



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: March 29, 2018

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, April 5, 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 **8:30 A.M., Thursday**, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow at **Country Cookin at noon**.

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

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

SKB/bcw

Enclosures

**ADVANCED  
AGENDA**

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

**Thursday, April 5, 2018, 1:30 P.M.**

**1. CALL TO ORDER**

**2. DETERMINATION OF A QUORUM**

**3. MINUTES**

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

**4. PUBLIC HEARINGS**

- A. A request by Stephen and Janet Huff, for a Special Use Permit to have outdoor storage of a food trailer and to have food sales onsite on property owned by C. Rodgers Huff, Trustees, Etal, located at 425 Shenandoah Mountain Drive, West Augusta in the North River District.
- B. A request by Clarence William Campbell, for a Special Use Permit to have a landscape business with outdoor storage of equipment on property he owns, located at 2373 Hankey Mountain Highway, Churchville in the North River District.
- C. A request by Jay Frizzelle, agent for David Alan Industries, Inc., for a Special Use Permit to relocate a building and use for business storage on property they own, located at 956 Keezletown Road, Weyers Cave in the Middle River District.
- D. A request by Carolyn P. Vines, for a Special Use Permit to lease storage space within the existing garage on property she owns, located at 3727 Middlebrook Village Road, Middlebrook in the Riverheads District.
- E. A request by Robert and Kelly Nordhausen, for a Special Use Permit to increase the number of dogs onsite, convert an existing building into dog kennels, construct a new building for dog training and continue the dog breeding facility on property they own, located at 238 Fauberitaville Lane, Greenville in the Riverheads District.
- F. A request by Monica L. Rutledge, for a Special Use Permit to construct a barn and use a portion for weddings and special events and to modify operating conditions to allow thirty-five (35) events per year on property she owns, located at 1808 Parkersburg Turnpike, Swoope in the Pastures District.
- G. A request by Kenneth Rodgers, agent for SERCAP, for a Special Use Permit to construct a dwelling less than 900 square feet in size on property owned by Preston Brenneman, located at 655 Spottswood Road, Spottswood in the Riverheads District.

- H. A request by Nick Grow, agent for Augusta County Parks and Recreation, for a Variance from the Floodplain Ordinance in order to expand an existing structure on property owned by County of Augusta, Virginia, located at 170 Natural Chimneys Lane, Mt. Solon in the North River District.

## **5. OLD BUSINESS**

## **6. MATTERS TO BE PRESENTED BY THE PUBLIC**

## **7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

- A. A request by Patrick Rodgers and Stephen Huff, agents for Shenandoah Mountain Outfitters, for a Special Use Permit to have private guided hunting, fishing, bird dog training, kennel, corporate retreat/outing, and camping on property owned by C. Rodgers Huff, Trustee & Etal, located on the north side of Shenandoah Mountain Drive (Route 250), approximately .6 of a mile west of Deerfield Valley Road (Route 629) in the North River District. – **REQUEST TO CANCEL**
- B. A request by Patrick C. Rodgers and Stephen Huff, agents for Shenandoah Mountain Outfitters, for a Special Use Permit to continue to have private guided hunting and fishing, bird dog training, kennel, and private retreat/outings on property owned by C. Rodgers Huff, Trustee and Etal, located at 425 Shenandoah Mountain Drive, West Augusta, in the North River District. – **REQUEST TO CANCEL**
- C. A request by Emmett W., Jr. or Sharon M. Hanger, for a Special Use Permit to have a real estate office and a political office on property they own, located at 928 Natural Chimneys Road, Mt. Solon, in the North River District. – **REQUEST TO CANCEL**
- D. A request by Brian and Colby Trow, Mossy Creek Fly Fishing, Inc., for a Special Use Permit to have recreational cabins on property owned by Ronnie L. or Debra S. Knically, located on the south side of Mossy Creek Road (Route 747), approximately .2 of a mile west of the intersection of Mossy Creek Road (Route 747) and Iron Works Road (Route 809) in the North River District. – **REQUEST TO CANCEL**

## **8. STAFF REPORT**

17-21	Kevin or Carol Milkman – <b>Cancelled</b>
17-22	Lyle Sprouse
17-23	Christopher D. and Rikki L. Howell
17-24	Monica L. Rutledge
17-25	Fishersville Property, LC

## **9. ADJOURNMENT**

**Date** 4/5/18

**PROPERTY OWNER:**  
C. Rodgers Huff, Trustees, Etal

**APPLICANT:**  
Stephen and Janet Huff

**LOCATION OF PROPERTY:**  
425 Shenandoah Mountain Drive, West Augusta in the North River District

**SIZE OF PROPERTY:**  
4.069 acres

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

**PREVIOUS ZONING OR S.U.P.:**  
12/95 Zoned General Agriculture  
10/06 SUP to have private guided hunting, fishing, and training and corporate retreats  
10/11 SUP to continue to have private guided hunting, fishing, bird dog training, kennel,  
and private retreats **4/18 – SUP Cancelled per owners' request**

**LAND USE MAPS:**  
Rural Conservation Area

**UTILITIES:**  
Private well and septic

**APPLICANT'S JUSTIFICATION:**  
To have outdoor storage of a food trailer and to have food sales onsite.

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

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

**HEALTH DEPARTMENT'S COMMENTS:**  
The applicant has a Health Department permitted mobile food unit. The Health Department has no issues with storage of the trailer or onsite food sales.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
The existing entrance is adequate for the requested use for up to 200 vehicle trips per day (enter + exit).

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

**ENGINEERING'S COMMENTS:**

Existing gravel. Parking overflow is grass. < 10,000 square feet. Ok.

**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 food trailer will be stored behind the dwelling unless food is being served. The property is surrounded by trees to provide 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 lives onsite.

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

A small food trailer with limited business hours 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 frontage along Shenandoah Mountain Drive.

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

The 4.069 acre site should adequately and safely accommodate all 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.**

The applicant will be using a food trailer only. No 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 or enlargements 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.**

There is an existing well and septic system onsite. The food trailer is not required to provide facilities to the public.

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

There are 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 trailer will be stored well over twenty-five (25') feet from the edge of pavement.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to store his food trailer and to have food sales onsite. The applicant currently has a peddler's license to sell food from his trailer at different locations. They will be serving hot dogs, hamburgers, kettle corn, and pork rinds. He would like to be open for business Monday – Saturday. There will be no employees onsite, only the applicant and his wife will operate the business. The applicant would also like to provide up to three (3) picnic tables and a small tent for shade. Parking will be provided in the cleared area around the food trailer and in the adjacent field. Staff feels that a small food trailer with no employees could be appropriate for the agriculture area and would recommend approval with the following conditions:

### **Pre-Conditions:**

None

### **Operating Conditions:**

1. Be allowed to store one (1) food trailer and have food sales onsite in the designated area shown on the BZA sketch.
2. Hours of operation be 10:30 a.m. to 8:00 p.m. Monday – Saturday.
3. No Sunday work.
4. No employees other than family members.
5. Site be kept neat and orderly.





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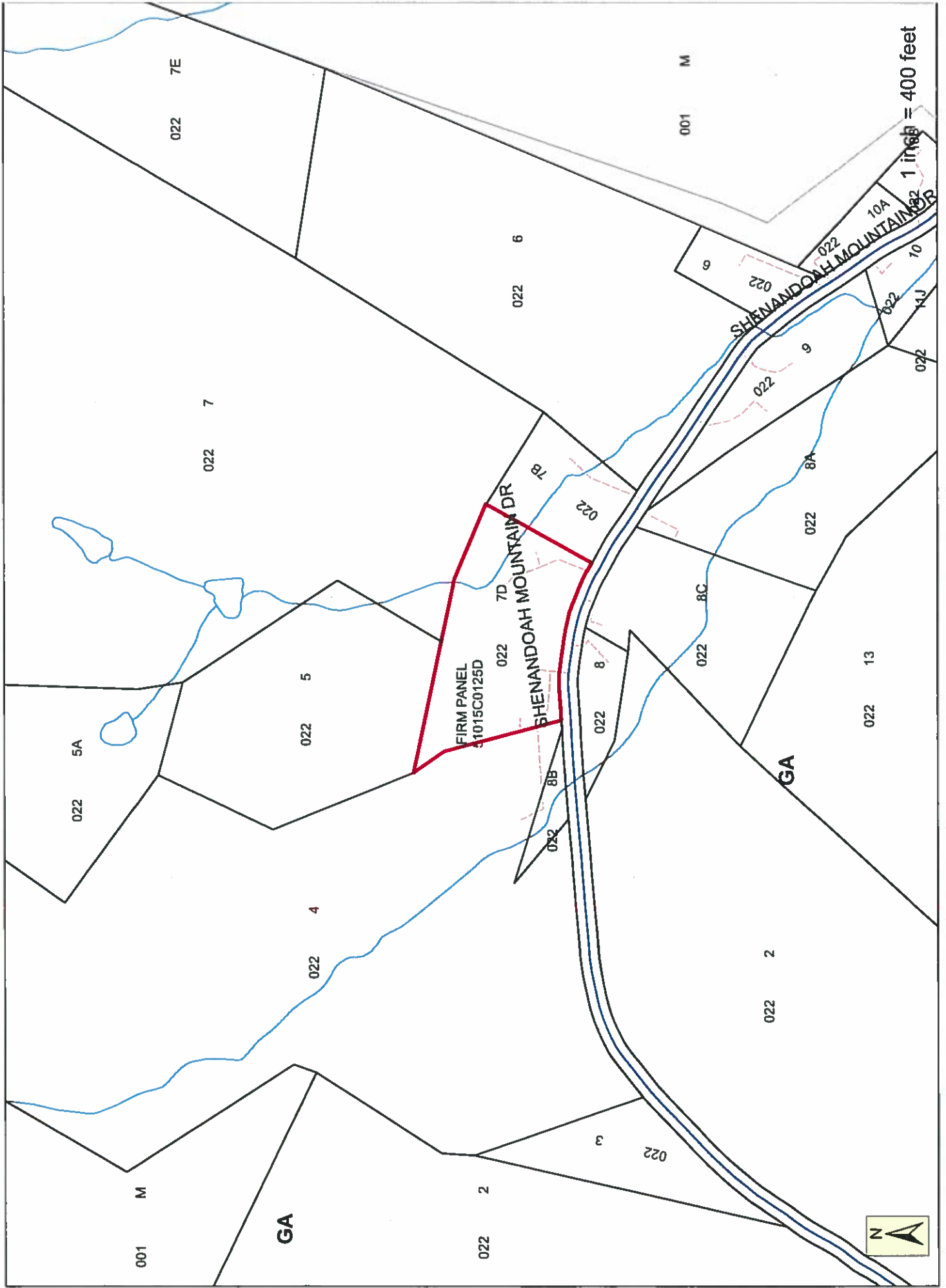


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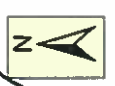




Huff



1 inch = 400 feet





Huff



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6 inch = 200 feet







**AGENDA ITEM #** 4B

**Date** 4/5/18

**PROPERTY OWNER:**  
Clarence William Campbell

**APPLICANT:**  
Same

**LOCATION OF PROPERTY:**  
2373 Hankey Mountain Highway, Churchville in the North River District

**SIZE OF PROPERTY:**  
1.433 acres

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

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

**LAND USE MAPS:**  
Rural Conservation Area

**UTILITIES:**  
Private well and septic

**APPLICANT'S JUSTIFICATION:**  
To have a landscape business with outdoor storage of equipment.

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

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

**HEALTH DEPARTMENT'S COMMENTS:**  
Owner is sole employee. Health Department has no issues.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
VDOT understands that there will be a bucket truck and chipper on-site. The existing entrance is adequate for the requested use.

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



**ENGINEERING'S COMMENTS:**

From survey recorded at Instrument #16001107, appears owner is parking vehicles on National Forest property. Recommend requiring a site plan or sketch confirming all business operations will be on property owned by the applicant. < 10,000 square feet. Ok.

**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.**

Applicant is proposing one (1) commercial truck with a bucket/chipper attached to it. It will be parked/stored behind the dwelling.

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

The applicant lives on the property and is the sole employee of the business.

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

Small businesses with a limited amount of outdoor storage should be appropriate for 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.**

Applicant has an existing approved entrance permit on file with VDOT. No changes are proposed for the entrance. There is direct access onto Hankey Mountain Highway.

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

The existing 1.433 acre site will adequately and safely accommodate the traffic flow to and from the public highway.

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

No new structures are proposed.

**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 or enlargements 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.**

There is an existing well and septic system onsite.

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

Fire extinguishers will be inside the truck.

**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 sales.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to have a tree trimming/landscape business onsite with outdoor storage of his bucket truck and chipper. The truck and chipper will be parked in the driveway next to the dwelling. The property is wooded and should provide natural screening. There will be no logs or mulch stored or brought to the site and no employees are requested. Staff feels a small landscape business with limited storage would be compatible with the area and recommends approval with the following conditions:

### **Pre-Conditions:**

None

### **Operating Conditions:**

1. Be limited to one (1) bucket truck and chipper parked in the designated area on the BZA sketch.
2. No logs, wood chips, or mulch be brought to the site or sold at the site.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

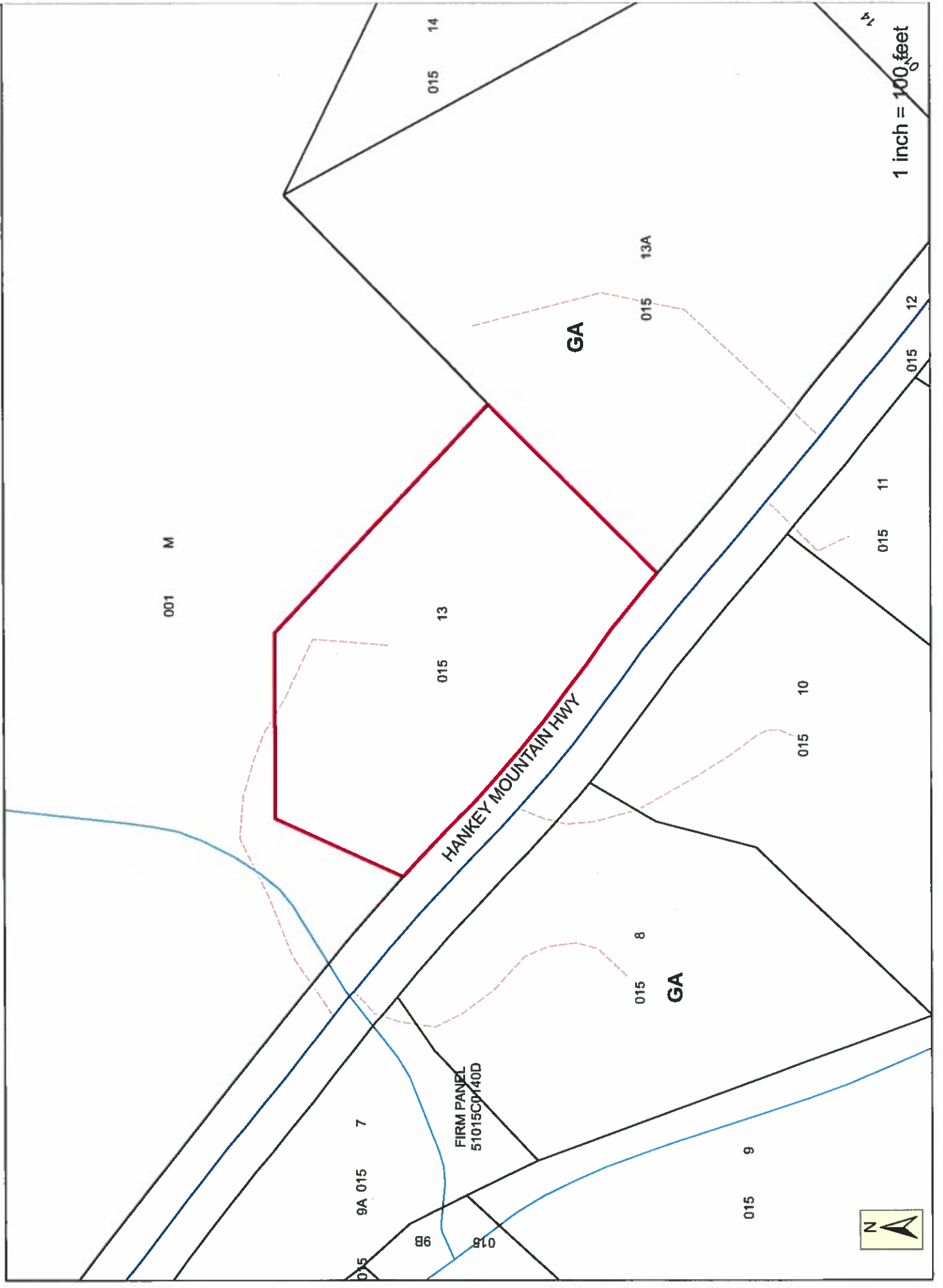




Cumobell



# Campbell





Campbell





# Campbell





**AGENDA ITEM # 4C**

Date 4/5/18

**PROPERTY OWNER:**  
David Alan Industries, Inc.

**APPLICANT:**  
Jay Frizzelle, agent for David Alan Industries, Inc.

**LOCATION OF PROPERTY:**  
956 Keezletown Road, Weyers Cave in the Middle River District

**SIZE OF PROPERTY:**  
5.101 acres

**VICINITY ZONING:**  
General Agriculture and General Industrial to the north, General Agriculture to the east and west; General Agriculture and Single Family to the south

**PREVIOUS ZONING OR S.U.P.:**  
12/95 Zoned General Agriculture  
08/10 SUP approved to use an existing building for business storage and have overflow parking for a funeral home

**LAND USE MAPS:**  
Urban Service Area – Medium Density Residential

**UTILITIES:**  
None

**APPLICANT'S JUSTIFICATION:**  
To relocate a building and use for business storage

**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:**  
No plumbing in building, building to be used as dry storage only. Health Department has no issues.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
VDOT understands that the pre-fabricated building will be relocated to this location with no new construction. No entrance modifications are required.



**SERVICE AUTHORITY'S COMMENTS:**

If there is no changes to water/sewer use as a result of the building relocation, the Service Authority has no comments.

**ENGINEERING'S COMMENTS:**

Existing structures and driveway are pre-1991. Less than 10,000 square feet. Ok.

**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.**

There will not be any outdoor storage.

**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.**

No one resides on the property. The business location is on an adjacent property.

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

The building will be used for storage only. No customers come to the site.

**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 site has direct access to Keezletown Road.

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

Existing entrance onsite.

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

The applicant is proposing to move a 14' x 32' storage building to this site from their business lot.

**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 enlargement proposed. Storage use only. No business conducted 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.**

Not required for storage only buildings.

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

There will be fire extinguishers in the building.

**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 for sale at this site.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to relocate a 14' x 32' storage building currently located on the adjacent business site to this location and for commercial storage. The proposed location is to the rear of the lot and will conform to all zoning setbacks. No customers will come to this location. Staff feels this is a low impact use and would recommend approval of the request with the following conditions:

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

None

#### **Operating Conditions:**

1. Applicant be allowed to relocate the 14' x 32' prefab building on the property for storage.
2. Applicant obtain building permit and provide a copy to Community Development.
3. No outdoor storage.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.

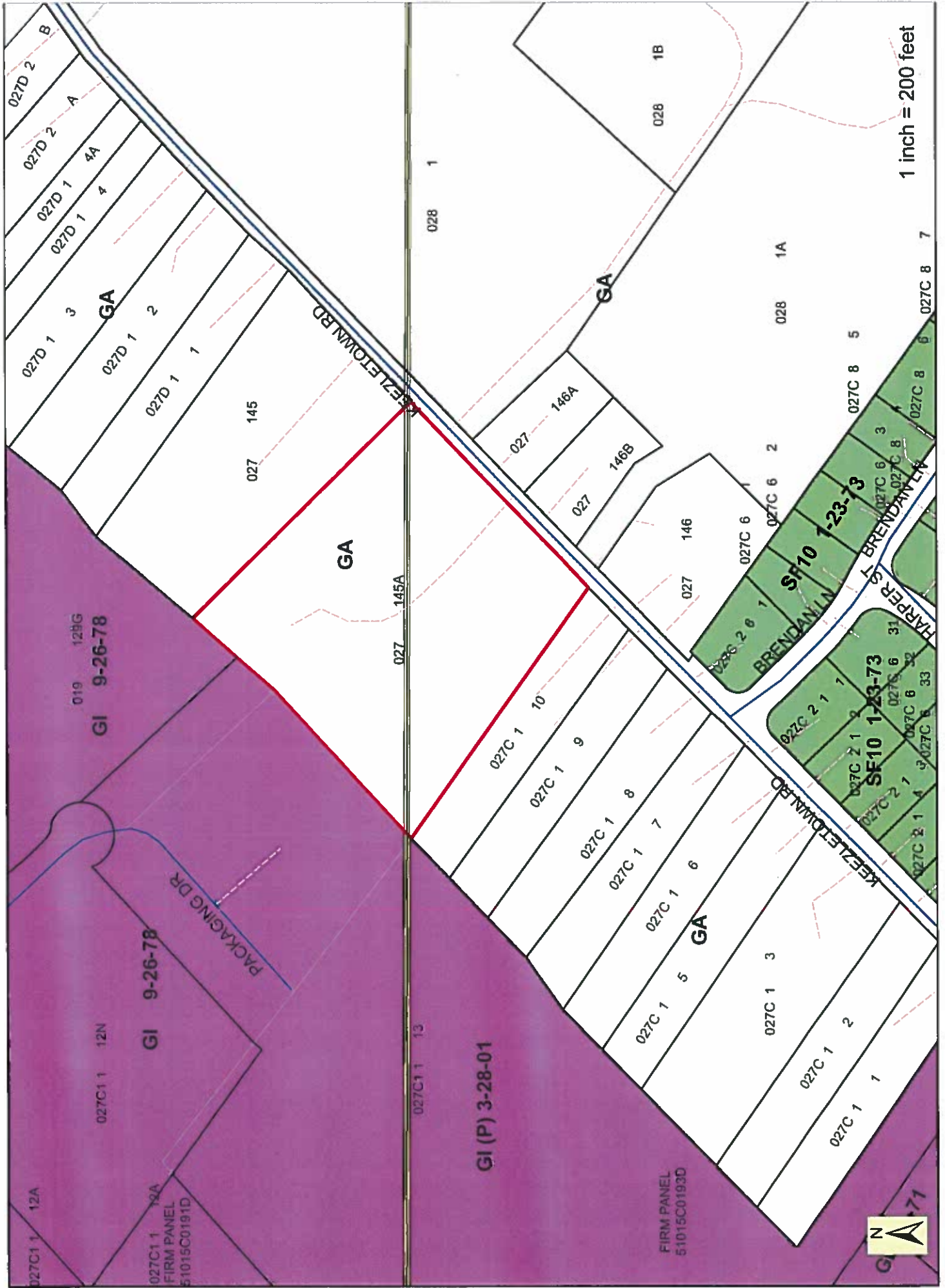




David Allen and. slides



David Alan Industries, Inc.

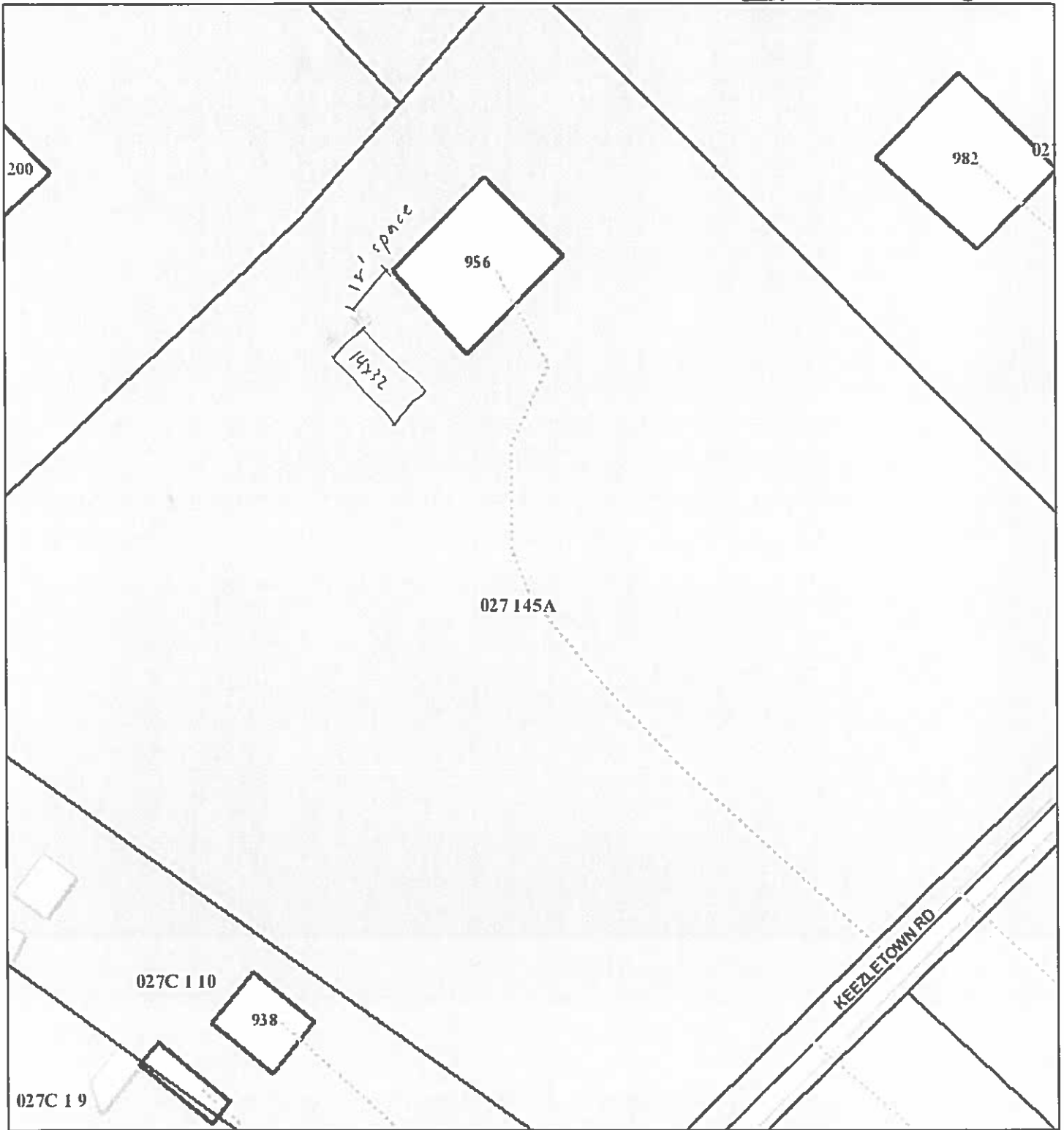




David Alan Industries, Inc.

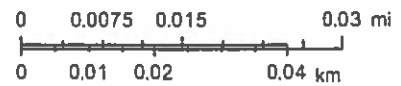






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- Parcels
- County Boundary
- Craigsville
- driveways
- Streets
- Addressed Structures

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community  
Augusta County VA GIS

**AGENDA ITEM #** 4D

**Date** 4/5/18

**PROPERTY OWNER:**

Carolyn P. Vines

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

3727 Middlebrook Village Road, Middlebrook in the Riverheads District

**SIZE OF PROPERTY:**

0.301 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 – Village Mixed Use

**UTILITIES:**

Public water and private septic

**APPLICANT'S JUSTIFICATION:**

To lease storage space within the existing garage.

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no comments.

**HEALTH DEPARTMENT'S COMMENTS:**

Garage bay will be used for storage only. Health Department has no issues.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing paved entrance to Rt. 252 is adequate to support the proposed use.

**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. 3727 Middlebrook Village Road (Tax Map # 72A-(1)-13) is currently a Service Authority water only customer. If there is any change to the plumbing as a result of the new lease, a meter sizing form will be required for evaluation by the Service Authority Engineering Department. Additional fees in accordance with the Service Authority Rate Schedule would apply if the water meter size needs to be changed.
5. There is no public sewer available in the area of the subject parcel.

**ENGINEERING'S COMMENTS:**

< 10,000 square feet. Ok.

**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 lease out three (3) bays in her existing detached garage. The remainder will be for her personal use. No outdoor storage. Everything will be kept inside the building.

**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 property owner lives within close proximity to this site.

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

The existing building will be used for storage only. No enlargements are proposed. The doors are locked, with 24 hour access. No new lighting is 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 property has direct access to Middlebrook Village Road.

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

The existing driveway and parking area should be able to adequately and safely accommodate all traffic.

**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.**

It is a pre-existing garage. No new construction is proposed.

**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 are proposed.

**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 building is being used for storage only. No bathrooms are required.

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

The interior of the building contains fire extinguishers and smoke alarm.

**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 shall be displayed for sale.

### **STAFF RECOMMENDATIONS**

The applicant is proposing to rent three (3) bays of the garage for storage. The applicant is currently leasing the space to a landscaping contractor and was not aware a Special Use Permit was needed. This is a pre-existing building and no enlargements are proposed. The applicant lives within close proximity of this property. There will be no business conducted at this site, no outdoor storage, and everything will be stored in the building. Staff feels the request is a low impact use that would be compatible with the area and recommends approval with the following conditions:



**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to lease three (3) bays in the existing garage to the public.
2. No outside storage.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.



Vines



Vines



1 inch = 50 feet



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GA

GA

GA

GA

# Vines







Vines

1 inch = 25 feet

**AGENDA ITEM # 4E**

Date 4/5/18

**PROPERTY OWNER:**  
Robert and Kelly Nordhausen

**APPLICANT:**  
Same

**LOCATION OF PROPERTY:**  
238 Fauberitaville Lane, Greenville in the Riverheads District

**SIZE OF PROPERTY:**  
28.564 acres

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

**PREVIOUS ZONING OR S.U.P.:**  
12/95 Zoned General Agriculture  
09/09 SUP approved to have a kennel

**LAND USE MAPS:**  
Agriculture Conservation Area

**UTILITIES:**  
Private well and septic

**APPLICANT'S JUSTIFICATION:**  
To increase the number of dogs onsite, convert an existing building into dog kennels, construct a new building for dog training and continue the dog breeding facility.

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

**BUILDING INSPECTOR'S COMMENTS:**  
After review, our office has no conditions. Per owner, new building will be a farm building for equipment storage primarily and so dog training is an accessory use.

**HEALTH DEPARTMENT'S COMMENTS:**  
Business will not have any outside employees. Health Department has no comments.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
The site is located on Fauberitaville Lane (private roadway) which accesses Fallen Oak Drive (another private roadway) which then intersects Route 11. The entrance of Fallen Oak at Route 11 is adequate to support the proposed use.

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



**ENGINEERING'S COMMENTS:**

< 10,000 square feet. Ok.

**ANIMAL CONTROL'S COMMENTS:**

Animal Control recommends that a fence be built around the training equipment in the yard and any off leash training be done inside the building that is to be built.

**SECTION 25-74C - ANIMAL CARE FACILITIES**

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

All waste material is collected and put into a compost pile.

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

This facility has been operating since 2009 with no adverse impacts to surrounding properties. The applicant would like to convert the existing building into an indoor/outdoor kennel and construct a new 26' x 40' building for training.

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

The applicant is proposing to use kennel panels for the fenced area around the new building. The exercise area will be 100' x 200' and properly fenced.

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

The dogs are not left outside unsupervised. The dogs have access to the outside and inside in the kennel area.

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

There are fire extinguishers in all buildings.

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

The existing facilities and the proposed areas should accommodate the breeds and the proposed increased number of dogs.

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

This property contains 28.564 acres which is mostly wooded.

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

The dogs are kept inside the existing barn at night in separate kennel areas. The barn is 14' x 38' with a 12' x 38' overhang. The dogs have indoor and outdoor access but will be confined after 10:00 p.m.

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

All structures are over 200' from all property lines and the dogs are not left outside more than two (2) hours in any twenty-four (24) hour period.

### **STAFF RECOMMENDATIONS**

The Board granted the applicants a Special Use Permit in 2009 to have a kennel for no more than twenty (20) dogs. The applicants are requesting to increase the number of dogs to thirty (30) and would like to now include dog training. The applicants would like to convert the existing building into separate kennels with access to the outside, and construct a new 26' x 40' building for dog training and farm storage. The applicants train service dogs for veterans and rescue groups. They work with rescue groups and would like to be allowed to provide emergency shelter for dogs when needed. The applicant will train dogs that belong to the veterans or rescue groups as well as some of their own puppies. They primarily breed German Shepherds, but they will train all breeds for service dogs, medical alert dogs, and as bomb dogs. The applicant and a certified trainer will be training the dogs. There will be no other employees coming to the site. The applicants are proposing a fenced area approximately 100' x 200' for outdoor training and exercise. The dogs will be supervised at all times when in this area. The applicant has operated a kennel at this location since 2009 and staff has not received any complaints regarding the dogs. Due to the fact that the property is heavily wooded and all structures meet the required setbacks, staff does not feel that the request would have a negative impact on the neighboring properties and would recommend the following conditions:

### **Pre-Conditions:**

1. The 100' x 200' fenced training/exercise area shown on the BZA sketch be constructed within **ninety (90) days**.
2. Obtain permits for an Agricultural Structure and provide a copy to Community Development.



**Operating Conditions:**

1. Maximum of thirty (30) adult dogs kept at this site at any time.
2. No more than one (1) employee to come to the site.
3. All dogs be confined within the exercise areas or in individual stalls at all times.
4. Stipulations of SUP#09-42 remain in effect.

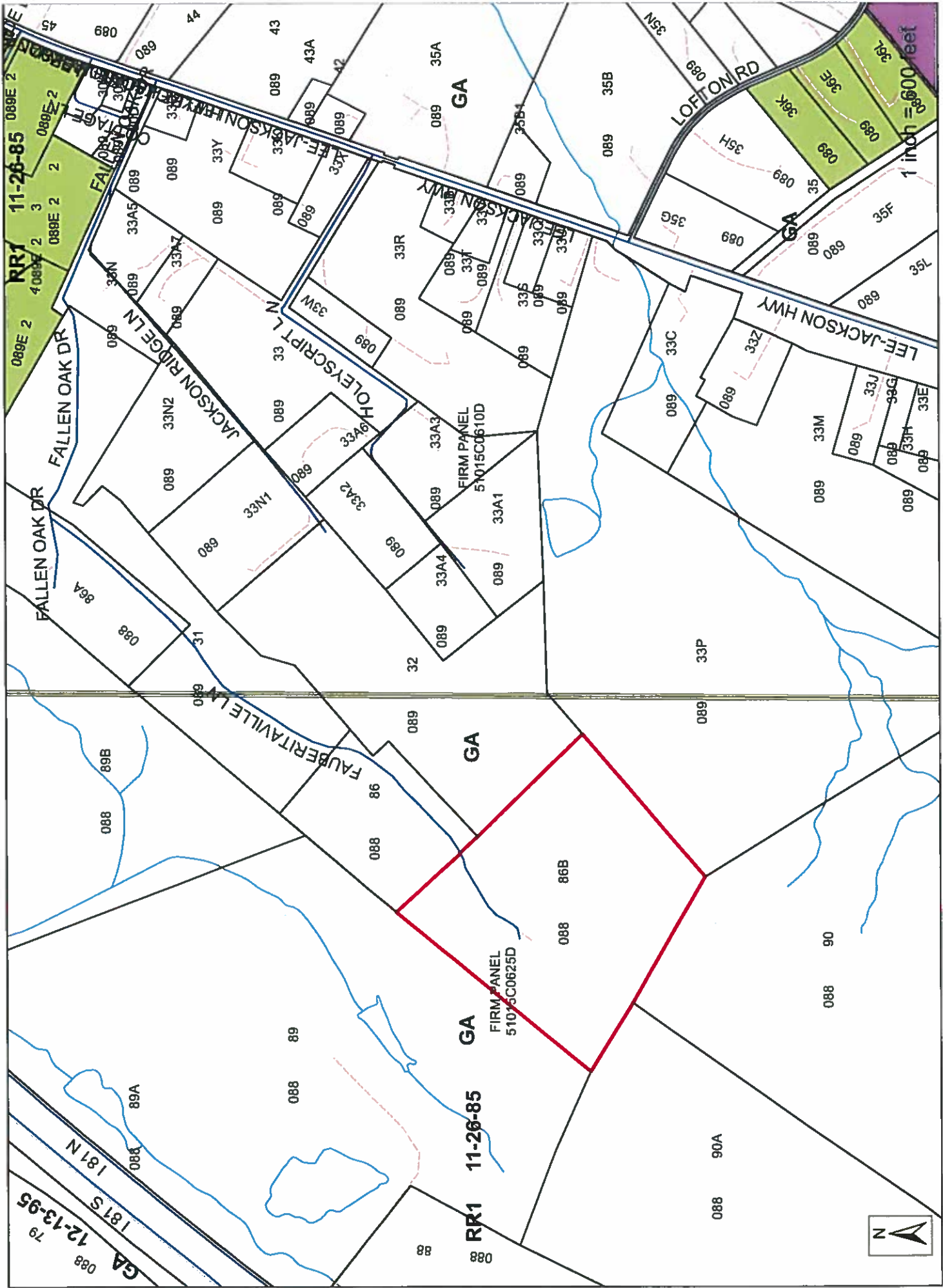




North Harrison



Nordhausen



1 inch = 600 feet



Nordhausen





# Nordhausen





AGENDA ITEM # 4F

Date 4/5/18

**PROPERTY OWNER:**

Monica L. Rutledge

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

1808 Parkersburg Turnpike, Swoope in the Pastures District

**SIZE OF PROPERTY:**

14.663 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 Zoned General Agriculture

06/17 SUP approved to have weddings and special events

**LAND USE MAPS:**

Rural Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To construct a barn and use a portion for weddings and special events and to modify operating conditions to allow thirty-five (35) events per year.

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions. Accessory to farm use.

**HEALTH DEPARTMENT'S COMMENTS:**

Owner has been issued a DEQ discharge permit to serve the event building.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The entrance modified as a condition of the previous special use permit is adequate for the changes proposed.

**SERVICE AUTHORITY'S COMMENTS:**

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



**ENGINEERING'S COMMENTS:**

< 10,000 square feet. Ok.

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

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

The applicant is proposing to construct a 51' x 67' barn with a portion for farm equipment storage and a portion for use as reception or events as needed. This should be compatible with the neighboring properties.

**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.**

Using a portion of an agricultural building for weddings and special events 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 enlarging the existing facility and modifying the operating conditions should not result in a clustering of similar businesses in the area.

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

The property has direct access to Parkersburg Turnpike.

**STAFF RECOMMENDATIONS**

The Board granted a Special Use Permit to have weddings and special events outside with an operating condition of thirty (30) events per year on this property in June of 2017. The applicant is now requesting to construct a barn near the parking area and use a portion of the barn for weddings, special events, and receptions. The applicant will be providing restrooms and an open space area for caterers to use inside the barn. No food will be prepared onsite. The barn will be used for storage of farm equipment in the back portion. The applicant is also requesting to increase the number of events from thirty (30) to thirty-five (35) per year.

Staff feels that constructing a barn and using a portion for weddings and special events would not be out of character with the rural area, however, staff has concerns recommending the approval of an increase in the number of events within the first year of operation. If the Board feels the request would be compatible and desires to approve the use of the barn and increase the number of events, staff would recommend the following conditions:

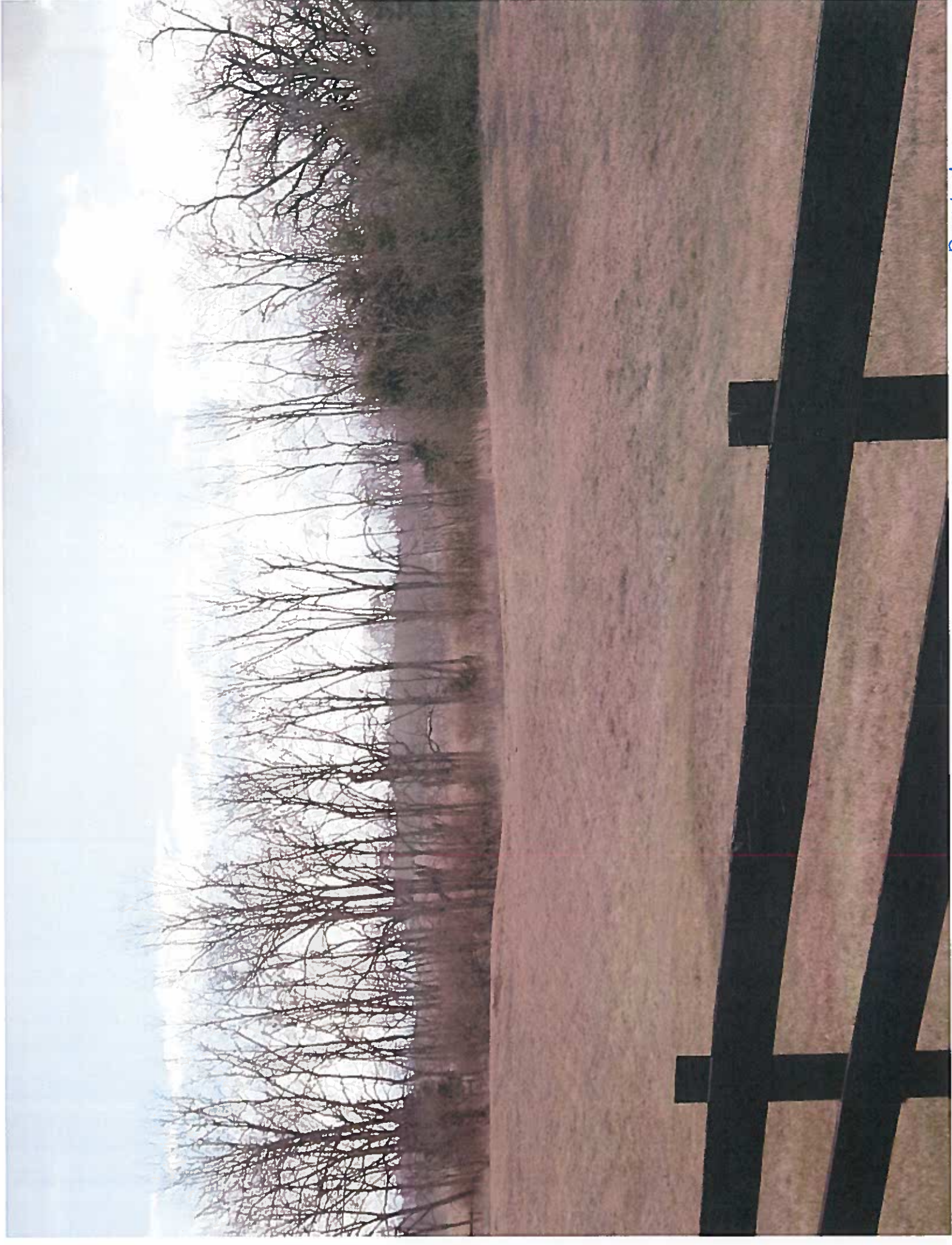
**Pre-Conditions:**

1. Obtain Health Department approval and provide a copy to Community Development.
2. Applicant obtain an Agricultural Structure Permit and provide a copy to Community Development.

**Operating Conditions:**

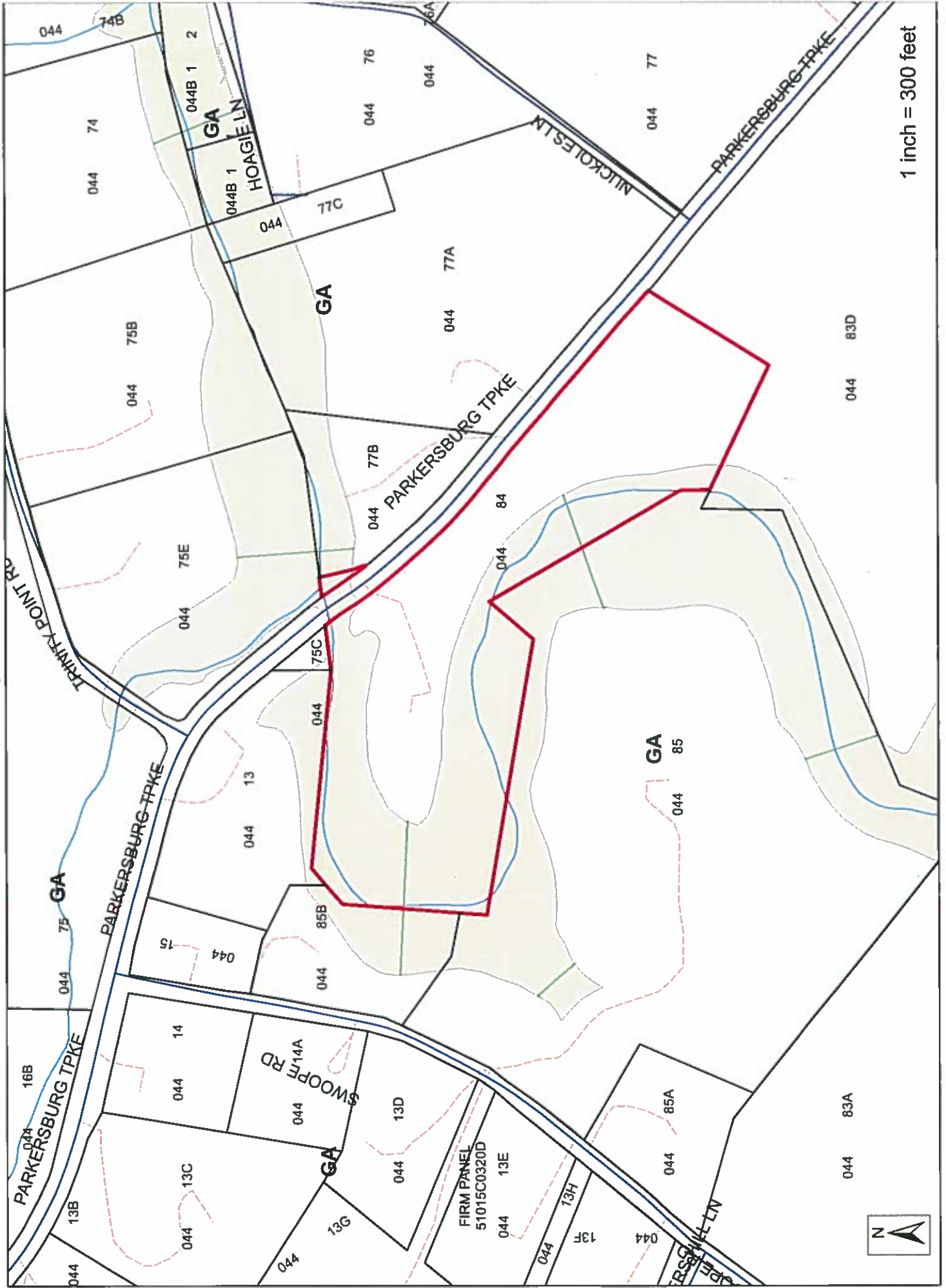
1. Be permitted to construct a 67' x 51' barn and use a portion for weddings and special events.
2. Stipulations of SUP#17-24 remain in effect with the exception that stipulation #3 be limited to thirty-five (35) events per year but no more than three (3) per month.





Rintledao

# Rutledge



1 inch = 300 feet











AGENDA ITEM# 46

Date 4/5/18

**PROPERTY OWNER:**

Preston Brenneman

**APPLICANT:**

Kenneth Rodgers, agent for SERCAP

**LOCATION OF PROPERTY:**

655 Spottswood Road, Spottswood in the Riverheads District

**SIZE OF PROPERTY:**

0.898 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Rural Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To construct a dwelling less than 900 square feet in size.

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

Obtain all necessary permits, inspections and Certificate of Occupancy in accordance with the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has issued a septic and well permit for the new dwelling. The Health Department has no issues with the size of the building.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The dwelling will need to be served by a private entrance permitted by VDOT. If the existing entrance is deemed adequate for the new dwelling, VDOT will issue an existing entrance letter in order to obtain a building permit; otherwise, a VDOT land use permit will be required if modifications or relocation is warranted. VDOT has no objection to the issuance of the Special Use Permit.

**SERVICE AUTHORITY'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**

Single Family Dwelling. Obtain Agreement in Lieu of a Plan if > 10,000 square feet disturbed.

**STAFF COMMENTS**

The applicant is requesting to demolish the existing 2550 square foot dwelling and replace it with a 780 square foot dwelling which is less than the 900 square foot minimum required by the Zoning Ordinance. The property contains an existing dwelling that has a failed septic system that can no longer be used. The applicant has obtained the assistance of the Southeast Rural Community Assistance Project to start and complete the project. This is a non-profit organization that provides assistance to persons in need of indoor plumbing rehabilitation. The existing dwelling as well as several accessory buildings will be demolished and removed from the property. The new dwelling will utilize a portion of the existing foundation and meet all setbacks from property lines and the right-of-way. Staff has received numerous complaints regarding the condition of the property and feels that granting the request would be an asset to the community. Therefore, staff recommends approval with the following conditions:

**Pre-Conditions:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. Obtain Health Department approval and provide a copy to Community Development.
3. Obtain demolition permits and provide a copy to Community Development.
4. All debris from the demolition be removed prior to construction of the new home.

**Operating Conditions:**

1. Applicant obtain building permit and provide a copy to Community Development.
2. Site be kept neat and orderly.
3. No junk or inoperable vehicles to be kept outside.

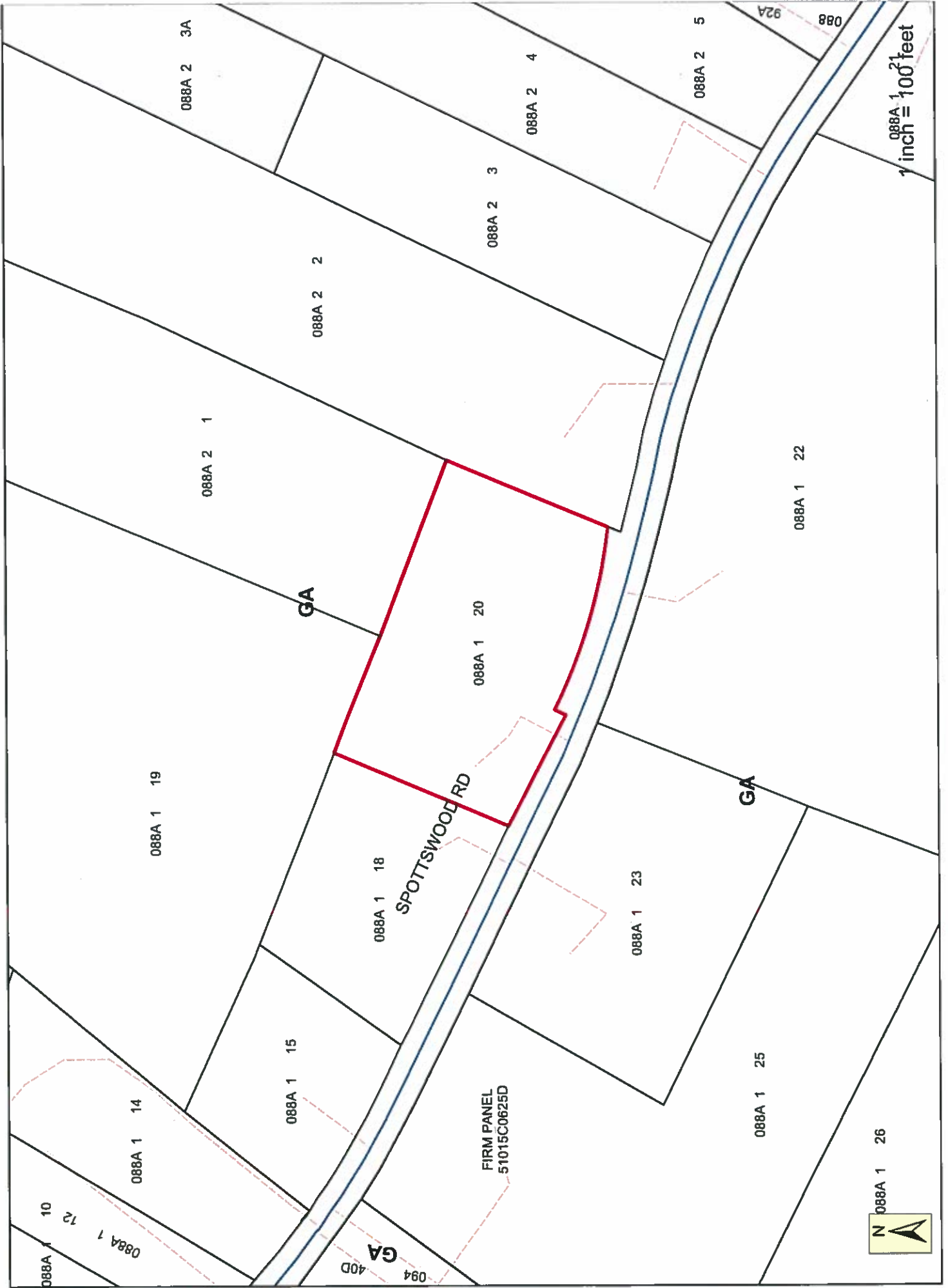




Blue house



# Brenneman





Brenneman









**PROPERTY OWNER:**  
County of Augusta, Virginia

**AGENDA ITEM #** 44  
**Date** 4/5/18

**APPLICANT:**  
Nick Grow, agent for Augusta County Parks and Recreation

**LOCATION OF PROPERTY:**  
170 Natural Chimneys Lane, Mt. Solon in the North River District

**SIZE OF PROPERTY:**  
128.44 acres

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

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

**LAND USE MAPS:**  
Rural Conservation Area

**UTILITIES:**  
Private well and septic

**APPLICANT'S JUSTIFICATION:**  
Variance from the Floodplain Ordinance in order to expand an existing structure.

**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.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
VDOT has no objection to the variance.

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

**ENGINEERING'S COMMENTS:**  
Less than 10,000 square feet of disturbance, insignificant increase in rooftop. Ok.

## **STAFF COMMENTS**

The applicants are requesting a Variance from the Floodplain Ordinance in order to expand the existing stage area within Natural Chimneys Park. The applicants are proposing to expand the existing deck and add a new roof system. The stage is used for festivals and special events throughout the camping season.

Section 25-447E prohibits any modifications to existing structures within the Floodplain Overlay District over seventy-five (75%) percent of the fair market value, however, Section 25-474 allows the construction of decks or other recreational items within the Floodplain.

Due to the size of the expansion and the fact that the County owns the property, staff felt a Variance should be considered by the Board.

### **Section 25-478 – Standards for a Variance**

- A. In considering applications for variances affecting property within Floodplain Overlay Districts, the board of zoning appeals shall consider the following:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within the Floodway District that will cause any increase in the one hundred (100) year flood elevation.
  2. The danger that materials may be swept on to other lands or downstream to the injury of others.
  3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  5. The importance of the services provided by the proposed facility to the community.
  6. The requirements of the facility for a waterfront location.
  7. The availability of alternative locations not subject to flooding for the proposed use.
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  9. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.



10. The safety of access by ordinary and emergency vehicles to the property in time of flood.
  11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
  12. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  13. Such other factors which are relevant to the purposes of Article XLVII, "Floodplain Overlay (FPO) Districts," of this chapter.
- B. The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.
  - C. Variances shall be issued only after the board of zoning appeals has determined that there is good and sufficient cause and that the granting of such variance will not result in (i) unacceptable or prohibited increases in flood heights, (ii) additional threats to public safety, or (iii) extraordinary public expense, and will not (i) create nuisances, (ii) cause fraud or victimization of the public, or (iii) conflict with local laws or ordinances.
  - D. Such variance shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.
  - E. Upon application for such variance, the Floodplain Administrator shall advise the applicant, in writing, that the approval of a variance to construct a structure below the one hundred (100) year flood elevation (a) may increase the risks to life and property and (b) may result in increased premium rates for flood insurance.
  - F. A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of variances. Any such variance which is approved shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

The County Engineer has reviewed the plans submitted and thinks there will not be a substantial increase in Base Flood Elevation that would result in danger to life and property. Staff agrees with the County Engineer that there is no increased risk of life and property and would recommend approval of this request. If the Board is satisfied that

the applicant meets the above standards and desires to approve the Variance, then staff would recommend the following conditions:

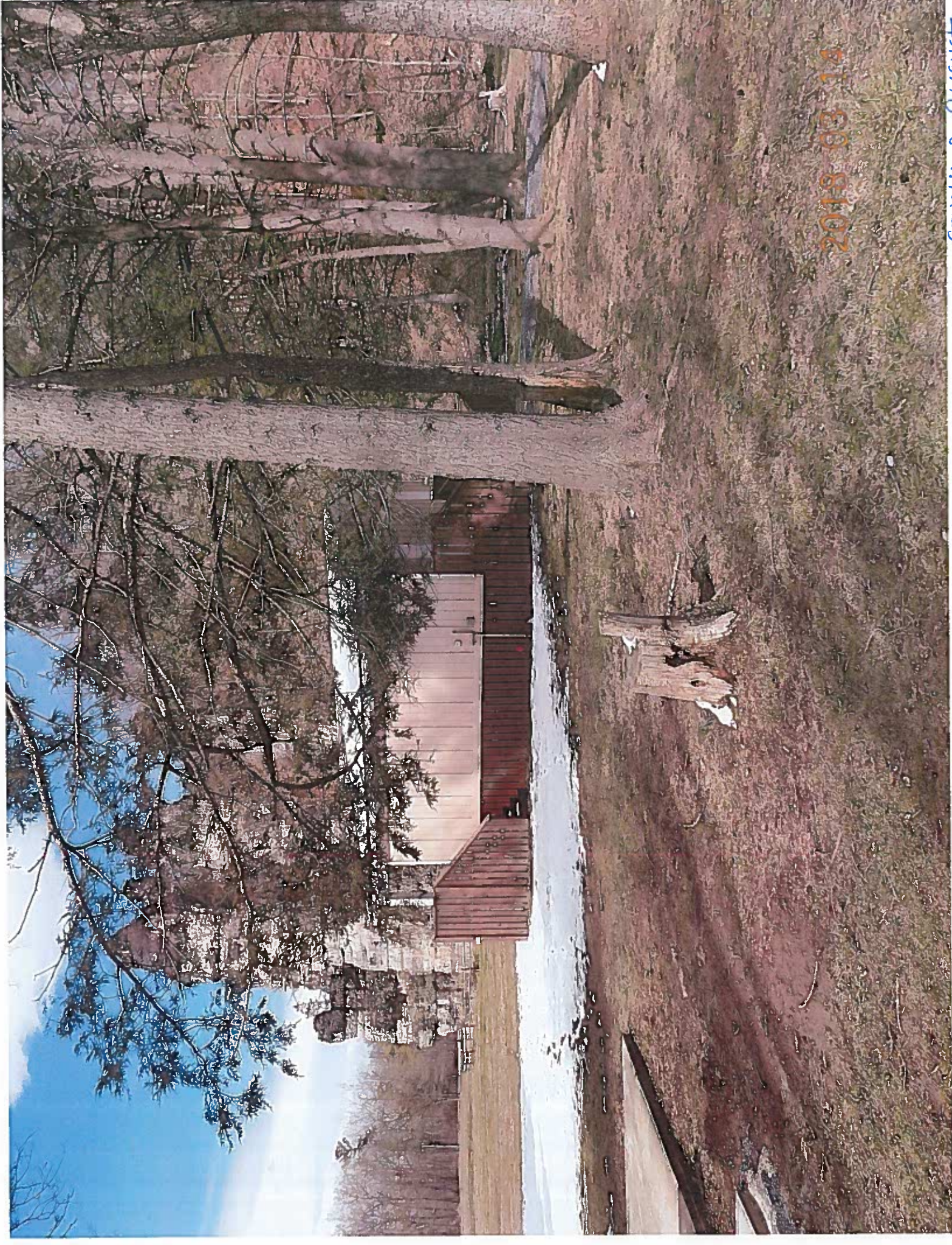
**Pre-Conditions:**

None

**Operating Conditions:**

1. Obtain a Floodplain Development Permit.
2. Applicant obtain building permit and provide a copy to Community Development.





2018 03 14

County of Augusta





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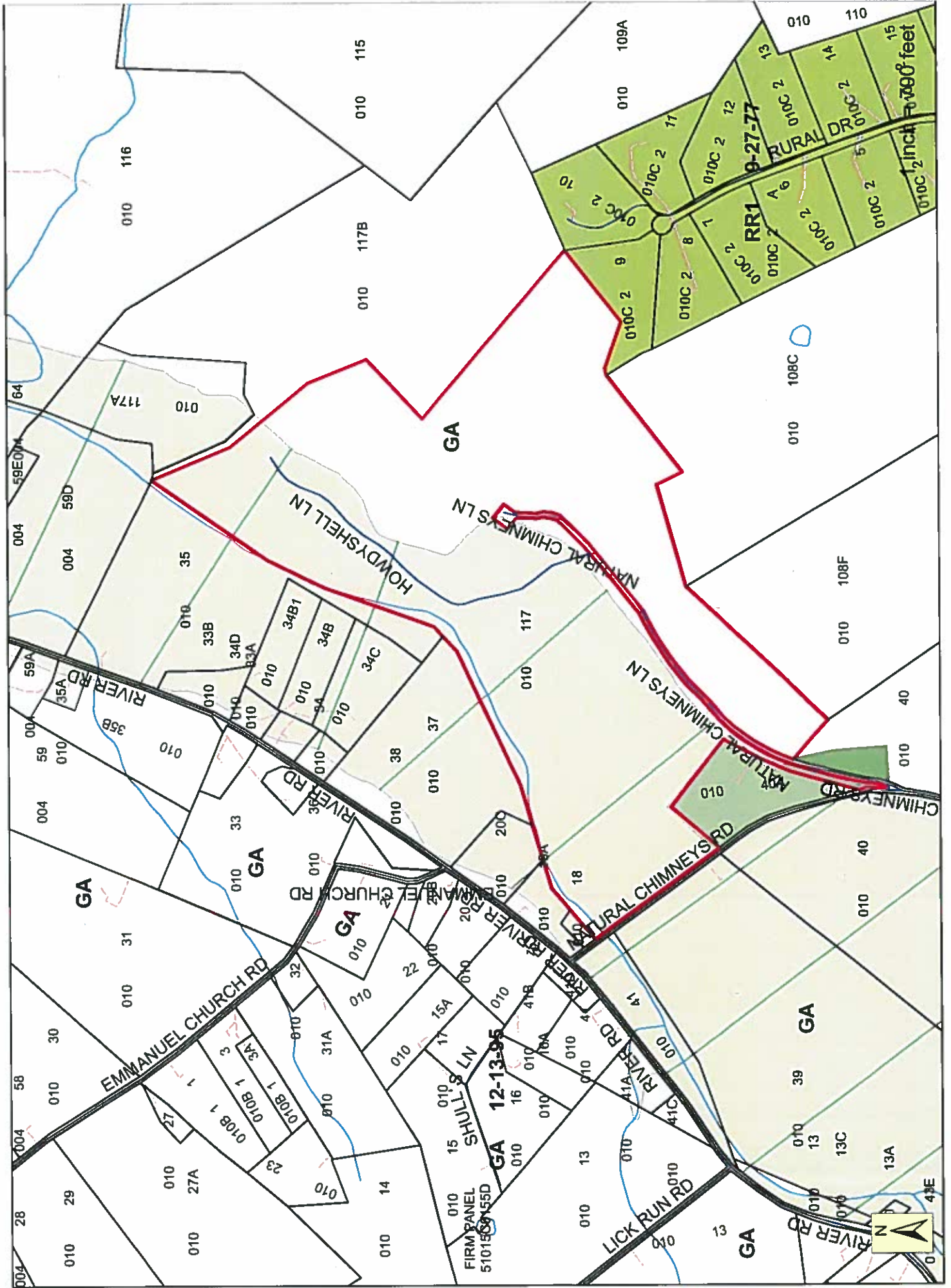




2018 03 14



# County of Augusta, Virginia

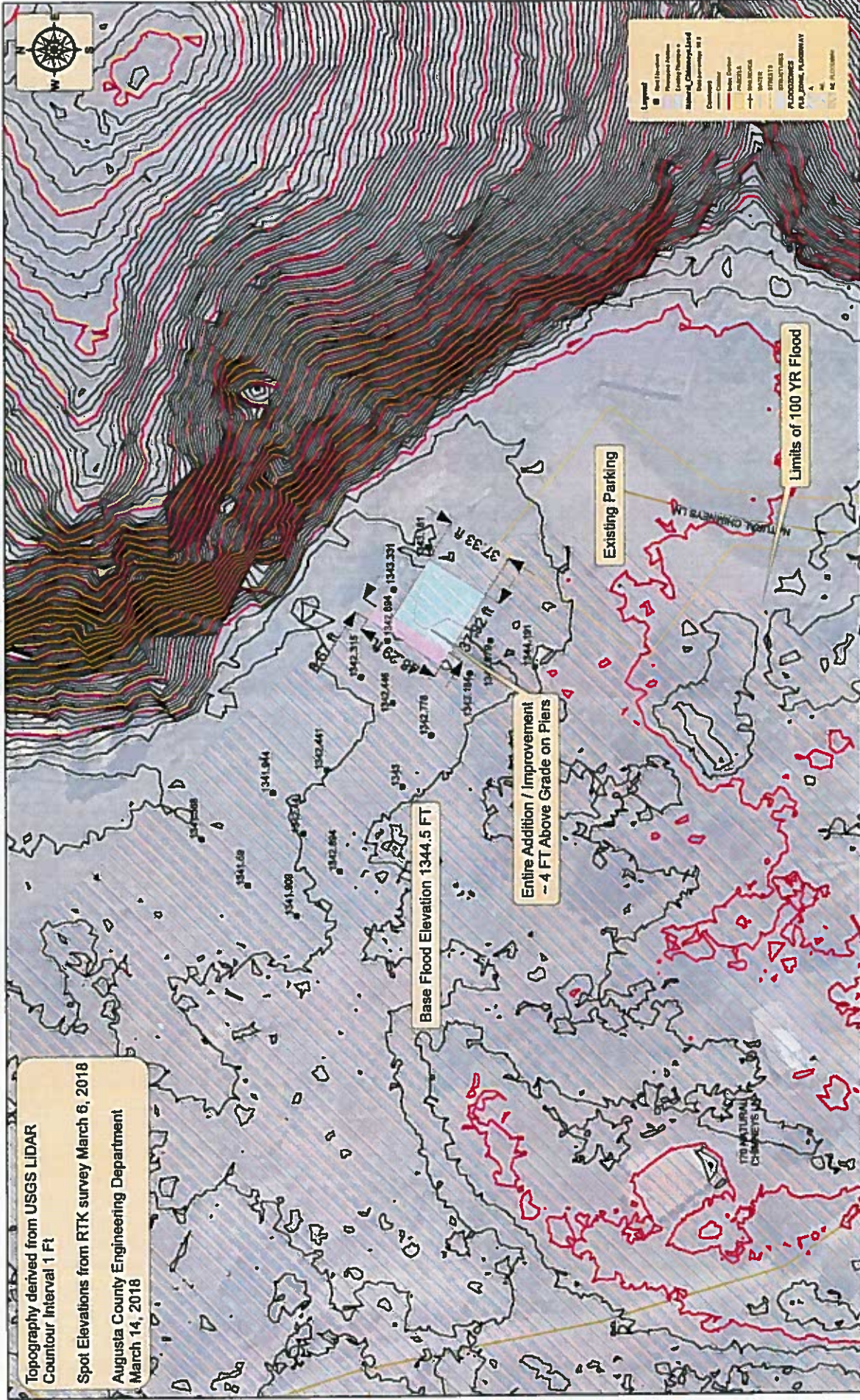








# Natural Chimneys Stage - Flood Development Plan



Topography derived from USGS LIDAR  
 Contour Interval 1 Ft  
 Spot Elevations from RTK survey March 6, 2018  
 Augusta County Engineering Department  
 March 14, 2018

Base Flood Elevation 1344.5 FT

Entire Addition / Improvement  
 - 4 FT Above Grade on Piers

Existing Parking

Limits of 100 YR Flood

1 inch = 50 feet



Legend

- Spot Elevation
- Proposed Addition
- Existing Structure
- Natural Chimneys Land
- Base Elevation 10.1
- Contours
- Water Course
- Paved Area
- Road Right-of-Way
- Street
- Structures
- Flood Hazard Boundary
- Flood Hazard





AGENDA ITEM # 7A

Date 4/5/18

REQUEST TO CANCEL

**PROPERTY OWNER:**

C. Rodgers Huff, Trustee and Etal

**APPLICANT:**

Patrick C. Rodgers and Stephen Huff, agents for Shenandoah Mountain Outfitters

**LOCATION OF PROPERTY:**

425 Shenandoah Mountain Drive, West Augusta, in the North River District

**SIZE OF PROPERTY:**

156.42 acres

**VICINITY ZONING:**

George Washington National Forest to the north, General Agriculture to the south;  
George Washington National Forest and General Agriculture to the east and west

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

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Agricultural Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To have private guided hunting and fishing, bird dog training, kennel, and corporate retreat/outings.

**Applicant is requesting the permit be cancelled.**



**AGENDA ITEM #** 7B

**Date** 4/5/18

**REQUEST TO CANCEL**

**PROPERTY OWNER:**  
C. Rodgers Huff, Trustee and Etal

**APPLICANT:**  
Patrick C. Rodgers and Stephen Huff, agents for Shenandoah Mountain Outfitters

**LOCATION OF PROPERTY:**  
425 Shenandoah Mountain Drive, West Augusta, in the North River District

**SIZE OF PROPERTY:**  
156.42 acres

**VICINITY ZONING:**  
George Washington National Forest to the north, General Agriculture to the south;  
George Washington National Forest and General Agriculture to the east and west

**PREVIOUS ZONING OR S.U.P.:**  
12/95 Zoned General Agriculture  
10/06 SUP approved to have private guided hunting, fishing, bird dog training, kennel,  
and corporate retreat/outings

**LAND USE MAPS:**  
Agricultural Conservation Area

**UTILITIES:**  
Private well and septic

**APPLICANT'S JUSTIFICATION:**  
To continue to have private guided hunting and fishing, bird dog training, kennel, and private retreat/outings.

**Applicant is requesting the permit be cancelled.**

AGENDA ITEM # 7C

Date 4/5/18

**REQUEST TO CANCEL**

**PROPERTY OWNER:**

Emmett W., Jr. or Sharon M. Hanger

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

928 Natural Chimneys Road, Mt. Solon, in the North River District

**SIZE OF PROPERTY:**

0.241 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Rural Conservation Area

**UTILITIES:**

Private

**APPLICANT'S JUSTIFICATION:**

To have a real estate office and a political office.

**Applicant is requesting the permit be cancelled.**



**AGENDA ITEM # 7D**

Date 4/5/18

**REQUEST TO CANCEL**

**PROPERTY OWNER:**  
Ronnie L. or Debra S. Knicely

**APPLICANT:**  
Brian and Colby Trow, Mossy Creek Fly Fishing, Inc.

**LOCATION OF PROPERTY:**  
On the south side of Mossy Creek Road (Route 747), approximately .2 of a mile west of the intersection of Mossy Creek Road (Route 747) and Iron Works Road (Route 809) in the North River District

**SIZE OF PROPERTY:**  
2.86 acres

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

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

**LAND USE MAPS:**  
Agricultural Conservation Area

**UTILITIES:**  
None – will require private well and septic

**APPLICANT'S JUSTIFICATION:**  
To have recreational cabins.

**Applicant is requesting the permit be cancelled.**