

PRESENT: G. A. Coyner, II, Chairman
T. H. Byerly, Vice Chairman
D. A. Brown
J. D. Tilghman
J. R. Wilkinson, Zoning Administrator & Secretary
S. K. Shiflett, Zoning Technician I

ABSENT: S. F. Shreckhise
Pat Morgan, County Attorney
Timothy K. Fitzgerald, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 5, 2012, at 9:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:30 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:

- **Robert Gomez, Sr. - Special Use Permit**
- **Bryan K. or Lisa J. Bottenfield - Special Use Permit**
- **Mary P. Scott - Special Use Permit**
- **Charles Scott and Cathy F. Balsley - 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: G. A. Coyner, II, Chairman
 T. H. Byerly, Vice Chairman
 D. A. Brown
 S. F. Shreckhise
 J. D. Tilghman
 J. R. Wilkinson, Zoning Administrator & Secretary
 Pat Morgan, County Attorney
 S. K. Shiflett, Zoning Technician I
 B. Cardellicchio-Weber, Administrative Assistant

ABSENT: Timothy K. Fitzgerald, Director of Community Development

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 5, 2012, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Vice Chairman Byerly moved that the minutes from the March 1, 2012, meeting be approved.

Mr. Shreckhise seconded the motion, which carried unanimously.

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ROBERT GOMEZ, SR. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Robert Gomez, Sr., for a Special Use Permit to use an existing building to store business materials, on property owned by Cornerstone Church of Waynesboro, located at 115 Tinkling Spring Road, Staunton, in the Beverley Manor District.

Mr. Robert Gomez, Sr. stated that he operates an overhead door business. He mentioned he will strictly use the building for storage of new doors. He has looked over the requirements and will meet all stipulations.

Chairman Coyner stated a company would deliver doors to the building onsite and then it would be taken to the jobsite. He asked if the work truck would be located onsite?

Mr. Gomez stated yes. He stated the work truck will be inside the building.

Chairman Coyner asked if there will be any employees?

Mr. Gomez stated no employees.

Chairman Coyner stated if the applicant anticipates the need for employees now is the time to ask the Board.

Mr. Gomez stated at this point he does not anticipate having employees. He stated he used to be on Jefferson Highway (Route 250) but due to the economy, it has forced him to lay people off. He mentioned if he needs employees he would then have to restructure his business and move to a more visible location.

Chairman Coyner asked if this is a family operation?

Mr. Gomez stated yes.

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

There being none, Chairman Coyner declared the public hearing closed. He mentioned this would be an ideal spot to have a business.

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

Pre-Condition:

None

Operating Conditions:

1. Be limited to one (1) commercial vehicle and one (1) outdoor storage bin on site.
2. No employees to come to this site.
3. All equipment, machinery, and materials for the business be kept inside the 40' x 65' barn.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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BRYAN K. OR LISA J. BOTTENFIELD - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Bryan K. or Lisa J. Bottenfield, for a Special Use Permit to have an excavation business utilizing an existing building and outside storage on property they own, located at 442 Battlefield Road, Crimora, in the Middle River District.

Mr. Bryan Bottenfield stated that he would like to utilize the 40' x 44' steel building on the property he owns. He mentioned he operates a small excavating company. He stated he will park equipment there when it is not in use. He stated the smaller equipment would be inside the building. He mentioned his employees will meet at the property to receive their work assignments and pickup equipment and then leave to go to the jobsite.

Chairman Coyner asked if the applicant would have larger equipment like a backhoe?

Mr. Bottenfield stated he would like to have a backhoe, dozer, and track loader. He stated anything that could be stored inside he would. He stated he does not intend to use the property to store topsoil or materials. He stated the materials are delivered directly to the job. He was previously employed with an excavating business. He mentioned in February the owner announced he would be retiring and closing the business. He stated because he has had years of experience, he considered starting his own company. He stated that he will have three (3) employees.

Chairman Coyner asked if some of the equipment would remain on the jobsite?

Mr. Bottenfield stated a portion of the equipment will remain on the jobsite and then go from job to job and not return to the home base.

Chairman Coyner asked what the hours of operation would be?

Mr. Bottenfield stated 7:00 a.m. to 7:00 p.m. He stated he does intend to work shorter hours than that but there could be times that he is further away from his property so he could return to the property later than 7:00 p.m.

Chairman Coyner asked if the applicant anticipated doing snow removal in the winter?

Mr. Bottenfield stated yes. He stated no Sunday work would be done onsite. He stated no operation would take place on the property. He mentioned he will only use the building for storage of equipment as well as maintenance to the equipment. He stated this is a rural area.

Ms. Brown asked what is done with the leftover materials?

Mr. Bottenfield stated that he has designated dumpsites. He stated any debris not used for fill would go to the landfill.

Vice Chairman Byerly stated the property is immaculate.

Ms. Tilghman asked if there is a chance that the applicant could run late coming back from jobs further away and return to the site later than 7:00 p.m.?

Mr. Bottenfield stated that is possible.

Ms. Tilghman stated the Board can stipulate that no work be done onsite after 7:00 p.m. so that the applicant would not be in violation just in case he does not get in until 9:00 p.m. or 10:00 p.m.

Mr. Bottenfield stated in cases where there is an emergency he would like to respond to the call. He stated snow storms and waterline emergency calls are few and far between.

Mr. Shreckhise stated the Board can add onsite to the stipulations.

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

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

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

Pre-Conditions:

1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. Obtain letter of approval from Building Inspection.

Operating Conditions:

1. Be permitted to use the existing 40' x 44' metal building for the business.
2. Be limited to two (2) company vehicles, three (3) trailers, and four (4) pieces of equipment outside.
3. All outdoor storage be kept in the designated areas shown on the site plan.
4. No more than three (3) employees to come to the site.
5. Hours of operation be 7:00 a.m. to 7:00 p.m. onsite.
6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
7. Site be kept neat and orderly.
8. No further expansion.
9. No Sunday work onsite.

Ms. Brown seconded the motion, which carried unanimously.

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MARY P. SCOTT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mary P. Scott, for a Special Use Permit to have horse shows, or lease the facility for horse shows and have vendors for food sales on property she owns, located at 435 Lofton Road, Raphine, in the Riverheads District.

Ms. Mary Scott stated that she would like to have horse shows and horse clinics at the site. She mentioned there is an indoor arena at the site which has been in use even before she bought the property.

Chairman Coyner asked how many events would she have per year?

Ms. Scott stated she would not have any more than two (2) events a month.

Chairman Coyner stated the Board is familiar with the site and there were some issues with the sewage system previously.

Mr. Wilkinson stated on the previous permit back in 2007, one of the conditions required was to put in a septic system other than the outhouses.

Chairman Coyner asked if the applicant agreed with that condition?

Ms. Scott stated Mr. Davis, the previous owner, did put in a two-vault privy. She stated Lacey from the Health Department checked the system and it has been approved. She stated she would have extra porta-potties available. She mentioned she would not have any more than one hundred (100) people at a time for the events.

Mr. Wilkinson stated staff has suggested putting in a normal drainfield instead of a two (2) seat outhouse. He stated there is currently a pump and haul system in place.

Ms. Brown asked where the privy is located?

Ms. Scott stated on the right side of the barn.

Chairman Coyner stated the Board visited the site this morning. He mentioned the Board would like a normal sewage system put in.

Ms. Scott stated that she does not anticipate a lot of people coming to the site in the next year or so. She stated Ben Baldwin had a letter and he was operating temporary events and he did not need a permanent system. She asked if this requirement has changed?

Mr. Wilkinson stated under the Health Department regulations they view this as a temporary event. He stated the Health Department can allow outhouses with additional porta-potties just because this qualifies for a temporary event. He stated the Board can agree or require additional sewage treatment. He stated with the number of people attending the event the Board can require a drainfield/septic system be put in.

Chairman Coyner stated the Board can give the applicant a year or so to put the drainfield in place. He stated the Board would like for this to be a top notch place.

Vice Chairman Byerly asked if the applicant anticipated beginning the activities as soon as possible?

Ms. Scott stated yes.

Chairman Coyner asked when will the horse shows take place?

Ms. Scott stated in the spring and summer. She stated she already has someone interested in having one in June.

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

There being none, Chairman Coyner declared the public hearing closed. He stated this is a nice facility and it is a shame that it has not been used. He mentioned the long term plan is that the Board would want adequate sewage facilities.

Mr. Shreckhise stated the Board can give the applicant two (2) years to put the sewage system in place. He moved that the request be approved with the following conditions:

Pre-Condition:

1. Obtain VDOT entrance permit and provide a copy to Community Development.

Operating Conditions:

1. Applicant install a sewage treatment system approved by the Health Department within two (2) years.
2. Be permitted to have twenty-four (24) events per year but no more than three (3) per month.
3. Events may be up to three (3) days and be on Friday, Saturday, and Sunday.
4. Be permitted to operate for two (2) years using the vault privy and porta-johns.
5. Hours of operation be 8:00 a.m. to 8:00 p.m.
6. Any new outdoor lights over 3,000 lumens require lighting plan submittal and must meet ordinance requirements of Article VI.A Outdoor Lighting.
7. Site be kept neat and orderly.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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OLD BUSINESS

CHARLES SCOTT AND CATHY F. BALSLEY - SPECIAL USE PERMIT

A request by Charles Scott and Cathy F. Balsley, for a Special Use Permit to construct a public accommodation facility and children's camp including cabins, active recreational facilities, and have special events on property owned by Walton C. and Ada M. Thompson, Trustees, located on the north side of Purple Cow Road (Route 619), approximately .1 of a mile east of the intersection of Purple Cow Road and Mountain Stream Lane in the Middle River District. - TABLED FROM THE MARCH 1, 2012 MEETING

Vice Chairman Byerly moved to bring the request forward.

Mr. Shreckhise seconded the motion, which carried unanimously.

Chairman Coyner stated this request is an excellent venture. He stated the Board and the citizens did have additional questions about some of the proposed events.

Mr. Scott Balsley stated that he would like to operate a children's camp from June thru August. He would also like to have four (4) weddings per year April thru May and possibly in September.

Chairman Coyner asked if the applicant would focus only on the children's camp June thru August?

Mr. Balsley stated yes. He stated he would also like to have six (6) corporate retreats a year. He mentioned he would like to have fall festivals approximately twenty-one (21) days in the middle of September thru October. He stated the fall festivals would be mostly on the weekends and on the Thursday and Friday before Halloween. He stated they will have these events in order to raise money for the camp. He stated he would also like to have a corn maze for school field trips in the fall.

Chairman Coyner asked how many weekends would the Halloween events be?

Mr. Balsley stated six (6) weekends total.

Mr. Wilkinson asked the applicant to describe the Halloween event.

Mr. Balsley stated the Halloween event will be family friendly and open to the public. He stated they recommend the children be ten (10) years old and up. He stated there will be a

walk through the cornfield and a scene setup in the woods. He mentioned they will also have a 3D maze. He stated the children at the camp will create some of the activities that they will have at the Halloween event.

Chairman Coyner asked how will they handle noise with the Halloween events?

Mr. Balsley stated they have always been well within the County Noise Ordinance requirement which is 70 decibels. He stated they will stop selling tickets at 11:00 p.m. and the event will end by midnight. He stated the event will take place on Friday and Saturday. He stated Thursday evening they will host a non-scare night for younger kids.

Vice Chairman Byerly asked about the gem mining activity at the site?

Mr. Balsley stated the kids will mine for gems. He stated that they will have school field trips for the children. He mentioned this will be educational in order for the children to see how things work.

Chairman Coyner asked how will the Christmas Village be done?

Mr. Balsley stated they will sell Christmas trees and have a Christmas Village walk through. He stated they will also sell ornaments, gingerbread houses, and wreaths. He mentioned all of the items will be made by the children during camp. He stated they may have classes on how to make these items and they will charge for the classes which would benefit the camp.

Chairman Coyner stated he feels the applicant wants this environment to be drug free. He asked if the applicant will have alcohol at the events?

Mr. Balsley stated they would only have wine at the weddings.

Chairman Coyner asked if the applicant would have staff present at all times?

Mr. Balsley stated yes. He mentioned they want the site to stay neat and clean.

Chairman Coyner asked what would happen first?

Mr. Balsley stated he would like to start in the fall of next year with the Halloween event in order to get the funding to start the camp.

Chairman Coyner asked about traffic and parking?

Mr. Balsley stated they have seventeen (17) acres that customers can park in. He stated they will have onsite security during events. He mentioned they have not had any incidents at the events.

Ms. Brown asked how would the applicant advertise?

Mr. Balsley stated they will build a website. He stated they will also go to the area hospitals in order to recruit children as well as other camps that do not have enough space for any new attendees.

Ms. Brown asked how many camps are there currently in the area?

Mr. Balsley stated there is a camp in Harrisonburg and Camp Holiday Trails in Charlottesville. He stated there is a bigger camp called Victory Junction in North Carolina. He mentioned they will be going to the camp as counselors this summer in order to get some experience with camps.

Ms. Brown asked if the employees will be hired locally?

Mr. Balsley stated yes. He mentioned they would have volunteers and paid staff. He stated they want to strive to be American Camp Association (ACA) accredited.

Ms. Brown asked what is required to be ACA?

Mr. Balsley stated there are very strict guidelines that they would have to abide by. He noted there is a document with about 150 pages of various stipulations.

Chairman Coyner stated that it sounds like this would be a top notch operation. He asked if the camp would be open the following year?

Mr. Balsley stated he hopes to start building the facility the following summer. He stated it may take three (3) years from now depending on their funding.

Chairman Coyner asked if there is a need for this type of service?

Mr. Balsley stated yes there is. He stated this will benefit a lot of kids.

Ms. Tilghman asked how many children are there at the camp in Charlottesville?

Mr. Balsley stated approximately sixty (60) children a week which would be similar to their operation. He stated there are two hundred (200) children at Victory Junction a week.

Ms. Brown asked how many days would the Halloween event last?

Mr. Balsley stated they would operate the last weekend in September thru the end of October totaling approximately twenty-one (21) days.

Chairman Coyner stated the children's camp is a good idea but the Board did not want to leave this request open ended.

Mr. Balsley stated this would be a family oriented type operation.

Ms. Brown asked if the other camps would come and help guide them through this process?

Mr. Balsley stated they will visit two (2) camps this year. He stated they can also have the camp counselors come and help them out through the process.

Ms. Tilghman asked what would the auctions consist of?

Mr. Balsley stated various people would donate different goods in order to raise money for the camp. He asked the Board if they can extend the time on stipulation #10 to possibly midnight instead of 10:00 p.m. He stated the time restriction may be an issue at the Halloween event. He stated there will be as much buffer around the neighbors as possible. He stated the Halloween event would be in the back of the property. He also mentioned that the children will be coming in on Sunday and leaving on Friday for the camp.

Chairman Coyner stated the public hearing has been closed but he asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Robert Simmons, 163 Mountain Stream Lane, Waynesboro, stated that he has no problem with any noise. He stated his property adjoins this property.

Chairman Coyner asked if he felt better about what they heard today?

Mr. Simmons stated yes. He would hope that trash would not be an issue. He wants the property to stay neat and clean.

Chairman Coyner asked how would he feel about the applicant's cutoff time being 11:00 p.m.?

Mr. Simmons stated he would not have a problem with 11:00 p.m. He stated they have had things in the neighborhood and it usually stops at 11:00 p.m.

Mr. Harold Henkel, 1872 Duke Road, Waynesboro, stated he supports the request and he feels this is a good idea.

Mr. Walton Thompson, 2012 Novum Road, Reva, stated he is the property owner. He stated that when these young people approached him he felt that this would be an asset to Augusta County. He mentioned his property was not even for sale. He stated he wanted to be sure that this will be operated correctly because he does not want to harm the neighbors.

Mr. Shreckhise felt that this would be a good thing. 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. A sewage treatment system approved by the Health Department be installed within twelve (12) months and prior to the opening of the children's camp area. Porta-johns may be used for special events and must be located so they are not visible from public roads.
2. Children's camp be limited to ten (10) full-time employees, volunteers, and fifty (50) children for a total capacity of one hundred (100) unless the Health Department approves a larger number on the septic system.
3. Groups renting the facility during the off season are limited to the same maximum occupancy as children and staff and at least one (1) regular staff member to be onsite.
4. Be permitted to have four (4) weddings per year with a maximum of two hundred (200) people.
5. Be permitted to have six (6) corporate retreats per year.
6. Fall festival including the Haunted Forest and Haunted Corn Maze and Gem Mine be permitted Thursday, Friday, and Saturdays, the last two weekends in September

thru October. Be permitted to be open three (3) weekdays during the week when Halloween falls on a weekday.

- 7. Christmas Village with retail sales be permitted on weekends from Thanksgiving thru December.
- 8. Be permitted two (2) auctions per year for fundraising. Auctions be a maximum of two (2) day events.
- 9. No alcohol onsite except for annual corporate sponsor dinner, for weddings, and corporate retreats.
- 10. No outdoor music, amplified sound, or noise above 70 decibels after 11:00 p.m.
- 11. No music festivals or bands except during a wedding.
- 12. No motocross, truck or tractor pull events.
- 13. Any new outdoor lights over 3,000 lumens require lighting plan submittal and must meet ordinance requirements.
- 14. Site be kept neat and orderly.
- 15. All facilities and outdoor storage be kept in the designated areas shown on the site plan.
- 16. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 17. Be given five (5) years to construct the children’s camp.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

11-4 Shinaberry, Daniel F. or Harlan Lee – Expiration

Mr. Wilkinson stated staff sent the applicant a letter stating that the pre-conditions have not been completed. He stated the attorney for Verizon stated that they will not build the cell

tower at this time. He mentioned they may not even build the tower for the next couple of years. He mentioned it is Verizon's decision to let the permit cancel.

Mr. Shreckhise moved that SUP#11-4 be cancelled.

Vice Chairman Byerly seconded the motion, which carried unanimously. He mentioned the citizens were looking forward to the tower coming to the Deerfield area.

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STAFF REPORT

11-30	Charles Quentin Craig
11-31	Darrell Lee and Michael Landram

Mr. Wilkinson stated that both permits have been inspected and are in compliance.

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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