

July 5, 2007

PRESENT: C. E. Swortzel, Chairman
J. W. Callison, Jr., Vice Chairman
D. A. Brown
S. F. Shreckhise
J. R. Wilkinson, Zoning Administrator & Secretary
S. K. Shiflett, Zoning Technician I

ABSENT: G. A. Coyner, II

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 5, 2007, at 9:30 A.M., in the County Government Center, Verona, Virginia.

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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:

- **Jon E. Almarode - Special Use Permit**
- **Timmy W. Plecker - Special Use Permit**
- **Charles Beverage, Jr., agent for Beverage Tractor or Equipment - Special Use Permit**
- **Douglas or Lynda N. Kershner - Variance**
- **Ricky L. and Cindy B. Campbell – Variance**
- **Luke M. or Esther B. Campbell - Special Use Permit**
- **Nancy C. Beyeler - 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

Secretary

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PRESENT: C. E. Swortzel, Chairman
J. W. Callison, Jr., Vice Chairman
D. A. Brown
G. A. Coyner, II
S. F. Shreckhise
J. R. Wilkinson, Zoning Administrator & Secretary
S. Rosenberg, County Attorney
S. K. Shiflett, Zoning Technician I
B.B. Cardellicchio-Weber, Administrative Secretary

Absent: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 5, 2007, 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 June 7, 2007 meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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W. ALLEN, JR. AND DAWN SPAID - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by W. Allen, Jr. and Dawn Spaid, for a Special Use Permit to use the existing speedway facility in conjunction with their collision avoidance training school on property owned by Richard A. or Gary D. Gore, located on the east side of East Side Highway (Route 340), approximately .2 of a mile north of the intersection of East Side Highway (Route 340) and Sandy Ridge Road (Route 621) in the Wayne District.

Ms. Dawn Spaid stated that they are requesting the use of the facility for the safety driving course that they teach. She stated that they have a small family owned business that they teach collision avoidance driver training and slow speed training. She stated that it is usually offered to teenage drivers. She stated that this is an advanced standard driver training course. She stated that this will not be a driver

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education class. She stated that this is slow speed driver training which would be forty (40) mph or less.

Chairman Swortzel asked if this would be in a company vehicle or the customer's vehicle?

Ms. Spaid stated that they use their own vehicles for the training.

Chairman Swortzel asked if they are all licensed and inspected? He asked if the vehicles have mufflers?

Ms. Spaid stated yes. She stated that the vehicles do have mufflers and their business has nothing to do with race car driving.

Mr. W. Allen Spaid, Jr. stated that they have three (3) Grand Marquis, one (1) Ford Crown Victoria, and a 1987 Oldsmobile Cutlass.

Mr. Coyner asked if this would be done during the daylight hours?

Ms. Spaid stated yes. She stated that an instructor is with the student at all times.

Mr. Coyner asked if the training is done during inclement weather?

Ms. Spaid stated yes. She stated that they do not do any training after dark.

Mr. Coyner asked if all three (3) vehicles are on the track at the same time?

Ms. Spaid stated that they can be available but normally they have one (1) vehicle with three (3) students plus the instructor. She stated that they would not have any more than four (4) people in the vehicle. She stated that anyone old enough to operate a motor vehicle can be enrolled in the training.

Mr. Coyner stated that there is very little noise generated with this business.

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

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

Chairman Swortzel stated that this sounds like a quiet operation.

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Mr. Coyner stated that the facility is excellent for this type of use. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to Monday thru Thursday operation.
2. No night driving.
3. No operation of vehicles during any soccer practice or when Central Shenandoah Criminal Justice Training is using the track.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. All training vehicles be stored within the fenced area behind the office.

Vice Chairman Callison seconded the motion, which carried unanimously.

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JON E. ALMARODE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jon E. Almarode, for a Special Use Permit to have outside display of retail merchandise including storage buildings, utility trailers, kennel, gates, farm supplies, and reconstruct a non-conforming building on property he owns, located on the north side of Stuarts Draft Highway (Route 340), approximately .2 of a mile east of the intersection of Stuarts Draft Highway (Route 340) and White Hill Road (Route 654) in the South River District.

Mr. Jon Almarode stated that he is the owner of Draft Feed and Supply. He stated that he would like to have a permit for outside display. He stated that there has been outside display for twenty-two (22) years by other owners. He stated that he owns the property now.

Chairman Swortzel stated that the Board visited the site today.

Mr. Coyner asked what the applicant is going to do with the old chicken house?

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Mr. Almarode stated that they want to take it down and put a larger building up so that they can utilize it for warehouse space.

Mr. Coyner asked if they used that building at all?

Mr. Almarode stated that they do store hay and straw that they sell at the store.

Mr. Coyner stated that the height limits what the applicant can store in the building.

Mr. Almarode stated that it is not ideal but it came with the property so they do use the building. He stated that he has pictures of areas throughout the County with outside storage.

Chairman Swortzel stated that the applicant has adequate space on the driveway on the left side.

Mr. Almarode stated there is more space now than there ever was. He stated that the area has always been grassy.

Mr. Wilkinson stated that it would be the applicant's intention to keep the buildings in a single file line as shown on the site plan.

Mr. Almarode stated yes.

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

Mr. William Little, 1283 Christians Creek Road, stated that he owns the property at 4212 Draft Avenue which is the two (2) lots shown on the site sketch. He stated that he is here to speak in opposition to the request. He stated that Mr. Maupin maintained acreage and conveyed a fifty (50') foot right of way for use and at some point in time a public highway which would be necessary to get to the rear part of the property. He stated that Mr. Almarode has a right to use the right of way and the deed specifically states that it is a right of way for ingress and egress. He stated that this was designed to be one parcel. He stated that Mr. Almarode began to put his buildings on the right of way. He stated that his permit had been to use the property that he acquired specifically for that. He stated that this causes a real problem for them.

Chairman Swortzel asked if Mr. Little had a right of way on Mr. Almarode's property?

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Mr. Little stated that the deed states that Mr. Almarode and he are to enjoy the right of way in common. He stated that if any improvements are made then they are to do so jointly.

Chairman Swortzel asked who pays taxes on the right of way?

Mr. Almarode stated that he pays taxes on the land.

Mr. Little stated that he does not know whether he pays taxes on the land or not.

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

There being none, Chairman Swortzel asked if Mr. Almarode would like to speak in rebuttal?

Mr. Almarode stated that he has given information to the County Attorney. He stated that they did not know that they actually owned the property under the right-of-way until the previous owner bought the land. He stated that they paid for surveys and attorneys to determine that. He stated that they own the right of way. He stated that the maintenance of the right of way is to be maintained by the owner of the lot on the right and themselves. He stated that he pays taxes on that land. He stated that they are not decreasing the amount of access to the lot. He stated that the access to the lot on the left is Route 340 and the access to the lot on the right is the fifty (50') foot right of way. He stated that two (2) or more businesses would have to put in an approved right of way to County's specifications. He stated that they cannot build in the right of way.

Chairman Swortzel stated that the right of way will be a public street at some point to serve these lots and the large property in the back. He declared the public hearing closed.

Mr. Shreckhise asked if there is any state law about putting buildings on the right of way.

Mr. Rosenberg stated that he is not aware of any. He stated that this Board should strictly consider the land use or zoning issue before it and not give consideration to whatever private rights or obligations exists between private parties. He stated that it would fall upon the private property owner to maintain a private suit which he sees may be the case in this situation where there may be private rights which would preclude the use of the right of way which is a private matter.

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Vice Chairman Callison stated that he agrees with Mr. Rosenberg's comments. He stated that the property is neat and mowed and is not in contrast with anything in the area. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. All storage buildings, utility trailers, dog kennel, gates, or other farm supplies be kept in a single line as shown on the BZA plan.
2. All outdoor storage be kept in the designated areas shown on the site plan.
3. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

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CHARLES BEVERAGE, JR., AGENT FOR BEVERAGE TRACTOR OR EQUIPMENT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Charles Beverage, Jr., agent for Beverage Tractor or Equipment, for a Special Use Permit to have a motor vehicle and trailer sales lot on property owned by Augusta Oil Corporation, located in the northwest quadrant of the intersection of Stuarts Draft Highway (Route 340) and Old White Hill Road (Route 831) in the Riverheads District.

Mr. Charles Beverage, Jr. stated that he is applying to park automobiles on the front of the property as shown. He stated that previous to that they were displaying them on the opposite side of the street where the main building is. He stated that they have found that having equipment on both sides of the street along the road were causing customers to look across the street. He stated that they request permission to display vehicles on this lot.

Mr. Coyner asked how much walking of customers back and forth across the road occurs?

Mr. Beverage stated that he is not sure. He stated that they usually drive to see a vehicle. He stated that the trucks are only on the one side of the street. He stated that they see

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people parked looking at the vehicles, getting in the car, and driving to the store to talk with a salesperson about it, and then the salesperson gets the vehicle they are considering.

Chairman Swortzel asked if they planned on putting an office on that side of the road?

Mr. Beverage stated that they do not have any plans for that. He stated that they do not own the property.

Mr. Coyner asked if there is enough room on the Beverage Tractor property for all of the display?

Mr. Beverage stated no.

Mr. Coyner stated that the Board has a concern about the public crossing Route 340.

Mr. Beverage stated that they find this to be safer than the way they have done in the past. He stated that they have trucks on one side of the road instead of having them on both sides which they have seen less congestion as a result of that.

Chairman Swortzel stated that the trucks were not supposed to be on the other side of the road without a Special Use Permit.

Mr. Beverage stated that he did not know that until Mr. Wilkinson notified him.

Ms. Brown stated that the employees come back and forth in order to transact business.

Mr. Beverage stated that they have one employee get the vehicles for the customers. He stated that the employees park across the street.

Mr. Wilkinson stated that the Department of Motor Vehicle (DMV) normally requires vehicle businesses to have an office at the site. He asked if the applicant can do a remote sales lot without having an office on that side?

Mr. Beverage stated that DMV has been in to investigate them. He stated that he does not know the answer to that.

Ms. Brown asked if they have enough room on the same side that the applicant is on to display the trucks?

Mr. Beverage stated that they do not.

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Chairman Swortzel asked if the applicant feels that they will have less people crossing the road with the vehicles over there than the applicant did with the farm machinery?

Mr. Beverage stated that is what they have experienced.

Mr. Coyner asked if there are any opportunities south of the old restaurant?

Mr. Beverage stated that he tried to acquire the property but Mr. Alexander is unwilling to sell the property. He stated that if they could acquire the property they would not need this site.

Mr. Wilkinson stated that the applicant has a remote lot just south of the business that has a Special Use Permit. He stated that they noticed a black inoperable vehicle on the lot under consideration.

Mr. Beverage stated that it belongs to the apartment across Route 831 and he did not know that he has the right to dispose of it.

Mr. Wilkinson stated that staff can notify the property owner of the inoperable vehicle.

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

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

Mr. Shreckhise stated that if the request gets approved the permit can be reviewed after one (1) year and renewed if in compliance. 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. All outdoor storage of vehicles and trailers be kept only in the designated areas shown on the site plan.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
3. Site be kept neat and orderly.

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4. Stipulations of SUP#97-36 remain in effect.
5. Permit be reviewed in a year to see if there has been any problem with pedestrian traffic and renewed if all of the conditions are met.

Mr. Coyner seconded the motion, which carried with Ms. Brown being in opposition to the motion.

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ROXANNA BURKE, AGENT FOR BURKE FAMILY LOGGING - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Roxanna Burke, agent for Burke Family Logging, for a Special Use Permit to have a logging business on property owned by Timothy W. Bussard c/o Doris Brown, located on the south side of Furnace Road (Route 862), approximately .1 of a mile south of the intersection of Furnace Road and Estaline Valley Road (Route 601) in the Pastures District.

Ms. Roxanna Burke stated that she will be doing the paperwork for the business. She stated that very rarely does the equipment come home. She stated that she agrees with the staff recommendation. She stated that they are isolated in that area. She stated that they have the game commission surrounding them on both sides. She stated that the neighbors will not be able to see where the equipment will be stored. She stated that the equipment will be stored further behind their house. She stated that the equipment would not be in view from the neighbors.

Mr. Coyner asked what type of equipment is there for the business?

Ms. Burke stated at present time they own a skidder, loader, and log truck which is kept in the woods and moved from place to place. She stated that they have two (2) other pieces of equipment that they are in the process of trying to sell and is on the property at this time.

Mr. Coyner asked if they commute in the log truck?

Ms. Burke stated that they usually ride together in a company truck to the log site.

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

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

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Chairman Swortzel stated that the property is quite isolated and this is an agricultural operation.

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

Pre-Conditions:

None

Operating Conditions:

1. All outdoor storage of equipment be kept in the designated areas shown on the site plan.
2. Be limited to six (6) pieces of logging equipment on this site at any one time.
3. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

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DENNY SITES, AGENT FOR JERUSALEM CHAPEL UNITED BRETHERN IN CHRIST CHURCH - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Denny Sites, agent for Jerusalem Chapel United Brethren In Christ Church, for a Special Use Permit to have an additional twelve months to complete reconstruction of a portion of the church destroyed by fire on property they own, located on the west side of Jerusalem Chapel Road (Route 720), just north of the intersection of Jerusalem Chapel Road (Route 720) and John Deere Lane in the Pastures District.

Mr. Denny Sites stated that he is the pastor at Jerusalem Chapel United Brethren Church. He stated that they would like to extend a time deadline so that the church can be reconstructed.

Mr. Coyner stated that there is activity at the site currently.

Mr. Sites stated yes. He stated that all of the permits have gone through the County and they are just waiting for a couple of people to get everything together to get it under way.

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Mr. Coyner stated that the extension would only be for one (1) year.

Chairman Swortzel asked if the applicant would be comfortable with that?

Mr. Sites asked if he could ask for more time.

Mr. Wilkinson stated no. He stated that the ordinance provides that a non-conforming building if setbacks cannot be met can be reconstructed within twelve (12) months and occupied. He stated that time has come upon us and the ordinance offers a twelve (12) month extension of that if the Board of Zoning Appeals approves it so that the building is completed and the use resumed within the twelve (12) months. He stated that after that period of time the setbacks would have to be met which would be difficult with the road situation.

Mr. Sites asked if the extension would be from this meeting date?

Mr. Wilkinson asked what was the date of the fire?

Mr. Sites stated that the fire took place on May 25, 2006.

Mr. Wilkinson stated that the use would need to be resumed within twenty-four (24) months from the date of the calamity.

Ms. Brown stated that the applicant can only have one (1) extension.

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

William Hanger, 84 Deer Park Lane, stated that they own the property adjacent to the church. He stated that he hopes the Board grants the request to either eighteen (18) months or two (2) years. He stated that they had a terrible tragedy.

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

Steve Morris, 203 Hotchkiss Road, stated that he attends the church. He stated that the insurance company has held them up with the rebuilding process.

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

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

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Vice Chairman Callison moved that the request be approved with the following condition:

Pre-Condition:

None

Operating Condition:

1. Reconstruction must be completed and the same use resumed within twelve (12) months.

Mr. Shreckhise seconded the motion, which carried unanimously.

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FAYE BOSSERMAN, AGENT FOR LIGHTHOUSE, AN INDEPENDENT CHURCH - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Faye Bosserman, agent for Lighthouse, An Independent Church, for a Special Use Permit to use the existing activities building for community recreation and activities on property they own, located on the east side of Morris Mill Road (Route 720), just south of the intersection of Morris Mill Road (Route 720) and Marietta Lane in the Pastures District.

Ms. Faye Bosserman stated that she is requesting to open up the building for the community and other individuals. She stated that they would have games, dinners, fundraisers, and receptions at the site. She stated that she has a letter in support of the request from a citizen that was unable to attend the meeting. She stated that she would not want to be limited to three (3) days of activities outside of the church. She stated that at one point in time they offered their facility to Jerusalem Chapel. She stated that she would not want to be limited on the hours of operation. She stated that most of the time they should be out of the building by 10:00 p.m. She stated that she would like to have the flexibility to open the building more than that if they needed to.

Mr. Shreckhise asked how late would the applicant want to use the building?

Ms. Bosserman stated that she would be out of the building no later than midnight. She stated that they have a church function that they pray in and out of the New Year.

Mr. Wilkinson stated that the Special Use Permit is for activities other than the church's activities.

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Ms. Brown asked if there is a gym inside the building?

Ms. Bosserman stated that they have a gym that is nearly sixty (60') feet wide and about ninety-four (94') feet long.

Ms. Brown asked if that would be offered to the youth in the community?

Ms. Bosserman stated yes.

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

Tracy Pyles, 3665 Churchville Avenue, stated that Ms. Bosserman asked him to look at this facility last week and it is going to be the envy of many of the other community activity centers and churches in the area. He stated that no matter how many gyms are in the County there is never enough. He stated that this would be a great thing for the youth in the area. He stated that the applicants will not do anything to abuse their permit.

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

Steve Morris, 203 Hotchkiss Road, stated that he agrees with Mr. Pyles. He stated that the church is going to open up the community. He stated that he challenges the Lighthouse Church to have a good youth group.

Mr. Wilkinson stated that he received a letter in support of the request from Matt Accord.

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

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

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

Pre-Conditions:

None

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Operating Conditions:

1. Site be kept neat and orderly.
2. All vehicles must be parked on church property.
3. Hours of operation be from 8:00 a.m. to midnight.

Ms. Brown seconded the motion, which carried unanimously.

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PAT SMALL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Pat Small, for a Special Use Permit to continue the existing beauty shop on property owned by Charles F. or Deloris K. Wertman, located on the west side of East Side Highway (Route 340), just north of the intersection of East Side Highway (Route 340) and Dooms Crossing Road (Route 611) in the Wayne District.

Ms. Pat Small stated that she would like to relocate her business to this location.

Ms. Brown asked how many days would the beauty shop be open?

Ms. Small stated three (3) days.

Ms. Brown asked how many employees will there be?

Ms. Small stated one (1) employee that works a day and a half.

Chairman Swortzel asked if the applicant is operating in the downstairs of the building?

Ms. Small stated yes. She stated that there has also been two (2) other beauty shops in the building prior to her asking for the permit.

Mr. Coyner stated that there has been this type of activity for years.

Ms. Small stated that her husband worked out conditions as far as parking.

Ms. Brown asked if this business would be by appointment or walk-in?

Ms. Small stated appointment only.

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

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

Chairman Swortzel stated that there has been several Special Use Permits issued for this property.

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

Pre-Condition:

1. Obtain Health Department approval for two (2) employees and provide a copy to Community Development.

Operating Conditions:

1. May have two (2) employees if approval is obtained from the Health Department and a copy provided to Community Development.
2. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

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STEW G. AND ALYCE M. POLLOCK - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Stew G. and Alyce M. Pollock, for a Special Use Permit to construct a building to have an indoor archery range on property they own, located on the south side of Fadley Road (Route 646), just west of the intersection of Fadley Road (Route 646) and Centerville Road (Route 699) in the North River District.

Dr. Stew Pollock stated that he would like to put an indoor archery range on the property. He stated that he would like to be able to do it in the winter time and when it is dark. He stated that he does not shoot with compound bows. He stated that he uses wooden bows. He stated that this is not a commercial operation. He stated that this is something that he enjoys doing. He stated that he is fine with keeping the equipment inside the building. He stated that he does have an outside target for archery practice during the day. He stated that he will keep the property neat and orderly.

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Mr. Wilkinson asked if the applicant would store the targets outdoors or place them outside while you are using them?

Dr. Pollock stated that he has a target on the property that is made to be kept outdoors. He stated that he would rather leave it there. He stated that he has one (1) target that he keeps outside. He stated that right now he does not have anything else. He stated that he may want to put 3-D targets on the property.

Mr. Wilkinson stated that when you live on a property you anticipate a certain amount of accessory use that goes along with the residence on the property. He stated that this is an agricultural lot until the time that you build your home so you do not have the same accessory uses to store items other than agricultural products.

Dr. Pollock stated that it would be a little bit of a hassle for him to put the outdoor targets inside the building.

Mr. Shreckhise stated that the targets will not be offensive if they would be left outside.

Mr. Coyner stated that the target would not be visible because of grass. He asked if the targets would be close to the ground?

Dr. Pollock stated yes.

Mr. Coyner asked if it would be something that gets mounted on a twelve (12') foot post?

Dr. Pollock stated no.

Ms. Brown asked how close are the neighbors?

Dr. Pollock stated that the neighbors have no objections. He stated that the suggested hours of operation are 8:00 a.m. to 8:00 p.m. He asked if the time could be extended to 10:00 p.m. He stated that sometimes he has a stressful day and he does not get home until 7:00 p.m. and if he could have the extended time it would be a lot easier for him. He stated that this is totally quiet. He stated that his car driving in and out is nothing compared to the traffic on Fadley Road.

Mr. Wilkinson asked if there would be lights inside the facility?

Dr. Pollock stated that he would need to have lights inside the facility.

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Mr. Coyner asked if the building would look like a machine shed?

Dr. Pollock stated that it would look like a small horse barn.

Mr. Coyner asked if he anticipates living on this property in the future?

Dr. Pollock stated no. He stated that he does have three (3) adult children and they may build a dwelling on the property.

Mr. Coyner stated that everything would be inside except one (1) or two (2) outside targets. He stated that if there was a limit on the amount of targets outside, would that be fine?

Dr. Pollock stated yes.

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

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

Vice Chairman Callison stated that this is a large field.

Mr. Shreckhise stated that if the applicant wants to have the Boy Scouts come to the property, he does not see a problem with having eight (8) or ten (10) archers at any one time.

Ms. Brown stated that the time should be changed to 11:00 p.m.

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

Pre-Condition:

1. Obtain permit from Building Inspection and provide a copy to Community Development.

Operating Conditions:

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1. All equipment, targets, and materials for the archery range be kept inside the 30' x 70' building **except** for two (2) targets outdoors.
2. No more than ten (10) archers to come to the site at any one time.
3. No commercial use of the facility.
4. Hours of use be 8:00 a.m. – 11:00 p.m.
5. Site be kept neat and orderly.

Mr. Shreckhise seconded the motion, which carried unanimously.

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DOUGLAS W. AND LEANNA S. FIFER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Douglas W. and LeAnna S. Fifer, for a Special Use Permit to have a machine shop on property owned by Garland V. and Carolyn K. Fifer, Trustees, located on the west side of North River Road (Route 730), just south of the intersection of North River Road (Route 730) and Towers Road (Route 764) in the North River District.

Mr. Douglas Fifer stated that he is requesting permission to construct a machine shop. He stated that he has a partner that is the machinist. He stated that he would like to get the building built for the shop. He stated that he would like to supplement his income for the farm. He stated that he would also like to help other farmers in the area.

Mr. Coyner asked if they would start this operation by this summer?

Mr. Fifer stated that they would like to start this summer and have the building ready by winter to start operating the business.

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

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

Chairman Swortzel stated that this is an ideal location.

Mr. Coyner stated that every community needs to have an operation like this.

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

Pre-Conditions:

1. Applicant obtain building permit and provide a copy to Community Development.
2. Obtain VDOT entrance permit and provide a copy to Community Development.

Operating Conditions:

1. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
2. All equipment, machinery, and materials for the business be kept inside the 42' x 84' machine shed.
3. Be limited to two (2) employees.
4. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.

Vice Chairman Callison seconded the motion, which carried unanimously.

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JAMES F. OR LAURA K. VINES - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by James F. or Laura K. Vines, for a Special Use Permit to reconstruct and enlarge a building destroyed by fire to have a slaughterhouse and meat processing facility, and increase the number of animals processed, have a small retail meat shop, and increase the number of employees on property they own, located on the northwest side of Lee Highway (Route 11) approximately .5 of a mile north of the intersection of Lee Highway (Route 11) and Pruchnic Lane in the North River District.

Mr. James Vines stated that he would like to put up an improved cattle processing facility. He stated that he just finished a smaller unit in the same footprint that was destroyed by fire. He stated that after listening to the Augusta County citizens and restaurants there is a great need to continue what he has started with putting up a small USDA inspection facility. He stated that he will bring in locally grown cattle from the area to be fattened to be prepared for processing. He stated that after processing the meat is going to be sent to restaurants and delis. He stated that the facility will have

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custom butchering and cutting. He stated that there is a tremendous need in this locality for good quality locally grown USDA beef. He stated that with the encouragement of the Augusta County citizens he would encourage this Board to approve this request.

Mr. Coyner stated that the custom butchering is that the citizen that grows beef for their personal use could bring it to the site and you would be able to process the beef.

Mr. Vines stated yes. He stated that there is a tremendous need for this type of operation. He stated that it is almost a blessing that the first building went down because he can be more intelligent in building this building. He stated that this building is going to be something that Augusta County can be pleased with.

Mr. Coyner stated that many farmers drive to Rockingham or Rockbridge to get to a facility.

Mr. Vines stated that the only other facility that is close by is Harrisonburg Meat Wholesaler. He stated that he was considering purchasing that facility but there are complications with that site. He stated that he will be on his property every day to control all aspects of the processing.

Ms. Brown asked if the beef processed would stay in the Valley?

Mr. Vines stated yes. He stated that he is in contact with the United States government and they prefer the food sources to be in smaller situations instead of the gigantic situations that are taking place today. He stated that he has learned a lot in this past year.

Mr. Coyner asked if they would process goats or sheep?

Mr. Vines stated that they can but it is not his mainline. He stated that everything that is being produced is going out of Augusta County. He stated that the goats need to go to Pennsylvania. He stated that majority of the requests is going to be the beef.

Chairman Swortzel asked how long ago did the building burn?

Mr. Vines stated Easter of this year.

Mr. Coyner asked how long will it take to have the building built?

Mr. Vines stated that he hopes not long. He stated that they already have the building planned. He stated that Fort Construction will be working with him doing this building.

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He stated that this would be a full time business. He stated that they will employ two (2) or three (3) employees. He stated that as the products start flowing he would like to have five (5) or six (6). He stated that he would like to have permission to have up to ten (10) employees. He stated that with ten (10) employees he could push approximately thirty (30) head per week. He stated that he is not asking for limitations. He stated that his limitations will be set on the size of the building. He stated that the processing plant of the building will be 40' x 124'. He stated that Gerald Bean from the USDA will be working with him. He stated that if there is anything wrong with smell, decay, or anything else, the USDA will shut them down. He stated that there are limitations on how much beef he can produce. He stated that to be a USDA inspection facility, a USDA inspector needs to be onsite when he is there. He stated that they work hand in hand everyday. He stated that in the beginning he expects five (5) beef a week. He stated that he will live within the constraints of the 40' x 124' building. He stated that he has changed the cattle staging area to be right in the back of the building. He stated that after the staging area, the cows will move into the killing area, coolers, and meat processing area.

Mr. Coyner stated that the applicant has a vested interested with the business.

Mr. Vines stated that this will work. He stated that he has received a lot of encouragement from the citizens of Augusta County.

Ms. Brown asked where are the waste products disposed of?

Mr. Vines stated that the waste products are sent to Valley Protein. He stated that DEQ has allowed him to capture the waste water on his 150 acre property. He stated that the blood products go to Valley Protein. He stated that he is dealing with a gentleman in New York with the hides.

Mr. Coyner asked if the USDA requirements changed in the last year?

Mr. Vines stated that the only thing that is changing quickly is how many times you have to check your beef for 157 ecoli. He stated that every piece of beef will be identified by a serial number and if anything goes wrong that product is recalled. He stated that he needs to follow guidelines.

Mr. Wilkinson asked if there is a certain area that the cattle will be confined to before they are processed?

Mr. Vines stated no. He stated that all cattle will be staged in the staging area. He stated that they will not be in the fields. He stated that there will be no difference with the building that he built before. He stated that he will use the entire footprint. He

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stated that the cattle will be stored in the back and enclosed in the back staging area. He stated that they will be killed that day or the next morning. He stated that people have the ability to fatten the cows out but there is really no place to put them other than Clay Hewitt's market. He stated that his customer will fatten their cows and bring them to him to dispense.

Mr. Wilkinson stated that the applicant is looking at thirty (30) a week. He stated that the applicant could not take one hundred (100) cattle. He stated that the applicant can only take the amount of cattle that can be processed. He stated that the cattle would fit into the building.

Mr. Vines stated that the building can handle a lot. He stated that there will be pens and walkways in the building. He stated that he spoke with the Virginia Department of Transportation and he has to change the entrance in the front so that trucks coming in have a little bit bigger space. He stated that he has to enlarge his septic system to handle ten (10) employees.

Mr. Coyner stated that these were former poultry houses?

Mr. Vines stated yes.

Mr. Coyner stated that the neighbors should be relieved somewhat with this operation.

Mr. Vines stated that the poultry house operation is one hundred times bigger than this venture.

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

Ms. Janet Wampler stated that she has been in research work for twenty (20) years. She stated that there has been poisoned pet food, fish, toothpaste, etc. She stated that a lot of items are being made in China. She stated that China and Russia signed a joint declaration that will challenge the United States role as sole superpower. She asked what happens if China stops manufacturing all of the products shipped to the United States. She stated that there seems to be some ill feelings with China and the United States. She stated that the County should have as much food and meats produced locally.

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

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Alfred Cline, 1030 Lee Highway, stated that he owns the 150 acres of land that fronts the Vines property. He stated that he did witness the fire that happened on Easter. He stated that the Comprehensive Plan for Augusta County at that time showed the property to be in an Agricultural Conservation Area leading to their farm to Route 11. He stated that at that time he did not plan to make any objections to the proposal. He stated that the greenbelt no longer exists. He stated that this was changed when the Board of Supervisors adopted the Comprehensive Plan on April 25th. He stated that from the south end of his property at the pumping station to the creek has been designated in an Urban Service Area with Medium Density Residential. He stated that the strip 400' to 500' wide along Route 11 has also been designated as Urban Service Area with Medium Density Residential development. He stated that the strip is about ten (10) acres. He stated that the land between this strip and the Vines property has been designated as Rural Conservation Area which allows for moderate amounts of low density development. He stated that it adjoins the Vines property for about .2 of a mile. He stated that this land could be changed to Medium Density Residential or it could stay in agriculture. He stated that his wife has no plans for developing the property. He stated that they have been in consultation for the Bridgewater Retirement Community for several months and their plan is to donate their entire property to the retirement community. He stated that attractive housing has become available. He stated that he does not expect the retirement community to own the property for any lengthy period of time. He stated that whatever decision is being made, it should be compatible with the Comprehensive Plan.

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

Benham Black, PO Box 1206, Staunton, stated that he is an attorney who is representing the heirs of Carter Gore. He stated that Lynn Gore Ward has sent the Board of Zoning Appeals a letter. He stated that since she sent that letter they had some time to investigate that matter. He stated that the Gore property is partly Urban Service Area – Medium Density Residential and partly Rural Conservation and the Vines property is Rural Conservation. He stated that the County is ultimately thinking of this area being developed. He stated that when a Special Use Permit is approved, there needs to be an understanding on whether it is appropriate for future enlargement. He stated that Mr. Vines is building what he anticipates to be a maximum facility and the facility will limit the number of cattle going through the property. He stated that they did not count sheep and goats that might go through the property. He stated that the pens should not be used as holding pens. He stated that there should not be a fattening operation in connection with the cattle being processed. He stated that the cattle need to be delivered and held in the shed area behind the plant. He stated that his clients do not oppose this type of operation. He stated that his clients are concerned with the damage anticipated if it is not compatible with Augusta County's

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long range planning. He stated that what is on the site now is compatible but there is a problem with a future expansion. He stated that he would propose that the Board put two (2) additional conditions to the permit to address the concerns of the Comprehensive Plan. He stated that there should be no fattening out of cattle that are not part of the Vines farming operation. He stated that Mr. Vines is going to need to fatten his own cattle but not bring in cattle to fatten. He stated that the livestock received for slaughter is to be held in the shed adjoining the processing plant which is now shown on the site sketch.

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

There being none, Chairman Swortzel asked if Mr. Vines would like to speak in rebuttal?

Mr. Vines stated that the farm is zoned agriculture and he is a purebred farm. He stated that he will not have any problem meeting the requirements of the fattening of his own cattle. He stated that he would like to bring his own steers into house number two. He stated that they will be held in the cattle staging area. He stated that there will not be fattening lots. He stated that this will be an inside operation. He stated that he will fatten his own cows in house number two. He stated that house number one is the one that burnt down.

Mr. Coyner asked if any poultry is done at the site?

Mr. Vines stated no. He stated that house number three is where they come in to get out of the weather. He stated that house number five is a hay operation house. He stated that house number four is not being used for anything right now.

Chairman Swortzel declared the public hearing closed.

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

Pre-Condition:

1. Obtain VDOT approval and provide a copy to Community Development.

Operating Conditions:

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1. Once USDA permit is approved applicant will provide a copy to Community Development.
2. If a restroom is installed for employees the applicant must obtain Health Department approval and provide a copy to Community Development.
3. The operation will be allowed ten (10) full time equivalent employees other than family members.
4. The entire slaughterhouse operation is to be indoors.
5. They be allowed one (1) sign and it be the existing 4' x 6' sign located on their driveway at Route 11.
6. No fattening of any cattle that are not part of the Vines personal farming operation.

Mr. Coyner seconded the motion, which carried unanimously.

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TONY C. PUGH - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Tony C. Pugh, for a Special Use Permit to continue the motor vehicle garage on property owned by Alfred L., Jr. and Melanie J. Allhiser, located on the south side of Rock Mountain Lane (Route 616), just west of the intersection of Rock Mountain Lane (Route 616) and Cottontail Lane in the Middle River District.

Mr. Tony Pugh stated that Mr. Allhiser reached an age where he wants to retire from his garage. He stated that he is willing to take over the garage and take over his customers plus new ones. He stated that he will get his insurance next week. He stated that he would like to start a twenty-four (24) hour towing service in the next six (6) months. He stated that there are no towing operations in Crimora. He stated that they would like to open a garage and provide a service for the community.

Mr. Coyner asked if he planned on operating like Mr. Allhiser?

Mr. Pugh stated yes. He stated that he does not want to change anything.

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

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

Mr. Coyner stated that the operation has been at the site for years and they have never had a complaint.

Ms. Brown asked if the applicant can operate the towing service?

Mr. Wilkinson stated that would be a separate request if the applicant decides to pursue that business. He stated that the applicant would need to come back before the Board to operate the towing business.

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

Pre-Conditions:

None

Operating Conditions:

1. Be limited to four (4) licensed vehicles outside the garage.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
3. Site be kept neat and orderly.
4. All work be confined to within the garage.
5. Be limited to one (1) employee besides the applicant.
6. Hours of operation be 7:00 a.m. to 6:00 p.m. Monday - Saturday. No Sunday work.
7. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.

Ms. Brown seconded the motion, which carried unanimously.

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TIMMY W. PLECKER - SPECIAL USE PERMIT

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This being the date and time advertised to consider a request by Timmy W. Plecker, for a Special Use Permit to have outdoor storage of excavating equipment, vehicles, and materials on property he owns, located on the south side of Parkersburg Turnpike (Route 254), just east of the intersection of Parkersburg Turnpike (Route 254) and Cedar Green Road (Route 693) in the Pastures District.

Mr. Timmy Plecker stated that his dad has owned and operated Plecker Construction for thirty (30) years and now he owns it. He stated that he does a lot of work for Augusta County. He stated that he has been parking there for a number of years. He stated that once the loop opened, it made it more visible. He stated that he only sees it as a problem with one (1) landowner. He stated that there is only one (1) residential house that he does not own. He stated that there is a church across the street and one (1) residence.

Chairman Swortzel asked who owns the house in the picture?

Mr. Plecker stated that is the only one that he does not own.

Ms. Brown asked how close is he to the property line?

Mr. Plecker stated three feet nine inches (3' 9").

Ms. Brown asked if there are homes across the street?

Mr. Plecker stated yes.

Mr. Coyner asked if there is a setback where nothing can be stored within twenty-five (25') feet?

Mr. Wilkinson stated that is an ordinance requirement.

Mr. Plecker stated that he does not have anything within the twenty-five (25') feet. He stated that Barry Lotts surveyed the property. He stated that the neighbor built a fence on his property and is parking old vehicles on his land. He stated that he feels that he has his property cleaned up and looking very nice.

Chairman Swortzel stated that there has been equipment at the site for quite some time.

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Mr. Plecker stated that he wants to store equipment that they do not have room for at their shop. He stated that they have grown in the past years. He stated that they alternate the equipment in and out.

Chairman Swortzel asked where is the other storage site?

Mr. Plecker stated on the other side of the Kelley property. He stated that they have several parcels in the County and the City. He stated that they already have an entrance which is easy for them to access. He stated that noise and dust will not be an issue.

Mr. Wilkinson stated that outside storage requires a Special Use Permit and screening from public view and a setback from any property that is not zoned business. He stated that would be to the house on the side and the rear which is zoned residential. He stated that there needs to be a twenty-five (25') foot buffer. He stated that he is proposing on his site sketch a 200' x 300' area which lies right beside the house that they are talking about.

Mr. Shreckhise stated that what is listed on the staff comments is pretty standard.

Chairman Swortzel stated that he prefers the evergreens rather than the fencing as long as the applicant could keep the evergreens growing.

Mr. Wilkinson stated that it looks like there is a lot of dirt and rock on the site.

Ms. Brown asked how many total pieces of equipment does the applicant have?

Mr. Plecker stated approximately forty (40) pieces of equipment.

Mr. Coyner asked if this is equipment that will stay at that site for awhile?

Mr. Plecker stated that it depends. He stated that they drop the equipment off in between jobs. He stated that there are four (4) or five (5) pieces of equipment. He stated that there are never more than six (6) pieces of equipment at the site.

Chairman Swortzel asked if the applicant could get trees to grow at the site? He asked if the applicant would prefer the fence or the trees?

Mr. Plecker stated that he would be willing to meet with Mr. Wilkinson. He stated that some of the property may be appropriate for fence and some of it for trees. He stated that until the trees get really high when driving on the new loop citizens will look at the equipment.

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Mr. Coyner stated that the Board wants to look out for the neighbors.

Mr. Shreckhise stated that in some areas the applicant may want to do both.

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

Mr. Wilkinson stated that they received a letter from the adjoining property owner raising concerns that they would like the request to be properly screened so that it does not devalue their property. He stated that they would like him to put up a high fence so that their property does not look bad.

There being none, Chairman Swortzel declared the public hearing closed. He stated that the Board viewed the site today and it looked very good.

Mr. Shreckhise stated that they have had their equipment at the site for quite some time. He stated that if the Board granted the permit with the conditions set forth by staff, the screening can be determined by the Zoning Administrator and they can get together to determine which areas need to be fenced or with trees.

Mr. Wilkinson stated that is an ordinance requirement for the outside storage to be screened from public view. He stated that the Board can make a determination on what type of screening.

Mr. Shreckhise moved that the request be tabled to the August meeting so that a recommendation can be determined as far as which areas need to be screened with a fence and which areas screened with trees.

Vice Chairman Callison seconded the motion, which carried unanimously.

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LUKE M. OR ESTHER B. CAMPBELL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Luke M. or Esther B. Campbell, for Special Use Permit to have a small engine repair shop within the existing garage on property they own, located in the northwestern quadrant of the intersection of Rankin Lane (Route 848) and Howardsville Turnpike (Route 610) in the South River District.

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Mr. Luke Campbell stated that he is applying for a permit to operate a small engine repair business in half of his existing attached garage at his home. He stated that he will do pickup and delivery only and there will not be any outside storage. He stated that he does work a full-time job, therefore, this will be a small operation. He stated that he will be the sole employee. He stated that the hours of operation will be strictly part-time Monday thru Friday. He stated that if the business does take off and grow, he will relocate the business to a site other than his home.

Chairman Swortzel stated that this is a very nice piece of property.

Mr. Coyner stated that if the applicant plans on picking up and delivering then that would solve the problem of a huge accumulation of engines.

Mr. Campbell stated that Mr. Sandridge from VDOT stated that by their guidelines, it would have to be pickup and delivery unless he redoes the driveway. He stated that he agreed to that. He stated that Mr. Nickell stated that the garage needed to be sheet rocked and taped which has been done.

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

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

Chairman Swortzel stated that the applicant has a small operation. He stated that the applicant will move the business if it gets larger.

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

Pre-Condition:

1. Obtain letter of approval from Building Inspection Department and provide a copy to Community Development.

Operating Conditions:

1. No customers are permitted to come to the site.
2. All equipment for repair will be picked up and delivered by the applicant.
3. All equipment, machinery, mowers or small engines, and materials for the business be kept inside the garage at all times.

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4. All work be done inside the garage.
5. Site be kept neat and orderly.
6. No employees.
7. No Sunday work and hours of operation be from 8:00 a.m. to 6:00 p.m.
8. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.

Ms. Brown seconded the motion, which carried unanimously.

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RICKY L. AND CINDY B. CAMPBELL – VARIANCE

NANCY C. BEYELER - VARIANCE

This being the date and time advertised to consider a request by Ricky L. and Cindy B. Campbell, for a Variance to change the boundaries of an existing nonconforming lot in order to add area and straighten property lines but reduce the lot width on property they own, located on the west side of Old White Hill Road (Route 831) opposite the intersection of Old White Hill Road (Route 831) and Our Lane in the Riverheads District.

This being the date and time advertised to consider a request by Nancy C. Beyeler, for a Variance to change the boundaries of an existing nonconforming lot in order to straighten property lines but reducing the lot area and lot width on property she owns, located on the west side of Old White Hill Road (Route 831), just south of the intersection of Old White Hill Road and Our Lane in the Riverheads District.

Mr. Wilkinson stated that this request and the next item on the agenda is the same request but involves two (2) separate property owners which are family members. He stated that this particular request was a 1999 Variance before the Board where they granted the separation of the two (2) homes that existed on one (1) parcel and the applicants are now asking to change the property lines that the Board granted in 1999.

Mr. Barry Lotts stated that he is the surveyor representing both parties in this matter. He stated that in 1999 they made an L-shape parcel. He stated that down the road if the house has any problems with the drainfield it does give a little more room in the

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back of the property to fix the problem. He stated that this is a family member situation and before one of the properties get sold to someone outside of the family they would rather fix the problem now instead of pleading with the neighbor trying to get an easement on the property.

Mr. Rosenberg stated that this is a request for both lots to have a Variance.

Mr. Wilkinson stated that they are both non-conforming due to lot area because they are less than one acre. He stated that in order to straighten the line up the property on the left would be reduced in acreage even further and the lot width will be reduced as well.

Mr. Rosenberg stated that there is a requirement in the Zoning Ordinance which states if you have a non-conforming lot, you cannot do anything to make that lot more non-conforming. He stated that in the one case there is a lot that is .997 acres which is already non-conforming because it is less than one (1) acre so if the Board adjusts the property line to make it .453 acres the Board would be increasing the non-conformity which is prohibited under the Zoning Ordinance. He stated that with the other lot it does not presently meet the minimum lot width requirements nor does it meet the minimal acreage requirements but the real issue with that is the lot width. He stated that it is already of insufficient width under the Zoning Ordinance and when the area is increased that does not meet the minimum lot width requirements. He stated the Board would be increasing the non-conformity there as well. He stated that the acreage would be increased from that lot. He stated that the Board needs to look at both of those lots that are proposed and be able to say that you are making both lots less non-conforming.

Mr. Wilkinson stated that the applicant is requesting a Variance from that statute from this Board.

Mr. Lotts stated that if something goes wrong with the drainfield the Board would probably prefer the proposed survey than the current layout.

Mr. Shreckhise stated that the only thing that is changing is the acreages.

Mr. Rosenberg stated that if the Board would like to discuss this further he would be glad to discuss it with them in closed session. He stated that the question is can the Board of Zoning Appeals grant a Variance from these provisions that preclude making a lot more non-conforming.

Mr. Lotts stated that they want to make sure that the house on the right has an area in the backfield just in case something happens with the drainfield.

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Mr. Rosenberg stated that while everyone is cooperating couldn't the owner on the one lot grant an easement for the reserve area on the property to serve the smaller lot.

Mr. Lotts stated that they could but in his opinion with easements, if you do not have to have them, do not have them. He stated that there is always a problem with an easement.

Mr. Rosenberg stated that an easement option does exist in this situation.

Vice Chairman Callison asked if the lots were conforming at the time it was created?

Mr. Rosenberg stated that there were two (2) dwellings on the property much like the next request on the agenda. He stated that the property owners came forward and requested a Variance in order to facilitate a division.

Mr. Lotts stated that they are asking for a boundary line adjustment to make the line straight.

Mr. Wilkinson stated that the owner of the property requested the present lot shape in 1999 in order to keep a garden on the same property.

Ms. Cindy Campbell stated that her mom obtained the property on the left. She stated that her mom did live on the property on the right. She stated that she did sell the property and they did not pay their taxes on it. She stated that her husband and her purchased the property on the right from the lady that let it fall into disarray. She stated that they removed the trailer and built a dwelling on the property. She stated that her mom no longer can care for the garden. She stated that they are looking at selling the house. She stated that they do not want future owners to deal with any problems. She stated that her mom is living in the property on the left. She stated that the property on the right is vacant right now. She stated that her grandparents had the garden on the site for many years.

Chairman Swortzel asked if they have public water?

Ms. Campbell stated yes. She stated that they have a septic for both lots.

Ms. Brown asked where the septic systems are on each of the lots?

Mr. Lotts stated behind both of the houses.

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

There being none, Chairman Swortzel declared the public hearing closed on both requests.

Vice Chairman Callison stated that the County is full of situations like this.

Ms. Brown stated that she would like to ask Mr. Rosenberg for his suggestion.

Mr. Rosenberg stated that he is not suggesting that the Board defer the matter but he has not had an opportunity to review this before he came to the meeting. He stated that he can look at the requests and discuss it with Mr. Wilkinson. He stated that he believes that he suggested to the Board where he thinks from a legal standpoint the issues fall. He stated that he would be happy to look at it more closely and come back to the Board at next month's meeting and go over it again with the Board before making a final decision.

Vice Chairman Callison moved that the Campbell request be tabled to the August 2, 2007 meeting.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Coyner moved that the Beyeler request be tabled to the August 2, 2007 meeting.

Ms. Brown seconded the motion, which carried unanimously.

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DOUGLAS OR LYNDA N. KERSHNER - VARIANCE

This being the date and time advertised to consider a request by Douglas or Lynda N. Kershner, for a Variance from the lot area and lot width requirements in order to separate two existing dwellings on property they own, located on the east side of Mule Academy Road (Route 642), approximately .1 of a mile north of the intersection of Mule Academy Road (Route 642) and Tinkling Spring Road (Route 285) in the Wayne District.

Lynda and Douglas Kershner are requesting a Variance from the lot size to separate two (2) dwellings. She stated that the first house is a home place of the Kershners. She stated that they are looking to move and they are trying to sell their parcel but maintain the home place.

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Mr. Coyner asked what the lot size is on this request?

Mr. Wilkinson stated 1.56 acres total. He stated that the proposal is for 0.74 acre in the rear and 0.80 acre in the front lot. He stated that it contains an existing non-conforming narrow strip so there is no way to make this lot conform as far as width.

Mrs. Kershner stated that prior to the construction of the dwelling in the back it did conform. She stated that if they knew the laws were going to change at that time, they would have separated it.

Mr. Rosenberg asked if there is a provision as far as a right of way to access the property.

Mr. Wilkinson stated that there will have to be a family member exception lot if the Board approves the Variance then they would need to submit a subdivision plat. He stated that before 1995 the ordinance allowed two (2) dwellings on a lot with 1.5 acres. He stated that in 1995 they went to a minimum one (1) acre lot size.

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

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

Mr. Coyner stated that this request would be in keeping with the character of the neighborhood. He moved that the request be approved.

Mr. Shreckhise seconded the motion, which carried with Ms. Brown being in opposition to the motion.

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MICKEY BRITT, AGENT FOR AUGUSTA UTILITIES, LLC - SPECIAL USE PERMIT

A request by Mickey Britt, agent for Augusta Utilities, LLC, for a Special Use Permit to have outdoor storage of equipment and materials on property it owns, located at the southern quadrant of the intersection of Earhart Lane (Route 1916) and the Shenandoah Valley Railway Tracks in the North River District. TABLED FROM THE SEPTEMBER 7, 2006 AND MAY 3, 2007 MEETINGS

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Mr. Wilkinson stated that the applicant decided to build the warehouse instead of having outdoor storage. He stated that they have completed the building and have asked to have the request withdrawn.

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PILOT TRAVEL CENTER – EXTENSION OF TIME

Mr. Wilkinson stated that he received Tuesday, July 3, 2007, late in the afternoon an email an extension of time request from Jed Campbell who is the agent for Pilot Travel Center. He stated that the Board approved the Special Use Permit for them about two (2) years ago to extend the drive around the back of the facility so that they will not back up on Route 11 waiting to come in and fuel. He stated that they asked for an extension of time to build the road and was approved by the Board and is running out. He stated that they are asking for another one (1) year extension of time on that Special Use Permit to be able to build the entrance road.

Vice Chairman Callison abstained from any discussion on the Pilot extension of time request.

Mr. Coyner stated that being that this is one of their top fifteen (15) or twenty (20) spots in the nation, he is having difficulty understanding why they are so sluggish in doing anything. He moved that Mr. Campbell come in and speak with the Board on his request.

Mr. Rosenberg asked when does the permit expire?

Mr. Wilkinson stated that the permit expires August 2, 2007. He stated that the permit was approved on February 2006 and in February 2007 the Board approved a six (6) month extension of time. He stated that under a Special Use Permit, if the applicant is diligently pursuing the permit and they are building it they would not stop the applicant if they are actively building the road. He stated that the Board can grant the extension of time or the permit can expire and Pilot can come back and reapply.

Mr. Wilkinson stated that he sent the applicant a letter stating that the permit will be expiring. He stated that he received an email the day before the meeting stating that he would like to have another extension.

Mr. Rosenberg stated that in other words if Mr. Wilkinson would have not sent them a letter, the permit will have expired and the Board would have never heard from the applicant.

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Mr. Coyner withdrew his previous motion.

Mr. Rosenberg stated that the Board does not have to consider this request. He stated that if the Board does nothing with the permit then it is not extended or the Board can wait until the next meeting.

Mr. Shreckhise stated that staff can inform Mr. Campbell that the Board did not do anything on his request and come to the next meeting.

Chairman Swortzel stated that the applicant may let this permit run out and come back before the Board with an expansion.

Mr. Coyner moved that the extension of time be denied.

Ms. Brown seconded the motion, which carried unanimously with Vice Chairman Callison abstaining from the vote.

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STAFF REPORT

- 06-47 Dovel, Craig L. or Glenna D. – **Denied**
- 06-48 Augusta Utilities, LLC – **Withdrawn**
- 06-49 Calise, Francesco P. or Tamara M.
- 06-50 Mountain Valley Self Storage

Mr. Wilkinson stated that SUP#06-49 and SUP#06-50 are both in compliance.

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Mr. Rosenberg stated that he had filed against the Gochenours within the last couple of weeks for operating a waste hauling business and operating a business in Augusta County without a business license. He stated that they are getting ready to file five (5) cases. He stated that he will need Mr. Bailey to take some more up to date photographs.

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

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Chairman

Secretary