

Agenda

Botetourt County Board of Zoning Appeals

Botetourt County Administration Center
57 S. Center Drive, Daleville, Virginia
Auditorium
Tuesday, October 12, 2021, 9:00 AM

*Anyone interested in addressing the Board of Zoning Appeals should complete a "Request to Speak" form and give it to the secretary before the meeting begins. Forms are located with the agendas and at the secretary's table. When your name is called, please go to the podium and **state your name and address** before making your comments. Comments made to or from the audience during testimony or commission deliberation are not permitted. Recognized speakers and the audience must be courteous at all times. A time limit of three minutes per speaker (unless otherwise provided for by a majority of the Board of Zoning Appeals members present) will be observed. **Per Centers for Disease Control guidelines, we encourage masks and social distancing.***

1. Call to Order.
2. Review and approval of September 14, 2021 minutes.
3. Jerry L. Fraley, Trustee of the Jerry L. Fraley Revocable Trust and Trustee of the Fraley Family Restated Irrevocable Dynasty Trust, and Rocky Forge Wind LLC have appealed the decision of the Botetourt County Zoning Administrator's July 7, 2021 letter of determination regarding a condition which required site plan approval by 12 months from the date of the granting of a May 26, 2020. The Board will hear arguments and evidence in support of each party to the appeal's position.
4. Public Hearing: Jerry L. Fraley, Trustee of the Jerry L. Fraley Revocable Trust and Trustee of the Fraley Family Restated Irrevocable Dynasty Trust, and Rocky Forge Wind LLC have appealed the decision of the Botetourt County Zoning Administrator's July 7, 2021 letter of determination regarding a condition which required site plan approval by 12 months from the date of the granting of a May 26, 2020. The Board will hear from members of the public regarding the appeal. Members of the public will have three (3) minutes to speak before the Board.
5. Motion to go into closed session for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Section 2.2-3711A(8) of the Code of Virginia of 1950, as amended in regard to an appeal of the Zoning Administrator's determination on the validity of Special Exception Permit authorizing a Utility Wind Energy System.
6. Return to regular session and adopt the following resolution by roll call vote:

BE IT RESOLVED, it is certified that to the best of each Board of Zoning Appeals member's knowledge only public business matters lawfully exempt from open meeting requirements and only such matters as were identified in the motions to go into Closed Session were heard, discussed or considered during the Closed Session.
7. Public hearing closed, followed by discussion and rendering of decision.
8. Adjournment.

It is the intention of Botetourt County to comply with the Americans with Disabilities Act (ADA) in all respects. If an attendee or participant at this meeting needs special assistance beyond what is normally provided, Botetourt County will attempt to accommodate you in a reasonable manner. Please contact Laura Goad (540.928.2080) at least 72 hours prior to the meeting to inform us of your particular needs and advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.