

April 2, 2015

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

ABSENT: S. F. Shreckhise

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 2, 2015, at 8:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **8:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

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

- **DAVID OR CATHERINE MARIE RICCONI - SPECIAL USE PERMIT**
- **TATYANA AND ANDREY KUNITSA - SPECIAL USE PERMIT**
- **HOWARD VANCE, AGENT FOR JENNIFER S. FRANK, FAMILY TRUST - SPECIAL USE PERMIT**
- **DONALD OR KAREN SHIFFLETT - 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.

Chairwoman

Secretary

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

ABSENT: Pat Morgan, County Attorney

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 2, 2015, 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 March 6, 2015, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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TODD REED OR KEVIN HARRIS, AGENTS FOR DOMINION ASSETS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Todd Reed or Kevin Harris, agents for Dominion Assets, LLC, for a Special Use Permit to have outside display and storage of food service vehicles and tables on property they own, located at 15 Angela Court, Suite A, Fishersville, in the South River District.

Mr. Todd Reed stated they are requesting to have outside display and storage of a food service vehicle and picnic tables.

Vice Chairman Coyner asked if the applicant is operating at this site now?

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Mr. Reed stated they have an Administrative Permit for ninety (90) days and are in need of a Special Use Permit to operate at this location. He noted they have been very busy.

Chairwoman Tilghman asked if he felt that they have bothered any of the other tenants at the site?

Mr. Reed stated no.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated this type of business will not be disruptive to the area. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have one (1) food service trailer and eight (8) picnic tables outside and they be kept in the designated area shown on the site plan.
2. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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REVEREND JIM CORBIN, AGENT FOR WAYNESBORO CHURCH OF THE NAZARENE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Reverend Jim Corbin, agent for Waynesboro Church of the Nazarene, for a Special Use Permit to have a child care center on property they own, located at 2959 Hermitage Road, Waynesboro, in the Wayne District.

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Reverend Jim Corbin stated that he is seeking to obtain a Special Use Permit for a child care center with up to two hundred (200) children. He stated they feel as though they would be able to accommodate that number if they were to grow to that size.

Chairwoman Tilghman stated the Health Department is concerned about the septic system and well.

Reverend Corbin stated he is in the process of working with the Health Department and working with an engineer on the system. He stated they are in the process of getting their water tested.

Chairwoman Tilghman stated the amount of children would depend on the number that the septic system is designed for.

Ms. Brown asked if the applicant has employees to handle two hundred (200) children?

Reverend Corbin stated he came to this church about six (6) months ago. He stated the church has expressed an interest of having a child care center. He stated in the center they ran in Pennsylvania they had one hundred twenty-five (125) children and a staff of twenty (20).

Vice Chairman Coyner asked what the age range would be?

Reverend Corbin stated six (6) weeks to preschool age.

Vice Chairman Coyner asked if he has met with Social Services?

Reverend Corbin stated he is in the process of meeting with them now.

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

Reverend Corbin stated the tentative hours of operation would be from 7:00 a.m. until 5:30 p.m. He stated those are the proposed hours but it could change.

Ms. Brown asked about the other building on the property?

Reverend Corbin stated it is a two-story building and it is used as a multi-purpose room in the upper section. He noted downstairs there is a classroom and another multi-purpose room.

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Ms. Brown asked if they will have a cook for the child care center?

Reverend Corbin stated yes. He stated they have a large commercial kitchen.

Chairwoman Tilghman asked if there was outdoor play equipment for the children?

Reverend Corbin stated yes.

Vice Chairman Coyner asked if they will serve children outside of the church community?

Reverend Corbin stated yes.

Chairwoman Tilghman asked if they will operate Monday through Friday?

Reverend Corbin stated yes.

Chairwoman Tilghman asked if they will operate twelve (12) months out of the year?

Reverend Corbin stated yes.

Chairwoman Tilghman asked if they will serve older children during the summer months?

Reverend Corbin stated yes. He noted they would like to establish an afterschool and summer program for school age children.

Vice Chairman Coyner stated two hundred (200) children is quite a large number.

Reverend Corbin stated they would like the ability to be able to conduct a center of this size.

Vice Chairman Coyner asked if the staff would be members of the church?

Reverend Corbin stated he would have both members of the church and outside employees.

Vice Chairman Coyner asked what is the timeframe that the applicant is wanting to start the child care center?

Reverend Corbin stated as soon as he is able to. He noted if he is able to start this summer, he would offer a summer program. He mentioned that people are constantly

looking for quality care for their children. He stated as soon as they are given a green light they will start right away.

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

Mrs. Susie Corbin stated she began her career as a teacher and is a mother of four. She stated she has always been involved in child care as a staff member or a director of a center.

There being no one else wishing to speak, Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated child care is very important. He questioned permitting two hundred (200) children. He felt one hundred twenty (120) would be a better number.

Reverend Corbin noted that if they have one hundred twenty (120) children enrolled in the regular program, it would limit them to be able to offer a summer program. He stated the summer program will be separate from the other children.

Mr. Byerly asked how will the traffic be handled at the site?

Chairwoman Tilghman stated Social Services will determine the maximum number of children the applicant can have.

Reverend Corbin stated they are well setup to handle the traffic. He noted they have ample parking and have two (2) entrances.

Vice Chairman Coyner asked if they will have staggered start times?

Reverend Corbin stated they will have the children coming in first thing in the morning and then a staggering affect throughout the rest of the morning until 9:00 a.m.

Ms. Brown asked if the doors will be locked at all times?

Reverend Corbin stated they will be locked from 9:00 a.m. until 4:00 p.m. He stated they will have outdoor cameras.

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Chairwoman Tilghman read the Virginia Department of Transportation comments. She stated they probably have approximately 200-250 parking spaces. She noted they normally would not need that many parking spaces unless there is a program at Christmas time.

Mr. Byerly stated the applicant's enrollment will increase in the summertime.

Chairwoman Tilghman stated the Board is concerned about the septic system. She stressed the importance of starting off on the low end and then building up enrollment.

Mrs. Corbin stated they are working with an engineering firm regarding the septic.

Mr. Byerly stated this will be the largest day care in the County.

Vice Chairman Coyner stated the Board should increase the number due to the summer enrollment program. 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 letter of approval from Building Inspection.
3. Obtain VDOT entrance approval and provide a copy to Community Development.

Operating Conditions:

1. Be limited to two hundred (200) children or the number as approved by the Social Services Department.
2. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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DAVID OR CATHERINE MARIE RICCIONI - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by David or Catherine Marie Riccioni for a Special Use Permit to have firearms and ammunition sales and gunsmithing on property they own, located at 1676 Newport Road, Raphine, in the Riverheads District.

Mr. David Riccioni stated he has been reloading for quite some time and he would like to get the permits necessary in order to reload ammunition and be able to sell it. He stated that he will not need a store front. He stated this is done on his premises and he delivers the bullets to the places that buy them.

Mr. Wilkinson noted that the Federal Firearms License would allow sales of firearms too.

Mr. Riccioni stated he would strictly sell reloads and operate gunsmithing at his location. He stated he does not want a store at his home.

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

Mr. Riccioni stated since 2004.

Ms. Brown asked if there will be test firings at the site?

Mr. Riccioni stated yes. He stated that he will shoot from the back of the house into the bank behind the house. He stated he has been shooting at the site for a while.

Ms. Brown asked what is the largest gun that he has worked on?

Mr. Riccioni stated a 45 caliber.

Vice Chairman Coyner asked if he would sell ammunition?

Mr. Riccioni stated he will not cater to an individual but to a gun store. He stated he will also sell his goods at the gun ranges. He stated this is more like a hobby.

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

Mr. C. Marbury Seaman, Jr., 35 Ott's Mill Road, Raphine, stated after Mr. Riccioni moved to the property he started hearing what sounds like a machine gun. He has contacted the

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deputy to come to the site. He noted an adjacent property owner next door sold her property and moved because of the gun activity. He stated the former owner regretted selling him the property because of his behaviors. He stated the neighbors have heard gunshots any hours of the day. He noted he will operate Monday through Sunday. He stated this request will disturb the elderly people. He stated he does not know of any neighbor who will support this. He stated most of the neighbors have asked him to come and speak on their behalf regarding this request. He noted the area is an Agriculture Conservation Area and this is not an agriculture activity. He does not see any positives in granting this request. He stated he will not know the number of people coming to the site. He stated there is a potential for this to get out of hand. He asked if the applicant had a business license, federal license, or business insurance. He asked the Board to look at all of these facts.

There being no one else wishing to speak regarding the request, Chairwoman Tilghman asked the applicant to speak in rebuttal.

Mr. Riccioni stated he does not own a machine gun. He stated the reason why Anna Snow moved is that she is getting up in age and she moved to Staunton in order to be with her family. He noted that David Hanger stopped by and he has never expressed any problems. He stated one of the neighbors said that the gun firing sometimes bothered her elderly mom so he gave her his cell number and asked that they give him a call and he would gladly do whatever they needed to do.

Mr. Shreckhise asked if he will get all of the necessary licenses to conduct the business?

Mr. Riccioni stated this is the first step in obtaining any licenses. He does not need any license to do what Mr. Seaman is complaining about. He stated the amount of shooting will not increase. He noted that he will be selling ammunition and will have less gun fire at the property.

Chairwoman Tilghman asked where will the applicant test fire the weapons?

Mr. Riccioni stated he will test fire out of the cellar entrance. He stated the structure will contain most of the noise.

Chairwoman Tilghman declared the public hearing closed.

Mr. Wilkinson stated the Special Use Permit is the first step in the applicant obtaining any firearms licenses. He stated right now he can shoot his gun on his property and reload on

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his property. He noted the reason the applicant needs to have a Special Use Permit is because he would like to sell reloaded ammunition and operate a business.

Vice Chairman Coyner asked if staff has received any phone calls or letters from the other neighbors on this request?

Mr. Wilkinson stated no.

Mr. Shreckhise stated with this permit there will be no real increase in the amount of disruption with the test firings. He noted that the Board should add to the stipulations that the applicant be sure to obtain all required licenses.

Vice Chairman Coyner stated this is a rural area. He hoped the neighbors will be able to work out their differences.

Mr. Byerly stated there are some civil matters that the citizen stated that do not pertain to the Special Use Permit application. He stated the applicant does have a right to shoot his guns and he is trying to obtain a permit to operate a business legally. He moved that the request be approved with the following conditions:

Pre-Conditions:

1. Obtain letter of approval from Building Inspection.
2. Applicant designate the area for test firing of guns on the site sketch.

Operating Conditions:

1. Hours of operation be Monday – Saturday 9:00 a.m. to 7:00 p.m.
2. No employees other than family members.
3. Test firing of guns be limited to daylight hours and limited to ten (10) test firings per week.
4. No test firings on Sundays.
5. Site be kept neat and orderly.
6. Applicant must reside on premises.

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7. Maintain all applicable state, federal, or local licensing and regulatory requirements.

Mr. Shreckhise seconded the motion, which carried unanimously.

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TATYANA AND ANDREY KUNITSA - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Tatyana and Andrey Kunitsa, for a Special Use Permit to have a kennel operation on property owned by Andrey Kunitsa, located at 383 Enterprise Road, Churchville, in the North River District.

Ms. Tatyana Kunitsa stated they have lived at this site for quite some time. She stated that the number of dogs have increased over the years. She noted they did not know they needed a Special Use Permit to operate the kennel. She stated if she would have known she would have applied already.

Chairwoman Tilghman asked if the applicant has seventeen (17) adult dogs?

Ms. Kunitsa stated not all of the seventeen (17) dogs are full grown.

Mr. Wilkinson stated any dog over the age of six (6) months is considered an adult dog.

Chairwoman Tilghman asked if the applicant will have two (2) or three (3) litters per year?

Ms. Kunitsa stated maybe more.

Chairwoman Tilghman stated the Board should stipulate the number of adult dogs and not count the puppies under six (6) months.

Ms. Kunitsa stated she will not have any more than twenty (20) adult dogs.

Chairwoman Tilghman stated some of the kennels are enclosed and some are not. She stated initially when the Board first visited the dogs barked but then they stopped. She noted once they realized that they were not a threat the dogs stopped barking after about thirty (30) seconds.

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Mr. Wilkinson stated the ordinance changed in 2010 regarding the enclosing of the kennels. He stated after 2010 all kennels needed to be enclosed so that the dogs do not bark at night.

Chairwoman Tilghman stated it seems as though the property looks larger than 2 ½ acres.

Vice Chairman Coyner stated the Board visited the site this morning. He noted there are trees all around the property. He stated this is a nice facility and it is clean, neat, and orderly.

Ms. Kunitsa stated that she has had the dogs at the site since they have lived at this location.

Ms. Brown stated this is the best kennel that they have seen. She stated there are buckets of water even attached to the kennels. She noted the dogs are well behaved.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Wilkinson stated the Board received several letters and emails in support regarding the condition of the animals. He noted Animal Control gave the site a favorable report. He stated some questions that need to be addressed is the reduction of the dogs barking at night and enclosing the kennels and how much will traffic increase if the permit is approved.

Mr. Andrey Kunitsa stated he can enclose the kennels.

Mr. Wilkinson stated the number of litters will determine the traffic coming to the site.

Ms. Kunitsa stated she alternates the dogs in between the litters. She stated she can breed every six (6) months but they like to have the dogs rest up in between. She will plan a litter on each dog a year but it really depends on their cycle.

Mr. Wilkinson asked how many females are there?

Ms. Kunitsa stated right now ten (10) dogs are females. She stated there could be fifteen (15) litters per year.

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Vice Chairman Coyner stated there should be a maximum of seventeen (17) females and no more than twenty (20) adult dogs total. He stated this kennel operation is state of the art. He noted these are the best kennels he has ever seen. He noted this is an ideal setting and there are woods on each side of the property. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Within **six (6) months** the sleeping areas of all the kennels be enclosed so that the animals can be confined inside a structure from 10:00 p.m. to 6:00 a.m.
2. Be limited to a maximum of twenty (20) adult dogs, and no more than seventeen (17) of the adult dogs may be female.
3. Site be kept neat and orderly.
4. Applicant must reside on premises.
5. Animal Control or Community Development to **inspect the site once per year.**

Ms. Brown seconded the motion, which carried unanimously.

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DONALD OR KAREN SHIFFLETT - VARIANCE

This being the date and time advertised to consider a request by Donald or Karen Shifflett, for a Variance from the front yard and setback requirements in order to build a new dwelling on property they own, located at the north side of Harriston Road, just east of the intersection of Essex Road and Harriston Road in the Middle River District.

Mr. Donald Shifflett stated he would like to build a home for his daughter. He noted the previous owner had a Variance from the setback but they never used it.

Vice Chairman Coyner stated a Variance is needed because the property does drop off.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Chairwoman Tilghman stated this is a reasonable request. She noted if the Board does not grant this Variance it becomes an unbuildable lot. She stated the Variance will conform to other houses in the area. She noted this will not stand out in regard to other homes.

Vice Chairman Coyner stated there is a steep ravine on the property. He moved that the Variance be approved with the following condition:

Pre-Conditions:

None

Operating Condition:

1. Be allowed to construct the home as shown on the survey dated January 29, 2015.

Mr. Byerly seconded the motion, which carried unanimously.

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OLD BUSINESS

JENNIFER TAYLOR-LILLEY - SPECIAL USE PERMIT

A request by Jennifer Taylor-Lilley, for a Special Use Permit to increase the number of children in the day care operation on property owned by Pinkston Dougan, LLC, located at 91 Tinkling Spring Drive, Fishersville in the Wayne District. - TABLED AT THE MARCH 6, 2015 MEETING

Vice Chairman Coyner moved that the request be brought forward.

Mr. Shreckhise seconded the motion, which carried unanimously.

Mr. Wilkinson stated this request was tabled due to a death in the applicant's family.

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Ms. Jennifer Taylor-Lilley stated she opened the day care operation last year. She stated she will keep the number of children under fifty (50). She noted once she has fifty (50) children she will need to install a sprinkler system. She wants to keep the request at forty-nine (49) children. She stated her goal is to possibly build a new center in order to have before and after school and summertime programs.

Chairwoman Tilghman asked if she will build at the same location?

Ms. Lilley stated there is four (4) acres that she could build on. She has been working with an architect. She noted there is a huge need for this service in the community. She stated the only other program is offered through Augusta Health and there is a long waiting list.

Mr. Byerly asked how many staff does the applicant have?

Ms. Lilley stated nine (9) employees but with the additional children she will have twelve (12) employees. She will take children from six (6) weeks of age all the way up until kindergarten.

Vice Chairman Coyner stated the community really needs centers like this. He stated the community is growing and he feels this is a wonderful thing.

Ms. Brown asked what the hours of operation are?

Ms. Lilley stated 6:30 a.m. until 6:00 p.m.

Ms. Brown asked if she has a cook at the site?

Ms. Lilley stated yes. She caters to children with nut allergies and therefore has a nut free facility.

Mr. Byerly asked if the operation is year round?

Ms. Lilley stated yes.

Chairwoman Tilghman asked if she is closed on Saturday and Sundays?

Ms. Lilley stated yes.

Ms. Brown asked if she has ample parking?

Ms. Lilley stated there is enough parking. She may have to add additional parking if she builds another building.

Ms. Brown asked if she will add onto the existing building?

Ms. Lilley stated she will build a separate building.

Mr. Byerly asked if the employees come to you already trained?

Ms. Lilley stated they all have to obtain certain training through Social Services and six (6) months of experience. She does offer 24 hours of training every year to her employees.

Ms. Brown stated this is a good location.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Ms. Brown stated this is a great location for this business. She stated there is a need for this type of service within the community. She moved that the request be approved with the following conditions:

Pre-Condition:

1. Provide a copy of the Social Services approval.

Operating Conditions:

1. Be permitted to have up to forty-nine (49) children.
2. Site be kept neat and orderly.
3. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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HOWARD VANCE, AGENT FOR JENNIFER S. FRANK, FAMILY TRUST - SPECIAL USE PERMIT

A request by Howard Vance, agent for Jennifer S. Frank, Family Trust, for a Special Use Permit to replace existing greenhouses with mini-warehouse units and have outdoor storage of vehicles and boats on property they own, located at 853 Old Greenville Road, Staunton in the Pastures District. - TABLED AT THE MARCH 6, 2015 MEETING

Vice Chairman Coyner moved that the request be brought forward.

Mr. Shreckhise seconded the motion, which carried unanimously.

Mr. Bruce Frank stated he is requesting to operate a mini-storage facility at this location. He stated this type of business is a low impact business and is needed in the community. He noted they have been working to clear the property. He stated there will be less runoff than there was before because he is tearing down much more buildings than they are going to construct.

Chairwoman Tilghman stated the Board visited the site this morning. She was concerned about how close the design calls for some of the storage buildings. She stated they will be on top of the properties and the neighbors are at eye level. She mentioned that she would rather look at greenhouses even though they are not in good shape. She noted the greenhouses have been at the site for years. She noted greenhouses are an agricultural use.

Mr. Frank stated they have changed the plans and are placing the mini-warehouses at an angle. He noted the neighbors will not see any of the garage doors. He stated they will have a natural berm at the site and they will also put trees underneath so that the buildings are not visible. He noted the mini-warehouses will blend in and will have a neutral or beige color to them. He noted the white pines will remain at the site. He stated the neighbors in the back are protected and no one can see the garage doors except for him.

Vice Chairman Coyner stated the Board saw green tape and a pile of brush at the site this morning. He felt the neighbors would definitely be able to see the storage buildings

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if they saw the pile of brush. He stated the applicant will need to do something about the screening in order to protect the neighbors.

Mr. Howard Vance with Balzer and Associates provided the following suggestions: 1. Extend the plantings against the buildings; 2. Plantings on the neighbors' property; 3. Construct a fence. He stated any of those options will provide screening. He stated they can create an understory of screening close to the buildings. He stated the goal is for the buildings to be pre-painted, pre-manufactured, and of natural color stone so they blend into the environment. He stated they turned the building so that the neighbors don't look at the doors and it will shield them from any light. He stated the building will create the shield so that the neighbors do not see any headlights at night. He stated all of the traffic will be internal and no traffic from the rear of the building.

Chairwoman Tilghman stated that she is not worried about the height of the trees because it is a one-story building. She noted they could plant a shrub that will grow to the height of the building.

Ms. Brown asked if the fence will be opaque?

Mr. Vance stated yes, opaque fencing. He noted they may use vinyl or chain-link with slats.

Mr. Wilkinson stated the ordinance does not allow a chain link fence with slats.

Mr. Vance stated they will use a vinyl fence.

Mr. Shreckhise stated if the applicant puts the shrubs ten (10') foot on center they will not hide anything from the neighbors. He stated it should be at least three (3') to four (4') feet on center. He stated the site should be properly screened but the applicant will have to come up with a better screening plan than what we have here.

Mr. Vance stated the purpose of the plan shows general concepts. He stated once the site plan is submitted the departments will look at stormwater, lighting, and screening. He noted that there will need to be a combination of shrubs and lower growth plantings.

Mr. Frank stated they have met with two horticulturists and they will work on a landscape plan and have the proper screening in place.

Chairwoman Tilghman stated she is concerned about the houses in the back. She stated it is a good idea that the vehicular traffic stay on the inside.

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Mr. Byerly stated the applicant should keep the property looking as natural as possible. He stated whether the applicant screens with a fence or a shrub it will need to be maintained.

Mr. Wilkinson asked if the Board would like the applicant to plant six (6') foot evergreens planted six (6') foot on center rather than ten (10') foot?

Chairwoman Tilghman stated that may not solve the screening issue.

Mr. Vance stated that it is not their intent to use all pine trees. He noted that there are a lot of good trees that will provide screening. He stated with good planning procedures they will use a variety of trees species. He stated they are not opposed to providing a fence but he would rather look at a tree.

Ms. Brown asked what will the color of the mini-warehouse buildings be painted?

Mr. Vance stated beige or brown. He stated their intent is to provide screening from Mr. Frank's property and the neighbors. He noted that the hours of operation are reduced. He stated the orientation of the buildings will block the lights and reduce the noise. He noted the appropriate fencing and/or plantings will provide screening as a visual barrier from the neighbors.

Ms. Brown asked what the hours of operation are?

Mr. Frank stated the hours of operation will be from 7:00 a.m. until 9:00 p.m. He noted the site will be gated so that there will be no violations of the hours of operation. He stated there will also be an access code in order to get into the gate during the hours of operation.

Ms. Brown asked if the site will be open seven (7) days a week.

Mr. Frank stated yes.

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

Ms. Emma Drummond, 86 White Oak Gap Road, Staunton, stated she is representing the potential buyers of the Gibson property. She spoke with Mr. Frank regarding this Special Use Permit request. She stated in following up with him she felt comfortable

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with what he was telling her about the request. She noted her nephew is her client and she felt good about them being able to screen the buildings. She stated the RV section is the only section where it will be up higher. She stated the RV section should be screened by Leyland Cypress trees because they will grow taller. She felt that painting the warehouses a dark green may be better than neutral. She stated she was concerned about the screening of the site and she felt that Mr. Frank will work with them on this. She stated her clients do not want to see the RV section of the site. She stated screening in that area is the most important thing. She noted that the fence is important too. She stated her clients have three little boys and they need to be kept safe.

There being no one else wishing to speak, Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated a taller tree will need to be used to screen the RV section of the site. He felt comfortable with the applicant shifting the corner of the buildings so that the neighbors did not see the headlights from the vehicles.

Mr. Wilkinson stated the Board may want to modify the standard to include an eight (8') foot privacy fence to help with screening.

Mr. Shreckhise stated the Leyland Cypress trees have been getting diseases in this area.

Mr. Wilkinson stated the applicant will need to screen the site and provide a combination of evergreen species of sufficient density to provide screening and include the understory with bushes or hedges with the existing pines.

Vice Chairman Coyner stated an annual review will be necessary with this permit. He noted screening the understory will be necessary to provide screening along the buildings.

Mr. Vance stated they want to plant them further to allow for the trees to properly grow together. He asked how long will the plantings take to mature?

Chairwoman Tilghman stated it could take up to a year for the site to be screened reasonably.

Mr. Shreckhise stated the site needs to be properly screened by the plantings and fence. He stated the Board may want arborvitae trees ten (10') foot apart and keep the three (3') foot pine trees planted four (4') to five (5') feet apart.

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Mr. Vance stated they can get someone to design a landscape plan. He noted that his office provides those services as well. He noted the plants would be selected to allow proper screening and allow an understory of screening on the portion of property adjoining TM#55-74E. He noted not one plant will serve the entire purpose. He stated in the RV area, the six (6') foot trees will go above the fence line with time. He stated they will have a vinyl fence. He stated they do not have any issues with painting the mini-warehouses green or brown so it would blend in with the trees and plantings. He stated a six (6') foot fence with vegetation behind it is probably a better screening solution.

Mr. Wilkinson asked if the applicant will construct an eight (8') foot fence?

Mr. Vance stated it is harder to get an eight (8') foot fence. He noted the higher the fence the more prone to wind damage.

Mr. Wilkinson stated a six (6') foot fence would not offer screening for large RVs. He stated it probably would need to be at least eight (8') to ten (10') feet tall.

Mr. Vance stated there is a slope in that area of the site and the home is below it. He stated the RVs will be closer into the property and parked further away. He stated they are not parked along the fence. He stated the fence will be a short-term option but the plantings will be long-term.

Mr. Shreckhise noted the six (6') foot fence with the plantings behind it would be acceptable.

Vice Chairman Coyner stated the intent is that the applicant be a good neighbor. He noted the double row of six (6') foot high plantings near the neighbors' property would be acceptable.

Mr. Shreckhise stated the applicant will need to meet the landscape requirements of the County.

Mr. Frank stated they are proud of their property. He stated they will properly screen the site.

Vice Chairman Coyner stated it is important that the buildings are shifted so that the neighbors do not have headlights shining into their homes. He moved that the request be approved with the following conditions:

Pre-Conditions:

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.
2. The vehicle storage area shown on the plan will be screened by a six (6') foot high opaque vinyl privacy fence, and there will also be plantings of understory bushes, hedges, or other vegetative plantings of sufficient density to provide adequate screening of the vehicle storage area, and they be maintained.
3. Along the property line adjacent to Tax Maps 55-74B and 55-74E, there will be a double row of six (6') foot high staggered evergreen trees planted six (6') foot on center, and additional plantings of understory bushes, hedges, or other vegetative plantings of sufficient density to provide adequate screening of the buildings, and they be maintained.
4. Applicant will submit a landscape and screening plan to Community Development for approval.

Operating Conditions:

1. Applicant be permitted to construct no more than 30,000 square feet of new mini-warehouses and be setback a minimum of fifty (50') feet from property lines.
2. Be permitted to convert no more than 4,000 square feet of existing buildings into warehouse use.
3. Be permitted to convert no more than 2,100 square feet of an existing building into associated retail use for the mini-warehouse. Associated retail sales shall be items such as boxes, tape, and locks for customers utilizing the mini-warehouse facility.
4. No site lighting will directly illuminate adjacent properties and non-essential lights shall extinguish at 9:00 p.m.
5. Be permitted to have a vehicle storage area for thirteen (13) recreational vehicles or boats screened by evergreen trees as shown on the site plan.

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6. No activities such as sales, repairs, painting, or servicing of goods, equipment, or vehicles shall be permitted inside or outside the mini-warehouse units or within the vehicle storage area.
7. Hours of operation be 7:00 a.m. to 9:00 p.m.
8. Site be kept neat and orderly.
9. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
10. Applicant must reside on the adjacent lot.
11. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
12. Be given **two (2) years** to complete construction.
13. No further expansion.
14. All fencing, trees, and vegetative screening be maintained at all times.
15. **Permit be reviewed annually.**

Mr. Byerly seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

JONATHAN YATES, AGENT FOR BEACON TOWERS AND AT&T - ONE YEAR EXTENSION OF TIME REQUEST

A request by Jonathan Yates, agent for Beacon Towers and AT&T, for a Special Use Permit to construct a new wireless telecommunications facility on property owned by D. Perry and Emily L. Hostetler, located at 95 Sulfur Pump Road, Weyers Cave, in the Middle River District.

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

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Mr. Byerly seconded the motion, which carried unanimously.

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LARRY WILLS, AGENT FOR ANNEX UNITED METHODIST CHURCH TRUSTEES - TWO YEAR EXTENSION OF TIME REQUEST (PICNIC SHELTER)

A request by Larry Wills, agent for Annex United Methodist Church Trustees, for a Special Use Permit to construct a picnic shelter, playground facility, and parking area on property they own, located on the south side of New Hope Road across from the church, approximately .1 of a mile west of the intersection of New Hope Road and Woodrow Wilson Parkway in the Beverley Manor District.

Vice Chairman Coyner moved that the two (2) year Extension of Time be approved.

Ms. Brown seconded the motion, which carried unanimously.

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DAVID L. OR ANN W. GARDNER - ONE YEAR EXTENSION OF TIME REQUEST

A request by David L. or Ann W. Gardner, for a Special Use Permit to construct a pavilion to have seasonal sales and farmers market with outdoor storage on property they own, located at 3526 Lee Highway, Weyers Cave in the North River District.

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

Vice Chairman Coyner seconded the motion, which carried unanimously.

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STAFF REPORT

- 14-29 David L. or Ann W. Gardner
- 14-30 Elizabeth Jane Howell
- 14-31 Luke M. or Esther B. Campbell
- 14-32 Barry or Kristina DeLange
- 14-33 Nancy L. Maciejczyk – **Withdrawn**

Mr. Wilkinson stated the Board just approved an Extension of Time for SUP#14-29. He noted staff has sent a letter to Mr. Howell regarding his violations on SUP#14-30. He

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stated that SUP#14-31 is located at Dominion Outdoors. He stated SUP#14-32 is in compliance.

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

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Chairwoman

Secretary