

January 3, 2019

**PRESENT:** Steven F. Shreckhise, Chairman  
 George A. Coyner, II, Vice Chairman  
 Daisy A. Brown  
 Thomas H. Byerly  
 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, January 3, 2019 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 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:

- **STACEY PAYNE - SPECIAL USE PERMIT**
- **JAMES R. OR VALERIE L. SCHWENDEMAN - SPECIAL USE PERMIT**
- **DALE HUNGERFORD, TRUSTEE HUNGERFORD REVOCABLE TRUST - SPECIAL USE PERMIT**
- **MELINDA KENDALL - SPECIAL USE PERMIT**
- **SHAHID KHAN, AGENT FOR UPLYFT, INC. - SPECIAL USE PERMIT**
- **ROGER T. MORAN - VARIANCE**

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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 Vice Chairman

  
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 Secretary

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

ABSENT: Justine D. Tilghman, Chairwoman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 3, 2019, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**ELECTION OF OFFICERS**

Mr. Byerly nominated Ms. Tilghman as Chairwoman and Mr. Coyner as Vice Chairman, and Sandra Bunch as Secretary.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**MINUTES**

Mr. Shreckhise moved that the minutes from the December 6, 2018, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**CONSIDERATION OF 2019 RESOLUTION**

Mr. Shreckhise moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2019 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day. He noted the Board of Zoning Appeals meeting in July will be on **Wednesday, July 3, 2019** due to the holiday.

Ms. Brown seconded the motion, which carried unanimously.

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**CANDY HENSLEY, AGENT FOR REGIONAL ANIMAL SHELTER LAND TRUST - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Candy Hensley, agent for Regional Animal Shelter Land Trust, for a Special Use Permit to amend the current operating conditions to allow the construction of a larger accessory building and to use a six (6') foot high chain link fence around the exercise and play area on property it owns, located at 1001 Mt. Torrey Road, Lyndhurst in the South River District.

Ms. Candy Hensley stated she is here to represent the Regional Animal Shelter. She would like to add a larger storage building. She said they would remove the old accessory building and replace it with a 20' x 12' building. She noted they would like to be able to use a chain link fence instead of vinyl around the 50' x 70' exercise and play area. She said they can also add slats for screening.

Vice Chairman Coyner asked if they plan on getting this done within the year?

Ms. Hensley stated yes.

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

There being none, Vice Chairman Coyner declared the public hearing closed.

Mr. Shreckhise stated the Regional Animal Shelter is in need of these improvements. He moved to approve the request with the following conditions:

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**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to place a 20' x 12' accessory building for storage.
2. Be permitted to construct a 50' x 70' exercise and play area to be enclosed with a six (6') foot high chain link fence divided into no more than two (2) separate pens and double gated at the entrance.
3. All other operating conditions of SUP#11-32, 13-20, 13-46, and 14-8 remain.

Mr. Byerly seconded the motion, which carried unanimously.

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**STACEY PAYNE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Stacey Payne, for a Special Use Permit to have a dog training facility for therapy and service dogs on property owned by Pilgrim Christian Fellowship, located at 822 Churchmans Mill Road, Stuarts Draft in the Riverheads District.

Ms. Stacey Payne stated she would like to train dogs and puppies for therapy and service. She said children and veterans will use the trained dogs. She said the training takes place for about 16-18 months.

Vice Chairman Coyner stated the applicant is currently operating in Waynesboro.

Ms. Payne stated yes on Ivy Street. She plans on moving everything to this facility if it is approved. She said most of the training is done inside. She does not board the dogs. She said they sometimes have meetings with their Board on the weekends. She would like to operate from 7:00 a.m. until 7:00 p.m.

Vice Chairman Coyner asked if the dogs will leave every day?

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Ms. Payne stated yes.

Vice Chairman Coyner asked if the applicant plans on having help with the business?

Ms. Payne stated she plans on having five (5) to six (6) helpers.

Ms. Brown asked where the applicant gets the dogs from?

Ms. Payne stated she gets the dogs from breeders and shelters. She will test the dogs to place them. She said the dog actually picks their owner.

Ms. Brown asked how would someone know about you?

Ms. Payne stated through word of mouth, doctors, and commercials on television. She also does a lot of research and work with autism.

Mr. Byerly asked if she preferred a specific breed?

Ms. Payne stated it depends on the need. She said it is not necessarily the breed but the temperament. She also uses dogs that have been in the shelter in order to provide the dog a home also. She has dogs that can handle mobility assist, diabetic alert, seizure response, and PTSD for veterans. She said the need is great. She said for example with a seizure the dog senses the seizure a half hour before and they are trained to respond. She said they can't train an alert but they can train a response. She said the dogs bark, open doors, and get people to help when they need to.

Vice Chairman Coyner asked how long does it take to train a dog?

Ms. Payne said about eighteen (18) months.

Ms. Brown asked if her client works with the dog through the training process?

Ms. Payne stated yes because that is where the bond is.

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

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Ms. Colleen Corcoran, 1765 River Rock Arch, Virginia Beach, stated her son has autism and they came to Positive Paws for help in 2015 regarding their unique challenge. She said they were able to get the perfect puppy for her special son. She stated they have helped their family by helping them find a dog that can help her autistic son. She was so happy to see her son train his dog Chance.

Mr. Grant Doyle, 488 St. James Road, Fishersville, stated these are important programs. He said they take therapy dogs to schools, libraries, and nursing homes. He noted this is a tremendous asset to the people. He said Ms. Payne is a great trainer. He said she is also a tremendous asset to the people and children that need these service and therapy dogs. He has diabetes and he has trained his service dog. He stated twenty-one (21) dogs are certified therapy dogs. He said they have four (4) to five (5) trained service dogs and eleven (11) dogs have just been brought into the program. He said this facility will be a first step in enlarging their programs.

Ms. Teresa Sprouse, 800 Churchmans Mill Road, Stuarts Draft, stated this is a notable worthy cause but this is a quiet residential area. She said her house is to the left. She asked how will this change the neighborhood? She said there are many small children in the area, will this use increase traffic flow? She is concerned about the number of employees in and out of the driveway. She asked where the fence would be going? She is opposed to this location, not the training.

Vice Chairman Coyner asked how long have you lived at the site?

Ms. Sprouse stated twenty (20) years. She asked how many volunteers would be outside with the dogs? She is also concerned about barking dogs.

Mr. Andy Beasley, 828 Churchmans Mill Road, Stuarts Draft, stated he is not opposed to this request but he does have twenty (20) cattle there. He is concerned about the shared fence that he has on the property. He has two (2) ADHD children and they are naturally gravitated to animals. He was worried about dogs getting onto his property. He would hope that the area would continue to be a nice, quiet area. He has lived at the site for nineteen (19) years.

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

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

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Ms. Payne stated she understands the neighbors' concerns. She will work with the community on a desired fence. She said they will train indoors more than anything. She said the dogs will not be outside long except for breaks and they will not be left unattended. She said there will not be much barking but there is going to be some because she teaches the dog to speak. She said the house next door should not hear anything.

Mr. Shreckhise asked if the traffic will be increased?

Ms. Payne stated she would like to operate from 7:00 a.m. until 7:00 p.m. She said the high traffic times would only be from 7:00 a.m. to 9:00 a.m. and from 5:00 p.m. until 7:00 p.m. She said her clients will come at different times. She said not all of the staff will arrive at the site at the same time. She said there would not be many cars throughout the entire day.

Mr. Shreckhise asked if all of the dogs would be out at the same time?

Ms. Payne stated no. She said they train in groups. She stated about twenty (20) dogs would be out for their potty break and exercise. She said the dogs do not bark all the time.

Mr. Shreckhise stated the neighbors would not want to hear a lot of barking all of the time.

Ms. Payne stated schools come out to see their facility and volunteer. She said this is an amazing thing for the community.

Vice Chairman Coyner asked about the fence on the property?

Ms. Payne stated there is not a fence on the property presently. She would install a durable fence. She said the dogs would not jump the fence. She noted the handlers are outside with the dogs. She would like to have a six (6') foot high chain link fence.

Ms. Brown asked if someone will always be with the dogs while they are training?

Ms. Payne stated yes. She noted the dogs are watched constantly. She has five (5) people working with her for therapy training but most of the therapy dogs are out in the communities.

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Vice Chairman Coyner declared the public hearing closed. He said the Board visited this site and there is a need for this in the community.

Mr. Byerly stated this is a noble endeavor. He understands the adjoining neighbors' concerns but with the staff's recommended conditions that should take care of the concerns. He would like to also note in the conditions that the applicant construct a six (6') foot high chain link fence. He moved to approve the request with the following conditions:

**Pre-Conditions:**

- 1. Applicant construct the six (6') foot high chain-link fence behind the building within **sixty (60) days**.
- 2. Applicant obtain VDOT approval and provide a copy to Community Development.
- 3. Obtain Health Department approval and provide a copy to Community Development.

**Operating Conditions:**

- 1. All dogs be confined within the building or fenced area shown on the site plan.
- 2. Hours of operation be 7:00 a.m. to 7:00 p.m., Monday – Friday.
- 3. Be limited to six (6) employees.
- 4. No Saturday or Sunday work.
- 5. Site be kept neat and orderly.
- 6. 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. Shreckhise seconded the motion, which carried unanimously.

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**JAMES R. OR VALERIE L. SCHWENDEMAN - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by James R. or Valerie L. Schwendeman, for a Special Use Permit to amend the operating conditions of their Special Use Permit #10-66, to increase the number of dogs onsite on property they own, located at 728 Franks Mill Road, Staunton in the North River District.

Ms. Valerie Schwendeman stated she has too many dogs and needs to increase the number of dogs on her existing permit. She is in the process of rehoming ten (10) dogs. She would like to have an increase from 27 to 33 dogs including the puppies. She did not intend to go over her numbers.

Ms. Brown asked how many puppies does she have?

Ms. Schwendeman stated eight (8) that are between the ages of six (6) to fifteen (15) months that are included in that number.

Vice Chairman Coyner asked how many litters per year does a dog have?

Ms. Schwendeman stated one (1) litter per year. She said the number of puppies in the litter varies.

Vice Chairman Coyner asked how many breeder dogs do you keep?

Ms. Schwendeman said once two (2) dogs retire she needs to have two (2) dogs to fill that spot for breeding. She said twenty (20) dogs are used for breeding.

Ms. Brown asked if she has paperwork for the shots for the dogs?

Ms. Schwendeman stated all of the dogs are current on shots.

Vice Chairman Coyner stated the applicant was granted twenty-six (26) dogs. He asked why does the number of dogs need to be increased?

Ms. Schwendeman stated she needs more because the puppies are growing up. She will need to keep enough breeders for the future.

Ms. Bunch stated the Augusta County Zoning Ordinance defines an adult dog as over the age of six (6) months. She said the State Code says four (4) months is an adult dog.

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Vice Chairman Coyner asked if the applicant had all of the rabies certificates for the dogs because on December 17<sup>th</sup> the report from Animal Control stated that all of the dogs did not have current rabies?

Ms. Schwendeman stated when the Dog Warden came to the site she did not have the rabies certification from one of the breeders but they all have been vaccinated because they were done out of state or by another breeder. She said none of her dogs were without a shot. She said she has since gotten all certificates up to date and they are in her office at home. She did not know the Board needed to see the certificates.

Vice Chairman Coyner stated the applicant has had problems before and now she wants an increase in the number of dogs.

Ms. Schwendeman stated she does not want to part with the dogs but would like to have the leeway to get back into compliance.

Vice Chairman Coyner asked how long would it take to decrease the numbers to twenty-six (26) dogs?

Ms. Schwendeman stated by June but no later than August. She stated she has ten (10) older females that she needs to place and are ready to retire. She has eight (8) puppies.

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

Mr. Randall Burtner, 72 Union Church Road, Staunton, stated he is a dog lover. He said in the warmer weather he wants to sit on his porch but when all of the dogs start barking it lasts for about an hour and he cannot imagine her having more.

Mr. Shreckhise asked what is the approximate distance from this property?

Mr. Burtner stated he lives across the river. He said it is very annoying when twenty-six (26) dogs all bark at once.

Vice Chairman Coyner asked if this happens any certain time of day?

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Mr. Burtner stated it happens anytime and it happens more than once a day. He said instead of increasing, he is in favor of decreasing the number of dogs because this is very disturbing.

Mr. James Clifton, 98 Union Church Road, Staunton, stated he lives on the other side of Mr. Burtner. He agrees with Mr. Burtner's concerns. He wants this area to be quiet and when the dogs bark on and on, it is a big disturbance.

Ms. Barbara Wyant, 116 Union Church Road, Staunton, stated unless you live out there you do not realize how the sound travels. She noted when the applicant goes out to feed, the barking dog sound is amplified.

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

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

Ms. Schwendeman apologized to the neighbors. She does not want to make the neighbors unhappy and if she hears the dogs barking she tries to go out and check on them. She normally makes sure they are quiet before 8:00 p.m. She said if the neighbors have any issues, to please call her and she will take care of the problem. She said someone can always go out and take care of the dogs.

Ms. Brown asked if the applicant has employees?

Ms. Schwendeman stated she has one (1) person that helps her.

Mr. Burtner stated he does not know how to stop twenty-six (26) dogs from barking other than getting a soundproof building.

Vice Chairman Coyner declared the public hearing closed. He stated the Board visited the site this morning. He stated the Board received the report from Animal Control.

Mr. Shreckhise stated the applicant can decrease the numbers to twenty-six (26). He moved to deny the increase and have the applicant reduce the number of dogs by August 1, 2019, to twenty-six (26) dogs. He said the applicant should also make an effort to take care of the noise problem.

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Mr. Benkahla stated it would be better to grant the permit with a timeframe because it is in violation and it would be in violation for eight (8) months.

Ms. Bunch asked how many dogs were onsite today?

Ms. Schwendeman stated forty-one (41) dogs.

Mr. Shreckhise withdrew his previous motion. He moved to approve the request with the following conditions:

**Pre-Conditions:**

- 1. The applicant submit rabies certificates to Community Development within thirty (30) days.
- 2. The applicant submit copies of County dog licenses and County business license to Community Development within thirty (30) days.

**Operating Conditions:**

- 1. Applicant be allowed to have forty-one (41) dogs over four (4) months until **August 1, 2019**.
- 2. Permit be issued for **eight (8) months expiring August 1, 2019**.
- 3. No more expansions requested.
- 4. The facility be inspected every six (6) months for the next two (2) years.
- 5. All operating conditions of SUP #10-66 remain in place.

Mr. Byerly seconded the motion, which carried unanimously.

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**DALE HUNGERFORD, TRUSTEE HUNGERFORD REVOCABLE TRUST - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Dale Hungerford, Trustee Hungerford Revocable Trust, for a Special Use Permit to lease the existing dwelling for short term vacations on property he owns, located at 1281 Walker Creek Road, Middlebrook in the Riverheads District.

Mr. Dale Hungerford stated he rented the home as a long term rental previously but this year they decided they would like to lease the existing dwelling for short term vacation rentals. He said this is a beautiful area and he feels clients would enjoy using this as a short term rental.

Vice Chairman Coyner asked if this would be similar to a bed and breakfast weekend rental?

Mr. Hungerford said they would only offer a place to stay. He said this would not be a true bed and breakfast.

Vice Chairman Coyner asked how would the applicant market the rental?

Mr. Hungerford stated through the internet.

Vice Chairman Coyner asked if they would screen the applicants before reserving the stay?

Mr. Hungerford said if the clients do not have good reviews he would not let them rent the dwelling.

Vice Chairman Coyner asked how long is a short term rental?

Ms. Bunch stated rental less than thirty (30) days.

Vice Chairman Coyner asked if he would allow hunters to use the rental?

Mr. Hungerford stated he is not interested in having the property rented to be used only for hunters. He said he does allow three (3) friends to use the property to hunt but that is it.

Vice Chairman Coyner asked when renting would your clients have rights to the house only or the entire property?

Mr. Hungerford stated he would allow the renters to enjoy walking throughout their property.

Ms. Brown asked what is the closest property?

Mr. Hungerford stated about 300 yards.

Vice Chairman Coyner asked if they would permit dogs with the rental?

Mr. Hungerford stated no.

Mr. Shreckhise asked how many acres do you have?

Mr. Hungerford stated 144 acres.

Ms. Brown asked if he allows hunting on the property?

Mr. Hungerford stated he does have three (3) friends that he allows to hunt on his property but with the rental he would not rent to hunters.

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

Mr. Tomasz Arciszewski, 1031 Walker Creek Road, Middlebrook, stated he is a retired professor and he has spent \$1 million on his property in order to have a quiet isolated place to work. He said they share a fence. He would not want to see additional traffic. He has had issues with hunters coming onto his property and destroying the fence. He said there is no natural barrier between the properties. He said every week up to six (6) people could enter his property for hunting. He feels this is not a good idea to have short term vacation rentals at the property.

Vice Chairman Coyner asked how long have you had the property?

Mr. Arciszewski stated he purchased the property five (5) years ago and built a house three (3) years ago. He shares the boundary with Mr. Hungerford.

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Ms. Brown asked if they have a different driveway?

Mr. Arciszewski stated yes.

Mr. Arlie Wolfe, Jr., 250 Rocky Ridge Lane, Middlebrook, stated his property borders the site and there is a right-of-way that goes through the property. He said if the applicant is going to let people come onto the property he feels he should not be responsible for that. He noted it should be joint responsibility.

Vice Chairman Coyner stated the applicant and Mr. Wolfe will need to work out those issues.

Mr. Wolfe stated he has two (2) teenage children and how does he know that the people staying in the home are not sex offenders. He said they could allow dogs that may get loose and run his cattle around.

Mr. David Hemp, 6267 Middlebrook Road, Middlebrook, stated he has a working cattle operation. He is concerned about the animals on the property that could chase the cattle. He said the other day he saw hunters on his dad's property and Mr. Hungerford was not home to address the issue. He asked if they will be there to monitor the people as they come in? He has had his cattle operation for fifty (50) years and he does not want that disrupted.

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

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

Mr. Hungerford stated he was surprised at some of the comments. He does share the boundary but the fence is not in good condition but you can tell that there is one there. He has not been a disturbance to the neighbors. He said the right-of-way would have nothing to do with the driveway the renters will use. He said there is a lot of woods between the properties and this use should not affect the cattle. He said they will be renting the house and not walking through the woods to get onto the neighbor's property. He said there were no issues when the house was being rented long term so there should not be any issues now. He will not allow renters to bring their own pets. He said there would not be an increase in traffic because the renters he had previously had two (2) cars leaving every morning and two (2) cars coming back. He noted with the short term rental

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it would reduce the traffic significantly because there will not be traffic coming in and out every day.

Vice Chairman Coyner asked if the applicant will acquaint the renters with the boundaries so they know?

Mr. Hungerford stated he will let the renters know where they can go on the property and will identify the walking areas.

Vice Chairman Coyner asked if there would be no hunting done by renters staying at the house and no pets?

Mr. Hungerford stated that is correct.

Ms. Brown asked whose fence is it?

Mr. Hungerford stated the maintenance is split in half. He doubts anyone would walk the entire property.

Mr. Byerly said if the Board should include no hunters or dogs at the site with the short term rental on their conditions. He felt that would be a civil matter. He said that should have nothing to do with the application today.

Mr. Benkahla stated the Board should decide whether this use is appropriate with the land use.

Vice Chairman Coyner declared the public hearing closed. He stated the Board visited the site today. He said this is a beautiful remote area. He noted the applicant stated they would not rent to people with pets or for hunting. He said there would be more traffic with long term renters than just renting the home for the weekend.

Mr. Shreckhise stated the hunting issue is not before the Board. He said the Board could add to the staff's recommended conditions that any unaccompanied dogs be properly leashed or in a kennel in order to satisfy the adjacent farmers. He moved to approve the request with the following conditions:

**Pre-Conditions:**

None



**Operating Conditions:**

- 1. Be permitted to use the dwelling for short term vacation rentals.
- 2. Be limited to a maximum of six (6) persons occupying the dwelling.
- 3. Site be kept neat and orderly.
- 4. Applicant must reside on premises.
- 5. All dogs be leashed and confined on the property.
- 6. Permit be reviewed in a year and renewed if all of the conditions are met.

Mr. Byerly seconded the motion, which carried unanimously.

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**MELINDA KENDALL - SPECIAL USE PERMIT**

This being the date and time advertised to consider request by Melinda Kendall, for a Special Use Permit to operate a bed and breakfast on property owned by Dan F. Holler or Shirley A. Holler, located at 949 Old White Bridge Road, Waynesboro in the Wayne District.

Ms. Melinda Kendall stated she does not own the property. She has a contract to purchase the property but it is pending upon her getting the Special Use Permit. She has always wanted to operate a bed and breakfast. She said this will be a high end facility. She will serve breakfast and manage the property. She would be renting three (3) bedrooms out. She would like to plant apple trees and have an apple theme. She plans on living at the site.

Vice Chairman Coyner asked if she would use three (3) bedrooms in the home?

Ms. Kendall stated the Health Department said she can only have three (3) bedrooms but she plans on replacing the existing septic system in order to have a five (5) bedroom septic.

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Vice Chairman Coyner asked if she plans on renting the out building also?

Ms. Kendall stated she is exploring that but she wants to move forward with the house first. Her engineer is looking at the building so she does not know.

Ms. Brown asked if the septic system will include the building also?

Ms. Kendall stated yes.

Vice Chairman Coyner asked if there is a spring or well on the property?

Ms. Kendall stated a well.

Vice Chairman Coyner asked if she had experience doing this?

Ms. Kendall stated no. She does have experience with marketing, running trade shows, and conducting events. She has stayed in many bed and breakfasts while traveling.

Vice Chairman Coyner asked how would she get her clients?

Ms. Kendall stated she will use online booking agents, word of mouth, Facebook, and email lists.

Vice Chairman Coyner asked if she screened the people that would be using the bed and breakfast?

Ms. Kendall stated there is little screening with a bed and breakfast. She will live there and monitor the site. She will charge \$150-\$200 a night in order to keep the bed and breakfast high end. She noted her clear demographic is to the high end user.

Ms. Brown asked if she will always be onsite?

Ms. Kendall stated either she or a representative.

Ms. Brown asked if she would have employees?

Ms. Kendall stated she may have a part-time employee to help.

Ms. Brown asked where the guests would park?

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Ms. Kendall stated the parking will be along the side. She can fit four (4) to five (5) cars at the site.

Mr. Shreckhise asked would there be activity outside?

Ms. Kendall stated no.

Vice Chairman Coyner asked if she wanted to have this up and running this fall?

Ms. Kendall stated yes. She would like to have a septic installed, add an additional bathroom, and a wall inside the dwelling.

Ms. Brown asked if each bedroom would have a bathroom?

Ms. Kendall stated yes.

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

Mr. Dan Holler, 949 Old White Bridge Road, Waynesboro, stated he owns the property and is in favor of the request. He has contacted all of the adjoining neighbors and they are in favor of this. He said they have submitted two (2) letters in support from Dr. Bryan and Bill Kiser. He noted this is a historic home built in the 1790s and he wants someone to take care of it. He believes this use would take care of this older home. He would like to leave it in good hands to Ms. Kendall.

Mr. Phillips Bryan, 997 Old White Bridge Road, Waynesboro, stated he is here to support this request. He said this is a perfect use for this older home.

Mr. Kent Gorsuch, 700 Rife Road, Waynesboro, stated he grew up in this home and there could not be a better use for this home. He said this would be a great fit to the community.

Mr. Al Fossa stated he had a bed and breakfast in West Augusta. He said this property is a beautiful piece of property and a good use for this great property. He said this will be an asset to Augusta County.

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Mr. Thomas Benzing, 1045 Old White Bridge Road, Waynesboro, stated as neighbors of this property, he wishes to express concerns regarding the operation of a bed and breakfast at this location. He said his house is within view of this property and they are concerned about any changes that may occur with lighting. He requested the Board to require shielding of lighting to prevent light pollution either skyward or toward the property, approximately 300 yards distant. He asked that no additional lighting be added to the side of the house that faces their property. He requested that consideration be given to the direction that headlights point when parking. He said if approved, he would expect that the applicant reside on the property while operating the proposed bed and breakfast and if there is a change in either the landowners or occupant named in the application, we hope that the permit will be revoked or re-visited. He is also concerned that the proposed number of occupants may exceed the capacity of the septic system, especially if events were to be held at this location. He said they had no communication with the owner or the applicant. He asked the applicant to consider the historic nature of their house and requested that any changes made to the external appearance be consistent with its character. He has enjoyed twenty (20) years in their historic home and they are concerned that the commercial operation of a bed and breakfast might decrease the value of their property and neighborhood. He realizes that the permit application process does not require a proffer by the applicant, however, they feel that as a gesture of goodwill, the applicant should be asked to offer fiber optic cable along our road to serve their potential guests as well as the neighborhood. He has shared good relations with their neighbors, including the current landowners, and would appreciate consideration of their concerns and requests. He is also concerned about the applicant not having any experience running a bed and breakfast before.

Ms. Virginia Lee Berger stated she lives next to Mr. Holler. She is concerned about the bed and breakfast and worried about her privacy. She has a special needs son and she has plans on moving back into the house. She is concerned that there is no way to screen the guests and with a special needs son, that is a concern. She also is concerned about headlights shining in the bedroom. She stated the parking area will be lit up and it will affect her. She said some of the pines in the area took a hit in the last storm. She would love to see it used properly but this request is not proper for her. She said anything that goes on in between the houses she will be able to hear. She heard the applicant is looking into having a cidery and wedding events in the future and then her privacy will be ever more destroyed. She noted by giving the applicant a permit will allow her to move forward and she has never seen permits go backward once something has started. She said this will affect her because of the lights and the noise. She said this area has cows, horses, it is farmland and not a wedding venue or cidery.

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Vice Chairman Coyner asked if she resided at the site currently?

Ms. Berger stated she lives in Charlottesville now but her husband has taken a job in Augusta County and will move back March 1<sup>st</sup>.

Vice Chairman Coyner asked how long have you owned the land?

Ms. Berger stated since 2006.

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

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

Ms. Kendall stated she will preserve the historical nature of the home. She said lighting will not be a concern. She stated there is already parking at the site in the upper side. She said by her planting apple trees that will help create more of a barrier. She said there could be headlights from vehicles at the site. She does not like sky pollution either and there will not be any lights against the house. She may have sidewalk lights that are low impact. She has not made application for an event center. She said if she were to do that down the road, she would have to reapply but that is not on the agenda today.

Vice Chairman Coyner asked if there is a pool at the site?

Ms. Kendall stated no.

Vice Chairman Coyner declared the public hearing closed. He stated the property is well maintained and he thought this is a good use for the property.

Mr. Byerly stated this is an appropriate use for this piece of property. He moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Obtain Health Department approval and provide a copy to Community Development.
2. Obtain letter of approval from Building Inspection.

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

**Operating Conditions:**

- 1. Be permitted to use three (3) bedrooms in the existing home for the bed and breakfast operation until the existing septic system is updated and approved for four (4) bedrooms in the dwelling.
- 2. Be permitted to convert the existing detached 12' x 24' building into a one (1) bedroom, one (1) full bath suite for the bed and breakfast once the existing sewage disposal system has been updated and approved.
- 3. Applicant must reside on premises.
- 4. Site be kept neat and orderly.

Ms. Brown stated there will be no lighting along the house and the applicant plans on lining the property with apple trees. She said the applicant is planning on installing lights that are on the sidewalk facedown. She stated the applicant also plans on updating the septic system to accommodate five (5) bedrooms. She seconded the motion, which carried unanimously.

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**IRA BIGGS, AGENT FOR COUNTRY LANDMARKS, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Ira Biggs, agent for Country Landmarks, LLC, for a Special Use Permit to modify operating conditions of Special Use Permit #15-35 to allow additional storage area and to increase the number of trips per day on property it owns, located on the north side of Skyview Circle adjacent to the railroad, just east of the intersection of Lee Highway (Route 11) and Skyview Circle, Verona in the Beverley Manor District.

Mr. Shreckhise abstained from the discussion and the vote on this request due to his company having business dealings with the applicant.

Mr. Ira Biggs stated he started putting millings and ground up asphalt on the property and he now needs more room. He is trying to get it out as quickly as he can.

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Vice Chairman Coyner asked if the product comes in fast and at night?

Mr. Biggs stated yes. He received a call from Mr. Upton and he did stop delivering at night.

Vice Chairman Coyner stated were this to be approved, nothing should be brought to the site at night.

Mr. Biggs stated a contractor contacted him and he was trying to help them out but he would not bring anything at night because he respects his neighbors.

Ms. Brown asked if the trucks have the backup noise on them?

Mr. Biggs stated yes. He will get the material out during the day.

Mr. Byerly asked how many loads per day would you have?

Mr. Biggs stated it could be fifty (50) loads a day. He said ten (10) would be very little because he has to move it.

Vice Chairman Coyner stated the applicant needs to be sensitive to the neighbors in the area.

Mr. Biggs said with ten (10) to twelve (12) loads a day the material would not be out within a year. He said ten (10) trips a day is not feasible.

Ms. Bunch stated the permit is granted without a timeframe.

Mr. Byerly suggested giving the applicant twenty-five (25) trips per day.

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

Mr. Joshua Trombley, 623 Lee Highway, Verona, stated he opposes the modification and the existing permit. He stated trucks have come in at 2:00 a.m. He is questioning if proper techniques were put in for stormwater runoff since this modification has been done. He noticed a lot of runoff. He noted the location is totally inappropriate because there are people living in the adjoining neighborhood. He does not know how it was approved in the first place.

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

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

Mr. Biggs stated he first started bringing in the material at night but then he stopped and they have not been there at night since.

Vice Chairman Coyner asked about runoff?

Ms. Biggs stated there is no runoff. He does have an erosion plan.

Vice Chairman Coyner declared the public hearing closed.

Mr. Byerly stated the applicant is planning on expanding the size of the outdoor storage area to 150' x 200' and he would like to increase the number of trips. He moved to approve the request with the following conditions:

**Pre-Condition:**

1. Applicant submit stormwater calculations and obtain written approval from the Engineering Department within **sixty (60) days**.

**Operating Conditions:**

1. All operating conditions of SUP #15-35 remain with the exception of operating conditions #1, #3, and #4.
2. Be permitted to have a 150' X 200' outdoor storage area as shown on the BZA sketch plan.
3. Items permitted in the 150' X 200' storage area shall be six (6) storage trailers for straw, one (1) office trailer, one (1) flatbed trailer, one (1) 20 ton or less pile of stone, one (1) fuel tank, topsoil, millings, concrete pipe, trench boxes, and fencing.
4. Site be accessed no more than **twenty-five (25) trips per day**, and during the **hours of 7:00 a.m. and 7:00 p.m.**



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5. No further expansions for storage on this site.

Ms. Brown seconded the motion, which carried with a 3-0 vote, with Mr. Shreckhise abstaining.

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**SHAHID KHAN, AGENT FOR UPLYFT, INC. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Shahid Khan, agent for Uplyft, Inc., for a Special Use Permit to have an active and passive recreational facility on property it owns, located at 494 Three Notched Mountain Highway, Waynesboro in the Wayne District.

Mr. Chris Gamble stated he is the Project Development Manager for Uplyft, Incorporated. He said they would like to have a zipline on the property that will consist of seven (7) ziplines with approximately 2,500' in length total (it will zigzag). He said they have adequate parking at the site. He said they intend to install another septic system on the property if necessary. He noted this is basically a non-invasive impact on the environment. He said you will not see it. He said the platforms for the zipline will be below the tree line about 30'-40'. He said there will be adequate facilities like restrooms. He plans on using 1,300 square feet of the lower part of the existing building for concessions and maybe games.

Mr. Shreckhise asked if they plan on only operating during the day time?

Mr. Gamble stated yes, strictly day time. He said there would be no additional lighting. He said this is going to be as non-invasive as possible.

Vice Chairman Coyner asked if the building has a basement to it?

Mr. Gamble stated yes. He said the building has a lower level and upper level.

Vice Chairman Coyner asked if the lower level is where you are talking about operating?

Mr. Gamble stated yes.

Vice Chairman Coyner asked when a client does a zipline, they do all of the lines until they get to the bottom?

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Mr. Gamble stated yes. He stated there will be seven (7) lines and eight (8) platforms. He said at the eighth platform is the final landing. He stated in the picture it showed the tower with the final landing and on the backside of that is a climbing wall. He said there would be a fifteen (15') foot landing in order to come down safely.

Vice Chairman Coyner asked if this is a seasonal thing?

Mr. Gamble stated yes. He said they will be closed six (6) months out of the year.

Mr. Byerly suggested a change in the time because 5:00 p.m. in the summer time seems pretty early. He does not know what the zipline industry runs but it looks like sundown would be better.

Mr. Gamble stated they are in the preliminary stages and it is seasonal. He said as the time change comes and the day grows shorter, they would make adjustments. He said if business warrants and they have activities then they may need a little more flexibility and go towards the evening.

Mr. Byerly asked if sundown would address the time?

Mr. Gamble stated sundown would be appropriate.

Mr. Benkahla suggested using dusk.

Mr. Gamble said dusk is fine.

Vice Chairman Coyner stated it is easy to determine when dusk is so there would be no issues.

Mr. Gamble stated there will be no additional lighting so it would not be possible for them to exceed that.

Vice Chairman Coyner asked if folks would come to the motel and from there would you have a chair lift or do they walk up?

Mr. Gamble stated they intend to have a shuttle. He will shuttle people from the bottom to the top.

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Vice Chairman Coyner asked if there would be waves of people coming down and then a quiet time?

Mr. Gamble stated their goal is to do this in groups with eight (8) to ten (10) people. He said they want to accumulate as many people and they would do that through scheduling.

Ms. Brown said you do not necessarily have to be in a group, you would just be a person that wants to participate.

Mr. Gamble stated if you call and book ahead of time then they can do two (2) people at a time.

Vice Chairman Coyner asked what the criteria for physical ability is or are you in a chair?

Mr. Gamble stated you are in a harness, a standard climbing harness. He said it is not physically challenging for a person to do it at all. He said you are sitting down in a harness and are strapped in to a total of three (3) straps. He said it is very safe. He is a spina bifida survivor and believe it or not has mobility issues and Mr. Khan and he did a fairly long course and he had no issues with it whatsoever. He said it gives him confidence that it would not pose issues for most people that would want to do it.

Vice Chairman Coyner said the only noise would be people screaming going down the zipline.

Mr. Gamble said yes. He said no noise, nothing mechanized. He said this will be as low impact on the environment and surrounding area as possible.

Ms. Brown asked if a person has a hat for protection?

Mr. Gamble said yes, basically the safety gear that is used are the three (3) straps that he mentioned, two (2) straps to secure you to the line itself and one (1) basically secures you to the pulley. He said you are three (3) ways redundant of not coming loose.

Ms. Brown asked if there is one (1) strap coming down and three (3) holding you?

Mr. Gamble said there is three (3) holding you and one (1) going directly to the pulley that you are actually doing the zip on. He said in addition to that you have your carabiners that you attach with, heavy gloves, helmet, and that is pretty much all that you need and all that is involved with it.

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Ms. Brown asked what is the material for the wire or rope that it is attached to?

Mr. Gamble stated usually it is a steel cable. He said if you do enough research you can find different materials but generally the standard is going to be a 3/8 steel cable.

Vice Chairman Coyner asked if the pulley is configured so that there is no way that you can come off of the cable?

Mr. Gamble stated the pulley is encased. He said there are two (2) pulleys in tandem. He said they are encased and the general recommendation (and we would follow that) is not in excess of 5,000 pounds for the weight rating. He said there is no way a 250 pound person could possibly compromise the pulley.

Vice Chairman Coyner asked if only one (1) person is in the suspension at one time?

Mr. Gamble stated yes. He said your guides would use two-way radios. He said the person would leave point A and get to point B and get unstrapped and then the guide would radio up and say they are ready for the next person. He said that way you are not going to have any issues as far as safety goes.

Mr. Shreckhise asked how many people do you anticipate in a day? He knows it will be hard to say but in order to make it how many people do you need.

Mr. Gamble stated our maximum at least to start off with is twenty (20) to twenty-five (25) people per day.

Mr. Shreckhise stated that is not a lot.

Mr. Gamble stated that is not a lot. He said those are preliminary numbers. He stated the goal is to have more than that obviously. He stated they have adequate parking and as the business progresses they have facilities to increase that.

Mr. Shreckhise stated this is not something that you will see one hundred (100) people going through there.

Mr. Gamble stated probably not. He said their projections are eight (8) to ten (10) vehicles per day and twenty-five (25) people per day to start with.

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Vice Chairman Coyner asked what the applicant is envisioning is the standard size?

Mr. Gamble stated they vary in size. He said they go from crazy extreme to backyard. He said this one falls in the middle of what a normal commercial size zipline would be.

Ms. Brown asked what is the speed of which it would be going?

Mr. Gamble stated the average one would reach 35-40 mph at the maximum.

Ms. Brown asked what slows you down?

Mr. Gamble stated basically what slows you down is several different ways but you can do it. He said the most common way is to use your hand for resistance as you come closer to the platform. He stated there is magnetic breaking that can be installed, capture ropes, and many different options and once they get to that stage a credited engineer will develop it and make their recommendation at that point.

Ms. Brown stated she could sit in the harness and control the speed.

Mr. Gamble stated yes.

Ms. Brown asked if she would be able to slow it down?

Mr. Gamble stated yes. He said it is very effective. He said his experience is even if you are going really fast it does not take long to slow yourself down.

Ms. Brown asked how do you slow yourself down?

Mr. Gamble stated you are sitting down and you reach back and put your hand on the cable and the friction slows you down.

Ms. Brown asked what type of gloves are you using?

Mr. Gamble stated leather.

Ms. Brown asked how many people in a harness waiting when there is a group?

Mr. Gamble stated ten (10) people waiting and they will have ten (10) harnesses. He said everyone has individual harnesses. He said everyone has individual safety equipment.

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He said it does not affect your mobility. He stated you would follow the crowd and move around and hook in when you need to.

Vice Chairman Coyner asked if there is an age or a minimum height requirement?

Mr. Gamble stated our guidelines are eight (8) years old, seventy (70) pounds and he will put the upper limit to eighty (80) years old just for liability. He said if he can do it with his mobility issues anybody can do it.

Vice Chairman Coyner asked how long until you expect to have this in operation?

Mr. Gamble stated we are looking at completion either middle of June or July of this year. He said there is not much to the construction. He said it is very, very minimal as far as its impact and it is very easy construction.

Vice Chairman Coyner stated he has never been to one of these but when you talk about breaking, you come to the next station and not go straight downhill?

Mr. Gamble stated yes. He said there would be a slope in the cable so the slope helps with the initial part and it also helps you brake.

Mr. Shreckhise asked if you get scared and they do not brake, do you still get to the next platform pretty slow?

Mr. Gamble stated yes. He said basically there are safety precautions that you put at the individual platform stations so that someone doesn't get hurt. He said coming in too fast will not happen.

Mr. Shreckhise stated if they get scared and put on their brakes and get stuck in the middle, do you have a way to pull them?

Mr. Gamble stated yes. He said one of the guides go back and they can retrieve them and it is very easy. He said you can do the whole zip by hand because it does not take much strength. He said it is very easy.

Ms. Brown said she saw a video of a little boy and his weight did not allow him to zip right on and he had to pull himself to the platform.

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Mr. Gamble stated that is where your weight limits come into play. He said if you do not have enough kinetic energy you are not going to get from point A to point B without a little of your own effort. He said that is why you want at least seventy (70) pounds on there.

Ms. Brown asked if this zipline is especially longer for this area?

Mr. Gamble stated there is not much in this area but this is an average length.

Ms. Brown asked if you are on the zipline to enjoy the view or the ride? She asked what is the purpose?

Mr. Gamble stated a combination of both. He said it is an adrenaline thing and also a view of the outdoors. He said it is a nice outdoor setting and want to keep it that way so people enjoy it. He feels this is an untapped resource and a good idea for everybody involved.

Ms. Brown asked if the applicant has taken a tour through the woods where you are going to put it?

Mr. Gamble stated yes. He said they are in preliminary stages now so they have not had an engineer come in yet and say this is exactly the spot. He said we went in and mapped it out and it is totally feasible.

Ms. Brown asked if they plan on using mostly trees or build platforms?

Mr. Gamble stated mostly trees. He said it is going to be seven (7) lines with eight (8) platforms. He said when you put the platform on the tree in general the platform will be ten (10') feet in diameter. He said the last station will be your last with the climbing wall on it.

Ms. Brown asked if you will be latched to a harness while at the climbing wall?

Mr. Gamble stated yes.

Ms. Brown stated the climbing wall will be forty (40') to fifty (50') feet tall.

Mr. Gamble stated it will be approximately forty (40') feet tall.

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Vice Chairman Coyner stated there was a concern early on about the scenic right-of-way from Skyline Drive and that you cannot get but so close to it.

Mr. Gamble stated they have adjusted that. He said the length of the zipline they were able to move to one side of the property to the other and they were able to get the same amount of length in and not have any encroachment on that scenic easement.

Vice Chairman Coyner asked how far do you cut the brush back for the zipline?

Mr. Gamble stated generally you cut it fifteen (15') to twenty (20') feet so that you have passage through there without having the possibility of a branch hitting someone.

Ms. Brown stated she has seen some that you can have double ziplines and you can send two (2) people at a time. She asked if this one would have it?

Mr. Gamble stated no. He said there will be lines on top of one another for safety. He said they will not have two (2) riders at the same time.

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

Mr. Shahid Khan has owned the property for the last two (2) years. He said the Skyline Drive and this region with Shenandoah National Park in 2017 we had about 1.5 million visitors. He said this is one of the most traveled areas in the entire area as well as the country. He said the only other two (2) ziplines are on the other side of Skyline Drive in Front Royal and Luray Caverns. He said in this entire region there are no ziplines in this area. He said this subject could be complicated on paper but when you do it actually the installation and construction is very simple. He said you would only need seven (7) or eight (8) strong trees and a permit. He said if you do not have the trees you can always go for the tall poles. He noted there will be a ten (10') foot platform, pulley, steel, and gloves. He has been doing this since they were little kids. He said this will bring money and an investment and a lot of tourist but this will definitely enhance his current business that he has because people have asked what he offers besides rooms. He said they do not have any restaurants or bars. He said basically this is the need of the people.

Ms. Brown asked if the pool is being used?

Mr. Khan stated no.



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Ms. Brown asked in 2017 there were 1.5 million visitors in Augusta County or in the Shenandoah National Park?

Ms. Khan stated in the Shenandoah National Park.

Ms. Susan Sherman, Executive Director of the Shenandoah National Park Trust, 404 8<sup>th</sup> Street NE, Charlottesville, stated they are a non-profit partner of the National Park Service supporting Shenandoah National Park. Her colleagues from the National Park Service would have been here today were it not for the government shutdown. She said she is here as a representative for Shenandoah National Park. She said they are very grateful that the applicants moved the site proposal out of the scenic easement. She said Shenandoah National Park is a major economic driver for this region and the National Park and is very much in favor of other businesses that support the economy here and compliment what Shenandoah National Park offers. She said the fact that this is a recreational facility that definitely gets people appreciating and experiencing the outdoors immediately adjacent to a national park is wonderful. She said the Shenandoah National Park asks that you give consideration as you design this as you are to what the aesthetics and feel of this facility look like. She said they should remove as few trees as possible. She said any platforms or structures built are kept in their natural wood coloring or painted brown as cell towers that have gone up in the view shed of Skyline Drive have been painted brown that even in winter time they blend in with the surrounding environment. She would request that the installation of lighting be kept at a minimal if at all and downward facing if any. She said they should not advertise on the towers. She said the fact that you visited other facilities she feels that it will give the park a lot of confidence that it is done the right way. She said Skyline Drive is a national historic landmark. She said this national park was built not only to preserve the landmark but the landscape and all of the historical structures within it but also to give 1.5 million people from around the world who come here an opportunity to look at the Shenandoah Valley and the Virginia Piedmont with relatively unimpaired view sheds. She said what we can see from Skyline Drive looking down is just as important as what we see when we are in the park looking in. She said the profile of this facility should be kept as minimal as possible and that would be greatly appreciated.

Mr. Charles Pool, PO Box 428, Waynesboro, stated he is here to represent his mother, Lavelle Pool of whom he has power of attorney. He said she lives at the adjacent property at 560 Three Notched Mountain Highway, Waynesboro. He thanked Ms. Bunch who was so kind to share information through the holiday. He said they only found out on December 20<sup>th</sup> and he certainly appreciates the time Ms. Bunch has spent answering questions. He presented a PowerPoint presentation to the Board. He said as an

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adjacent neighbor we urge you to reject the SUP for the zipline. He said the SUP application is in conflict with the County's Comprehensive Plan. He stated the SUP would cause undo adverse impact to the longtime neighbors. He said the motel is already a non-conforming use of the property. He said they have been very supportive of that for sixty-five (65) years and we certainly welcome Mr. Khan as a neighbor. He appreciates the motel function of the property. He stated this proposal is a non-starter and although they did remove the zipline from the Shenandoah National Park easement which they were not aware of, that gives you an indication of their lack of due diligence. He said even though the powerlines are right there, on the hill where they cross, they are not aware of the utility easement through their property. He said this is a high voltage easement that goes all the way through the mountain and through their property. He said they do not even allow a bush to be planted much less a zipline to cross an electric utility. He said another reason this is a non-starter is that they actually have the zipline crossing the traffic entrance to the property. He said this is common sense not to have the zipline crossing a working road. He noted there are a lot of safety defects in this with crossing electric wires and in crossing the entrance to the property. He drew a red arrow which indicates the entrance to the property. He said their tower is on the other side of the entrance road and we are talking basic common sense here. He supports staff's recommendation that the request be deferred. He said the application is defective. He noted basically they just drew a little zig zag on the piece of paper and they did not follow the obligation of the County code for a required scaled drawing for all structures. He said these towers they are planning are structures by County definition and no drawings are included with the application. He said the first time he saw a drawing was today of the tower at the bottom. He said the towers at the top there will be an extremely steep terrain and somehow they are going to have to make a road to get a huge industrial machine in there to drill to put these towers in. He said this is a very sensitive environmental property. He said the County's Comprehensive Plan goes against any development with slopes in excess of 25%. He presented in your mailing but according to the topography it is at 26.2% and there is a bold stream on the property and you can imagine the erosion result when they do these twenty (20') foot clearings. He said there are eight (8) different steep slopes with the bold stream on the property and this is not in compliance with the County's Comprehensive Plan. He said with Skyline Drive this should be protected through the County's Comprehensive Plan's objective to protect the natural scenic beauty of the County's mountains, rural landscapes, forests, and special distinctive habitats. He said they have tried to be wonderful stewards on the property next door on our seven (7) acres. He said they have threatened birds, the Woodthrush and Woodpecker, and all of this is going to be damaged through a) making a track through the forest and b) loud noise from the participants. He said they have partnered with EBL (screaming ziplines). He said the land all around this property is bowl shaped and is funneled right up to us.

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He said they can hear people talking down at the motel. He said these people are going to be screaming at the top of their lungs all day long and you can imagine what this will do to the wildlife. He said there is no way they can mitigate this. He was at the meeting and earlier you talked about dogs barking and you can bring the dogs inside. He said people objected to hearing the dogs. He said this is like a roller coaster and everyone that gets on a roller coaster does one thing and that is that they scream at the top of their lungs. He said that is what you do when you go on a zipline at 50 mph. He said they have had the quiet possession of their property and their bedroom window can see where the towers are going to be. He stated this will disrupt the wildlife and certainly disrupt our life. He asked can you imagine someone wanting to buy a house next to a screaming zipline, of course you would not. He said this is going to affect their property values also. He said the motel is grandfathered in as a non-conforming use and they have been very supportive of the motel and wish them a well and prosperous use. He has been supportive of this motel for sixty-five (65) years and actually that is him in the swimming pool in the picture presented to the Board. He stated his entire family came down to shoot this postcard in 1965. He said this is a non-conforming use that they embrace and are happy to support it but the additional use, a zipline is a non-starter because it shows it going over the entrance and powerlines. He said their zipline drawing would not be possible. He said this is against the Comprehensive Plan and way to steep land. He said they are going to have to make access roads to carry the customers up and bring the big equipment in to dig holes for the posts. He said this is not conducive to the County's Comprehensive Plan. He stated he appreciates the Boards consideration and he does endorse staff's recommendation that this be deferred because the obvious deficiencies. He said you cannot possibly approve a zipline over a high voltage powerline or a traffic road. He said that is against common sense. He thanked the Board for their consideration.

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

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

Mr. Khan stated with the original plan they did not know the easement and powerline requirements but the latest submittal shows the zipline out of the easement and in speaking with the power company, the zipline is not coming anywhere in close proximity of the powerline. He said there is a pole and he was thinking of even having the company remove it because they want to put solar lights there. He said there is only one (1) pole that comes to the corner of the road. He said nothing will hurt the trees, animals, or the wildlife. He has everything in order and as far as the noise, this is not Six Flags. He said

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you are not coming down 100 miles per hour. He said people even put these at their homes in their backyard. He noted the speed they are proposing is 40 miles per hour. He said he can show the Board a video and it is not steep because there are zig zags throughout. He said with the first proposal after he got the email from the Shenandoah National Park and Dominion Power, it was changed and now they are not hurting anything.

Ms. Brown asked if the applicant spoke with Dominion Power?

Mr. Gamble stated yes. He said basically as long as they are not in the right-of-way. He said there is a forty (40') foot right-of-way that is protected for Dominion so they can do maintenance and so forth. He stated as long as they are not encroaching on that.

Ms. Brown asked if they are encroaching?

Mr. Gamble stated they are not.

Ms. Brown asked how far off of the forty (40') feet are you?

Mr. Gamble stated at least sixty (60') to seventy-five (75') feet.

Mr. Khan stated they have gone on the other side of the hill now.

Ms. Brown stated she is interested in the powerline.

Mr. Gamble said in the initial drawing we did, they were unaware of the easement. He said they adjusted that and are on the other side of the property. He said facing the motel they are on the left side of the property now.

Ms. Brown asked how far are you away from the powerline?

Mr. Gamble stated the way they are going to put it, they are at least sixty (60') to seventy-five (75') feet but probably more like one hundred (100') feet. He does not have the final design yet so we cannot give an exact figure.

Ms. Brown stated they received a drawing showing the zipline crossing the motel.

Mr. Gamble stated it does not cross the motel.

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Mr. Shreckhise stated the zipline will be beside the motel.

Ms. Bunch showed the Board where the powerline easement is on the map.

Vice Chairman Coyner stated the applicant will have to adhere to the power company's rules.

Mr. Shreckhise stated the applicant talked about noise from participants.

Vice Chairman Coyner declared the public hearing closed.

Mr. Byerly stated he is satisfied with the information presented this afternoon. He said this is a low impact recreational use that will serve a group of people. He stated this will enhance the National Park Service objectives. He has no problem with the regulations set forth. He would request the time be changed to sundown or dusk in the conditions of their permit. 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 letter of approval from Building Inspection.
3. Obtain Health Department approval and provide a copy to Community Development.
4. Obtain VDOT approval and provide a copy to Community Development.

**Operating Conditions:**

1. Be allowed to install a zipline and up to nine (9) platforms open to the public.
2. Be allowed to install a 20' X 20' rock climbing wall and landing platform at the end of the run.
3. Be allowed to use up to thirteen hundred (1300) square feet of the existing building for recreation and a snack bar.

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4. Applicant obtain building permit and provide a copy to Community Development.
5. Utility poles not to exceed fifty (50') feet.
6. Hours of operation be 9:00 a.m. to dusk, Monday thru Saturday.
7. Be limited to six (6) employees.

Mr. Shreckhise asked about staff's recommendation about tabling this in order to get a little more detail in the site plan.

Mr. Byerly stated it has to be engineered accordingly.

Vice Chairman Coyner said that would be contingent on submitting a site plan.

Ms. Bunch stated that was made before receiving the other site plan.

Ms. Brown asked about the endangered species?

Mr. Byerly did not see that as a concern.

Mr. Shreckhise seconded the motion. He said the pre-conditions and operating conditions cover most of the items of concern. He said before things start you have to do pre-condition #1 which is 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 which they are not going to approve something going through a powerline so that kind of takes care of his concerns and that is why he seconded the motion.

Ms. Brown stated that satisfies her concerns also.

Mr. Byerly stated this is the first zipline request in the County and he has learned a lot.

Ms. Sherman wanted to clarify that she is private sector but is representing the federal government. She said this is very sensitive and perhaps she should not have come up when you said if there is anyone wishing to support. She said they do not oppose nor support. She wanted to make sure that is clear and if this goes through we are just requesting that those conditions are met.

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Mr. Benkahla wanted to be clear before you vote is the use consistent with the area and wants to be sure you understand that the use fits this particular property and the area and that there are no safety concerns and you think it is an appropriate use for this particular piece of property and location as depicted on the site plan, and there are no traffic concerns.

Vice Chairman Coyner stated this use is a low impact use.

Ms. Brown asked if they will use both entrances?

Ms. Bunch stated the Virginia Department of Transportation (VDOT) will look at that during site plan stage. She said the site plan will be looked at by all agencies.

Mr. Benkahla said the Board needs to decide whether it is in harmony with the area and the surroundings.

Ms. Brown stated when the zipline comes down it crosses over the driveway in front of the motel. She asked if that will be taken care of by submitting a site plan?

Ms. Bunch stated when they submit the site plan, this is how they will submit it. She showed the entrance that VDOT may have some modifications to. She said they will look at all that at site plan stage. She said they may not even be allowed to use that entrance.

The motion carried unanimously.

Ms. Bunch said the applicant needs to understand that they cannot start installation or anything until the site plan is submitted and approved.

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**DAVID L. OR ANN W. GARDNER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by David L. or Ann W. Gardner, for a Special Use Permit to utilize a historic structure for a farmers market and retail sales on property they own, located at 3494 Lee Highway, Weyers Cave in the North River District.

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Mr. David Gardner stated the Shenandoah Train Company asked if he would like to relocate an old historic building to the Valley Pike Farmers Market. He said the building will be used for a farmers market and retail sales. He said it is the old Fort Defiance train depot. He said it will be dismantled and relocated there. He said his goal is to have a place for the community to use.

Ms. Brown asked how large is the building?

Mr. Gardner stated the footprint is 20' x 50' but they are requesting 30' x 60' to include bathrooms. He stated the building will be brought up to commercial code and will have water, sewer, and power.

Ms. Brown asked if the structure will be dismantled?

Mr. Gardner stated yes and it will be put back piece by piece.

Vice Chairman Coyner asked how long will the project take?

Mr. Gardner hoped for three (3) months.

Vice Chairman Coyner asked if the building will have a basement?

Mr. Gardner stated it will be on a slab.

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

There being none, Vice Chairman Coyner declared the public hearing closed.

Vice Chairman Coyner stated he is familiar with the Fort Defiance train station. He said this is a great idea to refurbish the building.

Mr. Byerly stated this is a novel idea. He appreciated Mr. Gardner taking over this project. He noted this is a perfect place to display the old train station. He moved to approve the request with the following conditions:



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**Pre-Conditions:**

- 1. Applicant submit an updated 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 approval from Building Inspection and provide a copy to Community Development
- 3. Obtain VDOT approval and provide a copy to Community Development.

**Operating Conditions:**

- 1. Be permitted to relocate and reconstruct the 30' x 60' building and use it for general retail sales/farmers market.
- 2. All prior SUP#15-22 conditions remain in place.

Ms. Brown seconded the motion, which carried unanimously.

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**ROGER T. MORAN - VARIANCE**

This being the date and time advertised to consider a request by Roger T. Moran, for a Variance from lot area in order to separate two non-conforming dwellings on property he owns, located at 791 and 807 Cold Springs Road, Stuarts Draft in the Riverheads District.

Mr. Roger Moran stated he has lived at the site for sixty-three (63) years. He would like to separate the property.

Ms. Bunch stated in 1995 the ordinance changed the minimum lot size.

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

There being none, Vice Chairman Coyner declared the public hearing closed.

Mr. Shreckhise moved to approve the Variance.

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Ms. Brown seconded the motion, which carried unanimously.

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

**BOARD OF ZONING APPEALS ANNUAL REPORT 2018**

Ms. Bunch presented the Board of Zoning Appeals Annual Report for the year 2018.

Mr. Byerly moved that the report be approved.

Mr. Shreckhise seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 18-10 Louis B. Wood, Jr.
- 18-11 Jeffrey and Kimberly Shaw
- 18-12 Jeffrey and Kimberly Shaw
- 18-13 Kevin and Denise Goertzen
- 18-14 Bonos Enterprises, LLC
- 18-15 Doug Huffman
- 18-16 Warren and Kim Shand
- 18-17 Glenna Dyson

Ms. Bunch stated SUP#18-10 is in compliance. She sent Mr. Shaw a letter regarding the violation of their operating conditions for SUP#18-11. She noted SUP#18-12, SUP#18-13, and SUP#18-14 are all in compliance. She sent Mr. Huffman a letter to bring the site into compliance with his operating conditions for SUP#18-15. He said the applicant had twenty-two (22) pieces of equipment onsite at the time of inspection. He may want to come back before the Board to ask for additional equipment. She said SUP#18-16 was denied. She stated Ms. Dyson told our Zoning Inspector that she would like to cancel her permit. She sent her a letter asking if she would like to cancel SUP#18-17.

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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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Vice Chairman

  
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Secretary

