

May 2, 2019

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 2, 2019 at 8:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:30 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.

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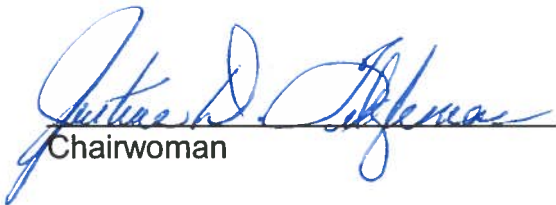
**VIEWINGS**

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

- RACHEL PROPST OR THOMAS ESTEP - SPECIAL USE PERMIT
- HUNTER L. BIGGS - SPECIAL USE PERMIT
- TIM GROVE, AGENT FOR HOUFF CORPORATION - SPECIAL USE PERMIT
- MERVIN P. WEAVER, AGENT FOR FIRST BAPTIST CHURCH OF GROTTUES, INC. - SPECIAL USE PERMIT
- ANDREW AND AMANDA WEAVER - SPECIAL USE PERMIT
- GARLAND EUTSLER, AGENT FOR SHEN ACRES HOLDING, LLC - SPECIAL USE PERMIT

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

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 Chairwoman

  
 Secretary

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 James R. Benkahla, County Attorney  
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 2, 2019, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Vice Chairman Coyner moved that the minutes from the April 4, 2019, meeting be approved.

Mr. Shreckhise seconded the motion, which carried unanimously.

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**JOHN WILKINSON, AGENT FOR APPALACHIAN AGGREGATES - SPECIAL USE PERMIT AND VARIANCE**

This being the date and time advertised to consider a request by John Wilkinson, agent for Appalachian Aggregates, for a Special Use Permit to reopen a closed quarry operation and manufacture crushed stone in conjunction with the Interstate 81 widening on property owned by Spottswood Farms, LLC, located on the east side of Interstate 81 in the Riverheads District.

This being the date and time advertised to consider a request by John Wilkinson, agent for Appalachian Aggregates, for a Variance from the required setback for a mining

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operation on property owned by Spottswood Farms, LLC, located on the east side of Interstate 81 in the Riverheads District.

Ms. Bunch stated the applicant is requesting the Special Use Permit and Variance requests be tabled until the June 6, 2019 meeting.

Chairwoman Tilghman stated the Board will hear public comment on these requests at the June meeting when the applicant is present but if anyone would like to comment today, they can if they are not able to attend next month.

Ms. Linda Sacchieri, 557 Spottswood Road, Greenville, stated she bought this home because it was a nice quiet road. She has concerns about safety, well water, dust, noise, traffic, and property values. She is concerned about any blasting. She asked if they will have a direct access off of Interstate 81?

Chairwoman Tilghman stated they cannot address that question. She said if you are able to come to the meeting next month, your questions can get answered. She noted if you are not able to come, please submit a letter in writing so that it can be part of the record.

Ms. Lindsey Barker, 765 Spottswood Road, Steeles Tavern, read a statement to the Board about her concerns (a copy is in the Special Use Permit file).

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### **JAMES P. MEGYESI - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by James P. Megyesi, for a Special Use Permit to reconstruct and enlarge a non-conforming dwelling destroyed by fire no closer to the street or side yard on property he owns, located at 1093 Old Providence Road, Steeles Tavern in the Riverheads District.

Ms. Kaitlyn Megyesi stated the house burned down on January 30, 2019. She would like to reconstruct the house a little bigger but no closer to the road or the side property line.

Chairwoman Tilghman stated this is a non-conforming dwelling. She 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.

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Ms. Bunch asked if she would like to change the size to 30'x 50' and have a half story above?

Ms. Megyesi stated yes and a porch on the side.

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

**Pre-Condition:**

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

**Operating Conditions:**

- 1. Be permitted to construct a 30' X 50' (1 ½ story) dwelling on the existing basement no closer to the road or the side yard than the burned dwelling.
- 2. Applicant submit a foundation survey prior to framing the new dwelling.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**RACHEL PROPST OR THOMAS ESTEP - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Rachel Propst or Thomas Estep, for a Special Use Permit to have a personal use dog kennel on property owned by Johnnie E. or Brenda J. Breeden, located at 1253 Keezletown Road, Weyers Cave in the Middle River District.

Ms. Rachel Propst stated she would like to construct a dog kennel for her personal dogs.

Chairwoman Tilghman asked if she lives on the property?

Ms. Propst stated she is in the process of moving one (1) mile away.

Chairwoman Tilghman asked if the property is owned by her parents or grandparents?

Ms. Propst stated grandparents.

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Chairwoman Tilghman asked if she has property owner permission to operate the kennel at the site? She also asked if they are hunting dogs?

Ms. Propst stated yes. She said nine (9) are hunting dogs.

Vice Chairman Coyner asked who will care for the dogs?

Ms. Propst stated we will care for them. She will be only a mile away.

Ms. Brown asked if she will breed the dogs?

Ms. Propst stated no.

Ms. Brown asked how often will you come to the site to take care of the dogs?

Ms. Propst stated once a day in the evenings. She said nine (9) dogs are hunting dogs and one (1) is her grandparents pet.

Ms. Brown asked what is the size of the kennel?

Ms. Propst stated she will construct a 15' x 40' enclosed kennel with nine (9') foot runs for the dogs.

Ms. Brown asked if the runs will be enclosed?

Ms. Propst stated with chain link.

Ms. Brown asked if the dogs bark a lot?

Ms. Propst stated they bark at feeding time.

Ms. Brown stated the Board visited the site today and the one dog was loud. She asked if the dogs are neutered?

Ms. Propst stated the dog barks at strange vehicles. She said two (2) dogs are not neutered.

Ms. Brown asked how many dogs will be onsite?

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Ms. Propst stated ten (10) dogs total at the site.

Vice Chairman Coyner asked if the dogs will run loose in the field?

Ms. Propst stated only for exercise but they will be supervised.

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

Mr. Keith Jones, 1254 Keezletown Road, Weyers Cave, stated he is concerned about the applicant having dangerous breeds at the site such as Pitbulls or Rottweilers. He is concerned about safety. He would be concerned about the dogs running in the field because of the cattle and people coming and going.

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. She asked the applicant what breed she plans on having at the site?

Ms. Propst stated a Pointer mix and nine (9) Blue Tick.

Vice Chairman Coyner asked if she would have any Rottweilers?

Ms. Propst stated no.

Ms. Brown asked what is the disposition of these types of dogs?

Ms. Propst stated calm, well trained dogs. She will be out in the field with the dogs and she will only have a couple of dogs out at the same time. She said they have gates in the field to separate the cattle.

Ms. Brown asked if the applicant had plans on moving to this site?

Ms. Propst stated no. She said her grandparents are there and she is only one (1) mile down the road.

Vice Chairman Coyner asked if she has any dogs at the site now? He asked how old are the dogs?

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Ms. Propst stated no, just one (1) dog. She said her youngest dog is 5-6 months old and the rest are older.

Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated there are nine (9) acres on this property and it is fenced in. He moved to approve the request with the following conditions:

**Pre-Condition:**

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

**Operating Conditions:**

1. Be permitted to construct a 15' x 40' kennel/run.
2. Maximum of ten (10) adult dogs kept at this site at any time.
3. All dogs be confined within the fenced exercise areas or in the kennel at all times.
4. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
5. Site be kept neat and orderly.
6. Animal Control to inspect the site yearly.

Mr. Byerly seconded the motion, which carried unanimously.

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**HUNTER L. BIGGS - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Hunter L. Biggs, for a Special Use Permit to place a pre-1976 mobile home less than 900 square feet on property he owns, located at 626 Paine Run Road, Grottoes in the Middle River District.

Mr. Shreckhise stated he will abstain from the discussion and vote on the request due to business transactions and friendship with the applicant.

Mr. Hunter Biggs stated he would like to place a manufactured home for his mother-in-law. He will move it a little closer to the road than what is there now.

Vice Chairman Coyner said the Board saw the home at the site today. He asked if the applicant will install a well or hookup to public water?

Mr. Biggs stated well.

Vice Chairman Coyner asked if the applicant plans on getting started in the spring?

Mr. Biggs stated yes.

Vice Chairman Coyner asked if there will be a permanent foundation?

Mr. Biggs stated he will use pillars and skirting.

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.

Ms. Brown stated the Board visited the site today and saw the location of the home. She moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Applicant obtain building permit 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 place a 1971 manufactured home, seven hundred twenty (720) square feet.
2. Site be kept neat and orderly.
3. No junk or inoperable vehicles to be kept outside.



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

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### **TIM GROVE, AGENT FOR HOUFF CORPORATION - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Tim Grove, agent for Houff Corporation, for a Special Use Permit to expand the existing manure storage facility to increase storage capacity of bio-solids or manure for future land application on property owned by Everette L. Gardner, located at 137 Melody Lane, Mount Solon in the North River District.

Mr. Tim Grove stated he is requesting to expand the storage capacity of their wastewater treatment of bio-solids and sludge to farms. He said they pick up from the food and beverage industry. He said many companies require daily service to their wastewater treatment plant. He said they are required to provide storage when they cannot go straight to land application. He said they started this operation in 2013. He noted only food processing residuals are stored there. He said they determined that the lagoon is not level. He said they can increase capacity if the berm is raised on the lower side to match the capacity of the upper side. He said the record rainfall in 2018 has put stress on their operation. He said by increasing their capacity it will make their operation more resilient and they will be able to handle the changing weather patterns better.

Ms. Brown asked what are the materials used to line the lagoon?

Mr. Grove stated it is an impermeable rubber plastic liner. He said they operate under a DEQ permit and it is inspected every year. He said it is put together in pieces and welded shut.

Ms. Brown asked how does DEQ inspect the liner?

Mr. Grove stated an engineer will inspect the liner and give their stamp on the inspection or on any repairs that are made.

Ms. Brown asked how often does the liner need repair?

Mr. Grove stated once a year or two.

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Ms. Brown asked if the lagoon ever flooded?

Mr. Grove stated no. He said some of the concerns have been with the odor. He said they only have odor when we mix and spread.

Vice Chairman Coyner asked how deep is the lagoon currently?

Mr. Grove stated three (3') feet is left. He said they are close to emptying it out.

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

Ms. Ellen Wampler, 5494 Spring Hill Road, Mt. Solon, stated she has concerns with the bio-solid and water pollution from runoff. She is concerned about the smell because it is not a good smell and there could be issues with stuff seeping into the land and water. She is worried about the health issues and breathing this stuff is not healthy. She stated there are big trucks on these small country roads coming to the site. She is concerned about the bio-solids and the safety of them.

Mr. Don Harbin, 96 Big Hill Lane, Mount Solon, stated this area smells all of the time. He drove by North River School yesterday and smelled it. He does not know why they need to expand. He said this is a quality of life issue with this. He cannot sit outside in the summer. He said this is a safety factor in the karst system. He noted all groundwater goes into the wells and DEQ did not test the wells. He said there are several chemicals from this stuff. He said the site is only inspected one time a year. He asked if this can leak into the ground for a year and no one know? He said they also require them to carry a personal injury fund. He noted if this is 100% totally safe, why would this be a requirement? He could not find anything on record where we could find access to the inspections that were done. He noted smell and water knows no boundaries. He said a study should be done. He said his land is zoned Rural Residential and this is zoned General Agriculture. He feels that the size of this use needs to be in General Industrial zoning. He submitted a petition to the Board that twelve (12) neighbors signed.

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.

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Mr. Grove stated they were permitted in 2011 and started their operation in 2013. He has met with many of the neighbors during that time. He said many of their concerns were from the facility that operated previously. He said previously it was not operated neighbor friendly. He has no involvement with Mr. Gardner. He said this is a 100% controlled operation. He said they have the highest quality operator in the state. He said it is public record for any documentation through DEQ. He said it is public and can be requested under FOIA. He said they have a Nutrient Management Plan and they need to meet all of those requirements. He said there is no greater scrutiny on a material in agriculture than what they do on this site. He said they never got complaints regarding health issues, truck traffic, and runoff. He said they got complaints on odor but all efforts are made to reduce odor. He said they try to limit the number of odor days in a year. He said it does smell but it is a great recycling program with organics in the Valley.

Mr. Shreckhise asked if the increase in size will increase the number of odor days?

Mr. Grove stated he does not anticipate an increase in the use of the lagoon. He said they will not increase the business.

Ms. Brown asked what are the ingredients?

Mr. Grove stated he does not have that but they pickup from Miller Coors, Hershey Chocolate, McKee, etc.

Ms. Brown asked how many trucks come to the site?

Mr. Grove said about ten (10). He said they operate January – May and are done the rest of the year. He said their goal is to empty the site out in the spring in order to inspect the liner.

Ms. Brown asked if there is a hole in the liner would you find out before a year?

Mr. Grove stated they have a leak detection system in order to find out about a leak. He said you would also notice moisture between the two barriers. He said they have a double protected liner. He said they also visually observe the level of the materials.

Ms. Brown asked if there are oils or chemicals?

Mr. Grove stated no.

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Vice Chairman Coyner asked if they have to follow all DEQ regulations?

Mr. Grove stated yes. He said their facility is held at the highest tier of regulations for DEQ.

Vice Chairman Coyner asked if the land application is a 24 hour operation?

Mr. Grove stated no. He said they apply only 10-15 days a year and spread only during daylight hours. He said the majority of it is being spread in the summer and spring. He said it is not continuous but the odor lingers until it dries.

Vice Chairman Coyner asked how thick is the liner?

Mr. Grove stated he is not sure but it was constructed for this very purpose. He said it is an engineered facility for this very purpose.

Chairwoman Tilghman asked if they only operate half a year?

Mr. Grove stated yes. He said the sludge only goes to storage when they cannot apply. He said they have another facility that they use. He said they only go to storage when it is too wet to apply.

Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated they are only increasing the size of the storage capacity.

Vice Chairman Coyner stated manufacturing plants need some place to take the effluent. He said this site has been there for a long time.

Ms. Brown stated this is regulated by DEQ.

Chairwoman Tilghman stated this is not a great increase in capacity. She said when the Board visited she did not smell it along the road but smelled it when they got up there. She said this is not a pleasant smell. She said this has to go somewhere as long as there is good oversight by DEQ.

Vice Chairman Coyner asked since this is regulated by DEQ, how often will it be monitored?

Mr. Grove stated they have to send in a log on what they do every day.

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Vice Chairman Coyner asked how often do they come to the site?

Mr. Grove stated he is not sure because they do not always tell them when they come but recently it is more complaint driven.

Ms. Brown asked how many complaints have you received?

Mr. Grove stated he is not aware of any formal complaints.

Ms. Brown asked how close do you live from the site?

Mr. Grove stated two (2) miles away.

Vice Chairman Coyner stated DEQ did respond to staff's request for comments and the site will be monitored closely. He said the site has been operating.

Ms. Brown stated there was only one (1) complaint regarding odor. She said they have been in operation since 2013. She noted DEQ will monitor the site.

Vice Chairman Coyner moved to approve the request with the following conditions:

**Pre-Condition:**

None

**Operating Conditions:**

1. Submit an Erosion and Sediment Control Plan if land disturbance, including roadways, will exceed 10,000 square feet.
2. Be permitted to excavate and expand the existing lagoon to increase bio-solids or manure storage.
3. All operating conditions of SUP#11-44 remain in effect.

Ms. Brown seconded the motion, which carried unanimously.

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**MERVIN P. WEAVER, AGENT FOR FIRST BAPTIST CHURCH OF GROTTUES, INC.**  
**- SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Mervin P. Weaver, agent for First Baptist Church of Grottoes, Inc., for a Special Use Permit to construct a pavilion for picnics and church gatherings on property they own, located on the east side of East Side Highway, north of the intersection of East Side Highway and Route 778 in the Middle River District.

Mr. Mervin Weaver stated they would like to construct a pavilion to have picnics and meetings one time a month. He stated they plan on building a church soon but would like to have a place for people to meet at.

Vice Chairman Coyner asked if the applicant plans on constructing the pavilion this year?

Mr. Weaver stated we would like to have two (2) years to construct the pavilion.

Chairwoman Tilghman stated the Board can allow the use of portable restrooms for a period of time only and then a septic system will need to be installed.

Mr. Weaver stated yes. He said they plan on installing the septic toward the front and the pavilion toward the back of the property.

Vice Chairman Coyner asked if in ten (10) years the pavilion and church will be completed?

Mr. Weaver stated yes.

Ms. Bunch stated the Board should add the two (2) to three (3) year timeframe to the staff's recommended conditions. She said normally it would need to be completed within a year.

Vice Chairman Coyner asked if three (3) years would be adequate time?

Mr. Weaver stated yes.

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

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

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

**Pre-Conditions:**

- 1. Applicant obtain building permit and provide a copy to Community Development.
- 2. Applicant obtain VDOT approval and submit a copy to Community Development.

**Operating Conditions:**

- 1. Be permitted to construct a 50' X 100' pavilion for church events.
- 2. Applicant be given three (3) years to construct the pavilion.
- 3. Applicant will install a sewage treatment system approved by the Health Department within two (2) years after the pavilion is constructed and provide a copy of the permit to Community Development.
- 4. Be permitted to use a portable restroom facility for two (2) years until the septic system is installed.
- 5. Portable restroom facilities be removed after each event.
- 6. No junk or inoperable vehicles be kept on site.
- 7. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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**ANDREW AND AMANDA WEAVER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Andrew and Amanda Weaver, for a Special Use Permit to have a landing strip for personal use on property owned by Weavers Landing, LLC, located at 6353 Spring Hill Road, Bridgewater in the North River District.

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Mr. Andrew Weaver stated aviation has been a part of his family for quite some time. He said the landing strip is the end result of them moving fill dirt for the poultry houses and driveway.

Chairwoman Tilghman asked where are the planes kept?

Mr. Weaver said his plane is at his grandfather's property in Ottobine.

Chairwoman Tilghman stated the property is located eight (8) miles from Shenandoah Valley Airport. How far is this property from Bridgewater Airport?

Mr. Weaver stated it is 4.1 nautical miles.

Ms. Brown asked how often do you fly?

Mr. Weaver stated a few times a year.

Ms. Brown asked Mr. Weaver if he is licensed?

Mr. Weaver stated yes.

Vice Chairman Coyner asked what are the dimensions of the runway?

Mr. Weaver stated approximately 80' x 1,500'.

Vice Chairman Coyner asked if that would be adequate for takeoff and landings?

Mr. Weaver stated it is more than adequate.

Vice Chairman Coyner asked if they would only operate during daylight hours?

Mr. Weaver stated yes. He only does recreational flying. He will only fly when there is no wind and when the sun is out.

Vice Chairman Coyner asked about the type of fuel required for the plane?

Mr. Weaver stated his current plane allows him to use automobile fuel.



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Vice Chairman Coyner asked if the applicant is required to get the plane inspected by a mechanic?

Mr. Weaver stated they are required to inspect the plane annually. He also needs to have a bi-annual flight review with an instructor for an hour and review regulations.

Ms. Brown stated there will not be any lights because the applicant will not fly at night.

Mr. Weaver stated he will not fly at night.

Vice Chairman Coyner asked if he will be the only person using the landing strip?

Mr. Weaver stated he and his family.

Ms. Brown asked how many planes do you use?

Mr. Weaver stated he plans to have a few at the site. He said he would like to build a hangar possibly in the future.

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

Mr. Jonathan Burkholder, 6409 Spring Hill Road, Bridgewater, stated he is the landowner to the west. He is fine with the applicant using this for his personal use but he does not want to see a lot of flights coming in and out. He said he would not want this to turn into a gathering of people who fly and have twenty (20) flights coming in and out and disturbing the peace. He said most air traffic that we have seen at this point is not noticeable.

Ms. Brown asked if he already sees planes coming and going?

Mr. Burkholder stated yes.

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. Weaver stated only two (2) airplanes landed at this site in the last two (2) years. He said one was a family member and the other was not. He said both planes were built to

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land in short distances. He said there would be no issues concerning the safety. He does not plan to hold air shows or large gatherings at the site.

Chairwoman Tilghman asked at what point does the FAA stand in regarding the maximum number of flights from this site?

Mr. Weaver stated private to commercial flights is where they would draw the line.

Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner said the applicant is four (4) miles from the airport.

Mr. Shreckhise stated they are a good distance away from other airports. He felt the Board should limit the use to only family members.

Ms. Brown stated there have been other landing strips before the Board that have not been granted within close proximity to the airports. She said the applicant has a family member with an airstrip already and he is close to other airports.

Mr. Byerly stated this is a unique request. He said this request would not disrupt the neighbors at all.

Vice Chairman Coyner stated this is located in a rural remote area. He said the Board may want to add daylight hours only to the staff's recommended conditions.

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

**Pre-Conditions:**

None

**Operating Conditions:**

1. Only the applicant or family members may takeoff or land.
2. The applicant must reside on premise.
3. Applicant submit an Erosion and Sediment Control Plan for any new land disturbance over 10,000 square feet.

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4. Hours of operation be during daylight hours only.

Vice Chairman Coyner seconded the motion, which carried with a 4-1 vote. Ms. Brown being in opposition to the motion.

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**GARLAND EUTSLER, AGENT FOR SHEN ACRES HOLDING, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Garland Eutsler, agent for Shen Acres Holding, LLC, for a Special Use Permit to add extended stay sites to the existing campground on property owned by Shen Acres Realty, LLC, located at 348 and 256 Lake Road, Stuarts Draft in the South River District.

Mr. Garland Eutsler stated he would like to change short term sites to extended stay sites.

Chairwoman Tilghman asked why is the applicant applying for this now?

Mr. Eutsler stated he did not realize that he did not have the proper permits for extended stay.

Chairwoman Tilghman asked how many of the sites do you have people year round?

Mr. Eutsler stated 18-20 sites.

Ms. Bunch stated the applicant has requested 25 which includes the staff.

Ms. Brown asked how many staff live at the site?

Mr. Eutsler stated eight (8).

Vice Chairman Coyner asked if the extended stay would be twelve (12) months a year?

Mr. Eutsler stated this was an oversight on his part. He said they need to be able to stay longer than forty-five (45) days. He said it will not be necessarily for twelve (12) months of the year.

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Chairwoman Tilghman stated she would ask the applicant to avoid year-round because this is not a permanent manufactured home park.

Mr. Eutsler said they will not be a trailer park.

Ms. Brown asked how many spots are being used? She said it looked like White Oak Way was filled to capacity

Mr. Eutsler stated there are many variables. He said they can still have more sites based on previous approvals.

Ms. Brown asked about leaving the camper at the site?

Mr. Eutsler stated on the seasonal sites, the camper is left at the site and is winterized. He does not advertise a year round campground. He noted we have a storage lot where people can leave their camper for the week. He said some of those have for sale signs on them.

Mr. Shreckhise asked if the applicant is fine with thirty-five (35) rather than fifty (50) for the extended stay?

Mr. Eutsler stated yes. He said they want to be good neighbors and extended stay is not their market.

Chairwoman Tilghman stated with fifty (50) units year round, you are a small community which will affect roads and schools. She asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Teresa Fust, 333 Lake Road, Stuarts Draft, stated she lives across the street from Shenandoah Acres. She said Garland has done an excellent job of bringing back Shenandoah Acres. She said the campsite looks horrible during the winter and it makes the entire neighborhood look awful. She asked Zoning when did seasonal camping turn into a neighborhood of year round living. She said the campers also have a tent and shed on their site. She said if they are only staying short term, then why do they need a shed. She said Zoning stated it will be hard to regulate a year round campground. She stated seasonal camping there is great and he has done a wonderful job with the campground but she does not want the extended stay and she is not happy with this. She said it looks like a used car lot where the campers are being held for the winter. She brought in pictures to show the Board. She said there will be children

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taking the school bus from this site. She said they cannot discriminate because they have children. She noted her mom is also in opposition.

Ms. Carolyn Bragg, 113 Arrowhead Lane, Stuarts Draft, stated this has a lot of value for the community. She said this is not a residential community but more elderly people with grandkids camping. She said campers need a place to store their lake chairs and golf cart covers. She said the campers do stay in the winter but the electric is turned off. She does not see this turning into a new village. She feels that Mr. Eutsler will deal with any issues should they arise. She noted extended stay campgrounds are permitted at many of the other campgrounds.

Ms. Bunch stated extended stay is based on the number of days occupied by someone. She said campers can be stored on the lot the entire time.

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. Eutsler stated he will do something about the parking in order to clean up the site because he agrees about it looking like a used car lot. He said we will do something about it and get it cleaned up. He said the campers have golf carts at the site, grills, and they need to have something to put them in when it rains. He said you can see more of that in the winter because of the trees and brush. He does have to clean up down there. He said we try to be good neighbors and make sure that the street does not get back up so we have campers come in on Thursday at our expense.

Ms. Brown asked if the applicant knows who stays at each site?

Mr. Eutsler stated yes on every site.

Chairwoman Tilghman stated the Board saw the new area today and there were camper sites that had sheds on them. She said it did not look nice in this new section. She said in the older areas that did not stand out. She asked if the tents and sheds are kept at the sites year round?

Mr. Eutsler stated no. He said next year they will not allow the tents or easy ups to remain at the site during the winter months because now it does look terrible.

Chairwoman Tilghman stated this area is much more visual from the road.

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Ms. Brown asked if school buses pickup in this area?

Mr. Eutsler stated not to his knowledge. He does have some kids that live in the house area and the school bus stop entrance is across from Ms. Kiser's property.

Mr. Shreckhise stated the extended stay campsites should not be visible.

Mr. Eutsler stated he plans on planting trees along the road in order to offer a barrier.

Chairwoman Tilghman stated the applicant should designate a different part of the campground for extended stay so that it is not by the highway. She said the older part is not as visible.

Mr. Shreckhise stated the applicant should move the extended stay toward the back section.

Mr. Eutsler said that is a good idea. He will designate the extended stay sites.

Ms. Fust said visually that would be great. She would not want to see more people living in the campground than the seasonal part. She is concerned about the clientele of people coming in for the year round camping. She said because of the randomness of the sites picked, perhaps there are people living there already.

Ms. Bunch said 30% of it could be over 240 days in a calendar year. She said Mr. Eutsler did not want to use 30%. She said the actual campers can stay on the lot and not be used.

Ms. Fust said there is no way to regulate this.

Ms. Bunch said the applicant will need to keep a log.

Ms. Fust asked where is the log?

Ms. Bunch noted the extended stay has not been approved yet. She said that is what is on the agenda today.

Ms. Fust appreciated the thought about it being visually nicer but her greater concern is the clientele of the people. She said there are people living there 365 days a year.

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Chairwoman Tilgman declared the public hearing closed.

Mr. Shreckhise stated that he can see the need for some extended stay sites but it would be better if they only be in one or two areas and not so visible to the public. He said the extended stay would not include the 15-20 staff. He said the applicant should designate 25-35 areas that are not along the main road for the extended stay. He said the extended stay areas are not suitable on the main road.

Mr. Eutsler stated he can designate the first row furthest away from Lake Road as extended stay.

Vice Chairman Coyner stated the applicant should plant trees along the road for screening.

Ms. Brown asked how many spots are in White Oak?

Mr. Eutsler stated 168.

Vice Chairman Coyner asked if they are all currently rentable?

Mr. Eutsler stated yes. He stated there are host dedicated spots in the campground and the employees have sites scattered throughout the campground.

Ms. Bunch stated there should be five (5) total for this area and Mountain Laurel.

Ms. Eutsler said employees have full hookup sites with winter water.

Ms. Brown asked if winter water is all over?

Mr. Eutsler stated only in White Oak and Mountain Laurel Way and the Woods.

Vice Chairman Coyner asked if White Oak has year round water?

Mr. Eutsler stated yes all in the ground.

Ms. Brown asked if there are dump stations at the site?

Mr. Eutsler stated yes. He said all sites have water and sewer connections. He said it is hooked to County sewer.

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Vice Chairman Coyner stated thirty-five (35) spots should be designated to the rear of White Oak, a log kept on the occupancy, and there should be screening.

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

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be limited to no more than thirty-five (35) extended stay RV sites occupied more than two hundred forty (240) days, located to the rear of White Oak furthest away from the road.
2. The applicant plant six (6') foot high evergreen trees for screening.
3. Applicant keep a log tracking occupancy data for all sites.
4. All operating conditions of SUP#14-53, #14-12, #16-38, and #17-36 remain in effect.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**JOHN WILKINSON, AGENT FOR APPALACHIAN AGGREGATES - SPECIAL USE PERMIT AND VARIANCE**

This being the date and time advertised to consider a request by John Wilkinson, agent for Appalachian Aggregates, for a Special Use Permit to reopen a closed quarry operation and manufacture crushed stone in conjunction with the Interstate 81 widening on property owned by Spottswood Farms, LLC, located on the east side of Interstate 81 in the Riverheads District.

This being the date and time advertised to consider a request by John Wilkinson, agent for Appalachian Aggregates, for a Variance from the required setback for a mining operation on property owned by Spottswood Farms, LLC, located on the east side of Interstate 81 in the Riverheads District.



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Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, stated she is glad the hearing will be postponed. She submitted comments to the Board (copy is in the Special Use Permit file). She said this will give the Board time to look at the questions that staff has raised in their report. She stated the Board should tighten the language in order for the quarry to only be used for Interstate 81.

Vice Chairman Coyner moved to table both requests until the June 6, 2019 meeting.

Mr. Shreckhise seconded the motion, which carried unanimously.

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## **OLD BUSINESS**

### **SETH A. LISKEY - SPECIAL USE PERMIT**

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. – TABLED TO CONTINUE THE PUBLIC HEARING

Mr. Shreckhise moved to bring the request forward.

Vice Chairman Coyner seconded the motion, which carried unanimously.

Mr. Seth Liskey stated this site has a beautiful view of the farm in order to have an event space. He will be respectful to the neighbors in the community. He has been talking with the neighbors and feels that a new structure would be the best. He said he will build a modern building meeting all building standards. He stated some of the neighbors oppose this. He does not have plans on serving alcohol. He stated all of the neighbors fears are valid but he felt that they would be opposed to anything but farmland. He would like to have thirty (30) events a year in a separate structure. He said the structure would not be seen from the homes. He plans on doing everything in order to be a good neighbor but he did not change anyone's mind.

Ms. Brown asked about the shared driveway?

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Mr. Liskey stated that is a rental home that uses the driveway. He does not plan on renovating the barn anymore. He stated the modern building will be best for the community.

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

Ms. Linda Elliott, 560 Neff Avenue, Harrisonburg, stated she was here at the last hearing and is representing Mr. and Mrs. Armstrong who own the property who are immediately adjacent to it and share the roadway with them. She said they use the driveway all of the time to get to their farmland. She said their view on this request has not changed and is still against it for the same reasons. She has submitted a letter with twenty-two (22) owners who are in opposition to this request. She read a letter from Charles Wise who was unable to attend (copy of letter in file). She said the neighbors have not changed their position and still object for the same reasons that they expressed at the last hearing.

Ms. Melinda Armstrong Gartzke, 441 Chapel Hill Lane, Weyers Cave, stated she is the daughter of Norman Armstrong. She said the road is curved and at the top of the Liskey's driveway there is a sharp turn and many times people miss it. She noted recently there was someone who was killed there. She said there will be an issue with noise because they live in a little hollow. She said the sound carries in the hollow. She said sound will also carry when there is music playing.

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

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

Mr. Liskey stated the proposal is very reasonable. He said he grew up on a farm and he expects them to farm.

Ms. Brown asked if the applicant understood that they would need to use someone else's road?

Mr. Liskey stated he is willing to use the farm access road and expand the road. He said that he could expand the road four (4') feet and then he would not need their side of the driveway.

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Ms. Elliott stated that is a major concern because the road is not suitable. She noted they still will have issues with traffic, noise, and light even if they widen the road. She feels that this is not the right area for this type of event. She asked what will keep the people from using the driveway?

Mr. Liskey stated he can construct a fence with hooks for people to come in and out.

Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated the community does not feel that this is an appropriate place and they have valid points and for those points, he does not feel this is compatible. He moved to deny the request for all of the valid points previously stated.

Ms. Brown seconded the motion, which carried unanimously.

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**MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

**GARLAND EUTSLER, AGENT FOR SHEN ACRES HOLDING, LLC - EXTENSION OF TIME REQUEST**

A request by Garland Eutsler, agent for Shen Acres Holding, LLC, for a Special Use Permit to construct a building for recreational use on property owned by Shen Acres Realty, LLC, located at 348 and 256 Lake Road, Stuarts Draft in the South River District.

Ms. Bunch stated the applicant will need to have an engineer look at the building in order for them to obtain their building permit.

Mr. Eutsler stated he has obtained an engineer to work on the project. He may not need the entire 180 days.

Vice Chairman Coyner moved to approve the 180 day Extension of Time.

Ms. Brown seconded the motion, which carried unanimously.

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**JOHN C. LEAVELL - EXTENSION OF TIME REQUEST**

A request by John C. Leavell, for a Special Use Permit to construct a building for use as a machine shop and to have outdoor storage of equipment on property he owns, located at 321 Sangers Lane, Staunton in the Beverley Manor District.

Ms. Bunch stated the applicant is working on submitting the site plan.

Ms. Brown moved to approve the six (6) month Extension of Time.

Mr. Shreckhise seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 18-33            Wanda H. Caraway
- 18-34            Barbara Fitzgerald
- 18-35            Deborah Simmons ¼ Etal

Ms. Bunch stated SUP#18-33 is in compliance. She stated an inoperable vehicle was outside the fenced area for SUP#18-34. She said our inspector spoke with the applicant and the vehicle was moved, therefore, the site is in compliance now. She noted the applicant has never applied for their permits for SUP#18-35. She sent a letter asking them to apply for the necessary permits and for the inoperable vehicles at the site.

**DAVID AND CHRISTINA FITZGERALD – SUP#16-39**

Ms. Bunch stated the Board granted Special Use Permit#16-39 for David and Christina Fitzgerald at 88 Virginia Institute Way, Swoope, for motor vehicle and farm machinery repair. She said that we have received continuous complaints that they are operating after hours and not meeting their operating conditions. She said the property was inspected on Sunday and there was a vehicle on a rollback outside the fenced in area as well as two (2) vehicles with no tags and no inspections.

Mr. David Fitzgerald stated the vehicles are gone. He said the company is getting bigger and they have leased another property because they have overgrown the current location. He plans on taking the Special Use Permit away from his house but they need at least three (3) months to finish his new shop.

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Ms. Bunch stated the permit will stay active until it is cancelled.

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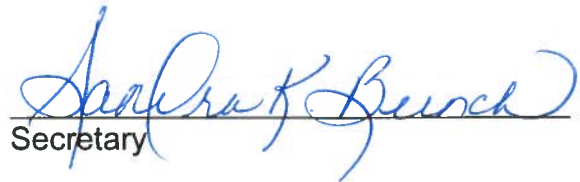
Mr. Benkahla discussed the court cases with the Board.

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

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Chairwoman

  
Secretary

