

PRESENT: S. F. Shreckhise, Chairman  
 G. A. Coyner, II, Vice Chairman  
 J. W. Callison, Jr.  
 D. A. Brown  
 T. H. Byerly  
 Pat Morgan, County Attorney  
 J. R. Wilkinson, Zoning Administrator & Secretary  
 Timothy K. Fitzgerald, Director of Community Development

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 3, 2011, at 9:30 A.M., in the County Government Center, Verona, Virginia.

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

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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:

- **James F. and Laura K. Vines - Special Use Permit**
- **David L. and Kimberly D. Hepler - Special Use Permit**
- **Charles Scott, agent for B&S Contracting, Inc. - Special Use Permit**
- **Steven Hartman - Special Use Permit**
- **Bonnie P. Macrae - 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

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 Secretary

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T. H. Byerly  
Pat Morgan, County Attorney  
J. R. Wilkinson, Zoning Administrator & Secretary  
Timothy K. Fitzgerald, Director of Community Development  
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, March 3, 2011, at 1:30 P.M., in the County Government Center, Verona, Virginia...

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**MINUTES**

Vice Chairman Coyner moved that the minutes from the February 3, 2011 meeting be approved.

Mr. Byerly seconded the motion, which carried unanimously.

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**DR. DAVID L. GARDNER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Dr. David L. Gardner, for a Special Use Permit to expand the existing veterinary clinic on property he owns, located on the south side of Fadley Road (Route 646), just west of the intersection of Fadley Road (Route 646) and Burke's Mill Road (Route 749) in the North River District.

Dr. David Gardner stated that he would like to put an addition on the existing veterinary clinic.

Chairman Shreckhise stated that this service is needed by the community. He 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 stated that this service is needed in the area and the applicant has been there a long time. She 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.

**Operating Conditions:**

- 1. Be permitted to construct a 26' x 60' addition to the existing veterinary clinic.
- 2. All dogs be kept within the facility unless under control of staff member or the pet owner.

Mr. Byerly seconded the motion, which carried unanimously.

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**CHARLES SCOTT, AGENT FOR B&S CONTRACTING, INC. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Charles Scott, Agent for B&S Contracting, Inc., for a Special Use Permit to modify the hours of the existing asphalt plant in order to permit night operations as required by VDOT and municipalities and earlier start times on property it owns, located on the north side of Luck Stone Road (Route 728) approximately 0.2 of a mile northwest of the intersection of Luck Stone Road (Route 728) and Anderson School Lane in the North River District.

Mr. Charles Scott stated that he is the Chief Executive Officer for B&S Contracting. He stated that he is mandated by the Virginia Department of Transportation (VDOT) that he must pave at night. He stated that it is not the most safety oriented operation but it is the only way to do the improvements with the volume of traffic. He stated that VDOT is having them work a tight schedule. He stated they are working on the rehabilitation project for I-81 which starts next week as well as the I-64 plant mix project that will begin April 11<sup>th</sup>. He mentioned the permit is needed in order to stay on schedule. He stated that they have to do a tremendous amount of work before they actual begin the paving. He stated that once they pave, they will open both lanes back up. He stated the lanes will open back up on Friday evening and close on Sunday morning. He stated they need to open the Augusta

plant to night operations to accomplish this. He stated that they may run approximately eleven (11) nights this season at the Augusta plant. He presented the Board with the numbers of nights worked for the past five (5) years. He stated that they had sixteen (16) nights out of the Staunton plant. He mentioned they have not done any nights at the Augusta plant. He hopes to cut the eleven (11) nights down. He stated this year there will be fifty-two (52) nights out of the Staunton plant and eleven (11) out of the Augusta plant. He stated this is the first year he has two (2) paving crews working simultaneously at night to meet the demand and the schedules.

Chairman Shreckhise asked if the applicant only expects to be open at the plant seven (7) to eleven (11) nights?

Mr. Scott stated eleven (11) nights but not consecutive. He stated that phase I of the I-81 project needs to be done by July 1<sup>st</sup>. He stated that the I-81 project is a different mix than the I-64 project which is why they need to have both plants running at the same time.

Chairman Shreckhise stated that these are two (2) separate projects.

Mr. Scott stated yes. He should only be running the Augusta plant for eleven (11) nights.

Chairman Shreckhise asked if the applicant would run a couple nights one week and a couple nights the next week?

Mr. Scott stated they will not run all eleven (11) nights consecutively.

Vice Chairman Coyner asked how many trucks would be coming out of the Augusta plant?

Mr. Scott stated about twelve (12) trucks.

Vice Chairman Coyner asked if the applicant has enough equipment in order to complete the projects?

Mr. Scott stated they are operating with their own crews. He stated the lighting needed to be revamped and now it is ready to go.

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

Mr. Paul Bugas, 2937 Shutterlee Mill Road, Staunton, stated they should get timing right to run out of the Staunton plant and not seven (7) miles in on Route 262 and Shutterlee Mill Road. He stated there will be seventy (70) trucks running through the night and using their loud brakes there will be a disruption through the night. He stated in the newspaper it

mentioned twelve (12) nights running out of the Augusta plant and now Mr. Scott is saying eleven (11) which makes him really concerned. He stated unless the Board put stipulations it seems like it could be open ended. He mentioned there is no permit currently. He stated that he is unsure about the environmental impacts produced and the affects in the future. He stated that there will be safety concerns and a lot of wear and tear on the roads and a lot of noise. He urged the Board of Zoning Appeals to have the applicant get the timing right for the VDOT project so they could work out of the Staunton plant only.

Mr. Tracy Pyles, PO Box 774, Churchville, stated that they do not have a choice to meet the requirements from VDOT. He stated the most important thing is safety. He stated that there could be 132 trips in front of the houses over a given night. He stated that it will be a constant flow going back and forth. He stated the road is curvy. He asked if the applicant would be willing to fund a deputy or state trooper each evening during the operation. He stated that they are there to protect the public the best they can. He would want to be sure that the speed limits are enforced, checking equipment, and help with the flow. He stated that they should make this as least intrusive as possible. He mentioned the cost to have the trooper is \$250-\$350 a night and asked if the applicant would be willing to consider it.

Mr. Bill Tueting, 92 Fieldhaven Place, Staunton, stated that he lives in Farmington. He stated that there are no pre-conditions on the permit. He stated that if the Special Use Permit is allowed there should be an expiration date on the permit. He stated that he is not upset about the traffic but he would like to see a restriction that it will not go on forever. He stated that the applicant should be responsible for the road improvements and make the necessary repairs as needed. He stated that if the special exception is forever, he does have a problem with it.

Mr. Burnett Fauver, 238 Galena Road, Staunton, stated that he is opposed when the trucks run after dark in a residential estate area. He stated that the noise will be unacceptable. He stated trucks have loud air horns. He could hear flutes on the Wilson property and drums on Cottonwood Lane from his home. He stated the permit for the dog kennel was denied on the Baker farm because of the noise. He moved to the County to have peace and solitude. He stated that the planning staff recommended approval. Mr. Fauver read all of the addresses of the Planning Commissioners. He stated that he was never contacted regarding this request. He stated that there was an administrative permit approved for materials and equipment to be stored for Langford Brothers on White Hill Road. He stated they have a 2,000 ton stockpile by B & S. He mentioned they are storing materials but they are building an asphalt plant onsite. He stated they are manufacturing asphalt.

Mr. Fitzgerald stated that site is a recycle facility and not an asphalt plant or a hot mix facility which is why they applied for an administrative permit.

Mr. Fauver stated that Langford Brothers asphalt manufacturing plant is off Interstate 81. He stated that Mr. Scott should use the same location less than a mile off the interstate for the project. He stated that he is ignoring the zoning. He stated that there will be asphalt machines running all night. He stated sound does travel and he asked that the Board take all of that into consideration.

Ms. Monica Wilson, 239 Galena Road, Staunton, stated that the road is curvy and many travelers have gone through the fence. She is concerned about the pollution and the noise. She stated that the sound will travel from Shutterlee Mill to her house. She stated that this will not be the only time and she wanted to make sure that this would not be setting a precedent. She is sure this is not a one and only time.

Mr. David Cooper, 266 Galena Road, Staunton, stated that anyone who traveled through the intersection knows there have been a number of near misses on Shutterlee Mill Road and Galena Road. He agreed with all of Ms. Wilson's comments. He stated that Mr. Scott will be coming back and asking for another Special Use Permit. He agrees with Mr. Pyles that law enforcement needs to be onsite at night to ensure that the trucks are obeying the speed limit.

Mr. Jim Schwendeman, 728 Franks Mill Road, Staunton, stated that when they went around getting people to sign the petition, the citizens were falling over because they will have to listen to the noise and be inconvenienced. He stated that they will have to deal with whatever the Board approves.

Mr. David Armentrout, 1522 Middle River Road, Staunton, stated that noise travels long distances. He stated that a noise study could be done. He stated that the trucks drivers will be working overtime and on double shifts which may cause them to fall asleep at the wheel. He stated that this is not the safest arrangement. He asked how many injuries/accidents were reported out of the Staunton office. He stated that all of these questions should be answered before the permit is given.

Mr. Kimberley Diguardo, 191 Cottonwood Lane, Staunton, stated that this will be a night time operation in an agricultural area. She stated that they endure the blasting during the afternoon which they all understood that the quarry has been there but that is during the day. She stated to seek a permit in order to operate in the evening is a lot to absorb.

Mr. Fitzgerald stated that the facility on White Hill Road is a different facility. He stated that on White Hill Road there is new technology, the first of its kind, with all German engineering. He stated that it will not be a hot mix. He stated that the site on White Hill Road is a mobile unit temporary in nature. He stated that unit would be dismantled and taken away to another project. He stated that Mr. Scott's plant is more permanent in nature. He stated that it is there by Administrative Permit for the duration of the project on

Interstate 81. He stated that once finished the equipment on White Hill Road would be taken away.

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

There being none, Chairman Shreckhise asked Mr. Scott to speak in rebuttal?

Mr. Scott stated that this is the first project of its kind in Virginia. He stated the second project would be on Interstate 95. He stated it will cut down on the time. He stated that doing work at night on the interstate is sometimes scary but VDOT mandates them on how the traffic can be handled. He stated that is what he meant by being scary. He stated that the car traffic will get off at the Mint Spring exit onto Route 11. He stated the tractor trailer traffic will be on the interstate with his workers. He stated that the only thing in between them and the tractor trailers are plastic barrels. He stated that they try to get in and out of working on a project as soon as they can. He stated last year they did not have one loss due to a safety accident. He mentioned they try to stay on top of things and be protective of employees. He stated that they have received the award for safety from the Road Builders Association. He stated that B & S does do top quality work. He stated they try to do what is right in order to meet the demands on time. He mentioned he cannot help that the writer in the Staunton paper could not hear him on the cell phone and they printed twelve (12) instead of eleven (11).

Chairman Shreckhise asked if the applicant planned on using the Staunton plant whenever he could?

Mr. Scott stated yes. He mentioned if he can cut some days off from the Augusta plant he will.

Chairman Shreckhise asked if this product is toxic?

Mr. Scott stated no.

Chairman Shreckhise asked if there is a possibility of getting with VDOT and changing the timing?

Mr. Scott stated he tried to do efficient work and get in and out of a project. He stated night operations are mandated by VDOT.

Chairman Shreckhise asked if the applicant would contribute towards increased law enforcement?

Mr. Scott stated that they always request a state trooper be available and they do get reimbursed. He stated that troopers have not been available many nights. He stated right now there is a shortage of troopers in the Commonwealth. He stated that he feels that it is unnecessary. He stated that he will patrol the trucks and work with them.

Chairman Shreckhise asked if noise will be better controlled?

Mr. Scott stated that B & S will police the truckers and ask that they stay off the jake brakes and refrain from using the air horn. He stated that the main concerns of the neighbors are the noise and they will cut down on it.

Chairman Shreckhise asked if the applicant would be able to accept the permit with an expiration date?

Mr. Scott stated on the Special Use Permit it states to operate during the night time hours. He stated that there are more night time operations planned this year than any other in the past. He stated that 52 will be done out of the Staunton plant and 11 out of Augusta. He feels that he is not asking for all that much.

Chairman Shreckhise declared the public hearing closed.

Mr. Byerly stated that the Board does have the authority to revoke the permit.

Mr. Wilkinson stated that if there are any violations of the conditions, the Board would have the right after a public hearing to revoke the permit. He stated the request is that they can only operate at night when required by VDOT or the locality. He stated if the applicant did not operate within the conditions the permit would be brought before the Board for cancellation.

Mr. Byerly stated that B & S will be mandated by VDOT. He stated that the applicant will do the best they can to run out of Staunton. He stated that it is a safety issue with VDOT. He does not see any reason for them to reapply. He moved that the request be approved with staff's recommended operating conditions.

Vice Chairman Coyner seconded the motion.

Chairman Shreckhise stated that the citizens had a genuine concern about an expiration date. He stated that the way the permit reads now is that it would be open ended. He stated that the projects will be finished this year. He feels that it would be better to put a time limit on this request and that it is important that the applicant comes back before the Board again.



Vice Chairman Coyner stated that the Board has issued permits before and asked that they be reviewed in a year in order to see how the applicant is operating.

Mr. Scott stated that they will be finished by the end of the year with Interstate 64 and Interstate 81 projects. He stated they will get all of the rehabilitation work done. He mentioned this is the first time that we want to run out of the Augusta plant at night. He does not know when the next one will come on. He did not want to come back in to the Board if he had a need for only three (3) nights.

Chairman Shreckhise stated that the citizens would be able to sleep better if they knew they could sleep at night. He stated if the motion is approved right now he could have more nights out of Augusta than Staunton.

Mr. Scott stated that they will not run at Augusta if they can run out of the Staunton plant. He stated the recycle product will not be ran out of the Augusta plant.

Chairman Shreckhise stated that he feels a time limit should be placed on the permit to make the neighbors feel more comfortable.

Mr. Fauver stated the permit should only be granted for the number of days in the project. He asked the Board not to leave the permit open ended.

Chairman Shreckhise stated that a lot of people will be inconvenienced. He stated that the applicant should have limited operations at the Augusta plant.

Vice Chairman Coyner stated that they are a reputable firm. He asked if Mr. Byerly would add the condition to review the permit in a year to assure that the conditions are being met.

Chairman Shreckhise mentioned he would feel a lot more comfortable with a time limit although he would rather see the applicant reapply for the permit.

Vice Chairman Coyner stated that the applicant can provide a record of the count on the number of trucks for night projects to the Community Development Department.

Mr. Byerly amended his motion to read:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted night time hours when required by state, federal, or municipal road projects.
2. Start time may be 6:00 a.m.
3. Applicant provide an accurate count of the trucks for night projects to the Community Development Department.
4. Permit be issued for one (1) year and renewed if all conditions are met.

Vice Chairman Coyner seconded the motion, which carried with a 4-1 vote. Chairman Shreckhise being in opposition to the motion.

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### **BATTLE OF WAYNESBOROUGH COMMITTEE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by the Battle of Waynesborough Committee, for a Special Use Permit to modify the operating conditions of the existing permit to have civil war reenactment battles in order to have reenactments once per year, to be a three day event, and have overnight camping on property owned by Eugene D. or Mary B. Meadows, located on the northeast side of Rockfish Road (Route 865), approximately .1 of a mile southeast of the intersection of Rockfish Road (Route 865) and Cattle Scales Road (Route 828) in the Wayne District.

Ms. Shirley Bridgeforth stated that they have met all of the qualifications so far to have the civil war reenactment battles.

Chairman Shreckhise mentioned this is more or less an extension of what they are currently doing to have a few more events?

Ms. Bridgeforth stated yes.

Vice Chairman Coyner stated that he has not heard anything negative from the citizens regarding the request.

Ms. Brown asked if the school children will be attending the reenactment?

Ms. Bridgeforth stated they are expecting approximately 400 children from various schools.

Vice Chairman Coyner stated in addition to the Boy Scouts they will have paid security.

Ms. Bridgeforth stated they do have paid security at the site.

Mr. Wilkinson asked if the two hour time period is adequate for the cannon and musket fire?

Ms. Bridgeforth stated that is fine.

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 stated that they did a great job last year. She moved that the request be approved with the following conditions:

**Pre-Condition:**

None

**Operating Conditions:**

1. Be limited to one three (3) day event per year.
2. Cannon and musket fire be limited to two (2) hours per day during the event.
3. No outdoor music or event activity after 6:30 p.m.
4. Site be kept neat and orderly.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Property owner must reside on premises.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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### **BONNIE P. MACRAE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Bonnie P. Macrae, for a Special Use Permit to operate a boarding house within her home on property she owns, located on the south side of Jefferson Highway (Route 250), approximately .2 of a mile east of the intersection of Jefferson Highway (Route 250) and Gish Lane (Route 1305) in the Wayne District.

Ms. Bonnie Macrae stated that she owns the property across from the Garden Center. She mentioned Food Lion is further down the road. She stated that this area is a business district. She stated that there is a subdivision behind her property. She stated that the previous owners had a bed and breakfast. She does not plan to have a sign. She mentioned that there were no changes to the use and no additions requested. She mentioned that it would be wonderful to rent two (2) to three (3) rooms. She mentioned the home is setup in order to rent rooms. She stated there are two (2) terraces upstairs and three (3) bathrooms in the house. She stated that she is not really running a boarding house. She stated that she does not cook meals for her renters. She mentioned she lives at the property too. She stated the four (4) bedrooms upstairs are the ones that are rented. He mentioned her brother lives in the house. She stated renting the rooms helps her out in order to meet her expenses. She stated the people are quiet in the house since she is living there to. She mentioned most have been at the home for two (2) to three (3) years. She stated one of the men moved in three (3) months ago. She stated one situation is due to a divorce and they cannot afford housing and one man works only twenty (20) hours a week and cannot afford housing. She feels that she is giving a service to the community within a business district.

Vice Chairman Coyner asked if the renters would be at the site long term?

Ms. Macrae stated one gentleman stayed at the home for only three (3) months because he was an engineer and he did not want to sign a lease. She stated that she does not operate a hotel and does not have a sign.

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

Mr. Lance Cash, 1325 Jefferson Highway, Staunton, stated that his property adjoins the site. He asked if the permit is granted and the property is sold would the use continue to the next owner. He has concerns of who may be coming to the site to live later on. He stated that six (6) months from now it could be a problem.

Chairman Shreckhise stated that this permit is limited to the applicant. He stated that if the property is sold than the permit would not be valid. He stated that the Board could put a restriction that the applicant must live at the site.

Mr. Hugh Baldwin, 1357 Jefferson Highway, Fishersville, stated he has no concerns about the way that it is running now. He mentioned he has the same concerns as Mr. Cash. He stated the entrance is dangerous off of Route 250. He stated that if the applicant lives there than there may not be a problem.

Ms. Stacey Diehl, 7 Fairmont Drive, Staunton, stated that she has two (2) children and there are many other children in the neighborhood less than a mile away from Wilson Elementary School. She does have concerns on who will be living there and for how long. She asked if there was some sort of criteria and if a background check is done. She mentioned that she does not want rapists and child molesters in the area. She did not know about the three (3) month tenant. She stated that convicted sex offenders cannot live that close to schools. She would like to know what the criteria is for having people live in the home.

Mr. Cash asked how many people total will be able to live at the site?

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

There being none, Chairman Shreckhise asked the applicant to speak in rebuttal.

Ms. Macrae stated there are four (4) bedrooms upstairs and two (2) bedrooms downstairs. She stated that generally there is one (1) person per room. She mentioned that she is limited to four (4) renters and the rooms are usually not all rented out. She stated that she does interview all potential renters. She can run an internet site to see if anyone has a criminal record. She would remove anyone showing any bizarre behavior before they really establish residence at the home. She stated that she can start running criminal background checks. She stated that this site is separate from the children in the neighborhood.

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

Ms. Diehl stated that her land borders Ms. Macrae's land. She stated that when she stands on the back porch she is in close proximity.

Chairman Shreckhise declared the public hearing closed. He stated that the main concern is the background checks.

Vice Chairman Coyner stated that the applicant should be a resident at the house so that she can control how many people are at the site. He stated that the site should be reviewed in a year.

Chairman Shreckhise stated the applicant is aware of the discussion that transpired today.

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

**Pre-Condition:**

None

**Operating Conditions:**

- 1. Be limited to four (4) boarders for the boarding house operation.
- 2. Site be kept neat and orderly.
- 3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 4. Applicant must reside on the premises.
- 5. Permit be issued for one (1) year and renewed if all conditions are met.

Ms. Brown seconded the motion, which carried unanimously.

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Mr. Wilkinson mentioned that the John Hoke request has been withdrawn from the agenda.

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**JAMES F. AND LAURA K. VINES - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by James F. and Laura K. Vines, for a Special Use Permit to use existing buildings for a slaughterhouse and meat processing facility, and to have a retail meat shop on property they own, located on the northwest side of Lee Highway (Route 11), approximately .5 of a mile north of the intersection of Lee Highway (Route 11) and Pruchnic Lane in the North River District.

Mr. James Vines stated that he applied for the Special Use Permit six (6) years ago but he had a large fire. He mentioned after numerous discussions with his wife and citizens he has decided to rebuild. He stated that Augusta County wants this type of facility. He would like to use two (2) metal fire retardant buildings. He will have big coolers and big lifting materials. He stated Barry Jones from the USDA is available to answer any questions. He stated that the entire operation will be done indoors. He will be using four (4) other buildings on the farm and he would like to incorporate those to enhance the operation. He stated that he will kill and cut cows and purchased animals in the processing facility. He mentioned all runoff will go into the captive tanks. He stated there will be no runoff and no possibility of contamination into the stream. He will be working with DEQ. He would like to target local customers and restaurants and out of state customers. He would like for this to be a high quality business and not a large business. He would ask the Board to allow him two (2) years to complete the facility in order for him to get his custom USDA number, USDA government number, and small shop at the farm. He is working on his commercial entrance from VDOT. He would like to start up with custom beef.

Vice Chairman Coyner asked what animals would the applicant slaughter?

Mr. Vines stated mainly red meats, hogs, lambs, and goats. He mentioned that he would not slaughter any poultry.

Chairman Shreckhise asked if this would be an improved facility but the same request?

Mr. Vines stated yes.

Chairman Shreckhise asked if the applicant had any previous violations?

Mr. Wilkinson stated no. He stated the applicant had a bad fire.

Mr. Vines showed the Board pictures of the slaughterhouse operation.

Vice Chairman Coyner asked if this is a family operation?

Mr. Vines stated yes. He may have a few employees but the operation is automated. He stated that the area where the meat is cut would require two (2) to four (4) people. He stated that his business will be very small in the beginning and he would like to move forward as operations get larger. He stated that his nephew is a microbiologist and he will be assisting him with his business.

Vice Chairman Coyner asked who the rendering company is?

Mr. Vines stated Valley Protein.

Vice Chairman Coyner stated they can use a facility in Augusta County that is a USDA facility.

Ms. Brown asked how do you know if you are getting quality beef?

Mr. Vines stated that the beef come in live and they are examined before they kill it by the USDA. He mentioned they also do tests on the internal parts of the animals. He stated if a cow is not acting right it goes into a suspect area.

Ms. Brown asked how is the beef slaughtered?

Mr. Vines stated he slaughters them the humane way by air bolt. He mentioned that when a steer gets nervous the adrenaline glands setoff a toxic substance in the meat. He mentioned the more comfortable an animal is the better. He stated there are a number of ways to kill a cow.

Chairman Shreckhise asked if the applicant will process wild meat?

Mr. Vines stated yes. He mentioned there is a big need for the processing of wild game in the fall. He stated USDA does not inspect the wild game. He mentioned they are kept in a different area.

Mr. Wilkinson asked if the two (2) old poultry houses would be used as well as the other two (2) which would total four (4) buildings being used for storage?

Mr. Vines stated one will be used to store hay, one would house the hides, and the two (2) others he would use to feed. He mentioned they will be using four (4) total.

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

Mr. Bill Tueting, 92 Fieldhaven Place, Staunton, stated that Mr. Vines will be under a lot of regulation for his business. He mentioned that the people of Augusta County have been driving to Harrisonburg to utilize a facility like this.

Mr. J. Thomas Cox from Verona stated he has known the applicant 25-30 years. He feels that this operation is needed and he would like to see it happen here in the County.

Ms. Lynn Ward stated that her brothers are Tom and Randy Gore. She stated her land is adjacent to the Vines property. She would like to see this operation happen for Mr. Vines



while preserving the value and quality of their own property. She mentioned staff has addressed all of the concerns that the adjacent property owners would have. She stated that a large scale commercial operation would not be compatible with the Comprehensive Plan. She mentioned the applicant has been looking forward to getting the permit. She said the permit should be non-transferable. She mentioned his request is appropriate and she would like to see it granted.

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

There being none, Chairman Shreckhise declared the public hearing closed. He stated that this permit is similar to the one that the Board granted in the past.

Vice Chairman Coyner stated that this is an excellent facility. He mentioned the Board visited the site this morning. He moved that the request be approved with the following conditions:

**Pre-Condition:**

1. Provide an updated DEQ letter to Community Development Department.

**Operating Conditions:**

1. Be permitted to use the 40' x 120' and 63' x 120' buildings for the slaughterhouse, meat processing, and small retail shop.
2. Be permitted to use the three (3) old poultry houses for indoor fattening of the cattle.
3. There be no outdoor feed lot.
4. The entire slaughterhouse and meat processing operation be indoors.
5. The operation be allowed ten (10) full-time equivalent employees other than family members.
6. The retail meat shop shall not start operating until the applicant provides an approved VDOT entrance permit for that use to Community Development.

7. Once the USDA permit is approved the applicant will provide a copy to Community Development.
8. They be allowed one (1) sign and it be the existing 4' x 6' sign located on their driveway at Route 11.
9. Applicant be given two (2) years to be in operation.

Ms. Brown seconded the motion, which carried unanimously.

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**DAVID L. AND KIMBERLY D. HEPLER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by David L. and Kimberly D. Hepler, for a Special Use Permit to enclose a non-conforming porch on property they own, located on the north side of Captain Hizer Lane, just south of the intersection of Captain Hizer Lane and Lee Highway (Route 11) in the North River District.

Mr. David Hepler stated that he would like to enclose the existing porch. He stated they are about 12.8' from the setback. He stated that the space will be used as a living space. He stated they will use existing duct work. He stated they will not be encroaching anymore than what is there currently. He stated that they will match the existing roof and it will flow with the house.

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 Coyner stated that if this was done before the ordinance changed in 2005 the Special Use Permit would not be necessary.

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

**Pre-Conditions:**

None

**Operating Condition:**

1. Be permitted to enclose the existing porch no closer to the property line as shown on the BZA sketch plan.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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### **STEVEN HARTMAN - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Steven Hartman, for a Special Use Permit to have a machine shop within an existing building on property owned by Linda S. Rexrode, located on the west side of Lake Drive (Route 660), approximately .1 of a mile south of the intersection of Lake Drive (Route 660) and Hodge Street (Route 912) in the South River District.

Mr. Steven Hartman stated that he would like to have his own business. He would like to use the existing building on his mother's property so that he does not have to take on any costs. He would like to see if this is something that he would like to pursue long term. He mentioned this will not be a fabrication shop. He stated that there are no noisy machines. He stated there will be no chemicals used which will keep the wells clean and anything he uses is biodegradable. He will have a spill pallet which will catch anything.

Mr. Wilkinson asked if this would be a full time venture?

Mr. Hartman stated that he works at a machine shop. He would like to see if this is something that he is interested in doing long term. He stated this will have a relatively low startup cost for him.

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 Coyner stated that it is exciting seeing young people wanting to succeed.

Mr. Byerly stated that he would applaud the applicant's initiative.

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

### **Pre-Conditions:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.

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

**Operating Conditions:**

1. Be allowed to use the 20.6' x 26' building for a machine shop.
2. All equipment, machinery, and materials for the business be kept inside the 20.6' x 26' building.
3. No outside storage.
4. No hazardous chemicals may be stored or used onsite.
5. No employees.
6. No customer traffic to the site.
7. Site be kept neat and orderly.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or raw materials be kept outside.
9. Applicant or applicant's mother must reside on premises.
10. Hours of operation be Friday and Saturday 8:00 a.m. to 8:00 p.m.
11. All doors and windows be kept closed during operation of the machine shop.
12. No expansion.

Mr. Byerly seconded the motion, which carried unanimously.

\* \* \* \* \*

**MATTERS PRESENTED BY THE ZONING ADMINISTRATOR**

Mr. Wilkinson stated that he has received a request to appeal the Zoning Administrator's Decision from Mr. Forloines. He stated he sent a letter of violation notifying them that two (2) single family dwellings are not permitted. He mentioned they chose to appeal the

decision of the Zoning Administrator. He quoted the definition of a single family dwelling and housekeeping unit to the Board. He mentioned the Zoning Ordinance prohibits any use of property not specifically identified as a permitted use. He stated on November 24, 2010, he advised Mr. Forloines that converting the accessory building or garage to a guest cottage is not a permitted use, therefore, Mr. Forloines decided to appeal the Zoning Administrator's decision instead of converting it to an accessory building. He asked if the Board would like to hear the appeal at the April 7, 2011 meeting.

Vice Chairman Coyner moved that the appeal be heard at the April 7, 2011 meeting.

Mr. Byerly seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 10-9 Meade, O. Randall
- 10-26 Stromberg, Scott A. or Dixie L.
- 10-27 Crookshanks, Richard L. – **Withdrawn**
- 10-28 Heffner, Richard L. or Sheri H.
- 10-29 Avalos, Carolyn
- 10-30 Debrot, Franklin

Mr. Wilkinson stated that staff is monitoring the site for SUP#10-9. He stated that SUP#10-26 is in compliance. He indicated that the permit for SUP#10-28 has not been issued. He mentioned staff is waiting on the entrance permit from VDOT to be issued and staff has sent the applicant a letter regarding the permit. He stated that SUP#10-29 and SUP#10-30 are both in compliance.

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Mr. Wilkinson 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.

\* \* \* \* \*



March 3, 2011<sup>108</sup>

Chairman

Secretary