

**PRESENT:** George A. Coyner, II, Vice Chairman  
 Thomas W. Bailey  
 Daisy A. Brown  
 Sandra K. Bunch, Zoning Administrator and Secretary  
 James R. Benkahla, County Attorney  
 Courtney A. Dymond, Assistant County Attorney  
 John R. Wilkinson, Director of Community Development  
 Beatrice B. Cardellicchio-Weber, Executive Secretary

**ABSENT:** Justine D. Tilghman, Chairwoman  
 Steven F. Shreckhise

**VIRGINIA:** At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 5, 2019 at 9:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:30 a.m.** in the Board of Supervisors Conference Room where the Board reviewed the staff report for each request on the agenda. Copies of the staff reports can be found in the Community Development Department.

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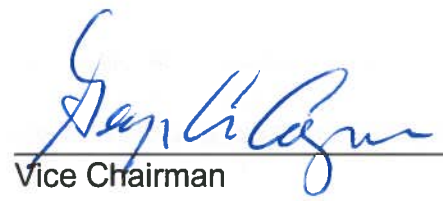
**VIEWINGS**

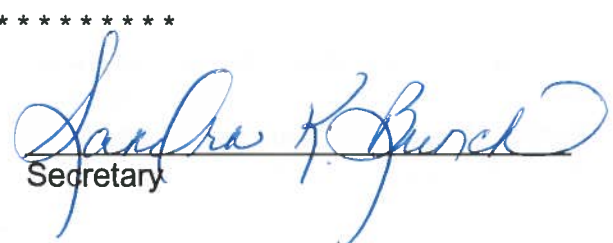
The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **ROBERT AND PEGGY MCKEARNEY, AGENTS FOR FOWL BALL, LLC - SPECIAL USE PERMIT**
- **ANTHONY MANETTA, AGENT FOR CEDAR COMMUNITIES AT STAUNTON I, LLC - SPECIAL USE PERMIT**
- **ANTHONY MANETTA, AGENT FOR CEDAR COMMUNITIES AT STAUNTON II, LLC - SPECIAL USE PERMIT**
- **CARLOS R. GUM - SPECIAL USE PERMIT**
- **DIRK GOLD, AGENT FOR GOLDWRENCH ENTERPRISES, LLC - SPECIAL USE PERMIT**

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

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 Vice Chairman

  
 Secretary

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James R. Benkahla, County Attorney  
Courtney A. Dymond, Assistant County Attorney  
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Justine D. Tilghman, Chairwoman  
Steven F. Shreckhise

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 5, 2019, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Mr. Bailey moved that the minutes from the July 3, 2019, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**ROBERT AND PEGGY MCKEARNEY, AGENTS FOR FOWL BALL, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Robert and Peggy McKearney, agents for Fowl Ball, LLC, for a Special Use Permit to process hemp for human consumption on property owned by Fowl Ball, LLC, located at 492 Fadley Road, Weyers Cave in the North River District.

Mr. Robert McKearney stated his son Brandon has the processing license. He said they have had a turkey farm for eleven (11) years and they would like to transition their farm to grow hemp. He said they are licensed in the State of Virginia. He said they are in the process of growing the hemp and look to process the hemp in order to go ahead and

extract the oils. He said it is an advantage that they can do this onsite so they do not have to transport their product. He noted this procedure does not take up that much space. He said each of the houses are 34,000 square feet. He said they have birds in the bottom two and they have converted the top two to a greenhouse. He stated plants are in the field also.

Vice Chairman Coyner asked if they grow the plants in the building? He said the Board visited the site this morning.

Mr. McKearney stated yes they are currently growing them in the building.

Vice Chairman Coyner stated they also saw plants in between the buildings. He asked if they process the entire plant or just pull the leaves off?

Mr. McKearney stated they will process the plants and take the flowers in order to process them. He said the stalks will go to Mt. Jackson. He said the rope is made from the stalks.

Vice Chairman Coyner asked if they intend to do that in the future?

Mr. McKearney stated they would need to look for other property. He said at this point they will extract CBD oil for human consumption and for patches.

Vice Chairman Coyner asked if the flowers are handpicked?

Mr. Brandon McKearney stated it can be labor intensive. He stated they use harvesting equipment but most of it is done by hand.

Vice Chairman Coyner asked what is done with the rest of the plant?

Mr. McKearney stated composting.

Vice Chairman Coyner asked if the quality of the hemp is better grown inside than outside?

Mr. McKearney stated the benefits are they are able to control the environment inside the greenhouse better. He said they can typically grow a higher quality product because it is in a controlled environment.

Vice Chairman Coyner asked if they plan on marketing this here?

Mr. McKearney stated yes. He said they are interested in providing a local good quality product for people to use.

Ms. Brown asked if the product will stay in Virginia?

Mr. McKearney stated yes.

Ms. Brown asked what is involved with the processing?

Mr. McKearney stated there are different methods. He said some are done with a heat press or alcohol dissolving the oils then you are left with a variety of different oils that you can refine and mix.

Ms. Brown asked about the quality of the strength?

Mr. McKearney stated they are working with a James Madison University chemistry professor on new and better testing procedures. He said there is a lot of testing. He said they do a lot of quality control.

Ms. Brown asked if there are different types of plants?

Mr. McKearney stated right now they have one single strain but they all have their own concentrate of compounds in them. He said the 0.3% is dictated by the Federal Government and it is all done by testing.

Vice Chairman Coyner stated with a greenhouse environment, this type of business would not be seasonal or would you have year round production?

Mr. McKearney stated it depends on if we want to pay for the propane heat bill.

Vice Chairman Coyner asked if the applicant has experience with this?

Mr. McKearney stated he has a degree in engineering and went to James Madison University. He designed ventilation systems for commercial kitchens and facilities.

Ms. Brown asked if they have a chemists help?

Mr. McKearney stated yes. He said they will partner with James Madison University.

Vice Chairman Coyner asked if there is ongoing regulations with this?

Mr. McKearney stated yes.

Vice Chairman Coyner asked if the applicant will have employees?

Mr. McKearney stated they can have a hand full of full-time workers at any point. He said at harvest time they will need part-time help.

Vice Chairman Coyner stated the operating conditions read that they will be limited to one (1) employee other than family.

Mr. McKearney stated they only need one (1) person to help with equipment but he would like to have a few employees. He said five (5) employees would be great.

Mr. Bailey asked if they will have sales onsite?

Mr. McKearney stated farmers may come to the site. He said no sales are done onsite.

Vice Chairman Coyner asked what is the volume of the sales?

Mr. McKearney stated it depends on the direction. He said the CBD oil is sold by the gram.

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. He said this is an interesting operation. He stated the Board visited the site this morning. He noted they would like to have five (5) employees.

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

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to use a portion of the existing turkey house for processing of hemp oil.
2. Be limited to five (5) employees other than family members.
3. Site be kept neat and orderly.
4. No retail sales onsite.

Ms. Brown seconded the motion, which carried unanimously.

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**ANTHONY MANETTA, AGENT FOR CEDAR COMMUNITIES AT STAUNTON I, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Anthony Manetta, agent for Cedar Communities at Staunton I, LLC, for a Special Use Permit to continue the existing assisted living facility on property owned by GREA Properties Staunton, LLC, located at 12 Royal Drive, Staunton in the Wayne District.

Mr. Anthony Manetta stated they acquired and closed on the property on August 26, 2019 and they will continue to operate as an assisted living facility. He said they are requesting to continue the Special Use Permit.

Vice Chairman Coyner asked if they will make any changes to the current operation?

Mr. Manetta stated there will be no change.

Vice Chairman Coyner asked if they have facilities elsewhere?

Mr. Manetta stated yes, two (2) facilities in New York.

Ms. Brown asked how many residents are onsite?

Mr. Manetta stated thirty-one (31) residents. He has just received the state license in their name.

Ms. Bunch stated staff will need a copy of that license before the permit is issued.

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. He noted the applicant will continue the operation as they have done in the past.

Ms. Brown stated this use is compatible with the neighborhood and they have been there since 1998. She moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Provide a copy of the Health Department Food Service Permit.
2. Provide a copy of the license from the Department of Social Services.

**Operating Condition:**

1. Be permitted to continue operation of the existing thirty-nine (39) bed facility.

Mr. Bailey seconded the motion, which carried unanimously.

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**ANTHONY MANETTA, AGENT FOR CEDAR COMMUNITIES AT STAUNTON II, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Anthony Manetta, agent for Cedar Communities at Staunton II, LLC, for a Special Use Permit to continue the existing assisted living facility on property owned by GREA Properties Staunton, LLC, located at 54 Imperial Drive, Staunton in the Wayne District.

Mr. Anthony Manetta stated he would like to continue the operation at this location as an assisted living facility. He would like the Special Use Permit in their name.

Ms. Brown asked how many residents are at the site?

Mr. Manetta stated twenty-four (24) residents.

Vice Chairman Coyner stated staff will need a copy of your license for this site also. He 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.

Ms. Brown stated they have operated there since 1994 and this use is compatible with the surrounding area. She said they have not received any complaints. She moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Provide a copy of the Health Department Food Service Permit.
2. Provide a copy of the license from the Department of Social Services.

**Operating Condition:**

1. Be permitted to continue operation of the twenty-six (26) bed facility and the three (3) duplex buildings with six (6) total units.

Mr. Bailey seconded the motion, which carried unanimously.

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**CARLOS R. GUM - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Carlos R. Gum, for a Special Use Permit to have an attached accessory dwelling unit in the basement of the principal dwelling on property he owns, located at 136 Old Goose Creek Road, Fishersville in the Wayne District.

Mr. Carlos Gum stated he purchased the home a year ago and on the real estate listing it was advertised as a duplex. He found out that it was indeed only a single family dwelling. He would like to convert this to a duplex and continue the use. He purchased this as an investment. He thought it was already permitted as a duplex.

Vice Chairman Coyner asked if the structure is already setup?



Mr. Gum stated yes. He said the upper part and the basement.

Ms. Brown asked if there are residents living there now?

Mr. Gum said there is in the upper part but he did not want to rent out the basement until it was approved by the Board. He needs to get the permits for the work that was already done. He would like to make this use legal.

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.

Ms. Bunch stated the Board needs to add the Service Authority approval to the recommended staff conditions. She said we received the Service Authority comments after the Board packet went out in the mail.

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

**Pre-Conditions:**

1. Obtain all necessary permits and inspections and a Certificate of Occupancy in accordance with the Uniform Statewide Building Code.
2. Obtain Service Authority approval and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to have an attached accessory dwelling in the basement of the principal dwelling where the owner of record does not reside on premise.
2. No junk or inoperable vehicles to be kept outside.
3. Site be kept neat and orderly.
4. No further additions or expansions.

Ms. Brown seconded the motion, which carried unanimously.

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**DIRK GOLD, AGENT FOR GOLDWRENCH ENTERPRISES, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Dirk Gold, agent for Goldwrench Enterprises, LLC, for a Special Use Permit to construct a garage addition onto the existing building and to enlarge the existing non-conforming building no closer to the road and to relocate and increase the fenced vehicle storage area on property owned by Goldwrench Enterprises, LLC, located at 588 East Side Highway, Waynesboro in the Wayne District.

Mr. Jarett Gold stated they have been at the site for twelve (12) years. He said this has been his family business. He said this addition is long overdue. He said they would like to add state inspections and continue to serve the community. He stated they have done very well but they will do better by having state inspections. He said the building will be built off of the back of the existing shop. He said they plan on moving the fence back to the end of the shop which creates an enclosure. He said this will allow vehicles to be moved to the rear of the building. He noted that he wanted it to look nice up front. He would like to keep improving the property.

Vice Chairman Coyner asked if the addition will be a two-bay shop?

Mr. Gold stated it will be one (1) big door with five (5) lifts.

Vice Chairman Coyner asked if they plan on working on this soon?

Mr. Gold stated they would like to have it done by the end of the year.

Vice Chairman Coyner stated the Board visited the site this morning. He said there are a lot of vehicles in the enclosure. He asked how long do they stay there?

Mr. Gold stated sometimes they are there for an extended period. He said most of them the insurance companies come in and they are moved out quick but sometimes they have vehicles that they end up with that never get picked up. He noted others we collect them and wait for metal prices to go up and get them crushed.

Vice Chairman Coyner asked if he was part of the system that pulls cars from the Interstate that are involved in accidents?

Mr. Gold said they also pickup vehicles that are involved in accidents on the Interstate. He said they are involved in the State Police calls but not the motor clubs.

Vice Chairman Coyner stated the applicants have had some difficulty with screening over the years. He said we are proposing new screening.

Mr. Gold stated it is difficult to maintain the screening. He said they will prepare something more permanent. He plans on enhancing the area with a solid white or wood fence. He asked if it would be permitted to have a white vinyl fence near the road.

Ms. Bunch stated the entire storage area needs to be screened.

Mr. Gold stated the green screening will stay and be maintained and it is the most economical but I understand it needs to be maintained. I would ask that we continue what we have that is existing and I would gladly install the fence off the front side because that is what people will see.

Ms. Brown asked how many vehicles are in the impound areas?

Mr. Gold stated between twenty (20) to fifty (50) vehicles. He said it does fluctuate and it varies on the tow calls and how much we collect as well as the prices for metal. He handles the garage service side and his brother and dad handle the towing.

Ms. Brown asked about the Volkswagen vehicles?

Mr. Gold stated they have five (5) to seven (7) of them. He said by having that building it may help them with this client. He said if they get this additional space they can work on them as they have down time.

Vice Chairman Coyner asked how many mechanics do you have?

Mr. Gold stated three (3), his brother and two (2) other technicians.

Vice Chairman Coyner asked if they plan on expanding the number of employees when the building is expanded?

Mr. Gold stated they may add one (1) more technician.

Vice Chairman Coyner stated any new area needs to meet the current ordinance requirements. He said operating condition #2 would have to be met and it would need to be with the new type of fencing.

Ms. Bunch stated out front, down the side and anything new would require white vinyl or wood fencing.

Mr. Gold stated he does not want to waste the money on a fence down the backside of the barn.

Ms. Brown asked what are the vehicles near the road?

Mr. Gold stated each are licensed and inspected but they are waiting on service or parts.

Ms. Bunch stated after they are waiting for repair more than thirty (30) days, they have to be moved to the back.

Mr. Gold stated the definition of operable is that they have current license plate tag and current inspection. He said vehicles come to us for repair for an inspection.

Ms. Bunch stated then they have to go in the impound area.

Mr. Gold stated there should be a new definition of operable vehicles in order to help us be better compliant. He said there may be something in the code. He said they repair it but then the inspection is dead. He said all vehicles with collision damage are in the enclosure. He requested the ordinance definition be changed for operable vehicles. He said he does monitor what is waiting on repair. He wants customers to see nice vehicles in the front.

Ms. Bunch said it would take an ordinance change to modify the definition of inoperable vehicle.

Mr. Gold said the wording can be changed with his Special Use Permit.

Ms. Bunch stated we could not do that because the property is agriculture.

Mr. Benkahla stated the Board cannot put a condition on a Special Use Permit that violates the ordinance.

Ms. Bunch stated the inoperable vehicles need to be in the building or in the impound area if you cannot drive them down the road legally.

Vice Chairman Coyner stated the applicant has been doing it long enough to know what is required.

Mr. Gold stated he understands.

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 the Board visited the site this morning. He said this is a good business but it needs to be refined somewhat. He said they should understand about the fence. He said the Board will inspect this in a year.

Ms. Brown stated the applicant will need to abide by the ordinance.

Mr. Gold stated he will maintain compliance.

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

**Pre-Conditions:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. Submit a boundary line adjustment to combine Lots 3 and 4.

**Operating Conditions:**

1. Be permitted to construct a 3,420 square foot addition to the existing garage, and to increase the storage room area to 8' X 20', no closer to the road than the existing office as shown on the site plan.
2. Be permitted to construct a new 140' X 135' vehicle storage area screened by an eight (8') foot high opaque vinyl or wooden privacy fence and the fence must be maintained at all times.
3. Be permitted to keep the existing 90' X 96' screened vehicle impound area in the back.

4. All unlicensed or inoperable vehicles must be kept within the building or the two screened vehicles storage areas.
5. No salvaging or parting out of vehicles, or repair work within the two screened vehicle storage areas.
6. Site be kept neat and orderly.
7. Site be inspected every six (6) months.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
9. Permit be reviewed in a year and renewed if all conditions are met.

Mr. Bailey seconded the motion, which carried unanimously.

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

**TROY A. AND MELISSA L. SIZER-LEWIS - EXTENSION OF TIME**

A request by Troy A. and Melissa L. Sizer-Lewis, for a Special Use Permit to have weddings and special events on property they own, located at 100 Cider Barn Lane, Stuarts Draft in the Riverheads District.

Ms. Bunch stated the applicant has not had any weddings until recently. She said the applicants have been in contact with the Health Department and they are asking for a one (1) year Extension of Time to get the septic system in since they now have wedding bookings.

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

Ms. Brown seconded the motion, which carried unanimously.

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**STAFF REPORT**

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|-------|----------------------------|
| 18-48 | Lenwood or Ida B. Johnson  |
| 18-49 | Jerry A. or Shirley Colvin |
| 18-50 | Milmont Greenhouses, Inc.  |

Ms. Bunch stated SUP#18-48 and SUP#18-49 are both in compliance. She stated the applicant has not submitted the foundation survey for SUP#18-50. She said staff has sent a letter to the applicant to submit a foundation survey.

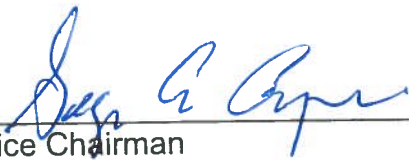
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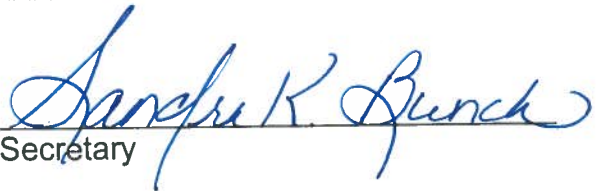
Mr. Benkahla presented the court cases to the Board. He also presented the appeals filed.

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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

