

May 4, 2017

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

ABSENT: Steven F. Shreckhise, Vice Chairman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 4, 2017, at 8:30 A.M., in the County Government Center, Verona, Virginia.

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.

VIEWINGS

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

- **SAM AND BETH ROWE, AGENT FOR FOREST HILL FARM, LLC - SPECIAL USE PERMIT**
- **GEORGE COYNER, AGENT FOR BETHANY TRINITY EVANGELICAL LUTHERAN CHURCH, TRUSTEES - SPECIAL USE PERMIT**
- **ROBERT BAGLEY, AGENT FOR NORTH MOUNTAIN CATTLE CO., LLC - SPECIAL USE PERMIT**
- **JAMES W. PENCE AND MARCIA A. BECKER - SPECIAL USE PERMIT**
- **ROBERT HUFF, AGENT FOR LINGO NETWORKS, LLC - SPECIAL USE PERMIT**
- **GARY TETER, AGENT FOR JOLLETT SPRINGS MOBILE HOME PARK, LLC - 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

May 4, 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
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

* * * * *

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 4, 2017, at 1:30 P.M., in the County Government Center, Verona, Virginia....

* * * * *

MINUTES

Mr. Coyner moved that the minutes from the April 6, 2017, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

* * * * *

SAM AND BETH ROWE, AGENT FOR FOREST HILL FARM, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Sam and Beth Rowe, agent for Forest Hill Farm, LLC, for a Special Use Permit to have a tourist home on property they own, located at 505 Arborhill Road, Staunton in the Riverheads District.

Mr. Sam Rowe stated he owns the property. He would like to rent out the home on the weekends or by the week. He stated this request would not change the traffic or the aesthetics of the property.

Mr. Coyner stated the Board visited the site this morning. He stated the property is very nice and in a remote area. He asked how the applicant plans on advertising?

May 4, 2017

Mr. Rowe said he has not advertised yet because he wanted to wait on the approval of his permit. He will advertise on a website or through Airbnb.com.

Mr. Coyner asked if the applicant planned on renting the home out weekly or monthly?

Mr. Rowe stated he will do whatever the client wants. He said there would be no more than one (1) to two (2) vehicles at the site.

Mr. Coyner stated the lane is not designed for high traffic.

Chairman Byerly asked when was the home built?

Mr. Rowe stated it was built in the 1820s.

Chairman Byerly stated the property is gorgeous.

Ms. Tilghman asked what is the maximum number of guests in the home?

Mr. Rowe stated the home has a total of three (3) bedrooms. He is permitted to have four (4) guests but not more than six (6) guests. He has met all of the Health Department requirements.

Ms. Bunch said she received revised comments from the Health Department and they are fine with the request.

Ms. Brown asked if the renters would fish in the pond?

Mr. Rowe stated no.

Chairman Byerly asked if there is a well or spring?

Mr. Rowe said there is a well. He said the well was installed in 2007.

Mr. Coyner asked if the renter would be confined to the lawn and yard area of the property?

Mr. Rowe stated yes. He uses the rest of the property for raising cattle.

May 4, 2017

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

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

Ms. Tilghman stated this is a reasonable request. She said the site is very nice. She said the neighbors will not even know when guests are at the site. She moved that the request be approved with the following conditions:

Pre-Condition:

None

Operating Conditions:

1. Be permitted to rent the three (3) bedroom dwelling as a tourist home.
2. Site be kept neat and orderly.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

* * * * *

GEORGE COYNER, AGENT FOR BETHANY TRINITY EVANGELICAL LUTHERAN CHURCH, TRUSTEES - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by George Coyner, agent for Bethany Trinity Evangelical Lutheran Church, Trustees of, for a Special Use Permit to have a daycare center on property they own, located on the north side of Goose Creek Road, just at the intersection of Goose Creek Road and Caldwell Lane in the Wayne District.

Mr. George Coyner stated he is the applicant on behalf of the church on the Special Use Permit request. He will abstain from the vote on this request. He has filed paperwork for his conflict of interest with the Community Development Department. He stated Bethany Trinity Evangelical Lutheran Church purchased the property and would like to build a church, school, and daycare at the site. He said they have been in downtown Waynesboro since the 1920s. He said they would like to have children ages two (2) and up in the program as well as after school care. He noted they would like to operate from 6:30 a.m. until 7:00 p.m. in order to accommodate shift work. He said they plan to have seventy-five (75) students attending.

May 4, 2017

Ms. Brown stated the Board visited the site today. She asked where would the entrance be located?

Mr. Coyner stated the entrance will be near the black barn. He said it will be approved by the Virginia Department of Transportation. He said the church will be located off of the road.

Chairman Byerly asked if the staff for the daycare would be church members?

Mr. Coyner stated the pastor is here and he can speak to that more specifically. He noted the school has been in operation for over 100 years and it is accredited. He noted they will meet all of the Health Department requirements.

Ms. Brown asked what will be the age of the children in the program?

Mr. Coyner stated the children will be two (2) years old up to school age with an after school program for the daycare.

Chairman Byerly asked if the church will also provide food for the children?

Mr. Coyner stated no. He said the church will not have a commercial kitchen. He said the children will bring their own lunches.

Ms. Tilghman asked if the church will have an entrance on Goose Creek Road?

Mr. Coyner stated the entrance will be on a street off of Goose Creek Road. He said the site is served by public water and sewer.

Ms. Brown asked when will the church open?

Mr. Coyner stated they would like to open by the fall of 2018.

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

Mr. Tim Bohlmann, 316 Lee Drive, Waynesboro, stated he is the Pastor of the church. He is excited to provide the current level of education and child care service and expand into their new location. He said they will follow all guidelines for the student to teacher ratios. Chairman Byerly asked if many of the existing students will come to their new location?

May 4, 2017

Mr. Bohlmann stated yes. He said that many live in Augusta County. He stated locating the church into the Fishersville area will help their ministry thrive.

Ms. Tilghman stated they have a school and daycare currently in Waynesboro. She asked what grades does your church serve?

Mr. Bohlmann stated they have preschool up to kindergarten classes. He stated they also have before and after school care. He would like to extend the hours in order to accommodate shift workers.

Ms. Tilghman stated the applicant is planning on operating the same, only extending the hours at the new location.

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

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

Ms. Tilghman stated this is a reasonable request. She moved that the request be approved with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. Applicant obtain building permit and provide a copy to Community Development.
3. Provide a copy of the license from the Department of Social Services.

Operating Conditions:

1. Be limited to a maximum of seventy-five (75) children.
2. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried with a 4-0 vote. Mr. Coyner abstained from the vote.

May 4, 2017

Chairman Byerly stated this is a noble undertaking that the community needs. He wished them the best in the future.

* * * * *

MARY WILSON, AGENT FOR BASIC CITY, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mary Wilson, agent for Basic City, LLC, for a Special Use Permit to have a public accommodation facility and to hold special events on property they own, located at 2193 Hankey Mountain Highway, Churchville in the Pastures District.

Mr. Jack Wilson stated this building was built in the early 1940s and is well-suited for overnight guests and small events. He said there is a big dining room, living room, and a fireplace. He has offered the facility without cost and it works great as a business retreat. He is asking for overnight stays for up to eight (8) people. He said the building also has an office. He stated they have had septic issues. He said the Health Department is limiting him to six (6) overnight guests with up to twenty (20) people for small events. He presented the Board with a letter from Mr. Gentry. He said based on that letter, he could have two (2) events per day because the load on the septic system is incidental. He requested that the Board modify staff's recommended operating condition #2 based on his letter.

Chairman Byerly asked if twenty (20) would be enough people?

Mr. Wilson stated twenty (20) guests is more than enough.

Ms. Tilghman stated the Board did not visit this site today. She asked if there was adequate parking for the guests?

Mr. Wilson stated there are adequate spots over to the right on the gravel and there could be more spots on the left side of the building.

Ms. Tilghman asked how many parking spots are at the site?

Mr. Wilson stated there are ten (10) parking spots on the right side and more on the other side.

Chairman Byerly stated the applicant's property backs up to the National Forest. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

May 4, 2017

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

Mr. Coyner stated the applicant has done a good job with the restaurant and will do the same with the house. He noted the applicant is requesting staff's recommended operation condition #2 be removed. 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. Be permitted to use the existing three (3) bedroom home as a short term facility for no more than six (6) overnight guests.
- 2. Be limited to a maximum of twenty (20) people per event.
- 3. Events to cease by 11:00 p.m. and all persons off the property by 11:00 p.m. with the exception of those leasing the home.
- 4. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

Chairman Byerly stated this is needed and a useful purpose for this property in the western part of the County.

* * * * *

May 4, 2017

ROBERT BAGLEY, AGENT FOR NORTH MOUNTAIN CATTLE CO., LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Robert Bagley, agent for North Mountain Cattle Co., LLC, for a Special Use Permit to have storage and retail sales of livestock equipment on property they own, located at 26 Luck Stone Road, Staunton in the Pastures District.

Mr. Robert Bagley stated he is the owner of the company. He said the old wagon and tools belong to the previous property owner and has not been moved yet. He stated he does not have retail sales at the site. He stated he may have one (1) or two (2) cars a month by appointment only at the site. He will not impede traffic. He stated this is a small business with no employees.

Mr. Coyner stated the Board visited the site this morning.

Ms. Brown asked what type of equipment is the applicant selling at the site?

Mr. Bagley stated he will sell livestock handling equipment. He will not have wheels or engines at the site.

Ms. Brown asked if the clients come to the site?

Mr. Bagley stated he delivers or ships directly to his clients. He said if clients want to pick them up, they can.

Chairman Byerly asked if the applicant would have sales at the site?

Mr. Bagley stated he can sell it but it is cheaper to direct ship the bigger items.

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

Mr. Thomas Rose, 171 Cotton Wood Lane, Staunton, stated his property borders this site. He is concerned about the traffic at this site. He shared some pictures with the Board. He stated the trees have been taken down behind the property and left at the site. He said trees have been planted with the electric fence in the front of the trees and it means that the land is not being maintained in that area. He noted there is traffic at the intersection. He stated there is only 150' of visibility to pull out on the road with a speed limit of forty-five (45) miles per hour with big dump trucks on the road. He is concerned about safety and

May 4, 2017

adding to the dump trucks coming from Luck Stone. He said there is a bio-solid dump on the property that he has spoken with the Department of Environmental Quality (DEQ) about.

Chairman Byerly asked what size is his property and how long has he lived there?

Mr. Rose stated 6.25 acres. He has lived at this site for twenty (20) years.

Ms. Monica Wilson, 239 Galena Road, Staunton, stated that she is adjacent to the property. She owns Galen Springs Farm. She owns 105 acres and has three springs and a pond at the site. She said her property is in a conservation program and they have cattle on the land. She stated the first request went unnoticed with his bio-solid waste and industrial residual dumping. She said DEQ did not acknowledge her request. She asked that the land be treated properly and not have any environmental hazards. She said that he cannot run a business with two (2) people coming a month and have an inventory with retail sales. She asked that the Board look further into this request. She said the equipment sales will be much larger than what Mr. Bagley is saying. She noted this will cause more traffic. She wants to keep Augusta County looking good and she does not want her view destroyed.

Mr. Coyner asked if her property is over the hill toward Franks Mill?

Ms. Wilson stated her property is along Galena Road and Shutterlee Mill Road.

Chairman Byerly stated any issues with regard to bio-solid would come under the Department of Environmental Quality and not the Board of Zoning Appeals. He asked if there was anyone else wishing to speak regarding the request?

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

Mr. Bagley stated he bought this property about a year ago. He stated the opposition is bitter about the permit for bio-solid. He farms the property and plans on building a house in the future. He does not want his property to look like a junkyard. He is not here to talk about bio-solids.

Chairman Byerly declared the public hearing closed.

Vice Chairman Shreckhise stated conditions are placed on the permit to ensure that the site remain neat and orderly.

Ms. Tilghman stated the applicant will not have any employees.

Vice Chairman Shreckhise stated the storage area is limited. He said there will be no junk or inoperable vehicles or equipment or materials.

Mr. Coyner stated this equipment is accessory to a cattle business. He said the opposition spoke about bio-solids which is not a topic for this Board today at all.

Vice Chairman Shreckhise recommended reviewing the permit in a year to make sure all restrictions are strictly enforced.

Ms. Tilghman stated County staff inspect the site to be sure the applicant is abiding by the conditions on their permit.

Ms. Brown stated if the applicant abides by the operating conditions of their permit, the neighbors should not have a problem and the Board can review the permit in a year to be sure the applicant is in compliance.

Vice Chairman Shreckhise stated County staff inspects the permits for compliance. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have the 180' x 100' outdoor storage area as designated on the BZA plan.
2. No employees.
3. All equipment and materials for the retail sales be kept inside the outdoor storage area.
4. No sales conducted on Sunday.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

May 4, 2017

- 6. Site be kept neat and orderly.
- 7. Permit be issued for one (1) year and renewed if all of the conditions are met.

Mr. Coyner seconded the motion, which carried unanimously.

Chairman Byerly stated a request such as this is needed since Augusta County is one of the largest agricultural counties in the state. He said the applicant does have a right to farm there.

* * * * *

JAMES W. PENCE AND MARCIA A. BECKER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by James W. Pence and Marcia A. Becker, for a Special Use Permit to have a dog kennel on property they own, located at 286 Zion Church Road, Waynesboro in the Wayne District.

Mr. James Pence stated they have always had dogs at the site. He stated they have raised and shown Tibetan Spaniels. He noted they are ten (10) pounds and are raised to be companion dogs. He said the dogs live in the home and are kept on a leash when going out for a walk. He stated the only time they run free is in the fenced in front yard. He said there is a storage building that has a video monitoring camera and heat and air. He stated they are only in that facility occasionally since they are inside the home most of the time.

Ms. Tilghman asked if the dogs are bred?

Ms. Marcia Becker stated yes. She stated the dogs stay inside their home.

Mr. Coyner asked if the applicants want to maintain the number of dogs that they have?

Ms. Becker stated yes. She said they breed every couple of years.

Ms. Tilghman asked if the applicant is requesting ten (10) dogs?

Ms. Becker stated yes. She said as a registered breeder if the puppy does not work out in the new home, they agree to take the puppy back.

Mr. Coyner stated this is a nice piece of property. He said the Board visited the site this morning. He noted the applicant has been in a business awhile and want to continue what they have been doing.

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

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

Mr. Coyner stated the applicants have been at the site for twenty (20) years. He stated the site has been kept neat and orderly and well maintained.

Ms. Brown stated there have been no complaints about the dogs.

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

Pre-Conditions:

None

Operating Conditions:

1. Maximum of ten (10) adult dogs kept at this site at any time.
2. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
3. All dogs be confined within the fenced area on the site plan or inside the home.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

Ms. Tilghman stated when the kennel was built, it was perfectly legal.

* * * * *

May 4, 2017

ROBERT HUFF, AGENT FOR LINGO NETWORKS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Robert Huff, agent for Lingo Networks, LLC, for a Special Use Permit to construct a new telecommunications facility on property owned by Claude H. or Peggy G. Smith, located at 1680 Middlebrook Road, Staunton in the Riverheads District.

Mr. Robert Huff presented a Power Point Presentation to the Board. He said this site was in the top four for the plan. He noted that Lingo responded to the County's request for proposal. He displayed a map with potential wireless solutions. He does have a signed land lease agreement with the Smiths. He displayed a visual of the site and a three (3) mile radius from the proposed tower. He stated there are no other towers in this area. He noted the goals of the Comprehensive Plan with regard to the Economy and Utilities support the expansion of broadband services. He displayed a photo simulation completed by Balzer with proposed screening. He stated the Health Department does not have any issues with the site. He stated the existing entrance is adequate. He said there will be no water or sewer to the site. He stated this will be a lattice style tower with a galvanized finish designed for co-location. He noted they have also received a No Hazard Determination letter from the FAA.

Ms. Brown asked how tall will the tower be?

Mr. Huff stated 195' tall.

Ms. Brown asked if the tower would be lit?

Mr. Huff stated no. He stated the coverage will be much greater than a three (3) mile radius.

Ms. Brown asked how many co-locators will there be?

Mr. Huff stated four (4). He said there will be plenty of space for other companies.

Ms. Brown asked if the co-locators would need permission from the landowner for additional cable?

Mr. Huff stated they will use the conduit that is already there so once the tower is built there will be no additional cable or conduit.

May 4, 2017

Chairman Byerly stated Augusta County is in the process of trying to get broadband provided for the entire County which is a challenge because of the size of the County and terrain. He said this would be an asset to the County. He said if a network is willing to construct the tower then other carriers will be able to co-locate.

Mr. Huff stated they would be the anchor tenant and the first co-locator would be the public safety equipment.

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

Ms. Karen Fravel, 1588 Middlebrook Road, Staunton, stated she lives right on top of the hill. She wanted to know if this would benefit the area and provide good cell service or not. She said the service is sketchy in the area.

Mr. George Condyles, President of Atlantic Group, stated he is the consultant for Augusta County on towers. He has studied the information and the data presented on this site. He has also studied the propagation models of the area. He does support this tower request. He stated Lingo Networks is unlicensed with the FCC. He said licensed carriers like Verizon and Shentel can co-locate on the same tower. He stated this tower is being built with a grant. He said unlicensed and licensed providers can co-locate on the same tower. He said both providers can overlap each other and serve the area. He stated the tower will not be lit. He is not in agreement with the landscape plan because the cattle may eat it.

Ms. Brown asked if co-locators are done that way all over the United States?

Mr. Condyles stated they will lease out as many slots as possible in order to support all. He stated this tower will improve the wireless broadband at Middlebrook Road. He stated if other carriers co-locate on the tower, it will improve cell service and wireless broadband.

Mr. Thomas Benson, 27 Rolling Green Drive, Staunton, said he finds it difficult to understand why a lower location would work better than a higher location. He said Arbor Hill is a unique place and it is a place known for the hills, trees, and farming silos. He stated this will impact his view of the rural area. He questioned the need for a two hundred (200') foot tower where the closest neighbors will be visually impacted by the structure that they could potentially receive no benefit from. He has broadband internet and is happy with what he has now. He used to be a customer of Lingo. He was not aware of any public input meetings about broadband. He mentioned they should have shorter, smaller towers instead of a huge tower that causes radiation. He said a smaller tower would better serve each area. He said there is a lot of holes in the location. He questions the effectiveness of the tower and the edge of coverage. He said they may have marginal

May 4, 2017

coverage at best. He said this is a tower that is expected to do a lot of things that include a public service for communications at multiple sites. He said this is a rural area with its own set of challenges. He thought they would have multiple sites linked together and lower power with shorter towers in order to have less of an impact. He noted there is fiber already along Smoky Row Road. He said there is an existing utility right-of-way at those locations.

Ms. Sue Burkholder, 1701 Middlebrook Road, Staunton, said she would like to know who the co-providers would be and who will join in the effort. She is a subscriber of Verizon because that is the only provider that can get in her home and she has to go upstairs on the second floor to get a signal. She noted if other providers join in, it would be a great benefit. She said the hills prevent service from a lot of the area. She noted if the tower will provide these kinds of services, she would be willing to overlook the great big tower. She will not subscribe to Lingo. She said if Lingo will be the only provider on the tower it will not benefit the residences of the area.

Mr. Charles Smiley, 28 Rolling Green Drive, Staunton, stated he likes his beautiful view. He asked how far from the road will the tower be located?

Ms. Edith Carpenter, 1676 Middlebrook Road, Staunton, stated she owns the driveway where they would come in and out to get to the tower. She gave Mr. Smith the right-of-way for use to get in and out of the farm. She does not know what is all involved with the tower but she does pay taxes on the driveway.

Mr. George Condyles stated shorter multiple towers will work but you would have a "picket line" along Middlebrook Road. He stated in order to have the same coverage area, there would be four (4) to five (5) sites equal to this one. He said the ground elevation is lower on Middlebrook Road. He said that is why they need it to be 195' because it is down in the ravine. He said not all parcels will work in selecting a tower site because of the setback requirements. He said they ran the propagation models in order to see which sites will work based on the current setbacks. He showed the Board where the tower is proposed. He feels this is a good choice. He said the non-ionizing radiation coming off of the tower is negligible. He stated there is 50-60 watts per channel with 200 watts in total. He stated there will be no effect with radiation. He stated this site has the proper setbacks and that is why they chose this one instead of a smaller one. He stated Lingo is planning on building the tower and then they will market it to others including Verizon, Shentel, and AT&T, etc.

Chairman Byerly asked if there was anyone else wishing to speak regarding the request? There being none, Chairman Byerly asked the applicant to speak in rebuttal.

May 4, 2017

Mr. Huff displayed the aerial for the Board. He stated they look at the topography of the site as well as the surrounding area. He stated the tower is placed in the best location possible.

Ms. Brown asked if the bottom co-locator would have the same distance of coverage?

Mr. Huff stated no.

Mr. Coyner asked how close together will the equipment be?

Mr. Huff stated it would depend on the size of the equipment.

Ms. Tilghman asked if many providers will be included on the tower?

Mr. Huff stated the towers would have to be shorter in order to be closer together. He stated the shorter towers only have one (1) provider per pole and not much coverage, therefore, not making it attractive.

Vice Chairman Shreckhise stated there would be less providers because of the costs.

Ms. Brown stated there will be a cluster of shorter towers.

Mr. Huff stated many localities require co-locators with towers in order to avoid a cluster of towers.

Mr. Donald Hanger asked if the Middlebrook area will have coverage if the tower is located that low on the property? He asked if the intent of the tower would be to provide coverage to the Middlebrook area?

Mr. Huff stated the address of the location is misleading. He stated the project is in the Arbor Hill area and they will benefit from the tower. He stated the service will be going towards Middlebrook. He said getting service to Middlebrook is a much larger project.

Ms. Tilghman asked if it would be possible to build a tower that will work for both?

Mr. Huff stated there are a lot of impacts with a tower that tall. He said it would need to be lit with a tower over 200'.

Mr. Condyles stated in page four of his report it shows this tower as #15 (Arbor Hill area). He noted his report indicates that Middlebrook should have their own tower to fill in the

May 4, 2017

coverage area. He said this will fill in the need of the communities. He stated if Lingo is successful, it will expand out. He said they are building the tower with grant money. He stated this tower will give more opportunity for broadband.

Chairman Byerly stated a 200' tower is required to be lit per the FAA.

Mr. William Bowman, 105 Bowman Springs Road, Staunton, stated he has no cell phone service, no internet, and no landline when it rains. He stated if the cell tower moves up the hill he could possibly get some benefits. He stated the tower should be on top of the hill.

Chairman Byerly declared the public hearing closed.

Ms. Tilghman stated she understands the citizens' concerns. She stated there is a similar issue in Estaline Valley with the lines being old and having sporadic service and not having a landline. She stated there are rules and regulations that they need to abide by. She stated at the top of the hill the tower will be located too close to the property line. She stated the tower needs to be placed where the setbacks can be met.

Mr. Condyles explained the tower setback requirements. He stated the tower meets all of the requirements.

Vice Chairman Shreckhise stated the entire area cannot be served by the one tower.

Mr. Condyles stated once the tower is built then more and more provides will come because the equipment is very light. He stated there will be plenty of room on the tower. He stated the closest property line is 486'.

Mr. Hanger stated the people in Middlebrook think they are going to get service but they are not with this tower. He is not in favor of the tower.

Mr. Coyner stated this is a start to get coverage in the area. He 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.

May 4, 2017

- 2. Applicant will submit all necessary information and a bond, irrevocable letter of credit, or appropriate surety to comply with Section 25-68.7 "Bonding" of the Augusta County Zoning Ordinance.

Operating Conditions:

- 1. Be permitted to construct a one hundred ninety-five (195') foot self-supportive/lattice style telecommunications tower with a four (4') foot lightning rod not to exceed one hundred ninety-nine (199') feet.
- 2. Tower design will allow a minimum of four (4) co-locators.
- 3. No additional landscaping or buffering is required.
- 4. 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 ninety (90) days of such notification. Pursuant to Section 15.2-2309, paragraph 6 of the Code of Virginia: "The applicant shall provide bond with appropriate surety in the amount of \$25,000 to insure compliance with this stipulation. The applicant will ensure the bond shall remain in effect until at least six (6) months following notice to the Augusta County Community Development Department that wireless telecommunications have been discontinued.
- 5. The applicant will comply with all FCC regulations.
- 6. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.

Ms. Brown seconded the motion, which carried unanimously.

* * * * *

GARY TETER, AGENT FOR JOLLETT SPRINGS MOBILE HOME PARK, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Gary Teter, agent for Jollett Springs Mobile Home Park, LLC, for a Special Use Permit to replace a nonconforming manufactured home with a larger unit not meeting current setback

May 4, 2017

requirements on property they own, located at Lot 33, 34 S. Jollett Lane, Grottoes in the Middle River District.

Mr. Gary Teter stated he owns the manufactured home park. He would like to replace the home that was destroyed by fire with a larger home and is requesting a Special Use Permit because they do not make the smaller size manufactured homes anymore. He is replacing the existing home with a 24' x 40'.

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

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

Vice Chairman Shreckhise stated the Board has had similar requests previously. He stated this will be a benefit to the area.

Chairman Byerly stated this will be a good upgrade.

Mr. Coyner asked how long have you owned the park?

Mr. Teter stated eighteen (18) years.

Ms. Tilghman stated the park is well-maintained, neat, and orderly.

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

Pre-Condition:

1. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Replacement home to be no closer than twenty (20') feet to the side of the adjacent home as shown on the BZA sketch plan.
2. Applicant obtain proper placement permits from Building Inspection.

Ms. Tilghman seconded the motion, which carried unanimously.

STAFF REPORT

- 16-25 Rolland E. or Patricia S. Hunter
- 16-26 Trustees James M. and Jayne Ann L. Knopp
- 16-27 Vernon W. Smoot Trust – Carol Hawkins
- 16-28 Turn Key Properties, LC

Ms. Bunch stated the applicant requested cancellation of SUP#16-25. She noted SUP#16-26, SUP#16-27, and SUP#16-28 are all in compliance.

Mr. Benkahla discussed the court cases with the Board.

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

Chairman

Secretary