

January 4, 2018

PRESENT: Thomas H. Byerly, Chairman
 Steven F. Shreckhise, Vice Chairman
 Daisy A. Brown
 George A. Coyner, II
 Sandra K. Bunch, Zoning Administrator and Secretary
 James R. Benkahla, County Attorney
 John R. Wilkinson, Director of Community Development
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Justine D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 4, 2018 at 9:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:00 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:

- **GARY L. EAVERS, SR., AGENT FOR G.L. EAVERS, LLC - SPECIAL USE PERMIT**
- **HARRY OR SUSAN BALDWIN - SPECIAL USE PERMIT**
- **CECIL L. OR PHYLLIS J. EAVERS - SPECIAL USE PERMIT**
- **JOHN R. AND MARGARET W. KANE - SPECIAL USE PERMIT**
- **WILLIS MILLER, AGENT FOR MILMONT GREENHOUSES, INC. - SPECIAL USE PERMIT**
- **BRIAN WRIGHT AND EMMETT TOMS, AGENTS FOR ATLANTIC COAST PIPELINE, 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.

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 Chairman

 Secretary

January 4, 2018

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ABSENT: Justine D. Tilghman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 4, 2018, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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ELECTION OF OFFICERS

Ms. Brown nominated Mr. Shreckhise as Chairman and Mr. Coyner as Vice Chairman, and Sandra Bunch as Secretary.

Mr. Coyner seconded the motion, which carried unanimously.

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MINUTES

Mr. Byerly moved that the minutes from the December 7, 2017, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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January 4, 2018

CONSIDERATION OF 2018 RESOLUTION

Vice Chairman Coyner moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2018 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

Mr. Byerly seconded the motion, which carried unanimously.

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GARY L. EAVERS, SR., AGENT FOR G.L. EAVERS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Gary L. Eavers, Sr., agent for G.L. Eavers, LLC, for a Special Use Permit to have a parking lot in order to provide additional parking for the adjacent business, on property they own, located on the east side of Tinkling Spring Road, north of the intersection of Tinkling Spring Road and Churchmans Mill Road in the Beverley Manor District.

Mr. Barry Lotts stated he is here to represent the Eavers. He said they are planning on expanding the existing Cheese Shop. He said they would like to provide additional parking on the adjacent General Agriculture zoned parcel for the business.

Vice Chairman Coyner asked if the expansion will be done all at one time or in increments?

Mr. Lotts stated the expansion will be done all at one time.

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

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

Vice Chairman Coyner stated with the expansion, the business will need additional parking. He moved to approve the request with the following conditions:

January 4, 2018

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

Operating Condition:

- 1. 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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HARRY OR SUSAN BALDWIN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Harry or Susan Baldwin, for a Special Use Permit to have a short term vacation rental on property owned by Harry Baldwin and Life Estate, located at 450 Haytie Lane, Swoope in the Riverheads District.

Mr. Harry Baldwin stated he would like to rent out his property for short term vacations. He said they will supervise the property at all times because they live just above it.

Ms. Brown asked how close to this site do you live?

Ms. Susan Baldwin stated directly across the driveway.

Ms. Brown asked how will clients find out about this rental?

Mr. Baldwin stated on a website called vrbo.com.

Ms. Brown asked if the applicant will rent out the site a week at a time?

Mr. Baldwin stated yes. He will not have long term rentals. He plans on renting out the entire house.

January 4, 2018

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

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

Ms. Brown stated the Board has had a number of short term vacation rental permits and there have been no problems so far. She moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to use the existing four (4) bedroom dwelling for short term vacation rentals.
2. Be limited to eight (8) persons maximum occupying the home.
3. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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CECIL L. OR PHYLLIS J. EAVERS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Cecil L. or Phyllis J. Eavers, for a Special Use Permit to reconstruct a non-conforming deck not meeting the side yard setback on property they own, located at 330 Skyview Circle, Verona in the Beverley Manor District.

Ms. Phyllis Eavers stated they have lived at this site since 1977. She stated they wanted to refurbish the deck. She said the deck has been removed. She said it will not be larger or come any closer to the road than the previous deck.

Ms. Brown asked if the deck would be the same size?

Ms. Eavers stated it will be a little shorter on the east end.

January 4, 2018

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

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

Vice Chairman Coyner stated the setbacks have changed since the house was built. He said this request is in compliance with the area. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to reconstruct the existing deck no closer to the side yard adjacent to the street.
2. Applicant obtain a Building Permit.

Mr. Byerly stated the property is well maintained. He seconded the motion, which carried unanimously.

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JOHN R. AND MARGARET W. KANE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John R. and Margaret W. Kane, for a Special Use Permit to expand the existing building for motor vehicle repair and to modify operating condition #8 regarding the number of employees and #10 applicant residing on premise on property they own, located at 649 Cold Springs Road, Stuarts Draft in the Riverheads District.

Ms. Margaret Kane stated they own the property and would like to build an addition onto the building and are requesting to increase the number of employees to five (5). She would also request the Board remove the stipulation of needing to reside on premise.

Chairman Shreckhise asked why does the applicant want to remove stipulation #10?

January 4, 2018

Ms. Kane stated they now live in a large house and they would like to have a smaller house as they age if they choose to do so in the future. She said they do not have intentions to move at this point but would like to have the option.

Chairman Shreckhise asked if they planned on having family in the existing house or for rental?

Mr. John Kane stated they have not made plans yet but they do have several rental properties in Stuarts Draft. He noted they would like to build a house in behind where there is a nice view of the mountain. He did not want to come back before the Board in a few years to ask for permission. He stated he does not have any plans on leaving Stuarts Draft.

Vice Chairman Coyner stated he is not in favor of the applicant living on another parcel.

Mr. Kane stated he would like to build on the twenty-one (21) acres and downsize to a smaller house.

Ms. Bunch stated if the applicant plans on building on the same parcel that is fine. She said the stipulation reads on premise.

Vice Chairman Coyner stated the business must be doing well since the applicant is requesting five (5) employees.

Mr. Kane stated he would like to expand his business and do some field service work. He would like to accommodate the demand for offsite service repair. He said the technicians are out most of the time in the field.

Mr. Byerly asked after the building addition is constructed, will the applicant increase the number of employees to five (5)?

Mr. Kane stated he would like to get his sixty-seven (67) year old employee a helper as soon as possible. He said it would be nice to have someone in training.

Mr. Byerly asked if Ms. Kane is the bookkeeper?

Mr. Kane stated yes. He said they do not have children and no other family members help with the business.

January 4, 2018

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

Mr. Steven Lynch, 686 Cold Springs Road, Stuarts Draft, stated the applicant is a good friend and neighbor. He said they keep their shop clean and provide a good service. He would like the Board to approve the permit.

Mr. Amos Beiler, 2368 Tinkling Spring Road, Stuarts Draft, stated the applicant provides a great, clean, professional place. He said they are very involved in the community.

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

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

Ms. Brown stated the Board visited the site today. She said the applicants keep the site neat and orderly. She stated the Board has not received any complaints since the applicant has been in business. She moved to approve the request with the following conditions:

Pre-Conditions:

- 1. Applicant obtain building permit and provide a copy to Community Development.
- 2. Applicant obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

- 1. Be permitted to construct a 40' x 60' addition to the existing shop.
- 2. No more than five (5) employees to come to the site.
- 3. Stipulations of SUP#14-35 remain in effect with the exception of operating condition #8 number of employees.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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January 4, 2018

**NICK COLLINS, AGENT FOR WEATHERMAN-COLLINS CONTRACTING, LLC -
SPECIAL USE PERMIT**

This being the date and time advertised to consider request by Nick Collins, agent for Weatherman-Collins Contracting, LLC, for a Special Use Permit to add new equipment to the existing operation on property owned by Abner N. Johnston, IV, located at 5045 Cold Springs Road, Raphine in the Riverheads District.

Mr. Nick Collins stated in 2011 the Board approved a Special Use Permit for Weatherman-Collins Contracting at this site. He said the older equipment has not been operated for about twenty (20) years and it is in need of upgrades. He said DEQ has requested that they not mix and match components. He said they will discontinue the old plant once the new plant is in. He said they are not requesting a Variance or a modification but only permission to upgrade the manufacturing equipment. He asked if the floodplain development plan needs to be submitted first?

Ms. Bunch stated our County Engineer, Doug Wolfe, has requested the plan be submitted to our office.

Chairman Shreckhise stated the applicant should contact the engineer after the meeting.

Vice Chairman Coyner asked if the applicant plans on installing the equipment by spring?

Mr. Collins stated not likely.

Ms. Brown asked if the existing plant will be removed?

Mr. Collins stated yes. He said once the new plant is in, they will remove the old.

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

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

Mr. Byerly stated this is a reasonable request. He moved to approve the request with the following conditions:

January 4, 2018

Pre-Condition:

- 1. Submit a Floodplain Development Plan to the Community Development Department for approval.

Operating Conditions:

- 1. Applicant obtain building permit and provide a copy to Community Development.
- 2. Stipulations of SUP#11-50 remain in effect.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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WILLIS MILLER, AGENT FOR MILMONT GREENHOUSES, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Willis Miller, agent for Milmont Greenhouses, Inc., for a Special Use Permit to enlarge a non-conforming dwelling on property they own, located at 3337 Stuarts Draft Highway, Waynesboro in the South River District.

Mr. Harry Moore stated he is here to represent Willis Miller. He said they would like to construct a 6' x 38' addition to the back of the house. He said they will not encroach on the side line setback. He said this is a non-conforming lot. He said the addition will extend the bedroom, laundry room, and extending the kitchen.

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

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

Vice Chairman Coyner stated this property is well maintained. He moved to approve the request with the following conditions:

Pre-Conditions:

None

January 4, 2018

Operating Conditions:

1. Be permitted to construct the 6' x 38' addition no closer to the side yard adjacent to the street.
2. Applicant obtain a Building Permit.

Mr. Byerly seconded the motion, which carried unanimously.

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BRIAN WRIGHT AND EMMETT TOMS, AGENTS FOR ATLANTIC COAST PIPELINE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brian Wright and Emmett Toms, agents for Atlantic Coast Pipeline, LLC, for a Special Use Permit to have a contractor storage yard on property owned by Stanley Sheets, Trustees of Elk Meadow Farm, located on the west side of Scenic Highway, opposite the intersection of Union Church Road and Scenic Highway, Churchville in the North River District.

Chairman Shreckhise stated this is not a request for or against the pipeline project but it is a request to have a contractor storage yard on this site.

Mr. Emmett Toms stated the Virginia Department of Transportation (VDOT) is in agreement with the entrance. He said this site is thirty-four (34) acres. He said the property owner is in favor of them having the storage yard on this property. He provided a visual for the citizens on what the property will look like.

Mr. Ron Baker stated he is the Engineering Construction Project Manager. He stated this property will serve a twenty-nine (29) mile section of the pipeline. He said the project will be from Mill Creek Road in Bath County and extend to Route 42. He said they have plans to start in 2018. He said the peak usage of the yard will take place April – November 2018. He said they actually proposed another property with Federal Energy Regulatory Commission (FERC) but they ran into some issues with the floodplain. He said when determining a site they look at the proximity of where the work is being done and proximity to existing amenities like hotels and restaurants. He said they are approximately 1.2 miles from Route 42, 12 miles from Staunton, and 25 miles from Waynesboro. He said they have an agreement with the landowner. He said they would need to abide by Erosion and Sediment Control and Stormwater regulations from the Department of Environmental

January 4, 2018

Quality (DEQ). He said they do have egress and ingress from the yard as shown on the site plan.

Vice Chairman Coyner asked what type of preparation is needed at the site?

Mr. Baker stated they will install silt fence, stockpile the topsoil, level the site, and then rock will be placed in the parking area and driving lanes.

Vice Chairman Coyner asked what size stone will be onsite?

Mr. Baker stated 8". He said after the project is complete, they will take the stone to the landfill and restore the site by FERC requirements.

Vice Chairman Coyner asked if the applicant plans on returning the site back to the original condition?

Mr. Baker stated yes.

Vice Chairman Coyner asked what will be stored onsite?

Mr. Baker stated office trailers for the staff, some fabrication equipment, 75-100 pipes, maintenance equipment, silt fence, and any construction material that is needed that cannot be stored on the right-of-way.

Chairman Shreckhise asked if they will have fuel onsite?

Mr. Baker stated yes. He said fuel will be purchased by the contractor.

Ms. Brown asked if a tank will be onsite?

Mr. Baker stated the fuel tank will be contained.

Ms. Brown asked what is the number of employees coming to the site?

Mr. Baker stated 400 people.

Ms. Brown asked if the employees will come to the site to pick up a vehicle?

Mr. Baker stated some will show up at the site in their own vehicle and some contractor owned vehicles.

January 4, 2018

Vice Chairman Coyner stated according to VDOT there are 1,800 vehicles per day on that section of the road. He asked if the employees will come in shifts?

Mr. Baker stated typically they will come to the site at 6:30 a.m. – 7:00 a.m. He said by 7:30 a.m. the site will be empty.

Vice Chairman Coyner asked if they will operate seven (7) days a week?

Mr. Baker stated they will operate six (6) days a week during daylight hours. He said they may have to work occasionally at night or on Sunday.

Vice Chairman Coyner asked if there will be noise generated from the fabrication work?

Mr. Baker stated there will be heavy equipment sounds from their operation.

Ms. Brown asked if the employees will be local?

Mr. Baker stated it is up to the contractor where they hire their employees. He said generally 50% of them will be local.

Chairman Shreckhise asked if the owner of the adjacent tract is compensated for this?

Mr. Baker stated no.

Vice Chairman Coyner asked about the stormwater drawings?

Mr. Wilkinson stated the County Engineer will review those plans for Erosion and Sediment Control and Stormwater under the state regulations.

Vice Chairman Coyner asked if there will be a bond in place in order to bring the land back to its original state in a timely fashion?

Mr. Baker stated they have that requirement in place with the landowner.

Vice Chairman Coyner stated the County will require you to have a bond so it may be something you want to think about.

Chairman Shreckhise asked how long will the property take to get back to its original state?

January 4, 2018

Mr. Baker stated they have asked for two (2) years but after November 2018, the bulk of the pipeline construction will be completed and the 400 employees will condense down to about 10%.

Vice Chairman Coyner asked if the applicant is comfortable that they will get the site back within two (2) years?

Mr. Baker stated yes.

Ms. Brown asked how many office trailers will the applicant have?

Mr. Baker stated six (6) office trailers.

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

Mr. Baker stated majority of the time, the equipment will be on the job unless it is needed to be worked on. He said most of the time it is out on the job.

Vice Chairman Coyner asked how will the applicant secure the site?

Mr. Baker stated there will be an off duty officer or private security at the site.

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

Mr. Gary Cash, 1273 Union Church Road, Churchville, stated he has no problem with the pipeline. He does have a problem with the traffic. He said at 7:30 a.m. – 8:00 a.m. there will be an extra 1,400 vehicles on the road and it will be dangerous. He is concerned about the safety of the kids on the school buses. He said there is a big curve. He asked that the Board look at the safety of the road and safety of the kids.

Dr. Edward Long, 140 New Hope and Crimora Road, Waynesboro, stated he supports the Special Use Permit. He said Mr. Sheets is hoping to use the land and he should have the freedom to use it as he sees fit. He said this is a temporary endeavor for materials and supplies for a staging area. He said this would be no different than when you are driving up and down the roads in the Fishersville area with commercial sites under construction as well as the recent construction across Interstate 64 and Tinkling Spring Road. He said more infrastructure is needed in the area. He said the project is needed for many reasons.

January 4, 2018

Mr. Richard Sturges, 877 Bunker Hill Road, Mount Solon, stated there is a curve in both directions at this location. He said there should be traffic control with the additional cars and trucks as well as an additional turn lane in either direction.

Mr. Michael Barlow, 287 Taliaferro Drive, Churchville, stated he is in favor of the request. He does own business property nearby that could be suitable to take over some of the traffic so that the applicant can alter some traffic to different locations to satisfy some of the public's concerns. He wanted to make the applicant aware that his property could be of use to them.

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

There being none, Chairman Shreckhise asked for a show of hands from the public that is wishing to speak in opposition to the request? Due to the number of opposition present, he asked each speaker to be limited to three (3) minutes and five (5) minutes if speaking for a group.

Mr. Tracy Pyles, Jr., 3665 Churchville Avenue, Churchville, stated this request will change the nature of the property slated for Agricultural Conservation Area. He asked the Board of Zoning Appeals to turn this over to the Board of Supervisors in order to have it professionally evaluated in order to take a look at all things. He said the Board of Zoning Appeals may not have all of the resources required to act on this permit. He said they may be better to have a single laydown yard to best serve Augusta County. He said they do not have a lot of hotels and restaurants that could accommodate 400 people in this area. He asked where will the people come from? He asked will they take Interstate 81 or Route 250 to get to the site? He asked how many pipes will come to the site on different days? He said the road is not appropriate for trucks. He said we are not ready to have this. He said with requests, before they go before the Board of Supervisors, the Planning Commission reviews and then it will be before the Board of Supervisors who look at it. He said the decision should be made by elected people. He noted at some point you have to vote on the request but it needs to be someone who is responsible to the people. He requested the Board of Zoning Appeals table the request to the Board of Supervisors. He said they should conduct a study to get the overall picture and do the best thing to protect the area.

Mr. Reese Bull, 49 Whitmore Road, Mt. Solon, stated he lives half a mile from the property. He travels Route 42 every day and is familiar with the road and neighborhood. He said the thirty-four (34) acres will not be compatible with agriculture. He said the visual screening proposal is inadequate. He said the applicant did not address chemical spills,

January 4, 2018

noise, erosion, and he is skeptical about it going back to farmland. He said the land will be damaged. He said this will reduce the value of his property and a potential buyer will not want to be anywhere close to this site. He said Route 42 has a sharp curve with steep grades. He said the sightlines are bad. He stated there is not a place on Route 42 that could safely accommodate this level of traffic. He said there will be numerous tractor trailers going in and out of the site with over 1,900 trips over the course of the project just carrying pipe. He said this would cause a 20% increase of traffic on Route 42. He said the traffic will not stay on Route 42. He said the taxpayers will need to pay for the roads to be repaired. He is opposed to the project.

Ms. Judith Simmons, 248 Hupman Road, Churchville, stated the side roads will have extra traffic. She said Hupman Road and Franks Mill Road are narrow and can cutout about six (6) miles of the drive. She felt it would be dangerous for the school buses and heavy traffic. She is against this project.

Mr. Tom Long, 10 Nash Road, Mt. Solon, stated Scenic Highway is named that way for a reason. He stated this will not be a scenic addition. He said with this request there would be noise pollution and traffic is a huge concern to him. He said the Board should not trust that this property will be restored to the current condition. He urged the Board to reject the request.

Ms. Pam Gibson, 74 Heizers Tanyard Road, Churchville, stated Dominion does not even own the land. She said they are paying a farmer for the land. She said this was not on the FERC plans. She said they do not even have permission for the pipeline yet. She said they still need permission. She said Route 42 is a narrow road and it is a challenge even in good conditions. She can only imagine what the road will be like when there are trucks with diesel equipment along the road. She said this request will cause health issues. She is also concerned about the Dancing Star Farm property. She said they produce organics and their crop may even be exposed to air pollution and runoff. She cannot imagine this being used as farmland afterwards. She said they are at a risk of leaks in the ground. She said this request will make this farmland an eyesore. She said they are taking agriculture land and storing machinery for a project that is not even accepted.

Mr. Royce Gibson, 74 Heizers Tanyard Road, Churchville, stated he has traveled this route for about eighteen (18) years at all hours of the day. He said when traffic gets backed up on Interstate 81 and Route 11, Route 42 is impacted. He does not feel comfortable with this request because of the traffic being backed up along the road. He said there will also be noise pollution associated with the project as well as air quality issues, light pollution, and diminished property values.

January 4, 2018

Ms. Beth Saylor, 116 Taliaferro Drive, Churchville, stated this is a potential heartbreak. She said this will bring huge polluted waters and streams due to this huge construction site. She said there will be massive amounts of runoff. She said there will be countless eighteen wheelers. She stated the roads are so little that two (2) cars have a problem crossing near each other. She asked the Board to deny the permit in order to keep the beautiful countryside. She would like to be able to look at the stars without sound or smog.

Ms. Judy Cohen, 123 Shenandoah Lane, Bridgewater, stated her husband and her live five (5) miles south of Bridgewater. She said they have been Shenandoah Valley residents for 43 years and Augusta County residents for the last 18 of those years. She is here to urge the Board to deny Dominion's request to use thirty-four (34) of Augusta County's beautiful acres as a staging area for its proposed pipeline project. She said other forums are more appropriate for contesting the pipeline itself, which she wholeheartedly opposes. She said today they have a chance to tell Dominion that it cannot run roughshod over our land and all it represents to residents and visitors alike. She said her own route from home to Staunton takes her past the very spot that Dominion presumes to use in preparation for desecrating the land of so many of our neighbors in Virginia and beyond. She said the County signs quite appropriately identify the road as Scenic Highway. She asked that you use your authority to put a stumbling block in Dominion's path by keeping that stretch of land scenic indeed.

Mr. Jack Wilson, 2175 Hankey Mountain Highway, Churchville, thanked the Board for all of their support on White's Wayside. He stated with his business he hired twenty (20) local people and provided good wages. He went by the rules with getting his permit. He does not put pollutants into Jennings Branch. He said with this request there could be man camps and with man camps there is a potential for crime. He said DEQ has not approved this yet. He said the applicant has stated 400 employees but he has heard 800. He said someone has gotten killed near this site. He said the Blosser farm is trying to be an organic farm and with the pipes and trucks coming to the site, this area will never go back to farmland. He hoped the Board deny this permit.

Ms. Mary Wilson, 980 Braley Pond Road, West Augusta, stated her biggest concern is with the Blosser property. She said they have been there for twelve (12) years. She said they were there first. She asked the Board to consider this small family. She said they have received no compensation from Dominion. She noted they have not received a report regarding lighting. She said there will be security lighting which will create light pollution. She does not support this project.

Ms. Diane Korte, PO Box 977, Churchville, stated the Board should deny the permit. She is a retired land use and environmental planner. She stated the traffic report is insufficient.

January 4, 2018

She said a project such as this is not consistent with the zoning and land use of the area. She said they do not have final approvals from VDOT. She said there is plenty of land zoned for industrial uses. She said they should be sure the amount of traffic on rural roads is minimized. She said the site does not have water, sewer, or hydrants. She said all of the people and equipment coming to the site will have a huge impact. She said Churchville Fire Department will not have the appropriate amount of water if a need arose. She said this project is death defying. She has never seen anything that lacked common sense. She said this request does not have the basic infrastructure. She said if it is approved, surely it will get appealed. She noted fabrication is a heavy industrial use. She said if this has to happen, she would hope it be the least burden on the schools. She noted there is farmland on either side of Route 42. She said this use is an inappropriate place for an industrial use. She said VDOT should not give them a permit to put that much traffic on the local roads.

Ms. Kelly Bell, 220 Bunker Hill Road, Mt. Solon, stated she opposes this project being on the farmland. She cannot see it happening where they want to put this yard. She said there will be noise pollution and lights on 24/7. She opposes it.

Ms. Sandy Greene, 123 Foxwood Lane, Mt. Sidney, asked who will the construction company be? She asked where will they be at night? She questioned how they can say this is suitable without seeing an Erosion and Sediment Control plan already in place? She asked who will manage the site? She asked if there will be more lanes for the additional traffic? She asked where is the electricity coming from? She asked if there would be water and sewer?

Ms. Mary Wood, 944 Union Church Road, Churchville, stated she lives at the end of the road. She said the roads are very narrow. She said there was a fatal accident on the curve in 2017. She said Route 42 is very narrow with 15 mph turns on the road right through Jennings Gap Road. She is worried about fuel leakages and what it will do to the groundwater.

Ms. Robin Knott, 254 Varner Road, Churchville, stated Route 42 is a road with 55 mph traffic with no shoulders. She said there is no way to exit the road to prevent an accident. She said this is a major bus route for North River Elementary School. She said the accidents and fatalities will increase. She said the Chesapeake Bay Watershed area and Spring Meadow Farm in Mt. Solon are where numerous streams come in and it is highly regulated. She said there are numerous things that need to be done at the federal, state, and local level for approval of groundwater. She said none were mentioned. She said guidelines need to be met. She stated this is heartbreaking.

January 4, 2018

Mr. Ryan Blosser, 1566 Scenic Highway, Churchville, stated he is the owner of Dancing Star Farm. He said in July a surveyor drove up the driveway and said they will have a contractor yard with a few pipes at the site and then two weeks ago he saw the zoning sign. He realized yesterday that this site is a 34 acre lot next to his property and it is up hill from his land. He said his kids ride their bikes in the field and his daughter sits outside to read books. He said there will be 400 men coming to the site every day. He said there will also be noise and lights until 9:00 p.m. at night. He said that his business is just in its third season. He is trying to build his business and customers. He grows his vegetables at his site. He designed the site to accommodate a few sprays a year. He is concerned about runoff and spills onto his property. He said his land is downhill and the wind blows on his property. He said this permit is a threat to the safety of his family and a threat to his small business.

Ms. Joy Blosser, 1566 Scenic Highway, Churchville, stated Augusta County is a safe place to play outside. She said her daughter spends her time outside reading and her little boy goes outside to play. She said if there are 400 workers nearby she will not feel safe. She does not know what kind of people will be there. She said they are asking for two (2) years but they will probably take longer than that. She said 400 workers day and night will learn their patterns on when they are home or not. She does not want any harm to come to her or her children. She asked the Board to put themselves in her shoes. She said they have heard concerns about traffic. She asked would you want that next door? She does not have anywhere else to go. She wanted to be in the County. She asked the Board to deny the permit. She said they are a small family and are trying to provide for their kids. She asked would you want that next to your home with your children?

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, stated she is representing Augusta County Alliance. She has felt like they have been bullied for about 3 ½ years. She has spoken out about the pipeline. She said Augusta County is a special place. She said there is an agricultural picture on the Augusta County seal. She said Augusta County is second in the state for agricultural production. She said agriculture will continue to be the predominate land use in the County and a major part of the economy. She quoted a section of the Comprehensive Plan. She stated scenic beauty and natural environment will be preserved with the farms, forests, mountains, rivers, and streams for providing the framework and text for development in urban areas. She said they continue to define the landscape in rural areas. She said Dominion has thrown this vision and rules out the window. She has worked closely with updating the Comprehensive Plan. She said the Board should listen to the people who will be most affected. She said today's decision should be easy. She said there is not a grey area here. She has concerns with the following:

January 4, 2018

1. Traffic – Workers will show up at the site along with tractor trailers coming in and out on all the narrow country roads. How many school buses use that route? This is a danger to the lives of the citizens.
2. Water Quality – There is no site plan or water quality permit. DEQ will not be able to comment until March. This will impact our water.
3. Fuel Dripping From Vehicles – Going Into the Water Supply
4. Visual Impact – Devalue Properties
5. Impact on Agriculture and the Agricultural Vitality

Ms. Sorrells stated they are breaking the rules. She said by putting this in agriculture, it would not meet the County Code that is why they have to come before you. She said they do not even meet the exception rule because the applicant does not live on the site. She said when the land is leveled and cleared, the land could have toxic chemicals in it for two (2) years. She asked do you think you could ever return this to agricultural production? She said Dominion's temporary easements are listed as five (5) years. She said do not believe what Dominion says about only two (2) years. She said they talk about core values and high standards but they violate property rights, collapse bridges, tear up roads, kill livestock, pollute streams, and blame it all on the citizens. She does not have a reason to believe this is any different. She said Dominion has put people on the menu and not on the table at other hearings. She said today, the citizens have a seat at the table. She said Dominion wants to break the rules, endanger our citizens and the economy, and change our landscape. She asked the Board to tell them they are not welcome at the table and to please deny their permit.

Ms. Hattie Driver, 1450 Scenic Highway, Churchville, stated her property is adjacent to the site and she does not want to hear the noises and see the aesthetics of the laydown yard. She said VDOT did not approve the entrance on December 21st. She asked if they are using the same entrance, and if so, what has now changed?

Mr. Wilkinson said the approval came in this morning. He said there was additional survey work done to be sure they meet the sight distance.

Ms. Driver said there is a curve on the road that makes it hard to see. She said there was a death from a motorcycle accident at the site because of not being able to see. She said a number of people have already ran into Mr. Sheets' fence. She is concerned about the safety. She asked why is it not required that the storage yard be adjacent to the pipeline right-of-way? She said as a landowner she is opposed to this request.

Mr. Sean Harvey, 368 Varner Road, Churchville, stated he is concerned about the traffic and the routes for the school buses. He said this project will affect the daily lives of an

January 4, 2018

entire community. He does respect the rights of the landowner but this will affect the productivity of the adjacent farms, it clearly should be denied.

Mr. David Copper, 1603 Ridgeway Drive, Staunton, stated this is a ludicrous project and is wasteful. He asked whether Dominion will repair the road after this project? He said this is a mess. He said a traffic test was done. He said this will have a great effect on the roads. He bikes in that area and it is peaceful, quiet, and calm. He opposes this project.

Chairman Shreckhise declared a short recess. After about fifteen (15) minutes, he declared the meeting back in session.

Ms. Donna Shaunesey, 1003 Birdwood Road, Charlottesville, stated she worked for the City of Charlottesville as a planner. She said if the permit is approved, it will set a terrible precedent for the future. She said this is opening a horrible door in devaluing the process. She is a hiker and loves Augusta County. She requested the Board turn down this permit.

Ms. Deborah Kushner, 776 Lyons Hollow, Schuyler, stated she lives in Nelson County but she is a former Augusta County resident. She said this application seems premature because they are lacking Stormwater and Erosion plans. She said Dominion's application to FERC specified a different site than the one being reviewed today. She said Route 42 is called Scenic Highway. She said this is in a Rural Conservation Area. She said heavy construction equipment and portable toilets are not compatible for Scenic Highway and an area that is in rural conservation. She said this will hurt tourism and damage the roads. She said this will be an eyesore. She stated the countryside is precious and worth preserving. She said this Board can say no to an ugly premature plan. She stated in 2015, Plainfield, Illinois rejected a contactor storage yard with 110 employees and said it would impact the area. She said Doug Clark, an attorney in Pennsylvania, has given a laundry list of warnings associated to storage and storing areas. She said these are serious concerns for landowners. She said they need an experienced oil and gas attorney. She asked that the Board keep Augusta County's Scenic Highway scenic and vote against this.

Mr. Philip Khnopp, PO Box 610, Churchville, asked how much tree clearing will be going on here? He asked how much blasting and how much heavy machinery? He asked if it will affect the water table? He said this request will bring in man camps. He said the Board should not approve this. He would like to see the study about road safety. He asked who will pay for the damages to the roads? He said the Board should take into consideration the property values. He does not want to see a scar across the State or County. He said in Montrose, Pennsylvania, there were pipelines constructed and now they have toxic water and are dependent on bottled water. He said the Board should not allow this. He does not want the Board to grant the permit for the staging area. He said it is illegal and

January 4, 2018

unconstitutional. He said this is his home and he does not want it spoiled. He said once spoiled we do not get it back.

Ms. Diana Woodall, PO Box 322, Dayton, stated she does feel this is in her backyard. She drives passed it. She said when people attend the Maple Sugar Festival they will drive by this. She said many people will be traveling to the event from all over the state. She does not want them running into a truck when traveling. She said this Board is tasked with listening and not rushing through this decision. She asked them to take the time to do the right thing. She said there are ways for local government to be empowered and make the right decision.

Mr. Thomas Hadwin, 328 Walnut Avenue, Waynesboro, stated he is representing Friends of the Central Shenandoah. He does understand the issues the utility agencies are dealing with. He said some projects serve a greater public interest but this can be provided by existing pipelines. He said Dominion customers will pay more. He asked the Board not to feel compelled to move along with the project until it is determined if it is appropriate. He said DEQ cannot issue permits until March or April. He said Erosion and Sediment Control and Stormwater plans have been asked for from Dominion. He said the permit should not be approved until we are sure they follow the guidelines. He said water and soil can be protected. He said this permit should not be approved. He said this needs to be looked at for the long term. He said this is a project for private gain.

Ms. Sarah Murphy, 2068 Greenfield Road, Afton, stated six (6) years ago she rode her horse 300 miles and has seen the devastation of the extraction of lands. She works on a breeding facility and she is worried about the water system on the farm for the future of the horses. She opposes this.

Ms. Connie Brennan stated she lives in Nelson County. She is a retired Board of Supervisor member. She has a great deal of confidence that this Board will do the right thing for the citizens. She has seen many land use applications and this is the worst she has ever listened to. She said the Board should meet their mandate to protect the health, safety, and welfare of the citizens of Augusta County.

Ms. Faith Spear stated she has lived in Virginia for three (3) years. She said she is a landfill site consultant and also looks for sites for transfer stations. She said this is a big site. She said in her experience, the roads need to be bonded to repair any damages and sometimes the roads even get improved before the project starts. She said it is not right the way Dominion is doing it.

Mr. John McCue, 506 Mill Race Road, Verona, stated he was moved by what the Blosser family said and how they are concerned about this being next to their yard. He asked if the

January 4, 2018

applicant will store explosives at the site? He is also speaking on behalf of Friends of the Middle River. He said this thirty-four (34) acre yard will be up river from Elk Run. He said aquatic life get compromised when too much sediment goes into the water. He noted the stream is already compromised and the runoff will be too much. He said the Erosion and Sediment Control plans from DEQ are important to the water quality in Augusta County. He said please do not let Dominion say they are going to take care of it.

Ms. Eleanor Lobioso, 500 C Street, Staunton, stated this is a narrow road. She asked who will repair the roads and who is responsible for them? She said the roads are not made for this type of travel. She is concerned about the school buses. She said the people who live in the area will know what is going on. She said this is not a place for a holding area.

Mr. Timothy Layne, 2158 Scenic Highway, Churchville, stated he drives the road every day. He said the citizens will be impacted by the storage yard being there. He has a fear for the children on the buses. He is concerned about property values. He said the applicant says it is only temporary and that the property will return to the way it was. He said they are never going to get it back to the way it was. He lives one (1) mile away from it. He will have to drive passed this site. He stated that if the Board denies the permit today, it will not ruin Dominion. He said hopefully they will do a little more homework. He said if you vote to approve it, you will ruin the people here.

Ms. Leslie Sturges, 877 Bunker Hill Road, Mount Solon, stated people have to use this area to get to Staunton. She asked if there is going to be lane closures and if there is an accident, how are people going to get to Staunton? She asked the Board to think about how people are supposed to get around if they are blocked and unable to move around on the road. She said this is a serious concern.

Mr. Josh Wylvanna, 1630 Indian Trail Rd, Keezletown, stated this traffic is not compatible with the roads in place. He said the Blossers will have to deal with this over the next several years. He said there will be diesel fuel, gas, and hydraulic fluid. He said it only takes a liter to pollute our waters. He said this is not a pleasant situation. He said the applicant plans on taking up vegetation and putting in stone and gravel. He stated if you expect nothing will happen downstream, you are insane. He said the organic certification that the Blossers have or trying to have may become impossible to keep and it is a shame because that is agriculture land. He said if the Atlantic Coast Pipeline goes bankrupt they waive their responsibility to clean up the property because they are an LLC. He said the land is never going to be the same. He said it would be wise to deny the permit in the interest of us all not getting the shaft.

Ms. Kathryn Guenther, 1429 Moffett Branch Road, Churchville, stated she is not sure why we are taking farmland and turning it into industrial use. She said it will not get back to

January 4, 2018

farmland. She asked if the County is willing to lose thirty-four (34) acres permanently. She said there are other industrial properties that can be used as a staging area.

Ms. Diana Cash, 1273 Union Church Road, Churchville, stated she opposes this. She has a home for sale and potential buyers are already asking. She stated a few months ago, a Dollar General was being proposed on farmland and this Board denied the permit. She asked why is this any different?

Ms. Heidi Dhivya Berthoud, 366 Wyland Road, Buckingham, stated she is here representing Friends of Buckingham. She applauds the County for their efforts on this. She appreciates the Board taking the time to understand this issue. She said the decision you make will have a ripple effect. She said Dominion is a lousy neighbor. She said the people in Buckingham dealt with man camps and their proposed compression station. She said do not lean on DEQ decisions. She said every stream should be analyzed for Erosion and Sediment Control and Floodplain. She said this is going to affect us all, not just Augusta County.

Ms. Kenda Hanuman, 247 Ramaa Lane, Buckingham, stated she is impressed with the entire way the Board has conducted the meeting. She stated a man camp was approved with 80 temporary RV campsites for men while work was being done at the compression station nearby. She said these camps were in the middle of the city. She said the Board has to look if this will benefit the constituents. She felt compassion for all of the residents. She said one must take a position that is neither safe, political, nor popular but one must take it because it is right.

Mr. Thomas Rodriguez, 2980 Morris Mill Road, Staunton, stated in Richmond where he used to live there was a battle with Dominion regarding a large high-rise building in the floodplain. He said Dominion built a building by the river and they ended up leaving lights on in the building so the neighbors could not see the view at night. He sees the same thing happening with this request. He said they plan on destroying the land and blocking traffic. He said the entire community has voiced their concerns. He said many lives will be affected.

Ms. Norma Johnson, 80 Westridge Drive, Churchville, stated she retired from the DC area and moved here. She does drive along Route 42 to Harrisonburg. She is an animal lover. She would not want calves to come down to the Sheets' pond to drink the water after this use has been at the site. She said the roads will be damaged terribly.

January 4, 2018

Ms. Kelly Haber, 1571 Duke Road, Waynesboro, stated the pipeline is not a done deal. She said the destruction of this property does not make any sense when this project is not a done deal. She urged the Board not to approve the permit.

Mr. Scott Gauthier, 2146 Mt. Torrey Road, Lyndhurst, stated the County said this is agriculture property. He said the neighbors may not be able to produce agriculture because of this Special Use Permit. He said this is agricultural land and that is what this is meant for.

Mr. Jack Wilson, 2175 Hankey Mountain Highway, Churchville, stated if he proposed a business with 400 plus employees, no Erosion and Sediment Control plans, and all of the neighbors said please do not approve the permit, the Board of Zoning Appeals would say Jack go home and don't come back. He asked if the Board has the authority to recognize what Dominion has done and if you can decide to say no and do not come back? He said this is the worst plan ever presented. He said this is not being done in good faith.

Mr. Benkahla stated the County cannot tell someone they cannot apply in a year or ask to look at other sites.

There being no one else wishing to speak regarding the request, Chairman Shreckhise asked the applicant to speak in rebuttal.

Mr. Ron Baker stated all of the pipe will not come to this site. He said the pipe will be staged.

Chairman Shreckhise asked how many truckloads of pipe will come to this site?

Mr. Baker stated about 500. He said the spread is how many people will touch this project and one point that number is 600. He said not all of the people will come to this yard at a time. He said many were concerned about the restoration of the site. He said the use of property like this is common. He said it is not easy to find a 35 acre site. He said there is a process to restore the site to farm use. He said it has been done all over the Midwest and Pennsylvania. He said they have a bond in place with VDOT for any damage to the roads. He said they have a \$2 million bond in place. He said all roads will be in the condition prior to their use. He said there will be no man camps. He said they may live in existing RV sites.

Chairman Shreckhise asked if there will be sewer at the site?

Mr. Baker stated there will be no sewer. He said they will use porta-johns.

January 4, 2018

Chairman Shreckhise asked if there will be water at the site?

Mr. Baker stated no. He said water will be brought to the site. He said a number of people will report to this site in the morning for an hour. He said after that they may have forty (40) people at the site. He said there is not a huge demand for water or sanitary. He said the traffic will still exist on Route 42 and the surrounding roads.

Vice Chairman Coyner asked if there will be lights at night?

Mr. Baker stated there will be lighting. He said they will make efforts to limit light pollution.

Ms. Brown asked if contractors sleep at the site?

Mr. Baker stated no. He said the contractor will have 24 hour security. He said there will be no sleeping quarters onsite.

Vice Chairman Coyner asked if there will be a fence?

Mr. Baker stated there will be a privacy fence on three sides.

Vice Chairman Coyner asked if there will be a fence for security reasons?

Mr. Baker stated no. He said everything is heavy and people will not be able to carry anything off. He said they have security because vandalism is the bigger issue.

Vice Chairman Coyner asked if there will be explosives onsite?

Mr. Baker stated no. He stated it would depend on the blasting contractor where they wanted to store it.

Mr. Rick Weeks with Dominion stated the State Water Control Board did approve the 401 certification on December 20, 2017. He said that certification will be in effect as soon as DEQ determines all requirements have been met. He plans to have all submissions to DEQ in the next few days. He said DEQ will tell us what is lacking in the plans and then they will add it. He said it is not for them to approve or disapprove the plans. He said they will need to meet all DEQ requirements. He said DEQ will review the Erosion and Sediment Control and Stormwater plans. He said the contractor will have to meet the spill prevention plans and erosion and sediment control measures. He said DEQ inspectors come to the site to be sure the property is in compliance with the plan.

January 4, 2018

Ms. Brown asked if DEQ will come to the site on a regular basis?

Mr. Weeks stated DEQ typically responds to complaints on construction. He said FERC and Dominion will have inspectors there during construction.

Chairman Shreckhise declared the public hearing closed.

Vice Chairman Coyner asked if there are statistics available that Dominion can provide that address the success rate of getting the land back to farmland?

Mr. Toms stated they are bonded under FERC to put the land back to its natural state. He does not have statistics. He said there is a laydown yard in Dooms for an electric transmission yard. He said they will keep the topsoil at the site in order to get the land back to its original state. He said roads will be in even better standard than what they started. He said they will also test the soil.

Mr. Byerly is concerned about the Blosser organic farm. He said Dominion stated they have no obligation to the Blossers but they do. He said the Blossers depend on the groundwater for their operation. He would like to see an agreement between Dominion and the Blossers in order to protect their operation. He would like to be sure the water quality does not deteriorate. He would expect that to be in place before this Board votes on the matter.

Mr. Toms stated the water quality will be addressed in the DEQ plans. He said there will be a retention pond. He said they will keep the water away from the Blosser property and away from his farm.

Chairman Shreckhise stated when citizens ask him about applying for a Special Use Permit, he always says they should check with their neighbors first and talk with them. He said in this case, that was not done. He said the pipeline will not go away. He said a laydown yard for storage has to go somewhere. He said this may or may not be the proper place.

Mr. Byerly appreciated all of the citizens' interest and conducting themselves in a professional manner.

Chairman Shreckhise stated it will be hard for him to accept a motion to be in favor of this request because he does not want to put the Blosser farm out of business and endanger his family. He said the Board needs to have a little more direction in deciding where the

January 4, 2018

laydown yard goes. He said perhaps a consultant given to them by the Board of Supervisors, as Mr. Pyles suggested, would be a good idea. He said the Board needs to have more information.

Vice Chairman Coyner stated there were 42 people that spoke in opposition. He said the Board received 57 emails in opposition that he has not gotten a chance to read yet. He moved to table the request until February 1, 2018, in order to obtain more information.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Shreckhise stated the Board may want to think about the applicant posting a bond in order to ensure the land is put back to farmland in a timely manner.

Mr. Byerly stated the agreement with the Blossers is valuable to them in order to make a decision on the permit. He stated these details should be able to be worked out in order for us to make the decision. He said this request does meet many requirements. He said the site is not in a floodplain and it is close to their construction site. He said a laydown yard will be somewhere in this area and there may be two (2) others in the County. He said with this project it will be intense for about nine (9) months.

Chairman Shreckhise stated the applicant should speak with staff regarding how other locations have been restored to farmland.

Mr. Wilkinson stated man camps are not permitted in Augusta County. He said they would have to establish a full campground. He said if the site is approved, a site plan is required where the County would look at Erosion Sediment Control and Stormwater plans. He said at site plan stage Dominion will need to submit the plans to Augusta County. He said they normally do not go to the expense unless the site is approved. He noted that his staff also makes inspections of the site.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

BOARD OF ZONING APPEALS ANNUAL REPORT 2017

Ms. Bunch presented the Board of Zoning Appeals Annual Report for the year 2017.

Vice Chairman Coyner moved that the report be approved.

January 4, 2018

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

- 17-6 Kenneth or Sara Lawhorne
- 17-7 Matthew T. Bradley
- 17-8 Almarode, LLC

17-10 Russell Thomas and Chantelle Brown

Ms. Bunch stated SUP#17-6 is in compliance. She said the applicant had one inoperable vehicle during inspection for SUP#17-7 but then it was removed and the site is now in compliance. She stated the applicant has no plans on pursuing SUP#17-8. She has sent the applicant a cancellation request. She said SUP#17-10 is 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.

* * * * *

Chairman

Secretary