

1
2 ALBEMARLE COUNTY BOARD OF ZONING APPEALS
3 ELECTRONIC MEETING
4 TUESDAY, JUNE 2, 2020 – 2:00 P.M.
5
6

7 Board Members present: Marcia Joseph
8 Ed Robb
9 John Shepherd
10 Randy Rinehart
11

12 Staff Members present: Bart Svoboda, Zoning Administrator
13 Francis MacCall
14 Lisa Green
15 Bill Fritz
16 Marsha Alley, BZA Clerk and Recorder
17
18

19 County Attorney: Andy Herrick, Deputy County Attorney
20

21 BZA Attorney: James Bowling, IV
22
23

24 **1. Call to Order**

25 The meeting was called to order at 2:00 p.m. by Chairman John Shepherd. He said this is an
26 electronic meeting and asked for patience as they become familiar with this meeting alternative.
27 He read the following statement:

28 *This meeting is being held pursuant to and in compliance with Emergency Ordinance No. 20-*
29 *A(6); An Emergency Ordinance to Ensure the Continuity of Government During the Covid-*
30 *19 Disaster*

31 *The BZA Members who are electronically present at this meeting are John Shepherd, Randy*
32 *Rinehart, Marcia Joseph, and Ed Robb (Vice Chair).*

33 *The persons responsible for receiving public comment are the Board of Zoning Appeals of*
34 *Albemarle County.*

35 *The opportunities for the public to access and participate in the electronic meeting are*
36 *posted on the Albemarle County website on the Board of Zoning Appeals home page and on*
37 *the Albemarle County calendar.*
38

39 **2. Establish a Quorum**

40 The BZA established a quorum, with four members present.
41

42 Ms. Joseph, Mr. Robb, Mr. Rinehart, and Mr. Shepherd each stated their presence.
43

44 Mr. Shepherd introduced others in attendance: James Bowling (BZA Attorney); Andy Herrick
45 (Deputy County Attorney); Bart Svoboda, Francis MacCall, Marsha Alley, and Bill Fritz
46 (County Staff); and Valerie Long (Counsel for Yancey Lumber Mill).

1
2 **3. Deferral Request**

3 **A. AP202000001 R. A. Yancey Lumber Corporation – 55-111B, 55-112**

4 Mr. Shepherd said in reviewing the background of this issue, he has come to appreciate how
5 difficult and frustrating this has been for all sides. He noted that the application for the special
6 exemptions was submitted on January 26, 2018, almost two and a half years ago. He said the
7 stakes are high for the public, the company, and the process.
8

9 Mr. Shepherd said today, however, there are only two rather narrow issues before the BZA. He
10 said one was a public hearing for the BZA to consider the appeal of the Zoning Administrator’s
11 determination that there are two setback violations on this site. He said the other is a request to
12 defer the hearing on the appeal until the August BZA meeting. He said they will take up the
13 deferral request first, then hold the public meeting if, and only if, the Board denies the deferral
14 request.
15

16 Mr. Shepherd asked participants to understand that their scope was limited to the deferral request
17 and the validity of the violation notice. He said they are not going to deal with the long-term
18 remedies for this situation. He said there is a process in place to do that. He said hearings to
19 consider the requests for special exemptions are scheduled to be conducted by the Planning
20 Commission on June 23, and by the Board of Supervisors on July 15. He said this is where the
21 matter will truly be resolved in the long-term.
22

23 Mr. Shepherd said he would start with the deferral. He noted the discussion of the deferral is not
24 a public hearing, meaning they will not take public comment during this portion of the meeting,
25 but that they will have the right to ask anyone present any questions that would clarify the
26 situation.
27

28 Mr. Shepherd said Mr. Svoboda, Zoning Administrator, would explain the issues of the deferral
29 request.
30

31 Mr. Svoboda said staff made a brief analysis based on the factors to consider out of the BZA’s
32 Rules of Order. He said favorable factors in a deferral may promote fairness in the process. He
33 said the applicant has argued that Special Exception requests had been delayed by COVID-19
34 pandemic protocols. He said Consideration #4 is that the outcome of the Special Exception
35 request is uncertain, and any deferral may allow the appellant to resolve the underlying issues so
36 that the BZA action might be unnecessary.
37

38 Mr. Svoboda said regarding unfavorable factors, Consideration #2 says a deferral may be
39 considered a convenience or a personal benefit to the applicant. He said Consideration #3 says a
40 deferral may delay enforcement or abatement of the zoning violation that is adversely affecting
41 an abutting property, a neighbor, the neighborhood, or the public.
42

43 Mr. Svoboda concluded staff’s remarks, noting there were two proposed motions.
44

45 Ms. Valerie Long, representative for the appellant, asked if she had a time limit on her
46 presentation.

1
2 Mr. Shepherd replied they were using the same time limits for this meeting as they normally
3 would. He said the appellant will have 15 minutes to present, then another 5 minutes to rebut.
4

5 Ms. Long said she was representing R.A. Yancey Lumber Corporation on this matter. She said
6 she was joined by Patrick May (Vice President of the company), who was newly authorized to
7 lead the company's participation throughout the process and work towards bringing the entire
8 site fully into compliance with all regulations. She said several other representatives of the
9 company were participating as well.
10

11 Ms. Long said as stated in her written request, she requests that the BZA grant a short deferral of
12 this matter so that they can continue the Special Exception process that, as Mr. Shepherd noted,
13 they have been diligently pursuing for two and a half years. She said although the original
14 application was submitted in January of 2018, they first met with Mr. Svoboda's predecessor
15 Amelia McCulley (the Zoning Administrator at the time) in December of 2017.
16

17 Ms. Long said in specifically addressing the factors to be considered in considering an appeal,
18 she will reiterate some of the points she made in the deferral request letter and supplement that as
19 appropriate. She said the County has been working diligently with the County staff on the
20 Special Exception requests for two and a half years. She said if not for the COVID-19 delay,
21 those requests would have been heard by now. She said the Board was originally scheduled to
22 take action on the requests in April, and the County staff have been graciously working with the
23 appellant throughout to coordinate the timing of the two hearings so that they have the
24 opportunity to have the discretion of the Special Exception requests prior to the appeal hearing.
25

26 Ms. Long said they were very understanding of the need and importance of having to delay those
27 applications, in light of a worldwide pandemic. She said they also understand that the County
28 needed several weeks to work out the logistics for meeting remotely. She said they were as
29 patient as they could be and did continually request that the County schedule the meetings on the
30 Special Exceptions as the absolute earliest possible time. She said nevertheless, it will end up
31 being a three-month delay by the time the first meeting takes place at the end of June.
32

33 Ms. Long said they were merely asking for the opportunity to continue that process first, since
34 the outcome has the potential to resolve the underlying issue. She said the Special Exception
35 requests were submitted two years before the Notice of Violation was issued by the County.
36

37 Ms. Long said denying the appeal deferral request would ignore the constructive work that the
38 applicant has undertaken over the past two and a half years to address the situation. She said
39 thus, it is only fair to grant a short delay for this appeal hearing in light of the three-month delay
40 in hearing the Special Exception requests. She said it would, in their opinion, promote fairness in
41 the process.
42

43 Ms. Long said similarly, they contend that a short deferral would provide an opportunity to
44 resolve the underlying issue. She said they understand there are no assurances that the Board of
45 Supervisors will grant the Special Exception requests, but that there is certainly the potential. She
46 said those hearings have been rescheduled and advertised, and they are moving forward on that.

1 She said if the Board approves the Special Exception application, this appeal would be moot and
2 unnecessary, and it would resolve the underlying issue of the appeal.

3
4 Ms. Long said the Rules of Procedure do not require the BZA to make a finding that it would
5 absolutely resolve the underlying issue of the appeal, but merely have the potential to do so. She
6 noted the rules say, “may allow the underlying issue to be resolved.” She said this would also
7 promote judicial efficiency, avoid wasting the time of the Board, County staff, members of the
8 public, and the appellant unnecessarily. She said if the underlying issue is resolved, hearing the
9 issue that day would be, in her opinion, wasteful of those scarce resources.

10
11 Ms. Long added that granting the appeal deferral would not be solely for the convenience or for
12 the personal benefit of the company. She said it would respect the time and resources that the
13 County staff and other County elected official and representatives have put in on this request
14 over the past two and a half years. She said the County has been extremely cooperative and
15 helpful to the appellant over this time and has expended vast resources in collaboratively
16 working with the appellant, members of the public, and nearby neighbors. She said she thinks
17 that denying the deferral request would be counterproductive to those issues, and thus would not
18 be a personal benefit to the company.

19
20 Ms. Long said deferral would also promote judicial efficiency, which is not a personal benefit of
21 the company, and would avoid wasting the time and resources of the members of the community,
22 since the appeal might be moot and unnecessary upon action of the County Board of Supervisors
23 on the Special Exceptions.

24
25 Ms. Long said similarly, deferral would not unreasonably delay an abatement of the violation.
26 She said the equipment that the Swales have repeatedly cited as creating the noise issue is not 35
27 feet from their property, as has been stated. She said that in fact, the piece of equipment that they
28 have regularly stated is their main source of aggravation is located straddling the line of the 100-
29 foot setback. She said she would present an exhibit of this.

30
31 Ms. Long said there is a partially constructed piece of equipment that is 35 feet from the corner
32 of their property line. She said that piece of equipment is only partially constructed, is not in
33 operation, and is not making a single sound or emitting any noise, and certainly not emitting any
34 vibration.

35
36 Ms. Long noted with regard to vibration, the company is in compliance with the County’s
37 vibration ordinance according to their professional consultant, who has studied the issue. She
38 said the appellant submitted a report to the County, to that effect.

39
40 Ms. Long said as the Swales and their counsel are aware, and as stated in materials the appellant
41 has submitted to the public, the company has made numerous commitments to reduce future
42 noise issues upon the approval of the Special Exception. She said they know the merits are
43 substance of the Special Exception requests and are not before the BZA that day but that she
44 wanted to make the Board aware of those issues.

1 Ms. Long said upon others, the appellant has proposed that upon approval of the Special
2 Exception, the equipment that is causing noise will be enclosed within a building, which has
3 always been part of the plan. She said specific noise limits would be adhered to, which are
4 detailed in the application materials. She said there would be sound attenuation materials added
5 to the inside of the walls of the building that will enclose the equipment, which is a stacker to
6 reduce noise. She said the company would add an additional sound barrier wall to further reduce
7 noise levels.

8
9 Ms. Long said she would share an exhibit that references the statement regarding the distance of
10 the equipment to the adjacent parcel. She presented a page from the application materials for the
11 Special Exception to help orient everyone. She said these were unfortunately left out of the
12 BZA's supplemental packet.

13
14 Mr. Bowling said if they were in Ms. Long's email, he had forwarded this along to the BZA
15 members.

16
17 Ms. Long said for everyone's benefit, including anyone watching who had not seen the materials
18 before, she would use the exhibit to help orient everyone. She indicated on the exhibit to Route
19 250, to the main mill building, to the Swales' property line, and a black line that was the property
20 boundary line. She said the red line on the exhibit was the 100-foot setback line for buildings
21 from adjacent parcels. She indicated to a piece of equipment that was labeled "new stacker,"
22 noting this is the only equipment in operation currently. She said this was completed prior to any
23 Special Exceptions being submitted, and long before any violation was noticed. She said as they
24 could see, it was not 35 feet from the property line but was straddling the 100-foot line. She
25 indicated to the distance of 35 feet in another location.

26
27 Ms. Long indicated on the exhibit to the new sorter. She said this is the piece of equipment that
28 is under construction and only partially constructed. She said construction was halted when the
29 appellant first met with the Zoning Administrator in December of 2017. She said the company
30 did this voluntarily once it became clear that they needed to cease construction. She said the new
31 sorter is only partially constructed, is not operational, and is not emitting any noise or vibration.

32
33 Ms. Long said although the plans would make it appear that this is a single building (and that
34 eventually, it will look like a single building), currently there is no building between the two, but
35 a concrete barrier wall. She said the stacker is operational, which is the only stacker they have
36 available. She indicated on the exhibit to the old original stacker, which was so dysfunctional
37 and dangerous it was causing numerous employee accidents. She said it was so old, they cannot
38 order new parts for it, which is why a new stacker had to be built.

39
40 Ms. Long said the Special Exception, if approved, would enable the appellant to continue
41 construction of the sorter, complete that sorter, and integrate the two pieces of equipment
42 together (which would, on its own, substantially reduce the noise). She said it will also allow
43 them to build a building to enclose that, build the sound barrier wall that will overlap the wall on
44 the two buildings, and to insert the sound attenuation materials inside. She reiterated that the
45 equipment is not 35 feet from the Swales' property line, as has been regularly stated.

1 Ms. Long said as such, for all the reasons she has previously stated in the application materials
2 and today, she would respectfully request that the BZA grant the appellant's deferral request. She
3 said it equates to a two-month deferral. She said they endured what will be a three-month delay
4 on the Special Exception hearings through no one's fault. She said they understand it was
5 unavoidable. She said they ask for the BZA's consideration to allow that process to continue and
6 be completed, since they have been working on it for so long and so diligently, and the County
7 has expended extraordinary expense in pursuing that request. She said it would be extraordinarily
8 challenging for this business to continue without the ability to continue operations.

9
10 Mr. Shepherd asked if Mr. Svoboda or anyone on staff wished to use 5 minutes to add to their
11 presentation.

12
13 Mr. Andy Herrick (County Attorney's Office) said that as Mr. Shepherd recognized, the scope of
14 the matter before the Board, at least at this moment on the agenda, is very narrow. He said that
15 the one and only question is whether to grant the applicant's request to defer its appeal.

16
17 Mr. Herrick said that page 12 of the BZA's main package is the Notice of Violation that was
18 delivered to the appellant. He said that the one and only violation was cited in the Notice of
19 Violation is that the piece of equipment constructed in the VDOT right of way, and the new
20 sorter stacker constructed on these parcels, do not meet the required setbacks. He said there are
21 only one or two (depending on how one looks at it) violations that have been noticed, and that
22 this is the only issue that is under appeal, if they even hear the appeal that day.

23
24 Mr. Herrick said that before getting to this issue, however, the applicant has made a request that
25 the appeal be deferred. He said that the appeal is laid out beginning on page 6 of the main
26 package. He said that Ms. Long wrote a letter that articulated why she and her client believe that
27 the appeal should be deferred, Mr. Blaine (on behalf of the neighbors) has responded on page
28 105 of the supplemental package and has laid out the reasons why he and his client believe that
29 the matter should not be deferred today.

30
31 Mr. Herrick said that either way, the basis for the BZA's decision is spelled out in Rule 2D of the
32 BZA's Rules of Procedure, which was included on page 4 of the main package. He encouraged
33 the BZA members to look through Rule 2D for the five considerations when deciding deferral
34 requests. He said that staff, in looking at this issue, honed in on two different considerations of
35 those five that seemed to address the situation. He said that Consideration #3 is whether the
36 deferral would delay the enforcement or abatement of a violation that is adversely affecting an
37 abutting property, a neighbor, the neighborhood, or the public. He said that as the BZA has seen,
38 they have received a number of complaints from affected neighbors complaining about quality of
39 life issues in the neighborhood.

40
41 Mr. Herrick said that, on the other hand, Consideration #4 is about whether the deferral would
42 allow the appellant or applicant to resolve the underlying issues so that BZA action might be
43 unnecessary. He said that as Ms. Long has indicated, the applicant has made various Special
44 Exception requests, which are going to the Planning Commission and the Board of Supervisors
45 and are not before the BZA today.

1 Mr. Herrick said that it seemed to staff as though those two considerations are the competing
2 considerations for the BZA in whether or not to grant a deferral. He said that at this point in the
3 agenda, they are only looking at whether or not the deferral should be granted , and if the BZA
4 decides to take up the appeal that day, the one and only issue would be whether the Zoning
5 Administrator’s determination of a setback violation was correct or not.

6
7 Mr. Shepherd asked if anyone from the County side wished to use the rest of the 5 minutes, if
8 there was time left. Hearing no remarks, he asked Ms. Long if she had any concluding remarks.

9
10 Ms. Long said she appreciated the Board’s thoughtful consideration of this request in light of all
11 of the circumstances involved. She said the company is diligently pursuing the Special
12 Exceptions and asks for the BZA’s consideration of the reasons stated and the ability to continue
13 the process they have been working on for so many years now.

14
15 Mr. Shepherd directed the discussion to the BZA members, noting that each member would be
16 asked to offer a comment or question, if they choose, then move onto the next member. He asked
17 Ms. Joseph if she had questions or comments.

18
19 Ms. Joseph said in the letter, it states that the letter is to “notify to stop the activity or use
20 outlined above immediately.” She said it then offers the fact that there is an appeal process. She
21 asked County staff if, once the letter is written telling someone to cease and desist, and they
22 appeal it, they are able to continue working with the pieces of equipment that are not in
23 compliance.

24
25 Mr. Svoboda replied that under the Code of Virginia, an appeal to the BZA stays enforcement
26 action.

27
28 Ms. Joseph said this means they can continue their operations within these pieces that are outside
29 of the property line, and within the required setback.

30
31 Mr. Svoboda said this was correct.

32
33 Ms. Joseph asked if a deferral until August would allow the company to continue the operation
34 until August, unless they receive the Special Exception.

35
36 Mr. Svoboda replied that it would continue the stay of enforcement action, and that this was
37 correct.

38
39 Mr. Bowling asked if the deferral is set for August or for July 15.

40
41 Ms. Joseph said the applicant has requested the deferral to the BZA August meeting. She said
42 July is when the Board of Supervisors would hear the Special Exception.

43
44 Ms. Joseph said what happens with the appeal process had been her major question. She said she
45 figured, looking at the timeline of the project, that the appeal would allow them to continue using
46 the property and not stop the activities on the property.

1
2 Mr. Herrick clarified that this appeal simply delays enforcement of the violation in the courts.

3
4 Ms. Joseph said it essentially allows production and activities to continue on the site the way it
5 has been.

6
7 Mr. Herrick said that there was not necessarily a free pass. He said that if the operator continues
8 to operate in violation, additional violations may be incurred. He said that it was not as though
9 the operator was getting a free pass, but simply that State law prohibits the County from seeking
10 enforcement in the courts while an appeal is pending.

11
12 Ms. Joseph asked if there was anything retroactive. She asked about monetary penalties. She said
13 she was trying to figure out why the letter would then be sent asking to cease and desist by a
14 certain date if the company can appeal it and continue operations and not have to cease and
15 desist by a certain date. She asked if this was correct.

16
17 Mr. Herrick replied that it was not that they can continue and be in compliance with the law. He
18 said that in a typical case that is not appealed, if the activity continued unabated, the County
19 would file a warrant in debt and pursue civil penalties in the General District Court. He said that
20 because the applicant filed an appeal in this case, the County is prohibited by State law from
21 seeking that sort of enforcement at this point.

22
23 Mr. Robb said he did not have the letter that Mr. Blaine wrote (dated May 29) in front of him,
24 but that he recalled that the last paragraph stated that Mr. Blaine was representing the Swales and
25 that they would work with the appellant to address the issues and details. He said to him, he took
26 that message to be that the Swales were more than willing to be cooperative. He said the BZA
27 members then received messages from David and Lisa Swales (dated May 31) that they did not
28 agree with the letter that Mr. Blaine wrote, who was representing them. He said this was
29 confusing to him and asked where they should go with this question.

30
31 Mr. Shepherd asked if the question was what to make of the Swales saying they would not object
32 to the deferral and if the Swales would support this deferral if there was no further use of the
33 machine. He said he wanted to make sure the question was right before asking Mr. or Mrs.
34 Swales to respond to that.

35
36 Mr. Shepherd said under the circumstances, it would be fair to allow the Swales to respond to
37 that. He cautioned that he wanted to confine the discussion to the narrow points that are set forth
38 in the Notice of Violation that they are focused on. He said he did not want to get outside of that
39 discussion. He said it would be proper to ask the Swales to respond, however, if they wish to do
40 so.

41
42 Mr. Bowling pointed out that he saw a request on his screen by Steve Blaine for the right to
43 clarify.

44
45 Mr. Shepherd said he did not see that, but he would start with Mr. Blaine if he was present.
46

1 Ms. Alley said she saw Mr. Blaine's hand raised and asked if they should ask Mr. Swales if he
2 wanted to defer to Mr. Blaine to comment, or for his preference.

3
4 Ms. Alley informed Mr. Swales that he could choose to talk with the BZA or defer to Mr. Blaine
5 as his representative.

6
7 Mr. Swales replied that he was happy to defer to Mr. Blaine.

8
9 Ms. Alley asked Mr. Blaine to address the BZA.

10
11 Mr. Blaine said his letter addresses the very narrow point, as the County Attorney has pointed
12 out, that is before the BZA, which is whether or not the delay should be granted. He said his
13 clients and other neighbors have expressed their general displeasure and have noted the problems
14 that the mill has caused for them. He said there have been materials and information about the
15 Special Exception that goes to the merits of the underlying case, which is what the clients and
16 neighbors are focusing on in their objections.

17
18 Mr. Blaine said they hired a lawyer to focus on the procedural matters, which is what his letter is
19 intended to address. He said as a procedural matter, his clients can only get some redress here by
20 at least stopping the operations that are ongoing that would otherwise be in violation of the
21 ordinance. He said he understands reference was made to the sorter stacker, which is 35 feet
22 from the property line. He said the fact of the matter is that the stacker that is operational, as Ms.
23 Long indicates, violates the setback and has been permitted to be operated without any
24 attenuation of the noise all during the time of the Special Exception application.

25
26 Mr. Blaine said their objection is to continue to allow the violation of the ordinance, which is
27 prejudiced to his clients, at the convenience of the company. He said as a compromise, they
28 would offer that rather than litigate the actual notice of the violation, if there is a grant of a stay,
29 at least ask the company to stay their illegal activity until the Special Exception may be heard.
30 He said it seems like a small request but is the time of year when his clients want to enjoy their
31 patio and backyard. He said they want to continue to work with the applicant, and as Ms. Long
32 has indicated, they have reached out to his clients. He said they have not addressed the injuries to
33 his clients, at this point.

34
35 Mr. Blaine said he hoped this clarifies that this is not in conflict. He said he represents his
36 clients, who reviewed his letter before he sent it in. He said it is a difference of a general
37 objection versus his specific objection to the delay and offer of a compromise.

38
39 Mr. Rinehart commented that he was trying to understand why the appellant could not negotiate
40 in the period of time until August and deal with the Board of Supervisors, and why they should
41 stop operation in that short period of time. He said he was sympathetic to the neighbors, read all
42 the letters, and looked at the noise and vibrations. He said he was struggling with why they could
43 not defer this and allow the parties to work it out versus stopping the whole operation and
44 costing people's jobs for several months. He said he was not insensitive to the noise that the
45 neighbors are currently under. He said this was a statement and that he did not have any
46 questions.

1
2 Mr. Shepherd said it was a new idea for him to think of the sorter being separate from the
3 stacker. He said he thought this was one machine. He asked what, exactly, is the subject of the
4 Notice of Violation. He asked if it was the new sorter, or the old stacker, or if this is thought of
5 as one thing. He said the Notice of Violation did not clearly identify what, exactly, is being
6 referred to and used rather general terms about the machines. He clarified he was asking if both
7 the sorter and the stacker are in violation by the Notice of Violation, or only the sorter.

8
9 Mr. Herrick replied that the Notice of Violation cites the piece of equipment constructed in the
10 VDOT right of way as one piece.

11
12 Mr. Shepherd asked if this was the debarker on Route 250.

13
14 Mr. Herrick replied that he believed this was the piece of equipment that most closely encroaches
15 into the right of way. He said that the second piece is the new sorter/stacker constructed on the
16 parcels. He said that he would defer to Mr. Svoboda or to Ms. Green, who he understood wrote
17 the letter, to clarify what structures or equipment might be referred to.

18
19 Ms. Alley said Mr. Patrick May had his hand raised, and that she recalled he is with Yancey
20 Lumber Corporation. She said Mr. May may be able to answer and asked if he should be allowed
21 to speak.

22
23 Mr. Herrick said it was his understanding that Mr. Shepherd was looking for clarification on the
24 Notice of Violation and the contents of that. He said he would suspect that either Mr. Svoboda or
25 Ms. Green would be the best ones to answer the question.

26
27 Ms. Alley agreed and said she just wanted to let everyone know that Mr. May's hand was raised.

28
29 Ms. Joseph asked Mr. Shepherd if Ms. Green could be asked to speak, since she wrote the letter.

30
31 Ms. Lisa Green asked if the BZA was asking about the Notice of Violation that was written in
32 2019.

33
34 Mr. Shepherd said yes.

35
36 Ms. Green said this was based on the list of buildings for setbacks that Zoning looked at with all
37 the buildings in total to see what did not meet the current regulations. She said it had nothing to
38 do with the Special Exceptions coming forth. She said anything new that had been built was not
39 deemed as something that had a permit or nonconforming. She asked if this answered the
40 question.

41
42 Mr. Shepherd replied no.

43
44 Mr. Svoboda said the sorter/stacker is multiple pieces of equipment and is one lengthy process.
45 He said when they look at it on the drawings that are labeled, it is one long piece of equipment
46 that Ms. Long had brought up on her drawing.

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Mr. Svoboda presented an exhibit and indicated to the long piece of equipment.

Ms. Green said based on the current conversation, it seemed to be only about the sorter/stacker, but the violation letter had been written about several other buildings or corners of building for the parcel in total.

Mr. Shepherd said his understanding was that they were looking at something narrower than an entire nonconformity study of the site and that they were only talking about two pieces of equipment.

Mr. Herrick said that this was correct and referred back to the Notice of Violation. He said that if they did not defer the appeal, the underlying question is whether the Zoning Administrator was correct in the Notice of Violation letter on December 20. He said that the Notice of Violation letter only cites setback violations as to the piece of equipment constructed in the VDOT right of way and the new sorter/stacker constructed on these parcels. He said that this is the very limited scope of the underlying issue that would be before the BZA if the deferral were not granted.

Mr. Robb said the day prior, he visited the site, and the sorter and stacker, though in line with one another, are two different buildings. He said one is a metal frame that was under construction and is now halted. He said he wanted there to be the understanding that it was not one building.

Ms. Joseph said she would also like to ask a question that Ms. Green brought up. She said she wanted to clarify that there was no building permit issued for either of these that are discussed in the official determination, and that neither the equipment that is in the VDOT right of way or the new sorter/stacker ever received any kind of building permit approval from the County.

Mr. Shepherd asked if there was any disagreement with that from County staff or the appellant.

Mr. Herrick replied that he would have to defer to Mr. Svoboda or Ms. Green.

Mr. Svoboda said there were permits that were applied for in some instances, but not issued, as they went through the process. He said depending on whether or not they were talking about equipment or buildings would depend on whether or not building permits are needed. He said as they go to put buildings around the equipment, the buildings would require permits but not necessarily the equipment.

Ms. Long asked Ms. Joseph if she could respond to the question.

Mr. Shepherd said yes.

Ms. Long said neither piece of equipment has a building around it yet. She said there is a plan to do that, and that the company very much wants to do so. She said in order to construct a building, however, they need a building permit, and in order to obtain a building permit, they need relief from the setback regulations, which is why they applied for that relief two and a half years ago.

1
2 Ms. Long said the company has long wanted to enclose the equipment in a building to reduce
3 any noise from them. She said they have repeatedly stated this to the neighbors, but they are not
4 authorized to do this until the Special Exception is granted. She said they are hopeful that this
5 will occur in mid-July.
6

7 Ms. Long added that there is no longer any equipment located in the VDOT right of way. She
8 said among other measures that the company has undertaken, they spent ten months working
9 with VDOT and purchased 10 feet of land across the entire frontage of the property along Route
10 250 to buy back land from VDOT (which was acquired by VDOT when Route 250 was widened
11 many decades ago). She said it was originally the company's land, and they had to buy it back,
12 which took quite a long time going through the VDOT process. She said that equipment is no
13 longer located in the VDOT right of way.
14

15 Ms. Long also added that the appellant disputes the merits of the zoning violation, which is why
16 they have it on appeal. She requested the BZA grant the appellant the opportunity to continue to
17 work through the Special Exception process, given there is a chance it may allow the underlying
18 issue to be resolved. She said if not, they will welcome the opportunity to come back before the
19 BZA and discuss this violation appeal on the merits.
20

21 Mr. Shepherd asked Mr. Bill Fritz to describe what has been happening between the County and
22 the company since the request was made for the Special Exceptions two and a half years ago,
23 how this process has been progressing, and if he sees any significant effect on that process by
24 anything the BZA might do that day (i.e. deferral or making a ruling on the violation).
25

26 Mr. Fritz said if the BZA were to hold the hearing that day and find that no violation existed,
27 there would be two fewer Special Exceptions the Board of Supervisors would need to consider.
28 He said if the BZA upholds the Zoning Administrator's decision, then those Special Exceptions
29 would go before the Board of Supervisors. He said the BZA acting or not acting that day does
30 not impact the Special Exceptions, as there are numerous Special Exceptions for a wide range of
31 matters.
32

33 Mr. Fritz said the applicant made an initial application. He said they have done sound studies. He
34 said there was also the significant issue that, with the exception of a building permit for an
35 expansion of the office building up front, there have been no building permits for any structures
36 out there. He said all the buildings do not have building permits, so staff has been working to
37 figure out how to retroactively issue those building permits, and that this work has been picking
38 up lately.
39

40 Ms. Long asked if she could weigh in on this.
41

42 Mr. Shepherd replied yes.
43

44 Ms. Long said to the specific question about the delay, in addition to the many challenges with
45 this process, the company spent about one year with the Special Exception request on hold
46 because there was an issue that came up with the company. She said there was a hum or noise

1 coming from what turned out to be a fan that is part of the boiler of one of the kilns. She said in
2 approximately August of 2018, while the company was diligently pursuing the Special Exception
3 requests, the company undertook routine maintenance and replaced the fan, which unfortunately
4 created a noise at a certain decibel or frequency that was quite loud and disruptive to the
5 community. She said the company figured this out on their own, after some testing, and
6 immediately undertook measures to correct the problem.

7
8 Ms. Long said unfortunately, it turned out to be far more challenging to correct than anyone had
9 ever anticipated. She said they consulted with numerous industry experts and consultants around
10 the country, and expended hundreds of thousands of dollars on silencing mufflers for the stack
11 and other mechanisms to attempt to mitigate the noise. She said during that time, the company
12 scaled back their operations substantially and did not operate the kiln at night so that they could
13 avoid any noise or further disruption of the neighbors. She said they also essentially turned the
14 kiln off during the holidays and on weekends. She said they worked very hard with the
15 community. She said it was a very challenging time for the company and for the community.

16
17 Ms. Long said they did not feel it was appropriate to bring the Special Exception requests before
18 the Planning Commission and the Board of Supervisors at that time. She said they recognized
19 that the most immediate focus by the company should be on fixing the problem with the fan
20 noise. She said they had thought initially that this might take a month or two, at most, but it
21 unfortunately took nearly a year, perhaps even longer. She said they had three pieces of
22 equipment specially designed, engineered, and manufactured at substantial expense on rush
23 orders. She said one was manufactured and shipped in Canada, and one was manufactured in
24 England. She said the company diligently pursued the issue to its resolution and that it has been
25 fixed.

26
27 Ms. Long said they then immediately resumed work on the Special Exception. She said they did
28 not want to bring the requests immediately before the Planning Commission and the Board, as
29 they knew they needed to take a month or so to allow things to settle out. She said they also
30 wanted to allow some time to have the new fan and new noise cancelling mechanism work and
31 confirm that it would be effective before moving forward with the public hearing. She said other
32 than that, they followed up and had a new round of noise and vibration tests taken to confirm or
33 update any readings that had occurred in the past year. She said they had detailed plans prepared
34 and updated to substantially address the Special Exception requests.

35
36 Ms. Long said Mr. Fritz was correct that there were a number of Special Exception requests but
37 that she wanted to note that the particular reason for that is because it was specifically suggested
38 to the appellant when they first met with the County Zoning Administrator in late 2018. She said
39 they agreed with the suggestion and that it made sense not only to ask for relief from setback
40 regulations from any new equipment they wanted to complete and bring into operation, but that
41 they look at any regulations that the company is essentially grandfathered by and ask for relief
42 from those regulations as well. She said this would result in the entire site being in compliance
43 with all regulations.

44
45 Ms. Long said this mill began operation in this location 71 years ago, in 1949. She said all of the
46 regulations that are at issue were adopted in 1980. She said many of the Special Exception

1 requests that are pending are essentially to ask for relief from regulations that the company is
2 exempt from as a legal nonconforming. She said that not all, but several, of them are. She said it
3 was suggested that they assemble a comprehensive package of Special Exception requests and
4 submit them all at one time so that there would be no question about the company's compliance
5 in the future. She said that is why there is a package of them.

6
7 Mr. Shepherd said one issue hanging over the discussion is the suggestion that there is a request
8 that the neighbors would ask the company to suspend certain activities pending the resolution of
9 the Special Exceptions. He asked if this was something the company wishes to pursue or agree
10 to.

11
12 Ms. Alley reminded Mr. Shepherd that Mr. May had his hand raised to speak.

13
14 Ms. Long said Mr. May would like to respond and that she believed it would be appropriate for
15 him to do so. She asked if she could add a few comments first.

16
17 Ms. Long said as noted by Mr. Blaine, she and the company have met with the Swales on a
18 number of occasions. She said Mr. May has been meeting with them regularly. She said the
19 company has had noise studies taken at their property at their request. She said they have worked
20 very hard to better understand their concerns and work with them on compromise options.

21
22 Ms. Long said the company is absolutely willing to compromise and try to address issues
23 anywhere and everywhere they possibly can, so long as they do not require the business to shut
24 down. She said unfortunately, shutting down the stacker would do just that. She said it would
25 shut down the entire business and that they could not continue their operations in any viable
26 fashion without the ability to continue operating the stacker.

27
28 Ms. Long said she wished there were an opportunity to construct a building around the
29 equipment that day. She said today, they would build the sound barrier wall and add the
30 insulating noise attenuation material to it. She said unfortunately, they are not able to do so until
31 the Special Exception is granted, if it is. She said if not, they will have serious issues to contend
32 with. She said the appellant knows this, which is why they are working hard to do it, but that
33 shutting down the stacker is not a compromise position from the company's perspective,
34 unfortunately.

35
36 Ms. Long said in their numerous meetings with the Swales, they have continuously stated they
37 do not wish the mill to have to shut down. She said they are very understanding of the Swales'
38 position and the aggravation they have endured. She said if the stacker shuts down, however, it
39 kills the business, all the jobs that come with it, and all the economic revenue that comes to the
40 County right now. She said they have a study from the County's Economic Development Office
41 that demonstrates that the company contributes \$32 million to the County.

42
43 Ms. Long said this delay in having the Special Exception heard by the Planning Commission and
44 Board of Supervisors was not due to the company. She said it was an unfortunate delay they had
45 absolutely no choice in. She said they wish they had been able to continue, but it was a terrible
46 timing situation. She said they were ready to go a week before the first meeting was cancelled.

1
2 Ms. Long said this delay was not due to the company. She said they think it is only fair,
3 reasonable, and appropriate that they be granted a one-month or two-month delay. She said they
4 would like two months but would take one if they have to. She said they suffered what would be
5 a three-month delay on the Special Exception request. She said they were just asking that the
6 company not be penalized and prohibited from carrying out that process and given the
7 opportunity for the Board of Supervisors to consider those requests before this hearing on the
8 appeal.

9
10 Ms. Long said she would like Mr. May to weigh in further to address the question.

11
12 Mr. May said Ms. Long summed up the issue well. He said both pieces of equipment are critical.
13 He said everything that the mill does is essentially streamlined from one piece of equipment to
14 another, and they are all tied to one another. He said when one piece goes down, the entire
15 business comes to a stop.

16
17 Mr. May said they are happy to work with the Swales and the neighbors. He said he has slowed
18 down the stacker and is looking at putting in supports that will help dampen the sound, since that
19 seems to be the major issue they have. He said he has tried to get their support so they can put a
20 building around that stacker so that they can dampen the noise and reduce any discomfort it
21 causes the neighbors.

22
23 Mr. May said the main point is that both pieces of equipment are critical to the company's
24 existence and that without them, the company is no longer there.

25
26 Ms. Alley said Mr. Blaine's hand was raised as well.

27
28 Mr. Shepherd called on Mr. Blaine to speak.

29
30 Mr. Blaine said his understanding of the company's position is that they went forward with
31 installing equipment that violates the ordinance. He said their relief requires a legislative act, and
32 they are saying they must shut the entire company down if they are not given that. He asked what
33 they did before they built the new sorter/stacker. He said what the company said is that they had
34 out-of-date former equipment, and either abandoned it or ceased maintaining it to pursue new
35 equipment that cannot be operated legally. He said they made a decision as a company to give
36 the County no choice, as what they are saying is that they must have the Special Exceptions, or
37 they are going out of business. He asked how the County can regulate businesses to go forward
38 in that manner and posture, then leave the legislative organization no choice.

39
40 Mr. Blaine said the company had a choice to go forward with this and did so a year and a half
41 ago while violating the ordinances. He said he realized they were not issued a "cease and desist"
42 until December, but the fact of the matter was that they were giving the County no option. He
43 said this is not the way businesses should be allowed to operate and be regulated.

44
45 Ms. Long asked if she could respond to this.

46

1 Mr. Shepherd said yes.
2
3 Ms. Long said she believed that the appellant long ago ventured beyond the question at issue
4 here, which is on the deferral request. She said she realized that as part of the Board's decision-
5 making process, it is very helpful to have additional background information and to answer their
6 specific questions, and that she appreciated the opportunity to provide this background
7 information. She asked to focus on the specific question at issue on the deferral and those factors
8 in the BZA's Rules of Procedure about fairness, the potential ability to resolve the underlying
9 issue before the appeal, and the fact that this is not solely for the convenience of the company
10 because the need for the deferral is in no way due to the company's delay. She said the delay was
11 forced upon them.
12
13 Ms. Long said the company has been working diligently to try to address the concerns. She said
14 they are asking for a delay to complete an expensive, time-consuming process that they have
15 undertaken for several years and have been pursuing diligently. She said she believes this is what
16 is important here.
17
18 Ms. Long said Mr. Blaine may have his own opinions on how the Board of Supervisors should
19 consider the Special Exception and may have the same comments as to how the BZA should
20 handle the appeal itself. She said this is not what the question is at the moment. She said the
21 question is on the deferral request only.
22
23 Ms. Long said the appellant believes it is entirely reasonable to have the ability to continue the
24 same order that this process has continued since the violation was issued, which is to allow the
25 Special Exception process to go forward first. She said it would be inappropriate to not allow
26 that process to continue, given that the delay was not due to the applicant's actions, and certainly
27 was not to any benefit to the applicant. She said every day that goes by makes it more and more
28 challenging for this company, so they have desperately begged to get before the Planning
29 Commission and Board of Supervisors for many months.
30
31 Ms. Alley noted that Mr. May's hand was raised.
32
33 Mr. Shepherd said he wanted to wrap up the hearing soon but that he wanted to hear from Mr.
34 May.
35
36 Mr. May said Ms. Long covered everything he wanted to say and had no extra comments to add.
37
38 Mr. Shepherd said they had heard what they needed to hear. He said he could ask for a motion,
39 or circle through the Board members to make statements and get a general idea of what they
40 would like to do.
41
42 **MOTION:** Mr. Rinehart moved to defer AP202000001 R.A. Yancey Lumber Corporation 55-
43 111B and 55-112 to the August 4, 2020 BZA meeting. Mr. Robb seconded the motion.
44
45 Ms. Joseph said she felt that they were just looking at this determination of violation. She said
46 she appreciated that there were so many people from the public that have weighed into this and

1 hoped that they will be seen and heard at the Planning Commission meeting and the Board of
2 Supervisors meeting. She said the BZA has read letters from the Swales, Tom Goeke, Heather
3 Dickey, Alice Faintich, Debbi Meslar-Little, Terry Maynard, and Lillian Mezey. She said she did
4 read all the letters and was sure the rest of the BZA read them, so they do take these into account.
5

6 Ms. Joseph said this determination of violation, however, only deals with two things, and it is the
7 fact that there is a piece of equipment constructed in a VDOT right of way and the new
8 sorter/stacker constructed on these parcels do not meet the required setbacks. She said what they
9 have heard is that the applicant has purchased property from VDOT, so hopefully this was taken
10 care of, but that they have already heard from Mr. Fritz and Ms. Long that these issues will
11 perhaps be taken care of if they get approval from the Board of Supervisors.
12

13 Ms. Joseph said right now, however, all of the other issues that people are concerned about are
14 the purview of the Board of Supervisors. She said the BZA just cannot do that. She said the only
15 thing the BZA was looking at are the violations stated in the letter of December 20, 2019. She
16 said this is her reasoning for being able to support this deferral request.
17

18 Mr. Robb echoed Ms. Joseph's comments and, as he stated his feelings earlier, had nothing to
19 add.
20

21 Mr. Shepherd said he clearly saw both sides of the issue and that both sides are very compelling.
22 He noted that in general, this matter has been under active discussion for almost two and a half
23 years. He said there is a process undergoing to resolve this once and for all. He said they were
24 only really there at the meeting because of the intervention of the virus, which delayed the
25 timeline that the Planning Commission and Board of Supervisors were on to address this, which
26 then brings in the BZA out of the necessity of meeting the 90-day requirement, which he felt was
27 unfortunate.
28

29 Mr. Shepherd said he wanted to allow the process to stay on the track it is on but wanted to make
30 clear to everyone that if this is deferred to the August 4 meeting and is not resolved by then, on
31 August 4 they would take this up again with none of the mitigating circumstances before them
32 and will simply look at the violation itself and take action. He said he could clearly see the power
33 behind both arguments, but with that said, with the history of this, the intervention of the virus,
34 and the opportunity to make a clear and definitive determination in August makes him want to
35 support the motion.
36

37 Mr. Shepherd asked Ms. Alley to call for the vote.
38

39 Ms. Alley called for the vote from each member. The motion passed unanimously (4-0).
40

41 Mr. Rinehart asked a technical question regarding the possibility of a Board of Supervisors
42 outcome that did not please the applicant which resulted in them appearing before the BZA and
43 the legal notice requirements for hearing the time on August 4. He said perhaps Mr. Svoboda
44 could respond to that.
45

1 Mr. Svoboda said if the hearing is scheduled for August 4, the County would meet whatever their
2 required advertising and notification requirements are under the local ordinance and under State
3 Code.

4
5 Mr. Rinehart asked if this would still give staff enough time, even if they were waiting for the
6 Board of Supervisors' decision.

7
8 Mr. Svoboda replied yes.

9
10 Mr. Shepherd thanked everyone who weighed in on the matter, adding he hoped it would have a
11 good resolution. He acknowledged that not everyone attending was satisfied.

12
13 Ms. Long said she appreciated the Board's support.

14
15 **4. Approval of Minutes**

16 **A. February 4, 2020**

17 **MOTION:** Mr. Rinehart moved to approve the February 4, 2020 minutes. Mr. Robb seconded
18 the motion.

19
20 Ms. Joseph said she would assume where some things were struck out and replaced with
21 different words, these would not be shown in the final minutes.

22
23 Ms. Alley said this was correct.

24
25 Mr. Shepherd said he clearly remembered reading the minutes carefully as they were preparing
26 for the appeal and found that they accurately reflected the discussion and particularly the
27 decisions and findings they made.

28
29 The motion passed unanimously (4-0).

30
31 Mr. Shepherd asked Mr. Herrick to inform the courts that the minutes were approved and valid.

32
33 Mr. Herrick said that Ms. Alley could substitute these now-approved final minutes of February 4,
34 2020 into the record, if this is what the BZA would like her to do.

35
36 Mr. Shepherd said yes.

37
38 Ms. Joseph said she would like Ms. Alley to let her know when the minutes are finished so she
39 can come in and sign them.

40
41 Ms. Alley said she would do this.

42
43 Ms. Joseph said she wanted to interject something regarding the deferral request. She said that as
44 Ms. Long said as she was leaving, she appreciated the Board's support for the item. She noted
45 that she was not offering Ms. Long support for the Special Exception. She said she was simply
46 voting on what was before the BZA. She said she wanted this included in the minutes.

1
2 Mr. Bowling expressed that it was too late for this.

3
4 Ms. Joseph said the minutes had not been done for this yet.

5
6 Mr. Bowling said he meant it was too late as far as the matter was concerned. He said the
7 statement could appear in the minutes but that the matter was done.

8
9 Ms. Joseph said she just wanted the statement in the minutes. She said the comment was said
10 after she had made the vote, and that she did not want it misconstrued that she was adding her
11 support for the Special Exception.

12
13 **5. Old Business**

14 **A. Training Update**

15 Mr. Svoboda said the training was on hold and that he would check with the Circuit Court to see
16 how or where they are, if possible, in the process for the Board's new member. He said they
17 would also try to time the training to be able to train everyone at once, including a new member.
18 He said if this process goes longer, however, they may get together with the current members.

19
20 Mr. Rinehart said he assumed they would be looking at the fall for training rather than
21 encumbering vacations and members or staff going out of town.

22
23 Mr. Svoboda said there was a July meeting scheduled and now one in August.

24
25 Ms. Alley noted that it was July 7.

26
27 Mr. Rinehart referred to the training and asked if Mr. Svoboda's intent was to tie it in with a
28 meeting.

29
30 Mr. Svoboda replied that depending on the item and the timing they have to get prepared for it,
31 training would probably not be in July or August. He said July may not give staff enough time to
32 prepare and that there could be a number of speakers at the August appeal, which could take
33 some time. He said the training was more likely to happen in September or October. He said he
34 would take a harder look at the July agenda and see if they have some time to get started on the
35 training.

36
37 Mr. Shepherd said it was important to include the new member in the training. He said he hoped
38 the court would move quickly on that, as it would be a great way to serve as an orientation for
39 the new member and also allow the Board to get to work together on something before actually
40 getting a hearing. He said it was important to wait for that. He said when they know the new
41 person is on board, they can focus on finding a time that works for everyone. He said it was
42 important to all do the training together, and perhaps this meant waiting until the fall.

43
44 Mr. Svoboda said this was up to the Board.

1 Mr. Shepherd said he didn't plan on anything anymore and that he wanted to meet in person, but
2 they cannot. He said it was hard to make definite plans at this point but that they would do the
3 best they could with this.

4
5 Mr. Rinehart asked if, with as few people that would be in the training, there would be any
6 reason why they couldn't have social distancing in Lane Auditorium so they could be in person
7 for that training.

8
9 Mr. Svoboda replied that he would check on the policy. He said they are currently reviewing
10 moving into Phase II and moving towards normalcy. He said he would check on what they have
11 available per the guidelines.

12
13 Mr. Herrick said that the scheduling of the building is up to the County Executive. He said that
14 immediately before the Board of Supervisors started doing virtual meetings, their final in-person
15 meetings in Lane Auditorium required them to sit in every other seat. He said that the six-person
16 Board of Supervisors was able to meet at the dais. He said that ultimately, this is a question for
17 the County Executive and when exactly the County will reopen the County Office Building.

18
19 Mr. Shepherd said many adjustments were being made these days, and perhaps it would be
20 possible to meet in some other venue where they are in an area outside, for instance. He
21 expressed he was open to ideas and appreciated face-to-face meetings, especially for the training,
22 which would benefit from the flow of give and take and face-to-face conversation and would be
23 stilted in a virtual situation. He said he would like something better than just a PowerPoint. He
24 said they can take this on when they are a full Board, and that Mr. Svoboda had a sense of the
25 Board as he is making the plans.

26
27 Mr. Rinehart asked Mr. Herrick if they could legally have a Zoom training follow-up to this
28 meeting to hone in on how they did and procedurally, how they might modify up and coming
29 hearings. He asked if this was appropriate.

30
31 Mr. Herrick replied that he was happy to provide training or education on whatever topics Board
32 members would like. He said that he always prefers to give training in more general terms rather
33 than reference to any specific applications.

34
35 Mr. Rinehart clarified he was talking about this Zoom hearing, where he saw some things that
36 they need to improve on. He asked if they could have another training session just on conducting
37 themselves on Zoom.

38
39 Mr. Herrick replied yes, noting that he was sure Ms. Alley, IT staff, and others would be happy
40 to provide more Zoom training, especially if they are just focused on the topic of how to conduct
41 Zoom meetings specifically, not considering applications or any other business before the BZA.

42
43 Ms. Joseph asked Mr. Svoboda if he receives any new information about the new BZA member,
44 could he let the members know what is going on.

45
46 Mr. Svoboda replied yes.

1
2 Ms. Joseph agreed with Mr. Rinehart, adding she would like more of an idea of how to proceed,
3 including who is speaking and not speaking and how they enter into the conversation. She
4 expressed that it seems to follow a looser format than when they are sitting on the dais. She said
5 she would like to work through this also.
6

7 Mr. Herrick said that as an initial suggestion, there are other public bodies of the County that are
8 meeting via Zoom. He said that evening at 6:00 p.m., he would be involved in another Zoom
9 meeting with the Planning Commission. He said that if members are interested in how other
10 public bodies are handling Zoom, the Planning Commission would be meeting that evening, and
11 the Board of Supervisors would have a Zoom meeting the next day in the afternoon. He said that
12 members are welcome to tune in to those meetings online.
13

14 Mr. Svoboda recommended that when Board members look at those other bodies' meetings, they
15 look at them through the operation of the meeting and not necessarily from the public view of
16 receiving the presentation.
17

18 Mr. Shepherd said he would benefit from that and would take up that suggestion.
19

20 Mr. Robb asked about his technical issues and what he could do to resolve them.
21

22 Mr. Svoboda said he would have Ms. Alley call Mr. Robb to help work out the issues.
23

24 Ms. Alley said she would touch base with Mr. Robb the next day to come up with alternatives.
25

26 **7. Adjournment**

27 **MOTION:** At 3:44 p.m., Mr. Rinehart moved to adjourn the meeting. Ms. Joseph seconded the
28 motion, which passed unanimously (4-0).
29

30 (Recorded by Marsha Alley and transcribed by Beth Golden)
31

32 Respectfully Submitted,
33
34

35
36
37 

Marcia Joseph, Secretary Board of Zoning Appeals