



Augusta County Board of Zoning Appeals
BZA Regular Meeting
Thursday, November 2, 2023 – 1:30 PM
Augusta County Government Center
Main Board Room
18 Government Center Lane
Verona, VA 24482

Staff Briefing

Staff Briefing Memo
memo.doc

1. **CALL TO ORDER**

2. **DETERMINATION OF QUORUM**

3. **MINUTES**

A. Approval of the October 5, 2023 Minutes
10052023 BZA Minutes.doc

4. **PUBLIC HEARINGS**

A. A request by Charles May, for a Special Use Permit to have storage of commercial vehicles, equipment, tools, and landscape materials inside the existing barn, greenhouse, and garage in conjunction with a landscape business on property owned by Charlene T. May, located at 1177 Rockfish Road, Waynesboro in the Wayne District.

may aerial.jpg

may site plan.jpg

may tm.jpg

May Staff Report.pdf

May.JPG

May2.JPG

B. A request by Ivan Pizarro, for a Special Use Permit to have a short term vacation rental on property he owns, located at 33 Prospect Street, Grottoes in the Middle River District.

pizarro aerial.jpg

pizarro site plan.jpg

pizarro tm.jpg

Pizarro Staff Report.pdf

Pizzaro.JPG

C. A request by Derek Reardon, PE, agent for WaWa, Inc., for a Special Use Permit to construct a travel plaza on property owned by Wilson Investments, LLC, located in the northeastern quadrant of the intersection of Tinkling Spring Road and Goose Creek Road in the Wayne District. - **Applicant requested to continue until the November 2, 2023 Meeting.**

wilson investments aerial.jpg

wilson investments site plan.jpg

wilson investments tm.jpg

wilson investments.JPG

Wilson Investment SUP Staff Report.pdf

- D. A request by Derek Reardon, PE, agent for WaWa, Inc., for a Variance from the one hundred (100') foot setback requirement on property owned by Wilson Investments, LLC, located in the northeastern quadrant of the intersection of Tinkling Spring Road and Goose Creek Road in the Wayne District. – **Applicant requested to continue until the November 2, 2023 Meeting**

wilson investments aerial.jpg

wilson investments site plan.jpg

wilson investments tm.jpg

wilson investments.JPG

Wilson Investment Variance Staff Report.pdf

5. **OLD BUSINESS**

6. **MATTERS TO BE PRESENTED BY THE PUBLIC**

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

8. **STAFF REPORTS**

A. Inspection Report

inspection memo.doc

Novinspections.doc

9. **ADJOURNMENT**



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



MEMORANDUM

TO: Augusta County Board of Zoning Appeals

FROM: Sandra K. Bunch, Zoning Administrator

DATE: October 20, 2023

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, November 2, 2023, at 1:30 P.M.**, in the Board Meeting Room, Augusta County Government Center, 18 Government Center Lane, Verona, Virginia.

Please meet in the Board of Supervisors Conference Room at the Augusta County Government Center in Verona at **9:30 A.M., Thursday**, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow in the **Board of Supervisors Conference Room at noon**.

Enclosed are the **October** minutes, the agenda for the meeting, staff reports and site plans on each of the requests.

If you cannot attend this meeting, please notify this office as soon as possible.

SKB/bcw

Enclosures

October 5, 2023

PRESENT: George A. Coyner, II, Chair
 Mark L. Glover, Vice Chair
 Thomas W. Bailey
 Thomas V. Thacker
 Sandra K. Bunch, Zoning Administrator and Secretary
 Doug Wolfe, Director of Community Development
 Elizabeth Goodloe, Planner I
 John Fitzgerald, Attorney
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: James R. Benkahla, County Attorney

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 5, 2023 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:

- **AMMAD S. SHEIKH, AGENT FOR BARNSTABLE FARM HOUSE, LLC - SPECIAL USE PERMIT**
- **MARC CHILDERS, AGENT FOR PINE VIEW BUILDINGS, LLC - SPECIAL USE PERMIT**
- **CARA ROMAINE, AGENT FOR ESA SOLAR - SPECIAL USE PERMIT**
- **WARD H., JR. AND JANE B. ALFORD - 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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 Chair

 Secretary

October 5, 2023

PRESENT: George A. Coyner, II, Chair
Mark L. Glover, Vice Chair
Thomas W. Bailey
Thomas V. Thacker
Sandra K. Bunch, Zoning Administrator and Secretary
John Fitzgerald, Attorney
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: James R. Benkahla, County Attorney

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 5, 2023, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Bailey moved that the minutes from the September 7, 2023, meeting be approved.

Mr. Glover seconded the motion, which carried unanimously.

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AMMAD S. SHEIKH, AGENT FOR BARNSTABLE FARM HOUSE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ammad S. Sheikh, agent for Barnstable Farm House, LLC, for a Special Use Permit to lease an existing building for maintenance and equipment storage and outdoor storage of commercial vehicles in conjunction with an excavating business on property owned by Barnstable Farm House, LLC, located at 604 Christians Creek Road, Staunton in the Beverley Manor District.

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Mr. Ammad Sheikh stated my friend would like to store their excavating equipment at this site.

Chair Coyner stated the Board visited the site this morning. It is important that the site be kept neat and everything inside the building. The property appeared to have some excavation done at the site.

Mr. Sheikh stated yes for a turnaround.

Chair Coyner asked if there will be employees?

Mr. Sheikh stated no more than two (2) employees coming to the site to park their personal vehicle and pick up the equipment. No customers will come to the site.

Chair Coyner asked if anyone would be working there?

Mr. Sheikh stated no.

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning and everything looked neat.

Mr. Thacker moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to two (2) pieces of equipment, one (1) licensed trailer, and two (2) licensed pickup trucks.
2. No outside storage of materials.
3. No more than two (2) employees.
4. Hours of operation be 7:00 a.m. to 5:00 p.m. Monday – Saturday.

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5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

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MARC CHILDERS, AGENT FOR PINE VIEW BUILDINGS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Marc Childers, agent for Pine View Buildings, LLC, for a Special Use Permit to have outdoor storage and display of storage buildings on property owned by United Leasing Corp. Etal, located at 7 Hutchwood Lane, Waynesboro in the South River District.

Mr. Bo Waddell stated I am here to speak on behalf of Marc Childers on this request. We would like to display storage sheds for sale outside. The site plan submitted is in accordance with the request. We have to make some minor adjustments for VDOT at the entrance of Hutchwood Lane and close the entrance off of Route 340.

Chair Coyner asked if the buildings will be staged there until sold?

Mr. Waddell stated yes.

Mr. Thacker asked if there would be a maximum of twenty-eight (28) buildings?

Mr. Waddell stated yes.

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

Ms. Rebecca Hutchins, 39 Hutchwood Lane, Waynesboro, stated I own the property beside this land. I also own the road on that side. There is only one entryway to the parcel and it is off of my road. The road is damaged and the previous owner did not want to fix it. Why would they not enter using Route 340?

Chair Coyner stated that VDOT has asked that they use Hutchwood Lane.

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Ms. Hutchins asked why can't they make their own entryway?

Chair Coyner stated the applicant will need to contact VDOT and address any issues with them. This will be a civil matter between the neighbors if there is an issue.

Ms. Hutchins stated even though I own the right-of-way?

Ms. Bunch stated this is a civil matter if they do not have the legal right to use the road. There should be a right-of-way.

Chair Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Chair Coyner asked the applicant to speak in rebuttal.

Mr. Waddell stated we were requested by VDOT to close the entrance off Stuarts Draft Highway and use the entrance off of Hutchwood Lane. I would think we would have legal access to use that right-of-way.

Ms. Bunch stated those are civil matters and you should get with the property owner to see if you are permitted to use the lane.

Chair Coyner declared the public hearing closed. Chair Coyner stated the Board viewed the property this morning.

Mr. Bailey stated the property is zoned General Business and this would be compatible with all of the adjoining businesses in the area. The applicant should check on the entrance to the property. Mr. Bailey moved to approve the request with the following conditions:

Pre-Condition:

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.

Operating Conditions:

1. All outdoor storage be kept in the designated areas shown on the site plan.

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2. The entrance to Route 340 be removed per VDOT comments.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Mr. Glover seconded the motion, which carried unanimously.

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DEREK REARDON, PE, AGENT FOR WAWA, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Derek Reardon, PE, agent for WaWa, Inc., for a Special Use Permit to construct a travel plaza on property owned by Wilson Investments, LLC, located in the northeastern quadrant of the intersection of Tinkling Spring Road and Goose Creek Road in the Wayne District.

Mr. Thacker moved to continue this request to the November 2, 2023 meeting.

Mr. Bailey seconded the motion, which carried unanimously.

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DEREK REARDON, PE, AGENT FOR WAWA, INC. – VARIANCE

This being the date and time advertised to consider a request by Derek Reardon, PE, agent for WaWa, Inc., for a Variance from the one hundred (100') foot setback requirement on property owned by Wilson Investments, LLC, located in the northeastern quadrant of the intersection of Tinkling Spring Road and Goose Creek Road in the Wayne District.

Mr. Glover moved to continue this request to the November 2, 2023 meeting.

Mr. Bailey seconded the motion, which carried unanimously.

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STUART SQUIER, AGENT FOR VERIZON WIRELESS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Stuart Squier, agent for Verizon Wireless, for a Special Use Permit to construct a 199' wireless telecommunications tower on property owned by Ray Hawpe Strickler, located at 85 Shenandoah Mountain Drive, West Augusta in the Pastures District.

Mr. Thacker moved to continue the public hearing to allow the Board of Supervisors time to review an ordinance amendment. A notice of a new public hearing will be advertised at a later date.

Mr. Bailey seconded the motion, which carried unanimously.

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STUART SQUIER, AGENT FOR VERIZON WIRELESS - VARIANCE

This being the date and time advertised to consider a request by Stuart Squier, agent for Verizon Wireless, for a Variance from the 110% fall zone requirement on property owned by Ray Hawpe Strickler, located at 85 Shenandoah Mountain Drive, West Augusta in the Pastures District.

The request has been withdrawn.

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CARA ROMAIN, AGENT FOR ESA SOLAR - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Cara Romaine, agent for Esa Solar, for a Special Use Permit for the construction and operation of Fishersville Solar, a 2 Megawatt alternating current small scale solar facility on property owned by James W. and Kelly B. Curd, located approximately 2,000 feet east of Fishersville, off of Long Meadow Road near the intersection of Long Meadow Road and US 250 in the Wayne District.

Ms. Bunch stated the Planning Commission found the solar facility to not be in substantial accord with the Comprehensive Plan.

The applicant was not present, therefore, the Board moved the item to the end of the agenda.

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OLD BUSINESS

WARD H., JR. AND JANE B. ALFORD - SPECIAL USE PERMIT

A request by Ward H., Jr. and Jane B. Alford, for a Special Use Permit to amend Operating Condition #1 of SUP#12- 29 to increase the number of licensed vehicles associated with the repair business on property they own, located at 3867 Stuarts Draft Highway, Stuarts Draft in the South River District. – Tabled at the 9/7/2023 Meeting

Mr. Thacker moved to bring the request forward.

Mr. Glover seconded the motion, which carried unanimously.

Ms. Bunch stated the tenant is moving out and removing the u-hauls and any inoperable vehicles. The applicant would still like to address the number of vehicles that were approved for that site in 2012. It was only approved with six (6) for the repair business and four (4) for the body shop. He would like to request at least twenty-five (25) vehicles for general repair, body shop or for sale.

Mr. Ward Alford, Jr. stated I have been on the property daily. The owner of Draft Auto Repair will be moving out. My goal was to have things in excellent condition by today. I was out there this morning and it was not. I found two (2) vehicles that were not in compliance with the Special Use Permit and by noon today they were gone. They are still working on scheduled repairs. The twenty-five (25) u-hauls are gone. I would like to move forward with this. Our permit says body shop, repair business and ten (10) car sales. There is ample space to have the repair business with the twenty-five (25) vehicles at the site. I am working with Rebekah Castle on trying to get someone in there. The site lends itself to much more than what we currently have now.

Chair Coyner stated there has been a big improvement with what I saw at the site previously. I appreciate your efforts in trying to improve the situation.

Mr. Alford stated I have pictures of the site after 12:00 p.m. today if the Board would like them.

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Ms. Bunch stated the Board visited the site today.

Chair Coyner stated the Board appreciates your efforts with the situation.

Mr. Thacker stated the site was an eyesore previously and not compatible with the property. I would be fine granting twenty-five (25) to help with getting someone in at the site.

Chair Coyner stated the Board should review the site in a year.

Mr. Thacker moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to twenty-five (25) licensed vehicles in conjunction with the repair garage including the body shop.
2. No junk, inoperable, unlicensed, wrecked vehicles or parts of vehicles kept outside.
3. Site be kept neat and orderly.
4. All other operating conditions of Special Use Permit #12-29 remain in effect.
5. Permit be issued for one (1) year and renewed if all of the conditions are met.

Mr. Glover seconded the motion, which carried unanimously.

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LINDSEY NELSON, AGENT FOR SHENVALEE SOLAR, LLC - SPECIAL USE PERMIT

A request by Lindsey Nelson, agent for Shenvalee Solar, LLC, for a Special Use Permit for a 3 Mega Watt (alternating current) small scale solar energy facility within approximately 25 acres of fence enclosed site on property owned by Sherry Hockman

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Sumerlin, located south of Edgewood Lane, between Edgewood Lane and the railroad tracks in the Riverheads District. – Tabled at the 9/7/2023 Meeting

Mr. Glover moved to bring the request forward.

Mr. Bailey seconded the motion, which carried unanimously.

Ms. Bunch stated we received an updated site plan showing the extra 250' setback and some additional items that Dr. Cohron and the applicant have been working on. The Planning Commission determined that this was not in substantial accord with the Comprehensive Plan.

Mr. Glover stated the Comprehensive Plan was set forth for us as a guide. The County knew that we were going to have requests such as this. In reviewing the Comprehensive Plan and what the Planning Commission comments were, I find myself agreeing with the Planning Commission's recommendation. One significant thing that comes to me is the clustering and the proximity of this in an area where there is another solar farm right down the road. Mr. Glover moved to deny the request based on the recommendations of the Planning Commission and all of the things that were listed in their recommendation.

Mr. Bailey stated the solar farm is located in an Urban Service Area and also was recommended denial by the Planning Commission. Mr. Bailey seconded the motion, which carried unanimously.

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CARA ROMAINÉ, AGENT FOR ESA SOLAR - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Cara Romaine, agent for Esa Solar, for a Special Use Permit for the construction and operation of Fishersville Solar, a 2 Megawatt alternating current small scale solar facility on property owned by James W. and Kelly B. Curd, located approximately 2,000 feet east of Fishersville, off of Long Meadow Road near the intersection of Long Meadow Road and US 250 in the Wayne District.

Ms. Cara Romaine and Justin Vandenbroeck presented the Board with a PowerPoint Presentation (copy is in the file).

Ms. Cara Romaine stated one of things I love most about my job is talking with landowners and talking with farmers, neighbors, community members to hear their stories

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and hear their vision for their land. We will hear from neighbors on what they think about our project and what we can incorporate in our design. That is especially true for this project and we have been talking with neighbors and one thing that has come up a lot is what does my neighbor think about this project or how is this going to impact me. We have taken that to heart and incorporated that into our design.

Mr. Vandebroek stated the Comprehensive Plan provides guidance with the policies. The plan sets forth language to encourage adoption. In Comprehensive Plans (having done 30-40 of these) it is always weaving the thread and every project and characteristic is so unique in what it is set out to accomplish and the goals. Simply put every parcel is different and every parcel of land has its own story to it. I am proud of this one in particular and all of the work that Cara has done. Although we do comply with the ordinances, there is another project that was approved right next to this off of Long Meadow Road. The staff in their commentary on a Urban Service Area really talked about how this area, this transitional area of character as it relates to rural and residential. It is also noted that this land use is going to be able to preserve the land for thirty (30) years. As future land uses become more consistent in the overall direction. A lot of this relates to our site and we are in the fringe of the Urban Service Area and not the density of it. Community Solar and Urban Service Area constantly show up in Comprehensive Plans and ordinances around the state in several different counties and part of the reason is because these types of projects are connecting to the local distribution system. The Urban Service uses power. So it is a necessity that our projects connect to the power lines because ultimately they are going to provide generation within those power lines that are serving the urban areas. The Urban Service Areas are ones that are serviced by Dominion Energy and these projects are interconnecting to Dominion Energy. It will sell power directly to consumers. We will prioritize with local non-profit organizations to enroll people. It takes about five (5) minutes to sign up for one of these projects. If that was a condition of approval, we would create a grace period/time period to prioritize County residents to sign up especially the most vulnerable in the County who could benefit. With solar, we do not have a lot of ongoing expenses or work required other than mowing or grazing or periodically checking the equipment. We do not need potable water, sewer, additional transportation, infrastructure, post construction, and we do not need to put a strain on public resources like the education system. We are not putting a bunch of kids in the system. We tend to be net positive from economic impact to the community. When a project is hard to see and not much of an impact, it typically is a no brainer.

Chair Coyner stated that you have been in business for twenty (20) years. Have panels lasted twenty (20) years without being replaced?

Mr. Vandebroek stated yes. They have solar panels that have been in operation for twenty (20) years, twenty-five (25), thirty (30) years from the initial work that was done on off-grid applications doing remote research or work from a military base. I have a friend who was doing this back in 2001 in the Middle East who was using solar panels for that purpose because it is quiet. There have been a lot of systems operating that long. A lot of it is more on the west coast because it is heavily subsidized where the states get funding on the solar projects. California is really one of the first ones. Solar really made its way like places in Virginia once the economy wrapped up and costs went down and it could compete more in a free market.

Chair Coyner asked how much glare comes off of these?

Mr. Vandebroek stated not much. Typically it is similar to a full moon on a lake. We put them next to airports. Dulles is doing 600 acres of solar outside the airport to help power the operations. Many airports have solar next to it. One of Ohio's main airports have it. There is not enough glare that it is a concern for folks and especially for this one because it will be facing south towards the train tracks and there are large trees there. The glass is called solar glass and when the glass is manufactured it is specific etching. It has an anti-reflective coating on the top. Other than the etching on the glass, the photons hit the glass it will disperse and not escape back up into the atmosphere and turn the photons to electrons so that you can generate power.

Chair Coyner stated one of the photos shown in the presentation show sheep for maintaining this. What is the height of these things? They are fixed panels and do not rotate.

Mr. Vandebroek stated these are fixed panels and they are 30"-40" in height but as the topography changes you will see a little variation with a greater height. I have a few friends in southern Virginia and he is ranching about 7,000 acres of solar farms right now. He is super interested in this project among others that we are working on. I have another buddy who is in Missouri and their family is ranching about 35,000 acres of solar farms. This is becoming an interesting industry and they get paid to bring their herds there and graze and rotate when normally they are paying people to lease their land to graze. This is a unique business model and it is emerging. I see a lot of people in the industry who show photos of sheep and have no idea how to do it. We have spent a lot of time thinking about it and talking to the ranchers. We have one in southern Virginia that is super interested in this.

Chair Coyner asked if there was anyone wishing to speak in favor of the request?

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Mr. Phil Martin, Executive Director, Augusta Water, stated our Board of Directors has asked me to come and address the Board of Zoning Appeals concerning this project. As I mentioned in prior meetings, it is part of our mission to support and work with the County to achieve development objectives in a fiscal responsible manner. The County's Comprehensive Plan does identify the property here for this project as in an Urban Service Area and Planned Residential and so in accordance with our mission and with the Comprehensive Plan sewer service is available to the property and water service would require an extension to it. The water will be provided through the South River zone. There are several sources that feed into that. There is a 12" water main that exists along Long Meadow Road and that would need to be extended about 1,000 feet if the property was developed as envisioned in the Comprehensive Plan. At the Fishersville Wastewater Treatment Plant, a four million gallon a day plant, we are currently running about 1.5 million gallons a day so there is adequate capacity there. It will be conveyed through a 12" sewer main which crosses the southerly corner of the property. There are three things the Comprehensive Plan lays out and gives direction to us as far as water and sewer utilities are concerned. 1) It wants both water supply sources and wastewater treatment systems that will take care of current and future County demands. 2) Design water and sewer facilities to serves the full development of the entire planning area and/or sub areas. It gives us very specific direction on what the County wants to see us do for these. 3) The Urban Service Area is supposed to be the priority location for us to extend public water and sewer facilities into. Because of these things our ratepayers have funded projects that have made water and sewer services available to properties in this Urban Service Area. With all of these, we try and analyze the potential financial impact for what our ratepayers could be in the future, we look at the Comprehensive Plan and we look at what if the piece of property was developed as envisioned in the Comprehensive Plan what we would project to see as far as revenue. With this one we look at because it is planned for residential, at six (6) units and we started out not doing anything for fourteen (14) years and in year fifteen (15) we say with six (6) units per year (six units per acre is what Planned Residential has), would be \$360,000 and over a 35 year period with it being \$10,300 a year. Our Mission Statement includes supporting the County's Comprehensive Plan. We have made and we will continue to make investments of our ratepayers money based on these things. We do those in good faith and we ask that the County take those into consideration when your making these decisions.

Ms. Shira, 2252 Scenic Highway, Churchville, stated I am a lifelong County resident and a Dominion customer. I am very excited to see these kind of projects and I have read most of the applications that have come through Augusta County. I have been very happy about how comprehensive this application has been and how much thought they put into this and what our County actually needs. We do not have that much Dominion

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territory in Augusta County. I live on a little sliver on it. I hope to be a subscriber to one of these community solar projects, maybe even this one. It would allow my parents to sign up as well. They are retired. It would allow them to get a discount on their utility bill which is very important to me as their child. Moving forward, hoping to raise my own children here, and to have these kind of services available to us and the ability to participate in an energy system such as this. I did grow up on a small farm. It is important to protect farmland. These solar projects are a way of protecting our usable farmland. Although it will not be farmed currently, sheep grazing would be great. Leave it up to the next generation to decide if they will continue to use it for agriculture use which I think is really important.

Mr. Joel Malefyt, 1000 Wilson Boulevard, Arlington, stated I am here to speak in favor of the project and I am a partner with Esa Solar. Nobody develops solar projects with more care than Cara and Justin and their team. I am with Summit Ridge and we will be the long term owner and operator for this project. We take the same level and care entering civil design and obtaining building permits, stormwater permitting, construction, interconnection and long term operation. We are currently working with Sandy and her team on the Wayne Ave solar project in Augusta County through the stormwater approval process. I know the community. Summit Ridge is a Virginia based company located in Arlington. We are one the largest owner/operators of community scale projects within the country. We have a strong finance department to see this project through completion. We estimate the projects we own and operate have saved ratepayers \$3.5 million each year and over 40,000 different households. We work with local contributors on the construction of these facilities and they create 3,000 jobs countrywide for these facilities. We have signed one of the largest procurement deals in American history to purchase domestic produced solar panels out of Georgia. The panels that will be used for the project will be made here in the United States. We are heavily regulated by the State Corporation Commission and follow best industry practices. We understand the conditions that are outlined in the permit and are prepared to follow those as presented.

Ms. Amanda Brown, 73 Berkeley Drive, Waynesboro, stated there has been a lot of concerns that I have heard with solar farms. When I was in school Teaverton was that old section and all of those houses in Emerald Hills were not there. That was a lot of farmland and now they are eyesores. How can people say that solar farms are eyesores when you will not even see it from your home. I say their houses are eyesores to us. I worked in civil engineering for over 30 years, I see solar farms similar to wetland areas that you can buy credit because there are people out there who need wetlands to build something. These are basically the same thing. I have had solar on my house for about five (5) years and I have a 5,600 square foot house with 4 ½ baths. I used to have an electric bill of \$400-\$600 and now that I have solar my bill is \$70.15 each month. This

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has saved me a ton of money. If we can do that on a larger scale and buy into this. The economy as we know is really bad right now. Anything that helps someone out with bills, I think it is a bonus. I was paying on average \$10,000 a year for electric and now it is \$1,200 a year. It is a savings compared to the high power lines that go through the property they let off EMF (electric magnetic fields). Studies have shown childhood leukemia in children as far as ¼ mile away and correct me if I am wrong but solar panels do not emit this. They are a safer alternative as well. I am in favor of this.

Mr. Victor Correa, 93 Windy Lane, Fishersville, stated I am in support of this project. We appreciate Esa Solar for dealing with us. They approached us and answered a lot of questions. One of my fears because I am a bird lover is the reflection of the panels. This will benefit Windy Lane because it is super windy and it is even more in the winter time. I am in favor of having the extra buffer to help with the wind. We will have more privacy. We can see the neighbors. At this time, corn is planted and from the corner of my house to the field it is fifty (50') feet. During harvest season there is a lot of pollution. I have asthma and the kids have allergies which is another reason why solar panels are favorable to us. This will help minimize the footprint and help people save money. For these reasons, that is why I am in favor.

Mr. Ken Hilbert, 250 Westminister Drive, Fishersville, stated I live up there where the project is going to be. I walk through Joy Lane every day. This will not be a problem. I tend to focus on the mountains and the Blue Ridge and not in the valley. Other people spoke about the housing and apartments that have been there. I tend to look at the Blue Ridge and watch the sun go up. Water is a big deal because we are in a drought right now. The groundwater is at a ten year low. It is currently at 16' below average. Groundwater is a big deal. What happens if the groundwater is not there? In this area in Fishersville we depend on wells in most of the cases. But if you look at it right now the ground levels are dropping. The surface water of the ponds and streams are drying up and that is a problem. We depend on tropical storms to replenish the water system. If you look at the past fall, we have not had any major storms to replenish our water system. 10' to 16' below the last ten (10) years. A project like this does not take any water, no noise, and no smells. There are plenty of benefits. No negative benefits to County utilities. I checked next door before I came over here and they said 3,000 – 5,000 gallons per person that Augusta Water depends on that they are figuring. If you build houses with about 200 people, in one month time you are going to use 400,000 gallons of water. That is a lot of water. We are 16' below right now. It is part of nature. About ten years ago, Dominion gave the Governor's School solar panels for the students to learn. We have some solar panels on a couple of the schools in Fishersville area. We have some electric school buses. Think about the benefits. The benefits out way the cost to the County for the utilities and roads. The schools are already close to being

overcrowded. I have lived in Fishersville since 1990. I saw the middle school built. We have already added onto that ten years ago and the elementary school was added onto. What is next? As far as cost to the County, this is a no brainer. I challenge you to look at the positive benefits. If you add more housing, there would be more people and more schools. We already have congestion coming out of the Wilson complex for the schools because we cannot get a road built through the Woodrow Wilson facility. It needs to come out where the employment agency is. That needs to happen because one day something is going to happen at the Wilson complex and the people will not be able to get out. This is a poor setup. We closed the old Wilson gym and we talked about building houses and growth but what have we done as far as recreation. We do not have a swimming pool like Stuarts Draft. We do not have anything like that. The County closed something and has not come up with anything else. We build all these houses and there is nothing. There is not a thing in the Fishersville area like that. The only thing they did is take over the Ruritan Park behind the library but the Ruritans built that. The County took it over but what have they added. There is no green space for those kind of facilities. They are using my neighborhood for kids to practice soccer and so forth because the County is short sighted in let's build houses but no greenspace. We had a drought ten (10) years ago. About twenty (20) years ago everyone's wells had to be drilled because the wells were drying up. Water has to come from some place. It is going to get us, just ask people out west. Ask people in California where they get their water. Colorado River is drying up because they are taking all of the water out to California. 200 people, 400,000 gallons in a month. I support this project 100%.

Mr. Jose Calixto, 4 Windy Lane, Fishersville, stated I own the Calixto Farm. I have been farming for twenty (20) years. I am in favor of this project. I want to keep the farm instead of them building houses there. I farm early in the morning and late at night running my tractors and plowing and I do not want to get complaints in case houses are built. If this is not approved, they may sell the property and build houses. I do not want that to happen. I would like to continue farming and do what I am doing.

Ms. Kelly Curd, 74 J Ranch Lane, Fishersville, stated I am the property owner. I enjoy the land and try to be good neighbors. We have opened up some opportunities for the County to build water and when they needed opportunities in Teaverton and the neighboring communities. We want to be good neighbors and do our best to give back to the community. I have done a lot of research and have taken this seriously. We know we partnered with the right people. The Comprehensive Plan is just a plan and plans can change. Plans can be modified and plans can be flexible. In my own life, I thought I had a lot of things that I thought I had planned out and it does not always work that way. When it makes the most sense and when things change and as times change and as things progress, it is time to look at the Comprehensive Plan and do what makes the

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most sense as I believe this does. In response to the ratepayers and the investment that Augusta Water has made, I think that is a little presumptive that we would want to develop the property as the property has been in the family for 70 years. It is a little presumptive that one day we allow houses to come there. We have no idea and no wishes to sell the land. Our children enjoy that land and we hope that it is there many years to come to keep the legacy in our family. That is what we decided.

Mr. James Curd, 74 J Ranch Lane, Fishersville, stated I am one of the property owners for this small scale solar where the project proposes to locate. I want to point out a couple things that were brought up earlier. The Planning Commission's recommendation was wrong and it was clear from the get go that we were not going to be listened to. A gentleman that made a motion to approve it, and he said before the vote we know how this is going to go. And sure enough everybody else except for the gentleman from the Wayne District said it was not in accord. A year earlier the exact same property was in accord. The exact same property and the land that this was proposed to sit on was his land. In fact when Esa approached us to put solar we did not want to put it up on the hill, we wanted to put it somewhere where it was less visible or hidden, therefore, we swapped some acres so that we can put this in the least obtrusive place. The Planning Commission is responsible for the Solar Ordinance and they were kind of behind. Solar came to them before they were ready for it. It is obvious that they made the Solar Ordinances and the Comprehensive Plan regarding that in haste and not well thought out with no previous examples. They got it wrong. They are not making any differentiation between large scale solar and small scale solar. There is a great deal of difference in the two. The County Comprehensive Plan has lumped it together and therefore, the language not only is confusing but it negates itself. In one same ordinance it calls for solar farms to be contiguous. Well either they do not know what contiguous is. It says either contiguous or not too close to another one. They are talking about large scale solar. We do not want hundreds and hundreds acres here and hundreds and hundreds of acres near it to be large scale solar. This is small scale community solar and by nature of the property it has to be in an Urban Service Area because that is where your substations are. Substations are not out in the large acreage farms which may be more suitable for large solar. They do not need to connect to a substation. Small scale solar projects need to be in an Urban Service Area and they need to be close together or contiguous. Mr. Martin comes to every meeting regarding solar since the beginning of this and he says the same things. Loss revenues from property you do not own is a stupid argument. I have a lot of respect for him but you cannot lose money that you never had. We are not interested in building houses here. This is a family farm and we are not going to do that. We do not care what the Comprehensive Plan says. I know what the County wants but you have to be careful what you wish for because along with all of those houses there are impacts on your schools, roads, fire and rescue and also

increased taxes. We want to provide a more sustainable, less impactful use of the property. Our 24 acres is part of a family farm that my parents purchased in the 1960s. My family and I have all put in a lot of blood sweat and tears on the property and we are deeply connected to this land and what happens to it and want to keep it going for our kids and grandkids. We granted easements for several public utilities over the years that benefits the entire community. Mr. Calixto put an irrigation line across our property when the other neighbors refused. This allows and continues him to expand his agricultural production. We had no problem with that. We want to be good neighbors. Our goal is to continue to be good stewards of the land. Keep this farm going. I do not want to sell out to a big residential developer that would be 300-400 housing units or apartments. I do not want that because if we wanted that we would move. We cannot continue with small scale farming that we have been doing because it is not sustainable. It is definitely not the best use of this particular land. Owning, maintaining, enhancing and preserving this generational farm for the benefit and enjoyment of our neighbors to look at is simply not a fair proposition. A small scale community solar farm is not farming in the traditional sense but to me anything that helps a farmer preserve farmland, is farming. You cannot farm anything without the sun. You need the sun to grow crops. So we figured why not harvest the sun and have the sun further benefit this farm. We purposely choose this particular area on the farm for this project (there was much better places to put the solar) and worked with Cara and Esa and they put it in the least visual place. It is down in a gully and can barely see it. At the top you may be able to see some if there were no buffers and vegetation but there will be. Some people have concerns about solar panels. Like my wife said we have done a lot of research. I think their concerns are misguided. Today's solar panels are not like the solar panels that are used in some of these studies that anti-solar people cite. Today's solar panels are made of aluminum, glass, and sand. Nothing ever goes into the ground or water. Overall solar energy is regarded as the safest form of energy. This is the least impactful form of energy to our environment. I would like to think that we are reasonably intelligent although some of my high school teachers would disagree with that but if we thought for one second that this project would bring harm to us, our neighbors, our kids, our grandkids, our animals, our land we would not be here today. It is very interesting to me that you would have some of these folks that will come up here and the first thing out of their mouth is that I have nothing against solar or pro green or for the environment but then when it happens, earth friendly, clean, renewable energy project comes around they suddenly change their values. Some people have ideals and values that they tell but then suddenly they drop those values when it comes time to do something good. If you get caught up in believing the false narrative of what some of these folks are spilling out then you lose sight of clean energy, clean air, clean water, good jobs, local tax revenue, lower electric bills, and lower tax bills. Small scale solar farms are clean and safe for poor quality farmland such as ours. I cannot harvest much of anything on the property without a lot of work so why not harvest

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the sun. The project fits nicely into the surrounding and actually a perfect use in the Urban Service Area because it is compact and contiguous to other commercial uses and it provides the mix and diversity of the uses in an Urban Service Area which is exactly what the Comprehensive Plan wants. Small scale community solar projects as I said before they have to be in the Urban Service Areas. They have to be near the power substations. When you generate energy closer to the consumer (like community solar does) it reduces the demand for costly large scale utility solar and distribution infrastructure. If you have small local community solar activities it can also even out the electric load and reduce outages. Having this community solar project, it will greatly reduce the pressure on us to convert our farmland into urban, suburban development. It would also reduce the pressure on us to intensify our agriculture activities which are things that are not well received from people in the community. Consider if you will our by-right uses of the property, impact of our land, and our neighbors. It is our right without anyone's permission to put things on the property that would be way more impactful than this ten (10) acre solar project. We could put in poultry houses, slaughter facilities, manure facility, sludge treatment facilities, racetrack, junkyard, fertilizer mill, mini-warehouses, asphalt plant, manufactured home park, and a rock quarry. It would make a great rock quarry like was said at the Planning Commission meeting. We found that out that is the only thing we can ever harvest on this property is rocks. All of those are very impactful. We could put any of these right up on the property line. In General Agriculture, there are no setbacks and no buffers or landscape requirements. We could put up a wall or fence but the point is that we could do these things without coming to any meeting and pleading our case. These are things we could do tomorrow and are much more impactful than this project. The County is going to receive a substantial economic benefit during this project that all County residents will benefit from (taxes). The more potential development means more stress on our roads, police, fire and rescue supply and that has to be paid for somehow. It is going to be paid for by raising your taxes. More residential options also mean decreased property values for our neighbors. By having this project on a farm means a difference of intensifying our agriculture activities or forced to sell to some large developer. We want to keep the land in the family for future generations. This is a low impact use. This benefits the community and will add to the natural vegetation and landscaping. It is not obtrusive and it is out of sight. It will not create any negative traffic, light, odor, or pollution. This benefits the community, the County, and its taxpayers. This is the least impactful and the best use for the land and we respectfully ask that you approve the request.

Mr. Dave Glick stated I am a co-owner of Esa Solar. I grew up in the area. I spent half of my life here and was a Fort Defiance High School graduate and grew up in Fort Defiance. My first time dealing with commercial instruction was when this building was built in the early 1980s. It is nice to be back. I learned about the Curd property wanting to do solar.

My first thought was we have to do this right. We always make sure we do things right but this one needed to be really right. I wanted to do right by the Curds, the neighbors, and the community at large. It is a gift to me to be able to come back and have an impact to the community. I am grateful for the chance to have this project here and be able to provide that back to the community.

Chair Coyner asked if there was anyone else wishing to speak in favor?

There being none, Chair Coyner asked if there was anyone wishing to speak in opposition?

Ms. Janet Rollings, 615 Elk Mountain Road, Afton, stated it is a really beautiful day outside and I wish I was out hiking or picnicking or otherwise enjoying the sunny day. Instead we need to be here listening to another unique applicant for a solar array. The applicants' agents live in Orlando. I hope they are enjoying their visit to Virginia and I trust they are getting paid to be here. We are not. We are all giving up our free time here inside. I want to let you know, you this Board, is comprised of citizen volunteers giving your time. Many of us here in this community are here to defend our vision of where we want to live and what we want to surround ourselves with. That vision is in writing and it is clear as day and it is called the Comprehensive Plan. I like solar and sheep but I am speaking against the Fishersville Solar project. The project is located in the wrong location. It has nothing to do with the benefits of solar energy. It is in the wrong location. Each one of these projects that get approved makes it easier for others to get approved as well. You our esteemed Board are too polite to say some things but I will. The applicant needs to do their homework, read the Comprehensive Plan. This project does not meet the guidelines. This plan makes it clear that we do not wish to encourage these projects. And again with the sheep grazing, who came up with this gimmick? I guess the only advantage is that at least you are not talking about planting rhododendrons. The applicant needs to read the audience. We do not want you here with these projects and these disallowed locations. You need to read the community. How many of us have sat through these interminable meetings and actually understand the heart and soul of the Shenandoah Valley and Augusta County? If the applicants' agent had done their research they would know that we do not want them here. I am embarrassed for the applicants' agent and I am embarrassed for their client. I am very sorry we all have to be here. We are missing out on an opportunity to spend the day out in the sun and enjoy everything that this valley has to offer. In conclusion, many farmers are getting bombarded with requests from utility companies wanting to lease their land for solar arrays. To all future applicants, please go elsewhere and find appropriate locations. Find yourself another plot of flat land in a non-agriculture area and leave Augusta County alone.

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Mr. John Meade, 375 Kiddsville Road, Fishersville, stated this is the second time I have been up at the podium in opposition to the project. I sent in a letter to the Secretary and hopefully she copied that for the rest of you and you had an opportunity to read that. First and foremost, I am not against solar energy. We have to find alternative energy sources in the United States. My major concern and point is (like the lady that spoke before me) there are places for it and places not for it. We have a Comprehensive Plan in place (very familiar with it having developed a lot of projects before I retired) for us to live by. It has been a good plan. I am not one to say that there should be some tweaks but that plan is up for revision next year. The contract has already went and if not it is pretty close. The Supervisors are in the process of selecting those people right now to serve on that commission. Please put the brakes on this. If you disagree with the plan, then fine. You are within the few months of the plan being looked over again. I am sure solar will be part of that and it was probably not when it was initially done years ago because solar was not a big deal. This is not the right place. Pursuant to the Comprehensive Plan today this area is designated for development. Fishersville clearly has been designated as one of the areas for growth in the County. The County and Augusta Water has built toward that end to provide services and things out there recognizing that is going to be an area of future growth. I have a farm and I raise cattle. I am not crazy about a lot of folks around me either necessarily. Drive down there and take a look at the one that is there. I had no idea that there was already one approved until some of the people that live there knew that I had come and was against it earlier told me to see all of this construction going on right after the hearing. I too am looking at it and thinking this was not approved, how is this happening so I called the County inquiring how it was happening. And I found out that there was already one approved in 2019 or 2020 and that is the one that is going on right at this moment. If you have not seen it, you may want to go and take a look at it. I have a picture of it.

Chair Coyner stated the Board was at the site this morning.

Mr. Meade stated the size of the panels are a good size. I do not know how many feet in the air they go up but this is definitely not visually appealing as you drive through. There is no question about that. In addition to that, coming back to the one that was approved in 2019, my understanding is that no one was opposed to it. The law requires that you give notice to the people who are adjacent landowners to the property and when you stop and take a look who are the adjacent landowners at that time. There were not a whole lot of adjacent landowners. With this particular one, you all reached out and went beyond the adjacent landowners to the surrounding community. It really does impact all of us which is the right thing to do. There was no objection, I do not believe, to the first one because no one knew anything about it. I know there was a sign posted along the road.

I do remember that. I do remember seeing the sign that there was a zoning request. I had no clue what it was and it was not next to my property so I was not worried about it. Now you can bet that I will start looking at those signs. One is already there. Do you want to stick another one beside it? That is clustering no question about it. You will set a precedent (you have to be real careful here). You already approved one. Another neighbor, like Mr. Calixto, walks in here and says they want a solar farm under the small scale solar. How are you going to tell them no? And then the next one, etc. Where does it end? How many Special Use Permits are we going to approve in an area that is already designated? This is a growth area for the County. My concern is not necessarily this project. My concern is that this will affect the next guy down the road and then the next guy and then me. What impact will this have on my property? This will mess up my view shed. I am across the road from Emerald Hills and it will mess up the view shed from a lot of those residents. I am credible about the value of properties because I have worked 43 years as a banker. I have looked at appraisals for 43 years. Definitely it will impact the value of surrounding properties. This will negatively impact the area. You have to think about this because it is not rocket science. You put a solar panel project in and you have a house beside it. Two miles down the road you put the same exact house up. Same kind of property, which one will sell first? What price is it going to sell at? There is no question that it is going to negatively impact the market values of surrounding properties. I inquired about the bonding requirement. For how long? These folks that develop the property, they do not keep them. They may flip them to someone else. There are three sources of a bond. Letter of credit from a bank (no bank out there is going to issue a letter of credit to bond anything for more than 1-2 years), insurance bonds (these projects go 30-40 years; there is no bank that will issue a 30-40 year bond), or a cash bond but who is going to put up that cash for something like this? The Comprehensive Plan really needs to stop and take a look at that. A developer develops stuff, they post a bond, and then the economy goes bad or they go under. Once the developer is gone or if they go under, the County will hold the bond and have to deal with it. I know one that I was involved in. You do not have any guarantee. Do they have to submit a landscape plan? Any commercial development you have to submit a landscape plan. Typically done by a landscape architect. I understand they do have a submittal. You were out there this morning. How many years will it take for the vegetation to get to any reasonable growth that is going to hide the project? It will be 50 years down in the dirt before that ever happens. I do not put a lot of endorsement into these landscape plans. I go to my vacation home and there is a 30-40 acre solar farm along the way. They are in the rural parts of the County and there is not a whole lot of population density around them. It will take a long time before it gets to any reasonable height to hide it. That is just a fact. I heard a lot of statistical information and you see a lot of stuff put up and all of the savings. I can take any position I want to take plus or minus. I can go on the internet and find anything I want to find statistically to support my position. We might

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want to inquire if there are any positive examples and show me how it works positively with Augusta County. I heard about the savings that Dominion offers to their customers of low to moderate incomes. That is a positive thing but most of the area around the project is not served by Dominion but most are SVEC customers. Why are we looking at this? It is dollar and cents people. Every year I get 2-3 letters from these companies wanting to come up on my place and put in solar panels and I cannot because I put it in a conservation easement (they have not done their homework) and I do not want to do it. It is all about money. It is all about \$1,200 an acre. I cannot go on my cattle farm and generate \$1,200 an acre. I don't care if I plant gold because it is just not going to happen. That is the incentive and the driver here. It is not about water or the community. It is not about giving to the low to moderate people. It is all about money and all about this company putting it in and flipping it, getting their profit and then walking away from it. Who is to say whoever buys it, don't go under in ten (10) years. Who is going to maintain it? If the trees blow out from a hurricane, who will take care of that. I am sorry but this is in the wrong place. I am not against this stuff but there are other places in the County that would be more appropriate. Fishersville, Virginia is designated as a growth area in the County with a high density population around it. There will be more moving in whether we like it or not. It is between two cities and has a hospital right next to it. It is going to grow.

Mr. Bill Sipe, 256 Craig Shop Road, Mount Sidney, stated Cara said she spoke to the adjoining landowners. I am one landowner that she did not talk to. I have a good memory, good eyes, good ears. I own that property. I do not want this mainly because of what the banker just said. The price I paid for that land is hundreds or thousands. The value of it will go down. I know it will. All of the lots that I have subdivided off there. They are going to go down because no one wants to go out and see that. If she called me, I would like to know when she called. If she talked to me, I would like to know when she talked to me. That did not happen. I appreciate you voting with a nay because I do not want my values to go down. Like the banker said, I have been in Augusta County for 55 years and I do know how to buy land. I know when you buy it at a good price you expect to sell it at a good price. Just like my cows on my farm I may buy them as young steers but I expect them to grow on my farm, just like my money on my land.

Chair Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Chair Coyner asked the applicant to speak in rebuttal.

Mr. Vandenbroeck stated there were a number of interesting comments that were made in relation to this project. I will start with the ones that are in my expertise and then I have other subject matter experts to testify as expert witnesses on a couple of the issues.

It is important for these folks to be aware that these substations are built with transformers that have limited capacity in order to continue to do the project you would have to upgrade these transformers. These transformers particularly at the substation that we are at is the maximum limit of the transformer would even allow on it. There is only so many projects that you can put on there. If you were to do additional projects you would have to replace the substation and that would be more than a cost of a solar project. That is not something that is feasible. Also, right now the community solar is first come first serve. It is about 86% full. There is probably enough room for 43 megawatts as of last night. There are only 5-10 more projects in the entire state. They are about to fill up this program unless active legislature will open this back up. This is a limited opportunity. From the view sheds, folks have been on the property and actually stood back there, you are not going to be able to see it from the view shed or Long Meadow Road. Regarding the development, this is something that as a business owner I take a lot of pride in. We know how to develop our projects, build them, and sell them. We use that money to build more projects. That is just how we build our company. Developers buy land, develop and build homes and then sell the homes. They do not own every single home that they build. How I run my business is so I can feed 80+ families on my payroll every two weeks. We do generate money because that is what you are supposed to do to employ people and create a meaningful livelihood for people. To take it a step further because that is why we invited Summit Ridge Energy to be here and be very upfront and honest. I specifically chose to sell this project to Summit Ridge Energy because I have known the CEO of the company for 12 years and he has been a mentor of my career. He built his own company with integrity and it is one of the best in the business and they are Virginia based. There are plenty of other companies that want to buy this project for way more money. If I want a project in Virginia it is best to work with a Virginia based company. They can actually be here to stand up to the promises and conditions that we are going to commit to. My grandfather taught me when I was really young that you are a man of your word. If you do not have it you are nothing in this world and so that is why we are upfront on what we do in getting the right partners. The other thing that I would like to talk to is the landscaping. Like we said, most of this we have an existing buffer and will plant mature trees throughout most of it. With the last bit of time, two things that would be very valuable, most important is property values and we did a commission property impact report (which we do on every project) to look into the potential impacts and I have one of the co-authors here who is licensed in the state and can speak to it that will just take two minutes to talk on that. It is very straight forward. It also would be helpful if Martina could speak about the economic impacts on this project. There is an economic report on this so that we take everything into consideration and articulate it clearly. I do not believe I heard any questions about health and safety but we do have an expert witness here if we have questions from the Board. Additional questions on safety, I am happy to speak to that.

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Mr. Nick Kirkland, Kirkland Appraisals, stated I am a state certified general appraiser in North Carolina, Kentucky, and the Commonwealth of Virginia. I have been accepted as an expert in property value impacts at hearings just like this and at Boards like this hundreds of times. I have been accepted as an expert at several counties in Virginia previously and I have completed hundreds of regular appraisals with houses, land and the like. What we do in a study like this, we are looking at whether or not a proposed development could impact the neighbors, something really similar if you were to get your house appraised or land appraised. When you are trying to get the loan for your property you are going to try and get a comparable that are used such as 3-5 houses in the nearby area and say that you are trying to get your house appraised, they are going to pull 3-5 nearby homes and compare that to provide a range of what they think your home will be worth and when we are doing a market impact study like this, we find homes that are next to existing solar farms and then go by and look at similar nearby homes that are in the same area that are marketed at the same time and we find 3-5 and that provides an indication of what that home next to the solar farm should have sold for. Then the question is what did it sell for. Did it sell more than the nearby homes or did it sell for less? If it sold for less, than why? Is it because it is next to a solar farm? Is it because there was a short sale, going through a divorce? Was it because something else was going on? So we reach out to the brokers involved and we confirm these transfers. We have 90+ examples that show that homes next to solar farms do not sell for more or less than nearby homes in a normal market. What that means is that when you are trying to sell your land, if you own land or a home next to a solar farm after it is put in, you should not market it for less, you should not sell it for less, it should sell in the same amount of time and it should sell for the same price like any home that would not be next to the solar farm. There is overwhelming data that supports this, not just from the appraisal profession but several university studies that has been completed that support the conclusion that solar farms do not have an impact on adjoining property values. While there are definitely certain people who would rather not live next to a solar farm but there are certain people who would not like to live near any kind of neighbor. What we are trying to measure is there something that market participants will or will not pay less for being next to a use such as this. There is overwhelming evidence that a solar farm like this, if developed, would have no impact of the adjoining property values. I am happy to answer any questions. I know it is a long impact study.

Ms. Martina Arel, Magnum Economics, stated we were asked to prepare an economic and fiscal impact report on the project. We found that during construction it would have a minimal economic impact for jobs and income and the ongoing operations would have an impact comparable to the current use. Most importantly, what we focused on is the fiscal impact at the site for the current use and for a forty (40) year period that it would produce

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about \$9,400 in local tax revenue. Then we compared it with the proposed solar use and there were four sources of revenue due to the increased value of land because it would be assessed at a solar use not the land/agriculture use value, taxation of the machinery and tools, and payments associated with the conditional use permit and that totals \$352,000 based on forty (40) years. This is a 38 fold increase over tax revenue that it would produce for the County. I am happy to answer any additional questions.

Mr. Vandebroek stated thank you to the Board for your service. We really enjoyed the opportunity to be here. We have been very transparent and very forthcoming with our project and details. This is an extremely well project. We are 100% in compliance with the ordinance and we actually gone above it as you have heard. As it relates to the community, the direct neighbors who live, go to work, go to bed, raise their kids, kids playing in the yard, that are next to our project are in support of the project. I would encourage you to vote in support and we sincerely appreciate the opportunity to work in the County.

Chair Coyner declared the public hearing closed. The Board decided to take a ten minute break.

Chair Coyner stated the Board viewed the site this morning. We have heard pros and cons in the meeting this afternoon. This is listed in the Comprehensive Plan for development area which is not a plus.

Mr. Bailey stated just from the comments and the detailed information that we have gotten and it is not recommended by the Planning Commission and it is located in Fishersville which is one of the main growth areas for the County. This is located in the Urban Service Area. I think those would be the drawbacks on approving it.

Chair Coyner asked if there were other comments?

Mr. Thacker stated not at this time.

Mr. Glover stated when we were looking at the different views, one of the things that stood out is the clustering question. The last application we considered that and now this application and the other concerns that Tom has mentioned as well. When we were looking at the views, the south view, the view from Teaverton, you can see the Elm Spring Farm. So you would have that solar and this solar. In my mind, you are starting to see a clustering of small scale solar farms. As Tom was saying, the way we interpret the Comprehensive Plan is that this does not meet up with the Comprehensive Plan.

October 5, 2023

Chair Coyner stated Fishersville has been chosen to be a growth area. A lot of consideration was given to this project. There are pros and cons.

Mr. Thacker stated I am torn between that because this is an adjacent property to one that is already approved. The clustering in my mind does not meet my definition of clustering. They will be adjacent instead of two small ones. This will be built as one project. The property owner has no intention of ever developing the property for residential use. Water and sewer goes through his property and he gave an easement to go through the property but he has no future use of it. Mr. Thacker moved to approve this project with staff's stipulations that were provided for us.

Ms. Bunch stated the pre-conditions and operating conditions.

Mr. Thacker stated yes.

There was not a second to the motion. Chair Coyner called for the vote.

Vote:

Favor: Mr. Thacker

Opposed: Chair Coyner, Mr. Glover, Mr. Bailey

The motion failed.

Mr. Glover moved to deny the request on the basis of not being in substantial accordance with the Comprehensive Plan, located within the urban development area and also concerns around clustering of the solar.

Mr. Bailey seconded the motion. The motion carried with a 3-1 vote with Mr. Thacker being opposed.

* * * * *

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

DAVID L. OR ANN W. GARDNER – EXTENSION OF TIME

A request by David L. or Ann W. Gardner, for a Special Use Permit to cover and enclose an existing patio to provide indoor space for weddings and seasonal events and to increase the number of events per year on property they own located at 3494 Lee Highway, Weyers Cave in the North River District.

October 5, 2023

Mr. Thacker moved to approve the one (1) year Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

* * * * *

**ALEXANDER DENSON, AGENT FOR WAYNE AVENUE SOLAR I, LLC -
EXTENSION OF TIME**

A request by Alexander Denson, agent for Wayne Avenue Solar I, LLC, for a Special Use Permit for approval of a small solar energy site on property owned by Rae Enterprises, LLC, located along the south side of Wayne Avenue, Stuarts Draft in the South River District.

Mr. Glover moved to approve a six (6) month Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

* * * * *

STAFF REPORTS

22-79	Shinaberry Rentals, LLC - Cancelled
22-80	Mini-Max Storage Center
22-81	Kevin S. or Leslie C. Whitney
22-82	Sipapu, LLC
22-83	David L. or Ann W. Gardner
22-84	Wall Residences, Inc.

Ms. Bunch stated all of the permits were inspected and were all in compliance except for SUP#22-83. On SUP#22-83, the Board just approved an Extension of Time.

* * * * *

Mr. Fitzgerald discussed the court cases with the Board.

* * * * *

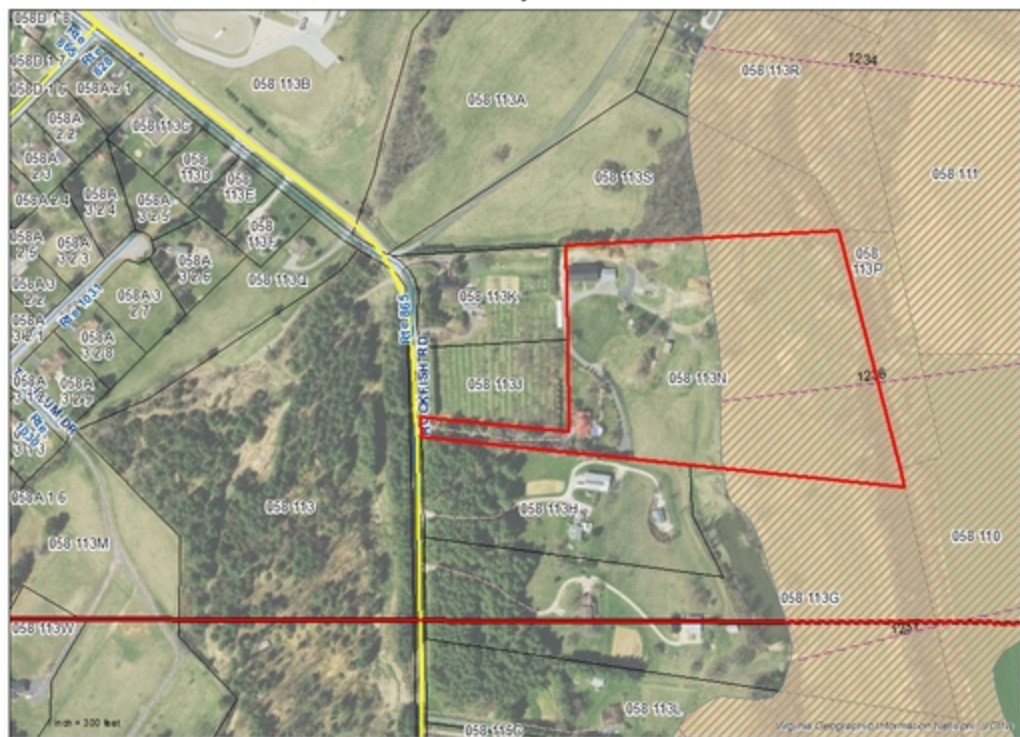
There being no further business to come before the Board, the meeting was adjourned.

* * * * *

Chair

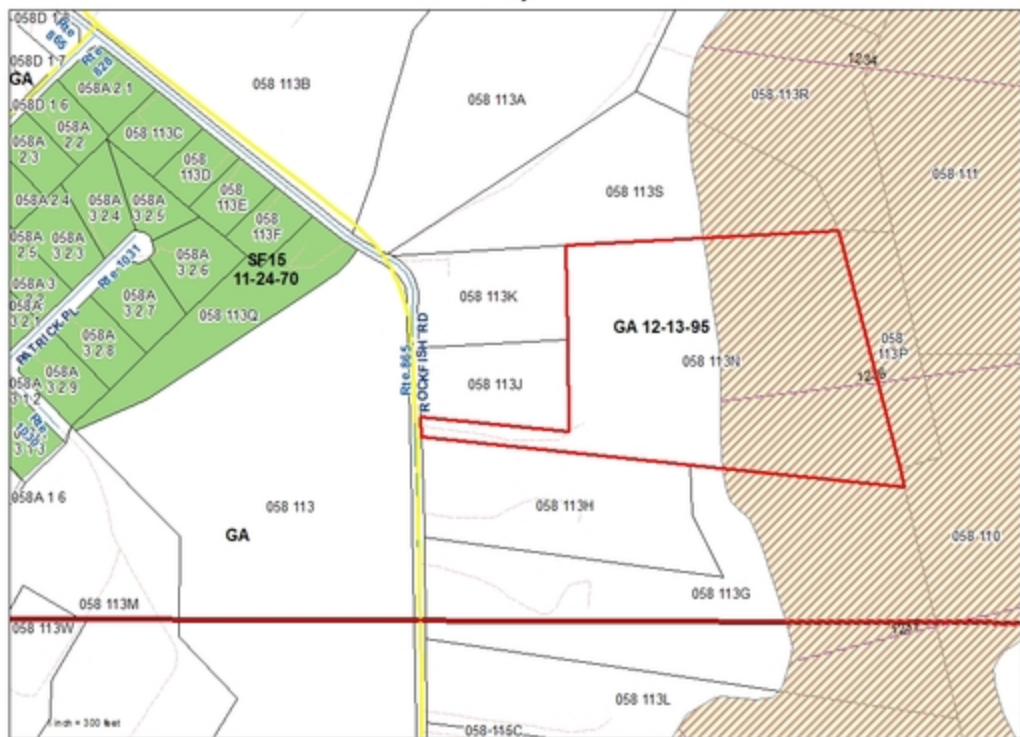
Secretary

May



1 inch = 300 feet

May



A

1 inch = 300 feet

PROPERTY OWNER:

Charlene T. May

Agenda Item # 4A
Date 11/2/2023

*drawn
copy*

APPLICANT:

Charles May

APPLICANT'S REQUEST:

To have storage of commercial vehicles, equipment, tools, and landscape materials inside the existing barn, greenhouse, and garage in conjunction with a landscape business

LOCATION OF PROPERTY:

1177 Rockfish Road, Waynesboro in the Wayne District

SIZE OF PROPERTY:

14.81 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 – Zoned General Agriculture

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Private Well and Private Septic

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has no issues with the request as long as no employees will be working on site.

HIGHWAY DEPARTMENT'S COMMENTS:

The parcel is served by an existing adequate entrance. VDOT has no objections to the proposed use.

AUGUSTA WATER'S COMMENTS:

There is no public water or sewer available in the area of the subject parcel.

ENGINEERING'S COMMENTS:

Activity associated with this request, when coupled with existing extensive graveled area and accessory buildings, appears to exceed 10,000 sf. A complete Erosion & Sediment Control Plan and Stormwater Management Plan are required. Impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

SECTION 25-74I - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES

Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.

The applicant will be storing mulch, and potting soil behind the existing barn. Shrubbery will be kept inside the existing greenhouses, and licensed vehicles will be parked at the barn. The property is heavily wooded and is screened by natural vegetation.

The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.

The applicant does not reside on premises. The applicant's mother resides on the property. This is for storage only. The applicant's office for the landscaping business is located at their home in Waynesboro.

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

Businesses are more appropriate in business zoned areas. However, the storage of landscaping materials, mulch, topsoil and shrubbery should be appropriate for the agriculture area.

The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

The property has direct access to Rockfish Road and an approved entrance.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.

There will be no customer traffic and no employees. The 14.81 acre parcel should safely and adequately accommodate all traffic to and from the public highways.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

The applicant will be utilizing the existing 40' X 90' barn, 30' X 40' garage and the 12' X 80' hoop greenhouse.

Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

No expansions or additions are requested.

Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.

There is an existing sewage disposal system serving the dwelling. There will be no customers or employees coming to the site.

There are adequate provisions set forth for the protection of fire, environmental and other hazards.

There are fire extinguishers inside the garage

All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.

All storage areas are well over twenty-five (25') feet from the edge of pavement.

STAFF RECOMMENDATIONS

The applicant currently operates a landscape business from his residence in Waynesboro and is requesting to store mulch, topsoil, shrubbery, and commercial vehicles at his mother's house. The applicant currently has three (3) licensed pick-up trucks, one (1) dump trailer, and one (1) utility trailer. The applicant is requesting to store mulch and topsoil behind the barn. The property is wooded and the applicant feels the natural vegetation and trees will provide adequate screening. The applicant is also requesting to keep shrubbery inside the existing hoop greenhouse on the property. There will be no customers coming to the site and no employees. The hours of operation are from 8:00 a.m. to 5:00 p.m., Monday through Friday with an occasional Saturday depending on the weather. Staff feels this would be compatible with the surrounding agriculture area and recommends approval with the following operating conditions:

Pre-Conditions:

1. Applicant Submit a complete Erosion & Sediment Control Plan and Stormwater Management Plan to the Community Development Department.

Operating Conditions:

1. All mulch, and topsoil be kept in the designated area shown behind the barn screened by natural vegetation.
2. All natural vegetation and trees remain and be maintained.
3. All licensed commercial vehicles, and trailers be parked in the graveled area beside the barn and garage as shown on the BZA sketch plan.
4. All equipment, and machinery for the business be kept inside the existing barn, and garage.
5. All shrubbery be kept inside the 12'X 80' hoop greenhouse.
6. No employees
7. No refuse from the business to be brought to this site.
8. Hours of operation be Monday – Saturday 8:00 a.m. to 5:00 p.m.
9. No Sunday work.
10. Site be kept neat and orderly.
11. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.







Aerial Imagery © 2001 Commonwealth of VA

Pizarno

1 inch = 50 feet

Pizarro



1 inch = 100 feet

PROPERTY OWNER:

Ivan Pizarro

Agenda Item # 4B
Date 11/2/2023

APPLICANT:

Same

APPLICANT'S REQUEST:

To have a short term vacation rental

LOCATION OF PROPERTY:

33 Prospect Street, Grottoes in the Middle River District

SIZE OF PROPERTY:

0.847 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 – Zoned General Agriculture

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Private Well and Private Septic

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has no issues with the request as long as no more than 1 room is rented and the home has no more than 2 bedrooms with a maximum occupancy of 4. The Health Department has a 1957 septic permit on file for a 2 bedroom home.

HIGHWAY DEPARTMENT'S COMMENTS:

The parcel is served by an existing adequate entrance. VDOT has no objections to the proposed use.

AUGUSTA WATER'S COMMENTS:

There is no public water or sewer available in the area of the subject parcel.

ENGINEERING'S COMMENTS:

Activity appears to be less than 10,000 sf. No permit required as long as cumulative land disturbance and impervious areas associated with the activity are less than 10,000 sf. If additional impervious areas are added for entrance improvements, or for other purposes in the future, impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography and an Erosion & Sediment Control and/or Stormwater Management Plan may be required.

SECTION 25-74R – SHORT-TERM RENTALS, BED AND BREAKFASTS, AND VACATION RENTALS

There is no more than one principal dwelling, or part thereof, operating as a bed and breakfast or short-term rental per parcel.

There is only one principal dwelling on the property operating as a short-term rental.

There is no more than one detached accessory dwelling unit operating as a bed and breakfast or short-term rental per parcel.

There are no detached accessory dwelling units on the property.

The lot is at least five (5) acres in area, unless the Board of Zoning Appeals determines that operation of the use on a smaller acreage will be compatible with neighboring properties.

The property contains .847 acres and is surrounded by small parcels containing single family dwellings.

The owner of record or a facility operator personally resides in the principal dwelling or accessory dwelling unit or on a parcel immediately adjacent to or directly across the street from the parcel.

The owner of record resides in the principal dwelling.

The owner of record shall provide to the Zoning Administrator proof of the current lease agreement between the owner and facility operator as a pre-condition of the permit. The owner shall submit subsequent lease agreements, within 10 days of signature, when the lessee changes.

No lease agreement is needed.

The owner of record must provide Community Development with a 24-hour emergency contact number, and that the owner of record must notify Community Development if the information changes.

The applicant has provided an emergency contact number.

The Building Inspection Department has indicated that either a Building permit is not required, or can be issued for the use once the Special Use Permit has been approved.

No permits or inspections are required.

If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.

The dwelling is served by an approved sewage disposal system for up to four (4) persons maximum.

All parking shall be accommodated on-site.

All parking will be on-site.

STAFF RECOMMENDATIONS

The applicant is requesting to lease the entire dwelling for short term vacation stays. The applicant states the dwelling contains three (3) bedrooms, however, the Health Department comments state the septic was approved for a two (2) bedroom dwelling in 1957 with a maximum occupancy of four (4). Any expansions will have to be approved by the Health Department. The applicant resides on the property and has provided an emergency contact number to Community Development in case a neighbor has a concern while the dwelling is rented. Staff feels a short term vacation rental is a low impact business that should not have a negative impact on the neighboring properties and recommends approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant be permitted to lease two (2) bedrooms and be limited to a total occupancy not to exceed four (4) persons unless the applicant provides Community Development with Health Department approval.
2. Applicant resides on premise and be available during rental.
3. Site be kept neat and orderly.



Wilson Investments, LLC



1 inch = 200 feet



**TINKLING SPRING ROAD
ROUTE 285/608**

WILSON PARCELS, LLC
1.00 AC
ZONING: GENERAL BUSINESS

LOT 30
TOP MAP 0876-3-32
1.00 AC
WILSON PARCELS, LLC
1.00 AC
ZONING: GENERAL BUSINESS

LOT 31
TOP MAP 0876-3-33
WILSON PARCELS, LLC
ZONING: GENERAL BUSINESS

PROPOSED 6.18 AC LOT

WILSON PARCELS, LLC
1.00 AC
ZONING: GENERAL BUSINESS

WILSON PARCELS, LLC
1.00 AC
ZONING: GENERAL BUSINESS

GOOSE CREEK ROAD ROUTE 640

TRAVELERS TERRACE



TOP MAP 087-088
TRAVELERS TERRACE PRELIMINARY
SUBDIVISION
ZONING: GENERAL BUSINESS
JUNCTION: GOOSE CREEK ROAD

HATCH LEGEND

	PAVEMENT & ADA PAVING		PROP BUILDING FOOTING
	DETACHABLE CONCRETE		LIGHT DUTY ASPHALT
	TOP SOIL		HEAVY DUTY CONCRETE
	NEW MILL AND ASPHALT OR PAVING		NEW ROAD PAVING

LEGEND

	PROP BOUNDARY
	LIMIT OF WORK
	LIMIT OF DISTURBANCE
	EASEMENT
	EASEMENT



BOHLER

NO.	DESCRIPTION	DATE
1	PRELIMINARY	10/1/2024
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

Wawa

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Wilson Investments, LLC



1 inch = 200 feet



1 inch = 200 feet



Agenda Item # 4C
Date 11/2/2023

PROPERTY OWNER:
Wilson Investments, LLC

APPLICANT:
Derek Reardon, PE, agent for WaWa, Inc.

APPLICANT'S REQUEST:
To construct a travel plaza

LOCATION OF PROPERTY:
In the northeastern quadrant of the intersection of Tinkling Spring Road and Goose Creek Road in the Wayne District

SIZE OF PROPERTY:
1.69 acres and 1.511 acres

VICINITY ZONING:
General Business to the north, and east, General Agriculture to the south and west

PREVIOUS ZONING OR S.U.P.:
04/23 – Zoned General Business

LAND USE MAPS:
Urban Service Area – Business

UTILITIES:
Public Water and Sewer

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:
Obtain all necessary permits, inspections and Certificates of Occupancy in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:
The Health Department has no issues with the request.

HIGHWAY DEPARTMENT'S COMMENTS:
This project is currently at the site plan stage. Any project related comments will be addressed during plan review. VDOT has no objections to the proposed use.

AUGUSTA WATER'S COMMENTS:
1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been

received in accordance with Augusta Water Policy. Augusta Water's Policies and Procedures can be found at <http://www.acsawater.com/oppm>.

2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Augusta Water review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Augusta Water review and approval.
4. There is an existing 12" waterline along Tinkling Spring Road & Goose Creek Road running through the northwestern & southern property lines of Tax Map # 67N-(3)-3.
5. There is an existing 8" sewer line running through the eastern portions of both subject parcels.

ENGINEERING'S COMMENTS:

A complete Erosion & Sediment Control Plan and Stormwater Management Plan have been submitted and are under review by our office.

SECTION 25-304G – TRANSPORTATION RELATED BUSINESSES

Transportation related businesses, including but not necessarily limited to: travel plazas and truck stops, may be permitted by Special Use Permit provided:

All buildings, structures, and operations will be set back at least five hundred feet (500') from all residentially zoned areas, unless the board of zoning appeals is satisfied that proposed soundproofing and other barriers will adequately protect neighboring properties from noise, light, dust, odor, and vibrations. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to adequately protect neighboring properties; and

All operations will be setback five hundred feet (500') from all residentially zoned areas.

All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and The applicants are requesting a Variance to reduce the one hundred feet (100') from all property lines.

Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and
VDOT comments state they have no objection to the proposed use.

On-site traffic flow will adequately and safely separate automobile traffic from truck, tractor-trailer, or other large vehicular traffic and will safely accommodate all traffic to and from the public highways; and

The properties contain a total of 3.20 acres once combined and have an approved entrance through VDOT that should safely accommodate all traffic to and from the public highways

If within sight of an Interstate Highway, the view from the Interstate Highway is made as pleasant and inviting as possible giving consideration to the value of scenic surroundings to residents, tourists and commercial development.

The proposed travel plaza will not be within sight of an Interstate Highway.

STAFF RECOMMENDATIONS

The applicants are purchasing two (2) lots zoned General Business and will be combining into one (1) business lot. The applicants submitted a site plan for review to the Community Development Department and were not aware that more than two (2) diesel fueling positions is defined as a travel plaza in the Zoning Ordinance and is only permitted by an approved Special Use Permit. The applicants are requesting to construct a new facility that will offer food, convenience items as well as sixteen (16) gasoline fueling positions and **sixteen (16) diesel fueling positions.**

Section 25-304G of the Augusta County Zoning Ordinance allows travel plazas in the General Business District with a Special Use Permit and requires all buildings, structures, and operations be setback one hundred feet (100') from all property lines. The site plan shows the facility including parking spaces does not meet this increased setback requirement and the applicants have asked to reduce the setback that will be addressed in their Variance application.

Due to the fact the applicant cannot meet the required one hundred foot (100') setback from all property lines for a travel plaza without obtaining a Variance, Staff does not feel the request meets all of the standards required by the ordinance to be considered for a Special Use Permit and recommends the request be denied. However, if the Board desires to approve the Special Use Permit and Variance with the reduced setbacks, Staff would recommend the following Operating Conditions:

Pre-Conditions:

1. Submit a boundary line adjustment plat to combine the two (2) lots.
2. 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 including a complete Erosion & Sediment Control Plan and Stormwater Management Plan.

3. Obtain all necessary permits and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to have sixteen (16) diesel fueling positions and sixteen (16) gasoline fueling positions.
2. Site be kept neat and orderly.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Wilson Investments, LLC



1 inch = 200 feet

Wilson Investments, LLC



1 inch = 200 feet



Agenda Item # 4D
Date 11/2/2023

PROPERTY OWNER:

Wilson Investments, LLC

APPLICANT:

Derek Reardon, PE, agent for WaWa, Inc.

APPLICANT'S REQUEST:

Variance from the one hundred (100') foot setback requirement

LOCATION OF PROPERTY:

In the northeastern quadrant of the intersection of Tinkling Spring Road and Goose Creek Road in the Wayne District

SIZE OF PROPERTY:

1.69 acres and 1.511 acres

VICINITY ZONING:

General Business to the north, and east, General Agriculture to the south and west

PREVIOUS ZONING OR S.U.P.:

04/23 – Zoned General Business

LAND USE MAPS:

Urban Service Area – Business

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary permits, inspections and Certificates of Occupancy in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has no comments.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT has no objection to the proposed request.

AUGUSTA WATER'S COMMENTS:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Augusta Water Policy. Augusta Water's Policies and Procedures can be found at <http://www.acsawater.com/oppm>.

2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Augusta Water review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Augusta Water review and approval.
4. There is an existing 12" waterline along Tinkling Spring Road & Goose Creek Road running through the northwestern & southern property lines of Tax Map # 67N-(3)-3.
5. There is an existing 8" sewer line running through the eastern portions of both subject parcels.

ENGINEERING'S COMMENTS:

A complete Erosion & Sediment Control Plan and Stormwater Management Plan have been submitted and are under review by our office.

STAFF RECOMMENDATIONS:

The applicants are requesting a Variance from the one hundred foot (100') setback requirement from all property in order to construct a new travel plaza. **Section 25-304G** of the Augusta County Zoning Ordinance allows travel plazas in the General Business District with a Special Use Permit and requires all buildings, structures, and operations be setback one hundred feet (100') from all property lines. The site plan shows the facility including parking spaces does not meet this increased setback requirement. The applicants are requesting to reduce the setback to fifty feet (50') from all three (3) property lines adjacent to a street and to allow parking within ten feet (10') along the side yard to the north.

Due to the size of the property, the applicant states they cannot move all structures and operations to meet the one hundred foot (100') setback requirement. If the applicants reduce the number of diesel fueling positions to two (2) the facility would be considered a gasoline retail outlet and would not require a Special Use Permit or have to meet increased setback requirements for a travel plaza. The site plan submitted shows the applicants can easily meet all required setbacks for a gasoline retail outlet without the need for a Variance.

Section 15.2-2201 of the Code of Virginia **defines** Variance "In the application of a Zoning Ordinance, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the Ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a Variance would not be shared generally by other properties, and provided such Variance is not contrary to the intended

spirit and purpose of the Ordinance, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a confidential zoning."

Section 15.2-2309 of the Code of Virginia provides for approval of Variances providing evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be a substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance.

While Staff understands reducing the number of diesel fueling positions to two (2) may reduce the amount of customers served, Staff does not feel it restricts the utilization of the property, and therefore, feels the applicant has not met the State Code requirements to be granted a Variance and to approve one would be contrary to the purpose of the ordinance. Staff would recommend denial of the request.



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



MEMORANDUM

DATE: October 16, 2023
TO: Sandra K. Bunch, Zoning Administrator
FROM: Jared Watson, Zoning Technician – Inspector I
SUBJECT: Special Use Permit Inspections

The following Special Use Permits issued in the month of **January 2023** have been inspected:

- 23-1 Stephen A. and Margaret O. Riley
- 23-2 Kevin S. or Amber N. May – **Withdrawn**
- 23-3 Doug Huffman
- 23-4 James E. Wenger

I have enclosed a copy of those reports with the action I have taken.

JW:bcw

SPECIAL USE PERMIT INSPECTION REPORT

NAME: Stephen A. and Margaret O. Riley

Location: 451 Battlefield Road, Fort Defiance

Use: To increase the size of a non-conforming building previously approved on

SUP#22-64

Special Use Permit No.: 23-1

Date Approved: 01/05/23

Date Inspected: 10/02/23

Name of Person Inspecting: Jared Watson

1. Site plan requirements met (including VDOT entrance):

Yes X No

If no, explain: _____

2. Stipulations met: Yes X No

If no, explain: _____

Action Taken: _____

SPECIAL USE PERMIT INSPECTION REPORT

NAME: Doug Huffman

Location: 3047 East Side Highway, Grottoes

Use: To have outdoor display, sales, and repair of farm equipment and implements.

Special Use Permit No.: 23-3

Date Approved: 01/05/23

Date Inspected: 10/02/23

Name of Person Inspecting: Jared Watson

1. Site plan requirements met (including VDOT entrance):

Yes _____ No X

If no, explain: _____

2. Stipulations met: Yes _____ No X

If no, explain: _____

Action Taken: Send first notice regarding the pre-conditions. Need VDOT entrance approval.

SPECIAL USE PERMIT INSPECTION REPORT

NAME: James E. Wenger

Location: 284 Middle River Road, Staunton

Use: To have a primitive campground.

Special Use Permit No.: 23-4

Date Approved: 01/05/23

Date Inspected: 10/13/23

Name of Person Inspecting: Jared Watson

1. Site plan requirements met (including VDOT entrance):

Yes X No

If no, explain: _____

2. Stipulations met: Yes X No

If no, explain: _____

Action Taken: _____
