

PRESENT: G. A. Coyner, II, Chairman
 J. W. Callison, Jr., Vice Chairman
 D. A. Brown
 C. E. Swortzel
 Pat Morgan, County Attorney
 Timothy K. Fitzgerald, Director of Community Development
 J. R. Wilkinson, Zoning Administrator & Secretary
 S. K. Shiflett, Zoning Technician I

ABSENT: S. F. Shreckhise

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 3, 2010, at 8:45 A.M., in the County Government Center, Verona, Virginia.

VIEWINGS

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

- **Donna Fix, agent for Meade Trucking, Inc. - Special Use Permit**
- **Craig Smith, agent for MGW Networks - Special Use Permit**
- **Drew C. Richardson - Special Use Permit**
- **John "Jack" Clem - 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.

 Chairman

 Secretary

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Timothy K. Fitzgerald, Director of Community Development
Pat Morgan, County Attorney
S. K. Shiflett, Zoning Technician I
B. Cardellicchio-Weber, Administrative Assistant

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 3, 2010, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Swortzel moved that the minutes from the May 6, 2010 meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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DONNA FIX, AGENT FOR MEADE TRUCKING, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Donna Fix, agent for Meade Trucking, Inc., for a Special Use Permit to continue the parking and storage of semi-trucks and trailers, employee vehicles and the screened storage area on the 2.38 acre lot adjacent to Dunsmore Road, and add the parking of semi-trucks and trailers and the employee vehicles to the 5.6 acre lot to the rear as part of the trucking operation on property owned by R.C. and Glenna L. Meade, located on the east side of Dunsmore Road

(Route 818), just north of the intersection of Dunsmore Road (Route 818) and Laurel Hill Road (Route 612) in the Beverley Manor District.

Ms. Donna Fix stated that they are requesting to move the tractor and trailer units combined from the front lot of 92 Dunsmore Road which has been in use since 1991 to the back lot which is 5.6 acres that is now rezoned to General Business. She stated that they will be taking the Special Use Permit from the lot and combining the two (2) lots so that there is space in the back for forty (40) tractor trailers and the employee vehicles. She stated that the drivers have assigned tractor trailers and there will be a parking space for their own personal vehicle. She stated that they would not have any more than fifty-three (53) total and no more than forty (40) on the back lot.

Chairman Coyner asked if what the Board saw this morning was the type of units that will be onsite?

Ms. Fix stated yes. She stated that Randy Meade and Ray Burkholder are here today to answer any questions that the Board has. She stated that the back area has a ten (10') foot berm with trees in the front by the warehouses. She stated that they have no plans on changing the remaining nineteen (19) acres that are zoned Single Family. She stated that the calves will remain on the property. She stated that there is a storage area on the front lot that will remain.

Mr. Randy Meade stated that the idea was to try to have a little more room. He stated that they handle a lot of derailments for the railroad. He stated that they are looking to have more room for the tractor trailer drivers to get in and out. He stated that in the back lot they will line up the spare trailers.

Ms. Brown asked if they planned on having a berm?

Mr. Meade stated yes. He stated that the berm will be ten (10') foot tall and there will be two (2) rows of pines all the way around it. He stated that his intentions are for it to not be seen.

Mr. Ray Burkholder stated that he works with Balzer and Associates. He stated that he has prepared the plan for Meade Trucking. He stated that there is a large berm at the high point of the property which will provide good screening. He stated that the berms will be created at the grading stage.

Ms. Brown asked how far is that from the property line of the houses?

Mr. Meade stated 376'.

Chairman Coyner stated that the trees would be planted fifteen (15') foot on center and six (6') foot high and the intent would be that the trees be maintained.

Mr. Burkholder stated yes. He stated that there is water to the back of the lot in order to water the trees.

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

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

Chairman Coyner stated that the Board visited the site this morning.

Ms. Brown stated that they have been in business for a long time. She stated that it is a good use of the property. She stated that the site is neat. She 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.
2. Prior to any development of the site, a berm at least 10' in height will be constructed on the site adjacent to the properties zoned Single Family Residential and as generally depicted on the Conceptual Plan for Meade Trucking Parking Lot prepared by Balzer and Associates and dated 12/7/09 and revised 4/13/10. The berm will be planted with a double row, staggered, of 6' tall evergreen trees planted 15' on centers.

Operating Conditions:

1. The only uses allowed on this property will be a parking lot for trucks and drivers' vehicles and the existing 75' x 50' fenced storage area.
2. No more than 40 tractors and 40 trailers will be parking on the 5.6 acres (Lot C) and no more than a total of 53 tractors and 53 trailers will be parking on the entire 8 acres of both lots as shown on the BZA sketch plan.

3. No tractors and/or trailers can be started, left running, or operated (included reefer units) on the 5.6 acre portion of Lot C from 10:00 p.m. on Friday until 7:00 a.m. on Saturday, from 10:00 p.m. on Saturday until 7:00 a.m. on Sunday, and on all other days from 10:00 p.m. until 5:00 a.m.
4. As part of the development, the applicant will reserve a 50' right-of-way for the purposes of access to the remaining single family residentially zoned property. The location of the right-of-way shall be within the discretion of the owner, subject to applicable County and VDOT regulations.
5. The berm and trees will be permanently maintained.

Vice Chairman Callison seconded the motion, which carried unanimously.

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CRAIG SMITH, AGENT FOR MGW NETWORKS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Craig Smith, agent for MGW Networks, for a Special Use Permit to have a call center within the existing building on property owned by Deerfield Community Center Land Trust located on the west side of Marble Valley Road (Route 600), just opposite of the intersection of Marble Valley Road (Route 600) and Railroad Avenue in the Pastures District.

Mr. Craig Smith stated that he is asking permission to open a call center in Deerfield. He stated that this business will help their company and the community. He stated that when people downsize they send products out and there is a great surge to bring products back to the states. He stated that a lot of times when you call for support you are speaking with someone that you cannot understand. He stated that they have an intelligent software that they can troubleshoot electric, cable, internet, and telephone. He stated that this business will bring jobs to the area. He stated that they should be able to employ 40-60 people. He stated that they can move the software to another site and keep this going. He stated that they have a lot of their own fiber in the ground already.

Chairman Coyner asked if the jobs would not be so high tech that the local people can be employed?

Mr. Smith stated yes.

Mr. Swortzel asked what would the employees do?

Mr. Smith stated that they would sit in a cubicle and MGW Telephone would take the call and help the person through their problem. He stated that the calls are dispatched back if they cannot be solved. He stated that they would mostly focus on clients from the eastern seaboard.

Chairman Coyner asked how many employees would the applicant need to get started?

Mr. Smith stated that twelve (12) people are trained right now.

Chairman Coyner asked if the applicant would expand as needed?

Mr. Smith stated yes.

Ms. Brown asked if they would handle only utilities?

Mr. Smith stated all types of work.

Ms. Brown asked if they would just handle the east coast?

Mr. Smith stated that they would focus mainly on the east coast but he would not want to limit the business.

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

Mr. Tracy Pyles stated that he is the Pastures District Board of Supervisor. He stated that Augusta County is essentially an owner in this property. He stated that there are already people working in the building. He stated that they have gone and done a lot of things. He stated that they have put a lot of great infrastructure in Deerfield. He stated that the library is there now and there was a clinic and an exercise room in the past. He stated that Mr. Smith contacted him a couple of months ago about an emergency generator and he asked him what they have done zoning wise and today he is here applying for the permit. He stated that there are no jobs in the area. He stated that MGW could have gone anywhere but they came to Augusta County. He stated that he hopes the Board supports this request because it is a good opportunity for the community.

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

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

Chairman Coyner stated that the Board visited the site this morning. He stated that Deerfield is a wonderful community. He stated that it would be wonderful to speak with someone within the country when asking for technical support.

Mr. Swortzel stated that this is a good opportunity for employment. He moved that the request be approved with the following conditions:

Pre-Conditions:

1. Applicant submit a revised BZA sketch plan including the parking.
2. Obtain Health Department approval and provide a copy to Community Development.
3. Obtain VDOT entrance permit and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to operate three (3) shifts with a maximum of twenty (20) employees per shift.
2. Days of operation be Monday thru Saturday.
3. No Sunday work.
4. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.
5. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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DEE SCHARTIGER, AGENT FOR STONEWALL JACKSON AREA COUNCIL OF BOY SCOUTS OF AMERICA, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Dee Schartiger, agent for Stonewall Jackson Area Council of Boy Scouts of America, Inc., for a Special Use Permit to rebuild and enlarge the trading post, to add a shelter, and add a waterfront program

shelter on property it owns, located on the south side of Boy Scout Lane (Route 805) west of the intersection of Boy Scout Lane (Route 805) and Trimbles Mill Road (Route 707) in the Riverheads District.

Mr. David Deering, 79 Willow Lane, Waynesboro, stated that he is here today in place of Dee Schartiger. He stated also here today with him is Jim Millhelm who is the new CEO. He stated that he is a volunteer of the property committee and one of the roles and responsibilities of that group is the oversight and care of the camp properties. He would like to reconstruct the trading post that was destroyed by fire essentially about 1/3 larger in size. He stated that they would like to build a front porch and provide additional storage to the back of the building. He stated that they would construct a metal building which can be moved. He stated that they would like to do that in about three (3) weeks.

Chairman Coyner asked if the building would be constructed soon?

Mr. Deering stated yes. He stated that there will also be a 24' x 20' shelter for the pole building which will only have a roof and no sides. He stated that it will be constructed immediately behind the tower at the water front. He stated that instructors and scouts can get in and out of the sun or in inclement weather. He stated that he will also be constructing a portable shelter for the summer camp staff. He stated that this will help with the morale of the staff. He stated that they have plans in the future of relocating this to another area that is more distant.

Chairman Coyner asked if these items would be completed this year?

Mr. Deering stated that the trading post will be open before camp is. He stated that the shelter for the waterfront they will have built as quickly as they can. He stated that the staff area is something that the staff themselves would be constructing and it will be done by the end of the summer.

Chairman Coyner asked if the camping season is six (6) weeks long?

Mr. Deering stated yes.

Ms. Brown asked what the size of the staff area will be?

Mr. Deering stated 24' x 20'.

Ms. Brown asked how many staff members do they have?

Mr. Deering stated fifty-five (55).

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

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

Vice Chairman Callison stated that this is a good thing that has happened for the County. He moved that the request be approved with the following condition:

Pre-Conditions:

None

Operating Condition:

1. Applicants be given two (2) years to complete the request.

Mr. Swortzel seconded the motion, which carried unanimously.

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JOHN "JACK" CLEM - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John "Jack" Clem, for a Special Use Permit to use existing buildings for a general contracting business with outdoor storage on property owned by James A. Rimel ½ and Sara K. Elmasin, located on the north side of Churchville Avenue (Route 250), just west of the intersection of Churchville Avenue (Route 250) and Bon Lea Drive in the North River District.

Mr. Jack Clem stated his residence is in Middlebrook. He stated that he has rented this property from Mr. Rimel and his sister for the last five and a half years. He stated that he did not realize that he needed a Special Use Permit. He stated that Mr. Rimel bought his sister's portion of the property. He stated that he is a fence builder and most of his work is in Staunton and the surrounding counties. He stated that he also does home remodeling work and light excavating work. He stated that he installs septic, digs footers, and culverts for driveways. He stated that he has been self-employed for twenty-three (23) years. He stated that he uses two (2) buildings on the property shown as "A" and "B". He stated that this is a storage area and drop off point. He stated that no work is done at the site. He stated that he keeps equipment and supplies at the site. He stated that he currently has three (3) employees. He stated that two (2) employees do meet him at the site in the morning. He stated that he takes the vehicles to the job site. He stated that is how it has

been for the last five and half years. He is asking permission for him to continue to operate his business at the site. He stated that he has no future plans to expand the business.

Chairman Coyner asked if the applicant needs any more employees?

Mr. Clem stated he is fine with what he has currently.

Chairman Coyner asked if he needs any other equipment?

Mr. Clem stated that is all the equipment he needs. He stated that he has no plans to do more.

Chairman Coyner asked if the equipment stays at the jobsite?

Mr. Clem stated yes. He stated that no customers come to the site.

Chairman Coyner asked if he has an office?

Mr. Clem stated that his office is in the home at 37 West Hill Farm Drive. He stated that he has a part-time secretary that works about fifteen (15) hours a week at his home.

Chairman Coyner stated that he noticed a trailer with equipment parked going up the hill away from Route 250. He stated there was a freshly painted survey pin at the site.

Mr. Clem stated that has to do with Mr. Rimel and his sister. He stated that he has recently purchased her half and that is what the survey shows. He stated that it has nothing to do with this request at all.

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

Mr. Tom McPherson stated that he is the attorney representing Bonnie Strelitz who is the owner of the lot to the rear and also Sara Elmasin who is Bonnie's mother. He stated that there is a court reporter here today due to the fact that there is some ongoing litigation in Florida. He stated that his clients could not be here today. He stated that Ms. Elmasin is the daughter of Charlie and Bonnie Rimel. He stated that Charlie died a few years back and Bonnie is incapacitated. He stated that Ms. Elmasin is a co-guardian of her. He stated that Charlie and Bonnie Rimel created three (3) lots behind the lot in question. He stated that lot 1B is owned by one of his clients. He stated that his client's lot was given to her by her grandparents and the other lot belongs to the other grandchildren. He stated that lots are four (4) to five (5) acres and all three (3) have the same restrictions. He stated that the parcels are restricted to only residential uses. He stated no mobile homes are permitted.

He stated that the lots have a minimum of 1,500 for one-story houses and 2,000 for two-story, etc. He stated that the lots are designed for nice houses. He stated that the three (3) lots share the right of way that goes to the property in question which is twenty (20') feet and is the only access to Route 250. He stated that the use of the surrounding properties are agriculture and residential. He stated that the closest business is Jake's Convenience Store. He stated that the construction business detracts from the value of the lots. He stated that it will be hard to find someone to build a \$300,000-\$400,000 if you have to drive through the construction site just to get to the property. He stated that Ms. Rimel's house is just one hundred fifty (150') foot away from the site. He stated that it would be hard to find a buyer to build the type of house that is anticipated to be built here if they have to drive through what the Board saw this morning. He stated that this proposal will have an adverse impact on his client's property. He stated that there is a twenty (20') foot right of way next to building "B" on the sketch. He stated that it goes right next to building "A" and there is a protrusion in the right of way. He stated that the survey does have something to do with this. He stated that the fence was wrongly placed and the survey proved them right. He stated that building "A" is less than six (6') feet from the property line and his clients have instructed him to inform Mr. Clem that he is not to use the property to the rear. He stated that the bridge carries out a lot of weight. He stated that this will cause repairs to the right of way. He stated that the right of way should be kept open for all users but there will clearly be conflicts especially in the early morning hours with larger and slower moving equipment and machinery. He stated that building "A" is in violation of the setback requirements. He stated that the barn next door is also in violation. He stated that the use requested is not compatible with the neighborhood. He asked that the Board consider the other documents submitted. He requests that the permit not be granted.

Chairman Coyner stated access to these lots is the right of way which is common to several parcels. He stated that the barn has been there a good while.

Mr. McPherson stated that the equipment and increased use of the right of way will make it tighter.

Mr. Swortzel asked if the right of way is the paved road?

Mr. Wilkinson stated that the right of way is the lane that they took to get to the buildings. He stated that the paved road leads to the subdivision.

Chairman Coyner asked if the pin in the ground is the property line?

Mr. McPherson stated that the line runs less than six (6') feet from the building.

Chairman Coyner asked if the survey was done recently?

Mr. McPherson stated within the last week. He stated that the fence was put up in the last couple of years.

Chairman Coyner stated that if there is a conflict between the property owners it would be strictly between them.

Mr. Shreckhise asked how long is the lease of the property in effect?

Mr. McPherson stated that in 2004 he entered in a three (3) year lease period. He stated that the written lease is expired. He stated that it has continued as an oral lease. He stated that in the lease it refers to both lots. He stated that the lease also calls for the use of the land behind building "A" which will not happen in the future.

Vice Chairman Callison stated that the property has been divided for some time.

Mr. McPherson stated that they own the property together.

Vice Chairman Callison stated that Mr. Rimel acquired the property from his sister.

Mr. Wilkinson asked if his client's lot was created after or before the lease?

Mr. McPherson stated that the lot that is owned by Bonnie Strelitz was created by a deed that was dated in 1994. He stated that often with families these things happen.

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

There being none, Chairman Coyner asked if Mr. Clem would like to speak in rebuttal?

Mr. Clem stated that the lease did expire after three (3) years. He stated that there is a new lease that will expire in October of this year. He stated that it is the same except for the money and the dates. He stated that the fence is moved back to give him more room. He stated that he was given permission by Mr. Rimel and his sister to do that. He stated that there is a family squabble. He stated that the family squabble has nothing to do with him at all. He stated that he has never had any problems with them before. He stated that he has a lease to use this property until October.

Mr. Shreckhise stated that after the lease is up in October, how can they lease the land that is owned by someone else? He stated that the applicant will lose the back lot.

Mr. Clem stated that he cannot see how Mr. Rimel can lease him the back lot. He stated that he can deal with that.

Mr. Swortzel asked if most of the equipment will fit in the buildings?

Mr. Clem stated that most of the equipment is in the building now. He stated that if the property is rented to a farmer it would be the same amount of traffic coming in and out without any Special Use Permit. He stated that they go out at 7:30 a.m. and come back at 4:00 p.m. He stated that there would not be any more than two (2) trucks per day coming to the site.

Chairman Coyner asked if the equipment is moved with a trailer?

Mr. Clem stated yes he does not tie up the lane by any means.

Mr. Wilkinson stated that a backhoe, loader, and trailers would be outside.

Mr. Clem stated that is correct.

Chairman Coyner declared the public hearing closed. He stated that this is a family squabble which would be something that does not concern the Board of Zoning Appeals. Vice Chairman Callison stated that they have not received any complaints and this request would not appear to have any problems concerning operating the business.

Mr. Wilkinson stated that the survey shows some equipment is on the other property. He stated that the storage area should be relocated since the equipment is actually on the leased property. He stated that the storage area would need to be moved down.

Chairman Coyner stated that the storage area should be shifted a little. He stated that the storage area should be moved toward Route 250. He stated that the building needs to be five (5') feet from the rear property line.

Vice Chairman Callison moved that the request be approved with the following conditions:

Pre-Conditions:

1. Applicant submit a revised BZA site sketch drawn to scale showing the approved equipment storage areas.
2. Obtain letter of approval from Building Inspection Department and provide a copy to Community Development within thirty (30) days.

Operating Conditions:

1. Be limited to three (3) company vehicles and eight (8) pieces of equipment in the designated storage areas and they be kept a minimum of five (5') feet off the property line.
2. No other outside storage is permitted.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. No more than two (2) employees to come to the site.
5. No on premise signs be permitted.
6. No further expansion.

Mr. Swortzel seconded the motion, which carried unanimously.

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DREW C. RICHARDSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Drew C. Richardson, for a Special Use Permit to have a landing strip for an ultra-light craft on property he owns, located on the south side of High Meadow Lane, just west of the intersection of High Meadow Lane and Stover School Road (Route 662) in the Riverheads District.

Mr. Drew Richardson stated that he is seeking the convenience to take off and land from the primary and secondary sites. He stated that this is a backpack and tricycle unit. He stated that you can takeoff on foot or use wheels. He stated that it is meant to fly from ground level and up to 18,000 feet. He stated that the area that he lives in is general airspace and he can legally fly this above his property and his neighbor's property and in all directions before running into restricted airspace. He stated that he seeks the convenience to takeoff and land on his property. He stated that he will use this as recreational use. He stated that his goal is to look at the countryside of where he lives. He stated that one of the major uses of this piece of equipment would be for farmers to monitor the moving of livestock and the status of crops. He stated that a tractor is appropriate for agriculture land and so is this ultra-light. He stated that one uses the back unit you lay out a wing or glider and move forward either with feet or wheels. He stated that he will be in the air with the backpack unit within five (5) to ten (10) steps depending on wind conditions. He stated that the landings are the same as the takeoff. He stated that he will not be building a landing

strip. He would only takeoff and land from the property. He stated that with five (5) gallons, he will be able to fly up to four (4) hours.

Vice Chairman Callison asked what would be the radius that the applicant would fly in and out of the property?

Mr. Richardson stated that he has not flown from his property yet. He stated that he would fly anywhere from fifteen (15) to twenty (20) miles.

Ms. Brown asked how high would the applicant go?

Mr. Richardson stated he can fly up to 18,000' but he would anticipate only going up about a few hundred to a couple thousand feet.

Mr. Swortzel asked about the engine on the ultra-light?

Mr. Richardson stated that it has a 200 cc engine and it is a two (2) stroke. He stated that the noise sounds like a lawn mower and it is less noise than a tractor.

Mr. Shreckhise asked if the applicant will land where he starts from?

Mr. Richardson stated that he needs a Special Use Permit in order to takeoff and land from his property in Augusta County, therefore, he would need to. He stated that Rockbridge County does not have any ordinances in effect regarding ultra-light aircraft. He stated that he could land on any agriculture land that the owner would give him permission to land on. He stated that he cannot do that in Augusta County because the laws are different.

Mr. Shreckhise stated that the applicant could not stop by and visit someone down the road.

Mr. Richardson stated that they would need to apply for a Special Use Permit in order for him to land on his property.

Chairman Coyner asked if he has had any experience with this equipment?

Mr. Richardson stated no. He stated that he will be completing his training in the next several weeks and be a new pilot at that point.

Chairman Coyner stated that the Board visited the site today. He stated that this site is an ideal place. He asked if he only has one (1) parachute?

Mr. Richardson stated there is a reserve parachute. He stated that you do not have to have one but he will carry the reserve.

Chairman Coyner asked if the applicant needs to notify anyone that he will be flying?

Mr. Richardson stated no. He stated that the FAA regulates that he cannot carry any more than five (5) gallons of gasoline. He stated that he can be the only person in it and the unit itself has to weigh 254 or less pounds. He stated that he does not need to be licensed. He stated that the aircraft does not need to be inspected. He stated that the FAA does not care if they kill themselves as long as they do not kill someone else.

Chairman Coyner asked if the aircraft takes a lot of space to store?

Mr. Richardson stated that he would store it in the carriage house which is located next to his house or from the ten (10) acre field he can store it in the small cedar shed.

Ms. Brown asked if there are wheels on the aircraft?

Mr. Richardson stated that he is in the process of purchasing the backpack. He stated that the backpack can be used in a smaller area. He stated that at this point the backpack is not a problem for him. He stated that perhaps in a few years it may be. He stated that with the wheel aircraft there is no athletic ability needed.

Ms. Brown asked if the 18,000' would put him in the airspace of small aircraft.

Mr. Richardson stated that it could but there are limitations on him flying certain distances below, above, or in the midst of clouds and staying out of the way of other planes. He stated that 18,000' is a FAA law. He stated that someone flew an ultra-light over Mt. Everest at 29,000'+.

Ms. Brown asked what is the length of the flight?

Mr. Richardson stated forty-five (45) minutes to one (1) hour is the average length of a flight.

Mr. Swortzel asked what is the speed of the ultra-light?

Mr. Richardson stated low and slow speed is 25-30 mph. He stated that a competition wing speed would be 50 mph. He stated that he would fly a constant 25 mph.

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

Mr. Henry Dillard, 1302 Stover School Road, Greenville, stated that he is a neighbor of Mr. Richardson. He stated that he has raised cattle, sheep, and a few horses. He stated that he supports this request and has no problem with it.

Mr. Wilkinson stated that they received a letter of support from Sean Johnson from 325 Wildflower Drive, Amarillo, Texas. He writes in support as a horse breeder and PPG pilot and instructor to say that in his opinion of someone who breeds and owns horses this is a safe thing for pilots and horses. He stated that in his experience there is no adverse affects.

Mr. John Walker, 1286 Stover School Road, Greenville, stated that he lives right below the applicant. He submitted a letter to the Board. He stated that he and his wife have a small farm with a conservation easement on it and they do not want a landing strip next to their property line. He stated that he filed a complaint with the zoning office because of an incident that occurred last fall with his livestock. He stated that they have a small cow/calf operation to supplement the retirement income. He stated that they have four (4) horses that are used on the farm for light duty work. He stated that they are pastured next to the portion of his property that he intends to use as a landing strip. He stated that he has been flying at this site. He stated that the horses are broken into all farm machinery and normally able to adjust to most situations that occur. He stated that the horses have not adjusted to the noisy low flying object with large parachutes that takeoff and fly next to and over them. He stated that last fall an out of state trainer attempted to teach Mr. Richardson how to fly the ultra-light airplane and during this process the horses were frightened by the loud engine noise and the large parachute to the point that they would not settle down for weeks. He stated that they damaged the fences and almost trampled him as he was trying to harness them. He stated that to this day they have not gotten over it. He stated that anytime they see the parachute over the hill they become frightened and he is not able to control or use the horses for a number of days. He stated that the cattle get excited too. He stated that there are other horses and cattle surrounding his property. He stated that moving this activity to another location on his property will not solve the problem. He stated that Mr. Richardson and his friends fly low over the fields. He stated that the applicant should take the aircraft to the Lexington or Waynesboro airstrips. He stated that if the applicant is allowed to proceed with this permit an accident will definitely occur and it will cause serious injury to his livestock or other people. He stated that the stress placed on the livestock and the horses in particular will have long-term health issues. He stated that this area is zoned agriculture and it does not lend itself to this type of activity. He hopes that the Board deny this request.

Chairman Coyner asked if the horses are "broken in" to all farm machinery?

Mr. Walker stated yes the draft horses are "broken in" to all farm machinery. He stated that the parachute overhead causes them to go ballistic. He stated that the applicant or his trainer has flown the fence line last fall.

Mr. Sam Heizer, 26 Heiz Acre Lane, Middlebrook, stated that he has been a farmer all his life. He stated that aircrafts do rattle cows. He hopes that the Board deny this request. He stated that if the applicant lands in a cornfield, who is going to get him out. He stated that the ten (10) acre field is not ten (10) acres it is about five (5) or six (6) acres. He stated that if the Board grants this request, six (6) other people will join the applicant in the air.

Chairman Coyner asked if he adjoins the property?

Mr. Heizer stated that he adjoins the property on the back side. He stated that half of Mr. Richardson's property adjoins his. He stated that the ultra-light aircraft is louder than a lawn mower.

Ms. Linda Hanlon, 114 High Meadow Lane, Greenville, stated that she owns the white house and the thoroughbred horses. She stated that the property is zoned agriculture and it is not a place for flying machines. She stated Mr. Richardson's girlfriend has seventy-five (75) acres in Lexington which can be used for such a purpose instead of at this site. She stated that she has a horse breeding operation and they have young horses. He stated that the horses get upset when he is flying. She stated that they are in the process of breaking in the horses which is a dangerous time. She stated that if any animals were injured or have to be put down the FAA states that Mr. Richardson would be responsible. She stated that the secondary site is the one that would be visible to their horses and themselves. She stated that the horses get upset when anything is flying above them. She stated that she does have a picture of the horse in relation to Mr. Richardson and his instructor of last month. She stated that Mr. Richardson's instructor flew low over her horses and they were badly spooked. She stated that occurred on a Saturday morning about 6:00 a.m. She stated that this could have been disastrous for them and the horses. She stated that they abut Mr. Richardson where two (2) of their pastures run very near to the proposed landing strip. She stated that every direction is used as a farming operation. She stated that they disapprove of turning the area into a landing spot for an under occupied folly of a hobby. She stated that Mr. Richardson benefits from the Albemarle County look which is his overused phrase in reference to his place in Greenville. She stated that the horses do not like large flying objects that fly low over their heads. She stated that they become dangerous to themselves and extremely dangerous to whoever handles them after such an event. She stated that Mr. Richardson is not always trustworthy. She stated that Mr. Richardson wanted to go over on their property a few feet in order to place a fence. She stated that he in fact went onto their land ninety (90') feet which has been confirmed by two (2) surveyors and a GPS. She stated that she is unhappy with his sprawl onto their property and in no way do they relinquish any title or

ownership to that land to his untitled encroachment. She stated that he wanted to run the bed and breakfast in the proposed house to be built on the back ten (10) acre parcel and now he would like to operate a landing strip. She stated that they attended the public hearing and voiced their support on the bed and breakfast. She stated that she was horrified that after the fact that he had placed the permit onto his house across their shared hill which is in view to where they live everyday. She stated that had they known they would not have agreed to that request. She stated that he agreed to a three (3) way split of a woven wire fence that was to be built on his land and the land of the Walkers that would enable them to run cattle on the shared parcel of their two (2) lands. She stated that after they paid their share Mr. Richardson did not pay on the agreement after one season of running cows. She stated that Mr. Richardson had himself a nice new fence. She stated that Mr. Richardson is again running cows in an area that does not use this fence which was the price that they were burdened with. She stated that she took flying lessons and her family asked her to stop after two (2) distant family members were killed in a small plane crash. She stated that flying can be great fun and it could also be lethal. She stated the mountain thermals can be hard to read and come up out of nowhere. She stated that they can be powerful enough to slam you into a body of trees when you were aiming at a nearby meadow. She stated that she does not want the job of dialing 911 when the wind throws him the in the wrong direction.

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

There being none, Chairman Coyner asked if the applicant would like to speak in rebuttal?

Mr. Richardson stated that he has not been flying on his property. He stated that the instructors, manufacturers, or dealers were flying on his property and at that time he did not know a Special Use Permit was required. He stated that Mr. Walker relayed to him that he needed a Special Use Permit. He stated that he contacted the Sheriff's Office as a courtesy and they did not know of any requirements. He mentioned to the Sheriff's Office that they may get some calls when his instructors were in the air. He stated that the Sheriff's Office looked into it further for him and they spoke with Mr. Morgan who informed him of the need for the Special Use Permit. He stated that Augusta County is one of the few counties in the country that a Special Use Permit is required. He stated that he has never flown on his property. He stated that the only relevant thing that was said was the impact on the livestock. He asked that the letter of support from Sean Johnson from Texas be read. He stated that Mr. Johnson owns more horses than all of the surrounding neighbors combined. He stated that the aircraft is suitable for agricultural purposes even though these farmers would not intend to use it. He stated that the ultra-light is recognized as a legitimate farming expense.

Chairman Coyner asked how frequently will the applicant be flying?

Mr. Richardson stated that he will be flying in the six (6) months of spring and summer and a little in the fall months. He stated that there would need to be favorable wind conditions in order for him to fly. He stated that the winds cannot exceed 10 mph. He stated that he will fly early in the morning (three hours after sunrise) or the last three (3) hours before sunset. He stated that if he will be a very active pilot he could fly fifty (50) times during the year. He stated that the engine will be a 28 horsepower which is roughly the size motor that he has in his zero turn mower.

Mr. Wilkinson read the letter of support from Mr. Johnson (letter can be found in the Special Use Permit file). He also contacted him and stated that he has a large ranch in Texas and they use their aircrafts to check the water resources on the farm.

Chairman Coyner declared the public hearing closed. He stated that the Board visited the site today. He stated that the area is a rural area.

Ms. Brown stated that she has had one fly over her house and they are distracting and noisy.

Mr. Swortzel asked if the one that flew over Ms. Brown's house had a backpack?

Ms. Brown stated no. She stated that it was the one with the wheels. She stated that it was louder than a lawn mower.

Vice Chairman Callison stated that there was a neighbor up the road from his that had an ultra-light aircraft and he did not think it was noisy but he can see why some people would object to it. He stated that it sounds like a lawn mower.

Chairman Coyner stated that the Board has issued permits before. He stated that the neighbors were in 100% support of the recent request and that was in a very populated subdivision.

Vice Chairman Callison stated that the aircraft may be troublesome to horses. He stated that many things can bother a horse that do not bother anything else.

Mr. Shreckhise stated that the letter of support is supposedly unbiased because it was solicited by one party. He stated that he would hate to grant the request not knowing the affect it would have on the horses. He stated that he does not want to jeopardize the livelihood of the surrounding farms especially when they are breeding horses.

Mr. Swortzel stated that this Board is unfamiliar with these requests similar to what they experienced with the cell towers when they first started regulating them. He stated that once it is launched he can fly wherever. He stated that this will not be done on a regular basis.

Ms. Brown stated that she would like to have more professional information as far as the affect on the cattle and horses.

Mr. Swortzel stated that the Board can table the request until they know some more information. He stated that maybe there can be a demonstration of the aircraft.

Mr. Wilkinson stated that few counties regulate powered parachute landing strips. He mentioned that Mr. Richardson may contact someone that can demonstrate it.

Chairman Coyner asked if Mr. Wilkinson can poll other counties that have a landing strip ordinance.

Mr. Wilkinson stated that he can and the applicant stated that Augusta County is one of the few counties that regulate it.

Mr. Shreckhise stated that the Board needs more time to think about this request.

Mr. Swortzel stated that maybe the applicant can contact the property owner of the request that the Board granted in Fishersville so that he can takeoff and land for the Board.

Mr. Shreckhise moved that the request be tabled until the August 5, 2010 meeting.

Mr. Swortzel seconded the motion, which carried unanimously.

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DONALD R. OR FRANCES J. TRUSLOW - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Donald R. or Frances J. Truslow, for a Special Use Permit to have a kennel on property they own, located on the south side of Lyndhurst Road (Route 624), just east of Tic Tree Lane in the South River District.

Mr. Donald Truslow stated that he would like to have a Special Use Permit for his kennel. He stated that he has had the kennel for twenty (20) years now. He stated that he thought he was legal because he has always bought kennel tags. He stated that the laws have changed since 1990.

Chairman Coyner asked if the applicant would continue to do what he has done in the past?

Mr. Truslow stated yes.

Mr. Swortzel asked if he would be breeding dogs?

Mr. Truslow stated no. He stated that he occasionally has a litter of puppies.

Chairman Coyner asked if the six (6) dog limit would be sufficient?

Mr. Truslow stated that with his champion dogs it is not too wise to sell before they turn a year old in order to develop the dog, therefore, he would like to have twelve (12) dogs so that he can determine which ones will qualify for the field trials. He stated that currently he has five (5) dogs but he has had a kennel tag for twenty (20) dogs. He stated that there has never been any complaints to his knowledge. He stated that he has had as many as twelve (12) dogs in the past.

Mr. Swortzel stated that these are well trained dogs.

Chairman Coyner stated that the applicant is not being signaled out.

Mr. Wilkinson stated that they have never received any complaints from the neighbors in his records. He stated that he did receive one response from adjacent property letters.

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

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

Mr. Wilkinson read a letter in opposition that was received from Geneva Grove (letter can be found in the Special Use Permit file).

Chairman Coyner asked if this is an adjacent property owner?

Mr. Wilkinson stated yes. He stated that he did not get the opportunity to give the property owner details regarding the request.

Chairman Coyner stated that the applicant has had dogs at the site for many years.

Mr. Swortzel stated that the applicant is a professional dog person and he will maintain a proper atmosphere at the location as he has for the last twenty (20) years. He stated that this is a good operation.

Chairman Coyner stated that the applicant does not sell the puppies when they are three (3) months old and that is why the number of twelve (12) is important to him.

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

Pre-Conditions:

None

Operating Conditions:

- 1. Maximum of twelve (12) adult dogs kept at this site at any time.
- 2. All dogs be confined within the kennel areas unless direct control of the owner.
- 3. Dogs be kept inside the 24' x 36' kennel from 10:00 p.m. until 6:00 a.m.
- 4. Dog waste be scooped up and removed weekly.
- 5. Site be kept neat and orderly.
- 6. Applicant must reside on premises.

Mr. Swortzel seconded the motion, which carried unanimously.

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JOHN C. LEAVELL - SIX MONTH EXTENSION OF TIME REQUEST

A request by John C. Leavell, for a Special Use Permit to construct a building for a machine shop on property he owns, located on the south side of Sanger's Lane (Route 794), just east of the intersection of Sanger's Lane (Route 794) and Balsley Road (Route 792) in the Beverley Manor District.

Mr. Wilkinson stated that the applicant would like to ask the Board for a six (6) month Extension of Time. He stated that the applicant has had to move the entrance and they

have had issues with the Health Department for the drainfield to be updated and prepare the site plan.

Mr. Swortzel moved that the six (6) month Extension of Time be approved.

Ms. Brown seconded the motion, which carried unanimously.

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BRAD ALSUP, PROJECT MANAGER FOR PILOT TRAVEL CENTERS - ONE YEAR EXTENSION OF TIME REQUEST

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.

Mr. Mike Hamel stated that he is here on behalf of Pilot. He stated that he would like to request a one (1) year Extension of Time request. He stated that Pilot has been working with the neighbors and the County to try to solve the traffic problems. He stated that they will reverse the traffic pattern flow in hopes that will alleviate it. He stated that they are trying to change the pattern without adding the entrance road. He stated that this would be the first step and they would like to have a year to keep the permit active.

Chairman Coyner asked what should they expect at the site?

Mr. Hamel stated that next week they will be in the process of changing the traffic pattern. He stated that they will be reversing the flow. He stated that this will keep the congestion on their property. He stated that they have notified the trucking companies and posted notice on the website. He stated that they are in the process of acquiring the Flying J which will help alleviate the traffic as well. He stated that they will be merging with the Flying J and that will give the truckers another site to go to.

Mr. Swortzel moved that the one (1) year Extension of Time be approved.

Mr. Shreckhise seconded the motion, which carried unanimously.

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BRAD ALSUP, PROJECT MANAGER FOR PILOT TRAVEL CENTERS - ONE YEAR EXTENSION OF TIME REQUEST

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.

Mr. Wilkinson stated that both permits are tied together by the stipulations. He stated that there was a pre-condition on the additional fueling lanes that the queue road be installed unless Pilot reapplies.

Mr. Swortzel moved that the one (1) year Extension of Time request be approved.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

09-39	Mathews, Florence B. Trustee
09-40	Howell, Elizabeth Jane

Mr. Wilkinson stated that SUP#09-39 is in compliance. He stated that all of the equipment has been removed within ten (10) days for SUP#09-40. He stated that this has been the first time that this has happened since last fall on the Howell property. He stated that this request will be back before the Board in July.

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

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Chairman

Secretary