

May 3, 2018

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

ABSENT: Steven F. Shreckhise, Chairman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 3, 2018 at 9:30 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at 9:30 a.m. in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

At the staff briefing, the Board of Zoning Appeals discussed Mr. Eutsler, Shenandoah Acres Family Campground, wanting to open the additional campsites for Memorial Day weekend prior to the site plan being approved and his Special Use Permit issued.

Mr. Benkahla advised the Board not to allow the additional sites to open until the Special Use Permit has been issued by Ms. Bunch or Mr. Eutsler applying for a permit to have the public hearing and modify the conditions.

VIEWINGS

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

- **ALONDRA AND LEONARDO GONZALEZ - SPECIAL USE PERMIT**
- **BERNIE AND MELISSA CHRISTIAN - SPECIAL USE PERMIT**
- **JON ENGLEMAN, AGENT FOR DESTINY FAMILY CENTER - SPECIAL USE PERMIT**
- **DOUGLAS WOOD, AGENT FOR RISING SUN REAL ESTATE, 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



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ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 3, 2018, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Vice Chairman Coyner moved that the minutes from the April 5, 2018, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

GEORGE A. OR JACKIE HEFLIN - VARIANCE

This being the date and time advertised to consider a request by George A. or Jackie Heflin, for a Variance from the required street setback in order to separate two non-conforming dwellings on property owned by Jerry L. or Donna H. Vandevander, located at 70 & 72 Todd Hill Lane, Mt. Solon in the North River District.

Mr. George Heflin stated his request came before the Board of Zoning Appeals in March for the separation of his property. He said after staff reviewed the plat further it was discovered that the existing building was too close to the driveway. He is requesting an additional Variance.

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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 hearing closed.

Vice Chairman Coyner stated the Board visited this site at the March meeting. He moved to approve the Variance.

Mr. Byerly seconded the motion, which carried unanimously.

ALONDRA AND LEONARDO GONZALEZ - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Alondra and Leonardo Gonzalez, for a Special Use Permit to have outdoor storage of a food trailer, picnic tables, a carport, and to have food sales on property owned by Anecito Perez Samano, located in the northwest quadrant of the intersection of East Side Highway (Route 340) and McGuslin Lane in the Middle River District.

Ms. Alondra Gonzalez stated she would like to operate a family taco truck business at this site. She is renting the property off of one of her dad's friends.

Vice Chairman Coyner stated the Board visited the site this morning, and it appears the property remains wet.

Ms. Gonzalez stated they plan to add additional gravel if the request gets approved.

Vice Chairman Coyner asked if the applicant spoke with the Virginia Department of Transportation (VDOT) regarding the entrance?

Ms. Gonzalez stated yes. She noted they are fine with extending the entrance to meet their requirements.

Vice Chairman Coyner asked if they will operate every day of the week?

Ms. Gonzalez stated they will start off on the weekends. She noted if business gets busy they will operate during the week.

Vice Chairman Coyner asked if the vehicle and trailer will stay at this site?

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Ms. Gonzalez stated yes.

Ms. Brown asked if they will have electricity at the site?

Ms. Gonzalez stated they will use a generator.

Ms. Bunch asked if the applicant is willing to complete all upgrades required by VDOT?

Ms. Gonzalez stated yes.

Mr. Byerly asked if the applicant plans on installing restrooms and a septic system?

Ms. Gonzalez stated there are bathrooms nearby she can use. She said they also live close by.

Vice Chairman Coyner asked if they will offer public restrooms?

Ms. Gonzalez stated no.

Ms. Bunch stated the applicant will also need to obtain Health Department approval.

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

Mr. John Russell Jenkins, 2634 East Side Highway, Crimora, stated this is a bad intersection to have a food truck business. He said the traffic coming north needs to be really careful. He said there are already food establishments in the area less than a mile away.

Vice Chairman Coyner asked if the lot stays wet in the spring?

Mr. Jenkins stated he has seen water there many times.

Mr. John Orebaugh stated his driveway is across from the entrance. He said only one (1) vehicle can drive along McGuslin Lane at a time. He noted it is a dead-end road. He said there is a compost business with trucks coming in and out all day long. He does not want the extra traffic or people blocking the driveway. He also does not want the trash, noise, and the smells associated with the food truck. He said in general this request is a bad idea.

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

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

Ms. Gonzalez stated they have plans to extend the driveway. She said they are going to add gravel to the site. She stated there will be no dust. She noted this is a family business and they want to be able to take care of the property. She stated there will not be much traffic. She plans to offer Hispanic homemade food that is not in this area.

Chairman Shreckhise declared the public hearing closed.

Ms. Brown stated the Board visited the site today. She is concerned about the extra traffic along the roadway with this request.

Vice Chairman Coyner stated this site stays wet in the spring. He does not feel that this is a good spot for this type of business.

Mr. Byerly stated he appreciates the applicant's interest in starting a business and he hoped that she would find a better site than this location.

Vice Chairman Coyner stated this is a wonderful idea but not at this site. He moved to deny the request.

Mr. Byerly seconded the motion, which carried unanimously.

BERNIE AND MELISSA CHRISTIAN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Bernie and Melissa Christian, for a Special Use Permit to continue to have motor vehicle repair including body and fender work, and to have outdoor storage of personal equipment on property owned by RE & CE Properties, L.C., located at 2202 Tinkling Spring Road, Stuarts Draft in the South River District.

Ms. Melissa Christian stated they are applying for a Special Use Permit to continue the business of an auto body repair shop at this site. She would also like to be able to store their personal camper at this location also. She does not need outside storage of

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inoperable vehicles. She said only licensed vehicles will come to the shop. She noted they will not have vehicles onsite longer than thirty (30) days. She noted they would like to utilize the shipping container in order to store their parts. She said all construction debris will be cleaned up on the lot within 120 days. She said thirty (30) days would not give the current property owner enough time to remove the items.

Ms. Brown asked if there is room inside the building to work on the vehicles and use a portion for storage?

Ms. Christian stated yes. She said all of the work is done inside the building.

Ms. Tilghman stated the Board visited the site today. She asked if the vehicles in the front of the building belonged to the applicant?

Mr. Bernie Christian stated two (2) of the vehicles belong to his customers. He said the other is his. He said the other vehicles in the back belong to the property owner.

Vice Chairman Coyner asked if the applicant did not have the storage container onsite, would they have room to keep parts inside the shop?

Mr. Christian stated yes. He would have to redo the inside of the shop to make room for the items in the storage container.

Vice Chairman Coyner stated it is the intent of the Board to have the site be kept neat and orderly.

Mr. Christian stated they are planning to buy the property.

Mr. Byerly asked if the flatbed and other materials will be cleared from the property?

Ms. Christian stated a lot of the equipment will be removed. She said they gave the construction company a year to move it off of the site in their purchasing contract.

Mr. Byerly asked if the applicant would be able to move the storage container closer to the line fence?

Ms. Bunch stated the storage container would need to be moved closer to the building so that it is not in public view. She said the previous permit stipulated nothing be kept outside.

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Ms. Tilghman asked if Mr. Eavers is already in violation of the permit?

Ms. Bunch stated yes.

Vice Chairman Coyner said Eavers has the opportunity to move the equipment offsite rather quickly.

Ms. Brown asked what the blue container in the back is?

Mr. Christian stated it is the air conditioning unit for the building.

Ms. Brown asked how many bays are in the building?

Mr. Christian stated it is an open building. He said they can have five (5) to six (6) vehicles depending on the size inside the building. He said they only repair light collisions.

Ms. Christian stated there is a paint booth inside the building also.

Mr. Byerly asked if three (3) employees would be adequate?

Mr. Christian stated he does not think he will get to that point. He only has one (1) employee right now.

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

Mr. Charlie Beverage, 203 Shalom Road, Waynesboro, stated the applicant does great work. He said they are a great service to 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.

Mr. Byerly asked if the Board requested that the property be cleaned up within thirty (30) days, would jeopardize the contract?

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Mr. Christian stated their contract was negotiated to cleaning up the site within 120 days. He said it was originally a year. He may be able to get the property owner to agree and remove all items within 60-90 days.

Vice Chairman Coyner stated it is difficult for the Board to approve a permit where there is a violation in process. He suggested the site be cleaned up within sixty (60) days.

Mr. Christian stated he would try and make it work.

Vice Chairman Coyner stated there has been a business at the site for 10-15 years.

Ms. Tilghman asked if the Board felt as though a fence should be required?

Mr. Byerly stated no. He said the tree line is adequate for screening. He moved to approve the request with the following conditions:

Pre-Condition:

1. Remove all shipping containers, construction debris, junk or inoperable vehicles, equipment, or parts of vehicles or equipment and miscellaneous junk and debris from the property within **sixty (60) days**.

Operating Conditions:

1. The outdoor storage area behind the building be screened by natural vegetation and be maintained at all times.
2. No more than five (5) licensed and inspected vehicles be kept outside the building.
3. All vehicles waiting repair more than thirty (30) days and all inoperable or unlicensed vehicles be kept inside the building or in the impoundment area behind the building.
4. Be limited to three (3) employees unless Health Department approval is provided to Community Development.
5. Hours of operation be 7:00 a.m. to 9:00 p.m., Monday – Saturday. No Sunday operation.

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6. Be allowed to keep personal RV, a tractor, and one (1) shipping container and equipment in the designated storage area behind the building shown on the site plan.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Site be kept neat and orderly.

Vice Chairman Coyner seconded the motion, which carried unanimously.

JON ENGLEMAN, AGENT FOR DESTINY FAMILY CENTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jon Engleman, agent for Destiny Family Center, for a Special Use Permit to install lighting to an existing ballfield and playground and to have active recreation on property they own, located at 36 Rose Avenue, Stuarts Draft in the South River District.

Mr. Jon Engleman stated they would like to install lights for the kids using the ballfield and playground. He said the light at the playground area will be on from dusk to dawn. He said the lights on the ballfield will not be kept on all night. He said this will provide safety for the church. He noted they will also install cameras at the site.

Ms. Brown asked how tall will the poles be?

Mr. Engleman stated 20'.

Ms. Brown asked if they would use telephone poles?

Mr. Engleman stated yes.

Ms. Brown asked what type of light will be used?

Mr. Engleman stated they will use LED lighting and it will shine down on the field.

Ms. Brown asked if the trees will stay?

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Mr. Engleman stated yes.

Mr. Byerly asked if an engineer will professionally design the lights for the field?

Mr. Engleman stated no.

Ms. Brown asked how many poles will there be onsite?

Mr. Engleman stated three (3) poles. He said they would have them at right, center, and left field.

Ms. Tilghman asked where would the lights be at the playground?

Mr. Engleman stated it would be towards the right of the ballfield.

Ms. Tilghman asked if the trees will be kept onsite?

Mr. Engleman stated yes.

Vice Chairman Coyner stated it is important that the trees be maintained.

Ms. Tilghman asked who will use the field?

Mr. Engleman stated a traveling ball team will use the field. He said it will not be open to the public at this time.

Vice Chairman Coyner asked if the lights will shine on the neighbors?

Mr. Engleman stated no.

Ms. Brown asked how many traveling ball teams will use the field?

Mr. Engleman stated one (1) team.

Ms. Brown asked if there would be an on and off switch for the lights?

Mr. Engleman stated yes.

Ms. Brown asked how late will practice last?

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Mr. Engleman stated no later than 10:00 p.m.

Ms. Tilghman asked if any games will be played at the site?

Mr. Engleman stated no.

Ms. Brown asked if they will rent the field out to the schools or ruritans?

Mr. Engleman stated no. He said two (2) of the coaches for the traveling team are members of the church and their kids play on the traveling team.

Ms. Tilghman stated this is a large investment. She said a couple of years there could be no one using the ballfield.

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

Mr. Mark Ramsey, 308 Cambridge Drive, Stuarts Draft, stated his only concern was how late the lights would be on and if they would be shining on his backyard. He said his questions were addressed and he is in favor of the request.

Ms. Bobbi VonWandsworth stated she lives adjacent to the property. She said her main concern is the light and that they be off by 10:00 p.m. She would like to be sure they are turned off and not left on all night long.

Mr. Robert Burgener, 39 Windermere Road, Stuarts Draft, asked what other extra activities will be at the site? He said there are many houses around this property. He asked what other types of recreation will be happening later on? He said some things have not been taken care of on Destiny Family Center's property.

Ms. Geraldine Burgener, 39 Windermere Road, Stuarts Draft, stated the back part of the property has never been cared for. She said they are not a responsible church. She said their field housed coyotes for years and it is not a safe place.

Mr. Chris Lyszaz, 78 Arrow Lane, Stuarts Draft, stated the lights will shine only on the field. He said they plan on eventually fencing the field. He said they would like to install a light at the playground for safety. He said they want to provide a place for the children to have recreation. He said the lights were donated to us. He said they will not have games at the ballfield, it would only be used for practice.

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Ms. Tilghman stated what will happen ten (10) years from now when you may not have any interest? She said if only one (1) team is using it now and then there are none interested in the future. She asked what is the plan long term since it is only for the church?

Mr. Lyszaz stated three (3) teams are using the field now, but before that they did have a youth group using the property. He said their insurance only allows members of the church to use the ballfield.

Ms. Tilghman stated a lock box should be onsite in order to turn the lights on and off.

Mr. Byerly asked about restricting them to only church members using the ballfield?

Ms. Bunch stated not all people on the team are church members. She said it would be open to the public in that sense. She noted with this permit any team could use the ballfield.

Chairman Shreckhise stated all restrictions will need to be followed, no matter who is using the ballfield. He asked if there was anyone else wishing to speak regarding the request?

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

Mr. Byerly stated he is fine with the 10:00 p.m. restriction regarding the lights.

Vice Chairman Coyner stated it is great that the church is taking an interest in young people.

Ms. Tilghman asked if there are any restrictions on the dusk to dawn lights?

Ms. Bunch noted that the dusk to dawn lights typically are not over 3,000 lumens.

Mr. Byerly stated the applicant also plans on installing security cameras.

Ms. Brown stated the Board visited the site today. She said the property is well screened and there will only be three (3) poles on the backside. She said the lights at the playground will not be directed towards any of the houses and they plan to shut off the lights at 10:00 p.m. She moved to approve the request with the following conditions:

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Pre-Condition:

None

Operating Conditions:

1. Applicant obtain all necessary permits from Building Inspection and provide a copy to Community Development.
2. All existing vegetation and trees around the ballfield remain.
3. All new lighting over 3,000 lumens be turned off by 10:00 p.m. and directed away from neighboring properties.
4. Applicant install security cameras and a lock box for the ballfield lights.

Mr. Byerly seconded the motion, which carried unanimously.

JAMES S. OR SANDRA G. BERRY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by James S. or Sandra G. Berry, for a Special Use Permit to construct an accessory building larger than twelve hundred (1,200) square foot total aggregate on property they own, located at 507 Jocelyn Lane, Waynesboro in the Wayne District.

Ms. Bunch stated the applicant has withdrawn the request from the agenda.

DOUGLAS WOOD, AGENT FOR RISING SUN REAL ESTATE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Douglas Wood, agent for Rising Sun Real Estate, LLC, for a Special Use Permit to use an existing dwelling as a vacation home for short term rental on property they own, located at 131 Rising Sun Lane, Lyndhurst in the South River District.

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Mr. Douglas Wood stated he would like to rent out his existing cabin as a short term vacation rental.

Vice Chairman Coyner asked if the applicant uses the cabin and then rents it out on occasion?

Mr. Wood stated yes.

Vice Chairman Coyner asked if water gets up to the cabin?

Mr. Wood stated they built the cabin 1 1/2 feet above the 100 year floodplain.

Ms. Brown asked if there is an upstairs in the cabin?

Mr. Wood stated there is a loft upstairs.

Vice Chairman Coyner asked how is the property rented?

Mr. Wood stated he rents through Airbnb.

Vice Chairman Coyner asked if you can screen people who rent?

Mr. Wood stated renters are rated on the website.

Ms. Tilghman asked if the road has ever been flooded?

Mr. Wood stated during Hurricane Isabel water was flowing on over 80% of the property. He said the road can flood.

Mr. Byerly asked if the applicant lives locally?

Mr. Wood stated yes. He is at the site every day feeding the pigs and doing chores. He has ordered the sign that states this property is in the floodplain.

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

Ms. Joanne Payne, 2564 Mt. Torrey Road, Lyndhurst, stated Mr. Wood is a good neighbor. She said his property is in a beautiful setting that is adjacent to the National Forest. She noted this request is in keeping with the character of the neighborhood.

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She said that he should not be restricted to only four (4) guests based on the septic. She said the applicant will not exceed the capacity with the septic system because it is only being used on occasion. She hoped the Board would permit six (6) guests. She said her son cannot rent the cabin because he has four (4) kids. She felt it would be reasonable to allow six (6) people. She would like to express her support on this application.

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

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

Chairman Shreckhise stated the limitation of four (4) people in the cabin came from the Health Department.

Vice Chairman Coyner stated this is a quiet setting. He said Ms. Payne has a good point about the number of guests. He said the Board visited the site today and the applicant has done an excellent job on the cabin. He stated the comments from the Health Department state they are only advising the number of guests be four (4), it is not a requirement.

Ms. Bunch said staff listed four (4) guests based on the Health Department comments. She said in some cases, where the Board would approve more than what the Health Department is recommending, the applicant would first need to obtain approval for the increase.

Vice Chairman Coyner moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to lease out the existing dwelling for short term vacation rentals.
2. No more than six (6) persons occupying the dwelling.
3. Applicant post notice on site that the property is located within a designated floodplain.

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4. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. Garland Eutsler, Shenandoah Acres Family Campground, stated he is here today to request to open the additional campsites for Memorial Day weekend. He has had engineering issues with his site plan. He has now hired Jeff Gentry with EGS and they are working diligently to get the site plan completed. He hoped the Board will allow him to open because if he did not, it would disappoint a lot of people. He said it may take him 90-120 days to get this figured out.

Chairman Shreckhise stated this is just an open discussion, not a public hearing on the request to open without an approved site plan.

Vice Chairman Coyner asked if the additional campsites have already been committed?

Mr. Eutsler stated the sites are not committed but he does have a list of customers from last year that can use the sites.

Vice Chairman Coyner said it may be until the first of July before Mr. Eutsler meets all of the requirements.

Mr. Eutsler said he may not even need a detention pond. He is still waiting on the results from the engineer. He does not want it to be 120 days but they do plan on acting immediately depending on what the engineer says.

Ms. Tilghman stated the Board would like to help Mr. Eutsler but staff will need time to advertise the request for a public hearing in order to change the conditions of the Special Use Permit.

Chairman Shreckhise stated the Board cannot make a change to the permit without advertising it for public hearing.

Mr. Benkahla stated the Board cannot amend the terms of the permit without first having a public meeting.

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Ms. Bunch stated Mr. Eutsler can make application tomorrow to amend the conditions of his existing permit. She said the hearing would be June 7, 2018.

Ms. Tilghman stated they cannot help Mr. Eutsler with opening on Memorial Day, but it may be to the applicant's advantage to apply and come back to the Board in June for the public hearing.

Ms. Carolyn Bragg, South River District Board of Supervisor, stated it will take Mr. Eutsler 90-120 days to complete the entire project.

Ms. Bunch stated once the site plan is approved then his Special Use Permit can be issued. She said if the site plan is approved before Memorial Day then the new sites can be open. She said if he feels the site plan is not going to be approved before then, he can make application by May 14th in order to be on the June agenda and ask to modify the conditions. She said unfortunately, it does not help you for opening by Memorial Day weekend.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

BETHANY TRINITY EVANGELICAL LUTHERAN CHURCH, TRUSTEES – EXTENSION OF TIME REQUEST

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.

Ms. Bunch stated Bethany Lutheran Church has received site plan approval. She said they are requesting a six (6) month Extension of Time.

Mr. Byerly moved to approve the six (6) month Extension of Time.

Ms. Tilghman seconded the motion, which carried with a 4-0 vote. Vice Chairman Coyner abstained from the vote.

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JERRY BROWER, AGENT FOR BROWER LIMITED PARTNERSHIP, LLC - REQUEST TO CANCEL

A request by Jerry Brower, agent for Brower Limited Partnership, LLC, for a Special Use Permit to have outdoor storage of industrial gases on property owned by Fishersville Property, LC, located at 99 Ivy Ridge Road, Fishersville in the South River District.

Ms. Bunch stated the applicant has decided not to pursue this request due to setbacks restrictions.

Vice Chairman Coyner moved to cancel the permit.

Ms. Tilghman seconded the motion, which carried unanimously.

STAFF REPORT

- 17-26 George D. or Janet B. Jones
- 17-27 Eastside Speedway, Inc.
- 17-28 Randall Lee or Allison M. Fink
- 17-29 Donald L., Sr. or Karen R. Quick

Ms. Bunch stated SUP#17-26 and SUP#17-27 are both in compliance. She said the applicant still needs Health Department approval for SUP#17-28. She has sent the applicant a letter and they are currently working to obtain the approval. She said the applicant was in violation of their operating conditions for SUP#17-29. She has sent them a violation letter.

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