

February 1, 2024

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 1, 2024 at 9:30 A.M., in the County Government Center, Verona, Virginia.

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


VIEWINGS

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

- **JAMES E. AND RACHELLE E. SUMMY - SPECIAL USE PERMIT**
- **THEODORE G. SHUEY, JR., AGENT FOR THE STONEWALL BRIGADE MUSEUM - SPECIAL USE PERMIT**
- **DANIIL P. AND BENJAMIN SHUMEYKO - SPECIAL USE PERMIT**
- **JONATHAN M. ROBBINS AND MADDISON L. BRADLEY - SPECIAL USE PERMIT**
- **KERVIN YODER, AGENT FOR ENLISTED AUCTIONS - SPECIAL USE PERMIT**

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


Chair


Secretary

February 1, 2024

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ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 1, 2024, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Thacker moved that the minutes from the January 4, 2024, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

JAMES E. AND RACHELLE E. SUMMY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by James E. and Rachelle E. Summy, for a Special Use Permit to have an agricultural hauling business and to use a portion of the existing structure for maintenance of commercial vehicles on property they own, located at 28 Rankin Lane, Stuarts Draft in the South River District.

Mr. James Summy stated I have owned this business for ten (10) years. I had this property for four (4) years. I want to expand our business. I will continue to operate as I have been with the option of adding another truck and three (3) trailers. We operate on an as needed basis. A timeframe will not work because our hours fluctuate. Restricting the hours will not work in our situation. There are two (2) trucks leaving and two (2) coming back. One (1) additional vehicle will park on the site on the weekends.

February 1, 2024

Chair Coyner stated there were two (2) trucks at the site this morning. Do you drive one of them?

Mr. Summy stated yes.

Chair Coyner asked if the trucks come back loaded?

Mr. Summy stated it depends on the weather.

Chair Coyner asked what time do you normally leave in the morning?

Mr. Summy stated 3:00 a.m. – 6:00 a.m.

Chair Coyner asked what time would you be back in the evening?

Mr. Summy stated it would be the same timeframe for the evening.

Chair Coyner asked do you have plans to add another truck?

Mr. Summy stated not now but maybe in the future.

Chair Coyner asked do you handle your own mechanical work on your truck?

Mr. Summy stated yes, on my trucks.

Mr. Glover asked how long does it take to warm up the truck?

Mr. Summy stated if it is cold outside, I do let them warm up longer maybe thirty (30) minutes.

Chair Coyner asked if the trucks are kept outside?

Mr. Summy stated they are typically outside but parked in the shop if bad weather.

Chair Coyner asked is your residence is near the shop?

Mr. Summy stated yes.

Mr. Bailey asked what is the average amount of times the trucks go in and out per week?

February 1, 2024

Mr. Summy stated it would be two (2) trucks Monday – Friday. There could be an additional one on Saturday or Sunday.

Chair Coyner stated this site is close to a neighborhood, therefore, you should be aware of the noise issue.

Mr. Summy stated I have tried to be respectful and I try my best to be as quiet as I can. I will try and be considerate of that and do better.

Mr. Glover asked how many trips coming in and out each day?

Mr. Summy stated I will leave in the morning and come back in the evening. I do come home sometimes during the day to switch something out.

Mr. Glover asked will there be employees?

Mr. Summy stated no. The other drivers will park their truck but they do not come in and out.

Mr. Glover stated two (2) trucks were there today. Do you keep both onsite?

Mr. Summy stated no. Typically during the week they take them home.

Mr. Bailey asked if the trucks are parked on the side facing the house?

Mr. Summy stated yes, in the location where they were today.

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

Ms. Jaime Marshall, 11 Rankin Lane, Stuarts Draft, stated I am in favor of the business. They are great neighbors. There are other people making more noise. I am in support of this and I do not feel this would be a problem.

Mr. Douglas Brooks, Jr., 99 Rankin Lane, Stuarts Draft, stated I have known James and he is very respectful. He does not work on Sundays. He has been in the volunteer fire department for 17 years.

February 1, 2024

Mr. Michael Jarvis, 33 Rankin Lane, Stuarts Draft, stated I live across the street. Where the trucks are parked does not affect my grandchild from going to bed. When the trucks leave in the winter you do not hear them. In the summer time, sometimes you hear them. The trucks coming in and out along the road is slowing down the traffic which is helping with the safety issue. I am in favor of this.

Mr. Brian Shifflett, 732 Howardsville Turnpike, Stuarts Draft, stated I support this business. The place is kept immaculate and clean. I have known Mr. Summy for a while.

Mr. Randall Chupp, 946 Howardsville Turnpike, Stuarts Draft, stated I have known James all of my life. The place has looked immaculate. We do work together. I am in favor of this and I came out to show my support.

Mr. Richard Arehart, 25 Rankin Lane, Stuarts Draft, stated I live directly across the street. The Summys are wonderful people. My opposition to them is not personal. The noise does bother us. We have had a white noise machine and now we have two. We hear the trucks. The other negatives are the property values being degraded. Having a trucking company across the street does not make my property more valuable. I do not want my property degraded because of having a trucking company across the street. Just this past Sunday there were four (4) trucks on the lot. I go to bed at 9:00 p.m. One night, I woke up and heard a truck go out at 10:45 p.m. which was very annoying. The Summys did come over and I spoke with him and told him I was in opposition. I have lived here for 41 years. This property is zoned General Agriculture. I did not sign up to have semi-trucks coming to the site. There is a safety issue also because when the trucks leave they occupy both lanes of Rankin Lane and the lane is blocked. How would a vehicle on Howardsville Turnpike make a left turn? Someone will have to back up. My biggest opposition is the noise and second opposition is the property degradation. If the Board grants this request, they would be setting a precedent. This business has been ongoing ever since he moved there. Mr. Summy came in today to beg forgiveness rather than ask for permission. He did not follow the rules and this would be setting a precedent.

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. Summy stated working on that Sunday did happen but it is not typical. It was raining so we backed the truck into the shop because the lights did not work. There is

February 1, 2024

noise with tractors so I am not sure what the difference is. We do have plenty of room to make that turn. If there is a problem we take care of it.

Mr. Glover stated operating condition #4 states hours of operation Monday – Friday 6:00 a.m. to 7:00 p.m. You stated that sometimes you start as early as 3:00 a.m. How would the condition impact you?

Mr. Summy stated it would impact us. We start as early as 3:00 a.m. sometimes. We could not operate under those hours. Monday – Friday on an as needed basis is better wording for us. Having set times does not work for what we do. We leave at different times every day.

Mr. Glover stated you are asking to operate as needed. Is there an employee?

Mr. Summy stated yes.

Chair Coyner asked typically what time do you leave in the morning?

Mr. Summy stated 4:00 a.m. or 5:00 a.m.

Chair Coyner asked if you are back before dark?

Mr. Summy stated in the winter not always, anywhere from 4:00 p.m. to 6:00 p.m. but sometimes later.

Chair Coyner asked if both trucks leave early in the morning?

Mr. Summy stated yes.

Mr. Bailey stated you are asking for four (4) trucks?

Mr. Summy stated yes. The goal is four (4) but it does not have to be.

Chair Coyner stated if the Board approves only two (2) vehicles, you would have to adhere to that.

Mr. Thacker asked if the employee takes the truck home?

Mr. Summy stated yes, normally they do. What does the E & S plan mean?

February 1, 2024

Ms. Bunch stated engineering looks at the overall areas that you added gravel to and buildings. This condition is based on the engineer's comments.

Mr. Summy stated I spoke with an engineer and he told me as long as I was not disturbing the terrain or the flow of the terrain, I should not have to worry about it. I did not disturb the actual grade or change the grade.

Chair Coyner stated the applicant will need to meet that requirement probably within ninety (90) days. The public hearing is closed. The Board visited the site this morning and the property appeared to be in good condition. The Board did see two (2) trucks there. I think the applicant understands that there should only be two (2) trucks at the site regardless of friends or employees.

Mr. Thacker moved to approve the request with conditions. On this one, I would like to come back in a year and review it and see what the neighbors have to say. I hope any concerns would be addressed.

Chair Coyner stated this would include the ninety (90) days and one (1) employee.

Mr. Glover stated there is a question about the hours of operation.

Mr. Thacker stated how about 5:00 a.m. until 7:00 p.m. but they could have exceptions if they have to go out earlier.

Mr. Glover stated they are in the trucking industry and they will be going out and coming in all hours. Is this compatible with the surrounding area? There will be different times coming in and out. I cannot come up with a way to define the hours of operation.

Chair Coyner stated I am reluctant to not have hours of operation for the site.

Mr. Thacker stated we are not looking at a truck stop. The applicant will only have two (2) trucks. The time can be 3:30 a.m. until 7:00 p.m. and review it in a year.

The Board did not vote on the motion.

Mr. Glover proposed a new motion in order to do some more research. He moved to carry over the request until the March 7, 2024 meeting.

Mr. Bailey seconded the motion, which carried unanimously.

February 1, 2024

THEODORE G. SHUEY, JR., AGENT FOR THE STONEWALL BRIGADE MUSEUM - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Theodore G. Shuey, Jr., agent for the Stonewall Brigade Museum, for a Special Use Permit to add an exhibit to the existing museum on property he owns, located at 566 Lee Highway, Verona in the North River District.

Mr. Theodore Shuey stated I would like to relocate the cabin to this site. It was taken apart and transported to this site for the 250th anniversary of the Revolutionary War. The logs are in containers on the property. This will be adjacent but not connected to the warehouse. There are a number of options for the cabin. We would like to get that slab started.

Chair Coyner asked do you have plans on getting started within the next year or so on this property?

Mr. Shuey stated yes.

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

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

Chair Coyner stated this is a really good idea. The site is very well kept.

Mr. Bailey stated this would not be out of character with the area. 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.
2. Applicant obtain building permits and inspections and provide a copy to Community Development.

February 1, 2024

Operating Conditions:

1. Be permitted to reconstruct a historical cabin as part of the existing Stonewall Brigade Museum.
2. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

DANIIL P. AND BENJAMIN SHUMEYKO - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Daniil P. and Benjamin Shumeyko, for a Special Use Permit to have a short term rental within an existing attached accessory dwelling unit in the basement on property they own, located at 10 Samuel Bears Road, Weyers Cave in the Middle River District.

Mr. Benjamin Shumeyko stated my wife and I live upstairs. I would like to rent out the basement on Airbnb short term rental.

Chair Coyner stated the Board visited the site this morning. The entrance is near the garage.

Mr. Shumeyko stated we were doing a FEMA map amendment but we are currently out of the floodplain by elevation.

Chair Coyner asked how would you market this site?

Mr. Shumeyko stated we may not stay loyal to Airbnb. We will be on multiple listing sites. There is also Vrbo that we can use or create our own private website.

Chair Coyner stated you reside onsite and will be there to keep an eye on things?

Mr. Shumeyko stated yes.

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

February 1, 2024

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning. This is a nice piece of property.

Mr. Glover stated this a beautiful piece of property and well maintained. This will be a low impact business in this area. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Be permitted to lease the two (2) bedroom apartment in the basement of the principal dwelling for short term rental.
- 2. Maximum occupancy of the dwelling cannot exceed eight (8) persons.
- 3. Applicant resides on premise.
- 4. Site be kept neat and orderly

Mr. Thacker seconded the motion, which carried unanimously.

JONATHAN M. ROBBINS AND MADDISON L. BRADLEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jonathan M. Robbins and Maddison L. Bradley, for a Special Use Permit to lease space for a contractor office with outdoor storage of licensed commercial vehicles on property they own, located at 4881 Lee Jackson Highway, Greenville in the Riverheads District.

Mr. Jonathan Robbins stated this building is vacant. I received a letter from a contractor that lives nearby looking for a space to rent out for a small business for a contractor office. No work will be done there or retail activity. There will only be licensed company vehicles and trailers outside. There is no one coming in and out of the site. This is a nice way to use the property. There will not be an issue with noise or traffic.

February 1, 2024

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. The Board visited the site this morning. Several businesses have operated there over the years.

Mr. Bailey stated businesses have been at this site since 1997. He moved to approve the request with the following conditions:

Pre-Condition:

1. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to use the existing 30' x 40' building for a contractor business office.
2. Be limited to four (4) licensed company vehicles including trailers at the site.
3. No outdoor storage of equipment or materials.
4. Be limited to one (1) employee.
5. Hours of operation be Monday – Friday 8:00 a.m. to 5:00 p.m.
6. No Sunday work.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

February 1, 2024

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 a screened impound area for inoperable vehicles or equipment and to amend operating conditions of SUP#23-7 in order to increase the number of auctions, to allow vehicles or equipment to be stored in the impound area prior to seven (7) days before the auction, and to allow vehicles or equipment to remain on the property seven (7) days after the auction on property owned by Shady Haven Properties, LLC, located 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 received the staff report and I would like to withdraw the impound lot. I am not in the business of selling junk vehicles. Mr. Yoder presented a PowerPoint presentation to the Board (copy is in the file). If we do not do the impound yard, would I still need to do the stormwater because I am not expanding it. I am not putting more gravel down. I would like to remove operating condition #2, 3, and 4. Condition #5 should be changed to say no vehicles or equipment be placed in the display area prior to seven (7) days before an auction event and all vehicles and equipment be removed or placed in the screened impound area or behind the privacy fence within seven (7) days after the two (2) week online auction. If we sell an excavator, we have to have more than one (1) day to arrange a shipper especially if it is going out of state. We need that seven (7) day window to allow those logistics to take place. Condition #6, I would like to change this timeframe (referenced the auction company down the road) to 7:00 a.m. to 9:00 p.m. We can even start at 8:00 a.m. My current Special Use Permit is until dusk. I would like to add a condition to be limited to a 25' x 300' area in the corner of the privacy fence and tree line for storage of vehicles and equipment in between auctions. No individual item may be stored onsite longer than ninety (90) days.

Chair Coyner asked what is the criteria for the piece of equipment being there in the storage lot?

Mr. Yoder stated the equipment has to go somewhere until the auction happens if someone has to remove the equipment from their property prior to an auction. I would like to have that ability to offer it to our customers.

Chair Coyner stated the equipment is brought in ahead of time but after it gets sold, it will be removed.

February 1, 2024

Mr. Yoder stated within seven (7) days after the auction the hay field is completely empty again.

Chair Coyner asked if the items are onsite about a month?

Mr. Yoder stated yes it could be if they brought it a week early and waited until a week after.

Chair Coyner asked after an auction takes place, how many times will there still be items onsite?

Mr. Yoder stated auctions end on Friday evening and pickup is Saturday. Majority of the items leave Saturday. We are certainly going to have items there Monday and Tuesday of the following week. By the middle of the week the items are gone. I printed proposed revisions to the operating conditions (copy is in the file).

Chair Coyner stated you are proposing to have six (6) auctions a year. Would that be every other month?

Mr. Yoder stated I would like to have the flexibility to have six (6) auctions a year but I do not know that I would do six (6) of them. When we had all of those vehicles moved, I hired a rollback company to move them onto the site. I was not there for that.

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

Ms. Linda Mason, 2358 Stuarts Draft Highway, Stuarts Draft, stated I live next door. A 9:00 p.m. timeframe is too late especially in the summertime. I like 7:00 a.m. to 7:00 p.m. Four (4) auctions a year is good. The items being dropped off seven (7) days before and picked up by seven (7) days after is fine. I do not want to see an impound lot. My main concern is that they keep the grass mowed. I am concerned about the traffic on Route 340. There should be an entrance on White Hill Road which would be a lot less dangerous. The applicant does mow the grass and it is not a junkyard but I am concerned about the traffic and 9:00 p.m. is too late.

Mr. James Roark, 1732 White Hill Road, Stuarts Draft, stated the property adjoins mine. Seldom is anyone there at 9:00 p.m. at night. Mr. Yoder does work hard and this is very well run. There is no reason why he could not have the six (6) auctions. I hope you approve what he is requesting. The fence is beautiful and it was professionally

February 1, 2024

installed. I cannot see the equipment from the road. They keep it mowed and it has never grown up. I hope the Board accommodates him. He is a good neighbor.

Mrs. Rebecca Early, 2400 Stuarts Draft Highway, Stuarts Draft, stated we own Mountain View RV which is the business along the right-of-way. I am against any sales continuing on the property. The applicant has been non-compliant with the guidelines you set. The vehicles that are being sold are non-operational. The right-of-way has been abused time after time. The entire driveway has been blocked. There is no way of controlling these people. We have people driving across our front lot. The traffic is relentless. Even though it is seven (7) days before and seven (7) days after. We are talking about a month. I have counted the traffic all year and there has been over 3,600 vehicles in and out. It cost \$1,500 to redo the right-of-way for the driveway and there are potholes there already. We own property on both sides. We cannot even use the property on both sides due to the traffic. There has been a lot of non-compliance. I am concerned about all of the stuff being stored there. Will it leak fluids? Is this stuff going to run onto our property? Will the fluids be drained out of the vehicles before they park them there. The tree line belongs to someone else. The trees could be removed. It is out of view from people along Route 340. The traffic is nonstop. Customers come to the store and they are yelling at people and my employees will not stay. They block our spaces in front of the store. We do not deserve to be treated this way. We only have three (3) acres and right-of-way that we can get to our business. It is not fair. They do not have respect for us. They park at the store and in the right-of-way. They block the driveway. Mr. Yoder has been really good with getting stuff off of the property. We are concerned about the safety of ourselves not to mention the customers. The speeding is bad with their customers and employees of Enlisted Auctions. We have chased them. We have a small three (3) acre property that we take care of and we have one way to get into our business. They have 49 acres with three (3) other options. I am going to ask that they put the entrance somewhere else. I do not mind the sales. I do mind the traffic and the rudeness of people. I do not have a helper because they are scared to stay by themselves at the business. I had to close the store two days because my employee was scared to stay by herself because they were having a pickup day. I spent our retirement to buy this property. We have been asked to sell to them and I have no intention of selling to Enlisted Auctions. I am not going anywhere. We service a lot of people.

Chair Coyner asked is there a certain time that traffic is more?

Mrs. Early stated once stuff is up there, it is constant. The items are there for about a month or more. They have spent money on temporary fencing but the traffic is nonstop. They have been in noncompliance. There were twelve (12) junk vehicles in

February 1, 2024

one sale. It clearly states no junk or inoperable vehicles in his conditions. I am not sure what we are going to do. There has to be another avenue for the traffic. This is hurting us financially and it is very stressful. The employees are afraid to be left alone so we cannot hire anyone. We try to be in compliance. To come in here and ask for more sales and more storage when you have been in non-compliance. It is like me having thirty (30) campers and then asking for more campers even though I am only approved for four (4) campers. I do not understand that.

Mr. Duane Duncan, 29 Lynn Circle, Stuarts Draft, stated the Earlys are good people. I am not opposed to the sales but I am opposed to the speeding when the sale is over. They have no courtesy whatsoever. Mr. Yoder cannot control this. The entrance should be moved onto the other side of White Hill Road. When you go down the lane and get on Route 340 there are no lights. The equipment should be roadworthy when leaving the site. The speeding coming in and out is an issue. It is ridiculous.

Mr. Jerry Early, 2400 Stuarts Draft Highway, Stuarts Draft, stated speeding is our biggest concern. The privacy fence blocks our building and his property but I strongly oppose storing vehicles and equipment there. There could be runoff from vehicles and fluid leaking. We have struggled for several years with this property. It has gotten worse since they are allowed to have sales there. We are small time people trying to make an honest living and we would like to continue that. We do not want to be bad neighbors but want respect. I have asked Mr. Yoder several times about things and nothing has been addressed.

Mr. Tracy Smith, 314 Forest Springs Drive, Stuarts Draft, stated I work for the Earlys. We cannot control traffic in and out. We have no problem with Mr. Yoder. He is a good man. The traffic is unreal. They may want to come out of White Hill Road. When they leave it takes a while to cross Route 340. This is affecting their business because the traffic is unreal.

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. Yoder pulled up the PowerPoint presentation and showed the Board some slides with the traffic issues that has happened on the property. I have spoken with three (3) other business owners that use the driveway and they have had no problems with the traffic or auctions that has happened there. I have not received any negative feedback from other people using the driveway. We can look at putting up additional signage. Mrs. Early requested that we not put signs in the right-of-way. We can put a sign near

February 1, 2024

the new driveway that we put in to separate the traffic. I did talk to VDOT about White Hill Road but that is not an option. There is not enough sight distance along that road for this use.

Chair Coyner asked if the trees are removed then you would have to install a fence?

Mr. Yoder stated yes. I would be willing to put a fence up if the trees are removed.

Chair Coyner asked if the fluid is drained?

Mr. Yoder stated I did have inoperable vehicles at the site. I was not aware those qualified as an inoperable vehicle. Most of the vehicles are driven there. I do not drain the fluid out of the vehicles.

Chair Coyner stated now there is an understanding of what inoperable vehicles are and they will not be brought to the site.

Mr. Yoder stated they will not be brought there if we are not allowed to sell them.

Chair Coyner asked if they would like to have six (6) auctions to increase business?

Mr. Yoder stated yes for projected growth if needed but it is more efficient for us to do four (4) larger auctions instead of the six (6). My hope is to keep it at four (4).

Chair Coyner stated we issued this permit for a year and for it to be reviewed to see how you got along. There has been some activity there with issues so I am reluctant to give you two (2) more auctions since there was difficulty with you handling four (4) auctions. The applicant does provide a valuable service and the auctions are well run.

Mr. Yoder asked if the Board looked at the operating conditions proposed? I do not want to come back to reapply and pay another fee.

Chair Coyner stated the impound yard is not happening. Why would you want the auctions items brought to the site earlier than seven (7) days?

Mr. Yoder stated it would be operating condition #10 (basically a copy and paste from the other auction place). If they need it to be brought earlier and the equipment auction is not being held until a later time. We do have a list of customers that want to sell and then we contact them when it is time to bring the equipment to the site before the

February 1, 2024

auction but there are some circumstances that would be an exception. This would be the exception and not the rule.

Mr. Glover asked if a building can be built to store the items in?

Mr. Yoder stated yes but cost is the big thing. A building would be a big task that I have not tackled yet.

Mr. Thacker asked about condition #7. What would be the definition on viewing times?

Mr. Yoder stated I am not sure because I did not write that. We normally have an advertised viewing time which is Thursday and Friday before the auction ends. That is the scheduled viewing time. We do have people that stop in outside of those times.

Mr. Thacker stated the main problem is that no one is onsite. You may want to have a person onsite more. If there is no one onsite then the Earlys have to do a lot of the policing of the area. The applicant may want to have someone there for two (2) weeks during the pickup and drop off times. That is our major problem of not having anyone there. It is falling on these people to handle it.

Mr. Yoder stated I understand what you are saying but I do not agree with all that was said.

Chair Coyner stated folks bring the items to the site and it will get advertised on the internet. It is only on the internet for that two (2) week period.

Mr. Yoder stated yes. We put it on the website that the auction is coming up and we are accepting consignments.

Chair Coyner asked you do not know what those consignments are until the auction starts?

Mr. Yoder stated 90% of the items will be on the website but there are some items onsite. There could be items on the website displayed early on. I prefer that people did not come to visit the site until the last two (2) days of the auction because some of the stuff is on the website but it may not be on the property yet and it does not show up until the designated preview time.

Chair Coyner asked if there is an attendant there when people are bringing items in?

February 1, 2024

Mr. Yoder stated not all of the time but most of the time. We try and make arrangements with the seller and let them know where to place the item. We are not always physically there for every piece. I copied Condition #10 from another auction Special Use Permit. I see no reason that anything would be there longer than ninety (90) days.

Mr. Wolfe stated with the 25' x 300' area if pieces stay there up to ninety (90) days we would have concerns about the grass dying. It is right up against the neighbor's property and you would have water running up against someone else. We would consider that disturbed area and you would still need to do that stormwater plan. If you are going to request that ninety (90) days, I think there needs to be a stormwater analysis.

Mr. Yoder asked what if it is decreased to 25' x 100' and we limit that number either 45-60 days?

Mr. Wolfe stated if your time period is closer to something like two (2) weeks where the grass will not be killed, I think we could make an argument that you still have grass.

Mr. Yoder stated the benefit of having equipment there ninety (90) days would not work because of the cost of putting in a retention pond is certainly not worth the benefit of storing the items there for ninety (90) days. I would like to have two (2) weeks to have the items there even if it is a smaller area.

Mr. Thacker stated once you have the auction, you plan on moving the items to the area for only fourteen (14) days.

Mr. Yoder stated it depends on how we interpret the fourteen (14) days.

Mr. Thacker stated once you moved it to that corner, you would have fourteen (14) days to remove it.

Chair Coyner declared the public hearing closed. The impound lot being eliminated and the ninety (90) day holding period is a step in the right direction.

Mr. Glover stated last year with the original permit the Board put to review the permit in a year due to the concerns. The right-of-way has been an issue but that is civil. We are concerned about the number of complaints we received this year. The operating conditions last year were pretty specific. We have not heard anything today to resolve

February 1, 2024

the issues. I am concerned that the expansion will make matters worse. I struggle to support this.

Chair Coyner stated I agree. I would struggle to add any additional auctions.

Mr. Thacker stated we can wait until next month to make a decision on the request. The applicant can look into possibly incorporating some of the items we discussed including having an attendant there and keeping the items fourteen (14) days after an auction.

Chair Coyner stated I certainly do not want this expanded.

Mr. Thacker stated I do not feel comfortable doing much of anything today. He moved to carry the request over to the March 7, 2024 meeting. The original Special Use Permit is up for renewal too. The applicant should look at additional signage and having an attendant at the site.

Mr. Glover seconded the motion, which carried unanimously.

STAFF REPORT

- 23-16 Shields Self Storage, LLC
- 23-17 Randall L. and Marcella A. Burtner
- 23-18 Mountain View RV, LLC
- 23-19 Zachary T. Swanson
- 23-20 Timothy and Dina Flick
- 23-21 Ward H., Jr. or Jane B. Alford

Ms. Bunch stated the site plan has been submitted for SUP#23-16. The applicant is in diligent pursuit of completing their pre-conditions of their permit. SUP#23-17, SUP#23-18, SUP#23-19, and SUP#23-20 are all in compliance. SUP#23-21 was cancelled.


Ms. Bunch discussed the court cases with the Board.

February 1, 2024

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



Chair



Secretary