

August 2, 2018

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

**ABSENT:** John R. Wilkinson, Director of Community Development

**VIRGINIA:** At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 2, 2018 at 8:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:00 a.m.** in the Board of Supervisors Conference Room. The staff reports for each request were reviewed 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:

- **LARRY D. OR DEBRA L. HARRIS - SPECIAL USE PERMIT**
- **JAMES THOMAS LOWERY - SPECIAL USE PERMIT**
- **STEPHEN A. OR ROSIE M. JETT - SPECIAL USE PERMIT**
- **JOEL K. AND LINDA J. SNIVELY - SPECIAL USE PERMIT**
- **DENNIS BRADLEY - SPECIAL USE PERMIT**
- **AUSTIN MCNETT - 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

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Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: John R. Wilkinson, Director of Community Development

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 2, 2018, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Mr. Byerly moved that the minutes from the July 5, 2018, meeting be approved.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**LARRY D. OR DEBRA L. HARRIS - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Larry D. or Debra L. Harris, for a Special Use Permit to have a personal dog kennel on property they own, located at 216 Pine Creek Lane, Grottoes in the Middle River District.

Mr. Larry Harris said he would like to have a permit for a kennel.

Vice Chairman Coyner asked what are the dogs used for?

Mr. Harris stated these are their personal pets. He said they are all spayed and neutered. He will not breed any dogs.

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Ms. Debra Harris stated the dogs are all kept inside the house. She said one of the dogs belongs to her son. She wanted to get the dog tags but the Treasurer's Office said they needed a Special Use Permit first.

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

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

Vice Chairman Coyner stated this is a remote area. He said the applicant will not be breeding the dogs. He moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted a maximum of six (6) adult dogs kept at this site at any time.
2. All dogs be confined within the 50' x 60' exercise area or inside the dwelling at all times.
3. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
4. Applicant must retain the minimum five (5) acre requirement for the permit to remain valid.
5. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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**JAMES THOMAS LOWERY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by James Thomas Lowery, for a Special Use Permit to have a personal dog kennel on property he owns, located at 56 Frog Hollow Lane, Stuarts Draft in the Riverheads District.

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Mr. James Lowery stated he loves his dogs and would like to be able to keep them. He uses the dogs for bear hunting. He will not breed the dogs.

Chairman Shreckhise asked how many dogs do you have?

Mr. Lowery stated he owns eight (8) dogs. He said his friend also has Catahoula Leopard Hounds and they are operating jointly.

Vice Chairman Coyner asked what will the total number of dogs be onsite?

Mr. Lowery stated they are requesting a total of twenty (20) dogs.

Vice Chairman Coyner asked how many dogs are onsite now?

Mr. Lowery stated nineteen (19) dogs.

Vice Chairman Coyner asked if the applicant breeds the dogs?

Mr. Lowery stated no.

Vice Chairman Coyner asked if his friend breeds the dogs?

Mr. Lowery stated yes. She will breed one (1) time a year.

Vice Chairman Coyner asked if the dogs will be kept in the barn?

Mr. Lowery stated yes.

Ms. Brown asked how many dogs will be in the barn?

Mr. Lowery stated there are nine (9) kennels in the barn currently.

Ms. Kristin Heitzer said the property will be fenced so the dogs cannot get out and have room to exercise. She said the kennel areas will be cleaned twice a day.

Ms. Brown asked who will help take care of the dogs?

Ms. Heitzer stated this is a family operation. She stated her dogs are used for hogs and cattle. She will be attending a competition in Georgia in September with the dogs. She said they use the dogs for bear hunting.

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Ms. Tilghman asked if she planned on having a litter a year?

Ms. Heitzer stated yes because she would like to continue the bloodline if any of the dogs pass on.

Ms. Tilghman stated the oldest dog the applicant has is ten (10) years old. She said the other dogs are younger. She asked how many is there in a litter of puppies?

Ms. Heitzer stated usually eight (8) puppies.

Ms. Tilghman stated if the applicant has a litter every year, they would be over on the number of dogs and would have to sell them.

Ms. Heitzer stated she does not have to have a litter every year.

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

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

Chairman Shreckhise stated the applicant should only be allowed to have twenty (20) adult dogs.

Vice Chairman Coyner stated twenty (20) dogs are a lot of dogs but the property is away from any neighbors. He said the Board saw pictures of the inside of the barn and they look really good.

Ms. Brown stated the applicant is doing a good job of taking care of the dogs.

Ms. Tilghman moved to approve the request with the following conditions:

**Pre-Conditions:**

1. The 5' X 10' kennels be installed inside the barn within **ninety (90) days**.
2. The fenced exercise area around the barn be upgraded to sturdy agricultural fencing and be completed within **ninety (90) days**.

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**Operating Conditions:**

- 1. Maximum of twenty (20) adult dogs kept at this site at any time.
- 2. Applicant be allowed to breed no more than one (1) litter of puppies per year.
- 3. All dogs be confined within the fenced exercise area adjacent to the barn or in individual kennels inside the barn at all times.
- 4. Dogs be kept inside the barn from 10:00 p.m. until 6:00 a.m.
- 5. Animal Control to inspect the site every **six (6) months**.
- 6. Existing trees and vegetation along the eastern side property line remain and be maintained.
- 7. Site be kept neat and orderly.
- 8. Permit be reviewed in a year and renewed if all of the conditions are met.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**STEPHEN A. OR ROSIE M. JETT - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Stephen A. or Rosie M. Jett, for a Special Use Permit to have a personal dog kennel on property they own, located at 12 Lismore Lane, Churchville in the Pastures District.

Mr. Stephen Jett stated he would like to have a permit to keep his six (6) dogs. He said they are all either spayed or neutered. He stated he had the dogs before the ordinance change in 2010. He said his daughter brought home two (2) more dogs. He said the dogs all sleep inside the home.

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

Ms. Mary Wilson, 980 Braley Pond Road, West Augusta, stated she is in support of this application. She said there is no issue with the dogs.

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Mr. Jack Wilson, 980 Braley Pond Road, West Augusta, stated the dogs have never been a problem. He said they stay in their yard. He hoped the application gets approved.

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

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

Ms. Brown stated the applicant does not have the five (5) acre requirement, however, due to the fact the dogs are spayed and neutered, kept inside the home except for bathroom breaks, have been taken good care of, and there has been no complaints for this site, she would move to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted a maximum of six (6) adult dogs kept at this site at any time.
2. All dogs be confined within the fenced exercise area or inside the home at all times.
3. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
4. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

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**JOEL K. AND LINDA J. SNIVELY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Joel K. and Linda J. Snively, for a Special Use Permit to have a bed and breakfast within the dwelling on property they own, located at 180 Old Parkersburg Turnpike, Swoope in the Pastures District.

Mr. Joel Snively stated he would like to have a bed and breakfast at this site. He has traveled and has stayed in many bed and breakfast sites and it is a good opportunity for tourists to see the area. He noted the Health Department approved him for three (3) bedrooms and he would request the Board to modify that condition. He would like to have the option to be able to rent out the other bedrooms if there are multiple couples going on vacation together.

Vice Chairman Coyner asked how long has the applicant resided at the property?

Mr. Snively stated six (6) years.

Vice Chairman Coyner stated the site is very nice. He asked if the applicant advertises on the internet?

Mr. Snively stated he would list his property through Airbnb. He said his location would be seen worldwide.

Vice Chairman Coyner asked if there is a screening process through Airbnb?

Mr. Snively stated yes. He noted the property has to qualify in order to be listed on the site.

Vice Chairman Coyner asked how long would a guest stay at the site?

Mr. Snively stated guests can book for a week stay if they like. He said typically guests only stay a few nights.

Ms. Brown asked if Airbnb does a background check on the owners?

Mr. Snively stated no.

Ms. Tilghman asked how many bathrooms are in the home?

Mr. Snively stated three (3) bathrooms.

Ms. Brown said the applicant would now be able to accommodate multiple couples with the extra bedrooms.

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



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

Mr. Byerly stated he does not have any problem with the applicant using the three (3) bedrooms. He moved to approve the request with the following conditions:

**Pre-Condition:**

None

**Operating Conditions:**

1. Be permitted to use three (3) bedrooms in the existing home for the bed and breakfast operation.
2. Applicant must reside on premises.
3. Site be kept neat and orderly.
4. No employees other than family members.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**DENNIS BRADLEY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Dennis Bradley, for a Special Use Permit to continue the existing residential care facility on property owned by Garry R. or Walda R. Massie, located at 201 Dodge Street, Stuarts Draft in the South River District.

Ms. Lindsey Lowe stated she would like to continue the residential care facility. She will be the Executive Director. She has a plan for leasing for 3-5 years with the option to buy.

Ms. Brown asked how many rooms are there at the site?

Ms. Lowe stated with the new Department of Social Services regulation they can only house sixteen (16) residents because of the square footage per room.

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Ms. Brown asked what are the size of the rooms?

Ms. Lowe stated the rooms are about 650 square feet. She said the rooms will hold one (1) or two (2) residents.

Ms. Brown asked how many staff will be onsite?

Ms. Lowe stated they will have two (2) staff members onsite.

Ms. Brown asked if the staff will dispense medicine?

Ms. Lowe stated yes.

Ms. Brown asked if they will have to be licensed to dispense medicine?

Ms. Lowe stated yes. She said they have to be State Certified through the Board of Nursing. She said the facility was shut down for about three (3) years. She said they are only required to have one (1) staff member for nineteen (19) residents but she is not comfortable with that so they plan to have two (2) staff. She said they would not take care of residents that are in a wheelchair or bedbound. She said they help bathe the residents and provide transportation to their appointments.

Vice Chairman Coyner asked if the State conducts inspections?

Ms. Lowe stated yes.

Vice Chairman Coyner asked if the applicant has experience in this field?

Ms. Lowe stated she has been in the nursing field for about eighteen (18) years. She ran a Hospice House at Augusta Health and worked at a facility in Timberville. She said they will also have kitchen staff at the site. She said they provide all meals and two (2) snacks a day. She does not have the license where she could be a full assisted living facility yet. She said they would not take anyone under the age of thirty-five (35).

Vice Chairman Coyner asked if the residents see the doctor inside the residence or do they go out to see a doctor?

Ms. Lowe stated they provide the transportation for them to go to the doctor.

Vice Chairman Coyner asked if the residents have private rooms or are they shared?

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Ms. Lowe stated they can put two (2) in a room if the resident would like.

Ms. Brown asked how are the rooms paid for?

Ms. Lowe stated through private pay. She said they also go on field trips so that the residents do not feel like they are cooped up in the home.

Ms. Brown asked if some of the residents can drive their car and come back?

Ms. Lowe stated yes as long as the doctor has given them permission to drive. She has never received any complaints at the other facilities she has worked. She said all residents will come to the dining room to eat their meals.

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

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

Chairman Shreckhise stated the applicant seems very knowledgeable and had a very favorable recommendation.

Vice Chairman Coyner stated this type of facility is needed in the area. He moved to approve the request with the following conditions:

**Pre-Condition:**

1. Provide a copy of the license from the Department of Social Services.

**Operating Conditions:**

1. Be limited to a maximum of sixteen (16) residents.
2. Site be kept neat and orderly.

Mr. Byerly stated the County needs these types of facilities under good management. He stated the applicant has experience in this field. He seconded the motion, which carried unanimously.

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**AUSTIN MCNETT - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Austin McNett, for a Special Use Permit to have an outdoor cooker, walk-in freezers, and outdoor seating in conjunction with a retail meat market on property owned by Fort Defiance Realty, LLC, located at 294 Lee Highway, Verona in the Beverley Manor District.

Mr. Austin McNett stated he would like to operate a retail meat market at this location along with a deli and is requesting to have an outdoor cooker, walk-in freezers, and outdoor seating. He will provide takeout style meals.

Ms. Brown asked how much of the building will be used for the business?

Mr. McNett stated all of the building will be used.

Ms. Brown asked how many employees will the applicant have?

Mr. McNett stated three (3) employees.

Ms. Brown asked what the hours of operation are for the business?

Mr. McNett stated 9:00 a.m. until 6:00 p.m. or 7:00 p.m.

Ms. Brown asked if they will provide lunch and dinner?

Mr. McNett stated yes, they will provide lunch and dinner to go.

Vice Chairman Coyner asked if the applicant would have tables on the front porch?

Mr. McNett stated yes in order to provide seating outside for his customers.

Ms. Brown asked what size tables would the applicant provide?

Mr. McNett stated he will have bistro style seating outside.

Mr. Byerly asked what type of products will you have?

Mr. McNett stated they will have beef, hogs, chicken, and lamb. He said he may provide seafood in the future.

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Ms. Tilghman asked if the size of the walk-in freezer and outdoor cooker is adequate to meet your needs?

Mr. McNett stated he does not see a need to increase the size of the freezer at this location. He said they may want a larger cooker in the future.

Ms. Tilghman stated the Board may want to remove the size limitation for the cooker.

Vice Chairman Coyner asked if the applicant plans on opening the business soon?

Mr. McNett hoped to open by April or May of next year.

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

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

Ms. Brown stated the Board visited the site today and this is a nice piece of property. She moved to approve the request with the following conditions:

**Pre-Condition:**

1. Applicant obtain building permit and provide a copy to Community Development.

**Operating Conditions:**

1. Be allowed to store two (2) 10' x 10' walk-in freezers and one (1) outdoor cooker outside adjacent to the building.
2. Be permitted to have five (5) two-seat tables to provide seating for a maximum of ten (10) patrons outside under the canopy.
3. All outdoor storage be kept in the designated areas shown on the site plan.
4. The outdoor storage area be screened by an eight (8') foot high opaque privacy fence.
5. The opaque privacy fence must be maintained at all times.

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6. Site be kept neat and orderly.

7. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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

**DAVID I. MCCASKEY - EXTENSION OF TIME**

A request by David I. McCaskey, for a Special Use Permit to have an apartment in a pre-1980 structure and to expand the non-conforming dwelling on property he owns, located at 7 Old Staunton Road, Greenville in the Riverheads District.

Mr. David McCaskey stated the paperwork was filed in June with the Virginia Department of Historic Resources. He said the National Park Service is reviewing his plan. He hopes to get an approval within 30-45 days. He will need his approval in hand before he applies for his building permit.

Mr. Byerly asked if four (4) months would be enough time for the applicant or would he prefer additional time?

Mr. McCaskey stated six (6) months would be sufficient time to apply for his permits. He stated the material and any remodeling needs to be approved prior to application.

Ms. Tilghman moved to approve a nine (9) month Extension of Time.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**KARITA BURRILL – CANCELLATION**

A request by Karita Burrill, for a Special Use Permit to have a day care on property owned by Jamie DeWayne Stickley, located at 1568 Patterson Mill Road, Grottoes, in the Middle River District.

Ms. Bunch stated the day care operation has never been established and the site is vacant.

Ms. Brown moved to cancel the permit.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 17-45            Ronald L. Smith
- 17-46            John W. Bevins
- 17-47            Troy A. or Melissa L. Sizer-Lewis
- 17-48            Darrel S. Alexander
- 17-49            Sipapu, LLC
- 17-50            Arthur J. Fisher, III
- 17-51            Laurence D. and Toni P. Sheets
- 17-52            Clinton O. or Margaret C. Webb
- 17-53            Nancy L. Boyd
- 17-54            Jerry T. and Candace M. Wagner, Trustees

Ms. Bunch stated SUP#17-45 – SUP#17-50 are all in compliance. She stated SUP#17-51 has been cancelled. She stated SUP#17-52 is in compliance. She noted the applicant for SUP#17-53 is clearing a pad in order to bring the food truck to the site. She stated SUP#17-54 was denied.

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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



Secretary