

August 4, 2022

PRESENT: George A. Coyner, II, Chair
 Thomas W. Bailey
 Thomas V. Thacker
 Justine D. Tilghman
 Sandra K. Bunch, Zoning Administrator and Secretary
 James R. Benkahla, County Attorney
 John R. Wilkinson, Director of Community Development
 Kathleen Keffer, Assistant County Attorney
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Mark L. Glover, Vice Chair

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 4, 2022 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:

- ASHLEY CARTER - SPECIAL USE PERMIT
- SEAN P. HARVEY AND LAURA BETH DAWSON - SPECIAL USE PERMIT
- JEREMY P. OR MEGAN M. ROACH - SPECIAL USE PERMIT
- ERIX J. LAGOS-DIAZ AND SARAH R. LAGOS - SPECIAL USE PERMIT
- KRISTEN HEITZER - SPECIAL USE PERMIT
- DAWN VALLIMONT, AGENT FOR THE VIRGINIA FARMHOUSE, LLC - SPECIAL USE PERMIT

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.



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ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 4, 2022, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Glover moved that the minutes from the July 7, 2022, meeting be approved.

Ms. Tilghman seconded the motion, which carried unanimously.

LAURA MEADOWS, AGENT FOR VIRGINIA ELECTRIC AND POWER CO./DOMINION VA POWER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Laura Meadows, agent for Virginia Electric and Power Co./Dominion VA Power, for a Special Use Permit to continue the contractor's office and storage yard on property owned by Eastside Speedway, Inc. c/o A.L. Gore, located at 115 Al Gore Lane, Waynesboro in the Wayne District.

The applicant was not present, therefore, the Board moved this request to the end of the agenda.

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ASHLEY CARTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ashley Carter, for a Special Use Permit to continue the existing restaurant on property owned by Ethel M. Baber, located at 2542 East Side Highway, Crimora in the Middle River District.

Ms. Ashley Carter stated I would like to reopen the restaurant.

Chair Coyner stated the Board visited the site this morning. There is a limitation on the number of seats in the restaurant unless the applicant receives Health Department approval for an increased number of seats. Are you working with the Health Department?

Ms. Carter stated yes.

Chair Coyner asked if the restaurant will be open soon?

Ms. Carter stated yes.

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

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

Chair Coyner stated the Board visited the site. This restaurant has been well received.

Mr. Bailey stated there has been a restaurant at the site for such a long time. He moved to approve the request with the following conditions:

Pre-Condition:

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

Operating Conditions:

1. Be limited to a maximum of eight (8) seats unless Health Department approval is obtained and a copy provided to Community Development.
2. No junk or inoperable vehicles to be kept outside.

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- 3. Site be kept neat and orderly.
- 4. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Mr. Glover seconded the motion, which carried unanimously.

SEAN P. HARVEY AND LAURA BETH DAWSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Sean P. Harvey and Laura Beth Dawson, for a Special Use Permit to have a short term vacation rental on property they own, located at 368 Varner Road, Churchville in the North River District.

Ms. Shannon Hazlett stated I am here to represent the owners who are seeking to have a short term rental. I will manage the site when it is rented out.

Chair Coyner stated the Board visited the site this morning. This is a nice property with a great view. He asked if there was anyone wishing to speak in favor, or in opposition? There being none, Chair Coyner declared the public hearing closed.

Ms. Tilghman stated the applicant meets all of the ordinance requirements. She moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Be permitted to lease the existing four (4) bedroom dwelling for short term vacations.
- 2. A maximum of eight (8) persons occupying the dwelling.
- 3. The applicant or facility operator be onsite.
- 4. Site be kept neat and orderly.

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Mr. Thacker seconded the motion, which carried unanimously.

JEREMY P. OR MEGAN M. ROACH - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jeremy P. or Megan M. Roach, 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 38 Cottontail Lane, Crimora in the Middle River District.

Ms. Megan Roach stated I would like to get a permit for an awning for my camper.

Chair Coyner stated the Board saw the camper when we visited this morning. This is a nice piece of property. Is this something you would like to get done right away?

Ms. Roach stated yes. I wanted to get the permit but had to apply for the Special Use Permit first.

Chair Coyner stated this building will not be out of character with the area. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

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

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

Pre-Condition:

- 1. Obtain a Building Permit and provide a copy to Community Development.

Operating Conditions:

- 1. Be permitted to construct a 18' x 35' metal carport 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.

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4. No further expansion.

Mr. Glover seconded the motion, which carried unanimously.

ERIX J. LAGOS-DIAZ AND SARAH R. LAGOS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Erix J. Lagos-Diaz and Sarah R. Lagos, for a Special Use Permit to have a contractor office and outdoor storage of a commercial dumpster on property they own, located at 752 Hermitage Road, Staunton in the Beverley Manor District.

Ms. Sarah Lagos stated they started this business in Staunton eleven (11) years ago. When we moved we did not get the updated address for the business license in the County. We are now applying for the license.

Chair Coyner stated there are various employees but not all of them come to the site.

Ms. Lagos stated yes. Two (2) employees come to the site to pick up vehicles.

Chair Coyner stated the dumpster is a small one. Will you keep it that size?

Ms. Lagos stated yes.

Chair Coyner asked how many business vehicles will be kept at the site?

Ms. Lagos stated there will be four (4) kept along the garage. What will they need to do to widen the entryway?

Ms. Bunch stated you should contact the Virginia Department of Transportation (VDOT) to see what needs to be done.

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning.

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Ms. Tilghman stated the dumpster is small and the Board may not have even seen it if we were not told that it was there. She moved to approve the request with the following conditions:

Pre-Condition:

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

Operating Conditions:

- 1. Be limited to six (6) commercial vehicles including one (1) pickup truck, one (1) utility trailer, and four (4) vans.
- 2. Be limited to one (1) commercial dumpster stored beside the garage as shown on the BZA site sketch.
- 3. Be limited to three (3) employees coming to the site to pick up work vehicles. No employees working onsite unless Health Department approval is obtained.
- 4. All business equipment and materials to be stored in the 24' x 32' garage and the 16' x 20' storage building.
- 5. Hours of operation are Monday – Friday 7:00 a.m. to 6:00 p.m.
- 6. No junk or inoperable vehicles.
- 7. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

KRISTEN HEITZER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kristen Heitzer, for a Special Use Permit to have a dog kennel for personal dogs on property owned by ZE-MAC Homes, Inc., located at 305 Kaolin Spring Lane, Greenville in the Riverheads District.

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Ms. Kristen Heitzer stated I own 24 dogs at the property I live at now at 56 Frog Hollow Lane. I have been there since 2018. I would like to purchase this property and move the dogs at this site with me. I plan to build a kennel for the dogs. I plan to have a 25' x 25' structure. After I talked to Animal Control, I decided to enclosed the entire structure.

Chair Coyner asked if the applicant will use the building to limit the noise from the dogs?

Ms. Heitzer stated yes, 20 dogs will be in the building. The property is secluded. They do not make much noise.

Chair Coyner asked if the applicant is a dog breeder?

Ms. Heitzer stated no. We do sports and compete in other states.

Chair Coyner asked if people come to the site for the dogs?

Ms. Heitzer stated no. I have asked for a litter a year to continue the bloodline. I do have a good line of dogs that have competed and won championships.

Chair Coyner asked what is the average age of the dogs?

Ms. Heitzer stated twelve (12). Most of the dogs are about nine (9), so I only have about three (3) years with most of them. These competitions are not permitted in Virginia. The hog hunting is a big thing down south and the dogs love it. The proposed operating conditions are the same as where I am located now.

Mr. Bailey asked if the applicant sells dogs?

Ms. Heitzer stated yes, but I give the dogs to hunters and to veterans. We stay within our numbers because sometimes I have to rehome the additional puppies. If I do not have space or a reason, I will not breed the dogs.

Ms. Tilghman asked what is the size of the litter?

Ms. Heitzer stated eight (8) or less puppies in a litter. When they are competing in the trials some of the dogs do get killed in this sport. I would like to purchase this property if I get the kennel approved. If I move, I do not plan to renew the other kennel site in January.

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Ms. Bunch stated the kennel license is different than the Special Use Permit. The existing Special Use Permit is in your father-in-law's name. He would have to request it be cancelled once the dogs move to this site.

Ms. Heitzer stated I will make sure he takes care of that when I move. He does not need the Special Use Permit.

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

Mr. Mike Zelaney, ZE-MAC Homes, stated this property definitely suits her needs. She has been working with a realtor for quite some time. I hope this will work for her.

Mr. Gary Brown, 186 Avis Road, Greenville, stated I own 2 acres adjacent to this property. I oppose this for several reasons. There are Homeowner Association restrictions. There will be a lot of noise created by the number of dogs. This will be overwhelming for the neighbors. The driveway is a shared right-of-way with me. There will be traffic.

Chair Coyner stated the Board visited the site this morning.

Mr. Brown stated the driveway is right in front of the house. I am against any type of business. She does sell and this is not the place for it. The dogs will not be kept quiet.

Mr. Eric Rakes, 303 Kaolin Spring Lane, Greenville, stated the lane is adjacent and my house adjoins this property. I did sign a petition that I did not care about the kennel operation. The enclosed building will cut down on the noise a lot.

Ms. Emily Coursey, 263 Kaolin Spring Lane, Greenville, stated my property adjoins the one in question. I can see the dwelling and I am one of the closest neighbors. I have several concerns about the noise. We will be able to hear the dogs even in the structure. It will take time to build the structure. Where will they go in the meantime? There is a lot of wildlife in the area. Even though the site is 8 acres, the property is very narrow and it is still within earshot. I love the peacefulness of the neighborhood. I am concerned about property values should there be a kennel next door. I would have a hard time selling my property if there is a kennel next door. I have animals and the dogs can get into the pen and kill the chickens. I am also concerned about dog fights. My husband signed the petition but I did not. Swine are not permitted with our HOA. How is she going to train the dogs?

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Ms. Janet Hyden, 262 Kaolin Spring Lane, Greenville, stated I am the Secretary and Treasurer of the Homeowner Association. We are not allowed to have swine. How will she train the dogs for competitions?

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

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

Ms. Heitzer stated it is illegal in Virginia to have the wild boars. I do not train them to hunt the boar here. They are not trained on swine. We go to Georgia or where it is legal. The dogs do not bother the livestock. The kennels will be galvanized steel. I have never had a dog escape. My dogs do not bark that much because they are used to being in the kennels. They will not be able to see the deer, etc. because it will be enclosed. There should not be a problem with noise because the dogs will be in an enclosed area in the woods.

Chair Coyner declared the public hearing closed. The Board visited the site this morning. The dogs will be confined within a building. The site is in a very remote area.

Ms. Tilghman asked how long has she had the permit at the other site?

Ms. Bunch stated the applicant has had the permit since 2018.

Ms. Tilghman stated Animal Control has checked it routinely and there has never been any complaints on that property. Traffic should not be increased. The applicant is proposing a maximum of one (1) litter per year if approved. This would not be any more traffic than a neighbor with teenage children driving.

Mr. Glover stated the applicant has run a kennel with no complaints at her current location. The kennel will be built with walls.

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

Pre-Conditions:

1. The 25' X 25' **enclosed** carport structure be constructed and enclosed and the 5' X 10' kennels be installed inside the structure within **ninety (90) days**.
2. The fenced exercise area around the kennel be constructed within **ninety (90) days**.

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Operating Conditions:

1. Maximum of twenty-four (24) adult dogs kept at this site at any time.
2. All dogs be confined within the fenced exercise area or inside the kennel at all times.
3. Dogs be kept inside the kennel from 10:00 p.m. until 6:00 a.m.
4. Site be kept neat and orderly.
5. Maximum of one (1) litter per year.
6. Animal Control to inspect the site every **six (6) months**.
7. Permit be reviewed in a year for compliance and renewed if all conditions are met (applicant must attend the meeting).

Mr. Thacker seconded the motion, which carried unanimously.

Ms. Heitzer stated the dogs will not be moved until the kennel is built. In the HOA policy, there is nothing stating that I cannot have dogs or anything about the number of dogs allowed. It only states no swine.

DAWN VALLIMONT, AGENT FOR THE VIRGINIA FARMHOUSE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Dawn Vallimont, agent for The Virginia Farmhouse, LLC, for a Special Use Permit to have an extended stay campground on property they own, located at 219 Anderson School Lane, Staunton in the North River District.

Ms. Amber May presented a Power Point Presentation to the Board (copy is in the file). The business is run by Blue Thistle Farm. This will be intended for couples.

Chair Coyner asked do you plan to use Shutterlee Mill Road?

Ms. May stated yes.

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Chair Coyner asked do you plan to build one (1) cottage at a time?

Ms. May stated I hope to construct two (2) cottages at a time.

Chair Coyner asked if the cottage will be self-standing?

Ms. May stated they will have bathrooms but not full kitchens.

Chair Coyner asked if the cottages will be for adults only and not children?

Ms. May stated yes.

Chair Coyner asked how would you market the sites?

Ms. May stated on social media. I plan to list them on Airbnb and then have our own website in the future.

Chair Coyner asked do you reside onsite?

Ms. May stated yes.

Ms. Tilghman asked if the current buildings and stables will remain?

Ms. May stated the main living site and barn for now will remain. I plan on building another barn and different house for me in the future. We also will farm the site and have herbs, lavender, etc. at the property.

Ms. Tilghman stated the Board visited the site today. We saw chickens, sheep, and goats on the property.

Ms. May stated we are aiming for a fiber farm.

Chair Coyner asked if the guests will interact with the animals?

Ms. May stated we will not promote this as a petting zoo. They will be able to see the animals.

Chair Coyner asked do you anticipate the cottages being up within a year?

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Ms. May stated yes. The goal is to start with two (2) which will then help fund the others.

Ms. Tilghman asked if the landscape will be changed?

Ms. May stated we plan to remove the trees and the old manufactured home. We plan on working on the commercial entrance.

Chair Coyner asked once the new road is in, will that be the primary access for the farm?

Ms. May stated yes. They will maintain the shared drive. It will be faster to go onto Shutterlee Mill Road.

Chair Coyner asked how long have you been at the site?

Ms. May stated 1 ½ years.

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

Mr. Keith Wenger, 168 Anderson School Lane, Staunton, stated when the horse farm was in operation, I had problems with them riding on my land. The path they used turned into a community path. I do not want to worry about this again with people coming over to my property and petting my animals. We farm the site. This will create noise. I use turkey litter and it smells. This area is zoned for agriculture. I do not want to get more insurance to cover this. The entrance will be off of Shutterlee Mill Road. Will this address be changed? How will the construction crews come into the site? Will this be gated? I am concerned and worried about this and would like to see that it not get approved.

Ms. Nancy Crickenberger, 3147 Shutterlee Mill Road, Staunton, stated I am not opposed to this but I would hope there would be no RVs at the site or any type of camping on this property. Will they have the option to sell these as individual residences in the future? Shutterlee Mill Road is a narrow road and the entrance is right across our driveway. The 28 vehicles going in and out is a lot to me.

Mr. Jake Dudley, 491 Franks Mill Road, Staunton, stated I am opposed to the traffic. Our farm is adjacent to Mr. Wenger brother's farm. This will bring more traffic with it being on Airbnb and more clientele coming in from out of town. There are many bike

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riders along Luck Stone and Franks Mill Road. I fear for my family's life and for bike riders along the road with the extra traffic. I am in opposition to this.

Mr. Robert Kyle Wenger, 170 Anderson School Lane, Staunton, stated my property adjoins this site. My father spoke previously. I never received a formal letter and the site never had a sign posting this request. We did not know this was going on. I wondered how many people that could be in favor or in opposition that do not even know this is going on.

Ms. Bunch stated the request gets advertised in the newspaper as well as on the County website. Our records indicate that a letter was sent to you regarding this request.

Mr. Michael Mims, 3554 Shutterlee Mill Road, Staunton, asked if the applicant has done this type of business before.

Mr. Jeremy Nance, 546 Pleasant View Road, Staunton, stated I am concerned with increased traffic. If there are more cars being added coming from out of town there will be an increased chance of more accidents. What kind of signage will there be at the site? It is a disaster to add more traffic to the road until the road issue is figured out.

Mr. Corey Stogdale, 3127 Shutterlee Mill Road, Staunton, stated the entrance is right across my driveway. My driveway has been blocked at the bottom. People come up by my driveway all of the time and then I cannot go to work. I do not want my driveway blocked when we are in the process of trying to leave. I am concerned about the traffic. They need to be warned about the traffic before their guests come to the site.

Mr. Garland Davis, 205 Willand Court, Mount Sidney, stated they advertised this as a campground but to me it looks like a short term vacation rental. Why does the application say campground? They can only have one short term rental per parcel. It does not look like a campground?

Ms. Martha Ferguson, 3081 Shutterlee Mill Road, Staunton, stated my property is across the street. I did not buy this property to look at houses. Who will control this so that they do not put up tiny houses? I do not want to see a community across the street.

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

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

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Ms. May stated we will have traffic coming in on Shutterlee Mill Road. We will have a new address established in order to have people coming off of Shutterlee Mill Road. We plan to put a gate on Anderson School Lane. This is an agriculture area and we do not want people wandering onto other property and petting other animals. We prefer the entrance along Shutterlee Mill Road not to be gated. If there is an issue along that entrance we could put one up in the future. We will definitely not allow RVs. We will only permit two (2) vehicles per cottage. There will be no hookups and no additional camping. There will be a house for me on the property. We plan to build six (6) stone houses. This will not be a campground but with the number of cottages and bathrooms it had to be advertised and zoned as this.

Chair Coyner asked during construction will the new road be used?

Ms. May stated yes. We will not block anyone's driveway. The Virginia Department of Transportation came out to examine the road and they have determined it could handle the increase in traffic. We lease the site to a farmer and that should not happen again with someone blocking the driveway.

Chair Coyner declared the public hearing closed. The Board visited the site this morning. We went along Anderson School Lane because that was the only access to the site. This property is in a beautiful setting.

Mr. Bailey stated there should be signage on the farm to redirect guests.

Ms. Tilghman asked why is it called a campground?

Ms. Bunch stated technically they do not have enough acreage to have multiple dwellings less than 900 square feet. This is classified as an extended stay campground which does include cabins. The cabins can be leased short term. They could not be sold off as individual homes. No other classification would fit so that is why it was advertised as an extended stay campground. They could not do a short term rental without doing this. The Special Use Permit limits the number of people and what goes on at the site. The Board of Zoning Appeals can place any guidelines on the permit including no RVs, tents, or campers as well as the only access associated with the campground be limited to Shutterlee Mill Road. If the conditions are not being followed, they would be in violation of their permit.

Ms. Tilghman stated they will not have full kitchens so it would be difficult to make these into actual homes. Many people are concerned about the traffic but this use would not have a big traffic increase. The applicant is aiming at renting these out to couples for a

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couple nights. The trips per day would be very little. There is a traffic problem there but I do not see this being added to the traffic problem. There would be more traffic with two (2) new homes. These will not be rented out seven (7) days a week. She moved to approve the request with the following conditions:

Pre-Conditions:

1. 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 including a complete Erosion and Sediment Control Plan and Stormwater Management Plan.
2. Obtain VDOT entrance permit and provide a copy to Community Development.
3. Obtain Health Department campground permit and provide a copy to Community Development.
4. Obtain approved sewage disposal permit and provide a copy to Community Development.

Operating Conditions

1. Be permitted to construct seven (7), seven hundred (700) square foot cabins to be used for extended stay and short term rental.
2. Applicant obtain building permits, inspections and Certificate of Occupancy and provide a copy to Community Development.
3. Applicant or a camp host must reside onsite.
4. Be limited to a maximum of two (2) persons occupying each cabin after Health Department approval is obtained.
5. Applicant be given **five (5) years** to construct the seven (7) cabins.
6. No campers, RVs, tents, or hookups for campers or RVs allowed onsite.
7. The entrance into the property from Anderson School Lane be gated.
8. No access to the cabins except off of Shutterlee Mill Road.

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9. Applicant install signs properly marking the property boundary.
10. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
11. Site be kept neat and orderly.

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

LORI H. SCHWELLER, AGENT FOR BRIAN T. AND WANDA H. ROWE - APPEAL OF THE ZONING ADMINISTRATOR'S DECISION

This being the date and time advertised to consider an appeal by Lori H. Schweller, agent for Brian T. and Wanda H. Rowe to the Board of Zoning Appeals regarding the operation of a short term rental on property they own, located at 187 Todd Road, Mount Sidney in the North River District.

Ms. Sandy Bunch stated Brian and Wanda Rowe are appealing my decision regarding the operation of a short term rental. We received a complaint on March 2, 2022, regarding the operation of the short term rental at 187 Todd Road. We did some checking and did find a website where this property has been advertised as a short term rental. In Augusta County, we do require a Special Use Permit to operate a short term rental. The property owners were notified by a violation letter. On March 12, 2022, Mr. Rowe emailed our office stating he was not aware he needed a Special Use Permit, stating he was told by someone in our office that if he rented the home six (6) months out of the year he did not need anything. That is the case if you are going to rent it out six (6) months consecutively and that it is considered long term. I explained to Mr. Rowe any rental less than thirty (30) days meets the definition of short term rental and requires a Special Use Permit by the current Zoning Ordinance. Mr. and Mrs. Rowe do not reside on the property nor do they have a facility operator residing on the property. Therefore, based on the current standards in the Zoning Ordinance they could not apply for a Special Use Permit to operate a short term rental. I did send a second notice of violation and they contacted me stating that they would like to appeal the decision and that they were not in violation of the Zoning Ordinance. There has been discussions between staff and the Board of Supervisors regarding amending the current standard requiring the owner or facility operator to reside onsite, however, no changes have been made to date. It has been tabled by the Planning Commission. I am here for you to decide today if they

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were in violation the day the letter was sent. I would ask that you uphold my decision because the ordinance does state that you need a Special Use Permit to operate a short term rental and that the property owner or facility operator reside on the site or adjacent.

Ms. Lori Schweller stated Mr. and Mrs. Rowe did receive a notice. We filed the appeal to reserve their right for appeal. Their intent was to reserve the right of appeal and ask that this decision be deferred. I am not prepared to argue the substance of the matter. I would ask that you defer the matter.

Chair Coyner asked why would the Board do that?

Ms. Schweller stated they did not want to have a hearing on the matter. We are not ready to do that.

Chair Coyner asked are you still in violation by renting the property out short term?

Ms. Schweller stated yes.

Chair Coyner stated if we defer our decision, you will continue to be in violation.

Ms. Schweller stated they have a TripForth contract and it is not rescindable. Technically they are in violation. They meet all of the requirements of the ordinance except that the property owner or manager does not reside there or adjacent. They want to apply for the Special Use Permit but unfortunately the zoning amendment has been taking longer.

Ms. Tilghman stated there is no guarantee that the ordinance gets adopted changing the requirements. They should not be held to their contract if they are in violation.

Ms. Schweller stated if the amendment that we saw is adopted, everything would work out. We cannot guarantee the County will adopt the one that we have seen.

Ms. Tilghman stated the client is in violation now and they are saying their contract is more important than being in violation. I do not know how they can be held to a contract if they are in violation. Can they be held to their contract if they are in violation?

Ms. Schweller stated I have not read the contract.

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Ms. Tilghman stated we know they are in violation and it is like saying they do not care.

Ms. Schweller stated the property owners really do care. They do want to comply but at this point there is nowhere for someone to live at the site.

Chair Coyner stated the difficulty I have is that they continue to operate knowing there is a problem. The Zoning Administrator did make the correct decision. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Matt Scheeren, 282 Todd Road, Mount Sidney, stated the biggest problem I have is that their daughter lives up the road and the property owners live in Virginia Beach. They have done renovations to the home. I noticed there were many people at the site. There has been incidents while the house was rented at the site in November. People came up to him and asked if they can park in his driveway because they are going to have a party and they wanted to pay me to park in my driveway. There was a party and it was loud and noisy. The road was completely blocked. Another incident was that there were drones flying over the property upsetting my animals. There is no one watching over the short term rental. The owners continue to be in violation. They live far away. The house is booked full and continues to be rented out. The music is very loud and the noise travels. A short term rental is like a motel. As a neighbor they have to deal with the loud parties and traffic issues along the road. This is in an agriculture area. This is not what we need in the area. The Board should uphold the Zoning Administrator's decision and the ordinance should not be changed. The owner should live there. If the owner lives there they will make sure things are being done properly so there are no issues.

Mr. John Ware, 170 Todd Road, Mount Sidney, stated I live across the street from this site. I agree with Mr. Scheeren's comments. The property owner has no idea what is going on because they do not live there. I contacted the police when they had their party because there was so much noise and my picture frames were rattling on the walls until 5:00 a.m. The road has been blocked and the noise continued from the party. There would not have been enough room for a fire truck if there was an issue. I hope the Board upholds the ruling and tighten up on Airbnb rentals.

Mr. Garland Davis, 205 Willand Court, Mount Sidney, stated I have a short term rental but I live adjacent to the house which prevents this very thing from happening. I am the person that makes sure the renters do not trespass and that music is turned off. If I am not there who will take care of the place and who do you call. I know I do not write the ordinance but I hope this thing gets squashed in the next couple of months when it comes before the Planning Commission and Board of Supervisors. In 2018, there was

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a party house short term rental and the ordinance was put in place to stop this from happening. Now is not the time to change the ordinance.

Ms. Shawn Tucker, 131 Todd Road, Mount Sidney, stated it is clear that they are in violation of the ordinance. This has been very disruptive since they have been renting the site without anyone on site. The drones bother the cattle. They have continued to rent it out without reaching out to the neighbors or a manager onsite. They have also promoted this property as a wedding venue with up to 50 people. The Board should uphold the ruling of the Zoning Administrator.

The public hearing was closed.

Chair Coyner stated these are all good comments and it shows why we have the ordinance in place that we do. It appears that the Zoning Administrator did make the correct decision when sending the letter of violation.

Mr. Thacker moved to uphold the decision of the Zoning Administrator. The property owner was in violation and they continue to be in violation of the ordinance.

Mr. Bailey seconded the motion, which carried unanimously.

LAURA MEADOWS, AGENT FOR VIRGINIA ELECTRIC AND POWER CO./DOMINION VA POWER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Laura Meadows, agent for Virginia Electric and Power Co./Dominion VA Power, for a Special Use Permit to continue the contractor's office and storage yard on property owned by Eastside Speedway, Inc. c/o A.L. Gore, located at 115 Al Gore Lane, Waynesboro in the Wayne District.

The applicant was not present.

Mr. Glover moved to table the request to the September 1, 2022 meeting.

Ms. Tilghman seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

ASHLEY CHRISTOPHER OR SHARI B. CRAUN - EXTENSION OF TIME REQUEST

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. Thacker moved to approve the one (1) year Extension of Time request.

Ms. Tilghman seconded the motion, which carried unanimously.

CELLCO PARTNERSHIP DBA VERIZON WIRELESS - EXTENSION OF TIME REQUEST

A request by Cellco Partnership dba Verizon Wireless, for a Special Use Permit to construct a 199' wireless telecommunication tower on property owned by Tony or Teresa Floyd, located on the south side of Howardsville Turnpike (Route 610), west of the intersection of Howardsville Turnpike and China Clay Road in the South River District.

Mr. Glover moved to approve the one (1) year Extension of Time request.

Ms. Tilghman seconded the motion, which carried unanimously.

STAFF REPORTS

- 21-52 Gerald W. or Becky S. Knicely
- 21-53 Noelia Rodriguez
- 21-54 J. Phillip Dixon or Ashby Parker O'Malley
- 21-55 Margaret Mae Davison, Etal
- 21-56 McNett Cattle, LLC
- 21-57 Michael H. Taylor

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- 21-58 Cameron L. or Julie B. Powell
- 21-59 Scott F. McDevitt and Elizabeth C. Tipton

Ms. Bunch stated SUP#21-52, #21-53, #21-54 are all in compliance. SUP#21-55, #21-56, #21-57 have not completed the pre-conditions of their permits. Staff sent letters out to each applicant. SUP#21-58 is in compliance. The pre-conditions for SUP#21-59 have not been completed, therefore, staff sent the applicant a letter.

Ms. Keffer discussed the court cases with the Board.

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



 Chair



 Secretary