

June 2, 2016

PRESENT: George A. Coyner, II, Chairman
Thomas H. Byerly, Vice Chairman
Daisy A. Brown
Steven F. Shreckhise
Sandra K. Bunch, Zoning Administrator

ABSENT: Justine D. Tilghman
John R. Wilkinson, Community Development Director & Secretary
Pat Morgan, County Attorney

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 2, 2016, at 9:30 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **9:30 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.

VIEWINGS

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

- **ROGER D. OR SUSAN K. ANDERSON - SPECIAL USE PERMIT**
- **GARLAND EUTSLER, AGENT FOR SHENACRES HOLDING, LLC - SPECIAL USE PERMIT**
- **CONSIDERATION TO CANCEL A SPECIAL USE PERMIT FOR JEFF JENNINGS, AGENT FOR BEVERLEY MANOR ORCHARD**

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.

Chairman

Secretary

PRESENT: George A. Coyner, II, Chairman
 Thomas H. Byerly, Vice Chairman
 Daisy A. Brown
 Steven F. Shreckhise
 Justine D. Tilghman
 Pat Morgan, County Attorney
 John R. Wilkinson, Community Development Director & Secretary
 Sandra K. Bunch, Zoning Administrator
 Michele L. Astarb, Subdivision Administrator

ABSENT: None

* * * * *

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 2, 2016, at 1:30 P.M., in the County Government Center, Verona, Virginia....

* * * * *

MINUTES

Ms. Tilghman moved that the minutes from the May 5, 2016, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

* * * * *

ROGER D. OR SUSAN K. ANDERSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Roger D. or Susan K. Anderson, for a Special Use Permit to construct an accessory building more than twelve hundred square feet total aggregate on property they own, located at 28 Queens Court, Stuarts Draft in the South River District.

Mr. Roger Anderson stated he would like to construct an accessory building for his vintage cars. He stated this building will be built to match the house.

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

June 2, 2016

Ms. Jane Bergamin, 186 Hampton Drive, Stuarts Draft, stated she lives directly behind the property. She does not like the positioning of the garage and was concerned she would be looking at a 46' x 20' wall. She said the existing pines would not cover the new structure. She stated the size of the structure is her major concern and she is going to see so much of it.

Chairman Coyner asked if she would prefer to have more pines planted on the property?

Ms. Bergamin stated she would like that or locate the building on a different part of the property.

Ms. Brown asked which way does her house face?

Ms. Bergamin stated the back of her house faces the back of Mr. Anderson's house. She has invested a lot of money in their backyard. She said the viewpoint affects the value of her property. She noted if more greenery was planted she would be happier.

Mr. James Boland, 204 Hampton Drive, Stuarts Draft, stated his property adjoins the northwest corner. He said his concerns are the size of the structure and he thinks it would be out of character for the neighborhood. He is also concerned about what would happen to the structure years down the road if it is owned by someone else. He was also concerned about light pollution. He noted that he is happy with the design and the architecture of the building.

Ms. Brown asked if the building would be visible from Mr. Boland's location?

Mr. Boland stated the building is six (6') to eight (8') feet in his line of sight.

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

There being none, Chairman Coyner asked Mr. Anderson to speak in rebuttal.

Mr. Anderson stated the aerial on the screen is an older picture. He stated the trees are much taller now. He said the trees are about 24' tall. He stated the location of the building was selected because of the septic. He agreed to plant more trees to reduce visibility of the structure.

Chairman Coyner asked about the lighting for the garage on the property?

June 2, 2016

Mr. Anderson will not put lights on the garage because there are lights on the back of his house. He stated additional lighting is not needed. He will have a silent security system inside the garage which would not cause any lighting issues.

Chairman Coyner declared the public hearing closed. He said the Board visited the site this morning and the property is well maintained.

Mr. Shreckhise stated if the building was smaller, the applicant would not need a Special Use Permit. He stated the property owner has agreed to plant more trees to help shield the building.

Vice Chairman Byerly stated this is a gorgeous piece of property. He stated the building will be in keeping with the architecture of the area. He moved that the request be approved with staff's recommended conditions, with a second by Ms. Brown.

Mr. Shreckhise felt that since the applicant has offered to plant additional trees and the opposition requested they do, the Board should require the applicant to plant more trees.

Mr. Boland stated the applicant should have had conversations with the neighbors prior to the hearing and receiving the letter from the County.

Vice Chairman Byerly amended his motion to include the following conditions:

Pre-Condition:

None

Operating Conditions:

1. Applicant obtain a building permit.
2. Be limited to adding the 46' x 32' garage with a 5' x 16' center door extension.
3. No further expansions.
4. Add additional trees along the rear property line for screening.

Ms. Brown seconded the motion, which carried unanimously.

* * * * *

June 2, 2016

GARLAND EUTSLER, AGENT FOR SHENACRES HOLDING, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Garland Eutsler, agent for ShenAcres Holding, LLC, for a Special Use Permit to expand the existing campground by adding additional full hookup campsites and a seasonal restaurant within the existing beach house, on property owned by Good Faith, LLC, located at 348 and 256 Lake Road, Stuarts Draft in the South River District.

Mr. Garland Eutsler stated he would like to expand the campground to include 64 new seasonal sites. He said the campers will not be used during the winter months. He would like to use the beach house for a restaurant that will have 48 seats and 24 parking spaces. He said the restaurant will not be open every day. He said they will also offer catering.

Chairman Coyner stated the Board visited the site and he is happy that Shenandoah Acres is reviving itself again.

Mr. Eutsler stated the electricity is setup on grids of eight (8) which is why he is asking for permission to use sixty-four (64) sites.

Chairman Coyner asked if approved would the additional sites go in this year?

Mr. Eutsler stated yes.

Ms. Tilghman asked the applicant to explain the restaurant.

Mr. Eutsler stated he will provide meals for sale. He stated the family style restaurant will seat 48 for Friday and Saturday and maybe a Sunday brunch. He would like to offer onsite catering. He would like to operate the restaurant Labor Day thru April.

Vice Chairman Byerly stated the Board has been pleased with the campground.

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 was able to tour the site this morning.

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

June 2, 2016

Pre-Conditions:

1. Obtain Health Department approval and provide a copy to Community Development.
2. Obtain Service Authority approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to expand the existing campground by adding up to sixty-four (64) campsites as shown on the BZA plan.
2. All operating conditions of SUP#14-53 remain in effect.

Vice Chairman Byerly seconded the motion, which carried unanimously.

* * * * *

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**CONSIDERATION TO CANCEL A SPECIAL USE PERMIT FOR JEFF JENNINGS, AGENT FOR BEVERLEY MANOR ORCHARD**

This being the date and time advertised to consider the **cancellation** of a Special Use Permit for Jeff Jennings, agent for Beverley Manor Orchard, 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 the pre-conditions alone are enough to put him out of business. He explained the letter he got after the Special Use Permit was approved and stated he could not operate until the pre-conditions were met. He did receive quotes from Eavers on building the berm. He stated that he would need to have 89 truckloads of dirt which would cost \$30,000. He mentioned that he did receive another letter in March and he called the County to see if he could downsize. He stated the berm would not give him a return on his investment. He noted that long term he is hoping to have a commercial vineyard.

Chairman Coyner stated that he was disappointed to see the bricks scattered all over. He stated the applicant has been reluctant to clean the site up.

June 2, 2016

Mr. Jennings stated in January he received 225 pallets of bricks and they are owned by a guy that lives in New York and now there are less than 20 pallets on the property now.

Chairman Coyner stated the applicant has not completed the pre-conditions. He stated the bricks are scattered all over the lot. He said the Board's experience with this site so far is not good.

Mr. Jennings stated he stopped operating his business when he started receiving the letters from the County. He has not done anything at the site and he has also called Tracy Pyles to get him involved to help. He stated that he bought an old abandoned apple orchard and fixed up the rental house about ten (10) years ago and he wants to fix up the 42 acres and start a vineyard. He said spending the \$30,000 on the berm has stopped him from fixing up the property. He really wanted to have little piles of topsoil and mulch. He said he does not like the way the property looks but he cannot operate at the site until he completes the berm. He said he cannot complete the berm.

Vice Chairman Byerly stated the excuses that Mr. Jennings has given the Board are very weak. He stated Mr. Jennings told the Board that the bricks would be moved and that was five (5) to six (6) months ago. He stated the Board has lost all confidence. He stated the semi-tractor on the site has a February 2016 inspection sticker on it and the tires are flat.

Chairman Coyner stated this is a highly visible location.

Mr. Shreckhise asked who suggested the berm?

Mr. Wilkinson stated the berm or a fence was recommended by staff. He said the Board chose the berm in this case.

Ms. Tilghman said the site is visible and they have received numerous complaints for non-compliance. She stated screening needs to be required at the site. She stated the applicant wants this to be seen but the location is on a main road. She said gravel needs to be on the entrance so mud is not tracked onto Route 250.

Mr. Jennings stated Jakes Firewood, Lone Fountain Landscape, and the Argenbright's firewood pile are all in view with no berms or trees. He is not opposed to screening the site but he needs a place to start. He is hoping to build treated bunkers and gravel the site. He does not want to store in bulk. He would like to haul products. He stated the mulch is a wood source for the maple syrup.

June 2, 2016

Mr. Shreckhise stated the site is very messy and all of the other locations that Mr. Jennings mentioned are kept clean. He agreed with Vice Chairman Byerly's statement previously.

Mr. Jennings stated he cannot do anything about the brick because of the lawsuit. He stated the location of the brick is right where the bands broke. He mentioned about possibly getting an Administrative Permit and starting smaller with his business.

Vice Chairman Byerly stated with no rainfall in April, why wasn't the site cleaned up sooner?

Mr. Jennings stated he is not allowed to move the brick because he does not own the brick. He does not like the way the site looks either.

Chairman Coyner asked if the bricks could be piled up neatly and put in one spot?

Mr. Jennings hoped that the bricks will be picked up soon. He stated that he has not been paid for the job so he cannot move the bricks. He said there is a lawsuit regarding the bricks.

Mr. Wilkinson asked if the Board would consider the display bins?

Chairman Coyner was unsure about that due to the confidence level they have in the applicant.

Ms. Brown stated the bricks are going to stay where they are because Mr. Jennings cannot move them.

Ms. Tilghman stated she did not know the berm would cost that much but there needs to be some type of screening.

Mr. Shreckhise stated the Board should cancel the permit and start over again when the property is clean.

Ms. Tilghman agreed with Mr. Shreckhise.

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.

June 2, 2016

Ms. Tilghman moved that the Special Use Permit be cancelled. She stated the conditions were not met by the applicant. She stated the site should be cleaned up and returned to an agricultural state, and restack the brick and move them to the back of the property within sixty (60) days. She stressed the importance of speaking with staff about the minimum requirements before reapplying. She stated the applicant should analyze the cost before coming before the Board again.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Shreckhise stated if Mr. Jennings cleans up the site he would have a better chance of getting a permit approved.

Mr. Jennings stated he will reapply at another time.

Vice Chairman Byerly stated this property should not be turned into an agricultural dump site.

* * * * *

STAFF REPORT

15-31	Harold G. Moore
15-32	Alvin Moomau
15-33	Ella G. Eavers

Ms. Bunch stated SUP#15-31 has been cancelled. She stated staff has sent a first notice of violation of the operating conditions for SUP#15-32. She stated the applicant should have their barn under construction by August for SUP#15-33.

* * * * *

Mr. Wilkinson passed out the court cases for the Board to review.

* * * * *

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

* * * * *

Chairman

Secretary