

December 6, 2018

PRESENT: Steven F. Shreckhise, Chairman
 George A. Coyner, II, Vice Chairman
 Daisy A. Brown
 Thomas H. Byerly
 Justine D. Tilghman
 Sandra K. Bunch, Zoning Administrator and Secretary
 James R. Benkahla, County Attorney
 John R. Wilkinson, Director of Community Development
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 6, 2018 at 8:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **8:00 a.m.** in the Board of Supervisors Conference Room. The staff reports for each request were reviewed on the Board’s agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **PATRICIA A. LONG - SPECIAL USE PERMIT**
- **KEVIN L. OR TARA STROOP - SPECIAL USE PERMIT**
- **TAYLOR M. COLE - SPECIAL USE PERMIT**
- **ZACHARY SWANSON – VARIANCE AND SPECIAL USE PERMIT**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.



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 Secretary

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ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 6, 2018, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Vice Chairman Coyner moved that the minutes from the November 1, 2018, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

PATRICIA A. LONG - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Patricia A. Long, for a Special Use Permit to have a kennel for personal dogs on property she owns, located at 1031 Hundley Distillery Road, Churchville in the North River District.

Chairman Shreckhise stated the Board visited the site today.

Ms. Patricia Long stated she would like a Special Use Permit in order to have personal dogs at the site. She did not realize there was a limitation on the number of dogs. She

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said not all dogs are hers. She has not received any complaints and all of the dogs will be fenced in.

Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Patricia Gayhart, 96 Linda Lane, Churchville, stated she is here to represent her sister-in-law, Deborah Lobdell at 109 Linda Lane, who adjoins the land. She said they have an in-ground pool and she does not want to hear dogs barking. She asked if this will eventually be turned into a business? She asked where will the kennel be located?

Chairman Shreckhise stated the applicant has three (3) dogs in the house and the other dogs will be in the RV.

Ms. Gayhart asked how many dogs are requested?

Ms. Bunch stated sixteen (16) dogs.

Ms. Gayhart said that is a lot of dogs for personal use.

Chairman Shreckhise asked if there was anyone else wishing to speak regarding the request?

There being none, Chairman Shreckhise asked the applicant to speak in rebuttal.

Ms. Long stated all dogs are confined in the fenced in yard. She said all together the dogs would not add up to one hundred (100) pounds. She said the dogs will not harm anyone else's property. She said all of the dogs are fixed. She is not operating a business and there will be no breeding. She noted once the dogs pass, they will not be replaced.

Chairman Shreckhise declared the public hearing closed.

Vice Chairman Coyner stated the applicant will not breed any dogs.

Ms. Tilghman stated the dogs are on the property already. She said the applicant did not realize they needed a permit.

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Vice Chairman Coyner stated there are a number of dogs in the travel trailer. He said once the RV leaves the site, the dogs will go also. He said the RV needs to be moved to meet the required setback.

Ms. Tilghman stated the applicant must construct a fence also.

Mr. Byerly stated the pre-conditions and operating conditions are in place to protect the adjoining property owners. He moved to approve the request with the following conditions:

Pre-Conditions:

- 1. The applicant submit rabies certificates and a copy of all County licenses to Community Development within **thirty (30) days**.
- 2. The RV occupied by dogs needs to be moved to meet the two hundred (200') foot from all property lines as shown on the BZA sketch within **ninety (90) days**.
- 3. The fenced exercise area around the RV needs to be installed within **ninety (90) days**.

Operating Conditions:

- 1. Applicant be permitted to keep sixteen (16) existing dogs, however, as they expire they not be replaced.
- 2. All dogs be confined within the designated areas on the site plan or inside the RV or dwellings.
- 3. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
- 4. Animal Control to inspect the site **every year**.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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M.C. SHIRLEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by M.C. Shirley, for a Special Use Permit to have a motor vehicle repair business on property owned by Eddie D. and Sandra F. Shirley, located at 28 Tractor Lane, Lyndhurst in the South River District.

Mr. M.C. Shirley stated he would like to have a motor vehicle repair shop.

Vice Chairman Coyner asked if he would like to have employees?

Mr. Shirley stated no.

Vice Chairman Coyner asked if this is a side business or his regular job?

Mr. Shirley stated this is his job.

Vice Chairman Coyner said the Board does not want to see an accumulation of vehicles. He is not interested in seeing a junkyard.

Mr. Shirley stated his parents would not want that for their property.

Ms. Brown asked what are the hours of operation?

Mr. Shirley stated Monday – Friday 9:00 a.m. until 5:00 p.m.

Ms. Brown asked if the applicant works on Saturday?

Mr. Shirley stated very seldom.

Ms. Tilghman asked if the applicant would like any additional employees?

Mr. Shirley stated no.

Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Shreckhise declared the public hearing closed.

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Vice Chairman Coyner stated this could be a benefit to the neighborhood. He said the applicant does understand they should keep the site looking neat and orderly. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Obtain Health Department approval and provide a copy to Community Development within **sixty (60) days**.
2. Obtain letter of approval from Building Inspection within **sixty (60) days**.

Operating Conditions:

1. Be allowed to use the existing 24' x 32' garage for motor vehicle repair.
2. All vehicles waiting repair and vehicle parts be kept inside the building or the screened area.
3. All natural screening remain.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Hours of operation be 8:00 a.m. to 6:00 p.m., Monday – Saturday.
6. No Sunday work.
7. Be limited to one (1) employee.
8. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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KEVIN L. OR TARA STROOP - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kevin L. or Tara Stroop, for a Special Use Permit to construct a building exceeding the 1,200 square foot total aggregate allowed on property they own, located at 54 Buttermilk Road, Mt. Sidney, in the North River District.

Ms. Tara Stroop stated she would like to add an additional detached garage in front of her existing garage. She would like to store an RV in the building. She said this is a metal building that they will purchase from Miller's Storage Buildings. She said they did not realize they were over the aggregate limit allowed. She said access to the building will be from the side door of the existing garage. She said it is similar to an enclosed carport.

Ms. Tilghman asked if the garage will still be used?

Ms. Stroop stated yes. She said the carport will only have three (3) sides.

Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Shreckhise declared the public hearing closed.

Ms. Brown stated the Board visited the site today. She said there are other large buildings in the area. She noted the structure would be compatible with the surrounding area. She moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant be permitted to construct a 24' x 36' (864 square foot) accessory building.
2. Applicant obtain building permit and provide a copy to Community Development.
3. No junk or inoperable vehicles to be kept outside.
4. Site be kept neat and orderly.

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5. No further expansion.

Mr. Byerly seconded the motion, which carried unanimously. He said the property was very neat.

TAYLOR M. COLE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Taylor M. Cole, for a Special Use Permit to construct solar panels on property he owns, located on the east side of Marble Valley Road, adjacent to 1352 Marble Valley Road, Deerfield in the Pastures District.

Mr. Taylor Cole stated he was not aware that a Special Use Permit was required for him to place solar panels on his property. He noted they are putting the panels on an adjacent piece of property and not where the service is being provided. He is asking the Board's permission to obtain the permit for the solar panels.

Chairman Shreckhise stated the Board saw solar panels along Deerfield Valley Road. He asked if this would be similar to that?

Mr. Cole noted this is much smaller than what MGW has on their site but it is designed the same. He said this will be a standalone array raised up off the ground and not on the roof of the house.

Ms. Brown asked how does this work?

Mr. Joe Sadonis with Altenergy stated this will be sunlight generated electricity. He said this will provide Mr. Cole clean energy all year round.

Vice Chairman Coyner asked why did the applicant choose this location?

Mr. Cole stated they did not want to see this from the road. He said this is out of the way from his working farm.

Ms. Brown asked if there can be trees surrounding the site or do they have to be removed?

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Mr. Cole stated the site needs to be wide open with no trees.

Vice Chairman Coyner asked if the solar array will be fixed?

Mr. Sadonis stated yes. He said there would not be any moving parts. He said the excess electricity will be fed out on the grid and measured. He will get credit for it throughout the year. He said we design a size unit based on consumption.

Ms. Brown asked if the energy can be stored?

Mr. Sadonis stated it would be stored on the grid and then the neighbors benefit from it as well.

Vice Chairman Coyner asked about the maintenance of the solar arrays?

Mr. Sadonis stated there is no maintenance except for the inverters which come with a ten (10) year warranty. He said they may need to be replaced within twenty-five (25) years.

Ms. Brown asked if a hail storm would damage the solar arrays?

Mr. Sadonis stated they are very durable like a windshield of a car. He said it is unlikely that hail will damage them. He said they are also covered under the homeowners' insurance plan which is required. He said it is very durable.

Ms. Brown stated in the winter there is not much sun.

Mr. Sadonis stated that is when you will use the hours that you banked already. He said you would use the electricity that was pushed out onto the grid.

Ms. Tilghman asked if there would be a fence around the solar array?

Mr. Cole stated no.

Vice Chairman Coyner asked how high are they off of the ground?

Mr. Sadonis stated 9' to 10'. He said the lowest point is 2' off of the ground.

Vice Chairman Coyner asked what is the angle of the solar arrays?

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Mr. Sadonis stated thirty (30) degrees.

Mr. Cole stated the Board is welcome to take a look at the site once they are up and running.

Vice Chairman Coyner asked if the solar arrays will be secured to the ground?

Mr. Sadonis stated they have engineered plans and they will all meet building code.

Chairman Shreckhise asked if the credit system varies from year to year?

Mr. Sadonis stated the Federal Tax Credit is 30% from the government for all systems installed in 2019 but there is a sunset clause. He said the tax credit does vary from system to system.

Chairman Shreckhise asked how long does it take to justify the purchase?

Mr. Sadonis stated commercial would be about seven (7) years and residential about ten (10) to twelve (12) years.

Ms. Brown asked if these are going on newer homes?

Mr. Sadonis stated you also see them on older homes also. He said this is an investment whether the home is old or new.

Ms. Brown asked why were they not placed closer to the house?

Mr. Cole said that was the right spot for them and he did not want them visible.

Chairman Shreckhise asked how many panels will there be?

Mr. Cole stated they will have twenty-two (22) total, eleven (11) in each row.

Chairman Shreckhise asked what is the linear feet for each row?

Mr. Cole stated twenty-five (25') to thirty (30') feet long.

Chairman Shreckhise asked if there is anyone wishing to speak in favor, or in opposition to the request?

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There being none, Chairman Shreckhise declared the public hearing closed.

Vice Chairman Coyner stated they visited the site. He said this is a great thing to do. He said this would not disturb any of the neighbors. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be allowed to construct twenty-two (22) ground mount solar array panels to provide service to the adjacent property.
2. Obtain all necessary permits and inspections.

Mr. Byerly seconded the motion, which carried unanimously.

ZACHARY SWANSON - VARIANCE

This being the date and time advertised to consider a request by Zachary Swanson, for a Variance from the Floodplain Ordinance in order to remodel an existing dwelling on property he owns, located at 149 River Lane, Fort Defiance in the Middle River District.

Mr. Zachary Swanson stated he wanted to move to the Valley after college. He said this is a beautiful spot to raise a family. He had been searching for land that had a house to remodel. He plans on living at the site. He noted the original portion of the home is log and the logs are decrepit. He would like to rebuild only an 18' x 18' section and remodel the house. He said there are Floodplain issues.

Ms. Brown asked what is the age of the house?

Mr. Swanson stated 1940 but he has heard that it dates back prior. He owns to the river.

Vice Chairman Coyner asked how long will the project take?

Mr. Swanson said he hoped to be done by June.

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Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Shreckhise declared the public hearing closed.

Mr. Byerly moved to approve the request with the following conditions:

Pre-Condition:

- 1. Applicant submit a Floodplain Development Permit and submit a copy to the Community Development Department.

Operating Condition:

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

Vice Chairman Coyner seconded the motion, which carried unanimously.

ZACHARY SWANSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Zachary Swanson, for a Special Use Permit to remodel and reconstruct a portion of a non-conforming dwelling on property he owns, located at 149 River Lane, Fort Defiance in the Middle River District.

Ms. Bunch stated the required side setback is twenty-five (25') feet and the survey shows the setback as twenty-four (24') feet. She said in order for the applicant to reconstruct a portion of the non-conforming dwelling a Special Use Permit is required.

Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. James Moon, 197 River Lane, Fort Defiance, stated he has no problem with the request.

Chairman Shreckhise asked if there was anyone else wishing to speak regarding the request?

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There being none, Chairman Shreckhise declared the public hearing closed.

Ms. Tilghman moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant be permitted to demolish and reconstruct a portion of the existing dwelling no closer to the side property line.
2. Applicant obtain demolition and building permits and provide a copy to Community Development.
3. Applicant submit a foundation survey showing the alterations are no closer to the side setback line.

Vice Chairman Coyner seconded the motion, which carried unanimously. He stated that it is great to see people that take an interest in old property instead of tearing it down.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

JONATHAN L. OR JANET L. BURKHOLDER - EXTENSION OF TIME

A request by Jonathan L. or Janet L. Burkholder, for a Special Use Permit to construct a building to operate a landscaping business and make landscaping stones and stone signs on property they own, located at 6409 Spring Hill Road, Bridgewater in the North River District.

Ms. Bunch stated the Board approved three (3) previous extensions. She said the applicant still has not applied for the Building Permit to construct the building. She requested that the applicant be present at the meeting today in her letter.

Mr. Byerly said he doubts he is in business because Mr. Burkholder is fully employed.

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Ms. Bunch said if the Board does not grant the extension then the applicant will need to reapply.

Vice Chairman Coyner moved to deny the Extension of Time request.

Ms. Brown seconded the motion, which carried unanimously.

STAFF REPORT

- 18-8 Five Stars, LLC
- 18-9 Promised Land of Augusta, LLC

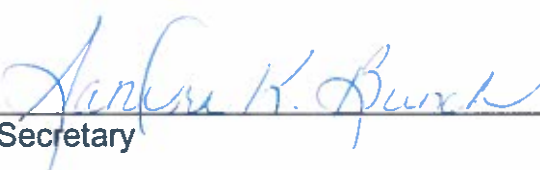
Ms. Bunch stated both permits have been inspected and are in compliance.

Mr. Benkahia discussed the court cases with the Board.

There being no further business to come before the Board, the meeting was adjourned.



 Chairman



 Secretary