

November 2, 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
John R. Wilkinson, Director of Community Development
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Justine D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 2, 2017, at 9:30 A.M., in the County Government Center, Verona, Virginia.

* * * * *

The staff briefing was held at **9:30 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.

VIEWINGS

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

- **WILLIAM E. SIPE, JR. - SPECIAL USE PERMIT**
- **LOU MOORE AND THOMAS ERIC COBB - SPECIAL USE PERMIT**
- **BRENT J. WARREN - 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.

* * * * *

Chairman

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

* * * * *

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 2, 2017, at 1:30 P.M., in the County Government Center, Verona, Virginia....

* * * * *

MINUTES

Mr. Coyner moved that the minutes from the October 5, 2017, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

* * * * *

WILLIAM E. SIPE, JR. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by William E. Sipe, Jr., for a Special Use Permit to have weddings and special events on property he owns, located at 473 Hatchery Road, Grottoes in the Middle River District.

Mr. William Sipe, Jr. stated he has applied for a Special Use Permit to construct a 4,800 square foot pavilion and to have weddings and special events.

Mr. Coyner asked what kind of building is the applicant planning on constructing?

Mr. Sipe stated an open-sided pavilion with a metal raised roof.

Mr. Coyner asked if this would be a warm weather only venue?

November 2, 2017

Mr. Sipe stated yes.

Ms. Brown asked where would the cars park?

Mr. Sipe stated the cars would park on either side of the house.

Ms. Bunch stated the applicant can leave the parking area as grass. She said gravel is not required.

Mr. Coyner asked how many cars can park in that area?

Mr. Sipe stated over one hundred thirty (130) vehicles.

Mr. Coyner asked if the applicant will have concerts?

Mr. Sipe stated no concerts. He would like to rent the site for weddings, church events, reunions and other special occasions.

Mr. Coyner asked if the applicant will be onsite during events?

Mr. Sipe stated yes.

Mr. Coyner asked how far is Route 865?

Mr. Sipe stated about one (1) mile.

Ms. Brown asked how will the applicant advertise?

Mr. Sipe stated by word of mouth.

Mr. Coyner asked if the applicant is installing a septic system?

Mr. Sipe stated he would like to install the septic system and have bathrooms. He said if the permit passes, he will go to the expense to install the bathrooms. He does not want porta-johns. He acquired the property in May of 2017.

Mr. Coyner stated the Board has allowed portable restroom trailers for a year until a septic system is installed.

November 2, 2017

Mr. Sipe stated that is not a problem. He said if the Board approves his request he wants to install a septic system.

Ms. Brown asked how many homes are on the road?

Mr. Sipe stated four (4) or five (5) homes.

Ms. Brown asked the applicant how many events are planned each year?

Mr. Sipe stated he would like to have about twenty-four (24) to thirty (30) events per year but not less than twenty (20).

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

Ms. Bunch read a letter in support from Thomas and Sharon Widdows. She also read two (2) letters in opposition from Dorothy Matthews and Wade Craig.

Mr. Stephen Andes, 491 Hatchery Road, Grottoes, stated he has lived there for eighteen (18) years. He has concerns about the pavilion being 214' from his house and 120' from the property line. He does not want people to wander around his property because alcohol is involved. He does not want to hear the noise from the parties. He asked what time will the parties end? He does not want overhead lighting and does not want to see porta-johns. He said the pavilion will be in view from his property. He said this will cause a negative impact on the value of his property if he decides to sell.

Ms. Amy Craig Denney stated she has the same concerns as the others. She said this is a quiet rural area. She has worked with wedding venues and the events can go on late at night. She has issues with security and feels this will cause a negative impact if they decide to sell. She asked if someone would be onsite 24/7 to prevent things from happening. She noted this will impact the rural area.

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. Sipe stated the events will end by 10:30 p.m. and everyone will be off the site by 11:00 p.m. He plans on installing the bathrooms and will not have porta-potties. He does plan on building a home on the property. He will police the site and be there during the events. He said there would be no issues with trash.

November 2, 2017

Mr. Coyner asked if there will be someone living in the house at the site?

Mr. Sipe stated no, that is where the bride and wedding party will get ready.

Chairman Byerly stated in the proposed staff recommendation any lighting must meet the ordinance requirements in order to protect the neighbors.

Mr. Sipe stated he will abide by what the Board stipulates on his permit.

Chairman Byerly declared the public hearing closed.

Vice Chairman Shreckhise stated Mr. Sipe addressed many of the concerns of the neighbors. He said the pre-conditions and operating conditions will address the concerns that the neighbors have today. He noted the applicant is planning on installing the septic system and the special events will be limited to summer months because of the outdoor facility. He does not feel this request will decrease property values. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. Obtain VDOT entrance permit and provide a copy to Community Development.
3. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to construct a four thousand eight hundred (4,800) square foot pavilion for weddings and special events.
2. Obtain all necessary permits and inspections.
3. Applicant will install a sewage treatment system approved by the Health Department.

- 4. Be limited to twenty-four (24) events per year but no more than three (3) per month.
- 5. Be limited to a maximum of two hundred (200) people per event.
- 6. No outdoor amplified music.
- 7. Events cease by 10:30 p.m. and all persons off the property by 11:00 p.m.
- 8. Applicant or designated agent be onsite during all events.
- 9. Site be kept neat and orderly.
- 10. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 11. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Mr. Coyner seconded the motion, which carried unanimously.

* * * * *

LOU MOORE AND THOMAS ERIC COBB - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Lou Moore and Thomas Eric Cobb, for a Special Use Permit to continue the driving range and miniature golf and sales and repair shop on property owned by James Lee Kindig and Lucy K. Coyner, located at 3413 Stuarts Draft Highway, Stuarts Draft in the South River District.

Ms. Lou Moore stated they have applied to take over the business.

Mr. Coyner asked if the applicant plans on operating the same as the current owner?

Ms. Moore stated yes.

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.

November 2, 2017

Ms. Brown stated everything will remain the same at the site. She moved to approve the request with the following conditions:

Pre-Condition:

None

Operating Conditions:

1. Hours of operation be 7:00 a.m. to 9:00 p.m.
2. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

* * * * *

BRENT J. WARREN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brent J. Warren, for a Special Use Permit to construct an accessory building in the front yard on property he owns, located at 14 Birchwood Road, Staunton in the Wayne District.

Mr. Jerry Sheffer stated he is a surveyor with Hamrick Engineering and he is representing Mr. Warren on his Special Use Permit request. He presented a letter signed by adjoining neighbors to the Board in agreement with his request. He said the applicant lives on a corner lot which has different setback regulations. He said Mr. Warren only has one position available on his lot for this accessory building. He stated the building will not be visible and it is below the highway. He stated the accessory building will be constructed to match the dwelling. He said Mr. Warren has already started installing a board fence to protect the neighbors.

Mr. Coyner asked what is the size and height of the structure?

Mr. Sheffer stated the building will be a 24' x 24' workshop about eight (8') foot in height.

Mr. Coyner asked if this would be a metal building?

Mr. Sheffer stated there will be vinyl siding on the building with a shingle roof.

November 2, 2017

Ms. Bunch stated three (3) families signed in favor of this request: Debbie Mayo, Randolph Smith, and K & J Botkin. She noted in 2012 when the building permit for the home was applied for, Route 250 was designated as the front yard.

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

Mr. Michael Todd Gibson, 16 Birchwood Road, Staunton, stated he has concerns about this permit getting approved. He stated there is a visual impact along Birchwood Road and Route 250 and there is a traffic safety issue when entering and exiting the building. He does not want this building being used for business or commercial use. He said a twenty (20') foot tall building would block the view of his property. He noted if approved it will cause a negative impact to the character of the area. He noted there will be aesthetic damage to the area.

Mr. Coyner asked if the applicant adjoins this property?

Mr. Gibson stated yes. He purchased the property in 2013.

Chairman Byerly asked if the privacy fence will block the sight clearance on Route 250?

Mr. Gibson stated yes. He stated the building will exceed the height of the fence.

Mr. Coyner stated the privacy fence is not under consideration for today.

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. Sheffer stated the building will be one (1) story in height and possibly ten (10') feet tall to the peak. He noted there is a twelve (12') foot access easement to the site. He said access to Route 250 is not an issue.

Ms. Brown stated this is the only location the applicant can place the building and meet setbacks.

Vice Chairman Shreckhise stated the Board should grant this permit but there needs to be a limitation on the height of the building. He suggested a twelve (12') foot limitation for the height.

November 2, 2017

Mr. Brent Warren stated he is the owner of the property. He said the building will not exceed fourteen (14') to sixteen (16') feet in height. He would like to have storage at the top of the building.

Mr. Coyner stated the Board needs to know exactly how tall the building will be?

Mr. Warren stated no more than fifteen (15') feet tall.

Vice Chairman Shreckhise asked how will the building be used?

Mr. Warren stated he will not operate a business. He said the building is strictly for his personal use.

Chairman Byerly declared the public hearing closed.

Mr. Coyner stated this is the only spot available on this lot. He said the building will be in a low spot below view from the neighbors.

Vice Chairman Shreckhise stated this Board cannot regulate the fence on the property. He said the building will be behind the fence.

Mr. Coyner moved to approve the request with the following conditions:

Pre-Condition:

None

Operating Conditions:

1. Be permitted to construct the 24' x 24' accessory structure in the front yard as shown on the survey.
2. Obtain all necessary permits and inspections.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

- 5. Building be limited to fifteen (15') feet at the peak.

Ms. Brown seconded the motion, which carried unanimously.

* * * * *

ROBERT HUFF, AGENT FOR LINGO NETWORKS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Robert Huff, agent for Lingo Networks, for a Special Use Permit to move the location of the telecommunications tower approved on May 4, 2017, on property owned by Claude H. or Peggy G. Smith, located at 1680 Middlebrook Road, Staunton in the Riverheads District.

Mr. Robert Huff said at the request of the property owner, they would like to relocate the previously approved tower location. He stated the contours are the same and it will provide the same coverage. He noted the only change is that this location will make the access road a little longer.

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 moved to approve the request with the following conditions:

Pre-Conditions:

- 1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
- 2. Applicant will submit all necessary information and a bond, irrevocable letter of credit, or appropriate surety to comply with Section 25-68.7 "Bonding" of the Augusta County Zoning Ordinance.

Operating Conditions:

- 1. Be permitted to construct a one hundred ninety-five (195') foot self-supportive/lattice style telecommunications tower with a four (4') foot lightning rod not to exceed one hundred ninety-nine (199') feet.

November 2, 2017

2. Tower design will allow a minimum of four (4) co-locators.
3. No additional landscaping or buffering is required.
4. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunications purposes. The tower shall be disassembled and completely removed from the site within ninety (90) days of such notification. Pursuant to Section 15.2-2309, paragraph 6 of the Code of Virginia: "The applicant shall provide bond with appropriate surety in the amount of \$25,000 to insure compliance with this stipulation. The applicant will ensure the bond shall remain in effect until at least six (6) months following notice to the Augusta County Community Development Department that wireless telecommunications have been discontinued.
5. The applicant will comply with all FCC regulations.
6. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.

Ms. Brown seconded the motion, which carried unanimously.

* * * * *

OLD BUSINESS

JOSEPH A. MURRAY, AGENT FOR SIPAPU, LLC - SPECIAL USE PERMIT

A request by Joseph A. Murray, agent for Sipapu, LLC, for a Special Use Permit to have a short term and extended stay campground and to have special events on property they own, located at 277 Lake Drive, Greenville in the Riverheads District. – TABLED AT THE OCTOBER 5, 2017 MEETING

Mr. Coyner moved to bring forward the request.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Daniel Murray, 277 Lake Drive, Greenville, stated they have come to an agreement with Headwaters Soil and Water Conservation District to move forward with their project.

November 2, 2017

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

Mr. Otis Bilkins stated he is the Director for the Headwaters Soil and Water Conservation District. He noted they have agreed verbally on the conditions. He stated they have provided a memo of understanding which should be finalized soon. He would have the same comments on the next request also. He asked that the pre-condition be modified to read Headwaters Soil and Water Conservation District instead of only Headwaters.

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 moved to approve the request with staff's recommended conditions. He is excited about how things are coming along at the campground. He asked about the extended stay sites?

Ms. Bunch stated the Floodplain Ordinance prohibits RVs in a floodpool more than 180 days. She said this request is for short term and extended stay sites. She said the majority of them are in the floodpool.

Mr. Ray Burkholder stated the lower portion of the campground does have some extended stay (about fifteen sites) and is located out of the floodpool which the applicant would like to keep them there. He said they still have some extended stay out of the floodpool which is why they do not want to say no extended stay for this permit.

Mr. Coyner amended his motion to approve the request with the following conditions:

Pre-Condition:

1. Submit a copy of the signed agreement with Headwaters Soil and Water Conservation District to Community Development.

Operating Conditions:

1. Submit a Floodplain Development Plan for any development within the floodpool to Community Development.

November 2, 2017

2. Obtain all necessary building permits for the 50' x 80' pavilion and proposed additions to the store.
3. No outdoor music after 11:00 p.m.
4. Be permitted to have special events open to the public.
5. The existing campsites within the floodpool be limited to short-term campsites only.
6. All extended stay and seasonal sites within the floodpool be moved to the new area within one (1) year.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

* * * * *

JOSEPH A. MURRAY, AGENT FOR SIPAPU, LLC - SPECIAL USE PERMIT

A request by Joseph A. Murray, agent for Sipapu, LLC, for a Special Use Permit to have a short term and extended stay campground and to have special events on property owned by Arthur J. Fisher, III, located on the east side of Lake Road adjacent to Stoney Creek Campground in Greenville in the Riverheads District. – TABLED AT THE OCTOBER 5, 2017 MEETING

Mr. Coyner moved to bring forward the request.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Daniel Murray, 277 Lake Drive, Greenville, stated this is a positive thing for the area and for the campers.

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 this request was tabled in order to give time for the applicant and Headwaters Soil and Water Conservation District to discuss their concerns.

Mr. Coyner moved to approve the request with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. Submit a copy of the signed agreement with Headwaters Soil and Water Conservation District to Community Development.

Operating Conditions:

1. Be permitted to have two hundred (200) campsites on this lot.
2. Obtain all necessary permits and inspections to comply with the Uniform Statewide Building Code.
3. No outdoor amplified music after 11:00 p.m.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

* * * * *

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

BILL HENSON, AGENT FOR MEADE MOBILE HOME PARK LC - EXTENSION OF TIME REQUEST

A request by Bill Henson, agent for Meade Mobile Home Park LC, for a Special Use Permit to replace non-conforming manufactured homes within a manufactured home park with larger units on property owned by J.R. Ridenour, located at 79 and 85 Meade Park Circle, Verona, in the North River District.

Mr. Bill Henson stated they have been delayed trying to find a home to put on this lot in the park. He is requesting a one (1) year Extension of Time.

Mr. Coyner moved to approve the one (1) year Extension of Time.

Ms. Brown seconded the motion, which carried unanimously.

November 2, 2017

* * * * *

LESTER P. AND MARY A. WITMER - EXTENSION OF TIME REQUEST

A request by Lester P. and Mary A. Witmer, for a Special Use Permit to construct a new building and use a portion of it for a concrete pumping business on property they own, located at 188 Coffman Road, Weyers Cave, in the North River District.

Ms. Bunch stated the applicant still needs to construct a building. She said they are asking for a one (1) year Extension of Time.

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

Mr. Coyner seconded the motion, which carried unanimously.

* * * * *

STAFF REPORT

17-2 Richard A. or Laurel L. Landes
17-3 Cornerstone Church of Waynesboro

Ms. Bunch stated both permits were inspected and are in compliance.

* * * * *

Mr. Benkahla discussed the court cases with the Board.

* * * * *

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

* * * * *

Chairman

Secretary