

April 4, 2024

PRESENT: Mark L. Glover, Vice Chair
 Thomas W. Bailey
 Monica L. Rutledge
 Thomas V. Thacker
 Sandra K. Bunch, Zoning Administrator and Secretary
 Doug Wolfe, Director of Community Development
 James R. Benkahla, County Attorney
 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, April 4, 2024 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:

- BENJAMIN R. GEE - SPECIAL USE PERMIT
- AARON PEASTER - SPECIAL USE PERMIT
- BARRY AND CONNIE LOTTS, AGENTS FOR EAGLE CREEK, LLC - SPECIAL USE PERMIT
- TRENA MCDANIEL - SPECIAL USE PERMIT
- ROGER ALDHIZER - SPECIAL USE PERMIT
- TERRY EDWARDS, AGENT FOR TFKME, LLC, FOR A SPECIAL USE PERMIT
- CHRISTOPHER SCOTT, AGENT FOR SHENANDOAH MOUNTAIN TOURING, LLC - SPECIAL USE PERMIT

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


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 Secretary

April 4, 2024

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ABSENT: George A. Coyner, II, Chair

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 4, 2024, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Ms. Rutledge moved that the minutes from the March 7, 2024, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

BENJAMIN R. GEE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Benjamin R. Gee, for a Special Use Permit to have a contractor yard for parking of commercial vehicles on property he owns, located at 2986 Churchville Avenue, Churchville in the Pastures District.

Mr. Benjamin Gee stated I would like to allow a contractor to park trucks on my property.

Mr. Glover asked what type of work is the contractor doing?

April 4, 2024

Mr. Gee stated they are replacing the transmission lines for Dominion.

Mr. Glover asked how long will they be there?

Mr. Gee stated two (2) years but they may stay longer. People are always looking for places to park commercial vehicles.

Mr. Glover stated there were numerous times staff sent notices about items in the floodplain area.

Mr. Gee stated we took care of removing the items on the ground.

Mr. Glover stated the Board visited the site this morning and saw tables, chairs and grills in the floodplain.

Mr. Gee stated those are my personal items that I use to picnic.

Mr. Glover stated there is an open trailer with items in it.

Mr. Gee stated it is moved all of the time. It is just tools. We keep it off the ground. My picnic stuff has been there for a while. I keep all of the items in something that can be moved quickly. I will move the picnic stuff.

Mr. Glover asked if the splitter or grinder stay there?

Mr. Gee stated yes the processor stays there but it is not in the floodplain.

Mr. Glover stated last time there were markers designating the floodplain. Were they moved?

Mr. Gee stated the markers are still out there. When we take care of the hay we move the markers and put it back.

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

Mr. John Bauman, 349 Todd Road, Mount Sidney, stated I am a Chair of the Friends of the Middle River. I am concerned about the floodplain. I am in support of what staff

April 4, 2024

said. It is important to follow the rules to keep Middle River safe. Excess items need to be kept out of the floodplain.

Ms. Carol Williams, 3057 Churchville Avenue, Staunton, stated I am adjacent to the property and I have objected in the past. I am strongly against people doing things and then asking for permission. I was there in 1996 when there was a flood and the road and bridge was damaged. This could happen again. If it does happen again there will be materials along the riverbank. There will be logs floating down the river. I object to all of it. There should be no further expansion of the riverside property. Dominion should find a more appropriate parking lot. The residents should be protected from something like this.

Ms. Cynthia Lorbog stated I am Ms. Williams' daughter visiting from Colorado. The site plan shows the logs are moved out of the floodplain. One display on the screen shows the floodplain and one shows the operation as it is. It does not look like the items were moved out of the floodplain.

Ms. Bunch stated the aerial view maps do not show elevations. We overlay the FEMA maps to see the floodplain but it does not show elevations. The site plan was done by an engineer and it shows the floodplain.

Ms. Lorbog stated I would recommend doing a new site plan.

Mr. Glover asked if there was anyone else wishing to speak regarding the request?

There being none, Mr. Glover asked the applicant to speak in rebuttal.

Mr. Gee stated I have given donations to Friends of the Middle River to help clean the river. I agree to keep the river clean. I have kept the trees there for the bank's stability. The stuff is not in the floodplain. This meeting is not about the firewood. This stuff on a moment's notice can be moved. When the bridge was replaced VDOT addressed all of those issues of flooding.

Mr. Glover declared the public hearing closed. We saw a variety of items in the floodplain including trailers with items in it. Staff sent letters out multiple times to move the items.

Mr. Bailey stated it is important that the site be brought into compliance before we make a decision on an expansion. The items there are in violation and in the floodplain.

April 4, 2024

Mr. Gee stated the box has been moved. I was told everything else had to be off the ground. I can move the picnic stuff in 1-2 days. I can move the porta-potties out of the floodplain but it will be more visible. I would like to have the dumpster there.

Ms. Bunch stated nothing can be in the floodplain except vehicles.

Mr. Gee stated I am pretty sure that I can have a dumpster in the floodplain.

Ms. Bunch stated no you cannot.

Mr. Gee stated I will move the dumpster, porta-potties and picnic items.

Ms. Bunch stated the only thing that can be stored in the floodplain is the parking of the vehicles. There are several porta-potties onsite. I am not sure why they are stored there. We do not allow them for permanent use for any kind of business.

Mr. Gee stated it was there for convenience in case someone had to go to the bathroom. I can move them. I can park my own vehicles there but the issue is someone else is using the site. We can get rid of the picnic stuff, porta-potties and dumpster. VDOT gave their approval. This is a safe place to get in and out. I did not know that I needed the Special Use Permit because I already have my own permit.

Mr. Thacker stated the pre-conditions state that we need a revised site plan and Erosion and Sediment Control and Stormwater Plan. Will that show all the gravel hauled in if it has changed the elevation of the floodplain? It is hard to ride by and look to see if you are in compliance if you have just one cone in the middle of the field. I would like to have more markers. There used to be a couple markers but I only saw one this morning.

Ms. Bunch stated it was part of the existing Special Use Permit. It used to be marked much better.

Ms. Rutledge asked if there are more markers?

Mr. Gee stated there is one at the entrance and a cone and flag markers in a straight line and you can see that when you pull in. We have not used the bottom so that is why we have not marked it. Inside of the cone back to the entrance is all out of the floodplain. This has all been addressed before.

Ms. Rutledge stated was there more than one marker at one point?

April 4, 2024

Mr. Gee stated no. You pull into the entrance and look at the cone and the floodplain is all to the right of that. I do not know what an Erosion and Sediment Control plan costs. I am not putting water on anyone else. I am the one that absorbs the water. The bridge was upgraded to hold water.

Mr. Thacker stated on the other side of the river the water goes and it sits in the middle of the field.

Mr. Gee stated I do not agree. When they did the bridge they graded that to hold water.

Mr. Thacker stated the cone sitting in the middle of the field according to this drawing needs to be close to where the wood splitter is.

Mr. Gee stated the engineer marked that and there is a marker. I did not make the floodplain map because that is FEMA. There is a permanent metal stake and a concrete inlet there to hold the flag. That has long been approved and we have kept it marked. We have tried to be in compliance with the conditions.

Mr. Thacker asked why did you get three (3) notices of non-compliance?

Mr. Gee stated from when and what for?

Mr. Thacker stated this year.

Ms. Bunch stated it was for items stored in the floodplain.

Mr. Gee stated I took care of it and I apologized for it. I moved the box in order to try to come in compliance. I am not trying to get away with anything.

Mr. Glover stated today the site is not in compliance even though you said you took care of it.

Mr. Gee stated the picnic stuff is my stuff and I will take care of that. I thought I could have a dumpster. I read that I could have it in the floodplain. The porta-potties I can move. Anything else can be on trailers.

Ms. Bunch stated there is a shipping container also. Anything subject to flotation has to be moved. The porta-potties and equipment even though it is on a trailer has to be moved. The vehicles are the only things allowed to be parked in the floodplain.

April 4, 2024

Mr. Wolfe stated the lines that are drawn on this site plan the engineer did go out and get some elevations of the actual ground. We can confirm that part. We are requesting a plan be done because of the additional gravel that was put in place and the new stormwater law requires you to look at water quality and what comes off of impervious areas. You have added several amounts of impervious area with this gravel. We need the calculations for that and what sort mitigations done for that increase of impervious areas. That is the real reason for the plans to address the increase of impervious area.

Mr. Gee stated it is not raining on me and running off on someone else.

Mr. Wolfe stated the rainwater comes to the gravel and runs off into the river. That is what needs to be calculated.

Mr. Thacker stated the floodplain needs to be marked and verified by staff. All items need to be moved out of the floodplain. He moved to continue the hearing on May 2, 2024.

Ms. Rutledge seconded the motion, which carried unanimously.

AARON PEASTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Aaron Peaster, for a Special Use Permit to use an existing building to construct storage buildings and to have outdoor display of storage buildings for sale on property owned by Matthew G. and Megan E. Owen, located at 263 Shalom Road, Waynesboro in the South River District.

Mr. Aaron Peaster stated I would like to lease the property for the production of storage buildings. The property owners were looking for a tenant.

Mr. Glover stated the Board visited the site today. Do you plan on utilizing the entire structure?

Mr. Peaster stated yes.

Mr. Glover asked if the farm equipment will also be in the building?

Mr. Peaster stated I do not know who that farm equipment belongs to.

Mr. Glover asked if the building will be enclosed or would you keep it open?

Mr. Peaster stated enclose it. I plan on doing the electrical work and concrete work in the building to make a level floor. I would also like to make the restroom available at the site.

Mr. Glover asked if the hours of 6:30 a.m. to 5:30 p.m. are sufficient?

Mr. Peaster stated yes.

Mr. Glover asked how often do buildings come in?

Mr. Peaster stated weekly.

Mr. Glover stated these are outdoor storage buildings.

Mr. Peaster stated these will be portable storage buildings made out of regular building materials. We use dimensional lumber.

Mr. Thacker asked if there will be a lot of noise with the nail gun, sawing, and construction? We are concerned about some of the neighbors in the area.

Mr. Peaster stated all of the work will be done inside the building. The most noise would be when we get a delivery or when the buildings will be moved offsite.

Mr. Bailey asked if the buildings will be stored onsite until customers come to look at them?

Mr. Peaster stated some onsite for a customer to look at before they go to a dealer until they are sold and delivered to a customer.

Mr. Bailey asked if they would be delivering and setting up on the property?

Mr. Peaster stated no, a separate contractor does that. Most go out to the dealers to sell them but we can also sell.

Mr. Bailey asked who picks up the buildings?

April 4, 2024

Mr. Peaster stated contactors do it and deliver them to the dealer. No customers will take them out.

Mr. Bailey asked the applicant if he had spoken with VDOT about the entrance?

Mr. Peaster stated no.

Mr. Bailey stated it looks like there is not much clearance on either side.

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

Ms. Marlene Lancaster, 203 Shalom Road, Waynesboro, stated there is not much sight distance and this is a residential area with agriculture around it. I am concerned about semi-trailers along the road. I am concerned about the noise and retail traffic but that does not seem like it would be that big of deal with retail traffic.

Mr. Gary Lichtenstein, 292 Shalom Road, Waynesboro, stated I live next door. The beauty of Augusta County is agriculture, residential and the mountains. I am concerned that this industrial fabrication plant going in this area that no one is going to build a house next to this plant. Is this going to impact property values? I do not believe the noise from saws and hammering going on, will be contained in the building unless there is soundproofing. He is asking to start at 6:30 a.m. and it is a bit early if the noise is not contained. If it gets approved, I would prefer some type of shrubbery to contain the noise. My concern is the noise and the decrease in the values of the homes in this residential section.

Mr. Glover asked if there was anyone else wishing to speak regarding the request?

There being none, Mr. Glover asked the applicant to speak in rebuttal.

Mr. Peaster stated I appreciate the concern for the community. We are a family operated business. It is my sons and myself that are at the site every day. We come from a farming background. It does concern me to see farmland being turned into other things. I take a lot of pride in my own business. I would like to see someone plant a lot of trees or shrubs. We would like to spruce up and make this site look nice and presentable. I cannot predict if this would reduce property values. I am a good business owner and I think we can improve the site.

April 4, 2024

Mr. Thacker asked with the maximum display area of 15,000 square feet, how many buildings will be outside at one time?

Mr. Peaster stated 12-50 buildings outside at one time but it does depend on how many we can produce.

Mr. Thacker stated the display area is behind the building and not near the road.

Mr. Peaster stated the site plan may have been labeled wrong. I had in mind to display them back on the field.

Ms. Bunch stated this was the area that you showed me when we met to take your application.

Mr. Peaster stated I would like to display them near the driveway.

Mr. Bailey asked the applicant if he will own the property or will you be leasing it? I am concerned about the upkeep if you plan on just leasing the site.

Mr. Peaster stated I plan on leasing the building. I would like to buy it but they do not want to sell.

Mr. Glover declared the public hearing closed. The Board visited the site this morning. There needs to be extensive work on the building in order for it to be useful for this type of work. The staff comments state that the agriculture area could be negatively impacted by noise and the increased traffic on the narrow road. The trucks will need to take the time to get in and out safely especially with the semi-trucks. I do not know if this is in character with this particular area.

Mr. Bailey stated I echo the concerns on the traffic and the impact by noise. There are a number of single family dwellings on that road. There will be large trucks hauling buildings on that narrow road.

Mr. Glover stated I am concerned with the number of buildings (50). Where this is being proposed, it will not be in character with the area because it will not be shielded.

Ms. Rutledge stated it is set back off the road but the road is narrow and there may not be enough sight distance.

Mr. Bailey moved to deny the request for all of the reasons previously stated.

April 4, 2024

Mr. Thacker seconded the motion, which carried unanimously.

BARRY AND CONNIE LOTTS, AGENTS FOR EAGLE CREEK, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Barry and Connie Lotts, agents for Eagle Creek, LLC, for a Special Use Permit to have retail sales of produce and flowers grown offsite, and craft items within the existing dwelling and produce stands on property owned by COLTMORG, LLC, located at 1406 Stuarts Draft Highway, Stuarts Draft in the Riverheads District.

Mr. Barry Lotts stated this will be a family operation.

Mr. Glover asked where will the parking be located?

Mr. Lotts stated right in front of the stakes.

Mr. Glover asked if they will sell flowers and produce?

Mr. Lotts stated the greenhouses will be temperature controlled so they hope they can sell longer. We also plan on selling different things like crafts. We are just starting out so I am not sure.

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

There being none, Mr. Glover declared the public hearing closed. The Board visited the site today. This looks like a good location for this and it is keeping in character with the rural agriculture area.

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

Pre-Conditions:

None

April 4, 2024

Operating Conditions:

1. Be permitted to sell farm products, flowers, and crafts with the existing dwelling.
2. Be permitted to construct three (3) 12' X 20' farm stands.
3. No employees other than family members.
4. No public restrooms unless Health Department approval is obtained and a copy provided to the Community Development Department.
5. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
6. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

TRENA MCDANIEL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Trena McDaniel, for a Special Use Permit to continue the driving range and miniature golf and sales and repair shop on property owned by James Lee and Lucy K. Coyner, located at 3413 Stuarts Draft Highway, Stuarts Draft in the South River District.

Ms. Trena McDaniel stated I would like to continue the business at Bunker Valley. I own the business. I will be leasing the land.

Mr. Glover asked when did you start leasing?

Ms. McDaniel stated April 2022.

Mr. Glover stated the business looks like it is going well. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Mr. Glover declared the public hearing closed. This business has been in operation since 1991. This is a nice service to the community.

April 4, 2024

Mr. Thacker stated this is an ongoing business that we have had no problems with. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Hours of operation be 7:00 a.m. to 9:00 p.m.
- 2. Site be kept neat and orderly.

Ms. Rutledge seconded the motion, which carried unanimously.

C. ANDREW AND JOYCE A. SELMON - SPECIAL USE PERMIT

A request by C. Andrew and Joyce A. Selmon, for a Special Use Permit to have a manufactured home transit business office with outdoor storage of a commercial vehicle on property they own, located at 25 Jericho Road, Staunton in the Beverley Manor District.

The applicant withdrew this request.

ROGER ALDHIZER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Roger Aldhizer, for a Special Use Permit to have a short term vacation rental within an existing dwelling on property he owns, located at 152 Round Hill School Road, Fort Defiance in the Middle River District.

Mr. Roger Aldhizer stated my grandfather built the house in 1933. I live alone and I did some renovations to the inside for the short term rental. As a side business, I have a bus company called Ride with Roger and many families need a place to stay when they come to the area for weddings and special events. I worked hard over the last couple of years to make this a nice place.

Mr. Glover stated the Health Department comments state the septic is only for three (3) bedrooms.

Mr. Aldhizer stated there is only three (3) bedrooms in the house.

Mr. Glover asked if food will be prepared?

Mr. Aldhizer stated guests have access to the kitchen.

Mr. Glover asked if advertising will be done online?

Mr. Aldhizer stated I do not want to rent this out all of the time because I will live there. I will advertise with the wedding venues first and then I may do Airbnb or Vrbo.

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

There being none, Mr. Glover declared the public hearing closed. The Board visited the site today. I agree with staff that this would be a low impact business. This will fit in well with the character of the area.

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

Pre-Conditions:

None

Operating Conditions:

1. Applicant be permitted to lease three (3) bedrooms and be limited to a total occupancy not to exceed six (6) persons unless the applicant provides Community Development with Health Department approval for more.
2. Applicant resides on premise and be available during rental.
3. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

April 4, 2024

TERRY EDWARDS, AGENT FOR TFKME, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Terry Edwards, agent for TFKME, LLC, for a Special Use Permit to have weddings and special events on property they own, located at 691 Crimora Mine Road, Crimora in the Middle River District.

Mr. Terry Edwards stated I have had weddings at the site. I did not know I needed a Special Use Permit for a portion of the property that I have weddings on. I have had a few ceremonies on the hill. I would like a few more weddings and a few more people. I am trying to get into compliance.

Mr. Thacker stated the Board did receive a comment from a neighbor asking that a sign be placed so that the guests do not come up to their driveway or decorate their mailbox with balloons.

Mr. Edwards stated I did talk with them about it and we would comply with that and try to put something on his gate that says private property, do not enter.

Mr. Glover asked if the guests are transported back to the pavilion?

Mr. Edwards stated yes. We provide golf carts. If it is a large gathering my client would have to provide vans.

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

There being none, Mr. Glover declared the public hearing closed. The Board visited the site today. This is a beautiful piece of property. The neighbors are working through the issue of people going to the wrong property.

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

Pre-Conditions:

None

April 4, 2024

Operating Conditions:

1. Applicant will install a sewage treatment system approved by the Health Department within **two (2) years**.
2. Be permitted to operate for **two (2) years** using portable restroom facilities until the septic system is installed.
3. Be limited to fifteen (15) events per year but no more than two (2) per month.
4. Be limited to a maximum of one hundred (100) people per event.
5. No outdoor amplified music after 10:00 p.m.
6. Events to cease by 10:00 p.m. and all persons off the property by 11:00 p.m. with the exception of those renting the house.
7. Site be kept neat and orderly.
8. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Ms. Rutledge seconded the motion, which carried unanimously.

SUE HART, AGENT FOR VIRGINIA HEADWATERS COUNCIL, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Sue Hart, agent for Virginia Headwaters Council, Inc., for a Special Use Permit to continue the existing operation, and to add six (6) new shelters, ADA compliance paths, six (6) electric hook-ups, shower house, water flushed and waterless toilets, extend an existing patio, relocate the maintenance building and the multi-purpose building, and to have special events on property owned by Stonewall Jackson Area Council of Boy Scouts of America, Inc., located at 222 Boy Scout Lane, Swoope in the Riverheads District.

Ms. Elaine Echols stated I have volunteered at the camp. The camp is in need for a lot of improvements. I understand all of the conditions. We are working to bring the dam

April 4, 2024

into compliance. The engineers are working on that as well as the capacity of the septic.

Mr. Glover stated they will work to get the dam into compliance.

Ms. Echols stated their permit expired. We will work to bring the dam into compliance.

Mr. Glover asked if ten (10) events a year would be adequate?

Ms. Echols stated yes. They may have school field trips, dog training programs, etc. They will not have anything big.

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

There being none, Mr. Glover declared the public hearing closed. This is an existing operation. They want to make improvements and upgrades. They have been operating with no issues. This is a good location and it adds value to the community.

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

Pre-Conditions:

1. Applicant submit a complete Erosion & Sediment Control Plan and Stormwater Management Plan.
2. Applicant submit documentation approved by the Health Department that the septic system can handle the additional shower house and proposed events for up to one hundred (100) attendees.

Operating Conditions:

1. Applicants to have ten (10) years to complete the new requests and to complete construction of projects on previous Special Use Permits described on the attached list.
2. Applicant obtain all necessary building permits and inspections.
3. Applicant obtain an O&M Permit within 1 year and provide a copy to the Community Development Departments and the permit be kept current with DCR.

April 4, 2024

4. Applicants be limited to ten (10) weddings or special events per year when not used for scouting events.
5. Be limited to a maximum of one hundred (100) attendees for weddings or special events once Health Department approval is obtained and a copy provided to Community Development.
6. No outdoor amplified music associated with the weddings or special events.
7. All weddings or special events other than scouting events cease by 10:00 p.m. and all persons off the property by 11:00 p.m.
8. Site be kept neat and orderly.

Ms. Rutledge seconded the motion, which carried unanimously.

**CHRISTOPHER SCOTT, AGENT FOR SHENANDOAH MOUNTAIN TOURING, LLC -
SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Christopher Scott, agent for Shenandoah Mountain Touring, LLC, for a Special Use Permit to continue to have a bicycle touring business, bicycle rental, training, mountain bike riding events, trail running events, and equestrian events and to be allowed to utilize a portion of the public highway during mountain bike riding events on property owned by Stokesville Owners Group, LLC, located at 464 Stokesville Road, Mount Solon in the North River District.

Mr. Christopher Scott stated we operated on a temporary permit for a year. There were three (3) mountain bike events that went off into the national forest roads and trails that did not utilize public highways. We had three (3) events that were contained on our property that did not use any roads. That puts a strain on our events and took out the fun factor of the events and made it harder for the average person to complete the events. It also caused us to have a business hardship. We would only be requesting three short segments to use the public roads. We use caution bike signs. The Augusta County Deputies are manning the turns along the road. We also have signs that say bicyclists stay to the right.

April 4, 2024

Mr. Glover asked how short are the segments on the public road?

Mr. Scott stated the three maps in the packet show the segments. One is slightly over a mile and the other two are under a mile.

Mr. Glover asked how long does it take bikers to complete the segments?

Mr. Scott stated about 7-15 minutes.

Mr. Glover asked if he would like to increase the number of attendees to 330?

Mr. Scott stated yes.

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

Mr. Mason Bryant, 61 Canton Lane, Stuarts Draft, stated with them not being allowed to use the roads for the bike events, we decided not to participate in the event. It was too difficult with not using the roads and we thought we would not be able to complete it. Please consider approving this permit.

Ms. Virginia Mays, 1378 George Waltons Road, Mount Solon, stated the Stokesville Community Church owns properties adjacent to this site. We are backing him 100%. We opened up the church to have overflow of the bathrooms. We are trying every way we can to help what is going on in order for him to have his dream. He is trying to connect 500 miles of the most beautiful trails in our area. We are in full support. It is sad to hear that he has had opposition. He does not have unlimited funds for this.

Mr. Phil Crilley, 449 Lookout Mountain Lane, Mount Solon, stated it is a positive thing to have the bike events there. The community meeting held on June 30, 2022, the locals were not concerned about the biking. There are other biking events that use the public roads. I am in support of this and the local community does not oppose the mountain biking.

Ms. Lynn Early, 333 Old Mountain Road, Mount Solon, stated I support Mr. Scott and the events that he wants to have and using the local roads for biking events. We are farmers and live in the area and I have never been inconvenienced by the bike riders by his events or any other events. The trails and the forest roads connect with the public roads in order for them to access the trails. The bikers go passed our house and I have never had a bad experience with them. The mountain bikers use the roads when they

have to. At the meeting, there was very little or no opposition to the mountain bike events. Being a previous mountain biker, you prefer to be on the trails rather than the road so you will avoid that as much as possible. There was no opposition with using the small sections of road to get to the trails. Where there is a potential for traffic, law enforcement is there to provide the support. The events using the public road should not impact the community especially when they are on the road for a short time and low volume hours during those events. The bike community has picked up the trash along the roads and those who come to these events support small business. The events provide a good opportunity for the local community involvement as well. Mr. Scott is a good component of our youth. I have talked to him about church events there. Everyone can benefit from the events including using the public road.

Mr. Kyle Lawrence stated I am here representing the Shenandoah Valley Bicycle Coalition. These events are a really important part of the plan for the forests and trails in order to keep the facilities going. They are trying to use more private trails. They have done a lot of enhancing the trails. The Stokesville area is an important area for the trail community. It is a popular bike traffic area. This should be approved in order to increase the access of the trails for the public lands for the people in our area.

Mr. Erin Ward, 61 Canton Lane, Stuarts Draft, stated I coach a youth mountain bike team. I am fully in support of this request. The stretches of the road that he wants to use are very short. This is vital to help the event be a whole. Some people did not finish the event previously due to the difficulty of not using the public roads.

Ms. Becky Knicely stated I live on Bunker Hill Road. I own a short term rental and I host mountain bikers. These events are great for the economy and great for my short term rental. My guests have taken care of my rental and are respectful. I am in favor of the events.

Becky Anhold, 2148 Scenic Highway, Churchville, stated we own property on Tilman Road. While the owner has a vision for this property, I have not had a positive experience with the bikers in the area. After a bike event, they do not take down the signs on the trees. Some are on our property. They are speeding up and down Tilman Road. The forest service road is not doing anything to fix it. The potholes are huge. We have witnessed negative behavior while they are riding on the road 3-4 bikes wide along the road. I have been flipped off by them while trying to get by them. Not everyone is like that. I am not in opposition to the overall vision and enterprise but I have concerns about the safety on the public roads with the mountain bikers. It may not be all mountain bikers. They have no control over the participants. They use excessive speed while using the road in their cars. They have been rude and

April 4, 2024

disrespectful. I am a strong advocate for the Depot. Mr. Scott and his associates should take into account the impact his ventures are having on neighboring landowners and be a good neighbor.

Mr. Charles Horn, 1142 Freemason Run Road, Mount Solon, stated my farm is about a mile away from the park. In the mountain I am fine with. If they are coming in along Freemason Run Road we have to put up with all of the traffic. We travel to work. This area is a heavy agriculture area. There is poultry houses, dairy and beef farms. There are many tractor trailers on the road. I have sat in my driveway trying to get out. I have no problem with the bikes in the mountain. I have a problem with the bikes on the road. If they are 2-3 wide vehicles cannot get by. The farm machinery on the road is very wide and with all the bikers it is dangerous. I am not opposed to them riding in the mountains or on his property but they should be a little more respectful of them riding in this rural area with the narrow roads.

Mr. Lewis Payne, 570 North River Road, Mount Solon, stated the roads are 30' wide and with the farm equipment, heavy equipment, and vehicles, how much room does it leave for a bicycle? I witnessed 110 bikes pass by my house at one time. Safety should be the number one concern. If we get on the highway and one of us hits their bikes and we did not see them and with so much of the wood debris (with trees falling on roads) sometimes we cannot get over any further. The road is not equipped to handle that much activity. At Stokesville Store, there is 3.49 miles of unmarked road. We have had enough. The safety standpoint is the issue here.

Mr. Jeff Slaven, 752 Burketown Road, Weyers Cave, stated I do not want to make a comment for or against. A number of citizens reached out to me. I am very familiar with all of these issues and it did not involve anything in the mountains. The issue is using the public highway. In the last several weeks, the application for this permit has increased the number of calls due to them wanting to use the public highway.

Ms. Taylor Fix, 42 Maggie Lane, Mount Solon, stated no one is against them using the bikes in the mountain recreational area or campground. The issue is the safety of the roads and the issue it creates for the members of the community. There has been a lot of calls and emails regarding the concern of safety. When you have hundreds of bikers coming down the hill, we have been stuck in our driveway and have not been able to get out. We have been late for events but what if we had an emergency because we did not know an event was going on. Mr. Scott stated in 2022 that the community hated bikers and again I say that is not the case. Mr. Scott did not do his due diligence to be a good neighbor. He has had some folks interact with him but there are many of us who have not interacted with him. People have trespassed on the property. People

were using the bathroom on our private property. I am an avid outdoors women, I hunt, fish, a runner etc. I appreciate the outdoors. I also have extensive experience in working in public relations and I am an avid runner. I helped organize large events like a local 5K and Marine Marathon. You have to be sure you get the proper permits and contacting the authorities and communicating with the community. Mr. Scott owns property that is in Stokesville but he does not live in Stokesville and neither do the bikers. The individuals need to treat the community with the respect it deserves. The people in our community have not seen the respect. The bikers have passed cars and flew by tractor trailers and what a double standard that is. I would ask that you approve it like you had before. It has been peaceful and we have not had the issues with the bikes on the public road. The campers also cause traffic to back up. The campers line of sight is an issue. There was a stop sign that was put up but people run the stop sign.

Bikers have access to the road but allowing bikers during the events access to the public roads would be detrimental to the hazardous conditions of the roads. Last permit 250 people were limited but now the Health Department stated it would be fine for 330 occupants. We would ask that it not be increased. Who is counting these people? If you allow 250 participants but that does not take into account spectators with vendors, etc. If you have 250, you have wiggle room. I doubt Mr. Scott will be there clicking as people come into the event. The septic systems lie within or on other peoples' properties. If you have one that overfills, it is not pretty. I could not imagine if that happened with 330 people utilizing the septic system. Myself and the neighbors are not in opposition of what he is trying to do but want him to have more consideration of the folks that do live and have to experience stuff that is going on. We should make more of an effort to work with the community first and then be given permission to be able to have these events . He has been operating more on instead of asking for permission he is asking for forgiveness and that does not work well for the community.

Mr. Glover asked if there was anyone else wishing to speak regarding the request?

There being none, Mr. Glover asked the applicant to speak in rebuttal.

Mr. Scott stated it is frustrating when we miss taking down a few of the arrows. The Forest Service gives us 48 hours to take them down. Sometimes the arrows blend in with the colors of the leaves. I apologize for the bikers that are traveling too fast. It happens to me also. I understand that it is a huge inconvenience to not to be able to get out of your driveway. It is definitely frustrating when you are in a rush. When there are vehicles passing you on the highway it would be nerve wracking and not safe. I hope that is not any of our participants. I do send out an email prior to the events that address driver safety. None of our events go down North River Road that far. The neighbor on Maggie Lane (the Fox property) signed a letter of support. The stop sign is

April 4, 2024

only one way and not two ways so it actually protects the traffic exiting the campground. We only used that for two events and it was on a Sunday.

Mr. Bailey asked how do you handle the amount of people signed up or pre-registration?

Mr. Scott stated they have pre-registration for the events. We will close the event once we reach the maximum level. We were permitted to operate for 250 but we could reach 330. The septic has never failed in 50 years with the amount of use it has had. There has been a history of thousands of people there since the 1970s.

Mr. Glover asked if there are workers stationed along the road?

Mr. Scott stated the initial section has deputies in the tight segments with larger volume. In the more remote areas, there are volunteers because the traffic is more dispersed. Leaving our driveway it would be 1.5 minutes twice a year. A safety concern might be over exaggerated.

Mr. Thacker asked if they can loop back onto the property instead of using the highway?

Mr. Scott stated one of the events they only use the property and not the highway. Other events we use Tilman Road down to our property and we never had any complaints. The other events finish on our property.

Ms. Rutledge stated you have deputies at the start and volunteers throughout.

Mr. Scott stated yes.

Mr. Glover declared the public hearing closed. The Board visited the site today. I am familiar with the condition of the roads and the rural setting of it. There is a lot of concern about the roads and the increase in activity.

Ms. Rutledge stated the deputies are in place and the volunteers are essential for the safety to be sure that the disruption is minimal. If those measures are in place, I am in support of it.

Mr. Bailey stated the permit stipulations went well last time with the applicant not using the public roads. We cannot control the others who use the road. We can look at the applicant not using the public road and just have the bikes on private property.

April 4, 2024

Mr. Thacker stated I concur with Mr. Bailey. We had a lot of complaints. When we took the bikes off the road it went well. It would cause trouble if they put them back on the road.

Ms. Rutledge stated I feel like this can be done safely especially with the deputies in place. There will be volunteers at various checkpoints to be sure there is minimal disruption.

Mr. Glover stated my concern looking at routes with 330 bikes it would take someone a long time to get out of their driveway. Volunteers would be needed through to be sure people can get out of their driveway. That would be something that could alleviate some concerns.

Ms. Rutledge stated these events only occur 1-2 times a year.

Mr. Bailey moved to approve the permit omitting #3 from the operating conditions especially if we up the number of bikers to 330 and to not use the state maintained roads.

Mr. Thacker seconded the motion, which failed with a 2-2 vote (Mr. Glover and Ms. Rutledge opposing the motion).

Ms. Rutledge moved to approve the permit keeping only a maximum of 250 people for the events, having access to the public highway during events, and the permit be issued for a year.

There was no second, the motion failed with a 2-2 vote (Mr. Thacker and Mr. Bailey opposing the motion). The request was denied.

CHRISTOPHER SCOTT, AGENT FOR STOKESVILLE DEPOT, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Christopher Scott, agent for Stokesville Depot, LLC, for a Special Use Permit to continue to have a short term rental within the existing depot/dwelling on property owned by Stokesville Owners Group, LLC, located at 464 Stokesville Road, Mount Solon in the North River District.

April 4, 2024

Mr. Christopher Scott stated I am renovating the property. I have done a lot of work on the exterior of the site.

Mr. Glover stated the Health Department comments state that you do not exceed four (4) people. How will you advertise?

Mr. Scott stated yes. I will advertise on Airbnb. I also will have a standalone website. I will not rent it out all of the time.

Mr. Glover asked if you have any problems with the guests, how will you handle that?

Mr. Scott stated we have a property manager onsite to handle any issues.

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

There being none, Mr. Glover declared the public hearing closed.

Mr. Glover stated this request was granted in 2022. This is for a continuation. It is nice to see it up and running and being utilized.

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

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to lease the existing two (2) bedroom dwelling for short term vacation rentals.
2. Be limited to four (4) persons maximum occupying the dwelling.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles or parts of vehicles be kept outside.

Mr. Bailey seconded the motion, which carried unanimously.

April 4, 2024

CHRISTOPHER SCOTT, AGENT FOR SHENANDOAH MOUNTAIN TOURING, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Christopher Scott, agent for Shenandoah Mountain Touring, LLC, for a Special Use Permit to continue to have a bicycle touring business, bicycle rental, training, mountain bike riding events, trail running events, and equestrian events and to be allowed to utilize a portion of the public highway during mountain bike riding events on property owned by Stokesville Owners Group, LLC, located at 464 Stokesville Road, Mount Solon in the North River District.

Ms. Rutledge moved to reconsider this request due to the fact that the Board did not come to an agreement and they did not want the applicant to walk away with nothing since his permit was denied.

Mr. Bailey seconded the motion, which carried unanimously.

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

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have bicycle rental, training and trail riding.
2. Be limited to thirteen (13) Mountain Bike events **not utilizing state maintained highways** per year but no more than one (1) per weekend.
3. No other bicycle events utilizing the state maintained highways.
4. Be limited to three (3) trail running events and three (3) equestrian events.
5. Be limited to a maximum of three hundred thirty (330) people for Mountain Bike events, trail running events, and equestrian events.

April 4, 2024

- 6. All events to cease by 10:00 p.m. and all persons not renting designated campsites to be off the property by 11:00 p.m.
- 7. Emergency Medical Services be on site during all Mountain Bike events.
- 8. Site be kept neat and orderly.
- 9. Permit be issued for **one (1) year**.

Mr. Thacker seconded the motion, which carried unanimously.

CHRISTOPHER SCOTT, AGENT FOR STOKESVILLE OWNERS GROUP, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Christopher Scott, agent for Stokesville Owners Group, LLC, for a Special Use Permit to construct an accessory building for storage on property they own, located at 464 Stokesville Road, Mount Solon in the North River District.

Mr. Christopher Scott stated the storage building will be used for the operation of the campground. The items will be kept safe and dry inside the building.

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

There being none, Mr. Glover declared the public hearing closed. This use will not have a negative impact on the area.

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

Pre-Conditions:

None

Operating Conditions:

- 1. Be permitted to construct a 30' X 30' accessory building.

- 2. Applicant obtain all building permits and inspections and provide a copy to Community Development.

Mr. Bailey seconded the motion, which carried unanimously.

OLD BUSINESS

KERVIN YODER, AGENT FOR ENLISTED AUCTIONS - SPECIAL USE PERMIT

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. - Request carried over from the February 1, 2024 and March 7, 2024 Meetings

Ms. Bunch stated Mr. Yoder would like to have equipment and vehicles stored on the site seven (7) days after the two (2) week online auction event. Mr. Yoder no longer wants to have the impound area or increase the number of events.

Mr. Glover asked if there is an auction going on now?

Mr. Kervin Yoder stated an auction ends on Friday.

Mr. Bailey asked if there are any questions with the recommended operating conditions from staff?

Mr. Yoder stated I would like to change the hours from 8:00 a.m. to dusk. This will help accommodate farmers or people who want to come out late in the evening.

Mr. Bailey stated we can change the hours to 8:30 p.m.

Mr. Glover stated we have heard many comments and it looks like the issues were handled.

April 4, 2024

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

Pre-Conditions:

None

Operating Conditions:

- 1. No vehicles or equipment placed in the display area prior to seven (7) days before an auction event and all vehicles and equipment be removed seven (7) days after the two (2) week online auction.
- 2. Hours of on-site customer viewings be between 8:00 a.m. to 8:30 p.m.
- 3. All gates remain locked except during designated viewing times.
- 4. Enlisted employee be on site during designated viewing times and when equipment is being brought to and from the site.
- 5. Permit be reviewed **annually**.
- 6. All other operating conditions of Special Use Permit #23-7 remain in effect.

Mr. Thacker seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

BENJAMIN AND JOANN SHOWALTER - EXTENSION OF TIME REQUEST

A request by Benjamin and Joann Showalter, for a Special Use Permit to have weddings and special events on property owned by Everette and Carol Showalter located at 1695 Fadley Road, Weyers Cave in the North River District.

Ms. Bunch stated the applicant needs additional time to complete the pre-conditions.

Mr. Thacker moved to approve the request for a one (1) year Extension of Time.

April 4, 2024

Ms. Rutledge seconded the motion, which carried unanimously.

STAFF REPORT

- 23-32 Elm Spring, LLC
- 23-33 David Wayne and Ferne Joy Showalter
- 23-34 Richard M. or Bonnie L. Smith
- 23-35 Jerusalem Chapel United Brethren in Christ USA
- 23-36 102 Burketown Road, LLC
- 23-37 Daniel L. Bryant Rev. Trust Agreement
- 23-38 Samuel C. Whelan or Kipp Leslie Eisenberg
- 23-39 Paul M. or Amber C. Swarey

Ms. Bunch stated SUP#23-32 was given two (2) years to complete the pre-conditions. SUP#23-33, SUP#23-34, and SUP#23-35 are all in compliance. We have sent a letter to complete the pre-conditions for SUP#23-36. SUP#23-37 withdrew their request. SUP#23-38 and SUP#23-39 are both in compliance.

Ms. Keffer discussed the court cases with the Board.

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



 Vice Chair



 Secretary