

March 5, 2009

PRESENT: S. F. Shreckhise, Chairman
J. W. Callison, Jr., Vice Chairman
G. A. Coyner, II
D. A. Brown
J. R. Wilkinson, Zoning Administrator & Secretary
S. K. Shiflett, Zoning Technician I
Pat Morgan, County Attorney
B.B. Cardellicchio-Weber, Administrative Secretary

Absent: C. E. Swortzel

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 5, 2009, at 1:30 P.M., in the County Government Center, Verona, Virginia...

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MINUTES

Mr. Coyner moved that the minutes from the February 5, 2009 meeting be approved.

Vice Chairman Callison seconded the motion, which carried unanimously.

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**DEVON ANDERS, AGENT FOR WEYERS CAVE PROFESSIONAL PROPERTIES, LLC
- SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Devon Anders, agent for Weyers Cave Professional Properties, LLC, for a Special Use Permit to reopen a medical office within the existing dwelling on property they own, located in the northwest quadrant of the intersection of Keezletown Road (Route 276) and Weyers Cave Road (Route 256) in the Middle River District.

Mr. Devon Anders stated that they originally bought this piece of property along with the owners of Harrisonburg Pediatrics. He stated that they did so for a few years and then they went into Village Square Plaza. He stated that the pain management doctor also located in the Village Square Plaza property about the same time. He stated that Harrisonburg Pediatrics eventually went through some ownership changes and abandoned the Weyers Cave office. He stated that the pain doctor moved to a 3,000 square foot area in Village Square Plaza. He stated that the plaza is now fully occupied. He stated that there was a Special Use Permit on the property years ago. He stated that they are now

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requesting to occupy the building again. He stated that there will be no structural changes done because they have done them previously. He stated that they will check with the Building Inspection department on the handicapped access. He stated that the doctor would like to stay in the Weyers Cave area.

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

There being none, Chairman Shreckhise declared the public hearing closed.

Ms. Brown stated that the site was a physician's office since November of 1997 and they have met all of the requirements. She moved that the request be approved with the following conditions:

Pre-Condition:

- 1. Obtain letter of approval from Building Inspection Department and provide a copy to Community Development.

Operating Conditions:

- 1. Be limited to two (2) exam/treatment rooms.
- 2. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twenty (20) square feet.
- 3. Any new outdoor lights require site plan submittal and must meet ordinance requirements.

Mr. Coyner seconded the motion, which carried unanimously.

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OLD BUSINESS

PERRY D. MACE - SPECIAL USE PERMIT

A request by Perry D. Mace, for a Special Use Permit to continue the garage and wrecker service with outdoor storage of vehicles and to add outdoor storage of rock, natural stone, pallets, and equipment on property he owns, located on the south side of Lee Jackson Highway (Route 11), just south of the intersection of Lee Jackson Highway (Route 11) and Swartzel Shop Road (Route 694) in the Riverheads District. - **TABLED FROM THE FEBRUARY 5, 2009 MEETING**

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Mr. Coyner moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Perry Mace stated that he brought in another site plan yesterday. He stated that since he built the pond on the south side it took some of the screening away.

Mr. Wilkinson stated that the natural buffer will have to be replaced and the double row of trees will be planted on all three sides. He stated that the Special Use Permit for Pebbles to Boulders took into consideration the natural buffer on the property.

Mr. Mace stated that they will be planting trees staggered (10') feet on center on the south side. He stated that the trees missing along old US 11 will be replaced. He stated that they will be placed along the edge of the detention pond. He stated that he will also put trees around the corner and the backside. He stated that he will replace the ones that are dead and any of the ones that were topped less than six (6') feet in height will come out and be replaced.

Mr. Coyner stated that the trees should continue to grow once they are replaced.

Mr. Mace stated that he will not top the trees any more.

Mr. Coyner stated that if a tree dies it needs to be replaced.

Ms. Brown asked what type of trees will be placed on the property?

Mr. Mace stated white pines.

Mr. Coyner asked about the rock that is being brought to the site?

Mr. Mace stated that they gather rock off farms. He stated that most of the rocks are purchased out of North Carolina. He stated that his business took off and wanted to use the Conner land as a staging yard but now with the economy slowing down he is not doing that.

Mr. Coyner stated that if the applicant needs to expand the business once the economy picks up he may want to move to a business location. He stated that the applicant may be outgrowing this location.

Mr. Mace stated that he purchased the Conner land next door for growth and he will only expand into the property in the back. He stated that he lost a lot of trees. He stated that

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some of the tops of the trees were cut off but he will replace them. He stated that he asked for a bigger site around the garage. He stated that the operating conditions suggested by staff state dropping the size to 75' x 125'. He stated that would be good enough for what they will need to store the pallets.

Mr. Wilkinson stated the 75' x 125' area is half of what the applicant asked for originally. He stated that he met with the applicant and was shown where the proposed trees should be placed. He stated that there will be a double row of trees along the old railroad bed which will provide screening from the Interstate during the winter months. He stated that Mr. Mace is proposing to plant a tree screen along the parking spaces and along the ditch line on both sides of old US 11 in order to replace the tree buffer.

Mr. Mace stated that he already built a berm even with the road so that the trees will gain an extra four (4') feet once they are planted. He stated that they are taking out the other road going south.

Mr. Wilkinson stated that Mr. Campbell's property is exposed because of the trees that were removed.

Mr. Mace stated that he will not only screen Mr. Campbell's property but he will screen the corner so that the garage will not be seen. He stated that he will fence the vehicle storage area with a board fence. He stated that the board fence will be eight (8') feet high along the Interstate side and the right side of the compound.

Mr. Wilkinson stated that it should be at least eight (8') feet high to screen all sides of the property.

Chairman Shreckhise asked if Mr. Ricky Campbell had any comments on this proposal?

Mr. Ricky Campbell stated that all of the areas that needed to be addressed have been.

Chairman Shreckhise asked if Mr. Mace has permission to screen the corner of Mr. Campbell's property?

Mr. Wilkinson stated that Mr. Mace will screen along the property line. He stated that Mr. Mace will replace the trees on the Pebbles to Boulders property.

Mr. Mace asked if he could have a little more time in order to complete the screening?

Chairman Shreckhise stated that the Board can change the time frame to ninety (90) days.

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Mr. Coyner stated that all of the trees need to be properly maintained.

Mr. Wilkinson stated that if an applicant violates any conditions on the permit, they will receive a letter from staff asking to correct the violation. He stated that if the violation is not corrected then staff will bring the request to the Board of Zoning Appeals for cancellation of the permit. He stated that this would apply to anyone violating the stipulations on their Special Use Permit.

Chairman Shreckhise stated that if the property was zoned business there could be more storage area on the property. He stated that the property is surrounded by a number of dwellings. He stated that the Board will not be looked favorably for the applicant to expand the business at this location anymore. He stated that if the applicant feels that this request will outgrow the location he will then need to move the business to a business location.

Mr. Wilkinson stated that the area is planned for Medium Density Residential. He stated that staff can come out and do a potential rezoning report for the applicant if he wishes. He stated that the applicant should contact Becky Earhart regarding the rezoning process.

Ms. Brown wanted to make sure that the applicant was aware not to do anything with the gravel lot across from the three (3) houses.

Vice Chairman Callison moved that the request be approved with the following conditions:

Pre-Conditions:

1. Submit site plan including screening 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. An eight (8') foot high opaque privacy fence be installed along the north, east side, and rear of the vehicle storage lot within ninety (90) days and be maintained at all times.
3. To replace the original buffer, a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center be installed as shown on the site plan submitted March 4, 2009, including the area across the southern side of old US Route 11 and east side of the garage within ninety (90) days and must be maintained at all times.
4. A double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center be installed along the old railroad bed below the interstate to screen the storage area within ninety (90) days and must be maintained at all times.

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Operating Conditions:

1. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside the fenced vehicle storage lot.
2. All rock, stone, pallets, equipment, or similar items must be kept in the 75' x 125' storage area directly behind the vehicle storage lot as shown on the site plan.
3. Site be kept neat and orderly.
4. The opaque privacy fence and tree buffers must be maintained at all times.
5. Hours of operation be 8:00 a.m. to 5:00 p.m. Monday thru Saturday.
6. Any new outdoor lights require site plan submittal and must meet lighting ordinance requirements.
7. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.
8. Permit be reviewed in a year and renewed if all of the conditions are met.
9. Site be inspected by Community Development every six (6) months.

Mr. Coyner seconded the motion, which carried unanimously.

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STAFF REPORT

08-20	Bevins, James F. and Janet M.
08-21	Swartz, Carroll E., Jr. and Linda S.
08-22	Riner, Joan M.
08-23	Red Bud, LLC – Denied
08-24	Atlantic Seaboard Corp.
08-25	Morrison, Christopher E. and Fera B.
08-26	Mountain Valley Self Storage

Mr. Wilkinson stated that SUP#08-20 and SUP#08-21 are both in compliance. He stated that SUP#08-22 has three years to complete the extra cabins. He stated that SUP#08-24, SUP#08-25, and SUP#08-26 are all in compliance.

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Mr. Wilkinson passed out the court cases for the Board to review.

Mr. Morgan stated that the Gochenour trial will be held on March 18, 2009.

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

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Chairman

Secretary