

August 6, 2009

PRESENT: S. F. Shreckhise, Chairman
J. W. Callison, Jr., Vice Chairman
G. A. Coyner, II
C. E. Swortzel
J. R. Wilkinson, Zoning Administrator & Secretary
S. K. Shiflett, Zoning Technician I

ABSENT: D. A. Brown

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 6, 2009, at 10:15 A.M., in the County Government Center, Verona, Virginia.

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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:

- **Florence B. Matthews, Trustee - Special Use Permit**
- **Howell and Sons, Inc. - 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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Chairman

Secretary

August 6, 2009

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

Absent: D. A. Brown

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 6, 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 July 2, 2009 meeting be approved.

Vice Chairman Callison seconded the motion, which carried unanimously.

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FLORENCE B. MATTHEWS, TRUSTEE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Florence B. Matthews, Trustee, for a Special Use Permit to have a kennel on property she owns, located on the south side of Barrenridge Road (Route 642), approximately .3 of a mile northwest of the intersection of Barrenridge Road (Route 642) and Hermitage Road (Route 254) in the Wayne District.

Chairman Shreckhise stated that the applicant currently has eight (8) dogs.

Ms. Florence Matthews stated that she has seven (7) dogs plus the one that stays outside. She stated that she has given the owner until the 15th of the month to pickup the dog. She stated that the dog will be removed from the site.

Chairman Shreckhise asked if the dogs stay inside or out?

Ms. Matthews stated that they are inside most of the time.

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Chairman Shreckhise asked if the applicant will breed the dogs?

Ms. Matthews stated no. She stated that all of her dogs have been neutered or spayed.

Mr. Coyner stated that since the applicant does not intend to breed the dogs then as they get older the number of dogs at the site will be reduced.

Ms. Matthews stated that no one has ever told her that she could not have more than four (4) dogs. She stated that she has lived at the site for seven (7) years.

Mr. Wilkinson stated that the veterinarians now notify the Treasurer's office when someone brings a dog in to get their rabies shot as per the new state law.

Chairman Shreckhise asked if there were any complaints filed on this property?

Mr. Wilkinson stated that he does not have any records of complaints filed on this property.

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. He stated that the applicant's pets are inside the dwelling most of the time. He stated that the applicant should not bring in any other dogs to the site in the future in order to reduce the number of adult dogs to four (4).

Mr. Coyner stated that the Board may want to review this permit within a year.

Mr. Swortzel moved that the request be approved with the following conditions:

Pre-Condition:

1. The mixed breed dog be removed from the property within thirty (30) days.

Operating Conditions:

1. Be limited to a minimum of seven (7) dogs for a limited time as follows: 1) as the older dogs expire they cannot be replaced; 2) once the number of dogs is reduced to four (4) the Special Use Permit will expire.

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2. The applicant will notify Community Development when the number of dogs is reduced to four (4).
3. All dogs will be kept within the home or fenced yard at all times.
4. All dogs will be kept inside the home from 10:00 p.m. until 6:00 a.m.
5. Site be kept neat and orderly.
6. Permit be reviewed in a year and renewed if all of the conditions are met.

Mr. Coyner seconded the motion, which carried unanimously.

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HOWELL AND SONS, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Howell and Sons, Inc., for a Special Use Permit to have farm equipment and vehicle auctions on property owned by Elizabeth J. Howell, located on the north side of Indian Ridge Road (Route 657), just east of the intersection of Indian Ridge Road and Offlitter Road (Route 656) in the Riverheads District.

Mr. Ben Howell stated that he rents this land on a ten (10) year basis. He stated that they do not intend to sell this piece of property. He stated that he would like to have up to ten (10) auctions per year. He stated that he is currently holding six (6) auctions per year. He stated that water and temporary sanitary facilities are at the site. He stated that this is a good location. He stated that they also have horses and cattle at the site. He stated that they have had as much as 100 to 150 people attend the auctions that he has had this spring. He stated that there is not a real facility to hold auctions within one hundred (100) miles. He stated that the auction area must be fenced in order to protect all of the items. He would like the Board to approve this request.

Mr. Coyner asked if the applicant would auction off farm equipment and construction equipment?

Mr. Howell stated yes. He stated that he will not have any cars or furniture at the site. He stated that he will be auctioning off farm equipment including small excavators and dozers.

Mr. Coyner asked about the trucks on the top of the bank?

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Mr. Howell stated that he does have a couple of items from the last sale on the property. He stated that he has notified the owners by mail. He stated that three (3) pieces are accounted for. He planned on getting rid of the rest of the items on the hill at the next auction.

Mr. Coyner asked if the applicant has a clause in his contract for the removal of auction items?

Mr. Howell stated that it is stated in the contract that he is able to get rid of the items.

Mr. Swortzel stated that the Board does not want the property to end up looking like a junkyard. He would recommend eight (8) or nine (9) sales a year with the auction items being brought to the site ten (10) days before and removed ten (10) days after an auction.

Mr. Howell stated that the items that were left over after the sale he moved to the top of the hill and planned on selling them at the next auction. He stated that ten (10) vehicles belong to him.

Chairman Shreckhise stated that all of those items on the hill need to be removed.

Mr. Wilkinson stated that unlicensed vehicles cannot be stored outside per the Zoning Ordinance. He stated that the Board visited the site today.

Mr. Coyner asked how did the Ferguson pieces of equipment come to the site?

Mr. Howell stated that he received the tractor from Gene Wood. He stated that it was a good tractor but now he cannot steer it. He stated that it took him several weeks to discover the problem. He stated that as soon as he installs the part he does have a buyer for the tractor.

Mr. Coyner asked if the sales would be a one (1) day event?

Mr. Howell stated that he would like to have ten (10) days before an auction to setup and fourteen (14) days after an auction to have all of the items removed. He stated the auctions are completed in one (1) day.

Mr. Coyner asked why the equipment cannot be picked up after the auctions are completed?

Mr. Howell stated that sometimes the buyers are from Culpepper or other areas around and it will take some time to remove all of the auctioned items.

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Mr. Coyner asked if this location would work out better for the applicant rather than having auctions at Expo?

Mr. Howell stated yes. He stated that many items were stolen from him at Expo. He stated that he cannot afford to rent at Expo. He stated that he needs to have a fence around the auctioned area in order for the items to be kept secure. He stated that he had a lot of security issues at Expo.

Mr. Coyner asked if the applicant is on the site every day?

Mr. Howell stated that this site is near their home.

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

There being none, Chairman Shreckhise asked if there was anyone wishing to speak in opposition to the request?

Mr. and Mrs. William Carter, 156 Cranberry Drive, Stuarts Draft, stated that they live $\frac{3}{4}$ of a mile from the property. Mr. Carter stated that the new storage area on the hill is visible from their property and the surrounding properties. He stated that he counted nineteen (19) trucks of various sizes and eight (8) to ten (10) pieces of equipment as well as some farm equipment. He stated that after the spring auction the equipment sat down in the lower field. He stated that equipment was not moved until after the June 20th auction. He stated that Mr. Howell was then advised that he needed to apply for the Special Use Permit. He stated that the number of auctions and the volume has increased each year. He stated that they have to pass this property in order to get to their land. He stated that there is a lot of traffic along the road. He stated that they do not expect a light industrial storage lot. He stated that during the auction the sign by the church blocks the view looking south on Route 340. He stated that there is traffic at the site the entire week of the auction. He stated that Indian Ridge Road is not that wide. He stated that this request will certainly change the entire nature of the area. He stated that this use is certainly not farming. He stated that mud is tracked all over the road. He stated that tractor trailers bring the equipment to the auction site. He stated that this is an inappropriate site because it is a residential and farming community. He stated that two (2) weeks after an auction they are still moving the equipment around. He asked who will monitor the property for compliance. He stated that this use would disrupt the entire character of the community. He stated that he has checked the traffic study. He stated that he checked with the police regarding the problems with accidents in the area.

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Mrs. Carter stated that the auctions will be almost monthly. She stated that if the Board approves the permit she asked that they limit the number of auctions. She stated that this is a residential community. She stated that there are unlicensed vehicles on the property which need to be screened. She stated that the Board should not allow these auctions on the residential property. She stated that their second year living at the site there was only one (1) auction but now it is a large business. She stated that with a business you will make money but you also need to spend money. She stated that auctions at the site is not appropriate for the road and the community.

Chairman Shreckhise asked if there was anyone else wishing to speak in opposition to the request?

There being none, Chairman Shreckhise asked Mr. Howell to speak in rebuttal.

Mr. Howell stated that this area is an industrial area. He stated that they did not create a traffic problem. He stated that the March auction had 1,000 spectators and there was not one incident. He stated that this would be an ideal location to have auctions. He is asking the Board for permission to offer this service to the farming community. He stated that if the neighbors have a problem with anything they should let him know. He stated that he brooms the road in order to remove any mud from the site. He stated that the road has never been a problem.

Mr. Carter stated that he should not have to wait until Mr. Howell fixes the problems. He stated that the issues should be addressed before it becomes a problem. He stated that the County is not what it used to be but this use in 2009 is not appropriate.

Chairman Shreckhise asked if there was anyone else wishing to speak on this mater?

Ms. Beth Howell, 2182 Indian Ridge Road, Stuarts Draft, asked if the equipment will be kept within a designated area on the field?

Chairman Shreckhise stated that the Board will determine that. He declared the public hearing closed.

Mr. Coyner stated that Augusta County is a rural agricultural area and there are a lot of farmers that need this type of service. He stated that the road should be able to handle tractor trailer traffic because there used to be a livestock market in the area. He stated that this use would be a real benefit to the County. He stated that his only concern is to get the equipment in and out in a timely fashion. He stated that the applicant cannot have equipment and vehicles on the top of the hill.

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Mr. Swortzel stated that he agrees with Mr. Coyner. He stated that the highway department is not concerned with the amount of traffic at the site but the entrance needs to be paved. He stated that he does think it is a necessary use for the community. He stated that the applicant needs to be very strict on getting rid of the leftover items.

Mr. Coyner stated that the applicant should also maintain that the road be kept in good condition and free from any mud.

Vice Chairman Callison stated that the auctions have a good attendance. He stated that the applicant has been operating auctions for quite some time. He stated that he feels that ten (10) auctions per year is a little excessive. He stated that there are approximately twenty (20) to twenty-five (25) pieces of equipment and vehicles on the top of the hill.

Chairman Shreckhise stated that he is really concerned that this use is too big of a business for the site. He stated that he would be in favor to three (3) or four (4) sales per year. He stated that if the Board extends the amount of time before and after an auction for the removal of the equipment there will be a field full of junk three (3) out of four (4) weeks per month. He stated that there are approximately twenty (20) vehicles that have been there a couple of months already which is a problem.

Mr. Swortzel stated that the applicant has had auctions at the site and the citizens in the area are aware of it. He stated that the applicant needs to determine an appropriate parking area.

Chairman Shreckhise stated that there should not be parking along the road.

Mr. Swortzel stated that if the applicant appreciates the permit then he would not allow the spectators to park along the road.

Mr. Howell stated that there is not a place for them to park along the road.

Chairman Shreckhise stated that there will be many people attending the auctions. He stated that the equipment should be removed as soon as possible from the site.

Mr. Swortzel asked if the applicant hires employees for the auctions?

Mr. Howell stated yes up to four (4) employees. He stated that he does not anticipate having 1,000 people attend an auction again.

Mr. Swortzel asked if the applicant felt that if they have more auctions than there would be less equipment and less spectators coming to each of the auctions?

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Mr. Howell stated yes.

Mr. Swortzel stated that the main issue is that if there are left over equipment not sold or not picked up then it needs to be removed.

Mr. Howell stated that he wants the property to look good.

Mr. Coyner stated that the customers need to pick up the equipment or the applicant needs to sell it.

Mr. Howell stated that majority of the equipment at the site belongs to him. He stated that he can put them somewhere else so that it is off the property.

Mr. Swortzel stated that the applicant cannot remove the equipment from this site and place it on another. He stated that all of the equipment needs to be disposed of.

Mr. Coyner stated that the sign should be positioned a better way so that it is out of the right of way and not blocking any view.

Mr. Howell stated that he can move the sign forward. He stated that the highway department told him where their right of way is.

Mr. Coyner asked if the applicant would agree to nine (9) auctions per year?

Mr. Howell stated that figure is fine with him.

Chairman Shreckhise stated that he would be inclined to granting six (6) auctions per year and the other auctions can be held at Expo.

Mr. Howell stated that he will not be holding auctions at Expo due to the security issues that he has experienced at Expo.

Mr. Coyner stated that the applicant cannot have people dropping off equipment at all times.

Mr. Howell stated he will not have anyone dropping off equipment on Sundays.

Vice Chairman Callison stated that he has attended several sales and he has never seen any problems with the parking situation. He stated that the vehicles park in the field.

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Chairman Shreckhise asked if the applicant would invest money in road work.

Mr. Howell stated that the road is concrete now.

Mr. Wilkinson stated that the applicant will need to get the commercial entrance permit from the Virginia Department of Transportation (VDOT). He stated that the applicant will need to get the specifications from VDOT.

Chairman Shreckhise stated that he is concerned with the volume of the number of sales. He would like the sales reduced to seven (7) per year. He stated that he would like to review the permit within two (2) years.

Mr. Swortzel stated that if the Board permits a stipulation that the permit be reviewed in a year then the applicant will not need to reapply.

Mr. Wilkinson stated that if the Board put a time period on the permit then the applicant will need to reapply. He stated that if the Board puts the stipulation to review the permit in a year staff will go out and inspect the property but the applicant will not need to reapply.

Mr. Coyner stated that as long as the applicant meets the criteria of the permit then it would save them from reapplying. He moved that the request be approved with the following conditions:

Pre-Conditions:

1. Submit site sketch drawn to scale showing use of the site.
2. Obtain VDOT entrance permit and provide a copy to Community Development.
3. Remove all vehicles, machinery, or parts left over from the previous auctions within thirty (30) days.

Operating Conditions:

1. All equipment, machinery, materials, and vehicles for sale at the auction be kept inside the designated areas shown on the site plan.
2. No parking along the public street. All parking to be on the site.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

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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 within ten (10) days of an auction event and the site be returned to an agricultural state.
5. Portable toilets may be brought to the site no sooner than seven (7) days prior to an auction and be removed within seven (7) days after the auction is held.
6. Be limited to eight (8) auctions per year.
7. Hours be 7:00 a.m. to 7:00 p.m.
8. No Sunday activity.
9. The only signs to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet **and** one (1) off premise advertising sign and it is the applicant's responsibility to keep the sign out of the VDOT right-of-way.
10. Permit be issued for three (3) years.

Mr. Swortzel seconded the motion, which carried unanimously.

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STAFF REPORT

08-49	Dahl, Nancy P. c/o Triangle Realty
08-50	Wright, Doris S. – Cancelled
08-51	Taylor, Michael Hermes

Mr. Wilkinson stated that the pre-conditions are not complete for SUP#08-49. He stated that staff has sent the applicant a letter. He stated that a restroom is required because the applicant has employees. He stated that he has sent the applicant a copy of the minutes and the Building Inspection report for his review. He stated that the applicant for SUP#08-51 has not received an approval letter from the Building Inspection Department. He stated that the applicant has two (2) months to complete the structural modifications to the building.

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

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

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Chairman

Secretary