

PRESENT: G. A. Coyner, II, Vice Chairman
D. A. Brown
T. H. Byerly
J. W. Callison, Jr.
J. R. Wilkinson, Zoning Administrator & Secretary
Pat Morgan, County Attorney
Timothy K. Fitzgerald, Director of Community Development

ABSENT: S. F. Shreckhise, Chairman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 1, 2011, at 9:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **9:00 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.

VIEWINGS

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

- **Tim Grove, agent for Houff's Feed and Fertilizer - Special Use Permit**
- **Jonathan Garber, agent for Springhill Presbyterian Church - Special Use Permit**
- **Francis Chester-Cestari, agent for Cestari Sheep and Land Company, LLC - 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.

Vice Chairman

Secretary

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 Pat Morgan, County Attorney
 Timothy K. Fitzgerald, Director of Community Development
 B. Cardellicchio-Weber, Administrative Assistant

ABSENT: S. F. Shreckhise, Chairman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 1, 2011, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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Mr. Byerly moved that the minutes from the August 4, 2011, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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TIM GROVE, AGENT FOR HOUFF’S FEED AND FERTILIZER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Tim Grove, agent for Houff’s Feed and Fertilizer, for a Special Use Permit to use an existing manure storage facility to store sludge or manure for future land application on property owned by Christians Creek, LLC, located at 176 Milky Way Lane, Staunton in the Riverheads District.

Mr. Tim Grove stated that he is the manager of the bio-solid operation at Houff’s Feed and Fertilizer in Weyers Cave. He stated they have been successfully applying it for over twenty (20) years under the DEQ permits and now they want to use it on one of their farms to better serve needs of clients. He stated this change will allow them to haul material during times when weather does not allow them to apply. He mentioned the inbound material would be six (6) to seven (7) loads per day on rainy days. He will only haul out what is necessary. He stated the outbound material will serve farmers in

close proximity. He stated the odors would not be any more than a dairy operation. He stated they would be regulated by DEQ. He also would like to request storage for one lagoon mixer pump onsite. He stated this would not be noticeably different than any other agriculture equipment onsite. He stated this approval would be the first step in his ability to begin the work. He mentioned DEQ will do a review and they will need to notify all adjacent owners and seek comments before issuing his permit. He hopes the Special Use Permit will be granted.

Vice Chairman Coyner asked where would the product come from?

Mr. Grove stated he has contracts with a variety of municipalities and industries in Augusta and Rockingham County. He will store sludge for industries only. He stated some clients are Whitewave, Hershey, and McKee. He hopes to seek other contracts as they become available.

Vice Chairman Coyner asked if it would be their product only in the lagoon?

Mr. Grove stated that DEQ will allow them to commingle with animal waste. He stated that animal waste is regulated more.

Vice Chairman Coyner stated this will help when there is bad weather it cannot be applied to the land. He asked if the product will crust up like normal manure?

Mr. Grove stated he expects it to do just that. He hopes to be able to add to the underneath crust by pipe so that he can mix it. He said when he mixes it they do anticipate some odor coming from the facility and when they spread. He stated the closest house is 1,400' to 1,500' from the site. He stated the closest property downwind is 2,400' from the site. He indicated that the odor would be no different than the dairy operation that was there for several decades.

Ms. Brown asked how often would DEQ come out if there were odors at the site?

Mr. Grove stated that it is complaint driven. He stated that DEQ aims to inspect the field regularly.

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

There being none, Vice Chairman Coyner declared the public hearing closed. He stated the Board visited the site today. He stated this request was a dairy operation with a lagoon in place.

Mr. Callison stated this is an ideal spot for this request. He stated that this is an excellent opportunity. He stated that Houff's Feed and Fertilizer has operated for a number of years and they have done a proper job, therefore, he would move that the request would be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Obtain DEQ permit and provide a copy to Community Development.
2. All equipment, machinery, and materials for the nutrient business be kept offsite.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. One (1) lagoon mixer pump may be stored onsite.

Mr. Byerly seconded the motion, which carried unanimously.

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**JONATHAN GARBER, AGENT FOR SPRINGHILL PRESBYTERIAN CHURCH -
SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Jonathan Garber, agent for Springhill Presbyterian Church, for a Special Use Permit to construct an addition for a fellowship hall on property they own, located at 4141 Springhill Road, Staunton in the North River District.

Mr. Jonathan Garber stated that his firm was hired by the church to provide engineering services for a new fellowship hall and handicap access. He mentioned the fellowship hall will be 9.3' from the property line. He stated the church predates the Zoning Ordinance. He stated they have done what they can to minimize the impact to the neighbors. He stated that Ms. Swisher has provided a letter of support. He also has fifty-six (56) signatures in support of this request. He stated that he did visit the residents in the area and there were no negative comments or any opposition to this

request. He noted that this project is significant to the church. He stated this plan will not trigger any erosion and sediment control issues and there will not be an increase in parking or traffic. He stated this request will not have any significant impacts.

Vice Chairman Coyner asked if this is a two-story addition?

Mr. Garber stated that the lower portion will be two-stories. He stated the portion that is in conflict with the setback will be one-story.

Vice Chairman Coyner asked if they want to start the project this year?

Mr. Garber stated that they hope to. He would like to submit the site plan for review to staff within a week. He stated they want to go to bid with the project almost immediately.

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

Mr. James Wenger, 320 Middle River Road, Staunton, stated that he is a member of the Springhill Presbyterian Church. He stated that some members of the congregation are here today and they are interested in getting this project completed. He stated that they have wanted to get handicap accessibility improved for years. He stated there is not much room between the church and the highway. He stated the church has been at this site for a very long time. He would appreciate the Board's help so that they can start construction. He stated the handicapped area will be towards the back of the church. He stated they want to improve what they have.

Vice Chairman Coyner stated that it is encouraging seeing a County church flourishing.

Mr. Wenger stated the church provides uses for the community too. He stated that the ruritans and the 4H meet there too. He stated the building will be put to good use.

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

There being none, Vice Chairman Coyner declared the public hearing closed. He stated the Board visited the site this morning. He stated the applicant presented fifty-six (56) signatures in support and there were no negative comments.

Mr. Byerly stated that he was pleased to see this application before the Board. He moved that the request be approved with the following conditions:

Pre-Condition:

- 1. Submit site plan 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. Be permitted to construct the fellowship hall addition as shown on the BZA sketch plan.
- 2. Submit Boundary Line Adjustment plat to Community Development in order to combine lots 5 and 6.

Mr. Callison seconded the motion, which carried unanimously.

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LEON BARTLEY, AGENT FOR DEERFIELD VALLEY VOLUNTEER FIRE DEPARTMENT, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Leon Bartley, agent for Deerfield Valley Volunteer Fire Department, Inc., for a Special Use Permit to have truck and tractor pull events on property they own, located at 2927 Deerfield Valley Road, Deerfield in the Pastures District.

Mr. Leon Bartley stated that he is the President of the Deerfield Valley Volunteer Rescue Squad. He is requesting a Special Use Permit to have a truck and tractor pull on the property for a fundraiser project.

Vice Chairman Coyner asked if the truck and tractor pulls would be similar to the events at the fair?

Mr. Bartley stated yes.

Vice Chairman Coyner asked how many attendees would there be at an event?

Mr. Bartley stated approximately forty (40) to fifty (50) attendees.

Ms. Brown asked how many times per year would the event take place?

Mr. Bartley stated twice a year. He stated they are planning a tractor pull in October.

Vice Chairman Coyner asked if this is their major fundraiser?

Mr. Bartley stated yes.

Mr. Wilkinson asked if the applicant would have staff and volunteers for the parking, traffic, and trash pickup?

Mr. Bartley stated yes.

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

There being none, Vice Chairman Coyner declared the public hearing closed. He stated this is a popular, good event that supports the local fire company.

Ms. Brown stated this event will take place twice a year which helps with raising money. She stated this is a great event.

Mr. Byerly wanted to thank all of the fire and rescue volunteers in the County. He appreciated all of their efforts.

Ms. Brown moved that the request be approved with the following conditions:

Pre-Condition:

1. Submit a revised BZA site sketch showing the track, spectator area, and parking.

Operating Conditions:

1. Be permitted to have three (3) truck and tractor pull events per year.
2. Hours of operation be 11:00 a.m. to 11:00 p.m.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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FRANCIS CHESTER-CESTARI, AGENT FOR CESTARI SHEEP AND LAND COMPANY, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Francis Chester-Cestari, agent for Cestari Sheep and Land Company, LLC, for a Special Use Permit to utilize existing buildings for a country store with alcohol sales and to have a corn festival on property it owns, located at 3581 Churchville Avenue, Churchville in the Pastures District.

Mr. Francis Chester-Cestari stated that he is asking the Board to allow him to identify the place as a country store in order for him to have a broader array of items that he can sell. He stated there are very few retail establishments in the western part of the County. He stated that they are visited more and more from patrons asking him to carry a number of things. He has been asked to carry feed and dog food. He is also requesting to sell wine and beer. He stated the alcohol will not be served on the premises. He mentioned his family is not alcohol drinkers but he understands that people appreciate those beverages. He stated that they are constantly making improvements to the property. He stated there was an issue raised by the Health Department regarding the septic. He stated when he first bought the property in 1995 he received a permit from the Health Department for the septic system and his system is significantly larger than necessary. He designated two (2) 1,000 tanks and the normal is one (1) 800. He does have a sizable drainage system. He does not like porta-potties. He feels they are filthy and unattractive. He opens his handicapped bathroom to the public. He mentioned that it is important that he maintains a clean place. He stated that for fifteen (15) years he has never had a problem with the septic system. He had the system cleaned two (2) days ago. He stated that the first one is $\frac{3}{4}$ full and the second is not even $\frac{1}{4}$ full. He stated that his site contains the best soil in the County. He has engineers trying to work out the difficulties with the Health Department. He stated both of his engineers feel the requirements are overkill. He will deal with the state in order to do what is necessary. He does want a clean place. He thought it was a great idea to have a wine silo instead of a wine cellar. He stated that if the Board approves the request for wine and beer sales he will need to go before the ABC for a license. He stated that since this request was in the newspapers he has heard nothing but congratulations and prayers that the request gets approved. He mentioned the corn festival would be where the public would come and pick your own corn. He would teach the public how to pull the corn. He would like to have the schools attend the corn festivals so he can show them how agriculture works. He stated this would be an enhancement to the area and the people will enjoy it. He stated that he has heard nothing but remarkable things about the pumpkin and wool festivals. He has been

doing festivals for over forty (40) years and he has never had a lawsuit or any major complaints.

Vice Chairman Coyner stated they have had good experiences with the pumpkin events. He feels that Mr. Chester is over his limit with the number of the temporary signs at the site.

Mr. Wilkinson stated the Board did limit the number of signs under the previous permits. He stated that in 1996 the Board approved a law office. He stated in 1998 the Board approved a 100 square foot non-lighted sign. He stated that in 2005 the Board approved a lighted sign. He stated in 2009 the Board approved an addition to the building and the only sign permitted was one thirty-two (32) square foot sign for the advertisement of farm products and no off premise signs. He noted that there are four (4) to five (5) other signs on the lot.

Mr. Chester stated he spoke with a supervisor at VDOT. He stated the store sets back far from the road. He stated it was VDOT's suggestion to put up the temporary signs and there would not be a problem. He stated they are going to remove the bridge and VDOT says they will cooperate with him. He stated once corn season or peach season is over then he takes those signs down at the bridge.

Vice Chairman Coyner stated that if the Board put a limitation on signage it also would include the temporary signs.

Mr. Wilkinson stated that the temporary signs are not permitted unless the Board wishes to amend the permit to include more signs.

Vice Chairman Coyner stated there are more signs at the site than what is permitted. He stated Mr. Chester is in violation of his permit.

Mr. Chester stated that he understands but he has a problem of attracting people to the site.

Mr. Byerly asked how many restrooms are onsite?

Mr. Chester stated there are two (2) in the big barn and one (1) in the law office. He stated if this request is approved, he will build a bathroom in the store as per Building Inspection. He stated there would be four (4) bathrooms total. He mentioned rarely will he have a crowd but occasionally there are four (4) to five (5) people waiting to use the restrooms. He does keep the restrooms clean.

Mr. Wilkinson stated the applicant needs to work out the issues with the restrooms with the Health Department. He stated that additional restrooms are necessary as per the Health Department to cover state requirements.

Mr. Chester stated that his engineers will work together with the Health Department. He wants to have a request that is good for the community.

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

Ms. Isabel Strickler, 3538 Churchville Avenue, Churchville, stated that she is directly across from Mr. Chester. She has no objections to the festivals but she does object to the beer and wine. She stated there are many hunters in the area and they do not need to have hunters stopping by to purchase beer and wine and drink on the premises.

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

There being none, Vice Chairman Coyner asked Mr. Chester to speak in rebuttal.

Mr. Chester stated that this property was formerly owned by Ms. Strickler. He mentioned he does not know why they cannot be friends.

Mr. Wilkinson read the two (2) letters from Louis and Yvette Ravina of 3383 Churchville Avenue and Philip or Peggy Dillard of 3587 Churchville Avenue. He stated they were both concerned about expanding the facility on agriculture property and about the alcohol sales at the site.

Vice Chairman Coyner declared the public hearing closed. He stated the Board visited the site this morning. He mentioned the corn festival fits well. He stated selling other items such as the feed would work fine with the permit. He is unsure how well the beer and wine sales will fit in with the scheme of things.

Ms. Brown stated there is another store in the area that does sell beer.

Mr. Byerly stated that he does have a problem with the beer and wine sales. He stated they want to keep students away from alcohol and if students are coming to the site for educational purposes he has a problem with alcohol sales.

Mr. Callison agreed with Mr. Byerly. He stated that he is fine with the country store. He stated that alcohol sales would not be the right thing to permit on that site. He would oppose that aspect of the request.

Mr. Byerly asked if Mr. Chester can sell pet food and agriculture feed?

Mr. Wilkinson stated that the current permit is for the sale of farm products. He stated this request would be for items that are typically sold at country stores.

Vice Chairman Coyner stated that the temporary signs would need to be brought into compliance.

Mr. Callison stated that the sign at the bridge has all of Mr. Chester's items that he sells. He stated the small posted signs are in violation and need to be picked up and removed. He also saw something on the silo. He agreed that Mr. Chester needs to come into compliance with his existing permit.

Mr. Byerly asked if he would need a permit from VDOT?

Mr. Wilkinson stated that a sign permit is needed from VDOT if it is in their right-of-way. He mentioned they are not supposed to put a sign in the right of way unless you have permission. He stated if you do not have permission VDOT will pick them up.

Vice Chairman Coyner stated that they support the farm operations but not the alcohol sales.

Ms. Brown stated that the small signs were scattered out. She stated that the signs would need to be brought into compliance. She mentioned that she has no problems with the corn festival or the country store selling feed. She would not permit the alcohol sales due to the fact that there are other stores in the area that sell alcohol and she would not want children coming to the farm and seeing the alcohol sales. She moved that the request be approved with the following conditions:

Pre-Conditions:

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

Operating Conditions:

1. Be permitted to have retail sales within the 30' x 40' and 20' x 40' buildings and within the silo.
2. No retail sales within the large wool mill barn.
3. All outside display be kept within twenty (20') feet of the 30' x 40' and 20' x 40' buildings.
4. The corn festival be permitted during two (2) weekends during the month of July.
5. Portable toilets may be used only during the wool fair and corn and pumpkin festivals. Portable toilets may be brought to the site no sooner than seven (7) days before an event and must be removed within seven (7) days after an event.
6. All corn festival signs must be removed within one (1) week after the festival is over.
7. Site be kept neat and orderly.
8. No Sunday operation except during the wool fair or corn or pumpkin festivals.
9. Signs to be limited to only those signs permitted by the previous Special Use Permits.

Mr. Callison seconded the motion, which carried unanimously.

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STAFF REPORT

10-61	Royal Orchard Land Corp.
10-62	Colvin, Gary E. or Rita S.
10-63	Quick, Donald L., Sr. or Karen R.
10-64	Johnson, Frederick V. or Susette L.
10-65	Orebaugh, Everette W. or Janice E.

Mr. Wilkinson stated the site plan has been approved but construction has not started for SUP#10-61. He stated that SUP#10-62 is in compliance. He stated there were issues with building codes, therefore, the garage will not be constructed for SUP#10-63. He

stated staff sent the applicant a letter for SUP#10-64 due to the fact that the pre-conditions have not been completed. He stated that the BZA granted another permit last month for Mr. Orebaugh. He mentioned Mr. Orebaugh has two (2) years to complete the expansion for SUP#10-65.

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Mr. Wilkinson 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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Vice Chairman

Secretary