



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: May 31, 2018

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, June 7, 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 **10:00 A.M., Thursday**, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow at **Country Cookin at noon**.

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

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

SKB/bcw

Enclosures

**ADVANCED
AGENDA**

Regular Meeting of the Augusta County Board of Zoning Appeals

Thursday, June 7, 2018, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of May 3, 2018

4. PUBLIC HEARINGS

- A. A request by John C. Leavell, for a Special Use Permit to construct a building for use as a machine shop and to have outdoor storage of equipment on property he owns, located at 321 Sangers Lane, Staunton in the Beverley Manor District.
- B. A request by Greg Tisinger, for a Special Use Permit to have outdoor storage of a smoker on property owned by Richard L. or Sharon Ovenshire, located at 26 Sutton Road, Verona in the Beverley Manor District.
- C. A request by Garland Eutsler, agent for Shen Acres Holding, LLC, for a Special Use Permit to construct a building for recreational use on property owned by Shen Acres Realty, LLC, located at 348 and 256 Lake Road, Stuarts Draft 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 Elizabeth Tuttle, for a Special Use Permit to have a short term vacation rental on property owned by Laurence D. and Toni P. Sheets, located at 386 Cider Mill Road, Mount Sidney in the North River District. – **REQUEST TO CANCEL**

8. STAFF REPORT

17-30	Global Tower Assets III, LLC
17-31	Scotland Land Company, LLC
17-32	Kimball E. Stowers

9. ADJOURNMENT

AGENDA ITEM # 4A

Date 6/7/18

PROPERTY OWNER:
John C. Leavell

APPLICANT:
Same

LOCATION OF PROPERTY:
321 Sangers Lane, Staunton in the Beverley Manor District

SIZE OF PROPERTY:
2.920 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture
11/07 SUP to construct a building for a machine shop

LAND USE MAPS:
Community Development Area – Low Density Residential

UTILITIES:
Private

APPLICANT'S JUSTIFICATION:
To construct a building for use as a machine shop and to have outdoor storage of equipment

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:
1. Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code.
2. Handicapped parking space needs to be a minimum of 16 feet wide by 18 feet long.

HEALTH DEPARTMENT'S COMMENTS:
The property is under a DEQ discharge permit. If water and sewer are proposed to be within the new building the owner is advised to speak with DEQ regarding use of the existing system.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing private entrance serving the house (and others) has insufficient sight distance for commercial use. A location for a separate commercial entrance to serve the machine shop was previously approved by VDOT. The new entrance will require a VDOT

land use permit and will need to be constructed prior to occupying the machine shop for commercial use.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Update existing Erosion and Sediment Control Plan.

SECTION 25-74I - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES

Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.

The applicant is proposing to store all materials inside the building or the 15' x 30' lean to.

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.

Businesses of this type are more appropriate in Business zoned districts. Business zoned property is located within close proximity.

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 Sangers Lane.

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

VDOT is requiring a new commercial entrance that will safely and adequately 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 currently operates under a Home Occupation Permit within the attached garage. He is requesting to construct a new 40' x 60' building.

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 construct a 40' x 60' building for business use that may not be compatible with the neighboring properties.

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.

There are smoke detectors and 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.

Nothing will be displayed for sale.

STAFF RECOMMENDATIONS

The applicant is requesting to construct a 40' X 60' building for his machine shop business and a 15' X 30' lean to for material storage. The Board approved a Special Use Permit to construct this building in 2007, and a site plan was submitted and approved in 2010, however, the building was never constructed and the Special Use Permit has expired. The applicant continued to operate the machine shop business from his attached garage with an approved Home Occupation Permit. The business is continuing to grow, and the applicant feels that he is now financially ready to move forward with constructing the building and installing the new commercial entrance required by VDOT. The applicant would also like to increase the number of employees to four (4) in the shop and one (1) part-time office assistant. The previous Special Use Permit limited the number of employees to two (2) due to the size of the septic system. The applicant currently has a DEQ permit for a discharge system and staff has not received comments from DEQ regarding the increase in employees. Staff is concerned that constructing a large building for business use would not be compatible with neighboring properties or the Comprehensive Plan. However, due to the fact the Board previously felt the request to construct a 2,400 square foot building would be compatible with neighboring properties and approved the request, staff would recommend approval with the following Operating Conditions:

Pre-Conditions:

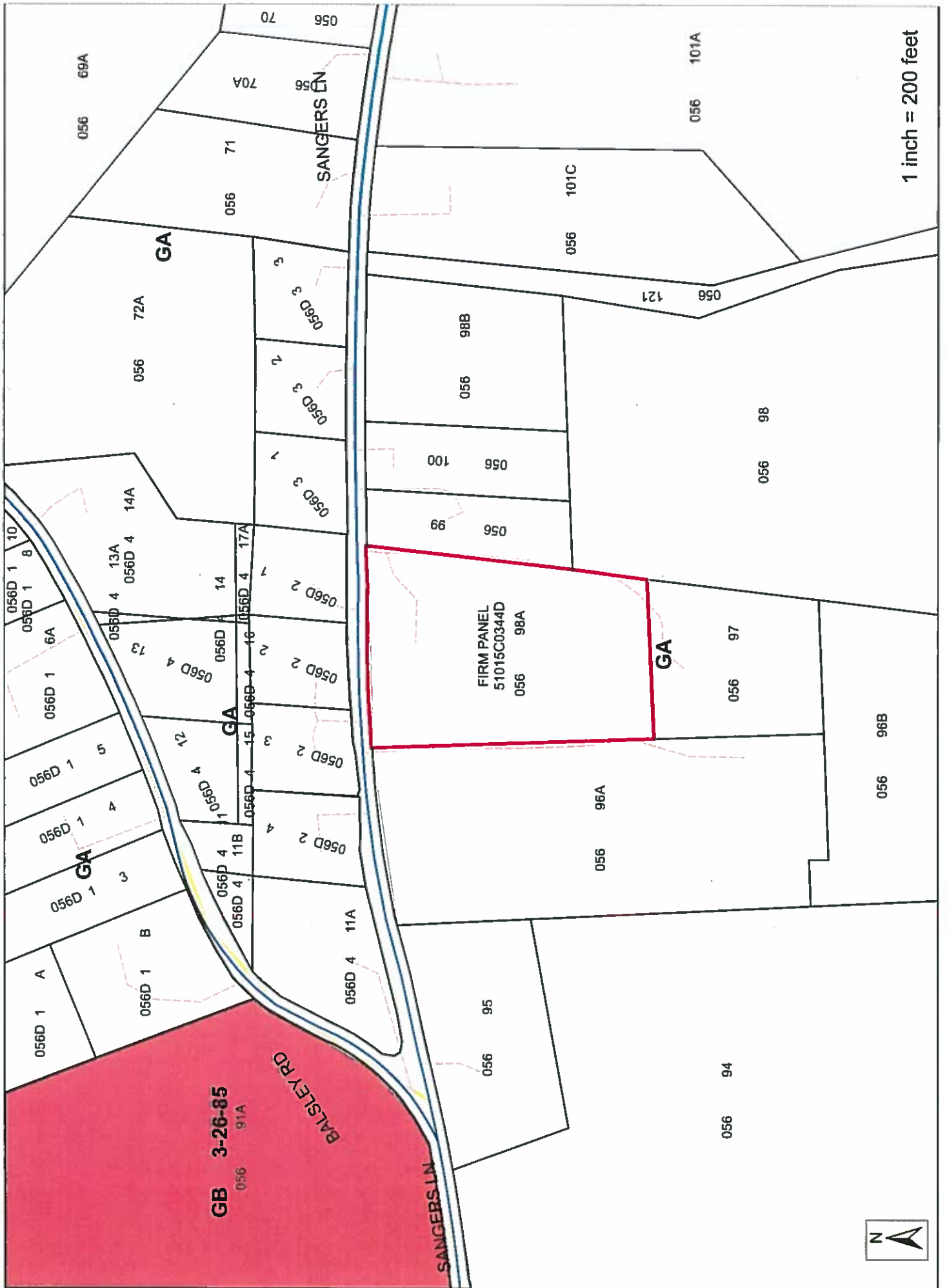
1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. Applicant update existing Erosion and Sediment Plan.
3. Applicant obtain a building permit and provide a copy to Community Development.

Operating Conditions:

1. All equipment, machinery, and materials for the business be kept inside the 40' x 60' building or the 15' x 30' lean to.
2. Hours of operation be 7:00 a.m. to 8:00 p.m. Monday – Saturday.
3. Be limited to two (2) employees, unless the applicant obtains written approval for up to four (4) employees from DEQ.
4. No Sunday work.
5. No further expansion.
6. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.



Leavell



GB 3-26-85
056 91A

BALSLEY RD

SANGERS LN

SANGERS LN

GA

GA

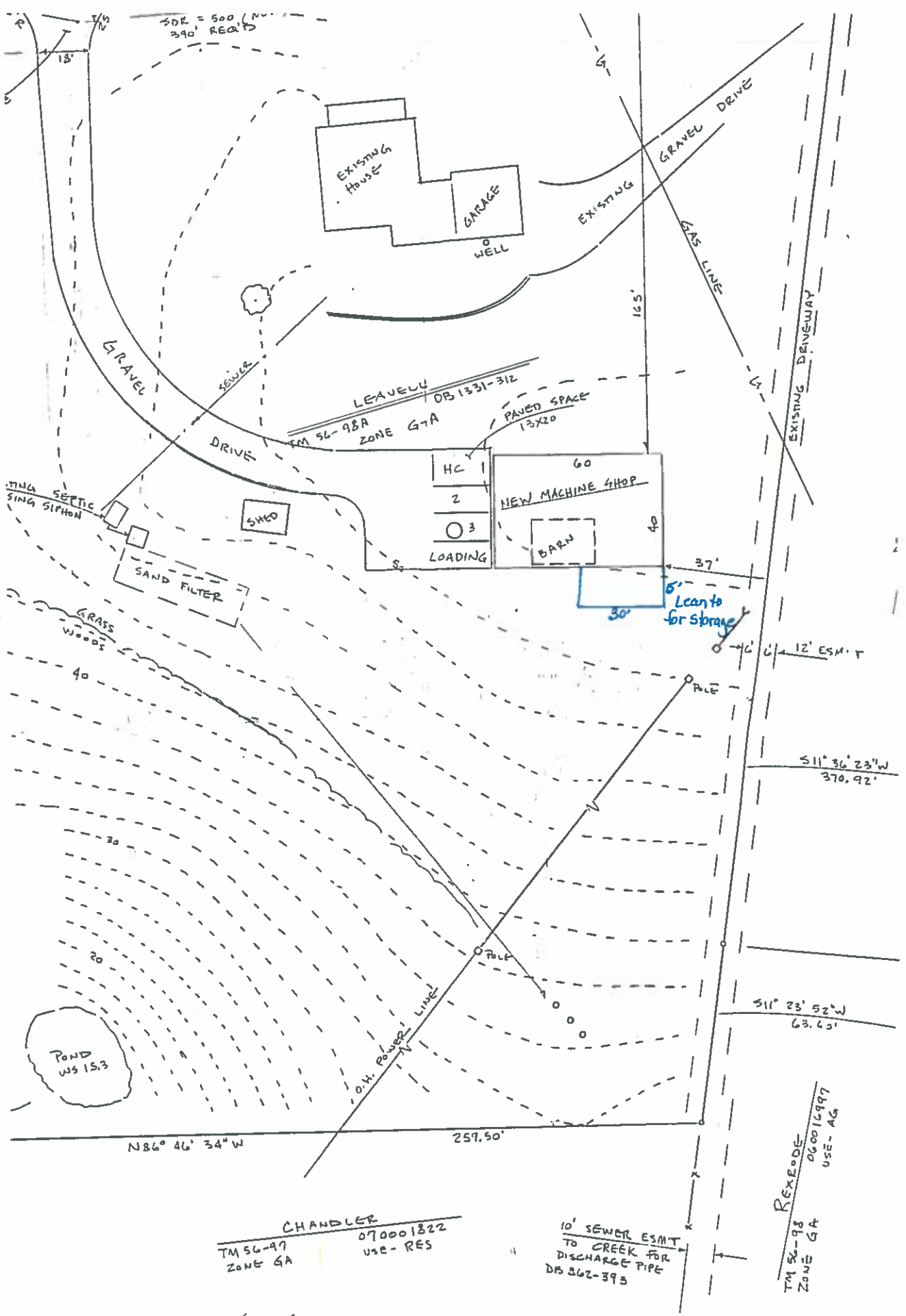
FIRM PANEL
51015C0344D
056 98A



1 inch = 200 feet

Leavell





SITE
 1" = 30' CI = 2'

Leavell

AGENDA ITEM # 4B

Date 6/7/18

PROPERTY OWNER:
Richard L. or Sharon Ovenshire

APPLICANT:
Greg Tisinger

LOCATION OF PROPERTY:
26 Sutton Road, Verona in the Beverley Manor District

SIZE OF PROPERTY:
0.216 acres

VICINITY ZONING:
General Business surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
04/55 Zoned General Business

LAND USE MAPS:
Urban Service Area – Business

UTILITIES:
Public water and sewer

APPLICANT'S JUSTIFICATION:
To have outdoor storage of a smoker

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
Public water and sewer to serve the property. The applicant will need to obtain a restaurant permit from the Health Department prior to opening the business.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance is adequate for the requested use.

SERVICE AUTHORITY'S COMMENTS:

1. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.

2. 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.
3. 26 Sutton Road is currently a Service Authority water and sewer customer. If there are additional water fixtures added in conjunction with the proposed use, a Meter Sizing form must be completed and submitted to the Service Authority Engineering Department for evaluation. Needed changes to the existing service would require payment of associated work/service charges.

ENGINEERING'S COMMENTS:

Site plan shows less than 10,000 square feet. Ok.

SECTION 25-304B - GENERAL OUTDOOR STORAGE

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

The applicant submitted a site plan for approval showing the smoker located beside the building.

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

The traffic flow to the site is restricted due to the size of the parcel. VDOT has no objections to the request.

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

The smoker is located beside the building outside of the designated parking spaces.

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

The applicant is requesting one (1) smoker in conjunction with his barbeque business that should be appropriate.

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

The property is surrounded by Business zoned property and the smoker meets all required setbacks.

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

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

The only lighting proposed will be on the building. The business will be closing by 6:00 p.m.

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

A smoker is not normally kept inside.

STAFF RECOMMENDATIONS

The applicant is requesting to have outdoor storage of one (1) smoker in conjunction with the opening of a takeout barbecue restaurant onsite. The smoker will be located beside the building outside of aisleways and parking areas. Staff feels that outdoor storage of a small cooker would be compatible with the neighboring properties and recommends approval with the following conditions:

Pre-Conditions:

None

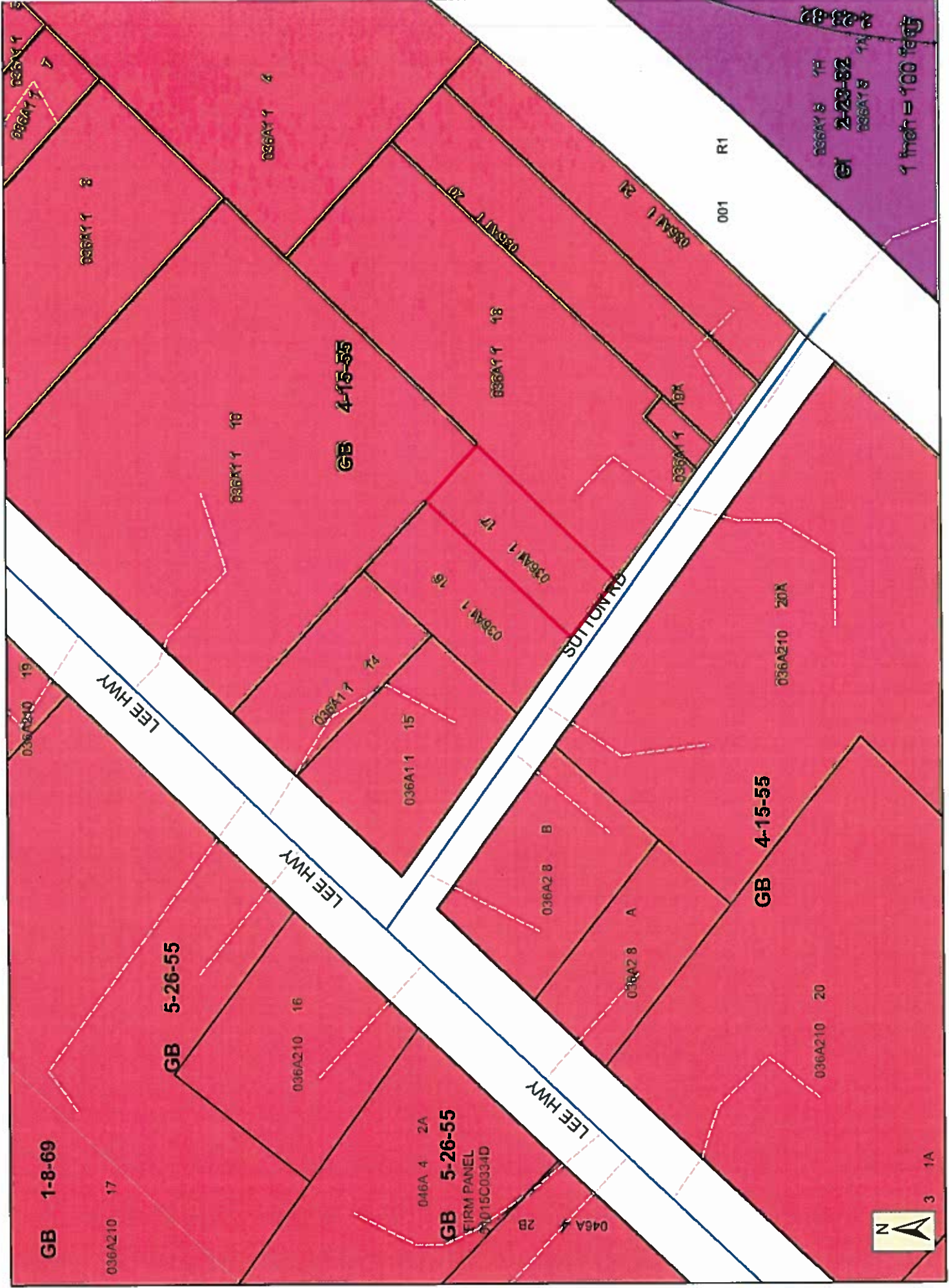
Operating Conditions:

1. Be permitted to display one (1) barbecue smoker as shown on the site plan.
2. Restaurant be for takeout only.
3. Site be kept neat and orderly.



26

Ovenshire



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GB 5-26-55

036A210 16

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GB 5-26-55
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GB 4-15-55

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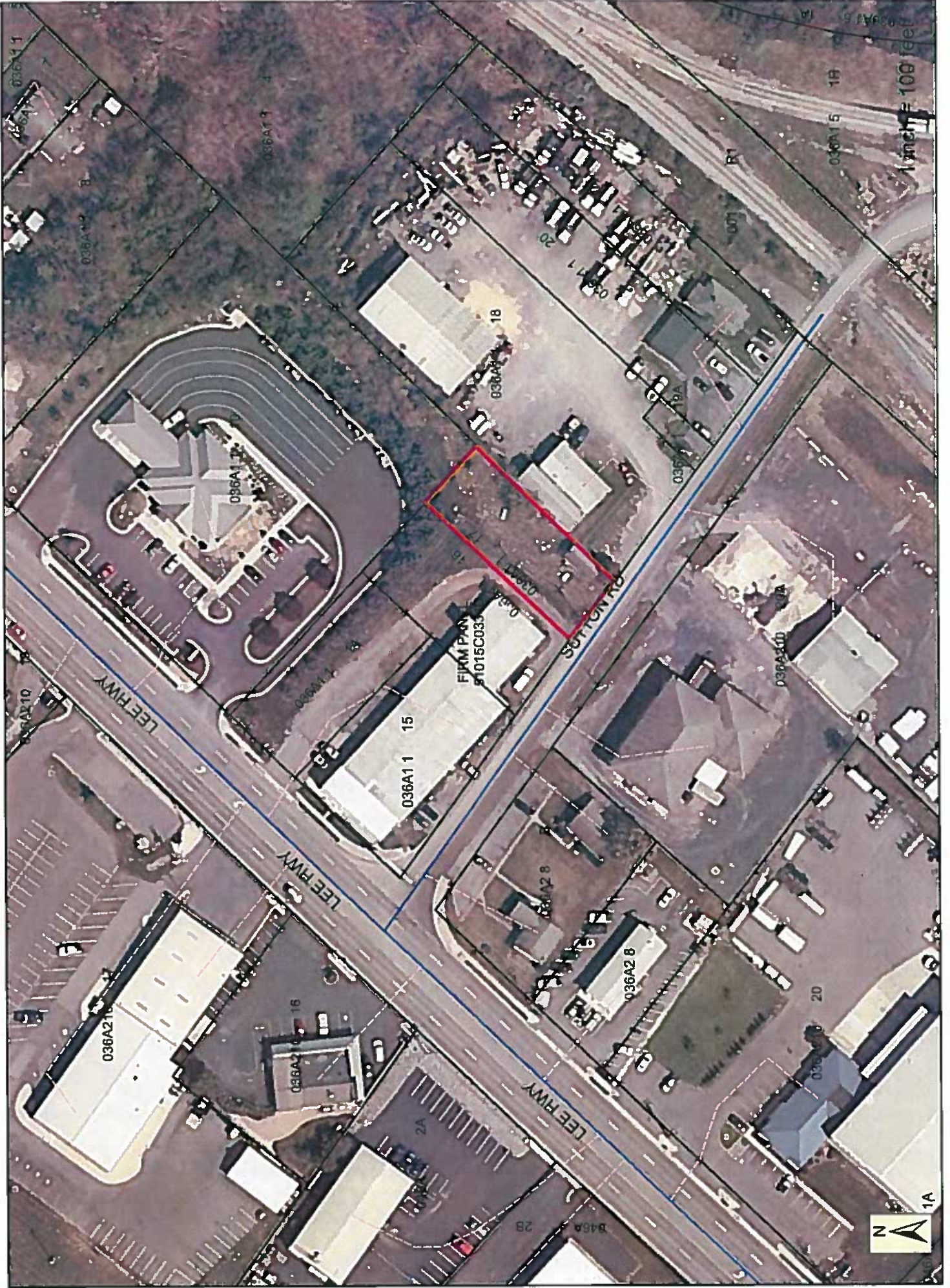
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3 1A

1 inch = 100 feet

Ovenshire



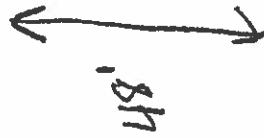
4) INSULATED TRUNK (INSIDE HEAT)

SMOKER LOCATION CAN BE ADJUSTED

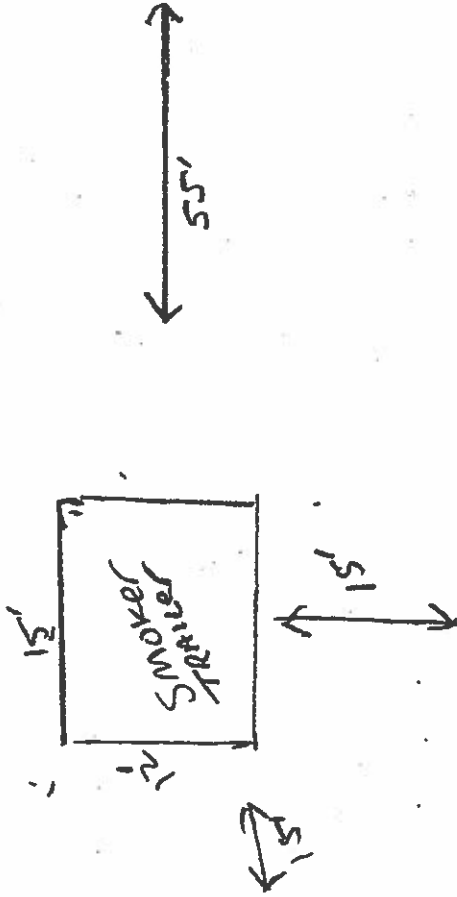
TRIPPLE T B&B
26 SUTTON RD
VERONA

131' 7"

ELECTRIC
POLE



ELECTRIC
POLE



BUILDING

120' 0"

Overshire

SUTTON RD
75' 6"

AGENDA ITEM # 4C

Date 6/7/18

PROPERTY OWNER:
Shen Acres Realty, LLC

APPLICANT:
Garland Eutsler, agent for Shen Acres Holding, LLC

LOCATION OF PROPERTY:
348 and 256 Lake Road, Stuarts Draft in the South River District

SIZE OF PROPERTY:
132.58 acres

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

PREVIOUS ZONING OR S.U.P.:
05/95 SUP approved to expand Shenandoah Acres Resort
12/95 Zoned General Agriculture
03/98 SUP approved to replace the non-conforming beach house
05/07 SUP approved to continue rental of cottages, the lodge, roundhouse, and three bedroom house, and use beach house for recreation and social events
03/14 SUP approved to continue the facility
10/14 SUP approved to reopen back section
06/16 SUP approved to expand the existing campground by adding additional full hookup campsites and a seasonal restaurant within the existing beach house
12/16 SUP approved to expand the existing campground by adding additional full hook-up sites and reopen an existing site area
10/17 SUP approved to expand the existing campground by adding full hook-up and seasonal sites

LAND USE MAPS:
Urban Service Area – Planned Residential

UTILITIES:
Private well, public sewer and waste dump station

APPLICANT'S JUSTIFICATION:
To construct a building for recreational use

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has approved plans for a campground expansion of 302 sites but has not yet inspected the infrastructure or issued a campground permit for this expansion. Once the new infrastructure has been completed the Health Department would need to inspect prior to issuing the campground permit. The Campground is currently under Health Department permit for 270 sites. It appears we are waiting on "The Woods" 32 site expansion to be completed.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT has no objections to the request based on the understanding that the proposed recreational building will be an auxiliary use for the campers and no additional entrances are proposed.

SERVICE AUTHORITY'S COMMENTS:

No comments on a proposed arcade with no indoor plumbing.

ENGINEERING'S COMMENTS:

Include in Stormwater Management Plan.

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 recreational building is within the existing campground. There will not be restrooms inside the building and trash is picked up on a regular basis.

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.

The facility staff will supervise parking and crowd control.

Approval by the Virginia Department of Transportation.

VDOT has no objections to the recreational building using the existing entrance.

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 applicant is proposing a 24' x 40' building to be used for recreational purposes for registered campers only. The building meets all required setbacks.

STAFF RECOMMENDATIONS

The applicant is requesting to construct a 24' x 40' prefab building to use as an arcade during the summer months. The arcade machines were previously located inside the beach house adjacent to the lake. The Board granted a permit to convert the beach house into a restaurant in 2016, which eliminated the arcade space. The applicant has purchased a prefab structure for the arcade machines and was not aware that he needed a Special Use Permit. There will be no restrooms inside the building and it will only operate during the day. Staff feels a small building used for recreational purposes in conjunction with the campground would not be out of character and would recommend approval with the following conditions:

Pre-Conditions:

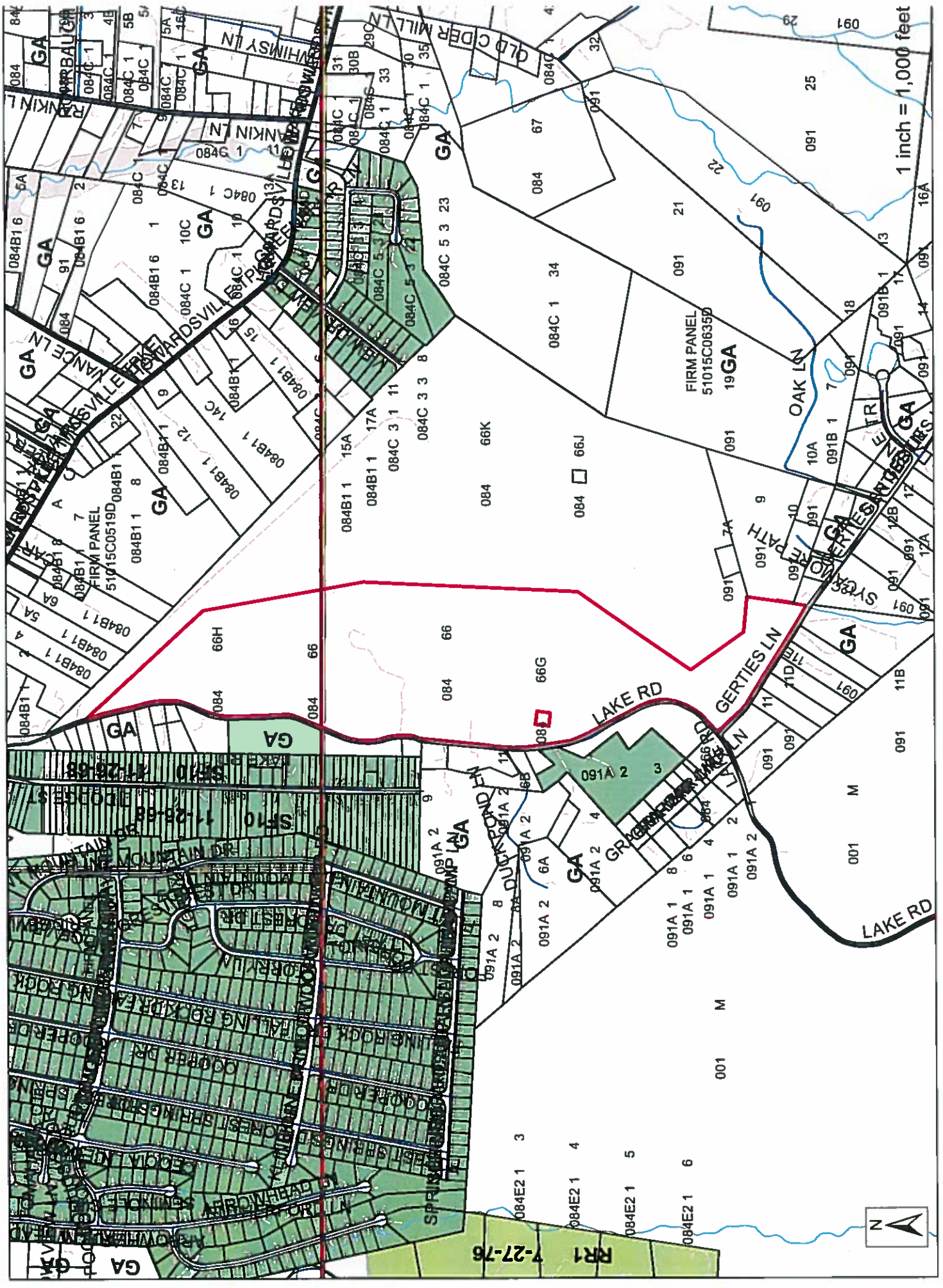
1. Applicant obtain building permit and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to construct a 24' x 40' building for recreational use.
2. Show new building on the site plan and include in the Stormwater Management Plan.
3. Hours of operation be 10:00 a.m. to 5:00 p.m.
4. Site be kept neat and orderly.







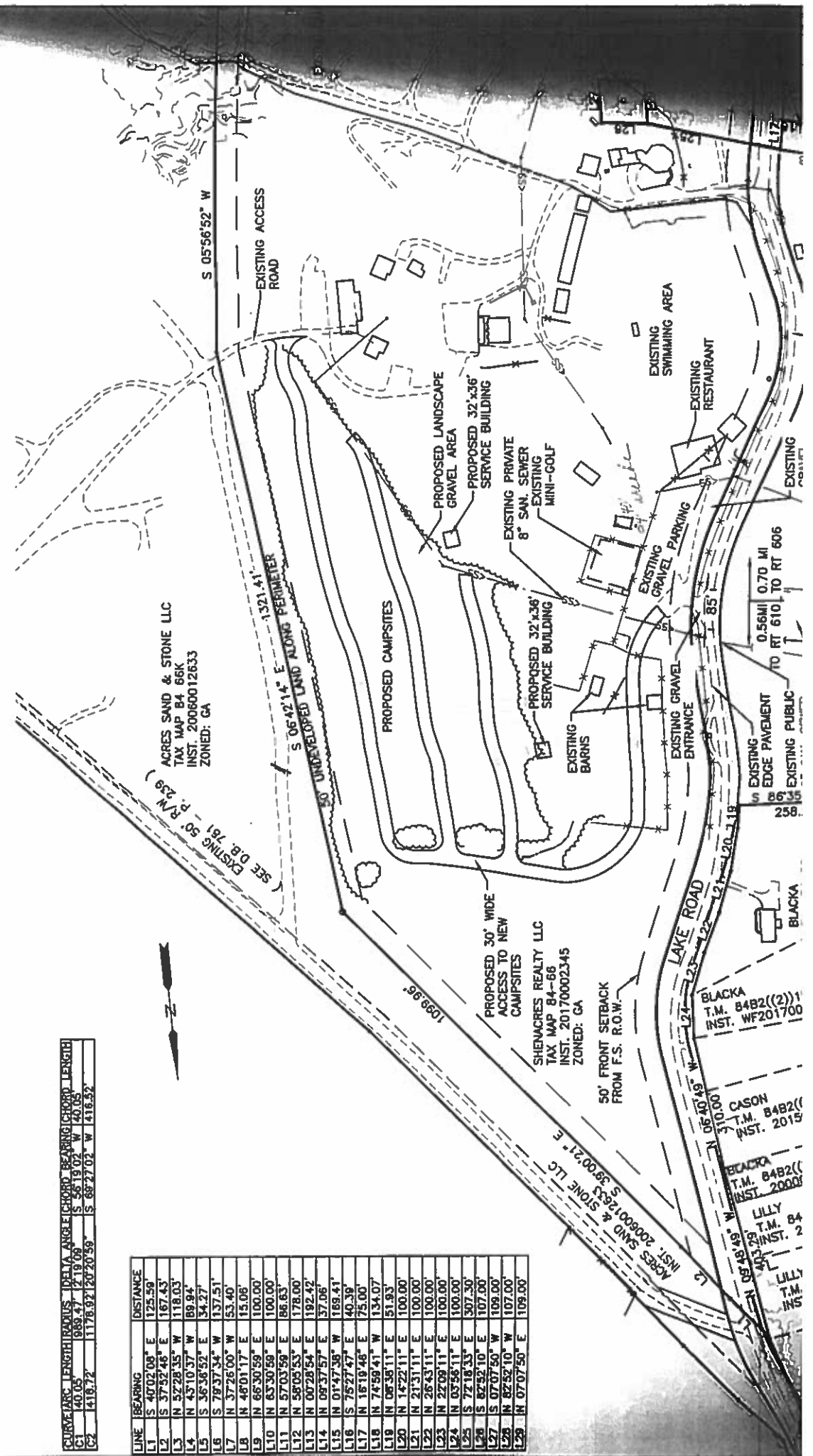
1 inch = 1,000 feet

Shen Acres Realty



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CURVATURE	BEARING	CURVATURE	LENGTH
C1	40.05	989.47	2.19 09	S	26.19 02	W	40.05
C2	416.72	11176.92	20.20 59	S	68.27 02	W	416.52

LINE	BEARING	DISTANCE
L1	S 40°02'08" E	125.59'
L2	S 37°52'46" E	167.43'
L3	N 57°28'35" W	118.03'
L4	N 43°10'37" W	89.94'
L5	S 36°38'52" E	34.27'
L6	S 78°37'34" W	137.51'
L7	N 37°26'00" W	53.40'
L8	N 48°01'17" E	15.06'
L9	N 66°30'59" E	100.00'
L10	N 63°30'59" E	100.00'
L11	N 57°03'59" E	86.63'
L12	N 58°05'53" E	178.00'
L13	N 00°28'54" E	192.42'
L14	N 09°37'57" E	37.06'
L15	N 01°47'39" W	169.41'
L16	S 75°27'47" E	40.39'
L17	N 16°19'48" E	75.00'
L18	N 74°59'41" W	134.07'
L19	N 06°38'11" E	51.93'
L20	N 14°22'11" E	100.00'
L21	N 21°31'11" E	100.00'
L22	N 26°43'11" E	100.00'
L23	N 22°09'11" E	100.00'
L24	N 03°56'11" E	100.00'
L25	S 72°18'33" E	307.30'
L26	S 82°52'10" E	107.00'
L27	S 07°07'50" W	109.00'
L28	N 82°52'10" W	107.00'
L29	N 07°07'50" E	109.00'



REQUEST TO CANCEL

Date 6/7/18

PROPERTY OWNER:

Laurence D. and Toni P. Sheets

APPLICANT:

Elizabeth Tuttle

LOCATION OF PROPERTY:

386 Cider Mill Road, Mount Sidney in the North River District

SIZE OF PROPERTY:

1.529 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

10/17 SUP approved to have a short term vacation rental

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To have a short term vacation rental

The applicant is requesting the permit be cancelled.