

PRESENT: Justine D. Tilghman, Chairwoman
 George A. Coyner, II, Vice Chairman
 Thomas W. Bailey
 Daisy A. Brown
 Steven F. Shreckhise
 Sandra K. Bunch, Zoning Administrator and Secretary
 James R. Benkahla, County Attorney
 John R. Wilkinson, Community Development Director
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 7, 2019 at 8:30 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **8:30 a.m.** in the **Community Development** 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.

VIEWINGS

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

- **R. ALLEN OR CINDY WEEKLY - SPECIAL USE PERMIT**
- **DONALD R. HORN - SPECIAL USE PERMIT**
- **RANDY SHOWALTER - SPECIAL USE PERMIT**
- **CHESTER A. RILEY AND PAMELA H. TAYLOR - 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.


 Chairwoman


 Secretary

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

ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 7, 2019, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Shreckhise moved that the minutes from the October 3, 2019, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

R. ALLEN OR CINDY WEEKLY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by R. Allen or Cindy Weekly, for a Special Use Permit to construct two buildings for the existing masonry business and to have outdoor storage on property owned by Gordon O. White, Trustee, located at 2954 Lee Highway, Mount Sidney in the North River District.

Mr. Allen Weekly stated he currently has a masonry business but would like to be able to make casted pieces of concrete. He said there is a demand for this type of work. He did apply for a permit for a shop but he decided he wanted to put his house in that spot. He would like to have a building that will not be attached to the house for his business. He stated he does not want all of the moisture inside his house.

Chairwoman Tilghman asked if the applicant works out of another site also?

Mr. Weekly stated no.

Chairwoman Tilghman asked if people come to see you?

Mr. Weekly stated not customers but he does have helpers that might stop by to get equipment and materials. He said when he starts making pieces he would like to have someone helping him.

Vice Chairman Coyner asked if the raw materials would come to the shop?

Mr. Weekly stated yes.

Vice Chairman Coyner stated the lane is very limiting. He said it would be hard to get trucks in there.

Mr. Weekly stated he has not had a lot of materials so far. He has a diesel dump truck but no semi-trucks would be coming in.

Chairwoman Tilghman asked if the pieces could be any size?

Mr. Weekly stated yes but the average is three (3') feet long.

Ms. Brown asked if there is a bathroom in the building?

Mr. Weekly stated there is one (1) but it is not complete.

Vice Chairman Coyner asked if there are employees?

Mr. Weekly stated two (2) gentleman work with him but they are not at the shop. He fixes historical buildings. He said he has a masonry company already and would like to start casting stone. He is asking to use the building for both businesses.

Ms. Brown asked if he lives at the site?

Mr. Weekly stated he lives a couple of properties over. He said this is his in-laws place that he is taking over.

Vice Chairman Coyner asked about the adjacent house?

Mr. Weekly stated that is his father-in-law's house and it is being rented since he moved to Florida.

Vice Chairman Coyner asked if they use the same driveway?

Mr. Weekly stated no, his is further north.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated this is not farm related but we can allow small businesses in the County on agriculture land but it should be limited to a certain size. He said if the business grows, it should move to a business location. He noted that no one was in opposition to the request.

Vice Chairman Coyner stated he was questioning the lane but the applicant said there would be very little traffic coming to the site besides his own crews.

Chairwoman Tilghman stated if the lane is adequate it is barely adequate. She said if the Board approves this request, this would be all that you can handle there and there would absolutely be no room for expansion.

Mr. Shreckhise asked the applicant to come forward again.

Mr. Weekly stated the owner of the white house gave him permission to expand the driveway.

Mr. Shreckhise asked if there is any noise created with this operation?

Mr. Weekly stated minimal noise. He said the house most affected is beside him and they have no objections.

Ms. Brown asked if the trailer will stay?

Mr. Weekly stated when the building is there, it will go.

Vice Chairman Coyner asked if there is another house down the lane?

Mr. Weekly stated no.

Mr. Shreckhise asked if the applicant thought he needed that large of a building in order to accomplish what is needed for the business?

Mr. Weekly stated he asked for it to be larger but he can make it smaller. He said space fills up fast.

Mr. Shreckhise stated if approved, the Board should include a condition that the applicant live at the site. He said if you do not live there, you may lose your permit.

Mr. Weekly stated he is planning on doing that but it is taking longer than he thought. He spent a year getting the farm ready.

Vice Chairman Coyner asked if the applicant will be living there within a year?

Mr. Weekly stated no.

Vice Chairman Coyner asked if he plans on living there within two (2) years?

Mr. Weekly stated yes.

Ms. Brown asked if there is electricity in the building?

Mr. Weekly stated yes.

Ms. Kimberly May, 2958 Lee Highway, Mount Sidney, stated she owns the farm and the home at the end of the lane. She said we do use the lane, it is small and you cannot pass.

Chairwoman Tilghman asked if there is much traffic now?

Ms. May said families come in and out but occasionally you will meet a farmer using the lane. She said three different entities use the lane.

Mr. Shreckhise asked Ms. May if she opposed this request?

Ms. May stated she is not opposed to it but with the small lane and if the business grows, there is no way that big trucks can come in and out of there.

Chairwoman Tilghman stated if approved, there will be limitations because this is not an area that you would want a business to grow.

Mr. Shreckhise stated this is an awfully big expansion for this business. He said with two (2) large buildings, they will need to get rid of the trailer in order to have room for the expansion. He said they can give him room for some expansion but the size of the buildings will be decreased. He stated that much of an expansion is awfully big for agriculture land. He said there is no room for parking or turning vehicles around.

Vice Chairman Coyner asked if there are restroom facilities in the structure now?

Mr. Weekly stated yes but they are not complete. He said it will be a handicapped bathroom. He said no employees work at the site.

Mr. Bailey asked if the business under the house will now be moved completely out?

Mr. Weekly stated it depends on if he has enough room. He is not planning on making the pieces there but storing the different types of cement and molds.

Ms. Brown asked if this is his full time job?

Mr. Weekly stated masonry is his full time job but he wants to get into making cast stone pieces.

Ms. Brown asked if he had a business location anywhere else?

Mr. Weekly stated no.

Vice Chairman Coyner asked if the drainfield is in?

Mr. Weekly stated yes. He said the well is in and approved.

Ms. Bunch stated Health Department comments noted that if the drainfield or a sink was installed that a permit needs to be obtained by the Health Department.

Mr. Weekly stated he did have an engineer do that and he has all of the papers.

Chairwoman Tilghman stated the Health Department approve the septic for a certain amount of people.

Mr. Weekly stated they approved six (6) people. He wanted to make the septic large enough to take care of the parents and in-laws in the future.

Mr. Shreckhise stated this may be too much for an agriculture area. He said the neighbors do not have any objections. He said he should be able to have a little bigger operation than what the Board originally gave him.

Mr. Weekly asked for two and half (2 1/2) years to complete the home.

Vice Chairman Coyner stated sometimes you work harder when you need to meet deadlines.

Mr. Shreckhise stated the applicant could always ask for an extension if he is not living there within the timeframe given but he would need to have a reasonable complication. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Applicant submit an Erosion and Sediment Control Plan and Stormwater Management Plan.
2. Obtain Health Department approval for employees working on site and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to construct one (1) building 40' X 60' for the masonry business.
2. Applicant obtain building permits and provide a copy to Community Development.
3. All outdoor storage be kept in the designated 100' X 150' area shown on the site plan.
4. Be limited to three (3) employees once Health Department approval is obtained and a copy is submitted to Community Development.
5. Site be kept neat and orderly.

6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
7. Applicant must reside on premise by January 2022.
8. Permit be reviewed in a year and renewed if stipulations are met.
9. No further expansion.

Ms. Brown seconded the motion, which carried unanimously.

* * * * *

DONALD R. HORN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Donald R. Horn, for a Special Use Permit to have a bed and breakfast on property he owns, located at 156 Dividing Ridge Road, Mount Solon in the North River District.

Ms. Rebecca Hannam stated she lives at 156 Dividing Ridge Road. She said that Mr. Horn lives and works both out of state.

Chairwoman Tilghman asked if she will reside on the property full time?

Ms. Hannam stated yes.

Chairwoman Tilghman asked if she has already started operating the bed and breakfast?

Ms. Hannam stated not yet.

Chairwoman Tilghman asked if this would be seasonal or year round?

Ms. Hannam stated year round. She said this will not be a large operation.

Ms. Brown asked who will prepare the meals?

Ms. Hannam stated she will prepare meals.

Ms. Brown asked if she will only prepare breakfast?

Ms. Hannam stated yes.

Ms. Brown asked if she lives in one of the bedrooms?

Ms. Hannam stated yes.

Vice Chairman Coyner asked about parking?

Ms. Hannam stated they will finalize a contractor within two (2) weeks for the parking.

Ms. Brown asked how will you advertise?

Ms. Hannam stated they will have a website.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated the Board visited the site this morning. He said it is a nice quiet place. He moved to approve the request with the following conditions:

Pre-Condition:

1. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to use three (3) bedrooms for the bed and breakfast.
2. Be limited to a maximum of eight (8) persons occupying the dwelling.
3. Applicant submit subsequent lease agreements within ten (10) days of signature when the lease changes.
4. Site be kept neat and orderly.

Mr. Shreckhise seconded the motion, which carried unanimously.

RICHARD A. DULANEY, TRUSTEE OF - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Richard A. Dulaney, Trustee of, for a Special Use Permit to have a short term vacation rental on property he owns, located at 45 Swannanoa Lane, Afton in the South River District.

Mr. Richard Dulaney stated he would like to use the home as a short term vacation rental. He said they would use two (2) bedrooms for the short term rental. He has submitted a letter of support. He said it would be compatible with the area. He said there would be no traffic issues and he will provide a service to the area. He stated on the north of the site is property zoned business and agriculture on the other sides.

Chairwoman Tilghman asked if the applicant lives in the house?

Mr. Dulaney stated yes he does remain in the home when he is not traveling. He said he is doing some traveling during his retirement and he does have someone that will be responsible for the site when he is traveling. He said the hostess at Swannanoa Palace lives in the cottage and is in walking distance. He said if he is not there, they will be responsible.

Ms. Brown asked if the gravel roadway is used by guests?

Mr. Dulaney stated yes.

Ms. Brown asked how will you advertise?

Mr. Dulaney stated he will setup a website.

Ms. Brown asked if they will operate year round?

Mr. Dulaney stated yes but fall is their biggest season.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Ms. Brown stated this is a secluded, short term rental that will be a low impact. She said this will be a good service to the area. She moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to use two (2) bedrooms for short term vacation rentals with a maximum occupancy of four (4) unless the Health Department approval is submitted to the Community Development Department.
2. Applicant provide a contact name and number to Community Development when the owner is out of the area.
3. The applicant resides on premise unless a lease agreement for a facility operator is submitted to Community Development within ten (10) days of signature.
4. Site be kept neat and orderly.

Vice Chairman Coyner seconded the motion, which carried unanimously.

ZACHARY DEAN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Zachary Dean, for a Special Use Permit to have a towing business and a vehicle impound area on property owned by James T., Sr. and Barbara R. Begoon, located at 707 South River Road, Grottoes in the Middle River District.

Ms. Bunch stated the applicant has withdrawn the request for this permit.

RANDY SHOWALTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Randy Showalter, for a Special Use Permit to have a motor vehicle repair operation and impound area on property owned by Kimberly A. Miller, located at 105 Shulls Lane, Mount Solon in the North River District.

Mr. Randy Showalter stated the business has been there and he has operated small diesel repair as well as agriculture equipment repair. He would like to work mainly on diesel trucks.

Vice Chairman Coyner asked if he normally has that many vehicles onsite?

Mr. Showalter stated he does try and keep the numbers down.

Chairwoman Tilghman asked if the vehicles belong to customers?

Mr. Showalter stated four (4) vehicles belong to him and some are for parts. He does not want any more than he currently has.

Ms. Brown asked if he plans on having employees?

Mr. Showalter stated he has three (3) full time and one (1) part time employee and a part time woman who helps in the office.

Vice Chairman Coyner asked if they have restrooms and a drainfield?

Mr. Showalter stated yes.

Ms. Brown asked how many vehicles are being worked on now?

Mr. Showalter stated this is a three-bay shop. He said all of them have to be worked on.

Mr. Bailey asked if the applicant does body work or painting?

Mr. Showalter stated no. He said he does not plan on doing any body work.

Ms. Brown asked if he lives in the house?

Mr. Showalter stated yes.

Chairwoman Tilghman asked where will the fence be constructed?

Mr. Showalter stated at the end of the shop. He stated he would like to come in back by the willow tree. He said the only people that see it is his own house on the back side.

Chairwoman Tilghman asked how many vehicles are behind the shop?

Mr. Showalter stated he will clean it up. He said there are four (4) to the back side and six (6) or eight (8) that are inoperable. He stated it is all grown up with trees.

Ms. Bunch stated there should be nothing behind the shop.

Chairwoman Tilghman stated there are only a few vehicles back there and it did have vegetation but depending on what the Board approves, you may not need a fence directly behind the building.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated the Board visited the site this morning. He said this is a viable business that is really needed in the area. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Applicant submit an Erosion & Sediment Control Plan and Stormwater Management Plan to Community Development within **sixty (60) days**.
2. Obtain letter of approval from Building Inspection within **sixty (60) days**.
3. Obtain Health Department approval for employees per comments within **sixty (60) days**.
4. Applicant construct and eight (8') high opaque privacy fence around the vehicle storage area shown on the BZA sketch plan within **sixty (60) days**.

Operating Conditions:

1. Be permitted to use the existing garage for motor vehicle repair.
2. No vehicle repair or maintenance work be done outside.
3. All vehicles and vehicle parts be kept inside the garage or the 80' X 110' screened impound area on the BZA sketch plan.
4. The eight (8') foot opaque privacy fence be maintained at all times.
5. No junk or inoperable vehicles be kept outside.
6. Hours of operation be 8:00 a.m. to 5:00 p.m., Monday – Friday.
7. No Saturday or Sunday work.
8. No further expansions.
9. Site be kept neat and orderly.
10. All trees and natural vegetation needs to remain.
11. Applicant be limited to five (5) employees.

Ms. Brown seconded the motion, which carried unanimously.

Chairwoman Tilghman stated this is a good thing but if the business grows much more, they should move to a business district.

CHESTER A. RILEY AND PAMELA H. TAYLOR - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Chester A. Riley and Pamela H. Taylor, for a Special Use Permit to have weddings and special events on property they own, located at 1382 Hermitage Road, Waynesboro in the Middle River District.

Ms. Pamela Taylor stated she will maintain the intent and integrity of the property where they reside. She said they built the structure as a farm building and now would like to have special events there. She has spoken with the neighbors. She said there were twelve (12) addresses and only two (2) to her knowledge have opposed the Special Use Permit. She submitted a letter and emails from neighbors showing support. She stated with the fireworks usage, her son had a wedding on September 21st and they set those off to celebrate the wedding. She said with the special events their integrity and consideration of neighbors will not be in question. She is requesting thirty (30) events per calendar year, no fireworks for special events, events cease at 10:00 p.m. and guests off of the property by 11:00 p.m. She donated the barn to the Valley Child Advocacy Center for their non-profit event this evening.

Vice Chairman Coyner asked if she really needed that many events?

Ms. Taylor stated venues book out 1 ½ to 2 years in advance.

Vice Chairman Coyner asked how will you market the site?

Ms. Taylor stated she will market the site through the internet using Instagram or Facebook and word of mouth.

Vice Chairman Coyner asked if there will be music confined to only inside the building?

Ms. Taylor stated there will be a DJ inside for the special events. She said there will be no live music outside.

Ms. Brown asked how many people can be in the building with the tables setup?

Ms. Taylor stated 250-300 people including the front porch.

Ms. Brown asked about parking?

Ms. Taylor stated parking will be in the field in the front of their home, far side of barn, and the field to the left.

Vice Chairman Coyner stated the applicants have done a lot of work to the property.

Mr. Chester Riley stated it is a work in progress.

Ms. Brown stated this is a beautiful building.

Mr. Bailey asked if they will have someone directing traffic during events?

Ms. Taylor stated they did not for her son's wedding but they are planning on widening the driveway and they have already spoken with VDOT regarding this.

Chairwoman Tilghman stated we denied a similar request a year or so ago which was a little bit different. She said this is a gorgeous building. She said the applicant built the structure without knowing if they would get the Special Use Permit.

Ms. Taylor stated yes but they have four (4) children together and they will all enjoy the barn.

Chairwoman Tilghman stated the Board saw the barn and it is lovely. She said they spent an awful amount of money on the barn but I know they did things a little different from the last time they came before us, but personally it bothered me that you put out this much money and if the request is disapproved, than that money is gone. She said the barn can be used all that they want for private use. She said they should have waited for the new site to be approved before putting out the money and building the barn. She would have liked a yes or no first.

Ms. Taylor stated they put 98% of the work into the structure. She said they did not use contractors. She said Chester has done maintenance work in the barn and it is being used partially for agriculture. She made Chester put down wood to change the oil. She said the reason why it looks so nice today is because of the event coming up this evening. She noted yesterday it did not look like that.

Mr. Riley stated he put bigger doors on the structure for tractors coming in and out in order to change the oil on the farm equipment.

Chairwoman Tilghman asked how would you get to the upper section of the barn?

Mr. Riley stated a scissor lift.

Ms. Taylor stated they plan on using it for storage later on.

Mr. Riley said he may use it for straw and hay later on but now he is storing lumber there.

Vice Chairman Coyner stated the Board will want to limit events so that there are not weddings happening every weekend. He stated that staff is recommending twenty-four (24) events. He said thirty (30) events will not happen. He asked what type of events?

Ms. Taylor stated she will also have farm events, church events, corporation events such as Christmas dinners and award banquets.

Vice Chairman Coyner stated the Board saw the kitchen today.

Ms. Taylor stated they will have caterers and food trucks will park at the end of the barn.

Chairwoman Tilghman asked if charity events are included in the number?

Ms. Bunch stated every event is included. She said it would be hard to limit what is private and what is not.

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

Mr. Chris Glover, 1775 Barrenridge Road, Staunton, stated Stable Craft is down the road and they do events but they are not limited to much. He said J & D Farmers Market is half a mile away and they do some events. He said Barrenridge Vineyard is a mile away and they are not limited. He said they do stuff all of the time. He said Red August Farm is the same distance and they have events all of the time. He stated he does not hear it but he sees it. He stated someone came to the house with a petition for him to oppose this. He said they should be held to the same standard as the others. He said they are doing a good for the community. He said if you count non-profit, how are Red August Farm having so many events? He said all should be the same rules and be fair.

Ms. Bunch stated they are limited too.

Mr. Kit Gordon, 1266 Hermitage Road, Waynesboro, stated the face of the barn is 1,200'-1,300' or more. He said when they had an event he did not hear a thing. He visited the barn and he does not have any qualms at all with anything and it is well constructed. He said noise will be limited. He said this would be an asset to the community.

Mr. Doug Huffman, 59 Spring Oak Lane, Grottoes, stated what he has seen is that Ms. Taylor and Mr. Riley are both very professional and they went to their neighbors to answer any questions and address concerns ahead of time. He said we do have a number of venues in the area and we do not need more but like McDonalds, you can't tell

them they can't build because Burger King is there already. He said if they run a good business, they will be there. He said the number of events should be limited for the first year and if they are a good operation, after the first year if there is no issue, the number can be increased. He said that he supports small businesses.

Mr. Donald Smith, Sheriff for Augusta County, stated that he has known the applicants and their family for twenty (20) years. He said that CJ Taylor works for him at the Sheriff's Office. He stated there were concerns about extra traffic on Route 254 and drunk drivers. He went to the wedding. He has been paying close attention to the vehicles turning off Route 254 and it is a heavily traveled road but he does not see an issue with this. He said his staff enforces DUIs and traffic in that area. He said there were some concerns about Stable Craft but his officers are very diligent on all roadways through Augusta County. He said the applicants are both successful business owners and good outstanding citizens with Augusta County. He said they are good neighbors and respect the neighbors and the conditions you will put on them. He said the barn was well constructed and sits well off of the road. He said there would not be a noise issue. He attended the wedding and left early so that he would be aware before this request came before the Board. He is speaking openly and honestly and it is far off of the road that it will not be a problem and it will be beneficial to the community.

Chairwoman Tilghman stated there were concerns of drunk driving. She said Augusta County has a good number of wineries and breweries that have food and drink available. She has been to different locations and has seldom seen anyone walking away from the brewery or winery where they were having too much alcohol. She said it is not the same as years ago.

Mr. Smith stated things can get out of control but you have to contribute that towards the business owner who runs the business. He said a reputable business owner will cut people off way before we get involved. He said we do have problems but they are few and far between. He said the statement that they will be a burden to the community or burden Augusta County, is not correct.

Ms. Sally Wright, 1268 Hermitage Road, Waynesboro, stated they live behind us. She has a petition with thirty (30) individuals who signed within a mile of the area and disapprove this. She said they were not biased in going in anyone's home. She said four (4) people had nothing to say. She said even though many were not able to attend, the signatures should carry no less weight. She noted that last March the permit was denied and now they are applying for the same venue and once again we object it. She said they applied for a pole barn permit on November 2, 2018 as a farm building. She said we have all been duped. She said they have searched many years for their retirement home.

She said the venue is on a blind curve and causes serious accidents. She does not want or need an increase in these. She noted we already have a brewery, winery, wedding barn, and farmers market with events in the area. She stated they do not need or want another. She noted this is an all too common place here in the Valley to witness urban sprawl and the adverse effect of it. She requested the Board of Zoning Appeals to consider all of these factors. She asked that the permit be denied.

Ms. Brown asked how many signed the petition live in the area?

Ms. Wright stated all of them.

Vice Chairman Coyner asked how many are adjacent?

Ms. Wright stated four (4) people on Donovan Lane and some on Barrenridge Road. She said they are all within a mile from her home.

Mr. Tim Wright, 1268 Hermitage Road, Waynesboro, stated there are a lot of accidents on the highway.

Chairwoman Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chairwoman Tilghman asked if the applicant would like to speak in rebuttal.

Ms. Taylor stated she said there are thirty (30) signatures but they have not seen the petition. She said there are three (3) neighbors on Donovan Lane that are adjacent to their property. She said they spoke to all three (3) but did not get them to sign anything. She asked if the signatures are all from adjacent property owners and if they are the ones she reached out to and spoke to. She said their biggest concern is the petition.

Vice Chairman Coyner stated if approved the Board may want to limit the number of events to twenty-four (24) per year and no more than two (2) per month so that you are not having one every weekend in the summer months.

Mr. Shreckhise stated three hundred (300) people would be stretching the facility.

Ms. Taylor stated that she doubts there would be that many people at an event.

Chairwoman Tilghman stated the drainfield permit states three hundred (300) but the Health Department also does not regulate the number of people on the square footage. She feels three hundred (300) would be a tight fit. She declared the public hearing closed.

Mr. Shreckhise stated this is a nice place. He said the structure being at the site already gave us a better picture of where the venue was going. He said unlike the proposed venue last time this is set away from many of the neighboring houses. He said the doors do not face the houses that had objections before. He stated there should not be a noise or traffic problem. He said this would be an asset to the community with the reduced number of attendees and events. He moved to approve the request with the following conditions:

Pre-Condition:

1. Obtain VDOT approval and provide a copy to Community Development.

Operating Conditions:

1. Be limited to twenty-four (24) events per year but no more than two (2) per month.
2. All amplified music shall be inside the structure. No outdoor amplified music.
3. Applicant must reside on premises.
4. Be limited to a maximum of two hundred fifty (250) people per event.
5. Applicant or designated agent be onsite during all events.
6. All events cease by 10:00 p.m. and all persons off of the property by 11:00 p.m.
7. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
8. Site be kept neat and orderly.
9. No fireworks during events.
10. No additional structures including temporary tents be used in conjunction with events.

Vice Chairman Coyner seconded the motion, which carried unanimously.

ROGER WILLETTS, AGENT FOR SUPERIOR CONCRETE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Roger Willetts, agent for Superior Concrete, for a Special Use Permit to have a concrete batching plant on property owned by PBR Associates, LLC, located at 100 Johnson Drive, Stuarts Draft in the Riverheads District.

Mr. Roger Willetts stated after the meeting last month he met with Hershey representatives and their attorneys. He said that locally Hershey has to go through a procedure before they can either agree or oppose a request that might affect their operation. He said Hershey needs more time to hire their own consultant and investigate the request.

Chairwoman Tilghman stated the applicant would like to continue this hearing next month. She said they will continue to keep it open that way if we have more comments we can hear those next month. She asked if there are concerns that they be given to the Board ahead of time.

Vice Chairman Coyner stated that he hopes they can come to an agreement.

Mr. Willetts stated he wants this to be appropriate for them and us.

Vice Chairman Coyner moved to continue the public hearing on December 5, 2019.

Ms. Brown seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

WILLIAM E. SIPE, JR. - EXTENSION OF TIME REQUEST

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

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

Mr. Shreckhise seconded the motion, which carried unanimously.

TAYLOR CARWILE, AGENT FOR SA HOLD CO., LLC - EXTENSION OF TIME REQUEST

A request by Taylor Carwile, agent for SA Hold Co., LLC, for a Special Use Permit to continue the existing campground and to continue to rent out for recreational use the two bedroom cottages, two (2) three bedroom cottages, fourteen (14) room lodges, and to continue to have a seasonal restaurant within the beach house and to increase the number of extended stay sites occupied more than 240 days on property owned by Shen Acres Realty, LLC, located at 256 and 348 Lake Road, Stuarts Draft in the South River District.

Ms. Brown moved to approve the thirty (30) day Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

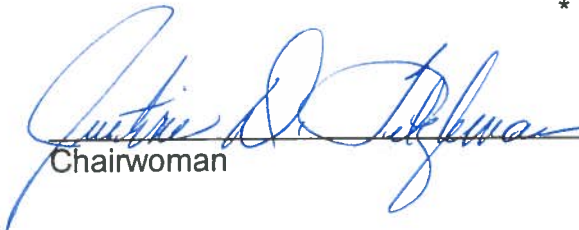
STAFF REPORT

- 19-1 Positive Paws - Pilgrim Christian Fellowship
- 19-2 Country Landmarks, LLC
- 19-3 Dale Hungerford Trustee, Hungerford Revocable Trust
- 19-4 Dan F. or Shirley A. Holler
- 19-5 Regional Animal Shelter Land Trust
- 19-6 Uplyft, Inc.
- 19-7 James R. or Valerie L. Schwendeman
- 19-8 David L. or Ann W. Gardner

Ms. Bunch stated SUP#19-1 is in compliance. She stated the Board granted an Extension of Time for SUP#19-2. She stated SUP#19-3 is in compliance. She noted that SUP#19-4 is diligently pursuing completing the pre-conditions. She stated SUP#19-5 is in compliance. She stated SUP#19-6 was cancelled. She said SUP#19-7 and SUP#19-8 are both in compliance.

Mr. Benkahla presented the court cases to the Board.

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



Chairwoman



Secretary

