroom is located at the Churchville location. He stated their products are all made on the mill. He stated that Ms. Holmes and he will be a perfect team. He stated he could not even ask for a better tenant. He mentioned he has been using the barn for retail for a number of years. He stated he had an engineer tell him the barn was built so well that they could fit 10,000 people in the barn and the barn would not budge at all. He stated Ms. Holmes would like to operate as soon as possible. He stated he does not know what needs to be changed but he has gone through this a number of years ago. He stated the line to connect the sewer is not a problem. He stated it will get done this week. He noted they have a handicapped bathroom and commercial entrance. He stated he needs to have additional resources at the site in order to keep farming viable. He would support this application.

Mr. Wilkinson stated the previous permit was not issued due to the fact that the Health Department and Building Inspection approvals have not been obtained. He stated the Health Department cannot issue the operation permit until the line is put in. He stated the issue with the building code is that the barn being used for retail sales of farm products was exempt from any building codes because it was constructed as a farm building. He stated there are no inspections on farm buildings. He stated in order to sell general retail merchandise at the site the barn will need to be brought up to current building code requirements for general mercantile. He stated the applicant cannot operate at the site until there is a Certificate of Occupancy issued.

Mr. Chester stated that he did pay an engineer to get this done but he has had difficulty in getting the work from him. He told him to finalize it but now he wants more money. He has not gotten any of the work products from him. He is meeting with an engineer and he will get him to finalize it. He stated he does want to be in compliance. He stated that he has never had a problem with anyone getting hurt. He stated his events attract nice people.

Chairman Byerly asked how much time do you think it would take to complete the necessary steps in order to move forward?

Mr. Chester stated thirty (30) to forty-five (45) days.

Chairman Byerly stated the applicant may want sixty (60) days to get into compliance with the previous permit.

Mr. Wilkinson stated the Health Department will not give Mr. Chester final approval until he gets the line installed. He stated as of this date, his office has not received the information on the barn meeting the building code requirements for retail sales. He stated the September 2011 Special Use Permit will not be issued until the pre-

conditions are completed. He stated the barn cannot be used until the Building Official issues a Certificate of Occupancy. He mentioned that the permit has never been issued.

Vice Chairman Shreckhise asked why the septic line was never completed?

Mr. Chester stated cost has been an issue but he will finish it this coming week.

Mr. Wilkinson stated the building cannot be used other than to sell wool or items that are made on the farm. He stated the Special Use Permit for the country store was never issued, therefore, the property owner is in violation of his permit if there are retail sales in the building. He asked what would be the timeframe to get the information from the engineer?

Mr. Chester stated nothing else needs to be done. He will take the information to Hamrick Engineering in order to finalize it. He noted that he has always built in accordance with the building code.

Chairman Byerly asked if there was anyone else wishing to speak regarding the request?

Ms. Leah Mullendore stated she owns the property adjacent to the farm. She stated the applicant is a fine member of the community. She stated her business is an asset to the area. She mentioned she does not have a problem with the business. She mentioned as an adjacent landowner she has seen an increase in traffic to the area as well as accidents. She mentioned there are other commercial areas in Churchville that could be used. She stated this will create an increase in traffic as well as noise to the residents and drivers who use Route 250. She stated this will also create additional hazards for all of the elderly in the area. She stated this is an extremely busy street. She stated Mr. Chester refers to the good people coming to the site. She mentioned that she has had problems with someone discharging firearms and ATV traffic in the area. She mentioned her chickens stop laying eggs when this happens. She noted the additional burden of a retail store will become a problem. She stated she does not want the Board to deny them the enjoyment of the property.

Ms. Brown asked if the driveway is shared?

Ms. Mullendore stated she is 50' to 75' from the driveway.

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

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

Ms. Karen Holmes stated that she would have approximately fifteen (15) customers on a good day. She noted she will be closed on Sunday and Monday. She stated she will be open during the Pumpkin Festival and have a Christmas Open House. She stated she does not open until 11:00 a.m. and she closes at 6:00 p.m. She stated the traffic should not be affected in the morning hours.

Mr. Wilkinson stated that VDOT has approved the use due to the fact that Mr. Chester has a commercial entrance. He stated their comments reflect that the commercial entrance is adequate for the proposed use. He stated Route 250 will be able to handle the increase in traffic.

Chairman Byerly declared the public hearing closed.

Mr. Coyner stated this business has operated for a couple of years on Route 250 and the applicant has outgrown her original site. He stated with the applicant opening at 11:00 a.m. there should be no issues with early morning traffic. He stated the issue is that the pre-conditions of the previous Special Use Permit have not been completed.

Vice Chairman Shreckhise said the request should be tabled.

Chairman Byerly stated they do not have the appropriate permits to operate at this location. He stated if the applicant can complete the conditions in 30 days then the Board can have it on the agenda for March.

Mr. Coyner moved that the request be tabled until the March 7, 2013 meeting.

Ms. Brown seconded the motion, which carried unanimously.

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CECIL C. OR PATRICIA S. LAWSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Cecil C. or Patricia S. Lawson, for a Special Use Permit to construct a dwelling less than nine hundred (900) square feet in size on property they own, located on the north side of Beagle Gap Run, in the northeast quadrant of the intersection of Beagle Gap Run (Route 823) and East Side Highway (Route 340) in the Wayne District.

Mr. Robert Moore stated he is here to represent Mr. and Mrs. Lawson. He stated they would like to care for an elderly person on the property next door. He noted they are

trying to place a dwelling next door so they do not have to drive fifteen (15) miles away to care for them. He stated they thought they went through the proper procedure. He stated they are here to see if we can get a smaller dwelling on the lot just in case they cannot go through with their original plan. He noted the buildable area would only be for a 17' x 39' house but obviously that does not meet the minimum 900 square foot requirements and they cannot build it two stories because the elderly person cannot go up the steps. He stated they have already purchased the doublewide based on the survey that was done. He stated the purchased doublewide's footprint is 26.6' x 40'.

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

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

Mr. Coyner stated the Board visited the site today. He stated they drove up the road and there were many dwellings smaller than 900 square feet. He stated this request would be in keeping with the neighborhood and should not be an issue. He moved that the request be approved with the following condition:

1. Dwelling be a minimum of six hundred sixty-three (663) square feet.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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CECIL C. OR PATRICIA S. LAWSON - VARIANCE

This being the date and time advertised to consider a request by Cecil C. or Patricia S. Lawson, for a Variance from side yard requirements and the side yard adjacent to a street on property they own, located on the north side of Beagle Gap Run, in the northeast quadrant of the intersection of Beagle Gap Run (Route 823) and East Side Highway (Route 340) in the Wayne District.

Mr. Robert Moore stated he approached the County and based on the aerials he knew it would be a tight fit, therefore, they did get the lot surveyed. He stated in good faith they were pressured on purchasing the home and signed a contract. He stated when they went to apply for the permits the office knew enough that the survey did not look correct. He stated they called the surveyor back and he missed something while he was surveying. He stated the Lawsons bought the home in good faith thinking it would fit because a professional survey was done but after further studying that was not the case.

Chairman Byerly stated the applicants went through all of the proper channels.

Mr. Coyner asked how much of a Variance is needed?

Mr. Moore stated an eleven (11') foot reduction in the side yard requirement adjacent to a street and a one (1') foot reduction from the side/rear yard requirements. He stated he did some math and they might only need an eight (8') foot Variance because the surveyor may have built in a one (1') foot buffer on each end and they were considering a 28' wide home and it is actually 26.6'.

Mr. Wilkinson stated the surveyor did not put any notes to that affect on the survey so one would not want to assume they included a buffer.

Vice Chairman Shreckhise asked if the lot has been re-surveyed?

Mr. Moore stated yes.

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

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

Mr. Coyner stated that it is refreshing that the folks went about this in the correct way with hiring a surveyor. He stated it is unfortunate that the surveyor made a mistake on the survey.

Vice Chairman Shreckhise stated you could not get a house on this lot that conforms to codes without obtaining a Variance.

Mr. Coyner stated the lot is quite narrow.

Ms. Tilghman stated that she agrees that the applicants went through all of the proper channels and it was because of the professional surveyor not doing his job correctly that they are in this situation because they thought they had more room on the property than they did. She stated the lot described as tax map parcel 68B(2)1-2A is a lot of exceptional shallowness, exceptional narrowness, and without a Variance, the buildable space on the lot would only be 17' x 39', therefore, she moved that a Variance of eleven (11') foot reduction in the side yard requirement adjacent to a street and a one (1') foot reduction from the side/rear yard requirements be granted because, the strict application of the County Zoning Ordinance would produce an undue hardship in this case; due to the factors mentioned, the hardship is not shared generally in the subdivision where the lot described as tax map parcel 68B(2)1-2A is located; and that

granting a Variance in this case will not be a substantial detriment to adjacent property and character of the district will not be changed by granting this Variance.

Mr. Coyner seconded the motion, which carried unanimously.

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WILLIAM W. LITTLE, AGENT FOR JABELLE, LLC – APPEAL

This being the date and time advertised to consider an appeal by William W. Little, agent for Jabelle, LLC, to the Board of Zoning Appeals of a Decision of the Zoning Administrator regarding the construction of an addition to a non-conforming building that does not meet the yard and setback requirements and is not in full compliance with the approved site plan on property owned by Jabelle, LLC, located at 3661 Lee Jackson Highway, Staunton, in the Riverheads District.

Mr. William Little stated he is the agent for Jabelle, LLC. He would request the Board table this as a result of him trying to negotiate with VDOT to see if he can acquire some of the right-of-way that the state has owned since 1922. He noted that he has been speaking with the VDOT representative and things are in the works in terms of getting the proper response on who needs to agree on the sale.

Vice Chairman Shreckhise stated today the matter before this Board is whether they support the decision of the Zoning Administrator. He stated it does not matter what the highway department does.

Mr. Morgan stated if the applicant gets the right-of-way then he would not need the Variance. He noted the issue before the Board today is whether or not the Zoning Administrator was correct in sending a letter for the building being in violation of the setback.

Vice Chairman Shreckhise stated he felt that Mr. Wilkinson was correct in sending a violation letter.

Ms. Tilghman agreed.

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

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

Mr. Coyner stated he would support the decision of the Zoning Administrator.

Chairman Byerly stated if VDOT allows them to purchase the right-of-way then the applicant would not be in violation of the setbacks. He asked if the applicant has heard any indication of what VDOT will do?

Mr. Little stated it is hard to get all of the folks at VDOT to agree. He stated they are in the process of working on that. He stated they will also assess the value of the property so that he can purchase it. He stated the timeframe would be approximately thirty (30) days. He stated there is nothing on their agenda for the area with regard to road widening.

Mr. Wilkinson stated he sent a letter of violation to Mr. Little. He stated if the Board upholds his decision then the County will proceed to file a motion with the Circuit Court to obtain a court order so that the portion of the building that is in violation would be removed. He stated this will be handled just like any other zoning violation.

Mr. Little stated eight (8) years have gone by and there was no action on the County to suggest there was a violation with the addition. He trusts the wisdom of this Board but the next step for him will be to sue the County.

Mr. Morgan stated there was a Supreme Court case that involved the County not acting on a violation until forty-four (44) years later and the courts supported that County. He stated eight (8) years will not impress the court.

Mr. Coyner stated the purpose of a site plan is to assure compliance with regulations contained in the Zoning Ordinance. He noted one of the purposes of setback regulations is to anticipate possible future street-widening. He stated because the site plan was not adhered to, the addition to the building now owned by Jabelle, LLC., was built in violation of the setback requirements and for those reasons, he moved to affirm the determination of the Zoning Administrator that a portion of a building owned by Jabelle, LLC., identified as tax map parcel 82-76, was not built in accordance with an approved site plan and was built in violation of the setback requirements for a structure built on a public street identified by the Virginia Department of Transportation as an arterial or collector street.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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DAVID W. OR ELLEN B. FITZGERALD - TWO YEAR EXTENSION OF TIME REQUEST

A request by David W. or Ellen B. Fitzgerald, for a Special Use Permit to construct two wind energy systems on property they own, located on the south side of Wayne Avenue (Route 639), approximately .4 of a mile east of the intersection of Wayne Avenue (Route 639) and Draft Avenue (Route 608) in the South River District.

Mr. Wilkinson stated the Special Use Permit was approved in 2008. He stated an Extension of Time was granted in 2009 and in 2010. He stated Mr. Fitzgerald is here today to ask for another two (2) year Extension of Time.

Mr. David Fitzgerald, 147 Wayne Avenue, Stuarts Draft, stated he has been in the process of studying wind energy systems. He stated he is not going to complete the smaller one near the house due to the fact that it will be insufficient. He mentioned he is still in the process of looking at the economic benefits. He stated he has not gotten electric prices to double yet. He mentioned he has also been studying the possibility of using a methane gas generator with a wind turbine. He stated if he decides to use the methane gas turbine combination he will request that as time goes on. He stated having this permit is the cornerstone because if the permit is not in place all of the other decisions would not happen. He stated he will need more time to finalize his permit mainly because of the economics. He did not get everything done as fast as he would have liked.

Chairman Byerly asked what class winds are at the site?

Mr. Fitzgerald stated there is good wind there but not enough for a long period of time. He stated he would like to study more to see how it will work out. He stated he is also looking at an irrigation system as well.

Vice Chairman Shreckhise asked about a removal bond?

Mr. Wilkinson stated the removal bond is part of the pre-conditions on the request. He stated the use of methane gas would be a separate permit. He stated the applicant may want to apply for a new permit with all of the items he would like. He stated nothing has been done and the applicant has requested extensions since 2009.

Mr. Fitzgerald stated if the permit is not in place, everything else is speculation. He stated he would like to keep the 199' wind tower permit active.

Chairman Byerly stated unless the applicant has Class V winds it will not be economically feasible to put in a \$2,000,000 tower.

Mr. Coyner stated this would most likely be the last extension the Board will grant on this request.

Mr. Fitzgerald stated he would appreciate the Board giving him another two (2) years.

Vice Chairman Shreckhise moved that the two (2) year Extension of Time be approved.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

- 12-11 Mary Phillips Scott
- 12-12 Cornerstone Church of Waynesboro, Trustees
- 12-13 Bryan Keith or Lisa J. Bottenfield

Mr. Wilkinson stated SUP#12-11 and SUP#12-12 are both in compliance. He stated the applicant has not completed the pre-condition for SUP#12-13. He stated staff has sent the applicant a letter asking when the pre-condition will be completed.

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Mr. Morgan 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