

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 6, 2014, 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:

- **LINDSEY HUFFMAN, AGENT FOR THE REGIONAL ANIMAL SHELTER LAND TRUST - SPECIAL USE PERMIT**
- **EDDIE BURKHOLDER, AGENT FOR DRAFT ELECTRIC & PLUMBING, INC. - SPECIAL USE PERMITS**
- **ARCHIE J. DODSON, JR., AGENT FOR REBB, LLC - SPECIAL USE PERMIT AND 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.

Chairman

Secretary

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

ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 6, 2014, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Coyner moved that the minutes from the January 2, 2014, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

JENNIFER TAYLOR-LILLEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jennifer Taylor-Lilley, for a Special Use Permit to operate a daycare center on property owned by Pinkston-Dungen, LLC, located at 91 Tinkling Spring Drive, Fishersville, in the Wayne District.

Ms. Jennifer Taylor-Lilley stated she would like to have a Special Use Permit in order to establish a day care center on Tinkling Spring Drive. She mentioned that there is ample parking at the site. She stated this is an ideal location and there is a huge need for this type of business in the County. She mentioned the building used to be a pediatrician's office. She noted she will provide quality child care in a safe loving environment. She stated there are waiting lists in other facilities which makes it difficult for parents.

Ms. Brown asked what the hours of operation would be?

Ms. Lilley stated Monday . Friday from 6:30 a.m. to 6:00 p.m.

Ms. Brown asked how many rooms at the site will be used?

Ms. Lilley stated it is a two-story house. She stated they will be turning the garage into an infant room.

Ms. Brown asked how many employees would she have?

Ms. Lilley stated ten (10) employees total. She noted she will also have someone who cooks meals.

Mr. Coyner asked if there needs to be any special renovations to the site?

Ms. Lilley stated the renovations are currently underway now. She stated the garage is being renovated into the infant room. She stated the building used to be a pediatrician's office and a lot of the items in the building are up to code already.

Mr. Coyner asked if she had any experience in this type of work?

Ms. Lilley stated no but she does have three (3) children. She stated she is a Branch Manager at BB&T Bank. She will be participating in early childhood development courses. She stated the Director for her facility has many years of experience in the field.

Ms. Brown asked if handicapped parking is required?

Ms. Lilley stated she does have it at the site already.

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

Dr. Pinkston stated she used to operate her pediatrician's office at the site but now she is at Augusta Pediatrics. She thinks this use of her building is perfect. She was thrilled to find out that Ms. Lilley expressed an interest and she is excited about her plans for the building. She stated they are in the process of training staff on administering medications to children. She would hope that the Board approves this request.

Mr. Wilkinson stated that Dorothy Daughtry, 127 Tinkling Spring Drive, Fishersville, submitted a letter in support.

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

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

Vice Chairwoman Tilghman stated this is needed in the area with the hospital being so close. She stated day care centers are in demand. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have up to forty (40) children.
2. Provide Community Development a copy of the Social Services license.
3. Site be kept neat and orderly.
4. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Mr. Byerly seconded the motion, which carried unanimously.

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LINDSEY HUFFMAN, AGENT FOR THE REGIONAL ANIMAL SHELTER LAND TRUST - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Lindsey Huffman, agent for The Regional Animal Shelter Land Trust, for a Special Use Permit to add a fenced exercise and play area in the woods on the north side of the building on property they own, located at 1001 Mt. Torrey Road, Lyndhurst, in the South River District.

Ms. Lindsey Huffman stated they are planning on adding a 50x70 exercise and play area in the woods. She stated they would have a six (6) foot chain link fence around the area separated into two (2) sections. She mentioned that all dogs would be supervised by staff or a volunteer while in the area. She stated they are hoping to cut down on the noise because this area will give the dogs an opportunity to release some energy.

Chairman Shreckhise asked if the primary use would be to give the pet the opportunity to interact with the potential adopter?

Ms. Huffman stated yes. She stated it will give the adopter the understanding of how the dog will act in an open environment instead of being on a leash. She is hoping that the exercise area will help cut down on the noise.

Ms. Brown asked if any trees would be cut?

Ms. Huffman stated they are not going to clear out any large timber. She stated they will clear out the undergrowth and smaller trees. She stated the large timber will act as a shaded area.

Ms. Brown asked if the dogs will be supervised?

Ms. Huffman stated yes either by staff or a volunteer.

Ms. Brown asked how many volunteers do you have?

Ms. Huffman stated twenty (20) volunteers.

Ms. Brown asked if a dog can be looked at on the weekends?

Ms. Huffman stated yes.

Mr. Coyner asked if the chain-link could be brown vinyl coated?

Ms. Huffman hoped to have brown coating but it depends on the cost of the material.

Vice Chairwoman Tilghman stated that it has only been a few months since the last request. She would hope that the applicant would have a minimum of two (2) pens.

Ms. Huffman stated there will be one for adoption and the other for a play area.

Vice Chairwoman Tilghman was also concerned about the cutting of the trees because that provides screening to the neighbors.

Ms. Huffman stated she will not cut down any large timber.

Chairman Shreckhise stated the applicant will only cut the underbrush inside the fence area.

Mr. Byerly stated a colored fence would have better curb appeal and would probably be acceptable to the neighbors.

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

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

Mr. Coyner asked if there would be more than two (2) separate areas?

Ms. Huffman stated there will be only two (2) separate areas with one being for visitation and the other a play area. She felt that would be sufficient.

Mr. Wilkinson asked Ms. Huffman if green or brown coated fencing is acceptable?

Ms. Huffman stated yes but black is easily accessible.

Mr. Coyner stated they are going to request brown or green coating for the fence because that would blend better with the trees. He stated there has been no complaints to his knowledge at this site. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to construct a 50x 70 exercise and play area to be enclosed with a six (6) foot high green or brown vinyl coated chain link fence and be divided into no more than two (2) separate pens.
2. A staff member will be present at all times when an animal is in the exercise area.
3. The site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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RUSSELL SOURS, AGENT FOR SOURS PROPERTIES, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Russell Sours, agent for Sours Properties, LLC, for a Special Use Permit to add an office and have warehouse space for a pool business and to have boat repair within the existing building on property he owns, located at 2146 Tinkling Spring Road, Stuarts Draft, in the Beverley Manor District.

Mr. Russell Sours stated he would like to operate a pool business and have boat repair within the existing building. He stated the pool storage room would be behind the office. He stated they will also have storage in the upper building.

Mr. Byerly asked if this would be a sale center?

Mr. Sours stated no.

Mr. Coyner stated there will not be a lot of traffic coming to the site.

Mr. Byerly stated this is a neat property and an asset to the community.

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

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

Mr. Wilkinson stated staff has received a letter in support from Phillip and Carol Barber.

Ms. Brown stated the Board has dealt with Mr. Sours for a number of years and the property always looks good. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. All storage of pool supplies and equipment to be inside the building.
2. All boats will be kept inside the building or in the RV parking area located between the buildings.
3. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

EDDIE BURKHOLDER, AGENT FOR DRAFT ELECTRIC & PLUMBING, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Eddie Burkholder, agent for Draft Electric & Plumbing, Inc., for a Special Use Permit to have outdoor storage of a covered bar-b-que cooker on property he owns, located at 2627 Stuarts Draft Highway, Stuarts Draft, in the South River District.

Mr. Eddie Burkholder stated Sooners BBQ would like to have a covered cooker at the site close to the sign. He stated they will have a 46 seat restaurant at this site.

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

Mr. John Kelso, 39 Sunset Drive, Stuarts Draft, stated he lives directly behind this property. He mentioned that he was wondering if they could get any sparks from the bar-b-que cooker or if anything could be set on fire.

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

There being none, Chairman Shreckhise asked the applicant to speak in rebuttal.

Mr. Burkholder stated that the cooker would be onsite year round in the front of the building and it will have a small metal canopy cover.

Mr. Coyner asked if there would be flames?

Mr. Burkholder stated they have never had flames come out of the smoker.

Ms. Brown asked how long has the applicant been doing this?

Mr. Burkholder stated about two (2) years.

Chairman Shreckhise declared the public hearing closed.

Mr. Coyner stated the business existed already down the road. He stated they are wanting to expand and have a restaurant location with a cooker. He stated with the cooker having a cover he does not feel there could be a fire issue. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions

1. Be permitted to display one (1) bar-b-que cooker and cover located as shown on the site plan.
2. Site be kept neat and orderly.

3. Cooker and cover be removed within fourteen (14) days after bar-b-que business closes.

Mr. Byerly seconded the motion, which carried unanimously.

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**EDDIE BURKHOLDER, AGENT FOR DRAFT ELECTRIC & PLUMBING, INC. -
SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Eddie Burkholder, agent for Draft Electric & Plumbing, Inc., for a Special Use Permit to substitute a vehicle impoundment area for non-conforming parking spaces on property he owns, located at 2627 Stuarts Draft Highway, Stuarts Draft, in the South River District.

Mr. Coyner asked if the vehicles could be placed in front of the building?

Mr. Wilkinson stated no. He stated the County has been working with Mr. Burkholder regarding placing the vehicles in the fenced in area for quite some time.

Mr. Eddie Burkholder stated he does want to comply with all County ordinances.

Mr. Coyner stated the Board visited the site this morning. He asked how big of a fenced in area does the applicant need?

Mr. Burkholder stated the owner of the business will only need four (4) spaces.

Mr. Wilkinson stated the gates will need to be closed so that the vehicles are not in public view. He stated there should not be any work done in the fenced in area.

Mr. Coyner stated the Board saw a vehicle with no license plates and no hood and a car without a bumper at the site. He asked why are they at the site?

Mr. Tim Snyder, 118 Hodge Street, Stuarts Draft, stated they have sent the owner of the vehicle a certified letter but they have not gotten a response yet and they have not received payment. He stated the other vehicle they were putting on the bumper this morning.

Ms. Brown asked where would the work be done on the vehicles?

Mr. Snyder stated in the garage bays at the end of the building.

Chairman Shreckhise stated he is concerned about the limited storage area.

Mr. Snyder stated 90% of the vehicles coming in, go back out. He mentioned that he averages about three (3) vehicles in the fenced in area. He submitted documentation to the Board showing information regarding the wood fencing. He noted each space will have two (2) gates.

Mr. Coyner stated the Board visited the site this morning and the storage area was just about full.

Mr. Wilkinson stated the County has been at the site and there were six (6) or seven (7) vehicles at the site at one time.

Chairman Shreckhise stated should the Special Use Permit be granted stipulations will be placed on the permit and it will be inspected. He stated vehicles cannot sit out front because there is not enough room. He stated Mr. Wilkinson will start the process of having the permit revoked if it is found to be in violation.

Mr. Byerly questioned whether a six (6) foot tall fence would be tall enough to provide screening. He also is concerned about the maintenance of a wood fence. He stated that he does not feel comfortable with just having four (4) spaces in the impoundment area. He stated the applicant has needed more than four (4) in the past.

Vice Chairwoman Tilghman stated she would like to see at least eight (8) spaces. She stated you are doing a disservice to yourself by not making the area bigger. She stated if the area is full of vehicles you will need to turn customers away.

Chairman Shreckhise stated that staff's recommendation shows an 80x 22 area.

Ms. Brown stated four (4) spaces is not enough.

Mr. Burkholder stated he would settle for the six (6) spaces. He stated if they need more they can reapply. He stated he would like to have an area of 60x 22

Mr. Wilkinson stated the applicant has one (1) year to complete any conditions the Board places on the permit.

Mr. Burkholder asked for sixty (60) days to construct the fence.

Chairman Shreckhise stated the applicant will need to maintain the fence because if it looks moldy and looks terrible they will need to put another one in.

Mr. Wilkinson stated a vinyl fence would have less maintenance. He stated the ordinance states that the fence will need to be opaque so that you cannot see through

it. He stated the applicant cannot use chain link fencing with slats or fabric due to the fact that it could blow off.

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

Mr. John Kelso, 39 Sunset Drive, Stuarts Draft, stated he is not in opposition but does have some concerns with the operation that it may be a detriment to the area.

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

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

Mr. Byerly stated he would recommend reviewing this permit within a year if approved.

Mr. Coyner stated the Board visited the site today. He moved that the request be approved with the following conditions:

Pre-Condition:

1. The 80qx 22qvehicle impound fencing be installed within sixty (60) days.

Operating Conditions

1. Be permitted to substitute eight (8) existing parking spaces for an 80qx 22qvehicle impound lot that will be enclosed by a **six (6') foot high opaque fence**.
2. Fencing or screening shall be entirely opaque and of good quality and shall be maintained in a good state of repair. Gates shall remain closed except when vehicles are being moved to and from the yard.
3. No vehicle shall be located on any part of the site so as to be visible from any public road or adjoining property.
4. Storage of vehicles shall be limited to areas shown on an approved site plan.
5. No body or mechanical work, painting, maintenance work, salvaging or crushing shall be permitted within the impoundment yard. Such work, when permitted as part of the principal use to which the impoundment yard is accessory, shall be confined to such areas designated for such purposes on the approved site plan.

6. All vehicles, boats, recreational vehicles, and similar vehicles awaiting repair for more than thirty (30) days must be located within the required screened storage area.
7. Site be kept neat and orderly.
8. Permit be reviewed in a year and renewed if all of the conditions are met.

Mr. Byerly seconded the motion, which carried unanimously.

ARCHIE J. DODSON, JR., AGENT FOR REBB, LLC - SPECIAL USE PERMIT AND VARIANCE

This being the date and time advertised to consider a request by Archie J. Dodson, Jr., agent for REBB, LLC, for a Special Use Permit to replace a non-conforming manufactured home not meeting the side yard setback and for a Variance from the front setback requirement on property they own, located at 12 Pheasant Hideaway, Greenville in the Riverheads District.

Mr. Archie Dodson stated he is a land surveyor and represents the property owner. He stated they are wanting to replace the existing manufactured home no closer to the property lines.

Chairman Shreckhise stated normally it is hard for this Board to grant Variances but in this case the septic field prevents the property owner from placing the home anywhere else.

Mr. Dodson stated the drainfield and water encompasses the entire lot.

Mr. Byerly stated without this Variance there would not be a use of the property. He stated this would qualify as a hardship.

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

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

Vice Chairwoman Tilghman stated the Board visited the site today. She felt the applicant did have a hardship and if the Special Use Permit and Variance was not granted the land would be worthless. She moved that the Special Use Permit and Variance be approved with the following condition:

Pre-Conditions:

None

Operating Condition:

1. Be permitted to replace the manufactured home as shown on the survey with the existing non-conforming fourteen (14) foot side yard setback.

Mr. Byerly seconded the motion, which carried unanimously. He noted that the applicant is replacing the home with a new home which will be an improvement.

STEPHEN LEE, JR., OR ASHLEY MYERS COFFMAN - ONE YEAR EXTENSION OF TIME REQUEST

A request by Stephen Lee, Jr., or Ashley Myers Coffman, for a Special Use Permit to have a landscaping and mowing business with outdoor storage and new structures, on property they own, located at 483 Mt. Pisgah Road, Mt. Sidney, in the North River District.

Mr. Wilkinson stated the applicant will not have any outdoor storage of mulch and rock but they plan on building the structures sometime this summer. He stated the applicant has not built due to the economy.

Mr. Coyner moved that the one (1) year Extension of Time be approved.

Mr. Byerly seconded the motion, which carried unanimously.

STAFF REPORT

- 13-16 . Dwight D. or Mary F. Wood
- 13-17 . Boggs Steele Investment, LLC
- 13-18 . Jeremy B. or Teresa L. Quick

Mr. Wilkinson stated all permits were inspected and are all in compliance.

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

February 6, 2014

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

Chairman

Secretary