

July 2, 2009

PRESENT: S. F. Shreckhise, Chairman
 J. W. Callison, Jr., Vice Chairman
 G. A. Coyner, II
 C. E. Swortzel
 D. A. Brown
 J. R. Wilkinson, Zoning Administrator & Secretary
 S. K. Shiflett, Zoning Technician I

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 2, 2009, at 9:30 A.M., in the County Government Center, Verona, Virginia.

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VIEWINGS

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

- **Kenny Bradley, agent for Eastside Speedway, Inc. - Special Use Permit**
- **Brad Alsup, Project Manager for Pilot Travel Centers - Special Use Permits**
- **Terry Argenbright - Special Use Permit**
- **Bernard H. Graeve - 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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Chairman

Secretary

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PRESENT: S. F. Shreckhise, Chairman
 J. W. Callison, Jr., Vice Chairman
 C. E. Swortzel
 G. A. Coyner, II
 D. A. Brown
 J. R. Wilkinson, Zoning Administrator & Secretary
 S. K. Shiflett, Zoning Technician I
 Pat Morgan, County Attorney
 B.B. Cardellicchio-Weber, Administrative Secretary

Absent: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 2, 2009, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Coyner moved that the minutes from the June 4, 2009 meeting be approved.

Mr. Swortzel seconded the motion, which carried unanimously.

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BRAD ALSUP, PROJECT MANAGER FOR PILOT TRAVEL CENTERS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brad Alsup, Project Manager for Pilot Travel Centers, for a Special Use Permit to construct and extend a truck entrance/queuing road into the existing facility with reconfiguration of the existing truck parking area on property owned by Augusta County Company, LLC c/o Ramsey Enterprises, located in the southwest quadrant of the intersection of Pilot Truck Drive and Lee Jackson Highway (Route 11) in the Riverheads District.

Vice Chairman Callison stated that he will be abstaining from the discussion and voting on both the Pilot requests.

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Ms. Kathryn Adkins stated that she is the Project Manager for Pilot. She stated that she is here today filling in for Brad Alsup because he had a family emergency. She stated that the Board received a copy of the site plan showing the queue road being added along the back. She stated that Pilot would also like to add three (3) additional diesel fueling lanes to the site. She stated that they hope that this will remedy the traffic issues that are currently at the property today.

Chairman Shreckhise stated that the Board is familiar with this site and the traffic study that has been done.

Mr. Wilkinson stated that the traffic study was done in conjunction with the proposed queue road, proposed three (3) additional diesel fueling stations, eight (8) other business lots that have not been developed, and the proposed sports park. He stated that the study was reviewed by the highway department. He stated that staff has received their approval. He stated that the conclusion was that the additional traffic created by the future businesses would not cause the stoplight intersection to fail. He stated that the study determined that the queue road will help the traffic issues flow better.

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

Mr. John Rasnick stated that he is a partner of Augusta County Company. He stated that he is in favor of the queue road and the additional pumps. He stated that these requests should solve the traffic problem at the site. He stated that they want to be sure that the queue road has enough property to allow the trucks to queue on Pilot's property in a peak situation. He stated that they want to be sure that the queue road will have side by side multiple lanes. He stated that they want to be sure that all of the trucks waiting to fuel should be on Pilot's property and not his.

Ms. Brown asked about if the queue road would have two (2) rows of trucks going in?

Mr. Rasnick stated that he does not know what the peak situation is. He stated that they will prepare for the worst case scenario and design the queue road to handle that scenario.

Mr. Swortzel asked what the traffic study was based on?

Mr. Wilkinson stated that the traffic study considered a dual incoming lane.

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

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There being none, Chairman Shreckhise declared the public hearing closed.

Chairman Shreckhise stated that the Board is familiar with this request. He stated that this request should hopefully solve the traffic problems in the area.

Mr. Coyner stated that the queue road is the key to anything that happens on this property. He moved that the request be approved with the following conditions:

Pre-Condition:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies including dual lane queuing road and directional arrows to show traffic flow to the fuel pumps and through the facility.

Operating Conditions:

1. All turn lanes and other improvements identified in the traffic study and recommended by VDOT be installed as follows:
 - A second eastbound left turn lane on Pilot Drive
 - A channelized southbound right turn lane from US Route 11 to Pilot Drive
 - Associated signal modifications to accommodate the improvements
2. Site be kept neat and orderly.
3. The queue road will be a minimum of two (2) truck lanes wide.

Mr. Swartzel seconded the motion, which carried with a 4-0 vote with Vice Chairman Callison abstaining.

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BRAD ALSUP, PROJECT MANAGER FOR PILOT TRAVEL CENTERS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brad Alsup, Project Manager for Pilot Travel Centers, for a Special Use Permit to add three diesel fueling positions to the existing facility on property owned by HGC Limited Partnership c/o Marathon Ashland Petroleum, LLC, located in the southwest quadrant of the intersection of Pilot Truck Drive and Lee Jackson Highway (Route 11) in the Riverheads District.

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Vice Chairman Callison stated that he will be abstaining from the discussion and voting on both the Pilot requests.

Ms. Kathryn Adkins stated that they are requesting approval for three (3) additional fueling lanes. She stated that she finds that sites like this when they add on with one (1) to three (3) lanes will help with the number of stacked trucks getting ready to fuel. She stated that adding the additional fueling lanes will not increase the number of trucks but it should alleviate the congestion that they currently are experiencing. She stated that this will be an improvement to go with the queue road.

Mr. Swortzel asked how long will it take for everything to be built out?

Ms. Adkins stated that she would need to talk with Bill Mulligan regarding the timetable.

Ms. Brown asked if the three (3) additional fueling lanes will take away any parking?

Ms. Adkins stated that she does not believe any parking will be taken away but she is not sure.

Mr. Coyner asked what is the dwell time for a truck getting fuel?

Ms. Adkins stated nine (9) to twelve (12) minutes average. She stated that they pay at the pump and then pull forward so that they can come into the store.

Mr. Swortzel asked when would they have the information on the future build out of the site?

Ms. Adkins stated that she should be able to have that information sometime this afternoon.

Mr. Rasnick stated that as soon as they get the Board's approval they are hoping to start. He stated that they would certainly hope to get it done before the construction season this fall. He stated that they were delayed because of the traffic study. He stated that Mr. Mulligan assured him that they will start working on this right away. He stated that ten (10) parking spaces will be removed from adding the three (3) pumps and it may take three (3) to four (4) parking spaces for the queue road. He stated that the spaces that are disrupted will be replaced on the end where the queue road is.

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

There being none, Chairman Shreckhise declared the public hearing closed.

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Mr. Swortzel stated that the pumps will be a great asset to the site. He moved that the request be approved with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies including dual lane queuing road and directional arrows to show traffic flow to the fuel pumps and through the facility.
2. All turn lanes and other improvements identified in the traffic study and recommended by VDOT including: 1) a second eastbound left turn lane on Pilot Drive, 2) a channelized southbound right turn lane from US Route 11 to Pilot Drive, and 3) associated signal modifications to accommodate the improvements **be installed** and the truck queuing road **be completed** before the three (3) additional fueling stations are installed.

Operating Conditions:

1. Site be kept neat and orderly.
2. Be limited to three (3) fueling positions.
3. No further expansion.

Ms. Brown seconded the motion, which carried with a 4-0 vote with Vice Chairman Callison abstaining from the vote.

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TERRY ARGENBRIGHT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Terry Argenbright, for a Special Use Permit to have a sports park facility with outdoor and indoor recreation including a motocross track, BMX track, skate park, soap box derby track, overnight recreational vehicle parking, outdoor stage events, and a paintball facility on property owned by Augusta County Company, LLC, located on the northwest side of Lee Jackson Highway (Route 11), approximately .1 of a mile south of the intersection of Lee Jackson Highway (Route 11) and Peyton Hill Road (Route 659) in the Riverheads District.

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Mr. Terry Argenbright stated that the project will be completed in two phases. He stated that the entire project will be built but they have broken it down in two phases. He stated that he has been working diligently with the County, Ramsey, Mr. Rasnick, and Mrs. Sorrells to get the traffic issues resolved at the site in order for the sports park to be placed on the property. He stated that he chose this site after speaking with the County. He stated that this site has public water and sewer available, an approved VDOT application, in the Urban Service Area, and bordered by the interstate. He stated that his vision is to create a facility that is monitored and be drug, alcohol, and smoke free. He stated that they would like to provide a better opportunity for the youth, their family, and the community. He stated that this request is not about one individual item. He stated that everyone is welcome to participate in all of the activities. He stated that this should increase the youth's self-esteem and build better youth and better communities. He stated that he is dedicated to promoting health and wellness for the youth. He stated that 75% of youth quit traditional sports by the age of thirteen (13). He stated that most of the time they quit because of parental pressure. He stated that 90% of the kids sit on the bench. He stated that Phase 1 will include the motocross, BMX/mountain biking track, sand volleyball court, paintball court, horseshoe pits, outdoor basketball, and eight (8) acres that will be a reserved area for the local schools and organizations. He stated that they moved the motocross and BMX and condensed them all in one location. He stated that the features of Phase 1 include an automated watering system to keep the dust down, 24 hour surveillance, complete fencing around the property (ten (10') feet tall with mesh), custom entrance with gate that can be locked up, small pond area, picnic area, and a building with offices, retail, and bathrooms. He showed the Board a typical race day schedule from the power point presentation. He stated that the largest number of riders in the race was sixteen (16). He stated that this schedule is the largest race currently in the Valley. He stated that they had local sound test demonstrations on four (4) different locations. He stated that one of the races had twelve (12) bikes and the second test had twenty-seven (27) bikes. He stated that the sound is minimal at best and it never exceeded the speaking level. He stated that at some of the other tracks in the area the residents are closer than what they are faced with in Greenville. He stated that the results everywhere were less than human voice level and all proved positive and all fall within the County noise ordinance. He stated that the riders will be in a separate fenced in area and the guests will be completely separate. He stated that the ten (10') foot high fence will not rust and will not become an eye sore. He stated that all of the stations will have fire extinguishers. He stated that fire and rescue will be on site with every event. He stated that the dust will be controlled because they have County water at the site and they also will put in a pond on the property. He stated that Ray Burkholder with Balzer is here today to discuss any traffic issues with the Board.

Mr. Doug Argenbright stated that he will discuss Phase II of the project. He stated that John Cisori with Air Dome Building is here today to answer any questions that the Board may have on the structure itself. He stated that Phase II will consist of an indoor sports

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plex which is 15,000 to 25,000 square feet and it will be a multi-use facility (basketball, volleyball, dodge ball), camps, softball and baseball training, youth and adult leagues, rock climbing wall, walking trails, community events, mountain biking, and ten (10) acres of natural space with a creek. He stated that they would like to partner with Parks and Recreation and the Boys and Girls Club in order to host events. He stated that the multi-use facility can be used 360 days a year. He stated that they can also have camps at the site and provide reduced cost for the youth. He read a letter written by Senator Hanger (copy in file). He stated that this project would be a great asset for the community.

Chairman Shreckhise asked if there was anyone wishing to speak in favor to the request? Ms. Tara Widener, 439 Mullins Lane, Stuarts Draft, stated that she is the business owner of Extreme Sports Clothing. She stated that the youth does not have anywhere to go to do this type of sport. She stated that this site will have supervision. She stated that parents can feel good bringing their kids to the site because it will be monitored and safe. She stated that there is not a facility like this in the area. She stated that the applicant is trying to provide a facility for the kids to go to in order to keep them off the streets.

Ms. Adel Butler, 1112 Third Street, Waynesboro, stated that she is in support of this request. She stated that this is a wonderful facility for all of Augusta County. She stated that this will open up jobs for all families in the County. She stated that they will provide alternative and traditional sports for the area. She stated that this site will be monitored. She stated that this is a place where they can be a stronger member of the community and grow up in a team environment. She stated that she would like to submit a petition for the Board to review. She stated that she is a strong supporter of this. She stated that this will be a wonderful thing for the community and it will draw people in from outside the community to see what Augusta County has to offer.

Chairman Shreckhise asked how many signatures are on the petition?

Ms. Butler stated there are sixty (60) sheets with at least eight (8) to forty (40) signatures on each page.

Chairman Shreckhise asked if there was anyone else wishing to speak in favor to the request?

There being none, Chairman Shreckhise asked if there was anyone wishing to speak in opposition to the request?

Ms. Cynthia Williams, 326 McClures Mill Road, Greenville, stated that she has spoken with the community concerning this request. She stated that there is a noise issue. She stated that the sound test was poorly advertised. She stated that many people did not know about it. She stated that she made a point to go outside and she could hear the noise.

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She stated that the motorcycles started racing at 10:15 a.m. that day. She stated that she can hear the interstate but it is a low sound which is entirely different from this sound which is more like a chainsaw. She stated that they will be having races Friday, Saturday, and Sunday. She stated that the days that they will not be racing people will have opportunities to ride the tracks. She stated that the sound will be much worse than what everyone is anticipating even though it is below the County noise ordinance levels. She stated that a lot of people in the community are supportive of the sports complex which is Phase II and there is no guarantee that Phase II will ever be completed. She stated that they could just end up with the motocross being at the site. She stated that she is in full agreement with Mr. Schooley's comments to the Board.

Mr. Chris Schooley, 397 McClures Mill Road, Greenville, stated that this is a difficult decision. He stated that the site is situated between the interstate and a truck stop. He stated that Mr. Argenbright listened to the public input and he did make those changes from the neighbors on the permit request. He stated that this request will be a nuisance specifically because it will be occurring on the weekends in a rural area. He stated that it will happen every Saturday for the six (6) months out of the year that people are outside which will be every April through October. He stated that there will be Sunday races but he is confused about the number of races. He stated that they are glad that they are not practicing on Sundays. He stated that they have committed to a little more in Phase I than they have previously seen. He stated that he wanted to know what the enforcement will be in order for them to complete both phases. He stated that staff is giving them five (5) years to complete Phase II. He asked if Phase II is not completed will the Phase I portion of the permit for the motocross plan go away. He stated that when does the five (5) years start and who will make sure that everything is constructed in Phase II within that period. He stated that there were five (5) of these types of parks in the State of Virginia. He stated that those communities have an economic development disadvantage and are isolated and are not near a double interstate system. He stated that Augusta County is not desperate. He stated that the sound test was poorly advertised and poorly administered. He asked if Augusta County really needs this park. He asked if it is worth it to have a nuisance such as this.

Mr. Jack Norman, 543 Springleigh Drive, Greenville, asked how will people access the various facilities on the property. He asked if it will be on a first come first serve basis and who will monitor the site full-time. He asked how are security arrangements handled. He asked about an estimate on the number of traffic coming in and out of the site on weekends and weekdays. He asked how large of a parking area will there be at the site and if the number of attendees will be limited at any one time. He asked if the attendees will park along Route 11 and walk to the site. He recommended that the Board ask for a bond to assure that Phase II will be built. He stated that he can see them not completing the second phase due to financial reasons. He asked how will the housing arrangements

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be handled for the camp. He stated that the Greenville area does not have the housing areas for the camps to stay at.

Mr. Richard Faulds, 53 Penny Lane, Greenville, stated he supports long-term business development but he does not feel that this is long-term business development. He stated that his main issue is sound and the motocross. He stated that he had a similar experience like Ms. Williams during the sound test. He stated that the motocross is one (1) mile from his house. He stated that he has no opposition to the sports plex. He stated that the Board needs to look at the long-term options. He stated that there are many houses in the area. He asked that the Board take into consideration the quality of their life and the value of their homes. He stated that this type of sound is very different from the sound of the interstate. He stated that the noise will be a nuisance. He stated that he agrees that the Board should place a bond on the property. He stated that the motocross events are the core to the entire facility.

Ms. Elizabeth Lewis stated that she owns a farm on McClures Mill Road. She stated that the traffic pollution will devalue the real estate of the area. She stated that this type of sports amusement will not increase exercise ability and shut down on obesity. She stated that this location is at the center of the Greenville area. She stated that this request will endanger teenage drivers because they will be consistently riding to the site with eighteen (18) wheelers. She stated that this will be a life threatening situation for the least experienced drivers. She stated that the traffic problems in the area have not been resolved. She stated that they have expanded Pilot's traffic abilities and now they are going to bring in hundreds of cars at this facility. She stated that they will be using the same entrance. She stated that the stage events will contribute substantially to the noise level. She stated that the people who live in the area will not sleep at night because of the noise. She stated that the park will be open until 11:00 p.m. every Friday and Saturday for the dome activities associated with Phase II. She stated that Augusta County is a large County and different amusements should be established in different areas rather than encouraging them into the eighteen (18) wheeler traffic.

Mr. Carroll Swortzel, 401 Indian Ridge Road, Greenville, asked how can the applicant keep drugs and alcohol out of the site. He stated that no one can keep those out. He stated that this will contribute to the trash on the road. He stated that his wife could not even hear her radio when the sound test was going on.

Ms. Sally Williams, 551 McClures Mill Road, Greenville, stated that the initial comment was that there will always be first aid available at the site. She stated that there are tight volunteer issues within the County now. She asked if the first aid would be tied up so that it will not be available to the rest of the County when the sports park is open. She asked if the community will be charged when using the facility. She stated that she does support recreation but it cost money to run a business. She asked what the cost will be to attend

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the events and use the facility. She stated that the eight (8) acres will be set aside for the schools and other facilities. She stated that she is not sure that the bus seen will support this facility. She stated that a lot of young children that would use it cannot drive. She stated that she did not attend the sound test. She stated that the neighbors that live above the site will be the most affected. She asked how will the applicant plan to support first aid with the motocross. She stated that she does support the sports facility in the community. She stated that they will have a hard time managing his time with both AAU and having the community center and the sports park.

Chairman Shreckhise asked if there was anyone else wishing to speak on this request before asking the applicant to speak in rebuttal?

Mr. Brian Johnson, 439 Mullins Lane, Stuarts Draft, stated that he is in favor of the request. He stated that one of the main concerns is the chainsaw noise and that type of bike is getting replaced by the four (4) stroke bikes. He stated that the County should look at the entire law in general as it pertains to noise. He stated that sometimes he hears dogs bark in his parent's subdivision all night long.

Mr. Cole Moore, 15 Moores Lane, Stuarts Draft, stated that he is a motocross racer himself. He stated that this community really needs this. He stated that he has to travel four (4) hours away every weekend in order to race. He stated that a scientist did a study on motocross and it is the most physically demanding sport in the world. He stated that this would really help the community. He stated that this will keep the kids from getting into trouble.

Chairman Shreckhise asked the applicants to speak in rebuttal.

Mr. Doug Argenbright stated that he heard that Augusta County may not need a sports park but they will certainly benefit from the economics from this complex. He stated that when they have camps at the site the attendees will be staying in the hotels and motels in the area. He stated that there are a lot of accommodations around the area. He stated that youth that live within thirty (30) and sixty (60) miles away probably would travel back and forth. He stated that the local businesses in the area will benefit financially from the sports park. He stated that they will be working with the Chamber of Commerce and other businesses. He stated that the sports complex will draw a lot of people and help Augusta County economically. He stated that there are not many programs in the Augusta County area for the youth.

Mr. Terry Argenbright stated that he appreciates all of the local residents and their concerns. He stated that they had a great meeting at Riverheads. He stated that he did make a lot of changes to his request that the neighbors in the area suggested at that meeting. He stated that it is important for him to be a positive impact in this community.

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He stated that he worked very diligently in the last couple of months with the County, Pilot, and the neighbors. He stated that he will start this project and make sure that it is finished. He stated that originally he asked for twenty (20) events and seven (7) days a week for recreational opportunity. He stated that he has taken all of that away and they are asking for three (3) days a week to run the motocross. He stated that he contacted the AMA and there are only three (3) races that he cannot do on a Friday/Saturday which is District 13 and they have to be held on Saturday/Sunday. He stated that he eliminated motocross activity on Sundays other than that. He stated that the only thing they are looking at are three (3) motocross days on Sunday. He stated that they would practice on Saturday and race on Sunday.

Chairman Shreckhise asked if they will be practicing on Sunday also?

Mr. Terry Argenbright stated that they will have two (2) day races. He stated that practices will be on Saturday and races on Sunday. He stated that the motocross will not be open for practice on Sunday.

Mr. Wilkinson asked if the applicant would like to increase the number of Friday and Saturday events?

Mr. Terry Argenbright stated that most of the residents voiced that they did not really care about nights and lights. He stated that if they could extend the hours on Friday than he could eliminate the two (2) day race and replace it with the one (1) day race. He stated that they still will not put in permanent lighting. He stated that it would only be done for events and they would rent lighting so that they could do a motocross event in one (1) day.

Chairman Shreckhise asked how many races will be held at the site?

Mr. Terry Argenbright stated that the number of events do not change. He stated that the community wanted one (1) day events but he would need extended hours. He stated that instead of a Friday and Saturday they would just do a Friday or Saturday. He stated that there will be nine (9) events. He stated that there will be a total of twelve (12) events including the events on Sunday.

Mr. Wilkinson asked about the Saturday night races?

Mr. Terry Argenbright stated that they can practice six (6) hours and race six (6) hours for the one (1) day events. He stated that they would practice and race all in one day for the one (1) day events. He mentioned to the community instead of doing two (2) day events he would cut it back to one (1) day events.

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Mr. Doug Argenbright stated that this would be in lieu of the two (2) day event. He stated that they would need lights for the Friday evening events.

Mr. Terry Argenbright stated that the BMX and mountain bike activities will be in one area which will eliminate one of the concerns of the neighbors with having multiple events at one time. He stated that when they are doing BMX events there is no motocross going on. He stated that the overall project will cost \$2 million. He stated that he cannot do it with just the twelve (12) events. He stated that it will take them doing the entire facility in order to be successful. He stated that there will be a cost to the community. He stated that the events will support the revenue so that they can use it to provide the eight (8) acres for the schools. He stated that if he can afford to give free property to the schools then he is hoping they can afford to run a bus to the site.

Mr. Swortzel how much would a racer and a spectator pay for the events?

Mr. Terry Argenbright stated that a spectator may pay \$10.00. He stated that the cost for the amateur participant would be \$15.00 per race and the pros would normally pay \$25.00 per race. He stated that they are charging a little cheaper than what the riders may be used to.

Mr. Doug Argenbright stated that there will be costs associated with the sports plex too just as any camp. He stated that if the participant wants to do some training for an hour, there will be some fees associated with that. He stated that they want to make a profit but they want to give back to the community also. He stated that the fees will be assessed in the different areas and who the use is for. He stated that everything at the site will have a fee except for the eight (8) acres designated for the schools.

Chairman Shreckhise asked how will the public access the facility and will it be monitored?

Mr. Terry Argenbright stated access will be through the main entrance. He stated that each individual item that is going on will have its own particular parking. He stated that when certain events are going on certain events cannot.

Mr. Wilkinson stated that the applicant will need to show an adequate amount of parking. He stated that there will need to be off-street parking shown on the site plan. He stated that no parking will be permitted on Route 11 or Pilot Truck Drive.

Chairman Shreckhise asked if there will be security on site?

Mr. Terry Argenbright stated yes a minimum of two (2) security guards at all times. He stated that they will have twenty-four (24) hour surveillance.

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Chairman Shreckhise asked if there will be first aid crews at the park and are they relying on volunteer services?

Mr. Terry Argenbright stated that they will have EMT on hand just like Eastside Speedway in order to have first aid on race day. He stated that they support the local first aid crews and pay them to be there.

Vice Chairman Callison asked about the sanctioned events and how much of an attendance would there be? He stated that he has never been to an event but he knows that there are a lot of people present.

Mr. Swortzel asked how many participants and spectators do they suspect will attend a race?

Mr. Terry Argenbright stated that for every rider there are two and a half (2 ½) guests. He stated that there are 250 riders per event.

Mr. Doug Argenbright stated that there could be potentially 1,000 to 1,500 attendees which would include spectators and riders as per the market analysis that they did.

Mr. Coyner asked what would the timeline be for Phase I?

Mr. Terry Argenbright stated that they will complete everything for Phase I and once everything is in place and the doors are open they will begin Phase II. He stated that it will be an ongoing process that could take at least five (5) years for build out. He stated that he would like for it to be quicker. He stated that it will take approximately one year and a half for the building and skate park to be completed once Phase I is complete. He stated that they want to run the facility efficiently. He stated that they will have a number of employees. He stated that each designated area will have sports events along with the daily recreational opportunities that will be monitored. He stated that when the race events are being held, the other events in the park will not run because they want to be dedicated to the event.

Ms. Brown asked how many racers will be on the track at the same time?

Mr. Terry Argenbright stated that other outdoor tracks have a forty (40) gate start. He stated that he based his on an indoor track facility and he will not race anymore than twenty (20) riders at the gate for a race.

Chairman Shreckhise asked where did the sample race day schedule come from?

Mr. Terry Argenbright stated Page County.

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Mr. Coyner asked how long would each race last?

Mr. Terry Argenbright stated that it depends on the group and size of the track. He stated that his track will be less than a mile long. He stated that with the pros there will be ten (10) laps-ten (10) to twelve (12) minutes each. He stated that the amateurs will have three (3) laps-three (3) to four (4) minutes each.

Mr. Coyner asked how much time is between each race?

Mr. Terry Argenbright stated approximately one (1) minute. He stated that they will stop halfway through for fifteen (15) to twenty (20) minutes in order to repair the track and for some additional watering of the track.

Chairman Shreckhise asked how many races will there be total per year?

Mr. Terry Argenbright stated twelve (12) total and he is asking for 70cc and 50 cc to have two (2) one day events for the little bikes.

Chairman Shreckhise asked what the hours of operation would be for the other recreational activities other than the events?

Mr. Terry Argenbright stated Thursday – Saturday from 8:00 to dusk. He stated that during practice they will not allow more than five (5) bikes at one time.

Chairman Shreckhise asked if the facility will be open all year long?

Mr. Doug Argenbright stated that March would be the start of the season. He stated that they typically will not hold races December, January, and February.

Mr. Wilkinson asked if they will hold practices during the winter months?

Mr. Terry Argenbright stated that some people will practice off season.

Chairman Shreckhise asked if the gates would be open?

Mr. Terry Argenbright stated yes weather permitting. He stated that he would not anticipate a high volume during the winter months.

Mr. Coyner stated that four (4) stroke bikes create less noise. He asked if the other bikes are still used?

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Mr. Terry Argenbright stated that some of the seven (7) to nine (9) year olds use a two (2) stroke which is the 50cc and 65cc. He stated that the larger bikes are usually four (4) strokes. He stated that EPA and the AMA have completely done away with the two (2) stroke bikes because they are not being built anymore.

Ms. Brown asked what bikes are the older racers riding?

Mr. Terry Argenbright stated that 250cc four (4) stroke bikes.

Mr. Coyner asked if each rider will have to meet a certain noise criteria in order to ride and practice?

Mr. Terry Argenbright stated yes. He stated that they will have a decibel area setup with a meter. He stated that they need to be 96 decibels or less. He stated that all riders must meet AMA regulations. He stated that they have no problem with kicking someone out of the race if they do not meet the regulations.

Mr. Swortzel asked what is the maximum cc a bike can have?

Mr. Terry Argenbright stated 250cc is normally the professional class.

Mr. Swortzel asked what type of safety gear will be required?

Mr. Terry Argenbright stated that they will need the following gear whether they are racing or practicing: helmet, goggles, boots, chest protection, neck brace, and gloves.

Mr. Doug Argenbright stated that they will have those items on site that they can either purchase or rent for the day.

Ms. Brown asked if those items would be a requirement in order to ride?

Mr. Terry Argenbright stated yes it is an AMA requirement.

Ms. Brown asked if the racetrack would be closer to Interstate 81 and the rest of the activities closer to the bottom?

Mr. Terry Argenbright stated yes. He stated that the track will be 350' to 400' further than what was done during the sound test.

Ms. Brown asked if there will be ample watering systems in order to keep the dust down on the track?

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Mr. Terry Argenbright stated yes. He stated that they will water the track as needed.

Mr. Swortzel asked if there will be other material mixed in with the dirt?

Mr. Terry Argenbright stated that sand and mulch will be mixed in with the dirt.

Chairman Shreckhise declared the public hearing closed. He stated that they received letters in favor and in opposition and the Board has reviewed all of those letters.

Mr. Coyner asked how many letters did the Board receive?

Mr. Wilkinson stated fifteen (15) letters in favor and six (6) in opposition. He stated that majority of the letters did not have an address listed.

Mr. Swortzel stated that he feels the traffic issues were addressed well with the traffic study. He stated that this use will promote physical fitness among the youth. He stated that there is traffic and noise with every business. He stated that the music should stop at 10:00 p.m. He asked if that would comply with the County's noise ordinance?

Mr. Wilkinson stated that the noise ordinance is in effect from midnight to 6:00 a.m.

Mr. Swortzel stated that the events seem as though they will be very organized. He stated that there is no guarantee on a business being successful. He stated that the County does not have a lot of recreational opportunities for the youth. He stated that there will be other programs on site that will not make a lot of noise that will be a very positive thing for the community.

Mr. Coyner stated that the youth does need activities but the Board needs to look at this use and decide whether it will be appropriate for the entire area.

Ms. Brown stated that the applicant has done a lot of work. She feels that this will be a great asset for Augusta County.

Chairman Shreckhise stated that this will be good for the community but the Board needs to look at all of the neighbors that will be affected by the sports park. He asked if there will be night time activity?

Mr. Wilkinson stated staff has recommended no night races to be held at the site.

Ms. Brown moved that the request be approved with the following conditions:

Pre-Conditions:

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1. Submit site plan including all lighting 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. A ten (10') foot high mesh fence be installed around the park property as shown on the site plan.

Operating Conditions:

1. All recreation facilities described in Phase I be installed within two (2) years.
2. Phase II Indoor Mega Dome and Skateboard Park be installed within five (5) years.
3. Be limited to two (2) stage events per month.
4. Be limited to nine (9) two day races to be held on Saturday and Sunday.
5. Be limited to three (3) two day races to be held on Friday and Saturday.
6. Be limited to two (2) one day races for the 70cc and under class to be held on Saturday.
7. No lighting of the motocross track be permitted.
8. Bicycle BMX races be limited to twenty (20) per year.
9. Hours of Operation be as follows:

Motocross

Monday – Wednesday: Closed

Thursday: 10:00 AM to 6:00 PM

Friday and Saturday: 10:00 AM to Dusk or No Later Than 8:00 PM

Outdoor Facility and BMX (other than Motocross)

Monday – Saturday: 10:00 AM to 8:00 PM

Sunday: 1:00 PM to 7:00 PM

Outdoor Stage Events

Friday and Saturday: 10:00 AM to 11:00 PM

No music after 10:00 PM

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Indoor Mega Dome

Monday – Thursday: 8:00 AM to 9:00 PM
Friday and Saturday: 8:00 AM to 11:00 PM
Sunday: 1:00 PM to 7:00 PM

- 10. Overnight RV parking be permitted only during race events for race participants or an entertainer during stage events.
- 11. No RV sewage to be dumped onsite, it must be taken to an approved dump station facility.
- 12. No junk vehicles or machinery or parts of vehicles or machinery be outside.
- 13. Site be kept neat and orderly.

Mr. Swortzel seconded the motion, which carried with a 4-1 vote with Mr. Coyner in opposition to the motion. The motion carried.

* * * * *

KENNY BRADLEY, AGENT FOR EASTSIDE SPEEDWAY, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kenny Bradley, agent for Eastside Speedway, Inc., for a Special Use Permit to modify the operating hours of the existing go-kart track and use a portion of the dirt track for go-karts on property owned by Eastside Speedway, Inc. c/o A.L. Gore, Richard A. Gore, and Gary D. Gore, located on the east side of East Side Highway (Route 340), just east of the intersection of East Side Highway (Route 340) and Al Gore Lane in the Wayne District.

Mr. Kenny Bradley stated he lives within a mile and a half of the track. He stated he is requesting to change the days to operate the go-karts. He stated that in 2000 they received a Special Use Permit to run thirteen (13) days. He stated that he would like to run the go-karts every day that they run the open wheel cars or stock cars which would be on Saturday. He stated that occasionally they have special events on Friday. He stated that they never run on Sundays. He stated that it is not so much the hours that they are changing but they would like to run every Saturday. He stated that currently they run every other Saturday.

Chairman Shreckhise asked if they run the go-karts every Saturday?

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Mr. Bradley stated yes every Saturday they would run the round track. He would like to use the clay track three (3) times a year. He stated that the hours have not changed. He stated that they run every other weekend now on the paved track for the go-karts. He stated that they would like to go to three (3) times a year on the clay track. He stated that stock cars run every week on the round track. He stated that the motors on these go-karts are five (5) horsepower motors and the cars they run on Saturday will run anywhere from 300 to 600 horsepower. He stated that it would not be a problem with the noise from the go-karts. He stated that the gates are open currently from 8:00 a.m. and the go-karts usually start at 9:00 a.m. and run to 2:00 p.m.

Mr. Swortzel asked what is the speed of the go-karts on the track?

Mr. Bradley stated thirty-five (35) mph on the oval track.

Mr. Wilkinson stated that the current permit permitted every Saturday but the Board limited the hours of operation to not later than 3:00 p.m. He stated that the applicant talked about having that extended to 5:00 p.m.

Mr. Bradley stated that he would like to extend the hours of operation to 5:00 p.m. He stated that he did not know there was a limit at 3:00 p.m. He stated that the County noise ordinance is 12:00 a.m. but our curfew to the neighbors is 11:00 p.m.

Mr. Wilkinson stated that the applicant would like to continue to be able to use the round track on Saturday and use it until 5:00 p.m.

Mr. Bradley stated that he would like to use the round track after 9:00 p.m. He stated that he may not want to have a time limit on the go-kart track because some of the kids may want to run the go-karts at night. He stated that the area is currently lighted on the upper side. He stated that he wants to run them before the round track races. He stated he would like to try to run both races at the same time. He stated that the neighbors will not hear the go-karts.

Chairman Shreckhise asked if there was anyone wishing to speak in favor to the request?

There being none, Chairman Shreckhise asked if there was anyone wishing to speak in opposition to the request?

Mr. Robert Johnson, 593 Rockfish Road, Waynesboro, stated that he is not opposed or in favor to the request. He stated that he has some concerns regarding the safety of the riders. He stated that they should not allow people to run up on the back of the go-karts. He stated that there have been some problems with noise. He read a portion of the noise ordinance to the Board. He asked if the applicant is willing to be neighborly. He stated that

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go-karts do not make a lot of noise where he is but he talked with the immediate neighbors to the track and they do hear the noise coming from the track. He stated that he cannot go outside on Friday, Saturday, or Sunday. He asked that the neighbors be considered in trying to keep the noise levels down. He stated that the retaining walls and sound proof walls help with the noise. He asked that the applicant be a good neighbor and consider the issues of the neighbors with regard to noise and safety.

Mr. Swortzel asked how long has Mr. Johnson lived at the site?

Mr. Johnson stated five (5) years.

Ms. Donna Wheeler, 238 Doms Crossing Road, Waynesboro, stated that she would like to know from the applicant what a test and tune is. She stated that this has been going on for a couple of years now. She stated that to her knowledge the Gore's never had this test and tune. She stated that those types of events are being held four (4) times a month which is creating extra noise. She stated that there is no peace and quite on Friday, Saturday, or Sunday. She stated that she has the schedule showing the test and tune events. She stated that this causes a lot of problems with the elderly people in the area.

Mr. Mike Farity, 297 East Side Highway, Waynesboro, stated that he lives next to the race track. He is speaking for his father-in-law. He stated that they have lived there for a number of years. He stated that there is a lot of noise and he understands that they are grandfathered in. He stated that he has noticed the lack of police present during events and late at night. He stated that many of the attendees are driving recklessly after the races.

Mr. Swortzel stated that the go-kart request is the only item before the Board today.

Mr. Farity stated yes that is correct but they do not police what they have and now they want to expand the permit further. He stated that they have little respect for the neighbors in the area. He stated that there is a lot of noise and light pollution. He stated that the lights are still on sometimes between 2:00 a.m. and 3:00 a.m. He stated that there is no peace on the weekends.

Mr. Thomas Keller, 297 East Side Highway, Waynesboro, stated that he is a resident bordering Eastside since 1994. He stated that he was concerned about them adding more hours to the permit and he spoke with Mr. Bradley and he mentioned to him that he was not changing the hours of operation. He stated that adding the go-karts over to the dirt track would be fine with him because that is a little further away. He stated that they are changing the hours to the permit. He stated that he is concerned about the traffic. He stated that they should pay law enforcement so that they can be on site and at the intersection. He stated that in the last two (2) years since it has been leased he has been

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over there half a dozen times. He stated that the public announcement system has been through the roof and he spoke with Mr. Bradley and he said that there was a short in it and they finally got it corrected. He stated that it was still loud last night. He asked for Mr. Bradley to be neighborly.

Ms. Lucille Meek, 324 Dooms Crossing Road, Waynesboro, stated that the noise is terrible. She stated that she is directly across from the racetrack. She stated that she is opposed to anything else causing more noise or for them operating longer hours. She stated that the noise levels have increased since several years back since the other meetings.

Chairman Shreckhise asked if there was anyone else wishing to speak in opposition? There being none, Chairman Shreckhise asked if the applicant would like to speak in rebuttal?

Mr. Bradley stated that this is his first year leasing the track. He stated that he has leased the track for the next three (3) years. He stated that they did have a short in one of the speakers and they took care of the problem. He stated that they did not have the speakers on last night. He stated that the fence tore down and he promised the neighbors that it would be back up before the racing season started and it is up. He stated that he does not see where the go-karts would create any more noise than what is already there. He stated that he has been grandfathered in. He stated that he is willing to work with the neighbors anyway he can. He stated that there are four (4) security guards on site. He stated that the go-karts need to be approved by the World Karting Association and they need to have mufflers.

Chairman Shreckhise asked about the test and tune being done at the track?

Mr. Bradley stated that is his first year leasing the track. He stated that is something that has always been there on Friday – Sunday. He stated that test and tune is another day where the people test their cars on the drag and have a grudge race. He stated that they are practicing Friday night and sometimes on Sunday. He stated that is something that has been done for the last ten (10) years. He stated that he has lived near Eastside for the past twenty-five (25) years and that is something that he has always knew was there on Friday – Sunday.

Chairman Shreckhise stated that the neighbors feel that if the applicant would be more neighborly to them with dealing with the cars then they would not have to be complaining about the go-karts. He stated that he feels that the neighbors are not opposed to the go-karts but the applicant does not have to abuse the privilege of having them.

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Mr. Bradley stated that he did contact Randy Fisher. He stated that he did take care of the speaker problem that the one neighbor mentioned. He stated that he wishes the neighbors would address him on the premises. He stated that the track curfew is at 11:00 p.m. He stated that he did hand out flyers every night that they have races or practices to the attendees notifying them of the 40 mph speed limit. He stated that they do not allow drinking on Eastside Speedway's property. He stated that in order for him to address problems he needs to know what they are first.

Mr. Wilkinson asked if they have increased the test and tunes?

Mr. Bradley stated that he does not know what they have done in the past. He stated that Mr. Gore starting leasing the track two (2) years ago. He stated that his lease is for the next three (3) years. He stated that they just did the same thing that was done in the past. He stated that they did not add the test and tune to the site.

Mr. Wilkinson stated that anything that is being changed at the property or anything that the applicant would like to add needs to come before the Board. He stated that they need to operate the site exactly how it was. He stated that they cannot increase things or if the test and tune was done on a Friday before the race you cannot start doing it on Wednesday night. He stated that they will need to look at the dates for the test and tune. He asked about the citizen's comment about the lights shutting down at 2:00 a.m.?

Mr. Bradley stated that he has never seen that. He stated that all races stop at 11:00 p.m. He stated that it takes approximately thirty (30) to forty (40) minutes for the attendees and participants to leave the site after the races. He stated that the lights are shut down after that.

Chairman Shreckhise declared the public hearing closed. He stated that most of the issues that the neighbors have brought up pertain to the racetrack. He stated that the Board can table the request in order for the applicant and the neighborhood to communicate in order to work out the problems that were addressed here today and so that he can speak with Mr. Wilkinson in order to find out what is grandfathered in with the track.

Mr. Coyner stated that the applicant should communicate with the neighbors. He stated that the track has been there for quite some time. He stated that if the Board moved forward with this request the applicant needs to be a good neighbor. He moved that the request be approved with the recommendations set forth by staff.

Mr. Swortzel seconded the motion, which carried unanimously.

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Mr. Wilkinson stated that the applicant will receive a letter in the mail. He stated that the Board only increased the paved go-kart track from 3:00 p.m. to 5:00 p.m.

Mr. Bradley stated that he is asking to have the go-karts running at the same time as the regular races on Friday or Saturday. He stated that the round track would be noisier than the go-karts would be. He asked if the Board could look at increasing the time from 5:00 p.m. to at least 11:00 p.m.

Mr. Wilkinson stated that the applicant states that if both are running at the same time then the go-karts will not be heard. He stated that currently the go-karts can race until 3:00 p.m.

Mr. Coyner moved that his motion be withdrawn. Mr. Swortzel seconded the motion, which carried unanimously.

Mr. Bradley stated that he will have one (1) race on Saturday from 9:00 to approximately 1:00 p.m. He stated that he did not know that there was a curfew to run the go-karts. He stated that he also would like to run races in the evening. He stated that he would like to change the operating time to 9:00 a.m. to 11:00 p.m. He stated that the go-karts will be done prior to the 11:00 p.m. curfew. He stated that they do require that they wear safety devices. He stated that he would not run the go-karts that morning. He stated that he would run them one (1) time. He stated that the race cars run from 7:00 p.m. until 11:00 p.m.

Vice Chairman Callison stated that the races will not be operating all day long.

Mr. Coyner moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Go-kart practice and races be held on the paved go-kart area on Saturdays from 9:00 a.m. to 10:00 p.m.
2. Go-kart practice and races may be held on a portion of the dirt track only on days scheduled for car races and prior to the start of the car races.
3. It is the responsibility of the applicant to verify all go-karts be equipped with a World Karting Association approved muffler.

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Mr. Swortzel seconded the motion, which carried unanimously.

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ROY D. SIMMONS, AGENT FOR SHENANDOAH STONE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Roy D. Simmons, agent for Shenandoah Stone, LLC, for a Special Use Permit to continue the existing operation to extract sand, rock, and gravel on property owned by Andrew B. Brown, located on the south side of Cold Springs Road (Route 608), just east of the intersection of Cold Springs Road (Route 608) and Wilda Road in the Riverheads District.

Mr. Roy Simmons stated that he is here representing Shenandoah Stone. He stated that they did purchase the assets and operating rights for the site in Stuarts Draft. He stated that they would like to transfer the ownership for this Special Use Permit. He stated that they are in total agreement on the operating conditions. He stated that they are the owners of Wilson Ready Mix in Fishersville and Rockingham Ready Mix in Harrisonburg.

Mr. Coyner asked if they will operate just as in the past?

Mr. Simmons stated yes.

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

There being none, Chairman Shreckhise declared the public hearing closed. He stated that the applicant wants to continue the use of the site.

Mr. Coyner stated that the Board has yet to have a problem with the operation of this permit. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. The site plan submitted to and approved by the Board of Zoning Appeals must be followed.

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2. One hundred (100') foot buffer zone around the east and western boundary lines, and other buffers shown on the revised site plan dated 3/27/01 will remain in effect.
3. The applicant submit a site plan showing the mining phases as set up into four (4) phases. The maximum depth allowed shall be the depth shown on the site plan.
4. Each phase must be reclaimed as soon as possible but, not later than six (6) months after a new phase has been commenced. The only exception is Phase II where the plant site exists.
5. Reclamation plan be submitted to the Community Development Department for approval.
6. Dust will be controlled on any and all roads in this project.
7. All roads shall be maintained in a good state of repair until the project terminates.
8. Hours of operation be Monday – Friday, 6:00 AM to 5:00 PM and Saturday 7:00 AM to 12:00 Noon, and during daylight savings time Monday – Saturday, 6:00 AM to 7:00 PM. No Sunday operation.
9. All local, state, and federal regulations must be complied with.
10. Survey of contours and intervals shall be submitted upon the request of the Community Development Department.
11. The crusher and screening plant will remain where it is located.
12. Debris, including residue rock and stone and other waste material stored on the property, must have originated from the property and not be brought in from other sites.
13. Whenever the applicant amends the permit with the Department of Mines, Minerals, and Energy, they must submit a copy to the Community Development Department.

Mr. Swortzel seconded the motion, which carried unanimously.

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ERNST C. OR KELLI S. VONARNSWALDT - SPECIAL USE PERMIT

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This being the date and time advertised to consider a request by Ernst C. or Kelli S. VonArnswaldt, for a Special Use Permit to have a dog kennel on property they own, located on the south side of Middlebrook Road (Route 252), approximately .6 of a mile south of the intersection of Middlebrook Road (Route 252) and Butler Road (Route 693) in the Riverheads District.

Mr. Ernst VonArnswaldt stated that he owns a 100 acre parcel. He stated that he would like the Special Use Permit to be approved so that he can raise daschunds.

Chairman Shreckhise asked if the applicant has reviewed the stipulations that staff is recommending?

Mr. VonArnswaldt stated that he would like to have twenty-five (25) adult dogs. He would ask the Board to compromise between the fifteen (15) and twenty-five (25) and adjust that to twenty (20) adult dogs and have a total number of dogs to sixty (60).

Mr. Coyner asked if he has operated a kennel before?

Mr. VonArnswaldt stated no.

Ms. Brown asked if he would have employees?

Mr. VonArnswaldt stated no.

Mr. Coyner asked if he would have customers coming to the site?

Mr. VonArnswaldt stated he occasionally has customers coming to the site in order to view the puppies. He stated that they pride themselves on hand raising the puppies and giving them the loving nurturing care while they are young.

Mr. Coyner stated that the Board wants to make sure that this does not turn into a puppy mill.

Mr. VonArnswaldt stated no. He stated that he wants to hand raise quality dogs. He stated that they will be screening the customers.

Mr. Swortzel asked what the average litter is for this breed of dog?

Mr. VonArnswaldt stated five (5) to eight (8) in a litter.

Mr. Swortzel asked how often will the dogs be bred?

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Mr. VonArnswaldt stated that he will not breed females more than once a year.

Mr. Coyner asked will the applicant stagger the breeding process?

Mr. VonArnswaldt stated yes so that all of the puppies are not born at the same time.

Ms. Brown asked what the applicant will do to restrict the dogs from breeding at the same time?

Mr. VonArnswaldt stated that they will not allow the females to be bred.

Mr. Coyner stated that the applicant has a nice facility.

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

There being none, Chairman Shreckhise declared the public hearing closed.

Vice Chairman Callison stated that he is familiar with the applicant's location and he is confident that the applicant will do a good job operating the site. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Maximum of twenty (20) **adult** dogs kept at this site at any time.
2. Be limited to a maximum of **sixty (60) total dogs** on the site at any time.
3. All dogs be confined within the designated kennel area on the site plan or under direct control of the owners.
4. Site be kept neat and orderly.
5. Applicant must reside on premises.
6. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.

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Mr. Coyner seconded the motion, which carried unanimously.

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TONY L. OR AMANDA S. SORRELLS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Tony L. or Amanda S. Sorrells, for a Special Use Permit to have a dump truck and water truck business on property they own, located on the east side of Cold Springs Road (Route 608), approximately .5 of a mile south of the intersection of Cold Springs Road (Route 608) and Old Tram Lane in the Riverheads District.

Mr. Coyner stated that this site is very well kept.

Mr. Wilkinson asked if the applicant will have any employees?

Mr. Tony Sorrells stated no.

Mr. Coyner asked where is the water supply for the business?

Mr. Sorrells stated the Williams farm in Greenville near Pilot.

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

There being none, Chairman Shreckhise declared the public hearing closed.

Mr. Swortzel moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to two (2) company vehicles at the site.
2. No employees may come to the site.
3. Applicant must reside on premises.

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4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Hours of operation be Monday – Saturday 7:00 a.m. to 6:00 p.m.
6. No Sunday work.
7. If any expansion of building or use is requested or required, the business must be moved to a Business zoned district.
8. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.

Ms. Brown seconded the motion, which carried unanimously.

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DUSTIN L. OR MARLEEN T. HOWDYSHHELL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Dustin L. or Marleen T. Howdyshell, for a Special Use Permit to have a chimney service business on property they own, located in the northeast quadrant of the intersection of Fadley Road (Route 646) and Centerville Road (Route 699) in the North River District.

Mr. Dustin Howdyshell stated that he would like to operate a chimney service business. He stated that the business is actually operated out of his home but he does have some outside storage.

Mr. Coyner asked how many employees will he have?

Mr. Howdyshell stated that he has one (1) employee currently but would like to have no more than three (3) employees at any given time. He stated that this is a seasonal business so he does not always need three (3) employees.

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

There being none, Chairman Shreckhise declared the public hearing closed.

Ms. Brown moved that the request be approved with the following conditions:

Pre-Condition:

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None

Operating Conditions:

1. Applicant must reside on premises.
2. Be limited to two (2) licensed company vehicles at the site.
3. All outdoor storage be kept in the 15' x 15' designated area shown on the site plan. The existing evergreen trees be maintained as a screening buffer.
4. No more than three (3) employees to come to the site to pickup vehicles. Employees not to work on site.
5. No Sunday work.
6. Site be kept neat and orderly.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.
9. If any expansion of building or use is requested or required, the business must be moved to a Business zoned district.

Vice Chairman Callison seconded the motion, which carried unanimously.

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BERNARD H. GRAEVE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Bernard H. Graeve, for a Special Use Permit to have a woodworking shop on property owned by Allen B. Simmons, Jr., located on the west side of Churchmans Mill Road (Route 651), approximately .5 of a mile northwest of the intersection of Churchmans Mill Road (Route 651) and Twin Hill Lane (Route 653) in the Riverheads District.

Mr. Bernard Graeve stated that he would like to operate a woodworking shop at the site.

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Mr. Wilkinson asked if the applicant would have any employees?

Mr. Graeve stated no.

Mr. Wilkinson asked if he would be operating the business full-time?

Mr. Graeve stated yes.

Mr. Coyner stated that there are several buildings on the property.

Mr. Graeve stated that he rents the red building from Mr. Simmons.

Mr. Coyner asked if this will be a business?

Mr. Graeve stated yes as a profession and a hobby.

Mr. Wilkinson asked if the applicant has looked over the recommended stipulations that staff is suggesting?

Mr. Graeve stated yes. He stated that he cannot always get everything done by 7:00 p.m. He asked if the hours of operation can be extended. He stated that there are no close neighbors in the area.

Mr. Swortzel asked if anything would be done outside of the building?

Mr. Graeve stated no not at the site.

Mr. Swortzel asked if anything would be sitting outside?

Mr. Graeve stated the trailer will be beside his building. He stated that the three (3) semi-trailers that were on the property Mr. Simmons removed. He stated that every once in awhile customers may drop off plans to the site but mostly there is no traffic. He stated that he picks up the wood himself.

Mr. Swortzel stated that he does not see a problem with extending the hours of operation for the business due to the fact that everything is being done inside the building.

Mr. Graeve stated that he answers sales calls throughout the day. He stated that he may have to work at night in order to get caught up for the next days work.

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Chairman Shreckhise asked if 7:00 a.m. to 9:00 p.m. would be a sufficient amount of time?

Mr. Graeve stated that he would like to run his business to at least 10:00 p.m. He stated that sometimes he works on woodworking as a hobby later than that.

Mr. Wilkinson stated that they need to look at the surrounding neighbors when setting times for the hours of operation. He stated that the applicant rents this property from Mr. Simmons so he would only be operating the business at the site and not a hobby.

Ms. Brown asked how far does the applicant live from this site?

Mr. Graeve stated six (6) miles.

Chairman Shreckhise asked what is the loudest piece of equipment?

Mr. Graeve stated a plainer with a dust collector running at the same time.

Mr. Coyner stated that the Board has not had good experience with businesses running throughout the night. He asked if 7:00 a.m. to 9:00 p.m. would be sufficient?

Mr. Graeve stated that he will make those times work.

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

There being none, Chairman Shreckhise declared the public hearing closed.

Ms. Brown moved that the request be approved with the following conditions:

Pre-Condition:

1. Obtain letter of approval from Building Inspection Department and provide a copy to Community Development.

Operating Conditions:

1. All equipment, tools, and materials for the business be kept inside the building.
2. No outdoor storage.
3. Be limited to one (1) company vehicle at the site.

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- 4. Hours of operation be Monday – Saturday 7:00 a.m. to 9:00 p.m. No Sunday hours.
- 5. No Sunday work.
- 6. No employees.
- 7. No on or off premise signs be permitted.
- 8. Site be kept neat and orderly.
- 9. If any expansion of building or use is requested or required, the business must be moved to a Business zoned district.

Vice Chairman Callison seconded the motion, which carried unanimously.

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GUY W., III AND THERRESSA D. LANDRUM - SPECIAL USE PERMIT

A request by Guy W., III and Therressa D. Landrum, for a Special Use Permit to have a firewood business on property they own, located in the northern quadrant of the intersection of Bird Haven Lane and Buttermilk Spring Road (Route 703) in the Pastures District. - TABLED AT THE MAY 7, 2009 AND JUNE 4, 2009 MEETINGS

Mr. Coyner moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Wilkinson stated that he has not heard from Mr. Landrum or the Virginia Department of Transportation (VDOT) regarding the entrance permit. He stated that the applicant is not present here today. He stated that it may be difficult to screen the wood pile due to the topography of the site. He stated that VDOT was requiring him to have a commercial entrance.

Mr. Coyner stated that the request was tabled twice. He moved that the request be denied.

Vice Chairman Callison seconded the motion, which carried unanimously.

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TOM MUSSELMAN, AGENT FOR EMERALD SPRINGS, LLC - VARIANCE

A request by Tom Musselman, agent for Emerald Springs, LLC, for a Variance from the front setback requirement due to an accessory building having been constructed too close to the street on property it owns, located on the south side of Hessian Lane, approximately .9 of a mile west of the intersection of Hessian Lane and Middle River Road (Route 732) in the North River District. - TABLED AT THE SEPTEMBER 4, 2008 MEETING & TABLED FROM THE DECEMBER 4, 2008 MEETING IN ORDER FOR THE APPLICANT TO REMOVE THE ACCESSORY BUILDING

Mr. Coyner moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Wilkinson stated that staff has inspected the property and the building has been removed.

Mr. Coyner moved that the Variance be canceled.

Ms. Brown seconded the motion, which carried unanimously.

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JARRETT F., JOSEPH, JR., AND DIRK S. GOLD - EXTENSION OF TIME REQUEST

A request by Jarrett F., Joseph, Jr., and Dirk S. Gold, for a Special Use Permit to construct a motor vehicle garage addition to an existing facility, increase the parking lot, and replace the vehicle storage area on property owned by Goldwrench Enterprise, LLC, located on the west side of East Side Highway (Route 340), just north of the intersection of East Side Highway (Route 340) and Landes Lane in the Wayne District. - **ONE YEAR EXTENSION OF TIME REQUEST**

Mr. Gold stated that they need more time to construct the motor vehicle garage addition and to submit the site plan. He stated that they are going through the financial assessments so that they can invest money in the expansion. He stated that it was unclear to him about them needing to submit the site plan. He stated that his father can draw up a site plan. He stated that he will come into the office to get an example of a site plan that meets the code requirements in order for them to use that as a model.

Mr. Wilkinson asked if the site plan can be completed within sixty (60) days?

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Mr. Gold stated that ninety (90) days would be more sufficient because they do not know all of the requirements that the County has.

Mr. Wilkinson stated that staff has recommended a year on the addition to the site but recommended a shorter time on the site plan which is a pre-condition.

Ms. Brown moved that the one (1) year Extension of Time request for an addition and a ninety (90) day Extension of Time request for the site plan be approved.

Mr. Swortzel seconded the motion, which carried unanimously.

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DAVID I. MCCASKEY - EXTENSION OF TIME REQUEST

A request by David I. McCaskey, for a Special Use Permit to have an apartment in a pre-1970 structure on property he owns, located on the east side of Lee Highway (Route 11), just south of the intersection of Lee Highway and Bolivar Street in the North River District. - **90 DAY EXTENSION OF TIME REQUEST**

Mr. Wilkinson stated that the applicant has cleaned up the property. He stated that Building Inspection Department had some issues and the applicant has almost finished the items that Building Inspection wanted him to complete. He stated that if the applicant can have a ninety (90) day Extension of Time the applicant can complete the pre-conditions. He stated that staff is recommending approval.

Mr. Coyner moved that the ninety (90) day Extension of Time be approved.

Mr. Swortzel seconded the motion, which carried unanimously.

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MISTY D. AND CHRISTOPHER M. HILLIARD – EXTENSION OF TIME REQUEST

A request by Misty D. and Christopher M. Hilliard, for a Special Use Permit to have a dog kennel on property they own, located on the east end of Carwash Lane, approximately .1 of a mile east of the intersection of Carwash Lane and Calf Mountain Road (Route 611) in the Wayne District. - **Six (6) MONTH EXTENSION OF TIME REQUEST**

Mr. Wilkinson stated that the applicant did not bring the additional dogs to the site. He stated that they have the wood for the privacy fence and are ready to move forward with

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the request. He stated that the applicant is asking for a six (6) month Extension of Time due to the family health situation. He stated that staff is recommending approval.

Ms. Brown moved that the six (6) month Extension of Time be approved.

Mr. Swortzel seconded the motion, which carried unanimously.

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STAFF REPORT

- 08-40 Brown, Andrew B.
- 08-43 Hayes, Jeremy V. – **Denied**
- 08-44 Bergdoll, William O., Jr.
- 08-45 Powers, Mathew W. or Anissa
- 08-46 Smolens, Jaymie D. or Elizabeth L.
- 08-47 Cupp, Orville L. or Nancy J.
- 08-48 Batton, Sam L. or Geneva R.

Mr. Wilkinson stated that staff will cancel SUP#08-40 because the Board issued a new Special Use Permit today. He stated that SUP#08-44 is in compliance and the applicant will have the fence installed before the deadline. He stated that SUP#08-45 stated that they are not sure if they are going to build the second dwelling. He stated that the applicants will let staff know. He stated that SUP#08-46 and SUP#08-47 are both in compliance. He stated that SUP#08-48 submitted their site plan for approval.

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Mr. Morgan passed out the court cases for the Board to review.

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

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Chairman

Secretary