

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

ABSENT: D. A. Brown

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 3, 2014, at 9:15 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:15 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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**CLOSED SESSION**

Mr. Coyner moved that the Board of Zoning Appeals of Augusta County convene in closed session pursuant to the economic development exemption under Virginia Code Section 2.2-3711(A)(5) [discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county].

Vice Chairwoman Tilghman seconded the motion, which carried unanimously.

On motion of Mr. Coyner, seconded by Vice Chairwoman Tilghman, the Board of Zoning Appeals came out of closed session. The motion carried unanimously. The Board members certified that the only item discussed in the Closed Session was the item for economic development.

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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:

- **Ben Yoder - Special Use Permit**
- **John and Peggy Kane - Special Use Permit**
- **J.S. Dhillon - Special Use Permit**
- **H. Norman Spurlock - Special Use Permit**
- **Abner N., IV or Clara M. Johnston, Etal - 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.

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Chairman

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Secretary

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

ABSENT: D. A. Brown  
 Pat Morgan, County Attorney

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 3, 2014, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Mr. Byerly moved that the minutes from the June 5, 2014, meeting be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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**JOSEPH VANDYKE, AGENT FOR BASIC CITY, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Joseph VanDyke, agent for Basic City, LLC, for a Special Use Permit to construct an addition to the existing building on property they own, located at 2175 Hankey Mountain Highway, Churchville, in the North River District.

Mr. Jack Wilson stated that they would like to construct a handicapped bathroom addition on the west side of the building. He stated the bathroom will be handicapped accessible which requires them to add a little more square footage to the building. He hopes to have the project completed by this fall or next spring.

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.

Chairman Shreckhise stated this is a logical request. He stated this request will not affect the traffic flow.

Mr. Byerly stated this is a reasonable request. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Submit revised site plan.
2. Be permitted to construct a bathroom addition as shown on the BZA sketch plan.

Vice Chairwoman Tilghman seconded the motion, which carried unanimously.

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**BEN YODER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Ben Yoder, for a Special Use Permit to use the existing building for internet auctions and to have outside storage between the buildings on property owned by Maynard or Shirley Miller, located behind 194 Yoder Circle, Stuarts Draft, in the South River District.

Mr. Kervin Yoder, 709 Churchmans Mill Road, Stuarts Draft, stated they have online auctions. He noted they also have a Special Use Permit for property on Cold Springs Road. He stated this would be a new facility for them to conduct auctions which will be their primary location. He stated they will have very few auctions at their other location.

Mr. Coyner asked how frequent will auctions be held?

Mr. Yoder stated almost every week.

Mr. Coyner asked if the applicant would have many people coming to the site?

Mr. Yoder stated no. He stated the auctions are online only but they will have one (1) hour where customers can preview items and at the conclusion of the auction customers can come to the site to pickup items.

Mr. Coyner asked if the merchandise will be physically sold at this site?

Mr. Yoder stated yes.

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 stated this is a nice facility. He stated the applicant does a good job because they have never received any complaints at his current location. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. The only outside storage permitted will be between the existing buildings as shown on the plan and the only items permitted outside will be vehicles, farm equipment, or items too large to fit inside the 60' x 100' building.
2. No other outside storage is permitted.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. No vehicles or equipment be brought to the site prior to **ten (10) days** before an auction event and all vehicles and equipment be removed within **ten (10) days** of an auction event and the site be returned to an agricultural state.
5. Porta-johns may be used to supplement the onsite restroom facilities but may be brought to the site no sooner than seven (7) days before an event and be removed no later than seven (7) days after an event.
6. Site be kept neat and orderly.
7. No Sunday work.

Mr. Byerly seconded the motion, which carried unanimously.

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**JOHN AND PEGGY KANE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by John and Peggy Kane, for a Special Use Permit to have a vehicle repair shop within an existing building, a vehicle impound area, farm equipment sales, and firewood sales on property they own, located at 649 Cold Springs Road, Stuarts Draft, in the Riverheads District.

Ms. Peggy Kane stated they would like to have a vehicle repair shop, farm equipment sales, and firewood sales on their property. She would like to request to have two (2) employees because they do not have any immediate family members in the area that can assist with the business. She would also request to be able to do some Sunday work. She stated her husband will be doing this part-time because he has a full-time job. She noted that they would like to have the option to work on Sundays.

Mr. Coyner asked if this is work that would be done on the side and evenings?

Mr. John Kane stated yes in the evenings.

Mr. Coyner asked what type of farm equipment will the applicant operate on?

Mr. Kane stated farm machinery and farm tractors.

Mr. Coyner stated the Board does not want to see twenty (20) pieces of equipment or vehicles sitting around at the site.

Mr. Kane stated if his shop is full then he would not want customers bringing in items to his property. He stated that Mr. Wilkinson suggested he have an impound facility to store excess in the future if necessary.

Mr. Coyner stated the Board is usually not receptive to Sunday work.

Mr. Kane stated Sunday work would be on occasion such as if a piece of equipment needed to be fixed quickly. He stated they will not make any noise or disturb anyone. He stated that he would not even be able to work on his own vehicle on Sunday because Mr. Wilkinson will not know what is for the business or personal.

Mr. Coyner asked if Sunday work is granted it would be only in an emergency situation?

Mr. Kane stated he would only operate on Sunday if something popped up and was unavoidable.

Vice Chairwoman Tilghman asked if the work will always be done in the shop?

Mr. Kane stated yes.

Mr. Coyner asked how many people are working in the business now?

Mr. Kane stated him and his wife.

Mr. Coyner asked if he would hope that this become his livelihood?

Mr. Kane stated he enjoys doing this but at times he will need a hand.

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.

Chairman Shreckhise stated the applicant is requesting to operate on Sunday only for emergency situations. He stated they are requesting to have at least one (1) employee other than a family member.

Mr. Coyner stated every neighborhood needs a repair shop and it is good to have this type of service in the area.

Vice Chairwoman Tilghman moved that the request be approved with the following conditions:

**Pre-Conditions:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. Obtain letter of approval from Building Inspection.

**Operating Conditions:**

1. Be permitted to have vehicles and equipment within the existing 3-bay garage.
2. Maximum of five (5) licensed vehicles may be outside of the vehicle impound area at any one time.
3. The 30' x 50' vehicle impound yard be screened with an eight (8') foot high opaque privacy fence.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Outdoor storage of farm equipment and wood be kept in the designated areas shown on the sketch plan.

6. Hours of operation not be past 10:00 p.m.
7. No Sunday work on a routine basis. All Sunday work be done inside the garage.
8. Be permitted one (1) employee other than family members.
9. Site be kept neat and orderly.
10. Applicant must reside on premises.

Mr. Coyner seconded the motion, which carried unanimously.

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### **J.S. DHILLON - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by J.S. Dhillon, for a Special Use Permit to connect two non-conforming buildings on property he owns, located at 789 and 793 Jefferson Highway, Staunton, in the Wayne District.

Mr. J.S. Dhillon stated he would like to connect the two buildings together in order to have a passageway to and from the buildings. He stated by doing this they will have accessibility to both the buildings.

Mr. Wilkinson stated the applicant has outgrown the shop and needs more room.

Mr. Coyner stated the applicant will be operating the same business. He stated they are wanting to adjoin both buildings.

Mr. Wilkinson stated the property is zoned Business but with the widening of Route 250 the buildings do not meet the current setback requirement. He stated these buildings are non-conforming. He stated any non-conforming building being altered or expanded requires a Special Use Permit.

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 stated this is a logical move. He moved that the request be approved with the following conditions:

### **Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to construct the addition as shown on the site plan.
2. Applicant obtain building permit and provide a copy to Community Development.

Mr. Byerly seconded the motion, which carried unanimously.

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**H. NORMAN SPURLOCK - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by H. Norman Spurlock, for a Special Use Permit to have outside display and storage of accessory buildings on property owned by J.S. Dhillon, located at 787 Jefferson Highway, Staunton, in the Wayne District.

Mr. Norman Spurlock stated he would like to have outside display of portable storage buildings. He stated the buildings will be removed as they are sold and they will be replaced as sales take place.

Vice Chairwoman Tilghman asked how many buildings will be at the site?

Mr. Spurlock stated the site plan shows either fourteen (14) or fifteen (15) buildings. He stated he would not have that many on a regular basis. He noted normally he would have twelve (12) buildings but he wanted the ability to bring in a few extra if needed.

Mr. Byerly asked if the buildings are constructed at the site?

Mr. Spurlock stated no. He noted the buildings arrive on skids and then removed.

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.

Chairman Shreckhise stated the property is zoned Business and the applicant is required to obtain a Special Use Permit due to having outside storage on the property.

Mr. Coyner stated they are attractive buildings. He moved that the request be approved with the following conditions:



**Pre-Conditions:**

None

**Operating Conditions:**

1. Buildings be kept in the area shown on the site plan.
2. Site be kept neat and orderly.
3. No building materials or parts of buildings be kept outside.

Vice Chairwoman Tilghman seconded the motion, which carried unanimously.

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**ABNER N., IV OR CLARA M. JOHNSTON, ETAL - SPECIAL USE PERMIT AND VARIANCE**

This being the date and time advertised to consider requests by Abner N., IV or Clara M. Johnston, Etal, for a Special Use Permit to expand the existing quarry operation and replace the scale house and for a Variance from the buffer requirement in order to mine property adjacent to the existing quarry on property they own, located on the west side of Cold Springs Road (Route 608), approximately .5 of a mile west of the intersection of Cold Springs Road (Route 608) and Dabneys Road, adjacent to the existing quarry in the Riverheads District.

Mr. Abner Johnston stated they are almost out of rock mining material on the current property. He stated they want to extract the material out of the new site and to bring it to the existing plant. He noted the other item on the agenda is a Variance from the 200' buffer requirements. He stated where there are adjacent property owners not associated with the mine, they will maintain the 200' buffer. He stated the Variance is for the 200' buffer in order to continuing to mine and be able to dig to the other quarry. He stated they own five (5) different parcels in the area.

Chairman Shreckhise stated the applicant has two requests. He noted one is for expanding the quarry operation and the other is for a Variance.

Mr. Coyner asked how deep is the applicant mining?

Mr. Johnston stated 22' deep.

Mr. Coyner asked how does the applicant decide when to quit?

Mr. Johnston stated when they hit clay.

Mr. Coyner stated some of the land looks like it is in the reclamation stage. He stated the Board saw rock piled up this morning.

Mr. Johnston stated that is part of their inventory waiting to be sold. He noted they have a Special Use Permit for that storage.

Mr. Coyner asked if the operation will remain the same and the applicant is wanting to move to a new area to mine?

Mr. Johnston stated yes.

Mr. Wilkinson stated the applicant will have a buffer around the property except between the two quarries. He stated the applicant does not want the buffer from his own quarry. He noted the exterior buffer stays in place.

Mr. Johnston stated he will remain 200' off of any adjacent property owner. He noted the entranceway will not be disturbed.

Vice Chairwoman Tilghman asked how close to the river can the applicant mine?

Mr. Johnston stated the Department of Mines, Minerals, and Energy regulates how far off he can mine from the river.

Mr. Matt Kretsch stated he is a State Mine Inspector assigned to Augusta County with the Department of Mines, Minerals, and Energy. He stated the applicant will need to follow the permit boundaries that are approved. He stated no dredging in the river is permitted. He stated all of the mines are regulated by the state. He stated they will need to maintain drainage control. He stated the applicant has not submitted his application to the State yet.

Mr. Johnston stated they will not have any activity across the river.

Vice Chairwoman Tilghman stated if they mine new pieces of property is a permit required?

Mr. Johnston stated that he has to submit a site plan color coded with buffers following what the Board of Zoning Appeals approves to the Department of Mines, Minerals, and Energy. He stated the Department of Mines, Minerals, and Energy will not overstep what this Board does. He stated they hold a bond with the state for the reclamation process so that the state has the money to cover the expenses.

Mr. Coyner stated in years past this Board was concerned about the truck traffic and irritation to the neighbors. He stated they have not heard any issues recently.

Mr. Johnston stated if they have any issues with the drivers they have refused to load their trucks.

Mr. Coyner stated whatever the applicant is doing, it is certainly working.

Mr. Johnston stated he does not want to see any accidents caused by a driver going to their facility.

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

Mr. Gray Brooks, 639 Dabneys Road, Raphine, stated that he is one of the landowners in the area. He stated the applicant is running out of material. He stated the Board should allow Mr. Johnston to continue the quarry.

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 hearings closed.

Mr. Wilkinson stated in 2012, the applicant requested to replace a scale house and that was not completed. He noted staff has added that to this permit for the Board's consideration.

Mr. Byerly stated the Special Use Permit is a reasonable request. He noted this is a much needed operation. He moved to approve the Special Use Permit with the following conditions:

**Pre-Condition:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.

**Operating Conditions:**

1. Special Use Permit for the 67.854 acre site be granted for a term of ten (10) years.
2. Applicant submit a copy of the Mine Reclamation Plan.
3. The maximum acreage allowed to be mined at any one time is not to exceed thirty (30) acres. Prior to any area being mined, the applicant must submit to the Community Development Department a site plan drawn to scale showing the intended area to be mined.

4. Each section must be reclaimed as soon as possible after mining of the section has been completed, but not later than twelve (12) months after mining of an additional section has commenced.
5. Permit be issued non-transferable to Abner N. Johnston, IV, President of Shenandoah Asphalt.
6. Thirty (30') feet is the maximum depth allowed to be mined.
7. All truck drivers be given driving guidelines that they are to adhere to.
8. There be no operation of onsite equipment prior to 7:00 a.m. or after 7:00 p.m. Monday – Friday and 7:00 a.m. to noon on Saturdays.
9. No Sunday operation.
10. All local, State, and Federal regulations must be complied with.
11. Debris including residue rock and stone and other waste material stored on the property must have originated from the property and not be brought in from other sites. The only exception to this would be milled asphalt, stone, rock, and mulch.
12. All Federal and State regulations concerning vehicle condition, covering of loads, spills, etc. be met at all times.

Mr. Coyner seconded the motion, which carried unanimously.

Mr. Coyner stated with the Variance it does make sense not to require the buffer between quarries on their own property.

Vice Chairwoman Tilghman stated a quarry can be very controversial but the applicant is doing a nice job. She stated the citizens should be aware that the applicant cannot just do anything they want.

Mr. Johnston stated they try and be a good neighbor. He stated the trucks are on the road but they do not want them to run rampant. He stated they do not want to be back before this Board because of a truck driver not abiding by the rules.

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

**Pre-Condition:**

1. Buffer areas to be clearly delineated on the site plan.

**Operating Condition:**

1. Only the two hundred (200') foot buffer area along the property lines between the two (2) mining operations may be vacated. All other buffer areas to remain in place.

Vice Chairwoman Tilghman seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 13-37 Eastside Speedway, Inc.
- 13-38 Mark E. Shaffer
- 13-39 James or Sheila M. Potter
- 13-40 Stump Holding Company, LLC
- 13-41 John E. Norder

Mr. Wilkinson stated SUP#13-37 is in compliance. He noted that they have sent a second notice of violation on SUP#13-38 regarding the number of vehicles at the site. He stated SUP#13-39 is in compliance. He stated the Board will hear a request for an Extension of Time for SUP#13-40 next month. He stated the applicant has applied for the building permits for SUP#13-41.

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

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

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Chairman

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Secretary