

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, SEPTEMBER 19, 2000, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Fred S. Crittenden, Pinetop District  
Kenneth W. Williams, Pinetop District  
Lenora O. Weber, Saluda District  
Frank Jessie, Jamaica District

Absent: John D. Miller, Jr., Saluda District

Charles M. Culley, Jr., County Administrator  
Michael T. Soberick, County Attorney

**CALL TO ORDER**

In absence of the Chairman, Mr. Miller, Vice Chairman Williams, called the meeting to order at 7:30 P.M., and opened with a prayer.

**PUBLIC HEARING – ZONING ORDINANCE AMENDMENT APPLICATION 2000-05,  
SPORT SHOOTING FACILITY**

Planning Director, Tim Wilson, introduced Zoning Ordinance Application 2000-05, a request from Macey White, Jr. to include “sport shooting facility” as a special exception use in the Low Density Rural (LDR) Zoning District (District) Regulations. It was noted that a similar use, Hunting club, is a permitted use in the LDR District. While both involve the shooting of firearms, a sport shooting facility range is different in that (1) it is not necessarily a nonprofit association operated as a club for the exclusive use of members, and (2) the actual shooting of firearms is the primary activity of the use. The Board of Supervisors, in 1992, denied a request for a “sporting clay facility”, proposed for property in the Jamaica District. With that application, opposition was expressed to the fact that the facility would be used on Sunday’s and was in close vicinity to a church. With the current application, the Planning Commission voted 6-3 to recommend approval of the application, noting however, that each supplemental application for special exception could have specific conditions.

Mr. Williams opened the hearing for comments from the public. The applicant, Mr. White, presented the benefits of having locations available in the County for the controlled use of firearms, stating that a sport shooting facility was no more intrusive than other permitted uses of the District, and that a facility would be compatible with hunting and hunt club uses in the District.

Richard Edwards, Anthony Meushaw and Peg Meushaw all expressed concerns regarding the broadness of the application, with no restrictions placed on the proposed use. Mr. Edwards noted that different calibers of weapons required different constraints and concerns, and criteria needed to be established for downrange

distances, buffers and noise abatement, adding that a dead zone for future development would be created for properties surrounding such a facility.

The following citizens spoke in favor of the amendment, noting their support for well-regulated facilities that would provide an organized and safe training environment for children and adults: Jean Pearce, Sam Ogden, Mike Bristow, Clarence Jones, Herman Market, Oscar Barber, Ester Bushey, Nancy James, Tammy Ellis, Shawn O'Connell, Ric Davila, Lane Cox, Ian Eberton, Sandra Rose, John Gordon, Jim Stone, Gilbert Olsen, Lloyd Gammon, Dave Koteet, Christian Davila, and April Campbell. Jean Pearce, real estate appraiser, commented that a shooting facility in Yorktown did not have any detrimental effect on development in the area.

Mr. White noted that standards for individual facilities could be provided by the National Rifle Association (NRA) and that if the amendment was adopted, he would present a site plan along with an application for special exception that would meet the requirements. Mr. White encouraged everyone to attend his existing club facility and to preview his site plan once submitted.

There being no further comment from the public, the hearing was closed for public comment. Mrs. Weber suggested sending the application back to the Planning Commission for the establishment of conditions and standards for such an application. Mr. Wilson explained that because there were so many types of sport shooting facilities and variables with each type that it would be extremely difficult to list conditions that could apply to each application. He explained that by making "sport shooting facility" a special exception use, the Board would be able to make specific regulations for each site and application.

Mr. Crittenden reminded the Board that the application submitted in 1992 was for a specific site, and was denied because it was decided by the Board that the application was not suitable for the site. Mrs. Weber reminded the Board that the Commission was aware when they made their recommendation that there had been a request in 1992, or the restrictions that were originally considered with that application.

Mr. Williams noted that all concerns needed to be addressed in an application and assistance by experts would be needed. Mr. Wilson suggested looking to nationally recognized standards for each type of facility, then adjusting them to fit specific sites on a case-by-case basis. Mr. Culley reminded the Board that listing criteria could make it harder to deny an application that met all the requirements; it would be better to handle each separately.

Mr. Crittenden presented letters he had received from Lester Kennean and Gary Inge in favor of the application. Mr. Crittenden motioned to approve the application, seconded by Mr. Jessie. More discussion followed concerning the policing of the facility. Mr. Soberick and Mr. Wilson commented that it would be the permit holder's responsibility to meet the requirements the Board establishes with each conditional permit. One of the conditions can be that if the conditions are not met, the Board can

revoke the permit. The motion passed by a unanimous vote, 4-0, with Mr. Miller absent.

### **PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION 00-05, DELAWARE CORPORATION, SELF-STORAGE BUILDINGS**

Mr. Wilson presented the Staff Report for Special Exception Permit Application 00-05, submitted by Delaware Corporation for the construction and operation of three (3) self-storage buildings, to be located on 17.98 acres, Tax Map 37-4 in a Low Density Rural Zoning District. Two of proposed units would measure 225' x 80'; the third unit, 210' x 80'. Fencing and shrubbery is planned for installation between the buildings and Route 33. The Planning Commission recommended unanimous approval of the application with the following conditions: commercial entrance permit and establishment of shrubbery within 90 days.

Mr. Williams opened the hearing for comments from the public. Mr. Oscar Barber, applicant, commented that the units would be different from other storage facilities in the County, in that they would be climate controlled. Mr. Barber noted that the location for the buildings would not perk, and could not be used for anything else, as it had been used as rock storage area for a previous business.

There being no additional comment, the public portion of the hearing was closed. Mrs. Weber questioned the beginning of the 90 day time limit, because the buildings were proposed to be built in phases. Mr. Wilson commented that the 90 days would begin with the completion of the first unit. Mr. Crittenden commented in favor of the landscaping.

The motion to approve the application as follows was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously:

- Commercial entrance permit approval by VDOT.
- Installation of proposed landscaping as shown on the submitted sit plan within 90 days of building completion.

### **HEALTH INSURANCE**

Mr. Culley reported that a renewal quote from Southern Health for employee health insurance had been received, at an increase of 5.4%. Mr. Culley questioned whether the Board wished to accept this offer, or request bids for similar policies. Mr. Culley added that other localities had received renewal rates much higher than 5.4%. The motion to request a renewal at 4%, negotiating to a maximum of 5.4% with Southern Health was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

### **CONDOLENCE FOR CONGRESSMAN BATEMAN**

The motion to send a donation to the American Cancer Society in the amount of \$100.00 in memoriam to Congressman Herbert Bateman was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

### **WOODWARD BUILDING AIR CONDITIONING**

As a continuation from the September 5<sup>th</sup> meeting, Mr. Culley announced that he had met with a third contractor, Hodges and Bryant, to obtain a quote on replacement of the air conditioning systems in the Woodward Building. Nothing had been received from the contractor. The motion to award the contracts for replacement of the first and second floor systems at a cost of \$13,700 and \$29,200 respectively, to Crowther Heating and Air Conditioning, appropriating \$40,575 from the Capital Improvements budget (\$42,900 less \$2,325 for doing the work simultaneously) was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

### **OLD BUSINESS/NEW BUSINESS**

#### ***Jail/Inmate Labor:***

Mr. Culley announced that he had met with the guard in charge of the "road crew" and explained the work to be done on the floors. Mr. Culley is waiting to hear from the guard as to the date the work will be scheduled.

#### ***Hutchins vs. Board of Zoning Appeals:***

Mr. Soberick informed the Board that the State Court of Appeals had ruled that the Hutchins vs. the Board of Zoning Appeals did not warrant appeal to that Court, thus upholding the actions by the Circuit Court and the Board of Zoning Appeals.

#### ***Delaware Corporation vs. Board of Supervisors:***

Mr. Soberick informed the Board that Circuit Court Judge Shaw had ruled in favor of the County.

### **ADJOURN**

The motion to adjourn the meeting was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously. The next regular meeting would be held on Tuesday, October 3, 2000, beginning at 9:00 A.M.

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John D. Miller, Jr., Chairman  
Board of Supervisors