

September 7, 2017

PRESENT: Thomas H. Byerly, 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: Steven F. Shreckhise, Vice Chairman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 7, 2017, at 8:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:30 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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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:

- **GARLAND EUTSLER, AGENT FOR SHEN ACRES HOLDING, LLC - SPECIAL USE PERMIT**
- **GREG EYE, AGENT FOR WOODLAWN VILLAGE, LLC - SPECIAL USE PERMIT**
- **DAVID I. MCCASKEY - SPECIAL USE PERMIT**
- **GARY D. AND CRYSTAL L. BRADLEY - SPECIAL USE PERMIT**
- **MARK HACKLEY - SPECIAL USE PERMIT**
- **JOAN M. BYRNE - SPECIAL USE PERMIT**
- **MICHELLE LESENSKY - SPECIAL USE PERMIT**
- **KARITA BURRILL - 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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Daisy A. Brown
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James R. Benkahla, County Attorney
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Steven F. Shreckhise, Vice Chairman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 7, 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 August 3, 2017, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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GARLAND EUTSLER, AGENT FOR SHEN ACRES HOLDING, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Garland Eutsler, agent for Shen Acres Holding, LLC, for a Special Use Permit to expand the existing campground by adding additional full hookup and seasonal sites on property owned by Shen Acres Realty, LLC, located at 348 and 256 Lake Road, Stuarts Draft, in the South River District.

Mr. Garland Eutsler stated he is requesting a Special Use Permit to expand Shenandoah Acres. He is asking to add 250 sites that will be full hookup sites to include water and sewer and 50 amp electrical service in order for him to meet the demands of the campground.

Mr. Coyner asked how many campsites are there per acre?

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Mr. Eutsler stated he does not exceed fifteen (15) sites per acre which is mandated by the state. He has eighty (80) seasonal sites that represent 5.39 acres.

Mr. Coyner asked how much room is there between the campers?

Mr. Eutsler stated the sites are 35' wide and 55' deep. He noted space is important in order for them to accommodate two (2) cars per site and a golf cart.

Ms. Brown asked if the new sites will be able to accommodate two (2) cars?

Mr. Eutsler stated there are a few that are tight. He said about seventy-six (76) of the sites would accommodate two (2) cars. He noted they also have a field for overflow parking. He said the road needs to accommodate the rescue squad if they were to have an incident.

Mr. Coyner asked how many present sites can accommodate a camper?

Mr. Eutsler stated 301 sites.

Mr. Coyner stated the applicant is requesting to double the size of the facility. He asked if you could keep up with increasing the campground by 250 sites?

Mr. Eutsler stated he is confident that he can accommodate this increase. He stated they escort the campers to their sites. He stated these new sites will have a separate entrance. He stated out of the 301 sites half of them are seasonal campers, 160 sites are weekend campers, and 30 plus of them are monthly campers. He said he allows his customers to bring their campers in on Thursday at no cost to them. He noted the "Park and Plug" program keeps traffic off of Lake Road on the weekends.

Ms. Brown asked if the lake can accommodate about 2,000 people based on the number of campers? She asked if there are lifeguards at the lake?

Mr. Eutsler said he has beach patrol. He noted many campers do not use the lake. He said they come to camp. He said they have life saving devices onsite.

Ms. Brown asked what do the beach patrollers at the lake do?

Mr. Eutsler stated they make sure there is no glass on the beach or lake. He said they walk around and observe what is going on.

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Ms. Brown asked if there is someone in trouble what happens?

Mr. Eutsler stated anyone using the lake swims at their own risk. He said his employees try to be observant and people also look out for one another. He said parents and the campers look out for those types of situations.

Ms. Brown asked how many employees do you have?

Mr. Eutsler stated during peak season he has 55-60 employees. He said with this type of expansion he would add about seventeen (17) employees.

Ms. Brown asked when guests are escorted in who parks the camper?

Mr. Eutsler stated his employees take the guest to their site using a golf cart to be sure they know where they are going and that they do not tear up any trees, etc. He said this program has been well received by his guests. He said the guest drive their own camper to the site.

Ms. Brown asked if there are smoke detectors and fire extinguishers at the site?

Mr. Eutsler stated yes. He said they are heavily regulated by their insurance company.

Ms. Brown asked if he only has two (2) camp hosts?

Mr. Eutsler stated his entire staff act as the camp hosts. He wants to provide the best experience for his guests. He said they want to establish a relationship with the guests.

Ms. Tilghman asked how many acres are being used in the campsite?

Mr. Eutsler stated currently about 45 acres.

Ms. Tilghman noted the staff report states ten (10) sites per acre.

Ms. Bunch stated the ten (10) sites is a County ordinance requirement.

Ms. Tilghman asked if there are sites for a tent?

Mr. Eutsler stated they have fourteen (14) primitive tent sites that have potable water in the area. He said he also has twenty-seven (27) sites that can be rented for tent use that have water and electric if available and in the "loop" there are fifteen (15) sites.

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Ms. Tilghman stated the applicant has done a nice job but she would like to look at a long term plan showing the next five (5) to ten (10) years. She stated the Virginia Department of Transportation is planning on improving the roads in the area. She stated this morning you informed the Board about a music venue in the future. She does not know if that would be appropriate with the neighbors in the area. She said the Board needs to look at the safety factor with the high traffic volume. She does have reservations about doubling the size of the campground.

Mr. Eutsler stated they try to be good neighbors. He has spoken with the neighbors on Gerties Lane and they have no complaints. He noted there has been no accidents on Lake Road. He said there will be a turning lane on Lake Road with the VDOT improvements. He noted the music gets turned off at 10:30 p.m. He said he has a great relationship with the neighbors and he remains considerate of them. He said if the music is too loud he hoped they would notify him to turn it down.

Ms. Brown has concerns about 2,000 guests using the facility. She stated if there were to be an incident that would impact the Stuarts Draft Rescue Squad or if there was a fire on the mountain and they all try and evacuate at the same time.

Mr. Eutsler stated he does make a contribution to the squad. He stated there has never been any real serious medical issues. He stated only 75%-80% of the seasonal camping sites are used on any given weekend.

Ms. Tilghman asked if the applicant uses music at the site currently?

Mr. Eutsler stated they have bands once a month and seasonal karaoke and disc jockeys in the pavilion.

Ms. Tilghman asked where would the music venue be located in the future?

Mr. Eutsler stated he will need to look at different options. He stated it may be by the quarry or the patch of woods. He said it would not face Lake Road. He has plans to build a 60' x 100' pavilion in order to have the event rain or shine.

Ms. Tilghman stated she needs a long term vision and plan for the campground.

Mr. Eutsler stated the music venue is several years down the road. He stated the 250 sites will not happen overnight but possibly in a year depending on the weather.

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

Mr. Robert Shipp, 102 Duck Pond Lane, Stuarts Draft, submitted a letter to the Board. He lives across from the campground on twelve (12) acres. He stated at the last request for expansion, Mr. Eutsler said that there would not be any more requests for expansion. He said Mr. Eutsler said there is no more room for campsites. He noted there will be a lot more traffic on Lake Road. He mentioned they do a great job of escorting people to their sites and there has been no issues with that but the density of traffic on the road has been an issue. He said doubling the number will increase general background noise associated with the campground. He does have some questions about the timberline on the site plan. He would like to see some more information on how shielded the new campsites will be from the road. He does support Shenandoah Acres Family Campground but he does not support a multi-purpose entertainment complex. He said a music venue every week is not a good idea for the residential area surrounding the campground. He would like to see a proposal for a future plan (3-5 years). He stated with this expansion it will be the largest campground east of Richmond. He asked the Board to table the request because of the questions raised. He would like to know the long term impact of Lake Road, adjoining properties, and to nearby residences.

Mr. Coyner stated the meeting today has nothing to do with the music venue, it just came up in conversation during the viewing of the property.

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

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

Mr. Eutsler stated the music venue would not be done every weekend because they do not have the capacity. He stated maybe they would have an event every five (5) weeks. He stated the quarry can see more than anyone near the road.

Chairman Byerly asked how many new units would be in the wooded area?

Mr. Eutsler stated all of them would be.

Mr. Coyner stated the applicant will need to meet the fifty (50') foot perimeter setback. He is not comfortable with the size of this expansion. He stated it would be much better in smaller increments. He would agree that a plan needed to be submitted outlining the expansion over 3-5 years.

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Mr. Eutsler asked if the Board would consider approving fewer sites today? He asked the Board to consider 100 sites. He appreciated all of the support the Board has provided him.

Chairman Byerly stated the applicant does an excellent job. He asked if the applicant would be able to provide the Board with a plan within 30-60 days? He said it would be helpful to have information on the proposed road improvements.

Mr. Eutsler hoped for thirty (30) days. He stated the Board has his plan before them. He said he always want to maintain a relationship with their campers because that is the key to their success.

Chairman Byerly stated the applicant has applied for three (3) expansion requests in a short timeframe. He stated a plan would be helpful. He stated the widening project along the road is getting ready to start.

Ms. Tilghman asked what can the applicant comfortably park at the site?

Mr. Eutsler stated he is not sure but his staff is good at doing that.

Ms. Bunch suggested the applicant contact the Virginia Department of Transportation (VDOT) regarding the second entrance.

Mr. Eutsler stated the entrance is already there (take a left instead of the right). He was told from VDOT about a year ago that he needed to stay in the perimeter of the three (3) entrances.

Ms. Carolyn Bragg, South River District Board of Supervisor, stated there will be a VDOT meeting regarding the curve on Route 610 just passed Lake Road. She stated they plan on putting in curb and gutter. She stated they plan on smoothing out that area and cutting out the hill in order to improve visibility. She noted they are also going to ask VDOT to review the work they previously did.

Ms. Bunch read the following comments from VDOT: "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."

Chairman Byerly stated public safety is important.

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Mr. Coyner moved to continue the public hearing at the October 5, 2017 meeting.

Ms. Tilghman stated she would like to see a plan for the next three (3) to five (5) years. She stated by having a plan, it is good for this Board, the public, and for you. She said the applicant does not have to do it, but she would appreciate it.

Ms. Brown seconded the motion, which carried unanimously.

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JASON CARTY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jason Carty, for a Special Use Permit to continue the kennel operation on property owned by Mark P. or Margaret A. Carty, located at 1204 Eidson Creek Road, Staunton in the Pastures District.

Mr. Jason Carty stated he would like to take over his parents kennel operation at the site. He has no plans on changing anything. He stated his parents would like to retire.

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

Mr. Mark Carty, 1206 Eidson Creek Road Staunton, stated his son will do a good job.

Chairman Byerly asked if there was anyone else wishing to speak regarding the request? There being none, Chairman Byerly declared the public hearing closed.

Ms. Brown stated the applicant will be taking over the kennel operation. She said they have not received any complaints regarding this site. She moved to approve the request 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.

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3. Operating Conditions of SUP#95-27 remain in effect.

Ms. Tilghman seconded the motion, which carried unanimously.

Chairman Byerly stated this is a great facility.

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DAVID W. AND BILLIE JO SMILEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by David W. and Billie Jo Smiley, for a Special Use Permit to continue the kennel operation and change the operating condition to allow breeding on property they own, located at 65 Smiley Lane, Staunton in the Pastures District.

Mr. David Smiley stated they are proposing to add breeding to their kennel permit.

Ms. Tilghman stated the applicant is requesting to have no more than fifteen (15) dogs at the site and no more than four (4) litters a year.

Mr. Smiley stated yes. He stated the staff report indicated he will have small breeds only but he does have two (2) standard poodles at the site and wanted to be sure that is not overlooked.

Ms. Bunch stated there is nothing listed in the operating conditions that specify what type of breed. She said the Board discussed that this morning in the Staff Briefing.

Mr. Coyner asked if he would be a volume breeder?

Mr. Smiley stated no. He only plans on breeding four (4) times per year.

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.

Mr. Coyner stated this is a well-run kennel operation. He said the applicant would like to include breeding on their existing permit. He moved to approve the request with the following conditions:

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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.

Ms. Tilgman seconded the motion, which carried unanimously.

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GREG EYE, AGENT FOR WOODLAWN VILLAGE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Greg Eye, agent for Woodlawn Village, LLC, for a Special Use Permit to replace a non-conforming manufactured home with a larger unit not meeting current setback requirements on property they own, located at 32 Hickory Drive, Waynesboro in the Middle River District.

Mr. Greg Eye stated he is the manager of the manufactured home park which was established in 1965. He stated this lot has been empty for a while. He said it used to have a 12' x 60' manufactured home and he would like to place a 14' x 55' manufactured home at the site.

Chairman Byerly asked what year is the home?

Mr. Eye stated he does not know.

Mr. Coyner asked how many lots are there in the park?

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Mr. Eye stated 44 lots but he is not looking to expand. He stated they provide their own water and sewer system.

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 is a reasonable request and an upgrade. She stated the Board visited the site this morning. She moved to approve the request 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.

Mr. Coyner seconded the motion, which carried unanimously.

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DAVID I. MCCASKEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by David I. McCaskey, for a Special Use Permit to have an apartment in a pre-1980 structure and to expand the non-conforming dwelling on property he owns, located at 7 Old Staunton Road, Greenville in the Riverheads District.

Mr. David McCaskey stated he applied to have this site listed on the historic registry. He said it is not approved yet. He is concerned about the steep driveway at the property which he will have to do something about.

Mr. Coyner stated this is quite a task to rehabilitate the building. He asked why not tear the structure down and start over?

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Mr. McCaskey stated he has dealt with older properties previously. He would like to accomplish this as a retirement project. He said this is a historic structure. He noted beneath the addition there is a solid log structure on the east end of the home.

Mr. Coyner asked if that is the only portion of the home that will be saved?

Mr. McCaskey stated the frame is solid with the exception of the sills where the earth eroded.

Mr. Coyner asked if there is water and sewer at the site?

Mr. McCaskey stated the sewer is stubbed up six (6') feet from the home. He stated water is also available on the other side of Route 11.

Chairman Byerly asked what size is this lot?

Mr. McCaskey stated the lot is about 0.17 of an acre.

Mr. Coyner asked if the floor joists are good in the structure?

Mr. McCaskey stated yes.

Mr. Coyner asked what is the square footage of the structure?

Mr. McCaskey stated 1,236 square feet.

Ms. Tilghman asked what is the historical significance of the structure?

Mr. McCaskey stated it is the last surviving dwelling from what had been an African American community in Greenville. He said all of the other properties burned down or are no longer there.

Ms. Tilghman asked if the structure is registered, will the applicant receive help fixing it up?

Mr. McCaskey stated yes. He said there is a significant tax credit involved.

Ms. Tilghman asked if it does not get on the registry, will the applicant still restore the structure?

Mr. McCaskey stated yes.

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Ms. Brown asked how much will the restoration cost?

Mr. McCaskey stated he is planning on doing the work himself so it would cost about \$50,000.

Ms. Brown asked if the same siding would be used?

Mr. McCaskey stated yes.

Chairman Byerly asked what is the timeframe of the project?

Mr. McCaskey stated it will be several years because he will be working on the structure on the weekends until he fully retires next year. He will work with the Building Inspector to be sure he meets all Building Code requirements.

Mr. Coyner asked if he plans on changing the driveway?

Mr. McCaskey stated he plans on improving the driveway. He may blast the rock ledge out. He would like to preserve the exterior appearance of the structure as much as possible. He plans on replacing like with like in order to preserve the exterior appearance of the property. He will install modern windows but use the same grid panel.

Ms. Brown asked if the chimney would be used?

Mr. McCaskey stated he plans on heating the home with a vented propane heater. He does not know if he would rebuild the brick chimney.

Mr. Coyner asked how long has the applicant had the property?

Mr. McCaskey stated he acquired the first deed in 2001 and in 2008 he obtained the full title.

Chairman Byerly stated the applicant must have a love for this property.

Mr. McCaskey said that he does like to preserve old houses. He noted this is his fourth undertaken.

Ms. Tilghman asked if he planned on renting the entire structure?

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Mr. McCaskey stated yes, he will rent the entire home. He explained the floor plan of the structure.

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

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, stated she drives by this property every day and is really excited about this restoration project. She is working with the applicant in getting this property on the historic registry. She explained the historic significance of the property. She stated this is a neat part of history for the village.

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

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

Ms. Brown stated the applicant plans on restoring the structure. She moved to approve the request 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.

Ms. Tilghman seconded the motion, which carried unanimously.

Chairman Byerly commended the applicant on undertaking this project. He would love to see the structure once complete.

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GARY D. AND CRYSTAL L. BRADLEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Gary D. and Crystal L. Bradley, for a Special Use Permit to have a plumbing and heating business with outdoor storage of business vehicles on property they own, located at 1445 Guthrie Road, Staunton in the Riverheads District.

Mr. Gary Bradley stated he would like to operate his business from the site. He will have employees that work for him.

Mr. Coyner asked where has the applicant operated previously?

Mr. Bradley stated 85 View Drive. He moved to this site in March.

Mr. Coyner asked if the applicant has employees coming to the site?

Mr. Bradley stated his employees will come to the site and drop off their vehicles and pickup the work truck. He stated all parts are in the back of the van. He said right now he does not have employees, just him.

Mr. Coyner asked if customers would come to the site?

Mr. Bradley stated no.

Ms. Tilghman asked if the parts would be kept in the garage?

Mr. Bradley stated yes.

Mr. Coyner stated the site looks great.

Mr. Bradley submitted a letter in favor from Linda Humphreys.

Chairman Byerly noted this is a beautiful piece of property. He read Ms. Humphreys' letter. He 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 is a reasonable request. She noted the Board visited the site today and the property is off of the main road. She moved to approve the request with the following conditions:

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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.

Mr. Coyner seconded the motion, which carried unanimously.

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MARK HACKLEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mark Hackley, for a Special Use Permit to have a sign business within an existing accessory building on property owned by Jackie D. or Sue M. Burgess, located at 1619 Middlebrook Road, Staunton in the Pastures District.

Mr. Mark Hackley stated he has had a business in Waynesboro. He is requesting to move his sign business to this property. He is requesting to use the existing garage for his business.

Mr. Coyner asked if there would be customers coming to the site?

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Mr. Hackley stated he will not have any customers coming to the site. He will either email or communicate via telephone. He is planning on ordering the equipment and assembling the sign at the customer's site.

Ms. Brown asked what type of signs will the applicant sell?

Mr. Hackley stated he will sell all types of signs but his specialty is wood or hand painted signs.

Mr. Coyner asked if the applicant works alone?

Mr. Hackley stated if he needs help his retired friend helps him.

Mr. Coyner stated if the applicant would like to have employees, now is the time to ask.

Mr. Hackley stated he does not want to hire any employees.

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

Ms. Karen Fravel, 1588 Middlebrook Road, Staunton, asked if there will be a sign in the front yard?

Mr. Hackley stated no.

Ms. Sue Burgess, 50 Marble Drive, Stuarts Draft, stated this is a great idea for the garage.

Mr. John Barbour, 1581 Middlebrook Road, Staunton, stated he would like clarification on the materials being used. He would also like to know how the applicant plans on disposing of the petroleum based paints and stains. He does have air quality concerns if spraying is being done. He stated the garage is not designed for spraying if using industrial paints. He would welcome his business but he would like those areas clarified.

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. Hackley stated he will not spray except for aerosol sprays. He does use oil based paints and acrylics but in really small quantities.

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Chairman Byerly declared the public hearing closed.

Mr. Coyner said he is familiar with this business where he operated in Crimora. He said the applicant ran a good operation. He moved to approve the request 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.

Ms. Brown seconded the motion, which carried unanimously.

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WILLIAM C., JR., AND SHARON B. WOODLAND - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by William C., Jr., and Sharon B. Woodland, for a Special Use Permit to have a short term rental within the dwelling on property they own, located at 91 Trinity Point Road, Swoope in the Pastures District.

Mr. William Woodland stated he has already made improvements to provide the ADA compliant walkway and the kitchenette. He said there are no issues with the Health Department. He said he did not hear anything from the Virginia Department of Transportation (VDOT). He received the staff report which listed VDOT's issues. He said

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if they are 45 mph or less they would have no objections. He said they have the sight distance. He said currently the road speed limit is 55 mph per the unposted state law. He said they plan on conducting a speed study in order to reduce the speed limit. He actually requested the speed study two (2) years ago in order to get the speed limit reduced.

Mr. Coyner asked how long has the applicant lived in the dwelling?

Mr. Woodland stated they occupied the dwelling in 2010.

Mr. Coyner stated the Board could not visit the site this morning due to the timeframe. He said they would like to visit the site next month.

Mr. Woodland stated he would like to have enough income to pay for his medical insurance premiums. He stated they have fallen in love with the western part of Augusta County.

Chairman Byerly stated the applicant should have some response from VDOT in the next thirty (30) days.

Mr. Woodland stated none of the neighbors are in opposition to dropping the speed limit.

Ms. Sharon Woodland stated the road is used as a short cut. She said many people speed on the road and it would be a benefit to have the speed limit dropped.

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.

Mr. Coyner stated the Board would like to visit this site next month. He moved to postpone the request to the October 5, 2017 meeting. He noted by postponing it will also give VDOT time to do their speed study in the area.

Ms. Brown seconded the motion, which carried unanimously.

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JOAN M. BYRNE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Joan M. Byrne, for a Special Use Permit to have a short term rental within the existing dwelling on property she owns, located at 18 Misty Hill Lane, Waynesboro in the Wayne District.

Ms. Joan Byrne stated she would like to operate an Airbnb in her home. She stated the home has been renovated and she purchased it in July 2009. She has received approval for six (6) people based on the septic system. She will only rent to four (4) to five (5) persons a night. She has had requests from a couple dropping their kids off to college or a family that needs a place to stay while in town. She stated they will have full use of the kitchen, deck, pool, and the rest of the home. She will offer them the opportunity to spend money in the County. She does not vacate the home when people visit.

Mr. Coyner asked if she plans on advertising on the internet?

Ms. Byrne stated she will use Airbnb which is a genuine site. She noted they verify the identity of the person. She stated the transferring of money is all done securely and it is a reputable site.

Mr. Coyner asked if the applicant plans on hiring employees?

Ms. Byrne stated she plans on doing all of the work herself.

Mr. Coyner stated the Board visited the site today.

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

Ms. Sheryl VanGundy, 21 Misty Hill Lane, Waynesboro, stated they share the deeded lane maintenance agreement together. She said her son does the maintenance work. She did receive a gift card from Ms. Byrne last year for the work done to the lane. She would like the applicant to be limited to operate weekend use only.

Ms. Bunch stated the definition of a short term rental states anything less than thirty (30) days.

Ms. VanGundy stated the applicant said there will be a maximum of six (6) people but there is a second person that resides at the site frequently. She would not like to see parties, weddings, or special events at the site. She has seen advertisements of that on the

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website. She does not want it to be noisy because she has four (4) horses and two (2) donkeys. She noted the deep drainage ditch gives her concern from a liability standpoint. She said there should be a sign where the driveway comes in. She would like a no pet's policy. She does not want dogs chasing her animals. She will put no trespassing signs as well as a sign stating do not feed the horses or pet them at the site. She noted Ms. Byrne has agreed to pay for those. She said a red car flew down the road recently. She also said there should be a sign for guests to slow down and be cautious. She does not want people on her property or walking on the lane. She has concerns about the well on the property. She would like Ms. Byrne to get an Umbrella Liability insurance policy. She does not oppose this but she does request a few things to be done first.

Chairman Byerly asked if she has had conversations with the applicant?

Ms. VanGundy stated yes, all except the speeding issues.

Mr. Coyner asked how many acres does she own?

Ms. VanGundy stated 25 acres. She noted Ms. Byrne was in agreement with her concerns. She said Ms. Byrne will have the vines cut in order for her guests to see the deep ditch.

Mr. Coyner noted many of the items mentioned is between you and Ms. Byrne as neighbors. He said the Board cannot regulate many of the concerns you mentioned.

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

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

Ms. Byrne stated she can put speed limit signs in the gravel portion of the property. She noted they share the responsibility of the gravel driveway. She did give Ms. VanGundy a check for \$350 that she decided not to cash to upgrade the road. She did not know the vines were a concern but she will cut them back. She will mention that to her landscaper. She will also install solar lights in order to help identify where the ditch is. She will keep any pets at the top of her property. She stated her guests should have no reason to go onto Ms. VanGundy's property. She will install a sign asking not to feed or pet the horses. She will also provide explicit directions on the website on how to get to her site. She would like to be able to rent to people that have pets because people travel with them and it is difficult to find a place that allows you to have your pets with you.

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Ms. Tilghman asked about the special arrangements or events?

Ms. Byrne stated if someone is having an anniversary she can provide dinner inside the house. She stated any other special arrangements would require her to obtain an additional Special Use Permit. She will be mindful of the neighbors. She stated most of the renting of the site will be on weekends but sometimes she may rent to a traveling nurse and it would be nice to be able to have them stay a couple of days during the week if possible. She also could rent to a larger family permanently with no restrictions if this did not go through and she needed to move out of her home. She will be mindful of what her neighbor wants.

Ms. Tilghman asked what is allowed under the permit?

Ms. Bunch stated anything less than thirty (30) days is considered a short term rental. She stated any special events or wedding requests would need to come back before the Board. She said anything that requires any additional guests coming to the site would need a Special Use Permit.

Chairman Byerly declared the public hearing closed.

Mr. Coyner stated the applicant is trying to remain in her home. He mentioned many of the concerns mentioned are between the neighbors. He moved to approve the request 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.

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Ms. Brown seconded the motion, which carried unanimously.

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MICHELLE LESENSKY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Michelle Lesensky, for a Special Use Permit to have a vacation rental on property owned by Glenn Shenk and Michelle Lesensky, located at 72 Lake Drive, Greenville in the Riverheads District.

Ms. Michelle Lesensky stated she would like to operate a vacation rental. She does not have a desire to share the home with her guests. She stated this home will also be used when her parents visit. She will not have any events.

Mr. Coyner asked how long has the applicant owned the property?

Ms. Lesensky stated a year and a half.

Ms. Tilghman asked if the applicant would like someone there at the site all of the time?

Ms. Lesensky stated she would like the site to be used only when her parents are not there.

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

Mr. Daniel Murray, 277 Lake Drive, Greenville, stated he is the owner of Stoney Creek Resort Campground and the owner of Lake Drive. He maintains the road and they have their own expansion projects in the works. He said if someone is wanting to start a business, there will be more traffic along the road. He will need to fix the road when it needs repair.

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.

Ms. Lesensky stated when the property was developed there was a deeded right-of-way that runs along the side of Lake Drive. She said there are four (4) properties that are on Lake Drive.

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Mr. Murray stated they are aware of the deeded right-of-way and that is not the issue. He stated all of the neighbors in the area are neighborly. He said if the applicant is wanting to operate a business then this would take on a new meaning. He said if this is just her parents living there that is fine but if this is going to be a money maker there needs to be some type of maintenance fee for the help in taking care of the road.

Ms. Tilghman stated the applicant could rent this home to a full time renter and not need a permit. She asked if the site was rented to a full time renter, would you want the maintenance fees too?

Mr. Murray stated a day or weekly rental for a vacation to him is more like a business venture. He said people come to their campground to enjoy the beauty of the area. He noted a single family rental would be different. He said a lot of people rent in the area and use the easement just like the homeowner would.

Ms. Brown asked if he has collected fees on the maintenance of the road?

Mr. Murray stated he has not burdened anyone on the fees.

Chairman Byerly hoped the neighbors work this out because the maintenance fees would be a civil matter amongst them. He declared the public hearing closed.

Ms. Brown stated the parents will be using the home. She stated when the parents are not there, the applicant would like for the home not to sit empty. She moved to approve the request 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.

Mr. Coyner seconded the motion, which carried unanimously.

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PLECKER BROTHERS, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Plecker Brothers, Inc., for a Special Use Permit to have outdoor storage of excavating material and equipment on property they own, located on the north side of Sangers Lane at the intersection of Sangers Lane and Balsley Road, Staunton in the Beverley Manor District.

Mr. Timothy Plecker stated he has cleaned up the site. He noted it is detrimental to have a place to store his excavating material and equipment.

Mr. Coyner stated the Board could not get inside to view the site.

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.

Mr. Coyner stated the Board was unable to visit the property and he is unable to render a decision. He stated the applicant should make arrangements to have the gate unlocked next month in order for the Board to see the property. He moved to postpone the request to the October 5, 2017 meeting.

Mr. Plecker stated the site looks the same as the last time the Board visited.

Ms. Brown seconded the motion, which carried unanimously.

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KARITA BURRILL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Karita Burrill, for a Special Use Permit to have a day care on property owned by Jamie DeWayne Stickley, located at 1568 Patterson Mill Road, Grottoes, in the Middle River District.

Ms. Karita Burrill stated she would like to operate a day care in the home. She operated a day care in Harrisonburg for about 3 ½ years. She moved to the site in August with her two (2) kids. She would like to have no more than six (6) children. She would like to build

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a fence but she was not able to open until she received approval. She has lost all income and she has picked up a part-time job to help with expenses.

Ms. Tilghman asked if she will have twelve (12) children?

Ms. Burrill stated she needs to have zoning approval for the day care. She stated Social Services works on a two (2) point system which is two (2) points per child for ages two (2) and up. Her children would count in the points system. She does not want to go over the points. She will have a total of six (6) children. She plans on taking care of children ages two (2) through four (4) only. She stated Social Services conducts background checks and she is trained in CPR and First Aid. She is also in school trying to obtain her college degree.

Ms. Tilghman asked if Social Services would require a fence?

Ms. Burrill stated she does not know what Social Services will require because they cannot come until she receives zoning approval. She would like a four (4') foot fence. She wants one but did not have the income to install a fence. She noted Social Services would require one if the yard is a certain distance from the road.

Mr. Coyner stated the Board visited the site this morning. He asked what time of day will the parents drop off the children and how will you accommodate them?

Ms. Burrill stated drop off would be from 6:00 a.m. until 7:00 a.m. or 7:30 a.m. She said there will be no issues at drop off. She stated there will only be two (2) or three (3) cars and they will not all come at once. She said there is a waiting list for childcare in the Grottoes area. She said her food program will also need to be inspected.

Chairman Byerly asked if the applicant sees any issues with safety during the drop off of the children?

Ms. Burrill stated no. She stated the parent will need to bring the child inside and sign them in. She noted during outside play, they will be in the backyard. She is working on obtaining her CDA and her Early Education Bachelor's Degree.

Mr. Coyner asked if she had plans on fencing the entire backyard?

Ms. Burrill stated she wants to fence the property.

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

Ms. Monica Chandler stated she is the property owner's wife. She noted it is very difficult to find child care. She does have a concern about the importance of a fence. She will try to help her with the fence as property owner. She will also help with the remodeling of the basement to be sure the children are taken care of. She would also like to fence in the basement stairwell. She noted in the basement they are installing a bathroom, drywall, and some duct work. She said they will also cover the electrical outlets.

Ms. Tilghman stated the basement needs to be child safe.

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

Carole Thwaites, 76 Serendipity Lane, Crimora, own the house at 1580 Patterson Mill Road, Grottoes. She has several issues with this request. She stated many drivers speed along the area day and night. She asked how the applicant will ensure that people park in the driveway. She stated the applicant's dog was not wearing a leash and ran onto their property. She fears the dog being at the site with the children. She is concerned that the property values will decrease with this business. She does not understand the points system for Social Services. She said the applicant is planning on taking care of a lot of children in this three (3) bedroom home. She did not know where the children will be taking their naps. She asked if the property owner will be checking to see if there is mold in the basement. She stated this is a business connector road with a steady stream of traffic. She said the people do not obey the speed limit.

Mr. Thomas Patterson, 1564 Patterson Mill Road, Grottoes, stated speed is a big issue. He noted mailboxes and trees have been damaged by vehicles speeding. He said VDOT has conducted a traffic count in the area. He said approximately 1,000 vehicles drive in the area per day. He is concerned about the vehicles backing out onto the road from this property because it is tough to see. He restores old tractors and he leaves stuff outside. He would not want the kids to go down to his property and get hurt. He would like to know the hours of operation and if the applicant planned on operating on the weekends.

Ms. Teresa Harold, 1580 Patterson Mill Road, Grottoes, stated she is concerned about traffic and safety. She said the traffic is the heaviest during 6:30 a.m. – 9:00 a.m. and again around 3:00 p.m. – 7:00 p.m. which would be the pickup and drop off times for the children. She is concerned about the speeding along the road. She noted parking is also

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an issue. She does not have any issues with her watching children but twelve (12) would be a lot of kids. She noted the road is horrible and it needs to be monitored.

Ms. Brown asked what is the speed limit?

Ms. Harold stated 25 mph. She has concerns with traffic and the speed on Patterson Mill Road.

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.

Ms. Burrill stated her dog needed to get used to being on a leash. She stated she will keep her dog on a leash so there will be no issues. She stated the neighbors know more than she does about the traffic because they have lived there longer. She noted the kids will not be in the front yard. She said drop off and pickup will not be noticeable. She does want to install a fence. She stated her home will be inspected by Social Services.

Ms. Brown asked if the applicant can have the cars park in the back of the property?

Ms. Burrill stated she will meet with VDOT this week and mention that to them. She stated her two (2) kids do not count in the number of children but they do count in the number of points per Social Services.

Ms. Brown asked if she lives by herself?

Ms. Burrill stated yes along with her two (2) children. She does understand the requirements for having a fence but she could not do it before this meeting.

Ms. Bunch stated any pre-conditions will need to be completed before operating the day care operation.

Chairman Byerly declared the public hearing closed.

Mr. Coyner stated a day care operation is needed in the area. He noted the hurdle is the traffic as well as the drop off and pickup. He said if VDOT permits, the applicant should use the back side road instead.

Ms. Brown asked if the driveway is wide enough for two (2) vehicles?

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Ms. Burrill stated two (2) parents can pickup/drop off their child at a time. She stated they can drive through the carport and go behind the house and then leave from the side road. Chairman Byerly suggested a four (4') foot fence instead of six (6') feet.

Mr. Coyner stated there is an expense with building a fence. He suggested the landlord helping with that expense.

Ms. Tilghman stated the Board visited the site this morning. Her big concern was the number of children because twelve (12) is a lot of children. She was not aware how much Social Services really controls what the applicant can and cannot do. He said a fence needs to be installed before the children can be there.

Chairman Byerly stated he has no problems supporting this request. He stated the applicant will need to provide approval from VDOT and Social Services.

Ms. Burrill stated she does not plan on having any employees help her with the business.

Ms. Tilghman said she is in agreement with decreasing the height of the fence and reducing the number of children.

Mr. Coyner stated with six (6) children she should be able to meet the criteria.

Ms. Brown stated this is a needed service. She moved to approve the request 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 four (4') foot high fence be installed along the property boundaries in the backyard.

Operating Conditions:

1. Be limited to a maximum of six (6) children.

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- 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.

Mr. Coyner seconded the motion, which carried unanimously.

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STAFF REPORT

16-40	Factory Holding Company, LC
16-44	Arthur W. or Cynthia Via Sprouse

Ms. Bunch stated SUP#16-40 received site plan approval. She noted SUP#16-44 is 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