



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



MEMORANDUM

TO: Augusta County Board of Zoning Appeals

FROM: Sandra K. Bunch, Zoning Administrator

DATE: August 31, 2017

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, September 7, 2017, at 1:30 P.M.**, in the Board Meeting Room, Augusta County Government Center, 18 Government Center Lane, Verona, Virginia.

Please meet in the Board of Supervisors Conference Room at the Augusta County Government Center in Verona at **8:30 A.M., Thursday**, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow at **Country Cookin at noon**.

Enclosed are the minutes of last month's meeting, the agenda for **Thursday's** meeting, staff reports and site plans on each of the requests.

If you cannot attend this meeting, please notify this office as soon as possible.

SKB/bcw

Enclosures

PROPERTY OWNER:
Shen Acres Realty, LLC

APPLICANT:
Garland Eutsler, agent for Shen Acres Holding, LLC,

LOCATION OF PROPERTY:
348 and 256 Lake Road, Stuarts Draft, in the South River District

SIZE OF PROPERTY:
132.58 acres

VICINITY ZONING:
Single Family Residential and General Agriculture to the north and west; General Agriculture to the south and east

PREVIOUS ZONING OR S.U.P.:
05/95 SUP approved to expand Shenandoah Acres Resort
12/95 Zoned General Agriculture
03/98 SUP approved to replace the non-conforming beach house
05/07 SUP approved to continue rental of cottages, the lodge, roundhouse, and three bedroom house, and use beach house for recreation and social events
03/14 SUP approved to continue the facility
10/14 SUP approved to reopen back section
06/16 SUP approved to expand the existing campground by adding additional full hookup campsites and a seasonal restaurant within the existing beach house
12/16 SUP approved to expand the existing campground by adding additional full hook-up sites and reopen an existing site area

LAND USE MAPS:
Urban Service Area – Planned Residential

UTILITIES:
Private well, public sewer and waste dump station

APPLICANT'S JUSTIFICATION:
To expand the existing campground by adding additional full hookup and seasonal sites

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary permits and inspections in accordance with the Virginia Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

The applicant will need to submit an application and plans to the health department for review and approval to expand the campground. The health department is still waiting on the applicant to complete work (bath house construction) that was required for the previous approved expansion(s).

HEALTH DEPARTMENT - OFFICE OF DRINKING WATER COMMENTS:

Based on additional information provided by the waterworks owner and consulting engineer for Shenandoah Acres Campground, we were able to perform a system wide re-evaluation of the potable water system. It appears that the waterworks can support the additional 250 proposed campsites.

This would place them at the higher end of their capability and we believe any other expansion beyond the proposed 250 campsites may require additional source and/or storage capacity. Should any additional expansion be proposed, we will evaluate the waterworks' capacity at that time.

HIGHWAY DEPARTMENT'S COMMENTS:

250 additional sites will significantly increase the potential traffic generation of the campground. Fortunately, the Rt. 610 project that will soon be underway and will be improving the intersection of Rt. 610 and Rt. 660 with a right turn taper. The additional traffic could also have an impact on the pavement structure of Rt. 660. It is assumed that the expansion will use an existing commercial entrance from Rt. 660; if an additional entrance is requested, it will have to be evaluated at the time of site plan review.

SERVICE AUTHORITY'S COMMENTS:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the

owner/developer and are subject to Service Authority review and approval.

4. This property is currently a Service Authority sewer only customer.
5. Good Faith, LLC (former owner) is currently under an Agreement dated December 2, 2014, with the Service Authority regarding their sewer service. ShenAcres Realty, LLC will need to abide by the terms of that Agreement prior to any new connections being allowed by the Service Authority as the Agreement states that it *"shall be binding upon any successors in title to the property and all owners, lessees, or occupants thereof"*.

ENGINEERING'S COMMENTS:

There will likely be an increase in runoff. We will require a Site Plan, Stormwater and Erosion and Sediment Control Plan in accordance with Chapter 9 of the County Code.

SECTION 25-74N – SHORT-TERM CAMPGROUNDS AND SHORT-TERM RECREATIONAL VEHICLE PARKS

Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution.

The existing facility has caused no traffic or crowd control problems. The additional 250 sites requested could impact the neighboring properties and cause traffic concerns.

There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance.

The new sites will be hooked up to public sewer. Trash is picked up on a regular basis.

There will be full compliance with Virginia Department of Health regulations with respect to food and water service.

The Health Department Office of Drinking Water evaluated the potable water system and supports the expansion.

There is an adequate plan for providing emergency medical services for persons in attendance.

The Stuarts Draft Rescue Squad is within two (2) miles of the facility and they have lifeguards on duty when the lake is open.

There is an adequate plan for parking and crowd and traffic control in and around the site.

The facility staff will supervise parking and crowd control.

There is an adequate plan for protection from fire and other hazards.
They have fire extinguishers onsite and smoke detectors.

The business meets the requirements of article VI "Outdoor Lighting".
No new outdoor lighting is requested.

There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety.
Existing structures meet Building Code. Building permits will be required for new structures.

The campground or park is at least ten (10) acres in size. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site.
The facility contains 132.58 acres.

The density shall be no more than ten (10) sites per acre. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to limit the density of the campground or park.
Including the new request, the total campsites will be approximately 500, which is below ten (10) sites per acre.

There shall be a minimum of fifty feet (50') of undeveloped land along the total perimeter of the campground or park.
The campground meets the setback requirement. The lake and several structures were constructed before this setback and do not meet the perimeter requirement, however, they are legal non-conforming uses.

All sites and facilities within the campground or park shall be served by a public water and sewer system or systems approved by the Virginia Department of Health. In no case shall portable toilets be permitted within a campground for anything more than temporary use defined as no more than four (4) days in any thirty (30) day period of time.
The facility has water and sewer systems approved by the Health Department and the Augusta County Service Authority.

Camp hosts may reside at a campground or park year-round, without regard to guest occupancy time limits. A campground or park may have one camp host per fifty (50) campsites. For purposes of this calculation, the number of campsites shall be rounded up to the next multiple of fifty (50). If a camp host resides in a recreational vehicle, the recreational vehicle must meet the definition of a self-contained unit as set out in § 25-4 and shall connect to an electricity supply and approved water and sewer system.

The facility will have two (2) camp hosts.

The operator shall keep a guest register tracking occupancy data for all guests. This information shall be recorded on a standard form provided by the County and shall be made available for inspection on demand; and
The operator will keep a guest register onsite.

The operator of a short-term campground or short-term recreational vehicle park may permit storage of unoccupied recreational vehicles year-round.
All year round storage of recreational vehicles are kept in the storage area on the plan.

The campground or park shall have approval by the Virginia Department of Transportation (VDOT) and have direct access off a state maintained road. For facilities with one hundred (100) or more sites, a second access for emergency vehicles shall be provided. The second access may be gated.
The existing entrance has VDOT's approval. No new entrances are requested.

STAFF RECOMMENDATIONS

The applicant is requesting to add two hundred fifty (250) full hook-up campsites to the existing campground for seasonal camping. The new sites will be located in the wooded area adjacent to the putt-putt golf area and will include three (3) bathhouse structures and a laundry facility. The expansion will increase the total number of campsites to five hundred fifty (550). This is the third request for expansion since 2014.

The existing campground is neat, clean, and has provided recreational needs to the area for many years. Staff does share VDOT's concerns regarding the increased traffic on Lake Road that may have a negative impact on adjacent property owners.

If the Board feels the request would not have an adverse impact and desires to approve the expansion, staff would recommend the following conditions:

Pre-Conditions:

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

Operating Conditions:

1. Be permitted to expand the existing campground by adding two hundred fifty (250) campsites per the site plan.
2. Be permitted to construct three (3) 32' x 32' bathhouse structures and a laundry facility.
3. All campsites be setback fifty (50') feet along the perimeter of the campground.
4. Obtain all necessary permits and inspections in accordance with the Virginia Uniform Statewide Building Code.
5. All operating conditions of SUP#14-53 and SUP#16-23 remain in effect with the exception that all outdoor amplified music cease by 10:30 p.m. as approved on SUP#14-12.
6. No further expansions.





AGENDA ITEM #

4B

Date

9/7/17

PROPERTY OWNER:

Mark P. or Margaret A. Carty

APPLICANT:

Jason Carty

LOCATION OF PROPERTY:

1204 Eidson Creek Road, Staunton in the Pastures District

SIZE OF PROPERTY:

29.433 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

10/47 Zoned General Agriculture

06/95 SUP approved to construct a 44' x 60' kennel and a 20' x 28' office

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Well and septic

APPLICANT'S JUSTIFICATION:

To continue the kennel operation

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:

No concerns.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing entrance is adequate for the requested use. Should an expansion or additional traffic entering the kennel operation be proposed in the future, contact VDOT to verify if entrance is adequate.

SERVICE AUTHORITY'S COMMENTS:

There is no public water or sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No comments.

ANIMAL CONTROL'S COMMENTS:

Animal Control has never had any problems in the past.

SECTION 25-74C - ANIMAL CARE FACILITIES

There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infestation.

The kennels will be cleaned daily by the applicant.

Adequate facilities will be constructed to ensure good ventilation and the maintenance of proper temperatures within healthful and comfortable limits for the animals.

This is an existing facility which has been in operation since June 1995. No addition is proposed.

Fencing will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals.

Each dog has its own run in an area completely fenced.

Exercise areas will provide adequate shelter from wind, rain, snow, and direct sunlight.

Exercise areas are attached to covered shelter areas.

There is an adequate plan to address safety from fire and other hazards, including alarm systems and suppression equipment when appropriate.

Fire extinguishers are provided.

Both the inside and outside facilities will be of proper size to accommodate the anticipated breeds and numbers of animals.

This is an existing facility. The building is 44' x 60' with an attached office. It can accommodate all breeds and the number of dogs.

The site contains a minimum of five (5) acres. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to protect the neighboring properties and to accommodate the anticipated breeds and numbers of animals.

The site contains 29.433 acres.

The animals shall be confined within an enclosed building from 10 p.m. to 6 a.m. unless the board of zoning appeals is satisfied that keeping the anticipated animals outside during such hours will not be a nuisance to neighboring properties.

The dogs will be confined inside the building from 10:00 p.m. to 6:00 a.m. everyday.

No structure occupied by animals, other than the principal dwelling of the owner/operator shall be closer than two hundred feet (200') from any lot line. No outside run or other outdoor area occupied by animals more than two (2) hours in any 24 hour period shall be nearer than five hundred feet (500') to any lot line. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to accommodate the anticipated breeds and numbers of animals or to better protect neighboring properties.

The dogs are housed in an enclosed building with attached individual runs located over 400' from all property lines.

STAFF RECOMMENDATIONS

The applicant is the son of the existing owners who are retiring from the business. He is requesting to take over the business from his parents. This kennel has been operating in its current location for just over twenty-two (22) years and there have been no complaints. Animal Control's inspection states no concerns and recommend approval, therefore, staff recommends approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Dogs be kept inside the building from 10:00 p.m. to 6:00 a.m.
2. Animal Control to inspect the site once every year.
3. Operating Conditions of SUP#95-27 remain in effect.

Center



AGENDA ITEM # 4C

Date 9/7/17

PROPERTY OWNER:
David W. and Billie Jo Smiley

APPLICANT:
Same

LOCATION OF PROPERTY:
65 Smiley Lane, Staunton in the Pastures District

SIZE OF PROPERTY:
26.929 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture
12/13 SUP approved to have a personal kennel

LAND USE MAPS:
Agriculture Conservation Area

UTILITIES:
Public water and septic

APPLICANT'S JUSTIFICATION:
To continue the kennel operation and change the operating condition to allow breeding

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:
After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:
No concerns.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance meets VDOT's low volume commercial entrance requirements and can serve up to 50 vehicles trips per day (enter + exit). The facility is not expected to generate more than 50 vpd; however, if the traffic generation increases or use changes, the entrance may need to meet VDOT's moderate volume commercial entrance.

SERVICE AUTHORITY'S COMMENTS:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
4. 65 Smiley Lane (Tax Map # 54-41C) is currently a Service Authority water only customer.
5. There is no public sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No comments.

ANIMAL CONTROL'S COMMENTS:

Fourteen (14) dogs on the property on August 17, 2017. If approved for breeding this will need to be watched as they are above the approved number now.

SECTION 25-74C - ANIMAL CARE FACILITIES

There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infestation.

Areas for all dogs shall be cleaned daily.

Adequate facilities will be constructed to ensure good ventilation and the maintenance of proper temperatures within healthful and comfortable limits for the animals.

Existing area for the dogs is adequate. The puppies will be housed in the garage or the house. A puppy door is located in the mudroom so they have access to the fenced outside area.

Fencing will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals.

Dogs are either in the house or in the kennel area. Fencing is existing and is adequate per Animal Control's inspection.

Exercise areas will provide adequate shelter from wind, rain, snow, and direct sunlight.

All dogs are either in the house or kennel areas which have shelters to allow the dogs to get out of the weather.

There is an adequate plan to address safety from fire and other hazards, including alarm systems and suppression equipment when appropriate.

Fire extinguishers are onsite.

Both the inside and outside facilities will be of proper size to accommodate the anticipated breeds and numbers of animals.

The house, barn, and yard can adequately accommodate the requested increase of four (4) additional dogs for a total of fifteen (15).

The site contains a minimum of five (5) acres. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to protect the neighboring properties and to accommodate the anticipated breeds and numbers of animals.

The site contains 26.929 acres.

The animals shall be confined within an enclosed building from 10 p.m. to 6 a.m. unless the board of zoning appeals is satisfied that keeping the anticipated animals outside during such hours will not be a nuisance to neighboring properties.

All dogs shall be inside the house or kennels from 10:00 p.m. until 6:00 a.m.

No structure occupied by animals, other than the principal dwelling of the owner/operator shall be closer than two hundred feet (200') from any lot line. No outside run or other outdoor area occupied by animals more than two (2) hours in any 24 hour period shall be nearer than five hundred feet (500') to any lot line. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to accommodate the anticipated breeds and numbers of animals or to better protect neighboring properties.

The barn is over 200' from all property lines.

STAFF RECOMMENDATIONS

The Board approved a Special Use Permit in 2013 to allow the applicant to have eleven (11) personal dogs with no breeding or boarding onsite. The applicant is now requesting to increase the number of dogs to fifteen (15) and be allowed to breed and sell onsite. The applicant would like to be allowed to have three (3) to four (4) litters of small, breed puppies such as Miniature Poodles, Yorkies, and Miniature Australian Shepherds. Animal Control inspected the property and found the dogs are well cared for. They were concerned with the increase in the number of dogs and advised monitoring the site for

compliance. Due to the size of the parcel and the small breeds proposed, staff does not feel that the request will have an adverse impact on the neighboring properties and recommends approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted a maximum of fifteen (15) dogs onsite.
2. Be permitted to breed no more than four (4) litters per year.
3. Applicant must reside on the property.
4. Site be kept clean, neat, and orderly.
5. Animal Control conduct inspections yearly.



Smiley



AGENDA ITEM # 4D
Date 9/7/17

PROPERTY OWNER:
Woodlawn Village, LLC

APPLICANT:
Greg Eye, agent for Woodlawn Village, LLC

LOCATION OF PROPERTY:
32 Hickory Drive, Waynesboro in the Middle River District

SIZE OF PROPERTY:
106.05 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
02/93 Zoned Manufactured Home Park

LAND USE MAPS:
Agriculture Conservation Area

UTILITIES:
Well and septic

APPLICANT'S JUSTIFICATION:
To replace a non-conforming manufactured home with a larger unit not meeting current setback requirements

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:
Obtain all necessary permits and inspections in accordance with the Virginia Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:
The property's sewage disposal system is regulated by the DEQ and the water supply is regulated by the Office of Drinking Water. The local health department has no concerns.

HEALTH DEPARTMENT - OFFICE OF DRINKING WATER COMMENTS:
We do not have any comments at this time.

DEPARTMENT OF ENVIRONMENTAL QUALITY'S COMMENTS:
The VDEQ has no current or past pollution response complaints or spills at this location. No further comment.

HIGHWAY DEPARTMENT'S COMMENTS:

The home is served by a private road. VDOT has no objections to the request.

SERVICE AUTHORITY'S COMMENTS:

There is no public water or sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No comments.

STAFF RECOMMENDATIONS

The applicant is requesting to replace a non-conforming manufactured home with a larger unit (14' x 55') that will not meet current setback requirements. The current setback requirements established in 2001, increased the street setback from four (4') feet to twenty-five (25') feet. The Board approved this manufactured home park in 1965. In 1993, when the property was rezoned the distance between manufactured homes was twelve (12') feet, current setback requirements increased the distance to thirty (30') feet. The applicant would like to place a home that is two (2') feet wider than the original home keeping the original front yard setback and having a twelve (12') foot setback on the right and a sixteen (16') foot setback on the left. Staff feels that replacing this home as requested would be no closer to the front line or distance between homes than the majority of other homes in this fifty-two (52) year old manufactured home park and would have no adverse impact to other properties in the neighborhood. Staff would recommend approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Replacement home be placed per BZA sketch plan.
2. Applicant obtain proper placement permits from Building Inspection.

AGENDA ITEM # 4E

Date 9/7/17

PROPERTY OWNER:

David I. McCaskey

APPLICANT:

Same

LOCATION OF PROPERTY:

7 Old Staunton Road, Greenville in the Riverheads District

SIZE OF PROPERTY:

0.161 & 0.018 acres

VICINITY ZONING:

General Business surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

10/47 Zoned General Business

LAND USE MAPS:

Urban Service Area – Medium Density Residential

UTILITIES:

Public water and sewer

APPLICANT'S JUSTIFICATION:

To have an apartment in a pre-1980 structure and to expand the non-conforming dwelling

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary permits and inspections in accordance with the Virginia Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

The applicant will be connecting to public water and sewer; no concerns from the local health department.

HIGHWAY DEPARTMENT'S COMMENTS:

The driveway, currently in use, does not meet VDOT's entrance requirements due to the extreme grade. VDOT does not deny access for a single family home on an established parcel; however, multiple unit apartments are not recommended due to the access/parking concerns. There is no on-street parking to assist with the concerns. The existing entrance will need to be modified to the greatest extent possible to improve the grade on the private entrance.

SERVICE AUTHORITY'S COMMENTS:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
4. There is an existing 8" waterline approximately 128'± to the southeast of the subject property, across Lee Jackson Highway along Main Street.
5. This property's sewer lateral and cleanout have been installed and is required to be connected to the Service Authority's sewer system.
6. This property is subject to the Greenville Village fixed sewer fee pursuant to Augusta County Ordinance § 24-3. The required bi-monthly rate is \$110.00 or \$55.00 per month.

ENGINEERING'S COMMENTS:

No comments.

SECTION 25-304H – APARTMENTS in a pre-1980 structure

Special Use Permit for up to two (2) apartments in a pre-1980 structure may be granted provided:

Apartments may be established within a structure that was constructed prior to January 1, 1980, provided the board of zoning appeals finds that the structure has historical or architectural significance or is otherwise appropriate for preservation in the manner proposed; and

The structure was constructed between 1865 and 1870 and is listed with the Virginia Department of Historic Resources.

Off-street parking will be in compliance with article III of this chapter; and VDOT has concerns due to the steep grade of the current driveway.

For purposes of expansion or enlargement, the pre-1980 structure shall be treated as a non-conforming building and shall be subject to the provisions of § 25-663 D. of this chapter. The floor area of such expansion or enlargement shall not exceed twenty percent (20%) of the original floor area or the area required by law, whichever is greater.

The applicant is remodeling the original structure and adding a small addition on the back for a bathroom.

STAFF RECOMMENDATIONS

The applicant is proposing to remodel and use the existing non-conforming structure as a residential dwelling unit. The existing structure was constructed between 1865 and 1870 and is listed with the Virginia Department of Historic Resources. The structure was constructed long before any zoning regulations and was used as a dwelling. The property was zoned General Business in 1947 and the structure continued to be lived in until it became vacant in 1974, which was considered a legal non-conforming use. Once the property remained vacant for more than two (2) years, the non-conforming use could not be resumed.

The current Zoning Ordinance permits up to two (2) apartments in a pre-1980 structure in General Business with an approved Special Use Permit.

Staff feels that the structure meets the current ordinance standards due to the fact the structure was constructed prior to zoning regulations and has historical significance and would recommend approval with the following conditions:

Pre-Conditions:

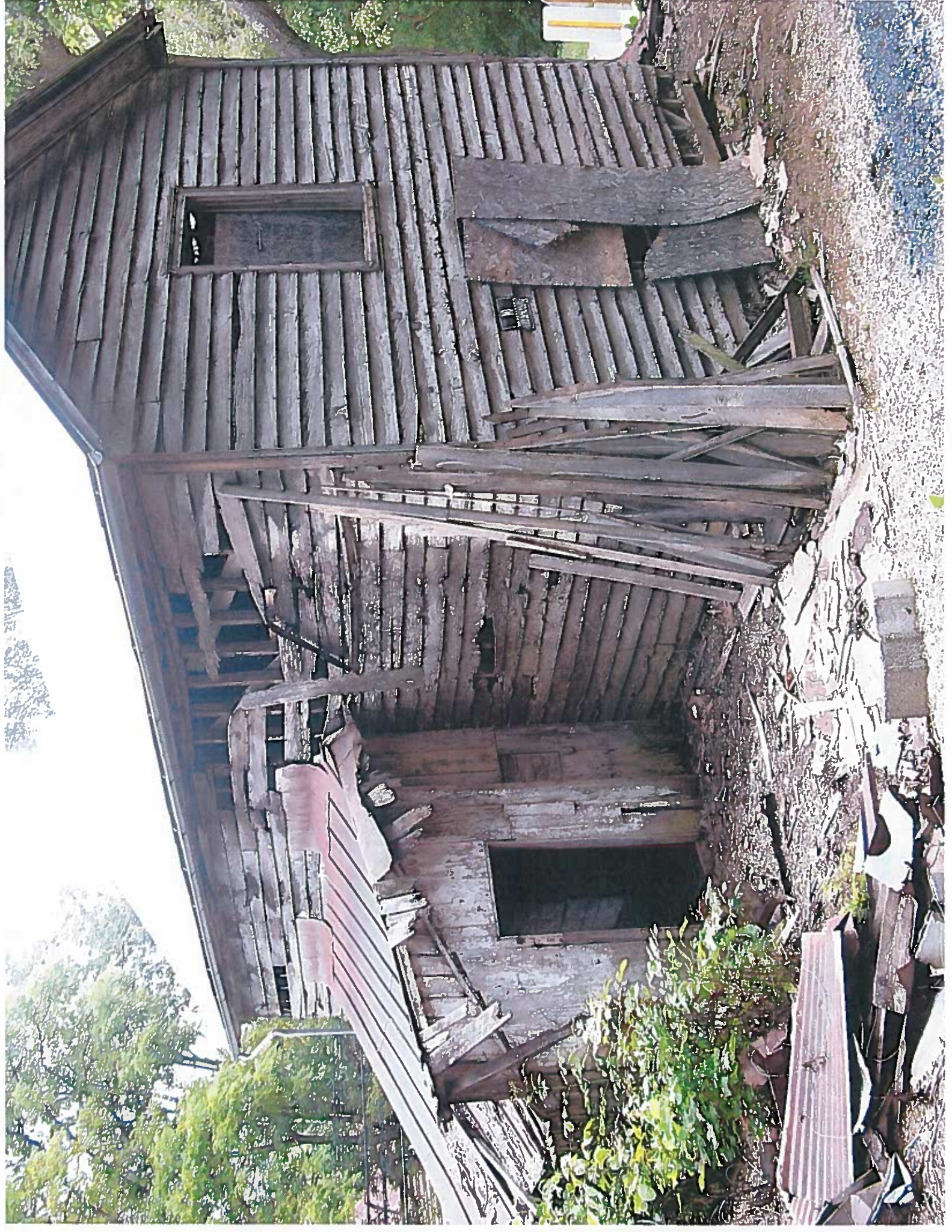
1. Obtain VDOT approval and provide a copy to Community Development.
2. Obtain Service Authority approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to have one (1) apartment in the pre-1980 structure.
2. Obtain all necessary permits and inspections.



11/25/2020



AGENDA ITEM # 4F

Date 9/7/17

PROPERTY OWNER:

Gary D. and Crystal L. Bradley

APPLICANT:

Same

LOCATION OF PROPERTY:

1445 Guthrie Road, Staunton in the Riverheads District

SIZE OF PROPERTY:

6.463 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To have a plumbing and heating business with outdoor storage of business vehicles

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

Provide handicapped parking, parking signage, and accessible route to the office area.

HEALTH DEPARTMENT'S COMMENTS:

The applicant resides at the property and any employees would only pick up a vehicle and leave (no employees working on site). No concern from the local health department.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing driveway (serving the residential dwelling) does not meet sight distance for a low volume commercial entrance. A location along the north eastern boundary (fronting Rte 652) was determined to meet the requirements. At the request of the applicant, VDOT can field locate the best location for the entrance to serve the request. It is expected the request will not generate more than 50 vehicle trips per day (enter + exit); should the business generate more than 50 vpd, an entrance shall be constructed to meet VDOT's moderate volume commercial entrance.

SERVICE AUTHORITY'S COMMENTS:

There is no public water or sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No comments.

SECTION 25-741 - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES

Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.

The applicants are requesting to have three (3) work vans stored outside.

The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.

The applicant lives on premise.

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

A small contractor's office with a maximum of three (3) work vans should be appropriate for the area.

The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

The property has frontage along Guthrie Road.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.

The property has an existing entrance. VDOT has sight distance concerns.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

The applicant will be utilizing existing structures for storage.

Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

No expansions are requested.

Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.

Private well and septic onsite.

There are adequate provisions set forth for the protection of fire, environmental and other hazards.

Fire extinguishers onsite.

All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.

The vans will be kept beside or behind the detached building approximately 200' from the edge of pavement.

STAFF RECOMMENDATIONS

The applicants are requesting to have the office for their plumbing and heating business inside the home and store up to three (3) work vans and materials onsite. The vans will be parked behind or to the side of the existing garage. They would like to use two (2) existing accessory buildings for storage of business equipment and materials. There will be no customer traffic coming to the property. The applicants are requesting two (2) employees who will come to the property to pick up the work vans and leave. Staff feels that a small contractor's office with limited traffic would not be out of character for the area and recommends approval 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. Be limited to three (3) company vehicles at the site.
2. All business vehicles be kept in the designated areas shown on the site plan.
3. All equipment, machinery, and materials for the business be kept inside the 30' x 30' and 60' x 30' buildings.
4. No more than two (2) employees to come to the site.
5. Hours of operation be 7:00 a.m. to 6:00 p.m.
6. No junk or inoperable vehicles to be kept outside.
7. Site be kept neat and orderly.



Don Hill

AGENDA ITEM # 4G

Date 9/7/17

PROPERTY OWNER:
Jackie D. or Sue M. Burgess

APPLICANT:
Mark Hackley

LOCATION OF PROPERTY:
1619 Middlebrook Road, Staunton in the Pastures District

SIZE OF PROPERTY:
2.567 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To have a sign business within an existing accessory building

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:
After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:
The applicant will reside in the house and will have no employees; no concerns.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance meets VDOT's low volume commercial entrance requirements and can serve up to 50 vehicles trips per day (enter or exit). If the user develops a need to enlarge the entrance to accommodate larger vehicles used for the business, a VDOT land use permit will be required at that time. The facility is not expected to generate more than 50 vpd; however, if the traffic generation increases or use changes, the entrance may need to be modified to meet VDOT's moderate volume commercial entrance requirements.

SERVICE AUTHORITY'S COMMENTS:

There is no public water or sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No comments.

SECTION 25-74I - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES

Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.

No outside storage is requested.

The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.

The applicant resides on premise.

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

A small contractor's office should be compatible with agricultural areas.

The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

The property has frontage along Middlebrook Road and is served by an approved VDOT entrance.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.

The 2.567 acre site can safely and adequately handle the traffic generated.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

The applicant will have an office in the home and store tools and materials in the existing garage.

Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

No expansions are requested.

Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.

The home is connected to a private well and septic system.

There are adequate provisions set forth for the protection of fire, environmental and other hazards.

The applicant has smoke detectors and fire extinguishers.

All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.

No outdoor storage is requested.

STAFF RECOMMENDATIONS

The applicant currently has a sign business in Waynesboro and would like to move the office to the home. The applicant is requesting to use the 26' x 30' accessory building on the property to store materials as well as manufacture signs. He will be painting and staining some of the signs onsite. The applicant has no employees and there will be no customers coming to the property. The hours of operation are Monday – Friday and no Saturday or Sunday work is proposed. Staff feels that a small contractor office with no customers or employees coming to the home would not be out of character and recommends approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to use the existing 26' x 30' garage for storage and manufacturing of signs.
2. No outside storage.
3. No Sunday work.
4. Site be kept neat and orderly.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.



AGENDA ITEM # 44
Date 9/7/17

PROPERTY OWNER:

William C., Jr., and Sharon B. Woodland

APPLICANT:

Same

LOCATION OF PROPERTY:

91 Trinity Point Road, Swoope in the Pastures District

SIZE OF PROPERTY:

10.498 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To have a short term rental within the dwelling

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:

The applicant has an existing 4 bedroom residential septic system approved for a maximum of 8 persons in the dwelling. As long as no more than 1 bedroom is rented and the total dwelling occupancy does not exceed 8 people the health department has no concerns.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing private entrance serving the residential dwelling does not meet VDOT's low volume commercial entrance requirements for sight distance. The requirement is based on the unposted statutory speed limit of 55 mph. It may be possible to reduce the requirement based on the 85th percentile operating speed of traffic or else the sight lines may be able to be improved. However, at this time,

VDOT does not support the issuance of a special use permit that allows the public to use the existing private entrance for commercial use.

SERVICE AUTHORITY'S COMMENTS:

There is no public water or sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No comments.

SECTION 25-74H - PUBLIC ACCOMMODATION FACILITIES

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

No enlargements are requested. The operation of this short term rental should be compatible with the rural character of the area.

The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties.

The existing dwelling and parking area should not be out of character with the neighboring properties.

The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure.

The permitting of a short term rental should not result in a clustering of businesses in the area.

The business shall have direct access on to a state maintained road.

The property has direct access to Trinity Point Road.

STAFF RECOMMENDATIONS

The applicants are requesting to have a short term rental in only one (1) bedroom of the existing four (4) bedroom dwelling. No meals will be provided. The applicants shall be home when renting the one (1) bedroom. The room has a private bath and a combination kitchenette with a microwave and refrigerator.

Staff feels that a short term rental would not be out of character with the area or the rural community and recommends approval of the request with the following conditions:

Pre-Condition:

1. Obtain VDOT approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to use one (1) bedroom in the dwelling for short term rental.
2. Applicant must reside on premises.



AGENDA ITEM # 41

Date 9/7/17

PROPERTY OWNER:

Joan M. Byrne

APPLICANT:

Same

LOCATION OF PROPERTY:

18 Misty Hill Lane, Waynesboro in the Wayne District

SIZE OF PROPERTY:

6.172 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To have a short term rental within the existing dwelling

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:

The existing septic system is approved for a three bedroom residence (6 person maximum occupancy of the dwelling). The applicant indicated that only one party at a time will lease room(s). The health department would require a tourist establishment (hotel) permit if two or more rooms were being rented separately. At no time should the occupancy of the home exceed 6 persons.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing entrance (where Misty Hill Ln. meets Rockfish Rd.) meets the requirements for a low volume commercial entrance. VDOT does not anticipate more than 50 vehicles trips per day (enter + exit). Currently, the entrance serves three (3) residential dwellings in addition to the request. Since Misty Hill Ln. is a

private roadway, it is the applicant's responsibility to ensure the use is allowable based on current easements/agreements of the private road.

SERVICE AUTHORITY'S COMMENTS:

There is no public water or sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No comments.

SECTION 25-74H - PUBLIC ACCOMMODATION FACILITIES

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

No enlargements are proposed. The short term rental would be a low impact use and would be compatible with the agricultural area.

The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties.

The short term rental would not be out of character with neighboring properties. The dwelling cannot be seen by any adjoining properties.

The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure.

The permitting of a short term rental should not result in the clustering of similar businesses in the area.

The business shall have direct access on to a state maintained road.

The property is accessed from a private lane with frontage on Rockfish Road.

STAFF RECOMMENDATIONS

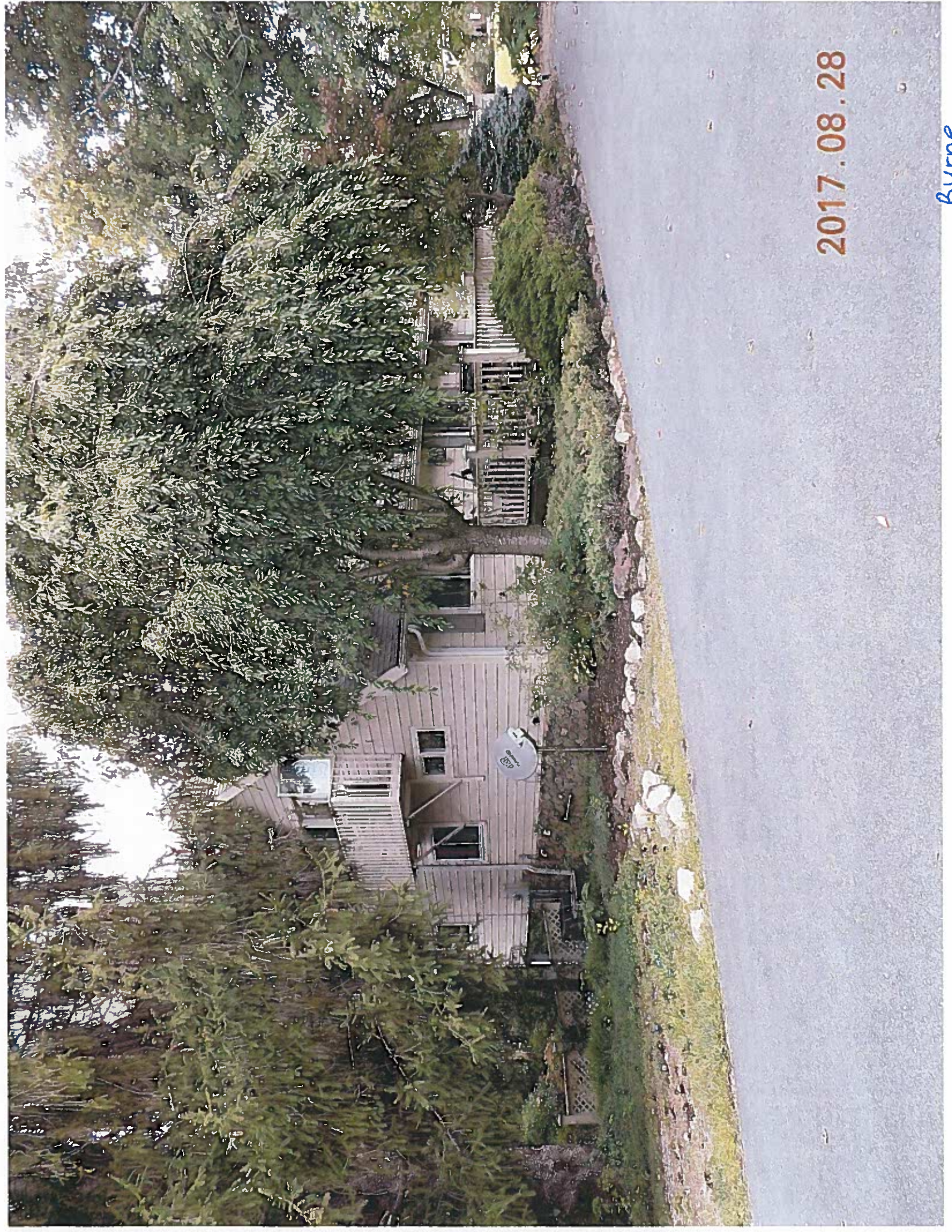
The applicant is requesting to use the lower level of the dwelling for short term rental. It contains three (3) bedrooms with a living area and private bathroom. No meals are provided. The kitchen is shared with the owner. The laundry area is also shared with the owner. The upper level of the dwelling shall be for the owners use only. Staff feels the short term rental of the lower level three (3) bedroom would be a low impact business and could provide a benefit to tourism in the area. Staff would recommend approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to use the lower level of the dwelling for a short term vacation rental.
2. The occupancy shall not exceed six (6) persons at any time, unless applicant provides Community Development with Health Department approval.
3. Site be kept neat and orderly.
4. Owner to reside on premises.



2017.08.28

Rinne

PROPERTY OWNER:

Glenn Shenk and Michelle Lesensky

APPLICANT:

Michelle Lesensky

LOCATION OF PROPERTY:

72 Lake Drive, Greenville in the Riverheads District

SIZE OF PROPERTY:

9.093 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To have a vacation rental

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:

The existing septic system is approved for a three bedroom residence (6 person maximum occupancy of the dwelling). The health department has no concern provided no more than 6 people occupy the dwelling and that the dwelling is rented only to a single party. The health department would require a tourist establishment (hotel) permit if two or more rooms were being rented separately.

HIGHWAY DEPARTMENT'S COMMENTS:

The property is served by a private road (Lake Drive). The existing intersection of Lake Drive and Cold Springs Road (Rte 608) does not meet the requirements for a commercial entrance; however, in conjunction with the proposed expansion of the Stoney Creek Resort, improvements to the intersection are being evaluated.

Without knowing the possible improvements at this time, VDOT does not recommend the creation of additional commercial traffic on Lake Drive.

SERVICE AUTHORITY'S COMMENTS:

There is no public water or sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No comments.

SECTION 25-74H - PUBLIC ACCOMMODATION FACILITIES

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

The operation of a vacation rental home should be compatible with the rural character of the area.

The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties.

A vacation rental within an existing manufactured home should not be out of character.

The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure.

A vacation rental should not result in a clustering of businesses in the area.

The business shall have direct access on to a state maintained road.

The property has frontage along Lake Drive to Cold Springs Road (Route 608).

STAFF RECOMMENDATIONS

The applicant is requesting to rent the existing two (2) bedroom manufactured home for short term vacation rentals. The applicant purchased the property so her mother would have somewhere to stay when visiting from out of town, and she would like to rent it out for short stays when her mother is not using it. Staff feels that using an existing home for short term rentals would not be out of character and recommends approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to use the existing two (2) bedroom manufactured home for short term vacation rentals.
2. Be limited to six (6) persons maximum occupying the home.
3. Site be kept neat and orderly.



Check in on this

AGENDA ITEM # 4K
Date 9/7/17

PROPERTY OWNER:
Plecker Brothers, Inc.

APPLICANT:
Same

LOCATION OF PROPERTY:
On the north side of Sangers Lane at the intersection of Sangers Lane and Balsley Road, Staunton in the Beverley Manor District

SIZE OF PROPERTY:
28.688 acres

VICINITY ZONING:
General Agriculture to the north, south, and east; Staunton City to the west

PREVIOUS ZONING OR S.U.P.:
03/85 Zoned General Business

LAND USE MAPS:
Urban Service Area – Business

UTILITIES:
None

APPLICANT'S JUSTIFICATION:
To have outdoor storage of excavating material and equipment

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:
After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:
No concerns.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance meets VDOT's low volume commercial entrance requirements and can serve up to 50 vehicles trips per day (enter or exit). It is the landowner's responsibility to provide additional gravel and general maintenance at the entrance, as needed, to prevent potholes.

SERVICE AUTHORITY'S COMMENTS:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
4. There is an existing 8" waterline approximately 658'± to the southwest of the subject property.
5. There is an existing 8" sewer line approximately 2,017'± to the southwest of the subject property.

ENGINEERING'S COMMENTS:

Existing Erosion and Sediment Control Plan does not address Stormwater. It is supposed to be all grass. If any gravel, there would be a likely increase in runoff. We will require a Stormwater Management and Erosion and Sediment Control Plan.

SECTION 25-304B - GENERAL OUTDOOR STORAGE

A site plan is filed meeting the requirements of division J article LXVII "Site Plan Review", approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter.

Applicant has an approved Erosion and Sediment Control Plan but no site plan or Stormwater Plan on file.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Aisleways will be appropriate for the anticipated vehicular and pedestrian traffic.

The twenty-six (26) acre site can safely and adequately accommodate traffic to and from the highway.

Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for parking or aisleways may not be used for outdoor storage.

No structure or parking on this site, used for outdoor storage only.

Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business. Financial considerations alone will not justify the failure to use inside storage.

The outdoor storage area could be proportionately appropriate for the site.

Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties.

No structures proposed.

Items not displayed for sale or lease shall be fully shielded or screened from view unless the board of zoning appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping, shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aiseways and gates and the compatibility of screening materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening. Gates shall remain closed except when goods are moved to and from the enclosed area.

Natural vegetation surrounds the majority of the storage area.

There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter.

No lighting is proposed.

Items to be stored outside may not be items normally and customarily kept inside.

The applicant will be storing rock, concrete, reground asphalt, and heavy equipment not normally kept inside.

STAFF RECOMMENDATIONS

The applicants' family purchased the property in 1973. The property was rezoned to General Business in 1985. The applicant submitted an Erosion and Sediment Control Plan in 1994 and was approved to use the property as a fill site only. The applicant has also been using the property for the storage of equipment, stockpiles of rock, gravel, reground asphalt, and concrete without obtaining a Special Use Permit.

Plecker Brothers, Inc. was sent several notices of violation regarding the outdoor storage of these items without first obtaining a Special Use Permit. The applicant contacted our office and stated that he thought that this type of use was covered on his approved Erosion and Sediment Control Plan and felt he was not in violation and appealed the Zoning Administrator's decision at the July 6, 2017 hearing.

The Board upheld the Zoning Administrator's decision and advised the applicant to make application for the Special Use Permit or remove the vehicles, equipment stockpiles of rock and concrete, and re-stabilize the site per their approved Erosion and Sediment Control Plan. The applicant is now requesting to have a contractor storage yard on the property to be in compliance with the Zoning Ordinance.

Staff has received complaints regarding the expansion of the outdoor storage area and the condition of the property. Staff has inspected the property on numerous occasions and is concerned that the large stockpiles of rock, regrind, concrete, and the storage of inoperable vehicles could have a negative impact on the neighboring properties and may not be compatible with the existing neighborhood. However, if the Board feels the request is compatible and desires to approve the contractor storage yard, staff would recommend the following conditions:

Pre-Condition:

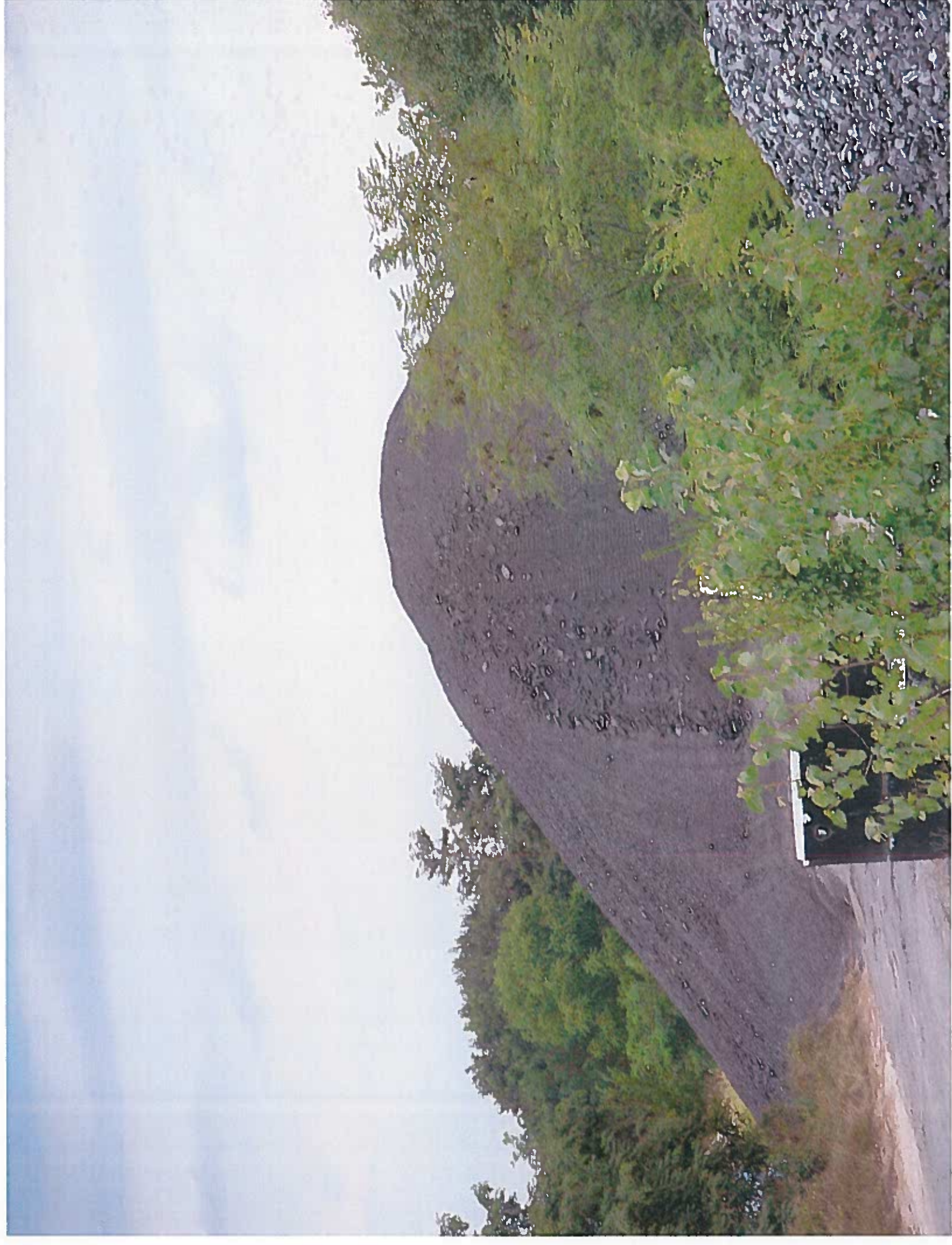
1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.

Operating Conditions:

1. All equipment, machinery, and materials for the business be kept in the designated areas on the site plan.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
3. Site be kept neat and orderly.
4. Natural vegetation be maintained in order to provide adequate screening.







PROPERTY OWNER:
Jamie DeWayne Stickley

AGENDA ITEM # 4L

Date 9/7/17

APPLICANT:
Karita Burrill

LOCATION OF PROPERTY:
1568 Patterson Mill Road, Grottoes, in the Middle River District

SIZE OF PROPERTY:
0.536 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private septic and cistern

APPLICANT'S JUSTIFICATION:
To have a day care

PLANNING COMMISSION'S COMMENTS:
The Planning Commission recommends to the Board they consider the close proximity of surrounding properties and the impact of increased traffic the proposed use will generate.

BUILDING INSPECTOR'S COMMENTS:
After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:
The existing septic system was approved in 1966 for a 3 bedroom residence only. The applicant will need to discuss septic requirements with a professional engineer to determine whether the system can accommodate the expected flows and waste strength generated by a day care. Any modifications or proposals to install a new system would have to be designed by the private sector with work submitted to the health department for review and approval. The applicant should also make sure that their water supply is safe for usage (a private well cannot be used to serve 25 or more persons 60 days or more a year; the numbers appear to be below this but the well's water quality should be tested). Given the number of children proposed (12) the applicant would likely be exempt from Food Regulations and not be required to obtain a food establishment permit to serve

food to the children. The applicant can still contact the local health department to discuss Food Safety.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing entrance does not meet VDOT's low volume commercial entrance geometric requirements. Additionally, adequate space for parking/drop-off is a concern. Patterson Station Road has additional concerns pertaining to road width and available sight distance for an entrance. VDOT is available to meet onsite with County staff and/or the applicant to discuss the concerns and any potential remedies.

SERVICE AUTHORITY'S COMMENTS:

There is no public water or sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No comments.

SECTION 25-74I - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES

Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.

No outside storage is requested.

The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.

The applicant lives on premise.

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

Home day care operations are appropriate in agricultural areas.

The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

The dwelling has access to Patterson Mill Road which is State maintained.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.

The 0.536 acre site may not accommodate traffic flow to and from the public highway.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

The day care will be in the existing dwelling.

Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

No expansions are requested.

Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.

Existing septic system and cistern onsite.

There are adequate provisions set forth for the protection of fire, environmental and other hazards.

Smoke detectors are located in the home.

All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.

No items are displayed for sale or lease.

STAFF RECOMMENDATIONS

The applicant is requesting to have a day care operation in her home for up to twelve (12) children. The applicant relocated to Augusta County in August from Harrisonburg. She operated a day care in Harrisonburg by Special Use Permit and was licensed through Social Services. She is proposing to remodel the basement in the dwelling for the day care and will be providing meals for the children. She was on the USDA program, but she will need to reapply if the permit is approved for this location.

VDOT has addressed some concerns regarding the sight distance and adequate space for parking and drop off of children that will need to be addressed. Staff also has concerns with the close proximity to the road and no fenced area for recreation. Staff feels that a day care operation is a needed service and feels it would be beneficial to the area if approved with the following conditions:

Pre-Conditions:

1. Obtain Health Department approval and provide a copy to Community Development.
2. Obtain VDOT approval and provide a copy to Community Development.
3. Provide a copy of the license from the Department of Social Services.
4. A six (6') foot high fence be installed along the property boundaries in the backyard.

Operating Conditions:

1. Be limited to a maximum of twelve (12) children.
2. Applicant obtain a building permit for the basement remodel and provide a copy to Community Development.
3. Site be kept neat and orderly.
4. Hours of operation be 6:00 a.m. to 6:00 p.m.



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