

November 1, 2012

PRESENT: G. A. Coyner, II, Chairman
T. H. Byerly, Vice Chairman
D. A. Brown
S. F. Shreckhise
J. R. Wilkinson, Zoning Administrator & Secretary
Pat Morgan, County Attorney

ABSENT: J. D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 1, 2012, 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:

- **Karen S. and Kim R. Maugans - Special Use Permit**
- **James Edwin Summy - Special Use Permit**
- **Dean and Tamara Pitsenbarger - Special Use Permit**
- **Julian Q. Moffett - 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.

Chairman

Secretary

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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
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 1, 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 October 4, 2012, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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KAREN S. AND KIM R. MAUGANS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Karen S. and Kim R. Maugans, for a Special Use Permit to have a basket business and carpentry shop in the existing buildings on property they own, located at 254 Pine Bluff Road, Waynesboro, in the Middle River District.

Mr. Kim Maugans stated he would like to operate two (2) businesses from this location. He mentioned he would like to do small repair work and his wife would like to have a basket weaving business. He stated there would be no equipment at the site. He stated the materials are brought to the location and she teaches offsite.

Chairman Coyner asked if there would be customers coming to the site?

Mr. Maugans stated no.

Chairman Coyner asked if the materials would come to the site?

Mr. Maugans stated yes.

Chairman Coyner asked if there would be any employees?

Mr. Maugans stated no just the two (2) of them.

Chairman Coyner stated the property is very nice. He 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 the Board visited the site this morning and felt that this would be a low impact business.

Mr. Shreckhise agreed and also mentioned there are no immediate neighbors that would be affected by the request. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. No employees and no customers to the site.
2. Be limited to three (3) company vehicles and one (1) utility trailer for the business.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Ms. Brown seconded the motion, which carried unanimously.

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JAMES EDWIN SUMMY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by James Edwin Summy, for a Special Use Permit to have an agricultural hauling business on property owned by Edwin Summy, located at 52 Round Hill Drive, Stuarts Draft, in the Beverley Manor District.

Mr. James Summy stated he would like to park his equipment at 52 Round Hill Drive. He mentioned he has an agricultural hauling business. He stated he uses a truck and two (2) trailers for his business and he would like to park them at this site.

Chairman Coyner stated the Board visited the site this morning but did not drive around the property. He asked what type of trailer would these be?

Mr. Summy stated they would have closed in van trailers at the site.

Chairman Coyner asked if he would have any employees?

Mr. Summy stated no.

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.

Ms. Brown stated this is a low impact request and there will not be many vehicles coming in and out of the site. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to one (1) semi-tractor and two (2) trailers at the site.
2. No employees other than family members.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

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Ms. Tilghman seconded the motion, which carried unanimously.

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DEAN AND TAMARA PITSENBARGER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Dean and Tamara Pitsenbarger, for a Special Use Permit to have an agricultural hauling operation on property owned by James H. or Margaret Bowden, located at 350 Hotchkiss Road, Churchville, in the North River District.

Chairman Coyner stated the Board visited the site this morning.

Ms. Tamara Pitsenbarger stated they have lived there for over thirteen (13) years and they have operated the business for that long too but was not aware that they needed a Special Use Permit.

Chairman Coyner asked if they would continue to operate as they have been doing?

Ms. Pitsenbarger stated yes. She stated they haul cattle. She stated they leave in the morning and come back in the evening. She mentioned their cousin also helps with the business.

Vice Chairman Byerly asked if they have known of any accidents at the entrance?

Ms. Pitsenbarger stated they are very careful about pulling in and out and are very well aware of the surroundings.

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

Mr. Nick Collins, 850 Hotchkiss Road, Churchville, stated he has lived on this road all of his life. He stated the Pitsenbargers have been part of the agricultural community and they make hay and then transport along this road. He stated they have operated at this location for thirteen (13) years. He stated the entrance has $\frac{1}{4}$ of a mile sight distance but you can still see a vehicle coming out of the driveway. He stated he does support this request. He stated when driving a tractor it is up higher and elevated even more.

Mr. Rowland Hermanson, 365 Hotchkiss Road, Churchville, stated he lives on the property opposite the applicants. He mentioned if anyone has an objection to the request it would be ridiculous. He stated he is in support with what they are requesting.

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

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

Mr. Wilkinson stated they have received two letters in support from 386 Hotchkiss Road and 17 Ashby Lane.

Chairman Coyner stated the Board visited the site this morning. He mentioned the property is well kept and he feels there would not be a problem with the entrance.

Mr. Wilkinson stated the applicants will need to meet with VDOT to see if they can work out the issues with the entrance.

Vice Chairman Byerly stated this is a good location. 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. Be limited to two (2) semi-tractors, nine (9) trailers, and one (1) dually truck at the site.
2. No employees other than family members.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Shreckhise seconded the motion, which carried unanimously.

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WYATT SOURS, AGENT FOR DRIVEIN MOTORSPORTS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Wyatt Sours, agent for Drivein Motorsports, LLC, for a Special Use Permit to have truck and tractor pulls and an occasional carnival on property owned by Ronald L. or Pamela J. Karr, located at 4935 Little Calf Pasture Highway, Goshen, in the Pastures District.

Mr. Wyatt Sours stated there are not many things that citizens have going on in the western part of the County. He stated there has been truck and tractor pulls at the site several years ago. He mentioned this is a good operation and will provide revenue for the community.

Chairman Coyner asked how many events would the applicant have?

Mr. Sours stated six (6) or seven (7) depending on the weather. He stated the events would take place from the middle of April to October.

Ms. Brown asked if this is an organization working together to provide the truck and tractor pulls?

Mr. Sours stated yes. He stated they would like to give back to the community.

Ms. Brown asked if there will be someone directing traffic?

Mr. Sours stated yes. He stated they will also receive help from the Sheriff's Department and the Fire Department.

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

Town of Craigs ville Mayor Richard Fox stated there were tractor pulls on this site previously. He stated they gave money back to the community. He mentioned there were no problems with sight distance at the site and no problems with traffic. He stated normally they have four (4) lanes of traffic going into the site and it did not cause any problems. He stated in the western area there is not much going on. He mentioned that he is thankful that an organization such as this is willing to help people in the area.

Chairman Coyner 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 Coyner declared the public hearing closed.

Mr. Wilkinson stated they have received revised comments from VDOT stating the applicant will not need to provide an entrance permit. He stated the applicant agreed to do some brush trimmings.

Ms. Tilghman stated several years ago they did have truck and tractor pulls at this site without any problems. She stated this is a good thing for the community and she has no problems with the request. She moved that the request be approved with the following conditions:

Pre-Condition:

None

Operating Conditions:

1. Be limited to eight (8) events per year.
2. No pulling, outdoor music, amplified sound, or noise above 70 decibels after 11:00 p.m.
3. No Sunday events.
4. Anytime tractor pull events are occurring, the Craigsville/Augusta Springs Rescue Squad or Craigsville Volunteer Fire Department will be onsite (unless called out on an emergency).
5. Portable toilets approved by the Health Department must be onsite during all events.
6. Site be kept neat and orderly.
7. No junk or inoperable vehicles to be kept outside.

Ms. Brown seconded the motion, which carried unanimously.

Vice Chairman Byerly applauded the efforts of the applicant.

Chairman Coyner stated it is good to see the property being used again.

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JULIAN Q. MOFFETT - SPECIAL USE PERMIT

A request by Julian Q. Moffett, for a Special Use Permit to have outdoor storage of construction materials and a dirt sifting operation on property owned by Ellen L. Moffett, located on the north side of Fair Oaks Drive, just north of the intersection of Fair Oaks Drive and Hickory Nut Lane in the Wayne District.-TABLED FROM THE OCTOBER 4, 2012 MEETING

Ms. Tilghman moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Coyner stated the Board held the public hearing last month.

Mr. Wilkinson stated the applicant has met with VDOT regarding the request.

Mr. Julian Moffett stated he is the Chief Executive Officer of Moffett Paving and Excavating. He stated he did meet with Matt Shiley from VDOT onsite and Mr. Shiley did provide revised comments in which he is in agreement with. He stated they have no problems meeting the requirements of VDOT. He mentioned he has agreed to repair a couple of places on Idlewood Boulevard. He mentioned that he was also asked to limit the trucks to sixty (60) per week which is fine with him. He stated if they cause construction damage to the road then they will repair it.

Chairman Coyner stated the sifter should be moved on down over the bank.

Mr. Moffett stated when they started operating this there were no neighbors. He stated they would like to fill the ravine in as much as they can. He stated they could move it 300' from the property line. He stated there is no zoning permit required to fill in the ravine. He stated a permit is required for them to store dirt and move it out. He stated they can do two (2) to three (3) truck loads in an hour. He stated the sifting is only used where we need to get quality topsoil for planting, etc.

Chairman Coyner stated the new dirt should be in the area where the sifter is.

Mr. Moffett stated they have an erosion permit for the current site. He stated they would need to get another permit for the location to the north.

Chairman Coyner stated the applicant will need to do some upkeep to the road so that it does not generate dust. He stated last month the Board saw pictures of dust around the homes. He stated there is shale and rock on the road currently.

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Mr. Moffett stated the pictures that were provided last month were taken years ago.

Chairman Coyner asked if the applicant keeps a log of the number of trucks going in and out?

Mr. Moffett stated they do not but they can keep a log.

Chairman Coyner stated if the applicant has a requirement of not exceeding sixty (60) trips per week it might be good to keep a log.

Mr. Moffett stated they could do that. He stated they have daily worksheets.

Chairman Coyner stated the Board saw stakes on the property this morning. He asked if the sifter could be moved further down about 400' to 450' so the neighbors cannot see it?

Mr. Moffett stated he would be glad to do that. He felt it would be out of site.

Ms. Brown asked how many loads did the applicant do last year?

Mr. Moffett stated they did not do more than fifty (50) loads this year so far but other years they did a lot more. He stated the stockpile has been there for over thirty (30) years. He stated they do not advertise topsoil for sale. He stated the unsuitable material is fill that they cannot use for parking lots. He mentioned the shale, red clay, or sandy material is suitable material.

Ms. Brown asked how many loads are sifted per year?

Mr. Moffett stated between fifteen (15) and twenty (20).

Ms. Brown asked how loud is the sifter when the dirt is in it?

Mr. Moffett stated it is quiet when the dirt is going into the machine. He stated the machine was bought in the 1980s. He stated it only takes about twenty (20) minutes to sift one (1) truckload.

Ms. Brown asked about the dust when sifting dirt?

Mr. Moffett stated there is certainly some dust.

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Ms. Brown asked about the dirt coming off of the trucks when it is being hauled in?

Mr. Moffett stated the loads are covered with a tarp. He stated with the shale on the road and the stockpile of millings that they will continue to add to the road it will ensure a minimal amount of dust.

Ms. Brown asked that no dust be along the road.

Mr. Moffett stated he does not want to say no dust but it would be minimal. He mentioned there is far less dust on these roads than there would be on a gravel road in the County.

Chairman Coyner stated the area near the gate needs a lot of help while you are working on the road.

Ms. Tilghman stated Fair Oaks Drive is 8" but it is not the same base as Idlewood Boulevard which is 10". She asked if that is sufficient for the trucks?

Mr. Moffett stated he has spoken with VDOT. He stated they did not distinguish between the three (3) roads. He stated all of the roads were built at different times. He stated every couple of years the specifications are built up. He stated Matt Shiley was satisfied with the way the road has held up with traffic use from not only their trucks but from trash trucks and propane trucks. He stated Idlewood has a 10" surface treatment base and Fair Oaks has an 8" base with 2" asphalt.

Mr. Shreckhise asked if the two ravines will be filled in?

Mr. Moffett stated the ravine to the south is filled in as much as they can. He stated they will need to topsoil it and seed it.

Mr. Shreckhise stated the operation should be moved as far away from the townhouses as possible.

Mr. Moffett stated that is what they would do. He stated they would move the sifter down there and the fill dirt. He stated they will need to get an erosion permit and bond the site before they can move any dirt to the new location. He stated they would not put any new material 300' from the property line. He stated the sifter may not even stay on the property. He stated they have taken the sifter to Village Green at the Lake and the Frontier Culture Museum in the past. He stated the sifter does not stay at the site 100% of the time.

Ms. Brown asked if Fair Oaks has 8" of asphalt or mix?

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Mr. Moffett stated 8" of stone and 2" of asphalt according to VDOT.

Ms. Brown stated this is not the same as the entrance coming in.

Vice Chairman Byerly asked if the hours of 9:00 a.m. to 3:00 p.m. Monday thru Friday was sufficient?

Mr. Moffett stated they would like to operate from 8:00 a.m. to 5:00 p.m. He stated being limited to 3:00 p.m. would not be normal contractor hours. He stated they will be using five (5) acres of the property.

Chairman Coyner stated this looks like it would be a workable situation.

Mr. Wilkinson stated VDOT's comments stated previously that all roads to Route 250 needed to be repaired. He stated after the applicant worked out the issues with VDOT and in the future if there is damage to the road that was caused by the applicant they will be required to repair it. He stated VDOT asked that the applicant be limited to sixty (60) trips per week. He stated the applicant should keep a log if a question were to arise on the number of trips at the site. He stated the applicant will get a land use permit from VDOT.

Ms. Brown asked if the applicant should water the access road?

Mr. Wilkinson stated if the shale and millings are added that would take the place of watering the road. He stated it would no longer be a gravel road.

Mr. Shreckhise stated the gravel and milling material should be used but it should be properly maintained so there is not a dust problem. He stated all future storage of fill should be approximately 450' from the property line and the roads should be maintained so there are no dust problems. He stated it would be down in the hollow and out of site.

Chairman Coyner felt that the rock and milling material would suffice.

Mr. Shreckhise stated hours of operation from 9:00 a.m. to 3:00 p.m. would be impossible for a contracting business. He stated the applicant would prefer operating from 8:00 a.m. to 5:00 p.m.

Ms. Brown stated she is agreeable with the hours being 8:00 a.m. to 5:00 p.m.

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Chairman Coyner stated their drivers are used to operating the vehicles in congested areas.

Ms. Tilghman asked what other materials is the Board authorizing?

Mr. Wilkinson stated other items such as culvert pipe or the Board may want to only have storage of dirt, topsoil, and rock.

Mr. Moffett stated he would only like to store soil, rock, concrete, and asphalt products. He mentioned that it was suggested to him that he may want to store other products but he would not have a need for that. He marked off 300' at the site. He stated 300' takes them to the beginning of the bowl but it would eliminate the natural lay of the land. He requested that the Board allow him to move the storage area 350' from the property line. He mentioned 450' would take them out of the land that is naturally there.

Mr. Shreckhise said they have equipment to flatten that up. He stated he could change it to 350' from the property line to satisfy everyone.

Vice Chairman Byerly suggested that the wording in the conditions be changed to include minimizing the dust.

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

Pre-Conditions:

1. Applicant submit a revised BZA site plan to the Zoning Administrator.
2. Obtain VDOT land use permit and provide a copy to Community Development.

Operating Conditions:

1. The materials storage area and dirt sifter and all future topsoil and dirt storage and sifting areas be moved 350' from the property line and be located in the 5 acre area located in the northern area of the property shown on the BZA site plan.
2. The access road leading from Fairoaks Drive to the new dirt storage and dirt sifting area be surfaced with gravel and milling material and be properly maintained so the dust problems will be minimized.
3. Only dirt, topsoil, concrete, asphalt millings, and rock to be stored on this site.
4. No excavation onsite.

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- 5. Be limited to a maximum of sixty (60) trips per week.
- 6. Hours of operation be Monday – Friday 8:00 a.m. to 5:00 p.m.
- 7. No Saturday or Sunday operation.
- 8. All outdoor storage be kept in the designated areas shown on the site plan.
- 9. Site be kept neat and orderly.
- 10. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 11. Community Development to inspect the site within one (1) year and report to the Board.

Ms. Brown seconded the motion, which carried with a 4-1 vote with Ms. Tilghman being in opposition to the motion.

Ms. Tilghman stated she feels that this is no longer the place to operate this type of operation. She stated this is too close to development. She stated there are too many homes there now. She stated she is not really worried about the roads but about the dust. She stated this is not the same area as it was years ago when they first started operating.

Mr. Shreckhise stated the applicant has been filling in dirt long before the apartments and townhouses were ever put there.

Ms. Brown hopes that the applicant will be a good neighbor.

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STAFF REPORT

- 11-51 Perry D. and Emily L. Hostetler
- 12-1 Casey Armstrong Hicklin
- 12-2 Abner N. Johnson, IV and Gray D. or Lois I. Brooks

Mr. Wilkinson stated the applicant is requesting an Extension of Time for SUP#11-51. He stated they will start the project next spring. He stated SUP#12-1 and SUP#12-2 are both 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