

June 1, 2017

PRESENT: Thomas H. Byerly, Chairman  
Steven F. Shreckhise, Vice Chairman  
Daisy A. Brown  
George A. Coyner, II  
Sandra K. Bunch, Zoning Administrator and Secretary  
James R. Benkahla, County Attorney

ABSENT: Justine D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 1, 2017, at 8:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:30 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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**VIEWINGS**

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **KEVIN AND CAROL MILKMAN - SPECIAL USE PERMIT**
- **LYLE SPROUSE - SPECIAL USE PERMIT**
- **CHRISTOPHER D. AND RIKKI L. HOWELL - SPECIAL USE PERMIT**
- **MONICA L. RUTLEDGE - SPECIAL USE PERMIT**
- **JERRY BROWER, AGENT FOR BROWER LIMITED PARTNERSHIP, LLC - SPECIAL USE PERMIT**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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Chairman

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Secretary

PRESENT: Thomas H. Byerly, Chairman  
Steven F. Shreckhise, Vice Chairman  
Daisy A. Brown  
George A. Coyner, II,  
Sandra K. Bunch, Zoning Administrator and Secretary  
James R. Benkahla, County Attorney  
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Justine D. Tilghman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 1, 2017, at 1:30 P.M., in the County Government Center, Verona, Virginia...

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**MINUTES**

Mr. Coyner moved that the minutes from the May 4, 2017, meeting be approved as amended.

Ms. Brown seconded the motion, which carried unanimously.

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Chairman Byerly stated the Plecker Brothers appeal will be postponed to the July 6, 2017 meeting.

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**KEVIN AND CAROL MILKMAN - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kevin and Carol Milkman, for a Special Use Permit to have a boat repair business on property they own, located at 5320 Cold Springs Road, Raphine in the Riverheads District.

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Mr. Kevin Milkman stated this is a small scale boat repair business.

Mr. Coyner asked if he plans on working by himself?

Mr. Milkman stated yes. He will work on one (1) or two (2) boats a week.

Chairman Byerly asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Leon Cash, PO Box 186, Greenville, asked if his property is on the west of the railroad but on the east side of Route 608?

Mr. Coyner stated yes.

Mr. Cash said the property is kept nice.

Mr. Douglas Snyder, 5325 Cold Springs Road, Raphine, stated he lives across the street. His biggest concern is the bend in the road. He said many people drive way above the speed limit.

Chairman Byerly asked what is the speed limit in that area?

Mr. Snyder stated 45 mph and 25 mph on the turn. He suggested a sign showing there is a hidden driveway. He would hate to see anyone get into an accident on the road. He hoped the applicant is sensitive to noise.

Ms. Shirley Richardson, 5335 Cold Springs Road, Raphine, displayed a picture of the bend in the road. She noted cars have ended up in their yard and hit her trees. She is concerned about the traffic coming around the curve so fast. She said it does take time to pull into the driveway. She is able to see everything that Mr. Milkman will be doing on the property. She asked if his business gets larger and grows what would happen. She said there is nothing mentioned in the staff report regarding Saturday work.

Ms. Bunch explained the operating conditions note Monday – Friday. She said if approved the applicant will be permitted to operate in the building only and have one (1) boat stored under the lean-to.

Chairman Byerly asked if there was anyone else wishing to speak in favor, or in opposition to the request?

There being none, Chairman Byerly asked the applicant to speak in rebuttal.

Mr. Milkman stated he will not work on Saturday or Sunday. He will only have a couple of boats onsite. He would like to operate this business in order to supplement his retirement.

Chairman Byerly declared the public hearing closed. He stated the permit will be issued nontransferable to only Mr. Milkman.

Ms. Brown stated this is a small operation and the applicant will only work at the site Monday through Friday from 9:00 a.m. until 5:00 p.m. She stated the Board visited the property. She noted the applicant will only have two (2) boats at the site. She moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. Obtain letter of approval from Building Inspection.

**Operating Conditions:**

1. Be permitted to use the existing 25' x 40' existing building for boat repair, and the 10' x 20' lean to for boat storage.
2. No outside storage of boats associated with the business.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Site be kept neat and orderly.
5. No employees.
6. Hours of operation be 9:00 a.m. to 5:00 p.m. Monday – Friday.
7. No Sunday work.
8. Permit be reviewed in a year and renewed if all of the conditions are met.

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Mr. Coyner seconded the motion, which carried unanimously.

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### **LYLE SPROUSE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Lyle Sprouse, for a Special Use Permit to have motor vehicle repair and towing on property he owns, located at 1094 Jerusalem Chapel Road, Churchville in the Pastures District.

Mr. Lyle Sprouse stated he does have a full-time job now but would like to work on antique cars and have a small towing business. He stated his hours of operation would be 8:00 a.m. until 5:00 p.m. He stated the Virginia Department of Transportation has looked at his entrance.

Vice Chairman Shreckhise asked who lives beside your property?

Mr. Sprouse said his two (2) uncles.

Mr. Coyner asked if he plans on pulling the cars off of the Interstate when they are involved in an accident?

Mr. Sprouse stated no. He would like to help the citizens in the community if they need to have someone tow their vehicle.

Vice Chairman Shreckhise stated he does not want to see a junkyard. He stated the vehicles at the site now should go somewhere else.

Mr. Sprouse stated he is working on that currently. He said one of the pickup trucks is a project that will be inside the shop.

Mr. Coyner asked if the applicant planned on having employees?

Mr. Sprouse stated no. He felt the screening on the property is adequate. He is in the process of installing a fence around the garage. He noted his uncles own the land around the property and he has discussed this with them.

Mr. Coyner stated the Board visited the site this morning.

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Chairman Byerly asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. William Hanger, 84 Deer Park Lane, Churchville, stated his driveway connects to Jerusalem Chapel Road (TM#33-3, 3B, and 6). He requested that the permit be denied. He stated this use is inappropriate in a General Agriculture area and he cannot believe a towing business is being proposed. He said there is always a residual for automobile repair. He said with auto repair the owners sometimes do not pick up their vehicles. He mentioned there will be oil spills, antifreeze, and broken glass on the property.

Chairman Byerly asked if there was anyone else wishing to speak regarding the request?

There being none, Chairman Byerly asked the applicant to speak in rebuttal.

Mr. Sprouse stated he would like to help the citizens if they are in need of towing services. He will offer a tow service. He said all work would be done inside the shop.

Chairman Byerly asked if this would be a transport operation?

Mr. Sprouse stated yes.

Mr. Coyner asked if the applicant plans on accumulating vehicles there?

Mr. Sprouse stated no.

Vice Chairman Shreckhise asked how many vehicles would be at the site at one time?

Mr. Sprouse stated he would have a couple vehicles.

Mr. Coyner stated the ordinance requires the property to be screened.

Ms. Bunch stated the site would need to be screened from public view.

Mr. Sprouse hoped to only screen the front because he is surrounded by family on both sides.

Ms. Bunch stated the screening would need to be adequate in the winter months. She said unfortunately there may not always be family surrounding the property.

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Chairman Byerly declared the public hearing closed. He said the community needs this type of service.

Vice Chairman Shreckhise stated the recommended operation conditions that staff has proposed will keep the request at a limited usage. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

1. Obtain letter of approval from Building Inspection.
2. The 24' x 36' impound area be screened by an eight (8') foot high opaque vinyl privacy fence.

**Operating Conditions:**

1. Be permitted to use the 24' x 36' garage for motor vehicle repair.
2. No vehicle repair or maintenance work be done outside.
3. All vehicles be kept inside the 24' x 36' garage or the screened impound area on the BZA sketch plan.
4. The eight (8') foot opaque privacy fence be maintained at all times.
5. No junk or inoperable vehicles be kept outside.
6. Hours of operation be 8:00 a.m. to 5:00 p.m., Monday – Friday.
7. No Sunday work.
8. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

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### **CHRISTOPHER D. AND RIKKI L. HOWELL - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Christopher D. and Rikki L. Howell, for a Special Use Permit to have antique car restoration on property they own, located at 2220 Indian Ridge Road, Stuarts Draft in the Riverheads District.

Mr. Christopher Howell stated this property has been in the family for years. He purchased the property on December 16, 2016. He would like to operate an antique car restoration inside the building. He said family lives all around this property. He stated Beverage Tractor used to operate in this building and had a Special Use Permit. He would like to restore vehicles from the 1940s, 1950s, and 1960s.

Chairman Byerly asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Byerly declared the public hearing closed.

Mr. Coyner stated this is a good use for the building. He moved that the permit be approved with the following conditions:

#### **Pre-Conditions:**

1. Obtain letter of approval from Building Inspection.
2. The vehicle storage area be screened on three (3) sides by an eight (8') foot high opaque vinyl privacy fence and must be maintained at all times.

#### **Operating Conditions:**

1. Be permitted to use the existing building for antique car restoration.
2. All work be done inside the building.
3. Hours of operation be 8:00 a.m. to 6:00 p.m. Monday – Friday. No Saturday or Sunday operation.
4. No employees.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.



6. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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**MONICA L. RUTLEDGE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Monica L. Rutledge, for a Special Use Permit to have weddings and special events on property she owns, located at 1808 Parkersburg Turnpike, Swoope in the Pastures District.

Vice Chairman Shreckhise will not participate in the discussion or the vote on this request.

Ms. Monica Rutledge stated she purchased the home in July of last year. She plans on having a small venue with up to 100 to 125 people. She stated this is a beautiful area with a river.

Mr. Coyner stated the Board visited the site this morning. He asked if the weddings or events would be in the backyard or behind the house?

Ms. Rutledge stated the events will be behind the cottage. She stated the area is very isolated. She stated the Virginia Department of Transportation came out to her property. She will have to modify the entrance of the property.

Mr. Coyner asked if the guests will park on the left in the field?

Ms. Rutledge stated yes. She will use a golf cart to transport the guests. She would like to have music for the wedding reception within reason. She would be happy to stop the events by 10:00 p.m. and have everyone leave by 11:00 p.m. She said Mr. Powers, her neighbor, is here and they live 500' across the river so the music should not be an issue. She said the thirty (30) events are fine but she would like to have four (4) events per month. She may end up with four (4) events during her peak season times and many months she will not have events.

Ms. Brown asked how will she advertise?

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Ms. Rutledge stated she has not yet advertised. She may advertise on social media and create a website. She will slowly get her business out there. She will not have events until 2018.

Ms. Brown asked if the parking area is level?

Ms. Rutledge stated the parking area is level. She said it will be easier to park once the driveway is modified.

Ms. Brown asked how many vehicles can be parked in that area?

Ms. Rutledge stated the parking is about one (1) acre.

Ms. Brown asked if there are water issues?

Ms. Rutledge stated no.

Ms. Brown asked if some guests would walk to the ceremony area?

Ms. Rutledge stated either they will walk or she will taxi them to the area.

Ms. Brown asked if the event area is behind the house?

Ms. Rutledge stated yes.

Mr. Coyner stated the reason for the limitation on the number of events per month is to not have that many events in a month time period. He stated the neighbors may not want an event every weekend in the summer months. He asked if she planned on having tents?

Ms. Rutledge stated yes if the client would like a tent. She has spoken to several of the neighbors and none had issues with the number. She said she works full-time and she will operate this business on the side. She noted the steps will be off limits.

Mr. Coyner asked what is the age of the dwelling?

Ms. Rutledge stated the main part of the house was built in 1824.

Chairman Byerly stated this is a unique piece of property. He stated the property will be great for corporate picnics, birthday parties, receptions, and reunions.

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Ms. Rutledge stated her main focus is on small venues.

Ms. Brown asked what is the size of property that is being used for the events?

Ms. Rutledge stated about an acre.

Chairman Byerly asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Dale Powers, 72 Swoope Road, Swoope, stated he lives across the river. He stated it is wonderful that they are developing the property. He said once the driveway is corrected he does not see any problems at all.

Chairman Byerly asked if Mr. Powers had any problem with the amplified music?

Mr. Powers stated no.

Chairman Byerly asked if there was anyone else wishing to speak regarding the request?

There being none, Chairman Byerly declared the public hearing closed.

Mr. Coyner stated it is great the applicant is fixing the property up for a wedding venue. He preferred for the applicant to only have three (3) per month. He would be fine with the applicant having music as long as it ends by 10:00 p.m. He asked if the applicant is in agreement with the two (2) year timeframe of installing the permanent restroom facilities?

Ms. Rutledge stated she will not use porta-potties. She asked the Board to permit her to have a three (3) year timeframe to install the septic system because her first event will not be until next year.

Mr. Coyner moved that the request be approved with the following conditions:

**Pre-Condition:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.

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**Operating Conditions:**

1. Applicant install a sewage treatment system approved by the Health Department within three (3) years.
2. Be permitted to operate for three (3) years using a portable restroom facility, not including porta-potties until the septic system is installed.
3. Be limited to thirty (30) events per year but no more than three (3) per month.
4. Be limited to a maximum of one hundred fifty (150) people per event.
5. No outdoor amplified music after 10:00 p.m.
6. Events to cease by 10:00 p.m. and all persons off the property by 11:00 p.m.
7. Applicant reside on premise.
8. Site be kept neat and orderly.
9. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
10. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
11. Permit be reviewed in a year and renewed if all of the conditions are met.

Ms. Brown seconded the motion, which carried unanimously.

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**JERRY BROWER, AGENT FOR BROWER LIMITED PARTNERSHIP, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Jerry Brower, agent for Brower Limited Partnership, LLC, for a Special Use Permit to have outdoor storage of industrial gases on property owned by Fishersville Property, LC, located at 99 Ivy Ridge Road, Fishersville in the South River District.

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Mr. Jerry Brower stated he is proposing to have vertical storage tanks for industrial gases on the property. He stated the tank will be 9' in diameter with a pad and 12' to 16' tall. He will have a maximum of five (5) tanks at the site.

Mr. Coyner asked if this would be the same operation as in Waynesboro?

Mr. Brower stated yes. He stated if this gets approved he plans on moving his business to Augusta County. He stated these will be bulk tanks that will fill individual cylinders. He stated these are common gases people use.

Ms. Bunch stated the applicant will need to contact GW Wiseman, Building Official, to discuss his requirements of the industrial gases being twenty (20') feet from the building.

Mr. Coyner stated his current location is near Waynesboro High School.

Chairman Byerly asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Byerly declared the public hearing closed.

Mr. Coyner stated this is a locally established company. He said it is great they are wanting to relocate to Augusta County. He moved that the request be approved with the following conditions:

**Pre-Condition:**

1. Obtain letter of approval from Building Inspection.

**Operating Conditions:**

1. Be permitted to store up to five (5) industrial gas tanks outside.
2. All outdoor storage be kept in the designated areas shown on the site plan.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

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Ms. Brown seconded the motion, which carried unanimously.

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**R. CREIGH DEEDS, P.C., AS AGENT FOR PLECKER BROTHERS, INC. – APPEAL OF A DECISION OF THE ZONING ADMINISTRATOR**

This being the date and time advertised for an appeal by R. Creigh Deeds, P.C., as agent for Plecker Brothers, Inc., to the Board of Zoning Appeals of a decision of the Zoning Administrator regarding the property they own being used for a non-permitted use (storage of construction equipment and materials) located at the intersection of Sangers Lane and Balsley Road, Staunton in the Beverley Manor District.

Ms. Bunch stated Mr. Deeds has requested this item be postponed until the July 6, 2017 meeting due to a scheduling conflict.

Mr. Coyner moved the appeal be postponed to the July 6, 2017 meeting.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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**MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

**EDGAR AND MARTJE HURDIS - EXTENSION OF TIME REQUEST**

A request by Edgar and Martje Hurdis, for a Special Use Permit to increase the number of dogs for the existing kennel and boarding facility, and add dog training and dog related events on property owned by Edgar B. Hurdis, III, located at 46 Horseshoe Circle, Stuarts Draft, in the Riverheads District.

Ms. Brown moved to approve the one (1) year Extension of Time.

Mr. Coyner seconded the motion, which carried unanimously.

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**STAFF REPORT**

16-29	Kimberly M. Johnson
16-30	Ralph L., Jr. or Sandra K. Riner

Ms. Bunch stated SUP#16-29 has been inspected and is in compliance. She stated SUP#16-30 has been tabled indefinitely.

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Mr. Benkahla discussed the court cases with the Board.

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There being no further business to come before the Board, the meeting was adjourned.

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Chairman

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Secretary