



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



MEMORANDUM

TO: Augusta County Board of Zoning Appeals

FROM: Sandra K. Bunch, Zoning Administrator

DATE: February 22, 2018

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, March 1, 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 **8:00 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, March 1, 2018, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of February 1, 2018

4. PUBLIC HEARINGS

- A. A request by Louis B. Wood, Jr., Trustee of, for a Special Use Permit to have firearm repair, sales and test firing on property he owns located at 942 Madrid Road, Waynesboro in the Middle River District.
- B. A request by Jared Shaw, for a Special Use Permit to construct storage buildings onsite on property owned by Jeffrey J. and Kimberly B. Shaw, located at 404 Coleytown Road, Waynesboro in the Middle River District.
- C. A request by Jared Shaw, for a Special Use Permit to have outdoor display and sales of storage buildings on property owned by Jeffrey J. and Kimberly B. Shaw, located at 1818 Jefferson Highway, Fishersville in the Wayne District.
- D. A request by Kevin or Denise Goertzen, for a Special Use Permit to have a short term vacation rental within the existing home on property they own, located at 1916 Tinkling Springs Road, Stuarts Draft in the Beverley Manor District.
- E. A request by Doug Huffman, for a Special Use Permit to have outside storage and sales of farm equipment on property he owns, located on the west side of East Side Highway, approximately .204 miles north of Patterson Mill Road in the Middle River District.
- F. A request by Pam Taylor and Chester Riley, for a Special Use Permit to have weddings and special events on property owned by Warren A. or Kim M. Shand, located at 1382 Hermitage Road, Waynesboro in the Middle River District.
- G. A request by Glenna L. Dyson, for a Special Use Permit to have a personal dog kennel on property she owns, located at 172 Horsehead Road, Grottoes in the Middle River District.
- H. A request by Robert Baber, agent for Baber Enterprises, Inc., for a Special Use Permit to have a contractors office with outdoor storage of equipment on property owned by Bonos Enterprises, LLC, located at 310 Parkersburg Turnpike, Staunton in the Pastures District.

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- I. A request by George A. or Jackie Heflin, for a Variance from lot area in order to separate two non-conforming dwellings on property owned by Jerry L. or Donna H. Vandevander, located at 70 and 72 Todd Hill Lane, Mt. Solon in the North River District.

5. OLD BUSINESS

- A. At the request of the Board of Zoning Appeals to reopen the public hearing on 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.

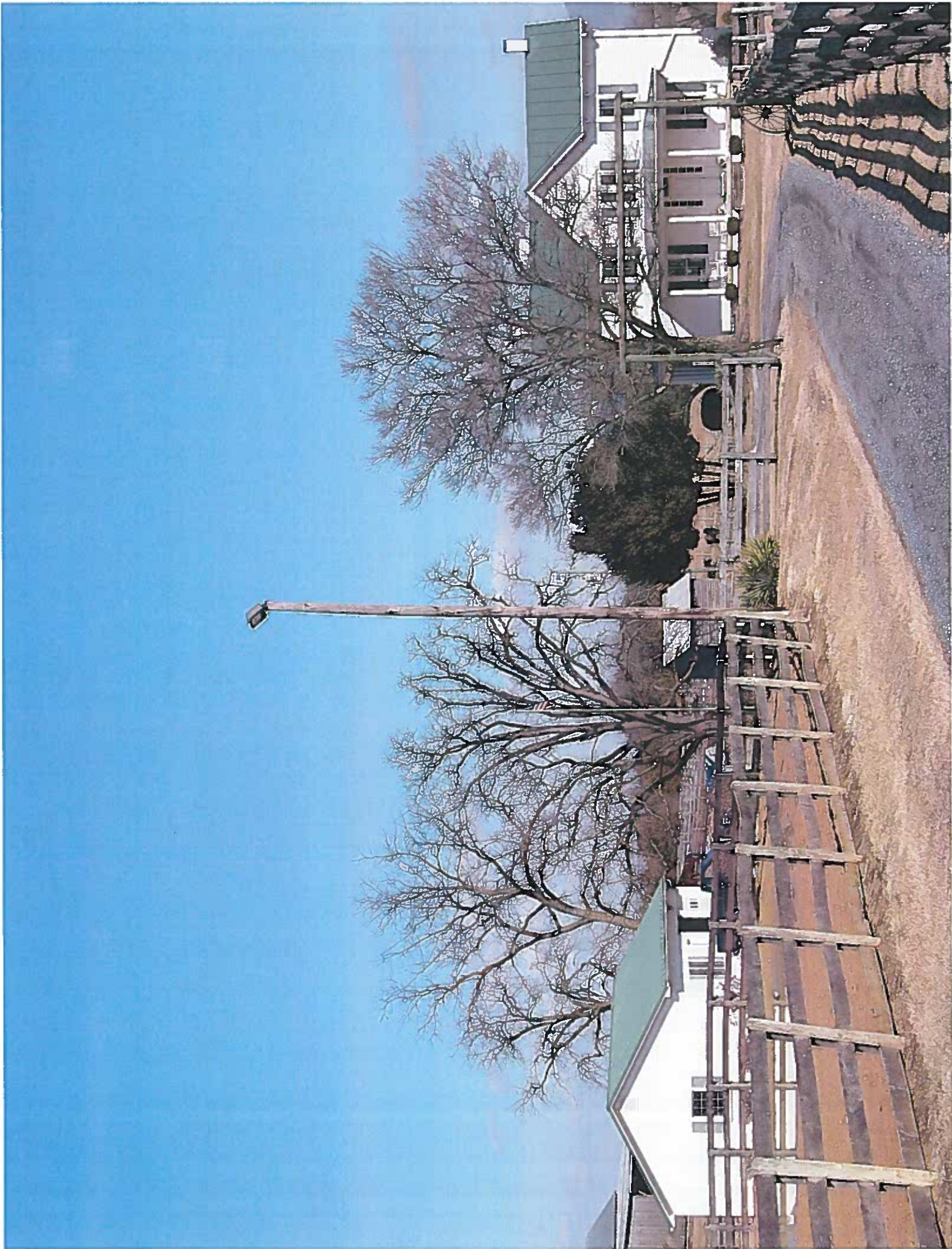
6. MATTERS TO BE PRESENTED BY THE PUBLIC

7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

8. STAFF REPORT

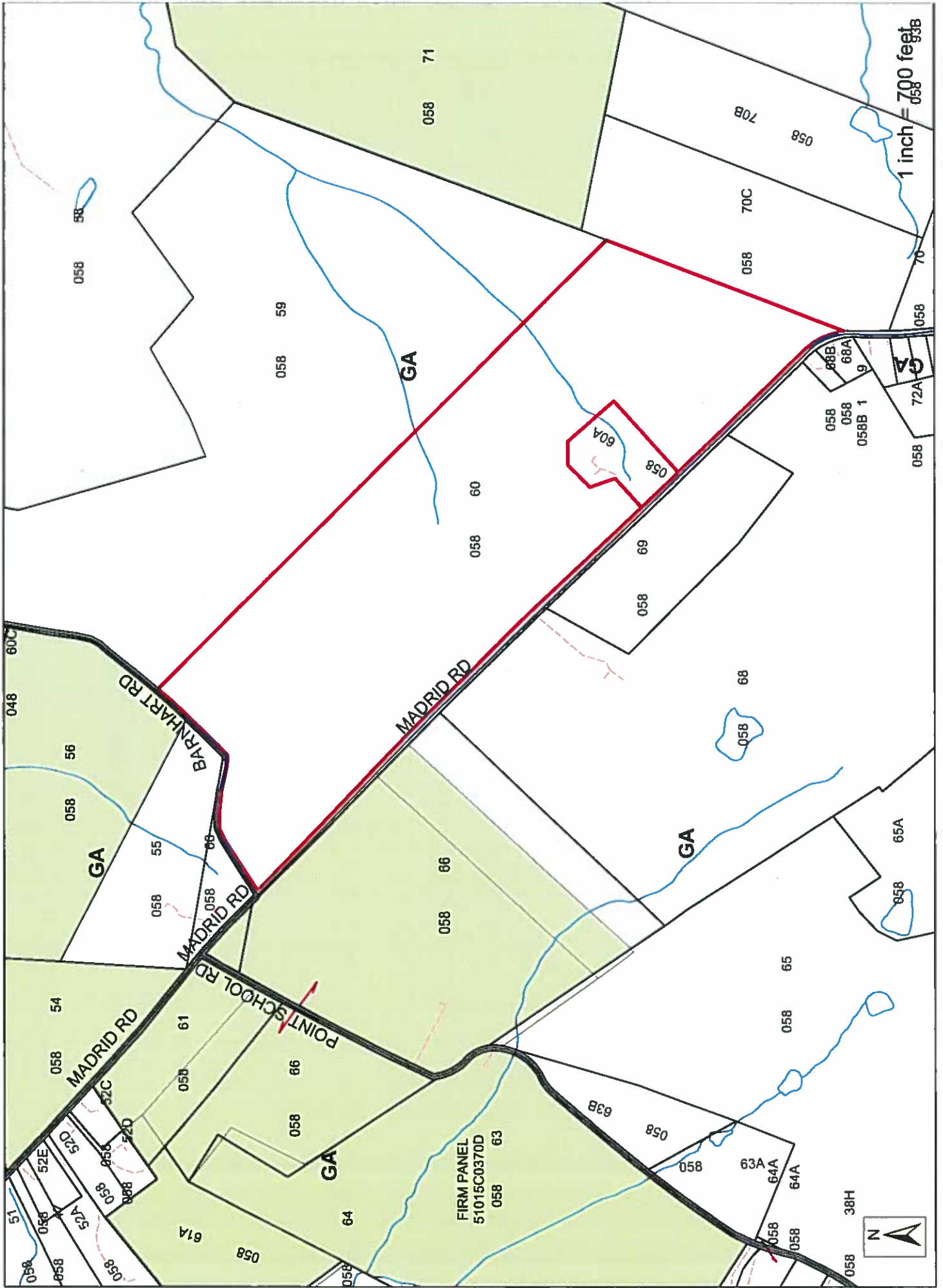
17-14	North Mountain Cattle Co., LLC
17-15	Forest Hill Farm, LLC
17-16	Trustees of Bethany Trinity Evangelical Lutheran Church
17-17	Basic City, LLC
17-18	James W. Pence or Marcia A. Becker
17-20	Jollett Springs Mobile Home Park, LLC

9. ADJOURNMENT



Inland.

Wood



Wood



AGENDA ITEM #

4A

Date

3/1/18

PROPERTY OWNER:

Louis B. Wood, Jr., Trustee of

APPLICANT:

Same

LOCATION OF PROPERTY:

942 Madrid Road, Waynesboro in the Middle River District

SIZE OF PROPERTY:

116.48 acres total

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:

Spring and private septic

APPLICANT'S JUSTIFICATION:

To have firearm repair, sales and test firing

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

1. Provide handicapped building access.
2. Provide approved handicapped parking and parking signage.

HEALTH DEPARTMENT'S COMMENTS:

Health Department has no issues as long as there are no outside employees and restrooms will not be provided for customers.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing entrance is adequate for the requested use; however, this is with the understanding that outside sales will be limited and scheduled by appointment. Less than 50 vehicle trips per day (enter + exit) are anticipated. If the requested use exceeds this threshold, the existing entrance shall be upgraded to meet VDOT's Moderate Volume Commercial Entrance requirements (includes paving the entrance among other design changes). Based on the available sight distance, the existing entrance is capable of being upgraded if needed.

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 25-74I - 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 outdoor 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.

Operator resides on premise.

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

A small gunsmith business should be appropriate for agriculture areas. No enlargements are proposed.

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 business has direct access to Madrid Road, which is a state maintained road.

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

The 4.477 acre site will adequately and safely handle the traffic to and from the public highways.

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 additions are requested. Using a portion of the existing garage only.

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 enlargements or expansions are requested.

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

The dwelling has an existing spring for water and an onsite septic. The bathroom within the house, located 112' from the garage, will be used when necessary.

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

Owner will install smoke detectors and they will be hooked to the security system. Fire extinguishers will be onsite.

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

Nothing will be displayed for sale.

STAFF RECOMMENDATIONS

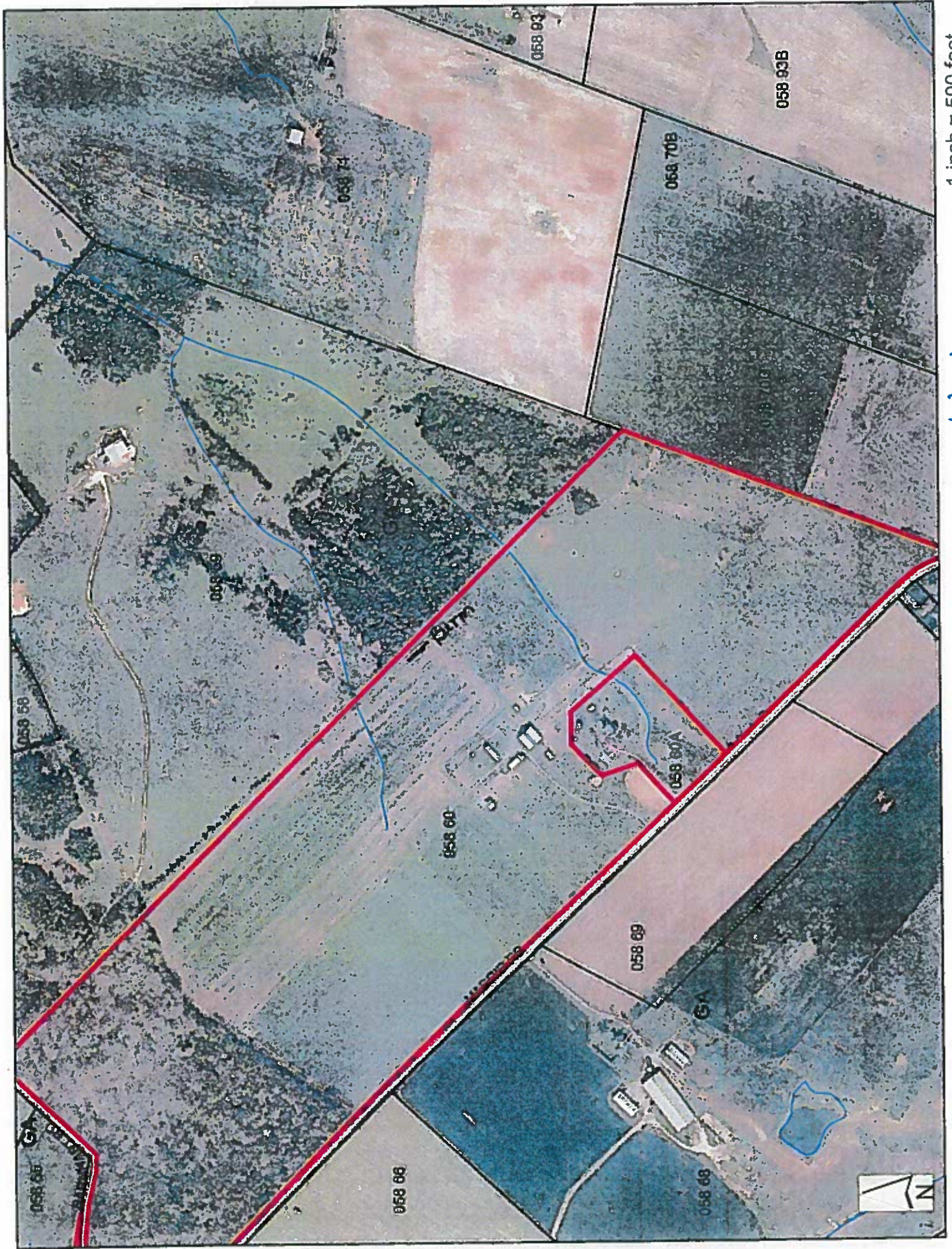
The applicant is requesting to use an area within the existing 24' x 48' garage for firearm repairs and modifications. The applicant would also like to have limited retail sales onsite. He will be stocking basic inventory for gunsmithing only but he would like to be able to sell accessories and any special orders for customers. The applicant will be installing a gun safe with an alarm system that all firearms will be kept in. The applicant is also requesting to use his personal shooting range on the adjacent property for test firing when needed. The shooting range will not be open to the public. The applicant is proposing one (1) part-time employee who currently works on the ranch. The business will be open to the public three (3) days per week or by appointment when needed for drop-offs and pickups. The business is a small scale operation that should have little customer traffic and could be appropriate in an agricultural area. Staff does have concerns that the test firing in conjunction with the business could have a negative impact on neighboring properties. If the Board feels the request is compatible with the rural area and desires to approve the permit, staff would recommend the following conditions:

Pre-Condition:

1. Obtain letter of approval from Building Inspection.

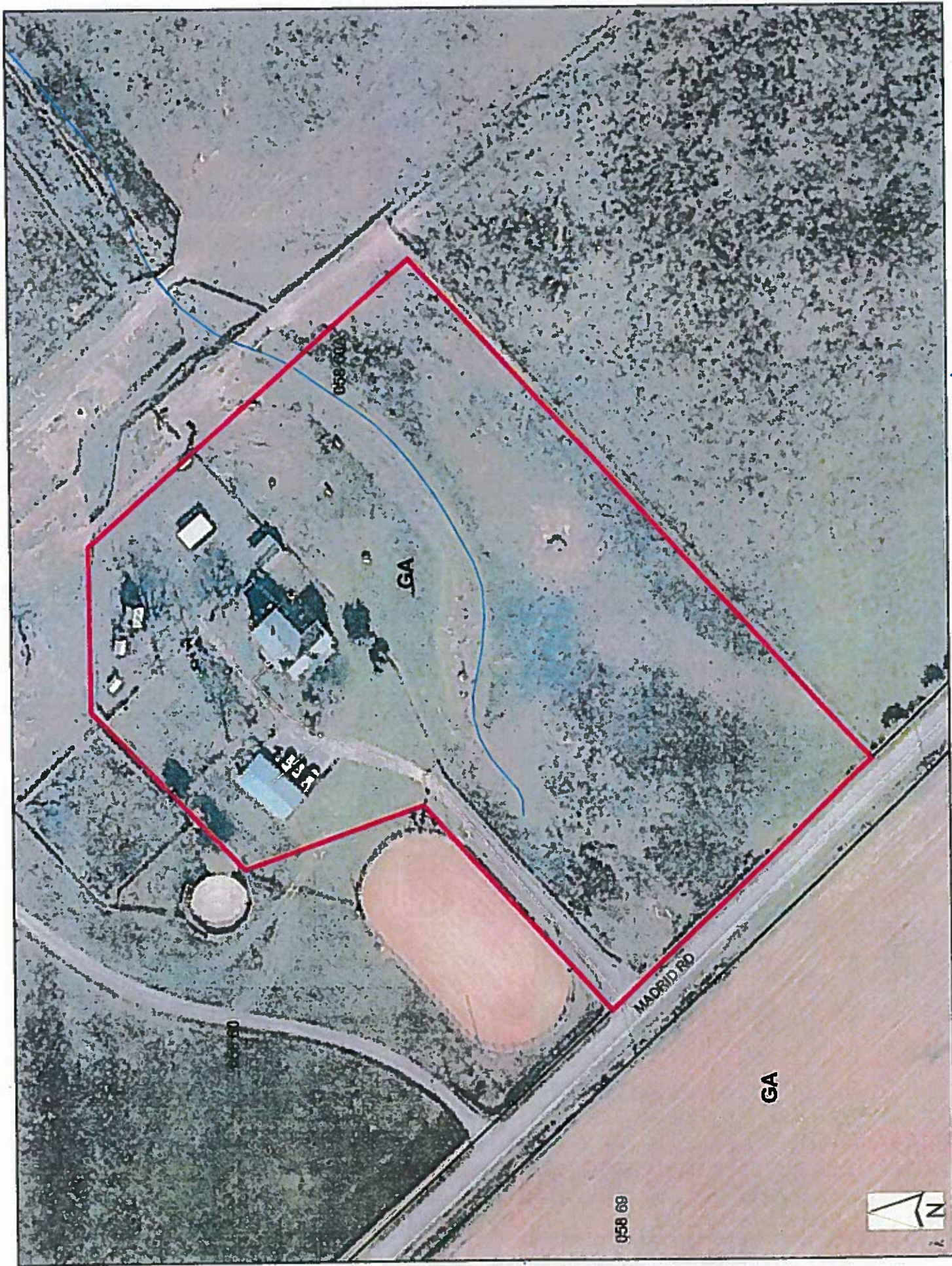
Operating Conditions:

1. Be permitted to use a portion of the existing 24' x 48' garage for the gunsmithing operation and retail sales.
2. Hours of operation be between 9:00 a.m. to 7:00 p.m. Monday – Saturday.
3. No Sunday work.
4. No more than one (1) part-time employee to come to the site.
5. Applicant must reside on premises.
6. Site be kept neat and orderly.



1 inch = 500 feet

Wood



Wood

1 inch = 100 feet

AGENDA ITEM # 4B

Date 3/1/18

PROPERTY OWNER:

Jeffrey J. and Kimberly B. Shaw

APPLICANT:

Jared Shaw

LOCATION OF PROPERTY:

404 Coleytown Road, Waynesboro in the Middle River District

SIZE OF PROPERTY:

5.016 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 private septic

APPLICANT'S JUSTIFICATION:

To construct storage buildings onsite

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:

Health Department has no comment as long as there are no outside employees. Both the garage and the house have permitted drainfields.

HIGHWAY DEPARTMENT'S COMMENTS:

The current entrance serves a residential dwelling. With the understanding that no outside sales are proposed at this site, the existing entrance is adequate for the proposed use. If conditions change, the entrance is capable of being upgraded to accommodate a more intense use.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Need estimate of disturbed area. If over 10,000 square feet, will require Erosion and Sediment Control Plan.

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 will be constructing accessory buildings and moving offsite to sell. He has proposed an area to store no more than two (2) onsite and would like to use 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 applicant resides on premise.

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

The construction of accessory buildings sold offsite should be appropriate for agriculture 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 access to Coleytown Road which is state maintained.

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

The 5.016 acre parcel should safely accommodate the buildings being moved onto the public highways. No customers will come to the site.

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.

All work will be done outside and materials are stored in the existing garage.

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

No expansions are requested.

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

No customers will come to the site and no employees. Existing home is connected to a private well and septic system.

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

There will be fire extinguishers onsite.

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

The buildings will be displayed offsite.

STAFF RECOMMENDATIONS

The applicant is requesting to construct portable accessory structures onsite at his residence. The buildings will be approximately 8' x 12' and will be sold offsite at a business location. The applicant would like to also have a small storage area for overflow. He will not keep more than two (2) buildings onsite and feels that the natural wooded area would provide adequate screening. There will be no employees and no customers coming to the site. Staff feels that a small construction business with no customer traffic would not have a negative impact on the neighboring properties and would recommend the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to construct portable accessory buildings onsite.
2. All outdoor storage be kept in the designated areas shown on the site plan and the natural screening remain.
3. No more than two (2) accessory buildings be stored onsite.
4. No employees.

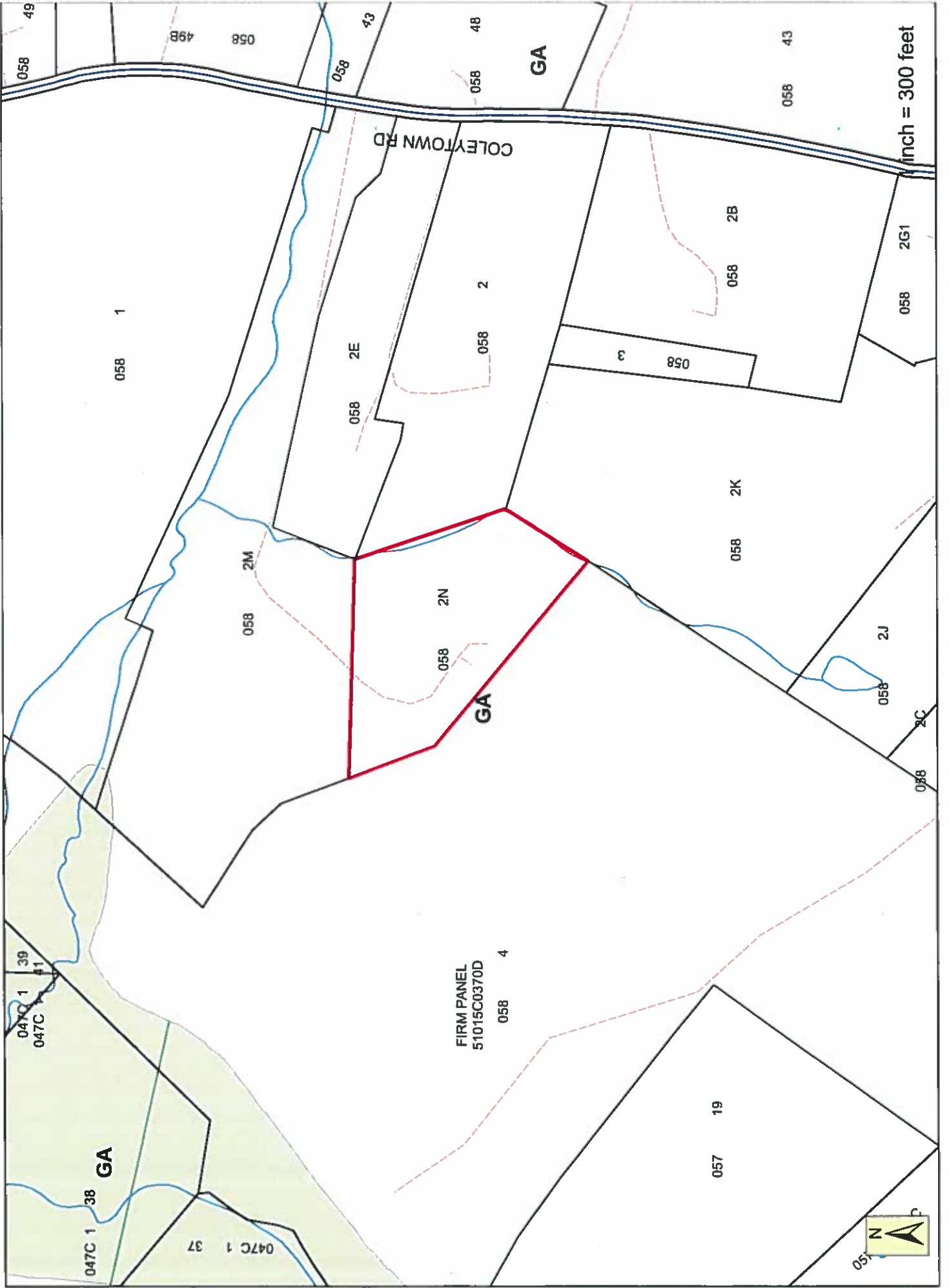
5. Hours of operation be 8:00 a.m. to 6:00 p.m. Monday – Saturday.
6. No Sunday work.
7. Site be kept neat and orderly.
8. All materials for the business be kept inside the existing garage.



Shaw



Shaw



1 inch = 300 feet



Shaw





058 4

058 2K

058 2N

058 2

058 2E

058 2M

Building Constructed

Storage Area



Shaw 1 inch = 80 feet

PROPERTY OWNER:
Jeffrey J. and Kimberly B. Shaw

APPLICANT:
Jared Shaw

LOCATION OF PROPERTY:
1818 Jefferson Highway, Fishersville in the Wayne District

SIZE OF PROPERTY:
1.192 acres

VICINITY ZONING:
General Business and Single Family Residential to the north, General Business
To the south and west, General Agriculture to the east.

PREVIOUS ZONING OR S.U.P.:
10/47 – Zoned General Business

LAND USE MAPS:
Urban Service Area – Business

UTILITIES:
Public Water & Public Sewer

APPLICANT'S JUSTIFICATION:
To have outdoor display and sales of storage buildings

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
Health Department has no comment as public water and sewer serve building.

HIGHWAY DEPARTMENT'S COMMENTS:
Currently two entrances serve this property. One is from Rte 250 and the other is from Rte 805. The entrance along Rte 250 is in close proximity of the intersection of Rte 250 and Rte 805 (Station House Rd). VDOT has commented in the past that a change in use on-site would likely require closing the Rt. 250 entrance within the functional area of the signalized intersection to meet current access management regulations. While the change in traffic generation resulting from the proposed request to sell storage buildings is likely to be minimal, and would not definitively meet the VDOT definition of a change in use, VDOT would still strongly

recommend closing the non-conforming entrance as a condition of the special use request.

SERVICE AUTHORITY'S COMMENTS:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
4. 1818 Jefferson Highway is currently shown as a Service Authority water only customer in the billing system. However, it appears that there may be an existing sewer connection. ACSA staff will be in touch with the owner regarding this to clarify the status.
5. There is an existing 8" sewer line along Station House Road to the southeast of the subject property. There is an existing 8" sewer line along Jefferson Highway (Rt. 250) fronting the subject property.
6. There is an existing 30' wide sewer easement along Rt. 250. If permitted, the applicant is advised to call Miss Utility and ensure that the placement of the building is at least 10' off of the existing water and sewer utilities.

ENGINEERING'S COMMENTS:

Could disturb or add impervious cover greater than 10,000 square feet. Require site plan submittal, possible Erosion and Sediment Control and Stormwater Management Plans required.

SECTION 25-304B - GENERAL OUTDOOR STORAGE

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

There is an approved Site Plan on file for the retail store. The applicant has sketched an area for the outdoor storage on the existing plan.

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

There are two approved existing entrances that have safely and adequately accommodated all traffic to and from the public highways. VDOT comments are recommending that the entrance onto Route 250 be closed.

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

The applicant is proposing to use two of the grassy areas on the lot as the storage area. They are requesting fifteen (15) storage building which could interfere with required parking spaces for the retail store.

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

The outdoor storage area will be proportionately appropriate in size with the nature of the existing business.

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

No new structures are proposed.

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

The accessory buildings displayed are all for sale and do not require screening.

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

No new outdoor lighting is proposed.

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

Accessory buildings are items normally kept outside.

STAFF RECOMMENDATIONS

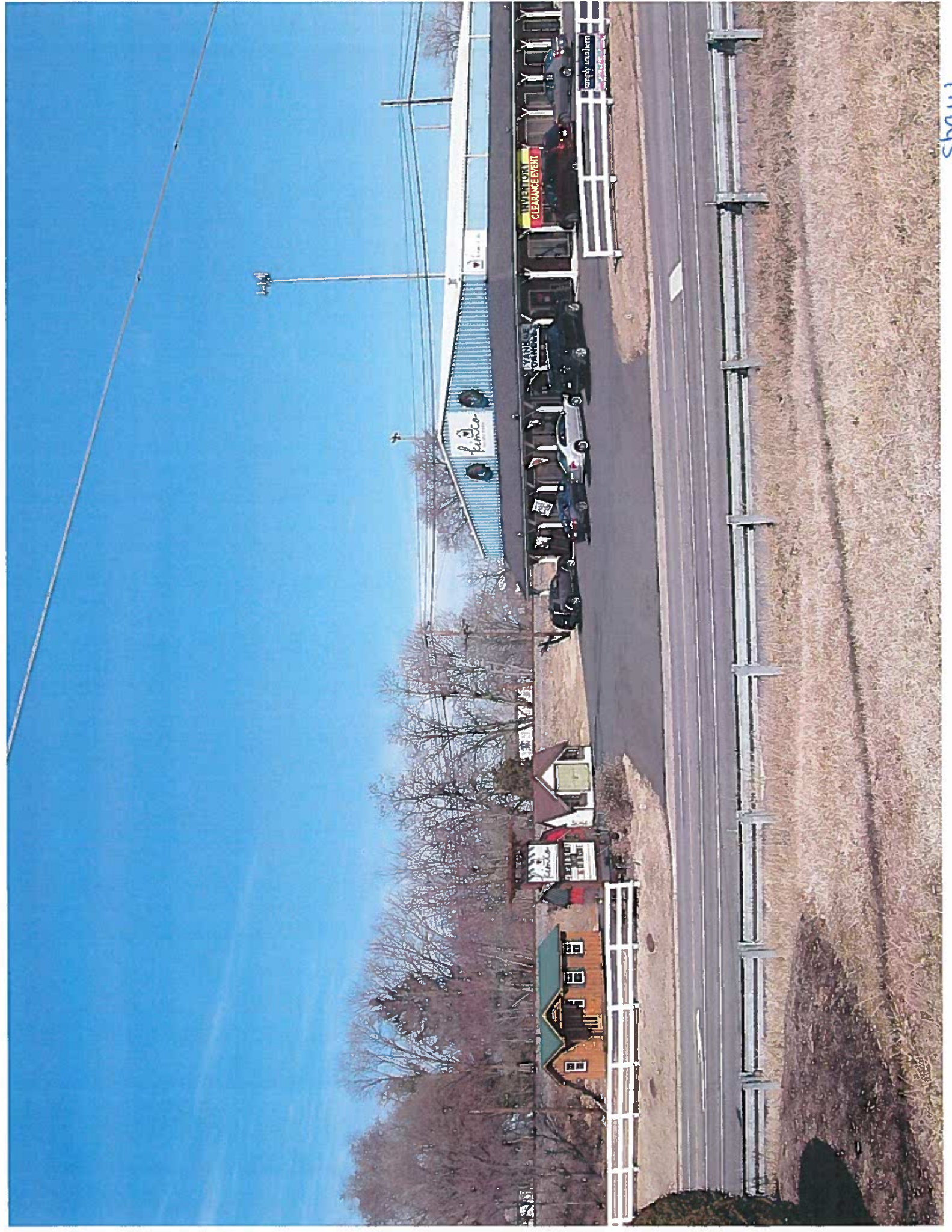
The applicant is requesting to display and sell up to fifteen (15) portable accessory buildings he constructs at his dwelling at this location. The applicant's parents own the business lot, and he would like to utilize the grassy areas in front and along the side adjacent to the railroad and the grassy area in the corner adjacent to Station House Road and Fishersville Station Road for display of the buildings. The applicant was not aware that a Special Use Permit would be required on a business zoned lot and currently has buildings displayed on the property. Due to the fact that none of the parking spaces for the retail store are properly marked, and the buildings that are displayed there now are located on the pavement, Staff is concerned that the number of buildings requested might interfere with required spaces for the store. If the applicant can properly stripe the required parking spaces and provide a revised site plan clearly indicating that none of the required parking spaces will be utilized for outdoor display, Staff would recommend 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. Properly stripe all required parking onsite.

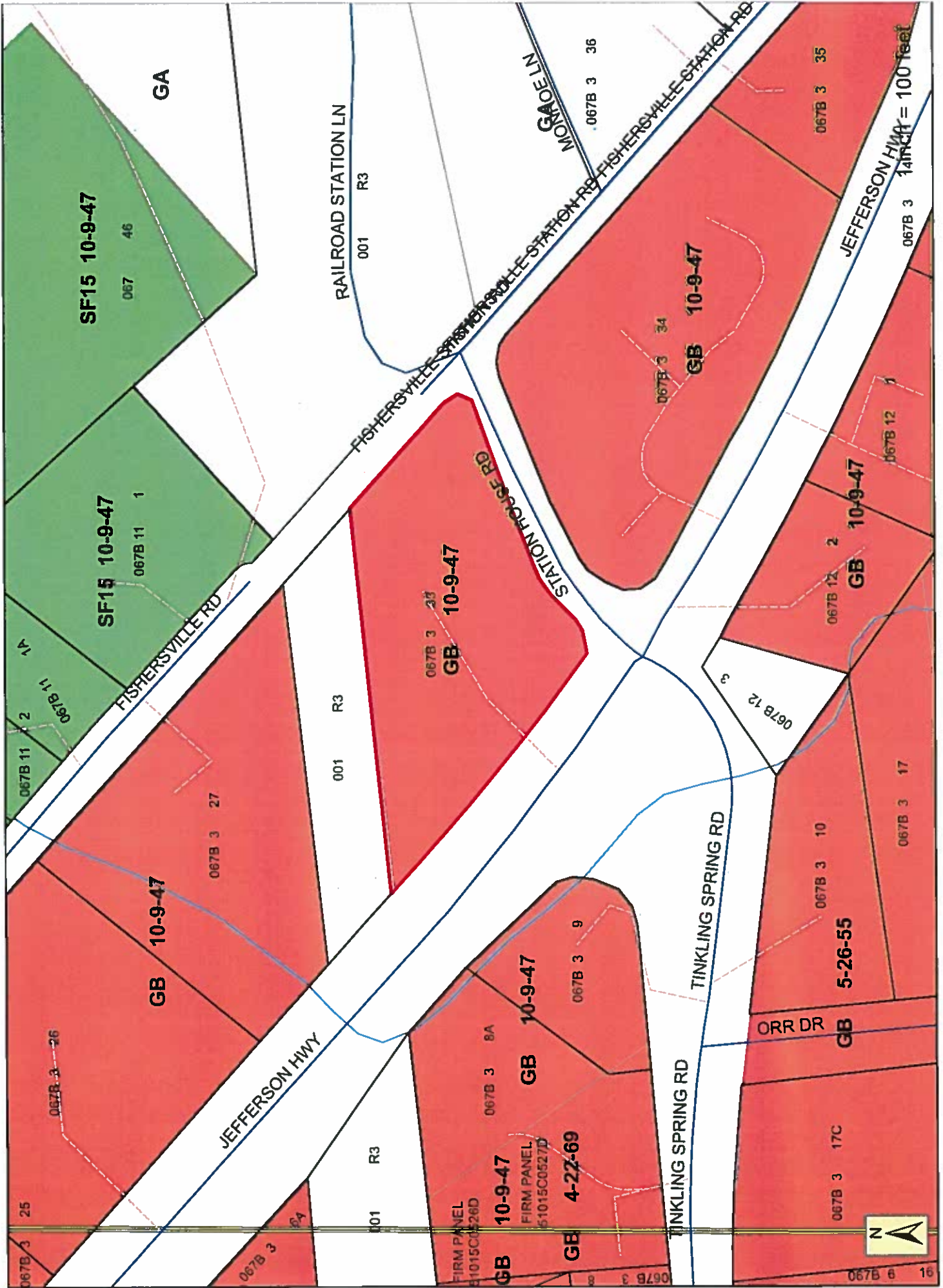
Operating Conditions:

1. Be limited to no more than ten (10) buildings displayed for sale onsite.
2. All buildings displayed be kept in the designated areas on the site plan.
3. No buildings located within ten (10') feet of the existing water and sewer utilities.
4. Site be kept neat and orderly



chris

Shaw



Shaw



Shaw



1 inch = 50 feet

Legend

- Inversion
- Other Property of Expressway
- Other Principal Arterial
- Major Arterial
- Major Collector
- Minor Collector
- Interstate Ramp
- Other Property of Expressway / Ramp
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AGENDA ITEM # 4D

Date 3/1/18

PROPERTY OWNER:
Kevin or Denise Goertzen

APPLICANT:
Same

LOCATION OF PROPERTY:
1916 Tinkling Springs Road, Stuarts Draft in the Beverley Manor District

SIZE OF PROPERTY:
2.588 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

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

LAND USE MAPS:
Community Development Area

UTILITIES:
Private well and private septic

APPLICANT'S JUSTIFICATION:
To have a short term vacation rental within the existing home

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
3 Bedroom septic system on file at the Health Department. Health Department has no issues as long as the occupancy of the home does not exceed 6 people and no more than one room is being rented. Renting more than one room would require a VDH lodging permit.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance will need a few upgrades to meet the low volume commercial entrance requirements. The radii at the entrance shall be increased to at least 20'. The existing culvert appears to need cleaning and is damaged; during inspection of the entrance upgrades, VDOT will determine if the existing portion of the culvert needs to be replaced or only extended.

SERVICE AUTHORITY'S COMMENTS:

1. The home on Tax Map 75-2B2 is not a customer of the Service Authority.
2. There is no public 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 the existing dwelling for short term vacation rental should be appropriate in 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 and property 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 is located on Tinkling Springs Road which is a state maintained road.

STAFF RECOMMENDATIONS

The applicant is requesting to rent out the master bedroom suite only, it has a separate entrance and bathroom. They will not be providing meals but there will be a refrigerator, microwave, and coffee station for the guests to use. The applicant resides on the site. Staff feels that using the dwelling as a short term vacation rental would not be out of character with the area and recommends approval with the following conditions:

Pre-Conditions:

1. Obtain VDOT entrance permit and provide a copy to Community Development.

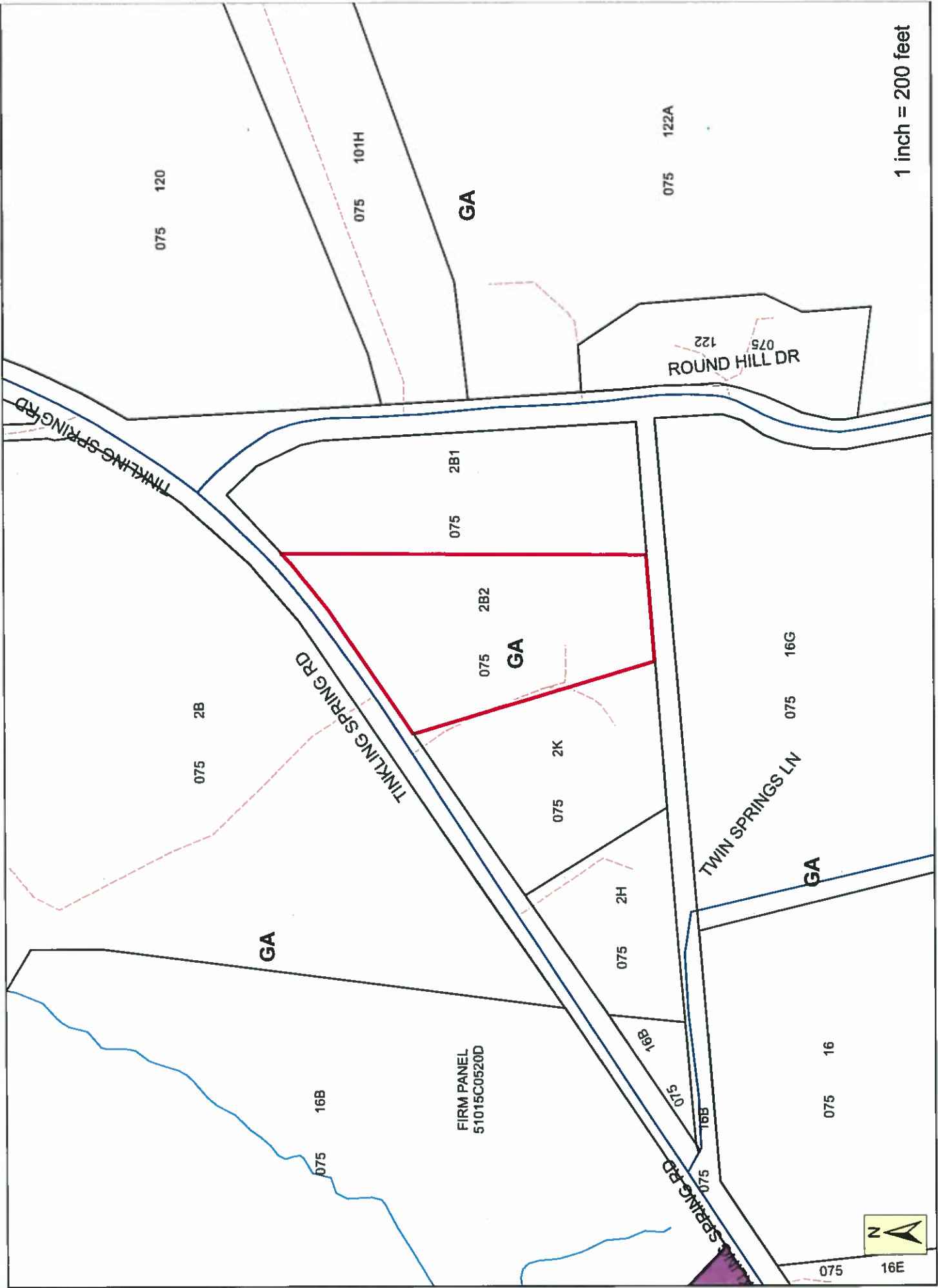
Operating Conditions:

1. Be permitted to use one (1) room in the existing dwelling for short term vacation rental.
2. Be limited to no more than six (6) persons occupying the dwelling.
3. Applicant must reside on premises.
4. Site be kept neat and orderly.

use & privacy



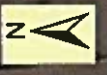
Goertzen



Goertzen



1 inch = 200 feet



voertzen

