

June 4, 2015

PRESENT: J. D. Tilghman, Chairwoman
G. A. Coyner, II, Vice Chairman
D. A. Brown
T. H. Byerly
S. F. Shreckhise
J. R. Wilkinson, Zoning Administrator & Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 4, 2015, at 8:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:30 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:

- **SAMIR BARAMKI - SPECIAL USE PERMIT**
- **RODNEY S. AND CAROLYN S. KNIGHT - SPECIAL USE PERMIT**
- **PERRY MACE - SPECIAL USE PERMIT**
- **IBRY D. AND CHRISTY - SPECIAL USE PERMIT**
- **JOSE ORTIZ CRUZ OR REBECCA J. KIDD - 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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Chairwoman

Secretary

PRESENT: J. D. Tilghman, Chairwoman
 G. A. Coyner, II, Vice Chairman
 D. A. Brown
 T. H. Byerly
 S. F. Shreckhise
 J. R. Wilkinson, Zoning Administrator & Secretary
 Pat Morgan, County Attorney
 B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 4, 2015, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Byerly moved that the minutes from the May 7, 2015, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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SAMIR BARAMKI - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Samir Baramki, for a Special Use Permit to have a snack stand on property he owns, located at 283 Lee Highway, Verona, in the Beverley Manor District.

Mr. Samir Baramki stated he is asking to have a kettle corn stand at his property. He stated they have the permit from the Health Department. He has purchased three tents already and during storms they were blown away and needed to be replaced. He stated a building under 256 square feet does not require a building permit. He stated that he was notified today that the building cannot be attached to the ground. He mentioned that once the structure is built he will cut the wood so that it will not be attached to the ground. He

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stated there is no electricity in the building. He noted if the Virginia Department of Transportation wants the structure moved, he will move it.

Mr. Wilkinson stated that if the building is attached to the ground it would need to meet the setbacks but if it is temporary it can be closer.

Mr. Baramki stated he plans on building the structure because a floor is not needed. He stated the structure will not be attached to the ground once it is completed.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated the applicant will need to be sure that they meet the definition of a temporary structure.

Mr. Byerly stated after the structure is completed it will need to be made into a portable building.

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

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have one (1) temporary snack stand structure located in the space shown on the BZA sketch plan.
2. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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RODNEY S. AND CAROLYN S. KNIGHT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Rodney S. and Carolyn S. Knight, for a Special Use Permit to have weddings and special events on property they own, located at 125 Berry Farm Road, Staunton, in the Beverley Manor District.

Mr. Rodney Knight stated they would like to have weddings and special events on their property. He stated they will use caterers for the events. He noted they are working with the Health Department and engineers on the septic system. He stated if they get approved they plan on moving forward with the septic system.

Chairwoman Tilghman asked if the applicant will use porta-johns temporarily?

Mr. Knight stated they will use portable restroom trailers until they get the issues worked out with the septic system.

Chairwoman Tilghman stated there will be a substantial cost involved in installing the septic system.

Mrs. Carolyn Knight stated they already operate as a bed and breakfast.

Chairwoman Tilghman asked if the applicant is in agreement with the operating conditions staff has recommended?

Mr. Knight stated yes.

Vice Chairman Coyner asked if they will have a tent in the yard?

Mr. Knight stated yes. He stated they will have a small tent.

Vice Chairman Coyner asked how long will the applicant use the portable restroom trailers?

Mr. Knight stated they will see how the business grows.

Mrs. Knight stated it may take about two (2) years to decide if it would be worth installing a septic system.

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

Mr. Wilkinson stated staff has received two (2) letters in support from Roger and Arlene Austin and Edsel Hosaflook.

There being no one to speak, Chairwoman Tilghman declared the public hearing closed.

Chairwoman Tilghman stated on other similar permits, the Board has asked that the septic system be installed within two (2) years. She stated the reason is to give the applicant time to decide if they want to spend the money on a septic system.

Mr. Shreckhise stated the applicant can come back and ask for an Extension of Time if the septic system is not completely installed.

Vice Chairman Coyner stated the Board visited the site this morning. He stated this is a nice piece of property. He stated the applicant has operated a bed and breakfast at this site with no issues. He 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 Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Applicant will install a sewage treatment system approved by the Health Department within two (2) years.
2. Be permitted to operate for two (2) years using a portable restroom trailer as depicted in the brochure until the septic system is installed.
3. Be limited to seven (7) events per year but no more than one (1) per month.
4. Be limited to a maximum of one hundred (100) people per event.
5. No amplified music after 10:00 P.M.

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6. Events to cease by 11:00 P.M. and all persons off the property before midnight.
7. One of the applicants must reside on the premises.
8. Site be kept neat and orderly.
9. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
10. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the Ordinance requirements of Article VI.A Outdoor Lighting.

Ms. Brown seconded the motion, which carried unanimously.

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PERRY MACE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Perry Mace, for a Special Use Permit to have a landscape supply, rock, and stone business on property owned by Huey W. or Mary L. Mullins, located at 4779 Lee Jackson Highway, Greenville, in the Riverheads District.

Mr. Perry Mace stated he is asking to have a landscape supply, rock, and stone business at this location. He stated he had a business in the County previously before his wife's death. He submitted an updated site plan showing the outdoor display.

Ms. Robin Smith stated they would like to move back to Greenville. She noted they are in Fairfield now. She stated they will make improvements to the exterior of the building. She stated the dump truck and motor vehicle equipment will be stored behind the building. She stated there will be no Sunday business. She stated they have been very busy in Fairfield selling only boulders. She stated they feel this is a good location. She noted they have changed the site plan to show what staff has requested.

Vice Chairman Coyner asked what type of work will be done to the building?

Ms. Smith stated they will make the building more appealing. She stated they will paint and add some shutters to the building.

Chairwoman Tilghman asked if the customers will come to the site or call in orders?

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Ms. Smith stated most customers know Mr. Mace through word of mouth. She stated local contractors call in an order and then come to pick it up but they will also deliver if needed.

Vice Chairman Coyner asked if the stones come in on pallets?

Ms. Smith stated yes.

Vice Chairman Coyner asked if the product is delivered by tractor trailer?

Ms. Smith stated yes.

Mr. Byerly asked what type of inventory would the applicant have?

Mr. Mace stated he will have decorative stone, mulch, crush and run, and pavers.

Ms. Brown asked if the customers will drive around the building?

Mr. Mace stated they will have their customers either drive around the building or on the side. He stated all of the product is supplied to the contractors. He stated they will have a sales person visit with contractors selling their product.

Mr. Shreckhise asked how much of an initial inventory will the applicant have?

Ms. Smith stated they will only have one (1) to two (2) trailer loads. She stated there will not be a large volume of trucks coming to the site.

Vice Chairman Coyner stated the site will need to be kept neat and orderly.

Ms. Smith stated the disabled vehicle at the site is not theirs.

Chairwoman Tilghman asked if they plan on delivering their product?

Ms. Smith stated yes. She stated they plan to sell to contractors and residents. She stated they have a dump truck kept onsite. She stated they have customers from all over the area. She stated they will have no more than three (3) employees at the site. She noted that she also works from home.

Mr. Wilkinson asked if they will have a pickup truck?

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Mr. Mace stated they will have a small pickup truck for the sales person as well as a dump truck.

Mr. Wilkinson asked how many pieces of equipment will the applicant have?

Mr. Mace stated they will have a bobcat and a backhoe.

Mr. Wilkinson asked how big will the pallets be stockpiled?

Mr. Mace stated the pallets will be stacked behind the building out of site. He stated the pallets that are damaged will go to the landfill.

Vice Chairman Coyner asked where will the mulch be stored on the property?

Mr. Mace stated the mulch will be stored in bins on the south side of the property.

Ms. Brown asked if the applicant will be advertising through the internet?

Mr. Mace stated yes.

Vice Chairman Coyner asked if there will be someone at the location during business hours?

Mr. Mace stated yes.

Ms. Brown asked how many employees will the applicant have?

Mr. Mace stated three (3) employees and one (1) part-time employee. He stated two (2) of those employees will not be at the site at all because they are in the mountains.

Mr. Wilkinson stated the Health Department is limiting the number of people at the site because of the size of the drainfield.

Mr. Mace stated they will not need more than three (3) people at the site.

Vice Chairman Coyner asked about lighting on the property?

Mr. Mace stated they will have security lights.

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Mr. Wilkinson stated the applicant will need to check the wattage and be sure they have the shields on the lights.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated the property has been used for business before. He stated the applicant does have experience in this type of operation. He moved that the request be approved with the following conditions:

Pre-Condition:

1. Applicant submit a revised BZA site plan to Community Development.

Operating Conditions:

1. All rock, stone, or landscape material will be kept in the designated areas shown on the BZA site plan.
2. All mulch be kept in bins.
3. All display and material storage area be kept twenty-five (25') feet from property lines and forty (40') feet from Route 11.
4. Be limited to three (3) trucks and two (2) pieces of motorized equipment.
5. No more than two (2) employees in addition to the applicant be on the site at any one time.
6. Hours of operation be Monday – Saturday 8:00 a.m. to 5:00 p.m.
7. No Sunday work.
8. Site be kept neat and orderly.
9. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

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10. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
11. Permit be reviewed in a year and renewed if all of the conditions are met.

Ms. Brown seconded the motion, which carried unanimously.

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IBRY D. AND CHRISTY MEADOWS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ibry D. and Christy Meadows, for a Special Use Permit to have a heating and air conditioning business, and to lease one building for storage on property owned by Allen B. Simmons, Jr., Estate, located at 649 Churchmans Mill Road, Stuarts Draft, in the Riverheads District.

Ms. Christy Meadows stated she is requesting to operate at this site for a year until they find a permanent location. She stated they have a second location at Broadmoor Plaza where her office is located.

Vice Chairman Coyner stated the Board visited the site today and noticed a number of vehicles at the property.

Ms. Meadows stated they have seventeen (17) employees. She stated they meet at this site and leave their personal vehicles there during the day. She stated the lower shop is used for storage. She stated the middle shop is rented to someone else which they are not involved in. She noted they make their own duct work in the red building.

Vice Chairman Coyner asked what goes on in the shop?

Ms. Meadows stated they have an employee in the shop making duct work for jobs. She stated her husband also has his office there. She noted that customers do not come to this site.

Vice Chairman Coyner asked if there is a lot of noise in the shop?

Ms. Meadows stated inside the building it is loud because of the plasma cutter.

Mr. Shreckhise asked how often are there deliveries to this site?

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Ms. Meadows stated three (3) times a week.

Vice Chairman Coyner asked about the inoperable vehicles at the site?

Ms. Meadows stated some of the items on the property belonged to Allen Simmons. She stated not all of the stuff on the property is theirs.

Vice Chairman Coyner stated with seventeen (17) employees, how many come to this site?

Ms. Meadows stated about twelve (12) employees come to this site in the morning to pick up the van and their supplies. She stated they leave by 7:30 a.m. and come back by 3:30 p.m. Monday – Friday.

Vice Chairman Coyner asked if there would be any night time activity?

Ms. Meadows stated nothing work related will be done at night. She stated her husband works on his car sometimes at night.

Chairwoman Tilghman stated company vehicles will be parked at the site after hours. She asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Robert Stoneburner, Executor of Allen Simmons' estate. He stated that Mr. Simmons requested that all of his assets be liquidated and be given to four charities. He stated the neighbors in the area were not in favor of All-Temp purchasing the property. He stated they approached Leland Brenneman and he is interested in purchasing the property and he will work with All-Temp on a timeframe until they find another property to relocate. He stated his intention is to sell the property. He stated the estate does have plans to dispose of the unlicensed vehicles. He stated they would like to sell everything as quick as they can.

Vice Chairman Coyner stated Mr. Stoneburner does have a viable plan.

Mr. Leland Brenneman, 1312 White Hill Road, Stuarts Draft, stated he owns the property across the street and adjacent to the property. He stated these developments are very recent. He stated he was raised on the property and is invested in that area. He stated his son and daughter both own lots in that area. He mentioned if he is fortunate enough to purchase the property his intent is to restore it for residential/agricultural use. He noted that he has discussed this previously with Mr.

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Simmons prior to his death. He stated this could have been arranged several weeks ago in order to avoid this situation. He stated the applicants are a victim of their own success. He stated this is a wonderful neighborhood.

Vice Chairman Coyner stated it sounds like Mr. Brenneman would be acceptable in giving the applicants a timeframe in order to have an opportunity to be able to relocate. Mr. Brenneman stated a petition was circulated throughout the neighborhood and there were also many letters in opposition to the request. He stated nothing was known during that time that he was being offered the option to buy the property.

Mr. Byerly stated if Mr. Brenneman purchases the property he has the intent of restoring the land so that it is compatible with the rest of the neighborhood.

Mr. James Whitesell, 731 Churchmans Mill Road, Stuarts Draft, stated he has lived there for thirty-seven (37) years. He stated since the applicant has been in business there have been a number of commercial vehicles at the site. He stated this takes away from the home atmosphere or quietness of the area. He stated he does not have any objections to the business but does not believe it should be in this area. He stated he will have to put up with the noise for another year. He stated this business takes away from the quiet residential area.

Mr. Spencer Zane, 605 Churchmans Mill Road, Stuarts Draft, stated vans come in and out. He stated this commercial business has been operating in a residential area for two (2) years without any permits. He stated tractor trailers have blocked the road a couple of times a week. He stated the residential neighborhood is disrupted with all of the traffic. He noted there is traffic and noise in the morning and evening hours. He stated they also operate extracurricular activities which include racing vehicles up and down the highway, driving several vehicles that do not have a muffler, and conducting target practice with semi-automatic weapons. He noted as a neighbor they have failed miserably. He stated there is so much noise pollution at the site. He stated this is an unmarked County road which is used by pedestrians. He noted there are no speed limit or curve signs on this road. He stated he has encountered an employee that pulled into his driveway. He stated they have had target practice at the site after hours. He stated they have not been good neighbors. He stated they started out small but then they kept on expanding and did not speak with any of the neighbors. He stated this is a violation of the use of the land.

Ms. Teresa Sprouse, 800 Churchmans Mill Road, Stuarts Draft, stated her main concern is traffic. She stated a lot of people use the road to walk. She is concerned about the children walking and riding bikes along the road. She noted there is a

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potential for property values to decline. She stated she is glad that the business has grown but this is a residential area.

Ms. Tanya Brenneman, 1312 White Hill Road, Stuarts Draft, read a letter from Josh and Laurie Biser, 1216 White Hill Road, Stuarts Draft. She stated their main concerns are with traffic, gun fire, and noise (a copy of the letter can be found in the Special Use Permit file).

Mr. Kenneth Hupman, 603 Churchmans Mill Road, Stuarts Draft, stated he is happy with the new proposal. He stated there is a curve in the road where the trucks get onto the shoulder. He stated he has heard shooting in the woods.

Ms. Meadows declined to rebut.

There being no one else wishing to speak, Chairwoman Tilghman declared the public hearing closed.

Mr. Byerly stated that it appears that there is a resolution to this situation. He stated he would like to see the Brenneman family purchase the property because they do have a vested interest in the land. He stated the Board could give the applicant a year in order to move their business to another piece of property. He stated there will not be an extension twelve (12) months from now.

Chairwoman Tilghman agreed with Mr. Byerly.

Mr. Byerly asked if the applicant can still operate their personal use auto repair activity and other recreational uses at the site?

Mr. Wilkinson stated personal use activity is not regulated by this Board. He stated if a resident feels that it is not safe, they can call the Sherriff's Office to be sure they are properly handling firearms. He stated the County does have a noise ordinance that goes into effect from midnight until 6:00 a.m. He noted after midnight the Sherriff's Office can be notified. He stated normally the business cannot operate until the pre-conditions are completed. He stated the pre-conditions will need to be addressed quickly.

Mr. Shreckhise stated the Board should put a time limit on operating at this site.

Mr. Stoneburner stated if Mr. Brenneman acquired the property he would take care of things. He stated that Ms. Meadows should be able to agree not to have extracurricular

activities. He stated they have told the other two tenants the lease can be ended anytime within thirty (30) days.

Vice Chairman Coyner stated the Board will give the applicant one (1) year to find another location. He hoped the purchase of the property is negotiated as soon as possible with Mr. Brenneman.

Mr. Byerly stated the applicant should have thirty (30) days to complete the pre-conditions. He 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.
3. Obtain Health Department approval and provide a copy to Community Development.
4. All Pre-Conditions must be completed within thirty (30) days.

Operating Conditions:

1. Be limited to four (4) company vehicles at the site.
2. No more than eight (8) employees to come to the site.
3. There be no rental of buildings on this property to other people. All structures are to be used for the applicant's HVAC business.
4. All equipment, machinery, and materials for the business be kept inside the three (3) existing buildings.
5. Hours of operation be Monday – Saturday 7:00 a.m. to 5:00 p.m.
6. No Sunday work except for an emergency in the winter time.
7. Site be kept neat and orderly.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

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9. No further expansion.

10. Permit be issued for only one (1) year and not renewed.

Vice Chairman Coyner seconded the motion, which carried unanimously.

Chairwoman Tilghman stated that she appreciated the neighbors getting a petition together but it does make a difference to the Board in seeing faces at the meeting expressing their support or opposition. She stated the Board is trying to give this business the opportunity to be able to relocate. She stated this business operation needs to be in a Business zoned district.

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JOSE ORTIZ CRUZ OR REBECCA J. KIDD - SPECIAL USE PERMIT

A request by Jose Ortiz Cruz or Rebecca J. Kidd, for a Special Use Permit to have a trucking business with outside storage of vehicles on property they own, located at 77 Samsons Circle, Crimora, in the Middle River District. – TABLED AT THE MAY 7, 2015 MEETING

Vice Chairman Coyner moved that the request be brought forward.

Mr. Byerly seconded the motion, which carried unanimously.

Mr. Wilkinson stated staff met with David Atwood from VDOT and the applicant at the site. He stated Mr. Atwood modified the previous conditions. He stated after speaking with him they had a better explanation of the low volume traffic this business will have. He stated they are limiting the applicant ten (10) or less trips a week. He stated majority of the trailers will be unloaded. He stated the tractors only travel northbound on Route 340. He stated they will still need to get an entrance permit from VDOT for the widening and paving of the entrance. He noted that staff has modified the operating conditions to reflect those changes.

Mr. Shreckhise stated without this Special Use Permit the applicant can only have one (1) tractor and one (1) trailer at the site. He expressed his concern about it not being safe to enter the roadway with the tractor trailer. He stated the applicant should be able to get in and out of the site with the semi-tractor no problem but he is concerned about

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the tractor and trailer coming to the site. He felt the Board should only approve one (1) trailer due to the safety issues.

Mr. Byerly asked if the trailer would be loaded?

Ms. Kidd stated there is a possibility that the trailer will be loaded. She felt that she is safe to enter and exit the site with the tractor trailers. She stated another vehicle does have time to stop on Route 340 as long as they are driving the safe speed limit. She stated they have four (4) spare trailers.

Mr. Shreckhise asked what is the maximum number of tractors and trailers does the applicant have?

Ms. Rebecca Kidd stated she has four (4) trailers and two (2) tractors.

Vice Chairman Coyner asked how many trips per week would the applicant have?

Ms. Kidd stated her husband is constantly working. She stated he leaves on Sunday and does not get back until Friday. She stated she leaves on the weekends only.

Mr. Byerly asked if the flatbed trailer is loaded?

Ms. Kidd stated sometimes they will be loaded.

Vice Chairman Coyner stated the applicants have improved the property.

Mr. Byerly stated one of the main concerns of the Board is the safety.

Vice Chairman Coyner asked why does the applicant need four (4) trailers at the site?

Ms. Kidd stated the trailer type would depend on what they needed to haul. She stated they do have an office in Waynesboro at Eddie's Diesel and a lot in Fishersville.

Vice Chairman Coyner asked the applicant if the trailers were ever kept in Fishersville?

Ms. Kidd stated they change the tires on them in Fishersville. She stated the drivers are all responsible for their own tractor trailers.

Vice Chairman Coyner asked if the applicant has a shop for maintenance at this site?

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Ms. Kidd stated they will not do heavy duty repair work at this site. She stated they would like to be able to change the oil.

Vice Chairman Coyner asked if this is a family operation?

Ms. Kidd stated yes.

Vice Chairman Coyner stated the site will need to remain neat and orderly.

Ms. Kidd stated the trees will block the view of the tractor trailers. She stated they will also install a fence.

Mr. Byerly stated he is concerned with the safety but he felt that four (4) trailers and two (2) tractors would be adequate for the site. He moved that the request be approved with the following conditions:

Pre-Condition:

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

Operating Conditions:

1. Be limited to ten (10) trips per week in and out of the property.
2. Truck traffic is expected to enter Samsons Circle from the south and exiting traffic will proceed southbound (exception is unloaded trucks with no trailer may exit northbound).
3. Be limited to two (2) semi-tractors, two (2) flatbed trailers, and two (2) box trailers at this site.
4. No more than one (1) employee at any one time may be on the property to drop or switch a trailer.
5. All outdoor storage be kept in the designated areas shown on the site plan.
6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
7. Site be kept neat and orderly.

- 8. At least one of the applicants must reside on premises.
- 9. Minor repairs only are to be done onsite.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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STAFF REPORT

- 14-40 Ronald Edward Kiser T/A Specialized Cycle Service
- 14-41 Phillip J., Susan H., and Phillip J., Jr. Sandridge
- 14-42 James Brenneman
- 14-43 Franklin Holdings, LLC
- 14-44 Doris S. Wright
- 14-45 Skyline Swannanoa, Inc.

Mr. Wilkinson stated SUP#14-40 and SUP#14-41 are both in compliance. He stated the applicant will need to plant trees for SUP#14-42. He stated SUP#14-43, SUP#14-44, and SUP#14-45 are all in compliance.

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Mr. Morgan discussed the court cases with the Board.

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

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Chairwoman

Secretary