

March 3, 2022

PRESENT: George A. Coyner, II, Chair
 Mark L. Glover, Vice Chair
 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: Thomas W. Bailey

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

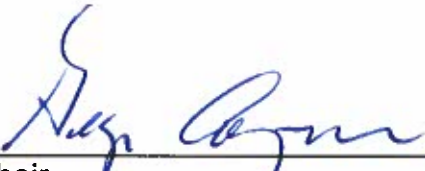
The staff briefing was held at **9:30 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

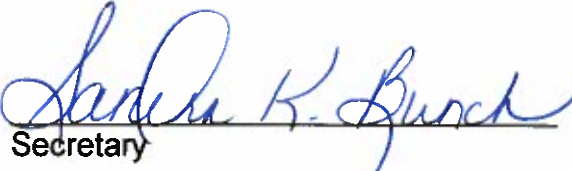
The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **MARK W. OR MANDI L. SIMMERS - SPECIAL USE PERMIT**
- **BRANDON TURNER - SPECIAL USE PERMIT**
- **CHRIS KEMPTON, AGENT FOR SUN SHENANDOAH ACRES RV, LLC, C/O SUN COMMUNITIES TAX DEPARTMENT - SPECIAL USE PERMIT**
- **MITCHELL S. TILSON - SPECIAL USE PERMIT**
- **JEFF JENNINGS - 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

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Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Thomas W. Bailey

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

MINUTES

Ms. Tilghman moved that the minutes from the February 3, 2022, meeting be approved.

Mr. Glover seconded the motion, which carried unanimously.

MARK W. OR MANDI L. SIMMERS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mark W. or Mandi L. Simmers, for a Special Use Permit to construct a detached accessory dwelling unit attached to an accessory building to use as a short term vacation rental on property they own, located at 1617 Laurel Hill Road, Verona in the Beverley Manor District.

Mr. Mark Simmers stated I would like to have a short term rental. I will construct a small 500 square foot one (1) bedroom rental. It is going to be geared toward couples as a getaway and not for big groups.

Chair Coyner asked if the applicant advertises on the internet?

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Mr. Simmers stated yes on the Airbnb website. We will not have any employees.

Ms. Tilghman asked where will guests park?

Mr. Simmers stated there already is a gravel road that goes down to the lower part of the creek. This was already on the property when I purchased it.

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 the Board visited the site this morning.

Mr. Glover stated this piece of property is well maintained and this use would not be out of character for this area. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Obtain Health Department approval for a new sewage disposal system.
2. Obtain all necessary permits, inspections and Certificate of Occupancy for the accessory dwelling unit and provide copies to the Community Development Department.

Operating Conditions:

1. Be permitted to construct a four hundred ninety-four (494) square foot accessory dwelling attached to a five hundred twenty (520) square foot carport for short term vacation rental.
2. Be limited to a maximum occupancy not exceeding two (2) persons occupying the accessory dwelling unit.
3. Applicant must reside on premise or on an adjacent parcel.
4. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

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BRANDON TURNER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brandon Turner, for a Special Use Permit to amend Operating Condition #8 on Special Use Permit #21-33 to allow business traffic on Koogler Hill Lane on property owned by Guy C. or Judy C. Eavers, located on the east side of Walnut Hills Road, adjacent to 47 Koogler Hill Lane, Staunton in the Riverheads District.

Mr. Brandon Turner stated I would like to have all business traffic use Koogler Hill Lane. I am still working with the engineer and it has been a huge process. The engineer has not been able to make any progress.

Chair Coyner asked what has been difficult in getting the engineer to complete the work?

Mr. Turner stated when they first started sending stuff in was late August. I have not seen the drawings and they have not been approved. We need to have bio ponds put in and I was so confused with the engineering company because they said we had to do so much. I did not know what to do. I still have not put a fence up. I am afraid to do anything without having the right permission. There is miscommunication between the engineer, the County, and myself.

Chair Coyner stated the burden rests with the applicant to be sure all of this gets done.

Mr. Turner stated I was working with him and it just went from needing a road to all of a sudden needing these plans in order for me to maintain a business there. I am a small business and I am thousands of dollars deep into the engineering plans which is more than what I thought I was going to be. I am not a huge company. I have several trucks and trailers. I am not a big landscape company. I do not have big trucks coming in bringing in stuff. This is only a small maintenance company.

Chair Coyner said I thought the applicant was supposed to move the trucks up the hill.

Mr. Turner stated I still plan to but honestly I am afraid to do anything without the right permission. I was in violation so I called Ms. Bunch and asked her if I could come back before the Board and redo the permit. I still plan on putting the road in. I have paid so much money on the engineering stuff but we just have not gotten anything going.

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Ms. Bunch stated the Erosion and Sediment Control Plan is mainly because of all the land that has been disturbed. Anytime you disturb more than 10,000 square feet that is needed. The engineer looks at the aerial photography from the 1990s. We also need you to show where your parking area is and submit a new sketch for that.

Chair Coyner stated we noticed this morning some fuel tanks out there which we have not seen before.

Mr. Turner stated that it is easier to have it there than it is to go out and get fuel. The fuel is for mowers and machines.

Chair Coyner stated the applicant wants to use the existing road until the new road is put in.

Mr. Turner stated yes but will I have to install bio ponds and all just to have storage for the trailers.

Ms. Bunch stated your original permit was approved with the pre-condition that you submit an Erosion and Sediment Control Plan and if that is part of the plan, then yes. Technically you are not supposed to even be operating until all of those pre-conditions are met. The engineers will need to decide what is required on your plans.

Mr. Turner stated this has been a slow process with them. It has been months and months and I cannot show you any paperwork other than bills that I have gotten from them for getting things done. Based off of the storage area, I need to push that back to where the tree lines are and my plan is to put an L fence in to shield the three houses that are there in the corner of my property. Can I do that or am I going to get in trouble with putting a fence in the ground? How big of an area is allowed?

Ms. Bunch stated the Erosion and Sediment Control is separate. The fence area is what you were approved for originally. You will need to submit a new BZA sketch plan showing where that new location is going to be. That was part of the pre-conditions of your original permit. This was supposed to be shown on the plan. The eight (8') foot high fence will also need to be constructed.

Mr. Thacker stated it may be suitable to table this until next month in order to give the applicant time to get with his engineer regarding submitting a plan and where he is going to put his fence.

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Ms. Tilghman stated I believe when we approved this previously, the gas refueling tanks were not there and we did not realize you were going to have them there. Do you plan to leave it where it is?

Mr. Turner stated no, it will be setback 40 feet from the road and it will be inside the fence. We would push everything back.

Ms. Bunch stated the applicant was approved for a 20' x 40' storage area.

Mr. Turner asked if he can make the storage area wider?

Ms. Bunch stated not without coming back before the Board and asking to increase the size of the storage area.

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

Mr. Jerry Pendley, 70 Koogler Hill Lane, Staunton, stated I own the property adjacent to this on the north side of Mr. Eavers. Crossing our property on the south side is a 50 foot wide easement containing the private roadway known as Koogler Hill Lane. This roadway serves four residences. We are discussing the change to an operating condition associated with the commercial activity operated by Mr. Turner. This activity has been going on for several years. He has requested a change to one of the operating conditions. How can he request for a change to an operating condition and it be considered prior to the satisfaction of the pre-conditions stated on the Special Use Permit? It is my understanding, Mr. Turner has not satisfied any of the pre-conditions stated on the Special Use Permit. It seems to be that all the stated pre-conditions should be fully satisfied prior to any consideration for a change to the stated operating condition based on the performance to date. He has not met the pre-conditions and yet continues his operations. If past performance is an indicator of future actions, then can we expect further delays in the satisfaction of all the pre-conditions. I am opposed to the change requested by Mr. Turner. Why now is he requesting to use Koogler Hill Lane? All business enterprises can expect some infrastructure costs. Nothing in the business and commercial environment is free and costs are associated with the newer roadway that was proposed in the past. It should not be foisted off on neighboring roads that are private and already being used. We have at least eight drivers in the three houses. We should not have to incur any additional traffic or any additional noise on Koogler Hill Lane. In fact, I am surprised that the County is advocating the use of commercial traffic over this private road.

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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. Turner stated all vehicles can access Koogler Hill Lane except for business traffic.

Chair Coyner stated the vehicles are confined to the business so they would not be allowed on it.

Mr. Turner stated I have one (1) truck that is fully under the business name because some are personal.

Chair Coyner stated if you operate and use it for the business, it is part of the business.

Mr. Turner stated I am trying to fix this and trying to get this under control. I want to make it work and I want to be able to operate.

Chair Coyner stated the burden is on the applicant to complete everything.

Ms. Tilghman stated the applicant needs to make demands to the engineer to get this completed.

Chair Coyner declared the public hearing closed. He stated this is an illegal operation which cannot continue.

Mr. Thacker stated the Board should give the applicant a month to get with his engineer and to get everything done. He moved to table the request to the April 7, 2022 meeting.

Ms. Tilghman seconded the motion, which carried unanimously.

CHRIS KEMPTON, AGENT FOR SUN SHENANDOAH ACRES RV, LLC, C/O SUN COMMUNITIES TAX DEPARTMENT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Chris Kempton, agent for Sun Shenandoah Acres RV, LLC, c/o Sun Communities Tax Department, for a Special Use Permit to add an addition to the existing beach house for Administrative

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Offices on property they own, located at 256 and 348 Lake Road, Stuarts Draft in the South River District.

Mr. Chris Kempton stated we are wanting to add a 15' x 45' addition onto the beach house building on the road side for offices.

Chair Coyner stated we noticed this morning that business is good at the campground. Is this something you want to get done by the summer?

Mr. Kempton stated yes.

Chair Coyner stated the applicant is also working on the golf course.

Mr. Kempton stated yes, we will have the third largest miniature golf course in Virginia. We are also working on the pool.

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

Ms. Elise Blacka, 351 Lake Road, Stuarts Draft, stated I came here to find out a little more detail on where the addition is. Many years ago, the Zoning Board said no to an addition that goes up the other direction because it blocked the traffic.

Mr. Glover stated when you are facing the building it will be to the left.

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

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

Chair Coyner stated the applicant has done a nice job at the site.

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

Pre-Condition:

1. Obtain Service Authority approval if additional sewer connections are needed and provide a copy to Community Development.

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Operating Conditions:

1. Be permitted to construct a 15' x 45' addition to the existing beach house to be used as Administrative Offices.
2. Applicant obtain building permit and provide a copy to Community Development.
3. All Operating Conditions of Special Use Permit #20-55, 21-31, and 21-50 remain in effect.

Mr. Glover seconded the motion, which carried unanimously.

MITCHELL S. TILSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mitchell S. Tilson, for a Special Use Permit to have an RC flying field and to have organized flying competition events on property he owns, located at 2073 Howardsville Turnpike, Lyndhurst in the South River District.

Mr. Mitchell Tilson stated the plan for a small business is for this to be a recreation spot for people to come and fly their RC planes, quad copters, and drones. The plan is to be open on the weekends. I did have one amendment to the staff report that was sent out. I was hoping for one (1) to two (2) per month, but I am flexible. This is just a place for people to come fly their planes. They will pay a small fee to help maintain the site or purchase new structures for the property.

Chair Coyner asked what type of planes would be onsite?

Mr. Tilson stated there is a wide variety of planes allowed there. I do not want anything that is too large for the field. I have not drawn up any information for that yet but it is something that is radio controlled. There is also a version that a lot of people think of them as drones but I call them quad copters because there are four propellers on them. It has four motors on it and four propellers and it is able to fly and do tricks. People control them from a safe zone.

Chair Coyner asked if these are battery powered or gas?

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Mr. Tilson stated most are battery powered but there are versions of the planes that are gas powered. The electric ones are going to be a lot more quiet. There could be a gas powered one that is slightly louder. Some of my neighbors are concerned about noise but when I spoke to them I said most will be electric. If there are gas they will have small engines.

Chair Coyner asked how many folks will come to an event?

Mr. Tilson stated I have not done a whole lot of research about the popularity of the events but honestly on the weekends I would expect a maximum of 10-15 people. I did request an allowance of up to 25 cars and a maximum of 50 people for the racing events. In those events, I could see there being a few more people but actually I do not know how many yet, but I wanted to cap it at 50. I am really expecting on the weekends to be 15 at the most.

Chair Coyner asked if the applicant will limit it if there should be more of a demand?

Mr. Tilson stated the idea would be to count the number of people coming in and actually have somebody there at the gate counting.

Chair Coyner stated the Board will allow portable restrooms temporarily in order for you to see if this is going to be a viable thing before you install permanent facilities.

Mr. Tilson stated yes. To install the septic now it would be expensive. Before the two years are up, I will have a very good indication of where we are financially. At that point, I would definitely be looking at doing some sort of restrooms installed like permanent facilities.

Chair Coyner asked if there would be any employees?

Mr. Tilson stated no employees. We will have volunteers that help. When we are running a race, for safety reasons, it is better to have multiple people, multiple eyes, doing various things and watching and running the events.

Chair Coyner asked how high will the planes get off the ground?

Mr. Tilson stated the FAA limitation is 400 feet but I want people to stay below the tree line which is 100'. If anyone violates those rules, they are out.

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Mr. Glover asked if there is a way to govern any of these devices to keep them in line to where they need to be? Do they have any type of signal to let them know when they are reaching a certain point on any of the remotes?

Mr. Tilson stated it depends on the owner of the vehicle. Some of them have barometers and you can use a barometer to detect elevation. There is another mode where you put goggles on and use a camera. Some indicate how high you are. I do not plan on having stipulations that somebody has the specific hardware. It is really going to be visual. There is a set of guidelines that the racing community follows.

Mr. Glover asked with wind, how prone would the vehicles be drifting over into neighbor's property and crashing on the neighbor's property?

Mr. Tilson stated there is going to be a safety briefing before events. These are the rules and there will be buffer zones between the fence. They will not be even allowed to go within that buffer. It is definitely possible if we do not plan correctly. The trees are a nice guard to help with that. I spoke with the owner of the field next to me and he said that he is comfortable. I plan to do everything in my power to mitigate it. I plan to have small business insurance in the unlikely event something does happen. I am going to do everything I can to prevent it.

Mr. Thacker stated the bigger planes use gasoline. My only concern is the noise factor. The drones are very quiet. The electrical ones, I do not see a problem. The Board may want to restrict the noisy ones.

Mr. Tilson stated my intent is to actually speak with the neighbors during the process. I have told one of the neighbors that I plan on calling him before any large event happens. If this becomes destructive to the neighbors and they do not like it, I would not allow this to happen anymore.

Mr. Glover asked how many events would you like to have?

Mr. Tilson stated two (2) a month but if you think it is not suitable, I can change it. I would like to be able to have more sanctioned events.

Mr. Thacker asked if this will be year round or spring, summer, and fall?

Mr. Tilson stated I do not plan on installing more parking. After speaking with the engineer, there is a lot of factors that would complicate that. I will not have events in the winter months.

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

Ms. Karissa Roby stated I am Mitchell's fiancé. He has extensive experience in firmware engineering and it has taken him three years to convince me to start this business. He has worked really hard and this is a big dream of his. This is a big step for him and I am really proud of him.

Ms. Nancy Honaker, 2083 Howardsville Turnpike, Lyndhurst, stated those drones make a great deal of noise. This property is adjacent to mine and I do not want this there. The trees have many birds in them including bald eagles, red tail hawks, etc. I am concerned about the parking. I have been living there for over 30 years. It has been residential. I would like to read a letter from my son, who is the land trust. This is from Kevin Honaker and he is the Trustee of this property. I am writing this to voice my extreme disappointment of the possibility of your consideration of a zoning change from residential to commercial because of a request by Mitchell S. Tilson for a Special Use Permit allowing an RC flying field and organized flying competition events on his property located at 2073 Howardsville Turnpike, Lyndhurst in the South River District. I am a Trustee of the Honaker land trust for my mother, Nancy J. Honaker. My mother and my late father has had the adjacent property located at 2083 Howardsville Turnpike since the late 1980s. This is my mother's sanctuary. It is her peace and quiet and her home. You have a commercial business open adjacent to her land, with drones, etc. possibly flying into her private space. Dozens and dozens of drones buzzing by doing circle competitions will absolutely drive her dog and her neighbor's dogs wild not to mention any of the other wildlife that resides there and it is a complete invasion of privacy. How does one have a quiet and peaceful time on their property? How do you deal with this going on during barbecues, backyard family events, etc. and it can be equally disrupted by drones with cameras, possibly even videotaping or photographing people without their knowledge or permission. Cars would need to pass to enter the residential facility at all hours of operation. I am also aware of several protected species of birds that called the land their home including bald eagles and Purple Martins. Their natural habitats must be protected and not disturbed by flying mechanical disruptions. Allowing this to go forward and returning, this residential area to commercial also affects property values in the area. Please do the right thing and keep this residential. Thank you for allowing my voice to be heard as I am unable to attend. Ms. Honaker asked would you want this in your backyard?

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Mr. Martin Duncan, 12 Ramseys Farm Lane, Lyndhurst, stated I have seen bald eagles and a bear in my backyard. I love wildlife. This will be noisy and loud with a lot of the planes going up at one time.

Mr. Mike Reed, 2083 Howardsville Turnpike, Lyndhurst, stated he has lived at the site for 27 years and it is peaceful and quiet. We have seen bald eagles in the trees and field. The guy next door runs cattle there on 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. Tilson stated I hope this does not upset our relationship as neighbors. I did speak with the neighbors beforehand specifically with the gentleman that just talked and he said he was okay with it. If they would have said these things beforehand, there may have been a chance that I might not have applied. I did not realize there were bald eagles there. I have not seen them myself. I do really want to honor everything that they said. My intention is to keep a certain distance away from their house and create buffers. We will do everything to avoid any issues. The neighbors said they were okay with it at the time but people are definitely allowed to change their mind.

Chair Coyner asked how long have you resided at this site?

Mr. Tilson stated since June.

Mr. Glover asked how many would be in the air at one time?

Mr. Tilson stated it is possible that there could be ten (10). During races, the most there would be is six (6). They would all be on the same frequency bands so they are not able to have more.

Chair Coyner declared the public hearing closed. The Board visited the site this morning. There is a considerable amount of houses in close proximity to this site. I am not sure if this is the right spot for it.

Ms. Tilghman stated my husband has a drone but it is more like a toy compared to what you are talking about. I see the potential for problems. We do not know how much of a disturbance this will be. The gentleman said no higher than the tops of the trees but really if they were up higher, they would be less invasive.

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Chair Coyner stated they have heard from the residents that have been in the area for a long period of time and have a feel for the different types of wildlife in the area.

Mr. Thacker stated if you keep it at the tree line, you are in a bowl and it will be noisy with ten up at a time. One lawnmower is not too bad but ten lawnmowers will be loud.

Ms. Tilghman moved to deny the request due to the fact that this will be noisy and the proximity to all the neighbor's homes. This is made with regret because I think the gentleman has good intentions.

Mr. Thacker stated this would be great at another location. He seconded the motion, which carried unanimously.

JEFF JENNINGS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jeff Jennings, for a Special Use Permit to have a sawmill operation with outdoor storage of equipment and logs and to have outdoor display and sales of processed lumber, firewood, wood chips, topsoil, and mulch on property owned by Beverley Manor Orchard, located at the north side of Churchville Avenue (Route 250), approximately .1 of a mile west of the intersection of Churchville Avenue and Apple Orchard Lane, Churchville in the Pastures District.

Mr. Jeff Jennings stated I live across the street. The items that I am requesting is per County Ordinance to have milling and a portable sawmill come to our property and no timber that is cut off of the property. In October, I was notified that we were not allowed to mill material that we brought on site to the property. We came in November and had a discussion with John Wilkinson and Sandra Bunch about the steps moving forward. I have some pictures of what we are looking at. If this goes through I am going to end up purchasing a mill. We are intending to hopefully use it two (2) to three (3) days a month and it is about the size of a trailer. It is a very small portable band saw. This is 40 horsepower. It is no more than a tractor. Part of the request is to move the material. We are a very small one crew tree service. Our goal is to bring the material that we take off of somebody's property that we cut out of their yard and find a way to recycle it. Milling is something that has come up in the last year or so. We are able to sell fence posts, etc. at a significant price difference because it is material we pull off site. The remaining material that we pull off the slats we typically chip and grind and sell for mulch.

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Chair Coyner stated the Board has had a history with you and the lack of compliance. Were we to go forward, why would we anticipate anything being different than your past experience?

Mr. Jennings stated in 2016, it was a completely different business model. The Board requested a 300 foot long x 10 foot tall dirt berm with trees on top of it to screen the use from the road. Eavers Brothers gave me an estimate of \$30,000 just for that portion of the proposal and not counting the trees on top and that was me providing the soil. That was in the very beginning stages for my business plan. I told John Wilkinson I would not be continuing to operate the business. Our site, our office, our equipment that we have are stored in the City of Staunton at a business location. This just happens to be a property that we own that we would like to have use of. We would like to clean up the mess that is down along the road. We have had quite a few problems with some out of the area tree services thinking that it is a free dump site and backing trucks up in the middle of the night on the property. I do not live in the house, it is rented by one of my tenants.

Chair Coyner stated this is a highly visible lot. How did you choose this area instead of being up on the hill across the road?

Mr. Jennings stated the property across the street was my parents property. I can show you what I am looking to put down by the road with some pictures. I would like to have five 10' x 10' bins that would be wooden that we milled from somebody else's recycled trees. They will be located 100 feet off the road so that people could see them because it is a good advertising spot. The visibility is a nice feature of that piece of property. In 2016, my company was in a completely different financial status than what we are today. I see that there is quite a few neighbors here today. I reached out to two or three people to inquire about what we are looking to do. I had a very good conversation with them and we want to get along with our neighbors.

Ms. Tilghman asked what were you burning at the site?

Mr. Jennings stated material that came from different people that were dumping at the site. The stuff that was burned is stuff that people would drive by with their pickup truck and dump there. We ended up catching two tree services and we put up cameras and a sign down there to catch whoever was coming in but they would not come until the middle of the night and drop stuff off.

Ms. Tilghman stated the burning is very offensive. If you are burning stuff that you say people dropped off of there, it could be anything. She asked if the sawmill will be kept

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near the road going toward the barn? Does that not make it even closer to your neighbors?

Mr. Jennings stated there are three neighbors within 500 feet of that location. One neighbor, which is here, it would be visible under the current situation but we plan to screen the area.

Ms. Tilghman asked how loud will the equipment be?

Mr. Jennings stated it has a 42 horsepower diesel motor. It does make some noise but not a lot. We do not buy logs from people. We have no intentions of doing that. Our only intention is to find ways to recycle the material that we pull off of our own job sites.

Chair Coyner asked what do you do with that brush?

Mr. Jennings stated we chip the brush. We chip it in on the customer's site and it goes on the chip truck. We have one (1) chip truck and one (1) bucket truck. We chip that stuff on site and we bring it back but try to be quick about getting it off the site. We load the logs that are useful and then we bring them back to that site.

Mr. Glover stated you do not reside at this location.

Mr. Jennings stated I reside across the street. One of my employees resides in one of the houses. I did not realize that it was such a Health Department issue but when the guys are there, they use the bathroom at that house that is adjacent.

Mr. Glover stated people are dropping items now so how will you prevent that? This site will need a commercial entrance. How are you planning on financing the commercial entrance? The commercial entrance will also give people an easier access to your property.

Mr. Jennings stated the property would have a fence and it will be gated. If you went to the site today you saw that there is a stack of 4x4 posts that are about 12' long. Everything that you see now will not be there.

Ms. Tilghman asked what type of fence?

Mr. Jennings stated hardwood fence and painted black.

Chair Coyner asked how long would it take you to clean the property up?

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Mr. Jennings stated 60 days.

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

Mr. Frank Pyanoe, 2124 Churchville Avenue, Staunton, stated I have two concerns. I have many years of law enforcement experience in this area and I investigated traffic accidents, many of which are in that stretch along Route 262 and Frog Pond Road. My concern is with increased commercial traffic with a commercial entrance it can be a recipe for disaster along Route 262. Churchville Avenue between the city limits and Churchville itself and this stretch of road can be very hazardous. Should this be approved, I would highly recommend some type of study be conducted on reducing the speed limit to 35 miles per hour. The other concern I have is sometimes during the warmer months when we have our windows open there is wood waste that burns all night long and it gets into our homes and neighbor's homes.

Mr. Steve Young, 304 Bon Lea Drive, Staunton, stated I am opposed to this Special Use Permit. My wife has sent an email in and I have sent several emails with photos from the site to express why we are opposed. I am here today to express three major areas of fear and concern. I do want to make it clear that many of the things that Mr. Jennings is proposing are already in operation as you know if you have been to the site. My first concern is about the smoke burning and as others have shared, it continues smoldering for days at a time and not knowing the health concerns of that happening in close proximity. There are also dangers from the sawmill byproducts. I think there is a danger of fire hazard. There is a lot of wood debris on the ground. It is very close to the forest and the forest leads right up to the back of several homes in Bon Lea Estates. If the woods were to catch fire, it would come right into our subdivision. There is also a danger of spontaneous combustion. Some of those piles of chips and sawdust have been there for a long time. Even in the last couple days driving by in the morning, you see smoke coming up from the piles from spontaneous combustion. The bigger the piles are, the longer they have been there and the more dense they are, the greater the likelihood of something happening and it could easily spark. My second area of concern is traffic. I fear for the safety of my kids and grandkids coming to visit me getting off the bypass coming down Churchville Avenue and encountering a log truck either slowly pulling off of the road or pulling onto the road. My last concern is about the message. It is about the message that I think the Board will be sending not only to Mr. Jennings, but to every citizen of Augusta County. You have seen and heard many reasons why we are opposed to the sawmill including Mr. Jennings track record. If you approve Mr. Jennings' request for a Special Use Permit, it seems like the message you

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are sending is this. It is our property and we can do whatever we want on it. Even if it violates County ordinances and if anyone complains we do not need to worry because we can simply apply for a Special Use Permit and everything will be fine and we can continue in violation.

Mr. Greg Taylor stated I own Lot #16. I have already sent in an email dated 24th of February with reasons why I do not think that this proposal should even be considered. I purchased this property in 2018 because it was a quiet peaceful neighborhood close to town with large tracts of land so that neighbors are not on top of each other and they have their privacy as well as they can have family gatherings. For the last few years that I have been there, I have smelled smoke and even seen it in the mornings when I got up. I can only assume it is coming from the piles that have been burning out by Route 250 on the road. I have a pool so no one wants to be covered by dirt if they are out by the pool. I bought this property so that my wife, kids, and grandkids and myself can enjoy the property. After reviewing the sawmill proposal, I find it has many other issues that are grey or left out. Is it a separate business or is it operating under the same business license? Who owns it? How can you offer stuff for sale without a sales office or somewhere on premise to conduct business? Although the proposal talks about that there will be displays and sales only, there seems to be a lot of uncertainty whether Mr. Jennings is living or plans to live on the property (he cleared this up today). It also says inside that an applicant/operator will reside at the property. Is it the owner? It says the area of the processing will be properly screened. Does the wood processing involve chemicals? Will the chemicals used result in runoff during the rain or snow into the groundwater? I do not see anywhere for a pond listed to catch any runoff from the processing the wood and it will become an issue during storms. I am not seeing any flood zone for that particular area so if the creek rises to a certain point and it was considered a flood zone, the portable sawmill could be an issue. What type of power does it run off of? Are there safeguards in place in case fuel spills in the tank were to rupture? What will keep it from going into the groundwater or catch it before it goes into the creek? No one has mentioned ADA but in my experience once a sale takes place, you will have to meet that requirement. If that happens on that piece of property, he will need ADA handrails, places for wheelchairs, but there has been no talk about handicapped bathrooms. I have learned that usually past performance is indicative of future results. What is going to happen to the County tax base on these properties because the surrounding property will get devalued. How would any of you like this in your backyard?

Mr. Daniel Lamay, 277 Bon Lea Drive, Staunton, stated I am against the proposed Special Use Permit. I moved to the property in 2018 so I was unaware that the applicant applied for a previous Special Use Permit. I was not surprised to learn that

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the applicant's previous permit was approved only later to be cancelled because the applicant failed to complete the pre-conditions. After further review of the staff report which was provided to me via email on Monday, I am having difficulty reconciling some of the vague statements, or otherwise conflicting information contained in the various documents I have received pertaining to this application. What does it mean when on one part of the staff report the applicant says that no customers will come to this site on a regular basis but any sales will be by appointment only. Staff is recommending as a condition of approval that the business can operate 9:00 a.m. to 5:00 p.m. Monday through Saturday. While the applicant only intends to do three (3) days per month, there is nothing in the application discussing or otherwise limiting the number of deliveries to the site. Many of the concerns outlined in the staff report are echoed not just by me but have been echoed by others in this room and are also consistent with those concerns expressed with surrounding neighbors. I remain specifically concerned about the safety of Route 250 in this area, the potential for degraded air quality due to the operations of the applicant, especially given the applicant's history of airborne debris as well as the potential negative impact. None of us know what is being burned. This application may affect land values in the surrounding neighborhoods. The smoldering is especially difficult to tolerate given the prolonged duration of the smoke associated with the debris piles. As difficult as it is to say, I have concerns about the County's ability to enforce any conditions associated with an approval, especially considering what is outlined in the staff report. Can it really be true that the applicant's previous SUP was approved and then cancelled and the applicant continued to be in direct open violation until now? Almost six years, the violations have been clearly out in the open in direct view from Route 250. In closing, the character of the area is already being defined by the applicants existing general disorder in open disregard for the surrounding neighbors. In other words, the existing condition of the property is already having a negative impact to the character of the surrounding area. Based on the reasons I have just outlined, I respectfully ask this Board to decline this application. However, as stated in the staff report, should the Board decide that the application would not be out of character, I would request that an additional approval condition be added as allowed by State Code. I would like the Board to consider adding a condition that the applicant provide a guarantee or bond to ensure that the conditions are being complied with to avoid what happened in 2016.

Ms. Anne Keeler, 280 Bon Lea Drive, Staunton, stated my recommendation is that you not approve this Special Use Permit. Safety on Route 250 is an issue and we all travel it every day in and out of our homes. We have endured the excessive smoke that reaches all the way in the back through our properties. The fires are big enough that the smoke has drifted all the way back through on numerous occasions. This will change the character of the area. The County has supported in various ways low density

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residential development in that area and there are a lot of those residences all around this area. We are all diminished in our enjoyment of our property by the way that this particular applicant has operated.

Mr. Taylor Smith, 188 Vista Lane, Staunton, stated there is a history of not complying with County ordinances for this property. I think there is an environmental problem with the sawmill. Everybody said that traffic is a problem and I have kids that are driving in from our road. There is a blind corner when we pull out on Route 250. Mr. Jennings said he would have these piles visible from the road so they are going to slow down. I think history is a big thing because you want to look at what the future is going to look at based on the past. Mr. Jennings got approved previously but did not follow through with it. I oppose this.

Ms. Betty Clemmer, 180 Vista Lane, Staunton, stated I live right across the road from the property in question. We have already talked about the traffic problem. I have had the highway department come out and meet with me several times since I have lived there because several times I have almost been hit from the rear by someone speeding. It is difficult to see because of the blind spot. I am concerned about traffic coming out and going into Mr. Jennings place of business. My other big concern is the smoke. I eat breakfast, lunch, and supper on the front porch. I cannot do that when there is a fire going because the smoke burns my nose, my throat, and my eyes. I have been to the doctor numerous times about the problem caused by that smoke. As some of the others have already mentioned, I cannot help but think that this is going to deteriorate our property values. If you look at the area, we take pride in our homes and in our gardens and our lawns. I just do not think the sawmill business would benefit our community at all. I hope you will consider not granting this Special Use Permit.

Mr. Gregory Clemmer, 148 Old Stony Ridge Road, Afton, stated this property has always had stumps and logs, piles of dirt, random vehicles, and the owner would burn scraps of wood and lumber and trash. Please be part of the solution, not part of the pollution.

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

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

Mr. Jennings stated there has not been a fire since I was contacted by DEQ and informed that I cannot burn offsite material. The adjacent property that you see to the right of ours, we used to own the property and we sold it. It is about 75 acres and it looks exactly like we bought the property in 2005. When I was 25, it was an abandoned

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apple orchard with three houses. I bought it to save it from being developed. I would have never sold the back half of that property had it not been for the crash of the housing market in 2007. I value the piece of property that we have and I also value my neighbors. That piece of property that is adjacent to us was cleared by bulldozers legally under County ordinance. Brush was put up into piles and burned for an entire year. One pound at a time. That material after was burned down to ash and spread over the ground which it is actually a form of fertilizer. The material that we were burning at the site, we were using to make compost to put it back onto the property. I have 2,000 linear feet of road frontage along Route 250. Not one person that came up here and spoke is within half a mile of the location. Three of them are over a mile. I will admit the fires, are probably short sighted on my part as an option to get rid of material that could be recycled. They are not going to happen again. If we are declined for this proposal, I am going to start subdividing the property and there will be a house every two acres and every 150 feet because I have now been turned down for something on this property twice. From the paperwork that you all sent, it says that the business is reasonably related to agriculture forestry use, which is zoned for agriculture. Examples of such businesses are those which involve the process of agriculture, forestry products, the supply and maintenance of equipment tools, facilities used in agricultural fence post and fence boards, forestry production, the care and feeding of animals, and the marketing of agricultural forestry products. By your own ordinance, I am within the right of General Agriculture to do what I am asking to do. What I am asking to do is to be able to mill material and to recycle material to keep it out of the landfill on the jobs that I pull off. The employees cut trees down even at some of our neighbor's houses and that material has to go somewhere. It can go and get recycled or it can go to the landfill. We do not own a log truck or a tractor trailer. I sold all of that stuff that I had when we did not get the permit the last time around for a completely different business. We do not intend on having a log truck, we do not buy logs from loggers, this is solely for the purpose of taking the material that we pull offsite and milling it and using it in the backyard. The gentleman was talking about the message that was being sent but things do change. We grow older and we grow wiser. When I first bought this property, I was 25 years old. I have learned a lot and I have a pretty successful business now that I would like to grow. It is there to supply my family and the people that work on this job. We would like to move all of that stuff off Route 250 so that it is not visible. We would like to do a business and be proud of what we have and have the County be proud of it.

Chair Coyner declared the public hearing closed. The Board has driven by this spot numerous times. It is a highly visible location and quite unsightly.

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Mr. Glover stated the Board did go to site and it needs to be cleaned up. We understand that some work has been done towards that. I appreciate the comments from the public today. I was not on this Board back in 2016 when he received the first permit. It appears to be in an area that has not been well kept. A permit was granted in 2016 and the applicant did not complete the pre-condition. It was canceled and the applicant continued to operate. In July of last year, he was operating without permits and he continued to operate. I did not hear anything today that would convince me or make me feel comfortable that changes would occur. I also have not seen anything or heard anything that demonstrated good faith effort for the applicant to be in compliance and remain in compliance with the permit. So based on the history that we have had with this property, I would be inclined to make a motion to decline this. There are also concerns with traffic. I think it would be out of character with the area because of the smoke, the way the site looks, and this would impact property values if this were to be approved.

Mr. Thacker stated this property in Staunton is an eyesore.

Mr. Glover moved to deny the request based on concerns of traffic, how this would devalue property in the area, and the history that we have had with the applicant not being in compliance with a previous permit. The applicant was operating without a permit. In July 2021, the applicant continued to operate. The applicant was burning items that brought many concerns to the residents in the surrounding area with regard to the environmental, health, and safety impacts.

Mr. Thacker seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

BRANDON TURNER - EXTENSION OF TIME REQUEST

A request by Brandon Turner, for a Special Use Permit to have a property maintenance business with outdoor storage of commercial vehicles and equipment on property owned by Guy C. or Judy C. Eavers, located on the east side of Walnut Hills Road adjacent to 47 Koogler Hill Lane, Staunton in the Riverheads District. - **Six (6) Month Extension of Time Request**

Mr. Thacker moved to table the Extension of Time request until the April 7, 2022 meeting.

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Mr. Glover seconded the motion, which carried unanimously.

VICTORY WORSHIP CENTER AND WORLD OUTREACH - EXTENSION OF TIME REQUEST

A request by Ray Burkholder, agent for Victory Worship Center and World Outreach, for a Special Use Permit to construct a fitness center/gymnasium and to lease office space for physical therapist and sports medicine on property they own, located at 200 Hammond Lane, Staunton in the Beverley Manor District. - **One (1) Year Extension of Time Request**

Ms. Bunch stated due to COVID and price increases they are requesting extra time to have their project completed.

Mr. Glover moved to approve the one (1) year Extension of Time.

Ms. Tilghman seconded the motion, which carried unanimously.

STAFF REPORTS

- 21-13 Kevin F. or Grace F. Shank
- 21-14 Skyline Swannanoa, Inc.
- 21-15 Francis J. Stout
- 21-16 Blue Marlin Investments, LLC
- 21-17 James E. Taylor, Sr.
- 21-18 Denise M. Tanner
- 21-19 Daniel C. or Emilie M. Myers
- 21-20 Vicki Ann May
- 21-21 Flow Beverages, Inc.
- 21-22 Kristopher W. and Willie W. Michael
- 21-23 Guy C. or Judy C. Eavers
- 21-24 Amy R. Moore and Angela K. Quick
- 21-25 Lighthouse an Independent Church Trustees
- 21-26 The Farm at Chapel Hill, LLC
- 21-27 Harry Moore, Inc.

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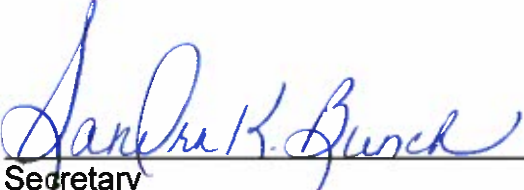
Ms. Bunch stated SUP#21-13 is in compliance. We sent a letter on SUP#21-14 regarding trash outside the dumpster. The applicant has since cleaned the trash up. Staff sent a letter on SUP#21-15 because the pre-conditions were never completed. On SUP#21-16 the applicant is violating the pre-conditions and operating conditions of their permit. Staff sent them a letter. There was an inoperable vehicle onsite at the time of the inspection for SUP#21-17. Staff sent the applicant a letter and it was removed. The pre-conditions were never completed for SUP#21-18. We sent the applicant a letter. SUP#21-19 is in compliance. SUP#21-20 has been cancelled. SUP#21-21 withdrew their application. SUP#21-22 is in compliance. The Board tabled the Extension of Time request for SUP#21-23 to their April 7, 2022 meeting. SUP#21-24 and SUP#21-25 are both in compliance. SUP#21-26 withdrew their application. SUP#21-27 is in compliance.

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