

February 2, 2023

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

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 2, 2023 at 9:30 A.M., in the County Government Center, Verona, Virginia.

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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.

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**VIEWINGS**

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

- KEVIN S. AND AMBER N. MAY - SPECIAL USE PERMIT
- MINT SPRING DEVELOPMENT, LLC - SPECIAL USE PERMIT
- DOUGLAS J. NAPIER - SPECIAL USE PERMIT
- KERVIN YODER, AGENT FOR ENLISTED AUCTIONS - SPECIAL USE PERMIT
- JACOB W. BACK - SPECIAL USE PERMIT
- KYLE MURRAY, AGENT FOR CHANEY ENTERPRISES - SPECIAL USE PERMIT
- ADAM AND REBECCA HALL - REQUEST FOR CANCELLATION

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

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Chair

  
Secretary

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Sandra K. Bunch, Zoning Administrator and Secretary  
Kathleen Keffer, Assistant County Attorney  
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: James R. Benkahla, County Attorney

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 2, 2023, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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Chair Coyner congratulated John Wilkinson on his retirement and thanked him for his service and dedication to Augusta County.

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**MINUTES**

Mr. Glover moved that the minutes from the January 5, 2023, meeting be approved.

Ms. Tilghman seconded the motion, which carried unanimously.

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**KEVIN S. AND AMBER N. MAY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kevin S. and Amber N. May, for a Special Use Permit to have an excavating business with outdoor storage of commercial vehicles and to use a portion of the existing building for storage of materials and equipment on property they own, located at 155 Miller Road, Waynesboro in the Wayne District.

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Mr. Scott May stated I would like to park three (3) company vehicles on the property and store equipment in the building once it is complete.

Chair Coyner said the Board visited the site this morning and saw the building being constructed. He asked if there will be employees?

Mr. May stated no.

Chair Coyner asked if this is a family operation?

Mr. May stated yes.

Ms. Tilghman asked if the three (3) trucks will be outside?

Mr. May started yes and two (2) trailers. The equipment will be inside the building or on the jobsites.

Mr. Bailey asked if materials will be brought to the site?

Mr. May stated no.

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

Mr. Dennis Deshong, 147 Miller Road, Waynesboro, stated I live adjacent to Scott and I have no problem with the Special Use Permit. The area is neat and he does a good job keeping the site clean.

Ms. Susan Floyd, 166 & 182 Miller Road, Waynesboro read a letter that was submitted to the Board (copy is in the file).

Mr. Timothy Campbell, 150 Miller Road, Waynesboro, stated I am in favor of the zoning change. I use the road often and I have no problem with the request. They are good neighbors.

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

Chair Coyner stated the Board visited the site this morning.

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Ms. Tilghman stated the operating conditions limit this to three (3) company vehicles and two (2) trailers along with limited hours of operation. The applicant will need to abide by these restrictions set forth by the Board.

Mr. Thacker stated the property was neat and orderly today. He moved to approve the request with the following conditions:

**Pre-Condition:**

None

**Operating Conditions:**

1. Be permitted to use a portion of the 32' x 64' barn for equipment storage.
2. Be limited to three (3) licensed company vehicles and two (2) trailers parked in the graveled area around the barn.
3. No other outdoor storage permitted.
4. Hours of operation be 7:00 a.m. to 6:00 p.m. Monday – Saturday.
5. No Sunday work.
6. No employees other than family members.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

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**MINT SPRING DEVELOPMENT, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Mint Spring Development, LLC, for a Special Use Permit to have a residential care facility on property

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they own located on the north side of White Hill Road, east of the intersection of White Hill Road and Lee Jackson Highway in the Riverheads District.

Mr. David Brenneman stated I am the owner of the property as well as Stuarts Draft Retirement Christian Home. I would like to take what we are doing in Stuarts Draft and do something similar on this property. We currently have a waiting list well over a year long. With this approval, I hope to meet that need. This development will be called Village at Mint Spring.

Chair Coyner asked if the facility will be built in increments or all at one time?

Mr. Brenneman stated no, we plan to start with the duplexes. The residential care is in Phase II which is a couple years down the road.

Chair Coyner stated the applicant has done well with the current facility and the Board would expect the same here.

Mr. Brenneman stated the vision for the entire property is senior living.

Mr. Ray Burkholder with Balzer stated the Special Use Permit is only for the blue section. They purchased the entire development from Mr. Campbell. The Phase I part is already approved.

Ms. Tilghman asked if this would only be one floor or multiple?

Mr. Burkholder stated it would be multiple floors and it would be similar to Stuarts Draft with a dining hall area and different amenities in that facility to give options to folks.

Mr. Bailey asked if the townhomes would be for sale or lease?

Mr. Brenneman stated all rental with a year lease. There would be no sales.

Chair Coyner asked with a 75 unit residential care facility, what type of homes will there be?

Ms. Bunch stated the only item on the Board's agenda is the residential care facility. They are permitted to build the other structures.

Mr. Brenneman stated there will be 12 single family lots, 44 duplex lots, and 179 townhome lots.

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Chair Coyner stated this would be similar to Stuarts Draft. Will these 75 units be built in five (5) years?

Mr. Brenneman stated that would be the goal.

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 facility has operated in Stuarts Draft for years and we expect this facility to be similar.

Mr. Glover stated the applicant has been in business for a long time and this service is much needed. There is a waiting list at the Stuarts Draft location. He moved to approve the request with the following conditions:

**Pre-Conditions:**

- 1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies including updated Stormwater Management Plan.
- 2. Applicant obtain all necessary permits, inspections and Certificates of Occupancy and provide a copy to Community Development.

**Operating Conditions:**

- 1. Be permitted to construct a seventy-five (75) unit residential care facility.
- 2. Be limited to a maximum of one hundred fifty (150) residents.

Ms. Tilghman seconded the motion, which carried unanimously.

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**DOUGLAS J. NAPIER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Douglas J. Napier, for a Special Use Permit to have weddings and special events and to have a food truck onsite on property he owns, located at 277 Thorofare Road, Crimora in the Middle River District.

Mr. Douglas Napier stated I would like to have weddings on the property to take advantage of the agriculture aesthetics and natural beauty of the land if kept small and private. It is a great opportunity to have this property and be able to share it.

Chair Coyner asked if this is a family operation?

Mr. Napier stated yes.

Chair Coyner asked how will this be advertised?

Mr. Napier stated on the internet and Facebook. I would like to have seven (7) events per year. I will not advertise much.

Chair Coyner asked if this would only operate the warm months of the year?

Mr. Napier stated yes.

Chair Coyner stated the road is very narrow and challenging to drive on.

Mr. Napier said there would need to be a commercial entrance to the property as well as upgrades to the driveway.

Chair Coyner asked if the applicant spoke with the neighbors?

Mr. Napier stated I only spoke with Rusty and my mom who share the same driveway.

Chair Coyner asked how many folks live along the driveway?

Mr. Napier stated my mom and I and one of my aunts branch off to the left.

Chair Coyner asked if there will be restroom facilities?

Mr. Napier stated yes. I would have two (2) years to install the permanent facility.

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Chair Coyner stated the lane gets really wet. Are there any plans to improve it?

Mr. Napier stated there is a maintenance agreement and the other property owners have not pulled their own weight with maintaining the driveway. In the last 20 years, I have been the only one maintaining the driveway.

Mr. Bailey stated the original request was for ten (10) events. Are you fine with reducing the number to seven (7) instead?

Mr. Napier stated yes.

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

Ms. Dawn Terrell, 275 Thorofare Road, Crimora, stated we are the only two (2) houses that use the driveway. I am his mom. I hope the Board approves this. Mr. Napier enjoys talking with people and making people happy. Limiting the events to seven (7) is great. There will be a limited amount of people attending with a curfew. There should not be any issues with this request.

Ms. Stacey Spencer, 261 Thorofare Road, Crimora, stated I am along the driveway before their right-of-way. The driveway is on my land. When there are other cars along the driveway, the lane is not passable. I spoke with VDOT and this would change the entrance to a low commercial or possibly moderate entrance. They would need to widen the entrance along Thorofare Road and a culvert would need to be installed. I also would have to give up frontage on the property in order to do this and I am not willing to do that.

There being no one else wishing to speak, Chair Coyner asked the applicant to speak in rebuttal.

Mr. Napier stated the entrance to the site would not have any effect on Ms. Spencer's property.

Chair Coyner declared the public hearing closed. The Board visited the site this morning. This is an unlikely place for a wedding but it is rural and remote.

Ms. Tilghman stated the road narrows to a one lane road and visitors would be unable to pass. At this point, the road is not designed for any extra traffic except for the residents. There are quite a few homes in the area. The road is my biggest concern.



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Mr. Glover stated I agree that the biggest concern is the road. The road is narrow and there is a blind spot which would not be good for this type of business or activity.

Mr. Thacker stated most of the property is all wooded and amplified music will travel. There are issues with the entrance to the property. The property is not suitable for this type of business.

Mr. Bailey stated the road may not even be designed for 100 people.

Mr. Glover moved to deny the request due to the concerns about the road, safety on the road for the traffic and the blind spot at the site.

Ms. Tilghman seconded the motion, which carried unanimously.

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**KERVIN YODER, AGENT FOR ENLISTED AUCTIONS - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kervin Yoder, agent for Enlisted Auctions, for a Special Use Permit to have online auction sales and outdoor storage of vehicles and equipment and to have a 10' x 16' office building on property owned by Shady Haven Properties, LLC, located on the east side of White Hill Road (Route 654), north of the intersection of White Hill Road (Route 654) and Stuarts Draft Highway (Route 340) in the Riverheads District.

Mr. Kervin Yoder stated I would like to conduct online auctions of equipment and vehicles in the hay field. This is a 49 acre parcel with 16 acres of open pasture. This will be online auctions with large equipment and vehicle storage.

Chair Coyner asked does the equipment not fit on your other parcel?

Mr. Yoder stated yes. I need more space for storage. We did an auction here last fall. The smaller auction items are held at Sunrise Farm.

Chair Coyner asked what type of stuff will come to the site?

Mr. Yoder stated farm equipment, construction equipment, vehicles, etc. (any outdoor items).

Chair Coyner asked if the buyers will view the equipment?

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Mr. Yoder stated there will be a gate there that they will have open during the day. All auctions will be online.

Chair Coyner asked if pictures will be online?

Mr. Yoder stated yes.

Chair Coyner asked once the auction takes place, how long do they have to move the item or pick it up?

Mr. Yoder stated they can pick up an item the following day. 90% of items get removed but some people do not show up the following day. It may take about a week to have the item removed. I would like to request a change in the operating conditions. We will move the items so that it is not visible from the road. There will be no onsite bidding or noise because it is all done online. There will not be a crowd of 200-400 people. The last auction we did had 75 people that came and picked up their items.

Chair Coyner asked how many people come to look at the items?

Mr. Yoder stated there are normally 7-10 vehicles per day toward the end of the auction. There are not lines of cars coming to the site.

Chair Coyner stated the request is for four (4) auctions a year.

Mr. Yoder stated I would like to increase that if possible. It would be nice to have the flexibility to change that to eight (8) a year and save us from having to come back before the Board.

Chair Coyner asked if someone will be at the site for inspections of the sale items?

Mr. Yoder stated it is not staffed all of the time. We close the gate in the evenings and cameras are setup.

Ms. Tilghman asked on the day of pickup, will there be someone on duty?

Mr. Yoder stated yes.

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Ms. Tilghman stated my concern is when people are going in and out of the field and there is bad weather it could be a muddy mess. There is a business owner along Route 340 and people will be dragging mud onto the road. She asked if there are homes there?

Mr. Yoder stated yes.

Ms. Tilghman stated the homes border this site.

Chair Coyner asked if there is another entrance to the property?

Mr. Yoder stated yes along White Hill Road. The sight distance along White Hill Road is a problem.

Mr. Thacker asked how many days will the equipment be on the property?

Mr. Yoder stated a total of 3-4 weeks.

Chair Coyner asked if someone will come to the site to organize the items?

Mr. Yoder stated yes. Customers will be allowed certain times to drop off their items.

Mr. Thacker stated with eight (8) auctions a year, there will be equipment at the site for eight (8) months of the year.

Chair Coyner asked if this would only be warm weather auctions?

Mr. Yoder stated no, the online auctions are ran year round. Weather is not a factor with the online auctions.

Chair Coyner asked how many auctions bidders are there?

Mr. Yoder stated there are over 33,000 registered on the website.

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

Mr. David Fitzgerald, 147 Wayne Avenue, Stuarts Draft, stated customers are able to drive-in and look at equipment over the hill. The items are not seen from Route 340. Mr. Yoder does a great job. This is a good idea.

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Mr. Kyle Heath, 1684 White Hill Road, Stuarts Draft, stated I live adjacent to the property and I am in favor of this. This is an asset to the community. It keeps the County clean and it recycles used equipment. The company is community friendly.

Ms. Jill Roark, 1732 White Hill Road, Stuarts Draft, stated we share the same lane. The last auction went perfect. This is a great thing for the area. The customers pickup stuff in less than a week and then all the equipment is gone. The items are all lined up and neat. There are no ruts in the field. This is a wonderful thing for the area. They are very respectful.

Mr. David Brenneman, 635 Churchmans Mill Road, Stuarts Draft, stated the property is neat. Mr. Yoder is very respectful and very approachable.

Ms. Rebecca Early, 2400 Stuarts Draft Highway, Stuarts Draft, stated I own Mountain View RV. The customers are using the right-of-way in order to get to the field. The problem is that this right-of-way is only for access and egress only. We have to deal with the people who show up. We have no control because people do not park where they are supposed to. We have a three (3) year lease with businesses at the site and now they have asked to change it to a one (1) year lease. The traffic is unbelievable. We even had to put up a speed sign. The first auction was at a building leased by Bobby Eavers and a lot of other stuff was brought in. Customers could not even get to our store. There were people parking in our driveway. We were asked after the fact to use it. Our employees were directing people where to go for the auction. We have pictures of several vehicles parking along the driveway. We have spent \$1,500 fixing the driveway from the November sale. On the day of the viewing I did not have anywhere to park. We have had multiple issues. There has been no communication. This has been very chaotic. I cannot deal with people coming in for four auctions much less eight. Our suggestion was to use the right-of-way along White Hill Road which would make it more private. We do not mind the owners using the entrance but not all of the people. People have parked when the gate is closed on our property. There is very little ways to control what the buyers are doing. We are the ones speaking to them. Our biggest concern is to not have to control the people. My husband tried to leave the property one day and a tow truck was blocking him in. People are asking them where to put vehicles and borrow tools. Speeding is also a concern. There are no ruts in the field because they are all parked on our property. I cannot afford to lose my tenants. This is behind my business and I have to look at it.

Mr. Jerry Parsons, 1734 White Hill Road, Stuarts Draft, stated I am in favor of this. Traffic will go by the business. The applicant should get more time to work this out. The heavy equipment needs to come that way but cars can come in another way. The heavy

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equipment should come along Route 340. We can tell them where to park. I hope they can work this out. The equipment will not sit there for a long time.

There being no one else wishing to speak, Chair Coyner asked the applicant to speak in rebuttal.

Mr. Yoder stated I did speak with Ms. Early about her concern. The fifty (50') foot right-of-way is adequate for traffic. There is plenty of room and I have never seen anyone blocking traffic. The right-of-way marks the property line and it is over the driveway but the driveway has been used for years. It made sense to use the existing driveway.

Chair Coyner stated the Board visited the site this morning. This is a good spot. The public hearing was closed.

Ms. Tilghman stated a lot of people cannot pick it up the next day. The items could sit at the site for three (3) weeks. The staff are not there every day. If anyone has questions they are asking the neighbor.

Mr. Thacker stated I agree with Ms. Early that this is hurting her business. The Board may only want to grant four (4) auctions a year and review the permit in a year.

Chair Coyner stated the neighbors should work together. The permit if approved should be reviewed in a year.

Mr. Glover stated the auction is a one (1) day event but it continues at the site the entire time. The equipment is stored there with no one onsite to manage it. I encourage the applicant to get together with the neighbor to make sure the issues are addressed especially about the parking and traffic.

Mr. Bailey suggested that the applicant speak with VDOT about the entrance on White Hill Road. VDOT would need to approve the sight distance.

Chair Coyner stated the Board may want to table this request to see what the applicant's options are.

Ms. Tilghman stated the White Hill Road entrance is a good idea.

Mr. Bailey moved to table the request for thirty (30) days in order to give the applicant time to assess using White Hill Road and talk with the neighbor regarding the issues.

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Mr. Glover seconded the motion, which carried unanimously.

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### **SAMUEL AND JESSICA BOPPE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Samuel and Jessica Boppe, for a Special Use Permit to have a short term vacation rental on property they own located at 193 Reeds Gap Road, Lyndhurst in the South River District.

Mr. Samuel Boppe stated I would like to rent out the property for a short term rental. When I travel for work, the house sits empty and I would like to rent it out to visitors from out of the area.

Chair Coyner asked if the applicant has other rental properties?

Mr. Boppe stated yes.

Chair Coyner asked how will you market the property?

Mr. Boppe stated on the internet with Airbnb or Vrbo.

Ms. Tilghman asked who will oversee the property?

Mr. Boppe stated my cleaning lady lives nearby and will watch over the property and handle any issues if I am out of town. My uncle can also address any issues that arise.

Ms. Tilghman stated it is important that the neighbors can contact someone that is local just in case there are any issues.

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. There are several rental properties on this road. This request will be in keeping with the area.

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

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**Pre-Condition:**

1. Applicant provide a 24-hour emergency contact number to Community Development.

**Operating Conditions:**

1. Be permitted to lease the three (3) bedroom dwelling for short term vacation stays.
2. Total occupancy of the dwelling not to exceed six (6) persons.
3. The property owner must notify Community Development if the 24-hour contact information changes.
4. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

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**JACOB W. BACK - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request Jacob W. Back, for a Special Use Permit to expand a non-conforming dwelling by enclosing an attached carport no closer to the side yard setback on property he owns, located at 74 Parker Road, Stuarts Draft in the South River District.

Mr. Jeff Young, 246 Miss Phillips Road, Swoope, stated Mr. Back could not attend the meeting today.

Chair Coyner stated Mr. Back has plans to enclose the existing carport.

Mr. Young stated yes. The plan is to use the addition for a family room which would be much needed space. This would not exceed the boundaries of the existing structure.

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

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There being none, Chair Coyner declared the public hearing closed. Chair Coyner stated the Board viewed the site today. The applicant will not encroach any closer to the property line.

Ms. Tilghman stated this is a reasonable request. She moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to enclose the existing carport no closer than the current survey shows.
2. Applicant obtain a Building permit and provide a copy to Community Development.

Mr. Bailey seconded the motion, which carried unanimously.

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**KYLE MURRAY, AGENT FOR CHANEY ENTERPRISES - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kyle Murray, agent for Chaney Enterprises, for a Special Use Permit to have a concrete batching plant on property owned by Gobble Hoo, LLC located on the southeast side of Jericho Road, east of the intersection of Jericho Road and Ramsey Road in the Beverley Manor District.

Mr. Kyle Murray stated the company is a family owned ready-mix company with 52 concrete plants. We have recently acquired Superior Concrete. This property requires a Special Use Permit in order to operate the concrete batching plant. We have met all of the requirements. I have also met with two (2) neighbors this morning and discussed their concerns. I am proposing six (6) additional conditions to alleviate their concerns. We will also swap a portion of the property with Expo.

Chair Coyner asked once they swap will they not front on Jericho Road?

Mr. Murray stated there is no intention to use Jericho Road.



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Chair Coyner asked what area do you serve?

Mr. Murray stated the mix has to be put into the ground within ninety (90) minutes once batched and it is temperature specific. We will not ship concrete 30-45 minutes and we would not want to push it beyond that.

Chair Coyner asked how many trucks will operate at the facility?

Mr. Murray stated about six (6) to ten (10) maximum. We plan on doing 15-20 loads on any given day. We will also have other deliveries.

Chair Coyner asked if the aggregates are stored in piles?

Mr. Murray stated the aggregates are stored in piles in bins. We will have 6-7 different types. The cement goes in the silos. The plant will be enclosed so the trucks will drive inside the building.

Chair Coyner asked about dust?

Mr. Murray stated concrete plants get an air permit through DEQ. All stormwater will go to the washout pit. Our goal is to be net zero on water. Any water leaving the site has to be monitored for DEQ.

Chair Coyner asked if you plan on utilizing County water?

Mr. Murray stated yes. We are required to tie in.

Chair Coyner asked about the height of tower?

Mr. Murray stated one of the conditions that the neighbors agreed on is that it be sixty (60') feet maximum.

Chair Coyner stated this is an industrial site but access to the site is through Expo so the property will need to look decent. Will there be landscaping along the road?

Mr. Murray stated along Expo Road there is a good elevation change. A condition is that they landscape the northern border so that the property owner across Jericho Road has a buffer but nothing else.

Mr. Ray Burkholder stated all of the operation will be at the 100' setback.

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Mr. Murray stated the buffers and foliage will remain in place.

Chair Coyner asked if the project will start soon?

Mr. Murray stated it will take 6-8 months to build. We hope to be in operation by the fourth quarter or early 2024.

Mr. Thacker stated the applicant met with the two (2) property owners and they have agreed to six (6) additional conditions.

Mr. Murray explained the conditions (copy is in the file).

Mr. Bailey asked if the batching operation would be all year round?

Mr. Murray stated majority of the business does operate in the summer but we do operate year round. The price of concrete is substantially higher when it is colder. We did have an issue with the hours of operation. Our normal operating hours are 6:00 a.m. to 6:00 p.m. Monday – Friday and 6:00 a.m. to 12:00 p.m. on Saturday. We have no problem not being open on Sunday. Locking in a set time on hours is tough for us because most of the VDOT work is done at night and we try and pour concrete before the school buses are on the road in the morning. I would prefer not to limit the hours. If VDOT calls us at 2:00 a.m. for potholes on a bridge then we will not be able to do anything. This does not happen often but the limitation on the hours is tough for us.

Chair Coyner asked if there would be off hours only on occasions?

Mr. Murray stated yes. My employees do not want to work that late but we do not want to get into a situation where we cannot operate and support the community. I would prefer not to limit it. In the summer months sometimes we can only pour concrete in the early mornings or evenings to meet the temperature specifications.

Chair Coyner asked if there would be noises like backup alarms or jake brakes?

Mr. Murray stated no. The employees know not to use that. We are strict on this.

Ms. Tilghman stated the Board can simply say no Sunday work but we need to put some restrictions on hours of operation for the permit. Their clientele is not necessarily 9:00 a.m. to 5:00 p.m. We had to make special exceptions for other sites.

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Mr. Murray stated I am fine with the Board restricting Sunday. We try to do the work in normal operating hours if possible.

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

Mr. Ben Thompson, 599 Jericho Road, Fishersville, stated several additional conditions are important. They are very professional to work with as is their company and if those provisional conditions are included I would support the request. One way to manage the hours of operation is to say standard operating hours exclusive of necessary local, state and federal work requiring outside of general hours of operation. Weather would certainly be one of the factors of pouring concrete.

Ms. Bunch asked if this is a written agreement with the property owners or would you prefer it be added to the proposed conditions?

Mr. Murray stated I would be fine with these being added to the conditions.

Ms. Bunch asked that the applicant provide a copy of those conditions to the office.

Mr. Todd Fretwell, 85 Construction Lane, Fishersville, stated I am the President of Fairfield Echols and an adjoining property owner. The work that VDOT has, 95% of it is done at night. Limiting the hours is hard for their customers and for the work that needs to get done. Some projects need to be done on weekends. Limiting hours is a problem for the customers.

Mr. Irvin Marshall stated I am the President on the Board of Directors for Expo. If the land exchange happens I am in support of this. The land exchange gives them a good buffer and eliminates the Jericho Road entrances.

Mr. Gil Nova, 201 McCombs Mill Lane, Staunton, stated I am against this plant. This will be really tall. There is a lot of real estate development in this area already (read an article about cement and pollution from the EPA website). The compounds are not good. I live off of Barterbrook Road and I can see the Amazon facility. This business should be in an area with less traffic. If I saw a big concrete plant off of Interstate 81/64 I would not want to live here.

Ms. Nancy Stevenson, 201 McCombs Mill Lane, Staunton, stated I am opposed to the project because this is in an agriculture area. There will be dust inside the plant and with the winds in the area, the dust will travel. This will impact the plants, animals and us.

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Respiratory diseases will be increased. This will be a great concern to the environment. There are DEQ standards but a lot of them have been watered down over time. I have great concerns.

Mr. Clinton Shilling, 1009 Jericho Road, Fishersville, stated I am not in opposition but I am concerned about the noise and dust. I have fought for years with problems with dust especially when it is time to cut hay. I would like them not to create noise and have a filter in place to keep the dust from getting into the air.

Mr. Adam Hostetler stated I have a competing ready mix plant. My concern is economics. There are about 20 families that depend on my business operation for income. My obligation is to market what we sell. In Augusta County there are already six batching plants in the area and please take that into consideration. We have a standing offer with Chaney. There are not many places in Augusta County that you could not reach in 90 minutes. The applicant has the option to load out of my plant.

There being no one else wishing to speak regarding the request, Chair Coyner asked the applicant to speak in rebuttal.

Mr. Murray stated a concrete plant is a much smaller impact than cement plants. This will not be a cement plant. Cement is a component of concrete. There will be dust collectors on the silos and trucks and they are monitored by gauges tied to the air permit. This is a growing market. We are a family owned company and have to support our employees' families also. This is a great growth opportunity.

Chair Coyner declared the public hearing closed. We heard really good points from the citizens. This is in an industrial park which is an ideal setting and close to the interstate. The applicant will try to abate the noise and there are lighting codes in effect that address lighting.

Mr. Bailey stated there will be ongoing environmental inspections from DEQ.

Mr. Thacker stated the Board visited the site this morning. They are not building the site along the road. There is already natural vegetation but I would like to see a little more attractive landscaping along the property line along Expo Road.

Mr. Burkholder stated there is ten (10') feet of green space and it is addressed through the site plan process. This is a County requirement.

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Ms. Tilghman stated this will be located on industrial property. The Board can include the wording suggested by Mr. Thompson about the operating hours. She moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Applicant submit a boundary line adjustment plat and provide a copy to Community Development.
2. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies including Erosion and Sediment Control Plan and Stormwater Management Plan.
3. Applicant obtain all necessary building permits and Certificate of Occupancy and provide a copy to Community Development.

**Operating Conditions:**

1. All operations, buildings, and structures be setback one hundred (100') feet from all property lines.
2. Site be kept neat and orderly.
3. The sole and exclusive access to the property shall be to and from Expo Road. No access shall be granted in conjunction with this Special Use Permit to utilize Jericho Road S.R. 599.
4. Operator shall pave and maintain in good condition the entrance road providing access to the permit area.
5. All lighting, except for security lighting, shall only be utilized during conditioned hours of operation.
6. No lights will be installed above 25' at the facility and all fixtures will be dark sky or equivalent.
7. All equipment placed on and operating on the property shall utilize the latest dust capture systems.

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- 8. All aggregates will be sprinkled if fugitive dust is evident.
- 9. The operating and equipment area shall be hard surfaced with concrete pavement.
- 10. Airborne noise produced from the permit area shall not exceed, for greater than five (5) minutes at any one time as measured along the property lines of the permit area of the property adjoining non-general industrial properties, (i) 80 dba of continuous noise during general operating hours (the "Noise Limit"). The Noise Limit shall not apply to individual events lasting less than five (5) minutes. This condition shall be recognized as the required noise level but not supersede any ordinance requirement of a lesser allowable limit.
- 11. All equipment to include, but not limited, silos containing water, fly ash, additives, cement, etc., shall be limited to sixty (60) feet in height.
- 12. Operator will install a visual screening berm along the northern border of the property, consisting of Leyland cypress or equivalent. Trees shall be a maximum spacing placement of eight (8') on center and ten feet (8-10') in height.
- 13. Normal operating hours will consist of Monday through Friday, 6:00 a.m. to 6:00 p.m. and Saturday's from 6:00 a.m. to 12:00 p.m. Any hours outside of the normal operating hours will be a direct result of local, state, or federal work requirements or weather conditions that impact the quality or specifications of the concrete.

Mr. Glover seconded the motion, which carried unanimously.

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**DOUGLAS PENNOCK, AGENT FOR AMA ALUMNI FOUNDATION, INC. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Douglas Pennock, agent for AMA Alumni Foundation, Inc., for a Special Use Permit to have special events including but not limited to music events, reunions, car shows and civil war reenactments and to have food trucks onsite on property owned by VA District of the United Pentecostal Church, Inc. located at 1640 Lee Highway, Fort Defiance in the North River District.

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Ms. Amy Hensley stated I am here with Gordon Metz to represent Douglas Pennock for the AMA Alumni Foundation (an event package was submitted to the BZA-copy is in the file). We would like to have these events in order to promote tourism in our area.

Chair Coyner stated this is a nice facility and it is great to see it utilized more. Chair Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Kathy Poarch, 153 Willow Spout Road, Fort Defiance, stated my property abuts this property. My main concern is noise. Will there be rifle cannon noise with the reenactments? If so, it will ruin my peace and tranquility of the area. I am concerned about the music festivals and other gatherings and other things to come disrupting the area with noise for hours. There is a potential for people to trespass on my property. It will be difficult to get to Route 11 with these events going. The congestion will increase. The activities will cause a negative impact on the value of homes and property values. The Special Use Permit will destroy our neighborhood. Please deny the request. If this request passes, please place restrictions on the property. There should be no trespassing barriers so that people do not come onto the property. There will be noise. My property is right behind them.

Chair Coyner asked how long have you lived there?

Ms. Poarch stated seventeen (17) years.

Ms. Diane Russo, 149 Willow Spout Road, Fort Defiance, stated my property connects on the back. I am not in opposition because the AMA has been a wonderful neighbor. I have lived at the site for 27 years. I do have a few concerns. How many events will there be a year? Will there be an additional fifteen (15) on top of the other events planned?

Ms. Bunch stated the applicant has requested fifteen (15) total.

Ms. Russo asked what would be the decibel levels for the adjacent property locations? These concerns are for the community and not just for myself. Is there an outdoor lighting plan in place for the adjacent property owners and along Route 11? Is there a plan in place for the potential congestion of Route 11 to accommodate the 300 attendees? Will there be alcohol served at any of the special events? What are the hours of operation for the civil war events? Is there a plan to restrict visitation or restrict access to the property? My property borders AMA in the rear. People do come up there all of the time to see my view. I would ask that they put restrictions that guests cannot roam on the property. Who would be the contact person and their contact information if

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we have an issue? Who can I call if there is a problem? Will issues be resolved in a reasonable timeframe?

There being no one else wishing to speak, Chair Coyner asked the applicant to speak in rebuttal.

Ms. Hensley stated I am not sure why Mr. Pennock included the civil war reenactment but we are not doing that so that will not be an issue. The summer camps are not run by AMA, therefore, we have no control over the summer camps. The camps are run by the church. We will not have a Guns-N-Roses concert. This will not be a rock concert. The music will be from 10:00 a.m. to 4:00 p.m. or music from 1:00 p.m. to 4:00 p.m. and this would be a much lower scale than a rock concert. The other events are very controlled to where the people are. Some of the events are inside the buildings. If people bring their dog, they would not have any control if the dog goes on someone else's property. All of the events are to be held on the front of the property. If there are any issues, please call me and I will take care of it as soon as I can. I have given these adjacent property owners, my card. If you call the museum or email, I will take care of the issue as soon as I can.

Mr. Gordon Metz stated there will not be alcohol on the facility. We also have to abide by the church regulations.

Ms. Hensley stated we will not charge for the events. We do this for the community and to share the history about AMA. We invite you to visit the site, take a tour and attend an event.

Chair Coyner declared the public hearing closed. It is great to see the facility being used. The applicant has addressed the concerns of the neighbors.

Ms. Tilghman stated there is a Lighting Ordinance that would need to be followed.

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

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be limited to fifteen (15) events per year but no more than two (2) per month.



- 2. Be limited to a maximum of three hundred (300) people or less per event.
- 3. Be permitted to have food trucks or trailers during events.
- 4. No portable restroom facilities used during events.
- 5. No outdoor amplified music after 7:00 p.m.
- 6. All events cease by 8:00 p.m. and all persons off the property by 9:00 p.m.
- 7. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

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**QUINTON WOOD, PE, AGENT FOR WAYNE AVE SOLAR I, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Quinton Wood, PE, agent for Wayne Ave Solar I, LLC, for a Special Use Permit to amend operating condition number 3 of the approved Special Use Permit #21-64 in order to impact a designated wetland on property owned by RAE Enterprises, LLC, located along the south side of Wayne Avenue in the South River District.

Jessie Robinson and Andrew Kavanaugh presented the Board with a PowerPoint presentation (copy is in the file).

Ms. Bunch explained this request is to amend a condition in order to impact a designated wetland. No other buffers have changed.

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 moved to approve the request with the following conditions:

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**Pre-Conditions:**

- 1. Be permitted to remove Pre-Condition #3 of SUP#21-64.
- 2. All other Pre-Conditions remain in effect.

**Operating Condition:**

- 1. Be allowed to construct panels within the delineated wetland as shown on the revised BZA site plan.

Ms. Tilghman seconded the motion, which carried unanimously.

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**ADAM AND REBECCA HALL – REQUEST FOR CANCELLATION**

This being the date and time advertised to consider a request by the Zoning Administrator to cancel Special Use Permit #21-16 to have a motor vehicle repair shop at 31 Swartzel Shop Road in the Riverheads District.

Ms. Bunch stated the applicant, Adam and Rebecca Hall, were granted a Special Use Permit to have motor vehicle repair at this location on April 1, 2021. The Special Use Permit was approved with a Pre-Condition to submit an Erosion and Sediment Control Plan due to an increase in impervious areas. The Special Use Permit was also approved with an Operating Condition that no inoperable vehicles be kept outside the motor vehicle impound area. During an annual inspection of the property on February 8, 2022, the Community Development Department found that the applicant had not completed the Pre-Condition of the Special Use Permit and several inoperable vehicles and car parts were outside and was operating. On February 15, 2022, the applicant was sent a letter regarding these violations, and our office received no reply. On March 11, 2022, the site was inspected and inoperable vehicles were still outside the impoundment area and the Erosion and Sediment Control Plan had not been submitted. On March 15, 2022, a second notice of violation was sent to the applicant. On March 29, 2022, the applicant signed the Extension of Time request. On April 7, 2022, the Board granted a six (6) month Extension of Time to complete the Pre-Condition. On August 9, 2022, the applicant was sent another letter advising him the Extension of Time was expiring on October 7, 2022 and we still have not received anything from his engineer. On August 23, 2022, I spoke to the applicant over the phone, and he stated he does not have the money to complete the Erosion and Sediment Control Plan, therefore, he was going to let

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his permit expire. I advised him he would be in violation of the Zoning Ordinance if he continued to operate. On October 12, 2022, the site was inspected again and the vehicles were outside the impoundment area and the Erosion & Sediment Control Plan has not been submitted and the applicant was still operating. On November 3, 2022, the property still remains in violation. On November 22, 2022, we resent the violation notice advising the applicant the Special Use Permit would be advertised for cancellation if not brought into compliance. As of today, I have not received any response. I am asking that the Special Use Permit be **cancelled** due to violation of both Pre-Conditions and Operating Conditions. The Board visited the site today and saw the condition of the property.

Chair Coyner stated the Board did visit the site and saw little to no improvement. 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 moved to cancel the Special Use Permit.

Mr. Thacker seconded the motion, which carried unanimously.

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## **OLD BUSINESS**

### **KEVIN S. OR LESLIE C. WHITNEY - SPECIAL USE PERMIT**

A request by Kevin S. or Leslie C. Whitney, for a Special Use Permit to have a kennel and to have dog training and field trial events on property they own located at 982 Newport Road, Raphine in the Riverheads District. – APPROVED THE KENNEL BUT TABLED THE DOG TRAINING AND FIELD TRIAL EVENTS

Mr. Thacker moved to bring the item forward.

Ms. Tilghman seconded the motion, which carried unanimously.

Ms. Bunch stated I received an email from their attorney and they are requesting the permit be tabled for an additional ninety (90) days. They would like to speak to the Board of Supervisors to amend the ordinance to allow these type of events as an agri-tourism activity and not be required to have a Special Use Permit.

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Chair Coyner stated this would be the last time the Board tables this request. The Board plans on making a decision on May 4, 2023.

Mr. Bailey moved to table the request for ninety (90) days.

Mr. Glover seconded the motion, which carried unanimously.

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

**CRAIG WILLIAMS, AGENT FOR THE CHURCHVILLE VOLUNTEER FIRE DEPARTMENT - EXTENSION OF TIME REQUEST**

A request by Craig Williams, agent for the Churchville Volunteer Fire Department, for a Special Use Permit to enlarge and extend an existing nonconforming structure on property it owns, located at 3829 Churchville Avenue, Churchville, in the Pastures District.

Ms. Bunch stated they are still working to complete the project. They have gotten site plan approval but they have not gotten building permits yet. I am not sure if funding is holding them back.

Chair Coyner stated this is well needed.

Mr. Thacker moved to approve the two (2) year Extension of Time.

Mr. Glover seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 22-16            Ronnie Bryant
- 22-17            Andy L. Hostetler
- 22-18            Randall L. and Marcella A. Burtner
- 22-19            Linda R. Herman
- 22-20            Jonathan D. Jencks

Ms. Bunch stated SUP#22-16 and SUP#22-17 are both in compliance. Staff sent a letter on SUP#22-18 regarding their operating conditions. SUP#22-19 was denied. SUP#22-20 is in compliance.

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Ms. Keffer discussed the court cases with the Board.

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

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Chair

  
Secretary

