

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  
 Pat Morgan, County Attorney

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 6, 2014, at 8:15 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:15 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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**VIEWINGS**

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

- **JEFFREY AND BRIDGETTE SHOWALTER - SPECIAL USE PERMIT**
- **STEVE A. AND PAMELA KISAMORE - SPECIAL USE PERMIT**
- **KENNETH RAY BRADLEY, JR. - SPECIAL USE PERMITS**
- **STEPHEN WALLER, AGENT FOR VERIZON WIRELESS - SPECIAL USE PERMIT**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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 Chairman

\_\_\_\_\_  
 Secretary

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 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, November 6, 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 October 2, 2014, meeting be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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**KENNETH RAY BRADLEY, JR. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kenneth Ray Bradley, Jr., for a Special Use Permit to add new uses to the Eastside Speedway property including a contractor’s office and storage yard, vehicle towing and impound area, storage, crushing and recycling of building and road materials, topsoil sifting, truck and tractor pulls, monster truck events, mud bog events, motocross events, demolition derbys, circuses and fairs, flea market and auction sales, horse shows, car shows, and weekend festivals such as jeep or RV festivals on property owned by Eastside Speedway, Inc., c/o A.L. Gore, Richard Gore, and Gary Gore, located at 115 Al Gore Lane, Waynesboro, in the Wayne District.

Chairman Shreckhise stated this request has been cancelled at the request of the property owner.

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**JEFFREY AND BRIDGETTE SHOWALTER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Jeffrey and Bridgette Showalter, for a Special Use Permit to continue the existing kennel operation and to expand the operation by adding the existing horse barn to the kennel operation on property owned by Gary W. or Erma M. Showalter, located at 11 Wise Hill Lane, Mt. Crawford, in the North River District.

Mr. Jeff Showalter stated he would like to put the kennel in their name. He stated that he does not have immediate plans to use the horse barn but would like to have the option. He stated they are expecting their first child. He mentioned that he is not asking to expand his number but to have what his license states. He stated it should not matter how many animals you have as long as they are cared for properly and have adequate space. He felt that there should not be a limit on the number for quality breeders. He stated there are other folks out there that take advantage of that.

Ms. Brown asked how many dogs do you have?

Mr. Showalter stated they have fifty-four (54) dogs. He stated that they are not all breeding dogs. He noted some are older and some are younger dogs.

Ms. Brown asked how many employees do you have?

Mr. Showalter stated his wife and him take care of the kennel. He stated sometimes his neighbor comes to help out on occasion. He stated they have an automatic water system and automatic feeders.

Ms. Brown asked how do the dogs exercise?

Mr. Showalter stated they let the dogs out within the facility for some playtime.

Ms. Brown asked if one person can handle taking care of the dogs?

Mr. Showalter stated yes. He stated they are small dogs. He stated they pick up the dogs and bring them back into the kennel.

Mr. Coyner asked what are the breeds?

Mr. Showalter stated they have five (5) purebred lines but they specialize in hybrid breeds which is where they cross breed in order to get stronger and healthier puppies.

Mr. Coyner asked if they market locally?

Mr. Showalter stated they do not third party sell. He stated they want people to come to the site to visit with the dogs and adopt their next family member. He stated they are not a puppy mill. He stated they stand by their animals.

Mr. Coyner asked if the customer comes to the site to visit with the dog?

Mr. Showalter stated yes. He stated they have a showroom in order for the customer to come and socialize with the puppies. He noted they can even meet the parents if necessary.

Mr. Coyner asked if they have small or large breeds?

Mr. Showalter stated they would like to continue to have small breeds now. He stated they are looking at the horse barn if they have larger breeds. He stated they have gotten requests for Labradoodles. He stated if they were to use the horse barn, the facility will be state of the art. He stated they go above and beyond with their facility in order to do the work right the first time so that they do not have to come back and try again.

Ms. Brown asked how the floors are in the kennels?

Mr. Showalter stated they are concrete. He stated they are washable and they have drains.

Ms. Brown asked about the waste products?

Mr. Showalter stated they are collected using the existing septic tank. He stated he washes down the kennels twice a day. He pumps and spreads it on the fields and uses it as fertilizer.

Ms. Brown asked if the applicant works full-time?

Mr. Showalter stated his wife does some babysitting. He also does some carpentry and has some real estate properties. He stated they are busy.

Ms. Brown asked if they were able to even to take care of the fifty-four (54) dogs with operating babysitting, carpentry, and real estate businesses?

Mr. Showalter stated he will not expand unless they know they have people in place to help with the business. He stated his brother lives at the site. He noted the kennel is all contained onto the property.

Ms. Brown stated the Board visited the site today and heard a lot of barking.

Mr. Showalter stated 80% of what they do are referrals. He noted the dogs do bark when they see new people but once you are there for a few minutes they are fine. He stated they are not an annoyance. He stated in the summertime the front door is open and the dogs are not an annoyance.

Mr. Coyner stated the Board visited the site this morning. He stated this was a good way to use the building. He stated the Board was disappointed that they could not go inside the building. He stated the applicant does have a lot of dogs at the site.

Mr. Showalter stated they want to do a good job. He stated they will not have any more animals than what they can care for. He stated they are a respectable breeder and should not even have a limit. He stated the County should worry about the folks who do not care. He stated they requested one hundred fifty (150) dogs back in 2003 and they do not have more than fifty-four (54) dogs right now. He noted only forty-five (45) are breeding dogs.

Mr. Coyner stated the horse barn was built prior to the kennel. He asked if the dogs and horses get along being that they will be in the same building?

Mr. Showalter stated they have three (3) horses now and they do not foresee this as being a problem.

Vice Chairwoman Tilghman asked if the horse barn would be used for the larger breeds?

Mr. Showalter stated yes.

Vice Chairwoman Tilghman asked if you can put the larger breeds in the regular kennel?

Mr. Showalter stated no. He would have two (2) mature dogs per kennel in the horse barn.

Mr. Coyner asked how many puppies are usually in a litter?

Mr. Showalter stated it depends on the breed. He stated some have only one (1) or two (2) puppies. He noted the larger breed could have twelve (12) or thirteen (13).

Mr. Coyner asked how many litters do they have per year?

Mr. Showalter stated they could have two (2) per year but he allows them time to rest in between so they breed once per year.

Ms. Brown asked if the kennel is heated?

Mr. Showalter stated in the older kennel they have gas heaters but in the new facility he is thinking about using radiant heat.

Ms. Brown asked if the dogs are inside at night?

Mr. Showalter stated yes.

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

Mr. Gary Showalter, 199 Wise Hill Lane, Mt. Crawford, stated he is the property owner. He started this kennel back in 2003. He stated in 2008 Jeff Showalter started managing the kennel. He stated Jeff and his wife does a great job. He stated the showroom is really nice. He stated the public can come to the farm anytime to play with the puppies. He would like for his son to continue the operation.

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. He stated the Board did receive some letters in favor from the neighbors.

Mr. Coyner stated the Board visited the site this morning. He stated Mr. Showalter has done well over the last ten (10) years. He stated the Board has had good and bad experiences with kennels.

Mr. Byerly stated that it is apparent that this is an industrious family. He stated this family is on top of their game. He stated they have a playroom and visiting room for the public. He stated that he does not have a problem with allowing them to have one hundred (100) to one hundred fifty (150) dogs. He does have a problem with the seventy-five (75). He noted this facility is state of the art.

Chairman Shreckhise stated the applicant can always come back and reapply for an increase in the number of dogs if they are successful.

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

**Pre-Condition:**

1. The new kennels inside the barn will be constructed with concrete floors and with closable doors so that the dogs can be kept indoors **prior** to the construction of outside runs.

**Operating Conditions:**

1. The **total number of dogs** permitted on the property be limited to a maximum of **seventy-five (75)**.
2. Outside runs on the east side of the horse barn be constructed with concrete floors, six foot (6') high chain link fencing, and stop twenty-five feet (25') from the property line.
3. Site be kept neat and orderly.
4. All dogs be confined within the enclosed buildings from 10:00 p.m. until 6:00 a.m.

Ms. Brown seconded the motion, which carried with a 4-1 vote. Mr. Byerly was not in favor of limiting the applicant to seventy-five (75) dogs.

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**STEVE A. AND PAMELA KISAMORE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Steve A. and Pamela Kisamore, for a Special Use Permit to park log trucks and equipment on property they own, located at 158 Chapel Road, Churchville, in the Pastures District.

Mr. Steve Kisamore stated he purchased five (5) acres of land with hopes to park his truck and equipment at the site. He would like to bring his truck home, equipment, and install a driveway at the site.

Mr. Coyner stated the applicant's place of business is just only two (2) miles away.

Mr. Kisamore stated he would like to use this property. He stated what good is a piece of property if you cannot use it.

Mr. Coyner stated this area of the County has developed residentially.

Ms. Brown asked if the applicant can wash the vehicles at the business site?

Mr. Kisamore stated no.

Mr. Wilkinson stated that there have been changes to the State regulations. He noted if the applicant is disturbing 10,000 square feet or more they will need to submit an Erosion and Sediment Control plan drawn by an engineer or surveyor. He stated the applicant will need to show that they will not increase the runoff. He stated they need to take into consideration the size of the driveway and the area that will be cleared for the

storage. He wanted to point out this information because this could be a cost issue to the applicant.

Mr. Kisamore asked if he could have a chicken house or hogs at the site?

Mr. Wilkinson stated yes.

Mr. Coyner stated this is a residential area. He asked if the applicant has had a chance to speak with some of the neighbors?

Mr. Kisamore stated Jerusalem Chapel has sent in a letter but he did not have time to go door to door with all of the neighbors. He mentioned that he spoke with some of his neighbors.

Chairman Shreckhise stated no maintenance of the trucks can be done at this location if the permit is approved. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Wilkinson stated they did receive a letter from Jerusalem Chapel Church in favor. He stated they did not receive any objections on this request.

Ms. Joanne Watson, 208 Chapel Road, Churchville, stated there is a logging company nearby and they have trucks driving up and down the road. She stated the roads are not built to handle these big trucks. She stated the residents also walk up and down this road. She is concerned about the applicant washing the vehicles at the site. She is opposed to the large vehicles being at the site.

Mr. Clay Lovegrove, 90 Chapel Road, Churchville, stated the backyard adjoins his property. He stated that the neighbors felt threatened that there would be a chicken house in the area if this request did not get approved. He stated the applicant owns three (3) parcels of land and he asked if he could park the vehicles on any of those parcels?

Mr. Wilkinson stated the applicant can bring one (1) company vehicle home but if he is wanting to have more than that along with storage of equipment outdoors than a Special Use Permit would be required.

Chairman Shreckhise asked if there was anyone else wishing to speak? There being none, he asked if the applicant would like to speak in rebuttal?

The applicant had no further comment.

Chairman Shreckhise declared the public hearing closed.



Mr. Coyner stated the Board visited the site this morning. He mentioned that there are many houses in this residential area. He stated storing large trucks at this site is not the best thing. He stated the applicant's business is only two (2) miles away. He stated this is not a good spot for this type of business. He noted this request does not appear to be in keeping with the neighborhood. He noted for the reasons previously stated, he would move that the request be denied.

Mr. Byerly stated if the applicant wanted to bring one (1) truck home he is fine with that but he would have a problem with this request.

Ms. Brown stated she would prefer that the applicant only bring one (1) truck to this site. She stated this is a large neighborhood and the homes are close together. She seconded the motion, which carried unanimously.

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### **STEPHEN WALLER, AGENT FOR VERIZON WIRELESS - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Stephen Waller, agent for Verizon Wireless, for a Special Use Permit to construct a new wireless telecommunications facility on property owned by Donald F. and Polly D. Weaver, located behind 286 Howardsville Turnpike, Stuarts Draft, in the South River District.

Mr. Pete Caramanis stated he is here representing Verizon Wireless. He noted they did try and address the concerns of the public. He stated this site meets all of the requirements of the Zoning Ordinance. He stated the County's consultant supports this request. He stated the sites work best with larger size parcels. He stated the site has existing trees around it. He noted this tower site is central and is far enough from neighboring properties. He stated they try and reduce the visibility of the site. He mentioned that they looked at staff's recommendation of approval and would request some changes to the conditions. He would request that the Board change condition #3 to read that the tower not be lit unless required by the FAA. He noted that they have no intentions to light the tower but wanted to add that language as a precaution. He also would like to change the wording on the second bullet of condition #7.

Mr. Coyner asked when will this project be started?

Mr. Caramanis stated within the next year or so.

Mr. Coyner asked how many users will be on the tower?

Mr. Caramanis stated the tower is capable of handling up to four (4) providers. He stated this will help with the general coverage gap and will be useful to other providers. He stated Verizon will be on the tower because it is their tower.

Ms. Brown asked how far out will the coverage go?

Mr. Caramanis stated they did provide propagation maps as part of their application. He apologized that he could not convert the distance to miles.

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

Ms. Brenda Allen, 292 Howardsville Turnpike, Stuarts Draft, stated that she sent in a written objection to this permit. She stated she has received objections from some of the other neighbors in the area (copies in the file). She respects the need for wireless but she feels that the tower is close to occupied dwellings. She stated the open part is toward the residents. She does understand the federal regulations that the County cannot deny a request for health and safety reasons but the tower will not improve the health and safety of the neighbors in the area. She stated there is adequate cell coverage in this area and the area would not benefit from this tower. She felt that Verizon could find a better site for this tower.

Mr. Byerly asked how far is this tower from your home?

Ms. Allen stated less than  $\frac{1}{4}$  of a mile. She stated that she bought her house last year and her deck will face the tower. She has a concern about the traffic coming in and out of the property. She stated the road is very narrow and she is concerned with the service vehicles on the road. She does have some concerns about the health issues. She stated most residents are elderly and the radioactivity will not improve their health. Mr. Byerly stated he lives close to a 400' lighted tower and the access from the company is very infrequent. He stated it is very rare to see service vehicles going to the site. He has not had any problems and he looks at it all of the time. He stated the tower is on a historic farm across the fence line. He noted that he does not reap any of the monthly receipts but the cell service is now wonderful so it's a tradeoff.

Mr. Marco Taylor, 56 Carter Circle, Stuarts Draft, stated he lives closer than anyone in the radius of the cell tower. He stated the tower will be 400' from his back door. He stated that he bought the property because it was a quiet secluded spot. He has done research that his property values will drop. He stated this is something that he would not like to look at. He stated the tower will be 150' above the tree line. He wanted to know what area will the tower serve? He asked if this will help EMS services? He noted that his wireless service in the area is fine. He mentioned that this tower was slated to locate at the end of Lake Road which is in a remote area. He does not understand why this is near his home. He is in opposition to this request.

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

There being no one else wishing to speak, Chairman Shreckhise asked George Condyles, the County's consultant, to speak regarding the request.

Mr. George Condyles, Atlantic Technologies, stated that he is the County's consultant on towers. He stated he received this package in early September for a 199' monopole tower. He has made several site visits and produced his report on September 26, 2014 with findings for this tower. He stated the tower would be in a wooded area. He stated the trees are fifty (50') to seventy (70') feet tall. He stated the front side of the tower will be seen from the field. He stated the tower will serve mainly for the 4G data which will help run our computers, iPad, etc. He stated this tower will serve the general area. He stated the radius that this tower will serve is approximately two (2) miles with data to go inside buildings or homes. He stated this tower will also fill in the site from the overall network that Verizon has. He stated the applicant has met all of the zoning and setback requirements. He stated in his 30+ years in the business he has never seen one fall but the tower has adequate setbacks and it is designed to collapse onto itself if that situation would occur. He stated the applicant has provided adequate information and he would encourage the Board to approve this request.

Mr. Coyner asked about the radioactivity issue?

Mr. Condyles stated the 1996 Communications Act states that the Board cannot take that into consideration when deciding on whether a permit should be granted. He noted the carriers are required to provide an analysis and keep it on file for the FCC to review at any time. He stated the Board cannot consider that in this local action but he does look at those issues.

Vice Chairwoman Tilghman asked if this tower will help the areas that do not have adequate cell coverage? She asked how far is the area that you proposed to the County in order to have a better quality signal?

Mr. Condyles stated the tower does not need to be in the exact spot. He stated somewhere within  $\frac{1}{4}$  to  $\frac{1}{2}$  mile radius. He noted other properties could not meet the setback requirements. He stated there is no way you could place the tower on some of the other lots because they do not have the fall zone area because their lots are too small. He stated the setbacks protect the public. He noted this tower will increase the voice signal but the main reason is to have a better signal for data in order to run your computer and internet. He mentioned that there is a hole in the coverage for this particular area.

Vice Chairwoman Tilghman stated the goal is to improve the signal that is already there and grow from it.

Mr. Caramanis stated once the tower is up there will not be much traffic coming to the site on a regular basis. He stated the site has the trees as screening. He stated the site will not provide any noise. He stated as with Mr. Condyles report to the County,

there are no additional sites that could meet this coverage objective. He stated Verizon wants to be a good neighbor. He would ask that the Board grant the request with the two suggestions that he previously noted.

Mr. Coyner asked about the tower radioactivity?

Mr. Caramanis stated that has been a concern for the public for many years. He stated a lot of the radiation comes from the handset and not necessarily from the tower. He stated they are regulated by the FCC and monitored by them. He stated the act prohibits the Board deny an application based on those grounds. He stated the federal government is taking care of that end so that this Board does not need to worry about it.

Chairman Shreckhise declared the public hearing closed.

Mr. Byerly stated that he has seen many tower requests. He noted there has been a lot of changes on cell towers over the years. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. The applicant will submit all necessary information and a bond, irrevocable letter of credit, or appropriate surety to comply with Section 25-68.7 "Bonding" of the Augusta County Zoning Ordinance.

**Operating Conditions:**

1. Be permitted to construct a 199' monopole style telecommunications tower.
2. Tower design will allow a minimum of four (4) co-locators.
3. The tower will **not be lighted unless required by the FAA.**
4. The eastern side of the fenced compound area be screened by a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center as shown on the site plan, and the trees be maintained at all times. The existing trees around the remaining perimeter of the fenced compound be maintained as a natural buffer.
5. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for

telecommunications purposes. The tower shall be disassembled and completely removed from the site within 180 days of such notification.

6. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.
7. Augusta County shall be allowed, at its request, to use a mutually agreed upon location on the monopole for County emergency communications, subject to the following conditions:
  - Rent-free if solely for use by the County police, fire, rescue, and/or other emergency communication services.
  - Application submitted with equipment specifications.
  - Written no-rent license agreement for this emergency communications space on this tower between the County and Verizon.
  - Subject to space availability and structural capacity without the need for extensions or structural modifications (unless approved by and installed by Applicant at the County's sole cost and expense); provided, however, that when only one space for collocation remains on the monopole, the County shall have the right of first refusal before any additional carrier is allowed to collocate, including ground space, not to exceed 10' x 10', for its communication needs, without any charge. This otherwise perpetual reservation may be waived at the discretion of the County Administrator, and this right of first refusal shall expire upon the earlier to occur of the tower (a) being removed; or (b) reaching full capacity.

Mr. Coyner seconded the motion, which carried unanimously.

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## **OLD BUSINESS**

### **KENNETH RAY BRADLEY, JR. - SPECIAL USE PERMIT**

A request by Kenneth Ray Bradley, Jr. for a Special Use Permit to modify the conditions of the existing permit to have a contractors storage yard, temporary salvage area, and have an auction facility and flea market by continuing temporary outside storage of salvage material on the south side of the property and to modify condition #4 to remove the limit on the number of auctions per month, and to permit outdoor storage of tables for the flea market, and modify condition #5 to allow Sunday operations on property he owns, located on the east side of East Side Highway (Route 340), just north of the

intersection of East Side Highway and Al Gore Lane, in the Wayne District. - TABLED AT THE OCTOBER 2, 2014 MEETING

Mr. Coyner moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Tom Shumate, Jr. stated the contract fell through at the Eastside Speedway property and they have lost their ability to store the milling there. He stated they would like to have an area to store the milling but when this pile is gone, it is gone. He stated they have reduced the pile since the Board last saw it.

Mr. Coyner asked what is the timeframe on removing the milling pile?

Mr. Kenny Bradley, Jr. hoped that it should be removed within a twelve (12) month period. He would hope then that the building would be built and they can put the rest behind it. He stated there would not be any more storage in that area of the property once it is all removed.

Mr. Shumate stated this was a misunderstanding on their part. He stated they need time to sell the millings.

Mr. Bradley stated it was his mistake that he put the pile in the wrong area. He stated they are moving it every day that they can. He stated that all of the material will be in the area where it can be stock piled. He stated they have moved at least 33% of it and as the pile decreases it will be moved behind the building once it is built.

Mr. Coyner stated ideally it should all be gone within a year.

Mr. Shumate stated a lot of the millings have been removed. He stated the millings and concrete are slowly leaving the property and will be gone.

Mr. Coyner stated the stockpile includes two (2) products, the millings and concrete.

Mr. Byerly asked how many tons of millings are still there?

Mr. Bradley stated a couple thousand loads.

Mr. Coyner asked how many loads were put in there?

Mr. Bradley stated over 3,000 but there is less than 2,000 loads at the site today.

Mr. Shumate stated they would like not to have a limit on the number of events.

Mr. Coyner stated the Board can revisit this request in two (2) years to be sure the applicant is following the conditions.

Mr. Wilkinson stated currently they are permitted to have sixteen (16) auctions or flea markets. He noted that staff felt like the Board should see how the events are handled before increasing the number.

Mr. Shumate stated they are fine with keeping the limit on the number of events but would like to take off the limitation of two (2) per month. He stated in the warmer months they would prefer not to have a limit per month but keep the sixteen (16) auctions or flea markets. He stated the flea markets will be held on Friday, Saturday, and Sunday. He stated they would also like to be able to have an event during a holiday weekend. He stated the tables will not be outside all of the time. He stated they would like to put the tables outside on Thursday night so that Friday morning they are ready to go. He stated they would like to leave the tables outside until Sunday afternoon. He stated once the event is over the tables will not be outside. He confirmed the one event will take place on Friday through Sunday except for a holiday which it would be through Monday.

Mr. Coyner stated the applicant should not have any more than three (3) per month. He noted the holidays should only be Memorial Day, Fourth of July, and Labor Day.

Mr. Shumate stated the Monday would only be in a holiday situation. He stated they will not have these events during the week.

Ms. Brown asked where are they taking the gravel material?

Mr. Bradley stated they have been taking it to nearby farms and also using it on residential driveways.

Mr. Coyner asked what is the timeframe on the building construction?

Mr. Shumate stated they are in the site plan process and it is a work in progress. He stated the new regulations on stormwater and water quality have been giving him some issues.

Mr. Coyner asked if the business will be running by next summer?

Mr. Bradley stated they are waiting on Mr. Shumate to resubmit the site plan. He would hope so because he has already purchased a building for this site.

Mr. Wilkinson stated the outside storage has been at this site illegally for a year. He noted that half of the site is in violation of the Zoning Ordinance right now. He stated the applicant will need to adhere to the timeframe that the Board sets. He stated this property is not zoned for industrial use and has been in violation for over one (1) year.

Chairman Shreckhise stated these millings should be removed within a year.

Mr. Shumate stated that he will mark the outside storage area behind the building.

Mr. Wilkinson stated the outside storage area will need to be marked on the site plan.

Vice Chairwoman Tilghman stated Mr. Shumate will redraw the changes to the site plan as we discussed. She asked if the original site plan was ever approved?

Mr. Wilkinson stated the original site plan needed additional engineering work and was not approved. He noted the revised site plan is under consideration today and shows the material storage area behind the building has been shifted over about one hundred (100') feet due to the drainfield location.

Chairman Shreckhise asked what are the dimensions of the storage area now?

Mr. Wilkinson stated that area on the new plan is approximately one hundred ninety (190') feet wide. He noted the original site plan showed about one hundred twenty (120') feet and did not come out past the building.

Mr. Coyner asked Mr. Shumate to mark the boundary of the outside storage on the site plan as well as at the site so there is no question in the future about where the outside storage is permitted.

Mr. Shumate stated the storage area will not be past the building which is 120' feet long. He stated he could put in Leland Cypress trees to screen the storage area.

Chairman Shreckhise stated that he would not recommend the Leland Cypress trees.

Mr. Coyner stated the storage should stop at the end of the building. He noted the trees should also be maintained.

Mr. Shumate stated the storage area would be parallel to the building and come down to the silt fence. He will quantify that area and show it on the site plan. He stated he will mark it with metal fence posts to clearly identify the area.

Chairman Shreckhise stated it should be no wider than one hundred ninety (190') feet and stop at the silt fence.

Mr. Bradley stated he can plant evergreen trees around the southern side of the storage area which will also show the approved boundary.

Chairman Shreckhise stated the outside storage area should be screened by a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center.



Mr. Coyner asked about the hours of operation?

Mr. Wilkinson stated lighting is not requested, therefore, they will not operate at night.

Mr. Coyner stated the hours of operation should be limited to 9:00 p.m.

Mr. Coyner 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. The request to store materials on the south side of the property **is denied**.
2. Applicant be given **one (1) year (until November 6, 2015)** to remove all millings, rock, gravel, concrete, and construction materials from the south side of the property, and **no new salvage or construction materials of any kind, including but not limited to millings, rock, gravel, or concrete be brought to this area.**
3. There will be no business use or parking on the south side of the property.
4. Applicant be permitted sixteen (16) auctions or outdoor flea market events per year, but no more than three (3) per month.
5. Auctions or outdoor flea market events be permitted on Friday, Saturday, and Sunday. Events be permitted to extend to Mondays when the following holidays: Memorial Day, Fourth of July, and Labor Day, fall on a Monday.
6. Be permitted to setup tables on Thursdays and the tables remain during events. All tables be removed by Sunday afternoon except during the above Monday holidays.
7. All auctions or outdoor flea market events be completed by 9:00 p.m.
8. The material storage area will be located behind the auction house building as shown on the site plan, will be no more than one hundred ninety (190') feet wide and parallel to the south side of the building down to the silt fence, and will be screened from public view by a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center around the corner of the storage area down

the south side to the silt fence, and must be maintained at all times. This tree buffer must be installed before any materials are moved to the materials storage area.

9. Permit be reviewed in two (2) years.

10. All other conditions of SUP#13-44 to remain in effect.

Mr. Byerly seconded the motion, which carried unanimously.

Mr. Shumate asked if the material can be removed and used for a parking lot where the millings are currently stored? He stated the site plan shows a parking lot for that area. Mr. Wilkinson stated the Board has not approved the south side of the property for a parking area. He stated the applicant will need to apply for that area to be used as a parking lot.

Mr. Bradley asked if they can use that area to park cars for the flea market?

Chairman Shreckhise stated the applicant cannot use the south side of the property for business or parking. He stated that it is considered a field and agriculture property.

Mr. Wilkinson stated if the applicant would like to rezone it to business then only a site plan would be required.

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**MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

**PHILLIP C. OR KATHY H. CRITCHFIELD - ONE YEAR EXTENSION OF TIME REQUEST**

A request by Phillip C. or Kathy H. Critchfield, for a Special Use Permit to have limited agriculture on property they own, located at 21 Greenville Farm Lane, Staunton in the Pastures District.

Mr. Wilkinson stated Mr. Critchfield is almost finished with the fencing. He mentioned that the applicant has had some health issues and is asking for a one (1) year Extension of Time.

Vice Chairwoman Tilghman moved that the one (1) year Extension of Time be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**LINDA WHITE – SPECIAL USE PERMIT**

Mr. Wilkinson stated SUP#13-51 for Allen Weekly, owned by Linda White, has never been issued due to not submitting the site plan. He stated this is an open issue in which he discussed with the Board last month. He noted the building is currently under construction. He mentioned that a site plan was not submitted before the building permit was issued. He stated since then the Board of Supervisors repealed that section of the ordinance and has left the decision of a site plan up to this Board. He asked to have a motion from the Board in order to remove the pre-condition from the permit.

Vice Chairwoman Tilghman moved to withdraw the site plan condition on the permit.

Mr. Coyner seconded the motion, which carried unanimously.

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**REGIONAL ANIMAL SHELTER – SPECIAL USE PERMIT**

Mr. Wilkinson stated the site plan has been submitted for the expansion. He noted they are in desperate need to start construction. He stated the applicant is asking if the Board will permit them to have black coated vinyl which is half of the cost as the green or brown for their fence.

Mr. Byerly stated it would be fine for them to use the black instead.

The Board all agreed to permit the Regional Animal Shelter to use black coated vinyl for the fence.

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**STAFF REPORT**

- 14-1            Martin K. or Christine J. Auville
- 14-2            Kenneth Brad Long
- 14-3            Norris E., Jr. or Kimberly E. Campbell

Mr. Wilkinson stated they have sent letters to the applicants on SUP#14-1 and SUP#14-2 stating that the pre-conditions were not completed. He noted that SUP#14-3 has been inspected and is in compliance.

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Mr. Morgan discussed the court cases with the Board.

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

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Chairman

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Secretary