

March 7, 2019

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

ABSENT: Sandra K. Bunch, Zoning Administrator and Secretary

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 7, 2019 at 8:00 A.M., in the County Government Center, Verona, Virginia.

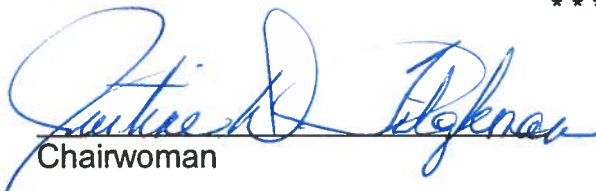
The staff briefing was held at **8:00 a.m.** in the Board of Supervisors Conference Room where the Board reviewed the staff report for each request on the agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

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

- JAMES L. OR TRENT R. SHRECKHISE, AGENTS FOR SHRECKHISE LANDSCAPE AND DESIGN - SPECIAL USE PERMIT
- TYLER OR CHARISSA WINES - SPECIAL USE PERMIT
- SETH A. LISKEY - SPECIAL USE PERMIT
- WILLIAM DIEHL, AGENT FOR BUCKHORN 1811, LLC - SPECIAL USE PERMIT
- JOHN R., III OR JULIE N. HOOE - SPECIAL USE PERMIT
- TOMMY BOWLES, AGENT FOR GREENVILLE BAPTIST CHURCH - SPECIAL USE PERMIT
- STACY JOHNSON, AGENT FOR 1 TRIBE, LLC - SPECIAL USE PERMITS

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.


 Chairwoman


 Secretary

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ABSENT: Sandra K. Bunch, Zoning Administrator and Secretary

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 7, 2019, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Vice Chairman Coyner moved that the minutes from the February 7, 2019, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

JAMES L. OR TRENT R. SHRECKHISE, AGENTS FOR SHRECKHISE LANDSCAPE AND DESIGN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by James L. or Trent R. Shreckhise, agents for Shreckhise Landscape and Design for a Special Use Permit to construct a new building for a landscape business office and storage on property owned by Rebecca R. Shreckhise, Trust Agreement, located at 967 Keezletown Road, Weyers Cave in the Middle River District.

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Mr. Steven Shreckhise stated he will abstain from the discussion and vote on this request due to a conflict of interest. He is a relative of the applicant and they conduct business transactions together.

Mr. James Shreckhise stated has operated the business inside the house for years and now he is getting ready to retire. He said it will be hard to retire with the business office being inside the home. He would like to move the office out and onto a part of the land they own. He said this would be strictly an office building. He said this is not an attempt to have cash or carry business. He said this is not a new business. He does not plan to have additional functions or employees, only moving the office to a separate entity.

Chairwoman Tilghman asked if there was anyone wishing to speak regarding the request?

Mr. Ernest Henton, 78 Brendan Lane, Weyers Cave, stated this will cause more drainage issues on Brendan Lane and was wondering what the applicant was going to do about that. He said it all will drain downhill. He presented pictures to the Board. He lives two houses up from the cul de sac.

Chairwoman Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chairwoman Tilghman asked the applicant to speak in rebuttal.

Mr. James Shreckhise stated this area does not drain well. He said the previous owners installed a fence and excavated around it which has caused Mr. Henton's issues. He said they have a berm of gravel on their side of the fence and drain tile. He said the water goes downhill. He said all of that work on that lot was done by a gentleman that owned the house prior to Mr. Henton. He said they changed the grade and did not allow for runoff.

Chairwoman Tilghman asked what size building are you requesting and will it have any effect on drainage?

Mr. James Shreckhise stated 1,500 square feet. He said this building will have no effect on the drainage. He said all of the drainage will come down the Wampler property near the parking area. He said they have permission to do that. He also has a berm on the property to divert the drainage away from the houses.

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Chairwoman Tilghman declared the public hearing closed.

Mr. Byerly stated this is a reasonable request. He said the site is very neat. He moved to approve the request with the following 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. Applicant obtain building permit and provide a copy to Community Development.

Operating Conditions:

- 1. Applicant be allowed to construct a 26' X 38' office building with a 22' X 24' attached garage.
- 2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 3. Site be kept neat and orderly.
- 4. No further expansions.

Vice Chairman Coyner seconded the motion, which carried with a 4-0 vote with Mr. Shreckhise abstaining from the vote.

Mr. Wilkinson stated the County will look at drainage at the site plan stage.

TYLER OR CHARISSA WINES - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Tyler or Charissa Wines, for a Special Use Permit to use two classrooms within the church for piano lessons open to the public on property owned by Bridge Christian Church, located at 1275 Goose Creek Road, Fishersville in the Wayne District.

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Mr. Tyler Wines stated he and his wife would like to teach music lessons at the church. He works at Bridge Christian Church and is requesting to use two (2) classrooms to have lessons at the church. He noted at his home he can only have one (1) lesson at a time but at the church they both can teach simultaneously. He said most of the students are children of the members of the church.

Chairwoman Tilghman asked if lessons are a half hour each?

Mr. Wines stated a lesson can be 30 minutes, 45 minutes, or 1 hour. He plans on teaching from 4:00 p.m. until 6:00 p.m. Monday – Friday.

Chairwoman Tilghman asked if two (2) hours is a large enough window to have lessons at the church?

Mr. Wines stated he cannot start teaching until 4:00 p.m. but he can see it going later. He would request to operate until 7:00 p.m.

Ms. Brown asked if they both teach the piano?

Mr. Wines stated they are teaching more than just the piano. He also teaches guitar. He said music lessons would be best to describe the request.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated the church is going to set the hours for the lessons. He does not feel we need to put hours on this request. He moved to approve the request with the following conditions:

Pre-Condition:

1. Provide documentation from the septic system design engineer that the existing system is adequately designed for the use.

Operating Condition:

1. Be allowed to use two (2) of the existing classrooms in the church for music lessons open to the public.

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Vice Chairman Coyner seconded the motion, which carried unanimously.

Mr. Byerly said this will be a great asset to the community.

* * * * *

SETH A. LISKEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Seth A. Liskey, for a Special Use Permit to have weddings and special events within the barn and to construct a building for weddings and special events and to use a portion of the building for short term rentals on property owned by Phillip A. or Brenda S. Liskey, located at 264 Wise Hollow Road, Bridgewater in the North River District.

Mr. Seth Liskey stated his parents bought the farm in 1986. He would like to have weddings and special events at the property. He positioned the building so the neighbors could not see the building or hear the events going on. He tested speakers and drove ¼ mile and ½ mile away to see if he could hear them. He would like to propose the new event space instead of renovating the existing barn. He applied for both but it depends on the number of events the Board grants. He said they are an active farm family so if we renovate our existing barn we need to build another one. He noted an old drafty barn would not have the same effect as a new structure. He designed the new structure so that it could go back to agriculture if they decided to in the future. He said they planted eighty (80) trees and they should grow to be about fifty (50') feet tall. He said the trees are specifically used in landscaping for sound blocking. He wants to highlight the history of the area. He plans to construct a unique specialty building and wants to offer bride and groom quarters. He stated his parents live on the property and they do not want any noise.

Chairwoman Tilghman asked if the applicant plans on renovating the building?

Mr. Liskey stated the barn needs to be resided so it does not fall down. He stated his preference would be not to renovate the barn. He said there would not be good soundproofing with the existing barn than there would be with a dedicated newly constructed building. He would need to have a certain number of events in order to construct the new barn. He said his preference is to build.

Mr. Shreckhise asked if the applicant is satisfied with staff's recommended conditions?

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Mr. Liskey stated he said two hundred (200) guests is fine but he would prefer to have twenty-eight (28) events. He said if approved he may have to come back for more in a couple of years because the septic and building costs are expensive.

Vice Chairman Coyner stated weddings can be from April – October. He stated the applicant is requesting a large number per year. He said there could be activity at the site every weekend if squeezed into a certain amount of months.

Mr. Liskey stated their intention is for neighbors not to hear or see the events. He said if restricted to only a certain number of weekends per month it will become an enormous financial burden to them. He said this will be a four season space in a separate building. He felt the number should be left to his discretion. He would prefer the number be open. He wants to be successful enough to turn people away. He mentioned that his parents have the greatest incentive to not have any nonsense at the property.

Vice Chairman Coyner asked about the shared driveway?

Mr. Liskey stated the rental house uses the driveway now but he may move out. He said the renter is in favor of this. He has already cleared out the brush to improve the safety and sightlines. He said yes, it is a shared driveway but traffic will not be an issue and they can always change the entrance and follow the farm road that is already there.

Vice Chairman Coyner asked where would the vehicles park for events?

Mr. Liskey said he chose a naturally dry field. He said the top field is big enough for as many cars that they will have. He said they have enough space in the field for five (5) times as many vehicles.

Vice Chairman Coyner asked if the building will be closed in all around?

Mr. Liskey stated he will use double hung barn doors on each side.

Vice Chairman Coyner asked if the applicant plans on marketing on the internet?

Mr. Liskey stated he is unsure because he has never done this before. He may use Facebook and build a website. He plans on hiring a professional photographer.

Mr. Byerly asked if the applicant visited the adjacent neighbors?

Mr. Liskey stated some of the neighbors are here today. He received two (2) letters in support and a couple more supported them but did not put it in writing and some had valid concerns. He said depending on the way people come in only half of the traffic will come from either direction. He did not meet with two (2) of the neighbors because their house was so far away.

Ms. Brown asked if they plan on using the one lane driveway?

Mr. Liskey stated yes. He noted the Virginia Department of Transportation (VDOT) said it looked fine. He said if a tractor is coming he thinks they can navigate it. He said the guests can go out on either side.

Ms. Brown said the lane is quite small. She asked if the chicken houses are staying?

Mr. Liskey stated yes. He said this is a working farm.

Vice Chairman Coyner stated this could be a concern if the applicant has all of the guests exiting beside the poultry facility due to security.

Mr. Liskey stated the guests will not mess with the poultry house.

Vice Chairman Coyner asked if thirty (30) events would be adequate?

Mr. Liskey stated he would like to have thirty (30) events in order to make it feasible. He wants to be able to have the events when people need them. He said some months have five (5) weeks somewhere in the timeframe and if he can only use three (3) out of the five (5) weekends it will be a big financial burden.

Ms. Brown asked about bathrooms?

Mr. Liskey stated he plans to have an ADA compliant bathroom. He is working with an engineer for a septic field. He plans to have a tank big enough in order to accommodate 200 people and one (1) event per week. He said the bride and groom suite is also taken into account with the septic system.

Chairwoman Tilghman asked if the applicant obtained Health Department approval?

Mr. Liskey stated yes. He has hired an engineer out of Lexington. He would like to have it installed so that it can be expanded on in the future.

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

Ms. Linda Elliott, Miller, Earle, & Shanks, PLLC, 560 Neff Avenue, Harrisonburg, submitted a letter and pictures to the Board. She is here on behalf of Mr. and Mrs. Armstrong and they are the owner of the adjacent property. She said this is their family home place and they are in opposition to the Special Use Permit. She said in the Augusta County Code it states a proposal shall not have an undo adverse impact on the surrounding neighborhood. She said this will have an adverse impact on the neighborhood. She noted the owners of the property are opposed to this as this is inconsistent with the surrounding agriculture area. She said there will be traffic, noise, and lights. She said the largest concern is the noise. She said the applicant stated they have taken noise into consideration. She noted the traffic itself will cause substantial noise because people will come in from either direction. She stated there will be a lot of cars and traffic. She handed out pictures of the driveway. She said this is a shared private driveway and it is not made for 200 people traveling to an event. She noted it is ten (10') foot wide and just one lane. She stated at night time the guests could fall off and run into the ditch. She said there is no place to turn around. She said Mr. Armstrong uses the property for farming and he rides his tractor up and down. She said any traffic would interfere with it and it is not safe for the guests at the event when having to deal with these situations. She noted there is also a stream and that part of the road does flood. She said this easement is meant for two (2) properties and not meant for 200 people. She said obviously it is also not meant for a commercial business with 200 people. She said this property is in violation of the easement itself because it is just meant for two (2) people. She said the entire neighborhood will have increased traffic. She said there are also small winding roads. She said the Augusta County Code also states that onsite traffic flow will adequately and safely accommodate all traffic to and from the public highways. She said these roads are not meant for 200 people. She said the driveway which is part of the access to the property is definitely not meant for 200 people. She noted the applicant indicated he could move the driveway and have it over near the poultry barn but you are still going to have the increased traffic in the rest of the area. She said if you are looking at this when subdividing property you need at least a thirty (30') foot right-of-way but this is not even close. She said this is a ten (10') foot right-of-way. She said this is even exceeding the County standard for what they require when subdividing. She said noise will be an issue and they have not even tested it. She said you will have the noise from the people and the cars. She said many people may trespass on fields and be a nuisance. She said there could be issues with lighting and headlights shining from the cars. She said at night all of the neighbors will be affected and it will interfere with their sleep. She said the people that are the tenants and living in that house will be affected by the

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lights. She said this is a farming community and it is not meant for commercial events. She said this should not be allowed with the ten (10') foot wide shared driveway with ditches. She hopes the Board deny the Special Use Permit. She said with thirty (30) events a year, there would be at least one a week. She said right now the way he wants it, he could have events five (5) days a week. She said people do not get married just on the weekends. She said this puts an undue burden on the property owners that are around there. She requests this be denied and they are definitely in opposition to it.

Vice Chairman Coyner asked if the lane is jointly deeded to both farms?

Ms. Elliott stated she is not positive but his family got the property in the 1930s and it is probably a prescriptive easement but the deed only refers to an easement of record. She said it does not say a specific one. She did not look at all of the deeds but either way it is still the same rights. She said if you expand on the use you are in violation of the easement. She said now they are changing from a farm to commercial events and that would be definitely an expansion on an easement and a violation.

Ms. Brown asked how many people live passed the house on the lane?

Ms. Elliott stated she does not believe anyone does.

Mr. Byerly asked what would the distance be from the event building to the residence?

Mr. Wilkinson stated about 1,500' from the proposed location.

Ms. Elliott said the road is constantly being used. She said he is the owner of the rental property and it is all farmland. She said their understanding is that the property line goes to the center of the roadway but she does not have the actual plat today.

Ms. Brown stated the bridge seems unsafe.

Ms. Elliott stated they talked to Mr. Liskey and they were not concerned about the bridge being rickety and that guests could go off into the ditch as well as even repairing the bridge. She said they were not concerned because they have another entrance.

Ms. Brown asked during bad weather and rain, does the area flood?

Ms. Elliott stated yes. She said it floods all of the time.

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Ms. Brown stated with all of the shrubbery sticking out, it does not look like two (2) cars could pass.

Ms. Elliott stated it is not wide enough for two (2) cars to pass. She said one would have to back out because it is not wide enough.

Mr. Byerly asked if Ms. Elliott is representing a couple of neighbors in opposition?

Ms. Elliott stated she is just representing the Armstrongs but other people who are in opposition also want to speak.

Ms. Amy Roper, 505 W. Frederick Street, Staunton, stated she is a property owner adjacent to the proposed project. She is the Armstrong's youngest daughter. She said these are all valid concerns they have. She said her family has a farming operation and she stands to inherit the property and she loves her parents. She said this will change the character of the surrounding area where she grew up. She noted this will be so close to the property. She said the lane runs up beside their rental property. She noted this will pose a problem for the farm traffic going in and out of the property. She said even without the ricketiness of the bridge, this will increase the liability for her parents property. She said there could be guests roaming around onto the land and something could happen. She is concerned with the proximity of the proposed project to her parents' property. She appreciates the noise abatement from the trees that were planted but they will not grow fast enough. She was unsure how fast the trees will grow. She said they will not be tall enough for a few years. She noted the enforcement of the proposal is limited to the use on the property and who will enforce this. She said they are out in the County and wanted to know how would the enforcement work. She asked if they have to call the police if the event is not done by 10:00 p.m. She said the burden is on her parents if it is not going the way it should. She said the business owner does not reside on the property. She asked if Seth Liskey will move to Wise Hollow.

Chairwoman Tilghman asked if the land is cropland or animals?

Ms. Roper stated they have animals on both sides of the road.

Chairwoman Tilghman asked if they are concerned about people at the party seeing a cow, sheep, or horse and wanting to pet them?

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Ms. Roper said this is a shared lane and she does not want her parents to be burdened with this liability. She said people coming in and out of the events will create a concern to her as well as creating a legal liability.

Ms. Elliott stated the property may not have animals on it now in that area but there could be animals in the future.

Mr. Nathanael Gartzke, 441 Chapel Hill Lane, Weyers Cave, stated he is 1 of 14 grandchildren of the Armstrongs. He works on the farm and helps manage the farm for the last nine (9) years. He is opposed to this happening because it will put a restriction on their farm. He said if they are making hay before it rains and then a wedding party is going on at the same time, he is concerned if there is going to be friction later on and if they will receive complaints because Mr. Liskey has guests for an event.

Ms. Melinda Gartzke, 441 Chapel Hill Lane, Weyers Cave, stated her son farms at the site full time. She appreciates the historical value but she does have concerns about the usage. She said the lane is not a two (2) lane road. She said it is old and needs repair. She said when riding farm equipment down the lane they are very watchful how they go across the bridge. She does not see how people can come and go along that same shared lane. She said the applicant has chicken houses and there are certain regulations with that. She does not understand the applicant putting that kind of traffic near the poultry houses. She felt there would be an issue with biosecurity. She questioned if that would be ok with the poultry company they deal with to make that an entrance or exit. She stated in the summer they bale hay and there will be a manure smell and if there is an event going on, it would not be great or wonderful while this is going on. She said there would be odor from the chickens and from manure being spread. She said there will also be issues with noise and music. She does not know how everyone could be gone at 10:00 p.m. She said farmers go to bed early. She asked what about the cleanup of the site and if that would be going on after 10:00 p.m. She said with 200 guests and 100 vehicles that will be a lot for a little bridge on a shared driveway.

Chairwoman Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chairwoman Tilghman asked the applicant to speak in rebuttal.

Mr. Liskey stated these are all valid concerns. He said there will be about forty (40) cars in each direction. He said there are more cars that are on the road than that. He said most events will be on Saturday. He said farmers work six (6) days a week and he

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felt that as neighbors they can communicate well. He said his clients need to be aware that this is a farming area. He has designed the site so that it will not be a problem. He said they are in the hollow and there are no chicken smells that he is worried about from the farming operations. He will never complain about a fellow farming operation. He said the attorney never talked to his parents. He said the attorney said that his father, Phillip Liskey, thinks the bridge is fine and does not have the money. He is not opposed to the 50% burden about repairing the bridge. He said his parents live there and will enforce the events. He said if the neighbors have any problems they could call the police. He said his father's farm is the best kept farm on the road. He said they have all the incentive to be a good neighbor. He said if there is a problem they can use the secondary road.

Mr. Byerly suggested that the applicant may want to table the request for thirty (30) days in order to resolve the issues that were brought forward today.

Mr. Liskey wondered if the farm road is a real thing or a backdoor reason for shutting this down for other reasons that have to do with the noise or traffic.

Chairwoman Tilghman stated that is what she would consider a low water bridge.

Mr. Liskey said there are no chicken security issues because they have enough space on the land. He said a backup plan is to use the other entrance.

Chairwoman Tilghman said any entrance would need to be approved by VDOT. She said there could be a time when the bridge is not passable.

Mr. Liskey said in an emergency they can use the other entrance or ask VDOT to use one entrance to enter and the other to exit.

Ms. Brown asked if the poultry company is aware of this venture?

Mr. Liskey stated he has not checked with George's Poultry.

Ms. Brown asked if the applicant has checked with the neighbors beside this property?

Mr. Liskey stated those people are in opposition and he has spoken to them. He said they want a new bridge and he is willing to bear the financial burden to do it but he never got a yes or no. He has tried to talk with them.

Ms. Brown asked how will the bridge be taken care of?

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Mr. Liskey said if it gets flooded we can use the other entrance near the chicken houses or he can pay to expand the bridge.

Chairwoman Tilghman stated if you have to use an alternative entrance due to bad weather, both entrances have to be approved by VDOT.

Mr. Liskey stated he would have to get approval from VDOT.

Chairwoman Tilghman stated the permit is always contingent on getting VDOT's approval. She said the applicant cannot improve the second road unless VDOT approves it. She said any entrance or exit has to be approved by VDOT.

Mr. Liskey stated he would hate to spend more money on tree removal unless he gets his permit approved.

Ms. Brown asked if they can have events on a shared lane?

Mr. Benkahla stated no one has seen a copy of the easement document.

Mr. Byerly stated he would like to give the applicant the option to table for 30, 60, or 90 days.

Ms. Brown asked if the applicant thinks this is compatible with the neighbors?

Mr. Liskey stated yes.

Mr. Phillip Liskey stated this is a shared right-of-way. He said their deeds give ownership to the center of the lane with a right-of-way for both landowners to use. He said they can put a new road and new bridge that would not affect the Armstrongs at all. He noted they can even move the road entrance. He said they want to be good neighbors. He said they paved the driveway eleven (11) years ago. He is certainly willing to talk with the neighbors about these issues.

Mr. Dan Luebben, 9845 Centerville Road, Bridgewater, stated this will affect many landowners in the area. He said this will be zoned commercial. He said this will affect their taxes on agricultural land. He would hate to see agriculture land tore up. He said there are too many of these in the County already. He is also concerned about having to widen Fadley Road in the future. He said this will present issues to the farmers.

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Mr. Wilkinson stated this will still be zoned agriculture. He said they are asking for a special permit to do something other than agriculture on agriculture property.

Mr. Liskey would like to see if he can work out the issues that the neighbors in objection said. He would like the request to be tabled for ninety (90) days or sixty (60) days.

Mr. Shreckhise stated unless the applicant changes the mind of the opposition, he does not feel that he can be in favor of this request because of how it will affect the neighbors.

Chairwoman Tilghman wanted to make the applicant aware that it may not get approved because of the opposition of the neighbors.

Mr. Benkahla stated the Board may want to table the request, not because of the landowners being in opposition but because of land use concerns from the neighbors is what the Board 's decision should be based on.

Vice Chairman Coyner moved to continue the public hearing on May 2, 2019.

Mr. Byerly seconded the motion, which carried with a 4-1 vote with Ms. Brown being in opposition to the motion.

Mr. Shreckhise stated if the neighbors are not able to attend the meeting in May, they can either send in a letter or email to staff.

WILLIAM DIEHL, AGENT FOR BUCKHORN 1811, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by William Diehl, agent for Buckhorn 1811, LLC, for a Special Use Permit to have weddings, special events, and to display and sell plants, flowers, and miscellaneous garden supplies, and to operate a farmers market on property owned by Yoder Investments, LLC, located at 2487 Hankey Mountain Highway, Churchville in the North River District.

Mr. William Diehl stated he has a license to serve food at the inn, have a restaurant, and gift shop. He would like to expand his operation by having outdoor gardening items, shrubs, and garden gifts for sale. He said weddings have gone on there for years but never had a permit. He would like to apply for these uses to be sure that he

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is doing it correctly. He also would like to have two (2) arts and craft shows a year and two (2) antique shows which would count just like the weddings in the total number.

Ms. Brown asked if the gravel parking lot to the left is your property?

Mr. Diehl stated yes.

Vice Chairman Coyner stated there is adequate parking. He asked if the applicant has fulfilled the Health Department requirements?

Mr. Diehl stated yes. He only plans on having 100 guests for special events.

Vice Chairman Coyner stated the applicant has done a nice job on the outside of the site. He said the property has cleaned up nicely.

Mr. Diehl stated he will power wash the house and he has done a lot of work on the inside. He said they plan on having a special seafood buffet this weekend.

Vice Chairman Coyner asked if this is a new venture?

Mr. Diehl stated yes. He has been living there and this is his retirement project.

Chairwoman Tilghman asked if the applicant read the staff's recommended operating conditions and if they are acceptable?

Mr. Diehl stated yes. He does not plan on having amplified music.

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

Ms. Mary Wilson, 980 Braley Pond Road, West Augusta, stated this site is beautiful on the outside and inside. She is happy to see this house come back to its glory.

Mr. Jack Wilson, 980 Braley Pond Road, West Augusta, stated he appreciates the history of this and he supports the request.

Chairwoman Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

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Vice Chairman Coyner stated it is wonderful to see an old structure brought back to life. He moved to approve the request with the following conditions:

Pre-Condition:

1. Submit documentation that the existing septic system is adequate.

Operating Conditions:

1. Be permitted to have outside display and sale of vegetables, plants, and garden supplies in the designated area shown on the BZA sketch.
2. Be permitted to have a farmers market open to the public on Saturdays, 9:00 a.m. to 5:00 p.m.
3. Be permitted to use the existing inn for weddings and special events.
4. Be limited to thirty (30) events per year, but no more than three (3) per month.
5. Be limited to a maximum of two hundred (200) people or less per event.
6. No outdoor amplified music.
7. Events cease by 10:00 p.m. and all persons off the property by 11:00 p.m. except for overnight guests.
8. Site be kept neat and orderly.
9. Any new outdoor lights over 3,000 lumens requires a site plan submitted and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Mr. Byerly stated the website is done professionally. He seconded the motion, which carried unanimously.

Mr. Wilkinson said the applicant should submit the Health Department approval to our office.

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JOHN R., III OR JULIE N. HOOE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John R., III or Julie N. Hooe, for a Special Use Permit to have a short term vacation rental on property they own, located at 879 Frog Pond Road, Staunton in the Pastures District.

Mr. John Hooe stated he has reviewed the pre-conditions that staff has recommended. He cut down the trees until he moves them but he will be sure that there is no sight line obstruction. He intends to have one (1) to two (2) people occupy the cottage. He asked that the Board approve the request.

Vice Chairman Coyner asked if the applicant has a website?

Mr. Hooe stated he would rely on word of mouth and through Airbnb as well as other internet marketing devices.

Mr. Byerly asked if the guests will use the pool?

Mr. Hooe stated they can use the pool. He said the pool area is gated.

Vice Chairman Coyner stated there is not much traffic with this request but the applicant does has a narrow driveway.

Mr. Hooe stated he plans on keeping the reflectors at the fence.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

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

Pre-Conditions:

1. Provide a copy of all necessary building permits to Community Development.
2. Provide a copy of the Certificate of Occupancy to Community Development.
3. Obtain letter of approval from VDOT.

Operating Conditions:

- 1. Be permitted to use the existing four hundred forty (440) square foot cottage for short term vacation rental.
- 2. Be limited to a maximum of two (2) persons occupying the cottage.
- 3. Applicant must reside on premises.
- 4. Site be kept neat and orderly.

Vice Chairman Coyner seconded the motion, which carried unanimously.

TOMMY BOWLES, AGENT FOR GREENVILLE BAPTIST CHURCH - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Tommy Bowles, agent for Greenville Baptist Church, for a Special Use Permit to construct an accessory building more than the 1,200 square foot total aggregate allowed on property they own, located at 57 Church Street, Greenville in the Riverheads District.

Mr. Tommy Bowles stated Greenville Baptist Church would like to construct a picnic pavilion for the church members to use as well as the neighbors but they would have to go through the church in order to use it. He said the church has three (3) events per year that they would use the pavilion. He stated they would use it for vacation bible school, spring celebration, and the fall festival. He said they will construct the pavilion to blend in with the existing church.

Chairwoman Tilghman asked if the pavilion will be open sided?

Mr. Bowles stated yes but one end will be closed in for a storage area.

Chairwoman Tilghman asked if it would be near the playground equipment?

Mr. Bowles stated the pavilion will be located in the corner of the parking lot.

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

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Byerly stated this is a needed facility and a suitable place for a picnic pavilion. He moved to approve the request with the following conditions:

Pre-Condition:

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.

Operating Conditions:

1. Be permitted to construct a 34' x 54' pavilion.
2. Applicant obtain a 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.

Vice Chairman Coyner stated the Board visited the site this morning. He is glad to see the church doing so well.

Ms. Brown seconded the motion, which carried unanimously.

STACY JOHNSON, AGENT FOR 1 TRIBE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Stacy Johnson, agent for 1 Tribe, LLC, for a Special Use Permit to provide overnight accommodations and farm related workshops and therapy on property owned by Kimball E. Stowers, Trustee, located at 1082 Todd Road, Mt. Sidney in the North River District.

Ms. Stacey Johnson stated she would like to have workshops at the site that would include people learning to meditate, yoga, and cook.

Chairwoman Tilghman asked if anything would be changed outside at this site?

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Ms. Johnson stated no. She said they are just using the house itself.

Mr. Shreckhise asked if the applicant has any issues with staff's recommended operating conditions?

Ms. Johnson stated no.

Mr. Wilkinson stated the Health Department would determine the number of people per day. He stated the applicant asked to have 25-50 people. He has tried to contact the Health Department regarding that number. He said staff would need their approval if you would like to have an increase in the number of guests. He said with their comments, they indicated only eight (8) per day.

Ms. Johnson stated the daily workshops would only be one (1) or two (2) people at a time and they would be at the site for an hour or two. She said eight (8) people are for the overnight accommodations. She would be able to provide porta-johns for the one (1) day workshops with the larger groups.

Vice Chairman Coyner asked if the workshop would be all day?

Ms. Johnson stated they will provide classes for one (1) hour. She said guests can stay Friday – Sunday. She will only have eight (8) guests spend the night like they do at the other property.

Mr. Wilkinson stated the applicant will need to contact the Health Department and VDOT and provide additional information in order to receive their approval before we issue the Special Use Permit.

Ms. Johnson stated she has met with Dale Driver from VDOT.

Mr. Wilkinson stated if the permit is approved, all pre-conditions will need to be completed prior to the permit being issued and the applicant starts operating.

Ms. Brown asked if the applicant has any employees?

Ms. Johnson stated she has four (4) that work on the farm and they take care of the two (2) properties.

Ms. Brown asked if the applicant lives onsite?

Ms. Johnson stated no.

Ms. Brown asked what is Reiki?

Ms. Johnson stated Reiki Japanese Healing is the technique they use. She said it is a one (1) hour session. She said they use deep relaxation. She has all different clients that come to the property to relax.

Ms. Brown asked if they advertise through the internet?

Ms. Johnson stated yes.

Ms. Brown asked about the cooking classes?

Ms. Johnson stated they offer healing cooking and how to heal the body with herbs and vegetables. She said they are planning on planting a garden this year.

Vice Chairman Coyner asked what age attends these classes?

Ms. Johnson stated it is not limited to any specific age. She said Reiki is used on animals also. She said it promotes the body's own healing and promotes the body to heal itself. She also may offer candle making classes.

Ms. Brown asked if there are animals at both sites?

Ms. Johnson stated she has cattle, pigs, goats, and horses.

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

Mr. Michael Zamalis, 1076 Todd Road, Mount Sidney, stated he supports this proposal.

Chairwoman Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated this is an isolated area. He moved to approve the request with the following conditions:

Pre-Conditions:

- 1. Obtain VDOT approval and provide a copy to Community Development.
- 2. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

- 1. Be permitted to use the existing dwelling to hold retreats and provide overnight accommodations limited to a maximum of eight (8) people, including coaches, occupying the dwelling per event unless the applicant provides Community Development with Health Department approval for more than eight (8).
- 2. Retreats and workshops be limited to three (3) per month for no more than three (3) consecutive days.
- 3. Site be kept neat and orderly.
- 4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Ms. Brown seconded the motion, which carried unanimously.

STACY JOHNSON, AGENT FOR 1 TRIBE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Stacy Johnson, agent for 1 Tribe, LLC, for a Special Use Permit to operate a short term campground and to construct short term cabins and a yurt for weekend retreats and workshops and to continue to use the dwelling for workshops and therapy on property owned by Kimball E. Stowers, Trustee, located at 877 Todd Road, Mt. Sidney in the North River District.

Ms. Stacy Johnson stated the Board let her have weekend retreats at the site. She said the weekend retreats have been going well. She said when they started hosting these retreats, they did not take into account people who snored, who are early birds, or night owls. She said the sleeping arrangements did not work. Her goal is to place ten

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(10) 10' x 10' sleeping cabins with no electricity or water at the site. She said the only thing they plan on changing is where the grownups sleep. She said last year it rained a lot and people could not go outside and do yoga. She would like to have class time outside and in the yurt.

Ms. Brown asked how big is the yurt?

Ms. Johnson stated it will be a thirty (30') foot yurt on a 35' x 35' wooden platform.

Vice Chairman Coyner asked if it is canvas or wooden construction?

Ms. Johnson stated it is a thick fabric and will be insulated. She plans on using it all year round. She said the yurt would not have water or electric. She said the classes are held during the day in the yurt.

Ms. Brown asked what type of platform would it be?

Ms. Johnson stated wooden.

Vice Chairman Coyner stated when clients need to use the bathroom, will they use the facilities at the house?

Ms. Johnson stated yes.

Ms. Brown asked how many people will attend the workshops?

Ms. Johnson stated she plans on only having ten (10) people. She is not planning to change the way they currently operate. She said her clients need a place to sleep and have some alone time especially with everyone being inside the house.

Vice Chairman Coyner asked about the weekend retreats?

Ms. Johnson stated she has the retreats Friday – Sunday. She noted many people come from New York, New Jersey, Maryland, and DC.

Mr. Shreckhise asked how many structures would be seen from the road?

Ms. Johnson said for now all of them but Mr. Shreckhise helped her plant the beautiful trees and it will not be long before the structures would be covered with bushes and landscape. She said everything will be hidden with landscape.

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Vice Chairman Coyner said the Board saw goats and hogs at the site today.

Chairwoman Tilghman stated the applicant can only have ten (10) people per day unless they upgrade the septic system.

Ms. Johnson stated she does not want to change that. She noted nothing will change except for where the people sleep. She said currently they all sleep in the one house.

Ms. Brown asked if she operates all year?

Ms. Johnson stated only May – November. She wants to provide the opportunity to provide hands on learning and a relaxing weekend. She also wants to provide the ability to get back to nature.

Mr. Shreckhise asked about the neighbors in the area?

Ms. Johnson said Mr. Crummett has been very supportive.

Ms. Brown asked where will she provide parking?

Ms. Johnson stated there is a gravel lot in front of the house and parking is in front of the garage.

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

Mr. Chris Stowers stated they want to offer both properties individually or both at the same time. He said they want to create home town authenticity at both properties. He said they also want to have riding trails through the woods. He said there has been no incidents with noise or traffic.

Mr. Justin Stowers believes in Stacy Johnson and Chris Stowers' dream.

Mr. Eric Sheets, 688 Mt. Pisgah Road, Mount Sidney, stated they bought the property and built here and do not want a campground adjacent to their property. He asked if you can imagine that the view will change to that of a campground. He asked what will be the additional stages of development to come in the future. He said in 2018 they have advertised on Airbnb. He asked what is the serenity of the property if this site continues to be developed. He said they should construct the campground on the 191

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acres which is a ¼ mile away. He noted on the website it says while you are here you can enjoy eating from the garden, bonfires, and most importantly the serenity of the country. He asked the Board to seriously consider their concerns. He asked where is the serenity if the property were to be developed. He asked the County to value their serenity. He said they paid a higher assessed value because of their view. He asked the Board to protect their investment. He said this will have a great impact on the property values. He said them building the campground at 1082 Todd Road will have no visual impact other than their own.

Ms. Jacqueline Sheets, 688 Mt. Pisgah Road, Mount Sidney, stated she is opposed to this. She has twenty-one (21) neighbors who have signed a petition that are opposed.

Ms. Brown asked where do the people live who signed the petition?

Ms. Sheets stated the names are all within ¼ of a mile. She said her view would be obstructed. She said the property is listed on Airbnb. She said the renovations and new construction has already caused drainage issues. She said they have a beautiful property and the view is amazing. She said they look down onto this property. She does not want to look at cabins. She is concerned about them placing the cabins at the site.

Mr. Sheets said they have contacted Community Development about the drainage on the property.

Vice Chairman Coyner stated this is not a good year to judge because it has been very wet. He asked if Mr. and Mrs. Sheets would be in favor of the ten (10) cabins if they were positioned somewhere else?

Mr. Sheets stated yes. He has concerns about all of the development they plan to do.

Mr. Shreckhise stated anything that the applicant wants to add, they will need to come before this Board.

Chairwoman Tilghman stated the applicant is limited by the septic system. She said they cannot increase the number of people without getting approval.

Ms. Sheets said we have no problem if the cabins were located behind the barn but she cannot speak for all who signed the petition.

Vice Chairman Coyner stated the view of your property will be affected.

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Ms. Johnson stated they planted fifty-eight (58) trees to block the view of the field. She said the trees were drowning with all of the rain. She stated they tried to save the trees that were planted. She noted this had nothing to do with what was constructed. She said David Crummett dug a trench in order to relieve the pressure on the trees.

Mr. Stowers stated the water is an issue across the street. He said it runs down out into the river. He said their septic was even coming out of the ground.

Ms. Johnson said water comes down hill onto Todd Road.

Mr. Stowers said they are not going to do anything to make the land look ugly.

Chairwoman Tilghman asked what they did has it affected anyone else on the property?

Mr. Stowers stated no because the water runs off of the hill. He said they are looking to improve the land. He said it all ends up on their property at 1082 Todd Road.

Ms. Johnson said they dug a trench to the culvert in the road that is already there.

Chairwoman Tilghman asked why the applicant chose that particular area to put the cabins in?

Ms. Johnson stated the rest of the property is agriculture and they farm. She said people come and stay on the farm. She said they can tour the farm and see the animals. She said that is the only area we have to host people. She stated in a couple of years they will not see anything. She said the trees will be planted everywhere. She said the cabins are cute and small. She does not believe there are twenty-one (21) neighbors around us.

Chairwoman Tilghman said that her first thought was why are the cabins near the road.

Ms. Johnson said they have planted trees that will be thirty (30') feet tall.

Mr. Shreckhise stated the trees will take a while to get that tall.

Ms. Johnson stated she will also plant fruit trees, a moon garden, and a rain garden.

Vice Chairman Coyner asked if the cabins can be located behind the barn?

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Ms. Johnson stated that is where the cattle and pigs are. She said they have planted fruit trees that will hide these cabins. She said the reason for the cabins is because some people do not want to share rooms. She said the cabins will also allow her clients a place to go when they write in their journal. She said the house is only so large. She said there will be no electric or water in the cabins. She said they will be 10' x 10' with a slanted roof. She stated the cabins would be wood with a tin roof.

Mr. Lowell Sheets, 205 Mt. Pisgah Road, Mount Sidney, stated the area has been very wet.

Mr. Shreckhise stated that area has been really wet this year. He said they tried to correct the situation so that they did not lose any trees. He said they did not do anything detrimental to the neighborhood. He asked why can't the cabins be somewhere where it would not disrupt the view?

Ms. Johnson stated this is the only spot. She said they have pigs and cattle all along the other side. She noted this is the only plot that they do not have livestock on.

Vice Chairman Coyner stated perhaps the applicant can fence the livestock off if the applicant really wants these cabins or move them to the other property.

Ms. Johnson stated the entire field they will only see trees. She said they planted trees and the field is the only place. She sleeps on the ground and that is the best place to sleep on the entire property. She said the cabins will only be 10' x 10' and eight (8') foot high. She said these are not massive buildings. She said they will be covered with trees in four (4) years.

Ms. Michelle Swortzel, 817 Todd Road, Mount Sidney, stated she lives next door. She asked if the applicant will have fire extinguishers in every cabin?

Ms. Johnson stated yes.

Ms. Swortzel asked if there would be limitations with bonfires, will there be water if the fire extinguisher could not handle the flames, and if there would be a set quiet time?

Ms. Johnson stated yes. She said they are not changing anything with what she has done except for adding cabins and a yurt.

Ms. Swortzel asked if the guests are allowed to bring their own animals?

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Ms. Johnson stated no.

Ms. Swortzel asked if the guests were allowed to ride ATVs and four-wheelers around the property?

Ms. Johnson stated no.

Ms. Swortzel asked if the guests are limited to the area with the cabins or free to roam over the rest of the acres?

Ms. Johnson stated this is the perfect spot to control her guests. She is not going to let them roam the entire farm.

Vice Chairman Coyner asked if the fire rings are used at night?

Ms. Johnson stated they have a bonfire spot. She said they had one last season and there were no issues but only if guests want it. She said her request is only for where people are going to sleep.

Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated he feels he is being fair about this. He feels that this is a good thing and the applicant is trying to make the place look natural and not obstruct the view. He would like to look at this one more time. He would like to see how much of a view is obstructed from the neighbor's property. He wants to meet the applicant out there for them to show us where the cabins are going and bring a visual concept so we can see what these people are going to look at. He moved to table the request until the April 4, 2019, meeting in order to see where the cabins are going. He noted if the Board were to feel this location is objectionable, the applicant may want to consider another place that would not be so offensive.

Vice Chairman Coyner seconded the motion, which carried unanimously. He said the Board can also view from the neighbor's property to see it from their perspective.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

M.C. SHIRLEY - EXTENSION OF TIME REQUEST

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. Byerly moved to approve the ninety (90) day Extension of Time.

Vice Chairman Coyner seconded the motion, which carried unanimously.

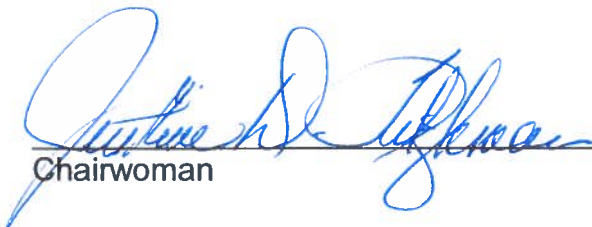
STAFF REPORT

- 18-25 RE & CE Properties, LC
- 18-26 Destiny Family Center
- 18-27 James S. or Sandra G. Berry
- 18-28 Rising Sun Real Estate, LLC
- 18-29 Anecito Perez Samano

Mr. Wilkinson stated there were multiple inoperable vehicles outside for SUP#18-25 and staff has sent a notice of violation to them. He noted SUP#18-26 has not installed the lighting or obtained permits, therefore, staff has sent a letter to the applicant. He said SUP#18-27 withdrew their request. He stated when inspecting SUP#18-28 there was not a floodplain notice posted, therefore, staff sent the applicant a letter. He said SUP#18-29 was denied.

Mr. Benkahla discussed the court cases with the Board.

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



Chairwoman



Secretary