

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 4, 2013, at 8:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:30 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:

- **JOE WHITE, AGENT FOR CHARLES D. CROUSE AND GEMSTONE, LLC - SPECIAL USE PERMIT**
- **JERRY F. OR MICHELLE D. POMPHREY - SPECIAL USE PERMIT**
- **SPENCER A., JR. OR FRANCES C. BROOME - SPECIAL USE PERMIT**
- **IVAN M. OR LUELLE W. NOLT - SPECIAL USE PERMIT**
- **LARRY E. OR CAROLYN W. PIRKEY - 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

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 Secretary

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G. A. Coyner, II  
D. A. Brown  
J. D. Tilghman  
Pat Morgan, County Attorney  
J. R. Wilkinson, Zoning Administrator & Secretary  
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, April 4, 2013, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Mr. Coyner moved that the minutes from the March 7, 2013, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**DWIGHT D. OR MARY F. WOOD - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Dwight D. or Mary F. Wood, for a Special Use Permit to construct an addition to an existing pavilion in conjunction with their special events permit on property they own, located at 709 North Mountain Road, Swoope, in the Pastures District.

Mr. Dwight Wood apologized for revisiting the Board. He noted at the meeting in February he fell short of saying what he wanted to do in conjunction with his Special Use Permit for the events. He stated he would like to construct a 30' x 36' addition to two (2) sides of the existing pavilion. He stated most of the events at the ranch will be outside and the sheltered pavilion will be great when mother nature does not cooperate.

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.

Vice Chairman Shreckhise stated the Board visited the site in February.

Chairman Byerly stated this is a delightful farm.

Vice Chairman Shreckhise moved that the request be approved with the follow conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to construct a 30' x 36' addition to two (2) sides of the pavilion as shown on the site sketch.
2. Applicant obtain proper building permits.

Ms. Brown seconded the motion, which carried unanimously.

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**JEREMY B. OR TERESA L. QUICK - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Jeremy B. or Teresa L. Quick, for a Special Use Permit to have an apartment for the business owner on property they own, located at 95 Main Street, Greenville, in the Riverheads District.

Ms. Teresa Quick stated she purchased the property thirteen (13) years ago and lived in the adjacent property. She stated when she turned the property into a gift shop, she ended up moving to the site and she did not know she needed a Special Use Permit. She mentioned that she would like to have a floral wedding consulting business by appointment only at the site and would like to continue living at the site.

Ms. Brown asked if the business is downstairs?

Ms. Quick stated yes. She stated the business is contained in one (1) room and the entrance is at the front door.

Ms. Brown asked if she is the only employee?

Ms. Quick stated yes.

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.

Vice Chairman Shreckhise questioned the operating condition regarding the business owner living onsite or could she rent it to someone else.

Mr. Wilkinson stated the Board can modify that condition to read business owner or operator.

Mr. Coyner stated it is good to see activity in the downtown Greenville area. He noted there has been no problems or complaints filed at the site. He moved that the request be approved with the following condition:

**Pre-Conditions:**

None

**Operating Condition:**

1. The apartment be for the business owner or operator.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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**ANTHONY AND DONNA BALSER, AGENTS FOR BOGGS STEELE INVESTMENT, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Anthony and Donna Balser, agents for Boggs Steele Investment, LLC., for a Special Use Permit to replace a nonconforming manufactured home within a manufactured home park with a larger unit not meeting current setback requirements on property it owns, located at 6 February Drive, Waynesboro, in the Beverley Manor District.

Ms. Donna Balsler stated they have lived in the existing home for nineteen (19) years and the home is over forty (40) years old and it is at the end of its life. She stated they tried to do all that they can to fix it. She would love to put in a new home there.

Ms. Brown asked how many feet longer is the home going to be?

Mr. Wilkinson stated eleven (11') feet.

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.

Ms. Tilghman stated this is a reasonable request. She stated there are many homes in the park that do not conform to today's ordinances. She stated this upgrade will be nice. She moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Replacement home be no closer to the rear property line than the adjacent home to the west as shown on the BZA sketch plan.
2. Applicant obtain proper placement permits from Building Inspection Department.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Byerly stated the park is well managed and this is a good request.

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**OLD BUSINESS**

**JOE WHITE, AGENT FOR CHARLES D. CROUSE AND GEMSTONE, LLC - SPECIAL USE PERMIT**

A request by Joe White, agent for Charles D. Crouse and Gemstone, LLC, for a Special Use Permit to have a bridge refinishing and painting company with outdoor storage of

vehicles and equipment, and to construct a vehicle service building for company use on property owned by Thelma I. Uplinger, located in the western quadrant of the intersection of Crattan Hill Road (Route 696) and Wise Hill Lane in the North River District. - TABLED FROM THE AUGUST 2, 2012 MEETING & THE DECEMBER 6, 2012 MEETING

Mr. Coyner moved to bring the request forward.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

Mr. Charles Crouse stated that he has reasonably gotten the property cleaned up.

Mr. Coyner stated there are a few more things that need to be cleaned up. He stated the Board visited the site this morning. He asked if the applicant is planning on continuing the cleanup?

Mr. Crouse stated he does plan to remove anything that he does not need.

Ms. Brown asked if the eighteen-wheeler backend will be removed?

Mr. Crouse stated he is working on that and it will be completed very shortly and will be installed under a vehicle.

Ms. Brown stated there are many tires at the site.

Mr. Crouse stated they are planning on getting the tires out of site. He stated they use them for maintaining trailers.

Mr. Coyner asked if the van that is full of miscellaneous things will be removed?

Mr. Crouse stated those items will be removed.

Mr. Wilkinson asked if the request is approved would a lot of the items be in the building?

Mr. Crouse stated yes. He stated they do not have a place at the moment to do anything else with them.

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 the cleanup was a big job. He stated the applicant has done a good effort of cleaning up the property. He stated the applicant should understand the plans and finish the cleanup that the Board has asked for. He moved that the request be approved with staff's recommended conditions.

Vice Chairman Shreckhise stated there is still a lot of stuff that needs to be cleaned up. He stated that he is more in favor of tabling the request. He mentioned that he does not like the idea of granting the permit when items are still at the site.

Mr. Coyner withdrew his motion.

Vice Chairman Shreckhise stated the applicant has done a good job with the cleanup but there are still a lot of things that need to be removed. He stated he would still like to see more items removed before granting the request to construct a building. He stated this is not the place to leave all of the tires. He asked if the applicant can get it all cleaned in a month or two?

Mr. Crouse stated he would like to have more time to cleanup the site.

Vice Chairman Shreckhise stated the things that are not necessary for operating the business need to be removed including the old tires.

Chairman Byerly asked if the lift is inoperable?

Mr. Crouse stated he will need to get that back up and running soon.

Chairman Byerly asked if ninety (90) days would be ample time to complete the cleanup?

Mr. Crouse stated yes.

Vice Chairman Shreckhise moved that the request be tabled until the July 3, 2013 meeting.

Ms. Brown seconded the motion, which carried unanimously.

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### **JERRY F. OR MICHELLE D. POMPHREY - SPECIAL USE PERMIT**

A request by Jerry F. or Michelle D. Pomphrey, for a Special Use Permit to have a lawn mowing and landscaping business on property they own, located at 1241 Quicks Mill Road, Staunton in the North River District. - TABLED FROM THE MARCH 7, 2013 MEETING

Mr. Coyner moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Ms. Michelle Pomphrey stated they are asking permission to park their landscape trucks and trailers at the site. She stated there are no customers coming to the site. She noted they met with VDOT regarding their driveway. She stated they talked with the Health Department and there will be no water or septic in the storage barn for the equipment. She stated they have red flags where the evergreen trees will be going. She stated it will be in line with all of the other agricultural barns in the area. She mentioned they would also like to park their camper and antique car in the storage barn to keep the neighborhood looking nice.

Mr. Coyner stated the property is very well kept and the Board's intention would be that it be kept that way. He stated the Board visited the site this morning.

Ms. Pomphrey stated they have their personal wood stored at the site but that has nothing to do with the business.

Ms. Tilghman asked about the entrance to the property?

Ms. Pomphrey stated there is a dip in the road and VDOT's recommendation would be to shave down the bank and to cut down the locust tree. She stated they have met with VDOT and are willing to meet all of their recommendations.

Ms. Tilghman asked if they owned the land?

Ms. Pomphrey stated they own all of the property outlined in red.

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

Mr. Wilkinson read a letter from Danny Groah who works for Key Real Estate in regards to Mildred Hendricks' property (a copy of the letter is in the Special Use Permit file).

Ms. Mildred Hendricks, 1289 Quicks Mill Road, Staunton, stated she has lived there for 48 years and the property in the area is zoned agriculture and residential and has never been zoned business. She questioned why a business would be at the site. She stated her husband could never operate a business from the property.



Mr. Wilkinson stated all of the area is zoned General Agriculture. He stated dwellings, farming operations, agricultural animals, and farm related businesses are all permitted under the Augusta County Zoning Ordinance. He mentioned also under the ordinance Home Occupation Permits as long as there is no outside storage and only one (1) commercial vehicle are also permitted. He stated a Special Use Permit is a special exception to operate a business in an agricultural zoned area and that is approved through a public hearing. He stated if the Board of Zoning Appeals deems the request to be compatible with the area then they have the power to grant the request.

Ms. Hendricks stated that she is concerned about the sale of her house.

Chairman Byerly stated the realtor, in his letter, gave no reason why it would be detrimental to the value and why this request would impact the area negatively.

Ms. Hendricks stated she sees all businesses on each side.

Chairman Byerly asked if there was anyone else wishing to speak regarding this request?

Mr. Jerry Hendricks, 1305 Quicks Mill Road, Staunton, stated the land will eventually become his and then he will have businesses on both sides of his property. He wants to keep the area agricultural looking.

Chairman Byerly asked the applicant to speak in rebuttal?

Ms. Pomphrey stated they have lived in the area for twenty-one (21) years. She stated when they first applied Jerry Hendricks spoke on their behalf and he is a customer of theirs. She stated they have always tried to maintain the property and the neighborhood. She stated they will construct a building that looks like a barn and it will be in keeping with the agricultural area. She stated driving along the road it will not look like there is a business there. She stated they will not have any signs or electricity in the building. She stated there will be no customers coming to the site.

Vice Chairman Shreckhise stated the vehicles at the current site will be removed and stored in the proposed barn. He asked if everything will be inside?

Ms. Pomphrey stated yes.

Mr. Jerry Pomphrey stated they have been in business since 2000. He stated this is good for the Augusta County community and they have not had any complaints.

Chairman Byerly declared the public hearing closed.

Mr. Coyner stated the applicant is not asking to expand their business but to keep the vehicles and equipment in the building. He stated this will not be a detriment to the area.

Ms. Tilghman stated there will be no signage at the site. She stated everything will be in the building, therefore, no one will know that there is a business at the site. She asked if there would be anything stored out front?

Ms. Pomphrey stated no. She stated the driveway will be behind the barn. She stated there will be a lean to in the back of the barn to keep mulch and salt. She stated no customers will come to the site.

Mr. Wilkinson asked how soon do you plan on constructing the building?

Ms. Pomphrey stated they hope to have the barn underway before the end of summer. She stated the trees will be up in sixty (60) days.

Ms. Brown stated the applicant will not have a sign. She stated the mulch will be in the back of the barn.

Vice Chairman Shreckhise stated there is a difference between having a nice barn and a well kept and orderly business and a place where equipment is stored everywhere. He stated the site looks neat and orderly. He stated this is a well kept business and it is better than a lot of other things that could be at the site.

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

**Pre-Conditions:**

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

**Operating Conditions:**

1. Be permitted to construct a 60' x 120' building.
2. All equipment, machinery, and materials for the business be kept inside the storage area shown on the site plan and once the building is completed all items be kept inside the building.

3. The storage area be screened by a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center to be installed within **sixty (60) days**, and must be maintained at all times until the building is completed.
4. Hours of operation be 7:00 a.m. to 7:00 p.m.
5. No Sunday work.
6. No customers to the site.
7. Site be kept neat and orderly.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
9. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
10. No refuse from the business to be brought to this property or burned on this site.

Mr. Coyner seconded the motion, which carried unanimously.

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### **SPENCER A., JR. OR FRANCES C. BROOME - SPECIAL USE PERMIT**

A request by Spencer A., Jr. or Frances C. Broome, for a Special Use Permit to have a lawn care and landscaping business on property they own, located at 1526 Mt. Torrey Road, Lyndhurst in the South River District. - TABLED FROM THE MARCH 7, 2013 MEETING

Mr. Coyner moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Spencer Broome stated he and his son would like to operate a lawn care and landscaping business.

Mr. Coyner stated the Board visited the site this morning. He stated this business will not be visible to anyone from the road. He stated the site is neat and orderly.

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 request was tabled due to the snow and that the Board could not visit the site last month. He stated they visited the site today and the site looked very good. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to have a 15' x 50' storage area as designated on the site plan.
2. Be limited to three (3) company vehicles, two (2) utility trailers , one (1) pile of rock, and one (1) pile of mulch, and all be kept in the designated areas shown on the site plan.
3. Be permitted to construct a carport over the utility trailers.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.
6. Hours of operation be Monday – Saturday 8:00 a.m. to 8:00 p.m.
7. No Sunday work.
8. No employees other than family members.
9. Applicant must reside on premises.
10. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
11. If any future expansion of building or use is requested or required, the business must be moved to a Business zoned district.

12. No refuse from the business to be brought to this site.

Ms. Tilghman seconded the motion, which carried unanimously.

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### **IVAN M. OR LUELLE W. NOLT - SPECIAL USE PERMIT**

A request by Ivan M. or Luella W. Nolt, for a Special Use Permit to have a general excavation business on property they own, located at 83 Lookout Mountain Lane, Mount Solon in the North River District. - TABLED FROM THE MARCH 7, 2013 MEETING

Ms. Tilghman moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Ivan Nolt stated the request was tabled due to the snow. He mentioned he is looking for permission to operate an excavation business.

Mr. Coyner stated the Board visited the site this morning. He asked how long is the road?

Mr. Nolt stated it is a private road and is a mile long.

Chairman Byerly asked how many residents live in the area?

Mr. Nolt stated eight (8) full-time residents but there are several hunting cabins. He stated in 1973 the first home was built. He stated he is prepared to move the mailboxes back per VDOT.

Chairman Byerly asked what are the sizes of the lots in the subdivision?

Mr. Nolt stated they vary from twenty (20) acres to five (5) acres and his is ten (10) acres. He stated he would like to have a perfect level parking area and use the fill for other jobs. He mentioned his area will be 80' x 100'. He stated he does not have a shale pit. He stated he is making his parking lot and hauling the shale away.

Mr. Coyner asked about his equipment?

Mr. Nolt stated typically he has four (4) pieces of equipment and two (2) trailers, pickup truck, and a dump trailer. He stated sometimes he does bring the equipment to the site but

it is very unusual. He stated he has been working on a big project in Dayton since December. He stated he took some trees down and he will burn them.

Vice Chairman Shreckhise asked how much more machinery is the applicant planning on buying in the future?

Mr. Nolt stated he is looking at a roller.

Vice Chairman Shreckhise stated this is definitely not the site for any expansion.

Mr. Nolt stated he does not plan to grow to that proportion. He stated he may also get a packer to do a lot of projects. He does not know where he will be in five (5) years.

Vice Chairman Shreckhise stated if the applicant grows any bigger he may not be able to operate at the site.

Mr. Nolt stated this site is pretty central for the areas that he works in.

Vice Chairman Shreckhise suggested using a berm to build up the area next to the road in order to plant the pine trees.

Mr. Wilkinson stated the trees will need to be maintained in order to be in compliance with the conditions.

Mr. Nolt stated he spoke with a landscaper and he said the trees should do well with the shale. He hoped that he would be right because he would only want to plant the trees one time. He stated the trees should do well with the instructions the landscaper gave him.

Vice Chairman Shreckhise stated if the trees are the same size or worse then the applicant is going to plant more trees if it is not screened properly. He stated the Board wants to see that the trees are growing.

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

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

Ms. Tilghman stated the purpose of a Special Use Permit is to give small businesses a chance to get started without rent or purchase of a more costly business property. She understands that the applicant would like to add one (1) or two (2) more pieces of equipment but there will need to be a maximum number of equipment allowed.

Mr. Wilkinson stated the Board can limit the number of pieces and business vehicles stored at the site.

Mr. Coyner asked how many pieces of equipment does the applicant currently have?

Mr. Nolt stated four (4) pieces of equipment.

Mr. Coyner stated the Board can limit the number of pieces of equipment stored at the site to ten (10) and if the business grows extremely well and the applicant needs to store more equipment at the site then he would need to move to another location.

Mr. Nolt stated he does not plan to stay at this site forever. He will be very satisfied with that. He asked how big is he allowed to make his parking lot?

Mr. Wilkinson stated Dustin Staton, in our office, is aware of the land disturbance at the site. He stated if the site gets to 10,000 square feet then erosion and sediment control plans are needed.

Vice Chairman Shreckhise wanted to make the applicant aware that if a berm is not constructed before planting the trees the applicant may need to replant the trees if they are not kept alive. He stated the Board wants to see properly maintained trees and if it looks bad then the County will not accept it.

Mr. Wilkinson stated the trees will need to be a minimum of six (6') feet tall when planted.

Ms. Tilghman 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 permitted one 80' x 100' storage area to be screened by a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center, they must be installed within sixty (60) days, and must be maintained at all times.
2. Be limited to ten (10) business vehicles or pieces of equipment onsite.
3. All equipment, machinery, and materials for the business be kept inside the storage area.

4. Site be kept neat and orderly.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Hours of operation be Monday – Saturday 8:00 a.m. to 8:00 p.m.
7. No Sunday work.
8. No more than one (1) employee to come to the site.
9. Applicant must reside on premises.

Mr. Coyner seconded the motion, which carried unanimously.

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**LARRY E. OR CAROLYN W. PIRKEY - SPECIAL USE PERMIT**

A request by Larry E. or Carolyn W. Pirkey, for a Special Use Permit to have a wrecker service and vehicle repair on property they own, located at 213 South River Road, Grottoes in the Middle River District. - TABLED FROM THE MARCH 7, 2013 MEETING

Mr. Coyner moved that the request be brought forward.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

Mr. Larry Pirkey stated he would like to have a fenced in storage area to the south side of the building and toward the railroad tracks.

Ms. Brown asked if he was finished cleaning up around the site?

Mr. Pirkey stated no. He stated he needs to finish siding the building and cleaning up near the railroad.

Ms. Brown stated the Board visited the site this morning and saw a lot of stuff that has been there for awhile. She asked if he lived at the site?

Mr. Pirkey stated no. He mentioned he is living with his father who has been sick.

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



Mr. James Begoon, 802 Edgewood Street, Grottoes, stated that the applicant does a good job for everyone in the area. He stated this type of business is good for the community.

Vice Chairman Shreckhise asked how would you like this next to your house?

Mr. Begoon stated the neighbors moved in before he was there but if you are out in the County this type of work is needed.

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

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

Mr. Coyner stated the Board was happy with what they saw until they drove around back. Mr. Pirkey stated he has not had time to take care of the other items due to the weather. He stated he is asking for a fence to screen the area off.

Mr. Wilkinson stated everything will need to be out of view. He stated the property is zoned agriculture and nothing should be outside.

Vice Chairman Shreckhise stated it is the Board's intention for everything to be kept behind the fence and the property kept neat and orderly.

Mr. Pirkey stated he has a definite understanding on how to clean up the site and what can be in the fenced area and what cannot.

Chairman Byerly asked if the Budweiser van is being used?

Mr. Pirkey stated he has some tools in the van.

Chairman Byerly stated if it is being used it would need to be stored inside the fenced area.

Mr. Coyner asked if the van goes on the road?

Mr. Pirkey stated yes.

Vice Chairman Shreckhise stated there are a lot of other things on the far right hand corner of the property that do not belong there.

Mr. Coyner asked about the plywood?

Mr. Pirkey stated he will use it to line the inside of the shop.

Chairman Byerly asked about the plans to complete the shop?

Mr. Pirkey stated he will try to complete it now.

Mr. Wilkinson stated staff has recommended no more than 10,000 square foot of storage with a gate.

Chairman Byerly stated that should be adequate for the applicant.

Ms. Brown asked how long does a vehicle stay at the site?

Mr. Pirkey stated not too long. He mentioned sometimes it takes longer if there is an insurance lawsuit. He stated if they do not come to pay the bill he will need to get the bill of sale and dispose of them.

Ms. Brown asked if there were any there now?

Mr. Pirkey stated no.

Mr. Coyner asked how long are they kept at the site?

Mr. Pirkey stated anywhere from a week to ten (10) days. He stated the average is about three (3) to five (5) days if an insurance company is involved.

Vice Chairman Shreckhise asked if a fence would be required on all sides of the property?

Mr. Wilkinson stated the current ordinance requires screening from view. He stated it would be up to the Board.

Ms. Tilghman asked if all items needed to be inside the fenced area?

Mr. Wilkinson stated everything will need to be inside the fenced area except for the wrecker and personal vehicles.

Mr. Coyner stated the tool trailer should be parked in the impound area.

Vice Chairman Shreckhise asked if the Budweiser truck is licensed?

Mr. Pirkey stated yes.

Mr. Wilkinson stated no inoperable vehicles can be outside of the fenced area.

Ms. Brown stated the trees are not there any more on the one side.

Mr. Wilkinson stated the Board can determine whether there is adequate screening along the railroad tracks.

Chairman Byerly stated the railroad track side does not need to be screened.

Ms. Tilghman stated the site should be screened on three (3) sides except for the railroad.

Vice Chairman Shreckhise stated the applicant should not have to live in on premises because he is taking care of a family member. He stated the gate should be installed across to block the view of the alley of the fenced in area. He stated it should be fenced on three (3) sides with the gate in front. He stated the gates should be closed except to enter and exit. He stated the applicant should be required to remove all inoperable vehicles, parts, and machinery left on the property. He stated if the requirements are not met then the Board will not make any exceptions. He stated the other requests today had a history of keeping the sites neat and orderly. He stated they would like the site to look as natural as possible. He stated this site in the past has not been like that.

Mr. Coyner stated a bond might be a good tool here in order to assure that the site is kept neat and orderly.

Mr. Wilkinson stated the Board could possibly request a performance bond for the cleanup should it be necessary.

Mr. Morgan stated he is not sure if it would be easy to get a performance bond for this type of business. He mentioned it may be difficult to do. He would suggest that there might be some other added security with the cleanup.

Mr. Coyner stated the Board wants to see the applicant be successful.

Mr. Pirkey stated he is in agreement of screening the area and keeping everything that is acceptable in the fenced area. He mentioned that he felt there would be no problems. He stated as long as everyone is in agreement of what can be kept inside the screened area.

Chairman Byerly stated he would like to see the Budweiser trailer inside the fenced in area.

Mr. Pirkey stated the County already has the ability to go out to the site and clean it up.

Mr. Wilkinson stated the County has the ability to cleanup the site and put a lien on the property.

Vice Chairman Shreckhise stated the applicant needs to present a new site plan to staff.

Mr. Coyner stated the applicant will need to adhere to the conditions of the permit.

Vice Chairman Shreckhise stated all of the debris on the ground will need to be cleaned up so that the neighbors do not see anything.

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

**Pre-Conditions:**

1. Applicant develop and submit a revised BZA plan in conjunction with the Zoning Administrator.
2. Obtain VDOT entrance permit and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to have outside storage in the approximate 70' x 120' area behind the shop that is between the two sheds and the shop, and an area approximately 100' x 100' located 100' south from the shop parallel with North River Road, and 100' deep back toward the railroad tracks.
2. The 100' x 100' and 70' x 120' areas shown on the revised site plan be screened by **an eight (8') foot high** metal privacy fence painted white within **ninety (90) days**, and be maintained at all times. All gates shall remain **closed** at all times except when loading or unloading vehicles.
3. Be limited to two (2) licensed company vehicles outside the fenced storage area.
4. All other vehicles including the Budweiser trailer be kept in the screened storage area.
5. No employees.
6. Hours of operation for the vehicle repair be Monday – Saturday 8:00 a.m. to 8:00 p.m.

- 7. Site be kept neat and orderly.
- 8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside the fenced storage area.
- 9. If any future expansion of building or use is requested or required, the business must be moved to a Business zoned district.
- 10. Permit be reviewed in a year and renewed if all of the conditions are met and the site be inspected periodically.

Ms. Brown seconded the motion, which carried unanimously.

\* \* \* \* \*

**STAFF REPORT**

- 12-18 Scott, Christopher L.
- 12-19 Bond, Cathy M.
- 12-20 Wood, Genevieve O., Estate
- 12-21 Brubeck, William E. and Sara F., Trustees
- 12-22 Copeland, Joseph P. or Cleda M.
- 12-23 Brooks, Buryle G. and Powers, Jason A.
- 12-24 Grea Properties Birch Gardens, LLC
- 12-25 Grea Properties Royal Care, LLC

Mr. Wilkinson stated the barn has not been remodeled yet but the applicant has two (2) years to complete the project for SUP#12-18. He mentioned that SUP#12-19 through SUP#12-25 have been inspected and are all in compliance.

\* \* \* \* \*

Mr. Morgan passed out the court cases for the Board to review.

\* \* \* \* \*

There being no further business to come before the Board, the meeting was adjourned.

\* \* \* \* \*



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Chairman

Secretary