

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 7, 2014, at 9:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **9:00 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:

- **PHILLIP J., SUSAN H., AND PHILLIP J., JR., SANDRIDGE - SPECIAL USE PERMIT**
- **RUSSELL SCHMIDT - SPECIAL USE PERMIT**
- **RONALD E. KISER - SPECIAL USE PERMIT**
- **DAVID HARRIS - SPECIAL USE PERMIT**
- **RONALD KING - 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

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

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 7, 2014, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Byerly moved that the minutes from the July 3, 2014, meeting be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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SHAWN HAMRIC, AGENT FOR C.L. HAMRIC MEMORIALS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Shawn Hamric, agent for C.L. Hamric Memorials, for a Special Use Permit to have outside display and storage of memorial stones on property owned by Franklin Holdings, LLC, located at 4171 Lee Jackson Highway, Greenville, in the Riverheads District.

Mr. Shawn Hamric stated he would like to have outdoor storage and display at the property.

Mr. Coyner asked if the applicant plans on having an office at the site?

Mr. Hamric stated at this point he is asking for display only. He noted if he gets enough business to justify an office then he may have an office at this property. He would like to be able to rotate the stones because if they sit for too long they soak up too much moisture. He will also like to change the colors out.

Mr. Coyner asked if he was in business for quite some time?

Mr. Hamric stated the family has had this business since 1927.

Mr. Coyner asked about the stones absorbing the moisture?

Mr. Hamric stated with mulch being around the stone it will absorb some moisture. He would like to display new stones without any engraving and would like to be able to sell those stones eventually to keep a good rotation going at the site.

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

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

Vice Chairwoman Tilghman stated this is a reasonable request. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. All monuments and stones be kept within the 10' x 35' area as shown on the BZA site plan.
2. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

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PHILLIP J., SUSAN H., AND PHILLIP J., JR., SANDRIDGE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Phillip J., Susan H., and Phillip J., Jr., Sandridge for a Special Use Permit to have an electrical business within an existing building on property they own, located at 409 Calf Mountain Road, Waynesboro, in the Wayne District.

Mr. Phillip Sandridge stated he would like to operate his electrical business at this site. He started this business twelve (12) years ago and the business has grown to multiple employees.

Ms. Brown asked how many employees does the applicant have?

Mr. Sandridge stated he has twelve (12) employees.

Ms. Brown asked if the employees come to the site?

Mr. Sandridge stated yes.

Mr. Coyner asked what type of work is done?

Mr. Sandridge stated he does residential, commercial, and industrial electrical.

Ms. Brown asked if the applicant operates on Saturday?

Mr. Sandridge stated his business is 24 hours and sometimes they do have a service call at night or on the weekends. He noted they do have to work sometimes on Saturday but not often.

Ms. Brown asked if the employees have their own vehicles kept at the site?

Mr. Sandridge stated yes they drive to the shop, pick up the van, and leave.

Mr. Coyner asked if there are customers coming to the site?

Mr. Sandridge stated no.

Mr. Coyner stated the applicant will only have delivery of equipment and employees coming to the site. He stated the weekend activity is for emergencies only.

Vice Chairwoman Tilghman stated the site is very neatly kept. She stated the applicant has seven (7) vehicles, four (4) trailers, and twelve (12) employees parking at the site. She stated that puts the applicant at his maximum.

Mr. Sandridge stated three (3) employees live onsite. He noted nine (9) employees are non-resident.

Vice Chairwoman Tilghman asked if the applicant plans on expanding?

Mr. Sandridge stated currently he cannot handle any more employees but maybe in the future he may have two (2) more employees.

Vice Chairwoman Tilghman stated the use does work well now but it does come to a point where if the business expands it does need to be in a business district.

Mr. Coyner asked if the applicant serves a large area?

Mr. Sandridge stated they go wherever the job is. He noted they go to areas in West Virginia, Harrisonburg, Winchester as well as locally.

Mr. Byerly stated he appreciates the applicant keeping the site neat and orderly. He stated the applicant is doing a good job with their business or else they would not be up to twelve (12) employees.

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

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

Mr. Coyner stated this has been the second time for a request on Calf Mountain Road and both times both businesses appear to be well run, small businesses. He stated the site is neat and orderly. He noted entrepreneurial spirit is a wonderful thing. He moved that the request be approved with the following conditions:

Pre-Condition:

1. Obtain letter of approval from Building Inspection **within sixty (60) days.**

Operating Conditions:

1. Be limited to seven (7) company vehicles and four (4) trailers at the site.
2. All vehicles and trailers be kept in the designated areas shown on the site plan.
3. No more than twelve (12) non-resident employees to come to the site.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.
6. No Sunday work except for emergencies.
7. One of the applicants must reside on premises.
8. If any future expansion of building or use is requested or required, the business must be moved to a Business zoned district.

Mr. Byerly seconded the motion, which carried unanimously.

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RUSSELL SCHMIDT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Russell Schmidt, for a Special Use Permit to expand the number of items for outdoor storage and add U-Hauls on property owned by Doris S. Wright, located at 1670 Lee Jackson Highway, Staunton, in the Riverheads District.

Mr. Russell Schmidt stated he has lived in Staunton for twenty (20) years. He would like to have ten (10) U-Hauls and request to have twenty-five (25) Ebay items. He stated the items he sells range in size from jewelry to motor homes. He noted large items like tractor trailers he takes pictures of and are not kept at the site. He tries to keep as many items indoors as possible. He stated he does not want to store items with gasoline inside the building. He stated he does not know when or how many U-Hauls he will receive. He stated the dealers are not notified on drop-offs. He stated there were weeks where he did not have any U-Hauls at the site and other times it ranged from three (3) to four (4) U-Hauls at the site. He noted when college gets out all of his U-Hauls are gone. He stated the motor home on the property takes up a lot of space. He has kept the site looking neat and clean for the last four (4) to five (5) years. He does try and run a professional business and serve the community well.

Ms. Brown stated the Board visited the site today.

Mr. Schmidt stated he is responsible for ten (10') feet behind the building.

Mr. Coyner stated with the camper and the motor home the lot looks congested. He asked the applicant why he would not put those items in the back so that there are more spaces in front?

Mr. Schmidt stated they just got the smaller camper a week ago. He stated when items are sold he parks them on the grass away from the street.

Mr. Coyner asked how long are items kept at the site once they are sold?

Mr. Schmidt stated the camper has been at his site since February 22nd and it just sold. He stated keeping an item for one (1) to two (2) months is not unusual. He stated anything that cost over \$40,000 will be sitting for a while.

Mr. Coyner asked if the carport is for sale along with the mower and trailer?

Mr. Schmidt stated the carport is for sale but the trailer and mower is used for his business and are not for sale.

Mr. Coyner asked about the styrofoam and boxes kept outside?

Mr. Schmidt stated he uses those for packing and shipping items. He stated those were donated to them from Tractor Supply rather than filling the landfill.

Ms. Brown asked if the basement is used for the business?

Mr. Schmidt stated he does not have permission to use the basement. He stated there is only 900 square feet on the main floor. He noted with Ebay, items are sold around the world and sometimes it takes about a week or two for items to be picked up once they are sold. He stated very rarely do they sell something and someone picks it up right away. He mentioned most items are sold out of state.

Mr. Coyner asked if the U-Hauls could be anywhere from a truck to a trailer?

Mr. Schmidt stated yes. He stated if he does not have what the customer needs, he recommends them to another U-Haul dealer. He noted he has had seven (7) trucks with the U-Haul operation the entire time.

Vice Chairwoman Tilghman asked why wouldn't the customers keep the items until they are sold? She also asked what is the percentage of items sold just by having someone drive by and see it?

Mr. Schmidt stated the items have additional exposure at the site. He mentioned 10% are sold with just driving by his location. He stated besides Ebay, he sells on Craigslist too.

Vice Chairwoman Tilghman stated she is surprised that the cars do not stay at the owner's site until they are sold.

Mr. Schmidt stated with expensive collector cars he goes to the property owner's site to take pictures.

Vice Chairwoman Tilghman asked what is kept inside the building?

Mr. Schmidt stated jewelry, furniture, etc. He stated items that do not sell are given back to the customer.

Chairman Shreckhise stated with an Ebay business he felt that there would be few items on display. He stated he also felt that this was basically an internet business and now it looks like a used car lot.

Mr. Schmidt stated he has never had issues with the neighbors. He stated with any business, the more you have the more you sell. He mentioned if you have 100 things your chances of selling the item is good but if you have 200 items your chances are even better. He noted this has been a business location for forty (40) years.

Chairman Shreckhise stated if that much more space is needed, maybe the applicant would be better moving to a business location.

Mr. Coyner stated when the Board visited the site today it was very congested.

Mr. Schmidt stated under the carport there were mowers and golf carts.

Mr. Coyner asked how can the applicant handle twenty-five (25) items at the site?

Mr. Schmidt stated he would like to ask that his permit be expanded one more time and never have to come back before the Board. He is requesting to expand so that he can have a little more flexibility. He will not have twenty-five (25) motor homes or cars stored at the site at any one time.

Mr. Wilkinson stated the big RV and expandable camper are taking up 50% of the display space. He noted the applicant is only permitted to have five (5) items stored outside as listed on their current permit. He asked if some of the larger items could go back behind the store?

Mr. Schmidt stated he is unable to move the camper. He asked if the Board could limit the number of larger items. He stated it is not normal to have campers all year round.

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

Ms. Diana Rader, PO Box 12, Mint Spring, stated her home provides daily direct visual exposure to this site (she submitted photos to the Board). She would guess that she is a football field's length across the roadways. She stated after the first year the Ebay store was in operation she did start to worry because rarely was there less than ten (10) for sale vehicles or "things" sitting outside. She noted on several occasions there have been as many as eighteen (18) "things" including at least ten (10) vehicles, trailers, mowers, golf carts, pieces of equipment, etc. She stated the first time she inquired about the guidelines for this site was a few years ago since she had to be at the County Center. She visited the Zoning office and voiced her concern that the area looked like a used equipment flea market with over fourteen (14) vehicles and other items sitting about. She stated on review of the permit, she was told that the Board did indeed provide specific guidelines, allowing a maximum of five (5) vehicles to include a trailer because of potentially selling a boat. She mentioned the County staff assured her it would be checked and things seemed to be a bit better for a while. She stated unfortunately with a family illness/death during this time her concern over the appearance of the Ebay store was not a top priority but rarely have there

been less than eight (8) to ten (10) or more vehicles/things on that site every day. She had a friend comment this past spring on the eyesore the location had become as they drove by on Route 11. She stated this spring she again brought the number of vehicles/things to the attention of the Zoning office (at least twelve (12) including the two (2) RVs, four (4) golf carts, a boat, a truck, U-Haul van, plus tires, and other items). She waited 30, then 45 days, and nothing much occurred in terms of getting down to the five (5) vehicles. She stated some did leave like the golf carts but there has continued to be at least eight (8) or more "things" (mostly vehicles/trailers. She stated in July the U-Haul business started expanding. She noted if the site looked like it was today then she would not be as upset but that has only been the past couple of weeks. She stated there seems to be little regard by this Ebay petitioner for the guidelines set out in the Special Use Permit. She does have great concern over any increase in "number" or types of "things". She stated if more than five (5) are allowed, how many would there really be. She stated neither the County nor its residents should have to expend resources to keep monitoring this place but it does appear to be necessary. She asked the Board to consider a definition for the size of vehicles and quantity allowed. She noted before April 2014 there have been at least two large RVs parked on the site. She stated fifth wheels, Class A RVs, and most business box vans are twice the size of cars. She stated this permit would allow for any type of vehicle including semi-trailers or 21 foot trailers. She noted frequently the site has looked like a used equipment/mini flea market and not an Ebay store with stuff sitting all over including, for several weeks, a trailer that was opened with many "things" for sale taken out each day with machine parts, etc. She asked what constitutes one "thing"? A pile of boxes – not one pile but many boxes. She stated there are two (2) for sale signs on the car canopy to inquire within indicates the canopy should be one "thing" for sale and not just covering for "personal trailers/mowers". She asked how many personal items are being stored outside? She stated it would seem that there needs to be an overall total and not just five (5) for sale things with whatever personal things are placed which are perhaps for sale if someone asks. She asked how many signs are there to be. She noted some examples of sign display which include a "rent me" sign, two signs on the vehicle canopy, on the front and sides of the building, stands on Route 11, at the intersection of Route 11 and White Hill Road and on the building as well as an old gas price sign being displayed. She asked if the gas sign being displayed is a thing for sale or personal. She asked what the business hours/lighting will be for the U-Haul portion of the business. She asked how will they restrict the number of vehicles/trailers for drop off or provide space for accepting those rentals scheduled and stay within whatever number is allowed. She stated according to U-Haul business model guideline: "Smaller dealerships will start with only a couple trucks and trailers, but in a given week you could end up with a dozen or more trucks on your lot and if you do not have room for at least five (5) trucks and trailers, this is likely not the business for you." She asked where would the supplies/equipment be stored – boxes, dollies, blankets, etc. which are all part of a U-Haul business. She stated Route 11/White Hill Road is a busy intersection especially if there is construction or an accident on I-81. She stated the view both ways is somewhat blocked by the rolling terrain. She stated parking vehicles on the edge/bank both inhibit the view and degrade the "rural" appearance of the area. She stated pulling trucks and trailers out onto Route 11 at that intersection and especially with drivers picking up larger vehicles they have little experience handling is slow

at best. She stressed that this is not a good location to start "learning" to drive a different type of vehicle.

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

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

Mr. Schmidt stated he has never had eighteen (18) items on the premises. He has always maintained the property neat and clean. He stated it is not normally full of cars. He stated this has been a business location for over fifty (50) years. He is sorry it has affected Ms. Rader. He is trying to conduct his business with an entrepreneurial spirit.

Chairman Shreckhise declared the public hearing closed.

Mr. Wilkinson stated the Board can set specific spaces for parking and for display.

Mr. Coyner stated there are a number of vehicles at the site and if the vehicles were displayed in an orderly fashion it may make the site look better in appearance.

Chairman Shreckhise stated the Board could limit the number of vehicles parked perpendicular with the highway. He stated any display should be at least 25' away from the highway. He stated if they are arranged near the curb, they will block the vision. He stated with them being close to the road it actually looks like the applicant has more than what he actually does.

Ms. Brown asked about the space on the right side of the property?

Mr. Wilkinson stated there is room for four (4) items and about eight (8) between the edges of the carport. He stated this area should be shown on the site plan.

Mr. Coyner stated this morning a U-Haul was brought to the site and the display area was not in any order.

Mr. Byerly stated the applicant should attractively display the items being sold. He stated the larger items should be moved onto the gravel area. He asked if the styrofoam blocks should be placed behind the building?

Mr. Wilkinson stated the loose material should be screened from public view behind a privacy fence or in a storage building.

Vice Chairwoman Tilghman stated there has been businesses at the site but in 2005 this Board denied a request for storage of backhoes and trailers outside. She stated the type of Ebay items could be any size. She felt the applicant may have outgrown this space which is a positive thing for his business. She understands that it will be hard to control the

number of U-Hauls brought to the site. She has no doubt that at times the site is kept neat and at other times not pretty at all. She stated even the actual building is too small for this business due to the fact that the loose material is being kept outside. She stated he should really have indoor storage for that.

Ms. Brown stated the applicant should show the correct spots for parking. She noted the entire front of the property has outside display on it.

Chairman Shreckhise felt the Board should table the request until next month in order for the applicant to provide them with a revised site plan.

Mr. Byerly stated he agreed. He stated the site plan should be revised to show the outside display.

Mr. Coyner moved that the request be tabled to the September 4, 2014 meeting. He stated during that time the applicant should work with staff to develop an acceptable site plan.

Vice Chairwoman Tilghman seconded the motion, which carried unanimously.

Mr. Schmidt stated he will rearrange the items in a better looking format.

Mr. Wilkinson stated the number of items at the site will need to be reduced to five (5). He stated U-Hauls have been added this year and are not part of the current permit. He stated the applicant is only permitted to have five (5) items stored outside until the Board makes their decision on this permit.

Mr. Coyner stated the Board's intent is to try and work with the applicant to come up with a compromise to benefit everyone.

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RONALD E. KISER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ronald E. Kiser, for a Special Use Permit to have outdoor storage of buildings on property he own

Mr. Ronald Kiser stated he would request to have outdoor storage of three (3) metal buildings for display. He has spoken with the adjacent property owners to make sure it is acceptable to them. He would like to replace the 20' x 20' carport out front and have wood and metal buildings displayed for sale against the east side of the building and west side of the lot.

Mr. Coyner asked if these will just be for display?

Mr. Kiser stated the wood buildings will be sold and replaced. He stated the metal buildings that he sells are permanent and built to code. He stated he has been selling metal buildings since 1989.

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

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

Mr. Coyner stated this request is straight forward. He stated the applicant has been in business for twenty (20) years. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to replace the 20' x 20' carport out front and have wood and metal buildings displayed for sale against the east side of the building and west side of the lot as shown on the site plan.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
3. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

Chairman Shreckhise stated this site is in a business location. He requested that the site plan be updated to show where the applicant would like the buildings moved to.

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DAVID HARRIS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by David Harris, for a Special Use Permit to have outside storage in conjunction with a landscape business, on property owned by James Brenneman, located on the south side of Benz Lane, opposite the intersection of Benz Lane and Kolb Circle, Waynesboro, in the South River District.

Mr. David Harris stated he has had a home based business since 2000. He stated his business has grown the last couple of years and he would like to move the business to this site.

Chairman Shreckhise asked if the plant materials will be stored at the site?

Mr. Harris stated yes.

Chairman Shreckhise asked how will the applicant water the plants?

Mr. Harris stated he has an irrigation system in place.

Chairman Shreckhise asked about the drainage?

Mr. Harris stated Mr. Brenneman has allowances for water and drainage on the plans.

Mr. Coyner asked if the applicant will have mulch and decorative rocks at the site?

Mr. Harris stated yes.

Mr. Coyner asked what type of equipment will be stored at the site?

Mr. Harris stated two (2) skid steers, mini-excavator, trailers, and a dump truck, and four (4) business trucks.

Mr. Coyner asked if employees would come to the site?

Mr. Harris stated yes.

Ms. Brown asked how many employees would the applicant have?

Mr. Harris stated four (4) employees.

Ms. Brown asked for the total number of equipment that would be at the site?

Mr. Harris stated five (5) business trucks, five (5) trailers, two (2) skid steers, and a mini-excavator.

Mr. Coyner asked if there would be retail at the site?

Mr. Harris stated possibly mulch or decorative stone but the majority of the stock would be for the jobs that they do.

Mr. Coyner asked if the applicant will have an office at the site?

Mr. Harris stated yes.

Mr. Wilkinson stated the property is zoned business. He stated a site plan would be required. He stated the applicant will have a double row of staggered trees at the site which will meet the screening requirements.

Mr. Byerly stated the property is owned by Mr. Brenneman. He stated Mr. Brenneman has a good reputation and the building will be attractively done and landscaped nicely.

Vice Chairwoman Tilghman appreciated the fact that the applicant is moving to a business location as the business grew which this Board does try and encourage.

Mr. Wilkinson stated the hours of operation and number of employees are looked at when property is zoned General Agriculture. He noted this is zoned Business and would not have the same stipulations as property zoned General Agriculture. He stated this request is only for the outdoor storage associated with the business.

Mr. Coyner stated Mr. Brenneman has a vested interest in the property and will be sure it will look neat and orderly. He stated this site is at the entrance to Mr. Brenneman's development.

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

Mr. James Brenneman stated he is the current property owner of the 250 acres behind this which is the entrance to both farms. He addressed the drainage concerns for the Board. He stated the two (2) acre site will drain off into the channel. He is very interested in what will be going on with his property. He noted this is a good occupant for the site. He stated Mr. Harris maintains the lawn for the church and does a good job for them.

Mr. Coyner asked where does the channel end up?

Mr. Brenneman stated in the South River.

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

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

Mr. Byerly stated this is a good, well thought application for the use of this property. He moved that the request be approved with the following conditions:

Pre-Condition:

1. Submit site plan **including screening of the storage area** 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. The outdoor storage area behind the buildings as shown on the BZA site plan be screened by an eight (8') foot high opaque vinyl privacy fence with opaque gates or a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center and must be maintained at all times. The gates will remain closed except when equipment or materials are being moved in or out of the enclosed area.
2. With the exception of licensed company vehicles, all equipment, machinery, and materials for the business be kept inside the screened outdoor storage area.
3. No refuse from the business to be brought to this site.
4. Hours of operation be Monday – Friday 7:30 a.m. to 7:00 p.m. and Saturday 7:30 a.m. to 1:00 p.m.
5. No Sunday work.
6. Site be kept neat and orderly.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Ms. Brown seconded the motion, which carried unanimously.

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RONALD KING - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ronald King, for a Special Use Permit to have outdoor storage and display in conjunction with a food service vehicle on property owned by Skyline Swannanoa, Inc., located at 5186 Howardsville Turnpike, Afton, in the South River District.

Mr. Ronald King stated his popcorn is the first and only gourmet popcorn trailer in Virginia. He also sells pork rinds and hot dogs at the site. He stated this snack trailer has become quite successful.

Chairman Shreckhise asked if this would be seasonal?

Mr. King stated he would operate April through November.

Mr. Coyner asked if the food service trailer will be left at the site?

Mr. King stated yes. He noted it is pretty secure there. He noted since he has been at the site there has not been any new vandalism.

Mr. Coyner asked if his customers are more local or tourists?

Mr. King stated approximately 65% are tourists but there are a lot of local citizens who visit him often.

Vice Chairwoman Tilghman asked if the food service trailer would be moved or brought anywhere else?

Mr. King stated during the offseason it goes in storage. He noted this year he sold at two festivals.

Mr. Byerly asked if it would be possible for him to acquire the site?

Mr. King stated he will need to talk with Mr. Delaney about that but the building is too far gone and would be very expensive to repair.

Mr. Coyner asked if he has employees?

Mr. King stated on weekends his wife helps and he has one (1) helper. He stated the weekends are really busy.

Vice Chairwoman Tilghman asked what the hours of operation are?

Mr. King stated normally 10:00 a.m. until 6:00 p.m. He noted days that are really nice he may be open until 8:00 p.m. He mentioned on the weekends he opens 1 ½ hours earlier to prepare for the day. He sells many flavors of popcorn and pork rinds.

Ms. Brown asked how did the applicant get started?

Mr. King stated he wanted to start a business close to home. He was fortunate to find this equipment in Delaware and make payments on it. He setup at a few festivals and then he asked Mr. Delaney about setting up at this site and he said yes.

Mr. Byerly asked if he anticipated selling other products like snow cones?

Mr. King stated no.

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

Ms. Carrie Eheart, 940 Patton Farm Road, Stuarts Draft, stated she has been a resident of Waynesboro and Augusta County her entire life. She stated she is an avid hiker. She noted in listening to the meeting, she felt that the Board likes the idea of a small person rising up and living the American dream. She stops by this site every weekend. She stated since May she has been hiking the Shenandoah National Park end to end. She stated having Mr. King at this site gives hikers a place to go. She stated it gives people an opportunity to sit down and meet other people. She would hope that he be allowed to remain there. She stated the community supports him.

Ms. Lynn Mitchell, 185 Bella Vista Drive, Staunton, stated she lives in the County. She stated Mr. King is a ray of sunshine on the mountain. She stated she was on Facebook today and was reading all of the comments in support of what he is doing. She stated all of the bicyclists appreciate somewhere to stop on Afton Mountain and get a snack and drink. She stated King's Popcorn has a steady customer base. She stated that Mr. King has paved the parking lot which was full of huge potholes and boarded up the windows. She stated Mr. King's popcorn is a well-loved fixture on Afton. She stated this is the best thing that has happened to this property in years. She felt that this is the seed that will begin the rebirth and rebuilding on Afton Mountain.

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

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

Mr. Byerly moved that the request be approved with the recommended staff conditions. He noted this request is supported by the local citizens.

Ms. Brown stated that she hoped that this would be the start of the rebirth of the mountain to connect everyone together. She seconded the motion.

Mr. Byerly asked the applicant if the number of tables was adequate or would he like to request additional tables or an additional food trailer?

Mr. King stated if the Board would be willing to grant the additional tables and food trailer that would be great.

Mr. Byerly amended his motion to read:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have two (2) food service trailers and six (6) picnic tables as shown on the BZA site plan.
2. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

LEROY WELLS, AGENT FOR CHAPARRAL (VIRGINIA), INC. AND GERDAU AMERISTEEL US, INC. - EXTENSION OF TIME REQUEST

A request by LeRoy Wells, agent for Chaparral (Virginia), Inc. and Gerdau Ameristeel US, Inc., for a Special Use Permit to continue the existing scrapyard and add a mobile office unit on property owned by Stump Holding Company, LLC, located at 71 Stump Lane, Waynesboro, in the South River District.

Mr. Wilkinson stated staff has visited the site and the metal brought to this location is gone within five (5) days. He stated the applicants keep very little on the ground. He noted they have not put in the mobile office unit, therefore, the applicant is requesting a one (1) year Extension of Time.

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

Vice Chairwoman Tilghman seconded the motion, which carried unanimously.

STAFF REPORT

- 13-42 Winston D. or Rene E. Rhodes
- 13-43 James P. and Deborah K. McLaughlin
- 13-44 Kenneth Ray Bradley, Jr., Inc.
- 13-45 Sea Bea Motorsports, Inc.
- 13-46 The Regional Animal Shelter Land Trust

Mr. Wilkinson stated SUP#13-42 and SUP#13-43 are both in compliance. He stated they are waiting for the engineer to submit site plans on SUP#13-44 and SUP#13-45. He stated the site plan for the Regional Animal Shelter (SUP#13-46) has been approved and they are ready to move forward.

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