

March 2, 2023

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

ABSENT: Thomas V. Thacker

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 2, 2023 at 10:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **10:00 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.

VIEWINGS

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

- **BRADLEY AND DEANA TIPLER - SPECIAL USE PERMIT**
- **BENJAMIN AND JOANN SHOWALTER - 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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 Secretary

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ABSENT: Thomas V. Thacker

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 2, 2023, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Bailey moved that the minutes from the February 2, 2023, meeting be approved.

Mr. Glover seconded the motion, which carried unanimously.

BRADLEY AND DEANA TIPLER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Bradley and Deana Tipler, for a Special Use Permit to have a short term vacation rental on property they own located at 118 Hall School Road, Waynesboro in the South River District.

Mr. Bradley Tipler stated I would like to rent out my guest house on the property through Airbnb. The entire house will be rented. I live in the other house on the lot.

Chair Coyner asked about the fire that happened at the site?

Mr. Tipler stated I lost my ninety (90) year old barn.

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Chair Coyner stated the Board visited the site this morning. Do you plan on managing the rental of the site?

Mr. Tipler 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. The Board visited the site this morning. The applicant plans on renting the old farm house out.

Ms. Tilghman moved to approve the request with the following conditions:

Pre-Condition:

- 1. Applicant provide a twenty-four (24) hour emergency contact number to Community Development.

Operating Conditions:

- 1. Be permitted to lease the three (3) bedroom dwelling for short term vacation stays.
- 2. Total occupancy of the dwelling not to exceed six (6) persons.
- 3. The property owner must notify Community Development if the twenty-four (24) hour emergency contact information changes.
- 4. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

BENJAMIN AND JOANN SHOWALTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Benjamin and Joann Showalter, for a Special Use Permit to have weddings and special events on property owned by Everette and Carol Showalter located at 1695 Fadley Road, Weyers Cave in the North River District.

Mr. Benjamin Showalter stated I have done a lot of work on this house that was built in the 1700s. We would like to have a place that many people could enjoy for weddings and special events.

Chair Coyner asked how long have you resided at this site?

Mr. Showalter stated since November.

Chair Coyner stated there has been extensive clearing of brush on the property. Will that be where guests park?

Mr. Showalter stated yes. I cleared the land up and reseeded the property for the parking.

Chair Coyner asked how would you handle parking at an event if the ground is wet?

Mr. Showalter stated there is a lot of shale base and beneath the surface of the grass it is solid. We will still have an issue with mud when it rains though.

Chair Coyner asked if the events would be weddings, reunions or family events?

Mr. Showalter stated I plan for it to be geared toward weddings.

Chair Coyner asked if there would be live music?

Mr. Showalter stated I do not plan on applying for a music permit.

Chair Coyner asked if there will be alcohol served?

Mr. Showalter stated it depends on who rents it but we will not provide alcohol. The quiet time will be at 9:00 p.m. We will respect our neighbors.

Chair Coyner asked do you plan on being onsite while the events are going on?

Mr. Showalter stated yes.

Chair Coyner asked if there would be employees?

Mr. Showalter stated no, only family.

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Chair Coyner stated the applicant has asked for thirty (30) events. The Board will not issue that many events for the site.

Mr. Showalter stated thirty (30) was a ballpark number. I can potentially decrease that number if there is an issue with the permit getting approved.

Chair Coyner asked if there will be restrooms installed?

Mr. Showalter stated I have port-johns now but eventually I would like to rent restroom trailers.

Chair Coyner stated the Board normally gives an applicant two (2) years to install permanent restroom facilities. If this becomes an ongoing use, you will need to install permanent facilities. Will there be food served there?

Mr. Showalter stated yes. There will be no food preparation, only heating up the food.

Chair Coyner asked how much renovation will there be with the barn?

Mr. Showalter stated I plan on redoing the flooring. I would like to construct a deck on the full width of the barn. I plan on cleaning up downstairs and pouring concrete to have a lounge area and pool tables. My wife grows flowers and she plans on storing them there also.

Chair Coyner asked if the flowers would be the only agriculture use of the building?

Mr. Showalter stated the barn will also be used for hay storage in the basement.

Chair Coyner asked if there are plans on building a fence so that guests do not wander onto other adjacent properties?

Mr. Showalter stated yes.

Ms. Tilghman asked if VDOT was contacted about the entrance?

Mr. Showalter stated not yet. I did not receive the staff report.

Ms. Bunch read the comments from VDOT.

Chair Coyner asked if the cattle guard will be taken out?

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Mr. Showalter stated yes and I can put a culvert in there. I can also widen it depending on what the entrance requirements are.

Ms. Tilghman asked if this will qualify as a barn structure?

Ms. Bunch stated that will be left up to the Building Official.

Ms. Tilghman stated I thought only the main floor was being used. The lounge area sounds nice but the structure may no longer be considered a farm building.

Ms. Bunch stated normally if a portion of it is being used for farm use, it does not need to meet Building Code but that would be left up to the Building Official.

Mr. Showalter stated in the future it may lead to us using more of the bottom floor but right now I am mainly using the first floor. I would get approvals in the future.

Ms. Tilghman stated with it being a farm building, the barn is not inspected.

Ms. Bunch stated the permit is proposed for 2,400 square feet of the upstairs being used for a wedding venue and the rest of the structure being used for flowers and agriculture purposes. That is what the Building Official used to base his comments on. If you plan on finishing more on the bottom then you would need to check with the Building Official to see if he will require additional permits.

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

Mr. Tony Shaeffer stated I am Ben's neighbor and he is an upstanding person. The family is very hard working. When he wanted a poultry house, he even came by to speak with me about it.

Ms. Bonnie Smith, 1499 Fadley Road, Weyers Cave, stated I own the property behind the barn. I am so impressed with all that they have done. I am happy to have them at this site. They are a hard working family and I am thrilled to have a barn restored.

Mr. Joe Glick, 289 Summit Church Road, Bridgewater, stated my property borders this property. The pines are on my property. The 148 acre farm has been in my family for 80 years. There are seven houses within ¼ of a mile from this proposed business. I am opposed to this mainly because of noise and it not being aligned with an agriculture

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zoning. The party venue poses a fire risk to our timber. The noise from a venue may not reach 65 decibels but sounds do travel. It is noisy and disruptive and does not align with an agricultural area. The gathering and parties will increase the risk of fire. There will be alcohol and the disposing of cigarettes on the ground which may cause a fire. They may have a fire pit. Many people are using exit sparklers which is a risk. The wedding attendees do not sign an agreement so it is up to the Showalters and the people that are renting the site to abide by the agreement. The barn is 200' from the trees. I am at a considerable risk of a catastrophic situation should a fire occur. There is a wetland area. A venue that would allow 100-150 guests, would have about 1,500 vehicles per year which would drain into the tributary and go into Naked Creek. I spoke with Ed Blackwell with Blackwell Engineering concerning the liquids that run into the ground. I am concerned with the gravel or paved parking area being used. This is not good for the springs and the creek. The parking of vehicles will have an impact on the wetland area. There will be noise, traffic and garbage on the road. An event would be two (2) nights (Friday rehearsal and Saturday wedding). VDOT has concerns about the entrance. The future upgrades, parking, etc. will create additional unknown environmental impacts that may affect the area. This request has too many unknowns to approve. This conflicts with the agricultural area. This is not a benefit to neighbors. I have heard they are wonderful people but this would not be a good request.

Chair Coyner asked if these concerns were shared with the neighbor?

Mr. Glick stated no. The sound does carry up the hill. Our house is not close but I am concerned about the fire risk for the farm.

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.

Mr. Showalter stated I have not met Mr. Glick. The creek is beside the property. Naked Creek and the spring starts on my property and the tributary goes to Fadley Road. We have cleaned trash in the creek. The cars will be parked on the grass. If it is a paved parking lot it would have quicker access of it going to a watershed. Parking on the grass is way better. I plan on having clients file a legal document written by an attorney stating no smoking, etc. to mitigate any risk.

Chair Coyner asked if guests would have access to wander the entire farm?

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Mr. Showalter stated as of right now I do not have the perimeter fenced in. Guests may want to enjoy the spring and fish pond. It will be included but I will have a boundary system installed.

Chair Coyner asked if these will be non-smoking events?

Mr. Showalter stated yes. There will not be any wood fires but I plan to have self-contained propane units to help mitigate the risk. I plan to take all preventive measures to prevent that from happening.

Chair Coyner declared the public hearing closed. The Board visited the site this morning.

Ms. Tilghman stated thirty (30) events is excessive. The applicant will need to get in touch with VDOT. I understand the neighbor's concerns. Farmers are encouraged to use their farm land for venues in order to generate money in order to make the farming operation more profitable. I would encourage Mr. Showalter to talk to the Building Official and explain all what he would like to do in order to see if it would still be considered a farm structure or if building permits are needed.

Mr. Bailey stated the applicant will need to abide by all of the conditions on their permit.

Mr. Glover 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. Applicant will install a sewage disposal system approved by the Health Department within **two (2) years**.
2. Be permitted to operate **two (2) years** using portable restrooms until the sewage disposal system is installed.
3. Be limited to twenty-four (24) events per year but no more than three (3) per month, and only one (1) per weekend.
4. Be limited to one hundred fifty (150) people or less per event, as limited by the Health Department.

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5. No outdoor amplified music.
6. Events cease by 10:00 p.m. and all persons off the property by 11:00 p.m.
7. Applicants reside on the premises.
8. Site be kept neat and orderly.
9. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
10. Applicant clearly mark the property boundaries.

Mr. Bailey seconded the motion, which carried unanimously.

KERVIN YODER, AGENT FOR ENLISTED AUCTIONS - SPECIAL USE PERMIT

A request by Kervin Yoder, agent for Enlisted Auctions, for a Special Use Permit to have online auction sales and outdoor storage of vehicles and equipment and to have a 10' x 16' office building on property owned by Shady Haven Properties, LLC, located on the east side of White Hill Road (Route 654), north of the intersection of White Hill Road (Route 654) and Stuarts Draft Highway (Route 340) in the Riverheads District. – TABLED AT THE FEBRUARY 2, 2023 MEETING

Ms. Tilghman moved to bring the request forward.

Mr. Glover seconded the motion, which carried unanimously.

Chair Coyner stated the applicant was asked to meet with the neighbor regarding the issues and speak with VDOT about the entrance on White Hill Road.

Mr. Kervin Yoder stated I contacted VDOT and asked that they look at the entrance on White Hill Road. VDOT said that there is not enough sight distance. I hired Balzer and Associates to help come to a solution on some of the concerns. We would like to separate the auction traffic from the RV store traffic and give customers a turnaround on our property if the gate is closed. We plan on moving the driveway and put signage as

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well as move the gate in the field up about fifty (50') feet. This will help direct all traffic away from the RV business.

Chair Coyner asked when will traffic be there?

Mr. Yoder stated traffic will be there once an online auction event opens up.

Chair Coyner asked if there will be someone there onsite?

Mr. Yoder stated yes if they come during a designated time or we would communicate with them on where to drop the item off. We are not there all of the time.

Chair Coyner asked when can people come to the site and look?

Mr. Yoder stated they can preview items onsite up until the auction closes. This is an online auction for 7-10 days. Most of the preview happens right before the auction closes. We will be there for a designated preview time.

Chair Coyner asked if all of the auctions are online?

Mr. Yoder stated yes. There is no one there at the site when the auction is closed. This would not be a live auction. The documentation of the numbers provided by the Early's is inflated. We may only have 36 sellers and 72 buyers. I did not keep track of people coming through during previews but those numbers are over inflated. I have done everything I can to address their concerns. Enlisted Auctions is a local company and we care about our neighbors. This is a good spot to store items for an online auction.

Ms. Tilghman asked if there has been field events at the site?

Mr. Yoder stated none this year but I did have one last November. The last time was at Charlie Beverage's building near the road. We do multiple auctions every week because we have other locations.

Chair Coyner asked what type of auction equipment would be at this location?

Mr. Yoder stated vehicles, farm equipment and construction vehicles will be stored at this location. This would be primarily for agriculture items that can sit outside since there is not a building.

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Mr. Bailey asked how difficult would it be to have a person there for previewing and pick up?

Mr. Yoder stated we plan on having someone there the last day of the preview and during pickup of the items. Many times there is a seven day window so it would be difficult to justify having a person sit there at the site when there is little traffic. During daylight hours the gate is open. I plan on installing a sign with our phone number on it.

Ms. Tilghman asked how will you know someone is at the site?

Mr. Yoder stated we have cameras installed at the property.

Mr. Glover asked do customers walk or use the drive-thru to see the auction items?

Mr. Yoder stated it is more drive-thru than people walking. The Board saw the revised site plan moving the driveway over with the gate. This will keep traffic from stopping along the right-of-way and parking outside the gate. I am also proposing signage at the site.

Ms. Tilghman stated this is further away from the RV store.

Ms. Bunch asked how much area will be disturbed at the site?

Mr. Yoder stated in talking with Balzer and Associates it came out to be about 4,000-5,000 square feet. They did not seem like this would be a problem.

Ms. Bunch stated the site plan will need to be updated with the new access. If approved, the Board will include it as a pre-condition to submit a new site plan showing the changes.

Chair Coyner stated it looks like this will alleviate the concerns of the neighbor. The signage and having the property clearly marked is a big improvement.

Mr. Glover stated the signage will help direct customers. The entrance being moved will help with the neighbor's concern blocking the traffic onto other businesses. This will improve the overall site.

Ms. Tilghman stated the Board may want to add to review the permit within a year.

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

Pre-Conditions:

- 1. Obtain Health Department approval and submit a copy to Community Development.
- 2. Applicant submit an updated site plan showing the new access and storage area.

Operating Conditions:

- 1. Be permitted to have outdoor storage of vehicles and equipment in the designated area shown on the site plan.
- 2. Be permitted to use the existing 10' x 16' storage building as an onsite office.
- 3. Be limited to four (4) online auctions per year at this location.
- 4. No vehicles or equipment be brought to the site prior to seven (7) days before an auction event and all vehicles and equipment be removed the day after the two (2) week online auction closes.
- 5. Portable toilets may be brought to the site seven (7) days prior to the auction closing date and be removed within seven (7) days after the auction closing date.
- 6. No parking along the fifty (50') foot deeded right-of-way. All parking be onsite.
- 7. No customer viewing after the gates are closed.
- 8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 9. Site be kept neat and orderly.
- 10. Permit be reviewed in a year and renewed if all of the conditions are met.

Ms. Tilgman seconded the motion, which carried unanimously.

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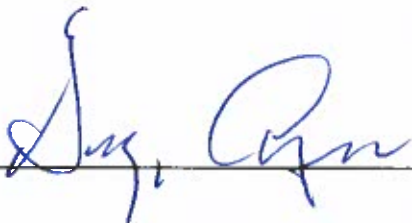
STAFF REPORT

- 22-21 Emily Stevens and Christopher Wood
- 22-22 Danielle M. Hite
- 22-23 Stephen J. Campbell
- 22-24 Larry W. Hostetter
- 22-25 Christian and Julie Fox
- 22-26 David Alan Industries, Inc.
- 22-27 Jesse A. Coffman
- 22-28 Robert and Patricia Eavers
- 22-29 Richard Skelton Turk

Ms. Bunch stated SUP#22-21 is in compliance. Staff sent a letter regarding SUP#22-22 due to their pre-conditions not being completed. SUP#22-23, 22-24, and 22-25 are all in compliance. Staff sent a letter regarding SUP#22-26 due to their pre-conditions not being completed. SUP#22-27, 22-28, and 22-29 are all in compliance.

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 

