

January 3, 2008

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

ABSENT: G. A. Coyner, II

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 3, 2008, at 10:00 A.M., in the County Government Center, Verona, Virginia.

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**VIEWINGS**

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

- **Gurdeep Singh - Special Use Permit**
- **Jill W. House, agent for American Tower - Special Use Permit**

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

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

Absent: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 3, 2008, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**ELECTION OF OFFICERS**

Mr. Coyner nominated Mr. Shreckhise as Chairman and Mr. Callison as Vice-Chairman, and John R. Wilkinson as Secretary.

Ms. Brown seconded the motion, which carried unanimously.

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**MINUTES**

Mr. Swortzel moved that the minutes from the December 6, 2007 meeting be approved.

Vice Chairman Callison seconded the motion, which carried unanimously.

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**CONSIDERATION OF 2008 RESOLUTION**

Mr. Coyner moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2008 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

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Ms. Brown seconded the motion, which carried unanimously.

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**GURDEEP SINGH - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Gurdeep Singh, for a Special Use Permit to continue the existing convenience store and deli, have u-hauls, and a carwash on property owned by Kenneth R. or Charlotte L. Chittum, located on the west side of East Side Highway (Route 340) opposite Meadow Rue Lane in the Middle River District.

Mr. Gurdeep Singh stated that he is trying to buy the gasoline station in Crimora. He stated that he has a proposed plan to improve the property and improve services to the community.

Mr. Swortzel asked if the driveway is right against the carwash?

Mr. Singh stated that this is not a complete sketch of the property. He stated that there is a lot more room on the property than what is shown on this sketch. He stated that he has another sketch that he will give to the Board.

Mr. Swortzel stated that the applicant cannot build underneath the power line.

Mr. Singh stated that there will be enough room for the trucks to enter.

Mr. Swortzel asked how much right of way does the electric company have?

Mr. Singh stated probably fifteen (15') to twenty (20') feet. He stated that there is enough room on the property. He stated that the drawing on the screen is not a workable sketch.

Ms. Brown asked if the manufactured home would still be on the property?

Mr. Kenneth Chittum stated that the truck parking spaces are not drawn to scale. He stated that there is room for the doublewide on the property.

Chairman Shreckhise stated that when the Board visited the property it seemed to them that there would be a problem getting everything on the property especially without going across the drainfield. He stated that the drainfield is in front of the u-haul parking.

Mr. Chittum stated that he recommended cleaning up the brush and putting the u-hauls at that location.

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Ms. Brown asked if the manufactured home would be staying at the site?

Mr. Singh stated yes.

Ms. Brown asked how deep is the lot because there is a railroad track behind the store?

Mr. Chittum stated that it runs from the Route 340 right of way back to the railroad property.

Mr. Swortzel asked where the septic tank is?

Mr. Singh stated that the map shows the septic tank.

Mr. Chittum stated that the trucks need to be parked on the side not on the drainfield.

Ms. Brown asked how many bays would the carwash have?

Mr. Singh stated two (2) to three (3).

Ms. Brown asked if they planned on moving the power pole?

Mr. Singh stated if possible yes.

Mr. Swortzel asked if the lane that goes back to the property on the right side is part of this property or someone else's property?

Mr. Chittum stated that on his deed it shows that he owns part of it. He stated that it is split in the middle.

Mr. Swortzel asked what the setback would be for the carwash?

Mr. Wilkinson stated that if the lane is serving two (2) or more properties the structure would need to be thirty-five (35') feet from the property line. He asked how many houses use that right of way?

Mr. Chittum stated that three (3) houses use that right of way currently.

Chairman Shreckhise stated that the carwash is on the property line.

Mr. Coyner asked what is the plan for the carwash and the dirty water and grease?

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Mr. Singh stated that they will be recycling the same water. He stated that they will not be using the septic system.

Mr. Coyner asked if this would be a viable business for the applicant if they did not have the u-haul vehicles? He stated that in the past they have not had that type of activity on the property.

Mr. Singh stated that the u-haul trucks will help him maintain his cash flow as well as help the community.

Mr. Coyner stated that the Board is not really convinced that all of these uses could be placed on the property and be off of the drainfield. He stated that they do not have an accurate map to work with.

Mr. Singh stated that he would only like to have a maximum of five (5) to ten (10) trucks at the site.

Vice Chairman Callison asked if u-haul requires a minimum number of trucks at the site?

Mr. Singh stated five (5) trucks is the minimum.

Mr. Coyner asked if they were large trucks or smaller ones?

Mr. Singh stated that he is planning on having medium and large trucks.

Mr. Swortzel stated that if the applicant needs to have a thirty-five (35') foot setback on the driveway there is no room for the carwash.

Mr. Wilkinson stated that on the new sketch that the applicant just gave the Board there is a right of way serving three (3) or four (4) houses. He stated that the County has setback requirements for any building or structure which would include the carwash and it would have to sit a minimum of thirty-five (35') feet off of that which would push the carwash back to where the septic system and drainfield may be. He stated that the Health Department will not allow any parking or buildings on top of the drainfield.

Mr. Singh stated that he might be able to talk to a professional engineer on getting a better location. He stated that for now he would like to withdraw the carwash part of his request.

Chairman Shreckhise asked if the applicant would like the request tabled or would they like to put in a separate request?

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Mr. Singh stated that he can do the separate request, but he would like the Board to hear the u-haul portion of the request today.

Ms. Brown asked where would the customers enter and exit the property?

Mr. Singh stated that there are many designs in installing a carwash.

Chairman Shreckhise stated that the carwash would be addressed when the applicant reapplies.

Vice Chairman Callison stated that the applicant needs to get a site plan drawn to scale to show what he can and cannot place on the property. He stated that there is a lot of ground between the building and the railroad.

Mr. Swortzel stated that if the Board tables the request and the applicant gets an engineered plan they may have a lot more room than what this sketch is showing.

Mr. Chittum stated that he owns the property. He stated that it would be better to get the site approved as it is currently and then reapply with new drawings for the carwash and u-haul in the future.

Chairman Shreckhise stated that the property owner requests that the Board act on the convenience store, gasoline pumps, and deli and Mr. Singh file another request for the carwash and u-haul trucks.

Mr. Singh stated that is fine with him.

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

Mr. John Jenkins stated that he owns the property beside the request. He stated that they have water problems in the area. He stated that the carwash will only make it worse. He stated that there is a carwash in Grottoes which is approximately five (5) or six (6) miles away. He stated that he does not see putting a carwash on this piece of property. He stated about ten (10) years ago they wanted to put a carwash across the road which was turned down because of the water problem. He stated that they already have a convenience store and a doublewide on the property and there is not enough land to do anything else on the property.

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

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Ms. Bertie Veney, 361 N. Charlotte Avenue, Waynesboro, stated that she owns the property directly behind right across the track. She stated that her only concern is that she would like to be sure that she always has a right of way there because that is where they enter. She stated that she did not know anything about the water problem but that makes sense to her.

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 if the applicant would like to speak in rebuttal?

Mr. Singh stated that he is not acting on the carwash or u-haul part of the request today. He stated that the water will not be going into the septic. He stated that they will be recycling the water from the carwash.

Mr. Swortzel stated that the applicant is going to make a separate application for the carwash and the u-haul trucks.

Chairman Shreckhise declared the public hearing closed. He stated that the applicant would need to reapply for the carwash and the u-haul request. He stated that the adjacent property owners will be notified again when the request comes before the Board.

Mr. Coyner stated that there is a lot going in that part of the County. He stated that the convenience store and the gasoline station works well. He moved that the continuation of the convenience store, deli, and gasoline station be approved with the following conditions:

**Pre-Condition:**

1. Applicant submit an accurate site plan showing all fuel pumps, the doublewide home, and parking spaces.

**Operating Conditions:**

1. All parking spaces be properly marked within sixty (60) days.
2. No outside storage.
3. Maximum of four (4) employees.
4. No seating for a restaurant.

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Mr. Swortzel seconded the motion, which carried unanimously.

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### **JILL W. HOUSE, AGENT FOR AMERICAN TOWER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Jill W. House, agent for American Tower, for a Special Use Permit to construct a wireless communication facility on property owned by Charles F. or Delores K. Wertman, located in the southeast quadrant of the intersection of Crimora Station Lane and N & W Railroad in the Middle River District.

Ms. Jill House stated that she is representing Alltel. She stated that they are seeking a Special Use Permit for a 195' monopole. She stated that on the ground there will be a 60' x 60' fenced in area to house the equipment for the antennas that will be mounted on the tower. She stated that the leased area would be 100' x 100'. She stated that this is located on a 4.438 acre parcel on Crimora Station Lane and it is owned by Charles and Delores Wertman which is zoned General Agriculture. She stated that this particular site is needed in order to improve Alltel coverage on Route 340 between Waynesboro and Grottoes including Crimora. She stated that Alltel always looks at existing structures as required by the code. She stated that they did look at all structures within three (3) miles. She stated that the only structure found was 2.25 miles southwest of the proposed site which is too far south to provide the needed coverage in Crimora and is also too close to an existing site that they have in the Waynesboro area. She stated that the proposed facility will minimize adverse affects through the placement, design, and screening of the site. She stated that the monopole is the least visually obtrusive type of tower. She stated that it would be galvanized steel so that it would be non-reflective. She stated that there would be no advertising proposed. She stated that because it is less than 200' high the FAA does not require tower lighting. She stated that it would be landscaped around the perimeter and designed to accommodate five (5) additional carriers reducing the likelihood for additional towers needed in this area. She stated that it will not affect the traffic patterns, noise, dust, lights, odor, fumes, or vibration following the construction of the site. She stated that the site will comply with all local, state, and federal codes. She stated that it will be designed to collapse within the lot lines and it does meet the lot requirements for area width and frontage. She stated that it is licensed by the FCC and they did receive a determination of no hazard with the FAA. She stated that they are requesting approval from the Board on this request.

Mr. Coyner asked how much going and coming on the site once it is in operation?



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Ms. House stated that the site will be unmanned but generally there is one (1) site visit per month.

Ms. Leslie Gorey, 10005 Monroe Road, Matthews, NC, stated that she is a Senior Site Acquisition Specialist with Alltel. She stated that once a month a pickup truck will check the functionality of the site. She stated that if the alarm sounds at their office there could be additional visits at that time.

Mr. Coyner stated that with the monopole there would be no guide wires.

Ms. Gorey stated that is correct it will just have a steel shaft.

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

Mr. Charles Wertman stated that he owns the property and he does support this request. He stated that he has heard complaints within the community that the cell phone use is not good in the area and hopefully this tower will help.

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

Mr. Lloyd Bowman, 131 Crimora Station Lane, Crimora, stated that he lives across the street from the property. He stated that they have lightning problems around the area and he asked if Alltel will take care of anything that happens because of the tower being so tall.

Mrs. Lois Bowman, 131 Crimora Station Lane, Crimora, stated that she would like to know where the tower is going to be on the property.

Mr. Wilkinson explained that the tower would be on the last parcel before the railroad tracks. He stated that it will be in the field where the turnaround is.

Mrs. Bowman asked if this would help all of the telephone providers or just Alltel?

Ms. Gorey stated that all of the towers are built with very specific grounding specifications. She stated that there would be copper wires from the tower into the bay station into the ground. She stated that it dissipates all of the energy into the ground. She stated that the tower is initially built for Alltel service only and it does support 911 in the area. She stated that the tower is designed for co-location and other carriers can co-locate on the tower. She stated that there could be future improved service for other carriers but initially it is

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only built for Alltel. She stated that it will hold five (5) additional carriers. She stated the co-location process is not as long.

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 that the County's consultant come forward and give the Board his opinion on this site location.

Mr. George Condyles stated that he is the President of Atlantic Technology Consultants. He stated that the site has been clear cut for timber and when you get to the cul de sac you will see the entrance going back to the brush pile. He stated that there is a stake in the ground where the tower will be. He stated that this tower meets all setback requirements. He stated that the grounding will be designed per the National Electric Code Standards which will have a resistance of 5 ohm or less. He stated that the tower, antenna, and cable will be grounded. He stated that this meets or exceeds the typical standard with the BOCA code. He stated that this location is an excellent location. He stated that there is a gap in service for Alltel. He stated that this will have a ground total of six (6) platforms. He stated that this will bring community towers which will bring data services and wireless internet. He stated that the County will see more of these requests. He stated that the Crimora community will be able to get wireless internet without having to pull cable to the house. He stated that this will enhance competition within the communications facility. He stated that this will give the citizens a greater technology base for the citizens to use. He stated that this is a good thing for the community.

Vice Chairman Callison asked what is the radius from tower to tower to render good service?

Mr. Condyles stated that voice takes about minus 104dbm to operate but for internet it is minus 74dbm. He stated that in the northwestern quadrant of the County you would need to be three (3) to four (4) miles away from the tower for your phone but with the internet you need to be a mile and a half to two (2) miles away.

Mr. Coyner stated that the number of carriers on the pole is limited to the strength of the tower. He stated that five (5) or six (6) is normal.

Mr. Condyles stated that the owner of the tower has designed it for six (6) carriers. He stated that they basically make a standard design of twelve (12) antennas and 1 5/8" cable per platform. He stated that Alltel's equipment is more sophisticated.

Chairman Shreckhise declared the public hearing closed.

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Mr. Coyner stated that the tower would be good for the community.

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

**Pre-Conditions:**

1. The applicant will submit the \$25,000 removal bond described in (3) below.
2. The applicant will submit a site plan **including landscaping to show evergreens a minimum of six (6') feet high to conceal the fenced compound** 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.
3. The applicant will provide a copy of the NEPA/SHPO study and FAA approval.

**Operating Conditions:**

1. The height of the tower shall not exceed 199'.
2. Tower design will allow a minimum of five (5) co-locators.
3. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunications purposes. The tower shall be disassembled and completely removed from the site within ninety (90) days of such notification. Pursuant to Section 15.2-2309, paragraph 6 of the Code of Virginia: "The applicant shall provide bond with appropriate surety in the amount of \$25,000 to insure compliance with this stipulation. The applicant will ensure the bond shall remain in effect until at least six (6) months following notice to the Augusta County Community Development Department that wireless telecommunications have been discontinued.
4. The applicant will comply with all FCC regulations.
5. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.
6. Tower will be a monopole structure with a matte non-buffed, non-reflective type finish or stealth structure where appropriate.

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7. County will have the option of co-locating Public Safety communications equipment and antenna on this site for future growth and upgrade of the radio system, including law enforcement communications.

Mr. Swortzel seconded the motion, which carried unanimously.

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### **STEPHEN W. OR MONICA M. LINCOLN - SPECIAL USE PERMIT**

A request by Stephen W. or Monica M. Lincoln, for a Special Use Permit to continue the existing restaurant, have social events within the barn, and to use an existing building for offices on property they own, located on the southwest side of Natural Chimneys Road (Route 731), just east of the intersection of Natural Chimneys Road (Route 731) and Whetstone Draft Road (Route 756) in the North River District. – **Six Month Extension of Time Request**

Mr. Wilkinson stated that the applicant needed to submit a site plan as per the pre-conditions on their Special Use Permit. He stated that staff has sent them a letter because a site plan had not been received. He stated that they have been waiting for many months for his contractor and now Community Development has received the site plan. He stated that the applicant is requesting a six (6) month Extension of Time.

Mr. Swortzel moved that the six (6) month Extension of Time be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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### **BOARD OF ZONING APPEALS ANNUAL REPORT 2007**

Mr. Wilkinson presented the Board of Zoning Appeals Annual Report for the year 2007.

Chairman Shreckhise stated that even though the Board approved eighty (80) permits, 20%-25% were not approved as they originally requested. He stated many applicants ask for a lot but only a portion of their request is approved like the Chittum request that went before the Board today. He stated that they do not give the applicants all that they are requesting. He asked that this be relayed to the Board of Supervisors.

Mr. Wilkinson stated that he is preparing a detailed report that Mr. Cobb has requested from him and he will give a copy of that to the Board of Zoning Appeals at the next meeting. He stated that the BZA denied far fewer this past year percentage wise. He

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stated that in 2001 the Board denied ten (10) requests and in 2003 the Board denied eight (8) requests and this year the Board only denied (2) requests.

Chairman Shreckhise stated that most of the kennel requests this year did not have any opposition.

Vice Chairman Callison moved to accept the report.

Mr. Swortzel seconded the motion, which carried unanimously.

Mr. Swortzel stated that he agrees with Chairman Shreckhise that most of the permits were approved but with some type of modification.

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**STAFF REPORT**

- 07-12 Clifton, Kathy D.
- 07-13 Dupree, Timothy M. or Kimberly G.
- 07-14 Lilly, David L. or Pamela H.
- 07-15 Edwards, Barnard Tony or Cynthia A.
- 07-16 Snelgrove, Kevin C. or Patricia L.
- 07-17 Blue Ridge Chapel Church of Brethren, Trustees
- 07-18 Hughes, Daniel P.
- 07-19 Turrentine, Jonathan Kern or Carol
- 07-20 Wampler, Betty L. and Wallace E.

Mr. Wilkinson stated that SUP#07-12 and SUP#07-13 are both in compliance. He stated that SUP#07-14 has not finished striping their parking, therefore, staff is going to recheck the site in thirty (30) days. He stated that SUP#07-15 was given two (2) years to get a site plan together. He stated that staff sent Mr. Snelgrove (SUP#07-16) a letter because he has not removed the storage trailer. He stated that he is waiting for his site plan to be completed. He stated that staff will monitor this permit. He stated that SUP#07-17 is in compliance. He stated that staff has not received an approval letter from VDOT for SUP#07-18, therefore, staff sent the applicant a letter. He stated that SUP#07-19 is in compliance. He stated that SUP#07-20 had too many dogs at the site during Christmas time. He stated that Animal Control checked the property and they are now in compliance. He stated that staff has been called by Mr. Sandridge and he is working on getting the entrance permit for that property.

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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