



**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 *Sandy*  
DATE: December 28, 2017  
SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, January 4, 2018, 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 **9:00 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

**ADVANCED  
AGENDA**

**Regular Meeting of the Augusta County Board of Zoning Appeals**

**Thursday, January 4, 2018, 1:30 P.M.**

**1. CALL TO ORDER**

**2. DETERMINATION OF A QUORUM**

**3. ELECTION OF OFFICERS**

Chair:

Vice Chair:

Secretary:

**4. MINUTES**

Approval of the Called and Regular Meeting of December 7, 2017

**5. CONSIDERATION OF 2018 RESOLUTION**

**6. PUBLIC HEARINGS**

- A. A request by Gary L. Eavers, Sr., agent for G.L. Eavers, LLC, for a Special Use Permit to have a parking lot in order to provide additional parking for the adjacent business, on property they own, located on the east side of Tinkling Spring Road, north of the intersection of Tinkling Spring Road and Churchmans Mill Road in the Beverley Manor District.
- B. A request by Harry or Susan Baldwin, for a Special Use Permit to have a short term vacation rental on property owned by Harry Baldwin and Life Estate, located at 450 Haytie Lane, Swoope in the Riverheads District.
- C. A request by Cecil L. or Phyllis J. Eavers, for a Special Use Permit to reconstruct a non-conforming deck not meeting the side yard setback on property they own, located at 330 Skyview Circle, Verona in the Beverley Manor District.
- D. A request by John R. and Margaret W. Kane, for a Special Use Permit to expand the existing building for motor vehicle repair and to modify operating condition #8 regarding the number of employees and #10 applicant residing on premise on property they own, located at 649 Cold Springs Road, Stuarts Draft in the Riverheads District.
- E. A request by Nick Collins, agent for Weatherman-Collins Contracting, LLC, for a Special Use Permit to add new equipment to the existing operation on property owned by Abner N. Johnston, IV, located at 5045 Cold Springs Road, Raphine in the Riverheads District.
- F. A request by Willis Miller, agent for Milmont Greenhouses, Inc., for a Special Use Permit to enlarge a non-conforming dwelling on property they own, located at 3337 Stuarts Draft Highway, Waynesboro in the South River District.

- G. A request by Brian Wright and Emmett Toms, agents for Atlantic Coast Pipeline, LLC, for a Special Use Permit to have a contractor storage yard on property owned by Stanley Sheets, Trustees of Elk Meadow Farm, located on the west side of Scenic Highway, opposite the intersection of Union Church Road and Scenic Highway, Churchville in the North River District.

**7. OLD BUSINESS**

**8. MATTERS TO BE PRESENTED BY THE PUBLIC**

**9. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

- A. Presentation of the Annual Report

**10. STAFF REPORT**

17-6 Kenneth or Sara Lawhorne

17-7 Matthew T. Bradley

17-8 Almarode, LLC

17-10 Russell Thomas and Chantelle Brown

**11. ADJOURNMENT**

**RESOLUTION OF THE AUGUSTA COUNTY BOARD OF ZONING APPEALS**

WHEREAS, § 15.2-2214 of the Code of Virginia (1950), as amended, authorizes the Augusta County Board of Zoning Appeals to fix a schedule of regular meetings.

WHEREAS, the Board of Zoning Appeals now desires to establish its schedule for regular meetings during calendar year 2018.

**BE IT RESOLVED BY THE AUGUSTA COUNTY BOARD OF ZONING APPEALS:**

1. The Board of Zoning Appeals shall hold regular meetings during calendar year 2018, in the Board Meeting Room at the Augusta County Government Center, on the dates and at the times set forth below:

January 4, 2018	1:30 p.m.
February 1, 2018	1:30 p.m.
March 1, 2018	1:30 p.m.
April 5, 2018	1:30 p.m.
May 3, 2018	1:30 p.m.
June 7, 2018	1:30 p.m.
July 5, 2018	1:30 p.m.
August 2, 2018	1:30 p.m.
September 6, 2018	1:30 p.m.
October 4, 2018	1:30 p.m.
November 1, 2018	1:30 p.m.
December 6, 2018	1:30 p.m.

2. In the event the Chairman of the Board of Zoning Appeals, or the Vice Chairman of the Board of Zoning Appeals, if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members of the Board of Zoning Appeals to attend a meeting, such meeting shall be continued to the next business day. Such finding and declaration shall be communicated to the members of the Board of Zoning Appeals and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Chairman, Augusta County  
Board of Zoning Appeals

**AGENDA ITEM #** 6A

**Date** 1/4/18

**PROPERTY OWNER:**

G.L. Eavers, LLC

**APPLICANT:**

Gary L. Eavers, Sr., agent for G.L. Eavers, LLC

**LOCATION OF PROPERTY:**

On the east side of Tinkling Spring Road, north of the intersection of Tinkling Spring Road and Churchmans Mill Road in the Beverley Manor District

**SIZE OF PROPERTY:**

1.659 acres

**VICINITY ZONING:**

General Agriculture to the north, south, and east; General Business to the west

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Community Development Area – Low Density Residential

**UTILITIES:**

None

**APPLICANT'S JUSTIFICATION:**

To have a parking lot in order to provide additional parking for the adjacent business

**INDIVIDUAL PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

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

**HEALTH DEPARTMENT'S COMMENTS:**

Lot 75-31D had a drainfield certification letter issued 9/16/1996 HDID#107-96-0534, which at that time was TM# 75-44, 3.157 acres. The acreage has now changed to 1.659 acres making the certification letter null and void. The proposed parking area, as shown on the site plan provided, appears to encroach upon the area previously delineated as a future drainfield site. As shown it appears this drainfield site would be unusable. If the owner wishes to have another drainfield site evaluated for the property, that will not be impacted by the parking area, they are advised to contact a private OSE.

**HIGHWAY DEPARTMENT'S COMMENTS:**

VDOT has met onsite with the Engineer and owner about the proposed location of the entrance. We do not oppose moving the commercial entrance to a location on TM 75-31D. We will review the site plan, once submitted, for the location of the entrance and the proposed turning lane to meet VDOT requirements.

**SERVICE AUTHORITY'S COMMENTS:**

The request does not require any public utilities. Therefore, the ACSA has no comments.

**ENGINEERING'S COMMENTS:**

A site plan is required with Stormwater Management and Erosion and Sediment Control.

**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 operator does not reside on premise but owns the adjacent business.

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

Expanding a parking lot for an existing business should be appropriate for the 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 on Tinkling Spring Road.

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

The applicant is working with VDOT to move the existing entrance to safely accommodate all traffic 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.**

No new structures are requested.

**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 on this site.

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

No structures will be on this site.

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

No structures on this site.

**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 will be displayed.

### **STAFF RECOMMENDATIONS**

The applicants will be adding onto the existing Cheese Shop. The proposed addition will extend into their required parking spaces and will require more spaces, due to the increased square footage. They are requesting to extend the parking area onto this lot to provide the required number of spaces needed for the business. The applicant owns both parcels, and they are working with VDOT to meet their entrance requirements. Staff feels that the additional parking area would not be out of character and recommends approval with 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 VDOT entrance permit and provide a copy to Community Development.

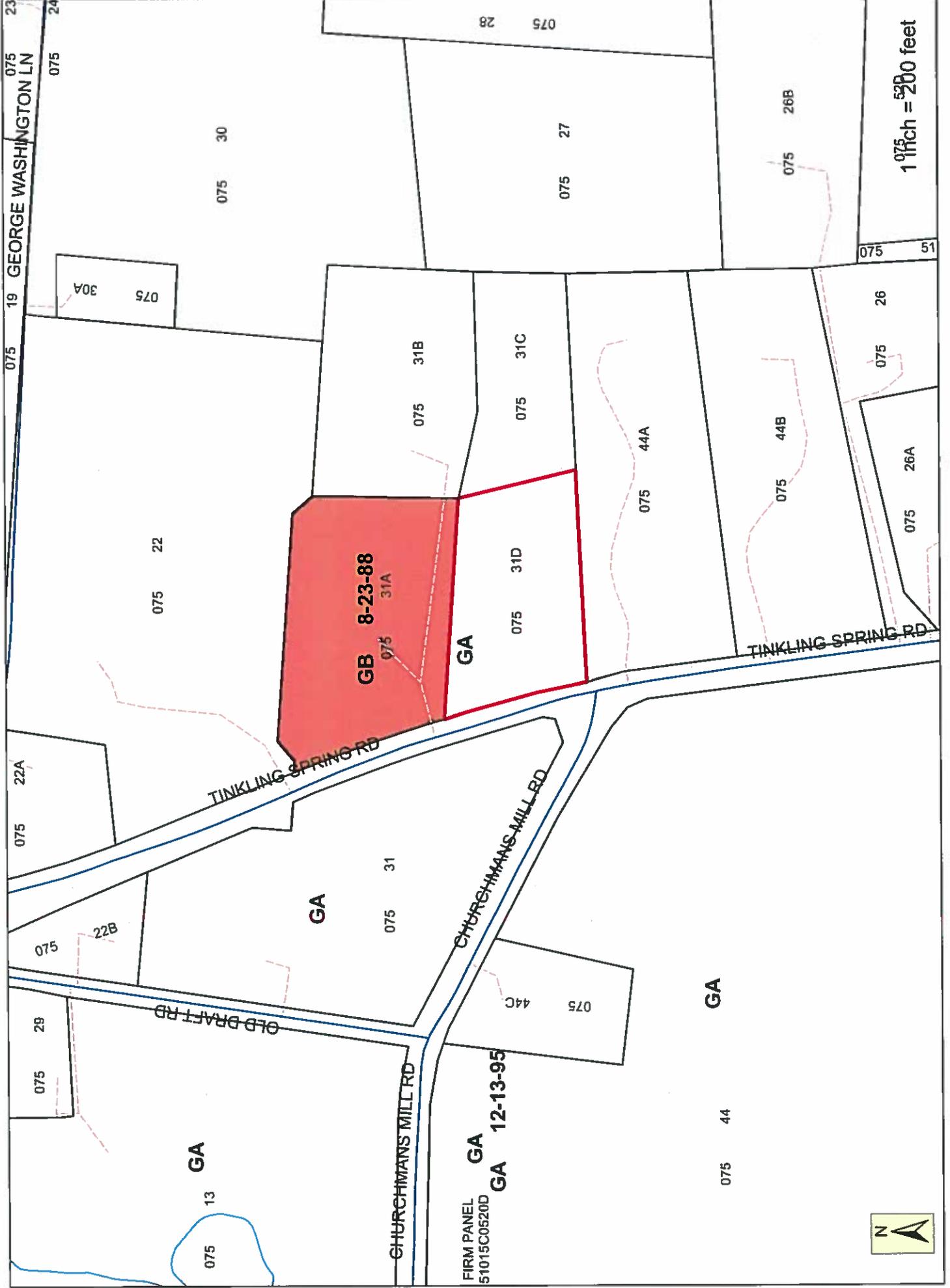
**Operating Condition:**

1. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.



GI BARRERS

G.L. Eavers, LLC



G.L. Eavers, LLC



AMOS E. BEILER  
TAX MAP 75-31B  
Instrument No. 20000000167  
ZONED GA

ANNA E. BEILER  
TAX MAP 75-31C  
Instrument No. 20000000166  
ZONED GA

S 10°28'37" W 237.52'

S 10°25'52" E 193.10'

N 80°14'10" W 337.20'

G.L. EAVERS, L.L.C.  
TAXP MAP 75-31D  
Instrument No. 060000067  
ZONED GA  
1.774 ACRES

0.727 acres  
pavement

PAVED PARKING

LOADING DOCK LANE

BUILDING  
T.

PROPOSED  
ADDITION  
3,998 SQ. FT.

COVERED PORCH

COVERED PORCH

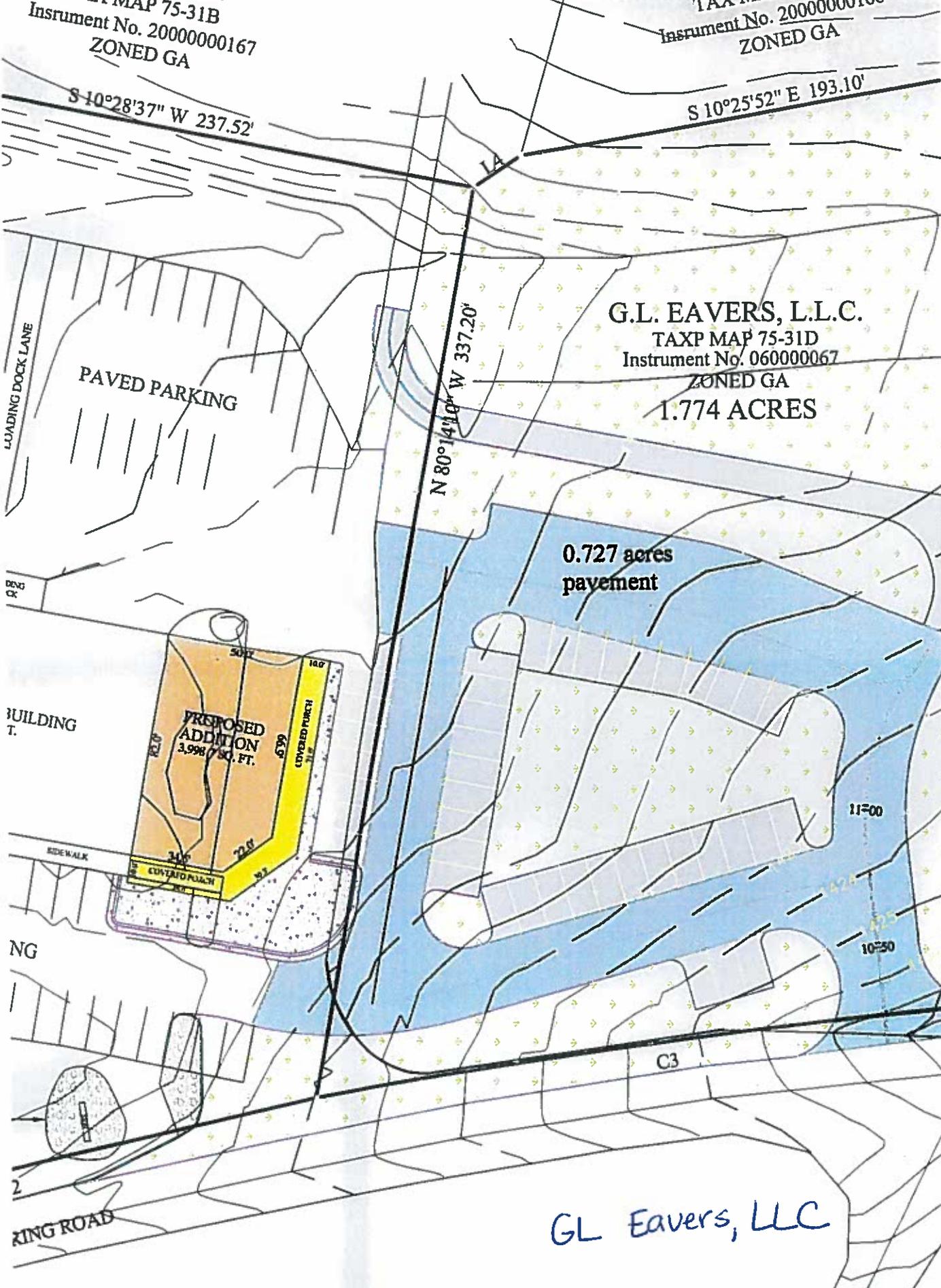
SIDEWALK

NG

RING ROAD

C3

GL Eavers, LLC



**AGENDA ITEM # 6B**

Date 1/4/18

**PROPERTY OWNER:**  
Harry Baldwin and Life Estate

**APPLICANT:**  
Harry or Susan Baldwin

**LOCATION OF PROPERTY:**  
450 Haytie Lane, Swoope in the Riverheads District

**SIZE OF PROPERTY:**  
93.20 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 short term vacation rental

**INDIVIDUAL PLANNING COMMISSION'S COMMENTS:**  
No comments.

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

**HEALTH DEPARTMENT'S COMMENTS:**  
The septic system was approved for 4 Bedrooms/8 People Max. As long as no more than 8 people are staying in the dwelling and the dwelling will be rented to a single person or party the Health Department has no issues.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
Haytie Lane is a Very Low Volume road with 160 vpd (2013). The existing private entrance is adequate to serve as a low volume commercial entrance meeting low volume sight distance requirements.

**SERVICE AUTHORITY'S COMMENTS:**  
There is no public water or sewer available in the area of the subject property.

**ENGINEERING'S COMMENTS:**

Less than 10,000 square feet – ok. No Erosion and Sediment Control/Stormwater Management required.

**SECTION 25-74H - PUBLIC ACCOMMODATION FACILITIES**

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

Using an existing dwelling for short term vacation rentals should be appropriate for agricultural areas. No enlargements are requested.

**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 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 vacation home 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 access to VA Institute Way which is a state maintained road.

**STAFF RECOMMENDATIONS**

The applicants are requesting to rent one of the existing homes on the property for short term vacation rentals. They are requesting to lease the four (4) bedrooms to no more than six (6) persons. The applicants will not be providing meals but there is a fully stocked kitchen that the tenants can use for food preparation. The vacation home will be rented as a single unit. The applicant resides within close proximity and will be available when the property is rented out. Staff feels that using the dwelling as a vacation rental would not be out of character with the area and recommends approval with the following conditions:

**Pre-Conditions:**

None

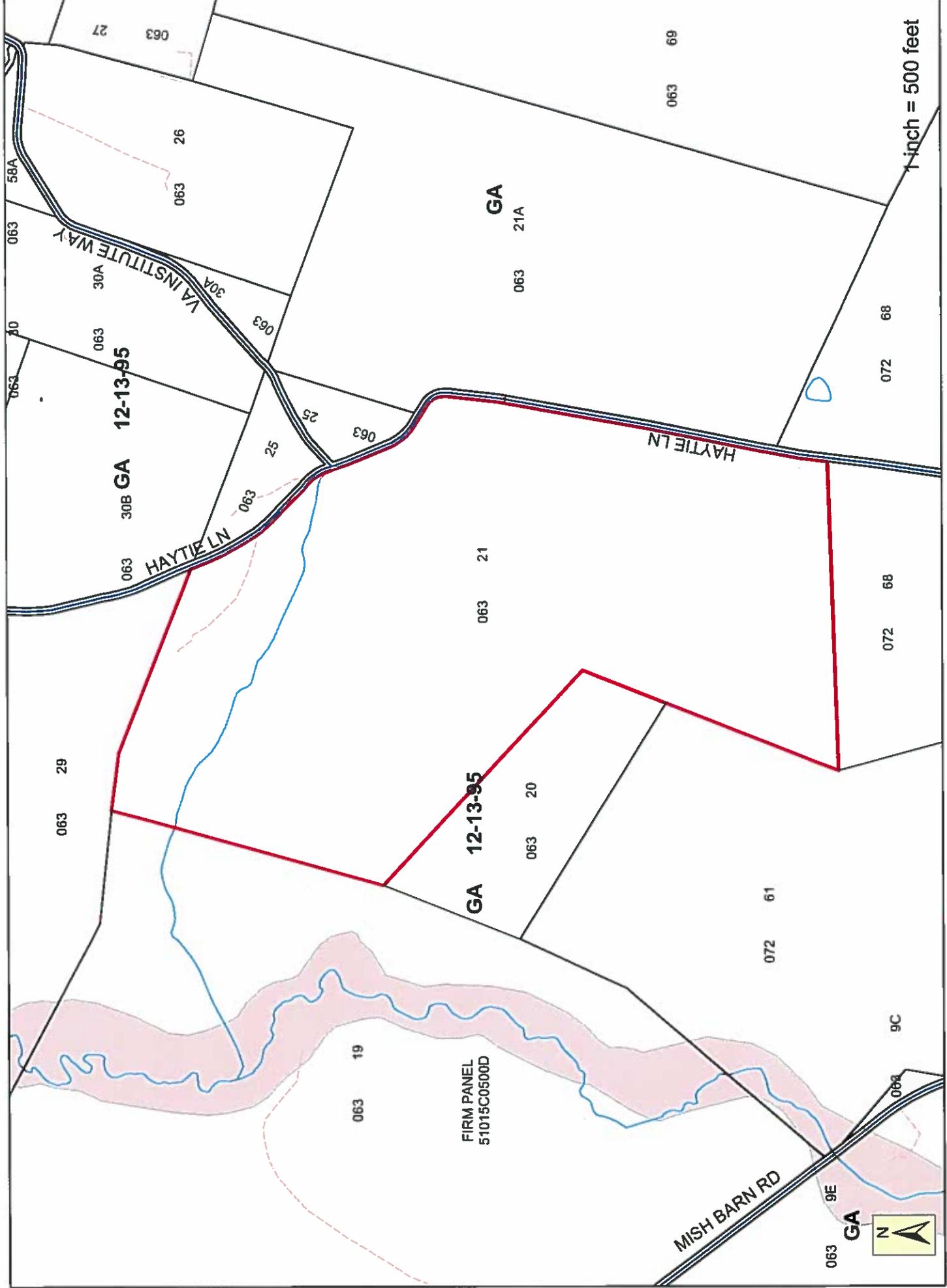
**Operating Conditions:**

1. Be permitted to use the existing four (4) bedroom dwelling for short term vacation rentals.
2. Be limited to eight (8) persons maximum occupying the home.
3. Site be kept neat and orderly.



Baldwin

# Harry Baldwin & Life Estate



# Harry Baldwin & Life Estate





**AGENDA ITEM #** 6C

Date 1/4/18

**PROPERTY OWNER:**

Cecil L. or Phyllis J. Eavers

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

330 Skyview Circle, Verona in the Beverley Manor District

**SIZE OF PROPERTY:**

0.00 acres

**VICINITY ZONING:**

Single Family Residential surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

10/47 Zoned Single Family Residential 10

**LAND USE MAPS:**

Urban Service Area – Medium Density Residential

**UTILITIES:**

Public water and sewer

**APPLICANT'S JUSTIFICATION:**

To reconstruct a non-conforming deck not meeting the side yard setback

**INDIVIDUAL PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

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

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has no comment. Property is served by public water and sewer.

**HIGHWAY DEPARTMENT'S COMMENTS:**

VDOT offers no comment for the deck. This does not impact the driveway or adjacent road system.

**SERVICE AUTHORITY'S COMMENTS:**

The request does not require any public utilities. Therefore, the ACSA has no comments.

**ENGINEERING'S COMMENTS:**

Less than 10,000 square feet – ok. No Erosion and Sediment Control/Stormwater Management required.

**STAFF RECOMMENDATIONS**

The applicants are requesting to reconstruct a non-conforming deck not meeting the current side yard setback. The existing dwelling was constructed in 1976 when the side yard adjacent to a street setback was fifteen (15') feet. A survey provided by the applicant shows an 18.38' setback on the side adjacent to Skyview Circle. The dwelling became non-conforming in 2005 when an ordinance change increased the minimum setback on all streets for corner lots to thirty-five (35') feet.

Staff feels that the request would not be out of character or have an adverse impact on other homes in the neighborhood and would recommend approval with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to reconstruct the existing deck no closer to the side yard adjacent to the street.
2. Applicant obtain a Building Permit.



Favers

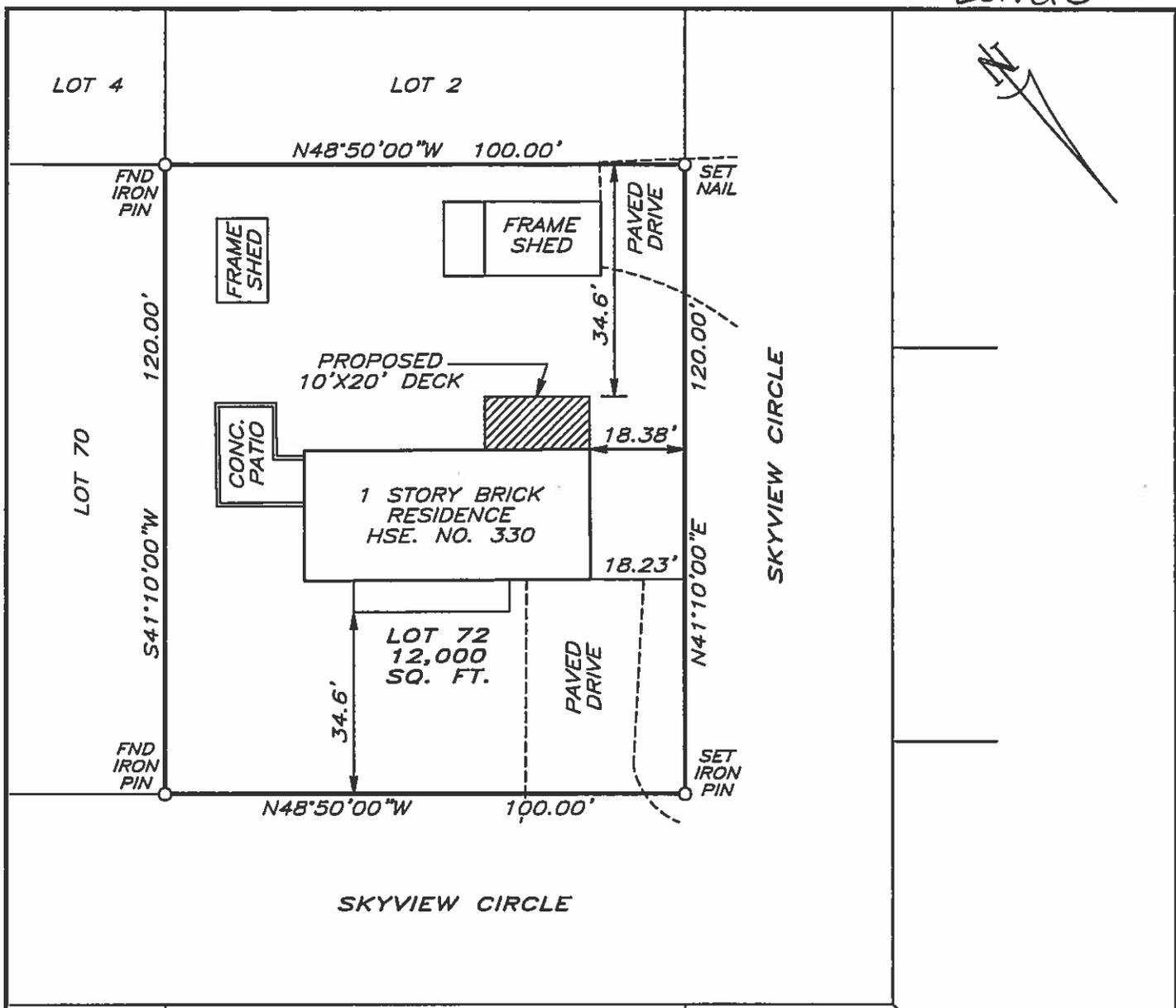
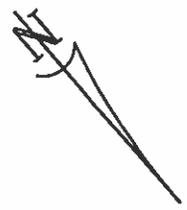
# Eavers



# Eavers



Eavers



OWNERS  
 CECIL L. EAVERS  
 PHYLLIS J. EAVERS  
 DB.685,P.601  
 TM36A1-6-72



PLAT SHOWING  
 PROPOSED DECK REPAIR  
 LOT 72, MAP OF SKYVIEW  
 BEVERLEY MANOR DISTRICT, AUGUSTA COUNTY, VIRGINIA  
 SCALE 1" = 30'  
 NOVEMBER 16, 2017  
 HAMRICK ENGINEERING, P.C.  
 ENGINEERS - SURVEYORS - PLANNERS  
 156 LAUREL HILL ROAD, VERONA, VIRGINIA

## Beatrice Cardellicchio

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**From:** Michele Astarb  
**Sent:** Thursday, December 21, 2017 3:18 PM  
**To:** Sandy Bunch; John Wilkinson  
**Cc:** Beatrice Cardellicchio  
**Subject:** Eavers SUP - Skyview Circle

C. A request by Cecil L. or Phyllis J. Eavers, for a Special Use Permit to reconstruct a non-conforming deck not meeting the side yard setback on property they own, located at 330 Skyview Circle, Verona in the Beverley Manor District.

Becky Upton called – they live near this request – they will not be in town on the 4<sup>th</sup> for the meeting but wanted to express support for them and offered to help them in any way they can.

Thanks.

Michele J. Astarb  
Subdivision Administrator  
County of Augusta  
Post Office Box 590  
Verona, VA 24482  
540-245-5700

**AGENDA ITEM # 6D**

Date 1/4/18

**PROPERTY OWNER:**  
John R. and Margaret W. Kane

**APPLICANT:**  
Same

**LOCATION OF PROPERTY:**  
649 Cold Springs Road, Stuarts Draft in the Riverheads District

**SIZE OF PROPERTY:**  
21.481 acres

**VICINITY ZONING:**  
General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**  
12/95 Zoned General Agriculture  
02/11 Property is in Source Water Protection Overlay District  
07/14 SUP approved to have a vehicle repair shop, vehicle impound area, farm equipment sales and firewood sales

**LAND USE MAPS:**  
Community Development Area – Low Density Residential

**UTILITIES:**  
Private well and septic

**APPLICANT'S JUSTIFICATION:**  
To expand the existing building for motor vehicle repair and to modify operating condition #8 regarding the number of employees and #10 applicant residing on premise

**INDIVIDUAL PLANNING COMMISSION'S COMMENTS:**  
**Middle River District Commissioner:** I still believe that the BZA should consider that this is an expansion of a business in a General Agriculture District when there is business zoning in the area.

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

**HEALTH DEPARTMENT'S COMMENTS:**  
There is currently not a drainfield for the commercial building. Applicant has been advised to contact a private AOSE to provide drainfield design assistance for the building. The drainfield for the dwelling is not sized to accommodate the proposed building or for any employees to use the bathroom facilities within the dwelling.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing low volume commercial entrance does not meet the sight distance requirements for a moderate volume commercial entrance. A low volume commercial entrance is for 50 or less vehicle trips per day (enter + exit). Per the ITE Trip Generation Rates (8th Edition), the addition of two additional bays will put the property over the 50 vpd. It is our understanding that the proposed bays will become the main repair shop. It is also our understanding that the owner does not anticipate over 50 vpd during any day of the week. VDOT would not object to the revisions to the special use permit conditioned that the total vehicle trips utilizing the entrance (including uses not associated with the garage) will not exceed 50 vehicle trips per day.

**SERVICE AUTHORITY'S COMMENTS:**

The request does not require any public utilities. Therefore, the ACSA has no comments regarding this. (Note that this site is located in Area 2 as defined by the Source Water Protection Overlay District, which prohibits junkyards and demolition facilities – it does not appear what is being proposed meets this definition at this time.)

**ENGINEERING'S COMMENTS:**

Area 2 – SWPO. Less than 10,000 square feet – ok. No Erosion and Sediment Control/Stormwater Management required.

**SECTION 25-74J - VEHICLE REPAIR SHOP**

**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 currently resides on premise.

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

Businesses are more appropriate in Business zoned districts, however, the applicant has been operating under a Special Use Permit since 2014 with no complaints.

**Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads. The business shall have direct access on to a state maintained road.**

The property has direct access to Cold Springs Road and a low volume commercial entrance.

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

The 21.481 acre property can adequately handle all anticipated traffic.

**Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction a)will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties; and b)will not be of such size, character or required financial investment that it would best be located in an available business or industrial zoned area.**

The applicant would like to construct a 40' x 60' addition to the existing garage for two (2) additional bays that could be a substantial benefit to neighboring properties and should not be out of character.

**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 of zoning appeals finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.**

The garage will be less than 4,000 square feet with the addition. Total square footage will be 3,951 square feet.

**Employees will be limited to residents on premises unless the board finds that a limited number of additional employees will be compatible with neighboring properties and will not be inconsistent with available infrastructure, including, but not necessarily limited to, sanitation facilities, water supply, and roads serving the site.**

The applicant currently is permitted to have one (1) employee and is requesting to increase the number of employees to five (5), which would be a significant increase in the business operation.

**Outside display or outside storage of new or used automobile parts is prohibited.**  
The applicant has an existing screened impound area behind the shop.

**When allowed, no more than five (5) vehicles shall be located outside of the vehicle impoundment yard at any time. Such vehicles remaining for more than thirty (30) days must be located in the vehicle impoundment yard.**

No more than five (5) licensed vehicles are located outside the impound area per the previous operating conditions.

Where outside storage is permitted, all outside storage areas and all inoperable motor vehicles shall be located within a vehicle impoundment yard. The vehicle impoundment yard shall meet the following requirements: a. No inoperable motor vehicle shall be located on any part of the site so as to be visible from any public road or adjoining property. b. Storage of inoperable motor vehicles shall be limited to areas shown on an approved site plan. c. No body or mechanical work, painting, maintenance work, salvaging or crushing shall be permitted within the impoundment yard. Such work, when permitted as part of the motor vehicle or boat repair shall be confined to such areas designated for such purposes on the approved site plan. d. Fencing or screening shall be entirely opaque and of good quality and shall be maintained in a good state of repair. Gates shall remain closed except when vehicles or boats are being moved to and from the yard.

The applicant has complied with all regulations.

#### **STAFF RECOMMENDATIONS**

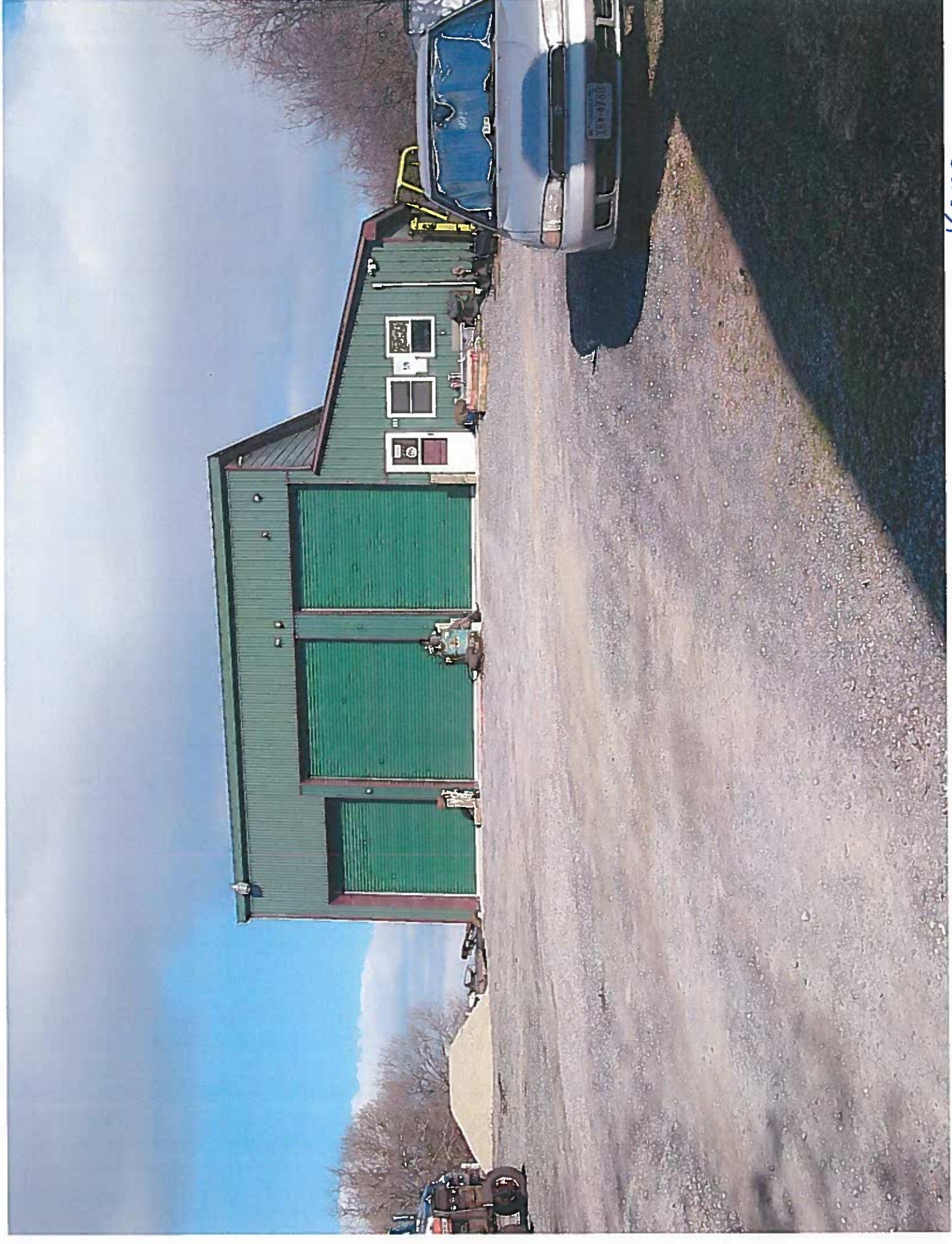
The applicant is requesting to add a 40' x 60' addition to the existing vehicle and equipment repair shop for two (2) additional garage bays. The Board granted a Special Use Permit to have vehicle and equipment repair in July, 2014, and the applicant has been operating at this location with no complaints since that time. The applicants' business has grown and they are also requesting to have up to five (5) employees other than family members onsite. They are also requesting the Board remove the stipulation regarding residing on premise. The applicant would like to construct a home in the future but keep the business at this location and rent out the dwelling. VDOT's comments state the entrance is adequate for the proposed expansion as long as they do not exceed twenty-five (25) customers per day. The applicant has provided a service to the area and has complied with all regulations since 2014, however, staff shares the Planning Commission's concerns about a large expansion that would take the business from one (1) employee up to five (5), and that the owner would not reside on the property. Staff feels that if the Board feels an expansion is compatible with the area and desires to approve the request, we would recommend the following conditions:

#### **Pre-Conditions:**

1. Applicant obtain building permit and provide a copy to Community Development.
2. Applicant obtain Health Department approval and provide a copy to Community Development.

**Operating Conditions:**

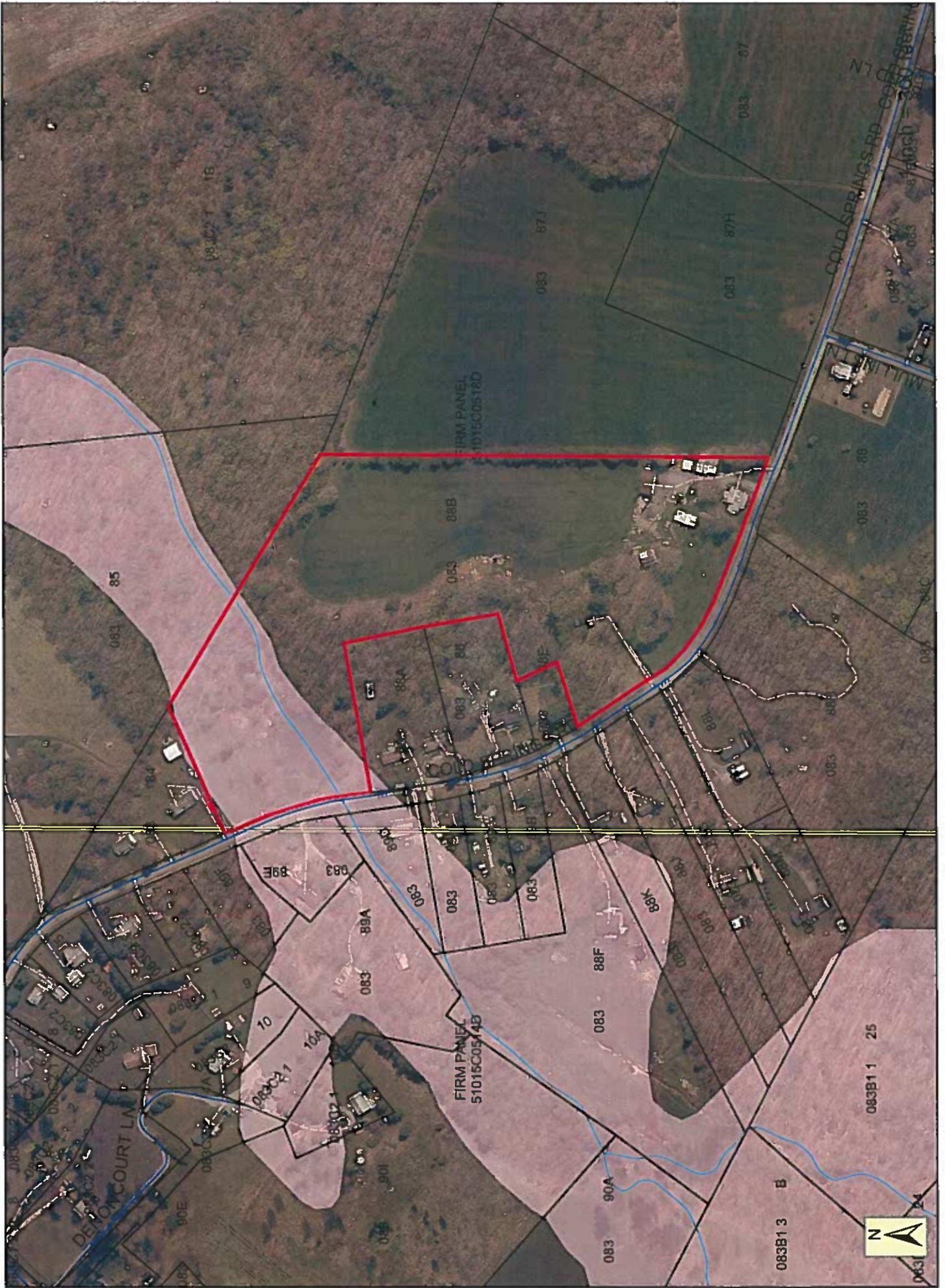
1. Be permitted to construct a 40' x 60' addition to the existing shop.
2. No more than three (3) employees to come to the site.
3. Stipulations of SUP#14-35 remain in effect with the exception of operating condition #8 number of employees.

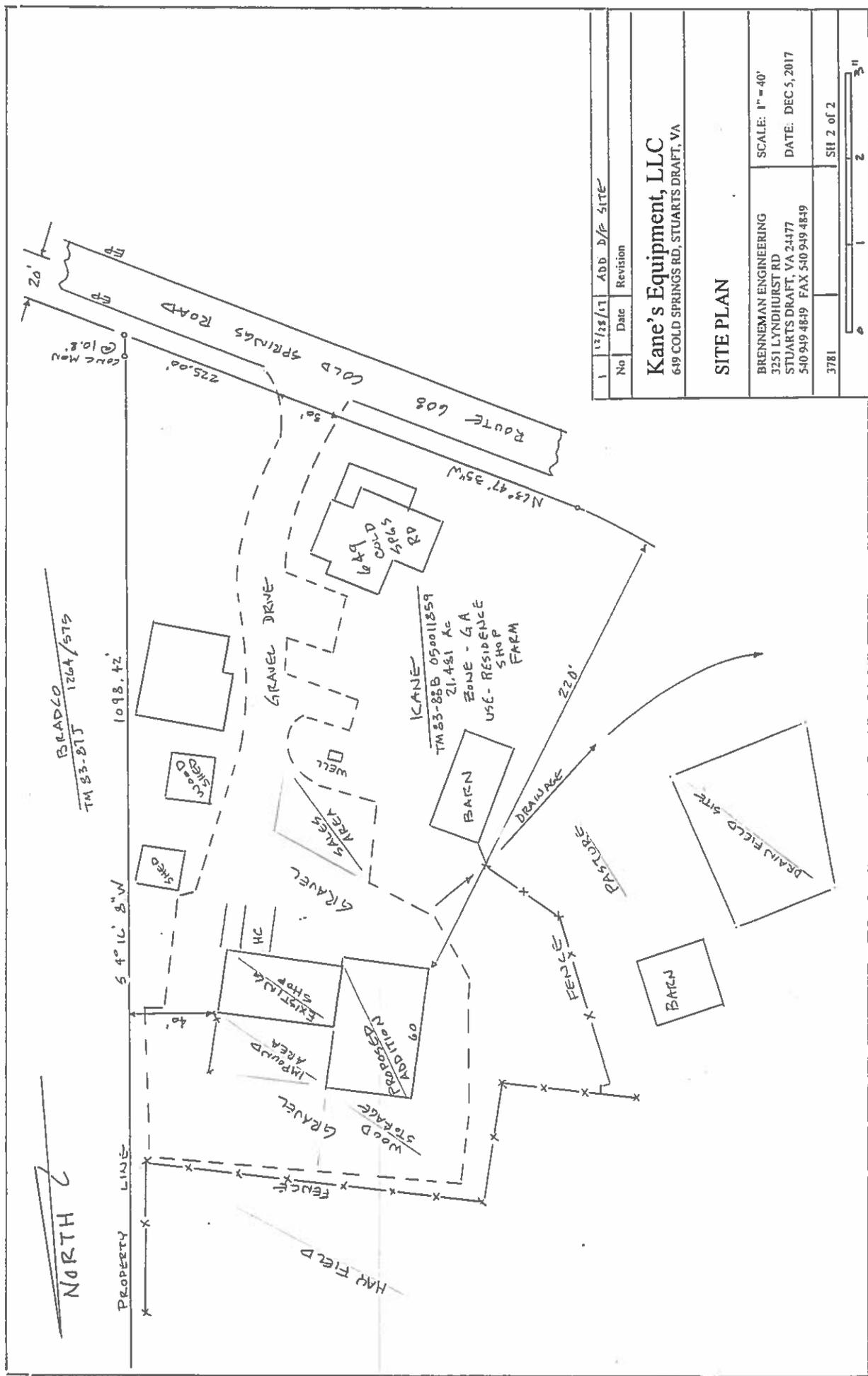


Kane



Kane





No	Date	Revision
1	12/28/17	ADD D/P SITE

**Kane's Equipment, LLC**  
 649 COLD SPRINGS RD, STUARTS DRAFT, VA

**SITE PLAN**

BRENNEMAN ENGINEERING  
 3251 LYNDBURST RD  
 STUARTS DRAFT, VA 24477  
 540.949.4849 FAX 540.949.4849

SCALE: 1" = 40'

DATE: DEC 5, 2017

3781

SHEET 2 of 2



**AGENDA ITEM # 6E**

Date 1/4/18

**PROPERTY OWNER:**

Abner N. Johnston, IV

**APPLICANT:**

Nick Collins, agent for Weatherman-Collins Contracting, LLC

**LOCATION OF PROPERTY:**

5045 Cold Springs Road, Raphine in the Riverheads District

**SIZE OF PROPERTY:**

73.84 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

05/87 SUP issued for sand and gravel operation

07/88 Change stipulations

03/90 SUP issued for asphalt plant for Adams Construction

05/90 SUP issued for asphalt plant for Shenandoah asphalt

12/95 Zoned General Agriculture

12/11 SUP to continue asphalt plant for Weatherman-Collins Contracting

**LAND USE MAPS:**

Agriculture Conservation Area

**APPLICANT'S JUSTIFICATION:**

To add new equipment to the existing operation

**INDIVIDUAL PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

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

**HEALTH DEPARTMENT'S COMMENTS:**

Health Department has no issues.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing commercial entrance is adequate for the request. VDOT does not anticipate a significant increase in traffic to the adjacent roadways. During construction, be sure to ensure all efforts are made to not track mud and/or debris from construction onto Rt. 608.

**SERVICE AUTHORITY'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**  
Submit Floodplain Development Plan.

**SECTION 25-74D - USES AWAY FROM DEVELOPED AREAS**

**The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use. The area is rural in nature but does have residential homes located on all routes leading into the quarry.**

**A technical transportation study shall be submitted that assesses the potential physical and operational impacts to the transportation assets (roads, bridges, right-of-way, etc.) which are anticipated to provide service to the subject parcel or parcels.**

The request is to expand the asphalt operation located on the existing quarry site that has handled the truck traffic since 1987.

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

The total acreage for the quarry contains over 100 acres and has adequately and safely handled all traffic.

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

The business has direct access to Cold Springs Road (Route 608).

**The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone. Asphalt plants with an existing quarry is an appropriate use in agricultural areas.**

**All buildings, structures, and operations will be set back at least two hundred feet (200') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.**

The existing plant is approximately seventy (70') feet from the closest property line to the south and east and over three hundred (300') feet from other lines.

**The board of zoning appeals may reduce or eliminate the two hundred foot (200') set back between adjoining properties where similar industrial uses are ongoing and the adjoining property owners agree that such a reduction is mutually beneficial.**

The site plan shows the expansion equipment meets the two hundred (200') foot setback from both the internal property line and the perimeter property lines.

All uses involving the extraction of oil or natural gas shall conform to applicable state and federal regulations concerning noise and vibration. The Zoning Administrator may require the submission of a copy of data submitted to state or federal agencies pertaining to these performance standards with the required site plan.

There is no oil or natural gas extracted from this site.

All mining operators shall submit to the Zoning Administrator a copy of the operations plan required by state agencies with the required site plan.

The existing mining operations plan is in the site plan.

For uses involving the extraction of oil or natural gas, a study shall be performed to determine that the use will not have an adverse effect on the public water supply or private water wells within a five mile radius of the mining operation, and outlining what measures, if any are necessary, the operator shall take to insure the public water supply or private water wells within a five mile radius of the mining operation will not be adversely affected.

No oil or natural gas is extracted from this site.

The proposed location of the mining operation is not located within an Area 1, designated by the Sourcewater Protection Overlay District. If the proposed location of the mining operation is located within an Area 2, designated by the Sourcewater Protection Overlay District, then a Special Administrative Permit shall be obtained per Section 25-518 of the Sourcewater Protection Overlay ordinance.

This property is not located in a Sourcewater Protection Overlay District.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to add a new 80' x 10' truck scale with an engineered foundation for two (2) one hundred (100) ton silos. The applicant has been operating the asphalt plant at this location since the Board approved their Special Use Permit in December, 2011. The applicants are requesting the new equipment that meet all setback requirements in order to upgrade and improve the existing operation. Staff feels the request would be compatible with the existing operation and would not have an adverse impact on the residents in the area. Staff recommends approval with the following conditions:

#### **Pre-Condition:**

1. Submit a Floodplain Development Plan to the Community Development Department for approval.

#### **Operating Conditions:**

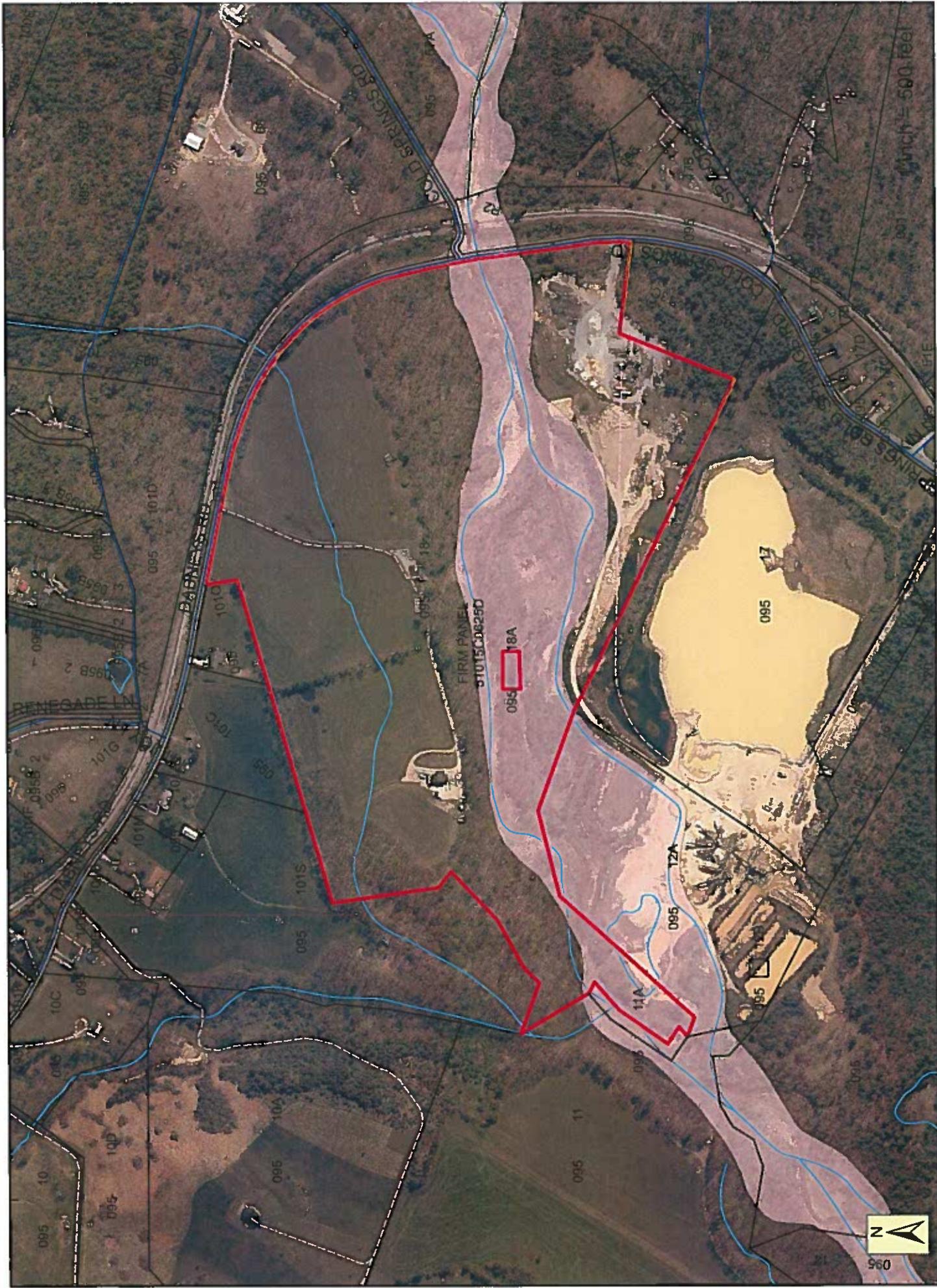
1. Applicant obtain building permit and provide a copy to Community Development.
2. Stipulations of SUP#11-50 remain in effect.



11/11/2011



Johnston





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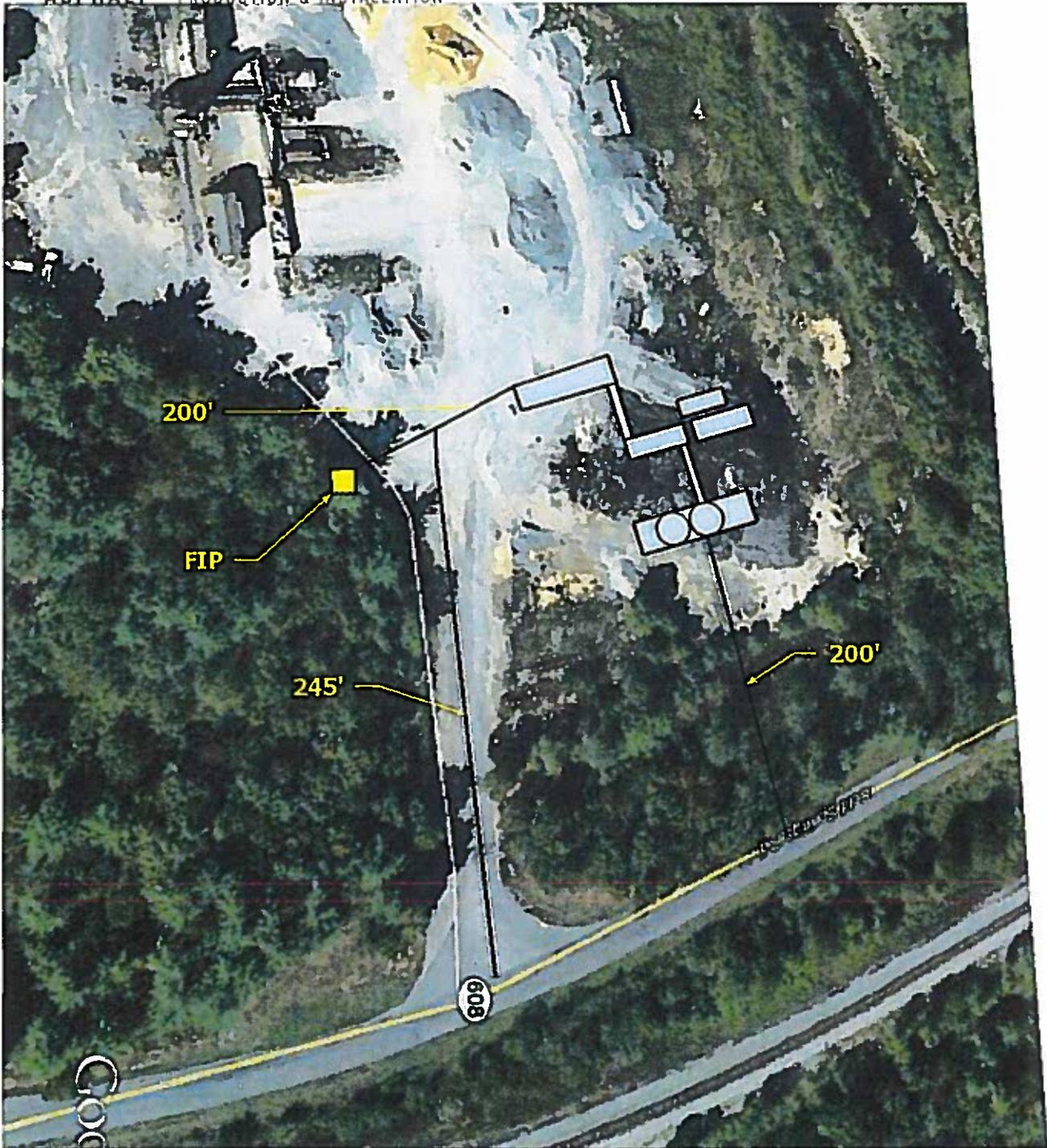
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ASPHALT PRODUCTION

ASPHALT INSTALLATION

AGENDA ITEM # 6F

Date 1/4/18

**PROPERTY OWNER:**  
Milmont Greenhouses, Inc.

**APPLICANT:**  
Willis Miller, agent for Milmont Greenhouses, Inc.

**LOCATION OF PROPERTY:**  
3337 Stuarts Draft Highway, Waynesboro in the South River District

**SIZE OF PROPERTY:**  
0.379 acres

**VICINITY ZONING:**  
General Agriculture surrounds the entire parcel

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

**LAND USE MAPS:**  
Urban Service Area – Business

**UTILITIES:**  
Public water  
Private septic/will be connecting to Public sewer

**APPLICANT'S JUSTIFICATION:**  
To enlarge a non-conforming dwelling

**INDIVIDUAL PLANNING COMMISSION'S COMMENTS:**  
No comments.

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

**HEALTH DEPARTMENT'S COMMENTS:**  
Applicant plans to connect to public sewer.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
The existing private entrance is adequate for the request. VDOT does not anticipate additional impacts to the adjacent roadways. During construction, ensure all efforts are made to not track mud and/or debris from construction onto Rt. 340.

**SERVICE AUTHORITY'S COMMENTS:**  
The existing residence is an ACSA water only customer. The SUP notes only minor residential modifications. Therefore, the ACSA has no comments regarding this request.

**ENGINEERING'S COMMENTS:**

Less than 10,000 square feet – ok. No Erosion and Sediment Control/Stormwater Management required.

**STAFF RECOMMENDATIONS**

The applicants are requesting to construct a 6' x 38' addition for a bedroom and bath onto the existing non-conforming dwelling. The dwelling was constructed in 1941 prior to any setback requirements. The County's first Zoning Ordinance was not adopted until 1947. The applicant submitted a survey showing the existing dwelling and new addition 10.5' from the side yard adjacent to Milmont Drive. The current Zoning Ordinance requires a twenty (20') foot setback from side yards adjacent to a street when the lot is less than one hundred fifty (150') feet wide.

Staff feels that a small addition no closer to the side yard than the existing dwelling would be compatible with other dwellings in the neighboring area and recommends approval with the following conditions:

**Pre-Conditions:**

None

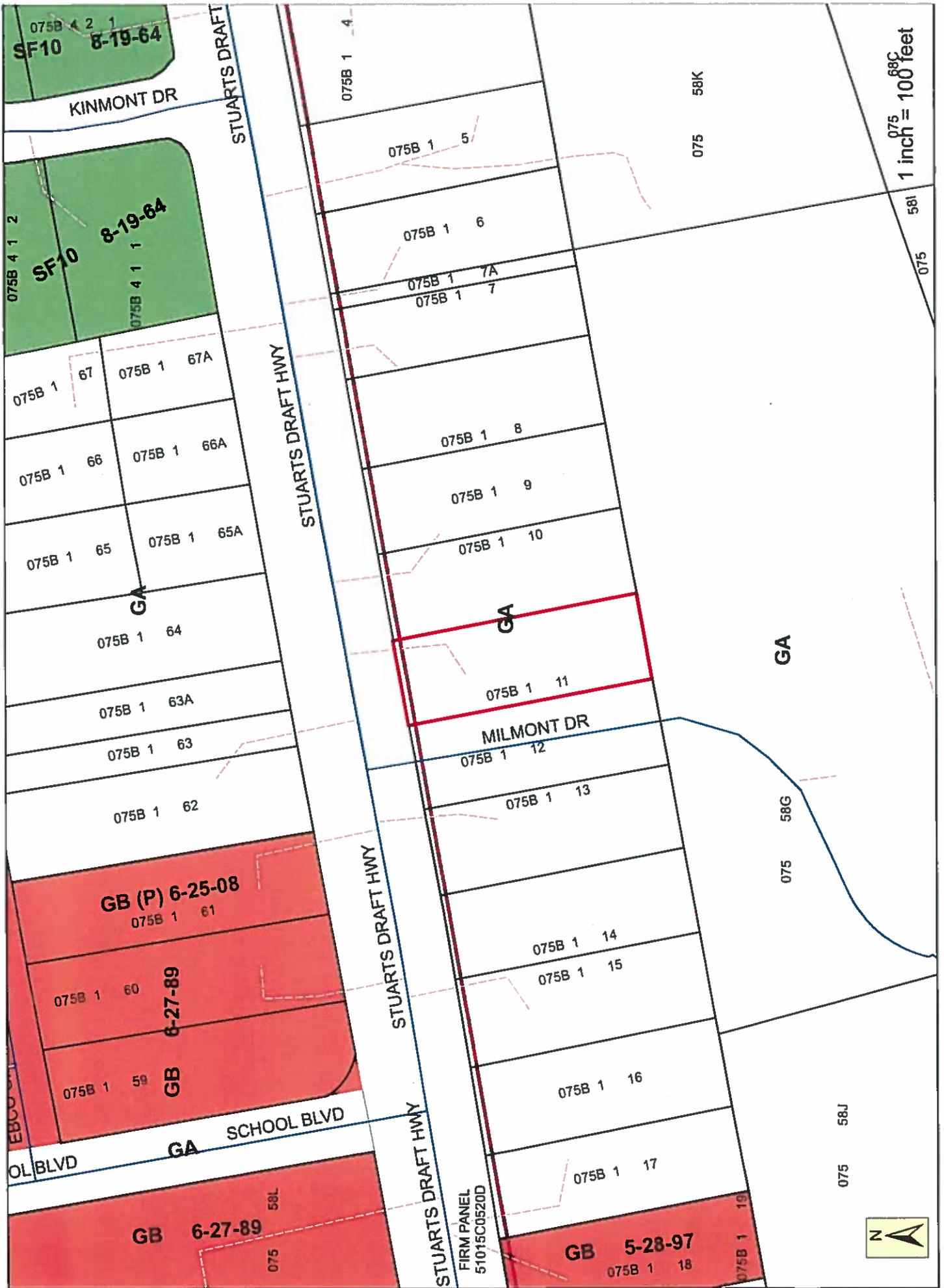
**Operating Conditions:**

1. Be permitted to construct the 6' x 38' addition no closer to the side yard adjacent to the street.
2. Applicant obtain a Building Permit.



Milmont

Milmont Greenhouses, Inc.



1 inch = 100 feet

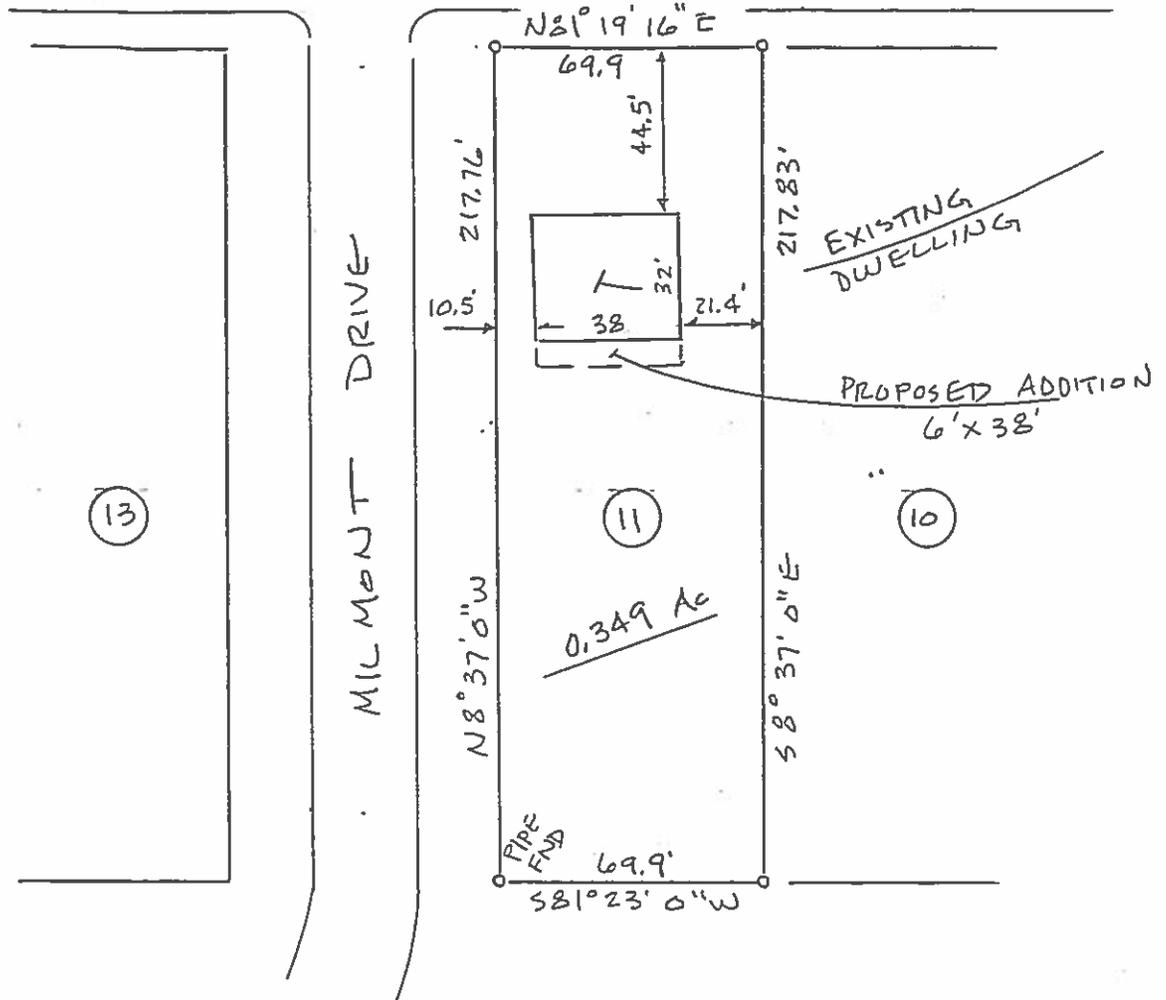


Milmont Greenhouses, Inc.



ROUTE 340 STUARTS DRAFT HWY 30' R/W

NORTH



SKETCH PLAN FOR

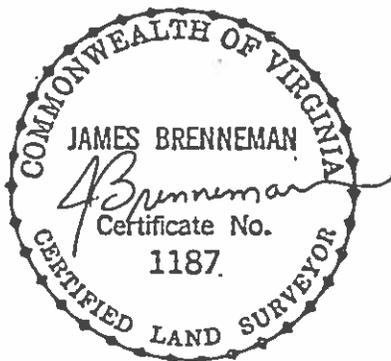
**Milmont Greenhouses, Inc**  
3337 STUARTS DRAFT HWY  
LOT 11  
WAYNE HEIGHTS

SOUTH RIVER DIST AUGUSTA CO.  
VIRGINIA

SCALE 1" = 50' DEC 12, 2017

BRENNEMAN ENGINEERING  
STUARTS DRAFT, VA

3857



AGENDA ITEM # 6G

Date 1/4/18

**PROPERTY OWNER:**

Stanley Sheets, Trustees of Elk Meadow Farm

**APPLICANT:**

Brian Wright and Emmett Toms, agents for Atlantic Coast Pipeline, LLC

**LOCATION OF PROPERTY:**

On the west side of Scenic Highway, opposite the intersection of Union Church Road and Scenic Highway, Churchville in the North River District

**SIZE OF PROPERTY:**

34.0 acre portion of approximately 133 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:**

None

**APPLICANT'S JUSTIFICATION:**

To have a contractor storage yard

**INDIVIDUAL PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no comments.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has no issues however it would be advised the portable toilets be placed on the yard for use by workers.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The proposed storage yard entrance does not meet VDOT's sight distance requirements. A storage yard for the expected volume of traffic must meet intersection sight distance requirements. VDOT has preliminarily evaluated the remaining frontage and there does not appear to be a location that meets the sight distance requirements. VDOT is available to meet with the engineer/consultant to verify this assessment. VDOT does not recommend approval of the special use permit if an adequate entrance is not feasible.

If/when an entrance that meets requirements is found, the entrance should be paved and allow tractor trailers, with pipe material and equipment necessary for the Atlantic Coast Pipeline operation, to enter and exit the property. An autoturn analysis using a WB-67 will be required. The approved entrance shall be the only entrance utilized by the ACP traffic. The entrance serving TM 24-159 shall serve the needs of the homeowner only. Once the storage yard is no longer in use by the ACP, the entrance shall be restored to its original condition (as close as possible).

**SERVICE AUTHORITY'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**

A full site plan is required with Stormwater Management and Erosion and Sediment Control.

**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.**

The applicant is requesting to have a laydown yard for equipment, materials, and office trailers for the Atlantic Coast Pipeline Project. There is no natural screening.

**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 operator does not reside on premise.

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

The request is for a thirty-four (34) acre material laydown yard to provide materials and equipment for construction of the Atlantic Coast Pipeline in this 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 direct access to Scenic Highway, but an entrance has not been approved by VDOT at this time.

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

The thirty-four (34) acre portion of the property should adequately and safely accommodate all traffic onsite. The entrance location will be determined by VDOT.

**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.**

No new construction is requested. The applicant will be utilizing office trailers. The site will be used as a material storage area.

**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 structures are requested. This will be a thirty-four (34) acre storage yard.

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

No connections are required for construction laydown yards.

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

The vehicles and trailers will be equipped with fire extinguishers and the applicant has DEQ permits.

**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 storage area is approximately two hundred thirty-three (233') feet from Scenic Highway (Route 42).

### **STAFF RECOMMENDATIONS**

The applicants are requesting to utilize approximately thirty-four (34) acres of the one hundred thirty-three acre site to have a laydown storage yard for equipment, pipe, office trailers, and materials to be used in the construction of the Atlantic Coast Pipeline Project. The site will be used for pipeline construction within a twenty-nine (29) mile area for approximately two (2) years.

Atlantic Coast Pipeline will comply with all local, state, and federal regulations. The proposed laydown area is open and provides no natural screening which could visually impact the neighboring properties. Therefore, the Board may want to consider some sort of screening along the road to lessen the visual impact.

If the Board feels the request is compatible and desires to approve the Special Use Permit, staff would recommend the following:

**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 VDOT entrance permit and provide a copy to Community Development.

**Operating Conditions:**

1. Obtain placement permits for office trailers.
2. All equipment, materials, pipes, and trailers be kept in the designated areas on the site plan.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Permit be issued for **two (2) years**.





Sheets



