

October 1, 2009

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

ABSENT: S. K. Shiflett, Zoning Technician I

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 1, 2009, at 10:00 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:

- **Tom Huntley, agent for Huntley’s Construction Company, LLC - Special Use Permit**
- **Jonathan P. or Barbara G. Senger - 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

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Secretary

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PRESENT: S. F. Shreckhise, Chairman  
J. W. Callison, Jr., Vice Chairman  
D. A. Brown  
G. A. Coyner, II  
C. E. Swortzel  
J. R. Wilkinson, Zoning Administrator & Secretary  
B.B. Cardellicchio-Weber, Administrative Secretary

Absent: S. K. Shiflett, Zoning Technician I  
Pat Morgan, County Attorney

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

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**MINUTES**

Mr. Swortzel moved that the minutes from the September 3, 2009 meeting be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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**TOM HUNTLEY, AGENT FOR HUNTLEY'S CONSTRUCTION COMPANY, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Tom Huntley, agent for Huntley's Construction Company, LLC, for a Special Use Permit to have outside storage on property owned by The Factory Holding Company, LC, located in the northern quadrant of the intersection of Lodge Lane and Laurel Hill Road (Route 612) in the Beverley Manor District.

Mr. Tom Huntley with Huntley Construction Company stated that he is affiliated with Blue Ridge Log Homes in Greenville. He stated that recently at a home show the model buildings were a real hit and they developed a line of tiny buildings. He stated that they needed a site where they can market the buildings with a lot of exposure to the interstate. He stated that they chose the Factory Antique Mall because of the close proximity to the interstate. He stated that the offices will be inside the building at the southeast end where Fort Construction used to be. He stated that the storage area will be located beside

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Wendy's. He is hoping to show his customers what they can accomplish with a small building. He stated that the various products that they offer in addition to building a home can also be displayed with the small buildings. He stated that the pad will accommodate the building. He stated that the gazebos will have an outdoor kitchen. He stated that there will be a rail fence around the perimeter. He stated that the space will be 30' x 50' and he will leave some area in order to display the cedar outdoor furniture and fireplaces.

Mr. Wilkinson asked if the applicant would like to have a couple of pieces of outdoor furniture?

Mr. Huntley stated that he will have some outdoor benches not a mass display of furniture.

Mr. Swortzel asked how many will the applicant have outside?

Mr. Huntley stated that he will have no more than six (6) pieces in order for the customer to visualize the area. He stated that they can go into the indoor showroom to see more. He stated that the customers can also look at the catalogs to view the merchandise.

Chairman Shreckhise asked if operating condition number three needed to be changed on the staff report?

Mr. Wilkinson stated that if the applicant would like to have furniture outside the Board can add another operating condition to the request. He stated that staff was thinking raw materials with operating condition number three. He stated that the outdoor kitchen is shown on the porch of the building.

Mr. Swortzel asked if the items will be stored inside overnight?

Mr. Huntley stated that anything left outside overnight will be secured by anchors to the ground.

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

Mr. Eric Shiflett stated that he is the Manager of Factory Holding Company. He stated that he supports Mr. Huntley's request and feels that this use of the property will compliment the Antique Mall.

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

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There being none, Chairman Shreckhise declared the public hearing closed. He stated that this is an appropriate use of the area.

Mr. Swortzel stated that he agrees that this will be a good use of the site. He moved that the request be approved with the following conditions:

**Operating Conditions:**

1. Be permitted to display only two (2) scale model log homes within the 30' x 50' area designated on the site plan.
2. Site be kept neat and orderly.
3. No parts or materials associated with log homes to be kept outside.
4. Be limited to six (6) pieces of outdoor furniture being stored outside.

Vice Chairman Callison seconded the motion, which carried unanimously.

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**CHARLES R. OR BONNIE R. ZICKEFOOSE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Charles R. or Bonnie R. Zickefoose, for a Special Use Permit to construct a wind energy system in order to reduce energy consumption on property they own, located on the west side of George Waltons Road (Route 758), approximately .2 of a mile north of the intersection of George Waltons Road (Route 758) and Scenic Highway (Route 42) in the North River District.

Mr. Charles Zickefoose stated that he is requesting the installation of a residential size wind generator. He stated the rotor is twenty (20') foot in diameter and the tower will be sixty (60') feet high. He stated that this will help supplement the cost of his commercial peach orchard that he will be starting this fall. He stated that he has been teaching engineering at Blue Ridge Community College. He stated that he has constructed residential wind energy systems in the 1980s in Vermont. He stated that where they are now they have a good clear shot of everything around us. He stated that they are one hundred (100') feet above George Waltons Road. He stated that he intends to construct a unit similar to Mr. Root's system but his will be smaller in rotor diameter and height. He stated that the only obstruction will be the house itself. He stated that it will be at least ¼ of a mile from the nearest neighbor. He stated that they will not hear anything from the system. He is hoping that this will defer his energy cost and help with the peach operation.

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Vice Chairman Callison asked if the sustained air flow speed would be feasible in order to cover the cost of constructing this type of system?

Mr. Zickefoose stated that the system needs to have a clear shot to the prevailing wind. He stated that the rule of thumb for turbulence is that you want to be twice as tall as anything within five hundred (500') feet from where the unit is placed. He stated that he has that site.

Mr. Coyner asked if the blades rotate in order to face the wind?

Mr. Zickefoose stated yes. He stated that the rotor will face the wind. He stated that the wind comes from the northwest.

Mr. Coyner asked if the wind energy system is controlled during heavy wind storms?

Mr. Zickefoose stated yes.

Mr. Coyner asked if he would be hooked to the grid?

Mr. Zickefoose stated yes. He stated that they will not have a backup power source.

Mr. Coyner asked if it will take a long time to pay for this type of equipment?

Mr. Zickefoose stated he is not doing this for the cost aspect of it. He stated that it will take a long time though.

Mr. Swortzel asked if this would be his hobby?

Mr. Zickefoose stated yes. He said this is something that he has always wanted to do.

Mr. Wilkinson asked what is the reason why this particular site was selected rather than another area on the property?

Mr. Zickefoose stated that this site is slightly higher. He stated that if he did not have to meet the setback requirement he would be twenty (20') feet from that line because that is the highest point on the property.

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

Mr. John Myrtle, 4936 Snapps Creek Road, stated that he owns the lot on the right. He stated that he plans on building a house on his property. He stated that the wind energy

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system will be seventy (70') feet from his property line. He stated that they are going to build one hundred (100') feet from the property line. He stated that they are concerned about this. He stated that his house would face the property line which he would be able to see the sixty (60') foot tower and the twenty (20') foot blades. He stated that would detract from the country setting and if they wanted to sell that would affect the sale of the property. He stated that if the applicant needs to build the wind energy system he would prefer that it be back on the corner so that he would not have to look at tower.

Vice Chairman Callison asked where does he enter his property?

Mr. Myrtle stated near the pond. He showed the Board his proposed home site.

Mr. Swortzel stated that there are overhead power poles on the site currently.

Mr. Myrtle stated that he is not against alternative energy.

Ms. Brown asked when would he plan on building at the site?

Mr. Myrtle stated perhaps a year or so. He stated that this property is a good investment. He stated that he would prefer to build on the lot instead of selling it.

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

There being none, Chairman Shreckhise asked if the applicant would like to speak in rebuttal?

Mr. Zickefoose stated that he is familiar with the terrain of the land. He placed the system on the highest point of the property. He stated that the property drops dramatically where the septic field is. He stated that he did not want to construct a tower higher than sixty (60') feet.

Mr. Swortzel asked how many acres do both sites consist of?

Mr. Zickefoose stated approximately six (6) acres. He stated that this will not be an ugly structure. He stated that there will not be any noise issues and there would not be any adverse affects on the neighbors. He stated that he has spoken with Mr. Root and his neighbors have not had any adverse affects from the tower.

Mr. Coyner asked what color would the tower be?

Mr. Zickefoose stated white, fiberglass, and galvanized zinc.

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Mr. Coyner asked if there will be many goings and comings to the site?

Mr. Zickefoose stated no one will be much traffic coming to the site.

Chairman Shreckhise declared the public hearing closed.

Vice Chairman Callison stated that the Board has had many requests for wind energy systems lately. He stated that he understands the neighbor's point of view. He stated that these types of systems will be seen more and more around the County. He stated that it is better to have individual wind energy systems than have a ridge full of towers.

Mr. Coyner stated that the applicant should be sure that they will not be encroaching on the neighbor's property. He stated that he appreciates the neighbor's viewpoints. He stated that the site plan assures that the tower will not encroach on the adjoining properties. He moved that the request be approved with the following conditions:

**Operating Conditions:**

1. Be permitted to construct one (1) wind energy system.
2. The structure shall not exceed seventy (70') feet in height to the tip of the blades and be setback at least seventy (70') feet to provide an adequate fall zone.
3. It is the owner's responsibility to have the wind energy system removed from the site within six (6) months of the date it is no longer used for wind energy production.

Ms. Brown seconded the motion, which carried unanimously.

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**LAURA L. MURPHY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Laura L. Murphy, for a Special Use Permit to construct an addition to an existing building to add meat processing and the making of accessory food products such as sauces, spreads, vinegar, pickles, syrups, and jellies on property she owns, located on the east side of Mish Barn Road (Route 876), approximately .2 of a mile north of the intersection of Mish Barn Road (Route 876) and Middlebrook Village Road (Route 252) in the Riverheads District.

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Ms. Laura Murphy stated that she has been making cheese at the site. She would ask the Board's permission to construct an addition to the existing building and to add meat processing and the making of accessory food products such as sauces, spreads, vinegar, pickles, syrups, and jellies to her permit. She stated that she would also like to make baked goods on site as well. She stated that she will not be encroaching on any neighbors. She stated that she would like to sell ham, salami, and fresh sausages. She stated that the product would come from a federally inspected butcher in the pieces that she would need. She stated that there will be no ancillary pieces. She stated that everything would be de-boned and packaged when it is brought to her. She stated that in the future as her business grows she may need another interior cooler. She stated that all of the products will be processed in a designated area. She stated that she cannot have any cross contamination. She stated that if she is making cheese she cannot make anything else in that area. She stated that with cheese there is a lot of downtime which is why she would like to add another section. She stated that a family member will be helping her work on a product while she works on another one.

Mr. Coyner asked if it would be the applicant and another family member operating the business?

Ms. Murphy stated yes. She stated that the family member will help out on occasion but it is mostly her that will be doing the work.

Mr. Coyner asked if customers will be coming to the site?

Ms. Murphy stated that mostly the items will be picked up by UPS or brought to the local farmer's markets, local restaurants, and local wineries. She stated that customers will not be coming to the site but if on occasion they do, she does not want to turn them away.

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 this will be a small business.

Mr. Coyner stated that the applicant should be allowed to include the baked goods for this request.

Vice Chairman Callison stated that he is familiar with Middlebrook. He moved that the request be approved with the following conditions:



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**Pre-Condition:**

- 1. Obtain Health Department approval and provide a copy to Community Development.

**Operating Conditions:**

- 1. Be limited to one (1) employee other than family members.
- 2. Be limited to a 20' x 24' and 20' x 16' addition to the existing building.
- 3. If any expansion of building or use is requested or required, the business must be moved to a Business zoned district.
- 4. Applicant must reside on premises.
- 5. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.
- 6. Be given two (2) years to complete the building expansion.
- 7. All other conditions of SUP#02-46 remain in effect.

Mr. Coyner seconded the motion, which carried unanimously.

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**JONATHAN P. OR BARBARA G. SENGER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Jonathan P. or Barbara G. Senger, for a Special Use Permit to construct a building to have a custom butcher shop and a building to store sawmill equipment on property they own, located in the northern quadrant of the intersection of Cold Springs Road (Route 608) and Dabneys Road (Route 667) in the Riverheads District.

Mr. Jonathan Senger stated that he has dealt with Frank Foschini's butcher shop for as long as ten (10) years. He stated that Mr. Foschini is getting older and he has been helping him at his butcher shop. He stated that he spoke about leasing or buying his place but Mr. Foschini likes where he lives. He bought this property in order to establish his own butcher shop. He has been taught on how to cut the meat. He stated that the butcher shop will be all in one building. He stated that the road will be adequate to serve the anticipated traffic. He stated that this will be a small butcher shop and will not change the

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character of the area. He stated that this property has been abandoned for approximately fifteen (15) years. He stated that it will take some time to clean the site up. He stated that he does not want to change the character of the area. He stated that they will be taking enough trees down in order to turn the trucks around.

Chairman Shreckhise asked the applicant regarding the sawmill portion of the request?

Mr. Senger stated that the sawmill will be portable that will fit on the back of his pickup truck. He stated that all of the work will be done offsite.

Mr. Wilkinson stated that the applicant would like to store the equipment at the site. He stated that the applicant can saw their own logs on the property as an accessory use. He stated the applicant needs a building to store the equipment in but the applicant does not live onsite. He stated that the applicant was going to build a building in the back.

Mr. Coyner asked if this would be a full-time venture?

Mr. Senger stated that the butcher shop will be a full-time venture. He stated that he would like to setup to butcher in the fall and winter. He stated that he does have other work that he has a Special Use Permit for his own property that he would operate the rest of the time.

Mr. Swortzel asked if he will kill and process at the site?

Mr. Senger stated yes.

Chairman Shreckhise asked how many vehicles will be coming to the site?

Mr. Senger stated that there will be trucks coming to the site on Friday and Saturday. He stated that there will be a truck or two (2) every now and then bringing deer.

Chairman Shreckhise asked how many cows will the applicant slaughter?

Mr. Senger stated ten (10) to fifteen (15) beef a week. He stated that there will be one (1) to two (2) per truck. He stated that there will not be a large volume of truck traffic coming to the site.

Mr. Wilkinson asked if the size of the proposed holding pens are adequate?

Mr. Senger stated yes.

Chairman Shreckhise asked how will the applicant handle the waste disposal?

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Mr. Senger stated a rendering plant will be coming to pickup the waste.

Mr. Wilkinson asked if containers will be provided?

Mr. Senger stated that he will have fifty-five (55) gallon plastic trash cans onsite. He stated that they will pick them up once a week.

Mr. Coyner asked about the hides?

Mr. Senger stated that he will use a 20' x 20' building for storage of the sawmill and the hides. He stated that a gooseneck trailer will pick up the hides monthly or trucks can come once a year. He stated that the hides are sold.

Mr. Coyner asked if the applicant will have any employees?

Mr. Senger stated that he is not quite ready for help yet but he is requesting three (3) employees. He stated that this type of business would be difficult to handle yourself especially in the busy times.

Mr. Coyner asked if the applicant would like to start operating as soon as possible?

Mr. Senger stated yes.

Mr. Swortzel asked if the applicant has a date when they would like to open?

Mr. Senger stated that he would like to be open by April.

Mr. Coyner stated that there is a real need for these types of businesses.

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

Mr. Kevin Nolley, 4758 Cold Springs Road, stated that when he first got the letter from the County he was not sure what to expect. He spoke with the applicant about his plans. He feels that this use of the property will be a reasonable use in an agricultural zoned area. He stated that the applicant seemed to address any traffic issues. He stated that this should be a small business. He stated that he has no objection to the use of the property as described.

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

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

Mr. Coyner stated that it is great to see young people wanting to be in business. He stated that it is great to see the family want to participate in this business. He stated that there is a tremendous amount of cattle in Augusta County. He stated that this use would be a good addition.

Mr. Senger stated that there is one matter that he would like to discuss with the Board. He stated that he would like to put the shop a little closer to the corner of the property. He stated that it will be hidden in the woods. He stated that he needs to move the entrance closer but the property is surrounded by woods.

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

**Pre-Condition:**

1. Submit site plan **showing location of the building** 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.

**Operating Conditions:**

1. Customer butcher shop be a 36' x 36' building with a 15' x 30' covered cattle chute and three (3) 10' x 30' holding pens.
2. Be permitted to store temporary sawmill equipment in a 15' x 30' building.
3. Hours of operation be 7:00 a.m. to 7:00 p.m. Monday – Saturday. No Sunday operation.
4. Be limited to three (3) employees.
5. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.
6. Site be kept neat and orderly.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

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- 8. Applicant must retain as much of the natural tree buffer around the building as possible.

Ms. Brown seconded the motion, which carried unanimously.

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**OLD BUSINESS**

**AMY M. BERRY - SPECIAL USE PERMIT**

A request by Amy M. Berry, for a Special Use Permit to have a pet grooming business on property she owns, located on the north side of Twin Hill Road (Route 653), just east of the intersection of Twin Hill Road (Route 653) and Old White Hill Road (Route 831) in the Riverheads District. - TABLED AT THE 9/3/09 MEETING

Mr. Wilkinson stated that the applicant withdrew this request from the Board's agenda. He stated that she will be locating her business on business zoned property.

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

**WILLIAM O. BERGDOLL, JR. - 120 DAY EXTENSION OF TIME REQUEST**

A request by William O. Bergdoll, Jr., for a Special Use Permit to have a sheet metal fabrication shop within an existing building on property he owns, located on the east side of Coffman Road (Route 696), approximately .3 of a mile south of the intersection of Coffman Road (Route 696) and Burketown Road (Route 680) in the North River District.

Mr. Wilkinson stated that this site was neat and orderly during the inspection. He stated that the applicant would like to have 120 days in order to complete the fenced in area.

Vice Chairman Callison moved that the 120 day Extension of Time be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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**STAFF REPORT**

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- 08-52 Craig, Teresa D.
- 08-53 Boyers, Russell D. or Deborah L.
- 08-54 Gee, Benjamin R.
- 08-55 Farrar, Gary E. or Beverly H.

Mr. Wilkinson stated that SUP#08-52 and SUP#08-53 are both in compliance. He stated that staff has sent Mr. Gee a letter regarding SUP#08-54 because a letter has not been received from his engineer stating that the box was properly anchored in the floodplain. He stated that staff has sent a letter regarding SUP#08-55 to the applicant regarding the inoperable vehicle that is located in public view.

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Mr. Wilkinson stated that William and Patricia Carter have filed an appeal of the Board's decision on the Howell request. He stated that the applicant has until Monday in order to file an appeal on the Croft request for the rocket launching. He stated that Mr. Gochenour's trial is set for October 8, 2009.

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

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Chairman

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Secretary