

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

ABSENT: Pat Morgan, County Attorney

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 5, 2012, at 9:30 A.M., in the County Government Center, Verona, Virginia.

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.

VIEWINGS

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

- **Casey Armstrong Hicklin - Special Use Permit**
- **John Michael Chapple - 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

PRESENT: G. A. Coyner, II, Chairman
 T. H. Byerly, Vice Chairman
 D. A. Brown
 S. F. Shreckhise
 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, January 5, 2012, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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RESOLUTION – RECOGNITION OF SERVICE - J. WALLER CALLISON, JR.

Mr. Wilkinson read the resolution as follows:

WHEREAS, the County of Augusta, in consideration of the long and dedicated service of J. Waller Callison, Jr.; and

WHEREAS, Mr. Callison demonstrated exemplary qualifications and capabilities in the performance of his duties; and

WHEREAS, Mr. Callison served on the Board of Zoning Appeals for 23 years; and

WHEREAS, Mr. Callison served as Chairman four years and as Vice Chairman to that same body for six years; and

WHEREAS, Mr. Callison served on the Planning Commission for five years; and

WHEREAS, the County of Augusta, in its authority as a governing body is desirous of expressing their appreciation for Mr. Callison’s loyal service.

NOW, BE IT THEREFORE RESOLVED, that J. Waller Callison, Jr. is commended for his past service, which he so aptly fulfilled with logic, diligence, and dedication. Mr. Callison distinguished himself with his fellow Board Members, the staff and the citizens of Augusta County. He was known for his fairness and equality of his decisions; and

BE IT FURTHER RESOLVED, that this resolution be adopted by the Board of Zoning Appeals and recorded in its minutes.

Mr. Coyner moved that the resolution be adopted with Mr. Byerly seconding the motion. The motion carried unanimously.

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ELECTION OF OFFICERS

Ms. Brown nominated Mr. Coyner as Chairman and Mr. Byerly as Vice Chairman, and John R. Wilkinson as Secretary.

Mr. Shreckhise seconded the motion, which carried unanimously.

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MINUTES

Vice Chairman Byerly moved that the minutes from the December 1, 2011, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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CONSIDERATION OF 2012 RESOLUTION

Mr. Shreckhise moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2012 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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CASEY ARMSTRONG HICKLIN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Casey Armstrong Hicklin for a Special Use Permit to have a lawn mowing and landscaping business with storage of equipment on property he owns, located at 473 Howardsville Turnpike, Stuarts Draft, in the South River District.

Mr. Casey Hicklin stated that he would like to have a small landscaping and mowing business on the side. He has signatures from the neighbors that are in favor of the request. He would like to have two (2) years to construct a building at the site.

Chairman Coyner asked if this would be a side venture?

Mr. Hicklin stated yes. He mentioned he does work a full-time job.

Chairman Coyner asked about the skeleton of the metal building at the site?

Mr. Hicklin stated he was going to construct a storage shed out of it but that is not big enough for him. He mentioned he will remove it and build the garage.

Chairman Coyner stated the site is neat and orderly. He stated it should be kept that way. He asked if he would have any employees?

Mr. Hicklin stated no.

Ms. Brown asked if he would operate in the winter months?

Mr. Hicklin stated he will not operate in the winter months. He will cut grass, pull weeds, and mulch.

Mr. Shreckhise asked if he spoke with his adjacent neighbors?

Mr. Hicklin stated he did speak with the neighbor across the street.

Chairman Coyner asked if the applicant spoke with the neighbor beside his property?

Mr. Hicklin stated he has not.

Mr. Shreckhise asked if he would store materials at the site?

Mr. Hicklin stated he will keep the mowers under the deck. He stated the truck and trailer will be in the building after he constructs it. He stated for a year or two (2) the trucks or trailer will be outside.

Chairman Coyner asked if there would be piles of mulch at the site?

Mr. Hicklin stated no. He will pickup the mulch and bring it to his client's site.

Chairman Coyner asked what would be done with the brush or grass clippings?

Mr. Hicklin stated he would bring them to the landfill.

Ms. Brown asked how many pieces of equipment would the applicant have?

Mr. Hicklin stated a truck, trailer, and two (2) mowers.

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. He stated the property has been well cared for. He stated the Board visited the site this morning.

Ms. Brown stated this site is neat and orderly. She stated they have not received any complaints from the neighbors. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to construct a seven hundred (700) square foot maximum size garage.
2. All trailers, equipment, machinery, and materials for the business be kept inside the garage or under the deck.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

4. Site be kept neat and orderly.
5. Hours of operation be 7:00 a.m. to 7:00 p.m. Monday – Saturday. No Sunday operations.
6. No employees other than family members.
7. Applicant must reside on premises.
8. If any expansion of building or use is requested or required, the business must be moved to a Business zoned district.
9. Applicant be given two (2) years to construct the building.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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ABNER N. JOHNSTON, IV, AGENT FOR SHENANDOAH ASPHALT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Abner N. Johnston, IV, agent for Shenandoah Asphalt, for a Special Use Permit to continue the existing quarry and to delete the condition to have a designated truck route on the previous permits on property owned by Abner N. Johnston, IV, and Gray D. and Lois I. Brooks, located at 5047 Cold Springs Road, Raphine, in the Riverheads District.

Chairman Coyner stated the quarry has been in existence for quite some time.

Mr. Wilkinson stated the five (5) year term is up and the applicant is requesting that it be renewed.

Mr. Abner Johnston asked the Board to renew his Special Use Permit. He stated the condition for the trucks to be on Route 56 should be removed. He stated his attorney advised him that the trucks should be requested to travel on Route 667 for liability reasons instead of mandating it.

Chairman Coyner stated legally the trucks cannot run on Route 56.

Mr. Wilkinson stated that condition was placed on the permit in the 1990s. He stated since the last permit there has been a sign posted by VDOT stating no thru trucks.

Chairman Coyner stated there will be no change with the volume.

Mr. Wilkinson explained the route of the trucks on the aerial.

Ms. Brown stated Route 667 is wider and surfaced better.

Chairman Coyner stated the roads have been improvement greatly. He 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. He stated this is to continue the business.

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

Pre-Conditions:

None

Operating Conditions:

1. Special Use Permit for the 90.87 acre site be granted for a term of ten (10) years.
2. The site plan submitted for the 90.87 acres and approved by the Board must be followed. This acreage is just the combination of acreage for all the permits they have been issued since 1989.
3. The maximum acreage allowed to be mined at any one time is not to exceed fifteen (15) acres. Prior to any strip being mined, the applicant must submit to the Community Development Department a site plan drawn to scale showing the intended area to be mined.
4. Each fifteen (15) acre strip must be reclaimed as soon as possible after mining of the strip has been completed, but not later than twelve (12) months after mining of an additional strip has commenced.
5. Permit be issued non-transferable to Abner N. Johnston, IV, President of Shenandoah Asphalt.
6. Thirty (30') feet is the maximum depth allowed to be mined.
7. All truck drivers be given driving guidelines that they are to adhere to.

- 8. Bond continue in the amount of \$25,000 with security satisfactory to the Zoning Administrator.
- 9. There be no operation of onsite equipment prior to 7:00 a.m. or after 7:00 p.m. Monday – Friday and 7:00 a.m. to noon on Saturdays.
- 10. All local, State, and Federal regulations must be complied with.
- 11. Debris including residue rock and stone and other waste material stored on the property must have originated from the property and not be brought in from other sites. The only exception to this would be milled asphalt, stone, rock, and mulch.
- 12. All Federal and State regulations concerning vehicle condition, covering of loads, spills, etc. be met at all times.

Ms. Brown seconded the motion, which carried unanimously.

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OLD BUSINESS

JOHN MICHAEL CHAPPLE - SPECIAL USE PERMIT

A request by John Michael Chapple, for a Special Use Permit to have a beer brewery on property he owns, located at 769 Pine Bluff Road, Waynesboro, in the Middle River District.
- TABLED FROM THE DECEMBER 1, 2011 MEETING

Vice Chairman Byerly moved that the request be brought forward.

Mr. Shreckhise seconded the motion, which carried unanimously.

Chairman Coyner stated the public hearing was held last month on this request.

Mr. Wilkinson stated the request was tabled to determine if the existing building had an adequate setback from the neighbors, possibility of potential odors, and brewery being in close proximity to the church.

Mr. John Michael Chapple stated he is proposing a microbrewery on his property. He stated this will be a small brewery. He mentioned he will be the only employee. He stated there will be no deliveries or commercial traffic. He stated this is a green facility and they

will use propane gas. He stated the wastewater is treated. He will be using the small building that is shown on the aerial photograph. He stated the closest home is ninety-five (95') feet away. He mentioned the brew house is seventy-five (75') feet from the church property. He stated the brew house is obscured from the church. He stated there are no issues with this use being combustible. He mentioned there are no issues with water contamination. He stated they are planning on brewing ten (10) barrels of beer a month with no odors. He stated there will be no signs at the site. He respects the church's choice of abstinence. He stated this request is to brew a small amount of malt beverages. He stated this is not a retail facility. He has already brewed at the site for five (5) years. He stated he would like to have the right to distribute to restaurants and pubs in the area. He stated the ingredients are being grown here in Augusta County. He stated some of the ingredients will be grown on a farm in Fort Defiance. He stated that Shenandoah Valley Brewing Company is energy efficient. He stated the existing building is equipped with solar power. He stated he has a security system in place. He stated the building is permanently attached to a larger barn. He stated there has never been an issue brought up to him in the last five (5) years. He mentioned in order for him to move the building over, it would cost him \$5,000. He stated he would do that if he has to in order to get the permit. He stated to move the building out beyond 150' would put it in the middle of the woods. He stated if he moving his operation in the woods he would not have access to water. He could build a room in the house for fermenting. He stated that currently he is using his front entryway of his house for fermenting the beer. He stated that his home is only 900 square feet and they cannot smell it in their house. He stated four (4) of the neighbors are in favor of this request and only one (1) is in opposition.

Chairman Coyner asked if he would be brewing ten (10) gallons?

Mr. Chapple stated about three hundred (300) gallons a month.

Chairman Coyner asked what is the limiting factor?

Mr. Chapple stated his size of the building. He stated that one hundred fifty (150) square feet limits him to the amount of brewing that he can do.

Chairman Coyner asked if this is his hobby?

Mr. Chapple stated this would be his new career.

Chairman Coyner asked if ten (10) barrels should sustain him?

Mr. Chapple stated it would enable him to establish a market. He mentioned it would be unwise to produce more. He stated once he gets to a point where he needs to produce more then he would move to a location offsite.

Chairman Coyner asked if the applicant is “testing the water” if you will?

Mr. Chapple stated yes.

Chairman Coyner stated were the applicant needed to expand to be successful then he would need to move to a business site.

Mr. Chapple stated yes. He stated he is also growing gourmet mushrooms and using the grains for chicken feed. He stated that it would not be appropriate to have a large facility. He stated that if he would need employees then he would need to move the business to another location.

Chairman Coyner asked about the raw materials coming in?

Mr. Chapple stated the finished product would be a barrel of liquid that he would distribute in his vehicle.

Ms. Brown asked what type of vehicle would the applicant have?

Mr. Chapple stated a pickup truck.

Ms. Brown asked if the applicant would have customers coming to the site?

Mr. Chapple stated no. He would have one (1) distributor which he has an agreement with.

Chairman Coyner asked if the applicant would use wooden barrels?

Mr. Chapple stated he would use five (5) to fifteen (15) gallon metal kegs similar to what you see in a restaurant or bar system.

Chairman Coyner asked if the empty receptacles would come back to the applicant?

Mr. Chapple stated yes.

Chairman Coyner asked if the brewing is a two (2) week process?

Mr. Chapple stated it takes eight (8) to ten (10) hours to brew, two (2) weeks of fermentation, and then stored and aged for two (2) weeks at the distributor.

Ms. Brown asked if there would be fumes when brewing the beer?

Mr. Chapple stated the only fumes would be similar to baking bread or a roasting type of smell.

Ms. Brown asked if there would be any waste products?

Mr. Chapple stated the spent grains are dried and utilized as chicken feed. He stated the water has sugars in it and is biodegradable. He also has hops and barley. He stated he uses a four (4) stage sanitation device. He stated the water filters out through irrigation and nothing goes in the ground.

Chairman Coyner asked how many gallons of water does it take to produce beer?

Mr. Chapple stated about five (5) to six (6) gallons a day. He will have approximately ten (10) production days a month. He stated he will brew about 320 gallons a month.

Chairman Coyner asked if he would brew on Sundays?

Mr. Chapple stated no.

Chairman Coyner asked if there was anyone here wishing to speak regarding this request?

Mr. Stephen Kennamer, 457 Pine Top Road, Fort Defiance, stated he lived there for two (2) years and now is renting the site out to a family of five with three children.

Chairman Coyner asked if the renters have lived there for the last five (5) years?

Mr. Kennamer stated yes. He did not have any knowledge of the brewing. He mentioned his tenants did not have any knowledge of it either. He stated no one would have except for the fact they received public notice. He consulted with his tenants regarding the request. He has no concerns because there are no odors or noise and there will be no impact. He did question his tenants about this request because he wants them to be satisfied. He stated they are the closest to this operation and they have no objection.

Ms. Brown stated they visited the site today.

Mr. Kennamer stated the renters have three children. He stated the applicant is not interested in promoting alcohol. He stated they will not even have a sign. He stated the church is a good neighbor to him. He stated he would be very surprised if they would see what would be going on next door. He stated there will not be alcohol sold near the church or advertised next to the church. He supports this request going forward. He stated the

church does not want to send a message to children but with this use of property there is no message. He stated no one will come to the microbrewery.

Chairman Coyner asked if there was anyone wishing to speak in opposition?

Mr. Dave Crawford, Junior Deacon at Mt. Bethel Baptist Church, stated that he is not here to challenge Mr. Chapple's rights. He mentioned they want to defend their rights. He stated unfortunately the parking lot is adjacent to him. He stated the church has smelled some odor. He stated as a church do we have rights. He stated the church was at the site first. He stated they have to pickup beer cans every Sunday morning. He stated the applicant will need to have reserve inventory. He stated they question him only brewing ten (10) barrels a month. He mentioned they will have to stage in order to brew. He stated they still continue to hear noise. He mentioned Sunday school they go outside. He stated if the applicant wants to run a business they should absorb the cost of running a business and move to another location. He stated with the Baptism pool being outside they will see all that is going on there. He stated right now him not operating on Sunday is not true. He stated at the very minimal if they have to put up with it, they should be required to put up a fence. He stated they strongly oppose this request. He stated if they don't get it right it will affect other neighbors or landowners. He stated on behalf of the church they have concerns on where we go from here.

Mr. Richard Crawford, 409 Smith Street, Waynesboro, stated he has been a Deacon at the church since 1953. He stated he is in opposition to this request. He said no one wants a brewery beside a church. He stated every Sunday at 9:15 a.m. they have smelled odors. He stated Mt. Bethel does not need this. He stated how can they teach young people not to drink with a brewery next door.

Chairman Coyner asked the applicant to speak in rebuttal.

Mrs. Mary Chapple stated Sunday she maintains their garden. She also has smelled odors but it has nothing to do with the brewery. She has found deer carcasses but that is not part of the brewery. She stated her husband has been drinking beer in the yard and that is life. She would leave if an outside event is happening with the church. She tries to shield the view but the church has not done anything to help on landscaping. She stated that she does not want a sign for the brewery but she does want one for her farm. She stated it is not her beer cans that the church has seen. She mentioned she does not know but she has seen garbage falling off trucks driving by. She stated this is a microbrewery and they are testing the waters to see if it can exist. She mentioned it is working well in Nelson County. She stated people will not know that they are there. She stated she and her husband have discussed this and they know what they don't want. She stated they have a vegetable garden, chickens, farm, clover, bees, orchard, and a vineyard. She stated they have to maintain the septic properly. She stated they are trying to do all of the right things

and they do realize that the church was there first. She stated they will not brew on Sundays. She mentioned the odors are not from the brewery. She stated the brewery will smell like baking bread. She stated they use yeast which is the same product when baking bread with no chemicals.

Ms. Brown asked what all is being done at the site?

Mrs. Chapple stated a garden, bees, growing clover, barley, hops, herb garden, chickens, grape vines, and they would like to add either a cow or a goat to the site.

Ms. Brown asked how much of the six (6) acres is this happening on?

Mrs. Chapple stated on about one and a half acres.

Chairman Coyner asked if the rest of the property is wooded?

Mrs. Chapple stated yes. She stated they like it wooded because it serves as a buffer from the neighbors and it gives them privacy.

Chairman Coyner stated they visited the site again this morning. He stated possibly the brew house could be moved. He stated this is a quiet area. He stated the church is adjacent to the site. He feels the brewery should not be next to the church. He stated a fence would be a logical idea if the brewery were to be at the site.

Mr. Shreckhise stated it is not just one (1) neighbor in opposition but an entire congregation. He stated the site is not zoned for a brewery. He feels this should be something that most of the people would be comfortable with and it is not. He feels this would be a good enterprise but this is not a good location for the business. He mentioned this is not the right place for a brewery.

Ms. Brown stated this site will be very cramped with all of the items they have going on at the site. She mentioned she agrees with Mr. Shreckhise. She stated this site is not the proper location for the brewery, therefore, she moved that the request be denied.

Chairman Coyner stated this is not a proper place to have a brewery being that it is adjacent to a church particularly when we have heard from many people of the church.

Vice Chairman Byerly stated he could live with a tall fence that shields the operation but he respects the congregation.

Mr. Shreckhise seconded the motion, which carried unanimously.

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JONATHAN YATES, AGENT FOR BEACON TOWERS AND AT&T - SPECIAL USE PERMIT

A request by Jonathan Yates, agent for Beacon Towers and AT&T, for a Special Use Permit to construct a new wireless telecommunications facility on property owned by D. Perry and Emily L. Hostetler, located at 95 Sulfur Pump Road, Weyers Cave, in the Middle River District. - TABLED FROM THE DECEMBER 1, 2011 MEETING

Vice Chairman Byerly moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Jonathan Yates stated that there are existing facilities at the intersection of 81/256 and south of Grottoes. He stated that AT&T would like to provide better coverage to the Weyers Cave area. He stated this request was problematic placement due to the airport. He stated the Hostetler site was an ideal site for this application. He mentioned the tower will be 750' from the front, 495' to the rear, 780' to the north, and 424' to the south property lines. He stated they put a lot of time and effort in this application in order for AT&T to provide voice and advanced broadband coverage to the area. He stated the airport approved a 209' tower but they did not want to light it and they pled their case to the FAA. He stated the FAA issued the final approval that the tower be non-lighted and 150' tall. He mentioned that decision was based on the distance and height of the tower. He stated their final decision was that the tower was not a hazard to air navigation and they determined lighting was not necessary. He mentioned he spoke with the neighbors and told them the good news. He stated they have followed the ordinance and they will meet those requirements. He stated this is a good size piece of property and they have put a lot of work into this in order to make it work. He stated this is exactly where AT&T needed to be to make connection from Grottoes to Interstate 81.

Vice Chairman Byerly asked if increasing the size to 199' would enhance the coverage at all?

Mr. Yates stated it will a little bit but they wanted to deliver a tower without lights. He stated the tower is designed for AT&T and four (4) other co-locators with the right of refusal by Augusta County. He stated this tower will work to cover the section of Weyers Cave that needs the service.

Ms. Brown asked if the coverage would be the same at the bottom of the tower as it would at the top?

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Mr. Yates stated it will be designed with AT&T and four (4) co-locaters as well as the County. He stated there is a slight reduction in coverage at the bottom. He stated they reduced the size due to the proximity of the airport. He stated they wanted to take into account the air navigation system. He stated there is ample space on the ground at the Hostetler's property in order to have the equipment area.

Ms. Brown asked what is the lease area?

Mr. Yates stated 90' x 90' lease area with a 60' x 60' fence area. He stated there will be fifty (50) Leyland Cypress trees in two (2) staggered rows.

Mr. Wilkinson stated the applicant first applied for an Administrative Permit which limits the height of the tower to 199'. He stated with the Special Use Permit there are no maximum limits to a tower. He stated anything above 199' the FAA requires lighting. He stated the Board, applicant, and FAA determines the height of the tower to approve.

Chairman Coyner asked if anyone wanted to comment on this request?

Mr. Larry Dudley, 30 James Crawford Lane, Mount Sidney, stated they should be looking at technology and taking it a little further. He stated there should be towers and cell phone lines and video conferencing that withstand hurricane winds and tornadoes.

Ms. Brown stated that the tower is built to withstand 90 mph winds.

Mr. Yates confirmed that the tower will be built to withstand winds.

Mr. John Sozanski, 1381 Weyers Cave Road, Weyers Cave, stated that his property is at the back toward the airport. He stated his concern was with the lighting which he is glad to hear that there will not be any lighting on the tower. He asked if there was assurance that the tower would not be lighted?

Mr. Wilkinson stated the applicant is proposing that the tower not be lighted. He stated if the applicant cannot meet that criteria then they would need to come back before the Board and go through the public hearing process in order to change their request. He stated there will be a condition put on the permit stipulating no lighting.

Mr. Sozanski stated he was not able to attend the meeting in December. He asked how tall will the tower be in relation to the silo at the site?

Mr. Yates stated the silo is 104' tall.

Mr. Shreckhise stated that there is a bond that covers the cost of removal of the tower if the technology becomes obsolete. He stated the County made these provisions in order to remove towers no longer in use.

Vice Chairman Byerly 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. The applicant will submit information necessary to comply with Section 25-68.7 "Bonding" of the Augusta County Zoning Ordinance.
3. The applicant will provide a copy of the completed Phase 1 NEPA/SHPO study and FAA Hazard Determination issued by the Federal Aviation Administration.

Operating Conditions:

1. Be permitted to construct a 150 foot monopole style telecommunications tower.
2. The tower will not be lighted.
3. Tower design will allow a minimum of five (5) co-locators.
4. The fenced compound area be screened by a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center and the trees be maintained at all times.
5. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunications purposes. The tower shall be disassembled and completely removed from the site within 180 days of such notification.
6. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.
7. Augusta County shall be allowed, at its request, to use a mutually agreed upon location on the monopole for County emergency communications, subject to the following conditions:

- Rent-free if solely for use by the County police, fire, rescue, and/or other emergency communication services.
- Application submitted with equipment specifications.
- Written no-rent license agreement between the County and Beacon Towers and AT&T.
- Subject to space availability and structural capacity without the need for extensions or structural modifications (unless approved by and installed by Applicant at the County's sole cost and expense); provided, however, that when only one space for collocation remains on the monopole, the County shall have the right of first refusal before any additional carrier is allowed to collocate, including ground space, not to exceed 10' x 10', for its communication needs, without any charge. This otherwise perpetual reservation may be waived at the discretion of the County Administrator, and this right of first refusal shall expire upon the earlier to occur of the tower (a) being removed; or (b) reaching full capacity.

Mr. Shreckhise seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. David Fitzgerald, 147 Wayne Avenue, Stuarts Draft, stated he applied for a Special Use Permit to have a wind turbine. He has been in the process of retrieving data for wind on his property. He does have the farm setbacks covered. He stated that staff has sent him a letter regarding his permit but he did not get a chance to come before the Board. He would like to extend his permit for another year. He stated his permit is for a wind turbine for agricultural purposes. He stated that with the economy the way it is he has not gotten a chance to complete his permit. He stated that it is not economical to sell the power back to the power company. He stated the County needs to promote alternative energy. He stated if they can use the power on their farm it is more economical. He stated that the companies can produce it but they do not have to put it in transmission lines.

Vice Chairman Byerly stated that Virginia has the lowest pay back for power return in comparison with the adjoining states. He asked what class wind does Mr. Fitzgerald have at his site?

Mr. Fitzgerald stated he is in the process of collecting that information.

Vice Chairman Byerly stated that if it is not a class four (4) or five (5) it may not work. He moved that the one (1) year Extension of Time be granted.

Ms. Brown seconded the motion, which carried unanimously.

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BOARD OF ZONING APPEALS ANNUAL REPORT 2011

Mr. Wilkinson presented the Board of Zoning Appeals Annual Report for the year 2011.

Mr. Shreckhise moved that the report be approved.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

- 11-14 Douglas P. Snyder
- 11-15 Marshall D. or Anna Miller
- 11-16 Paul W. Johnson
- 11-17 Ronald L. Long, Jr.
- 11-18 Linda S. Jackson
- 11-19 Jabelle, LLC – **Withdrawn**
- 11-20 Weyers Cave United Methodist Church

Mr. Wilkinson stated SUP#11-14 and SUP#11-15 are both in compliance. He stated that SUP#11-16 is the in process of reducing the number of dogs. He stated that Animal Control will inspect the site in March. He stated that SUP#11-17 and SUP#11-18 are both in compliance. He stated that we sent the applicant a letter on SUP#11-20. He stated they still have plans on opening the day care.

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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.

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Chairman

Secretary