

April 6, 2023

PRESENT: George A. Coyner, II, Chair  
 Thomas W. Bailey  
 Thomas V. Thacker  
 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: Mark L. Glover, Vice Chair

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 6, 2023 at 9:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at 9:30 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.

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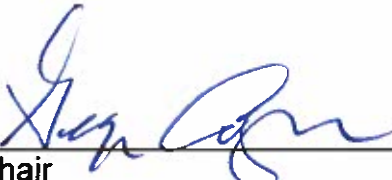
**VIEWINGS**


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

- ZACHARY T. SWANSON - SPECIAL USE PERMIT
- TIMOTHY AND DINA FLICK - SPECIAL USE PERMIT
- TREVOR CLIFTON AND DEREK COLLIER - SPECIAL USE PERMIT
- KIMBERLY BAZE, AGENT FOR SHIELDS SELF STORAGE, LLC - SPECIAL USE PERMIT
- TIM SNYDER - SPECIAL USE PERMIT
- DANIEL A. HOLSINGER, AGENT FOR HOLSINGER FARMS, LLC - VARIANCE
- ARTHUR C. LAWHORNE, ESTATE C/O DAVID A. LAWHORNE – VARIANCE

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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 Chair

  
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 Secretary

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

ABSENT: Mark L. Glover, Vice Chair

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 6, 2023, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Ms. Tilghman moved that the minutes from the March 2, 2023, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

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**MOUNTAIN VIEW RV, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Mountain View RV, LLC, for a Special Use Permit to lease space for outdoor storage and display of RVs for sale on property they own, located on the north side of Stuarts Draft Highway (Route 340) approximately .173 miles east of White Hill Road (Route 664) in the Riverheads District.

Ms. Rebecca Early stated they would like to store campers for sale at this site. We will make sure the campers are secure and back off of the driveway. We will rent the lot space to them. The propane tanks are not kept at the site. The name and phone number is listed on each camper.

Chair Coyner asked if there are four (4) campers onsite?

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Ms. Early stated they would not have more than four (4) campers.

Chair Coyner asked if they will look after that lot?

Ms. Early stated yes. We will make sure the insurance is up to date and everything is locked up and secure.

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.

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

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to lease four (4) spaces for outdoor storage and display of recreational vehicles for sale.
2. Be limited to four (4) recreational vehicles at the site.
3. Recreational vehicles be kept in the designated areas shown on the site plan.
4. No junk or inoperable vehicles to be kept outside.
5. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

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**ZACHARY T. SWANSON - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Zachary T. Swanson, for a Special Use Permit to have a short term vacation rental on property he owns, located at 149 River Lane, Fort Defiance in the Middle River District.

Mr. Zachary Swanson stated I bought the house in 2018. This house is along the river and I would like to use it for a short term rental as a supplement to my income.

Chair Coyner asked if this would be advertised on the internet?

Mr. Swanson stated yes, Airbnb.

Chair Coyner stated the Board visited the property when it was first purchased by you. The house has had a lot of work done to it.

Ms. Tilghman stated it appears the applicant is still working on the house.

Mr. Swanson stated I am still working on it in preparation of renting it out.

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 morning.

Ms. Tilghman stated this is an attractive setting near the river. She moved to approve the request with the following conditions:

**Pre-Condition:**

1. Provide Community Development with a 24-hour emergency contact number.

**Operating Conditions:**

1. Be permitted to lease the three (3) bedroom dwelling for short term use.
2. Total occupancy of the dwelling not to exceed six (6) persons.

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3. Applicant must notify Community Development if the 24-hour emergency contact number changes.
4. Applicant post notice that the property is located within a designated floodplain.
5. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

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#### **TIMOTHY AND DINA FLICK - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Timothy and Dina Flick, for a Special Use Permit to have a short term vacation rental on property they own, located at 1799 Barrenridge Road, Staunton in the Middle River District.

Ms. Dina Flick stated I would like to have a short term rental in the efficiency apartment in the basement. The apartment was already in the basement.

Chair Coyner asked if this would be advertised through Airbnb?

Ms. Flick stated yes.

Chair Coyner asked if the applicant has ever done something like this before?

Ms. Flick stated no.

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 morning.

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

#### **Pre-Condition:**

1. Provide Community Development a 24-hour emergency contact number.

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**Operating Conditions:**

- 1. Be permitted to rent out the efficiency suite in the basement for short term rental.
- 2. Total occupancy of the dwelling not to exceed six (6) people.
- 3. Applicants must notify Community Development if the 24-hour emergency contact number changes.
- 4. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

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**TREVOR CLIFTON AND DEREK COLLIER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Trevor Clifton and Derek Collier, for a Special Use Permit to amend operating conditions to increase the number of commercial vehicles and equipment and to remove firewood sales on premise on property owned by Randall L. and Marcella A. Burtner, located at 72 Union Church Road, Staunton in the North River District.

Mr. Trevor Clifton stated we own Middle River Tree Work and Landscape. Everything will be the same except the one ton dump truck. We have a lot of screening behind the building.

Chair Coyner stated it appears the applicants are getting along good with the business.

Mr. Clifton stated yes. We have dropped our day jobs and are just doing this.

Chair Coyner stated the applicant is requesting to remove the firewood sales on premise.

Mr. Clifton stated we will just use the firewood for personal use. Our grandfather has a wood pile and we do not have time to sell the firewood. Any wood at the site will be used for personal use.

Chair Coyner asked if the list of equipment is adequate for the business?

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Mr. Clifton stated yes because it is just the two of us working in the business. Our skid loader does have a lot of attachments.

Ms. Tilghman stated the only thing that is being added is the one ton truck. Is there something else that you have in mind because if it is not listed on the conditions you would not be in compliance.

Mr. Derek Collier stated it depends on how our business grows. I cannot tell you what type of equipment we will need in the future.

Mr. Thacker stated we do not need to know the specific equipment.

Ms. Bunch stated we can limit the number of vehicles and equipment pieces in the operating conditions.

Mr. Thacker stated the applicant may need two (2) more pieces of equipment.

Ms. Bunch stated the skid loader includes the attachments.

Chair Coyner stated the Board should increase the number to have one (1) more vehicle and one (1) more piece of equipment so they would not have to come back in.

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 applicant's business is doing well. The Board should increase the number so the applicant does not have to come back before the Board.

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

**Pre-Conditions:**

None

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**Operating Conditions:**

- 1. Be limited to three (3) licensed commercial vehicles, three (3) trailers, and four (4) pieces of equipment.
- 2. All logs brought back to the site be kept behind the 100' x 26' building until processed for personal firewood only.
- 3. No firewood sales on site.
- 4. All other operating conditions of SUP #22-18 remain in effect.

Mr. Thacker seconded the motion, which carried unanimously.

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**KIMBERLY BAZE, AGENT FOR SHIELDS SELF STORAGE, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kimberly Baze, agent for Shields Self Storage, LLC, for a Special Use Permit to construct mini-warehouse units on property they own, located at 120 Parkview Drive, Waynesboro in the Wayne District.

Ms. Kimberly Baze stated I am requesting eight (8) additional buildings to the site. The property already has eleven (11) buildings.

Chair Coyner asked if they will be built this year or later?

Ms. Baze stated we plan on building five (5) buildings now and in about a year the additional ones. They will be 100' away from the residential property line. Each tenant will have a code to get into the buildings.

Chair Coyner stated some of the buildings are on a hill.

Mr. Barry Lotts stated they plan on grading the site down so that the buildings do not stick up.

Chair Coyner asked if the buildings are the same type of construction?

Mr. Lotts stated yes.



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Chair Coyner asked if the buildings will be climate controlled?

Ms. Baze stated there will be a combination of climate controlled and a combination of not.

Mr. Thacker asked what kind of shielding are you proposing in the back?

Mr. Lotts stated they will have to meet the landscaping requirements that are listed on the proffers from 2004.

Ms. Baze stated there will not be any additional fencing because the property is already fenced.

Mr. Lotts stated the neighbors will see very little of it because there is a 100' buffer.

Mr. Bailey asked if there would be RV storage or storage outside on the pavement?

Ms. Baze stated no.

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

Ms. Marsha Dean, 73 Cardinal Lane, Waynesboro, stated the original units have a white fence around them. These will come closer to my property line. I would like to request a privacy fence. I understand they have to meet a 100' buffer.

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. Tommy Shields, Jr. stated I am the property owner. The land is wooded. I am not sure what the fence would add because the wooded buffer is higher than a fence. They do not plan on disturbing the natural buffer that already exists.

Ms. Tilghman stated the buildings are not going to the wooded area.

Mr. Shields stated I am willing to work with the neighbor.

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Chair Coyner stated the buildings will be 100' away from residential and they will be constructed down low. He declared the public hearing closed. The Board visited the site this morning and it is very well kept and cared for.

Mr. Thacker stated the property is 250' away from where the buildings are going to be. There are mostly evergreen trees at the site. The evergreen buffer needs to be maintained.

Chair Coyner asked if Ms. Dean can see through the trees and see the buildings on the top of the trees?

Ms. Dean stated yes.

Ms. Bunch read the proffers to the Board that are included on this property.

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

**Pre-Conditions:**

1. Submit site plan including Erosion and Sediment Control Plan and Stormwater Management Plan updates 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.
2. Applicant obtain building permit and provide a copy to Community Development.

**Operating Conditions:**

1. All buildings and structures must be setback one hundred (100') feet from all residentially zoned property.
2. No activities such as sales, repairs, painting, or servicing of goods or equipment be outside.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Site be kept neat and orderly.

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5. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
6. All proffered landscape buffers will be installed and maintained.

Mr. Bailey seconded the motion, which carried unanimously.

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### **TIM SNYDER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Tim Snyder, for a Special Use Permit to have outdoor storage of U-Hauls on property owned by Ward H., Jr. and Jane B. Alford, located at 3867 Stuarts Draft Highway, Waynesboro in the South River District.

Mr. Tim Snyder stated I would like to have U-haul rentals.

Chair Coyner stated there was a bunch there already at the site.

Mr. Snyder stated there are twenty (20) at the site.

Chair Coyner asked if that many U-hauls are needed?

Mr. Snyder stated yes because I never know how many I will need.

Chair Coyner stated today there were more trucks at the site than trailers. Do you rent more trucks?

Mr. Snyder stated yes.

Chair Coyner asked what percentage actually comes back to you?

Mr. Snyder stated about 50%.

Chair Coyner asked if the applicant will do this in addition to running the shop?

Mr. Snyder stated yes.

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Ms. Tilghman stated I do not know how to give you thirty-five (35) U-hauls unless you reduce the number of displayed vehicles. One of these items need to be reduced.

Chair Coyner asked if ten (10) U-hauls would work?

Mr. Snyder stated that is too little of an amount.

Chair Coyner stated this is a highly visible area on Route 340. Staff has received complaints.

Mr. Snyder stated I have no control where people drop off the U-hauls on the property.

Chair Coyner stated that is the type of business you are in. The number of U-hauls need to be reduced.

Ms. Bunch stated there were twenty-two (22) U-hauls at the site currently.

Chair Coyner asked if there are more on the site than permitted, what do you do?

Mr. Snyder stated I would contact my field manager.

Chair Coyner stated U-hauls are becoming very popular.

Mr. Bailey asked if auto body work is done at the site?

Mr. Snyder stated no, only auto repair.

Mr. Bailey asked if towed vehicles come to the site?

Mr. Snyder stated not on this property.

Chair Coyner stated the applicant needs to cut down on the number of U-hauls.

Ms. Tilghman stated twenty (20) is a generous number.

Mr. Snyder said that would be fine.

Chair Coyner asked where is the regional headquarters based out of?

Mr. Snyder stated Arizona.

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Mr. Lee Branch, Regional Manager, explained the U-haul industry. This business is solely based on customers' needs. We want to reduce the number of customers having to drive to other areas. Mondays are busy days. There are four (4) local trucks assigned to him which is mainly for UPS, Amazon, and FedEx but the rest are for customers.

Ms. Tilghman stated twenty (20) U-hauls are plenty. There should not be more than the maximum number of approved U-hauls at the site. It may happen over the weekend if you are closed but it will need to be fixed.

Ms. Bunch stated the applicant cannot be over the number of U-hauls because then they would be in violation of their conditions. This property is zoned General Agriculture not Business. The Comprehensive Plan designation for this area is Neighborhood Mixed Use not Business.

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

Mr. Ward Alford stated it would be a mistake to limit him to twenty (20). It would be more reasonable to have twenty-five (25) and it would be easier for him to comply.

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

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

Mr. Bailey stated the twenty-five (25) pieces would include both trucks or trailers. He moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be limited to twenty-five (25) U-Haul vans, trucks, or trailers on the property located in the graveled area shown on the site plan.
2. Applicant submit a revised BZA sketch plan showing the twenty-five (25) designated areas for U-Haul storage and display.

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3. All other operating conditions of Special Use Permit #94-7 and #12-29 remain in effect.
4. Permit be reviewed in a year and renewed if all of the conditions are met.

Mr. Thacker seconded the motion, which carried unanimously.

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**DANIEL A. HOLSINGER, AGENT FOR HOLSINGER FARMS, LLC - VARIANCE**

This being the date and time advertised to consider a request by Daniel A. Holsinger, agent for Holsinger Farms, LLC, for a Variance from the Floodplain Overlay requirement in order to expand an existing barn on property he owns, located at 656 East Side Highway, Waynesboro in the Wayne District.

Mr. Daniel Holsinger stated the current operation is in the floodplain. The size facility I need would be hard to get the building out of the floodplain which is why we have to get a Variance. This will be a better operation. We are not expanding our operation but we want to cut down on the number of hours we are milking because we prefer to go to a robot system in the building. We hope to do this in the next two (2) years.

Ms. Tilghman asked if the building and the milking parlor are in the floodplain now?

Mr. Holsinger stated yes.

Ms. Tilghman stated this would be an improvement. What would the old parlor be used for?

Mr. Holsinger stated it would be idle. The back side would be a feeding area and loafing stalls. The parlor would not be used.

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 this site many times. We were there again this morning. This will be an improvement to the facility.

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

**Pre-Condition:**

- 1. Applicant submit an engineered foundation plan prepared and sealed by a Professional Engineer.

**Operating Conditions:**

- 1. Applicant obtain all necessary Building Permits and inspections and provide a copy to Community Development.
- 2. The additions be constructed as shown on the survey.

Mr. Bailey seconded the motion, which carried unanimously.

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**ARTHUR C. LAWHORNE, ESTATE C/O DAVID A. LAWHORNE – VARIANCE**

This being the date and time advertised to consider a request by Arthur C. Lawhorne, Estate c/o David A. Lawhorne, for a Variance from the lot area and front and side yard setback requirements in order to separate two (2) non-conforming dwellings to settle an estate on property he owns, located at 1885 Barrenridge Road, Staunton in the Beverley Manor District.

Mr. Arthur Lawhorne stated I am asking that the plat proposed be approved as listed in my dad's estate. The house will be given to my brother and the lot separated.

Chair Coyner stated the house has been there for a good while. The Board visited the site. This request makes sense. He asked if there is anyone wishing to speak in favor, or in opposition to the request?

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

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

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**Pre-Condition:**

- 1. Applicant submit a plat locating the existing septic system for each home, including any easements if required.

Mr. Bailey seconded the motion, which carried unanimously.

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

**BRANDON TURNER – EXTENSION OF TIME REQUEST**

A request by Brandon Turner, for a Special Use Permit to have a property maintenance business with outdoor storage of commercial vehicles and equipment on property owned by Guy C. or Judy C. Eavers, located on the east side of Walnut Hills Road adjacent to 47 Koogler Hill Lane, Staunton in the Riverheads District.

Ms. Bunch stated the applicant is still working with their engineer on the plans to complete the road.

Mr. Brandon Turner stated I am in the process of moving all of the items to the new location that I own. I am still working with the engineer to get the plans approved. I am not operating at this property. I would like to keep this location active.

Chair Coyner asked if a two (2) year extension is realistic?

Mr. Turner stated yes.

Ms. Tilghman moved to approve the two (2) year Extension of Time.

Mr. Thacker seconded the motion, which carried unanimously.

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**STAFF REPORT**

22-30	Lisa Jo Roberts
22-31	Phillip W. Sheets
22-32	Churchville Marketplace, LLC



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- 22-33 Stephen Wayne and Victoria L. Smiley
- 22-34 Stokesville Owners Group, LLC
- 22-35 Belle Meade Enterprises, LLC

Ms. Bunch stated all of the permits were in compliance except for SUP#22-35. Staff is waiting on documentation on their pre-condition from the Department of Agriculture.

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Ms. Keffer discussed the court cases with the Board.

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

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Chair

  
Secretary

