

November 5, 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  
 P. Morgan, County Attorney

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 5, 2015, at 8:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:30 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:

- **MELISSA AND AARON ALLEN - SPECIAL USE PERMIT**
- **BRUCE F. AND EDWARD E. HOLDEN - SPECIAL USE PERMIT**
- **FRANCIS CHESTER-CESTARI, AGENT FOR CESTARI LAND AND SHEEP CORPORATION - SPECIAL USE PERMIT**
- **JOSEPH AND CHAPMAN WILLIAMS, AGENTS FOR CJ PROPERTIES OF AUGUSTA, LLC - SPECIAL USE PERMIT**
- **JOSEPH AND CHAPMAN WILLIAMS, AGENTS FOR LONG SHOTS, LLC - 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

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Secretary

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D. A. Brown  
T. H. Byerly  
S. F. Shreckhise  
J. R. Wilkinson, Zoning Administrator & Secretary  
P. 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, November 5, 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 October 1, 2015, meeting be approved.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**MELISSA AND AARON ALLEN - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Melissa and Aaron Allen, for a Special Use Permit to have outdoor storage of food trucks and picnic tables, on property owned by Woodson Real Estate, LLC, located at 2508 Jefferson Highway, Waynesboro, in the Wayne District.

Ms. Melissa Allen stated they own Seven Arrows Brewing. She is requesting the permit in order to have outdoor storage of food trucks because her establishment does not serve food. She stated the food trucks will be onsite from Friday to Sunday.

Chairwoman Tilghman asked if people are allowed to bring food into the brewery?

Ms. Allen stated yes.

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Chairwoman Tilghman asked what are the business hours?

Ms. Allen stated they are open every day except on Tuesday. She stated the brewery is open at 4:00 p.m. on weekdays and at noon on the weekends. She noted that their clients would go outside to order the food and the food truck vendors actually bring the food to them inside the brewery. She would like to have a variety of different food trucks.

Vice Chairman Coyner stated the facility looks very nice.

Chairwoman Tilghman asked if there would only be one (1) food truck onsite at a time?

Ms. Allen stated yes. She stated her business is 11 months old. She stated they brew onsite and have twelve beers on tap and their beer is also distributed through Blue Ridge Beverage.

Ms. Brown asked if they have enough parking onsite?

Ms. Allen stated they have added parking on the side and in the back of the property. She stated they have twenty-eight (28) parking spaces. She stated they have never had any problems with parking. She noted that they have music twice a month inside the building. She wants her business to be a place where people come to relax.

Mr. Byerly asked where will the picnic tables be?

Ms. Allen stated the picnic tables will be outside on the back side near the concrete area.

Mr. Byerly stated there are tables outside already. He asked if the applicant is asking for four (4) more additional tables?

Ms. Allen stated no. She would like to keep the four (4) that they have outside already.

Chairwoman Tilghman asked if the applicant would need more food trucks onsite for special occasions?

Ms. Allen stated any party or larger event they usually have the food catered. She stated if the Board would approve two (2) or three (3) food trucks, it would be great but for a larger party they usually have it catered. She noted that she really only needs one (1) food truck per day.

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Chairwoman Tilghman stated there is not much room for more than one (1) truck at a time. She asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Kelli Knight, 50 Ashleigh Drive, Waynesboro, stated she owns property in the residential townhomes. She stated that the customers of this business go there to consume alcoholic beverages. She stated they do not prepare or cook food. She stated outdoor service encourages beer drinking clients to loiter behind the business near residential homes. She mentioned that the four (4) picnic tables will be less than seventy-five (75') feet from her property line. She stated that she can see the brewery from her deck off of her master bedroom and she sees the patrons loitering outside Seven Arrows. She stated when Seven Arrows decided to rent this building they clearly knew that there was a residential community nearby. She stated the Homeowner's Association has not been notified of this request. She would ask that the Board consider the installation of a six (6') foot high privacy fence in order to reduce the disturbance to the adjoining residential neighbors. She also asked that the Board limit the dates or number of food trucks onsite every Friday, Saturday, and Sunday. She stated the applicants should think about preparing food inside the building and encourage patrons to remain inside the building. She noted this use would not be a service to her or her neighbors, but a disturbance.

Mr. Byerly stated the area is screened with trees.

Ms. Knight stated there is one row of pine trees. She does not have a problem with the business but they need to keep their customers inside. She stated they have played corn hole in the parking lot on certain nights.

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

There being none, Chairwoman Tilghman asked the applicant to speak in rebuttal.

Mr. Aaron Allen stated the back row of the building has white pines. He stated they have been open for eleven (11) months and have received zero complaints from anyone on the noise. He stated the outdoor seating will only be during the daylight hours. He stated they do serve alcohol but we do not encourage the abuse of alcoholic beverages. He stated they do sell light snacks.

Ms. Allen noted that many customers come to the brewery to read. She stated they want a cozy environment where their customers can enjoy their beer and relax. She stated this is similar to a coffee house but they are serving beer. She stated the picnic table area is not

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lit because they do not want people outside during evening hours. She felt that they already addressed the concerns of Ms. Knight because they had those same concerns.

Chairwoman Tilghman asked if they needed to sell a certain percentage of food in order to have an ABC License?

Mr. Allen stated in June of 2012 the regulations changed to allow production breweries to serve, sell, and operate a tasting room onsite. He stated they do not have to sell food if the beer is produced onsite.

Ms. Brown asked if they grow their own hops?

Mr. Allen stated they get their hops from a farm in Waynesboro.

Ms. Brown asked how many employees do you have?

Mr. Allen stated nine (9) employees.

Ms. Brown asked how long does it take to produce the beer?

Mr. Allen stated they manufacture the beer twice a week.

Vice Chairman Coyner asked what is the aging process?

Mr. Allen stated it is a three (3) week process for their beer.

Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated the Board visited the site this morning. He stated the property is neat and well kept. He appreciated the concern of the neighbor but he does not see why this use of the property would not work. He stated there is screening provided on the property from the neighboring townhomes.

Mr. Byerly stated this is a business on Route 250 and he feels there would not be any problems with this request.

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

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**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to have one (1) food service truck and four (4) picnic tables outside and they be kept in the designated areas shown on the site plan.
2. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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**BRUCE F. AND EDWARD E. HOLDEN - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Bruce F. and Edward E. Holden, for a Special Use Permit to have motor vehicle and farm equipment repair, and tire service within the existing building, on property they own located at 693 Spottswood Road, Steeles Tavern, in the Riverheads District.

Mr. Bruce Holden stated he would like to have motor vehicle and farm equipment repair and a tire service in his existing building.

Chairwoman Tilghman asked if the applicant works onsite now?

Mr. Holden stated yes.

Vice Chairman Coyner asked if all of the work will be done inside the building?

Mr. Holden stated yes.

Mr. Shreckhise asked if the applicant plans on removing the tires?

Mr. Holden stated yes. He is in the process of removing the tires.

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

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Mr. William Thomas, 722 Spottswood Road, Spottswood, stated he has lived at this site his entire life. He stated there has been constant commercial activity at this site for a long time. He stated Mr. Holden's property is an established business location.

Mr. Jim Hipes stated he is one of the neighbors. He stated one thing that is lacking in Spottswood is service. He has been very satisfied with the way that Mr. Holden keeps his property.

Chairwoman Tilghman asked if there was anyone else wishing to speak on this request?

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

Mr. Shreckhise stated another neighbor called him regarding this request and they were very much in favor of the request and thought that this property was a good place for this type of business. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

1. Applicant obtain Building Inspection approval and provide a copy to Community Development.
2. All tires be removed or put inside the building within **ninety (90) days**.

**Operating Conditions:**

1. There be no more than five (5) operable customer vehicles outside the building at any time.
2. All equipment, machinery, parts, or inoperable vehicles for the business be kept inside the two (2) buildings or one (1) semi-trailer.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. No employees other than family members.
5. One of the applicants must reside on premises.
6. Site be kept neat and orderly.

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Ms. Brown seconded the motion, which carried unanimously.

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**FRANCIS CHESTER-CESTARI, AGENT FOR CESTARI LAND AND SHEEP CORPORATION - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Francis Chester-Cestari, agent for Cestari Land and Sheep Corporation, for a Special Use Permit to construct a new building to have a law office, sheep and textile museum, manufacturing and dyeing of wool and textiles, a country store, and have tours on property owned by Justine Daniel Tilghman, located on the south side of Little Calf Pasture Highway (Route 42), just east of the intersection of Little Calf Pasture Highway and Montgomery Run Lane, in the Pastures District.

Chairwoman Tilghman stated that she will be abstaining from the discussion and vote on this request due to her personal interest pursuant to Virginia Code Section 2.2-3115. She noted that she is the landowner of the property in question. She will not participate on this request.

Mr. Francis Chester stated he has been operating in Churchville for a number of years. He would like to move his entire operation to Augusta Springs. He stated they have outgrown their operation in Churchville and they need to consolidate and would prefer to have everything all under one roof. He noted that Route 250 is no longer just a tourist road. He stated Route 42 is now a tourist route designated by the state and it is very traveled from people out of the area. He has presented a petition listing people in favor of his request and he does not think any of the neighbors are in opposition to his request. He would also like to have a museum in order to provide education to his customers. He asked that the Board approve his request.

Vice Chairman Coyner asked if this would be the same type of operation that he has had in Churchville?

Mr. Chester stated yes.

Vice Chairman Coyner asked if he would continue to allow school groups to come to the property?

Mr. Chester stated yes. He stated part of his program is to educate the public.



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Vice Chairman Coyner asked if he would have the same number of employees?

Mr. Chester stated yes.

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

Mr. Walter Morrison stated he is the Manager of Gwendalyn Cody's farm. He stated this property is under a conservation easement. He stated the egress and ingress of this property is terrible. He would ask that the Board not approve this request. He stated if the building is moved down it will be in the floodplain. He noted the building is close to the floodplain now as shown on the sketch. He stated the property has been in the Cody family for 104 years. He stated this building is not in the right location. He stated there have been many accidents along the road of people coming in and out of the area.

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 Mr. Chester to speak in rebuttal.

Mr. Shreckhise asked if the highway department approved Mr. Chester's entrance?

Mr. Chester stated yes. He noted they have received entrance approval that is more than a ¼ mile away from his existing driveway. He stated the entrance Mr. Morrison is talking about is the entrance to his home place and not the property in question.

Vice Chairman Coyner asked if the building will be located within the floodplain?

Mr. Chester stated the building will be out of the floodplain. He has hired engineers and they are working on all of the plans for the building.

Vice Chairman Coyner asked what the applicant's plans are for construction?

Mr. Chester stated he has sold the property in Churchville and once the building is done everything will be moved to Augusta Springs. He stated this will be a beautiful showroom.

Vice Chairman Coyner asked if the applicant planned on being in business within a year?

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Mr. Chester stated he hoped to be complete by next spring. He stated a lot things will need to be approved. He is thankful for the opportunity and also grateful to have his business next door to his home.

Vice Chairman Coyner declared the public hearing closed.

Mr. Byerly stated the conservation easement on the Cody property has no bearing on the Board of Zoning Appeals' consideration. He stated that Mr. Chester is required to construct the law office under building code. He asked if the entire building will be constructed on commercial building standards rather than as an agricultural building?

Mr. Chester stated he needs three phase current in order to operate the machines and he has it right on the property. He stated the building is being designed to exceed snow loads.

Ms. Brown asked what is the size of the building?

Mr. Chester stated 60' x 250'. He stated everything will be all on one (1) floor.

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

Mr. Chester stated six (6) to eight (8) employees.

Mr. Wilkinson asked if the entire building will be built to commercial standards?

Mr. Chester stated yes.

Mr. Wilkinson asked if the engineer is designing a commercial building instead of a farm building?

Mr. Chester stated yes.

Mr. Shreckhise asked if the country store will be part of the showroom and have everything all under one roof?

Mr. Chester stated yes. He stated there will be a separation from the factory and showroom with a firewall in order to separate the different uses.

Mr. Shreckhise stated the highway department has made a decision with the entrance.

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Mr. Wilkinson stated this entrance is ¼ of a mile from Mr. Chester's home entrance. He stated the building is proposed to be out of the floodplain.

Mr. Byerly stated they are looking forward to this business activity in this area of the County. He moved that the request be approved with the following conditions:

**Pre-Condition:**

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.

**Operating Conditions:**

1. Be permitted to construct a 60' x 250' building for wool and textile storage and manufacturing, to have a wool and textile museum, and a country store including gasoline sales.
2. Be permitted to construct a 20' x 20' building for a law office.
3. Be permitted outside display or storage of produce and products within twenty (20') feet of the country store, provided no product is within twenty-five (25') feet of the edge of Route 42.
4. No outdoor storage or structures to be in the floodplain.
5. All lighted signs must be turned off by 10:00 p.m.
6. Site be kept neat and orderly.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Ms. Brown seconded the motion, which carried with a 4-0 vote. Chairwoman Tilghman abstained from the vote and discussion.

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**JOSEPH AND CHAPMAN WILLIAMS, AGENTS FOR CJ PROPERTIES OF AUGUSTA, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Joseph and Chapman Williams, agents for CJ Properties of Augusta, LLC, for a Special Use Permit to have two apartments within an existing dwelling on property owned by Mary L. Corbello, located at 81 Main Street, Greenville, in the Riverheads District.

Mr. Chapman Williams stated he resides in Greenville. He stated this property has been on the market for quite some time. He stated this is a very large house and it will be easy to divide the existing dwelling into two (2) apartments. He stated there is plenty of parking for two (2) apartments. He mentioned that the parking will be in the back of the property. He noted there will be wraparound porches on both sides. He stated this property is connected to the new sewer in Greenville.

Vice Chairman Coyner asked when the applicant planned on completing the work?

Mr. Williams hopes by the spring. He will try to rent this house out first as a single family dwelling but wanted to have options just in case it is not feasible for him to use it as a single family dwelling rental.

Chairwoman Tilghman asked if both apartments would be the same size?

Mr. Williams stated the apartments would both be the same size.

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

Ms. Sharon Dahlin, 77 Main Street, Greenville, stated that she is opposed to this business because renters are not always a good thing. She cares about the neighborhood and she has never had any problems in this area. She is not saying that all renters are a problem, but renters are transients and some may not care about the neighborhood. She asked how the applicant would choose their renters and how do we know what kind of people they would get. She is selling her house and this use will affect the sale of her house. She asked the Board that they take the time to consider the impact of this and how it will change the neighborhood and the community.

Ms. Linda Flint, 70 Main Street, Greenville, stated this will affect the value of her property with the apartments being right beside it.

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Ms. Dahlin further stated that the applicant could end up putting three (3) apartments in the dwelling.

Mr. Wilkinson stated the applicant is required to obtain building permits for the remodeling of the dwelling. He stated the building inspector will be required to inspect the property at all stages.

Chairwoman Tilghman asked if there was anyone else wishing to speak on the request?

There being none, Chairwoman Tilghman asked the applicant to speak in rebuttal.

Mr. Williams stated there is no way that he would be able to get three (3) apartments in the dwelling. He stated when they have a potential renter in mind, they look at past rental history and they visit the renter's current living situation. He feels that remodeling the dwelling into two (2) apartments would be a good use of the property.

Chairwoman Tilghman asked if the applicant would maintain the outside of the property?

Mr. Williams stated yes.

Ms. Brown asked if there would be parking in the back or front of the property?

Mr. Williams stated parking would only be in the rear.

Chairwoman Tilghman declared the public hearing closed.

Mr. Byerly stated he understands the neighbors' concerns but when a house sits vacant, it will deteriorate. He felt that this would be a good use of the property. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Condition:**

1. Applicants obtain all necessary building permits and permits required by the Augusta County Service Authority.

Ms. Brown seconded the motion, which carried unanimously.

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**JOSEPH AND CHAPMAN WILLIAMS, AGENTS FOR LONG SHOTS, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Joseph and Chapman Williams, agents for Long Shots, LLC, for a Special Use Permit to have a firewood business and to have outside storage of firewood, wood chips, topsoil, mulch, compost, landscaping materials and equipment on property it owns, located at 54 Kerry Lane, Staunton, in the Riverheads District.

Mr. Chapman Williams stated they have submitted a revised site plan showing the outside storage on the property. He stated they plan on moving the firewood to the flat area of the property in order to preserve some green space on the property.

Chairwoman Tilghman stated there are many buildings on the property.

Mr. Williams stated he would like to consolidate some but they learned a valuable lesson years ago to never have all of your equipment in one building. He stated the building burned down and they needed to purchase all new equipment. He noted they have separate buildings for their pesticides and gasoline storage. He stated with the new stormwater regulations they need to have a certain amount of area as green space that will never be developed. He stated with these uses he has maxed out at the site.

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.

Vice Chairman Coyner stated this site is a good use of the property. He stated the outside storage on the property is not visible to the neighbors. He stated the applicants do a good job. He moved that the request be approved with the following conditions:

**Pre-Condition:**

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.

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**Operating Conditions:**

- 1. All outdoor storage be kept in the designated areas shown on the site plan.
- 2. Site be kept neat and orderly.
- 3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be visible from the Interstate.

Mr. Byerly stated he is in support of this request. He seconded the motion, which carried unanimously.

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**JEFFREY AND BRIDGETTE SHOWALTER - TWO YEAR EXTENSION OF TIME REQUEST**

A request by Jeffrey and Bridgette Showalter, for a Special Use Permit to continue the existing kennel operation and to expand the operation by adding the existing horse barn to the kennel operation on property owned by Gary W. or Erma M. Showalter, located at 11 Wise Hill Lane, Mt. Crawford, in the North River District.

Mr. Wilkinson stated the applicant and his wife are operating the existing kennel, but he has been busy with the farm and has not had time to build the kennel area within the horse barn and is asking for additional time.

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

Mr. Byerly seconded the motion, which carried unanimously.

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**CHRISTOPHER S. OR TORI C. MCWHORTER - ONE YEAR EXTENSION OF TIME REQUEST**

A request by Christopher S. or Tori C. McWhorter, for a Special Use Permit to have a grooming and boarding kennel on property they own, located at 232 Mine Branch Road, Crimora, in the Middle River District.

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Mr. Wilkinson explained it has taken a lot longer than the applicant expected to get the survey completed to put the two parcels together.

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

Ms. Brown seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 15-1 Patrick R. or Becky D. Stapleton
- 15-2 James N., III or Sandra S. Riddel
- 15-3 Malissa W. Reed

Mr. Wilkinson stated SUP#15-1 is in compliance. He explained to the Board that only the foundation is completed for SUP#15-2. He noted that staff will re-inspect the property next month. He stated SUP#15-3 is in compliance.

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Mr. Morgan discussed the court cases with the Board.

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

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Chairwoman

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Secretary