

Bland County Planning Commission Meeting Minutes for February 6th, 2006.

Members Present:

Henry Blessing, Elmer Chewning, Stephen Kelley, Guy Boone, Deborah Looney, R.B. Anderson and Robert Trobaugh

Members Absent:

John Dodson, Jim Baker, Jerry Mercer and Allen Newberry

Others Present:

Jonathan D. Sweet, Planning Commission Secretary; Mr. Eli Kinsinger, Applicant; and Mr. Michael Armbrister, Mount Rogers Planning District Commission

CALL TO ORDER

At 6:30 PM, Planning Commission Vice Chairman Elmer Chewning called the meeting of the Bland County Planning Commission to order at the Bland County School Board Office, Bastian, Virginia.

ROLL CALL

Planning Commission Secretary Jonathan Sweet took the roll call and announced that there was indeed a quorum present.

APPROVAL OF MINUTES

Vice Chairman Chewning requested a motion to approve the minutes of the January 9th, 2006 meeting. Commissioner Looney made the motion to approve the minutes of the January 9th, 2006 meeting as presented; Commissioner Trobaugh provided a second, and the motion passed unanimously.

Secretary Sweet announced before the Commission that Vice Chariman Chewning was unable to cast his vote due to his delinquency in submitting the required Disclosure of Real Estate Form by the required deadline (January 15th, 2006). (*As required by the State and Local Government Conflict of Interest Act, §2.2-3114 and §2.2-3115, of the Code of Virginia.*) Secretary Sweet went on to further inform Vice Chairman Chewning that he would be unable to cast any vote as a Commission Member until the required forms were placed on file with the office of the County Administrator.

ITEMS TABLED FROM PREVIOUS MEETING

None

PUBLIC HEARING ON REZONE AND/OR CUP

CUP Application for a Cottage Industry – Eli Kinsinger

Vice Chairman Chewning officially opened the public hearing to receive public comment an application from Mr. Eli D. Kinsinger, requesting a Conditional Use Permit for a cottage industry to conduct a custom, hand-crafted cabinet door operation upon his property, located on Rt. 670 (Mt. Zion Rd.), 2.5 miles from Rt. 42 in Mechanicsburg, Virginia; Tax Parcel No. 71-A-16D

Vice Chairman Chewning presented the floor to Mr. Kinsinger to discuss and explain his application and his proposed operation.

Mr. Kinisnger addressed the Commission and explained that he wishes to work on his own land with his children. He has no intention of hiring more than one or two individuals in the future outside of his own family. He stated that he is willing to comply with any of the conditions the Commission would require as long as they are deemed reasonable, and serve a purpose other than to prevent him from conducting his proposed family operation.

Vice Chairman Chewning presented the floor to the first registered speaker, Don Anderson. Mr. Anderson made a request of the Commission to approve the application based on the principles that the applicant is a good neighbor, he makes a quality product, everything that he produces will be a Made in America product, and he works exceptionally hard to make his family an honest living.

Vice Chairman Chewning presented the floor to Owen Hershberger. Mr. Hershberger provided the Commission his endorsement of the application. He assured the Commission that applicant would be a good neighbor and this was simply an opportunity for a family to conduct their livelihood. He concluded by thanking the Commissioners for their field visit.

Vice Chairman Chewning presented the floor to Junior Schmucker. Mr. Schmucker stated that he appreciated the job the Commission was doing. He also thanked the Commission for their field visit to the site. He stated that he does not wish the Commission provide any special consideration or sympathy to the applicant, he simply would like for Mr. Kinsinger to have the opportunity to work with his family and children on his own land. He explained that it is instilled to raise their children to be industrious and to work with their hands.

Vice Chairman Chewning presented the floor to James Bogle. After Mr. Bogle declared he had no comment, he changed his mind and made the statement that he is still opposed to this application. He mentioned that, although he lives over 1.5 miles away, he is concerned about ground water contamination from a fuel spill. The Commission questioned his concerns due to his great distance from the site, as well as the fact that he is uphill from the site. Mr. Bogle stated that the water flows uphill when underground and that a spill on that site would contaminate his drinking water. The Commission also pointed out that most every home along that stretch of road possesses either a 250 gallon or 500 gallon fuel tank for home heating purposes. Not one of those homes has in place a protective dyke that Mr. Bogle is requesting. Mr. Bogle stated that if a containment basin were required to be installed, he would be satisfied.

Vice Chairman Chewning presented the floor to Daryl Tyeryar. Mr. Tyeryar stated that he is

opposed to this application for the main reason of traffic. He explained that increased traffic on this road could potentially lead to an accident with a school bus. He stated that although only three children from that area ride the bus, it would be three too many if an accident were to occur.

A letter of opposition from the Plughs was read and is on file in the office of the Zoning Administrator.

Vice Chairman Chewning presented the floor to Mr. Kinsinger who then used his closing remarks to display an example of a hand-crafted cabinet door that would be made in his proposed shop. Vice Chairman Chewning noted that there were no further registered speakers and no further comments from the public. Vice Chairman Chewning officially closed the public hearing and induced discussion amongst the Commission.

Commissioner Anderson made the statement that, although we have continued to make applicants jump through the proverbial hoops, we need to be more realistic and more business friendly. If an application makes good sense, then the Commission should consider it for what it is. We need not continue to make applicants jump through hoops just for the sake of it.

The Commission, utilizing information derived from germane applications and the knowledge gained through their site visit, discussed potential conditions to mitigate any and all of the opposition's concerns. Those proposed conditions are as follows:

1. Traffic - Tractor trailers are only permitted to deliver materials or transport product to or from the site between the hours of 9:30 AM and 2:30 PM for purpose of public safety and well-being.
2. Noise - That the 90H.P. diesel engine be equipped with a muffler and located within a well insulated (Styrofoam chips) cinderblock building behind the structure to limit and reduce noise.
3. Diesel Engine Operating Hours - The custom cabinet shop's Diesel Engine Operating hours would be limited from 7:00 AM to 6:00 PM, six days a week (Monday – Saturday only) to reduce noise impact on surrounding neighbors.
4. Diesel Fuel Storage – The fuel storage for the diesel engine shall be in a tank not larger than 500 gallons and shall be placed within an adequately accommodating concrete dike for the purpose of protecting public health and safety against leaks or spills.
5. View Shed – An adequate amount of trees are to be planted and strategically placed to conceal the facility from the adjoining landowners (the Walkers), i.e. along the front side of the property.
6. Fire Protection – A minimum of seven (7) fire extinguishers, being of proper class, are to be placed throughout the facility for the purpose of public health and safety.
7. Facility Size – That the facility not be expanded above its original dimension of 56'x120' or 6,720 sq. ft., or to exceed employment of more than five (5) persons with a majority being that of the owners' of the property or their family.

8. Waste Disposal – To properly dispose of all hazardous by-products and materials associated with the operation for the purpose of public health, safety and well-being.
9. Legal Requirements - To comply with all applicable local, state, and federal laws.
10. Reversion – If the approved use (cabinet shop) fails to operate for more than six (6) consecutive months; i.e., one-hundred and eighty (180) consecutive days, then the conditional use permit will be null & void.

Commissioner Trobaugh made a motion for the approval of Eli D. Kinsinger's application for a Conditional Use Permit for a cottage industry to conduct a custom, hand-crafted cabinet door operation upon his property, located on Rt. 670 (Mt. Zion Rd.), 2.5 miles from Rt. 42 in Mechanicsburg, Virginia; Tax Parcel No. 71-A-16D, with the ten (10) above enumerated conditions, and provide this recommendation to the Bland County Board of Supervisors. Commissioner Looney provided the second and the motion passed unanimously.

OLD BUSINESS

Comprehensive Plan Discussion

Vice Chariman Chewning turned the floor over to Michael Armbrister of the Mount Rogers Planning District Commission (MRPDC). Mr. Armbrister provided the Commission with updated materials to the Comprehensive Plan draft.

The Commission conducted an open discussion on the Comprehensive Plan, its demographic content, goals and conclusions. From this discussion, The Commission made recommendations and posed short- and long-term question on where they would like to see the county go and how to get there. Any changes in the Comprehensive Plan as a result of this meeting will be reflected in future updates provided by the MRPDC.

The Commission clearly understands that the comprehensive Plan will be used as a roadmap to move the County in the direction recommended by the Commission and concurred by the Bland County Board of Supervisors.

NEW BUSINESS

None

ADJOURNMENT

Commissioner Kelley made a motion to adjourn the meeting; Commissioner Anderson provided the second.

Vice Chairman Chewning obliged and the meeting was adjourned.