

PRESENT: G. A. Coyner, II, Chairman  
T. H. Byerly, Vice Chairman  
D. A. Brown  
J. R. Wilkinson, Zoning Administrator & Secretary

ABSENT: S. F. Shreckhise  
J. D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 3, 2013, 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:

- **GRATTON PAYNE "G.P." FISHER, III - SPECIAL USE PERMIT**
- **ANDY ZIPSER, AGENT FOR MACK PACK, INC. - SPECIAL USE PERMIT**
- **CHARLES AND CONNIE DINKLE - VARIANCE**

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

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

ABSENT: J. D. Tilghman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 3, 2013, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**ELECTION OF OFFICERS**

Ms. Brown nominated Mr. Byerly as Chairman and Mr. Shreckhise as Vice Chairman, and John R. Wilkinson as Secretary.

Mr. Shreckhise seconded the motion, which carried unanimously.

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**MINUTES**

Mr. Coyner moved that the minutes from the December 6, 2012, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**CONSIDERATION OF 2013 RESOLUTION**

Mr. Coyner moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2013 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

Ms. Brown seconded the motion, which carried unanimously.

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**GRATTON PAYNE “G.P.” FISHER, III - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Gratton Payne “G.P.” Fisher, III, for a Special Use Permit to continue the existing trucking business and expand the number of vehicles and parking area on property he owns, located at 1160 Lee Jackson Highway, Staunton, in the Riverheads District.

Mr. Gratton Fisher stated that his brother started this business in 1985. He stated he took over the business in December of 1996 when his brother passed away. He mentioned in January of 1997 the Service Authority came to him for a right of way. He mentioned they told him if he gave them the right of way they would take care of the permit for him. He stated somehow something fell through the cracks. He stated when he tried to refinance the property, his banker told him he needed the Special Use Permit first. He stated they have nine (9) trucks and eighteen (18) trailers.

Mr. Coyner stated the Board visited the site this morning and everything seemed to be in order.

Mr. Fisher stated he tries to keep the site looking presentable.

Chairman Byerly stated this is one of the best kept trucking sites in the area. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Mildred Cooper, 1077 Lee Jackson Highway, Staunton, stated she owns property on Route 11 across from this site. She stated she is not in support or in opposition. She mentioned that she has not had any problems with the trucking company but she is concerned about the traffic and speed limit in the area. She stated her daughter was involved in a serious accident several years ago. She noted that she did ask VDOT to drop the speed limit in the area to 45 mph.

Mr. Fisher stated he is in support of what Ms. Cooper is suggesting.

Chairman Byerly asked if there was anyone else wishing to speak regarding this request? There being none, Chairman Byerly declared the public hearing closed.

Vice Chairman Shreckhise stated this is a continuation of what the applicant has already been doing at the site. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be limited to a maximum of nine (9) semi-tractors and eighteen (18) semi-trailers on this site at any one time.
2. Be no more than ten (10) shipments per day from this site.
3. No loads can be moved during church services.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.
6. If any expansion of building or use is requested or required, the business must be moved to a Business or Industrial zoned district.

Ms. Brown seconded the motion, which carried unanimously.

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**ANDY ZIPSER, AGENT FOR MACK PACK, INC. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Andy Zipser, agent for Mack Pack, Inc., for a Special Use Permit to continue the existing Walnut Hills Campground as a short-term campground and recreational vehicle park, and an extended stay campground and recreational vehicle park on property owned by Steven B. Albrecht, located at 484 Walnut Hills Road, Staunton, in the Riverheads District.

Mr. Andy Zipser stated he is the President of Mack Pack. He stated they are buying the campground and would like to have the Special Use Permit in their name.

Mr. Coyner asked if the applicant planned on operating as in the past?

Mr. Zipser stated yes.

Mr. Coyner asked if he has had any experience with campgrounds?

Mr. Zipser stated no. He stated the campground became a KOA three (3) years ago. He stated that he will attend training on how to operate the campground.

Mr. Coyner asked if the applicant will live onsite?

Mr. Zipser stated yes. He stated he is renting in Palmyra now but he will move to the site once the purchase is completed.

Ms. Brown stated the campground is beautiful. She stated they visited the site this morning.

Chairman Byerly stated many people have mentioned that they love to come to this area to camp.

Mr. Coyner asked if the applicant will have folks living onsite year round?

Mr. Zipser stated he will continue to do that. He stated it may be worthwhile for them to continue to do that since he will be there year round but they will see.

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

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

Mr. Coyner stated this is a positive thing for Augusta County. He mentioned he does not know of any problems that have occurred at the site. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. The facility will comply with all conditions required in Section 25-74N and Section 25-74Q.
2. All new campsites, structures, or expansions must meet the perimeter setback requirement.
3. If any new campsites are added the applicant must provide a second access for emergency vehicles.
4. Site be kept neat and orderly.
5. No junk or inoperable vehicles, recreational vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. No outdoor music after 11:30 p.m.

Ms. Brown seconded the motion, which carried unanimously.

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**CHARLES AND CONNIE DINKLE - VARIANCE**

This being the date and time advertised to consider a request by Charles and Connie Dinkle, for a Variance from the side yard setback requirements in order to create a new lot for an existing dwelling on property owned by Andrew L. Wonderley, located at 201 Fountain Cave Road, Grottoes, in the Middle River District.

Ms. Connie Dinkle stated her father is in the last stages of Alzheimer's and her mother is deaf in one ear and is starting to get deaf in the other ear. She stated she did not realize that she needed to be a total of fifty (50') feet between both the barn and home. She mentioned when she got the permits she did not think to ask questions about what she wanted to do in the future as far as a driveway and creating a new lot.

Vice Chairman Shreckhise stated that it is hard for the Board to grant these types of variances because of the laws. He stated the applicant does have some options such as including the barn on the new lot.

Mr. Coyner stated the applicant could also take off ten (10') foot from the barn.

Ms. Dinkle stated that would cost quite a bit of money to do.

Mr. Morgan stated the reasons for granting the Variance would be that there needs to be an exceptional narrowness, shallowness, small size, or irregular shape to the property, or that there is exceptional topographic conditions that exist on the property so that it would be impossible to even use the lot.

Ms. Dinkle stated she understands but wanted to try to explore the granting of the Variance first before any other options.

Chairman Byerly stated the Board does sympathize with the applicant but this Board does not have the legal right to approve this request. He stated the applicant does have an option of including the barn with the new lot.

Ms. Dinkle stated they did not want to do that if they did not have to.

Mr. Wilkinson stated when the building permit was applied for the applicant was meeting the setbacks with the new structure but at that point they did not have to consider buildings because there were no issues due to the fact that they were all on the same lot. He stated another option would be to move the manufactured home.

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

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

Mr. Coyner stated he does not see how this Board can approve this Variance. He moved that the 8.9 foot Variance to create a new lot be denied because the applicant has failed to establish that there is exceptional narrowness, shallowness, small size, or irregular shape to the property, or that exceptional topographic conditions exist on the property so that strict application of the Zoning Ordinance would prohibit or unreasonably restrict the use of the property.

Ms. Brown seconded the motion, which carried unanimously.

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**BOARD OF ZONING APPEALS ANNUAL REPORT 2012**

Mr. Wilkinson presented the Board of Zoning Appeals Annual Report for the year 2012.

Mr. Coyner moved that the report be approved.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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**STAFF REPORT**

12-8	SHD, LLC
12-9	Coffman, Stephen Lee, Jr. or Ashley Myers
12-10	Thompson, Walton C. and Ada M., Trustees

Mr. Wilkinson stated SUP#12-8 is in compliance. He stated the site plan has been approved for SUP#12-9. He stated staff will monitor the site. He mentioned that the applicant is almost finished with the site plan for SUP#12-10.

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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

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Secretary