

January 7, 2016

PRESENT: G. A. Coyner, II, Vice Chairman
T. H. Byerly
D. A. Brown
J. R. Wilkinson, Zoning Administrator & Secretary
Pat Morgan, County Attorney

ABSENT: J. D. Tilghman, Chairwoman
S. F. Shreckhise

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 7, 2016, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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.

VIEWINGS

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

- **GREGORY AND NANCY CASH - SPECIAL USE PERMIT**
- **JEFF JENNINGS, AGENT FOR BEVERLEY MANOR ORCHARD - SPECIAL USE PERMIT**
- **DIRK GOLD, AGENT FOR GOLDWRENCH ENTERPRISES, LLC - SPECIAL USE PERMIT**
- **WILLIAM SHIFFLETT - 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.

Vice Chairman

Secretary

January 7, 2016

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

ABSENT: S. F. Shreckhise

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 7, 2016, at 1:30 P.M., in the County Government Center, Verona, Virginia...

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ELECTION OF OFFICERS

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

Mr. Coyner seconded the motion, which carried unanimously.

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MINUTES

Vice Chairman Byerly moved that the minutes from the December 3, 2015, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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CONSIDERATION OF 2016 RESOLUTION

Vice Chairman Byerly moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2016 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

Ms. Brown seconded the motion, which carried unanimously.

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BILL HENSON, AGENT FOR MEADE MOBILE HOME PARK LC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Bill Henson, agent for Meade Mobile Home Park LC, for a Special Use Permit to replace non-conforming manufactured homes within a manufactured home park with larger units on property owned by J.R. Ridenour, located at 79 and 85 Meade Park Circle, Verona, in the North River District.

Mr. Bill Henson stated they would like permission to replace two manufactured homes with larger units in Meade Mobile Home Park.

Chairman Coyner stated the applicant has done a good job and the park will be enhanced with these two larger units. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

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

Vice Chairman Byerly stated he was impressed with the improvements to the park.

Ms. Brown agreed with Vice Chairman Byerly.

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

Pre-Conditions:

None

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Operating Conditions:

1. Replacement homes to be no closer than twenty-two (22') feet to the side of the adjacent homes and no closer to the road as shown on the BZA sketch plan.
2. Applicant obtain proper placement permits from Building Inspection.

Ms. Brown seconded the motion, which carried unanimously.

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WILLIAM SHIFFLETT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by William Shifflett, for a Special Use Permit to have repair and sales of antiques on property owned by Joyce B. Wheeler, located at 1642 Mount Torrey Road, Lyndhurst, in the South River District.

The applicant was not present at this time, therefore, the Board moved this request to the end of the agenda.

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GREGORY AND NANCY CASH - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Gregory and Nancy Cash, for a Special Use Permit to have an apartment in a pre-1980 structure on property they own, located at 744 Jefferson Highway, Staunton, in the Beverley Manor District.

Mr. Gregory Cash stated he purchased the property in September. He noted the previous owner passed away two years and seven months prior to their purchase of the property. He stated there was an existing apartment and they want to use the garage for personal use. He stated their son will be living in the apartment. He stated if his son is living there, the property will be more secure for them.

Mr. Wilkinson stated the previous owner did not get the required permits to have an apartment at the site for this General Business zoned property. He stated all of the renovations were completed but no inspections were done. He stated the first step to use the apartment is the Special Use Permit and then the applicant can obtain the required permits to change the use of the structure.

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

There being none, Chairman Coyner declared the public hearing closed. He stated the Board visited the site this morning.

Ms. Tilghman stated this is a logical request. She moved that the request be approved with the following conditions:

Pre-Conditions:

- 1. Obtain letter of approval from Building Inspection.
- 2. Obtain Health Department approval and provide a copy to Community Development.
- 3. Pre-Conditions be completed within **ninety (90) days**.

Operating Condition:

- 1. Be permitted to have one (1) apartment in the pre-1980 building designated on the site plan.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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JEFF JENNINGS, AGENT FOR BEVERLEY MANOR ORCHARD - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jeff Jennings, agent for Beverley Manor Orchard, for a Special Use Permit to have outdoor storage and sales of litter, compost, wood chips, mulch, topsoil, gravel, boulders, pumpkins, and hay, and use an existing building for a maple syrup evaporator on property it owns, located on the north side of Churchville Avenue, approximately .1 of a mile west of the intersection of Churchville Avenue and Apple Orchard Lane in the Pastures District.

Mr. Jeff Jennings stated he will have one tractor trailer that he hauls litter with. He stated he also hauls for Crosby Trucking. He also would like to display mulch, lime, topsoil, and compost and deliver it to farms.

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Chairman Coyner stated the Board saw a tractor trailer and dump trailer at the site.

Mr. Jennings stated he owns both of those.

Chairman Coyner asked about the brick display at the property?

Mr. Jennings stated someone bought all of the brick and it was supposed to be hauled to a client but since then their checks have bounced. He is currently in a legal battle with them.

Ms. Tilghman asked how long have the bricks been at the property?

Mr. Jennings stated since July.

Chairman Coyner asked how long is it going to take to remove those bricks?

Mr. Jennings stated maybe another month. He would like to have the bricks gone from the property because it is a bit of a mess. He has sent certified letters to his client.

Chairman Coyner stated the Board noticed a pile of gravel on the property.

Mr. Jennings stated that is wood ash which is from a paper mill. He stated it is a lime substitute and will be used on his farm.

Chairman Coyner asked what is the purpose of the horse manure shavings?

Mr. Jennings stated he uses it as compost. He stated his wife owns a stable across the road.

Chairman Coyner asked how runoff will be avoided?

Mr. Jennings stated the Department of Environmental Quality (DEQ) came out to the site and approved this location because it is at least one hundred (100') feet away from the creek.

Chairman Coyner asked if the applicant will cover the litter?

Mr. Jennings stated turkey litter needs to be covered but horse litter does not need to be. He mentioned that he would like to cover it with a permanent structure in the future.

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Chairman Coyner asked if the applicant will continue to grow his business?

Mr. Jennings stated he would like to operate at this site until the economy turns around. He also would like to plant grapes at the site.

Vice Chairman Byerly stated the applicant will also have a maple syrup operation at the site.

Mr. Jennings stated he has a maple syrup evaporator. He noted there are maple trees on the property. He stated this has been a hobby of his and he would like to see it grow.

Chairman Coyner asked what the applicant will use as screening from the road?

Mr. Jennings stated he has not given screening much thought. He mentioned if the items he is selling will be screened then it will not be in view of potential customers driving by. He stated there are two businesses nearby that have agriculture products and they do not have screening on their property in the area. He stated if he were to install a fence or trees then he would then need to do some other type of advertising with a sign.

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

Ms. Catherine Larson, 57 Bon Lea Drive, Staunton, stated she is concerned about the outdoor storage affecting property values. She is concerned about him staying in compliance with the Board's conditions. She noted that this has been going on for a number of years without any permits. She mentioned that the outdoor storage changes day by day. She also had concerns about safety and noise. She stated there are rules in place to protect everyone.

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

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

Mr. Jennings stated DEQ approved the site. He stated the brick will be gone from the property. He stated his business is more agriculture and it does change day by day. He mentioned that if he cannot have his business at the site, they will be forced to sell, and a developer will put houses on the lot.

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Chairman Coyner asked how will the applicant keep water from getting to the creek?

Mr. Jennings stated DEQ does not require anything as long as the distance is one hundred (100') feet from the stream. He stated his land is in the CREP program. He mentioned that he is very active in conservation.

Chairman Coyner stated the Board will require screening along Route 250 with a berm or trees. He declared the public hearing closed.

Ms. Tilghman stated the applicant will need to have screening. She asked if the applicant would be permitted a sign?

Mr. Wilkinson stated yes.

Vice Chairman Byerly stated he hopes the applicant's business grows. He stated the applicant should protect the view shed of the area with a berm or with plantings. He stated the surface should have some gravel so that debris is not taken onto the highway which would be a safety factor. He mentioned that there should be a retention area to protect the stream. He stated the applicant should have a hoop shed for litter if he sees the business growing. He noted that the Board wants to see the applicant grow and be successful but he will need to take these items into consideration.

Ms. Tilghman agreed with Vice Chairman Byerly. She stated the Board would like to keep this operation going and give protection to the general public at the same time.

Vice Chairman Byerly stated a big tarp for covering is not a good idea but it is a temporary fix. He stated a hoop building is very expensive. He stated the litter will need to be covered. He asked what type of covering would work for the applicant?

Mr. Jennings stated he is in the business of selling and not storing. He stated that he hauls for Crosby Trucking. He mentioned that litter is seasonal and he does that two months in the spring and in the fall. He stated that he is looking for steady work for his business. He noted that if he has to bring storage to his property, unload it, and then reload it, he will lose money. He stated that he has never sold mulch at the site. He noted that a berm and pine trees or a fence will cost \$10,000 to \$20,000.

Ms. Tilghman asked how long has the applicant had storage on the property?

Mr. Jennings stated he has had agriculture related storage on the property for about four (4) to five (5) years. He mentioned that he has sold to the general public for about a year.

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He is not looking to have a shop at the property. He should be able to sell from the property and have a sign by the road.

Vice Chairman Byerly asked if it would be easier to exclude poultry litter?

Mr. Jennings stated he would rather not be limited. He noted a tarp is a more feasible option. He is concerned about the tarp ending up down the street.

Chairman Coyner stated the litter needs to be covered. He stated it is unacceptable to keep it all exposed.

Ms. Brown stated if granted, the permit should also be reviewed in a year.

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

Pre-Conditions:

1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. The outdoor storage area be screened by the berm within **ninety (90) days**.

Operating Conditions:

1. Be permitted to have a 150' x 300' outdoor storage area as designated on the BZA plan.
2. The 150' x 300' storage area be screened by an eight (8') foot high berm with evergreen trees planted on top, and must be maintained at all times to protect the view from Route 250.
3. All materials must be kept at least fifty (50') feet from the bank of the creek.
4. A commercial entrance must be installed.
5. Gravel or similar substance be put in the parking area to protect mud from getting onto Route 250.
6. All litter or manure be covered.

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- 7. All equipment, machinery, and materials for the business be kept inside the outdoor storage area.
- 8. Be limited to two (2) employees at the site other than family members.
- 9. Hours of operation be Monday – Saturday 6:00 a.m. to 8:00 p.m.
- 10. No Sunday work.
- 11. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 12. Site be kept neat and orderly.
- 13. Permit be reviewed in one (1) year.

Ms. Brown seconded the motion, which carried unanimously.

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LESTER P. AND MARY A. WITMER - SPECIAL USE PERMIT

A request by Lester P. and Mary A. Witmer, for a Special Use Permit to construct a new building and use a portion of it for a concrete pumping business on property they own, located at 188 Coffman Road, Weyers Cave, in the North River District. – TABLED AT THE DECEMBER 3, 2015 MEETING

Vice Chairman Byerly moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Coyner stated the Board viewed the site last month and held the public hearing in December on this request.

Mr. Lester Witmer stated he would like to build a shop and use a portion of it for the concrete pumping business. He stated three (3) trucks will be parked onsite.

Vice Chairman Byerly stated Mr. Witmer has a good reputation for his business. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to construct the new 60' x 80' building and use one half for the concrete pumping business.
2. Be permitted to have four (4) trucks and four (4) trailers in the business.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. No Sunday work.
6. Applicant must reside on premises.

Ms. Brown seconded the motion, which carried unanimously.

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WILLIAM SHIFFLETT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by William Shifflett, for a Special Use Permit to have repair and sales of antiques on property owned by Joyce B. Wheeler, located at 1642 Mount Torrey Road, Lyndhurst, in the South River District.

Mr. William Shifflett stated he would like to operate an antique shop. He noted that he makes robots out of metal. He would like to have a place to sell the items he makes. He stated that he will sell, work, and manufacture out of this building.

Chairman Coyner asked if the applicant would have employees?

Mr. Shifflett stated he will have one (1) person helping him. He felt this will help the community and it will not be a business that would generate a lot of noise.

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

There being none, Chairman Coyner declared the public hearing closed. He stated there were Special Use Permits at this site before. He noted this would be a low impact business.

Ms. Tilghman stated the Board should also add to the operating conditions that the applicant be permitted to also fabricate his own items for sale at the site. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to two (2) employees other than family members.
2. Site be kept neat and orderly.
3. No outside display may be within twenty-five (25') feet from the edge of pavement of Mount Torrey Road.
4. Applicant be permitted to fabricate his own items for sale.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

DIRK GOLD, AGENT FOR GOLDWRENCH ENTERPRISES, LLC - SPECIAL USE PERMIT

A request by Dirk Gold, agent for Goldwrench Enterprises, LLC, for a Special Use Permit to construct a larger fenced vehicle storage on property they own, located at 588 East Side Highway, Waynesboro in the Wayne District.

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Chairman Coyner stated the Board visited the site this morning and saw that the new fence was constructed and it is properly screened.

Mr. Dirk Gold stated they had temporary screening on their fence last month. He stated the screening they installed will allow the air to go through. He stated his business has been good. He does need another mechanic to help get work done.

Vice Chairman Byerly stated that all of the posts are now in concrete.

Mr. Wilkinson stated the renter has a Chevy Blazer without a license plate in the front yard.

Mr. Gold stated he will notify his renters. He asked about constructing something to keep the tires out of public view. He now has someone coming to the site to collect the tires.

Chairman Coyner stated what the Board saw today was acceptable and in compliance with the conditions on Mr. Gold's permit. He stated the intent is that the site continues to be in compliance. He stressed the importance of keeping the site neat and orderly.

Mr. Wilkinson stated the tires will need to be stored behind the shop out of public view.

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JONATHAN L. OR JANET L. BURKHOLDER - ONE YEAR EXTENSION OF TIME REQUEST

A request by Jonathan L. or Janet L. Burkholder, for a Special Use Permit to construct a building to operate a landscaping business and make landscaping stones and stone signs on property they own, located at 6409 Spring Hill Road, Bridgewater in the North River District.

Mr. Wilkinson stated Mr. Burkholder is ready to move forward this spring with his building. Ms. Brown moved that the one (1) year Extension of Time be approved.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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BOARD OF ZONING APPEALS ANNUAL REPORT 2015

Mr. Wilkinson presented the Board of Zoning Appeals Annual Report for the year 2015.

Vice Chairman Byerly moved that the report be approved.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

- 15-8 Pinkston Dougan, LLC
- 15-9 JLCO, LLC
- 15-10 Ray H. Weaver
- 15-11 Bennie W. and Anna M. Byler
- 15-12 Jennifer S. Frank Family Trust

Mr. Wilkinson stated SUP#15-8, SUP#15-9, SUP#15-10, and SUP#15-11 are all in compliance. He stated staff has not received the site plan for SUP#15-12. He mentioned that they have sent a letter to the applicant.

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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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Chairman

Secretary