

August 3, 2017

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
 John R. Wilkinson, Director of Community Development
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 3, 2017, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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VIEWINGS

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

- **LESLIE HEWITT, AGENT FOR SCOTTLAND LAND COMPANY, LLC - SPECIAL USE PERMIT**
- **STACY JOHNSON - SPECIAL USE PERMIT**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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Chairman

Secretary

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PRESENT: Thomas H. Byerly, Chairman
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Daisy A. Brown
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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, August 3, 2017, at 1:30 P.M., in the County Government Center, Verona, Virginia...

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MINUTES

Mr. Coyner moved that the minutes from the July 6, 2017, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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EMILY BAIRD AND KATHERINE BLACKWOOD, AGENTS FOR T-MOBILE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Emily Baird and Katherine Blackwood, agents for T-Mobile, for a Special Use Permit to extend the height of the existing tower by 10'4" and to co-locate on the existing tower, on property owned by Global Tower Assets III, LLC DBA American Tower, located at 878 Troxel Gap Road, Craigsville in the Riverheads District.

Ms. Emily Baird is representing T-Mobile. She noted they are requesting to extend the height by 10'4" and to co-locate on the existing tower.

Mr. Coyner asked what is the reason for this request?

Ms. Baird stated if permitted to co-locate T-Mobile can provide better coverage to their clients.

Chairman Byerly asked what would be the height of the tower after the extension?

Ms. Baird stated 83' 7".

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 will improve the coverage in the area for the citizens. She moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be allowed to extend the existing seventy-three foot (73') tower ten foot (10') four inches (4").
2. No additional landscaping or buffering is required.
3. Applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunication purposes. The tower shall be disassembled and completely removed from the site with 180 days of such notification.

Mr. Coyner seconded the motion, which carried unanimously.

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LESLIE HEWITT, AGENT FOR SCOTTLAND LAND COMPANY, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Leslie Hewitt, agent for Scotland Land Company, LLC, for a Special Use Permit to have weddings and special events and to use an existing cabin for short term rental on property they own, located at 407 West Augusta Road, West Augusta in the Pastures District.

Ms. Leslie Hewitt stated they would like to have weddings and special events at the site and use the existing cabin in conjunction with the weddings.

Ms. Tilghman asked if the twenty (20) events per year would be adequate on renting the existing cabin?

Ms. Hewitt stated the cabin would only be rented in conjunction with the weddings. She will include the cabin with the wedding package and it will be used Friday – Sunday.

Ms. Tilghman asked if the applicant would like to rent the cabin out on weekends where there are no weddings scheduled?

Ms. Hewitt stated not at this time.

Mr. Coyner asked how would the applicant advertise?

Ms. Hewitt stated they will use Facebook but she does not have a website at this time.

Mr. Coyner stated this is a nice facility.

Mr. Luke Hewitt stated in the future he would like to create a website. He did not want to create one without first getting the Special Use Permit approved.

Chairman Byerly asked if the applicant planned on having outdoor amplified music?

Ms. Hewitt said she would like the Board to consider her having music for the weddings and special events. She said most receptions would have a DJ or a band which is considered amplified music.

Mr. Hewitt stated the closest house is their own rental home.

Mr. Coyner asked where would the music be playing from?

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Ms. Hewitt stated the pavilion is where the music will be played.

Mr. Hewitt stated it would be calm music.

Chairman Byerly asked if 10:00 p.m. is acceptable for ending an event?

Ms. Hewitt stated she would prefer 11:00 p.m. or midnight. She said this is quite a rural area and there are not many close neighbors.

Mr. Coyner stated if the event ends at 11:00 p.m. then all guests should be off of the premises by midnight.

Mr. Hewitt stated that is fine. He has had weddings for his family at the site and the DJ played until about 11:00 p.m.

Ms. Brown stated the property is isolated and far from anyone. She felt it would not be a problem.

Chairman Byerly asked if the applicant anticipated any events during the colder months?

Ms. Hewitt stated the peak season is May – October but she would like to have the option to be available year round.

Chairman Byerly asked if twenty (20) events would be adequate?

Ms. Hewitt stated yes the twenty (20) events should be adequate for the next three (3) to five (5) years.

Chairman Byerly stated this is a beautiful piece of property for this type of use. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Joe Pappalardo, 472 Starey Draft Lane, West Augusta, stated the pavilion is at the edge of the property. He stated the applicant has had weddings there and music has played after 11:00 p.m. before. He is not in favor or in opposition to the request. He noted this is an agricultural/residential area and he does not want this area to become commercial. He said twenty (20) events is a considerable amount for this area with the residential homes. He stated there would be at least two (2) weddings a month.

Mr. Coyner asked how far is your property?

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Mr. Pappalardo stated about half a mile away. He stated the applicants have had weddings there in the past. He would not want to see more than twenty (20) events at the site. He would not want to see more than twenty (20) events five (5) years from now either. He stated the music ending at 11:00 p.m. would be acceptable to him as long as they stop at that time.

Chairman Byerly asked how long have you owned the property?

Mr. Pappalardo stated he has owned the land for twenty-four (24) years.

Mr. Joe Heatwole, 8818 Lacey Heights Avenue, Harrisonburg, stated he owns land on the corner of West Augusta Road and Deerfield Valley Road. He is not in agreement with the applicant having twenty (20) events a year because that is one almost every weekend in the peak months. He bought the property a year ago and he plans on building a home in the near future. He said he bought the property because this area is quiet and peaceful. He previously could hear the music until 11:00 p.m. He said the applicant plans on having events with 250 guests. He does have an issue with the noise and traffic with that number of guests. He said 11:00 p.m. is a little late to have amplified music playing. He is opposed to the amplified music.

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. Hewitt stated he tries to help his neighbors. He is willing to help his neighbors but he is also trying to make a living.

Ms. Hewitt stated they would abide by the stipulations the Board sets.

Chairman Byerly declared the public hearing closed.

Vice Chairman Shreckhise stated there are not many times where there would be loud music. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to lease the existing two (2) bedroom cabin on the property for short term rentals with a maximum of four (4) persons.
2. Applicant install a sewage treatment system approved by the Health Department or documentation from a professional engineer that the existing sewage treatment facility is adequate for use within two (2) years.
3. Be permitted to operate for two (2) years using a portable restroom facility, not including porta-potties until the septic system is installed or the existing system is found to be adequate for use.
4. Be limited to twenty (20) events per year but no more than three (3) per month.
5. Be limited to a maximum of two hundred fifty (250) attendees per event.
6. No food prepared onsite.
7. No outdoor amplified music after 11:00 p.m.
8. Events to cease by 11:00 p.m. and all persons off the property by midnight except those leasing the cabin.
9. Applicant or representative be present during events.
10. Site be kept neat and orderly.
11. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
12. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
13. Permit be reviewed in a year and renewed if all of the conditions are met.

Ms. Brown stated the Board will review this permit in a year for compliance.

Mr. Coyner seconded the motion, which carried unanimously. He stated the twenty (20) events per year with no more than three (3) per month is a standard condition placed on

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these permits. He noted the stipulation of three (3) per month is so that there is not consecutive events every weekend of the month.

Vice Chairman Shreckhise stated he preferred the applicant be permitted four (4) per month in June. He does not want to amend the motion, only provide his thoughts.

Ms. Tilghman stated all of the wedding venue permits that have come before the Board were in rural areas like this. She stated they all have been zoned General Agriculture and have all had good results thus far.

Mr. Coyner stated the Board has never received any complaints.

Ms. Tilghman stated the Board gives the applicant two (2) years to install an adequate septic system. She said by giving the applicant two (2) years they can decide whether this would be a wise business decision to invest the money for the septic system. She said this has worked well because some have decided that it would be too costly to put in the system.

Chairman Byerly stated this property is a 300 acre operating farm. He stated if the applicant is not able to install the septic system within two (2) years then they will need to come back before the Board to modify their permit. He noted in the meantime, they are permitted to utilize the portable restroom facilities.

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STACY JOHNSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Stacy Johnson, for a Special Use Permit to have a holistic wellness facility, on property owned by Kimball E. Stowers, located at 877 Todd Road, Mount Sidney in the North River District.

Ms. Stacy Johnson is the owner of Pure Alignment and she would like to operate a small weekend workshop where groups of up to eight (8) women would learn about nutrient rich foods, meditation, yoga, and have bonfires.

Vice Chairman Shreckhise asked the applicant to describe what a holistic health coach is?

Ms. Johnson stated she is certified to provide this type of training. She stated it is educating using herbs, lifestyle changes, and creating balance in your life and body.

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Vice Chairman Shreckhise asked if there would be any illegal drug usage?

Ms. Johnson stated no.

Mr. Coyner asked what will be done at these retreats?

Ms. Johnson stated the retreat will start on Friday with a meet and greet dinner and it will last all weekend. She stated they will prepare meals, have bonfires, yoga, make candles, learn about essential oils, and nutrition. She said it is a way to unplug and tune back into themselves.

Mr. Coyner stated this is a nice piece of property. He asked if there would be activities in the house?

Ms. Johnson stated they will utilize the entire farm. She stated they will go to the orchard, have sunset yoga on the platform, utilize the tent, and have bonfires.

Ms. Tilghman asked if there would be only women attending the retreat?

Ms. Johnson stated yes.

Mr. Coyner asked if there would be other colleagues utilizing the facilities?

Ms. Johnson stated yes if she did not have a retreat going on.

Mr. Coyner asked if the applicant resides on the premises?

Ms. Johnson stated no. She stated her programs will run Friday – Sunday.

Vice Chairman Shreckhise asked if there is a program like this anywhere in this area?

Ms. Johnson stated the closest is in Fredericksburg. She said they offer yoga on horseback at their retreats.

Mr. Coyner stated this is a new concept.

Ms. Johnson stated this is considered eco-therapy. She said it is supposed to help people get back to nature and build relationships.

Mr. Coyner asked how would a client learn about the retreats?

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Ms. Johnson stated through their webpage and Facebook. She said One Tribe Farm has an Instagram page.

Chairman Byerly asked if the applicant has had professional experience and training previously?

Ms. Johnson stated she was a licensed phlebotomist and has worked in the medical field. She decided that was not for her and she received her certification from a school in New York. She noted her training provides an alternative to medicine.

Mr. Coyner asked how long is the retreat?

Ms. Johnson stated two (2) nights. She just attended a retreat in New York and came back feeling refreshed.

Ms. Tilghman asked if she anticipates her clients coming back more than once?

Ms. Johnson stated yes. She will provide varied workshops and the schedule will vary. She said if the Special Use Permit is approved she would like to have a tree planting on November 6th for her clients to plant the rest of the orchard.

Chairman Byerly asked if there is screening done on her clients before attending a retreat?

Ms. Johnson stated no. She stated this is a nice, quiet crowd that wants to learn how to heal the earth and themselves.

Mr. Coyner asked if they would have music during the retreats?

Ms. Johnson stated no. She may occasionally beat drums on the hill during the retreats.

Mr. Coyner asked if the barn will be used?

Ms. Johnson stated not yet. She plans on restoring the entire farm and rehabbing the original barn. She would like to use it for weddings and events in the future.

Mr. Coyner asked if the applicant has employees?

Ms. Johnson stated Pure Alignment does not have any employees, only family helping with the business. She noted the farm does have employees.

Ms. Brown asked if the applicant lived on the premises?

Ms. Johnson stated no. She lives at 1082 Todd Road.

Mr. Coyner asked if the applicant will be onsite the entire time during the retreats?

Ms. Johnson stated she will be onsite if she leads the retreat. She noted if she is not holding a retreat others will use the property for their own retreats and that retreat leader will be onsite but she will help out. She noted the property is a working farm which will have people onsite continuously.

Ms. Brown asked if she will prepare food onsite?

Ms. Johnson stated she, Ms. Snyder, and other health coaches will prepare the food.

Ms. Tilghman asked if the garden is used during the retreats and for her family's use to?

Ms. Johnson stated yes.

Ms. Brown asked what is grown in the garden?

Ms. Johnson stated oregano, thyme, basil, sage, sweet potatoes, tomatoes, chocolate mint, romaine lettuce, spinach, celery, swiss chard, eggplant, and many others. She said the soil is good and they heal it while they use it.

Ms. Brown asked what farm animals will be onsite?

Ms. Johnson stated they have goats. She said in October they plan on getting some cattle.

Mr. Christopher Stowers said this is an active farm. He said in the future they would like to have a wellness center which would include a natural pool and Swedish sweat lodge.

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

Mr. Gibby Crummett, 1049 Miller Farm Road, Staunton, stated he shares the property line and he is not in opposition to the request. He stated the Stowers family have been an asset to the community over the years. He does believe in modern medicine. He has had

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heart surgery and battled colon cancer and liver cancer and used holistic medicines because he elected not to do chemotherapy. He was able to find a doctor in Connecticut that was able to offer him the treatment. He believes in education and he feels he made the right decision. His general practitioner supported him in his decision and this could be an asset to the community.

Mr. Mike Semones, 733 Todd Road, Mount Sidney, stated he is building a house on his land. He had a number of questions for the applicant:

1. Will there be any commercially prepared drugs prescribed or being administered?
2. Will there be a licensed physician or other medical professional onsite?
3. Does the applicant have a license to operate this type of business?
4. Who will oversee this type of business to ensure they are operating what they are permitted to?
5. Will this business impact local traffic?
6. Is this considered an agricultural business?
7. Is the tent a permanent fixture?
8. Will clients have full run of the property?
9. Will the business be monitored by any agency?
10. Will a description of the business be provided by the applicant stating all of the specific things that are going on at the site?
11. Will the applicant take measures to be sure the bonfires do not spread because this is a heavily wooded area?
12. Does the applicant have a lease on the property for a specific period of time (because they do not own the land)?

Ms. Jacqueline Sheets, 688 Mt. Pisgah Road, Mount Sidney, stated she lives across from this property. She asked how many more of the tents will be at the site? She stated Mt. Pisgah Road is a busy road. She is worried about the request expanding. She asked if clients will be riding horses on the property because her house is just off to the right of the land. She can see the tent from her deck.

Mr. Ronnie Rankin stated he is here representing Earle and Agnes Breeden, 816 Todd Road, Mount Sidney. He stated they sold the farm and moved to Todd Road to get peace and quiet. He stated they have concerns about the request. He stated they are concerned about the clients coming and not being screened. He said if approved, will there be other businesses coming to the area.

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.

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Ms. Johnson stated she has been clearing and working on the property since 2015. She stated the bonfires are done in a fire pit with stone around it. She said they are very safe. She said her kids even do it. She stated medication and drugs are not what the holistic wellness center is all about. She said holistic is about education and learning about the earth and healing and being connected to it. She said they would not have music. She stated they are planting trees so that you cannot see the tent from the road. She wants her clients to have privacy.

Mr. Christopher Stowers stated the Virginia Department of Transportation looked at their entrance and they are permitting them fifty (50) vehicles per day. He said the clients will keep their vehicles onsite until after the retreat is complete. He stated the horses will not be on this property.

Ms. Johnson stated they will have the horseback riding at their home place. She stated not all of the retreats will include horseback riding.

Vice Chairman Shreckhise asked if there would be licensed medical professionals at the site that know CPR?

Ms. Johnson stated she is registered to administer CPR. She noted her brother-in-law is a licensed paramedic.

Ms. Tilghman asked if she is certified?

Ms. Johnson stated she is certified as a Holistic Health Coach through the state. She obtained her certification from the Institute of Integrated Nutrition in New York. She stated the farm operates under One Tribe Farm. She stated the guests would not have free run of the property. She stated the retreats are very structured for her clients.

Chairman Byerly asked if pets would be permitted?

Ms. Johnson stated no.

Mr. Christopher Stowers stated when they have the cattle onsite they plan on having their clients walk around the facility to enjoy the peaceful and calm surroundings. He stated the retreats will be controlled and in nice settings.

Ms. Brown asked where their home is located?

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Ms. Johnson stated the house is on the property to the left on Todd Road. She stated the horses cannot be seen.

Mr. Coyner asked if they are only planning on having one (1) tent?

Ms. Johnson stated yes just the one. She noted the structure is fourteen (14') taller than a yurt. She said the tent is not permanent and there is sand on the ground. She wants to be able to move it to another setting, possibly by the river. Her goal in the future is to have tiny house cabins (12' x 14') in the future.

Ms. Bunch stated the applicant will need to get the cabins approved first. She said the applicant will need to come back before the Board for any expansion of their Special Use Permit.

Mr. Kimball Stowers stated they may provide an open house so that the neighbors can be more informed on what goes on during the retreats. He stated they want to reach out to their neighbors as well as be good neighbors.

Chairman Byerly declared the public hearing closed.

Ms. Tilghman stated this is a new type of business to us as well as to the neighbors in the area. She stated there are no other businesses like this in the area. She said we need to be open to new ideas. She stated the Board will review the permit in a year for compliance because we have not dealt with this before. She moved that the request be approved with the following conditions:

Pre-Condition:

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

Operating Conditions:

1. Be permitted to use the existing dwelling to hold retreats and provide overnight accommodations.
2. Retreats be limited to three (3) per month for no more than three (3) consecutive days.
3. Be limited to ten (10) persons per event.

- 4. Site be kept neat and orderly.
- 5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 6. Permit be reviewed in a year and renewed if all of the conditions are met.

Mr. Coyner said he is pleased they are willing to reach out to the neighbors. He stated this business will have a low impact with only eight (8) to ten (10) people a day.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

Chairman Byerly appreciated all of Mr. Crummett’s comments on how this was helpful to him.

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STAFF REPORT

- 16-36 Richard A. or Leslie Sturges
- 16-37 Mossy Creek Catering, LLC
- 16-38 Jacqueline M. Ralston
- 16-39 John W. Allen, Jr.

- 16-41 Michael D. Clancey
- 16-42 William H. and Lindsay T. Ferguson
- 16-43 Stonewall Jackson Area Council of Boy Scouts of America, Inc.

Ms. Bunch stated SUP#16-36 is in compliance. She stated Mr. Nargi had not submitted the drainage calculations for his permit, therefore, staff sent him a letter regarding SUP#16-37. She received the drainage calculations yesterday and he is now in compliance. She stated SUP#16-38 and SUP#16-39 are both in compliance. She stated construction has started for SUP#16-41. She stated SUP#16-42 and SUP#16-43 are both in compliance.

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Mr. Benkahla discussed the court cases with the Board.

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

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Chairman

Secretary