

February 3, 2022

PRESENT: George A. Coyner, II, Chair
 Mark L. Glover, Vice Chair
 Thomas W. Bailey
 Thomas V. Thacker
 Justine D. Tilghman
 Sandra K. Bunch, Zoning Administrator and Secretary
 John R. Wilkinson, Director of Community Development
 James R. Benkahla, County Attorney
 Kathleen Keffer, Assistant County Attorney
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 3, 2022 at 9:30 A.M., in the County Government Center, Verona, Virginia.

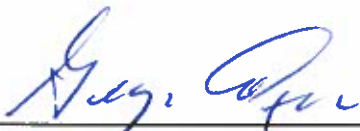
The staff briefing was held at 9:30 a.m. in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

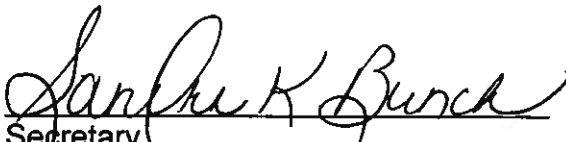
The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- GARLAND R., II AND HILARY J. DAVIS - SPECIAL USE PERMIT
- CLINTON LAWRENCE - SPECIAL USE PERMIT
- PHILIP SCOTT OR MEGAN LESLIE TIERNAN - SPECIAL USE PERMIT
- JAMES HAVE - SPECIAL USE PERMIT
- DEREK SHEEHAN, AGENT FOR WAYNESBORO BRIDGE SOLAR, LLC - 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.



 Chair



 Secretary

February 3, 2022

PRESENT: George A. Coyner, II, Chair
Mark L. Glover, Vice Chair
Thomas W. Bailey
Thomas V. Thacker
Justine D. Tilghman
Sandra K. Bunch, Zoning Administrator and Secretary
James R. Benkahla, County Attorney
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 3, 2022, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Bailey moved that the minutes from the January 6, 2022, meeting be approved.

Mr. Thacker seconded the motion, which carried unanimously.

TIMOTHY GROVE, AGENT FOR HOUFF CORPORATION - SPECIAL USE PERMIT

A request by Timothy Grove, agent for Houff Corporation, for a Special Use Permit to construct a manure storage facility to store bio-solids or manure for future land application on property owned by Crosby Farm, LLC, located at 408 Hankey Mountain Highway, Churchville in the Pastures District. - Tabled at the January 6, 2022 Meeting – **WITHDRAWN**

Chair Coyner stated the Houff Corporation Special Use Permit has been withdrawn.

February 3, 2022

GARLAND R., II AND HILARY J. DAVIS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Garland R., II and Hilary J. Davis, for a Special Use Permit to have a short term vacation rental on property they own, located at 1399 Roman Road, Mount Sidney in the North River District.

Mr. Garland Davis stated he would like to have a short term rental at the original farmhouse that is located at 1399 Roman Road.

Chair Coyner asked if he lives in the house up on the hill?

Mr. Davis stated yes.

Chair Coyner asked if he advertises on the internet?

Mr. Davis stated I will use the Vacation Rentals By Owner website.

Chair Coyner asked if this will be for rental on weekends?

Mr. Davis stated I have had clients stay five weeks before because they came to get the farm experience. I get a lot of weekend rentals and some weekday rentals. It is a variety of any such things. I am looking to generate some income versus having someone renting it full time and have wear and tear that would come from maybe six people living in this 120 year old home versus maybe 100 nights a year of folks coming through and leaving who will want their deposit back so they should be real careful about tearing anything up. I want to preserve the 120 year old home. I think the County rule pertaining to an owner being adjacent to the property is a very good rule and our five years of operating this property as a short term rental, I can tell you that we have had no problems on our property and I think the number one reason is because I live on the hill up above. I think that has a lot to do with the County's policy that the owner needs to live on the property or on the adjacent property.

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

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

Mr. Bailey stated this request is not out of character with the rural community. I think it would be a great fit for the area. Mr. Bailey moved to approve the request with the following conditions:

February 3, 2022

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to rent the three (3) bedroom house for short term vacation rental.
2. Be limited to a maximum of six (6) persons occupying the dwelling.
3. Applicant reside on the adjacent parcel and be available during times the dwelling is rented or provide contact information to adjacent neighbors.
4. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

CLINTON LAWRENCE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Clinton Lawrence, for a Special Use Permit to have a sawmill, process lumber and to have a landscape/tree service business with outdoor storage of logs, processed wood and wood chips on property owned by C.C. Lawrence, located at 1169 Jennings Gap Road, Churchville in the North River District.

Mr. Clinton Lawrence stated I bought a sawmill about five or six months ago. I have done tree work for many years. I eventually want to do this full time for myself but right now I work for a company full time as a foreman. We have done processing for farmers, military families, and things in the past few months that has been very successful. I am wanting to do it from my residence because that is all I can afford. I do not have the money to purchase a commercial property.

Chair Coyner stated the Board noticed a bunch of logs there this morning.

Mr. Lawrence said one of my friends brought me some loads of firewood. However with the snow and the rain, we could not get to it. I have to move it this weekend because I

February 3, 2022

work full time. I do not have a whole lot of time during the week. Friday, Saturday, and Sunday is when I do most of my work.

Chair Coyner asked how large of a log in diameter can you handle?

Mr. Lawrence stated 24" in diameter and 10' long.

Chair Coyner asked if he is wanting to store firewood and lumber?

Mr. Lawrence stated the firewood is for us personally because we burn wood in our house. The sawmill is there and I can mill it there on the property or on the customer's property. I also take down trees for people and grind brush. I have a chipper at the site also.

Chair Coyner asked if they would just have logs only on the property, not brush?

Mr. Lawrence stated yes. I may have the chips there.

Chair Coyner stated it is important that the place be kept neat and orderly.

Mr. Bailey asked if customers will come to the site?

Mr. Lawrence stated only if they have a log to drop off but I can deliver it back to them.

Chair Coyner asked if this will be just he and his family?

Mr. Lawrence stated yes.

Chair Coyner asked if he would have any employees?

Mr. Lawrence stated no.

Ms. Tilghman asked if there would be any burning?

Mr. Lawrence stated I am not planning on having giant bonfires or burning brush or logs.

Ms. Tilghman stated the Board may want to add that to the operating conditions of the permit if approved. She asked how much equipment do you have?

February 3, 2022

Mr. Lawrence stated I have a tractor, sawmill, and a chipper.

Ms. Tilghman asked if the applicant has a bucket truck?

Mr. Lawrence stated I would like to have a bucket truck in the future.

Ms. Tilghman asked if the applicant should use the existing trees or do we need to add additional screening?

Mr. Lawrence stated I can install a privacy fence.

Chair Coyner stated a fence will be good.

Mr. Lawrence stated that is perfectly fine. I could build a privacy fence around it which would not be a problem and it will keep everything contained.

Chair Coyner said it is important that your outside storage does not grow into the entire farm. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Michael Lawrence, 168 Hundley Mill Road, Staunton, stated I am his brother. I really think this is a good idea. There is a little clutter on the property which can be fixed. He does not have thousands of logs there or huge equipment. This will help him have extra income for his family. He is willing to help his neighbors whenever they need it. I do think this is a good thing. I do think it is bad that you have to go through all these steps to do something for your family and then people stand in your way potentially. A simple fence will block any neighbor's view. I would hope that we have some neighbors here today that respect the growth he is trying to do for his family.

Mr. David Bussard, 11 Grubert Avenue, Staunton, stated I am his brother-in-law. I see a lot of growth and potential. I see someone who is willing to step out and take a chance in order to provide for his family. With the help of loving family members, I am sure we could meet the requirements for zoning. Clinton will be professional and be respectful to the neighbors. I really do not know that it would be too much of an issue with the neighbors having his business there. I think this will be a great thing.

Mr. Glenn Lawrence, Jr., 1143 Jennings Gap Road, Churchville, stated we cannot do anything about the sawmill because it is agriculture and from what we have been told we cannot stop the sawmill. I hope he does real well with what he wants to do. Our property is in a subdivision and his property is connected to ours. I do not know what

February 3, 2022

our subdivision name is. In the records it states that there is not supposed to be businesses on any of the property. I do not have a problem with a sawmill. His granddaddy signed that piece of paper years ago. I was worried about the woodchips and burning. My wife cannot be around smoke. The property is not supposed to be zoned for businesses.

Mr. Thomas Peters, 1155 Jennings Gap Road, Churchville, stated the Board addressed the burning. My house is only about 150 feet from the sawmill. I walk out my back door and look to the left. How many chips will be there? Will there be something in writing about what he can do? Is he going to hire anybody else since he has a full time job or is he still going to work by himself and run the whole business? He is leaving plenty of room to expand. I like to see the parameters so he does not expand. His granddad had these restrictions and there is only supposed to be single family dwellings on his property. His granddad and grandma signed it and it says that everything is to be conveyed with the property. This was done by about seven pieces of land on that same plot. We all have the same restrictions. We all signed the same deeds. My wife has COPD and she cannot be around smoke. If you leave this permit open he will want more and more. With a sawmill you have a lot of scrap wood. Where will it go if it is not brought here? Will it be dumped in the field with the chips and burned?

Chair Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Chair Coyner asked the applicant to speak in rebuttal.

Mr. Lawrence stated I know our neighborhood is concerned about the scrap. We cut all of our scrap up and use it for firewood in our house. We have done that since we have gotten the sawmill and we will continue doing that. It will be put in our personal fireplace in the house. If I could just do the sawmill business. I will get rid of the tree service.

Chair Coyner asked about the chips and debris coming back to the house?

Mr. Lawrence stated I am not bringing chips to the house. I do not have a use for it. I can remove the logs and build a privacy fence around them and the sawmill so they cannot be seen.

Chair Coyner asked if there will be employees?

Mr. Lawrence said I have no intention of ever having employees. If I do have employees in the future it will not be on this property.

February 3, 2022

Mrs. Lawrence stated we have had the property for six years now. I am not sure what subdivision they are speaking about and I have read the deed multiple times. My grandfather did have a small engine shop there since the 1980s. We continued it for a small amount of time once he passed away. We did have a lot of customers that were granddad's customers that do stop by on occasion to fix a lawnmower and we still fix them including for the neighbors that we have. We chose to shut that down. There has been a business there for quite some time and we do not have customers really coming in and out. We did speak to our surrounding neighbors directly on our property. One did express concerns but the concerns that were brought up just now were never brought to our attention. We offered to put a privacy fence up months ago and we were told to wait. The privacy fence is not a problem. We have multiple neighbors that have asked us to assist them in cutting their trees down. The one neighbor that spoke we chipped his tree limbs that have fallen. I believe we left the chips under the trees at his request. There is a pile of firewood in our yard which is close to Mr. Peters yard, but it is our firewood. We get our teenage boys to help split it. We do not leave any scrap of any kind, even the sawdust comes off. So there is really no scraps and we will not burn in any way shape or form.

Chair Coyner declared the public hearing closed. The Board visited the site this morning.

Ms. Tilghman stated this is not a landscape business but purely trees. The Board can add an operating condition of no burning onsite. We can also have them install a fence.

Ms. Bunch stated the personal firewood does not have to be screened.

Ms. Tilghman stated if the applicant does get employees in the future they would have to come back to us.

Chair Coyner stated the Board should review this permit in two (2) years.

Mr. Thacker asked if the applicant does some landscaping?

Ms. Bunch stated we listed that because his contractor's licensing says landscaping on it.

Mr. Lawrence stated we sometimes go to a property and take the tree trunks from the ground. When I contacted the insurance company, they suggested that I put that in

February 3, 2022

there that way I am covered. I am not doing any landscaping or mowing yards, mulching or weed eating.

Mr. Thacker stated the site needs to be neat and orderly.

Ms. Tilghman moved to approve the request with the following conditions:

Pre-Condition:

1. The applicant construct an eight (8') foot high opaque privacy fence around the designated storage area behind the house.

Operating Conditions:

1. All equipment, machinery, and materials, excluding personal firewood, be kept inside the two (2) designated areas shown on the BZA plan.
2. Be limited to one (1) bucket truck at the site.
3. No parking of vehicles or other equipment in the VDOT right-of-way.
4. Hours of operation be 9:00 a.m. to 5:00 p.m.
5. No employees.
6. No Sunday work.
7. Site be kept neat and orderly.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
9. No burning of debris onsite.
10. The eight (8') foot high privacy fence be maintained at all times.
11. Permit be reviewed in **two (2) years** and renewed if all of the conditions are met.

Mr. Thacker seconded the motion, which carried unanimously.

February 3, 2022

ABNER N., IV AND CLARA M. JOHNSTON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Abner N., IV and Clara M. Johnston, for a Special Use Permit to continue the existing quarry on property they own, located at 5047 Cold Springs Road, Raphine in the Riverheads District.

Mr. Abner Johnston stated I would like to continue the quarry. There has been no request for changes.

Chair Coyner asked if the applicant plans on continuing what he has been doing?

Mr. Johnston stated yes. We have been here almost 35 years. I have a letter from a neighbor that is in favor of the operation (copy is in the file).

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

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

Chair Coyner stated this operation has been there for 35 years and we have been giving him permits in increments. His permit should not have a term limit. It is a well-run operation.

Mr. Glover moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Permit be granted with no term limit.
2. All other Operating Conditions of SUP#12-2 remain in effect.

Mr. Bailey seconded the motion, which carried unanimously.

February 3, 2022

PHILIP SCOTT OR MEGAN LESLIE TIERNAN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Philip Scott or Megan Leslie Tiernan, for a Special Use Permit to have a plastic fabrication facility within an existing building, to have yearly educational classes in conjunction with the plastic fabrication and to have short term rental within the existing dwelling on property they own, located at 398 Smoky Row Road, Staunton in the Pastures District.

Ms. Bunch stated the applicant has withdrawn the request for the short term rental.

Mr. Philip Scott Tiernan stated I reside at the site. I was operating within the City of Staunton but came up against some zoning issues with our process. We found this property in Augusta County and fell in love with it and it already had a huge workspace on the property. This is a very small scale in retrospect to what you would consider a plastic fabrication facility. It just consists of a shredder, plastic granulator to which we turn bottles of milk jugs and yogurt containers into shredded plastic. After that we use a small commercial oven to flatten press sheets of plastic. I then take that and then I would use traditional woodworking techniques to make tables, chairs, and small home good items. I contacted DEQ and they actually mentioned that they wanted to know more about the process. I did contact them and basically they did not require a permit for similar machines used by Sunlight Plastics. It was below the levels that are of concern. I have far less machines than them so this would not be of concern for DEQ since my business is smaller. I sent that to Ms. Bunch.

Chair Coyner asked how do you get your product?

Mr. Tiernan stated I used to have a collection bin at Refill Renew in downtown Staunton. The owner, Mandy, is here and we have been working with them for the past year. We are going to have collection events at Refill Renew and other local businesses for people within the community to have access to bring their plastic. I have to ensure that it is clean so that we can process it and do this efficiently. We are also working with the City of Staunton's recycling center. With all of that said nobody is allowed to just bring the plastic to my facility. I collect the plastic on my small trailer that I have and bring it back to the facility where I would just sort it out via color, size, and type. There would be nothing outside. Everything is inside the large workspace.

Chair Coyner asked would there be any other waste with the finished product?

February 3, 2022

Mr. Tiernan stated no but if something makes it through that is not acceptable and I cannot really use it, I would either bring it to a different recycling center as we are passionate about recycling or if it turns out to be trash it ends up going into the trash. I turn it into pieces of furniture. I have vacuums so we can collect as much of that plastic and then re-melt it. My desire is to have zero waste.

Chair Coyner asked if this is a one man operation?

Mr. Tiernan stated I work a full time job for the Health Department. This is something that I am starting up and it is a passion of mine. It will be just me. This site has a septic for two (2) adults and that is why my wife and I have moved out there and we are not requesting any employees. My intent is not to grow this space. My intent is to outgrow the space. Once I outgrow this space, I would move the operation somewhere else.

Mr. Bailey asked about how the ventilation system works in containing the odor?

Mr. Tiernan stated I have ventilation hooked up so there is not going to be any sort of odor. We have a hood vent also. The higher the temperature, the more fumes and gases are released which is why we utilize a lower temperature.

Mr. Bailey asked if citizens will shop products online?

Mr. Tiernan stated we will have online sales and hopefully work with local businesses to sell wholesale to them. We also want to get the word out about refabricated and recycled products and teaching people a lot more about this as well. Teaching our community, which also goes in line with connecting with local schools, and having smaller groups come out a couple of times a year to see what we are doing and to learn about consumption. We want to leave this world a better place than when we came into it. This is a great location and a great space.

Ms. Tilghman asked if you think you can make a living by doing this?

Mr. Tiernan stated yes.

Ms. Tilghman asked if this would be profitable as a one man operation?

Mr. Tiernan stated yes with the help of the Shenandoah Capital Community Fund.

Ms. Tilghman stated if you grow very much, you will outgrow this building.

February 3, 2022

Mr. Tiernan stated I have no intention of building a larger space on this property. We are doing this because we love the Earth and we love nature. I do not have any intention of chopping down any trees and clearing out a space to make more space to try and produce plastic objects. I have no intention of taking any bit of land away from Augusta County.

Ms. Tilghman stated if you are satisfied with the ventilation, then I am because you are the one that is breathing it in. She asked if he is using a regular commercial stove like you see at a restaurant?

Mr. Tiernan stated yes. As things grow with the business and we move to another location, getting more official plastic fabrication machines would be great, but I have no intention of doing that on this property.

Ms. Tilghman asked if the other machines use higher temperatures?

Mr. Tiernan stated you can control the temperature on any of those. Some types of machines draw a lot more energy and I do not have that sort of breaker and energy supply at this property. I do not have any intention of growing a lot more at this site.

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

Ms. Amanda Drumheller, 39 Carterlee Lane, Staunton, stated I live in the Beverley Manor District in Augusta County. Three years ago I started a business in downtown Staunton called Refill Renew. I met Scott through Pop Plastics when he was at JMU. Scott is conscientious, diligent, thorough and wise in what he is doing as a business owner. It is my privilege to speak on his behalf as both a neighbor, friend and business person. He has been very thorough in all of the safety regulations, electricity, ventilation, and how he is going to procure the plastic and then transform it into something he can sell. Scott was always the first one there with his truck and gloves and tools to help pull all of our merchandise out of the mud and rebuild with me when we had the floods in Staunton. As a County citizen, I am thrilled that he offers us a way to cut down on the plastic going into the landfill.

Ms. Debbie Irwin, 50 Farm Wood Court, Staunton, stated I am the Executive Director of the Shenandoah Community Capital Fund. We do entrepreneur support across the entire region. I have had the pleasure working with Scott now to help him with his business plans. I hope he grows out of that space real quick. With every entrepreneur, we have to start somewhere, we have to start small. I know that he has already done a

February 3, 2022

lot of testing with the equipment and he already has started getting some products together that do sell and that do work. I do firmly believe in Scott. There are usually about 30 to 50 applicants for this program. He is one of the nine that got into it because he showed a lot of potential. So I am really looking forward to seeing how he grows and really hoping that he gets into that new building soon.

Ms. Erin Staebell, 606 Fraser Lane, Staunton, stated I love the fact that Scott is doing something that gives us a chance to take care of some of the plastics. It is not financially feasible to recycle a lot of this plastic and that it does end up in landfills when we do not want it to. The support that he got when he started doing this at Refill Renew and collecting that plastic was overwhelming. The support is still there for what he is doing and he will have an endless supply of a product to do that. I have also been out to the property and it is well screened so he will not be disrupting his neighbors. The ventilation will not be an issue as far as what they are putting back into the environment.

Chair Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Chair Coyner declared the public hearing closed. He said the Board visited this property this morning. It is great that someone wants to do something with all of this plastic.

Mr. Glover stated it appears a lot of work has already been put into upgrading the facility. He moved to approve the request with the following conditions:

Pre-Condition:

None

Operating Conditions:

1. Be permitted to use a portion of the existing workshop for plastic fabrication.
2. Be permitted to hold no more than two (2) educational classes yearly with a maximum of ten (10) attendees once Health Department approval is obtained and a copy submitted to the Community Development Department.
3. No outdoor storage.
4. Hours of operation be 4:00 p.m. to 9:00 p.m. Monday – Saturday.

February 3, 2022

5. No employees.
6. All equipment and materials for the business be kept inside the workshop.
7. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

JAMES HAVE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by James Have, for a Special Use Permit to have an excavating and landscaping business with outdoor storage of commercial vehicles, equipment and materials on property he owns, located at 728 Long Meadow Road, Fishersville in the Wayne District.

Mr. James Have stated I have been in business for seventeen (17) years and has a business location at 123 Tinkling Spring Road. I built the house and worked on it for a long time. I would like to have everything at my residence just because it would make it easier and be more cost effective for me to be right there instead of in another shop elsewhere.

Chair Coyner asked how long have you owned that property?

Mr. Have stated about four (4) years.

Chair Coyner asked if he has any employees?

Mr. Have stated none.

Chair Coyner stated there are a lot of trucks there.

Mr. Have stated I had twelve (12) employees at one time. I have been downsizing throughout the years. I do have a lot of stuff myself. I have a gentleman that comes in when I need a hand. He is not a full time employee. I got rid of seven (7) vehicles last year. I just moved in two (2) months ago and I am still trying to get everything in order.

Chair Coyner asked what is the pile of stuff on your property?

February 3, 2022

Mr. Have stated that is where I had burned some brush and other stuff. I cleared some trees and trash.

Chair Coyner asked if that will be a pond?

Mr. Have stated yes it will be. There is a lot of runoff from the field and at some point I would like to have a pond.

Chair Coyner asked how much equipment do you have there?

Mr. Have stated I have five (5) pieces of equipment. Basically what it requires me to do my business. I have a tractor trailer, rollback, and a couple dump trucks. I would really like to have it right there at my house so I do not have to go to 123 Tinkling Spring Road. I do not want a screen to be ugly in any way. I thought maybe the trees would be a better idea. Possibly some type of evergreens.

Mr. Glover asked if the applicant would like to use the telephone poles?

Mr. Have stated yes. I do not want it to look bad, not for my neighbors or me. I have built a beautiful home there and I want to keep it that way. I like to help any of my neighbors. I do not like having problems with my neighbors.

Ms. Tilghman asked what are you planning to store on this site other than your equipment?

Mr. Have stated I have some car trailers, pipe and material. I have stuff inside my shop already and I can store it inside.

Ms. Tilghman asked if there would be any debris outside?

Mr. Have stated no. I would really like to have it right there so that it is convenient.

Ms. Tilghman asked what types of jobs do you do?

Mr. Have stated I dig pools for Valley Pool and new home foundations. I do tree work every now and again.

Chair Coyner asked what is your plan for cleaning up down there where you have all the debris?

February 3, 2022

Mr. Have stated I could have a staging area. I can put in trees or fence and keep everything inside that area. I have a pile of concrete that is just from jobs and sometimes I run into where I need some fill material in a driveway. It is good material for fill.

Chair Coyner stated it is not good for it to be seen. One of the criteria would be no brush or debris be brought to the site.

Mr. Thacker asked if the Erosion and Sediment Control Plan is complete?

Mr. Have stated no not yet.

Ms. Bunch stated that is a pre-condition if the Board approves his permit.

Chair Coyner asked if he had any intention of having employees?

Mr. Have stated no.

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

Mr. Calvin Jordan, 786 Long Meadow Road, Fishersville, stated my father-in-law wanted to come along but he is in his 80s and is still concerned about Covid. We experienced nothing but problems with Mr. Have. I came home from work one day hearing equipment down the field and I look out there and he has an employee tearing down the fence row. Most of those trees were on our side of the fence. A year later, there was more equipment out there. There is a bulldozer out in the field and he was doing more excavation work there. Since that time he has never replaced any topsoil that he has stripped. We have places there where crops will not grow. Since he started doing all the excavation and building, we have had lots of stormwater issues. We have had to spend a lot of time just trying to even up the land. He has dug ditches around the property and it has forced water into a couple of areas. We get these rivers of water coming down through there now. Excavation is a noisy business. My wife and I both work from home. Last week I was on a call and I had to end my call because of the noise that was coming from his property. The way that the land lays all the sound from that property gets focused right on our house. There is a constant stream of material coming in and material coming out. I am constantly hearing the trucks backing up right in my front yard. He has been hauling in debris. He has had probably close to a dozen fires over there. The building was made for a car collection but he was using this

February 3, 2022

building for his excavation business. This is very unfortunate because I think if this meeting had occurred in 2018 when he bought the property things could have been done differently where it would not have had such an impact on my family's life. I do not want to affect his business. It has been hell ever since he has been on this property. I do not see how he can do things differently where it is not going to impact because the building's already built. He removed any sort of buffer and he has built things as close to the property line as he could. I do not know how you can put up any sort of tree or screening that is going to block that sound, block the view, and be aesthetically pleasing. I do not have any idea how he can address any stormwater issues coming off their property now since he has built right up to the property line. I really wish that this meeting had occurred back in 2018 because maybe we could have convinced him to build this on the other side of the property.

Chair Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Chair Coyner asked the applicant to speak in rebuttal.

Mr. Have stated my equipment will make no more noise than his does. I leave at seven o'clock in the morning and I come back at five o'clock in the evening. I want to have something nice and I am not trying to dirty up his stuff or mess up his property or anything else. I have tried to make amends with them.

Chair Coyner declared the public hearing closed. He stated this is adjacent to Emerald Hills Subdivision which is super nice. There are piles of debris and stuff that was brought in. This is not a good fit for this area.

Mr. Glover stated he agrees. There is Barrenridge Road and Emerald Hills in this area. With there being houses looking down towards the road, I feel it will be difficult to provide any type of screening to block this off.

Chair Coyner stated the debris should not be brought in.

Mr. Thacker stated the gentleman has a very attractive property and the home was built very nice with a nice barn. The property should be cleaned up and with the screening, I do not have any problem approving it.

Chair Coyner asked what kind of screening is being proposed?

Mr. Thacker stated some evergreens and fencing would be sufficient.

February 3, 2022

Mr. Bailey stated the permit could be issued for a year and revisit it after the year.

Mr. Glover stated no brush or debris should be brought to the site and all equipment be kept inside the shop.

Mr. Thacker stated all equipment should be kept in the shop or in the screened area.

Chair Coyner stated there should be no other debris brought to the site and the property should be cleaned up.

Ms. Tilghman asked if the Erosion and Sediment Control Plan has been done?

Ms. Bunch stated the applicant still needs to complete the Erosion and Sediment Control Plan. She stated the applicant should not operate until a Special Use Permit is issued. Any pre-conditions on the permit need to be completed first. The applicant uses a portion of the building for farming and a portion for the business. The building was built as an agriculture structure.

Ms. Tilghman said there is no agriculture use on that land.

Mr. Have stated no because he has only lived there for three (3) months. There will be cows there in the future.

Mr. Thacker moved to approve the request with the conditions.

Ms. Tilghman seconded the motion. She said I will not vote in favor of this motion.

Chair Coyner stated this is not an appropriate application for this piece of property.

The Special Use Permit was denied with a 4-1 vote, with Mr. Thacker opposed to denying the permit.

February 3, 2022

DEREK SHEEHAN, AGENT FOR WAYNESBORO BRIDGE SOLAR, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Derek Sheehan, agent for Waynesboro Bridge Solar, LLC, for a Special Use Permit to relocate the access entrance approved for a small solar energy system on property owned by HW Farms, LLC, located at 532 Old White Bridge Road, Waynesboro in the Wayne District.

Mr. Sheehan stated there are a couple of reasons for moving the access road. The yellow areas shown on the site plan are wetlands and there would be an impact crossing the wetlands. We would not need to have additional curb cut and we can use the existing farm road. I think the topography there is a little better. Nothing else with the site plan has changed and the buffering is all the same. We thought it was a pretty simple change and I do not think it makes a huge material impact on the project in terms of the footprint. It does avoid the wetlands and avoids an additional curb cut.

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

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

Ms. Tilghman stated it makes more sense to make this change.

Ms. Bunch stated I was advised by Leslie Tate that the applicant would like to extend the time to have 24 months to complete the site plan.

Mr. Sheehan stated that is correct. It will be more convenient for them to have extra time.

Chair Coyner stated we can incorporate that into the motion.

Ms. Tilghman moved to approve the request with the following conditions:

Pre-Conditions:

None

February 3, 2022

Operating Conditions:

- 1. Be permitted to use the existing farm entrance for access to the solar energy system.
- 2. All Pre-Conditions and Operating Conditions of SUP#21-38 remain in effect with the exception that Pre-Condition #13 be modified to allow twenty-four (24) months to obtain site plan approval.

Mr. Glover seconded the motion, which carried unanimously.

CONSIDERATION TO CANCEL A SPECIAL USE PERMIT - JOYCE B. WHEELER

This being the date and time advertised to consideration a **cancellation** of the Special Use Permit held by Joyce B. Wheeler to lease storage space within an existing structure on property she owns, located at 1642 Mt. Torrey Road, Lyndhurst in the South River District.

Ms. Bunch stated Ms. Wheeler has been notified several times regarding violation a of operating conditions. The Board granted the permit that her tenant only have two (2) licensed and inspected trailers outside. We have inspected it since September and there has been as many as four (4) unlicensed trailers. We have had inoperable vehicles that are out there and we had inoperable vehicles behind the chain link fence which there was no permit for. The applicant was going to notify the tenant and get back with us. The tenant called today and said that the property is cleaned up. We have not had a chance to inspect it.

Mr. Glover stated the applicant has had ample opportunity to take care of this. He moved to cancel the permit.

Mr. Thacker seconded the motion, which carried unanimously.

February 3, 2022

OLD BUSINESS

CONSIDERATION TO CANCEL A SPECIAL USE PERMIT - RANDY SHOWALTER

A consideration to **cancel** the Special Use Permit held by Randy Showalter for a motor vehicle repair operation and impound area on property owned by Kimberly A. Miller, located at 105 Shulls Lane, Mount Solon in the North River District. – The Board decided to give the applicant until January 6, 2022 to complete the pre-conditions of the permit. - The Board tabled the request at the January 6, 2022 meeting to give the applicant additional time to complete the pre-condition.


Mr. Thacker moved to bring the item forward.

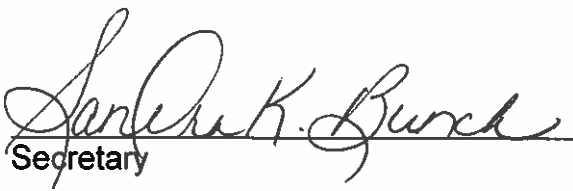
Mr. Glover seconded the motion, which carried unanimously.

Ms. Bunch stated the applicant has submitted their Erosion and Sediment Control plan. The applicant has met all of their pre-conditions and the Special Use Permit was issued and mailed.

Ms. Keffer discussed the court cases with the Board.

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


Chair


Secretary