

February 6, 2020

PRESENT: George A. Coyner, II, Chairman  
Justine D. Tilghman, Vice Chair  
Thomas W. Bailey  
Daisy A. Brown  
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: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 6, 2020 at 9:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at 9:00 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**

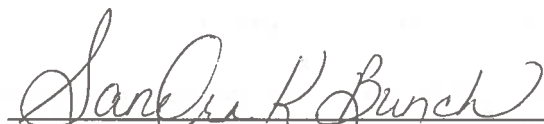
The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **RONNIE OR SANDRA MORRIS - SPECIAL USE PERMIT**
- **MARVIN INGRAM - SPECIAL USE PERMIT**
- **DALE W. HILL, AGENT FOR APEX TOWERS, 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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Chairman

  
Secretary

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 Sandra K. Bunch, Zoning Administrator and Secretary  
 James R. Benkahla, County Attorney  
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 6, 2020, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Ms. Brown moved that the minutes from the January 2, 2020, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

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**RESOLUTION – DEDICATED SERVICE OF STEVEN F. SHRECKHISE**

Chairman Coyner read the following resolution:

WHEREAS, the County of Augusta in consideration of the long and dedicated service of Steven F. Shreckhise; and

WHEREAS, Mr. Shreckhise diligently and faithfully served the citizens of Augusta County for twenty-one years in the capacity of a public servant; and

WHEREAS, Mr. Shreckhise was appointed to the Augusta County Board of Zoning Appeals in August 1998 and completed his service in December 2019; and

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WHEREAS, the Augusta County Board of Zoning Appeals is desirous of expressing their appreciation and thanks to Mr. Shreckhise for his dedicated service.

NOW, THEREFORE BE IT RESOLVED that the Augusta County Board of Zoning Appeals does hereby publicly thank Mr. Shreckhise for his service which he has so aptly fulfilled with diligence and concern for the citizens of Augusta County.

BE IT FURTHER RESOLVED, that this resolution be adopted by the Board of Zoning Appeals, recorded in its minutes, and a copy forwarded to Mr. Shreckhise.

Mr. Bailey moved to adopt the resolution.

Vice Chair Tilghman seconded the motion, which carried unanimously.

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### **JULIE RICE AND VICTORIA GODFREY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Julie Rice and Victoria Godfrey, for a Special Use Permit to prepare foods for retail sales offsite within the existing commercial kitchen on property owned by William F. or Judie S. Croft, located at 331 Glebe School Road, Swoope in the Pastures District.

Ms. Victoria Godfrey, 331 North Mountain Road, Swoope and her partner Julie Rice who lives at 879 Frog Pond Road, Staunton would like to work in the kitchen a couple days a week making spreads and soups and sell offsite at Polyface Farm and online.

Chairman Coyner asked if there would be customers coming to the site?

Ms. Godfrey stated no. She said they would only sell through the farm store and online.

Chairman Coyner asked if all of the product is prepared at this location?

Ms. Godfrey stated yes.

Chairman Coyner asked if they would have employees?

Ms. Godfrey stated no, just the two of us.

Chairman Coyner asked if that would be enough?

Ms. Godfrey said given the scale of the business we wish to work at, yes.

Vice Chair Tilghman stated if you think you might need employees in the future, now is the time to ask.

Ms. Godfrey stated they enjoy working with each other only. She said they may have an employee that will deliver their product but the employee would not be onsite.

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

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

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

**Pre-Condition:**

- 1. Submit documentation from a licensed professional engineer stating the existing septic system is sized to accommodate the request.

**Operating Conditions:**

- 1. Be permitted to utilize the commercial kitchen within the existing bed and breakfast when the Inn is not occupied.
- 2. No onsite retail food sales.
- 3. No employees.

Ms. Brown seconded the motion, which carried unanimously.

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**RONNIE OR SANDRA MORRIS - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Ronnie or Sandra Morris, for a Special Use Permit to construct an accessory building exceeding the 900 square foot total aggregate allowed on property they own, located at 412 Little Run Road, Weyers Cave in the Middle River District.

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Ms. Sandra Morris stated she is requesting to have a 14' x 24' storage building so that they can store items in.

Chairman Coyner stated the Board visited the site this morning. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed. He stated this building at the site should be fine.

Vice Chair Tilghman stated she does not think this would be a problem. She said the adjacent neighbor is the airport.

Ms. Brown stated this building would not be noticeable due to the location of the site.

Vice Chair Tilghman moved to approve the request with the following conditions:

**Pre-Condition:**

1. Applicant obtain a Building Permit.

**Operating Conditions:**

1. Be permitted to place a three hundred thirty-six (336) square foot prefab accessory building on the property.
2. No further expansions.
3. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

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**MARVIN INGRAM - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Marvin Ingram, for a Special Use Permit to have a dog kennel on property owned by Robert L. VanBuren, Sr., located at 384 Paine Run Road, Grottoes in the Middle River District.

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Mr. Marvin Ingram stated he is over his limit with the number of dogs.

Chairman Coyner asked if he breeds the dogs?

Mr. Ingram stated no. He said they are just his pets.

Chairman Coyner stated it appears as though the fence is installed.

Mr. Ingram stated yes. He said four (4) of the dogs are fifteen (15) years old or older. He does not plan on getting any more dogs.

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

Mr. Paul Eutsler, 395 Paine Run Road, Grottoes, stated he works swing shift and noise could be a problem. He said the dogs barking could keep him awake during the day. He stated that he has dogs all around him already. He said the smell of dog feces will come his way.

Chairman Coyner asked where do you live?

Mr. Eutsler stated he lives in the log cabin across the road. He is worried about the noise and him not being able to sleep.

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

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

Mr. Ingram stated there will not be any smells. He said he cleans up all fecal matter. He said there will not be noise because the dogs will be inside.

Chairman Coyner stated the only time the dogs will be outside is when they go to the bathroom.

Mr. Ingram stated yes.

Vice Chair Tilghman asked if there are other dogs around the area?

Mr. Ingram stated yes. He said there are a lot of dogs in the neighborhood that bark.

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Chairman Coyner stated the applicant plans on keeping the dogs inside and the fenced in area is already installed. He said the Board was there this morning. He declared the public hearing closed.

Ms. Brown stated the dogs stay inside the home. She said the applicant does not plan to breed the dogs. She said the fence is installed and the dogs are older. She moved to approve the request with the following conditions:

**Pre-Condition:**

1. A 10' X 25' exercise area secured with a six foot (6') high fence with individual dog houses for shelter when outside for exercise and bathroom breaks be installed behind the house within **ninety (90) days**.

**Operating Conditions:**

1. Applicant be permitted to keep the eight (8) existing dogs, however, as they expire they not be replaced, and then a maximum of four (4) adult dogs be kept at this site.
2. All dogs be kept on a leash or be confined within the fenced exercise area or within the dwelling at all times.
3. All dogs be kept inside from 10:00 p.m. until 6:00 a.m.
4. Animal Control to inspect the site every **six (6) months**.
5. Site be kept neat and orderly.

Vice Chair Tilghman seconded the motion, which carried unanimously.

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**OLD BUSINESS****DALE W. HILL, AGENT FOR APEX TOWERS, LLC - SPECIAL USE PERMIT**

A request by Dale W. Hill, agent for Apex Towers, LLC, for a Special Use Permit to construct a 199' wireless telecommunication tower on property owned by James Lee Kindig and Lucy K. Coyner, located at 3546 Stuarts Draft Highway, Waynesboro in the Beverley Manor District. – TABLED AT THE JANUARY 2, 2020 MEETING

Ms. Brown moved to bring the item forward.

Mr. Bailey seconded the motion, which carried unanimously.

Chairman Coyner stated the Board drove to the site this morning and looked around the area. He asked with this farm having 170 acres why was this particular location chosen?

Mr. Dale Hill stated it was the optimal spot where the tower should be placed. He said these are white space areas that we are trying to fill in and optimize through propagation studies and so forth to place the tower in that exact vicinity.

Vice Chair Tilghman asked how much of an area are they giving you?

Mr. Hill stated this one has a little more leeway. He said this one we can move 600 to 1,200 feet and still be within the area that we need to serve.

Vice Chair Tilghman stated that is the only area on the farm that I see that really backs up to neighbors. She said you would not have to go very far at all to get away from being on top of the residents because you are already there. She asked how far could you move and still feel that you are in the optimal area? She said if you have some leeway and she realizes that we need cell towers but it is nice not to have the controversy.

Chairman Coyner stated this is also at the bare minimum setbacks.

Vice Chair Tilghman stated if there is leeway, how far can you move it and come up with what you are looking for?



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Mr. Hill said without a study that will be tough to say right now. He said it is possible to move closer to the Kindig home if that would be suitable to the landowner, possibly more to the east.

Vice Chair Tilghman said maybe it can be placed closer to the right.

Mr. Hill said they can center it there towards the east.

Vice Chair Tilghman said both parcels are owned by the same owner and maybe they can come up with a compromise that allows the company to do what they need to do without antagonizing the neighbors. She said that is a very large tower and in this location several homes will be looking straight at it.

Ms. Brown asked if they considered the silo?

Mr. Hill stated there is not enough height on the silo.

Chairman Coyner asked if that would be something that they could consider?

Mr. Hill showed the Board an alternative location on the map. He said Round Hill is not acceptable.

Mr. Kindig said he has other things going on in that area on the other parcel. He said the other location would be acceptable to him in the back corner.

Ms. Bunch said you will have a hard time achieving your setbacks in that location.

Mr. Hill said we can come back to the yellow outline and bring it forward somewhat and still maintain the setbacks.

Chairman Coyner stated the purpose of asking this question is if you are able to move the tower in a different area.

Mr. Hill said we are and are willing to work with you. He said we keep hearing a lot of discussion about Round Hill and it was the first consideration because that is one of the criteria of the County that everything gets looked at around but it was not a choice or site that could serve them.

Chairman Coyner said if the applicant plans on moving the tower, we will need to give them time to do that.

Ms. Brown asked if they have looked at all of their locations?

Mr. Hill stated yes.

Ms. Brown asked if they thought of any more locations?

Mr. Hill said there are no other locations in order to achieve what they are trying to do here. He said it is a white area that they are trying to fill in. He said they are trying to fill in a two (2) mile radius that will encompass the school area. He said they cannot do it from the other site. He said if it is pleasing to the Board, they can move the tower back to the east toward the front a little toward Stuarts Draft Highway and still maintain the setbacks.

Mr. Bailey asked if they could add height to any of the silos?

Mr. Hill stated no.

Vice Chair Tilghman said this is 195'. She asked how do you decide on the height? She asked what is the criteria?

Mr. Hill stated they do it based on the propagation maps and what the carrier needs to be able to accomplish their goal.

Ms. Brown asked what is their goal?

Mr. Hill said they are trying to reach out to a two (2) mile area in order to fill the white space.

Vice Chair Tilghman stated wherever the tower is put up, you have to allow other carriers on it.

Mr. Hill stated yes, this is a four (4) tenant tower plus room for the County.

Chairman Coyner asked if that is the maximum the pole would accommodate?

Mr. Hill said this is the maximum being that it is a monopole structure. He said the antennas are closely mounted and are not spread out so they are aesthetically pleasing.

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Vice Chair Tilghman stated she would like to look at this a little more. She said we know that it is movable.

Mr. Benkahla stated the Board should check with the applicant to see if they are willing to continue this based on their timeframe.

Chairman Coyner stated if the applicant is planning on moving the tower, the Board should table this to give him time to relocate the tower.

Mr. Hill showed the Board an area on the map.

Chairman Coyner said the Board was thinking more towards the right of the property.

Mr. Hill said they are not sure if that property is available.

Chairman Coyner asked if the applicant would like to pursue this further or would you like the Board to make a decision right now?

Mr. Hill stated he would like the Board to pursue it further. He said they have to take into consideration the goals of which the carrier needs. He said they can at this location but there are elevation changes on the other side. He said height and elevation is not always important as it is with this site.

Chairman Coyner asked if they would like additional time?

Mr. Hill stated yes.

Ms. Brown asked where else is T-Mobile in Augusta County?

Mr. Hill stated he cannot answer that right now because he does not have their network labeled information and that is something they cannot ask for anymore.

Ms. Brown asked how many customers do they have?

Mr. Hill stated he does not know.

Vice Chair Tilghman stated the tower is very sensitive to height. She said if you go to the right and go further into that yellow area, does the ground go higher?

Mr. Hill stated it does.

Vice Chair Tilghman asked would that affect how high the tower is?

Mr. Hill stated it can. He said they will have to run propagations. He said it will not increase the height of the tower but it may decrease the amount of service we are able to get.

Chairman Coyner stated given the interest that is here it would be prudent that the Board look at all the options. He asked if the applicant will be able to provide information within thirty (30) days?

Mr. Hill stated yes.

Mr. Benkahla asked if the applicant is agreeable to the thirty (30) day timeframe?

Mr. Hill stated he agrees with the thirty (30) day timeframe.

Vice Chair Tilghman moved to table the request for thirty (30) days in order to give the applicant time to comeback with some viable options.

Ms. Brown seconded the motion, which carried unanimously.

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

**STACY JOHNSON, AGENT FOR 1 TRIBE, LLC - EXTENSION OF TIME REQUEST**

A request by Stacy Johnson, agent for 1 Tribe, LLC, for a Special Use Permit to provide overnight accommodations and farm related workshops and therapy on property owned by Kimball E. Stowers, Trustee, located at 1082 Todd Road, Mt. Sidney in the North River District.

Ms. Bunch stated the applicant would like to apply for a two (2) month Extension of Time to complete the pre-conditions of their permit.

Vice Chair Tilghman moved to approve the two (2) month Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 19-18 Harry A. or Susan D. Baldwin
- 19-19 Bogdan V. or Alvina V. Sakhnyuk
- 19-20 Chester A. Riley or Pamela H. Taylor
- 19-21 Stonewall Jackson Area Council of Boy Scouts of America
- 19-22 Bernard Lee, III and Melissa A. Christian
- 19-23 Spottswood Farms, LLC
- 19-24 Steven W. or Kimberly Harris

Ms. Bunch stated SUP#19-18 was cancelled. She stated staff sent a letter to the applicant regarding the inoperable vehicle for SUP#19-19. She said after receiving our letter the violation was taken care of. She stated SUP#19-20 is in compliance. She stated the pre-conditions have not been completed for SUP#19-21, therefore, staff sent the applicant a letter. She stated SUP#19-22 is in compliance. She stated SUP#19-23 was tabled and approved in July. She stated SUP#19-24 is in compliance.

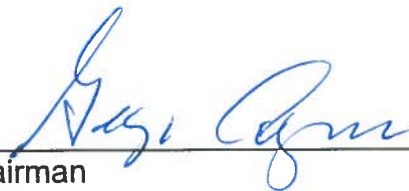
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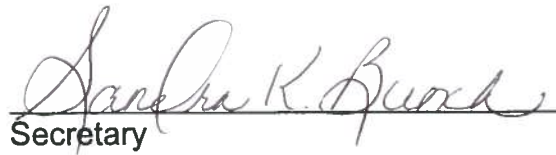
Mr. Benkahla discussed the court cases with the Board.

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

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 Chairman

  
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 Secretary

