

PRESENT: S. F. Shreckhise, Chairman
 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

ABSENT: Timothy K. Fitzgerald, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 3, 2011, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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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.

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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:

- **Brett Wright - Special Use Permit**
- **Terry Argenbright - 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

PRESENT: S. F. Shreckhise, Chairman
G. A. Coyner, II, Vice Chairman
J. W. Callison, Jr.
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T. H. Byerly
J. R. Wilkinson, Zoning Administrator & Secretary
Pat Morgan, County Attorney
Timothy K. Fitzgerald, Director of Community Development
B. Cardellicchio-Weber, Administrative Assistant

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 3, 2011, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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Mr. Callison moved that the minutes from the October 6, 2011, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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BRETT WRIGHT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brett Wright, for a Special Use Permit to continue the existing residential care facility and increase the number of residents on property owned by the Donald L. Wade Family Limited Partnership, located at 8 Rainbow Lane, Waynesboro, in the Wayne District.

Mr. Brett Wright stated he is requesting a Special Use Permit to continue the assisted living facility that currently is in his grandfather's name.

Vice Chairman Coyner mentioned that the Board visited the site this morning. He asked if the applicant would run the same operation and if the permit is only changing hands?

Mr. Wright stated yes.

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.

Vice Chairman Coyner stated that the assisted living facility has been at this site for years. He stated the Board has never had any problems. He moved that the request be approved with the following conditions:

Pre-Condition:

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

Operating Conditions:

- 1. Be limited to twenty-two (22) ambulatory residents.
- 2. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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JOHN W. OR JOEY L. MASON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John W. or Joey L. Mason, for a Special Use Permit to make and sell firearms on property they own, located at 166 Round Hill Drive, Stuarts Draft, in the Beverley Manor District.

Mr. Wilkinson stated the applicant withdrew his Special Use Permit application to make and sell firearms.

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OLD BUSINESS

JAMES MILHAM, JR., AGENT FOR STONEWALL JACKSON AREA COUNCIL OF BOY SCOUTS OF AMERICA, INC. - SPECIAL USE PERMIT

A request by James Milham, Jr., agent for Stonewall Jackson Area Council of Boy Scouts of America, Inc., for a Special Use Permit to add a family campsite area with a latrine, relocate the administration/multipurpose building, relocate and expand the parking area, add staff cabins, scout-craft shelter, reconstruct campsite shelters, and have extension of time on current permits on property it owns, located at 222 Boy Scout Lane, Swoope, in the Riverheads District. - TABLED FROM THE OCTOBER 6, 2011 MEETING

Vice Chairman Coyner moved to bring this item forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. David Deering, 79 Willow Lane, Waynesboro, stated that he is a member of the committee for the Stonewall Jackson Area Council of Boy Scouts. He stated they would like a five (5) year renewal on their existing permit. He mentioned they have provided all of the information to the Board on the project listings.

Chairman Shreckhise stated they have received the additional information and everything is in order.

Mr. Wilkinson displayed the aerial for the Board showing the family campsite area and the parking lot. He stated those items have been relocated as requested and all of the additional information has been submitted.

Vice Chairman Coyner stated the amount of detail that was furnished was well done.

Ms. Brown stated the property is beautiful. She stated this is a much needed facility in the community.

Chairman Shreckhise stated the Board held the public hearing last month but he will ask if there are any additional public comments.

Mr. John Sills stated that he represents Wendy Higginson. He stated they submitted a letter to the Board in support. He feels that all of their concerns have been addressed. He thinks what was submitted covers everything.

Mr. Callison moved that the request be approved with the following condition:

Pre-Conditions:

None

Operating Condition:

1. Applicant to have five (5) years to complete the new requests and have a five (5) year Extension of Time to complete construction of projects on the existing permits.

Mr. Byerly seconded the motion, which carried unanimously.

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TERRY ARGENBRIGHT - SPECIAL USE PERMIT

A request by Terry Argenbright, for a Special Use Permit to have a sports park facility with outdoor and indoor recreation including a motocross track, BMX track, skate park, soap box derby track, overnight recreational vehicle parking, outdoor stage events, and a paintball facility on property owned by Augusta County Company, LLC, located on the northwest side of Lee Jackson Highway (Route 11), approximately .1 of a mile south of the intersection of Lee Jackson Highway (Route 11) and Peyton Hill Road (Route 659) in the Riverheads District. TWO YEAR EXTENSION OF TIME REQUEST – TABLED FROM THE OCTOBER 6, 2011 MEETING

Vice Chairman Coyner moved to bring this item forward.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Shreckhise stated the applicant was not here last month which is the reason for the request being tabled.

Mr. Terry Argenbright apologized for not being at the meeting last month. He stated he had a good reason for not being here. He stated that he took a management position and the Board meeting was the first day of his new job. He stated the matters with the park do concern him. He stated that out of the last two (2) years Valley Xtreme Park operated only fifty (50) days. He stated they were faced with family problems.

Chairman Shreckhise mentioned that the Board has heard about the family issues. He stated there is no need to address that again. He stated the Board sympathizes with the loss of their family member.

Mr. Terry Argenbright stated that they have had serious issues with the park. He stated they have always extended an open door policy. He put in plenty of gates to allow the farmer access to cross the property. He stated the park was closed most of the year and it did leave them vulnerable to trespassers. He stated with regard to the trash issue, they were allowing the tree companies to dump their mulch at the site in order to help with the dust issues. He mentioned the trash was mixed up with the mulch. He stated while they were closed one of the company's barn burnt down and they dumped it all on their site. He stated they still have a lot of things to do. He mentioned they will probably shut down the rest of the year and he has no intention of opening until March or April. He stated they are approximately 80% complete with the mowing of the site. He would like to make application to have a berm and pine trees as screening instead of fencing. He would propose staging the screening. He has not had an opportunity to be at the site. He stated the fence is not working for them. He stated that he would like to continue to operate the permit. He felt that there is not an issue with the paintball and it is profitable. He does not want to operate the motocross until the Board sees fit.

Vice Chairman Coyner stated the Board visited the site today. He mentioned that he was very disappointed that the Board was locked out. He stated this Board always visits the sites prior to the meeting. He stated the only way they were able to enter the site is through a hole in the fence. He really expected to see a lot more activity since the last meeting.

Chairman Shreckhise stated that they received letters, a petition, and phone calls from the neighbors regarding issues with vehicles at the site, trash, and a lot of dissatisfaction. Mr. Terry Argenbright stated the security issue was their main priority.

Vice Chairman Coyner asked if the applicant expected the Board to visit this morning?

Mr. Terry Argenbright stated he knew the County was there on Monday or Tuesday. He did not expect the Board to visit the site today.

Chairman Shreckhise stated that the Board held the public hearing last month and they have received letters and phone calls concerning the activity since then.

Vice Chairman Coyner stated when the Board could not drive in past the second gate a couple of us chose to walk back over the hill and they viewed the rubbish and trash. He stated there is not much of a future for this request with the site looking the way it does.

Chairman Shreckhise stated the applicant said he had an open door policy. He stated that they are not supposed to have people at the site unless it is supervised. He stated that is a strict violation of the request.

Vice Chairman Coyner stated that they will not allow these conditions on the property. He stated this is a place of business.

Chairman Shreckhise stated that before the Board approves a request for an extension of time, there will need to be a lot more work done at the site.

Vice Chairman Coyner stated the Board is truly sorry for the loss of the family member. He asked what was done a year and a half prior to that?

Chairman Shreckhise stated there was not much done this month.

Mr. Callison stated this permit was issued and the Board knew it was a sensitive issue. He stated they have a situation where the applicant has not put much effort to accommodate the specific requests from last month that they needed to do. He stated this morning the Board could not get in to the site.

Mr. Byerly stated that he agrees with Mr. Callison's statements. He was disappointed. He had high expectations with what would be accomplished. He stated after visiting the site and seeing that it was not done it puts them in an awkward situation.

Vice Chairman Coyner stated that the applicant has not held up their end of the bargain. He stated were the Board to make a motion to advertise the request for cancellation then passing this extension of time would be a moot point. He stated that if the site looks like what the Board saw today, he does not see a future. He moved to proceed with the advertising to cancel the Special Use Permit due to the violations that have occurred at the site and that the extension of time request be tabled until December 1, 2011.

Mr. Byerly asked if within the next thirty (30) days, the Board sees a real improvement at the site, can they deny the request to cancel?

Mr. Wilkinson stated yes. He mentioned that it will be advertised as a consideration to cancel.

Vice Chairman Coyner said going by the past experience, he does not see that happening.

Ms. Brown seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. Terry Argenbright stated that the motocross is very controversial. He asked the Board to consider eliminating the motocross out of the Special Use Permit which will make it easier to take care of the fencing issues. He does not want to lose the entire permit. He said they do a lot of birthday parties with paintball. He mentioned it will not take much in order to clean up the volleyball court. He does not think the neighbors will have a problem with them eliminating the motocross from the permit.

Chairman Shreckhise stated the Board will carefully consider the proposal at the December 1, 2011 meeting. He stated that the request will be open for public discussion in December.

Mr. Harold Argenbright, 302 Curry Road, Mount Solon, stated that he has looked at the fence and he has done research and there is not another park that has a fence like this. He mentioned that he cannot believe that the Board entertained a fence such as this. He stated with the next thirty (30) days there will be bad weather and they will need to mow the grass and clean the property up when there may even be snow on the ground.

Chairman Shreckhise stated that he understands the comments relating to the motocross but it will be on the agenda at the December meeting. He stated that the request for consideration to cancel was based on what has been done over the past two (2) years. He stated the Board will entertain a proposal at the next meeting.

Mr. Bob Argenbright stated that at the previous meeting there were a few comments made regarding security. He stated that by the Board not being able to get in this morning, they have accomplished the security issue. He stated someone has been driving over the fence. He stated that tractor tracks go up to the fence and pick up on the other side. He stated that it is very difficult to keep the fence. He stated that it is not only wind that is damaging the fence. He stated that anytime someone is on the property that is not supposed to be, they have been instructed to call 911. He stated that the Board was not at the site the first year when the track was running and in immaculate condition. He stated that when they got behind with the track, they could not catch up. He stated that he has seen farms with buildings that are falling down and they have not been shut down.

Chairman Shreckhise stated that a Special Use Permit is not needed to operate a farm.

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STAFF REPORT

- 11-1 Cross, Dennis F. or Dana J.
- 11-2 Miller, Maynard or Shirley
- 11-3 Croft, Daniel K. Estate of French Moore – **On Hold**
- 11-4 Shinaberry, Daniel F. or Harlan Lee
- 11-5 Eppard, Stacey L. or Heather B. - **Denied**

Mr. Wilkinson stated SUP#11-1 and SUP#11-2 are in compliance. He stated staff sent the applicant a letter regarding SUP#11-4 in order to find out more information. He stated the pre-conditions have not been completed.

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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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Chairman

Secretary