

September 3, 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  
 John R. Wilkinson, Director of Community Development  
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: James R. Benkahla, County Attorney

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 3, 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:

- ADAM STANLEY - SPECIAL USE PERMITS
- ROBERT OR STEPHANIE BAIOTTO - SPECIAL USE PERMIT
- ASHLEY CHRISTOPHER OR SHARI B. CRAUN - SPECIAL USE PERMIT
- CHARLES L. OR ANGEL L. DOUGLASS - 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

  
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 Secretary

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Sandra K. Bunch, Zoning Administrator and Secretary  
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: James R. Benkahla, County Attorney

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 3, 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 August 6, 2020, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

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**ADAM STANLEY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Adam Stanley, for a Special Use Permit to continue to have a short term cabin rental on property owned by CCW Enterprises, LLC, located at 30 Creekwood Lane, Lyndhurst in the South River District.

Mr. Adam Stanley stated he and his wife Dana applied for the Special Use Permit in order to continue doing short term rentals. He stated they do not plan to make any changes. He stated everything will be done like it has for the last twenty (20) years.

Chairman Coyner asked how do you advertise?

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Mr. Stanley stated Airbnb and Vacation Rentals By Owner but the majority of the bookings come from the actual website.

Chairman Coyner asked if this is only a change in ownership?

Mr. Stanley stated yes. He said they have applied for the Health Department permit.

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.

Chairman Coyner stated the Board visited the site this morning. He said it appears that they just want to continue to operate as it has in the past.

Ms. Brown stated the cabins have been rental property since 1990 and because it is non-transferable, they do need the Special Use Permit. She said the area is rural and in a nice location. She moved to approve the request with the following conditions:

**Pre-Condition:**

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

**Operating Conditions:**

1. Be permitted to continue leasing the existing cabin for short term vacation stays.
2. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

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**ADAM STANLEY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Adam Stanley, for a Special Use Permit to continue using the three existing structures for short term cabin rentals on property owned by CCW Enterprises, LLC, located at 900 Love Road, Lyndhurst in the South River District.

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Mr. Adam Stanley stated there are nine (9) original cabins. He said we have a contract on four (4) of them.

Chairman Coyner asked if someone lives there at the site?

Mr. Stanley stated they now have someone that is going to be actually living at the site. He said they have caretakers living in the cabins. He said he will move them around accordingly based on the bookings.

Chairman Coyner stated someone will be there at the site.

Mr. Stanley stated yes.

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 stated the Board visited the site today.

Ms. Brown stated this is a beautiful piece of property. She said this permit is also issued non-transferable. She moved to approve the request with the following conditions:

**Pre-Condition:**

- 1. Obtain Health Department approval and submit a copy to the Community Development Department.

**Operating Conditions:**

- 1. Be permitted to lease the three (3) cabins on the property for short term vacation stays.
- 2. The applicant submit subsequent lease agreements within ten (10) days of signature when the leasee changes.
- 3. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

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**ROBERT OR STEPHANIE BAIOTTO - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Robert or Stephanie Baiotto, for a Special Use Permit to construct an accessory building in the front yard on property they own, located at 67 Crestwood Drive, Churchville in the North River District.

Mr. Robert Baiotto stated he is requesting an accessory building in the front yard of his property. He said he has challenges with the one side because it is right on the property line and we don't have enough room on that side to build, then on the other side of the house, he has a fairly steep slope. He said the rear of the house is near the drainfield. He said the only reasonable spot for this garage would be in front of the house. He said he sent a map out to all of the homeowners in the association and received feedback from them which he provided to Ms. Bunch as part of the application. He said they are all fine with the request.

Chairman Coyner asked if the type of construction will be similar to your house?

Mr. Baiotto stated absolutely, it will look very similar.

Chairman Coyner asked how far back does the subdivision go?

Mr. Baiotto stated about eleven (11) properties.

Chairman Coyner asked if he planned on starting this in the fall?

Mr. Baiotto stated yes.

Mr. Bailey stated the applicant will need to do the boundary line adjustment.

Mr. Baiotto stated yes once we have final approval, he will have a surveyor come out and do the boundary line adjustment. He noted the requirements in the homeowners association are five acres.

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 the Board visited the site today. He said this is a well-attended piece of property and the applicant does have terrain issues.

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

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**Pre-Condition:**

- 1. Submit a boundary line adjustment to be approved by Community Development showing the required fifteen (15') foot setback along the western property line.

**Operating Conditions:**

- 1. Be permitted to construct a 30' x 46' accessory building in the front yard as shown on the BZA sketch.
- 2. Applicant obtain all building permits and necessary inspections.
- 3. No junk or inoperable vehicles to be kept outside.
- 4. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

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**ASHLEY CHRISTOPHER OR SHARI B. CRAUN - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Ashley Christopher or Shari B. Craun, for a Special Use Permit to have a slaughter/butcher shop and to have retail sales of processed meat onsite on property they own, located at 36 Lebanon Church Road, Staunton in the North River District.

Mr. Ashley Craun stated he wants to incorporate a full federally inspected slaughterhouse facility on their farm. He said he will be handling both the slaughtering process as well as cutting up. He said they want to also have a very small retail case in the front of this business to allow them to sell fresh products as well as frozen product to the community. He said they are going to be scrutinized quite a bit being they will be federally inspected. He said they will be doing all major species, beef, cattle, hogs, lambs, and goats as well as deer processing for local hires.

Ms. Brown asked how many people do you plan to employ?

Mr. Craun stated up to four (4) people, but when he first starts it will probably just be himself and a very experienced butcher. He said they would probably like to add a third person fairly quickly once we get the numbers up.

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Ms. Brown asked how would people find out about your business?

Mr. Craun stated through website advertising. He would like to propose a sign but a lot of it will be word of mouth. He said many of you know that has tried to process animals in the short term that you cannot get a date anymore this year. He said there are people that have already booked dates up to 2022. He said the need for this type of a business is great. He said he would love to provide that type of service to the community so farmers can have a place to take their product to get it federally inspected and then be able to take it to the farmers markets and add that retail value to the product. He said they are also going to do custom work as well. He said there is only eleven (11) federally inspected slaughter facilities in the State of Virginia.

Chairman Coyner asked if you have done this type of business before?

Mr. Craun stated no, which is his greatest weakness and that is why he wants to hire a very experienced butcher right off the start. He has experience in having his own business in the past because he has been working for himself since graduating college. He stated he is very confident that he can run this business, but he is going to have to rely on a very experienced butcher in starting up.

Chairman Coyner asked what kind of a timeframe do you have?

Mr. Craun stated he is in the early stages. He has a plan and he has not gotten the financing acquired yet so he has to go through that process. He stated he does have designs for buildings and has talked with construction companies.

Chairman Coyner stated the applicant will need to do a boundary line adjustment in order to combine the lots.

Mr. Craun stated he already contacted EGS to survey the property.

Ms. Brown asked how many buildings will there be?

Mr. Craun stated the main facility will be 30' x 60' and then to the side of it, a 12' x 30' building. He said the Federal inspector has to have an office and a bathroom. He said there will be bathrooms for the workers and a lunchroom.

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

Ms. Patricia Biggs, 215 Lebanon Church Road, Staunton, stated she has some concerns. She said this is a division of the Carol Fauber property and it is her understanding that the property had to be at least five (5) acres in the deed and it did not allow for certain things. She stated her concern is that everything has been met

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with the deed restrictions. She said she is concerned about the traffic on the road. She stated she is concerned about the odors and the increased traffic especially with the school traffic. She stated farming is agriculture, but she is not sure about the retail part in agriculture.

Chairman Coyner asked where do you live in proximity to this?

Ms. Biggs stated she has a couple of different parcels. She owns a mobile home on the right side and beyond there owns a couple of parcels.

Ms. Inez VanLear, 3311 Spring Hill Road, Staunton, stated she owns a farm across the road from this property. She is concerned about this. She asked how is he going to get rid of the waste from his slaughtering and butchering and how often. She said in a slaughterhouse, you have to have stainless steel things to work with and plenty of water to clean up. She asked where is that water from cleanup going to run. She asked if that is going into a septic system or is it going to run on the ground. She said if it runs into the ground, it is going to come right down the driveway across the road into her pasture. She said she is worried this will decrease her property values.

Mr. Lewis Perkins, 3909 Shutterlee Mill Road, Staunton, stated he lives across the road. He said there are a lot of problems with a slaughterhouse on property this small. He said that the slaughtering may be done somewhere else. He said he is for people doing what they want as long as they do not make trouble for anyone else.

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. Craun stated he is going to have a slaughterhouse at the site. He said there will be a room for the processing. He said they do have plenty of room for the slaughterhouse there. He said this is going to have a 10' x 15' holding facility in the back for the animals. He said he went to the courthouse and looked at the deeds and there are no restrictions on having a commercial operation on that property. He said he has since contacted the lawyer to do a search for us to make sure that there are no issues there. He said as far as the smell and the flies and that sort of thing for the slaughterhouse facility, this is a Federally inspected facility. He stated this is not your mom and pop custom kill shop where you stick the remains in a barrel outside and you wait for Valley Protein two or three days later. He stated that will not work in a Federally inspected facility. He noted they do have to have a cooler and then those remains would go in it and then Valley Protein would come in and pick those up on a weekly basis. He said there would be no smells from that. He stated if we have flies inside our facility, the Federal inspectors will shut us down. He said it is without question, you cannot have



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flies inside. He said there is not going to be a fly issue with this and we are not allowed to put the waste water in the ground, he has to put it in a storage tank. He stated there will be a regular septic system for the bathrooms and for the handwashing sinks but a regular septic system does not work for the solids from the fats from the slaughterhouse. He stated he has to put in a holding tank that all the wash water goes into and then we extract it later to either a wastewater facility or it is allowed to be spread on farmer's fields.

Ms. Tilghman asked about the well?

Mr. Craun stated it has to be tested and we are planning on digging a second well in the ground because it would be really bad to run out of water for the business or at his house.

Ms. Brown asked if there will be anything released into the creek?

Mr. Craun stated nothing is going into the creek.

Ms. Brown asked about the stainless steel equipment?

Mr. Craun stated everything has to be stainless steel or poly plastic and everything has to be washed down. He said you cannot even use just hot water, you have to use 183 degree water. He noted they have to have the proper hot water tanks in order to have that temperature or steam lines.

Chairman Coyner asked if this operation would generate a lot of noise?

Mr. Craun stated no.

Mr. Bailey asked if everything would be processed indoors?

Mr. Craun stated yes.

Ms. Brown asked how many animals will there be waiting to be taken care of?

Mr. Craun stated he does not have any now. He stated he does not have any specific numbers for animals right now. He said the most we are going to be able to butcher in a week is about fifteen (15) cattle, or cattle equivalent, what cattle equivalent means is two (2) hogs to one (1) cow, three (3) sheep to one (1) cow. He said fifteen (15) cattle per week is about the maximum that we are going to be able to handle.

Chairman Coyner asked if they will be vacuum packed?

Mr. Craun stated yes. He said he will also have a smoke room.

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Chairman Coyner declared the public hearing closed. He stated the Board visited the site this morning. He stated this is a nice piece of property and there is a great demand for this type of work in our County.

Mr. David Zeiner, 3649 Spring Hill Road, Staunton, stated the applicant keeps bringing up the fact that he will be Federally inspected but what if he is not Federally inspected. He asked if he is closed down or if they don't come in and inspect, he will become a mom and pop shop.

Chairman Coyner stated he is building this to meet all of the Federal regulations and that should not be an issue.

Mr. Craun said if we somehow lose our Federal inspection, our facility will still be built for Federal regulations, and we will still have the coolers, pickup waste that we would have had if we were Federally inspected and we will still be running the shop, as if we were Federally inspected with the same care and enthusiasm that he has right now whether doing custom work or Federally inspected work and not reduce quality.

Chairman Coyner stated if you are not Federally inspected, you cannot sell meat.

Ms. Tilghman stated this will be well regulated. She said the applicant is really trying to do this correctly. She said this is a rural, farming area and actually that is where all of our slaughterhouses should go. She moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Applicant submit a plat to combine the two (2) lots to meet setback requirements.
2. 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.
3. Obtain Health Department approval and submit a copy to Community Development.
4. Obtain USDA meat processing permit and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to construct a 30' x 60' building with a covered 15' x 30' holding area for the slaughter, meat processing and retail shop and to place a 12' x 30' pre-fab building for an employee breakroom.
2. The entire slaughterhouse and meat processing operation be indoors.
3. Be limited to four (4) employees other than family members.
4. Hours of operation be 7:00 a.m. to 5:00 p.m., Monday – Friday. Saturday pickup and drop off by appointment only.
5. No Sunday work.
6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
7. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

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**CHARLES L. OR ANGEL L. DOUGLASS - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Charles L. or Angel L. Douglass, for a Special Use Permit to construct an accessory building larger than the 900 square foot total aggregate allowed on property they own, located at 3643 Spring Hill Road, Staunton in the North River District.

Mr. Charles Douglass stated he would like to build a 40' x 60' structure to store his RV.

Chairman Coyner asked what type of construction will it be?

Mr. Douglass stated it would be a metal building. He said it would be totally enclosed with garage doors.

Ms. Tilghman asked if the size is to accommodate the motor home or other things?

Mr. Douglass stated the forty (40') foot motor home as well as his truck and motorcycle.

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Chairman Coyner stated the Board visited the site this morning and this is a beautiful piece of property. 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.

Mr. Bailey stated there are farms all around this site with large buildings on other properties. He said the building would be setback from the road and it is certainly something that would be in character with the area. He moved to approve the request with the following conditions:

**Pre-Condition:**

1. Applicant obtain Building Permit and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to construct a 40' x 60' pole building on the property.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
3. Site be kept neat and orderly.
4. No further expansion.

Ms. Brown seconded the motion, which carried unanimously.

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

**LOREN CONNER, AGENT FOR FIVE STARS, LLC – EXTENSION OF TIME**

A request by Loren Conner, agent for Five Stars, LLC, for a Special Use Permit to have an apartment within a pre-1980 structure on property owned by Five Stars, LLC, located at 1785 Lee Highway, Fort Defiance in the North River District.

Ms. Bunch stated the applicant is requesting some additional time to complete the pre-conditions. She said this would be their second request for an Extension of Time and they have not done any part of the pre-conditions. She said the applicant is requesting

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that he be allowed to have until next month so that he can come and tell you all where he is in the process. She said he was not able to be here today so he was requesting this be on the October 1st agenda instead of today.

Chairman Coyner asked if the applicant obtained any permits?

Ms. Bunch said the applicant has not obtained any of his permits. She said she recommended that he contact the Building Official to see exactly what he needs to provide and get those permits started. She said the applicant should be prepared to give you a detailed list of what he has done if he does come back in October.

Mr. Thacker stated the applicant needs to show us that they are making progress. He moved to extend the permit until October 1, 2020. He said the applicant should come prepared to discuss their progress on obtaining their permits.

Ms. Brown seconded the motion, which carried unanimously.

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**VYACHESLAV MALEVANIY - EXTENSION OF TIME**

A request by Vyacheslav Malevaniy, for a Special Use Permit to have outdoor storage of tractor trailers on property owned by Leonid or Yelena Malevaniy, located on the east side of Little Run Road (Route 900) south of Snowflake Mill Road (Route 769) Weyers Cave in the Middle River District.

Ms. Bunch stated the applicant is requesting a three (3) month Extension of Time. She said he was advised to plant some trees along the property lines to screen the parking of the semi-truck. She said he does not have all of his trees planted so he is requesting three (3) months to do that. She said he has not brought anything to the site yet.

Mr. Bailey moved to approve the three (3) month Extension of Time.

Ms. Brown seconded the motion, which carried unanimously.

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**RANDY SHOWALTER - EXTENSION OF TIME**

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.

Ms. Bunch stated he is asking for a six (6) month extension to construct the privacy fence. She stated that due to COVID, he has not had much business lately so he has run into some financial issues. She said he also has some stormwater management issues he needs to get through with on engineering.

Ms. Brown moved to approve the six (6) month Extension of Time.

Ms. Tilghman seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 19-61        Gordon O. White, Trustee
- 19-62        Donald R. Horn
- 19-63        Richard A. Dulaney, Trustee
- 19-64        Chester A. Riley and Pamela H. Taylor
- 19-65        James T., Sr. or Barbara R. Begoon
- 19-66        Kimberly A. Miller

Ms. Bunch stated staff sent a letter regarding violation of their conditions for SUP#19-61. She said SUP#19-62 through SUP#19-64 are all in compliance. She stated SUP#19-65 was withdrawn. She stated the Board of Zoning Appeals just approved an Extension of Time for SUP#19-66.

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**MATTERS TO BE PRESENTED BY THE PUBLIC**

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, stated she is here on behalf of the Alliance for the Shenandoah Valley to say thank you to the members of the Board of Zoning Appeals for working with the citizens of Augusta County and protecting their rights during the last six years of the Atlantic Coast Pipeline (ACP) struggle. She said by showing solid leadership and good governance during the times when the issues before

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the board intersected with the ACP issues. She noted you played an important role in protecting our wonderful community, and its citizens. She said you treated everyone on both sides fairly and you listened to concerns from both sides, especially from the community, you asked good questions, and you made thoughtful and rational decisions. She said you may or may not have seen the full page ad that ran in the Staunton and Waynesboro newspapers recently thanking you and the thousands of others who stood strong during these last six years. She read the following to the Board: "For six long years, thousands of people from all walks of life believe that the destructive and unnecessary Atlantic Coast Pipeline was not a done deal. Now the ACP is simply done. Thank you for working hard and believing in our land, our water, our communities and our future." She presented each Board member a copy and thanked them again for their sound leadership and good judgment. She thanked them for doing what you do at every meeting, and that's putting Augusta County's communities and citizens first.

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

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Chairman

  
Secretary

