

PROPERTY OWNER:
D.M. Conner, Inc.

Agenda Item # 3F
Date 6/4/19

APPLICANT:
Debbie C. Henderson, agent for D.M. Conner, Inc.

LOCATION OF PROPERTY:
On the north side of Sycamore Path at the intersection of Gerties Lane and Sycamore Path, Stuarts Draft in the South River District

SIZE OF PROPERTY:
14.226 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture
03/17 SUP denied to have a mining operation

LAND USE MAPS:
Community Development Area – Low Density Residential

UTILITIES:
None

APPLICANT'S JUSTIFICATION:
To have a mining operation

PLANNING COMMISSION'S COMMENTS:
The Planning Commission would suggest to the Board of Zoning Appeals that they look closely and evaluate the proximity to residential dwellings.

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

HEALTH DEPARTMENT'S COMMENTS:
Lot to be used for additional land for mining operation. No new structures or additional employees. The Health Department has no issues.

HIGHWAY DEPARTMENT'S COMMENTS:
It is VDOT's understanding that current commercial entrance will serve the requested use. The existing entrance is adequate for the request. The proposed use will not have a significant impact to State maintained roadways. Access to the property will need to be internal from the existing mining operation. Gerties Lane (Rt. 606) is not suitable for heavy truck traffic.

SERVICE AUTHORITY'S COMMENTS:

The property is located in Area 2 as defined by Article LI – Source Water Protection Overlay of the Augusta County Code. The applicant may need to clarify whether or not Class V injection wells or the handling of hazardous materials on the RCRA list could occur on the property.

ENGINEERING'S COMMENTS:

Erosion and Sediment Control and Stormwater exempt as long as permitted by DMME.

SECTION 25-74D - USES AWAY FROM DEVELOPED AREAS

The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use. There are residential houses within close proximity.

Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads

The applicant will be using an existing quarry road with no additional traffic generated.

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

The property is adjacent to the applicants existing quarry operation. The proposed 14.23 and the adjacent 92.427 acres will accommodate all traffic.

The business shall have direct access to a state maintained road.

The applicant will be extending a road to their existing site that has access on Lake Road.

The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone.

Mining operations are appropriate for agricultural areas.

All buildings, structures, and operations will be set back at least two hundred feet (200') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.

Site plan shows a two hundred (200') foot buffer from all property lines except those bordering the two (2) quarry operations in the area.

STAFF RECOMMENDATIONS

The applicant purchased the 14.23 acre tract and was denied a Special Use Permit in 2017 to expand their existing mining operation. They are requesting to excavate only at this site. All crushing and processing will be done at the existing plant. There will be no storage of fuels, hazardous, or toxic materials and no explosives. The applicant will be extending the road to the existing plant and will be hauling all materials from the property

on their existing route. Staff still has concerns that the expansion of the mining operation within close proximity to residential dwellings could have a significant impact and staff has received numerous inquiries and concerns from the two (2) closest property owners adjacent to Coles Campers Subdivision requesting they be given the same five hundred (500') foot setback as Coles Campers Subdivision was granted as an Operating Condition in 2001.

If the Board feels that the request is compatible and desires to approve the request, staff would recommend the following conditions:

Pre-Condition:

1. Submit a copy of the DMME mining plan including the proposed depth of excavation and reclamation plan and the two hundred foot (200') buffer zone along all property lines or other setbacks determined by the Boar except the properties currently being mined.

Operating Conditions:

1. Only excavating at the site. All crushing and hauling be done at the existing plant.
2. Access will be through the existing quarry with truck traffic confined entirely to Route 660 when entering and leaving site utilizing the existing fifty (50') foot right-of-way on the north side of Shenandoah Acres property.
3. No truck traffic on Sycamore Path or Oak Lane.
4. No mining operation within five hundred (500') feet of Coles Campers Subdivision and the two (2) parcels north of Coles Campers Subdivision (Tax Map 91-10 and 91-10A) adjacent to the site. Existing wooded five hundred (500') foot buffer be left in its natural undisturbed state.
5. No buffer will be required between the property lines adjacent to the existing quarry operations.
6. The site must be reclaimed as soon as possible, but no later than six (6) months after operations have ceased.
7. Whenever the applicant amends the permit with the Department of Mines, Minerals and Energy, they must notify the Community Development Department.
8. Hours of operation be Monday-Friday, 7:00 A.M. to 6:00 P.M. and Saturday 7:00 A.M. to 12:00 Noon, and no Sunday operation.
9. All local, state and federal regulations must be complied with.
10. Debris, including residue rock and stone and other waste material stored on the property must have originated from the property and not be brought in from other sites.



D.M. Conner, Inc.



1 inch = 300 feet

NOTES

1. TM 91-9 (Inst #170003858) & TM 91-7A (Inst #19)
 TM 91-9, containing 14.226 acres, was acquired by DM Conner, Inc at
 Instrument #170003858. TM 91-7A, containing 0.829 acres, is being
 purchased by DM Conner, Inc.

2. Zoning is GA-General Agriculture. All adjacent properties are zoned GA-
 General Agriculture.

3. Use - Both tracts are currently vacant; the dwellings are not useable and will
 be removed. Adjacent properties to the south have dwellings. TM 91-19 and
 TM 84-66K have existing quarry operations.

4. The proposed use is excavation of stone & sand on TM 91-7A and on the
 shaded portion of TM 91-9 (containing 5.893 acres) adjacent to the current
 excavation underway on TM 91-19 and on TM 84-66K, leaving 8.333 acres of
 buffer for the adjacent properties to the south. Total excavation is 6.722 ac.

5. There will be a 500' setback from Coles Campers Subdivision (Lots 2,4 & 6)
 giving a 280' buffer of woods for Baker & Golladay properties. Trucks will
 not use Gerties Lane, Oak Lane, nor Sycamore Path.

6. There will be no crushing of stone on these tracts; material will be hauled
 northeast through TM 91-19 to TM 84C-1-34.



SITE PLAN FOR

DM Conner Inc
 TM 91-9 & 91-7A

SOUTH RIVER DIST AUGUSTA CO.
 VIRGINIA

SCALE 1"= 150' APR 16, 2019

BRENNEMAN ENGINEERING
 STUARTS DRAFT, VA

3993 DWG B4061



DM CONNER INC
 TM 91-19 900/432



DM Connor



PROPERTY OWNER:
Garnett E. or Virginia Hope Johnson

Agenda Item # 36

Date 6/6/19

APPLICANT:
Debbie C. Henderson, agent for D.M. Conner, Inc.

LOCATION OF PROPERTY:
On the north side of Sycamore Path at the intersection of Gerties Lane, Stuarts Draft in the South River District

SIZE OF PROPERTY:
0.829 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

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

LAND USE MAPS:
Urban Service Area – Low Density Residential/Recreational Business

UTILITIES:
None

APPLICANT'S JUSTIFICATION:
To have a mining operation

PLANNING COMMISSION'S COMMENTS:
The Planning Commission would suggest to the Board of Zoning Appeals that they look closely and evaluate the proximity to residential dwellings.

BUILDING INSPECTOR'S COMMENTS:
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SERVICE AUTHORITY'S COMMENTS:

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ENGINEERING'S COMMENTS:

Erosion and Sediment Control and Stormwater exempt as long as permit obtained from DMME.

SECTION 25-74D - USES AWAY FROM DEVELOPED AREAS

The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use. There are residential houses within close proximity.

Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads

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The property is adjacent to the applicants existing quarry operation. The proposed 14.23 and the adjacent 92.427 acres will accommodate all traffic.

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Mining operations are appropriate for agricultural areas.

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Site plan shows a two hundred (200') foot buffer from all property lines except those bordering the two (2) quarry operations in the area.

STAFF RECOMMENDATIONS

The applicants are purchasing the small 0.829 acre parcel to include it with the request to expand their existing mining operation. This property is adjacent to Acres Sand and Stone mining operation, therefore, the two hundred (200') foot setback would not apply if the Board grants them a Special Use Permit to mine the adjacent 14.226 acres.

If the Board desires to approve the request, staff would recommend the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Only excavating at the site. All crushing and hauling be done at the existing plant.
2. Access will be through the existing quarry with truck traffic confined entirely to Route 660 when entering and leaving site utilizing the existing fifty (50') foot right-of-way on the north side of Shenandoah Acres property.
3. No truck traffic on Sycamore Path.
4. No mining operation within five hundred (500') feet of Coles Campers Subdivision and the two (2) parcels north of Coles Campers Subdivision Tax Map 91-10 and 10A) adjacent to the site. Existing wooded five hundred (500') foot buffer be left in its natural undisturbed state.
5. No buffer will be required between the property lines adjacent to the existing quarry operations.
6. The site must be reclaimed as soon as possible, but no later than six (6) months after operations have ceased.
7. Whenever the applicant amends the permit with the Department of Mines, Minerals and Energy, they must notify the Community Development Department.
8. Hours of operation be Monday-Friday, 7:00 A.M. to 6:00 P.M. and Saturday 7:00 A.M. to 12:00 Noon, and no Sunday operation.
9. All local, state and federal regulations must be complied with.
10. Debris, including residue rock and stone and other waste material stored on the property must have originated from the property and not be brought in from other sites.



Johnson

PROPERTY OWNER:
Curtis G. or Janice E. Wiles

Agenda Item # 3H

Date 6/6/19

APPLICANT:
Same

LOCATION OF PROPERTY:
56 Flint Mountain Drive, Stuarts Draft in the South River District

SIZE OF PROPERTY:
0.349 acres

VICINITY ZONING:

PREVIOUS ZONING OR S.U.P.:

LAND USE MAPS:

UTILITIES:

APPLICANT'S JUSTIFICATION:
An appeal to the Board of Zoning Appeals of a decision of the Zoning Administrator regarding the number of cats permitted

STAFF COMMENTS:

Attached are copies of (1) Complaint Log which includes a chronological list of events, (2) photos from February 21, 2018, inspection of the property, (3) the Zoning Ordinance regulations for Single Family Residential Districts, (4) a copy of the letter from Ms. Wiles stating the reason for the appeal, and (5) a copy of Notice of Violation letters.

On **December 7, 2017**, Animal Control contacted our office stating they received a complaint regarding **fifty-two (52)** cats being kept at 56 Flint Mountain Drive. They inspected the site and saw numerous cats through the window.

In **2003** the County adopted an ordinance limiting the number of cats on property zoned Single Family Residential. Ms. Wiles was sent letters on **December 7, 2017, January 16, 2018, and March 29, 2019** advising her that she was in violation of **Section 25-54.1** of the Augusta County Zoning Ordinance.

Section 25-54.1D "Accessory Uses to Single Family Residences" states: "2. With respect to cats: a. Up to seven (7) cats over the ae of six (6) months, if the single family dwelling is located in a Single Residential Dwelling District (except a Rural Residential District), Multiple Residential Dwelling District, Business District, Industrial District, or Mixed Use District."

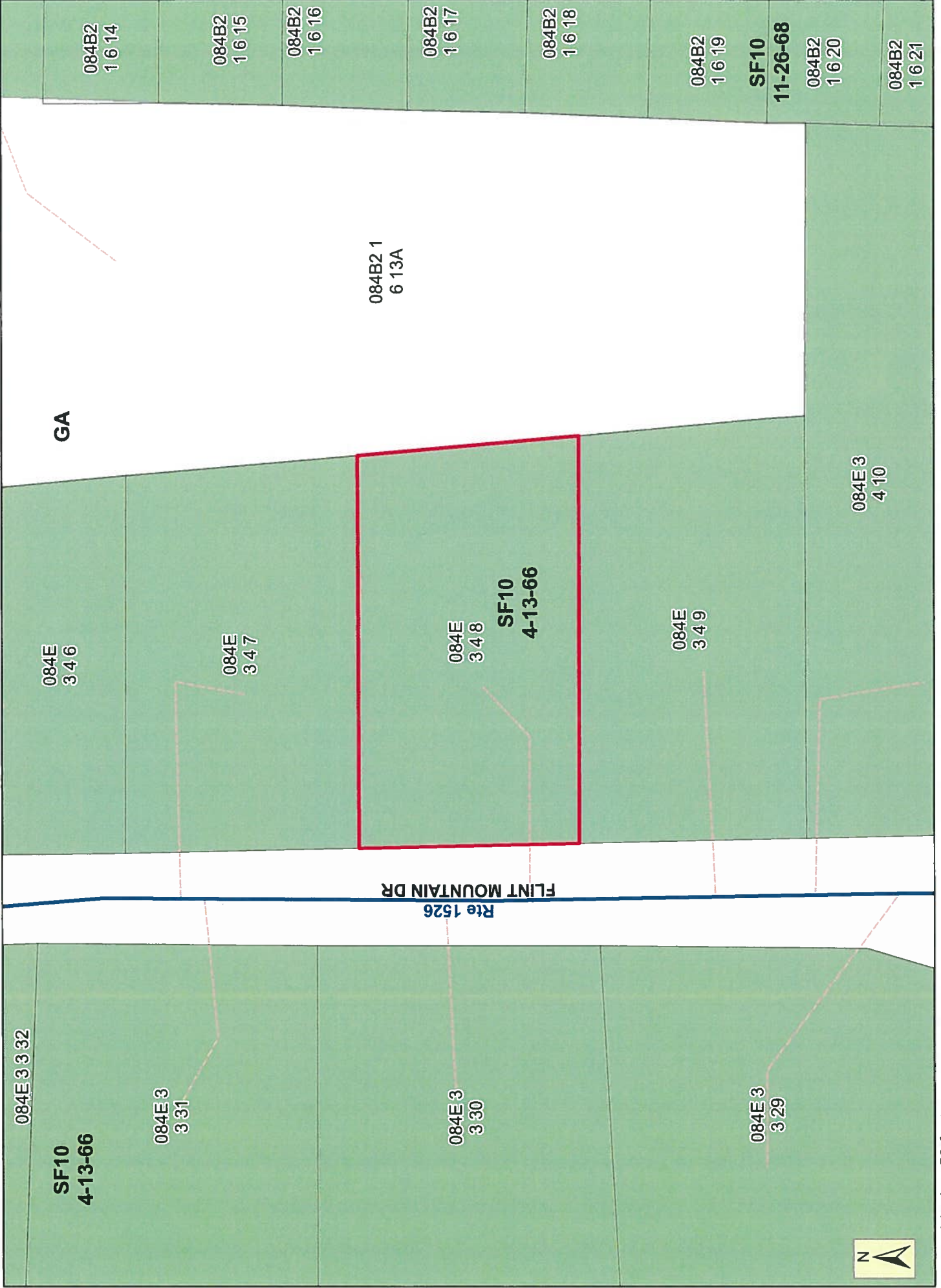
On **February 21, 2018**, our office made an onsite inspection and photographed approximately fifteen (15) cats in the house. Some of the cats were in areas we did not have access to at that time.

Staff has worked with Ms. Wiles to bring the property into compliance; however, she states there are still twenty-three (23) cats on site, and she does not want to reduce the number to the seven (7) allowed in a residentially zoned area.

Ms. Wiles is appealing the Zoning Administrators decision based on the fact she was not aware of the ordinance when the property was purchased in 2010, and she feels the number of indoor cats should not be regulated.



Wiles



1 inch = 50 feet

Wiles



1 inch = 50 feet

Finalized: No

Number: 17-216

Name: Wiles, Curtis G. or Janice E.

Address: 56 Flint Mountain Drive

Complainant: Animal Control/Dwight

Comp Address:

Nature of Complaint: 52 cats

Drainage: No

Location: 56 Flint Mountain Drive

Map: 84E (3) 4

Parcel: 8

Zoning: SF

Taken by: SB

Investigator: GH

Investigated: 12/6/2017

Comments: Dwight from Animal Control inspected the property and saw multiple cats through the window. vt

12/6/17 - Inspected site and took photos. Was able to see a few cats but was unable to verify (52) cats. Vt

12/7/17 - Sent 1st notice to contact office by 12/19/17. Recheck 12/20/17. vt

12/13/17 - Amanda Wiles called (daughter of Curtis Wiles) she visited the house in Sept. and could smell the cat urine from outside. There are more than 52 cats at the site, her stepmother keeps brining in more. The house is toxic. She has called adult protective services. She spoke with animal control. She stated it's so bad the house is full of fleas, cat feces and the smell of urine is a hazard in the house. She lives in CT and doesn't know who else to contact. Gave her the number for the sheriff's office and told her to recontact adult protective services.vt

12/15/17 - adult protective services is visiting the site today and will give our office an update.

12/18/17 - Received a call from Janice Wiles stating that she only has seven (7) cats on the property and four of them are uner 6 months and will be leaving. She stated that she fosters cats for a rescue operation. Sandy advised her that she can only have seven (7) cats in a residential zoning and she cannot do fosterung for rescue facilities. Sandy requested an on site visit to count the number of cats. She stated she would rather wait until after the holidays. Send follow up 1/2/18

1/2/18 - Inspected site still unable to verify number of cats.vt

1/5/18 - Sent follow up notice, certified and regular mail, to contact office by 1/10/18. Recheck 1/12/18.vt

1/12/18 - Inspected site. Unable to verify number of cats.vt

1/16/18 - Sent 2nd notice, certified and regular mail, to contact office by 1/23/18 to schedule on site inspection. Recheck 1/24/18.vt

1/22/18 - Rec'd a call from Janice Wiles stating that she currently has (10) cats. She has (3) males that will be neutered and placed soon. She requested some additional time. Sandy advised her that the number needed to be reduced and an on-site inspection done as soon as possible to be in compliance. Recheck 3 weeks - 2/12/18.vt

2/12/18 - Janice Wiles called and stated she needed to set up an on site inspection. She also stated her husband gets his pension & social security checks deposited into his own acct she doesn't use his money. Originally she set up for 2/14 but then asked for the following week since her husband gets his pension check on Wednesday (14th) and she needs to get kitty litter and other supplies for her kitties. Scheduled to meet Sandy and Grayson on site 2/21 @ 3:00 pm and to call 1/2 hr before arrival.vt

2/21/18 - Grayson and Sandy inspected the site and photographed at least 15 cats visible. Sandy advised mS. Wiles that the number had to be reduced to 7 in order to be in compliance. She asked for at least 30 days to find homes, Sandy will call and schedule another on site inspection. Recheck 3/22/18.vt

3/26/18 - Called and left message for Ms. Wiles to contact our office for and update and another on site inspection.vt

3/28/18 - Spoke to Ms. Wiles who stated that she did not reduce the number of cats yet but she is in touch with Alley Cat Allies who gave her information on places to take the cats. Sandy told her to give us an update in two (2) weeks. If the cats are still on site she will get a final notice. Recheck 4/16/18.vt

4/11/18 - Rec'd a call from Melissa Woodruff who stated she is trying to help Ms. Wiles find homes for the cats - she stated she has worked with animal rescue groups in Charlottesville. She stated she is an attorney but she is not representing Ms. Wiles locally - She will visit the home and get pictures of the cats she wants to find homes for and will reach out to some of the rescue groups she works with. Sandy advised her that we are willing to work with them and will recheck in 30 days. Recheck 5/14/18.vt

5/15/18 - Left a message for Dian Howe regarding the number of cats on site.vt

5/16/18 Rec'd a call from Dian Howe stating she is involved with a group called Voices for Animals and she has been working with

Ms. Wiles to find homes for her cats. She stated she is removing two cats today and two more in the next 2-3 days. She asked for 30 days to complete the process and reduce the number to 7 - Sandy left a message for Ms. Wiles to contact our office with a number of cats still on site. Recheck 6/18/18.vt

6/19/18 - Sent follow up, certified and regular mail, requesting number of cats update and to contact office by 7/2/18. Recheck 7/3/18.vt

6/29/18 - Melissa Woodruff called and stated they have removed 5 cats. Still actively working with Ms. Wiles. Still has more than 7. They are trying very hard to find homes. Mrs. Wiles need a heart valve replacement and is having surgery the end of July. Asked for additional time. She will call and give us an update in 30 days. Recheck status 7/31/18.vt

8/3/18 - Spoke with Melissa Woodruff who stated that Ms. Wiles has to have heart surgery. They are still trying to help her find homes for the cats they have removed some and they are having a fundraiser event on Saturday. She asked for additional time due to Ms. Wells health issue. Recheck 10/1/18 for update.vt

10/3/18 - Spoke to Melissa woodruff who stated that Janice had surgery on August 17th and she has not been able to come home yet. They started removing as many cats as possible while she is away. They have removed 24 of the 50 cats. 4 more will be going this week. She asked for 60 more days to reduce the number to 7. recheck 12/3/18.vt

11/28/18 - Rec'd a call from Diane Howe stating they have removed 24 cats but are still working on some more, she asked for another 60 days. Recheck 2/1/19.vt

1/11/19 - Rec'd a call from Janice Wiles requesting a copy of the ordinance regarding the number of dogs and cats on property.vt

1/18/19 - Sent Ms. Wiles a copy of section 25.51.1 D.vt

1/29/19 - A representative for Delegate Campbell's office called inquiring why the county has a seven cat limit and if there are any exceptions. Explained the zoning ordinance to him and that there are no exceptions in SFR. He stated she said she has 12 cats.vt

2/1/19 - Dian Howe called and stated according to the copies of the ordinance Sandy sent her, Ms Wiles has had more than seven (7) at this home since before the ordinance changed for cats in residential. Vicki looked up the date for the ordinance change and it was 12/10/03 - the Wiles purchased their home 11/10/10. So Ms Howe was advised the Wiles' are not grandfathered in. they can only have seven (7) adult cats whether they are indoor or outdoor. Ms Howe would not confirm the number of cats that are left - she said they found homes for three (3) more cats earlier this month.

Recheck status 2/28/19.vt

2/28/19 - Called Ms. Howe and left a message asking for a status update.vt

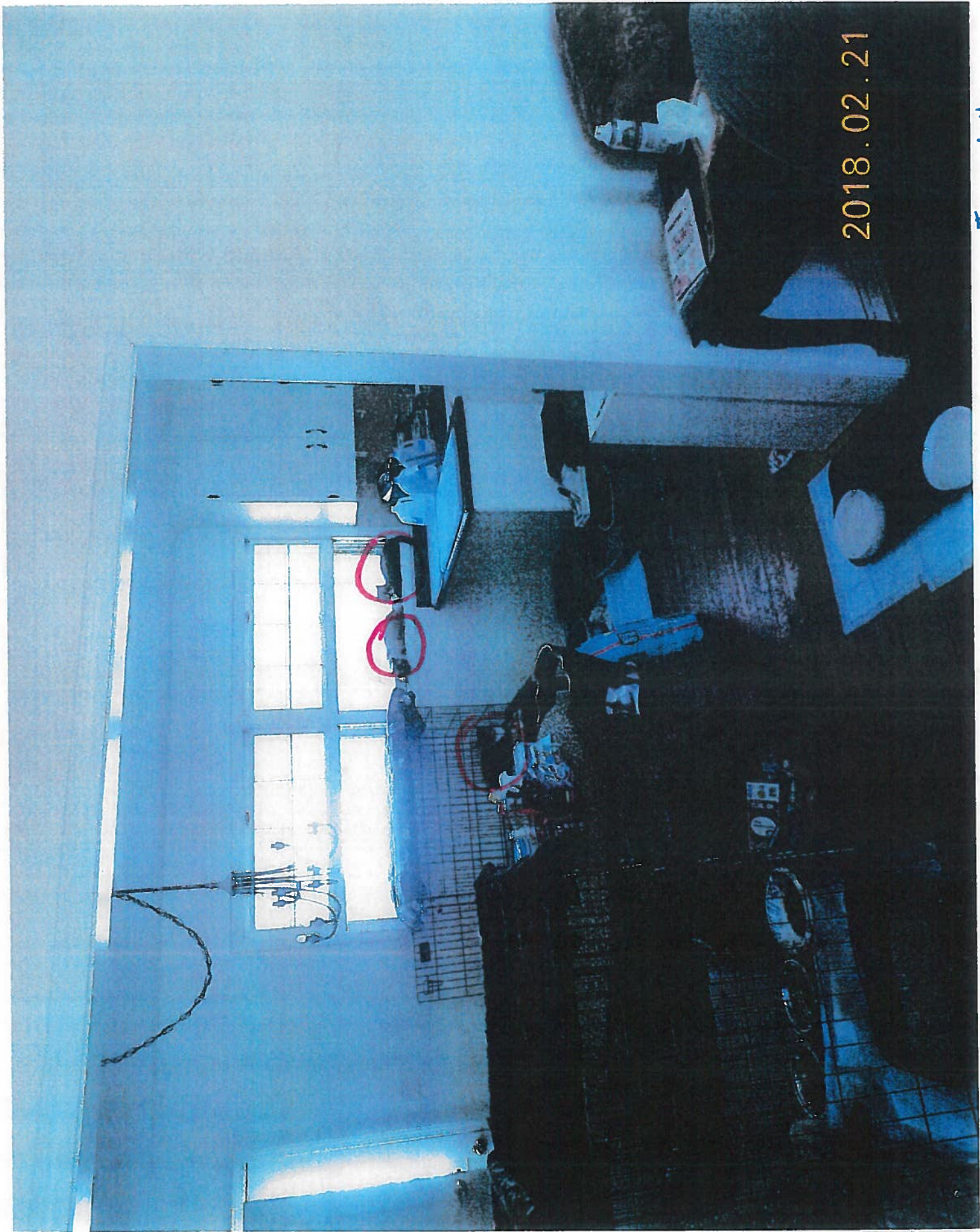
2/28/19 - Rec'd a call from Dian Howe stating that Mr & Mrs Wiles are working with a realtor to sell the property and move to a larger AG property. Sandy explained that it did not resolve the zoning violation at this address. There are still approximately 20 cats - she asked for 30 days to contact Ms. Wiles and her legal counsel. Recheck 3/28/19.vt

3/29/19 - Rec'd a call from Dian Howe stating that Ms. Wiles still has Twenty (20) cats on site.vt

4/1/19 - Sent final notice, certified and regular mail, to contact office by 4/10/19. Recheck status 4/11/19.vt

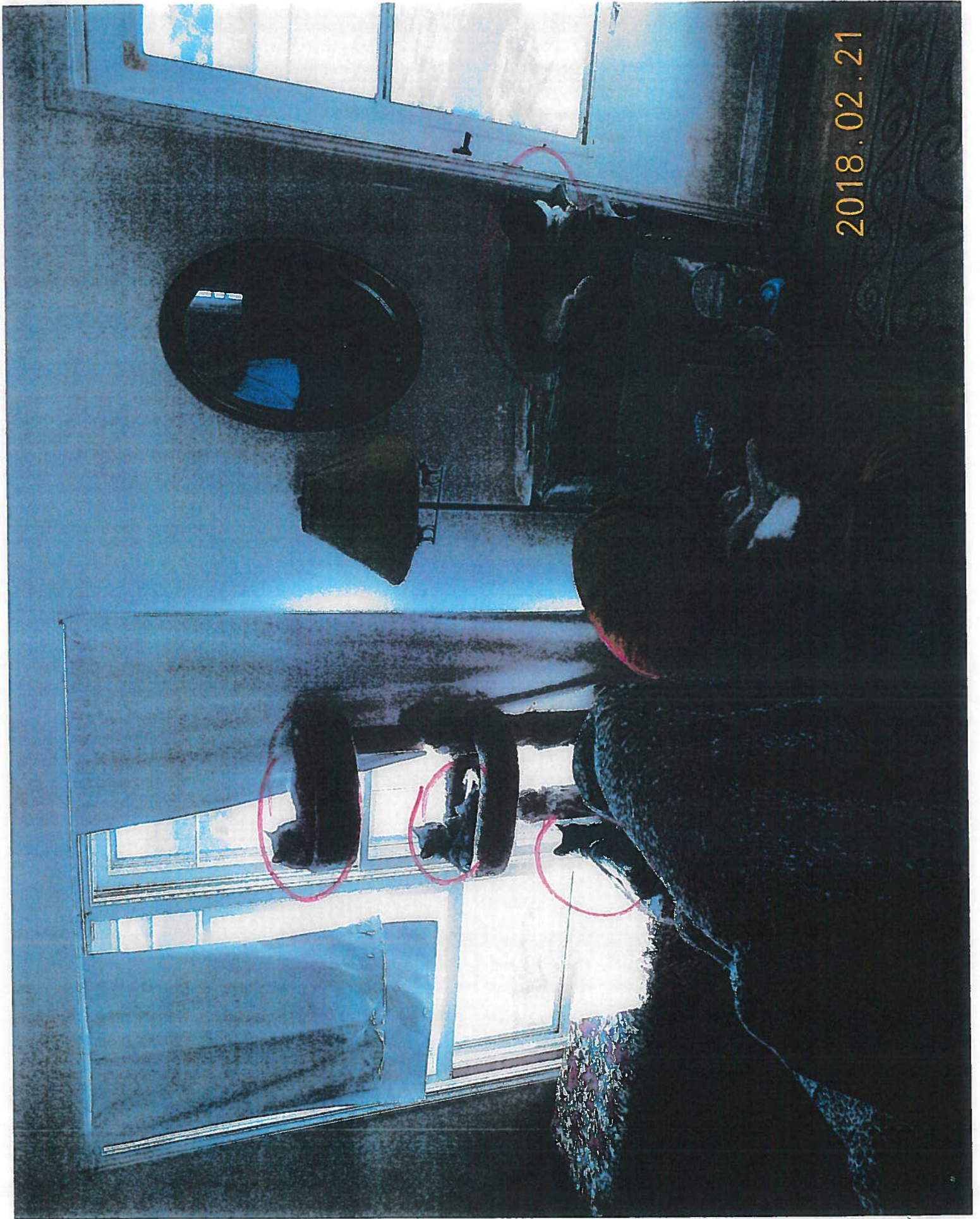
4/11/19 - Rec'd a call from Janice Wiles stating that she wants to appeal my decision regarding the number of cats on the property. Recheck for appeal 4/30/19.vt

4/30/19 - Ms, Wiles came to the counter to file an appeal. She stated that she still has 23 cats on site and wants to keep them.



2018.02.21

Taxi 1 13100



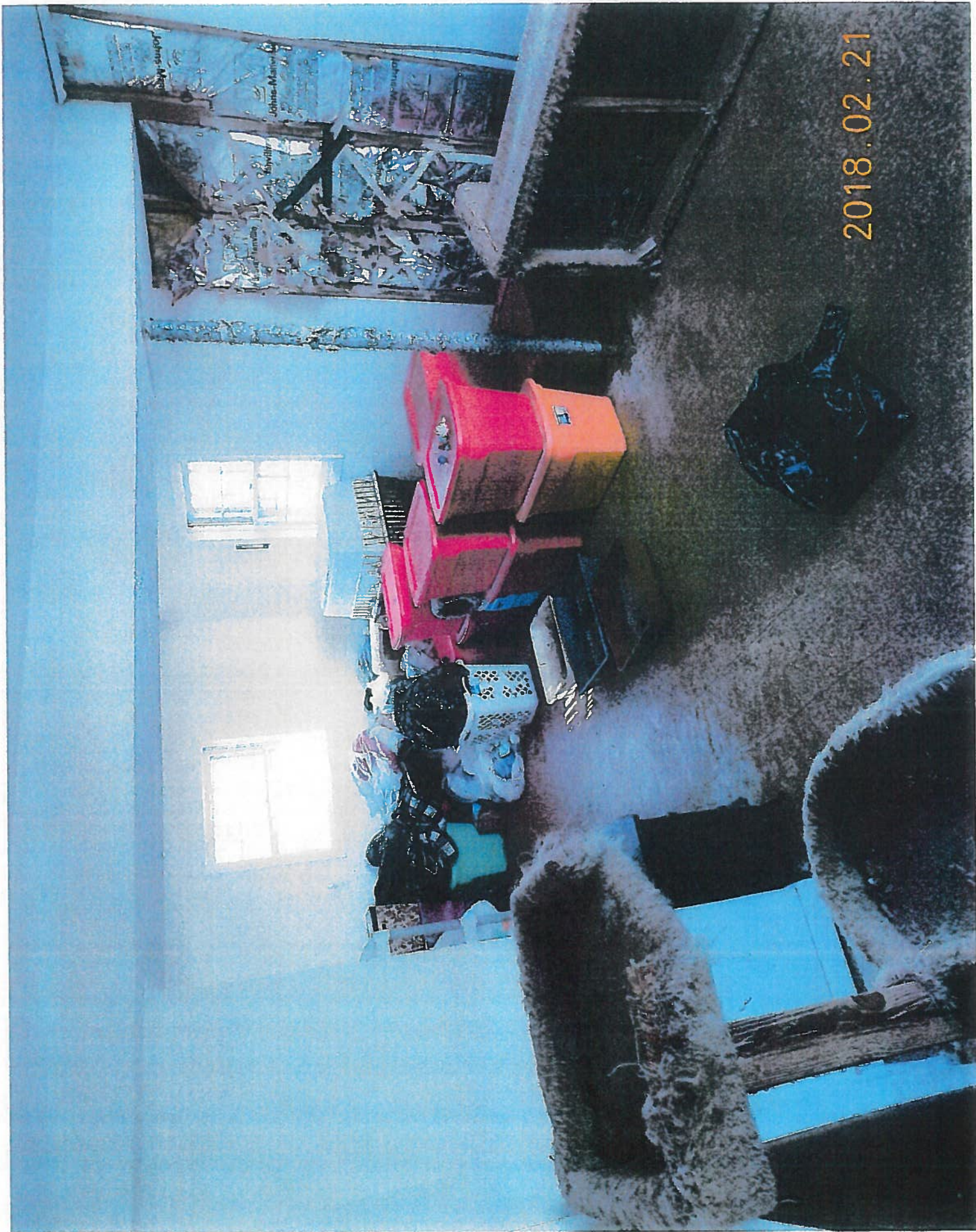
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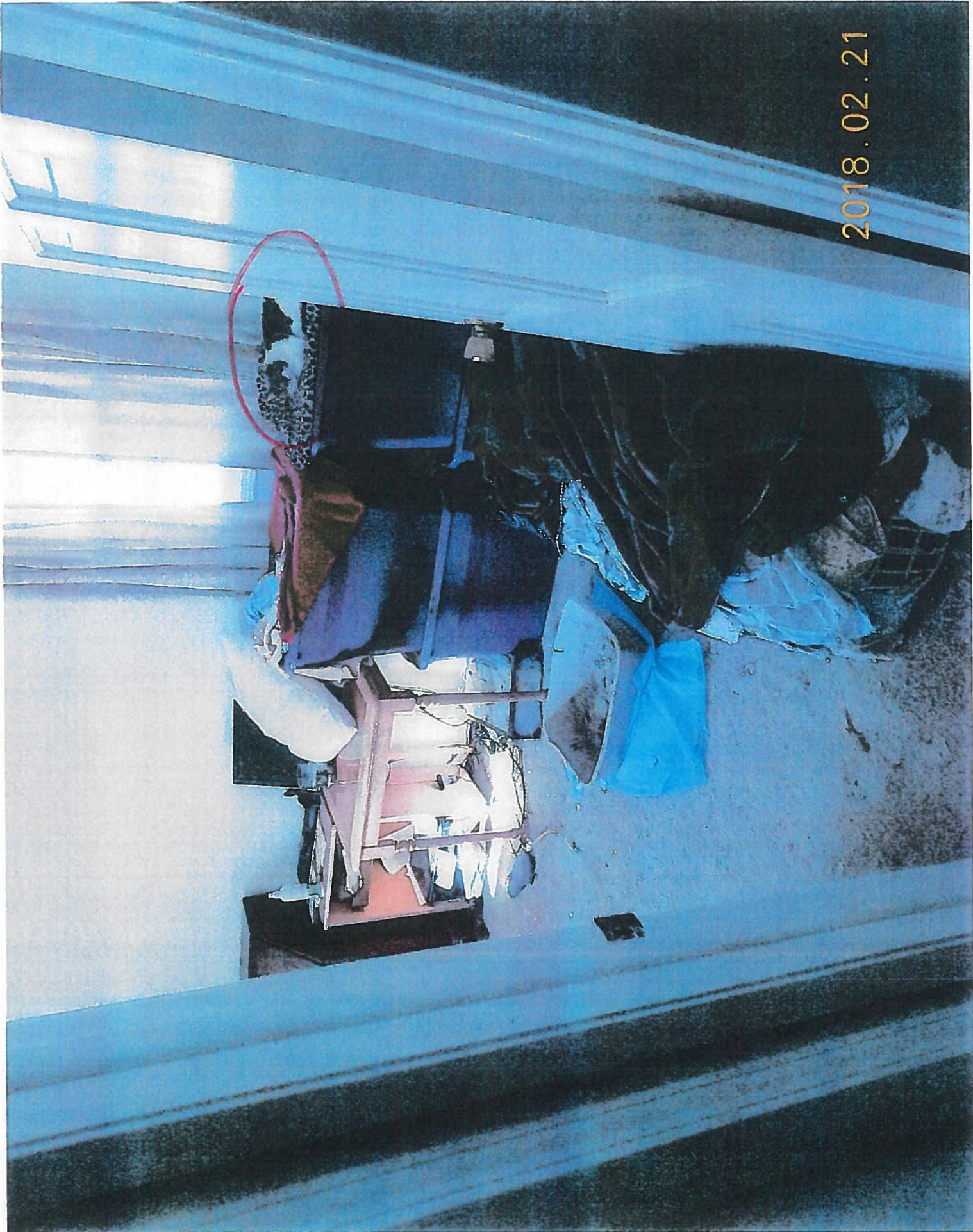


2018.02.21



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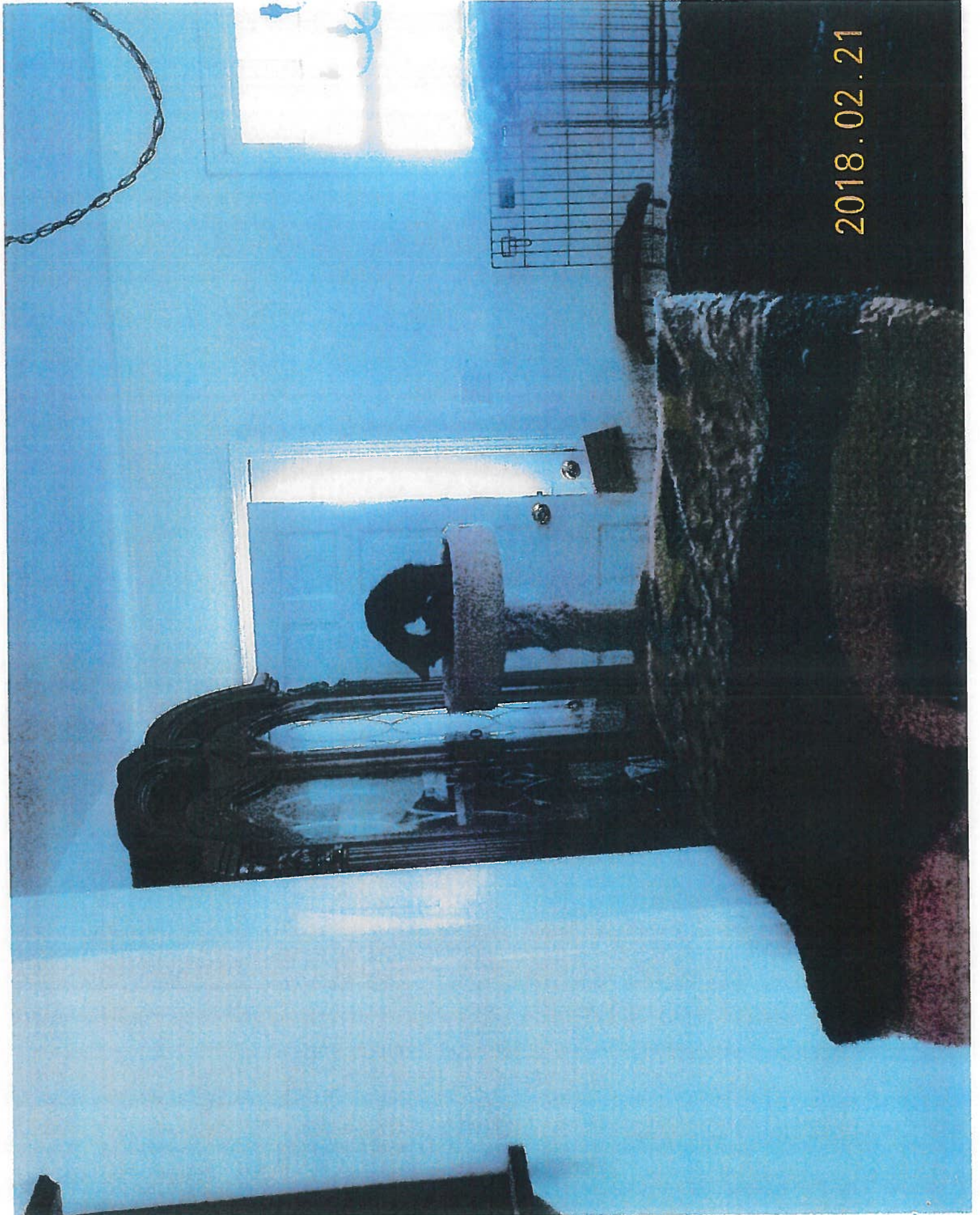




2018.02.21



2018.02.21



2018.02.21



2018.02.12

Christy Miller

§ 25-54.1. Uses accessory to single-family residences.

The following uses are permitted in any zoning district when accessory to a single-family dwelling:

A. An on-site construction storage trailer for a single dwelling under construction provided it is placed on site no more than thirty (30) days before the building permit and is removed within sixty (60) days of completion of the construction or active construction has been stopped.

B. Off-site construction storage trailers and construction office trailers for more than one (1) dwelling in a single-family residential subdivision, provided:

1. At the time of placement, there is no occupied dwelling on a lot adjoining, behind or across the street from the lot on which the trailer is placed; and

2. The builder has at least one (1) dwelling under construction within the subdivision under an active building permit; and

3. The trailer must be removed within one hundred eighty (180) days after the building permit is issued for the last lot in the subdivision owned by the builder.

C. Storage of personally-owned inoperable motor vehicles, trailers, semi-trailers, race cars, demolition derby or mud bog vehicles, provided:

1. Only one (1) vehicle for every acre shall be permitted and fractions of an acre shall be rounded down. In no case shall more than five (5) be permitted; and

2. Such vehicles must be fully shielded or screened from view; and

3. Gates shall remain closed except when vehicles are being moved to and from the area; and

4. No such vehicles are allowed as accessory uses to a dwelling in residentially zoned areas unless kept within a fully enclosed building.

D. The keeping of dogs and cats, in the following numbers:

1. With respect to dogs, up to four (4) dogs over the age of four (4) months. Dog houses, pens and similar structures are permitted. The keeping of more than four (4) dogs over the age of four (4) months shall in every case be deemed a kennel for which a Special Use Permit is required when allowed by district regulations; and

2. With respect to cats:

a. Up to seven (7) cats over the age of six (6) months, if the single family dwelling is located in a Single Residential Dwelling District (except a Rural Residential District), Multiple Residential Dwelling District, Business District, Industrial District, or Mixed Use District. Cat housing structures are permitted; and

b. Without limitation as to number, if the single family dwelling is located in a Rural Residential District or General Agriculture District. Cat housing structures are permitted.

E. The parking or storage of small cargo or utility trailers, recreation vehicles and similar equipment for personal use, including, but not limited to, boats, boat trailers, motor homes, tent trailers and horse vans, provided that the following requirements are met:

1. Such vehicles or equipment may not be parked or stored on a public street or right-of-way or in front yards except on the driveway; and

2. Such vehicles and equipment shall not be used for living, housekeeping or business purposes when parked or stored on a lot subject to the requirements of the Virginia Uniform Statewide Building Code (USBC); and

3. Wheels or other transporting devices shall not be removed except for necessary repairs or seasonal storage.

F. Recreation facilities such as swimming pools, tennis courts, basketball courts, gymnasiums, gazebos, skateboard ramps, private boat docks, piers or boathouses, provided the use of such facilities shall be limited to the occupants of the premises and guests for whom no admission or membership fees are charged, and/or no donations accepted. Such facilities shall not be larger than the dwelling unless otherwise provided in this chapter.

G. Television and radio antennae and support structures, satellite dishes and amateur radio broadcasting and receiving antennae and support structures, including guy anchors, subject to the height requirements of the district, unless exempted by federal or state law or the provisions of § 25-15 of this chapter.

H. Carports, garages, utility sheds and similar storage facilities customarily associated with residential living, but only after a building permit for the residence has been issued. Such facilities shall not be larger than the maximum permitted by the district regulations provided in this chapter. All of these structures count towards the total square footage for accessory buildings. No shipping containers, trailers, manufactured or mobile homes, vehicle bodies or similar containers shall be used for any of these purposes, except in General Agriculture zoned areas where they must meet district regulations.

I. Child's playhouse, without plumbing, and outdoor gymnastic play equipment associated with an occupied residence.

J. Yard or garage sales subject to the following provisions:

TO: County of Augusta Department of Community Development

Please find as follows my explanation of disagreement of your zoning rule violation.

When my husband and I purchased our home in 2010, through a realtor, we were never told we could not own more than seven cats. Our realtor saw that we had four rescue cats of our own from Connecticut where we used to live as we rented one of his rental homes in Staunton while looking for another home and he did not mention any cat regulations. We had no idea that there was a limit to how many cats one could own as neither of us have ever lived in a subdivision environment before.

When animal control showed up at my door, I was very surprised and also very hurt to think that someone would complain about the number of cats I had.

Nonetheless, I worked with the Voices for Animal rescue organization from Charlottesville to help find very good homes for the majority of my cats and to keep them out of the local, overcrowded shelter environment.

My remaining cats are indoor cats (and not free roaming outdoor cats which are prevalent in this neighborhood) and have ALL been previously spayed/neutered and vaccinated. They are all receiving excellent care and attention. Most of them are several years old and some have health issues which will make them difficult to or even impossible to adopt out of the local shelter.

I believe they should all be allowed to live their remaining years in my care. Again, because of their age and health issues, they are not likely to be adopted and would be needlessly euthanized at the local shelter.

Please allow my remaining cats to continue living out their lives with me. I understand the regulation and have not and will not take in any additional cats.

Sincerely,


Janice Wiles



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



19-331

April 1, 2019

**FINAL NOTICE
CERTIFIED LETTER**

Curtis G. or Janice E. Wiles
56 Flint Mountain Drive
Stuarts Draft, VA 24477

Dear Mr. or Mrs. Wiles:

This letter is in reference to property you own 56 Flint Mountain Drive. This property is more specifically identified on Augusta County real estate map 84E (3) 4 as parcel 8, and is presently zoned Single Family Residential.

The Community Development Department notified you on December 7, 2017, January 5, 2018, January 16, 2018 and again on June 19, 2018 about a complaint regarding more than seven (7) Cats being kept at this location.

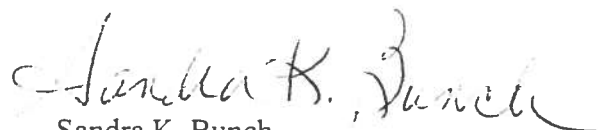
Section 25-54D of the Augusta County Zoning Ordinance **restricts the number of cats over the age of six months to no more than seven (7)** in Single Residential zoned districts.

The Augusta County Community Development Department has been patient in working with you to correct this violation for a reasonable length of time; however, the property remains in violation. The Department is requesting that you **correct this violation with one of the following options:**

1. Remove all but **seven (7)** cats from this site and not bring other cats onto this property.
2. Appeal this decision of the Zoning Administrator to the Board of Zoning Appeals in accordance with Virginia Code §15.2-2311. If you decide to appeal this decision, you must file your appeal within thirty (30) days of the date of this letter. The decision shall be final and un-appealable if not appealed within thirty days. There is a \$100.00 appeal fee and a written justification, listing the reasons for the appeal, must be submitted to this office.

With this letter, the Community Development Department is requesting that **you correct this violation and bring your property into compliance by Wednesday, April 10, 2019.** This **FINAL NOTICE** is being sent Regular and Certified Mail. If you do not correct this violation and contact our office by the date listed above this matter **will be turned over to the County Attorney to pursue legal action.**

Sincerely,

A handwritten signature in cursive script that reads "Sandra K. Bunch". The signature is written in black ink and is positioned above the printed name and title.

Sandra K. Bunch
Zoning Administrator

SKB/vt



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



19-83

January 18, 2019

CERTIFIED LETTER

Janice E. Wiles
56 Flint Mountain Drive
Stuarts Draft, VA 24477

Dear Mrs. Wiles:

Attached please find a copy of **Section 25-54.1D Accessory Uses to Single Family Residences** you requested regarding the number of dogs and cats permitted on property in Augusta County.

If you have any further questions please do not hesitate to contact our office.

Sincerely,

Sandra K. Bunch
Zoning Administrator

Sandy Bunch

From: Sandy Bunch
Sent: Monday, November 26, 2018 11:04 AM
To: 'Melissa Woodruff'
Subject: RE: Check in re Wiles house

Thank you so much for all your help with this matter. If I do not hear from Ms. Howe this week, I will send Ms. Wiles a follow up letter.

Thanks Again,

Sandy

From: Melissa Woodruff [mailto:melissarosewoodruff@yahoo.com]
Sent: Monday, November 26, 2018 10:40 AM
To: Sandy Bunch <sbunch@co.augusta.va.us>
Subject: Check in re Wiles house

Hi, Sandy,

When you and I spoke on October 3 about our progress rehoming cats at the Wiles home, you asked that we check in again in late November. Since that conversation, I have stopped working on the project and am no longer working with the cat rescue group that was involved. I have remained a little bit in contact with Janice and Curt Wiles, though, and will continue to support them as I'm able. I do not know of the status of any ongoing work to remove cats, though.

I have provided your phone number to Dian Howe and let her know that you are due for a check-in. I assume she will be in contact with you this week. I will also send a text message to Ms. Wiles letting her know that someone needs to check in soon.

Thank you, again, for working with us on this situation. Please let me know if there's anything I can do to assist you.

Best regards,
Melissa Woodruff
(434) 409-6548



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



18-679

June 19, 2018

CERTIFIED LETTER

Curtis G. or Janice E. Wiles
56 Flint Mountain Drive
Stuarts Draft, VA 24477

Dear Mr. or Mrs. Wiles:

This letter is in reference to property you own on 56 Flint Mountain Road. This property is more specifically identified on Augusta County real estate map 84E (3) 4 as parcel 8, and is presently zoned Single Family Residential.

On May 16, 2018, the Community Development Department received a call from Dian Howe stating she was with 'Voice for Animals', and she was helping you reduce the number of adult cats on your property to seven (7), she asked for thirty (30) days to complete the process. Our office would like to thank you for your efforts to correct the violation.

With this letter, the Community Development Department is requesting that you contact this office by **Monday, July 2, 2018**, to update our office on the current number of cats on the property. Thank you in advance for your cooperation.

Sincerely,


Sandra K. Bunch
Zoning Administrator

SKB/vt

Sandy Bunch

From: Sandy Bunch
Sent: Tuesday, May 15, 2018 11:37 AM
To: 'Melissa Woodruff'
Cc: Dian Howe
Subject: RE: Janice Wiles Authorization Letter

Thanks for the update. I left a message for Dian to give me a call with an update on the number of cats remaining at Ms. Wiles. She is due for a recheck, but if the number has not been reduced to seven (7) there is no need for our inspector to visit the property. Thank you for all the help with this situation.

Sandra K. Bunch
Zoning Administrator
County of Augusta

From: Melissa Woodruff [mailto:melissarosewoodruff@yahoo.com]
Sent: Tuesday, May 08, 2018 9:34 AM
To: Sandy Bunch <sbunch@co.augusta.va.us>
Cc: Dian Howe <dian1021@hotmail.com>
Subject: Re: Janice Wiles Authorization Letter

Hello, Ms. Bunch,

I wanted to check in with you regarding Janice Wiles and give you an update as I know we are due for a check-in this week. I also wanted to give you an update on my involvement and a new point of contact (explanation below).

As I mentioned to you when we spoke on April 11, I am an attorney and was initially asked to speak with Janice (by an acquaintance I met through my work with a local animal rescue group) because of my legal experience. However, I have no experience in this area, and therefore cannot act as Janice's attorney. (I'm a corporate/contracts attorney, which is very, very different!) Although I believe this was made clear to everyone initially, I have been advised by colleagues that I needed to clarify with Janice and with you that I am not acting as her attorney. I am only involved in this matter as a volunteer for an animal rescue organization and a community member with a personal interest in trying to help out with what appears to be a difficult situation for everyone involved. Frankly, I have come to really like Janice over the past weeks and now consider her a friend as well. Due to the potential for confusion and professional conflict here, though, I have been advised that I should not be the person speaking with you or other government officials in regards to your investigation or Janice's efforts to rehome some cats. Please be assured that, so long as there is no confusion regarding the capacity in which I am acting, I will continue to work with Janice to rehome cats and give her support (and a gentle nudge, when needed) throughout this process.

The acquaintance I mentioned above is Dian Howe. She has been involved in cat rescue for many years and she and I have been working together to help Janice find new homes for some cats. If you are willing and able, Dian would be willing to speak with you regarding our work with Janice over the past few weeks since you and I last spoke. She will be able to give you an update on our progress since then. She is copied here on this email and her phone number is (540) 836-8135. Could you let us know if you would be willing to speak with Dian this week (in addition to or in lieu of your scheduled check-in with Janice)?

Please feel free to reach out to me if you would like to clarify anything above. Janice, Dian and I appreciate your assistance on this and your willingness to give Janice some time to rehome the cats.

Best regards,
Melissa Woodruff
melissarosewoodruff@yahoo.com
(434) 409-6548

On Wednesday, April 11, 2018, 8:50:47 AM EDT, Melissa Woodruff <melissarosewoodruff@yahoo.com> wrote:

Hello, Ms. Bunch,

I am reach out to you in regards to your communications with Janice Wiles, who owns property at 56 Flint Mountain Drive, Stuarts Draft, VA 24477. I have recently become acquainted with Ms. Wiles through a mutual friend and am trying to help her. Would you be willing to speak with me sometime today in lieu of or in addition to your planned conversation with her? Please see the attached letter from Ms. Wiles authorizing you to speak with me.

I hope we can connect sometime today and I look forward to speaking with you.

Best regards,
Melissa Woodruff
434-409-6548

Janice Wiles
56 Flint Mountain Drive
Stuarts Draft, VA 24477

April 9, 2018

Augusta County Zoning Office
Augusta County Animal Control
Augusta County Government
18 Government Center Lane
Verona, VA 24482

Re: Authorization to Speak to Representative

To Whom It May Concern:

This letter is to inform any individual within Augusta County Zoning Office, Augusta County Animal Control, and/or any other office or division within Augusta County Government that you are hereby authorized to speak with Melissa Woodruff regarding my real property or home located at 56 Flint Mountain Drive, Stuarts Draft, VA, including without limitation any alleged violation of any county zoning ordinance relating to my property.

This authorization is valid indefinitely until revoked by me.

If you have any questions or need to verify the foregoing authorization, please feel free to contact me at (860) 800-4372.

Sincerely,


Janice Wiles



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



18-55

January 16, 2018

**SECOND NOTICE
CERTIFIED LETTER**

Curtis G. or Janice E. Wiles
56 Flint Mountain Drive
Stuarts Draft, VA 24477

Dear Mr. or Mrs. Wiles:

This letter is in reference to property you own on 56 Flint Mountain Drive. This property is more specifically identified on Augusta County real estate map 84E (3) 4, as parcel 8, and is presently zoned Single Family Residential.

The Community Development Department notified you on December 7, 2017 and again on January 3, 2018, about a complaint regarding more than seven (7) Cats being kept at this location. Mrs. Wiles stated the Community Development department may conduct an on-site inspection to verify the number of cats after the holidays. As of this date you have not contacted our office to arrange the inspection.

Section 25-54D of the Augusta County Zoning Ordinance **restricts the number of cats over the age of six months to no more than seven (7) in Single Residential zoned districts.**

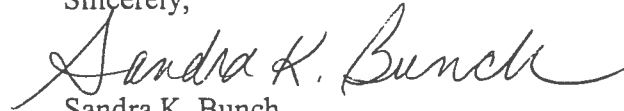
The Augusta County Community Development Department is requesting that you take care of this violation with one of the following options:

1. Remove all but **seven (7) cats** from this site and not bring other cats onto this property.
2. Contact our office by Tuesday, January 23, 2018 to schedule an on-site inspection.
3. Appeal this decision of the Zoning Administrator to the Board of Zoning Appeals in accordance with Virginia Code §15.2-2311. If you decide to appeal this decision, you must file your appeal within thirty (30) days of the date of this letter. The decision shall be final and un-appealable if not appealed within thirty

days. There is a \$100.00 appeal fee and a written justification, listing the reasons for the appeal, must be submitted to this office.

With this letter, the Community Development Department is requesting that you contact this office by **Tuesday, January 23, 2018**, to discuss your options on how to correct this violation.

Sincerely,

A handwritten signature in cursive script that reads "Sandra K. Bunch". The signature is written in black ink and is positioned above the printed name and title.

Sandra K. Bunch
Zoning Administrator

SKB/vt



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



18-9

January 3, 2018

CERTIFIED LETTER

Curtis G. or Janice E. Wiles
56 Flint Mountain Drive
Stuarts Draft, VA 24477

Dear Mr. or Mrs. Wiles:

This letter is in reference to property you own at 56 Flint Mountain Drive. This property is more specifically identified on Augusta County real estate map 84E (3) 4 as parcel 8, and is presently zoned Single Family Residential.

On December 18, 2017, Mrs. Wiles contacted our office and stated that there are only seven (7) cats on site. She further stated the Community Development Department may conduct an on-site visit to verify the number of cats after the holidays.

With this letter, the Community Development Department is requesting that you contact this office by **Wednesday, January 10, 2018**, to schedule the date and time for the on-site visit.

Sincerely,


Sandra K. Bunch
Zoning Administrator

SKB/vt



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



17-1396

December 7, 2017

FIRST NOTICE OF VIOLATION

Curtis G. or Janice E. Wiles
56 Flint Mountain Drive
Stuarts Draft, VA 24477

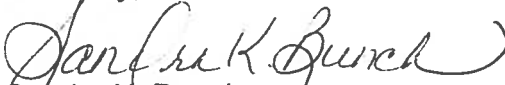
Dear Mr. or Mrs. Wiles:

This letter is in reference to property you own at 56 Flint Mountain Drive. This property is more specifically identified on Augusta County real estate map 84E (3) 4 as parcel 8, and is presently zoned Single Family Residential.

The Community Development Department received a complaint regarding more than seven (7) Cats being kept at this location. Section 25-54D of the Augusta County Zoning Ordinance restricts the number of cats over the age of six months to **no more than seven (7)** in Single Family Residential zoned districts.

With this letter, the Community Development Department is requesting that you contact this office by **Tuesday, December 19, 2017**, to discuss your options on how to correct this zoning violation.

Sincerely,


Sandra K. Bunch
Zoning Administrator

SKB/vt

TABLED

Agenda Item # 4A

Date 6/6/19

PROPERTY OWNER:

Spottswood Farms, LLC

APPLICANT:

John Wilkinson, agent for Appalachian Aggregates

LOCATION OF PROPERTY:

On the east side of Interstate 81 in the Riverheads District

SIZE OF PROPERTY:

86.374 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

04/64 – SUP approved for rock quarry

12/95 – Zoned General Agriculture

05/97 – SUP to construct a 199' cell tower

05/00 – SUP approved for co-location

07/00 – SUP approved to transfer ownership of tower

01/01 – SUP to replace antenna and equipment cabinet

07/03 – SUP to have a quarry and manufacture crushed stone

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

None

APPLICANT'S JUSTIFICATION:

To reopen a closed quarry operation and manufacture crushed stone in conjunction with the Interstate 81 widening

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code for any new work.

HEALTH DEPARTMENT'S COMMENTS:

Before the quarry is put into operation bathroom facilities will be needed for the employees. The applicant is advised to seek the services of a private onsite soil evaluator for drainfield design.

HIGHWAY DEPARTMENT'S COMMENTS:

Access is provided to the property by a gravel surfaced frontage road (F-213). The potential traffic generation from a quarry operation could significantly affect the condition of the existing gravel road. Additionally, the intersection of F-213 and Spottswood Road (Rt. 620) meets stopping sight distance, but not intersection sight distance. VDOT has significant concerns pertaining to the scope of the operation and the potential traffic generation. I am willing to meet with the County staff and applicant to clarify the scope if desired.

5/21/19 HIGHWAY DEPARTMENT'S COMMENTS:

My understanding, after speaking with folks tied to the I-81 improvements more closely than me, is that there are no foreseeable improvements to the interstate proposed adjacent to the quarry. If a work zone was adjacent to the frontage road, there is a chance that a direct connection could be allowed as part of the contract. However, VDOT would not support a temporary access directly into interstate traffic outside of existing ramps (limited access breaks).

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Mining exempt from Erosion and Sediment Control and Stormwater as long as they have a permit from DMME.

SECTION 25-74D - USES AWAY FROM DEVELOPED AREAS

The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use.

The property is surrounded by General Agriculture zoned property. There are no dwellings within close proximity.

Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads

Access to the site is by Frontage Road F213, which is gravel, heavy trucks on a narrow road may not be compatible and be a safety concern.

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

The 86.374 acre property should adequately and safely accommodate all traffic to and from the highway.

The business shall have direct access to a state maintained road.

The property has access to Spottswood Road, which is a state maintained road.

The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone.

The quarry is existing

All buildings, structures, and operations will be set back at least two hundred feet (200') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.

The applicants submitted a site plan with a two hundred foot (200') setback. They are requesting a Variance to locate within one hundred feet (100') of the interstate and the property line east of the interstate.

STAFF RECOMMENDATIONS

The Board granted a Special Use Permit to reopen the existing quarry in 2003. The permit was issued non-transferrable to Pounding Mill Quarry Corporation. The main purpose of the reopening was to provide aggregate for use in the widening of Interstate 81. Plans for the project were never approved and the mining operation was never started. Pounding Mill Quarry Corporation recently sold to Appalachian Aggregate, LLC, and they are now requesting the permit in their name. The applicant states construction plans are nearing approval and the Interstate 81 project should be starting soon.

Staff is concerned the neighboring properties may be impacted by heavy truck traffic, noise, lights, dust, odor, fumes and vibration, and visual impacts from the quarry operation. However, if the Board desires to approve the request Staff would recommend the following operating 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. Mining to be limited to Areas B and C as shown on site plan.
2. No operation or structures be located within two hundred foot (200') from all property lines as shown on the site plan.
3. Applicant will install a sewage treatment system approved by the Health Department prior to operation.
4. A berm to be constructed and pine trees planted to screen quarry operation from Interstate 81. Berm to be installed and pine trees planted within six (6) months of commencement of mining operations.

5. The mining operation should be set up in 15 plus acre phases and shown on the site plan prior to commencement of mining operations.
6. Reclamation plan be submitted to the Board.
7. Each phase must be reclaimed as soon as possible, but not later than six (6) months after a new phase has been commenced.
8. Hours of operation be Monday-Friday, 7:00 a.m. to 6:00 p.m. and Saturday, 7:00 a.m. to 12:00 Noon, and during daylight savings time Monday-Saturday, 7:00 a.m. to 9:00 p.m., no Sunday operation.
9. All local, state and federal regulations must be complied with.
10. Debris, including residue rock and stone and other waste material stored on the property must have originated from the property and not brought in from other sites.
11. Survey of contours and intervals shall be submitted upon the request of the Board.
12. Whenever the applicant amends the permit with the Department of Mines, Minerals, and Energy, they must notify the Community Development Department.
13. Permit be issued for five (5) years and renewed if all stipulations are met.
14. Pre-blast survey to be completed (check to determine condition of well and residences) prior to mining in each area.
15. Mining to start no sooner than six (6) or seven (7) months prior to start of the expansion and widening of I-81.
16. Term of use will be limited to the period of the need for aggregate for construction of I-81 and for disposal of any remaining aggregate excavated on site prior to completion of construction, subject to review and renewal requirements.
17. Dust to be suppressed by water on site and recirculated; water truck to be on site at all times to maintain any site and road dust not equipment related.
18. Blasting to be small "shots"; no more than three (3) times per week.
19. Plant to be portable; five (5) to seven (7) individuals to operate plant.
20. Quarry/mining to have minimal effect on livestock.

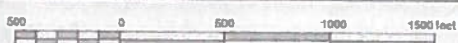


10/11/03
 10/11/03
 10/11/03

Legend	
Property Boundary Offset	
Proposed Lease Boundary	
Water	

- Area A (New Disturbed Area)
- Area B (Possible Future Excavation)
- Area C Abandoned Sewerline Quarry (Existing Water-Filled Disturbed Area)

Tax Map Section	Owner
1B	Hampton E. Pender Janet Gay F. Pender
31	Ralph G. Pender
77	Ellie Wilson Pender Thomas D. Pender
77B	Hampton Eugene Pender Janet Gay F. Pender
77C	Elaine J. Harvey
77D	Leah Parks Malone
84	Regina H. Kesterson, et al.
86	James Thomas Pender Rachel Kay Pender
86A	Harold G. Pender Christina U. Pender
86B	Kathy R. Pender
90	Regina H. Kesterson, et al.
89	Carlyssa McClure (All Other Disturbed Property)
89A	Leah Parks Malone
90A	Regina H. Kesterson, et al.



Tax Map Section 88
 Riverhonda District
 Augusta County, Virginia
 February, 2003 Scale: 1"=500'

TABLED

Agenda Item # 4B
Date 6/6/19

PROPERTY OWNER:

Spottswood Farms, LLC

APPLICANT:

John Wilkinson, agent for Appalachian Aggregates

LOCATION OF PROPERTY:

On the east side of Interstate 81 in the Riverheads District

SIZE OF PROPERTY:

86.374 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

04/64 – SUP approved for rock quarry

12/95 – Zoned General Agriculture

05/97 – SUP to construct a 199' cell tower

05/00 – SUP approved for co-location

07/00 – SUP approved to transfer ownership of tower

01/01 – SUP to replace antenna and equipment cabinet

07/03 – SUP to have a quarry and manufacture crushed stone

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

None

APPLICANT'S JUSTIFICATION:

Variance from the required setback for a mining operation

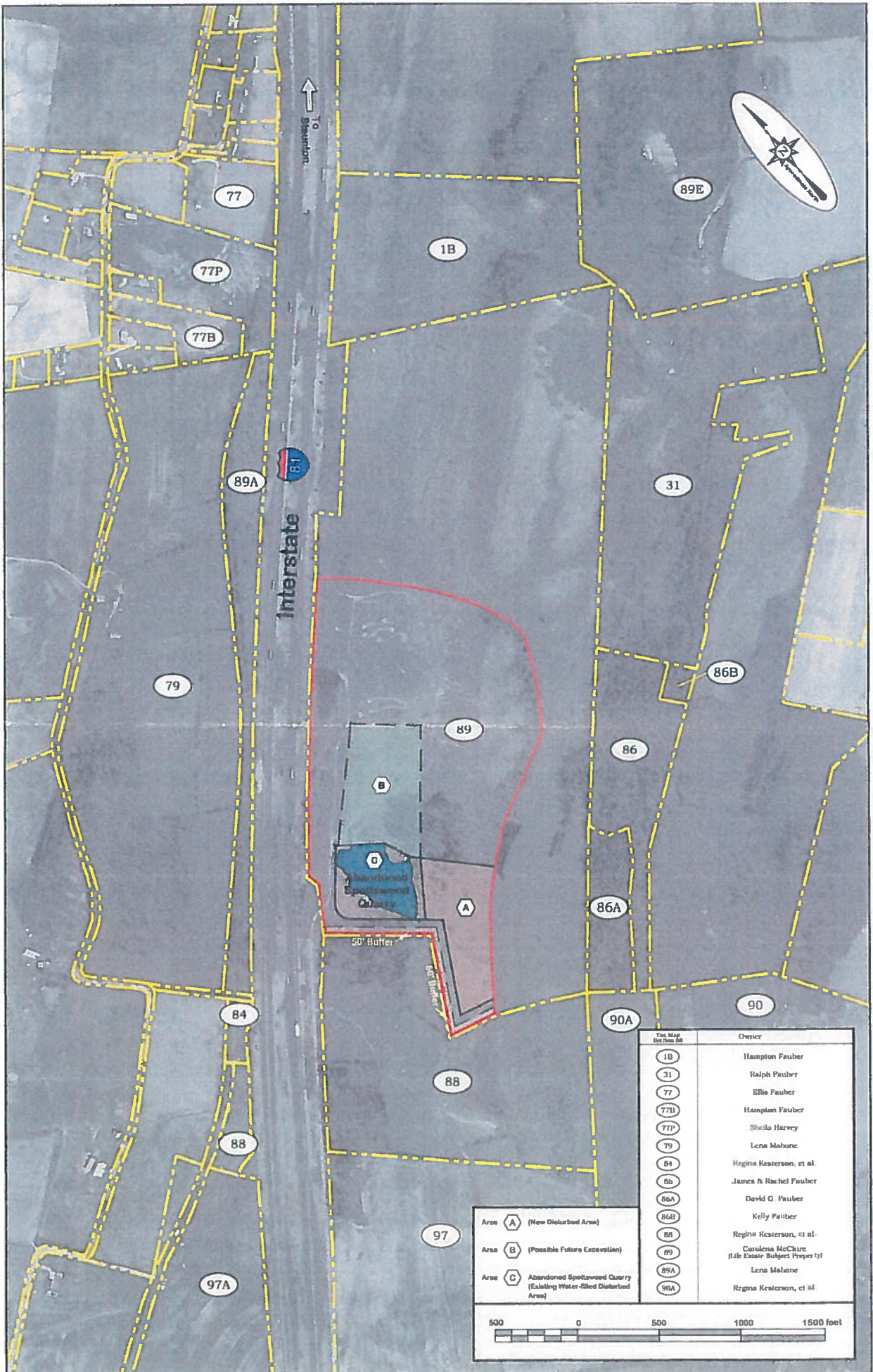
STAFF RECOMMENDATIONS

The applicants are requesting a Variance from the required two hundred foot (200') setback from all property lines for mining operations. A Special Use Permit was issued in 2003 to reopen the existing quarry and at that time the Ordinance had a one hundred foot (100') setback requirement for mining operations. The applicants would like to be allowed to operate within one hundred feet (100') of the property line adjacent to Interstate 81, and the property line to the East of Interstate 81 as permitted on the previous Special Use Permit. The applicants would like to utilize the existing exposed rock within the two hundred foot (200') setback.

Section 15.2-2201 of the Code of Virginia **defines** Variance "In the application of a Zoning Ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the Ordinance would unreasonably restrict the utilization of the property, and such need for a Variance would not be shared generally by other properties, and provided such Variance is not contrary to the purpose of the Ordinance. It shall not include a change in use which change shall be accomplished by a rezoning or by a confidential zoning."

The two hundred foot (200') setback only applies to mining operations. The two hundred foot (200') setback is intended to help protect life and property for these types of businesses.

No specific hardship as defined by the State has been identified other than the use would not be generally shared by other properties. The fact that existing exposed rock cannot be mined does not prohibit or unreasonably restrict the utilization of this property. Therefore, Staff could not support approval of the Variance request.



- Area **A** (New Disturbed Area)
- Area **B** (Possible Future Excavation)
- Area **C** Abandoned Spillwood Quarry (Existing Water-Filled Disturbed Area)

Parcel ID	Owner
1B	Hampton Fauber
31	Ralph Fauber
77	Ellis Fauber
77B	Hampton Fauber
77P	Sheila Harvey
79	Lena Malone
84	Regina Kesterson, et al.
86	James & Rachel Fauber
86A	David G. Fauber
86B	Kelly Fauber
88	Regina Kesterson, et al.
89	Catherine McClare (Life Estate Subject Property)
89A	Lena Malone
89E	Regina Kesterson, et al.

