

August 6, 2015

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 6, 2015, 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:

- **HAROLD G. MOORE - SPECIAL USE PERMIT**
- **KARA HUGHES AND KRISTEN HOLBROOK - SPECIAL USE PERMIT**
- **MONTE N. AND DONNA C. ATKINS - 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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Chairwoman

Secretary

August 6, 2015

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
Pat Morgan, County Attorney
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, August 6, 2015, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Vice Chairman Coyner moved that the minutes from the July 2, 2015, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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HAROLD G. MOORE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Harold G. Moore, for a Special Use Permit to use an existing home for vacation rentals on property he owns, located at 224 Berry Lane, Staunton, in the North River District.

Mr. Harold Moore stated he would like to use his existing home as a vacation rental.

Chairwoman Tilghman stated the Health Department is limiting this request to no more than six (6) people maximum due to the septic system.

Mr. Moore questioned the limitation on the number of guests.

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Mr. Wilkinson stated the Health Department is regulating the number of people staying at the rental due to the size of the drainfield. He stated the permit is limited to no more than six (6) people. He noted if the applicant has issues with the number he will need to contact the Health Department if they are wanting to have a larger group of people stay at the rental.

Vice Chairman Coyner asked if the applicant advertised on a website?

Mr. Moore stated yes. He advertises on Facebook and on Vacation Rentals by Owner.

Vice Chairman Coyner asked what would be a normal stay?

Mr. Moore stated either a weekend or a week stay or possibly an extended weekend.

Vice Chairman Coyner stated the property is very beautiful.

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

Ms. Brown asked if the horses are part of the vacation rental?

Mr. Moore stated he will let people ride the horses as long as he is there at the site. He stated there are riding trails in the forest.

Ms. Brown stated the property is very nice.

Vice Chairman Coyner asked if he has customers mainly in the spring, summer, and winter months?

Mr. Moore stated yes but people also visit in the fall to see the leaves changing. He stated that he does not rent the house that often. He stated the average is 1 ½ people per week using the septic system. He stated it is hardly used at all.

Vice Chairman Coyner asked if the applicant built the house?

Mr. Moore stated yes.

Mr. Byerly stated the site is very nice.

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

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

Vice Chairman Coyner stated this is a beautiful site and it brings people to the County. He stated this will not have an impact on the neighbors at all.

Chairwoman Tilghman agreed.

Vice Chairman Coyner moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Be permitted to have vacation rental of the three bedroom home for up to six (6) people.
- 2. Site be kept neat and orderly.
- 3. No junk or inoperable vehicles to be kept outside.

Mr. Byerly seconded the motion, which carried unanimously.

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KARA HUGHES AND KRISTEN HOLBROOK - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kara Hughes and Kristen Holbrook, for a Special Use Permit to have weddings and special events on property owned by Ella G. Eavers, located on the west side of Walnut Hills Road (Route 655), just south of the intersection of Walnut Hills Road and Deer Haven Lane, in the Riverheads District.

Ms. Kristen Holbrook stated that she is a pastor. She would like to have weddings, special events, and corporate gatherings at this site. She would like to construct a bank barn on the property. She noted the top level will be event space and the bottom level is residential space. She stated they will live onsite. She stated they will keep the bank barn looking classic/traditional but also have modern bathrooms, catering kitchen, wireless, sound, and

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projection. She stated they would like to have 125-135 guests maximum at the events. She noted her first focus is weddings. She noted it would be great to have this in the County. She mentioned in speaking with the community, many individuals were interested in having banquets at the site including the Riverheads Fire Department, Ntelos, and nurses at Augusta Health. She mentioned there have been people interested in utilizing the space during the day for offsite training. She felt this would be an asset to the community. She stated this will also create jobs for many vendors. She has contacted the Virginia Department of Transportation on an approved entrance. She noted they are also working with the Health Department on a six (6) bedroom engineered septic system and public well. She stated they will not use restroom trailers because they will have ADA restrooms. She stated that twenty-four (24) events, only having three (3) per month will be financially difficult for us to survive. She stated they would ask for an additional twenty-five (25) daytime events where they will have corporate meetings or trainings at the site which would not be wedding related at all. She asked the Board if they would permit the hours of operation from Sunday – Thursday until 9:00 p.m. and Friday and Saturday until 10:00 p.m. She felt that this timeframe was fair and in compliance with the noise ordinance which does not take effect until midnight. She stated there are other wedding facilities in the area that are able to operate until 11:00 p.m. or 11:30 p.m. She felt that 10:00 p.m. would be a good compromise. She stated the reception will take place all indoors. She stated there will be music inside the barn which does make a big difference in noise to the neighbors. She stated the property is wooded and they planned on keeping it that way. She mentioned they will do their own bartending unless the caterer would like to have their own.

Ms. Kara Hughes stated that she appreciated the guidance that Mr. Wilkinson gave to them.

Mr. Byerly asked if they have adequate parking for the guests?

Ms. Hughes stated there is parking in the field.

Vice Chairman Coyner asked if this structure will be a typical bank barn where you can enter on either level?

Ms. Holbrook stated yes. She stated they have already purchased the barn. She stated it is an old historic barn that was built about seventy (70) years ago.

Vice Chairman Coyner asked if the barn will have sprinklers?

Ms. Hughes stated if they need to have sprinklers in the barn they will do so.

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Vice Chairman Coyner asked if the applicants have experience in this type of work?

Ms. Hughes stated she has worked with Coca-Cola in sales and grew up on a farm.

Ms. Holbrook stated she is a pastor and has done a number of weddings and personal counseling.

Chairwoman Tilghman asked about the Health Department regulations?

Ms. Hughes stated the septic will be designed for a six (6) bedroom which is based on the number of weddings they are planning on having at the site.

Chairwoman Tilghman asked how many bathrooms will there be?

Ms. Hughes stated there will be five (5) to six (6) bathrooms in the barn.

Chairwoman Tilghman asked if the applicants plan on having religious outings at the site?

Ms. Holbrook stated this would be a wonderful space for that. She stated it can be used for many things. She felt this would be an asset to the community.

Chairwoman Tilghman asked how will their customers establish a caterer?

Ms. Holbrook stated they will have a preferred list of caterers, florists, and all vendors. She stated if they are not on the preferred list of vendors, they will need to provide proof of insurance and all proper documentation.

Ms. Hughes stated they want the preferred list of vendors to be here locally in the area.

Vice Chairman Coyner stated it is great to see that these applicants have this dream. He asked what is the timetable for their plans?

Ms. Holbrook stated she hoped to be ready by May 2016. She stated they wanted to operate by the start of the wedding season. She noted that the barn will also have heat. She noted most places do not offer heat which will give them a tremendous advantage.

Ms. Brown asked how does the applicant advertise?

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Ms. Holbrook stated they will use social media. She stated they plan on designing a website and using Facebook and Twitter. She stated majority of their marketing will be web based. She hoped to have a lot of local press too.

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. Byerly stated that he did not have a problem with thirty-five (35) events with no more than four (4) per month.

Vice Chairman Coyner stated the daytime events will not impact the neighbors.

Mr. Shreckhise stated the Board should limit the events based on the number of attendees. He stated the Board can limit the daytime events to thirty (30) with no more than sixty (60) people in attendance.

Ms. Holbrook stated if they offer the nursing training, they may have 60-125 nurses in attendance. She stated with that limit, it will make it harder for them. She noted in speaking with different people we have said 125 attendees.

Ms. Hughes stated they would ask the Board to have thirty-five (35) larger events per year and ten (10) daytime events with under seventy-five (75) people.

Chairwoman Tilghman stated the Board can limit the daytime events to thirty (30).

Mr. Byerly stated he is fine with ending the events by either 10:00 p.m. or 10:30 p.m.

Vice Chairman Coyner asked if the applicants have spoken with the neighbors?

Ms. Hughes stated no.

Vice Chairman Coyner stated the surrounding lots are quite large and he did not feel this request would impact the neighbors. He felt that the permit should be reviewed to be sure it is in compliance.

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

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Pre-Conditions:

1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Applicant will install a sewage treatment system approved by the Health Department within two (2) years.
2. Be permitted to operate for two (2) years using a portable restroom trailer until the septic system is installed.
3. Be limited to thirty-five (35) events per year with over seventy-five (75) people and thirty (30) daytime only events with less than seventy-five (75) people.
4. Be limited to a maximum of one hundred thirty-five (135) people at any one event.
5. No outside music with the exception of the outdoor wedding ceremony.
6. Events to cease by 10:00 P.M. Sunday – Thursday and 11:00 P.M. on Friday and Saturday.
7. One of the applicants must reside on the premises.
8. Site be kept neat and orderly.
9. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
10. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the Ordinance requirements of Article VI.A Outdoor Lighting.
11. Permit be reviewed in eighteen (18) months.

Ms. Brown seconded the motion, which carried unanimously.

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MONTE N. AND DONNA C. ATKINS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Monte N. and Donna C. Atkins, for a Special Use Permit to continue to have outdoor storage of equipment on property owned by Alvin Moomau, located at 4544 Lee Jackson Highway, Greenville, in the Riverheads District.

Mr. Monte Atkins stated they are requesting a Special Use Permit to store their excess equipment at the site. He stated occasionally they will have more trucks at the site. He stated they will keep the site neat and orderly. He noted they have spoken with the neighbors and they seem happy.

Vice Chairman Coyner stated the equipment will be stored in the back but it will be best that a fence be constructed.

Mr. Atkins stated currently they are leasing the property monthly. He stated they would like to purchase it.

Chairwoman Tilghman stated at this point there is no equipment at the site but there will be a point when there will be equipment at the site.

Mr. Wilkinson stated with the brush being removed, the bottom of the site is visible.

Vice Chairman Coyner stated a six (6') foot high privacy fence to block the view would be sufficient with the applicant extending fifty (50') feet out on each side of the building.

Mr. Atkins stated it would be cheaper to construct a fence than to have trees at the site.

Ms. Donna Atkins requested that the Board not put a time limit on this permit.

Mr. Wilkinson stated staff has not had any complaints from the neighbors in the two (2) years.

Chairwoman Tilghman stated the applicants have done well at this site. She stated the fence or the screening will need to be done. She asked if there was anyone wishing to speak in favor, or in opposition the request?

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

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Vice Chairman Coyner stated the applicants have improved the property. He stated even though today it is not needed, there will be occasions where equipment will be at the site. He moved that the request be approved with the following conditions:

Pre-Condition:

1. Within **sixty (60) days** the vehicle and equipment storage area be screened by a six (6') foot high opaque vinyl privacy fence extending fifty (50') feet out from both sides of the building, and must be maintained at all times.

Operating Conditions:

1. Be limited to a maximum of ten (10) licensed vehicles out front and they be limited to no more than five (5) on each side of the existing building.
2. Be limited to twenty (20) company vehicles or pieces of equipment to be kept in an outdoor storage area behind the existing building as shown on the site plan.
3. The designated outdoor storage area be screened from view and be maintained at all times.
4. No more than four (4) employees to come to the site at any one time.
5. Hours of operation be 7:00 a.m. to 9:00 p.m. Monday – Saturday.
6. No Sunday work.
7. Site be kept neat and orderly.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
9. No on premise sign be permitted.
10. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
11. If any future expansion of building or use is requested or required, the business must be moved to a Business zoned district.

Mr. Byerly seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

DWAYNE WEAVER - EXTENSION OF TIME REQUEST

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. Wilkinson stated Dwayne Weaver is now ready to move forward with enlarging the existing non-conforming dwelling. He is requesting a nine (9) month Extension of Time.

Vice Chairman Coyner moved that the nine (9) month Extension of Time be approved.

Mr. Byerly seconded the motion, which carried unanimously.

STAFF REPORT

- 14-50 Neil S. Schroeder
- 14-51 Salina K. Miller
- 14-52 Kenneth Ray Bradley, Jr., Inc.
- 14-53 Good Faith, LLC
- 14-54 Kenneth Ray Bradley, Jr., Inc.

Mr. Wilkinson stated SUP#14-50 was denied. He stated SUP#14-51 the Board just approved a nine (9) month Extension of Time. He stated SUP#14-53 is in compliance. He stated SUP#14-52 and SUP#14-54 were both tabled.

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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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Chairwoman

Secretary