



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 *Sandra K. Bunch*

DATE: January 31, 2019

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, February 7, 2019, 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 **Massaki Japanese Steakhouse 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, February 7, 2019, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of January 3, 2019

4. PUBLIC HEARINGS

- A. A request by David W. or Karen S. Quillen, for a Special Use Permit to lease an existing dwelling for short term vacation rentals on property they own, located at 245 Plantation Lane, Lyndhurst in the South River District.
- B. A request by Marc or Candace M. Pappas, for a Variance from the side yard setback in order to construct an accessory building on property they own, located at 31 Kay Street, 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 Craig Williams, agent for the Churchville Volunteer Fire Department, for a Special Use Permit to enlarge and extend an existing nonconforming structure on property it owns, located at 3829 Churchville Avenue, Churchville, in the Pastures District. - **ONE YEAR EXTENSION OF TIME REQUEST**

8. STAFF REPORT

18-18	C. Rodgers Huff, Trustees
18-19	Clarence William Campbell
18-20	David Alan Industries, Inc.
18-21	Carolyn P. Vines
18-22	Robert or Kelly Nordhausen
18-23	Preston Brenneman
18-24	Monica L. Rutledge

9. ADJOURNMENT

Agenda Item # 4A

Date 2/7/19

PROPERTY OWNER:

David W. or Karen S. Quillen

APPLICANT:

Same

LOCATION OF PROPERTY:

245 Plantation Lane, Lyndhurst in the South River District

SIZE OF PROPERTY:

8.336 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 Private Septic

APPLICANT'S JUSTIFICATION:

To lease an existing dwelling for short term vacation rentals

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

The existing home has an installed permitted 2 bedroom septic system. The Health Department has no issue with the request as long as total occupancy does not exceed 4 and the home is only rented to 1 party.

HIGHWAY DEPARTMENT'S COMMENTS:

The site has access onto Plantation Lane, a privately maintained roadway. The intersection of Plantation Lane and Rt. 664 (Mt. Torrey Rd.) is adequate as a low volume commercial entrance serving up to five dwellings. It appears that this rental would be the fifth dwelling, so no improvements are required at this time. The applicant has been notified that the existing gravel entrance is in need of routine maintenance.

SERVICE AUTHORITY'S COMMENTS:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
4. There is an existing 2" waterline approximately 505'± to the southeast of the subject parcel.
5. Prior discussion with the applicant indicated that 245 Plantation Lane is currently connected to a well. Confirmation of this is needed. NOTE: 243 Plantation Lane, which is located on the same tax map parcel, is currently a Service Authority water only customer.
6. There is no public sewer available in the area of the subject parcel.

ENGINEERING'S COMMENTS:

No anticipated Stormwater or Erosion and Sediment Control impact.

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 principal dwelling will not be used for short term rentals, only the detached accessory dwelling.

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

There is only one detached accessory dwelling on the property.

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 8.336 acres

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

The owner resides in the principal dwelling on the property.

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.

The detached accessory dwelling is existing and no expansions or alteration requiring a Building Permit are requested.

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 detached accessory dwelling is utilizing a private well and septic system approved by the Health Department for a two (2) bedroom dwelling.

All parking shall be accommodated on-site.

The 8.336 acre parcel can accommodate all parking on site.

STAFF RECOMMENDATIONS

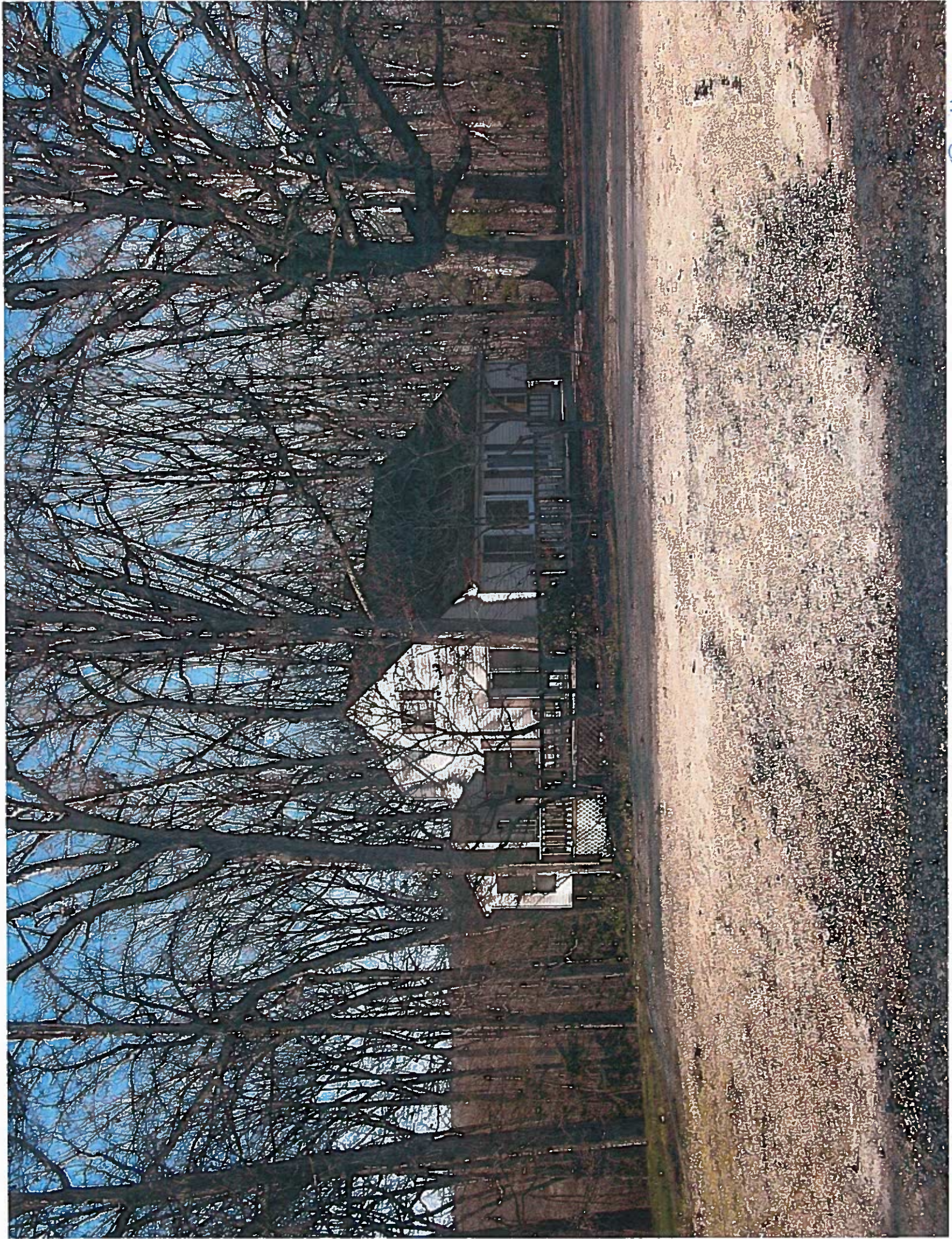
The applicant is requesting to lease the existing two (2) bedroom detached accessory dwelling on the property for short term vacation rentals. The applicant resides in the principal dwelling on the property. The applicant will not be providing meals, but the dwelling has a kitchen area that guests can utilize to prepare their own meals. Staff feels that utilizing a second dwelling on the property for short term vacation rentals would not be out of character with the area and recommends approval with the following operating conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant be permitted to lease the two (2) bedroom accessory dwelling for short term rentals.
2. The total occupancy shall not exceed four (4) persons maximum.
3. The applicant must continue to reside on premise.
4. Site be kept neat and orderly.



Quilley

Quillen



1 inch = 100 feet

PROPERTY OWNER:
Marc or Candace M. Pappas

Agenda Item # 4B
Date 2/7/19

APPLICANT:
Same

LOCATION OF PROPERTY:
31 Kay Street, Stuarts Draft in the South River District

SIZE OF PROPERTY:
0.275 acre

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

PREVIOUS ZONING OR S.U.P.:
5/64 – Zoned Single Family Residential

LAND USE MAPS:
Urban Service Area – Medium Density Residential

UTILITIES:
Public water and sewer

APPLICANT'S JUSTIFICATION:
Variance from the side yard setback in order to construct an accessory building

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
The Health Department has no comment. Public water and sewer serves the property.

HIGHWAY DEPARTMENT'S COMMENTS:
VDOT has no objection to the Variance. VDOT expects the building to be accessed by the existing entrance.

SERVICE AUTHORITY'S COMMENTS:
1. The proposed Variance has no impact on the public water and sewer facilities.
The Service Authority has no comments.

Note: 31 Kay Street (Tax Map # 84A1-(5)-B) is currently a Service Authority water and sewer customer.

ENGINEERING'S COMMENTS:

Variance to the side yard setback not expected to impact Stormwater or Erosion and Sediment Control.

STAFF RECOMMENDATIONS:

The applicants are requesting a Variance from the side yard setback requirement in order to construct a **detached** 24' X 36' garage five (5') foot from the side property line. The property is zoned Single Family Residential, which requires a fifteen (15') foot setback from the side property line. The applicants came to the office to apply for a Building Permit for the garage and submitted a survey showing a five (5') foot setback from the side property line. The applicants stated the surveyor staked out the building on the survey based on setback information they were given from County staff through email correspondence. Staff then discovered that a fifteen (15') foot side setback is required, not a five (5') foot setback.

The applicants feel the request should be granted a Variance due to the fact the surveyor was told the minimum setback from the side yard was five (5') foot, and they do not have adequate room to construct a **detached** 24' x 36' building and meet the fifteen (15') foot setback required from the side property line. However, based upon the submitted survey an **attached** 24' x 36' garage would be possible, meeting the required setback.

While staff agrees there was a misunderstanding between the surveyor and administrative personnel regarding the Zoning of the property and the minimum setback required for an accessory structure on property zoned Single Family Residential, and the fact that the owners have the option of constructing either an **attached** garage or a **detached** garage located in the rear yard, staff does not feel the request meets the criteria set by the State Code for granting a Variance, and should be **denied**. However, if the Board feels the request meets the requirements and desires to approve the request, staff would recommend the following conditions:

Pre-Conditions:

None

Operating Conditions:

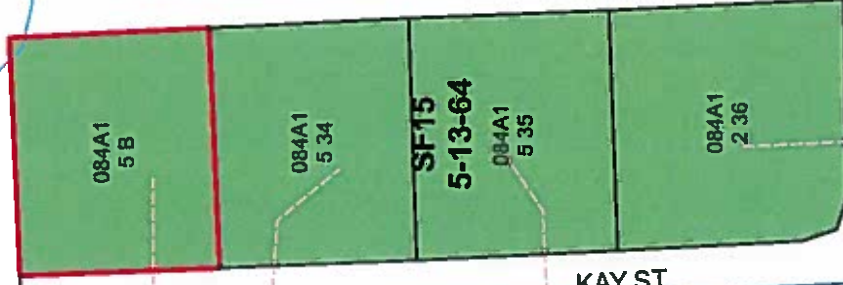
1. The applicant be allowed to construct the 24' X36' garage five (5') foot from the property line as shown on the survey.
2. The applicant obtain all required Building Permits and provide a copy to Community Development.
3. No inoperable/unlicensed vehicles be kept outside.



Pappas

084 121

GA



KAY ST

KAY ST

WAYNE AVE

084 102A

GA



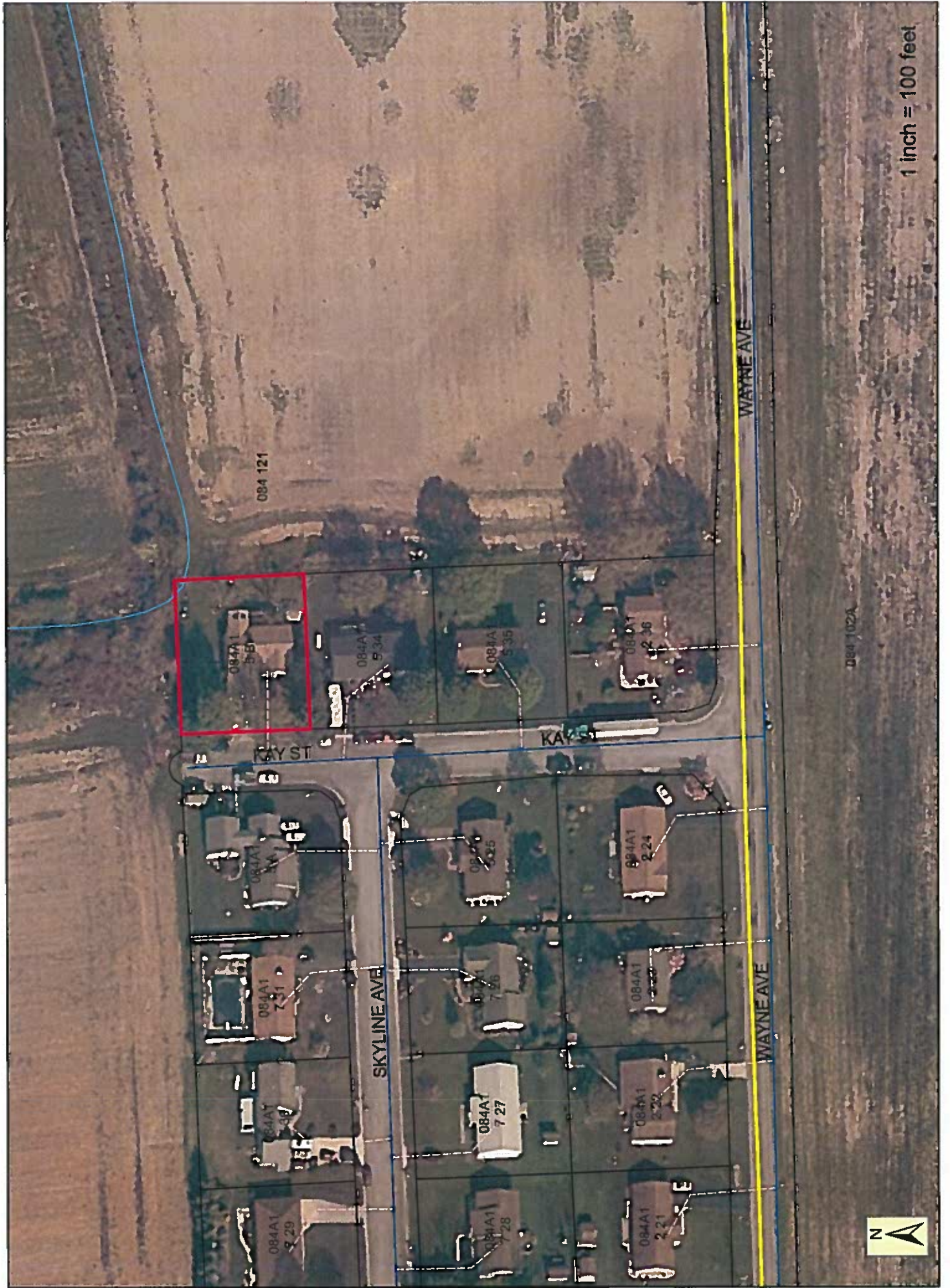
SKYLINE AVE

WAYNE AVE



1 inch = 100 feet

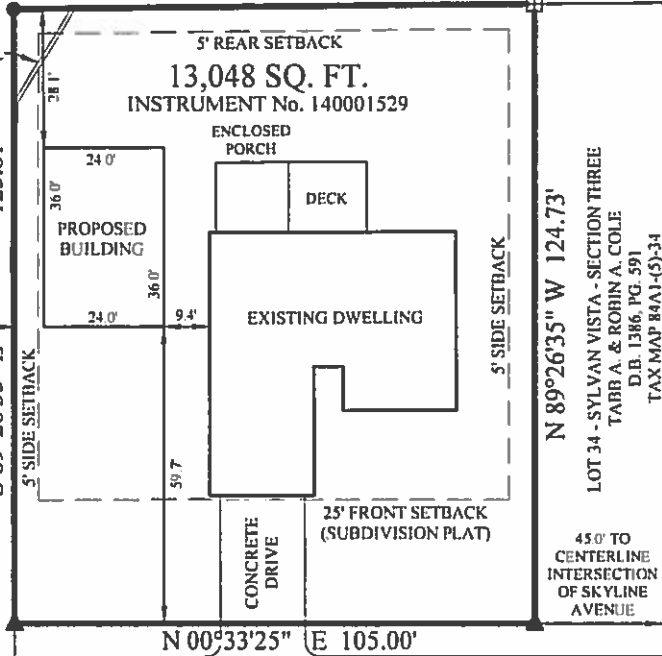
Pappas



1 inch = 100 feet

KAREN CLINE
 D.B. 1308, PG. 805
 TAX MAP 84, PARCEL 121
 S 00°03'25" W 105.00'

WALL



KAREN CLINE
 D.B. 1308, PG. 805
 TAX MAP 84, PARCEL 121

LOT 34 - SYLVAN VISTA - SECTION THREE
 TABB A. & ROBIN A. COLE
 D.B. 1386, PG. 591
 TAX MAP 84A1-(5)-34

45.0' TO
 CENTERLINE
 INTERSECTION
 OF SKYLINE
 AVENUE

LEGEND

- IRON PIN SET
- MONUMENT FOUND
- ▲ IRON PIPE FOUND
- ⊞ AXLE FOUND

NOTES:

1. DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND A CURRENT FIELD SURVEY.
2. THIS PROPERTY IS SHOWN ON TAX MAP 84A1-(5)-B.
3. ADDRESS: 31 KAY STREET
 STUARTS DRAFT, VIRGINIA 24477.
4. BEARINGS ARE ROTATED TO PLAT RECORDED IN DEED BOOK 587, PAGE 645.
5. ANY EASEMENT SHOWN HEREON IS BASED ON RECORDED INFORMATION. THIS PROPERTY MAY BE EXPRESSLY SUBJECT TO EASEMENTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS CONTAINED IN DULY RECORDED DEEDS, PLATS AND OTHER INSTRUMENTS CONSTITUTING CONSTRUCTIVE NOTICE IN THE CHAIN OF TITLE TO THE PROPERTY HEREBY SURVEYED THAT ARE NOT SHOWN. THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS NOT OF PUBLIC RECORD.
6. NO TITLE REPORT HAS BEEN FURNISHED.

PLAT SHOWING A PROPOSED BUILDING LOCATION ON 13,048 SQ. FT. OF LAND PRESENTLY IN THE NAME OF MARC & CANDACE M. PAPPAS

SOUTH RIVER DISTRICT, AUGUSTA COUNTY, VIRGINIA
 SCALE 1" = 30'
 FEBRUARY 13, 2018

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



EXTENSION OF TIME REQUEST

Agenda Item # 7A
Date 2/7/19

PROPERTY OWNER:
Churchville Volunteer Fire Department

APPLICANT:
Craig Williams, agent for the Churchville Volunteer Fire Department

LOCATION OF PROPERTY:
3829 Churchville Avenue, Churchville, in the Pastures District

SIZE OF PROPERTY:
1.13 acres

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

PREVIOUS ZONING OR S.U.P.:
10/47 Zoned General Business
11/85 Additional lots zoned to General Business
2/2000 Rezoned Public Use Overlay

LAND USE MAPS:
Community Development Area

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To enlarge and extend an existing nonconforming structure.

The applicant is requesting a one (1) year Extension of Time.

STAFF COMMENTS
The applicant has received site plan approval but has not started construction. They are in diligent pursuit, therefore, staff recommends approval.

The applicant is requesting another one (1) year Extension of Time.

STAFF COMMENTS
The applicant is requesting a one (1) year Extension of Time in order to continue to raise funds for the project. Staff recommends approval.