

January 2, 2015

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

ABSENT: J. D. Tilghman, Vice Chairwoman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Friday, January 2, 2015, at 9:15 A.M., in the County Government Center, Verona, Virginia.

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.

VIEWINGS

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **PATRICK R. OR BECKY D. STAPLETON - SPECIAL USE PERMIT**
- **LARRY REED, AGENT FOR MALISSA W. REED - SPECIAL USE PERMIT**
- **JAMES N., III, OR SANDRA S. RIDDEL - 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.

Vice Chairman

Secretary

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

ABSENT: J. D. Tilghman, Chairwoman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Friday, January 2, 2015, at 1:30 P.M., in the County Government Center, Verona, Virginia...

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ELECTION OF OFFICERS

Ms. Brown nominated Ms. Tilghman as Chairwoman and Mr. Coyner as Vice Chairman, and John R. Wilkinson as Secretary.

Mr. Byerly seconded the motion, which carried unanimously.

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MINUTES

Mr. Byerly moved that the minutes from the December 4, 2014, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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CONSIDERATION OF 2015 RESOLUTION

Mr. Shreckhise moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2015 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

Ms. Brown seconded the motion, which carried unanimously.

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PATRICK R. OR BECKY D. STAPLETON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Patrick R. or Becky D. Stapleton, for a Special Use Permit to have a contractor's office for a locomotive repair business on property they own, located at 434 Jefferson Highway, Staunton, in the Beverley Manor District.

Vice Chairman Coyner stated the Board visited the site this morning. He noted one (1) service truck was at the property. He asked if the other business vehicles would be similar to the one onsite today?

Mr. Patrick Stapleton stated yes. He stated they service diesel locomotives offsite. He stated they travel to the Mississippi River east and from Maine to Florida to repair locomotives. He stated they have scheduled services and emergency repair calls. He noted that nothing happens onsite other than trucks being parked and operating the office. He mentioned they depart his property on Monday and get back on Friday.

Vice Chairman Coyner asked how many employees does the applicant have?

Mr. Stapleton stated he has one (1) part-time and one (1) full-time employee. He hoped to have one more employee by the end of the year.

Mr. Byerly asked what type of carriers do you service?

Mr. Stapleton stated industrial and short line. He stated they service the entire locomotive.

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

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Ms. Gwendolyn Howard, 133 Tams Street, Staunton, stated she owns the property to the side and back. She was concerned that once the property receives a zoning permit and is zoned business it will mean that she could not build on the residential land.

Vice Chairman Coyner stated this permit will not change the zoning of the land to business. He mentioned that if someone else wanted to have a business at the location they will need to go through this same process. He noted that the Board approving this permit does not close the door to other citizens who will want to build on their property. He stated the applicant will need to adhere to certain criteria that the Board places on the permit and they cannot infringe on the surrounding neighbors. He mentioned that the applicant will not have customers coming and going to the site.

Ms. Howard felt that the applicant did not contact the neighbors regarding the request properly before applying.

Vice Chairman Coyner stated many times the applicant will visit with their neighbors. He noted the County does send out letters to the adjacent property owners as well as advertise in the newspaper.

Mr. Clinton Jones, 386 Jefferson Highway, Staunton, stated he is the Chairman of the Trustee Board of Beverley Manor Baptist Church. He was concerned about the traffic on the road as well as the applicant should have handled this more in a neighborly way with an agreement from the church. He stated the applicant should have more of a concern over the church members.

Mr. Roger Howard, 133 Tams Street, Staunton, stated he was concerned about the runoff and how it will affect the pond near the church.

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

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

Mr. Stapleton apologized on the way this has happened. He stated that he has just moved in and purchased the property. He stated he has not met any of the neighbors. He stated there will be no adverse runoff. He noted there is no locomotive activity being done at the site, no cleanup, no noise, and no chemicals. He stated they do have drum oil kept at the site. He stated the trucks are only parked onsite on the weekends. He stated as the

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business grows they plan to move to a business location. He stated the business is not big enough to justify moving to a commercial property right now.

Vice Chairman Coyner asked how long have you been doing this work?

Mr. Stapleton stated seventeen (17) years.

Vice Chairman Coyner asked where will the other two (2) vehicles be parked?

Mr. Stapleton stated adjacent to the truck that was there this morning.

Ms. Brown asked if the other trucks will be the same size?

Mr. Stapleton stated yes.

Vice Chairman Coyner stated the employees will leave their personal car at the site while out on the job.

Mr. Stapleton stated yes. He noted all of the jobs are far away. He noted Chester is the closest site they service. He stated they subcontract the maintenance on their vehicles. He stated their business vehicles are dropped off for all oil changes.

Ms. Brown asked when does the applicant leave the property?

Mr. Stapleton stated they leave on Mondays and come back on Friday.

Vice Chairman Coyner declared the public hearing closed. He stated no locomotive activity is done at the site except parking the trucks.

Mr. Shreckhise stated this is a low impact business and should not interfere with the neighbors. He stated the permit does not permit any outside storage.

Ms. Brown suggested adding that the permit be reviewed in a year to the recommended staff conditions.

Vice Chairman Coyner stated there should be no activity going on Saturday or Sunday. He hoped that if the applicant were to get successful that the business be moved to a business location.

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

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Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have three (3) employees.
2. Be permitted to have three (3) trucks and one (1) trailer onsite.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Permit be reviewed in a year and renewed if all of the conditions are met.

Mr. Byerly seconded the motion, which carried unanimously.

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LARRY REED, AGENT FOR MALISSA W. REED - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Larry Reed, agent for Malissa W. Reed, for a Special Use Permit to enclose a non-conforming carport on property she owns, located at 71 Granary Road, Verona, in the North River District.

Mr. Larry Reed stated they want to enclose the existing carport and turn that into a den.

Vice Chairman Coyner asked how long has the applicant lived at the site?

Mr. Reed stated nine (9) years. He stated several other houses in the area have enclosed their carport.

Vice Chairman Coyner stated the Board visited the property and it is very nice.

Mr. Reed stated that once the work is complete it will look like it was built that way.

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

There being none, Vice Chairman Coyner declared the public hearing closed.

Vice Chairman Coyner stated this request is in keeping with the character of the neighborhood.

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. Be permitted to enclose the existing carport no closer to the side or front lot line.
- 2. Applicant obtain building permit.

Ms. Brown seconded the motion, which carried unanimously.

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JAMES N., III, OR SANDRA S. RIDDEL - SPECIAL USE PERMIT AND VARIANCE

This being the date and time advertised to consider a request by James N., III, or Sandra S. Riddel, for a Special Use Permit and a Variance to construct or enlarge a non-conforming building larger than the nine hundred square foot aggregate limit and not meeting the setback requirements on property they own, located at 11 Click Road, Weyers Cave, in the Middle River District.

Vice Chairman Coyner stated the Board will hear the Variance request first.

Mr. James Riddel stated this has been a long process that was started back in 2008 with the Board of Supervisors and at that point he could not construct this building due to the setbacks that were in place. He stated there was a ten (10') foot alley that the County owned and he requested that the Board of Supervisors close the alley so that he could construct the building. He stated all of the fees were paid by him. He stated by the Board

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of Supervisors closing the alley he could have met the setbacks but with the economy he did not have the money to construct his building. He stated that in 2010 an ordinance went into effect that if your property was less than one (1) acre, you are only permitted an aggregate of nine hundred (900) square foot of buildings on the property. He stated this year he does have the money to construct his building but with the new regulations in place, he could not construct it because it is over the nine hundred (900) square foot aggregate. He noted since August he has been working with the Board of Supervisors on getting the ordinance changed to allow him to apply for a Special Use Permit for permission to build the larger building. He has been paying a self-storage facility in Weyers Cave \$100 a month.

Vice Chairman Coyner stated an economic hardship is not a criteria for this Board granting a Variance.

Mr. Morgan stated the State Code 15.2-2309 provides for approval of Variances when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property and it would almost come to the constitutional taking of the property. He stated that an economic hardship should not be considered.

Vice Chairman Coyner stated he does not see a hardship with this request.

Mr. Shreckhise stated that this Board has restrictions that need to be followed.

Mr. Riddel stated the reason that the garage is situated where it was is they did not want to construct the garage over the old sewer lines. He stated he is unsure how far the fence comes to the property line.

There being no one to speak regarding this request, he declared the public hearing closed on the Variance.

Mr. Byerly moved that the Variance be denied.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Wilkinson stated with the Variance being denied, Option 1 cannot be considered. Mr. Wilkinson read the following options:

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Option 2

Approve a permit to increase the aggregate size of accessory buildings by placing the addition along the side of the garage inside the backyard. This option could meet setback requirements **without** the need for a Variance. With the old sewer lines this does not seem to be an option for the applicant.

Option 3

Approve a permit to increase the aggregate size of accessory buildings by constructing a detached 16' x 38' (six hundred eight square feet) building beside the existing garage and no closer to Click Road. Due to the fact that this building is less than 900 square feet it would only have a five (5') foot rear setback. This option could meet setback requirements **without** the need for a Variance.

Vice Chairman Coyner asked if the fence is on the property line?

Mr. Riddel stated no but it used to be. He stated with the economy he did not want to move it until he was able to replace it. He has not had any problems with the neighbor regarding the fence.

Vice Chairman Coyner stated Option 3 might be the applicant's only option.

Mr. Shreckhise stated that he felt that Option 3 would not be out of character with the area. He stated the applicant will be able to construct his building beside the existing garage. He stated the applicant will have an extra wall because the buildings cannot be attached.

Mr. Riddel stated it would be nicer if he could attach it. He stated he has lived in Weyers Cave all of his life. He stated he does want to do things to help the neighbors and keep the area looking nice.

There being no one to speak regarding the Special Use Permit, he declared the public hearing closed.

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

Pre-Conditions:

None

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Operating Condition:

1. Be permitted to increase the aggregate size of accessory buildings by constructing a detached 16' x 38' (six hundred eight square feet) building beside the existing garage and no closer to Click Road.

Mr. Byerly seconded the motion, which carried unanimously.

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BOARD OF ZONING APPEALS ANNUAL REPORT 2014

Mr. Wilkinson presented the Board of Zoning Appeals Annual Report for the year 2014.

Mr. Byerly moved that the report be approved.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

14-10	Dwayne R. or Michelle W. Sprouse
14-11	Matthew J. or Christine D. Ordewald
14-12	Good Faith, LLC
14-13	Darrell Scott and Jennifer Lynn Alexander
14-14	Lisa A. Welcher
14-15	Teresa D. Craig

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

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GARY W. OR ERMA M. SHOWALTER – SPECIAL USE PERMIT #14-55

Mr. Wilkinson stated the Board approved a permit for Mr. Showalter with a pre-condition to construct the new kennel with concrete floors and with closable doors. He stated the applicant would like to obtain a business license and not add the larger breed dogs until the pre-condition is completed. He mentioned that with the pre-condition in place, he cannot issue the permit or the applicant cannot apply for a business license. He stated the applicant is going to hold off on the larger breed dogs until later in the year.

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Mr. Shreckhise stated this is a logical request. He moved that the permit be issued.

Ms. Brown seconded the motion, which carried unanimously.

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

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Vice Chairman

Secretary