

October 6, 2022

PRESENT: 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
 John R. Wilkinson, Director of Community Development
 Kathleen Keffer, Assistant County Attorney
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: George A. Coyner, II, Chair

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 6, 2022 at 8:30 A.M., in the County Government Center, Verona, Virginia.


The staff briefing was held at **8:30 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

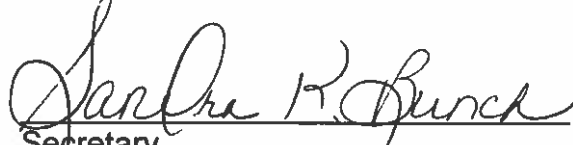
The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **CHRISTIAN R. CHEW - SPECIAL USE PERMIT**
- **SUPERIOR PLUS ENERGY SERVICES, INC - SPECIAL USE PERMIT**
- **JASON WILLIAM HEDRICK - SPECIAL USE PERMIT**
- **KILBRIDE - SPECIAL USE PERMIT**
- **JOHN RIXEY AND MARGARET RENNOLDS - SPECIAL USE PERMIT**
- **HUMES FRANKLIN, AGENT FOR MOSSY CREEK CATERING, LLC - SPECIAL USE PERMITS**

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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 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, October 6, 2022, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Glover moved that the minutes from the September 1, 2022, meeting be approved.

Mr. Thacker seconded the motion, which carried unanimously.

MICHAEL R. OR CINDY P. HAYS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Michael R. or Cindy P. Hays, for a Special Use Permit to have outdoor display and retail sales of outdoor furnaces on property they own, located at 5713 Lee Jackson Highway, Greenville in the Riverheads District.

Ms. Cindy Hays, 5713 Lee Jackson Highway, stated I would like to have outside display of stoves on the property instead of them being inside the building. This is a retail business and we do not expect major traffic. Most of the clients will purchase online or by appointment.

Mr. Bailey asked if the outside storage will be screened?

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Ms. Hays stated the furnaces are hidden by the trees.

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 will not cause a negative impact to the surrounding properties. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have outdoor display and retail sales of outdoor furnaces.
2. Maximum of four (4) furnaces stored outdoors in the designated area shown on the BZA sketch plan.
3. No employees other than family members.
4. All materials and parts for the business be kept in the 12' x 24' accessory building.
5. Site be kept neat and orderly.
6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Glover seconded the motion, which carried unanimously.

BRUCE L. OR CANDICE E. BACK - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Bruce L. or Candice E. Back, for a Special Use Permit to expand a non-conforming building on property they own, located at 81 Dwellys Lane, Churchville in the North River District.

Mr. Bruce Back, 81 Dwelly's Lane, Churchville, stated I would like to have a 16' x 22' addition onto my existing building.

Chair Coyner stated the Board visited the site today. Do you plan on moving forward with the construction soon?

Mr. Back stated yes.

Chair Coyner asked if the addition is for equipment storage?

Mr. Back stated yes, farm equipment and a tractor.

Mr. Thacker stated the surveyor will need to go out to the site to complete a foundation survey.

Ms. Bunch stated the surveyor needs to show the proposed addition on the survey so that you can apply for your permit. They will need to put survey stakes at the site to be sure that you do not go any closer.

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

Ms. Debra Melton, 60 Dwellys Lane, Churchville, asked how will the cement trucks come in to the site and turn around?

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. Back stated there will not be cement trucks coming to the site. The addition will have individual footers. There will be no major equipment coming to the site.

Chair Coyner declared the public hearing closed.

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

Pre-Conditions:

None

Operating Conditions:

1. Applicant obtain a Building Permit for the expansion meeting all requirements of the Uniform Statewide Building Code regarding structures in the floodplain.
2. Applicant construct the addition no closer than the existing building.
3. Applicant submit a foundation survey to Community Development.

Ms. Tilghman seconded the motion, which carried unanimously.

NOIRIN V. QUILLEN OR JOSHUA K. ELLINGER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Noirin V. Quillen or Joshua K. Ellinger, for a Special Use Permit to have a short term rental on property they own, located at 92 Hibernia Circle, Lyndhurst in the South River District.

Ms. Noirin Quillen, 92 Hibernia Circle stated we plan on operating a short term rental at the site.

Chair Coyner asked if the applicant has done this type of business before?

Ms. Quillen stated I have never done this at my home before but I have worked with short term rentals.

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. Glover stated this is in a great setting that will not have a major impact to the area. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant be permitted to lease one (1) bedroom and one (1) bath for short term rental.
2. Total occupancy of the dwelling not to exceed 4 (four) persons.
3. Property owner must reside on the parcel and be available when the property is rented.
4. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

EZEQUIEL ROMERO - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ezequiel Romero, for a Special Use Permit to have a landscape business with outdoor storage of business vehicles and mulch on property he owns, located at 25 Howardplace Lane, Stuarts Draft in the South River District.

Mr. Ezequiel Romero, 25 Howardplace Lane, stated I would like to store equipment at the site.

Chair Coyner asked do you plan on having employees?

Mr. Romero stated no. I will have part-time employees who help. I work at another job during the week.

Ms. Tilghman asked if family members will help?

Mr. Romero stated no.

Mr. Glover asked if the building will be used for the business?

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Mr. Romero stated yes. I plan on moving the building. I will need to obtain engineering and a survey.

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 today.

Mr. Bailey stated this is a small operation. The applicant needs a place to store his equipment. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Applicant obtain a building permit for the accessory building.
2. Applicant plant a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center along the front, eastern and western property lines to provide screening.

Operating Conditions:

1. Limited to one (1) dump truck, one (1) trailer, and one (1) skid steer and two (2) storage bins for mulch storage.
2. All outdoor storage be kept in the designated areas shown on the site plan.
3. No materials from jobsites shall be brought back to this site.
4. No employees other than family members.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment kept onsite.
6. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

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CHRISTIAN R. CHEW - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Christian R. Chew, for a Special Use Permit to have a lawn and landscape business with outdoor storage of commercial vehicles, equipment and mulch on property he owns, located at 316 Miller Farm Road, Staunton in the Riverheads District.

Mr. Christian Chew, 316 Miller Farm Road, stated I had a Special Use Permit at this site for twenty (20) years but then I partnered with someone and moved the business to Harrisonburg. I would like to move the business back to this site under my name only.

Chair Coyner stated the business site needs to be neat and orderly if this request were to be approved.

Mr. Chew stated that is not a problem.

Chair Coyner asked do you plan on having employees that come to the site to drop off their vehicles?

Mr. Chew stated yes.

Mr. Thacker stated the Board visited the site today. The mulch pile is very close to the road.

Mr. Chew stated they try and keep the trucks out of the road.

Chair Coyner asked if the mulch can be moved back away from the road.

Mr. Chew stated the soil gets soft at the site as you get further off of the road.

Chair Coyner asked how frequent does the mulch get delivered?

Mr. Chew stated six to seven times a year. It is only for my jobs. There are no customers coming in to purchase mulch.

Mr. Glover asked if the trucks sit in the road when the mulch gets delivered?

Mr. Chew stated most times not and they do not block the road. It takes about 15-20 minutes for them to unload the mulch.

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Ms. Tilghman stated there is a curve in the road. I feel like this could be a traffic hazard. There should be another spot on the property where the mulch can go.

Mr. Chew stated it is a matter of convenience to keep the mulch there.

Chair Coyner stated safety should override convenience.

Mr. Chew stated we direct the traffic and we try and not be in the road. Every time mulch is delivered we specify that someone needs to be there. We are super cautious and have someone direct traffic. There are times that the trucks come back with stuff because the landfill is closed.

Chair Coyner stated the trucks cannot be unloaded at the site.

Mr. Thacker stated anything that comes back to the site needs to stay on the truck.

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

Mr. Thomas Hunter stated I own the property next door. The location of the mulch is on a curve and there is no entrance permit there where the trucks are backing in from the road. The trucks have caused issues of going in the road and blocking the road and sometimes they go in the ditch.

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. Chew stated the mulch gets hauled out to different jobsites.

Chair Coyner asked is it not convenient to use the assigned entrance for the delivery of the mulch?

Mr. Chew stated no. I make sure I am there when there is a delivery scheduled.

Chair Coyner asked if this is an approved VDOT entrance?

Mr. Chew stated no.

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Chair Coyner stated there is a problem with the applicant using this entrance for mulch delivery. This is a safety issue and the entrance has not been approved.

Mr. Glover stated the location of where the mulch is does not appear to be a safe situation.

Chair Coyner stated the Board can table the request to see if the applicant can get an approved entrance.

Ms. Tilghman stated the applicant did clean up the site. There needs to be another place to store the mulch pile which will need to be worked out.

Mr. Chew stated if I move the mulch pile, I would have to clear trees. I can make it work in another spot close to the shop.

Chair Coyner stated if the location is moved, the site sketch will need to be revised.

Mr. Chew stated if I cannot use the existing entrance, I will abandon the plan altogether.

Ms. Bunch stated the applicant will need to submit a revised BZA sketch to our office.

Chair Coyner asked if thirty (30) days would be enough time to get everything in order?

Mr. Chew stated yes.

Chair Coyner closed the public hearing.

Ms. Tilghman moved to table the request for thirty (30) days in order for the applicant to provide a new plan on where the mulch will be and the entrance.

Mr. Thacker seconded the motion, which carried unanimously.

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SHAINA LAM, AGENT FOR SUPERIOR PLUS ENERGY SERVICES, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Shaina Lam, agent for Superior Plus Energy Services, Inc., for a Special Use Permit to continue to have outdoor storage of three (3) 30,000 gallon bulk fuel storage tanks on property they own, located at 229 Lee Highway, Verona in the Beverley Manor District.

Ms. Shaina Lam stated they are changing their name from Quarles to Superior Plus Energy Services. This is only an ownership change.

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 moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Condition:

1. Permit be issued transferrable.

Mr. Thacker seconded the motion, which carried unanimously.

JASON WILLIAM HEDRICK - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jason William Hedrick, for a Special Use Permit to construct a garage for motor vehicle repair and office, and to have a motor vehicle impound area and motor vehicle display and sales on property he owns, located at 70 Middle Lane Road, Grottoes in the Middle River District.

Mr. Jason Hedrick, 70 Middle Lane Road, stated I would like to construct a garage and have an impound lot as well as a display sales lot at the site.

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Chair Coyner asked do you operate this business yourself?

Mr. Hedrick stated my girlfriend helps. We both reside at the property.

Chair Coyner asked the applicant if they pickup vehicles along the Interstate?

Mr. Hedrick stated no. I will use the impound lot to store vehicles. I plan on repairing only the vehicles that I plan on selling.

Ms. Tilghman asked if there will be a sign at the site?

Mr. Hedrick stated yes with the business name. I will be open to the public to purchase vehicles.

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

Ms. Veronika Lyamshin, 14 Middle Lane Road, Grottoes, stated there is a pipe at the end of the driveway that sometimes get dirty water in it and the dirty water also flows into the yard. I have concerns of traffic also. The property may look messy with a lot of damaged vehicles at the site.

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. Hedrick stated the vehicle repair will be inside the shop. Dirty rain water will not be an issue. The state did put in a pipe along the road and with heavy rain we do get water along there. There are rules I need to follow with fluids and oil. All work will be done inside the garage so that there is no possibility of contamination. I do not do body work and there will not be wrecked vehicles at the site. I plan to do transmission repair, tune ups, brakes, and oil changes.

Mr. Bailey asked if the vehicles will be purchased at auctions or from insurance companies?

Mr. Hedrick stated both.

Mr. Bailey asked how will the vehicles be transported to the property?

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Mr. Hedrick stated with my rollback.

Chair Coyner stated the Board is not interested in this becoming a junkyard.

Mr. Hedrick stated I only plan on working on the vehicles inside the garage.

Chair Coyner stated the site needs to be neat and orderly.

Ms. Tilghman asked if there will be gravel inside the impound lot?

Mr. Hedrick stated I will raise it up with backfill dirt and concrete.

Ms. Tilghman asked if this will cause water to runoff?

Mr. Hedrick stated no.

Chair Coyner stated the Board visited the site today. He declared the public hearing closed.

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

Pre-Conditions:

1. Applicant obtain a Land Use Permit in order to upgrade the existing entrance and provide a copy to Community Development.
2. Applicant obtain a building permit for the 30' x 40' building and submit a copy to Community Development.
3. Applicant construct an eight (8') foot high opaque privacy fence around the 30' x 30' vehicle impound area as shown on the BZA sketch plan within sixty (60) days.

Operating Conditions:

1. Be permitted to construct a 30' x 40' building to be used as a sales office and repair shop and to have a 30' x 30' screened impound area.
2. The 30' x 30' storage area be screened by an eight (8') foot high opaque privacy fence.

- 3. The eight (8') foot high opaque privacy fence must be maintained at all times.
- 4. No more than ten (10) vehicles displayed for sale in the area shown on the BZA sketch plan.
- 5. No vehicle repair or maintenance work be done outside.
- 6. The sales lot hours of operation be 9:00 a.m. to 5:00 p.m. Monday – Thursday and motor vehicle repair hours of operation be Monday – Saturday 9:00 a.m. to 5:00 p.m.
- 7. No employees unless they reside on site.
- 8. No Sunday work.
- 9. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 10. Site be kept neat and orderly.
- 11. Permit be reviewed in a year and renewed if all of the conditions are met.

Mr. Glover seconded the motion, which carried unanimously.

ANTOINETTE LUCAS - SPECIAL USE PERMIT

A request by Antoinette Lucas, for a Special Use Permit to have a doggie daycare and boarding facility on property owned by Philip H. or F. Josephine Henning, located at 1086 Roman Road, Mount Sidney in the North River District. - **WITHDRAWN**

The request was withdrawn.

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**LAURA PITTKIN, AGENT FOR KILBRIDE INTERNATIONAL AND LEASING -
SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Laura Pittkin, agent for Kilbride International and Leasing, for a Special Use Permit to have a short term campground and to have weddings and other special events and motorcycle training and motorcycle trail riding on property they own, located at 273 Penmerryl Drive, Greenville in the Riverheads District.

Ms. Laura Pittkin, 273 Penmerryl Drive, stated I would like to have motorcycle training at the site. These motorcycles would be street legal and the riders will be licensed. I would also like to have a short term campground and special events at the site.

Chair Coyner asked if these would be races?

Ms. Pittkin stated this will be a training environment with posted speed limit signs. We will enforce the speed limit. The motorcycles are four strokes with minimal noise. We live at the site.

Chair Coyner asked if the training will be done during daylight hours?

Ms. Pittkin stated yes, typically they are held on Saturday and Sunday. The clients arrive on Friday, attend the training session on Saturday, and leave Sunday morning.

Chair Coyner asked how many attend the event?

Ms. Pittkin stated twenty (20). They attendees stay at the bed and breakfast.

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

Mr. Christopher Harris, 19 Pine Glenn Lane, Greenville, stated the farm is adjacent to our property. I have no problem with twenty (20) attendees. Everyone has been extremely respectful. We have poultry houses on our property and sometimes people come down our driveway instead of theirs. We cannot afford to have someone bring something onto our property and harm our operation. The folks do not stop at the signs directing them to the Kilbride property. The only issue is for the traffic to stop coming onto our farm.

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

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

Ms. Pittkin stated they have addressed it with their guests to not go onto Mr. Harris' property. I am open to try anything because we do have signs. This has been an ongoing issue with any visitors.

Mr. Bailey suggested possibly a larger sign or flashing sign on the days of events.

Mr. Thacker stated something needs to be done at the entrance to get them to use the correct entrance. We may want to add wording about new signage on the pre-conditions.

Mr. Harris said they can possibly move the driveway further west about twenty (20') feet.

Chair Coyner declared the public hearing closed.

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

Pre-Conditions:

1. Applicant submit a complete Erosion & Sediment Control Plan.
2. Obtain VDOT approval and provide a copy to Community Development.
3. Applicant modify entrance to ensure visitors enter on the property.
4. Obtain Health Department approval and provide a copy to Community Development.
5. Obtain approval from the Virginia Department of Health Office of Drinking Water.

Operating Conditions:

1. Be permitted to have a short term campground including eight (8) tent sites and two (2) full hook-up recreational vehicle sites.
2. Be permitted to use the existing restrooms and showers once Health Department approval is obtained and a copy submitted to Community Development.

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3. Be permitted to have twenty (20) motorcycle training and trail riding events per year but no more than three (3) per month.
4. Motorcycle training and trail riding be limited to street legal motorcycles. No dirt bikes or mini-bikes allowed.
5. Be limited to a maximum of twenty (20) attendees for the motorcycle training and trail riding events.
6. Be limited to eight (8) weddings or large events per year with a maximum of one hundred fifty (150) attendees per event.
7. No more than one (1) wedding or large event per month.
8. No outdoor amplified music.
9. Events to cease by 10:00 p.m. and all persons off the property by 11:00 p.m. except those leasing the cabins or staying in the lodge.
10. Applicant be present during events.
11. Site be kept neat and orderly.
12. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
13. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
14. Permit be reviewed in a year and renewed if all of the conditions are met.

Ms. Tilghman seconded the motion, which carried unanimously.

JOHN RIXEY AND MARGARET RENNOLDS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John Rixey and Margaret Rennolds, for a Special Use Permit to place a dwelling less than 900 square feet on property they own, located in the southeast quadrant of the intersection of Frog Pond Road (Route 612) and Wolfs Ledge Lane, Staunton in the Pastures District.

Ms. Margaret Rennolds stated we constructed a yurt at the site. We did not realize that a permit was required. My son will use this structure as his permanent residence. If this gets approved, we will do what is needed to get all the permits. The yurt is 452 square feet and it is supposed to conform to all building code requirements.

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

Mr. Ugo Solomon, 444 Frog Pond Road, Staunton, stated John is a great neighbor. If this is sold or passed down to someone else, will they need to apply? I cannot see it because the entrance is on Wolfs Ledge Lane. This is not an eyesore.

There being no one else wishing to speak, Chair Coyner declared the public hearing closed.

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

Pre-Conditions:

1. Obtain Health Department approval and provide a copy to Community Development.
2. Applicant obtain all building permits and Certificate of Occupancy and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to place a four hundred fifty-two (452) square foot yurt to be used as a dwelling on the property.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

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3. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

HUMES FRANKLIN, AGENT FOR MOSSY CREEK CATERING, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Humes Franklin, agent for Mossy Creek Catering, LLC, for a Special Use Permit to convert an existing warehouse into a public accommodation facility for up to eight (8) individual efficiency suites for short term rental, to lease the existing singlewide for short term vacations and to construct ten (10) cabins to operate a short term/extended stay campground on property they own, located at 6 Livery Lane, Waynesboro in the Middle River District.

Mr. Humes Franklin, 32 Pen Y Bryn Lane, I am more commonly known as Tripp Franklin but Humes is my given name. Mr. Franklin passed out a Power Point Presentation to the Board (copy is in the file). I am here as agent for Craig and Nichole Nargi who own a farm brewery business at Livery Lane off Madrid Road in the New Hope area. This site is their farm, they grow their own hops, they grow their own herbs for the food that is sold, they grow their own peaches for the cider that they produce and they have horses and donkeys on the property. The slide show on page 1 shows a nice drone footage. A large portion of the property is operated by Stable Craft Farm Brewery. Stable Craft has been very successful in the last few years. They won the Governor's Cup for cider. They were named The Brewery of the Year last year by Virginia Restaurant and Travel Lodging. This year named Virginia Green Brewery of the Year. For the last four years been named Best Outdoor Dining, Best Brewery, Best Cidery, and won three Virginia Craft Cup Year awards. The third page of the show, Stable Craft was honored to be invited to the Governor's mansion in Richmond (talked about who was in the photo). Stable Craft is committed to the community. Here in Augusta County they provide 18 full time positions and 25 part time positions with wages on par with communities outside this area. They support veterans and do the Valley Veterans Ride every year. They support local farmers and growers. Last year they donated over 500 gallons of milk and cookies to the Blue Ridge Area Food Bank. They work with the Boys and Girls Club. They are committed and invested in the community. This is an agri-tourism business. People come to the property to experience agriculture to experience the rural community. Next slide shows some tourism data that tracks who is coming to their property, where are the credit card slides coming from. They are coming from over 17 states across the eastern seaboard.

Visitors of Stable Craft are largely well educated people who live in more urban areas, who have the desire to take a long weekend and come stay at Stable Craft and hike up to Humpback Rocks during the day and then come back and have a nice gourmet meal at Stable Craft and enjoy some farm brewed either beer or cider and spend the night. Most of the people they get who do that are outside of this area (Baltimore, DC, Richmond and a lot from New York). Those numbers are there. There are some reviews from staff. The last slide is important because when I submitted this request, when I worked with Ms. Bunch, who is very helpful, the request to put in cabins unfortunately, falls under the section as a campground. People envision different things in their head when they think of campground than what Craig and Nichole Nargi are planning to do there. If you look at the two pictures on the last page of this slide show you will see these are not specific to what they intend to put there but I think you all know they have been there for over 16 years, I can tell you that I have been representing Craig Nargi since he owned Mossy Creek, he does not do anything halfway. I can tell you he does everything first class and he demands excellence. This is not going to be a Walnut Hills or Shenandoah Acres. This is going to be more upscale because it is appealing more to people who might want to stay and have more of a resort type experience. They are a licensed farm craft brewery and licensed farm craft winery. They attract people who are interested in farming and the outdoors. Craig and Nichole do not just own and operate the business, they live there on the premises and have been since the existing Special Use Permit that was approved by this Board. That is important because they have a vested interest. They make sure that everything they do is top shelf. They grow much of the ingredients for their beers on the property. They serve food presently from a food truck under a separate Special Use Permit from this Board. They also have an existing Special Use Permit approved by this Board offering two (2) overnight lodging facilities. That is under a current Special Use Permit. Those lodging facilities book at least three (3) months out. Presently they are booked through December of this year hence the request for them to be able to add to lodging they already offer. I am going to talk about items K & L before you. They are not asking to do anything different than what they are already doing on the property. They already have people staying at what they call the Blue Ridge Suite and the Paddock Suite. They just want to offer additional lodging units. In these two proposals they are asking for a grand total of 25 additional lodging units, there is an existing singlewide they want to lease out, they are considering putting 8 individual spaces in the warehouse, considering placing 10 cabins along the lines of that last slide show on the property, and they are also considering converting the current residence where Craig and Nichole live to 6 units. It is very important that the Board understand that Craig and Nichole Nargi do not intend to move forward with all 25 of these spaces. They want to know that they are going to move forward with some sort of additional lodging before they incur the significant expense of exploring these various possibilities. They are not

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going to be able to, and Craig has already spoken with the septic folks, and they are not going to be able to have 8 units in the warehouse and carve up their current residence into 6 units and put in 10 cabins. The cost to put in an engineered septic for that would be cost prohibitive. They would like to explore all of this. I can tell you that Nichole Nargi probably does not want her dwelling carved up into 6 units but they want all of the items on the table so that they can figure out which is the best way to go forward for being cost effective and works in harmony with the area where they live. My guess is, it is either the cabins or the warehouse or some combination. I want the Board to understand, if you approve this but limit it to say 12-15 additional lodgings, wherever they find it to work best economically, that is totally fine. That is acceptable. We are sort of, we are taking a long approach here to keep all possibilities open to us. They have been good neighbors. There is a large farm owned by Kevin Phillips in close proximity to where they are now. The Board needs to know that at Mr. Phillips request, the Nargi's have two VDOT approved entrances from Madrid Road. At his request, they shut one of them down because he has farming equipment that goes back and forth on Madrid Road and he explained to them that he would like to have one particular entrance that he can zone in on and look to expect traffic either ingress or egress and so they did that. They shut down one of their openings and they had to incur the cost of paving the other one. They did that at their own cost. In addition, if you guys were out there you saw the signage they put up as you exit Stable Craft directing all traffic away from the Phillips farm. I do not think that was ever a pre-condition or condition under prior Special Use Permits but rather it was done by the Nargis to be good neighbors with the Phillips and to not get people going that way toward Pine Bluff Road and the Phillips farm but back down to Long Meadow Road. I was out there for a birthday party for my son and there is still a fair amount of traffic due to the Pine Bluff Pool at least in those months where the pool is open but that is traffic that is independent and separate from anything that Craig and Nichole Nargi are doing. All of the milk they use for Stable Craft comes from the Phillips farm. All of the lamb used at Stable Craft comes from David Shifflett in New Hope. They have been running this business for 16 years without any major incidents. I know that there were people who were concerned about it when they appeared before this Board to get the food truck and it is different now than what it was then with the other Special Use Permits but there has been nothing that I am aware of that should give this Board concern that they are running a shotty operation. What they are doing is top shelf and high class. What they are asking for today is supported by members of the local community as well as governmental officials. I have with me over twenty (20) letters of support from neighbors on Pine Bluff, New Hope, Madrid, and the surrounding area (pass them out for the Board). In addition to those, I know that Senator Mark Obenshain sent a letter to Ms. Bunch in support of this request as has Delegate Chris Runion, as has Rebekah Castle from the Augusta County Office of Economic Development (copies in the file). I do not think it is insignificant that those

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three government officials and these local neighbors approve and support this request. I have received the letters from Ms. Bunch that have the pre-conditions, conditions, and staff concerns that I would like to address in advance.

Traffic: The approval of the Special Use Permit will not result in any increase in traffic. We are talking about and are asking the Board, if you want to limit us to 12-15 and not the 25 and just not tell us where they go, that is fine. On heavy nights there is 150 people that visit Stable Craft. An additional 12-15 cars is not going to have any meaningful effect on traffic. I would argue that it would lessen the traffic. Because if those people, young urban professionals from Baltimore, or DC or wherever, come down for the weekend, you are not going to have that traffic leave. At least not at night because they are going to be staying. It would lessen the traffic of people who might otherwise would be visiting Stable Craft. The fact of the matter is the 12-15 additional cars on Friday or Saturday evening is not going to have any material effect on traffic that already exists.

Another concern that I saw in the letters of the staff report is that the request is not in compliance with the Comprehensive Plan. Specifically, not fitting in with the surrounding agriculture area. On this point, I am going to have to respectfully disagree with the Community Development staff because the business has been operated by the Nargis is agri-tourism. Agri-tourism by definition has to be located in an agriculture area. Whether these requests are approved or not, that operation is going to continue to go on. There are going to be people coming down Madrid Road turning on Livery Lane. They offer farm crafted beer and farm crafted cider. It is because people like coming to that area and I understand why. Augusta County is the prettiest place on Earth as far as I am concerned. That is why people like to come there. People are spending the night now. What we are asking for here is not anything that is not already occurring on the property.

There were staff concerns about possible negative impact on the neighboring properties. Again, in the last 16 years, I am not aware of someone driving down the wrong driveway, like some other requests, and I have been representing them legally for two decades and I am not aware of any significant events and the moment there is one, I promise you Craig Nargi will get rid of whatever is causing the problem whether it is a member of his staff or a patron who does not know their limit. He takes care of it quickly. If these requests are not approved, nothing is going to change what is already happening out there. They will not be able to expand the business and that will be unfortunate for the County because it will result in a loss of a different tax revenue and loss of additional jobs for people that would work there. Lastly, there are a lot of conditions, I have read them all, reviewed them all and discussed them at length with

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Craig and Nichole Nargi and we largely are in agreement with all of them. With regards to the six (6) units, the only thing I would point out is operating condition #3 it says no further expansion. I am not sure what that means exactly maybe no further use of that dwelling. We do not agree with that and I am not sure if that is even constitutional. It is vague and I do not know what that means. With regard to the other letter and operating condition #3, recommends five (5) rather than ten (10) cabins for the short term stays. Again, if this Board wants to put a governor on the additional lodging we are ok with that. They are not planning on doing 25. I would hesitate for the Board to put a limit on the cabins. They may turn around and that may be all that they are doing, adding 10 cabins. That would be fine and in conformity with the surrounding area. I would not want to limit that to five (5). #5 any future expansion of building or use, the business should be moved to a business zoned district. This business is not designed for a business zoned district. This is agri-tourism and they would not be able to do what they are doing here if they were at where Basic City is for example in Waynesboro. I do want to make sure that Ms. Bunch shared the letters from Delegate Runion and Rebekah Castle because I was not given copies of them?

Ms. Bunch stated yes.

Chair Coyner stated at some point in time, you can only do so much on a piece of property. It would appear to me that we have just about maxed out on what can happen on this particular piece. Traffic is a concern in that area down there. I understand about the signage but I happen to live over on the other end of Madrid Road and we get all of the traffic through there that are coming and going from Stable Craft and I think they have just about maxed out activity on that particular spot. I understand that we are not wanting to do something different but just want to do more of what we are doing.

Mr. Franklin stated I hear what you are saying and I certainly understand the concern about traffic. Unless they have Stable Craft flags flying from their vehicles like they are going to a tailgate or something, I do not think you can pin all of the traffic that you personally see from Brower Road or anywhere else to Stable Craft. Again, we are talking about 12-15 additional units on a night where if they have "Steal the Glass" nights (where they allow you to keep the glass your beverage is served in and take it home with you) they can get 150 or more people there. My response would be an additional 12-15 more people if it is even an addition, it may not be, is not going to materially affect existing traffic.

Chair Coyner stated that is your opinion and you are entitled.

Chair Coyner stated you mentioned a lot of these people will be drawn from urban areas.

Mr. Franklin stated they can be.

Chair Coyner stated that makes them even less used to and respectful of farm traffic and that sort of thing. That is a safety issue too in that area.

Ms. Tilghman stated you mentioned the products that are used to make the cider. They make apple cider is that correct?

Mr. Franklin stated I know they grow peaches. I am not an expert on their products.

Ms. Tilghman stated you are talking about what they grow but it is not on this 10 acres. You cannot grow enough hops on this 10 acres. Are they leasing other land to grow on?

Mrs. Nichole Nargi stated we purchase hops but we also grow our own.

Ms. Tilghman stated it is not conceivable to me, and I am not saying your being dishonest, but somewhere along the line you have to be purchasing or renting land.

Mr. Franklin stated I was very careful what I said. What they grow on there they use. I know the gentleman who operates Barrenridge Winery, he started out planting a little bit of grapes and he bought the majority of the grapes and had them brought in.

Ms. Tilghman stated a lot of people do it. I realize you are purchasing local or renting land but to me it is almost a little dishonest.

Mr. Franklin stated I can tell you what is in my written remarks to the extent that what I said suggested that everything that goes into the cider or beer is grown on their property that is not correct.

Ms. Tilghman stated I am sorry because that is what I was reading.

Mr. Glover stated if the permit was to be approved for the cabins in this area, how will this be advertised? Any differently?

Mr. Franklin stated all online. They handle the current reservations online. Someone will be sitting at their office and checking out where to go for the weekend and you can book

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the room online and pay for it online with your credit card and sign whatever you need to sign online.

Mr. Glover stated currently you have some facilities for people to stay overnight.

Mr. Franklin stated that is correct.

Mr. Glover stated now you are going to be advertising more facilities for people to stay overnight.

Mr. Franklin stated again, I am not their website designer but my guess is that it would be on the same page. If you went to Stable Craft's website right now, you would see the lodging page and currently they are advertising the Blue Ridge and the Paddock Suites. They have two now. If you guys gave them an additional 12, those 12 would be on the same page and leased the same way. There is not going to be a Motel 6 sign. That is quite the contrary. What they are going for is and what it was in the slide show, they have hired people that have worked in the Homestead and Wintergreen. They are going for an upscale resort type experience.

Chair Coyner stated I understand this is not a Motel 6 but in fact, you are approaching a motel if they have that many rooms.

Mr. Franklin stated if the Board takes me at my suggestion and limits it to 12-15 added to the current two (2) would be 14-16. I do not know how much a local hotel has but any hotel room I stayed in is usually in the 200-300. We are talking less than 20 total units.

Chair Coyner stated they started off doing occasional weddings, those are usually like one day events are they not?

Mr. Frankin stated they did have weddings but they don't have weddings there anymore.

Char Coyner stated now they are going to have multiple people staying there. The place will be full all the time which is great for business. Again, I think we have overtaxed that piece of property because it is in a rural road setting major agriculture all around. I understand why people come there because it is beautiful.

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

Ms. Ann Murray, stated I live 2084 Long Meadow Road and we own (80 acres) at 2075 Long Meadow Road, which is on the corner of Madrid and Rt. 608. I am neither in favor

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or opposed to this but I have some suggestions about what you were talking about with the traffic, and I was wondering if the speed limit on Route 608 could be lowered. We have had a lot of people turning into both our driveways missing Madrid Road. I have spoken to the Nargis and they are going to put a sign up on our property to direct traffic up to Madrid Road. So hopefully not so many people will miss that road and turn around in the driveways. If the speed limit on Route 608 could be lowered that would really help, and also, the speed limit on Madrid near Route 608. People walk, bicycle, and there is a lot of farm equipment that is slow moving in the area, not just the Phillips Farm but also Meadow Run Dairy is surrounding the whole area and they are back and forth with their trucks.

Ms. Keri Rankin, 469 Coleytown Road, Waynesboro, stated we own the adjacent property and it is our private home. It is our dream home. We bought it when we had our twins. This is our forever home. This brewery was here when we purchased our home and we have enjoyed the brewery on a number of occasions. We love it and that said there is a difference when we purchased the home we understood that there were limited operating hours. They are operating a few days a week and they operate not into the early hours of the morning but have a reasonable closing time. We spoke to neighbors and we understood most of them have seen a rise in traffic since the brewery has been put here. We certainly have concern of about potentially 25 units, cabins coming and my guess is that they will not be a single occupancy. Our assumption would be that we could be viewing anywhere from 25, upward of 75 or even 100 people staying overnight next to our property coming in from other areas. If this were your home in this beautiful, agriculture area is that really what you want next to your home. For us this is personal. We wish Stable Craft success and continued success, we applaud them for the efforts they are making in our community but for us, this is personal and it is our home and we would hate to see this be approved. We feel this would also detract from our area and for why we wanted to live here in beautiful Augusta County.

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. Franklin stated with regard to Ms. Murray's request, I understand this Board lacks the authority to control the speed limit along those roads. However, as someone who grew up not far from Stable Craft spending the night at friends and running as a cross country runner I would love for the speed limit to be lowered on Route 608 and Madrid. I would not run there now but I used to run these roads all of the time but that has nothing to do with Stable Craft necessarily. I appreciate her informing the Board about Stable Craft working with her and not being told by the BZA to put up signage to control traffic and

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make sure she is inconvenienced as little as possible. I spoke with Craig Nargi about that two days ago and I can tell you that it is very important. With regard to the Rankins, I do not think the people who were informed of this request have seen all of the staff commentary, maybe they have, but these are not multi-units.

Ms. Rankin stated they have seen them.

Mr. Franklin stated they are limited to 700 square foot per unit was what the staff recommended which we are totally fine with. These are not suites. These will be single units. Limiting this to 12 is fine. There are already two (2) out there already. There will be 28 additional people. This is not going to be a situation, Ms. Rankin, where you have 50 or 75 people or 100 additional people spending the night there.

Ms. Rankin asked if there would be a two (2) person maximum occupancy?

Mr. Franklin stated yes. That is what is in the Board's conditions. Again, I think it bears repeating, Craig and Nichole live there. I have known Craig Nargi a long time, personally and professionally and he does not tolerate nonsense. He is going to live there and he is not going to have people onsite making issues. They live on this property. The last 16 years frankly speaks for itself. They operate a top shelf operation out there. The two places they have now are booked out of at least three months in advance, presently, through the end of 2022 and they want the opportunity to explore avenues to put a few more.

Chair Coyner stated the landowners have contacts with politicians so it may be best for them to pursue the speed limit issue.

Mr. Franklin stated I get your point, however, I think it really is a VDOT issue

Chair Coyner stated it might be beneficial for them to try and generate some sort of activity.

Mr. Franklin said I do not think the Nargi's would oppose checking into the speed limit issue, but I don't think this Board has that capacity.

Chair Coyner stated no we do not.

There being no one else wishing to speak, Chair Coyner declared the public hearing closed.

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Chair Coyner stated I would just like to say again that I think we have maxed out the activity on this small piece of property. I have had contact from a handful of people that traffic is a concern in our area. I do not think we need to see an increase there. That is my opinion.

Mr. Glover stated I tend to agree with the comments. This has been a well-run establishment with a good reputation, and I'm not aware of any complaints, but as you stated earlier, there does reach a point where something has grown beyond what is maybe attractive. I think this expansion would negatively impact the surrounding natural features of the area. I disagree with the statement that the overnight stay will not increase traffic. That's the reason I asked how this would be advertised. I see people attracted to it now that may not have been in the past because now there are more places to stay. I actually see it increasing traffic. In our travels today we encountered tractors out on the road in different rural settings and this road is no different. I do not see that the increased traffic that would be coming from this would be beneficial to the County. I don't see a way that it would not increase traffic, and seeing where that place began and what it is now it has really mushroomed quite a bit. So, I would have to agree with you Mr. Chairman that it's probably reached the point where it is no longer an attractive piece of property for the County if they continue to expand like this.

Mr. Thacker stated the biggest concern is that this area lays right in the bread basket of one of the most productive areas in Augusta County. As far as per acre or per mile this area probably generates more agriculture income than most places in Augusta County. When you are in Agriculture Conservation Area according to the Augusta County Comprehensive Plan is defined as that mainly farm. Agriculture Conservation Areas are areas which have mainly farm or forest uses and have generally the lowest overall density of residential uses, have no public water or sewer service, and have most of the County's intensive agricultural operations. These areas are planned to remain in predominantly agricultural and forestall uses with very little additional residential development. Any development taking place in an Agriculture Conservation Area would expect to be sensitive to the context of the surrounding area. When the Board was there today and pulled out on the road and from their entrance both ways all you can see crops. You have Willard Cline's big dairy and further down the road you have Kevin Phillips big dairy that do not use small equipment and tend to use the whole road and with this additional use will cause more cars and visitors. I think we are looking at a potential problem that has been averted up until now. That is my main concern.

Mr. Bailey stated I also agree with Mr. Thacker and I feel the expansion requested would be out of character with the area and the road, farm, and equipment.

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Ms. Tilghman stated my biggest concern is where it lays. I know these breweries by State law are located in agriculture districts. There is a difference between an agriculture district and an Agriculture Conservation District. There was a lot of work that went into Comprehensive Plans and they have been redone over the years. The Comprehensive Plan is redone as mandated by the State. I remember working on one plan back in the early 1990's, and I think in a period of about six months I went to over thirty meetings at nights and we spent hours working on the Comp Plan not getting paid, but it was a brand new one and everybody was involved and there was input from all over the County by people. We have got to protect our true agriculture because that is the basic economy of this County and has been for years and years and still is. If we ignore the fact of where it is then I don't know why we have a Comprehensive Plan. You have to have some respect for this. The plan has to be redone every five or ten years and hundreds of thousands of dollars are spent every time the plan is redone and there are public hearings. I don't think it should have ever been put in this particular spot in the first place just because of where it is. There are a lot of areas in the County that are called agriculture and are totally different. Today was a real day for us to see all the areas of Augusta County going from one place to the other. I feel as we have opened a bag of worms and we have to determine what is appropriate for this area. I know it is a well-run business, and I do not argue that at all, but I just think we have hit a max. If there was a similar brewery that came in and did the same thing I would hope that they would end up in a regular agriculture district. I know there are problems with roads, but there are going to be problems with the road anytime you put it in a rural area so problems with the road are not your problems they are the result of the fact that we have small roads, big farm machinery, and you can't afford to change every road in the County.

Mr. Benkahla asked Ms. Bunch what the residential density is in agriculture areas?

Ms. Bunch stated one (1) dwelling per lot, two (2) dwellings on 5 acres, and three (3) dwellings on sixty (60) acres. That is the reason for the campground designation. There is not enough acreage for all of the small dwellings which is why we had to classify it as a campground for short term cabins.

Mr. Thacker asked if the Board is considering K & L together?

Chair Coyner stated each request should be voted on separately.

Mr. Thacker moved to deny the request.

Mr. Glover seconded the motion

Mr. Franklin asked to address the Board.

Chair Coyner granted permission.

Mr. Franklin asked the Board to consider at a minimum, granting the singlewide if possible.

Ms. Tilghman asked if the singlewide is like a motor home.

Ms. Nichole Nargi stated it is a cabin. It is a one bedroom cabin that sits behind our warehouse. It used to be where our farmhand used to live.

Ms. Tilghman asked if the cabin had been there all along?

Ms. Nargi stated yes.

Ms. Bunch stated the singlewide could be rented for long term rentals just not short term without the Special Use Permit. It is a legal dwelling that has been on site.

The motion to deny the request carried unanimously.

HUMES FRANKLIN, AGENT FOR CRAIG OR NICHOLE NARGI - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Humes Franklin, agent for Craig or Nichole Nargi, for a Special Use Permit to convert the existing dwelling into a public accommodation facility for up to six (6) individual suites for short term rental on property they own, located at 81 Livery Lane, Waynesboro in the Middle River District.

Chair Coyner asked Mr. Franklin if he would like to add any additional comments on this request?

Mr. Humes Franklin stated I do not have anything additional to say. This request was not as significant as the other request and given that the others were rejected particularly the dwelling that is already there, I ask the Board to approve this. I do not have any expectation that will happen

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

Ms. Keri Rankin, 469 Coleytown Road, Waynesboro, stated this is actually closer to our home so I have the same comments with regard to this request.

Ms. Nichole Nargi stated each year I see the amount of taxes that we generate for the County, and I would like that to be a consideration going forward. I know that we paid close to 300,000 a month in sales and meals tax so I do think that we are a major contributor to the bottom line of Augusta County. Covid was very difficult for us and is still very difficult for us. I handle marketing, staffing, and deal with shortages. I'm dealing with that seven days a week twenty-four hours a day and to have this on top of that I would just like you to consider that some salaries in the Government are being paid by us. We are contributing just as much as local farmers. We try be good neighbors and try to do everything in our power to be a good neighbor, and I would just like you all to be aware of that.

Chair Coyner stated yes we are aware.

There being no one else to speak, Chair Coyner declared the public hearing closed.

Ms. Tilghman moved to deny the request based on the reasons stated previously.

Mr. Glover seconded the motion, which carried unanimously.

OLD BUSINESS

BRANDON TURNER - SPECIAL USE PERMIT

A request by Brandon Turner, for a Special Use Permit to amend Operating Condition #8 on Special Use Permit #21-23 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. - Board Voted To Continue The Request For 6 Months.

Ms. Tilghman moved to bring the item forward.

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Mr. Glover seconded the motion, which carried unanimously.

Mr. Brandon Turner, 47 Koogler Hill Lane, stated I am still in the process of working with the engineer on the road. VDOT now has a new person who has questions and concerns regarding the new entrance. He stated he has been working with Cody at VDOT and forwarding documents showing the entrance was approved for business vehicles. Mr. Turner asked if we had received a copy of the updated BZA sketch from his Engineer.

Ms. Bunch stated I did receive the updated sketch, however, it did not include parking for employee vehicles at the new site.

Mr. Turner stated they have been moved up on the hill behind the trees.

Chair Coyner asked what has been the reluctance for this taking a long time?

Mr. Turner stated after the last meeting he contacted the Engineer and gave him all the information we discussed, and they did not start on anything until July. I have been back and forth with Sandra and Jeff VanFossen and then Sandra contacted me in September stating she still had not received an updated BZA sketch. She didn't receive the sketch until I reached out to Mr. Driver again right before this hearing. I also asked Mr. Driver to be here today to explain why it is taking so long and unfortunately he is not here. I have done all that I can. Everything has been moved to where it needs to be. I have been working to get it all cleaned up and removed. It's not me not wanting to complete everything I'm waiting for my Engineer. I have been working with contractors on getting road estimates. My only concern is if it's raining and the field is wet I don't want to track onto the existing road. We have been doing a good job keeping it off Koogler Hill Lane. I have been working for the past month and a half to get everything cleaned up and removed and put where it needs to go. The only thing that is technically not done is starting the road and that has been continuously going back and forth with the Engineer and the County. I talked with the County Engineer and the comments are pretty minor but have to be addressed.

Chair Coyner asked where are you at in the process now because we are getting close to winter?

Mr. Turner stated I am close to pulling permits. I have already talked to the bank and I'm in the process of getting materials to put the road in. I've contacted contractors and showed them sketches of the road. I know winter is going to be a problem. The good

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news is the road is actually being built on top of the already existing and our area is all limestone. The construction entrance has to be dug down and stone placed.

Chair Coyner stated the Board cannot approve this request until everything is complete on the existing permit. He asked Mr. Turner how much additional time would be needed?

Ms. Bunch stated what the Board is considering today's is whether or not Mr. Turner can use Koogler Hill Lane for business use. The previous Special Use Permit was approved with the operating condition that all traffic associated with the Business must use the new Walnut Hills entrance only. Therefore, this request is asking to amend that operating condition to allow him to use Koogler Hill Lane for business use. Mr. Turner has submitted the Erosion & Sediment Control Plan which was one of the Pre-Conditions of his Special Use Permit. The plan has not been approved so until the plan is approved he cannot start construction of the road. I have received the updated BZA sketch and Mr. Turner stated he finished constructing the fence today. There are still pre-conditions that need to be completed and essentially the original Special Use Permit has not been signed and issued to operate from this location. The fuel tanks will also have to be moved into that storage lot.

Mr. Turner stated the fuel tanks are still in the same location and the only reason they have not been moved is when the driver comes to fill up I don't want the ground disturbed until I have proper plans for stone so that I don't have to move it. I moved my equipment and contacted by Engineer and told him he had to come sketch out the storage area. I have been back and forth with you guys so many times and I don't know what to do. The road is out of my hands until it is all approved. We did put a small panel of fence up to just screen the tanks.

Ms. Bunch asked Mr. Turner if he planned on moving the fuel tanks? Your permit was approved with the operating conditions that everything will be stored in that designated storage area even the fuel tanks.

Chair Coyner stated the tanks will need to be moved.

Mr. Turner stated that if the tanks are moved to the screened area he will have to move other items off the property due to the size.

Mr. Turner stated I may have to come back before the Board in the future to expand the storage area.

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Ms. Bunch stated you should not be operating at all from this location and you are in violation of the Zoning Ordinance that could lead to legal action if you continue to operate from this site without the Special Use Permit.

Chair Coyner stated you need to get into compliance as quick as possible.

Mr. Turner stated as soon as the E&S Plan is approved we will be moving forward to pull permits for the construction of the road.

Chair Coyner stated you are going to move the tanks correct?

Mr. Turner stated yes sir. The storage area has been moved and the neighbors cannot see anything.

Chair Coyner stated the public hearing was closed at the previous meeting on this, therefore, there will be no public input.

Chair Coyner stated the Board could table until next month and that's it.

Mr. Benkahla stated the applicant should not be operating without the Special Use Permit. He said he should not be in business right now on that property.

Ms. Bunch stated this new request was also asking to do away with Operating Condition number 8 to be allowed to use Koogler Hill Lane for business use and to remove Pre-Condition number 4 so that the road did not have to be constructed.

Mr. Turner stated I have not heard any complaints from the neighbors as far as traffic.

Ms. Bunch stated we received emails and letters from some of the neighbors regarding the traffic on the private lane.

Ms. Bunch stated if this request is approved technically the road issues go away and he would not have to construct a road. If the request is denied Mr. Turner will need to cease operating and construct the road.

Mr. Turner stated I have spent too much money to not put in the road but the engineer is what is holding me up.

Mr. Glover asked did you move your equipment from another location when you first came to the Board?

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Mr. Turner stated yes.

Mr. Glover asked what was your reason for leaving that location?

Mr. Turner stated the property was sold.

Mr. Glover asked would you have somewhere else to store your equipment until your road is constructed?

Mr. Turner stated I can ask other contractors to use their property in the meantime.

Ms. Bunch stated you cannot operate at this location until the pre-conditions are completed.

Mr. Glover stated you need to reach out to other contractors and make sure they do not have a Special Use Permit that would prevent them from having additional storage.

Mr. Turner asked if all equipment behind the fence had to be removed?

Ms. Bunch stated employees cannot come there to the site. The applicant must cease operation until the road is completed.

Chair Coyner asked if six (6) months is adequate to complete the project and not operate from this location until complete?

Mr. Turner stated we are getting into winter and I hope it will be enough time.

Mr. Turner asked how long do we have to remove everything from this property?

Mr. Glover said the equipment and business needs to cease from this location immediately.

Ms. Bunch stated any equipment that is not being used on a daily basis due to the time of year can stay inside the screened area.

Mr. Benkahla stated you can use your driveway to move the equipment off the property. You have a write to use your driveway.

Mr. Benkahla stated you cannot move equipment to go do a job and then come back. That is operating the business.

Ms. Tilghman moved to deny the request.

Mr. Thacker seconded the motion, which carried unanimously.

BRANDON TURNER – EXTENSION OF TIME

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.

Mr. Bailey moved to approve the six (6) month Extension of Time.

Mr. Glover seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

CHARLES SCOTT AND CATHY F. BALSLEY - EXTENSION OF TIME

A request by Charles Scott and Cathy F. Balsley, for a Special Use Permit to construct a public accommodation facility and children’s camp including cabins, active recreational facilities, and have special events on property owned by Creative Works Farm, Inc., located on the north side of Purple Cow Road (Route 619), approximately .1 of a mile east of the intersection of Purple Cow Road and Mountain Stream Lane in the Middle River District.

Mr. Scott Balsley stated we have made a lot of progress. We have actually seen over 1000 kids since our first camp session in 2014. This past summer we had 204 campers for day camps. We also added an adult program for adults with special needs because we realized our kids were aging out of camp. Our oldest camper this year was fifty-nine (59) years old. We have completed our reflection hall and we are currently working on our playground airplane which was added in the last permit. We have just about paid off all our debt on the construction we have done and we are working on our camper campaign for the overnight stay facilities. It is a huge project

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and everything there we have constructed ourselves. I hope the next five (5) years we will be able to complete the overnight stay facilities. We also hope to complete the dining hall complete for the kids and also our events.

Chair Coyner asked what year did the camp start?

Mr. Balsley stated 2014.

Mr. Glover moved to approve the five (5) year Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

IRA J. BIGGS – EXTENSION OF TIME

A request by Ira J. Biggs, for a Special Use Permit to construct mini-warehouses on property owned by Normel, Inc., located at 21 Laurel Hill Road, Verona in the Beverley Manor District.

Ms. Bunch stated the site plan has been approved, however, they are still working with contractors and no Building Permits have been obtained. The applicant is asking or a one (1) year extension.

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

Ms. Tilghman seconded the motion, which carried unanimously.

WINSTON RHODES, AGENT FOR VALLEY SELF STORAGE, LLC – EXTENSION OF TIME

A request by Winston Rhodes, agent for Valley Self Storage, LLC, for a Special Use Permit to construct additional mini-warehouse units within an existing facility on property they own, located on the west side of Whistle Lane at the intersection of Weyers Cave Road and Whistle Lane, Weyers Cave in the Middle River District.

Ms. Bunch stated the site plan has been approved but no permits have been obtained. Mr. Rhodes is requesting a six (6) month extension.

Mr. Thacker moved to approve the six (6) month Extension of Time.

Mr. Glover seconded the motion, which carried unanimously.

WINSTON RHODES, AGENT FOR VALLEY SELF STORAGE, LLC – EXTENSION OF TIME

A request by Winston Rhodes, agent for Valley Self Storage, LLC, for a Special Use Permit to construct mini-warehouse units on property owned by HRE Associates, LLC, located at the west side of Whistle Lane, approximately .073 of a mile north of the intersection of Weyers Cave Road and Whistle Lane, Weyers Cave in the Middle River District.

Mr. Thacker moved to approve the six (6) month Extension of Time.

Mr. Glover seconded the motion, which carried unanimously.

STAFF REPORTS

- 21-60 Smith-Kielty Family Trust
- 21-61 Normel, Inc.
- 21-62 Mark A. Kincaid
- 21-63 Timothy W. or Julia Ann Surratt
- 21-64 Rae Enterprises, LLC
- 21-65 MMJ Real Estate, LLC
- 21-66 City of Staunton Public Works
- 21-67 Valley Self Storage, LLC
- 21-68 HRE Associates, LLC

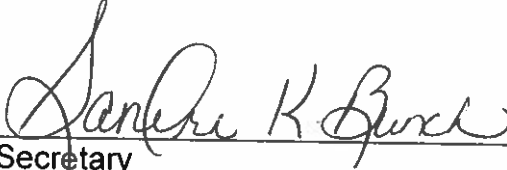
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Ms. Bunch stated SUP#21-60 is in compliance. An Extension of Time was approved for SUP#21-61, SUP#21-62 and SUP#21-63 were both in compliance. The Board granted an Extension of Time for SUP#21-64. SUP#21-65 was in compliance. The applicant plans on asking for an Extension of Time for SUP#21-66. The Board just granted an Extension of Time for SUP#21-67 and SUP#21-68.

Mr. Benkahla discussed the court cases with the Board.

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


Chair


Secretary

