



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: April 26, 2018

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, May 3, 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, May 3, 2018, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of April 5, 2018

4. PUBLIC HEARINGS

- A. A request by George A. or Jackie Heflin, for a Variance from the required street setback in order to separate two non-conforming dwellings on property owned by Jerry L. or Donna H. Vandevander, located at 70 & 72 Todd Hill Lane, Mt. Solon in the North River District.
- B. A request by Alondra and Leonardo Gonzalez, for a Special Use Permit to have outdoor storage of a food trailer, picnic tables, a carport, and to have food sales on property owned by Anecito Perez Samano, located in the northwest quadrant of the intersection of East Side Highway (Route 340) and McGuslin Lane in the Middle River District.
- C. A request by Bernie and Melissa Christian, for a Special Use Permit to continue to have motor vehicle repair including body and fender work, and to have outdoor storage of personal equipment on property owned by RE & CE Properties, L.C., located at 2202 Tinkling Spring Road, Stuarts Draft in the South River District.
- D. A request by Jon Engleman, agent for Destiny Family Center, for a Special Use Permit to install lighting to an existing ballfield and playground and to have active recreation on property they own, located at 36 Rose Avenue, Stuarts Draft in the South River District.
- E. A request by James S. or Sandra G. Berry, for a Special Use Permit to construct an accessory building larger than twelve hundred (1,200) square foot total aggregate on property they own, located at 507 Jocelyn Lane, Waynesboro in the Wayne District.
- F. A request by Douglas Wood, agent for Rising Sun Real Estate, LLC, for a Special Use Permit to use an existing dwelling as a vacation home for short term rental on property they own, located at 131 Rising Sun Lane, Lyndhurst in the South 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 George Coyner, agent for Bethany Trinity Evangelical Lutheran Church, Trustees of, for a Special Use Permit to have a daycare center on property they own, located on the north side of Goose Creek Road, just at the intersection of Goose Creek Road and Caldwell Lane in the Wayne District. – **SIX MONTH EXTENSION OF TIME REQUEST**

- B. A request by Jerry Brower, agent for Brower Limited Partnership, LLC, for a Special Use Permit to have outdoor storage of industrial gases on property owned by Fishersville Property, LC, located at 99 Ivy Ridge Road, Fishersville in the South River District. - **REQUEST TO CANCEL**

8. STAFF REPORT

17-26	George D. or Janet B. Jones
17-27	Eastside Speedway, Inc.
17-28	Randall Lee or Allison M. Fink
17-29	Donald L., Sr. or Karen R. Quick

9. ADJOURNMENT

Date 5/3/18

PROPERTY OWNER:

Jerry L. or Donna H. Vandevander

APPLICANT:

George A. or Jackie Heflin

LOCATION OF PROPERTY:

70 & 72 Todd Hill Lane, Mt. Solon in the North River District

SIZE OF PROPERTY:

1.730 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

03/18 Approved Variance from lot area in order to separate two non-conforming dwellings

LAND USE MAPS:

Agricultural Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

Variance from the required street setback in order to separate two non-conforming dwellings

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has no comment on the proposed Variance request.

HIGHWAY DEPARTMENT'S COMMENTS:

Both dwellings access Todd Hill Lane, a private roadway, which intersects Rt. 731, Moscow Loop. VDOT has no objection to the current request since the total traffic generation would be unchanged. However, VDOT would not likely support any additional future divisions on Todd Hill Lane unless the intersection to Rt. 731 could be upgraded to meet current 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:

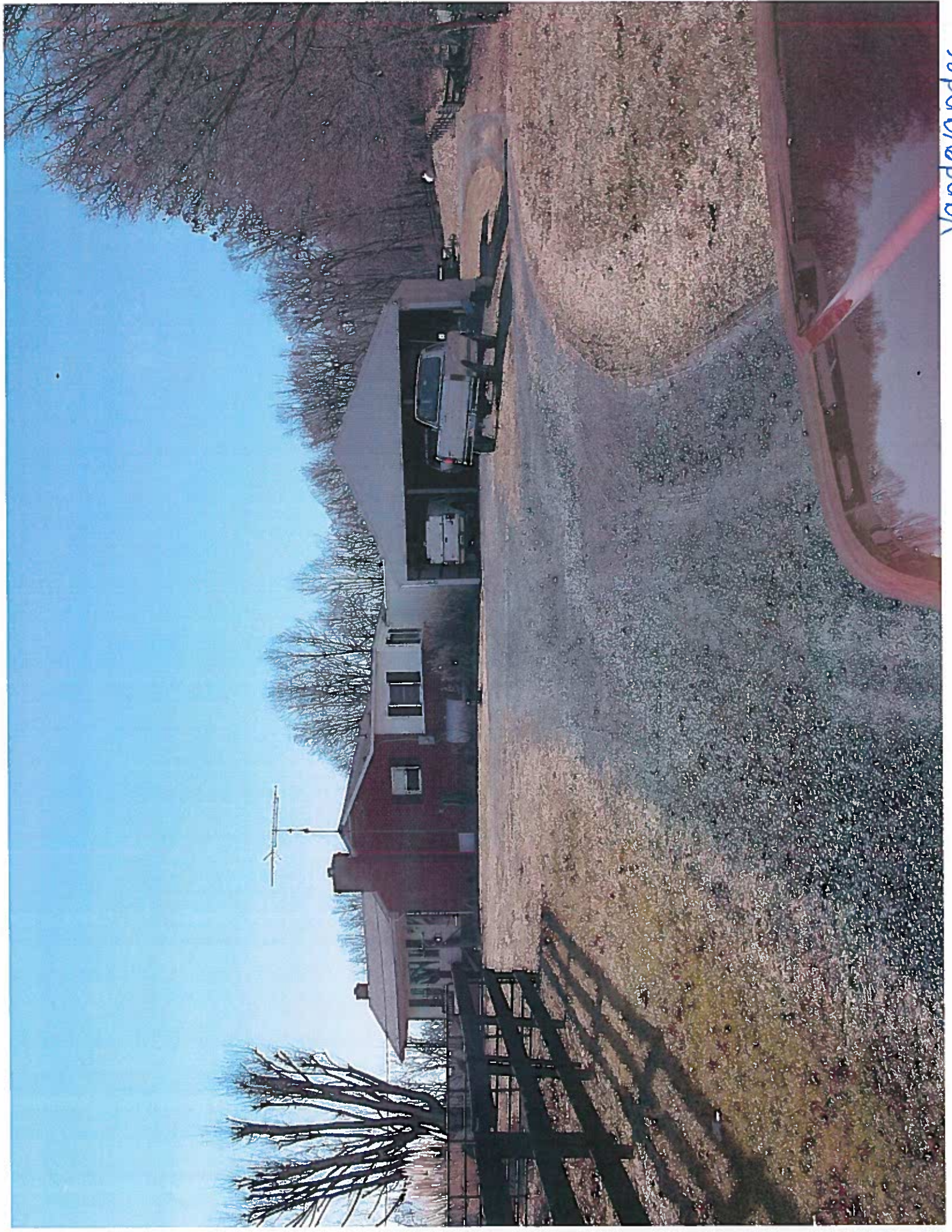
No impact with Stormwater/Erosion and Sediment Control. Ok.

STAFF RECOMMENDATIONS

The Board approved a Variance from the one (1) acre minimum lot area requirement in order to separate two (2) non-conforming dwellings into individual lots at the April 1, 2018 hearing. The Building Permit for the second home was approved and issued on November 17, 1993 prior to the ordinance change in 1995.

The applicant submitted a plat separating the two (2) dwellings onto separate lots to the Community Development Department for approval. After reviewing the plats, it was determined that the existing garage on the property did not meet the required street setback from a private lane and should have been included on the previous request to subdivide the two (2) homes.

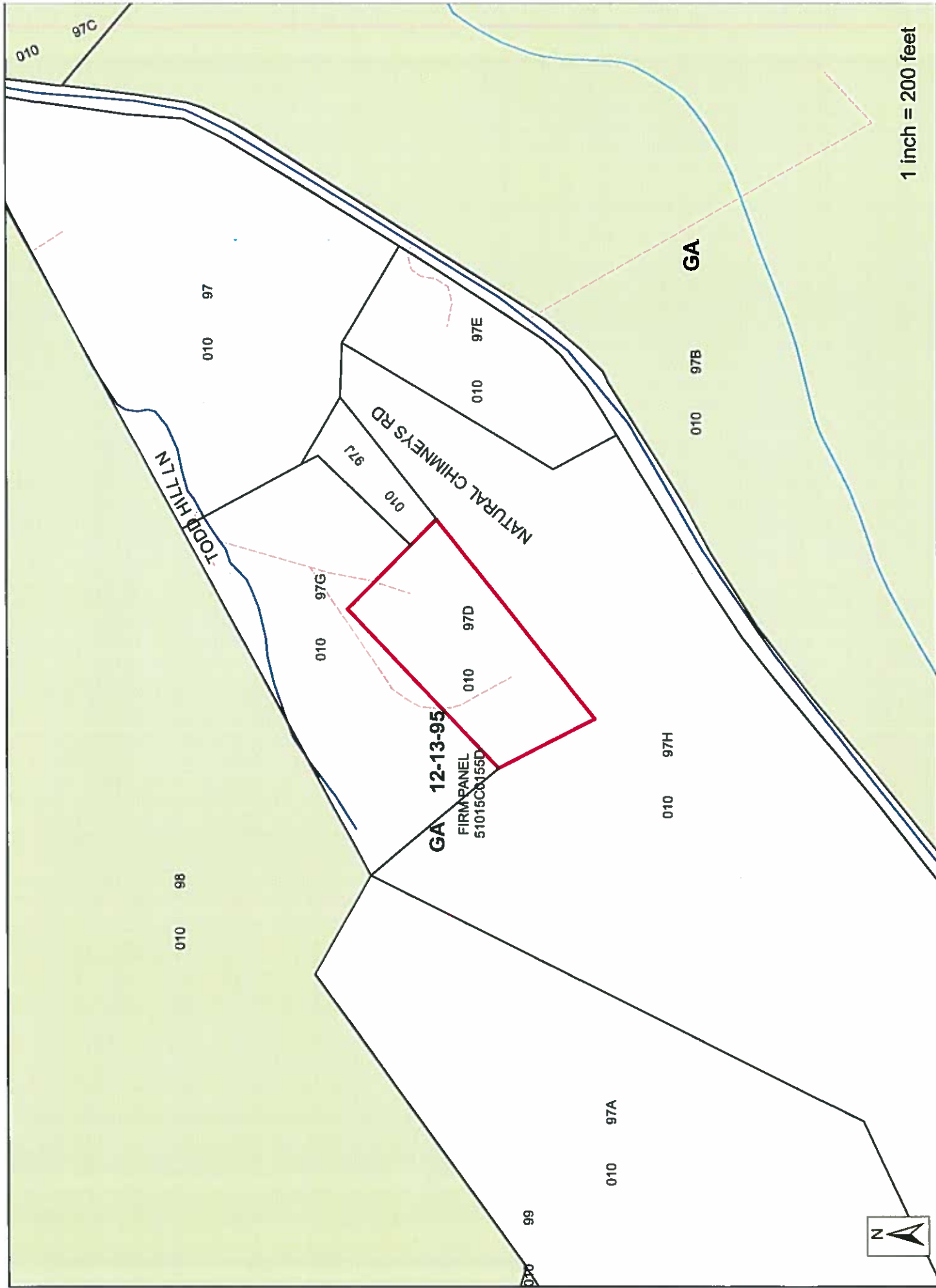
Due to this oversight, Staff recommends that the Variance be approved in order to complete the subdivision process previously approved.



Vanderlinde



Vandevander



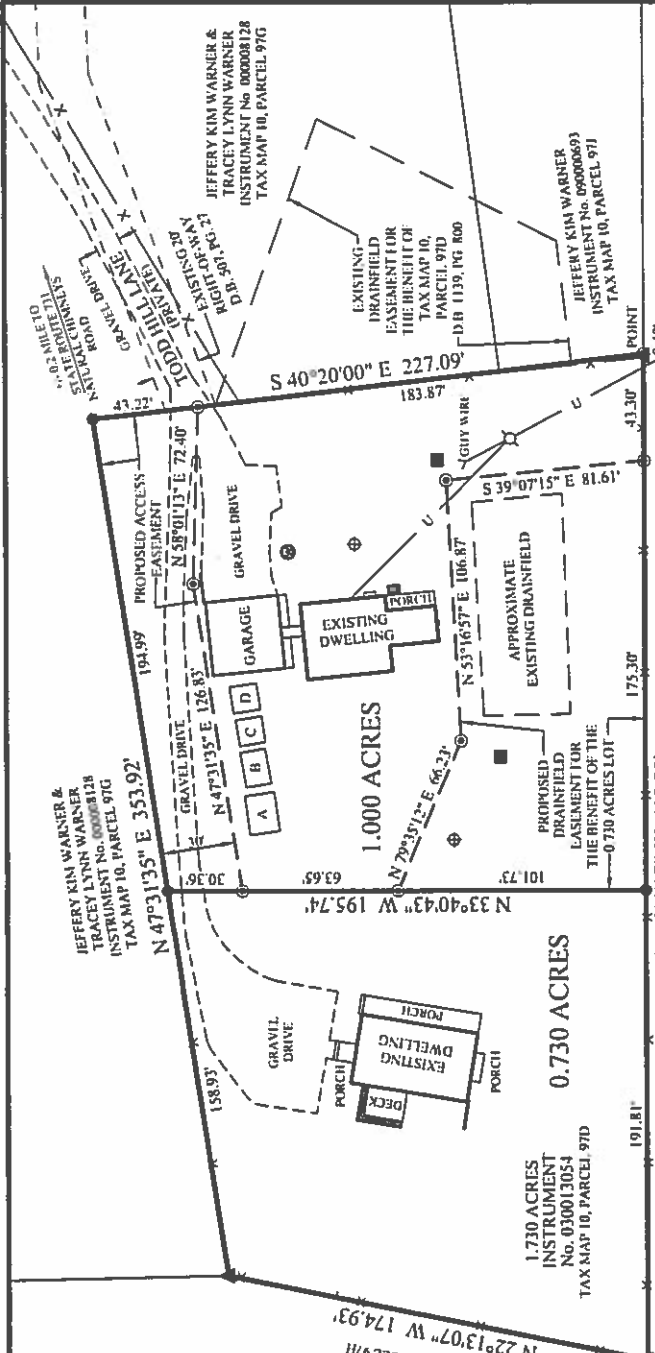
1 inch = 200 feet

Vandevander



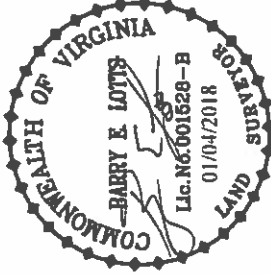
NOTES:

- DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND A CURRENT FIELD SURVEY.
- THIS PROPERTY IS PRESENTLY IN THE NAME OF JERRY L. VANDEVANDER, DONNA H. VANDEVANDER, GEORGE A. HEFLIN, AND JACKIE L. HEFLIN.
- BEARINGS ARE ROTATED TO PLAT RECORDED IN DEED BOOK 820, PAGE 602.
- ANY EASEMENT SHOWN HEREON IS BASED ON RECORDED INFORMATION. THIS PROPERTY MAY BE EXPRESSLY SUBJECT TO EASEMENTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS CONTAINED IN DULY RECORDED DEEDS, PLATS AND OTHER INSTRUMENTS CONSTITUTING CONSTRUCTIVE NOTICE IN THE CHAIN OF TITLE TO THE PROPERTY HEREBY SURVEYED THAT ARE NOT SHOWN. THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS NOT OF PUBLIC RECORD.
- NO TITLE REPORT HAS BEEN FURNISHED.
- BOTH LOTS AS SHOWN HEREON HAVE AN EXISTING DWELLING, SEPTIC SYSTEM, AND HIGHWAY ENTRANCE PERMIT WHICH IS NOT AFFECTED BY THIS DIVISION.
- THE STREETS IN THIS SUBDIVISION DO NOT MEET THE STANDARDS NECESSARY FOR INCLUSION IN THE SECONDARY SYSTEM OF THE STATE HIGHWAY AND SHALL NOT BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR THE COUNTY AND ARE NOT ELIGIBLE FOR RURAL ADDITION FUNDS OR ANY OTHER FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY AND ALLOCATED BY THE COMMONWEALTH TRANSPORTATION BOARD.
- THERE WAS NO EVIDENCE OF ANY GRAVE, OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL OBSERVED.
- THE LOTS AS SHOWN HEREON, ARE IN COMPLIANCE WITH THE PROVISIONS OF CHAPTER 25 APPLICABLE TO WIDTH.
- SIDE DEED BOOK 820, PAGE 605 FOR A DEED OF EXCHANGE WHICH IS NOT MENTIONED AT INSTRUMENT NUMBER 030013054.



**PLAT SHOWING A DIVISION OF
1.730 ACRES OF LAND
PRESENTLY IN THE NAME OF
JERRY L. VANDEVANDER, et al**

NORTH RIVER DISTRICT, AUGUSTA COUNTY, VIRGINIA
SCALE 1" = 50'
JANUARY 4, 2018



Lotts & Associates, P.C.
Land Surveying - Land Planning
21 Cambridge Drive • P.O. Box 1167
Staunton, Virginia 24477
Phone (540) 337-0012 Fax (540) 337-1455



LEGEND

- IRON PIN SET
- ⊙ POINT
- ▲ IRON PIPE FOUND
- ∩ UTILITY POLE
- U- OVERHEAD UTILITY LINES
- X- FENCE LINE
- SEPTIC TANK
- ⊕ SEWER CLEAN OUT
- ⊗ WELL

EXISTING BUILDINGS
A - 698 SQ FT
B - 148 SQ FT
C - 114 SQ FT
D - 121 SQ FT

Date 5/3/18

PROPERTY OWNER:
Anecito Perez Samano

APPLICANT:
Alondra and Leonardo Gonzalez

LOCATION OF PROPERTY:
In the northwest quadrant of the intersection of East Side Highway (Route 340) and McGuslin Lane in the Middle River District

SIZE OF PROPERTY:
2.25 acres

VICINITY ZONING:
General Agriculture surrounds the entire property

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

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private Well and No Septic

APPLICANT'S JUSTIFICATION:
To have outdoor storage of a food trailer, picnic tables, a carport, and to have food sales

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
A permit from the Health Department will be needed for the food truck. As part of the permitting process, the Health Department will address proper sewage disposal and water supply for the food truck.

HIGHWAY DEPARTMENT'S COMMENTS:
VDOT has no objection to storing the food truck on this site. However, if food sales are going to be at this site, a commercial entrance meeting VDOT requirements will be required. The existing entrance to the parcel does not meet access management corner clearance spacing of 225' from the intersection of Rt. 340. The entrance would need to be located outside of the 225' corner clearance requirement while also maintaining the required sight

distance. The commercial entrance would be a standard paved commercial entrance. Rt. 628 is a narrow surface treated roadway that turns to gravel after crossing the railroad tracks. Access to the parcel from Rt. 340 would not be permitted.

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.

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 store a food trailer, carport, picnic tables, and have food sales. The applicant will be leaving the existing vegetation to provide some 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 does not reside on premise but lives within two (2) miles of the site.

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

A small food trailer and carport with limited food sales on site could be appropriate for the agriculture 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 access to Route 340 from McGuslin Lane.

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

The existing 2.25 acre lot should safely and adequately accommodate 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.

There are no pre-existing structures on site. The applicant is proposing to store a portable food trailer, carport, and two picnic tables on site.

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.

The applicant is requesting to store his 8' X 14' food trailer, and place a 12' X 24' carport on the property.

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 property has an existing well, but no septic system or public sewage is on site.

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

Fire extinguishers will be on 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.

The carport and food trailer will be setback thirty-five (35) feet from McGuslin Lane and approximately seventy-five (75) feet from Route 340.

STAFF RECOMMENDATIONS

The applicants are requesting to store an 8' X 14' food trailer, a 12' X 24' carport and two (2) picnic tables and to prepare and sell food on the vacant lot. They are requesting to be open to the public primarily on weekends, but they would like to have the option to be open through the week after the first year. The applicants do not own the property and do not reside on premise. They currently reside within two (2) miles of the site. The business is family owned and there will be no employees other than family members coming to the site. The applicant will be installing a gravel area around the food trailer to provide off street parking for customers. There is an existing well on site they are proposing to use, but no septic system or public sewer is available. There will be no public restrooms provided, and the applicants would like to use portable restroom facilities during business hours. The Health Department comments state that a permit will be needed and both water and sewage disposal will be addressed during their approval process. Staff visited the site and found that the property is currently being used to store inoperable/unlicensed vehicles and equipment in violation of the Augusta County Zoning Ordinance. Due to the fact that the property is currently in violation of the Zoning Ordinance, Staff cannot recommend approval until the property is brought into compliance. However, if the Board desires to approve the request, Staff would recommend the following operating conditions:

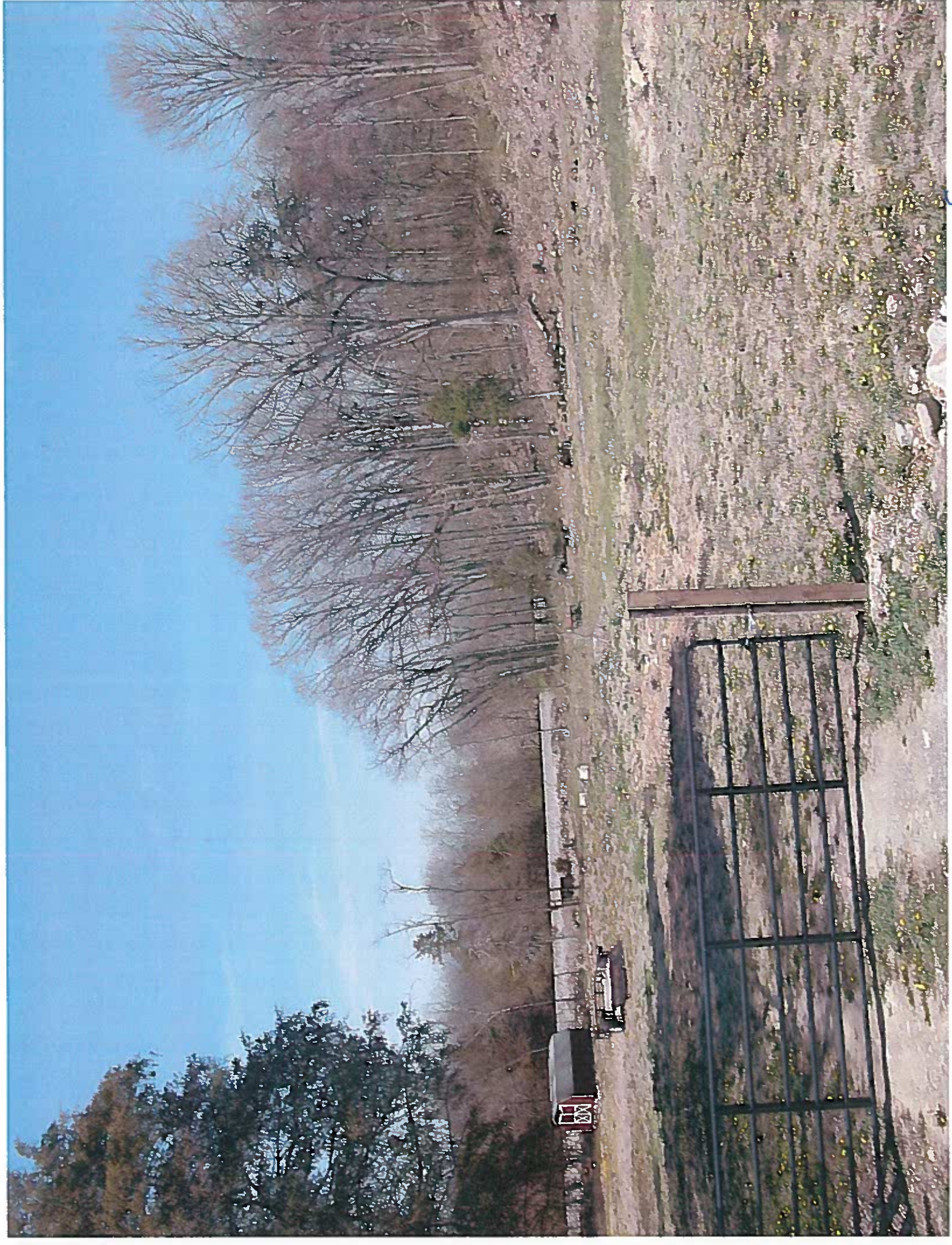
Pre-Conditions:

1. Remove all inoperable/unlicensed vehicles, trailers, campers, and miscellaneous junk from the site within thirty (30) days and not bring other inoperable/unlicensed vehicles, trailers, campers and miscellaneous junk back to the property.
2. Obtain Health Department approval and provide a copy to Community Development.
3. Obtain Building Permit for the carport and provide a copy to Community Development.
4. Obtain VDOT entrance permit and provide a copy to Community Development.

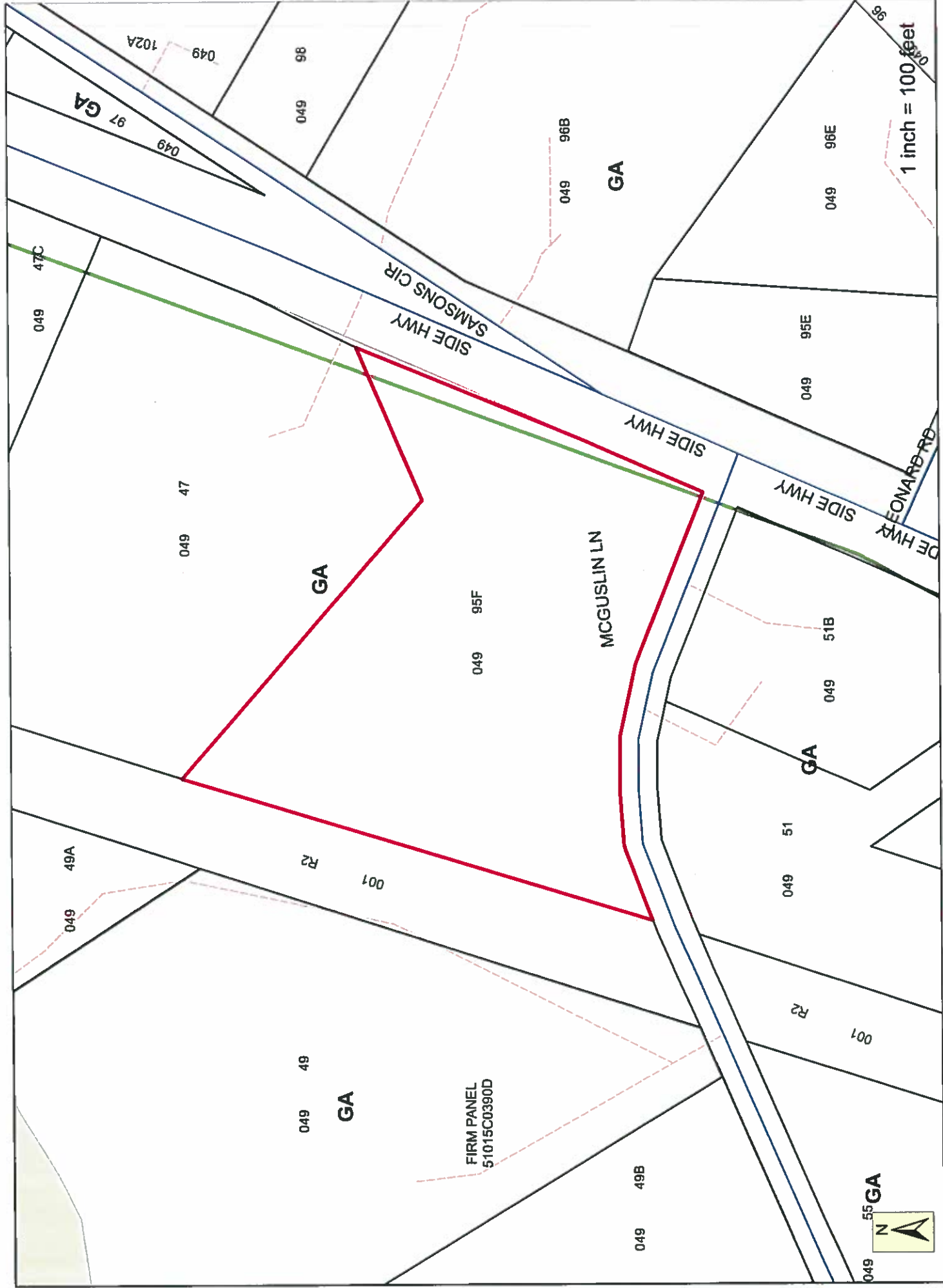
Operating Conditions:

1. Be permitted to store the 8' X 14' food trailer, 12' X 24' carport, and two (2) picnic tables onsite in designated areas on the site plan.
2. Applicant install a sewage treatment system approved by the Health Department within two (2) years.
3. Be permitted to operate for two (2) years using a portable restroom facility, not including porta-potties until the septic system is installed.
4. Hours of operation be 8:00 a.m. to 8:00 p.m. Friday, Saturday, and Sunday.
5. No employees other than family members.
6. No off premise advertising signs associated with the business.
7. No more than one (1) on premise advertising sign not exceeding thirty-two (32) square feet be allowed.
8. No junk or inoperable/unlicensed vehicles, trailers, and campers be kept onsite.
9. Site be kept neat and orderly.

Summer



Samano



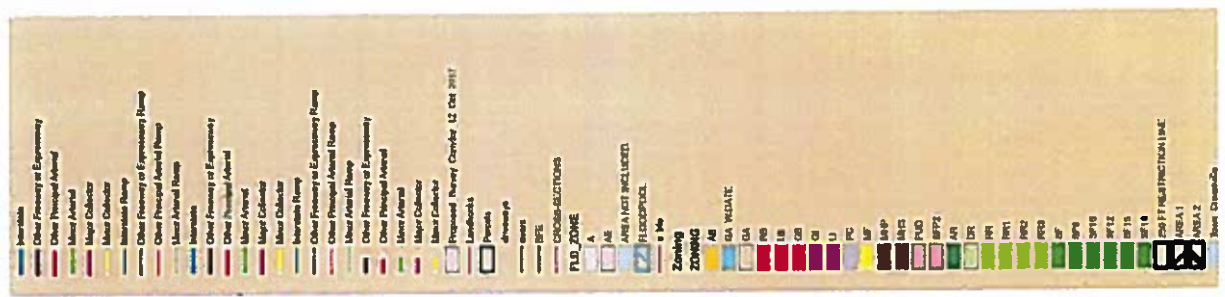
Samano



Samano



1 inch = 100 feet



Date 5/3/18

PROPERTY OWNER:
RE & CE Properties, L.C.

APPLICANT:
Bernie and Melissa Christian

LOCATION OF PROPERTY:
2202 Tinkling Spring Road, Stuarts Draft in the South River District

SIZE OF PROPERTY:
13.948 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 – Zoned General Agriculture
11/99 – SUP approved to store gravel, fill dirt, process topsoil and mulch, temporary storage of equipment between projects (no more than 12 pcs of equipment or business vehicles) and to use the 3800 sq.ft. building for auto and truck repair to include body and fender work and all vehicles awaiting repair be kept inside building.

LAND USE MAPS:
Community Development Area – Low Density Residential

UTILITIES:
Public Water and Private Septic

APPLICANT'S JUSTIFICATION:
To continue to have motor vehicle repair including body and fender work, and to have outdoor storage of personal equipment

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
A septic permit was issued in August 1987 for a 3 employee office with 1 shower. The Health Department has no objections as long as the business is limited to no more than 3 employees.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing commercial entrance is adequate for the requested use. The use is expected to be similar to the previous use approved for the entrance.

SERVICE AUTHORITY'S COMMENTS:

1. If there is no change in the use (or expansion), the Service Authority has no comments. The following items are for informational purposes.
2. 2202 Tinkling Spring Road (Tax Map # 75-18) is currently a Service Authority water customer.
3. There is no public sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No increase in impervious area. Ok.

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. There has been a business on the property since 1999. The applicant is purchasing the property and would like to continue to operate the existing body and fender shop. No one resides on premise.

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

No expansions are requested. The applicant has operated the existing business for many years.

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 access to Tinkling Spring Road (Rt. 608) and all traffic generated with the existing business has been compatible.

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

The existing entrance and 13.948 acres has adequately and safely accommodated 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 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.

No new construction is requested. The applicant will be using the existing structure.

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.

No enlargements or expansions are requested.

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 has one (1) part time employee. No other employees are requested.

Outside display or outside storage of new or used automobile parts is prohibited. 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.

The applicant would like to have up to five (5) licensed vehicles outside the building or impoundment yard to allow for vehicles that are dropped off for repair after working hours.

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.

All body and fender work is done inside the building. The applicant is proposing a screened area behind the building for outdoor storage and vehicles waiting repair.

STAFF RECOMMENDATIONS

The applicant is purchasing the property and would like to continue operating the existing body and fender repair facility on site. In 1999, a Special Use Permit was issued non-transferrable to Raymond G. Eavers, to have storage of gravel, fill dirt and processing of topsoil and wood mulch, temporary storage of equipment between projects, which is projected not to exceed twelve (12) pieces of equipment, and to use the existing 3,800 square foot structure for auto and truck repair to include body and fender work. The applicant

is not requesting to continue the storage of gravel, fill dirt or topsoil process, but he would like to be allowed to store his personal recreational vehicle and tractor on the property.

The current Special Use Permit prohibited any vehicles waiting repair outside the building. The applicant is requesting to be allowed to keep no more than five (5) licensed vehicles outside in case they are dropped off after business hours. The current Zoning ordinance requires an impound area for all vehicles waiting repair more than thirty days or any inoperable/unlicensed vehicles and requires general outdoor storage to be screened from public view. The applicant is proposing a screened area approximately 30' X 180' behind the building for the storage of vehicles awaiting repair and personal vehicles and equipment. The existing vegetation should provide adequate screening on the north side and rear property line. The applicant would need to provide an opaque fence to screen the remainder.

Staff visited the property and found that the property is not in compliance with the current Special Use Permit's operating conditions regarding storage of vehicles and equipment on site or the Zoning Ordinance regarding the storage of inoperable/unlicensed vehicles, shipping containers, and miscellaneous construction debris. Therefore, if the Board desires to approve the request, Staff would recommend the following conditions:

Pre-Condition:

1. Remove all shipping containers, construction debris, junk or inoperable vehicles, equipment, or parts of vehicles or equipment and miscellaneous junk and debris from the property within thirty (30) days.

Operating Conditions:

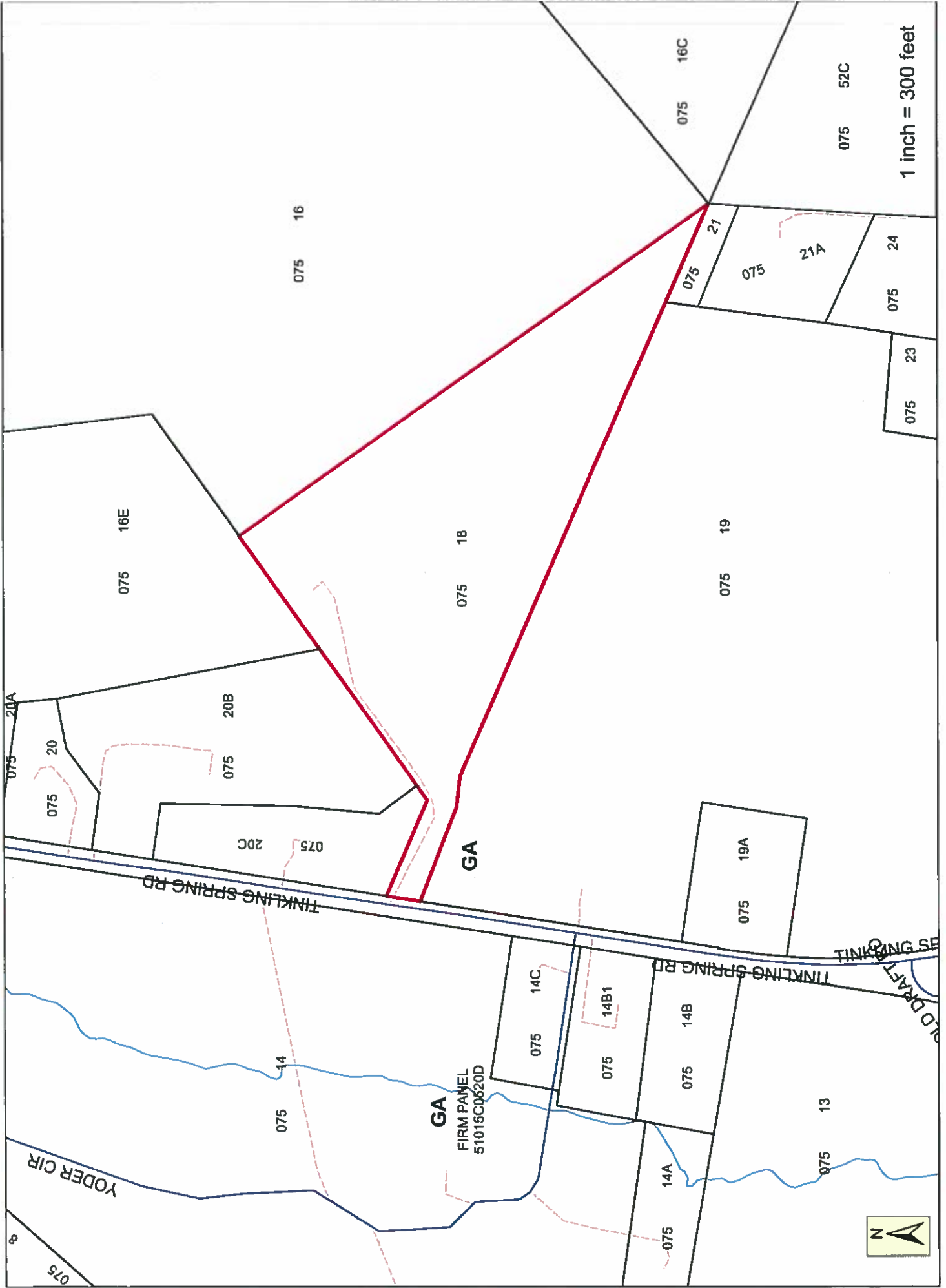
1. The outdoor storage area not screened by natural vegetation behind the building be screened by an eight foot (8') high opaque privacy fence within sixty (60) days.
2. The opaque privacy be maintained at all times and all natural vegetation remain.
3. No more than five (5) licensed and inspected vehicles be kept outside the building or impoundment area.
4. All vehicles waiting repair more than thirty (30) days and all inoperable or unlicensed vehicles be kept inside the building or in the impoundment area behind the building.
5. Be limited to three (3) employees unless Health Department approval is provided to Community Development.
6. Hours of operation be 7:00 a.m. to 9:00 p.m., Monday – Saturday. No Sunday operation.

7. Be allowed to keep personal vehicles and equipment in the designated storage area behind the building shown on the site plan.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
9. Site be kept neat and orderly



REXCE UNDERTAKES

RE & CE Properties, L.C.



1 inch = 300 feet



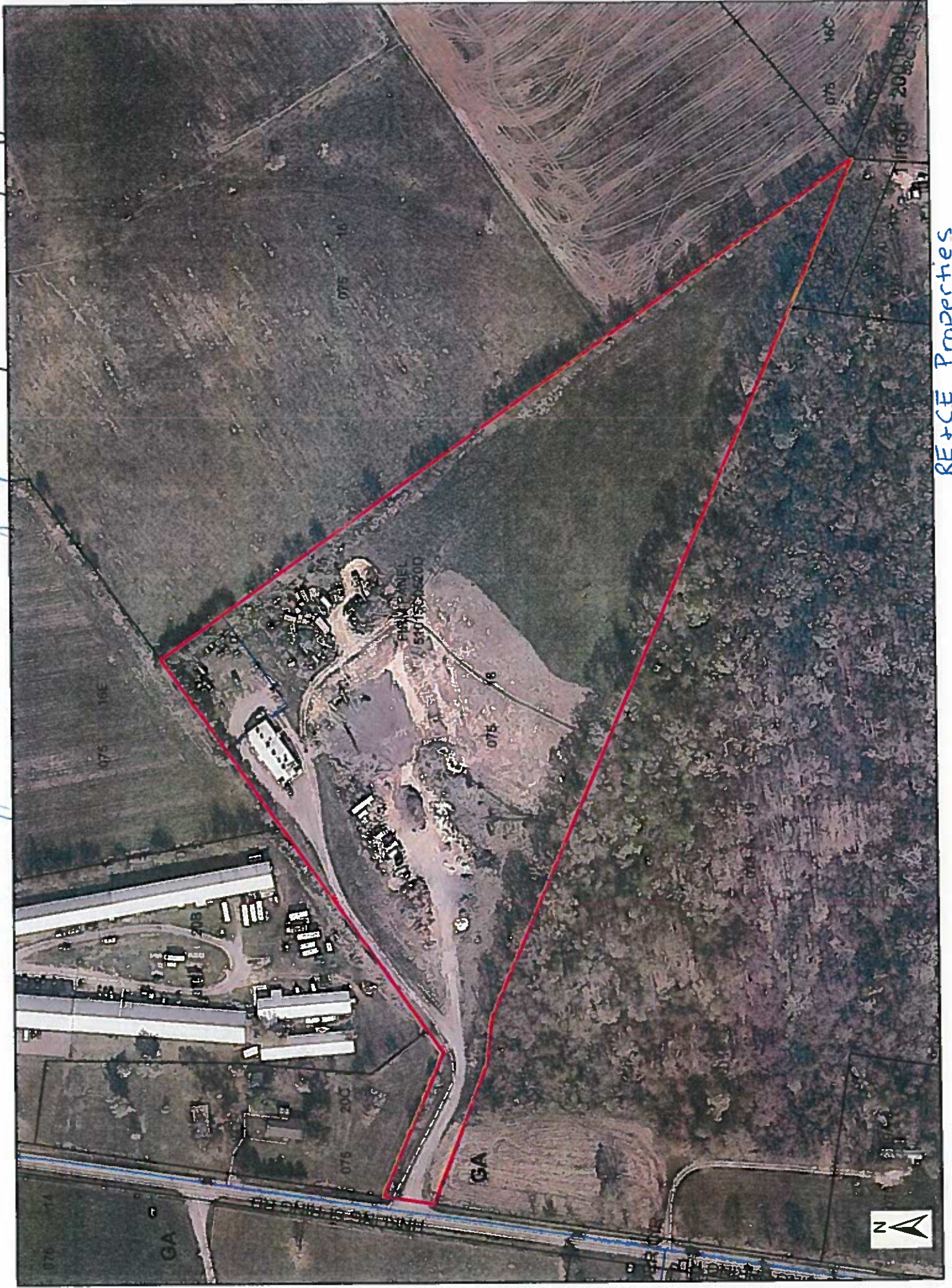
GA
FIRM PANEL
5101500620D

OLD DRAFT

RE & CE Properties, L.C.



30' x 180' Screened area for asbestos abatement repairs - personal usage



RE+CE Properties

PROPERTY OWNER:
Destiny Family Center

APPLICANT:
Jon Engleman, agent for Destiny Family Center

LOCATION OF PROPERTY:
36 Rose Avenue, Stuarts Draft in the South River District

SIZE OF PROPERTY:
9.322 acres

VICINITY ZONING:
Single Family Residential to the north and east; Single Family Residential to the south and west.

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

LAND USE MAPS:
Urban Service Area – Medium Density Residential

UTILITIES:
Public Water and Sewer

APPLICANT'S JUSTIFICATION:
To install lighting to an existing ballfield and playground and to have active recreation

PLANNING COMMISSION'S COMMENTS:
This property is located in an Urban Service Area slated for Medium Density Residential development and is surrounded by Single-family Residential zoning. The Planning Commission is concerned about how the lighting will affect neighboring properties. They asked for the Board of Zoning Appeals to consider the height of the lighting, the number of lumens and the affects to the neighboring properties when making their recommendation.

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 comment.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT does not object to the lighting of the ballfield. However, it should be noted that the existing entrance does not meet current sight distance requirements to the left. The horizontal curve limiting the sight distance in that direction is likely also causing reduced speed of oncoming traffic although an exact operating speed is unknown.

SERVICE AUTHORITY'S COMMENTS:

1. The proposed installation of lighting has no impact on water and sewer usage. The Service Authority has no comments. The following item is for information only.
2. 36 Rose Avenue (Tax Map # 84F-(7)-2) is currently a Service Authority water and sewer customer.

ENGINEERING'S COMMENTS:

We have Erosion and Sediment Control Plan for other improvements. Ok.

SECTION 25-74L – PASSIVE RECREATIONAL FACILITIES REQUIRING A BUILDING AND ACTIVE RECREATIONAL FACILITIES

There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance.

The existing church has public facilities and trash containers on site which should accommodate persons in attendance.

There is an adequate plan for parking and crowd and traffic control in and around the site. Designated areas for pick-up and delivery of users are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets.

There is an existing entrance and parking area that should accommodate all traffic to and from the site.

Approval by the Virginia Department of Transportation.

The ballfield will be accessed through an existing entrance. However, VDOT noted in their comments that the existing entrance does not meet current site distance requirements to the left.

The proposed size, the proposed recreational activities, the anticipated number of users, setbacks, parking facilities, lighting, hours of operation and landscaping, are appropriate for the area.

The applicants would like to open the existing ballfield up to the public to use as a practice field approximately 3 nights a week and Sunday afternoons.

STAFF RECOMMENDATIONS

The applicants are requesting to be allowed to install lighting around the existing ballfield and new playground area. The ballfield has been an accessory to the church for church members for many years, and now they would like to be allowed to provide a practice field open to the public. The applicants are requesting the lights since the teams practice primarily in the evening hours. The lights will be turned on and off at the ballfield and the playground area will be lit from dusk to dawn. The property is surrounded by residentially zoned property and many single family dwellings that could be negatively impacted by the installation of lights. The property is naturally screened with evergreen trees that could provide some shielding and noise control. However, Staff shares the Planning Commissions concerns regarding the impact to the neighboring residential properties and feels the installation of tall, bright lights may not be compatible with the area. However, if the Board desires to approve the request, Staff would recommend the following conditions:

Pre-Condition:

None

Operating Conditions:

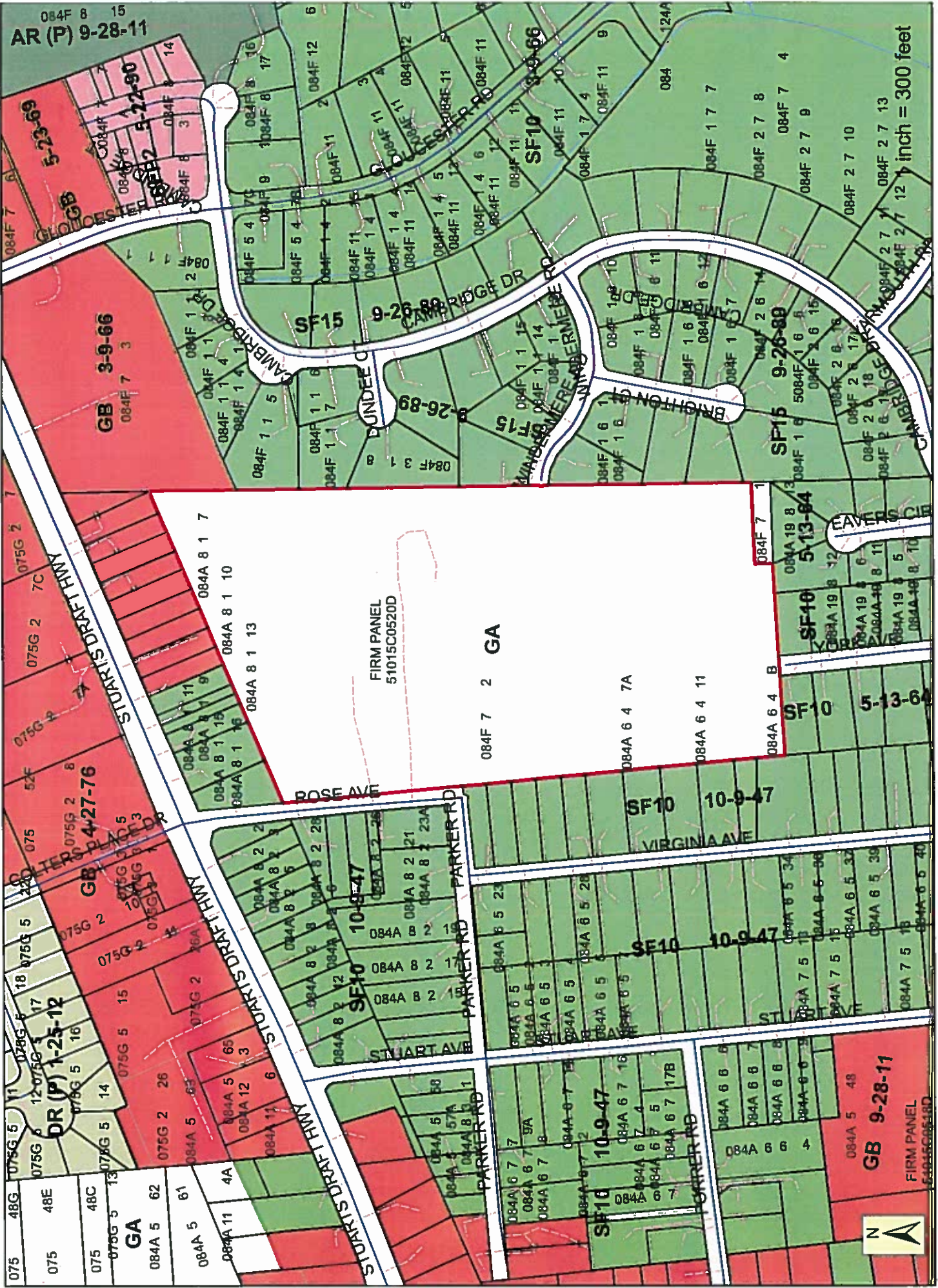
1. Applicant obtain all necessary permits from Building Inspection and provide a copy to Community Development.
2. All existing vegetation and trees around the ballfield remain.
3. All new lighting over 3000 lumens be turned off by 10:00 p.m. and directed away from neighboring properties.



Noctuid Family Center

Destiny Family Center

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AR (P) 9-28-11



1 inch = 300 feet

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Date 5/3/18

PROPERTY OWNER:
James S. or Sandra G. Berry

APPLICANT:
Same

LOCATION OF PROPERTY:
507 Jocelyn Lane, Waynesboro in the Wayne District

SIZE OF PROPERTY:
2.021 acres

VICINITY ZONING:
General Agriculture to the west, Rural Residential to the north, south, and west

PREVIOUS ZONING OR S.U.P.:
08/12 – Zoned Rural Residential

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private Well and Private Septic

APPLICANT'S JUSTIFICATION:
To construct an accessory building larger than twelve hundred (1,200) square foot total aggregate

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:
If water is connected to the building then means of Sewage Disposal will need to be addressed with the Health Department. The building is not to be located within 10' of the existing drainfield and reserve area for the house.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance is adequate for the requested use. The entrance is permitted only as a PE-1. If in the future additional uses are requested, VDOT will re-evaluate the entrance to meet commercial entrance requirements.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Ok – Single Family Dwelling. < 10,000 square feet.

SECTION 25-122.1C – ACCESSORY BUILDINGS NOT MEETING 25-122.1A & B

The accessory building or structure would not be out of character with the neighborhood or disproportionately large in relation to the size, location and character of other buildings and uses on the lot on which it is to be located and on adjoining and surrounding properties. For purposes of this section, "disproportionately large" shall mean so large as to: (i) be larger than a principal building to which it is accessory; or (ii) appear out of character with surrounding properties.

The applicants' dwelling contains 2,800 square feet, therefore, the 1,500 square foot garage would not be larger than the principal building. However, there are no other large detached structures on the surrounding properties.

Accessory buildings and structures shall meet the applicable side and rear yard requirements of § 25-128.

The proposed garage will meet all side and rear setbacks.

STAFF RECOMMENDATIONS

The applicants are requesting to construct a 30' X 50' (1500 square foot) detached garage with a bonus room for storage. The property is zoned Rural Residential and contains 2.021 acres. The Zoning Ordinance limits the total aggregate area of accessory structures on lots less than five (5) acres on property zoned Rural Residential to twelve hundred (1,200) square feet.

The applicant will be storing personal vehicles as well as a business vehicle and equipment associated with his painting business. The proposed garage will be located behind the dwelling and constructed with the same siding as the dwelling.

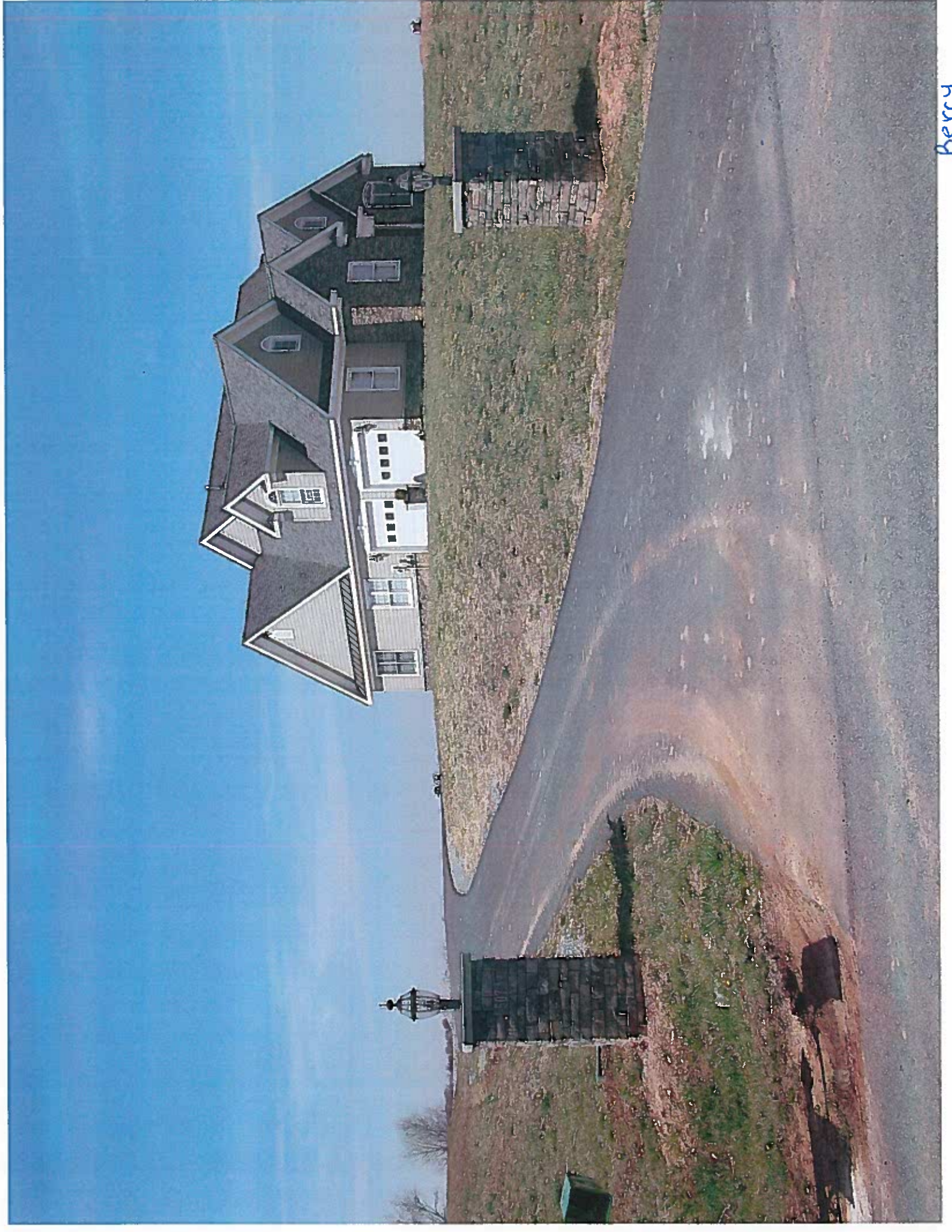
Staff visited the property and found there are no large detached accessory buildings within close proximity of the property and the majority of garages that are within close proximity are attached to the home. Staff feels that a detached garage totaling 1,500 square feet would be out of character with the neighboring properties and cannot recommend approval. However, if the Board feels that the garage would be compatible with the surrounding area and approves the request, staff recommends the following conditions:

Pre-Conditions:

None

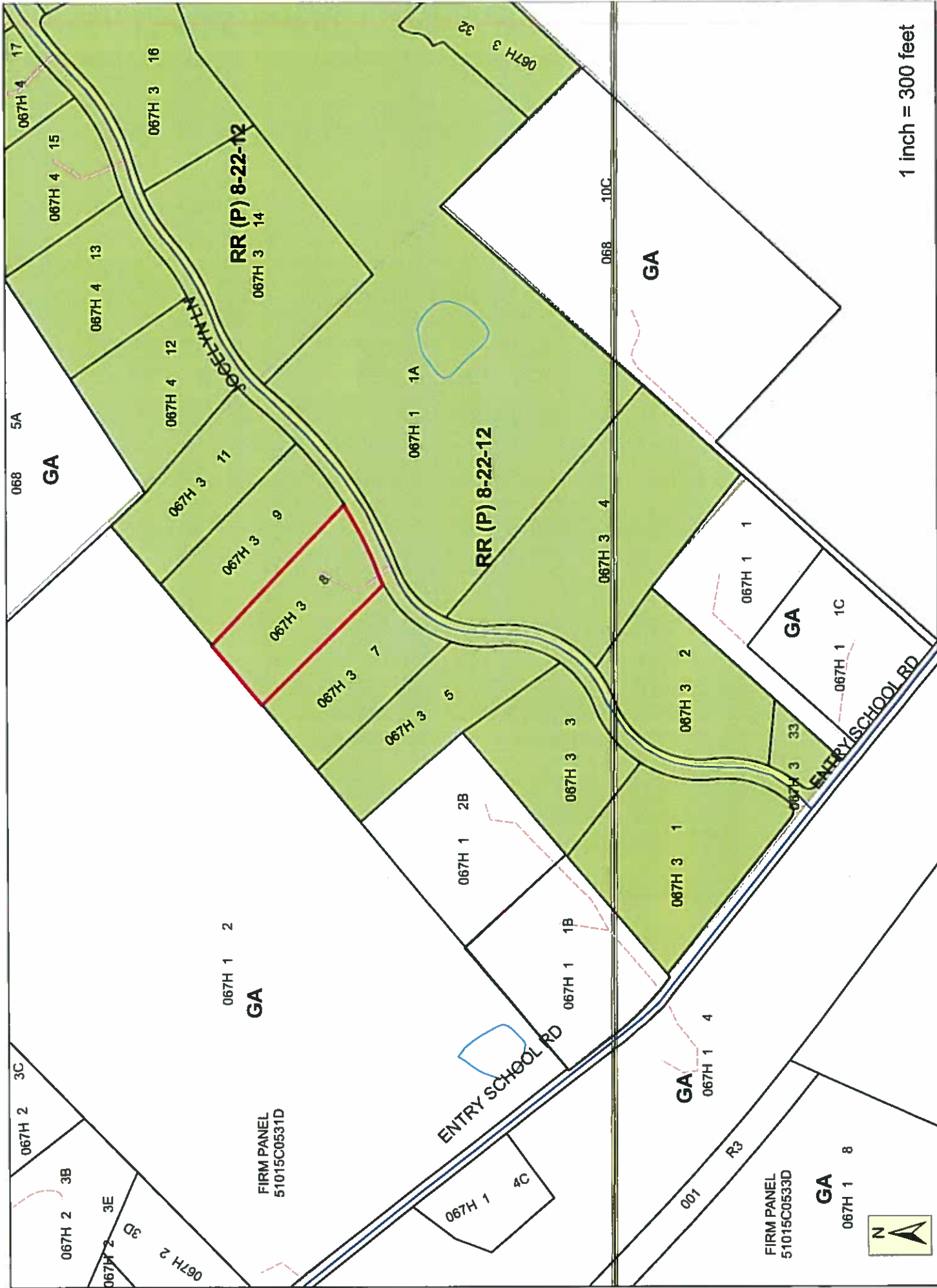
Operating Conditions:

1. Be allowed to construct a 30' X 50' detached accessory building.
2. Applicant obtain a building permit and provide a copy to Community Development.
3. No more than five hundred square feet (500) of the building be used for business use.
4. No junk or inoperable vehicles be kept outside.
5. Site be kept neat and orderly.
6. No further expansions.



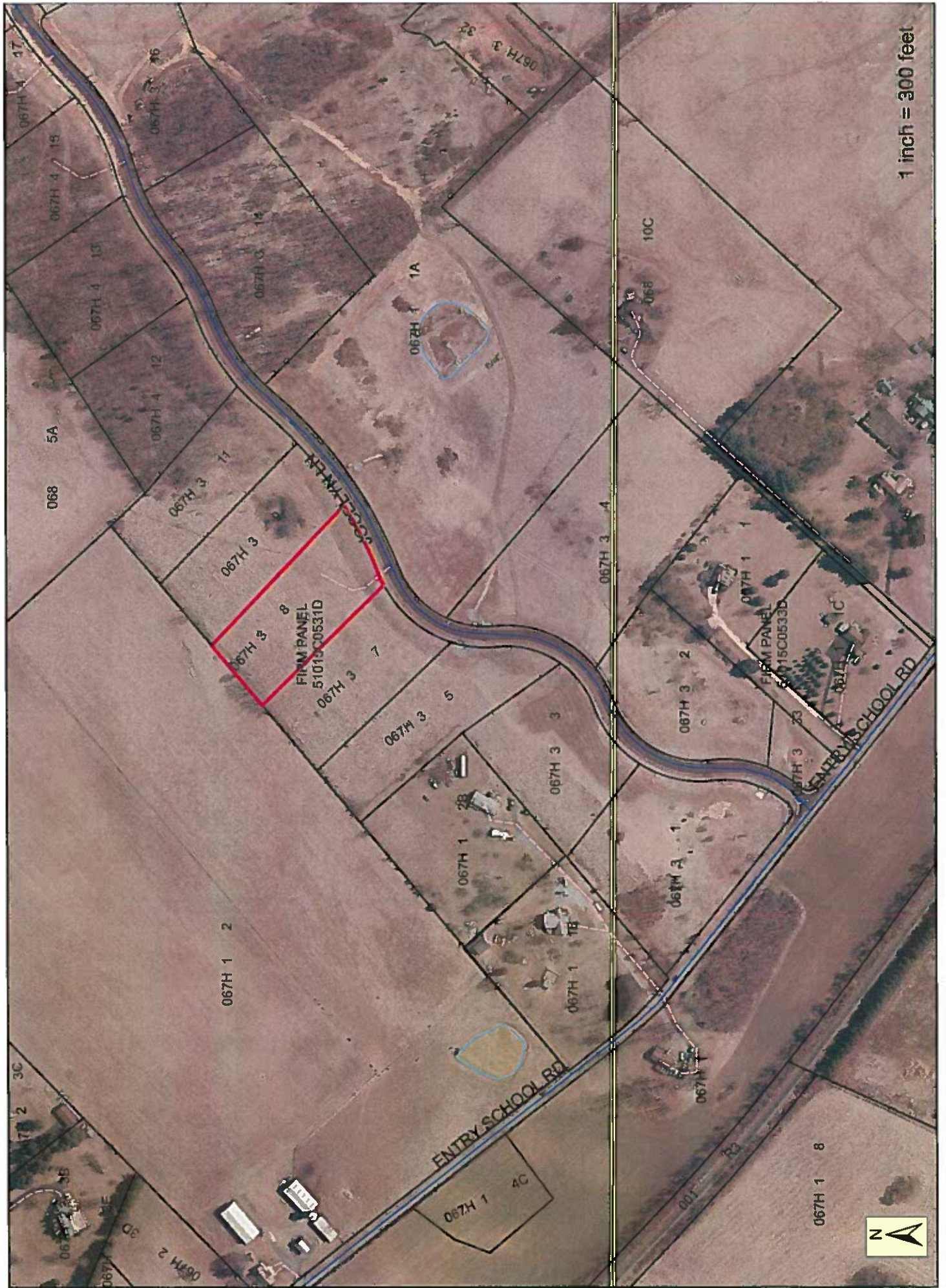
Berry

Berry



1 inch = 300 feet

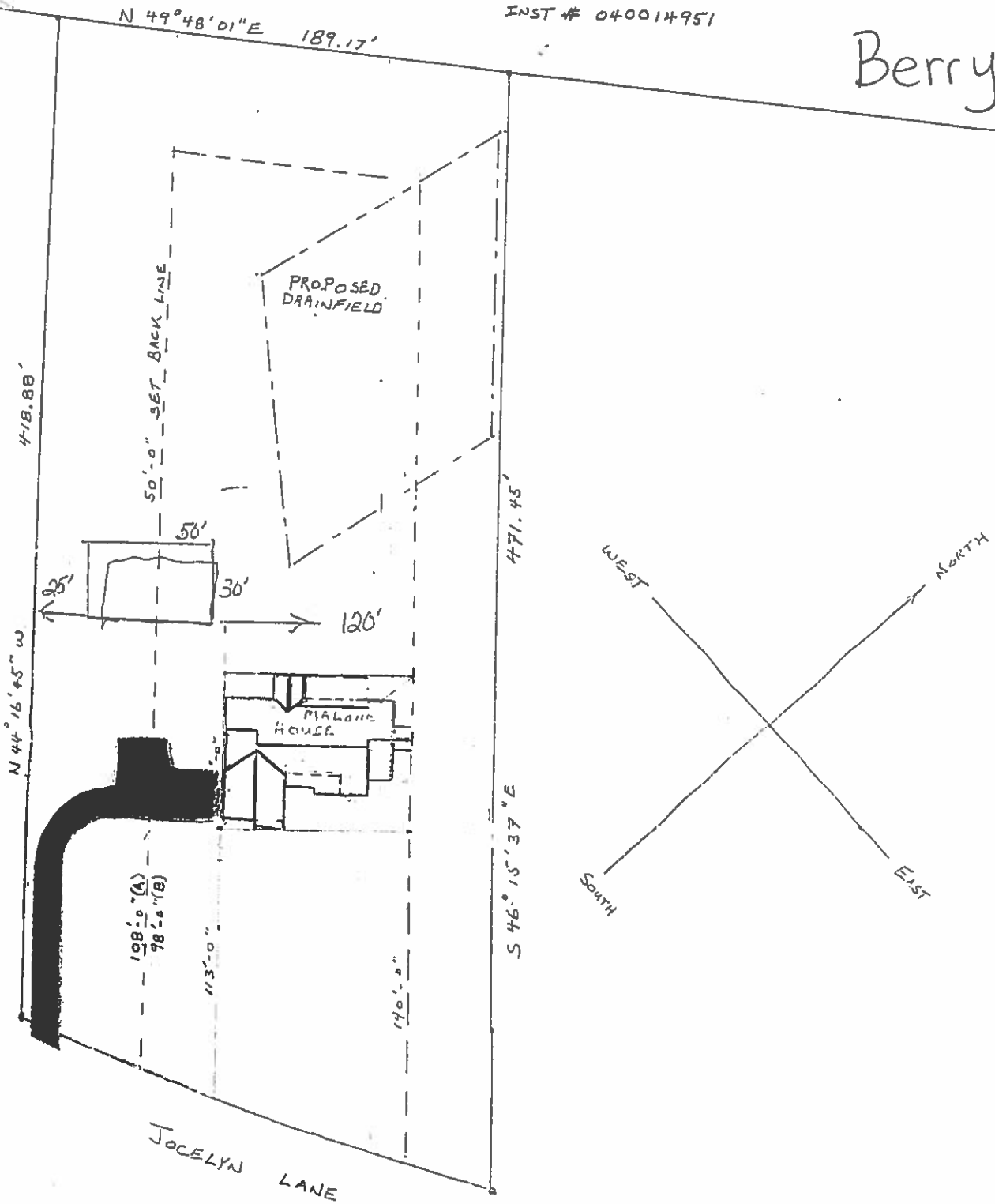
Berry



1 inch = 300 feet

RONALD W & SYLVIA HARRIS
TM# 67H-1-2
INST# 040014951

Berry



SCALE 1" = 40'

Date 5/3/18

PROPERTY OWNER:

Rising Sun Real Estate, LLC

APPLICANT:

Douglas Wood, agent for Rising Sun Real Estate, LLC

LOCATION OF PROPERTY:

131 Rising Sun Lane, Lyndhurst in the South River District

SIZE OF PROPERTY:

14.515 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 Private Septic

APPLICANT'S JUSTIFICATION:

To use an existing dwelling as a vacation home for short term rental

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

Property is served by a 2 bedroom drainfield for a maximum of 4 people. It is advised the home be rented to no more than 4 people at one time.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing entrance is served off Rising Sun Lane (Private Ln). Rising Sun Lane is off of Rt. 664 - Mt. Torrey Road. Rising Sun Lane has adequate sight distance for the requested use. VDOT has no exception for the request relating to VDOT concerns.

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. There is an existing 4" waterline on Mt. Torrey Road approximately 1,300'± to the west of the subject property.
5. There is no public sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No impact with Stormwater/Erosion and Sediment Control. < 10,000 square feet. Ok. Require notification to renters that property is in the floodplain.

SECTION 25-74H - PUBLIC ACCOMMODATION FACILITIES

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

No enlargements are proposed, this is an existing dwelling. The operating of a vacation home should be compatible with the rural character of the area.

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 parking area should not be out of character with neighboring properties. The dwelling is not visible to any adjoining property owners.

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 vacation home for short term rentals 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 direct access to Mt. Torrey Road from Rising Sun Lane.

STAFF RECOMMENDATIONS

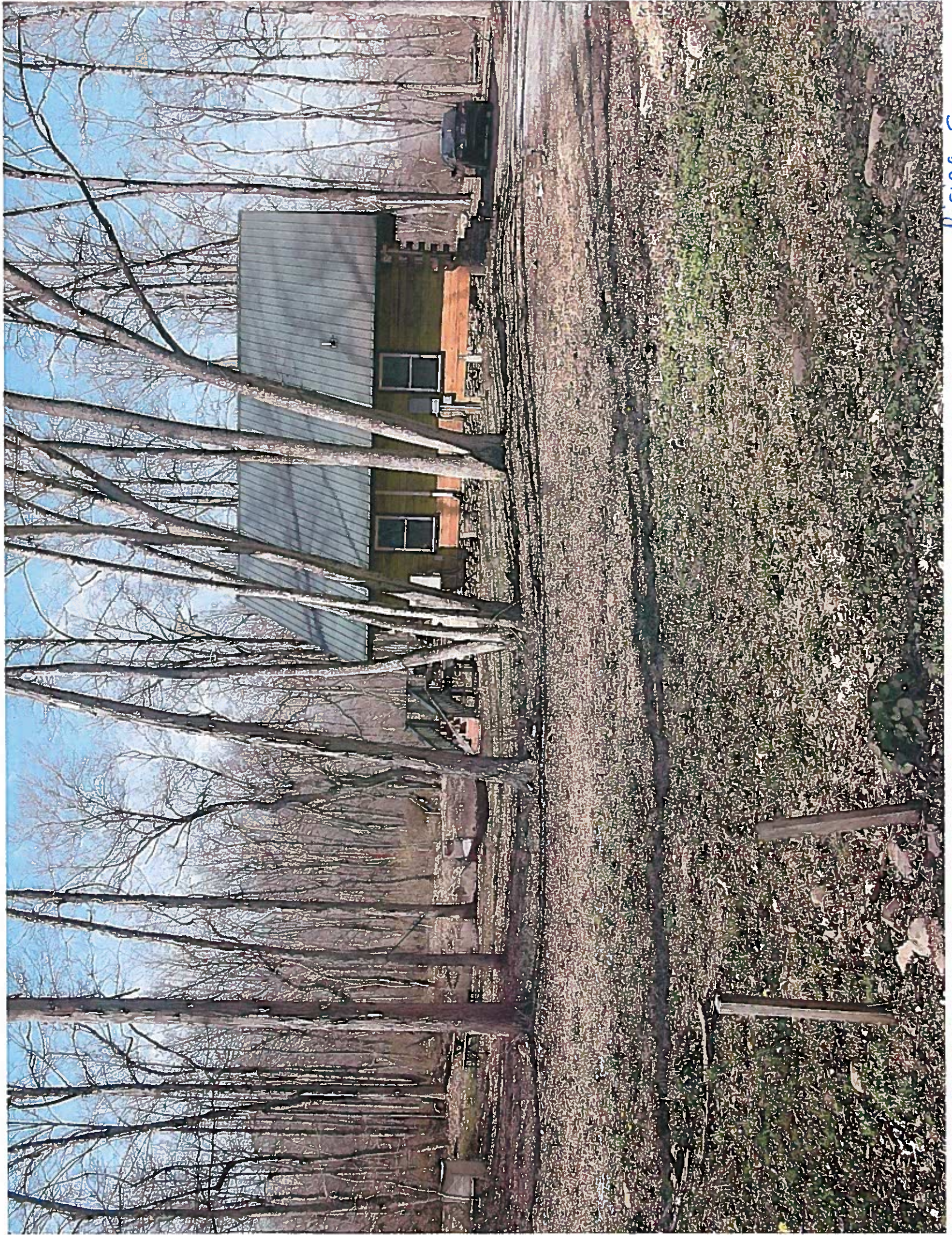
The applicant is requesting to lease the existing dwelling for short term vacation stays. The property owner does not reside on premise but is within seven (7) miles of the property. The dwelling is a log cabin with one (1) bedroom and one (1) bathroom. The applicant will not be providing meals, however, there is a full kitchen so guests can prepare their own meals. Staff feels that a small vacation rental would not be out of character with the area or the rural community and recommends approval of the request with the following conditions:

Pre-Conditions:

None

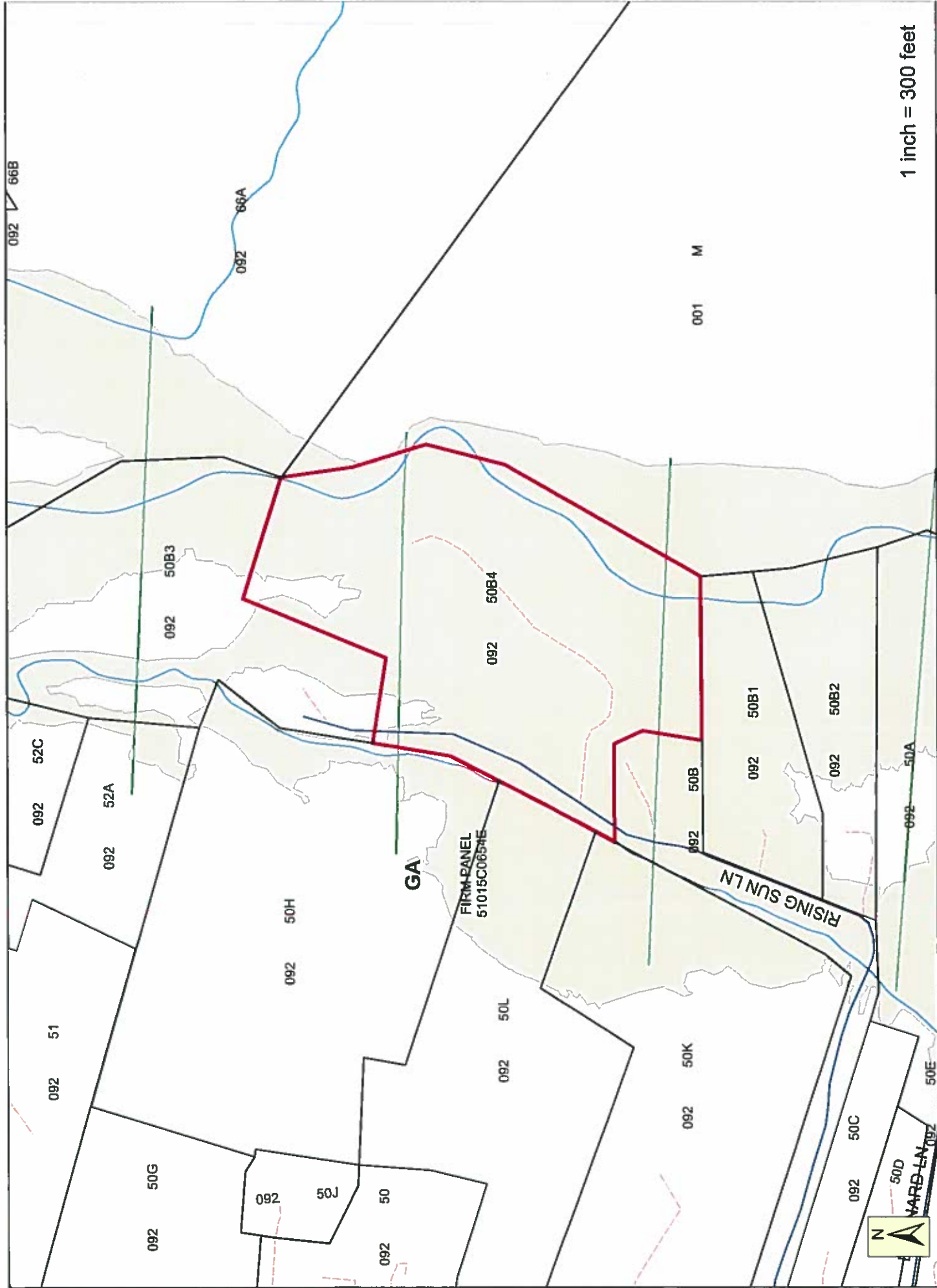
Operating Conditions:

1. Be permitted to lease out the existing dwelling for short term vacation rentals.
2. No more than four (4) persons occupying the dwelling.
3. Applicant post notice on site that the property is located within a designated floodplain.
4. Site be kept neat and orderly.



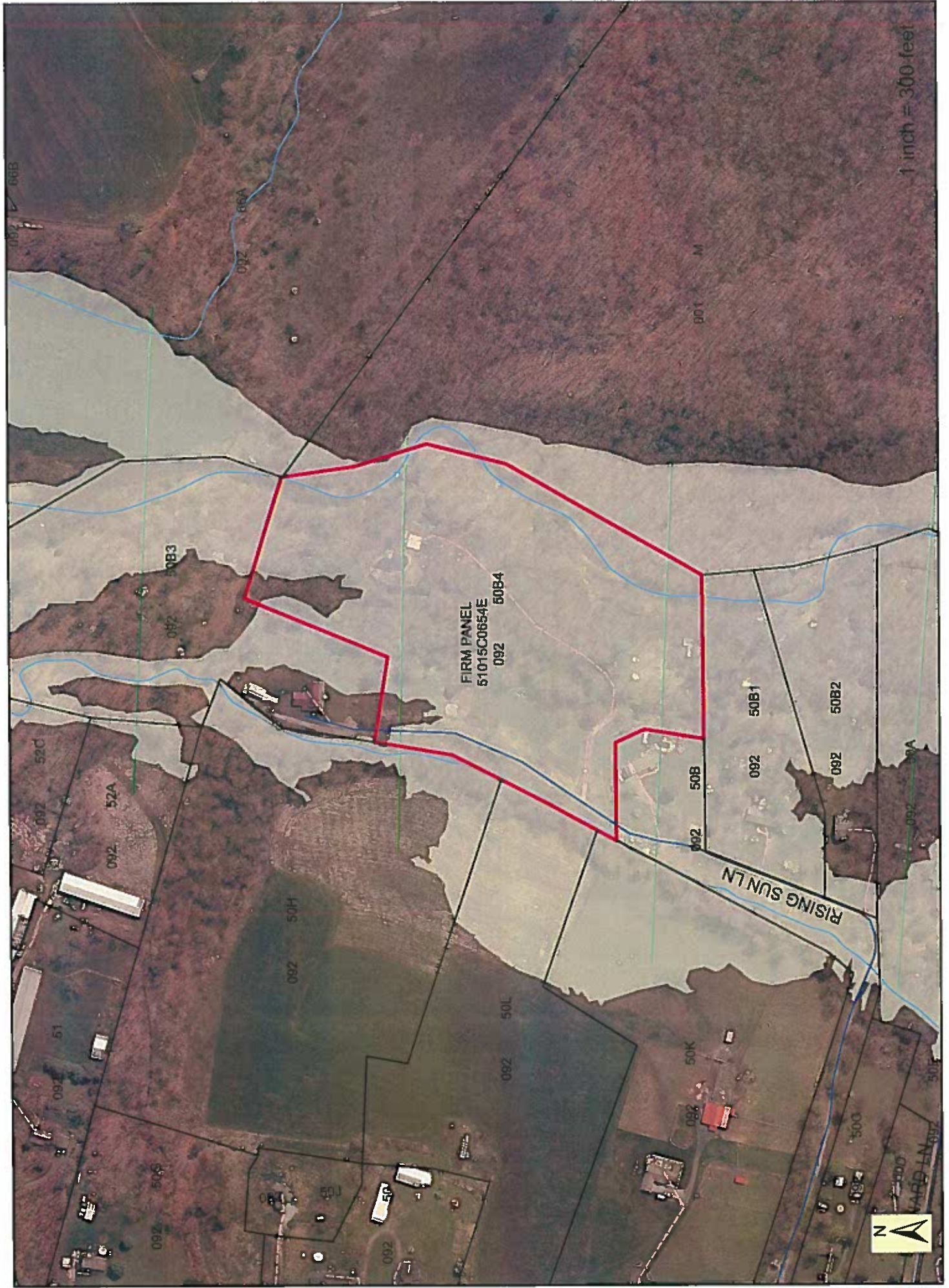
Rising Sun

Rising Sun Real Estate, LLC



1 inch = 300 feet

Rising Sun Real Estate, LLC



Rising Sun Real Estate

GEORGE WASHINGTON NATIONAL FOREST

S 30°15'57" W 545.82'

S 14°50'57" W 198.00'

BACK CREEK

PROPOSED
30' X 30' CABIN
FINISH FLOOR =
1528.0

BASE FLOOD ELEVATION
AT PROPOSED CABIN
SITE = 1526.00

14.511 ACRES
INSTRUMENT No. 100000545
TAX MAP 92, PARCEL 50B4

WATERLINE EASEMENT
PLAT BOOK 1, PAGE 77

EXISTING 20' RIGHT-OF-WAY
(PLAT BOOK 1, PAGE 2625)

S 16°29'03" E 186.78'

214.0'

194.3'

278.9'

S 80°10'01"

N 22°58'07" E 374.66'

ZONE X
ZONE AE

IN HEWITT AND
OOD J. HEWITT
B. 666, PG. 624
MAP 92, PARCEL 66A

35.00'

272.20'

S 71°51'49" E 307.20'

RYAN D. SHERIDAN, et al
INSTRUMENT No. 140008254
TAX MAP 92, PARCEL 50B3

Date 5/3/18

EXTENSION OF TIME REQUEST

PROPERTY OWNER:

Bethany Trinity Evangelical Lutheran Church, Trustees of

APPLICANT:

George Coyner, agent for Bethany Trinity Evangelical Lutheran Church, Trustees of

LOCATION OF PROPERTY:

On the north side of Goose Creek Road, just at the intersection of Goose Creek Road and Caldwell Lane in the Wayne District

SIZE OF PROPERTY:

13.397 acres

VICINITY ZONING:

Single Family Residential to the north, east, and west; General Agriculture to the south

PREVIOUS ZONING OR S.U.P.:

11/03 Zoned Single Family Residential

LAND USE MAPS:

Urban Service Area – Medium Density Residential

UTILITIES:

Public water and sewer

APPLICANT'S JUSTIFICATION:

To have a daycare center

The applicant is requesting a six (6) month Extension of Time.

STAFF RECOMMENDATIONS

The applicants have received site plan approval but have not applied for the Building Permit. They are in diligent pursuit but are requesting additional time to complete the pre-conditions.

Date 5/3/18

REQUEST TO CANCEL

PROPERTY OWNER:
Fishersville Property, LC

APPLICANT:
Jerry Brower, agent for Brower Limited Partnership, LLC

LOCATION OF PROPERTY:
99 Ivy Ridge Road, Fishersville in the South River District

SIZE OF PROPERTY:
5.040 acres

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

PREVIOUS ZONING OR S.U.P.:
09/89 Zoned General Industrial

LAND USE MAPS:
Urban Service Area – Industrial

UTILITIES:
Public water and sewer

APPLICANT'S JUSTIFICATION:
To have outdoor storage of industrial gases

The applicant is requesting to cancel the permit.

STAFF RECOMMENDATIONS

The applicants could not meet all the required setbacks from the building for the outside storage. They no longer wish to purchase the building and are requesting cancellation.