

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, March 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 February 7, 2013, meeting be approved.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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JACK AND MARY WILSON, AGENTS FOR BASIC CITY, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jack and Mary Wilson, agents for Basic City, LLC, for a Special Use Permit to reopen the diner, bakery, and takeout and have special events on property they own, located at 2175 Hankey Mountain Highway, Churchville in the North River District.

Mr. Jack Wilson stated he and his wife has been running a small business in Charlottesville and now they want to retire here in Augusta County. He stated his wife was raised in the Valley. He stated he has sold his business and when he saw this property closed down, falling apart, and for sale they decided to purchase it. He stated this site does need a lot of repair. He stated they are working with a structural engineer and their vision is for the site to be like it was in the 1920s and 1930s. He stated Jeff Gentry is also here today to answer any questions the Board may have. He mentioned they do not plan on running the business. He hopes to get someone younger who would feel like running the business.

He mentioned he is comfortable with fixing up older properties. He has had a number of dealings with the County and appreciated all of their help. He stated this will be a bakery and takeout. He has had some challenges with Verizon and VDOT. He hopes to work with VDOT regarding the entrance to the site.

Ms. Brown asked how many entrances does VDOT want?

Mr. Wilson stated they are asking VDOT for a waiver that will allow us to have a small entrance.

Ms. Tilghman asked if twelve (12) special events are enough per year?

Mr. Wilson stated this business will be small. He stated the Health Department has been good to work with and they are limiting them to a maximum of twenty-six (26) seats. He stated they are putting in a waste treatment plant to have the twenty-six (26) seats. He stated they will not be open for dinner if a birthday party is going on. He stated they would also like to have special events including Mother's Day and Easter Brunch. He stated they would also have no more than twenty-six (26) people at the site at any given time.

Ms. Brown stated the applicant may want to increase the number of events to twenty-four (24).

Chairman Byerly stated the Board can increase the number of events if the applicant so chooses.

Mr. Wilson stated he would like to have a chef, baker, and someone that makes their living hosting special events. He stated increasing to twenty-four (24) events would be great.

Ms. Brown asked if they park in the back for the business?

Mr. Wilson stated there are some parking spaces in the back. He stated there are thirteen (13) parking spaces that are mostly in the back. He stated Mr. Gentry has prepared the site plan for him.

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.

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

Pre-Condition:

- 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.

Operating Conditions:

- 1. Be limited to a maximum of twenty-six (26) seats.
- 2. Hours of operation be Monday – Thursday 6:00 a.m. to 8:00 p.m. and Friday – Sunday 6:00 a.m. to 9:00 p.m.
- 3. Be limited to twenty-four (24) special events per year.
- 4. No outdoor amplified music.
- 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.

Mr. Coyner seconded the motion, which carried unanimously.

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CHARLES BEVERAGE, JR. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Charles Beverage, Jr., for a Special Use Permit to have outdoor storage of vehicles, equipment, and storage buildings on property he owns, located on the south side of Stuarts Draft Highway (Route 340), approximately .1 of a mile west of the intersection of Stuarts Draft Highway (Route 340) and Old White Hill Road (Route 831) in the Riverheads District.

Mr. Charles Beverage, Jr. stated he would like to add the display of storage buildings to his existing permit for outdoor storage of vehicles and equipment.

Mr. Coyner asked how long would a building be on the lot?

Mr. Beverage stated the building would set on average about six (6) months.

Ms. Brown asked if they are selling for someone else?

Mr. Beverage stated the building is only displayed on their lot and if sold they get a commission. He stated customers actually buy the building from the manufacturer.

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.

Ms. Brown stated the applicant has operated at the site since 1993 and the site has always been neat and orderly.

Mr. Beverage asked the Board to approve his application with the number of pieces that he has asked for. He mentioned he has adequate space for the outdoor storage without it being congested.

Mr. Coyner stated the applicant has done a good job in Stuarts Draft.

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

Pre-Condition:

None

Operating Conditions:

1. Be limited to a maximum of two hundred (200) items onsite including vehicles, equipment, and storage buildings.
2. All outdoor storage be kept in the designated areas shown on the site plan.
3. Site be kept neat and orderly.
4. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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DARLENE MOXIE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Darlene Moxie, for a Special Use Permit to continue the campground as a short-term campground and short-term recreational vehicle park and an extended stay campground and extended stay recreational vehicle park on property owned by Barbara M. Terrell, Etal, located at 1125 East Side Highway, Waynesboro in the Middle River District.

Ms. Darlene Moxie stated her family has operated the campground for over thirty (30) years. She stated she is here today to continue to operate the campground as a short-term and long-term recreational vehicle park. She stated they take pride in having a clean campground. She hopes the request gets approved.

Mr. Coyner asked if there is a need for this type of long-term campground in the community?

Ms. Moxie stated yes. She mentioned people stay at the campsites when they are employed by construction sites in the area.

Chairman Byerly asked if no outdoor music after 11:30 p.m. is fine with the applicant?

Ms. Moxie stated yes.

Mr. Coyner stated this is a good business. He mentioned that he is not aware of any complaints.

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 these folks have been in business a very long time. He stated the industry needs extended stay campgrounds. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. The facility will comply with all conditions required in Section 25-74N and Section 25-74Q.
2. All new campsites, structures, or expansions must meet the perimeter setback requirement.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, recreational vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. No outdoor music after 11:30 p.m.

Ms. Tilghman seconded the motion, which carried unanimously.

Chairman Byerly stated this is a very well run business and he appreciates that.

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BRIAN AND COLBY TROW, MOSSY CREEK FLY FISHING, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brian and Colby Trow, Mossy Creek Fly Fishing, Inc., for a Special Use Permit to have recreational cabins on property owned by Ronnie L. or Debra S. Knicely, located on the south side of Mossy Creek Road (Route 747), approximately .2 of a mile west of the intersection of Mossy Creek Road (Route 747) and Iron Works Road (Route 809) in the North River District.

Mr. Brian Trow stated he owns Mossy Creek Fly Fishing in Harrisonburg. He stated he has been accommodating anglers for ten (10) years in the Shenandoah Valley. He stated the Department of Game and Inland Fisheries gives out 7,000 permits each year to fish the creek. He mentioned people come from all over the world to fish. He noted this is a spring creek and has been open to the public for thirty-four (34) years to fish. He mentioned they have been involved with \$75,000 worth of grant money into the stream. He stated they have worked hard to get the creek cleaned up. He noted anglers like to feel connected with the water. He stated currently they stay at bed and breakfasts and local hotels. He would like to provide a clean and comfortable place to stay on the water. He stated that he intends to keep the property nice. He stated these fishermen leave the stream looking cleaner then when they got there. He stated this seems to be a nice fit for the area. He

stated this would be open to anybody but it will primarily target anglers and recreational folks.

Vice Chairman Shreckhise stated the Board wants him to be successful but if the business were not to succeed in the future, three (3) cabins on 2.868 acres would not comply with the County's ordinance. He stated the cabins should be constructed with the intention of the land being able to be divided up if the need were to arise.

Mr. Trow stated he is flexible to what the Board would like for him to do. He can even build the cabins closer together.

Vice Chairman Shreckhise stated the applicant should construct the cabins so that the finished product does not present a problem in the future.

Mr. Trow stated ideally they would like to build three (3) cabins.

Mr. Coyner asked if the applicant would be able to obtain additional land in order to have at least three (3) acres on the land for the three (3) cabins?

Vice Chairman Shreckhise stated the cabins would need to be setup so that they would have enough distance in between them in order for the lot to be divided up in the future if needed.

Mr. Trow stated this is something that they have not considered but they will certainly do what they need to do.

Mr. Coyner stated who knows what will happen thirty (30) years from now.

Mr. Wilkinson stated three (3) dwellings would not be permitted on this small acreage. He stated the ordinance limits them to one (1) dwelling per acre. He stated if the adjacent property owner agrees, the applicant can obtain some property and do a boundary line adjustment in order to ease the concerns of the Board. He stated there should be a minimum of twenty-five (25') feet apart from the cabins and his property line. He stated the applicant may need some time to talk with the adjacent property owner to see if that would be an option.

Mr. Trow stated the property close to Route 42 is owned by Bruce Knicely and he did not feel that they could obtain land from them.

Vice Chairman Shreckhise stated the Board could table the request until next month to see what options the applicant comes up with.

Mr. Trow stated the Health Department may not grant him a septic to use for the three (3) cabins. He stated he is flexible because he may only be able to build two (2) cabins. He stated he may have to build smaller cabins due to the fact that the well and septic will be used for all of them under one system.

Chairman Byerly asked if thirty (30) days would help him prepare his business plan?

Vice Chairman Shreckhise stated the applicant should come back with a plan on exactly what he would like to do. He stated the Board in the future would not grant separating the cabins onto three (3) individual lots.

Mr. Trow stated if they could not build three (3) cabins due to the septic, then he would build the two (2) cabins and keep them far apart so that the lot could be divided. He would not be able to get more land.

Ms. Tilghman asked what square footage did the applicant plan on building?

Mr. Trow stated 900 to 1,000 square feet. He stated he would request that the Board move forward with this request.

Mr. Wilkinson stated the applicant can also build two (2) of the cabins close enough together so that in the future if the lots needed to be divided the two (2) cabins can be turned into one (1) dwelling. He stated the Board could put that as a condition should the property need to be subdivided, the applicant only build two (2) units.

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

Mr. Tom Sadler, 179 Bald Rock Road, Verona, stated he works with the applicant. He hoped that the County would approve this request. He stated this would be revenue for the County and supports the economy. He stated Mr. Trow would work to accommodate any conditions that the Board would put on the permit. He stated this will also create heritage of the outdoor recreation in Augusta County.

Mr. Ronnie Knicely, 1286 Mossy Creek Road, Bridgewater, stated he backs up the applicant 100%. He stated he is the owner of the land. He stated they have done a good job with the business. He stated the fishermen are clean, good people.

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

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

Mr. Coyner stated this is something great for the County. He mentioned this request should not be a problem. He stated the Board has told the applicant what the potential problems would be in the future if the land needed to be divided.

Vice Chairman Shreckhise felt that there is not a problem with this request. He stated the applicant knows where the Board stands on the potential for issues in the future.

Ms. Brown asked if the applicant would operate all year?

Mr. Trow stated yes.

Mr. Coyner asked how does the applicant advertise?

Mr. Trow stated he advertises on Facebook and his website.

Chairman Byerly stated he first started Mossy Creek fishing about thirty-four (34) years ago. He stated this is a good venture for the County.

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

Pre-Conditions:

1. Submit site plan showing the location of the three (3) dwellings and potential three (3) lots 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. Obtain VDOT entrance permit and provide a copy to Community Development.
3. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to construct a maximum of three (3) cabins.
2. Cabins be rented only for recreational use as long as they remain on one (1) lot.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

4. Site be kept neat and orderly.
5. No outdoor amplified music after 9:00 p.m.
6. Applicant must reside on the adjacent lot.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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CHRISTOPHER A. OR WANDA C. MARKS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Christopher A. or Wanda C. Marks, for a Special Use Permit to have a general hauling business on property they own, located at 84 Mill Creek Lane, Stuarts Draft in the South River District.

Mr. Christopher Marks stated he has been an Augusta County resident all of his life. He recently decided to work for himself. He stated he purchased a tractor trailer and will be hauling farm commodities. He stated that he established a corporation and will operate out of the home. He stated the only thing that he is going to do at the site is to do some paperwork at his kitchen table and park his tractor trailer at the site. He feels this would benefit Augusta County. He stated he will be a good neighbor. He stated he has not been able to get in touch with VDOT regarding the entrance. He stated he would like to consider the removal of the pre-condition regarding the entrance. He stated the truck can clearly be seen over the hill. He stated he has taken pictures of the hill and presented those to the Board for review. He stated site distance is not a concern here.

Mr. Wilkinson stated the Board does not have an option with regard to VDOT regulations. He stated the applicant will need to work out those issues with VDOT. He stated if the Board is inclined to approve the permit they would not be able to remove the pre-condition.

Chairman Byerly stated that would be out of their jurisdiction.

Ms. Brown asked if the road is gravel or paved?

Mr. Marks stated paved. He stated he was not able to meet with VDOT. He stated he will not be storing materials at the site. He stated he does not have any problems with the other stipulations that staff has recommended. He stated that VDOT wants the driveway moved 100' to 150' but he does not own the frontage for this. He mentioned his property only borders 100' on Mill Creek Lane.

Chairman Byerly asked when the applicant returns home does he back into the site from the road?

Mr. Marks stated yes.

Chairman Byerly stated this Board understands your concern. He stated the applicant will need to address those issues with VDOT.

Mr. Coyner asked if the applicant comes home every night?

Mr. Marks stated every once in awhile he is gone for a night or two but for the most part he comes home every night.

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 this is a needed service in the County. He 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 one (1) semi-tractor and one (1) semi-trailer.
2. Site be kept neat and orderly.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Applicant must reside on premises.

Ms. Brown seconded the motion, which carried unanimously.

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JERRY F. OR MICHELLE D. POMPHREY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jerry F. or Michelle D. Pomphrey, for a Special Use Permit to have a lawn mowing and landscaping business on property they own, located at 1241 Quicks Mill Road, Staunton in the North River District.

Ms. Michelle Pomphrey stated they have operated the business since 2000. She stated the site on the left hand corner is the original site that they have operated since 2000. She stated they have increased their employees and have been doing work in Augusta County, Rockingham County, and Charlottesville. She stated their vision is to build a barn to house their vehicles. She stated the business will look neat and orderly. She stated they were not aware that they needed a permit to park the vehicles at this site. She stated they met with Mr. Wilkinson immediately after and applied for the permit. She stated they also met with VDOT. She stated the barn will be in keeping with the agricultural area. She stated also inside the building will be some of their personal items such as an antique car and camper. She stated the driveway will be behind the building. She stated trees will also be planted. She stated they do have lumber on the property which is their own personal wood for their woodstove. She stated they are planning to fence off their rental property. She stated they want to keep the area as professional and residential looking as they can.

Vice Chairman Shreckhise asked if they operate from there?

Ms. Pomphrey stated they will store trucks at the site only. She stated the business will be operated out of the 2683 Spring Hill Road site. She stated there will be no heat, electric, water, or sewer in the building. She stated they may put in solar panels on the roof so that they can flip a switch. She stated the employees will come to the site, leave their personal vehicle in the building, and take a business vehicle, and then return in the evening. She stated there will not be customers coming to this site.

Mr. Coyner asked how many employees does the applicant have?

Ms. Pomphrey stated two (2) full-time employees. She stated during their busy season they would have a crew of up to four (4) employees.

Chairman Byerly asked if 7:00 p.m. is adequate for their business?

Ms. Pomphrey stated yes. She stated they cannot work after dark. She stated they will only work on Saturday when there is a rainy day during the week. She stated they do not work on Sundays.

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

Ms. Mildred Hendricks, 1289 Quicks Mill Road, Staunton, stated that she has lived there for about forty-eight (48) years. She stated now her house is for sale. She stated her main concern is that potential buyers would not purchase her property because this is supposed to be a residential section and now she would have a business on both sides of her house. She stated she has never been opposed to any permits before. She mentioned she owns fifty (50) acres.

Ms. Joyce Keagy, 1219 Quicks Mill Road, Staunton, stated her property adjoins the site. She stated that she cannot say that she totally objects. She stated she first wrote a letter stating certain conditions should be met. She stated there have been several brush fires last year. She stated she is concerned about fires. She stated ashes have come up onto her deck. She stated Route 612 is a very dangerous road. She stated the entrance is not a viable entrance. She stated if the business is approved she would hope that a row of trees is planted on their side of the fence. She also hoped that there be no more fires. She requested they dispose of items through the Augusta County Landfill. She asked how soon will the barn be built? She stated she cannot say that she is totally against it but there are some issues.

Ms. Brown asked what is the acreage of her property?

Ms. Keagy stated over three (3) acres.

Mr. Wilkinson asked if a double row of trees would help?

Ms. Keagy stated yes. She also did not want the applicant to have any more fires at the site.

Mr. Jerry Hendricks, 1305 Quicks Mill Road, Staunton, stated that he did not disapprove their business being right on the corner but now that they are wanting to have another site they will have two (2) businesses close to their property. He stated he does have some issues with dumping and he was not sure where the fires were coming from.

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 applicants to speak in rebuttal.

Ms. Pomphrey stated there will only be a barn to keep things inside on Quicks Mill Road. She stated no customers will come to this site. She stated this will actually not be a business operation because no business will be conducted at the site. She stated they are simply requesting to keep things in the building. She stated employees will come to the

site in the morning, leave, and return in the afternoon. She stated there will be no outside lights. She stated the barn will look in conjunction with other barns in the area. She stated after the storm they had in June, they did work with the fire department and used the control burn as a training exercise for Verona Fire Department. She stated they do use the Augusta County Landfill and they can provide receipts for all of their disposals. She stated when the brush was brought to their site for the control burn it consisted of twenty-six (26) trees. She stated they do not plan to use their property for a burn again.

Mr. Jerry Pomphrey stated they will plant the trees and he felt not burning the brush was a reasonable request. He stated he did take two (2) loads to the landfill when they had that storm. He stated they do take debris to the landfill and they have many receipts as proof.

Chairman Byerly declared the public hearing closed.

Mr. Coyner stated a pole barn would be acceptable because it will be in keeping with the character of the area. He stated this is not a new business. He stated the Board may want to add that no refuge be brought to the site.

Vice Chairman Shreckhise stated the Board should possibly table the request so that they can view the property and see where the building is being proposed.

Mr. Coyner moved that the request be tabled until the April 4, 2013 meeting due to the fact that the Board did not get a chance to view any of the requests due to the snowstorm.

Ms. Brown seconded the motion, which carried unanimously.

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Chairman Byerly stated due to the snowstorm, the Board did not visit any of the sites on the agenda today.

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SPENCER A., JR. OR FRANCES C. BROOME - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Spencer A., Jr. or Frances C. Broome, for a Special Use Permit to have a lawn care and landscaping business on property they own, located at 1526 Mt. Torrey Road, Lyndhurst in the South River District.

Mr. Spencer Broome stated that he has been a resident of Augusta County for over thirty-eight (38) years. He stated he would like to have a small lawn and garden business. He stated there would be no traffic coming to the site. He stated he would like to park three (3) trucks and two (2) trailers at the site. He mentioned he also would like to store mulch and stone on the property. He stated his business will be primarily mowing and landscaping but he will also clean gutters, pressure wash, and blade sharpening.

Mr. Coyner asked if any mulch or stone will be brought back from the jobsites?

Mr. Broome stated no.

Mr. Coyner asked if this is a family operation.

Mr. Broome stated yes. He mentioned his son will help with the business.

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.

Ms. Tilghman stated this area is shown to have developed residentially but the site is agriculturally zoned.

Mr. Wilkinson stated they have not heard from any of the neighbors regarding the request.

Ms. Tilghman stated because of the weather it was impossible for the Board to view the sites. She stated she is not familiar with this area and would not feel comfortable voting on this request without first seeing it. She moved the request be tabled until the April 4, 2013 meeting.

Mr. Coyner seconded the motion, which carried unanimously.

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IVAN M. OR LUELLA W. NOLT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ivan M. or Luella W. Nolt, for a Special Use Permit to have a general excavation business on property they own, located at 83 Lookout Mountain Lane, Mount Solon in the North River District.

Mr. Ivan Nolt stated he is the owner and operator of Shenandoah Valley Excavation. He stated he has applied for a permit to park his equipment at this site. He stated he has fuel tanks onsite and have contacted DEQ and he is in compliance with their regulations. He stated he will plant a double row of pine trees as a barrier.

Chairman Byerly asked if he was using the shale pit for the business?

Mr. Nolt stated no. He has a long term plan of putting the building on there. He would like to put up a 50' x 100' building in the future. He stated as he has an opportunity he will gradually get the site prepared. He stated he will need to obtain a license to do this. He mentioned that he hopes that this will turn into a father and son operation. He stated he does have one (1) employee. He stated no business is done at the site. He stated majority of the time the equipment is moved from jobsite to jobsite. He stated the big equipment has not been there since December.

Mr. Coyner asked what type of equipment does the applicant have?

Mr. Nolt stated small trac hoe, dozer, mini excavator, caterpillar excavator, thirty (30') foot trailer, auger, several attachments, buckets, etc. He presented the Board with two (2) letters in support of his request.

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

Mr. Earl Cline, 371 Lookout Mountain Lane, Mount Solon, stated that he speaks for the majority of the neighbors in the subdivision and they are in favor of this request other than Mr. Dupont. He stated that Mr. Nolt keeps the place looking neat and clean. He stated there has been no trash. He stated if there are road troubles he always helps them out.

Mr. Coyner asked if he lived next door?

Mr. Cline stated no. He lives three (3) to four (4) houses up.

Mr. Tom Daggy, 294 Lookout Mountain Lane, Mount Solon, stated he lives in Lookout Mountain Subdivision. He stated he is the President of the Homeowner's Association and he thinks all of the members except one is in favor of Mr. Nolt being there. He stated Mr. Nolt is an asset to the community.

Mr. Wilkinson read two (2) letters in favor of the request (copies are in the Special Use Permit file).

Mr. Sam Dupont, 205 Lookout Mountain Lane, Mount Solon, stated he regrets to be in opposition to the request. He stated his concerns are more of a long-term concern. He stated he moved to the area in 2010 and although he is not an adjoining neighbor, but he does live on lot 9 and owns forty-eight (48) acres up above in which he has made a considerable investment. He stated nothing in the Homeowner's Association addresses commercial operations. He mentioned when he moved to the site he had four (4) pieces of equipment and since then it has increased in size. He stated he had no problem with the dump truck, skid loader, and backhoe but now he has a D5-D6 caterpillar and a 40,000 pound steel trac excavator. He asked the County what were the rules for operating this type of business. He stated that Mr. Nolt needed a Special Use Permit. He stated that he has never filed a compliant but he is a believer in getting the proper permits to operate. He mentioned his concern was that Mr. Nolt was not following the rules. He stated they did have a meeting with the homeowners in the area. He noted there was a 100% increase from June 2010 to June 2012 in equipment. He stated most of the time the equipment is at the site. He stated the road coming in takes a beating. He stated his next issue is with erosion. He stated the cars get exceptionally dirty when going on the road. He stated Mr. Nolt also charged the neighbors for gravel when he is the one who takes the equipment on the road. He stated this is a residential area and he could at least be neighborly and help maintain the road. He stated at times it could be very muddy. He stated if the applicant has doubled in size the past two (2) years, where would he be in another two (2) to five (5) years. He asked if the size of the site is suitable for the size of this business? He asked what would be the limitations of the size of his equipment? He stated he is not opposed to what the applicant is doing but he wants to make sure he follows the rules. He stated the applicant should be held responsible to repair the road and not have the neighbors pay for gravel. He noted that erosion will be an issue.

Ms. Brown asked if all of the neighbors use the same road?

Mr. Dupont stated yes.

Ms. Brown asked if the road would accommodate two (2) vehicles?

Mr. Dupont stated no. He noted it is a narrow lane. He stated the road is about a mile long.

Ms. Brown asked if the road is state maintained?

Mr. Dupont stated no. He stated the road would need to be brought up to state standards in order for it to be accepted into the state system.

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. Nolt stated in June of 2010 he did have two (2) pieces of equipment. He stated he started this business six (6) years ago and was unaware that he needed a permit. He stated as soon as he received the letter from Mr. Wilkinson he began the Special Use Permit process. He noted that he will maintain the road from his house to Stribling Springs at the discretion of the Homeowner's Association President. He stated he has spoken with VDOT regarding his entrance and he is waiting for the outcome of this meeting in order to start the process of making the entrance twelve (12') foot wider for more sight distance.

Chairman Byerly declared the public hearing closed.

Mr. Coyner moved that the request be tabled until the April 4, 2013 meeting so the Board could view the site.

Ms. Brown seconded the motion, which carried unanimously.

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LARRY E. OR CAROLYN W. PIRKEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Larry E. or Carolyn W. Pirkey, for a Special Use Permit to have a wrecker service and vehicle repair on property they own, located at 213 South River Road, Grottoes in the Middle River District.

Mr. Larry Pirkey stated he would like to establish a fence and storage area on his property. He mentioned the fence would be between seven (7') foot and ten and a half (10 ½') foot high. He asked that the fence be of natural aluminum finish so that he does not have to worry about painting it. He mentioned that he did not understand the measurements shown on the site plan proposed by staff.

Mr. Wilkinson explained the dimensions that staff has recommended to the Board.

Mr. Pirkey requested that the area be extended back to the area that he originally wanted. He stated with staff's recommendation there will be an L shape piece taken out and it will limit him to maneuvering the trailer in place.

Mr. Coyner asked how long would the tractor trailer be parked onsite?

Mr. Pirkey stated it would usually take a week or two but he has had them on his site for almost six (6) to seven (7) months before the insurance company and the lawsuits get worked out.

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

Mr. Dick Heinrich, 1081 New Hope Road, Staunton, stated the applicant provides a good service to the community. He stated Mr. Pirkey works hard and he generally does what is asked of him.

Chairman Byerly asked if there was anyone else 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 like to see what is going on at the site. He moved that the request be tabled until the April 4, 2013 meeting so the Board can visit the site.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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Mr. Morgan excused himself from the meeting.

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OLD BUSINESS

KAREN HOLMES - SPECIAL USE PERMIT

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. - TABLED AT THE FEBRUARY 7, 2013 MEETING

Mr. Coyner moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Karen Holmes stated she would like to withdraw her application to operate in the barn. She stated it will be too expensive and they are unable to complete what is required to

operate in the barn. She stated she gave up her store in Churchville. She noted that Mr. Chester has agreed to have them move into his country store building which he is in the process of getting the approvals for currently.

Mr. Wilkinson stated the Building Official is still waiting on some information from Mr. Chester regarding the retail sales. He stated the Health Department pre-condition has been completed. He mentioned once the Building Official approves the site then he can release the permit to Mr. Chester. He stated Mr. Chester has agreed to lease Ms. Holmes that area of the store. He noted only agricultural sales will be in the barn.

Mr. Coyner moved that the request be withdrawn as per the applicant requested.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Francis Chester stated it would cost several million dollars for him to bring the barn up to code in order to conform to ADA regulations. He stated the additional insulation would destroy the character of the barn. He will give up his commercial aspect of the retail sales and concentrate on the agricultural sales. He hoped the Board will allow Ms. Holmes in the building as soon as possible. He stated he will meet with the Building Official and there are minor things that will need to be done with the store.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

ALLAN HADFIELD, AGENT FOR DYNAMIC CONSTRUCTION SERVICES, INC. - TWO YEAR EXTENSION OF TIME REQUEST

A request by Allan Hadfield, agent for Dynamic Construction Services, Inc., for a Special Use Permit to have a general construction and electrical business, to construct an addition to the existing building, to construct a new warehouse, and have outside storage on property owned by Blue Marlin Investments, LLC, located in the southwest quadrant of the intersection of Lee Jackson Highway (Route 11) and Swartzel Shop Road (Route 694) in the Riverheads District.

Mr. Allan Hadfield stated they moved to this site a couple years ago and they had plans to construct a warehouse. He stated they have not started the warehouse and would like to have an additional two (2) years to complete it.

Mr. Wilkinson stated the applicant has improved the property tremendously.

Ms. Tilghman moved that the two (2) year Extension of Time be approved.

Ms. Brown seconded the motion, which carried unanimously.

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JAMES F. AND LAURA K. VINES - ONE YEAR EXTENSION OF TIME REQUEST

A request by James F. and Laura K. Vines, for a Special Use Permit to use existing buildings for a slaughterhouse and meat processing facility, and to have a retail meat shop on property they own, located on the northwest side of Lee Highway (Route 11), approximately .5 of a mile north of the intersection of Lee Highway (Route 11) and Pruchnic Lane in the North River District.

Mr. Wilkinson stated most of the structure has been completed. He stated the applicant is in the final stages of getting their USDA permit. He stated the applicant is requesting a one (1) year Extension of Time. He stated they hoped to get the permit by this spring.

Mr. Coyner moved that the one (1) year Extension of Time be approved.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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STAFF REPORT

- 12-14 Darcy Dwight or Kasey L. Knox
- 12-15 MEG, LLC
- 12-16 Benjamin W. Cash
- 12-17 Charles Scott and Cathy R. Balsley

Mr. Wilkinson stated that SUP#12-14 and SUP#12-15 are both in compliance. He stated staff has sent the applicant a letter regarding the pine trees not being installed for SUP#12-16. He stated the applicant spoke with the neighbor and they preferred something else such as hardwood instead of the pines. He had wanted to visit the site today but due to the snow the Board was not able to do so. He stated SUP#12-17 is in compliance.

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

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

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Chairman

Secretary