

Date 1/3/2019

**PROPERTY OWNER:**

Regional Animal Shelter Land Trust

**APPLICANT:**

Candy Hensley, agent for Regional Animal Shelter Land Trust

**LOCATION OF PROPERTY:**

1001 Mt. Torrey Road, Lyndhurst in the South River District

**SIZE OF PROPERTY:**

4.608 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 Zoned General Agriculture

08/11 SUP to operate existing kennel and enclose existing exercise area

05/13 SUP to construct an addition to the existing shelter and add an accessory building

10/13 SUP to add a fenced exercise area

02/14 SUP to add a fenced exercise and play area in the woods on the north side of the building

**LAND USE MAPS:**

Community Development Area – Low Density Residential

**UTILITIES:**

Public water and private septic

**APPLICANT'S JUSTIFICATION:**

To amend the current operating conditions to allow the construction of a larger accessory building and to use a six (6') foot high chain link fence around the exercise and play area

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

The addition needs to be 10'+ from any section of the drainfield. The Health Department has no issues with the proposal.

**HIGHWAY DEPARTMENT'S COMMENTS:**

VDOT has no objections.

**SERVICE AUTHORITY'S COMMENTS:**

The proposed use has no impact on the public water and sewer facilities. The Service Authority has no comments.

**ENGINEERING'S COMMENTS:**

Less than 10,000 square feet cumulative. Ok.

**ANIMAL CONTROL'S COMMENTS:**

Animal Control's recommendation for the exercise area is for a 50' x 50' chain link area with divider in the center and the fence be 6' and double gated at the entrance to prevent escape if outside gate is opened. Someone should be with the dogs at all times when in the exercise area.

**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.**

Staff regulations require a kennel operated by a locality to be cleaned twice per day.

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

The existing facility has heat and air conditioning. The office system is a separate unit from the kennel.

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

The proposed 50' x 70' exercise and play area will be located in the woods and will be enclosed with a six (6') foot high chain link fence.

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

All animals are kept inside the heated and air conditioned facility except during supervised outdoor exercise.

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

The facility has an alarm system for smoke, fire, and security.

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

The facility is rated for a maximum number of animals.

**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.**

The site contains 4.608 acres but there was no minimum standards for acreage when the original Special Use Permit was approved in 1995.

**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 animals are confined within the fully enclosed building except during supervised exercise periods.

**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.**

There are no outside runs at this facility and no outdoor area where animals will be left outside unsupervised.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to place a 20' x 12' accessory building on the property and be allowed to construct a six (6') foot chain link fence around the approved exercise and play area. The Board granted a request in 2013 to place a 15' x 20' accessory building for additional storage; however, the building was never placed on the property. The applicant would like to demolish an existing 10' x 8' accessory building and replace it with the new 20' X 12' building. The applicant would also like to modify the type of fencing approved for the 50' x 70' exercise and play area in 2014. The fence was not constructed and the applicants are now ready to start construction, but would like to use a six (6') foot high chain link fence instead of the vinyl fencing previously approved. Animal Control is recommending the fencing be double gated at the entrance to prevent the dogs from escaping when the outside gate is opened. Staff feels the facility provides a much needed service to the area and would recommend approval of the request with the following conditions:

### **Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to place a 20' x 12' accessory building for storage.
2. Be permitted to construct a 50' x 70' exercise and play area to be enclosed with a six (6') foot high chain link fence divided into no more than two (2) separate pens and double gated at the entrance.
3. All other operating conditions of SUP#11-32, 13-20, 13-46, and 14-8 remain.

Date 1/3/2019

**PROPERTY OWNER:**  
Pilgrim Christian Fellowship

**APPLICANT:**  
Stacey Payne

**LOCATION OF PROPERTY:**  
822 Churchmans Mill Road, Stuarts Draft in the Riverheads District

**SIZE OF PROPERTY:**  
1.671 acres

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

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

**LAND USE MAPS:**  
Agriculture Conservation Area

**UTILITIES:**  
Private well and septic

**APPLICANT'S JUSTIFICATION:**  
To have a dog training facility for therapy and service dogs

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

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

**HEALTH DEPARTMENT'S COMMENTS:**  
Will need to have a Professional Engineer to determine if existing drainfield can handle the proposed flows and strength of sewage for the proposed business.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
The site is served by a loop driveway. The western entrance does not meet sight distance requirements and must be eradicated. The eastern entrance will meet sight distance requirements if a small shrub near the western entrance is removed. The remaining entrance will be adequate as a low volume commercial entrance, limited to 50 vehicle trips per day (enter + exit). VDOT understands the proposed use is expected to generate less than ten trips per day, so modifications to the remaining entrance are not expected to be required. There appears to be adequate on-site parking available; the parking area should be developed in a manner to prevent backing onto the state road.

**SERVICE AUTHORITY'S COMMENTS:**

The proposed use has no impact on the public water and sewer facilities. The Service Authority has no comments.

**ENGINEERING'S COMMENTS:**

Less than 10,000 square feet. Ok.

**ANIMAL CONTROL'S COMMENTS:**

This is a training facility with no overnight boarding at this address. Animal Control would recommend training if done outside in a secure area (chain link area).

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

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

No outdoor storage is requested.

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

No one lives onsite and the existing building is vacant. The proposed hours of operation will be 7:00 a.m. to 7:00 p.m. There will be no overnight stays or boarding of the dogs.

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

The applicant is proposing a fenced area in the rear of the building approximately 10' x 15' for bathroom breaks and some outdoor training.

**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 onto Churchmans Mill Road, however, VDOT's comments state one of the existing entrances will need to be closed.

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

There is an existing entrance and onsite parking is adequate to safely accommodate all traffic to and from the site.

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

There is a pre-existing building on the site that can accommodate the proposed use.

**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 existing building is larger than 4,000 square feet. No expansions are requested.

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

Existing well and septic onsite.

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

The building will be equipped with smoke alarms and fire extinguishers.

**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 displayed for sale.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to operate a dog training facility for therapy and service dogs in an existing building on the property. They are a non-profit organization that will train various breeds to benefit veterans and children and adults with disabilities. The dogs will be brought to the site daily for training. The majority of the training will be inside. The applicant is proposing a fenced area in the back of the property to provide an area for some outdoor training and bathroom breaks. There will be no overnight stays and the dogs will be on a leash when outside of the fenced area. The applicant is requesting to operate from 7:00 a.m. to 7:00 p.m. Monday – Friday. Staff feels the proposed use of the existing building will be a low impact use and would recommend approval with the following conditions:

**Pre-Conditions:**

1. Applicant construct the fenced area behind the building within **sixty (60) days**.
2. Applicant obtain VDOT approval and provide a copy to Community Development.
3. Obtain Health Department approval and provide a copy to Community Development.

**Operating Conditions:**

1. All dogs be confined within the building or fenced area shown on the site plan.
2. Hours of operation be 7:00 a.m. to 7:00 p.m., Monday – Friday.
3. Be limited to six (6) employees.
4. No Saturday or Sunday work.
5. Site be kept neat and orderly.
6. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.



Date 1/3/2019

**PROPERTY OWNER:**

James R. or Valerie L. Schwendeman

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

728 Franks Mill Road, Staunton in the North River District

**SIZE OF PROPERTY:**

8.013 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 – Zoned General Agriculture

12/10 – SUP approved to have a kennel

**LAND USE MAPS:**

Agriculture Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To amend the operating conditions of their Special Use Permit #10-66, to increase the number of dogs onsite

**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 issues with increasing the number of dogs.

**HIGHWAY DEPARTMENT'S COMMENTS:**

VDOT understands that the request will not include public use of the existing private entrance. Therefore, the existing entrance is adequate to serve the request.

**SERVICE AUTHORITY'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**

If the dogs are in the Floodplain, recommend requiring an Emergency Action Plan to ensure safety of animals in the event of a flood. Requires a Floodplain Development Plan.

**ANIMAL CONTROL'S COMMENTS:**

One (1) kennel had over four (4) adult dogs in it which is not enough space for that many dogs. Not all of the dogs are up to date on their rabies vaccinations. The applicant does not have any kennel licenses or business license either. Animal Control's recommendation would be not to increase her numbers and. The Board should have her get in compliance and then re-evaluate.

**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.**

The kennel is cleaned daily.

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

This is an existing facility with runs and individual doghouses in an enclosed structure that is heated in the winter and cooled in the summer.

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

The area around the building is enclosed with a five foot (5') high chain link fence and a six foot (6') high wood privacy fence.

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

The exercise area is close to the building and the animals are able to go inside.

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

The kennel is close to the house and the applicant has two fire extinguishers in the building

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

The kennel and fenced area seems to be adequate in size, however, Animal Control inspected the site and found four (4) dogs in one kennel that is not larger enough for that many 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.**

The property consists of three lots totaling 8.01 acres.

**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 applicant closes the doors to the kennel by 9:00 p.m. to keep the dogs confined until 6:00 a.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.**

The kennel structure is over 200' from the closest neighbor's property.

### **STAFF RECOMMENDATIONS**

The Board granted the existing kennel permit in 2010 with an **operating condition** there be **no more than twenty-six adult dogs** on site. The applicant is now requesting to increase the maximum number of dogs on site to thirty-five (35). **The applicant currently has forty-three (43) adult dogs** on site, which is a violation of the current operating conditions. The applicant states she is in the process of finding homes for some of the older dogs and nine (9) of the forty-three (43) will be gone before the meeting. Animal Control has inspected the property yearly and states the applicant has been over the maximum number of dogs at other times in the past. It was also noted that not all of the dogs were up to date on their rabies vaccinations, and the applicant has not obtained County dog license or a business license in several years. Due to Animal Control's inspection report and the fact that the applicant has been in violation of the current operating conditions in the past and remains in violation, staff cannot recommend approval of the request to increase the number of dogs. However, if the Board desires to approve the Special Use Permit to increase the number of adult dogs on site, staff would recommend the following operating conditions:

**Pre-Conditions:**

1. The applicant submit rabies certificates to Community Development within **thirty (30) days**.
2. The applicant submit copies of County dog licenses and County business license to Community Development within **thirty (30) days**.

**Operating Conditions:**

1. Applicant be limited to a maximum of thirty-five (35) dogs over the age of four (4) months.
2. No more expansions requested.
3. The facility be inspected every six (6) months for the next two (2) years.
4. All operating conditions of SUP #10-66 remain in place.

Date 1/3/2019

**PROPERTY OWNER:**

Dale Hungerford, Trustee Hungerford Revocable Trust

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

1281 Walker Creek Road, Middlebrook in the Riverheads District

**SIZE OF PROPERTY:**

142.391 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Agriculture Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To lease the existing dwelling for short term vacations

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

The drainfield is designed for 3 BR – 6 persons maximum. The Health Department has no issues as long as total occupants do not exceed 6.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing entrance serving the dwelling is adequate for short term vacations.

**SERVICE AUTHORITY'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**

Less than 10,000 square feet. Ok.

## **SECTION 25-74R – SHORT-TERM RENTALS, BED AND BREAKFASTS, AND VACATION RENTALS**

**There is no more than one principal dwelling, or part thereof, operating as a bed and breakfast or short-term rental per parcel.**

The rental house will be the only house used for the short term vacation rental.

**There is no more than one detached accessory dwelling unit operating as a bed and breakfast or short-term rental per parcel.**

This will be the only dwelling used for rent. The other dwelling is the applicant's principal residence.

**The lot is at least five (5) acres in area, unless the Board of Zoning Appeals determines that operation of the use on a smaller acreage will be compatible with neighboring properties.**

The property contains 142 plus acres.

**The owner of record's primary residence is the principal dwelling or accessory dwelling unit.**

The owner combined the two (2) parcels on December 4, 2018. The applicant lives across the road from the proposed rental home.

**The Building Inspection Department has indicated that either a Building permit is not required, or can be issued for the use once the Special Use Permit has been approved.**

No building permits are required.

**If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.**

The dwelling is connected to an existing septic system approved for a three (3) bedroom dwelling.

**All parking shall be accommodated on-site.**

All parking will be onsite. There is an existing VDOT entrance.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to rent the second dwelling on the property for short term vacation use. The dwelling contains three (3) bedrooms and a full kitchen. The applicant will not be providing meals. The property is heavily wooded and the dwelling is not visible from the road. The applicant resides onsite in the principal dwelling on the property. Staff feels the use of the dwelling as a short term vacation rental would be a low impact use and recommends approval with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to use the dwelling for short term vacation rentals.
2. Be limited to a maximum of six (6) persons occupying the dwelling.
3. Site be kept neat and orderly.
4. Applicant must reside on premises.

Date 1/3/2019

**PROPERTY OWNER:**

Dan F. Holler or Shirley A. Holler

**APPLICANT:**

Melinda Kendall

**LOCATION OF PROPERTY:**

949 Old White Bridge Road, Waynesboro in the Wayne District

**SIZE OF PROPERTY:**

14.627 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 operate a bed and breakfast

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

1. Have existing building evaluated by a Virginia Registered Architect or Engineer and provide a report that the structure meets the design requirements for the building code for the new use.

2. Obtain all necessary permits and inspections to convert the storage building into a bedroom suite.

**HEALTH DEPARTMENT'S COMMENTS:**

The drainfield is designed for 3 bedrooms for the house. If the owner wishes to have any more than 3 bedrooms for the home or an additional building with a bedroom, a private OSE will need to be hired to design the additional drainfield. The owner is advised that a bed and breakfast permit will need to be obtained from the Health Department.



**HIGHWAY DEPARTMENT'S COMMENTS:**

The bed and breakfast will require the existing entrance to be upgraded to low volume commercial entrance requirements. Additionally, VDOT understands that the applicant may be interested in future plans to develop a small cidery and wedding venue; if/when that application is made, the entrance will then need to meet moderate volume commercial entrance requirements. Therefore, it is recommended that the initial low volume entrance modifications be made to accommodate the future enhancements (24' wide at throat, 25' radii, new entrance culvert). If/when the entrance is modified to be a moderate volume commercial entrance, it will need to be paved, and the existing board fence will need to be offset to provide the required, and more stringent, intersection sight distance. Additionally, there is a small mound of dirt that will need to be graded to provide the intersection sight distance.

**SERVICE AUTHORITY'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**

Less than 10,000 square feet. Ok.

**SECTION 25-74R – SHORT-TERM RENTALS, BED AND BREAKFASTS, AND VACATION RENTALS**

**There is no more than one principal dwelling, or part thereof, operating as a bed and breakfast or short-term rental per parcel.**

The applicant is proposing to use three (3) bedrooms in the existing dwelling for the bed and breakfast use.

**There is no more than one detached accessory dwelling unit operating as a bed and breakfast or short-term rental per parcel.**

The existing 12' x 24' detached building will be remodeled for a one (1) bedroom and one (1) bathroom suite.

**The lot is at least five (5) acres in area, unless the Board of Zoning Appeals determines that operation of the use on a smaller acreage will be compatible with neighboring properties.**

The property contains 14.627 acres. The proposed bed and breakfast should not be out of character with neighboring properties.

**The owner of record's primary residence is the principal dwelling or accessory dwelling unit.**

The owner will reside on the property in the principal dwelling.

**The Building Inspection Department has indicated that either a Building permit is not required, or can be issued for the use once the Special Use Permit has been approved.**

No renovations are proposed for the principal dwelling. The applicant will provide all required documentation and obtain all necessary permits to convert the accessory building into the one (1) bedroom suite.

**If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.**

The property has a private well and septic. The applicant will update the septic system to Health Department standards for the detached building and additional bedrooms requested in the dwelling.

**All parking shall be accommodated on-site.**

The property is large enough to accommodate all parking.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to operate a bed and breakfast within the existing dwelling and to convert an accessory building on the property into one (1) additional bedroom with a bathroom. She will be renting three (3) of the bedrooms in the four (4) bedroom home and one (1) bedroom in the detached building and provide breakfast for the guests. The Health Department comments state the septic system was approved for a three (3) bedroom dwelling, however, the applicant states there are four (4) bedrooms. The applicant will need to update the septic to allow additional rentals per the Health Department comments. The applicant will reside on the property and this will be her primary residence. Staff feels a bed and breakfast would not be out of character with the rural community and recommends approval of the request with the following conditions:

### **Pre-Conditions:**

1. Obtain Health Department approval and provide a copy to Community Development.
2. Obtain letter of approval from Building Inspection.
3. Obtain VDOT entrance permit and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to use three (3) bedrooms in the existing home for the bed and breakfast operation until the existing septic system is updated and approved for four (4) bedrooms in the dwelling.
2. Be permitted to convert the existing detached 12' x 24' building into a one (1) bedroom, one (1) full bath suite for the bed and breakfast once the existing sewage disposal system has been updated and approved.
3. Applicant must reside on premises.
4. Site be kept neat and orderly.

Date 1/3/2019

**PROPERTY OWNER:**  
Country Landmarks, LLC

**APPLICANT:**  
Ira Biggs, agent for Country Landmarks, LLC

**LOCATION OF PROPERTY:**  
On the north side of Skyview Circle adjacent to the railroad, just east of the intersection of Lee Highway (Route 11) and Skyview Circle, Verona in the Beverley Manor District

**SIZE OF PROPERTY:**  
2.48 acres

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

**PREVIOUS ZONING OR S.U.P.:**  
4/55 – Zoned General Business  
9/15 – SUP approved to have outdoor storage of semi-trailers, office trailer, and materials

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

**UTILITIES:**  
Public water and sewer is available

**APPLICANT'S JUSTIFICATION:**  
To modify operating conditions of Special Use Permit #15-35 to allow additional storage area and to increase the number of trips per day

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

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

**HEALTH DEPARTMENT'S COMMENTS:**  
If the applicant is planning to conduct business out of the office trailer then it should be connected to water and sewer. If the proposal is only outdoor storage of items at the property with no employees working at the site (no permanent buildings, no need for water, no need for plumbing, etc.) then there is no concern.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing entrance is located off of the existing parking area adjacent to Skyview Circle. The entrance should be adequate for the proposed changes to the operating conditions. The roadway must remain free of mud and debris.

**SERVICE AUTHORITY'S COMMENTS:**

If this property is used only for material storage/lay down, the proposed use has no impact on the public water and sewer facilities. The Service Authority has no comments.

**ENGINEERING'S COMMENTS:**

Requires a Stormwater evaluation since impervious area will now be greater than 10,000 square feet. Original plan (2004) was for borrow site only, no impervious area. 2018 aerial image shows he is using approximately 32,000 square feet already.

**SECTION 25-304B - GENERAL OUTDOOR STORAGE**

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

There is an approved site plan on file for the existing 100' X 100' storage area. The applicant submitted a sketch showing the proposed 150' X 200' storage area.

**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 2.48 acre site has been safely accommodating all traffic to and from the public highway.

**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.**

There is no customer parking required for this use.

**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 increased 150' X 200' storage area should be appropriate in size and scope for this use.

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

The storage area is over one hundred (100') feet from Route 11 and the property line to the north and over two hundred (200') feet from residential property lines to the east.

**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 existing woods and bank surrounding the lot and the railroad track adequately screen the outdoor storage lot.

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

No outdoor lighting is requested.

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

Storage trailers, office trailers millings, rock, and similar items are normally kept outside.

### **STAFF RECOMMENDATIONS**

The Board granted a Special Use Permit to have a 100' X 100' storage area in order to store semi-trailers, an office trailer, and other materials in 2015. **The applicant has increased the outdoor storage of materials and brought in a large pile of millings from a VDOT road project in violation of the current operating conditions.** The applicant is requesting to increase the storage area to 150' X 200' in order to bring the property into compliance. The applicant is also requesting to amend the current operating condition to allow more than two (2) trips per day to the site. Staff has received complaints from neighboring property owners regarding trucks entering the property at all hours of the day and night while bringing in milling material. Staff feels the request to increase the storage area would not have a negative impact on the adjacent property owners but is concerned that increasing the number of trips per day would. If the Board feels the request is compatible and desires to approve the permit, Staff would recommend the following operating conditions:

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

1. Applicant submit stormwater calculations and obtain written approval from the Engineering Department within sixty (60) days.

#### **Operating Conditions:**

1. All operating conditions of SUP #15-35 remain with the exception of operating conditions #1, #3, and #4.

2. Be permitted to have a 150' X 200' outdoor storage area as shown on the BZA sketch plan.
3. Items permitted in the 150' X 200' storage area shall be six (6) storage trailers for straw, one (1) office trailer, one (1) flatbed trailer, one (1) 20 ton or less pile of stone, one (1) fuel tank, topsoil, millings, concrete pipe, trench boxes, and fencing.
4. Site be accessed no more than **ten (10) trips per day**, and during the **hours of 7:00 a.m. and 7:00 p.m.**
5. No further expansions for storage on this site.

**PROPERTY OWNER:**

Uplyft, Inc.

**APPLICANT:**

Shahid Khan, agent for Uplyft, Inc.

**LOCATION OF PROPERTY:**

494 Three Notched Mountain Highway, Waynesboro in the Wayne District

**SIZE OF PROPERTY:**

33.11 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

11/83 – SUP to expand a non-conforming use - **Cancelled**

12/95 – Zoned General Agriculture

**LAND USE MAPS:**

Rural Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To have an active and passive recreational facility

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code and Virginia Amusement Device Regulations.

**HEALTH DEPARTMENT'S COMMENTS:**

The owner is proposing to put a bathroom into the existing building. A private OSE/PE will be needed to design a septic system for the proposed business.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The proposed use is not expected to have a significant impact to the adjacent highways. The site is served by two commercial entrances:

The lower (northern) entrance does not meet current intersection sight distance requirements; the entrance may be required to be converted to partial access to eliminate



left turn movements in our out. The modifications to the entrance can be designed in detail at site plan stage.

The upper (southern) entrance meets intersection sight distance requirements. At site plan stage, the traffic generation will have to be analyzed to determine if the existing geometry is adequate.

**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. 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 applicant will be installing restrooms inside the existing building and utilizing the existing trash service.

**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 applicant will be using existing parking adjacent to the proposed recreational building. The existing thirty-three (33) acre site should accommodate all parking and prevent traffic congestion on and off the site.

**Approval by the Virginia Department of Transportation.**

There are two (2) existing commercial entrances on the property. VDOT is recommending modifications to the lower northern entrance if the request is granted.

**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 proposed zipline recreational activity should be appropriate for the heavily wooded area.

**STAFF RECOMMENDATIONS**

The applicant is requesting to install a zipline, twenty-five hundred feet long, consisting of nine (9) platforms for active recreation, and use thirteen hundred (1300) square feet of the existing building on the property for passive recreation and a snack bar. The applicant would like to also construct a 20' X 20' rock climbing wall on the back side of the landing tower. The applicant has been in contact with EBL Zipliners, a professional zipline

designer and installer located in Chicago, IL. EBL has been designing and installing zipline tours since 1996. The installer will be utilizing the existing trees on site and will only install utility poles if the trees are not strong enough to support the lines or platforms, but the ultimate goal is to preserve as many existing trees as possible and zig zag through the trees. If the poles are needed, the maximum height will not exceed fifty (50') feet and will be at least nine (9') in the ground. The platforms are typically no higher than the existing tree line and should not be seen from neighboring properties. Trees will be trimmed to allow a six (6') to seven (7') clearance for the lines. The applicant is proposing five (5) to six (6) employees. There will be four (4) trained guides on site. The guides are trained by the installer on site. There will be two (2) guides for a group of ten (10) to twelve (12) persons on the tour. The first guide will start on the line and the 2<sup>nd</sup> guide will follow with the rest of the group. Based on the elevation of the property, they can reach speeds of up to fifty (50) miles per hour in the middle and decrease to six (6) miles per hour to zero before reaching the end.

The zipline will be operating during daylight hours between 9:00 a.m. and 5:00 p.m., therefore, no new lighting is proposed for the site. The applicant will be utilizing existing private roads on the property and the existing parking area adjacent to the proposed recreational building, and will expand the parking area if the business increases. A shuttle service will be provided to the top of the zipline.

Staff received a copy of the recorded plat from Shenandoah National Parks Regional Office showing a five hundred (500') foot scenic easement from Skyline Drive. The applicant's sketch showed the zipline path approximately one hundred (100') feet from the rear property line, which is within the scenic easement and at least fifty (50') from the side property line to the north. The applicant was not aware of the easement and has provided an updated sketch showing the zipline path outside of the scenic easement, but he is unsure if this plan will work for the proposed project. Due to these issues, staff would recommend the Board table the request to allow the applicant time to provide a more detailed site plan including all required information for the Board's review. However, if the Board desires to approve the request, Staff would recommend the following operating conditions:

**Pre-Conditions:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. Obtain letter of approval from Building Inspection.
3. Obtain Health Department approval and provide a copy to Community Development.
4. Obtain VDOT approval and provide a copy to Community Development.

**Operating Conditions:**

1. Be allowed to install a zipline and nine (9) platforms open to the public.
2. Be allowed to install a 20' X 20' rock climbing wall and landing platform at the end of the run.
3. Be allowed to use up to thirteen hundred (1300) square feet of the existing building for passive recreation and a snack bar.
4. Applicant obtain building permit and provide a copy to Community Development.
5. Utility poles not to exceed fifty (50') feet.
6. Hours of operation be 9:00 a.m. to 5:00 p.m., Monday thru Saturday.
7. Be limited to six (6) employees.

Date 1/3/2019

**PROPERTY OWNER:**

David L. or Ann W. Gardner

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

3494 Lee Highway, Weyers Cave in the North River District

**SIZE OF PROPERTY:**

4.532 acres

**VICINITY ZONING:**

General Agriculture to the north and west; General Agriculture and Rural Residential to the south; General Business to the east

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

12/95 - Zoned General Agriculture

05/15 - SUP approved to utilize a bank barn for farmers market, to have seasonal events, and to have outdoor storage

**LAND USE MAPS:**

Urban Service Area – Business

**UTILITIES:**

Public water and sewer are available

**APPLICANT'S JUSTIFICATION:**

To utilize a historic structure for a farmers market and retail sales

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

1. Structure must be examined by a registered Virginia Engineer who must provide a report that the structure will comply to the current Virginia Codes for loading.

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

3. Building will need to comply with all requirements of the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**

Public water and sewer available to serve the building. Any future use of the building that requires Health Department permit will be addressed at that time.

**HIGHWAY DEPARTMENT'S COMMENTS:**

A previous site plan was developed for the property. The entrance on Rt. 11 was constructed in a manner to accommodate a future right turn lane if warranted. It is recommended that an amended site plan be completed to show the structure addition and re-analyze traffic generation to determine if a right turn lane is warranted by the additional retail space.

**SERVICE AUTHORITY'S COMMENTS:**

1. 3494 Lee Highway is currently a Service Authority water and sewer customer.
2. If additional water and sewer demands will be part of the proposed use, a meter sizing form must be submitted to the Service Authority Engineering Department for evaluation.

**ENGINEERING'S COMMENTS:**

Update existing site plan and Stormwater drainage 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.**

There is an existing Special Use Permit #15-22 for 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.**

The applicant resides adjacent to the property.

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

The property is zoned General Agriculture but is planned for Business on the Comprehensive Plan. The applicant currently operates a retail sales business with events and farmers market. The proposed expansion is appropriate for agricultural areas planned for business development.

**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.**

There is an existing VDOT approved business entrance for this site providing direct access to Lee Highway (Route 11). VDOT is recommending an amended site plan showing the proposed structure and to re-analyze traffic generation for a possible right turn lane.

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

The property contains 4.5 acres. The existing parking areas should be sufficient to adequately and safely accommodate all anticipated traffic to and from this site.

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

The applicant is proposing to relocate a historic 30' x 60' old railroad depot on the site for a farmers market and retail sales use. The building should be in keeping with the rural character of the area.

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

The proposed 1,800 square foot building is less than a 50% expansion of the existing business use on the property. The property is zoned General Agriculture but is planned for General Business in the Comprehensive Plan.

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

Health Department comments state there is public water and sewer available to this site.

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

The applicant will have 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.**

All items displayed for sale are setback more than twenty-five (25') feet from the edge of pavement.

### **STAFF RECOMMENDATIONS**

The applicant currently operates a farmers market within the bank barn under an existing Special Use Permit. The applicant is now requesting to relocate and reconstruct an historic 30' x 60' old railroad depot to be used for a farmers market and to have general retail sales. The request is less than a 50% expansion of the existing business. Due to the fact the property is located in an area planned for Business development on the Comprehensive Plan, staff would recommend approval with the following conditions:

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

1. Applicant submit an updated site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. Obtain approval from Building Inspection and provide a copy to Community Development
3. Obtain VDOT approval and provide a copy to Community Development.

#### **Operating Conditions:**

1. Be permitted to relocate and reconstruct the 30' x 60' building and use it for general retail sales/farmers market.
2. All prior SUP#15-22 conditions remain in place.

Date 1/3/2019

**PROPERTY OWNER:**

Roger T. Moran

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

791 and 807 Cold Springs Road, Stuarts Draft in the Riverheads District

**SIZE OF PROPERTY:**

1.974 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 – Low Density Residential

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

Variance from lot area 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 owner is advised to locate both drainfields to make sure the proposed lot line does not cross either drainfield.

**HIGHWAY DEPARTMENT'S COMMENTS:**

VDOT has no objection to the variance. Each dwelling has an existing private entrance.

**SERVICE AUTHORITY'S COMMENTS:**

The proposed Variance has no impact on the public water and sewer facilities. The Service Authority has no comments.

**ENGINEERING'S COMMENTS:**

Less than 10,000 square feet. Ok.



### **STAFF RECOMMENDATIONS**

The property contains two (2) existing dwellings built prior to the current ordinance requirements for lot area. The applicant is requesting a Variance from the one (1) acre minimum lot area requirements in order to separate the two (2) homes on individual lots. The applicant could have separated the homes prior to 1995 without the need for a Variance.

The Augusta County Real Estate records show the acreage to be 2.000 acres, when surveyed it shows only 1.974 acres in total. Existing dwellings and accessory structures meet the required setbacks.

Staff feels the ordinance changes in 1995 created the hardship that the dwellings could not be separated, therefore, staff feels the granting of the Variance would be in keeping with the character of the neighborhood and the spirit of the ordinance and recommends approval.