



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



20-1120

October 16, 2020

MK Associates
Aaron Davis

Re: Certification of Zoning: The Apartments at Goose Creek, 80 Goose Point Lane
Tax Map #66F (11) 3

Dear Mr. Davis,

In response to your email request dated October 9, 2020 please be advised of the following:

1. The Property is located within the corporate limits of the County of Augusta, Virginia.
2. The Property is zoned Multi-Family Residential with Proffers (**copies of proffers enclosed**) and is subject to the use restrictions generally applicable to that classification which are contained in the County of Augusta Zoning Ordinance (the "Zoning Ordinance") and Proffered conditions. Copies of the sections of the Zoning Ordinance applicable to the Property, (including parking, setback and height and bulk requirements) are available online at www.co.augusta.va.us.
3. Apartments and townhouses and other uses customarily accessory and incidental thereto, is permitted without the necessity of any rezoning, special exception, use permit or variance.
4. The Property is currently in compliance with the Zoning Ordinance, including but not limited to all regulations regarding setbacks, density, parking and height.
5. This department has no record of any pending zoning violations having been filed with respect to the Property, and the undersigned is unaware of any violations of the applicable portions of the Zoning Ordinance.

Staunton (540) 245-5700

TOLL FREE NUMBERS
From Deerfield (540) 939-4111 From Bridgewater, Grottoes
Harrisonburg, Mt. Solon & Weyers Cave (540) 828-6205
FAX (540) 245-5066

Waynesboro (540) 942-5113

I hope this information is sufficient; if you have any questions or need further assistance, please contact me at (540) 245-5700.

Sincerely,

A handwritten signature in black ink that reads "Sandra K. Bunch". The signature is written in a cursive style with a large, sweeping flourish at the end.

Sandra K. Bunch
Zoning Administrator

Attachments: 1

ORDINANCE

A REQUEST TO AMEND THE PROFFERS ON APPROXIMATELY 41 ACRES OWNED BY CRESCENT DEVELOPMENT-GOOSE CREEK II AND III, LLC, AND DENSTOCK GOOSE CREEK, LLC LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF LIFECORE DR. (RT. 636) AND VILLAGE CREEK DR. (RT. 1382) IN FISHERSVILLE IN THE WAYNE DISTRICT.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

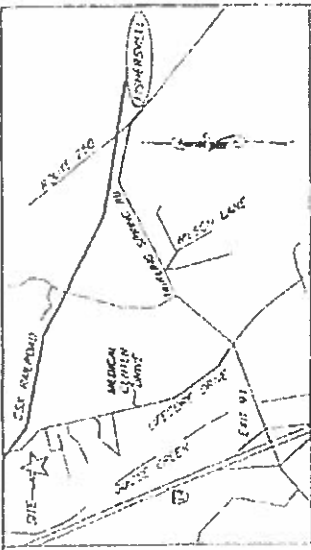
NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

The proffers on parcel number 71L on tax map number 66 and parcel numbers 1 and 3 on tax map number 66F(11) containing a total of approximately 41 acres are amended as follows:

1. There shall be only one access permitted on to Lifecore Drive (Route 636). This access is designated as Baldwin Boulevard as shown on "Exhibit A Goose Creek Multi-Family Rezoning" by Balzer and Associates dated 9-18-15.
2. Construction traffic shall not be permitted to enter the site through Village Creek Drive.
3. At a minimum, a 5' wide concrete sidewalk will be constructed on one side of Baldwin Boulevard, Murphy Deming Drive and any private or public roads serving the residential units on Parcels 3A and 3B as shown on

"Exhibit A Goose Creek Multi-Family Rezoning" by Balzer and Associates dated 9-18-15.

4. The owners of Parcel 3A and 3B shall be responsible for making pedestrian connections during construction of the residential units on Parcels 3A and 3B to the grass trails in Tax Map 66-67, which shall be designed and approved through the site plan process.
5. The owners of Parcel 3B will enter into a signal agreement with VDOT to contribute 50% of the funds towards a signal light if warranted at the intersection of Lifecore Drive (Route 636) and Village Creek Drive or Baldwin Boulevard.
6. All costs associated with the operation and maintenance of any proposed street lights shall be the responsibility of parties other than Augusta County.
7. All proposed lighting shall be in conformance with the current lighting ordinance as applicable to business and commercial uses.
8. In Parcels 3A and 3B building height shall be limited to 55 feet.
9. There shall be no more than 204 individual residential dwelling units on Parcel 3A and no more than 196 individual residential dwelling units on Parcel 3B as described in the rezoning exhibit entitled "Exhibit A Goose Creek Multi-Family Rezoning" by Balzer and Associates dated 9-18-15. All will be market rate units and none will utilize VHDA tax credits to finance/refinance construction of the units.



VICINITY MAP
(NOT TO SCALE)

NOTES:

- 1) THE EXHIBIT BASED ON PLATS OF RECORD AND PRIOR FIELD SURVEYING
- 2) THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH.
- 3) IT IS NOT THE INTENTION OF THIS EXHIBIT TO ADJUST OR MODIFY ANY EXISTING PARCEL LINES

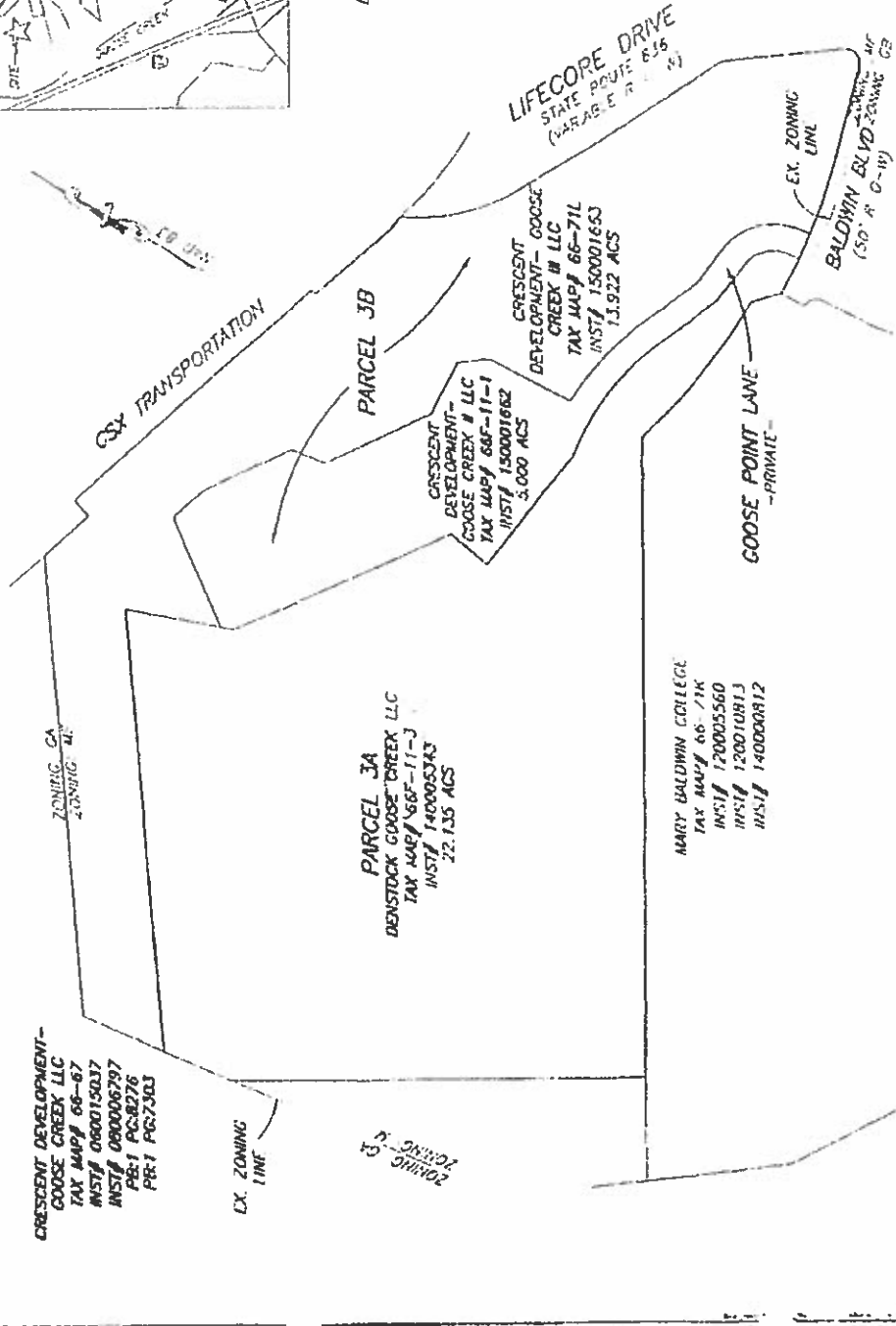
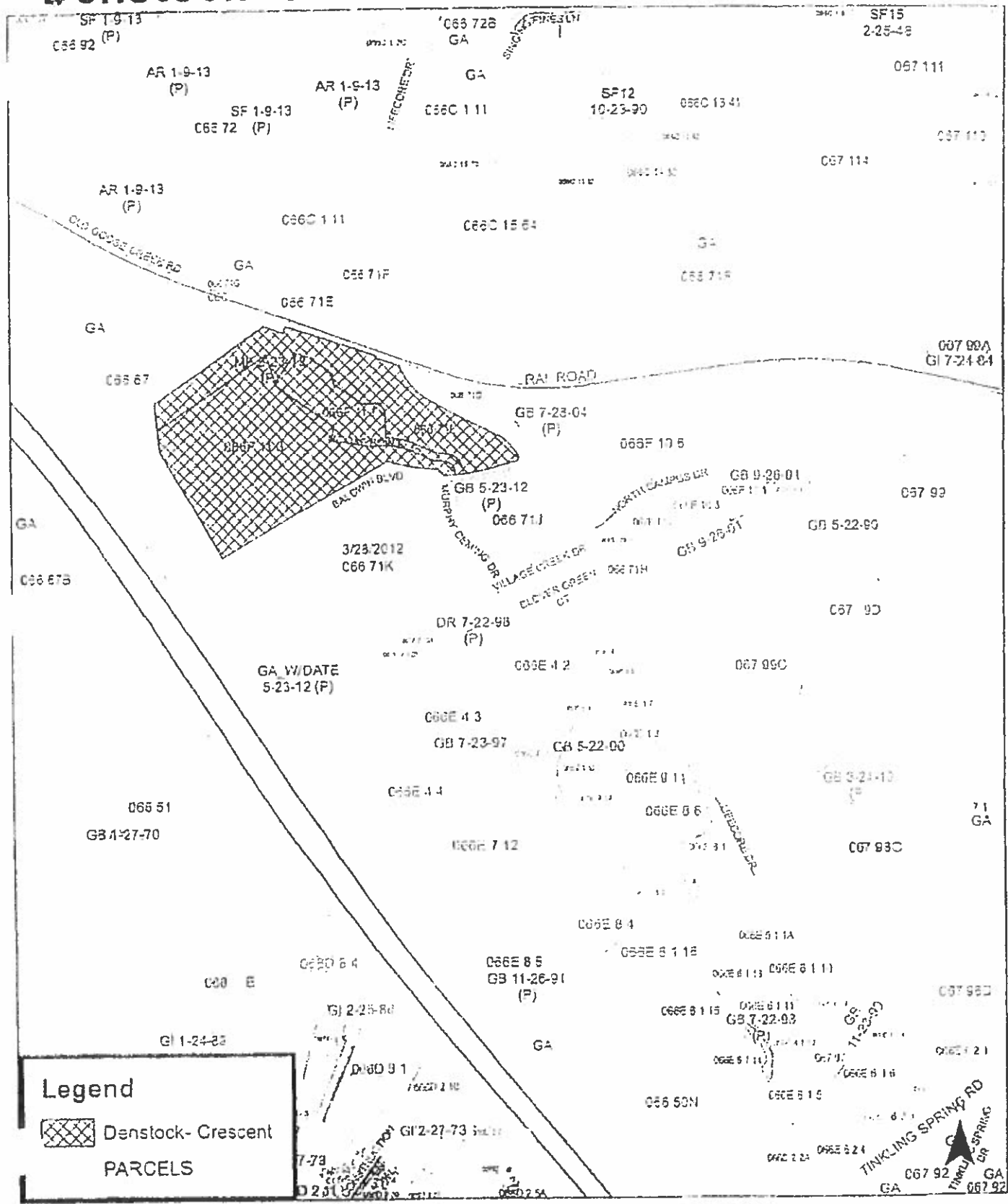


EXHIBIT A
GOOSE CREEK MULTI-FAMILY REZONING

WAYNE DISTRICT
COUNTY OF AUGUSTA, VIRGINIA
PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS
ROANOKE • RICHMOND • NEW RIVER VALLEY STAUNTON HARRISONBURG
1581 Commence Road • Suite 401 • Verona, Virginia 24682 • Phone (540) 248-3720 • Fax (540) 248-3721

DATE: 09-18-2015
SCALE: 1" = 200'
JOB: S1200014
DRAWN BY: DE11

Denstock- Crescent Goose Creek



Legend



Denstock- Crescent
PARCELS

0 400 800 1,600 2,400 3,200 Feet
1 inch = 800 feet

Sandy Bunch

From: Aaron Davis <ADavis@mkassociates.com>
Sent: Friday, October 9, 2020 9:31 AM
To: Sandy Bunch
Cc: Greg Coghill
Subject: RE: [EXTERNAL] RE: zoning verification letters? MKA#6915:008

Good morning,

I would like to get a zoning verification letter for this property: Apartments at Goose Creek - *Pointe* 80 Goose Creek Lane, Fishersville, VA 22939

From: Sandy Bunch <sbunch@co.augusta.va.us>
Sent: Wednesday, September 16, 2020 10:36 AM
To: Aaron Davis <ADavis@mkassociates.com>
Subject: RE: [EXTERNAL] RE: zoning verification letters? MKA#6915:008

There are no fees for a zoning verification letter. The letter normally contains the zoning of the parcel and what is permitted within that zoning.

Sandra Bunch
Zoning Administrator

From: Aaron Davis <ADavis@mkassociates.com>
Sent: Wednesday, September 9, 2020 3:58 PM
To: Sandy Bunch <sbunch@co.augusta.va.us>
Subject: [EXTERNAL] RE: zoning verification letters? MKA#6915:008

Good evening,

I'm following up on the below inquiry.

Thank you

From: Aaron Davis
Sent: Monday, August 03, 2020 4:40 PM
To: 'sbunch@co.augusta.va.us' <sbunch@co.augusta.va.us>
Subject: zoning verification letters? MKA#6915:008

Good evening,

I would like to inquiry about a zoning verification letter. Is there a fee and what information is included on the letter?

Thank you!

This e-mail transmission may contain information that is proprietary, privileged and/or confidential and is intended exclusively for the person(s) to whom it is addressed. Any use, copying, retention or disclosure by any person other than the intended recipient or the intended recipient's designees is strictly prohibited. If you are not the intended recipient or their designee, please notify the sender immediately by return e-mail and delete all copies. Thank you. County of Augusta.

*** VIRGINIA FREEDOM OF INFORMATION NOTICE ***



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



October 16, 2020

20-1114

Williams Mullen
321 East Main Street, Suite 400
Charlottesville, VA 22902-3200
Attn. Charles B. Alvis, Esq.

Ladies and Gentlemen:

At your request, we have examined our records with respect to those certain parcels of real property lying and being in Augusta County, Virginia (the "County"), designated as Tax Map Parcel number 46A-3-1 (the "Property"), and we are pleased to advise you, as follows.

a. Zoning District. The Property is currently zoned GB (General Business) under the Augusta County Zoning Ordinance (the "Zoning Ordinance"). Uses permitted by right in the GB zoning district are enumerated in Section 25-302 of the Zoning Ordinance. Uses permitted by special use permit in the GB zoning district are enumerated in Section 25-304 of the Zoning Ordinance.

b. Existing Uses Permitted By Right. The existing use of the Property as a corporate headquarters and office is permitted by right in the GB district pursuant to Section 25-302.M of the Zoning Ordinance, which permits "Offices, including ... business offices" without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval. The existing use of the Property as a hardware store is permitted by right in the GB district pursuant to Section 25-302.R of the Zoning Ordinance, which permits "Retail Sales and Service, including ... hardware stores" without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval.

i. Existing Uses Permitted as Nonconforming Uses. Section 25-4 of the Zoning Ordinance defines "nonconforming use" as a "use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance, but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district." Nonconforming uses are permitted under Section 25-662 of the Zoning Ordinance only so long as the nonconforming use (1) is not discontinued for more than two years, and (2) is not changed to a conforming use. Several existing uses of the Property predate the adoption of currently applicable zoning regulations, and are therefore permitted as nonconforming uses under Section 25-662 of the Zoning Ordinance, as follows:

ii. Propane Bulk Plant & Spare Tank Storage. Six bulk fuel storage tanks for propane storage exist on the Property. Three of the tanks were installed around the year 2001 pursuant to the special use permit discussed in the following section of this letter. The other three tanks were installed at different times (around the years 1950, 1963, and 1974, respectively) without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval at the time of their installation. Each of these three tanks has been operated without a period of discontinuation of more than two years since

installation and the use of each tank has not been changed to a conforming use. Accordingly, the existing bulk fuel storage tanks installed on the Property in approximately 1950, 1963, and 1974 are permitted as nonconforming uses under Section 25-662 of the Zoning Ordinance. Any existing spare tank storage on the Property associated with these tanks is permitted as an accessory use to this permitted nonconforming use.

iii. Heating Oil & Commercial Fuels Bulk Plant. The Property contains bulk fuel storage tanks for heating oil and commercial fuels. These tanks were installed around the year 1958 without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval at the time of their installation. Each of these tanks has been operated without a period of discontinuation of more than two years since installation and the use of each tank has not been changed to a conforming use. Accordingly, the existing bulk fuel storage tanks for heating oil and commercial fuels installed on the Property in approximately 1958 are permitted as nonconforming uses under Section 25-662 of the Zoning Ordinance. Any existing spare tank storage on the Property associated with these tanks is permitted as an accessory use to this permitted nonconforming use.

iv. Lubricants Warehouse. The Property contains a lubricants warehouse that supports a lubricant sales business that has existed since 1963. The lubricants warehouse was built around 1978-1979 without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval at the time of construction. The warehouse has been operated without a period of discontinuation of more than two years and has not been converted to another use. Accordingly, the existing lubricants warehouse built in approximately 1978-1979 is permitted as a nonconforming use under Section 25-662 of the Zoning Ordinance.

v. Propane Tank Maintenance. The existing use of the Property for propane tank maintenance began in approximately 1950 without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval. This use has been operated without a period of discontinuation of more than two years and has not been converted to another use. Accordingly, the existing propane tank maintenance use is permitted as a nonconforming use under Section 25-662 of the Zoning Ordinance.

vi. Fleet Maintenance Building. The Property contains a fleet maintenance building used to service commercial vehicles. The building was constructed in the early 1960s or earlier without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval. This use has been operated without a period of discontinuation of more than two years and has not been converted to another use. Accordingly, the existing fleet maintenance building is permitted as a nonconforming use under Section 25-662 of the Zoning Ordinance.

vii. Rail Siding; Truck Parking. The existing uses of rail siding and truck parking on the Property began in approximately 1950 without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval. These uses have been operated without a period of discontinuation of more than two years and have not been converted to another use. Accordingly, the rail siding and truck parking are permitted as a nonconforming use under Section 25-662 of the Zoning Ordinance.

c. Existing Uses Permitted by Special Use Permit. Section 25-304.F of the Zoning Ordinance requires a special use permit for "Business support businesses, including but not necessarily limited to: those involving bulk storage of fuels or other regulated substances"

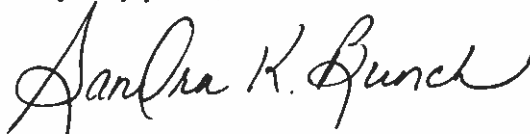
within the GB district. The Property contains three 30,000 gallon bulk fuel storage tanks used for propane storage that were authorized by a special use permit approved by the County Board of Zoning Appeals on March 1, 2001 and were installed on the Property within one year of the approval of the special use permit. The use authorized by the special use permit has not ceased for a period of two years or more. Accordingly, the existing bulk fuel storage tanks installed on the Property in approximately 2001 are permitted by the special use permit approved on March 1, 2001, which was issued non-transferrable to Dixie Gas and Oil Corporation. The new owners are in the process of obtaining a Special Use Permit. Any existing spare tank storage on the Property associated with these tanks is permitted as an accessory use to the use authorized by the special use permit.

d. Other Existing Land Use Restrictions. The Property is not subject to any proffered conditions, plan of development, use permit or other special limitations imposed by the County in connection with the zoning or rezoning of the Property.

e. Compliance with Zoning Ordinance. To the best of my knowledge, the Property is currently in compliance with all applicable requirements of the Zoning Ordinance of the County. A review of our files found (i) no violations or alleged violations of regulations applicable to the Property, whether pending, contemplated or having already occurred, (ii) no fees due or pending with respect to any matter before the County Planning and Zoning Department; and (iii) no pending application for rezoning of the Property, or for a special or conditional use permit or variance in connection with the Property. Further, no proceeding to challenge the zoning or other governmental approval or use of the Property is pending, or, to the best of our knowledge, overtly threatened.

f. Conditions on Rebuilding. In the event of casualty, the Property may be rebuilt substantially in its current form (*i.e.*, no loss of square footage, same building footprint), within two (2) years per Section 25-663.1 and Virginia State Code 15.2-2307 and permitted nonconforming uses may be continued on the Property after such rebuilding, upon satisfaction of the following conditions and/or the limitations:

Very truly yours,

A handwritten signature in black ink that reads "Sandra K. Bunch". The signature is written in a cursive, flowing style.

Sandra K. Bunch
Zoning Administrator of Augusta County, Virginia

Sandy Bunch

From: Alvis, Charles <calvis@williamsmullen.com>
Sent: Monday, October 5, 2020 1:13 PM
To: Sandy Bunch
Subject: [EXTERNAL] Zoning Confirmation Letter Request - 229 Lee Highway, Verona, Virginia [IWOV-IWOVRIC.FID2165531]
Attachments: Augusta County Zoning Confirmation Letter.DOCX; 2001 Special Use Permit.pdf

Dear Ms. Bunch:

On behalf of Quarles Petroleum, Incorporated, the contract purchaser of that certain property located at 229 Lee Highway, Verona, Virginia (the "Property") we request a zoning determination letter from the County of Augusta, Virginia (the "County"). The Property presently is comprised of a number of structures and uses outlined in the attached draft letter (collectively, the "Existing Uses"). We seek certain written assurances that the Existing Uses comply with the County Zoning Ordinance and that any land use approvals previously issued for the Existing Uses remain in full force and effect.

We would appreciate it if your office would provide a letter confirming the items described in the draft letter attached to this email. If you are not able to provide such confirmation, please contact us to discuss prior to issuing a modified letter. If possible, we would like to receive your formal determination by **October 19, 2020**.

Thank you for your assistance. Please kindly confirm your receipt of these documents and please notify me should you require any additional information to make your determination.

Sincerely yours,

Charlie Alvis

Attachments:
Draft Zoning Determination Letter
2001 Special Use Permit

Charles B. Alvis | Attorney | Williams Mullen

321 East Main St. Suite 400 | Charlottesville, VA 22902-3200
T 434.951.5725 | C 662.322.3813 | F 434.817.0977 | calvis@williamsmullen.com | www.williamsmullen.com

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Bucky - 248-0499



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



01-456

RECEIVED BY

JC DATE 3/6/01

____ DATE ____

____ DATE ____

____ DATE ____

March 2, 2001

Chris Earhart
P. O. Box 900
Verona, VA 24482

Dear Mr. Earhart:

The Augusta County Board of Zoning Appeals approved your special use permit with the following stipulation:

1. Applicant submit a 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.

All special use permits that are approved fall under Section 25-584 "Requirements of Special Use Permit" which states:

1. "Whenever a special use permit is authorized by the Board of Zoning Appeals, the use shall be established, constructed or diligently prosecuted and shall be completed within a reasonable time as determined by the Board of Zoning Appeals. If not so completed within one (1) year or other time as specified by the Board of Zoning Appeals, such special use permit shall automatically expire without notice.

Staunton (540) 245-5700

TOLL FREE NUMBERS:

Waynesboro (540) 942-5113

From Deerfield - 939-4111

From Bridgewater, Grottoes,

Harrisonburg, Mt. Solon & Weyers Cave - 828-6205

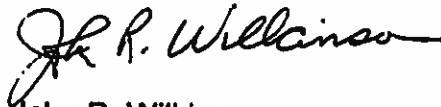
FAX: (540) 245-5068

Chris Earhart
March 2, 2001
Page 2

2. Unless otherwise provided by the Board of Zoning Appeals, when the Zoning Administrator has determined that the use authorized by a special use permit has ceased for two (2) years or more the special use permit shall automatically expire for non-use thirty (30) days after the mailing by ordinary mail of notice to the permittee of: (1) the Zoning Administrator's determination, (2) the effect of that determination, and (3) the permittee's right to appeal that determination to the Board of Zoning Appeals.

If you should have any questions, please feel free to contact this office.

Sincerely,



John R. Wilkinson
Zoning Administrator

JRW/sbt

Divide Gas & Oil Corp
Verona, VA

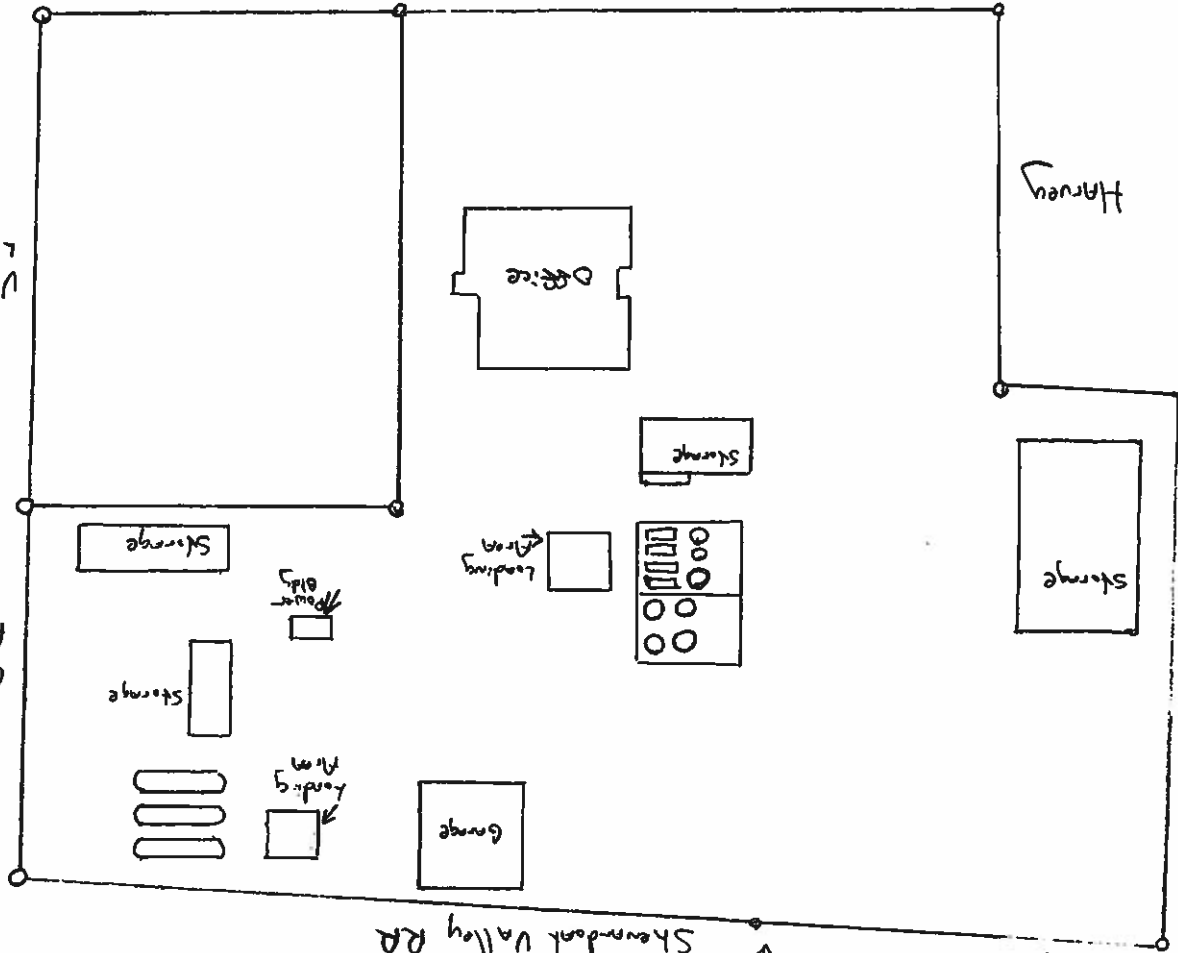
Rt 11

Verona
Land LLC

Harvey

Co. of
Augusta

Edwards



Feasibility Area
Adjacent to existing track
Shenandoah Valley RA

AGENDA

Regular Meeting of the Augusta County Board of Zoning Appeals

Thursday, March 1, 2001, at 1:30 P.M.

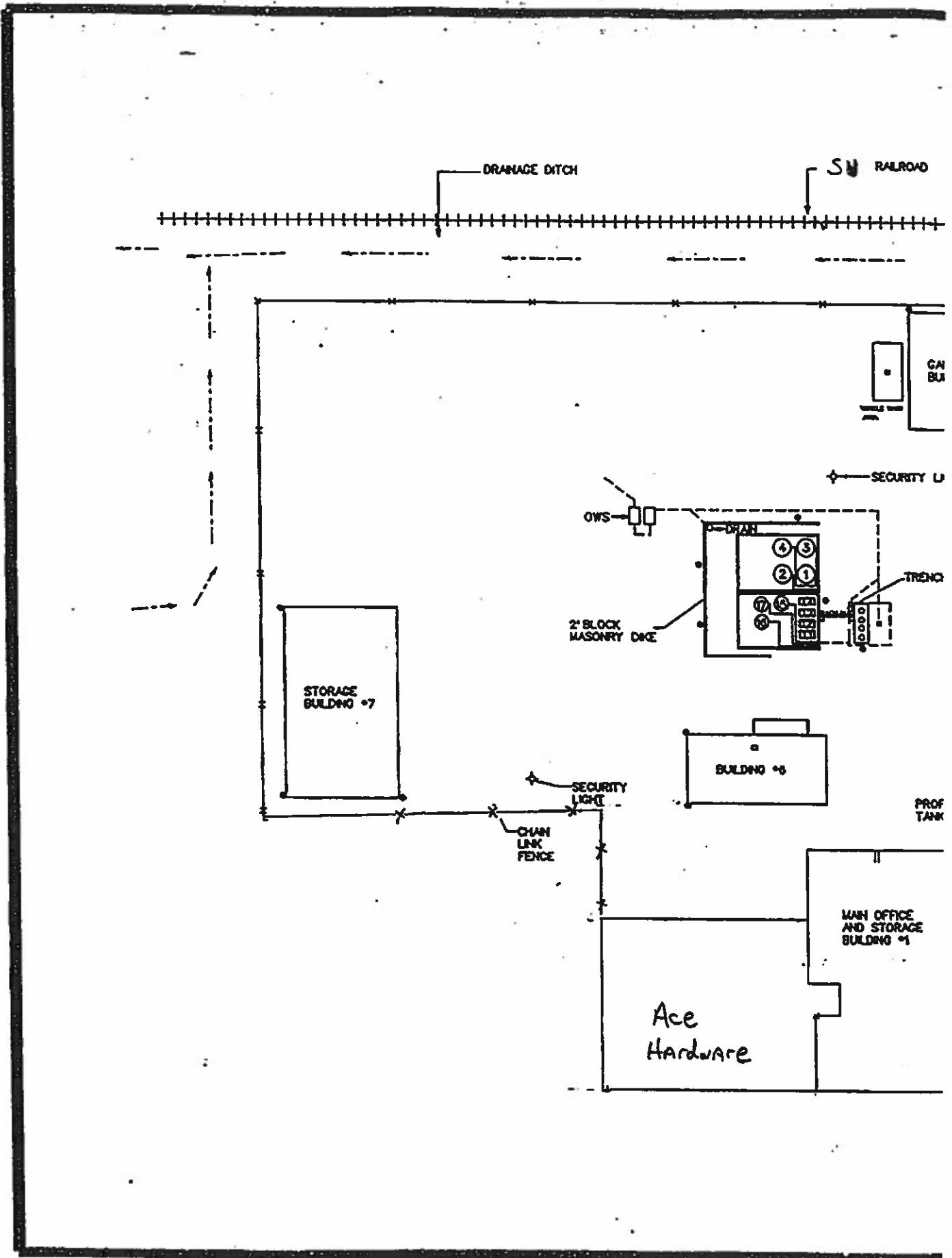
1:30 P.M.....APPROVE MINUTES FROM FEBRUARY

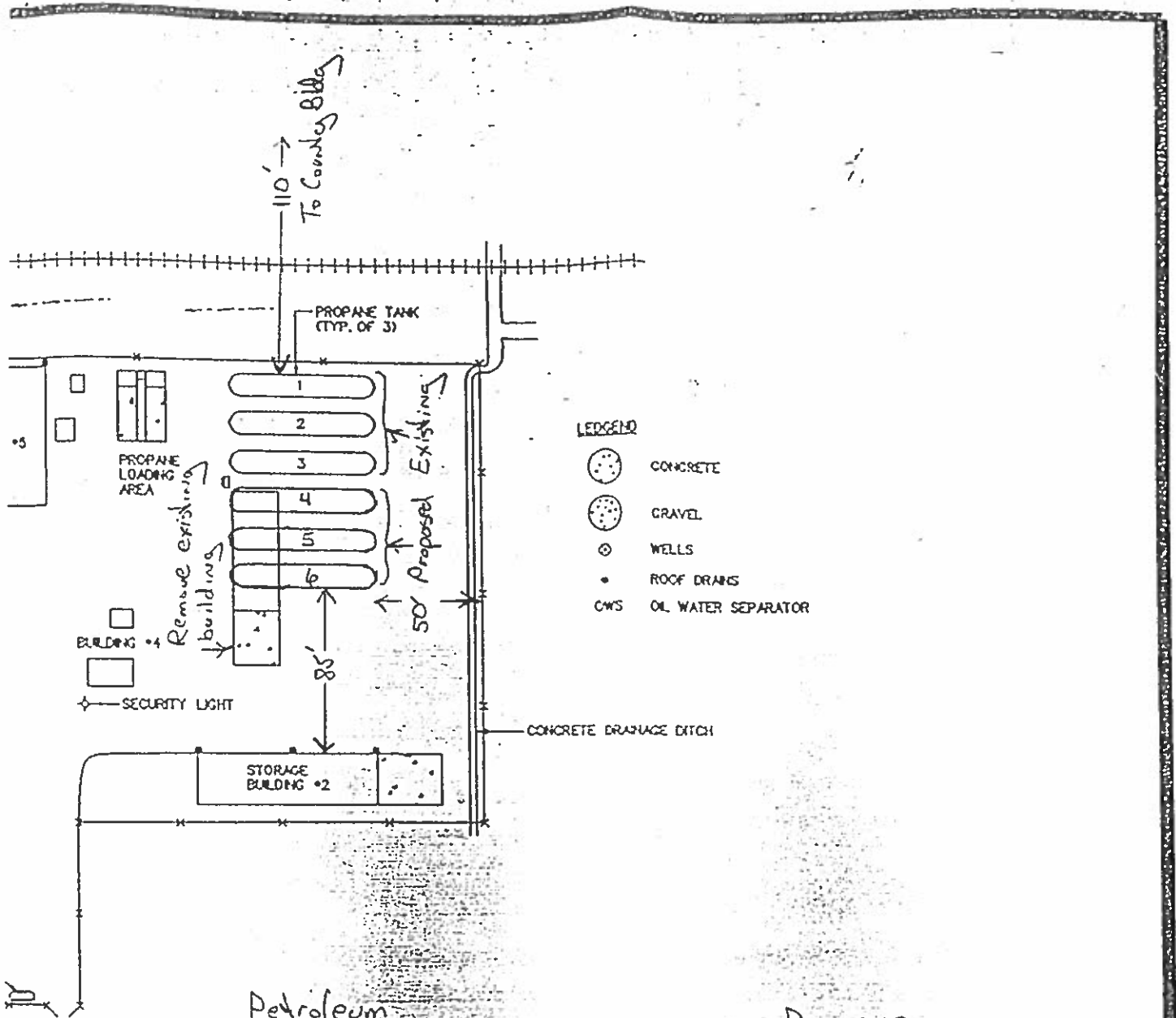
1. **PUBLIC HEARING** - A request by Chris Earhart, agent for Dixie Gas & Oil Corporation, for a special use permit to install three (3) 30,000 gallon bulk fuel storage tanks, on property owned by Dixie Gas & Oil Corporation, located on the east side of Lee Highway (Route 11), approximately .1 of a mile north of the intersection of Lee Highway (Route 11) and Dick Huff Lane in the Beverley Manor District.
2. **PUBLIC HEARING** - A request by Berl G. & Sharon Neff, for a special use permit to construct a 25' X 31' garage, larger than the permitted 700 sq. feet, on property they own located in the Jollivue Subdivision on the west side of Orchard Road (Route 1405), approximately .06 of a mile north of the intersection of Orchard Road (Route 1405) and Bramble Lane (Route 1406) in the Beverley Manor District.
3. **PUBLIC HEARING** - A request by Eugene F. Lipes & Lovae D. Hydrick, for a special use permit to perform automobile body and fender work, painting, and to sell vehicles in an existing building, located on property they own on Silver Bullet Lane, on the northeast quadrant of the intersection of East Side Highway (Route 340) and Silver Bullet Lane in the Middle River District.
4. **PUBLIC HEARING** - A request by Stephen W., II & Jennifer J. Shull, for a special use permit to have a dog kennel with a maximum of 15 dogs, on property they own on the east side of Annex Road (Route 929), just south of the intersection of Woodrow Wilson Parkway (Route 275) and Annex Road (Route 929) in the Beverley Manor District.
5. **PUBLIC HEARING** - A request by Michael T. & Joyce A. Groah, for a special use permit to have outside storage of business vehicles, located on property they own on the south side of Howardsville Turnpike (Route 610), approximately .6 of a mile east of the intersection of Howardsville Turnpike (Route 610) and China Clay Road (Route 634) in the South River District.
6. **PUBLIC HEARING** - A request by Greg Tulley, agent for Crown Communications, Inc., for a special use permit to construct a 195' telecommunications tower with a 10' X 12' equipment shelter and a 42' X 75' compound area, on property owned by Augusta County Service Authority, located on the west side of White Hill Road (Route 654), approximately .2 of a mile south of the intersection of White Hill Road (Route 654) and Twin Hill Road (Route 653) in the Riverheads District.

7. **PUBLIC HEARING** - A request by Ron Rouse, agent for Verizon Wireless, for a special use permit to replace antenna arrays at the 265' level on an existing tower and install a 12' x 30' equipment cabinet, and to increase the compound area to 40' x 50' on property owned by Shenandoah Valley Electric located on the south side of Pleasant View Road (Route 612) approximately .2 of a mile east of the intersection of Pleasant View Road (Route 612) and Shutterlee Mill Road (Route 742) in the Beverley Manor District.
8. **PUBLIC HEARING** - A request by Harry Moore, for a special use permit to have outside storage & display of gazebos and lawn furniture, on property owned by Harry Moore Inc., located on the north side of Cold Springs Road (Route 608), approximately .1 of a mile east of the intersection of Cold Springs Road (Route 608) and Horseshoe Circle (Route 842) in the South River District
9. **PUBLIC HEARING** - A request by Harry Moore, for a variance of Section 25-74 "Business Establishments", in order to add a 24' X 40' addition to an existing building, which would exceed the 4,000 sq. foot total aggregate allowed, on property owned by Harry Moore Inc., located on the north side of Cold Springs Road (Route 608), approximately .1 of a mile east of the intersection of Cold Springs Road (Route 608) and Horseshoe Circle (Route 842) in the South River District.
10. **PUBLIC HEARING** - A request by Oleg & Margarita Stepanov, for a variance of Section 25-69 "Yard Requirements", in order to temporarily place a mobile home closer than the required twenty-five (25) foot setback during the construction of a dwelling, on property they own, located opposite the intersection of Stonewall Road (Route 696) and Burke's Mill Road (Route 749) in the North River District.

11. **SPECIAL USE PERMIT INSPECTION REPORT**

00-25	Harmon, John E., Jr. & Elizabeth M.
00-26	Fossa, Albert A.
00-27	Funk, Robert E. & Janice S.
00-28	Critzer, Linda W.
00-29	Chesapeake & Potomac
00-30	Burriss Foods Inc.
00-31	Maka Properties
00-32	Maupin, Randolph
97-5	Gochenour, Robert





Petroleum

TANK NUMBER	VOLUME (GAL)	PRODUCT	REMARKS
1.	20,000	Premier Diesel	Vertical
2.	22,000	#2 Fuel Oil	Vertical
3.	15,000	Kerosene	Vertical
4.	15,000	Kerosene	Vertical
11.	1000	Motor Oil 10W	Horizontal
12.	1000	Motor Oil 10W	Horizontal
13.	1000	Motor Oil 30W	Horizontal
14.	1000	Motor Oil 30W	Horizontal
15.	10,000	Motor Oil 15W40	Vertical
16.	2,000	Motor Oil 10W	Vertical
17.	2,000	Hydraulic Fluid 46AW	Vertical

Propane

- 1 - 30,000 gallon
- 2 - 30,000 gallon
- 3 - 30,000 gallon

IMEC ENGINEERS
1108 LAXTON ROAD
LYNCHBURG, VIRGINIA 24502

SITE MAP

DIXIE OIL

REV: EBR DATE 12/13/96

Scale: Typical Detail Drawn by: JCM

PROPERTY OWNER:

Dixie Gas & Oil Corporation

APPLICANT:

Chris Earhart, President of Dixie Gas & Oil Corporation

LOCATION OF PROPERTY:

On the east side of Lee Highway (Route 11), approximately 0.1 of a mile north of the intersection of Lee Highway (Route 11) and Dick Huff Lane in the Beverley Manor District.

SIZE OF PROPERTY:

5.380 acres

VICINITY ZONING:

General Business surrounds the entire parcel.

PREVIOUS ZONING OR S.U.P:

4/55 – Zoned General Business

LAND USE MAPS:

Urban Service Area - Business

UTILITIES:

Public Water & Sewer

APPLICANT'S JUSTIFICATION:

Install (3) 30,000 gallon bulk fuel storage tanks.

FIRE DEPARTMENT:

OK

PLANNING COMMISSION'S COMMENTS:

None

AUGUSTA COUNTY

APPLICATION FOR SPECIAL USE PERMIT

DISTRICT: Beverly Manor PERMIT NUMBER: 01-17

DATE: 1-25-2001 RECEIPT NUMBER: 000382

FEE PAID: \$ 200.00

TO THE AUGUSTA COUNTY BOARD OF ZONING APPEALS:

Application is hereby made for a Special Use Permit, in accordance with the description and for the purpose hereinafter set forth. This application is made subject to all the County and State laws, ordinances, rules and regulations now in force effecting thereto; and which are hereby agreed to by the undersigned applicant and which shall be deemed a condition entering into the exercise of the permit.

- 1. Land Owner's Name: Dixie Gas & Oil Corporation
- 2. Land Owner's Address: P.O. Box 900, Verona, VA 24482
- 3. Occupant or User's Name: Dixie Gas & Oil Corporation
- 4. Occupant or User's Address: P.O. Box 900, Verona, VA 24482
- 5. Location of Property: located on Lee Highway (Route 11), approximately 0.1 of a mile north of the intersection of Lee Highway (Route 11) and Dick Huff Lane.
- 6. Real Estate Map and Parcel Number: 46A(3)1 7. Zoning: General Business
- 8. Subdivision: N/A 9. Present Use: Business
- 10. Section(s) of the Zoning Ordinance that permit is being applied for: 25-304 (G)
- 11. Describe request: Remove existing building and install (3) three 30,000 gallon bulk fuel storage tanks.

I hereby authorize appropriate County Officials to enter upon the above described property during normal business hours to conduct required inspections. I hereby certify, under the penalties of perjury, that the above information is true and correct.

SEND CORRESPONDENCE TO:

Chris Earhart
P.O. Box 900
Verona, VA 24482

Chris Earhart, president

(Signature of Applicant or Agent)

540-248-6273
(Phone Number)

ACTION BY BOARD OF ZONING APPEALS

Approved: _____ Disapproved: _____

Stipulations: _____

[LETTERHEAD OF ZONING ADMINISTRATOR
OF AUGUSTA COUNTY, VIRGINIA]

_____, 2020

Williams Mullen
321 East Main Street, Suite 400
Charlottesville, VA 22902-3200
Attn. Charles B. Alvis, Esq.

Ladies and Gentlemen:

At your request, we have examined our records with respect to those certain parcels of real property lying and being in Augusta County, Virginia (the "County"), designated as Tax Map Parcel number 46A-3-1 (the "Property"), and we are pleased to advise you, as follows.

a. Zoning District. The Property is currently zoned GB (General Business) under the Augusta County Zoning Ordinance (the "Zoning Ordinance"). Uses permitted by right in the GB zoning district are enumerated in Section 25-302 of the Zoning Ordinance. Uses permitted by special use permit in the GB zoning district are enumerated in Section 25-304 of the Zoning Ordinance.

b. Existing Uses Permitted By Right. The existing use of the Property as a corporate headquarters and office is permitted by right in the GB district pursuant to Section 25-302.M of the Zoning Ordinance, which permits "Offices, including ... business offices" without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval. The existing use of the Property as a hardware store is permitted by right in the GB district pursuant to Section 25-302.R of the Zoning Ordinance, which permits "Retail Sales and Service, including ... hardware stores" without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval. **[If any of the foregoing uses are subject to or require a use permit or variance, please so state and attach a copy.]**

c. Existing Uses Permitted as Nonconforming Uses. Section 25-4 of the Zoning Ordinance defines "nonconforming use" as a "use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance, but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district." Nonconforming uses are permitted under Section 25-662 of the Zoning Ordinance only so long as the nonconforming use (1) is not discontinued for more than two years, and (2) is not changed to a conforming use. Several existing uses of the Property predate the adoption of currently applicable zoning regulations, and are therefore permitted as nonconforming uses under Section 25-662 of the Zoning Ordinance, as follows: **[If any of the following uses are subject to or require a use permit or variance, please so state and attach a copy.]**

i. Propane Bulk Plant & Spare Tank Storage. Six bulk fuel storage tanks for propane storage exist on the Property. Three of the tanks were installed around the year 2001 pursuant to the special use permit discussed in the following section of this letter. The other three tanks were installed at different times (around the years 1950, 1963, and 1974, respectively) without the necessity of obtaining a conditional or special use permit, variance,

d. Existing Uses Permitted by Special Use Permit. Section 25-304.F of the Zoning Ordinance requires a special use permit for "Business support businesses, including but not necessarily limited to: those involving bulk storage of fuels or other regulated substances" within the GB district. The Property contains three 30,000 gallon bulk fuel storage tanks used for propane storage that were authorized by a special use permit approved by the County Board of Zoning Appeals on March 1, 2001 and were installed on the Property within one year of the approval of the special use permit. The use authorized by the special use permit has not ceased for a period of two years or more. Accordingly, the existing bulk fuel storage tanks installed on the Property in approximately 2001 are permitted by the special use permit approved on March 1, 2001, which ~~remains valid and inures to the benefit of any purchaser of the Property.~~ Any existing spare tank storage on the Property associated with these tanks is permitted as an accessory use to the use authorized by the special use permit.

was issued non-transferable to the Duke Gas.

e. Other Existing Land Use Restrictions. The Property is not subject to any proffered conditions, plan of development, use permit or other special limitations imposed by the County in connection with the zoning or rezoning of the Property. **[If the Property is subject to proffered conditions, plan of development conditions, or use permit, please so state and attach a copy.]**

f. Compliance with Zoning Ordinance. To the best of my knowledge, the Property is currently in compliance with all applicable requirements of the Zoning Ordinance of the County. A review of our files found (i) no violations or alleged violations of regulations applicable to the Property, whether pending, contemplated or having already occurred, (ii) no fees due or pending with respect to any matter before the County Planning and Zoning Department; and (iii) no pending application for rezoning of the Property, or for a special or conditional use permit or variance in connection with the Property. Further, no proceeding to challenge the zoning or other governmental approval or use of the Property is pending, or, to the best of our knowledge, overtly threatened.

g. Conditions on Rebuilding. In the event of casualty, the Property may be rebuilt substantially in its current form (*i.e.*, no loss of square footage, same building footprint), and permitted nonconforming uses may be continued on the Property after such rebuilding, upon satisfaction of the following conditions and/or the limitations: ~~[INSERT specific requirements concerning resumption of construction activity or completion, compliance with new building codes, zoning or subdivision requirements (such as bulk standard requirements, height, setback requirements.)]~~

*Whether
2 to 20
per 25443
State
15.2.2307*

Very truly yours,

Sandra K. Bunch
Zoning Administrator of Augusta County, Virginia

special exception or other authorization or approval at the time of their installation. Each of these three tanks has been operated without a period of discontinuation of more than two years since installation and the use of each tank has not been changed to a conforming use. Accordingly, the existing bulk fuel storage tanks installed on the Property in approximately 1950, 1963, and 1974 are permitted as nonconforming uses under Section 25-662 of the Zoning Ordinance. Any existing spare tank storage on the Property associated with these tanks is permitted as an accessory use to this permitted nonconforming use.

ii. Heating Oil & Commercial Fuels Bulk Plant. The Property contains bulk fuel storage tanks for heating oil and commercial fuels. These tanks were installed around the year 1958 without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval at the time of their installation. Each of these tanks has been operated without a period of discontinuation of more than two years since installation and the use of each tank has not been changed to a conforming use. Accordingly, the existing bulk fuel storage tanks for heating oil and commercial fuels installed on the Property in approximately 1958 are permitted as nonconforming uses under Section 25-662 of the Zoning Ordinance. Any existing spare tank storage on the Property associated with these tanks is permitted as an accessory use to this permitted nonconforming use.

iii. Lubricants Warehouse. The Property contains a lubricants warehouse that supports a lubricant sales business that has existed since 1963. The lubricants warehouse was built around 1978-1979 without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval at the time of construction. The warehouse has been operated without a period of discontinuation of more than two years and has not been converted to another use. Accordingly, the existing lubricants warehouse built in approximately 1978-1979 is permitted as a nonconforming use under Section 25-662 of the Zoning Ordinance.

iv. Propane Tank Maintenance. The existing use of the Property for propane tank maintenance began in approximately 1950 without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval. This use has been operated without a period of discontinuation of more than two years and has not been converted to another use. Accordingly, the existing propane tank maintenance use is permitted as a nonconforming use under Section 25-662 of the Zoning Ordinance.

v. Fleet Maintenance Building. The Property contains a fleet maintenance building used to service commercial vehicles. The building was constructed in the early 1960s or earlier without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval. This use has been operated without a period of discontinuation of more than two years and has not been converted to another use. Accordingly, the existing fleet maintenance building is permitted as a nonconforming use under Section 25-662 of the Zoning Ordinance.

vi. Rail Siding; Truck Parking. The existing uses of rail siding and truck parking on the Property began in approximately 1950 without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval. These uses have been operated without a period of discontinuation of more than two years and have not been converted to another use. Accordingly, the rail siding and truck parking are permitted as a nonconforming use under Section 25-662 of the Zoning Ordinance.



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



20-1104

October 15, 2020

M K Associates
Aaron Davis

RE: MKA#6915:008,
2596 Tinkling Spring Road, Stuarts Draft, VA 24477

Dear Mr. Davis:

In response to your request for information regarding the above referenced property, please be advised of the following:

1. The Augusta County Community Development Department is responsible for the enforcement of all applicable Zoning ordinances, regulations, and codes regarding development in this jurisdiction.
2. The property is currently zoned General Business. The existing retail and pharmacy establishment on the property is a permitted use in this zoning district.
3. The property was subject to site plan approval. The existing structures comply with all setbacks, side yard, rear yard, lot area, and parking regulations approved on the existing site plan submitted for this site. Copies of the site plan are available from Community Development Department for a cost of five dollars per sheet.
4. The Community Development Department is unaware of any known violations or claimed violations of any Zoning, or Building Code violations, and or complaints on this property.

We understand that any mortgage lender for the Project may rely on this certificate. Should you have any further questions regarding the foregoing, please contact me at (540) 245-5700, Monday-Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,


Sandy Bunch
Zoning Administrator

075G 2 21

GB 11-24-81

075G 2 24

GB 9-14-66

075G 2 12

2658

TINKLING SPRING RD

084A 5 61

GA

GB 11-29-71

084A 5 60

2678

084A 11 1

2696

GB 3-10-48

STUARTS DRAFT HWY

084A 11 3

084A 5 57B

2702

084A 11 4A

SF10 3-10

GB 10-27-81

084A 5 57A

2701

2208

084A

084A

Sandy Bunch

From: Aaron Davis <ADavis@mkassociates.com>
Sent: Tuesday, October 6, 2020 9:41 AM
To: Sandy Bunch
Subject: RE: [EXTERNAL] RE: zoning verification letters? MKA#6915:008

Good morning and thank you!

I'd like to get a zoning verification letter for the below property:

2596 Tinkling Spring Road, Stuarts Draft, VA - *Walgreens*

Thank you

*RA2 Stuarts Draft LLC.
84A(117)
- General Business
11/23/71*

From: Sandy Bunch <sbunch@co.augusta.va.us>
Sent: Wednesday, September 16, 2020 10:36 AM
To: Aaron Davis <ADavis@mkassociates.com>
Subject: RE: [EXTERNAL] RE: zoning verification letters? MKA#6915:008

There are no fees for a zoning verification letter. The letter normally contains the zoning of the parcel and what is permitted within that zoning.

Sandra Bunch
Zoning Administrator

From: Aaron Davis <ADavis@mkassociates.com>
Sent: Wednesday, September 9, 2020 3:58 PM
To: Sandy Bunch <sbunch@co.augusta.va.us>
Subject: [EXTERNAL] RE: zoning verification letters? MKA#6915:008

Good evening,

I'm following up on the below inquiry.

Thank you

From: Aaron Davis
Sent: Monday, August 03, 2020 4:40 PM
To: 'sbunch@co.augusta.va.us' <sbunch@co.augusta.va.us>
Subject: zoning verification letters? MKA#6915:008

Good evening,

I would like to inquiry about a zoning verification letter. Is there a fee and what information is included on the letter?

Thank you!

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