

April 6, 2017

PRESENT: Thomas H. Byerly, Chairman  
Steven F. Shreckhise, Vice Chairman  
Daisy A. Brown  
George A. Coyner, II  
Justine D. Tilghman  
Sandra K. Bunch, Zoning Administrator and Secretary  
James R. Benkahla, County Attorney

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 6, 2017, 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:

- **The Board of Zoning Appeals viewed all of the public hearing requests on the agenda today.**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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Chairman

\_\_\_\_\_  
Secretary

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 Justine D. Tilghman  
 Sandra K. Bunch, Zoning Administrator and Secretary  
 James R. Benkahla, County Attorney  
 Beatrice 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, April 6, 2017, at 1:30 P.M., in the County Government Center, Verona, Virginia...

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**MINUTES**

Mr. Coyner moved that the minutes from the March 2, 2017, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**GENE HISE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Gene Hise, for a Special Use Permit to have outdoor storage of a food truck on property owned by Glen-Gary, Inc., located on the west side of Westview School Road approximately 0.664 miles north of Gentry Road in the Middle River District.

Mr. Gene Hise stated he is the owner of the food truck and is asking permission to park the food truck at this site. He cannot have the food truck at his home in Autumn Breeze Subdivision due to the deed covenants. He moved here from Oklahoma. He is asking to park his food truck beside the barn when not in use. He will not serve at this location.

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

Mr. David Seay, PO Box 57, 2992 Scenic Highway, Mount Solon, said this is a reasonable request.

There being no one else wishing to speak, Chairman Byerly declared the public hearing closed.

Vice Chairman Shreckhise stated the Board visited the site today. He said no one will even know that the food truck is at the site. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

- 1. No customers coming to the site.
- 2. One (1) food trailer be kept beside the barn as shown on the BZA site sketch.
- 3. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

Chairman Byerly welcomed Mr. Hise to Augusta County.

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**DEANNA HYCHE, AGENT FOR THE BROADWAY GROUP, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by DeAnna Hyche, agent for The Broadway Group, LLC, for a Special Use Permit to have a retail sales establishment on property owned by Randal A. or Patty H. Simmons, located at the north side of Scenic Highway (Route 42) approximately .523 of a mile west of Moscow Loop (Route 607) in the North River District.

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Ms. Deanna Hyche state she is here as a representative for the Broadway Group from Huntsville, Alabama. She also brought her team with her which includes the engineer for the project. She presented the Board with a Power Point Presentation. She is requesting a Special Use Permit. She stated the Broadway Group is a small commercial developer and general contractor. She stated they incorporated in 2006 and is based in Huntsville, Alabama. She noted they do work in five (5) different states and are competent in what they build. She said they are looking to build in Mount Solon, Virginia and our goal is to bring you a sales floor of 7,300 square feet and convenience store. She presented a list of several of the things that they would like to provide at the store. She said they offer maintenance items, home repair type items, school supplies, health and beauty, baby products, lawn and garden products, and car maintenance type products, and household goods. She said one of the things that is important is that they also try to offer things that the community needs. She stated she is open to recommendations on what the community would like in the store. She has read the ordinance and the Comprehensive Plan and she understands that she is asking to place this facility in an agricultural area and in understanding that, she would look for recommendations to the types of items to carry in the store that would best serve the residents that will use this facility. She noted they are located on the north side of Route 42 about .5 miles west of Moscow Loop and are looking to purchase 1.994 acres currently zoned General Agriculture. She displayed the aerial overview that shows the property they plan to purchase. She noted the back of the facility is where the septic is and they will also be on a well. She said they will provide thirty-seven (37) parking spaces which far exceeds the needs of what they would normally have. She noted they normally have thirty (30) parking spaces but adjusted that number to meet the ordinance requirements. She displayed an aerial of the southwest directly facing the neighboring property to the northeast. She stated she would like to point out the screening that exists at the property and the split rail fence. She stated they are not proposing a Walmart, which is about seventeen (17) miles from the proposed development. She said they are not a large retailer. She said they are not a destination location. She said the individuals that are using the facility are individuals that are already commuting, locals, and tourists. She said the tourists are coming from Natural Chimneys or hiking or from the music festivals that you offer through the summer. She stated that is our target market. She stated they base their matrix on a five (5) mile radius. She said they look to serve the people of the community within that matrix. She said this will not affect the businesses that are on either side of this property. She said she is familiar with all of the articles and news reports and if you are familiar with what they are planning on building then you know that they co-exist with all types of businesses in the same market. She stated the country store has been mentioned most and they offer things that she is not going to offer. She said the country store offers gas, lunches, and those are things that they cannot take the place of. She said she wanted to reassure everyone that they work hard to exist with other businesses in the area. She is here to obtain a Special Use Permit which is an exemption

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to operate the retail facility within the agricultural zoning and they are not here to rezone the area, she does not want to change the rural aesthetic of the area, just to compliment it.

She is asking for a Special Use Permit on the property that they are buying and they will not attempt to change the nature of the surrounding area. She stated when they find an area, they work with the seller, and ask that they sign land uses restrictions so that they can control what comes in with the signed document. She said they are cautious of what is happening around them. She said they would not want a hoard of people around them. She displayed five (5) renderings for the Board. She said they want to work with the community and compliment the aesthetics that exist in that area. She said during the permitting process they can decide what suits the area. She stated there will be screening to ensure the lighting is buffered from the adjacent properties. She said the trash enclosure will be fully enclosed. She said they are extremely cognoscente that this is a rural area and will make every attempt to appropriately shield the lighting and redirect lighting to the parking lot and avoid disturbance of the surrounding area. She displayed a preliminary photometric plan. She has reviewed the County's ordinance. She noted they are not asking to stray from the ordinance. She said the lighting ordinance will be met for the store. She stated there will be lighting on the front of the store with two (2) units on each side, a pole light centered in the parking lot, along the parking lot side of the store five (5) lighting packs, and at the end of the development there will be an emergency light at the door. She stated the lighting is for safety and visibility in the parking lot area. She said the lights will be on timers and it will go off one (1) hour after the store closes. She said they will not all be on at night. She said as one of the fastest growing retailers this will create ten (10) new jobs, eight (8) full-time, and two (2) part-time and create sales tax revenue. She noted they will comply with all ordinance requirements. She mentioned once the final plans are complete, they will get all permits necessary. She will work with the Virginia Department of Transportation. She said she has already contacted a license soil scientist in the area for the septic and well and will work with the Health Department. She noted this is a low flow facility. She said they will have less than 225 gallons a day for waste and it will be an easy system for the County.

Ms. Brown asked what is the name of the store?

Ms. Hyche stated Dollar General.

Vice Chairman Shreckhise asked what are the hours of operation?

Ms. Hyche stated the tentative hours are 8:00 a.m. until 10:00 p.m.

Mr. Coyner asked how did the applicant find this property in Mt. Solon?

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Ms. Hyche stated it is based on a matrix which has been very successful. She said Dollar General has 13,000 stores and is growing. She is not able to speak to the matrix they use. She said this is a niche market and their focus is to be part of the community and not a big chain, large retailer.

Mr. Coyner stated there are stores already in town. He asked if they are trying to go into rural areas?

Ms. Hyche stated yes, they want to target commuters and local residents who do not want to travel eighteen (18) miles to a Walmart.

Mr. Coyner said the applicant mentioned that she did not want to change the character, but if you build a store in the middle of a green field, it is hard to say that it will not change the character.

Ms. Hyche noted she is not changing the zoning and she would hope to develop a facility that fits with the character of the area.

Ms. Tilghman asked if they will have the same hours on Sundays?

Ms. Hyche stated yes but she can work with the Board on the hours.

Mr. Coyner asked if the lights would be on one (1) hour before the store opens?

Ms. Hyche stated she is not sure. She can get that information to the Board because she does not know the answer.

Mr. Coyner asked if they will hire management locally?

Ms. Hyche stated yes.

Mr. Coyner asked where is the headquarters for Dollar General?

Ms. Hyche stated Tennessee.

Ms. Brown asked where are the supplies coming from and where are the warehouses?

Ms. Hyche stated she can get that information for the Board. She stated there will be one (1) tractor trailer delivery a week within normal business hours.

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Mr. Coyner asked if there will be local vendors? If so, how many?

Ms. Hyche stated yes but they would use smaller delivery trucks. She is unsure how many smaller trucks.

Ms. Brown asked how many lights surround the property?

Ms. Hyche stated there are two (2) sconces on the front and on the side there are five (5) units, three (3) sconces and two (2) wall packs. She noted there is a pole light in the front parking lot that is pointed down.

Ms. Brown asked if they would be on all night?

Ms. Hyche stated no.

Ms. Brown asked how many parking spots would there be?

Ms. Hyche stated thirty-seven (37) based on the ordinance.

Ms. Brown asked how many entrances are there?

Ms. Hyche stated there will be a front entrance.

Mr. Coyner asked about the specifications for the lights?

Ms. Hyche stated they would follow the County's ordinance. She cannot remember the foot candle specifications.

Ms. Bunch stated they cannot exceed half a foot candle onto the neighboring properties.

Ms. Hyche stated she has received calls and has done the best to answer the lighting concerns of the neighbors. She stated they will ensure that the spray is shielded from the adjoining properties.

Ms. Tilghman asked if the sconces on the building at night are lit?

Ms. Hyche stated they are on a timer.

Ms. Tilghman asked if the lights inside the building will be on?

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Ms. Hyché stated the lights are usually on in the vestibule. She stated she would double check that information. She said there were some concerns about theft. She said they do have security systems in the building but lighting will help deter theft and she hopes to find a happy medium.

Ms. Tilghman stated she would not want to disturb the neighbors but if there are no lights you are asking for a problem. She noted logically there needs to be some kind of light.

Ms. Brown stated this is a small farm community. She asked about the farm supplies offered to the community?

Ms. Hyché stated they will have the typical supplies but they do need help so that they can offer the necessities to the farm community. She said they have motor oil and fix a flat but she needs your help and would look for suggestions for items.

Ms. Brown asked if they would offer feed supplies?

Ms. Hyché stated she cannot answer that because she does not know what that means but she can talk to her clients about it.

Ms. Brown asked if she has ever built in a farm community before?

Ms. Hyché stated yes.

Ms. Brown asked if she has offered those products?

Ms. Hyché stated she has not. She cannot answer that because this is the first time she has been asked specifically about a product line.

Ms. Brown stated if you come into a community you have to offer the community things they would use. She said it sounds as though you do not offer this type of product at other stores.

Ms. Hyché stated the offerings are based on the communities they are in. She has not specifically stocked feed in any of her stores.

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

Mr. David Seay, 2992 Scenic Highway, PO Box 57, Mount Solon, stated they live next door to the site. He stated they did not hear about this until they saw the sign. He said at first



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he was concerned about it. He spoke with the representative and he was willing to help put the trees in to block the store. He said they do not want to see a store. He also talked about the concerns about the well. He said they may even tap into our well. He has talked to the neighbors and some have issues with traffic but the traffic would not increase that much in talking to the representative. He stated they do not want to see a Walmart because he does not support them. He is concerned that the seller will sell to whomever. He said the gentleman he spoke with was nice and well spoken. He said the store will not sell gas. He said they addressed his immediate concerns regarding the trees, well usage, and lighting. He said if this does not go there he is not sure who will. He said the property can be sold to anyone. He supports this endeavor.

Chairman Byerly stated staff did send an adjacent property owner letter to you.

Mr. Seay stated they did not go to the post office to get the letter until later.

Ms. Michelle Seay, 2992 Scenic Highway, PO Box 57, Mount Solon, stated she owns the house adjacent to the store. She stated there is no one else whose home is affected. She said at first she was worried but today she supports the Special Use Permit next to her house. She is surprised with their dealings of the Broadway Group. She said they addressed the concerns and have been respectful to them about the placement of the building, the type of lighting and how it would affect her being able to see the stars, her concerns about the crime, and the traffic. She stated they were considerate and respectful and accommodating along the way. She stated they will construct an eight (8') foot privacy fence with trees planted to provide screening. She said it is amazing they are willing to do it. She even said if the managers are off earlier that they can turn off the lights sooner if they felt it was important. She stated they will make efforts to be as agreeable as possible.

She stated the loading area will be away from the house. She stated the construction will affect property values initially. She said they would drop but increase over time. She stated Dollar General picked this spot so if other development occurs there, there is a known set of factors and their worries will be addressed. She noted the neighbors are shocked and horrified that she is speaking in favor. She said this is closer than going to Churchville or Bridgewater. She is not the only one that this would benefit here. She said a large number of people want to shop there.

There being no one else wishing to speak in favor of the request. Chairman Byerly asked if there was anyone wishing to speak in opposition to the request?

Mr. Richard Homes, 37 Homes Lane, Staunton, stated he lives in the North River District. He feels this request is wrong for the area. He said this is a rural agricultural area. He noted there are stores in Mt. Solon, Stokesville, and 100 yards down the road. He said the

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people that run these country stores have lived here all of their life and that is how they make a living. He stated this is not a Walmart but it is a mini Walmart. He stated this will run people out of business. He stated this request needs to be denied.

Mr. Joseph Bobich, 272 Mossy Creek Road, Mount Solon, stated his son is Zach Bobich who owns the Zach's Country Store which is 100 yards down the road. He stated the matrix is a five (5) mile radius which is convenient because the Family Dollar in Bridgewater and Churchville is six (6) miles away. He stated there is nothing unique about placing the store and making an exception for them in an Agricultural Conservation Area. He said there will be lighting trouble at the site. He stated there will be 24 hour lighting, all night long. He said they will have to have lighting. He said the Dollar General in Harrisonburg in Dukes Plaza has closed because of no business. He said there was not a need for this store there. He said the Comprehensive Plan calls this area to be in an Agricultural and Conservation Area. He respects this area and would like it to be kept farmland. He does not see any need for this in the area. He said there is a similar store six (6) miles in either direction with very similar products. He stated this request would not add anything. He noted the majority of the people live in Mount Solon do not want to see anything like this. He would like to maintain a country setting.

Chairman Byerly asked if he is representing a group?

Mr. Bobich stated he has not been elected as a spokesperson. He presented the Board with 400 names on a petition of individuals that oppose the store.

Ms. Carole Grove, 1566 Moffett Branch Road, Churchville, stated she has a conservation easement on her 176 acre farm. She moved here from Hampton. She said Hampton had farms there. She stated you need to be extremely careful and diligent with planning development. She stated she has lived in the Valley for forty-four (44) years and development happens quickly. She does not think there is a market base to support this type of retail store here. She stated in Hampton there are empty buildings with paved real estate. She stated the tenant is not the original tenant. She said how the person fits in with a community is either being an asset or a deficit. She is speaking against this. She mentioned when the Valley is gone, the Valley is gone, look what Interstate 81 did to it.

Mr. Joey Reece, 264 River View Drive, Verona, stated he runs the observatory and he is President of the Shenandoah Valley Stargazers Astronomy Club. He stated they have thousands of people at the observatory. He said in Stokesville you can observe the stars with no telescope because that is a beautiful part of the country. He stated they are three (3) miles away and they will be able to see the lights no matter how well they shield them. He said if you start allowing development, the County should revisit the ordinance to

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include lighting restrictions within a certain radius of the observatory. He said they plan on having events on April 22<sup>nd</sup> on Earth Day and April 29<sup>th</sup> for Astronomy Day. He said they usually go until 11:00 p.m. He asked how long will the lights be kept on at Dollar General? He hoped the Board would reject the proposal.

Mr. Lou Botkin, 1670 Mt. Solon Road, Mount Solon, and 299 Scenic Highway, Churchville, stated her and her husband are both firefighters and EMT. She said they are strongly against this retailer coming to an agricultural area. She stated this is aesthetically displeasing to the community. She stated there are two (2) dollar stores in Bridgewater and Churchville. She stated there is nothing on these shelves that she uses for her cows or sheep. She stated the large stock farm items she gets from the Cooperative. She stated they do not have shelving for those items. She stated the applicant does not even know what cow feed is. She stated the retailer has 13,000 stores and yes it is not Walmart but there is only one Zach's Country Store. She is strongly opposed to this. She said if this business fails what will happen to the building. She has been to other dollar stores and if this is approved she will boycott the store. She hoped it would be denied for this County.

Ms. Debra Johnson, 263 George Waltons Road, Mount Solon, stated she is an adjacent landowner and opposes this. She has concerns that once this property is sold and the Special Use Permit approved and they have this retail store in, things will snowball. She said there will be cardboard boxes all over her property because of all the retail stores in the area. She stated the owner is in Tennessee and they have little to no concern about the upkeep of the property. She stated someone will need to maintain these things. She said if the road is blocked, she cannot see. She said Family Dollar planted their shrubs at eye level and that creates a hazard for people who are short and have to drive. She said if the business were to fail, who will maintain it. She is an adjacent landowner and she is not happy.

Mr. Larry Howdyshe, 697 Timber Ridge Road, Mount Solon, stated he lives seven (7) miles from this location. He has two concerns about this request. He said agriculture is important to Augusta County and important to the State of Virginia. He said this area is a very heavy agricultural production area. He said this commercial building does not fit, just like an outhouse in your front yard, it just does not look good. He stated there are three (3) other stores in the area. He said if the gas station goes out of business, he will have to travel to Bridgewater to get gas. He questioned what the salary would be for the ten (10) employees. He asked if this would be the same salary range as people who flip burgers? He hoped to keep the community agriculture. He hoped the Board would deny the request.

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Mr. Irvin Zimmerman, 1292 Natural Chimneys Road, Mount Solon, stated he has been in agriculture since the day he was born. He said that Zach's Country Store will be flooded if the concrete is there. He stated the country stores cannot buy the product at the prices Dollar General does.

Mr. Dustin Howdyshell, 2328 Scenic Highway, Churchville, stated he agrees with many of the reasons people have already stated. He is a local business person with a vested interest in the community. He stated tourists do come in. He stated there is a store ten (10) minutes in either direction from this site. He stated the corporate Dollar General also owns Dollar Tree and Family Dollar from what he has been told. He said there is a store on each direction of Route 42. He stated tourists do not come because of the Dollar General, they come there because there is not one.

Ms. Kate Guenther, 1429 Moffett Branch Road, Churchville, stated this is a beautiful tourist area and we really need to preserve that. She does not want to sacrifice that. She said the renderings are not pretty. She asked if they could build a Dollar General that looked like a barn? She noted if the Special Use Permit is approved they should encourage very strict aesthetic zoning principles.

Ms. Angie Carini, 418 Varner Road, Churchville, stated she owns Stokesville Market and she also has a petition. She said the road where a corporate business is trying to steal our farmland is named Scenic Highway. She stated the definition of scenic is having pleasing or beautiful scenery. She said if you allow this, they will lose the beauty they love so much. She stated they live in the country for a reason. She asked if this was really necessary. She said if the business fails there will be an ugly building left there and Scenic Highway will not be beautiful anymore. She said if this is approved, it will set a precedence and you will be pushed for future rezoning of land. She questioned if more land would be sold for subdivisions or retail space. She asked about the road and would it need to be paved more often to handle more traffic? She asked what would this mean for North River Elementary, would there be overcrowding? She agreed with all of the concerns of majority of the citizens. She asked the Board to vote no.

Mr. Tim Grove, 309 George Waltons Road, Mount Solon, stated he supported all of the opposition comments. He is concerned about the fast growing retailers being within five (5) miles of the site and that this would set a precedent. He said they are asking for a special exception. He is opposed to this company coming to the site. He is opposed to this in this community as well as other agricultural areas in the County.

Ms. Maria Pacsinszki, 11 Red Sunset Lane, Apt. 103, Staunton, stated she is a real estate appraiser and in her research has determined that in the short run the values will go down

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by about 30% to 40% but in the long run there is uncertainty if the store were to close. She said it would not be a benefit at all long term for these citizens. She read a portion of the General Agriculture Section of the Zoning Ordinance. She asked if this use is aligned with the Comprehensive Plan? She asked if this would benefit neighboring properties? She noted this use would only create eight (8) jobs which is not much. She asked who would benefit from the store? She said the tourists will not like it because this is an agricultural area.

Mr. Steven Whelan, 808 Emmanuel Church Road, Mount Solon, stated this company is the general contractor. He questioned why they would not want someone in Augusta County to build the building. He said there is nothing there that he needs. He stated it is faster for him to go to Bridgewater if he needs something. He stated this would give tax revenue for the County but the money will still leave Augusta County. He stated there is no reason to approve this. He said if he needs something he will go to Stokesville because he knows them, he does not know this company.

Mr. Tracy Pyles, Jr., 3665 Churchville Avenue, Churchville and Pastures District Board of Supervisor stated he has received many calls about this as a Board of Supervisor. He stated the Board cannot write an ordinance that is perfect because it could be either too restrictive or too giving. He stated that is why there are Special Use Permits in place because it is supposed to be special. He said it should be something unique about the request. He stated Special Use Permits allow a farmer to help stay in business and farm. He stated the Comprehensive Plan is determined to keep agricultural people in business. He stated the areas out here are very important. He said they work hard to restrict what goes in an agriculture district. He hoped business would take over places where the building is empty instead of taking up new land. He noted traffic is an issue. He stated tourists talk about the country store. He stated this is not special enough to justify changing the zoning. He said this is not financially beneficial.

Ms. Alice Talmage, 2269 Scenic Highway, Churchville, stated she lived in Glen Allen years ago. She stated they built a Dollar General Store within one (1) mile from where she used to live. She stated this is not needed for the people, not wanted as shown by the attendance today and the petition, and not appropriate. She noted the Comprehensive Plan for the County talks about agriculture being the primary purpose of the County. She stated this will create a precedent and there would be a second retail store in this area or other parts of the County. She stated the decision is clear on this request.

Mr. Kevin Weaver, 2246 Scenic Highway, Churchville, stated ten (10) jobs will be created, but it will put three (3) local country stores out of business. He noted this will shut families down that grew up in this area. He stated this is not a target development area. He was

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not aware that the Comprehensive Plan is to develop farmland. He highly opposes this request.

Wayne and Michele Young, 195 Moscow Loop, Mount Solon, stated they are in agreement with all that was said. Mr. Young said that Zach's Country Store sells gas in order to sell everything else. He said if this gets approved their store may not make it. He stated this will create more traffic and they do not need to have a fatality with a school bus. He stated vehicles drive fast on those roads. Mrs. Young stated traffic is a real problem in this area. She has a teen driver and this store coming in will make her more nervous with him driving. They said they are strongly against this request.

Ms. Patricia Pope, 279 Moffett Branch Road, Churchville, stated she moved here nine (9) years ago. She has always enjoyed having coffee at the country store and talking with the neighbors. She said the Broadway Group said they are not selling what Zach's Country Store is selling. She said this is not true, they sell drinks, chips, etc. except for gas. She said there is no need for this store. She drove seventeen (17) miles to Stokesville to their store just for a ride in the country. She noted Zach's Country Store is more than just a store but a community. She noted that Dollar General is in McDowell and Family Dollar is in Churchville. She opposes it.

Ms. Lisa Wegner, 2601 Scenic Highway, Mount Solon, stated their farm is located at 1398 Mt. Solon Road. She said the tourist will pass through Bridgewater or Churchville. She mentioned the locals that commute to work go that way too. She said there is no other way. She stated there is a Family Dollar in Churchville and Bridgewater. She said this request is not needed in the middle of a farm field in Mount Solon. She is a realtor and have shown this property to a proposed buyer in the summer of 2016. She said that the owner of the farm did not accept the offer. She is opposed to this use being in Mount Solon. She asked the Board to keep this a farm community.

Mr. Zach Bobich, 3028 Scenic Highway, Mount Solon, stated that he is the fourth owner of Zach's County Store. He stated this is a small tight knit farming community and they are not here to please shareholders. He runs his business so he can pay his mortgage and truck payment. He lives in the community. He stated they live in the country and want to keep Mt. Solon the way it is and we like it to remain in agriculture.

Chairman Byerly asked if there was anyone else wishing to speak in opposition to the request?

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

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Ms. Hyche stated she respects all of the feelings shared here. She stated their target market are the users of Route 42, the individual commuters, the individuals that live in the area, and the individuals that come to the area for the offerings you provide. She stated the owner of the store is not in Tennessee. She stated corporation is in Tennessee. She said they use triple net leases but this site has the opportunity to be owned locally. She stated they normally bring one (1) employee here and then hire the subcontractors locally. She stated they plan on looking for local plumbers, etc. She apologized that she cannot speak to cow feed. She is desperately seeking recommendations on what is kept on the shelves. She will work with the Virginia Department of Transportation (VDOT) on any traffic issues along Route 42. She stated they are a very stringent organization in comparison to other states that she has worked in. She will honor any requests from VDOT. She realizes that the country store is a place where people gather and she would hope that would continue.

Chairman Byerly asked if this store is a franchise?

Ms. Hyche stated the management of the store is handled through the corporation.

Mr. Coyner asked if this would be local ownership?

Ms. Hyche stated they will not pursue the sale of the building until they have it built. She stated the number of business developments across the country and using their five (5) mile matrix with their other facilities should speak for themselves on their success. She said they will not leave you with an empty building. She stated the Dollar General store that remains empty was a lease that was not renewed, not by their choice, but that a Walmart was allowed to be built.

Chairman Byerly asked if the Board received any letters of support?

Ms. Bunch stated no. She stated the Board has received letters in opposition to the request.

Chairman Byerly declared the public hearing closed.

Ms. Tilghman appreciated everyone coming out today and stating how you feel. She said sometimes we get items that come before us and it makes it nicer to have input from the local citizens. She lives in Craigs ville and a few years ago a Dollar General went into the town. She said it was beneficial and it's a good company and we needed it and she felt it was a wonderful addition to where she lived. She commuted along this road and she knows the area well. She does not think this is an area that needs this type of business.

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She said it is not Dollar General, it is any type of business. She said if they do get this Special Use Permit, it is difficult to say no to the next person. She said when you open the door it will be very difficult. She stated the response of the community tells her that they are happy with what they have.

Vice Chairman Shreckhise stated the community does not want this. He stated the community does not feel that this would provide an essential service. He stated they would like to retain the nice scenery and rural character of the community. He stated the local businesses that served some of the needs that this store would provide are six (6) miles down the road and there are businesses that are very similar. He noted the possible water retention and traffic problems are all legitimate concerns.

Mr. Coyner stated there are about seventy (70) people in the room. He stated about twenty (20) people spoke in opposition to the request and one (1) or so in favor. He stated the Board visited the site this morning. He noted many of the citizens came to speak regarding this matter and they do not feel this is needed in the community and he feels that this is not needed either.

Ms. Brown stated Mount Solon is a community of farmland and this is not necessary to place a commercial property among the farmland which is strictly agriculture. She stated the desire of the store is not wanted and it does not fit. She said the need is not there. She stated this offers nothing with regard to agriculture. She stated there are two (2) stores about six (6) miles away in Bridgewater and Churchville. She said we do not want this peaceful farmland or agriculture area disturbed. She stated the road is called Scenic Highway and it is not special enough to change the community. She noted they want to keep the community the way it is, we want to keep the agriculture scenic, and beautiful, therefore she opposes it.

Chairman Byerly stated he lives in the North River District, not too far from this application. He stated this is an extremely strong agricultural area. He stated the land is adjacent to an Agricultural Forestal District which is very intensive in restrictive agriculture usage. He stated this is an agriculture community very heavily for food production. He stated the Board got that message very loud and clear today. He thanked everyone for their participation and interest. He stated the Board does acknowledge property rights but at the same time this Board needs to do what is best for the community.

Mr. Coyner stated the North River Agricultural Forestal District is one of the largest districts in the County.



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Chairman Byerly stated a lot of acreage was placed in the district in order to preserve agriculture.

Mr. Coyner stated the Board visited the site this morning. He stated this field is adjacent to a feed lot. He stated this request would not be compatible with the area and would not be a good fit.

Ms. Tilghman stated the Board looks at a Special Use Permit to see if it would benefit the agricultural community and if it is directly related in some way to farming.

Mr. Coyner moved to deny the request due to the compatibility of the area, nature of the area, and not having a need in the community.

Ms. Brown seconded the motion, which carried unanimously.

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The Board took a five (5) minute recess.

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**MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

**EDWARD TREADWAY, AGENT FOR POUNDING MILL QUARRY CORPORATION - EXTENSION OF TIME REQUEST**

A request by Edward Treadway, agent for Pounding Mill Quarry Corporation, for a Special Use Permit to have a quarry and manufacture crushed stone on property owned by Carolena M. McClure (Life) c/o Finley McClure, located on the east side of Interstate 81, between Interstate 81 and Fauberitaville Lane in the Riverheads District.

Mr. Stan Johnson stated he is the agent for Pounding Mill Quarry Corporation. He is requesting a two (2) year Extension of Time. He would like to keep the permit active just in case Interstate 81 might be widened in the future.

Mr. Coyner moved to approve the two (2) year Extension of Time request.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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**EVERETTE W. OR JANICE E. OREBAUGH - EXTENSION OF TIME REQUEST**

A request by Everette W. or Janice E. Orebaugh, for a Special Use Permit to have a welding and machine shop and equipment repair within an existing building, construct an addition for the machine shop, and have a farm waste hauling business on property they own, located on the west side of Knightly Mill Road (Route 778), approximately .4 of a mile south of the intersection of Knightly Mill Road (Route 778) and Westview School Road (Route 773) in the North River District.

Ms. Bunch stated the applicant is not present today. She stated the applicant has not had the funds to construct the addition. She stated the applicant would like another two (2) year Extension of Time. She stated this would be his second extension.

Vice Chairman Shreckhise stated Mr. Orebaugh would like to keep his options open until he receives the funds to construct the addition. He moved that the two (2) year Extension of Time be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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**EMMETT W., JR. OR SHARON M. HANGER - EXTENSION OF TIME REQUEST**

A request by Emmett W., Jr. or Sharon M. Hanger, for a Special Use Permit to have a real estate office and a political office on property they own, located at 928 Natural Chimneys Road, Mt. Solon, in the North River District.

Ms. Bunch stated the applicant would like to keep the Special Use Permit open for another year. She stated they have purchased the property next door.

Ms. Brown moved to approve the one (1) year Extension of Time.

Mr. Coyner seconded the motion, which carried unanimously.

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**STAFF REPORT**

16-23        Good Faith, LLC  
16-24        Roger D. or Susan K. Anderson

Ms. Bunch stated the Special Use Permits were inspected and are all in compliance.

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Mr. Benkahla 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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Chairman

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Secretary