

## Bill Fritz

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**From:** Rob Langdon <rob.langdon@gmail.com>  
**Sent:** Wednesday, December 11, 2019 8:04 AM  
**To:** Bill Fritz  
**Subject:** Re: Yancey Mill

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Good Morning, Bill,

With regards to the setback adjustment proposal at Yancey Lumber, it would be my prayer that the new setback boundaries **ONLY** be applied to the buildings that currently don't meet the current setback requirements, and **NOT** be applied to the entirety of the Yancey property.

Thanks,  
Rob

On Nov 21, 2019, at 5:38 PM, Bill Fritz <[BFRITZ@albemarle.org](mailto:BFRITZ@albemarle.org)> wrote:

I have not gotten the presentation yet. I will add you to the distribution list. Attached is the information I currently have.

William D. Fritz, AICP  
Development Process Manager/Ombudsman  
434-296-5823 ext 3242

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**From:** Rob Langdon <rob.langdon@gmail.com>  
**Sent:** Thursday, November 21, 2019 4:56 PM  
**To:** Bill Fritz <[BFRITZ@albemarle.org](mailto:BFRITZ@albemarle.org)>  
**Subject:** Yancey Mill

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Greetings Bill,

I spoke with you at the meeting the other night and you were going to try to get a copy of the presentation maps, etc. I was wondering if you were successful in your endeavors, and if so, how I can get copies.

Also, would you please add me to your Yancey Mill happenings email list?

Thanks,  
Rob Langdon  
<Applicant submittal aerial photo with setbacks.pdf><Applicant submittal information.pdf><Application.pdf><ARB Plan 9-17-18.pdf><Building evaluation report.pdf><community

February 23, 2020

Re: oppose R.A. Yancy Lumber Corporation special exemption requests for noise and vibration

Dear Planning Commission,

I am writing to ask you to deny R.A. Yancy Lumber Corporation's special exemption requests to the Albemarle County zoning ordinances, specifically in regards to allowable noise and vibration levels. The sound study completed by Acentech demonstrated that the R.A. Yancy Lumber Corporation is out of compliance with county ordinances by exceeding the allowable sound levels at multiple locations both during the day and at night. I have reviewed the materials they submitted; while Yancy Corporation seems to minimize the impact of their request, they are actually requesting very significant exceptions to the regulations, by as much as 28% over what is allowed by ordinance (from 60dBA to 77dBA in the daytime).

I am strongly opposed to their proposal. As Crozet continues to grow dramatically, noise pollution does as well, in an additive way. The County zoning ordinances are in place for good reasons: to protect residents' physical and mental health and wellness. There is a large body of well-established scientific evidence for the multiple adverse health effects of noise pollution, from stress and anxiety to high blood pressure and heart disease.

Multiple residential areas exist in close proximity to the Yancy Mill, and more are being built as I write this. It is important for Albemarle County to continue to protect the welfare of its residents by holding companies to its very reasonable regulations. In addition, I worry that granting an exception to one entity will set an unfortunate and dangerous precedent for others.

Thank you for your consideration of my opposition.

Sincerely,

Lillian Mezey, M.D.

7153 Hampstead Drive

Crozet VA 22932

[lmezey@comcast.net](mailto:lmezey@comcast.net)

(434) 996-7273

## Bill Fritz

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**From:** Epstein, Howard E (hee2b) <hee2b@virginia.edu>  
**Sent:** Monday, February 24, 2020 1:13 PM  
**To:** Bill Fritz  
**Subject:** Re: Yancey Lumber Special Exception Request

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Bill,

Here is my letter to the Planning Commission:

Planning Commission Members,

I am writing to support the denial of the Special Exceptions requested by Yancey Lumber. I live in Old Trail, and we have already had issues here with noise from the Yancey Mill that seriously affected residents in this community. I commend the Yancey operation for addressing that issue and reducing nighttime noise levels. However, I have read all of the documentation that was available to me, and I'm aware that Yancey is already out of compliance with noise (and I believe setback) criteria. I see no reason why Yancey should be allowed to increase noise levels above levels that are already non-compliant. Given the recent situation here, this is most certainly likely to cause issues with local residents. It is unfortunate for Yancey that they are in the middle of a residential growth area, but that's the way the County has planned it, and it is unfair (and unhealthy) for residents to have to suffer the consequences of commercial noise pollution. I have no real personal experience with vibration; a while one report indicates that the proposed vibration levels are half those experienced by the most sensitive human, I can imagine how debilitating it would be to experience any continuous vibration at all. So, for the sake of the local residents, and for all County residents, please do not set a precedent by permitting Yancey to exceed (and in some cases, further exceed), the levels of compliance for noise, vibration, and set back. Thank you for considering this.

Sincerely,

Howard Epstein  
Crozet, Virginia

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**From:** Bill Fritz <BFRTZ@albemarle.org>  
**Sent:** Tuesday, February 18, 2020 4:34 PM  
**To:** Sylvia Castelletto <sylviacastelletto@gmail.com>; Susannah Hornsby <sbhornsby@gmail.com>; Steve Blaine (sblaine@woodsrogers.com) <sblaine@woodsrogers.com>; Sandra Haussman <hauschott@aol.com>; Rob Langdon <rob.langdon@gmail.com>; Pashmi Ghei <rashmi1016@gmail.com>; Paula Welch <praiz3@yahoo.com>; Mary Steele <marysteele11@comcast.net>; Marsh Pattie <jmpattie@yahoo.com>; Valerie Long <vlong@williamsmullen.com>; Lisa Swales <swales5@embarqmail.com>; Lillian Mezey <lmezey@comcast.net>; Leslie Lepage <lepage.leslie@gmail.com>; Karen Singh <karenesingh@hotmail.com>; Jamie Howard <howjhow@aol.com>; Erica Haskins <ericacroz@aol.com>; Epstein, Howard E (hee2b) <hee2b@virginia.edu>; Doug Lowe <doug@sagebuildconsulting.com>; Dennis Hogberg <txstatebobcats@icloud.com>; David Swales <dswales@affinitymanagement.com>; Damon DeVito <ddevito@affinitymanagement.com>; Chris Tyree <chris@christyree.com>; Ash Singh <ash\_armuk@yahoo.com>; Andrew Green <greendrew@gmail.com>; Alice Faintich <alice@faintich.net>; Allison Wrabel

**Bill Fritz**

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**From:** Maynard, Terry (tm7sv) <tm7sv@virginia.edu>  
**Sent:** Thursday, February 27, 2020 4:17 PM  
**To:** Bill Fritz  
**Subject:** Yancey Mill Exemptions  
**Attachments:** A Good Neighbor.docx

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Please see attached documentation for consideration. Also can you please include me in all future correspondence about the special exemptions.

R/  
Terry Maynard

**Terry Maynard**  
*Senior Maintenance Supervisor*  
*Facilities Management - Housing*

**E** [tm7sv@virginia.edu](mailto:tm7sv@virginia.edu)  
**P** 434.297.6704  
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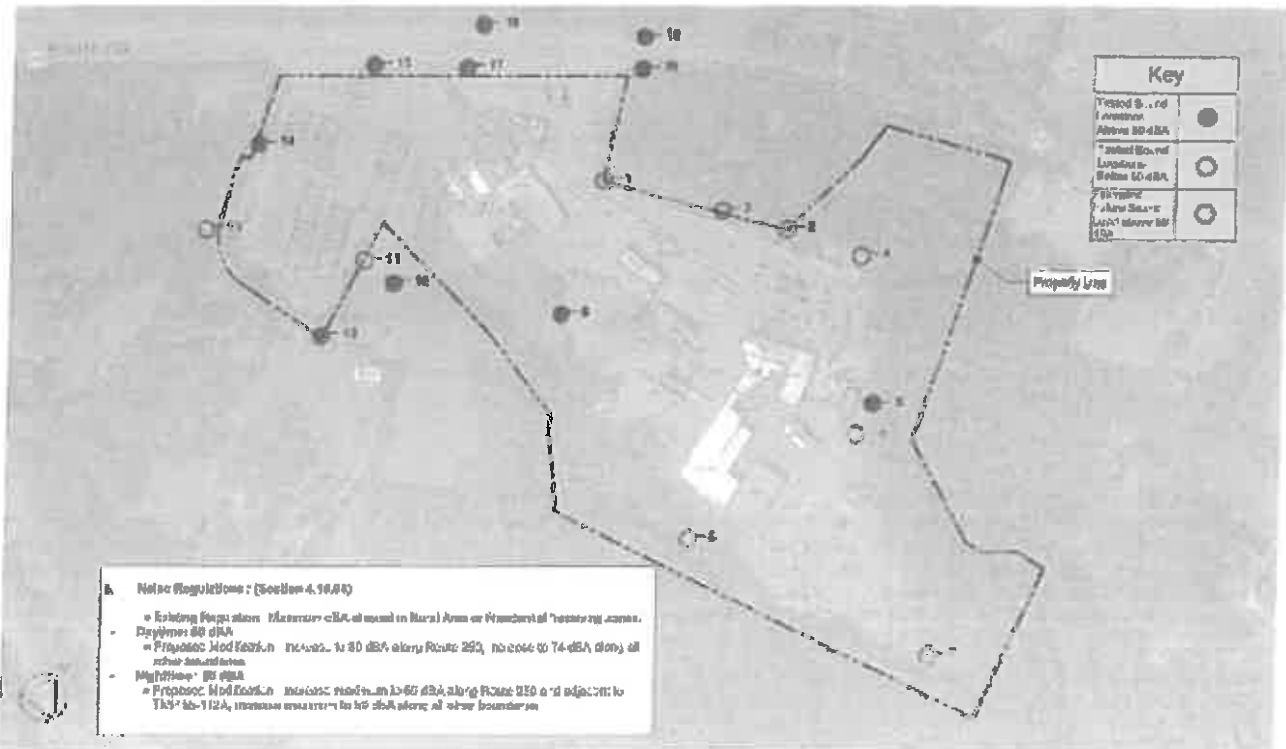


## A Good Neighbor.

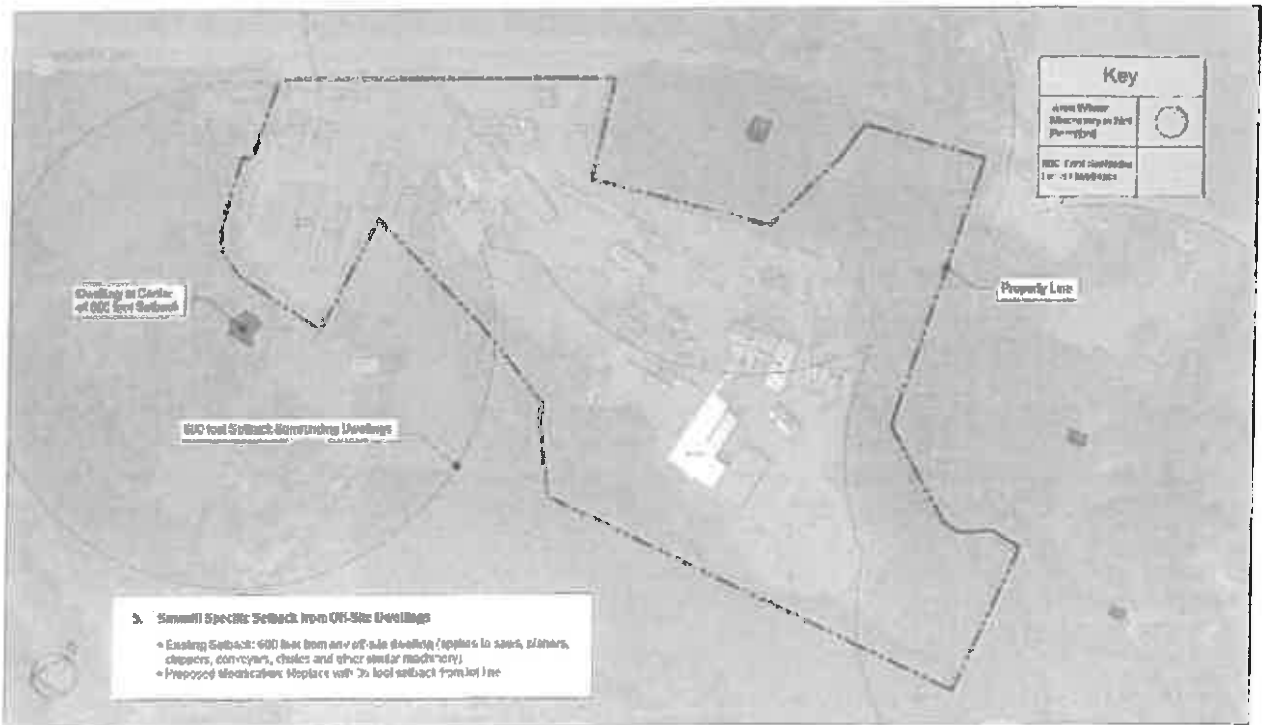
While we haven't lived long in the quaint village of Yancey Mills my wife's family has lived here for decades. Even though we were stationed all over the country, we have always found comfort knowing that when we retired from the Navy, our home would be in Crozet. So just under two years ago that is what we did, our family, the 8 of us, (Mom, Dad, Four Kids and 2 pets) made the transition from Jacksonville, Florida to my wife's grandmothers' home on Yancey Mill Lane. From the beginning its been an amazing journey. Transition from the city life to that of a quieter life. We spend hours upon hours outside playing football, basketball and now baseball; in addition to, hanging out by the fire pit and playing with the dogs.

I'm a good neighbor, I'm a Servant Leader, I've helped my small community by freely offering my skills at web development, SEO and Marketing. I've designed new graphic's for budding business and mentored local business owners in branding practices. Also, my oldest two children and I volunteer 3 to 6 hours a week at a local food pantry.

I passionately feel that being a good neighbor is essential to our community, while growing quickly, remains strong and people friendly. Here is where my problem arises, The Mill that we moved next too wants to remove some of the requirements that allow my children to play safely outside. They want to be exempt from regulations that in place that keep my children from having to wear ear plugs or headphones while they are playing outside. I have hearing loss in the conversational range that I earned while serving our wonderful country throughout my 23 years of Naval Service. I knew what the risk were when I enlisted; however, my children should not be subjected to possibly damaging noise because the Mill would like to be exempt from the regulation that keeps them safe.



I understand that as a business we must evolve in order to remain competitive and the Mill is not exempt from this requirement to remain thriving. However, the Mill must also understand and follow all regulations and ordinances that are in affect while they are in business. Not knowing or not understanding the requirement does not prevent if being required. The second Issue for me as a Good Neighbor is the reduction of setback and the complete annulment of the heavy equipment setback requirement. Currently there is a Sorter Stacker positioned 35 feet from the property line of a fellow Neighbor and 300 feet from his home. **County Code Sec. 5.1.15 Sawmill, temporary or permanent,** specifically states that **No saw, planer, chipper, conveyor, chute or other like machinery shall be located closer than six hundred (600) feet to any dwelling on other property in the area.** Furthermore, it also states that **No structure and no storage of lumber, logs, chips or timber shall be located closer than one hundred (100) feet to any lot line.** Now the Mill installed a Sorter Stacker without regard to the regulation and now wants a special exemption to circumvent a code violation that would require that the equipment be pushed back to the 600-foot requirement. Stating that moving it would have catastrophic financial repercussions for the Mill. If that was true and it very well may be, why wouldn't they just request a special exemption for that one piece of gear? Instead they are requesting the setbacks changed for the entire property, places that they haven't built on yet nor do they have public plans too.



The Mill has been here a long time, they have been fined by OSHA a few times over the years, so they are not uneducated in following regulations. To be clear I am not suggesting that every building in the red circles be moved; the regulation went into effect in 1980, anything established prior to that date would automatically be grandfathered in and not required to be changed. Ultimately, the construction that has been completed within the last few years is what I am concerned with.



I support all businesses and want the Mill to be successful; they are, under normal conditions a relatively good neighbor to live by. They provide nearly 100 jobs for the local community, but it appears in this instance they jumped forward before looking at where they should be landing. In no way do I want the Mill to shut down, in the 20 years I have been visiting the area, they have always been an iconic reminder of the industrial greatness in the area. However, I do feel that they have a community requirement to put the health and safety of the Community above the bottom line. They should not be allowed to infringe on the community's rights as property owners nor the Public's safety because they made a mistake in planning. As someone who is not unfamiliar with large projects and project management in general, a project as large as this sorter stacker would be, they should have set aside a conformance budget to meet the regulatory requirements.

As a good neighbor I can't and won't idly stand by while multiple neighbors are forced to make compromises on their safety, health and property utilization because a corporation can't/didn't do the research required prior to breaking ground on a multi-million-dollar project.

If you feel as I do, please sign our petition to stop Yancey Mill from receiving these exemptions from the board of supervisors. Please follow this link: <http://chnng.it/g8vbSz8cN8>

You can also, send the board of supervisors an email expressing your concern with these changes going on in our community by emailing them here: [bos@albemarle.org](mailto:bos@albemarle.org)

From one Good neighbor to another, Thank you for your time and consideration.

**Bill Fritz**

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**From:** Megan Nedostup  
**Sent:** Monday, March 9, 2020 10:02 AM  
**To:** Bill Fritz  
**Subject:** FW: Yancey Lumber Mill Special Exception Applications

**Megan Nedostup, AICP**  
(pronounced nuh-DAHST-up)  
Principal Planner  
Community Development Department  
Planning Services  
ph: 434.296.5832 ext. 3004

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**From:** David Swales <dswales@affinitymanagement.com>  
**Sent:** Friday, March 6, 2020 8:55 PM  
**To:** Planning Commission <PlanningCommission@albemarle.org>  
**Subject:** Yancey Lumber Mill Special Exception Applications

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Dear Albemarle County Planning Commission Members,

Please see my letter to Ann Mallek on Feb 19<sup>th</sup> below, I'm pleased to report that my wife and I were able to meet with Ann Mallek and Jennie More at our home on Fri Feb 28<sup>th</sup>, at that time we were able to discuss our thoughts and concerns as they relate to the Yancey Lumber Mill, but more importantly they were both able to tour our property to see the impact the Mills request to reduce the current setback from 600ft to 35ft will have on our property and were able to see from our property line the close proximity of the Mills new sorter/stacker would have on our property. Additionally, they were also able to experience the noise that we are subjected to daily in person, even though the stacking part of the Mills new equipment wasn't working at the time of their visit.

At this time, Lisa and I would both like to extend the same invitation to you all to meet with us at our home at your convenience so you'll be able to experience the current situation in person prior to your upcoming meeting on March 24<sup>th</sup>.

Please feel free to contact me directly so that we can schedule a convenient time to meet and tour our property.

Please feel free to contact me directly so that we can schedule a convenient time to meet and tour our property.



With kindest regards,

David Swales  
c.434-906-4444

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Earlier email sent to Ann Mallek on Feb 19, 2020.

Dear Ann,

I wanted to reach out to schedule a convenient time for my wife Lisa and me to meet with you to discuss Yancey Lumber Mill's Special Exceptions application to Albemarle County, that has been submitted to the Planning Commission and the Board of Supervisors, following their Notice of Violation from Lisa Green the county's Manager of Code Compliance on December 20<sup>th</sup> 2019. As you are probably aware, we have owned the house and property that abuts the Mill since 1996. Over the past 23 years, we have raised our 3 children in Albemarle County and all of them were educated at our local public schools. Our oldest son now attends UVA, our middle son is a freshman at JMU and our daughter is a junior at Western. Furthermore, we have located the main office of our business in Albemarle County and we employ over 150 staff locally. We are proud to consider ourselves established Albemarle residents and contributors to the local economy.

Due to the location of our house, we will obviously be the most impacted by the Mill's request to reduce the current setback regulations of 600ft (effective 1980) to 35ft on two sides of our property and 0ft on the west-side with the north side of our property facing on to route 250. As we all know, the lumber mill business is noisy and dirty so the existing setback regulations that were introduced back in 1980 of 600ft for mill machinery makes a lot of sense. It is perhaps even more relevant today as Crozet has been designated as a growth area. Yancey Mill's request that the County allow them to increase the current Noise Regulation maximum levels by 20%-28%, and the Vibration Regulations by 2,400%, as they are currently not in compliance with the County for both noise and vibration, is obviously a larger concern to the greater Crozet residential community. This is evident from the recent hum disturbance that carried noise beyond the Yancey Mills residents and into the Old Trail Community. Their final request to amend hours of operation from 7am to 12am, to 6am to 11pm is also interesting. We and our neighbors can attest that the Mill doesn't adhere to the current policy as there is already activity prior to 6am daily.

Please advise us of a convenient time that we can meet for coffee or lunch. We're happy to host at our house if that's more convenient and if you have no objections, our neighbor and dear friend, Bruce Kirtley would like to attend our meeting.

Lisa and I are truly looking forward to meeting with you.

With kindest regards,

David Swales  
c. 434-906-4444

## Bill Fritz

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**From:** Lisa Swales <swales5@embarqmail.com>  
**Sent:** Monday, March 9, 2020 10:35 AM  
**To:** Planning Commission  
**Cc:** Bill Fritz  
**Subject:** Yancey Lumber Special Exceptions

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Dear Members of the Albemarle County Planning Commission,

I strongly object to the special exceptions that Yancey Lumber Mill is seeking from Albemarle County. In 1996, My husband, David, and I bought our house, Five Oaks, on a 4.2 acre lot, knowing full well that Yancey Lumber Mill bordered our property on three sides. We hoped to start a family and I wanted land to garden. As our historic house, built in 1810, lacked central air-conditioning, we lived with our windows open and did not have a problem with the usual daily noise and vibration from the running of the mill.

My husband and I eventually had three children, all of whom attended Brownsville, Henley and Western. We have always lived in our backyard, gardening, raising chickens and bees and owning a succession of dogs and cats. The kids built forts, learned to ride bikes, and turned our field into a soccer field. They fondly recount playing soccer to Spanish music played by mill workers. The old stacker sat back from our property and we had a good buffer zone so while it was noisy, it was not cause for complaint.

Unfortunately, things changed dramatically around 2017 to 2018, I can't be more precise because it never occurred to me to police the mill. What I can say is that the Yancey Lumber reorganized its operations, and moved everything closer to our property. They excavated and cleared land, changing the buffer zone, and building a road right behind our property. They also installed a new stacker just beyond our barn. All of these changes worked to our detriment, increasing our noise to intolerable levels. Wanting to know how loud it was, I purchased a factory-calibrated sound meter and have routinely measured readings ranging from 65 up to over 70 decibels near my barn - not even on the property line. Obviously, we are no longer able to enjoy or even use our backyard during working hours.

We have loved and continue to love the residential community of Yancey Mills. Many of the houses on Hillsboro and Yancey Mill Lane predate Yancey Lumber, as Route 250 was Hillsboro Lane prior to the completion of Route 64. The pillars at the bottom of the original driveway to our house are still on Hillsboro Lane, near the Hogberg's house, the Green Teapot. The village of Hillsboro was a vibrant residential community with an inn, restaurant, and post office well before the establishment of the lumber mill. (Historic Architectural Survey of Albemarle County Villages, October 1995) I say this in an attempt to provide context for the fact that Yancey Mills is a residential community with a long history, and we would like for the mill to operate accordingly. Yancey Lumber affects the daily lives of all who live around it and it is not an unreasonable expectation for its owners and managers to be considerate neighbors.

I find it implausible that Yancey Lumber, as a long-time Albemarle business, could not have known that their new sorter/stacker would be subject to 1980 zoning codes before purchasing and installing it so close to our buffer zone/setback area, with the sorter now 35 feet from our property line. While it is understandable that equipment that existed in 1980 had been grandfathered in, anything subsequent to that date should have been and should be compliant with the 600 foot setback. In 2008, when Will Yancey sought approval for a light industrial park behind the lumber mill, the plan he submitted referenced the comprehensive rezoning in 1980 and the fact that the mill was zoned heavy industrial and that surrounding areas were zoned rural. Again, how

was Yancey Lumber “unaware” of these almost 40 year old regulations when it purchased and began the installation of new equipment, violating decades old regulations?

Also worrisome to home-owners, as any Special Exceptions granted to Yancey Lumber would convey to a new buyer, what assurances do we as residents have that the situation wouldn't get worse? The spin at the Crozet Library meeting in November was that the mill had been in operation since 1949, and the Yancey family had been long time Crozet community members, and yet they had a third-party buyer as recently as 2017. An intra-family lawsuit was just settled in January of 2019 by the Virginia Supreme Court (May v R. A. Yancey Lumber Corporation) regarding a family dispute over the sale. As it currently stands, even without the new sorter operational, the noise levels are not in compliance with county codes. As the plan is to increase business, how would a busier mill not generate more noise, vibration, dust, and traffic? Our quality of life has been compromised as has our right to enjoy our property. This also needs to be carefully considered within the context of a rapidly growing Crozet population, especially in light of the recent disruption caused by the Yancey Mill hum.

Thank you for your consideration,

Lisa Swales

STEVEN W. BLAINE  
(434) 220-6831  
sblaine@woodsrogers.com

March 10, 2020

Sent Via First Class Mail and E-mail

Mr. Julian Bivens  
Chairman, Albemarle Planning Commission  
401 McIntire Road  
Second Floor  
Charlottesville, Virginia 22902-4596

Re: R.A. Yancey Lumber Corporation Special Exception Requests

Dear Mr. Bivens and Fellow Members of the Planning Commission:

This firm represents Mr. and Mrs. David R. Swales who reside at 6259 Rockfish Gap Turnpike, Crozet, Virginia. The Swales are immediate and adjacent neighbors to the Yancey Lumber Mill. My clients, together with a number of other neighbors in the Crozet area object to the proposed Special Exception Requests by R. A. Yancey Lumber Corporation on policy grounds and due to the deleterious impacts that the Requests and further expansion of the Mill represent. My clients and others will present those views at the upcoming public hearings. The purpose of this letter is to outline various legal and procedural objections to the Requests that my clients also wish to make.

**Albemarle County Zoning Ordinance (“Code”) Sections 4.20 and 5.1.15 Regarding setbacks in Heavy Industrial Districts and for Saw Mills.** Code Sections 4.20 and 5.1.15 violate Dillon’s Rule in allowing by *special exception* waivers of minimum setback requirements when Virginia Code § 15.2-2201 defines *special exceptions* as special uses not permitted in a particular district and *variances* as reasonable deviations from provisions regulating the size or area of land *or the location of a building or structure*. The statutory process for seeking relief from a setback requirement is by variance or by a modification authorized in Va. Code Ann. § 15.2-2286(A)(4). Therefore the applicant’s request for relief by the governing body is not permitted by statute. A Virginia Circuit Court so ruled on the application of a similar ordinance in *Blakeley, et al v. Board of Supervisors of Fairfax County, Virginia*, 2011 Va. Cir. LEXIS 62 (Fairfax County Apr. 12, 2011).

Virginia Code § 15.2-2286(A)(1) empowers the County to enact zoning ordinances for granting both special exceptions and variances. “A zoning ordinance may include, among other things, reasonable regulations and provisions ... [for variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.” Va. Code Ann. § 15.2-2286(A)(1). Section 15.2-2201 establishes the following definitions:

{2695733-1, 121297-00001-03}

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*"Special exception"* means a special use, that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

*"Variance"* means, 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 conditional zoning. § 15.2-2201 (emphasis added).

Virginia Code § 15.2-2201 plainly designates special exceptions as governing land uses and variations as governing deviations in lot sizes, area and locations for building or structures. The process for issuing variances is by application to the County Board of Zoning Appeals. Albemarle County Code Sections 4.20 and 5.1.15 bypass the statutorily defined process for variances by reclassifying a building or structure setback waiver as a special exception.

Virginia Code § 15.2-2309(2) grants the Board of Zoning Appeals ("BZA"), and not the local government, the power to authorize variances. Along with other restrictions on the BZA's authority, the Virginia Code mandates that the BZA shall not authorize a variance unless "the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the 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 of 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 pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application." Virginia Code § 15.2-2309(2).

Albemarle Code Sections 2.20 and 5.1.15 are inconsistent with this statutory scheme. By simply reclassifying the administrative action as a special exception, the County assumes the BZA's authority to grant setback restriction waivers as variances and, thus, bypasses the specific statutory and judicial requirements for granting a variance. This reclassification is at odds with the

statutory definitions outlining the scope of the County's authority. The building setback directly relates to the "size or area" of a parcel of land that may be improved. Reducing the setback, does not change the "use" of the land, only the area of the parcel to which that use may be put. [There is no issue in this application that the proposed use is not contemplated by the applicable, HI Zoning District]. A deviation in the amount of area that may be improved without a change in use falls squarely within the General Assembly's definition of a variance in § 15.2-2201. The County may not contravene legislative intent by simply ignoring the plain, unambiguous language of statutory definitions. Under the County's enabling authority, the deviation in the setback is defined as a variance. Thus, by proceeding to grant a waiver as a special exception, the County will be without a statutory grant of authority.

**Distinguishing *Sinclair v. New Cingular Wireless PCS, LLC, et al.*** The Virginia Supreme Court took up a challenge of the County's Critical Slope Waiver provision in *Sinclair v. New Cingular Wireless PCS, LLC, et al.* 283 Va. 567 (2012). As in this case, the *Sinclair* challenge involved the application of Virginia Code § 15.2-2201 and § 15.2-2286. The ultimate result in *Sinclair* however was not dependent on the definitions set forth in 15.2-2286, or whether the waiver was a *variance* or a *modification*, but rather whether the County could delegate the granting of such a waiver to its planning commission. The Supreme Court in *Sinclair* declined to expressly embark on an analysis of the waiver under the definitions of § 15.2-2201. By implication (and by 'process of elimination', reading footnote 6 of the *Sinclair* decision) commentators have concluded that the Supreme Court viewed the critical slope waiver as a type of special exception. The County's response to the decision understandably was to reserve for the Board of Supervisors such waivers as a form of special exception. But the County's approach to waivers (or modifications) specifically as it applies to **setbacks** takes this implication too far. An adjustment of a bulk type restriction like a setback – directly affecting the location of buildings or structures is clearly within the definition of a variance. *Sinclair* did not hinge on this analysis, and the Court certainly didn't rule on this particular application.

**Code Section 4.18 Noise.** The Applicant is also seeking various modifications to the ordinance governing noise. The information that the applicant has submitted demonstrates that the applicant is currently in violation of Code Section 4.18. The applicant's answer, rather than seeking ways to comply, is to ask for a modification under Code Section 4.18.07. Based upon the analysis above, it would appear that the correct statutory approach would be to seek a modification pursuant to Va. Code Ann. § 15.2-2286(A)(4). Va. Code Ann. § 15.2-2286(A)(4) expressly provides for the zoning administrator to consider such modifications and upon appeal, the BZA. Again, the County's approach is inconsistent with the statutes.

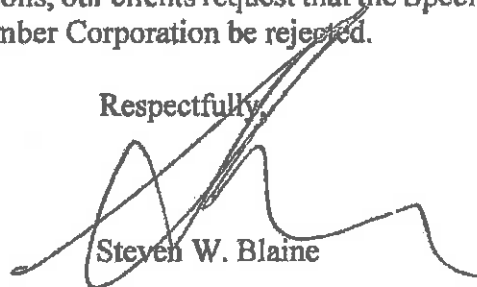
Even following Code Section 4.18.07, the modifications should be denied. The applicant's justification fails to demonstrate that the ordinance as stated would cause undue hardship and not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of the noise ordinance at least to an equivalent degree. There has been no offer by the applicant to undertake measures to mitigate the existing, non-compliant noise levels, let alone to propose alternatives that would satisfy the purposes of the noise ordinance at least to an equivalent degree.

**Code Section 4.14.2 Vibration.** The Applicant is also seeking a modification to the ordinance governing performance standards for vibration. The Code does not provide for any such modification. It would appear that the applicant is seeking some form of zoning text amendment which is a separate process from what is proposed.

**Public Policy Implications.** It's not difficult to imagine the negative public policy implications by the County's approach in these instances -- of calling a thing a special exception when by statute it should be processed as a variance, or a modification. Under this logic, any building regulation or standard could be relegated to whatever a particular Board deems it to be, rather than what was legislatively intended. Part of the effect of the statute is to remove certain determinations from the popularly-elected officials to at least the quasi-judicial officials of the BZA thus reducing the powers of special interests or the effects of pitting constituencies against one another.

For the foregoing reasons, our clients request that the Special Exception and Modification Requests of R.A. Yancey Lumber Corporation be rejected.

Respectfully,

A handwritten signature in black ink, appearing to read "Steven W. Blaine", is written over the word "Respectfully,". The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.

Steven W. Blaine

BY: Email and First Class Mail

cc: Mrs. Ann Mallek.

Greg Kamptner, Esq.

Mr. Bill Fritz

Mr. and Mrs. David R. Swales

Valerie Long, Esq.

## Bill Fritz

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**From:** Damon DeVito <ddevito@affinitymanagement.com>  
**Sent:** Wednesday, March 11, 2020 9:02 AM  
**To:** Bill Fritz  
**Subject:** FW: Yancey Mill

**CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.**

Bill,

I am a concerned Greenwood resident approximately two miles from Yancey Mill. I am also a business owner in Crozet, and I drive past Yancey Mill daily.

Despite being very pro-business, I firmly oppose the setback and other variances Yancey Mill has requested. Following a history of disregarding regulations and a recent employee death, this seems to be a case where the rules need to be enforced.

Though an important and necessary business, the Mill is also a dirty and dangerous one. If they don't have enough land for setbacks and expansions they ought to find some more land or they ought to not expand. Expanding is a pursuit of increased revenue - which I'm not opposed to - but disregarding associated regulations pushes the expansion costs onto neighbors and other citizens via taxes and health (noise, injuries, traffic) while keeping the gains for Yancey.

For example if they cannot operate within healthy and prescribed noise and vibration levels they should be encouraged to find quieter technology or purchase surrounding homes so as not to disturb residences with an industrial area. I don't want to have my employees' hearing and my company's health insurance negatively impacted because a private lumber company wanted to save a few dollars cutting corners like not buying land they needed for expansion.

I also am concerned about air quality and urge that it be tested now and regularly and published somewhere for residents to easily find. This is very near three excellent public schools, including one of the best high schools in the state. Those schools form the backbone for the western Albemarle residential patterns and contribute to this being a very crowded entrance corridor. Ingress/Egress at Old Trail is already a disaster so getting this right is even more important for both safety and to keep constituents behind their elected officials.

But of greatest concern is the issue of a seemingly willful disregard for County regulations by this business. Generally, I support reasonable give and take as master plans can require reasonableness. But it seems to me that the Mill's posture even in a period of contention from neighbors has been reluctant and reactive. This is a company that could be a good neighbor and seems to choose a more selfish path time and time again.

I'm firmly opposed to every exception requested by the Mill and encourage great care with any deviations. Further, because myself and others do not feel safe attending hearings or group gatherings with the Covid-19 outbreak still escalating, any deviation from existing regulations that would involve public input ought to be tabled until the outbreak is over.

I'd like for this letter to be shared with the Planning Commission, Board of Supervisors and anyone else relevant to the decision-making process on this matter.

Damon DeVito



To Whom It May Concern:

12 March 2020

My wife and I had the good fortune to move from California to the beautiful State of Virginia thirteen years ago and have vowed to never leave. For us, one of the most pleasant aspects of living in Virginia is the civility and consideration that flows from the hearts of our citizens to the actions of our communities. This is a legacy we can all be proud of and support.

We purchased our home in the Old Trail development as it was first getting started and watched this and other surrounding developments grow exponentially. With this rapid growth comes change and challenges that may not have been foreseen in the not too distant past.

We recently became aware that the lumber mill adjacent to us would like to expand their operation by installing more equipment on their existing setbacks which in turn has further potential to create more noise, traffic and health concerns that are already present. We respectfully ask the powers that be to take a long and careful look at any and all of the mitigating concerns and consequences of allowing further environmental impact by the mill.

Sincerely,

Ron Ganiats

## Bill Fritz

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**From:** Debbi Meslar-Little <debcnm1997@gmail.com>  
**Sent:** Friday, March 13, 2020 4:37 PM  
**To:** Bill Fritz  
**Subject:** Yancey Mill

**CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.**

Hi Bill and All,

I live at 6286 Hillsboro Ln, Crozet, VA 22932 and have been here for 22 years. The mill has always been a noisy neighbor but certainly an important one. I'm concerned that there has been additional equipment added without proper oversight, and that there is a request to increase both decibel level and vibration. As a homeowner within the 600ft radius of the newest piece of equipment, I would like to see the mill become a better neighbor by working to reduce the impact of it's growth on immediate neighbors. This may be in the form of true noise and vibration buffers along with a green barricade to help reduce dust, noise, along with headlight glare and running engines in the wee hours ( trucks waiting to unload ). I remain disappointed that Yancey Mill is trying to push items on the neighborhood that have not been properly assessed. Thank you.

Sincerely,  
Debbi Meslar-Little

**Bill Fritz**

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**From:** Kristen Hardy <staigerhardy@hotmail.com>  
**Sent:** Friday, March 13, 2020 3:49 PM  
**To:** Planning Commission  
**Cc:** Bill Fritz; sarah@rayanceylumber.com  
**Subject:** RA Yancey Lumber

**CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.**

To the Albemarle Planning Commission

Good Afternoon. I wanted to take the time to share with you my thoughts regarding R A Yancey Lumber Corporation and the family. This family has been a strong supporter of the Crozet community since 1949. They have employed thousands of people during this time and the way they have always conducted business and themselves within this community has always been genuine and sincere.

This family-run business was in Crozet long before the development started. They are 100% committed to this community and are upstanding members. This is clearly evident as they were forced to deal with the "noise" complaint from local members of the community as far away as Old Trail. Last time I checked, their mill was there and running for decades before Old Trail was developed. Shame on the citizen who moved in and didn't do their due diligence of their surroundings. Yet, the Yancey's went above and beyond and tried different methods to reduce this noise for their neighbors, at their expense, because they care about this community and continuing their long upstanding reputation. They are all extremely hard working, genuine, and caring people. To see how some members of the Crozet Community are treating this family is very disheartening and completely unfair. It is a sawmill. It is a very tough but also very important business to all of us. I have known this family for 15 plus years and they truly care about their image and reputation in this community and doing everything they possibly can to adhere to all regulations and be good upstanding neighbors to all.

Sincerely,  
Ned and Kristen Hardy

Sent from my iPhone

**Bill Fritz**

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**From:** Lucy Goeke <lucygoeke@gmail.com>  
**Sent:** Friday, March 13, 2020 11:37 AM  
**To:** Bill Fritz  
**Subject:** Lumber mill

**CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.**

Hello Mr. Fritz, we live directly across from the Lumbermill. We know the Lumbermill has it been An important part of our economy for years in Crozet. This does not give them the right to infringe on all of the homeowners that live in the neighborhood. Already the noise, dust, and dirt that the Lumbermill gives off is offensive. We do not need to make this worse. We have all invested our time money and citizenship in to Yancey Mills and the town of Crozet. 250 is considered a scenic bypass. Please do not destroy this. Please take the rights of the citizens and homeowners in the area seriously. Big business cannot always win.  
Your sincerely Lucy Goeke 6254 Hillsboro Ln Sent from my iPhone

## Bill Fritz

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**From:** Paula Welch <praz3@yahoo.com>  
**Sent:** Wednesday, March 18, 2020 11:59 PM  
**To:** Bill Fritz  
**Cc:** Lisa Swales  
**Subject:** Concerns regarding Yancey Lumber Special Exemption Request

**CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.**

Dear Mr. Fritz,

As the owner of 6343 Hillsboro Lane, the house closest to the debarker equipment that is closest to rt. 250, it is only fair to inform you of the concerns shared by many residents. We lived in the aforementioned home for over 9 years (March, 2007 - December, 2016), and the noise from Yancey Lumber during operational hours was unbearable. We were unable to use our backyard or even enjoy our front patio unless the mill was closed. We could not hear each other. In addition, forklifts and logging trucks operated seven days a week, 24 hours a day often waking our family and guests. If Yancey Lumber's special exemptions are allowed and a "new piece of machinery" is installed, IN ADDITION to the noise of the existing machinery, cumulative noise will become a real health hazard. The stress of incessant noise carries an emotional impact as well. Tenants now occupy the residence and also have concerns that when their small children are in the backyard, they cannot hear them when they call. The only reason I did not complain at the time we lived on Hillsboro Lane is because I am a staunch supporter of free enterprise, and I also had the pleasure of teaching children of the Yancey family, and was quite fond of them, and respected their parents' dedication to their education.

However, I can no longer ignore the blatant disregard shown by Yancey Lumber for its residential neighbors. If residents were causing this much difficulty to a commercial business, residents would be held accountable. Below I have attached two articles from the Center for Disease Control and the American Speech and Hearing Association, regarding the dangers of noise levels on hearing. The most important aspect of this is the fact that Yancey OPENLY admits they are requesting a special exemption to allow the noise to be over 70dB in the receiving area, which is both, in closest proximity to residences, AND in addition to the noise already generated by heavy commercial traffic in the same area! The fact that they quote "daytime" noise (note - no mention of "intermittent" or "occasional" noise) could allow a SUSTAINED level which is also highly concerning because sustained noise absolutely causes hearing loss - not "may" cause, WILL cause!

In addition, nighttime levels of 65dB will absolutely be not only audible at bedtime, but also disturbing. In recent months Yancey has already had to face opposition from neighbors about noise/vibration at night - why do they think they can ignore concerns now? At this point they are in direct violation to county guidelines, yet have not been held responsible. I find it interesting to read nothing about vibration in these exemptions.

I am also curious about the fact that the second exception in the county letter, fourth point, which addresses hours of operation, as it clearly expects an exception to be made 24 HOURS A DAY for operation of the kiln! Does that operation also produce noise?? No mention is made.

And, none of this has even approached the financial impact of lowered housing value due to the dangerous noise levels!

Yancey owns sufficient acreage at the same location to be able both to relocate existing machinery as well as construct new machinery. Why are dozens of homeowners being expected to put up with increased noise, increased health hazards, and lowered home values when Yancey Lumber could simply be required to move their equipment into areas that would meet the existing restrictions? The owners/workers at Yancey Lumber are only there 5 days a week, for designated hours. Then, they go home to the PEACE AND QUIET of their homes to be with family, and rest. Homeowners near Yancey who moved there to enjoy having their children in recognized schools, the convenient location, the natural beauty of the area, and the simple "pursuit of happiness" are being denied this simplicity of peace and quiet.

Who will hold them accountable? Why has nothing been done to date - let alone the audacity of their asking for more? Why has big business been allowed to overshadow the simple needs of families? Answers are needed. Elections are never so far away for local residents to forget the actions of seated officials!

In concern and dedication to our neighborhood,  
Paula W. Welch  
M. Ed., Deaf Education  
University of Virginia

[https://www.cdc.gov/nceh/hearing\\_loss/what\\_noises\\_cause\\_hearing\\_loss.html](https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html)

<https://www.asha.org/public/hearing/loud-noise-dangers/>

**Bill Fritz**

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**From:** John Moore <4moore@centurylink.net>  
**Sent:** Thursday, March 19, 2020 5:03 PM  
**To:** Bill Fritz  
**Cc:** Lisa Swales  
**Subject:** Yancey Mill special exemptions letter

**CAUTION:** This message originated outside the County of Albemarle email system. **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.

Board of Supervisors,

My name is Denise Moore and I am writing you on behalf of myself and my family that reside on Yancey Mill lane. I would like to express my concern about the Special Exemption request that Yancey Mill is applying for.

Although my husband and I have been a life long resident of Crozet, we purchased our home in 2012 with the full knowledge that the Mill was considering some changes and that we were purchasing a home sandwiched between interstate 64 and a lumber mill, but it was important to us to purchase a piece of history in our home town. We fully support the mill and their success but you can understand my concern when I realized that the exemptions included so many factors that would directly effect their neighbors and to be frank they already have been exercising some of these exemptions that they are currently asking for ( hours of operation, land barrier for equipment).

We are asking you to please consider the neighbors of Yancey Mill when reviewing their request. Again we are proud of Yancey Mill's success but not at the expense of our families.

Thank you for your time,  
Denise & John Moore

## Bill Fritz

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**From:** Marsh Pattie <jmpattie@yahoo.com>  
**Sent:** Saturday, May 23, 2020 10:59 AM  
**To:** Bill Fritz  
**Subject:** Yancey Lumber Comments for Packet

**CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.**

Bill,

Thanks for the opportunity to weigh in. I offer some comments below for inclusion in the packet.

Having been raised in a rural area of Virginia, I understand and sympathize with industries native to a community. Family owned and operated businesses face unique challenges when communities grow around them, as expectations change, and as laws/ordinances follow those changes. At the same time, those businesses must learn to adapt and thrive in their new environments while acting in good faith to preserve the character and wellbeing of their hometowns. Given the fact pattern associated with Yancey Lumber, I worry this isn't happening.

The trend with Yancey Lumber has been to forge ahead with developments and improvements without consideration of county ordinances or sensitivity to the impact on the residential community now surrounding them. The "act first, apologize later" approach has proven detrimental to the health and wellbeing of the community; it causes many of us to struggle with trusting them moving forward. We wonder if they are acting in good faith. I respectfully ask the county to hold them accountable for their missteps and not allow a free pass simply because work has already begun. To do otherwise sets a bad precedent for the future and rewards bad behavior (behavior either out of willful ignorance or mal-intent).

I was one of the many individuals adversely impacted by the now infamous "hum" that permeated across much of the Crozet area. The vibration caused me to lose sleep, have headaches, and struggle to remain in my own home. Like many of my neighbors, we endeavored for a time to determine the source of the noise/vibration. When engaging with Yancey Lumber, the company's initial response was that they had not changed anything and the sound could not be coming from their site. It was only later that they acknowledged they had made some changes to their equipment and the sound was indeed coming from their site. While they did eventually take steps to try and mitigate the impact to the community, it was only after considerable pressure, appeals to members of the Board of Supervisors, and referral to county noise ordinances. In other words, the lumber yard did not plan to do anything until finally forced to do so and with evidence-based community pressure bearing upon them. They knew from the beginning what they had done (and in violation of the county's ordinances) but tried to avoid responsibility for as long as they could do so.

Like my neighbors, I worry that this pattern will continue. With the appeal of their noise violation and request for special exceptions, there is the risk of overlooking what has already occurred. There is also the risk of creating a potentially untenable situation for local residents - particularly in an area designated for residential growth. There is a reason the county has noise/vibration ordinances - I experienced the importance of that reason when I lived with the "hum" for several weeks. The county should not grant their appeal nor approve their special exception requests. Instead, we should help them work within the boundaries of the law and in alignment with the needs of a growing residential community. The county wants Crozet to grow - much of it has been zoned for residential development. Granting Yancey Lumber's requests runs counter to the residential focus of the community and would likely result in pushing people away or creating a great deal of disruption, division, and litigation in the months and years ahead. We should try to pre-emptively address these concerns now - at the outset - to both support innovative ways to help Yancey Lumber's business thrive while honoring the residential nature of the surrounding communities the county has endeavored to create.

Many thanks,  
Marsh Pattie  
Old Trail Resident

On Friday, May 15, 2020, 01:15:34 PM EDT, Bill Fritz <bfritz@albemarle.org> wrote:



Sorry for a second email but I want to provide some additional information to help prevent confusion.

There are 3 hearing dates associated with this property.

June 2 – The Board of Zoning Appeals is scheduled to hear the appeal of the Notice of Violation

June 23<sup>rd</sup> – The Planning Commission is scheduled to hear the special exception request. This is an advisory meeting.

July 15<sup>th</sup> – The Board of Supervisors is scheduled to hear the special exception request.

The Board of Zoning Appeals does not review the special exception request. The appeal of the Notice of Violation is not reviewed by either the Planning Commission or Board of Supervisors.

I can provide information on the special exception.

Bart Svoboda can provide information on the Notice of Violation and the appeal process. He is the Zoning Administrator and I have copied him on this email.

I apologize for any confusion created.

William D. Fritz, AICP

Development Process Manager/Ombudsman

434-296-5823 ext 3242

**From:** Bill Fritz

**Sent:** Friday, May 15, 2020 1:02 PM

**To:** Alice Faintich <alice@faintich.net>; Allison Wrabel <awrabel@dailyprogress.com>; Andrew Green <greendrew@gmail.com>; Ash Singh <ash\_armuk@yahoo.com>; Chris Tyree <chris@christyree.com>; Damon DeVito <ddevito@affinitymanagement.com>; David Swales <dswales@affinitymanagement.com>; Debbi Meslar-Little <debcnm1997@gmail.com>; Denise Moore <4moore@centurylink.net>; Dennis Hogberg <txstatebobcats@icloud.com>; Doug Lowe <doug@sagebulldconsulting.com>; Erica Haskins <ericacroz@aol.com>; Howard Epstein <hee2b@virginia.edu>; Jamie Howard <howjhow@aol.com>; Jessica Testo (jestos@comcast.net)

<jestos@comcast.net>; Karen Singh <karenesingh@hotmail.com>; Kristen Hardy <staigerhardy@hotmail.com>; Leslie Lepage <lepage.leslie@gmail.com>; Lillian Mezey <lmezey@comcast.net>; Lisa Martin (lisamartinbooks@gmail.com) <lisamartinbooks@gmail.com>; Lisa Swales <swales5@embarqmail.com>; Lucy Goeke <lucygoeke@gmail.com>; Marsh Pattie <jmpattie@yahoo.com>; Mary Steele <marysteele11@comcast.net>; Pashmi Ghei <rashmi1016@gmail.com>; Paula Welch <praiz3@yahoo.com>; Rob Langdon <rob.langdon@gmail.com>; Sandra Haussman <hauschott@aol.com>; Steve Blaine (sblaine@woodsrogers.com) <sblaine@woodsrogers.com>; Susannah Hornsby <sbhornsby@gmail.com>; Sylvia Castelletto <sylviacastelletto@gmail.com>; Terry Maynard <tm7sv@virginia.edu>; Valerie Long <vlong@williamsmullen.com>  
**Subject:** Yancey Lumber

I wanted to let you know that this item is now scheduled for hearings on these dates:

Planning Commission -- June 23<sup>rd</sup>

Board of Supervisors -- July 15<sup>th</sup>

If you have already sent me comments I will include them in the packet that will be sent to the Planning Commission and Board of Supervisors.

If you want have not sent comments and would like to have them included in the packet please send them to me by June 12<sup>th</sup> so they can be copied and included in the packet. Comments received after that date will be sent to the Planning Commission and Board but they will not be included in the packet and will be sent separately.

When the staff report is available I will send you a link to access the report.

I will not be in the office until May 26<sup>th</sup> but I if you have questions I will respond to them as I return.

William D. Fritz, AICP

Development Process Manager/Ombudsman

434-296-5823 ext 3242

**Speech for the Planning Commissioners:**

**Date: Mar 24<sup>th</sup> 2020**

**By: David Swales**

**As the Planning Commissioners are aware my wife and I have lived next door to the Mill since 1996 and raised our 3 children here, our home was originally built in 1810 so pre-dates the Mill operation by almost 140 years. My family and I strongly oppose all the Special Exception Requests that the Yancey Lumber Mill has submitted as they relate to setbacks, noise, vibration and hrs. of operation, on the bases that they don't firstly meet the current Albemarle County Zoning Ordinance, the Mill requests are only self-serving with no regard to their neighbors quality of home life.**

**While the Mill is under new leadership next generation, unfortunately the behavior has not changed with constant disregard to the rules and regulations. When a County introduced a new Zoning Ordinance in 1980 (40years ago) regarding Heavy Industrial Districts specific to Saw Mills, the excuse of "I didn't know" is hard to believe. Especially after Will Yancey made reference to the strict 1980 zoning ordinance that the Mill was subjected to, during his application for a light Industrial land use for the surplus land the Yancey Family owned behind the Mill. Again, to be told that the Mill were unaware of the 600ft setbacks seems hard to comprehend especially as Will's father was running the Mill at that time, plus attorney Valeria Long was representing the Yancey's at that time too.**

**Rules and regulations are in place for a reason, to simply ignore them or think if caught just ask for forgiveness is wrong. The zoning ordinance for saw mills has been in place for 40 years and for the Mill to continually expand their operation over that time within the set-back area needs to be addressed and STOPPED, in that time the Mill has had sufficient time to restructure their operation to be in compliance, but chose to continually expand within the 600ft setback creeping closer towards their neighbor rather than creating distance. The setback pertaining to saw mills the County recognized that this business is dirty and noisy so there needed to be distance between residential dwelling to coexist. Since moving to our home in 1996 the noise from the Mill has increased significantly as the operation moves closer and closer towards our property to the point we can't enjoy spending time outside any longer, the Mill has virtually cleared all the trees and brush up to our property line making the Mill more visible while removing our buffer zone.**

**Our initial meeting with the Mill Management/Counsel, one of our first questions was what's your Plan B if your application gets denied, after a short but obvious blank stare between lawyer and management the answer was we don't have one! How can a business purchase a multi-million-dollar piece of equipment prior to gaining approval, obviously their hope was no one would challenge their new equipment installation until the famous HUM occurred?**

**In wrapping up on my 3minutes, I would ask the Planning Commissioners to put themselves in the shoes of the neighboring residents and or the Swales Family and think how would you feel if this was the behavior of your neighbor.**

**Is it okay for your neighbor to ignore the 600ft setback and to start building 35ft from your property line.**

**Neighbor tells you that adding a new sorter/stacker 35ft from your property line won't increase current noise levels. While they are operating between 20-40% over the maximum noise levels. Maybe the question should be, why don't you look at ways to reduce sound rather than asking the County for an Exception.**

**Neighbor wants to increase the vibration level by over 2000%, again no attempt or effort to lower current vibration levels.**

**Neighbor wants to adjust hrs. of operation, from 7am to 6am, already activities starts daily between 5am and 6am depending upon daylight.**

**Please think long and hard about your decision and the negative impact these Special Exceptions will have on the local resident's quality of life that has already been negatively impacted, so I would urge you all to deny ALL the Mills Special Exception Requests.**

## Bill Fritz

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**From:** Dennis Hogberg <txstatebobcats@icloud.com>  
**Sent:** Monday, June 1, 2020 5:49 PM  
**To:** Ann Mallek; Board of Supervisors members  
**Cc:** Tom Goeke; Bill Fritz  
**Subject:** Yancey Lumber- Zoning Violation  
**Attachments:** LUMBER YARD.pdf

**CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.**

Dear Albemarle County Board of Supervisors, especially Ann Mallek, my White Hall representative:

Below you will find a quick note regarding Yancey Lumber Company's request for a new zoning exception that I sent to the Board of Zoning earlier today. I also sent the attached PDF to Bill Fritz back in March. Please read both. The letter has a longer history of the problems and more of an explanation of our concerns about the lumber company.

Sincerely,  
Dennis Hogberg

To Albemarle Co. Board of Zoning,

My name is Dennis Hogberg, my wife is Judith Belew Hogberg, and my mother-in-law is Mary Maupin Belew (owner of house). We live at 6337 Hillsboro Lane, which is right across Highway 250 from Yancey Lumber Company.

We are very concerned about the overbearing noise from the "debarker" machine at Yancey Lumber. The "debarker" machine was installed between 1998-2001. The noise level then increased significantly. There was also a marked increase in vibration (heard and felt). The continuous loud noise and dust coming across Rt. 250 from the lumber company is unacceptable, as is the fact that this equipment does not meet zoning regulations.

We are strongly opposed to Albemarle County allowing Yancey Lumber to continue to operate in violation of existing zoning codes and regulations. It is a flagrant safety and legal concern in our community, one that should be addressed accordingly.

Sincerely,

Dennis Hogberg  
[txstatebobcats@icloud.com](mailto:txstatebobcats@icloud.com)

March 17, 2020

## Letter to Albemarle County Planning Committee Regarding R.A. Yancey Lumber Corporation

My name is Dennis Hogberg, and my wife Judy Hogberg, my mother-in-law Mary M. Belew (the property owner), and I live directly across Route 250 from the office of R.A. Yancey Lumber Company. Our house is over 200 years old. My mother-in-law's parents purchased it in 1946, three years before the lumber yard was even established or built, when the only west-bound road was in front of the house (Rt. 250 had not yet been constructed), and it has been in the family ever since. My wife and I have personally lived at this location for 38 years, and my mother-in-law moved in with us in 2010. (Our address is 6337 Hillsboro Lane, Crozet, Va.) My wife and I provide daycare every week day for our two year-old grandson. We are both retired Registered Nurses. We are all very concerned about the health and well-being of ourselves and our family, and also the safety and quality of life in our neighborhood and the surrounding community.

We would like to comment on two major topics of concern that we believe are a problem with the operation of R. A. Yancey Lumber Corporation:

### **Noise:**

Noise has always been a constant concern living across the highway from the lumber company. Both day and night we are bombarded with the sound of heavy equipment operating, backing up, and diesel engines idling for long periods of time. Our house is an old house built in the late 1700s - early 1800s, and it does not have air-conditioning. As temperatures increase in the spring, through the summer and early fall, we need to open our windows to get ventilation and cool the house; the noise level then becomes even more noticeable and intrusive. At night, if the windows are open on the back of the house that faces the lumber yard, it is impossible to sleep without fans running to block out noise.

The "debarking" machine was installed between 1998-2001. The noise level at that point increased significantly. There was also a marked increase in vibration (heard and felt). Painters and construction workers we have hired over the years have commented on the continuous "loud noise" coming across Rt. 250 from the lumber company. The "debarker" is very close to Rt. 250 and intrudes within the 600-foot radius that should protect residential property from a heavy industrial site. Two of the "Special Exception Requests" by the Lumber Company are to have the "decibel" and "vibration" levels raised. My family and neighbors think that these requests are ludicrous.

### **Dust/Safety:**

Throughout the 38 years of living on Hillsboro Lane, my wife and I have battled a continuous problem of dust and a "black grit" that settles on our windowsills, roof, gutters, and on the side of the house that faces the lumber yard. Painters (from ELS Painting) who were hired in October 2019 to paint the roof that faces the lumber yard

March 17, 2020

reported to us and showed us how quickly this dust and grit resettles on surfaces after washing. These painters first scraped old paint off and then power washed the roof surfaces to prime the surfaces for the new coat of paint. They completed the painting of the base, "primer" coat of paint on a Friday afternoon. When they returned on the following Monday morning, they wiped off the roof surfaces to remove any moisture in preparation to apply the final coat of paint. The painters were astonished to see their white cloths turn black with the removal of what they thought was simply morning dew.

Less than one mile east of the lumberyard there are several businesses (one with outdoor seating, Pro Re Nata) and three public schools attended daily by over two thousand children and youth, as well as adult staff. Frequently the wind blows large clouds of sawdust and wood grit eastward towards these businesses and schools. In addition to the lumberyard dust and dirt polluting the air, the tractor trailers use a "turn-around" area in front of the Warren James auto body/repair shop that is *even closer* to the schools and businesses, and directly across from several residences. This "turn-around" area is unpaved, and clouds of dust can be seen blowing across and down Rt. 250 when these trucks turn around, impacting air quality for ALL in close proximity. In addition, this leads to a traffic and safety concern with tractor trailers pulling huge loads of lumber making u-turns on what has become a very busy stretch of road.

The town of Crozet is known for its natural beauty and family-friendly sense of community. While we realize that the R.A. Yancey Lumber Corporation is a long-standing business in our community, we do not understand how or why they should continue to be afforded special use permits or approval for operations that no longer meet zoning or safety requirements. The proximity to a major road, residential housing, other commercial businesses, and local schools makes the maintenance and regulation of such a facility that much more important. Please support the members of this community who share these fears and concerns by ensuring that the operation of the lumber yard is regulated in such a way to properly and completely guarantee our priorities of health, safety, and well-being.

Thank you for your time.

Respectfully,

Dennis Hogberg, RN, EMT  
Judy Hogberg, and  
Mary M. Belew

## Bill Fritz

---

**From:** Jessica Tosto <jestos@comcast.net>  
**Sent:** Wednesday, June 3, 2020 12:37 PM  
**To:** Bill Fritz  
**Cc:** Jessica Tosto; Lenny Tosto  
**Subject:** Re: Yancey Lumber

**CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.**

Hi Bill,

My name is Jessica Tosto, and I have lived in the heart of downtown Crozet for 36 years. I have owned and run my own business, which is by permit at our homesite, for the past 28 years. I am personally familiar with how business owners often must to jump thru innumerable hoops in order to legally run a business. It took me a long time to recover from the stress of obtaining my own business permit. At one point the obstacles to my endeavor appeared insurmountable. But I managed to follow all the rules and was able to establish my practice as a massage therapist. I am honored to note how my clients experience my business as an asset to the community. I have never received even the slightest complaint about the presence of my business in Crozet.

Regarding the Yancy Mills Lumber Yard, I have been disappointed in their business ethics and practices. A year or so ago, I called my husband outside during the nighttime onto our screen porch to listen to a new and disturbing sound. It was a constant hum that seemed to be coming from the direction of Old Trail. From our house, Old Trail lies on a straight line that would connect our house with the lumber yard. The lumber yard is about one and a half miles from our home, as the crow flies. We had no idea what generated the sound, but found it to be non-stop and quite offensive. Since it was nighttime, I could not imagine what was causing the sound. Construction noise occurs only during daylight hours. Shortly after that, I called Albemarle County to place a complaint about the sound. For the record, I have been subjected to a plethora of objectionable noises, ever since the developers hit Crozet. The development began some years after the sewer was put in, a project which began when my son was 4 years old, which means work on the sewer began 32 years ago. When I opened my practice 28 years ago, our homestead and consequently my office was a very quiet place. I always kept the window open while working, for fresh air and audibility of nature sounds. Some years after opening my practice, serious development began in Crozet, with all the accompanying unpleasantness that it brings to existing residents. I was fortunate that although developments such as Greyrock were being built down my road, the noise did not prevent me from being able to carry on my massage practice as normal. However, when Old Trail construction began, maybe ten years into my practice, I could no longer keep the window open while working because the constant humming, grinding, and beeping of heavy machinery was incompatible with running my business. I had to shut the windows in order to cut the noise down to an acceptable level. This was very disconcerting to me, to say the least. And this situation continued for probably 10 or 15 years! I did not keep track of the number of years to be honest, because it would have been to no avail other than to upset me. The point is, it took a lot of years to build Old Trail and the other adjacent developments. I did not like the fact that developers were making a lot of money at the expense of peace and quiet in my office, but there was nothing I could do about it. I just sucked it up, because sometimes that's what you have to do. I did not place a complaint anywhere. Furthermore, in more recent years, in my home and business, I had to deal with the extraordinary noise and dirt of improving Jarmans Gap Road on which I live. Often the disturbance from that construction was literally earth shattering! Again, I placed no complaints because in fact the road badly needed improving. My point, which I hope you are picking up on, is that I am not a complainer, even in the event of undergoing substantial negative impact from industry. I understand that some hardships must be endured by citizens for the good of the community. Also, please note that the above sited examples of noise production were all the result of legally performed operations.



Regarding Yancy Mills Lumber Yard, it is my understanding that they have committed many violations of their business permit. I believe that in the recent noise issue, the management behaved in bad faith by lying about equipment and pretending to be innocent. I believe that this behavior should not be rewarded by having the lumber yard excused from complying with regulations. If I received a parking ticket, I seriously doubt that ignorance of my violation would vindicate me. I hope that you will hold the lumber yard accountable to follow regulations. Just as I would expect legal consequences if I posted an oversized business sign or accepted more than the allowable number of clients per week, I expect Yancy Mills Lumber Yard to be forced to comply with the regulations that they were supposed to be following all along. In addition to the reality that ignorance is no defense for lawbreaking, I would find a claim of ignorance of the law on the part of the lumber yard to lack credibility. I, as a business owner, understand regulations that impact me, and believe that other business owners likely understand regulations that affect them and understand the need to comply with those regulations. None the less, sometimes businesses get away with noncompliance. Please do not let this happen.

Respectfully,  
Jessica Tosto

Sent from my iPhone

On May 20, 2020, at 3:06 PM, Blaine, Steven <sblaine@woodsrogers.com> wrote:

Thank you Bill. On behalf of those interested and copied here, we request of Bart a copy of (or link to) the record to be transmitted to the BZA pursuant to Va. Code Sec. 15.2-2312 and any reports from Zoning that may be related. Thanks again.

**Steven Blaine**  
**Woods Rogers PLC**  
123 East Main Street, 5th Floor | Charlottesville, VA 22902  
P (434) 220-6831 | F (434) 220-5687  
**sblaine@woodsrogers.com**  
A member of Interlaw, an International Association of Independent Law Firms

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 Please consider the environment before printing this email

**From:** Bill Fritz <BFTRITZ@albemarle.org>  
**Sent:** Friday, May 15, 2020 1:15 PM  
**To:** Alice Faintich <alice@faintich.net>; Allison Wrabel <awrabel@dailyprogress.com>; Andrew Green <greendrew@gmail.com>; Ash Singh <ash\_armuk@yahoo.com>; Chris Tyree <chris@christyree.com>; Damon DeVito <ddevito@affinitymanagement.com>; David Swales <dswales@affinitymanagement.com>; Debbi Meslar-Little <debcnm1997@gmail.com>; Denise Moore <4moore@centurylink.net>; Dennis Hogberg <txstatebobcats@icloud.com>; Doug Lowe <doug@sagebuildconsulting.com>; Erica Haskins <ericacroz@aol.com>; Howard Epstein <hee2b@virginia.edu>; Jamie Howard <howjhow@aol.com>; Jessica Testo (jestos@comcast.net) <jestos@comcast.net>; Karen Singh <karenesingh@hotmail.com>; Kristen Hardy <staigerhardy@hotmail.com>; Leslie Lepage <lepage.leslie@gmail.com>; Lillian Mezey <lmezey@comcast.net>; Lisa Martin (lisamartinbooks@gmail.com) <lisamartinbooks@gmail.com>; Lisa Swales <swales5@embarqmail.com>; Lucy Goeke <lucygoeke@gmail.com>; Marsh Pattie

<jmpattie@yahoo.com>; Mary Steele <marysteele11@comcast.net>; Pashmi Ghei <rashmi1016@gmail.com>; Paula Welch <praiz3@yahoo.com>; Rob Langdon <rob.langdon@gmail.com>; Sandra Haussman <hauschott@aol.com>; Blaine, Steven <sblaine@woodsrogers.com>; Susannah Hornsby <sbhornsby@gmail.com>; Sylvia Castelletto <syviacastelletto@gmail.com>; Terry Maynard <tm7sv@virginia.edu>; Valerie Long <vlong@williamsmullen.com>

Cc: Bart Svoboda <bsvoboda@albemarle.org>

Subject: FW: Yancey Lumber

**\*\*EXTERNAL EMAIL\*\***

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Sorry for a second email but I want to provide some additional information to help prevent confusion.

There are 3 hearing dates associated with this property.

June 2 – The Board of Zoning Appeals is scheduled to hear the appeal of the Notice of Violation

June 23<sup>rd</sup> – The Planning Commission is scheduled to hear the special exception request. This is an advisory meeting.

July 15<sup>th</sup> – The Board of Supervisors is scheduled to hear the special exception request.

The Board of Zoning Appeals does not review the special exception request. The appeal of the Notice of Violation is not reviewed by either the Planning Commission or Board of Supervisors.

I can provide information on the special exception.

Bart Svoboda can provide information on the Notice of Violation and the appeal process. He is the Zoning Administrator and I have copied him on this email.

I apologize for any confusion created.

William D. Fritz, AICP  
Development Process Manager/Ombudsman  
434-296-5823 ext 3242

**From:** Bill Fritz

**Sent:** Friday, May 15, 2020 1:02 PM

**To:** Alice Faintich <alice@faintich.net>; Allison Wrabel <awrabel@dailyprogress.com>; Andrew Green <greendrew@gmail.com>; Ash Singh <ash\_armuk@yahoo.com>; Chris Tyree <chris@christytyree.com>; Damon DeVito <ddevito@affinitymanagement.com>; David Swales <dswales@affinitymanagement.com>; Debbi Meslar-Little <debcnm1997@gmail.com>; Denise Moore <4moore@centurylink.net>; Dennis Hogberg <txstatebobcats@icloud.com>; Doug Lowe <doug@sagebuildconsulting.com>; Erica Haskins <ericacroz@aol.com>; Howard Epstein <hee2b@virginia.edu>; Jamie Howard <howjhow@aol.com>; Jessica Testo <jestos@comcast.net>; Karen Singh <karenesingh@hotmail.com>; Kristen Hardy <staigerhardy@hotmail.com>; Leslie Lepage <lepage.leslie@gmail.com>; Lillian Mezey <lmezey@comcast.net>; Lisa Martin <lisamartinbooks@gmail.com> <lisamartinbooks@gmail.com>; Lisa Swales <swales5@embarqmail.com>; Lucy Goeke <lucygoeke@gmail.com>; Marsh Pattie <jmpattie@yahoo.com>; Mary Steele <marysteele11@comcast.net>; Pashmi Ghei <rashmi1016@gmail.com>; Paula Welch <praiz3@yahoo.com>; Rob Langdon <rob.langdon@gmail.com>; Sandra Haussman <hauschott@aol.com>; Steve Blaine

([sblaine@woodsrogers.com](mailto:sblaine@woodsrogers.com)) <[sblaine@woodsrogers.com](mailto:sblaine@woodsrogers.com)>; Susannah Hornsby  
<[sbhornsby@gmail.com](mailto:sbhornsby@gmail.com)>; Sylvia Castelletto <[sylviacastelletto@gmail.com](mailto:sylviacastelletto@gmail.com)>; Terry Maynard  
<[tm7sv@virginia.edu](mailto:tm7sv@virginia.edu)>; Valerie Long <[vlong@williamsmullen.com](mailto:vlong@williamsmullen.com)>  
**Subject:** Yancey Lumber

I wanted to let you know that this item is now scheduled for hearings on these dates:

Planning Commission – June 23<sup>rd</sup>

Board of Supervisors – July 15<sup>th</sup>

If you have already sent me comments I will include them in the packet that will be sent to the Planning Commission and Board of Supervisors.

If you want have not sent comments and would like to have them included in the packet please send them to me by June 12<sup>th</sup> so they can be copied and included in the packet. Comments received after that date will be sent to the Planning Commission and Board but they will not be included in the packet and will be sent separately.

When the staff report is available I will send you a link to access the report.

I will not be in the office until May 26<sup>th</sup> but I if you have questions I will respond to them as I return.

William D. Fritz, AICP  
Development Process Manager/Ombudsman  
434-296-5823 ext 3242

**TAPSCOTT BROTHERS LOGGING, INC.**  
A Division of Tapscott Brothers

54 ROLLING ROAD SOUTH  
SCOTTSVILLE, VIRGINIA 24590

TEL (434) 286-2075  
FAX (434) 286-3083

June 10, 2020

County of Albemarle  
Board of Supervisors

Ref: R.A. Yancey Lumber Corp

To Whom It May Concern:

As President and Vice President of Tapscott Bros. Logging, Inc., we are writing in support of R.A. Yancey Lumber Corp. We have been doing business with Yancey Lumber for over 30 + years and greatly depend on the operation of Yancey's mill. It would significantly impact our business without them.

It is our hope that you would take into consideration the many businesses and livelihoods this would affect by proposing the shut-down of Yancey Lumber. Please accept our appeal to keep Yancey Lumber Corp open and doing business for many years to come.

Respectfully,



Charles B. Tapscott  
President



Troy H. Tapscott  
Vice-President

/kg

**From:** Marc McKenney <[marc.w.mckenney@gmail.com](mailto:marc.w.mckenney@gmail.com)>  
**Sent:** Friday, June 12, 2020 2:09 PM  
**To:** Board of Supervisors members <[bos@albemarle.org](mailto:bos@albemarle.org)>; Planning Commission <[PlanningCommission@albemarle.org](mailto:PlanningCommission@albemarle.org)>  
**Cc:** Ann Mallek <[amallek@albemarle.org](mailto:amallek@albemarle.org)>  
**Subject:** Support of R A Yancey Lumber Sorter/Stacker

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Good Afternoon -

I have emailed a couple of times to our county leadership voicing my support for R. A. Yancey Lumber, and I am aware that they have an upcoming meeting regarding the Lumber Sorter / Stackers and their intent to seek an exemption of the 600 feet setback rule. I would like to once again, voice my support for this company, and respectfully request that the County approve the requests put forward by R. A. Yancey Lumber Corp.

I would first like to note a few things:

1. The Lumber Yard has been in operation since 1949.
2. The County regulations have been put in place over the last 40 years.
3. The lumber industry is vital to not only the economy of Albemarle County and Virginia, but to this entire country.

I am the son of a Forester/Land Surveyor, and grew up in New Hampshire. My father still works to this day, not because he has to, but because he has a love for the forest industry and has honestly never worked a day in his life because he has had a career in which he loves. He often touts that his office view is the best that anyone could have ever asked for, as he often treks dozens of miles a week through the New England forest. As a child, I often went to work with my dad, which has also given me a deep appreciation of the forest/lumber industry, which is why I am writing this letter to you today.

First, I want to go on record that I commend R. A. Yancey Lumber on doing the right thing. They have listened to Crozet residents and have also gone forward to the County to get other areas of their operations within regulatory standards that were put into place long after they started this sawmill. I am aware that they are coming to you on June 23rd to discuss another topic and to seek an exemption to county imposed restrictions. Because they listened to citizens, they have spent additional funds to better their sawmill facility, adjust delivery and operating costs, where oftentimes in business we see corporations do the opposite.

I recognize that the County leadership has to balance not only business requests, but also the standard of life for county residents. As someone who holds a Masters in Public Administration, I recognize that this often places you all in a difficult position, because the County Administration cannot make everyone happy, we are often forced to and often do find a middle/common ground to the solution of a problem.

My understanding is that the sawmill is requesting the setback exemption in order to become more efficient, safer for the employees and to compete with modern day sawmills in the region. Our local sawmill is in between a rock and a hard place, and they want to do the right thing, by operating within County regulatory standards and also to remain in operation as it is their way of life, their passion, and all of their employees and their families are relying on this sawmill to remain in operation.

I ask that you all put yourself in the lumber yards shoes and you weigh your decision on granting the setback exemption.

- You can't buy adjoining property because of the massive growth that the County has allowed in Crozet and adjoining property isn't available for sale.
- You, as a business owner, don't want your business to go away, so you have to be competitive within the industry.
- You, as a business owner, have to invest in your company as equipment becomes dated, and cannot be repaired.
- The County has put restrictions in place, 30+ years after you started your business, which now impacts your ability to remain competitive in the industry and you see the survival of your company on the line, which impacts every employee and their family.

Those key bullet points are often the reality of many companies, especially in this industry. And the leadership of R. A. Yancey Lumber Corp. do not just have to worry about themselves, but also the 75-100 employees they have, and their families. It is those people who also rely on the success of R. A. Yancey Lumber, and the County Administration in doing the right thing to enable this business to remain in place and be competitive in the industry.

The growth of Crozet happened around the Lumber Yard and not the other way around, I'd like you to remember that when you make a decision. The growth of Crozet is because of not just this lumber yard, but because of the entire forest/sawmill industry. It is a beautiful site to see when I drive on route 250 to/from I64 and I see a yard full of timber at the sawmill ready to be processed and men and women working there. It is a beautiful site to see when trucks leave the sawmill with freshly cut wood, being delivered to other local businesses, because you know that the lumber is being used to build homes, fences, decks and many other items.

I would also like to note that no one seems to care when the train industry makes use of the railroad going through Crozet at 2am and releases the horn as required by law. You can hear this train from Old Trail, Westlake, Westhall and probably at the lumber yard. You can feel your home vibrate with the passing of each train regardless of the time. But again, this town was built around that railroad, not the other way around. I see R. A. Yancey Lumber Corp request for the setback exemption being no different than the noise, vibration and inconvenience from the Train going through town.

But I will say, when you think of Crozet, you think of the history that is here; The Blue Ridge Mountains, the Railroad going through town, the train depot and the sawmill just to name a few.

Thank you, and I look forward to attending the meeting on June 23rd.

V/r

Marc W. McKenney  
Resident of Crozet, VA

**From:** Vernon Jones <[vernonandpatsy@aol.com](mailto:vernonandpatsy@aol.com)>

**Sent:** Sunday, June 14, 2020 6:27 PM

**To:** Planning Commission <[PlanningCommission@albemarle.org](mailto:PlanningCommission@albemarle.org)>; Board of Supervisors members <[bos@albemarle.org](mailto:bos@albemarle.org)>

**Cc:** Vernon Jones <[vernonandpatsy@aol.com](mailto:vernonandpatsy@aol.com)>

**Subject:** Support of RA Yancey Lumber Company Request for Zoning Exceptions

**CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.**

Dear Members of the Planning Commission and Albemarle Board of Supervisors,

I have lived in Albemarle County and the Charlottesville area for 80 years and have known RA Yancey Lumber Co. for 60 years. I served on ADA and EDA committees for Albemarle Co. from 1996 until 2016.

During my service on those committees, RA Yancey Lumber was one of the types of business that we were trying to get to locate in Albemarle Co. because they employed 60-100 local people at decent salaries, purchased the wood for their production from Central Virginia landowners, and provided products needed in local agricultural operations. If any business should receive approval of variances to keep their business in Albemarle, it should be RA Yancey Lumber. The company has been a good employer and responsible commercial enterprise for many years.

If neighbors do not like this type of business, R A Yancey was here long before most of them located to the area, and they likely knew about R A Yancey's location and operations before they made the decision to move here.

In closing, RA Yancey Lumber Co. is a clean, renewable, agricultural business and should be supported in the continuation of that business through the approval of the zoning exceptions they are requesting.

Respectfully,  
Vernon W. Jones, Jr.  
Earlsville