

PRESENT: K. A. Shiflett, Chairman
S. N. Bridge
T.H. Byerly
J. W. Curd
W. F. Hite
J. Shomo
D. L. Cobb, Director of Community Development
R. L. Earhart, Senior Planner and Secretary

ABSENT: J.D. Tilghman, Vice-Chairman

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, September 14, 2004, at 3:30 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

The Planning Commission assembled in the Augusta County Government Center to discuss the rezonings and the upcoming items on the BZA agenda. The Planning Commission traveled to the following sites which will be considered by the Commission at their regular meeting:

1. Rutherford Construction, Inc. – Rezoning
2. James Lee Wimer – Rezoning
3. A. W. Heatwole & Company – Rezoning

Chairman

Secretary

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ABSENT: J. D. Tilghman, Vice-Chairman

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, September 14, 2004, at 7:00 p.m. in the Board Meeting Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Ms. Shiflett stated as there were six (6) members present, there was a quorum.

Ms. Shiflett stated the A. W. Heatwole Company rezoning request had been withdrawn late this afternoon. She also stated the Harriston East Subdivision and Gateway Business and Professional Park master plans had been taken off the agenda since they did not have all of the issues resolved.

MINUTES

Mr. Byerly made a motion to approve the minutes of the Called and Regular meeting held on August 10, 2004. Mr. Curd seconded the motion, which carried unanimously.

Rutherford Construction, Inc. - Rezoning

A request to rezone from General Agriculture to Rural Residential approximately 7.4 acres owned by Rutherford Construction, Inc., located on the south side of Sandy Ridge Road (Rt. 621) at the end of the road in Dooms in the Wayne District.

Mrs. Earhart explained the request and stated the following proffer had been submitted:

1. The minimum square footage for single family dwellings will be two thousand square feet.

Troy Rutherford, Rutherford Construction, 388 Inch Run Lane, Lyndhurst, VA 22952, stated he would answer any questions the Commission may have. He indicated Brasil Hamrick was also present to answer any questions.

There being no one desiring to speak in favor of, or in opposition to, the request, Ms. Shiflett declared the public hearing closed.

Mr. Shomo asked if there was a fire hydrant on that road.

Mrs. Earhart stated the Augusta County Service Authority indicated there was not. She stated the Beagle Gap Forest master plan that was on the agenda a month or so ago did show public waterlines being extended through the subdivision and there will be public water to these lots when they are developed.

Mr. Bridge stated it seemed to him the appropriate work had been done. He made a motion to recommend approval of the request with the proffer.

Mr. Shomo seconded the motion, which carried unanimously.

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James Lee Wimer – Rezoning

A request to rezone from Single Family Residential to General Agriculture approximately 5 acres owned by James Lee Wimer located on the east side of East Side Highway (Rt. 340) approximately 0.1 of a mile north of the intersection of East Side Highway (Rt. 340) and New Hope Crimora Road (Rt. 612) in Crimora in the Middle River District.

Mrs. Earhart explained the request.

James Wimer, 1923 East Side Highway, stated he needed to get this property rezoned to agriculture.

There being no one desiring to speak in favor of, or in opposition to, the request, Ms. Shiflett declared the public hearing closed.

Mr. Hite asked Mrs. Earhart if the property had been zoned Single Family since 1947.

Mrs. Earhart indicated that was correct.

Mr. Hite asked if the property was completely surrounded by Single Family zoning.

Mrs. Earhart indicated it was on three (3) sides.

Ms. Shiflett stated since the property is surrounded by Single Family it too should remain Single Family Residential. She indicated she didn't think agriculture land was appropriate in that area.

Mr. Wimer stated he didn't know some of the land was rezoned to Single Family Residential. He indicated he currently has a mobile home on the property. He also indicated he wants to build a home, but can't afford to. He stated the garage sets on half the agriculture zoning and half on the residential zoning. He needs to get this property rezoned to agriculture so he wouldn't have to tear down the building.

Mr. Byerly asked Mr. Wimer if he was aware the building permits were issued with the stipulation that the manufactured home and the garage had to be placed on agriculture zoned property.

Mr. Wimer indicated he was not aware the garage had to be placed on agriculture land.

Mr. Bridge stated he agreed since the property was surrounded by Single Family Residential it would not be appropriate to rezone the property.

Mr. Byerly asked if he could get a Special Use Permit for the manufactured home.

Mr. Cobb stated he could not. He stated that is how all of this came about. Mr. Wimer came in to apply for a Special Use Permit to operate the shop and found it was in a residential zoned district. The only way he could apply for a Special Use Permit to operate a shop is for the property to be zoned General Agriculture. He has an accessory building in a residential area that exceeds the 700 square foot maximum. In order for this garage to be in compliance he would have to apply for a Special Use Permit to have an accessory building larger than 700 square feet. There is not much remedy for the manufactured home other than moving it into the General Agriculture area.

Mr. Hite asked Mr. Wimer when he applied for his building permit did it state on the building permit anything about the zoning.

Mr. Wimer stated he didn't know.

Mr. Hite stated the fact that it's been zoned Single Family Residential since 1947 would have been indicated on the building permit when Mr. Wimer applied for it.

Mr. Wimer stated he didn't know the garage had to be built on the General Agriculture part of the property.

Ms. Shiflett stated there were copies of the building permit for the garage in 1993 in the file that stated the "property has split zoning, R15 and agriculture, going in agriculture zone". The 1994 occupancy permit for the manufactured home stated "property has split zoning, R15 and agriculture, building in agriculture". She stated it was very plain on both building permits.

Mr. Cobb stated it is the responsibility of the property owner to make sure the structures were built or placed on the agriculture land.

Mr. Bridge stated after viewing and discussing the request he made a motion to recommend denial of the request.

Mr. Byerly seconded the motion, which carried unanimously.

Mr. Wimer asked the Planning Commission what he was to do.

Mrs. Earhart stated the Planning Commission makes recommendation to the Board of Supervisors. She indicated to Mr. Wimer at the Board of Supervisors public hearing he would have another opportunity to speak.

NEW BUSINESS

Mr. Cobb indicated there would be a Planning Commission and Board of Supervisors worksession on October 13th, 2004, at 3:30 p.m.

Mrs. Earhart stated we would be sending information to the Commission.

Mr. Cobb stated we would be sending them the Planning Commission's comment summary as soon as we receive it from Mike Chandler.

MATTERS TO BE PRESENT BY THE COMMISSION

Ms. Shiflett asked if the Planning Commission minutes go the Board of Supervisors.

Mr. Cobb indicated they do not. Sometimes on a controversial item a Board member may ask to see the draft copy of the minutes.

STAFF REPORTS

A. **CODE OF VIRGINIA – SECTION 15.2-2310**

Ms. Shiflett asked if there were any comments regarding the upcoming items on the BZA agenda. The Commission took the following action:

04-65 Christopher M. or Margie L. Lamb

Mr. Curd stated he didn't feel this was an appropriate use. He also stated this use was not in character with the area. He made a motion the Board of Zoning Appeals deny this request. Mr. Bridge seconded the motion, which carried unanimously.

04-68 Malcolm J. or Georganne L. Kelly

Mr. Curd stated he would like to see the number of events and participants restricted per event due to the narrow access road. Mr. Bridge seconded the motion, which carried with a 5 to 1 vote with Mr. Shomo opposed.

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

Chairman

Secretary