

January 5, 2017

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 5, 2017, 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:

- **RON ADAMS - SPECIAL USE PERMIT**
- **MARK AND DEBBIE BATTLE - SPECIAL USE PERMIT**
- **SANDRA T. MAHON OR LINDSAY CAITLIN MAHON - 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.

Chairman

Secretary

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PRESENT: Thomas H. Byerly, Chairman
 Steven F. Shreckhise, Vice Chairman
 Daisy A. Brown
 George A. Coyner, II,
 Justine D. Tilghman
 Sandra K. Bunch, Zoning Administrator and Secretary
 James R. Benkahla, County Attorney
 Beatrice 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, January 5, 2017, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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ELECTION OF OFFICERS

Ms. Brown nominated Mr. Byerly as Chairman and Mr. Shreckhise as Vice Chairman, and Sandra Bunch as Secretary.

Ms. Tilghman seconded the motion, which carried unanimously.

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MINUTES

Mr. Coyner moved that the minutes from the December 1, 2016, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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CONSIDERATION OF 2017 RESOLUTION

Ms. Tilghman moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2017 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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RON ADAMS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ron Adams, for a Special Use Permit to use an existing building to store business materials on property owned by Cornerstone Church of Waynesboro, Trustees, located at 1156 Tinkling Spring Road, Staunton in the Beverley Manor District.

Mr. Ron Adams stated he purchased the business from the previous owner. He would like to use the existing building to store his business materials. He is asking that the permit be transferred into his name.

Mr. Coyner stated the Board visited the site this morning. He asked if customers would come to the site?

Mr. Adams stated no customers will come to the site. He stated this location would be used to store garage doors and park a service truck.

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

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

Ms. Tilghman stated this business has been in operation for a while. She stated the general public does not even know that the applicant is operating at this location. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to one (1) company vehicle at the site.
2. No employees to come to this site.
3. All equipment, machinery, and materials for the business be kept inside the 40' x 65' pole barn.
4. Site be kept neat and orderly.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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MARK AND DEBBIE BATTLE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mark and Debbie Battle, for a Special Use Permit to have weddings and special events on property owned by Richard A. or Laurel L. Landes, located at 1620 Barrenridge Road, Waynesboro in the Beverley Manor District.

Ms. Debbie Battle stated they are hoping to purchase the property contingent on getting the Special Use Permit approved in order for them to have weddings and special events at the site. She does realize there are a lot of venues in the area but this is a beautiful place and would work great for weddings. She is hoping to have one (1) wedding event per weekend which is better than the bridal party having the property for one day. She stated they will live at the site.

Mr. Coyner asked if she would have other events besides weddings?

Ms. Battle stated yes. She hoped to do other events in the future.

Mr. Coyner asked if the applicant plans on getting a right-of-way to access the lane along Hermitage Road?

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Mr. Mark Battle stated they have verbal permission to follow the lane along Route 254.

Chairman Byerly stated the applicant will need to obtain VDOT approval.

Mr. Battle stated VDOT has been at the site and it meets their standards for sight distance.

Ms. Bunch stated VDOT did recommend a moderate volume commercial entrance in their comments.

Ms. Tilghman asked if the bride and the family will spend the entire weekend at the site?

Ms. Battle stated they would like to offer to have setup on Friday, event on Saturday, and Sunday for cleanup. She stated she and her husband plan on living in the home.

Chairman Byerly stated the setup and cleanup is all included in one (1) event.

Ms. Brown asked what other types of events would there be at the site?

Ms. Battle stated the current owners have done charity events.

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

Mr. Thomas Sheets, 1087 Hermitage Road, Staunton, stated he has been to the site during events and weddings and there has never been an issue with the noise level. He travels that road a couple times a day and never had a traffic issue at all. He stated this is a good way to preserve the rural landscape and by approving this use, the look of the property will not change at all.

Mr. Coyner stated the location to Route 254 is a plus with this type of use for the property.

Mr. Richard Kane, 2908 Plantation Lane, Waynesboro, stated Mr. and Mrs. Landes allowed his daughter to have her wedding at their farm a couple of years ago. He stated they had the rehearsal dinner on Friday and the reception the next day. He stated her wedding was her lifelong dream and it turned out absolutely gorgeous.

Mr. Richard Landes, 1620 Barrenridge Road, Waynesboro, stated one time a year he would have a charity fundraiser at this site. He noted that both of his children were married on this property. He said this type of operation flows nice and he has had no problems

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previously. He has had twenty plus events there. He will work with the Battles to show them what he has done previously.

Mr. Coyner asked why would you not give the Battles an easement to use that lane?

Mr. Landes stated he does not want to give them that land. He stated Mr. Battle has mentioned that he may purchase the farm from him in time but now they are only purchasing fifteen (15) acres and that is all that he wants to even sell.

Mr. Coyner asked if that is an all-weather road?

Mr. Landes stated the original lane is a paved road. He stated Hermitage Road is really a commercial entrance.

Mr. William Kauffman, 1586 Barrenridge Road, Waynesboro, stated he is not in opposition but he does have concerns about the road. He stated this is a highly used gravel road and the traffic at the events could create dust. He said the increased traffic will affect them. He has not had any problems with the events that the Landes had at the site but he does have concerns about the additional traffic on a gravel section of the road as well as the speed.

Ms. Joanne Gober, 1403 Barrenridge Road, Waynesboro, stated she does have an issue with granting permission versus obtaining an easement. She stated the Landes can change their mind with the Battles using that lane. She said it is important that they know the Battles have access on Route 254 as long as there are events going on. She stated in a lifetime things can change and there is no guarantee if they will have access to the lane if the property changes hands. She said if it is not documented legally it could change.

Mr. Landes stated he can tie using the lane to the Special Use Permit if it is a concern. He stated the Special Use Permit does not transfer to new owners if the Battles sell the property.

Chairman Byerly stated the applicant is purchasing fifteen (15) acres of land and the Special Use Permit will remain in effect as long as they own the land.

Mr. Benkahla stated unless there is a recorded deeded access, a verbal agreement can be revoked at any time. He stated the Board should request something that is legally binding to the property.

Mr. Landes stated if he ever wanted to move the entrance, he would not want this to limit him.

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Ms. Bunch stated VDOT based their recommendations on Route 254.

Vice Chairman Shreckhise stated the Board may want to request that the main entrance be off of Route 254 only.

Chairman Byerly stated this is a good location for this type of use.

Ms. Tilghman stated the applicants can request when invitations go out, a map be included showing the guests which roads to take.

Mr. Landes stated both roads are accessible and equivalent to the property.

Ms. Bunch stated VDOT did not look at Barrenridge Road.

Ms. Tilghman asked if the charitable events would count toward the total number of events?

Ms. Bunch stated once a Special Use Permit is granted, all types of events would be included in the total number permitted on the property.

Chairman Byerly asked if there was anyone else wishing to speak regarding the request?

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

Mr. Coyner asked if the applicant understood that permanent facilities would need to be installed at the site within two (2) years.

Mr. Battle stated yes.

Chairman Byerly declared the public hearing closed.

Mr. Coyner stated this is a really nice piece of property. He stated the use of the property and the venue being this close to a good road meets all of the requirements.

Vice Chairman Shreckhise asked if the applicant would prefer to have fifty (50) additional guests?

Ms. Battle stated yes. She stated that she actually would prefer to have more events than more people attending.

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Mr. Benkahla stated the Board should require a legally binding recorded access easement which would achieve the objective of the Board.

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

Pre-Conditions:

1. Obtain VDOT entrance permit **for both entrances** and provide a copy to Community Development.
2. Obtain Health Department approval and provide a copy to Community Development.
3. Obtain Service Authority approval and provide a copy to Community Development.
4. Obtain a legal binding access easement recorded at the Courthouse for the entrance off of Route 254.

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 facility until the septic system is installed.
3. Be limited to twenty-four (24) events per year but no more than three (3) per month.
4. Be limited to a maximum of three hundred (300) people per event.
5. No outdoor amplified music.
6. Events to cease by 10:00 p.m. and all persons off the property by 11:00 p.m.
7. Applicants reside on premise.
8. Site be kept neat and orderly.

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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.

Vice Chairman Shreckhise stated if the applicant would like an increase in the number of events in the future they can come back before the Board. He stated the Board will revisit the request in order to be sure there are no problems with traffic on the road.

Ms. Brown seconded the motion, which carried unanimously.

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SANDRA T. MAHON OR LINDSAY CAITLIN MAHON - SPECIAL USE PERMIT

A request by Sandra T. Mahon or Lindsay Caitlin Mahon, for a Special Use Permit to have a haunted mill on property they own, located at 717 Rockfish Road, Waynesboro in the Wayne District.

Ms. Bunch stated the Board voted to continue the public hearing in order to get the opportunity to see inside the building.

Mr. Coyner moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Ms. Lindsay Mahon stated the mill was constructed in the 1860s. She would like to have a seasonal haunted house as well as customized private haunts for a small group throughout the year.

Mr. Coyner appreciated the applicant showing the Board what they are proposing to do.

Ms. Mahon stated all of the sets are built on panels so if they ever decide not to pursue this venture they will not harm the mill in any way. She plans on making the site beautiful again.

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

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

Mr. Coyner stated this site is close to a good road. He stated the applicant operated this fall with no complaints. He noted this is a good way to utilize this property. He 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. Obtain letter of approval from Building Inspection.

Operating Conditions:

- 1. Haunted mill events be open to the public on Friday and Saturday nights in October and on Halloween night.
- 2. Private haunted mill events be limited to twelve (12) per year.
- 3. Hours of operation be 6:30 p.m. until 10:30 p.m.
- 4. No outdoor music, amplified sound, or noise above seven (70) decibels after 10:00 p.m.
- 5. Parking attendants will be provided during events to direct parking and to assist customers to the mill.
- 6. Porta-potties approved by the Health Department may be used for the events as long as they are screened from public view, and must be removed within seven (7) days after Halloween.
- 7. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
- 8. Site be kept neat and orderly.

Ms. Tilgman seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Ms. Emily S. Harris Henry stated that she did not know that her request for a Special Use Permit to have apartments in a pre-1980 structure on property owned by Francis Darryl Jarvis was not on today's agenda.

Ms. Bunch explained to Ms. Henry that before advertising her request, she will need either a copy of the Power of Attorney or a signed permission form from Mr. Jarvis. She noted if Ms. Henry would like to be on the February 2, 2017, agenda, she will need that documentation prior to January 13, 2017. She said she had left several messages and sent a letter that the request would not be on today's agenda.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**JAMES POTTER, AGENT FOR REDEEMING LIFE MINISTRIES - EXTENSION OF TIME REQUEST**

A request by James Potter, agent for Redeeming Life Ministries, for a Special Use Permit to have a day care operation within a church on property it owns, located in the eastern quadrant of the intersection of Hammond Lane and Christians Creek Road, in the Beverley Manor District.

Ms. Bunch stated the applicant has not started construction on the church. She said they are requesting a one (1) year Extension of Time.

Ms. Brown moved that the one (1) year Extension of Time be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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BOARD OF ZONING APPEALS ANNUAL REPORT 2016

Ms. Bunch presented the Board of Zoning Appeals Annual Report for the year 2016.

Ms. Tilghman moved that the report be approved.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

- 16-7 Ivan M. or Luella W. Nolt
- 16-8 John D. Senger
- 16-9 Yoder Investments, LLC
- 16-10 Ag Venture, LLC
- 16-11 R.T. Manufacturing, LLC

Ms. Bunch stated the Special Use Permits have been inspected and all are in compliance.

Mr. Benkahla discussed the court cases with the Board.

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

Chairman

Secretary