

August 6, 2020

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 6, 2020 at 8:30 A.M., in the County Government Center, Verona, Virginia.

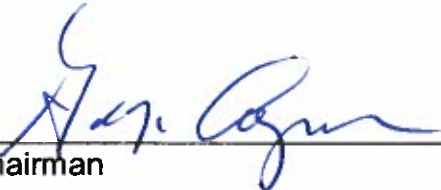
The staff briefing was held at 8:30 a.m. in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

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

- JESSICA L. WEINSTOCK - SPECIAL USE PERMIT
- BRADLEY SHOWALTER - SPECIAL USE PERMIT
- ZACHARY A. DEAN - SPECIAL USE PERMIT
- JOHN C. REEDY - 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.


Chairman


Secretary

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 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

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

MINUTES

Ms. Brown moved that the minutes from the June 16, 2020 and July 2, 2020 meetings be approved.

Ms. Tilghman seconded the motion, which carried unanimously.

JESSICA L. WEINSTOCK - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jessica L. Weinstock, for a Special Use Permit to have a short term vacation rental on property she owns, located at 17 Mount View Drive, Afton in the South River District.

Ms. Jessica Weinstock stated that once the basement is finished they plan to run the Airbnb upstairs. She said she and her wife will reside in the basement.

Chairman Coyner asked if she has done this before?

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Ms. Weinstock stated yes. She said she did not realize that she needed a license. She did operate for ninety (90) days. She stated one of the renters did have a party and the neighbors called the cops and filed a complaint. She said they were in Crozet that evening and after that they shut the Airbnb down. She said she will be onsite to make sure that does not happen again.

Chairman Coyner asked if she planned on renting during the week and weekends?

Ms. Weinstock stated yes both.

Chairman Coyner asked if she screens her guests?

Ms. Weinstock stated she requires a valid driver license and at least two (2) reviews from previous stays.

Ms. Brown asked if there is difficulty backing into the driveway if there were several cars at the site?

Ms. Weinstock stated there is a carport for the renters to pull into and an entire stretch of driveway.

Mr. Bailey stated the applicant will need to keep the renters vehicles off of the road.

Ms. Weinstock stated that is not a problem. She said the house has one hundred (100') foot of pavement that they can use. She said five (5) vehicles can park there with no issues.

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

Mr. Michael Link, 47 Mount View Drive, Afton, stated he lives in the property next to the applicant. He said he opposes this request. He said they have lived there for ten (10) years and this is his dream home. He said most neighbors share the desire for peace and quiet and strive to better their home. He stated several neighbors came to him and expressed their displeasure with the request. He said the applicant did run longer than ninety (90) days and she never had the proper permits nor was she onsite when the renters were there. He said that she never told the neighbors. He stated one of the renters had a party on the deck and he did see out of state vehicles in the driveway every weekend. He said that he felt unsafe. He said there was underage partying and strangers in his backyard smoking on one occasion after midnight. He noted there also

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has been cars parked on the street and loud music. He is a first responder and is gone a lot with his wife and children at home alone and they feel unsafe at times. He stated their peace was disturbed. He stated they do not have air conditioning so their windows are open and can hear everything that happens. He said they feel this would repeat if the request is granted. He said he is worried about property values decreasing. He said there are many elderly women in the area that are very concerned. He said if the Board feels that this request should be granted, the maximum number of people should be four (4) plus the two (2) that live there for a total of six (6) people unless the septic is upgraded.

Ms. Bunch said only four (4) people total are permitted unless the septic is upgraded.

Chairman Coyner stated the request would be contingent upon all conditions being met.

Mr. Link asked how is this managed?

Ms. Bunch stated you can notify staff if any of the operating conditions are not followed.

Ms. Brown asked if he witnessed the party taking place?

Mr. Link stated yes on two or three occasions. He said people are always coming in and out and parking along the road.

Ms. Brown asked about the people coming into the backyard?

Mr. Link stated it was after midnight and his dogs were barking. He said he looked out the back door and heard voices in his backyard.

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.

Ms. Bunch stated the Board received letters in opposition from various neighbors on this request.

Ms. Weinstock stated she plans on staying on the property. She stated that she knows the septic needs to be upgraded. She said she and her wife have been in the hospitality industry combined for forty (40) years. She said all of the complaints were

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made prior to her applying for this request. She said they did make a mistake and want to get the proper permits. She said they have been cleaning up the property.

Chairman Coyner asked how long have you owned the property?

Ms. Weinstock stated two and a half (2 ½) years. She said it could take six (6) months to finish the basement.

Chairman Coyner closed the public hearing. He stated were this to be approved, there would be conditions that the applicant would need to meet. He said the Board visited the site this morning. He stated the Board also received five (5) letters in opposition.

Mr. Bailey stated the applicant would need to abide by the restrictions put on their permit. He said if there are parties and they get out of hand, the neighbors can call the Sheriff.

Mr. Thacker asked if there are any other rental properties in the area?

Chairman Coyner stated there are two (2) other short term rentals in the area.

Ms. Brown asked if staff has received complaints on the other two (2) short term rentals in the area?

Ms. Bunch stated no.

Chairman Coyner stated upgrades will need to be made before they operate the short term rental. He stated the Board should review the request in a year for compliance.

Ms. Tilghman said the condition of this to be reviewed in a year is necessary.

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

Pre-Conditions:

1. Obtain Health Department approval and provide a copy to Community Development.
2. Applicant obtain building permit and provide a copy to Community Development.

Operating Conditions:

- 1. Be permitted to lease the existing two (2) bedroom dwelling for short term vacations.
- 2. Total occupancy of the dwelling does not exceed four (4) people unless Health Department approval for a larger number is submitted.
- 3. Applicant must reside on premise.
- 4. All parking must be onsite. No parking along the road.
- 5. Site be kept neat and orderly.
- 6. Permit be reviewed in a year and renewed if all of the conditions are met.

Mr. Thacker seconded the motion, which carried with a 4-1 vote with Chairman Coyner being opposed to the motion.

BRADLEY SHOWALTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Bradley Showalter, for a Special Use Permit to have a farm machinery and equipment repair operation on property owned by Willard H. or Mary Ellen Showalter, located at 230 Cupp Lane, Mount Solon in the North River District.

Mr. Bradley Showalter stated he would like to operate a shop.

Chairman Coyner stated this is a good service to help the neighbors. He asked if he would do welding?

Mr. Showalter stated he plans on working on tractors, equipment, and skid loader repair. He said he will have welding equipment also.

Chairman Coyner asked if it would only be you?

Mr. Showalter stated yes.

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Chairman Coyner stated the Board visited the site this morning. He asked how long have you lived there?

Mr. Showalter stated they have farmed about seven (7) years at the site.

Ms. Tilghman stated the applicant did not ask for any employees. She said if the applicant thinks he may need some help, he should request that now.

Mr. Showalter stated he does not have any intention for employees.

Chairman Coyner stated if the applicant needs one (1) employee, he will need to come back before the Board.

Mr. Showalter stated he has no plans to have employees. He said if he changes his mind, then he will come back before the Board.

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

There being none, Chairman Coyner declared the public hearing closed. He stated the Board visited the site this morning. He said a local repair shop will be well received in the area. He stated the area is well maintained.

Ms. Brown stated the property is surrounded by other farms and this should be an asset to the neighborhood. She moved to approve the request with the following conditions:

Pre-Condition:

1. Obtain all necessary permits and inspections to change the use of the building and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to use a portion of the existing agriculture building for farm machinery repair.
2. All equipment, machinery, or parts for the business be kept inside the building shown on the BZA sketch.
3. No employees other than family members.

- 4. Hours of operation be Monday – Saturday, 7:00 a.m. to 7:00 p.m.
- 5. No Sunday work.
- 6. No junk or inoperable vehicles, equipment, or parts be kept outside.
- 7. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

ZACHARY A. DEAN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Zachary A. Dean, for a Special Use Permit to continue to have outdoor storage and sales of farm and small construction equipment, to have a motor vehicle impound yard in conjunction with a towing operation and to have outdoor storage of an inoperable vehicle on property he owns, located on the west side of East Side Highway, approximately .204 of a mile north of Patterson Mill Road, Grottoes in the Middle River District.

Mr. Zachary Dean stated he has strived to make the site look good. He said he is willing to work to make it happen. He said the fence should be higher than eight (8') feet in order not to see the vehicles. He said his wife does the landscaping. He said if he receives a complaint he would be willing to work with the person.

Chairman Coyner asked if the entrance would be where the wrecker is?

Mr. Dean stated yes. He said he will leave the road as dirt. He said he does not plan on expanding. He stated he just wants to get on a tow rotation.

Chairman Coyner stated the Board saw the survey stakes at the site.

Mr. Dean stated the fence will be on a knoll. He said the fence line will run north to south. He said he wants to respect other people. He said there are a couple of neighbors in the area but he has not talked with them.

Chairman Coyner asked how long will the vehicles stay on the lot?

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Mr. Dean stated right now he gets one (1) every three (3) months. He said about five (5) to seven (7) days they are on the lot. He said the abandoned vehicles sit about forty-five (45) days because you have to do the proper paperwork. He said he bought the property with this intention.

Chairman Coyner asked if he also plans to sell farm equipment?

Mr. Dean stated once in a while he plans too. He said he wanted to have the option to be able to still do that. He also would like the truck to stay at the site because it looks good and represents the business.

Chairman Coyner asked if the applicant does everything himself?

Mr. Dean stated yes. He said that he does not need employees.

Ms. Tilghman stated the applicant has four (4) licensed tow trucks. She asked if he does not have any employees, why do you have the four (4) trucks?

Mr. Dean stated two (2) he uses on the road (wrecker and rollback). He said he does have two (2) other trucks but the transmission went out.

Ms. Tilghman asked how high would you propose the fence?

Mr. Dean stated the fence should be at least fourteen (14') feet tall on the east and west side as well as the north from Route 340 to the railroad. He said he wants it to look neat and be in a straight top line near the bank and then taper down to ten (10') feet. He said if it is not uniform it will look terrible.

Mr. Thacker stated it should be fourteen (14') foot along Route 340 to the railroad tracks and then taper it all around. He asked if the wrecker and tow vehicle are stored onsite?

Mr. Dean stated once in a while. He said they will not sit near the road because he does not want anything to happen to them.

Chairman Coyner asked if the fence will be locked?

Mr. Dean stated yes it will be locked 24/7 unless he is onsite.

Mr. Bailey stated the wreckers have to be tagged even though it may not be used unless it is inside the fence.

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. He said they viewed the property this morning and it is well maintained. He stated the applicant is well on target with the taller fence and it being tapered so that it looks nice.

Mr. Dean requested for more than sixty (60) days to get the fence completed.

Chairman Coyner stated the Board can give you ninety (90) days to complete the fence.

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

Pre-Condition:

1. Construct a fourteen (14') foot high privacy fence along the gated front portion tapering down to ten (10') foot high on the other three (3) sides around the 80' x 100' impound area **within ninety (90) days.**

Operating Conditions:

1. Be permitted to have retail sales of farm and small construction equipment within the designated area as shown on the site plan.
2. Be limited to fifteen (15) pieces of equipment at the site.
3. Hours of operation for the retail sales lot be 8:00 a.m. to 6:00 p.m. Monday – Saturday.
4. No Sunday sales.
5. Be permitted to have a motor vehicle impound yard in the designated area as shown on the site plan.
6. The opaque privacy fence screening the impound yard must be maintained at all times.

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- 7. Be limited to four (4) licensed commercial tow trucks at the site.
- 8. Be allowed one (1) inoperable antique tow truck outside the screened area for aesthetic purposes.
- 9. No employees other than family members.
- 10. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.
- 11. Site be kept neat and orderly.
- 12. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside the designated areas.
- 13. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Ms. Brown seconded the motion, which carried unanimously.

JOHN C. REEDY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John C. Reedy, for a Special Use Permit to have weddings and special events on property owned by Nu-Valley Enterprises, Inc., located at 5086 Lee Jackson Highway, Greenville in the Riverheads District.

Mr. John Reedy stated he is retired and would like to have additional income coming in with weddings and special events. He said someone suggested about having a wedding there and then it took a life of its own. He said he would like to let people enjoy his property.

Chairman Coyner asked if he would offer smaller weddings?

Mr. Reedy stated he would have one hundred (100) or less at events but mostly they would be less than fifty (50) people.

Chairman Coyner stated the applicant has a nice parking area.

Mr. Reedy said there is parking on the hill.

Chairman Coyner said the property is immaculate. He asked how long have you owned it?

Mr. Reedy stated he has owned the property for about ten (10) years. He said he would request to have more events than what staff has recommended on the conditions.

Chairman Coyner stated the reason the Board limits the number of events is due to the neighbors being able to have some quiet time.

Mr. Reedy stated the people on the hill are a younger couple and they are always having gatherings and they do not have any issues with this. He said the lady across the hill has no issues. He would like to have fifty (50) dates if this is approved. He stated that twenty (20) events would not justify him operating this type of business.

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

Mr. Ted Kehrer, 97 Almo Chapel Road, Greenville, stated he worked for John Reedy when he had the fence company. He said he really keeps the place looking nice. He stated his granddaughter had her wedding there at the site. He said sometimes they may even have something as simple as a birthday party which lasts three (3) to four (4) hours and that would use up one (1) of their event days. He said they upgraded the septic system and on the extra days it can accommodate smaller events. He said there is a beautiful garden that they can offer his clients. He said they will make sure they do not bother the neighbors. He said the extra days can help them include smaller daytime events.

Ms. Bunch stated they did receive emails in opposition to the request from Mr. and Mrs. Roepke at 5466 Lee Jackson Highway, Raphine. She read the email (copy is in the file). She said they are a mile away from this site.

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

There being none, Chairman Coyner declared the public hearing closed. He said the Board has never approved a venue with these many events.

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Mr. Thacker stated the Board may want to limit the big events and specify a number of smaller/birthday parties so that those don't count against them.

Ms. Bunch stated the Health Department comments state one (1) to two (2) weekend events per week is what the system is designed for.

Mr. Thacker stated twenty (20) smaller events with fifty (50) or less people would be fine. He said a birthday party would only last two (2) hours and may not even use the septic system.

Ms. Tilghman stated in the email it addressed music but we will not be able to determine where the music was coming from. She said this request is on a main highway with a limited number of neighbors.

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

Pre-Conditions:

None

Operating Conditions:

1. Be limited to twenty-four (24) large events limited to a maximum of one hundred (100) people per event and twenty (20) small events limited to a maximum of thirty (30) people per event but no more than two (2) events per week.
2. No outdoor amplified music.
3. Events cease by 10:00 p.m. and all persons off the property by 11:00 p.m.
4. Applicant reside on premise.
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.

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Ms. Brown seconded the motion, which carried unanimously.

BENJAMIN E. YODER OR MELANIE D. GREGOIRE - SPECIAL USE PERMIT

A request by Benjamin E. Yoder or Melanie D. Gregoire, for a Special Use Permit to have weddings and special events on property they own, located at 77 Singing Hill Lane, Waynesboro in the Wayne District. – CONTINUE THE PUBLIC HEARING

Mr. Benjamin Yoder stated he was able to talk with the Virginia Department of Transportation (VDOT) and they did perform a vehicle speed analysis for their road. He read VDOT comments:

Since previous comments were made, VDOT has performed an operating speed analysis and found the existing entrance will meet the commercial entrance sight distance requirements on the low volume local roadway.

Mr. Yoder stated VDOT approved his entrance. He said that he would request the staff's recommended operating condition #5 be changed to 10:00 p.m. which would be the same as any other business around including East Side Speedway and other wedding venues.

Ms. Bunch stated Ms. Davis' venue is 7:00 p.m. and she is beside you.

Mr. Yoder stated with a 6:00 p.m. wedding start and then when they get done with the ceremony there will be no music. He said even 8:00 p.m. or 9:00 p.m. would be better. He said he does have a lot of noise in the area with East Side Speedway.

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. Thacker stated he thinks that 9:00 p.m. would be a reasonable time for music.

Ms. Tilghman stated she does agree with you but she does not know how we can change this. She would really have a hard time voting to allow him 9:00 p.m. when we did not allow Ms. Davis a later time.

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Chairman Coyner stated Mr. Yoder's operation is smaller.

Ms. Brown stated 7:00 p.m. is a short time and there would be no music during the reception.

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

Operating Conditions:

1. Applicant will install a sewage system approved by the Health Department within **two (2) years**.
2. Be permitted to operate for **two (2) years** using a portable restroom trailer until the septic system is installed.
3. Be limited to twenty (20) events per year but no more than three (3) per month, and only one (1) event per weekend.
4. Be limited to a maximum of fifty (50) people per event.
5. No outdoor amplified music after 9:00 p.m.
6. Events to cease by 9:00 p.m. and all persons off the property by 10:00 p.m.
7. At least one (1) of the applicants be onsite during events.
8. Site be kept neat and orderly.
9. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Ms. Brown seconded the motion, which carried with a 4-1 vote with Ms. Tilghman being opposed to the motion.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

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

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. Melissa Lewis stated she is requesting a one (1) year Extension of Time. She said she had her first wedding on August 29, 2019. She said she had weddings in May and June. She said after her September wedding, she plans on digging the holes and filing the paperwork for the septic system.

Ms. Tilghman moved to approve the one (1) year Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

DIRK GOLD, AGENT FOR GOLDWRENCH ENTERPRISES, LLC - EXTENSION OF TIME REQUEST

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. Dirk Gold stated he would like to have an extension until December 31, 2021 to complete his pre-conditions.

Chairman Coyner asked if the applicant thinks he can make this happen this time?

Mr. Gold stated yes.

Mr. Thacker moved to approve an Extension of Time until December 31, 2021.

Ms. Tilghman seconded the motion, which carried unanimously.

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STAFF REPORT

- 19-53 Robbie D. Kline
- 19-54 Gregory or Linda Clemmer
- 19-55 Jonathan P. Rogers
- 19-56 Maynard or Shirley Miller
- 19-57 Benjamin Eli Yoder
- 19-58 Leonid or Yelena Malevaniy
- 19-59 Keith W. or Elizabeth S. Dishman
- 19-60 PBR Associates

Ms. Bunch stated SUP#19-53 through SUP#19-56 are all in compliance. She sent the applicant a letter for SUP#19-57 and EGS is working on completing the pre-conditions for their permit. She said the gravel in the parking lot was not completed and all of the trees were not planted with a double row and the trees do not meet the height requirements for SUP#19-58, therefore, she sent a letter to the applicant. She said SUP#19-59 is in compliance and SUP#19-60 withdrew the request.

Mr. Benkahla discussed the court cases with the Board.

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


Chairman


Secretary

