

June 6, 2024

PRESENT: George A. Coyner, II, Chair
 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: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 6, 2024 at 9:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at 9:00 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:

- DON MICHAEL CROMER, AGENT FOR D.M. CROMER, LLC - SPECIAL USE PERMIT
- MICHAEL AND EMMA GUTZLER, AGENTS FOR PROSPECT VILLAGE, LLC - SUP
- JOHN SCHOEB, AGENT FOR 414 PARKERSBURG TURNPIKE - SPECIAL USE PERMIT
- KATIE BROWN - SPECIAL USE PERMIT
- BURT ANDREW CLEVINGER, AGENT FOR APPALACHIAN AGGREGATES, LLC - SUP
- DEBBIE HENDERSON, AGENT FOR D.M. CONNER, INC. - SPECIAL USE PERMIT
- CHARLES BARGER, AGENT FOR ACRES SAND AND STONE, 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.



 Chair



 Secretary

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ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 6, 2024, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Glover moved that the minutes from the May 2, 2024, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

DON MICHAEL CROMER, AGENT FOR D.M. CROMER, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Don Michael Cromer, agent for D.M. Cromer, LLC, for a Special Use Permit to continue to have a veterinary clinic on property owned by David L. Gardner, located at 54 Fadley Road, Weyers Cave in the North River District.

Mr. Don Cromer stated I would like to continue to operate the veterinary clinic.

Chair Coyner asked if this would be the same operation?

Mr. Cromer stated yes. There will be no change.

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

There being none, Chair Coyner declared the public hearing closed. This request is for a change of ownership.

Mr. Thacker stated this is a change of ownership. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Condition:

1. All dogs be kept within the facility unless under control of a staff member or the pet owner.

Mr. Bailey seconded the motion, which carried unanimously.

MICHAEL AND EMMA GUTZLER, AGENTS FOR PROSPECT VILLAGE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Michael and Emma Gutzler, agents for Prospect Village, LLC, for a Special Use Permit to have apartments in two (2) pre-1980 structures on property owned by William E. and Sara Frances Brubeck, Trustees, located at 38 and 40 Cherry Grove Road, Middlebrook in the Riverheads District.

Mr. Michael Gutzler stated the owner of the property is here. These buildings were used as a school before. There will be four (4) apartments at the right, two (2) apartments in the middle, and the primary resident will be closer the road.

Chair Coyner asked if they plan on starting soon?

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Mr. Gutzler stated the County has a couple of things for us to do including the septic and engineering reports to be sure the buildings are structurally sound for the proposed use.

Chair Coyner stated this is a nice building but it will take a little bit of work. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Bill Brubeck stated this building has been used as a school and also for storage previously. We have not used them and would like them to stay as they are because my wife and I went to school there. There have been many people interested in renting them as apartments.

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning. This is a good application for these buildings.

Mr. Bailey stated this is a good way to preserve the historical structures. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Submit documentation from a Virginia licensed architect or engineer that the buildings are structurally sound for the proposed use.
2. Obtain Service Authority approval for the number of units requested and provide a copy to Community Development.
3. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted a maximum of six (6) apartment units within the two (2) structures.
2. Obtain all necessary permits, inspections, and Certificates of Occupancy and provide copies to Community Development.

Mr. Glover seconded the motion, which carried unanimously.

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JOHN SCHOEB, AGENT FOR 414 PARKERSBURG TURNPIKE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John Schoeb, agent for 414 Parkersburg Turnpike, LLC, for a Special Use Permit to have outdoor storage of food trucks/trailers, lawn furniture and picnic tables for outdoor dining on property owned by Mossy Creek Brewing Co., LLC, located at 414 Parkersburg Turnpike, Staunton in the Pastures District.

Mr. John Schoeb stated I am the owner of Pro Re Nata in Crozet. I would like to have the Special Use Permit for a food trailer and to have picnic tables outside.

Chair Coyner asked if they would operate as the previous owner?

Mr. Schoeb stated yes.

Chair Coyner asked if there would only be one (1) food truck and all others come and go?

Mr. Schoeb stated we plan to leave the food truck onsite for 12-18 months.

Chair Coyner asked if there would be parking control for the traffic?

Mr. Schoeb stated in Crozet we have not had any issues.

Mr. Thacker asked if there would be music venues?

Mr. Schoeb stated we will only have acoustics. There will be no drums. There is not enough space inside for a band. We would not have any percussion instruments. We do not want to be a bad neighbor.

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

Ms. Janet Rosen, 19 Pine Tree Lane, Staunton, stated the last bar played music too loud sometimes all night long. The customers have thrown trash across my fence. There is way too much traffic for a food truck on Route 254. People do not drive 45

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mph. Last May, I watched a man get hit and thrown 100' on Pine Tree Lane. I have to get up at 3:30 in the morning and I do not want to hear music playing loud.

Ms. Lisa Cole, 35 Stanley Street, Staunton, stated I live across from the parking lot. I agree with the other lady that spoke. I can hear music in my house. The music is loud and I did call the Sheriff and when they came the music would go down but when they left it would go back up. My husband and I need to get sleep during the day because we work overnights. This is exactly what they applied for last time. The customers park all along the road. There is no way an emergency vehicle can get by. They blocked my driveway and we could not even leave. I cannot believe they are allowed to put this in a residential area. I oppose this.

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. Schoeb stated when we talked to the previous owners they mentioned they had several complaints about music over the years. I promise and I will put it in writing to the neighbors that we will not have any percussion instruments. Pro Re Nata in Crozet is in a neighborhood area also. We have not had any complaints in Crozet. I am happy to give out my number for any issues in this area. We are not going to have loud music. We will not have a grand opening. We will put on our Facebook site that we want people to carpool because we only have 51 spots. We do not want parking along the street.

Ms. Rutledge asked if the music will be in the pavilion outside?

Mr. Schoeb stated only acoustic. Nothing that should disturb the neighbors. If it does, they can call me personally.

Mr. Glover asked what are the hours of operation?

Mr. Schoeb stated we will be open Thursday – Sunday. We will have people working on site and manufacturing every day.

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

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Mr. Glover stated the property is zoned business. We cannot do anything about the hours of operation. I do have concerns about the limited parking and the comments about the cars parking along the road. Personally I am not real comfortable with this.

Mr. Thacker stated if approved, the Board can review this in a year to see if we have complaints.

Ms. Bunch stated the property is zoned Business. Breweries and restaurants are all permitted uses with an approved site plan that they already have on file. This is only for the outdoor seating and food trucks.

Mr. Thacker stated I do not think anyone has issues with that part of it but where there could be issues is the outside activities.

Ms. Bunch stated he can hold outside activities even in General Business. This request is only for the food trucks and tables. The property is properly zoned for what they are doing.

Chair Coyner stated a year review would be appropriate should we move forward.

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

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have two (2) food trucks, seven (7) picnic tables, and nine (9) loveseats outside and they be kept in the designated areas shown on the site plan.
2. Site be kept neat and orderly.
3. Permit be reviewed in a year.

Mr. Bailey seconded the motion, which carried with a 4-1 vote. Mr. Glover opposed the motion.

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KATIE BROWN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Katie Brown, for a Special Use Permit to have outdoor storage of a coffee trailer on property owned by Christy S. Arehart, located at 674 Howardsville Turnpike, Stuarts Draft in the South River District.

Ms. Katie Brown stated I would like to store my mobile coffee shop outside of business hours at my stepmom's property.

Chair Coyner stated the Board visited the site this morning and saw the trailer. Will you operate this full-time?

Ms. Brown stated this is something I plan on taking on full-time.

Chair Coyner asked if the trailer will go home at night?

Ms. Brown stated yes.

Chair Coyner asked if there will be employees or family members helping?

Ms. Brown stated it would be just me.

Mr. Bailey asked if anyone comes to this site?

Ms. Brown stated no.

Ms. Rutledge asked if there would be another place that the trailer might be setup overnight?

Ms. Brown stated it would only be at another location if it is an approved business site. I would keep it there overnight and it would only be part-time.

Mr. Bailey asked if she looked into the VDOT comment?

Ms. Brown stated I did call them this morning but I have not received a call back.

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

Ms. Christy Brown stated I am helping her get things going. We just received the letter but we are working to acquire the land behind and in the front of the property. We already have a paper from VDOT to do driveway work. It will be done in the next few months. We will have all six acres. We are encouraging her to be a business owner.

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning. It is a low impact business and should not be out of character with the area.

Mr. Glover stated this business is a low impact situation. He moved to approve the request.

Mr. Thacker seconded the motion.

Ms. Rutledge stated they are working on obtaining the land but by keeping the pre-condition on the permit, it will impact them from getting started with the business. Would we be able to put a condition on the permit so she can get started without the pre-condition being completed?

Ms. Bunch stated no, unless you remove the pre-condition.

Ms. Rutledge stated it will not come to the site every day. I would like to eliminate the pre-condition.

Ms. Bunch stated if VDOT does not require them to update the entrance then they would need to send us a letter. I cannot sign off on the permit unless you delete the condition all together or they get something from VDOT.

Ms. Rutledge stated I would like to see it deleted because of it being part-time at the site and they are working on getting the driveway modified anyway.

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

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Pre-Conditions:

None

Operating Conditions:

1. One (1) twelve foot (12') coffee trailer be kept beside the dwelling as shown on the BZA site sketch.
2. No customers coming to the site.
3. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

BURT ANDREW CLEVINGER, AGENT FOR APPALACHIAN AGGREGATES, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Burt Andrew Clevinger, agent for Appalachian Aggregates, LLC, for a Special Use Permit to reopen a closed quarry operation and manufacture crushed stone in conjunction with the Interstate 81 widening on property owned by Spottswood Farms, LLC, located on the east side of Interstate 81 in the Riverheads District.

Mr. John Wilkinson, President, Appalachian Aggregates, stated I have been here a couple of times. This does look more promising going forward. This is tied to the I-81 upcoming work as long as VDOT stays on schedule.

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

Mr. Martin Chittum, 20 Old B & O Road, Spottswood, stated I own the farm adjacent to this. I am not in favor or in opposition. My concern is the road. It is bad enough now. There are many heavy trucks. This is a narrow road. The road should be upgraded to making it passable on both sides.

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

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

Mr. Wilkinson stated we are willing to upgrade that road to make it passable on both sides.

Chair Coyner stated the Board visited the site this morning but could not get in because the gate was locked. It makes sense to have a quarry for Interstate 81. We are approving what they have had before. The public hearing was closed.

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

Pre-Conditions:

None

Operating Conditions:

1. Mining to be limited to Areas B and C as shown on site plan.
2. No operation or structures be located with one hundred feet (100') along Interstate 81 and the Southern property line and no operation or structures be located within two hundred foot (200') from all other property lines as shown on the site plan.
3. Applicant will install a sewage treatment system approved by the Health Department prior to operation.
4. A berm to be constructed and pine trees planted to screen quarry operation from Interstate 81. Berm to be installed and pine trees planted within six (6) months of commencement of mining operations.
5. The mining operation should be set up in 15 plus acre phases and shown on the site plan prior to commencement of mining operations.
6. Reclamation plan be submitted to the Board.
7. Each phase must be reclaimed as soon as possible, but not later than six (6) months after a new phase has been commenced.

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8. Hours of operation be Monday-Friday, 7:00 a.m. to 6:00 p.m. and Saturday, 7:00 a.m. to 12:00 Noon, and during daylight savings time Monday-Saturday, 7:00 a.m. to 9:00 p.m., no Sunday operation.
9. All local, state and federal regulations must be complied with.
10. Debris, including residue rock and stone and other waste material stored on the property must have originated from the property and not brought in from other sites.
11. Survey of contours and intervals shall be submitted upon the request of the Board.
12. Whenever the applicant amends the permit with the Department of Mines, Minerals, and Energy, they must notify the Community Development Department.
13. Permit be issued for five (5) years and renewed if all stipulations are met.
14. Pre-blast survey to be completed (check to determine condition of well and residences) prior to mining in each area.
15. Mining to start no sooner than six (6) or seven (7) months prior to start of the expansion and widening of I-81.
16. Term of use will be limited to the period of the need for aggregate for construction of I-81 and for disposal of any remaining aggregate excavated on site prior to completion of construction, subject to review and renewal requirements.
17. Dust to be suppressed by water on site and recirculated; water truck to be on site at all times to maintain any site and road dust not equipment related.
18. Blasting to be small "shots"; no more than three (3) times per week.
19. Plant to be portable; five (5) to seven (7) individuals to operate plant.
20. Quarry/mining to have minimal effect on livestock.
21. Appalachian Aggregates will mitigate any off site disruption of water service determined by a third party consultant.

Mr. Glover seconded the motion, which carried unanimously.

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DEBBIE HENDERSON, AGENT FOR D.M. CONNER, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Debbie Henderson, agent for D.M. Conner, Inc., for a Special Use Permit to modify stipulation #3 on SUP#01-09 in order to allow operation within the 100 foot buffer strip along the western property line for reclamation on property owned by D.M. Conner, Inc., located on the south side of Route 610 (Howardsville Turnpike), east of the intersection of Route 610 and Route 660 in the South River District.

Mr. Benny Conner, 35 Dewey Lane, Waynesboro, stated I would like to reclaim the old buffer zone. I purchased the property in 2017. My dad and brother took care of the paperwork. We owned both sides and I did not know I needed permission or an amendment to dig up the buffer zone because I own both properties.

Chair Coyner stated the land is already at a 2-1 slope.

Mr. Conner stated yes. I will hydro-seed it in September or early October. The state did not fine me. Please forgive me because I did not know and I would like to continue to run the family business that has been run for 66 years.

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

Mr. Derek Hutchinson, 106 Gerties Lane, Stuarts Draft, stated my property abuts to it. Reclamation is required when you follow the rules which is not the situation here. They never were given permission from the County. I would like to see the property restored as close as it was prior to being dug. If there are no consequences to the actions of breaking the permit, they can just go in and dig anyway. Why even ask for the Special Use Permit? They can just dig what they need to and ask to reclaim it. This does not make sense. The 100' may not seem like a lot but it keeps them away from us. It helps protect us. Both quarries have been in business for a long time and in 2008 both quarries knew they had to come before the Board of Zoning Appeals to dig between the quarries. This decision was made to simply dig. We all wanted them to not come any closer. The Special Use Permit is our protection. The consequence is that the property be restored as close as possible back to what it originally was. Make the land flat and trees and grass planted. We are not asking for them to be shut down but I do want them to have some consequences.

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Ms. Melissa Golladay, 32 Sycamore Path, Stuarts Draft, stated the permits are very vague. There needs to be stricter regulations. There is no timeline for reclamation to be finished. They could work 30 years. I have submitted several complaints. I have sent pictures in and I now have new pictures also. There used to be 50'-60' drops and when they started coming closer in 2017 and 2018. The mining guy came out and asked them to reclaim it and replant trees. They went on and reclaimed undisturbed land. They should have a plan to reclaim. The County should get new aerial views because they have them from 2022. Look at the buffers and look at the plan. I was told we have to take their word because they have proved they do not have integrity. No other trees should be taken down. I am opposed to it. They need to have a plan. How are they going to reclaim the 100'-150' drop. This is a loophole and this will give them the opportunity to mine and reclaim all at the same time. I do not trust them. There needs to be a stricter conditions. We should get new aerial views with the reclamation plan. There is not a time limit. Why should we give them an indefinite time to reclaim this strip of land? This gives them the opportunity to work and not be honest.

Mr. Clifford Knous, 11 Sycamore Path, Stuarts Draft, stated I have pictures of the site. The quarry opened up 30 years ago. There has been 24 acres being mined. There is a \$3,000 bond for each acre so they should have a \$72,000 bond on file. That should be amended to \$5,715.84 per acre which would be \$137,180.16. There are 400 trees and shrubs per acre. There are safety issues with this. If they go bankrupt then it is a problem. There are \$10 million a year of federal money sent to Virginia to keep the mines safe. This should be shut down until at least 25% of this is put back.

Mr. John Golladay, 32 Sycamore Path, Stuarts Draft, stated I do not think they should be rewarded for breaking the rules. In the meeting they said they were not going to dig behind my house. The next day they were digging behind my house. You cannot believe them. I tried to negotiate with them. Now they are trying to reclaim what they messed up. They should not have been in that buffer area at all.

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. Conner stated we have reclaimed some of the land. It will take more than six (6) months to do it. Some of it is 2-1. I have my high walls at a 2-1 slope.

Chair Coyner asked where did the material come from to make the slope?

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Mr. Conner stated I used the stuff I was taking out. I have a big pile of topsoil for reclamation.

Mr. Bailey asked if DMME oversees the reclamation?

Mr. Conner stated yes. Matt from DMME comes every 3-4 months and the federal inspectors look at the safety aspect.

Chair Coyner asked if they issue a report of what was inspected?

Mr. Conner stated yes.

Chair Coyner declared the public hearing closed. The Board visited the site and this is a needed operation.

Mr. Bailey stated they are inspected by DMME. They are applying to reclaim the site properly.

Ms. Rutledge stated this is the only site that is being reclaimed

Mr. Benkahla stated yes, the Board can add that to the condition.

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

Pre-Conditions:

None

Operating Conditions:

1. Only the one hundred foot (100') buffer area located along the western property line as shown on the BZA site plan may be modified to allow operations for reclaiming the site only.
2. All other Operating Conditions of Special Use Permits #01-09 and #08-32 remain in effect.

Mr. Glover seconded the motion, which carried unanimously.

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CHARLES BARGER, AGENT FOR ACRES SAND AND STONE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Charles Barger, agent for Acres Sand and Stone, LLC, for a Special Use Permit to modify operating condition #3 on SUP#99-47 in order to allow operations within the 100 foot buffer strip along the southern property line for reclamation on property they own, located on the east side of Route 660 (Lake Road), north of the intersection of Route 660 and Route 610 in the South River District.

Mr. Charles Barger stated we will reclaim in accordance with DMME and it will be inspected. The reports are all public record. We have to stay in compliance. The DMME is the governing body for mining. The 100' setback is in conflict with the state. I did not mean to do it. The high wall was when we got the property.

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

Mr. Derek Hutchinson, 106 Gerties Lane, Stuarts Draft, stated DMME allowed them to dig a 100' buffer that they did not have permission to be in at the first place. I have an incredible hard time with this. The 100' buffer was given by this Board not DMME. They look at the mine plan and reclamation plan. This is not a state issue but a BZA issue. You required the 100' buffer. DMME did not have any issues with their inspection all those years because it was not their issue. You were the ones who put the 100' buffer in place. I do not have confidence DMME should oversee it because they let them dig. The wall has been there since 2001. What do we need to do to make this safe? In 23 years, it did not matter. Now it matters but it is not a state issue because you put it there in the first place. There are no consequences because they were allowed to dig in the buffer. They sold stuff they were not supposed to.

Ms. Melissa Golladay, 32 Sycamore Path, Stuarts Draft, stated Matt said he cannot hold your setbacks in place. That is not his job. They can tear down trees and all that is left to reclaim is the buffer. Why are we going to give them forever to work on that strip? The state does not inspect this. I know they were digging too close. I was told that DM Conner said they were not digging too close and we have to go by what they say. Why is that ok?

Ms. Bunch stated staff did inspect the site when the complaint came in. They were not digging after they were notified. They came in to try and make this right.

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Ms. Golladay stated Acres is a huge concern. Why can't we have pre-conditions to provide updated aerial views and a reclamation plan. That is why we do not know what is what.

Ms. Bunch stated they do submit reclamation plans through DMME. I have no control over when the County updates the aerals. I also cannot control them cutting down trees on the fourteen acres. I cannot stop them from cutting down trees on their own property.

Ms. Golladay stated I would like to see the reclamation plan for the big cliff.

Mr. John Golladay, 32 Sycamore Path, Stuarts Draft, stated they have dug land that they were not supposed to dig. They want to dig into the 100' buffer and now reclaim it. How much dirt was put into the pond? I am against both of these requests.

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. Barger stated we cannot reclaim it any other way except to go into the buffer area. The reclamation will take place with the state. This is just for the one spot. It was there when we got it.

Mr. Glover asked if a reclamation plan will be submitted to the state?

Mr. Barger stated yes we have one with the state. Once we talk with them we will ask for their recommendations.

Chair Coyner asked how long do you think it will take?

Mr. Barger stated a long time, probably a couple of years.

Chair Coyner declared the public hearing closed.

Mr. Thacker stated it looks like mistakes were made. If the Board does not approve this, it will stay the way it is now. I do not see any other alternative. It could take them years to do it but we have to start somewhere. I would recommend the same motion as the previous permit and include only in the wording. He moved to approve the request with the following conditions:

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Pre-Conditions:

None

Operating Conditions:

1. Only the one hundred foot (100') buffer area located along the southern property line as shown on the BZA site plan may be modified to allow operations for reclaiming the site only.
2. All other Operating Conditions of Special Use Permits #99-47 remain in effect.

Mr. Glover seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

ASHLEY CARTER - EXTENSION OF TIME REQUEST

A request by Ashley Carter, for a Special Use Permit to continue the existing restaurant on property owned by Ethel M. Baber, located at 2542 East Side Highway, Crimora in the Middle River District.

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

Mr. Glover seconded the motion, which carried unanimously.

STAFF REPORT

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| 23-45 | Douglas Wayne Brooks, Jr. |
| 23-46 | Barnstable Farm House, LLC |
| 23-47 | James Russell Brown (Life) |
| 23-48 | VRB Properties, LLC |
| 23-49 | Cestari Sheep and Wool Co. |
| 23-51 | Milton J. or Mary Ann Knicely |

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Ms. Bunch stated SUP#23-45 and SUP#23-46 are both in compliance. Staff sent a letter regarding the pre-conditions not being met on SUP#23-47 and SUP#23-48. SUP#23-49 and SUP#23-51 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.

Chair  Secretary 

