

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 2, 2014, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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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:

- **GARLAND EUTSLER - SPECIAL USE PERMIT**
- **NEIL S. SCHROEDER - SPECIAL USE PERMIT**
- **KENNETH RAY BRADLEY, JR. - SPECIAL USE PERMITS**

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  
 D. A. Brown  
 T. H. Byerly  
 G. A. Coyner, II  
 Pat Morgan, County Attorney  
 J. R. Wilkinson, Zoning Administrator & Secretary  
 B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 2, 2014, 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 September 4, 2014, meeting be approved.

Mr. Byerly seconded the motion, which carried unanimously.

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Mr. Dwayne Weaver was not present, therefore, the Board moved his request to the end of the agenda.

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**GARLAND EUTSLER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Garland Eutsler for a Special Use Permit to reopen the back section of the existing Shenandoah Acres Campground on property owned by Good Faith, LLC, located at 348 Lake Road, Stuarts Draft, in the South River District.

Mr. Garland Eutsler stated it has been a successful year for Shenandoah Acres Family Campground. He noted the seasonal market is big. He stated they have some seasonal sites but they wanted it to be limited the first year. He stated they do have customers wanting to bring their camper in on April 1<sup>st</sup> and leave them at the site until the end of

October. He mentioned they pay a flat rate and the electricity is metered. He stated many of them come to camp on the weekends and a lot of them live in Stuarts Draft. He noted the demand is outstanding. He stated they will be upgrading the primitive camping also. He mentioned that they would try to accommodate seventy-five (75) sites but it will probably be close to 62 or 72 sites. He stated the seasonal sites are larger than the weekend sites. He assured the Board that with this expansion he will be done for a while. He noted this will leave him 180 sites with 115 being for the public and 65 being seasonal. He mentioned they have a waiting list of people wanting to be seasonal campers. He noted they have hired an engineer to be sure the water system is sufficient as it relates to spring water. He is also working with the Health Department and the Service Authority. He felt this was a good business decision for us. He stated they will start working on improvements to the lake. He stated they have plenty of space to expand and the expansion will be nice. He stated they are sold out for Halloween weekend.

Mr. Coyner stated the Board visited the site this morning. He asked if the campers at the site this morning were considered seasonal?

Mr. Eutsler stated the seasonal campers will be to the loop toward the right. He stated they will have restrictions on the seasonal campers with one being no refrigerators on the porch. He also noted they can leave the camper at the site during the winter months but the owner will need to have a cover for the camper which protects the unit and is aesthetically appealing. He stated they can have a ground deck in the front of the camper. He is also requiring that the camper be winterized.

Mr. Coyner asked if there are some folks who still use a tent?

Mr. Eutsler stated yes. He noted they have eighteen (18) designated tent sites available on the right and twenty-four (24) additional sites in the grove area. He stated when Sherando's sites get filled up they send them to us. He stated this is a family campground and they have not had any issues and he is proud to tell the Board that.

Ms. Brown asked if the lake is spring fed?

Mr. Eutsler stated yes it is a constant flow.

Ms. Brown stated the playground is very nice at the campground. She asked if the playground was there before?

Mr. Eutsler stated it is twenty-two (22) years old. He stated they put in a lot of manpower and a lot of money conditioning the playground equipment. He noted they are very proud of their playground. He stated they also lighted the playground. He stated the tire has been there for years and they do check it regularly for bee hives.

Ms. Brown stated the cabins are nicely painted. She asked about items in the lake for the children?

Mr. Eutsler stated they are trying to really work on the lake. He hoped to have the lake and beach area completed in about three (3) years. He stated they have to do many things to improve it and sand is not cheap.

Ms. Brown thanked Mr. Eutsler and stated the campground is beautiful.

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 the community benefits from the campground being open. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

1. Obtain Health Department approval and provide a copy to Community Development.
2. Obtain Service Authority approval and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to reopen the back section for up to seventy-five (75) campsites as shown on the BZA plan.
2. Site be kept neat and orderly.
3. No outdoor amplified music after 10:00 p.m.
4. Obtain yearly outdoor music festival permit.

Mr. Byerly seconded the motion, which carried unanimously.

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**NEIL S. SCHROEDER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Neil S. Schroeder for a Special Use Permit to construct a building and have a motor vehicle repair facility on property he owns, located at 416 Sangers Lane, Staunton, in the Beverley Manor District.

Mr. Neil Schroeder stated he has already started the privacy fence. He stated the goal is to screen the impound area so the view is less than it was in the past. He has actually done more fencing than his plan calls for.

Mr. Coyner asked who are his customers?

Mr. Schroeder stated he started restoring European sports cars. He noted he works by himself and most of the projects are one (1) month to six (6) months but mostly long term. He planned on using the existing 15x30 slab for parking.

Mr. Coyner asked if there are vehicles sitting around at the site?

Mr. Schroeder stated no.

Mr. Coyner asked about the trailer at the site?

Mr. Schroeder stated he does do a lot of mobile repair for used car lots and other customers. He stated the shop will allow him to be able to handle more complicated repairs. He would like to mix two (2) businesses in order to make a living.

Vice Chairwoman Tilghman asked if he had a business license for a mobile unit?

Mr. Schroeder stated yes.

Ms. Brown asked how many employees does the applicant have?

Mr. Schroeder stated none.

Ms. Brown asked how many business vehicles do you have?

Mr. Schroeder stated three (3) vehicles.

Mr. Wilkinson stated the County does not have any record of Mr. Schroeder having a business license. He asked if the applicant has a business license in another name?

Mr. Schroeder stated he has a business license with the City of Staunton. He stated his business license did laps and he did not get one with the County until he found out what he was doing.

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

Mr. Duke West stated that he represents the Estate of Ethel Doyle. He stated the property is in land use and they are concerned about the runoff. He stated Mr. Schroeder did not put in a culvert and the runoff drains into their driveway. He stated they had repair work

done on the culvert for all of the drainage issues. He noted they are also concerned about the noise. He felt that Mr. Schroeder is the type of person who asks for forgiveness rather than permission. He mentioned that no trespassing signs were placed on his property. He stated Mr. Schroeder has not been neighborly. He also made the Board aware that he also has a manufacturing business. He sells stainless steel cup holders and cups which he may be manufacturing at the site too. He felt that the Board will always have to continue to police Mr. Schroeder's activities and it would be a burden to the neighbors.

Ms. Barbara Garrison, 392 Sangers Lane, Staunton, stated she had a problem with the noise. She lives beside the property. She noted the building is twenty-five (25') feet from the property line and she does not have air conditioning. She does leave her windows up and she has awoken to loud noises from Mr. Schroeder. She stated he revs up the engine over and over again when he is working on them. She stated the only way that they will be free of the noise is if he works in the garage with the doors down. She has even had to ask people to move out of her driveway because they parked there because his lot was full. She noted if he works with the doors down she will not have much of a problem with this request.

Chairman Shreckhise stated that he has received calls from many neighbors regarding the noise issue as well as the citizens opposing the number of vehicles at the site.

Mr. Wilkinson stated he did not receive any letters but several phone calls from the neighbors.

Mr. Coyner stated the Board visited the site this morning.

Mr. Wilkinson displayed a Google Earth picture of the site for the Board to see from this year. The picture displayed fifteen (15) vehicles at the site.

Mr. Coyner asked if the applicant was operating at the site?

Mr. Wilkinson stated it does appear that way.

Mr. Schroeder stated the reason for the other building is that he can work on the vehicles inside. He stated he is in the process of constructing a privacy fence. He will work with any stipulation that the Board places on his permit. He plans on working on the vehicles inside the building. He will try to abide by any stipulations that the Board gives him and he will try to be a good neighbor.

Mr. Byerly asked what would it take to bring the agriculture building up to code?

Mr. Schroeder stated it will cost two times as much to bring the building up to code. He stated he has his tools and machinery in the building now. He mentioned that all of his work will be primarily done in this new building that he is proposing.

Mr. Byerly asked what is the explanation for the fifteen (15) vehicles being at the site?

Mr. Schroeder stated he owns nine (9) of them and some are trailers.

Mr. Coyner asked the applicant why is he now applying for the permit for the project?

Mr. Schroeder stated that he was injured two (2) years ago and has not been working. He has received several letters and had conversations with Mr. Wilkinson stating that he needed to clean-up the place.

Mr. Wilkinson stated they have been talking with Mr. Schroeder since 2005.

Mr. Coyner stated that Mr. Schroeder is reluctant to follow the rules and regulations. He asked if the applicant has changed?

Mr. Schroeder stated yes. He stated he will keep the vehicles inside the impound area and privacy fence. He stated all of the work will be inside the building so he will not bother the neighbors with noise.

Mr. Coyner stated operating out of a business location may be better.

Mr. Schroeder stated he had to sell the shop when he got injured. He stated his doctor said he can start working this December.

Mr. Byerly stated a 16' x 32' shop is only 512 square feet. He stated that is a small shop for three (3) vehicles. He felt the shop would be too crowded.

Mr. Schroeder stated he would have two (2) cars inside and the overflow on the back lot and behind the privacy fence and impound area.

Vice Chairwoman Tilghman asked how big is the impound area?

Mr. Schroeder stated enough for six (6) or seven (7) cars.

Mr. Wilkinson displayed the site plan for the Board. He noted the Augusta County Zoning Ordinance limits the number of inoperable vehicles to five (5) if the site contains five (5) or more acres without having a Special Use Permit. He stated as defined in the ordinance any more than five (5) inoperable vehicles is considered a junkyard and requires a Special Use Permit. He stated they will need to be screened from view.

Mr. Coyner stated the garage is right on top of the neighbor. He felt this may not be a good place for this type of business.

Ms. Brown asked how long ago was the garage built?

Mr. Schroeder stated it was built in 2004.

Mr. Wilkinson stated the garage was built before the house.

Vice Chairwoman Tilghman did not understand why the applicant would construct a garage that close to the line.

There being no one else to speak, Chairman Shreckhise declared the public hearing closed. He stated his main concern is that this will be offensive to the neighbors. He has received numerous calls about the noise being terrible due to this business.

Mr. Coyner felt that this was not a good place for this business. He stated the County's experience with this gentleman is not proactive so far. He stated this request is not in keeping with the character of the neighborhood, therefore, he moved that the request be denied.

Mr. Byerly seconded the motion, which carried unanimously.

Ms. Brown stated the Board received complaints on the noise level and the revving of the cars and the applicant disturbing the peace of the neighborhood.

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### **KENNETH RAY BRADLEY, JR. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kenneth Ray Bradley, Jr. for a Special Use Permit to modify the conditions of the existing permit to have a contractors storage yard, temporary salvage area, and have an auction facility and flea market by continuing temporary outside storage of salvage material on the south side of the property and to modify condition #4 to remove the limit on the number of auctions per month, and to permit outdoor storage of tables for the flea market, and modify condition #5 to allow Sunday operations on property he owns, located on the east side of East Side Highway (Route 340), just north of the intersection of East Side Highway and Al Gore Lane, in the Wayne District.

Mr. Tom Shumate, Jr. stated he is the surveyor working on this plan with Mr. Bradley. He noted that Mr. Bradley did not know that he did not have a permit to store the milling pile located on the south side of the property. He stated we always knew that he wanted to have storage on the property. He stated the Erosion and Sediment Control plan has been approved. He stated the other Special Use Permit did not spell it out so they are here now to get the official permission.

Mr. Kenneth Bradley stated a year ago his mother passed away and he was not able to come to the meeting. He stated Tom Shumate, Sr. came to the Board meeting for him. He stated they were crushing a building for Dupont and they had a rock crusher to crush



the concrete. He stated the Board gave them sixty (60) days to move it but they did not know that they could not bring any more millings in. He stated they started moving the milling to the left side and they did not know that they did not have a permit to do so. He stated that he has permits on the right but not the left. He is here to correct the mistake. He stated he was bringing in two different materials and he did not want to mix them. He noted that B&S also asked him if he wanted to buy some material from them as well as the City of Waynesboro.

Chairman Shreckhise stated the Board felt that the applicant was going to use the material on the property and the Board never intended or gave permission to use the storage area for sales. He felt the Board does not want to see the area used as a sales lot and would like the area cleaned up. He mentioned that the property is not zoned that way and it takes away from the property.

Mr. Coyner stated the applicant has a mountain of storage with no end in sight.

Mr. Bradley stated we can come back before the Board in November with another storage location. He stated that Fielder's Choice is going to move 350 loads of dirt and concrete and some of that storage will be gone. He stated they will need a timeframe in order to remove the storage from the site. He stated they do want it to look clean.

Vice Chairwoman Tilghman felt that the Board heard last October that this site was a temporary site for storage. She thought the storage would be removed from the site more quickly. She stated this was certainly a miscommunication. She stated the Board will need a long term plan on where it is going and if the applicant will need permission to bring it to another site.

Chairman Shreckhise stated the Board will need to know where the storage will go and how fast.

Mr. Shumate stated Mr. Bradley did not know they could not use it for material storage. He stated they contacted Mr. Wilkinson and he told them they could not bring any more material to the site. He stated this was not a disregard but simply a misunderstanding.

Chairman Shreckhise stated the applicant did not have permission to store asphalt at the site.

Mr. Shumate stated Mr. Bradley did receive an approved Erosion and Sediment Control plan. He noted on the plan it states that both areas will be for material storage. He stated that Mr. Bradley has gotten permission from another site for storage and wants to make application next month to store the millings.

Chairman Shreckhise asked with the asphalt storage is there any danger of runoff or pollution?

Mr. Shumate stated that he is not sure on pollution but he is dealing with the County Engineer on runoff. He stated they are getting ready to resubmit the site plan. He stated they will address the concerns of runoff during the site plan stage. He stated they are planning on using the same factor as for a railroad.

Vice Chairwoman Tilghman stated when the Board approved this last time there was nothing there except concrete.

Mr. Shumate stated yes and some millings.

Vice Chairwoman Tilghman stated the Board went by there many times before and the pile came down but then suddenly it came back up.

Mr. Bradley stated he bought some back from the City and State. He stated all of the millings are on the right.

Chairman Shreckhise stated this is not the place for a material storage area.

Mr. Shumate said this was a misunderstanding and Mr. Bradley did not know he could not store the millings there.

Mr. Coyner stated the Board felt that this was a one-time event.

Mr. Shumate stated the concrete came in chunks and they needed to grind it up. He stated this is a recycling operation. He stated they did not know that they could not store it at the site.

Mr. Wilkinson stated the Board approved a site plan for half of the property for building materials. He stated the crushed concrete was going to be used for a base under the building and for the parking lot area. He stated the Board was under the impression that the material will be used up and used for the parking lot.

Mr. Coyner stated the applicant was using the site as an ongoing milling operation.

Mr. Wilkinson stated an Erosion and Sediment Control plan was submitted by Mr. Shumate. He stated the right side was temporary. He stated the applicant had sixty (60) days. He mentioned that no new salvage materials be brought to the site was per the current conditions of their existing permit.

Mr. Shumate asked the Board if they could leave the storage at the site until they applied for storage at another location. He asked if the Board would give them ninety (90) days.

Mr. Coyner stated no more millings should come to the site.

Mr. Shumate stated that is correct. He stated they would like to increase the number of auctions per month. He stated they would want to have more in the summer and less in the winter months.

Mr. Bradley stated he would like to increase the number of auctions held monthly. He is planning on having them March thru December.

Vice Chairwoman Tilghman stated the auctions will be inside and outside.

Mr. Bradley stated he would like to operate Friday, Saturday, and Sunday and they would like to have more than two (2) per month. He noted they would also like to change his permit to be able to keep tables outside overnight and request to have Sunday operations.

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 Board should table the request in order to give the applicant time to apply at another location.

Mr. Coyner agreed to give the applicant time in order for them to get their other plan going.

Chairman Shreckhise stated in the meantime, the applicant should not bring any more millings to the site.

Mr. Bradley felt that four (4) auctions per month would be adequate from April until November. He felt that the auctions could be held inside on Monday – Sunday. He said they could have thirty-two (32) per year. He stated flea markets will be held outside only. Mr. Wilkinson explained the conditions that the Board placed on the previous Special Use Permit. He stated the Board did not limit the indoor auctions.

Mr. Bradley stated he would operate on Sundays afternoon for the auctions. He noted the flea markets would be held starting at 8:00 a.m. on Sunday.

Mr. Shumate stated the weekend is one event. He stated this will give them the ability to have it on the weekends outside.

Mr. Coyner stated the Board normally does not permit Sunday activity.

Chairman Shreckhise stated he has no problem with the Sunday flea market.

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

Mr. Wilkinson stated it would be during daylight hours because no outdoor lighting is proposed.

Mr. Bradley stated on Sunday it would be hard to hear the auction due to the fact of this site being behind the race track.

Mr. Shumate stated the reason why they would like to leave the tables up is because it would be a lot of work to take down the tables and put them up the next morning. He stated they will setup the tables on Thursday evening. He stated the tables will only be left out for three (3) nights.

Mr. Byerly stated he can live with the tables being kept out Thursday, Friday, and Saturday.

Vice Chairwoman Tilghman asked about security?

Mr. Bradley stated he can get security if he needs to.

Vice Chairwoman Tilghman hoped that he did not need any security.

Mr. Bradley stated the tables will not be kept at the site 24/7. He stated they will be up Thursday evening for vendors to setup and taken down on Sunday. He stated Monday morning there will be no tables setup.

Mr. Byerly asked if the flea market would only be Friday, Saturday, and Sunday?

Chairman Shreckhise asked if they are going to operate on Sunday, would they even need Thursday?

Mr. Bradley stated he would like to setup the tables Thursday evening but he can forget Thursday if he is able to operate on Sunday.

Ms. Brown asked who would provide the tables?

Mr. Bradley stated they provide the tables or the vendors can bring their own. He stated nothing will be at the site after Monday morning.

Mr. Coyner moved that the request be tabled to the November 6, 2014 meeting.

Ms. Brown seconded the motion, which carried unanimously.

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**KENNETH RAY BRADLEY, JR. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kenneth Ray Bradley, Jr. for a Special Use Permit to modify conditions of the existing permit to have a trucking business by changing condition #4 to allow Sunday operations and to have outdoor storage of vehicles and equipment around the perimeter of the property he owns, located at 32 East Side Highway, Waynesboro, in the Wayne District.

Mr. Thomas Shumate, Jr. stated with the site plan process he will also develop a stormwater detention pond. He noted new regulations are in effect and where the pond will be will depend on the engineering and stormwater quality. He stated the entire area will not be used but he is asking for it all.

Chairman Shreckhise asked if a lot of the crushed concrete milling will be used here?

Mr. Shumate stated yes, they will use some for the base.

Chairman Shreckhise stated the applicant is asking for a bigger area.

Mr. Kenneth Bradley stated that Tom Shumate, Sr. did not realize that there is a 100' buffer at the site as well as no Sunday operation. He stated they were not aware of the no Sunday operation. He stated the property is zoned Business and they did not agree with the buffer. He stated his business has grown last year. He has outgrown his property. He stated that they need more room and he would like to do something with the other four (4) acres.

Vice Chairwoman Tilghman asked if they will pave the entire parking lot?

Mr. Bradley stated they will pave it all except for the buffer and retention pond.

Mr. Shumate stated the existing ditch will need to remain. He stated they will pave as much as they can but they will need to adhere to the storm quality based on the new regulations which will be taken care of in the site plan process. He stated they want to pave as much as they can.

Mr. Byerly stated he would have no problem with the applicant going to the railroad tracks.

Chairman Shreckhise asked when will you find out where the retention pond will be?

Mr. Shumate stated as soon as he gets the calculations done.

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

Mr. Neil Wood, 40 East Side Highway, Waynesboro, stated since Mr. Bradley took over the property he started adding on the parking lot and doing it after hours. He did not understand why this was being done at night. He stated the second time he starting adding more parking he told him he was having an engineering firm studying the runoff because it is a low area. He noted his main concern was the standing water at the site. He stated he is worried about the water. He stated the area does not drain. He mentioned that Mr. Bradley put six (6') foot tall cement blocks up on the property line which acts like a dam. He mentioned when it rains, the water does not have a way to drain. He stated that he has never had any problems before. He showed the Board some pictures. He stated the gravel is piled up along the ditch twenty (20') feet from the property line. He stated stagnant water stands in the ditch. He stated the only day he gets to rest is Sunday. He stated the first thing he hears is the beeping of the horns. He stated Mr. Bradley washes the dump trucks in the parking lot. He questioned where the water goes and what has the trucks hauled in that is washed into the ground. He stated that they have been allowed to let the water drain. He has put his house up for sale. He stated when the previous owners had the property he has not had any problems. He hated to complain and Mr. Bradley is a hard worker but why should he suffer with all of these water problems. He stated on Sundays he has cookouts with his grandkids and they use his backyard and if he were to be allowed to operate on Sundays they would not be able to go outside but the main thing he is worried about is the water problem. He does not want to listen to trucks on Sundays. He stated every time there is a wet spell there is standing water.

Mr. Wilkinson stated any development or change in where the water is being routed to will be shown on the plan that Mr. Shumate will prepare. He stated the State of Virginia has regulations that the water needs to be contained on the property.

Ms. Brown asked what needs to happen so that the water issue can be stopped?

Mr. Wood stated the ditch needs to be cleaned out more. He stated the detention pond is not big enough for equipment and trucks.

Mr. Byerly stated drain tile may help with the water situation.

Mr. Wood stated the cement barrier created a dam behind his house. He is asking for help to solve the water problem. He has lived at this site for twenty-five (25) years.

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

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

Mr. Shumate stated he cannot address the water situation until he completes the site plan. He stated they will correct the storm detention pond if it is not sufficient for what they are doing.

Chairman Shreckhise asked about the issues that have already been done?

Mr. Shumate stated he can look at the plan to see the increase and size of the pond. He noted the drain tile could go underneath to help. He noted possibly moving the ditch could help as well.

Mr. Bradley stated he bought the property behind it and it is all low land and not level at all. He stated he has water standing in the backyard behind his ditch.

Chairman Shreckhise asked if he also owns the adjacent property?

Mr. Bradley stated yes. He bought it and cleaned it up.

Chairman Shreckhise stated it would be beneficial to take care of the drainage problem.

Mr. Bradley stated he would have no problem with that.

Vice Chairwoman Tilghman asked why are you asking for Sunday operations?

Mr. Bradley stated he did not realize that he could not operate on Sunday. He stated this property is all one piece.

Chairman Shreckhise stated this site is closer to the general public.

Mr. Wilkinson stated this property is zoned Business. He stated trucking is a permitted use on Business zoned property. He stated there is no limit on hours for Business property, however, with a Special Use Permit request for semi-trailers stored there for a transportation business, the ordinance does require a 100' buffer. He stated with a Special Use Permit the Board can place special conditions limiting the applicant. He stated this Board has consistently used no Sunday operations. He stated this condition is under the complete prerogative of the Board and they can set whatever limitations they see fit. He stated property that is zoned Industrial does not have these types of limitations. He stated any outdoor storage of materials requires approval as well as screening. He stated the conditions placed on the permit would depend on the use.

Chairman Shreckhise asked why does the applicant want to operate on Sunday?

Mr. Bradley stated if they get a call from the City of Waynesboro or VDOT then they cannot drive out on a Sunday if they are needed or sometimes they need to change a flat tire. He will not open up or use the shop on Sunday.

Chairman Shreckhise asked how much of the time would you anticipate operating on Sunday?

Mr. Bradley stated they may repair some of the equipment on Sunday or pickup a dump truck or loader.

Mr. Byerly stated he would have no problem removing the buffer along the railroad track but behind the residential property the removal of the buffer is off limits.

Mr. Wilkinson stated the outdoor storage of equipment and materials will be a Special Use Permit and the hours of operation will also be considered by the Board.

Chairman Shreckhise stated he would like to see the site plan with the informational material on how this will affect the neighbor. He felt that the Board would not want to have the outdoor storage near the neighbor's property.

Vice Chairwoman Tilghman stated the site plan will show how they will address the neighbor's water issues and show the flow of water in the front of the property.

Mr. Wilkinson stated Mr. Shumate will need a set location in order for him to prepare the site plan.

Mr. Shumate stated the washing of the trucks will all be taken into consideration with the new ordinance. He stated the water needs to be contained and treated with this plan. He stated they do not go outside of their projected area and fix all issues.

Chairman Shreckhise stated that Mr. Shumate should revise the plans based on the neighbor's complaints. He hoped that the Board would get assurance that the water issue will be resolved.

Vice Chairwoman Tilghman stated Mr. Bradley's rock wall was for a good intention but the way the water flows it made it worse for the neighbor. She stated there should be a way to alleviate the problem.

Mr. Shumate stated depending on the topography of the land, he will try and take a look at the issue to alleviate this problem.

Mr. Wood felt that there needs to be the 100' buffer between the houses and business.

Chairman Shreckhise declared the public hearing closed.

Mr. Byerly asked what the timeframe would be to complete the work?

Mr. Shumate stated one (1) month would be tight to complete the plan. He stated he will be working with the County Engineer on the new regulations for this detention pond. He stated the Stormwater Quality regulations are very complicated.



Mr. Byerly asked if sixty (60) days would be better? He stated they would like to see how the water situation is handled.

Mr. Shumate felt that sixty (60) days would be fine.

Chairman Shreckhise stated the Board would like to see a revised site plan and see what is being stored there. He stated the area in the front should be left alone which may take care of the water drainage problems. He stated if the applicant has any questions, they should contact Mr. Wilkinson.

Mr. Coyner moved that the request be tabled to the December 4, 2014 meeting.

Mr. Byerly seconded the motion, which carried unanimously.

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### **DWAYNE WEAVER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Dwayne Weaver for a Special Use Permit to enlarge an existing non-conforming dwelling on property owned by Salina K. Miller, located at 49 Milmont Drive, Waynesboro, in the South River District.

Mr. Dwayne Weaver stated they would like to add on to the existing manufactured home. He stated they would like to construct a 12' x 36' addition with a 10' x 10' connecting room between the two.

Mr. Wilkinson stated they want to have a room in between because of the slope of the land.

Mr. Coyner asked if the applicant will be adding onto the side of the property?

Mr. Weaver stated yes. He wanted to build the addition lower.

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 they keep the property looking neat and orderly. He stated it would make sense to approve this request. He moved that the request be approved with the following condition:

### **Pre-Conditions:**

None

**Operating Condition:**

1. Be permitted to construct the addition as shown on the site plan no closer to the side property line.

Ms. Brown seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 13-51 Linda W. White, Trustee
- 13-52 David W. or Billie Jo Smiley
- 13-53 Frank Humphreys
- 13-54 Tony L. or Amanda S. Sorrells - **Withdrawn**
- 13-55 Garretson Family Revocable Living Trust
- 13-56 Phillip C. or Kathy H. Critchfield
- 13-57 Robert Sumner

Mr. Wilkinson stated the applicant has not submitted the site plan on SUP#13-51 but the building is currently under construction. He stated the applicant came in numerous times and he applied for his permit and the walls are up. He stated since then the Board of Supervisors repealed that section of the ordinance and has left the decision of a site plan up to this Board. He stated staff should not have issued his building permit.

Mr. Coyner stated he would hate to stop the applicant from completing his work. He moved to not require the site plan pending research from Mr. Morgan.

Vice Chairwoman Tilghman seconded the motion, which carried unanimously.

Mr. Wilkinson stated SUP#13-52, SUP#13-53, and SUP#13-55 are all in compliance. He stated that part of the fence is complete for SUP#13-56. He stated the applicant states that it will be done within thirty (30) days. He noted SUP#13-57 is in compliance.

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Mr. Morgan discussed the court cases with the Board.

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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